

NORTHERN PROVINCE
NOORDELIKE PROVINSIE
XIFUNDZANKULU XA N'WALUNGU
PROFENSE YA LEOBA
VUNDU LA DEVHULA

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Extraordinary

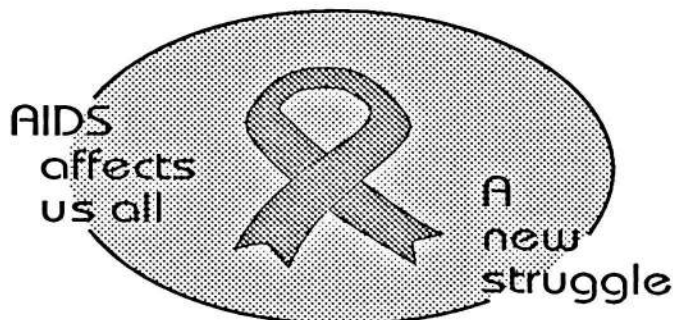
**Ku katsa na Tigazete to
Hlawuleka hinkwato**

No. 842

Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH



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PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 5

11 October 2002

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:—

No. 3 of 2002: Northern Province Pounds Act, 2002.

ACT

To provide for the regulation of pound matters in the Province; the rationalization of pounds legislation assigned to the Province; and to provide for matters connected therewith.

(English text signed by the Premier)
(Assented to on 20 September 2002)

BE IT ENACTED by the Legislature of the Northern Province, as follows:—

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ESTABLISHMENT, CONTROL AND ABOLITION OF POUNDS

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CHAPTER I

INTERPRETATION OF ACT

Definitions

In this Act, unless the context otherwise indicates—

“Department” means the Department responsible for the administration of this Act;

“Government” means the Government of the Province;

“Head of Department” means the most senior official in the Department appointed in terms of section 3B of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“Government pound” means a Government pound referred to in section 2 and includes a pound, which has become a Government pound in terms of this Act;

“landowner” in relation to land, means the owner, lessee, lawful occupier or person who otherwise has general control or supervision over such land;

“Municipal Manager” means any person who has been appointed as a Municipal Manager in terms of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

“MEC” means the Member of the Executive Council responsible for administering this Act;

“Municipality” means a Municipality established in terms of the provisions of the Municipal Structures Act, 1998 (Act No. 117 of 1998,);

“Municipal pound” means a municipal pound referred to in section 2;

“owner” in relation to stock, means the owner or the person who is in lawful possession of such stock;

“Poundmaster” means a Poundmaster referred to in section 7 and includes the acting and Deputy Poundmaster;

“prescribed” means prescribed by regulations;

“Province” means the Northern Province as contemplated in Section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“public road” means any road, street or thoroughfare or any other place whether a thoroughfare or not which is commonly used by the public or section thereof or to which the public or section thereof has the right of access and includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or ford traversed by any such road, street or thoroughfare;
- (c) any other structure or thing forming part of, connected with or belonging to such road, street or thoroughfare;

“Stock” means horses, mules, donkeys, cattle, sheep or goats.

CHAPTER II

ESTABLISHMENT, CONTROL AND ABOLITION OF POUNDS

2. Establishment of pounds.—The MEC may by notice in the *Gazette*:

- (a) at the request of a Municipality establish for such Municipality, one or more municipal pound;
- (b) in any area in which the MEC deems necessary, with due regard to the needs of the public, establish one or more Government pound;
- (c) at the request of any Municipality, transfer to such Municipality, any Government pound situated in the jurisdictional area of that Municipality.

3. Control and maintenance of Municipal Pounds.—If the MEC is satisfied that a municipal pound is not properly controlled or maintained, the MEC may:

- (a) issue such instructions to the Municipality as the MEC may deem necessary in relation to the control and maintenance of such pound;

- (b) by notice in the *Gazette* convert such pound into a Government pound with effect from a date specified in such notice, which must be at least 90 days after the date of such notice; or
- (c) at the request of the Municipality, convert a municipal pound into a Government pound with effect from a date specified in the notice, which must be at least 90 days after the date of such notice.

4. Abolition of Pounds.—(1) The MEC may by notice in the *Gazette* abolish any pound which in the opinion of the MEC is:

- (a) unfavourably situated;
- (b) redundant; or
- (c) no longer serving the intended purpose.

(2) The abolition of pounds under subsection (1) must be subject to any conditions determined by the MEC in consultation with the Member of the Executive Council responsible for financial matters in the Province.

5. Conditions of transfer of pounds.—The transfer of any Government pound to a Municipality must be subject to the conditions determined by the MEC, in consultation with the Member of the Executive Council responsible for financial matters in the Province.

6. Erection and maintenance of pounds.—(1) Any pound established or deemed to have been established in terms of this Act, must be erected and maintained:

- (a) by the Municipality concerned, in the case of a municipal pound, out of moneys appropriated by the Municipality for that purpose; or
- (b) by the Department in the case of a Government pound, out of moneys appropriated by the Provincial Legislature for that purpose.

(2) Every pound:

- (a) must be erected and completed to the satisfaction of the MEC, within 90 days of the date of its establishment;

- (b) must consist of such number of paddocks:
 - (i) as may be necessary to keep stock which are infected with disease separately;
 - (ii) as may be necessary to keep all the female and male stock separately; or
 - (iii) as the MEC may deem it necessary, with due regard to the circumstances in the area concerned or the needs at the pound concerned;
- (c) must as far as possible be kept free from infection with disease; and
- (d) must comply with all the prescribed requirements in relation to the erection and maintenance of pounds.

(3) If the erection of a municipal pound is not completed to the satisfaction of the MEC, the MEC may, after seven days written notice to the Municipality concerned, direct that the Department take over such pound as a Government pound and complete the erection thereof.

7. Appointment of Poundmaster.— (1) The MEC must appoint a Poundmaster for every Government pound.

(2) A Municipality must appoint a Poundmaster for each municipal pound who must as far as possible be an employee of such Municipality.

(3) The MEC or Municipality may, appoint one Poundmaster for two or more Government or municipal pounds.

(4) An acting Poundmaster may be appointed, if the Poundmaster is for any reason absent, unable to perform the Poundmaster's duties or if the post of Poundmaster is vacant for any reason.

(5) One or more Deputy Poundmasters may be appointed to assist the Poundmaster in the performance of the Poundmaster's duties.

(6) An acting Poundmaster and a Deputy Poundmaster must exercise all the powers and perform all the duties and functions conferred on or assigned to a Poundmaster by this Act.

8. Duties of Poundmaster.—A Poundmaster must:

- (a) receive all stock tendered for impoundment in accordance with the provisions of this Act;
- (b) issue to every person tendering stock for impoundment, an official receipt specifying:
 - (i) the number and species of stock so tendered;
 - (ii) the reason why such stock is tendered, specifying the alleged damage, if any, caused by such stock;
 - (iii) particulars of perceptible injuries to the stock so tendered;
 - (iv) the name and address of:
 - (aa) the landowner on which stock was found trespassing;
 - (bb) the owner, if known, of the stock so tendered; and
 - (cc) the person tendering stock;
- (c) forthwith, in such manner as the Poundmaster may deem expedient, notify the owner of impounded stock, if the owner's name and address is known to the Poundmaster;
- (d) report every suspected case of infection with disease to a stock inspector or to the nearest Police Station and keep disease infected stock in paddocks reserved for such purpose;
- (e) keep at the Pound office, for inspection by the public, a copy of this Act and all the regulations made hereunder, in all the official languages of the Province;
- (f) keep at the Pound office, a register in the prescribed form in which the prescribed particulars must be entered and which must at all reasonable times be open for inspection by any member of the public upon payment of the prescribed fee;
- (g) submit the prescribed returns;

- (h) exercise powers and perform such duties and functions as may be conferred on or assigned to a Poundmaster by this Act; and
- (i) perform such duties and functions as the Municipality, the Head of the Department, any Stock Inspector, Veterinary Surgeon or any other officer delegated thereto by the Head of the Department, may from time to time assign to the Poundmaster in relation to the keeping, care and treatment of impounded stock.

CHAPTER III

IMPOUNDMENT AND RELEASE OF STOCK

9. Power to impound stock.—(1) Subject to the provisions of this Act:

- (a) any landowner who:
 - (i) finds any stock trespassing on such land;
 - (ii) finds any stock which is not under proper supervision or control on any public road on such land;
 - (iii) finds any stock which may be impounded under any law or on any outspan on such land; or
- (b) any
 - (i) traffic officer appointed under any law relating to road traffic;
 - (ii) person authorized thereto by the MEC; or
 - (iii) member of the South African Police Service,

who on any public road finds stock which is not under proper supervision or control or who at any place, finds any stock whose presence at such place is contrary to any law, may impound such stock or cause such stock to be impounded.

(2) Stock may be impounded at any time whenever found on a public road without supervision of owner or controller.

10. Procedure of impounding stock by landowner.—(1) Any landowner impounding stock in terms of the provisions of this Act, must, subject to the provisions of subsections (2), (3) and (4), within 48 hours of finding stock, send such stock by the shortest practicable route to the nearest pound.

(2) If the shortest practicable route to the nearest pound is for any reason dangerous, stock to be impounded may be:

- (a) sent to the nearest pound by the shortest alternative route;
- (b) sent to another pound in close proximity which can be reached safely; or
- (c) detained by the landowner concerned, for a period exceeding 48 hours as may be necessary to ensure the safe passage of stock to the nearest

pound, provided the landowner informs the South African Police Service of the situation within 48 hours.

(3) If the removal of any stock to the nearest pound in terms of this Act would be contrary to the provisions of any legislation relating to the control or treatment of animal diseases and parasites, any regulation, order or directive made or issued there under, the landowner on which stock was found trespassing may:

- (a) send such stock to another pound in close proximity, to which the movement of such stock is not contrary to the provisions of the said legislation or any such regulation, order or directive; or
- (b) detain the stock until such stock may be removed to the nearest pound or until stock can in any manner be disposed of under the said legislation or any regulation, order or directive.

(4) If any trespassing stock:

- (a) is so wild, diseased or injured that its impoundment is risky; or
- (b) trespassed on land situated more than 30 kilometers by the shortest route from the nearest pound;

the detention must be reported within 48 hours to the nearest Police Station and within seven days to the Head of the Department.

(5) An impounded donkey may be disposed of in the prescribed manner.

11. Feeding of impounded stock.—(1) The Poundmaster or any person authorized in terms of this Act to impound stock, must feed the impounded stock.

(2) The cost of feeding impounded stock must be recovered in terms of the provisions of this Act.

12. Particulars regarding impoundment of stock.—Any person tendering stock to the Poundmaster for impoundment, must at the same time, furnish to such Poundmaster:

- (a) the name and address of the person tendering stock, the owner of the land on which stock was found trespassing and the owner of the stock, if known;
- (b) the name of the place where the stock was found trespassing;
- (c) an indication of the circumstances in which the stock was found and whether the stock was at the place concerned, contrary to any law; and
- (d) particulars of any damage caused by the stock.

13. Payment of transport fees.—Any Poundmaster who impounds stock, must pay the prescribed transport fees to the person tendering the stock.

14. Compensation for damage to crop on land.—If the stock trespassing on land causes any damage to any crop on such land:

- (a) the owner of such stock is liable to the landowner for compensation in respect of the damage caused;
- (b) the damage and compensation may be determined by the owner of such stock and the landowner mutually, or if no agreement is reached, the Municipal Manager of the area in which the land is situated shall determine that amount of damages payable;
- (c) the owner of the stock must within reasonable time pay to the landowner, the compensation determined in terms of paragraph (b);
- (d) the stock must not be released until the full amount payable is paid to the Poundmaster;
- (e) where the compensation referred to in subparagraph (c) is determined by a Municipal Manager:
 - (i) the compensation, payment of the prescribed travelling allowance and fees, must be made to such Municipal Manager; and
 - (ii) the landowner must furnish to the Poundmaster, a certificate by the Municipal Manager of the area, setting out the amount of compensation, allowances and fees payable as a result of the damage.

15. Release of impounded stock.—(1) A Poundmaster must release any impounded stock if:

- (a) requested by the owner or authorized agent of the owner of such stock against payment in full of all moneys, costs and compensation due, in respect of such stock, in terms of this Act; and
- (b) the person claiming ownership of impounded stock or agent proved ownership of such stock by means of documents and or marks on the said stock to the satisfaction of the Poundmaster.

(2) If the owner of the impounded stock or the owner's authorized agent requests the Poundmaster to release the stock but fails to pay in full, all moneys, costs and compensation due in terms of this Act, the Poundmaster must retain such number of the impounded stock as may in the Poundmaster's opinion, be sufficient to secure the payment of such money, costs and fees and must release the remainder of such stock.

(3) The owner of impounded stock must pay to the Poundmaster:

- (a) for the benefit of the Municipality concerned or for the benefit of the Government as the case may be:
 - (i) the prescribed pound fee;
 - (ii) the prescribed tending fee;
 - (iii) the prescribed transport fee;
 - (iv) the amount due for the dipping, dressing, treating and spraying of such impounded stock; and
 - (v) all costs for advertisement incurred by the Poundmaster if such stock is released after advertising a pound auction;
- (b) for the benefit of the landowner on which stock was found trespassing:
 - (i) the prescribed trespass fee; and
 - (ii) the compensation for the damage caused;
- (c) for the benefit of the Municipality, the prescribed travelling allowance and fees.

16. Advertisement and sale of stock by public auction.—(1) If impounded stock is not released within 21 days from the date of impoundment, the Poundmaster must with the approval of the Head of Department or Municipal Manager as the case may be, and by notice in the prescribed form, advertise the intended sale of such stock by public auction.

(2) The Poundmaster must:

(a) make the advertisement:

- (i) at least seven days before such public auction;
- (ii) at the pound concerned or at the nearest auction site;
- (iii) in the *Gazette* in the official languages used in the Province; and
- (iv) in a newspaper circulating in the area in which the pound concerned is situated, in at least two official languages.

(b) furnish a copy of such notice to the nearest Police Station and to the Poundmaster of every pound within a radius of 30 kilometers from the pound concerned.

(c) paste a copy of such notice on the notice board at the pound concerned and at the office of the Head of Department.

(3) All stock offered for sale at a public auction in terms of this Act, must be sold for cash without reserve to the highest bidder.

(4) Notwithstanding anything to the contrary in any law contained no licence shall be required in relation to any public auction held in terms of this Act.

17. Powers of Municipalities in relation to stock not capable of impoundment.—(1)

If the detention of stock is reported to any Municipal Manager or the Head of the Department, as the case may be, the Municipal Manager or the Head of the Department may order that:

- (a) stock be removed to a pound designated to the Poundmaster by the Municipal Manager or the Head of the Department;
- (b) such stock be sold by public auction designated by such Municipal Manager or Head of the Department ; or
- (c) such stock be sold by tender in the prescribed manner.

(2) The prescribed transport fee is payable in respect of the removal of the stock to a pound in terms of an order made under subsection (1).

18. Powers of Municipalities if no offer is made for stock at pound auction.—(1)

If no offer is made for stock offered for sale at any public auction, the Poundmaster concerned must submit a written report to the Municipal Manager, specifying the number, species and estimated value of such stock.

(2) Upon receipt of a report referred to in subsection (1), the Municipal Manager may order that such stock:

- (a) be sold by public auction at the next pound sale;
- (b) be sold by tender in the prescribed manner ; or
- (c) be sold out of hand.

19. Deduction of moneys, costs, allowances and compensation from proceeds of pound sale.—(1)

If any impounded stock is sold by public auction under the provisions of this Act, the Poundmaster must in respect of such stock, deduct from the proceeds of the auction sale, all moneys, costs, allowances and compensation recoverable in terms of this Act, in the following order:

- (a) for the benefit of the Municipality concerned or of the Government, as the case may be:
 - (i) the prescribed pound fee;
 - (ii) the prescribed tending fee;
 - (iii) the prescribed transport fee;
 - (iv) the cost of dipping, dressing, inoculation, treatment or spraying, actually incurred in connection with the stock concerned;
 - (v) the cost of advertisement in connection with the auction;
 - (vi) the travelling expenses of the Poundmaster in accordance with the prescribed tariff, if such auction was held at a place other than at the pound;

- (vii) an amount equivalent to 6 percent of the purchase price, as an auction fee;
- (b) the prescribed travelling allowance and fees in compensation of the Municipality concerned ;
- (c) in compensation of the landowner on which such stock trespassed:
 - (i) the prescribed trespass fee;
 - (ii) compensation for damage caused; and
 - (iii) transport fees.

(2) From the proceeds of any auction sale, the Poundmaster must deduct an amount equivalent to 50 percent of the prescribed pound fee and tending fee and must pay such amount to the landowner on which the stock was detained.

(3) The balance arrived at after deduction of all fees, allowances, costs and compensation referred to in subsection (1), from the proceeds of any public auction held in terms of this Act, must accrue to the Municipality or to the Government, as the case may be.

20. Owner of sold stock may claim proceeds of pound auction.—The Poundmaster who sold stock by public auction in terms of this Act may:

- (a) if the owner of sold stock applies thereof within 12 months of the auction; and
- (b) upon submission of satisfactory proof of ownership in respect of the stock;

order that compensation equal to the balance referred to in section 19(3), be paid to the owner by the Municipality or by the Government, as the case may be.

21. Prohibition of ill-treatment of impounded or detained stock.—No person is allowed in any manner to use or ill-treat stock which is being detained in or outside any pound or is transported to any pound in terms of this Act.

22. Marking of impounded stock.—All impounded stock sold by public auction in terms of this Act, must be marked in the prescribed manner, before its removal from the pound.

23. Illegal detention or impoundment of stock.—No person is allowed to impound or detain any stock except in terms of this Act.

24. Impoundment of stolen stock.—(1) A Municipal Manager may, in writing order a Poundmaster to detain stock, alleged or proved to have been stolen, in the pound.

(2) Stock detained in terms of subsection (1) must not be released, unless the Head of Department, in writing orders the release of such stock.

(3) The prescribed fees and costs, in respect of stock referred to in subsection (1), must be paid by the person to whom stock is released.

(4) If the fee and costs referred to in subsection (3) are not paid, the stock must be dealt with as prescribed.

CHAPTER IV GENERAL PROVISIONS

25. Monitoring role of the Department.—(1) The Department must monitor and support the municipalities on pound matters depending on their capacity.

(2) The MEC may determine the role of traditional leaders on pound matters in the Province.

26. Delegation of powers.—(1) The MEC may delegate in writing to the Head of Department or to Municipal Managers, any power conferred upon the MEC by this Act, except a power relating to the formulation of regulations.

(2) The Head of the Department may, authorize Municipal Managers, in writing to exercise any power conferred upon the Head of Department by this Act, except powers delegated to the Head of Department by the MEC.

27. Regulations.—(1) The MEC may make regulations in relation to:

- (a) the requirements in connection with the erection and maintenance of pounds;

- (b) the form of any register, notice or reception to be kept, given, published or issued under this Act, the particulars to be entered into such register and the fees payable for inspection thereof;
- (c) the transport fee payable to any person transporting stock to any pound;
- (d) the tending fee payable to the Poundmaster or person impounding stock;
- (e) the pound fee payable to a Poundmaster;
- (f) the travelling allowance and fees payable to any person on whose land stock trespassed and the travelling expenses of the Poundmaster where an auction is held at a place other than the pound;
- (g) the manner in which stock must be sold by public auction;
- (h) the marking of impounded stock which must be sold by public auction;
- (i) the manner in which impounded donkeys, not released within seven days, should be disposed of;
- (j) returns to be submitted by a Poundmaster; and
- (k) any other matter which in terms of this Act, is required to be prescribed by regulation or which the MEC may deem desirable or expedient to prescribe for the achievement of the objectives of this Act.

(2) The regulations made in terms of subsection (1) may prescribe a penalty for contravention thereof.

28. Offences and penalties.—Any person who:

- (a) contravenes or fails to comply with any provision of this Act;
- (b) resists, hinders, obstructs or assaults any Poundmaster in the exercise of the Poundmaster's powers or duties in terms of this Act; or
- (c) knowingly and with the intent to deceive, furnishes false information or particulars to any Poundmaster in relation to:
 - (i) stock or the name and address of the owner of impounded stock or stock tendered for impoundment; or
 - (ii) land or the name and address of the landowner on which stock was found trespassing;

shall be guilty of an offence and is on conviction, liable to a fine or to imprisonment for a period not exceeding six months, or to both the fine and imprisonment.

29. **Repeal of laws.**—The laws specified in the Schedule are hereby repealed.

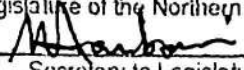
30. **Transitional provision.**—Anything done in good faith under a provision of a law repealed by this Act, or deemed to have been so done under a repealed law, is deemed to have been done under a corresponding provision of this Act.

31. **Short Title and commencement.**—This Act is called the Northern Province Pounds Act, 2002 and comes into operation on a date determined by the Premier by proclamation in the Provincial *Gazette*.

SCHEDULE LAWS REPEALED

NO. AND YEAR OF LAW	SHORT TITLE	EXTENT OF REPEAL
Ordinance 13 of 1972	Pounds Ordinance, 1972	The whole
Ordinance 5 of 1973	Pounds Amendment Ordinance, 1973	The whole
Act No. 8 of 1976	Gazankulu Pounds Act, 1976	The whole
Act No. 80 of 1990	Lebowa Pounds Act, 1990	The whole
Act NO.6 of 1976	Venda Pounds Act, 1976	The whole
Act No. 5 of 2000	Northern Province Local Government laws Rationalization Act, 2000	Section 2(b)

Certified correct as passed by the
Legislature of the Northern Province


Secretary to Legislature

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 5

11 Oktober 2002

Hierby word bekendgemaak dat die Premier van die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 3 van 2002: Noordelike Provinsie Skutwet, 2002.

WET

Ten einde voorsiening te maak vir die regulering van skutaangeleenthede in die Provinsie; die rasionalisering van skutwetgewing wat aan die Provinsie opgedra is; en om vir verwante aangeleenthede voorsiening te maak.

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 20 September 2002)

WORD DIT BEPAAL deur die Wetgewer van die Noordelike Provinsie, soos volg:-

INDELING VAN WET

HOOFSTUK I

VERTOLKING VAN WET

Artikel 1

1. Woordomskeywing

HOOFSTUK II

INSTELLING, BEHEER EN AFSKAFFING VAN SKUTTE

2. Instelling van Skutte
3. Beheer en onderhoud van Munisipale Skutte
4. Afskaffing van Skutte
5. Voorwaardes oor oorpasing van Skutte
6. Oprigting en onderhoud van Skutte
7. Aanstelling van Skutmeester
8. Pligte van Skutmeester

HOOFSTUK III

SKUT EN VRYLAAT VAN VEE

9. Mag om vee te skut
10. Prosedure om vee te skut deur grondeienaar
11. Voeding van geskutte vee
12. Besonderhede rakende skut van vee
13. Betaling van vervoerkoste
14. Vergoeding vir skade aan gewasse op landerye
15. Vrylating van geskutte vee
16. Advertensie en verkoop van vee op openbare veiling
17. Magte van Munisipaliteite ten opsigte van vee nie geskik vir skut nie
18. Magte van Munisipaliteite indien geen aanbod vir vee tydens skutveiling gemaak word nie.
19. Aftrekking van gelde, onkoste, voorskotte en vergoeding uit opbrengs van skutverkope
20. Eienaar van verkoopte vee kan opbrengs van veiling eis
21. Verbod op die mishandeling van geskutte of aangehoude vee
22. Merk van geskutte vee
23. Onwettige aanhouding of skut van vee
24. Skut van gesteelde vee

HOOFSTUK IV

ALGEMENE BEPALINGS

25. Moniteringsrol van die Departement
 26. Delegasie
 27. Regulasies
 28. Oortredings en strawwe
 29. Herroeping van wette
 30. Oorbruggingsbepaling
 31. Kort titel
- Skedule

HOOFSTUK I

INTERPRETASIE VAN WET

WOORDOMSKRYWINGS

In hierdie Wet, tensy dit uit die konteks anders blyk, beteken-

“Departement” die Departement wat vir die administrasie van hierdie Wet verantwoordelik is;

“eienaar” met verwysing na vee, die eienaar of die persoon wat in wettige besit van sodanige vee is;

“grondeienaar” met verwysing na grond, die eienaar, huurder, wettige bewoner of persoon wat andersins algemene beheer of toesig oor sodanige grond het;

“Hoof van Departement” die mees senior amptenaar in die Departement wat ingevolge artikel 3B van die Wet op Openbare Dienste, 1994 (Proklamasie 103 van 1994) aangestel is;

“*Koerant*” die Provinsiale *Koerant*;

“LUR” die Lid van die Uitvoerende Raad wat vir die administrering van die Wet verantwoordelik is;

“Munisipale Bestuurder” enige persoon wat as ‘n munisipale bestuurder aangestel is ingevolge die Wet op Munisipale Strukture, 1998 (Wet Nr 117 van 1998);

“Munisipale skut” ‘n munisipale skut soos na verwys in artikel 2;

“Munisipaliteit” ‘n munisipaliteit gestig ingevolge die voorwaardes van die Wet op Munisipale Strukture, 1998 (Wet Nr 117 van 1998);

“openbare pad” enige pad, straat of deurgang of enige ander plek hetsy of dit ‘n deurgang is of nie wat algemeen deur die publiek gebruik word of ‘n gedeelte daarvan of waartoe die publiek reg van toegang het en dit sluit in:

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif wat sodanige pad, straat of deurgang kruis;
- (c) enige ander struktuur of iets wat deel vorm van of aansluit by of behoort aan sodanige pad, straat of deurgang;

“Provinsie” die Noordelike Provinsie soos beoog in Artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet Nr 108 van 1996);

“Regering” die Regering van die Provinsie;

“Skutmeester” ‘n skutmeester soos na verwys in artikel 7 en sluit die waarnemende en adjunkskutmeester in;

“Staatskut” ‘n staatskut soos na verwys in artikel 2 en sluit in ‘n skut wat ‘n staatskut ingevolge hierdie Wet geword het;

“Vee” perde, muile, donkies, beeste, skape of bokke;

“voorgeskrewe” soos deur die regulasies voorgeskryf.

HOOFSTUK II

INSTELLING, BEHEER EN AFSKAFFING VAN SKUTTE

Instelling van Skutte

2. Die LUR kan deur kennisgewing in die *Koerant*-
 - (a) op die versoek van 'n Munisipaliteit vir sodanige Munisipaliteit, een of meer munisipale skutte instel;
 - (b) in enige gebied wat die LUR as nodig ag, met die nodige inagneming van die behoeftes van die publiek, een Staatskut of meer instel;
 - (c) op die versoek van enige Munisipaliteit, aan sodanige Munisipaliteit, enige Staatskut oordra wat binne die jurisdiksiegebied van daardie Munisipaliteit geleë is.

Beheer en onderhoud van Munisipale Skutte

3. Indien die LUR tevrede is dat 'n munisipale skut nie behoorlike beheer of instand gehou word nie, kan die LUR:
 - (a) sodanige instruksies aan die Munisipaliteit uitvaardig as wat die LUR nodig ag ten opsigte van die beheer en instandhouding van sodanige skut; of
 - (b) deur kennisgewing in die *Koerant* sodanige skut in 'n Staatskut omskep met ingang vanaf die datum vermeld in sodanige kennisgewing, wat minstens 90 dae na die datum van sodanige kennisgewing moet plaasvind; of

- (c) op die versoek van die Munisipaliteit, 'n munisipale skut in 'n Staatskut omskep met ingang vanaf die datum wat in die kennisgewing vermeld word, wat minstens 90 dae na die datum van sodanige kennisgewing moet wees.

Afskaffing van Skutte

4. (1) Die LUR kan deur kennisgewing in die *Koerant* enige skut afskaf wat na die mening van die LUR:
- (a) swak geleë is;
 - (b) oortollig is; of
 - (c) nie langer aan die beoogde doel beantwoord nie.
- (2) Die afskaffing van skutte onder subartikel (1) moet onderworpe wees aan enige voorwaardes wat deur die LUR bepaal is in oorleg met die Lid van die Uitvoerende Raad wat verantwoordelik is vir finansiële aangeleenthede in die Provinsie.

Voorwaardes oor oorplasing van Skutte

5. Die oorplasing van enige Staatskut na 'n Munisipaliteit moet onderworpe wees aan die voorwaardes wat deur die LUR bepaal is, in oorleg met die Lid van die Uitvoerende Raad wat vir finansiële aangeleenthede in die Provinsie verantwoordelik is.

Oprigting en onderhoud van skutte

6. (1) Enige skut wat gestig is of wat as gestig geag word ingevolge hierdie Wet, moet opgerig en onderhou word:
- (a) deur die betrokke Munisipaliteit, in die geval van 'n munisipale skut, uit die gelde wat vir daardie doel aan die Munisipaliteit toegewys is; of
 - (b) deur die Departement in die geval van 'n Staatskut, uit gelde wat deur die provinsiale Wetgewer vir daardie doel toegewys is.
- (2) Elke skut:
- (a) moet binne 90 dae vanaf die stigting daarvan opgerig en voltooi wees tot die bevrediging van die LUR;
 - (b) moet bestaan uit sodanige aantal kampe:
 - (i) as wat nodig is om vee wat met siektes besmet is eenkant te hou;
 - (ii) as wat nodig is om alle vroulike en manlike diere apart te hou; of
 - (iii) as wat die LUR nodig ag, met die nodige inagneming van die omstandighede van die betrokke omgewing of die behoeftes by die betrokke skut;
 - (c) moet so ver as moontlik vry gehou word van besmetting met siektes; en
 - (d) moet voldoen aan al die voorgeskrewe vereistes ten opsigte van die oprigting en instandhouding van skutte.

- (3) Indien die oprigting van 'n munisipale skut nie tot die bevrediging van die LUR voltooi is nie, kan die LUR, binne sewe dae na skriftelike kennisgewing aan die betrokke Munisipaliteit, opdrag gee dat die Departement sodanige skut as Staatskut oorneem en die oprigting daarvan voltooi.

Aanstelling van Skutmeester

7. (1) Die LUR moet 'n Skutmeester vir elke Staatskut aanstel.
- (2) 'n Munisipaliteit moet 'n Skutmeester aanstel vir elke munisipale skut wat so ver moontlik 'n werknemer van sodanige Munisipaliteit moet wees.
- (3) Die LUR of Munisipaliteit moet een Skutmeester vir twee of meer Staat- of munisipale skutte aanstel.
- (4) 'n Waarnemende Skutmeester kan aangestel word indien die Skutmeester om enige rede afwesig is, nie in staat is om die Skutmeester se pligte uit te voer nie of indien die pos van Skutmeester om enige rede vakant is.
- (5) Een of meer Adjunkskutmeesters kan aangestel word om die Skutmeester by te staan in die uitvoering van die Skutmeester se pligte.
- (6) 'n Waarnemende Skutmeester en 'n Adjunkskutmeester moet al die magte uitoefen en al die pligte en take uitvoer wat aan 'n Skutmeester deur hierdie Wet opgelê of toegewys word.

Pligte van Skutmeester

8. 'n Skutmeester moet:
- (a) alle vee ontvang wat vir skut aangebied word in ooreenstemming met die voorwaardes van hierdie Wet;

- (b) aan elke persoon wat vee vir skut aanbied, 'n amptelike kwitansie uitreik wat spesifiseer:
 - (i) die aantal en tipe vee wat sodanig aangebied word;
 - (ii) die rede waarom sodanige vee aangebied word en beweerde skade spesifiseer, indien enige, wat deur sodanige vee aangerig is;
 - (iii) besonderhede van waarneembare besering aan vee wat sodanig aangebied word;
 - (iv) die naam en adres van:
 - (aa) die grondeienaar waar vee oortree het;
 - (bb) die eienaar, indien bekend, van die vee wat sodanig aangebied word; en
 - (cc) die persoon wat die vee aanbied;
- (c) sonder versuim, op sodanige wyse as wat die Skutmeester geskik ag, die eienaar van die geskutte vee in kennis stel, indien die eienaar se naam en adres aan die Skutmeester bekend is;
- (d) elke geval van vermoedelike besmetting met siekte by 'n vee-inspekteur of die naaste Polisiestasie aanmeld en vee wat met siektes besmet is in krale aanhou wat vir sodanige doeleindes gereserveer is;
- (e) by die Skutkantoor, vir inspeksie deur die publiek, 'n afskrif van hierdie Wet en al die regulasies hieronder gemaak, in al die amptelike tale van die Provinsie;
- (f) by die Skutkantoor 'n register in die voorgeskrewe formaat hou waarin die voorgeskrewe besonderhede aangeteken word en wat te alle redelike tye

oop moet wees vir inspeksie deur enige lid van die publiek teen die betaling van die voorgeskrewe fooi;

- (g) die voorgeskrewe opgawes indien;
- (h) die magte uitoefen en sodanige pligte en funksies uitvoer as wat aan 'n Skutmeester deur hierdie Wet opgelê of toegeskryf word; en
- (i) sodanige pligte en funksies uitvoer as wat die Munisipaliteit, Hoof van die Departement, enige Vee-inspekteur, Veearts of enige amptenaar daartoe afgevaardig deur die Hoof van die Departement, van tyd tot tyd aan die Skutmeester mag opdra ten opsigte van die aanhou, versorging en behandeling van geskutte diere.

HOOFSTUK III

SKUT EN VRYLAAT VAN VEE

Mag om vee te skut

9. (1) Onderworpe aan die voorskrifte van hierdie Wet:
- (a) enige grondeienaar wat:
 - (i) enige vee vind wat op sodanige grond oortree;
 - (ii) enige vee vind wat nie onder behoorlike toesig of beheer is op enige openbare pad op sodanige grond nie;
 - (iii) enige vee vind wat onder enige wet geskut kan word of op enige uitspan op sodanige grond; of
 - (b) enige:
 - (i) verkeersbeampte aangestel onder enige wet wat op

padverkeer van toepassing is;

(ii) persoon daartoe gelas deur die LUR; of

(iii) lid van die Suid-Afrikaanse Polisiediens;

wat op enige openbare pad vee vind wat nie onder behoorlike toesig of beheer is nie en waarvan die teenwoordigheid in sodanige plek teenstrydig met die wet is, kan sodanige vee skut of toesien dat sodanige vee geskut word.

- (2) Vee kan geskut word te enige tyd wat dit op 'n openbare pad sonder toesig van die eienaar of oppasser gevind word.

Prosedure om vee te skut deur grondeienaar

10. (1) Enige grondeienaar wat vee skut ingevolge die voorskrifte van hierdie Wet moet, onderworpe aan die voorwaardes van subartikels (2), (3) en (4), binne 48 uur nadat die vee gevind is, sodanige vee met die kortste praktiese roete na die naaste skut stuur.
- (2) Indien die kortste praktiese roete na die naaste skut om enige rede gevaarlik is, kan die vee wat geskut moet word:
- (a) na die naaste skut gestuur word met die kortste alternatiewe roete;
 - (b) na die naaste ander skut gestuur word wat veilig bereik kan word; of
 - (c) deur die grondeienaar aangehou word, vir sodanige tydperk van langer as 48 uur as wat nodig mag wees om die veilige deurgang van vee na die naaste skut te verseker, mits sodanige grondeienaar

die Suid-Afrikaanse Polisie diens binne 48 uur van die situasie in kennis stel.

- (3) Indien die verwydering van enige vee na die naaste skut ingevolge hierdie Wet teenstrydig sal wees met die voorskrifte van enige wetgewing wat verband hou met die beheer of behandeling van diersiektes en parasiete, enige regulasie, bevel of instruksie hiervolgens gemaak of uitgereik, kan die grondeienaar op wie se grond die vee oortree het:

- (a) sodanige vee na 'n ander nabygeleë skut stuur, waarheen die beweeg van sodanige vee nie teenstrydig is met die voorskrifte van die genoemde wetgewing of enige soandige regulasie, bevel of instruksie nie; of
- (b) die vee aanhou totdat die vee na die naaste skut verwyder kan word of totdat daar op enige wyse van sodanige vee ontslae geraak kan word ingevolge genoemde wetgewing of enige regulasie, bevel of instruksie.

Voeding van geskutte vee

11. (1) Die Skutmeester of enige persoon daartoe gemagtig ooreenkomstig hierdie Wet om vee te skut, moet die geskutte vee voed.
- (2) Die koste vir die voeding van die geskutte vee moet ingevolge die voorskrifte van hierdie Wet verhaal word.

Besonderhede rakende skut van vee

12. Enige persoon wat vee vir skut by die Skutmeester aanbied, moet terselfdertyd die Skutmeester voorsien van:

- (a) die naam en adres van die persoon wat die vee aanbied, die eienaar van die grond op wie se grond die vee oortree het en die van die eienaar van die vee, indien dit bekend is;
- (b) die naam van die plek waar die vee oortree het;
- (c) 'n aanduiding van die omstandighede waaronder die vee gevind was en of die vee, teenstrydig met enige wet, op die plek was waar dit gevind is; en
- (d) besonderhede omtrent enige skade wat die vee aangerig het.

Betaling van vervoerkoste

13. Enige Skutmeester wat vee skut, moet die voorgeskrewe vervoerkoste betaal aan die persoon wat die vee aanbied.

Vergoeding vir skade aan gewasse op landerye

14. Indien die vee wat op grond oortree enige skade aan gewasse op sodanige grond veroorsaak:
- (a) is die eienaar van sodanige vee aanspreeklik vir vergoeding aan die grondeienaar ten opsigte van die skade wat veroorsaak is;
 - (b) die skade en vergoeding kan onderling deur die eienaar van sodanige vee en die grondeienaar bepaal word, of indien geen ooreenkoms bereik word nie, kan die Munisipale Bestuurder van die gebied waarin die grond geleë is, die bedrag bepaal wat vir skade betaal moet word;
 - (c) die eienaar van die vee moet binne 'n redelike tyd die vergoeding waarna in paragraaf (b) verwys word aan die grondeienaar betaal;

- (d) die vee mag nie vrygelaat word voordat die volle bedrag verskuldig aan die Skutmeester betaal is nie;
- (e) waar die vergoeding waarna in subparagraaf (c) verwys word deur 'n Munisipale Bestuurder bepaal is:
 - (i) moet die vergoeding, betaling van die voorgeskrewe reistoelaag en fooie, aan sodanige Munisipale Bestuurder gemaak word; en
 - (ii) moet die grondeienaar die Skutmeester voorsien van 'n sertifikaat deur die Munisipale Bestuurder van die gebied, wat die vergoedingsbedrag, toelaes en fooi betaalbaar as gevolg van die skade, uiteensit.

Vrylating van geskutte vee

15. (1) 'n Skutmeester moet enige geskutte vee vrylaat indien:
- (a) so versoek deur die eienaar of gemagtigde agent van die eienaar van sodanige vee teen die volle betaling van alle gelde, koste en vergoeding verskuldig, ten opsigte van sodanige vee, ingevolge hierdie Wet; en
 - (b) die persoon wat aanspraak maak op eienaarskap van geskutte vee of 'n agent wat eienaarskap van sodanige vee deur middel van dokumentasie en/of merke op sodanige vee tot bevrediging van die Skutmeester lewer.
- (2) Indien die eienaar van die geskutte vee of die eienaar se gemagtigde agent die Skutmeester versoek om die vee vry te laat maar in gebreke bly om ten

volle alle gelde, koste en vergoeding betaalbaar ingevolge hierdie Wet te betaal, moet die Skutmeester sodanige getalle van die geskutte vee terughou as wat na die mening van die Skutmeester, voldoende is om betaling te verseker van sodanige gelde, koste en fooie en moet die res van die vee vrylaat.

- (3) Die eienaar van die geskutte vee moet aan die Skutmeester betaal:
- (a) tot voordeel van die betrokke Munisipaliteit en tot voordeel van die Staat soos die geval mag wees:
 - (i) die voorgeskrewe skutfooi;
 - (ii) die voorgeskrewe versorgingsfooi;
 - (iii) die voorgeskrewe vervoerfooi;
 - (iv) die bedrag verskuldig vir die dip, versorging, behandeling en spuit van sodanige geskutte vee; en
 - (v) alle advertensiekoste wat deur die Skutmeester aangegaan is indien sodanige vee vrygelaat is nadat 'n skutveiling geadverteer is;
 - (b) tot voordeel van die grondeienaar op wie se grond die vee oortree het:
 - (i) die voorgeskrewe oortredingsfooi; en
 - (ii) die vergoeding vir skade aangerig;
 - (c) tot voordeel van die Munisipaliteit, die voorgeskrewe reistoelaag en fooie.

koop aangebied word nie, moet die betrokke Skutmeester 'n skriftelike verslag by die Munisipale Bestuurder indien, wat die getal, spesies en geskatte waarde van sodanige vee spesifiseer.

- (2) By ontvangs van die verslag waarna in subartikel (1) verwys word, kan die Munisipale Bestuurder opdrag gee dat sodanige vee:
- (a) tydens die volgende skutveiling per openbare veiling verkoop word;
 - (b) op die voorgeskrewe wyse per tender verkoop word; of
 - (c) uit die hand verkoop word.

Aftrekking van gelde, onkoste, voorskotte en vergoeding uit opbrengs van skutverkope

19. (1) Indien enige geskutte vee per openbare veiling volgens die voorskrifte van hierdie Wet verkoop word, moet die Skutmeester ten opsigte van sodanige vee, van die opbrengs van die veiling alle gelde, koste, toelaes en vergoeding wat ingevolge hierdie Wet verhaalbaar is, in die volgende volgorde aftrek:
- (a) tot voordeel van die betrokke Munisipaliteit of die Staat, wat die geval mag wees:
 - (i) die voorgeskrewe skutfooi;
 - (ii) die voorgeskrewe versorgingsfooi;
 - (iii) die voorgeskrewe vervoerfooi;
 - (iv) die koste vir dip, versorging, inenting, behandeling of spuit wat aangegaan is ten opsigte van die betrokke vee;

- (v) die advertensiekoste ten opsigte van die veiling;
 - (vi) die reiskoste van die Skutmeester ooreenkomstig die voorgeskrewe tarief, indien sodanige veiling op 'n ander plek as die skut gehou is;
 - (vii) 'n bedrag gelykstaande aan 6 persent van die verkoopprijs, as 'n veilingfooi;
- (b) die voorgeskrewe reistoelaag en fooie ter vergoeding van die betrokke Munisipaliteit;
- (c) ter vergoeding van die grondeienaar op wie se grond sodanige vee oortree het:
- (i) die voorgeskrewe oortredingsfooi;
 - (ii) vergoeding vir skade berokken;
 - (iii) vervoerfooi.
- (2) Van die opbrengs van enige veilingverkope, moet die Skutmeester 'n bedrag aftrek wat gelykstaande is aan 50 persent van die voorgeskrewe skutfooi en versorgingsfooi en sodanige bedrag aan die grondeienaar oorbetaal op wie se grond die vee aangekeer is.
- (3) Die balans wat oorbly van die opbrengs van enige openbare veiling gehou ingevolge hierdie Wet, nadat alle fooie, toelaes, koste en vergoeding waarna in subartikel (1) verwys word, afgetrek is, moet oordraagbaar wees aan die Munisipaliteit of die Staat, wat die geval mag wees.

Eienaar van verkoopte vee kan opbrengs van veiling eis

20. Die Skutmeester wat die vee per openbare veiling ingevolge hierdie Wet verkoop het, kan:

- (a) indien die eienaar van die verkoopte vee binne 12 maande vanaf die datum van die veiling aansoek doen; en
- (b) op verskaffing van bevredigende bewys van eienaarskap ten opsigte van die vee;

opdrag gee dat vergoeding gelykstaande aan die balans waarna in artikel 19(3) verwys word, aan die eienaar betaal moet word deur die Munisipaliteit of die Staat, wat die geval mag wees.

Verbod op die mishandeling van geskutte of aangehoude vee

21. Geen persoon word toegelaat om op enige wyse die vee te mishandel wat binne of buite enige skut aangehou word of wat na enige skut ingevolge hierdie Wet vervoer word nie.

Merk van geskutte vee

22. Alle geskutte vee wat ingevolge hierdie Wet per openbare veiling verkoop word, moet op die voorgeskrewe wyse gemerk word voordat dit van die skut verwyder word.

Onwettige aanhouding of skut van vee

23. Geen persoon is toegelaat om enige vee behalwe ingevolge hierdie Wet te skut of aan te hou nie.

Skut van gesteelde vee

24. (1) 'n Munisipale Bestuurder kan skriftelik bevel aan 'n Skutmeester gee om vee, wat vermoedelik of met voldoende bewyse gesteel is, in 'n skut aan te hou.
- (2) Vee wat ingevolge subartikel (1) aangehou is mag nie vrygelaat word nie, tensy die Hoof van die Departement skriftelik opdrag gee vir die vrylating van sodanige vee.
- (3) Die voorgeskrewe fooie en koste, ten opsigte van die vee waarna in subartikel (1) verwys word, moet deur die persoon betaal word aan wie die vee vrygelaat word.
- (4) Indien die fooie en koste waarna in subartikel (3) verwys word nie betaal word nie, moet die vee volgens voorskrif hanteer word.

HOOFSTUK V**ALGEMENE BEPALINGS****Moniteringsrol van die Departement**

25. (1) Die Departement moet die munisipaliteite moniteer en ondersteun ten opsigte van skutaangeleenthede ooreenkomstig hulle kapasiteit;
- (2) Die LUR kan die rol van tradisionele leiers oor skutaangeleenthede in die Provinsie bepaal.

Delegasie van Magte

26. (1) Die LUR kan skriftelik enige magte wat aan die LUR ingevolge hierdie Wet toegewys is, met die uitsondering van 'n mag wat verband hou met die formulering van regulasies, aan die Hoof van die Departement of Munisipale bestuurders delegeer.
- (2) Die Hoof van die Departement kan skriftelik aan die Munisipale Bestuurders die reg verleen om enige magte uit te voer wat ingevolge hierdie Wet aan die Hoof van die Departement opgedra is, met uitsluiting van die magte wat deur die LUR aan die Hoof van die Departement oorgedra is.

Regulasies

27. (1) Die LUR kan regulasies maak ten opsigte van:
- (a) die vereistes in verband met die oprigting en onderhoud van skutte;
 - (b) die formaat van enige register, kennisgewing of ontvangs wat gehou moet word, wat onder hierdie Wet gehou, gegee, gepubliseer of uitgereik word, die besonderhede wat in sodanige register aangeteken moet word en die fooie betaalbaar vir die inspeksie daarvan;
 - (c) die vervoerfooie betaalbaar aan enige persoon wat vee na enige skut vervoer;

- (d) die versorgingsfooie betaalbaar aan die Skutmeester of persoon wat vee skut;
 - (e) die skutfooie betaalbaar aan 'n Skutmeester;
 - (f) die reistoelaag en fooie betaalbaar aan enige persoon op wie se grond vee oortree het en die reisuittgawes van die Skutmeester wanneer 'n veiling op 'n ander plek as die skut gehou word;
 - (g) die wyse waarop vee per openbare veiling verkoop moet word;
 - (h) die merk van geskutte vee wat per openbare veiling verkoop moet word;
 - (i) die wyse waarop van geskutte donkies, wat nie binne sewe dae vrygelaat word nie, ontslae geraak moet word;
 - (j) opgawes wat deur die Skutmeester ingedien moet word; en
 - (k) enige ander aangeleentheid wat ingevolge hierdie Wet nodig is om deur regulasie voorgeskryf te word of wat die LUR as wenslik of toepaslik ag om voor te skryf vir die bereiking van die oogmerke van hierdie Wet.
- (2) Die regulasies gemaak ingevolge subartikel (1) kan 'n straf vir die oortreding daarvan voorskryf.

Oortredings en strawwe

28. (1) Enige persoon wat:
- (a) die voorskrifte van hierdie Wet oortree of in gebreke bly om daaraan te voldoen;

- (b) enige Skutmeester in die uitvoering van die Skutmeester se magte of pligte ingevolge hierdie Wet teenstaan, verhinder, dwarsboom of aanrand; of
 - (c) bewustelik en moet die doel om te mislei, vals inligting of besonderhede aan die Skutmeester voorsien ten opsigte van:
 - (i) vee of die naam en adres van die eienaar van geskutte vee of vee wat vir skutting aangebied word; of
 - (ii) grond of die naam en adres van die grondeienaar op wie se grond vee oortree het;
- sal skuldig wees aan 'n oortreding en is op skuldigbevinding onderhewig aan 'n boete of gevangenisstraf vir 'n tydperk van nie langer as ses maande nie, of tot beide 'n boete en gevangenisstraf.

Herroeping van wette

29. Die wette wat in die Skeudle gespesifiseer word, word hiermee herroep.

Oorbruggingsbepaling

30. Enigiets wat in goedertrou onder die voorskrifte van 'n wet wat deur hierdie Wet herroep word, of wat geag word as gedoen onder 'n herroepde wet, word geag as gedoen onder 'n ooreenstemmende voorskrif van hierdie Wet.

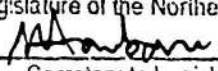
Kort Titel en Aanvang

31. Hierdie Wet staan bekend as die Noordelike Provinsie Skutwet, 2002 en tree in werking op 'n datum wat deur die Premier bepaal word deur proklamasie in die Provinsiale *Koerant*.

WETTE HERROEP

NR EN JAAR VAN WET	KORT TITEL	OMVANG VAN HERROEPING
Ordonnansie 13 van 1972	Skutordonnansie, 1972	Die geheel
Ordonnansie 5 van 1973	Skutwysigingsordonnansie, 1973	Die geheel
Wet Nr 8 van 1976	Gazankulu Skutwet, 1976	Die geheel
Wet Nr 80 van 1990	Lebowa Skutwet, 1990	Die geheel
Wet Nr 6 van 1976	Venda Skutwet, 1976	Die geheel
Wet Nr 5 van 2000	Noordelike Provinsie Wet op Plaaslike Regeringswette- rasionalisering, 2000	Artikel 2(b)

Certified correct as passed by the
Legislature of the Northern Province


Secretary to Legislature

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 5

11 Nhlangua 2002

Ku tivisiwa leswaku Holobyenkulu u pfumerile Nawu lowu wu landzelaka lowu laha wu tivisiwaka leswaku wu ta tirha eka mani na mani:—

No. 3 wa 2002: Nawu wa Swikita wa Xifundzankulu xa N'walungu, 2002.

NAWU

Wo endla makungu yo lawula timhaka ta swikiti eka Xifundzankulu; ku ringanisiwa ka milawu ya swikiti leswi swi nga nyiketiwa ku tirha eka Xifundzankulu; ku endla makungu lama fambeleka na swona.

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 20 Ndzati 2002)*

Mfumo wa Milawu wa Xifundzankulu WU VEKA NAWU hi ndlela leyi:-

KU LULAMISIWA KA NAWU

KAVANYISA KA 1

KU HLAMUSERIWA KA NAWU

Xiyenge

1. Tinhlamuselo

KAVANYISA KA II

KU SIMEKIWA, LAWULA NA KU HERISIWA KA SWIKITI

2. Ku simekiwa ka Swikiti
3. Ku lawula ni ku hlayisa Swikiti swa Masipala
4. Ku herisiwa ka Swikiti
5. Swipimelo swa ku hundziseriwa ka Swikiti
6. Ku akiwa ni ku hliyisiwa ka Swikiti
7. Ku thoriwa ka Mufambisi wa Xikiti
8. Timfanelo ta Mufambisi wa Xikiti

KAVANYISA KA III
KU PFALERIWA NI KU NTSHUNXIWA KA SWIFUWO

9. Matimba yo pfalela swifuwo
10. Maendlele yo pfaleriwa ka swifuwo hi n'winyi wa misava
11. Ku phameriwa ka swifuwo leswi pfaleriweke
12. Vuxokoxoko mayelana ni ku pfaleriwa ka swifuwo
13. Ku hakeriwa ka tihakelelo ta vutleketli
14. Ndziriso wa ku onhiwa ka swimila emisaveni
15. Ku ntshunxiwa ka swifuwo leswi nga pfaleriwa
16. Ku navetisa ni bukuto wa swifuwo hi fandisi ya mani na mani
17. Matimba ya Vamasipala hi tlhelo ra swifuwo leswi swi nga ringanelangingi ku pfaleriwa
18. Matimba ya Vamasipala loko ku nga vangi na loyi a nga xava swifuwo efandisini ya xikiti
19. Ku susiwa ka timali, ku durheriwa, swiengetelo na mindziriso ku suka eka mali ya bukuto ya xikiti
20. N'winyi wa swifuwo leswi xavisiweke a nga ha londza mali ya fandisi
21. Ku aleriwa ka ku xanisiwa ka swifuwo leswi nga pfaleriwa kumbe khomiwa
22. Ku funghiwa ka swifuwo leswi nga pfaleriwa
23. Ku khomiwa ko ka ku nga ri enawini kumbe ku pfaleriwa ka swifuwo
24. Ku pfaleriwa ka swifuwo swo yiviwa

KAVANYISA KA IV
MAKUNGU HI KU ANGARHELA

25. Ntirho wo hoxa tihlo wa Ndzawulo
26. Ku nyikiwa matimba
27. Swinawana
28. Milandzu ni minxupulo
29. Ku herisa milawa
30. Makungu ya nkarhinyana
31. Nhlokomhaka hi ku komisa
Xedulu

**KAVANYISA KA 1
KU HLAMUSERIWA KA NAWU**

TINHLAMUSELO

Eka Nawu lowu, handle kaloko wu vula swin'wana-

"Mfumo" ri vula Mfumo wa Xifundzankulu;

"Mufambisi wa Masipala" swi vula Mufambisi wa Masipala loyi a simekiweke hi ku landza makungu ya Nawu wa Swivumbeko swa Masipala, 1998 (Nawu wa 117 wa 1998);

"Mufambisi wa xikiti" swi vula Mufambisi wa xikiti loyi a vuriwa eka xiyenge xa 7 ku katsa mukhomeri na Xandla xa Mufambisi wa xikiti;

"Ndzawulo" ri vula Ndzawulo leyi nga ni vutihlamuleriri bya vulawuri bya Nawu lowu;

"Nhloko ya Ndzawulo" swi vula mutirhelatikonkulu eka Ndzawulo loyi a thoriweke hi ku landza xiyenge xa 3B xa Nawu wa Vutirheli wa Mfumo, 1994 (Xitivisanawu xa 103 xa 1994);

"Nkuzi" ri vula xa wanuna xihi ni xihi xa swifuwo lexi nga ni nghiriko wo tswarisa;

"n'winyi" hi mayelana ni swifuwo, ri vula n'winyi kumbe munhu loyi hi nawu a nga ni swifuwo swo tano;

"n'winyi wa misava" hi mayelana ni misava, swi vula n'winyi, muhiri, mutshami wa ximfumo kumbe munhu loyi a nga ha vaka ni vulawuri hi ku angarhela kumbe vulanguteri ehenhla ka misava yo tano;

“patu ra mani na mani” swi vula patu rihi ni rihi, xitarata kumbe gondzo kumbe ndhawu xihhi ni yihi yin’wana yi nga va gondzo kumbe leyi tirhisiwaka hi mani na mani kumbe xiyenge xa kona kumbe leri mani na mani kumbe xiyenge xa kona xi nga ni mfanelo ya ku ri tirhisa ku katsa –

- (a) makumu ya patu rihi ni rihi ro tano, kumbe xitara kumbe gondzo;
- (b) buloho rini ni rihi, xikwekwetsu, ku khupuka hi kona ka patu rihi ni rihi ro tano, xitarata kumbe gondzo;
- (c) xivumbeko xihhi ni xihhi kumbe xilo lexi endlaka xiphemu xa kona, lexi khomanekke kumbe ku va xa patu ro tano, xitarata kumbe gondzo;

“Swifuwo” ri vula tihanci, timeyila, timbhongolo, tihomu, tinyimpfu kumbe timbuti;

“vekiweke” ri vula swinawana leswi vekiweke;

“Xifundzankulu” ri vula Xifundzankulu xa N’walungu tani hilaha swi languteriwaka eka Xiyenge xa 103 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996);

“Xikiti xa Masipala” swi vula Xikiti xa Masipala lexi vuriwaka eka xiyenge xa 2;

“Xikiti xa Mfumo” swi vula xikiti xa Mfumo leri xuriwaka eka xiyenge xa 2 naswona xi katsa xikiti, lexi nga va xikiti xa Mfumo hi ku landza Nawu lowu;

“Xirho xa Huvonkulu” swi vula Xirho xa Huvonkulu lexi nga ni vutihlamuleri bya vulawuri bya Nawu lowu.

KAVANYISA KA II**KU SIMEKIWA, LAWULA NA KU HERISIWA KA SWIKITI****Ku simekiwa ka swikiti**

2. Hi xitiviso eka Gazete Xirho xa Huvonkulu xi nga ha-
 - (a) hi xikombelo xa Masipala simeka masipala wo tano, xikiti xin'we kumbe ku tlula swa ka Masipala;
 - (b) eka ndhawu yihi ni yihi leyi Xirho xa Huvonkulu xi vonaka swi fanerile, hi ku landza swilaveka swa vanhu, simeka xikiti xin'we kumbe ku tlula xa xikiti xa Mfumo;
 - (c) hi xikombelo xa Masipala wihi ni wihi, hundzisela eka Masipala wo tano, xikiti xihi ni xihi xa Mfumo lexi nga eka ndhawu ya vulawuri bya Masipala.

Ku lawula na ku hlayisa Swikiti swa Masipala

3. Loko Xirho xa Huvonkulu xi vona leswaku xikiti xa masipala a xi lawuriwi kumbe ku hlayisiwa kahle, Xirho xa Huvonkulu xi nga ha:
 - (a) humesa xileriso xo tano xi ya eka Masipala tani hilaha Xirho xa Huvonkulu xi nga ha vonaka swi fanele hi tlhelo ra ku lawula ni ku hlayisa xikiti xo tano; kumbe
 - (b) hi xitiviso eka Gazete cinca xikiti xo tano kuva xi endla Xikiti xa Mfumo ku sungula ku sukela hi siku leri vuriweke eka xitiviso xo tano, leswi nga vaka 90 wa masiku endzhaku ka siku ra xitiviso xo tano;
 - (c) hi xikombelo xa Masipala, cinca xikiti xa masipala xi va xikiti xa Mfumo ku sungula ku sukela hi siku leri vuriweke eka xitiviso xo tano, leswi nga vaka 90 wa masiku endzhaku ka siku ra xitiviso xo tano.

Ku herisiwa ka Swikiti

4. (1) hi xitiviso eka Gazete Xirho xa Huvonkulu xi nga ha herisa xikiti xihhi ni xihhi lexi hi ku vona ka Xirho xa Huvonkulu xi:
- (a) nga tshamangiki kahle
 - (b) nga tirhiki; kumbe
 - (c) nga ha tirhi swikongomelo leswi faneleke.
- (2) Ku herisiwa ka swikiti ehnasi ka xiyengenyana xa (1) swi fanele ku ya hi swipimelo swihi ni swihi leswi bohiweke hi Xirho xa Huvonkulu hi ku tsundzusana na Xirho xa Huvonkulu lexi nga ni vutihlamusleri hi timhaka ta swa timali eka Xifundzankulu.

Swipimelo swa ku hundziseriwa ka swikiti

5. Ku hundziseriwa ka xikiti xa Mfumo ku ya eka Masipala swi fanele ku ya hi swipimelo leswi bohiweke hi Xirho xa Huvonulu, hi ku tsundzuxana na Xirho xa Huvonkulo lexi nga ni vutihlamuleri hi timhaka ta swa timali eka Xifundzankulu.

Ku akiwa na ku hlayisiwa ka swikiti

6. (1) Xikiti xihhi ni xihhi lexi simekiweke kumbe lexi tekiwaka xi fanele ku simekiwa hi ku landza Nawu lowu, xi fanele ku akiwa ni ku hlayisiwa:
- (a) hi Masipala lowu khumbhekaka, hi tlhelo ra xikiti xa masipala, hi timali leti pimanyetiweke hi Masipala hi xikongomelo xexo; kumbe
 - (b) hi Ndzawulo in thlelo ra xikiti xa Mfumo, hi timali leti pimanyetiweke hi masipala hi xikongomelo xexo.
- (2) Xikiti xin'wana ni xin'wanan -
- (a) xi fanele xi akiwa ni ku hetiwa hi ndlela leyi swi enetaka Xirho xa

Huvonkulu, ku nga si hela 90 wa masiku ya ku simekiwa ka xona;

(b) xi fanele xi va na tikampa to karhi to tano-

(i) tani hiloko ti nga ha va ti fanelerile ku hlayisa swifuwo leswi vabyaka hi ku hambana;

(ii) tani hiloko ti nga ha va ti fanerile ku hlayisa swifuwo swa vavasati na swa vavanuna hi ku hambana;

(iii) tani hilaha Xirho xa Huvonkulu xi nga ha vonaka swi fanerile ku ya hi swiyimo swa ndhawu leyi khumbhekaka kumbe swilaveko eka xikiti lexi khumbhekaka;

(c) xi fanele hi tindlela hinkwato xi hlayisiwa eka mavabyi; naswona

(d) xi fanele xi landzelela swilaveko hinkwaswo leswi vekiweke hi mayelana ya ku akiwa ni ku hlayisiwa ka swikiti.

(3) Loko ku akiwa ka xikiti xa masipala ku nga hetisiwangi hi hi ndlela leyi eneta Xirho xa Huvonkulu, Xirho xa Huvonkulu xi nga ha, endzhaku ka nkomo wa masiku xitiviso xi tsaleriwe masipala loyi a khumbhekaka, lerisa leswaku Ndzawulo yi teka xikiti xo tano tani hi xikiti xa Mfumo na ku hetisa ku xi aka.

Ku thoriwa ka Mufambisi wa xikiti

7. (1) Xirho xa Huvonkulu xi fanele ku thola Mufambisi wa xikiti eka Xikiti xin'wana na xin'wana xa Mfumo.
- (2) Masipala wun'wana na wun'wana wu fanele ku thola Mufambisi wa xikiti eka xikiti xin'wana na xin'wana xa masipala loyi hi tindlela hinkwato a fanele ku va mutirhi wa masipala wo tano.
- (3) Xirho xa Huvonkulu kumbe Masipala wu nga ha, thola Mufambisi wa xikiti un'we loyi a nga ta tirha eka xikiti xin'we kumbe swimbirhi swa Mfumo kumbe Masipala.
- (4) Mukhomeri wa Mufambisi wa xikiti a nga ha thoriwa loko Mufambisi wa xikiti hi vangelo xihi ni xihi a nga ri kona, a tsandzeka ku tirha timfanelo ta Mufambisi wa xitiki kumbe loko xivandla xa Mufambisi wa xikiti hi xivangelo xo karhi, xi nga siviwangi.

- (5) Un'we kumbe ku tlula wa Museketeri wa Mufambisi va swikiti va nga ha thoriwa ku pfuna Mufambisi wa xikiti eka ku tirha timfaenlo ta Mufambisi wa xikiti.
- (6) Mukhomeri wa Mufambisi kumbe Museketeri wa Mufambisi wa xikiti u fanele ku tirhisa matimba ya yena hinkwawo ni ku endla timfanelo hinkwato ni mintirho leyi haverisiweke ni ku nyikiwa yona Mufambisi wa xikiti hi Nawu lowu.

Timfanelo ta Mufambisi wa xikiti

8. Mufambisi wa xikiti u fanele:

- (a) amukela swifuwo hinkwaswo leswi nga thendariwa ku pfaleriwa mayelana ni makungu ya Nawu lowu;
- (b) tsalela munhu un'wana na un'wana loyi a thenderaka leswaku swifuwo swa yena swi pfaleriwa, rhasiti ya ximfumo leyi kombisisaka-
 - (i) nhlayo na mixaka ya swifuwo leswi thendariweke
 - (ii) xivangelo xa leswaku hikwalho ka yini swifuwo swo tano swi thendariwa, kombisisa ku onha loku swi ku endleke, loko ku ri kona, loku vangiweke hi swifuwo swo tano;
 - (iii) vuxokoxoko bya ku vaviseka ka swifuwo leswi thendariwaka;
 - (iv) vinta na kherefu swa-
 - (aa) n'winyi wa misava leyi swifuwo swi nga kumeka swi ri karhi swi fohla;
 - (bb) n'winyi, loko a tiveka, wa swifuwo leswi nga thendariwa; na
 - (cc) munhu loyi a thendaraka swifuwo
- (c) xikan'we, hi mukhuva wolowo tani hilaha Mufambisi wa xikiti a nga ha vonaka swi ri kahle, tivisa n'winyi wa xifuwo lexi pfaleriweke, loko n'winyi na kherefu swi tiveka eka Mufambisi wa xikiti;
- (d) vika mhangu xin'wana ni yin'wana ya vuvabyi lebyi ehleketeleriwaka

eka mukamberi wa swifuwo kumbe eka Xitici xa Maphorisa xa le kusahina ku hlayisa swifuwo leswi nga ni vuvabyi etikampeni leti nga vekerwa xikongomelo xo tano;

- (e) hlayisa eka hofisini ya Xikiti, copi ya Nawu lowu leswaku yi ta voniwa hi mani na mani na swinawana hinkwaswo leswi endlweke laha hansi ka wona hi tindzimi ximfumo hinkwato ta Xifundzankulu;
- (f) hlayisa ehofisini ya Xikiti rhejistara hi xivumbeko lexi vekiweke laha vuxokxoko lebyi vekiweke byi faneleke ku ngenhisiwa naswona lebyi nkarhi wihi ni wihi lowu twisisekaka byi faneleke ku pfuriwa byi kamberiwa hi xirho xihi ni xihi xa tiko endzhaku ka ku hakela ka xona mali leyi vekiweke;
- (g) nyiketa pindzulo lowu vekiweke;
- (h) ku tirhisa matimba ni ku tirha timfanelo to tano na mintirho tani hilaha yi nga haverisiwaka ni ku nyikiwa Mufambisi wa xikiti hi Nawu lowu; na
- (i) endla timfanelo to tano na mintirho tani hilaha Masipala, Nhloko ya Ndzawulo, Mukamberi wa swifuwo wihi ni wihi, N'anga ya Swifuwo kumbe mutirhelatiko wihi ni wihi loyi a lerisiweke hi Nhoko ya Ndzawulo, nkarhi ni nkarhi a nga ha nyiketa eka Mufambisi ya Xikiti hi tlhelo ra ku hlayisa, gonga na ku tshungula swifuwo leswi pfaleriweke.

KAVANYISA KA III**KU PFALERIWA NA KU NTSHUNXIWA KA SWIFUWO****Matimba yo pfalela swifuwo**

9. (1) Ku ya hi makungu ya Nawu lowu:

(a) n'winyi wa misava wihi ni wihi loyi:

- (i) a kumaka swifuwo swihi ni swihi swi ri karhi swi phohla eka misava yo tano;
- (ii) a kumaka swifuwo swihi ni swihi leswi nga riki eka vulanguteri lebyinene kumbe lawuriwa eka patu ra mani na mani eka misava yo tano;
- (iii) a kumaka swifuwo swihi ni swihi leswi nga ha pfaleriwaka ehansi ka nawu wihi ni wihi kumbe eka madyelo wai ni wahi ya misava yo tano; kumbe

(b) wihi ni wihi:

- (i) mutirhelatiko wa swofamba emapatwini loyi a thoriweke ehansi ka nawu wihi ni wihi mayelana na swofamba epatwini;
- (ii) munhu loyi a pfumeleriwke hi Xirho xa Huvonkulu; kumbe
- (iii) xirho xa Vutirheli bya Maphorisa ya Afrika Dzonga, lexi lexi xi kumaka swifuwo eka patu ra mani na mani leswi swi nga langutewiki kahle kumbe ku lawuriwa kumbe loyi eka ndhawu yihi ni yihi, a kumaka swifuwo swihi ni swihi leswi vukona bya swona eka ndhawu yo tano ku kanetanaka na nawu wihi ni wihi, a nga ha pfalela swifuwo swo tano kumbe a endla leswaku swifuwo swo tano swi pfaleriwa.

- (2) Swifuwo swi nga ha pfaleriwa nkarhi wihi ni wihi hinkwako laha swi kumekaka kona eka patu ra mani na mani swi ri hava vulanguteri bya n'winyi kumbe mulawuri.

Maendlele yo pfalela swifuwo hi n'winyi wa misava

10. (1) N'winyi wa misava wihi ni wihi loyi a pfalela swifuwo hi ku landza makungu ya Nawu lowu, u fanele, ku ya hi makungu ya swiyengenyana swa (2), (3) na (4) ku nga si hundza 48 wa tiawara ta ku kumiwa ka swifuwo, u fanele ku rhumela swifuwo hi ndlela yo davuleta ku ya eka xikiti xa le kusuhi.
- (2) Loko ndlela yo davuleta yo ya eka xikiti xa le kusuhi yi ri ni nghozi hi xivangelo xihi ni xihi, swifuwo leswi faneleke ku pfaleriwa swi nga ha:
- (a) rhumeriwa eka xikiti xa le kusuhi hi ndlela yin'wana yo davuleta;
- (b) rhumeriwa eka xikiti xin'wana xa le kusuhi lexi nga fikeleriwaka hi ku hlayiseka; kumbe
- (c) khomiwa hi n'winyi wa misava, ku fikela nkarhi lowu nga tluriki 48 wa tiawara loko swi ta va swi fanerile ku vonisisa ndlela yo hlayiseka ya swifuwo ku ya eka xikiti xa le kusuhi, ku ri leswaku n'winyi wa misava u tivisa Vutirheli bya Maphorisa bya Afrika Dzonga hi xiyimo xexo ku nga si hela 48 wa tiawara.
- (3) Loko ku susiwa ka swifuwo swihi ni swihi swi ya eka xikiti xa le kusuhi hi ku landza Nawu lowu ku ta kanetana ni makungu ya nawu wihi ni wihi mayelana ni ku lawula kumbe ku tshungula vuvabyi bya swifuwo na swihanya hi swin'wana, xinawana xihi ni xihi, xileriso kumbe ndzeriso lowu endliweka kumbe tsariwa, n'winyi wa misava leyi eka yona swifuwo swi kumekeke swi ri karhi swi fohla a nga ha:
- (a) rhumela swifuwo swo tano eka xikiti xin'wana na le kusuhi, laha ku fambafamba ka swifuwo swo tano ku nga kanetaniki ni makungu ya xinawana lexi vuriwaka kumbe xinawana xihi ni xihi xo tano, xileriso kumbe ndzeriso; kumbe

- (b) khoma swifuwo ku fikela loko swifuwo swi susiwa swi ya eka xikiti xa le kusuhi kumbe ku fikela ko tano laha swifuwo hi mukhuva wihi ni wihi swi nga herisiwaka ehansi ka xinawana lexi vuriwaka kumbe xinawana xihi ni xihi, xileriso kumbe ndzeriso.
- (4) Loko swifuwo swihi ni swihi leswi fohlaka:
 - (a) swi vheleta, vabya kumbe vavisekile laha ku pfaleriwa ka swona swi nga vangaka khombo; kumbe
 - (b) fohla eka misava leyi nga ku tlula 30 wa tikhilomitara hi ndlela yo tsemakanya ku suka eka xikiti xa le kusuhi, ku khomiwa ku fenele ku mangaririwa ku nga si hela 48 wa tiawara eka Xitici xa Maphorisa xa le kusuhi naswona ku vikiwa eka Nhloko ya Ndzawulo ku nga si hele nkombo wa masiku.
- (5) Mbhonghola leyi pfaleriweke yi nga ha herisiwa hi mukhuva lowu vekiweke.

Ku phamela swifuwo leswi pfaleriweke

- 11. (1) Muhlayisi wa xikiti kumbe munhu wihi ni wihi loyi a pfumeleriweke hi ku landza Nawu lowu ku pfalela swifuwo u fanele ku phamela swifuwo leswi pfaleriweke.
- (2) Ku durheriwa ka ku phamela swifuwo leswi pfaleriweke ku fanele ku vuyisiwa hi ku landza makungu ya Nawu lowu.

Vuxokoxoko mayelana na ku pfaleriwa ka swifuwo

- 12. Munhu wihi ni wihi loyi a nyiketaka ku pfaleriwa ka swifuwo eka Mufambisi wa xikiti, u fanele xikan'we, a nyiketa eka Mufambisi wa xikiti wo tano:
 - (a) vito na kherefu swa munhu loyi a nyiketaka swifuwo, n'winyi wa misava laha swifuwo swi nga kumeka swi ri karhi swi fohla, naswona n'winyi wa swifuwo, loko a tiveka;
 - (b) vito ra ndhawu laha swifuwo swi nga kumeka swi ri karhi swi fohla;

- (c) xikombeto xa matshamele ya timhaka laha swifuwo swi nga kumeka kona na hambu swifuwo a swi ri endhawini leyi yi khumbhekaka, leswi kanetanaka na nawu wihi ni wihi; na
- (d) vuxokoxoko bya ku onhekelwa kwihi ni kwihi loku ku nga vangiwa hi swifuwo.

Ku hakeriwa ka tihakelelo ta vutleketli

13. Mufambisi wa xikiti loyi a pfalelaka swifuwo, u fanela ku hakela tihakelelo ta vutleketli leti ti bohiweke eka munhu loyi a tisaka swifuwo.

Ndziriso wa ku onhiwa ka swimila emisaveni

14. Loko swifuwo swi fohla hi le misaveni swi vanga ku onheka kiwhi ni wihi eka swimila eka misava yo tano-
- (a) n'winyi wa swifuwo swo tano u na nandzu eka n'winyi wa misava ku hakela ndziriso hi tlhelo ra ku onheka loku ku nga vangiwa;
 - (b) ku onheka na ndziriso swi nga ha bohiwa hi n'winyi wa swifuwo swo tano na n'winyi wa misava hi ku ringanana, kumbe loko swi tsandzile ku fikelela ntwanano, Mufambisi wa Masipal wa ndhawu leyi misava yi nga eka yona u fenele a boha leswaku ntsenga wa ku onhiwa wa hakeriwa;
 - (c) n'winyi wa swifuwo u fanela hi nkarhi wo twisiseka ku hakela eka n'winyi wa misava, ndziriso lowu wu nga bohiwa hi ku landza ndzimana ya (b);
 - (d) swifuwo a swi fanelanga ku humesiwa ku fikela ntsengo hinkwawo lowu wu fanelaka ku hakeriwa wu va wu hakeriwile eka Mufambisi wa xikiti;
 - (e) laha ndziriso lowu wu vuriwaka eka ndzimanyana ya (c) wu bohiwa hi Mufambisi wa Masipala:

- (i) ndziriso, hakelo ya swiengetelo na timali ta maendzo leti vekiweke, swi fanele ku hakeriwa eka Mufambisi wa Masipala; na
- (ii) n'winyi wa misava u fanele ku nyika Mufambisi wa xikiti, setifikheti hi Mufambisi wa Masipala kumbe nhloko ya ndhavuko ya ndhawu, a kombisa ntsengo wa ndziriso, swiengetelo na tihakelo leswi swi hakelekaka hikwalaho ka ku onhiwa.

Ku ntshunxiwa ka swifuwo leswi swi nga pfaleriwa

15. (1) Mufambisi wa xikiti u fanela ku humesa swifuwo swihi ni swihi leswi swi nga pfaleriwa loko:
- (a) a komberiwa hi n'winyi kumbe muyimeri loyi a nga pfumeleriwa hi n'winyi wa swifuwo swo tano eka ku hakeriwa hi ku hetiseka ka mali, tihakelela na ndziriso lowu wu nga fanela, hi tlhelo ra swifuwo swo tano, hi ku landza Nawu lowu; na
 - (b) munhu loyi a tivulaka n'winyi wa swifuwo leswi swi nga pfaleriwa kumbe muyimeri loyi a nga pfumeleriwa hi n'winyi wa swifuwo swo tano hi ku tirhisa matsalwa na kumbe mimfungho ehenhla ka swifuwo ku enetisa Mufambisi wa xikiti.
- (2) Loko n'winyi wa swifuwo leswi swi nga pfaleriwa kumbe muyimeri wa n'winyi loyi a nga pfumeleriwa a kombela Mufambisi wa xikiti ku humesa swifuwo kambe a tsandzeka ku hakela hi ku hetiseka, timali hinkwato, tihakelelo na ndziriso hi ku landza Nawu lowu, Mufambisi wa xikiti u fanela khoma nomboro ya swifuwo leswi swi nga pfaleriwa tani hilaha swi nga ha va swi ri mavonele ya Mufambisi wa xikiti, swi ringanile ku tiyisisa ku hakeriwa ka mali yo tano, tihakelo naswona u fanele ku humesa swifuwo swo tano leswi swi nga sala.

- (3) N'winyi wa swifuwo leswi swi nga pfaleriwa u fanele ku hakela eka Mufambisi wa xikiti-
- (a) ku vuyerisa Masipala loyi a khumbhekaka kumbe ku endlela Mfumo tani hilaha mhaka yi nga va yiri hakona:
- (i) hakelo ya xikiti leyi yi nga vekiwa,
 - (ii) hakelo ya nyiketa leyi yi nga vekiwa,
 - (iii) hakelo ya vutleketli leyi yi nga vekiwa,
 - (iv) ntsengo lowu wu lavekaka wa dibi, ku tota, tshungula na ku fafazeriwa ka swifuwo swo tano leswi swi nga pfaleriwa; na
 - (v) tihakelo hinkwato ta vunavetisi leti ti nga vangiwa hi Mufambisi wa xikiti loko swifuwo swo tano swi humesiwa endzhaku ka ku navetisiwa ka fandisi ya xikiti;
- (b) ku vuyerisa n'winyi wa misava laha swifuwo swi nga kumeka swi ri karhi swi fohla kona:
- (i) hakelo yo fohla leyi yi nga vekiwa; na
 - (ii) ndziriso wa ku onhiwa loku ku nga vangiwa;
- (c) ku vuyerisa Masipala, swiengeteloo na tihakelo leti ti nga vekiwa.

Ku navetisa na nxaviso wa swifuwo hi fandisi ya mani na mani

16. (1) Loko swifuwo leswi swi nga pfaleriwa swi nga humesiwi ku nga si hela 21 wa masiku ku sukela siku ro swi pfalela, Mufambisi wa xikiti u fanele, hi ku pfumeleriwa hi Nhloko ya Ndzawulo kumbe Mufambisi wa Masipala tani hilaha mhaka yi nga va yi ri hakona, na hi xitiviso hi xivumbeko lexi xi nga vekiwa, endla vunavetisi bya nchipiso lowu nga kunguhatiwa wa swifuwo swo tano hi fandisi ya mani na mani.

- (2) Mufambisi wa xikiti u fanele:
- (a) ku endla vunavetisi:
- (i) kwalomu ka nkombo wa masiku ku nga se fika fandisi ya mani na mani yo tano;
 - (ii) eka xikiti lexi xi khumbhekaka kumbe endhawini ya le kusuhi na fandisi;
 - (iii) eka Gazete hi tindzimi ta ximfumo leti ti tirhisiwaka eka Xifundzankulu; na
 - (iv) eka phepha-hungu leri ri rhendzelekaka endhawini laha xikiti lexi xi khumbhekaka xi nga kona, hi kwalomu ka tindzimi timbhirhi ta ximfumo.
- (b) ku yisa kopi ya xitiviso xo tano eka Xitici xa Maphorisa ya le kusuhi na le ka Mufambisi wa xikiti xin'wana na xin'wana eka ndhawu ya xirhendzevutana xa 30 wa tikhilomitara ku suka eka xikiti lexi xi khumbhekaka.
- (c) Namharheta kopi ya xitiviso xo tano eka bodo ya switiviso eka xikiti lexi xi khumbhekaka na le hofisini ya Nhloko ya Ndzawulo.
- (3) Swifuwo hinkwaswo leswi swi nga nyiketiwa eka nchipiso eka fandisi ya mani na mani hi ku landza Nawu lowu, swi fanele ku xavisiwa hi mali handle ka ku vekela un'wana, eka muxavi loyi a humesaka mali yo tala.
- (4) Hambiloko ku ri na swin'wana leswi kanetaka eka nawu wihi ni wihi, a ku na layisense leyi yi faneleke ku laviwa hi mayelana na fandisi ya mani na mani leyi yi nga endliwa hi ku landza Nawu lowu.

Matimba ya Vamasipala hi mayelana na swifuwo leswi nga ringanelangiki ku pfaleriwa.

17. (1) Loko ku pfaleriwa ka swifuwo ku vikiwile eka Mufambisi

wa Masipala kumbe Nhloko ya Ndzawulo, tani hilaha mhaka yi nga ha va yi ri hakona, Mufambisi wa Masipala kumbe Nhloko ya Ndzawulo a nga ha lerisa leswaku:

- (a) swifuwo swi susiwa swi yisiwa eka xikiti lexi xi nga hlawuriwa eka Mufambisi wa xikiti hi Mufambisi wa Masipala kumbe Nhloko ya Ndzawulo;
 - (b) swifuwo swo tano swi xavisiwa hi hi fandisi ya mani na mani leyi yi nga vekiwa hi Mufambisi wa Masipala kumbe Nhloko ya Ndzawulo; kumbe
 - (c) swifuwo swo tano swi xavisiwa hi thendara hi mukhuva lowu wu nga vekiwa.
- (2) Hakelo ya vutleketli leyi yi nga vekiwa ya hakeleka hi tlhelo ro susiwa ka swifuwo ku ya eka xikiti hi ku landza xileriso lexi xi nga endliwa ehansi ka xiyengenyana xa (1).

Matimba ya Vamasipala loko ku nga vangi na loyi a nga xava swifuwo efandisini ya xikiti

18. (1) Loko swifuwo swi nga xaviwi hi bukuto eka fandisi ya mani na mani, Mufambisi wa xikiti loyi a khumbhekaka u fanele ku nyika xiviko xo tsariwa eka Mufambisi wa Masipala, a kombisa nhlayo, muxaka na nkoka wa swifuwo swo tano.
- (2) Ehenhleni ko kuma xiviko lexi vuriwaka eka xiyengenyana xa (1), Vafambisi va Masipala va nga ha lerisa leswaku swifuwo swo tano:
- (a) swi xavisiwa hi fandisi ya mani na mani eka bukuto wa xikiti lowu landzelaka;
 - (b) swi xavisiwa hi thendara hi mukhuva lowu wu nga vekiwa; kumbe
 - (c) swi xavisiwa handle ka vulawuri.

Ku kokiwa ka timali, ku durheriwa, swiengetelo na mindziriso ku suka eka mali ya bukuto ya xikiti

19. (1) Loko swifuwo swihi ni swihi leswi swi nga xavisiwa eka fandisi ya mani na mani ehansi ka makungu ya Nawu lowu, Mufambisi wa xikiti u fanele hi tlhelo ra swifuwo swo tano, koka eka xikhwama xa bukuto wa fandisi, timali hinkwato, tihakelo, swiengetelo na ndziriso lowu wu kumekaka hi ku landza Nawu lowu, hi maendlele lawa ya landzelaka:

(a) ku endlela ku vuyeriwa ka Masipala lowu wu khumbhekaka kumbe Mfumo, tani hilaha mhaka yi nga va yi ri hakona:

- (i) mali ya xikiti leyi yi nga vekiwa;
- (ii) mali yo thendara leyi yi nga vekiwa;
- (iii) mali ya vutleketli leyi yi nga vekiwa;
- (iv) hakelo ya dibi, ku hlayisa, ku tlavela, ku tshungula kumbe ku fafazela, loku ku nga vangiwa hi mayelana na xitoko lexi xi khumbhekaka;
- (v) hakelo ya xinavetiso hi mayelana na fandisi;
- (vi) tihakelelo ta maendzo ta Mufambisi wa xikiti hi ku landza tihakelo leti ti nga vekiwa, loko fandisi yo tano a yi endleriwile endhawini yin'wana handle ka le xikitini;
- (vii) ntsengo lowu wu ringanaka na 6% ya nxavo, tani hi hakelelo ya fandisi;

(b) swiengetelo swa maendzo leswi swi nga vekiwa na timali ta ndziriso eka Masipala loyi a khumbhekaka;

(c) hi ku ririsa n'winyi wa misava laha swifuwo swi nga fohlela kona-

- (i) hakelo yo fohla leyi yi nga vekiwa;
- (ii) ndziriso wo ku onhiwa loku ku nga vangiwa;
- (iii) timali ta vutleketli.

- (2) Ku suka eka mali ya bukuto wa fandisi yihi ni yihi, Mufambisi wa xikiti u fanele ku koka ntsengo wo ringana na 50 wa tiphesente wa mali yi xikiti leyi yi nga vekiwa na mali ya thendara naswona u fanela ku hakela ntsengo wo tano eka n'winyi wa misava laha swifuwo swi nga khomiwa kona.
- (3) Ndzingano lowu wu nga kumiwa endzhaku ka ku koka timali hinkwato, swiengetelo, tihakelelo na ndziriso lowu wu vuriwaka eka xiyengenyana xa (1), ku suka eka mali fandisi yihi ni yihi leyi yi nga endliwa hi ku landza Nawu lowu, yi fanele ku engeteriwa eka Masipala kumbe Mfumo, tani hilaha mhaka yi nga ha va yi ri hakona.

N'winyi wa swifuwo leswi xavisiweke a nga ha londza mali ya fandisi ya xikiti

20. Mufambisi wa xikiti loyi a nga xavisa swifuwo hi fandisi ya mani na mani hi ku landza Nawu lowu a nga ha:
- (a) loko n'winyi wa swifuwo leswi swi nga xavisiwa a endla xikombelo xa kona ku nga si hela 12 wa tinhweti ta fandisi; na
- (b) ehenhleni ka ku nyikiwa ka vumbhoni byo enetisa bya vun'winyi hi tlhelo ra swifuwo; lerisa leswaku ndziriso wo ringana na mali leyi nga si hakeriwa leyi vuriwaka eka xiyenge xa 19(3), wu hakeriwa eka n'winyi hi Masipala kumbe hi Mfumo, tani hilaha mhaka yi nga vaka yi ri ha kona.

Ku aleriwa ka ku xanisiwa ka swifuwo leswi nga pfaleriwa

21. A ku na munhu loyi a pfumeleriwaka hi mukhuva wihi ni wihi ku tirhisa kumbe ku xanisa swifuwo leswi swi nga pfaleriwa endzeni kumbe ehandle ka xikiti kumbe ku yisiwa eka xikiti xihi ni xihi hi ku landza Nawu lowu.

Ku funghiwa ka swifuwo leswi swi nga pfaleriwa

22. Swifuwo hinkwaswo leswi swi nga pfaleriwa swi nga xavisiwa hi fandisi ya mani na mani hi ku landza Nawu lowu, swi fanele ku funghiwa hi mukhuva lowu wu nga vekiwa, loko swi nga se susiwa eka xikiti.

Ku khomiwa kumbe pfaleriwa ka swifuwo ko ka ku nga ri enawini

23. A ku na munhu loyi a nga pfumeleriwa ku pfalela kumbe ku khoma swifuwo swihi ni swihi handle ka hi ku landza Nawu lowu.

Ku pfaleriwa ka swifuwo swo yiviwa

24. (1) Mufambisi wa Masipala a nga ha, hi ku tsala ,lerisa
Mufambisi wa xikiti ku khoma swifuwo,leswi swi ehleketeleriwa ku va swi yiviwile kumbe ku va ku ri na vumbhoni leswaku swi yiviwile, exikitini.
- (2) Swifuwo leswi swi nga khomiwa hi ku landza xiyengenyana xa (1) a swi fanelanga ku humesiwa, handle ka loko Nhloko ya Ndzawulo, hi ku tsala, a lerisa ku humesiwa ka swifuwo swo tano.
- (3) Timali leti vekiweke na tihakelo, hi tlhelo ra swifuwo leswi swi vuriwaka eka xiyengenyana xa (1), swi fanele ku hakeriwa hi munhu loyi swifuwo swi humeseriwaka yena.
- (4) Loko mali na tihakelo leti ti vuriwaka eka xiyengenyana xa (3) ti nga hakeriwi, swifuwo swi fanele ku tirhaniwa na swona tani hilaha swi nga vekiwa hakona.

KAVANYISA KA IV**MAKUNGU HI KU ANGARHELA****Ntirho wo veka tihlo wa Ndzawulo**

25. (1) Ndzawulo yi fanele ku veka tihlo na ku seketela vamasipala eka timhaka ta swikiti hi ku ya hi matimba ya vona,
- (2) Xirho xa Huvonkulu a nga ha boha hi ntirho wa varhangeri va ndhavuko eka timhaka ta swikiti eka Xifundzankulu.

Ku nyikiwa ka matimba

26. (1) Xirho xa Huvonkulu a nga ha nyika, hi ku tsala, eka Nhloko ya Ndzawulo kumbe vafambisi va Masipala, matimba waha ni waha lawa ya nga haverisiwa Xirho xa Huvonkulu hi Nawu lowu, handle ka matimba lawa ya fambelanaka na ku endliwa ka swinawana.
- (2) Nhloko ya Ndzawulo a nga ha, nyika matimba eka Vafambisi va Masipala, hi ku tsala, ku tirhisa matimba waha ni waha lawa ya nga haverisiwa Nhloko ya Ndzawulo hi Nawu lowu, handle ka mitimba lawa ya nga nyikiwa Nhloko ya Ndzawulo hi Xirho xa Huvonkulu.

Swinawana

27. (1) Xirho xa Huvonkulu a nga ha endla swinawana mayelana na:
- (a) swilaveko hi mayalana na ku dzimiwa na ku hlayisiwa ka swikiti;

- (b) xivumbeko xa rhejistara yihi ni yihi, xitiviso kumbe xikumiwa lexi xi fanelaka ku hlayisiwa, ku nyikiwa, ku kandziyisiwa kumbe ku humesiwa ehansi ka Nawu lowu, vuxokoxoko lebyi byi fanelaka ku ngenisiwa eka rhejistara yo tano na timali leti ti hakelekaka ku endlela ku kambelriwa;
 - (c) mali ya vutleketli leyi yi hakelekaka eka munhu wihi ni wihi loyi a fambisaka swifuwo ku ya eka xikiti xihi ni xihi;
 - (d) mali yo thendara leyi yi hakelekaka eka Mufambisi wa xikiti kumbe munhu loyi a khomaka swifuwo;
 - (e) mali leyi yi hakelekaka eka Mufambisi wa xikiti;
 - (f) swiengetelo swa maendzo na timali leti ti hekelekaka eka munhu wihi ni wihi loyi swifuwo swi fohleleke ehenhla ka misava ya yena na tihakelelo ta maendzo ya Mufambisi wa xikiti laha fandisi yi nga khomeriwa kona endhawini yin'wana handle ka le xikitini;
 - (g) mukhuva lowu swifuwo swi faneleke ku xavisiwa hi wona hi fandisi ya mani na mani;
 - (h) ku funghiwa ka swifuwo leswi swi nga khomiwa leswi swi fanelake ku xavisiwa eka fandisi ya mani na mani;
 - (i) mukhuva lowu ha wona timbhongholo leti ti nga khomiwa, leti ti nga humesiwangiki ku nga si hela nkombo wa masiku, ku fanelake ku tirhaniwa na tona;
 - (j) mimbuyelo leyi yi faneleke ku nyikiwa hi Mufambisi wa xikiti; na
 - (k) mhaka yihi ni yihi leyi hi ku landza Nawu lowu, yi voniwaka ku va yi vekiwile hi xinawana kumbe leyi Xirho xa Huvonkulu a nga ha vonaka yi laveka kumbe ku boha ku yi veka ku fikelela swikongomelo swa Nawu lowu.
- (2) Swinawana leswi swi nga endliwa hi ku landza xiyengenayana xa (1) swi nga ha veka nxupulo wa ku tlula nawu.

Milandzu na minxupulo

28. Munhu wihi ni wihi loyi:

- (a) a tlulaka nawu kumbe ku tsandzeka ku landzelela makungu ya Nawu lowu;
- (b) a alaka, sivelaka, kanganyisaka kumbe a mbeyetelaka Mufambisi wa xikiti eku tirhiseni ka matimba ya Mufambisi wa xikiti kumbe timfanelo hi ku landza Nawu lowu; kumbe
- (c) hi ku swi tiva na hi xikongomelo xo xisa, a nyikaka mhaka ya mavunwa kumbe vuxokoxoko eka Mufambisi wa xikiti hi mayelana na—
 - (i) swifuwo kumbe vito na kherefu ya n'winyi wa swifuwo leswi swi nga pfaleriwa kumbe swifuwo leswi swi nga nyiketiwa ku pfaleriwa; kumbe
 - (ii) misava kumbe vito na kherefu ya n'winyi wa misava laha swifuwo swi nga kumeka swi fohlele kona;

u fanele ku va ni nandzu wo tlula nawu naswona u ta khotsiwa, ndhwalo wo hakela ndziho kumbe ku khomiwa ku ringana nkarhi wo ka wu nga hundzi tsevu wa tin'wheti, kumbe ha swimbirhi ku hakela ndziho na ku pfaleriwa.

Ku herisa milawu

29. Milawu leyi yi nga kombisiwa eka Xedulu ya herisiwa.

Makungu ya nkarhinyana

30. Xin'wana na xin'wana lexi xi endliwaka hi moya wa kahle enhansi ka kungu ra nawu lowu wu nga herisiwa hi Nawu lowu, kumbe ku voniwa xi endliwile kahle ehansi ka nawu lowu wu nga herisiwa, xi tekiwa tani hiloko xi endliwile hi ku landza makungu ya Nawu lowu.

Nhloko-mhaka hi ku komisa na ku sungula ku tirha

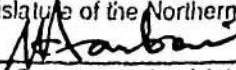
31. Nawu lowu wu vitaniwa Nawu wa Swikiti wa Xifundzankulu xa N'walungu, 2002 naswona wu sungula ku tirha hi siku leri ri nga bohiwa hi Holobyenkulu hi xitivisa-nawu eka *Gazete* ya Xifundzankulu.

XEDULU

MILAWU LEYI YI NGA HERISIWA

NOMBORO LEMBE RA NAWU	NA NHLOKO-MHAKA HI KU KOMISA	LAHA WU NGA HERISIWA KU FIKELA KONA
Nawu aa 13 wa 1972	Nawu wa Swikiti, 1972	Hinkwawo
Nawu wa 5 wa 1973	Nawu wo Hundzuluxa wa Swikiti, 1973	Hinkwawo
Nawu wa 8 wa 1976	Nawu wa Swikiti wa Gazankulu, 1972	Hinkwawo
Nawu wa 80 wa 1990	Nawu wa Swikiti wa Lebowa, 1990	Hinkwawo
Nawu wa 6 wa 1976	Nawu Swikiti wa Venda, 1976	Hinkwawo
Nawu wa 5 wa 2000	Nawu wa Mfumo wa Ndhawu wo Lulamisa Milawu wa Xifundzankulu xa N'walungu, 2000	Xiyenge xa 2(b)

Certified correct as passed by the
Legislature of the Northern Province


Secretary to Legislature

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

Nco. 5

11 Oktobere 2002

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimošetšo ya

Kaonafatšo:—

Nco. 3 wa 2002: Molao wa Dikete wa Profense ya Leboa, 2002.

MOLAO

Go beakanyetša taolo ya merero ya sekete ka gare ga Profense; kaonafatšo ya molao wa dikete wo o aroletšwego go Profense; le go beakanyetša mabaka ao a amanago le tše.

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka la 20 Setemere 2002)*

GO BEWA MOLAO ke Lekgotlapeamelao la Profense ya Leboa, ka mo go latelago:-

PEAKANYO YA MOLAO

KGAOLO 1

TLHATHOLLO YA MOLAO

Karolo

1. Ditlhalošo

KGAOLO II

TLHOMO, TAOLO LE PHEDIŠO YA DIKETE

2. Tlhomo ya Dikete
3. Taolo le tlhokomelo ya Dikete tša Masepala
4. Phedišo ya Dikete
5. Mabaka a tšhutišetšo ya Dikete
6. Go agwa le go hlokomelwa ga Dikete
7. Peo ya Molaolasekete
8. Mediro ya Molaolasekete

- (b) leporogo goba letšibogo lefe le lefe leo le phuleletšago ka tsela yeo mokgotha goba tsela efe le efe yeo;
- (c) sebopego sefe goba sefe goba seo e lego karolo ye e amanago le goba e lego ya tsela, mokgotha goba mokgolokgotha woo;

KGAOLO II

TLHOMO, TAOLO LE PHEDIŠO YA DIKETE

Tlhomo ya dikete

2. MEC a ka, ka tsebišo ka go *Kuranta* –

- (a) ka kgopelo ya masepala, hlamela masepala woo, sekete se tee goba tše ntši tša Masepala;
- (b) mo lefelong lefe le lefe leo MEC a bonago le le maleba, ka go lebelela dinyakwa tša setšhaba, hlama sekete sa Mmušo se tee goba tše ntši;
- (c) ka kgopelo ya masepala ofe goba ofe, fetišetša go masepala woo, sekete sefe goba sefe sa Mmušo seo se beilwego mo lefelong la tikologosemolao ya masepala.

Taolo le tlhokomelo ya Dikete tša Masepala

3. Ge MEC a kgotsofetše gore sekete sa masepala ga se laolwe goba go hlokomelwa ka tshwanelo, MEC a ka:

- (a) ntšha ditaelo go Masepala bjalo ka ge MEC a ka bona go le maleba mabapi le taolo le tlhokomelo ya sekete seo; goba
- (b) ka tsebišo ka go *Kuranta*, fetoša sekete seo gore e be sekete sa Mmušo go tloga ka tšatšikgwedi yeo e laeditšwego ka go tsebišo, yeo e swanetšego go ba bonnyane matšatši a 90 morago ga tšatšikgwedi ya tsebišo yeo; goba
- (c) ka kgopelo ya Masepala, fetoša sekete sa masepala goba sekete sa Mmušo go tloga ka tšatšikgwedi yeo e laeditšwego ka go tsebišo, yeo e swanetšego go ba bonnyane matšatši a 90 morago ga tšatšikgwedi ya tsebišo yeo;

Phedišo ya Dikete

4. (1) MEC a ka, ka tsebišo ka go *Kuranta*, fediša sekete sefe le sefe seo go ya ka kgopolo ya MEC se:
- (a) beilwego lefelong le e sego la maleba;
 - (b) se se se nago mohola; goba
 - (c) se sa dirago mošomo wa sona wo se o diretšwego.
- (2) Phedišo ya dikete ka fase ga karolwana (1) e swanetše go ya ka mabaka ao a laetšwago ke MEC ka therišano le Leloko la Lekgotlaphethišo leo le lebanego le merero ya ditšhelete ka gare ga Profense.

Mabaka a tšhutišetšo ya dikete

5. Tšhutišetšo ya sekete sefe le sefe sa Mmušo go Masepala e swanetše go ya ka mabaka ao a laetšwago ke MEC, ka therišano le Leloko la Lekgotlaphethišo leo le lebanego le merero ya ditšhelete ka gare ga Profense.

Go agwa le go hlokomelwa ga dikete

6. (1) Sekete sefe le sefe seo se hlongwago goba go bonwago se hlomilwe go ya ka Molao wo, se swanetše go agwa le go hlokomelwa:
- (a) ke Masepala yo a swanetšego, ge go le sekete sa masepala, go tšwa go ditšhelete tšeo di lekanyeditšwego morero wona woo ke masepala; goba
 - (b) ke Kgoro ge e ba ke sekete sa Mmušo, go tšwa go ditšhelete tšeo di lekanyeditšwego morero wona woo ke Lekgotlapeamelao la Profense.
- (2) Sekete sefe le sefe:
- (a) se swanetše go agwa le go fetšwa go kgotsofatša MEC, mo matšatšing a 90 a tšatšikgwedi ya tlhomo ya sona;
 - (b) se swanetše go hlangwa ke palo ya dihoko:
 - (i) bjalo ka ge go ka ba maleba go hlaola leruo leo le hlasetšwego ke bolwetši ka thoko;

- (ii) bjalo ka ge go ka ba maleba go hlaola leruo la botshadi le botona thoko; goba
 - (iii) bjalo ka ge MEC a ka bona go le maleba, ka go lebelela maemo ka go lefelo leo le amegago goba dinyakwa tša mo sekete seo se amegago;
 - (c) se swanetše ka mo se ka kgonago go bewa moo go se nago tlhaselo ya bolwetši; ebile
 - (d) se swanetše go sepelelana le dinyakwa ka moka tšeo di kgethilwego malebana le kago le tlhokomelo ya dikete.
- (3) Ge kago ya sekete sa masepala e sa fetšwa go kgotsofatša MEC, MEC a ka, morago ga matšatši a a šupago a tsebišo ya go ngwalwa go masepala wo o lebanego, laela gore Kgoro e tšee sekete seo bjalo ka sekete sa Mmušo le go feleletša kago yeo.

Peo ya Molaolasekete

7. (1) MEC o swanetše go bea Molaolasekete go sekete sefe le sefe sa Mmušo.
- (2) Masepala o swanetše go bea Molaolasekete go sekete sefe le sefe sa Masepala yo a swanetšego ka mo go kgonegago go ba mošomi wa Masepala woo.
- (3) MEC goba masepala a ka, bea Molaolasekete o tee wa dikete tše pedi goba go feta tša Mmušo goba tša Masepala.
- (4) Molaolasekete wa motšwaoswere a ka bewa, ge Molaolasekete ka mabaka a itšego a se gona, a palelwa ke go phethagatša mediro ya Bolaolasekete goba ge sekgoba sa Bolaolasekete se bulegile ka mabaka a itšego.
- (5) Motlatša Molaolasekete o tee goba ba bantši ba ka bewa go thuša Molaolasekete mo go phethagatšo ya mediro ya Bolaolasekete.
- (6) Molaolasekete wa motšwaoswere le Motlatša Molaolasekete ba swanetše go diriša maatla a bona ka moka le go phethagatša mediro le mešomo ka moka yeo ba e filwego goba ba e aroletšwego Molaolasekete ke Molao wo.

Mediro ya Molaolasekete

8. Molaolasekete o swanetše:

- (a) amogela leruo ka moka leo le tlišitšwego go hlahlwa go ya ka dipeakanyetšo tša Molao wo;
- (b) fa motho yo mongwe le yo mongwe yo a tlišitšego leruo la go hlahlwa, rasiti ya semmušo ye e laetšago –
 - (i) palo le mehuta ya leruo leo le tlišitšwego;
 - (ii) lebaka la gore ke ka baka la eng leruo le tlišitšwe, leo le laetšago tshenyoye e latofatšwego, ge e le gona, yeo e dirilwego ke leruo leo;
 - (iii) ditshwanelo tša dikgobalo tše di bonagalago tša leruo leo le tlišitšwego;
 - (iv) leina le aterese ya-
 - (aa) mongmabu yoo leruo le hweditšwego le senya go yona;
 - (bb) mong, ge a tsebega, wa leruo leo le tlišitšwego; le
 - (cc) motho yo a tlišago leruo;
- (c) go tloga fao, ka tsela yeo Molaolasekete a ka, go bona go kgonega, tsebiša mong wa leruo leo le thopilwego, ge leina la mong le aterese di tsebja ke Molaolasekete;
- (d) bega taba efe le efe ya tshwaetšo ya bolwetši yeo a e belaelago go mohlalobi wa leruo goba go Setiši sa Maphodisa sa kgauswi le go bea leruo leo le hlasetšwego ke bolwetši ka go dikampana tšeo di diretšwego morero wo;
- (e) boloka ka ofising ya Sekete, go ukamelwa ke setšhaba, khopi ya Molao wo le melawana ka moka yeo e diritšwego ka fase ga wona, ka maleme ka moka a Profense;
- (f) boloka ka ofising ya Sekete, retšisetara ka foromo ye e kgethilwego yeo ditshwanelo tše di kgethetšwego di swanetšego go tsenywa le gore di swanetše ka dinako ka moka di dumelelwe go hlallobja ke leloko lefe le lefe la setšhaba morago ga go lefa tšhelete ye e beilwego;
- (g) tliša dipelo tšeo di kgethetšwego;
- (h) diriša maatla le go phethagatša mediro le mešomo yeo bjalo ka ge e ka fiwa goba ya arolelwa Molaolasekete ke Molao wo; le
- (i) phethagatša mediro ye mengwe le mešomo bjalo ka ge Masepala, Hlogo ya Kgoro, Mohlahlobi wa Leruo, Ngaka ya Diphoofolo goba mohlankedi yo mongwe le yo mongwe yo a hlaletšwego se ke Hlogo ya Kgoro a ka, nako le

Phepo ya leruo leo le hlahletšwego

11. (1) Molaolasekete goba motho yo mongwe le yo mongwe yo a dumeletšwego go ya ka Molao wa go hlahlela leruo, o swanetše go fepa leruo leo le hlahletšwego.
- (2) Ditshenyegelo tša go fepa leruo leo le hlahletšwego di swanetše go hwetšwa go ya ka dipeakanyetšo tša Molao wo.

Ditshwanelo mabapi le go hlahlelwa ga leruo

12. Motho yo mongwe le yo mongwe yo a tlišitšego leruo go Molaolasekete go hlahlelwa, o swanetše ka nako yona yeo, go fa Molaolasekete:
- (a) leina le aterese ya motho yoo a tlišitšego leruo, mong wa naga yoo leruo le hweditšwego le senya le mong wa leruo ge a tsebega;
- (b) leina la lefelo leo leruo le hweditšwego le senya;
- (c) taetšo ya mabaka ao leruo le hweditšwego le ge e ba leruo le be le le lefelong leo le amegago, go thulana le molao ofe goba ofe; le
- (d) ditshwanelo tša tshenyegelo efe goba efe yeo e dirilwego ke leruo.

Tefo ya ditshenyegelo tša senamelwa

13. Molaolasekete yo mongwe le yo mongwe yo a hlahlelago leruo, o swanetše go lefa ditšhelete tše di kgethetšwego tša senamelwa go motho yo a tlišago leruo.

Tidišo ya tshenyo ya dibjalo mo nageng

14. Ge leruo leo le senyago mo nageng le hlola tshenyegelo efe goba efe ya dibjalo mo nageng yeo –
- (a) mong wa leruo leo o swanetše go fa mongmabu tidišo mabapi le tshenyegelo yeo e hlotšwego;
- (b) tshenyegelo le tidišo di ka laetšwa ke bobedi mong wa leruo leo le mongmabu, goba ge mongmabu a ka kgopela, Molaodi wa Masepala wa tikologo yeo mabu a lego ka gare ga yona o tla laetša bogolo bja ditshenyegelo tše di swanetšego go lefelwa;

- (c) mong wa leruo o swanetše gore nako ye e sa fetšego pelo a lefe mongmabu, tidišo yeo e laetšwago go ya ka temana (b);
- (d) leruo ga la swanelwa go lokollwa go fihla ge tefo ye e feleletšego e lefelwa Molaolasekete;
- (e) moo tidišo ye go bolelwago ka yona ka go karolwana (c) a laetšwago ke moetapele wa setšo goba hlogo ya setšo –
 - (i) tidišo, tefo ya ditšhelete tšeo di kgethetšwego diputseletšo tša senamelwa le ditšhelete di swanetše go dirwa go Molaodi wa Masepala; le
 - (ii) mongmabu o swanetše go fa Molaolasekete, sethifikheiti sa moetapele wa setšo goba hlogo ya setšo wa lefelo leo, seo se laetšago palo ya tidišo, diputseletšo le ditšhelete tšeo di lefelwago ka lebaka la tshenyegelo.

Go lokollwa ga leruo leo le hlahletšwego

15. (1) Molaolasekete o swanetše go lokolla leruo ge a:
- (a) kgopelwa ke mong goba moemedi yo a dumeletšwego yo a filwego maatla wa mong wa leruo leo ka ntle ga go lefa ka botlalo ditšhelete, ditshenyegelo le diputseletšo ka moka tšeo di kolotwago, mabapi le leruo leo, go ya ka Molao wo; le
 - (b) motho yo a rego ke yena mong wa leruo leo le thopilwego goba moemedi yo a bontšhago go ba mong wa leruo leo ka tsela ya ditokumente le goba maswao mo lruong leo go kgotsofatša Molaolasekete.
- (2) Ge mong wa leruo leo le hlahletšwego goba moemedi yo a dumeletšwego wa mong a kgopela Molaolasekete go lokolla leruo eupša a palelwa ke go lefa ka botlalo, ditšhelete, ditshenyegelo le diputseletšo ka moka tšeo di kolotwago go ya ka Molao wo, Molaolasekete o swanetše go swara palo ya leruo leo le hlahletšwego bjalo ka ge go ya ka kgopolo ya Molaolasekete, go le maleba go netefatša tefelo ya tšhelete, ditshenyegelo le ditšhelete le gore a lokolle leruo leo le šetšego.
- (3) Mong wa leruo leo le hlahletšwego o swanetše go lefa Molaolasekete:

- (a) go thuša Masepala wo o swanetšego goba go thuša Mmušo go ya ka gore go swanetše bjang-
 - (i) tšhelete yeo e kgethetšwego ya sekete,
 - (ii) tšhelete yeo e kgethetšwego ya phepo,
 - (iii) tšhelete yeo e kgethetšwego ya senamelwa,
 - (iv) tšhelete yeo e kolotwago ya go tipa, apeša, alafa le go gaša leruo leo le hlahletšwego; le
 - (v) ditshenyegelo ka moka tša kwalakwatšo tšeo di dirilwego ke Molaolasekete ge leruo leo le lokolotšwe morago ga kwalakwatšo ya fantisi ya sekete;
- (b) go thuša mongmabu ka leruo leo le hweditšwego le senya:
 - (i) tšhelete ye e kgethetšwego ya go senya; le
 - (ii) tidišo ya tshenyegelo yeo e dirilwego;
- (c) go thuša Masepala, ka ditšhelete le diputseletšo tšeo di kgethetšwego tša go sepela.

Kwalakwatšo le thekišo ya leruo ka fantisi ya setšhaba

16. (1) Ge leruo leo le hlahletšwego le sa lokollwe mo matšatšing a 21 go tloga ka tšatšikgwedi ya go hlahlelwa, Molaolasekete o swanetše, ka tumelelo ya Hlogo ya Kgoro goba Molaola-Masepala bjalo ka ge go le ka gona, le ka tsebišo ka go foromo ye e kgethetšwego, kwalakwatša maikemišetšo a go rekiša leruo ka fantisi ya setšhaba.
- (2) Molaolasekete o swanetše:
- (a) dira kwalakwatšo
 - (i) bonnyane matšatši a a šupago pele ga fantisi yeo ya setšhaba;
 - (ii) mo seketeng seo se amegago goba mo lefelong la kgauswi la fantisi;
 - (iii) ka go *Kuranta* ya setšhaba ka maleme a semmušo ao a šomišwago ka gare ga profense; le
 - (iv) ka go *kuranta* yeo e rarelago mo lefelong leo sekete seo se amegago se le go gona, ka bonnyane maleme a mabedi a semmušo.

- (c) tliše khopi ya tsebišo yeo go Seteše sa Maphodisa sa kgauswi le go Molaolasekete ka sekete sefe le sefe mo tikologong ya dikhilometara tše 30 go tloga go sekete seo se amegago.
- (d) Kgomaretša khopi ya tsebišo yeo mo go boto ya tsebišo mo seketeng se se amegago le go ofisi ya Hlogo ya Kgoro.
- (4) Maruo ka moka ao a fiwago go rekišwa mo fantising ya setšhaba go ya ka Molao wo, a swanetše go rekišwa ka tšhelete ya seatla ka ntle ga go šadišetša moreki wa godimo.
- (5) Ka ntle ga go emela sefe le sefe go thulana le se ka molao ofe le ofe wo o swerwego, ga go laesentshe yeo e tlogo nyakega mabapi le fantisi ya setšhaba yeo e swerwego go ya ka Molao wo.

Maatla a bomasepala malebana le leruo leo le sa kgonego go hlahllelwa

- 17. (1) Ge go swarwa ga leruo go begwa go Molaola-Masepala ofe le ofe goba Hlogo ya Kgoro, go ya ke ka gore go bjang, Molaola-Masepala goba Hlogo ya Kgoro a ka laela gore:
 - (a) leruo le išwe go sekete seo se hlaotšwego go Molaolasekete ke Molaola-Masepala goba Hlogo ya Kgoro;
 - (b) leruo leo le rekišwe ka tsela ya fantisi ya setšhaba yeo e hlaotšwego ke Molaola-Masepala goba Hlogo ya Kgoro; goba
 - (c) leruo leo le ka rekišwa ka thentara ka tsela yeo e kgethetšwego.
- (2) Tšhelete yeo e beilwego ya senamelwa e a lefelwa mabapi le go išwa ga leruo seketeng go ya ka taelo yeo e dirilwego ka fase ga karolwana (1).

Maatla a Bomasepala ge go se na theko ye e direlwago leruo mo fantising ya sekete

- 18. (1) Ge go se na theko ye e direlwago leruo la thekišo mo fantising efe le efe ya setšhaba, Molaolasekete yo a amegago o swanetše go tliša pego go Molaola Masepala, a laetša palo, mehuta le dikakanyo ya boleng bja leruo leo.
- (2) Godimo ga go amogela pego yeo go bolelwago ka yona ka go karolwana (1), Balaola Masepala ba ka laela gore leruo leo:
 - (a) le rekišwe ka fantisi ya setšhaba mo thekišong ye e latelago ya sekete;
 - (b) le rekišwe ka thentara ka tsela yeo e kgethetšwego; goba

- (c) le rekišwe ka tšhelete ya seatla.

Phokotšo ya ditšhelete, ditshenyegelo, diputseletšo le ditidišo go tšwa go thekišo ya thekišo ya sekete

19. (1) Ge leruo lefe le lefe leo le hlahletšwego le rekišwa ka fantisi ya setšhaba ka fase ga dipeakanyetšo tša Molao wo, Molaolasekete o swanetše go mabapi le leruo leo, fokotša go tšwa go ditšweletšo tša thekišo ya fantisi, ditšhelete, ditshenyegelo, diputseletšo le tidišo ka moka tšeo di hwetšwego go ya ka Molao wo, ka tsela ye e latelago:
- (a) go thuša Masepala wo o amegago goba Mmušo, bjalo ka ge ka ba bjang:
- (i) tšhelete yeo e kgethetšwego ya sekete,
 - (ii) tšhelete yeo e kgethetšwego ya phepo,
 - (iii) tšhelete yeo e kgethetšwego ya senamelwa,
 - (iv) tšhelete yeo e kolotwago ya go tipa, apeša, alafa le go gaša leruo leo le hlahletšwego; le
 - (v) ditshenyegelo ka moka tša kwalakwatšo tšeo di dirilwego ke Molaolasekete ge leruo leo le lokolotšwe morago ga gore kwalakwatšo ya fantisi ya sekete;
 - (vi) ditshenyegelo tša senamelwa tša molaolasekete go ya ka lenanetefo le le kgethetšwego, ge fantisi yeo e swerwe mo lefelong leo e e sego sekete;
 - (vii) tšhelete yeo e lekanago 6% ya poreise ya theko, bjalo ka tšhelete ya fantisi;
- (b) putseletšo ye e kgethetšwego ya senamelwa le tšhelete ya tidišo ya Masepala wo o amegago;
- (c) ge go phumulwa megokgo mongmabu mo leruo leo le sentšego-
- (i) tšhelete ye e kgethetšwego ya go senya;
 - (ii) tidišo ya tshenyo ye e dirilwego;
 - (iii) ditšhelete tša senamelwa.
- (2) go tšwa go ditšweletšo tša thekišo efe le efe ya fantisi, Molaolasekete o swanetše go ntšha tšhelete ye e lekanago diphesente tše 50 tša tšhelete yeo e

beilwego ya sekete le tšhelete ya thekišo le gona o swanetše go lefa tšhelete yeo go mongmabu yo leruo le swerwego gona.

- (3) Tšhelete yeo e šetšego ka morago ga phokotšo ya ditšhelete, diputseletšo, ditshenyegelo le tidišo ka moka yeo go bolelwago ka yona ka go karolwana (1), go tšwa go ditšweletšo tša fantisi efe le efe ya setšhaba yeo e swerwego go ya ka Molao wo, e swanetše go tšwa go Masepala goba Mmušo, go ya ka gore go beakantšwe bjang.

Mong wa leruo leo le rekišitšwego a ka nyaka dithekišo tša fantisi

20. Molaolasekete yo a rekišitšego leruo ka fantisi ya setšhaba go ya ka Molao wo a ka:
- (a) ge mong wa leruo leo le rekišitšwego a kgopela mo dikgweding tše 12 tša fantisi; le
 - (b) godimo ga go tliša bohlatse bja go kgotsofatša bja bong bja leruo; laela gore tidišo yeo e lekanago le mašaledi ao go šupetšwago go ona ka go karolo 19(3), e lefelwe go mong ke Masepala goba Mmušo, go ya le ka fao go lego ka gona.

Thibelo ya tshwarompe ya leruo leo le hlahletšwego goba le swerwego

21. Ga go motho yo a dumeletšwego ka tsela efe goba efe go šomiša goba go swara gampe leruo leo le swerwego ka gare goba ka ntle ga sekete sefe goba sefe goba le išwago go sekete sefe goba sefe go ya ka Molao wo.

Go swaiwa ga leruo leo le hlahletšwego

22. Leruo leo le hlahletšwego leo le rekišitšwego ka fantisi ya setšhaba go ya ka Molao wo, le swanetše go swaiwa ka tsela yeo e beilwego, pele ga ge le ka tlošwa mo seketeng.

Go swarwa mo go sego molaong goba go hlahlelwa ga leruo

23. Ga go motho yo a dumeletšwego go hlahlela goba go swara leruo lefe goba lefe go ya ka Molao wo.

Go hlahlelwa ga leruo leo le utswitšwego

24. (1) Molaola-Masepala a ka, ka tsela ya go ngwalwa, laela Molaolasekete go

swara leruo, leo go gononwago goba le laetšago go ba le utswitšwe, ka go sekete.

- (2) Leruo leo le swerwego go ya ka karolwana (1) le swanetše go lokollwa, ka ntle ga ge Hlogo ya Kgoro, ka tsela ya go ngwalwa, a laela go lokollwa ga leruo leo.
- (3) Ditšhelete le ditshenyegelo tšeo di kgethetšwego, mabapi le leruo leo go bolelwago ka lona ka go karolwana (1), di swanetše go lefelwa ke motho yo leruo le lokolletšwego go yena.
- (4) Ge tšhelete le ditshenyegelo tšeo go bolelwago ka tšona ka go karolwana (3) di sa lefelwe, leruo le tla swarwa ka tsela yeo e kgethetšwego.

KGAOLO IV

DIPEAKANYETŠO TŠA KAKARETŠO

Modiro wa tlhokomelo ya Kgoro

25. (1) Kgoro e swanetše go hlokomela le go thekga bomasepala godimo ga merero ya dikete go lebeletšwe bokgoni bja tšona.
- (2) MEC a ka laetša karolo ya baetapele ba setšo godimo ga merero ya dikete ka gare ga Profense.

Boemedi

26. (1) MEC a ka fa maatla ka go ngwala go Hlogo ya Kgoro goba go Balaodi ba Masepala, maatla afe le afe ao a filwego godimo ke MEC ke Molao wo, ka ntle ga ge maatla ao a amanago le go hlangwa ga melawana.
- (2) Hlogo ya Kgoro e ka, dumelela Balaodi ba Masepala, ka go ngwala go diriša maatla afe le afe ao a filwego Hlogo ya Kgoro ke Molao wo, ka ntle ga maatla ao a filwego go Hlogo ya Kgoro ke MEC.

Melawana

27. (1) MEC a ka dira melawana mabapi le:
 - (a) dinyakwa tša malebana le kago le tlhokomelo ya dikete;

- (b) mohuta wa retšisetara efe le efe, tsebišo goba kamogelo yeo e swanetšego go bolokwa, fiwa, gatišwa goba go fiwa ka fase ga Molao wo, ditshwanelo tšeo di swanetšego go tsenywa ka go retšisetara le ditšhelete tšeo di lefelwago go hlahloba fao;
 - (c) tšhelete ya senamelwa yeo e lefelwago go motho yo mongwe le yo mongwe yo a išago leruo go sekete sefe goba sefe;
 - (d) tšhelete ya thekišo yeo e lefelwago Molaolasekete goba motho yo a hlahlelago leruo;
 - (e) tšhelete ya sekete yeo e lefelwago Molaolasekete;
 - (f) ditšhelete le diputseletšo tša senamelwa tšeo di lefelwago motho ofe goba ofe yo leruo le sentšego nageng ya gagwe le ditshenyegelo tša senamelwa tša Molaolasekete moo fantisi e swerwego gona mo lefelong leo e sego sekete;
 - (g) tsela yeo leruo le rekišitšwego ka fantisi ya setšhaba;
 - (h) leswao la leruo leo le hlahletšwego leo le swanetšego go rekišwa ka fantisi ya setšhaba;
 - (i) tsela yeo ditonki tšeo di hlahletšwego, di sa lokollwego mo matšatšing a a šupago, e swanetšego go fedišwa;
 - (j) dipoelo tšeo di išwago go Molaolasekete; le
 - (k) morero ofe le ofe woo go ya ka Molao wo, o nyakegago go kgethelwa ka molawana goba woo MEC a ka go bona o le maleba goba o swanetše go kgethelwa go fihlelela dinepo tša Molao wo.
- (2) Melawana yeo e dirwago go ya ka karolwana ye (1) e ka kgethelwa kotlo ge e tshetšwe.

Melato le dikotlo

28. Motho yo mongwe le yo mongwe yo a:

- (a) tshelago goba a palelwago ke go obamela peakanyetšo efe le efe ya Molao wo;
- (b) ganago, thibelago, goba a sahlalago Molaolasekete mo tirišong ya maatla goba mediro ya Molaolasekete go ya ka Molao wo; goba

- (c) ka boomo le gona ka maikemišetšo a go nyatša, fanago ka tshedimošo ya maaka goba ditshwanelo go Molaolasekete ofe goba ofe mabapi le:
- (i) leruo goba leina le aterese ya mong wa leruo leo le hlahletšwego goba leruo leo le rekišitšwego go hlahlelwa; goba
- (ii) naga goba leina le aterese ya mongmabu yoo leruo le hweditšwego le senya;
- o tla bonwa molato le gona morago ga go sekišwa, lebanwa ke faene goba kgolego ya paka ye e sa fetego dikgwedi tše tshela, goba bobedi faene le kgolego.

Phedišo ya melao

29. Melao yeo e laeditšwego ka go šetule ka go rialo e a fedišwa.

Peakanyo-phetišetšo

30. Se sengwe le se sengwe seo se dirwago ka tshephagalo ka fase ka peakanyetšo ya molao wo o fedišwago ke Molao wo, goba se bonwago go ba se dirilwe ka fase ga molao wo o fedišitšwego, se bonwa go ba se dirilwe ka fase ga peakanyetšo ye e sepelelanago le Molao wo.

Thaetlele ye kopana le go thoma

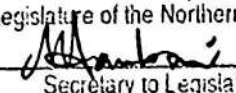
31. Molao wo o bitšwa Molao wa Dikete wa Profense ya Leboa, 2002 gomme o thoma go šomla ka tšatšikgwedi yeo e beakantšwego ke Tonakgolo ka kgoeletšo ka go *Kuranta* ya Profense.

ŠETULE

MELAO YE E FEDIŠITŠWEGO

NO. LE NGWAGA WA MOLAO	THAETLELE YE KOPANA	BOGOLO PHEDIŠO BJA
Molawana 13 wa 1972	Molawana wa Dikete, 1972	Ka botlalo
Molawana 5 wa 1973	Molawana-Phetošwa wa Dikete, 1976	Ka botlalo
Molao 8 wa 1976	Dikete tša Gazankulu, 1976	Ka botlalo
Molao 80 wa 1990	Molao wa Lebowa wa Dikete, 1990	Ka botlalo
Molao 6 wa 1976	Molao wa Venda wa Dikete, 1976	Ka botlalo
Molao 5 wa 2000	Molao wa Mmušo-Selegae wa Kaonafatšo ya Melao wa Profense ya Leboa, 2000	Karolo 2(b)

Certified correct as passed by the
Legislature of the Northern Province


Secretary to Legislature

NQIVHADZO YA VUDU

OFISI YA PREMIA

No. 5

11 Tshimodzi 2002

Hu Khou qivhadzwa heneffa uri Premia o tendela Mulayo u tevhelaho une wa khou anqadziwa uri u qivhiwe nga vhothe:—

No. 3 wa 2002: Mulayo wa Dziphaundu wa Vundu la Devhula, 2002.

MULAYO

Wa u vhetshela u itela mafhungo a dziphaundu kha Vundu; ndinganyiso ya mulayo wa dziphaundu dzo netshedzwaho kha Vundu; na u vhetshela mafhungo a elanaho na zwenezwo.

*(Tshipiqa tsha Tshisimane tsho sainwaho nga Premia)
(Tsho qivhadzwa kha nga la 20 Khubvumodzi 2002)*

HU KHOU VHEIWA MULAYO nga Vhusimamilayo ha Vundu la Devhula nga urali:-

MBEKANYO YA MULAYO

NDIMA I

THALUTSHEDZO YA MULAYO

Khethekanyo

1. Dzithandavhudzo

NDIMA II

U THOMIWA, NDAULO NA U FHELISWA HA DZIPHAUNDU

2. U thomiwa ha Dziphaundu
3. Ndaulo na Ndondolo ya Phaundu dza Masipala
4. U fheliswa ha Dziphaundu
5. Nyimele dza u sudzuluswa ha Dziphaundu

6. U fhatiwa na u londotwa ha Dziphaundu
7. U vhewa ha Mulangaphaundu
8. Ndivhanele dza Mulangaphaundu

U DZHIWA NA U VHOFHOLOLWA HA ZWIFUWO

9. Maanda a u dzhia zwifuwo
10. Matshimbidzele a u dzhia zwifuwo nga mune wa mavu
11. U nea zwiliwa zwifuwo zwo dzhiwaho
12. Zidodombedzwa malugana na u dzhiwa ha zwifuwo
13. Mbadelo ya masheleni a vhuendi
14. Ndiliso kha tshinyalelo ya zwiliwa kha mavu
15. U vhofhololwa ha zwifuwo zwo dzhiwaho
16. Nyandadzo na thengiso ya zwifuwo nga vandisi ya vhatu
17. Maanda a Vhomasipala malugana na zwifuwo zwi sa koneiho u dzhiwa
18. Maanda a Vhomasipala arali zwifuwo zwi re kha vandisi zwi so ngo rengwa
19. U tuswa ha masheleni, mitengo, magavhelo, na ndiliso u bva kha matshimbidzele a u rengiswa phaunduni
20. Mune wa zwifuwo zwo rengiswaho a nga ita mbilo kha mvelelo ya vandisi
21. U thivhelwa ha u sa farwa zwavhudi ha zwifuwo zwo dzhiwaho kana zwo farwaho
22. U swayiwa ha zwifuwo zwo dzhiwaho
23. U fariwa kana u dzhiwa ha zwifuwo hu si ho mulayoni
24. U dzhiwa ha zwifuwo zwo tswiwaho

NDIMA IV

MBETSHELO NYANGAREDZI

25. Mushumo wa u tola wa Muhasho
26. Vhurumelwa

27. Dzindaulo
28. Vhukhaxhi na ndatiso
29. U phumulwa ha milayo
30. Mbetsshelo dza u pfukekanya
31. Dzina lipfufhi

Shedulu

NDIMA I

THALUTSHEDZO YA MULAYO

DZITHANDAVHUDZO

Kha hoyu Mulayo, nga nnda ha musu zwi re ngomu zwi tshi amba zwiwe:

"bada ya vhathu" zwi amba bada ifhio na ifhio, tshitarata kana ndila kana hune fhethu hufhio na hufhio hu nga vha ndila kana hu sa shumiswi misi yotho nga vhathu kana tshipida henefho kana hune vhathu kana tshipida henefho vha vha na pfanelo ya u dzeha nahone zwi tshi katela -

- (a) mukano wa yeneyo bada ifhio na ifhio, tshitarata kana ndila
- (b) buroho ifhio na ifhio, i pfukisaho kana i pfukiwaho nga bada yeneyo ifhio na ifhio, tshitarata kana ndila;
- (c) tshiimiswa tshiwe tshifhio na tshifhio kana tshithu tshi vhumbaho tshipida tsha, tshi kwamanaho na kana tshi re fhasi ha yeneyo bada, tshitarata kana ndila.

"Masipala" zwi amba o thomiwaho hu tshi tevhezwa khethekanyo dza Mulayo wa Zwiimiswa zwa Masipala, 1998 (Mulayo No 117 wa 1998);

"Muhasho" zwi amba muhasho u re na vhudifhinduleli u itela ndaulo ya uyu Mulayo;

"Mulangaphaundu" zwi amba Mulangaphaundu o bulwaho kha khethekanyo 7 nahone zwi katela Mulangaphaundu na Mufarisamulangaphaundu.

"Mulanguli wa Masipala" zwi amba muthu ufhio na ufhio we a vhewa sa Mulanguli wa Masipala hu tshi tevhezwa Mulayo wa zwiimiswa zwa Masipala, 1998 (Mulayo No. 117 wa 1998)

"**mun̄e**" zwi tshi t̄utshelana na zwifuwo zwi amba mun̄e kana muthu ane a vha na zwenezwo zwifuwo lu re mulayoni;

"**mun̄e wa mavu**" zwi tshi t̄utshelana na mavu, zwi amba mun̄e rakhont̄hirakha, mudzuli a re mulayoni kana muthu ane nga in̄we nd̄ila ane a vha na u langa ho angaredzaho kana vhulangi kha mavu aneyo;

"**Murad̄o wa Khorotshitumbe**" zwi amba Murad̄o wa Khorotshitumbe a re na vhud̄ifhinduleli ha u laula uyu Mulayo;

"**Phaundu ya Masipala**" zwi amba phaundu ya masipala yo bulwaho kha khethekanyo 3;

"**Phaundu ya Muvhuso**" zwi amba Phaundu ya Muvhuso yo bulwaho kha khethekanyo 2 nahone zwi katela Phaundu, ye ya vha Phaundu ya Muvhuso hu tshi tevhedzwa uyu Mulayo;

"**Vundu**" zwi amba Vundu la Devhula sa zwo bulwaho kha khethekanyo 103 ya Ndayotewa ya Riphapuliki ya Afrika Tshipembe, 1996 (Mulayo No. 108 wa 1996);

"**randelwa**" zwi amba zwo randelwaho nga dzindaulo;

"**Zwifuwo**" zwi amba bere, meila, donngi, kholomo, nngu kana mbudzi.

NDIMA II

U THOMIWA, NDAULO NA U FHELISWA HA DZIPHAUNDU

U thomiwa ha dziphaundu

2. Murad̄o wa Khorotshitumbe a nga ri nga nd̄ivhadzo kha Gazethe-

- (a) nga kha khumbelo ya Masipala a nga thoma u itela uyo Masipala, phaundu nthihi kana nzhi dza masipala;

- (b) vhuponi vhufhio na vhufhio vhune Murado wa Khorotshitumbe a vhona zwo tea, a thoma phaundu nthihi kana nnzhi dza Muvhuso, zwi tshi ya nga thodea dza vathu;
- (c) nga kha khumbelo ya Masipala ufhio na ufhio a nga fhirisela kha uyo Masipala phaundu ifhio na ifhio ya Muvhuso i re vhuponi vhu laulwaho nga masipala.

Ndaulo na ndondolo ya Phaundu dza Masipala

3. Arali Murado wa Khorotshitumbe a tshi khou fushea ngauri phaundu ya masipala a i khou langwa lu fushaho kana u londotwa , Murado wa Khorotshitumbe a nga :
 - (a) bvisa idzo ndaela kha Masipala sa zwine Murado wa Khorotshitumbe a nga vhona zwo tea malugana na ndaulo na ndango ya iyo phaundu; kana
 - (b) nga ndivhadzo kha Gazethe a shandukisela iyo phaundu u vha phaundu ya muvhuso u bva nga duvha lo bulwaho kha ndivhadzo, line la tea u vha zwaho maduvha a 90 nga murahu ha datumu ya iyo ndivhadzo; kana
 - (c) nga khumbelo ya Masipala, a nga shandukisela phaundu ya masipala u vha phaundu ya Muvhuso u thoma nga datumu yo bulwaho kha ndivhadzo, ine ya tea u vha hanefha kha maduvha a 90 nga murahu ha iyo ndivhadzo.

U fheliswa ha dziphaudu

4. (1) Murado wa Khorotshitumbe nga ndivhadzo kha Gazethe a nga fhelisa phaundu ifhio na ifhio ine nga kha muhumbulo wa Murado wa Khorotshitumbe:
 - (a) a yo ngo dzula zwavhudzi;
 - (b) a i khou shuma; kana
 - (c) a i tsha shumela ndivho dze dza vha dzo lavhelelwa.
- (2) U fheliswa ha dziphaudu fhasi ha khavhekanyot hukhu (1) hu tea u vha fhasi ha

na vhukwamani na Murado wa Khorotshitumbe a re na vhuḏifhinduleli ha zwa Gwama kha Vundu.

Maimele a tsudzuluso ya dziphaundu

5. U sudzuluswa ha dziphaundu dzifhio na dzifhio dza Muvhuso u ya kha Masipala hu tea u vha fhasi ha nyimele dzo tiwaho nga Murado wa Khorotshitumbe a na vhukwamani na Murado wa Khorotshitumbe a re na vhuḏifhinduleli ha zwa Gwama kha Vundu.

U fhatiwa na u londotwa ha dziphaundu

6. (1) U thomiwa hufio na hufio kana hu tshi vhoniwa ho tewa u thomiwa hu tshi tevhedzwa uyu Mulayo, hu tea u fhatiwa na u londotwa:
- (a) nga Masipala a kwameaho, siani la phaundu ya Masipa, u bva kha tshelede yo avhelwaho nga Masipala u itela iyo ndivho; kana
 - (b) nga Muhasho siani la phaundu ya Muvhuso, u bva kha tshelede yo avhelwaho nga Vhusimamilayo ha Vundu u itela iyo ndivho.
- (2) Phaundu inwe na inwe:
- (a) i tea u fhatiwa na u fhedzwa lu fushaho Murado wa Khorotshitumbe, vhukatini ha maduvha a 90 u bva tshe ya thomiwa;
 - (b) i tea u vhumbiwa nga nomboro ya idzo dzigammba-
 - (i) sa zwine zwa nga vha zwo tea u vhulunga zwifuwo zwine zwo kwamiwa nga vhulwadze thungo;
 - (ii) sa zwine zwa nga vha zwo tea u vhulunga zwifuwo zwothe zwa zwiduna na zwa zwisadzi thungo na thungo;
 - (iii) sa zwine Murado wa Khorotshitumbe a vhona zwo tea, u ya nga ha maimele kha vhupo vhu kwameaho kana thodea kha phaundu i kwameaho;

- (c) dzi tea u vhewa kule nga u t̃avhanya nga hune zwa nga konadzea u bva kha hune zwa nga kwamea nga malwadze; nahone
 - (d) dzi tea u d̃isendeka nga t̃ hodea dzot̃ he dzo randelwaho malugana na u fhatiwa na u londotwa ha dziphaundu.
- (3) Arali u fhatiwa ha dziphaundu dza masipala hu songo fhela lu fushaho Murado wa Khorotshitumbe, Murado wa Khorotshitumbe a nga, murahu ha ndivhadzo yo tou n̄walwaho maduvhani a sumbe yo livhiswa kha Masipala a kwameaho, laedza uri Muhasho u bevele phanda na iyo phaundu sa phaundu ya Muvhuso nahone i fheledze u fhatiwa honoho.

U vhewa ha Mulangaphaundu

7. (1) Murado wa Khorotshitumbe u tea u vhea Mulangaphaundu wa Phaundu ya Muvhuso in̄we na in̄we.
- (2) Masipala u itea u vhea Mulangaphaundu wa phaundu ya masipala in̄we na in̄we, ane nga hune zwa konadzea, u tea u vha mushumeli wa masipala wonoyo.
- (3) Murado wa Khorotshitumbe kana Masipala a nga vhea Mulangaphaundu muthihi u itela phaundu mbili kana nnzhi dza masipala kana Muvhuso.
- (4) Mulangaphaundu mufareli a nga vhewa, arali Mulangaphaundu nga nt̃hani ha tshiitisi tshin̄we na tshin̄we a sa koni u ita ndivhanele dza Mulangaphaundu kana arali poso ya Mulangaphaundu nga nt̃hani ha tshiitisi tshin̄we na tshin̄we i si na muthu.
- (5) Mufarisa Mulangaphaundu muthihi kana vhanzhi vha nga vhewa u itela u thusa Mulangaphaundu kha u shuma ndivhanele dza Mulangaphaundu.

- (6) Mulangaphaundu mufareli kana Mufarisa Mulangapdaundu u do vha na maanda o t he na u shuma ndivhanele dzot he na mishumo yo hweswaho kana yo avhelwaho Mulangaphaundu nga uyu Mulayo.

Ndivhanele dza Mulangaphaundu

8. Mulangadziphaundu u tea:

- (a) u tangedza zwifuwo zwo t he zwo netshedzwaho u itela u dzhiwa hu tshi tevhedzwa mbetshelo dza uyu Mulayo;
- (b) netshedza muthu ufho na ufho a no khou netshedza zwifuwo u itela u dzhiwa, risithi ya tshiofisi i bulaho -
- (i) nomboro na lushaka lwa zwifuwo zwo netshedzwaho ngauralo;
- (ii) tshiitisi tshauri ndi ngani izwo zwifuwo zwi tshi khou netshedzwa, lu bulaho tshinyalelo ine ya nga lavhelelwa, arali i hone, yo itwaho nga izwo zwifuwo;
- (iii) zwidodombedzwa zwa mafuvhalo ane a vhone kha zwifuwo zwo netshedzwaho ngauralo;
- (iv) dzina na diresi ya -
- (aa) mune wa mavu we khao izwo zwifuwo zwa wanala zwo dzhena lu si lwa mulayo;
- (bb) mune, arali a tshi divhea, wa zwifuwo zwine zwa khou netshedzwa; na
- (cc) muthu ane a khou netshedza zwifuwo;
- (c) zwenezwo, nga ndila ine mulangaphaundu a vhone zwo tea, a divhadza mune wa zwifuwo zwo dzhiwaho, arali dzina la mune na diresi zwi tshi divhiwa nga Mulangaphaundu;
- (d) vhiga tshiwo tshifho na tshifho tshine tsha khou humbulelwa tsha u nga kwamea nga vhulwadze ha zwifuwo kha tshipikitere kana Tshititshi tsha Mapholisa tshi re tsini nahone a vhulunga zwifuwo zwo kwamiwaho nga vhulwadze kha dzigamba dzo vhetshelwaho u itela zwenezwo.

- (e) vhulunga kha Muofisiri wa Phaundu, u itela tsedzuluso nga vhathu, kopi ya uyu Mulayo na ndaulo dzothe dzo itwaho afha fhasi, zwi kha nyambo dzothe dza tshiofisi dza Vundu;
- (f) vhulunga kha Ofisi ya Phaundu, redzhisitara kha fomo yo randelwaho ine zwidodombedzwa zwo randelwaho zwi tea u dzheniswa nahone ine nga kha tshifhinga tshothe tshi pfadzaho ya vha i hone u itela tsedzuluso nga murado ufho na ufho wa vhathu nga kha mbadelo dzo randelwaho;
- (g) disedza mbuelo dzo randelwaho;
- (h) shumisa maanda na u ita idzo ndivhanele na mishumo sa zwine a nga vha o newa kana u hweswa kha Mulangaphaundu nga uyu Mulayo; na
- (i) u ita idzo ndivhanele na u shuma iyo mishumo sa zwe Masipala, Thoho ya Muhasho, Sipiki ere wa zwifuwo ufho na ufho, Dokotela wa Zwifuwo kana muofisiri muniwe ufho na ufho o rumelwaho henafo nga Thoho ya Muhasho, a nga ri tshufhinga tshiniwe na tshiniwe a nga hwesa kha Mulangaphaundu malugana na u vhulunga, ndondolo na u alafha ha zwifuwo zwo dzhiwaho.

NDIMA III

U DZHIWA NA U VHOFOLOLWA HA ZWIFUWO

Maanda a u dzhia zwifuwo

- 9. (1) Hu tshi tevhedzwa mbetshelo dza uyu Mulayo:
 - (a) mune muniwe wa mavu ane:
 - (i) a wana zwifuwo zwifho na zwifho zwi kha mavu ayo lu si lwa mulayo;
 - (ii) wana zwifuwo zwifho na zwifho zwi siho kha ndaulo kana ndangulo yo teaho kha bada ya vhathu kha ayo mavu;
 - (iii) wana zwifuwo zwifho na zwifho zwo dzhiwaho fhasi ha mulayo ufho na ufho kana tshipano kha ayo mavu;
 - (b) ufhi na ufho:

- (i) muofisiri wa vhuendi o vhwahho fhasi ha mulayo ufho na ufho u elanaho na vhuendi ha bada;
- (ii) muthu o tendelwaho heneho nga Murado wa Khorotshitumbe; kana
- (iii) murado wa Tshumelo ya Mapholisa ya Afrika Tshipembe;

ane kha bada ifho na ifho ya vhathu a wana zwifuwo zwine zwi si vhe kha ndango kana ndaulo yo teaho kana ane fhethu huiwe na huiwe, a wana zwifuwo zwifho na zwifho zwine u vha hazwo afho zwa hanedzana na mulayo ufho na ufho a nga dzhia izwo zwifuwo kana a itisa uri izwo zwifuwo zwi dzhiwe.

- (2) Zwifuwo zwi nga dzhiwa tshifhinga tshiwe na tshiwe musi arali zwo wanala kha bada ya vhathu zwi si na ndaulo kana ndangulo ya mune wazwo.

Matshimbidzele a u dzhiwa ha zwifuwo nga mune wa mavu

- 10. (1) Mune wa mavu ufho na ufho ane a khou dzhia zwifuwo hu tshi tevhezwa mbetshelo dza uyu Mulayo, u tea, hu tshi tevhezwa mbetshelo dza khethekanyot hukhu (2), (3) na (4) vhukadini ha iri dza 48 dza u wana zwifuwo a rumele zwifuwo zwenezwo nga ndila yo tsireledzeaho nga u tavhanya kha phaundu i re tsini.
- (2) Arali ndila ya tsini nga hune zwa konadzea ya u ya kha phaundu i re tsini nga kha zwiwe zwiitisi itshi nga vha ya khombo, zwifuwo zwine zwa khou dzhiwa zwi nga :
 - (a) zwi nga rumelwa kha phaundu i re tsini nga iwe ndila i re ya tsini ine ya nga konadzea;
 - (b) rumelwa kha iwe phaundu ya tsini ine ya nga swikelwa zwo vhulungea;
 - (c) valelwa nga mune wa mavu a kwameaho, lwa itsho tshifhinga tshi fhiraho iri dza 48 sa zwine zwa nga vha ndeme kha u vhona uri u fhiriselwa ha zwifuwo kha phaundu i re tsinisa ho vhulungea, tenda ha vha uri mune wa mavu a divhadza

Tshumelo ya Mapholisa ya Afrika Tshipembe nga ha iyo nyimele hu sa athu u fhela iri dza 48.

- (3) Arali u sudzuluswa ha zwifuwo u ya kha phaundu ya tsinisa hu tshi tevhedzwa uyu Mulayo zwi tshi do hanedzana na mbeishelo dza mulayo ufho na ufho u elanaho na ndaulo kana u lafiwa ha malwadze a zwipuka na nzulatshinya, ndaulo ifho na ifho, ndaela kana u livhiswa ho itwaho kana u bviswa fhasi ha zwenezwo, mune wa mavu ane khaye zwifuwo zwo waniwa zwo pfukaho nga nda ha thendelo a nga :

(a) rumela zwifuwo zwenezwo kha phaundu inwe i re tsini, ine khayo u endedzwa ha zwifuwo zwenezwo a hu lwi na mbetshelo dza mulayo wo bulwaho kana ndaulo yeneyo ifho na ifho, ndaela kana ndaedzo; kana

(b) valela zwifuwo u swikela zwifuwo zwi tshi iswa kha phaundu ya tsini kana u swika zwifuwo zwi tshi nga kona u bviswa nga ndila ifho na ifho fhasi ha mulayo wo bulwaho kana ndaulo ifho na ifho, ndaela kana ndaedzo.

- (4) Arali zwifuwo zwifho na zwifho zwo pfukalo nga nda ha thendelo:

(a) ndi zwa daka lune, zwo kavhiwa nga dwadze kana u huvhala lune u valelwa hazwo ha vha khombo; kana

(b) zwo pfuka kha mavu a re vhukule vhu fhiraho khiomithara dza 30 nga ndila i re pfufhisa u bva kha phaundu i re tsini, u dzhiwa hu tea u vhigiwa Tshitshini tsha Mapholisa tsha tsini ngomu ha awara dza 48 na ngomu ha maduvha a sumbe kha Thoho ya Mhasho.

- (5) Donngi yo farwaho i nga shumiwa nayo nga ndila yo randelwaho.

U nea zwiliwa zwifuwo zwo dzhiwaho

11. (1) Mulangaphaundu kana muthu ufho na ufho o newaho maanda hu tshi tevhedzwa uyu Mulayo wa u dzhiwa ha zwifuwo, u tea u nea zwiliwa zwifuwo zwo dzhiwaho.

- (2) mutengo wa u nea zwiliwa zwifuwo zwo dzhiwaho u tea u waniwa murahu hu tshi tevhedzwa mbetshelo dza uyu Mulayo.

Zwidodombedzwa malugana u dzhiwa ha zwifuwo

12. Muthu ufho na ufho ane a khou thendera zwifuwo kha Mulangaphaundu u itela u dzhiwa, u tea uri nga tshifhinga tshenetsho, a netshedza kha onoyo Mulangaphaundu:
- (a) dzina na dresi ya muthu ane a khou thendara zwifuwo, mune wa mavu e zwifuwo zwa waniwa khao zwo pfuka nga nda ha thendelo na mune wa zwifuwo arali a tshi divhea;
 - (b) dzina la fhethu he zwifuwo zwa waniwa hone zwo pfuka nga nda ha thendelo;
 - (c) tsumbedsiso ya nyimele ye zwifuwo zwa waniwa zwi khayo na uri arali zwifuwo zwo vha zwi fhethu hu kwameaho, lu lwaho na mulayo ufho na ufho, na
 - (d) zwidodombedzwa zwa tshinyalelo ifho na ifho yo itwaho nga zwifuwo.

Mbadelo ya masheleni a vhuendi

13. Mulangaphaundu ufho na ufho ane a fara zwifuwo, u tea u badela masheleni a vhuendi o randelwaho kha muthu o thendaraho zwifuwo.

Ndiliso kha tshinyalelo ya zwiliwa kha mavu.

14. Arali zwifuwo zwi pfukaho nga nda ha thendelo kha mavu zwa disa tshinyalelo ifho na ifho kha tshiliwa tshifho na tshifho kha mavu eneyo :
- (a) mune wa zwifuwo zwenezwo u na mulandu kha mune wa mavu wa ndiliso malugana na tshinyalelo yo bveledzwaho;
 - (b) tshinyalelo na ndiliso zwi nga tiwa nga mune wa zwifuwo zwenezwo na mune wa mavu hu na u pfana, kana arali thendelano i so ngo swikelelwa, Mulanga Masipala wa vhupo

vhune mavu a vha khaho a nga ta t̥hanganyelo ya tshinyalelo ino ḁo badelwa;

- (c) mune wa zwifuwo u tea uri ngomu ha tshifhinga tshi pfadzaho a badele kha mune wa mavu, ndiliso yo tiwaho hu tshi tevhedzwa phara (b);
- (d) zwifuwo zwi tea u sa vhofhololwa u swika t̥hanganyelo yo fhelelaho ya u badela yo badelwa kha Mulangaphaundu;
- (e) hune ndiliso yo bulwaho kha pharḁ hukhu (c) yo tiwa nga Mulanga Masipala:
 - (i) ndiliso, mbadelo ya magavhelo a vhuendi na masheleni, zwi tea u badelwa kha onoyo Mulanga Masipala; nahone
 - (ii) mune wa mavu u tea u netshedza kha Mulangaphaundu, t̥hanziela ya Mulanga Masipala wa vhupo, i bviselaho khagala t̥hanganyelo ya ndiliso, magavhelo na masheleni a badelwaho nga n̥tha-ni ha tshinyalelo.

U vhofhololwa ha zwifuwo zwo dzhiwaho

15. (1) Mulangaphaundu u tea u bvisa zwifuwo zwlifhio na zwifhio zwo farwaho arali:
- (a) khumbelo nga mune kana zhendedzi la mune wa zwifuwo zwenezwo o newaho maanda o badela tshelede dzoḁ he nga vhuḁalo, mitengo na ndiliso yo salaho, malugana na zwifuwo zwenezwo, hu tshi tevhedzwa uyu Mulayo; nahone
 - (b) muthu ane a ri ndi ene mune wa zwifuwo zwo dzhiwaho kana zhendedzi a netshedza vhuḁe ha zwifuwo zwenezwo nga ndila ya manwalo na kana tswayo kha zwifuwo zwo bulwaho lune dzwa fusha Mulangaphaundu.
- (2) Arali mune wa zwifuwo zwo dzhiwaho kana zhendedzi lo newaho maanda la mune la humbela Mulangaphaundu uri a vhofholole zwifuwo fhedzi a kundelwa u badela nga vhuḁalo tshelede dzoḁ he,

mitengo na ndiliso yo salaho hu tshi tevhedzwa uyu Mulayo, Mulangaphaundu u tea u sala na mbalo yeneyo ya zwifuwo zwo farwaho sa zwine zwi nga vha kha muhumbulo wa Mulangaphaundu, zwo tea u itela u wana mbadelo ya tshelede dzenedzo, mitengo na masheleni nahone u tea u vhofohola zwifuwo zwenezwo zwo salaho.

- (3) Muṅe wa zwifuwo zwo dzhiwaho u tea u badela kha Mulangaphaundu:
- (a) u itela mbuelo ya Masipala a kwameaho kana u itela mbuelo ya Muvhuso sa zwine zwa nga vha zwone:
- (i) tshelede ya u farwa yo randelwaho,
 - (ii) tshelede ya u thendara yo randelwaho,
 - (iii) tshelede dza vhuendi dzo randelwaho,
 - (iv) thanganyelo yo salaho ya dipe, u tanzwiwa, u lafhiwa na u fafadzelwa ha zwifuwo zwenezwo zwo dzhiwaho; na
 - (v) mitengo yoṭ he ya nyandadzo yo swikelwaho nga Mulangaphaundu arali zwifuwo zwenezwo zwo vhofohololwa murahu ha u andadzwa ha vandisi ya phaundu;
- (b) u itela mbuelo ya muṅe wa mavu e zwifuwo zwa waniwa zwo pfukela khao nga nṅa ha thendelo :
- (i) mbadelo dza u pfuka nga nṅa ha thendelo yo randelwaho; na
 - (ii) ndiliso u itela tshinyalelo yo bveledzwaho;
- (c) u itela mbuelo ya Masipala, tshelede na malamba a vhuendi o randelwaho.

Nyandadzo na thengiso ya zwifuwo nga vandisi ya vhathu

16. (1) Arali zwifuwo zwo dzhiwaho zwi so ngo vhofohololwa ngomu ha maḍuvha a 21 u bva nga ḍuvha la u dzhiwa, Mulangaphaundu u tea uri hu na thendelo ya Thoho ya Muhasho kana Mulanguli wa Masipala sa zwine zwa nga vhi sa zwone, nahone nga nḍivhadzo kha fomo yo randelwaho, a andadza u ṭoda u rengiswa ha zwifuwo zwenezwo nga vandisi ya vhathu.

- (2) Mulangaphaundu u tea u :
- (a) ita nyandadzo :
- (i) hanefha kha maduvha a sumbe phanda ha vandisi yeneyo ya vhathu;
 - (ii) kha phaundu i kwameaho kana kha vhupo ha vandisi ya tsini;
 - (iii) kha *Gazethe* nga nyambo dza tshiofisi dzi shumiswaho kha Vundu; na
 - (iv) kha gurannda i monaho kha vhupo vhune phaundu i kwameaho ya vha hone, i hanefha kha nyambo mbili dza tshiofisi.
- (b) u netshedza kopi ya ndivhadzo yeneyo kha Tshi itshi tsha Mapholisa tsha tsini na kha Mulangaphaundu wa phaundu inwe na inwe i re ngomu ra vhuphara ha khilomithara dza 30 u bva kha phaundu i kwameaho.
- (c) u nambatedza kopi ya ndivhadzo yeneyo kha bodo ya ndivhadzo phaundini i kwameaho na kha ofisi ya Thoho ya Muhasho.
- (3) Zwifuwo zwothe zwo netshedzwaho u itela u rengiswa kha vandisi ya vhathu hu tshi tevhedzwa uyu Mulayo, zwi tea u rengiswa nga kheshe nga nda ha thivhelo ya murengi nga mutengo wa ntha.
- (4) Hu sa thivhelwi na tshithu tshifhio na tshio tshi lwaho na mulayo ufho na ufho wo katelwaho a hu na laisentse i no do todea malugana na vandisi ifhio na ifhio ya vhathu i farwaho hu tshi tevhedzwa uyu Mulayo.

Maanda a Vhomasipala malugana na zwifuwo zwi sa koneiho u dzhiwaho.

17. (1) Arali u farwa ha zwifuwo ho vhigiwa kha Mulanga Masipala ufho na ufho kana Thoho ya Muhasho, sa zwine zwa nga vhi sa zwone, Mulanga Masipala kana Thoho ya Muhasho vha nga nea ndaela ya uri:

- (a) zwifuwo zwi bviswe kha phaundu yo tetshelwaho Mulangaphaundu nga Mulanga Masipala kana Thoho ya Muhasho;
 - (b) zwifuwo zwenezwo zwi rengiswe nga vandisi ya vhathu yo tewaho nga Mulanga Masipala kana Thoho ya Muhasho onoyo; kana
 - (c) zwifuwo zwenezwo zwi rengiswe nga thendara nga ndila yo randelwaho.
- (2) Tshelede ya vhuendi yo randelwaho i do badelwa malugana na u sudzuluswa ha zwifuwo u ya kha phaundu hu tshi tevhedzwa ndaela yo itwaho fhasi ha khethekanyothukhu (1).

Maanda a Vhomasipala arali zwifuwo zwi re kha vandisi zwi so ngo rengwa

18. (1) Arali hu si na tsho netshedzwaho u itela zwifuwo zwo netshedzwaho u itela u rengiswa kha vandisi ifhio na ifhio ya vhathu, Mulangaphaundu a kwameaho u tea u swikisa muvhigo wo tou nwalwaho kha Mulanga Masipala, a tshi bula mbalo, lushaka na ndeme khumbulelwa ya zwifuwo zwenezwo.
- (2) Nga kha u tangedzwa ha muvhigo wo bulwaho kha khethekanyothukhu (1), Vhalanga Masipala vha nga nea ndaela ya uri zwifuwo zwenezwo:
- (a) zwi rengiswe nga vandisi ya vhathu kha u rengiswa phaunduni i tevhelaho;
 - (b) zwi rengiswe nga thendara nga ndila yo randelwaho; kana
 - (c) zwi rengiswe zwi fhele.

U tuswa ha masheleni, mitengo, magavhelo na ndiliso u bva kha matshimbidzele a u rengiswa phaunduni

19. (1) Arali sambi lifhio na lifhio lo rengiswa nga vandisi ya vhathu fhasi ha mbetshelo dza uyu Mulayo, Mulangaphaundu u tea uti malugana na sambi lenelo, a bnvise u bva kha matshimbidzele a u rengisa nga vandisi, tshelede dzothe, mitengo, magavhelo na ndiliso dzi wanalaho

hu tshi tevhedzwa uyu Mulayo, nga ndila i tevhelaho:

- (a) u itela mbuelo ya Masipala a kwameaho kana Muvhuso, sa zwine zwa nga vhi sa zwone -
 - (i) tshelede ya phaundu yo randelwaho;
 - (ii) tshelede ya u thendara yo randelwaho;
 - (iii) tshelede ya vhuendi yo randelwaho;
 - (iv) mutengo wa u dipa, u tanzwa, tsireledzo kha malwadze, dzilafho kana u fafadzela, tshinyalelo yo swikelwaho malugana na zwifuwo zwi kwameaho;
 - (v) mutengo wa nyandadzo malugana na vandisi;
 - (vi) zwibviswa zwa vhuendi ha Mulangaphaundu hu tshi tevhedzwa mbadelo dzo randelwaho, arali vandisi yeneyo yo farelwa fhethu huiwe nga nda ha phaunduni;
 - (vii) thanganyelo i linganaho na 6 phesenthe ya mutengo wa thengiso, sa tshelede ta vandisi;
 - (b) magavhelo a vhuendi o randelwaho na tshelede dza ndiliso dza Masipala a kwameaho;
 - (c) kha ndiliso ya mune wa mavu e khao zwifuwo zwenezwo zwa pfuka nga nda ha thendelo -
 - (i) tshelede ya u pfuka nga nda ha thendelo yo randelwaho;
 - (ii) ndiliso u itela tshinyalelo yo itwaho;
 - (iii) tshelede ya vhuendi.
- (2) U bva kha kutshimbidzele kwa thengiso ya vandisi ifhio na ifhio, Mulangaphaundu u tea u tusa thanganyelo i edanaho 50 phesenthe ya tshelede ya phaundu yo randelwaho na tshelede ya u thendara nahone u tea u badela thanganyelo yeneyo kha mune wa mavu e khao zwifuwo zwa fariwa.
- (3) Tshelede yo salaho murahu ha u tuswa ha tshelede dzothe, magavhelo, mitengo na ndiliso dzo bulwaho kha khethekanyothukhu (1), u bva kha matshimbidzele a vandisi ya vhathu yo farwaho hu tshi tevhedzwa uyu

Mulayo, i tea u dadziswa kha Masipala kana kha Muvhuso, sa zwine zwa nga vhi sa zwone.

Muṇe wa zwifuwo zwo rengiswaho a nga humbela tshelede yo wanwaho kha vandisi ya phaundu

20. Mulangaphaundu we a rengisa zwifuwo nga okisheni ya vhathu hu tshi tevhedzwa uyu Mulayo a nga:
- (a) arali muṇe wa zwifuwo zwo rengiswaho a ita khumbelo yeneyo ngomu ha miṇwedzi ya 12 ya okisheni; nahone
 - (b) nga kha u swikiswa ha vhuṭanzi vhu fushaho ha vhuṇe malugana na zwifuwo; a laedza uri ndiliso i linganaho na ndinganyiso yo bulwaho kha khethekanyo 19(3), i badelwe kha muṇe nga Masipala kana nga Muvhuso, sa zwine zwa nga vhi sa zwone.

U thivhelwa ha u sa farwa zwavhuḍi ha zwifuwo zwo dzhiwaho kana zwo farwaho

21. A hu na muthu o tendelwaho nga ṇḍila ifhio na ifhio u shumisa kana u sa fara zwavhuḍi zwifuwo zwi no khou dzhiwa ngomu kana ṇḍa ha phaundu ifhio na ifhio kana zwi no khou endedzwa u ya kha phaundu ifhio na ifhio hu tshi tevhedzwa uyu Mulayo.

U swayiwa ha zwifuwo zwo farwaho

22. Zwifuwo zwothe zwo dzhiwaho zwo rengiswaho nga vandisi ya vhathu hu tshi tevhedzwa uyu Mulayo, zwi tea u swayiwa nga ṇḍila yo randelwaho, phanda ha u sudzuluswa u bva kha phaundu.

U fariwa kana u dzhiwa ha zwifuwo hu si ho mulayoni

23. A hu na muthu o tendelwaho u fara kana u dzhia zwifuwo zwifhio na zwifhio nga ṇḍa ha musi hu tshi tevhedzwa uyu Mulayo.

U dzhiwa ha zwifuwo zwo tswiwaho

- 24 (1) Mulanga Masipala a nga, nga u tou n̄wala, laedza Mulangaphaundu uri a valele zwifuwo, zwi no khou humbulelwa kana zwi sumbaho uri zwo tou tswiwa, kha phaundu.
- (2) Zwifuwo zwo valelwaho hu tshi tevhedzwa khethekanyot̄hukhu (1) zwi tea u sa vhofoholowa, nga n̄nda ha musi Thoho ya Muhasho, nga u tou n̄wala o laedza u vhofohololwa ha zwifuwo zwenezwo.
- (3) Tshelede na mitengo zwo randelwaho, malugana na zwifuwo zwo bulwaho kha khethekanyot̄hukhu (1), dzi tea u badelwa nga muthu ane zwifuwo zwa khou vhofohololelwa khae.
- (4) Arali tshelede na mitengo yo bulwaho kha khethekanyot̄hukhu (3) dzi so ngo badelwa, zwifuwo zwi tea u shumiwa nazwo sa zwo randelwaho.

NDIMA IV**MBETSHELO NYANGAREDZI****Mushumo wa u tola wa Muhasho**

- 25 (1) Muhasho u tea u tola na u tikedza vhomasipala nga mafhungo a phaundu zwi tshi ya nga vhukoni havho.
- (2) Thoho ya Muhasho a nga ta mushumo wa vharangaphanda vha sialala nga ha mafhungo a phaundu kha Vundu.

U hweswa ha maanda

26. (1) Muraḁo wa Khorotshitumbe a nga pfukisela nga u tou n̄wala kha Thoho ya Muhasho kana kha Vhalanga Masipala, maanda afhio na afhio o hweswaho kha Muraḁo wa Khorotshitumbe nga uyu Mulayo, nga n̄nda ha maanda a tutshelanaho na u vhumbiwa ha dzindayo.

- (2) Thoho ya Muhasho a nga, nea maanda Vhalanga Masipala, nga u tou n'wala uri vha shumise maanda afhio na afhio o hweswaho kha Thoho ya Muhasho nga uyu Mulayo, nga nnda ha maanda o pfukiselwaho kha Thoho ya Muhasho nga Murado wa Khorotshitumbe.

Dzindaulo

27. (1) Murado wa Khorotshitumbe a nga ita dzindaulo malugana na :
- (a) thodea malugana na u fhatiwa na ndondolo ya dziphaundu;
 - (b) tshivhumbeo tsha redzhistara ifhio na ifhio, ndivhadzo kana t hanganedzo i no do vhulungwa, dzo newaho, andadzwa kana u bviswa fhasi ha uyu Mulayo, zwidodombedzwa zwine ha do dzhenwa khazwo kha redzhistara yeneyo na tshelede dzi badelwaho u itela u tolwa ha zwenezwo.
 - (c) tshelede ya vhuendi i badelwaho kha muthu ufhio na ufhio a endedzaho zwifuwo u ya kha phaundu ifhio na ifhio;
 - (d) tshelede ya u thendara i badelwaho kha Mulangaphaundu kana muthu a dzhiaho zwifuwo;
 - (e) tshelede ya phaundu i badelwaho Mulangaphaundu;
 - (f) magavhelo a lwendo na tshelede i badelwaho kha muthu ufhio na ufhio we kha mavu awe zwifuwo zwa pfukela nga nnda ha thendelo na tshinyalelo ya vhuendi ha Mulangaphaundu ane vandisi i khoulwale fhetu hu si phaunduni;
 - (g) ndila ine ngayo zwifuwo zwa tea u rengiswa ngayo nga vandisi ya vhathu;
 - (h) u swayiwa ha zwifuwo zwo valelwaho zwine zwa tea u rengiswa nga vandisi ya vhathu;
 - (i) ndila ine ngayo donngi dzo dzhiwaho, dzi so ngo vhothololwaho ngomu ha maduvha a sumbe, dza tea u shumiwa ngayo;
 - (j) zwidiswa zwothe zwi do swikiswa nga Mulangaphaundu; na

(k) fhungo liñwe lifhio na lifhio line hu tshi tevhedzwa uyu Mulayo, li tea u randelwa nga ndaulo kana line Murado wa Khorotshitumbe a nga vhona li tshi todea kana la fanela u randela u itela u bveledza ndivho dza uyu Mulayo.

(2) Ndaulo dzo itwaho hu tshi tevhedzwa khethekanyotshukhu (1) dzi nga randela ndatiso u itela u pfuka honoho.

Vhukhaki na ndatiso

28. Muthu ufhio na ufhio ane :

- (a) a pfuka kana a kundelwa u tevhedzela mbetshelo ifhio na ifhio ya uyu Mulayo;
 - (b) a hana, dzumba, thivhela kana u rwa Mulangaphaundu ufhio na ufhio a tshi khou shumisa maanda na ndivhanele zwa Mulangaphaundu hu tshi tevhedzwa uyu Mulayo; kana
 - (c) nga khole nahone hu na u toda u fhura, a netshedza mafhungo kana zwidodombedzwa zwa mazwifhi kha Mulangaphaundu ufhio na ufhio malugana na –
 - (i) zwifuwo kana dzina na diresi dza mune wa zwifuwo zwo dzhiwaho kana zwifuwo zwo thendariwaho u itela u dzhiwa; kana
 - (ii) mavu kana dzina na diresi dza mune wa mavu e khao zwa wanala zwo pfukela nga nda ha thendelo;
- u do vha na mulandu wa vhukhaki nahone o wanwa mulandu u na, khwalo ya faini kana u valelwa dzhele lwa tshifhinga tshi sa fhirihho minwedzi ya rathi, kana zwothe faini na u valelwa.

U phumulwa ha milayo

29. Milayo yo bulwaho kha Shedulu afha i khou phumulwa.

Mbetshelo dza u pfukekanya

30. Tshithu tshifhio na tshifhio tsho itwaho nga muya wavhudi fhasi ha mbetshelo ya mulayo wo phumulwaho nga uyu Mulayo, kana tshi dzhiwaho tsho itwa

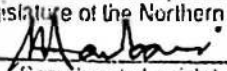
nga u ralo fhasi ha mulayo wo phumulwaho, tshi dzhiwa sa tsho itwaho fhasi h0a mbetshelo i yelanaho ya uyu Mulayo.

Dzina Lipfufhi na mathomo

31. Uyu Mulayo u vhidzwa upfi Mulayo wa Dziphaundu wa Vundu la Devhula, 2002; nahone u thoma u shuma nga datumu yo tiwaho nga Premia nga mulevho kha *Gazethe ya Vundu*.

SHEDULU
MILAYO YO PHUMULWAHO

NO. NA NWAHA WA MULAYO	DZINA LIPFUFHI	VHUHULU HA U PHULULA
Mulayo wa Vundu 13 wa 1972	Mulayo wa Vundu wa Dziphaundu, 1972	Wothe
Mulayo wa Vundu 5 wa 1973	Mulayo wa Vundu wa Khwiniso wa Dziphaundu, 1973	Wothe
Mulayo No. 8 wa 1976	Mulayo wa Dziphaundu wa Gazankulu	Wothe
Mulayo No. 80 wa 1990	Mulayo wa Dziphaundu wa Lebowa	Wothe
Mulayo No. 6 wa 1976	Mulayo wa Dziphaundu wa Venda	Wothe
Mulayo No.5 wa 2000	Mulayo wa Ndinganyiso ya Milayo wa Muvhuso Wapo wa Vundu la Devhula, 2000	Khethekanyo 2(b)

Certified correct as passed by the
Legislature of the Northern Province

Secretary to Legislature

