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I-OFISI YENKULUMBUSO
YEPHONDO LENTSHONA
KOLONI

ISAZISO SEPHONDO

Le drafti yomThetho oYilwayo ngokoke iyapapashwa kusenzelwa ulwazi ngokubanzi:

UmThetho ka-2010 oYilwayo woLungiso lweDrafti yokuQala kumGaqo-siseko weNtshona Koloni

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Nawuphi na umntu okanye umbutho onqwenela ukwenza amagqa-bantshintshi ngedrafti yomThetho oYilwayo uyacelwa ukuba angenise amagqabantshintshi lawo ebhaliwe phambi okanye ngomhla wama-29 ngo-Oktobha ka-2010:

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IDRAFTI YOMTHEHO OYILWAYO NGOMGAZO-SISEKO WENTSHONA KOLONI, 2010

AMAGQABANTSHINTSHI ACACISAYO:

[ ] Amagama abhalwe ngqindilili akwizibiyeli ezisikweri abonisa okukhutshiweyo kwimithetho ekhoyo.

_____ Amagama akrwelelweyo ngaphantsi abonisa okuye kongezwa kwimithetho ekhoyo.

UMTHETHO OYILWAYO

Ukuhlaziya uMgaqo-siseko weNtshona Koloni, wowe-1997, ukuze ungqamane noMgaqo-siseko weRiphabliki yoMzantsi Afrika, wowe-1996, ngokunxulumene nokulahlekelwa bubulungu kwiPalamente yePhondo, ukubizwa nokubekwa kwemihla yonyulo lwePalamente yePhondo, ukuchazwa kweBhili yemali, ukungenelela kwephondo kurhulumente wengingqi, ukufakwa kweerhafu yiPalamente yePhondo nokufunwa kwemali-mboleko ngurhulumente wePhondo leNtshona Koloni; kukuhlaziya imiba enxulumene necandelo lemali lephondo, uMkhomishinala weNdalo esinGqongileyo, noMkhomishinala wemiCimbi yaBantwana; ukutshintsha imbekiselo ethi uMongameli weNkundla yoMgaqo-siseko; nokuchaza ngemiba enxulumene noko.

KUWISWA UMTHETHO KE NGOKO yiPalamente yePhondo leNtshona Koloni, ngale ndlela ilandelayo:—

Uhlaziyo lwecandelo 15 loMthetho 1 wowe-1998

1. Icandelo 15 loMgaqo-siseko weNtshona Koloni, wowe-1997 (uMgaqo-siseko wePhondo), lihlonyelwa ngokufakwa kweli candelwana lilandelayo kwicandelo (3):

"(3) Umntu uyaphelelwa bubulungu bakhe kwiPalamente yePhondo xa ngaba

(a) kuye kwenzeka ukuba angafaneleki;

(b) okanye xa eziyekela ebulungwini;

(c) uye akabikho kwiPalamente yePhondo engaphandle kwemvume phantsi kweemeko ekuchaziweyo ukuba umntu uyaphelelwa bubulungu xa engekho kuzo

(d) okanye uyayeka ukuba lilungu lombutho owamkhethayo ukuba awumele kwiPalamente yePhondo.".

Ukuhlonyelwa kwecandelo 17 loMthetho 1 wowe-1998

2. Icandelo 17 loMgaqo-siseko wePhondo lihlonyelwa ngokufakelwa kweli candelwana lilandelayo kwicandelo (2):

"(2) Xa iPalamente yePhondo ithe yapheliswa ngokwemiqathango yomhlathi 18 okanye xa ixesha layo lifikelela esiphelweni iNkulumbuso, ngompoposho, kufuneka ibeke imihla yonyulo, nyulo olo kufuneka luqhutywe zingadlulanga iintsuku ezingama-90 itshitshisiwe iPalamente yePhondo okanye liphelile ixesha layo. Isaziso esibiza nesibeka umhla wolonyulo sinokwenziwa ngaphambi okanye ngemva komhla wokuphela kwexesha lePalamente yePhondo.".

Ukufakwa kwelinye icandelo endaweni yecandelo 30 loMthetho 1 wowe-1998

3. Eli candelo lilandelayo liza kufakwa kwicandelo 30 loMgaqo-siseko wePhondo:

"**IiBhili zeMali**

30. (1) IBhili **[eyi]** yiBhili yemali ukuba—

(a) [e]ihlahla imali; **[yokusetyenziswa okanye]**

(b) [e]ibeka iirhafu, imirhumo neentlawulo **[yibhili yezemali]** zephondo iidyuti okanye iisetshaji;

(c) ibhangisa okanye iphungula, okanye igunyazisa ukungahlawuli nayiphi na irhafu okanye intlawulo yePhondo; okanye

(d) igunyazisa iindleko ezingqalileyo nxamnye neNgxowa-mali yeNgeniso yePhondo.

(2) IBhili yezemali akufuneki ukuba ibandakanye neminye imiba ngaphandle—

(a) kwemiba ephathelele ekuhlahlweni kwemali eza kusetyenziswa; **[okanye]**

(b) ekubekweni kweerhafu, ukubhangisa okanye ukuphungula imiruhmo neentlawulo zephondo, iidyuti okanye iisetshaji;

(c) kokugunyazisa ukungahlawuli iirhafu okanye iintlawulo zephondo; okanye

(d) kokugunyazisa iindleko ezingqalileyo nxamnye neNgxowa-mali yeNgeniso yePhondo.

[(2)](3) UMthetho wePhondo kufuneka ube nenkqubo enokuthi ihambe ngayo iPalamente yePhondo xa isenza izilungiso kwibhili yezemali.".

Ukufakwa kwelinye icandelo kwicandelo 49 loMthetho 1 wowe-1998

4. Eli candelo lilandelayo lifakelwa kwicandelo 49 loMgaqo-siseko wePhondo:

"[Ukubeka iliso] Ungenelelo kulawulo lweedolophu

49. (1) Xa umasipala othile apha kweli Phondo engawenzi kakuhle umsebenzi wakhe wokulawula ngokoMgaqo-siseko welizwe, lo Mgaqo-siseko okanye ngokomthetho, iKhabhinethi yePhondo isenokuthi ingenelele ngokuthi ithathe amanyathelo afanelekileyo okuqinisekisa ukuba loo misebenzi iyenziwa, manyathelo lawo anokubandakanya la alandelayo—

(a) ukukhupha ingcaciso eya kwiKhansile kaaMasipala lowo ichaza ngokupheleleyo indlela esilele ngayo ekwenzeni umsebenzi wayo, inike nezikhokelo kananjalo zokuba loo meko ingalungiswa njani na; **[ ]**

(b) ukuthathela kuyo uxanduva lokwenza loo msebenzi asilele kuwo umasipala lowo iluthwale kangangoko kuyimfuneko uku—

(i) **[uku]**gcina imigangatho yesizwe eyimfuneko okanye ukukhawulelana nemigangatho efunekayo ekunikweni kweenkonzo;

(ii) **[uku]**thintela iKhansile kaMasipala lowo ukuba ingathabathi amanyathelo angafanelekanga naya kuthi abeke esichengeni izinto ezichaphazela omnye umasipala okanye iNtshona Koloni iphela;

(iii) okanye **[ ]** ukugcina umanyano kwinkalo yezoqoqosho; okanye

(c) ukuchitha iKhansile kaMasipala nokumisa umlawuli de kubhengezwe ukunyulwa kweKhansile kaMasipala entsha, ukuba kukho iimeko ezizodwa ezifuna elo nyathelo.

(2) Ukuba ngaba iKhabhinethi yePhondo ingenelela kwimeko kamasipala othile ngokwalo mhlathana (1)*(b)*—

[*(a)* kufuneka oko kungenelela kufikelele esiphelweni ngaphandle kokuba kuyavunywa nguMphathiswa wesizwe ojongene nolawulo lweedolophu kwisithuba esingadlulanga kwiintsuku ezili-14 emva kokuba kungenelelwe;

(b)*](a)* imele yenze isaziso esibhaliweyo sokungenelela **[sandlalwe phambi]**—

(i) kwelungu leKhabhinethi yelizwe elinoxanduva lwemicimbi yolawulo lweedolophu;

(ii) kwePalamente yePhondo;

(iii) **[na]**kwiKhansile yeSizwe yaMaphondo, zingadlulanga iintsuku ezili-14 **[emva kokuba ihleli okokuqala]** emva kokuqala kolo ngenelelo;

[*(c)*]*(b)* kufuneka oko kungenelela kufikelele esiphelweni **[ngaphandle kokuba kuyavunywa yiKhansile yeSizwe yaMaphondo zingadlulanga iintsuku ezingama-30 emva kokuhlala kwayo okokuqala emva kolo ngenelelo]** ukuba—

(i) ilungu leKhabhinethi yelizwe elinoxanduva lwemicimbi yolawulo lweedolophu alivumelani nongenelelo kwisithuba seentsuku ezingama-28 emva kokuba ungenelelo luqalisile okanye ngasekupheleni kwelo xesha alikagunyazisi ukuba kungenelelwe; okanye

(ii) iKhansile yeSizwe yaMaphondo ayivumelani nongenelelo kwisithuba seentsuku ezili-180 emva kokuba luqalisile okanye ngasekupheleni kwelo xesha ayikagunyazisi ukuba kungenelelwe.

(3) Ukuba iKhansile kaMasipala iyachithwa ngokwalo mhlathana (1)*(c)*—

(a) iKhabhinethi yePhondo imele ithumele ngokukhawuleza isaziso esibhaliweyo sochitho—

(i) kwilungu leKhabhinethi yelizwe elinoxanduva lolawulo lwemicimbi yeedolophu;

(ii) kwiPalamente yePhondo;

(iii) nakwiKhansile yeSizwe yaMaphondo;

(b) kwaye ukuchithwa kuya kusebenza kwiintsuku ezili-14 emva komhla wokufunyanwa kwesaziso yiKhansile yeSizwe yaMaphondo ngaphandle kokuba ilungu leKhabhinethi yesizwe okanye iKhansile yeSizwe yaMaPhondo ithi makungabi njalo ngaphambi kokuphela kwezo ntsuku zili-14.

(4) Ukuba umasipala akakwazi okanye akayenzi imisebenzi yakhe ngokoMgaqo-siseko okanye ngokomthetho ogunyazisa ulwabiwo-mali okanye nawaphi na amanyathelo okwenza ingeniso efunekayo ukuze lusebenze ulwabiwo-mali, iKhabhinethi yePhondo imele ingenelele ngokuthatha nawaphi na amanyathelo afanelekileyo ukuze iqinisekise ukuba ulwabiwo-mali okanye loo manyathelo okwenza ingeniso ayagunyaziswa, kuquka nokuchitha iKhansile kaMasipala kunye—

(a) nokubeka umlawuli de kubhengezwe ukonyulwa kweKhansile kaMasipala entsha;

(b) nokugunyazisa ulwabiwo-mali lwexeshana okanye amanyathelo okwenza ingeniso ukuze umasipala aqhubeke esebenza.

(5) Ukuba umasipala, ngenxa yeengxaki zemali, uyaqhubeka engayiphumezi imisebenzi yakhe yokunikela ngeenkonzo ezisisiseko okanye akayifezi imisebenzi yakhe yemali, okanye uyavuma ukuba akakwazi kuphumeza imisebenzi yakhe okanye ukuhlawula, iKhabhinethi yePhondo kufuneka—

(a) inyanzelise isicwangciso sokulungisa loo ngxaki ngenjongo yokunceda loo masipala ukuba aphinde enze imisebenzi yakhe yokunikela ngeenkonzo ezisisiseko okanye yokwenza imisebenzi yakhe yemali, nekufuneka—

(i) ilungiselelwe ngokuvisisana nomthetho welizwe; yaye

(ii) inyanzele umasipala ekusebenziseni igunya layo lomthetho nelesigqeba, ngokomlinganiselo olungele ukusombulula ingxaki leyo kunyaka-mali wayo; kwaye

(b) ichithe iKhansile kaMasipala, ukuba umasipala akakwazi okanye akayilandeli imithetho, equka ulwabiwo-mali okanye nawaphi na amanyathelo okwenza ingeniso, afunekayo ukuze isicwangciso sokulungisa sisebenze, kwaye—

(i) ibeke umlawuli de iKhansile kaMasipala eyonyulwe ngokutsha ibhengezwe;

(ii) kwaye igunyazise ulwabiwo-mali lwexeshana okanye amanyathelo okwenza ingeniso okanye nawaphi na amanyathelo awenza isicwangciso sokulungisa sisebenze ukuze umasipala aqhubeke esebenza.

(6) Ukuba iKhabhinethi yePhondo inyanzelisa isicwangciso sokulungisa ngokwecandelwana (5)*(a)* kwaye iKhansile kaMasipala ayichithwanga ngokwecandelwana 5*(b)*, iKhabhinethi yePhondo kufuneka ithathele kuyo umsebenzi wokuqulunqa isicwangciso sokulungisa ngokwemeko embangela ukuba umasipala lowo angakwazi ukusebenzisa eso sicwangciso sokulungisa.

(7) Ukuba iKhabhinethi yePhondo iyangenelela kumasipala ngokwecandelwana (4), (5) okanye (6), kufuneka ithumele isaziso esibhaliweyo sokungenelela kwayo—

(a) kwilungu leKhabhinethi yesizwe elinoxanduva lokulawulwa kwemicimbi yeedolophu;

(b) kwiPalamente yePhondo;

(c) nakwiKhansile yeSizwe yaMaphondo,

kwisithuba seentsuku ezisixhenxe emva kokuba ungenelelo luqalisile.''.

Ukuhlonyelwa kwecandelo 59 loMthetho 1 wowe-1998

5. Icandelo 59 loMgaqo-siseko wePhondo lihlonyelwa ngokutshintshwa komhlathi *(b)* wecandelwana (1) walo mhlathi ulandelayo:

"*(b)* iintlawulo ezilinganayo **[ ]** ezithiwa chatha kuyo nayiphi na na irhafu okanye umrhumo okanye intlawulo ezibekwe yimithetho karhulumente wesizwe, ezingaphandle **[ ]** kweerhafu **[ze]**kwingeniso ezibizwa abemveliso noshishino, nevethi neentlawulo ezihlawulelwa imihlaba okanye izinto ezingena zivela kwamanye amazwe.".

Ukuhlonyelwa kwecandelo 61 loMthetho 1 wowe-1998

6. Eli candelo lilandelayo lecandelo 61 loMgaqo-siseko wePhondo lihlonyelwe:

"Ulawulo [I]lecandelo lemali lePhondo

61. (1) Imithetho yephondo **[kufuneka ibe namalungiselelo ecandelo lemali lephondo kwaye]** isenokuthi ngokwemiqathango yomgaqo-siseko wesizwe ibeke amanyathelo okuqinisekisa ukuba izinto zenziwa elubala kwaye akwenziwa nothanda, nawokuqinisekisa ulawulo lwenkcitho, ngokuthi libeke—

(a) imigaqo evunyiweyo yohlolo-mali;

(b) ulwahlulo lwenkcitho;

(c) nemigaqo nemigangatho ephathelele kwezemali.

(2) **[Icandelo lemali lephondo ngemvumelwano noMphathiswa wezeMali,]** ICandelo leMali lePhondo—

(a) malinyanzelise ukulandelwa kwamanyathelo achazwe kwicandelo (1) namanyathelo afanayo achazwe ngumthetho welizwe; yaye

(b) linokukunqanda ukukhutshelwa kwemali kwisigqeba sephondo **[kuphela]** xa ngaba kweso sigqeba sikarhulumente kukho ukutyeshelwa okuthe rhoqo kwale migaqo kubhekiselwe kuyo **[ikumhlathana (1)]** kumhlathi *(a)*.".

Ukuhlonyelwa kwecandelo 63 loMthetho 1 wowe-1998

7. Eli candelo lilandelayo lecandelo 63 loMgaqo-siseko wePhondo lihlonyelwe:

"**Imali-mboleko**

63. Urhulumente weNtshona Koloni usenokuthi ehamba **[ngokwemiqathango ye]** ngemithetho karhulumente wesizwe, afune imali-mboleko yokujongana neendleko zokuthenga izinto nokwenza izakhiwo kwakunye nezomhla nezolo, kodwa ke iimboleko ezenzelwa ukujongana neendleko zomhla nezolo**[—**

***(a)*]** kufuneka zenziwe kuphela xa kukho imfuneko yokuba kuvalwe izikhewu kuloo nyaka-mali**[;**

***(b)* kwaye kufuneka zihlawulwe zingaphelanga iinyanga ezilishumi elinesibini**].".

Ukuhlonyelwa kwecandelo 71 loMthetho 1 wowe-1998

8. Eli candelo lilandelayo lecandelo 71 loMgaqo-siseko wePhondo liguzuliwe:

"Ukusekwa kunye nemigaqo yokulawula uMkomishinala weNdalo esiNgqongileyo

71. (1) **[Kukho]** Umthetho wephondo unokuseka uMkomishinala weNdalo esiNgqongileyo wephondo ukuze enze imisebenzi kwaye asebenzise amagunya achazwe kwicandelo lama-72 nelama-74.

(2) Umthetho wephondo umele ulungiselele—

(a) ukuba xa ukusebenzisa amagunya akhe uMkomishinala kufuneka aqinisekise ulondolozo lwendalo apha eNtshona Koloni, kwaye kufuneka anike ingqwalasela kwimfuno yokhuseleko lwenda**[lo]** kunye neyo kuqhutywa kophuhliso**[.]**;

[(3) *(b)* uMkomishinala umele **[u]**azimele, ulawulwa kuphela nguMgaqo-siseko wesizwe, ngulo Mgaqo-siseko nangumthetho, kwaye **[kufuneka angabi]** makangabi nadolo kwaye **[ ]** namagunya akhe makawasebenzise ngaphandle komkhethe noloyiko, ngokunjalo naxa esenza imisebenzi yakhe **[.]**;

[(4) Ezinye] *(c)* kwezinye izigqeba zikarhulumente wephondo **[kufuneka]** mazimncedise zi mkhusele uMkhomishinala khona ukuze kuqinisekiswe ukuba uhlala ezimele, engenadolo, enesidima kunjalo nje enempumelelo **[.]**;

[(5) Kufuneka kungabikho] *(d)* akukho mntu okanye isigqeba sikarhuumente si**[u]**phithikezana nomsebenzi woMkhomishinala;

(e) kwaye ukuze kulawulwe inkqubo yokuqeshwa, ukunqunyanyiswa okanye ukugxothwa koMkhomishinala ngokwecandelo 75, 76 nelama-77.".

Ukuhlonyelwa kwecandelo 75 loMthetho 1 wowe-1998

9. Icandelo 75 loMgaqo-siseko wePhondo liyahlonyelwa ngokutshintshwa kwamagama angaphambi komhlathi *(a)* wecandelwana (2) wala magama alandelayo:

"[I] Ukuba uMkhomishinala uyabekwa phantsi kwecandelo 71(1), iNkulumbuso kufuneka ibeke uMkhomishinala ongumntu-"

Ukuguzulwa kwecandelo 78 loMthetho 1 wowe-1998

10. Eli candelo lilandelayo lecandelo 78 loMgaqo-siseko wePhondo liguzulwe:

"Ukusekwa kunye nemigaqo yokulawula uMkhomishina wezaBantwana

78. (1) **[Kukho]** Umthetho wephondo unokuseka uMkhomishinala wezaBantwana wephondo ukuze enze imisebenzi kwaye asebenzise amagunya achazwe kwicandelo (2) nakwicandelo 79.

(2) Umthetho wephondo umele ulungiselele ukuba uMkhomishinala lo **[kufuneka]** makancedisane norhulumente weNtshona Koloni ekukhuseleni nasekukhuthazeni izinto ezilungileyo ebantwaneni apha eNtshona Koloni, ngakumbi ngokuphathelele—

(a) kwiinkonzo zempilo;

(b) kwimfundo;

(c) kwiinkonzo zentlalontle;

(d) kwizibonelelo zolonwabo;

(e) nakwimidlalo.

(3) Umthetho wephondo umele ulawule inkqubo yokuqeshwa nokugxothwa koMkhomishinala ngokwecandelo 80.''.

Ukuguzulwa kwebinzana elikuMthetho 1 wowe-1998

11. UMgaqo-siseko wePhondo uhlonyelwa ngokutshintshwa kwebinzana elithi ''uMongameli weNkundla yoMgaqo-siseko'', naphi na apho livela khona, ngebinzana elithi ''iJaji eyiNtloko''.

Isihloko esifutshane nokuqalisa ukusebenza

12. Lo Mthetho uya kwaziwa njengoMthetho-sihlomelo wokuQala woMgaqo-siseko weNtshona Koloni, wowama-2010.

ISAZISO SOBURHULUMENTE NGEMIBA ENGOMTHETHO OYILWAYO WOMGAQO-SISEKO WENTSHONA KOLONI, 2010

1. INGCOMBOLO

Ukungqanyaniswa NoMgaqo-siseko

UMgaqo-siseko WeRiphabliki YoMzantsi Afrika, wowe-1996, (uMgaqo-siseko) uye wahlaziywa ngeendlela ngeendlela. Olu hlaziyo alukafakwa kuMgaqo-siseko WeNtshona Koloni, wowe-1997 (Umthetho 1 wowe-1998), (uMgaqo-siseko Wephondo).

UMgaqo-siseko Wephondo uthi awufanele ugqalwe njengomela naliphi na igunya lowiso-mthetho okanye lesigqeba kuRhulumente WePhondo LaseNtshona Koloni elingqubana noMgaqo-siseko. Kwenziwa isiphakamiso sokuba uMgaqo-siseko Wephondo uhlaziywe ukuze ungqamane noMgaqo-siseko ukuze kuphetshwe nakuphi na ukuphikisana neengxaki zokuwutolika.

Abakomishinala

ICandelo lama-71 nelama-78 loMgaqo-siseko Wephondo lithetha ngokusekwa kwesikhundla soMkomishinala Wemeko-bume noMkomishinala Wabantwana. Ukumiselwa koMkomishinala Wemeko-bume noMkomishinala Wabantwana yimbopheleleko ebekwe nguMgaqo-siseko Wephondo, esisinyanzelo kwipalamente yephondo nakwisigqeba ngokwecandelo le-104(3) nele-125(6)*(b)* loMgaqo-siseko, necandelo le-9(2) nelama-35(3) loMgaqo-siseko Wephondo.

Isikhundla soMkomishinala Wemeko-bume nesoMkomishinala Wabantwana azinamntu kwaye akukaze kuqeshwe mntu kuzo.

Ukususela ekuqalisweni koMgaqo-siseko Wephondo iinxalenye ezahlukeneyo zomthetho welizwe eziseka igunya namasebe okukhusela imeko-bume ziye zapasiswa. Umthetho welizwe uquka uMthetho Wokulawulwa Kwemeko-bume, wowe-1998 (uMthetho 107 wowe-1998), uMthetho Welizwe Wokulawula Imeko-bume: Ukwahluka Kwendalo, wowama-2004 (uMthetho 10 wowama-2004), uMthetho Welizwe Wokulawula Imeko-bume: Iindawo Ezikhuselweyo, wowama-2003 (uMthetho 57 wowama-2003), uMthetho Wesizwe Wokulawula Imeko-bume: Inkunkuma, wowama-2008 (uMthetho 59 wowama-2008) noMthetho Welizwe Wokulawula Imeko-bume: Ulawulo Oludityanisiweyo Lonxweme, wowama-2008, (uMthetho 24 wowama-2008).

URhulumente Wephondo uvakalelwa ukuba ukuqeshwa koMkomishinala Wemeko-bume akufuneki, kuba kuya kubandakanya ukungqubana kweembopheleleko nemisebenzi echazwe kumthetho welizwe, ibe kuya kutya imali karhulumente esele ishukuxekile kakade. URhulumente Wephondo ukwavakalelwa ukuba umthetho welizwe nezivumelwano zamazwe ngamazwe ziyikhusela ngokwaneleyo imeko-bume.

Iye yahlaziywa kakhulu imithetho eseka amasebe namaziko ahlukeneyo akhusela amalungelo abantwana ukususela oko kwaqalisa uMgaqo-siseko Wephondo. Ukuhlaziywa kwemithetho kuquka ukupasiswa koMthetho Wabantwana (uMthetho 38 wowama-2005) enjongo ikukukhusela nokunyamekela abantwana nokuseka amasebe neenkonzo ezikhuthaza nezihlola impilo-ntle yabantwana, noMthetho Weenkonzo Zobulungisa Kubantwana, (uMthetho 75 wowama-2008) ohlaziya inkqubo yeenkundla zomthetho ukuze ilungiselele ukukhusela abantwana abahlelelekileyo nabantwana abaneemfuno ezikhethekileyo.

URhulumente Wephondo uvakalelwa ukuba ukuqeshwa koMkomishinala Wabantwana akufuneki kuba asikelwe umda amagunya oMkomishinala kwaye amanye amagosa nabasemagunyeni banikwe amagunya nemisebenzi eyaneleyo ngokomthetho welizwe. Ukuqeshwa komntu oza kungena kwesi sikhundla kuya kudla imali karhulumente esele ishukuxekile.

Ngaphandle kokuba imiba ephathelele ukubekwa kwabaKomishinala iyarhoxiswa okanye iyahlaziywa ukuze kuboniswe ubulumko bokuqesha abantu kwezi zikhundla, uRhulumente Wephondo akayifezi imbopheleleko yakhe efunwa ngumgaqo-siseko. Ngoko senza isiphakamiso sokuba uMgaqo-siseko Wephondo uhlaziywe ukuze uchaze ubulumko bokuba nabaKomishinala. Ngoko ukumiselwa kwabaKomishinala kuya kwenziwa xa kucingwa ukuba kuyafuneka ukwenjenjalo.

I-Ofisi kaNondyebo wePhondo

ICandelo 61 lomGaqo-siseko wePhondo lifuna ukuba kuwiswe umthetho wephondo oseka isebe lemali lephondo. Awukho umthetho wephondo onjalo osele upasisiwe. I-Exchequer Law kaRhulumente weNtshona Koloni ka-1994 (umThetho 4 ka-1994) yaseka i-Ofisi kaNondyebo wePhondo. Lo mThetho wabhangiswa emva kokuba kuqaliswe umThetho wokuLawulwa kweMali kaRhulumente ka-1999 (umThetho 1 ka-1999). I-ofisi kanondyebo wephondo yasala imiselwe ngokubhekiselele kwicandelo 17 lomThetho wokuLawulwa kweMali kaRhulumente. URhulumente wePhondo unembono yokuba isidingo sokusekwa kwayo i-ofisi kanondyebo wephondo luwiso-mthetho lwephondo ayisafuneki nganto yaye ifanele ukushenxiswa.

2. INJONGO YEBHILI

Injongo yeBhili kukuhlaziya—

(a) uMgaqo-siseko Wephondo ukuze ungqamane nohlaziyo olwenziwe kuMgaqo-siseko;

(b) imfuneko yokubekwa koMkomishinala Wemeko-bume noMkomishinala Wabantwana ukuze kuchazwe ubulumko bokubeka abaKomishinala ngomthetho wephondo;

(c) kukushenxisa imfuneko yokuseka isebe lemali lephondo ngomthetho wephondo.

3. IZIQULATHO ZEBHILI

Isolotya 1

Isolotya 1 lihlaziya icandelo 15 loMgaqo-siseko Wephondo ukuze libonise icandelo 106 elihlaziyiweyo loMgaqo-siseko ukuze licacise ngokulahlekelwa lilungu lepalamente, ukuba ilungu liyayeka ukuba lilungu lombutho olikhethileyo ukuba liwumele. (uMthetho Wohlaziyo Lweshumi LoMgaqo-siseko, wowama-2003 noMthetho Wohlaziyo Lweshumi Elinesine LoMgaqo-siseko, wowama-2008).

Isolotya 2

Isolotya 2 lihlaziya icandelo 17(2) loMgaqo-siseko Wephondo ukuze libonise icandelo 108 elihlaziyiweyo loMgaqo-siseko, elithi kufanele kuchazwe imihla yonyulo ngaphambi okanye ngemva kokuphelelwa kwepalamente yephondo. (uMthetho Wohlaziyo Lwesine LoMgaqo-siseko, wowe-1999).

Isolotya 3

Isolotya 3 lihlaziya icandelo 30 loMgaqo-siseko Wephondo ukuze ubonise ingcaciso ehlaziyiweyo ye-‘‘Money Bills’’ ngokwecandelo 120 loMgaqo-siseko. (uMthetho Wohlaziyo Lwesixhenxe LoMgaqo-siseko, wowama-2001).

Isolotya 4

Isolotya 4 lihlaziya icandelo 49 loMgaqo-siseko Wephondo ukuze ubonise icandelo 139 elihlaziyiweyo loMgaqo-siseko eliphathelele ukungenelela kwephondo kurhulumente wengingqi. (uMthetho Wohlaziyo Lweshumi Elinanye LoMgaqo-siseko, wowama-2003).

Isolotya 5

Isolotya 5 lihlaziya icandelo 59 loMgaqo-siseko Wephondo ukuze ubonise icandelo 228 elihlaziyiweyo loMgaqo-siseko ngokuphathelele ukufakwa kweerhafu ngamaphondo. (uMthetho Wohlaziyo Lwesixhenxe LoMgaqo-siseko, wowama-2001).

Isolotya 6

Isolotya 6 lihlaziya icandelo 61 loMgaqo-siseko Wephondo ngokushenxisa imfuneko yokusekwa kwesebe lemali lephondo ngomthetho wephondo nokubonisa icandelo 216 elihlaziyiweyo loMgaqo-siseko eliphathelele amanyathelo afunekayo ukuze kuqinisekwe ukuba akukho zinto zifihlakalayo kwaye inkcitho iyalawulwa. (uMthetho Wohlaziyo Lwesixhenxe LoMgaqo-siseko, wowama-2001).

Isolotya 7

Isolotya 7 lihlaziya icandelo 63 loMgaqo-siseko Wephondo ukuze ubonise icandelo 230 elihlaziyiweyo loMgaqo-siseko ngokuphathelele ukufuna kwamaphondo imali-mboleko. (uMthetho Wohlaziyo Lwesixhenxe LoMgaqo-siseko, wowama-2001).

Isolotya 8

Isolotya 8 lihlaziya icandelo 71 loMgaqo-siseko Wephondo ukuze lithi umthetho wephondo unako ukubeka uMkomishinala Wemeko-bume.

Isolotya 9

Isolotya 9 lihlaziya icandelo 75 loMgaqo-siseko Wephondo ngokuthi iNkulumbuso imele imisele oza kuba nguMkomishinala, ukuba uMkomishinala ubekwa ngomthetho wephondo.

Isolotya 10

Isolotya 10 lihlaziya icandelo 78 ngokuthi umthetho wephondo unako ukubeka umkomishinala Wabantwana.

Isolotya 11

Isolotya 11 lisusa ibinzana elithi ‘‘uMongameli Wenkundla YoMgaqo-siseko’’ lifake elithi ‘‘iJaji Eyintloko’’ naphi na apho livela khona kuMgaqo-siseko Wephondo. (uMthetho Wohlaziyo Lwesithandathu LoMgaqo-siseko, wowama-2001).

4. UTHETHWANO

ISebe Lenkulumbuso: Iinkonzo Zomthetho

ISebe Lenkulumbuso: Uphuhliso Lwenkqubo-mgaqo

ISebe Lemali Lephondo

ISebe Lemicimbi Yemeko-bume Nokucetywa Kophuhliso

5. IMALI EFUNEKAYO

Iindleko zokupapasha neendleko ezinento yokwenza nokuqinisekiswa neBhili Yokuhlaziya ziya kuhlawulwa kulwabiwo-mali olumiyo.

Iindleko zomsebenzi eziphathelele ukwenziwa kwalo mthetho wakuba upasisiwe zibonakala ziza kuba ncinane, kwaye ziya kuhlawulwa kulwabiwo-mali olumiyo.

6. UMGANGATHO WOMTHETHO

INkulumbuso yanelisekile ukuba zonke izinto ezichazwe kule Bhili ziyahambisana nomgangatho wokuwiswa kwemithetho kweli Phondo.

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