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IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

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OFFICE OF THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE

P.N. 31/2013 6 February 2013

It is hereby notified that the following isiXhosa version of the Western Cape Investment and Trade Promotion Agency Law Amendment Act, 2005, has been published for general information. The English version was assented to by the Premier of the Province of the Western Cape on 28 April 2005 and was published in *Provincial Gazette Extraordinary* 6258, dated 29 April 2005.

No. 1 of 2005: Western Cape Investment and Trade Promotion Agency Law Amendment Act, 2005.

KANTOOR VAN DIE PREMIER VAN DIE PROVINSIE WES-KAAP

P.K. 31/2013 6 Februarie 2013

Hiermee word bekend gemaak dat die onderstaande isiXhosa-weergawe van die Wysigingswet op die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 2005, vir algemene inligting gepubliseer word. Die Engelse weergawe was reeds op 28 April 2005 deur die Premier van die Provinsie Wes-Kaap bekragtig en is in *Buitengewone Provinsiale Koerant* 6258, gedateer 29 April 2005, gepubliseer.

Nr. 1 van 2005: Wysigingswet op die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 2005.

I-OFISI YENKULUMBUSO YEPHONDO LENTSHONA KOLONI

I.S. 31/2013 6 Februwari 2013

Kwenziwa isaziso sokuba le nguqulelo yesiXhosa yoMthetho weArhente yoPhakanyiso loTyalomali nezoRhwebo, weNtshona Koloni, 2005, upapashelwe ulwazi gabalala. Inguqulelo yesiNgesi yamkelwe yiNkulumbuso yePhondo leNtshona Koloni ngowe 28 Epreli 2005 yaze yapapashwa *kwiGazethi yePhondo eyoNgezelelweyo* 6258, yowe 29 Epreli 2005.

Nomb 1 ka 2005: uMthetho weArhente yoPhakanyiso loTyalomali nezoRhwebo weNtshona Koloni, 2005.

INQAKU ELICHAZAYO NGOKUBANZI:

[ ] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere abonisa loo magama ashiyiweyo kwimithetho ekhoyo nogoku.

Amagama akrwelwe ngaphantsi ngomgca ongqindilili abonisa oko kuye kwafakelwa kwimithetho ekhoyo ngoku.

(Uhlelo lwesiNgesi lutyikityiwe yiNkulumbuso)
(Lwamkelwe ngomhla wesi-28 Epreli 2005)

UMTHETHO

Owenza izilungiso kuMthetho weNtshona Koloni weArhente yoPhakanyiso loTyalo-mali noRhwebo, 1996; nobeka la magama "uMthetho", "isiphathamandla esinika inkcazo", "uMphathiswa" ngokulandelelana kwawo, endaweni yala, naphi na apho avela khona: "uMthetho wePhondo", "igosa elinika inkcazo" nelithi "iLungu elongameleyo" nowenza iinguqulelo ezibangwa kukusetyenziswa kwala magama kwindlela ekubhalwe ngayo; ofakela iinkcazo-magama ezintsha zala magama: "isiphathamandla esinika inkcazo", "igosa elilawulayo eliyintloko", "ikomiti", "uSodolophu olawulayo", "umniki wenkxaso-mali ophambili", "uMphathiswa", "uMphathiswa owongamele ezeMali", "iPalamente yePhondo"; wokususa iinkcazo-magama zala magama: "igosa elinika inkcazo", "umgaqo-siseko", "iLungu elongameleyo" neli "iNtshona Koloni"; owenza izilungiso kwimbulambethe; ocacisa inkqubo yokutyunjwa kwabalawuli; owenza izilungiso kumagunya nemisebenzi yabalawuli; ocacisa ukuxhaswa kweArhente ngemali; olungiselela utshitshiso lomgaqo-siseko weArhente yeNtshona Koloni yoTyalo-mali noRhwebo, nolungiselela neminye imiba enxulumene nale.

KUWISWA UMTHETHO ke yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

Ukwenziwa kwezilungiso kwimbulambethe yoMthetho 3 ka-1996

1. Imbulambethe yoMthetho weNtshona Koloni woPhakanyiso loTyalo-mali noRhwebo, 1996 (uMthetho 3 ka-1996) (uMthetho wanqangi), yenziwa izilungiso ngokuthi endaweni yayo kufakwe le mbulambethe ilandelayo:

"NJENGOKO urhulumente wephondo leNtshona Koloni enoxanduva lokukhuthaza urhwebo notyalo-mali kweli phondo, nanjengoko ekholelwa ukuba ukufezekiseka kwezi njongo kungenzeka ngocikizeko **[kubanjiswene namanye amaqela achaphazelekayo kuqoqosho]** ngokusebenzisana ngobuhlakani necandelo labucala nolawulo lweedolophu nezithili, nanjengoko urhulumente enqwenela ukuseka ngomthetho wephondo eli **[isigqeba esiyiArhente ezimeleyo]** isigqeba esizimeleyo esiliziko likarhulumente wephondo **[nesikhokelwa ngaloo maqela achaphazelekayo makhulu kwiphondo eli]** sokukhuthaza utyalo-mali norhwebo olunozinzo ngokwakokusingqongileyo nolunika inkxaso kwintlalo yoluntu kuqoqosho **[neli]** lweli phondo, ngoko ke ngoku:"

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 3 ka-1996

2. Icandelo 1 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi phambi kwenkcazo ‘‘yegosa elinika inkcazo’’ kufakelwe le nkcazo-gama ilandelayo:

‘‘ **‘isiphathamandla esinika inkcazo’** sithetha iBhodi enyulwe ngokwemiqathango yecandelo 3;’’;

(b) ngokuthi kususwe inkcazo-gama ‘‘yegosa elinika inkcazo’’;

(c) ngokuthi emva kwenkcazo-gama ‘‘yeBhodi’’ kufakelwe ezi nkcazo-magama zilandelayo:

‘‘ **‘igosa elilawulayo eliyintloko’** lithetha igosa eliyintloko elinyulwe ngokwemiqathango yecandelo 10’’; kunye nale

‘‘ **‘ikomiti’** ithetha ikomiti yeBhodi esekwe ngokwemiqathango yecandelo 8;’’;

(d) ngokuthi kususwe inkcazo-gama ‘‘yomgaqo-siseko’’;

(e) ngokuthi emva kwenkcazo-gama ‘‘yomlawuli’’ kufakelwe le nkcazo-gama ilandelayo:

‘‘ **‘uSodolophu olawulayo’** uthetha uSodolophu olawulayo weSixeko seKapa njengoko echazwa kuMthetho oyi*Local Government: Municipal Structures Act*, 1998 (uMthetho 117 ka-1998), nawuphi na olandelayo kule tayitile, okanye naye nawuphi na othe watyunjwa ngokufanelekileyo;’’;

(f) ngokuthi kususwe inkcazo-gama ‘‘yePalamente yePhondo’’;

(g) ngokuthi phambi kwenkcazo-gama ‘‘yelungu’’ kufakelwe le nkcazo-gama ilandelayo:

‘‘ **‘indawo yokusebenzela’** ngokuphathelele kwilungu kuthetha ukuba neofisi elikomkhulu okanye nesebe elizinzileyo kwiPhondo eli;’’;

(h) ngokuthi phambi kwenkcazo-gama‘‘yelungu’’ kufakelwe le nkcazo-gama ilandelayo:

‘‘ **‘umniki wenkxaso-mali ophambili’** uthetha nawuphi na umniki wenkxaso-mali ofaka isixa esiyi-10% okanye nangaphezulu, yesixa sohlahlolwabiwo-mali kunyaka lowo esiza kwabelwa yiPalamente yePhondo, njengoko kuchazwa kwicandelo 12(1)*(b)* no-*(c)*;’’;

(i) ngokuthi endaweni yenkcazo-gama ‘‘yelungu’’ kufakwe le nkcazo-gama ilandelayo:

‘‘ **‘ilungu’** lithetha ishishini, kubandakanya nabo nabaphi na abarhwebi, abantu abanoqeqesho emisebenzini yabo, iinkampani, amalinge oshishino, iitrasti okanye amaqumrhwana ashishinayo alapha kweli Phondo, kodwa kungaphelelanga kuwo, naqhuba isigxina, eqhutywa ngeenjongo zokwenza ingenelo nanokuthi enze igalelo ekukhuthazweni kotyalo-mali norhwebo kweli phondo, kodwa ke engabandakanyi namashishini karhulumente;’’;

(j) ngokuthi phambi kwenkcazo ‘‘yePhondo’’ kufakwe ezi nkcazo-magama zilandelayo:

‘‘ **‘uMphathiswa’** uthetha uMphathiswa wephondo leNtshona Koloni owongamele uPhuhliso loQoqosho;’’; nale

‘‘ **‘uMphathiswa owongamele ezeMali’** uthetha uMphathiswa wephondo leNtshona Koloni owongamele ezeMali;‘‘;

(k) ngokuthi kwenziwe isilungiso kwinkcazo-gama ‘‘yePhondo’’, ngolu hlobo lulandelayo:

‘‘ **‘iPhondo’** lithetha iphondo leNtshona Koloni **[kwaye libandakanya noLawulo lwePhondo: leNtshona Koloni]**;’’;

(l) ngokuthi emva kwenkcazo-gama ‘‘yePhondo’’ kufakelwe le nkcazo-gama ilandelayo:

‘‘ **‘iPalamente yePhondo’** ithetha iPalamente yePhondo leNtshona Koloni njengoko ichazwa kwicandelo 9 loMthetho weNtshona Koloni oyi*Constitution of the Western Cape, 1997* (uMthetho 1 ka-1998);‘‘;

(m) ngokuthi kususwe inkcazo-gama ‘‘yeLungu elongameleyo’’ ‘‘neyeNtshona Koloni’’.

Ukufakwa kwala magama "indlu yoWisomthetho", "isiphathamandla esinika inkcazo", "uMphathiswa" ngokulandelelana kwawo, endaweni yala: "iPalamente yePhondo", "igosa elinika inkcazo" nelithi "iLungu elongameleyo" kuMthetho 3 ka-1996.

3. UMthetho wanqangi wenziwa izilungiso ngokuthi, endaweni yala magama:, "igosa elinika inkcazo" neli "iLungu elongameleyo", naphi na apho avela khona, kufakwe la: "isiphathamandla esinika inkcazo", "uMphathiswa" ngokulandelelana kwawo.

Ukwenziwa kwezilungiso kwicandelo 2 loMthetho 3 ka-1996

4. Icandelo 2 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi endaweni yecandelwana (1) kufakwe eli candelwana lilandelayo:

"(1) **[apha]** kusekwa iArhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo njengesigqeba esiliziko elizimeleyo likarhulumente wephondo elilawulwa yiBhodi ekufuneka inike ingxelo kuRhulumente wePhondo."; kananjalo

(b) nangokuthi kususwe amacandelwana (4) nele-(5).

Ukufakwa kokunye endaweni yecandelo 3 loMthetho 3 ka-1996

5. Endaweni yecandelo 3 loMthetho wanqangi kufakelwa eli candelo lilandelayo:

"**ABalawuli beBhodi nokunyulwa kwabo**

3. (1) UMphathiswa, ngothethwano noSodolophu olawulayo nasemva kokuthethana nabaniki benkxaso-mali abaphambili, kufuneka anyule abalawuli beBhodi, phofu elithathele ingqalelo icandelwana (5).

(2) IBhodi inabalawuli abangadlulanga kwabali-15, abangaba—

(a) igosa eliphezulu elinye elinyulwe nguMphathiswa, ngokwesikhundla salo;

(b) igosa eliphezulu elinye elinyulwe nguSodolophu olawulayo, ngokwesikhundla salo;

(c) kuthathelwe icandelwana (3) ingqalelo, abalawuli abangadlulanga kwabalishumi abanyulwe nguMphathiswa;

(d) kuthathelwe icandelwana (4) ingqalelo, abalawuli abangadlulanga kwababini abanyulwe kumalungu (eArhente le); kunye

(e) negosa elilawulayo eliyintloko elinyulwe ngokwemiqathango yecandelo 10, njengomlawuli ngokwesikhundla salo.

(3) Aba Balawuli beBhodi bakhankanywe kwicandelwana (2)*(c)* banokunyulwa emva kokuba uMphathiswa ethe, ngesaziso esikhutshwe kwiGazethi yePhondo nakwamanye amajelo eendaba awabona efanelekile uMphathiswa, wamema bonke abamaqela achaphazelekayo ukuba bathi lingadlulanga elo xesha lithe labekwa kwisaziso eso, bangenise amagama abantu abacinga ukuba bafanele ukuba babekhona kumalungu aBalawuli beBhodi, bacacise kananjalo ukuba banazizathu zini na zokucinga njalo.

(4) *(a)* Aba Balawuli beBhodi bakhankanywe kwicandelwana (2)*(d)*, banokuthi banyulwe nguMphathiswa kuphela emva kokuba kuye kwalandelwa inkqubo yonyulo yangaphakathi ngokwezo zikhokelo zinokumana zikhutshwa yiBhodi.

(b) Aba Balawuli beBhodi bakhankanywe kumhlathi *(a)* kufuneka ukuba, phezu kokuba bethe bayifezekisa le miqathango ikhankanywe kwicandelwana (5), babe ngabantu abakwizihlalo zobunkokeli nabanezakhono zobunkokeli ezivunyiweyo.

(5) Nawuphi na umlawuli, kubandakanya nalo mlawuli ungene ngokwesikhundla sakhe, kufuneka—

(a) abe nolwazi ngorhwebo notyalo-mali;

(b) abe namava kukhuthazo lorhwebo notyalo-mali;

(c) akwazi ukwenza igalelo kubhengezo olumanyanisiweyo nolunxibelelisekileyo lwegama loshishino lweli Phondo;

(d) abe ngumhlali weli Phondo isigxina; kananjalo

(e) abe ngumntu obufaneleyo obu bulawuli.

(6) UMphathiswa kufuneka eyithathele ingqalelo enkulu imfuneko yokuba iBhodi le mayikubonakalise ukuma kwamanani abantu beli Phondo nezintlu zabo.''.

Ukufakwa kwamacandelo 3A nele-3B kuMthetho 3 ka-1996

6. Kufakelwa la macandelo alandelayo emva kwecandelo 3 loMthetho wanqangi:

''**Ubude bexesha lobulawuli eBhodini nokuvalwa kwezikhewu**

3A. (1) Aba Balawuli beBhodi bakhankanywe kwicandelo 3(2)*(a)*, *(b)* no-*(c)* banyulelwa eso sithuba sithe sabekwa ngexesha lokunyulwa kwabo, kodwa ke singasayi kudlula kwiminyaka emibini.

(2) Aba Balawuli beBhodi bakhankanywe kwicandelo 3(2)*(d)* banyulelwa isithuba seminyaka emibini.

(3) Ukuba kuthe ngaso nasiphi na isizathu isikhundla selungu leBhodi savuleleka, uMphathiswa usenokuthi anyule umntu kweziya zintlu zibonakaliswe kwicandelo 3(2), apho wayevela khona kakade ukunyulwa okanye ukutyunjwa kwakhe kwiBhodi le, aze ke abe sebulungwini eso sithuba besimsalele lowo angena endaweni yakhe ngokwemiqathango yecandelo 3.

(4) Umlawuli weBhodi uselungelweni lokuba angaphinda anyulwe, kodwa ke akanakunyulwa izihlandlo ezilandelelanayo zide zibe ngaphaya kwezithathu: Kambe ke kuqondakale ukuba laa nxenye ingekapheli ikhankanywe kwicandelwana (3) ayinakubalwa.

''**Ukuyekiswa komlawuli kwisikhundla saseBhodini**

3B. (1) Isikhundla somlawuli weBhodi siyavuleleka xa athe umlawuli lowo—

(a) wafunyaniswa yinkundla efanelekileyo etshone ematyaleni okanye engaphilanga kakuhle ngokwasengqondweni;

(b) wasuswa esikhundleni phantsi kwemiqathango yecandelwana (2);

(c) efunyaniswe enetyala lesigqitho waza wagwetyelwa ukuvalelwa entolongweni enganikwanga fayini, kodwa ke akukho mntu unokuthathwa ngokuba ugwetyiwe side sibe sikhutshiwe isigqibo ngesibheno sakhe ngeso sigwebo;

(d) wangabikho ezintlanganisweni zeBhodi ezintathu zilandelelana engakhange afumane mvume kusihlalo;

(e) wangenisa isicelo sokuba unqwenela ukuyeka kuMphathiswa ngegosa elilawulayo eliyintloko;

(f) waba lilungu lePalamente, elepalamente yephondo, elekhansile kamasipala okanye lekhabhinethi yesizwe okanye elekhabhinethi yephondo okanye elekhansile elawulayo; okanye

(g) ngaphandle kwamalungu angene ebulungwini ngokwezikhundla zawo njengoko kukhankanyiwe kwicandelo 3(2)*(a)* no-*(b)*, uba ngumsebenzi wakhe nawuphi na urhulumente wephondo, karhulumente wePhondo eli, karhulumente wesizwe weRiphablikhi yoMzantsi Afrika okanye kamasipala.

(2) UMphathiswa usenokuthi amsuse umlawuli weBhodi esikhundleni ngenxa yokungaziphathi kakuhle, yokhubazeko okanye yokusilela emsebenzini, phofu eyithathele ingqalelo imiqathango yoMthetho oyi*Promotion of Administrative Justice Act*, 2000 (uMthetho 3 ka-2000).''.

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho 3 ka-1996

7. Icandelo 4 loMthetho wanqangi lenziwa izilungiso ngolu hlobo lulandelayo:

''**Iinjongo zale Arhente**

4. Iinjongo zale Arhente iya kuba zezi—

(a) ukukhuthaza utyalo-mali norhwebo kwiPhondo eli **[neNtshona Koloni nokukhangela, ukuhlalutya, ukubhengeza amathuba**

otyalo-mali norhwebo kuqoqosho lweNtshona Koloni, ngaloo ndlela nolo hlobo inokuthi ilufumane lufanelekile iBhodi] kunye

(b) nokuthi xa icelwe **[liLungu elongameleyo]** nguMphathiswa, **[okanye ngamanye amaqela achaphazelekayo okanye zezinye iiarhente,]** yenze imisebenzi **[ezinokufumaneka iintsiba zokuyiqhuba]** enokuthi ngokokubona kweBhodi, ibe negalelo ekuqiniseni **[iNtshona Koloni]** uqoqosho lwePhondo eli **[okanye nasekukhuthazeni ulingano ekuthathweni kwenxaxheba kuqoqosho ngamacandelo asekuhlaleni okanye nawakwimimandla yeNtshona Koloni]**.''.

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho 3 ka-1996

8. Icandelo 5 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi endaweni yawo onke amagama entshayelelo kufakwe la alandelayo:—

Ukuze ikwazi ukufezekisa iinjongo zayo iArhente le ngokusebenzisa iBhodi yayo iselungelweni—'';

(b) kumhlathi *(e)*, ngokongeza oku kulandelayo:

''kwaye kungenzi ukuba kubekho ukhuphiswano olungenabulali nokunikwa kweenkonzo ngamacandelo abucala'';

(c) ngokuthi endaweni yomhlathi *(f)* kufakwe lo mhlathi ulandelayo;

''*(f)* lokunika naliphi na ishishini, inkampani okanye imbumba yabantu uncedo lokubhengeza urhwebo notyalo-mali **[lobungcali nolulolunye uhlobo]** neengcebiso zobungcali, iinkcukacha nezikhokelo, ethe yayicela njalo iArhente le okanye nenokuthi iyincedise iArhente le ekufezekiseni iinjongo zayo;'';

(d) ngokuthi endaweni yomhlathi *(h)* kufakwe lo mhlathi ulandelayo:

''*(h)* lokusebenza njengearhente yokhuthazo lorhwebo notyalo-mali egameni lePhondo eli, elakhe nawuphi na umasipala okanye naliphi na inqanaba loburhulumente okanye nawuphi na umntu okanye umbutho othathwa yiBhodi njengomnye kumaqela achaphazelekayo kuqoqosho lweNtshona Koloni;'';

(e) ngokuthi endaweni yomhlathi *(j)* kufakwe lo mhlathi ulandelayo:

''*(j)* lokufuna nokwamkela amalizo okanye nelokuthatha naziphi na iimali ezinikwayo okanye efanele kuzifumana ngeenjongo zokukhuthaza urhwebo notyalo-mali eNtshona Koloni;'';

(f) ngokuthi kususwe umhlathi *(k)*,

(g) nangokuthi endaweni yomhlathi *(m)* kufakwe lo mhlathi ulandelayo:

''*(m)***[lokusebenzisa iimali zayo ekusekeni uvimba oyimfihlo, okanye]** lokufaka kutyalo-mali naziphi na iimali ekungangxamelekanga ukusetyenziswa kwazo kwimicimbi yayo **[kuloo maziko nangaloo ndlela ibonwa ifanelekile yiBhodi]**, kunye''.

Ukufakwa kokunye endaweni yecandelo 6 loMthetho 3 ka-1996

9. Endaweni yecandelo 6 loMthetho wanqangi kufakwa eli candelo lilandelayo:

''**Ubulungu**

6. (1) *(a)* IArhente le isenokuba namalungu.

(b) IArhente le isenokuthi isikhabe isicelo sokuba lilungu okanye ibutshitshise ubulungu belungu emva kokuba ithe yayilandela yonke imiqathango yoMthetho oyi*Promotion of Administrative Justice Act,* 2000 (uMthetho 3 ka-2000).

(c) Kuthathelwe ingqalelo umhlathi *(b)*, ukuba ilungu liyasilela ukuhlawula iintlawulo zobulungu eziyimfuneko lingadlulanga elo xesha limisiweyo yiArhente le, iArhente le isenokuthi ibutshitshise ubulungu belo lungu.

(2) IBhodi kufuneka igcine irejista equlathe iinkcukacha zamalungu.

(3) IBhodi isenokuthi imana ukwamkela ukubekwa kweentlawulo zobulungu, ekufuneka zihlawulwe ngelo xesha inokugqiba ngalo iBhodi ziseso sixa ithe yagqiba kuso.

(4) IBhodi kufuneka ibize intlanganiso yamalungu onke ubuncinane kube kanye kunyaka-mali ngamnye.''.

Ukufakwa kokunye endaweni yecandelo 7 loMthetho 3 ka-1996

10. Endaweni yecandelo 7 loMthetho wanqangi kufakelwa eli candelo lilandelayo:

''**Iintlanganiso nezigqibo zeBhodi**

7. (1) IBhodi kufuneka idibane qho emva kweenyanga ezimbini ubuncinane, ngaloo maxesha nakwezo ndawo zibekwe nguSihlalo.

(2) Usihlalo kufuneka athi, zingadlulanga iintsuku ezisixhenxe emva kokuba efumene isicelo esibhaliweyo sokuba kubizwe intlanganiso eyodwa yamalungu onke esisayinwe ngabalawuli beBhodi abathathu ubuncinane, abize intlanganiso eyodwa yamalungu eBhodi onke.

(3) Isaziso esibiza intlanganiso eyodwa yamalungu eBhodi onke kufuneka siwucacise umba oza kuxoxwa kuloo ntlanganiso, kwaye ke kuloo ntlanganiso iyodwa yamalungu onke akusayi kuxoxwa eminye imiba.

(4) Inani elinokuqhuba intlanganiso yeBhodi ngokusesikweni sisininzi sabalawuli beBhodi bonke abanelungelo lokuvota.

(5) IBhodi, emva kothethwano noMphathiswa noSodolophu olawulayo, kufuneka inyule usihlalo nosekela-sihlalo weBhodi apha kumalungu eBhodi.

(6) Usekela-sihlalo kufuneka athathe indawo kasihlalo weBhodi xa usihlalo engekho okanye engakwazi ukuthatha isihlalo, kwaye ke xa bobabini usihlalo nosekela-sihlalo bengekho okanye bengakwazi ukuthatha isihlalo, abalawuli abakhoyo kuloo ntlanganiso kufuneka banyule umntu oza kuchophela loo ntlanganiso ngevoti yesininzi sabo.

(7) *(a)* Amalungu angene ngokwesikhundla zawo ngokwemiqathango yecandelo 3(5)*(a)*, *(b)* no-*(e)* akanamalungelo okuvota, kodwa ke analo ilungelo lokungena ezingxoxweni zayo yonke imiba ephambi kweBhodi.

(b) IBhodi isenokuthi ilivumele ilungu lekomiti elingengomlawuli ukuba lize kuyo nayiphi na intlanganiso yeBhodi ekuxoxwa kuyo nawuphi na umba ophathelele kwimisebenzi yekomiti leyo kwaye isenokulivumela elo lungu ukuba lithathe inxaxheba kwiingxoxo zentlanganiso leyo, kodwa ke elo lungu alinalo ilungelo lokuvota kuwo nawuphi na umba oxoxwayo okanye kuthathwa isigqibo ngawo.

(8) Isigqibo esithathwe sisininzi samalungu akhoyo anelungelo lokuvota kwintlanganiso yeBhodi siba sisigqibo sevoti, kwaye apho zithe zalingana iivoti macala kuwo nawuphi na umba, lowo mntu usesihlalweni unelungelo levoti yokuqhawula ulingano phezu kwale voti yakhe yesiqhelo anayo kakade.

(9) Isigqibo esithe sathathwa yiBhodi ngexesha ebekukho isikhewu kumalungu ayo, xa bekukho nawuphi na umntu owayengafanelanga kuhlala njengelungu leBhodi owathi wahlala njengelungu, ayisosigqibo singekho mthethweni ukuba—

(a) isigqibo eso sathathwa sisininzi sawo onke amalungu eBhodi; kwaye

(b) abe loo malungu ebeseso sininzi ingamalungu awayenelungelo lokuhlala njengamalungu.

(10) Xa iBhodi ihleli umlawuli akanakho ukuba angathatha inxaxheba kwingxoxo okanye ekuthathweni kwesigqibo kuwo nawo nawuphi na umba apho owakwakhe, ihlakani lakhe, isizalwane sakhe esisondeleyo okanye umqeshi wakhe, enochaphazeleko okanye enobandakanyeko oluthe ngqo okanye olungathanga ngqo ngokwasezimalini: Kuqondakale kananjalo ukuba iBhodi isenokuthi ifune ukuba loo mlawuli uthe wadiza olo bandakanyeko nolo chaphazeleko makakhwelele kwingxoxo engaloo mba.

(11) Nawuphi na umlawuli weBhodi otyeshela ukuthobela le miqathango ikwicandelwana (10) unobutyala besigqitho, kwaye xa athe wafunyaniswa enetyala uya kugwetywa ifayini okanye ukuvalelwa entolongweni isithuba esingadlulanga kwiinyanga ezili-12.

(12) Imizuzu yeentlanganiso zeBhodi kufuneka isayinwe nguloo mntu usesihlalweni kwintlanganiso yeBhodi elandelayo.''.

Ukwenziwa kwezilungiso kwicandelo 8 loMthetho 3 ka-1996

11. Icandelo 8 loMthetho wanqangi lenziwa izilungiso ngokuthi endaweni yala macandelwana (2) no-(3) kufakwe la macandelwana alandelayo nangokongezwa kwecandelwana (4):

''(2) *(a)* IBhodi isenokuthi iseke ikomiti yokuncedisa iBhodi ekusebenziseni kwayo amagunya ayo, nasekwenzeni kwayo imisebenzi yayo.

(b) Nakubeni kukho imiqathango yomhlathi *(a)*, iikomiti esezikho kufuphi nje phambi komhla wokuqalisa ukusebenza koMthetho Owenza iZilungiso kuMthetho weNtshona Koloni weArhente yoKhuthazo loTyalo-mali noRhwebo ka-2004 zithathwa njengeekomiti ezimiselwe ngokufanelekileyo ukuya kutsho kwiinyanga ezilithoba zokuqala emva kokuba uqalisile ukusebenza uMthetho Owenza iZilungiso.

(3) *(a)* Ithathele ingqalelo imihlathi *(b)* no-*(c)*, iBhodi isenokuthi iseke ikomiti yokuqwalasela—

(i) ulawulo lwezabasebenzi;

(ii) uhlahlolwabiwo-mali nemicimbi yezemali;

(iii) ukhuthazo lorhwebo; okanye

(iv) ukhuthazo lotyalo-mali;

kuqondakale ke phofu ukuba amalungu ezo komiti kufuneka abe nazakhono kwiinkalo ezifanelekileyo.

(b) Le komiti ikhankanywe kumhlathana *(a)*(i) okanye (ii) kufuneka ingabi namalungu adlulileyo kumalungu amathathu, nekufaneleke ukuba onke abe ngabalawuli.

(c) Le komti ikhankanywe kumhlathi *(a)*(iii) okanye (iv) kufuneka ingabi namalungu adlulileyo kumalungu alishumi, nekufuneka elinye lawo libe ngumlawuli, aze onke amanye ibe ngala akhankanywe kwicandelo 6.

(4) Kwikomiti nganye kwezi zikhankanywe kwicandelwana (3)*(c)* kufuneka kubekho ilungu elinye elililungu nakwenye ikomiti.''.

Ukwenziwa kwezilungiso kwicandelo 9 loMthetho 3 ka-1996

12. Icandelwana (2) lecandelo 9 loMthetho wanqangi lenziwa izilungiso ngokuthi kususwe ibinzana elithi ''(ngaphandle kwePhondo)'' naphi na apho livela khona.

Ukufakwa kokunye endaweni yecandelo 10 loMthetho 3 ka-1996

13. Endaweni yecandelo 10 loMthetho wanqangi kufakwa eli candelo lilandelayo:

''**Igosa elilawulayo eliyintloko**

10. (1) IBhodi, ngothethwano noMphathiswa noSodolophu olawulayo nasemva kokuba kuye kwaqhutywa iphulo lobhengezo, kufuneka inyule umntu ofanelekileyo onolwazi namava ngokhuthazo lotyalo-mali norhwebo njengegosa elilawulayo eliyintloko leBhodi.

(2) Igosa elilawulayo eliyintloko kufuneka linyulwe ngokwemiqathango yexesha eliqingqiweyo, ngekhontrakthi ebandakanya umba wocikizeko lomsebenzi walo, isithuba esingadlulanga kwiminyaka emihlanu, kwaye ke libe selungelweni lokuba lingaphinda linyulwe ekupheleni kwaso eso sithuba.

(3) Ukuba ngaba igosa elilawulayo eliyintloko alikho okanye ngenxa yaso nasiphi na isizathu alikwazi ukuba lingayenza imisebenzi yalo, okanye nanini na xa kunokuthi kubekho isikhewu kwisikhundla segosa elilawulayo eliyintloko, kufuneka ukuba iBhodi inyule omnye umntu njengegosa elilawulayo eliyintloko elilibamba ngesi sithuba sokungabikho okanye sokungakwazi kwegosa elilawulayo eliyintloko ukwenza umsebenzi walo okanye kude kube lelo xesha kuya kuthi kunyulwe igosa elilawulayo eliyintloko elitsha ngokwemiqathango yecandelwana (1).

(4) Igosa elilawulayo eliyintloko elibambileyo kufuneka ngeli xesha lokuba sesikhundleni kwalo, lenze imisebenzi yegosa elilawulayo eliyintloko.''

Ukufakwa kokunye endaweni yecandelo 11 loMthetho 3 ka-1996

14. Endaweni yecandelo 11 loMthetho wanqangi kufakwa eli candelo lilandelayo:

''**Amagunya nemisebenzi yegosa elilawulayo eliyintloko**

11. Phezu kwala magunya nale misebenzi inikwe igosa elilawulayo eliyintloko yimiqathango yalo Mthetho okanye yiBhodi, igosa elilawulayo eliyintloko kukwafuneka ukuba—

(a) liqinisekise ukuba iArhente yenza imisebenzi yayo ngokwemiqathango yalo Mthetho;

(b) longamele abanye abasebenzi beBhodi;

(c) lithwale uxanduva lokunika iBhodi inkcazo;

(d) liqinisekise ukuba kugcinwa imizuzu efanelekileyo kwiintlanganiso zeBhodi nezamalungu;

(e) liziye iintlanganiso zeBhodi;

(f) lingenisele uMphathiswa nawo nawaphi na amanye amagosa atyunjwe liPhondo eli, zingadlulanga iintsuku ezili-14 emva kwentlanganiso yeBhodi, ikopi yemizuzu yaloo ntlanganiso; kananjalo

(g) liqinisekise ukuba iArhente le iyazilandela ekusebenzeni kwayo zonke izivumelwano zeekhontrakthi nokuba iyayisebenzisa imigaqonkqubo yotyalo-mali norhwebo.''.

Ukufakwa kokunye endaweni yecandelo 12 loMthetho 3 ka-1996

15. Endaweni yecandelo 12 loMthetho wanqangi kufakwa eli candelo lilandelayo:

''**Ukunikwa kwenkxaso-mali nolawulo lwezemali**

12. (1) Iimali zeArhente le zibandakanya—

(a) imali eyabelwe yiPalamente yePhondo;

(b) imali enokuthi iyabelwe yikhansile kamasipala;

(c) imali enikwe iArhente le njengelizo nguye nawuphi na umntu okanye lilo naliphi na iziko;

(d) imali evela kwimirhumo yamalungu njengoko iqingqiwe yiBhodi ngokwemiqathango yecandelo 6(3); kunye

(e) nemali ethe yenziwa ngeenkonzo ezithe zanikwa yiArhente le, iinkonzo ezo ezijoliseke ekukhuthazeni ufezekiso lweenjongo zeArhente le njengoko zichazwa kwicandelo 4.

(2) Ukwamkela kweArhente le ezi mali zikhankanywe kwicandelwana (1)*(b)* okanye *(c)* kubopheleleke kuyo nayiphi na imiqathango efanelekileyo yoMthetho ongolawulo lweemali zikarhulumente oyi*Public Finance Management Act*, 1999 (uMthetho 1 ka-1999), nakuyo nayiphi na imigaqo okanye izikhokelo ezikhutshwe ngokwemiqathango yaloo Mthetho.

(3) Ulawulo lwemali lweArhente le, uxanduva lokunika inkcazo kwakunye nemisebenzi yayo yokunika ingxelo zilawulwa nguMthetho oyi*Public Finance Management Act*, 1999 nayiyo nayiphi na imigaqo okanye izikhokelo ezikhutshwe ngokwemiqathango yaloo Mthetho.

(4) Iinkcazo zemali zonyaka zeArhente le kufuneka zenziwe uhlolozincwadi nguMhloli zincwadi-Jikelele.

(5) IBhodi kufuneka ingenisele nawuphi na umasipala onika iArhente le inkxaso-mali nawuphi na omnye umasipala owenza isicelo soko, iingxelo okanye iinkcazo ezikhankanywe kwicandelo 55(1)*(d)* loMthetho ongolawulo lweemali zikarhulumente oyi*Public Finance Management Act* ka-1999.''

Ukutshitshiswa kwecandelo 13 loMthetho 3 ka-1996

16. Icandelo 13 loMthetho wanqangi liyatshitshiswa.

Ukutshitshiswa kwecandelo 14 loMthetho 3 ka-1996

17. Icandelo 14 loMthetho wanqangi liyatshitshiswa.

Ukufakwa kokunye endaweni yecandelo 15 loMthetho 3 ka-1996

18. Endaweni yecandelo 15 loMthetho wanqangi kufakwa eli candelo lilandelayo:

"**Uhlolo-zincwadi lwangaphakathi**

15. IArhente le kufuneka iqinisekise ukuba ilandela inkqubo yohlolo-zincwadi lwangaphakathi olulawulwa noluphantsi kweliso lekomiti yohlolo-zincwadi nelandela imiqathango yoMthetho wolawulo lwemali karhulumente oyi*Public Finance Management Act*, 1999 nayo nayiphi na imigaqo okanye izikhokelo ezikhutshwe phantsi kwalo Mthetho.".

Ukufakwa kokunye endaweni yecandelo 16 loMthetho 3 ka-1996

19. Endaweni yecandelo 16 loMthetho wanqangi kufakwa eli candelo lilandelayo:

"**Ukunikezelwa kwamagunya nemisebenzi**

16. (1) IBhodi isenokuthi ngento ebhaliweyo, inikezele naliphi na igunya okanye umsebenzi oluxanduva lwayo ngokwemiqathango yalo Mthetho, kuye nawuphi na umlawuli weBhodi okanye kwigosa elilawulayo eliyintloko, elinokuthi nalo lilinikele komnye umntu elo gunya okanye loo msebenzi.

(2) Olu nikezelo lwegunya okanye lomsebenzi lukhankanywe phantsi kwecandelwana (1) aluyithinteli iBhodi ekubeni ilisebenzise elo gunya okanye ekubeni iwenze loo msebenzi.

(3) IBhodi isenokuthi yenze izilungiso kolu nikezelo lukhankanywe phantsi kwecandelwana (1) okanye ilutshitshise, kwaye isenokunikezela ngamagunya nangemisebenzi yayo, kodwa ilubekele imida, izikhokelo okanye imiqathango olo nikezelo ngokolo hlobo inokuthi igqibe kulo.

(4) IBhodi isenokuthi isivandlakanye isenze izilungiso nasiphi na isigqibo ebesiye sathathwa ngokuphathelele kolu nikezelo lukhankanywe kwicandelwana (1), kodwa ke ithathele ingqalelo nawo nawaphi na amalungelo abethe ahamba nolo nikezelo ngokunjalo nemiqathango yoMthetho oyi*Promotion of Administrative Justice Act*, 2000.".

Ukufakwa kokunye endaweni yecandelo 17 loMthetho 3 ka-1996

20. Endaweni yecandelo 17 loMthetho wanqangi kufakelwa eli candelo lilandelayo:

"**Izithabathaba zamalungu eBhodi**

17. UMlawuli weBhodi kufuneka anyulwe ngokwaloo miqathango ibekwe nguMphathiswa ngothethwano noMphathiswa owongamele ezeMali, kwaye kwangayo, usenokuhlawulwa ezo zithabathaba, abuyiselwe nezo ndleko athe wangena kuzo ngeemali zeArhente le.".

Ukwenziwa kwezilungiso kwicandelo 18 loMthetho 3 ka-1996

21. Icandelo 18 loMthetho wanqangi lenziwa izilungiso ngokolu hlobo lulandelayo:

"**Imigaqo**

18. [iLungu elongameleyo] UMphathiswa, ngothethwano noSodolophu olawulayo, usenokuthi **[ngokucelwa yiBhodi okanye ngokuthethana**

neBhodi okanye nale Bhodi yexeshana ikhankanywe kwicandelo (1), okanye ngokuzithandela kwakhe], emva kokuthethana neBhodi okanye iBhodi yexeshana, usenokuthi enze imigaqo ngawo nawuphi na umba anokuthi awubone uyimfuneko kuququzelelo lweArhente okanye ekufezekisweni kweenjongo zalo Mthetho, ngaphandle kwemigaqo yezemali enokuthi yona yenziwe kuphela ngemvano **[neLungu elongameleyo lesigqeba esiLawulayo]** noMphathiswa owongamele ezeMali.''.

Ukwenziwa kwezilungiso kwicandelo 19 loMthetho 3 ka-1996

22. Icandelo 19 loMthetho wanqangi lenziwa izilungiso ngolu hlobo lulandelayo:

''**Ukukhululwa ebutyaleni**

19. Kuthathelwe ingqalelo imiqathango yoMthetho oyi*Public Finance Management Act*, 1999, ongolawulo lwemali karhulumente, akukho mlawuli, manejala, nobhala okanye elinye igosa, umsebenzi okanye ingcali yeArhente le, **[kubandakanya noMhloli-zincwadi weArhente le,]** uya kuba nobutyala ngenxa yento athe wayenza okanye wasilela ukuyenza ngokuphathelele kwimisebenzi ebeyenza ngonyaniseko ngokwaso nasiphi na isikhundla ebewenza kuso.''.

Ukufakwa kokunye endaweni yecandelo 20 loMthetho 3 ka-1996

23. Endaweni yecandelo 20 loMthetho wanqangi kufakwa eli candelo lilandelayo:

''**amanyathelo exeshana**

20. (1) Nakubeni kukho imiqathango yecandelo 3, iBhodi yaBalawuli enyulwe phambi komhla wokuwiswa koMthetho Owenza iZilungiso kuMthetho weArhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo, 2004 (''uMtheto Owenza iZilungiso'') ithathwa ngokuba yeyona inabalawuli abanyulwe ngokufanelekileyo kwiinyanga ezilithoba zokuqala emva kokuba uqalisile ukusebenza uMthetho Owenza iZilungiso , okanye ke de ibe itshitshisiwe iBhodi ngokwemiqathango yecandelwana (3) singaphelanga esi sithuba seenyanga ezilithoba.

(2) IBhodi yaBalawuli yexeshana kufuneka ukuba, zingadlulanga iintsuku ezingama- 30 emva kokuwiswa koMthetho oWenza iZilungiso, ithathe isigqibo esitshitshisa umgaqo-siseko weArhente le.

(3) IBhodi yexeshana kufuneka ukuba itshitshiswe ngomhla wokuqalisa emsebenzini kwabalawuli abanyulwe ngokwemiqathango yecandelo 3.''.

Ukufakelwa kwecandelo 21A kuMthetho 3 ka-1996

24. Emva kwecandelo 21 kuMthetho wanqangi kufakelwa eli candelo lilandelayo 21:

''**Unxibelelaniso lwamaziko**

21A. (1) IArhente le kufuneka isebenzisane nawo nawaphi na amaziko eNtshona Koloni kanjalo ithathe inxaxheba nawo kwiphulo lokukhulisa ukhenketho ngokunjalo namanye amacandelo anxulumene nalo khona ukuze kukhuthazwe intsebenziswano phakathi kwamaziko, ngokuphathelele—

(a) kukuhlanganelwa koqulunqo lwezicwangciso eziliqili;
(b) kuqulunqo lohlahlolwabiwo-mali oludityanelweyo;
(c) ekudityanelweni kwamaphulo obhengezo; ngokunjalo
(d) nasekudityanelweni kokubekwa kweliso novandlakanyo,

Into ke leyo eya kuqinisekisa ungqamaniseko lwezicwangciso eziliqili neendlela zokusebenza.''.

Isihlokwana esifutshane nokuqalisa

25. Lo Mthetho uya kubizwa ngokuba nguMthetho Owenza iZilungiso kuMthetho weNtshona Koloni weArhente yoPhakanyiso loTyalo-mali noRhwebo ka-2004, kwaye uya kuqalisa ukusebenza ngomhla oya kuthi ubekwe yiNkulumbuso yePhondo ngompoposho okhutshwe kwiGazethi yePhondo. 5

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