



LIMPOPO PROVINCE  
LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVIINSI YELIMPOPO

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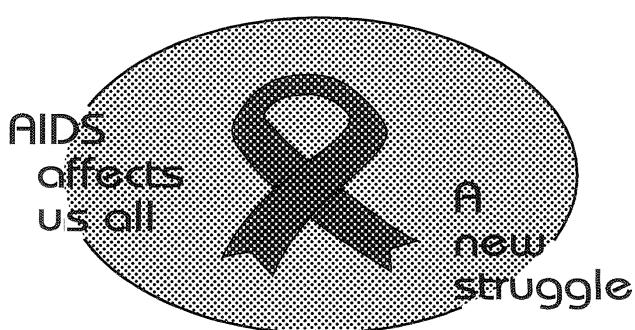
13 DECEMBER 2013  
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13 NYENDAVHUSIKU 2013

No. 2289

Buitengewoon

Hu tshi katelwa na  
Gazethe dza *Nyingo*

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AIDS  
HELPUNE

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DEPARTMENT OF HEALTH

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**GENERAL NOTICE****GENERAL NOTICE ...<sup>478</sup> OF 2013****LIMPOPO PROVINCIAL ADMINISTRATION****DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM****LIMPOPO CONSUMER PROTECTION BILL, 2013**

In terms of the Standing Rules and Orders of the Limpopo Legislature, the Limpopo Consumer Protection Bill, 2013 is hereby advertised for public comments.

Any person or organization wishing to comment on the said document may do so in writing, on or before **31/01/2014**, with:

**The Head of Department****Department of Economic Development, Environment and Tourism****Private Bag X9484****POLOKWANE****0700****FOR ATTENTION: Kenny Maboea****Tel: (015) 293 8559****Fax: (015) 291 1336****Email: MaboeaKS@ledet.gov.za**

**LIMPOPO PROVINCIAL LEGISLATURE**

**LIMPOPO CONSUMER PROTECTION BILL, 2013**

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**As introduced by**

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**(THE MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR ECONOMIC  
DEVELOPMENT, ENVIRONMENT AND TOURISM)**

**BILL**

**To provide for a provincial consumer protection authority and its functioning; to provide for the Limpopo consumer court and its functioning; to regulate consumer court proceedings; to repeal the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 8 of 1996) and to provide for matters connected therewith.**

**PREAMBLE**

**WHEREAS** the Consumer Protection Act, 2008 (Act No. 68 of 2008) was enacted to amongst other promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose to establish national norms and standards relating to consumer protection;

**AND WHEREAS** there is a need for provincial consumer protection legislation to establish a provincial consumer protection authority and consumer court in the province to deal with consumer protection matters;

**BE IT THEREFORE ENACTED** by the Limpopo Provincial Legislature as follows:—

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2. Objects of Act

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**CHAPTER 1****INTRODUCTORY PROVISIONS****1. Definitions**

In this Act, any word or expression to which a meaning has been assigned in the Consumer Protection Act, 2008 (Act No. 68 of 2008) bears the same meaning and unless the context otherwise indicates—

**“Commission”** means the National Consumer Commission established in terms of section 85 of the Consumer Protection Act, 2008 (Act No. 68 of 2008);

**“Constitution”** means the Constitution of the Republic of South Africa Act, 1996;

**“consumer”**, in respect of any particular goods or services, means—

- (a) a person to whom those particular goods or services are marketed in the ordinary course of the supplier's business;
- (b) a person who has entered into a transaction with a supplier in the ordinary course of the supplier's business, unless the transaction is exempt from the application of the Consumer Protection Act, 2008 (Act No. 68 of 2008) by section 5(2) or in terms of section 5(3) of that Act;
- (c) if the context so requires or permits, a user of those particular goods or a recipient or beneficiary of those particular services, irrespective of whether that user, recipient or beneficiary was a party to a transaction concerning the supply of those particular goods or services;
- (d) a franchisee in terms of a franchise agreement, to the extent applicable in terms of section 5(6)(b) to (e) of the Consumer Protection Act, 2008 (Act No. 68 of 2008);

**"Consumer Affairs (Unfair Business Practices) Act, 1996"** means the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 8 of 1996);

**"consumer court"** means a consumer court contemplated in section 18;

**"Consumer Protection Act, 2008"** means the Consumer Protection Act, 2008 (Act No. 68 of 2008);

**"Consumer Protector"** means the person designated or appointed as head of the office of the Consumer Protector in terms of section 4(1);

**"court"** means any court contemplated in chapter 8 of the Constitution;

**"Department"** means the Department responsible for consumer affairs in the province;

**"Head of Department"** means the Head of the Department responsible for consumer affairs in the province;

**"inspector"** means a person designated or appointed as an inspector in terms of section 8(1);

**"investigator"** means a person designated or appointed as an investigator in terms of section 8(1);

**"MEC"** means the Member of the Executive Council responsible for consumer affairs in the province;

**"National Credit Act, 2005"** means the National Credit Act, 2005 (Act No. 34 of 2005);

**"Office of the Consumer Protector"** means the Office of the Consumer Protector contemplated in section 3;

**"prescribed"** means prescribed by regulation;

**"prohibited conduct"** means an act or an omission in contravention of this Act, the Consumer Protection Act, 2008 or the National Credit Act, 2005;

**"regulations"** means regulations made in terms of this Act;

**"respondent"** means a person against whom a complaint or application has been initiated in terms of this Act, the Consumer Protection Act, 2008 or the National Credit Act, 2005;

**"this Act"** includes the regulations; and

**"Tribunal"** means the National Consumer Tribunal established under section 26 of the National Credit Act, 2005.

## **2. Objects of Act**

The objects of this Act are to promote and advance the social and economic welfare of consumers in the province by providing for a—

- (a) provincial consumer protection authority; and
- (b) consumer court,

to investigate, mediate or adjudicate alleged infringements of consumer rights set out in Chapter 2 of the Consumer Protection Act, 2008.

## **CHAPTER 2**

### **PROVINCIAL CONSUMER PROTECTION AUTHORITY**

***Part A******OFFICE OF CONSUMER PROTECTOR*****3. Office of Consumer Protector**

The provincial consumer protection authority known as the Office for the Investigation of Unfair Business Practices established in terms of the Consumer Affairs (Unfair Business Practices) Act, 1996 is retained subject to section 48 of this Act, notwithstanding the repeal of the Consumer Affairs (Unfair Business Practices) Act, 1996 and is renamed the Office of the Consumer Protector.

**4. Consumer Protector**

- (1) The MEC must in terms of the laws governing the public service, designate or appoint a person with—
  - (a) suitable experience; and
  - (b) at least a university degree in either economics, law, commerce, industry or public affairs,as Consumer Protector in the Office of the Consumer Protector at a level determined by the MEC.
- (2) The Consumer Protector must perform all the functions of the Office of the Consumer Protector under this Act and the Consumer Protection Act, 2008.
- (3) The MEC—
  - (a) must designate or appoint a Deputy Consumer Protector in the same manner as set out in subsection (1) who must—
    - (i) assist the Consumer Protector in carrying out the functions of the Office of the Consumer Protector; and
    - (ii) perform the duties of the Consumer Protector whenever the Consumer Protector is unable to do so for whatever reason; and
  - (b) may designate or appoint personnel in terms of the laws governing the public service to assist the Consumer Protector in the performance of his or her functions.
- (4) All personnel designated or appointed in terms of subsection (3)(b) are subject to the control and the direction of the Consumer Protector.

***Part B******FUNCTIONING OF THE AUTHORITY*****5. Functions and powers of Office of Consumer Protector**

- (1) The Office of the Consumer Protector must—
- (a) consider all matters referred to it in terms of this Act, the Consumer Protection Act, 2008 or the National Credit Act, 2005;
  - (b) receive and investigate consumer complaints in accordance with this Act;
  - (c) facilitate the mediation or conciliation of disputes arising in terms of this Act or the Consumer Protection Act, 2008 between or among consumers, persons resident, or persons carrying on business within the Province;
  - (d) refer disputes arising from this Act or the Consumer Protection Act, 2008 to the consumer court in accordance with this Act;
  - (e) provide advice and guidance to the public on consumer protection matters;
  - (f) implement educational and information measures to develop public awareness of this Act and consumer protection in general; and
  - (f) perform such other functions as may be assigned to the Office of the Consumer Protector in terms of this Act or the Consumer Protection Act, 2008.
- (2) The Office of the Consumer Protector may—
- (a) directly initiate an investigation into prohibited conduct as contemplated in section 6(2);
  - (b) issue compliance notices in terms of the Consumer Protection Act, 2008;
  - (c) request the Commission to initiate a complaint in respect of any apparent prohibited conduct or offence arising within the province in terms of the Consumer Protection Act, 2008; and
  - (d) advise the MEC on matters relating to consumer protection and on the nature and dynamics of the consumer market.

## 6. Lodging complaints with Office of Consumer Protector

- (1) Any person may lodge a complaint in the prescribed form and manner with the Office of the Consumer Protector regarding an alleged prohibited conduct.
- (2) The Office of the Consumer Protector may directly initiate a complaint regarding a prohibited conduct—
  - (a) on its own accord;
  - (b) when directed to do so by the MEC; or
  - (c) on the request of—
    - (i) a regulatory authority;
    - (ii) another provincial consumer protection authority;
    - (iii) a consumer protection group accredited under the Consumer Protection Act, 2008; or
    - (iv) any other person having material interest in the matter.

## 7. Role of Office of Consumer Protector in dealing with complaints

- (1) The Office of the Consumer Protector upon initiating or receiving a complaint in terms of this Act or the Consumer Protection Act, 2008 may—
  - (a) issue a notice of non-referral to the complainant in the prescribed form, if the complaint—
    - (i) appears to be frivolous or vexatious;
    - (ii) does not allege any facts which, if true, would constitute grounds for a remedy under this Act or the Consumer Protection Act, 2008; or
    - (iii) is prevented, in terms of section 116 of the Consumer Protection Act, 2008, from being referred to the consumer court;
  - (b) assist the parties to attempt to resolve the dispute unless the parties have previously and unsuccessfully attempted to resolve the dispute in that manner;
  - (c) refer any investigation or aspect thereof to another competent authority with jurisdiction, including an authority in another province if a complaint may be more appropriately dealt with by the other authority; or

- (d) direct an investigator to investigate the complaint as quickly as practicable.
- (2) The Office of the Consumer Protector may by notice in the *provincial gazette* or any other form of media—
- make known any investigation which it is conducting, and
  - call upon any person to make written representations regarding the investigation to the Office of the Consumer Protector.

## 8. Inspectors and investigators

- (1) The MEC may—
- designate any suitable person in the Office of the Consumer Protector; or in the Department; or
  - subject to the laws governing the public service, appoint any suitable person, as an inspector or an investigator in terms of this Act.
- (2) The MEC must issue an inspector or investigator so designated or appointed in terms of subsection (1) with the prescribed appointment certificate.
- (3) In addition to any other function imposed in terms of this Act or the Consumer Protection Act, 2008—
- an inspector must monitor compliance with; and
  - an investigator must investigate complaints in terms of, this Act or the Consumer Protection Act, 2008.
- (4) An inspector or investigator who performs a function in terms of this Act must be in possession of the prescribed appointment certificate issued in terms of subsection (2) and must produce such certificate when a person who is affected by the inspector's or investigator's actions in terms of this Act requests to see such certificate.
- (5) The MEC may appoint a suitably qualified person as an expert to conduct research, audits, inquiries or other investigations on behalf of the Office of the Consumer Protector.

- (6) A person appointed in terms of subsection (5) is not an investigator within the meaning of this Act.
- (7) The Consumer Protector is deemed to be an inspector and investigator in terms of this Act.

## 9. Outcomes of investigation

After concluding an investigation into a complaint, the Office of the Consumer Protector may—

- (a) issue a notice of non-referral to the complainant in the prescribed form;
- (b) propose a draft consent order in terms of section 10;
- (c) make a referral to the consumer court in terms of section 11;
- (d) issue a compliance notice in terms of section 100 of the Consumer Protection Act, 2008; or
- (e) refer the matter to the National Prosecuting Authority, if the complaint concerns an offence in terms of this Act, the Consumer Protection Act, 2008 or the National Credit Act, 2005.

## 10. Consent orders

- (1) If a matter has been—
  - (a) resolved through mediation or conciliation in terms of section 7(1)(b); or
  - (b) investigated by the Office of the Consumer Protector; and the parties agree to the proposed terms of an appropriate order,the consumer court may, without hearing any evidence, confirm that agreement as a consent order.
- (2) The consumer court after hearing a motion for a consent order must—
  - (a) make an order as agreed to and proposed by the Office of the Consumer Protector and the respondent;
  - (b) indicate any changes that must be made in the draft order before it will make the final order; or
  - (c) refuse to make the order.

- (3) A consent order referred to in subsection (1)—
- (a) may include an award of damages to the complainant if the complainant so agrees;
  - (b) must be published in the *provincial gazette*.

**11. Referral to consumer court**

- (1) A matter may be referred to the consumer court by—
- (a) the Office of the Consumer Protector;
  - (b) the National Credit Regulator in terms of section 140(2)(a) of the National Credit Act, 2005;
  - (c) a complainant under the National Credit Act, 2005 in terms of section 141(1)(a) of that Act;
  - (d) the Commission in terms of section 73(2)(a) of the Consumer Protection Act, 2008; or
  - (e) a complainant under the Consumer Protection Act, 2008 in terms of section 75(1)(a) of that Act.
- (2) A person seeking to enforce any right in terms of section 69(c)(ii) of the Consumer Protection Act, 2008 or in terms of this Act, may apply directly to the consumer court if—
- (a) that person has first lodged a complaint with the Office of the Consumer Protector; and
  - (b) the Office of the Consumer Protector has either—
    - (i) issued a notice of non-referral in terms of section 7(1) (a); or
    - (ii) investigated that complaint and issued a notice of non-referral in terms of section 9(a) to that person.

**12. Register of adverse notations**

- (1) The Office of the Consumer Protector must in the prescribed format maintain a register of adverse notations which records the details of persons who have been found by a consumer court to be engaged in prohibited conduct.

- (2) The Office of the Consumer Protector may only list details of a person in the register referred to in subsection (1) if the consumer court has issued an order to that effect.
- (3) A person affected by an entry in the register may apply to the consumer court to set aside such order, and the court may do so on reasonable and just grounds.

### ***Part C***

#### ***POWERS IN SUPPORT OF INVESTIGATION***

##### **13. Subpoena of persons or documents**

- (1) The Consumer Protector or a person in the service of the Office of the Consumer Protector authorised by him or her may for the purposes of an investigation, subpoena any person who is believed to be able to furnish any information on the subject of the investigation; or to have in his or her possession or under his or her control any book, document or other object relating to that subject—
  - (a) to appear before a person in the service of the Office of the Consumer Protector to be questioned at a time and place specified in the subpoena; or
  - (b) to deliver or to produce to the person in the service of the Office of the Consumer Protector that book, document or other object at a time and place specified in the subpoena.
- (2) A subpoena referred to in subsection (1) (a)—
  - (a) must—
    - (i) be in the prescribed form;
    - (ii) be signed by the Consumer Protector or another person in the service of the Office of the Consumer Protector authorised by the Consumer Protector; and
  - (b) may be served in the same manner as a subpoena in a criminal case issued by the magistrate's court.
- (3) A person questioned by an investigator conducting an investigation must answer each question truthfully and to the best of that person's ability, however—

- (a) the person is not obliged to answer any question if the answer is self-incriminating; and
  - (b) the investigator questioning such a person must inform that person of the right set out in paragraph (a).
- (4) No self-incriminating answer given or statement made by any person to an investigator exercising any power in terms of this section is admissible as evidence against the person who gave the answer or made the statement in criminal proceedings in any court, except in criminal proceedings for perjury or in which that person is tried for an offence contemplated in section 41 or 42(2)(d) and then only to the extent that the answer or statement is relevant to prove the offence charged.

#### **14. Authority to enter and search under warrant**

- (1) A judge of the High Court or a magistrate may issue a warrant to enter and search any premises that are within the jurisdiction of that judge or magistrate if, from information on oath or affirmation, there are reasonable grounds to believe that—
  - (a) a contravention of this Act or the Consumer Protection Act, 2008 has taken place, is taking place, or is likely to take place on or in those premises; or
  - (b) anything connected with an investigation in terms of this Act or the Consumer Protection Act, 2008 is in the possession of, or under the control of a person who is on or in those premises.
- (2) A warrant to enter and search issued under subsection (1) may be issued at any time and must specifically—
  - (a) identify the premises that may be entered and searched; and
  - (b) authorise an investigator or a police officer to enter and search the premises and to do anything listed in section 15.
- (3) A warrant to enter and search is valid until one of the following events occurs—
  - (a) the warrant is executed;
  - (b) the warrant is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
  - (c) the purpose for issuing it has lapsed; or
  - (d) the expiry of one month after the date it was issued.

- (4) A warrant to enter and search may be executed only during the day, unless the judge, or magistrate who issued it authorises that it may be executed at night at a time that is reasonable in the circumstances.
- (5) A person authorised by warrant issued in terms of subsection (2) may enter and search premises named in that warrant.
- (6) Immediately before commencing with the execution of a warrant, a person executing that warrant must either—
  - (a) if the owner, or person in control of the premises to be searched is present—
    - (i) provide identification to that person and explain to that person the authority by which the warrant is being executed; and
    - (ii) hand a copy of the warrant to that person or to the person named in it; or
  - (b) if the owner, or person in control is not present, affix a copy of the warrant to the premises in a prominent and visible place.

## **15. Powers to enter and search**

- (1) A person who is authorised under section 14 to enter and search premises may—
  - (a) enter upon or into those premises;
  - (b) search those premises;
  - (c) search any person on those premises if there are reasonable grounds for believing that the person has personal possession of an article or document that has a bearing on the investigation;
  - (d) examine any article or document that is on or in those premises that has a bearing on the investigation;
  - (e) request information about any article or document from the owner of, or person in control of the premises or from any person who has control of the article or document, or from any other person who may have the information;
  - (f) take extracts from or make copies of any book or document that is on or in the premises that has a bearing on the investigation;
  - (g) use any computer system on the premises, or require assistance of any person on the premises to use that computer system, to—
    - (i) search any data contained in or available to that computer system;
    - (ii) reproduce any record from that data;
  - (h) seize any output from that computer for examination and copying; and

- (i) attach and if necessary remove from the premises for examination and safekeeping anything that has a bearing on the investigation.
- (2) Section 13(4) applies equally to an answer given or statement made to an investigator or police officer in terms of this section.
- (3) An investigator authorised to conduct an entry and search in terms of section 14 may be accompanied and assisted by a police officer.

#### **16. Conduct of entry and search**

- (1) A person who enters and searches any premises under section 15 must conduct the entry and search with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.
- (2) During any search under section 15 (1) (c), only a female investigator or female police officer may search a female person, and only a male investigator or male police officer may search a male person.
- (3) A person who enters and searches premises under section 15, before questioning anyone, must—
  - (a) advise that person of the right to be assisted at the time by an advocate or attorney; and
  - (b) allow that person to exercise that right.
- (4) A person who removes anything from premises being searched must—
  - (a) issue a receipt for it to the owner of, or person in control of, the premises; and
  - (b) return it as soon as practicable after achieving the purpose for which it was removed.
- (5) During a search, a person may refuse to permit the inspection or removal of an article or document on the grounds that it contains privileged information.
- (6) If the owner or person in control of an article or document refuses in terms of subsection (5) to give that article or document to the person conducting the search, the person conducting the search may request the registrar or sheriff of the High Court that has jurisdiction to attach and remove the article or document for safe custody until that court determines whether or not the information is privileged.

**17. Claims that information is confidential**

- (1) An affected person may, when required to submit information to the Office of the Consumer Protector, the consumer court or an investigator appointed in terms of this Act, claim that all or part of that information is confidential.
- (2) Any claim contemplated in subsection (1) must be supported by a written statement explaining why the information is confidential.
- (3) The Office of the Consumer Protector or the consumer court as the case may be must—
  - (a) consider any claim made in terms of subsection (1); and
  - (b) notify the claimant whether or not the information contemplated in subsection (1) will be treated as if it had been determined to be confidential.
- (4) When making any ruling, decision or order in terms of this Act, the Office of the Consumer Protector or the consumer court may take into account any information that has been the subject of a claim in terms of subsection (1).
- (5) If any reasons for a decision in terms of this Act would reveal any information that has been the subject of a claim in terms of subsection (1), the Office of the Consumer Protector or the consumer court, as the case may be, must provide a copy of the proposed reasons to the party claiming confidentiality at least five business days before publishing those reasons.
- (6) Within five business days after receiving a notice in terms of subsection (3) (b), or a copy of proposed reasons in terms of subsection (5), a party may apply to a court for an appropriate order to protect the confidentiality of the relevant information.

**CHAPTER 3****LIMPOPO CONSUMER COURT****PART A****FUNCTIONING OF CONSUMER COURT****18. Limpopo consumer court**

- (1) The consumer court established for the province in terms of the Consumer Affairs (Unfair Business Practices) Act, 1996 is retained subject to section 48 of this Act,

notwithstanding the repeal of the Consumer Affairs (Unfair Business Practices) Act, 1996 and is renamed the Limpopo Consumer Court.

- (2) The seat of the consumer court is in Polokwane.
- (3) The consumer court may hold sittings at places other than the seat of the consumer court as the consumer court in consultation with the Office of the Consumer Protector may determine.

#### **19. Functions of consumer court**

The consumer court must—

- (a) adjudicate in respect of any application that may be made to it in terms of this Act, the Consumer Protection Act; 2008 or the National Credit Act, 2005 and make any competent order as provided for in the mentioned Acts;
- (b) hear and consider allegations of prohibited conduct which is before it by virtue of proceedings contemplated in this Act, the Consumer Protection Act; 2008 or the National Credit Act, 2005 and make any competent order as provided for in the mentioned Acts; and
- (c) exercise any other powers and perform the functions and duties assigned to it in terms of this Act, the Consumer protection Act, 2008 and the National Credit Act, 2005.

#### **20. Composition of consumer court**

- (1) The MEC must appoint members of the consumer court.
- (2) The consumer court must consist of six persons as follows:
  - (a) a chairperson and a deputy chairperson who must both be—
    - (i) a retired judge of the Supreme Court; or
    - (ii) an attorney, advocate, retired magistrate or lecturer in law at a university, with not less than ten years' cumulative experience in one or more such capacities; and

- (b) four other additional members of the consumer court having special knowledge or experience of consumer advocacy, economics, industry, commerce or law.

## 21. Disqualification from appointment to consumer court

No person may be appointed or remain a member of the consumer court if he or she—

- (a) is not a citizen of the Republic;
- (b) is not ordinarily resident in the province;
- (c) is a public servant, including a municipal employee;
- (d) is at the relevant time, or during the preceding twelve months was an office-bearer or employee of any party, movement, organisation or body of a party political nature;
- (e) is an unrehabilitated insolvent; or becomes insolvent and the insolvency results in the sequestration of that person's estate;
- (f) has within the previous ten (10) years been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under this Act or an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), an offence under the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001), or an offence involving dishonesty;
- (g) has at any time been removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money; or
- (h) is subject to an order of a competent court holding that person to be mentally unfit or disordered.

## 22. Appointment of members of consumer court

- (1) The MEC must publish a notice in two newspapers circulating in the province and in any other form of media, inviting persons who—
  - (a) comply with the qualifications in section 20(2); and
  - (b) are not subject to any disqualification contemplated in section 21,

to apply, within 21 days of the publication of such notice for positions as members of the consumer court.

- (2) Applicants must, in response to the notice in terms of subsection (1), submit a comprehensive *curriculum vitae* containing—
  - (a) certified copies of all qualifications;
  - (b) supporting documents that reflect the applicant's knowledge, experience and relevant contribution to consumer protection in the province; and
  - (c) a sworn affidavit declaring any direct or indirect financial interests in any company, close corporation or any other business interests.
- (3) The MEC may verify the credentials of an applicant.
- (4) The MEC must, from the applications received, appoint suitable members to the consumer court.
- (5) A member of the consumer court must, before assuming office, make an oath or solemn affirmation in the prescribed form.
- (6) The MEC must cause the names of the persons appointed to the consumer court to be published in the *provincial gazette* and in any other form of media.

### **23. Term of office of members of consumer court**

- (1) Each member of the consumer court serves for a period of three years.
- (2) The MEC may renew a consumer court member's term of office for a further term without following the procedure set out in section 22.
- (3) If members of the consumer court are still considering a matter before the consumer court on expiry of their term of office, they may continue to act as members of the consumer court in respect of that matter only and may still receive the remuneration and allowances due to them during the period in which they continue to act as members of the consumer court.

### **24. Resignation, removal from office and vacancies**

- (1) A member of the consumer court may resign by providing the MEC with—
  - (a) one months written notice; or

- (b) less than one months written notice, with the approval of the MEC.
- (2) The MEC may, subject to subsection (3) remove a member of a consumer court if that member—
- (a) becomes disqualified in terms of section 21;
  - (b) fails to disclose an interest as provided for in section 26;
  - (c) acted contrary to the provisions of section 27; or
  - (d) fails to properly and professionally perform the functions of a member of the consumer court.
- (3) Before removing a member of the consumer court in terms of subsection (2), the MEC must afford the affected member of the consumer court an opportunity to state his or her case.
- (4) Whenever a vacancy occurs in a consumer court, the MEC must, in accordance with the procedure set out in section 22 appoint a person to fill such vacancy for the unexpired period of office of the member of the consumer court in whose place such person is appointed.
- (5) If the position of both chairperson and deputy chairperson become vacant for whatever reason, the MEC may appoint a person with suitable legal qualifications and experience to temporarily act in the position of chairperson until the vacancy has been filled in accordance with section 22.
- (6) The person appointed in terms of subsection (5) is entitled to the remuneration and allowances set out in section 25.

## **25. Remuneration and allowances of members of consumer court**

The MEC—

- (a) must determine the consumer court members' remuneration and allowances;
- (b) may determine different scales of remuneration and allowances in respect of different members of the consumer court in relation to their level of expertise and functions they perform,

in consultation with the Member of the Executive Council responsible for finance in the Province.

**26. Declaration of business interests of members of consumer court**

- (1) Every member of the consumer court must, upon assuming office and at the beginning of every financial year of the consumer court, submit a written declaration of his or her direct or indirect interest in any company, close corporation or other business interests to the MEC.
- (2) Where a member of the consumer court acquires interest in any company, close corporation or other business interest, at any time during his or her tenure as a member of the consumer court, he or she must within 10 days of the date of acquiring such interest, submit a written declaration to the MEC of such interest.

**27. Conflicting interests**

- (1) A member of the consumer court may not represent any person before the consumer court.
- (2) If, during a hearing in which a member of the consumer court is participating, it appears to that member of the consumer court that the matter concerns a financial or other interest of that member, that member of the consumer court must—
  - (a) immediately and fully disclose the fact and nature of that interest to the remaining members of the consumer court; and
  - (b) withdraw from any further involvement in that hearing.

**28. Suspension of member of consumer court**

- (1) The MEC, after applying the relevant rules of natural justice, may suspend a member of the consumer court if—
  - (a) the member of the consumer court is alleged to have committed serious misconduct; and
  - (b) the MEC reasonably believes that the presence of such member at the consumer court might jeopardise any investigation and enquiry into the alleged misconduct, or endanger the well-being or safety of any person or state property.
- (2) The suspension is a precautionary measure which does not constitute a finding.

**PART B**  
**ADMINISTRATION OF COURT**

**29. Clerk of consumer court**

- (1) The MEC, subject to the laws governing public service—
  - (a) must designate or appoint a person as the clerk of the consumer court who is responsible for—
    - (i) receiving and processing applications lodged with the consumer court;
    - (ii) preparing sittings of consumer court;
    - (iii) notifying parties of sittings;
    - (iv) managing correspondence of the consumer court;
    - (v) managing consumer court records;
    - (vi) processing witness fees; and
    - (vii) performing any other function in terms of this Act or as directed by the chairperson of the consumer court;
  - (b) may designate or appoint such other persons in terms of the laws governing public service to assist the clerk of the consumer court in the performance of his or her functions.
- (2) The clerk of the consumer court must report to the Head of Department in the prescribed manner.

**30. Reporting by consumer court**

The consumer court must submit quarterly and annual reports on its activities to the MEC in the prescribed format no later than 14 days after the end of the quarter and the financial year.

**PART C**  
**CONSUMER COURT PROCEEDINGS**

**31. Consumer court proceedings**

- (1) The Chairperson of the consumer court is responsible for managing the case load of the consumer court and must assign each matter referred to the consumer court in terms of this Act or any other legislation to—

- (a) the chairperson or deputy chairperson sitting alone to the extent that this Act, section 75(5) of the Consumer Protection Act, 2008, section 142 (3) of the National Credit Act, 2005, or any other legislation provides for a matter to be considered by a single member; or
  - (b) a panel composed of the chairperson or deputy chairperson and two other consumer court members.
- (2) If at any stage during the proceedings before the consumer court, the chairperson becomes incapable of acting or is absent, the proceedings shall continue before the deputy chairperson.
- (3) If both the chairperson and deputy chairperson are for whatever reason unable to complete a matter—
- (a) in which the chairperson or deputy chairperson is sitting alone, the matter must proceed before a single member with suitable legal qualifications and experience; or
  - (b) as part of a panel of three members, the panel must be reconstituted so that at all times the panel consists of three members with at least one member having suitable legal qualifications and experience.
- (4) A decision of a single member of the consumer court hearing a matter contemplated in subsection (1)(a) or of the majority of the members of a panel in any other case, is a decision of the consumer court.

### **32. Hearings by consumer court**

The consumer court hearing a matter in terms of this Act, the Consumer Protection Act, 2008 or the National Credit Act, 2005—

- (a) must conduct its proceedings in a manner consistent with Part D; and
  - (b) may make any order as provided for in Part E,
- of Chapter 7 of the National Credit Act, 2005, read with the changes required by the context.

### **33. Witness fees**

Any person summoned as a witness must be paid such witness fees and allowances as he or she would have been entitled to if such person appeared in a magistrate's court as a witness.

**PART D**

**CONSUMER COURT ORDERS**

**34. Orders of consumer court**

- (1) In addition to any other order the consumer court may make in terms of this Act, the Consumer Protection Act, 2008 or the National Credit Act, 2005, the consumer court may order that the details of a person engaged in prohibited conduct be endorsed on the list of adverse notations referred to in section 12.
- (2) An order of the consumer court must be made known by notice in the *provincial gazette* and may be made known in any other manner.

**35. Administrative fines**

The consumer court may impose an administrative fine in respect of prohibited or required conduct in terms of the Consumer Protection Act, 2008 or the National Credit Act, 2005.

**36. Variation of orders**

The consumer court acting of its own accord or on application by a person affected by a decision or order, may vary or rescind its decision or order—

- (a) erroneously sought or granted in the absence of a party affected by it;
- (b) in which there is ambiguity, or an obvious error or omission, but only to the extent of correcting that ambiguity, error or omission; or
- (c) made or granted as a result of a mistake common to all the parties to the proceedings.

**37. Standard of proof**

In any proceedings before the consumer court in terms of this Act, the standard of proof is on a balance of probabilities.

**CHAPTER 4**

**GENERAL PROVISIONS**

**PART A****OFFENCES AND PENALTIES****38. Breach of confidence**

- (1) It is an offence to disclose any confidential information concerning the affairs of any person or juristic person obtained—
- (a) in carrying out any function in terms of this Act; or
  - (b) as a result of initiating a complaint or participating in any proceedings in terms of this Act.
- (2) Subsection (1) does not apply to information disclosed—
- (a) for the purpose of the due and proper exercise or performance of any power, function or duty in terms of this Act;
  - (b) for the purpose of the administration of justice;
  - (c) at the request of an investigator, Office of the Consumer Protector or member of the consumer court entitled to receive the information; or
  - (d) on the order of a court of law.

**39. Hindering administration of Act**

It is an offence to hinder, oppose, obstruct or unduly influence any person who is exercising a power or performing a duty delegated, conferred or imposed on that person by this Act.

**40. Failure to attend when summoned**

A person who having been directed, summoned or subpoenaed to attend a hearing—

- (a) fails without sufficient cause to appear at the time and place specified or to remain in attendance until excused; or
  - (b) attends as required, but—
    - (i) refuses to be sworn in or to make an affirmation; or
    - (ii) fails to produce a book, document or other item as ordered, if it is in the possession of, or under the control of, that person,
- commits an offence.

**41. Failure to answer fully or truthfully**

A person who, having been sworn in or having made an affirmation—

- (a) subject to section 13(3), fails to answer any question fully and to the best of that person's ability; or
- (b) gives false evidence, knowing or believing it to be false,  
commits an offence.

**42. Offences relating to Office of Consumer Protector and consumer court**

- (1) A person who contravenes or fails to comply with an order of the consumer court commits an offence.
- (2) A person who—
  - (a) does anything calculated to improperly influence the consumer court or the Office of the Consumer Protector concerning any matter connected with an investigation;
  - (b) anticipates any findings of the consumer court or the Office of the Consumer Protector concerning an investigation in a way that is calculated to influence the proceedings or findings;
  - (c) does anything in connection with an investigation that would have been contempt of court if the proceedings had occurred in a court of law;
  - (d) knowingly provides false information to the Office of the Consumer Protector;
  - (e) defames the consumer court or a member of the consumer court, in their respective official capacities;
  - (f) wilfully interrupts the proceedings of a hearing or misbehaves in the place where a hearing is being conducted;
  - (g) acts contrary to a warrant to enter and search; or
  - (h) without authority, but claiming to have authority in terms of section 14—
    - (i) enters or searches premises; or
    - (ii) attaches or removes an article or document,

commits an offence.

**43. Penalties**

Any person convicted of an offence in terms of this Act, is liable to a fine or to imprisonment or to both such fine and imprisonment.

**PART B****MISCELLANEOUS PROVISIONS****44. Delegation of power**

- (1) The MEC may, subject to the provisions of this section, in writing, delegate a power, function or duty conferred, entrusted or imposed on the MEC in terms of this Act to the Head of Department, the Consumer Protector or an employee in the Office of the Consumer Protector, with or without conditions.
- (2) The MEC may not delegate the power—
  - (a) to appoint Court members and the Consumer Protector; and
  - (b) to make regulations.
- (3) The Consumer Protector may, with the approval of the MEC, delegate his or her powers, duties or functions, including a power, duty or function delegated to Consumer Protector by the MEC, to any member in the service of the Office of the Consumer Protector.
- (4) A delegation under this section does not prevent the MEC or the Consumer Protector from exercising or performing that respective delegated power, duty or function.
- (5) A delegation under this section may be revoked or withdrawn at any time.
- (6) Anything done in the exercise or performance of a delegated power, duty or function is regarded to have been done by the MEC or the Consumer Protector, as the case may be.

**45. Vicarious liability**

- (1) If an employee or agent of a person is liable in terms of this Act for anything done or omitted in the course of that person's employment or activities on behalf of their principal, the employer or principal is jointly and severally liable with that person.
- (2) This section does not apply in respect of criminal liability.

**46. Regulations**

- (1) The MEC may, after consulting with the chairperson of the consumer court, make regulations relating to—
  - (a) the practice and rules of proceedings of the consumer court;
  - (b) any matter which in terms of this Act is required to be prescribed;
  - (c) any fee payable under this Act;
  - (c) in general, any matter which is considered necessary or expedient to prescribe for achieving the objects of this Act.
- (2) The MEC must cause the draft regulations to be published in the *provincial gazette* for public comments.

**47. Repeal of laws**

The Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 8 of 1996) is hereby repealed.

**48. Transitional arrangements**

- (1) Any complaint lodged with the Office of the Consumer Protector before the commencement of this Act in terms of any repealed legislation must be dispensed with and finalised in terms of this Act.
- (2) Where the Consumer Protector, member of staff of the Office of the Consumer Protector or investigator has been designated or appointed in terms of any legislation repealed by this Act, such designation or appointment shall continue as a designation or appointment in terms of this Act.
- (3) A consumer court established in terms of legislation repealed by this Act must continue as a consumer court established in terms of this Act.
- (4) A member or alternate member of the consumer court established in terms of legislation repealed by this Act continues to be a member or alternate member under this Act for the unexpired term of office.

**49. Short title and commencement**

- (1) This Act is called the Limpopo Consumer Protection Act, 2013 and comes into operation on a date to be determined by the Premier by proclamation in the *provincial gazette*.
- (2) The Premier may determine different dates for the coming into operation of different sections of this Act.

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**MEMORANDUM ON THE OBJECTS OF THE  
LIMPOPO CONSUMER PROTECTION BILL, 2013**

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**1. BACKGROUND AND PURPOSE OF BILL**

- 1.1. The Consumer Protection Act, 2008 (Act No. 68 of 2008)<sup>1</sup> was enacted in 2008 to amongst other promote a fair, accessible and sustainable marketplace for consumer products and services, to establish national norms and standards relating to consumer protection and to entrench consumer rights.
- 1.2. The Consumer Protection Act, 2008 refers to provincial consumer protection authorities and consumer courts. Provincial government is, however, expected to enact legislation providing for the establishment of both the consumer court and the provincial consumer protection authority and their functioning.
- 1.3. The existing Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 8 of 1996)<sup>2</sup> in its current form is not aligned to the new Consumer Protection Act, 2008. It is the intention to repeal the current Act and replace it with a new provincial consumer protection Act aligned to the Consumer Protection Act, 2008 so that there is alignment between the functions of the Commission, the functions of the provincial consumer protection authorities and the consumer court.
- 1.4. In terms of the current Act, the standing committee responsible for consumer affairs in the provincial legislature must concur with the MEC in the appointment of the consumer court members. The Bill seeks to remove this requirement. The Bill retains the above provincial structures already established under the current Act but however seeks to better regulate their functioning.
- 1.5. The Bill provides for a provincial consumer protection authority; it sets out its functions; it provides for the Limpopo consumer court; and its functions, it seeks to repeal the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 8 of 1996) and to provide for matters connected therewith.

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<sup>1</sup> Hereinafter referred to as the "Consumer Protection Act, 2008".

<sup>2</sup> Hereinafter referred to as the "current Act"

- 1.6. The Bill incorporates essential new definitions e.g. consumer, Commission, Tribunal, inspector etc. The Bill introduces qualification and appointment criteria for the Consumer Protector and also introduces the new positions of Deputy Consumer Protector and inspectors. The Bill further seeks to amplify the functions and powers of the provincial consumer protection authority. The Bill also seeks to introduce new procedure for referring matters to the consumer court. The Bill amplifies the functions of the clerk of the consumer court and also brings in reporting requirements. The Bill aligns the consumer court proceedings and orders with the proceedings and orders of the National Consumer Tribunal. The Bill introduces a register of adverse notations for recording the details of persons engaged in prohibited conduct. The Bill in general aligns itself with provisions in the Consumer Protection Act, 2008.

## **2. SOCIAL IMPLICATIONS**

The Bill is aimed at promoting and advancing the social and economic welfare of consumers in the province.

## **3. CLAUSE-BY –CLAUSE ANALYSIS**

- 3.1. Section 1 set out the definitions used in the Act.
- 3.2. Section 2 sets out the objects of the Act.
- 3.3. Section 3 provides for the retaining of the consumer protection authority established under the Act to be repealed and to be now known as the Office of the Consumer Protector.
- 3.4. Section 4 provides for the designation or appointment of the Consumer Protector and the qualifications necessary. It also provides for the designation or appointment of a deputy consumer protector as well as additional Office of the Consumer Protector personnel.
- 3.5. Section 5 sets out the functions and powers of the Office of the Consumer Protector.
- 3.6. Section 6 sets out the process for lodging complaints with the Office of the Consumer Protector.
- 3.7. Section 7 provides for the role of the Office of the Consumer Protector in dealing with complaints.

- 3.8. Section 8 deals with the designation or appointment of inspectors and investigators.
- 3.9. Section 9 deals with the various outcomes to an investigation by the Office of the Consumer Protector.
- 3.10. Section 10 provides for agreements between parties to be made consent orders.
- 3.11. Section 11 deals with how matters may be referred to the consumer court.
- 3.12. Section 12 provides for a register of adverse notations recording details of persons found to be engaged in prohibited conduct.
- 3.13. Section 13 provides for the subpoena of persons or documents for the purposes of an investigation.
- 3.14. Section 14 provides for the authority to enter and search under a warrant.
- 3.15. Section 15 sets out the powers to enter and search under a warrant.
- 3.16. Section 16 provides for the conduct of the entry and search.
- 3.17. Section 17 provides for the process of dealing with claims that information is confidential.
- 3.18. Section 18 retains the consumer court established by the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 8 of 1996) and provides for the seat of the court and its sittings.
- 3.19. Section 19 sets out the functions of the consumer court.
- 3.20. Section 20 sets out the composition of the consumer court.
- 3.21. Section 21 provides for the disqualifications from appointment to the consumer court.
- 3.22. Section 22 sets out the application and appointment procedure of members of the consumer court.
- 3.23. Section 23 provides for the term of office of members of the consumer court.
- 3.24. Section 24 provides for resignation, removal from office and vacancies in the consumer court.
- 3.25. Section 25 provides for remuneration and allowances of members of the consumer court.

- 3.26. Section 26 provides for the declaration of business interests of members of the consumer court.
- 3.27. Section 27 regulates conflict of interest.
- 3.28. Section 28 provides for suspension of a member of the consumer court.
- 3.29. Section 29 provides for the designation or appointment of the clerk of the consumer court and his or her responsibilities.
- 3.30. Section 30 sets out the requirement for reporting by the consumer court.
- 3.31. Section 31 deals with consumer court proceedings.
- 3.32. Section 32 provides for hearings of the consumer court to be conducted in a manner applicable to hearings of the National Credit Tribunal.
- 3.33. Section 33 makes provision for witness fees.
- 3.34. Section 34 provides for orders of the consumer court.
- 3.35. Section 35 provides for administrative fines.
- 3.36. Section 36 provides for variation of orders.
- 3.37. Section 37 provides for the standard of proof in consumer court proceedings.
- 3.38. Section 38 deals with breach of confidence.
- 3.39. Section 39 makes it an offence to hinder the administration of the Act.
- 3.40. Section 40 makes it an offence to fail to attend a hearing when summoned.
- 3.41. Section 41 makes it an offence to fail to answer fully or truthfully.
- 3.42. Section 42 creates offences in relation to the Office of the Consumer Protector and the consumer court.
- 3.43. Section 43 prescribes penalties under the Act.
- 3.44. Section 44 provides for delegation of power.
- 3.45. Section 45 deals with vicarious liability.
- 3.46. Section 46 makes provision for regulations.

- 3.47. Section 47 is the repeal provision.
- 3.48. Section 48 sets out the transitional arrangements.
- 3.49. Section 49 sets out the short title and commencement of the Act.

#### **4. FINANCIAL IMPLICATIONS**

There may be financial implications in the appointment of the Consumer Protector, deputy consumer protector, new personnel to the Office of the Consumer Protector and the consumer court, inspectors and investigators, if staff are not designated from within the department. There will also be financial implications for the Department should experts be procured in terms of the Act.

There will be the cost of all notices required to be published in terms of the Act in the provincial gazette or other media, including the cost of publication of consumer court orders, notices to the public on investigations and inviting applications for positions on the consumer court. The Department will be obliged to fund the remuneration and other allowances of consumer court members, including the payment of witness fees. There will be the costs of gazetting and advertising of this Bill in 2 newspapers for public comments and publications costs after assent.

#### **5. STAFFING AND ORGANISATIONAL IMPLICATIONS**

The Bill proposes personnel to be designated or appointed by the Department to the Office of the Consumer Protector, to the consumer court and also designations or appointments of inspectors and investigators.

#### **6. CONSTITUTIONAL IMPLICATIONS**

Consumer Protection is a functional area of concurrent national and provincial (schedule 4) legislative competence. The Province is therefore competent to enact legislation dealing with consumer protection.

#### **7. INSTITUTIONS CONSULTED**

The Department of Economic Development, Environment and Tourism and the State Law Advisers in the Office of the Premier were consulted.

**ALGEMENE KENNISGEWING**

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**ALGEMENE KENNISGEWING ..... 478 VAN 2013****LIMPOPO PROVINSIALE ADMINISTRASIE****DEPARTEMENT VAN EKONOMIESE ONTWIKKELING, ONGEWING EN  
TOERISME****LIMPOPO WETSONTWERP OP VERBRUIKERSBESKERMING, 2013**

Ingevolge die Staande Reëls en Orde van die Limpopo Wetgewer, word die Limpopo Wetsontwerp op Verbruikersbeskerming hiermee geadverteer vir openbare kommentaar.

Enige persoon of organisasie wat graag kommentaar wil lewer op genoemde dokument kan skriftelik so doen voor of op **31/01/2014**, by:

**Die Hoof van die Departement****Departement van Ekonomiese Ontwikkeling, Omgewing en Toerisme****Privaat Sak X9484****POLOKWANE****0700****VIR AANDAG: Kenny Maboea****Tel: (015) 293 8559****Faks: (015) 291 1336****E-pos: MaboeaKS@ledet.gov.za**

## LIMPOPO PROVINSIALE WETGEWER

### LIMPOPO WETSONTWERP OP VERBRUIKERSBESKERMING, 2013

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**Soos ingelei deur**

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**(DIE LID VAN DIE UITVOERENDE RAAD VERANTWOORDELIK VIR EKONOMIESE  
ONTWIKKELING, OMGEWING EN TOERISME)**

## WETSONTWERP

**Om voorsiening te maak vir 'n provinsiale verbruikersbeskermingsgesag en hul funksies; om voorsiening te maak vir die Limpopo verbruikershof en hul funksies; om verbruikershof prosedure te reguleer; om die Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 (Wet Nr.8 van 1996) te herroep en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.**

## VOORWOORD

**NADEMAAL** die **Wet op Verbruikersbeskerming**, 2008 (Wet Nr. 68 van 2008) verorden was vir onder andere die bevordering van 'n regverdige, toeganklike en volhoubare bemarkingsplek vir verbruikers goedere en dienste en die daarstelling van nasionale norme en standaarde wat verband hou met verbruikersbeskerming;

**EN NADEMAAL** daar 'n behoefte ontstaan vir provinsiale wetgewing oor verbruikersbeskerming ten einde 'n provinsiale verbruikersbeskermingsgesag en verbruikershof in die provinsie te stig om met verbruikersbeskermingsaangeleenhede te handel;

**WORD DAAR** soos volg deur die Limpopo Provinsiale Wetgewer bepaal:—

## UITEENSETTING VAN ARTIKELS

### HOOFSTUK 1

#### INLEIDENDE BEPALINGS

1. Omskrywings
2. Oogmerke van Wet

### HOOFSTUK 2

#### PROVINSIALE VERBRUIKERSBESKERMINGSGESAG

##### *Deel A*

##### **KANTOOR VAN VERBRUIKERSBESKERMER**

3. Kantoor van Verbruikersbeskermer

4. Verbruikersbeskermer

*Deel B*

**FUNKSIONERING VAN GESAG**

5. Funksies en magte van Kantoor van Verbruikersbeskermer
6. Indiening van klagtes by Kantoor van Verbruikersbeskermer
7. Rol van Kantoor van Verbruikersbeskermer in handeling met klage
8. Inspekteurs en ondersoekbeamptes
9. Uitkomste van ondersoek
10. Instemmingsopdragte
11. Verwysing na verbruikershof
12. Register van ongunstige aantekeninge

*Deel C*

**MAGTE TER ONDERSTEUNING VAN ONDERSOEK**

13. Dagvaarding van persone of dokumente
14. Magtiging tot betreding en deursoek met lasbrief
15. Magte tot betreding en deursoek
16. Uitvoering van betreding en deursoek
17. Aansprake dat inligting vertroulik is

**HOOFSTUK 3**

**LIMPOPO VERBRUIKERSHOF**

*Deel A*

**FUNKSIONERING VAN VERBRUIKERSHOF**

18. Limpopo verbruikershof
19. Funksies van verbruikershof
20. Samestelling van verbruikershof
21. Diskwalifisering vir aanstelling op verbruikershof

22. Aanstelling van lede van Verbruikershof
23. Ampstermyn van lede van verbruikershof
24. Bedanking, verwydering uit amp en vakature
25. Besoldiging en toelae van lede van verbruikershof
26. Verklaring van sake belang deur lede van verbruikershof
27. Botsende belang
28. Skorsing van lid van verbruikershof

*Deel B*

**ADMINISTRASIE VAN HOF**

29. Klerk van verbruikershof
30. Verslaggewing deur verbruikershof

*Deel C*

**VERRIGTINGE VAN VERBRUIKERSHOF**

31. Verrigtinge van verbruikershof
32. Verhore by verbruikershof
33. Getuie fooie

*Deel D*

**VERBRUIKERSHOF BEVELE**

34. Bevele van Verbruikershof
35. Administratiewe boetes
36. Wisseling van bevele
37. Gehalte van bewys

**HOOFSTUK 4**

**ALGEMENE BEPALINGS**

*Deel A*

**OORTREDINGS EN STRAFMAATREËLS**

38. Vertrouensbreuk
39. Belemmering tydens toepassing van Wet
40. Versuim om te verskyn na dagvaarding
41. Versuim om volledig en eerlik te antwoord
42. Verbandhouende oortredings met Kantoor van Verbruikersbeskermer en verbruikershof
43. Strafmaatreëls

***Deel B*****DIVERSE BEPALINGS**

44. Delegering van gesag
45. Plaasvervangende aanspreeklikheid
46. Regulasies
47. Herroeping van wette
48. Oorgangsbeplatings
49. Kort titel en inwerkingtreding

**HOOFSTUK 1****INLEIDENDE BEPALINGS****1. Omskrywings**

In hierdie Wet, het enige woord of uitdrukking waaraan 'n betekenis toegeken word in die Wet op Verbruikersbeskerming, 2008 (Wet Nr. 68 van 2008) sodanige mening tensy uit die konteks anders blyk—

“Kommissie” beteken die Nasionale Verbruikerskommissie ingestel ingevolge artikel 85 van die Wet op Verbruikersbeskerming, 2008 (Wet Nr. 68 van 2008);

“Grondwet” beteken die Grondwet van die Republiek van Suid-Afrika, 1996;

“**verbruiker**”, met betrekking tot enige spesifieke goedere of dienste, beteken, —

- (a) ‘n persoon aan wie bepaalde goedere en dienste bemark word in gewone handel met die verskaffer se besigheid;
- (b) ‘n persoon wat ‘n transaksie met die verskaffer gesluit het in gewone handel met die verskaffer se besigheid, tensy die transaksie kwytgeskeld is van die toepassing van die Wet op Verbruikersbeskerming, 2008 (Wet Nr. 68 van 2008) deur artikel 5(2) ingevolge artikel 5(3) van daardie Wet;
- (c) indien die kontels so vereis of toelaat is die verbruiker van sodanige goedere of ‘n ontvanger of afhanklike van sodanige dienste, ongeag of sodanige verbruiker, ontvanger of afhanklike ‘n party was van ‘n transaksie rakende die verskaffing van sodanige goedere en dienste ;
- (d) ‘n eksklusieve agentskap ingevolge ‘n agentskapsooreenkoms tot ‘n mate van toepassing ingevolge artikel 5(6)(b) tot (e) van die Wet op Verbruikersbeskerming , 2008 (Wet Nr. 68 van 2008);

“**Wet op Verbruikersake (Onbillike Sake Praktyke), 1996**” beteken die Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 (Wet Nr. 8 van 1996);

“**Verbruikershof**” beteken ‘n verbruikershof ingevolge artikel 18;

“**Wet op Verbruikersbeskerming, 2008**” beteken die Wet op Verbruikersbeskerming, 2008 (Wet Nr. 68 van 2008);

“**Verbruikersbeskermer**” beteken die persoon aangestel as hoof in die Kantoor van die Verbruikersbeskermer ingevolge artikel 4(1);

“**hof**” beteken enige hof in Hoofstuk 8 van die Grondwet;

“**Departement**” beteken die Departement verantwoordelik vir verbruikersake in die provinsie;

“**Hoof van Departement**” beteken die Hoof van die Departement verantwoordelik vir verbruikersake in die provinsie;

“**inspekteur**” beteken ‘n persoon aangewys of aangestel as ‘n inspekteur ingevolge artikel 8(1);

**“ondersoekbeampte”** beteken ‘n persoon aangewys of aangestel as ondersoeker ingevolge artikel 8(1);

**“LUR”** beteken die Lid van die Uitvoerende Raad verantwoordelik vir verbruikersake in die provinsie;

**“Nasionale Kredietwet, 2005”** beteken die Nasionale Kredietwet, 2005 (Wet Nr. 34 van 2005);

**“Kantoor van die Verbruikersbeskermer”** beteken die Kantoor van die Verbruikersbeskermer vervat in artikel 3;

**“voorgeskryf”** beteken voorgeskryf deur regulasie;

**“verbode gedrag”** beteken ‘n handeling of ‘n versuim teenstrydig met hierdie Wet, die Wet op Verbruikersbeskerming, 2008 of die Nasionale Kredietwet, 2005;

**“regulasies”** beteken regulasies uitgevaardig ingevolge hierdie Wet;

**“respondent”** beteken ‘n persoon teenoor wie ‘n klagte of aansoek ingedien is ingevolge hierdie Wet, die Wet op Verbruikersbeskerming, 2008 of die Nasionale Kredietwet, 2005;

**“hierdie Wet”** sluit die regulasies in; en

**“Tribunaal”** beteken die Nasionale Verbruikerstribunaal gestig ingevolge artikel 26 van die Nasionale Krediewet, 2005.

## 2. Oogmerke van die Wet

Die oogmerke van die Wet is om sosiale en ekonomiese welvaart van verbruikers in die provinsie te begunstig en te bevorder in die voorsiening van ‘n—

(a) provinsiale verbruikersbeskermingsgesag; en

(b) verbruikershof,

om beweerde skending van verbruikersregte uiteengesit in Hoofstuk 2 van die Wet op Verbruikersbeskerming , 2008 te ondersoek.

## HOOFSTUK 2

**PROVINSIALE VERBRUIKERSBESKERMINGSGESAG*****Deel A*****KANTOOR VAN VERBRUIKERSBESKERMER****3. Kantoorkantoor van Verbruikersbeskermer**

Die provinsiale verbruikersbeskermingsgesag bekend as die Kantoorkantoor vir die Ondersoek van Onbillike Sake Praktyke gestig ingevolge die Wet op Verbruikerssake (Onbillike Sake Praktyke) 1996, word behou onderhewig aan artikel 48 van hierdie Wet, niteenstaande die herroeping van die Wet op Verbruikerssake (Onbillike Sake Praktyke) 1996, en word herbenoem as die Kantoorkantoor van die Verbruikersbeskermer.

**4. Verbruikersbeskermer**

- (1) Die LUR moet ingevolge die wette wat die openbare diens reguleer, 'n persoon aanwys of aanstel met—
  - (a) geskikte ondervinding; en
  - (b) ten minste 'n universiteitsgraad in of ekonomiese, regte, handel, industriële of publieke aangeleenthede,as Verbruikersbeskermer in die Kantoorkantoor van die Verbruikersbeskermer op 'nvlak soos bepaal deur die LUR.
- (2) Die Verbruikersbeskermer moet alle pligte van die Kantoorkantoor van die Verbruikersbeskermer uitvoer ingevolge hierdie Wet en die Wet op Verbruikersbeskerming, 2008.
- (3) Die LUR—
  - (a) moet 'n Adjunk-Verbruikersbeskermer aanwys of aanstel op dieselfde wyse as uiteengesit in subartikel (1) wat die—
    - (i) Verbruikersbeskermer moet ondersteun in die uitvoering van die pligte van die Kantoorkantoor van die Verbruikersbeskermer; en
    - (ii) pligte van die Verbruikersbeskermer moet uitvoer wanneer die Verbruikersbeskermer nie by magte is om dit te doen nie, om watter rede ookal; en
  - (b) mag personeel aanwys of aanstel ingevolge die wette wat die openbare diens reguleer om die Verbruikersbeskermer te ondersteun in die uitvoering van hom of haar pligte.

- (4) Alle personeel aangewys of aangestel ingevolge subartikel (3)(b) is onderhewig aan die beheer en aanwysing van die Verbruikersbeskermer.

***Deel B***

***FUNKSIONERING VAN DIE GESAG***

**5. Funksies en magte van Kantoor van Verbruikersbeskermer**

- (1) Die Kantoor van die Verbruikersbeskermer moet—
- (a) alle aangeleenthede na hul verwys oorweeg ingevolge hierdie Wet, die Wet op Verbruikersbeskerming, 2008 en die Nasionale Krediewet, 2005;
  - (b) verbruikersklagte ontvang en ondersoek ingevolge hierdie Wet;
  - (c) die bemiddeling of versoening van geskille wat voortspruit uit hierdie Wet of die Wet op Verbruikersbeskerming, 2008 onder of tussen die verbruikers, mense wat inwoon of persone wat besigheid doen in die Provincie;
  - (d) geskille voortspruitend uit hierdie Wet of die Wet op Verbruikersbeskerming, 2008 verwys na die verbruikershof ingevolge hierdie Wet;
  - (e) advies en leiding verskaf aan die publiek oor verbruikersbeskermings-aangeleenthede;
  - (f) opvoedkundige en inligtingsmaatreëls implementeer om openbare bewusmaking te ontwikkel oor hierdie Wet en verbruikersbeskerming oor die algemeen; en
  - (f) sodanige ander pligte uit te voer soos mag opgedra word aan die Kantoor van die Verbruikersbeskermer, ingevolge hierdie Wet of die Wet op Verbruikersbeskerming, 2008.
- (2) Die Kantoor van die Verbruikersbeskermer mag—
- (a) direkte ondersoek instel teen verbode gedrag ingevolge artikel 6(2);
  - (b) inskiklikheidskennisgewings uitreik ingevolge die Wet op Verbruikersbeskerming, 2008;

- (c) die Kommissie versoek om 'n klagte te inisieer in verband met enige beweerde verbode gedrag of oortreding wat in die provinsie voorkom ingevolge die Wet op Verbruikersbeskerming , 2008; en
- (d) die LUR adviseer oor aangeleenthede wat verband hou met verbruikersbeskerming en die aard en dinamika van die verbruikersmark.

## **6. Indiening van klagte by Kantoor van Verbruikersbeskermer**

- (1) Enige persoon mag `n klagte op die voorgeskrewe vorm en wyse indien by die Kantoor van die Verbruikersbeskermer oor beweerde verbode gedrag.
- (2) Die Kantoor van die Verbruikersbeskermer mag direk `n klagte inisieer oor verbode gedrag—
  - (a) na hul eie instemming;
  - (b) wanneer die LUR so opdrag gee; of
  - (c) op versoek van—
    - (i) `n regulerende gesag;
    - (ii) `n ander provinsiale verbruikersbeskermingsgesag;
    - (iii) `n verbruikersbeskermingsgroep geakkrediteer by die Wet op Verbruikersbeskerming , 2008; of
    - (iv) enige ander persoon met wesenlike belang in die aangeleentheid.

## **7. Rol van Kantoor van Verbruikersbeskermer in hantering van klagtes**

- (1) Die Kantoor van die Verbruikersbeskermer mag na die inisiering of ontvangs van `n klagte ingevolge hierdie Wet of die Wet op Verbruikersbeskerming , 2008 —
  - (a) `n kennisgewing van geen verwysing uitreik aan die klaer op die voorgeskrewe vorm, indien die klaer—
    - (i) voorkom om ligsinning of hinderlik te wees;
    - (ii) enige feite beweer wat indien korrek is, grondige redes verskaf vir `n regstelling ingevolge hierdie Wet of die Wet op Verbruikersbeskerming , 2008; of
    - (iii) verbied word ingevolge artikel 116 van die Wet op Verbruikersbeskerming,2008 vir verwysing na die Verbruikershof;

- (b) die partye ondersteun in 'n poging om die geskille op te los tensy die partye voorheen gepoog het en onsuksesvol was in die oplossing van die geskille op sodanige wyse;
  - (c) enige ondersoek of aspek daarvan verwys na 'n ander bevoegde gesag met jurisdiksie, insluitend enige ander gesag in 'n ander provinsie, indien 'n klagte meer omsigtig deur so 'n gesag hanteer kan word; en
  - (d) 'n ondersoekbeampte aanwys om die klagte so gou en prakties as moontlik te ondersoek.
- (2) Die Kantoor van die Verbruikersbeskermer mag by kennisgewing in die *provinciale koerant* of enige ander vorm van media—
- (a) 'n ondersoek wat gedoen word bekend maak, en
  - (b) 'n beroep op enige ander persoon doen om skriftelike aanbiedings aangaande die ondersoek aan die Kantoor van die Verbruikersbeskermer te doen.

## 8. Inspekteurs en ondersoekbeamptes

- (1) Die LUR mag—
- (a) enige gesikte persoon aanwys in die Kantoor van die Verbruikersbeskermer; of in die Departement; of
  - (b) onderhewig aan die wette wat die openbare diens rig, enige gesikte persoon aanstel,
- as 'n inspekteur of ondersoekbeampte ingevolge hierdie Wet.
- (2) Die LUR moet 'n inspekteur of ondersoekbeampte aangewys of aangestel ingevolge subartikel (1), van die voorgeskrewe aanstellingsertifikaat voorsien.
- (3) In toevoeging tot enige ander funksies ingestel ingevolge hierdie Wet of die Wet op Verbruikersbeskerming , 2008—
- (a) 'n inspekteur moet inskiklikheid monitor met; en

- (b) 'n ondersoekbeampte moet klagte ondersoek ingevolge, hierdie Wet of die Wet op Verbruikersbeskerming, 2008.
- (4) 'n inspekteur of ondersoekbeampte wat 'n funksie ingevolge hierdie Wet uitvoer moet in besit wees van 'n voorgeskrewe aanstellingsertifikaat uitgereik ingevolge subartikel (2) en moet sodanige sertifikaat toon indien die persoon wat geaffekteer word deur die inspekteur of ondersoekbeampte se ondersoek ingevolge hierdie Wet daarvoor versoek.
- (5) Die LUR mag 'n gesikte gekwalifieerde persoon aanstel as 'n kundige om navorsing, ouditering, navrae of ander ondersoeke namens die Kantoor van die Verbruikersbeskermer te doen.
- (6) 'n Persoon aangestel ingevolge subartikel (5) is nie 'n ondersoekbeampte , volgens die konteks van hierdie Wet nie.
- (7) Die Verbruikersbeskermer word beskou as 'n inspekteur of ondersoekbeampte ingevolge hierdie Wet.

## 9. Uitkomste van ondersoek

Na afhandeling van 'n ondersoek ingevolge 'n klagte mag die Kantoor van die Verbruikersbeskermer —

- (a) 'n kennisgewing van nie-verwysing uitreik aan die klaer op 'n voorgeskrewe vorm;
- (b) 'n voorlopige inwilligingsbevel voorstel ingevolge artikel 10;
- (c) 'n verwysing rig na die Verbruikershof ingevolge artikel 11;
- (d) 'n voldoeningskennisgewing uitreik ingevolge artikel 100 van die Wet op Verbruikersbeskerming , 2008; of
- (e) die aangeleentheid verwys na die Nasionale Vervolgingsgesag indien die betrokke klagte verband hou met 'n oortreding ingevolge hierdie Wet, die Wet op Verbruikersbeskerming , 2008 of die Nasionale Kredietwet, 2005.

**10. Inwilligingsopdragte**

- (1) Indien 'n aangeleentheid—
- deur bemiddeling of versoening besleg word ingevolge artikel 7(1)(b); of
  - ondersoek word deur die Kantoor van die Verbruikersbeskermer; en die partye kom ooreen oor die voorgestelde voorwaardes van 'n gesikte bevel, mag die Verbruikershof sonder die aanhoor van getuies sodanige ooreenkoms as 'n 'n instemmingsbevel verklaar.
- (2) Die Verbruikershof moet na die aanhoor van 'n mosie om 'n instemmingsbevel—
- 'n bevel opstel soos ooreengekom en voorgestel deur die Kantoor van die Verbruikersbeskermer en die respondent;
  - enige aantygings wat in die voorgestelde bevel gemaak moet word aandui voordat 'n finale bevel gemaak word; of
  - weier om die bevel te maak.
- (3) 'n Instemmingsbevel verwys na in subartikel (1)—
- mag 'n beloning vir skade insluit aan die klaer indien die klaer daaroor ooreenkom;
  - moet in die *provinsiale koerant* gepubliseer word.

**11. Verwysing na Verbruikershof**

- (1) 'n Aangeleentheid mag na die Verbruikershof verwys word deur—
- die Kantoor van die Verbruikersbeskermer;
  - die Nasionale Krediet Reguleerder ingevolge artikel 140(2)(a) van die Nasionale Kredietwet, 2005;
  - 'n klaer ingevolge die Nasionale Kredietwet, 2005 ingevolge artikel 141(1)(a) van hierdie Wet;
  - die Kommissie ingevolge artikel 73(2)(a) van die Wet op Verbruikersbeskerming, 2008; of
  - 'n klaer onder die Wet op Verbruikersbeskerming, 2008 ingevolge artikel 75(1)(a) van sodanige Wet.

- (2) 'n Persoon wat enige reg ingevolge artikel 69(c)(ii) van die Wet op Verbruikersbeskerming, 2008 wil afdwing ingevolge hierdie Wet, mag direk aansoek doen by die Verbruikershof indien—
- sodanige persoon eerste 'n klagte ingedien het by die Kantoor van die Verbruikersbeskermer; en
  - die Kantoor van die Verbruikersbeskermer het of—
    - 'n kennisgewing van nie-verwysing uitgereik ingevolge artikel 7(1) (a); of
    - sodanige klagte ondersoek en 'n kennisgewing van nie-verwysing uitgereik ingevolge artikel 9(a) aan sodanige persoon.

## 12. Register van ongunstige aantekening

- Die Kantoor van die Verbruikersbeskermer moet op die voorgeskrewe formaat 'n register van ongunstige aantekeninge byhou, wat die besonderhede van die persoon wat deur 'n verbruikershof skuldig bevind was bevat.
- Die Kantoor van die Verbruikersbeskermer mag slegs besonderhede van die persoon in die register verwys na in subartikel (1) byhou, indien die Verbruikershof 'n bevel vir sodanige optrede uitgereik het.
- 'n Persoon gelys in die register mag aansoek doen by die Verbruikershof om die bevel tersyde te stel en die hof mag meedoen op grond van redelikheid en regverdigheid.

## *Deel C*

### **MAGTE TER ONDERSTEUNING VAN ONDERSOEK**

## 13. Dagvaarding van personele of dokumente

- Die Verbruikersbeskermer of 'n persoon in diens van die Kantoor van die Verbruikersbeskermer soos bemagtig deur hom of haar mag vir die doeleindes van 'n ondersoek, enige persoon dagvaar wat vermoedelik enige inligting oor die ondersoek kan verskaf; of wat in hom of haar besit of onder hom of haar beheer enige boek, dokument of ander objek het wat verband hou met die aangeleentheid-

- (a) om voor 'n persoon te verskyn wat in diens staan van die Kantoor van die Verbruikersbeskermer om ondervra te word op 'n tyd en plek soos gestipuleer in die dagvaarding; of
  - (b) om sodanige boek, dokument of ander objek op 'n tyd en plek soos gestipuleer in die dagvaarding af te lewer of te vertoon aan die persoon in diens van die Kantoor van die Verbruikersbeskermer.
- (2) 'n Dagvaarding verwys na in subartikel (1) (a)—
- (a) moet—
    - (i) op die voorgeskrewe vorm wees;
    - (ii) onderteken word deur die Verbruikersbeskermer of 'n ander persoon in diens van die Kantoor van die Verbruikersbeskermer gemagtig deur die Verbruikersbeskermer; en
  - (b) mag beteken word op dieselfde wyse as 'n dagvaarding in 'n kriminele saak uitgereik deur 'n landdroshof.
- (3) 'n Persoon wat deur die ondersoekbeampte wat die ondersoek doen ondervra word moet elke vraag eerlik en tot die beste van sodanige persoon se vermoë beantwoord, maar—
- (a) die persoon is nie verplig om enige vraag te beantwoord indien die antwoord selfbeskuldigend is nie; en
  - (b) die ondersoekbeampte wat sodanige persoon ondervra moet die persoon in kennis stel van die reg soos uiteengesit in paragraaf (a).
- (4) Geen selfbeskuldigende antwoord of verklaring gemaak deur enige persoon aan 'n ondersoekbeampte wat enige magte uitoefen ingevolge hierdie artikel is toelaatbaar as getuie teen die persoon wat die antwoord gegee het of die verklaring afgelê het in kriminele verrigtinge in enige hof nie, behalwe in kriminele verrigtinge vir meineed of waarin sodanige persoon verhoor word vir 'n oortreding ingevolge artikel 41 of 42(2)(d) en dan slegs tot welke geval die antwoord of verklaring voldoende is om die beweerde oortreding te staaf.

#### **14. Magtiging om met lasbrief te betree en deursoek**

- (1) 'n Regter van die Hoë Hof of 'n magistraat mag 'n lasbrief uitreik om enige perseel te betree en te deursoek wat binne die jurisdiksie van sodanige regter of magistraat val

indien, volgens inligting onder eed of 'n plegtige verklaring daar redelike gronde is om te glo dat—

- (a) 'n oortreding van hierdie Wet of die Wet op Verbruikersbeskerming , 2008 op sodanige perseel plaasgevind het, nou plaas vind of is in die proses om plaas te vind; of
  - (b) enige iets wat verband hou met 'n ondersoek ingevolge hierdie Wet of die Wet op Verbruikersbeskerming, 2008 is in besit van of onder die beheer van 'n persoon wat op of in die perseel is.
- (2) 'n Lasbrief om te betree en deursoek uitgereik ingevolge subartikel (1) mag ter eniger tyd uitgereik word en moet spesifiek die—
- (a) perseel wat betree en deursoek word identifiseer; en
  - (b) die ondersoekbeampte of polisiebeampte bemagtig om die perseel te betree en te deursoek om enige opdrag gelys in artikel 15 uit te voer.
- (3) 'n Lasbrief om te betree en deursoek is geldig totdat een van die volgende aspekte plaasvind—
- (a) die lasbrief is uitgevoer;
  - (b) die lasbrief is gekanselleer deur die persoon wat dit uitgereik het, tydens sodanige persoon se afwesigheid, deur 'n persoon met gelyke magtiging;
  - (c) die oogmerke vir die uitvoering daarvan het verval; of
  - (d) die verstryking van een maand na die datum van uitreiking.
- (4) 'n Lasbrief om te betree en deursoek mag slegs bedags uitgevoer word, tensy die regter of magistraat wat dit uitgereik het magtiging verleen dat dit in die aand op 'n gepaste tyd en onder redelike omstandighede uitgereik word.
- (5) 'n Persoon bemagtig deur 'n lasbrief ingevolge subartikel (2) mag persele genoem in sodanige lasbrief betree en deursoek.
- (6) Onmiddellik voordat daar met die uitvoering van 'n lasbrief begin word, moet die uitvoerder daarvan—
- (a) verseker dat die eienaar, of persoon in beheer van die perseel wat deursoek moet word teenwoordig is, en
    - (i) identifikasie voorlê aan sodanige persoon en aan die persoon die magtiging verduidelik waarvolgens die lasbrief uitgereik is; en

- (ii) 'n afskrif van die lasbrief aan sodanige persoon of die persoon genoem in die lasbrief oorhandig; of
- (b) indien die eienaar of persoon in beheer nie teenwoordig is nie, 'n afskrif van die lasbrief aanheg aan die perseel op 'n prominente en sigbare plek.

**15. Bevoegdheid om te betree en deursoek**

- (1) 'n Persoon gemagtig ingevolge artikel 14 om 'n perseel te betree en deursoek mag—
  - (a) op of in die perseel tree;
  - (b) sodanige persele deursoek;
  - (c) enige persoon op die perseel deursoek indien daar grondige redes is om te glo dat die persoon persoonlike besittings of 'n artikel of dokument het wat verband hou met die ondersoek;
  - (d) enige artikel of dokument ondersoek wat op of in die perseel is wat verband hou met die ondersoek;
  - (e) inligting rakende enige artikel of dokument versoek vanaf die eienaar of persoon in beheer van die perseel of vanaf enige persoon wat beheer het oor die artikel of dokument of vanaf enige persoon wat sodanige inligting mag hê;
  - (f) uittreksel neem of afskrifte maak van enige boek of dokument wat op of in die perseel is en wat verband hou met die ondersoek;
  - (g) gebruik maak van enige rekenaarstelsel op die perseel of bystand versoek vanaf enige persoon op die perseel om sodanige rekenaarstelsel te gebruik om—
    - (i) enige data gestoor of beskikbaar in sodanige rekenaarstelsel te deursoek;
    - (ii) enige rekord vanaf sodanige data te herproduseer;
  - (h) beslag te lê op enige uitsette vanaf sodanige rekenaar vir ondersoekdoeleindes en kopieëring; en
  - (i) enige iets wat verband hou met die ondersoek aan te heg of indien nodig te verwyder vanaf die perseel vir ondersoekdoeleindes en veilige bewaring.
- (2) Artikel 13(4) is in 'n gelyke mate van toepassing op 'n antwoord gegee of verklaring afgelê aan 'n ondersoekbeampte of polisiebeampte ingevolge hierdie artikel.
- (3) 'n Ondersoekbeampte bemagtig om 'n betreding en deuroek uit te voer ingevolge artikel 14 mag vergesel en bygestaan word deur 'n polisiebeampte.

**16. Uitvoering van betreding en deursoek**

- (1) `n Persoon wat enige perseel betree en deursoek ingevolge artikel 15 moet die betreding en deursoek uitvoer met streng handhawing van menswaardigheid en orde, en met behoud van elke persoon se reg op waardigheid, vryheid, veiligheid en vertroulikheid.
- (2) Tydens enige deursoek ingevolge artikel 15 (1) (c), mag slegs `n vroulike ondersoekbeampte of polisiebeampte `n vroulike persoon deursoek en slegs `n manlike ondersoekbeampte of polisiebeampte `n manlike persoon.
- (3) `n Persoon wat persele betree of deursoek ingevolge artikel 15, moet voordat enige persoon ondervra word:
  - (a) sodanige persoon adviseer van die reg om op die tydstip ondersteun te word deur `n advokaat of prokureur; en
  - (b) sodanige persoon toelaat om sodanige reg uit te oefen.
- (4) `n Persoon wat enige iets verwyder vanaf `n perseel wat deursoek word moet—
  - (a) `n kwitansie daarvoor uitreik aan die eienaar of persoon in beheer van die perseel; en
  - (b) dit so gou as moontlik terugstuur nadat die doel vir die verwydering daarvan bereik was.
- (5) Tydens `n deursoek mag `n persoon weier om die ondersoek of verwydering van `n dokument of `n artikel of dokument toe te laat op grond daarvan dat dit bevoorregte inligting bevat.
- (6) Indien die eienaar of persoon in beheer van `n artikel of dokument weier ingevolge artikel (5) om sodanige artikel of dokument te oorhandig aan die persoon wat die deursoek uitvoer, mag die persoon wat die deursoek uitvoer versoek dat die registrateur of balju van die Hoë Hof wat jurisdiksie het toestemming verleen dat die artikel of dokument geheg of verwyder word vir veilige bewaring totdat sodanige hof bepaal of die inligting bevoorregting bevat al dan nie.

**17. Bewerings dat inligting vertroulik is**

- (1) `n Geaffekteerde persoon mag indien versoek word om inligting in te dien by die Kantoor van die Verbruikersbeskermer, die verbruikershof of `n ondersoekbeampte aangestel ingevolge hierdie Wet, aanspraak daarop maak dat inligting vertroulik is.
- (2) Enige aanspraak ingevolge artikel (1) moet ondersteun word deur `n skriftelike verklaring ter verduideliking waarom die inligting vertroulik is.
- (3) Die Kantoor van die Verbruikersbeskermer of die verbruikershof in welke geval ookal moet—
  - (a) enige aanspraak gemaak ingevolge subartikel (1) oorweeg; en
  - (b) die aanspraakmaker in kennis stel of die inligting vervat in subartikel (1) as vertroulik beskou sal word.
- (4) Tydens die implementering van enige beslissing, besluit of bevel ingevolge hierdie Wet, mag die Kantoor van die Verbruikersbeskermer of die verbruikershof enige inligting wat die onderwerp van `n aanspraak was ingevolge subartikel (1) in ag neem.
- (5) Indien enige redes vir `n besluit ingevolge hierdie Wet, enige inligting openbaar sal maak wat die onderwerp was van `n aanspraak ingevolge subartikel (1), moet die Kantoor van die Verbruikersbeskermer of die verbruikershof, in welke geval ookal, `n afskrif van die voorgestelde redes verskaf aan die party wat aanspraak maak op vertroulikheid en wel binne vyf besigheidsdae voordat sodanige redes gepubliseer word.
- (6) Binne vyf werksdae na ontvangs van `n kennisgewing ingevolge subartikel (3) (b), of `n afskrif van die voorgestelde redes ingevolge subartikel (5), mag `n party aansoek doen by `n hof vir `n toepaslike bevel om die vertroulikheid van die relevante inligting te beskerm.

**HOOFSTUK 3****LIMPOPO VERBRUIKERSHOF****DEEL A****FUNKSIES VAN VERBRUIKERSHOF****18. Limpopo verbruikershof**

- (1) Die verbruikershof gestig in die provinsie ingevolge die Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 word behou onderhewig aan artikel 48 van hierdie Wet, ondanks die herroeping van die Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 en word herbenoem as die Limpopo Verbruikershof.
- (2) Die setel van die verbruikershof is in Polokwane.
- (3) Die verbruikershof mag sittings op ander plekke behalwe die setel van die verbruikershof belê, soos die verbruikershof in oorleg met die Kantoor van die Verbruikersbeskermer mag bepaal.

## **19. Funksies van verbruikershof**

Die verbruikershof moet—

- (a) enige aansoek beslis wat gemaak mag word ingevolge hierdie Wet, die Wet op Verbruikersbeskerming, 2008 of die Nasionale Kredietwet, 2005 en enige bevoegde bevel maak soos bepaal deur genoemde Wette;
- (b) bewerings van verbode optrede aanhoor en oorweeg uit hoofde van verrigtinge soos beoog in hierdie Wet, die Wet op Verbruikersbeskerming, 2008 of die Nasionale Kredietwet, 2005 en bevoegde bevele kragtens genoemde Wette maak, en
- (c) enige ander magte uitoefen en die pligte wat aan dit opgedra word ingevolge hierdie Wet, die Wet op Verbruikersbeskerming, 2008 en die Nasionale Kredietwet, 2005 uitvoer.

## **20. Samestelling van verbruikershof**

- (1) Die LUR moet lede van die verbruikershof aanstel.
- (2) Die verbruikershof moet uit ses persone bestaan wat insluit:
  - (a) 'n voorsitter en 'n ondervoorsitter wat beide—
    - (i) 'n afgetrede regter van die Hooggereghof is; of
    - (ii) 'n prokureur, advokaat, afgetrede magistraat of regsdosent by 'n universiteit, met nie minder as tien jaar kumulatiewe ervaring in een of meer sodanige bekwaamhede nie; en

- (b) vier ander addisonele lede van die verbruikershof met spesiale kennis of ervaring van verbruikersaangeleenthede, ekonomie, industrie, handeldryf of regte.

## **21. Diskwalifisering vir aanstelling op verbruikershof**

Geen persoon mag aangestel word of as 'n lid van die verbruikershof of aanbly as hy of sy—

- (a) nie 'n burger van die Republiek is nie;
- (b) nie 'n gewone inwoner van die provinsie is nie;
- (c) 'n staatsamptenaar of 'n munisipale werknemer is;
- (d) op die betrokke tyd, of tydens die voorafgaande twaalf maande 'n ampsdraer of werknemer van enige party, beweging, organisasie of liggaam van 'n party wat polities van aard was nie;
- (e) 'n ongerehabiliteerde insolvent is; of insolvent verklaar word en die insolvensie lei tot die beslaglegging van die persoon se boedel;
- (f) oor die afgelope tien (10) jaar skuldig bevind was, hetsy in die Republiek of elders, aan diefstal, bedrog, vervalsing of uitgifte van 'n vervalste dokument, meineed, 'n oortreding kragtens hierdie Wet of 'n oortreding kragtens die Wet op die Voorkoming en Bestryding van Korrupte Aktiwiteite, 2004 (Wet Nr. 12 van 2004), 'n oortreding kragtens die Wet op Finansiële Intelligensie Sentrum, 2001 (Wet Nr. 38 van 2001), of 'n oortreding waarby oneerlikheid betrokke is;
- (g) of enige tyd verwyder was uit 'n posisie van vertroue op grond van wangedrag ten opsigte van bedrog of die wanbesteding van geld; of
- (h) onderhewig is aan 'n bevel van 'n bevoegde hof wat bepaal dat daardie persoon geestelik ongeskik of versteurd is.

## **22. Aanstelling van lede van verbruikershof**

- (1) Die LUR moet 'n kennisgewing in enige twee koerante publiseer wat in die provinsie sirkuleer en in enige ander vorm van die media en persone uitnooi wat—
  - (a) voldoen aan die vereistes ingevolge artikel 20 (2); en

- (b) nie onderhewig was aan enige diskwalifikasies soos bepaal deur artikel 21, en moet binne 21 dae na die publikasie van sogenoemde kennisgewing aansoek doen vir posisies as lede van die verbruikershof.
- (2) Aansoekers moet, in reaksie op die kennisgewing ingevolge subartikel (1), 'n omvattende *curriculum vitae* inhandig wat die volgende bevat—
- (a) gesertifiseerde afskrifte van alle kwalifikasies;
  - (b) stawende dokumente wat die aansoeker se kennis, ervaring en gepaste bydrae tot die beskerming van verbruikers in die provinsie weerspieël; en
  - (c) 'n beëdigde verklaring wat direkte of indirekte finansiële belang in enige onderneming, beslote korporasie of enige ander sake belang bevat.
- (3) Die LUR mag die geloofwaardigheid van die aansoeker verifieer.
- (4) Die LUR moet, van die aansoeke wat ontvang was gesikte lede aanstel vir die verbruikershof.
- (5) 'n Lid van die verbruikershof moet voordat die amp aanvaar word 'n eed of plegtige verklaring in 'n voorgeskrewe vorm maak.
- (6) Die LUR moet die name van persone wat aangestel is in die verbruikershof in die *provinsiale koerant* publiseer of in enige ander vorm van die media.

### **23. Ampstermy van lede van verbruikershof**

- (1) Elke lid van die verbruikershof dien vir 'n tydperk van drie jaar.
- (2) Die LUR mag die termyn van 'n lid van die verbruikershof vir 'n verdere termyn hernu, sonder om die voorgeskrewe prosedure ingevolge artikel 22 na te kom.
- (3) Indien lede van die verbruikershof steeds 'n saak van die verbruikershof aanhangig het en hul ampstydperk verstryk het, mag hulle voortgaan om op te tree as lede van die verbruikershof slegs in verband met sodanige saak en mag steeds besoldiging en toelaes ontvang wat hulle toekom gedurende die tydperk waarin hulle optree as lede van die verbruikershof.

### **24. Bedanking, verwydering uit amp en vakatures**

- (1) 'n Lid van die verbruikershof mag bedank deur die LUR te voorsien van —

- (a) 'n skriftelike kennisgewing binne een maand; of
  - (b) 'n skriftelike kennisgewing vir minder as een maand met die goedkeuring van die LUR.
- (2) Die LUR mag onderhewig aan subartikel (3) 'n lid van die verbruikershof verwyder indien die lid—
- (a) gediskwalifiseer word ingevolge artikel 21;
  - (b) versuim om 'n belang te verklaar ingevolge artikel 26;
  - (c) teenstrydig opgetree het met die bepalings in artikel 27; of
  - (d) versuim om die pligte as lid van die verbruikershof behoorlik en professioneel uit te voer.
- (3) Voor die verwydering van 'n lid van die verbruikershof ingevolge subartikel (2), moet die LUR die betrokke lid van die verbruikershof 'n geleentheid gun om sy of haar saak te stel.
- (4) Wanneer 'n vakature in die verbruikershof beskikbaar gestel word, moet die LUR, ingevolge die prosedure soos uiteengesit in artikel 22 'n persoon aanstel om die betrekking te bekleeë vir die onverstreke ampstrydperk van die lid van die verbruikershof in wie se plek die persoon aangestel is.
- (5) Indien die posisie van beide die voorsitter en ondervoorsitter vakant raak om watter rede ookal, mag die LUR 'n persoon aanstel met gesikte regskwalifikasies en ondervinding, om tydelik die posisie van voorsitter te bekleeë totdat die vakature ingevolge artikel 22 gevul word.
- (6) Die persoon wat aangestel word ingevolge subartikel (5) is geregtig op die besoldiging en toelae ingevolge artikel 25.

## 25. Besoldiging en toelae van lede van verbruikershof

Die LUR—

- (a) moet die lede van die verbruikershof se besoldiging en toelaes bepaal;
- (b) mag verskillende salaris-skale vasstel vir besoldiging en toelae ten opsigte van die verskillende lede van die verbruikershof wat verband hou met hul vlak van kundigheid en funksies wat hulle verrig,

in oorleg met die Lid van die Uitvoerende Raad wat verantwoordelik is vir finansies in die Provincie.

**26. Verklaring van sake belang deur lede van verbruikershof**

- (1) Elke lid van die verbruikershof moet by aanvaarding van diens by die verbruikershof en aan die begin van elke finansiële jaar, 'n skriftelike verklaring van sy of haar direkte of indirekte belang in enige maatskappy, geslote korporasie of enige ander besigheid indien by die LUR.
- (2) Indien 'n lid van die verbruikershof belang in enige besigheid, beslote korporasie of enige ander besigheidsbelange bekom, op enige tydstip gedurende hom of haar ampsbekleding as 'n lid van die verbruikershof, moet hy of sy binne 10 dae na die verkryging van sodanige belang, 'n skriftelike verklaring by die LUR indien oor sodanige belang.

**27. Botsende belang**

- (1) 'n Lid van die verbruikershof mag nie 'n persoon in die verbruikershof verteenwoordig nie.
- (2) Indien dit gedurende 'n verhoor is waaraan 'n lid van die verbruikershof deelneem, en dit blyk aan die lid van die verbruikershof dat die saak finansiële of ander belang van daardie lid insluit, moet die lid van die verbruikershof—
  - (a) onmiddellik en ten volle die feite en aard van die belang aan die oorblywende lede van die verbruikershof openbaar maak; en
  - (b) onttrek aan enige verdere betrokkenheid by die verhoor.

**28. Skorsing van lid van verbruikershof**

- (1) Die LUR mag, nadat die gepaste reëls van natuurlike geregtigheid toegepas is, 'n lid van die verbruikershof skors indien—
  - (a) die lid na bewering skuldig is aan ernstige wangedrag; en
  - (b) die LUR op redelikerwyse glo dat die teenwoordigheid van sodanige lid by 'n verbruikershof enige ondersoek en navrae van enige beweerde wangedrag negatief sal beïnvloed, of die welsyn of veiligheid van enige persoon of staatseiendom aan gevaar bloogestel sal word.

- (2) Skorsing is 'n voorsorgmaatreël wat nie 'n bevinding tot gevolg het nie.

**DEEL B**  
**ADMINISTRASIE VAN HOF**

**29. Klerk van verbruikershof**

- (1) Die LUR, moet onderhewig aan wette wat die staatsdiens beheer—
- (a) 'n persoon aanwys of aanstel as 'n klerk van die verbruikershof wat verantwoordelik is vir—
- (i) ontvangs en verwerking van aansoeke wat ingedien word by die verbruikershof;
  - (ii) voorbereiding van sittings van die verbruikershof;
  - (iii) in kennis stelling van partye van sittings;
  - (iv) bestuur van korrespondensie van die verbruikershof;
  - (v) bestuur van rekords van die verbruikershof;
  - (vi) verwerking van getuie fooie; en
  - (vii) uitvoering van enige ander funksies ingevolge hierdie Wet of soos voorgeskryf deur die voorsitter van die verbruikershof; en
- (b) mag sodanige ander persone aanwys of aanstel ingevolge wette wat die staatsdiens reguleer om die klerk van die verbruikershof te ondersteun in die uitvoering van hom of haar pligte.
- (2) Die klerk van die verbruikershof moet verslag doen aan die Hoof van die Departement op 'n voorgeskrewe wyse.

**30. Verslaggewing deur verbruikershof**

Die verbruikershof moet kwartaallikse en jaarverslae oor hul aktiwiteite by die LUR in 'n voorgeskrewe formaat indien en nie later as 14 dae na die einde van die kwartaal en die finansiële jaar nie.

**DEEL C**  
**VERRIGTINGE VAN VERBRUIKERSHOF**

**31. Verrigtinge van Verbruikershof**

- (1) Die Voorsitter van die verbruikershof is verantwoordelik vir die bestuur van hofsake van die verbruikershof en moet elke aangeleentheid na die verbruikershof verwys ingevolge hierdie Wet of enige ander wetgewing aan—
- (a) die voorsitter of ondervoorsitter wat alleen sit ingevolge hierdie Wet, artikel 75(5) van die Wet op Verbruikersbeskerming, 2008, artikel 142 (3) van die Nasionale Kredietwet, 2005, of enige ander wetgewing wat voorsien dat 'n saak beslis moet word deur 'n enkele lid; of
  - (b) 'n paneel wat bestaan uit die voorsitter of die ondervoorsitter en twee ander lede van die verbruikershof.
- (2) Indien die voorsitter op enige stadium tydens die verrigtinge van die verrigtinge voor die verbruikershof onbevoegd raak om op te tree of afwesig is, moet die verrigtinge voortgaan in die teenwoordigheid van die ondervoorsitter.
- (3) Indien beide die voorsitter en die ondervoorsitter vir enige rede wat ookal nie by magte is om 'n saak af te handel nie—
- (a) waar die voorsitter of ondervoorsitter alleen moet sit, moet die saak voortgaan voor 'n enkele lid met geskikte regskwalifikasies en ervaring; of
  - (b) as deel van 'n paneel van drie lede, moet die paneel weer saamgestel word sodat die paneel ten alle tye uit drie lede bestaan waarvan ten minste een lid oor geskikte regskwalifikasies beskik.
- (4) Die beslissing van 'n enkele lid van die verbruikershof wat 'n saak aanhoor soos bepaal deur subartikel (1)(a) of deur die meerderheid van die lede van die paneel in enige saak, is 'n beslissing deur die verbruikershof.

**32. Verhore deur verbruikershof**

Die Verbruikershof wat 'n saak aanhoor ingevolge hierdie Wet, die Wet op Verbruikersbeskerming, 2008 of die Nasionale Kredietwet, 2005—

- (a) moet die verrigtinge op so 'n wyse uitvoer wat ooreenstem met Deel D; en
- (b) kan enige bevel maak soos voorsien in Deel E,

van Hoofstuk 7 van die Nasionale Kredietwet, 2005, saamgelees met die veranderinge soos vereis deur die konteks.

**33. Getuie fooie**

Enige persoon wat gedagvaar word as 'n getuie moet sodanige getuie fooie en toelae ontvang as hy of sy daarop geregtig is en indien sodanige persoon in 'n magistraatshof verskyn as 'n getuie.

## DEEL D

### VERBRUIKERSHOF BEVELE

#### 34. Bevele van verbruikershof

- (1) Bykomend tot enige ander bevel wat die verbruikershof mag instel ingevolge hierdie Wet, die Wet op Verbruikersbeskerming, 2008 en die Nasionale Kredietwet, 2005, mag die verbruikershof belas dat die besonderhede van die persoon wat betrokke is by verbode gedrag geëndosseer word op 'n lys van ongunstige aantekeninge ingevolge artikel 12.
- (2) 'n Bevel deur die verbruikershof moet bekend gemaak word deur 'n kennisgewing in die *provinciale koerant* en mag bekend gemaak word op enige ander wyse.

#### 35. Administratiewe boetes

Die verbruikershof mag 'n administratiewe boete oplê ten opsigte van verbode of ongewenste gedrag ingevolge die Wet op Verbruikersbeskerming, 2008 of die Nasionale Kredietwet, 2005.

#### 36. Wisseling van bevele

Die verbruikershof wat optree in sy eie hoedanigheid of op versoek van 'n persoon wat geraak was deur 'n beslissing of bevel, mag sy beslissing of bevel wysig of herroep—

- (a) indien dit op 'n onjuiste wyse bekom of toegestaan was in die afweigheid van 'n party wat daardeur geraak word;
- (b) waar daar dubbelsinnigheid, of 'n klaarblyklike fout of weglatting was, maar slegs tot 'n mate dat sodanige dubbelsinnigheid, fout of weglatting reggestel kan word, of
- (c) wat gemaak of toegestaan is as gevolg van 'n fout bekend aan alle partye van die verrigtinge.

**37. Gehalte van bewyse**

Tydens enige verrigtinge van die verbruikershof ingevolge hierdie Wet is die gehalte van bewyse gebaseer op waarskynlikhede.

**HOOFSTUKKE 4****ALGEMENE BEPALINGS****DEEL A****OORTREDINGS EN STRAFMAATREEËLS****38. Vertrouensbreuk**

- (1) Dit is 'n oortreding om enige vertroulike inligting oor sake van enige persoon of regsgelerde bekend te maak tydens—
- (a) die uitvoering van enige funksie ingevolge hierdie Wet; of
  - (b) as gevolg van die inisiëring van 'n klagte of deelname aan enige verrigtinge ingevolge hierdie Wet nie;
- (2) Subartikel (1) is nie van toepassing op inligting wat bekend gemaak is—
- (a) vir die doel van behoorlike uitoefening of uitvoering van enige magte, funksie of pligte ingevolge hierdie Wet;
  - (b) vir die doel van regspleging;
  - (c) op versoek van 'n ondersoekbeampte, die Kantoor van die Verbruikersbeskermmer of 'n lid van die verbruikershof wat geregtig is om inligting te ontvang; of
  - (d) op versoek van 'n grondwetlike hof.

**39. Belemmering tydens toepassing van Wet**

Dit is 'n oortreding om enige persoon te verhinder, teen te staan of onbehoorlik te beïnvloed wat gesag uitoefen of 'n gedelegeerde plig uitvoer wat aan sodanige persoon verleen of opgelê was deur hierdie Wet.

**40. Versuim om te verskyn na dagvaarding**

'n Persoon wat gelas, ontbied of gedagvaar was om 'n verhoor by te woon—

- (a) en wat sonder genoegsame rede versuim om te verskyn op 'n bepaalde plek en tyd soos vermeld of om teenwoordig te bly totdat sake afgehandel is,
- (b) soos vereis word, maar —
  - (i) weier om ingesweer te word of om 'n verklaring af te lê; of
  - (iii) versuim om 'n boek, dokument of enige ander item voor te lê soos beveel, indien dit in besit van of onder die beheer van sodanige persoon is,  
is skuldig aan 'n oortreding.

#### **41. Versuim om volledig en eerlik te beantwoord**

'n Persoon wat ingesweer was of 'n verklaring afgelê het en—

- (a) versuim om onderhewig aan artikel 13(3), enige vrae volledig of na die beste van sy vermoë te beantwoord; of,
- (b) bewustelik valse getuienis gee,  
is skuldig aan 'n oortreding.

#### **42. Verbandhoudende oortredings met Kantoor van Verbruikersbeskermer en die verbruikershof**

- (1) 'n Persoon wat oortree of versuim om te voldoen aan 'n bevel van die verbruikershof is skuldig aan 'n oortreding.
- (2) 'n Persoon wat—
  - (a) enigiets berekenend doen om die verbruikershof of die Kantoor van die Verbruikersbeskermer onbehoorlik te beïnvloed oor enige aangeleentheid wat verband hou met 'n ondersoek;
  - (b) enige bevindinge van die verbruikershof of van die Verbruikersbeskermer antisipeer wat betrekking het op 'n ondersoek op 'n wyse wat berekenend is om die verrigtinge of bevindinge te beïnvloed.;
  - (c) enigiets wat verband hou met 'n ondersoek doen wat tot minagting van die hof sal lei indien die verrigtinge in 'n Gereghof plaasgevind het.
  - (d) bewustelik valse inligting aan die Kantoor van die Verbruikersbeskermer verskaf;

- (e) die verbruikershof of 'n lid van die verbruikershof belaster in hulle onderskeie amptelike hoedanighede;
- (f) doelbewus die verrigtinge van 'n verhoor onderbreek of wangedrag toon in die plek waar die verhoor plaasvind.;
- (g) teenstrydig optree met 'n lasbrief vir betreding en deursoek; of
- (h) sonder magtiging, maar beweer om magtiging te hê ingevolge artikel 14—
  - (i) 'n perseel betree of deursoek; of
  - (ii) 'n artikel of dokument by te voeg of te verwijder,

is skuldig aan 'n oortreding.

#### **43. Strafmaatreëls**

Enige persoon wat skuldig bevind word aan 'n oortreding ingevolge hierdie Wet, is onderhewig aan 'n boete of tronkstraf of beide sodanige boete en tronkstraf.

### **DEEL B**

#### **DIVERSE BEPALINGS**

#### **44. Delegering van gesag**

- (1) Die LUR mag, onderhewig aan die bepalings van hierdie artikel, skriftelik 'n bemagtiging, funksie of plig deleger verleen, toevertrou of opgelê aan die LUR ingevolge hierdie Wet, aan die Hoof van die Departement, die Verbruikersbeskermer of 'n werknemer van die Verbruikerbeskermer met of sonder voorwaardes.
- (2) Die LUR mag nie die volgende magte deleger nie—
  - (a) om lede van die Hof en die Verbruikersbeskermer aan te stel nie; en
  - (b) om regulasies in te stel nie.
- (3) Die Verbruikersbeskermer mag, met die goedkeuring van die LUR, sy of haar magte, funksies of pligte deleger, insluitend 'n mag, plig of funksie wat gedelegeer is deur die LUR aan die Verbruikersbeskermer of 'n werknemer in die Kantoor van die Verbruikersbeskermer.
- (4) 'n Afvaardiging onder hierdie artikel verhoed nie die LUR of Verbruikersbeskermer om daardie onderskeie gedelegeerde mag, plig of funksie uit te oefen nie.
- (5) 'n Afvaardiging onder hierdie artikel mag enige tyd onttrek of herroep word.

- (6) Enigets wat plaasgevind het in die uitvoering of verrigting van 'n gedelegeerde gesag, pligte of funksie, word beskou asof dit uitgevoer was deur die LUR of die Verbruikersbeskermer, wat ookal die geval mag wees.

**45. Plaasvervangende aanspreeklikheid**

- (1) Indien die werkewer of agent of 'n persoon wat ingevolge hierdie Wet aanspreeklik gehou kan word vir enigets wat gedoen of nagelaat word in die verloop van die persoon se diens of aktiwiteite namens die hoof, is die werkewer of die hoof gesamentlik of afsonderlik aanspreeklik vir sodanige persoon.
- (2) Hierdie artikel is nie van toepassing op strafregtelike aanspreeklikheid nie.

**46. Regulasies**

- (1) Die LUR kan na oorleg met die voorsitter van die verbruikershof, regulasies instel wat betrekking het op—
- (a) die praktyke en reëls van die verrigtinge van die verbruikershof;
  - (b) enige aangeleentheid wat ingevolge die Wet vereis word om voorgeskryf te word;
  - (c) enige fooie betaalbaar kragtens die Wet;
  - (c) enige aangeleentheid wat oor die algemeen nodig of dienstig geag word in die bereiking van die oogmerke van hierdie Wet.
- (2) Die LUR moet toesien dat die konsep-regulasies in die *provinsiale koerant* gepubliseer word vir die publiek se kommentaar.

**47. Herroeping van wette**

Die Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 (Wet Nr. 8 van 1996) word hiermee herroep.

**48. Oorgangsbeplings**

- (1) Enige klagte wat ingedien word by die Kantoor van die Verbruikersbeskermer voor die inwerkingtreding van hierdie Wet ingevolge enige wetgewing wat herroep was moet mee weggedoen word en afgehandel word ingevolge hierdie Wet.

- (2) Waar die Verbruikersbeskermer, lid of personeellid van die Kantoor van die Verbruikersbeskermer of ondersoekbeampte aangewys of aangestel was ingevolge enige wetgewing wat deur hierdie Wet herroep is, moet sodanige aanwysing of aanstelling behou word ingevolge hierdie Wet.
- (3) 'n Verbruikershof wat gestig is ingevolge wetgewing wat herroep was kragtens hierdie Wet, moet voortgaan as 'n verbruikershof gestig ingevolge hierdie Wet.
- (4) 'n Lid of plaasvervangende lid van die verbruikershof gestig ingevolge wetgewing maar wat herroep was deur die Wet gaan voort om as 'n lid of plaasvervangende lid op te tree kragtens hierdie Wet vir die onverstreke ampstermyn.

**49. Korttitel en inwerkingtreding**

- (1) Die Wet word die Wet op Verbruikersbeskerming, 2013 genoem en tree in werking op die datum wat die Premier deur kennisgewing in die provinsiale koerant bepaal.
- (2) Die Premier mag verskillende datums vir die inwerkingtreding van die verkillende afdelings van die Wet bepaal.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE  
LIMPOPO WET OP VERBRIUKERSBESKERMING, 2013**

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**1. AGTERGROND EN OOGMERKE VAN DIE WET**

- 1.1. Die Wet op Verbruikersbeskerming, 2008 (Wet Nr. 68 van 2008) was in 2008 georden om onderandere, regverdig, toeganklike en volhoubare markplekke vir verbruikers se produkte en dienste te bevorder, nasionale norme en standaarde met betrekking tot verbruikersbeskerming te vestig en om verbruikersregte te verskans.
- 1.2. Die Wet op Verbruikersbeskerming, 2008 verwys na die provinsiale verbruikersbeskermingsgesag en die verbruikershawe. Die provinsiale regering is egter veronderstel om wetgewing in te stel en om voorsiening te maak vir beide die verbruikershof en die provinsiale verbruikersgesag en hul werksaamhede.
- 1.3. Die bestaande Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 (Wet Nr. 8 van 1996) in sy huidige vorm is nie in lyn met die nuwe Wet op Verbruikersbeskerming, 2008 nie. Dit is die intensie om die huidige Wet te herroep en dit te vervang met die nuwe Provinsiale Wet op verbruikersbeskerming en dit in lyn te bring met die Wet op Verbruikersbeskerming, 2008, sodat daar 'n vereenvoudiging tussen die funksies van die Kommissie, die funksies van die provinsiale verbruikersbeskermer se owerhede en die verbruikershof is.
- 1.4. Ingevolge die huidige Wet, moet die staande komitee wat verantwoordelik is vir verbruikersake in die provinsiale ooreenstem met die LUR oor die aanstelling van lede van die verbruikershof. Die Wet het ten doel om hierdie vereiste te verwijder. Die Wet behou bogenoemde provisiale strukture gestig ingevolge die huidige Wet, maar het ten doel om dit beter te reguleer.
- 1.5. Die Wet maak voorsiening vir 'n provinsiale verbruikersbeskermingsgesag: wat 'n die uiteensetting gee van sy funksies; dit maak voorsiening vir die Limpopo verbruikershof; en sy funksies, dit het ten doel om die Wet op Verbruikersake (Onbillike Sake Praktyke) Wet, 1996 (Wet Nr. 8 van 1996) te herroep en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

1.6. Die Wet sluit noodsaaklike nuwe definisies soos bv. verbruiker, Kommissie, Tribunaal, inspekteur ens. in. Die Wet lei die bekwaamheid en aanstellingskriteria van die Verbruikersbeskermer in en stel die nuwe posisies van Adjunk-Verbruikersbeskermer en inspekteurs voor. Die Wet het verder ten doel om die funksies en magte van die gesag van die verbruikershof uit te brei. Die Wet het ook ten doel om 'n nuwe prosedure vir aangeleenthede wat na die verbruikershof verwys word, bekend te stel. Die Wet brei die funksies van die klerk van die verbruikershof uit en sluit ook vereistes oor verslagdoening in. Die Wet bring die verrigtinge van die verbruikershof inlyn met die bevele van die Nasionale Verbruikerstribunaal. Die Wet stel 'n register voor vir die notas van ongunstige aantekeninge vir besonderhede van persone wat betrokke was by verbode gedrag. Die Wet is oor die algemeen inlyn met die bepalings van die Wet op Verbruikersbeskerming, 2008.

## 2. **MAATSKAPLIKE IMPLIKASIES**

Die Wet het ten doel om die sosiale en ekonomiese welvaart van die verbruikers in die provinsie te bevorder en te begunstig.

## 3. **KLOUSULE VIR KLOUSULE ANALISE**

- 3.1. Artikel 1 gee 'n uiteensetting van die omskrywings wat in die Wet gebruik word.
- 3.2. Artikel 2 gee 'n uiteensetting van die oogmerke van die Wet.
- 3.3. Artikel 3 maak voorsiening vir die behoud van die verbruikersbeskermingsgesag wat gestig was kragtens die Wet om herroep te word, en nou bekend staan as die Kantoor van die Verbruikersbeskermer.
- 3.4. Artikel 4 maak voorsiening vir die aanwysing of aanstelling van die Verbruikersbeskermer met die vereiste kwalifikasies. Dit maak ook voorsiening vir die aanwysing of aanstelling van 'n adjunk-verbruikersbeskermer en 'n Kantoor vir die Verbruikersbeskermer se personeel.
- 3.5. Artikel 5 gee 'n uiteensetting van die funksies en magte van die Kantoor van die Verbruikersbeskermer.
- 3.6. Artikel 6 gee 'n uiteensetting van die proses vir die indiening van 'n klagte by die Kantoor van die Verbruikersbeskermer.

- 3.7. Artikel 7 maak voorsiening vir die rol van die Kantoor van die Verbruikersbeskermers in die hantering van klagte.
- 3.8. Artikel 8 handel met aanwysings en aanstellings van inspekteurs en ondersoekbeamtes.
- 3.9. Artikel 9 handel met verskillende uitkomste van 'n ondersoek deur die Kantoor van die Verbruikersbeskermers.
- 3.10. Artikel 10 maak voorsiening vir ooreenkomste tussen die partye om as instemmende bevele te dien.
- 3.11. Artikel 11 handel met hoe sake na die verbruikershof verwys kan word.
- 3.12. Artikel 12 maak voorsiening vir 'n register van ongunstige aantekeninge waar besondere van persone wat betrokke was by verbode gedrag aangeteken word.
- 3.13. Artikel 13 maak voorsiening vir die dagvaarding van persone of dokumente vir ondersoek doeleinades.
- 3.14. Artikel 14 maak voorsiening vir die gesag om te betree en te deursoek met 'n nodige lasbrief.
- 3.15. Artikel 15 gee 'n uiteensetting van die magte tot betreding en deursoeking volgens 'n lasbrief.
- 3.16. Artikel 16 maak voorsiening vir die optrede tydens betreding en deursoeking.
- 3.17. Artikel 17 maak voorsiening vir die wyse waarop daar gehandel moet word met bewerings dat inligting vertroulike is.
- 3.18. Artikel 18 behou die verbruikershof gestig deur die Wet op Verbruikersake (Onbillike Sake Praktyke), 1996 (Wet Nr.8 van 1996) en maak voorsiening vir die setel van die hof en sy sittings.
- 3.19. Artikel 19 gee 'n uiteensetting van die funksies van die verbruikershof.
- 3.20. Artikel 20 gee 'n uiteensetting van die samestelling van die verbruikershof.
- 3.21. Artikel 21 maak voorsiening vir die diskwalifisering van aanstelling op die verbruikershof.

- 3.22. Artikel 22 gee 'n uiteensetting van die aansoek en aanstellingsprosedure van lede van die verbruikershof.
- 3.23. Artikel 23 maak voorsiening vir die ampstermy van die lede van die verbruikershof.
- 3.24. Artikel 24 maak voorsiening vir bedanking, verwydering uit 'n amp en vakatures in die verbruikershof.
- 3.25. Artikel 25 maak voorsiening vir vergoeding en toelae vir lede van die verbruikershof.
- 3.26. Artikel 26 maak voorsiening vir die verklaring van sake belang van die verbruikershof.
- 3.27. Artikel 27 reguleer botsende belang.
- 3.28. Artikel 28 maak voorsiening vir die skorsing van 'n lid van die verbruikershof.
- 3.29. Artikel 29 maak voorsiening vir aanwysing of aanstelling van 'n klerk van die verbruikershof en sy of haar verantwoordelikhede.
- 3.30. Artikel 30 gee 'n uiteensetting van die vereistes tydens verslagdoening deur die verbruikershof.
- 3.31. Artikel 31 handel met verbruiker hofverrigtinge.
- 3.32. Artikel 32 maak voorsiening vir verhore van die verbruikershof wat op dieselfde wyse moet geskied as die van die tribunaal van die Kredietwet.
- 3.33. Artikel 33 maak voorsiening vir getuie fooie.
- 3.34. Artikel 34 maak voorsiening vir bevele van die verbruikershof.
- 3.35. Artikel 35 maak voorsiening vir administratiewe fooie.
- 3.36. Artikel 36 maak voorsiening vir die afwisseling van bevele.
- 3.37. Artikel 37 maak voorsiening vir die gehalte van 'n bewys in die verbruikershofverrigtinge.
- 3.38. Artikel 38 handel met vertrouensbreuk.
- 3.39. Artikel 39 maak belemmering van die Wet 'n oortreding.
- 3.40. Artikel 40 maak versuim om te verskyn na 'n dagvaarding 'n oortreding.

- 3.41. Artikel 41 maak versuum om volledig en eerlik te antwoord 'n oortreding.
- 3.42. Artikel 42 skep verbandhoudende oortredings met die Kantoor van Verbruikersbeskermer en verbruikershof.
- 3.43. Artikel 43 stipuleer strafmaatreëls ingevolge die Wet.
- 3.44. Artikel 44 maak voorsiening vir delegering van gesag.
- 3.45. Artikel 45 handel met plaasvervangende aanspreeklikheid.
- 3.46. Artikel 46 maak voorsiening vir regulasies.
- 3.47. Artikel 47 is die herroepingsbepaling.
- 3.48. Artikel 48 gee 'n uiteensetting van die oorgangsbepalings.
- 3.49. Artikel 49 gee 'n uiteensetting van die korttitel en inwerkingtreding van die Wet.

#### **4. FINANSIELE IMPLIKASIES**

Daar mag finansiële implikasies wees in die aanstelling van die Verbruikersbeskermer, adjunk-verbruikersbeskermer, nuwe personeel in die Kantoor van die Verbruikersbeskermer en die verbruikershof, inspekteurs en ondersoekbeamtes, indien die personeel nie van binne die departement aangewys word nie. Daar sal ook finansiële implikasies vir die Departement wees, sou kundiges verkry word ingevolge die Wet.

Daar sal koste verbonde wees aan alle kennisgewings wat gepubliseer moet word ingevolge die Wet, in die provinsiale koerant of ander media, insluitend koste verbonde aan die publikasie van die verbruikershof se bevele, kennisgewings aan die publiek oor ondersoeke en aansoeke vir posisies in die verbruikershof. Die departement sal verplig wees om die besoldiging en toelaes van die verbruikershof se lede, insluitend die betaling van die getuie fooie te befonds. Daar sal koste verbonde wees aan die publisering en adverteering van hierdie Wetsontwerp in die staatskoerant en 2 ander koerante vir openbare kommentaar en publikasie koste na inwilliging.

**5. PERSONEEL EN ORGANISATORIESE IMPLIKASIES**

Die Wet stel personeel wat aangewys of aangestel moet word deur die Departement in die Kantoor van die Verbruikersbeskermer en aan die verbruikershof voor en ook aanwysings en aanstellings van inspekteurs en ondersoekbeamptes.

**6. GRONDWETLIKE IMPLIKASIES**

Verbruikersbeskerming is 'n funksionele gebied van beide nasionale en provinsiale (skedule 4) wetgewende bevoegdheid. Die Provinse is dus bevoegd om wetgewing wat met verbruikersbeskerming handel te implementeer.

**7. GEKONSULTEERDE INSTELLINGS**

Die Departement van Ekonomiese Ontwikkeling, Omgewing en Toerisme en die Staatsregsadviseurs in die Kantoor van die Premier was geraadpleeg.

**TSEBIO KAKARETŠO****TSEBIŠO KAKARETŠO ...<sup>478</sup> YA 2013****MMUŠO WA PROFENSE YA LIMPOPO****KGORO YA TLHABOLLO YA IKONOMI, TIKOLOGO LE BOETI****MOLAOKAKANYWA WA TŠHIRELETŠO YA BADIRIŠI, 2013**

Go ya ka Melao ye e Ikemego le Otara tša Lekgotlatheramelao la Limpopo, Molaokakanywa wa Tšhireletšao ya Badiriši wa 2013 o tsebišwa go setšhaba gore se dire ditshwayatshwayo.

Motho manag goba mang yo a ratago go swayaswaya ka molaokakanywa wo a ka dira bjalo ka go ngwala lengwalo la ditshwayatshwawo letšatši pele ga **31/01/2014** gomme, a ngwalela:

**Hlogo ya Kgoro****Kgoro ya Tlhabollo ya Ikonomi, Tikologo le Boeti****Private Bag X9484****POLOKWANE****0700****GO YA GO: Kenny Maboea****Mogala: (015) 293 8559****Fekese: (015) 291 1336****Imeile: MaboeaKS@ledet.gov.za**

**LEKGOTLATHERAMELAO LA PROFENSE YA LIMPOPO**

**MOLAOKAKANYWA WA TŠHIRELETŠO YA BADIRIŠI, 2013**

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**Bjalo ka ge o tsebišitšwe ke**

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**(LELOKO LA KHUDUTHAMAGA LEO LE LEBELETŠEGO TLHABOLLO YA IKONOMI,  
TIKOLOGO LE BOETI)**

## MOLAOKAKANYWA

**Go tliša molao wa profense wa go šireletša badiriši le tšhomiso ya wona; go tliša kgorotsheko ya badiriši ya Limpopo le ka mokgwa woo e šomago ka gona; go laola ditshepedišo tša kgorotsheko ya badiriši; go fediša Merero ya Badiriši (Mekgwatlwaelo ye e sego ya loka ya kgwebo) Molao, 1996 (Molao wa Nomoro ya. 8 wa 1996) le go tliša ditaba tše di sepelelanago le tše.**

## MATSENO

**MOLA** Molao wa Tšhireletšo ya Badiriši, 2008 (MOLAO wa Nomoro ya. 68 wa 2008) o fetišitšwe gore gareng ga tše dingwe o thuše go tliša mmaraka wo o lokilego, wa go hwetšagala e bile wa go-ya-go-ile wa ditšweletšwa le ditirelo tša badiriši gore go hlongwe sengwalwa sa mananeo kgoparara se se lego malebana le tšhireletšo ya badiriši;

**MOLA E LE GORE** go na le nyakego ya molao wa tšhireletšo ya badiriši ba profense, go hloma molao wa tšhireletšo ya badiriši, le kgorotsheko ya badiriši mo profenseng go lebelelana le ditaba tša tšhireletšo ya badiriši;

**BJALE E HLOMILWE SEMOLAO** ke Lekgotlatheramelao la Profense ya Limpopo ka mo go latelago:—

## PEAKANYO YA DIKAROLO

### KGAOLO 1

#### DIPEAKANYETŠO TŠA MATSENO

1. Ditlhaloso
2. Dinepo tša Molao

### KGAOLO 2

#### TAOLO YA TŠHIRELETŠO YA BADIRIŠI BA PROFENSE

*Karolo A*

***OFISI YA MOŠIRELETŠA BADIRIŠI***

3. Ofisi ya Mošireletša Badiriši
4. Mošireletša Badiriši

*Karoło B*

**MEŠOMO YA TAOLO**

5. Mešomo le maatla a Ofisi ya Mošireletša Badiriši
6. Go tliša dipelaelo Ofising ya Mošireletša Badiriši
7. Tema ya Mošireletša Badiriši malebana le go rarolla dipelaelo
8. Bahlahlobi le Banyakišiši
9. Ditlamorago tša dinyakišišo
10. Diotara tša tumelelano
11. Go romela batho go kgorotsheko ya badiriši
12. Retšistara ya bao ba lego kgahlanong le molao

*Karoło C*

**MAATLA MALEBANA LE GO THEKGA NYAKIŠIŠO**

13. Pitšo ya batho goba dingwalwa kgorong
14. Maatla a go tsena o phuruputša o swere lengwalo'tumelelo
15. Maatla a go tsena o phuruputša
16. Maišhwaro a go tsena o phuruputša
17. Ditokelo tša go laetša gore tshedimošo ke ya sephiri

**KGAOLO 3**

**KGORO YA BADIRIŠI YA LIMPOPO**

*Karoło A*

**MEŠOMO YA KGOROTSHEKO YA BADIRIŠI**

18. Kgorotsheko ya badiriši ya Limpopo
19. Mešomo ya kgorotsheko ya badiriši
20. Tlhamo ya kgorotsheko ya badiriši

21. Kganetšo ya go thwalwa ka go kgorotsheko ya badiriši
22. Go thwala ga maloko a kgorotsheko ya badiriši
23. Nako ya go šoma ya maloko a kgorotsheko ya badiriši
24. Go itokolla mošomong, go tlošwa Ofising le dikgoba tša mešomo
25. Megolo le diputseletšo tša maloko a kgoro ya badiriši
26. Go tsebagatša dikgahlego go tša kgwebo ya maloko a kgorotsheko ya badiriši
27. Thualo ya dikgahlego
28. Go fegwa ga maloko a kgorotsheko ya badiriši

*Karolo B*

**TAOLO YA KGOROTSHEKO**

29. Mongwaledi ya kgorotsheko ya badiriši
30. Pego ka kgoro ya badiriši

*Karolo C*

**DITSHEPETŠO YA KGOROTSHEKO YA BADIRIŠI**

31. Ditshepetšo tša kgorotsheko ya badiriši
32. Ditheetšo ka kgorotsheko ya badiriši
33. Ditefelo tša ditlhlatse

**Karolo D**

**DITAELO TŠA KGOROTSHEKO YA BADIRIŠI**

34. Ditaelo tša kgorotsheko ya badiriši
35. Taolo ya ditefišo
36. Go fapafapana ga ditaelo
37. Mokgwatlwaelo wa bohlatse

**KGAOLO 4**

**DIPEAKANYETŠO TŠA KAKARETŠO**

***Karolo A******MELATO LE DIKOTLO***

38. Tlolo ya molao wa sephiri
39. Tšhitiso ya taolo ya Molao
40. Go se tle ge o biditswe pele ga kgorotsheko
41. Go se arabe ka botlalo go ba ka therešo
42. Melato ye e amanago le Ofisi ya Mošireletša Badiriši le kgorotsheko ya badiriši
43. Dikotlo

***Karolo B******DIPEAKANYETŠO TŠA GO FAPAFAPANA***

44. Go fa maatla
45. Maikarabelo ka go fapafapanana
46. Melawana
47. Phedišo ya melao
48. Dipeakanyetšo tša nakwana
49. Thaetlele ye kopana le go thoma

**KGAOLO 1****DIPEAKANYETŠO TŠA MATSENO****1. Ditlhaloso**

Ka mo Molaong wo, lentšu lefe goba lefe leo le filwego tlhaloso ka mo go Molao wa Tshireletšo ya Badiriši, 2008 (Molao wa Nomoro ya 68 wa 2008) le hlalosa tlhaloso ya go swana kantle ga ge eba kamano e laetša ka mokgwa wo mongwe—

“**Komišene**” e ra gore Komišene ya Bosetšhaba ya Bodiriši e thomilwe go ya ka karolo 85 ya Molao wa Go Šireletša Badiriši, 2008 (Molao wa Nomoro ya 68 wa 2008);

“Molaotheo” o ra gore Molaotheo wa Rephabliki ya Afrika Borwa, 1996;

“modiriši”, malebana le diphahlo tše itšego goba ditirelo, e ra gore—

- (a) motho yoo a bapaletšwago diphahlo tše itšego goba di tirelo nakong ya kgwebo ya morekiši;
- (b) motho yo a tsenetšego kgwebo goba kwano le morekiši nakong ya setlwaedi ya kgwebo ya morekiši, ka ntle le ge e ba kgwebo/kwano ga e šomiše Molao wa Tshireletšo ya Bašomi, 2008 (Molao wa Nomoro ya. 68 wa 2008) ka karolo ya 5(2) goba go ya ka karolo 5(3) ya Molao owe;
- (c) ge eba kamano e dumela, mošomiši wa dithoto tšeо goba yo a di amogelago, go sa kgathatsege ge eba mošomiši goba yo a di amogelago o be a dumela kamano malebana le mothopo wa diphahlo tšeо goba ditirelo;
- (d) Tumelelo ya go rekiša ye e lego ya maleba go ya ka karolo 5(6)(b) go fihla go (e) ya Molao wa Tshireletšo ya Badiriši, 2008 (Molao wa Nomoro ya wa 68 wa 2008);

“Merero ya Badiriši (Mekgwatlwaelo ya go se loka ya Kgwebo) Molao, 1996” e ra gore Merero ya Badiriši (Mekgwa tlwaelo ya go se loka ya Kgwebo) Molao, 1996 (Molao wa Nomoro ya 8 wa 1996);

“kgorotsheko ya badiriši” e ra gore kgoro ya badiriši yeo e lego go karolo 18;

“Molao wa Tshireletšo ya Badiriši, 2008” ora gore Molao wa Tshireletšo ya Badiriši, 2008 (Molao wa Nomoro ya 68 wa 2008);

“Mošireletša Badiriši” e ra gore motho yo a beilwego goba a ka bago a kgethilihego go ba hlogo ya Ofisi ya Mošireletša Badiriši go ya ka karolo 4(1);

“Kgorotsheko” e ra kgorotsheko e fe goba e fe yeo e lego go Kgaolo 8 ya Molaotheo;

“Kgoro” e ra gore Kgorotsheko yeo e rwelego maikarabelo a merero ya badiriši ka mo profenseng;

“Hlogo ya Kgoro” e ra gore Hlogo ya Kgoro yeo e rwelego maikarabelo a merero ya badiriši ka mo profenseng;

“mohlahlobi” e ra gore motho yo a thwetšwego go ba mohlahlobi go ya ka karolo 8(1);

“Monyakišiši” e ra gore motho yo a thwetšwego go ba monyakišiši go ya ka karolo 8(1);

“Molekgotlaphethiši” e ra gore Leloko la Khuduthamaga yo a rwelego maikarabelo a merero ya badiriši ka mo profenseng;

“Molao wa Mokitlana wa Bosetšhaba, 2005” e ra gore Molao wa Bosetšhaba wa Mokitlana, 2005 (Molao Nomoro ya . 34 wa 2005);

“Ofisi ya Mošireletša Badiriši” e ra gore Ofisi ya Mošireletša Badiriši ye e lebeletšwego go karolo 3;

“beetšwego” e ra gore beetšwego ke molao;

“boitshwaro bjo bo sa dumelwelago” e ra gore molao goba go se latele Molao wo, Molao wa Tšhireletšo ya Badiriši, 2008 goba Molao wa Mokitlana wa Bosetšhaba, 2005;

“melawana” e ra gore ditokišo tše di dirilwego go ya ka Moalo wo;

“molatofatšwa” e ra gore yoo go llwago ka yena goba yo kgopelo e thomilwe go ya ka Molao wo, Molao wa Tšhireletšo ya Badiriši, 2008 goba Molao wa Mokitlana wa Bosetšhaba, 2005;

“Molao wo” o tsenyeletša melawana; le

“Lekgotlakgoro” e ra gore Kgoro ya Bosetšhaba ya Badiriši ka tlase ga karolo 26 ya Molao wa Setšhaba wa Mokitlana, 2005.

## 2. Dinepo tša Molao

Dinepo tša Molao wo ke go godiša le go tšweletša ditaba tša leago le ikonomi tša badiriši mo profenseng ka go tliša—

- (a) Maatla a tshireletšego ya badiriši ba profense; le
- (b) Kgorotsheko ya badiriši,

go nyakišiša, le go tsena ka bogare tshwaro-bošaedi ya ditokelo tša badiriši tšeо di le go ka go Kgaolo 2 ya Molao wa Tshireletšo ya Badiriši, 2008.

## KGAOLO 2

### MAATLA A TŠHIRELETŠO YA BADIRIŠI YA PROFENSE

#### *Karolo A*

#### *OFISI YA MOŠIRELETŠA BADIRIŠI*

#### 3. Ofisi ya mošireletša badiriši

Maatla a tshireletšo ya Badiriši a profense wo o tsebegago ka la Ofisi ya Nyakišiso tša Mekgwa ye e sego ya loka ya kgwebo e thomilwe go ya ka Molao wa Merero ya Badiriši, 1996 e beilwe go ya ka karolo 48 ya Molao wo, re sa lebale phedišo ya Molao wa Merero ya Badiriši(Mekgwa ye e sego ya loka ya kgwebo), 1996 gomme e fiwa leina le leswa la Ofisiya Mošireletši wa Badiriši.

#### 4. Mošireletša Badiriši

- (1) Molekgotlaphetiši o swanetše a re go ya ka melao yeo e laolago tirelo tša setšhaba a thwale motho wa go ba le—
  - (a) Boitemogelo bja maleba; le
  - (b) Bonnyane grata ya unibesithi ya tša ikonomi, molao, kgwebo, intasteri goba merero ya setšhaba,  
bjaolo ka Mošireletša Setšhaba ka Ofising ya Mošireletša Badiriši legatong leo le kgethilwego ke Molekgotlaphethiši.
- (2) Mošireletša Badiriši o swanetše a dire mešomo ka moka ya Ofisi ya Mošireletša Badiriši ka tlase ga Molao o le Molao wa Tshireletšo ya Badiriši, 2008.
- (3) Molekgotlaphethiši—
  - (a) o swanetše a thwale Motlatša Mošireletša Badiriši ka moo go laeditšwego ka go karolwana (1) yo a swanetšego a —
    - (i) thuša Mošireletša Badiriši go dira mešomo ya Ofisi ya Motšireletša Badiriši; le

- (ii) dira mešomo ya Mošireletša Badiriši nakong ye e lego gore Mošireletša Badiriši o palelwa ke go dira mošomo wa gagwe go ya le ka mabaka ao a tla bego a a file; le
  - (b) thwala batho go ya ka melao yeo e lego ka go ditirelo tša setšhaba go thuša Mošireletša Badiriši mešomomg ya gagwe.
- (4) Batho ka moka bao ba thwetšwego go ya ka karolwana (3)(b) ba lebagane le go laola le go etelela pele Mošireletša Badiriši.

*Karolo B*

**MEŠOMO YA TAOLO**

**5. Mešomo le maatla a Ofisi Ofisiya Mošireletša Badiriši**

- (1) OfisiOfisi ya Mošireletša Badiriši e swanetše e —
  - (a) lebeledišiše ditaba ka moka tše di lebišitšwego go yona go ya ka Molao, Molao wa Tshireletšo ya Badiriši, 2008 goba Molao wa Bosetšhaba wa Mokitlana, 2005;
  - (b) amogela le go nyakišiša dingongorego tša badiriši go ya le ka Molao wo;
  - (c) thuša bonamodi bja dikgakgano tše di thomago go ya ka Molao wo goba Molao wa Tshireletšo ya Badiriši, 2008 magareng ga badiriši, bodulo bja batho, goba batho bao ba tšwelago pele ka kgwebo ka gare ga profense;
  - (d) iša dikgakgano tše di hlagago go tšwa go Molao wo goba Molao wa Tshireletšo ya Badiriši, 2008 go ya go kgorotsheko ya badiriši ka tumemelelano le Molao wo;
  - (e) fa maele le tlhahlo go setšhaba ka ga ditaba tša tshireletšo ya badiriši;
  - (f) tsenyatirišong mekgwa ya thuto le tshedimošo go gogodiša temošo go setšhaba ka Molao le tshireletšo ka kakaretšo; le
  - (f) dira mešomo ye bjalo ye mengwe ye e ka bago e filwe Ofisi ya Tshireletšo ya Badiriši go ya ka Molao goba Molao wa Tshireletšo ya Badiriši, 2008.
- (2) Ofisi ya Mošireletša Badiriši e ka—

- (a) kgopela thwii nyakišio ka go maitshwaro ao a iletšwago bjalo ka ge go lebeletšwe go karolo 6(2);
- (b) ntšha ditsebišo tša go latela molao go ya ka Molao wa Tšhireletšo ya Badiriši, 2008;
- (c) kgopela Komišene go ngongorega ka maitshwaro a fe goba afe ao a sa kgahlišego goba bosenyi bjo bo thomago profenseng go ya ka Molao wa Tšhireletšo ya Badiriši, 2008; le
- (d) eletša Molekgotlaphethiši ka ditaba malebana le tšhireletšo ya badiriši le ka mekgwanakgwana ya mmapaka wa badiriši.

## **6. Go tliša dipelaelo Ofising ya Mošireletša Badiriši**

- (1) Motho mang goba mang a ka tliša ngongorego ka mokgwa wa maleba ka Ofising ya Mošireletša Badiriši malebana le mabarebare a mekgwa yeo e sa amogelegego.
- (2) Ofisi ya Mošireletša Badiriši e ka tliša ngongorego thwii malebana le boitshwaro bjo e sego bja maleba—
  - (a) ka bo yona;
  - (b) ge e laetšwe go dira bjalo ke Molekgotlaphethiši; goba
  - (c) ge a kgopelwa ke —
    - (i) ba tša taolo ya tokišo;
    - (ii) yo mongwe wa profrense wa taolo ya bošireletša badiriši;
    - (iii) letšema la batho ba tšireletšo ya badiriši ka tlase ga Molao wa Tšireletšo ya Badiriši, 2008; or
    - (iv) motho mang le mang yo a na lego kgahlego mo tabeng ye.

## **7. Tema ya Mošireletša Badiriši mabapi le go rarolla dipelaelo**

- (1) Ge Ofisi ya Mošireletša Badiriši e amogela dipelaelo go ya ka Molao wo goba Molao wa Tšireletšo ya Badiriši, 2008 e ka—
  - (a) ntšha tsebišo ya go hloka referale go ya go mongongoregi go ya ka foromo yeo e beilwego, ge e ba mongongoregi—
    - (i) o bonagala e ka o tletše ka papadi goba o a tshwenya;

- (ii) ga a tsebe ditaba tšeо, ge eba ke nnete, di ka tlišago lebaka la go fedиša mathata ka ka tlase ga Molao wo, goba Molao wa Tshireletšo ya Badiriši, 2008; goba
  - (iii) o a thibelwa, go ya ka karolo 116 ya Molao wa Tshireletšo ya Badiriši, 2008, go ka išwa go kgoro ya badiriši;
- (b) thuša batho go leka go rarolla diphapano ka ntle le ge e le gore batho bao ba ile ba leka go rarolla diphapano tšeо ka mokgwa woo nakong ye e fetilego;
- (c) iša dinyakišišo goba le tšeо di sepelelanago le tšona go motho yo mongwe yo wa semolao yo a kgonago, re tsenyeletša le molao wa profenseng ye nngwe ge ngongorego e ka rarollwa gabotse ke batho ba bangwe ba semolao; goba
- (d) laetša monyakišiši go nyakiša ngongorego ka pela ka moo go ka kgonegago.
- (2) Ofisi ya Mošireletša Badiriši e ka bega ka tsebišo ka go kuranta ya profense goba mokgwa ofe goba ofe wa go phatlalatša ditaba—
- (a) e tsebagatše nyakišišo e fe goba efe ye e e swerego, le
  - (b) bitša mang goba mang go dira sengwalwa sa kemedi malebana le nyakišišo go Ofisi ya Mošireletša Badiriši.

## **8. Bahlahlobi le banyakišiši**

- (1) Molekgotlaphethiši a ka –
- (a) kgetha motho yo a swanetšego ka Ofising ya Mošireletša Badiriši; goba ka go Kgoro; goba
  - (b) go ya le ka melao yeo e laolago tirelo tša setšhaba, a ka kgetha motho yo a swanetšego,
- bjalo ka mohlahlobi goba monyakišiši go ya ka Molao wo.
- (2) Molekgotlaphethiši o swanetše a ntše mohlahlobi goba monyakišiši a kgethwe go ya ka karolwana (1) le setifikeiti sa go thwalwa seo se nitšitšwego.

- (3) Go tlaleletša mošomo ofe goba ofe woo o gapeletšago go ya ka Molao wo goba Molao wa Tshireletšo ya Badiriši, 2008—
- (a) mohlahlobi o swanetše a lebele go latela melao, le
  - (b) monyakiši o swanetše a nyakišiše dingongorego go ya ka , Molao wo goba Molao wa Tshireletšo ya Badiriši, 2008.
- (4) Mohlahlobi goba monyakiši yo a dirago mošomo go ya ka Molao wo o swanetše a be le setifikeiti sa sa go thwalwa seo se ntšitšwego go ya ka karolwana (2) gomme o swanetše a ntšhe setifikeiti seo ge motho yoo a amago ke mediro ya mohlahlobi goba monyakiši go ya ka kgopelo ya Molao wo go bona setifikeiti seo.
- (5) Molekgotlaphethiši a ka thwala motho yo a na lego maswanedi bjalo ka setsibi go dira nyakišišo, ditlhakišo, dinyakišišo goba dinyakišio tše dingwe legatong la Ofisi ya Mošireletša Badiriši.
- (6) Motho yo a thwetšwego go ya ka karolwana (5) ga se monaykiši go ya ka seo se laetšago ke Molao wo.
- (7) Mošireletša Badiriši o swanetše goba mohlahlobi le monyakiši go ya ka Molao wo.

## **9. Ditlamorago tša dinyakišišo**

Ka morago ga ge dinyakišišo ka ngongorego di phethilwe, Ofisi ya Mošireletša Badiriši e ka —

- (a) ntšha tsebišo ya go hloka referale go mongongoregi ka foromo yeo e kgethetšwego;
- (b) šišinya otara-thalwa- tumelelo draft concent order go ya ka Karolo 10;
- (c) dira referale go kgorotsheko ya badiriši go ya ka Karolo 11;
- a. ntšha tsebišo ya go latela melao go ya ka Karolo 100 ya Molao wa Tshireletšo ya Badiriši, 2008; goba
- (e) iša taba ye go Molao wa Bosekiši Bja Bosetšhaba, ge e ba ngongorego e ama bosenyi go ya ka Molao wo, Molao wa Tshireletšo ya Badiriši, 2008 goba Molao wa Setšhaba wa Sekoloto, 2005.

**10. Diotara tša Tumelelano**

- (1) Ge e le gore taba e šetše e —
- (a) rarolotšwe ka taba ya bonamodi goba poelano go ya ka karolo 7(1)(b); goba
  - (b) nyakišišitšwe ke Ofisi ya Mošireletši wa Badiriši; gomme bao ba amegago ba dumela tshepedišo ye e šišintšwego,  
kgoro ya badiriši e ka, ka ntle le go theletša bohlatse, ya tiišetša tumelelano yeo bjalo ka diotara tša tumelelano.
- (2) Ka morago ga ge kgorotsheko ya badiriši e kwele tšhišinyo ya diotara tša tumelelo o swanetše a—
- (a) dire taelo bjalo ka ge ge go dumelelanwe e bile go šišintše Ofisi ya Mošireletša Badiriši le molatofatšwa;
  - (b) laetše diphetogo dife goba dife tseo di swanetšego go dirwa go otara thalwa otara pele e ka dira otara ya mafelelo; goba
  - (c) gane go dira otara.
- (3) Otara ya tumelelo ye e laeditšwego go karolwana (1)—
- (a) e ka tsenyeletša mpho ya ditshenyagalelo go mongongoregi ge mongongoregi a dumela;
  - (b) e swanetše e phatlatalatšwe ka go *kuranata ya profense*.

**11. Go romela batho go kgorotsheko ya badiriši**

- (1) Taba e ka tlišwa go kgoro ya badiriši ke—
- (a) Ofisi ya Mošireletša Badiriši;
  - (b) Molaodi wa Mokitlana wa Bosetšhaba go ya ka karolo 140(2)(a) ya Molao wa Setšhaba waMokitlana, 2005;
  - (c) mongongoregi ka tlase ga Molao wa Setšhaba waMokitlana, 2005 go ya ka karolo 141(1)(a) ya Molao woo;
  - (d) Khomišene go ya ka karolo 73(2)(a) ya Molao wa Tšhireletšo ya Badiriši, 2008; goba
  - (e) Mongongoregi ka tlase ga Molao wa Tšhireletšo ya Badiriši, 2008 go ya ka karolo 75(1)(a) ya Molao woo.

- (2) Motho yo a nyakago go gapeletša tokelo efe goba efe go ya ka karolo 69(c)(ii) ya Molao wa Tshireletšo ya Badiriši, 2008 goba go ya Molao wo, a ka dira kgopelo thwii go kgorotsheko ya badiriši ge e le gore -
- (a) motho yoo o thomile ka go ngongorega go Ofisi ya Mošireletša Badiriši; le
  - (b) Ofisi ya Mošireletša Badiriši e šetše e —
    - (i) ntšhitše tsebišo ya go hloka referale go ya ka karolo 7(1) (a); goba
    - (ii) nyakišitše ngongorego yeo a bile e ntšhitše tsebišo ya go hloka referale go ya ka karolo 9(a) go motho yoo.

**12. Retšistara ya bao ba lego kgahlanong le molao**

- (1) Ofisi ya Mošireletša Badiriši e swanetše e be le retšistara ya bao ba lego kgahlanong le molao ka fomeye e filwego ye e gatišago Dipeakanyetšo tša batho bao ba hweditšwego ke kgorotsheko ya badiriši ba tsea karolo ka maitshwaro ao a sego molaong.
- (2) Ofisi ya Mošireletša Badiriši e ka laetša fela ditaba tša motho yo a lego retšistareng yeo e laeditšwego go karolwana (1) ge eba kgoro ya badiriši e ntšhitše taelo ya mohuta woo.
- (3) Motho yo a angwago ke go ngwalwa ka retšistareng a ka dira kgopelo go kgoro ya badiriši go beela taelo yeo ka thoko gomme kgoro tsheko e ka dira bjalo ka mabaka a go kwala a mmakgonthe.

**Karolo C**

**MAATLA MALEBANA LE GO THEKGA NYAKIŠIŠO**

**13. Pitšo ya batho goba dingwalwa kgorong**

- (1) Mošireletša Badiriši goba motho yo a šomago Ofising ya Mošireletša Badiriši yo a dumelitšwego go bitša motho mang kapa mang yo go tshepwago gore a ka kgona go tliša tshedimošo efe goba efe ka taba ya nyakišišo; goba ka tlase ga taolo ya gagwe a swara puku efe goba efe, sengwalwa goba se sengwe seo se sepelelanago le taba yeo—
  - (a) go tšwelela pele ga motho yo a šomelago Ofisi ya Mošireletša Badiriši go botšišwa dipotšišo nakong le lefelo tše di beilwego ge a bitšwa; goba

- (b) go tliša goba go tšweletša puku yeo sengwalwa, goba se sengwe le se sengwe go motho yo a šomago ka ditirelo tša Ofisi ya Mošireletša Badiriši.
- (2) Pitšo ye go bolelwago ka yona go karolwana (1) (a)–
- (a) e swanetše e—
    - (i) be ka foromo ye e laeditšwego;
    - (ii) e saenwe ke Mošireletša Badiriši goba motho yo mongwe yo a šomago Ofising ya Mošireletša Badiriši; le
  - (b) e ka ntšhiwa ka mokgwa wo e ntšiwago ka gona molatong wa bosenyi ge e ntšhwa ke kgoro tsheko ya magastrata.
- (3) Motho yo a botšišwago dipotšišo ke monyakišiši ge go dirwa dinyakišišo o swanetše a arabe potšišo ye nngwe le ye nngwe ka botshepegi le ka moo a ka kgonago, eupša-
- (a) motho ga a gapeletšege go araba dipotšišo ge eba dikarabo di a mo latofatša; le
  - (b) monyakaišiši yo a botšišago motho yoo dipotšišo o swanetše a botše motho yoo ka tokelo yeo e laeditšwego go temana (a).
- (4) Dikarabo tše di filwego e sego tša go itatofatša goba setatamente se se dirilwego ke motho mang le mang go monyakišiši yo a šomišago maatla afe goba afe go ya ka karolo ye, e dumelwa bjalo ka bohlatse kgahlanong le motho yo a filego karabo goba a dirilego setatamente go tshepedišo tša bosenyi kgorong efe goba efe, kantle le ga ge e le tshepedišo tša bosenyi bja maaka goba mo e lego gore motho yoo o sekišetšwa molato wo o o lebeletšwego go karolo 41 goba 42(2)(d) gape le gofihlela moo e lego gore karabo goba setatamente se mabapi le go laetša bosenyi bjo bo latofatšwago.

#### **14. Maatla a go tsena o phuruputša o swere lengwalo' tumelelo**

- (1) Moahlodi wa Kgorotsheko ya Godimo a ka ntšha lengwalo'tumelelo la go tsena le go phuruputša meago efe goba efe yeo e lego ka tlase ga taolo ya moahlodi goba magaseterata ge e le gore go na le mabaka a tiišetšago seo go tšwa go tshedimošo ye e elego go kano goba tiišetšo—
- (a) go tshela Molao wo goba Molao wa Tšhireletšo ya Badiriši, 2008 go diragetše, go a diragala, goba go na le kgonagalo ya gore go diragale meagong yeo goba

- (b) se sengwe le se sengwe seo se amanago le nyakišo go ya ka Molao wo goba Molao wa Tshireletšo ya Badiriši, 2008 se diat leng tša goba se laolwa ke motho yo a lego meagong yeo.
- (2) Tumelelo ya go tsena o phuruputša ye e ntšitšwego go ya ka karolwana (1) e ka ntšiwa nako e fe goba e fe gomme e swanetše e laetše—
- (a) tsebiše meago ye e swanetšwego go tsenwa gomme e phuruputšwa; le
  - (b) dumelala monyakiši goba lephodisa le tsena gomme le phuruputša meago le go ka dira sengwe le sengwe seo se badilwego go karolo 15.
- (3) Tumelelo ya go tsena o phuruputša e molaong go fihlela ge ye nngwe ya tše di latelago e ka diragala—
- (a) go tšwelwa pele ka tumelelo;
  - (b) tumelelo e phumulwa ke motho yo a e ntšitšego, goba ge motho yoo a segona e be motho wa maemo a go lekana le a gagwe;
  - (c) lebaka la go e ntšha le fetile; goba
  - (d) e fetile ke nakao ye e ka bago kgwedi e tee ka morago ga ge e ntšitšwe.
- (4) Tumelelo ya go tsena o phuruputša e ka dirwa mosegare, ka ntle le ge moahlodi goba maseterata yo a e ntšitšego a dumelala gore e dirwe bošego nakong yeo e lego ya maleba seemong seo.
- (5) Motho yo a dumelelago ke lengwalo'tumelelo le le ntšitšwego go ya ka karolwana (2) a ka tsena a phuruputša meago yeo e ngwadilwego go lengwalo'tumelelo leo.
- (6) Pele motho a thoma ka go dira se se lego go lengwalo'tumelelo leo, motho yo a dirago lengwalo'tumelelo leo o swanetše a—
- (a) ge eba mong moago goba mohlalobi wa lefelo leo le tlogo phuruputšwa o gona o swanetše a—
    - (i) mo tsebiše gore batho bao ke bo mang gomme a hhalosetše motho yoo ka molao wo lengwalo'tumelelo le ntšitšwego ka gona le
    - (ii) fe motho yoo leina la gagwe le lego go lengwalo'tumelelo khophi ya lengwalo'tumelelo leo goba
  - (b) ge eba mong moago goba molaodi wa moago a se gona, a gomaretše khophi ya lengwalo'tumelelo lefelong la maleba la go bonagala mo moagong.

## **15. Maatla a go tsena o phuruputša**

- (1) Motho yo a dumeletšwego go tsena le go phururuputša ka tlase ga karolo 14 a ka—

- (a) tsena ka meagong;
  - (b) phuruputša meago yeo;
  - (c) phuruputša motho mang le mang yo a lego meagong yeo ge go na le mabaka ao a kgodišago a gore motho yoo a ka ba a swere sengwalwa goba athikele yeo e sepelelanago le nyakišio;
  - (d) hlahloba athikele efe goba efe goba sengwalwa se selego ka moagong wo o sepelelanago le nyakišio;
  - (e) kgopela tshedimošo ka sengwalwa sefe goba sefe sa, goba motho yo a laolago athikele goba sengwalwa goba go tšwa go motho ofe goba ofe yo a ka bago le tshedimošo;
  - (f) tšeа ditsopolwa goba a ka dira dikhophi tša puku efe goba efe goba dingwalwa tše di lego moagong tšeо di sepelelanago le nyakišio;
  - (g) šomiša khomputha ye e lego meagong goba a nyaka thušo ya motho mang goba mang mo meagong go šomiša khomphutha go,—
    - (i) phuruputša dingwalwa tšeо di lego khomphutheng yeo;
    - (ii) dira khophi ya sengwalwa sefe goba sefe go tšwa go sengwalwa seo se hweditšwego khomphutheng;
  - (h) tšeа se sengwe le se senwge se seheditšwego go tšwa go khomphutha yeo gore se hlahlobje le go dira dikhophi; le
  - (i) tšeа goba go tloša ge go nyakega se sengwe le se sengwe se se ka sepelelanago le dinyakišio gore se bolokwe.
- (2) Karolo 13(4) e šoma go lekana le karabo ye e filwego goba setatamente se se filwego monyakišiši goba lephodisa go ya ka karolo ye.
- (3) Monyakišiši yo a dumelitšwego go tsena le go phuruputša a ka dira bjalo go ya ka karolo 14 gomme a ka fegeletšwa goba a thušwa ke lephodisa.

#### **16. Maitshwaro a go tsena o phuruputša**

- (1) Motho yo a tsenago a phuruputša meago efe goba efe ka tlase ga karolo 15 o swanetše a tsene le go phuruputša ka botho le go gopola gore motho yo mongwe le yo mongwe o na le tokelo ya serithi, tokologo, tshireletšego le sephiri.
- (2) Nakong ya go phuruputša e fe goba e fe ka tlase ga karolo 15 (1) (c), ke monyakišiši wa mosadi goba lephodisa la mosadi fela le ka phuruputšago batho ba basadi,

gomme le monyakišiši wa monna goba lephodisa la monna le ka phuruputša banna fela.

- (3) Motho yo a tsenago a phuruputša meago ka tlase ga karolo 15, pele a ka botšiša mang goba mang o swanetše a—
  - (a) eletša motho yoo ka yona nako yeo ka tokelo ya go ka thušwa ke ramolao;
  - (b) go dumelela motho yoo go šomiša tokelo yeo.
- (4) Motho mang goba mang yoo a tlošago se sengwe le se sengwe meagong yeo e phuruputšwago o swanetše a—
  - (a) a fe mong wa tšona setlankana, goba motho yo a laolago meago; le
  - (b) e bušetše kapelapela ka mo go ka kgonegago ka morago ga go fihlelela lebaka leo le bego le dira gore di tlošwe.
- (5) Nakong ya go phuruputša, motho a ka gana go dumelela tlhahlobo goba go tlošwa ga athikele goba sengwalwa ka mabaka a gore e swere tshedimošo ye bohlokwa.
- (6) Ge motho yo a laolago tokomane goba athekele a ka gana go fa athekele yeo goba tokomane go motho yo a nyakišišago ya karolwana (5), motho yo a dirago dinyakišo a ka kgopela retšistara goba šerifi ya Kgorotsheko ya Godimo gore yo a na le go maatla a go thopa le go tloša athikele goba sengwalwa gore e bolokwe go fihlela ge kgoro e bona ge e ba tshedimošo ke ya sephiri goba aowa.

## **17. Ditokelo tša go laetša gore tshedimošo ke ya sephiri**

- (1) Motho yo a amegago, a ka re ge go nyakega gore a a tliše tshedimošo Ofising ya Mošireletši wa Badiriši, Kgorotsheko ya Badiriši goba monyakišiši yo a thwetšwego go ya ka Molao wo, a kleima gore tshedimošo ka moka ga yona goba karolo ye nngwe ke ya sephiri.
- (2) Kleime efe goba efe yeo e lebeletšwego ka go karolwana (1)e swanetše e be le sengwalwa sa go hlalosa gore ke ka lebaka la eng tshedimošo e swanetše e be ya sephiri.
- (3) Ofisi ya Mošireletši wa Badiriši goba Kgoro ya Badiriši e swanetše e —
  - (a) lebeledišše kleime e fe goba e fe yeo e dirilwego go ya karolwana (1); le
  - (b) tsebiša modirakgopelo ge e ba tshedimošo e lebeletšwe e lebeletšwe go karolwana(1) e tla swarwa bjalo ka ge nke go be go lebeletswe gore e be ya sephiri.

- (4) Ge go tšewa sephetho sefe goba sefe goba otara go ya Molao wo, Ofisi ya Mošireletša Badiriši goba Kgoro ya Badiriši e ka e la hloka tshedimošo efe goba efe yeo e bilego le dikleime go ya ka karolwana (1).
- (5) ge eba mabaka a mangwe a go tšeа sephetho go ya ka Molao wo a ka nyaretša tshedimošo e fe goba e fe yeo e bilego setho sa kleime go ya ka karolwana (1), Ofisi ya Mošireletša Badiriši goba kgoro ya badiriši, e swanetše e tliše khophi ya mabaka ao a šišintšwego go batho bao ba nyakago sephiri matšatši a mahlano a go šoma pele ba ka phatlalatša mabaka ao.
- (6) Pele go feta matšatši a go šoma a mahlano ka morago ga go hwetša tsebišo go ya ka karolwana (3) (b), goba khophi ya mabaka ao a šišinywago go ya ka karolwana (5), motho a ka dira kgopelo ya otara ya maleba go kgoro, gore go šireletšwe sephiri sa tshedimošo.

### **KGAOLO YA 3**

#### **KGOROTSHEKO YA BADIRIŠI YA LIMPOPO**

#### **KAROLO YA A**

#### ***MEŠOMO YA KGOROTSHEKO YA BADIRIŠI***

#### **18. Kgorotsheko ya badiriši ya Limpopo**

- (1) Kgoro ya badiriši ye e hlamešwego profense go ya ka Merero ya Badiriši (Mekgwatlwaelo ya go se loka ya Kgwebo) Molao, 1996 o a emišwa go ya karolo ya 48 ya Molao wo, go sa phaelwe thoko phedišo ya Merero ya Badiriši (Mekgwatlwaelo ya go se loka ya Kgwebo) Molao, 1996 le go thewa gape leina, Kgoro ya Badiriši ya Limpopo.
- (2) Bodulo bja kgoro ya badiriši bo ka Polokwane.
- (3) Kgorotsheko ya badiriši e ka ba le ditulo mafelong a mangwe ntle le fao e le go bodulo bja kgoro ya badiriši ka ge kgoro ya badiriši ka therišano le Ofisi ya Mošireletša Badiriši ba ka kwana ka lefelo la tulo.

#### **19. Mešomo ya kgorotsheko ya badiriši**

Kgorotsheko ya modiriši e swanetše go —

- (a) go ahlola go lebeletšwe kgopelo ye nngwe le ye nngwe ye e ka dirwago go yona go ya ka Molao wo, Molao wa Tšhireletšo ya Badiriši; 2008 goba Molao wa Bosetšhaba wa Mokitlana, 2005 le go dira otara ka bokgoni ka fao go laeditšwego ka gona ka gare ga Melao ye go boletšwego ka yona;
- (b) go kwa le go lekodiša mabarebare a maitshwaro ao a iletšwago ao e le go gore go ya ka ditshepedišo tše go boletšwego ka tšona ka gare ga Molao wo, Molao wa Mošireletša Badiriši, 2008 goba Molao wa Bosetšhaba wa Mokitlana, 2005 le go dira otara ya maleba yeo e laeditšwego ka go Melao ye go boletšwego ka yona; le.
- (c) go šomiša maatla a mangwe le a mangwe le go dira mešomo yeo e abetšwego go ya ka Molao wo, Molao wa Tšhireletšo ya Badiriši, 2005.

## **20. Tlhamo ya kgorotsheko ya badiriši**

- (1) Molekgotlaphethiši o swanetše go thwala maloko a kgorotsheko ya badiriši.
- (2) Kgorotsheko ya modiriši e swanetše go ba le batho ba tshela ka fao go latelago:
  - (a) modulasetulo le motlatšamodulasetulo bao ga mmogo ba swanetšego go ba—
    - (i) moahlodi wa kgorotsheko ya godimo yo a rotšego modiro; goba
    - (ii) motšhotšhisi, mmoleledi, magaseterata yo a rotšego modiro goba mofahloši wa molao wa yunibesithi, yo a se nago mengwaga ya ka tlase ga lesome ye a e kgobokeditšego ka maitemogelo go ye tee goba go feta go mešomo yeo; le
  - (b) maloko a mane a tlaleletšo a kgoro ya modiriši ba ba nago le tsebo ye e itšego goba maitemogelo a go bolelela modiriši, ikhonomikse, intaseteri, khomese goba molao.

## **21. Kganetšo ya kgorotsheko ya badiriši**

Ga go motho yo a swanetšego go thwalwa goba a tšwele pele go ba leloko la kgorotsheko ya badiriši ge e le go re motho yoo —

- (a) ga se modudi wa Rephablik;

- (b) ga se modudi wa ka mehla wa profense;
- (c) ke mošomi wa ditirelo tša setšhaba, go akaretša le mošomi wa masepala;
- (d) ka nako ya maleba, goba ka nako ya pele ga dikgwedi tše lesomepedi e be e le raOfisi goba mošomi wa mokgatlo ofe goba ofe goba wa polotiki;
- (e) ke molaolelwa wa dithoto (unrehabilitate insolvent); goba o palelwa ke go laola dithoto go fihlela di bewa ka matsong a molao;
- (f) ka mengwaga ye lesome ya go feta (10) o be a swerwe, e ka ba ka mo Rephabliking goba go gongwe, ka bohodu, boradia, bofora, goba go bolela ka tokomane ya bofora, kenello , molato ka tlase ga Molao wo goba molato ka tlase ga Molao wa Thibelo le Twantšho ya Mediro ya Bosenyi, 2004 (Molao wa Nomoro.13 of 2004), goba molato ka tlase ga Molao wa Gare wa Bohlodi, 2001 (Molao Nomoro. 38 ya 2001), goba molato wa go akaretša go hloka nnete;
- (g) o rakilwe nako efe goba efe go ofisi ya traste ka lebaka la maitshwaro a mabe go lebeletšwe bofora goba tšhomiso ya tšelete ka maikešetšo ntle le tumelelo; goba
- (h) go tla ya ka otara ya bokgoni bja kgoro ye e swerego molato go phetha gore motho yoo ga a itekanelo ka hlogong.

## **22. Go thwala maloko a kgoro ya badiriši**

- (1) Molekgotlaphethiši o swanetše go phatlalatša tsebišo ka gare ga dikuranta tše pedi tše di hwetšagalago ka mo profenseng le ka mokgwa wo mongwe le wo mongwe wa kgašo, go laletša batho ba —
  - (a) ba nago le dinyakwa tša ka go karolo ya 20(2); le
  - (b) ga se karolo ya kganetšo efe goba efe ye e akantswego ka go karolo ya 21, go dira kgopelo, ka matšatši a 21 a phatlalatšo ya tsebišo yeo ya dikgoba tša mošomo bjalo ka maloko a kgoro ya modiriši.
- (2) Bakgopedi ba swanetše go araba ba lebišitše go tsebišo go ya ka karolwana ya (1), ba tliše lenaneophelo ka botlalo le le nago le —
  - (a) dikhophi tše di sethifailwego tša dithuto ka moka;
  - (b) ditokomane tša go tlaleletša tše di laetšago tsebo ya mokgopedi, maitemogelo le go kgatha tema go nyalelana le tshireletšo ya modiriši ka go profense; le
  - (c) bohlatse bja go ikana bja go laetša kgahlego thwii goba ye e sego thwii go kgwebo ye nngwe le ye nngwe, kgwebokgoparara goba kgahlego ya kgwebo ye nngwe le ye nngwe.

- (3) Molekgotlaphethiši a ka ikgotsofatša ka ditlabelo tša mokgopedi.
- (4) Molekgotlaphethiši o swanetše go thwala maloko ao a swanetšego go kgorotsheko ya modiriši go tšwa go dikgopelo tše di amogetšwego.
- (5) Leloko la kgorotsheko ya modiriši le swanetše go dira keno goba tiišetšo ya kgontha ka gare ga foromo ye e beetšwego pele a ka thoma go šoma ka Ofising.
- (6) Molekgotlaphethiši o swanetše go fa maina a batho ba ba thwetšwego gore a phatlalatšwe ka gare ga *kuranta ya profense* le ka mokgwa wo mongwe le wo mongwe wa kgašo.

**23. Nako ya go šoma a ya maloko a kgorotsheko ya badiriši**

- (1) Leloko le lengwe le le lengwe la kgorotsheko ya modiriši le šoma lebaka la mengwaga ye meraro.
- (2) Molekgotlaphethiši a ka mpshafatša lebaka la ofisi ya leloko la kgoro ya badiriši go tšwela pele ntle le go latela tshepetšo yeo e beakantšwego ka go karolo ya 22.
- (3) Ge maloko a kgoro ya modiriši a sa lebelediša molato wo o lego pele ga kgorotsheko ya badiriši ka nako ye lebaka la ofisi la bona le le felago, ba ka tšwela pele go ba maloko a kgoro ya badiriši ba lebeletše wona molato woo fela gomme ba ka hwetša megolo le diputseletšo tše di ba lebanego tša lebaka leo ba sa tšwelago pele go ba maloko a kgorotsheko ya badiriši.

**24. Go itokolla mošomong, go tlošwa ofising le dikgoba tša mešomo**

- (1) Leloko la kgorotsheko ya badiriši le ka itokolla mošomong ka go fa Molekgotlaphethiši —
  - (a) tsebišo ye e ngwadilwego ya kgwedi ye tee; goba
  - (b) tsebišo ye e ngwadilwego ya ka fase ga kgwedi ye tee ka tumelelo ya Molekgotlaphethiši
- (2) Molekgotlaphethiši a ka raka leloko la kgorotsheko ya badiriši go ya ka karolwana ya
  - (3) ge leloko leo —
    - (a) le tšeetšwe maatla go ya ka karolo ya 21;

- (b) le šitwa ke go utolla kgahlego ka fao go breakantšwego ka gona ka go karolo ya 26;
  - (c) le bile kgahlanong le dipeakanyetšo tša karolo ya 27; goba
  - (d) le šitwa ke go dira mešomo ya leloko la kgoro ya badiriši gabotse le ka se profešenale.
- (3) Pele leloko la kgoro ya badiriši le rakwa go ya ka karolwana ya (2), Molekgotlaphethiši o swanetše go fa leloko le le amegago sebaka sa go ipolela.
- (4) Nako efe goba efe ge sekgoba sa mošomo se tšwelela ka go Kgorotsheko ya badiriši, Molekgotlaphethiši o swanetše go thwala motho go ya ka tsela yeo e breakantšwego ka go karolo ya 22 go tlatša sekgoba seo go lebaka le le sa felago la Ofisi ya leloko la kgorotsheko ya modiriši mo sekgobeng sa motho yoo a thwetšwego.
- (5) Ge sekgoba sa modulasetulo gammogo le sa motlatšamodulasetulo se bulega ka mabaka a fe goba afe, Molekgotlaphethiši a ka thwala motho wa dithuto tša maleba tša molao le maitemogelo go šoma lebakanyana bjalo ka modulasetulo go fihlela sekgoba se thibja go ya ka karolo ya 22.
- (6) Motho yo a thwetšwego go ya ka karolwana ya (5) o le na le tokelo ya mogolo le diputseletšo go ya ka fao go breakantšwego ka go karolo ya 25.

#### **25. Megolo le diputseletšo tša maloko a kgorotsheko ya badiriši**

Molekgotlaphethiši —

- (a) o swanetše go laetša diputseletšo tša maloko a kgorotsheko ya badiriši;
- (b) o swanetše go laetša disekheile tša go fapafapana tša megolo le diputseletšo tša maloko a kgoro ya modiriši go ya ka maemo a bona a bokgoni le mešomo ye ba e dirago, a rerišana le Leloko la Khuduthamaga le le lebaganego le matlotlo ka mo profenseng.

#### **26. Go tsebagatša ga dikgahlego tša kgwebo tša maloko a kgorotsheko ya modiriši**

- (1) Leloko le lengwe le lengwe la kgoro ya badiriši le swanetše go tšweletša tsebagatšo ye e ngwadilwego ya dikgahlego tša kgwebo go Molekgotlaphethiši pele le ka thoma

go šoma ka ofisi le mathomong a ngwaga wo mongwe le wo mongwe wa ditšhelete wa kgoro ya badiriši.

- (2) Fao leloko la kgorotsheko ya badiriši le bago le kgahlego go kgwebo e fe goba efe, kgwebokgoparara goba kgahlego ye nngwe ya kgwebo, ka nako efe goba efe ka nako ya ge e sa le leloko la kgorotsheko ya badiriši, leloko le swanetše go tšweletša tsebagatšo ye e ngwadilwego pele go feta matšatši a lesome ge a se no ba le kgahlego yeo go Molekgotlaphethiši.

#### **27. Thulano ya dikgahlego**

- (1) Leloko la kgorotsheko ya modiriši ga le a swanelo go emela motho yo mongwe le yo mongwe pele ga kgorotsheko ya badiriši.
- (2) Ge ka nako ya theetšo fao e le go gore leloko la kgoro ya badiriši le kgatha tema, gomme gwa tšwelela go leloko leo la kgorotsheko ya badiriši gore molato o amana le mašeleng goba kgahlego ye nngwe ya leloko leo, leloko leo la kgorotsheko ya badiriši le swanetše go —
- (a) go tšweletša ka potlako le ka botlalo taba le mokgwa wa kgahlego go maloko ao a šetšego a kgorotsheko ya badiriši; le
  - (b) go ikgogela morago go amega go thaetšo yeo.

#### **28. Go fegwa ga leloko la kgorotsheko ya badiriši**

- (1) Molekgotlaphethiši, ka morago ga go šomiša melao ye e swanetšego ya toka, a ka fega leloko la kgorotsheko ya badiriši ge—
- (a) leloko la kgorotsheko ya badiriši le gononwa go ba le dirile molato wo mogolo; le
  - (b) Molekgotlaphethiši, ka mabaka a go kwagala o tshepha gore go ba gona ga leloko leo kgorongtsheko ya modiriši go ka phuhlamiša nyakišišo efe goba efe go molato wo o gononwago, goba wa tsenya kotsing polokego ya motho ofe goba ofe goba thotho ya naga.
- (2) Go fega ke sebetša sa tšhireletšo se se sa amego se se utollotšwego.

**KAROLO YA B  
TAOLO YA KGOROTSHEKO**

**29. Mongwaledi wa kgorotsheko ya badiriši**

- (1) Molekgotlaphethiši, go ya ka melao ye e laolago ditirelo tša setšhaba—
- (a) o swanetše go kgetha goba go thwala motho bjalo ka mongwaledi ya kgorotsheko ya badiriši yo a swanetšego go—
    - (i) amogela le go beakanya dikgopelo tše di dirilego boipiletšo le kgorotsheko ya badiriši;
    - (ii) lokišetša tulo ya kgorotsheko ya badiriši;
    - (iii) tsebiša mekgatlo ka tulo;
    - (iv) hlokomela poso ya kgorotsheko ya badiriši;
    - (v) hlokomela direkhoto tša kgorotsheko ya badiriši;
    - (vi) beakanya ditefelo tša dihlatse; le
    - (vii) dira mošomo wo mongwe le wo mongwe go ya ka Molao wo goba ka fao go laetšwego ka gona ke modulasetulo wa kgorotsheko ya badiriši;
- (b) A ka kgetha goba go thwala motho yo mongwe go ya ka melao ye e laolago ditirelo tša setšhaba go thuša klereke ya kgoro ya badiriši go dira mešomo ya gagwe.
- (2) Mongwaledi wa kgorotsheko ya badiriši o swanetše go bega go Hlogo ya Kgoro ka fao go beakantšwego ka gona.

**30. Pego ka Kgorotsheko ya badiriši**

Kgorotsheko ya badiriši e swanetše go tliša dipego tša kotara ka kotara le tša ngwaga ka ngwaga ka ga mešomo ya wona go Molekgotlaphethiši ka fomeye e filwego go se fete matšatši a 14 ka morago ga go fela ga kotara le ngwaga wa ditšhelete.

**KAROLO C**  
**DITSHEPETŠO TŠA KGOROTSHEKO YA BADIRIŠI**

**31. Ditshepetšo tša kgorotsheko ya badiriši**

- (1) Modulasetulo wa kgorotsheko ya badiriši o na le maikarabelo a go sepetša melato ya modiriši le go fetišetša molato wo mongwe le wo mongwe go kgorotsheko ya badiriši le melao ye mengwe go—

- (a) modulasetulo goba motlatšamodulasetulo a šomago a nnoši go fihla fao e le gore Molao wo, karolo ya 75(5) ya Molao wa Kgoro ya badiriši, 2008, karolo ya 142 (3) ya Molao wa Bosetšhaba wa Mokitlana, 2005, goba molao wo mongwe le wo mongwe wo o dumelago gore molato o lebelele ke leloko le tee; goba
  - (b) phanele ya go ba le modulasetulo goba motlatšamodulasetulo le maloko a mangwe a mabedi a kgoro ya badiriši.
- (2) Ge ka ye nngwe ya dikgato ka nako ya ditshepedišo pele ga kgorotsheko ya badiriši, modulasetulo a šitwa ke go tšwela pele ka modiro goba a se be gona, ditshepedišo di tla tšwela pele ka motlatšamodulasetulo.
- (3) Ge modulasetulo gammogo le motlatšamodulasetulo ba palelwa ke go fetšiša molato ka mabaka a a itšego—
- (a) fao e le go gore modulasetulo goba motlatšamodulasetulo a dutše a nnoši, molato o swanetše go tšwetšwa pele, pele ga leloko le tee la go ba le mangwalo a maleba a molao le boitemogelo; goba
  - (b) bjalo ka wo mongwe wa maloko a mararo a phanele, phanele e swanetše go beakanya lefsa gore ka mehla e be le maloko a mararo gomme o tee wa bona a be le mangwalo a maleba a profešene ya molao le maitemogelo.
- (4) Sephetho sa leloko le tee la kgorotsheko ya modiriši le theeeditše molato wo o lebeledišitšwego ka go karolwana ya (1)(a) goba sa bontši bja maloko a phanele go molato wo mongwe, ke sephetho sa kgorotsheko ya badiriši.

### **32. Ditheetšo ka ga kgorotsheko ya badiriši**

Kgorotsheko ya badiriši e theeditše molato wo go ya ka Molao wo, Molao wa Tshireletšo ya Bareki, 2008 goba Molao wa Bosetšhaba wa Mokitlana, 2005—

- (a) O swanetše go dira ditshepedišo tša wona ka mokgwa wa go swana le wa kgaolo ya D; le
- (b) Go dira ditaelo ka fao go laeditšwego ka go Kgaolo ya E, ya Kgaolo ya 7 ya Molao wa Bosetšhaba wa Mokitlana, e balwa le diphetogo tše di nyakegago go ya ka ditaba.

### **33. Ditefelo tša ditlhatsé**

Motho yo mongwe le yo mongwe yo a biditšwego bjalo ka hlatse o swanetše go lefelwa tefelo ya hlatse ka ge motho yo a tla be a na le tokelo ya go tšweletše pele ga kgoro ya maseterata bjalo ka tlhatse.

**KAROLO YA D****DITAELO TŠA KGOROTSHEKO YA BADIRIŠI****34. Ditaelo tša kgorotsheko ya badiriši**

- (1) Go tlaleletša otara efe goba efe kgorotsheko ya badiriši e ka e dirago go ya ka Molao wo, Molao wa Tshireletšo ya Moreki, 2008 goba Molao wa Mokitlana sa Bosetšhaba, 2005, kgoro ya modiriši e ka laela gore tshedimošo ka ga motho yo a amegago go kgahlano ya maitshwaro e bewe lenaneong la bao ba lego kgahlanong le molao ye go boletšwego ka yona ka go Karolo ya 12.
- (2) Taelo ya kgorotsheko ya badiriši e swanetše go tsebagatšwa ka tsebišo ka gare ga *kuranta ya profense* le ka tsela ye nngwe le ye nngwe.

**35. Taolo ya ditefišo**

Kgorotsheko ya badiriši e ka fa tefišo ya taolo go ya ka mokgwa wo o ganetšwago goba o nyakegago wa Molao wa Tshireletšo ya Badiriši, 2008 goba Molao wa Bosetšhaba wa Mokitlana, 2005.

**36. Go fapafapanana ga ditaelo**

Kgorotsheko ya badiriši ye e šomago go ya ka sephetho sa yona goba ka kgopelo ya motho wo a angwago ke sephetho goba taelo, e ka fapana goba ya fetola sephetho goba taelo ya wona—

- (a) e ka nyaka goba go fa ka phošo sehlopha se se angwago ke yona se se gona;
- (b) fao go belaetšago, goba phošo ya boomo goba tlogelo, eupša go phošolla pelaetšo ya bohlatse bjoo, le phošo ya boomo goba go tlogela;
- (c) e dirilwe goba e filwe ka lebaka la phošo ye e le go gona go dihllopha ka moka go tshepedišo.

**37. Mokgwatlwaelo wa a bohlatse**

Go ditshepedišo tše dingwe le tše dingwe pele ga kgorotsheko ya badiriši go ya ka Molao, kelo ya bohlatse e thekgilwe godimo ga se se ka tšwelelago.

## KGAOLO YA 4

### DIPEAKANYETŠO TŠA KAKARETŠO

#### KAROLO A

#### MELATO LE DIKOTLO

**38. Tlolo ya molao wa sephiri**

- (1) Ke molato wo mogolo go phatlalatša tshedimošo ya sephiri ye e hweditšwego mabapi le ditaba tša motho yo mongwe le yo mongwe goba motho wa go šoma ka molao—
  - (a) go dira mošomo go ya ka Molao wo; goba
  - (b) ka lebaka la go thoma pelaelo goba go amega go ditshepedišo tše dingwe le tše dingwe go ya ka Molao wo.
- (2) Karolwana ya (1) ga e sepelelane le tshedimošo ye e tsebagaditšwego-
  - (a) mabapi le mošomo wa maleba wo o swanetšego go ba o dirilwe goba mošomo wa kgontha goba mošomo wo o nyakaga maatla, mošomo go ya ka Molao wo;
  - (b) mabapi le taolo ya tok;
  - (c) ka kgopelo ya monyakišiši, Ofisi ya Tshireletšo ya Badiriši goba leloko la kgorotsheko ya badiriši le le loketšwego go hwetša tshedimošo; goba
  - (d) go taelo ya kgorotsheko ya molao.

**39. Tšhitišo ya taolo ya Molao**

Ke molato go šitiša, go ba kgahlanong goba go huetša ka boomo motho yo mongwe le yo mongwe yo a phethagatšago maatla ao a filwego goba a dira mošomo wo a filwego godimo ga motho yoo ke Molao wo.

**40. Go se tle ge o biditšwe pele ga kgorotsheko**

Motho yo a laetšwego goba a biditšwego pele ga kgoro go ba gona ka thaetšong —

- (a) a se tle ntle le mabaka a go kwagala go iponagatša ka nako le mo lefelong le le beilwego goba go leta go fihlela a lokollwa; goba
- (b) a ba gona ge a nyakega, eupša—
  - (i) a gana go dirišwa keno; goba
  - (ii) go šitwa ke go laetša puku, tokumente goba selo se sengwe se se nyakwago, ge e le gore e ka matsogong goba ka tlase ga taolo ya motho, yoo, o dira molato.

**41. Go se arabe ka botlalo goba ka therešo**

Motho yo a ikannego—

- (a) go ya ka karolo ya 13(3), a se arabe potšišo ye nngwe le ye nngwe ka botlalo le ge e le go fihla fao a ka kgonago; goba
- (b) o fa bohlatse bja maaka, a dutše a tseba goba go tshepha go ba bja maaka, o dira molato.

**42. Melato ye e amanago le Ofisi ya Mošireletši wa Badiriši le kgorotsheko ya modiriši**

- (1) Motho yoo a tshelago goba a palelwago ke go dumelane le taelo ya kgorotsheko ya badiriši o oba molato.
- (2) Motho yoo—
  - (a) a dirago se sengwe le se sengwe se se šetšego se beakantswe go se sekamiša ka maikešetšo a go huetša kgoro ya badiriši goba Ofisi ya Mošireletši wa Badirišimalebana le molato wo o amago nyakišišo; go hutša dipelo tše dingwe le tše dingwe tša kgoro ya modiriši goba ofisi ya Tšireletši ya Badiriši mabapi le nyakišišo ka fao e dirwago go huetša ditshepedišo goba dipelo;
  - (c) a dirago se sengwe le se sengwe se se amanago le nyakišišo se se tla bego e le go tshela taelo ya kgoro ge ditshepedišo di dirilwe ka gare ga kgoro ya molao;
  - (d) a dutše a tseba a fa tshedimošo ya maaka go Ofisi ya Kgorotsheko ya badiriši;
  - (e) go hlapaola kgoro ya modiriši goba leloko la kgorotsheko ya badiriši, ba le mešomong ya bona;
  - (f) go šitiša ka boomo ditshepedišo tša thaetšo goba go dira tša phaku lefelong leo theetšo e swerego gona;

- (g) a dira kgahlanong le lengwalo'tumelelo la molao wa go swara goba go phuruputša ya go tsena le go phuruputša; goba
- (h) ntle le tumelelo, eupša a itira e ke o na le tumelelo go ya ka karolo ya 14—
  - (i) a tsenago goba go phuruputša moago; goba
  - (i) a gomaretša goba a tloša athikhele goba tokomane, o dira molato.

**43. Dikotlo**

Motho ofe goba ofe yo a rakilwego ka lebaka la bosenyi go ya ka Molao wo, o swanetše ke kotlo goba kgolego goba kotlo gammogo le kgolego.

**KAROLO YA B****DIPEAKANYETŠO TŠA GO FAPAFAPANA****44. Go fa maatla**

- (1) Molekgotlaphethiši a ka fa motho maatla ka go ngwala, mošomo wo e le go wa Molekgotlaphethiši go ya ka Molao wo go Hlogo ya Kgoro, Mošireletši wa Modiriši goba mošomi wa ka ofising ya Mošireletši wa Badiriši, ka mabaka goba ntle le mabaka go ya ka dipeakanyetšo tša karolo ye.
- (2) Molekgotlaphethiši ga a swanela go abela maatla—
  - (a) a go thwala maloko a kgoro le Mošireletši wa Badiriši; le
  - (b) go dira melawana.
- (3) Mošireletši wa Badiriši a ka fa maatla goba mešomo ya gagwe e filwego ka tumelelo ya Molekgotlaphethiši go leloko le lengwe le lengwe le le lengwe le le šomelago Ofisi ya Mošireletši wa Modiriši.
- (4) Go aba mošomo ka tlase ga karolo ye ga go thibele Molekgotlaphethiši goba Mošireletši wa Modiriši go šomiša maatla a go aba mošomo.
- (5) Go abelwa mošomo ka tlase ga karolo ye go ka gomišwa nako efe goba efe.
- (6) Sengwe le se sengwe se se dirilwego mo mošomong wo o abetšwego, se tšewa gore se dirilwe ke Molekgotlaphethiši goba Mošireletši wa Badiriši, ka ge go swanetše go ba go le bjalo.

**45. Maikarabelo ka go fapafapano**

- (1) Ge mošomi goba agente ya motho e na le maikarabelo go ya ka Molao wo go se se dirilwego goba se tlogetšwego ka nako ya ge motho yoo a be a thwalwa goba go dira mešomo ya gagwe legatong la wo mogolo wa bona, mongmošomo goba wo mogolo wa mošomo le yena o rwala maikarabelo mmogo le motho yoo.
- (2) Karolo ye ga e šome ge go lebeletswe maikarabelo a bosenyi.

#### **46. Melawana**

- (1) Molekgotlaphethiši a ka dira melawana ka morago ga go rerišana le modulasetulo wa kgorotsheko ya badiriši ye e amanago le—
  - (a) mekgwatlwaelo le melao ya tshepetšo ya kgorotsheko ya badiriši;
  - (b) molato wo mongwe le wo mongwe wo o le go gore go ya ka Molao wo o nyakwa go dumelwelwa;
  - (c) tefelo ye nngwe le ye nngwe ka tlase ga Molao wo;
  - (c) ka kakaretšo, molato wo mongwe le wo mongwe wo o tšewago go ba gona goba go šoma go bewa go fihlelala dinepo tša Molao wo.
- (2) Molekgotlaphethiši o swanetše go šišinya melawana ya mathomo go phatlalatšwa ka gare ga kuranta ya profense gore setšhaba se dire ditshwaotshwao.

#### **47. Phedišo ya melao**

Merero ya Moreki (Mekgwatlwaelo ya go se loke ya Kgwebo) Molao, 1996 (Molao, wa No ya 8 ya 1996) o fedisitšwe.

#### **48. Dipeakanyetšo tša nakwana**

- (1) Ngongorego ye nngwe le ye nngwe ye e tlišitšwego go Ofisi ya Mošireletša Badiriši pele Molao wo o thoma go ya ka molao wo mongwe le wo mongwe wo o fedisitšwego o swanetše go ntšhwa le go fetšwa go ya ka Molao wo.
- (2) Fao Mošireletša Badiriši, leloko la .bašomedi ba Ofisi ya Mošireletši wa Modiriši goba monyakišiši a šetšego a kgethilwe goba a thwetšwe go ya ka molao wo mongwe le wo mongwe wo o fedisitšwego ke Molao wo, kgetho goba thwalo yeo e tla tšwela pele bjalo ka kgetho goba thwalo go ya ka Molao wo.

- (3) Kgorotsheko ya badiriši ye e hlamilwego go ya ka molao wo o fedišitšwego ke Molao wo e swanetše go tšwela pele bjalo ka kgoro ya modiriši ye e hlomilwego go ya ka Molao wo.
- (4) Leloko goba leloko la go fetolwafetolwa la kgorotsheko ya badiriši le le hlamilwego go ya ka molao wo o fedišitšwego ke Molao wo, le tšwela pele go ba leloko goba leloko la go fetolwafetolwa ka tlase ga Molao wo.

**49. Thaetlele ye kopana le go thoma**

- (1) Molao wo o bitšwa Molao wa Tšhireletšo ya Moreki, 2013 gomme o thoma go šoma ka letšatši leo le tla bewago ke Tonakgolo ka tsebišo ka gare ga *kuranta yaprofense*.
- (2) Tonakgolo e ka bea matšatšikgwedi a go thoma go šomiša dikarolo tša go fapano tša Molao wo.

**MEMORANTAMO WA DINEPO TŠA MOLAOKAKANYWA WA TŠHIRELETŠO YA  
BADIRIŠI WA LIMPOPO, 2013**

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**1. MATSENO LE NEPO YA MOLAOKAKANYWA**

- 1.1. Molao wa Tshireletšo ya Badiriši, 2008 (Molao wa No. ya 68 ya 2008) o fetišitšwe ka 2008 gare ga tše dingwe go hlatloša mmaraka wa go ikema go dipuelo tša badiriši le ditirelo, go hlama melao le ditlwaelo tša bosetšhaba tša go amana le tshireletšo ya badirišii le go hlama ditokelo tša badiriši.
- 1.2. Molao wa Tshireletšo ya Badiriši, 2008 e ra gore balaodi ba tshireletšo yabaodiriši wa profense le dikgorotsheko tša badiriši. Mmušo wa profense o lebeletšwe go hlama molao wo o dirago dipeakanyetšo tša go hlama kgorotsheko ya badiriši mmogo le ya balaodi ba tshireletšo ya badiriši wa profense le mešomo ya bona.
- 1.3. Merero ye e le go gona ya Badiriši (Mekgwatlwaelo ya go se loka ya Kgwebo) ka maemo a bjale a yona ga ya nyalelantšwa le Molao wa Tshireletšo wa Badiriši, 2008 wo mofsa. Ke maikešetšo a go fedisa Molao wa bjale le go o mpshafatša ka Molao wa Tshireletšo ya Badiriši wo mofsa wa profense wo o nyalantšitšwego le Molao wa Mošireletša Badiriši gore go be le nyalelano gare ga mešomo ya Khomisene, mešomo ya balaodi ba tshireletšo ya badiriši wa profense le kgorotsheko ya badiriši.
- 1.4. Go ya ka Molao wa bjale, komiti ya go ya go ile ya malebana le merero ya badiriši ka go Lekgotlatheramelao la profense e swanetše go dumelana le Molekgotlaphethiši go thwalo ga maloko a kgorotsheko ya badiriši. Molaokakanywa o nyaka go fetšisa senyakwa se. Molaokakanywa o tšwela pele ka makala a profense ao a šetšego a hlomilwe ka tlase ga Molao wa bjale eupša o nyaka gape go kaonafatša ka fao o šomišwago ka gona.
- 1.5. Molaokakanywa o fa taolo ya tshireletšo ya badiriši wa profense, o beakanyetša mešomo; o fa kgorotsheko ya badiriši ya Limpopo mešomo ya wona, e nyaka go fedisa Merero ya Badiriši (Mekgwatlwaelo ya go se loka ya Kgwebo) Molao, 1996 (Molao wa No. 8 wa 1996) le go fa ditaba tše di amanago le wona.
- 1.6. Molaokakanywa o akaretša ditlhathollo tše difsa mohl. Badiriši, khomisene, lekgotla, mohlahlobi bjbj Molaokakanywa o tšweletša dinyakwa le mokgwa wa

go thwala ga Mošireletši wa badiriši le go tšweletša dikgoba tša mešomo tša motlatšamošireletši wa modiriši le bahlahlobi. Molaokakanywa o tšwela pele go oketša mešomo le maatla a taolo ya Mošireletši wa modiriši wa profense. Molaokakanywa o nyaka go tšweletša mokgwa wo moswa wa go iša melato go kgoro ya badiriši. Molaokakanywa o oketša mešomo ya klereke ya kgoro ya badiriši le go tliša dinyakwa tša go bega. Molaokakanywa o nyalelanya ditshepedišo tša kgorotsheko ya modiriši le diotara, ditshepedišo le Lekgotla la Bosetšhaba la Modiriši. Molaokakanywa o tšweletša retšistara ya bao ba lego kgahlanong le go rekhota tshedimošo ya batho ba ba amegago go boitshwaro bjo bo ileditšwego. Molaokakanywa ka kakaretšo o inyalelanya le dipeakanyetšo ka go Molao wa Tšhireletšo wa Badiriši, 2008.

## 2. DIKAMEGO TŠA LEAGO

Molaokakanywa o ikemišeditše go hlatloša le go tšwetša pele merero ya leago le ya ikonomi ya badiriši ba profense.

## 3. TSHEKASEKO YA TEMA KA TEMA

- 3.1. Karolo ya 1 e laetša ditlhathollo tše di šomišitšwego ka gare ga Molao.
- 3.2. Karolo ya 2 e laetša dinepo tša Molao.
- 3.3. Karolo ya 3 e laetša go bušetša taolo ya tšhireletšo ya modiriši ye e hlamilwego ka tlase ga Molao wo o tlo go fedišwa gomme wa tsebjwa e le Ofisi ya Mošireletša Badiriši.
- 3.4. Karolo ya 4 e laetša maemo goba go thwalwa ga Mošireletša Badiriši le mangwalo a dithuto ao a swanetšego. E laetša gape maemo goba go thwalwa ga motlatšamošireletša badiriši le go oketša Ofisi ya mošomi wa Mošireletša Badiriši.
- 3.5. Karolo ya 5 e laetša mešomo le maatla a Ofisi ya Tšhireletšo ya Badiriši.
- 3.6. Karolo ya 6 e laetša mokgwa wa go tliša ngongorego go Ofisi ya Tšhireletšo ya Badiriši.

- 3.7. Karolo ya 7 e laetša tema ye e kgathwago ke Ofisi ya Tšhireletšo ya Badiriši ge e šoma ka dingongorego.
- 3.8. Karolo ya 8 e šoma ka maemo goba go thwalwa ga bahlahlobi le banyakišiši.
- 3.9. Karolo ya 9 e šoma ka dipoelo tša go fapafapana go nyakišišo ke Ofisi ya Tšhireletšo ya Badiriši.
- 3.10. Karolo ya 10 e laetša kwano gare ga dihlopha gore go dirwe ditaelo tše di kwanetšwego.
- 3.11. Karolo ya 11 e šoma ka fao merero e tla išwago go kgorotsheko ya badiriši.
- 3.12. Karolo ya 12 e laetša retšistara ya bao ba lego kgahlanong le molao ya ba ngwalago tshedimošo ya motho yo a hwetšwago a dira ka fao go iletšwago.
- 3.13. Karolo ya 13 e laetša pitšo pele ga kgoro go batho goba ditokomane go mabaka a nyakišišo.
- 3.14. Karolo ya 14 e laetša tumelelo ya go tsena le go phuruputša ka tlase ga lengwalo la tumelelo la molao wa go swara goba go phuruputša.
- 3.15. Karolo ya 15 e laetša maatla a go tsena le go phuruputša ka tlase ga lengwalo la tumelelo la molao wa go swara goba go phuruputša.
- 3.16. Karolo ya 16 e laetša boitshwaro bja go tsena le go phuruputša.
- 3.17. Karolo ya 17 e laetša mokgwa wa go šoma ka dikelime tša tshedimošo ya sephiri.
- 3.18. Karolo ya 18 e swara kgoro ya modiriši ye e hlamilwego ke Merero ya Modiriši (Mekgwatlwaelo ya go se loke ya Kgwebo) Molao, 1996 (Molao wa No. 8 wa 1996) le go laetša tulo ya kgoro le ditulo tša yona tša tshepedišo.
- 3.19. Karolo ya 19 e laetša mešomo ya kgorotsheko ya badiriši.
- 3.20. Karolo ya 20 e laetša tlhamo ya kgorotsheko ya badiriši.
- 3.21. Karolo ya 21 e laetša go gomiša go thwala ke kgorotsheko ya badiriši.
- 3.22. Karolo ya 22 e laetša kgopelo le mokgwa wa thwalo ya maloko a kgorotsheko ya badiriši.
- 3.23. Karolo ya 23 e laetša lebaka la go ba Ofising ga maloko a kgorotsheko ya badiriši.

- 3.24. Karolo ya 24 e laetša go rakwa Ofising le dikgoba tša mešomo ka go kgorotsheko ya badiriši.
- 3.25. Karolo ya 25 e laetša megolo le diputseletšo tša maloko a kgorotsheko ya badiriši.
- 3.26. Karolo ya 26 e laetša go tsebagatša ga kgahlego ya kgwebo ya maloko a kgoro ya badiriši.
- 3.27. Karolo ya 27 e laola thulano ya dikgahlego.
- 3.28. Karolo ya 28 e laetša go fegwa ga leloko la kgorotsheko ya badiriši.
- 3.29. Karolo ya 29 e laetša go kgethwa le go thwalwa ga mongwaledi wa kgorotsheko ya badiriši le mešomo ya gagwe.
- 3.30. Karolo ya 30 e laetša dinyakwa tša go bega ga kgorotsheko ya badiriši.
- 3.31. Karolo ya 31 e laetša mokgwa wa ditshepedišo wa kgorotsheko ya badiriši.
- 3.32. Karolo ya 32 e laetša ditheetšo tša kgorotsheko ya badiriši, go dirwa ka tsela ye e swanetšego ditheetšo tša Lekgotla la Bosetšhaba la Mokitlana.
- 3.33. Karolo ya 33 e lebelelana le dipeakanyetšo go ditefelo tša ditlhaatse.
- 3.34. Karolo ya 34 e laetša ditaelo tša kgorotsheko ya badiriši.
- 3.35. Karolo ya 35 e laetša ditefelo tša taolo.
- 3.36. Karolo ya 36 e laetša ditaelo tša go fapafapano.
- 3.37. Karolo ya 37 e laetša maemo a bohlatse ka gare ga ditshepedišo tša kgorotsheko.
- 3.38. Karolo ya 38 e šoma ka tlolo ya molao wa sephiri.
- 3.39. Karolo ya 39 e mabapi le tšhitilo ya Molao wa taolo.
- 3.40. Karolo ya 40 e lebelelana le go se tle ge o biditšwe pele ga kgoro.
- 3.41. Karolo ya 41 e lebelelana le go se arabe ka botlalo goba ka botshepegi.
- 3.42. Karolo ya 42 e hlama melato go amana le Ofisi ya Mošireletša Badiriši le kgorotsheko ya badiriši.
- 3.43. Karolo ya 43 e kgethela dikotlo ka tlase ga Molao.

- 3.44. Karolo ya 44 e laetša go fa ga maatla.
- 3.45. Karolo ya 45 e šoma ka maikarabelo ka go fapafapanā.
- 3.46. Karolo ya 46 e dira dipeakanyetšo go melawana. .
- 3.47. Karolo ya 47 ke phedišo ya dipeakanyetšo.
- 3.48. Karolo ya 48 e laetša dipeakanyetšo tša nakwana.
- 3.49. Karolo ya 49 e laetša thaetlele ye kopano le go thoma ga Molao.

#### **4. KAMEGO YA DITŠHELETE**

Go ka ba le kamego ya ditšhelete ge go thwalwa Mošireletši wa Badiriši, motlatšamošireletši wa badiriši, bašomi ba bafsa ba Ofisi ya Mošireletši wa Badiriši, bahlahlobi le banyakišiši, ge bašomi ba sa kgethwa go tšwa ka gare ga kgoro. Go tla be le kamego ya ditšhelete go kgoro ge ditsebi di ka tšewa go tšwa ntle go ya ka Molao wo.

Go tla ba le tefelo ya ditsebišo ka moka tše di nyakilwego go phatlalatšwa go ya ka Molao ka gare ga kuranta ya mmušo goba kgašo, le go akaretša tefelo ya go phatlalatša ga ditaelo tša kgorotsheko ya modiriši, ditsebišo go setšhaba ka ga dinyakišišo le taletšo ya dikgopelo tša dikgoba tša mošomo go kgorotsheko ya badiriši. Kgoro e tla swanelwa ke go lefela megolo le diputseletšo tša maloko a kgorotsheko ya modiriši, go akaretša le tefelo ya dihlatse. Go tla ba le tefelo ya go bea kuranteng le go tsebiša Molaokakanywa wo ka gare ga dikuranta tše 2 gore setšhaba se dire ditshwayotshwayo le tefelo ya go phatlalatša ka morago ga tumelelano.

#### **5. GO THWALA LE KAMEGO YA TLHAMO**

Molaokakanywa o eletša gore bašomi ba kgethwe goba ba thwalwe ke Kgoro ya Ofisi ya Tšhireletšo ya Badiriši, kgoro ya modiriši goba go kgetha le go thwala ga bahlahlobi goba banyakišiši.

#### **6. KAMEGO YA MOLAOTHEO**

Tšhireletšo ya Badiriši ke lekala le le šomišanago le bokgoni bja semolao bja go nyalelana le bja bosetšhaba le profense (šetule ya 4). Ka fao profense e na le bokgoni bja go fetiša molao wa go šoma ka tšhireletšo ya badiriši.

7. **DIHLOMO TŠE DI RERIŠANEGO**

Kgoro ya Tlhabollo ya Ikonomi, Tikologo le Boeti le Baeletši ba Molao wa Naga ka go Ofisi ya Tonakgolo ba rerišitšwe.

**NDIVHADZO NYANGAREDZI**

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**NDIVHADZO NYANGAREDZI ... 478 ... YA 2013****NDAULO YA VUNDU LA LIMPOPO****MUHASHO WA MVELEDZISO YA IKONOMI, MUPO NA VHUENDELAMASHANGO****MULAYOTIBE WA TSIRELEDZO YA VHASHUMISI WA LIMPOPO, 2013**

Musi hu tshi tevhelwa Ndaela na Milayo ya Tshothe ya Vhusimamilayo ha Limpopo, Mulayotibe wa Tsireledzo ya Vhashumisi wa Limpopo, 2013, ndi hune afha ha khou itwa khunguwedzo u itela vhupfiwa ha vhathu.

Dzangano kana muthu munwe na munwe a tamaho u bvisa muhumbulo wawe nga ha linwalo lo bulwaho a nga zwi ita nga u tou nwala, nga la kana hu saathu swika **31/01/2014**, kha:

**Thoho ya Muhasho****Muhasho wa Mveledziso ya Ikonomi, Mupo na Vhuendelamashango****Private Bag X9484****POLOKWANE****0700****ZWI YA KHA: Kenny Maboea****Lutingo: (015) 293 8559****Fekisi: (015) 291 1336****Imeili: MaboeaKS@ledet.gov.za**

**VHUSIMAMILAYO HA VUNDU LA LIMPOPO**

**MULAYOTIBE WA TSIRELEDZO YA VHASHUMISI WA LIMPOPO, 2013**

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**Sa zwe wa swikiswa zwone nga**

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**(MURADO WA KHOROTSHITUMBE A RE NA VHUDIFHINDULELI HA  
MVELEDZISO YA IKONOMI, MUPO NA VHUENDELAMASHANGO)**

## MULAYOTIBE

**Wa u netshedza maanda kha tsireledzo ya mushumisi kha vundu na mashumele awo; u netshedza khothe ya mushumisi ya Limpopo na mashumele ayo; u langa matshimbidzelwe a khothe ya mushumisi; u phumula Mulayo (Tshumiso ya Vhubindudzi vhu si Kwaho) wa Mafhungo a zwa Vhashumisi, 1996 (Mulayo No. 8 wa 1996) na u netshedza mafhungo a tshimbilelanaho na zwo bulwaho.**

## MVULATSWINGA

**HU URI Mulayo wa Tsireledzo ya Vhashumisi, 2008 (Mulayo No. 68 wa 2008) wo phasiswa hu u itela uri kha zwinwe zwithu u tutuwedza vhuvhambadzi ho vhofholowaho, vhu swikeleleaho nahone ha tshifhinga tshilapfu u itela zwibveledzwa na tshumelo zwa vhashumisi nahone izwo hu u i tela u thoma milayo ya lushaka zwi tshi kwama tsireledzo ya vhashumisi;**

**NAHONE HU URI** hu na thodea ya uri Mulayo wa Tsireledzo ya Vhashumisi wa Vundu u thome Mulayo wa Pfanelo dza Tsireledzo ya Vhashumisi wa Vundu na khothe dza vhashumisi kha vundu u itela u shumana na mafhungo a zwa tsireledzo ya vhashumisi;

**ZWINO NGAURALO HU KHOU VHEWA MULAYO** nga Vhusimamilayo ha Vundu la Limpopo nga ndila hei: \_\_

**NZUDZANYO DZA KHETHEKANYO**

## NDIMA YA 1

### MBETSHELO DZA MARANGAPHANDA

1. Thandavhudzo
2. Ndivho dza Mulayo

## NDIMA 2

**PFANELO DZA TSIRELEDZO YA VHASHUMISI DZA VUNDU*****Tshipida A******OFISI YA MUTSIRELEDZI WA VHASHUMISI***

3. Ofisi ya Mutsireledzi wa Vhashumisi
4. Mutsireledzi wa Vhashumisi

***Tshipida B******KUSHUMISELWE KWA MAANDA***

5. Mishumo na maanda zwa Ofisi ya Mutsireledzi wa Vhashumisi
6. U swikisa mbilaelo kha Ofisi ya Mutsireledzi wa Vhashumisi
7. Mushumo wa Ofisi ya Mutsireledzi wa Vhashumisi kha u shumana na dzimbilaelo
8. Muingameli na musengulusi
9. Mvelelo dza tsenguluso
10. Ndaela dza thendelo
11. U pfukiselwa kha khothe dza vhashumisi
12. Redzhisitara ya vhutanzi vhu si havhudi

***Tshipida C******MAANDA KHA THIKHEDZO YA TSENGULUSO***

13. Ndaela ya u divhonadza khothe ha vhatu kana manwalo
14. Pfanelo ya linwalo la thendelo ya u dzhena na u setsha.
15. Maanda a u dzhena na u setsha
16. Vhudifari ha u dzhena na u setsha
17. Mbilo dza u sumbedza uri vhutanzi ndi ha tshiphiri

**NDIMA 3****KHOTHE YA VHASHUMISI YA LIMPOPO**

*Tshipida A****MASHUMELE A KHOTHE YA VHASHUMISI***

18. Khothe ya Vhashumisi ya Limpopo
19. Mishumo ya khothe ya vhashumisi
20. Tshivhumbeo tsha khothe ya vhashumisi
21. U bviswa sa o tiwaho kha khothe ya vhashumisi
22. U tiwa ha mirado ya khothe ya vhashumisi
23. Tshifhinga tsho tiwaho tsha mirado ya khothe ya vhashumisi
24. U litsha mushumo, u bviswa ofisini na mishumo
25. Malamba na magavhelo a mirado ya khothe ya vhashumisi
26. U divhadzwa ha nyingapfuma dza vhubindudzi nga mirado ya khothe ya Vhashumisi
27. Thaidzo nga u vha na ndango ya mikovhe fhethu hunzhi
28. U imiswa lwa tshifhinganyana ha murado wa khothe ya Vhashumisi

*Tshipida B****NDAULO YA KHOTHE***

29. Mabalane wa khothe ya vhashumisi
30. U vhiga nga khothe ya Vhashumisi

*Tshipida C****MATSHIMBIDZELWE A KHOTHE YA VHASHUMISI***

31. Matshimbidzelwe a khothe ya Vhashumisi
32. U thetsheleswa ha khothe ya vhashumisi
33. Mbadelo ya thanzi

*Tshipida D****NDAELA DZA KHOTHE YA VHASHUMISI***

34. Ndaela dza khothe ya vhashumisi
35. Ndifhiso dza ndaulo
36. U fhambana ha ndaela
37. Vhuimo ha vhutanzi ho teaho

#### **NDIMA 4**

#### **MBETSHELO NYANGAREDZI**

##### ***Tshipida A***

##### ***VHUKHAKHI NA NDATISO***

38. U pfuka vhudifulufheli
39. U thivhela ndaulo ya Mulayo
40. U kundelwa u divhonadza musi wo netshedzwa ndaela
41. U kundelwa u fhindula lwo fhelelaho kana nga u fulufhedzea
42. Vhukhakhi vhu tutshelanaho na Ofisi ya Mutsireledzi wa Vhashumisi na khothe ya vhashumisi
43. Ndatiso

##### ***Tshipida B***

##### ***DZINWE MBETSHELO***

44. U hweswa maanda
45. Vhudifhinduleli vhu tatisaho
46. Ndaulo
47. U phumulwa ha milayo
48. Ndugiselo dza pfukiselo
49. Dzina lipfufhi na u thoma u shuma

**NDIMA 1****MBETSHELO DZA MVULATSWINGA****1. Thandavhudzo**

Kha Mulayo uyu, ipfi linwe na linwe kana u bviswa ha muhumbulo hune zwine ha amba zwone ha vha ho netshedzwa kha Mulayo wa Tsireledzo ya Vhashumisi, 2008 (Mulayo No. 68 wa 2008) hu amba zwi fanaho nahone nga nnnda ha musi zwi re khawo zwa nga sumbedzwa nga inwe ndila—

“**Khomishini**” zwi amba Khomishini ya Vhashumisi ya Lushaka yo thomiwaho hu tshi tevhedzwa khethekanyo 85 ya Mulayo wa Tsireledzo ya Vhashumisi, 2008 (Mulayo No. 68 wa 2008);

“**Ndayotewa**” zwi amba Mulayo wa Ndayotewa ya Riphabuliki ya Afurika Tshipembethe, 1996;

“**vhashumisi** ”, u ya nga ndaka kana tshumelo inwe na inwe yo khetheaho, zwi amba—

(a) muthu ane ndaka kana tshumelo idzo dzo khetheaho dza maketwa ngayo nga mudisedzi wa bindu;

(b) muthu o dzenahao kha zwa Vhubindudzi na mudisedzi wa bisimusi, nga nnnda ha musi khonthiraka iyo yo lavhelelwa u bva kha khumbelo ya Mulayo wa Tsireledzo ya Vhashumisi , 2008 (Mulayo No. 68 wa 2008) nga khethekanyo 5(2) kana hu tshi tevhedzwa khethekanyo 5(3) ya Mulayo uyo;

(c) arali nyimele i tshi toda kana u tendela, mushumisi wa thundu idzo kana tshumelo kana mutanganedzi kana a vhuelwaho nga tshumelo idzo, hu sa sedzwi uri u mushumisi, mutanganedzi kana a vhuelwaho a vha tshipida tsha khonthiraka i kwameaho kha u iswa ha thundu kana tshumelo idzo;

(d) thendelo ya Vhubindudzi hu tshi tevhedzwa thendelo ya u ita bisimusi, ho lavhelelwa two teaho hu tshi tevhedzwa khethekanyo 5(6)(b) u swika kha (e) ya Mulayo wa Tsireledzo ya Vhashumisi , 2008 (Mulayo No. 68 wa 2008);

**“Mulayo wa Mafhundo a Vhashumisi (Tshumiso ya Vhubindudzi vhu si Kwaho), 1996”** zwi amba Mulayo wa Mafhundo a Vhashumisi (Tshumiso ya Vhubindudzi vhu si Kwaho), 1996 (Mulayo No. 8 wa 1996);

“**khothe ya vhashumisi** ” zwi amba khothe ya Vhashumisi sa zwine zwa dzhiiswa zwone kha khethekanyo 18;

“**Mulayo wa Tsireledzo ya Vhashumisi, 2008**” zwi amba Mulayo wa Tsireledzo ya Vhashumisi , 2008 (Mulayo No. 68 wa 2008);

“**Mutsireledzi wa Vhashumisi** ” zwi amba muthu o nangwaho kana u tiwa sa thoho ya Ofisi ya Mutsireledzi wa Vhashumisi hu tshi tevhedzwa khethekanyo 4(1);

“**khothe**” zwi amba khothe sa zwine zwa dzhiiswa zwone kha ndima 8 ya Ndayotewa;

“**Muhasho**” zwi amba Muhasho u re na vhudifhinduleli ha mafhundo a Vhashumisi kha vundu;

“**Thoho ya Muhasho**” zwi amba Thoho ya Muhasho a re na vhudifhinduleli ha mafhundo a Vhashumisi kha vundu;

“**muingameli**” zwi amba muthu o nangwaho kana u tiwa sa muingameli hu tshi tevhedzwa khethekanyo 8(1);

“**musengulusi**” zwi amba muthu o nangwaho kana u tiwa sa musengulusi hu tshi tevhedzwa khethekanyo 8(1);

“**MEC**” zwi amba Murado wa Khorotshitumbe a re na vhudifhinduleli ha mafhundo a Vhashumisi kha vundu;

“**Mulayo wa Zwikolodo wa Lushaka, 2005**” zwi amba Mulayo wa Zwikolodo wa Lushaka, 2005 (Mulayo No. 34 wa 2005);

**“Ofisi ya Mutsireledzi wa Vhashumisi”** zwi amba Ofisi ya Mutsireledzi wa Vhashumisi sa zwine zwa dzhiiswa zwone kha khethekanyo 3;

**“u randelwa”** zwi amba u randelwa nga ndangulo;

**“vhudifari ho randelwaho”** zwi amba zwiito kana u pfukwa ha Mulayo, Mulayo wa Tsireledzo ya Vhashumisi , 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005;

**“ndangulo”** zwi amba ndangulo dzo itwaho hu tshi tevhedzwa Mulayo uyu;

**“muhwelelwa”** zwi amba muthu ane a khou pikisana na muhweleli kana khumbelo yo thomwa hu tshi tevhedzwa Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi , 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005;

**“Mulayo uyu”** u katela ndangulo; nahone

**“Khothe”** zwi amba Khothe dza Vhashumisi dzi re nga fhasi ha khethekanyo 26 ya Mulayo wa Zwikolodo wa Lushaka, 2005.

## 2. Ndivho dza Mulayo

Ndivho dza Mulayo uyu ndi u tutuwedza na u isa phanda mafhungo a zwa ikonomi na matshilisano nga Vhashumisi kha vundu nga u netshedza —

(a) pfanelo ya tsireledzo ya Vhashumisi vha vundu; na

(b) khothe ya vhashumisi ,

u ita tsenguluso, pfumedzanya kana u nea khathulo musi hu na khumbulelo ya u pfukwa ha pfanelo dza Vhashumisi dzo bulwaho kha Ndima 2 ya Mulayo wa Tsireledzo ya Vhashumisi , 2008.

## NDIMA 2

### MAANDA A TSIRELEDZO YA VHASHUMISI A VUNDU

*Tshipida A*

## ***OFISI YA MUTSIRELEDZI WA VHASHUMISI***

### **3. Ofisi ya Mutsireledzi wa Vhashumisi**

Pfanelo dza tsireledzo ya Vhashumisi kha vundu dzi divheaho sa Ofisi ya Tsenguluso ya Kutshimbidzelwe ku si Kwone kwa Vhubindudzi dzo thomiwaho hu tshi tevhedzwa Mulayo wa zwa Vhashumisi, 1996 a u khou shandukiswa u ya nga khethekanyo 48 ya Mulayo uyu, nga nnda ha izwo u phumulwa ha Mulayo wa zwa Vhashumisi (Tshumiso ya Vhubindudzi vhu si Kwaho), 1996 u khou dovha hafhu wa vhidzwa sa Ofisi ya Mutsireledzi wa Vhashumisi.

### **4. Mutsireledzi wa Vhashumisi**

- (1) Murado wa Khorotshitumbe musi hu tshi tevhedzwa milayo i langaho tshumelo ya tshitshavha, u tea u nanga kana u ta muthu a re na —
  - (a) Tshenzhemo yo teaho; nahone
  - (b) Kha vhe zwawe na digirii ya yunivesithi a tshi nga di vha khanwe na theri dzi nga ho sa ikhonomikhisi, mulayo, khomese, indasitiri kana zwa mafhungo a tshitshavha, sa Mutsireledzi wa Vhashumisi kha Ofisi ya Mutsireledzi wa Vhashumisi kha vhuimo hu tanganedzwaho nga Murado wa Khorotshitumbe.
- (2) Mutsireledzi wa Vahrengi u tea u ita mishumo yothe ya Ofisi ya Mutsireledzi wa Vhashumisi nga fhasi ha Mulayo wa Tsireledzo ya Vhashumisi, 2008.
- (3) Murado wa Khorotshitumbe —
  - (a) u tea u nanga kana u ta Muthusa Mutsireledzi wa Vhashumisi nga ndila yeneila yo sumbedzwaho kha khethekanyothukhu (1) ane a tea u —
    - (i) thusa Mutsireledzi wa Vhashumisi kha u ita mishumo ya Ofisi ya Mutsireledzi wa Vhashumisi; na
    - (ii) u ita mishumo musi Mutsireledzi wa Vhashumisi a sa khou kona u ita ngauralo nga nthani ha zwinwe zwiitisi; nahone
  - (b) a nga nanga kana u ta mushumi hu tshi tevhedzwa milayo i langaho tshumelo dza tshitshavha kha u thusa Mutsireledzi wa Vhashumisi kha u ita mishumo yawe.

- (4) Vhashumi vhothe vho nangwaho kana u tiwa hu tshi tevhedzwa khethekanyothukhu (3)(b) vha nga fhasi ha ndango na zwi todwaho nga Mutsireledzi wa Vhashumisi.

***Tshipida B***

***KUSHUMISELWE KWA MAANDA***

**5. Mishumo na maanda a Ofisi ya Mutsireledzi wa Vhashumisi**

- (1) Ofisi ya Mutsireledzi wa Vhashumisi i tea u —
- (a) sedzulusa mafhungo othe o bulwaho hu tshi tevhedzwa Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005;
  - (b) wana na u sengulusa mbilaelo dza Vhashumisi u ya nga Mulayo uyu;
  - (c) tshimbidza nyambedzano kana vhupfumedzani kha mbilo dzi re hone hu tshi tevhedzwa Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi, 2008 vhukati kana ngomu ha vhashumisi , vhadzulapo, kana vhathu vha re na mabindu ngomu kha Vundu;
  - (d) pfukisela mbilo dzi re hone u bva kha Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi , 2008 kha khothe ya Vhashumisi hu tshi tevhedzwa Mulayo uyu;
  - (e) netshedza tsivhudzo kana ngeletshedzo kha tshitshavha kha mafhungo a tsireledzo ya vhashumisi ;
  - (f) u thoma u dzhia maga a zwa mafhungo na zwa pfunzo u itela u bveledza ndivho ya tshitshavha nga ha Mulayo uyu na tsireledzo ya Vhashumisi nga u angaredza; na u
  - (f) ita minwe mishumo ine ya nga kha di netshedzwa Ofisi ya Mutsireledzi wa Vhashumisi hu tshi tevhedzwa Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi , 2008.

(2) Ofisi ya Mutsireledzi wa Vhashumisi i nga—

- (a) thoma thwii tsenguluso nga ha vhudifari ho iledzwaho sa zwo buletshedzwaho kha khethekanyo 6(2);
- (b) bvisa ndivhadzo dza u tshumisano hu tshi tevhedzwa Mulayo wa Tsireledzo ya Vhashumisi , 2008;
- (c) humbela Khomishini uri i thome mbilaelo u ya nga vhudifari ho iledzwaho zwi khagala kana vhukhakhi ho thomaho kha vundu hu tshi tevhedzwa Mulayo wa Tsireledzo ya Vhashumisi , 2008; na
- (d) u eletshedza Murado wa Khorotshitumbe kha mafhungo a tshimbilelanaho na tsireledzo ya Vhashumisi na vhuvha na nzulele ya makete wa vhashumisi .

## **6. U swikisa mbilaelo kha Ofisi ya Mutsireledzi wa Vhashumisi**

- (1) Muthu munwe na munwe a nga swikisa mbilaelo nga ndila na kudzulele kwo randelwaho Ofisi ya Mutsireledzi wa Vhashumisi zwi tshi kwama vhudifari hu no khou humbuelwa sa ho iledzwaho.
- (2) Ofisi ya Mutsireledzi wa Vhashumisi i nga thoma thwii mbilaelo zwi tshi kwama vhudifari ho iledzwaho—
  - (a) nga kha thendelano yayo;
  - (b) musi yo laedzwa u ita ngauralo nga Murado wa Khorotshitumbe; kana
  - (c) nga khumbelo ya —
    - (i) vhulaedzwa vhu re na maanda;
    - (ii) dzinwe dza pfanelo dza tsireledzo ya Vhashumisi kha vundu;
    - (iii) tshigwada tsha tsireledzo ya Vhashumisi vho tendelwaho nga fhasi ha Mulayo wa Tsireledzo ya Vhashumisi , 2008; kana
    - (iv) muthu munwe na munwe a re na lutamo kha mafhungo ayo.

## **7. Mushumo wa Ofisi ya Mutsireledzi wa Vhashumisi kha u shumana na dzimbaelao**

- (1) Ofisi ya Mutsireledzi wa Vhashumisi phanda ha musi a tshi thoma kana u tanganedza mbilaelo hu tshi tevhedzwa Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi, 2008 a nga —
- (a) bvisa ndivhadzo ya u hana themendelo kha muvhigi wa mulandu u ya nga ndila yo randelwaho, arali muvhigi wa mulandu —
  - (i) a tshi sumbedza u takalesa kana u vhilahela;
  - (ii) a sa tendelani na mafhungo one ane, arali zwi zwa vhukuma, a nga fhata vhuimo ha thandululo nga fhasi ha Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi , 2008; kana
  - (iii) a tshi khou thiwhelwa, hu tshi tevhedzwa khethekanyo 116 ya Mulayo wa Tsireledzo ya Vhashumisi , 2008, kha u pfukiselwa kha khothe ya vhashumisi ;
- (b) thusa vha kwameaho kha u tandulula mbilo nga nnda ha musi avho vha kwameaho lwa tshifhinga tsho fhelaho vho lingedza u tandulula mbilo idzo vha kundelwa nahone nga ndila iyo;
- (c) pfukisela tsenguluso inwe na inwe kana tshititenwa tsho bulwaho kha vhulanguli vhu welaho nga fhasi ha vhukhethelo, hu tshi katelwa vhulaedzwa hu re kha linwe vundu arali muvhigi wa mulandu o shumiwa nea zwavhudi nga vhunwe vhulaedzwa; kana
- (d) vhudza musengulusi uri a senguluse muhweleli wa mulandu nga u tavhanya nahone zwi khagala.
- (2) Ofisi ya Mutsireledzi wa Vhashumisi nga fhasi ha ndivhadzo ya *gazete ya vundu* kana nga ndila dzinwe dza kha khasho i nga —
- (a) ita uri tsenguluso dzinwe na dzinwe dzine ya khou dzi ita dzi dihwe, nahone
  - (b) vhidza muthu munwe na munwe uri a de a imelele nga u bvisa zwo tou nwalwaho zwi tshi kwama tsenguluso kha Ofisi ya Mutsireledzi wa Vhashumisi .

## 8. Vhaingameli na vhasengulusi

- (1) Murado wa Khorotshitumbe a nga—
- (a) ta muthu munwe na munwe kha Ofisi ya Mutsireledzi wa Vhashumisi ; kana kha Muhasho; kana
  - (b) u ya nga milayo i langaho tshumelo ya tshitshavha, ta muthu munwe na munwe o teaho
- Sa muingameli kana musengulusi hu tshi tevhedzwa Mulayo uyu.
- (2) Murado wa Khorotshitumbe u tea u fha muingameli kana musengulusi o tetshelwaho kana u tiwa hu tshi tevhedzwa khethekanyothukhu (1) thanziela yo randelwaho ya u tholwa.
- (3) U dadzisa minwe ya mishumo ya khombe-khombe hu tshi tevhedzwa Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi, 2008—
- (a) muingameli u tea u monithara u tevhedzwa ha; nahone
  - (b) musengulusi u tea u sengulusa mbilaelo hu tshi tevhelwa,
- Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi, 2008.
- (4) Muingameli kana musengulusi ane a ita mishumo hu tshi tevhedzwa Mulayo uyu u tea u vha e na thanziela yo randelwaho ya u tholwa yo bviswaho hu tshi tevhedzwa khethekanyothukhu (2) nahone u tea u bvisa thanziela iyo musi muthu o kwamiwaho nga nyito dza muingameli kana musengulusi hu tshi tevhedzwa Mulayo uyu a humbelaho u vhona thanziela iyo.
- (5) Murado wa Khorotshitumbe a nga ta muthu a re na ndalukanyo dzo teaho sa makone kha u ita thodisiso, dziodithi, mbudziso kana dzinwe tsenguluso o imela Ofisi ya Mutsireledzi wa Vhashumisi.
- (6) Muthu o tiwaho hu tshi tevhedzwa khethekanyothukhu (5) a si musengulusi u ya nga zwne Mulayo uyu wa amba zwone.

- (7) Mutsireledzi wa Vhashumisi u divhelwa u vha muingameli na musengulusi hu tshi tevhedzwa Mulayo uyu.

#### **9. Mvelelo dza tsenguluso**

Nga murahu ha u fhedzisa tsenguluso ya muvhigi wa mulandu, Ofisi ya Mutsireledzi wa Vhashumisi i nga—

- (a) bvisa ndivhadzo ya u hana themendelo kha muvhigi wa mulandu u ya nga ndila yo randelwaho;
- (b) bvisa muhumbulo wa ndaela ya mvetamveto ya u tendela hu tshi tevhedzwa khethekanyo 10;
- (c) nea themendelo kha khothe ya Vhashumisi hu tshi tevhedzwa khethekanyo 11;
- (d) bvisa ndivhadzo ya u sumba u tevhedza mulayo hu tshi tevhedzwa khethekanyo 100 ya Mulayo wa Tsireledzo ya Vhashumisi , 2008; kana
- (e) pfukisela mafhungo kha Vhulaedzwa ha Vhutshutshisi ha Lushaka, arali muhweleli a tshai kwamea nga vhukhakhi hu tshi tevhedzwa Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi , 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005.

#### **10. Ndaela dza thendelo**

- (1) Arali mafhungo o —
- (a) tandululwa nga kha nyambedzano kana vhupfumedzani hu tshi tevhedzwa khethekanyo 7(1)(b); kana
  - (b) senguluswa nga Ofisi ya Mutsireledzi wa Vhashumisi ; nahone vha kwameaho vho tendelana kha milayo yo dzinginywaho ya ndaela yo teaho,

Khothe ya Vhashumisi i nga, hu songo thoma ha vha na u thetshelesa vhutanzi, khwathisedza thendelano iyo sa ndaela yo themendelwaho.

- (2) khothe ya Vhashumisi nga murahu ha u thetshelesa likumedzwa la ndaela yo themendelwaho i nga —

- (a) nea ndaela sa zwe zwa tendelanwa na u bviswa sa muhumbulo nga Ofisi ya Mutsireledzi wa Vhashumisi na muhwelelwa;
  - (b) sumbedza tshanduko inwe na inwe ine ya nga itwa kha ndaela ya mvetamveto musi i saathu nea ndaela ya u fhedzisela; kana
  - (c) ya hana u nea ndaela.
- (3) Ndaela ya thendelo yo pfukiselwaho kha khethekanyothukhu (1)—
- (a) i nga katela u lifhelwa tshinyalelo ha muhweleli wa mulandu arali ene muhweleli wa mulandu a nga tenda;
  - (b) i tea u andadzwa kha *gazete ya vundu*.

## **11. U pfukiselwa kha khothe ya vhashumisi**

- (1) mafhungo a nga pfukiselwa kha khothe ya Vhashumisi nga —
- (a) Ofisi ya Mutsireledzi wa Vhashumisi ;
  - (b) Mulanguli wa Zwikolodo wa Lushaka hu tshi tevhedzwa khethekanyo 140(2)(a) ya Mulayo wa Zwikolodo wa Lushaka, 2005;
  - (c) Muvhigi wa mulandu a nga fhasi ha Mulayo wa Zwikolodo wa Lushaka, 2005 hu tshi tevhedzwa khethekanyo 141(1)(a) ya Mulayo uyo;
  - (d) Khomishini musi hu tshi tevhedzwa khethekanyo 73(2)(a) ya Mulayo wa Tsireledzo ya Vhashumisi , 2008; kana
  - (e) Muhweleli wa mulandu e nga fhasi Mulayo wa Tsireledzo ya Vhashumisi, 2008 hu tshi tevhedzwa khethekanyo 75(1)(a) ya Mulayo uyo.
- (2) Muthu a todaho u shumisa pfanelo dzinwe na dzinwe hu tshi tevhedzwa khethekanyo 69(c)(ii) ya Mulayo wa Tsireledzo ya Vhashumisi , 2008 kana hu tshi tevhedzwa Mulayo uyu, a nga ita khumbelo thwii kha khothe ya vhashumisi —
- (a) muthu uyo u tea u vha o thoma a netshedza mbilo kha Ofisi ya Mutsireledzi wa Vhashumisi ; nahone
  - (b) Ofisi ya Mutsireledzi wa Vhashumisi ya dovha hafhu ya vha yo —
    - (i) bvisa ndivhadzo ya u sumbedza u sa pfukisela hu tshi tevhedzwa khethekanyo 7(1) (a); kana

(ii) ita tsenguluso kha muhweleli wa mulandu ya dovha ya bvisa ndivhadzo ya u sumba u sa pfukisela hu tshi tevhedzwa khethekanyo 9(a) kha muthu uyo.

## **12. Redzhisitara ya mafhungo a si avhudi**

- (1) Ofisi ya Mutsireledzi wa Vhashumisi i tea uri musi zwi tshi ya nga ndila yo randelwaho ya thogomela redzhisitara ya mafhungo a si avhudi i rekhodaho zwidodombedzwa zwa vhathu vho vhuyaho vha wanalaho nga khothe ya Vhashumisi kha uri vho di dzenisa kha vhudifari ho iledzwaho.
- (2) Ofisi ya Mutsireledzi wa Vhashumisi i nga tevhetschedza zwidodombedzwa zwa muthu uyo kha redzhisitara yo bulwaho afho kha khethekanyo (1) arali khothe ya Vhashumisi yo bvisa ndaela kha zwo iteaho.
- (3) Muthu a kwameaho nga zwo nwalwaho kha redzhisitara a nga ita khumbelo kha khothe ya Vhashumisi u ri ndaela iyo i vhetshelwe kule, nahone khothe ya Vhashumisi i nga ita ngauralo yo disendeka nga vhutanzi ho teaho nahone hu fushaho.

### ***Tshipida C***

#### ***MAANDA KHA THIKHEDZO YA TSENGULUSO***

## **13. Ndaelo ya khothe yo livhiswaho kha vhathu kana manwalo**

- (1) Mutsireledzi wa Vhashumisi kana muthu a re kha tshumelo ya Ofisi ya Mutsireledzi wa Vhashumisi o themendelwaho ngaye muhumbulo u wa tsenguluso, u nea ndaela ya khothe kha muthu munwe na munwe a ne a divhelwa u nga nea vhutanzi kha mafhungo a kwamaho tsenguluso, kana a are nga fhasi ha ndango yawe a vha o fara bugu, linwalo kana tshinwe tshithu tshi elanaho na mafhungo ayo —
  - (a) Uri a divhonadze phanda ha muthu a re kha tshumelo ya Ofisi ya Mutsireledzi wa Vhashumisi kha uri a vhudziswe u ya nga tshifhinga na fhethu ho sumbedziswaho kha ndaela ya khothe; kana

- (b) u endedza kana bvisa bugu iyo, linwalo kana tshinwe tshithu nga tshifhinga na fhethu ho sumbedziswaho nga ndaela ya khothe kha muthu a re kha tshumelo ya Ofisi ya Mutsireledzi wa Vhashumisi .
- (2) Ndaela ya khothe yo bulwaho kha khethekanyothukhu (1) (a)–
- (a) i tea —
- (i) u vha nga ndila yo randelwaho;
- (ii) u vha yo sainwa nga Mutsireledzi wa Vhashumisi kan amunwe muthu a re kha tshumelo ya Ofisi ya Mutsireledzi wa Vhashumisi o themendelwaho nga Mutsireledzi wa Vhashumisi ; nahone
- (b) i tea u netshedzwa nga i fanaho na ndaela ya khothe kha milandu ya vhugevhenga yo bviswaho nga khothe ya madzhisitirata.
- (3) Muthu o vhudziswaho nga musengulusi a itaho tsenguluso u tea u fhindula mbudziso inwe na inwe nga u fulufhedzea nahone nga ndivho yowe yothe, zwo di ralo—
- (a) muthu ha kombetshedzwi u fhindula mbudziso inwe na inwe arali phindulo i tshi khou mu ita sa a re na mulandu; nahone
- (b) musengulusi a vhudzisaho muthu uyo mbudziso u tea u mu divhadza u do mu vhudzisa nga ndila ya hune zwa khou tevhekana ngaho sa zwi re kha pharagirafu (a).
- (4) A huna phindulo dzo netshedzwaho sa dzi nga ho sa dzi fashaho mufhinduli kana tshitatamennde tsho netshedzwaho nga nnyi kana nnyi kha musengulusi a shumisaho maanda afhio na afhio hu tshi tevhedzwa khethekanyo iyi i dzhiwaho sa vhutanzi nga uyo o neaho phindulo kana o neaho tshitatamennde kha matshimbidzelwe a kheisi ya vhugevhenga kha khothe ifhio na ifhio, nga nnda ha kha matshimbidzelwe a kheisi ya vhugevhenga hu nga fhasi ha muano kana hune muthu uyo o farelwa mulandu wo sumbedzwaho kha thekhekanyo 41 kana 42(2)(d) nahone zwa swika hune phindulo kana tshitatamennde tsho tea kha u sumbedza vhungoho ha mulandu wo tshadzhiwaho.

#### **14. Maanda a u dzhena na u setsha nga fhasi ha linwalo la thendelo**

- (1) Muhatuli wa Khothe Khulu kana madzhisitirata a nga bvisa linwalo la thendelo ya u dzhena na u setsha tshifhato tshinwe na tshinwe tshi welaho nag fhasi ha ndaulo ya

muhatuli uyo kana madzhisitirata arali, u bva kha vhutanzi ha muano kana khwathisedzo, ha nga vha na vhutanzi vhu fushaho kha u tenda zwenezwo—

- (a) u pfukwa ha Mulayo uyu kana Mulayo wa Tsireledzo ya Vhashumisi , 2008 ho bvelela, hu tshi khou itea, kana hu na khonadzeo yauri hu itee kana kha zwifhato izwo; kana
  - (b) tshinwe na tshinwe tshi tumanywaho na tsenguluso hu tshi tevhedzwa Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi , 2008 zwi na, kana nga fhasi ha ndango ya muthu a re kha kana kha zwifhato izwo.
- (2) Linwalo la thendelo ya u dzhena na u setsha lo bviswaho nga fhasi ha khethekanyothukhu (1) li nga bviswa tshifhinga tshinwe na tshinwe nahone lwo khetheaho li tea —
- (a) talusa zwifhato zwine zwa nga dzenwa na u setshwa; na
  - (b) u tendela musengulusi kana pholisa kha u dzhena na u setzha zwifhato na u ita tshinwe na tshinwe tsho sumbedzwaho kha mutevhe wa khethekanyo 15.
- (3) Linwalo la u dzhena na u setsha lo tendelwa fhedzi u swika tshinwe tsha zwiwo zwi tevhelaho zwa nga itea—
- (a) musi linwalo la thendelo ya u setsha li tshi khou shumiswa;
  - (b) musi linwalo la thendelo ya u setsha la vha lo khantselwa nga muthu o li bvisaho kana, musi muthu uyo a siho, nga muthu a re na maanda a fanaho na awe;
  - (c) musi muhumbulo wa u li bvisa wo feila; kana
  - (d) musi lo no fhirelwaa nga nwedzi muthihi u bva duvha le la bviswa.
- (4) Linwalo la u dzhena na u setsha li nga shumiswa fhedzi hu masiari, nga nnnda ha musi muhatuli, kana madzhisitirata o li bvisaho a themendela zwauri zwi nga itwa na vhusiku nga tshifhinga tshi fheseseaho kha nyimele iyo.
- (5) Muthu o tendelwaho nga linwalo la u setsha lo bviswaho hu tshi tevhedzwa khethekanyothukhu (2) a nga dzhena na u setsha zwifhato zwo bulwaho kha linwalo ilo.
- (6) Nga khathihi fhedzi musi hu saathu thomiwa na mushumo wa linwalo ilo, muthu a itaho mushumo uyo a nga ita tshinwe tsha hezwi—
- (a) arali mune, kana muthu a langaho zwifhato izwo zwi setshwaho a hone ---

- (i) a netshedze thsalutshedzo kha muthu uyo na u mu talutshedza maanda ane ilo linwalo la u setsha la vha nao; na
- (ii) u mu netshedza khophi ya linwalo la thendelo ya u dzhena na u setsha kana muthu o nwalwaho khayo; kana
- (b) arali mune, kana muthu a langaho zwifhato a siho, u tea u nambatedza khophi Ya linwalo la thendelo ya u dzhena na u setsha zwifhato kha tshifhato tsho doweleaho nahone fhethu hu vhonalaho.

## **15. Maanda a u dzhena na u setsha**

- (1) Muthu ane o tendelwa nga fasi ha khethekanyo 14 to kha u dzhena na u setsha zwifhato a nga —
  - (a) dzhena nga ngomu kana kha zwifhato izwo;
  - (b) setsha zwifhato izwo;
  - (c) setsha muthu munwe na munwe kha zwifhato izwo arali zwo fanela musi a tshi vhona u nga muthu uyo u na linwalo kana manwalo ane a vha zwinwe zwa zwi no khou todea kha tsenguluso;
  - (d) lingulula linwalo kana manwalo manwe namanwe a re hone kana kha zwifhato izwo zwo vheiwaho lito kha u senguluswa;
  - (e) humbeli vhutanzi nga ha linwalo kana manwalo a bva kha mune wa, kana muthu a re a langaho zwifhato kana u bva kha muthu munwe na munwe a re na ndango ya linwalo kana manwalo, kana muthu munwe namunwe ane a nga vha na vhutanzi;
  - (f) dzhiani mafhundo u bva kha kana dzikhophi dza bugu inwe na inwe kana manwalo a re hone kana kha zwifhato zwine zwa kwamanywa na tsenguluso;
  - (g) shumisani khomphyutha inwe na inwe i re kha zwifhato, kana todani thuso ya muthu munwe na munwe a re afho kha tshifhato kha u shumisa khomphyutha iyo, u —
    - (i) toda vhutanzi vhunwe na vhunwe vhu re hone kana vhu re hone kha khomphyutha;
    - (ii) bveledza hafhu rekhodo inwe na inwe u bva kha vhutanzi uho;

- (h) u dzhia tshibveledzwa tshinwe na tshinwe tsha khomphyutha u itela ndingo na u kopa; na
  - (i) u nambatedza nahone arali zwo tea ha vha na u bvisa tshinwe na tshinwe tshi badekanywaho na tsenguluso u itela uri tshi yo lingwa na uri tshi vhe tsho vhewa ho tsireledzeaho.
- (2) Khethekanyo 13(4) i shuma tshothe kha pphindulo dzo netshedzwaho kana tshitatamennde tsho itwaho nga musengulusi kana pholisa hu tshi tevhedzwa khethekanyo iyi.
- (3) Musengulusi o tendelwaho kha u dzhena na u setsha hu tshi tevhedzwa khethekanyo 14 nga fheletshedzwa na u thuswa nga pholisa.

#### **16. Vhudifari kha u dzhena na u setsha**

- (1) Muthu ane a dzhena na u setsha zwifhato zwinwe na zwinwe nga fhasi ha khethekanyo 15 u tea u ita zwa u dzhena na u setsha o sedzesu tshothe-tshothe kha ndaela na vhulenda, a dovhe a sedze na pfanelo dza tshiphiri.
- (2) Nga tshifhinga tsha u setsha nga fhasi ha khethekanyo 15 (1) (c), ndi musengulusi wa mufumakadzi fhedzi kana pholisa la mufumakadzi fhedzi vhane vha nga setsha muthu wa mufumakadzi, nahone ndi musengulusi wa munna fhedzi kana pholisa la munna line la nga setsha muthu wa munna.
- (3) Muthu a dzenahao na u setsha zwifhato nga fhasi ha khethekanyo 15, musi a saathu vhudzisa muthu munwe na munwe, u tea u —
  - (a) eletshedza muthu uyo nga ha pfanelo dzawe kha u thuswa nga ramilayo kana muimeleli; na
  - (b) u tendela uri muthu uyo a shumise pfanelo idzo.
- (4) Muthu a bvisaho tshithu tshinwe na tshinwe u bva kha tshifhato tshe tsha vha tshi tshi khou setshiwa u tea —
  - (a) nea rasithi yatsho u ri o tshi bvisa a i fha mune wa, kana muthu a langaho, zwifhato, na
  - (b) u tshi humisela murahu nga u bonya ha ito nga murahu ha musi o swikela zwe a vha o tshi bvisela zwone.

- (5) Musi hu tshi khou setshwa, muthu a nga hana u tendela muingameli kana u bviswa ha zwo nwalwaho kana linwalo o ditika ngauri li na mafhungo awe a ndeme.
- (6) Arali mune kana muthu a langaho zwo nwalwaho kana linwalo ilo a hana hu tshi tevhedzwa khethekanyothukhu (5) u fha zwo nwalwaho kana linwalo kha muthu a no khou setsha, muthu uyo a no khou setsha a nga humbela muofisiri a vhulungaho manwalo kana mudinda wa khothe Khulu a re na ndangulo ya u nambatedza na u bvisa zwo nwalwaho kana manwalo u itela u a vhea hi tsireledzeaho u swika khothe i tshi vhona zwo tea uri mafhungo ayo ndi a ndeme na kana hai.

**17. Mbilo dza uri vhutanzi uho ndi ha tshiphiri**

- (1) Muthu o kwameaho a nga, musi a tshi todea uri a netshedze vhutanzi kha Ofisi ya Mutsireledzi wa Vhashumisi, khothe ya Vhashumisi kana musengulusi o tiwaho hu tshi tevhedzwa Mulayo uyu, a nga vhila uri tshinwe tsha zwipida kana vhutanzi hothe ndi ha tshiphiri.
- (2) Mbilo inwe na inwe yo sumbedzwaho kha khethekanyothukhu (1) i tea u khwathisedzwa nga tshitatamennde tsho tou nwalwaho tshi talutshedzaho uri ndi ngani hu tshi pfi vhutanzi uho ndi ha tshiphiri.
- (3) Ofisi ya Mutsireledzi wa Vhashumisi kan akhothe ya Vhashumisi sa zwine mulandu wa nga vha zwone i tea u—
  - (a) sedzulusa mbilo inwe na inwe yo itwaho hu tshi tevhedzwa khethekanyothukhu (1); na
  - (b) divhadza muvhigi wa mulandu arali vhutanzi ho sumbedzwaho kha khethekanyothukhu (1) vhu tshi nga farwa sa hune ha dzhiwa sa ha tshiphiri.
- (4) Musi hu tshi khou dzhiwa tsheo ifhio kana ifhio, muhumbulo kana ndaela hu tshi tevhedzwa Mulayo uyu, Ofisi ya Mutsireledzi wa Vhashumisi kana khothe ya Vhashumisi i nga dzhiela nthi vhutanzi vhunwe na vhunwe vhu kwamanywaho na mbilo hu tshi tevhedzwa khethekanyothukhu (1).
- (5) Ha nga vha na tshivhangi tshifhio na tshifhio hu tshi tevhedzwa Mulayo uyu tshire tsha nga bvukulula vhutanzi hu kwamanywaho na mbilo hu tshi tevhedzwa khethekanyothukhu (1), Ofisi ya Mutsireledzi wa Vhashumisi kana khothe ya vhashumisi , sa zwine mulandu wa vha zwone, i tea u netshedza khophi ya zwivhangi

zwo bviswaho sa muhumbulo kha a kwameaho kha uri a nga zwi ita zwa tshiphiri hu saathu fhira maduvha matanu hu saathu andadzwa zwivhangi izwo.

- (6) Hu saathu fhela maduvha matanu a vhege nga murahu ha u wana ndaela hu tshi tevhedzwa khethekanyothukhu (3) (b), kana khophi ya mbuno dzo dzinginywaho hu tshi tevhedzwa khethekanyothukhu (5), a kwameaho a nga ita khumbelo kha kothe ya Vhashumisi u itela matshimbidzelwe a zwithu o teaho kha u tsireledza tshiphiri tsha tsha mafhungo ayo.

### **NDIMA 3**

#### **KHOTHE YA VHASHUMISI YA LIMPOPO**

##### ***TSHIPIDA A***

##### ***MASHUMELE A KHOTHE YA VHASHUMISI***

#### **18. Khothe ya Vhashumisi ya Limpopo**

- (1) Khothe ya Vhashumisi yo thomiwa u itela vundu hu tshi tevhedzwa Mulayo (Maitele a Vhubindudzi a si a Vhukuma) wa Zwa Vhashumisi, 1996 une u khou isa phanda u ya nga khethekanyo 48 ya Mulayo uyu, nga nnnda ha izwo hu khu phumulwa Mulayo (Kutshimbidzele kwa Vhubindudzi kwo Khakheaho) wa Zwa Vhashumisi, 1996 nahone u vho do vhidzwa Khothe ya Vhashumisi ya Limpopo.
- (2) Vhudzulo ha khothe ya Vhashumisi ndi Polokwane.
- (3) Khothe ya Vhashumisi I nga vha na madzulo ayo fhethu hunwe nag nnnda ha vhudzulo hayo ha khothe ya Vhashumisi sa izwi khothe ya Vhashumisi i na vhudavhidzani na Ofisi ya Mutsireledzi wa Vhashumisi i nga dzhia tsheo.

#### **19. Mishumo ya khothe ya vhashumisi**

Khothe ya Vhashumisi i tea u —

- (a) dzhia tsheo u ya nga khumbelo inwe na inwe ine ya nga itwa hu tshi tevhedzwa Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi; 2008 kana

Mulayo wa Zwikolodo wa Lushaka, 2005 na u dzhia ndaela dza vhutali sa zwe zwa netshedzwa Milayo yo bulwaho;

- (b) thetshelesa na u sengulusa zevhezevhe la vhudifari ho iledzwaho li re phanda hawo zwi tshi ya nga vhuvha ha matshimbidzelwe o sumbedziswaho kha Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi ; 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005 na u dzhia ndaela dza vhutali sa zwe zwa netshedzwa Milayo yo bulwaho;
- (c) shumisa manwe a maanda ayo na u ita mishumo na ndivhanelo dze ya netshedzwa hu tshi tevhedzwa Mulayo uyu, Mulayo wa Tsireledzo ya Vhashumisi, 2008 na Mulayo wa Zwikolodo wa Lushaka, 2005.

#### **20. Tshivhumbeo tsha khothe ya vhashumisi**

- (1) Murado wa Khorotshitumbu u tea u ta mirado ya khothe ya vhashumisi.
- (2) Khothe ya Vhashumisi i tea u vha i i re na vhatu vha rathi sa vha tevhelaho:
  - (a) Mudzulatshidulo na muthusa mudzulatshidulo vhane vhothe vha tea u vha—
    - (i) muhatuli wa Khothe Khulu o awelaho; kana
    - (ii) ramilayo, muimeleli, madzhisitirata o awelaho kana lekitshara wa mulayo yunivesithi, ane a sa vhe na minwaha yo dalaho ya tshenzhemo i re fhasi ha fumi kha vhukoni vhuthihi kana vhunzhi ha zwo bulwaho; nahone
  - (b) Minwe mirado nyengedzedzwa mina ya khothe ya Vhashumisi vha re na ndivho yo khetheaho kana tshenzhemo ya thtuthuwedzo ya vhashumisi, ikonomi, indasitiri, khomese kana mulayo.

#### **21. U bviswa musi wo tholwa kha khothe ya vhashumisi**

A hu na muthu ane a nga tiwa kana a dzula e murado wa khothe ya Vhashumisi arali

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- (a) a si mudzulapo wa Riphabuliki;
- (b) a si mudzulapo a dzulelaho u vha hone kha vundu;

- (c) a mushumeli wa muvhuso, hu tshi katelwa mushumi wa masipala;
- (d) nga tshifhinga tshetsho, kana lwa minwedzi ya fumi na mivhili yo fhelaho o vha e mufara ofisi kana mushumi wa lihoro linwe na linwe, tshigwada, dzangano kana murado zwi elanaho na lihoro la polotiki;
- (e) a muthu a sa tsha thusea zwi tshi kwama u tshaya hawe; kana a thoma u vha muthu o tshayaho lune u tshaya hawe zwa livhisa kha u dzhiwiha ha ndaka yawe;
- (f) a ane kha minwaha ya fumi (10) yo fhelaho a vha o wanwa mulandu, hu tshi nga vha kha Riphabuliki kana hunwe fhethu, vhuvhava, vhufhura, u feika kana u fhedzisa linwalo lo tou feikiwaho, u zwifha nga fhasi ha muano, mulandu nga fhasi ha Mulayo uyu kan amulandu nga fhasi ha Mulayo wa u Lwa na u Thivhela Zwiito zwa Vhuada, 2004 (Mulayo No. 12 wa 2004), mulandu nga fhasi ha Mulayo wa Senthara ya Vhusevhi ha zwa Masheleni, 2001 (Mulayo No. 38 wa 2001), mulandu u katedaho u sa fulufshedzea;
- (g) a vha a ane tshifhinga tshinwe na tshinwe a nga bviswa kha ofisi ya tshikwama nga nthani ha vhudifari vhu si havhudi zwi tshi kwama vhufhura ha masheleni kana u sa shumiswa zwavhudi ha masheleni; kana
- (h) a tshi kwamea nga ndaela ya khothe i thonifheaho lune a vhonwa sa muthu a songo fhelelaho muhumbuloni kana o khakhiseaho.

## **22. U tholwa ha mirado ya khothe ya vhashumisi**

- (1) Murado wa Khorotshitumbe u tea u andadza ndivhadzo kha gurannda mbili dzi wanalaho kha vundu na kha dzinwe ndila dza vhoramafhungo, kha u ramba vhathu vhane—
  - (a) vha tevhedza ndalukanyo dzi re kha Khethekanyo 20(2); nahone
  - (b) vha sa badekanywi na u bviswa sa zwo sumbedzwaho kha Khethekanyo 21, Ita khumbelo, vhukati ha maduvha a 21 a u gandisa ha yeneyo ndivhadzo u itela zwikhala zwa vhenevho mirado vha khothe ye vhashumisi.
- (2) Vhahumbeli vha tea, zwauri vha tshi fhindula ndivhadzo hu tshi tevhedzwa khethekanyothukhu ya (1), vha netshedze kharikhulamu vitae yo dodomedzwaho ine ya vha na—
  - (a) kopi dzothe dzo khwathisedzwaho dza ndalukano;

- (b) manwalwa matikedzi a sumbedziswaho ndivho, tshenzhemo na zwithu zwe teaho zwine muhumbeli a nga netshedza kha tsireledzo ya vhashumisi kha vundu; na
  - (c) muano wo khwathisedzwaho u sumbedziswaho madzangalelo manwe na manwe a nga ngomu na a nga nnnda a zwa masheleni kha khamphani inwe na inwe, koporasi ya zwa vbutanganelani kana madzangalelo manwe afhio na afhio a zwa vhubindudzi.
- (3) Murado wa Khorotshitumbe a nga khwathisedza vhungoho ha khumbelo ya muhumbeli.
- (4) Murado wa Khorotshitumbe u tea u nanga mirado vha khothe vho fanelaho vha khothe ya vhashumisi u bva kha khumbelo dzo tanganedzwaho.
- (5) Murado wa khothe ya vhashumisi u tea uri musi a saathu thoma u shuma ofisini, a ite muano kana khwathisedzo nga maitele o randelwaho.
- (6) Murado wa Khorotshitumbe u tea u vhona zwauri madzina a vhathu vho khethwaho u vha kha khothe ya vhashumisi o andadzwa kha gazethe ya vundu na kha zwinwe zwiimiswa zwa vho ramafhungo.

### **23. Tshifhinga tshine mirado vha khothe ya vhashumisi vha shuma ofisini**

- (1) Murado munwe na munwe wa khothe ya vhashumisi u tea u shuma ofisini lwa minwaha miraru.
- (2) Murado wa Khorotshitumbe a nga vusuludza tshifhinga tsha u vha ofisini tsha murado wa khothe ya vhashumisi lwa tshifhinga tsho engedzwaho hu so ngo tevhedzwa matshimbidzelwe o sumbedziswaho kha khethekanyo 22.
- (3) Arali mirado vha khothe ya vhashumisi vha vha tshi khou sedzulusa mafhundo a re kha khothe ya vhashumisi nga tshifhinga tsha u guma ha tshifhinga tshavho vha ofisini, vha nga bvela phanda na shuma sa mirado vha khothe ya vhashumi malugana na aneyo mafhundo fhedzi nahone vha nga tanganedza malamba na magavhelo o vha teaho nga tshifhinga tsha musi vha tshi khou bvela phanda na u shuma sa mirado vha khothe ya vhashumisi.

**24. U dirula mushumo, u bviswa ofisini na zwikhala**

- (1) Murado wa khoro ya vhashumisi a nga dirula mushumo nga u netshedza Murado wa Khorotshitumbé —
  - (a) ndivhadzo yo tou nwalwaho ya nwedzi muthihi phanda ha u dirula; kana
  - (b) ndivhadzo yo tou nwalwaho ya fhasi ha nwedzi, hu na thendelo ya Murado wa Khorotshitumbé
- (2) Murado wa Khorotshitumbé a nga bvisa murado wa khothe ya vhashumisi, ho sedzwa khethekanyothukhu (3), arali onoyo murado —
  - (a) a nga a so ngo tsha fanelu hu tshi tevhedzwa khethekanyo 21;
  - (b) a nga kundelwa u bvisela khagala madzangalelo sa zwo sumbedziswaho kha khethekanyo 26;
  - (c) a vha o difara nga ndila yo fhambanaho na mbetshelo dza khethekanyo 27; kana
  - (d) a kundelwa u shuma mishumo ya murado wa khothe ya vhashumisi nga ndila yo teaho nahone ya phurofesheni.
- (3) Phanda ha u bviswa ha murado wa khothe ya vhashumisi hu tshi tevhedzwa khethekanyothukhu (2), Murado wa Khorotshitumbé u tea u nea tshifhinga murado wa khothe ya vhashumisi a kwameaho uri a sumbedzise nga ha mulandu wawe.
- (4) Musi hu tshi vha na tshikhala tsha mushumo kha khothe ya vhashumisi, Murado wa Khorotshitumbé hu tsi tevhedzwa matshimbidzelwe o vhetshelwaho khagala kha khethekanyo 22, u tea u nanga muthu ane a do dadza tshenetsho tshikhala lwa tshifhinga tshi saathu fhela tsha u vha ofisini ha onoyo murado wa khothe ya vhashumisi hu u imela onoyo muthu.
- (5) Arali tshikhala tsha mudzulatshidulo na mufarisamudzulatshidulo zwa vha zwi si na muthu nga nthani ha zwinwe zwiitisi, Murado wa Khorotshitumbé a nga nanga muthu ane a na tshenzhemo kathihi na ndalukano dzo teaho dza zwa mulayo uri a vhe kha tshiimo tsha u vha mudzulatshidulo lwa tshifhinganyana u swikela tshikhala tshi tshi dadzwa hu tshi tevhelwa khethekanyo 22.

- (6) Muthu o nangwaho hu tshi tevhedzwa khethekanyothukhu (5) o tewa nga u wana malamba na magavhelo o bulwaho kha khethekanyo 25.

**25. Malamba na Magavhelo a mirado vha khothe ya vhashumisi**

Murado wa Khorotshitumbe—

- (a) u tea u ta malamba na magavhelo a mirado vha khothe ya vhashumisi,
- (b) a nga ta zwikalo two fhambanaho zwa malamba na magavhelo malugana na mirado vha khothe ya vhashumisi vho fhambanaho zwi tutshelanaho na mishumo kathihi na vhukoni ha mishumo yavho hu na vhukwamani na Murado wa Khorotshitumbe ane a vha na vhudifhinduleli ha zwa masheleni kha Vundu.

**26. Mulevho wa madzangalelo a bindu wa mirado vha khothe ya vhashumisi**

- (1) Murado munwe na munwe wa khothe ya vhashumi u tea uri musi a tshi thoma mushumo nahone mathomoni a nwaha munwe na munwe wa muvhalelano, a netshedze mulevho wo tou nwalwaho wa madzangalelo o livhaho kana a so ngo livhaho kha khamphani ifhio na ifhio, madzangalelo a koporasi yo tanganelanaho kana a linwe bindu kha Murado wa Khorotshitumbe.
- (2) Hune murado wa khothe ya vhashumisi a vha na madzangalelo kha khamphani ifhio na ifhio, koporasi thanganelano/yo tanganelanaho kana dzangalelo kha linwe bindu, tshifhinga tshinwe na tshinwe tsha musi a kha di vha murado wa khothe ya vhashumi, u tea uri vhukati ha maduvha a fumi a u vha na lenelo dzangalelo, a netshedze mulevho wo tou nwalwaho kha Murado wa Khorotshitumbe a tshi sumbedzisa nga lenelo dzangalelo.

**27. Khudano ya madzangalelo**

- (1) Murado wa khothe ya vhashumisi a nga si imelela muthu ufhio na ufhio phanda khothe ya vhashumisi.
- (2) Arali, hu na vhupfiwa vhune murado wa khothe ya vhashumi a vha tshipida, ha wanala uri onoyo murado wa khothe ya vhashumisi u na u kwamea kha mafhungo a zwa masheleni kana manwe madzangalelo a onoyo murado, onoyo murado u tea u —

- (a) bvisela khagala nga u tavranya nahone lwo fhelelaho tshiimo tsha aneo madzangalelo kha mirado vho salaho vha khothe ya vhashumisi; na
- (b) di bvisa kha u didzhenisa hafhu kha honoho vhupfiwa.

**28. U imiswa ha murado wa khothe ya vhashumisi**

- (1) Murado wa Khorotshitumbe a nga imisa murado wa khothe ya vhashumi nga murahu ha u tevhedzela milayo ya vhulamukanyi yo fanelaho arali —
  - (a) murado wa khothe ya vhashumi a tshi humbulelwa uri o vha na vhudifari ho khakheaho; nahone
  - (b) Murado wa Khorotshitumbe nga khumbulo yawe a tshi tenda zwauri u vha hone ha onoyo murado kha khothe ya vhashumisi hu nga kanganyisa dzinwe tsedzuluso na mbudziso u humbulelwa ha vhudifari ho khakheaho, kana u khakhisa vhuvha na mbulungeo ya muthu ufhio na ufhio kana ndaka ya muvhuso.
- (2) U imiswa ndi maga a tsirakhombo ane a si vhe tshipida tsha mawanwa.

**TSHIPIDA B  
NDAULO YA KHOTHE**

**29. Mabalane wa khothe ya vhashumisi**

- (1) Murado wa Khorotshitumbe, hu tshi tevhedzwa milayo i vhusaho tshumelo dza vhathu—
  - (a) U tea u vhea kana u nanga muthu uri a vhe mabalane wa khothe ya vhashumisi ane a vha na vhudifhinduleli ha u —
    - (i) tanganedza na u tshimbida khumbelo dzo diswaho kha khothe ya vhashumisi;
    - (ii) dzudzanya madzulo a khothe ya vhashumisi;
    - (iii) divhadza madzangano nga ha madzulo;
    - (iv) langula vhudavhidzano ha khothe ya vhashumisi;
    - (v) langula rekhodo dza khothe ya vhashumisi;

- (vi) dzudzanya mbadelo dza dzithanzi; kathihi na
  - (vii) shuma minwe mishumo hu tshi tevhedzwa uyu Mulayo kana sa zwe laedzwaho nga mudzulatshidulo wa khothe ya vhashumisi;
- (b) A nga nanga kana a vhea vhenevho vhanwe vhathu hu tshi tevhedzwa milayo i vhusaho tshumelo dza vhathu hu u itela u thusa mabalane wa khothe ya vhashumisi kha u shuma mishumo yawe.
- (2) Mabalane wa khothe ya vhashumisi u tea u vhiga kha Thoho ya Muhasho nga ndila yo randelwaho.

### **30. U vhiga nga khothe ya vhashumisi**

Khothe ya vhashumisi i tea u netshedza mivhigo ya kotara na ya nwaha nga ha nyito dzayo kha Murado wa Khorotshitumbe nga ndila yo tou randelwaho hu so ngo fhela maduvha a 14 nga murahu ha u fhela ha muvhalelano wa kotara na wa nwaha.

## **TSHIPIDA C**

### **MATSHIMBIDZELWE A KHOTHE YA VHASHUMISI**

#### **31. Matshimbidzelwe a khothe ya vhashumisi**

- (1) Mudzulatshidulo wa khothe ya vhashumisi u na vhudifhinduleli ha u langula mulandu wa khothe ya vhashumisi nahone u tea u shumana na mafhungo manwe na manwe o bulwaho kha khothe ya vhashumisi hu tsi tevhedzwa uyu Mulayo kana mulayo munwe ufhio na ufhio kha —
- (a) mudzulatshidulo kana mufarisamudzulatshidulo a re ethe u swika hune uyu Mulayo, khethekanyo 75(5) ya Mulayo wa Tsireledzo ya Vhashumisi, 2008, khethekanyo 142 (3) ya Mulayo wa Zwikolodo zwa Lushaka, 2005, kana mulayo munwe ufhio na ufhio u netshedzwaho zwa mafhungo ane a do sedzuluswa nga murado muthihi; kana
  - (b) phanele yo vhumbwaho nga mudzulatshidulo kana mufarisamudzulatshidulo vhanwe mirado vhuvhili vha khothe ya zwa vhashumisi.
- (2) Arali nga tshinwe tshifhinga hu na matshimbidzelwe phanda ha khothe ya vhashumisi, mudzulatshidulo a vha a si na vhukoni ha u imela kana a siho, matshimbidzelwe a do tea u bvela phanda ha mufarisamudzulatshidulo.

- (3) Arali vhothe mudzulatshidulo na mufarisamudzulatshidulo nga nthani ha zwinwe zwiitisi vha sa koni u fhedza mafhungo —
- (a) hune mudzulatshidulo kana mufarisamudzulatshidulo a vha e ethe, mafhungo a tea u bvela phanda, mafhungo a tea u bvela phanda hu na murado muthihi ane a vha na thanziela dza zwa mulayo dzo teaho na tshenzhemo; kana
  - (b) sa tshipida tsha phanele tsha mirado vhararu, phanele i tea u vhumbiwa hafhu hu u itela uri hu vhe na mirado miraru tshifhinga tshothe hune muthihi wavho a vha murado ane a vha na thanziela dza zwa mulayo dzo teaho na tshenzhemo
- (4) Tsheo ya murado muthihi wa khothe ya vhashumisi a thetshellesaho mafhungo o sumbedziswaho kha khethekanyothukhu (1) (a) kana a vhunzhi ha mirado vha phanele kha mulandu munwe ufhio na ufhio, ndi tsheo ya vhashumisi vha khothe.

### **32. Vhupfiwa nga khothe ya vhashumisi**

Khothe ya vhashumisi i thetshellesaho mafhungo hu tshi tevhedza uyu Mulayo, Mulayo wa Tsireledzo ya Vhashumisi, 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005—

- (a) i tea u tshimbidza matshimbidzelwe ayo nga ndila i fanaho na zwa kha Tshipida; nahone
- (b) i nga ita ndaela inwe na inwe sa zwo sumbedziswaho kha tshipida E, tsha Ndima ya 7 ya Mulayo wa Zwikolodo wa Lushaka, 2005, u tshi vhalwa na tshanduko dzi todwaho nga zwi re ngomu.

### **33. Mbadelo dza thanzi**

Muthu munwe na munwe o wanaho dzisamanisi dza u vha thanzi u tea u badelwa yeneyo tshelede na magavhelo zwa u thanzi sa izwo a tshi do vha o tea kha zwenezwo sa u nga a tshio do vha a tsi khou divhonadza phanda ha khothe ya madzhisitarata sa thanzi.

## **TSHIPIDA D**

### **NDAELA DZA KHOTHE YA VHASHUMISI**

### **34. Ndaela dza khothe ya vhashumisi**

- (1) Ntha ha ndaela inwe ifhio na ifhio khothe ya vhashumisi i nga ri hu tshi tevhedzwa uyu Mulayo, Mulayo wa Tsireledzo ya Vhashumisi, 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005, ya laedza zwauri zwidodombedzwa zwa muthu a didzhenisaho kha maitele o iledzwaho a khwathisedzwe kha mutevhe zwithu zwi sa todeaho zwe bulwaho kha khethekanyo 12.
- (2) Ndaela ya khothe ya vhashumisi i tea u divhadzwa nga ndivhadzo kha gazethe ya vundu nahone ii nga di divhadzwa who na nga inwe ndila ifhio na ifhio.

### **35. Ndatiso dza ndaulo**

Khothe ya vhashumisi i nga netshedza ndatiso ya ndaulo malugana na maitele o tendelwaho kana o iledzwaho hu tsi tevhedzwa Mulayo wa Tsireledzo ya Vhashumisi, 2008 kana Mulayo wa Zwikolodo wa Lushaka, 2005.

### **36. Ndaela dzo fhambananaho**

Khothe ya vhashumisi i tshi khou shuma nga yothe kana hu na khumbelo yo itwaho nga muthu a kwameaho nga tsheo kana ndaela i nga fhambana na kana ya humisa ndaela kana tsheo yayo—

- (a) yo i dzhiaho kana yo netshedzwaho tshigwada tshi kwameaho tshi siho;
- (b) hu na u kanganyisea, kana vhukhakhi vhu vhalahalo kana tsiedzo, fhedzi hu tshi nga kona u lulamiswa u kanganyisea kana yeneyo tsiedzo;
- (c) yo itwaho kana yo netshedzwaho nga nthani ha u khakho hu iteaho hu munwe na munwe kha matshimbidzelwe a zwigwada zwothe.

### **37. Zwitandadi zwa vhutanzi**

Kha matshimbidzelwe manwe na manwe phanda ha khothe ya vhashumisi, hu tshi tevhedzwa uyu Mulayo, zwitandadi zwa vhutanzi zwi vha kha tshiimo tsha u nga vha kha khonadzeo.

**NDIMA YA 4****MBETSHELO NYANGAREDZI****TSHIPIDA A****NDATISO NA VHUKHAKHI****38. U sa tevhedzela mafhungo a tshidzumbe**

- (1) Ndi vhukhakhi u bvisela khagala mafhungo afhio na afhio a tshidzumbe a kwamaho mafhungo a muthu ufhio na ufhio kana muthu wa mulayo o wanwaho—
- (a) hu tshi khou shumiwa mushumo ufhio na ufhio hu tshi tevhedzwa uyu Mulayo; kana
  - (b) nga nthani ha u diswa ha mbilaelo kana u dzhenelela kha matshimbidzelwe afhio na afhio hutsi tevhedzwa uyu Mulayo.
- (2) Khetekanyothukhu (1) a i shumi kha mafhungo o bviselwaho khagala -
- (a) hu tshi itelwa ndivho dza dzi re hone na tshumiso kwayo kana u shumiwa ha maanda afhio na afhio kana mushumo hu tshi tevhedzwa uyu Mulayo;
  - (b) hu u itela ndivho dza ndaulo ya zwa mulayo;
  - (c) nga kha khumbelo ya mutodulusi, Ofisi ya Mutsireledza Mushumisi kana murado wa khothe ya vhashumisi o tewaho nga u wana vhutanzi, kana
  - (d) nga nthani ha ndaela ya khothe ya zwa mulayo.

**39. U thithiswa ha ndaulo ya mulayo**

Ndi vhukhakhi u thithisa mulayo, u hanedza, u thivhela kana u tutuwedza muthu ufhio na ufhio ane a khou shumisa maanda kana a khou itaho mushumo we a hweswa kana o newaho maanda a u u ita kha onoyo muthu nga kha uyu Mulayo.

**40. U kundelwa u dzhenelela musi muthu o wana dzisamanisi**

Muthu o laedzwaho, o samaniswaho kana o itelwa saphina ya u dzenela vhupfiwa—

- (a) a kundelwa hu si na tshiitisi tshi pfalaho tsha u divhonadza nga tshifhinga na fhethu ho bulwaho kana a vha e mutanganoni u swika a tshi vhofhololwa, kana;

- (b) a dzenela nga hune ha todea, fhedzi—
- (i) a hana u khwathisedza kana u ita muano; kana
  - (ii) a kundelwa u bvisela khagala bugu, ndaula kana zwinwe zwitenwa u ya nga he zwa humbelwa, arali zwi na onoyo, kana zwi fhasi ha ndango ya, onoyo muthu a i ta vhukhakhi..

**41. U kundelwa u fhindula nga lwo fhelelaho**

Muthu ane, nga murahu ha u aniswa kana khwathisedzo—

- (a) hu tshi tevhelwa khethekanyo 13(3), a kundelwa u fhindula mbudziso ifhio na ifhio nga lwo fhelelaho na nga ndila dzothe dzine a nga kona ngaho; kana
- (b) a nea vhutanzi ha u zwifha o diimisela kana a tshi zwi divha zwauri ndi mazwifhi, u vha a khou ita vhukhakhi.

**42. Vhukhakhi vhu tutshelanaho na ofisi ya Mutsireledzi wa Vhashumisi na khothe ya zwa vhashumisi**

- (1) Muthu a khakhisaho kana u kundelwaho u tevhedzela ndaela ya khothe ya zwa vhashumisi u ita vhukhakhi.
- (2) Muthu ane —
  - (a) a ita tshithu tshinwe na tshinwe hu na muhumbulo wa u tutuwedza nga lu so ngo daho khothe ya zwa vhashumisi kana Ofisi ya Mutsireledzi wa Vhashumisi two malugana na mafhungo afhio na afhio a tumanywaho na tsedzuluso;
  - (b) a lavhelela uri mawanwa afhio na afhio a khothe ya vhashumisi kana Ofisi ya Mutsireledzi wa Vhashumisi zwi kwamaho tsedzuluso nga ndila ine zwa humbulelwa uri zwi tutuwedza matshimbidzelwe kana mawanwa;
  - (c) ita tshinwe na tshinwe malugana na tsedzuluso zwe zwa vha zwi tshi nga vha zwi na vhukhakhi ha khothe arali matshimbidzelwe o vha e hone kha khothe ya mulayo;
  - (d) a tshi zwi divha a netshedza vhutanzi ha u zwifha kha Ofisi ya Mutsireledzi wa Vhashumisi;
  - (e) nyadza tshirunzi tsha khothe ya vhashumisi kana murado wa khothe ya vhashumisi kha mishumo yavho ya tshiofisi;

- (f) o diimisela a khakhisa matshimbidzelwe a vhupfiwa kana a shaya vhudifari fhethu hune tsengo ya khou farelwa hone;
- (g) ita zwi fhambanaho na linwalo la u tendelwa u dzhena na setsha; kana
- (h) hu si na thendelo, fhedzi a diita sa ane a vha na thendelo hu tsi tevhedzwa khethekanyo 14—
  - (i) a dzhena kana a setsha zwifhato; kana
  - (ii) a nambatedza kana a bvisa vhurifhi kana linwalo,  
u ita vhukhakhi,

#### **43. Ndatiso**

Muthu ufhio na ufhio a wanwaho mulandu wa vhukhakhi hu tsi tevhedzwa uyu Mulayo, o fanelwa nga ndatiso kana u valelwa kana zwothe yeneyo ndatiso na u valelwa.

### **TSHIPIDA B**

#### **MBETSHELO DZO FHAMBANANAHO**

#### **44. U hweswa maanda**

- (1) Murado wa Khorotshitumbe, hu tshi tevhelwa mbetshelo dza iyi khethekanyo, nahone nga u tou nwala, a nga hwesa maanda, mushumo kana ndivhanelo dzo newaho, wo hweswaho kana wo netshedzwaho kha Murado wa Khorotshitumbe hu tshi tevhedzwa uyu Mulayo kha Thoho ya Muhasho, Mutsireledzi wa Vhashumisi kana mutholwa kha Ofisi ya Mutsireledzi wa Vhashumisi, hu na nyimele kana dzi siho.
- (2) Murado wa Khorotshitumbe a nga si hwese maanda a u:—
  - (a) nanga mirado vha Khothe na Mutsireledzi Vhashumisi; na
  - (b) ita ndaula.
- (3) Mutsireledzi wa Vhashumisi, hu na thendelo ya Murado wa Khorotshitumbe, a nga hwesa maanda awe, ndivhanelo kana mishumo yawe yo hwesw3aho kha Mutsireledzi

wa Vhashumisi nga Murado wa Khorotshitumbé, kha murado munwe na munwe ane a vha kha tshumelo ya Ofisi ya Mutsireledzi wa Vhashumisi.

- (4) Vhurumelwa fhasi ha iyi khethekanyo a vhu thivheli Murado wa Khorotshitumbé kana Mutsireledzi wa Vhashumisi kha u shumisa kana u ita mushumo, ndivhanelo kana maanda a sipeshala e a a hweswa.
- (5) Vhurumelwa kha iyi khethekanyo vhu nga fhesawa kana ha humiswa tshifhinga tshinwe na tshinwe.
- (6) Tshithu tshinwe na tshinwe tshire tsha itwa kha u shumisa kana u shumiswa ha maanda o hweswaho, ndivhanelo kana mushumo tshi dzhiwa sa tsho itwaho nga Murado wa Khorotshitumbé kana Mutsireledzi wa Vhashumisi, sa zwenezwo zwine zwa nga vha zwone.

#### **45. *Vhudifhinduleli thanganelano***

- (1) Arali mushumi kana zhendedzi la muthu ane a vha na vhudifhinduleli hu tshi tevhedzwa uyu Mulayo kha tshinwe na tshinwe tsho itwaho kana tsho hangwiwaho kha u itwa ha mushumo wa onoyo muthu kana nyito ho imelwa muhulwane wavho, mutholi kana muhulwane u na vhudifhinduleli thanganelano na onoyo muthu.
- (2) Iyi khethekanyo a i shumi arali hu na vhudifhinduleli ha zwa vhutshinyi.

#### **46. *Ndaulo***

- (1) Murado wa Khorotshitumbé, nga murahu ha musi o kwamana na mudzulatshidulo wa khothe ya vhashumisi, a nga ita ndaulo dzi tutshelanaho na —
  - (a) tshumiso na milayo ya matshimbidzelwe;
  - (b) mafhungo afhio na afhio hu tshi tevhedzwa uyu Mulayo a tea u randelwa;
  - (c) masheleni manwe na manwe a badelwaho fhasi ha uyu Mulayo;
  - (c) mafhungo manwe na manwe nga u tou angaredza, ane a dzhiwa a ndeme kana e na mushumo kha u randela tswikelelo ya ndivho dza uyu mulayo.
- (2) Murado wa Khorotshitumbé u tea u ita uri hu vhe na mvetamveto dza ndaulo dzi no do gandiswa kha gazethe ya vundu hu u itela vhupfiwa ha vhathu..

**47. U phumulwa ha milayo**

Mulayo wa Mafhungo a zwa Vhashumisi (Tshumiso ya zwa Mabindu lu siho Mulayoni), 1996 (Mulayo No. 8 wa 1996) afha u khou phumulwa.

**48. Nzudzanyo dza u pfukhisela**

- (1) Mbilaelo dzinwe na dzinwe dzi diswaho kha Ofisi ya Mutsireledzi wa Vhashumisi phanda ha u thoma u shuma ha uyu Mulayo hu tshi tevhedzwa Mulayo munwe na munwe wo phumulwaho dzi tea u shumiwa na u fhedzwa hu tshi tevhedzwa uyu Mulayo.
- (2) Hune Mutsireledzi wa Vhashumisi, murado wa tshitafu wa Ofisi ya Mutsireledzi wa Vhashumisi kana mutodulusi a vha o vhewa kana o nangiwa hu tshi tevhedzwa mulayo munwe na munwe wo phumulwaho nga uyu Mulayo, u vhewa kana u nangiwa honoho hu do bvela phanda sa hune ha vha ho vhewa kana u nangiwa hu tsi tevhedzwa uyu Mulayo.
- (3) Khothe ya vhashumisi yo thomiwaho hu tshi tevhedzwa mulayo wo phumulwaho nga uyu Mulayo i tea u bvela phanda sa khothe ya vhashumisi yo thomiwaho hu tshi tevhedzwa uyu Mulayo.
- (4) Murado kana murado muthusi wa khoro ya vhashumisi zwo thomiwaho hu tsi tevhedzwa mulayo wo phumulwaho nga uyu Mulayo u bvela phanda na u vha murado kana murado muthusi fhasi ha uyu Mulayo lwa tshifhinga tsha musi ofisi ii tshi kha di shuma.

**49. Dzina lipfufhi na mathomo**

- (1) Mulayo uyu u vhidzwa Mulayo wa Tsireldzo ya Khothe ya zwa Vhashumisi, 2013 nahone u thoma u shuma nga datumu ine ya do tiwa nga Premia nga ndivhadzo kha gazethe ya vundu.
- (2) Premia a nga ta datumu dzo fhambanaho hu u itela u do thoma u shuma ha khethekanyo dzo fhambanaho dza uyu Mulayo.

**MEMORANDAMU WA NGA HA NDIVHO****DZA MULAYOTIBE WA TSIRELEDZO YA VHASHUMISI WA LIMPOPO, 2013****1. SIANGANE NA MUSHUMO WA MULAYOTIBE**

- 1.1. Mulayo wa Tsireledzo ya zwa Vhashumisi wa Limpopo, 2008 (Mulayo No. 68 wa 2008) wo phasiswa nga 2008 vhukati ha zwinwe u itela u tutuwedza mimaraga ya nnyi na nnyi u re na ngoho, u swikeleleaho nahone lwa tshifhinga tshilapfu u itela tshumelo na zwibveledzwa zwa vhashumisi, u itela u thoma zwitandadi zwa lushaka zwi tshi tshimbilelanaho na tsireledzo ya vhashumisi na u thoma pfanelo dza vhashumisi.
- 1.2. Mulayo wa Tsireledzo ya Vhashumisi, 2008 wo itelwa pfanelo dza tsireledzo ya Vhashumisi vha vundu na khothe dza vhashumisi. Muvhuso wa vundu u, zwo di ralo, khou lavhelelwa u phasisa mulayo u itaho mbetshelo dza u thomiwa ha khothe ya Vhashumisi na pfanelo dza tsireledzo ya Vhashumisi vha vundu na mashumele.
- 1.3. Mulayo (Tshumiso ya Vhubindudzi vhu si Kwaho) u no khou shuma wa Mafhungo a zwa Vhashumisi, 1996 (Mulayo No. 8 wa 1996) kha tshiimo tshawo a wo ngo disendeka nga Mulayo wa Tsireledzo ya Ndayotewa, 2008. Ndi muhumbulo wo dzhiwaho wa u phumula Mulayo u no khou shuma na uri u imelwe nga Mulayo muswa wa tsireledzo ya Vhashumisi wa vundu wo disendekaho nga Mulayo wa Tsireledzo ya Vhashumisi u itela uri hu vhe na u dzudzanyululwa vhukati ha mishumo ya Khomishini, mishumo ya pfanelo dza tsireledzo ya Vhashumisi kha vundu na khothe ya vhashumisi .
- 1.4. Hu tshi tevhelwa Mulayo uyu, komiti ya tshothe yo lungamaho na mafhungo a zwa Vhashumisi kha vhusimamilayo ha vundu i tea u tendelana na murado wa Khorotshitumbe kha u tholwa ha mirado ya khothe ya vhashumisi. Mulayotibe u lusa u bvisa thodea iyi. Mulayotibe u khou litsha tshivhumbeo itsho tsha vundu tsho bulwaho tshine tsho thomiwa nga fhasi ha Mulayo u no khou shuma fhedzi zwo di ralo u khou lusa uri mashumele awo a langee khwine.

- 1.5. Mulayotibe u netshedza pfanelo dza tsireledzo ya Vhashumisi vha vundu; u fha mishumo yawo; i netshedza khothe ya Vhashumisi ya Limpopo; na msishumo yawo, i lusa u phumula Mulayo (Tshumiso ya Vhubindudzi vhu si Kwaho) wa Mafhungo a zwa Vhubindudzi , 1996 (Mulayo No. 8 wa 1996) na u netshedza mafhungo a tumanaho na zwi elanaho na zwenezwo.
  
- 1.6. Mulayotibe u dzenisa thandavhudzo ntswa dza ndeme, sa tsumbo; murengi, Khomishini, Khothe, muingameli na zwinwe-vho. Mulayotibe u divhadza ndalukanyo na ndila ya matholelwe a Mutsireledzi wa Vhashumisi nahone hafhu u dovha wa divhadza maimo maswa a Muthusa Mutsireledzi wa Vhashumisi na vhaingameli. Mulayotibe u dovha hafhu wa khwathisa mishumo na maanda a pfanelo dza tsireledzo ya vhashumisi o vha vundu. Mulayotibe u lusa u thoma maitele maswa a u pfukisela mafhungo kha khothe ya vhashumisi. Mulayotibe u khwathisa mishumo ya mabalane wa khothe ya Vhashumisi na u netshedza thodea dza u vhiga. Mulayotibe u fha matshimbidzelwe a khothe ya Vhashumisi na ndaela dza Khothe ya Vhashumisi ya Lushaka. Mulayotibe u divhadza ridzhisita ya zwithu zwi si zwavhudi kha u rekhoda zwidodombedzwa zwa vhatu vho didzhenisaho kha vhudifari ho iledzwaho. Mulayotibe nga u angaredza u disendeka na mbetshelo dza Mulayo wa Tsireledzo ya Vhashumisi, 2008.

## **2. MASIANDAITWA ZWI TSHI KWAMA MATSHILELE**

Mulayotibe wo sedza kha u tutuwedza na u khadeledza vhuvha ha ikonomi na matshilisano a vhashumisi kha vundu.

## **3. U SAUKANYA TSHITENWA NGA TSHITENWA**

- 3.1. Khethekanyo 1 i fha thandavhudzo dzo shumiswaho kha Mulayo.
- 3.2. Khethekanyo 2 i fha ndivho dza Mulayo.
- 3.3. Khethekanyo 3 i netshedza u vhuedzedzwa ha pfanelo dza tsireledzo ya Vhashumisi yo thomiwaho nga fhasi ha Mulayo une wa khou toda u phumulwa nahone une zwa zwino wa khou toda u dihwa sa Ofisi ya Mutsireledzi wa Vhashumisi.

- 3.4. Khethekanyo 4 i netshedza maimo kana u tholwa ha Mutsireledzi wa Vhashumisi na ndalukanyo dzo teaho. U dovha hafhu u netshedza maimo kana u tholwa ha muthusa mutsireledzi wa Vhashumisi kathihi na muofisiri nyengedzedzwa kha Ofisi ya Mutsireledzi wa Vhashumisi.
- 3.5. Khethekanyo 5 i fha mishumo na maanda a Ofisi ya Mutsireledzi wa Vhashumisi.
- 3.6. Khethekanyo 6 i fha ndila dza u livhisia mbilaelo kha Ofisi ya Mutsireledzi wa Vhashumisi.
- 3.7. Khethekanyo 7 i netshedza mushumo wa Ofisi ya Mutsireledzi wa Vhashumisi kha u shumana na mbilaelo.
- 3.8. Khethekanyo 8 i shumana na maimo kana u tholwa ha vhaingameli kana vhasengulusi.
- 3.9. Khethekanyo 9 i shumana na mvelelo dzo fhambanaho kha tsenguluso nga Ofisi ya Mutsireledzi wa Vhashumisi.
- 3.10. Khethekanyo 10 i netshedza nzudzanyo vhukati ha vhatu vhavhili u itela ndaela dza thendelano.
- 3.11. Khethekanyo 11 i shumana na mafhungo ane a nga pfukiselwa kha khothe ya vhashumisi.
- 3.12. Khethekanyo 12 i netshedza u redzhisitariwa ha zwithu zwi si zwavhudi hu tshi rekhodiwa zwidodombedzwa zwa vhatu vho wanalaho vho do dzenisa kha vhudifari ho iledzwaho.
- 3.13. Khethekanyo 13 i netshedza u fhiwa ha linwalo la ndaela kha vhatu kana manwalo hu u itela tsenguluso.
- 3.14. Khethekanyo 14 i netshedza pfanelo dza u dzhena na u setsha nga fhasi ha linwalo la u setsha.
- 3.15. Khethekanyo 15 i fha maanda a u dzhena na u setsha nga fhasi ha linwalo la u setsha.
- 3.16. Khethekanyo 16 i netshedza vhudifari ha u dzhena na u setsha.

- 3.17. Khethekanyo 17 i netshedza kuitele kwa u shumana na mbilo dza mafhungo a tshiphiri.
- 3.18. Khethekanyo 18 i dzudza khothe ya Vhashumisi yo thomiwaho nga Mulayo (Tshumiso ya Vhubindudzi vhu si Kwaho) Mafhungo a zwa Vhashumisi, 1996 (Mulayo No. 8 wa 1996) nahone u netshedza u dzula ha khothe na maduvha ayo a u madzulo.
- 3.19. Khethekanyo 19 i fha mishumo ya khothe ya vhashumisi.
- 3.20. Khethekanyo 20 i fha tshivhumbeo tsha khothe ya vhashumisi.
- 3.21. Khethekanyo 21 i netshedza u bviswa sa o tholwaho kha khothe ya vhashumisi.
- 3.22. Khethekanyo 22 i fha matshimbidzelwe a khumbelo na kutholele kwa mirado ya khothe ya vhashumisi.
- 3.23. Khethekanyo 23 i netshedza themo ya u vha ofisini nga mirado ya khothe ya vhashumisi.
- 3.24. Khethekanyo 24 netshedza u dirula mushumo, u bviswa ofisini na mishumo i re kha khothe ya vhashumisi.
- 3.25. Khethekanyo 25 i netshedza malamba na magavhelo a mirado ya khothe ya vhashumisi.
- 3.26. Khethekanyo 26 i netshedza ndivhadzo ya uri mirado vha khothe ya Vhashumisi vha bvisele khagala mbuelo dzavho kha zwa mabindu.
- 3.27. Khethekanyo 27 i langula nyimele ya musi vhuimo ha muthu vhu tshi tutuwedza zwithu.
- 3.28. Khethekanyo 28 i netshedza u imiswa lwa tshifhinganyana ha murado wa khothe ya vhashumisi.
- 3.29. Khethekanyo 29 i netshedza vhuimo kana u tholwa ha kilaka wa khothe ya Vhashumisi na vhudifhinduleli hawe.
- 3.30. Khethekanyo 30 i fha thodea dza kuvhigele nga khothe ya vhashumisi.

- 3.31. Khethekanyo 31 i shumana na matshimbidzelwe a khothe ya vhashumisi.
- 3.32. Khethekanyo 32 i netshedza u thetsheleswa ha khothe ya Vhashumisi kha uri i farwe nag ndila yo fanelaho u thetsheleswa ha Khothe ya Zwikolodo ya Lushaka.
- 3.33. Khethekanyo 33 i ita mbetshelo ya mbadelo ya tshelede ya thanzi.
- 3.34. Khethekanyo 34 netshedza ndaela dza khothe ya vhashumisi.
- 3.35. Khethekanyo 35 i netshedza ndatiso kha zwa ndangulo.
- 3.36. Khethekanyo 36 i netshedza ndaela dzo fhambanaho.
- 3.37. Khethekanyo 37 i netshedza matshimbidzelwe a vhutanzi ho pimiwaho kha khothe ya vhashumisi.
- 3.38. Khethekanyo 38 i shumana na zwa u pfuka mulayo wa zwithu zwa tshiphiri.
- 3.39. Khethekanyo 39 i ita uri zwi vhe mulandu u thivhela ndaulo ya Mulayo uyu.
- 3.40. Khethekanyo 40 i ita uri zwi vhe mulandu musi muthu a tshi kundelwa dzenela tsengo musi o wana linwalo la uri a swike khothe.
- 3.41. Khethekanyo 41 i ita uri zwi dzhiwe sa mulandu musi muthu a tshi kundelwa u fhindula lwo fhelelaho kana nga u fulufhedzea.
- 3.42. Khethekanyo 42 i thoma milandu zwi tshi elana na Ofisi ya Mutsireledzi wa Vhashumisi na khothe ya vhashumisi.
- 3.43. Khethekanyo 43 i randela ndatiso dzo randelwaho nga fhasi ha Mulayo uyu.
- 3.44. Khethekanyo 44 i netshedza u hweswa maanda.
- 3.45. Khethekanyo 45 i netshedza vhudifhinduleli vhu shushaho.
- 3.46. Khethekanyo 46 i netshedza mbetshelo dza ndaulo.
- 3.47. Khethekanyo 47 i phumula mbetshelo.
- 3.48. Khethekanyo 48 i fha nzudzanyo dza pfukiselo.
- 3.49. Khethekanyo 49 i netshedza dzina lipfufhi na u thoma u shuma ha Mulayo uyu.

**4. MASIANDAITWA ZWI TSHI KWAMA MASHELENI**

Hu nga vha na masiandaitwa zwi tshi kwama masheleni kha u tiwa ha Mutsireledzi wa Vhashumisi , muthusa mutsireledzi wa vhashumisi , muofisiri muswa kha Ofisi ya Mutsireledzi wa Vhashumisi na khothe ya vhashumisi , vhaingameli na vhasengulusi, arali hu uri tshiutafu a tsho ngo tholwa ngomu ha muhasho. Hu do dovha hafhu ha vha na masiandaitwa zwi tshi kwama masheleni kha Muhasho arali vhomakone vha zwithu vha nga wanala hu tshi tevhelwa Mulayo uyu.

Hu do vha na mbadelo dza ndivhadzo dzothe dzi todeaho uri dici andadzwe hu tshi tevhelwa Mulayo kha gazette ya vundu kana media, hu tshi katelwa mbadelo dza khandiso ya ndaela dza khothe ya vhashumisi, ndivhadzo dza tshitshavha kha tsenguluso na ramba khumbelo kha zwikhala zwi re kha khothe ya vhashumisi. Muhasho u do kombetshedzea u badelela malamba na manwe magavhelo a mirado ya khothe ya vhashumisi, hu tshi katelwa na mbadelo dza tshelede ya thanzi. Hu do vha na mbadelo dza u gazeta na u ita khunguwedzo dza Mulayotibe uyu kha gurannda mbili u itela vhupfiwa ha tshitshavha na mbadelo dza khandiso nga murahu ha thendelano.

**5. MASIANDAITWA ZWI TSHI KWAMA U THOLWA NA KUDZUDZANYELWE**

Mulayotibe u khou dzinginya lauri muofosiri a tiwe kana u tholwa nga Muhasho wa Ofisi ya Mutsireledzi wa Vhashumisi, kha khothe ya Vhashumisi nahone kha maimo kana u tholwa kha u vha muingameli kana musengulusi.

**6. MASIANDAITWA ZWI TSHI KWAMA ZWA NDAYOTEWA**

Tsireledzo ya Vhashumisi ndi sia la ndeme kha mbampedzo ya vhukoni ha vhusimamilayo kha vundu na kha lushaka (shedulu 4). Zwo ralo vundu lo fanewa nga u vhea mulayo u shumanaho na zwa tsireledzo ya vhashumisi.

**7. ZWIIMISWA ZWO KWAMIWAHO**

Ho kwamiwa Muhasho wa Mveledziso ya Ekonomi, Mupo na Vhuendelamashango na Vhaeletshedzi vha zwa Mulayo vha Muvhuso kha Ofisi ya Mulangavundu.

**XITIVISO XA MANI NA MANI****XITIVISO XA MANI NA MANI. 478 XA 2013****VULAWURI BYA XIFUNDZANKULU XA LIMPOPO****NDZAWULO YA NHLUVUKISO WA IKHONOMI, MBANGO NA VUPFHUMBA****NAWUMBISI WA NSIRHELELO WA VATIRHISI WA LIMPOPO, 2013**

Hi ku leteriwa hi Swinawana swa Nkarhi Hinkwawo na swa Mafambiselo ya Mfumo wa Milawu wa Limpopo, laha ku kandziyisiwa Nawumbisi wa Nsirhelelo wa Vatirhisi wa Limpopo, 2013 leswaku vanhu va boxa miehleketo ya vona ehenhla ka wona.

Munhu wihi kumbe wihi kumbe nhlangano wihi kumbe wihi lowu lavaka ku boxa miehleketo ya wona mayelana na tsalwa leri wu nga endla tano hi ku tsala, hi kumba ku nga se fika **31/01/2014**, hi ku rhumela eka:

**Nhloko ya Ndzwulo**

**Ndzwulo ya Nhluvukiso wa Ikhonomi, Mbango na Vupfhumba**

**Private Bag X9484**

**POLOKWANE**

**0700**

**RI KONGOMISIWA EKA: Kenny Maboea**

**Riqingho: (015) 293 8559**

**Fekisi: (015) 291 1336**

**Imeyili: MaboeaKS@ledet.gov.za**

**MFUMO WA MILAWU WA LIMPOPO**

**NAWUMBISI WA LIMPOPO WA KU SIRHELELA VAXAVI, 2013**

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**Tanihi leswi wu tivisiweke hi**

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**(XIRHO XA HUVONKULU LEXI NGA NI VUTIHLAMULERI BYA NHLUVUKISO WA  
IKHONOMI, MBANGU NA VUMPFHUMBA)**

## NAWUMBISI

Ku nyika makungu eka vulawuri bya ku sirheleriwa ka vaxavi eka xifundzankulu na matirhele; ku nyika makungu eka khoto ya vaxavi ya Limpopo na matirhele; ku lawula mafambisele ya khoto ya vaxavi; ku herisa Timhaka ta Vaxavi (Maendlelo yo ka ya nga ri Kahle ya Bindzu) Nawu, 1996 (Nawu wa No. 8 wa 1996) na ku nyika makungu eka timhaka leti yelanaka na swilo swa muxaka lowu.

## MANGHENELO

**HIKWALAHO** Nawu wa ku Sirhelela Vaxavi, 2008 (Nawu wa No. 68 wa 2008) wu endlewile ehenhleni ka hinkwaswo ku tlakusa leswaku swi va kahle, ku fikeleleka na makete lowu yisekaka emahlweni ka swixavisiwa na vukorhokelri bya vaxavi na hi xikongomelo xa ku tumbuluxa switandadi na tinomo leti yelanaka na ku sirheleriwa ka vaxavi;

**NASWONA KWALAHO** ku ni xilaveko xa nawu wa xifundzankulu wa ku sirhelela vaxavi na khoto ya vaxavi eka xifundzankulu leyi nga ta tirhana na timhaka ta ku sirheleriwa ka vaxavi;

**WU TA TEKIWA TANIHI NAWU** hi Mfumo wa Milawu wa Limpopo hi ndlela leyi landzelaka:—

## MALULAMISELE YA SWIYENGE

### KAVANYISA KA 1

#### MAKUNGU YA MANGHENELO

1. Tinhlamuselo
2. Swikongomelo swa Nawu

### KAVANYISA KA 2

#### VULAWURI BYA XIFUNDZANKULU BYA KU SIRHELERIWA KA VAXAVI *Part A*

#### *HOFISI YA MUSIRHELERI WA VAXAVI*

3. Hofisi ya Musirheleri wa Vaxavi
4. Musirheleri wa Vaxavi

***Xiyenge xa B******MATIRHELE YA VULAWURI***

5. Matirhele na matimba ya Hofisi ya Musirheleri wa Vaxavi
6. Ku yisa swivilelo eka Hofisi ya Musirheleri wa Vaxavi
7. Nkoka wa Hofisi ya Musirheleri wa Vaxavi eka ku tirhana na swivilelo
8. Vakamberi na valavisisi
9. Mbuyelo wa Vulavisi
10. Tiodara ta mpfumeleo
11. Xiboho eka khoto ya vaxavi
12. Ku tsarisa tisayini to ka ti nga ri kahle

***Xiyenge xa C******MATIMBA YA KU SEKETELA VULAVISI***

13. Ku lerisa munhu ku ta ekhoto a ta nyika vumbhoni swa xihatla
14. Vulawuri byi nga nghena kumbe ku secha loko va ri na waranti
15. Matimba ya ku nghena va secha
16. Fambisa manghenelo na ku secha
17. Kleyima leswaku mahungu i ya xihundla

**KAVANYISA KA 3****KHOTO YA VAXAVI YA LIMPOPO*****Xiyenge xa A******TIRHELE RA KHOTO YA VAXAVI***

18. Khoto ya vaxavi ya Limpopo
19. Mintirho ya khoto ya vaxavi
20. Mavumbelo ya khoto ya vaxavi
21. Ku hlongoriwa eka vuthori bya khoto ya vaxavi
22. Ku thoriwa ka swirho swa khoto ya vaxavi

- 23. Nkarhi wa ku va hofisini ka swirho swa khoto ya vaxavi
- 24. Ku tshika ntirho, ku humesiwa ehofisini na le ka tiposo leti va thoriweke eka tona
- 25. Muholo na swiengetelo swa swrho swa khoto ya vaxavi
- 26. Ku boxa mabindzu lawa va nga na wona hi swirho khoto ya vaxavi
- 27. Ku nga fambisani ka mintirho
- 28. Ku yimisiwa ku tirha ka xirho xa khoto ya vaxavi

***Xiyenge xa B******KU FAMBISA KHOTO***

- 29. Mabalani wa khoto ya vaxavi
- 30. Ku vika hi khoto ya vaxavi

***Xiyenge xa C******MAFAMBISELE YA KHOTO YA VAXAVI***

- 31. Mafambisele ya khoto ya vaxavi
- 32. Tihlengeletani hi khoto ya vaxavi
- 33. Tihakelo ta timbhoni

***Xiyenge xa D******SWILERISO/MILAWU SWA KHOTO YA VAXAVI***

- 34. Swileriso/Milawu ya khoto ya vaxavi
- 35. Tifayini ta mafambisele
- 36. Ku hambana ka swileriso/milawu
- 37. Xitandadi xa xikombo

**KAVANYISA KA 4****MAKUNGU HI KU ANGARHELA*****Xiyenge xa A******MILANDZU NA SWIGWEVO***

38. Ku herisa ntwanano wa ku tshembheka
39. Ku kavanyeta ku tirhisiwa ka Nawu
40. Ku tsandzeka ku ya loko va ku vitanile
41. Ku tsandzeka ku hlamula hi ku hetiseka kumbe hi ntiyiso
42. Milandzu leyi yi yelanaka na Hofisi wa Musirheleri wa Vaxavi na khoto ya vaxavi
43. Swigwevo

**Xiyenge xa B**

**MAKUNGU YA SWIN'WANI NA SWIN'WANI**

44. Ku havaxeriwa matima
45. Vutihlamuleri bya munhu loyi a endleke nandzu
46. Swinawana
47. Ku herisiwa ka milawu
48. Malulamisele ya xinkarhananyana
49. Nhlokomhaka yo komisa na masungulo yo tirha

**KAVANYISA KA 1**

**MAKUNGU YA MANGHENELO**

**1. Tinhlamuselo**

Eka Nawu lowu, rito rihi ni rihi kumbe xivulwa lexi ku nyikiweke nhlamuselo eka Nawu wa ku Sirhelela Vaxavi, 2008 (Nawu wa No. 68 wa 2008) swi na nhlamuselo yin'we handle kaloko nhlamuselo ya kona yi nga va hi ndlela yin'wani—

“Khomixini” ri vula Khomixini ya Rixaka ya Vaxavi leyi tumbuluxiweke hi ku landza xiyenge xa 85 xa Nawu wo Sirhelela Vaxavi, 2008 (Nawu wa No. 68 wa 2008);

“Vumbiwa” ri vula Nawu wa Vumbiwa ra Rhiphabliki ra Afrika Dzonga, 1996;

“muxavi”, hi ku landza nhundzu yihi ni yihi yo karhi kumbe vukorhokeri, ri vula—

- (a) munhu loyi tinhundzu kumbe vukorhokeri byo karhi byi makitiwa hi xikongomelo xo olova xa bindzu ra sapulayara;
- (b) munhu loyi a nga nghena eka vuxaka na loyi a sapulayaka eka bindzu ra sapulaya, handle kaloko ku xava loku ku nga katswi eka ku ntirha ka Nawu wa ku Sirhelela Vaxavi, 2008 (Nawu wa No. 68 wa 2008) hi xiyenge 5(2) kumbe hi ku landza xiyenge xa 5(3) xa Nawu lowu;
- (c) Loko xiymo xi lava hi ndlela yaleyo, mutirhisi wa tinhundzu toleto kumbe muamukeri kumbe loyi a kumaka vukorhokeri byo tano, ku nga ri hi ku ya hi ku mutirhisi wa tinhundzu toleto muamukeri kumbe loyi a kumaka vukorhokeri byo tano a ri na xandla eka ku xava ku yelana na ku yisa nhundzu kumbe vukorhokeri byo tano;
- (d) munhu loyi a nga na frachayisi hi ku landza ntwanano wa frachayisi ku fikela eka xiymo lexi tirhaka hi ku landza xiyenge xa 5(6)(b) ku fika ka (e) Nawu wa ku Sirhelela Vaxavi, 2008 (Nawu wa No. 68 wa 2008);

**“Nawu wa Timhaka ta Vaxavi (Tirhelo ra Bindzu ro ka ri nga ri Kahle), 1996”** ri vula Nawu wa Timhaka ta Vaxavi (Tirhelo ra Bindzu ro ka ri nga ri Kahle), 1996 (Nawu wa No. 8 wa 1996);

**“khoto ya vaxavi”** ri vula khoto ya vaxavi leyi vuriweke eka xiyenge xa 18;

**“Nawu wa ku Sirhelela Vaxavi, 2008”** ri vula the Nawu wa ku Sirhelela Vaxavi, 2008 (Nawu wa No. 68 wa 2008);

**“Musirheleli wa Vaxavi”** ri vula munhu loyi a vekiweke kumbe ku thoriwa tanahi Nhloko ya Hofisi ya Musirheleli wa Vaxavi hi ku landza xiyenge xa 4(1);

**“khoto”** ri vula Khoto yihi ni yihi leyi vuriweke eka kavanyisa ka 8 eka Vumbiwa;

**“Ndzawulo”** ri vula the Ndzawulo leyi nga ni vutihlamuleri eka timhaka ta vaxavi eka xifundzankulu;

**“Nhloko ya Ndzawulo”** ri vula Nhloko ya Ndzawulo loyi a nga ni vutihlamuleri eka timhaka ta vaxavi eka xifundzankulu;

**“Mukamberi”** ri vula munhu munhu loyi a vekiweke kumbe a thoriweke tanahi Mukamberi hi ku landza xiyenge xa 8(1);

“**mulavisisi**” ri vula munhu munhu loyi a vekiweke kumbe a thoriweke tanihu mulavisisi hi ku landza xiyenge xa 8(1);

“**Xirho xa Huvonkulu**” ri vula Xirho xa Huvonkulu lexi nga ni vutihlamuleri hi timhaka ta vaxavi eka xifundzankulu;

“**Nawu wa Rixaka wa Swikweleti, 2005**” ri vula Nawu Nawu wa Rixaka wa Swikweleti, 2005 (Nawu wa No. 34 wa 2005);

“**Hofisi ya Musirheleri wa Vaxavi**” ri vula Hofisi ya Musirheleri wa Vaxavi tanihu leswi swi vuriweke eka xiyenge xa 3;

“**hlawuriweke**” ri vula leswi hlawuriweke hi xinawana;

“**matikhomele lama ya nga pfumeleriweke**” swi vula xiendlo kumbe xihoxo lexi hambaneke na makungu ya Nawu lowu, Nawu wa ku Sirhelela Vaxavi, 2008 kumbe Nawu wa Rixaka wa Swikweleti, 2005;

“**swinawana**” ri vula swinawana leswi endliweke hi ku landza Nawu;

“**muhehliwa**” ri vula munhu loyi xivilelo kumbe xikombelo xi nga endleriwa yena hi ku landza Nawu lowu, Nawu wa ku Sirhelela Vaxavi, 2008 kumbe Nawu wa Rixaka wa Swikweleti, 2005;

“**Nawu lowu**” ri katsa swinawana; na

“**Khoto**” ri vula Khoto ya Vaxavi ya Rixaka leyi tumbuluxiweke ehansi ka xiyenge xa 26 xa Nawu wa Rixaka wa Swikweleti, 2005.

## 2. **Swikongomelo swa Nawu**

Swikongomelo swa Nawu lowu i ku tlakusa na ku yisa emahlweni mahlayselo ya vanhu na ikhonomi eka vaxavi laha eka xifundzankulu hi ku va nyika makungu eka—

- (a) Vulawuri bya xifundzankulu bya ku sirheleriwa ka vaxavi; na
- (b) Khoto ya vaxavi,

Ku lavisisa, ku hlanganisa kumbe ku ahlula eka onhiwa ka timfanelo ta muxavi leti vuriwaka eka Kavanyisa ka 2 eka Nawu waku Sirhelela Vaxavi, 2008.

## KAVANYISA KA 2

### VULAWURI BYA XIFUNDZANKULU BYA KU SIRHELEWIWA KA VAXAVI

#### *Xiyenge xa A*

#### ***HOFISI YA MUSIRHELELI WA VAXAVI***

#### **3. Hofisi ya Musirheleli wa Vaxavi**

Vulawuri bya xifundzankulu bya vusirheleri bya vaxivi lebyi byi tiviwaka tanihi Hofisi ya ku Lavisisa Tirhelo ra Bindzu ro ka ri nga ri Kahle leyi tumbuluxiweke hi ku landza Nawu wa Timhaka ta Vaxavi (Tirhelo ra Bindzu ro ka ri nga ri Kahle), 1996 ya hlayisiwi hi ku ya hi xiyenge xa 48 xa Nawu lowu, ku nga yihi ku herisiwa ka Nawu wa Timhaka ta Vaxavi (Tirhelo ra Bindzu ro ka ri nga ri Kahle), 1996 naswona wu ta tlhela wu thyiwa nakambe ku va Hofisi ya Musirheleli wa Vaxavi.

#### **4. Musirheleli wa Vaxavi**

- (1) Xirho xa Huvonkulu xi fanele hi landza milawu leyi yi lawulaka vukorhokeri bya tiko, xi fanele xi veka kumbe ku thola munhu loyi a nga na—
  - (a) Ntokoto wo enerisa; na
  - (b) Digiri ya le yunivheisithi ya swa ikhonomi, nawu, khomese, mabindzu kumbe timhaka ta vanhu, tanihi Musirheleli wa Vaxavi eka Hofisi ya Musirheleli wa Vaxavi eka xiymo lexi xi bohiweke hi Xirho xa Huvonkulu.
- (2) Musirheleli wa Vaxavi u fanele a tirha mintirho hinkwayo ya Hofisi ya Musirheleli wa Vaxavi ehansi ka Nawu lowu na Nawu wa ku Sirhelela Vaxavi, 2008.
- (3) Xirho xa Huvonkulu—
  - (a) xi fanele xi veka kumbe thola Museketeri wa Musirheleli wa Vaxavi hi ndlela ya ku fana na leyi yi vuriweke eka xiyengentsongo xa (1) loyi a nga ta—
    - (i) pfuna Musirheleli wa Vaxavi ku endla mintirho ya Hofisi ya Musirheleli wa Vaxavi; na
    - (ii) ku tirha mintirho ya Musirheleli wa Vaxavi loko Musirheleli wa Vaxavi a nga swi koti ku endla tano hi xivangelo xo karhi; naswona
  - (b) a nga veka kumbe ku thola vatirhi hi ku landza milawu leyi yi lawulaka vukorhokeri bya tiko ku pfuneta Musirheleli wa Vaxavi eka ku endla mintirho ya yena.

- (4) Vatirhi hinkwavo lava va vekiweke kumbe thoriweke hi ku landza xiyengentsongo xa (3)(b) va fanele va va ehansi ka Musirheleli wa Vaxavi.

**Xiyenge xa B**

**KU TIRHISIWA KA VULAWURI**

**5. Mintirho na matimba ya Hofisi ya Musirheleli wa Vaxavi**

- (1) Hofisi ya Musirheleli wa Vaxavi yi fanele—
- (a) yi tekela enhlokweni timhaka hinkwato leti kongomisiweke eka yona hi ku landza Nawu lowu, Nawu wa ku Sirhelela Vaxavi, 2008 kumbe Nawu wa Rixaka wa Swikweleti, 2005;
  - (b) amukela na ku lavisia swivilelo swa vaxavi hi ku landza Nawu lowu;
  - (c) fambisa vuuhlanganisi kumbe vuahluri bya milandzu leyi nga kona hi ku landza Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008, exikarhi kumbe eka vaxavi hinkwavo, ndhawu leyi ku tshamaka vanhu, kumbe vanhu lava va endlaka bindzu laha ka xifundzankulu;
  - (d) ku yisa milandzu leyi yi sukaka eka nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008 eka khoto ya vaxavi hi ku landza Nawu lowu;
  - (e) ku nyika vutsundzuxi na ku kombisa ndlela eka vanhu hi timhaka ta ku sirheleriwa ka vaxavi;
  - (f) tirhisa swilo swo dyondzisa na ku nyika mahungu ku antswisa ntivo eka vanhu hi Nawu lowu na ku sirheriwa ka vaxavi hi ku angarhela; na
  - (f) endla mintirho yin'wani yo tano tanahi leswi lerisiweke hi Hofisi ya Musirheleli wa Vaxavi hi ku landza Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008.
- (2) Hofisi ya Musirheleli wa Vaxavi yi nga—
- (a) kanelo leswaku ku va na vulavisisi eka matikhomelo yo ka ya nga pfumeleriwi tanahi leswi swi vuriweke eka xiyenge xa 6(2);

- (b) humesa switiviso swa ku landzelela nawu hi ku landza Nawu wa ku Sirhelela Vaxavi, 2008;
- (c) kombela Khomixini ku lulamisa xivilelo hi ku landza matikhomelo wahi na wahi lawa ya nga pfumeleriweke kumbe nandzu lowu wu sukaka kwala ka xifundzankulu hi ku landza Nawu wa ku Sirhelela Vaxavi, 2008; na
- (d) ku tsundzuxa Xirho xa Huvonkulu hi timhaka leti yelanaka na ku sirheleriwa ka vaxavi na muxa na swikhadza-khadza leswi nga eka makete wa vaxavi.

## **6. Ku yisa swivilelo eka Hofisi ya Musirheleli wa Vaxavi**

- (1) Munhu wihi ni wihi anga yisa xivilelo eka fomo leyи hlawuriweke na hi ndlela leyи Hofisi ya Musirheleli wa Vaxavi mayelana na matikhomele lama ya nga pfumeleriweke.
- (2) Hofisi ya Musirheleli wa Vaxavi yi nga lulamisa xivilelo mayelana na matikhomele lama ya nga pfumeleriweke—
  - (a) hi mavonela ya vona;
  - (b) loko va lerisiwile hi Xirho xa Huvonkulu ku endla tano; kumbe
  - (c) hi xikombelo xa—
    - (i) vulawuri lebyi byi fambisaka;
    - (ii) vulawuri byin'wani bya xifundzankulu bya ku sirhelela vaxavi;
    - (iii) ntlawa wa ku sirhelela vaxavi lowu pasisisweke ehansi ka Nawu wa ku Sirhelela Vaxavi, 2008; kumbe
    - (iv) munhu wihi ni wihi loyi a nga na ku tsakela loku ku tiyeke eka mhaka leyи.

## **7. Nkoka wa Hofisi ya Musirheleri wa Vaxavi eka ku tirha na swivilelo**

- (1) Hofisi ya Musirheleli wa Vaxavi ehenhleni ka ku lulamisa kumbe ku amukeli xivilelo hi ku landza Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008 yi nga—
  - (a) humesa xitiviso xa ku ka ku nga tekiwangi xiboho eka muendli wa xivilelo eka fomo leyи hlawuriweke, loko muendli wa xivilelo—
    - (i) a ti komba a ri ku tlangeni kumbe a nyangatsekile;

- (ii) a nga kombisi timhaka leti loko ti ri ntiyiso ti nga kombisaka xiyimo xa ku ku va na xilulamiso ehansi ka Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008; kumbe
  - (iii) sirheleriwa hi ku landza xiyenge xa 116 xa the Nawu wa ku Sirhelela Vaxavi, 2008, leswaku yi nga yisiwi eka khoto ya vaxavi;
- (b) Pfuneta matlhelo hinkwawo ku ringeta ku lulamaisa ntlimbo handlekaloko matlhelo hinkwawo ya ringetile nkarhi lowu hundzeke va tsandzeka ku lulamisa ntlimbo lowu;
- (c) Hundzisela ndzavisiso kumbe mhaka yaleyo eka vulawuri byihi ni byihi lebyi byi enetisaka hi swa xinawu ku katsa vulawuri bya le ka xifundzankulu xin'wani loko ku ri leswaku xivilelo xi nga tirhiwa kahle hi vulawuri byin'wani; kumbe
- (d) Lerisa mulavisisi ku lavisia xivilelo hi xihatla lexi fanelaka.
- (2) Hofisi ya Musirheleli wa Vaxavi hi xitiviso eka gazette ya xifundzankulu kumbe ndlela yihni hihi eka vuhami a nga—
- (a) tivisa vulavisisi byihi ni byihi lebyi va nga ku by endleni, na
  - (b) vitana munhu wihi ni wihi ku tisa mbulavulo wo tsariwa mayelana na vulavisisi eka Hofisi ya Musirheleli wa Vaxavi.

## **8. Vakamberi and valavisisi**

- (1) Xirho xa Huvonkulu xi nga—
- (a) veka munhu loyi a fanelaka eka Hofisi ya Musirheleli wa Vaxavi; kumbe eka Ndzwawulo; kumbe
  - (b) hi ku ya hi milawu leyfumaka vukorhokeri bya vanhu, thola munhu loyi a faneleke tanihi mukamberi kumbe mulavisisi hi ku landza Nawu lowu.
- (2) Xirho xa Huvonkulu xi fanele xi nyika mukamberi kumbe mulavisisi loyi a vekiweke kumbe ku thoriwa hi lku landza xiyengentsongo xa (1) hi setifikheti ya ku thoriwa leyfumaka vukorhokeri.

- (3) Ku getela ehenhleni ka ntirho wun'wani na wun'wani lowu a nyikiweke hi ku landza Nawu lowu kumbe the Nawu wa ku Sirhelela Vaxavi, 2008—
- (a) Mukamberi u fanele a kombela ku landzeleriwa ka Nawu; naswona
- (b) Mulavisi u fanele a lavisia swivilelo hi ku landza,  
Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008.
- (4) Mukamberi kumbe mulavisi loyi a endlaka mintirho hi ku landza Nawu lowu u fanele a va a ri na setifikheti ya ku thoriwa leyi yi hlawuriweke leyi humesiweke hi ku landza siyengentsongo xa (2) naswona u fanele a humesa setifikhethi loko munhu loyi a khumbhekaka hi swiendlo swa mukamberi kumbe mulavisi hi ku landza Nawu lowu a kombela ku vona setifikheti yo tano.
- (5) Xirho xa Huvonkulu xi nga thola munhu loyi a ringaneleke tanahi hi nwavutivi ku endla vulavisi, oditi, swivutiso kumbe vulavisi byin'wani hi ku yimela Hofisi ya Musirheleli wa Vaxavi.
- (6) Munhu loyi a thoriweke hi ku landza xiyengentsongo xa (5) a nga ri mulavisi hi ku ya hi nhlamuselo ya Nawu lowu.
- (7) Musirheleli wa Vaxavi u fanele ku va mukamberi na mulavisi hi ku landza Nawu lowu.

## 9. Mbuyelo wa vulavisi

Endzhaku ka ku heta vulavisi eka xivilelo, Hofisi ya Musirheleli wa Vaxavi xi nga —

- (a) humesa xitiviso xa ku nga landzeleri xileriso eka muvileri loyi a nga eka fomo leyi hlawuriweke;
- (b) kunguhata mpfampfarhuto wa odara ya vutihlamuleri hi ku landza xiyenge xa 10;
- (c) endla xileriso eka khoto ya vaxavi hi ku landza xiyenge xa 11;
- (d) Humesa xitiviso xo landzelela nawu hi ku landza xiyenge xa 100 xa Nawu wa ku Sirhelela Vaxavi, 2008; kumbe

- (e) a hundzisela mhaka eka Vulawuri bya ku Khotsa bya Rixaka, loko ku ri leswaku xivilelo xi khumbha nandzu hi ku landza Nawu lowu, na Nawu wa ku Sirhelela Vaxavi, 2008 or the Nawu wa Rixaka wa Swikweleti, 2005.

## 10. Tiodara ta mpfumelelo

- (1) Loko mhaka yi—
- (a) kaneriwile hi vuhalanganisi kumbe vutwananisi hi ku landza xiyenge xa 7(1)(b); kumbe
- (b) lavisisiwile hi Hofisi ya Musirheleli wa Vaxavi; naswona vanhu hinkwavo va pfumelelana na tithemе leti ti kunguhatiweke ta odara leyi faneleke, khoto ya vaxavi, ku nga ri na vumbhoni byo kombisa, yi nga tiyisia leswaku ntwanano walowo tanihi odara leyi ku nga ni pfumelelo.
- (2) Khoto ya vaxavi endzhaku ka ku yingisila kungu ra odara ya m pfumelelo yi fanele yi—
- (a) endla odara tanihi hileswi ku twananiweke na ku kunguhatiwa hi Hofisi ya Musirheleli wa Vaxavi na muhehliwa;
- (b) kombisa ku ncinciwa loku ku faneleke ku endliwa eka mpfampfarhuto wa odara loko yi nga si va odara yo hetiseka; kumbe
- (c) ala ku endla odara.
- (3) Odara ya mpfumelelo leyi kongomisiweke eka xiyengenyana xa (1)—
- (a) swi katsa awadi ya mali leyi faneleke yi hakela hi muvileri loko muvileri a pfumelana na swona;
- (b) yi fanele yi humesiwa eka gazette ya xifundzankulu.

## 11. Xiboho eka khoto ya vaxavi

- (1) Mhaka yi nga yisiwa ekhoto ya vaxavi hi—
- (a) Hofisi ya Musirheleli wa Vaxavi;
- (b) Hi Mulawuri wa Rixaka wa Swikweleti hi ku landza xiyenge xa 140(2)(a) xa Nawu wa Rixaka wa Swikweleti, 2005;
- (c) Muvileri ehansi ka Nawu wa Rixaka wa Swikweleti, 2005 hi ku landza xiyenge xa 141(1)(a) xa Nawu lowu;

- (d) hi Khomixini hi ku landza xiyenge xa 73(2)(a) xa Nawu wa ku Sirhelela Vaxavi, 2008; kumbe
  - (e) a muvileri ehansi ka Nawu wa ku Sirhelela Vaxavi, 2008 hi ku landza xiyenge xa 75(1)(a) wa Nawu lowu.
- (2) Munhu loyi a lavaka ku tirhisa mfanelo yihi ni yihi hi ku landza xiyenge xa 69(c)(ii) xa Nawu wa ku Sirhelela Vaxavi, 2008 kumbe hi ku landza Nawu lowu, a nga endla xikombelo eka khoto ya vaxavi loko—
- (a) munhu yaloye u sungule a yisa xivilelo eka Hofisi ya Musirheleli wa Vaxavi; na
  - (b) Hofisi ya Musirheleli wa Vaxavi yi nga va yi—
    - (i) humese xitiviso xa kunga landzeleri xitiviso hi ku landza xiyenge xa 7(1) (a); kumbe
    - (ii) lavisisile xivilelo na ku va yi humese xitiviso xa ku nga landzeleri xileriso hi ku landza xiyenge xa 9(a) eka munhu yaloye.

## **12. Ku tsarisa tisayini to ka ti nga ri kahle**

- (1) Hofisi ya Musirheleli wa Vaxavi yi fanele yi hlayisa rhejistara ra tisayini to ka ti nga ri kahle hi fomati leyi hlawuriweke ku rhekhoda mahungu ya vanhu lava va kumiweke va ve na matikhomele lama ya nga pfumeleriweke lawa ya kumiweke hi khoto ya vaxavi.
- (2) Hofisi ya Musirheleli wa Vaxavi yi nga longoloxa ntsena mahungu ya munhu loyi a nga eka rhejistara leri vuriweke eka xiyeengentsong xa (1) xa loko khoto ya vaxavi yi humesile odara ku ya hi ndlela yaleyo.
- (3) Munhu loyi a khumbhiwaka hi ku nghenisiwa eka rhejistara anga endla xikombelo eka khoto ya vaxavi ku vekela etlhelo odara yo tano, naswona khoto yi nga endla tano eka xiymo twisiseka na ku va kahle.

### **Xiyenge xa C**

#### **MATIMBA YA KU SEKETELA VULAVISI**

## **13. Ku vitana vanhu ekhoto va ta nyika vumbhoni swa xihatla**

- (1) Musirheleli wa Vaxavi kumbe munhu loyi a nga eka vukorhokeri bya Hofisi ya Musirheleli wa Vaxavi a pfumelelaka hi swikongomelo swa vulavisi, lerisa munhu wihi

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ni wihi ku ta ekhoto munhu wihi ni wihi loyi ku tshembhiwaka leswaku a nga kota ku humesa timhaka tihi ni tihi eka mhaka leyi yi nga ku lavisisiweni; kumbe ku va kumbe ehansi ka vulawuri bya yena a ri ni buku yihi ni yihi, tsalwa kumbe xin'wani na xin'wani lexi yelanaka na mhaka leyo—

- (a) ku ya emahlweni ka munhu loyi a nga eka vukorhokeri bya Hofisi ya Musirheleli wa Vaxavi ku ya vutisiwa hi nkarhi na ndhawu leyi vuriwaka eka xileriso xo ta ekhoto; kumbe
  - (b) ku yisa kumbe ku humesela munhu loyi a nga eka vukorhokeri bya Hofisi ya Musirheleli wa Vaxavi buku yaleyo, tsalwa kumbe xin'wani na xin'wani hi nkarhi na ndhawu leyi vuriwaka eka xileriso xo ta ekhoto.
- (2) Xileriso xa ku ta ekhoto lexi kongomisiweke eka xiyengentsongo xa (1) (a)–
- (a) xi fanele—
    - (i) xi va eka fomo leyi hlawuriweke;
    - (ii) xi sayiniwile hi Musirheleli wa Vaxavi kumbe munhu wun'wani loyi a nga eka vukorhokeri bya Hofisi ya Musirheleli wa Vaxavi lexi pfumeleriwaka hi Musirheleli wa Vaxavi; na
  - (b) xi nga yisiwa hi ndlela yo fana na xileriso xo vitana ekhoto xa kheyisi ya vugevenga lexi humesiwa hi khoto ya majisitrata.
- (3) Munhu loyi a vutisiwaka hi mulavisihi loyi a fumbisaka vulavisihi u fanele a hlamula xivutiso xin'wani na xin'wani hi ntiyiso na hi laha munhu loye a nga kotaka ha kona, hambi swiritano—
- (a) munhu a nga fanelangi ku hlamula xivutiso xihi ni xihi hi ndlela leyi a ti hoxaka enghozini; na
  - (b) mulavisihi loyi a vutisaka munhu wo tano u fanele a tivisa munhu yaloye leswi swi nga tsariwa eka ndzimana ya (a).
- (4) A ku na nhlamulo leyi nga ta nghenisa enghozini yi nga ta nyikiwa kumbe xitatimemnde lexi endleke hi munhu wihi ni wihi eka mulavisihi loyi a tirhisaka matimba wahi ni wahi hi ku landza xiyenge lexi yi nga tirhisiwa tanihi vumbhoni ehenhleni ka munhu loyi a nga nyika nhlamulo yaleyo kumbe ku endla xitatimende xa vugevenga eka mafimbisele ya khoto yihi ni yihi, handlekaloko ku ri mafambisele ya swa vugenga bya ku nyika vumbhoni byo hemba kumbe laha munhu yaleyo a sengiseriwaka nandzu

lowu vuriweke eka xiyege xa 14 kumbe 42(2)(d) naswona ntsena eka xiymo lexi nhlamulo kumbe xitatemende xi ri ni nkoka ku kombisa nandzu lowu chajiweke.

**14. Vulawuri byi nga nghena kumbe ku secha loko va ri na waranti**

- (1) Jaji ya Khotonkulu kumbe majisitrata a nga humesa waranti ya ku nghena and ku secha eka ndhawu yihi ni yihi leyi nga ehansi ka xiboho xa jaji kumbe majisitrata eka xitshembheso kumbe xitiyisiso loko ku ri na swiyimo swo tshembhisa ku xi tshembha—
  - (a) ku nga landzeleli Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008 ku vile kona, kumbexana ku kona, kumbexana ku nga va kona eka kumbe tindhawu teto; kumbe
  - (b) xin'wani na xin'wani lexi xi khumbhaku vulavisihi ku landza Nawu lowu kumbe Nawu wa ku Sirhelela Vaxavi, 2008 xi na vun'winyi kumbe xi nga ehansi ka munhu loyi a lawulaka kumbe a nga eka tindhawu toleto.
- (2) Waranti ya ku nghena na ku secha yi humesiwile ehansi ka xiyege tsongo xa (1) yi nga humesiwa nkarhi wun'wani na wun'wani naswona yi fanele kongomisa eka—
  - (a) kombisa tindhawu leti ku faneleke ku ngeniwa na ku sechiwa; na
  - (b) pfumelela mulavisihi kumbe phorisa ku nghena na ku secha tindhawu na ku endla hinkwaswo leswi longoloxiweke eka xiyege xa 15.
- (3) Waranti ya ku nghena na ku secha yi tirha ku fikela loko xin'wani xa leswi landzelaka xi humelela—
  - (a) loko waranti yi tirhisiwile;
  - (b) loko waranti yi khanseriwile hi munhu loyi a yi humeseke kumbe loko munhu yaloye a nga ri kona ku nga va munhu loyi a nga na matimba yo fana na ya yena;
  - (c) xikongomelo xa ku va yi humesiwile xi nga ha ri na nkoka; kumbe
  - (d) ku hundzile nhweti yin'we ku sukela ka siku leri xi humesiweke ha rona.
- (4) Waranti ya ku nghena na ku secha yi nga tirhisiwa ntsena na nhlekanhi handlekaloko jaji kumbe majisitrata loyi a yi humeseke a pasisile leswaku yi nga tirhisiwa na vusiku hi nkarhi lowu amukelekaka eka xiymo xexo.
- (5) Munhu loyi a pfumeleriwaka hi waranti leyi humesiweke hi ku landza xiyege tsongo xa (2) a nga nghena na ku secha tindhawu leti tsariweke eka waranti.

- (6) Xikan'we-kan'we loko waranti leyi humesiweke yi nga si tirha, munhu loyi a tirhisaka wanti yaleyo u fanele kumbexana—
- (a) loko n'winyi kumbe munhu loyi a lawulaka ndhawu yaleyo yi faneleke yi sechiwa a ri kona—
    - (i) a ti tivisa eka munhu yaloye na ku hlamusela vulawuri lebyi byi nga humesa waranti; na
    - (ii) n'wu nyika khopi ya waranti eka munhu yaloye kumbe loyi vito ra yena ri tsariweke eka waranti; kumbe
  - (b) loko n'winyi, kumbe munhu loyi a lawulaka a nga ri kona, veka khopi ya waranti eka ndhawu yo vonaka kwala endhawini.

#### **15. Matimba ya ku nghena va secha**

- (1) Munhu loyi a pfumeleriwaka ehansi ka xiyenge xa 14 ku nghena a secha endhawini a nga—
  - (a) nghena kwalaho kumbe eka tindhawu teto;
  - (b) secha tindhawu teto;
  - (c) secha munhu wihi ni wihi loyi a nga eka ndhawu yaleyo loko ku ri ni hlamuselo yo khomeka ya ku tshembhisa ya leswaku munhu yaloye u na vun'winyi eka atikili kumbe tsalwa leri nkoka eka vulavisisi;
  - (d) kombela atikili kumbe tsalwa rihi ni rihi leri ri nga ka ndhawu leyi nga ni nkoka eka vulavisisi;
  - (e) kombela mahungu hi atikili kumbe tsalwa rihi ni rihi eka n'winyi kumbe munhu loyi a lawulaka ndhawu kumbe munhu wihi ni wihi loyi a lawulaka atikili kumbe tsalwa, kumbe munhu wihi ni wihi wun'wani loyi a nga na mahungu;
  - (f) a teka tindzimana eka kumbe a endla tikhopi ta buku yihi ni yihi kumbe tsalwa leri ri nga ka ndhawu leyi yi nga ni nkoka eka vulavisisi;
  - (g) tirhisa sisiteme yihi ni yihi ya khompyuta leyi nga eka ndhawu yaleyo, kumbe u kombela ku pfuniwa hi munhu wihi ni wihi loyi a nga kona eka ndhawu yaleyo ku tirhisa sisiteme ya khompyuta ku—
    - (i) secha datara yihi ni yihi leyi ya nga kona kumbe kumekaka eka sisiteme ya khompyuta yaleyo;
    - (ii) humesa nakambe rhekhodo yihi ni yihi ku suka ka data yaleyo;
  - (h) teka hinkwaswo leswi humaka eka khompyuta leswaku swi ya kamberiwa na ku kopiwa; na

- (i) ku swi teka naswona loko swi fanerile swi susi eka ndhawu yaleyo leswaku swi kamberiwa na ku hlayisi xin'wani na xin'wani lexi xi nga ni nkoka eka vulavisisi.
- (2) Xiyenge xa 13(4) xi tirha ku ringana eka nhlamulo leyi nyikiweke kumbe xitatimende lexi endliweke eka mulavisisi kumbe phorisa hi ku landza xiyenge lexi.
- (3) Mulavisisi loyi a pfumeleriwaka ku fambisa manghenelo na ku secha hi ku landza xiyenge xa 14 a nga heleketiwa hi phorisa.

**16. Fambisa manghenelo na ku secha**

- (1) Munhu loyi a nghenaka na ku secha ndhawu yihi ni yihi ehansi ka xiyenge xa 15 u fanele a fambisa manghenelo na sechelo hi ndlela ya vukheta na odara hi ku tekela enhlokweni leswaku munhu wun'wani na wun'wani u na mfanelo ya ku xiximiwa, ntshunxeko, vusirheleri na xihundla.
- (2) Hi nkarhi wa ku secha kwihi ni kwihi ehansi ka xiyenge xa 15(1) (c), ku pfumeleriwa ntsena mulavisisi wa xisati kumbe phorisa ra xisati ku secha munhu wa xisati, naswona ku pfumeleriwa ntsena mulavisisi wa xinuna kumbe phorisa ra xinuna ku secha munhu wa xinuna.
- (3) Munhu loyi nghenaka na ku secha ndhawu ehansi ka xiyenge xa 15, a nga vutisangi wun'wani, u fanele—
  - (a) tsundzuxa munhu yaloye hi mfanelo ya ku pfuniwa eka nkarhi walowo hi qhwetankulu/adivhokheti kumbe qwheta; na
  - (b) pfumelela munhu yaloye ku tirhisa mfanelo yaleyo.
- (4) Munhu loyi a susaka xin'wani eka ndhawu leyi yi sechiwaka u ta—
  - (a) humesa rhesiti ra swona eka nwinyi kumbe munhu loyi a lawulaka ndhawu; na
  - (b) a tlherisela xikan'we kan'we loko a fikelerile xikongomelo xa ku susiwa.
- (5) Hi nkarhi wa musecho, munhu a ala ku pfumelelo nkambelo kumbe ku susiwa ka phepha kumbe tsalwa eka xiyimo lexi a vulaka leswaku xi na mahungu lama va nga fanelangiki ku ya vona.
- (6) Loko nwinyi kumbe munhu loyi a lawulaka phepha kumbe tsalwa hi ku landza xiyengentsongo xa (5) a ala ku nyiketa munhu loyi a endlaka vulavisisi atikili kumbe tsalwa, munhu loyi a endlaka vulavisisi a nga kombelarhejistrara kumbe xerifi wa Khotonkulu loyi a nga na pfumelelo ku teka na ku susa atikili kumbe tsalwa a ri

hlayisa ku fikela laha khoto yi bohaka leswaku hi mpela mahungu a ya fanelangi ya vona hi munhu wun'wani na wun'wani.

**17. Tikleyimi ta leswaku mahungu i ya xihundla**

- (1) Munhu loyi a khumbhekaka a nga yisa mahungu loko ya laveka eka Hofisi ya Musirheleli wa Vaxavi, khoto ya vaxavi kumbe mulavisisi loyi a thoriweke hi ku landza Nawu lowu, kleyima leswaku hinkwaswao kumbe xiyenge xa mahungu i ya xihundla.
- (2) Kleyimi yihi ni yihi leyi vuriweke eka xiyengentsongo xa (1) yi fanele yi seketeriwa hi xitatimende xo tsariwa lexi hlamuselaka hikokwalaho ka yini mahungu ya ri ya xihundla.
- (3) Hofisi ya Musirheleli wa Vaxavi kumbe khoto ya vaxavi tanihi leswi xiyimo xi nga xiswona yi fanele yi—
  - (a) tekela enhlokweni kleyimi yihi ni yihi leyi yi endliveke hi ku landza xiyengentsongo xa (1); na
  - (b) ku tivisa mukleyimi leswaku mahungu ya ta tekiwa tanihi ya xihundla kumbe yo ka ya nga ri ya xihundla tanihi leswi swi vuriweke eka xiyengentsongo xa (1) ya ta khomiwa ku fana na loko ya bohiwile ku va ya xihundla.
- (4) Loko ku endliva xiboho kumbe odara hi ku landza Nawu lowu, Hofisi ya Musirheleli wa Vaxavi kumbe khoto ya vaxavi yi nga tekela enhlokweni mahungu wahi ni wahi lawa ya welaka ehansi ka kleyimi hi ku landza xiyengentsongo xa (1).
- (5) Loko xivangelo xinwani xa xiboho hi ku landza Nawu lowu wu nga humesela ehandle mahungu wahi ni wahi lawa ya welaka ehansi ka kleyimi hi ku landza xiyengentsongo xa (1), Hofisi ya Musirheleli wa Vaxavi kumbe khoto ya vaxavi, tanihi leswi xiyimo xi nga va ka xiswona, u fanele a humesa khopi ya swivangelo leswi swi kunguhatiweke eka munhu loyi a kleyimaka ku va na xihundla eka masiku ya ntlahnu ya ku tirha a nga se humesa swivangelo sweswo.
- (6) Eka masiku ya ntlhanu endzhaku kaloko ku amukeriwile xitiviso hi ku landza xiyengentsongo xa (3) (b), kumbe khopi ya mahungu lama ya kunguhatiweke hi ku landza xiyengentsongo xa (5), munhu yaloye a nga endla xikombelo e khoto ya odara ya kahle ya ku sirhelela xihundla eka mahungu lama ya faneleke.

**KAVANYISA KA 3**

**KHOTO YA VAXAVI YA LIMPOPO****XIYENGE XA A****TIRHELE RA KHOTO YA VAXAVI****18. Khoto ya vaxavi ya Limpopo**

- (1) Khoto ya vaxavi yi tumbuluxiwile eka xifundzankulu hi ku landza Nawu wa Timhaka ta Vaxavi (Tirhelo ra Bindzu ro ka ri nga ri Kahle), 1996 wu nga hlayisiwi hi ku landza xiyenge xa 48 xa Nawu lowu, ku nga yiwi hi ku herisiwa ka Nawu wa Timhaka ta Vaxavi (Tirhelo ra Bindzu ro ka ri nga ri Kahle, 1996 naswona wu tlhela wu thyiwa Khoto ya Vaxavi ya Limpopo).
- (2) Hofisi ya khoto ya vaxavi yi le Polokwane.
- (3) Khoto ya vaxavi yi nga va na mitshamo eka tindhawu tin'wani ku nga ri ehofisini ya khoto ya vaxavi tanihi leswi khoto ya vaxavi hi ku tihlanganisa na hofisi ya Musirheleli wa Vaxavi yi nga bohaka.

**19. Mintirho ya khoto ya vaxavi**

Khoto ya vaxavi yi fanele yi—

- (a) ahlula hi ku landza swikombelo swihi ni swihi leswi swi nga endliwaka hi ku landza Nawu lowu, Nawu wa ku Sirhelela Vaxavi; 2008 kumbe Nawu wa Rixaka wa Swikweleti, 2005 na ku endla odara yihi ni yihi leyti twisisekaka tanihi leswi swi nga kona eka Milawu leyti vuriweke;
- (b) yingisela na ku kambisia ku hleketeriwa ka matikhomele lama ya nga pfumeleriweke lama ya nga kona hi ku ya hi mafambisele lama ya vuriweke eka Nawu lowu, Nawu wa ku Sirhelela Vaxavi; 2008 kumbe Nawu wa Rixaka wa Swikweleti, 2005 na ku endla odara yihi ni yihi leyti twisisekaka tanihi leswi swi nga kona eka Milawu leyti vuriweke; na
- (c) tirhisa matimba wahi ni wahi na ku endla mintirho na timfanelo leti va nyikiweke to hi ku ya hi Nawu lowu, Nawu wa ku Sirhelela Vaxavi, 2008 na Nawu wa Rixaka wa Swikweleti, 2005.

**20. Mavumbelo ya khoto ya vaxavi**

- (1) Xirho xa Huvonkulu xi fanele xi thola swirho swa khoto ya vaxavi.
- (2) Khoto ya vaxavi yi fanele yi vumba hi ntsevu wa vanhu hi ndlela leyi landzelaka lava va fanelaka ha vumbirhi ka vona va ri—
  - (i) jaji ya Khotonkulu leyi nga eku wiseni; kumbe
  - (ii) qwheta, qhwetankulu/adivhokheti, majistarata loyi a nga eku wiseni kumber lekichara ya nawu e yunivhesithi, va fanele va nga vi na malembe ya le ehansi ka khume ya ntokoto eka xiyimo xin'we kumbe ku tlula; na
- (a) swirho swa mune swo engetela swa khoto ya vaxavi lava va nga ni vutivi bya sipexali/hlawuleka kumbe ntokoto eka ku lwela timhaka ta vaxavi, ikhonomi, mabindzu, khomese na nawu.

**21. Ku hlongoriwa eka ku thoriwa eka khoto ya vaxavi**

A ku na munhu loyi a nga thoriwaka kumbe a tshama a ha ri xirho xa khoto ya vaxavi loko a—

- (a) ri muaka tiko wa Rhiphabliki;
- (b) ri mutshami wa laha ka xifundzankulu;
- (b) ri mutirhela mfumo, ku katsa na vatirhi va ka masipala;
- (c) ri eka nkarhi lowu twakalaka, kumbe a ri ehofisini eka tinhweti ta khumembirhi leti hundzeke kumbe mutirhi eka phati yihi ni yihi, nhlangano, kumbe xirho eka vandla leri ri nga ra muxaka wa xipolotiki;
- (d) munhu loyi a nga se lulamaka eka xiyimo xa yena xa mali xo ka xi nga ri ki kahle; kumbe a va eka xiyimo xo pfumala mali naswona xiyimo lexi xi va kona hi hikwalaho ka ku tekeriwa nhundzu ya yena hi xivangelo xa ku nga hakeli swikweleti;
- (e) loyi a nga khomiwa eka ka malembe ya khume (10) la ya hundzeke, ku nga va ku ri eka Rhiphabliki kumbe kun'wani, a khomeriwa vukhamba, vukungundwani bya swa timali, ku fojara, kumbeku humesa tsalwa ro fojariwa, ku nyika vumbhoni bya mavan'wa ekhoto, nandzu ehansi ka Nawu

lowu kumbe nandzu ehansi ka Nawu wa Sirhelela na ku Herisa Mingiririko ya ko yi nga ri Kahle, 2004 (Nawu wa No. 12 wa 2004), nandzu ehansi ka Nawu wa Sentara ya Vulavisiyi bya Timali, 2001 (Nawu wa No. 38 wa 2001), kumbe nandzu lowu katsaka ku nga thembhekangi;

- (f) a nga tshama a humesiwa ehofisini ya ku tshembheka nkarhi wun'wani hikuva na matikhomele yo biha hi ku endla vukungundwani bya timali kumbe matirhisele ya mali yo biha; kumbe
- (g) a nga a nyikiwa odara yo huma eka khoto leyi ringaneleke yi vula leswaku a nga kahle emiehlekeweni kumbe a ri na hasasha.

## **22. Ku thoriwa ka swirho swa khoto ya vaxavi**

- (1) Xirho xa Huvonkulu xi fanele ku kandziyisa xitiviso eka maphephahungu mambirhi lama nga eka Xifundzankulu na hi ndlela yin'wana yo hangalasa mahungu, xi rhamba vanhu lava—
  - (a) fikeleka swilaveko swa xiyenge xa 20(2); naswona
  - (b) lava nga sindzisiwiki hi swilaveko swa xiyenge xa 21,  
Ku endla swikombelo, eka masiku ya 21 endzhaku ka ku kandziyisiwa ka xitiviso, xa ku va swirho swa khoto ya vaxavi.
- (2) Hi ndlela ya ku landzelerisa xitiviso, vakomberi va fanele va rhumela *curriculum vitae* hi ku angarhela hi ku landza xiyengentsongo xa (1), na—
  - (a) tikhopi leti nga sethifayiwa ta tidyondzo;
  - (b) matsalwa ya nseketelo lama kombisaka vutivi bya mukomberi, ntokoto na ntirho lowu endliweke mayelana na timhaka ta vusirheleli bya vaxavi eka Xifundzankulu; na
  - (c) Xihlambanyo lexi kombisaka ntsakelo wo kongoma kumbe wo ka wu nga kongomi eka swatimali mayelana na khamphani yihi kumbe yihi, bindzu lerintsongo kumbe ntsakelo wihi kumbe wihi eka swamabindzu.
- (3) Xirho xa Huvonkulu xi nga lavisia ntiyiso wa leswi hlamuseriweke hi mukomberi.
- (4) Xirho xa Huvonkulu, hi ku leteriwa hi nhlayo ya swikombelo leswi amukeriweke, xi fanele ku thoka swirho swa khoto ya vaxavi leswi nga fanelia.
- (5) Xirho xa khoto ya vaxavi, loko xi nga se sungula ntirho wa xona, xi fanele ku hlambanya hi ndlela leyi bumabumeriweke.

- (6) Xirho xa Huvonkulu xi fanele ku vona leswaku mavito ya vanhu lava thoriweke eka khoto ya vaxavi ya kandziyisiwa eka gazete ya *xifundzankulu* kumbe hi ndlea yihi kumbe yihi xin'wana ya vuhangalasi.

**23. Nkarhi wo tirha wa swirho swa khoto ya vaxavi**

- (1) Xirho xin'wana na xin'wana xa khoto ya vaxavi xi thoriwa malembe manharhu.
- (2) Xirho xa Huvonkulu xi nga yisa emahlweni nkarhi wo tirha wa xirho xa khoto ya vaxavi ehandle ka ku landzelela endlelo leri kombisiweke eka xiyenge xa 22.
- (3) Loko swirho swa khoto ya vaxavi swa ha tengha mhaka yo karhi leyi nga eka khoto ya vaxavi hi nkarhi lowu ntirho wa swona wu fikaka emakumu, swi nga ya emahlweni no tengha mhaka leyi ntsena tanihi swirho swa khoto ya vaxavi naswona swi ta hakeriwa no kuma swengetelo leswi nga fanelia hi nkarhi lowu swi tirhaka tanihi swirho swa khoto ya vaxavi.

**24. Ku tshika ntirho, ku tshikisiwa ntirho na swivandla swa mitirho**

- (1) Xirho xa khoto ya vaxavi xi nga tshika ntirho hi ku rhumela Xirho xa Huvonkulu —
- (a) xitiviso xa nhweti yin'we xo tsariwa; kumbe
  - (b) ehansi ka nhweti yin'we ya xitiviso xo tsariwa, hi mpfumelelo wa Xirho xa Huvonkulu.
- (2) Xirho xa Huvonkulu, hi ku leteriwa hi xiyengentsongo xa (3) xi nga susa Xirho xa khoto ya vaxavi loko xirho xolexo—
- (a) xi tsimbisiwa hi ku landza xiyenge xa21;
  - (b) xi tsandzeka ku boxa mitsakelo ya xona hi ku landza xiyenge xa 26;
  - (c) xi tikhomile hi ndlela leyi hambanaka na swipimelo swa xiyenge xa 27; kumbe
  - (d) xi tsandzeka ku tirha mitirho ya xona tanihi Xirho xa khoto ya vaxavi.
- (3) Loko Xirho xa khoto ya vaxavi xi nga se susiwa hi ku landza xiyengentsongo xa (2), Xirho xa Huvonkulu xi fanele ku nyika xirho xa khoto ya vaxavi nkarhi wa ku nyika nhlamuselo ya xona.

- (4) Loko nku ri na xivandla xa ntirho eka khoto ya vaxavi, Xirho xa Huvonkulu, hi ku landza endlelo leri kombisiweke eka xiyenge xa 22, xi fanele ku thola munhu ku siva xivandla xolexo eka nkarhi lowu nga sala wo tirha wa xirho xa khoto ya vaxavi eka xivandla xolexo munhu a tholeriweke eka xona.
- (5) Loko xivandla xa mutshamaxitulu na xa museketeri wa mutshamaxitulu swi pfuleka hikwalaho ka swivangelo swihi kumbe swihi, Xirho xa Huvonkulu xi nga thola munhu loyi a nga na tidyondzo ta xinawu leti nga fanelna na ntokoto ku va a tirha nkarhinyana eka xitulu xa mutshamaxitulu ku fikela loko xivandla xolexo xi siviwile hi ku landza xiyenge xa 22.
- (6) Munhu loyi a thoriweke hi ku landza xiyengentsongo xa (5) u na mfanelo yo kuma tihakelo na swengetelo leswi boxiweke ehansi ka xiyenge xa 25.

**25. Tihakelo na swengetelo swa swirho swa khoto ya vaxavi**

Xirho xa Huvonkulu—

- (a) xi fanele ku kombisa tihakelo na swengetelo swa swirho swa khoto ya vaxavi;
- (b) xi nga bumabumela mipimo yo hambana ya tihakelo na swengetelo mayelana na swirho swo hambana swa khoto ya vaxavi hikwalaho ka mipimo ya swona ya vuswikoti na mitirho ley iyi yi tirhaka, hi ku tihlanganisa na Xirho xa Huvonkulu lexi nga na vutihlamuleri bya swatimali eka Xifundzankulu.

**26. Nhlamuselo ya ntsakelo wa swamabindzu swirho swa khoto ya vaxavi**

- (1) Xirho xin'wana na xin'wana xa khoto ya vaxavi, eku sunguleni ka lembeximali rin'wana na rin'wana ra khoto ya vaxavi, xi fanele xi rhumela hi ndlela yo tsala eka Xirho xa Huvonkulu mitsakelo ya xona yo kongoma kumbe yo ka yi nga kongomi eka khamphani yihi kumbe yihi, khamphani ya mitlawa yo karhi kumbe mitsakelo yin'wana ya swamabindzu.
- (2) Laha xirho xa khoto ya vaxavi xi vaka na mitsakelo eka khamphani yihi kumbe yihi, bindzu ra mitlawa yo karhi kumbe mitsakelo yin'wana ya swamabindzu, eka nkarhi wihi kumbe wihi wa nkarhi wo tirha ka xona tanahi hi xirho xa khoto ya vaxavi, eka masiku ya 10 endzhaku ka ku va na mitsakelo ley iyi, xi fanele xi rhumela xihlambanyo xo tsariwa eka Xirho xa Huvonkulu mayelana na mitsakelo ley iyi.

**27. Nkwetlembetano wa mitsakelo**

- (1) Xirho xa khoto ya vaxavi xi nge yimeli munhu un'wana eka khoto ya vaxavi.
- (2) Loko hi nkarhi wa ntengo swi tikomba onge xirho xa khoto ya vaxavi xi na mitsakelo eka timhaka to karhi ta swatimali, xirho xolexo xa khoto ya vaxavi xi fanele—
  - (a) hi nkarhi wolowo xi nyika nhlamuselo hi ntalo mayelana na mitsakelo leyi eka swirho leswin'wana swa khoto ya vaxavi; na
  - (b) tshika ku ya emahlweni na mhaka leyi tengiwaka.

**28. Ku yimisiwanyana ku tirha ka xirho xa khoto ya vaxavi**

- (1) Xirho xa Huvonkulu, endzhaku ka ku tirhisa swinawana swa nkavanyiso wa ntoloveloo, xi nga yimisiwanyana xirho xa khoto ya vaxavi loko—
  - (a) xirho xa khoto ya vaxavi xi lumbetiwa hi matikhomelo lama nga amukelekiki; naswona
  - (b) Xirho xa Huvonkulu xi pfumela leswaku vukona bya xirho lexi eka khoto ya vaxavi byi nga kavanyeta ndzavisiso wihi kumbe wihi mayelana na matikhomelo lama, hambi ku ri ku xungeta nhlayiseko wa munhu wo karhi kumbe nhundzu ya mfumo.
- (2) Ku yimisiwanyana loku i ndlela yo tisirhelela naswona a hi xiboho xo karhi.

**XIPHEMU XA B**  
**MAFAMBISELO YA KHOTO**

**29. Matsalani wa khoto ya vaxavi**

- (1) Xirho xa Huvonkulu, hi ku landza milawu leyi lawulaka vukorhokeri bya tiko—
  - (a) xi fanele ku kombisa kumbe ku thola munhu loyi a nga ta va matsalani wa khoto ya vaxavi who loyi nga na vutihlamuleri bya ku—
    - (i) ku amukela na ku hlela swikombelo leswi tisiweke eka khoto ya vaxavi;
    - (ii) ku lulamisela mitshamo ya khoto ya vaxavi;
    - (iii) ku tivisa mitlawa leyi khumbekaka mayelana na mitshamo;
    - (iv) ku lawula vutihlanganisi bya khoto ya vaxavi;
    - (v) ku lawula tirhekodo ta khoto ya vaxavi;
    - (vi) ku hlela tihakelo ta timbhoni; na

- (vii)ku tirha ntirho wihi kumbe wihi wun'wana hi ku landza Nawu lowu kumbe hilaha a lerisiweke hakona hi mutshamaxitulu wa khoto ya vaxavi;
- (b) ku kombisa kumbe ku thola vanhu valavo hi ku landza milawu leyti tirhisiwaka eka vukorhokeri bya tiko ku pfuna matsalani wa khoto ya vaxavi ku endla mitirho ya yena.
- (2) Matsalani wa khoto ya vaxavi u fanele a rhumela xiviko eka Nhloko ya Ndzwulo hi ndlela leyti bumabumeriweke.

### **30. Xiviko xa khoto ya vaxavi**

Khoto ya vaxavi yi fanele ku rhumela swiviko swa kotara na kotara na swa lembe na lembe mayelana na migingiriko ya yona eka Xirho xa Huvonkulu hi ndlela leyti bumabumeriweke ku nga se hundza masiku ya 14 eku heleni ka kotara na ku hela ka lembeximali.

### **XIPHEMU XA C MAFAMBISELO YA KHOTO YA VAXAVI**

#### **31. Mafambiselo ya khoto ya vaxavi**

- (1) Mutshamaxitulu wa khoto ya vaxavi u na vutihlamuleri byo lawula nhlayo ya milandzu leyti nga eka khoto ya vaxavi naswona u fanele a hlela mhaka yin'wana na yin'wana leyti hundziseriweke eka khoto ya vaxavi hi ku landza Nawu lowu kumbe nawu wihi kumbe wihi wun'wana eka—
- (a) mutshamaxitulu kumbe museketeri wa mutshamaxitulu loyi anga yexe eka Nawu lowu, xiyenge xa 75(5) xa Nawu wa Vusirheleti bya Vaxavi, 2008, xiyenge xa 142 (3) xa Nawu wa Swikweleti wa Rixaka, 2005, kumbe nawu wihi kumbe wihi wun'wana xi kombisa mhaka leyti faneleke ku tengiwa hi xirho xin'we; kumbe
- (b) phenele leyti vumbiweke hi mutshamaxitulu kumbe museketeri wa mutshamaxitulu na swirho swimbirhi swin'wana swa khoto ya vaxavi.
- (2) Loko eka nkarhi wihi kumbe wihi wa ntengo wa mhaka emahlweni ka khoto ya vaxavi, mutshamaxitulu a nga ha swi koti ku ya emahlweni no tengisa kumbe a nga ri kona, mhaka leyti yi fanele yi tengiwa emahlweni ka museketeri wa mutshamaxitulu.
- (3) Loko mutshamaxitulu na museketeri wa mutshamaxitulu va tsandzeka ku tenga mhaka hikwalaho ka xivangelo xihi kumbe xihi—

- (a) laha mutshamaxitulu kumbe museketeri wa mutshamaxitulu a nga tshama a ri yexe, tmhaka yi fanele ku tengiwa emahlweni ka xirho xin'we lexi nga na tidyondzo ta xinawu leti nga fanelna na ntokoto; kumbe
  - (b) tanihi Xiphemu xa phanele ya swirho swinharhu, phanele yi fanele ku tumbuluxiwa nakambe leswaku mikarhi hinkwayo phanele yi va yi ri na swirho swinharhu laha xin'we xa xona xi nga na tidyondzo ta xinawu leti nga fanelna na ntokoto.
- (4) Xiboho xa xirho xin'we xa khoto ya vaxavi, leyi tengaka mhaka leyi hlamsueriweke eka xiyengentsongo xa (1)(a) kumbe xa nhlayonyingi ya swirho swa phanele ya mhaka yin'wana, i xiboho xa khoto ya vaxavi.

### **32. Ku tengisa hi khoto ya vaxavi**

Khoto ya vaxavi leyi tengeka mhaka yihi kumbe yihi hi ku landza Nawu lowu, Nawu wa Vusirheleli bya Vaxavi, 2008 kumbe Nawu wa Swikweleti wa Rixaka, 2005—

- (a) yi fanele yi fambisa mitengo ya yona hi endlelo leri fambelanaka na Xiphemu xa D; naswona
- (b) yi nga endla xileriso hi ku landza Xiphemu xa E, xa Kavanyisa ka 7 ka Nawu wa Swikweleti wa Rixaka, 2005, leswi hlayiwaka xikan'we na ku cinca loku lavekaka.

### **33. Tihakelo ta timbholi**

Munhu loyi a kumeke xileriso xa leswaku a va mbholi, u ta hakeriwa tihakelo ta timbholi na swengetelo leswi a faneleke ku swi kuma loko munhu yaloye a ti humelerile eka khoto ya majisitarata tanihi mbholi.

## **XIPHEMU XA D**

## **SWILERISO SWA KHOTO YA VAXAVI**

### **34. Swileriso swa khoto ya vaxavi**

- (1) Ku engetela eka xileriso xihi kumbe xihi xa khoto ya vaxavi lexi nga endliwaka hi ku landza Nawu lowu, Nawu wa Vusirheleli bya Vaxavi, 2008 kumbe Nawu wa Swikweleti wa Rixaka, 2005, khoto ya vaxavi yi nga lerisa leswaku vuxokoxoko bya munhu loyi a endla swilo leswi nga ri ki enawini byi boxiwa eka nongoloko wa swipimelo leswi boxiweke eka xiyenge xa 12.

- (2) Xileriso xa khoto ya vaxavi xi fanele xi tivisiwa hi ku tirhisa *gazete ya xifundzankulu* naswona xi nga tivisiwa hi ndlela yihi kumbe yihi.

**35. Mixupulo ya vulawuri**

Khoto ya vaxavi yi nga simeka nxupulo wa vulawuri mayelana na matikhomelo lama nga amukelekiki hi ku landza Nawu wa Vusirheleli bya Vaxavi, 2008 kumbe Nawu wa Swikweleti wa Rixaka, 2005.

**36. Ku hambana ka swileriso**

Khoto ya vaxavi hi ku tiyimela yoxe kumbe hi ku letriwa hi xikombelo xa munhu loyi a khumbekaka hi xiboho kumbe xileriso, yi nga cinca kumbe ku tlherisela endzhaku xiboho xa yona kumbe xileriso —

- (a) Iaviwile hi xihoxo kumbe ku nyikiwa ehandle ka xiphemu lexi khumbiwaka hi swona;
- (b) laha ku nga na ku hambana ka vonelo, kumbe xihoxo kumbe ku rivariwa leswi nga erivaleni, kambe ntsena eka ku lulamisa kambe eka ku lulamisa ntsena ku hambana ka vonelo, xihoxo kumbe ku rivariwa; kumbe
- (c) leswi endliweke kumbe ku phakeriwa hikwalaho ka xihoxo lexi kumekaka eka mitlawa hinkwayo leyi khumbhekaka.

**37. Mpimo wa vumbhoni**

Mitengo yihi kumbe yihi leyti nga emahlweni ka khoto ya vaxavi hi ku landza Nawu lowu, vumbhoni lebyi nyikiwaka byi ta hleriwa ku kuma ntiyiso wa byona.

**KAVANYISA KA 4**

**SWIPIMELO SWIN'WANA NA SWIN'WANA**

**XIPHEMU XA A**

**MILANDZU NA MIXUPULO**

**38. Ku tlula ntwanano**

- (1) I nandzu ku hangalasa timhaka ta xihundla ta munhu wihi kumbe wihi kumbe munhu wa xinawu u kumile—
- (a) endlile mitirho ya yena hi ku landza Nawu lowu; kumbe
  - (b) hikwalaho ka ku rhumela xivilelo kumbe ku nghenela eka mitengo yahi kumbe yahi hi ku landza Nawu lowu.
- (2) Xiyengentsongo xa (1) a xi tirhi eka vuxokoxoko lebyi nyikiweke-
- (a) hi xikongomelo xa ku tirha ka matimba mahi kumbe mahi, mitirho kumbe micingiriko hi ku landza Nawu lowu;
  - (b) hi xikongomelo xa ku yisa emahlweni timhaka ta vululami;
  - (c) hi ku landza xikombelo xa mulavisi, Hofisi ya Musirheleli wa Vaxavi kumbe xirho xa khoto ya vaxavi yin a mfanelo yo kuma vuxokoxoko lebyi; kumbe
  - (d) hi ku landza xileriso xa khoto ya nawu.

**39. Ku kavanyeta vulawuri bya Nawu**

I nandzu ku kavanyeta, ku kaneta, ku sivela kumbe ku kucetala munhu un'wana loyi a nga haverisiwa matimba hi ku landza Nawu ku tirhisa matimba lama a haverisiweke wona.

**40. Ku tsandzeka ku nghenela mitengo endzhaku ka ku kuma samanisi**

Munhu loyi a kumeke xileriso kumbe samanisi ra ku nghenela ntengo—

- (a) a tsandzekaka ku nghenela ntengo wolowo kambe a nga ri na xivangelo lexi amukelekaka xa ku va kona eka ndhawu na hi nkarhi lowu vekiweke; kumbe
- (b) a ta hilaha a komberiweke hakona, kambe—
  - (i) a ala ku hlambanyisiwa kumbe ku tiboha; kumbe
  - (ii) a tsandzeka ku humesa buku, tsalwa kumbe ayitheme yin'wana leyi lavekaka, loko swilo swoleswo swi ri eka munhu yaloye kumbe swi ri ehansi ka vulawuri bya yena, u tlula nawu.

**41. Ku tsandzeka ku hlamula swivutiso kumbe ku vulavula vunwa**

Munhu loyi endzhaku ka ku hlambanya—

- (a) hi ku landza xiyenge xa 13(3), a tsandzekaka ku hlamula swivutiso hi ntalo ku ya hi vutivi bya yena; kumbe

- (b) a nyikaka vumbhoni lebyi nga ri ki byona, a ri karhi a swi tiva leswaku byi hoxekile, u tlula nawu.

**42. Milandzu mayelana na Hofisi ya Musirheleli wa Vaxavi na khoto ya vaxavi**

- (1) Munhu loyi a tlulaka nawu kumbe loyi a tsandzekaka ku landzelela xileriso xa khoto ya vaxavi u vanga nadzu.
- (2) Munhu wihi kumbe wihi loyi—
- (a) a endlaka mhaka yihi kumbe yihi leyti nga kucetelaka khoto ya vaxavi kumbe Hofisi ya Musirheleli wa Vaxavi hi ndlela leyti nga fanelangiki mayelana na mhaka yihi kumbe yihi leyti fambelanaka na vulavisisi;
  - (b) a ehleketa mbuyelo wihi kumbe wihi wa khoto ya vaxavi kumbe wa Hofisi ya Musirheleli wa Vaxavi mayelana na vulavisisi hi ndlela leyti nga ta kucetela ndlela leyti mitengo yi fambisiwaka ha yona;
  - (c) a endla swilo swo karhi mayelana na vulavisisi leswi nga tlulaka milawu ya khoto loko swilo leswi swi endliliwa eka khoto ya nawu;
  - (d) a karhi a swi tiva a nyika vuxokoxoko lebyi nga hoxeka eka Hofisi ya Musirheleli wa Vaxavi;
  - (e) loyi a rhukanaka khoto ya vaxavi kumbe xirho xa khoto ya vaxavi, va ri emitirhweni ya vona ya ximfumo;
  - (f) hi xikongomelo xo karhi a kavanyeta fambiselo ra mitengo kumbe a tikhoma hi ndlela leyti nga languteriwangiki hi nkarhi wa mitengo;
  - (g) loyi a nghenaka a secha a nga ri na warenti; kumbe
  - (h) ehandle ka mpfumelelo, kambe a boxa leswaku u na mpfumelelo, hi ku landza xiyanje xa 14 —
    - (i) a nghena kumbe ku secha tindhawu; kumbe
    - (j) ku teka kumbe ku susa nchumu wo karhi kumbe tsalwa, u vanga nandzu.

**43. Mixupulo**

Munhu wihi wihi kumbe wihi loyi a voniweke nandzu hi ku landza Nawu lowu, u ta xupuriwa kumbe ku pfaleriwa ekhotsweni kumbe a xupuriwa a tlhela a pfaleriwa ekhotsweni.

**XIPHEMU XA B**

## SWIPIMELO SWIN'WANA NA SWIN'WANA

### **44. Ku haverisa matimba**

- (1) Xirho xa Huvonkulu, hi ku landza swipimelo swa xiphemu lexi, hi ndlela yo tsala, xi haverisa matimba, mitirho kumbe micingiriko, hi ku landza Nawu lowu, eka Nhloko ya Ndzwulo, Musirheleli wa Vaxavi kumbe mutirhi eka Hofisi ya Musirheleli wa Vaxavi, ku ri na swipimelo kumbe swi nga ri kona.
- (2) Xirho xa Huvonkulu xi nge haverisi matimba ya ku—
  - (a) thola swirho swa Khoto na Musirheleli wa Vaxavi; na
  - (b) ku endla swinawana.
- (3) Musirheleli wa Vaxavi, hi ku leteriwa hi mpfumelelo wa Xirho xa Huvonkulu, u haverisa matimba ya yena, mitirho na micingiriko, ku katsa matimba, mitirho na micingiriko leswi haverisiweke Musirheleli wa Vaxavi hi Xirho xa Huvonkulu, eka xirho xihi kumbe xihi lexi nga eka vukorhokeri bya Hofisi ya Musirheleli wa Vaxavi.
- (4) Ku haverisiwa matimba hi ku leteriwa hi xiphemu lexi a swi siveli Xirho xa Huvonkulu kumbe Musirheleli wa Vaxavi ku tirha mitirho ya vona ehansi ka matimba lama haverisiweke na mitirho.
- (5) Ku haverisiwa matimba ehansi ka xiyenge lexi swi nga suriwa kumbe ku tlheriseriwa endzhaku eka nkarhi wihi kumbe wihi.
- (6) Nchumu wihi kumbe wihi lowu endliwaka ehansi ka matimba lama haverisiweke na mitirho swi tekiwa swi endliwile hi Xirho xa Huvonkulu kumbe Musirheleli wa Vaxavi, hilaha swi faneleke hakona.

### **45. Vutihlamuleri eka munhu un'wana**

- (1) Loko muthoriwa kumbe ejente ya munhu wo karhi va ri na vutihlamuleri hi ku landza Nawu lowu mayelana na nchumu wihi kumbe wihi lowu endliwaka kumbe ku susiwa hi nkarhi wa ku thoriwa ka munhu yaloye kumbe eka micingiriko ya yena ematshan'weni ya murhangeri wa vona, muthori na murhangeri va na vutihlamuleri ehenhla ka munhu yaloye.
- (2) Xiphemu lexi a xi tirhisiwi eka timhaka ta vugevenga.

**46. Swinawana**

- (1) Xirho xa Huvonkulu, endzhaku ka ku tihlanganisa na mutshamaxitulu wa khoto ya vaxavi, xi nga tumbuluxa swinawana mayelana na—
- (a) maendlelo na swinawana swa mafambiselo ya khoto ya vaxavi;
  - (b) mhaka yihi kumbe yihi ley, hi ku landza Nawu lowu, yi faneleke ku hlamuseriwa;
  - (c) tihakelo leti hakeriwaka ehansi ka Nawu lowu;
  - (c) hi ku angarhela, mhaka yihi kumbe yihi ley tekiwaka yi ri ya nkoka eka ku fikelela swikongomelo swa Nawu lowu.
- (2) Xirho xa Huvonkulu xi fanele ku vona leswaku swinawana leswi mpfampfarhutiweke swi kandziyisiwa eka gazete ya *xifundzankulu* leswaku vanhu va boxa mianakanyo ya vona mayelana na swona.

**47. Ku herisa milawu**

Laha Nawu wa Timhaka ta Vaxavi (Mafambiselo ya Mabindzu Lama nga Amukelekiki), 1996 (Nawu wa No. 8 wa 1996) wa herisiwa.

**48. Maendlelo ya nkarhinyana**

- (1) Xivilelo xihi kumbe xihi lexi tisiweke eka Hofisi ya Musirheleli wa Vaxavi Nawu lowu nu nga se sungula ku tirha xi fanele xi hleriwa no gimetwa hi ku landza Nawu lowu.
- (2) Laha Musirheleli wa Vaxavi, xirho xa vatirhi va Hofisi ya Musirheleli wa Vaxavi kumbe mulavisi va vakiweke kumbe ku thoriwa hi ku landza nawu wihi kumbe wihi wihi lowu herisiweke, va ta ya emahweni no tirha ku landza Nawu lowu.
- (3) Khoto ya vaxavi ley simekiweke hi ku landza Nawu ya herisiwa hi ku landza Nawu lowu kambe yi ta ya emahlweni ku tirha ehansi ka Nawu lowu.
- (4) Xirho kumbe xirho xin'wana xa khoto ya vaxavi leswi vekiweke hi ku landza nawu lowu herisiweke hi ku landza Nawu lowu swi ya emahlweni ku va swirho kumbe swirho swin'wana ehansi ka Nawu lowu eka nkarhi lowu nga pimawangiki.

**49. Nhlokohaka yo koma na ku sungula ku tirha**

- (1) Nawu lowu wu vuriwa Nawu wa Vusirheleli bya Vaxavi va Limpopo, 2013 naswona wu ta sungula ku tirha eka siku leri nga ta boxiwa hi Phirimiyha hi xitiviso eka gazete ya xifundzankulu.
- (2) Phirimiyha a nga veka masiku yo hambana mayelana na ku sungula ku tirha ka swiyenge swo hambana swa Nawu lowu.

**MEMORANDAMU YA SWIKONGOMELO SWA NAWUMBISI WA VUSIRHELELI BYA  
VAXAVI WA LIMPOPO, 2013**

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**1. MANGHENEOLO NA XIKONGOMELO XA NAWUMBISI**

- 1.1. Nawu wa Vusirheleli bya Vaxavi, 2008 (Nawu wa No. 68 wa 2008)<sup>1</sup> wu simekile hi 2008 hi xikongomelo xa leswaku ku tumbuluxiwa ndhawu ya kahle leyi amukelekaka na ku ya emahlweni ya switirhisiwa na vukorhokeri, ku tumbuluxa matirhelo na mipimo ya rixaka mayelana na vusirheleli bya vaxavi na ku tiyisisa timfanelo ta vatirhisi.
- 1.2. Nawu wa Vusirheleli bya Vaxavi, 2008 yi kongomisa eka mafumele ya xifundzankulu ya vusirheleli bya vaxavi na khoto ya vaxavi. Mfumo wa Xifundzankulu wu languteriwe ku simeka nawu lowu haverisaka matimba eka khoto ya vaxavi na le ka vusirheleli bya vaxavi bya xifundzankulu na mitirho ya wona.
- 1.3. Nawu wa Timhaka ta Vaxavi wa sweswi (Mafambiselo ya Mabindzu Lama nga Amukelekiki), 1996 (Act No. 8 of 1996)<sup>2</sup> hi xivumbeko xa wona xa sweswi a wu fambelani na Nawu wa Vusirheleli bya Vaxavi, 2008 lowuntshwa. Xikongomelo i xa leswaku Nawu wa sweswi wu herisiwa wu siviwa hi Nawu wuntshwa wa vusirheleli bya vaxavi bya xifundzankulu lowu nga ta fambelana na Nawu wa Vusirheleli bya Vaxavi, 2008 leswaku ku phethanisiwa mitirho ya Khomixini, mitirho ya mafumelo ya vusirheleli bya vaxavi bya xifundzankulu na khoto ya vaxavi.
- 1.4. Hi ku landza Nawu wa sweswi, komiti ya nkarhi hinkwawo leyi nga na vutihlamuleri mayelana na timhaka ta vaxavi eka mfumo wa milawu wa xifundzankulu yi fanelel yi pfumelelana na Xirho xa Huvonkulu eka ku thoriwa ka swirho swa khoto ya vaxavi. Nawumbisi wu lava ku susa xilaveko lexi. Nawumbisi wu ta ya emahlweni na swiyenge leswi nga tumbuluxiwa ehansi ka Nawu lowu kambe wu simekiwile leswaku wu antswisa matirhelo ya wona.
- 1.5. Nawumbisi wu kombisa mpfumelelo wa vusirheleli bya vaxavi wa xifundzankulu; wu kombisa mitirho wa wona; wu kombisa khoto ya vaxavi ya Limpopo; na mitirho ya yona, naswona wu lava ku herisa Nawu wa Timhaka ta Vaxavi (Mafambiselo ya

<sup>1</sup> Hereinafter referred to as the "Consumer Protection Act, 2008".

<sup>2</sup> Hereinafter referred to as the "current Act"

Mabindzu Lama nga Amukelekiki), 1996 (Nawu wa No. 8 wa 1996) na ku kombisa timhaka leti fambelanaka na wona.

- 1.6. Nawumbisi wu angarhela tinhlamuselo tintshwa ta nkoka xik. mutirhisi, Khomixini, Huvo, mukamberi, sw. na sw. Nawumbisi swihlawulekisi swo thola Musirheleli wa Vaxavi na ku tivisa swiyimo swintshwa swa Museketeri wa Musirheleli wa Vaxavi na vakamberi. Nawumbisi wu tlhela wu engetela mitirho na matimba ya vusirheleli bya vaxavi bya xifundzankulu. Nawumbisi wu tlhela wu kombisa tindlela tintshwa to hundzisela timhaka eka khoto ya vaxavi. Nawumbisi wu kombisa mitirho ya matsalani wa khoto ya vaxavi na ku kombisa tindlela ta mavikelo. Nawumbisi wu phathanisa mitengo ya khoto ya vaxavi na swileriso swin'wana swa Khoto ya Vatirhisi ya Tiko. Nawumbisi wu kombisa rhijisitara ra marhekhonele ya vuxokoxoko bya vanhu lava endleke swilo leswi nga ri ki enawini. Hi ku angarhela, Nawumbisi lowu wu fambelana na swipimelo swa Nawu wa Vusirheleli bya Vaxavi, 2008.

## 2. **LESWI KHUMBHAKA VANHU**

Nawumbisi wu kongomisiwile eka ku antswisa xiyimo xa vatirhisi va Xifundzankulu eka timhaka ta ikhonomi na swin'wana.

## 3. **NHLELO WA XIYENGE-HA –XIYENGE**

- 3.1. Xiyenge xa 1 xi kombisa tinhlamuselo leti tirhisiweke eka Nawu.
- 3.2. Xiyenge xa 2 xi kombisa swikongomelo swa Nawu.
- 3.3. Xiyenge xa 3 xi kombisa ku yisiwa emahlweni ka mpfumelelano wa vusirheleli bya vaxavi lowu tumbuluxiweke ehansi ka Nawu wu ta herisiwa kutani wu ta tiviwa tanahi Hofisi ya Musirheleli wa Vaxavi.
- 3.4. Xiyenge xa 4 xi kombisa ku vekiwa kumbe ku thoriwa ka Musirheleli wa Vaxavi na timfanelo ta yena. Xi tlhela xi kombisa ku vekiwa kumbe ku thoriwa k aka Museketeri wa Musirheleli wa Vaxavi ku katsa na vatirhi va Hofisi ya Musirheleli wa Vaxavi.
- 3.5. Xiyenge xa 5 xi kombisa mitirho na matimba ya Hofisi ya Musirheleli wa Vaxavi.

- 3.6. Xiyenge xa 6 xi kombisa endlelo ro tisa swivilelo eka Hofisi ya Musirheleli wa Vaxavi.
- 3.7. Xiyenge xa 7 xi kombisa ntirho wa Hofisi ya Musirheleli wa Vaxavi mayelana no kongomana na swivilelo.
- 3.8. Xiyenge xa 8 xi kombisa swiyimo kumbe ku thoriwa ka vakamberi na valavisisi.
- 3.9. Xiyenge xa 9 deals with the various outcomes to an investigation by the Hofisi yathe Musirheleli wa Vaxavi.
- 3.10. Xiyenge xa 10 xi kombisa leswaku mitwanano exikarhi ka mitlawa yo hambana yi hundzuka swiboho.
- 3.11. Xiyenge xa 11 xi kombisa hilaha timhaka ti nga hundziseriwaka hakona eka khoto ya vaxavi.
- 3.12. Xiyenge xa 12 xi kombisa rhijisitara ra vuxokoxoko bya vanhu lava endlaka swilo leswi nga ri ki enawini.
- 3.13. Xiyenge xa 13 xi kombisa saphino ya vanhu kumbe matsalwa hi xikongomelo xa ku endla vulavisisi.
- 3.14. Xiyenge xa 14 xi kombisa mpfumelelo ya ku nghena na ku secha hi ku tirhisa warente.
- 3.15. Xiyenge xa 15 xi kombisa matimba ya ku nghena na ku secha hi ku tirhisa warente.
- 3.16. Xiyenge xa 16 xi kombisa xikongomelo xa ku nghena na ku secha.
- 3.17. Xiyenge xa 17 xi kombisa endlelo ro kongomana na mahungu ya xihundla.
- 3.18. Xiyenge xa 18 xi yisa emahlweni khoto ya vaxavileyi tumbuluxiweke hi Nawu wa Timhaka ta Vatirhisi (Maendlelo ya Bindzu Lama nga Amukelekiki), 1996 (Nawu No. 8 wa 1996) naswona xi kombisa laha khoto leyi yi kumekaka kona na mitshamo ya yona.
- 3.19. Xiyenge xa 19 xi kombisa mitirho ya khoto ya vaxavi.
- 3.20. Xiyenge xa 20 xi kombisa mavumbelo ya khoto ya vaxavi.
- 3.21. Xiyenge xa 21 xi kombisa ku aleriwa ku thoriwa eka khoto ya vaxavi.

- 3.22. Xiyenge xa 22 xi kombisa endleo ra swikombelo na ku thoriwa ka swirho swa khoto ya vaxavi.
- 3.23. Xiyenge xa 23 xi kombisa nkarhi wo tirha wa swirho swa khoto ya vaxavi.
- 3.24. Xiyenge xa 24 xi kombisa ku tshika ntirho, ku susiwa ehofisini na swivandla swa mitirho eka khoto ya vaxavi.
- 3.25. Xiyenge xa 25 xi kombisa tihakelo na swengetelo swa swirho swa khoto ya vaxavi.
- 3.26. Xiyenge xa 26 xi kombisa mitsakelo ya swamabindzu ya swirho swa khoto ya vaxavi.
- 3.27. Xiyenge xa 27 xi kombisa nkwegtlemabetano wa mitsakelo.
- 3.28. Xiyenge xa 28 xi kombisa ku yimisiwanyana ka xirho xa khoto ya vaxavi.
- 3.29. Xiyenge xa 29 xi kombisa ku vekiwa kumbe ku thoriwa ka matsalani wa khoto ya vaxavi na vutihlamuleri bya yena.
- 3.30. Xiyenge xa 30 xi kombisa xi laveko xa ku vika hi khoto ya vaxavi.
- 3.31. Xiyenge xa 31 xi kombisa mafambiselo ya khoto ya vaxavi.
- 3.32. Xiyenge xa 32 xi kombisa mitengo ya khoto ya vaxavi leyi nga ta endliwa hi ndlela leyi fambelanakja na ya Khoto ya Swikweleti ya Tiko.
- 3.33. Xiyenge xa 33 xi kombisa tihakelo ta timbhoni.
- 3.34. Xiyenge xa 34 xi kombisa swileriso swa khoto ya vaxavi.
- 3.35. Xiyenge xa 35 xi kombisa mindziho ya vulawuri.
- 3.36. Xiyenge xa 36 xi kombisa ku hambana ka swileriso.
- 3.37. Xiyenge xa 37 xi kombisa mipimo ya vumbhoni eka mitengo ya khoto ya vaxavi.
- 3.38. Xiyenge xa 38 xi kombisa ku tluriwa ka milawu.
- 3.39. Xiyenge xa 39 xi kombisa leswaku i nandzu ku kavanyeta mafambiselo ya Nawu.
- 3.40. Xiyenge xa 40 xi kombisa leswaku I nandzu ku tsandzeka ku nghanela ntengo endzhaku ka ku kuma samanisi.
- 3.41. Xiyenge xa 41 xi kombisa leswaku I nandzu ku tsandzeka ku hlamlula swivutiso kumbe ku vulavula vunwa.

- 3.42. Xiyenge xa 42 xi kombisa milandzu mayelana na Hofisi ya Musirheleli wa Vaxavi na khoto ya vaxavi.
- 3.43. Xiyenge xa 43 xi kombisa mixupulo ehansi ka Nawu lowu.
- 3.44. Xiyenge xa 44 xi kombisa ku haverisiwa ka matimba.
- 3.45. Xiyenge xa 45 xi kombisa swiboho swo ka swi nga kongomi.
- 3.46. Xiyenge xa 46 xi na swipimelo swa swinawana.
- 3.47. Xiyenge xa 47 xi herisa swipimelo.
- 3.48. Xiyenge xa 48 xi kombisa maendlelo ya nkarhinyana.
- 3.49. Xiyenge xa 49 xi kombisa nhlokomhaka yo koma na ku sungula ku tirha ka Nawu.

#### **4. LESWI KHUMBHAKA TIMALI**

Ku nga tirhisiwa mali eka ku thoriwa ka Musirheleli wa Vaxavi, Museketeri wa Musirheleli wa Vaxavi, vatirhi vantshwa eka Hofisi ya Musirheleli wa Vaxavi na khoto ya vaxavi, vakamberi na valavisisi, loko vatirhi lava va nga suki eka ndzawulo leyi. Ndzawulo yi nga tlhela yi tirhisa mali loko yi lava ku pfuniwa hi van'wavutivi hi ku landza Nawu.

Ku ta hakeleriwa switiviso hinkwaswo leswi nga ta kandziyisiwa hi ku landza Nawu eka gazete ya xifundzankulu kumbe eka maphepha man'wana ya mahungu, ku katsa tihakelo ta ku kandziyisa swileriso swa khoto ya vaxavi, switiviso swa vanhu mayelana na vulavisisi na ku rhamba swikombelo swa swivandla swa mitirho eka khoto ya vaxavi. Ndzawulo yi ta hakelela miholo na swingetelo swin'wana swa swirho swa khoto ya vaxavi members, ku kata tihakelo ta timbhoni. Ku ta va na tihakelo to gazeta na to navetisa Nawumbisi lowu eka maphepha ya mahungu ya 2 leswaku vanhu va boxa mianakanyo ya vona ehenhla ka wona na ku wu kandziyisa.

#### **5. LESWI KHUMBHAKA VATIRHI NA NHLANGANO**

Nawumbisi wu bumabumela leswaku ku va na vatirhi lava rhumeriwaka kumbe ku thoriwa hi Ndzawulo eka Hofisi ya the Musirheleli wa Vaxavi, ku ya eka khoto ya vaxavi na ku rhumeriwa kumbe ku thoriwa ka vakamberi kumbe valavisi.

**6. LESWI KHUMBAKA VUMBIWA**

Vusirheleli bya vaxavi i xiyenge lexi khumbhaka mufumo wa le xikarhi na swa swifundzankulu (xedulu ya 4) mayelana na milawu. Xifundzankulu xi na vuswikoti bya ku tumbuluxa milawu mayelana na timhaka leti khumbhaka vusirheleli bya vaxavi.

**7. MIHLANGANO LEYI KU HLANGANIWEKE NA YONA**

Ku tihlanganisiwile na Ndzawulo ya Nhluvukiso wa Ikhonomi, Mbango na Vupfhumba na Vatsundzuxi va Mfumo va Xinawu lava nga eka Hofisi ya Phirimiy.

**ISAZISO MAZOMBE****ISAZISO MAZOMBE ...478.. SAKA-2013****UMBUSO WEPHROVINSI YELIMPOPO****UMNYANGO WEZOKUTHUTHUKISWA KOMNOTHO, IBHODULUKO  
NEZOKUVAKATHA****UMTHETHOMLINGWA WELIMPOPO WEZOKUVIKELWA KWABATHENGI, WAKA-  
2013**

Ngokuya kwemiThetho yaSafuthi nemLayo yesiBethamthetho seLimpopo, umThetholingwa weLimpopo wezokuVikelwa kwabaThengi waka-2013 lapha uyavezwa ukwenzela bonyana abantu baveze imibono ngawo.

Omunye nomunye umuntu namkha ihlangano efisa ukuzwakalisa umbono ngalomtlolo ingenza njalo ngomtlolo ngomhlaka namkha ngaphambi komhlaka **31/01/2014**, ku:

**Head of Department****Department of Economic Development, Environment and Tourism****Private Bag X9484****POLOKWANE****0700****FOR ATTENTION: Kenny Maboea****Umtato: (015) 293 8559****Ifeksi: (015) 291 1336****Imeyili: MaboeaKS@ledet.gov.za**

**ISIBETHAMTHETHO SEPHROVINSI YELIMPOPO**

**UMTHETHOMLINGWA WELIMPOPO WOKUVIKELWA KWABATHENGI, WAKA-2013**

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**Njengombana waziswa**

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**(NGUSOMKHANDLU WEZOKUTHUTHUKISWA KOMNOTHO, IBHODULUKO  
NEZAMAVAKATJHO)**

## UMTHETHOMLINGWA

Wokunikela ngebandla lokuvikelwa kwabathengi nokusebenza kwalo; wokunikela ngekhotho yezabathengi eLimpopo nokusebenza kwayo; wokulawula iinkambiso zekhoto yezabathengi; wokuphelisa umThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 (umThetho Wobu-8 waka-1996) kanye nokunikela ngeendatha ezithintana nalokho.

## ISETHULO

**NJENGOMBANA** umThetho wokuVikelwa kwabaThengi, waka-2008 (umThetho Wama-68 waka-2008) wenzelwa, hlangana nokhunye, ukuthuthukisa indawo yemaraga elungileko, efumaneka lula nebambelelako yemikhiqizo nemisebenzi yezabathengi ukwenzela bonyana kuhlonywe iinkambiso nemigomo yenarha ephathelene nokuvikelwa kwabathengi;

**BEGODU NJENGOMBANA** kunesidingo sokwenza imithetho yeprovinsi yokuvikelwa kwabathengi ukwenzela bonyana kuhlonywe ibandla lephrovinsi lokuvikelwa kwabathengi kanye nekhotho yezabathengi ephrovinsini ezizakwazi ukusebenza ngeendaba eziphatelene nokuvikelwa kwabathengi;

**WENZIWE UMTHETHO** siBethamthetho sePhrovinsi yeLimpopo ngendlela elandelako:—

## UKUHLELWA KWEENGABA

### ISAHLUKO 1

#### IINJAMISO ZOKWAZISA

1. linhlathululo
2. Iminqopho yomThethomlingwa

### ISAHLUKO 2

#### IBANDLA LEPHROVINSI LOKUVIKELWA KWABATHENGI

##### *Ingceny A*

##### *I-OFISI LOMVIKELI WABATHENGI*

3. I-Ofisi lomVikeli wabaThengi
4. UmVikeli wabaThengi

*Ingcenyé B*

**UKUSEBENZA KWEBANDLA**

5. Imisebenzi namandla we-Ofisi lomVikeli wabaThengi
6. Ukudlulisela iinghonghoyilo e-Ofisini lomVikeli wabaThengi
7. Indima ye-Ofisi lomVikeli wabaThengi ekusebenzeni ngeenghonghoyilo
8. Abahloli nabaphenyi
9. Imiphumela yephenyo
10. Imilayo yesivumelwano seenqhema
11. Ukudlulisela ekhotho yezabathengi
12. Irejista yeembalo zezenzo ezingamukelekiko

*Ingcenyé C*

**AMANDLA ASEKELA IPHENYO**

13. limbizelakhotho zabantu nanyana imitlolo
14. Igunya lokungena nokusetjha ngokusebenzisa incwadi yelungelo  
lokusetjha
15. Amandla wokungena nokusetjha
16. Ukwenza umsebenzi wokungena nokusetjha
17. Amatleyimu wokobana ilwazi liyifihlo

**ISAHLUKO 3**

**IKHOTHO YEZABATHENGI YELIMPOPO**

*Ingcenyé A*

**IMISEBENZI YEKHOTHO YEZABATHENGI**

18. Ikhotho yezabathengi eLimpopo

19. Imisebenzi yekhoho yezabathengi
20. Ukubunjwa kwekhoho yezabathengi
21. Ukungafaneleki ukukhethelwa ikhoho yezabathengi
22. Ukuqatjhwa kwamalunga wekhoho yezabathengi
23. Ithemu yokuba sesikhundleni kwamalunga wekhoho  
Yezabathengi
24. Ukuthokoza isikhundla, ukususwa esikhundleni neenkhala
25. Urholelwazamalunga wekhoho yezabathengi
26. Ukuvezwa kweenkareko zebhizinisi malunga wekhoho yezabathengi
27. linkareko ezitjhayisanako
28. Ukujanyiswa kwelunga lekhotho yezabathengi

*Ingcenyе B*

**UKULAWULWA KWEKHOTHO**

29. Umabhalana wekhoho yezabathengi
30. Ukubika kwekhoho yezabathengi

*Ingcenyе C*

**IINKAMBISO ZEKHOTHO YEZABATHENGI**

31. linkambiso zekhoho yezabathengi
32. Ukulalelwazekhoho yezabathengi
33. limbadalo zabofakazi

*Ingcenyе D*

**IMILAYO YEKHOTHO YABASEBENZISIPAHLA**

34. Imilayo yekhoho yezabathengi
35. linhlawulo zokuphatha nokusebenza
36. Ukuhlukana kwemilayo
37. Izinge lobufakazi

**ISAHLUKO 4****IINJAMISO EZIVAMILEKO*****Ingceny A*****IMILANDU NEENHLAWULO**

38. Ukwephula ukuthembeka
39. Ukuliya ukusetjenziswa komThetho
40. Ukubhalelwa kukuya ekhotho lokha nawubiziweko
41. Ukubhalelwa kuperhendula ngokuzeleko nanyana ngokweqiniso
42. Imilandu ehlobene ne-Ofisi lomVikeli wabaThengi nekhotho yezabathengi
43. linhlawulo

***Ingceny B*****IINJAMISO EZIVANGENEKO**

44. Ukuthweswa amandla
45. Ukuthweswa ukuziphendulela mayelana nezenzo zomunye ezingasisemthethweni
46. Imithetjhwana
47. Ukupheliswa kwemithetho
48. Amalungiselelo wamatjhuguluko
49. Isihloko esifitjhani nokuthoma ukusebenza

**ISAHLUKO 1****IINJAMISO ZOKUTHOMA****1. linhlathululo**

KilomThetho, nanyana ngiliphi igama nanyana isitjho esinikelwe ihlathululo emThethweni wokuVikelwa kwabaThengi, waka-2008 (umThetho Wama-68 waka-2008) sihlala sinehlathululo efanako ngaphandle kwalokha nangabe ubujamo butjho okhunye—

**"iKomitjhini"** kutjhiwo iKomitjhini yeNarha yezabaThengi ehlonywe ukuya ngokwesigaba 85 somThetho wokuVikelwa kwabaThengi, waka-2008 (umThetho Wama-68 waka-2008);

**"umThethosisekelo"** kutjhiwo umThethosisekelo womThetho weRiphabliki yeSewula Afrika, waka-1996;

**"umthengi"**, malungana nanyana ngiziphi iimpahla ezithileko nanyana imisebenzi, kutjhiwo—

- (a) umuntu othengiselwa iimpahla ezithileko kanye nemisebenzi lokha umthengisi nakasebenzisa ibhizinisakhe ngendlela ejayelekileko;
- (b) umuntu ongene esivumelwaneni sokuthengiselana nomthengisi lokha umthengisi nakasebenzisa ibhizinisi lakhe ngendlela ejayelekileko, ngaphandle kwalokha nangabe isivumelwano sokuthengiselana sinikelwe ilungelo lokungasebenzisi umThetho wokuVikelwa kwabaThengi, waka-2008 (umThetho Wama-68 waka-2008) sigaba 5(2) nanyana ukuya ngokwesigaba 5(3) somThetho lowo;
- (c) lokha nangabe ubujamo bufuna njalo nanyana buyavuma, umsebenzisi weempahlezo ezithileko nanyana umtholi nanyana umamukeli wemisebenzi leyo ethileko, kungaqalwabonyana umsebenzisi, umtholi nanyana umamukeli loyo begade ayingcenye yesivumelwano sokuthengiselana iimpahlezo nanyana imisebenzi leyo;
- (d) umrhwebi osebenzisa itshwayo lerhwebo lenye ikhamphani ukuya ngokwesivumelwano sekhamphani leyo ethengisela abarhwebi itshwayo layo lerhwebo, ukufikela lapho kusetjenziswa khona ukuya ngokwesigaba 5(6)(b) ukuya ku-(e) umThetho wokuVikelwa kwabaThengi, waka-2008 (umThetho Wama-68 waka-2008);

**"umThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996"** kutjhiwo umThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 (umThetho Wobu-8 waka-1996);

**"ikhotho yezabathengi"** kutjhiwo ikhotho yezabathengi ecatjangwe esigabeni 18;

“umThetho wokuVikelwa kwabaThengi, waka-2008” kutjhiwo umThetho wokuVikelwa kwabaThengi, waka-2008 (umThetho Wama-68 waka-2008);

“umVikeli wabaThengi” kutjhiwo umuntu okhethwe nanyana oqatjhwe njengehloko ye-Ofisi lomVikeli wabaThengi ukuya ngokwesigaba 4(1);

“ikhoho” kutjhiwo nanyana ngiyiphi ikhoho ecatjangwe kusahluko 8 somThethosisekelo;

“umNyango” kutjhiwo umNyango oqalene neendaba zabathengi ephrovinsini;

“iHloko yomNyango” kutjhiwo iHloko yomNyango eqalene neendaba zabathengi ephrovinsini;

“umhloli” kutjhiwo umuntu okhethwe nanyana oqatjhwe njengomhloli ukuya ngokwesigaba 8(1);

“umphenyi” kutjhiwo umuntu okhethwe nanyana oqatjhwe njengomphenyi ukuya ngokwesigaba 8(1);

“uSomkhandlu” kutjhiwo iLunga lomKhandlu oPhetheko eliqalene neendaba zabathengi ephrovinsini;

“umThetho weNarha wokuThenga ngesiKolodo, waka-2005” kutjhiwo umThetho weNarha wokuThenga ngesiKolodo, waka-2005 (umThetho Wama-34 waka-2005);

“i-Ofisi lomVikeli wabaThengi” kutjhiwo i-Ofisi lomVikeli wabaThengi elicatjangwe esigabeni 3;

“-janyisiweko” kutjhiwo okujanyiswe mthetjhwana;

“ukuziphatha okungakavumeleki” kutjhiwo ukwephula umThetho lo ngokwenza nanyana ngokungenzi okuthileko, umThetho wokuVikelwa kwabaThengi, waka-2008 nanyana umThetho weNarha wokuThenga ngesiKolodo, waka-2005;

“imithetjhwana” kutjhiwo imithetjhwana eyenziwe ukuya ngokomThetho lo;

“ummangalelwa” kutjhiwo ukuntu okwenziwe isinghonghoyilo mayelana nanye ukuya ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008 nanyana umThetho weNarha wokuThenga ngesiKolodo, waka-2005;

“umThetho lo” ufaka hlangana imithetjhwana; begodu

"**iBandla lokuRarulula imiBango**" kutjhiwo iBandla leNarha lokuRarulula imiBango elihlonywe ngaphasi kwesigaba 26 somThetho weNarha wokuThenga ngesiKolodo, waka-2005.

## 2. **Iminqopho yomThetho**

Iminqopho yomThetho lo kuthuthukisa nokwenza ngcono umnotho nehlalakuhle yabathengi ephrovinsini ngokubonelela —

- (a) ngebandla lephrovinsi lokuvikela abathengi; kanye
- (b) nangekhotho yabathengi,

ukuphenya, ukulamula nanyana ukukhupha isigwebo mayelana nezenzo ekucatjangwa bonyana zaphula amalungelo wabathengi ezendlalwe esAhlukweni 2 somThetho wokuVikelwa kwabaThengi, waka-2008.

## ISAHLUKO 2

### **IBANDLA LEPHROVINSI LOKUVIKELA ABATHENGI**

#### *Ingceny A*

#### *I-OFISI LOMVIKELI WABATHENGI*

## 3. **I-Ofisi lomVikeli wabaThengi**

Ibandla lephrovinsi lokuvikela abathengi elibizwa nge-Ofisi eliPhenya ngezEnzo zokuRhweba ezingaKhambisani nomThetho elahlonywa ukuya ngokomThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 lizakuragela phambili nokusebenza ngokukhambisana nesigaba 48 somThetho lo nanyana kungapheliswa umThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 begodu uphiwe elinye ibizo elitjha elithi i-Ofisi lomVikeli wabaThengi.

**4. UmVikeli wabaThengi**

- (1) Ukuya ngokwemithetho elawula imisebenzi yombuso, uSomkhandlu kufanele akhethe nanyana aqatjhe umuntu —
  - (a) onelemuko elifaneleko; begodu
  - (b) ubuncani bakhona nonedigri yeyunivesithi emumethe isifundo sezomnotho, sezomthetho, sezerhwebo, sezamabubulo nanyana seendaba zomphakathi, njengomVikeli wabaThengi e-Ofisini lomVikeli wabaThengi osezingeni elijanyiswe nguSomkhandlu.
- (2) UmVikeli wabaThengi kufanele enze yoke imisebenzi ye-Ofisi lomVikeli wabaThengi ngaphasi komThetho lo kanye nomThetho wokuVikelwa kwabaThengi, waka-2008.
- (3) USomkhandlu—
  - (a) kufanele akhethe nanyana aqatjhe iSekela lomVikeli wabaThengi ngendlela efana naleyo eyendlalwe esigatjaneni (1) bonyana—
    - (i) lisize umVikeli wabaThengi ekwenzeni imisebenzi ye-Ofisi lomVikeli wabaThengi, begodu
    - (ii) lenze imisebenzi yomVikeli wabaThengi nanyana kunini nangabe umVikeli wabaThengi akaghoni ukwenza njalo ngesibanga sananyana ngisiphi isizathu; begodu
  - (b) unelungelo lokukhetha nanyana lokuqatjha abasebenzi ukuya ngokwemithetho elawula imisebenzi yombuso bonyana basize umVikeli wabaThengi ekwenzeni imisebenzi yakhe.
- (4) Boke abasebenzi abakhethwe nanyana abaqtjhwe ukuya ngokwesigatjana (3)(b) bazakusebenza ngokukhambisana nelawulo kanye nelayelo lomVikeli wabaThengi.

***Ingcenyе B*****UKUSEBENZA KWEBANDLA****5. Imisebenzi namandla we-Ofisi lomVikeli wabaThengi**

- (1) I-Ofisi lomVikeli wabaThengi kufanele—

- (a) litjheje zoke iindaba ezidluliselwe kilo ukuya ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008 nanyana umThetho weNarha wokuThenga ngesiKolodo, waka-2005;
  - (b) lamukele begodu liphenye ngeenghonghoyilo zabathengi ngokukhambisana nomThetho lo;
  - (c) likghonakalise ukulanyulwa nanyana ukuthobelana lokha nakuneenghonghoyilo ezibakhona ukuya ngokomThetho lo nanyana umThetho wokuVikelwa kwabaThengi, waka-2008 phakathi kwabathengi, kwabantu abahlala, nanyana kwabantu abarhweba ngaphakathi kwePhrovinsi;
  - (d) lidlulisele imibango evela emThethweni lo nanyana emThethweni wokuVikelwa kwabaThengi, waka-2008 ekhotho yezabathengi ngokukhambisana nomThetho lo;
  - (e) linikele umphakathi izaluleko kanye nokuhlahla mayelana neendaba eziphathelene nokuvikelwa kwabathengi;
  - (f) liphumelelise iindlela zokufundisa nokunikela umphakathi ilwazi ukwenzela bonyana ukwazi ukuba nelemuko ngomThetho lo nangokuvikelwa kwabathengi ngokupheleleko; begodu
  - (f) lenze neminye imisebenzi enganikelwa i-Ofisi lomVikeli wabaThengi ukuya ngokomThetho lo nanyana umThetho wokuVikelwa kwabaThengi, waka-2008.
- (2) I-Ofisi lomVikeli wabaThengi livumelekile bonyana—

- (a) lisungule iphenyo ngokunqophileko ekuziphatheni okungakavumeleki njengombana kucatjangwe esigabeni 6(2);
- (b) likhuphe izaziso zokuthobela ukuya ngokomThetho wokuVikelwa kwabaThengi, waka-2008;
- (c) likhombele iKomitjhini bonyana isungule isinghonghoyilo mayelana nanyana ngikuphi ukuziphatha nanyana okubonakala kungakavumeleki nanyana umlandu ovela ngaphakathi kwephrovinsi ukuya ngokomThetho wokuVikelwa kwabaThengi, waka-2008; begodu

- (d) laluleke uSomkhandlu mayelana neendaba eziphathelene nokuvikelwa kwabathengi kanye nomhlobo neendlelakambiso zemaraga yabathengi.

#### **6. Ukufaka iinghonghoyilo e-Ofisini lomVikeli wabaThengi**

- (1) Nanyana ngimuphi umuntu uvumelekile bonyana angafaka isinghonghoyilo ngokusebenzisa iforomo nanyana indlela ejanyisiweko e-Ofisini lomVikeli wabaThengi mayelana nokuziphatha okubonakala kungakavumeleki.
- (2) I-Ofisi lomVikeli wabaThengi lingasungula isinghonghoyilo ngokunqophileko mayelana nokuziphatha okungakavumeleki—
- (a) ngaphandle kokukhonjelwa;
  - (b) lokha nangabe lilayelwe nguSomkhandlu bonyana lenze njalo; nanyana
  - (c) lokha nangabe likhonjelwe—
    - (i) libandla elilawulako;
    - (ii) ngelinye ibandla lephrovinsi lokuvikelwa kwabathengi;
    - (iii) siqhema sokuvikelwa kwabathengi esigunyazwe ukusebenza ngokusemthethweni ngaphasi komThetho wokuVikelwa kwabaThengi, waka-2008; nanyana
    - (iv) nginanyana ngimuphi omunye umuntu onekareko enqophileko nanyana engakanqophi endaben leyo.

#### **7. Indima ye-Ofisi lomVikeli wabaThengi ekusebenzeni ngeenghonghoyilo**

- (1) I-Ofisi lomVikeli wabaThengi livumelekile bonyana ngemva kokusungula nanyana kokwamukela isinghonghoyilo ukuya ngokomThetho lo nanyana umThetho wokuVikelwa kwabaThengi, waka-2008—
- (a) likhuphele umnghonghoyili isaziso sokungadluliseli isinghonghoyilweso phambili ngokusebenzisa iforomo elijanyisiweko, nangabe umnghonghoyili—
    - (i) ubonakala anokudlala nanyana anetshwenyo;
    - (ii) akavezi amaphuzu ekutholakala bonyana, nangabe aliqiniso, angenza bonyana kutholakale isisombululo ngaphasi komThetho lo nanyana umThetho wokuVikelwa kwabaThengi, waka-2008; nanyana

- (iii) ukhanelwa, ukuya ngokwesigaba 116 somThetho wokuVikelwa kwabaThengi, waka-2008, bonyana angadluliselwa ekhotho yabathengi;
  - (b) lisize iinqhemezo bonyana zilinge ukurarulula umbango lowo ngaphandle kwalokha nangabe iinqhemezo zikhe zalinga ukurarulula umbango lowo ngaleyondlela phambilini, kodwana zabhalelw;
  - (c) lidlulisele nanyana ngiliphi iphenyo nanyana iphuzu eliphathelene nalo kelinye ibandla elinamandla nelungelo langokomthetho, kufaka hlangana ibandla elikelinye iphrovinsi nangabe kubonakala ngasuthi isinghonghoyilweso singasetjenzwa ngendlela efaneleko libandlelo; nanyana
  - (d) lilayele umphenyi bonyana aphenye isinghonghoyilweso msinyana ngendlela ekungakghonakala ngayo.
- (2) I-Ofisi lomVikeli wabaThengi ngokukhupha isaziso *egazedeni yephrovinsi* nanyana kinanyana ngiwuphi umhlobo weembikiindaba livumelekile bonyana—
- (a) lazise ngananyana ngiliphi iphenyo elenzako, begodu
  - (b) likhombele nanyana ngimuphi umuntu bonyana alethe iinghonghoyilo ezitoliweko ezimayelana nephenyo e-Ofisini lomVikeli wabaThengi.

## **8. Abahloli nabaphenyi**

- (1) USomkhandlu uvumelekile bonyana—
- (a) akhethe nanyana ngimuphi umuntu ofaneleko bonyana asebenze e-Ofisini lomVikeli wabaThengi; nanyana emNyangweni; nanyana
  - (b) ngokukhambisana nemithetho elawula imisebenzi yombuso, aqatjhe nanyana ngimuphi umuntu ofaneleko,
- njengomhloli nanyana njengomphenyi ukuya ngokomthetho lo.
- (2) USomkhandlu kufanele bonyana akhuphele umhloli nanyana umphenyi okhethiweko nanyana oqatjhiweko loyo ukuya ngokwesigatjana (1) isitifikeyidi sokuqatjhwa esijanyisiweko.

- (3) Ngaphezu kwananyana ngiwuphi omunye umsebenzi onikelwe ukuya ngokomThetho lo nanyana umThetho wokuVikelwa kwabaThengi, waka-2008—
- (a) umhloli kufanele atjheje ukuthotjelwa; begodu
  - (b) umphenyi kufanele aphenye iinghonghoyilo ukuya,  
ngokomThetho lo nanyana umThetho wokuVikelwa kwabaThengi, waka-2008.
- (4) Umhloli nanyana umphenyi owenza umsebenzi ukuya ngokomThetho lo kufanele abe nesitifkeyidi sokuqatjhw esijanyisiweko esikhutjhwe ukuya ngokwesigatjana (2) begodu kufanele akhuphe isitifkeyideso lokha nangabe umuntu othinteka ephenyweni lomhloli nanyana lomphenyi ukhombela ukubona isitifkeyideso.
- (5) USomkhandlu uvumelekile ukuqatjha umuntu oneemfanelo ezilingeneko njengosiyazi bonyana enze irhubhululo, ahlolisise iincwadi zeemali, afunisise nanyana enze amanye amaphenyo ngokujamela i-Ofisi lomVikeli wabaThengi.
- (6) Umuntu oqatjhwe ukuya ngokwesigatjana (5) akasuye umphenyi ukuya ngokwehlathululo yomThetho lo.
- (7) UmVikeli wabaThengi uthathwa njengomhloli nomphenyi ukuya ngokomThetho lo.

## **9. Imiphumela yephenyo**

Ngemva kokuqeda iphenyo elimayelana nesinghonghoyilo, i-Ofisi lomVikeli wabaThengi livumelekile bonyana—

- (a) likhuphele umnghonghoyili isaziso sokungadluliseli isinghonghoyilweso phambili ngokusebenzisa iforomo elijanyisiweko;
- (b) liphakamise umlayo wesivumelwano seenqhema osatlanywako ukuya ngokwesigaba 10;
- (c) lidlulisele isinghonghoyilweso ekhotho yezabathengi ukuya ngokwesigaba 11;
- (d) likhuphe isaziso sokuthobela ukuya ngokwesigaba 100 somThetho wokuVikelwa kwabaThengi, waka-2008; nanyana

- (e) lidlulisele indaba leyo eBandleni lokuTjhutjhiswa komPhakathi, lokha nangabe isinghonghoyilweso siphathelene nomlandu ukuya ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008 nanyana umThetho wokuThenga ngesiKolodo, waka-2005.

## **10. Imilayo yesivumelwano seenqhema**

- (1) Lokha nangabe indaba—
- (a) isonjululwe ngokulanyulwa nanyana ngokuthobelana ukuya ngokwesigaba 7(1)(b); nanyana
  - (b) iphenywe li-Ofisi lomVikeli wabaThengi; begodu iinqhemezo ziyayivuma imigomo ephakanyiswako yomlayo ofaneleko,  
Ikhetho yezabathengi ivumelekile bonyana, ngaphandle kokulalela nanyana ngibuphi ubufakazi, iqinisekise isivumelwaneso njengomlayo wesivumelwano seenqhema.
- (2) Ngemva kokulalela isiphakamiso somlayo wesivumelwano seenqhema ikhetho yezabathengi kufanele—
- (a) yenze umlayo njengombana kuvume begodu kuphakamise i-Ofisi lomVikeli wabaThengi kanye nommangalelw;
  - (b) ikhombise nanyana ngiwaphi amatjhuguluko ekufanele enziwe emlayweni osatlanywako ngaphambi kobana ikhuphe umlayo wokugcina; nanyana
  - (c) yale ukukhupha umlayo.
- (3) Umlayo wesivumelwano seenqhema ekuqaliswe kiwo esigatjaneni (1)—
- (a) ungafaka hlangana isincephezelo somonakalo ekufanele sinikelwe umnghonghoyili nangabe uyavuma;
  - (b) kufanele ukhutjhwe egazedeni yephrovinsi.

## **11. Ukudlulisela ekhetho yezabathengi**

- (1) Indaba ingadlulisela ekhetho yabathengi—
- (a) li-Ofisi lomVikeli wabaThengi;
  - (b) mLawuli weNarha wokuThenga ngesiKolodo ukuya ngokwesigaba 140(2)(a) somThetho weNarha wokuThenga ngesiKolodo, waka-2005;
  - (c) mnghonghoyili ngaphasi komThetho weNarha wokuThenga ngesiKolodo, waka-2005 ukuya ngokwesigaba 141(1)(a) somThetho lowo;

- (d) yiKomitjhini ukuya ngokwesigaba 73(2)(a) somThetho wokuVikelwa kwabaThengi, waka-2008; nanyana
- (e) mnghonghoyili ngaphasi komThetho wokuVikelwa kwabaThengi, waka-2008 ukuya ngokwesigaba 75(1)(a) somThetho lowo.
- (2) Umuntu ofuna ukukatelela ukusebenza kwananyana ngiliphi ilungelo ukuya ngokwesigaba 69(c)(ii) somThetho wokuVikelwa kwabaThengi, waka-2008, uvumelekile bonyana enze isibawo ngokunqophileko ekhotho yezabathengi lokha nangabe—
- (a) umuntu loyo uthome ngokufaka isinghonghoyilo sakhe e-Ofisini lomVikeli wabaThengi; begodu
  - (b) i-Ofisi lomVikeli wabaThengi—
    - (i) likhuphe isaziso sokungadluliseli phambili ukuya ngokwesigaba 7(1)(a); nanyana
    - (ii) liphenye isinghonghoyilweso begodu lakhuphela umuntu loyo isaziso sokungadluliseli isinghonghoyilweso phambili ukuya ngokwesigaba 9(a).

## **12. Irijista yeembalo zezenzo ezingamukelekiko**

- (1) I-Ofisi lomVikeli wabaThengi kufanele ngokusebenzisa indlela ejanyisiweko ligcine irejista yeembalo zezenzo ezingamukelekiko ekurekhodwa kiyo imininingwana yabantu abafunyenwe yikhotho yezabathengi bazibandakanya ekuziphatheni okungakavumeleki.
- (2) I-Ofisi lomVikeli wabaThengi livumelekile bonyana litlolise kwaphela imininingwana yomuntu erejisteni ekuqaliswe kiyo esigatjaneni (1) lokha nangabe ikhotho yezabathengi leyo ikhuphe umlayo mayelana nalokho.
- (3) Umuntu othintwa kufakwa kwebizo lakhe erejisteni leyo uvumelekile bonyana enze isibawo ekhotho yezabathengi bonyana iphayele ngeqadi umlayo onjalo, begodu ikhotho ingakwenza lokho ngeenzathu ezizwakalako nezisemthethweni.

### ***Ingcenyе C***

#### **AMANDLA ASEKELA IPHENYO**

**13. limbizelakhotho zabantu kanye nemitlolo**

- (1) UmVikeli wabaThengi nanyana umuntu osebenza e-Ofisini lomVikeli wabaThengi ogunyazwe nguye uvumelekile bonyana ngokweminqopho yephenyo, adarhfare nanyana ngimuphi umuntu okukholwakala bonyana angakghona ukunikela nanyana ngiliphi ilwazi eliphathelene nalokho ekuphenywa ngakho; nanyana okukholwakala bonyana uphethe namkha ulawula nanyana ngiyiphi incwadi, umtlolo namkha okhunye okuphathelene nendaba leyo—
- (a) bonyana avele phambi komuntu osebenza e-Ofisini lomVikeli wabaThengi esikhathini nendaweni ekunqotjhiswe kiyo kusibizelakhotho azokutjhukwa ngemibuzo; nanyana
  - (b) bonyana ethule nanyana aveze incwadi leyo, umtlolo lowo nanyana okhunye emuntwini osebenza e-Ofisini lomVikeli wabaThengi esikhathini nendaweni ekunqotjhiswe kiyo kusibizelakhotho.
- (2) Isibizelakhotho ekuqaliswe kiso esigatjaneni (1) (a)—
- (a) kufanele—
    - (i) sibe seforomeni elijanyisiweko;
    - (ii) sitlikitlwé mVikeli wabaThengi nanyana omunye umuntu osebenza e-Ofisini lomVikeli wabaThengi ogunyazwe mVikeli wabaThengi; begodu
  - (b) kuvumelekile bonyana sithunyelwe ngendlela efana naleyo esetjenziswa yikhetho kamarhastrada lokha nayithumela isibizelakhotho ecaleni lobulelesi.
- (3) Umuntu otjhukwa ngemibuzo mphenyi owenza iphenyo kufanele aphendule umbuzo omunye nomunye ngokweqiniso begodu nangendlela umuntu loyo angakghona ngayo, kodwana—
- (a) umuntu loyo akakakatelewa bonyana aphendule nanyana ngiwuphi umbuzo lokha nangabe ipendulo leyo ingamenza bonyana abonakale anecala lobulelesi; begodu
  - (b) umphenyi otjhuka umuntu loyo ngemibuzo kufanele azise umuntu loyo ngelungelo elendlalwe endimeni (a).
- (4) Akunapendulo nanyana isitatimende esingenza bonyana umuntu loyo abonakale anecala lobulelesi esenziwa nginanyana ngimuphi umuntu kumphenyi osebenzisa nginanyana ngimaphi amandla ukuya ngokwesigabesi esivunyelwe ukuthathwa njengobufakazi malungana nomuntu onikele ipendulo nanyana owenze isitatimende

lokha nakugwetjwa icala lobulelesi kinanyana ngiyiphi ikhoho, ngaphandle kwalokha nangabe kugwetjwa icala lobulelesi eliphathelene nokufungela amanga nanyana ngaphandle kwalokha nangabe umuntu loyo ugwtelwa icala elicatjangwe esigabeni 41 nanyana 42(2)(d) begodu kutholakala bonyana ipendulo nanyana isitatimendeso siyakghona ukuqinisekisa icala elibekiweko.

**14. Igunya lokungena nokusetjha ngokusebenzisa incwadi yelungelo lokusetjha**

- (1) Ijaji leKhoho ePhakemeko nanyana umarhastrada angakhupha incwadi yelungelo lokungena nokusetjha nanyana ngiwaphi amaqqabazi awela ngaphasi kwendawo ekusebenzela kiyo iajelo nanyana umarhastrada loyo nangabe, ukuya ngokwelwazi nanyana ngokwesifungo nanyana ngokwesiqinisekiso, kuneenzathu ezizwakalako zokukholwa bonyana—
  - (a) ukwaphulwa kwalomThetho nanyana komThetho wokuVikelwa kwabaThengi, waka-2008 kwenzekile, kuyenzeka, nanyana kungenzeka kwenzeke emaqabazini lawo; nanyana
  - (b) okuthileko okuthintene nephenyo ukuya ngokomThetho lo nanyana ngokomThetho wokuVikelwa kwabaThengi, waka-2008 kumnikazi, nanyana kungaphasi kwelawulo lomuntu osemaqabazini lawo.
- (2) Incwadi yelungelo lokungena nokusetjha ekhutjhwe ngaphasi kwesigatjana (1) kuvumelekile bonyana ikhutjhwe ngesinye nesinye isikhathi begodu kufanele ngokunqophileko—
  - (a) ikhombise amaqqabazi ekuvumeleke bonyana angenwe begodu asetjhwe; begodu
  - (b) igunyaze umphenyi nanyana ipholisa bonyana lingene begodu lisetjhe amaqqabazi lawo begodu lenze nanyana ngikuphi okutlolwe esigabeni 15.
- (3) Incwadi yelungelo lokungena nokusetjha iseenza ngokusemthethweni ukufikela lokha nakwenzeka esinye sezhlakalo ezilandelako—
  - (a) lokha nakuphunyelelisa ilungelo lokusetjha;
  - (b) lokha nangabe kwesulwa ilungelo lokusetjha begodu lesulwa mumuntu olikhuphileko nanyana, nangabe umuntu loyo akakho, mumuntu onegunya elifana nelakhe;
  - (c) lokha nangabe umnqopho wokulikhupha uphelelwe sikhathi; nanyana
  - (d) lokha nangabe sekuphele isikhathi esingangenyanga likhutjhiwe.

- (4) Kuvumelekile bonyana ilungelo lokungena nokusetjha liphunyeleliswe kwaphela emini, ngaphandle kwalokha nangabe ijaji, nanyana umarhastrada olikhuphileko ugunyaza bonyana kuvumelekile bonyana liphunyeleliswe ebusuku ngesikhathi esizwakalako ngaphasi kobujamo.
- (5) Umuntu ogunyazwe ngencwadi yelungelo lokusetjha ekhutjhwe ukuya ngokwesigatjana (2) uvumelekile bonyana angene begodu asetjhe amaqabazi atjhiwo encwadini leyo yelungelo lokusetjha.
- (6) Umuntu ophumelelisa ilungelo lokusetjha kufanele bonyana msinyana ngaphambi kobana athome ukuliphumelelisa—
  - (a) lokha nangabe umnikazi, nanyana umuntu olawula amaqabazi lawo okufanele asetjhwe ukhona—
    - (i) azazise emuntwini loyo begodu ahlathululele umuntu loyo ngegunya analo mayelana nokuphumelelisa ilungelo lokusetjha; begodu
    - (ii) anikele umuntu loyo ikhophi yencwadi yelungelo lokusetjha nanyana anikele umuntu otjhiwo kiyo ; nanyana
  - (b) lokha nangabe umnikazi, nanyana umuntu olawulako akakho, anamathisele ikhophi yencwadi yelungelo lokusetjha emaqabazini lawo endaweni esepepeneneni nebonakalako.

#### **15. Amandla wokungena nokusetjha**

- (1) Umuntu ogunyazwe ngaphasi kwesigaba 14 ukungena nokusetjha amaqabazi uvumelekile bonyana—
  - (a) angene emaqabazini lawo;
  - (b) asetjhe amaqabazi lawo;
  - (c) asetjhe nanyana ngimuphi umuntu otholakala emaqabazini lawo lokha nangabe kuneenzathu ezizwakalako zokukholwa bonyana umuntu loyo uphethe kuye into nanyana umtlolo othintana nephenyo;
  - (d) ahlole nanyana ngiyiphi into nanyana umtlolo osemaqabazini lawo ethintana nephenyo;
  - (e) akhombele ilwazi ngananyana ngiyiphi into nanyana umtlolo kumnikazi, nanyana emuntwini olawula amaqabazi nanyana emuntwini omunye nomunye olawula into nanyana umtlolo, nanyana emuntwini omunye nomunye olawula into nanyana umtlolo, nanyana emuntwini omunye nomunye ongaba nelwazi;

- (f) akhuphe iingceny nanyana enze amakhophi wananyana ngiyiphi incwadi nanyana umtlolo osemaqabazini othinta iphenyo;
  - (g) asebenzise nanyana ngiliphi irherho lomtjhiningqondo elitholakala emaqabazini lawo, nanyana afune isizo kinanyana ngubani osemaqabazini lawo lokusebenzisa irherho lomtjhini—
    - (i) ukusetjha nanyana ngiyiphi imininingwana emumethwe nanyana ekhona erherhwenelo lomtjhiningqondo;
    - (ii) ukuveza godu nanyana ngiliphi irekhodi emininingwaneni leyo;
  - (h) ukubamba nanyana ngiwuphi umphumela okhutjhwa mtjhiningqondo lowo ukwenzela bonyana ukwazi ukuhlolwa nokukotjwa; begodu
  - (i) ukudla begodu, nangabe kuntekhogeko, ukususa emaqabazini nanyana yini into ethinta iphenyo bonyana iyokuhlolwa nanyana iyokubekwa endaweni ephephileko.
- (2) Isigaba 13(4) sisebenza kokufana nependulo enikelwa nanyana nesitatimende esenziwa mphenyi nanyana lipholisa ukuya ngokwesigabi.
- (3) Umphenyi ogunyazwe ukungena nokusetjha ukuya ngokwesigaba 14 uvumelekile ukuphekelelwa nokusizwa lipholisa.

#### **16. Ukwenza umsebenzi wokungena nokusetjha**

- (1) Umuntu ongena begodu asetjhe nanyana ngiwaphi amaqabazi ngaphasi kwesigaba 15 kufanele enze umsebenzi wokungena nokusetjha ngendalela etjengisa ihloniphokuthula, begodu ngendalela etjengisa bonyana omunye uyalihlonipha ilungelo lomunye lokuhlonitjhwa, lekululeko, lokuvikeleka nokungathikanyezwa mphakathi.
- (2) Kinanyana ngikuphi ukusetjha okwensiwa ngaphasi kwesigaba 15 (1) (c), mphenyi wengubo nanyana lipholisa lengubo kwaphela elivumeleke bonyana lisetjhe umuntu wengubo, begodu mphenyi wembaji nanyana lipholisa lembaji kwaphela elivumeleke bonyana lisetjhe umuntu wembaji.
- (3) Umuntu ongena begodu asetjhe amaqabazi ngaphasi kwesigaba 15, kufanele bonyana ngaphambi kobana atjhuke nanyana ngubani ngemibuzo—
  - (a) aluleke umuntu loyo ngelungelo lakhe lokusizwa khatheso mkhulumeli nanyana ligcwetha; begodu
  - (b) avumele umuntu loyo bonyana asebenzise ilungelwelo.

- (4) Umuntu osusa nanyana yini emaqabazini asetjhwako lawo kufanele—
- (a) anikele umnikazi, nanyana umuntu olawula amaqabazi lawo irasidi yento leyo; begodu
  - (b) ayibuyise msinyana ngendlela okungakghonakala ngayo ngemva kokuphumelelisa umnqopho esuselwe wona.
- (5) Lokha nakusetjhwako, kuvumelekile bonyana umuntu ale ukuvuma bonyana kuhlolwe nanyana kususwe into nanyana umtlolo ngeenzathu zokobana umumethi ilwazi elikhethekileko nelithathwa ngokomthetho njengelwazi eliyifihlo.
- (6) Lokha nangabe umnikazi nanyana umuntu olawula into nanyana umtlolo uyala ukuya ngokwesigatjana (5) ukunikela umuntu osetjhako into nanyana umtlolo loyo, umuntu osetjhako loyo uvumelekile bonyana akhombele urejistra nanyana utjherifu weKhetho ePhakemeko onelungelo lokudla nokususa into nanyana umtlolo lowo bonyana uyokubekwa endaweni ephephileko ukufikela lapho ikhetho leyo ithatha khona isiqunto sokobana ilwazelo lingelikhethekileko nelithathwa ngokomthetho njengelwazi eliyifihlo nanyana njani.

#### **17. Amatleyimu wokobana ilwazi liyifihlo**

- (1) Umuntu othintekako kuvumelekile bonyana, lokha nakakhonjewa bonyana ethule ilwazi e-Ofisini lomVikeli wabaThengi, ekhetho yezabathengi nanyana kumphenyi oqatjhwe ukuya ngokomThetho lo, atleyime ukuthi ilwazelo loke nanyana ingcanye yalo liyifihlo.
- (2) Nanyana ngiyiphi itleyimu ecatjangwe esigatjaneni (1) kufanele bonyana isekelwe sitatimende esitloliweko esihlathulula bonyana kubayini ilwazi liyifihlo.
- (3) I-Ofisi lomVikeli wabaThengi nanyana ikhetho yezabathengi, kuzakuya ngobujamo obukhona, kufanele—
- (a) itjheje itleyimu enye nenyeyenziwako ukuya ngokwesigatjana (1); begodu
  - (b) yazise umuntu otleyimako bonyana ilwazi elicatjangwe esigatjaneni (1) lizokuthathwa njengelwazi elijanyiswe njengelwazi eliyifihlo namkha njani.
- (4) Lokha nakwenziwa nanyana ngisiphi isiqunto nanyana umlayo ukuya ngokomThetho, i-Ofisi lomVikeli wabaThengi nanyana ikhetho yezabathengi ivumelekile bonyana itjheje nanyana ngiliphi ilwazi elibe sihloko setleyimu ukuya ngokwesigatjana (1).

- (5) Lokha nangabe iinzathu ezithileko zokuthathwa kwesiquonto ukuya ngokomThetho lo zingakghona ukuveza nanyana ngiliphi ilwazi ebegade lisihloko setleyimu ukuya ngokwesigatjana (1), i-Ofisi lomVikeli wabaThengi nanyana ikhoho yezabathengi, kuzakuya ngobujamo obukhona, kufanele linikele isiqhema esitleyima ukuba yifihlo kwelwazelo ikhophi ubuncani bakhona emalangeneni amahlanu wokusebenza ngaphambi kokwazisa iinzathwezo.
- (6) Emalangeneni amahlanu wokusebenza ngemva kokwamukela isaziso ukuya ngokwesigatjana (3) (b), nanyana ikhophi yeenzathu ezihlongoziveko ukuya ngokwesigatjana (5), isiqhema singenza isibawo somlayo ofaneleko ekhoho ukuvikela ukuba yifihlo kwelwazi elifaneleko.

### **ISAHLUKO 3**

#### **IKHOTHO YEZABATHENGI YELIMPOPO**

##### ***INGCENYE A***

##### ***UKUSEBENZA KWEKHOTHO YEZABATHENGI***

#### **18. Ikhoho yezabathengi yeLimpopo**

- (1) Ikhoho yezabathengi eyasungulewa iprovinsi ngokomThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 iyagcinwa ngaphasi kwesigaba 48 somthetho lo, nangaphandle kokupheliswa ngokomThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 begodu uthiywe kabutjha waba yiKhotho yezabathengi yeLimpopo.
- (2) Ikhoho yezabathengi isePolokwane.
- (3) Ikhoho yezabathengi ingahlala kezinye iindawo njengekhotho yezabathengi ezingasiwo umzimkhulu wayo, kodwana lokhu kufanele ikwenze ngokuthintana nangokuvumelana ne-Ofisi lomVikeli wabaThengi.

#### **19. Imisebenzi yekhoho yezabathengi**

Ikhoho yezabathengi kufanele —

- (a) yahlulele mayelana nesinye nesinye isibawo esenziwa kiyo ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008nofana umThetho weNarha wokuThenga ngesiKolodo, waka-2005 begodu yenze umlayo osemthethweni ngokuya ngemiThetho evezwe ngehla;
- (b) ilalele beyiqalele iinsolo zokuziphatha okungakavunyelwa eziphambi kwayo ngokwekambiso evezwe emThethweni lo, umThetho wokuVikelwa kwabaThengi, waka-2008nofana umThetho weNarha wokuThenga ngesiKolodo, waka-2005 begodu yenze umlayo osemthethweni ngokuya ngemiThetho evezwe ngehla; begodu
- (c) isebenzise woke amandla enawo begodu yenze nemisebenzi enikelwe yona ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008nofana umThetho weNarha wokuThenga ngesiKolodo, waka-2005.

## **20. Ukubunjwa kwekhetho yezabathengi**

- (1) USomkhandlu kufanele akhombe amalunga wekhetho yezabathengi.
- (2) Ikhetho yezabathengi kufanele ibe nabantu abasithandathu bunje:
  - (a) Usihlalo nesekela lakasihlalo, okufanele bobabili—
    - (i) babe majaji weKhetho ePhakemeko athethe umhlalaphasi; nofana
    - (ii) babe ma-athoni, ama-advokheyithi, abomarhastrada abathethe umhlalaphasi nofana abafundisi/amalektjhara womthetho eyunivesithi, abanelemuko elingasi ngaphasi kweminyaka elitjhumi esikhundleni sinye nofana ngaphezulu somsebenzi loyo; kanye
  - (b) namanye amalunga amane angezelako ekhetho yezabathengi anelwazi nofana ilemuko lesekelo lomphakathi kezabathengi, zomnotho, zamabubulo / zerhwebo, zokuthengiselana nofana zomthetho.

## **21. Umuntu ongakalungeli ukuqatjhwa ekhetho yezabathangi**

Akekho umuntu ongaqatjhwa nofana ahlale alilunga lekhetho yezabathengi nangabe—

- (a) akasiso isakhamuzi seRiphabhligli;

- (b) akasuye umhlali wephrovinsi;
- (c) usisebenzi somphakathi, okufaka hlangana isisebenzi sakwamasipalada;
- (d) esikhathini esifaneleko,nofana eenyangeni ezimatjhumi amabili zangaphambili bekasisebenzi senye nenyi ihlangano, nofana ihlangano yezepolotiki;
- (e) umumuntu oseenkolodweni; nofana uba seenkolodweni begodu iinkolodwezo zidosele ekudliweni kwepahlakhe;
- (f) esikhathini esiminyaka elitjhumi (10) edlulileko ukhe wafunyanwa anomlandu kungaba seRiphabhlikini nofana kwenye indawo, wokweba, ukukhwabanisa, ukufanisa ngokukohlisa nofana ukukhupha imitlolo ekhohlisako, ukukhuluma amanga ekhetho, ubulelesi ngaphasi kwalomThetho nofana ubulelesi ngaphasi komThetho wokuKhandela kanye nokuLwisana neZenzo zokuKhohlakala, waka-2004 (umThetho We-12 waka-2004), ubulelesi ngaphasi komThetho weZiko lobuHlakani kezeeMali, waka-2001 (umThetho wama. 38 waka-2001), nofana ubulelesi bokungathembeki;
- (g) kwesinye isikhathi wakhe wakhitjhwa e-ofisini lesikhwama esithileko ngebanga lokungaziphathi kuhle ngokukhwabanisa nofana ngokungasebenzisi kuhle imali; nofana
- (h) umuntu loyo ungaphasi komyalo wekhotho enegunya ethole bona umuntu loyo akakapheleli ngokwengqondo nofana ugula ngokwengqondo.

## **22. Ukuqatjhwa kwamalunga wekhotho yezabathengi**

- (1) USomkhandlu kufanele afake isaziso emaphephandabeni amabili atholakala ephrovinsini begodu nangenye indlela yemidiya, ameme abantu—
  - (a) abakhambisana neemfuneko zesigaba 20(2); begodu
  - (b) abangasi ngaphasi kobujamo bokungakalungeli obuvezwesigabeni 21, bokufaka isibawo, emalangeni ama 21 kwenziwe isimemezelo seenkhundla zamalunga wekhotho yezabathengi.
- (2) Labo abafaka iimbawo kufanele, nabafaka iimbawo ngokwendinyana (1), bathumele *i-curriculum vitae* epheleleko ekhambisana—
  - (a) namakhophi aqinisekisweko weziq / weemfuneko;
  - (b) imitlolo esekelako etjengisa ilwazi, ilemuko lomuntu ofaka isibawo kanye nokufaka isandla ekuvikeleni abathengi ephrovinsini; kanye

- (c) ne-afidavidi efungelweko etjengisa ikareko / irhuluphelo enqophilekonofana engakanqophi lezeemali kwenye nenyenkhaphani, ikhamphani eyi-close corporationnofana enye nenyenkhapheli yebhizinisi.
- (3) USomkhandlu angahlola ubuqiniso bemitlolo nelemuko laloyeofaka isibawo.
- (4) Embaweni ezifakiweko, uSomkhandlu kufanele aqatjhe amalunga afaneleko wekhotho yezabathengi.
- (5) Ilunga lekhetho yezabathengi kufanele, ngaphambi kokuthoma emsebenzini, lenze isifungonofanaisithembiso esifungelweko ngokwendlela ebekiweko.
- (6) USomkhandlu kufanele aveze amabizo wabantu abaqatjhwe ekhetho yezabathengi ukuze amabizo wabo agadangiswe kugazi yeprovinsi kanye nangenye indlela yokwazisa ngemidiya.

### **23. Ithemuyokuba sesikhundlenikwamalunga wekhetho yezabathengi**

- (1) Ilunga ngalinyelekhetho yezabathengi lisebenza isikhathi esingaba minyaka emithathu.
- (2) USomkhandlu angavuselela ithemu yelunga lekhetho yezabathengi bona lisebenzenye ithemu ngaphandle kokuthi alandele ikambiso esesigabeni 22.
- (3) nangabe amalunga wekhetho yezabathengi asaqalene nesinghonghoyilo esiphambi kwekhetho yezabathengi ngesikhathi sokuphela kwethemu yawo, angaragelaphambili asebenzenjengamalunga wekhetho yezabathengi kodwana asebenzengesinghonghoyilo esiphambi kwekhetho yezabathengi kwaphela begodu angathola umrholo wawo kanye neembonelelo okufanele azithole ngesikhathi asebenzenjengamalunga wekhetho yezabathengi.

### **24. Ukuthokoza isikhundla, ukususwa esikhundlenineenkala**

- (1) Ilunga lekhetho yezabathengi lingathokoza umsebenzi ngokuthi linikele uSomkhandlu—
  - (a) isaziso esitololiweko senyanga yinyenofana

- (b) nofana isaziso esitolweko esingaphasi kwenyanga, okufanele sivunywe nguSomkhandlu.
- (2) USomkhandlu angakhupha ilunga lekhetho yezabathengi, ngokwendinyana (3) nakube ilungelo—
- (a) alisakulungeli ukuba lilunga lekhetho yezabathengi ngokwesigaba 21;
  - (b) lihluleka ukuveza irhuluphelo njengoba kuvezwa esigabeni 26;
  - (c) lenze okungakhambisani nalokho okuvezw esigabeni 27; nofana
  - (d) lihlulekile ukwenza umsebenzi walo kuhle njengelunga lekhetho yabathengi.
- (3) Ngaphambi kokukhupha ilunga lekhetho yezabathengi ngokwesigaba (2), uSomkhandlu kufanele anikele ilunga lekhetho yezabathengi ithuba lokuzwakalisa INGCENYE yalo.
- (4) Nakuba nesikhala somsebenzi ekhetho yezabathengi, uSomkhandlu kufanele alandele ikambiso evezwe esigabeni 22 bese uqatjha umuntu ozokuvala isikhala somsebenzi esivulekileko ngaphambi kokuphela kwesikhathi sethemu yelunga lekhetho yezabathengi eliphumako.
- (5) Nakube isikhundla sikasihlalo nesekela lakasihlalo siyavuleka ngeenzathu ezithileko, uSomkhandlu angaqatjha umuntu oneziqu zomthetho kanye nelemuko bona asebenze kwesikhatjhana bekube kulapho isikhala somsebenzi leso sivaleka khona ngokwesigaba 22.
- (6) Umuntu oqatjhiweko loyo ngokwesigaba (5) unelungelo lokurhola kanye nezinye iimbonelelo evezwe esigabeni 25.

## **25. Umrholo neembonelelo zamalunga wekhetho yezabathengi**

USomkhandlu—

- (a) kufanele aqunte ngemirholo neembonelelo zamalunga wekhetho yezabathengi;
- (b) angaqunta ngeengaba ezihlukileko zemirholo neembonelelo ngokwahluka hlukana kwamalunga wekhetho yezabathengi nangokwamazinga nemisebenzi ayenzako, ngokuthintana neLunga lesiGungu esiPhetheko elitjheje zeemali

ePhrovinsini.

## **26. Ukuvezwa kweenkareko malunga lekhotho yezabathengi**

- (1) Elinye nelinye ilunga lekhotho yezabathengi, nalithoma ukusebenza begodu ekuthomeni komunye nomunye umnyaka weemali wekhotho yezabathengi, kufanele linikele ngomtlolo oveza ikareko/irhuluphelo enqophilekonofana engakanqophi kwenye nenyekhamphaninofanaihamphani eyi-close corporationnofanaenyeneyehuluphelyebhizinisi kuSomkhandlu.
- (2) Lapho ilunga lekhotho yezabathengi liba nekareko/nerhuluphelo kenyeneyekhamphani,ikhamphani eyi-close corporationnofanaenyeneyehuluphelyebhizinisi,kesinyenesinyeisikhathiilungeloliselelilungalekhotho yezabathengi,ilungelokufanelelinikelengomtloloovezaikareko/irhuluphelyalo kuSomkhandlukungakapheli amalanga ali-10 libenekareko leyo.

## **27. Ukutjhayisana kweenkareko**

- (1) Ilunga lekhotho yezabathengi akukafaneli lijamele omunye nomunye umuntu ekhothoyezabathengi.
- (2) Nakube ngesikhathi sokulalelwakwesehlakalo esithileko lapho ilunga lekhotho yezabathengilizibandakanye khona,bese kuvelabonaisehlakalwesosithintanakenarekoyelunga lekhotho yezabathengi,ilunga lekhotho yezabathengikufanele—
  - (a) khonokhobegodungokuzeleko liveze kwamanye amalunga wekhothobonalinkekarekoenjani;begodu
  - (b) lizirhoqiseekuzibandakanyenikokulalelwlokho.

## **28. Ukujanyiswa kwelunga lekhotho yezabathengi**

- (1) USomkhandlu,ngemvakokusebenzisa imithetho efanelekyobulungiswa,angajamisa ilunga lekhotho yezabathenginangabe—
  - (a) ilunga lekhotho yezabathengilenzeisenzosokuziphatha kumbikhulu;begodu
  - (b) uSomkhandlu uneenzathuzokukholwabonaubuchonabelungaelinjeekhotho yezabathengikungafakaengozinielinyenelinyeiphenyonebuzisiso

ngesenko sokungaziphathi kuhle, nofana kungafaka engozini omunye nomunye umuntu nofana ipahla yombuso.

- (2) Ukujanyiswa ligadango elithathwa nakusalindwe imiphumela.

**INGCENYE B**  
**UKUPHATHWA KWEKHOTHO**

**29. Umabhalana wekhoto yezabathengi**

- (1) USomkhandlu, ngokulandela imithetho ephethe abasebenzi bomphakathi—
- (a) kufanele akhethe nofana aqatjhe umabhalana wekhoto yezabathengi ozokusebenza—
- (i) ukwamukela bekaake ekambisweni iimbawo ezifakwe ekhoto yezabathengi;
  - (ii) ukulungiselela ukuhlala kwekhoto yezabathengi;
  - (iii) ukwazisa abathintekako ngokuhlala kwekhoto yezabathengi;
  - (iv) ukuphatha imitlolo engenako nephumako yekhoto yezabathengi;
  - (v) ukuphatha amarekhodi wekhoto yezabathengi;
  - (vi) ukufaka ekambisweni imbadelo yabofakazi; kanye
  - (vii) nokwenza eminye imisebenzi ngokomThetho lo nofana ngokulayelwa ngusihlalo wekhoto yezabathengi;
- (b) angakhetha nofana aqatjhe abanye abantu ngokwemithetho yabasebenzi bomphakathi bona basize unobhala wekhoto yezabathengi ekwenzeni umsebenzi wakhe.
- (2) Unobhala wekhoto yezabathengi kufanele abike esiphathisweni esiyiHloko yomNyango ngendlela ebekiweko.

**30. Ukubika kwekhoto yezabathengi**

Ikhoto yezabathengi kufanele inikele ngemibiko yomsebenzi wayo ngamakotara nangomnyaka kuSomkhandlu ngendlela ebekiweko kungakapheli amalanga ali-14 ngemva kokuphela kwekotara kanye nokuphela komnyaka weemali.

**INGCENYE C**  
**IKAMBISO YEKHOTO YEZABATHENGI**

### **31. Ikambiso yekhoho yezabathengi**

- (1) UsiHlalo wekhoho yezabathengi unesibopho sokuphatha ubunengi bamacala wekhoho yezabathengi begodu kufanele adlulisele isinghonghoyilo ngasinye ekhoho yezabathengi ngokomThetho lonofana ngokomunye umthetjhwana bona—
- (a) usihlalo nofana isekela lakashlalo lhlale lodwa ngokomthetho lo, isigaba 75(5) somThetho wokuVikelwa kwabaThengi, waka-2008, isigaba 142 (3) somThetho weNarha wokuThenga ngesiKolodo waka-2005, nofana omunye umthetjhwana uvuma bona isinghonghoyilo silalelwemumuntu oyedwa; nofana
  - (b) iphaneli ebunjwa ngusihlalo nofana isekela lakashlalo namanye amalunga amabili wekhoho yezabathengi.
- (2) Nakungenzeka esigabeni esithile sokusebenza kwekhoho yezabathengi, kufumanek bona usihlalo akasi sebujameni bokusebenza nofana akekho, umsebenzi uzakuraga phambi kwesekela lakashlalo.
- (3) Nakungenzeka bona ngeenzathu ezithile bobabili usihlalo nesekela lakashlalo abakghoni ukwenza umsebenzi—
- (a) lapho usihlalo nofana isekela lakashlalo lisebenza lodwa, umsebenzi loyo kufanele wenziwe phambi kwelunga elineziqu zomthetho nelemuko elifaneleko; nofana
  - (b) njengehlangothi lephaneli yamalunga amathathu, iphaneli kufanele yakhiwe kabutjha ukuze ngazo zoke iinkhathi iphaneli ihlale inamalunga amathathu, okungasenani kube nelunga linye elineziqu zomthetho nelemuko elifaneleko.
- (4) Isiquonto selunga linye lekhotho yezabathengi elilalele isinghonghoyilo esiqualwe endinyaneni (1)(a) nofana senengi lamalunga wephaneli kelinye nelinye icala, kuba siquonto sekhotho yezabathengi.

### **32. Ukulalelw yikhoho yezabathengi**

Ikhoho yezabathengi nayilalele isinghonghoyilo ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008 nofana umThetho weNarha wokuThenga ngesiKolodo, waka-2005—

- (a) ukulalela kufanele kwenziwe ngendlela engatjhugulukiko ikhambisane neNgcenyen D; begodu
- (b) ingenza imilayo njengoba kuveziwe eNgcenyen E, yesAhluko 7 somThetho weNarha wokuThenga ngesiKolodo, waka-2005, esifundwa namatjhuguluko akhonjelwa bujamo.

**33. limbadalo zabofakazi**

Omunye nomunye umuntu obizelwa ekhoho njengofakazi kufanele abhadelwe imbadela yakafakazi kanye neembonelelo njengalokha umuntu loyo nabekazokubhadelwa nagade angufakazi ekhoho kamarhastrada.

**INGCENYE D****IMIYALO YEKHOTHO YEZABATHENGI****34. Imilayo yekhoho yezabathengi**

- (1) Ngaphezu komunye nomunye umlayo, ikhoho yezabathengi ngokomThetho lo, umThetho wokuVikelwa kwabaThengi, waka-2008nofana umThetho weNarha wokuThenga ngesiKolodo, waka-2005, ingalayela bona imininingwana yomuntu okukhulunyiswana naye ngokuziphatha okungakavunyelwa, itlolwe erhelweni leembalo zezenzo ezingamukelekiko elivezwe esigabeni 12.
- (2) Umlayo wekhotho yezabathengi kufanele waziswe ngokufakwa *kugazedi yephrovinsi* begodu ungaziswa ngenye nenye indlela.

**35. Iinhawulo zokuphatha nokusebenza**

Ikhoho yezabathengi ingagandelela ihlawulo yokuphatha ekuziphatheni okungakavunyelwanofana okufunekako ngokomThetho wokuVikelwa kwabaThengi, waka-2008nofana umThetho weNarha wokuThenga ngesiKolodo, waka-2005.

**36. Ukwahluka kwemilayo**

Ikhoho yezabathengi ngokuzithandela kwayonofana ngokwesibawosomuntu othintwa siquntonofana umlayo, ingatjhugululanoftanibulale/iphelise isiquntonofana umlayo wayo —

- (a) nangabe umlayo loyo ubekeke ngephosonofana ubekwe umuntu othintwa ngiwo angekho;
- (b) lapho kunokungacaciko,nofana kunephoso esepepenenenoftanaukutjhiyeka kokuthileko, kodwana lokhu kungenziwa kwaphela bona kulungiseke okungacaciko, ubutjhaphonofana ukutjhiyeka kokuthileko;nofana

(c) wenziwenofana unikelwenokwephoso etholakala kibobo abazibandakanyileko.

### **37. Izinga lobufakazi**

Ekambisweni enye nenyephambi kwekhetho yezabathengi ngokomThetho lo, izinga lobufakazi ubungcono kuthathwa ngalo isiquonto.

## **ISAHLUKO 4**

### **IINJAMISO EZIVAMILEKO**

#### **INGCENYE A**

#### **UBULELESI NEENHLAWULO**

### **38. Ukwephula ukuthembeka**

- (1) Kubulelesi ukuveza eminye neminye imininingwana emayelana neendaba zomunye nomunye umuntunofana umuntu onelwazi lomthetho—
  - (a) ekwenzeni omunye nomunye umsebenzi ngokomThetho lo;nofana
  - (b) lokha umuntu nakafaka isinghonghoyilonofana nakazibandakanya ekambisweni enye nenyeyomThetho lo.
- (2) Indinyana (1) ayisebenzi emininingwaneni eveziweko—
  - (a) ngehlosoyokulandela indlela efaneleko yokwenziwa komsebenzinoftanayokusetjenziswa kwamandla afaneleko ngokomThetho lo;
  - (b) ngehlosoyokuphathwakobulungiswa;
  - (c) ngokuthikubawe umphenyi, i-Ofisi lomVikeli wabaThenginofana ilunga lekthetho yezabaThengionelungelolokwamukela imininingwana;nofana
  - (d) ngomlayo wekhethoyomthetho.

### **39. Ukuliya ukusetjenziswa komThetho**

Kumlandu ukuvimba, ukuphikisa, ukukhandelanofana ukuba nomthelela ongakafaneli emuntwini owenza umsebenzi agunyazwe bona awenze ngokomThetho lo.

**40. Ukubhalelwa kukuya ekhoho lokha nawubiziweko**

Umuntu olayelwe, onikelwe isibizelakhotho bona akhambele ukulalela okuthileko—

- (a) abhalelwe ngaphandle kwebanga elizwakalako bona avele ngesikhathi nendaweni eveziwekonofana abekhona ekulalelweni bekatjhaphululwe;nofana
- (b) abekhona njengoba akhonjelwe, kodwana—
  - (i) ale ukufungiswanofana ukuqinisekisa;nofana
  - (ii) angavezi incwadi, umtlolonofana enye into njengoba alayelwe, nakube iphethwe nguyenofana iselawulweni lakhe, umuntu loyo wenza ubulelesi.

**41. Ukubhalelwa kuphendula ngokuzelekonofana ngokweqiniso**

Umuntu ofungisiwekonofana owenze isiqinisekiso—

- (a) ngaphasi kwesigaba 13(3), obhalelwa kuphendula umbuzo ngokuzeleko nangokusemandleniwakhe;nofana
- (b) onikela ngobufakazi obumamala,owazikonofana akholwabona bumamala, wenza ubulelesi.

**42. Ubulelesi obuhlobene ne-Ofisi lomVikeli wabaThengi kanye nekhotho yezabathengi**

- (1) Umuntu ophula umthethonofana obhalelwa kukhambisana nomlayo wekhothoyezabathengi wenza ubulelesi.
- (2) Umuntu—
  - (a) owenza nanoma yini bona abe nomthelela ongakafaneliekhothoyezabathenginofana e-Ofisini lomVikeli wabaThengimayelana nenyeneye into ephathelene nephenyo;
  - (b) ofunisela ngemiphumela yekhothoyezabathenginofananoftani i-Ofisi lomVikeli wabaThengimayelana nephenyongendlela eqaleka inomthelela ekambisweninofana ngemiphumela;

- (c) owenza enye nenyi into ephathelene nephenyo negade izokuthathwa njengokungafuni ukulandela umlayo wekhotho nakube ikambiso beyisekhetho yomthetho;
  - (d) onikela ngemininingwana emamala ngabomu e-Ofisini lomVikeli wabaThengi;
  - (e) okhulumu kumbi ikhetho yezabathenginofana ilunga lekhotho yezabathengi, ngokweenkhundla ezisemthethweni zomsebenzi wabo;
  - (f) ophazamisa ikambiso yokulalelwangokuthanda kwakhenofana angaziphathi kuhle endaweni lapho ukulalelwakubanjelwe khona;
  - (g) ophikisana nemvumo yokungenanokusetjha;nofana
  - (h) onganawo amandla / igunya, kodwana akatelele bona unawo ngokwesigaba 14
- 
- (i) angenenofana asetjhe imakhiwo;nofana
  - (ii) athathenofana akhuphe umtlolo, wenza ubulelesi.

#### **43. Iinhlawulo**

Omunye nomunye umuntu ofunyanwa enze ubulelesi ngokomThetho lo, ukatelelekile ngokomthetho bona ahlawulenofana abotjhwenofanakokubili ngasikhathi sinye.

#### **INGCENYE B**

#### **IINJAMISO EZIVANGENEKO**

#### **44. Ukuthweswa amandla**

- (1) USomkhandlu, ngokweenjamiso zesigaba lesi, anganikela ngokomtlolo amandla, umsebenzi okufanele wenziwe nguye ngokomThetho lo, emuntwini oyihloko yomNyango, umVikeli wabaThenginofana isisebenzi nge-Ofisini lomVikeli wabaThengi, ngaphandle kwemibandela.
- (2) USomkhandlu angeze anikela ngamandla—
  - (a) wokuqatjha amalunga weKhotho kanye nomVikeli wabaThengi; kanye
  - (b) nokwenza imithethhwana.

- (3) UmVikeli wabaThengi, ngokuvunyelwa nguSomkhandlu, anganikela ngamandla wakhe, umsebenzi wakhe, ofaka hlangana amandla nemisebenzi edluliselwe kuye nguSomkhandlu, ayidlulisele kelinye nelinye ilunga elisebenzela i-Ofisi lomVikeli wabaThengi.
- (4) Ukunikelwa kwamandla ngaphasi kwalesi isigaba, akukhandleli uSomkhandlunofana umVikeli wabaThengi ekusebenziseni amandla nemisebenzi ayidlulisele komunye umuntu.
- (5) Ukunikelwa kwamandla ngaphasi kwalesi isigaba kungapheliswanofana kurhoqiswe kesinye nesinye isikhathi.
- (6) Enye nenyе into eyenziwe ngamandla adluliselweko, ithathwa njengokuthi yenziwe nguSomkhandlunofana umVikeli wabaThengi, njengoba kungenzeka.

**45. *Ukuthweswa ukuziphendulela mayelana nezenzo zomunye ezingasisemthethweni***

- (1) Ngokuya komThetho lo, nangabe isisebenzinofana umjameli womuntu ukatelelekile ukuthatha isibopho esithileko kenyenenyе into eyenziwakonofana ekhohlwakalako ngesikhathi sokusebenza komuntu loyo, asebenzela isikhulu sakhenofana umqatjhi, isikhulu sakhenaso sikatelelekile ukuthatha isibophosalokho okwenzekileko.
- (2) Isigabesi asisebenzi eembopheni zobulelesi.

**46. *Imithetjhwana***

- (1) USomkhandlu, ngemva kokuthintana nosihlalo wekhotho yezabathengi, angenza imithetjhwana ephathelene —
  - (a) nokusebenza nemithetho yekambiso yekhotho yezabathengi;
  - (b) nenyenenyе into okufanele ijanyiswe ngokomThetho lo;
  - (c) nenyenenyе imbadelo ebhadelwako ngokomThetho lo;
  - (c) ngokuvamileko, nenyenenyе into ethathwa njengetlhogekako ekujamiseni ngehloso yokuzuza iminqophoyomthetho lo.
- (2) USomkhandlu kufanele enze bona umtlamo wemithetjhwana le uvezwa kugazedi yephrovinsi bona umphakathi uphawule ngayo.

**47. Ukupheliswa kwemithetho**

UmThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho), waka-1996 (umThetho Wobu-8 waka-1996) ubulewe.

**48. Amalungiselelo wamatjhuguluko**

- (1) Esinye nesinye isinghonghoyilo esifakwe e-Ofisini lomVikeli wabaThengi ngaphambi kokuthoma komThetho lo ngokwemithetjhwana ebuleweko, kufanele kusetjenzwe ngaso bekukhitjhwe nemiphumela ngokomthetho lo.
- (2) Lapho umVikeli wabaThengi, omunye wabasebenzi be-Ofisi lomVikeli wabaThenginofana umphenyi aqatjhwe ngokwemithetjhwana eyabulawa mThetho lo, ukuqatjhwa kwabo kuzokuragela phambili ngokuya komThetho lo.
- (3) Ikhotho yezabathengi eyasungulwa ngokwemithetjhwana eyabulawa mThetho lo, kufanele iragele phambili njenekhoho yezabathengi esungulwe ngokomThetho lo.
- (4) Ilunga lekhotho yezabathengi esungulwe ngokomthetjhwana owabulawa mThetho lo, liragela phambili nokuba ilunga lekhotho yezabathengi bekube lapho kuphela ithemu yalo ngokomThetho lo.

**49. Isihloko esifitjhani nokuthoma ukusebenza**

- (1) UmThetho lo ubizwa bona mThetho weLimpopo wokuVikelwa kwabaThengi, waka-2013 begodu uzokuthoma ukusebeza ngelanga elizokuvezwu nguNdunakulu ngesaziso esizakukhutjhwa *kugazi di yeprovinsi*.
- (2) UNdunakulu angaveza amalanga ahlukileko wokuthoma ukusebenza kweengaba ezithileko zomThetho lo.

**IMEMORANDAMU YEMINQOPHO YOMTHETHOMLINGWA WELIMPOPO**  
**WOKUVIKELWA KWABATHENGI, WAKA-2013**

**1. ISENDLALELO NEHLOSO YOMTHETHOMLINGWA**

- 1.1. UmThetho wokuVikelwa kwabaThengi, waka-2008 (umThetho wama-68 waka-2008)<sup>1</sup> wajanyiswa ngo-2008 hlangana nokhunye bona uthuthukise ukuthenga nokuthengiselana ipahla neminye imisebenzi ngendlela elungileko, elula nenzinzileko, ukuze kuthonywe imikghwa namazinga aphathelene nokuvikelwa kwabathengi kanye nokunothiswa kwamalungelo wabathengi.
- 1.2. UmThetho wokuVikelwa kwabaThengi, waka-2008 uqaliswe emabandleni nemakhotho wezabathengi wephrovinsi wokuvikelwa kwabathengi. Umbuso wephrovinsi ulindeleke bona ujamise umthetho wokusungulwa kwekhoho yezabathengi kanye nebandla lephrovinsi lokuvikelwa kwabathengi nokusebenza kwavo.
- 1.3. UmThetho okhona weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho) waka-1996 (umThehto Wobu-8 waka-1996)<sup>2</sup> ebujameni okibo njenganje, awukanqotjhaniswa nomThetho omutjha wokuVikelwa kwabaThengi waka-2008. Kuhloswe bona umThetho okhona lo ubulawe bese ujanyiselelwa ngomThetho omutjha wephrovinsi wokuvikelwa kwabathengi onqotjhaniswe nomThetho wokuVikelwa kwabaThengi waka-2008, lokhu kwenzelwa bona kube nokusebenza butjhelela hlangana nemisebenzi yeKomitjhini, yamabandla wokuvikelwa kwabathengi kanye nekhotho yezabathengi.
- 1.4. Ngokuya ngokomThetho wasafuthi njenganje, ikomidi yasafuthi eqalene neendaba zabathengi esiBethamthethweni sephrovinsi kufanele ivumelane noSomkhandlu ekuqatjhweni kwamalunga wekhotho yezabathengi. UmThethomlingwa lo ufunu ukukhupha ifuneko le. UmThethomlingwa lo ufunu ukugcina iinjamiso esele zisungulwe ngaphasi komThetho wanje, kodwana ufunu ukulawula ukusebenza ngcono kwazo.
- 1.5. UmThethomlingwa unikela ngebandla lokuvikelwa kwabathengi lephrovinsi; uveza nemisebenzi yebandla; unikela ngekhotho yezabathengi yeLimpopo; nemisebenzi

<sup>1</sup> Ngemva kwalokhu obizwa "umThetho wokuVikelwa kwabaThengi, waka-2008".

<sup>2</sup> Ngemva kwalokhu obizwa "umThetho wakhathesi"

yayo, ufunu ukuphelisa umThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho) waka-1996 (umThetho Wobu-8 waka-1996) nokunikela ngeendaba eziphathelene nawo.

- 1.6. UmThethomlingwa lo ufaka hlangana iinhlathululo ezitja eziqakathekileko isib, umthengi, iKomitjhini, iKhotho ekhethekileko, umhloli, njll. UmThethomlingwa wethula ukulungela nendlela yokuqatjha umVikeli wabaThengi kanye nokwethula iinkhundla ezitja zeSekela lomVikeli wabaThengi nabahloli. UmThethomlingwa ufunu ukuhlathulula kabanzana ngemisebenzi namandla webandla lephrovinsi lokuvikelwa kwabathengi. UmThethomlingwa ufunu nokwethula ikambiso etja yokudlulisela iinghonghoyilo ekhoho yezabathengi. UmThethomlingwa uhlathulula kabanzana ngemisebenzi kanobhala wekhotho yezabathengi begodu uletha neemfuneko zokubika. UmThethomlingwa unqophanisa iinkambiso nemiyalo yekhotho yezabathengi neenkambiso nemiyalo yeBandla elikhethekileko leNarha lezabaThengi. UmThethomlingwa wethula irejista yezenzo ezimbi yokurekhoda imininingwana yabantu abenza izinto ezingakavunyelwa. UmThethomlingwa uzinqophanisa neenjamiso ezssemThethweni wokuVikelwa kwabaThengi, waka-2008.

## 2. **UMTHELELA KWEZEHLALAKUHLE**

UmThethomlingwa unqophe ekuthuthukiseni nekwenzeni ngcono zehlalakuhle nomnotho wabathengi ephrovinsini.

## 3. **IHLAZIYO LENDINYANA NGAYINYE**

- 3.1. Isigaba 1 siveza iinhlathululo ezisetjenziswe emThethweni lo.
- 3.2. Isigaba 2 siveza iminqopho yomThetho lo.
- 3.3. Isigaba 3 siphathelene nokugcinwa kwebandla lezokuvikelwa kwabathengi elasungulwa ngaphasi komThetho lo bona lipheliswe bese lijanyiselelw nge-Ofisi lomVikeli wabaThengi.

- 3.4. Isigaba 4 siphathelene nokuqatjhwu komVikeli wabaThengi kanye neemfuneko ezifaneleko. Unikela ngokuqatjhwu kwesekela lomvikeli wabathengi kanye nabasebenzi be-Ofisi lomVikeli wabaThengi.
- 3.5. Isigaba 5 siveza imisebenzi namandla we-Ofisi lomVikeli wabaThengi.
- 3.6. Isigaba 6 siveza ihlelo lokufaka isinghonghoyilo e-Ofisini lomVikeli wabaThengi.
- 3.7. Isigaba 7 siphathelene nendima ye-Ofisi lomVikeli wabaThengi ekusebenzeni ngeenghonghoyilo.
- 3.8. Isigaba 8 siphathelene nokuqatjhwu kwabahloli nabaphenyi.
- 3.9. Isigaba 9 siphathelene nemiphumela ehlukileko yephenyo le-Ofisi lomVikeli wabaThengi.
- 3.10. Isigaba 10 sinikela ngemilayo yeemvumelwano ezenziwa ziinqhema.
- 3.11. Isigaba 11 siphathelene nokuthi iinghonghoyilo zidluliselwa njani ekhotho yezabathengi.
- 3.12. Isigaba 12 siphathelene nerejista yezenzo ezimbi yokurekhoda abantu abatholwe benza izinto ezingakavumeleki.
- 3.13. Isigaba 13 siphathelene nokubizwa kwabantunofana imitlolo ngehloso yephenyo.
- 3.14. Isigaba 14 siphathelene negunya lokungena bekusetjhwe ngemvumo.
- 3.15. Isigaba 15 siveza amandla wokungena bekusetjhwe ngemvumo.
- 3.16. Isigaba 16 siphathelene nokuziphatha lokha nakusetjhwako.
- 3.17. Isigaba 17 siphathelene nehlelo lokusebenza ngelwazi elifhlwako.
- 3.18. Isigaba 18 sigcina ikhotho yezabathengi eyasungulwa mThetho weeNdaba zabaThengi (izEnzo zokuRhweba ezingaKhambisani nomThetho) waka-1996 (umThetho Wobu-8 waka-1996) begodu inikela ngokuhlala kwekhotho.
- 3.19. Isigaba 19 siveza imisebenzi yekhotho yezabathengi.
- 3.20. Isigaba 20 siveza ukwakhekanofana ukubunjwa kwekhotho yezabathengi.
- 3.21. Isigaba 21 siphathelene nokungalungeli ukuqatjhwu ekhotho yezabathengi.

- 3.22. Isigaba 22 siveza ikambiso yokufaka isibawo nokuqatjhwa kwamalunga wekhotho yezabathengi.
- 3.23. Isigaba 23 siphathelene nethemu yokusebenza kwamalunga wekhotho yezabathengi.
- 3.24. Isigaba 24 siphathelene nokuthokoza umsebenzi, ukukhutjhwa nge-ofisini kanye neenkhala zomsebenzi ekhoho yezabathengi.
- 3.25. Isigaba 25 siphathelene nemirholo neembonelelo zamalunga wekhotho yezabathengi.
- 3.26. Isigaba 26 siphathelene nokuveza iinrhuluphelonofana iinkareko zebhizinisi malunga wekhotho yezabathengi.
- 3.27. Isigaba 27 silawula ukutjhayisana kweenrhuluphelo.
- 3.28. Isigaba 28 siphathelene nokujanyiswa kwelunga lekhotho yezabathengi.
- 3.29. Isigaba 29 siphathelene nokuqatjhwa kwakanobhala wekhotho yezabathengi kanye nemisebenzi yakhe.
- 3.30. Isigaba 30 siveza iimfuneko zokubika kwekhotho yezabathengi.
- 3.31. Isigaba 31 sisebenza ngeenkambiso zekhotho yezabathengi.
- 3.32. Isigaba 32 siphathelene nokulalela kwekhotho yezabathengi okuzokubanjwa ngendlela yokulalela okufana nokweBandla elikhethekileko leenKolodo leNarha.
- 3.33. Isigaba 33 senza iinjamiso ngeembadelo zabofakazi.
- 3.34. Isigaba 34 siphathelene nemilayo yekhotho yezabathengi.
- 3.35. Isigaba 35 siphathelene neenhlawulo zokuphatha.
- 3.36. Isigaba 36 siphathelene nokwehluka kwemilayo.
- 3.37. Isigaba 37 siphathelene nezinga lobufakazi ekambisweni yekhotho yezabathengi.
- 3.38. Isigaba 38 siphathelene nokuvezwa kwefihlo.
- 3.39. Isigaba 39 senza kube bulelesi ukuvimba ukusebenza komThetho.

- 3.40. Isigaba 40 senza kube bulelesi ukubhalelwu kukhambela ukulalelwu lokha umuntu abizelwe ekhoho.
- 3.41. Isigaba 41 senza kube bulelesi lokha umuntu angaphenduli ngokweqiniso nangokuzeleko.
- 3.42. Isigaba 42 siveza izinto ezibulelesi e-Ofisini lomVikeli wabaThengi kanye nekhotho yezabathengi.
- 3.43. Isigaba 43 siveza iinhlawulo ezingaphasi komThetho lo.
- 3.44. Isigaba 44 siphathelene nokudlulisa amandla.
- 3.45. Isigaba 45 siphathelene nokuthweswa ukuziphendulela mayelana nezenzo zomunye ezingakalungi.
- 3.46. Isigaba 46 senza iinjamiso zemithetjhvana.
- 3.47. Isigaba 47 sijamiso sokuphelisanofana sokubulala umthetho.
- 3.48. Isigaba 48 siveza amalungiselelo wamatjhuguluko.
- 3.49. Isigaba 49 siveza isihloko esifitjhani nokuthoma ukusebenza komThetho.

#### **4. UMTHELELA KWEZEEMALI**

Kungaba nemithelela eminengi ekuqatjhweni komVikeli wabaThengi, isekela lomvikeli wabathengi, abasebenzi abatjha be-Ofisi lomVikeli wabaThengi kanye nekhotho yezabathengi, abahloli nabaphenyi, nakube abasebenzi abakaqatjhwa ngaphakathi komNyango. Kungaba nemithelela kwezeemali emNyanguweni nakungenzeka izazi zitholwe ngokomThetho lo.

Kuzokuba neendleko zokubhadela izaziso ezifunekako ekwazisweni / ekugadangisweni komThetho kugazi yephrovinsi nofana kwamanye amaziko weendaba, okufaka hlangana ukugadangiswa kwemilayo yekhotho yezabathengi, izaziso eziya emphakathini mayelana namaphenyo kanye nemikhangiso yeenkhala zomsebenzi ekhoho yezabathengi. UmNyango uzokukateleka bona ubhadele imirholo nembonelelo zamalunga wekhotho yezabathengi kanye nokubhadelwa kwabofakazi. Kuzokuba neendleko zokugazeda nokukhangiswa komThethomlingwa

lo emaphendabeni amabili ukuze umphakathi uphawule kanye neendleko zokuvezwa / zokugadangiswa ngemva kobana sele uphasisiwe.

**5. UMTHELELA KWEZABASEBENZI NEHLANGANWENI**

UmThethomlingwa uphakamisa abantu abangaqatjhwa mNyango, ubaqatjhele e-Ofisini lomVikeli wabaThengi, ekhoho yezabathengi kanye nokuqatjhwa kwabahloli nabaphenyi.

**6. UMTHELELA KUMTHETHOSIKELO**

Ukuvikelwa kwabathengi yikundla yokusebenza ngokufanako yombuso ophezulu nombuso wephrovinsi (itjheduli 4) ngokuba namandla wokwakha imithetho. Ngalokho-ke iphrovinsi ingakghona ukujamisa umthetho ophathelene nokuvikelwa kwabathengi.

**7. IINKHUNGO OKUBONISENWE NAZO**

UmNyango wezokuThuthukiswa komNotho, iBhoduluko nezamaVakatjho kanye nabeLuleki bezomThetho bomBuso nge-Ofisini lakaNdunakulu kubonisenwe nabo.

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