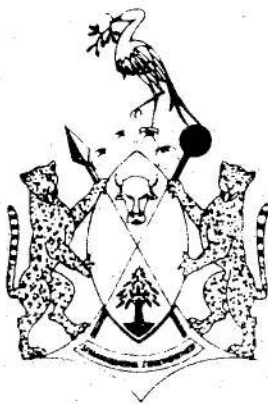


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**ISAZISO SIKARHULUMENTE SAMA-53**

**NGOKWENJENJE KUYAZISWA UKUBA UMONGAMELI  
UWUVUMILE UMTHETHO OLANDELAYO NOBHENG-  
ZWAYO APHA KUSAZISWA ULUTNU NGOKUBANZI:-**

**UMTHETHO WENDLU YENDIBANO YESIZWE  
1983**

**UMTHETHO NOMBOLO 19 WOVE-1983**

**OFFICE OF THE PRESIDENCY**

**GOVERNMENT NOTICE NO. 53**

**IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS  
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY  
PUBLISHED FOR GENERAL INFORMATION:-**

**NATIONAL ASSEMBLY ACT,  
1983**

**ACT NO. 19 OF 1983**



## UMTHETHO WENDLU YENDIBANO YESIZWE, 1983

### UMTHETHO

Ukuzinzisa nokuhlomela umthetho ocacisa nobhengeza amagunya namalungelo eNdlu yeNdibano yeSizwe, ukuqinisekisa ilungelo lokuthetha nokuxoxa ngokukhululekileyo okanye iinkqubo kwiNdlu yeNdibano yeSizwe, ukunika ukhuseleko kubantu abaqeshwe kupapasho lwamaphepha eNdlu yeNdibano yeSizwe, ukubonelela ukuhlawulwa kwemivuzo nezibonelelo kumalungu eNdlu yeNdibano nabo babambe izikhundla ezithile nokubonelela ukuhlawulwa kweepenshini nezinye iinzuziso kumalungu eNdlu yeNdibano yeSizwe okanye kwabo baxhomekeke kuwo, ukumisela imiGaqo eMiyo yeNdlu yeNdibano yeSizwe nokubonelela imibandela ezalwa zezo zinto.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla wama 29 Juni 1983).

*MAKWENZIWE UMTHETHO yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei, ngokuthobela ngokufanelekileyo amalungiselelo ecandelo 84 (1) loMthetho onguMgaqosiseko weRiphabliki yeCiskei, 1981, ngolu hlobo lulandelayo:*

### ICANDELO 1

#### AMAGUNYA NEZILUNGISELELO ZENDLU YENDIBANO YESIZWE

*Ingcaciso-magama.*

1. Kweli Candelo nakwiCandelo-4 ngaphandle kokuba ingxam yalatha nto yimbi —  
"ikomiti" ithetha nayiphina ikomiti emiyo, eyendibano okanye eyegqungula yeNdlu yeNdibano yeSizwe;  
"iijenali" zithetha iiminithi zemcimbi esingethwe kwiNdlu yeNdibano yeSizwe;  
"ilungu" lithetha ilungu leNdlu yeNdibano yeSizwe yaye libandakanya uMphathiswa okanye iSekela-Mphathiswa ongelilo ilungu elinjalo;  
"iNdlu yeNdibano yeSizwe" okanye "iNdlu yeNdibano" ithetha iNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei esekwe ngokufanelekileyo ngokungqamene namalungiselelo ecandelo 37 (1), lifundwa necandelo 46 (3), loMthetho onguMgaqosiseko weRiphabliki yeCiskei, 1981 (UMthetho 20 wowe-1981);  
"igosa leNdlu yeNdibano" lithetha uNobhala weNdlu yeNdibano yeSizwe kunye naliphina elinye igosa lenkonzo yoburhulumente eliqeshwe kuyo, okanye ngokunxulumene nayo, iNdlu yeNdibano yeSizwe;  
"uNobhala" uthetha uNobhala weNdlu yeNdibano yeSizwe okanye nawuphina omnye umntu obambe njengoNobhala ngegunya likaSihlalo;  
"uSihlalo" uthetha uSihlalo weNdlu yeNdibano yeSizwe onyulwe phantsi kwecandelo 45 loMthetho onguMgaqosiseko weRiphabliki yeCiskei, 1981, yaye ubandakanya noSekela-Sihlalo.

*Ilungelo lokuthetha okanye ukuxoxa ngokukhululekileyo.*

2. (1) Kuya kubakho ilungelo lokuthetha nokuxoxa ngokukhululekileyo okanye lemicimbi esingethwe ngokukhululekileyo phakathi okanye phambi kweNdlu yeNdibano yeSizwe nayo nayiphina iKomiti, yaye elo lungelo lokukhululeka alisayi kuba nakunyolwa okanye liphikiswe kuyo nayiphina inkundla okanye indawo engaphandle kweNdlu yeNdibano yeSizwe.  
(2) Nayiphina into ethethwe lilo naliphina ilungu phakathi okanye phambi kwayo iNdlu yeNdibano yeSizwe okanye ikomiti, nokuba kunjengelungu okanye njengengqina, iya kuthathwa njengombandela welungelo njengoko kujongiwe kwicandelo 5.  
(3) Amalungiselelo ecandelwana (1) akasayi kusebenza kuye nawuphina umntu, ngaphandle kwelungu, elinika ubungqina phambi kweNdlu yeNdibano yeSizwe okanye nayiphina iKomiti.

*Amandla negunya leNdlu yeNdibano yeSizwe.*

3. INdlu yeNdibano yeSizwe iya kuthi ngokweenjongo zalo Mthetho ibe naloo mandla nelo gunya linokuthi libe yimfuneko ekuphandeni, ekugwibeni nasekuchopheleni ukwenziwa kwaso nasiphina isenzo, umcimbi okanye into ebhengezwe njengolwaphulo lwalo Mthetho emva koku nasekuwiseni nasekuphumezeni isohlwayo esimiselwe oko ngulo Mthetho.

*Amalungelo nezilungiselelo zeNdlu yeNdibano xa ihleli njengenkundla.*

4. Ngokulawulwa ngamalungiselelo alo Mthetho iNdlu yeNdibano yeSizwe xa ihleli njengenkundla iya kuba nawo onke loo malungelo nezilungiselelo zenkundla yomthetho anokuthi abe yimfuneko ngeenjongo zokuphanda ngoko nangoko ngawo, nokohlwaya, nawuphina umbandela okanye into ethi emva koku ibhengezwe njengolwaphulo lwalo Mthetho.

*Ukuchithwa kwamanyathelo asenkundleni kwimicimbi yelungelo.*

5. Maxa onke, ngaso nasiphina isigaba sawo nawuphina amanyathelo embambano okanye awesizi aye athathelwa okanye ngenxa okanye ngokusingisele kuwo nawuphina umbandela welungelo, umphendulityala okanye ummangalelwa ezeza enkundleni okanye kwijaji isiqiniseko esisayinwe nguSihlalo okanye, ngexesha lokungabikho kwakhe okanye lokungaphili kwakhe, nguNobhala ekuchazwayo kuso ukuba loo mcimbi uphambi kwenkundla ngumcimbi ochaphazela ilungelo leNdlu yeNdibano yeSizwe loo nkundla okanye iya kuthi ngoko nangoko iwachithe loo manyathelo abe ke ngaloo ndlela ugwetywe umphelo.

*Amalungu namagosa akhululwe kwiimbo-phelelo okanye amanyathelo athile.*

6. (1) Akukho lungu okanye igosa leNdlu yeNdibano yeSizwe kuya kufunwa ukuba, lo gama liye kwiNdibano yeSizwe, libekhonjengengqina kuwo nawaphina amanyathelo embambano kuyo nayiphina inkundla, ngaphandle kokuba inkundla leyo ihlala kwindawo yendibano yeNdlu yeNdibano.
- (2) Akukho manyathelo embambano elithi kuwo ilungu okanye igosa leNdlu yeNdibano yeSizwe libe ngumphenduli-tyala aya kuthi, lo gama elo lungu okanye igosa liye kwiNdibano, amiselwe ukuba axoxwe kwinkundla ehlala kwenye indawo engeyiyo indawo yendibano yeNdlu yeNdibano.
- (3) Isiqiniseko esikhutshwe nguSihlalo sichaza ukuba ilungu okanye igosa leNdlu yeNdibano likwindibano yeNdlu yeNdibano ngelo xesha liya kuba bubungqina obaneleyo boko kuba lapho kwalo.
- (4) Nangani ekho amalungiselelo alo okanye nawuphina omnye uMthetho, akukho lungu liya kuba se-sichengeni sawo nawaphina amanyathelo embambano okanye awesizi, ukubanjwa, ukuvalelwa okanye ukuhlawuliswa umonakalo ngenxa yawo nawuphina umbandela okanye into elithe leza nayo ngepetishini, ibhili, isigqibo, isindululo okanye ngenye indlela okanye elinokuba liyithethe phambi okanye phakathi kuyo iNdlu yeNdibano yeSizwe okanye nayiphina ikomiti.

*Izenzo ezenziwe phantsi kwegunya leNdlu yeNdibano yeSizwe.*

7. Akukho mntu uya kuba nobutyala ngokufunwa umonakalo okanye ngenye indlela ngaso nasiphina isenzo phantsi kwegunya leNdlu yeNdibano yeSizwe yaye phakathi kwemida yamagunya ayo asemthethweni, okanye phantsi kwayo nayiphina iwarenti ekhutshwe ngenxa yaloo magunya.

*Amandla eNdlu yeNdibano yeSizwe okohlwaya ngenxa yesidelo.*

8. (1) INdlu yeNdibano yeSizwe ingathi ngalo okanye ngokusingisele kulo naluphina ulwaphulo-mthetho olukhankanywe kwicandelwana (3), nokuba kwenziwe lilungu okanye nguye nawuphina omnye umntu, igwebele isidelo ngoko nangoko ngefayini okanye ngenye indlela, njengoko kulungiselelwe kwimigaqo emiyo yeNdlu yeNdibano yeSizwe okanye ngulo Mthetho.
- (2) Ukuba nayiphina ifayini okanye isohlwayo esibekwe ngokwecandelwana (1) ayihlawulwanga ngoko nangoko okanye safezwa lowo ungumaphuli-mthetho uya kunikezelwa elugcinweni lomntu owongamele nayiphina intolongo okanye kwigosa leNdlu yeNdibano yeSizwe, kuloo ndawo ingathi iNdibano yeSizwe, iyiyalele, ithuba elingapheli ngasemva kosuku lokugqibela lwaloo ndibano iqhubayo okanye de kuhlawulwe okanye kufezekiswe eso sohlwayo.
- (3) Ulwaphulo-mthetho ekubhekiselwe kulo kwicandelwana (1) luya kuba –
  - (a) kukungathobeli nawuphina umyalelo owenziwe yiNdlu yeNdibano yeSizwe okanye nayiphina ikomiti ekugunyaziselwe ngokufanelekileyo oko wokuba avela phambi kwayo okanye wokuba avelise naliphina iphepha, incwadi, irekhodi, uxwebhu kuyo iNdlu yeNdibano okanye loo komiti, ngaphandle kwamaxa loo mntu uchaphazelekayo evunyelwe ukuba angabikho okanye angazivezi ezo zinto ngokwecandelo 14 (2);
  - (b) kukwala ukuvavanywa phambi kwayo, okanye ukuphendula nawuphina umbuzo osemthethweni nongqamene nomxholo ekungawo obuzwa yiyo, iNdlu yeNdibano yeSizwe okanye nayiphina ikomiti ekubhekiselwe kuyo kumhlathi (a), ngaphandle kokuba oko kwala kuvunyelwe ngokwecandelo 14 (2);
  - (c) kukusilela okanye ukwala ngabom ukuthobela nawuphina umgaqo, umyalelo okanye isigqibo seNdlu yeNdibano yeSizwe;
  - (d) kukunika okanye ukwamkela kwalo naliphina ilungu okanye igosa leNdlu yeNdibano ukunoyotywa ukuliphembelela kwindlela emalihambe ngayo njengelungu okanye ukwamkela kwalo naliphina ilungu okanye igosa leNdlu yeNdibano yeSizwe nawuphina umrhumo, imbuyekezo, isipho okanye umvuzo ngenjongo okanye ngokuphathalelele ekukhuthazeni okanye ekuchaseni nayiphina ibhili, isigqibo, umcimbi, umgaqo okanye into ehanjiswa okanye ekucetywa ukuba ihanjiswe kwiNdlu yeNdibano yeSizwe okanye nayiphina iKomiti;
  - (e) kukubetha, ukuthintela okanye ukuthuka naliphina ilungu eliya okanye elivela kwiNdlu yeNdibano yeSizwe, okanye ngenxa yokuziphatha kwalo kwiNdlu yeNdibano, okanye ukuzama ukunyanzela naliphina ilungu ngenkani, ukuthuka okanye ukoyikisa ukuba lizazise njengelihambisana okanye elichaseneyo nawo nawuphina umpoposho okanye umcimbi osamisiweyo okanye olindeleke ukuba uziswe phambi kweNdlu yeNdibano yeSizwe;
  - (f) kukubetha, ukuphazamisana okanye ukuxhathisa xa igosa leNdlu yeNdibano lenza umsebenzi walo okanye xa liya okanye livela kwiNdlu yeNdibano yeSizwe ekuqhubeni okanye ngokunxulumene nemisebenzi yalo yasemthethweni;
  - (g) kukuthumela nayiphina incwadi egrogriso kwiNdlu yeNdibano, okanye ukucela umngeni ukuba kulile, ngenxa yokuziphatha kwalo kwiNdlu yeNdibano yeSizwe;
  - (h) lo gama iNdlu yeNdibano yeSizwe ihleliyo, kukwenza okanye ukungenelela kuso nasiphina isidube-dube kwindlu yeNdibano yeSizwe okanye kuloo mmandla ungqonge iNdlu yeNdibano

ekuthi ngenxa yaso iinkqubo zeNdlu yeNdibano ziphazamiseke okanye zibe semngciphekweni wokuphazamiseka;

- (i) kukukhathaza, ukuthibaza, ukoyikisa, ukuqhatha okanye ngayo nayiphina indlela ukuphembelela ngokungafanelekanga naliphina ingqina ngoku phathelele ebungqineni obumele kuni-kwa lilo phambi kweNdlu yeNdibano yeSizwe okanye nayiphina iKomiti;
- (j) kukwandlala kwiNdlu yeNdibano yeSizwe okanye kuyo nayiphina ikomiti naluphina uxwebhu olungeyonyaniso, olububuxoki, olwenziwe ngenkohliso okanye oluguqulwe ngobuxoki ngeenjongo zokukhohlisa iNdlu yeNdibano yeSizwe okanye ikomiti enjalo;
- (k) kukuxoka okanye nakuphina okanye ukuziphatha kakubi njengengqina phambi kweNdlu yeNdibano yeSizwe okanye nayiphina ikomiti;
- (l) kukupapasha naluphina ungcoliso-gama olungeyonyaniso nokulihlazo ngalo naliphina ilungu nto ke leyo echaphazela ukuziphatha kwalo njengelungu; kwakunye
- (m) nasiphina isidelo esiye sacaciswa amaxesha ngamaxesha, sabhengezwa njengoko, kuyo nayiphina imigaqo emiyo yeNdlu yeNdibano yeSizwe.

*Ilungu alinakuvota ngomcimbi elinenxaxheba ethe ngqo yezemali kuwo.*

- 9. (1) Ngokulawulwa ngamalungiselelo eandelwana (3) ilungu alisayi kuthi ngaphakathi okanye phambi kweNdlu yeNdibano yeSizwe okanye nayiphina ikomiti livote okanye lithathe inxaxheba ekuxoxweni kwawo nawuphina umcimbi elinenxaxheba ethe ngqo yezemali kuwo.
- (2) Naliphina ilungu elaphula icandelwana (1) lingagwetywa ngokudela iNdlu yeNdibano yeSizwe yaye lingasesichengeni sezohlwayo ezibonelelwe kulo Mthetho ngeso sidelo.
- (3) Amalungiselelo eandelwana (1) akasayi kusebenza kuyo nayiphina ivoti okanye ingxoxo ephathele kuyo nayiphina intlawulo okanye isibonelelo emele kufunyanwa ngamalungu kwezo zikhundla zawo zinjalo, okanye kuyo nayiphina inxaxheba elinokuthi ilungu libe nayo kuwo nawuphina umcimbi ngokufanayo noluntu ngokubanzi okanye naluphina udidi okanye inxenye yalo.

*Iwaranti yokubamba nokuvalwa entolongweni.*

- 10. Ngeenjongo zaso nasiphina isohlwayo ngazo naziphina kwizidelo zeNdlu yeNdibano yeSizwe ezikhankanywe kulo Mthetho uSihlalo angathi ngesigqibo seNdibano akhuphe iwaranti ngesandla sakhe yokubamba nokuvalwa entolongweni kwakhe nawuphina umntu ogwetywe ukuba avelwe okanye osilelayo ukuhlawula ifayini okanye ukufeza isohlwayo agwetywe sona.

*Imo yeWaranti.*

- 11. (1) Yonke iwaranti ekubhekisele kuyo kwicandelo 10 iya kuqulatha ingxelo yokuba umntu okhankanywe kuyo ufunyenwe enetyala lokudela iNdlu yeNdibano yeSizwe yaye iya kuluchaza uhlobo lwaloo ndelo.
- (2) Nayiphina iwaranti enjalo iya kwanela ukuba kunokuthi ngokuyifunda ubani abe nokufikelela eku-thini umntu okhankanywe kuyo ufunyenwe enetyala ngazo naziphina izidelo zeNdlu yeNdibano yeSizwe ezikhankanywe kula Mthetho, yaye akusayi kuba yimfuneko ukuba kuqwalaselwe imo ethile kuyo nayiphina iwaranti enjalo.

*Ukubanjwa ngaphandle kwewaranti.*

- 12. Nawuphina umntu owenza okanye ongenelela kuso nasiphina isidube-dube kwiNdlu yeNdibano yeSizwe ngexesha lokuhlala kwayo kanye angabanjwa ngaphandle kwewaranti ngomyalelo othethwe ngomlomo kaSihlalo yaye angagcinwa eselugcinweni lwegosa leNdlu yeNdibano lityunjwe nguSihlalo kude kube nokukhutshwa iwaranti yokumvalela.

*Ukufezekiswa kwe-waranti okanye umyalelo womlomo.*

- 13. (1) Wonke umsila wenkundla namasekela awo namagosa awo nawo onke amagosa obupolisa, iikho-nstabhile nabanye abantu baya kuncedisa ekubanjweni nasekuvalelweni kwakhe nawuphina umntu ngokulandela nawuphina umyalelo owenziwe ngomlomo onjengalowo kubhekiselwe kuwo kwicandelo 12 yaye uya kunceda afake isandla ekufezekisweni kwayo nayiphina iwaranti ekhutshwe phantsi kwecandelo 10 okanye 23 yaye apho nayiphina iwaranti enjalo iyalela ukuba loo mntu ukhankanywe kuyo uya kuvalelwa kuyo nayiphina intolongo okanye enye indawo, umntu oyongameleyo uya kuthi kwakuba kuveliswe kuye iwaranti enjalo amamkele loo mntu unjalo elugcinweni lwakhe kuloo ntolongo ixeliweyo okanye kwenye indawo aze amvalele apho entolongweni ngokomyalelo wewaranti.
- (2) Nawuphina umntu omiselwe okanye oncedisa ekufezekisweni kwayo nayiphina iwaranti phantsi kwesandla sikaSihlalo, angathi ngexesha lasemini aqhekeze avule naluphina ucango okanye aphe-ngulule naziphina intendezezo anokuthi loo mntu ukhutshelwe iwaranti elolo hlobo abekuzo okanye kurhaneleke ngokusengqiqweni ukuba ufihlwe kuzo.

*Umyalelo wokuvela phambi kweNdlu yeNdibano yeSizwe*

- 14. (1) INdlu yeNdibano yeSizwe okanye nayiphina ikomiti egunyaziswe ngomyalelo weNdlu yeNdibano ukuba ifune ubukho babantu okanye ukuveliswa kwamaxwebhu okanye amaphepha ingayalela nawuphina umntu ukuba avele phambi kweNdlu yeNdibano okanye ikomiti elolo hlobo yaye avelise

*nye ikomiti.*

naliphina iphepha, incwadi, irekhodi okanye uxwebhu olunye okanye oluphantsi kolawulo lwakhe.

- (2) Umyalelo wokuvela okanye wokuvelisa naluphina uxwebhu phambi kweNdlu yeNdibano yeSizwe okanye nayiphina ikomiti uya kwaziswa kuloo mntu kufunwa abekho okanye avelise olo xwebhu, ngesamani ekhutshwe ngesandla sikaNobhala ngomyalelo kaSihlalo.
- (3) Kwisamani nganye ekubhekiselwe kuyo kwicandelwana (1) kuyakuchazwa ixesha nendawo ekufunwa abe kuyo loo mntu ukhutshelwe isamani, noxwebhu oluthile olo kufunwa aluvelise.
- (4) Isamani ekubhekiselwe kuyo kwicandelwana (1) iya kunikezelwe kumntu okhankanywe kuyo ngokuthi ihanjisiwe kuye buqu ikopi yayo okanye ngokuyishiya ikopi enjalo kumntu othile ongumntu omkhulu kuloo ndawo yomntu okhankanywe kuqala yokuhlala yesiqhelo okanye eyokugqibela abesaziwa ehlala kuyo.
- (5) Umntu okhutshelwe isamani ngokwecandelwana (4) angahlawulwa eso sixa-mali ngeendleko zakhe sinokuthi simiselwe ngawo nawuphina umgaqo omiyo weNdlu yeNdibano yeSizwe.

*Ukuvavanywa kwe-  
ngqina.*

15. (1) INdlu yeNdibano yeSizwe okanye nayiphina ikomiti ingafuna ukuba nayiphina inyaniso, umcimbi okanye into ephathelele kumxholo wophando oluphambi kweNdlu yeNdibano okanye ikomiti enjalo iqinisekise okanye ibethelelwe ubunyani bayo kusinina ngokuvavanywa ngentetho kwalo naliphina ilungu, yaye ingenza ukuba naliphina ilungu elinjalo livavanywe emva kokufungiswa anokuthi uSihlalo, okanye usihlalo wekomiti enjalo okanye umntu omiselwe ngokukodwa nguSihlalo weNdlu, ngokwemeko leyo, ngezo njongo asenze, phantsi kwento ethi nawuphina umntu othi phantsi kwaso nasiphina isilungiselelo salo Mthetho afuneke enze okanye avume isifungo angathi endaweni yokusenza okanye ukusivuma enze isiqinisekiso esinyanisekileyo.
- (2) Ukuba nawuphina umntu oyalelwe ukuba abekho okanye avelise naliphina iphepha, incwadi irekhodi okanye uxwebhu phambi kweNdlu yeNdibano yeSizwe okanye nayiphina na ikomiti, owalayo ukuphendula nawuphina umbuzo anokuwubuzwa okanye ukuvelisa naliphina iphepha, incwadi, irekhodi okanye uxwebhu olunjalo, phezu kwesizathu esithi liprayivethi yaye aliwuchaphazeli umxholo ophandwayo, uSihlalo weNdlu okanye usihlalo wekomiti enjalo, ngokwemeko leyo, angabuzisa oko kwala nezizathu zako, yaye iNdlu yeNdibano yeSizwe ingathi xa kunjalo imkhulule loo mntu unjalo ekubeni awuphendule loo mbuzo okanye avelise elo phepha, incwadi, irekhodi okanye uxwebhu okanye iyalele ukuba kufunwe awuphendule loo mbuzo okanye avelise elo phepha, incwadi, irekhodi okanye uxwebhu.
- (3) Nawuphina umntu othi, emva kokulunyukiswa ngokufanelekileyo ngokuba sesichengeni sokohlwaya phantsi kweli candelo, nokuba ufungisiwe okanye wenze isiqinisekiso esinyanisekileyo okanye hayi, ngabom nangokuphamba inyaniso anike phambi kweNdlu yeNdibano yeSizwe okanye nayiphina ikomiti impendulo engeyonyaniso kumbuzo ongqalene nomxholo ekuphandwa ngawo nonokuthi ubuzwe kuye kulo naluphina uvavanyo, uya kuba netyala lokwaphula umthetho yaye ukuba ugqwetyiwe yiyo nayiphina inkundla enegunya elifanelekileyo woba sesichengeni sezohlwayo ezimiswe ngumthetho ojongene nokuxoka ufungisiwe.
- (4) Imigaqo ephathelele kubungqina obu obuyinjece yabathile bodwa elandelwayo okwakaloku nje yiNkundla ePhakamileyo yeJaji iya kuthotyelwa nakumbandela wobungqina obunikwa phambi kweNdlu yeNdibano yeSizwe okanye nayiphina ikomiti

*Ukuchithwa kwama-  
nyethelo achasene  
nengqina.*

16. (1) Ukuba ingqina phambi kweNdibano yeSizwe okanye nayiphina enye ikomiti, ekuboneni kwegosa alongameleyo, lithi liphendule ngokuzeleyo, nangokunyanisekileyo yonke imibuzo ethi ibuzwe kulo yiNdibano yeSizwe okanye ikomiti enjalo, ize iimpendulo zalo zibe semxholweni ngokubhekiselele kwimibuzo leyo, liya kuba negunya ekubeni lenze isicelo, ukuba lifumane isiqinisekiso esibhalwe ligosa elongameleyo esixela ukuba elo ngqina xa beligocwa-gocwa lilo, kuye kwafuneka ukuba liphendule njalo, laza layiphendula njalo yonke loo mibuzo : Phantsi kwento ethi, eso siqinisekiso sinjalo sinokuthi sisayiniwe nguSihlalo.
- (2) (a) Ekwenzeni eso siqinisekiso sinjalo kuyo nayiphina inkundla yomthetho, loo nkundla iya kuchitha nawuphina amanyathelo embambano okanye esizi ngaphandle kwetyala lokuxoka ufungisiwe ngokuchasene nelo ngqina ngayo nayiphina into ethethwe lilo xa belinika ubungqina phambi kweNdibano yeSizwe okanye nayiphina ikomiti okanye ngenxa yaso nasiphina senzo okanye into eyenziwe lilo phambi kwelo xesha, nechazwa bubungqina balo yaye ingathi ngokokubona kwayo inikezele kwelo ngqina iindleko elithe langeniswa kuzo ezibangwe ngaloo manyathelo embambano okanye esizi.
- (b) Amanyathelo achithwe njalo aya kuthatyathwa ngokungathi agqwetywe ngokupheleleyo.

*Ubungqina kwenye indawo bamanyathelo phambi kweNdibano yeSizwe okanye ikomiti.*

*Isithintelo sembuyekezo nokuphuhlisa okanye ukuchasa amanyathelo kwiNdlu yeNdibano.*

*Ukwamkeleka kobungqina bejeje nali zeNdibano.*

*Amaxwebhu angeyone abanga ukuba ashicilelwe phantsi kwegunya leNdibano.*

*Ukhuselo ngokumalunga nemipapasho yeNdlu yeNdibano.*

*Ukhuselo ngokumalunga ngokupapashwa kwezicatshulwa ezivela kwimipapasho yeNdibano.*

*Ukuvalelwa entolongweni ngokwaphula lo mthetho.*

17. (1) Akukho lungu, gosa, leNdibano yeSizwe umbhali weShothendi okanye omnye umntu oqeshelwe ukubhala iiminithi zobungqina obunikwe phambi kweNdibano yeSizwe okanye nayiphina ikomiti, ela kuthi linike ubungqina kwenye indawo ngokuphathelele kokuqulathwe bubo nabuphina ubungqina obunikiweyo okanye umqulu okanye uxwebhu olwandlelwe phambi kweNdibano yeSizwe okanye nayiphina ikomiti, okanye ngokuphathelele kuwo nawuphina amanyathelo okanye ugocagoco kumkhumbi weNdibano yeSizwe okanye phambi kwayo nayiphina ikomiti, ngaphandle kokuba liqale lifumane imvume eyodwa yeNdibano.
- (2) Emva kokupheliswa okanye xa ingekahlali okanye unqumamiso lweNdibano yeSizwe loo mvume ingathi inikwe nguSihlalo, okanye ngethuba angekhoyo okanye nenye ingxaki.
18. (1) Akukho lungu, nagqwetha okanye enye iarhente elithi ngexa lokuqhuba kwalo umsebenzi walo eliwufundeleyo libe yipatnara okanye elisenkonzweni yalo naliphina ilungu, lamkele okanye lifumane, ngqo okanye ngokungathanga ngqo, nayiphina imali, imbuyekezo, isipho, okanye umvuzo owenzelwa okanye ngokuphathelele kuphuhliso okanye ukuphikiswa kwayo nayiphina ibhili, isigqibo, umcimbi, umgaqo, okanye into engenisiswe okanye ekucetywe ukuba ingeniswe kwiNdibano yeSizwe ukwenzela ukuba iqwalaselwe.
- (2) Nawuphina umntu othi aphule amalungiselelo ecandelwana (1) uya kuba netyala lokwaphula umthetho aze athi akuba efunyenwe enetyala yinkundla enegunya elifanelekileyo kufaneleke ukuba akhuphe isohlwayo esingekho ngaphezu kwamawaka amabini eerandi, yaye uya kuthi akuba efunyaniswe enetyala elinjalo ayalelwe yiloo nkundla ukuba ahlawule kwakhona isixa-mali okanye ixabiso laloo mrhumo, mbuyekezo, isipho okanye umvuzo owamkelwa okanye owafunyanwa nguye.
19. Ngalo naluphina uphando olunxumene okanye oluchaphazela izilungiselelo, ukuvikeleka namagunya eNdibano yeSizwe okanye alo naliphina ilungu, nayiphina ikopi yeejenali ezishicilelwe okanye ebanga ukuba ishicilelwe ngomyalelo weNdibano iya kuthi yamkelwe njengobungqina bezo jenali kuzo zonke iinkundla neendawo kungakhanga kwabakho nabuphina ubungqina obunikiweyo bokuba loo kopi injalo ibithe yashicilelwa.
20. Nawuphina umntu oshicilela okanye owenza ukuba kushicilelwe njengolubonakalisa ukuba lushicilelwe nguMshicileli kaRhulumente okanye umshicileli weNdibano okanye ngomyalelo okanye phantsi kwegunya leNdibano, nayiphina ikomiti okanye uSihlalo, ikopi yawo nawuphina umthetho osebenzayo, okanye ikopi yayo nayiphina ingxelo, iphepha, iiminithi okanye iiminithi zenkqubo yeNdibano okanye nayiphina ikomiti ebezingathanga zashicilelwa ngaloo ndlela, esazi nje ukuba ibingashicilelwanga njalo, uya kuba netyala lokwaphula umthetho, aze anyanzeleke, akuba efunyaniswe enetyala, yinkundla enegunya elifanelekileyo ukuba avalelwe entolongweni ithuba elingekho ngaphezu kweminyaka emithathu.
21. Umntu ongumphenduli-tyala okanye omangalelweyo kwiinkqubo zamatyala embambano okanye esizi amangalelwe ngawo, okanye angokumalunga okanye angokuphathelele ekupapashweni nguye okanye sisicaka sakhe, ngomyalelo okanye phantsi kwegunya leNdibano yeSizwe okanye nayiphina ikomiti kwayo nayiphina ingxelo, iphepha, iiminithi, okanye iiminithi zenkqubo, angathi ekunikeni ummangaleli okanye umtshutshisi, ngokwemeko leyo, isaziso esibhaliweyo seeyure ezingamashumi amabini anane seenjongo zakhe zokwenza oko azise phambi kwenkundla ekuza kuthi kuyo kuqhutyelwe ezo nkqubo zamatyala embambano okanye esizi, isiqinisekiso esibhalwe nguSihlalo okanye uNobhala, esixela ukuba loo ngxelo, iphepha, iiminithi, okanye iiminithi zeenkqubo ekufakwe iinkqubo ezinjalo ngokuphathelele kuzo, zazipapashwe nguloo mntu okanye sisicaka sakhe ngomyalelo okanye phantsi kwegunya leNdibano okanye layo nayiphina ikomiti, kunye nesifungo esibhaliweyo esiqinisa eso siqinisekiso, yaye loo nkundla iya kuthi ekusifumaneni kwaso isiqinisekiso eso ngoko nangoko izichithe ezo nkqubo zamatyala embambano okanye esizi, eziya kuthi, zidibene nazo zonke izinto ezithe zenziwa apho, kuthatyathwe ngokungathi zigwetywe ngokupheleleyo ngaloo ndlela.
22. Ukuba kuzo naziphina iinkqubo zamatyala embambano okanye esizi afakelwe ukupapashwa kwaso nasiphina isicatshulwa okanye isishwankathelo sentetho yayo nayiphina ingxelo, iphepha, iiminithi, okanye iiminithi zeenkqubo ekubhekiselelwe kuzo kwicandelo 21, inkundla yanelisekile ukuba eso siscatshulwa okanye eso sishwankathelo sentetho sasipapashwe bona fide, yaye nangokungenabubi, isigwebho okanye izwi lomgwebi, ngokwemeko leyo, siya kufakelwa umphenduli-tyala okanye ummangali onjalo.
23. (1) Nawuphina umntu obalelwe ekuthini unetyala lokwaphula lo Mthetho, angathi, ngaphezu kwaso nasiphina esinye isohlwayo anyanzeleke ukuba asifumane phantsi kwalo Mthetho, okanye nawuphina omnye umthetho, agwetyelwe ukuvalelwa entolongweni okwelo xesha liya kuthi liqingqwe yiNdibano ngaloo seshoni yeNdibano yeSizwe iya kuba iqhubeka ngelo xesha.

- (2) Umntu ogwetyelwe ukuvalelwa entolongweni ngokwecandelwana (1) uya kuvalelwa phantsi kwe-waranti enikezelwe sisandla sikaSihlalo.
- (3) Amalungiselelo ecandelwana 10 nele 12 aya kuthi asebenze kwiwaranti enikezelwe phantsi kweli candelo.

*Iintshutshiso noku-  
funyanwa kwakhona  
kwezohlwayo.*

24. (1) UMtshutshisi-Jikelele angathi, ukuba uthe wacelwa ukuba enze njalo ngesigqibo seNdibano yeSizwe, enze ukuba nawuphina umntu omangalelwe ukwaphula umthetho phantsi kwalo Mthetho akhutshelwe isamani yokuxoxa ityala phambi kwayo nayiphina inkundla enegunya elifanelekileyo, yaye loo nkundla iya kuthi kwimeko enjalo ibe nawo, yaye isebenzise kananjalo amagunya negunya elinikezelwe ngulo Mthetho okanye nawuphina omnye uMthetho.
- (2) Zonke izohlwayo nezinye iimali ekuya kwenziwa ukuba zihlawulwe phantsi kwalo Mthetho zingathi zifunwe kwakhona kwinkundla enegunya, ngesicelo soMphathiswa wobuLungisa, ukuba ugunyaziswe yiNdibano yeSizwe ukuba athabathe amanyathelo okufumana kwakhona ezo zohlwayo okanye ezo mali.
- (3) Nasiphina isixa esifunyenwe kwakhona ngaloo ndlela, nayo nayiphina ifayini emiselwe ukwaphulwa kwalo Mthetho okanye ulwaphulo-mthetho phantsi kwalo Mthetho ethe yafunyanwa kwakhona, iya kuhlulwa ize ingene kwingxowa-mali yengeniso yeCiskei.

*Umsebenzi kaSihlalo  
emva kokuchithwa  
kweNdlu yeNdibano  
yeSizwe.*

25. Ngokweenjongo zalo Mthetho, ilungu elibambe isikhundla sikaSihlalo ngexesha lako nakuphina ukuchithwa kweNdlu yeNdibano yeSizwe liya kuthatyathwa ngokungathi linguSihlalo, de abe uSihlalo unyulwe ngokuvotelwa ngabantu ngokungqamene namalungiselelo ecandelo 45 oMthetho onguMgaqo-Siseko weRiphabliki yeCiskei wowe-1981.

*Uqaphelo lwase-  
mthethweni lwezilungiselelo  
namagunya.*

26. Izilungiselelo, ukuvikeleka namagunya eNdibano, elungu negosa leNdlu yeNdibano, ngokwahlukeneyo, ziya kuba yinxenye yoMthetho weRiphabliki yeCiskei, yaye akusayi kuba yimfuneko ukuba zivakaliswe nokuvakaliswa kodwa ziya kuqatsheliswa ziinkundla ngokwazo kuzo zonke iinkundla zeRiphabliki.

## ISAHLUKO 2

### UKUHLAWULWA KWAMALUNGU ENDLU YENDIBANO YESIZWE NABABAMBI BEZIKHUNDLA EZITHILE

*Ingcaciso-Magama.*

27. Kwesi sahluko, ngaphandle kokuba ingxowa yalatha ngandlela yimbi -

"inkosi" ithetha inkosi okanye ibamba-nkosi elililungu leNdlu yeNdibano yeSizwe *ex officio* ngokwecandelo 37 (1) (c) loMthetho onguMgaqo-Siseko;

"Umbhexeshi oyintloko kaRhulumente" uthetha ilungu leNdlu yeNdibano yeSizwe ekunikezelwe kulo imisebenzi yoMbhexeshi oyintloko liqela lopolitiko elinelona nani likhulu kwiNdlu yeNdibano ngokwelo xesha;

"Umbhexeshi oyintloko weqela eliphikisayo" uthetha ilungu leNdlu yeNdibano yeSizwe ekunikezelwa kulo imisebenzi yombhexeshi oyintloko liqela lopolitiko, elileliphikisayo ngokwasebuRhulumenteni kwiNdlu yeNdibano okwelo xesha;

"UMthetho onguMgaqo-Siseko" uthetha uMthetho onguMgaqo-Siseko weCiskei wowe-1981 (UMthetho wama-20 wowe-1981);

"USekela-Sihlalo" uthetha uSekela-Sihlalo onyulwe njengoko kubonelelwe kwiCandelo 45 (1) loMthetho onguMgaqo-Siseko;

"ilungu elinyulwe ngokuvotelwa ngabantu" lithetha ilungu leNdlu yeNdibano yeSizwe elinyulwe ngokuvotelwa ngabantu njengoko kulungiselelwe kwicandelo 37 (2) loMthetho onguMgaqo-Siseko;

"URhulumente" uthetha uRhulumente weCiskei;

"Inkokheli yeqela eliphikisayo" uthetha ilungu leNdlu yeNdibano yeSizwe elithi ngokwelo xesha libe yinkokheli yeqela lopolitiko eliphikisana noRhulumente, nelinelona nani likhulu kwiNdlu yeNdibano : Phantsi kwento ethi ukuba kukho amathandabuzo okuba leliphina na okanye lalileliphina na ngalo naliphina ixesha elixeliweyo, iqela eliphikisayo elalinelona nani likhulu kwiNdlu yeNdibano okanye okuba ngubanina okanye yayingubanina ngalo naliphina ixesha inkokheli kwiNdlu yeNdibano yelo qela loo mbandela uya kugqitywa, ngokweenjongo zalo Mthetho, nguSihlalo, yaye isigqibo sakhe, siqinisekiswa ngokubhalwa sisandla sakhe, siya kuba sesingenakujiqwa nesiqukumbelayo;

"ilungu leNdlu yeNdibano yeSizwe" alibandakanyi uMongameli, isekela-Mongameli, uMphathiswa woMbuso, okanye isekela Mphathiswa woMbuso;

"ilungu elityunjweyo" lithetha ilungu leNdlu yeNdibano yeSizwe elityunjwe njalo ngokwecandelo 37 (1) (e) loMthetho woMgaqo-Siseko;

"umbambi-sikhundla" uthetha uSihlalo, usekela-sihlalo, inkokeli yeqela eliphikisayo uMbhexeshi oyintloko kaRhulumente noMbhexeshi oyintloko weqela eliphikisayo oyintloko naye nawuphina omnye umbhexeshi;

"Ingoty" ithetha ingoty njengoko ichazwe kwicandelo 1 loMthetho Woogunyaziwe neNkosi neziBonda weCiskei wowe-1978 (UMthetho 4 wowe-1978);

"Ummeli weNgoty" uthetha ummeli wengoty ekubhekiselelwe kuye kwicandelo 37 (1) (f) loMthetho onguMgaqo-Siseko;

"UMongameli nesigqeba" uthetha uMongameli neBhunga elilawulayo;

"Umbhexeshi" uthetha Umbhexeshi (ongenguye uMbhexeshi oyintloko) walo naliphina iqela lopolitiko elimelweyo kwiNdlu yeNdibano yeSizwe elibekwe njalo yiNkokheli yelo qela, nelivunye nguSihlalo (osigqibo, esiqinisekiswa ngokubhalwa ngesandla, singayi kuphikiswa saye siya kuba sesipheleleyo ekuqaliseni kweseshoni nganye yeNdlu yeNdibano, okanye, njengoko iimeko zinokuthi zifune xa kunokuthi kube yimfuneko efanelekileyo ukwenzela ukuqhuba okungenamagingxigongi kweNdlu yeNdibano.

*Imivuzo nezibonelelo zamagosa abambe izikhundla namalungu eNdlu yeNdibano.*

28. (1) Kuya kuthi kuhlawulwe kumagosa abambe izikhundla namalungu ale Ndibano, loo mvuzo nezibonelelo eziya kuthi amaxa ngamaxa ziqingqwe nguMongameli nesigqeba.  
(2) Isixa-mali saloo mivuzo iya kuthi ihlawulwe ngokwecandelwana (1) siya kufakwa njengetyala minyakana le kwingxowa-mali yeNgeniso yeCiskei, yaye amalungiselelo elo candelwana, aya kuthatyathwa ngokungathi lulwabiwo lwazo zonke izixa-mali ezinjalo.

*Izibonelelo zendibano uthutho, inkxaso nezi-nye izibonelelo.*

29. (1) Ngokulawulwa ngamalungiselelo ecandelo 30 ezi ziya kuhlawulwa ngeemali ezabiwe yiNdibano yeSizwe ukwenzela ezo njongo -  
(a) kuwo onke amalungu eNdlu yeNdibano yeSizwe nakummeli weNgoty ngokuphathelele kusuku ngalunye lwendibano yeNdlu yeNdibano, ukususela kusuku lokuqala kwayo ukuya kusuku lokuhlala lokugqibela kweNdibano, olo suku lubandakanyiwe, isibonelelo, esiya kwaziwa ngokuba sisibonelelo sendibano: Phantsi kwento ethi ukuba iNdlu yeNdibano ngalo naliphina ixesha ngayo nayiphina indibano, ithi inqumame ixesha elingaphukanga elingaphezu kweentsuku ezisixhenxe, akukho sibonelelo sandibano siya kuthi sihlawulwe ngokuphathelele kwixesha lonqumamiso olunjalo.  
(b) kuwo onke amalungu eNdlu yeNdibano nakummeli weNgoty, isibonelelo sothutho ngokuphathelele kuhambo lokuya nelokubuya phakathi kwekhaya lakhe nekomkhulu lobuRhulumente -  
(i) ekuqaleni nasekupheleni kwendibano nganye yeNdlu yeNdibano.  
(ii) xa kungathi kubekho ukunqunyanyiswa kweNdlu yeNdibano ngayo nayiphina indibano ithuba elingaphukanga elingaphezu kweentsuku ezisixhenxe.  
(c) kulo naliphina ilungu leNdlu yeNdibano ekufuneka ukuba liyishiye indawo yalo yokuhlala yesiqhelo ekwenzeni kwalo nawuphina umsebenzi eliwunikwe yiNdlu yeNdibano yeSizwe okanye nguMongameli okanye ekubeni lilungu layo nayiphina ikhomishini okanye ikomiti kaRhulumente (ingeyiyo ikomiti yendibano okanye ikomiti enyuliweyo yeNdlu yeNdibano) isibonelelo senkxaso nesibonelelo seendleko zothutho, silingana ngokwahlukeneyo, nesibonelelo sendibano nesibonelelo seendleko zothutho ekubhekiselelwe kuso kwimihlathi (a) no (b).  
(d) kulo naliphina ilungu leBhunga elilawulayo, ngokuphathelele ekungabini kulo kwikomkhulu lobuRhulumente ngenxa yomsebenzi wasebuRhulumenteni isibonelelo senkxaso;  
(e) nakummeli wengoty, isibonelelo esiqingqiweyo ngonyaka.  
(2) Imilinganiso nemiqathango eya kulawula indlela ekuya kuhlawulwa ngayo izibonelelo ekubhekiselelwe kuso kwicandelwana (1) iya kumiselwa nguMongameli nesigqeba amaxa ngamaxa: Phantsi kwento ethi uMongameli angathi kuyo nayiphina imeko apho iindleko zenkxaso zelungu leBhunga elilawulayo zithi zibe ngaphezulu komlinganiso omiselweyo, agunyazise intlawulo kwelo lungu zesixa-mali esizeleyo seendleko zakhe.

*Ukuxhuzulwa kwisibonelelo sendibano.*

30. Ngosuku ngalunye ekuthi ngalo ilungu leNdlu yeNdibano yeSizwe okanye ummeli weNgoty ongaphumeleli ukubakho kwintlanganiso yeNdlu yeNdibano, kuya kuthi kuthatyathwe kwisixa-mali ebekumelelwe ukuba uhlawulwe sona phantsi kwamalungiselelo alo Mthetho isibonelelo sendibano ebesiya kuhlawuleka kuye ngokwecandelo 29 (1) (a) ngokuphathelele kolo suku: Phantsi kwento ethi elo lungu okanye loo mmeli kuthethwe ngaye uya kukhululeka kolo xhuzulo ngokumayela nokungaphumeleli -  
(a) ngokuphathelele nakuluphina usuku athi aye ngalo, njengelungu layo nayiphina ikomiti yeNdibano, kwintlanganiso yaloo komiti;  
(b) xa ukungabikho kubangwe kukugula;

- (c) xa ukungabikho kwakhe kubangwe kukufa okanye ukugula okuxhomis'amehlo komfazi wakhe, komntwana, komzali okanye kwesinye isizalwana esisondeleyo, kuze oko kungabikho kuxolelwe yiNdibano;
- (d) xa anyanzeleka ukuba angabikho ngenxa yokusabela isamani okanye isapina yenkundla efaneleki-leyo (ngaphandle kwesamani yokuphendula ityala lesizi athe wafunyanwa enetyala ngalo).

*Indlela yokuhlawulwa imivuzo nezibonelelo eziqingqiweyo.*

31. (1) ngokulawulwa ngamalungiselelo ecandelwan (3), imivuzo ekubhekiselelwe kuyo kwicandelo 28
- (1) kuhlawulwa ngezavenge zenyanga –
    - (a) kwimeko yelungu elinyulwe ngabantu leNdibano yeSizwe ukuba bekubhengezwe ukuba linyuliwe ngenxa yonyulo jikelele, ukususela kusuku lokuvota, ize kwimeko yalo naliphina elinye ilungu elinyulwe ngabantu leNdibano, ukususela kumhla ekwathi ukusuka kuwo kwabhengezwa ukuba linyulwe, ukuya kutsho, kwaye kubandakanywa, usuku olwandulela ngqo usuku lokuvota kunyulo jikelele olulandelayo (ukuba alithanga ngaphambili lisishiye isihlalo salo).
    - (b) kwimeko yelungu elityunjiweyo leNdibano yeSizwe ukususela kumhla utyumbo lwakhe oluqala ukusebenza ngawo ukuya kutsho, kubandakanywa usuku oluphambi ngqo kosuku lokuvota kunyulo jikelele olulandelayo, ngaphandle kokuba utyumbo lwakhe luyeka ukusebenza phambi kolo suku.
    - (c) kwimeko yeNgoty okanye yenkosi, ukususela kumhla wokuvota kunyulo jikelele (okanye ukuba inyulwe emva kwaloo mini) ukususela kumhla wokunyulwa kwayo okanye wokuvunywa kwayo ukuya kutsho, kubandakanywa usuku oluphambi ngqo kosuku lokuvota kunyulo jikelele olulandelayo (ukuba akathanga ngaphambili wasishiya isihlalo sobungoty, okanye sobuNkosi, ngokwemeko leyo, yaye
    - (d) kwimeko yombambi-sikhundla esithile ukususela kuloo mhla anyulwe ngabantu ngawo ngokungqamene nomthetho okanye athi ngandlela yimbi abe ngumbambi-sikhundla, weso sikhundla ukuya kutsho, kubandakanywa nomhla athi ayeke ngawo ukuba lilungu leNdlu yeNdibano, nokuba sesiphina isehl esiza phambi kwesinye.
  - (2) Isibonelelo esihlawulwa kummeli wengoty ngokwecandelo 29 (1) (e) siya kuhlawulwa ngezavenge zenyanga ukuqala kusuku lokuqala lwananga elandela ngqo inyanga onyulwe ngayo ukuba abe ngummeli onjalo ukuya, kubandakanywa usuku oluphambi ngqo kosuku lokuvota kunyulo jikelele olulandelayo ngaphandle kokuba unyulo lwakhe njengommeli weNgoty luyeka ukusebenza phambi kolo suku.
  - (3) Isixa-mali saso nasiphina isibonelelo esihlawulwa phantsi kwamacandelwana (1) (a), (b), (e), okanye (d) ecandelwana 29 siya kuthi, ngokweenjongo zawo nawuphina umthetho onxulumene nerhafu okanye ingeniso, sithatyathwe ngokungathi sifunyenwe nguloo mntu uchaphazelekayo ngenxa yengqesho kwinkonzo yobuRhulumente yaye simele intlawulo eyenzelwe ukuhlangabezana nendleko ethe yafunyanwa nguye ngokumayela nokwenza kwakhe imisebenzi yakhe yasebuRhulumenteni.

*Ukuhlaliswa kwamalungu eBhunga elilawulayo.*

32. (1) Onke amalungu eBhunga elilawulayo aya kuba selungelweni –
- (a) lendlu enefanishala ekungayi kuhlawulwa rente, milinganiselo narhafu, namirhumo yeenkonzo ezithile ngokuphathelele kuyo leloo lungu; okanye
  - (b) ukuba nangexa loo ndlu ngaso nasiphina isizathu ingenakufumaneka, kwisibonelelo solwakhiwo lwezindlu esiya kuqingqwa nguMongameli amaxa ngamaxa. Imirhumo okanye izibonelelo zerente, iireyithi, irhafu, neenkonzo ezithile, ukuba zikho, ekubhekiselelwe kuzo kwicandelo (1) ziya kuhlawulwa ngeemali eziya kube zabiwe yiNdibano yeSizwe ukwenzela iinjongo ezinjalo.

### ISAHLUKO 3

#### IIPENSHOLO NAMANYE AMALUNGELO AMALUNGU ENDIBANO YESIZWE NABANTU ABAXHOMEKEKE KUWO

*Iingcaciso-Magama.*

33. Kwesi sahluko ngaphandle kokuba ingxam yalatha ngandlela yimbi –
- "imirhumo esilelayo" ithetha nasiphina isixa-mali esifanelwe ukuhlawulwa lilungu ngokwecandelo 35
  - (2) okanye (3);
  - "umntwana" uthetha nawuphina umntwana ongatshatanga, umntwana womyeni okanye womfazi okanye umntwana omiliselweyo ngokwasemthethweni, ongaphantsi kweshumi elinesibhozo leminyaka, okanye othi ngokokubona koMlawuli Jikelele, ngesizathu sobunkene-nkene bengqondo okanye bomzimba, angabi nakho ukuzimela nobhaliswe ngokwecandelo 49;

"ukurhuma" kuthetha ukurhuma kwingeniso;  
 "imirhumo" ithetha imirhumo ethe yaxhuzulwa ngokwecandelo 34 (3) kodwa ayiyibandakanyi imirhumo esileleyo;  
 "umtshato wesiNtu" uthetha umtshato omiselwe ngokungqamene nomthetho namasiko esiNtu;  
 "uMlawuli-Jikelele" uthetha uMlawuli Jikelele weSebe loMphathiswa;  
 "umhla oqingqiweyo" uthetha umhla wokuqala kuEpreli wowe-1977;  
 "ilungu" lithetha ilungu leNdlu yeNdibano yeSizwe, elingenguye uMongameli okanye uSekela-Mongameli, yaye libandakanya uMphathiswa okanye iSekela-Mphathiswa ongelilo ilungu elinjalo;  
 "umvuzo oxhuzulelwa ipenshini" uthetha umvuzo wonyaka omiyo (kungabandakanywa naziphina izibonelelo) ohlawulwa kwilungu ngokwecandelo 28 lalo Mthetho, okanye ngokwemeko leyo, icandelo 34 (5) okanye 35 (2) loMthetho onguMgaqo-Siseko weRiphabliki yeCiskei wowe-1981;  
 "inkonzo exhuzulelwa ipenshini" ithetha inkonzo apho ilungu libophelelekile okanye lizinyulele ngokukokwalo ukuba lirhume kwingeniso ngokuphathelele kuyo ngokwesi Sahluko;  
 "bhalisiwe" uthetha ukubhaliswa njengoko kujongwe njalo kwicandelo 49;  
 "umthetho otshitshisiweyo" uthetha uMthetho wePenshoni yamaLungu aseCiskei eNdlu yoWiso-Mthetho wowe-1977 (UMthetho 6 wowe-1977);  
 "ingeniso" ithetha -  
 (a) ngokunxulumene naso nasiphina isixa-mali ekufanele ukuba sihlawulwe kwingeniso, ingxowa-mali yeNgeniso yeCiskei; ize  
 (b) ngokunxulumene naso nasiphina isixa-mali ekufanele ukuba sihlawulwe ngeemali ezivela kwiNgeniso, iimali eziqingqwe yiNdibano yeSizwe ngokweenjongo zentlawulo ezinjalo;  
 "umvuzo" uthetha itotali yesixa-mali esihlawulwa ngonyaka kwilungu njengomvuzo omiyo (ingabandakanyi naziphina izibonelelo) phantsi kwecandelo 28 lalo Mthetho.  
 "inkonzo" ithetha nayiphina inkonzo enikezelwa ngumntu njengelungu leNdlu yoWiso-Mthetho yeCiskei okanye leNdlu yeNdibano yeSizwe phambi okanye emva komhla oqingqiweyo.  
 "umhlolokazi" uthetha inkosikazi yelungu elingasekhoyo, eyayibhaliswe lelo lungu ngokwecandelo 49, kodwa ingabandakanyi nayiphina inkosikazi yelungu elinjalo ethe yaba yinkosikazi yalo emva kokuba liyekile ukuba lilungu.

*Imirhumo eyenziwa ngamalungu.*

34. (1) Ngokulawulwa ngamalungiselelo esi Sahluko ilungu liya kuthi, kumhla eliba lilungu ngawo, nangeli lixa liselilungu, lirhume kwingeniso ngomlinganiso weepesenti ezisibhozo zomvuzo walo oxhuzulelwa ipenshini.
- (2) Akukho mirhumo iya kuhlawulwa ngokwamalungiselelo ecandelwana (1) lilungu elithe laba nenkonzo exhuzulelwa ipenshini ethi kwiagreyeyithi ingabi ngaphantsi kweminyaka elishumi elinambini, nelithe larhuma ngokuphathelele kwithuba elingekho ngaphantsi kweminyaka elishumi elinambini ngokwamalungiselelo esi Sahluko okanye omthetho otshitshisiweyo.
- (3) Imirhumo ebekumele ukuba ihlawulwe lilungu ngokweli candelo iya kuxhuzulwa nguMlawuli-Jikelele kumvuzo welungu ngezavenge zenyanga yaye iya kuhlawulwa kwingeniso.

*Ilungelo lokukhetha ukuthatha iinkonzo ezithile njengezixhuzulelwa ipenshini.*

35. (1) Naliphina ilungu elithe laba nenkonzo phambi komhla ekuthi ngawo elo lungu libopheleleke ukuba lirhume, lingathi likhethe ngokubhala phantsi kwisithuba seentsuku ezingamashumi asithoba ukususela kumhla eliba lilungu ngawo, ukuba libale naliphina ithuba elibalwe ngeenyanga lenkonzo enjalo njengenkonzo exhuzulelwa ipenshini: Phantsi kwento ethi ilungu aliyi kuvumeleka ukuba likhethe ukuba lithabathe ngaphezu kwesiqingatha senkonzo yalo yangaphambili lililungu njengenkonzo exhuzulelwa ipenshini.
- (2) Ilungu elithi likhethe ngokwecandelwana (1) liya kuthi lirhume kwingeniso isixa-mali esibhalwe ngomlinganiso weepesenti ezisibhozo zomvuzo walo wenyanga yokugqibela yenkonzo yalo yamandulo, esiphinda-phindwe ngenani leenyanga ezithe zakhethwa lelo lungu ukuba lizithabathe njengethuba lenkonzo exhuzulelwa ipenshini.
- (3) Nawuphina umntu ohlawulwe isixa-mali phantsi kwecandelo 38 ekupheleni kwalo naliphina ithuba lokuxhuzulelwa ipenshini, othi kwakhona abe lilungu, angathi akhethe ngokubhala phantsi kwisithuba seentsuku ezingamashumi asithoba ukususela kumhla athe waphinda ngawo ukuba lilungu, ukuba ahlawule kwakhona kwingeniso eso sixa-mali sihlawulwe yena, aze ahlawule kwingeniso nayiphina imirhumo asileleyo kuyo, athe wayeka ukunyanzeleka ukuba ayihlawule ngokwecandelo 38 (2), yaye ukuba uthi akhethe njalo, ixesha okanye amaxesha enkonzo ebe lixhuzulelwa/abexhuzulelwa ipenshini aya kuthi kwakhona abe ngawenkonzo exhuzulelwa ipenshini.

*Imirhumo ngokuphathelele kwinkonzo yangaphambili.*

36. Isixa-mali semirhumo esisilele ukuhlawulwa lilungu ngokwecandelo 34 (2) okanye (3), singathi, ukuba lingqwenela njalo, sixhuzulwe nguMlawuli Jikelele kumvuzo walo ngezavenge zenyanga ezingayikuba ngaphantsi kweepesenti ezine zaloo mvuzo yaye zonke izixa-mali ezixhuzulwe njalo, ziya kuhlawulwa kwingeniso.

*Ipenshini eyakuhlawulwa amalungu.*

37. (1) Kuya kuthi, ekupheleni kwenkonzo yalo, kuhlalulwe ilungu, elingathanga laba nenkonzo exhuzulelwa ipenshini engaphantsi kweminyaka esibhozo, ipenshini ebalwe ngomlinganis oisinye kwishumi elinesihlanu somvuzo walo oxhuzulelwa ipenshini wonyaka owandulela ngqo umhla wokuyeka kwenkonzo ngokuphathelele kunyaka ngamnye wenkonzo yakhe exhuzulelwa ipenshini. Phantsi kwento ethi loo penshini ayiyi kuba ngaphezulu komvuzo orholiweyo.
- (2) Ngokweenjongo zeCandelwana 1, ixesha lenkonzo exhuzulelwa ipenshini liya kubalwa ngonyaka nenyanga, yaye amaqhezu enyanga akayi kuthathelwa ngqalelo.

*Ukubuyiselwa kwemirhumo.*

38. (1) ILungu elinkonzo iphela phambi kokugqiba iminyaka esibhozo yenkonzo exhuzulelwa ipenshini liya kuba lokufumana isixa-mali esilingana neagrigeyithi yemirhumo yalo, yaye nayiphi na imirhumo esileleyo ebihlawulwe lilo ngokwamalungiselelo esi Sahluko, okanye omthetho otshitshisiweyo, kunye neepesenti ezintlanu zeso sixa-mali.
- (2) ILungu elithi libe nebango kwisixa-mali ngokwecandelwana (1) liya kuyeka ukunyanzeleka ukuba lihlawule nayiphina imirhumo esileleyo ekusafuneka ukuba ihlawulwe lilo, kodwa engekahlawulwa ngomhla wokuyeka kwenkonzo yalo.

*Ipenshini namanye amalungelo ayakuthi ahlawulwe kubahlolokazi okanye abantwana babo kwiimeko ezithile.*

39. (1) Ukuba nawuphina umntu ofumana ipenshini phantsi kwecandelo 37 okanye phantsi kwamalungiselelo omthetho otshitshisiweyo alungelelene nawelo candelo, uthi afe, okanye obeya kuba nebango lokufumana loo penshini ukuba ubengafanga, kodwa othe wayeka ukuba lilungu ngomhla wokufa kwakhe, yaye oshiye umhlolokazi omnye okanye nangaphezulu, kuya kuthi, ngokuhlalulwa licandelwana (6) kuhlalulwe ngamnye wabahlolokazi bakhe ipenshini yesixa-mali esilingana nesithathu-esineni sepenshini athe wayifumana okanye abeya kuba nebango lokuyifuma. yahlula-hlulwe ngenani labahlolokazi.
- (2) Ukuba nawuphina umntu othi afe, ufumana ipenshini phantsi kwecandelo 37 okanye obeya kuba negunya lokufumana ipenshini enjalo ukuba ebengafanga kodwa othe wayeka ukuba lilungu ngomhla wokufa kwakhe, yaye ushiya umhlolokazi kunye nabantwana benkosikazi, nabantwana bekunye benkosikazi eswelekileyo ebhalisiweyo ngaye -
  - (a) baya kuba selungelweni lokufumana eso siqephu sepenshini ebiya kuhlalulwa umhlolokazi ukuba loo mntu uchaphazelekayo ubewashiye ephila onke amakhosikazi akhe; okanye
  - (b) uya kuba selungelweni lokufumana eso sixa-mali ebisiya kuhlalulwa kuloo nkosikazi ebhalisiweyo njalo, ngokwecandelwana (5) ukuba ibingathanga yasweleka phambi komyeni wayo: Phantsi kwento ethi naninina apho abantwana benkosikazi ebhalisiweyo efe phambi komyeni wayo benegunya lokufumana nayiphina ipenshini okanye ilungelo, isixa-mali saloo penshini okanye seloo lungelo, sahlulwe ngenani lalo bantwana banjalo, siya kufumaneka kumntwana ngamnye.
- (3) Ukuba nawuphina umntu obefumana ipenshini phantsi kwecandelo 37 uthi afe, okanye obeya kuba nelungelo lokufumana loo penshini ukuba ebengafanga, kodwa ukuba ebethe wayeka ukuba lilungu ngomhla wokufa kwakhe, yaye ushiya umhlolokazi ofumana okanye oselungelweni lokufumana ipenshini phantsi kweli candelo yaye uthi naye asweleke emva koko, kuya kuhlalulwa abantwana bomhlolokazi, onjalo ngezabelo ezilinganayo ipenshini ebinge ifunyanwa ngulo mhlolokazi okanye abeya kuba selungelweni lokuyifumana loo mhlolokazi, ukuba ebengathanga wafa.
- (4) Nayiphina ipenshini ehlawulwa umhlolokazi, ngokwelicandelo, othi atshate kwakhona okanye othi angene kumtshato wesiNtu -
  - (a) uya kuthi, ukuba umhlolokazi onjalo akanamntwana iyekwe ukuhlalulwa ngosuku lokugqibela lwaloo nyanga ekutshatwe ngayo okanye ekungenwe ngayo kuloo mtshato wesiNtu unjalo; okanye
  - (b) iya kuthi, ukuba umhlolokazi onjalo unabantwana, iyekwe ukuhlalulwa ngosuku lokugqibela lwaloo nyanga kutshatwe ngayo, okanye ekungenwe ngayo kuloo mtshato wesiNtu, yaye iya kuhlalulwa ngezabelo ezilinganayo kwabo bantwana.
- (5) (a) ukuba ilungu elibe nenkonzo exhuzulelwa ipenshini engaphantsi kweminyaka esibhozo lithi life ngexa eliselilungu ngalo, kuya kuhlalulwa kumhlolokazi okanye umhlolokazi nabantwana ngokwemeko leyo, isixa-mali esilingana neagrigeyithi yemirhumo yakhe nayo nayiphina imirhumo esileleyo ethe yahlawulwa nguye okanye ethe yaxhuzulwa emvuzweni wakhe phantsi kwesi Sahluko okanye komthetho otshitshisiweyo, kunye neepesenti ezintlanu zeso sixa-mali, yaye naziphina izixa-mali ezingekahlawulwa ngokwawo nawaphina amalungiselelo esi Sahluko okanye kodwa ezingekahlawulwa ngomhla wokusweleka kwelo lungu azisayi kuhlalulwa;
  - (b) isixa-mali esiya kuhlalulwa umhlolokazi okanye umhlolokazi nabantwana phantsi komhlathi
    - (a) siya kuqingqwa ngendlela efanayo nangomlinganis ofanayo nowepenshini ehlawulwa phantsi kwecandelwana (1) okanye (2), ngokwemeko leyo.
- (6) Naninina apho kuza kuthi kuhlalulwe ipenshini kuye nawuphina umntu phantsi kwecandelwana

(1), nayiphina intsalela engahlawulwanga yayo nayiphina imirhumo okanye nasiphina esinye isixamali, ebekumelwe ukuba sihlawulwe lelo lungu phantsi kwamalungiselelo esi Sahluko, okanye omthetho otshitshisiweyo, iya kuhlulwa ngaloo penshini ihlawulwa njalo.

*lipenshini namanye  
amalungelo kubantwana,  
nendlela yentlawulo.*

40. (1) Ukuba nawuphina umntu ofumana ipenshini phantsi kwecandelo 37 uthi afe, okanye obeya kuba eselungelweni kwipenshini enjalo ukuba ebengatshatanga wafa, kodwa ukuba ebethe wayeka ukuba lilungu ngomhla wokufa kwakhe, yaye ongashiyi mhlolokazi ekuya kuhlulwa kuye amalungelo phantsi kwecandelo 39, kuya kuthi, ngokulawulwa ngamalungiselelo eli candelo, kuhlulwe kuye ngamnye wabantwana bakhe ipenshini yesixa-mali esilingana nesithathu-esineni sepenshini ayifumeneyo okanye abeya kuba negunya lokuyifumana sahlulwe ngenani labo bantwana.
- (2) Ukuba ilungu lithi life, ebeliya kuba selungelweni lokufumana amalungelo ngokwecandelo 38 ukuba belingathanga lafa, kodwa ukuba belithe layeka ukuba lilungu ngomhla wokufa kwalo, yaye elingashiyi mhlolokazi ekuya kuhlulwa kuye ilungelo phantsi kwecandelo 39, kuya kuthi ngokulawulwa ngamalungiselelo eli candelo, kuhlulwe abantwana bakhe ngezabelo ezilinganayo isixa-mali esilingana nesixa-mali salo naliphina ilungelo ebeliya kuba selungelweni lokulifumana elo lungu, kunye neepesenti ezintlanu zesixa-mali selo lungelo.
- (3) Nayiphina ipenshini okanye elinye ilungelo eliya kuhlulwa umntwana ngokwelicandelo okanye ngokwecandelo 39, ingathi, ngokwengqiqo yoMlawuli Jikelele, nangezizathu ezithi ngokokubona kwakhe zibe sekulungiselelweni komntwana –
- (a) ihlawulwe kumntwana okanye kumgcini wakhe ngezavenge okanye ngaloo ndlela iyenye inokuthi iyalelwe nguMlawuli-Jikelele;
- (b) ityalwe, okanye isetyenziswe amaxa-ngamaxa ngaloo ndlela iya kuthi iyalelwe nguMlawuli-Jikelele; okanye
- (c) ingathi isetyenziswe ngokuyinxenye ngendlela ethile, nangokuyinxenye ngayo nayiphina enye indlela njengoko uMlawuli anokuthi ayalele;
- (4) Nayiphina ipenshini ehlawulwa nawuphina umntwana okanye umhlolokazi, ngokweli candelo okanye ngokwecandelo 39, ingathi, ngokwengqiqo yoMlawuli-Jikelele, nangaloo miqathango nezomeko angathi aziqingqe, iguqulelwe kwintlawulo enye eyimali eziinkozo.
- (5) Naninina apho naziphina ipenshini zithi zihlawuleke ngokwecandelwana (1) kubantwana bomntu ekubhekiselelwe kuye kwelo candelwana intsalela engahlawulwanga yayo nayiphina imirhumo esileleyo okanye nasiphina esinye isixa-mali ebekumele ukuba sihlawulwe ngaloo mntu phantsi kwawo nawaphina amalungiselelo esi Sahluko, okanye umthetho otshitshisiweyo uya kuhlulwa ngaloo penshini.
- (6) Naninina apho nasiphina isixa-mali sithi sihlawulwe kubantwana belungu ngokwecandelwana (2) naziphina izixa-mali ebezisamele ukuhlawulwa lelo lungu ngokwawo nawaphina amalungiselelo alo Mthetho, kodwa azithi zibe azikahlawulwa ngomhla wokufa kwelo lungu, ziya kuyekwa ukuhlawulwa.

*Umhla ekuqalwa  
ngawo ukuhlawula  
ipenshini.*

41. Ipenshini ngokwesi Sahluko iya kuhlulwa –
- (a) kwimeko yelungu ukuqalela kusuku olulandela usuku ekwaphela ngalo inkonzo yakhe ebelilungu kuyo.
- (b) kwimeko yomhlolokazi okanye umntwana welungu elingasekhoyo, ukuqalisa kumhla olandela umhla wokufa kwelo lungu kuthethwe ngalo.

*Izixa-mali eziseleleyo  
ziya kuba lityala lokuqala  
kwipenshini yomntu.*

42. Naninina apho ilungu lithe laba selungelweni lokuba lifumane ipenshini ngokwecandelo 37 phambi kokuba itotali yesixa-mali seemali ebekufanele ukuba zihlawulwe lilungu ithe yahlawulwa lilo, eso sixa-mali sezo mali bekumele ukuba zihlawulwe lilungu, ezihlala zingahlawulwanga ziya kuqalwa zitsalelwe elo tyala kuloo penshini amele kukuhlulwa yona.

*Ukuhlengahlengiswa  
kwepenshini.*

43. (1) Ukuba nawuphina umntu (ingenguye umhlolokazi welungu) othi phantsi kwesi Sahluko okanye komthetho otshitshisiweyo afumane ipenshini, uthi kwakhona abe lilungu, loo penshini iyakuyeka ukuhlawulwa kuye, yaye ukuba uthi emva koko ayeke ukuba lilungu, ipenshini yakhe iya kuthi ibalwe kwakhona ngokwecandelo 37 ngokwaloo maxesha enkonzo adityanisiweyo, ukuba ngaloo mhla athe ngawo waba lilungu kwakhona, abengekho lungelweni lapenshini iyeyona ikwiqondo eliphezulu aya kuthi ayihlawulwe phantsi kwesi Sahluko.
- (2) Ukuba nawuphina umhlolokazi ofumana okanye oselungelweni lokufumana ipenshini ngokwesi Sahluko okanye ngokomthetho otshitshisiweyo, uthi abe lilungu, loo penshini iya kuyekwa ukuhlawulwa kuye okanye uya kuyekwa ukuhlawulwa loo penshini ngethuba lenkonzo yakhe njenge-lungu.

*lipenshini namanye  
amalungelo aya ku-  
hlawulwa ngemali  
evela kwingeniso.*

44. Zonke iipenshini namalungelo enzelwa amalungiselelo sesi Sahluko, aya kuhlawulwa ngeemali zengeniso.

*lipenshini namanye  
amalungelo angenaku-  
nikwa omnye umntu  
nangenakwabiwa.*

45. (1) Akusayi kubakho penshini okanye lungelo lithi lihlawulwe phantsi kwesi Sahluko okanye komthetho otshitshisiweyo, yaye akusayi kubakho lungelo ngokuphathelele kuloo penshini okanye kwelo lungelo, liya kuba nako ukuba linikwe omnye umntu, litshintshelwe komnye umntu, okanye linikezelwe komnye umntu ngandlela yimbi, okanye kubanjiswe ngalo endaweni yenye into, okanye kubanjiswe umboleki njengesiqiniseko setyala ngaphandle kwanjengokuba kulungiselelwe kwicandelo 11 (2) lo Mthetho weSondlo wowe-1963 (UMthetho 23 wowe-1963) ibe nokuthinjwa okanye ibe phantsi kolawulo lwalo naluphi na uhlobo lokwabiwa phantsi kwesigwebho okanye komyalelo wenkundla yomthetho.
- (2) Ukuba nawuphina umntu uthi alinge ukutshintshela komnye umntu, okanye ukunikezela komnye umntu ngandlela yimbi, okanye ukubambisa endaweni yenye into okanye ukubambisa kumboleki njengesiqiniseko nayiphina ipenshini okanye ilungelo elinjalo oselungelweni lalo okanye naliphina ilungelo ngokuphathelele kuloo penshini okanye kwelo lungelo, intlawulo yaloo penshini okanye yelo lungelo ingathi, ukuba uMphathiswa uthi ayalele njalo ibanjwe, inqunyanyiswe, okanye iyekiswe: Phantsi kwento ethi uMphathiswa angathi ayalele ukuba loo penshini okanye elo lungelo, okanye inxenye yalo ihlawulwe ngelo xesha elinokuthi liqingqwe nguMphathiswa, komnye okanye nangaphezulu wabantu abaxhomekeke kuloo mntu okanye kumphatheli micimbi okanye omnye umntu egameni laloo mntu okanye labantu abaxhomekeke kuye njengoko uMphathiswa anokuthi aqingqe.

*Indlela yokukhetha.*

46. Naliphina ilungu lingenza naluphina ukhetho eliselungelweni lokulwenza phantsi kwalo Mthetho, ngesaziso esibhalelwe uMphathi Jikelele.

*Ulawulo lwesiSahluko.*

47. (1) Umlawuli Jikelele uya kuthi, ngokulawulwa lulawulo loMphathiswa oxakathiswe ulawulo ngokubanzi lwesi Sahluko.
- (2) UMphathiswa angathi abele uMlawuli-Jikelele okanye naliphina igosa leSebe lakhe nawaphina amagunya axakathiswe yena sesi Sahluko, yaye angathi agunyazise uMlawuli-Jikelele okanye naliphina igosa elinjalo ukuba lenze nawuphina umsebenzi, okanye imfanelo enikezelwe okanye ewiswe phezu koMphathiswa.

*Indlela yokuhlawulwa  
kweepenshini.*

48. Ngokulawulwa ngamanye amalungiselelo esi Sahluko, zonke iipenshini phantsi kwesi Sahluko okanye phantsi komthetho otshitshisiweyo, ziya kuhlawulwa ngezo zavenge nangaloo mihla, nangaloo ndlela inokuthi iqingqwe nguMphathiswa.

*Ukubhaliswa kwaba-  
fazi nabantwana.*

49. (1) Ilungu ngalinye liya kuxelela uNobhala weNdlu yeNdibano yeSizwe ngokuthi libhale incwadi -
- (a) igama eliseleyo lomfazi ngamnye welo lungu, nokuba kungomtshato ophantsi komthetho welizwe okanye ngomtshato wesiNtu.
- (b) amagama azeleyo, umhla wokuzalwa nesini somntwana ngamnye welo lungu, yaye, ngaphandle kwakwimeko yomntwana omiliselweyo, igama lonina womntwana: Phantsi kwento ethi nawuphina umntu obhaliswe njengomfazi welungu ngokomhlathi (a), angathi, kwisithuba seentsuku ezingamashumi amathathu emva kokufa kwelo lungu, abhaliswe ngokwesilungiselelo nawuphina umntwana ongekazalwa (otata ibilelo lungu) kuNobhala weNdlu yeNdibano yeSizwe.
- (2) UNobhala weNdlu yeNdibano yeSizwe uya kuthi alugcine olu lwazi alunikiweyo ngokwecandela lwana (1) kwirejista, yaye kuphela ngabantu ababhaliswe ngolu hlobo abaya kuthi ngokweenjongo zesi Sahluko bamkelwe njengomfazi okanye umntwana, ngokwemeko leyo, welo lungu lichaphazelekayo.

*Usuku athi umntu abe  
lilungu ngalo.*

50. Umhla athi nawuphina umntu aziphumeze iimfuneko zecandelo 40 loMthetho woMgaqo-Siseko we-Riphabliki yeCiskei wowe-1981 (UMthetho 20 wowe-1981) uya kuba ngumhla ekuya kuthi ngawo loo mntu abe lilungu ngokweenjongo zalo Mthetho.

#### ISAHLUKO 4

#### IMIYALELO EMIYO YENDLU YENDIBANO YESIZWE

*Ingcaciso- Nagama.*

51. Kwesi Sahluko "imiyalelo emiyo" ithetha imigaqo nemiyalelo emiyo njengoko kujongwe njalo kwica-

ndelo 46 (4) loMthetho onguMgaqo-Siseko weRiphabliki yeCiskei wowe-1981.

52. (1) IMiyalelo emiyo yeNdlu yeNdibano yeSizwe iya kuthi icwangciswe kwiShedyuli 1.  
(2) IShedyuli 2 iya kufundwa ngokudibeneyo nesi Sahluko, neSahluko 1 salo Mthetho.

*Okusalayo.*

53. Nakubeni kungakho amalungiselelo esi Siqendu, iNdlu yeNdibano yeSizwe ingathi nangaliphina ixesha, ngesigqibo, ihlomele okanye irhoxise naziphina okanye yonke iMiyalelo eMiyo.

## ISAHLUKO 5

### NGOKUBANZI

*Ukutshitshiswa kwe-  
mithetho neseleyo.*

54. (1) Kulawula amalungiselelo ecandelwana (2), imithetho ekhankanywe kwiShedyuli 2 ukwenjenje iyatshitshiswa kangangoko kuboniswe kuluhlu lwesithathu lwalo Shedyuli.  
(2) Nayiphina into eyenziweyo, kananjalo naliphina ilungelo elifunyenweyo okanye imbophelelo ezenziweyo, phantsi kwalo naliphina ilungiselelo loMthetho otshitshiswe licandelwana (1), iya kuthatyathwa ngokuba yenziwe, lifunyenwe okanye izuzwe, ngokwemeko leyo, phantsi kwelungiselelo elingqamene noko lalo Mthetho.

*Intloko emfutshane.*

55. Lo Mthetho uya kubizwa ngokuba nguMthetho weNdlu yeNdibano, 1983.

## ISHEDYULI 1

### IMIYALELO EMIYO YENDLU YENDIBANO YESIZWE

#### ISAZISO SIFUNDIWE

1. Ekuqaleni kweenkqubo zale Ndlu yeNdibano ngosuku lokuqala lwendibano uNobhala uya kufunda isihlokomiso okanye esinye isaziso esibiza le Ndibano.

#### ISIFUNGO OKANYE UKUQINISELWA KWAMALUNGU

(iCandelo 40 loMgaqo-siseko)

2. (1) (a) Emva kokuba amalungiselelo eMiyalelo eMiyo No. 1 ethotyelwe ekuqaleni kweenkqubo zale Ndlu yeNdibano ngosuku lokuqala lwentlanganiso yeNdlu yeNdibano yeSizwe entsha, onke amalungu aya kufungiswa okanye aya kwenza isiqiniso phambi kweeJaji eyiNtloko okanye iJaji ayalathelwe yiyo.  
(b) Inkqubo emiselwe kwiMiyalelo eMiyo 18 iya kusebenza *mutatis mutandis* ekufikeni nasekumkeni kweJaji eyiNtloko okanye enye iJaji.  
(2) Ngawo onke amanye amaxesha amalungu aya kwaziswa aze akhokelwe eTafileni ngamalungu amabini khon'ukuze afungiswe okanye enze isiqiniso phambi kukaSihlalo.

#### AMALUNGU ATHINTELWEYO EKUHLALANI

3. Akukho mntu uya kuhlala njengelungu lale Ndlu yeNdibano ngaphandle kokuba ufungisiwe okanye wenze isiqiniso njengoko kumiselwe kwiCandelo 40 loMgaqo-siseko.

#### UKUVULWA KWENDLU YENDIBANO YESIZWE

4. USihlalo uya kwazisa le Ndlu yeNdibano ngexesha uMongameli aya kuvula le Ndlu yeNdibano yaye iinkqubo ziya kuhlala zixhonyiwe de uMongameli abe uyenzile iNtetho yokuVula yakhe.

#### INKQUBO EKUFIKENI NASEKUMKENI KUKAMONGAMELI

5. Ekungeneni kule Ndlu yeNdibano kukaMongameli nasekumkeni kwakhe kuyo, amalungu aya kuphakama yaye ayakuhlala emi ezindaweni zawo yaye akayi kuphinda ahlale de abe uMongameli usithathile isihlalo sakhe okanye, ngokwemeko leyo, umkile kule Ndlu yeNdibano.

#### UKUNYULWA KUKASIHHLALO NOSEKELA-SIHHLALO

6. Naninina kuyimfuneko ukunyula uSihlalo, uNobhala uya kwazisa le Ndlu yeNdibano ngokufanelekileyo, apho le Ndlu yeNdibano iya kuthi kwangoko iqhubele phambili inyule uSihlalo (Khangela icandelo 45 (1) loMgaqo-siseko).
7. UNobhala uya kubamba njengoSihlalo de abe uSihlalo unyuliwe.
8. Ngoko nangoko emva kokunyulwa koSihlalo le Ndlu yeNdibano iya kuqhubela phambili inyule uSekela-Sihlalo.

#### INKQUBO YOKUNYULWA KUKASIHHLALO

9. (1) Ilungu, emva kokuba kuqala laqinisekisa ukuba umntu oza kuphakanyiswa uyavuma ukubamba iintambo ukuba unyuliwe yaye ebhekisa kuNobhala, uya kuphakamisa njengoSihlalo naliphina ilungu lale Ndlu yeNdibano elikhoyo ngoko ngokundulula: "Ukuba. . . . . (ebiza ngegama elo lungu) athabathe isihlalo sale Ndlu yeNdibano njengoSihlalo". Oko kuphakanyiswa kuya kufuna umxhasi kodwa akukho ngxoxo iya kuvunyelwa ngaphandle kokwaziswa ngokusesikweni kophakanyisiweyo.  
(2) Akusayi kuqingqwa nani labo banokuphakanyiswa baxhaswe phantsi komgaqwana owandulelayo, kodwa akukho lungu eseliphakamise okanye eselisekele ophakanyisiweyo linokuphakamisa okanye lisekele omnye ophakanyisiweyo yaye kungekho lungu linokuziphakamisa okanye lizisekele.  
(3) Amagama abantu abaphakanyiswe basekelwa ngokufanelekileyo aya kubizwa nguNobhala yaye akusayi kuvunyelwa ngxoxo.
10. Ukuba kuphakanyiswe kwasekelwa ilungu elinye kuphela njengoSihlalo, liya kubizelwa esihlalweni sale Ndlu yeNdibano nguNobhala ingaphandle kwengxoxo.

11. Ukuba kuphakanyiswe amalungu angaphezu kwesinye njengo-Sihlalo, kuya kuvotwa ngokwale nkqubo ilandelayo eya kucaciswa emalungwini:
- (a) Kuya kubakho ukunqumama okufutshane ukulungiselela amaphepha okuvota aya kuthi uNobhala emva koko anike ilungu ngalinye elikhoyo iphepha lokuvota elinophawu olufihlakeleyo kwicala elingasemva lalo.
  - (b) Ilungu ngalinye liya kuthi ngoko libonise omnye ophakanyisiweyo elifuna ukuvotela yena ngokubeka ungxabalaza ecaleni kwegama lalowo uphakanyisiweyo.
  - (c) UNobhala uya kuthi ke ngoko abize amagama awo onke amalungu yaye ilungu ngalinye lingathi xa kubizwa igama lalo, lize eTafileni landule libeke iphepha lalo lokuvota kwibhokisi yokuvota eya kulungiselelwa oko. Akukho lungu elifike emva kokuba amagama awo onke amalungu ebiziwe liya kuba nelungelo lokuvota yaye akukho lungu liya kufaka kwibhokisi yovoto naliphina iphepha lokuvota elingelolalo.
  - (d) Xa onke amalungu anqwenela ukuvota enze njalo, uNobhala uya kuthi phambi kweNdlu yeNdibano encediswa nguMncedisi wakhe, aphonononge aze abale amaphepha okuvota aze emva koko axele iziphumo zovoto.
12. (1) Ukuba akukho uphakanyisiweyo ufumana isininzi sazo zonke iivoti ezifakiweyo ngolo hlobo, ophakanyisiweyo ofumene elona nani liphantsi leevoti uya kuguzulwa kuze kwenziwe olunye uvoto ngokuphathelele kwabaphakanyisiweyo abashi-yekileyo, iphinda-phindwe le nkqubo rhoqo kangangoko kuyimfuneko de ophakanyisiweyo afumane isininzi sazo zonke iivoti ezifakiweyo aze abhengezwe njengonyuliweyo ngokufanelekileyo.
- (2) Naninina ababini okanye nangaphezulu abaphakanyisiweyo, bengabona basezantsi kovoto, befumene inani elinye leevoti leNdlu yeNdibano iya kuthi ngevoti eyahlukileyo, eya kuphinda-phindwa rhoqo kangangoko kunokuba yimfuneko, iqingqe ukuba nguwphepha kwabo baphakanyisiweyo oya kuthi ngenxa yomgaqwana (1) aguzulwe.
13. Apho bebabini kuphela abaphakanyisiweyo, okanye emva kokuguzulwa komnye okanye ngaphezulu kwabaphakanyisiweyo ngokwamalungiselelo alo myalelo umiyo, kushiyeke kuphela abaphakanyisiweyo, enye ivoti phakathi kwabo babini bakhakanyisiweyo iya kwenziwa ngoko nangoko iphinda-phindwe rhoqo kangangoko kuyimfuneko de ophakanyisiweyo omnye afumane isininzi seevoti ezifakiweyo aze abhengezwe njengonyulwe ngokufanelekileyo: Phantsi kwento ethi uNobhala uya kuthi, ukuba le Ndlu yeNdibano igqiba njalo, akunqumamise ukuqwalaselwa kwalo mcimbi de kube lusuku lokuhlala olulandelayo.
14. Ukuba uNobhala unoluvo lokuba amalungiselelo eMyalelo eMiyo 9 ne-11 akalandelwanga, okanye akalandelwanga ngokufanelekileyo, angabhengeza uvoto oluthile okanye lonke unyulo ukuba alusebenzi aze ayalele ukuba amanyathelo olo voto okanye lonke olo nyulo luya kuqala okutsha.
15. Lakubizelwa eSihlalweni ilungu elinyulwe njengoSihlalo liya kuthi lisendaweni yalo livakalise uluvo lwalo ngesidima esilinkileyo yaye liya kuthi ke ngoko liphelekwe liye eSihlalweni ngumphakamisi nomxhasi walo.

#### UKUNYULWA KUKASEKELA-SIHLALO

16. Amalungiselelo eMyalelo eMiyo 7 ukuya kweye-13 aya kusebenza *mutatis mutandis* ekunyulweni kukaSekela-Sihlalo.

#### UKUNYULWA KUKAMONGAMELI

17. Naninina kuza kunyulwa uMongameli njengoko kulungiselelwa kwicandelo 22 loMgaqo-siseko uSihlalo uya kuthi, emva komthandazo, afunde isaziso ekujongwe kuso kwicandelwana (2) lelo candelo, yaye neenkqubo ziya kuhlala zixhonyiwe de iinkqubo ezimiswe kwicandelo 23 loMgaqo-siseko zibe zigqityiwe.

#### INKQUBO EKUFIKENI KWEJAJI KWINDIBANO YONYULO

18. Ekufikeni kweJaji eyiNtloko, okanye iJaji, ngeenjongo zentlanganisano ekujongwe kuyo kwicandelo 22 loMgaqo-siseko, iya kuphelekelwa eSihlalweni nguSihlalo yaye onke amalungu aya kuphakama aze angahlali phantsi eme ezindaweni zawo de iJaji eyiNtloko okanye iJaji ibe ihleli kwakhona naxa iJaji eyiNtloko okanye iJaji isimka kule Ndlu yeNdibano. Iinkqubo zale Ndlu yeNdibano ziya kuthi ke ngoko ziqhutywe kwakhona okanye, ukuba kuyimfuneko, zinqunyanyiswe.

#### UMYALELO OVELA KUMONGAMELI WOKUBA UNGENILE ESIKHUNDLENI

19. (a) Xa umthunywa ophethe umyalelo ovela kuMongameli, wokuba usenzile isifungo waza wasithabatha isikhundla kwazisiwe, iinkqubo zale Ndlu yeNdibano ziya kunqunyanyiswa kwangoko aze lowo uphethe umyalelo aziswe aze awuhambise kuSihlalo.
- (b) USihlalo ngoko nangoko uya kufundela iNdlu yeNdibano umyalezo aze emva koko ophethe umyalezo arhoxe.

#### USIHLALO WEEKOMITI ZENDLU YONKE

20. USekela-Sihlalo uya kuba nguSihlalo weeKomiti zeNdlu yeNdibano: Phantsi kwento ethi ngethuba lokungabikho okungenakuncedwa kukaSekela-Sihlalo okanye naninina uSekela-Sihlalo ebambe endaweni kaSihlalo, uNobhala okanye ilungu elalathelwe oko yile Ndlu yeNdibano liya kubamba okwexeshana njengoSihlalo weKomiti zeNdlu yeNdibano yonke.

#### UKUNGABI KHO KUKASIH LALO NOSEKELA-SIH LALO

21. Naninina uSihlalo noSekela-Sihlalo bengekho ngokungenakuncedwa ngaxesha-nye, ilungu elalathelwe nguMongameli liya kubamba njengoSihlalo.

#### UKUPHUNYU ZWA KUKASIH LALO

22. USekela-Sihlalo okanye, xa engekho, umntu obambe njengoSihlalo weeKomiti zeNdlu yonke uya kuthabatha iSihlalo naninina ecelwe ukuba enze njalo nguSihlalo ngako nakuphina ukuhlala kwale Ndlu yeNdibano.

#### UMTHANDAZO

23. Phambi kokuqalisa kwemicimbi ngawo nawuphina umhla wokuhlala uSihlalo uya kufunda iMithandazo eyandlalwe kwiSihlalomelo kule Miyalelo iMiyo.

#### UKUHLALA KWENDLU YENDIBANO

24. (1) Kulawula amalungiselelo omgaqwana (2), iintsuku zokuhlala kwale Ndlu yeNdibano ziya kuba yiMivulo, ooLwesibi, ooLwesithathu, ooLwesine nooLwesihlanu.  
(2) INdlu yeNdibano ayisayi kuhlala ngeholidi kaRhulumente okanye uMgqibelo, phantsi kwento ethi le' Ndlu yeNdibano ingathi, ngesindululo esindululwe nguMongameli okanye uSekela-Mongameli saza samkelwa yiNdlu yeNdibano, ihlale ngalo naluphina olunye usuku, olungeyoCawe.  
(3) Iiyure zokuhlala ziya kuba -  
(a) ngoMvulo, uLwesibini, uLwesithathu noLwesine, ukususela ngeye-10h30 de kube ngeye-17h30; kananjalo  
(b) ngoLwesihlanu, ukususela ngeye-10h30 de kube yeye-13h30.
25. Ngaphandle kwaxa kulungiselelwa ngenye indlela kule Miyalelo eMiyo, uSihlalo weNdlu okanye ukuba le Ndlu yeNdibano ikwisigaba sobukomiti, uSihlalo weKomiti uya kuthi ngokubona kwakhe axhome imicimbi yale Ndlu yeNdibano okwexeshana ukuba kuye kutyiwa okanye kuyiwe kufunyanwa iziselo yaye uya kuthi ngethuba elalathelwe ukunqumama amise umcimbi oqwalaselweyo apho uSihlalo weNdlu eya kuyinqumamisa le Ndlu yeNdibano de kube lusuku olulandelayo: Phantsi kwento ethi, ukuba le Ndlu yeNdibano ikwikomiti, uSihlalo wekomiti uya kuthi kuqala axele inkqubela kuSihlalo weNdlu aze acele imvume yokuhlala kwakhona: Ngaphezulu phantsi kwento ethi le Ndlu yeNdibano ungathi, ngesindululo esiphakanyiswe nguMongameli okanye uSekela-Mongameli saza sagqitywa kwangoko ngaphandle kwesihlomelo okanye ingxoxo, afinyeze okanye alule iiyure zokuhlala ese iso kubungakanani bemicimbi eza kugqitywa okanye iimeko ezikhoyo ngelo xesha.

#### UKUMISWA KWENDIBANO

26. Naninina uMongameli emisa le Ndlu yeNdibano, nokuba kungesihlomelo okanye ngenye indlela, le Ndlu yeNdibano iya kumiswa de kube ngumhla owaziswe nguMongameli.

#### UKUNQUNYANYISWA UKUBA AKUKHO KHORAM

27. Ukuba igosa elongameleyo liqatsheliswa ukungabikho kwekhoram, liya kuyalela ukuba amalungu abizwe ngokubethwa kweentsimbi ukwenzela ukwahlula, ekuya kuthi ngelo xesha iinkqubo zale Ndlu yeNdibano zixhonywe yaye ukuba emva kokunqumama imizuzu emibini ikhoram ayikabikho, ukuba uSihlalo weNdlu useSihlalweni, uya kuyinqumamisa le Ndlu yeNdibano okanye, ukuba le Ndlu yeNdibano ikwikomiti, uSihlalo weNdlu uya kubuyela eSihlalweni aze ayinqumamise le Ndlu yeNdibano.

#### UKUNQUMAMISA NGESIGQIBO

28. Ngaphandle kwaxa kulungiselelwa ngenye indlela kule Miyalelo iMiyo, le Ndlu yeNdibano iya kunqumama kuphela ngesigqibo sayo.

#### UKWALATHELWA KWEEKOMITI

29. (1) (a) Msinyane kangangoko kunokwenzeka emva kokuqalisa kwayo nayiphina indibano eqhelekileyo uSihlalo uya kwala-

- thela iKomiti yeMiyalelo eMiyo neMicimbi eya kuthi, kulawula amalungiselelo omgaqwana (4) ibe namalungu angekho ngaphezu kwesihlanu, kubandakanywa uSihlalo oya kuthi *ex officio* abe nguSihlalo waloo Komiti.
- (b) USihlalo uya kwazisa kule Ndlu yeNdibano amagama amalungu awalathelwe kwiKomiti yeMiyalelo eMiyo neMicimbi.
- (2) IKomiti yeMiyalelo eMiyo neMicimbi iya kuthi –
- (a) iqwalasele imicimbi eya kubekwa kwiPhepha-Nkqubo nokulandelelana kwalo micimbi, kubandakanywa ulandelelwano lwemicimbi kaRhulumente;
- (b) iqingqe usuku olunye lweveki eya kuthi imibuzo ebekwe kwiPhepha-Nkqubo iphendulwe;
- (c) iqingqe usuku lweveki okanye amaxesha ngalo naluphina usuku lweveki apho imicimbi yamalungu abucala iya kwandulela nexesha eliya kuvunyelwa loo micimbi; kananjalo
- (d) ngokubanzi ilungiselele inkqubo yokufinyezwa kwemicimbi yemihla ngemihla yale Ndlu yeNdibano.
- (3) IKomiti yeMiyalelo eMiyo iya kwalathela amalungu aya kusebenza –
- (a) kwiKomiti eNyuliweyo yeeAkhawunti zikaRhulumente; kunye
- (b) nayiphina enye iKomiti eNyuliweyo efunwa yile Ndlu yeNdibano.
- (4) Kuya kufaneleka ukuba iKomiti yeMiyalelo eMiyo neMicimbi inyule amalungu awongezelelweyo amathathu ngenjongo –
- (a) yokuququzela ukutyisa namanye amalungiselelo kwigumbi lezihlaziyi;
- (b) yokulungiselela, ethethene nabaBhexeshi, indlela yokuhlala kwiNdlu yeNdibano; yaye
- (c) yokuqinisekisa ukufumaneka kumalungu nezinye iingxelo namaphepha.
- (5) Ngaphandle kwanjengoko kulungiselelwe kumgaqwana (4) yaye ngaphandle kokuba le Ndlu yeNdibano uyalele ngenye indlela, iKomiti eNyuliweyo iya kuba namalungu amahlanu, yaye amagama amalungu awalathelwe kwiKomiti eNyuliweyo aya kuthi, ngokusingisela ngokukodwa kwilungu elalathelwe njengosihlalo, aziswe kule Ndlu yeNdibano nguSihlalo.

### UKULUNGELELANISWA KWEMICIMBI

#### IMICIMBI YEMIHLA NGEMIHLA (EQHELEKILEYO)

30. Imicimbi yosuku ngalunye lokuhlala (ngokungaphandle kosuku lokuqala lwendibano) iya kuthi, ngokwemfuneko yoko, iqhutywe ngale ndlela ilandelayo:
- (a) Umthandazo.
- (b) Iimithi zosuku olungaphambili.
- (c) Izaziso ezenziwa nguMongameli okanye elinye ilungu leSiqeba esiLawulayo.
- (d) Izaziso ezenziwa nguSihlalo.
- (e) Ukwandlalwa kweeNgxelo naMaphepha.
- (f) Izibongozo.
- (g) Izaziso zeebhili nezinye izindululo.
- (h) Izaziso zemibuzo.
- (i) Iphepha-nkqubo.
31. Nakubeni kungakho nantonina equlethwe kuMyalelo oMiyo 30, isindululo esingxamisekileyo esichaphazela ngokuthe ngqo izilungiselelo zale Ndlu yeNdibano siya kuqwalaselwa kuqala kunezinye izindululo nenkqubo yaloo mhla.
32. Ukuqwalaselwa kwenkqubo yaloo mhla, kulawula le Miyalelo iMiyo, kuya kuthi kubekelwe intlanganiselo yosuku olulandelayo ngaphandle kokuba ilungu elongamelelo lalathela olunye usuku oluzayo.
33. Kulawula nakuphina ukuqingqa kweKomiti yeMiyalelo eMiyo neMicimbi phantsi koMyalelo oMiyo 29 (2) (c), imicimbi kaRhulumente iya kufumana uqwalaselo kuqala ngawo onke amaxesha.

#### IZIBONGOZO

34. (1) Izibongozo ziya kuba ngendlela emiselwe nguSihlalo, ziya kusayinwa ngababongozi ngokwabo yaye ziyakungeniswa ngolunye lweelwimi zaseRhulumenteni.
- (2) Isibongozo siya kungeniswa lilungu, phantsi kwento ethi ilungu elithi ngokwalo liqwalasele ukungenisa isibongozo kule Ndlu yeNdibano liya kwenza ukuba singeniswe lelinye ilungu.
- (3) Isibongozo ngasinye siya kusayinwa ekuqaleni kwaso lilungu elisingenisayo yaye siya kunikwa uNobhala ubuncinane usuku olunye uNobhala oya kuthi asingenise kuSihlalo ukuba anike imvume yakhe phambi kokuba sandlalwe kule Ndlu yeNdibano.

#### IMIBUZO

35. (1) Isaziso sombuzo kwilungu elikwiSigqeba esiLawulayo siya kubhalwa sisayinwe lilungu elichaphazelekayo size sithunyelwe kuNobhala yaye siya kuxela usuku ekuya kuthi, kulawule uMyalelo oMiyo 29 (2) (b), ubuzwe loo mbuzo.

- (2) UNobhala uya kubhala imibuzo kwiPhepha-Nkqubo ngolandelwano ayinikwe ngalo: Phantsi kwento ethi uSihlalo angahlomela nasiphina isaziso sombuzo esaphula umgaqo okanye nawuphina uMyalelo oMiyo wale Ndlu yeNdibano.
- (3) Umbuzo awuyi –
  - (a) kubandakanya amagama abantu, okanye ubandakanye iintetho, ezingeyomfuneko ngokungqongqo ukwenza umbuzo uqondakale;
  - (b) kuqulatha intetho ilungu elibuza umbuzo elingazimisela ukuyixhasa ngeziboniso;
  - (c) kuqulatha iingxoxo, izigqibo zalowo ubuzayo, uluvo, izityholo okanye izichazi ezibalulayo, okanye iintetho ezinego-be, ezinempoxo okanye ezilumezayo;
  - (d) kusingisela kumanyathelo ekomiti eyahlulayo phambi kokuba loo komiti ibe yenze ingxelo kule Ndlu yeNdibano;
  - (e) kufuna iinkcukacha ngomcimbi olihlebo ngokohlobo lwawo;
  - (f) kubhekiselela kwisigqibo senkundla yomthetho okanye uqulunqwe ngendlela apha engathi idlele indlela ityala eliseza kuxoxwa kwiNkundla yomthetho;
  - (g) kubuzelwa injongo yokufumana ukuba kuyezwe uluvo, ukusonjululwa kwetyala elingenasihlahla, okanye impendulo kwisindululo esingenasihlahla;
  - (h) kufuna ukuqonda ukuba intetho yamaPhepha-ndaba okanye ezabantu nje okanye ezamashishini aprayivethi zichanekile na;
  - (i) kubuzwa ngesimo okanye ukuziphatha komntu ngaphandle kwakwisikhundla sakhe saseburhulumenteni okanye eluntwini jikelele;
  - (j) kufuna nkcukacha zinokufumaneka kumaxwebhu afikelekayo okanye iincwadi eziqhelekileyo ezisingethe ulwazi;
  - (k) kucela nkcukacha ezikuqokelelwa kwazo, ngokuluvu lukaSihlalo, kuya kufuna uphando olude okanye olungafanelekanga okanye kubangele inkcitho engaphaya okanye engeyomfuneko;
- (4) Umbuzo ophendulwe ngokuzelelo awuyi kuphinda ubuzwe kwakulo ndibano.
- (5) Ilungu ekubhalwe ngalo umbuzo liya kuphakama liqubuze loo mbuzo.
- (6) Kuya kuba ngokokubona kwelungu leSigqeba eliLawulayo, eliphendule umbuzo, ukuba liphendule ngomlomo nawuphina umbuzo owongezelelweyo ozalwa yimpendulo yalo.
- (7) Ukuba ilungu alikho xa kufanele ukuba libuze umbuzo walo yaye aligunyazisanga elinye ilungu ukuba libuze loo mbuzo egameni lalo, loo mbuzo uya kuphelelwa.

#### IZINDULULO

36. (1) Ilungu elinika isaziso sesindululo liya kusifunda ngokuvakalayo lize ligqithisele eTafileni ikopi esayiniweyo yeso saziso apho abonise usuku aceba ukuphakamisa eso sindululo.
- (2) Ngaphandle kwangemvume yakhe wonke ubani olilungu okhoyo, akukho sindululo siya kuphakanyiswa ngosuku ekunikwa ngalo isaziso.
- (3) Isindululo ngasinye sifuna isaziso, ngaphandle kwesindululo –
  - (a) esisihlomelo kumbuzo osewuphakanyisiwe ngosesihlalweni;
  - (b) sokunqunyanyiswa kwale Ndlu yeNdibano;
  - (c) sokunqunyanyiswa kwengxoxo;
  - (d) kwikomiti yeNdlu yeNdibano yonke;
  - (e) esiceba ukufaka emgaqweni ngenxa yelungelo elilodwa;
  - (f) sokumiselwa elinye ixesha okanye ukuqunjelwa kwenqubo yaloo mini;
  - (g) esisingisela ibhili kwikomiti enyuliweyo okanye enye ikomiti emva kofundo lwesibini;
  - (h) esivunyelwe ngokukodwa yile Miyalelo iMiyo; okanye
  - (i) isaziso saso siqunjelwe ngemvumelwano emxholo omnye yawo onke amalungu akhoyo.

#### ISAZISO SOKUPHAKAMISA ISINDULULO

37. Ngaphandle kwanjengoko kulungiselelwe kule Miyalelo iMiyo, akukho sindululo siya kuphakanyiswa kule Ndlu yeNdibano ngaphandle kokuba isaziso sosuku olupheleleyo senziwe kwimeko yesindululo esenziwa lilungu leSigqeba eliLawulayo neentsuku ezipheleleyo ezintandathu kwimeko yalo naliphina elinye ilungu.

#### USIHLALO ANGASIHLOMELA ISAZISO SESINDULULO

38. (1) Nasiphina isaziso sesindululo esaphula umgaqo okanye nawuphina uMyalelo oMiyo wale Ndlu yeNdibano ungahlonyelwa nguSihlalo.
- (2) Akukho saziso siya kuphakanyiswa esiqulethe okufanayo nesindululo esigqityiweyo savunywa okanye saliwa kwangalo ndibano inye.

#### IZINDULULO MAZIPAPASHWE KWIPHEPHA-NKQUBO

39. Zonke izindululo ngaphandle kwezindululo ezingachaswanga kuqala ziya kupapashwa kwiPhepha-Nkqubo ngaphandle kokuba le Ndlu yeNdibano igqiba ngenye indlela.

## INKQUBO EKUPHAKAMISENI ISINDULULO

40. (1) Ilungu elibizwe nguSihlalo ukuba liphakamise isindululo liya kuphakama endaweni yalo liphakamise isindululo. Ukuba ilungu alisiphakamisi isindululo sibhalwe ngegama laso, eso sindululo siya kuphelelwa ngaphandle kokuba siphakanyiswe lelinye ilungu eligunyaziswe lilo ukuba lenze njalo.
- (2) Isindululo ngasinye esiphakanyisiweyo kuya kufuneka ukuba sisekelwe ngaphandle kokuba kulungiselelwe ngenye indlela kule Miyalelo iMiyo. Ukuba isindululo asisekelwanga siyaphelelwa.
- (3) Xa isindululo siphakanyisiwe saza sasekelwa, uSihlalo uya kusivumela ukuba sixoxwe yile Ndlu yeNdibano. Kuya kulandela ingxoxo ngesi sindululo kuze kuvunyelwe ixesha elaneleyo kwiingxoxo.
- (4) Xa kungasekho malungu wambi anqwenela okanye anelungelo lokuthetha, uSihlalo uya kwandlala esi sindululo kule Ndlu yeNdibano ukuba inike isigqibo sayo.
- (5) Xa kuphakanyiswe isihlomelo okanye izihlomelo kwisindululo uSihlalo uya kuzifakela izihlomelo aze, emva kokuba zenziwe zonke izihlomelo, kwakhona afunde aze andlale isindululo sokuqala okanye, ukuba sihlonyelwe, isindululo njengoko sihlonyelwe, khon'ukuze enze amalungu ale Ndlu yeNdibano abe nakho ukuyazi ngokupheleleyo imigaqo yoko.
- (6) Ulandelelwano eziya kubekwa ngalo izihlomelo ziya kuba ngokubona kukaSihlalo.

## IZIHLOMELO EZENZIWA KWIZINDULULO: INKQUBO

41. (1) Ilungu eliphakamele ukuthetha ngesindululo lingaphakamisa isihlomelo kweso sindululo.
- (2) Isihlomelo kuya kufuneka ukuba sisekelwe.
- (3) Isihlomelo singathatha enye yezi ndlela:
- (a) ukushiya igama elinye okanye ngaphezulu lesindululo;
  - (b) ukufakela igama elinye okanye ngaphezulu kwisindululo;
  - (c) ukongeza igama elinye okanye ngaphezulu ekupheleni kwesindululo;
  - (d) ukufakela amanye amagama endaweni yamanye amagama aqulathwe kwisindululo.

## IZIHLOMELO EZIPHAKANYISWAYO MAZIBHALWE

42. (1) Isihlomelo esiphakanyiswayo siya kubhalwa size sinikezelwe kuSihlalo oya kwenza ukuba okuqulathiweyo kufundwe kule Ndlu yeNdibano kungaxoxwa ke ngoku kweso sihlomelo.
- (2) Ilungu lingaphakamisa isihlomelo esinye kuphela kwisindululo esixoxwayo kodwa ukuphakamisa ukuhlomela ngaphezulu isihlomelo esiphakanyisiweyo akusayi kuba semgaqweni.

## UKURHOXISWA KWEZINDULULO

43. (1) Isindululo okanye isihlomelo singarhoxiswa ngesicelo somphakamisi ngokuvunyelwa ngamxhelo-mnye ngawo onke amalungu akhoyo. Isindululo okanye isihlomelo esirhoxisiweyo asinakuphinda siphakanyiswe kwindibano enye.
- (2) Isaziso sesindululo okanye isihlomelo kwiPhepha-Nkqubo singasuswa ngalo naliphina ixesha phambi kokuba siphakanyiswe lilungu elichaphazelekayo.

## IBHILI

- (a) *Ngokubanzi*

## UKUNGENISWA KWEBHILI KARHULUMENTE

44. (a) IBhili engeniswe egameni likaRhulumente iya kubizwa ngokuba yibhili kaRhulumente yaye iya kungeniswa ngolu hlobo:
- (a) Ilungu leSigqeba esiLawulayo elifanelekileyo liya kunika isaziso senjongo yalo yokungenisa ibhili, yaye kweso saziyo liya kuxela injongo okanye iinjongo zebhili ngokubanzi.
  - (b) Ngosuku olulandelayo emva kokuba linike eso saziyo okanye msinyane kangoko kunokwenzeka, liya kungenisa kule Ndlu yeNdibano ikopi efanelekileyo yaye eqiniselweyo ngumcebisi ngokwasemthethweni yaye lingathi ke ngoko lindulule, ngaphandle kwesaziso, ukuba ibhili leyo ifundwe okokuqala, loo mba uthethwe ngaphandle kwesihlomelo okanye ingxoxo. UNobhala uya kuthi ke ngoko afunde intloko emfutshane yebhili.

## UKUNGENISWA KWEBHILI EPRAYIVETHI

45. IBhili engeniswe lilungu eliprayivethi iya kubizwa ngokuba yiBhili eprayivethi yaye iya kungeniswa ngolu hlobo lulandelayo:
- (a) Ilungu eliprayivethi liya kwenza isaziso sesindululo esicela imvume yokungenisa ibhili yaye liya kuthi kweso saziyo lixele injongo okanye iinjongo ngokubanzi zeBhili.
  - (b) Iingxoxo ngesindululo semvume yokungenisa loo bhili ziya kusikelwa ixesha eliyiyure enye yaye akukho ntetho iya kudlula imizuzu elishumi.

- (c) Ukuba imvume inikiwe yokungenisa ibhili, liya kuthi ngoko nangoko lizise eTafileni yale Ndlu yeNdibano ikopi efanelekileyo yoko eqiniselwe ngumcebisi wasemthethweni yaye lingathi ke ngoko, ngaphandle kwesaziso, lindulule ukuba ifundwe okokuqala, loo mba uthethwe ngaphandle kwesihlomelo okanye ingxoxo. UNobhala uya kuthi ke ngoko afunde intloko emfutshane yebhili.

#### IBHILI IYA KUSHICILELWA

46. Kwangoko nje ekubeni ufundo lokuqala lwebhili lwenziwe uNobhala uya kuthi, ukuba ayikashicilelwa, enze ingxam yoko, njengoko iqulathwe kwikopi eyandlalwe eTafileni ukuba mayishicilelwe.

#### IMO YEBHILI

47. Xa ibhili ishicilelwe –
- (a) ibhili iya kunikwa intloko emfutshane engqinelana nentloko eya kubiza ngayo ukuba ibe ngumthetho;
  - (b) ibhili iya kunikwa intloko ende echaza iinjongo zebhili ngokubanzi;
  - (c) amagatya ebhili eya kwandulelwa yifomyula eyenza umthetho eya kuthi, kwimeko yebhili eyenza umthetho, ifundeke ngolu hlobo: "Makwenziwe umthetho yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei" yaye, ukuba yibhili ebhengezayo ifundeke ngolu hlobo: "Ukwenjenje kuyabhengezwa yaye kusenziwa umthetho yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei";
  - (d) ibhili iya kwahlulwa-hlulwa ibe ngamagatya, anombolwe ngokulandelelana yaye ibe nenqakwana elikwimajini kwigatya ngalinye; yaye
  - (e) imicimbi yeenkcukacha ngokuxhomekeke kumalungiselelo ebhili ingahlonyelwa kwibhili eyishedyuli okanye iishedyuli.

#### IMEMORANDAM YAMANQAKU NGEbhILI

48. Imemorandam exela injongo yebhili ingaqhotyoshelwa kuyo phantsi kwento ethi loo memorandam ibe ayinangxoxo.

#### IKOPI YEBHILI UKULUNGISELELA AMALUNGU

49. Ngokukhawuleza kangangoko kunokwenzeka emva kokushicilelwa kwebhili uNobhala uya kubangela ikopi yayo ukuba inikezelwe kwilungu ngalinye.

#### UMHLA WOFUNDO LWESIBINI

50. Emva kokuba ibhili ifundwe okokuqala yaze yashicilelwa, ilungu elichaphazelekayo liya kumisela usuku lokuyifunda okwesibini.

#### IZIMISELO ZEBHILI ZIYA KUXOXWA KUFUNDO LWESIBINI

51. Kufundo lwesibini lwebhili, olungayi kudlula kwiiyure ezilishumi elinesibini, izinto ezintle nezimiselo zebhili ngokubanzi zingaxoxwa.

#### ISINDULULO SOKUHLOMELA IBHILI

52. (1) Isindululo singenziwa ukuhlonyelwa umba "ukuba ibhili mayifundwe okwesibini" –
- (a) ngokushiya onke amagama emva ko "ukuba" kuze kufakelwe endaweni yoko amagama "ibhili mayingagqithiswa"; okanye
  - (b) ngokushiya onke amagama emva ko "ukuba" nokufakela endaweni yalo amagama "ibhili ifundwe namhlanje kwinyanga ezintandathu";
  - (c) ngokushiya onke amagama okanye amanye amagama emva ko "ukuba" nokufakela amagama axela imbangi eyodwa aphikisa ufundo lwesibini lwebhili; okanye
  - (d) ngokushiya onke amagama emva ko "ukuba" nokufakela endaweni yawo amagama "ibhili mayisingiselwe kwikomiti enyuliweyo".
- (2) Ukuba isindululo phantsi komhlathi (a), (b) okanye (c) womgaqwana (1) simi, ilungu elichaphazelekayo liya kusirhoxisa kwangoko.

#### INKQUBO XA IBHILI IFUNDWE OKWESIBINI

53. Xa ibhili ifundwe okwesibini kungayalelwa ukuba iqwalaselwe kwikomiti yale Ndlu yeNdibano yonke ngosuku oluxelwe lilungu elichaphazelekayo okanye isingiselwe kwikomiti enyuliweyo.

#### ISAZISO SEZIHLOMELO

54. (1) Ilungu elinqwenela ukufaka kwiPhepha-Nkqubo isihlomelo esiphakanyiswayo kwibhili liya kusinika uNobhala ingadlulanga eye-16h00 ngosuku olwandulela usuku esiza kuvela ngawo.  
(2) Isihlomelo esiphakanyiswayo siya kwandlalwa ngendlela efanelekileyo yaye singanikezelwa kuNobhala ukuba asipapashe kwiPhepha-Nkqubo ngalo naliphina ixesha emva kokuba ibhili esingisele kuyo ifundwe okokuqala.

#### USIHLALO UYASUKA ESIHLALWENI XA INDLU YENDIBANO IKWIKOMITI

55. Xa inkqubo yemini ifundiwe kule Ndlu yeNdibano ukuba ingene kwisigaba sobukomiti, uSihlalo uya kwazisa ukuba iNdlu yeNdibano iya kungena kwikomiti yaye iNdlu yeNdibano iya kuthi ngoko ingene kwikomiti, uSihlalo weeKomiti ahlale eTafileni uSihlalo weNdlu aphume kwiNdlu.

#### INKQUBO KWIKOMITI

56. (1) USihlalo weeKomiti, ekubeni ehleli eTafileni, uya kuqhuba afunde inombolo nenqaku elikwimajini legatya ngalinye ngokulandelelana, yaye liya kubuza umbuzo kwigatya ngalinye.  
(2) Intloko ende nentshayelelo (ukuba ikho) iya kuhlala ilinde elinye ixesha de kube semva kokuqwalaselwa kwamagatya neeshedyuli (ukuba zikho), ngaphandle kwemibuzo.  
(3) Naninina kunokwenzeka ingxoxo kwisigaba sobukomiti sebhili ayiyi kuhlala iiyure ezintandathu.

#### IZIHLOMELO EZINOKUNDULULWA

57. Isihlomelo singenziwa kwigatya yile Ndlu yeNdibano ikwiKomiti okanye igatya elitsha elifanelekileyo, ukuba siyawuchaphazela umxholo webhili okanye ngenye indlela siyangqinelana nemigaqo: Phantsi kwento ethi ukuba nasiphina isihlomelo samkelwe esingekho phakathi kwentloko ende yebhili, ikomiti iya kuhlomela intloko ende ngokufanelekileyo ize iyixele ngokukodwa kule Ndlu yeNdibano: Phantsi kwento ethi, ngaphezulu, akukho gatya okanye isihlomelo siya kuphakanyiswa esingqubana nemimiselo yebhili njengoko ifundwe okwesibini.

#### IZIHLOMELO AZISAYI KWENZIWA UKUBA ZIYAFANA NESESICHASIWE

58. Akukho gatya litsha okanye isihlomelo siya kuvunyelwa esifana nesinye esele sichasiwe, okanye esingangqinelaniyo okanye esingqubana nesinye esele kuvunyelwene ngaso yikomiti ngaphandle kokuba ukungeniswa kwakho kwebhili kungenelele.

#### IMIMISELO YEBHILI MAYINGAXOXWA KWIKOMITI

59. Imimiselo yebhili ayisayi kuxoxwa kwikomiti koko kuphela iinkcukacha zayo.

#### UKUHLONYELWA KOMTHETHO OYINTLOKO

60. Apho ibhili ehloelayo ingeniselwa ukuhlomela icandelo okanye iingcandelo ezithile zoMthetho ochazwe njengoMthetho oyintloko okanye ukwenza umthetho icandelo elitsha layo, isihlomelo kwikomiti siya kujongana kuphela nomxholo wamagatya ebhili njengoko efundwe okwesibini, kunye naso nasiphina isihlomelo esizalwa koko.

#### IMIGAQO AYIYEKI UKUSEBENZA XA INDLU YENDIBANO IKWIKOMITI

61. Ngaphandle kokuba uSihlalo weeKomiti uya kuhlala eTafileni yale Ndlu yeNdibano ngethuba leenkqubo kwiKomiti, iinkqubo ezilandelwa ngesiqhelo xa le Ndlu yeNdibano ihleli ziya kuthi, kulawula amalungiselelo ale Miyalelo iMiyo, zingayeki ukusebenza.

#### USIHLALO UBUYELA ESIHLALWENI XA ISIGABA SOBUKOMITI SIGQITYIWE

62. Ekupheleni kweenkqubo zekomiti yale Ndlu yeNdibano yonke kwibhili, uSihlalo weNdlu uya kubuyela eSihlalweni yaye uSihlalo weeKomiti uya kuthi azise ukuba isigaba sobukomiti sebhili sigqityiwe saza samkelwa yile Ndlu yeNdibano kukho okanye kungekho zihlomelo. Ukuba akufikelelwanga esigqibeni, uSihlalo uya kwenza ingxelo yenkqubela ze acele imvume yokuhlala kwakhona.

#### UMHLA WOFUNDO LWESITHATHU

63. Ukuba isigaba sobukomiti sigqityiwe uSihlalo uya kucela ilungu elichaphazelekayo kwibhili ukuba nguwphe na umhla oluya

kwenziwa ngayo ufundo lwesithathu yaye uya kuyalela ukuba ufundo lwesithathu lwenziwe ngomhla owalathelweyo okanye omnye umhla ofanelekileyo.

#### IBHILI IYA KUSHICILELWA UKUBA IHLONYELWE KWIKOMITI

64. Xa ibhili ihlonyelwe ikwikomiti yeNdlu yeNdibano yonke, iya kuthi, ukuba le Ndlu yeNdibano iyalela njalo, ishicilelwe njengoko ihlonyelwe phambi kofundo lwesithathu.

#### IINGXOXO ZOFUNDO LWESITHATHU ZIYA KUBA KOKUQULATHWE ZIZIHLOMELO KUPHELA

65. Kufundo lwesithathu lwebhili (ngaphandle kwebhili yohlahlo-lwabiwo-mali) iingxoxo ngayo, ukuba zikho, ziya kuphela kwizihlomo ezamkelwe yikomiti yale Ndlu yeNdibano yonke. Ukuba ibhili ayihlonyelwanga umba uya kugqitywa ngaphandle kwesihlomo okanye ingxoxo.

#### IBHILI IYAGQITHISWA EMVA KOFUNDO LWESITHATHU

66. Emva kofundo lwesithathu, akusayi kubuzwa mbuzo wumbi, yaye ibhili iya kuthatyathwa ngokuba igqithiswa yile Ndlu yeNdibano.

#### INTLOKO EMFUTSHANE YEBHILI YIYO KUPHELA EYA KUFUNDWA

67. Ngemiyalelo yokufundwa kokuqala, okwesibini nokwesithathu kwebhili uNobhala uya kufunda kuphela intloko emfutshane yayo ngaphandle kokuba le Ndlu yeNdibano iyalela ngakumbi.

#### IMVUME MAYINIKWE YOKURHOXISWA KWEBHILI

68. IBhili engeniswe kule Ndlu yeNdibano ingarhoxiswa kuphela ngemvume yeNdlu yeNdibano yaye ingxoxo ngesindululo semvume yokurhoxiswa kwebhili iya kuphelela kwiyure kuphela yaye akukho ntetho iya kudlula imizuzu elishumi.

#### IIBHILI EZITHILE AZISAYI KUNGENISWA

69. Xa ibhili ide yagqithiswa okanye yaliwe, akukho bhili ekwaqulethe okufanayo iya kungeniswa kwakhona kwangaloo Ndibano iqhubayo.

#### IIMPAZAMO EZIQHELEKILEYO ZINGALUNGISELELWA NGUSIHLALO

70. Ekufunyanweni kwayo nayiphina impazamo kwibhili egqithiswe yile Ndlu yeNdibano yaye naphambi kokuba inikezelwe kuMongameli ukuba ayivume, uSihlalo uya kuyazisa loo mpazamo yaye kuya kujongwana nayo njengaso nasiphina isihlomo: Phantsi kwento ethi izilungiso ngokuthetha okanye ngokubhala (umzkl. impazamo zokupela okanye ezicacileyo zokuthetha okanye impazamo zokuchwetheza) zingenziwa ngalo naliphina ixesha nguNobhala ngokuyalelwa nguSihlalo.

#### UKUNIKEZELWA KWEBHILI KUMONGAMELI

71. Xa ibhili igqithiswe yile Ndlu yeNdibano iya kuthi, emva kokuba ishicilelwe yaqiniselwa ngokufanelekileyo nguSihlalo okanye uNobhala inikezelwe kuMongameli ukuba ayivume.

#### INKQUBO XA IBHILI IBUYISELWA KWINDLU YENDIBANO

72. Xa ibhili ibuyiselwa kule Ndlu yeNdibano nguMongameli ngokwecandelo 50 loMgaqo-siseko le Ndlu yeNdibano iya kujongana nebhili njengoko ilungiselelwe kwicandelo elixeliweyo.

#### IZIHLOMELO EZIPHAKANYISWA NGUMONGAMELI

73. (1) Naninina ibhili ibuyiselwa kule Ndlu yeNdibano nguMongameli ndawonye naziphina izihlomo anokuzicebisa, ezo zihlomo ziya kuthi, ngaphandle kwangemvume yawo onke amalungu akhoyo, ziqwalaselwe kumhla ozayo.  
(2) Naliphina ilungu lingathi ngoko linike isaziso sesindululo -  
(a) sokuba kungathathwa manyathelo wambi kwibhili apho kuya kuthi, ukuba isindululo siphumelele, ibhili ibe iyaphelelwa; okanye  
(b) sokuba ibhili makujongwane nayo njengoko kulungiselelwe kwicandelo 50 (4) loMgaqo-siseko; okanye  
(c) sokuba izihlomo ezicetyiswe nguMongameli mazamkelwe.

- (3) Ukuba ibhili ayiphelelwanga ngoko, ngokwesigqibo sale Ndlu yeNdibano, le Ndlu yeNdibano ingathi kwakhona idlulele kufundo lwesibini, kwisigaba sesibini nofundo lwesithathu lwebhili: Phantsi
- (a) kwento ethi, apho imimiselo eyintloko yebhili ingechaphazelekanga ziingcebiso zikaMongameli uSihlalo angayalela ukuba le Ndlu yeNdibano igqithele ngoko nangoko kwisigaba sobukomiti; okanye
- (b) kwento ethi kwisigaba sobukomiti kuphela zezo ngcandelo zebhili kuthethwa ngazo okanye ezitshintshiweyo okanye ezihloniyelweyo ekunokujongwana nazo.
- (4) Xa izihlomelo ezicetyiswe nguMongameli kwibhili zamkelwe yile Ndlu yeNdibano, ikopi efanelekileyo yebhili, ehlonyelwe ngolo hlobo, iya kunikezelwa kuMongameli ukuba ayivume.

(b) Iibhili zemali

AMANYATHELO EMALI MAWABE NENGCEBISO KAMONGAMELI

74. (1) Le Ndlu yeNdibano ayisayi kugqithisa nayiphina ivoti, isigqibo, intetho okanye ibhili okanye isilungiselelo esingumvuka kuyo nayiphina ibhili yohlahlo-lwabiwo-mali lwayo nayiphina inxenye yemali kaRhulumente okanye yokubizwa kwayo nayiphina irhafu ingekho ingcebiso kaMongameli eyenziwe ngokwamalungiselelo ecandelo 49 (2) loMgaqo-siseko.
- (2) Ingcebiso nganye enjalo iya kuziswa kule Ndlu yeNdibano ngomyalezo obhaliweyo ovakalayo ngolu hlobo lulandelayo: "INGangalala uMongameli azisiwe ngomxholo webhili ecetywayo (isindululo okanye isilungiselelo esizalwa koko okanye elinye inyathelo) ucebisa ukuba iqwalaselwe yiNdibano yeSizwe".

IINTELEKELELO MAZIHAMBE NEEBHILI ZOHLAHLA-LWABIWO-MALI

75. Naninina xa nayiphina ibhili yohlahlo-lwabiwo-mali ingeniswa, iintelekelelo ezineenkukacha zeemfuno zemali zikaRhulumente ziya kuthi zibekho ngaxeshanye.

IBHILI YOHLAHLA-LWABIWO-MALI YOFUNDO LWESIBINI: INKQUBO

76. Emva kokuba isindululo sofundo lwesibini lwebhili yohlahlo-lwabiwo-mali siphakanyisiwe, ingxoxo ngayo iya kuxhonywa kwaye loo ngxoxo iya kuphinda iqaliswe ngosuku olungekho ngaphambili kolulandelayo, ekuya kuthi emva kwalo kungaqingqwa ngaphezulu kweeyure ezilikhulu zokuba kufundwe ibhili okwesibini. Ingxoxo, xa iphinde yaqaliswa, iya kuthi ngevoti nganye iqaliswe ngentetho nguMphathiswa ojongene noko okanye naliphina ilungu lolawulo, uphuhliso lwexa elizayo nenkqubo ngokubanzi yelo sebe liphantsi kolawulo lwakhe. Emva kokuqosheliswa kwengxoxo ngevoti nganye uSihlalo uya kunika uMphathiswa ojongene noko okanye elinye ilungu ithuba lokuphendula, kwaye emva kokuphela kwethuba elixeliweyo leeyure ezilikhulu, ukuba uMphathiswa ojongene noko okanye elinye ilungu uye waphendula kwingxoxo ebiqhutywa, uSihlalo uya kunika loo Mphathiswa ithuba lokubuza nawuphina umbuzo oyimfanelo ukuqukumbela inkqubo kufundo lwesibini. Akukho mda wexesha uya kusebenza kwimeko yakhe ngamnye loo Mphathiswa okanye elinye ilungu elijongene noko.

IKOMITI YAMALUNGISELELO

77. Kuya kubakho iKomiti yeNdibano yonke eya kubizwa ngokuba yiKomiti yaMalungiselelo. Iingxoxo zekomiti yoNikezelo ziya kuba sekuhleni kwaye aziyi kudlula kwiiyure ezingamashumi amabini ubude.

IINTELEKELELO ZIHLELI ZIXHOMEKEKE KWIKOMITI YAMALUNGISELELO

78. Iintelekelelo ziya kuthi, ngokunikezelwa kule Ndibano, zihlale zibhekiswa kwikomiti yaMalungiselelo kwaye ibhili yohlahlo-lwabiwo-mali, yokuba ifundwe okwesibini iya kuhlala ixhomekeke kuloo Komiti.

IISHEDYULI ZEBHILI YOHLAHLA-LWABIWO-MALI KUFUNeka ZIQALE ZIHANJISWE

79. Ekuqwalaselweni kwebhili yohlahlo-lwabiwo-mali kwiKomiti yaMalungiselelo, amatyala ebhili aya kuhlala emisiwe kude kube semva kokuqwalaselwa kweshedyuli okanye iishedyuli.

IINTLOKO ZENKCITHO

80. Ekuqwalaselweni kweeshedyuli, intloko nganye yenkcitho iya kuqwalaselwa ngentelekelelo efanelekileyo.

IINGXOXO NGEENTLOKO ZEESHEDYULI

81. Ekuqwalaselweni kweshedyuli, uSihlalo, uya kubiza isihloko sentloko nganye yenkcitho ngesihlandlo ngasinye, kwaye uya kuphakamisa lo mbuzo 'ukuba isixa se R. . . . . seNtloko . . . . . simi siyinxenye

yeShedyuli", kwaye ngaphandle kokuba isihlomelo siphakanyiswe phantsi kwamalungiselelo oMyalelo oMiyo 84, ingxoxo ingaqhuba ngaloo mbuzo. Nayiphina ingxoxo elolo hlobo iya kumiliselwa kwinkqubo yenkonzo eza kunikelwa yona imali leyo kwaye ayiyi kusebenza ngeenkukacha zawo umcinjana, umcimbi okanye intlokwana koko. Inokubhekiselela kwiinkukacha zengeniso okanye ingxowa-mali ejongene nazo loo nkonzo.

#### ISHEDYULI MAYIBE YINXENYE YEBHILI

82. Xa zonke iintloko kwishedyuli sele zigqityiwe, uSihlalo weKomiti uya kubeka emva koko, ngaphandle kwesihlomelo okanye ingxoxo, umbuzo "ukuba ishedyuli (njengoko ihlonyelwe) imi njengenxenye yebhili".

#### AMAGATYA EBHILI MAKAQWALASELWE

83. Xa zonke iishedyuli zigqityiwe, uSihlalo uya kubiza ngokulandelelana igatya ngalinye lebhili kwaye kwangoko uya kuphakamisa lo mbuzo "ukuba igatya lime njengenxenye yebhili" kwaye ngaphandle kokuba isihlomelo esizalwa koko siyandululwa, loo mbuzo uya kugqitywa ngaphandle kokuhlonyelwa okanye kwengxoxo.

#### IZIHLOMELO MAZINDULULWE LILUNGU LEBHUNGA ELILAWULAYO KUPHELA

84. Akukho sihlomelo sinokundululwa kulo naliphina igatya ngaphandle kwesihlomelo esizalwa yinguqulelo kwisixa xa sisonke esabiwe yiyo nayiphina ishedyuli. Nasiphina eso sihlomelo sizalwa koko siya kundululwa lilungu leBhunga eliLawulayo kuphela, kwaye sinokundululwa ngaphandle kwesaziso kwaye umbuzo ngaso uya kubuzwa kwangoko ngaphandle kwesihlomelo okanye ingxoxo. Xa umbuzo kuso nasiphina eso sihlomelo sokugqibela kwigatya sele ugqityiwe uSihlalo uya kuthi kwangoko abuze umbuzo "ukuba igatya, njengoko lihlonyelwe, lime liinxenye yebhili", kwaye loo mbuzo uya kugqitywa ngaphandle kokuhlonyelwa okanye kwengxoxo.

#### USIHLALO WENDLU MAKABUYELE ESIHLALWENI XA ONKE AMAGATYA EGQITYIWE

85. Xa umbuzo ngawo onke amagatya ebhili ugqityiwe, uSihlalo weNdlu uya kubuyela kwiSihlalo sale Ndibano kwaye, uSihlalo weKomiti uya kuxela ukuba ibhili igqithisiwe yiKomiti inazo okanye ingenazo izihlomelo, njengoko imeko inokuba njalo.

#### IXESHA ESIYA KUTHI SINDULULWE NGALO ISIHLOMELO

86. Akukho sihlomelo siya kuthi sindululwe kwiKomiti yaMalungiselelo phantsi kwale migaqo kude kube lusuku ekugqitywe yonke into ngalo emva kolo ibipapashwe ngalo kwiPhepha-Nkqubo.

#### IZIHLOMELO ZOKWANDISA OKANYE UKUPHUNGULA

87. Isihlomelo sokwandisa intloko yenkcitho ngokuphabhekiselele kuwo nawuphina umcinjana, umcimbi okanye intlokwana okanye intloko ngokwayo, siya kwaziswa ukuba asikho mgaqweni nguSihlalo kwaye xa kukho ngaphezulu kophungulo olunye olundululwe kuyo nayiphina ivoti, okanye umcimbi wevoti, umbuzo uya kuthi kuqala uphakanyiselwe kolona phungulo lukhulu.

#### INKQUBO NGEZINDULULO EMAZIHLONYELWE

88. (1) Ngaphandle kokumiselweyo kumgaqwana (2) walo mgaqo, ukuhlonyelwa kwayo nayiphina intloko yenkcitho ukuphungula isixa esabelwe oko ngokubhekiselele kuwo nawuphina umcimbi olapho kunokundululwa lilo naliphina ilungu, kwaye kuya kuba nemo yesindululo "ukuba intloko . . . . . mayiphungulwe ngeR . . . . . ngokubhekiselele (okanye ngokushiyelela) kwintlokwana . . . . . umcimbi . . . . . umcinjana . . . . .".
- (2) Isihlomelo sokuphungula intloko ngokubhekiselele kuwo nawuphina umcimbi okanye ngokushiyelela umcimbi siya kuba semgaqweni kuphela ukuba umcimbi awenziwanga wangumcinjana.
- (3) Isihlomelo sokuphungula intloko ngokubhekiselele kuyo nayiphina intlokwana okanye ngokushiyelela intlokwana siya kuba semgaqweni kuphela ukuba intlokwana ayenziwanga umcimbi.
- (4) Isihlomelo sokuphungula intloko ngaphandle kokusingisela kwintlokwana elapho ngaphakathi siya kuba semgaqweni kuphela ukuba intloko ayahlulwanga yaba ziintlokwana.
- (5) Isihlomelo sokushiyelela intloko asiyi kuba semgaqweni kwaye asiyi kufakwa kwiPhepha-Nkqubo.
- (6) Kwimeko yentloko nganye, izihlomelo zemicinjana, imicimbi okanye iintlokwana ezikuloo ntloko ziya kufakwa kwiPhepha-Nkqubo kwaye ziqwalaselwe ngokulandelelwano ethi imicinjana, imicimbi okanye iintlokwana ezibhekiselele kuzo azimi entloko ngalo kwiiNtelekelelo.
- (7) Xa isaziso sazisiwe sezihlomelo ezibini nangaphezulu zokuphungula umcinjana omnye, imicimbi, intlokwana okanye intloko ziya kufakwa kwiPhepha-Nkqubo kwaye ziqwalaselwe ngokulandelelwano lobukhulu bophungulo oluphakanyi-swayo, isihlomelo esicebisa olona phungulo lukhulu sibekwe kuqala kwimeko nganye.

- (8) Ingxoxo ngazo zonke izihlomelo iya kumiliselwa kumcinjana, umcimbi, intlokwana okanye intloko esisingisa kuyo isihlomelo kwaye emva kokugqitywa kwesihlomelo somcinjana, umcimbi okanye intlokwana, akukho sihlomelo okanye ingxoxo ngomcinjana ongapambili, umcimbi okanye intlokwana yaloo ntloko siya kuvunyelwa.
- (9) Xa zonke izihlomelo ezimiyo kwiPhepha-Nkqubo ngokubhekiselele kuyo nayiphina intloko ethe ngqo yenkcitho sele zigqitywe, uSihlalo uya kuthi kwakhona abeke umbuzo "ukuba isixa se . . . . . sentloko . . . . . sime siyinxalenye yeshedyuli", okanye uya kubeka lo mbuzo uhlonyelweyo "ukuba isixa esiphungulweyo se R. . . . . sentloko . . . . . sime siyinxalenye yeShedyuli", njengoko imeko inokufuna njalo.

#### UFUNDO LWESITHATHU LWEBHILI YOHLAHLA-LWABIWO-MALI

89. Isindululo sofundo lwesithathu lweBhili yoHlahlo-lwaBiwo-Mali siya kugqitywa ngaphandle kokuhlonyelwa okanye kwengxoxo.

#### IBHILI YOHLAHLA-LWABIWO-MALI OLONGEZELELWEYO

90. Ukuba amaxesha ngamaxesha, nokuba kusekuqhubeni konyaka wemali othile okanye emva kokuvalwa kwawo iBhili eyongezelelweyo yoHlahlo-lwaBiwo-Mali iyanikezelwa isaba kuphela inkcitho eyongezelelekileyo kwinkcitho evunyiweyo yikomiti yaMalungiselelo kwaye ivunyiwe yiNdibano phantsi kwale miyalelo iMiyo, ingxoxo ngofundo lwayo lwesibini, olungayi kudlula kwiiyure ezintandathu, iya kumiliselwa ngokungqongqo kwimibandela efunelwa inkcitho eyongezelelekileyo kwaye xa umbuzo ngoko kuvunyelwe ngawo, ibhili ayiyi kunikezelwa kwaye umbuzo "ukuba iBhili ngoku mayifundwe okwesithathu", kubekwa kwangoko ngaphandle kokuhlonyelwa okanye ingxoxo.

#### IBHILI YOLWABIWO-MALI OLUYINXENYE

91. (1) Ingxoxo kufundo lwesibini lweBhili yoLwabiwo-Mali oluyiNxenye iba nomda weeyure ezilishumi elinesibini kubekwa ecaleni impendulo yoMphathiswa eya kuthi ingadluli kwiiyure enye, kwaye iBhili yoLwabiwo-Mali oluyiNxenye ayiyi kunikezelwa.
- (2) Isindululo sofundo lwesithathu lweBhili yoLwabiwo-Mali oluyiNxenye siya kubekwa kwangoko emva kofundo lwesibini kwaye siya kugqitywa ngaphandle kokuhlonyelwa okanye ingxoxo.

#### (c) iBhili zoZinziso

#### INKQUBO YEEBHILI ZOZINZISO

92. (1) Ibhili eyenza umthetho okhoyo ingawuhlomeli iya kuphelekwa sisiqinisekiso esichaza oko esisayinwe ngumcebisi wezomthetho oqulunqe ibhili leyo.
- (2) USihlalo unokuthi ngesizathu esibalekileyo esibonakalisiweyo, alawule ukuba ibhili ibhekiswe kwikomiti enyuliweyo phambi kofundo lwesibini.
- (3) Akukho zihlomelo zebhili zinokunikezelwa ngaphandle kwezihlomelo ezizama ukubeka ngokucacileyo ngaphezulu okanye ukwenza ukuba ibhili ifane nemithetho ekhoyo, nengxoxo iya kumiliselwa ngokungqongqo kwimfuneko yezo zihlomelo.
- (4) Xa ibhili seyifundiwe okwesibini, amabakala aseleyo ebhili anokuthi kwangoko athathwe.

#### (d) iBhili eziyimixube

#### INKCAZO-GAMA YEEBHILI ENGUMXUBE

93. Ibhili yoluntu echaphazela okanye enokuchaphazela iifundo eziprayivethi zabantu abathile okanye imibutho ngokwahlukileyo kwiifundo eziprayivethi zabantu bonke okanye imibutho kwinqanaba elithile abakulo abo bantu okanye loo mibutho, iya kuthathwa njengebhili engumxube.

#### UKUPAPASHWA KWIGAZETHI KARHULUMENTE KWEBHILI ENGUMXUBE

94. Ibhili yoluntu eqinisekise ngumcebisi wezomthetho oqulunqe loo bhili (esebenza emva kokubonisana neGqwetha lezoMbuso) ukuba yibhili engumxube iya kupapashwa kwiGazethi kaRhulumente ukwazisa ngokubanzi zingedlulanga inyanga ezintathu phambi komhla ekucetywa ukungeniswa loo bhili ngawo.

#### UKWANDLALWA ETAFILENI KWEGAZETHI EQULATHE IBHILI ENGUMXUBE

95. Ilungu elijongene nebhili engumxube liya kuthi, xa lisandlala loo bhili eTafileni yale Ndibano, ngaxeshanye landlale eTafileni ikopi yeGazethi ekuthe kuyo kwaziswa loo bhili kwaye uSihlalo uya kuthi ke abhengeze ukuba uyaneliseka na okanye akaneliseki ukuba uMiyalelo oMiyo No. 94 uthotyelwe.

IBHILI ENGUMXUBE ECHASIWEYO MAYIBHEKISWE KWIMOMITI ENYULIWEYO'

96. (1) Ibhili engumxube echasiweyo iya kuthi, emva kofundo lwesibini, ibhekiswe kwikomiti yengqungula enegunya lokuphula-phula abamangali nabathetheli namagqwetha avumelana nachasa ibhili.  
(2) Xa ikomiti yengqungula sele iyixelile ibhili, iya kunikezelwa njengebhili yoluntu.  
(3) Ibhili engumxube iya kuthathwa ngokuba ichasiwe ukuba izibongozo eziyichasayo ziziswe kule Ndlu zingedlulanga iintsu-ku ezintlanu ekuchotshelwe ngazo ufundo lwesibini lwebhili.

UCWANGCO KWINDIBANO NAKWIKOMITI NEMIGAQO YOKUXOXA

97. (1) Lonke ilungu kufuneka linxibe ngokufanelekileyo lingathwali xa lingena okanye liphuma kwiGumbi lale Ndibano okanye lisiya kuyo nayiphina enye indawo yeli Gumbi ngexesha lengxoxo, kwaye liya kuthoba kuSihlalo xa lidlula lisiya okanye lisuka kwisihlalo sakhe.  
(2) Akukho lungu liya kudlula phakathi kweSihlalo kunye nelungu elithethayo, okanye phakathi kweSihlalo kunye neTafle, okanye lime kuyo nayiphina enye ipaseji okanye imiba ephakathi kwezitulo.
98. Akukho lungu liya kuncokola ngokuvakalayo okanye lifunde iphepha-ndaba okanye naliphina iphepha elinganxulumenanga nomcimbi oqwalaselweyo.
99. Ilungu elinqwenela ukuthetha liya kuphakama endaweni yalo ngokubonakalayo kwaye liya kubhekisa kuSihlalo okanye elinye igosa elilawula intlangano.
100. Ngexesha lenkqubo kwiNdibano, amalungu aya kubizana ngolu hlobo: "ohlomphekileyo uMnu." (akhankanye igama lelungu elo), okanye "inkosi ehloniphekileyo" (likhankanye igama lenkosi leyo), njengoko imeko inokuba njalo, kwaye liya kubhekisa kuMongameli okanye iSekela-Mongameli ngolu hlobo: "INGangalala".
101. Ucwangco luya kugcinwa nguSihlalo okanye elinye igosa elilawulayo, kodwa ukungabikho kocwangco kwikomiti kunokukhalinyelwa kuphela yile Ndibano ekubeni ifumene ingxelo.
102. Naninina xa uSihlalo okanye elinye igosa elilawulayo liphakama ngexesha lengxoxo, naliphina ilungu elithethayo okanye elicela ukuthetha liya kuthatha kwakhona isihlalo salo kwaye uSihlalo okanye elinye igosa elilawulayo uya kumanyelwa kungabikho kuphazanyiswa.
103. Akukho lungu ngaphandle kukaMongameli linokubanga impatho eyodwa.
104. Nanininina kunokwenzeka aBabhexeshi baya kunika uSihlalo uludwe lwamagama amalungu anqwenela ukuthabatha inxaxheba kwingxoxo kule Ndibano phambi kokuqala kwaloo ngxoxo.
105. (a) Ngaphandle kwemeko yamalungu eBhunga eliLawulayo, akukho lungu linokudlula kwimizuzu engamashumi amathathu xa lithetha ngawo nawuphina umbandela okanye isindululo: Phantsi kwento ethi, ngaphandle kokuba kulungiselelwe ngenye indlela kule Miyalelo iMiyo, akukho lungu, ngaphandle kwelungu elilawulayo, linokuthetha kabini kumbandela omnye xa uSihlalo ekwiSihlalo.  
(b) Akukho lungu liya kuthetha kwikomiti yayo yonke iNdibano ngaphezu kwamaxesha amathathu ngawo nawuphina umbandela okanye lithethe ngaphezu kwemizuzu elishumi ngexesha, ngaphandle kwelungu elilawula umcimbi ophambi kwekomiti elingayi kuthinteleka ngolo hlobo.
106. Akukho lungu liya kuphazamisa elinye ilungu xa lithethayo ngaphandle –  
(a) kokucela uqwalaselo lokuba kuhanjwe ngokomgaqo okanye umbandela welungelo elilodwa.  
(b) kokucela uqwalaselo lokungabikho kwekhoram;  
(c) kokucela uqwalaselo lobukho babantu basemzini; okanye  
(d) ukundulula ukuba kuvalwe.
107. Xa umba wokuba kuhanjwe ngokomgaqo uphakanyisiwe, ilungu elicelwa ukuba ligcine umgaqo liya kuthi lithabathe isihlalo salo, kwaye emva kokuba uhambo ngokomgaqo luxeliwe kuSihlalo okanye elinye igosa elilawulayo lilungu eliluphakamisileyo, uSihlalo okanye elinye igosa elilawulayo uya kunika esakhe isigwebo okanye isigqibo ngalo kwangoko okanye emva koko.
108. (1) Ilungu linokuthetha –  
(a) ngombandela ophambi kwale Ndibano okanye ikomiti yeNdibano xa iyonke;  
(b) ngazo naziphina izihlomelo eziphakanyiswayo ngombandela,  
(c) ngombandela okanye isihlomelo esiphakanyiswa okanye esiza kuphakanyiswa lilo; okanye  
(d) kuhambo ngokomgaqo kumba welungelo elilodwa.

- (2) Ukuba naziphina izihlomelo ziyaphakanyiswa ngombandela ophambi kwale Ndibano emva kokuba ilungu lithethile, linokuthi kwakhona lithethe kwiNdibano ngezo zihlomelo, kodwa ilungu elithetha ngaloo mbandela okokuqala emva kokuba izihlomelo ziphakanyisiwe liya kuvunyelwa kuphela ukuba lenze intetho enye enokuthi ichaphazele umbandela ongowona-wona kunye nezihlomelo.
109. Impendulo iya kuvunyelwa kumndululi wesindululo esizimeleyo okanye kwilungu ekujongene nenkqubo yemini kodwa kungekho kwilungu elindulule —
- (a) isihlomelo;
  - (b) ukumiswa ngexesha lengxoxo; okanye
  - (c) umyalelo kwikomiti.
110. Xa le Ndibano inqumama, amalungu aya kuphakama angesuki kwiindawo zawo ade uSihlalo abe ulishiyile igumbi.
111. Xa ilungu liphakamela ukuthetha liya kubizwa nguSihlalo okanye elinye igosa elilawulayo kwaye, ukuba kuphakama ngaxeshanye ngaphezu kwelungu elinye, uSihlalo okanye elinye igosa elilawulayo liya kubiza ilungu elinye eliya kuthi libe negunya lokuthetha. Xa lithetha ilungu liya kusebenzisa olunye lweelwimi zasebuRhulumenteni kwaye ukuba ngaba uSihlalo okanye elinye igosa elilawulayo lilawula ngolo hlobo, loo ntetho iya kutolikwa ngokufanelekileyo.
112. Ilungu liya kumisela iimbono zalo kumxholo ekuxoxwa ngawo kwaye aliyi kufaka imicimbi ephume ecaleni kuloo mxholo.
113. USihlalo okanye elinye igosa elilawulayo, emva kokuba ecele uqwalaselo lwesimo selungu elithene mbende nokuphuma ecaleni okanye ukuphinda-phinda iingxoxo unokuliyalela ukuba lingaqhubeli phambili nentetho yalo nokuba lithabathe isihlalo salo kwakhona.
114. Akuyi kuba semgaqweni kulo naliphina ilungu ukusebenzisa ulwimi oluxakanisayo noluthukayo xa libhekisa kule Ndibano okanye kulo naliphina ilungu lale Ndibano.
115. Akukho lungu liya kubhekiselela kuwo nawuphina umbandela ekuthi kuwo kulindelwe isigqibo senkundla.
116. Ilungu aliyi kuyifunda intetho yalo, kodwa linokuyihlaziya inkumbulo yalo ngokukhangela emanqakwini.
117. Akukho lungu liya kusebenzisa ngokungafanelekanga igama likaMongameli okanye iSekela-Mongameli, okanye layo nayiphina enye iNtloko yoMbuso yelinye ilizwe, okanye lisebenzise naliphina elo gama ngenjongo yokuphemelela le Ndibano kwii-ngcamango zayo.
118. (1) Ingcaciso ngexesha lengxoxo ivumeleke kuphela xa inxenye yentetho yelungu ingasetyenziswanga ngokuchanekileyo okanye ingaqondwanga kakuhle, kodwa elo lungu aliyi kuvunyelwa ukuba liqale nawuphina umbandela omtsha, kwaye akukho ngxoxo iya kuvunyelwa ngaloo ngcaciso.
- (2) Ilungu linokuthi, ngemvume efunyenwe kwangaphambili kaSihlalo, lichaze nemibandela emo ifanele umniniyo kuphela, nangona kungekho mbuzo phambi kwale Ndibano, kodwa loo mibandela ayinakuxoxwa, kwaye ilungu liya kuphelela ekuzithetheleleni ngesimo salo.
119. Impendulo ngokwemigaqo yoMyalelo oMiyo 109 iyayivala ingxoxo.
120. (1) Xa ingxoxo ngombandela igqityiwe, uSihlalo okanye elinye igosa eliphethayo liya kuwubeka umbuzo ngokubuza ukuba ngaba ngaba amalungu "ayavumelana" na.
- (2) Ukuba ngaba umbuzo awuviwanga okanye awuqondwanga uya kuwuxela kwakhona.
121. (1) Akukho lungu liya kuthetha ngawo nawuphina umbuzo emva kokuba ubekwe ngokupheleleyo nguSihlalo okanye elinye igosa eliphethayo.
- (2) Umbuzo uya kuthathwa ngokuba umbuzo ubekwe ngokuzelelo xa amazwi okuba "kuvunyelwene" nathi "hayi" enikiwe ngokubhekiselele kuwo.

#### ULWAHLULELWANO

122. Nanini na xa umbuzo ubekiwe ligosa eliphethayo, naliphi ilungu linokuthi, endaweni yokufuna ulwahlulelwano, lazise igosa eliphethayo ukuba linqwenela inkcaso yalo okanye eyeqela elihambisana nalo ukuba ibhalwe phantsi ngokusesikweni kwii-Minithi zeNkqubo: Phantsi kwento ethi igosa eliphethayo linokuyalela ukuba ulwahlulelwano luya kwenzeka kwimeko yamalungu amane nangaphezulu anqwenela ukubhala inkcaso yawo ngamanye ngamanye.
123. Emva kokuba umbuzo ubekiwe kwaye igosa eliphethayo sele libonakalisile ukuba ngokoluvo lwalo "ooKuvunyelwene" okanye "ooHayi" bakho, naliphina ilungu linokufuna ulwahlulelwano, apho ulwahlulelwano luya kulawulwa nguMyalelo oMiyo 124, luya kwenzeka ngaphandle kwengxoxo.

124. (1) Naphina apho ulwahlulelwano lufunwa, igosa eliphethayo, phambi kokuba liyalele ukuba iintsimbi zolwahlulelwano zikhaliswe, liya kuzanezisa ukuba ubuncinane amalungu amane ayayixhasa imfuneko yolo lwahlulelwano.  
(2) Ukuba amalungu angaphantsi kwesine ayaphakama ukuxhasa oko, igosa elilawulayo liya kuthi kwangoko libhengeze isigqibo ngaloo mbandela.
125. (1) Ukuba inani lamalungu afunekayo liyayixhasa imfuno yolwahlulelwano, iintsimbi zolwahlulelwano ziya kubethwa kwaye iingcango ziya kutshixwa ngokukhawuleza emva kokuphela kwemizuzu emibini njengoko igosa eliphethayo liya kulawula, kodwa ukuba kufuneka olunye ulwahlulelwano okuninzi ukugqiba loo mbandela kwaye olo lwahlulelwano lulandela ngoko nangoko kulwahlulelwano lokuqala, iintsimbi zolwahlulelwano ziya kuphinda zikhaliswe kwaye iingcango ziya kutshixwa ngokukhawuleza emva kokuphela kwemizuzwana elishumi elinesihlanu njengoko igosa eliphethayo liya kulawula.  
(2) Xa iingcango zitshixiwe, akukho lungu liya kungena okanye lishiye iGumbi kude kube kanti isiphumo solwahlulelwano sibhengeziwe.
126. (1) Ngokulawulwa ngumgaqwana (3), igosa eliphethayo liya kuphinda libeke umbuzo xa iingcango zitshixiwe.  
(2) Emva koko igosa eliphethayo liya kubonakalisa ukuba kukweliphi na icala leSihlalo apho "ooKuvunyelwene" "nooHayi" baya kuthi bathathe izihlalo zabo banyule abaxeli becala ngalinye.  
(3) Emva kokuphela kwamathuba amiselweyo nguMyalelo oMiyo 125 igosa eliphethayo linokuthi kwakhona linike umbuzo kwaye libhengeze ngokutsha ukuba ngokuluvu lwalo "ooKuvunyelwene" "nooHayi" bakho, kuloo meko ke ulwahlulelwano luya kwenzeka kuphela ukuba eso sibhengezo sitsha siyaphikiswa.
127. Xa kulwahlulelwano olwenzekayo, engaphantsi kwe-10 amalungu avelayo kwelinye icala, igosa eliphethayo liya kuthi kwangoko libhengeze isigqibo ngaloo mbandela.
128. Ilungu elicela ulwahlulelwano aliya kulishiya iGumbi kude kubhengezwe isiphumo solwahlulelwano kwaye liya kuvota nabo bathi, ngokuluvu lwegosa eliphethayo, babe ngabambalwa.
129. (1) Lonke ilungu elikhoyo kwiGumbi xa umbuzo ubekwa iingcango zitshixiwe liya kuvota.  
(2) Amalungiselelo eandelwana (1) akayi kusebenza kuMphathiswa, okanye iSekela-Mphathiswa ongelongu.
130. elixa ulwahlulelwano lusenzeka, amalungu anokuthetha kumba wokuphuma emgaqweni kuko okanye ngexa lolwahlulelwano.
131. Abaxeli baya kusayina izintlu zolwahlulelwano kwaye baya kuzinika igosa eliphethayo, liya kuthi libhengeze isiphumo solwahlulelwano.
132. Kwimeko yombhodamo okanye impazamo ngokubhekiselele kulwahlulelwano, olunye ulwahlulelwano luya kwenzeka ngaphandle kokuba amanani anokuthi alungiswe ngenye indlela.
133. Ukuba amanani axelwe ngokungachanekanga okanye impazamo iyenze kumagama akuluhlu lolwahlulelwano, uSihlalo uya kuyalela ukuba iMinithi zeNkqubo mazilungiswe.

#### UKUPHAZANYISWA KOMCIMBI

134. (1) Xa ingxoxo kulo naliphina inqanaba lebhili inomda la malungiselelo alandelayo aya kusebenza:  
(a) Ekupheleni kwethuba eliqingqelwe ufundo lwesibini, uSihlalo uya kuwuphazamisa umcimbi kwaye, phambi kokuba awandlale lo mbandela, uya kulivumela ilungu elijongene nebhili ukuba liphendule ngokukhawuleza okanye ngosuku oluzayo.  
(b) (i) ekupheleni kwethuba elabelwe isigaba sobukomiti uSihlalo uya kuyinqumamisa imicimbi yaye naziphina izihlomelo ezicetywe lilungu eliphethayo) ziya kuwa.  
(ii) uSihlalo uya kuthi ke ngoko abeke ngaphambili ngaphandle kwengxoxo lo mba phambi kwekomiti nazo naziphina izihlomelo ezikhe zandululwa ezingathi zindululwe lilungu eliphethayo, yaye emva koko loo mibandela, ndaweninye nezihlomelo ezindululwe lilungu eliphethayo, njengoko kunokufuneka ukugqibezela imicimbi ebiphethwe.  
(iii) Nakubeni kungakho amalungiselelo oMyalelo oMiyo No. 56 uSihlalo angathi ngokuphathelele kumagatya nee-Shedyuli ezishiyekileyo (ukuba zikhona) zebhili apho kungasayi kubakho zihlomelo ziya kundululwa lilungu eliphethayo abeke umcimbi (oza kugqitywa ngaphandle kokuhlonyelwa okanye ukuxoxwa) wokuba loo magatya neeshedyuli (ukuba akhona) ayinxenye yebhili.  
(2) Xa sukuba ingxoxo yesindululo inemida kodwa ixesha elinikezelweyo, lingabandakanyi ixesha lokuphendula lilungu eliphethayo, uSihlalo uya kuthi ekupheleni kwethuba elabelwe oko, anqumamise umcimbi yaye phambi kokuba andlale loo mbandela, anike ilungu lesindululo ithuba lokuba liphendule ngoko nangoko okanye kumhla ozayo.  
(3) Xa umcimbi uphazanyisiwe ekupheleni kwalo naliphina ixesha ebelabelwe oko ukunqunyanyiswa kwale Ndibano ngokwemigaqo yoMyalelo oMiyo 25 kuya kumiswa de inkqubo yalo mcimbi unqunyanyisiweyo igqitywe.

## IKOMITI ZEGQUGULA

### INTLANGANISO YOKUQALA

135. Intlanganiso yokuqala yekomiti yegqugula iya kubizwa nguNobhala kwiintsuku ezintlanu emva kokuba uSihlalo evakalise amagama amalungu alathelwe ukusebenza kule komiti yegqugula.

### IKHORAM

136. (1) Amalungu amathathu ekomiti yegqugula aya kwenza ikhoram.  
(2) Ukuba ikhoram ayibangakho de kwayimizuzu elishumi elinesihlanu emva kwexesha ebelibekiwe, uNobhala ojongene nekomiti yegqugula uya kwazisa lo mcimbi kuNobhala oya kuthi yena abize intlanganiso yolunye usuku.  
(3) Ukuba kuthe ngalo naliphina ixesha lentlangano yekomiti yegqugula amalungu ekhoram akabikho, uSihlalo angathi awuxhome umcimbi de ikhoram ifike okanye anqumamise ikomiti ayinqumamiselele ixesha elizayo.

### UKUNYULWA KUKASIHLO

137. Ngaphandle kokuba uSihlalo ebesele enyuliwe kakade ikomiti yegqugula nganye, iya kuthi phambi kokuba iqalise ngemicimbi yayo, inyule omnye wamalungu ayo abe ngusihlalo.

### IVOTI EYAHLULAYO

138. USihlalo okanye obambeke usihlalo wekomiti yegqugula uya kuthi ngaphandleni kokuba enevoti njengelungu, abe nevoti eyahlulayo xa kungathi kubekho ukulingana kwevoti.

### UKUPAPASHWA KWENKQUBO NJL-NJL

139. Inkqubo okanye ubungqina obuthathiweyo okanye ingxelo yayo nayiphina ikomiti enyuliweyo, okanye ushwankathelo lwenkqubo enjalo, ubungqina okanye ingxelo, azisayi kupapashwa okanye zivakaliswe phambi kokuba ingxelo yalo komiti ithe yashicilelwa ngemiyalelo yale Ndibano: Phantsi kwento ethi ubungqina ethe ikomiti yegqugula yagqiba kubo abusayi kwenziwa baziwe abusayi kupapashwa okanye buvakaliswe de kube ngemiyalelo yale Ndibano.

### UKUNIKEZELWA KWENGXELO

140. Ingxelo yekomiti enyuliweyo iya kunikezelwa kule Ndibano ngusihlalo okanye lelinye ilungu lekomiti.

### INGXELO YABAMBALWA

141. Ayisayi kufaneleka into yokuba ikomiti yegqugula inikezele ingxelo yabambalwa.

### UKUHLALA NGETHUBA LOKUHLALA KWENDIBANO

142. Ikomiti yegqugula ingathi ngokuvumelana kwawo onke amalungu, igqibe ukuba ihlale ngethuba lokuhlala kweNdibano.

### UKUHLALA NGEXESHA INDIBANO INQUNYANYISIWE

143. Ikomiti yegqugula ingathi ngokuvuma kwamalungu ayo onke, ihlale ngezo mini iNdibano inqunyanyiswe ngazo.

### UKUMANGALELWA KWELUNGU

144. Ukuba nayiphina ingxelo emangalela naliphina ilungu lale Ndibano ivela kuyo nayiphina ikomiti yegqugula, ikomiti ayisayi kuqhubela phambili ngaloo ngxelo koko iya kwazisa le Ndibano ngaphandle kokulibazisa.

### UKUVELA KWABAMELI NGOKWASEMTHETHWENI

145. (1) Umthetheli namagqwetha avela phambi kwekomiti yegqugula aya kuqwalasela loo migaqo enze ngokwemiqathango njengo-ko iya kube yandlalwe nguSihlalo.  
(2) Ngethuba eza kuvela phambi kwekomiti yegqugula umthetheli uya kunxitywa izivatho zakhe.

### UBUKHO BABAHAMBI

146. (1) Akukho bantu ngaphandle kwamalungu ale Ndibano baya kuthi, ngaphandle kwemvume yekomiti yegqugula babekho

ngalo naliphina ithuba lenkqubo yekomiti enjalo.

- (2) Bonke abantu ngaphandle kwamalungu ekomiti baya kubuya umva ekubeni becelwe nguSihlalo ukuba benze njalo.

#### IMIGAQO YEMICIMBI EMAYIJONGWE YIKOMITI YEGQUGULA YEEAKHAWUNTI ZIKARHULUMENTE

147. Imigaqo yemicimbi emayijongwe yikomiti yegqugula yeeakhawunti zikaRhulumente iya kuba kukuphonononga nokunika ingxelo kule Ndibano ngee –  
(a) akhawunti ezibonakalisa ulwabiwo lwezixa-mali ezikhutshwe yile Ndibano ukuhlangabezana nenkcitho zikaRhulumente,  
(b) nengxelo yonyaka yoMphicothi-zincwadi-jikelele.

#### IMEKO APHO IKOMITI YEGQUGULA INGENAKHO UKUGQIBA UMSEBENZI WAYO

148. Ukuba nayiphina ikomiti yegqugula ayibinakho ukugqiba imicimbi yayo phambi kokuphela kweseshoni, iya kuthi yazise le Ndlu yeNdibano.

#### IZIBONELELO ZAMALUNGU EKOMITI YEGQUGULA EHLELLINGAPHANDLE KWESESHONI

149. Izibonelelo (ukuba zikhona) eziya kuhlululwa kumalungu ekomiti yegqugula ngokuya ezintlanganisweni zekomiti ezinjalo ngexesha iNdibano ingekho kwiseshoni ziya kuqingqwa nguSihlalo ndaweninye noVimba: Phantsi kwento ethi izibonelelo ezinjalo (ukuba zikhona) ziya kuhlululwa emva kokuba ingxelo yekomiti leyo yandlalwe.

#### AMANGQINA

##### UBUKHO BAMANGQINA AVALELWE ENTO LONGWENI

150. Ukuba ingqina, ekufunwa ubukho balo phambi kwale Ndibano okanye ikomiti yayo, livalelwe kuyo nayiphina intolongo, loo mntu ujongene nentolongo leyo angagunyaziswa ukuba azise ingqina eligcinwe ngokukhululekileyo ukuze livavanywe ngalo lonke ixesha ubukho balo bubonwa buyimfuneko yaye uSihlalo angayikhupha iwarenti yakhe ngokunjalo.

##### UKUKHUTSHELWA ISAMANI KWENGQINA

151. (1) Akukho komiti yegqugula iya kukhuphela ingqina isamani ingakhange iqale yanelise uSihlalo ukuba ubungqina nengqina elinjalo buya kuba noncedo kuphando olunjalo.  
(2) kuvavanyo lwalo naliphina ingqina ikomiti yegqugula iya kuhlala iintsuku ezilandelelanayo.
152. Ngokulawulwa yimvume kaSihlalo, uNobhala angahlawula kwingqina isixa-mali esifanelekileyo ngokuhamba nexesha abekho ngalo neendleko zokuhamba ezenzeke ngokomlinganiselo wamangqina kwinkqubo kumatyala esizi enkundleni kamantyi.

#### AMANYATHELO OKULULEKA

##### ILUNGU ELIYALELWE UKUBA LIRHOXE

153. (1) USihlalo okanye igosa elongameleyo uya kuyalela naliphina ilungu elisimo salo singekho mgaqweni ngokugqithisileyo ukuba lirhoxe kwangoko kwiintendezele zale Ndibano de iphele loo mini yentlangano, yaye ukuba ilungu elo liyasilela okanye liyala ukurhoxa, liya kususwa kwiGumbi leNdibano nguSajini wembeko.
- (2) Ngokweenjongo zalo Myalelo uMiyo isimilo selungu siya kuthathwa njengesingekho mgaqweni ukuba –  
(a) aliyithatheli ngqalelo imiyalelo yegosa elongameleyo, okanye  
(b) lisebenzisa amagama angamkelekanga yaye liyasilela okanye lale ukurhoxa xa liyalelwe ukuba lenze njalo ligosa elongameleyo, okanye  
(c) liyasilela okanye liyala ukuthatha isihlalo salo xa libuyiselwa emgaqweni ligosa elongameleyo; okanye  
(d) lithi lingayithatheli ngqalelo ngabom okanye lichase nawuphina uMyalelo oMiyo; okanye  
(e) lithi ngabom liphazamise umcimbi wale Ndibano; okanye  
(f) liphantsi kwempembelelo zotywala ngethuba lilapha kule Ndibano.

##### UKUBIZWA NGEGAMA KWELUNGU

154. Ukuba igosa elongameleyo libona ukuba amagunya anikwe uMyalelo oMiyo No. 153 akanele, lingabiza ngegama ilungu elo.

##### INKQUBO YOKUBIZA NGEGAMA

155. Ukuba ilungu libizwe ngegama –

- (a) kule Ndibano, isindululo "sokuba (ilungu elo libiziweyo)" malirhoxiswe kwinkonzo yale Ndibano siya kundululwa kwa ngoko nguMphathiswa, apho uSihlalo aya kuthi awubeke loo mcimbi kungekho sihlomelo nangxoxo; okanye
- (b) kwikomiti yayo yonke le Ndibano, uSihlalo uya kuthi kwangoko anqumamise inkqubo aze azise iimeko kule Ndibano apho inkqubo echazwe kumhlathi (a) iya kusebenza.

#### ILUNGU KUFANELE UKUBA LIRHOXE KWIINTENDELEZO ZALE NDIBANO

156. Ilungu eliyalelwe ukuba lirhoxe phantsi koMyalelo oMiyo No. 153 okanye elinqunyanyiswe phantsi koMyalelo oMiyo No. 153 liya kuthi kwangoko lirhoxe kwintendezelezo zale Ndibano: Phantsi kwento ethi elo lungu alisayi kukhululeka ekusebenzeni kuyo nayiphina ikomiti yegqungula kwibhili eprayivethi okanye engumxube elinokuba belinyulelwe yona.

#### ITHUBA LONQUMAMISO NOKUPHULUKANA NEMALI NEZIBONELELO

157. (1) Ukunqunyanyiswa kwelungu phantsi koMyalelo oMiyo No. 155 kuya kuthi kwisihlandlo sokuqala seseshoni kuqhuba iintsuku zibe mbini kwisihlandlo sesibini iintsuku zibe ne zohlala, yaye ngaso nasiphina isihlandlo esilandelayo iintsuku ezisibhozo.

#### UKUBONAKALISA UKUZISOLA NGESENZO

158. (1) Ilungu elinqunyanyisiweyo phantsi koMyalelo oMiyo No. 155 linokunikezela kuSihlalo ingxelo ebhaliweyo yokuzisola ngesenzo, kwaye ukuba uSihlalo uyayivuma loo ngxelo yokuzisola ngesenzo, uya kuyandlala phambi kwale Ndibano, ekuya kuthi ngoko isindululo sibe nokundululwa kwangoko sokukhululwa komyalelo wonqumamiso, loo mbandela ubekwa ngaphandle kokuhlonyelwa okanye kwengxoxo.
- (2) Ingxelo yokuzisola ngesenzo ebekwe phambi kwale Ndibano ngokomgaqwana (1) iya kubhalwa phantsi kwiiMinithi zeNkqubo.

#### ILUNGU MALIRHOXE LO GAMA KUXOXWA NGESIMO SALO

159. Nanini na xa isimangalo ngelungu senziwe, liya kuthi, emva kokuba liphulaphulwe, lirhoxe kwiGumbi lo gama kuxoxwa ngaso eso simangalo.

#### UMBHODAMO OGQITHISILEYO EKOMITINI

160. Kwiimeko zombhodamo ogqithisileyo ekomitini yeNdibano yonke, uSihlalo weNdibano uya kuthatha isihlalo sakhe unga-khange wandlalwe loo mcimbi.

#### UMBHODAMO OGQITHISILEYO: AMAGUNYA KASIHLOLO

161. Kwimeko yombodamo ogqithisileyo uSihlalo angayimisa iNdibano ngaphandle kokuxoxa okanye ayinqumamisele ixesha elakube libekwe nguye.

#### ISIDELO

#### ILUNGU ELIGWETYELWE UKUBA NETYALA LESIDELO LIYA KUFAKWA ELUGCINWENI

162. Naliphina ilungu eligwetyelwe isidelo liya kufakwa elugcinweni lukaSajini wembeko ngemiyalelo kaSihlalo yaye kuqhutywe ngalo ngendlela le Ndibano enokuthi ibone ngayo.

#### ISOHLWAYO SESIDELO

163. Isixa-mali esihlawuliswayo phantsi kwesahluko l soMthetho weNdibano yeSizwe wowe-1983 ngawo onke amatyala achazwe kwelo hlelo, nangalo naliphina ityala ekubhekiselelwe kulo kuwo nawuphina uMyalelo oMiyo, okanye nasiphina isigqibo sale Ndibano siya kuthi kuyo nayiphina imeko siqingqwe ngumyalelo okanye isigqibo sale Ndibano, kodwa eso sohlwayo asisayi kuthi kuyo nayiphina imeko sibe ngaphezulu kwesixa esingamakhulu amabini eerandi ngaphandle kwalapho ke kulungiselelwe khona kwisahluko l salo Mthetho weNdibano yeSizwe wowe-1983 uxeliweyo.

#### UKUFUNYANWA KWEZOHLOWAYO

164. Zonke iimali zezohlwayo ziya kufunwa ngunobhala ze zihlawulwe kwiNgxowa-mali yeNgeniso yeCiskei.

#### UKWAPHULWA KWESOHLWAYO OKANYE UKUCINYWA KWETYALA

165. Isohlwayo okanye nayiphina inxenye yaso, singaphulwa okanye ityala lakhe nawuphina umntu lingayekwa ngokwemiyalelo yale Ndibano.

## UMONGAMELI

### INTETHO EZIBHEKISWA KUMONGAMELI

166. Lonke unxibelelwano lwale Ndibano noMongameli liya kuba ngendlela ehlonelayo yaye konke ekubhekiswa kuye kuya kusayinwa nguSihlalo noNobhala.

### IMIYALELO EVELA KUMONGAMELI

167. Naninina umthunywa esiza nomyalelo ovela kuMongameli esaziswa, umcimbi ophambi kweNdibano uya kumiswa ngoko nangoko yaye nomthunywa uya kwaziswa ukuba adlulise umyalezo kuSihlalo.
168. Naninina umthunywa ovela kuMongameli esaziswa ngexa le Ndibano esekomitini uSihlalo weNdibano uya kuthatha isikhundla sakhe.
169. (1) USihlalo uya kuthi ngoko nangoko afundele iNdibano umyalelo yaye emveni koko umthunywa uya kuthi arhoxe.  
(2) Usuku lungamiswa khon'ukuze kujongwe lo mcimbi, okanye isindululo singandululwa ngaphandle kwesaziso ukuba umcimbi lo mawujongwe ekugqityweni komcimbi lowo ubuphazanyiswe ekufikeni kwawo.
170. Umyalelo ovela kuMongameli ungabekwa kule Ndibano nguSekela-Mongameli okanye uMphathiswa, kodwa kungabikho ngexesha lengxoxo ukuze kuphazanyiswe ilungu lisathetha.

### IMVUME KAMONGAMELI

171. Le Ndibano ayisayi kuqhubela phambili ngayo nayiphina ibhili, isindululo okanye ingcebiso echaphazela umhlaba okanye ipropati yoMbuso, ngaphandle kokuba uMongameli unike imvume yokuba, ngokweembono zokulungelwa koMbuso, le Ndibano ingenza ebona kulunge ngayo.

## ABASEMZINI

### UKWAMKELWA KWABASEMZINI

172. Igunya lokwamkelwa kwabasemzini kwiintendezele zale Ndibano okanye kwindawo ababekelwe zona eGumbini liya kuba sezandleni zikaSihlalo.

### UKUKHUTSHWA KWABAZEMZINI

173. (1) USihlalo okanye igosa elongameleyo angathi naninina ebona kufanelekile ayalele abasemzini ukuba baphume.  
(2) Ukuba ilungu lithe lafumanisa ukuba kukho abasemzini uSihlalo okanye elinye ilungu elongameleyo angathi ayalele abo basemzini ukuba baphume okanye angawubeka lo mcimbi ukuba ugqitywe ngaphandle kokuhlomela nengxoxo "ukuba abasemzini mabayalelwe ukuba baphume".

### USAJINI WEMBEKO UYA KUTHI AKHUPHE ABASEMZINI

174. USajini wembeko uya kuthi akhuphe, okanye enze ukuba kukhutshwe, nawuphina owasemzini nakweyiphina indawo yale Ndibano ebekelwe bucala amalungu kuphela yaye kwakhona, nawuphina owasemzini othe wavunyelwa ukuba abekho kuyo nayiphina indawo yale Ndibano, othe waziphatha kakubi okanye akaphuma xa abasemzini bayalelwe ukuba baphume.

### IOFISI KANOBHALA NEEREKHODI ZENDIBANO

175. Iiminithi zenkqubo yale Ndibano ziya kubhalwa nguNobhala yaye uya kuthi ekubeni ecelwe nguSihlalo, zibhalwe ngeelwimi zaseburhulumenteni ze zinikwe amalungu.

### IIJENALI ZENDIBANO

176. Iiminithi zeNkqubo ezisayinwe nguNobhala ziya kwenza iijenali zale Ndibano.

### UGCINO LWEREKHODI

177. UNobhala uya kugcina konke okubhaliweyo namanye amaphepha ale Ndibano yaye akasayi kususa okanye avume kususwe naziphina kwezo zinto okanye maphepha okanye iikopi zoko, kwiintendezele zale Ndibano ngaphandle kwemvume kaSihlalo.

## ILUNGelo LOKUFIKELELA KUMAPHEPHA ANDLALWE ETAFILENI

178. Ngokulawulwa nguMyalelo oMiyo No. 178 akukho mntu ngaphandle kwelungu lale Ndibano oya kuba nemvume okanye ilungelo lokufikelela aze abe nokwenza izicatshulwa okanye enze iikopi zamaphepha andlalwe etafileni, kodwa ukuba le Ndibano ithe yayalela ukuba oko kuqulathwe lilo naliphina iphepha elinjalo akusayi kusasazwa, okanye ukuba iphepha elinjalo lithathwa njengokuba lilihlebo, akukho lungu liya kuthi pahaha oko kuqulathwe lelo phepha, ngesizathu sokwaphula amalungelo.

## IMISEBENZI KANOBHALA NGOKUBANZI

179. UNobhala uya kujongana nokuhanjiswa ngendlela kwayo yonke imicimbi enxulumene nomsebenzi wale Ndibano elawulwa yimiyaalelo anokuyifumana kuSihlalo okanye kule Ndibano.

## UKUXHONYWA KWEMIYALELO EMIYO

180. (1) Nawuphina uMyalelo oMiyo, oweNdibano okanye omnye uMyalelo wale Ndibano ungaxhonywa ngesindululo emva kwesaziso.  
(2) Ukuxhonywa kwawo nawuphina uMyalelo onjalo kuya kuphelela ekusebenzeni kuloo njongo kuvunyelwe yona oko kuxhonywa.

## ISIHLOMELO

## UMTHANDAZO

Somandla Thixo Bawo wethu oseMazulwini othe ngeenceba Zakho ezingaphele ndawo nobulumko Bakho wabiza abaphathi wamiselana noorhulumente ukuseka, ubudlelane nolawulo olulungileyo lwabantu, siyakubongoza ukuba uthulule loo nceba Yakho ingaphele ndawo phezu kwethu thina zicaka Zakho ozibizele ngentando Yakho ekubeni zenze loo misebenzi kweli lizwe lethu.

Iintsikelelo Zakho maziwe phezu kwethu xa sidibene apha ukuze phantsi kokukholelwa Nguwe siqwalasele yonke imicimbi eya kuza phambi kwethu ngendlela elungileyo nethembekileyo ukuze iphuhlise uzuko nodumo Lwakho, nokwakha intlalo-ntle kubantu bethu osibizele ukuba sibakhonze. Konke oku sikucela egameni nangenxa yeNkosi yethu uYesu Kristu.

AMEN.

Bawo wethu oseMazulwini naliphathwe ngobungcwele igama Lakho. Ubukumkani Bakho mabufike. Intando Yakho mayenziwe emhlabeni njengokuba isenziwa eZulwini. Mawusiphe namhla isonka sethu semihla ngemihla, Usixolele izono zethu njengokuba nathi sibaxolela abo basonayo thina. Ungasingenisi ekuhendweni, usisindise enkoahlakalweni ngokuba ubukumkani boBakho naMandla ngawakho nobuNgcwalisaboBakho kude kube ngunaphakade.

AMEN.

ISHEDYULI

IMITHETHO ETSHITSHISIWEYO

Inombolo nonyaka woMthetho	Intloko emfutshane	Ubungakanani botshitshiso
UMthetho 91 wowe-1963	UMthetho wamaGunya namaLungelo aWodwa wowe-1963	Wonke
UMthetho 62 wowe-1967	UMthetho osisiHlomelo wamaGunya namaLungelo owodwa wowe-1967	Wonke
UMthetho 1 wowe-1972	UMthetho wemigaqo emiyo yenkqubo weCiskei wowe-1972	Wonke
UMthetho 33 wowe-1974	UMthetho weNkonzo yePalamente wowe-1974	iCandelo le-13 ukuya kwe- le-18.
UMthetho 6 wowe-1977	UMthetho weePenshini zamalungu eNdlu yoWiso-Mthetho yaseCiskei, 1977	Wonke
UMthetho 17 wowe-1980	UMthetho weNtlawulo yamaLungu eNdlu yoWiso-Mthetho yaseCiskei wowe-1980	Wonke
UMthetho 20 wowe-1981	UMthetho onguMgaqo-siseko weRiphabliki yeCiskei, 1981	Icandelo lama-47

NATIONAL ASSEMBLY ACT, 1983

ACT

To consolidate and amend the law defining and declaring the powers and privileges of the National Assembly, securing freedom of speech and debate or proceedings in the National Assembly, giving protection to persons employed in the publication of papers of the National Assembly, providing for the payment of salaries and allowances to members of the National Assembly and the holders of certain offices and providing for the payment of pensions or other benefits to members of the National Assembly or their dependants, to prescribe the Standing Orders of the National Assembly and to provide for incidental matters.

(English text signed by the President. Assented to on 29 June 1983).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, in due compliance with the provisions of section 84 (1) of the Republic of Ciskei Constitution Act, 1981, as follows:—

PART I

POWERS AND PRIVILEGES OF THE NATIONAL ASSEMBLY

Definitions

1. In this Part and in Part 4, unless the context otherwise indicates -

"committee" means any standing, sessional, special or select committee of the National Assembly;

"journals" means the minutes of proceedings of the National Assembly;

"member" means a member of the National Assembly and includes a Minister or a Deputy Minister who is not such a member;

"National Assembly" or "Assembly" means the National Assembly of the Republic of Ciskei duly constituted in accordance with the provisions of section 37 (1), read with section 46 (3), of the Republic of Ciskei Constitution Act, 1981 (Act 20 of 1981);

"officer of the National Assembly" means the Secretary to the National Assembly and any other officer of the public service employed in, or in connection with, the National Assembly;

"Secretary" means the Secretary to the National Assembly or any other person acting as such on the authority of the Speaker;

"Speaker" means the Speaker of the National Assembly elected under section 45 of the Republic of Ciskei Constitution Act, 1981, and includes the Deputy Speaker.

Freedom of  
speech  
and debate.

2. (1) There shall be freedom of speech and debate or proceedings in or before the National Assembly and any committee, and such freedom shall not be liable to be challenged or questioned in any court or place outside the National Assembly.
- (2) Anything said by any member in or before the National Assembly or a committee, whether as a member or as a witness, shall be deemed to be a matter of privilege as contemplated in section 5.
- (3) The provisions of subsection (1) shall not apply to any person, other than a member, giving evidence before the National Assembly or any committee.

## NATIONAL ASSEMBLY ACT, 1983

Powers and jurisdiction of National Assembly.

3. The National Assembly shall for the purposes of this Act possess such powers and jurisdiction as may be necessary for enquiring into, judging and pronouncing upon the commission of any act, matter or thing hereinafter declared to be a contravention of this Act and for imposing and carrying into execution the punishment prescribed therefor by this Act.

Rights and privileges of National Assembly sitting as a court.

4. Subject to the provisions of this Act the National Assembly sitting as a court shall have all such rights and privileges of a court of law as may be necessary for the purpose of enquiring summarily into, and punishing, any act matter or thing hereinafter declared to be a contravention of this Act.

Stay of court proceedings in matters of privilege.

5. Whenever, at any stage of any civil or criminal proceedings instituted for or on account or in respect of any matter of privilege, the defendant or the accused produces to the court or judge a certificate signed by the Speaker or, during his absence or incapacity, by the Secretary in which it is stated that the matter before the court is one which concerns the privilege of the National Assembly, that court or judge shall forthwith stay such proceedings which shall thereupon be deemed to be finally determined.

Members and officers exempted from certain obligations or proceedings.

6. (1) No member or officer of the National Assembly shall be required, while in attendance on the Assembly, to attend as a witness in any civil proceedings in any court, unless that court holds its sittings at the seat of the Assembly.
- (2) No civil proceedings in which a member or officer of the National Assembly is a defendant shall, while that member or officer is in attendance on the Assembly, be brought to trial in a court that holds its sittings elsewhere than at the seat of the Assembly.
- (3) A certificate by the Speaker stating that a member or officer of the National Assembly is in attendance on the Assembly shall be sufficient proof of such attendance.
- (4) Notwithstanding the provisions of this or any other Act, no member shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion or otherwise or may have said before or in the National Assembly or any committee.

Acts done under authority of National Assembly.

7. No person shall be liable in damages or otherwise for any act under the authority of the National Assembly and within its legal powers, or under any warrant issued by virtue of those powers.

Power of National Assembly to punish for contempt.

8. (1) The National Assembly may for or in respect of any offence mentioned in subsection (3), whether committed by a member or by any other person, summarily punish for contempt by fine or otherwise, as provided by the standing orders of the National Assembly or by this Act.
- (2) If any fine or punishment imposed in terms of subsection (1) is not immediately paid or undergone the offender shall be committed to the custody of the person in charge of any prison or of an officer of the National Assembly, in such place as the Assembly, may direct, for a period ending not later than the last day of the then current session or until the payment is made or the punishment is undergone.

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(3) The offences referred to in subsection (1) shall be -

- (a) disobedience to any order made by the National Assembly or any committee duly authorised thereto, for the attendance before or the production of any paper, book, record or document to the Assembly or such committee, except where the person concerned has been excused from such attendance or production in terms of section 14(2);
- (b) refusing to be examined before, or to answer any lawful and relevant question put by, the National Assembly or any committee referred to in paragraph (a), unless such refusal has been excused in terms of section 14(2);
- (c) wilful failure or refusal to obey any rule, order or resolution of the National Assembly;
- (d) offering to or acceptance by any member or officer of the National Assembly of a bribe to influence him in his conduct as such member or officer, or offering to or acceptance by any member or officer of the Assembly of any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter, rule or thing submitted or proposed to be submitted to the National Assembly or any committee;
- (e) assaulting, obstructing or insulting any member proceeding to or going from the National Assembly, or on account of his conduct in the Assembly, or endeavouring to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the Assembly;
- (f) assault upon, interference with or resistance to an officer of the National Assembly in the execution of his duty or while proceeding to or going from the Assembly in the course of or in connection with his official duties;
- (g) sending any threatening letter to a member, or challenging him to fight, on account of his conduct in the National Assembly;
- (h) while the National Assembly is sitting, creating or joining in any disturbance in the Assembly or in the vicinity of the Assembly, whereby the proceedings of the Assembly are or are likely to be interrupted;
- (i) tampering with, deterring, threatening, beguiling or in any way unduly influencing any witness in regard to evidence to be given by him before the National Assembly or any committee;
- (j) presenting to the National Assembly or to any committee any false, untrue, fabricated or falsified document with intent to deceive the National Assembly or such committee;
- (k) prevarication or other misconduct as a witness before the National Assembly or any committee;
- (l) the publication of any false or scandalous libel on any member touching his conduct as a member; and
- (m) any contempt from time to time set forth, and declared to be such, in any standing orders of the National Assembly.

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- Member not to vote on matter in which he has direct pecuniary interest.
9. (1) Subject to the provisions of subsection (3), a member shall not in or before the National Assembly or any committee vote on or take part in the discussion of any matter in which he has a direct pecuniary interest.
- (2) Any member who contravenes subsection (1) may be adjudged guilty of contempt of the National Assembly and shall be liable to the penalties provided in this Act for such contempt.
- (3) The provisions of subsection (1) shall not apply to any vote or discussion concerning any remuneration or allowance to be received by members in their capacity as such, or to any interest which a member may have in any matter in common with the public generally or with any class or section thereof.
- Warrants for arrest and imprisonment.
10. For the purpose of any punishment for any of the contempts of the National Assembly named in this Act the Speaker may upon a resolution of the Assembly issue a warrant under his hand for the arrest and imprisonment of any person sentenced to imprisonment or who fails to pay a fine or undergo a punishment to which he has been sentenced.
- Form of Warrant.
11. (1) Every warrant referred to in section 10 shall contain a statement that the person therein mentioned has been adjudged guilty of contempt of the National Assembly and shall specify the nature of such contempt.
- (2) Any such warrant shall be sufficient if it can be reasonably inferred therefrom that the person mentioned therein has been adjudged guilty of any of the contempts of the National Assembly named in this Act, and it shall not be necessary to observe any particular form in any such warrant.
- Arrest without warrant.
12. Any person creating or joining in any disturbance in the National Assembly during its actual sitting may be arrested without warrant on the verbal order of the Speaker and may be kept in the custody of an officer of the Assembly designated by the Speaker until a warrant can be issued for his imprisonment.
- Execution of warrant or verbal order.
13. (1) Every sheriff and his deputies and their officers and all police officers, constables and other persons shall assist in the arrest and detention of any person in pursuance of any such verbal order as is referred to in section 12 and shall aid and assist in the execution of any warrant issued in terms of section 10 or 23 and where any such warrant directs that the person mentioned therein shall be imprisoned in any prison or other place, the person in charge thereof shall on production to him of such warrant receive such person into his custody in the said prison or other place and there imprison him according to the tenor of the warrant.
- (2) Any person charged with or assisting in the execution of any warrant under the hand of the Speaker, may in day time break open any door or search any premises in which the person for whose arrest such warrant was issued may be or may reasonably be suspected of being concealed.
- Order to attend before National Assembly or committee.
14. (1) The National Assembly or any committee which is duly authorized by an order of the Assembly to require the attendance of persons or the production of documents or papers may order any person to attend before the Assembly or such committee and to produce any paper, book, record or document in his possession or under his control.

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- (2) An order to attend or to produce any document before the National Assembly or any committee shall be notified to the person required to attend or to produce the document, by a summons under the hand of the Secretary issued on the direction of the Speaker.
- (3) In every summons referred to in subsection (1) there shall be stated the time and the place at which the person summoned is required to attend, and the particular document, if any, which he is required to produce.
- (4) A summons referred to in subsection (1) shall be served on the person mentioned therein either by delivering to him in person a copy thereof or by leaving such copy with some adult person at such first-mentioned person's usual or last known place of residence.
- (5) A person summoned in terms of subsection (4) may be paid such sum for his expenses as may be prescribed by any standing order of the National Assembly.

Examination of  
witness.

15. (1) The National Assembly or any committee may require that any fact, matter or thing relating to the subject of the enquiry before the Assembly or such committee be verified or otherwise ascertained by the oral examination of any witness, and may cause any such witness to be examined upon oath which the Speaker, the chairman of such committee or a person specially designated by the Speaker, as the case may be, for that purpose may administer: Provided that any person who is in terms of any provision of this Act required to make and subscribe an oath may in lieu of such oath make and subscribe a solemn affirmation.
- (2) If any person ordered to attend or to produce any paper, book, record or document before the National Assembly or any committee, refuses to answer any question that may be put to him or to produce any such paper, book, record or document, on the ground that it is of a private nature and does not affect the subject of enquiry, the Speaker or the chairman of such committee, as the case may be, may report such refusal with the reasons therefor, and the National Assembly may thereupon excuse such person from answering that question or producing that paper, book, record or document or order that he be required to answer that question or produce that paper, book, record or document.
- (3) Any person who, after being duly cautioned as to his liability to punishment under this section, whether or not he has been sworn or has made a solemn affirmation, wilfully and corruptly gives before the National Assembly or any committee a false answer to any question which is material to the subject of enquiry and which may be put to him in the course of any examination, shall be guilty of an offence and liable on conviction by any court of competent jurisdiction to the penalties prescribed by law for perjury.
- (4) The rules relating to privileged evidence which are for the time being observed by the Supreme Court shall be observed in the case of evidence before the National Assembly or any committee.

Stay of  
proceedings  
against witness.

16. (1) If a witness before the National Assembly or any committee, in the opinion of the presiding officer answers fully and faithfully all questions put to him by the National Assembly or such committee and his replies are relevant to such questions, he shall be entitled on application to receive a certificate under the hand of the presiding officer stating that such witness was upon his examination so required to answer and did so answer all such questions: Provided that in the case of a witness before a committee, such certificate may be signed by the Speaker.

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- (2) (a) On production of such certificate in any court of law, such court shall stay any civil or criminal proceedings, except for a charge of perjury against such witness for anything said by him in the course of giving his evidence before the National Assembly or any committee or for any act or thing done by him before that time and revealed by his evidence and may at its discretion award to such witness the expenses to which he may have been put in consequence of such civil or criminal proceedings.
- (b) Proceedings which have been so stayed shall thereupon be deemed to be finally determined.

Evidence elsewhere of proceedings before National Assembly or committee.

17. (1) No member, officer of the National Assembly, shorthand writer or other person employed to take or to record minutes of evidence given before the National Assembly or any committee, shall give evidence elsewhere in respect of the contents of any evidence given or of any manuscript or document laid before the Assembly or any committee, or in respect of any proceedings or examination at the Bar of the Assembly or before any committee, without first having obtained the special leave of the Assembly.
- (2) After a dissolution or during a recess or an adjournment of the National Assembly such leave may be given by the Speaker or during his absence or other incapacity, by the Secretary.

Prohibition on compensation for promoting or opposing proceedings in Assembly.

18. (1) No member and no attorney or other agent who in the practice of his profession is a partner or in the service of any member, shall accept or receive, either directly or indirectly, any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter, rule or thing submitted or proposed to be submitted to the National Assembly or any committee for its consideration.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction by a court of competent jurisdiction to a penalty not exceeding two thousand rand and, shall on such conviction be ordered by such court to repay the amount or the value of the fee, compensation, gift or reward accepted or received by him.

Admissibility in evidence of Assembly journals.

19. Upon any inquiry relating to or affecting the privileges, immunities and powers of the National Assembly, or of any member, any copy of the journals printed or purporting to have been printed by order of the Assembly shall be admitted as evidence of such journals in all courts and places without any proof being given that such copy was so printed.

Documents falsely purporting to have been printed under authority of Assembly.

20. Any person who prints or causes to be printed as purporting to have been printed by the Government Printer or the Assembly Printer or by order or under the authority of the Assembly, any committee or the Speaker, a copy of any law in force or a copy of any report, paper, minutes or minutes of proceedings of the Assembly or any committee that have not been so printed, knowing that it was not so printed, shall be guilty of an offence and liable upon conviction by a court of competent jurisdiction to imprisonment for a period not exceeding three years.

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Protection as regards Assembly publications.

21. A defendant or an accused in civil or criminal proceedings instituted for or on account or in respect of the publication by him or his servant, by order or under the authority of the National Assembly or any committee, of any report, paper, minutes or minutes of proceedings, may, on giving to the plaintiff or the prosecutor, as the case may be, twenty-four hours' written notice of his intention to do so, bring before the court in which such civil or criminal proceedings are being held, a certificate under the hand of the Speaker or the Secretary stating that the report, paper, minutes or minutes of proceedings in respect of which such proceedings have been instituted, were published by such person or his servant by order or under the authority of the Assembly or any committee, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings, which, together with every process issued therein shall thereupon be deemed to be finally determined.

Protection as regards publication of extracts from Assembly publications.

22. If in any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, minutes or minutes of proceedings referred to in section 21, the court is satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or the accused.

Imprisonment for contravention of Act.

23. (1) Any person adjudged guilty of a contravention of this Act, may, in addition to any other penalty to which he is liable under this Act or any other law, be sentenced to imprisonment for such period during the then current session of the National Assembly as the Assembly may determine.
- (2) A person sentenced to imprisonment in terms of subsection (1) shall be imprisoned under warrant given under the hand of the Speaker.
- (3) The provisions of sections 10 and 12 shall apply to a warrant given under this section.

Prosecutions and recovery of penalties.

24. (1) The Attorney-General may, if requested to do so by resolution of the National Assembly, cause any person accused of an offence under this Act to be summoned for trial before any court of competent jurisdiction and such court shall in such a case have and exercise the powers and jurisdiction conferred by this Act or any other law.
- (2) All penalties and other moneys payable under this Act may be recovered in the court having jurisdiction, at the suit of the Minister of Justice, if authorized by the National Assembly to take proceedings for the recovery thereof.
- (3) Any sum so recovered and any fine imposed for a contravention of or offence under this Act which is recovered shall be paid into the Ciskeian Revenue Fund.

Office of Speaker after dissolution of National Assembly.

25. For the purposes of this Act the member who holds office as Speaker at the time of any dissolution of the National Assembly, shall be deemed to be the Speaker until a Speaker has been elected in accordance with the provisions of section 45 of the Republic of Ciskei Constitution Act, 1981.

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Judicial notice  
of privileges  
and powers.

26. The privileges, immunities and powers of the Assembly, a member and an officer of the Assembly, respectively, shall be part of the law of the Republic of Ciskei and it shall not be necessary to plead them, but they shall be judicially noticed in all the courts of the Republic.

## PART 2

### PAYMENT OF MEMBERS OF NATIONAL ASSEMBLY AND OF HOLDERS OF CERTAIN OFFICES.

Definitions.

27. In this Part, unless the context otherwise indicates -

"chief" means a chief or acting chief who is a member of the National Assembly ex officio in terms of section 37 (1) (c) of the Constitution Act;

"Chief Government Whip" means the member of the National Assembly to whom the duties of a Chief Whip have been assigned by the political party having for the time being the greatest numerical strength in the Assembly;

"Chief Opposition Whip" means the member of the National Assembly to whom the duties of the chief whip have been assigned by the political party which is, for the time being, the official opposition in the Assembly;

"Constitution Act" means the Republic of Ciskei Constitution Act, 1981 (Act 20 of 1981);

"Deputy Speaker" means the Deputy Speaker elected as provided in section 45 (1) of the Constitution Act;

"elected member" means a member of the National Assembly elected as provided in section 37 (2) of the Constitution Act;

"Government" means the Government of Ciskei;

"Leader of the Opposition" means the member of the National Assembly who is for the time being the leader of the political party in opposition to the Government having the greatest numerical strength in the Assembly: Provided that if there is any doubt as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the Assembly or as to who is or was at any time the leader in the Assembly of such party, the question shall be decided for the purposes of this Act by the Speaker and his decision, certified in writing under his hand, shall be final and conclusive;

"member of the National Assembly" does not include the President, the Vice-President, a Minister of State or a Deputy Minister of State;

"nominated member" means a member of the National Assembly nominated as such in terms of section 37 (1) (e) of the Constitution Act;

"office bearer" means the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Government Whip, the Chief Opposition Whip and any other Whip;

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"Paramount Chief" means a paramount chief as defined in section 1 of the Ciskeian Authorities, Chiefs and Headmen Act, 1978 (Act 4 of 1978);

"Paramount Chief's representative" means the Paramount Chief's representative referred to in section 37 (1) (f) of the Constitution Act;

"President-in-Council" means the President in Executive Council;

"Whip" means Whip (other than the Chief Whip) for any political party represented in the National Assembly designated by the leader of that party and approved by the Speaker (whose decision, certified in writing under his hand, shall be final and conclusive) at the commencement of each session of the Assembly or as circumstances require, as being reasonably necessary for the smooth working of the Assembly.

Salaries and allowances of office-bearers and members of Assembly.

28. (1) These shall be paid to office-bearers and members of this Assembly such salaries and allowances as may from time to time be determined by the President-in-Council.
- (2) The amount of the salaries payable in terms of subsection (1) shall be charged annually to the Ciskeian Revenue Fund and the provisions of that subsection shall be deemed to be an appropriation of every such amount.

Session, transport, subsistence and other allowances.

29. (1) Subject to the provisions of section 30 these shall be payable out of moneys appropriated by the National Assembly for the purpose -
- (a) to every member of the National Assembly and to the Paramount Chief's representative in respect of every day of a session of the Assembly, from the first day of sitting up to and including the last day of sitting, an allowance to be known as a session allowance: Provided that, if the Assembly at any time during any session adjourns for a continuous period of more than seven days, no session allowance shall be payable in respect of the period of such adjournment;
- (b) to every member of the National Assembly and to the Paramount Chief's representative, a transport allowance in respect of the forward and return journeys between his home and the seat of the Government -
- (i) at the beginning and at the end of every session of the Assembly; and
- (ii) in the event of the adjournment of the Assembly during any session for a continuous period of more than seven days;
- (c) to any member of the Assembly who is required to absent himself from his ordinary place of residence in the performance of any duty assigned to him by the National Assembly or the President or in his capacity as a member of any Government commission or committee (other than a sessional or select committee of the Assembly), a subsistence allowance and a transport allowance equal, respectively, to the session allowance and the transport allowance referred to in paragraphs (a) and (b);

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(d) to any member of the Executive Council, in respect of his absence from the seat of the Government on official duty, a subsistence allowance; and

(e) to the Paramount Chief's representative, a fixed annual allowance.

(2) The rates at, and the conditions subject to, which the allowances referred to in subsection (1) shall be payable shall be prescribed by the President-in-Council from time to time: Provided that the President may, in any case in which the actual subsistence expenses of a member of the Executive Council exceed the rate so prescribed, authorize the payment to such member of the full amount of his expenses.

Deductions from session allowance.

30. For every day on which a member of the National Assembly or the Paramount Chief's representative fails to attend a meeting of the Assembly, there shall be deducted from the amount due to him under the provisions of this Act the session allowance payable in terms of section 29(1)(a) in respect of that day: Provided that such a member or the said representative shall be exempt from deductions on account of such failure -

(a) in respect of any day on which he attends, as a member of any committee of the Assembly, a meeting of that committee;

(b) when his absence is due to his illness;

(c) when his absence is due to the death or serious illness of his wife, child, parent or other close relative and such absence is condoned by the Assembly by resolution; or

(d) when he is obliged to absent himself in answer to the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he is convicted).

Method of payment of salaries and fixed allowance.

31. (1) Subject to the provisions of subsection (3), the salaries referred to in section 28(1) shall be paid in monthly instalments -

(a) in the case of an elected member of the National Assembly, if he was declared elected as a result of a general election, with effect from the polling day and, in the case of any other elected member of the Assembly, from the date with effect from which he was declared elected, up to and including the day immediately preceding polling day in the next succeeding general election (if he has not earlier vacated his seat);

(b) in the case of a nominated member of the National Assembly, as from the day on which his nomination becomes effective up to and including the day immediately preceding polling day in the next succeeding general election, unless his nomination ceases to be effective before that day;

(c) in the case of the Paramount Chief or a chief, with effect from the polling day in a general election (or if he is appointed or recognised after that day, as from the day of his appointment or recognition) up to and including the day immediately preceding polling day in the next succeeding general election (if he has not earlier vacated the office of paramount chief or of chief, as the case may be); and

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- (d) in the case of an office-bearer, with effect from the day on which he is elected in accordance with law to, or he otherwise becomes the holder of, such office, up to and including the day on which he ceases to hold such office or ceases to be a member of the National Assembly, whichever event is the earlier.
- (2) The allowance payable to the Paramount Chief's representative in terms of section 29(1)(e) shall be paid in monthly instalments with effect from the first day of the month immediately following the month in which he is duly appointed as such representative up to and including the day immediately preceding polling day in the next succeeding general election unless his appointment as representative of the Paramount Chief ceases to be effective before that day.
- (3) The amount of any allowance paid under subsection (1)(a), (b), (c) or (d) of section 29 shall, for the purposes of any law relating to tax on income, be deemed to have been received by the person concerned for employment in the public service and to represent a payment made to meet expenditure incurred by him in connection with the discharge of his official duties.

Housing of  
members of  
Executive  
Council.

- 32. (1) Every member of the Executive Council shall be entitled -
  - (a) to a furnished residence in respect of which no rental, rates, taxes or service charges shall be payable by such member; or
  - (b) if and while no such residence is for any reason not available, to a housing allowance to be determined by the President from time to time.
- (2) The rental, rates, taxes, service charges or allowance, if any, referred to in subsection (1) shall be paid out of moneys appropriated by the National Assembly for the purpose.

PART 3

PENSIONS AND OTHER BENEFITS FOR MEMBERS OF THE  
NATIONAL ASSEMBLY OR THEIR DEPENDANTS

Definitions.

- 33. In this Part, unless the context otherwise indicates -

"arrear contributions" means any amount which is due by a member in terms of section 35 (2) or (3);

"child" means any unmarried child, stepchild or legally adopted child of a member, who is under the age of eighteen years or who in the opinion of the Director-General is, by reason of mental or physical infirmity, unable to maintain himself and who has been registered in terms of section 49;

"contribute" means to contribute to revenue;

"contributions" means contributions which have been deducted in terms of section 34 (3), but does not include arrear contributions;

"customary union" means a marriage contracted in accordance with tribal law and custom;

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"Director-General" means the Director-General of the department of the Minister;

"fixed date" means the first day of April 1977;

"member" means a member of the National Assembly, other than the President or the Vice-President, and includes any Minister or Deputy Minister who is not such a member;

"pensionable salary" means the annual basic salary (excluding any allowances) payable to a member in terms of section 28 of this Act or, as the case may be, section 34(5) or 35(2) of the Republic of Ciskei Constitution Act, 1981;

"pensionable service" means service in respect of which a member is obliged or has elected to contribute to revenue in terms of this Part;

"registered" means registered as contemplated in section 49;

"repealed law" means the Ciskeian Members of the Legislative Assembly Pensions Act, 1977 (Act 6 of 1977);

"revenue" means -

- (a) in relation to any amount to be paid to revenue, the Ciskeian Revenue Fund; and
- (b) in relation to any amount to be paid from revenue, moneys appropriated by the National Assembly for the purpose of such payment;

"salary" means the total amount which is payable annually to a member by way of a basic salary (excluding any allowances) under section 28 of this Act;

"service" means any service as a member of the Ciskeian Legislative Assembly or the National Assembly before or after the fixed date;

"widow" means the wife of a deceased member, who was registered by such member in terms of section 49, but does not include any wife of such member who became his wife after he ceased to be a member.

**Contributions  
by members.**

34. (1) Subject to the provisions of this Part, a member shall, from the date on which he becomes a member and as long as he remains a member, contribute to revenue at the rate of eight per cent of his pensionable salary.
- (2) No contributions shall be payable in terms of the provisions of subsection (1) by a member who has had pensionable service which in the aggregate amounts to not less than twelve years and who has contributed in respect of a period of not less than twelve years in terms of the provisions of this Part or of the repealed law.
- (3) Contributions due by a member in terms of this section shall be deducted by the Director-General from the member's salary in monthly instalments and shall be paid to revenue.

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Option to count certain service as pensionable service.

35. (1) Any member who has had service prior to the date on which such member becomes obliged to contribute may elect in writing within ninety days of the date on which he becomes a member, to count any period in months of such service as pensionable service: Provided that a member shall not be entitled to elect that more than half of his previous service as a member shall count as pensionable service.
- (2) A member who makes an election in terms of subsection (1) shall contribute to revenue an amount calculated at the rate of eight per cent of his actual salary for the last month of his previous service, multiplied by the number of months which such member has so elected to count as a period of pensionable service.
- (3) Any person to whom an amount has been paid under section 38 upon the termination of any period of pensionable service and who again becomes a member, may elect in writing within ninety days of the date on which he again becomes a member, to repay to revenue the amount so paid to him, and to pay to revenue any arrear contributions for which he ceased to be liable in terms of section 38 (2), and if he makes such an election the period or periods of his service which was or were previously pensionable service shall again become pensionable service.

Contributions in respect of prior service.

36. The amount of arrear contributions which may become due by a member in terms of section 34 (2) or (3) may, if he so desires, be deducted by the Director-General from his salary in monthly instalments of not less than four per cent of such salary and all amounts so deducted shall be paid to revenue.

Pension payable to member.

37. (1) There shall, on the termination of his service, be payable to a member who has had not less than eight years of pensionable service, a pension calculated at the rate of one-fifteenth of his pensionable salary for the year immediately preceding the date of termination of his service in respect of each year of his pensionable service: Provided that such pension shall not exceed the said salary.
- (2) For the purposes of subsection (1) the period of pensionable service shall be calculated by the year and the month, and fractions of a month shall be disregarded.

Refund of contributions.

38. (1) A member, whose service terminates before the completion of eight years of pensionable service, shall be entitled to an amount equal to the aggregate of his contributions and any arrear contributions which have been paid by him or deducted from his salary in terms of the provisions of this Part or of the repealed law, together with five per cent of that amount.
- (2) A member who becomes entitled to an amount in terms of subsection (1) shall cease to be liable for any arrear contributions which may still be due by him but which are unpaid as at the date of the termination of his service.

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Pensions and other benefits payable to widows or their children in certain instances.

39. (1) If any person dies who is receiving a pension under section 37 or the corresponding provision of the repealed law or who would have been entitled to receive such a pension had he not died but ceased to be a member on the date of his death, and is survived by one or more widows there shall, subject to subsection (6), be payable to each of his widows, a pension of an amount equal to three-fourths of the pension which he has so received or would have so been entitled to receive, divided by the number of such widows.
- (2) If any person dies who is receiving a pension under section 37 or who would have been entitled to receive such a pension had he not died but ceased to be a member on the date of his death, and is survived by a widow as well as children of a registered wife who predeceased him such widow and the children jointly of each such deceased registered wife -
- (a) shall be entitled to receive that portion of the pension which would have been payable to a widow if the person concerned were survived by all his registered wives; or
- (b) shall be entitled to receive the amount which would have been payable to such registered wife in terms of subsection (5) had she not predeceased her husband:

Provided that, whenever the children of the predeceased registered wife are entitled to any pension or benefit, the amount of such pension or benefit, divided by the number of such children, shall accrue to each child.

- (3) If any person dies who received a pension under section 37 or who would have been entitled to receive such a pension had he not died but ceased to be a member on the date of his death and is survived by a widow who is receiving or is entitled to receive a pension under this section and she dies thereafter, there shall be payable to the children of such widow in equal shares the pension which such widow would have received or would have been entitled to receive had she not died.
- (4) Any pension payable in terms of this section to a widow who remarries or enters into a customary union -
- (a) shall, if such widow does not have a child, cease to be payable on the last day of the month in which such marriage or customary union was entered into; or
- (b) shall, if such widow has any children, ~~cease~~ to be payable to her on the last day of the month in which such marriage or customary union was entered into, and shall become payable in equal shares to such children.
- (5) (a) If a member who has had less than eight years of pensionable service dies while he is still a member, there shall be paid to a widow or a widow and children, as the case may be, an amount equal to the aggregate of his contributions and any arrear contributions which have been paid by him or deducted from his salary under this Part or the repealed law, together with five per cent of that amount, and any amounts which are still due in terms of any provision of this Part or but which are unpaid at the date of such member's death, shall cease to be payable;

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(b) the amount payable to a widow or a widow and children under paragraph (a) shall be determined in the same manner and in the same proportion as a pension payable under subsection (1) or (2), as the case may be.

(6) Whenever any pension becomes payable to any person under subsection (1), any unpaid balance of any arrear contributions or any other amount due by such member under any provision of this Part or the repealed law shall be set off against the pension so payable.

Pensions and other benefits to children and manner of payment.

40. (1) If any person dies who is receiving a pension under section 37 or who would have been entitled to such a pension if he had not died but had ceased to be a member on the date of his death, and is not survived by a widow to whom a benefit is payable under section 39, there shall, subject to the provisions of this section, be payable to each of his children a pension of an amount equal to three-fourths of the pension which he has so received or would have so been entitled to, divided by the number of such children.

(2) If a member dies who would have been entitled to a benefit in terms of section 38 if he had not died but had ceased to be a member on the date of his death and is not survived by a widow to whom a benefit is payable under section 39, there shall, subject to the provisions of this section, be payable to his children in equal shares an amount equal to the amount of any benefit to which such member would have been so entitled together with five per cent of the amount of that benefit.

(3) Any pension or other benefit payable to a child in terms of this section or section 39 may, in the discretion of the Director-General, and for reasons deemed by him to be in the interests of the child -

(a) be paid to the child or his guardian either in instalments or in such other manner as the Director-General may direct;

(b) be invested or applied from time to time in such manner as the Director-General may direct; or

(c) be applied partly in one and partly in any other manner referred to in this subsection.

(4) Any pension payable to any child or widow in terms of this section or section 39 may, at the discretion of the Director-General and on such basis and conditions as he may determine, be commuted into a single cash payment.

(5) Whenever any pensions become payable in terms of subsection (1) to the children of a person referred to in that subsection the unpaid balance of any arrear contributions or any other amount due by such person under any provision of this Part or the repealed law shall be set off against such pensions.

(6) Whenever any amount becomes payable to the children of a member in terms of subsection (2), any amounts which are still due by the member in terms of any provision of this Act but which are unpaid at the date of the member's death, shall cease to be payable.

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Date from which pension is payable. 41. A pension in terms of this Part shall be payable -

- (a) in the case of a member, with effect from the day following the day on which his service as a member terminated;
- (b) in the case of a widow or child of a deceased member, with effect from the day following the day of the said member's death.

Amounts due from first charge on pension.

42. Whenever a member becomes entitled to a pension in terms of section 37 before the total amount of arrear contributions due by him has been paid by him, the amount of the said arrear contributions, which remains unpaid, shall be set off against the pension payable to him.

Abatement of pensions.

43. (1) If any person (other than the widow of a member) who is under this Part or the repealed law in receipt of a pension, again becomes a member, such pension shall cease to be paid to him, and if he thereafter ceases to be a member, his pension shall be recalculated in terms of section 37 on the combined periods of his service if, on the date on which he again became a member, he was not entitled to the maximum pension payable to him under this Part.

(2) If any widow who is in receipt of or entitled to a pension in terms of this Part or the repealed law, becomes a member, such pension shall cease to be paid or payable to her during the period of her service as a member.

Pensions and other benefits to be paid from revenue.

44. All pensions and benefits for which this Part makes provision, shall be paid from revenue.

Pensions and other benefits not assignable or executable.

45. (1) No pension or benefit payable under this part or the repealed law, and no right in respect of any such pension or benefit, shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in section 11 (2) of the Maintenance Act, 1963 (Act 23 of 1963), be liable to be attached or be subject to any form of execution under a judgment or order of a court of law.

(2) If any person attempts to assign or transfer or otherwise cede or to pledge or hypothecate any such pension or benefit to which he is entitled or any right in respect of such pension or benefit, payment of such pension or benefit may, if the Minister so directs be withheld, suspended or discontinued: Provided that the Minister may direct that such pension or benefit or a part thereof be paid during such period as the Minister may determine, to one or more of the dependants of such person or to a trustee or other person on behalf of such person or such of his dependants as the Minister may determine.

Method of making election.

46. Any member shall make any election which he is entitled to make under this Act, by notice in writing to the Director-General.

Administration of this Part.

47. (1) The Director-General shall, subject to the control of the Minister, be charged with the general administration of this Part.

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- (2) The Minister may delegate any power conferred on him by this Part to the Director-General or any other officer in his department and may authorise the Director-General or any such officer to perform any function or duty so entrusted to or imposed on the Minister.
- (3) The Director-General may delagate to any officer in his department any power conferred on him by this Part and may authorize any such officer to perform any function or duty so entrusted to or imposed on the Director-General.

Method of  
payment of  
pensions.

48. Subject to the other provisions of this Part, all pensions under this Part or the repealed law shall be paid in such instalments and on such dates and in such manner as the Minister may determine.

Registration  
of wives  
and children.

49. (1) Every member shall inform the Secretary of the National Assembly in writing of -
- (a) the full name of every wife of such member, whether by marriage under civil law or by customary union;
  - (b) the full names, date of birth and sex of each child of such member and, except in the case of an adopted child, the name of the mother of such child: Provided that any person who is registered as the wife of a member in terms of paragraph (a), may, within 30 days after the death of such member, register any unborn child (of which such member was the father) provisionally with the Secretary of the National Assembly.
- (2) The Secretary of the National Assembly shall enter the information furnished in terms of subsection (1) in a register and only the persons who have so been registered shall for the purposes of this Part be recognized as the wife or child, as the case may be, of the member concerned.

Date upon which  
a person becomes  
a member.

50. The date upon which any person complies with the requirements of section 40 of the Republic of Ciskei Constitution Act, 1981 (Act 20 of 1981) shall be the date upon which such person shall become a member for the purposes of this Act.

PART 4

STANDING ORDERS OF NATIONAL ASSEMBLY

Definition.

51. In this Part "standing orders" means the standing rules and orders contemplated in section 46(4) of the Republic of Ciskei Constitution Act, 1981.

Standing Orders.

52. (1) The Standing Orders of the National Assembly shall be as set out in Schedule 1.
- (2) Schedule 1 shall be read as one with this Part, and with Part 1, of this Act.

Saving.

53. Notwithstanding the provisions of this Part, the National Assembly may at any time, by resolution, amend or withdraw any or all of the Standing Orders.

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PART 5

GENERAL

Repeal of laws and savings. 54. (1) Subject to the provisions of subsection (2), the laws mentioned in Schedule 2 are hereby repealed to the extent indicated in the third column of that Schedule.

(2) Anything done, and any right acquired or obligation incurred, under any provision of any law repealed by subsection (1) shall be deemed to have been done, acquired or incurred, as the case may be, under the corresponding provision of this Act.

Short title. 55. This Act shall be called the National Assembly Act, 1983.

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SCHEDULE 1

STANDING ORDERS

OF THE

NATIONAL ASSEMBLY

NOTICE READ

1. At the commencement of the proceedings of this Assembly on the first day of a session the Secretary shall read the proclamation or other notice summoning this Assembly.

OATH OR AFFIRMATION OF MEMBERS  
(Section 40 of the Constitution)

2. (1) (a) After the provisions of Standing Order No. 1 have been complied with at the commencement of the proceedings of this Assembly on the first day of the meeting of a new National Assembly, all members shall be sworn or shall make affirmation before the Chief Justice or a Judge designated by him.  
(b) The procedure prescribed in Standing Order 18 shall apply mutatis mutandis on the arrival and departure of the Chief Justice or other Judge.  
(2) At all other times members shall be introduced and conducted to the Table by two members in order to be sworn or to make affirmation before the Speaker.

MEMBERS PRECLUDED FROM SITTING

3. No person shall sit as a member of this Assembly unless he has been sworn or has made his affirmation as prescribed in section 40 of the Constitution.

OPENING OF NATIONAL ASSEMBLY

4. The Speaker shall inform this Assembly at what time the President will open this Assembly and the proceedings shall stand suspended until the President has delivered his Opening Address.

PROCEDURE ON ARRIVAL AND DEPARTURE OF PRESIDENT

5. Upon the entry into this Assembly of the President and upon his departure therefrom, members shall rise and remain standing in their places and they shall not resume their seats until the President has taken his seat or, as the case may be, has departed from this Assembly.

ELECTION OF SPEAKER AND DEPUTY SPEAKER

6. Whenever it is necessary to elect a Speaker, the Secretary shall inform this Assembly accordingly, whereupon this Assembly shall forthwith proceed to the election of a Speaker (See section 45 (1) of the Constitution).
7. The Secretary shall act as chairman until a Speaker is elected.
8. Immediately after the election of a Speaker this Assembly shall proceed with the election of a Deputy Speaker.

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PROCEDURE FOR ELECTION OF SPEAKER

9. (1) A member, having first ascertained that the person to be proposed is willing to serve if elected and addressing himself to the Secretary, shall propose as Speaker any member of this Assembly then present by moving: "That ..... (naming the member) take the chair of this Assembly as Speaker". Such proposal shall require a seconder but no debate shall be allowed other than the formal introduction of the candidate.
- (2) There shall be no limit to the number of candidates who may be proposed and seconded under the preceding subrule, but no member who has already proposed or seconded a candidate may propose or second another candidate and no member may propose or second his own candidature.
- (3) The names of the persons duly proposed and seconded shall be announced by the Secretary and no debate shall be allowed.
10. If only one member is proposed and seconded as Speaker, he shall be called to the chair of this Assembly by the Secretary without question put.
11. If more than one member is proposed as Speaker, a ballot shall be held in accordance with the following procedure which shall be explained to the members:
  - (a) There shall be a short adjournment for the preparation of ballot papers after which the Secretary shall hand each member present a ballot paper having a secret mark on the reverse side thereof.
  - (b) Every member shall thereupon signify the one candidate for whom he desires to vote by placing a cross opposite the name of such candidate.
  - (c) The Secretary shall then call the names of all members and each member may when his name is called, come to the Table and place his ballot paper in the ballot box to be provided for the purpose. No member who arrives after the names of all the members have been called shall be entitled to vote and no member shall place in the ballot box any ballot paper which is not his own.
  - (d) When all members who wish to vote have done so, the Secretary shall in the presence of this National Assembly and with his Assistant, examine and count the ballot papers and thereafter report the result of the ballot.
12. (1) If no candidate receives a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.
- (2) Whenever two or more candidates, being the lowest on the poll, have received the same number of votes, this Assembly shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall for the purpose of subrule (1) be eliminated.
13. Where only two candidates have been nominated, or after the elimination of one or more candidates in accordance with the provisions of this standing order, only two candidates remain and there is an equality of votes between those two candidates, a further vote between those two candidates shall immediately be taken and be repeated as often as may be necessary until one candidate receives a majority of the votes cast and is declared duly elected: Provided that the Secretary shall, if this Assembly so resolves, adjourn the consideration of the matter until the next sitting day.

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14. If the Secretary is of the opinion that the provisions of Standing Orders 9 to 11 have not been, or are not being, carried out properly, he may declare a particular ballot or the whole election to be void and direct that the proceedings for the ballot or the whole election shall commence afresh.
15. On being called to the Chair the member elected as Speaker shall from his place express his sense of the honour conferred upon him and shall then be conducted to the Chair by his proposer and seconder.

ELECTION OF DEPUTY SPEAKER

16. The provisions of Standing Orders 7 to 13 shall apply mutatis mutandis to the election of a Deputy Speaker.

ELECTION OF PRESIDENT

17. Whenever a President is to be elected as provided in section 22 of the Constitution the Speaker shall, after prayers, read the notice contemplated in subsection (2) of that section, and the proceedings shall then stand suspended until the procedures prescribed in section 23 of the Constitution have been completed.

PROCEDURE ON ARRIVAL OF JUDGE AT ELECTORAL ASSEMBLY

18. Upon the arrival of the Chief Justice, or Judge, for the purposes of the meeting contemplated in section 22 of the Constitution, he shall be conducted to the Chair by the Speaker and all members shall rise and remain standing in their places until the Chief Justice or Judge is seated and again when the Chief Justice or Judge departs from this Assembly. The proceedings of this Assembly shall then again be continued or, if necessary, adjourned.

MESSAGE FROM PRESIDENT THAT HE HAS ASSUMED OFFICE

19. (a) When the messenger bearing a message from the President, to the effect that he has taken the oath and assumed his office is announced, the proceedings of this Assembly shall be interrupted forthwith and the bearer of the message introduced to deliver it to the Speaker.
- (b) The Speaker shall immediately read the message to this Assembly and thereafter the bearer of the message shall withdraw.

CHAIRMAN OF COMMITTEES OF WHOLE ASSEMBLY

20. The Deputy Speaker shall be the Chairman of Committees of the whole Assembly: Provided that, during the unavoidable absence of the Deputy Speaker or whenever the Deputy Speaker acts as Speaker, the Secretary or a member appointed for the purpose by this Assembly shall act temporarily as Chairman of Committees of the whole Assembly.

ABSENCE OF SPEAKER AND DEPUTY SPEAKER

21. Whenever the Speaker and the Deputy Speaker are unavoidably absent at the same time, a member designated by the President shall act as Speaker.

RELIEF OF SPEAKER

22. The Deputy Speaker or, in his absence, the person acting as Chairman of Committees of the whole Assembly shall take the Chair whenever requested to do so by the Speaker during any sitting of this Assembly.

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### PRAYERS

23. Before the commencement of business on every sitting day the Speaker shall read the Prayers set out in the Annexure of these Standing Orders.

### SITTINGS OF ASSEMBLY

24. (1) Subject to the provisions of subrule (2), the sitting days of this Assembly shall be Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.
- (2) The Assembly shall not sit on a public holiday or a Saturday, provided that this Assembly may, on a motion moved by the President or the Vice-President and adopted by the Assembly, sit on any other day, not being a Sunday.
- (3) The hours of sitting shall be -
- (a) on Monday, Tuesday, Wednesday and Thursday, from 10h30 until 17h30; and
- (b) on Friday, from 10h30 until 13h00.

25. Unless otherwise provided in these Standing Orders, the Speaker or if this Assembly is in committee, the Chairman shall at his discretion suspend the business of this Assembly temporarily for meals or other refreshments and shall at the time appointed for the adjournment interrupt the business under consideration whereupon the Speaker shall adjourn this Assembly until the next sitting day: Provided that, if this Assembly is in committee, the Chairman shall first report progress to the Speaker and ask leave to sit again: Provided further that this Assembly may, on a motion proposed by the President or the Vice-President and decided forthwith without amendment or debate, shorten or prolong the hours of sitting having regard to the amount of business to be despatched or to the circumstances prevailing at the time.

### PROROGATION OF ASSEMBLY

26. Whenever the President prorogues this Assembly, whether by proclamation or otherwise, this Assembly shall be prorogued until the date announced by the President.

### ADJOURNMENT IF NO QUORUM

27. If the attention of the presiding officer is drawn to the absence of a quorum, he shall direct that members be summoned by the ringing of the bells as for a division, during which time the proceedings of this Assembly shall be suspended and if after an interval of two minutes a quorum is still not present, if the Speaker is in the Chair, he shall adjourn this Assembly or, if this Assembly is in committee, the Speaker shall resume the Chair and adjourn this Assembly.

### ADJOURNMENT BY RESOLUTION

28. Unless otherwise provided in these Standing Orders, this Assembly shall only be adjourned upon its own resolution.

### APPOINTMENT OF COMMITTEES

29. (1) (a) As soon as practicable after the commencement of every ordinary session the Speaker shall appoint a Committee on Standing Orders and Business which, subject to the provisions of subrule (4) shall consist of not more than five members, inclusive of the Speaker who shall ex officio be Chairman of such Committee.
- (b) The Speaker shall announce to this Assembly the names of the members appointed on the Committee on Standing Orders and Business.

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- (2) The Committee on Standing Orders and Business shall -
- (a) consider the matters which shall be placed on the Order Paper and the order of precedence of such matters, including the order of precedence of Government business;
  - (b) determine the one day of the week on which questions placed on the Order Paper shall be answered;
  - (c) determine the day of the week or the times on any day of the week when private members' business shall have precedence and the time to be allowed for such business; and
  - (d) generally arrange the programme for the dispatch of the daily business of this Assembly.
- (3) The Committee on Standing Orders and Business shall appoint the members who shall serve on -
- (a) the Select Committee on Public Accounts; and
  - (b) any other Select Committee required by this Assembly.
- (4) It shall be competent for the Committee on Standing Orders and Business to co-opt three additional members for the purpose of -
- (a) organizing the catering and other arrangements in the refreshment room;
  - (b) arranging, in consultation with the Whips, the seating in the Assembly; and
  - (c) ensuring the availability to members of Hansard and other reports and papers.
- (5) Except as provided in subrule (4) and unless this Assembly has otherwise directed, a Select Committee shall consist of five members, and the names of the members appointed to serve on a Select Committee shall, with special reference to the member appointed as chairman, be announced to this Assembly by the Speaker.

### ARRANGEMENT OF BUSINESS

#### ROUTINE OF BUSINESS

30. The business of each sitting day (other than the first day of a session) shall, in accordance with the need thereof, be transacted in the following order :
- (a) Prayers.
  - (b) Minutes of previous day.
  - (c) Announcements by the President or other member of the Executive Council.
  - (d) Announcements by the Speaker.
  - (e) Tabling of Reports and Papers.
  - (f) Petitions.
  - (g) Notices of bills and other motions.
  - (h) Notices of questions.
  - (i) Order Paper.

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31. Notwithstanding anything in Standing Order 30 contained, an urgent motion directly concerning the privileges of this Assembly shall take precedence over other motions and orders of the day.
32. The consideration of an order of the day shall, subject to these Standing Orders, be set down for the next sitting day unless the member in charge appoints some future day.
33. Subject to any determination made by the Committee on Standing Orders and Business under Standing Order 29 (2) (c), Government business shall have precedence at all times.

PETITIONS

34. (1) Petitions shall be in the form prescribed by the Speaker, shall be signed by the petitioners themselves and shall be presented in the one or the other of the official languages.
- (2) A petition shall be presented by a member, provided that a member who himself wishes to submit a petition to this Assembly shall cause it to be presented by another member.
- (3) Every petition shall be signed at the beginning thereof by the member who presents it and shall be deposited for at least one day with the Secretary who shall submit it to Mr. Speaker for his approval before it is presented to this Assembly.

QUESTIONS

35. (1) Notice of a question to a member of the Executive Council shall be in writing signed by the member in question and delivered to the Secretary and shall indicate the day on which, subject to Standing Order 29(2)(b), the question will be asked.
- (2) The Secretary shall place questions on the Question Paper in the order in which they are handed to him: Provided that the Speaker may amend any notice of a question which offends against the practice or any Standing Order of this Assembly.
- (3) A question shall not -
  - (a) include the names of persons, or include statements, which are not strictly necessary to make the question intelligible;
  - (b) contain a statement which the member who asks the question is not prepared to substantiate;
  - (c) contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;
  - (d) refer to proceedings in a select committee before that committee has made its report to this Assembly;
  - (e) seek information about a matter which is, by its nature, secret;
  - (f) reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;
  - (g) be asked for the purpose of obtaining an expression of opinion, the solution of an abstract case, or the answer to a hypothetical proposition;

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- (h) enquire whether statements in the Press or of private individuals or private concerns are accurate;
  - (i) be asked about the character or conduct of a person except in his official or public capacity;
  - (j) seek information which can be found in accessible documents or ordinary works of reference;
  - (k) ask for information the collection of which, in the opinion of the Speaker, will require prolonged or unjustified investigation or cause excessive or unnecessary expenditure.
- (4) A question which has been answered fully shall not again be asked during the same session.
  - (5) A member in whose name any question stands shall rise to put such question.
  - (6) It shall be in the discretion of a member of the Executive Council, who has replied to a question, to answer orally any supplementary question arising from his reply.
  - (7) If a member is not present when his question is due for reply and he has not authorized another member to put the question on his behalf, the question shall lapse.

MOTIONS

- 36. (1) A member who gives notice of a motion shall read it aloud and deliver at the Table a signed copy of such notice on which he has indicated the day on which he proposes to move the motion.
- (2) Except with the unanimous concurrence of all the members present, no motion shall be moved on the day on which notice thereof is given.
- (3) Every motion requires notice, except a motion -
  - (a) by way of an amendment to a question already proposed from the Chair;
  - (b) for the adjournment of this Assembly;
  - (c) for the adjournment of a debate;
  - (d) in committee of the whole Assembly;
  - (e) raising a point of order on a question of privilege;
  - (f) for the postponement or discharge of an order of the day;
  - (g) referring a bill to a select or other committee after the second reading;
  - (h) specially excepted by these Standing Orders; or
  - (i) in respect of which notice is dispensed with by the unanimous occurrence of all the members present.

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NOTICE FOR MOVING MOTION

37. Except as otherwise provided in these Standing Orders, no motion shall be moved in this Assembly unless one clear day's notice has been given in the case of a motion by a member of the Executive Council and six clear days in the case of a motion by any other member.

SPEAKER MAY AMEND NOTICE OF MOTION

38. (1) Any notice of motion which offends against the practice or any Standing Order of this Assembly may be amended by the Speaker.
- (2) No notice shall be moved which is the same in substance as a motion which has been resolved in the affirmative or the negative during the same session.

MOTIONS TO BE PUBLISHED IN ORDER PAPER

39. All motions except unopposed motions shall first be published in the Order Paper unless this Assembly otherwise decides.

PROCEDURE ON MOVING A MOTION

40. (1) A member called upon by the Speaker to move a motion shall rise in his place and move the motion. If a member does not move a motion standing in his name, such motion shall lapse unless moved by some other member authorized by him to do so.
- (2) Every motion moved shall require seconding unless otherwise provided in these Standing Orders. If a motion is not seconded it lapses.
- (3) When a motion has been moved and seconded, the Speaker shall allow it to be discussed by this Assembly. Debate will then take place on the motion and ample time for discussion shall be allowed.
- (4) When no more members wish or are entitled to speak, the Speaker shall put the motion to this Assembly for its decision.
- (5) When an amendment or amendments have been proposed to a motion the Speaker shall put the amendments and, after all amendments have been disposed of, again read and put the original motion or, if it has been amended, the motion as amended, so as to enable the members of this Assembly to be fully acquainted with the terms thereof.
- (6) The order in which amendments shall be put shall be at the discretion of the Speaker.

AMENDMENTS TO MOTIONS : PROCEDURE

41. (1) A member who has risen to speak on a motion may propose an amendment to that motion.
- (2) An amendment shall require seconding.
- (3) An amendment may take one or other of the following forms:
- (a) to leave out one or more words of the motion;
  - (b) to insert one or more words in the motion;

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- (c) to add one or more words at the end of the motion;
- (d) to substitute certain other words for certain words contained in the motion.

### PROPOSED AMENDMENTS TO BE IN WRITING

42. (1) An amendment proposed shall be in writing and shall be handed to the Speaker who shall cause the text to be read to this Assembly. Debate may then take place on that amendment.
- (2) A member may propose only one amendment to a motion under discussion but a proposal further to amend a proposed amendment shall be out of order.

### WITHDRAWAL OF MOTIONS

43. (1) A motion or an amendment may be withdrawn at the request of the mover with the unanimous concurrence of all the members present. A motion or amendment which has been withdrawn may not be proposed again at the same session.
- (2) A notice of motion or an amendment on the Order Paper may be removed at any time before it is moved by the member concerned.

## BILLS

### (a) General

#### INTRODUCTION OF PUBLIC BILL

44. A bill introduced on behalf of the Government shall be termed a public bill and shall be brought in as follows:
- (a) The responsible Member of the Executive Council shall give notice of his intention to introduce the bill and, in such notice shall state the general object or objects of the bill.
  - (b) On the next succeeding day after having given such notice or as soon thereafter as possible, he shall hand in at the Table of this Assembly a fair copy thereof which has been certified by a law adviser and may then move, without notice, that the bill be read a first time, such question being put without amendment or debate. The Secretary shall thereupon read the short title of the bill.

#### INTRODUCTION OF PRIVATE BILL

45. A bill introduced by a private member shall be termed a private bill and shall be brought in as follows:
- (a) The private member shall give notice of a motion asking for leave to bring in a bill and shall in such notice state the general object or objects of the bill.
  - (b) The debate on the motion for leave to introduce such a bill shall be limited to one hour and no speech shall exceed ten minutes.
  - (c) Should leave be given to a member to bring in a bill, he shall immediately bring to the Table of this Assembly a fair copy thereof which has been certified by a law adviser and may then move, without notice, that it be read a first time, such question being put without amendment or debate. The Secretary shall thereupon read the short title of the bill.

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### BILL TO BE PRINTED

46. As soon as the first reading of a bill has been taken the Secretary shall, if such bill has not yet been printed, cause the text thereof, as contained in the copy laid on the Table, to be printed.

### FORM OF BILL

47. When a bill is printed -

- (a) the bill shall be given a short title corresponding to the title by which it is to be cited if it becomes law;
- (b) the bill shall be given a long title setting out the purposes of the bill in general terms;
- (c) the clauses of the bill shall be preceded by the enacting formula which, in the case of an enacting bill, shall read: "Be it enacted by the National Assembly of the Republic of Ciskei" and, if it is a declaratory bill shall read: "It is hereby declared and enacted by the National Assembly of the Republic of Ciskei";
- (d) the bill shall be divided into clauses, numbered consecutively and having a marginal note to each clause; and
- (e) matters of detail dependent on the provisions of the bill may be annexed to the bill in the form of a schedule or schedules.

### FACTUAL MEMORANDUM ON BILL

48. A memorandum stating the object of the bill may be attached to it provided that such memorandum is not argumentative.

### COPY OF BILL FOR MEMBERS

49. As soon as possible after the printing of a bill the Secretary shall cause a copy of it to be supplied to every member.

### DATE OF SECOND READING

50. After a bill has been read the first time and printed, the member in charge shall fix a day for its second reading.

### PRINCIPLES OF BILL TO BE DISCUSSED AT SECOND READING

51. At the second reading of a bill, which shall not exceed twelve hours, the general merits and principles of the bill may be debated.

### MOTION TO AMEND BILL

52. (1) A motion may be made to amend the question "that the bill be read the second time" -
- (a) by omitting all the words after "that" and substituting therefor the words "the bill be not proceeded with"; or
  - (b) by omitting all the words after "that" and substituting therefor the words "the bill be read this day six months"; or

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- (c) by omitting all or some of the words after "that" and by substituting words which state some special reason against the second reading of the bill; or
  - (d) by omitting all the words after "that" and substituting therefor the words "the bill be referred to a select committee".
- (2) If a motion under paragraph (a), (b) or (c) of subrule (1) stands, the member in charge of the bill shall withdraw it forthwith.

### PROCEDURE WHEN BILL HAS BEEN READ FOR SECOND TIME

53. When a bill has been read a second time it may either be ordered to be considered in committee of this whole Assembly on a day then named by the member in charge or be referred to a select committee.

### NOTICE OF AMENDMENTS

54. (1) A member desiring to include in the Order Paper a proposed amendment to a bill shall hand it to the Secretary not later than 16h00 on the day preceding the day on which it is so to appear.
- (2) A proposed amendment shall be couched in the proper form and may be handed to the Secretary for publication in the Order Paper at any time after the bill to which it relates has been read a first time.

### SPEAKER LEAVES CHAIR WHEN ASSEMBLY IN COMMITTEE

55. Upon the order of the day being read for this Assembly to go into committee on the bill, the Speaker shall announce that the Assembly shall go into committee and the Assembly shall thereupon resolve itself into committee, the Chairman of Committees seating himself at the Table and the Speaker leaving the Chamber.

### PROCEDURE IN COMMITTEE

56. (1) The Chairman of Committees, upon seating himself at the Table, shall proceed to read the number and the marginal note of each clause of the bill in succession, and shall put the question on each such clause.
- (2) The long title and the preamble (if any) shall stand postponed until after the consideration of the clauses and schedules (if any), without question put.
- (3) Whenever possible the debate on the committee stage of a bill shall not exceed six hours.

### AMENDMENTS WHICH MAY BE MOVED

57. An amendment may be made to a clause by this Assembly in Committee or a new clause added, if it is relevant to the subject matter of the bill or is otherwise in conformity with the rules: Provided that if any amendment is adopted which is not within the long title of the bill, the committee shall amend the long title accordingly and report it specially to this Assembly: Provided, further, that no clause or amendment shall be proposed which is in conflict with the principle of the bill as read a second time.

### AMENDMENTS NOT TO BE MADE IF SAME AS ONE ALREADY NEGATIVED

58. No new clause or amendment shall be allowed which is substantially the same as one already negatived, or which is inconsistent or in conflict with one already agreed to by the committee unless a recommittal of the bill has intervened.

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PRINCIPLE OF BILL NOT TO BE DISCUSSED IN COMMITTEE

59. The principle of a bill shall not be discussed in committee but only its details.

AMENDMENT OF PRINCIPAL ACT

60. Where an amending bill is introduced to amend a specific section or sections of an Act described as the principal Act or to enact a new section thereof, an amendment in committee shall be confined to the subject matter of the clauses of the bill as read a second time, and to any amendment consequential thereto.

RULES CONTINUE TO APPLY WHEN ASSEMBLY IN COMMITTEE

61. Except that the Chairman of Committees shall be seated at the Table of this Assembly during proceedings in committee, the proceedings normally followed during sittings of this Assembly shall, subject to the provisions of these Standing Orders, continue to apply.

SPEAKER RETURNS TO CHAIR WHEN COMMITTEE STAGE FINALISED

62. At the close of the proceedings of a committee of the whole Assembly on a bill, the Speaker shall return to the Chair and the Chairman of Committees shall then announce that the committee stage of the bill has been finalised and accepted by this Assembly in committee with or without amendments. If finality has not been reached, the Chairman shall report progress and ask for leave to sit again.

DATE OF THIRD READING

63. If the committee stage has been finalised the Speaker shall ask the member in charge of the bill on what date the third reading is to be taken and direct that the third reading be taken on the appointed date or any other suitable date.

BILL TO BE PRINTED IF AMENDED IN COMMITTEE

64. When the bill has been amended in committee of the whole Assembly, it shall, if this Assembly so directs, be printed as amended prior to the third reading being taken.

THIRD READING DEBATE TO BE ON CONTENT OF AMENDMENTS ONLY

65. On the third reading of a bill (other than an appropriation bill) the debate thereon, if any, shall be confined to the effects of the amendments which have been adopted by the committee of the whole Assembly. If the bill has not been amended the question shall be decided without amendment or debate.

BILL PASSED AFTER THIRD READING

66. After the third reading, no further question shall be put, and the bill shall be deemed to have been passed by this Assembly.

SHORT TITLE OF BILL ONLY TO BE READ

67. On the orders of the first, second and third reading of a bill the Secretary shall read only the short title thereof unless this Assembly directs otherwise.

LEAVE TO BE GRANTED FOR WITHDRAWAL OF BILL

68. A bill introduced into this Assembly may be withdrawn only with the leave of this Assembly and the debate on a motion for leave to withdraw a bill shall be limited to one hour and no speech shall exceed ten minutes.

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CERTAIN BILLS NOT TO BE INTRODUCED

69. When a bill is ultimately passed or has been rejected, no bill of the same substance shall be introduced again during the current session of this Assembly.

FORMAL ERRORS MAY BE CORRECTED BY SPEAKER

70. Upon the discovery of any error in a bill which has been passed by this Assembly and before it has been presented to the President for his assent, the Speaker shall report such error and it shall thereupon be dealt with as with any other amendment: Provided that corrections of a verbal or formal nature (e.g. spelling or obvious grammatical mistakes or typographical errors) may be made at any time by the Secretary under the direction of the Speaker.

PRESENTATION OF BILL TO PRESIDENT

71. When a bill has been passed by this Assembly it shall, after being printed and certified appropriately by the Speaker or the Secretary be presented to the President for his assent.

PROCEDURE WHEN BILL IS RETURNED TO ASSEMBLY

72. When a bill has been returned to this Assembly by the President in terms of section 50 of the Constitution this Assembly shall deal with such bill as provided in the said section.

AMENDMENTS PROPOSED BY PRESIDENT

73. (1) Whenever a bill has been returned to the Assembly by the President together with any amendments which he may recommend, such amendments shall, except with the unanimous concurrence of all the members present, be considered on a future day.
- (2) Any member may then give notice of a motion -
- (a) that no further proceedings be taken on the bill in which case, if the motion is carried, the bill shall lapse; or
  - (b) that the bill be dealt with as provided in section 50(4) of the Constitution; or
  - (c) that the amendments recommended by the President be accepted.
- (3) If the bill has not lapsed then, according to the resolution of this Assembly, this Assembly may again proceed to the second reading, committee stage and third reading of the bill: Provided -
- (a) that, where the main principles of a bill have not been affected by the recommendations of the President, the Speaker may rule that this Assembly proceed immediately to the committee stage; or
  - (b) that at the committee stage only those sections of the bill which are in issue or which have been altered or amended need be dealt with.
- (4) When amendments recommended by the President in a bill have been accepted by this Assembly, a fair copy of the bill, as so amended, shall be presented to the President for his assent.

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(b) Money bills.

FINANCIAL MEASURES TO HAVE RECOMMENDATION OF PRESIDENT

74. (1) This assembly shall not pass any vote, resolution, address or bill or incidental provision in any bill for the appropriation of any part of the public revenue or for the imposition of any taxation without the recommendation of the President made in accordance with the provisions of section 49 (2) of the Constitution.
- (2) Every such recommendation shall be communicated to this Assembly by written message substantially in the following form:

"His Excellency the President having been informed of the subject matter of the proposed bill (motion or incidental provision or other measure) recommends it for consideration of the National Assembly".

ESTIMATES TO ACCOMPANY APPROPRIATION BILLS

75. Whenever any appropriation bill is presented, estimates containing the details of the financial requirements of the Government shall be presented at the same time.

SECOND READING APPROPRIATION BILL : PROCEDURE

76. After the motion for the second reading of an appropriation bill has been proposed, the debate thereon shall be adjourned and such debate shall be resumed not earlier than the day following, after which not more than one hundred hours shall be allocated for the second reading of the bill. The debate, when resumed, shall in respect of each vote be commenced with a speech by the responsible Minister or other member relating to the administration, future development and general policy of the department falling under his care. After the conclusion of the debate on each vote the Speaker shall give the responsible Minister or other member an opportunity to reply, and upon the expiry of the said period of one hundred hours, if the responsible Minister or other member has replied to the debate then in progress, the Speaker shall give such Minister an opportunity to put any question necessary to bring the proceedings on the second reading to a conclusion. No time limit shall apply in the case of each such Minister or other responsible member.

COMMITTEE OF SUPPLY

77. There shall be a Committee of the whole Assembly to be called the Committee of Supply. The deliberations of the Committee of Supply shall be in public and shall not exceed twenty hours in duration.

ESTIMATES STAND COMMITTED TO COMMITTEE OF SUPPLY

78. The Estimates shall, upon presentation to this Assembly, stand referred to the Committee of Supply and the appropriation bill, upon being read a second time, shall stand committed to that Committee.

SCHEDULES OF APPROPRIATION BILL TO BE FIRST DISPOSED OF

79. On consideration of the Appropriation Bill in Committee of Supply, the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

HEADS OF EXPENDITURE

80. On consideration of the schedules, each head of expenditure shall be considered with the appropriate estimate.

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DEBATE IN HEADS OF SCHEDULES

81. On the consideration of a schedule, the Chairman shall call the title of each head of expenditure in turn, and shall propose the question "That the sum of R..... for Head..... stand part of the Schedule", and unless an amendment is proposed under the provisions of Standing Order 84, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any sub-item, item or subhead but may refer to the details of revenue or funds for which that service is responsible.

SCHEDULE TO BE PART OF BILL

82. When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

CLAUSES OF BILL TO BE CONSIDERED

83. When every schedule has been disposed of, the Chairman shall call successively each clause of the bill and shall forthwith propose the question "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

AMENDMENTS TO BE MOVED BY MEMBER OF EXECUTIVE COUNCIL ONLY

84. No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a member of the Executive Council only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Chairman shall forthwith put the question "That the clause, as amended, stand part of the bill", and that question shall then be decided without amendment or debate.

SPEAKER TO RETURN TO CHAIR WHEN EVERY CLAUSE DECIDED

85. When the question upon every clause of the bill has been decided, the Speaker shall return to the Chair of this Assembly and, the Chairman shall report that the bill has been passed by the Committee with or without amendments, as the case may be.

TIME IN WHICH AMENDMENT SHALL BE MOVED

86. No amendment shall be moved in the Committee of Supply under these rules until one clear day after that on which it was published in the Order Paper.

AMENDMENTS TO INCREASE OR REDUCE

87. An amendment to increase a head of expenditure in respect of any sub-item, item or subhead or of the head itself, shall be ruled out of order by the Chairman and when more than one reduction is moved in any vote, or item of a vote, the question shall first be proposed on the largest reduction.

PROCEDURE ON MOTIONS TO AMEND

88. (1) Save as prescribed in subrule (2) of this rule, an amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any member, and shall take the form of a motion "That head..... be reduced by R..... in respect of (or by leaving out) subhead..... item..... sub-item.....".

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- (2) An amendment to reduce a head in respect of any item or by leaving out an item shall be in order only if the item is not sub-itemised.
- (3) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall be in order only if the subhead is not itemised.
- (4) An amendment to reduce a head without reference to a subhead therein shall be in order only if the head is not divided into subheads.
- (5) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.
- (6) In the case of each head, amendments in respect of sub-items, items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the sub-items, items or subheads to which they refer stand in the head in the Estimates.
- (7) When notice has been given of two or more amendments to reduce the same sub-item, items, subhead or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.
- (8) Debate on every amendment shall be confined to the sub-item, item, subhead or head to which the amendment refers, and after an amendment to a sub-item, item or subhead has been disposed of, no amendment or debate on a previous sub-item, item or subhead of that head shall be permitted.
- (9) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of, the Chairman shall again put the question "That the sum of..... for head..... stand part of the schedule", or shall put the amended question "That the reduced sum of R..... for head..... stand part of the schedule", as the case may require.

THIRD READING OF APPROPRIATION BILL

89. The motion for the third reading of the Appropriation Bill shall be decided without amendment or debate.

ADDITIONAL APPROPRIATION BILL

90. If from time to time, whether in the course of a particular financial year or after its close an Additional Appropriation Bill is presented appropriating only expenditure which is additional to expenditure which has been approved by the Committee of Supply and agreed to by the Assembly under these Standing Orders, the debate on the second reading thereof, which shall not exceed six hours, shall be confined strictly to the matters for which additional expenditure is required and when the question thereon has been agreed to, the bill shall not be committed and the question "That the Bill be now read a third time", shall be put forthwith without amendment or debate.

PART APPROPRIATION BILL

91. (1) The debate at the second reading of a Part Appropriation Bill shall be limited to twelve hours excluding the Minister's reply which shall not exceed one hour, and a Part Appropriation Bill shall not be committed.
- (2) The motion for the third reading of a Part Appropriation Bill shall be put forthwith after the second reading and shall be decided without amendment or debate.

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(c) Consolidation Bills.

PROCEEDINGS ON CONSOLIDATION BILLS

92. (1) A bill which purports to enact existing law without amending it shall be accompanied by a certificate to that effect signed by the law adviser who drafted the bill.
- (2) The Speaker may on good cause shown, direct that the bill be referred to a select committee before second reading.
- (3) No amendments to the bill may be offered except amendments which seek to express more clearly or to bring the bill into conformity with existing law, and debate shall be confined strictly to the necessity for such amendments.
- (4) When the bill has been read a second time, the remaining stages of the bill may be taken forthwith.

(d) Hybrid Bills.

DEFINITION OF HYBRID BILL

93. A public bill which adversely affects or may adversely affect the private interests of particular persons or bodies as distinct from the private interests of all persons or bodies in the particular category to which those persons or bodies belong, shall be treated as a hybrid bill.

PUBLICATION IN GOVERNMENT GAZETTE OF HYBRID BILL

94. A public bill which is certified by the law adviser who drafted such bill (acting after consultation with the State Attorney) to be a hybrid bill shall be published in the Government Gazette for general information not later than three months before the date on which it is proposed to introduce such bill.

TABLING OF GAZETTE CONTAINING HYBRID BILL

95. The member in charge of a hybrid bill shall, when he lays such bill on the Table of this Assembly, at the same time lay on the Table a copy of the Gazette in which such bill was made known and the Speaker shall then announce whether or not he is satisfied that Standing Order No 94 has been complied with.

OPPOSED HYBRID BILL TO BE REFERRED TO SELECT COMMITTEE

96. (1) An opposed hybrid bill shall, after second reading, be referred to a select committee with power to hear suitors and their counsel and attorneys for and against the bill.
- (2) When the select committee has reported the bill, it shall be proceeded with as a public bill.
- (3) A hybrid bill shall be deemed to be opposed if petitions in opposition thereto are presented to this House within five sitting days of the the second reading of the bill.

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ORDER IN ASSEMBLY AND IN COMMITTEES AND RULES OF DEBATE

97. (1) Every member is to be suitably dressed and uncovered when he enters or leaves the Chamber of this Assembly or moves to any other part of the Chamber during a debate, and he shall bow to the Chair in passing to or from his seat.
- (2) No member shall pass between the Chair and a member who is speaking, nor between the Chair and the Table, nor stand in any of the passages or gangways.
98. No member shall converse aloud or read a newspaper or any other paper not connected with the business under consideration.
99. A member desiring to speak shall rise in his place uncovered and shall address the Speaker or other presiding officer.
100. During proceedings in this Assembly, members shall refer to one another as "the honourable Mr." (stating the member's name), or "the honourable Chief" (stating the Chief's name), as the case may be, and shall refer to the President or the Vice-President as "His Excellency".
101. Order shall be maintained by the Speaker or other presiding officer, but disorder in a committee can only be censured by this Assembly on receiving a report.
102. Whenever the Speaker or other presiding officer rises during debate, any member then speaking or offering to speak shall resume his seat and the Speaker or other presiding officer shall be heard without interruption.
103. No member other than the President may claim preferential treatment in this Assembly.
104. Whenever practicable the Whips shall furnish the Speaker with the list of the names of the members who wish to participate in a debate in this Assembly prior to the commencement of such debate.
105. (a) Except in the case of members of the Executive Council, no member may exceed thirty minutes when speaking to any question or motion: Provided that, unless otherwise provided in these Standing Orders, no member, other than the member in charge, may speak twice to a question when the Speaker is in the Chair;
- (b) No member shall address a committee of the whole Assembly more than three times on any question nor speak longer than ten minutes at a time, except the member in charge of the Business before the committee who shall not be so restricted.
106. No member shall interrupt another member whilst speaking except -
  - (a) to call attention to a point of order or a question of privilege;
  - (b) to call attention to the absence of a quorum;
  - (c) to call attention to the presence of strangers; or
  - (d) to move the closure.
107. When a point of order is raised, the member called to order shall resume his seat, and after the point of order has been stated to the Speaker or other presiding officer by the member raising it, the Speaker or other presiding officer shall give his ruling or decision thereon either forthwith or subsequently.

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108. (1) A member may speak -
- (a) to the question before this Assembly or a committee of the whole Assembly;
  - (b) to any amendments proposed to a question;
  - (c) to a question or an amendment proposed or to be proposed by himself; or
  - (d) to a point of order on a question of privilege.
- (2) If any amendments are proposed to a question before this Assembly after a member has spoken, he may again address the Assembly on such amendments, but a member who speaks to such question for the first time after amendments have been proposed shall be allowed only one speech which may cover the main question and the amendments.
109. A reply shall be allowed to the mover of a substantive motion or to the member in charge of an order of the day but not to a member who has moved -
- (a) an amendment;
  - (b) an adjournment during a debate; or
  - (c) an instruction to a committee.
110. When this Assembly adjourns, members shall rise and remain in their places until the Speaker has left the Chamber.
111. When a member rises to speak he shall be called by the Speaker or other presiding officer and, if more than one member rise at the same time, the Speaker or other presiding officer shall call one member who shall then be entitled to speak. When speaking a member shall use the one or the other of the official languages and if the Speaker or other presiding officer so directs, such speech shall be interpreted accordingly.
112. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.
113. The Speaker or other presiding officer, after having called attention to the conduct of a member who persists in irrelevance or repetition of arguments may direct him to discontinue his speech and to resume his seat.
114. It shall be out of order for any member to use offensive and insulting language when referring to this Assembly or to any member of this Assembly.
115. No member shall refer to any matter on which a judicial decision is pending.
116. A member shall not read his speech, but may refresh his memory by referring to notes.
117. No member shall use irreverently the name of the President or the Vice-President, or of any other Head of State of a foreign country, or use any such name for the purpose of influencing this Assembly in its deliberations.
118. (1) An explanation during debate is allowed only when a material part of a member's speech has been misquoted or misunderstood, but such member shall not be permitted to introduce any new matter, and no debate shall be allowed upon such explanation.

NATIONAL ASSEMBLY ACT, 1983

- (2) A member may, with the prior consent of the Speaker, also explain matters of a personal nature, although there is no question before this Assembly, but such matters may not be debated, and the member shall confine himself strictly to the vindication of his own conduct.

119. A reply in terms of Standing Order 109 closes the debate.

120. (1) When the debate upon a question has been concluded, the Speaker or other presiding officer shall put the question by asking whether the members are "Agreed".

(2) If the question is not heard or understood he shall state it again.

121. (1) No member shall speak to any question after it has been fully put by the Speaker or other presiding officer.

(2) A question shall be deemed to have been fully put when the voices of both the "Agreed" and the "Noes" have been given thereon.

DIVISIONS

122. Whenever a question is put by the presiding officer, any member may, instead of demanding a division, inform the presiding officer that he wishes his opposition or that of the party to which he belongs to be formally recorded in the Minutes of Proceedings: Provided that the presiding officer may order that a division shall take place in the event of four or more members wishing to record their individual opposition.

123. After a question has been put and the presiding officer has indicated whether in his opinion the "Agreed" or the "Noes" have it, any member may demand a division, whereupon a division shall subject to Standing Order 124, take place without debate.

124. (1) Whenever a division is demanded, the presiding officer, before instructing the division bells to be rung, shall satisfy himself that at least four members support the demand for such division.

(2) If fewer than four members rise in support thereof, the presiding officer shall forthwith declare the decision on the question.

125. (1) If the requisite number of members support the demand for a division, the division bells shall be rung and the doors shall be locked as soon after the lapse of two minutes as the presiding officer shall direct, but if further divisions are required to dispose of the question and such divisions follow immediately upon the first division, the division bells shall again be rung and the doors shall be locked as soon after the lapse of 15 seconds as the presiding officer shall direct.

(2) When the doors have been locked, no member shall enter or leave the Chamber until the result of the division has been declared.

126. (1) Subject to subrule (3), the presiding officer shall again put the question when the doors have been locked.

(2) Thereafter the presiding officer shall indicate on which side of the Chair the "Agreed" and the "Noes" shall take their seats and appoint tellers for each side.

(3) After the lapse of the periods prescribed by Standing Order 125 the presiding officer may again put the question and declare afresh whether in his opinion the "Agreed" or the "Noes" have it, in which case a division shall take place only if such fresh declaration is challenged.

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127. When, on a division taking place, fewer than 10 members appear on one side, the presiding officer shall forthwith declare the decision on the question.
128. A member calling for a division shall not leave the Chamber until the result of the division has been declared and shall vote with those who, in the opinion of the presiding officer, are in the minority.
129. (1) Every member present in the Chamber when the question is put with the doors locked shall vote.  
(2) The provisions of subsection (1) shall not apply to a Minister, or Deputy Minister who is not a member.
130. While a division is taking place, members may speak to a point of order arising out of or during the division.
131. The tellers shall sign the division lists and hand them to the presiding officer, who shall declare the result of the division.
132. In the event of confusion or error concerning a division, another division shall take place unless the numbers can be corrected otherwise.
133. If the numbers have been inaccurately reported or error occurs in the names on the division lists, the Speaker shall order the Minutes of Proceedings to be corrected.

INTERRUPTION OF BUSINESS

134. (1) When debate on any stage of a bill is limited the following provisions shall apply:
  - (a) On the expiration of the period allotted for a second reading, Mr. Speaker shall interrupt business and, before putting the question, shall allow the member in charge of the bill to reply immediately or on a future day.
  - (b) (i) On the expiration of the period allotted for the committee stage, the Chairman shall interrupt business and any amendments (other than amendments proposed by the member in charge) shall drop.  
(ii) The Chairman shall then put forthwith, without debate, the question before the committee and any amendments which have been or may be moved by the member in charge, and thereafter only such further questions, including amendments moved by the member in charge, as may be necessary to dispose of the stage.  
(iii) Notwithstanding the provisions of Standing Order No. 56, the Chairman may, in respect of the remaining clauses and schedules (if any) of the bill to which no amendments are to be moved by the member in charge, put the question (to be decided without amendment or debate) that such clauses and schedules (if any) stand part of the bill.
- (2) When debate on a motion is limited but the period allotted excludes the reply of the member in charge, the Speaker shall, on the expiration of the period allotted, interrupt business and before putting the question allow the member in charge of the motion to reply immediately or on a future day.
- (3) When business is interrupted on the expiration of any period allotted, the adjournment of this House in terms of Standing Order 25 shall be postponed until the proceedings on the business interrupted have been completed.

## NATIONAL ASSEMBLY ACT, 1983

### SELECT COMMITTEES

#### FIRST MEETING

135. The first meeting of a select committee shall be convened by the Secretary within five sitting days after the Speaker has announced the names of the members appointed to serve on such select committee.

#### QUORUM

136. (1) Three members of a select committee shall form a quorum.
- (2) If a quorum is not present within 15 minutes after the appointed time, the clerk attending the select committee shall report the circumstances to the Secretary, who shall convene a meeting for a future sitting day.
- (3) If at any time during a sitting of a select committee a quorum of members is not present, the chairman shall either suspend business until a quorum is present or adjourn the committee to a future sitting day.

#### ELECTION OF CHAIRMAN

137. Unless a chairman has previously been appointed, every select committee shall, before it commences its business, elect one of its members to be chairman.

#### CASTING VOTE

138. The chairman or acting chairman of a select committee shall, besides his vote as a member, have a casting vote in the event of an equality of votes.

#### PUBLICATION OF PROCEEDINGS, ETC.

139. The proceedings of or the evidence taken by or the report of any select committee, or a summary of such proceedings, evidence or report, shall not be published or divulged before the report of such committee has been printed by order of this Assembly: Provided that evidence which a select committee has resolved shall not be made public, shall not be published or divulged except by order of this Assembly.

#### PRESENTATION OF REPORT

140. The report of a select committee shall be presented to this Assembly by the chairman or another member of the committee.

#### MINORITY REPORT

141. It shall not be competent for a select committee to present a minority report.

#### SITTINGS DURING SITTING OF ASSEMBLY

142. A select committee may, with the unanimous concurrence of all the members present, resolve to sit during the sittings of this Assembly.

#### SITTINGS WHEN ASSEMBLY ADJOURNED

143. A select committee may, with the unanimous concurrence of all its members, sit on days over which this Assembly is adjourned.

## NATIONAL ASSEMBLY ACT, 1983

### CHARGE AGAINST MEMBER

144. If any information charging any member of this Assembly comes before any select committee, the committee shall not proceed upon such information, but shall report it without delay to this Assembly.

### APPEARANCE OF LEGAL REPRESENTATIVES

145. (1) Counsel and attorneys appearing before any select committee shall observe such directions and conform to such rules as may be laid down by the chairman.
- (2) when appearing before a select committee counsel shall be robed.

### PRESENCE OF STRANGERS

146. (1) No persons other than members of this Assembly shall, except with the concurrence of a select committee, be present during any of the proceedings of such committee.
- (2) All persons other than members of the committee shall withdraw on being requested by the chairman to do so.

### TERMS OF REFERENCE OF SELECT COMMITTEE ON PUBLIC ACCOUNTS

147. The terms of reference of the Select Committee on Public Accounts shall be to examine, and to report to this Assembly, on -
- (a) the accounts showing the appropriation of the sums granted by this Assembly to meet public expenditure; and
- (b) the annual report of the Auditor-General.

### POSITION WHERE SELECT COMMITTEE IS UNABLE TO COMPLETE ITS WORK

148. If any Select Committee is unable to complete its terms of reference before the end of the session, it shall so report to this Assembly.

### ALLOWANCES FOR MEMBERS OF SELECT COMMITTEE SITTING OUTSIDE SESSION

149. The allowances (if any) payable to members of a Select Committee for attendance at meetings of such committee at a time when this Assembly is not in session shall be determined by the Speaker in consultation with the Treasury: Provided that such allowances (if any) shall be payable only after the report of such committee has been tabled.

### WITNESSES

#### ATTENDANCE OF WITNESS DETAINED IN PRISON

150. If a witness whose attendance before this Assembly or a committee thereof is required, is being detained in any prison, the person in charge of such prison may be ordered to bring the witness in safe custody for examination as often as his attendance shall be deemed necessary, and the Speaker may issue his warrant accordingly.

#### SUMMONING OF WITNESS

151. (1) No select committee shall summons a witness without first having satisfied the Speaker that the evidence of such witness will be material to the enquiry.
- (2) For the examination of every such witness the select committee shall sit on consecutive days.

## NATIONAL ASSEMBLY ACT, 1983

152. Subject to the Speaker's approval, the Secretary may pay to witnesses a reasonable sum for travelling and attendance time and for transport expenses actually incurred at the tariff prescribed for witnesses in criminal proceedings in a magistrate's court.

### DISCIPLINARY MEASURES

#### MEMBER ORDERED TO WITHDRAW

153. (1) The Speaker or other presiding officer shall order any member whose conduct is grossly disorderly to withdraw forthwith from the precincts of this Assembly for the remainder of that day's sitting and, if such member fails or refuses so to withdraw, he shall be removed from the chamber by the Serjeant-at-arms.
- (2) For the purposes of this Standing Order the conduct of a member shall be deemed to be grossly disorderly if -
- (a) he disregards the authority of the presiding officer; or
  - (b) he uses objectionable words and fails or refuses to withdraw them when ordered to do so by the presiding officer; or
  - (c) he fails or refuses to resume his seat when called to order by the presiding officer; or
  - (d) he wilfully disregards or contravenes any Standing Order; or
  - (e) he wilfully obstructs the business of this Assembly; or
  - (f) he is under the influence of intoxicating liquor whilst present in this Assembly.

#### NAMING OF MEMBER

154. If the presiding officer deems the powers conferred by Standing Order No. 153 inadequate, he may name such member.

#### PROCEDURE ON NAMING

155. If a member has been named -
- (a) in this Assembly, a motion "That . . . . . (the member named) be suspended from the service of this Assembly shall be moved forthwith by a Minister, whereupon the Speaker shall put the question without amendment or debate; or
  - (b) in committee of the whole Assembly, the Chairman shall forthwith suspend proceedings and report the circumstances to this Assembly, whereupon the procedure prescribed in paragraph (a) shall apply.

#### MEMBER TO WITHDRAW FROM PRECINCTS OF ASSEMBLY

156. A member ordered to withdraw under Standing Order No. 153 or suspended under Standing Order No. 155 shall forthwith withdraw from the precincts of this Assembly: Provided that such member shall not be exempted from serving on any select committee on a private or hybrid bill to which he may have been appointed.

#### PERIOD OF SUSPENSION AND FORFEITURE OF SALARY AND ALLOWANCES

NATIONAL ASSEMBLY ACT, 1983

157. (1) The suspension of a member under Standing Order No. 155 shall on the first occasion during a session continue for two sitting days, on the second occasion for four sitting days, and on any subsequent occasion for eight sitting days.
- (2) A member under suspension shall forfeit his salary and allowances for every day during which he is under suspension.

EXPRESSION OF REGRET

158. (1) A member suspended under Standing Order No. 155 may submit to the Speaker a written expression of regret, and if the Speaker approves of such expression of regret, he shall lay it before this Assembly, whereupon a motion may be moved forthwith for the discharge of the order of suspension, the question being put without amendment or debate.
- (2) An expression of regret laid before this Assembly in terms of subrule (1) shall be recorded in the Minutes of Proceedings.

MEMBER TO WITHDRAW WHILE HIS CONDUCT IS DEBATED

159. Whenever a charge is made against a member, he shall, after he has been heard from his place, withdraw from the Chamber while such charge is being debated.

GRAVE DISORDER IN COMMITTEE

160. In the event of grave disorder in committee of the whole Assembly, the Speaker shall resume the Chair without question put.

GRAVE DISORDER : POWERS OF SPEAKER

161. In the event of grave disorder the Speaker may adjourn this Assembly without question put, or suspend any sitting for a period to be stated by him.

CONTEMPT

MEMBER ADJUDGED GUILTY OF CONTEMPT TO BE COMMITTED TO CUSTODY

162. Any member adjudged guilty of contempt shall be committed to the custody of the Serjeant-at-Arms by order of the Speaker and dealt with as this Assembly may direct.

FINE FOR CONTEMPT

163. The amount of fine leviable under Part 1 of the National Assembly Act, 1983 for each of the offences mentioned in that Part, as also for each offence referred to in any Standing Order or any resolution of this Assembly shall in every case be determined by an order or a resolution of this Assembly, but such fine shall in no case exceed the sum of two hundred rand except where otherwise provided in Part 1 of the said National Assembly Act, 1983.

RECOVERY OF FINES

164. All fines shall be recovered by the Secretary and paid into the Ciskeian Revenue Fund.

REMISSION OF FINE OR DISCHARGE OF COMMITMENT

165. A fine or any portion thereof may be remitted or the commitment of any person may be discharged by order of this Assembly.

## NATIONAL ASSEMBLY ACT, 1983

### THE PRESIDENT

#### ADDRESSES TO THE PRESIDENT

166. All communications by this Assembly to the President shall be by respectful address, and all addresses shall be signed by the Speaker and the Secretary.

#### MESSAGES FROM THE PRESIDENT

167. Whenever a messenger bearing a message from the President is announced, the business before this Assembly shall be interrupted immediately and the bearer of the message introduced to deliver it to the Speaker.
168. Whenever a messenger from the President is announced while this Assembly is in committee, the Speaker shall resume the Chair.
169. (1) The Speaker shall immediately read the message to this Assembly, and thereafter the bearer of the message shall withdraw.
- (2) A day may be appointed for the consideration of the message, or a motion may be moved without notice to consider such message at the conclusion of the business which was interrupted at its arrival.
170. A message from the President may be presented to this House by the Vice-President or a Minister, but not during a debate or so as to interrupt a member whilst speaking.

#### THE PRESIDENT'S CONSENT

171. This Assembly shall not proceed upon any bill, motion or proposal affecting State-owned land or property, unless the President has given his consent that, as far as the State's interests are concerned, this Assembly may do therein as it shall think fit.

### STRANGERS

#### ADMITTANCE OF STRANGERS

172. The power to admit strangers to the precincts of this Assembly or the places set apart for them in the Chamber shall vest in the Speaker.

#### WITHDRAWAL OF STRANGERS

173. (1) The Speaker or other presiding officer may, whenever he thinks fit, order strangers to withdraw.
- (2) If a member takes notice that strangers are present, the Speaker or other presiding officer shall order such strangers to withdraw, or shall put the question, to be decided without amendment or debate, "That strangers be ordered to withdraw".

#### SERJEANT-AT-ARMS TO REMOVE STRANGERS

174. The Serjeant-at-Arms shall remove, or cause to be removed, any stranger from any part of this Assembly which has been set apart for members only, and also any stranger who, having been admitted into any other part of this Assembly, misconducts himself or does not withdraw when strangers are ordered to withdraw.

## NATIONAL ASSEMBLY ACT, 1983

### OFFICE OF SECRETARY AND RECORDS OF ASSEMBLY

175. The Minutes of Proceedings of this Assembly shall be noted by the Secretary, and shall, after being perused by the Speaker, be printed in the official languages and supplied to members.

### JOURNALS OF ASSEMBLY

176. The Minutes of Proceedings, signed by the Secretary, shall constitute the Journals of this Assembly.

### CUSTODY OF RECORDS

177. The Secretary shall have custody of all records and other papers of this Assembly, and he shall neither remove nor permit to be removed any such records or other papers or copies thereof beyond the precincts of this Assembly without the leave of the Speaker.

### ACCESS TO TABLED PAPERS

178. Subject to Standing Order 178, no person other than a member of this Assembly shall have access to and be entitled to take extracts from or make copies of papers laid upon the Table, but if this Assembly has ordered that the contents of any such paper shall not be made public, or if such paper is marked as being confidential, no member shall divulge such contents, under pain of breach of privilege.

### GENERAL DUTIES OF SECRETARY

179. The Secretary shall be responsible for the regulation of all matters connected with the business of this Assembly subject to such directions as he may receive from the Speaker or this Assembly.

### SUSPENSION OF STANDING ORDERS

180. (1) Any Standing, Sessional or other Order of this Assembly may be suspended by motion after notice.
- (2) The suspension of any such Order shall be limited in its operation to the particular purpose for which such suspension has been approved.

NATIONAL ASSEMBLY ACT, 1983

ANNEXURE

PRAYER

O, ALMIGHTY GOD AND HEAVENLY FATHER, WHO IN THY INFINITE MERCY AND WISDOM HAS CALLED RULERS AND APPOINTED GOVERNMENTS FOR THE WELFARE OF SOCIETY AND THE JUST GOVERNMENT OF MEN, WE BESEECH THEE TO BESTOW THY ABUNDANT FAVOUR UPON US THEY SERVANTS WHOM THOU HAST BEEN PLEASED TO CALL TO THE PERFORMANCE OF SUCH IMPORTANT TRUSTS IN THIS OUR LAND.

LET THY BLESSING DESCEND UPON US HERE ASSEMBLED AND GRANT THAT WE MAY, UNDER THEY GUIDANCE, TREAT AND CONSIDER ALL MATTERS THAT SHALL COME BEFORE US IN SO JUST AND FAITHFUL A MANNER AS TO PROMOTE THY HONOUR AND GLORY AND TO ADVANCE THE WELFARE OF OUR PEOPLE WHOM THOU HAS CALLED US TO SERVE. ALL THIS WE ASK IN THE NAME AND FOR THE SAKE OF OUR LORD JESUS CHRIST. AMEN.

THE LORD'S PRAYER

OUR FATHER WHICH ART IN HEAVEN, HALLOWED BE THY NAME. THEY KINGDOM COME. THEY WILL BE DONE IN EARTH, AS IT IS IN HEAVEN. GIVE US THIS DAY OUR DAILY BREAD AND FORGIVE US OUR TRESPASSES, AS WE FORGIVE THEM THAT TRESPASS AGAINST US, AND LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM EVIL. FOR THINE IS THE KINGDOM, THE POWER AND THE GLORY, FOR EVER AND EVER, AMEN.

NATIONAL ASSEMBLY ACT, 1983

SCHEDULE 2

LAWS REPEALED

No. and Year of Law	Short title	Extent of repeal
Act 91 of 1963	Powers and Privileges of Parliament Act, 1963	The whole
Act 62 of 1967	Powers and Privileges of Parliament Amendment Act, 1967	The whole
Act 1 of 1972	Ciskeian Standing Rules of Procedure Act, 1972	The whole
Act 33 of 1974	Parliamentary Service Act, 1974	Sections 13 to 18
Act 6 of 1977	Ciskeian Members of the Legislative Assembly Pensions Act, 1977	The whole
Act 17 of 1980	Ciskeian Legislative Assembly Remuneration Act, 1980	The whole
Act 20 of 1981	Republic of Ciskei Constitution Act, 1981	Section 47

<i>Inani le-saziso</i> 53	OKUQULATHIWEYO	<i>Inani lekhasi</i>	<i>Inani le-Gazethe</i> 60	<i>Govt. Notice No.</i> 53	CONTENTS	<i>Page No.</i>	<i>Gazette No.</i> 60
	<p>ISEBE LIKAMONGAMELI</p> <p>ISAZISO SIKARHULUMENTE SE-53</p> <p>UMTHETHO WENDLU YENDIBANO YESIZWE 1983</p> <p>UMTHETHO NOMBOLO 19 WOVE-1983</p>				<p>OFFICE OF THE PRESIDENCY</p> <p>GOVERNMENT NOTICE NO. 53</p> <p>NATIONAL ASSEMBLY ACT, 1983</p> <p>ACT NO. 19 OF 1983</p>		