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GENERAL NOTICE

NOTICE 537 OF 1995

DEPARTMENT OF ARTS, CULTURE,
SCIENCE AND TECHNOLOGY

PAN SOUTH AFRICAN LANGUAGE
BOARD DRAFT BILL

In terms of section 3 (10) (a) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), a Pan South African Language Board is to be established by the Senate by an Act of Parliament.

The Pan South African Language Board Draft Bill is hereby published in all the official languages by the Department of Arts, Culture, Science and Technology for general information and comment from interested parties.

ALGEMENE KENNISGEWING

KENNISGEWING 537 VAN 1995

DEPARTEMENT VAN KUNS, KULTUUR,
WETENSKAP EN TEGNOLOGIE

KONSEPWETSONTWERP OP DIE
PAN-SUID-AFRIKAANSE TAALRAAD

Ingevolge artikel 3 (10) (a) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), moet 'n Pan-Suid-Afrikaanse Taalraad deur die Senaat by 'n Parlements wet ingestel word.

Die Konsepwetsontwerp op die Pan-Suid-Afrikaanse Taalraad word hierby deur die Departement van Kuns, Kultuur, Wetenskap en Tegnologie in al die amptelike tale gepubliseer vir algemene inligting en kommentaar van belanghebbende partye.

Written comments on the Draft Bill should reach the Department by **28 July 1995** at the following address:

The Director
State Language Services
Private Bag X195
0001 PRETORIA

Fax (012) 324-2119 or 314-6048.

Public hearings at which oral comments on the Draft Bill can be made will be held at Parliament in Cape Town from 09:00 to 16:00 on **19, 20 and 21 July 1995**.

Public hearings will also be held at the following times and places to give persons in rural communities an opportunity for oral comment on the Draft Bill:

Giyani	24 July 1995.
Bloemfontein	24 July 1995.
Ulundi	26 July 1995.
Upington	26 July 1995.
Bisho	28 July 1995.
Mmabatho	28 July 1995.

Arrangements to comment orally during the public hearings should be made by **5 July 1995** with—

Dr A. M. Beukes of the State Language Services
Tel. (012) 314-6366 or 314-6362
Fax (012) 324-2119 or 314-6048.

Skriftelike kommentaar op die Konsepwetsontwerp moet die Departement voor of op **28 Julie 1995** bereik by die volgende adres:

Die Direkteur
Staatstaaldiens
Privaatsak X195
0001 PRETORIA

Faks (012) 324-2119 of 314-6048.

Openbare sittings waartydens mondelinge kommentaar op die Konsepwetsontwerp gelewer kan word, sal op **19, 20 en 21 Julie 1995** by die Parlement in Kaapstad gehou word van 09:00 tot 16:00.

Openbare sittings sal ook op die volgende tye en plekke gehou word om persone in landelike gemeenskappe ook die geleentheid te bied om mondelinge kommentaar op die Konsepwetsontwerp te lewer:

Giyani	24 Julie 1995.
Bloemfontein	24 Julie 1995.
Ulundi	26 Julie 1995.
Upington	26 Julie 1995.
Bisho	28 Julie 1995.
Mmabatho	28 Julie 1995.

Reëlings om mondelinge kommentaar tydens die openbare sittings te lewer moet voor of op **5 Julie 1995** getref word met—

Dr. A. M. Beukes van die Staatstaaldiens
Tel. (012) 314-6366 of 314-6362
Faks (012) 324-2119 of 314-6048.

Afrikaans

Hierdie dokument bevat konsepwetgewing en is bedoel om as 'n besprekingsdokument te dien vir kommentaar deur lede van die publiek tydens openbare vergaderings of vir skriftelike bydraes. Dit is nie 'n finale teks nie, en dit sal deur die Staatsregsadviseurs geredigeer en in die gepaste regstaal ingeklee word sodra alle kommentaar ontvang en oorweeg is.

INLEIDENDE OPMERKINGS

1. Grondwetlike agtergrond

Suid-Afrika is 'n veeltalige land en sy inwoners bestaan uit verskillende gemeenskappe. Hoewel amptelike tweetaligheid voorheen 'n grondwetlike beginsel in hierdie land was (amptelike erkenning van die nege Afrikatale was beperk tot die regsgebiede van die voormalige TBVC-state en selfregerende gebiede), bevat die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), 'n aantal bepalings om veeltaligheid teweeg te bring. Dit weerspieël nie net die demokratiese inhoud en gees van die Grondwet nie, maar is ook 'n belangrike erkenning van die taalverskeidenheid van Suid-Afrika.

Die belang wat aan veeltaligheid en die beskerming van fundamentele taalregte geheg word, is verwoord in Grondwetlike Beginsel XI: *"Die verskeidenheid van taal en kultuur moet erken en beskerm word, en omstandighede vir die bevordering daarvan moet aangemoedig word."*

Artikel 31 van die Grondwet maak dit voorts duidelik dat taal 'n basiese mensereg is: *"Elke persoon het die reg om die taal van sy of haar keuse te gebruik . . ."* Artikel 8 maak voorsiening vir elke persoon se gelykheid voor die reg en bepaal dat daar teen niemand onbillik gediskrimineer mag word nie, hetsy direk of indirek, op grond van taal. Wat onderwys betref, bepaal artikel 32 dat elke persoon die reg het *"op onderrig in die taal van sy of haar keuse waar dit redelikerwys uitvoerbaar is"*.

Artikel 3 beliggaam die beginsel van elf amptelike tale op nasionale vlak en bepaal dat toestande geskep moet word vir die ontwikkeling en vir die bevordering van die gelyke gebruik en benutting van al hierdie tale. Verder verbied artikel 3 (9) (c) die gebruik van enige taal vir die doeleindes van uitbuiting, oorheersing of verdeling.

Veeltaligheid het klaarblyklik 'n leidende beginsel in Suid-Afrika geword. In artikel 3 (10) word daar voorsiening gemaak vir 'n belangrike grondwetlike meganisme vir die doeltreffende bestuur van veeltaligheid, deurdat daar bepaal word dat die Senaat 'n Pan-Suid-Afrikaanse Taalraad by 'n Parlements wet moet instel.

Die Raad moet in alle opsigte onderworpe wees aan die beginsels uiteengesit in die Grondwet. Sy opdrag is soos volg:

- (a) Om respek te bevorder vir die ses taalbeginsels bedoel in artikel 3 (9) van die Grondwet, naamlik—
 - (i) die skepping van toestande vir die ontwikkeling en vir die bevordering van die gelyke gebruik en benutting van alle amptelike Suid-Afrikaanse tale;

- (ii) die uitbreiding van die regte met betrekking tot taal en die status van tale wat by die inwerkingtreding van die Grondwet tot sekere streke beperk was (d.i. die amptelike tale van die voormalige sogenaamde selfregerende gebiede en TBVC-state);
- (iii) die voorkoming van die gebruik van enige taal vir die doeleindes van uitbuiting, oorheersing of verdeling;
- (iv) die bevordering van veeltaligheid en die voorsiening van vertaalfasiliteite;
- (v) die kweek van respek vir ander tale, benewens die amptelike tale, wat in Suid-Afrika gepraat word, en die aanmoediging van die gebruik daarvan in gepaste omstandighede;
- (vi) die nie-vermindering van regte met betrekking tot taal en die status van tale wat by die inwerkingtreding van die Grondwet bestaan het.
- (b) Om die ontwikkeling van die amptelike tale te bevorder.
- (c) Om aanbevelings te doen betreffende enige voorgestelde wetgewing ingevolge artikel 3, na oorlegpleging met die verskillende wetgewers (d.i. nasionaal en provinsiaal).
- (d) Om respek vir en die ontwikkeling van ander tale wat deur gemeenskappe in Suid-Afrika gebruik word, asook ander tale wat vir godsdiensdoeleindes in Suid-Afrika gebruik word, te bevorder.

2. Die Parlementêre proses om die Pan-Suid-Afrikaanse Taalraad in te stel

Ten einde met taalspesialiste en taalbelanghebbendes oor 'n breë grondslag oorleg te pleeg, is 'n nasionale konferensie, **Tale vir Almal: Op pad na 'n Pan-Suid-Afrikaanse Taalraad**, op 27 en 28 Mei 1994 aangebied deur die voormalige Departement van Nasionale Opvoeding en die ANC se Departement Kuns en Kultuur.

Die hoofdoel van die Konferensie was om aan belanghebbendes 'n geleentheid te bied om by te dra tot die proses om die wetgewing oor die Raad op te stel. Die Konferensie het 'n deursigtige en oorlegplegende strategie bedink om die proses vir die instelling van die Raad te dryf:

- ▶ Liggame en/of individue wat dit nog nie gedoen het nie, is die geleentheid gebied om voorstelle oor die instelling van die Raad voor te lê aan die *Gesamentlike Konferensiereëlingskomitee* (wat onder die Departement van Kuns, Kultuur, Wetenskap en Tegnologie gefunksioneer het); en
- ▶ 'n bestuursopsomming van die Konferensie se verrigtinge wat die menings van die betrokke deelnemers/liggame en die voorstelle wat agterna ingedien is weerspieël, moes opgestel en aan die Senaat voorgelê word.

'n Spesiale komitee van die *Gesamentlike Konferensiereëlingskomitee* bestaande uit me. Q. Buthelezi (ANC se Taalkommissie), prof. V. N. Webb (Linguistevereniging van Suid-Afrika) en dr. A. M. Beukes (Departement van Kuns, Kultuur, Wetenskap en Tegnologie) het die Bestuursopsomming op 27 Oktober 1994 voltooi, waarna dit voorgelê is aan die twee Parlementêre komitees oor taalsake en al die lede van die Reëlingskomitee.

Op 18 Augustus 1994 het die Senaat ingestem dat sy *Gekose Komitee oor Onderwys, Sport en Ontspanning, Kuns, Kultuur, Wetenskap en Tegnologie*, in samewerking met die Departement van Kuns, Kultuur, Wetenskap en Tegnologie, wetgewing vir die instelling van die Raad opstel. Die Senaat het op 5 September 1994 'n *Subkomitee oor Taal* benoem, en sen. L. J. Swanepoel is as voorsitter aangewys.

Op 31 Augustus 1994 het die Nasionale Vergadering besluit dat, in die lig van die kontroversiële en emotiewe aard van die debat oor taal in Suid-Afrika, elke politieke party in die Nasionale Vergadering 'n lid moet benoem om in die *Tussentydse Taalsekretariaat* te dien saam met die Senaat se *Gekose Komitee oor Taal*. Die Nasionale Vergadering het ook 'n *Subkomitee oor Taal* benoem en me. N. T. Tsheole is as voorsitter aangewys.

Op 'n gesamentlike vergadering op 4 November 1994 het die subkomitees van die Senaat en die Nasionale Vergadering die volgende besluite geneem oor die Parlementêre prosedure wat gevolg moet word met die opstel van die wetgewing oor die Raad:

- (a) Die twee subkomitees moet saam 'n *Beleidsbesprekingsdokument* (of *Groenskrif*) oor die instelling van die Raad publiseer. Skriftelike kommentaar oor die Groenskrif moet van alle belanghebbende partye gevra word.

- (b) Openbare vergaderings oor die instelling van die Raad moet ná publikasie van die *Groenskrif* in elk van die nege provinsies gehou word.
- (c) Die twee subkomitees moet dan saam 'n *Witskrif* oor die Pan-Suid-Afrikaanse Taalraad publiseer.
- (d) Die Senaat moet uiteindelik die wetgewing oor die Pan-Suid-Afrikaanse Taalraad ter tafel lê.

'n *Beleidsbesprekingsdokument* (of *Groenskrif*) is daarna deur die Senaat se Subkomitee saam met die Departement van Kuns, Kultuur, Wetenskap en Tegnologie opgestel en aan die twee subkomitees voorgelê. Die konsepdokument is bygewerk in die lig van kommentaar van die Senaat se subkomitee.

Aangesien tyd 'n probleem was en die proses te tydrowend was, het die Senaat se *Gekose Komitee oor Onderwys, Sport en Ontspanning, Kuns, Kultuur, Wetenskap en Tegnologie* aanbeveel dat die proses bespoedig word sonder om afbreuk te doen aan die noodsaaklikheid van deursigtigheid. Die volgende besluite is deur albei Huise van die Parlement geneem:

- (a) Die *Beleidsbesprekingsdokument* (of *Groenskrif*), opgestel deur die Senaat se Subkomitee oor Taal in samewerking met die Nasionale Vergadering se Subkomitee oor Taal, moet as werkdokument gebruik word vir bespreking in albei Huise.
- (b) Na afloop van die debatte moet die Konsepwetsontwerp oor die Raad opgestel word deur regs kundiges in samewerking met die Departement van Kuns, Kultuur, Wetenskap en Tegnologie, met gebruikmaking van die werkdokument en kommentaar van politieke partye tydens die debatte.
- (c) Die Konsepwetsontwerp moet in die 11 amptelike tale in die *Staatskoerant* gepubliseer word en kommentaar moet van alle belanghebbende partye aangevra word.
- (d) Openbare vergaderings met alle belanghebbende partye moet daarna in Kaapstad gehou word (indien nodig, kan *ad hoc*-vergaderings in afgeleë landelike gemeenskappe gehou word om maksimum deursigtigheid te verseker).
- (e) Die Wetsontwerp moet daarna in die Parlement ter tafel gelê word.

Die finale weergawe van die *Groenskrif* (gedateer Maart 1995) is op 30 Maart 1995 deur die Senaat bespreek, en op 5 April 1995 deur die Nasionale Vergadering.

Twee regs kundiges, prof. N. J. J. Olivier van die Regsfakulteit van die Universiteit van Natal (Pietermaritzburg) en mnr. P. M. Mtshaulana, navorser by die Konstitusionele Hof en dosent in die Regsfakulteit van die Universiteit van die Noorde, is aangestel om die Departement van Kuns, Kultuur, Wetenskap en Tegnologie by te staan met die opstel van die Wetsontwerp oor die Raad.

VERKLARENDE NOTAS

Lang titel en aanhef

Die lang titel van die Wetsontwerp is 'n kort samevatting van die inhoud daarvan. Die aanhef bevestig dat die Wetsontwerp en die beginsels waarop dit gegrond is, voortspruit uit die Grondwet van die Republiek van Suid-Afrika, Wet No. 200 van 1993.

Klousule 1: Woordomskrywing

Klousule 1 van die Wetsontwerp bevat woordomskrywings, waarvan die meeste selfverduidelikend is.

Klousule 2: Instelling van die Pan-Suid-Afrikaanse Taalraad

Hierdie klousule stel die Pan-Suid-Afrikaanse Taalraad in. Die Raad sal 'n regspersoon wees.

Klousule 3: Oogmerke

Hierdie klousule bevat die oogmerke van die Raad, met spesiale verwysing na die beginsels van veeltaligheid soos uiteengesit in artikel 3 (9) van die Grondwet, die ontwikkeling van die 11 amptelike Suid-Afrikaanse tale, en die bevordering van respek vir en die ontwikkeling van ander tale.

Klousule 4: Samestelling van die Raad

Hierdie klousule skryf die samestelling van die Raad voor. Die Raad (14 persone: 13 stemgeregtigde lede en een lid sonder stemreg) sal bestaan uit verskeie kundiges —

- (a) op die gebied van taalbeplanning (vier persone);
- (b) met ondervinding van en wat praktiseer op die volgende terreine: Vertaling (een persoon), tolkwerk (een persoon), leksikografie of terminologie (een persoon), taalonderrig (een persoon) en geletterdheid (een persoon);
- (c) met 'n spesiale kennis van taalwetgewing (een persoon); en
- (d) met 'n spesiale kennis van taalaangeleenthede (hoogstens drie persone).

Voorts sal die uitvoerende beampte ook 'n lid van die Raad wees, maar sonder stemreg.

Hierdie klousule bepaal ook dat die Raad se lede deur die Senaat aangestel sal word nadat benoemings van die breek publiek gevra is. Die Raad se lede moet aan sekere vereistes (kwalifikasies) voldoen, en hulle aanstelling kan ook deur die Senaat beëindig word.

Die ampstermyn van lede van die Raad is sewe jaar, en heraanstelling vir 'n tweede termyn kan deur die Senaat oorweeg word. Ampte wat gedurende hierdie tydperk van sewe jaar vakant raak, kan deur die Senaat gevul word vir die oorblywende deel van daardie tydperk.

Klousule 5: Voorsitter en ondervoorsitter

Hierdie klousule maak voorsiening vir die verkiesing van die voorsitter en ondervoorsitter van die Raad (wat deur die Hoofregter gelei moet word) met 'n ampstermyn van sewe jaar (met die moontlikheid van herverkiesing vir 'n tweede termyn). Die ondervoorsitter, wanneer hy of sy as voorsitter optree, sal al die bevoegdhede en pligte van die voorsitter hê. Daar word ook voorsiening gemaak vir die verkiesing van 'n nuwe voorsitter of ondervoorsitter indien sy of haar amp vakant raak.

Klousule 6: Vergaderings en setel van die Raad

Hierdie klousule is grootliks selfverduidelikend. Dit bepaal onder andere dat die Raad ten minste vier keer per jaar moet vergader, dat 7 van die 13 stemgeregtigde lede 'n kworum vorm, en dat hy oorleg kan pleeg en nou kan saamwerk met enige persoon of liggaam van persone wat 'n spesiale kennis en ondervinding van Suid-Afrika se taalprobleme het of wat betrokke is by die ontwikkeling en bevordering van die beginsels van veeltaligheid soos uiteengesit in artikel 3 van die Grondwet.

Hierdie klousule bepaal ook dat die Raad op 'n konsensussoekende wyse moet funksioneer wat in ooreenstemming is met die gees van veeltaligheid soos verskans in die Grondwet (soortgelyke bepalings bestaan ten opsigte van die funksionering van die Regering van Nasionale Eenheid en die Provinsiale Uitvoerende Rade). Die voorsitter sal 'n beslissende stem hê in die geval van 'n staking van stemme.

Klousule 7: Bevoegdhede en werksaamhede van die Raad

Hierdie klousule bevat die bevoegdhede en werksaamhede van die Raad, wat insluit die doen van aanbevelings; ontvangs en erkenning van klagtes oor beweerde skendings of dreigende skendings; advisering van klaers en die doen van aanbevelings ten opsigte van klagtes; monitering van die nakoming van die grondwetlike bepalings en beginsels betreffende die gebruik van tale, die inhoud en nakoming van enige bestaande en nuwe wetgewing, praktyk en beleid wat regstreeks of onregstreeks oor taalaangeleenthede handel, bystand met en monitering van die formulering van programme en beleide, en in gepaste gevalle die beskikbaarstelling van fondse. Die Raad moet ook sy bevindings, standpunte, advies en aanbevelings op 'n kwartaallikse grondslag (of 'n korter tydperk wat die Raad geskik ag) in die *Staatskoerant* publiseer, en in die geval van provinsiale taalaangeleenthede ook in die betrokke *Provinsiale Koerant(e)*.

Die Raad kan die Regering ook adviseer om finansiële steun te verleen aan groepe wat slagoffers van growwe skendings van taalregte is. Hy kan ook studies en navorsing ter bereiking van sy oogmerke inisieer, en kan vir dié doel finansiële en ander steun verleen; hy kan ook navorsing laat doen.

Die Raad sal ook die bevoegdheid hê om wetgewing, beleid en praktyke wat regstreeks of onregstreeks oor taal of oor die grondwetlike bepalings handel, te inisieer, te ondersoek of te laat ondersoek en aanbevelings daarvoor aan enige wetgewer of staatsorgaan voor te lê.

Die Raad kan enigiemand daag om voor hom te getuig, en sal toegang hê tot amptelike dokumente. Hy kan ook komitees aanstel bestaande uit een of meer van sy lede en ander persone wat hy geskik ag om hom te adviseer by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.

Die Raad kan voorts—

- (a) provinsiale taalkomitees instel om hom te adviseer oor taalaangeleenthede in die verskillende provinsies; en
- (b) taalliggame instel om hom te adviseer ten opsigte van enige bepaalde taal.

Daar kan reëls gemaak en kennisgewings uitgereik word; in sulke gevalle word publikasie in die *Staatskoerant* en die *Provinsiale Koerante* voorgeskryf.

Klousule 8: Verhouding met ander instellings, persone en liggame van persone

Hierdie klousule bevat die beginsels van samewerking tussen die Raad en staatsorgane, persone of liggame van persone en ander instellings betrokke by taalaangeleenthede. Die Raad moet die advies verkry van die betrokke provinsiale komitee(s), staatsorgaan/-organe en taalliggame wat by statuut of deur die Raad ingestel is, en moet individue, groepe en ander taalliggame of instellings se advies inwin voordat hy bevindings, standpunte, advies of aanbevelings maak of publiseer. Hy kan ook oorleg pleeg met enige ander individu, groep, liggaam of instelling.

Klousule 9: Verrigting van administratiewe werk van die Raad

Die administratiewe werk van die Raad sal verrig word deur amptenare aangestel kragtens die Staatsdienswet, 1994. Hierdie amptenare moet oor die algemeen verteenwoordigend van die Suid-Afrikaanse gemeenskap wees.

Klousule 10: Reëls betreffende prosedures van die Raad

Hierdie klousule handel oor die indiening van klagtes oor die beweerde skending of dreigende skending van 'n taalreg, taalbeleid of taalpraktyk. Daar word voorsiening gemaak vir die prosedure wat gevolg moet word asook vir die lewering van bystand in hierdie verband, en ook vir die ondersoek van sulke klagtes. Indien die Raad van oordeel is dat daar gronde is vir 'n klagte wat deur hom ondersoek word, moet hy die klaer bystaan om regstelling te verseker, onder andere deur die aangeleentheid na die betrokke staatsorgaan te verwys of die klaer (in gepaste gevalle) te help om regshulp van 'n bevoegde hof te verkry. Hy moet die klaer inlig van sy bevinding en moet sy bevindings publiseer.

Klousule 11: Uitgawes van die Raad

Die Parlement moet fondse vir die uitgawes van die Raad bewillig. Die jaarlikse begroting van uitgawes moet aan die Direkteur-generaal van die betrokke Staatsdepartement voorgelê word, wat die rekenpligtige beamppte is.

Klousule 12: Jaarverslag

Hierdie klousule verplig die Raad om jaarliks 'n omvattende verslag oor sy bedrywighede aan die Parlement voor te lê, asook 'n verslag oor provinsiale taalaangeleenthede aan die betrokke provinsiale wetgewers.

Klousule 13: Besoldiging en toelaes van lede van die Raad

Die Parlement moet fondse bewillig vir die besoldiging van lede van die Raad en personeel wat nie in die voltydse diens van die Staat is nie.

Klousule 14: Aanspreeklikheid van die Raad

Hierdie klousule is selfverduidelikend.

Klousule 15: Kort titel en inwerkingtreding

Die kort titel van die Wetsontwerp is selfverduidelikend. Die Wetsontwerp word geag op 28 April 1994 in werking te getree het en die Raad word geag op daardie datum ingestel te gewees het ten einde die Raad terugwerkend (tot 28 April 1994) in staat te stel om sy bevoegdhede en werksaamhede uit te oefen en te verrig.

WETSONTWERP

Om voorsiening te maak vir die erkenning, implementering en bevordering van veeltaligheid in die Republiek van Suid-Afrika; om 'n Pan-Suid-Afrikaanse Taalraad in te stel; en om vir verbandhoudende aangeleenthede voorsiening te maak.

NADEMAAL die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), voorsiening maak vir die erkenning van die beginsel van veeltaligheid;

EN NADEMAAL daar voorsiening gemaak moet word vir maatreëls wat daarop gemik is om respek, toereikende beskerming en bevordering van die amptelike Suid-Afrikaanse tale te verkry, asook vir die bevordering van die amptelike tale wat in die verlede nie volle erkenning geniet het nie, ten einde die volle en gelyke benutting van die amptelike Suid-Afrikaanse tale asook respek vir die ander Suid-Afrikaanse tale wat vir kommunikasie en godsdiensdoeleindes gebruik word, te bevorder;

WORD DAAR DERHALWE bepaal deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

“**bestaande**” ook bestaande voor die inwerkingtreding van die Grondwet, die inwerkingtreding van hierdie Wet en in enige ander stadium;

“**Departement**” die Staatsdepartement ingevolge die Grondwet deur die President aangewys om primêr vir taalaangeleenthede verantwoordelik te wees;

“**erkende, praktiserende vertaler**” ’n persoon met uitgebreide indiensopleiding aan ’n erkende vertaalinrigting en ten minste vyf jaar vertaalondervinding;

“**erkende, praktiserende tolk**” ’n persoon met uitgebreide ondervinding en indiensopleiding in tolkwerk;

“**erkende, praktiserende leksikograaf of terminoloog**” ’n persoon met ten minste vyf jaar ondervinding en indiensopleiding in leksikografie en/of terminologie;

“**erkende, praktiserende taalonderrigkundige**” ’n persoon met formele opleiding in taalonderrig en uitgebreide ondervinding as sodanig;

“**erkende geletterdheidskundige**” ’n persoon met formele opleiding in geletterdheidsonderrig en uitgebreide ondervinding as sodanig;

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

“**hierdie Wet**” ook die reëls uitgevaardig en kennisgewings uitgereik ingevolge artikels 6 (9), 7 (8), 7 (11) en 8 (2) (d);

“**Minister**” die Minister van die Departement;

“**Provinsiale Koerant**” die offisiële koerant van die betrokke provinsie;

“**Raad**” die Pan-Suid-Afrikaanse Taalraad ingestel by artikel 2;

“**staatsorgaan**” ’n staatsorgaan soos omskryf in artikel 233 van die Grondwet;

“taalbeplanner” ’n persoon met opleiding in taalbeplanning en uitgebreide ondervinding as sodanig;

“taalsosioloog” ’n persoon met opleiding in die taalkundige, sosiale, politieke en opvoedkundige aspekte van die verband tussen taal en samelewing;

“uitvoerende beampte” die uitvoerende beampte aangestel ingevolge artikel 9 (1);

“voorgeskrewe” voorgeskryf by of ingevolge hierdie Wet.

Instelling van die Raad

2. (1) Daar word hierby ’n raad ingestel wat bekend staan as die Pan-Suid-Afrikaanse Taalraad.

(2) Die Raad is ’n regspersoon en word verteenwoordig deur die voorsitter of ondervoorsitter of enige van sy lede aangewys deur die Raad in die algemeen of vir ’n bepaalde doel.

Oogmerke van die Raad

3. Die Raad het die volgende oogmerke, naamlik:

- (a) Om respek te bevorder vir die beginsels bedoel in artikel 3 (9) van die Grondwet, naamlik—
 - (i) die skepping van toestande vir die ontwikkeling en vir die bevordering van die gelyke gebruik en benutting van alle amptelike Suid-Afrikaanse tale;
 - (ii) die uitbreiding van die regte met betrekking tot taal en die status van tale wat by die inwerkingtreding van die Grondwet tot sekere streke beperk was;
 - (iii) die voorkoming van die gebruik van enige taal vir die doeleindes van uitbuiting, oorheersing of verdeling;
 - (iv) die bevordering van veeltaligheid en die voorsiening van vertaalfasiliteite;
 - (v) die kweek van respek vir ander tale, benewens die amptelike tale, wat in die Republiek gepraat word, en die aanmoediging van die gebruik daarvan in gepaste omstandighede;
 - (vi) die nie-vermindering van regte met betrekking tot taal en die status van tale wat by die inwerkingtreding van die Grondwet bestaan het;
- (b) om die ontwikkeling van die amptelike Suid-Afrikaanse tale te bevorder;
- (c) om respek vir en die ontwikkeling van ander tale wat deur gemeenskappe in Suid-Afrika gebruik word, asook tale wat vir godsdienstdoeleindes gebruik word, te bevorder;
- (d) om respek te bevorder vir ander bepalings en Grondwetlike Beginsels vervat in die Grondwet wat regstreeks of onregstreeks oor taalaangeleenthede handel; en
- (e) om respek vir veeltaligheid in die algemeen te bevorder.

Samestelling van die Raad

4. (1) (a) Die Senaat stel die volgende persone in die Raad aan nadat hy benoemings van die publiek aangevra het:

- (i) Twee persone wat taalsosioloë is wat in taalbeplanning spesialiseer;
- (ii) twee persone wat taalbeplanners is wat in die taalbeplanningspraktik staan;
- (iii) een persoon wat ’n erkende, praktiserende vertaler is;
- (iv) een persoon wat ’n erkende, praktiserende tolk is;
- (v) een persoon wat ’n erkende, praktiserende leksikograaf of terminoloog is;
- (vi) een persoon wat ’n erkende, praktiserende taalonderrigkundige is;
- (vii) een persoon wat ’n erkende geletterdheidskundige is;
- (viii) een persoon wat ’n regskundige met ’n spesiale kennis van taalwetgewing is; en
- (ix) hoogstens drie ander persone wat ’n spesiale kennis van taalaangeleenthede in Suid-Afrika het.

(b) Die uitvoerende beampte is ook 'n lid van die Raad en neem deel aan die beraadslagings van die Raad en het dieselfde regte en pligte as ander lede: Met dien verstande dat hy of sy nie stemgeregtig is nie.

(2) Die lede van die Raad moet—

(a) gepaste en geskikte persone vir die bekleding van sulke ampte wees;

(b) Suid-Afrikaanse burgers wees;

(c) beskik oor vaardighede en kennis wat vir die werk van die Raad tersaaklik is of oor sodanige taal- en/of regskennis of kwalifikasies as wat die Senaat nodig ag.

(3) Die Senaat kan enige aanstelling wat ingevolge hierdie artikel gedoen is, beëindig—

(a) indien hy oortuig is dat sodanige aangestelde persoon nie meer aan enige van die vereistes van subartikel (2) voldoen nie;

(b) indien sodanige aangestelde persoon die Senaat skriftelik versoek om sy of haar aanstelling te beëindig; of

(c) wanneer sodanige aangestelde persoon van meer as twee opeenvolgende vergaderings van die Raad afwesig was sonder verlof van die Raad.

(4) 'n Lid van die Raad word vir 'n termyn van sewe jaar aangestel en kan by verstryking van sodanige termyn heraan gestel word net vir 'n tweede termyn.

(5) Indien die amp van 'n lid van die Raad vakant raak voor die verstryking van die tydperk waarvoor hy of sy aangestel is, kan die Senaat, behoudens die toepaslike bepalings van subartikel (1) (a), 'n ander persoon aanstel om die amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor sy of haar voorganger aangestel is.

(6) Die Senaat moet in die *Staatskoerant* kennis gee van die aanstelling van 'n lid van die Raad en die datum waarop sy of haar lidmaatskap begin en, in die geval van 'n lid wat aangestel is om 'n vakature in die Raad te vul, die tydperk waarvoor hy of sy aangestel is.

Voorsitter en ondervoorsitter

5. (1) Die lede van die Raad kies iemand uit hulle geledere as voorsitter van die Raad en nog iemand as ondervoorsitter van die Raad om as voorsitter op te tree tydens die afwesigheid of ongeskiktheid van die voorsitter: Met dien verstande dat sodanige verkiesing op die eerste vergadering van die Raad deur die Hoofregter gelei moet word.

(2) Die voorsitter en die ondervoorsitter beklee hulle amp vir 'n termyn van sewe jaar en is herkiesbaar vir 'n tweede termyn.

(3) Wanneer die ondervoorsitter as voorsitter optree soos in subartikel (1) bepaal, het hy of sy al die bevoegdhede en verrig hy of sy al die pligte van die voorsitter.

(4) Die amp van voorsitter of ondervoorsitter word ontruim—

(a) by verstryking van die bekleër se ampstermyn as sodanig;

(b) wanneer die bekleër sy of haar bedanking as sodanig skriftelik indien;

(c) wanneer die bekleër ophou om 'n lid van die Raad te wees;

(d) wanneer 'n resolusie te dien effekte deur die Raad aangeneem word; of

(e) wanneer die bekleër sterf of geestelik ongesteld raak.

Met dien verstande dat, in die geval van (b), (c), (d) en (e), die verkiesing van 'n nuwe voorsitter of ondervoorsitter deur die uitvoerende beampte gelei word.

Vergaderings en setel van die Raad

6. (1) Die Raad vergader ten minste vier keer elke jaar.

(2) Die setel van die Raad is in Pretoria en vergaderings van die Raad word gehou op die tyd en plek wat die Raad bepaal en geskied onder voorsitterskap van die voorsitter.

(3) Die voorsitter van die Raad kan te eniger tyd 'n spesiale vergadering van die Raad belê op die tyd en plek wat hy of sy bepaal, en moet, op skriftelike versoek onderteken deur ten minste drie lede van die Raad, 'n spesiale vergadering belê wat binne 30 dae na die datum van ontvangs van sodanige versoek gehou moet word op die tyd en plek wat hy of sy bepaal.

(4) Sewe lede van die Raad vorm 'n kworum vir enige vergadering van die Raad.

(5) Die Raad is bevoeg om oorleg te pleeg en nou saam te werk met enige persoon of liggaam van persone wat spesiale kennis en ondervinding van die taalproblematiek van Suid-Afrika het of wat op enige wyse betrokke is by die ontwikkeling en bevordering van die beginsels uiteengesit in artikel 3 van die Grondwet.

(6) Die Raad funksioneer op 'n wyse wat die konsensussoekende gees onderliggend aan die begrip veeltaligheid soos verskans in die Grondwet in ag neem.

(7) Stemming op enige vergadering van die Raad geskied deur die opsteek van hande, en die besluit van die meerderheid van die lede van die Raad teenwoordig op enige behoorlik gekonstitueerde vergadering van die Raad is 'n besluit van die Raad: Met dien verstande dat, by 'n staking van stemme, die voorsitter 'n beslissende stem het benewens sy of haar beraadslagende stem.

(8) Geen besluit geneem of handeling verrig onder gesag van die Raad is ongeldig bloot omrede van 'n toevallige vakature in die Raad nie indien sodanige besluit geneem of sodanige handeling verrig is of gemagtig is deur 'n vergadering van die Raad wat ooreenkomstig hierdie artikel belê is.

(9) Die Raad kan reëls maak met betrekking tot die voer van sy vergaderings.

Bevoegdhede en werksaamhede van die Raad

7. (1) Die Raad—

- (a) moet aanbevelings doen betreffende enige voorgestelde of bestaande wetgewing, praktyk of beleid wat regstreeks of onregstreeks oor taalaangeleenthede handel, asook betreffende enige voorgestelde wysiging aan of herroeping of vervanging van sodanige bestaande wetgewing, praktyk of beleid;
- (b) is ten opsigte van klagtes—
 - (i) bevoeg om enige beweerde skending van 'n taalreg, taalbeleid of taalpraktyk uit eie beweging of by ontvangs van 'n skriftelike klagte te ondersoek;
 - (ii) bevoeg om klagtes ten opsigte van enige beweerde skending van taalregte te ontvang en ontvangs daarvan te erken;
 - (iii) bevoeg om klaers oor hulle klagtes in te lig en aanbevelings met gereelde tussenpose en op versoek te doen;
- (c) moet, met inagneming van grondwetlike bepalinge en beginsels wat regstreeks of onregstreeks oor taalaangeleenthede handel in die algemeen en van artikel 3 (9) van die Grondwet in die besonder—
 - (i) die nakoming van die grondwetlike bepalinge rakende die gebruik van tale monitor;
 - (ii) die inhoud en nakoming van enige bestaande en nuwe wetgewing, praktyk en beleid wat regstreeks of onregstreeks oor taalaangeleenthede handel, monitor;
 - (iii) bystand verleen met die formulering van programme en beleide gemik op die bevordering van die gelyke gebruik van en respek vir die amptelike tale en dit monitor, en stappe doen om te verseker dat gemeenskappe wat die tale gebruik wat in artikel 3 (10) (c) van die Grondwet genoem word, die geleentheid het om hulle tale in gepaste omstandighede te gebruik;
 - (iv) vir doeleindes van hierdie subartikel, waar van pas, fondse beskikbaar stel vir sodanige tydperk en behoudens sodanige voorwaardes as wat die Raad van tyd tot tyd bepaal;
- (d) moet sy bevindings, standpunte, advies of aanbevelings bekend maak by wyse van publikasie in die *Staatskoerant* op 'n kwartaallikse grondslag of sodanige ander korter tydperk as wat die Raad goed ag, en in die geval van provinsiale taalaangeleenthede ook in die *Provinsiale Koerant*;

- (e) moet 'n databasis instel, saamstel en byhou van alle wetgewende maatreëls (met inbegrip van dié wat in die Grondwet vervat is) wat oor taalaangeleenthede handel, en van elke beleid en praktyk wat regstreeks of onregstreeks op taalaangeleenthede betrekking het wat voortspruit of kan voortspruit uit enige instelling of staatsorgaan.
- (2) Waar die Raad dit nodig ag, kan hy die Regering adviseer om finansiële steun te verleen aan groepe wat slagoffers van growwe skendings van taalregte is.
- (3) Die Raad is bevoeg om studies en navorsing te inisieer wat gemik is op die bevordering van respek vir die amptelike tale van die Republiek soos uiteengesit in artikel 3 (1) van die Grondwet, van hulle gelyke gebruik en benutting en van veeltaligheid.
- (4) Vir doeleindes van hierdie artikel kan die Raad finansiële of ander bystand aan enige persoon of liggaam van persone verleen.
- (5) Niks in hierdie artikel vervat doen afbreuk aan die reg van die Raad om enige wetgewing, beleid en praktyk wat regstreeks of onregstreeks met taal in die algemeen in verband staan en die bepalings van die Grondwet wat regstreeks of onregstreeks met taal in verband staan, te inisieer, te ondersoek of te laat ondersoek en aanbevelings daaroor voor te lê nie.
- (6) Die Raad is bevoeg om enige persoon te daag om voor hom te getuig en om toegang te hê tot enige amptelike dokument en sodanige ander inligting of voorwerp as wat die Raad kan help in die uitvoering van sy werksaamhede.
- (7) Die Raad is bevoeg om enige persoon of liggaam van persone of instelling opdrag te gee om navorsing ten behoeve van die Raad te doen, en moet vir dié doel hulpbronne beskikbaar stel aan enige sodanige persoon of liggaam van persone of instelling.
- (8) Die Raad kan op 'n eie wyse voorgeskryf by kennisgewing wat in die *Staatskoerant* en die *Provinsiale Koerant* gepubliseer word—
- (a) 'n provinsiale taalkomitee in elke provinsie instel om hom te adviseer oor enige taalaangeleentheid in of rakende enige provinsie of enige deel daarvan;
- (b) 'n taalliggaam instel om hom te adviseer oor enige bepaalde taal.
- (9) Die Raad kan enige van sy lede magtig om in enige aangeleentheid namens hom op te tree.
- (10) Die Raad kan na goeddunke een of meer komitees aanstel bestaande uit een of meer van sy lede en ander persone om hom te adviseer by die uitoefening van die Raad se bevoegdhede en die verrigting van sy werksaamhede.
- (11) Die Raad kan in die nastrewing van sy oogmerke en in die uitoefening van sy bevoegdhede en verrigting van sy werksaamhede—
- (a) reëls maak en kennisgewings uitreik; en
- (b) sodanige reëls en kennisgewings in die *Staatskoerant* en in die *Provinsiale Koerant* publiseer.

Die Raad se verhouding met staatsorgane, ander instellings, persone en liggame van persone

8. (1) Die Raad moet poog om noue samewerking te bevorder tussen homself en staatsorgane of enige persoon of liggaam van persone of enige instelling, in die besonder dié wat hy die ontwikkeling van taal en die bevordering van taalregte betrokke is.

(2) Die Raad moet, voordat hy enige verslag, bevinding, standpunt, advies of aanbeveling maak of publiseer, die advies verkry van—

- (a) die betrokke provinsiale taalkomitee ingestel kragtens artikel 7 (8) (a);
- (b) enige staatsorgaan ten opsigte van 'n aangeleentheid wat regstreeks of onregstreeks verband hou met enige taalreg, taalbeleid of taalpraktyk wat gevolg, toegepas of voorgestel word deur of in sodanige staatsorgaan;
- (c) enige taalliggaam ingestel kragtens artikel 7 (8) (b); of

- (d) enige persoon, groep, taalliggaam of instelling wat betrokke is by of 'n belang het by die bevordering van die amptelike Suid-Afrikaanse tale, deur voorleggings aan te vra deur middel van 'n kennisgewing te dien effekte in die *Staatskoerant* en die *Provinsiale Koerant*.
- (3) Die Raad kan oorleg pleeg met enige ander persoon, liggaam, groep of instelling as dié bedoel in subartikel (2).

Verrigting van administratiewe werk van die Raad

9. (1) Die administratiewe werk voortspruitend uit die verrigting van die werksaamhede van die Raad word verrig deur die uitvoerende beampte en ander beamptes van die Raad, wat beamptes van die Departement moet wees, aangestel kragtens die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), en in die algemeen of vir 'n bepaalde doel aangewys deur die Minister na oorlegpleging met die Raad.

(2) By die doen van 'n aanwysing ingevolge subartikel (1) moet die Minister poog om te verseker dat die personeel van die Raad algemeen verteenwoordigend van die Suid-Afrikaanse bevolking is.

(3) Aangewese beamptes verrig hulle werksaamhede onder beheer en toesig van die Raad.

Reëls betreffende prosedures van die Raad

10. (1) Enige persoon wat ten behoeve van hom- of haarself optree of enige persoon, liggaam van persone of instelling wat ten behoeve van sy lede of lede van 'n taalgroep optree, kan 'n klagte betreffende enige beweerde skending of dreigende skending van 'n taalreg, taalbeleid of taalpraktyk by die Raad indien.

(2) Die klagte moet skriftelik wees, met vermelding van—

- (a) die belang van die klaer by die aangeleentheid;
- (b) (i) die aard van die reg wat na bewering geskend word of na bewering geskend gaan word; of
- (ii) die redes waarom hy of sy reken dat 'n ondersoek nodig is; en
- (c) alle tersaaklike inligting wat aan hom of haar bekend is.

(3) Die Raad moet die nodige bystand verleen met die oog op die kostelose indiening van 'n klagte, en moet waar nodig die klaer bystaan om te voldoen aan die vereistes in subartikel (2) bedoel.

(4) Die Raad moet by ontvangs van 'n klagte die beweerde skending van 'n taalreg, taalbeleid of taalpraktyk ondersoek.

(5) Indien die Raad na ondersoek van mening is dat daar gronde vir so 'n klagte is, moet hy die klaer en die persone wat nadelig daardeur geraak word, bystaan om regstelling te verseker deur—

- (a) die aangeleentheid na die staatsorgaan teen wie die klagte ingedien is, te verwys, met 'n aanbeveling;
- (b) by die staatsorgaan teen wie die klagte ingedien is, aan te beveel om finansiële bystand te verleen aan die klaer met die oog op die regstelling van benadeling;
- (c) na sy uitsluitlike goëddunke, finansiële bystand aan die klaer te verleen om benadeling reg te stel;
- (d) reëlins te tref vir of finansiële bystand aan die klaer te verleen om hom of haar in staat te stel om regshulp van 'n bevoegde hof te verkry.

(6) Die Raad moet die klaer inlig van sy besluite, en in 'n geval waar die Raad besluit het om geen stappe te doen nie, moet hy die klaer inlig van die redes vir sodanige besluit.

(7) Die Raad moet sy besluite ooreenkomstig artikel 7 (1) (d) publiseer.

(8) Die bepalings van hierdie artikel doen nie afbreuk aan die bevoegdheid wat by artikel 6 (9) aan die Raad verleen is nie.

Uitgawes van die Raad

11. (1) Alle uitgawes in verband met die verrigting van die Raad se werksaamhede word bestry uit geld wat die Parlement vir daardie doel bewillig.

(2) Die begroting van uitgawes ten opsigte van elke boekjaar moet aan die Direkteur-generaal van die Departement voorgelê word, wat die rekenpligtige beampte is.

Jaarverslag

12. Die Raad moet elke jaar uiterlik op die eerste dag van Junie aan—

- (a) die Parlement 'n omvattende verslag voorlê oor al sy werksaamhede gedurende die vorige jaar, tot 31 Maart; en
- (b) enige provinsiale wetgewer 'n omvattende verslag voorlê oor al sy werksaamhede ten opsigte van provinsiale taalaangeleenthede betreffende die betrokke provinsie gedurende die vorige jaar, tot 31 Maart.

Besoldiging en toelaes van lede van die Raad

13. Aan 'n lid van die Raad of van enige komitee daarvan wat nie in die voltydse diens van die Staat is nie, kan uit gelde wat deur die Parlement vir dié doel bewillig is, sodanige besoldiging en toelaes betaal word ten opsigte van dienste gelewer deur hom of haar met betrekking tot die werksaamhede van die Raad, as wat die Minister in oorleg met die Minister van Finansies bepaal.

Aanspreeklikheid van die Raad

14. (1) Die Wet op Staatsaanspreeklikheid, 1957 (Wet No. 20 van 1957), is *mutatis mutandis* op die Raad van toepassing, en enige verwysing in daardie Wet na "Minister van die betrokke departement" word uitgelê as 'n verwysing na die Raad.

(2) Lede van die Raad is nie persoonlik aanspreeklik ten opsigte van enigiets vervat in enige verslag, bevinding, standpunt, advies of aanbeveling wat in goeie trou gemaak of uitgespreek is nie.

Kort titel en inwerkingtreding

15. (1) Hierdie Wet heet die **Wet op die Pan-Suid-Afrikaanse Taalraad, 1995.**

(2) Hierdie Wet word geag op **28 April 1994** in werking te getree het en die Raad word geag op daardie datum ingestel te wees.

English

This document contains draft legislation and is intended to serve as a discussion document for comments by members of the public during public hearings or for written inputs. It is not a final text, and it will be edited and cast in the correct legal phraseology by the State Law Advisers once all comments received have been considered.

INTRODUCTORY NOTE

1. *Constitutional background*

South Africa is a multilingual country peopled by diverse communities. Whereas official bilingualism was previously a constitutional principle in this country (official recognition of the nine African languages was limited to the areas of jurisdiction of the former TBVC states and self-governing territories), the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), introduces a number of provisions to effect multilingualism. This not only reflects the democratic content and spirit of the Constitution, but is a significant recognition of the linguistic diversity of South Africa.

The importance attached to multilingualism and the protection of fundamental language rights is embodied in Constitutional Principle XI: *"The diversity of language and culture shall be acknowledged and protected, and conditions for their promotion shall be encouraged"*.

Section 31 of the Constitution furthermore makes it clear that language is a basic human right: *"Every person shall have the right to use the language . . . of his or her choice"*. Section 8 provides for each person's right to equality before the law and that no person shall be unfairly discriminated against, directly or indirectly, on the grounds of language. With regard to education, section 32 provides that each person has the right *"to instruction in the language of his or her choice where this is reasonably practicable"*.

Section 3 embodies the principle of eleven official languages at national level and provides that conditions shall be created for the development and for the promotion of the equal use and enjoyment of all these languages. Furthermore, section 3 (9) (c) prohibits the use of any language for purposes of exploitation, domination or division.

Multilingualism has clearly become a guiding principle in South Africa. A major constitutional mechanism for the effective management of multilingualism is provided for in section 3 (10), which stipulates that the Senate shall establish a Pan South African Language Board by an Act of Parliament.

The Board must in all respects be subject to the principles stipulated in the Constitution. Its terms of reference are the following:

- (a) To promote respect for the six language principles as set out in section 3 (9), namely—
 - (i) the creation of conditions for the development and promotion of the use and enjoyment on an equal basis of all official South African languages;
 - (ii) the extension of those rights relating to language and the status of languages which at the commencement of the Constitution were restricted to certain regions (i.e. the official languages of the former so-called self-governing territories and TBVC states);
 - (iii) the prevention of the use of any language for the purposes of exploitation, domination or division;

- (iv) the promotion of multilingualism and the provision of translation facilities;
 - (v) the fostering of respect for languages spoken in South Africa other than the official languages, and the encouragement of their use in appropriate circumstances; and
 - (vi) the non-diminution of rights relating to language and the status of languages existing at the commencement of the Constitution.
- (b) To further the development of the official languages.
 - (c) To make recommendations in relation to any proposed legislation in terms of section 3 after having consulted with the various legislatures (i.e. national and provincial).
 - (d) To promote respect for and develop other languages used by communities in South Africa, as well as other languages used for religious purposes in South Africa.

2. The Parliamentary process to establish the Pan South African Language Board

To consult with language specialists and language stakeholders on a broad basis, a national conference, **Languages for All: Towards a Pan South African Language Board**, was organised by the former Department of National Education and the ANC's Department of Arts and Culture on 27 and 28 May 1994.

The main objective of the Conference was to give stakeholders an opportunity to contribute to the process of drafting the legislation on the Board. The Conference devised a transparent and consultative strategy to drive the process of establishing the Board:

- ▶ Bodies and/or individuals who had not yet done so were given the opportunity to submit proposals on the Board's establishment to the *Joint Conference Organising Committee* (which functioned under the Department of Arts, Culture, Science and Technology); and
- ▶ an executive summary of the Conference proceedings which reflected the views of the particular participants/bodies and the proposals submitted afterwards was to be prepared and submitted to the Senate.

A special committee of the *Joint Conference Organising Committee* consisting of Ms Q. Buthelezi (ANC Language Commission), Prof. V. N. Webb (Linguistics Society of Southern Africa) and Dr A. M. Beukes (Department of Arts, Culture, Science and Technology) completed the Executive Summary on 27 October 1994, after which it was submitted to the two Parliamentary committees dealing with language matters and all the members of the Organising Committee.

On 18 August 1994 the Senate agreed that its *Select Committee on Education, Sports and Recreation, Arts, Culture, Science and Technology* would, in co-operation with the Department of Arts, Culture, Science and Technology prepare legislation for the establishment of the Board. A *Senate Subcommittee on Language* was nominated on 5 September 1994 and Sen. L. J. Swane-poel was appointed its chairperson.

On 31 August 1994 the National Assembly decided that, in the light of the controversial and emotional nature of the debate regarding language in South Africa, each political party represented in the National Assembly would nominate a member to serve on the *Interim Language Secretariat* in conjunction with the *Senate Select Committee on Language*. A *National Assembly Subcommittee on Language* was nominated and Ms N. Tsheole was appointed its chairperson.

At a joint meeting on 4 November 1994 the subcommittees of the Senate and the National Assembly took the following decisions on the Parliamentary procedure to be followed in preparing the legislation on the Board:

- (a) The two subcommittees should jointly publish a *Policy Discussion Paper* (or *Green Paper*) on the establishment of PSALB. Written comments on the *Green Paper* should be invited from all interested parties.
- (b) Public hearings on the establishment of the Pan South African Language Board should be held in each of the nine provinces subsequent to the publication of the *Green Paper*.

- (c) The two subcommittees should then jointly publish a *White Paper* on the Pan South African Language Board.
- (d) The Senate should ultimately table the legislation on the Pan South African Language Board.

A *Policy Discussion Paper* (or *Green Paper*) was subsequently prepared by the Senate Subcommittee in conjunction with the Department of Arts, Culture, Science and Technology and presented to the two Subcommittees. The draft Paper was reworked in the light of comments from the Senate Subcommittee.

Since time was of the essence and the process proved to be too time-consuming, the *Senate Select Committee on Education, Sport and Recreation, Arts, Culture, Science and Technology* recommended that the process be expedited without detracting from the need for transparency. The following decisions were taken by both Houses of Parliament:

- (a) The *Policy Discussion Paper* (or *Green Paper*), prepared by the *Senate Subcommittee on Languages* in conjunction with the *National Assembly Subcommittee on Languages*, would be used as a working document for debate in both Houses.
- (b) Subsequent to the debates, the draft Bill on the Board would be prepared by legal experts in co-operation with the Department of Arts, Culture, Science and Technology, using the working document and comments of political parties expressed during the debates.
- (c) The draft Bill would be published in the *Government Gazette* in the 11 official languages, and comments would be invited from all interested parties.
- (d) Public hearings involving all interested parties would subsequently be heard in Cape Town (if necessary, *ad hoc* public hearings could be arranged in isolated rural communities to ensure maximum transparency).
- (e) The Bill would thereafter be tabled in Parliament.

The final version of the *Green Paper* (dated March 1995) was debated by the Senate on 30 March 1995 and by the National Assembly on 5 April 1995.

Two legal experts, Prof. N. J. J. Olivier of the School of Law at the University of Natal (Pietermaritzburg) and Mr P. M. Mtshaulana, researcher at the Constitutional Court and lecturer in the Faculty of Law at the University of the North, were appointed to assist the Department of Arts, Culture, Science and Technology in drafting the Bill on the Board.

EXPLANATORY NOTES

Long title and preamble

The long title of the Bill is a brief summary of the contents thereof. The preamble confirms that the Bill and the principles on which it is based, originates from the new Constitution of the Republic of South Africa, Act No. 200 of 1993.

Clause 1: Definitions

Clause 1 of the Bill contains definitions, most of which are self-explanatory.

Clause 2: Establishment of the Pan South African Language Board

This clause establishes the Pan South African Language Board. The Board will be a juristic person.

Clause 3: Objects

This clause contains the objects of the Board, referring specifically to the principles of multilingualism as set out in section 3 (9) of the Constitution, the development of the 11 official South African languages, the promotion of respect for and the development of other languages.

Clause 4: Composition of the Board

This clause prescribes the composition of the Board. The Board (14 persons: 13 voting members and one non-voting member) will consist of various experts—

- (a) knowledgeable in the field of language planning (four persons);
- (b) experienced and practising in the following fields: Translation (one person), interpreting (one person), lexicography or terminology (one person), language teaching (one person), and literacy (one person);

- (c) with a special knowledge of language legislation (one person); and
- (d) with a special knowledge of language matters (not more than three persons).

In addition, the executive officer will also be a member of the Board but will have no voting rights.

This clause also stipulates that the Board members will be appointed by the Senate after nominations from the general public have been invited. The Board members must comply with certain requirements (qualifications) and their appointments may also be terminated by the Senate.

The terms of office for Board members will be seven years, and reappointment for a second term may be considered by the Senate. Posts becoming vacant during this seven year period may be filled by the Senate for the remaining portion of that period.

Clause 5: Chairperson and vice-chairperson

This clause provides for the election of the chairperson and vice-chairperson of the Board (to be conducted by the Chief Justice) with a seven year term of office (with the possibility of re-election for a second term). The vice-chairperson (when acting as chairperson) will have all the powers and discharge all the duties of the chairperson. Provision is also made for the election of a new chairperson or vice-chairperson if his or her office is vacated.

Clause 6: Meetings and seat of the Board

This clause is largely self-explanatory. It determines, *inter alia*, that the Board shall meet at least four times a year, that 7 of the 13 voting members shall form a quorum, and that it may consult and work closely with any person or body of persons who has a special knowledge and experience of South African language problems or who is involved in the development and promotion of the principles of multilingualism as set out in section 3 of the Constitution.

This clause also provides that the Board shall function in a consensus-seeking manner that is consonant with the spirit of multilingualism as enshrined in the Constitution (similar provisions exist in respect of the functioning of the Government of National Unity and the Provincial Executive Councils). The chairperson will have a casting vote in the event of an equality of votes.

Clause 7: Powers and functions of the Board

This clause contains the powers and functions of the Board, which include making of recommendations; receiving and acknowledging claims of alleged violations or threatened violations; advising claimants and making recommendations in respect of claims; monitoring the observance of the Constitutional provisions and principles regarding the use of languages, the contents and observance of any existing and new legislation, practice and policy dealing directly or indirectly with language matters, assisting with and monitoring the formulation of programmes and policies, and, where appropriate, making funding available. The Board shall also publish its findings, points of view, advice and recommendations in the *Government Gazette* on a quarterly basis (or such shorter period as the Board deems fit), and in the case of provincial language matters, also in the *Provincial Gazette(s)* concerned.

The Board may also advise Government to provide financial support to groups who are victims of gross violations of language rights. It may also initiate studies and research in furtherance of its objects, and may for this purpose provide financial and other support; it may also commission research.

The Board shall also have the general power to initiate, investigate or cause to be investigated, and to submit recommendations regarding legislation, policy and practice dealing directly or indirectly with language as well as with the constitutional provisions to any legislature or organ of state.

The Board may summon any person to give evidence to it and will have access to official documents. It may also appoint committees consisting of one or more of its members and other persons as it deems fit to advise it in the exercise of its powers and functions.

The Board may furthermore establish—

- (a) provincial language committees to advise it on language matters in the respective provinces; and
- (b) language bodies to advise it in respect of any particular language.

Rules may also be made and notices issued; in such cases publication in the *Government Gazette* and the *Provincial Gazettes* is prescribed.

Clause 8: Relationship with other institutions, persons and bodies of persons

This clause contains the principles of co-operation between the Board and organs of state, persons or bodies of persons and other institutions involved in language matters. The Board must obtain the advice of the relevant provincial committee(s), organ(s) of state and language bodies established by statute or by the Board, and must invite individuals, groups and other language bodies or institutions prior to making or publishing findings, points of view, advice or recommendations. It may also consult with any other individual, group, body or institution.

Clause 9: Performance of administrative work of the Board

The administrative work of the Board will be performed by officials appointed in terms of the Public Service Act, 1994. These officials shall be broadly representative of the South African community.

Clause 10: Rules regarding procedures of the Board

This clause deals with the lodgement of complaints concerning the alleged violation of threatened violation of a language right, language policy or language practice. The procedure to be followed as well as the rendering of assistance in this regard is provided for, as well as for the investigation of such claims. If the Board is of the opinion that there is substance to any claim investigated by it, it shall assist the complainant in securing redress, *inter alia* by referring the matter to the organ of state concerned, assisting (in appropriate cases) the complainant to obtain relief from a competent court. It shall inform the complainant of its finding and shall publish its findings.

Clause 11: Expenditure of the Board

Parliament shall appropriate funds for the expenditure of the Board. The annual estimates of expenditure shall be submitted to the Director-general of the Government Department concerned, who shall be the accounting officer.

Clause 12: Annual report

This clause compels the Board to submit annually a comprehensive report on its activities to Parliament as well as a report concerning provincial language matters to the provincial legislatures concerned.

Clause 13: Remuneration and allowances of members of the Board

Parliament shall appropriate funds for the remuneration of Board members and staff who are not in the full-time service of the State.

Clause 14: Liability of the Board

This clause is self-explanatory.

Clause 15: Short title and commencement

The short title of the Bill is self-explanatory. The Bill is deemed to have come into operation on 28 April 1994 and the Board to have been established on such date in order to enable the Board retroactively (to 28 April 1994) to execute its powers and functions.

BILL

To provide for the recognition, implementation and furtherance of multilingualism in the Republic of South Africa; to establish a Pan South African Language Board; and to provide for matters connected therewith.

WHEREAS the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), provides for the recognition of the principle of multilingualism;

AND WHEREAS provision is to be made for measures designed to achieve respect, adequate protection and furtherance, of the official South African languages as well as for the advancement of those official languages which in the past did not enjoy full recognition, in order to promote the full and equal enjoyment of the official South African languages as well as respect for the other South African languages used for communication and religious purposes;

NOW, THEREFORE, be it enacted by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—

“**Board**” means the Pan South African Language Board established by section 2;

“**Constitution**” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

“**Department**” means the Government department designated by the President in terms of the Constitution to be primarily responsible for language matters;

“**executive officer**” means the executive officer appointed in terms of section 9 (1);

“**Minister**” means the minister of the Department;

“**acknowledged, practising translator**” means a person with extensive in-service training at a recognised translation establishment and at least five years’ translation experience;

“**acknowledged, practising interpreter**” means a person with extensive experience and in-service training in interpreting;

“**acknowledged, practising lexicographer or terminologist**” means a person with at least five years’ experience and in-service training in lexicography and/or terminology;

“**language planner**” means a person with training in language planning and extensive experience as such;

“**language sociologist**” means a person trained in the linguistic, social, political and educational aspects of the relationship between language and society;

“**acknowledged, practising language teaching expert**” means a person with formal training in language teaching and extensive experience as such;

“**acknowledged literacy expert**” means a person with formal training in literacy teaching and extensive experience as such;

“**organ of state**” means an organ of state as defined in section 233 of the Constitution;

“**Provincial Gazette**” means the official gazette of the province concerned;

“**existing**” means also existing prior to the commencement of the Constitution, the commencement of this Act and at any other stage;

“**prescribed**” means prescribed by or under this Act;

“**this Act**” includes the rules made and notices issued under sections 6 (9), 7 (8), 7 (11) and 8 (2) (d).

Establishment of the Board

2. (1) There is hereby established a board to be known as the Pan South African Language Board.

(2) The Board shall be a juristic person and shall be represented by the chairperson or vice-chairperson or any of its members designated by the Board in general or for a specific purpose.

Objects of the Board

3. The Board shall have the following objects, namely:

- (a) To promote respect for the principles referred to in section 3 (9) of the Constitution, namely—
 - (i) the creation of conditions for the development and for the promotion of the equal use and enjoyment of all official South African languages;
 - (ii) the extension of those rights relating to language and the status of languages which at the commencement of the Constitution were restricted to certain regions;
 - (iii) the prevention of the use of any language for the purposes of exploitation, domination or division;
 - (iv) the promotion of multilingualism and the provision of translation facilities;
 - (v) the fostering of respect for languages spoken in the Republic other than the official languages, and the encouragement of their use in appropriate circumstances; and
 - (vi) the non-diminution of rights relating to language and the status of languages existing at the commencement of the Constitution;
- (b) to further the development of the official South African languages;
- (c) to promote respect for and the development of other languages used by communities in South Africa, as well as languages used for religious purposes;
- (d) to promote respect for other provisions and Constitutional Principles contained in the Constitution dealing directly or indirectly with language matters; and
- (e) to promote respect for multilingualism in general.

Composition of the Board

4. (1) (a) The Senate, after inviting nominations from the general public, shall appoint the following persons to the Board:

- (i) Two persons who shall be language sociologists specialising in language planning;
- (ii) two persons who shall be language planners engaged in language planning practice;
- (iii) one person who shall be an acknowledged, practising translator;
- (iv) one person who shall be an acknowledged, practising interpreter;
- (v) one person who shall be an acknowledged, practising lexicographer or terminologist;
- (vi) one person who shall be an acknowledged, practising language teaching expert;
- (vii) one person who shall be an acknowledged literacy expert;
- (viii) one person who shall be a legal expert with a special knowledge of language legislation; and
- (ix) not more than three other persons who shall have a special knowledge of language matters in South Africa;

(b) The executive officer shall also be a member of the Board and shall take part in the deliberations of the Board and shall have the same rights and duties as other members: Provided that he or she shall have no right to vote.

(2) The members of the Board shall—

- (a) be fit and proper persons to hold such offices;
- (b) be South African citizens; and

- (c) have skills and knowledge relevant to the work of the Board or such linguistic and/or legal knowledge or qualifications as the Senate may deem necessary.
- (3) The Senate may terminate any appointment made in terms of this section—
 - (a) if it is satisfied that such appointed person no longer complies with any of the requirements of subsection (2);
 - (b) if such appointed person requests the Senate in writing to terminate his or her appointment; or
 - (c) when such appointed person has been absent from more than two consecutive meetings of the Board without the Board's leave.
- (4) Any member of the Board shall be appointed for a term of seven years and shall at the expiration of such term be eligible for reappointment for a second term only.
- (5) If the office of any member of the Board becomes vacant before the expiration of the period for which he or she was appointed, the Senate may, subject to the applicable provisions of subsection (1) (a), appoint another person to hold office for the unexpired portion of the period for which his or her predecessor was appointed.
- (6) The Senate shall give notice in the *Government Gazette* of the appointment of any member of the Board and the date on which his or her membership commences and, in the case of a member appointed to fill a vacancy on the Board, the period for which he or she is appointed.

Chairperson and vice-chairperson

5. (1) The members of the Board shall elect one of their number to be chairperson of the Board and another one to be vice-chairperson of the Board to act as chairperson during the absence or incapacity of the chairperson: Provided that such election at the first meeting of the Board shall be conducted by the Chief Justice.
- (2) The chairperson and the vice-chairperson shall hold office for a term of seven years and shall be eligible for re-election for a second term.
 - (3) The vice-chairperson, when acting as chairperson as provided in subsection (1), shall have all the powers and discharge all the duties of the chairperson.
 - (4) The office of chairperson or vice-chairperson shall be vacated—
 - (a) at the expiry of the incumbent's term of office as such;
 - (b) when the incumbent tenders his or her resignation as such in writing;
 - (c) when the incumbent ceases to be a member of the Board;
 - (d) when a resolution to this effect is passed by the Board; or
 - (e) when the incumbent dies or becomes mentally incapacitated:

Provided that, in the case of (b), (c), (d) and (e), the election of a new chairperson or vice-chairperson shall be conducted by the executive officer.

Meetings and seat of the Board

6. (1) The Board shall meet at least four times each year.
- (2) The seat of the Board shall be in Pretoria and meetings of the Board shall be held at the time and place determined by the Board and shall be presided over by the chairperson.
 - (3) The chairperson of the Board may at any time call a special meeting of the Board to be held at such time and place as he or she may determine, and shall, upon a written request signed by not less than three members of the Board, call a special meeting thereof to be held within thirty days after the date of receipt of such request, at such time and place as he or she may determine.
 - (4) Seven members of the Board shall form a *quorum* for any meeting of the Board.
 - (5) The Board shall be competent to consult and work closely with any person or body of persons who has a special knowledge of and experience in the language problems of South Africa or who is in any way involved in developing and promoting the principles outlined in section 3 of the Constitution.

(6) The Board shall function in a manner which gives consideration to the consensus-seeking spirit underlying the concept of multilingualism as enshrined in the Constitution.

(7) Voting at any meeting of the Board shall take place by show of hands, and the decision of the majority of the members of the Board present at any duly constituted meeting thereof shall be a decision of the Board: Provided that, in the event of an equality of votes, the chairperson shall have a casting vote in addition to his or her deliberative vote.

(8) No decision taken or act performed under the authority of the Board shall be invalid by reason only of an interim vacancy on the Board if such decision was taken or such act was performed or authorised by a meeting of the Board convened in accordance with this section.

(9) The Board may make rules in relation to the conduct of its meetings.

Powers and functions of the Board

7. (1) The Board shall—

- (a) make recommendations with regard to any proposed or existing legislation, practice and policy dealing directly or indirectly with language matters as well as with regard to any proposed amendments to or repeal or replacement of such existing legislation, practice and policy;
- (b) in respect of complaints—
 - (i) be competent to investigate on its own initiative or on receipt of a written complaint, any alleged violation of a language right, language policy or language practice;
 - (ii) be competent to receive and acknowledge receipt of complaints with respect to any alleged violation of language rights; and
 - (iii) be competent to advise complainants of their complaints and make recommendations at regular intervals and upon request;
- (c) in having regard to constitutional provisions and principles dealing directly or indirectly with language matters in general, and to section 3 (9) of the Constitution in particular—
 - (i) monitor the observance of the constitutional provisions regarding the use of languages;
 - (ii) monitor the contents and observance of any existing and new legislation, practice and policy dealing directly or indirectly with language matters;
 - (iii) assist with and monitor the formulation of programmes and policies aimed at fostering the equal use of and respect for the official languages while taking steps to ensure that communities using the languages mentioned in section 3 (10) (c) of the Constitution have the opportunity to use their languages in appropriate circumstances;
 - (iv) for purposes of this subsection, make, where appropriate, funds available for such a period and subject to such conditions as the Board may from time to time determine;
- (d) make public its findings, point of view, advice or recommendations by way of publication in the *Government Gazette* on a quarterly basis or such shorter period as the Board deems fit, and in the case of provincial language matters also in the *Provincial Gazette*;
- (e) establish, compile and maintain a data base of all legislative measures (including those contained in the Constitution) dealing with language matters, and of every policy and practice dealing directly or indirectly with language matters which emanated or may emanate from any institution or organ of state.

(2) Where the Board deems it necessary it may advise the Government to provide financial support to groups who are victims of gross violations of language rights.

(3) The Board shall be competent to initiate studies and research aimed at promoting respect for the official languages of the Republic as set out in section 3 (1) of the Constitution, their equal use and enjoyment and multilingualism.

(4) For purposes of this section the Board may provide financial or other assistance to any person or body of persons.

(5) Nothing in this section shall diminish the right of the Board to initiate, investigate or cause to be investigated and submit recommendations regarding legislation, policy and practice dealing directly or indirectly with language in general and the provisions of the Constitution dealing directly or indirectly with language to any legislature or organ of state.

(6) The Board shall be competent to summon any person to give evidence to it and to have access to any official document and such other information or object as may assist the Board in the performance of its functions.

(7) The Board shall be competent to commission any person or body of person or institution to conduct research on its behalf and shall for such purpose make resources available to any such person or body of persons or institution.

(8) The Board may in a manner prescribed by notice published in the *Government Gazette* and the *Provincial Gazette* establish—

- (a) a provincial language committee in each province to advise it in respect of any language matter in or affecting any province or any part thereof;
- (b) a language body to advise it in respect of any particular language.

(9) The Board may authorise any of its members to act on its behalf in any particular matter.

(10) The Board may appoint one or more committees consisting of one or more of its members and other persons as it deems fit to advise it in the exercise of the Board's functions and powers.

(11) The Board may in furtherance of its objects and in the execution of its powers and functions—

- (a) make rules and issue notices; and
- (b) publish such rules and notices in the *Government Gazette* and in the *Provincial Gazette*.

The Board's relationship with organs of state, other institutions, persons and bodies of persons

8. (1) The Board shall strive to promote close co-operation between itself and organs of state or any person or body of persons or any institution, especially those involved in developing language and promoting language rights.

(2) The Board, prior to making or publishing any report, findings, point of view, advice or recommendation, shall obtain the advice of—

- (a) the provincial language committee concerned established in terms of section 7 (8) (a);
- (b) any organ of state in respect of a matter impacting directly or indirectly on any language right, language policy or language practice followed, implemented or proposed by or in such organ of state;
- (c) any language body established in terms of section 7 (8) (b); or
- (d) any person, group, language body or institution involved in or having an interest in the promotion of the official South African languages by inviting submissions by means of a notice to this effect in the *Government Gazette* and the *Provincial Gazette*.

(3) The Board may consult with any person, body, group or institution other than those referred to in subsection (2).

Performance of administrative work of the Board

9. (1) The administrative work incidental to the performance of the functions of the Board shall be performed by the executive officer and other officials of the Board, who shall be officials of the Department appointed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), and designated in general or for a specific purpose by the Minister after consultation with the Board.

(2) In making a designation in terms of subsection (1), the Minister shall seek to ensure that the staff of the Board shall be broadly representative of the South African population.

(3) Designated officials shall perform their functions under the control and supervision of the Board.

Rules regarding procedures of the Board

10. (1) Any person acting on his or her own behalf or any person, body of persons or institution acting on behalf of its members or members of a language group, may lodge a complaint concerning any alleged violation or threatened violation of a language right, language policy or language practice with the Board.

(2) The complaint shall be in writing and shall specify—

- (a) the interest of the complainant in the matter;
- (b) (i) the nature of the right allegedly violated or allegedly threatened to be violated; or
(ii) the grounds on which he or she feels that an investigation is necessary; and
- (c) all relevant information known to him or her.

(3) The Board shall render the necessary assistance for purposes of submitting a complaint free of charge and where necessary shall assist the complainant to comply with the requirements referred to in subsection (2).

(4) The Board shall on receipt of a complaint investigate the alleged violation of any language right, language policy or language practice.

(5) If after investigating the complaint the Board is of the view that there is any substance in it, it shall assist the complainant and the persons adversely affected to secure redress by—

- (a) referral of the matter to the organ of state against which the complaint was lodged, with a recommendation;
- (b) recommending to the organ of state against which the complaint was lodged to provide financial assistance to the complainant with a view to redressing any damage;
- (c) providing, in its sole discretion, financial assistance to the complainant to redress any damage; or
- (d) making arrangements for or providing financial assistance to the complainant to enable him or her to obtain relief from a competent court.

(6) The Board shall inform the complainant of its decisions, and in a case where the Board has decided to take no action, it shall inform the complainant of the reasons for such decision.

(7) The board shall publish its decisions in accordance with section 7 (1) (d).

(8) The provisions of this section shall not detract from the powers vested in the Board under section 6 (9).

Expenditure of the Board

11. (1) All expenditure in connection with the performance of the Board's functions shall be defrayed from moneys appropriated by Parliament for such purpose.

(2) The estimates of expenditure in respect of each financial year shall be submitted to the Director-General of the Department, who shall be the accounting officer.

Annual report

12. The Board shall annually not later than the first day of June submit to—

- (a) Parliament a comprehensive report on all its activities during the previous year, up to 31 March; and
- (b) any provincial legislature a comprehensive report on all its activities in respect of provincial language matters regarding the province concerned during the previous year, up to 31 March.

Remuneration and allowances of members of the Board

13. A member of the Board or of any committee thereof who is not in the full-time service of the State may, from moneys appropriated by Parliament for such purpose, be paid such remuneration and allowances in respect of services performed by him or her with regard to the functions of the Board as may be determined by the Minister in consultation with the Minister of Finance.

Liability of the Board

14. (1) The State Liability Act, 1957 (Act No. 20 of 1957), shall apply *mutatis mutandis* in respect of the Board and any reference in that Act to "Minister of the department concerned" shall be construed as a reference to the Board.

(2) Members of the Board shall not be personally liable in respect of anything reflected in any report, finding, point of view, advice or recommendation made or expressed in good faith.

Short title and commencement

15. (1) This Act shall be called the **Pan South African Language Board Act, 1995.**

(2) This Act shall be deemed to have come into operation on **28 April 1994** and the Board shall be deemed to have been established on such date.

isiNdebele

Iphepha leli limumethe umthetho sivivinyo begodu lihlelelwe ukuba liphepha okuzokhulunyiswana ngalo ukubonelela imibono yomphakathi ngesikhathi sokulalelwa kwemibono yomphakathi namkha lokho okuthunyelwa mphakathi ngemitlolo okumibono yawo. Akusilo iphepha lokugcina, lisazohlungwa lihlelwe ngendlela efaneleko yokomthetho bayelelisi bombuso kwezomthetho ngemva kobana kutjhejisiswe koke lokho okuhlongozwako.

ISINGENISO

1. Ilwazi ngomthethosisekelo

Isewula Afrika le yinarha eneenlimi ezinengi nemiphakathi ehlukeneko. Ikhibe ekuthomeni amalimi amabili agade angawomthetho gade abonelelwa mthethosisekelo wenarha le (ukubonelelwa ngokomthetho kwamanye amalimi alithoba wesintu ngenarheni le bekusenziwa ziindawo lezo ebegade kuzizabelo ze TBVC kanye nalezo ebegade zizilawula), umthethosisekelo weRepublic le yangapha ngesewula Afrika, ngo 1993 (Act No. 200 of 1993), wahlongoza okumbalwa ukubonelela ukusetjhenziswa kweenlimi. Lokhu akutjhengisi kwaphela lokho okungokwekambiso yedemocracy okumumethwe ngokomthethosisekelo, kodwana kuliijhwayo eliqakathekileko lokwemukela bona isewula Afrika le yinarha enamalimi ambalwa.

Ukuqakatheka okukhambisana namalimi kanye nokuvikelwa kwalokho okumalungelo welimi kugandelelwe endimeni yomthethosisekelo XI: *"Ukwehluka kwelimi nesiko kuzakwemukeleka begodu kuvikelwe, imibandela yokuthuthukiswa kwakho izokhuthazwa"*.

Indima ye 31 yomthethosisekelo iragela phambili nokucacisa bona ilimi kulilungelo lobuntu: *"Woke umuntu uzaba nelungelo lokusebenzisa ilimi . . . alithandako nalikhethileko"*. Indima yo 8 ibonelela ilungelo lawo woke umuntu ukobana phambi komthetho akukho umuntu odlula omunye begodu akukho umuntu ofanele abandlululwe, bunqopha namkha ngandlelathize mayelana nelimi. Mayelana nefundo, indima ya 32 inikela ilungelo kiwo woke umuntu *"ukufundiswa ngelimi elifunwa nguye la kukgoneka khona"*.

Indima ye 3 igandelela ukuqakathwka kwamalimi alisumi nanye ezingeni lombuso ophakathi begodu ibonelela nokobana namathuba wobana lokho kubonelelwe ngokuzeleko begodu kukhuthazwe bekuthatjhelwe ngokusetjhenziswa kwawo woke amalimi. Ukuragela phambili indima ye 3 (9) (C) ivikela ukusetjhenziswa kwelimi lisetjhenziswa butjhulweni ngehloso yokwengamela namkha yokungaboneleli.

Ukusetjhenziswa kwamalimi ambalwa ngenarheni le kube yinto esetjhatjhalazini. Indlela elandelwako ngokomthethosisekelo ukubonelela ukusetjhenziswangokuzeleko kwamalimi ngenarheni le kubonelelwa endimeni ye 3 (10) ehlathulula ngokuzeleko ukobana isenate izahloma umthetho obekwe yipalamende mayelana nokuhlonywa kwePan South African Language Board.

Ngaso soke isikhathi umkhandlu lo ufanele bona ukhambisane nemibandela ebekwe emthethwenisisekelweni. Lokho okunqotjhiswe kikho nginakhu okulandelako:

- (a) Ukuphumelelisa ukuhlonitjiswa kwemininingwana ephathelene namalimi asithandathu ahlathululwe endimeni ye 3 (9), okunginaka:
 - (i) Ukuhlonywa kwemibandela ekuthuthukisweni nekukhangisweni kokusetjhenziswa nokuthatjhelwa ngokulingana kwawo woke amalimi wesintu.

- (ii) Ukungezelelwa kwamalungelo lawo abekagade aphaathelene nelimi kanye nobujamo belimi okugade ekuthomeni komthethosisekelo gade kuquntelwe iimfunda ezithize kwaphela. (i.e. iinlimiebegade zingezomthetho eendaweni lezo ebegade zizizabelo ezaziwa ngokuthi ziyazilawula neze TBVC.)
 - (iii) Ukukhandelwa kokusetjhenziswa kwanginoma ngiliphi ilimi lisetjhenziselwa ukulona namkha ukugandelela ihlangothi elithize.
 - (iv) Ukuphuyelelwa kokusetjhenziswa kweenlimi kanye nokubonelela ukutjhugululwa kwazo.
 - (v) Ukubonelelwa kokuhlonitjiswa kwamalimi akhulunywa ngenarheni le ngaphandle kwamalimi lawo athathwa njengalawo asemthethweni ngenarheni, nokukhuthaza ukusetjhenziswakwawo ngendlela efaneleko; kanye.
 - (vi) Ukungaphungulwa kwamalungelo aphaathelene nelimi kanye nesithunzi samalimi esizabe sikhona ekuthomeni komthethosisekelo.
- (b) Ukuthuthukisa ituthuko yamalimi asemthethweni.
 - (c) Ukuhlongoza mayelana namkha ngikuphi okuphathelene nanamkha ngimuphi umthetho ohlongozwako ngokumumethwe sigaba 3 ngemva kokuthintana namabandla ahlukeneko weembethamthetho (i.e. lombuso ophakathi nowesifunda).
 - (d) Ukuthuthukisa ukuhlonitjiswa nokuthuthukiswa kwamanye amalimi asetjhenziswa ngeninye imiphakathi ngapha ngesewula Afrika, kanye namanye amalimi asetjhenziswa kwezekolo ngenarheni le.

2. Indlela yepalamende yokubonelela ukuhlonywa kwe Pan South African Language Board

Ukuthintana nezazi kwezelimi kanye nalabo abanesabe ngendlela enabileko, ikhonferensi yephasi lokana, Yamalimi wawoke woke: **Ehlelelwe iPan South African Language Board**, yahlalwa mnyango wangaphambilini wefundo yesitjhaba kanye nomnyango wehlangano ye ANC weArts namasiko mhlana amalanga ama-27-28 enyangeni kaMay 1994.

Umnqopho omkhulu wekhonferensi leyo bekukunikela labo abanesabe ithuba lokunikela nabo ehlelweni lokulungiswa umthetho ophathelene neBoard le. Ikhonferensi leyo yahlala indlela engafihlo nenokuthintana ukukhuthaza ukuhlonywa kweBoard leyo.

- Iinhlangano kanye/namkha abantu labo abangakakwenzilokho nalabo abangakafunyanisi ithuba lokuveza amaziso wabo nalokho abakuhlongozako ekuhlonyweni ngokuhlanganyela ikomiti ezohlelela ikhonferensi leyo (esebenza ngaphasi komnyango we Arts, Culture, Science and Technology); kanye
- nalokho okurhunyewo ukuqedelela lokho okugade kuyikambiso yekhonferensi leyo ukuveza imizwa yalabo abagade bayikhambele/neenhlangotho ezigade zikhona nalokho ezikuhlongozileko ngehloso yobana kudluliselwe kusenate.

Ikomiti ekhethekileko yekomiti ehlanganyelweko yokuhlela enobulungu bukakosazana Q. Buthelezi (Wekomitjhani yelimi yehlangano ye ANC), Prof. V. N. Webb (Linguistics Society of Southern Africa) kanye no Dr A. M. Beukes (Womnyango we Arts, Culture, Science and Technology) baqedelele lokho okurhunyewo mhlana amalanga ama-27 enyangeni ka Oktoba 1994, okuthe ngemva kwalokho yanikelwa amakomiti amabili wepalamende aphaathelene neendaba ezithinta ilimi kanye nawo woke amalungu wekomiti ehlelako.

Mhlana amalanga naka-18 enyangeni ka August 1994 isenate yavuma bona ikomiti yayo ekhethekileko kwezefundo, zemidlalo nokuqeda isizungu, iArts, amasiko, isayensi nobu chwe-phetjhe izasebenza ngokubambisana nomnyango weArts, Culture, Science and Technology, ekulungiseni umthetho ophathelene nokuhloniwa kweBoard leyo. I Subcommittee ephathelene nelimi ye Senate yakhethwa mhlana amalanga naka-5 enyangeni ka September 1994 kwathi usenate L. J. Swanpoel wakhethwa ukobana abe ngusihlalo wayo.

Mhlana amalanga nakama-31 enyangeni ka August 1994 ibandla lesibethamthetho laqunta ngokutjhejisisa ukungavumelani kanye nobujamo bokuphakama kwemizwa ekulumenipikiswano ebigade ibanjwe malungana nelimi ngenarheni le, kwaquntwa bona isiqhema esinye nesinye esijanyelweko ebandleni lesibethamthetho likhethe ilungu elizasijamela ebandleni lesikhatjhana lelimi ngokukhambisana enkomiti ekhethekileko yesenate mayelana nelimi. Kwakhethwa iSubcommittee yebandla lesibethamthetho ephathelene neendaba zelimi ukosazana N. Tsheole wakhethwa njengosihlalo wayo.

Emhlanganweni obugade uhlanganyelwe owabanjwa mhlana amalanga a-4 enyangeni ka November 1994 amasubcommittee wesenate nawebandla lesibethamthetho athatha nazi iinqunto ezilandelako ezifanele zilandelwe ekuhlweni komthetho lo ozakwengamela iBoard leyo:

- (a) Amasubcommittees la amabili afanele ngokuhlanganyela aveze etjhatjhalazini Iphepha lekambiso okuzokhulunyiswana ngalo namkha i(*Green Paper*) ngokuhlonywa kwe PSALB. Ukuhlangoza okwenziwe ngendlela yokutlolwa phasi kufanele kukhuthazwe kizo zoke iinqhema ezithintekako.
- (b) Ukulalelwa kwemizwa yomphakathi ngehloso yokufunyana imizwa mayelana nokuhlonywa kwe Pan South African Language Board kufanele kubanjwe kizo zolithoba iimfunda ezikhona ngenarheni le ngokutlhogomela lokho ekumumethwe yi green paper.
- (c) Ngemva kwalokho amasubcommittees la amabili afanele ngokuhlanganyela akhiphe i(*White Paper*) nge Pan South African Language Board.
- (d) I Senate ifanele bona ihlele umthetho nge Pan South African Language Board.

Iphepha lokukhulumisana ngekambiso namkha i(*Green Paper*) lalungiswa nalo yisubcommittee yesenate ngokuhlanganyela nomnyango weArts, Culture, Science kanye ne Technology lethulwa kumasubcommittees la amabili. Iphepha elihlongoziweko lasetjhenzwa godu ngokuyelela lokho obegade kuphawulwe yisubcommittee yesenate.

Njengombana isikhathi besiqakathekile nje ehlelweni leli, ihlelo leli libonakele lithatha isikhathi esinengi, ikomiti ekhethwe yisenate yezefundo, zemidlalo nokuqeda isizungu, iArts, namasiko isayensi nobuchwephetjhe ihlongoze bona ihlelo leli liragwe ngaphandle kokutjhiya nglaphandle ukungabi nefihlo nesidingo sakho. Iinqunto lezi ezilandelako zathathwa ngizo zombili izindlu ngepalamende:

- (a) Iphepha lokhulunyiswana lekambiso namkha i(*Green Paper*), elilungiswe masubcommittee wesenate welimi ngokuhlanganyela namasubcommittee webandla lesibethamthetho welimi, lizasetjhenziswa njengephepha okuzasetjhenzelwa phezu kwalo lokha nakubanjwe ikulumopikiswano kizo zombili izindlu zepalamende.
- (b) Ngesikhathi esifanako sokubanjwa kwekulumopikiswano leyo, uthetho ohleliweko ngeBoard leli uzolungiswa zizazi kwezomthetho ngokusebenzisana nomnyango weArts, Culture, Science and Technology, kusetjhenziswa iphepha elisebenzako kanye nalokho okuphawuliweko okuvezwe ziinqhema zezombanganarha ngesikhathi nakubanjwe ikulumopikiswanoleyo.
- (c) Umthetho lowo ohlongozwako uzokhitjwa ku*Government Gazette* ngamalimi ali-11 asemthethweni ngenarheni le, kuzakwenziwa isibawo semizwa yomphakathi kizo zoke iinqhema ezinetjhisekelo.
- (d) Koke ukulalelwa kwemizwa yomphakathi eenqhemeni lezo ezinetjhisekelo kuzakwenzelwa ngeCape Town (nengabe kunesidingo ukulalelwa okukhambisana nalokho kungahlelwa emaphakathini ehlukeneko esemapasini ukuqinisekisa ukungabi nefihlo okusezingeni eliphakamileko).
- (e) Kuzathi ngemva kwalokho umthetho lowo wethulwe phambi kwepalamende.

Lokho obegade kungokokugcina okumumethwe yi *Green Paper* (okunelanga lango March 1995) kwabanjwa ikulumopikiswano ngakho kusenate ngomhlaka 30 kuMarch kwathi ibandla lesibethamthetho layibamba mhlaka 5 ku April 1995.

Izazi ezimbili zomthetho, uprof. N. J. J. Olivier wesikolo somthetho ngeunivesithi yangeNatal (Pietermaritzburg) kanye nomno P. M. Mtshaulana, omphenyi ngekhotho ephathelene neendaba ezithinta umthethosisekelo nofundisa ephikweni lezomthetho ngeunivesithi yangethagwini, bakhethwa ukobana basize umnyango weArts, Culture, Science and Technology ekuhlelweni komthetho sivivinyo lowo ophathelene neBoard leyo.

Isihloko eside nesiyelelo

Isihloko eside somthethosivivinyo lo singokurhunyaziweko okumumethwe mthethosivivinyo lowo. Isiyelelo leso siqinisekisa ukobana umthethosivivinyo lowo nekambiso yawo edzimelele kiyo, kusukela emthethwenisisekelweni omutjha weRepublic le yangapha ngesewula Afrika, Act No. 200 of 1993.

Isigaba 1: Iinhathululo

Isigaba 1 somthethosivivinyo lo simumethe iinhathululo, inengi lazo ngilezo ezizichazako.

Isigaba 2: Ukuhlonywa kwe Pan South African Language Board

Isigaba lesi siqinisekisa iPan South African Language Board. I Board le izoba mumuntu womthetho.

Isigaba 3: Iminqopho

Isigaba lesi simumethe iminqopho yeBoard le, kuthinta khulu lokho okuyikambiso yeenlimi njengombana kutjiwo esigabeni 3 (9) somthethosisekelo, ukuthukiswa kwamalimi ali-11 asemthethweni ngenarheni le, ukuthuthukiswa kwehlonipho nokuthuthukiswa kwamanye amalimi.

Isigaba 4: Ukwakhiwa kweBoard

Isigaba lesi sihlathulula ukwakhiwa kweBoard. I Board le (Babantu abali-14: Abali-13 abavowutako noyedwa ongavowutiko) izofaka hlangana izazi ezithize—

- (a) abanelwazi ehlangothini lokwakhiwa kwelimi nokulihlela (abantu abane);
- (b) abanelemuko nabafundako kilokhu okulandelako: Ukutjhugulula (umuntu munye), ukuhlathulula (umuntu munye), ukusetjhenziswa kwamagama aphicako (umuntu munye), ukufundiswa kwelimi (umuntu munye), ukufundiswa kwalabo abangakhange baye esikolweni (umuntu munye);
- (c) abe nelwazi elikhethekileko mayelana nomthetho welimi (umuntu munye); begodu
- (d) abe nelwazi elikhethekileko ngemininingwana yelimi (bangabi ngaphezu kwabathathu).

Ukuzaliselela, isikhulu leso sizakuba lilungu leBoard leyo kodwana angeze saba namalungelo wokuwovuta.

Isigaba lesi sihlathulula nokobana amalungu weBoard le azakhethwa yisenate ngemva kokufunyanana amabizo azabe akhethwe ngesikhathi nakumenywe umphakathi. Amalungu we Board leyo azafanela bona akhambisane neendingo ezithile (qualifications) begodu ukukhethwa kwawo kungahle kujanyiswe yisenate.

Isikhathi seofisi samalungu weBoard le kuzokuba minyaka elikhomba, begodu ukukhethwa kwesibili kuyinto ezotjhejisiwa yisenate. Iinkhala ezizavuleka esikhathini leso esiminyaka elikhomba zingahle zizaliswe yisenate ukuqedelela isikhathi leso esizabe sisasele.

Isigaba 5: Usihlalo nesekele lakhe

Isigaba lesi sibonelela ukukhethwa kukasihlalo kanye nesekele lakhe kuBoard leyo (Lokho kwenziwa nguChief Justice) nabo isikhathi sabo seofisi minyaka elikhomba. (Nobukhona boku-banjwa godu kwamakhetho ethemini yesibili). Isekela likasihlalo (lokha nalisesikhundleni sikasihlalo) lizakuba nawo woke amandla wokwenza ngokuzeleko umsebenzi kasihlalo. Kubonelelwe ukukhethwa kukasihlalo omutjha namkha isekela lakhe nengabe usibeke phasi isikhundla sakhe.

Isigaba 6: Imihlangano kanye nokuhlala kweBoard

Isigaba lesi sizihlathulula sona ngokwaso ngokunabileko. Siqunta nokobana iBoard izahlangana okungasenani amahlandla amane ngonyaka, amalungu alikhomba kilawo ali-13 avowutako azakwenza ikhoramu, begodu nokobana izathinta isebenzisane nanamkha ngimuphi umuntu namkha ihlangano onelwazi elikhethekileko nelwazi ngemiraro yelimi ngapha ngesewula Afrika namkha okhona ekuthuthukisweni nekuphunyelelisweni kwekambiso yelimi ngeenlimi njengombana ihlathululwa esigabeni sesi-3 somthethosisekelo.

Isigaba lesi sibonelela nobana iBoard le isebenza ngendlela yokufuna ukuvumelana okukhambisana nomoya weenlimi limi njengombana umumethwe mthethosisekelo (ukubonelela okufanako kukhona namkha kubonelelwa ekusebenzeni kwemikhandlu yombuso webumbano kanye nowesifunda). Usihlalo uzaba nelungelo lokuyowuta la amavowuti alingana khona ngaphandlekwevowutu yakhe.

Isigaba 7: Amandla nemisebenzi ye Board

Isigaba lesi simuthe amandla nemisebenzi yeBoard, okufaka hlangana ukuhlangoza; ukwemukela nokuvuma iinghonyayo zokwephulwa komthetho nokuthuseleka kokwe-phulwa komthetho; ukuyelelisa labo abaneenghonyayo kanye nokuhlangoza kungeqiswa iinghonyayo amehlo; kubonelelwe itjhejo elibonelelwa mthethosisekelo nekambiso ekusetjenzisweni kwelimi, ukubonelela nokutjheja namkha ngimuphi umthetho omutjha kufundwe ikambiso ethinta bunqophu namkha ngayiphi indlela iindaba eziphathelene nelimi, ukusiza nokubonelela ngokuhlonywa kwamahlelo kanye neenkambiso, kanye nokubonelela ukutholakala kokusekelwa ngeemali la kufanele khona. iBoard izakwazisa nangalokho ekufunyeneko, amaphuzu afanele ukunakwa, iinyeleliso nokuhlangozawako kuGovernment Gazette njalo ngekota (namkha ngesikhathi esifitjhani njengoba iBoard izabe ibona kulungile), begodu endaweni yeendaba eziphathelene nelimi eemfundeni nakuma Gazette weemfunda athintekako.

iBoard le ingayelelisa umbuso ukobana ube nokusekela ngeemali iinqhema lezo ezibongazimbi bokwephulwa kwamalungelo welimi. Ingahlangoza nokobana kube nokufunda namkha iphenyisiso ngehloso yokuphumelelisa iminqopho yayo, begodu ukubonelela lokho ingakhipha iimali kanye nokhune ukusekela; ingengamela ikomitjhani yephenyisiso.

I Board izaba namandla wokuhlangoza, ukuphenyisisa namkha ukungaphenyisiswa, kanye nokuhlangoza okuthunyelwa mayelana nomthetho, ikambiso kanye nokwenza kubunqophu namkha ngandlela thize nelimi kanye nokubonelela komthethosisekelo kinginoma ngisiphi isibethamthetho namkha kisiphi isitho sombuso.

I Board ingayala namkha ngubani ukunikela ubufakazi kiyo begodu ibe nelungelo lokufinyelela namkha ngiwaphi amaphepha wombuso. Ingakhethe namakomiti afaka hlangana emalungeni wayo ilungu linye namkha ngaphezulu eBoardini kanye nabanye abantu njeongokubona kwayo ukuba kube bayelelisi bayo ekusebenzisweni amandla wayo nokukhambisa imisebenzi yayo.

I Board ingahle iragale phambili nokuhloma—

- (a) amakomiti wesifunda welimi ukuyiyelelisa ngeendaba eziphathelene nelimi esifundeni ngasimye; kanye
- (b) neenhlango zelimi ezizoyelelisa ngaphandle kokukhethe ilimi.

Kungenziwa imiyalo kukhitjhe nezaziso; ezehlakalweni ezinjalo ukukhitjha ku *Government Gazette* kanye nakuma *Gazette* weemfunda kuyanqunyelwa.

Isigaba 8: Ubudlelwana nezinye iinhlango, abantu neenhlango zabantu

Isigaba lesi simuthe ikambiso nokusebenzisana hlangana neBoard kanye neenhlango zombuso, abantu kanye neenhlango zabantu namanye amaziko akhona eendabeni ezithinta ilimi. I Board ifanele ifunyanwe iinyeleliso zamakomiti athintene nayo eemfundeni, kanye neenhlango zombuso nezelimi ezihlonywe ngokulandela ikambiso ye Board, begodu ifanele imeme abantu, iinqhema, kanye nezinye iinhlango zelimi namkha amaziko ngaphambi kokwazisa etjhatjhalazini ngalokho ekufunyeneko, imizwa, iinyeleliso namkha okuhlangozawako. Ingahle godu ithintane nanamkha ngubani, isiqhema, ihlangano namkha iziko.

Isigaba 10: Imiyalo mayelana nekambiso yeBoard

Isigaba lesi simayelana nokufakwa kweenghonyoyilo ezilelwako ngokwephulwa namkha ukuthusela ukuphula ilungelo lelimi, ikambiso yelimi namkha usetjhenziswa kwalo. Indlela efanele ilandelwe kanye nokunikelwa kwesizo kilokhu kubonelelwe, kanye nokuphenyisiswa kweenghonyoyilo ezinjalo. Nengabe iBoard inomuzwa wobana kunobufakazi ngesinghonyoyilo esiphenyisiswe ngiyo, izarhelebha lowo onghonyoyilako ekubeni aliliswe ngokumthumela ehlanganweni yombuso ephathelene nalokho, isiza (eendabeni ezifaneleko) umghonyoyili ukufunyanisa ukusizwa ekhotho. Izakwazisa lowo onghonyoyilako ngalokho ekufunyeneko begodu izaveza etjhatjhalazini lokho ekufunyeneko.

Isigaba 11: Iindleko ze Board

Ipalamende izanikela iimali ezizosetjhenziswa yiBoard. Isamba esicatjhangwako esizasetjhenziswa ngonyaka sizanikelwa umnqophisi zombebele emnyangweni wombuso othintekako, ozakuba nguye ozanikela imininingwana ngokusebenza kwesamba lesa.

Isigaba 12: Umbiko wonyaka

Isigaba lesi sikatelela iBoard ukobana inikele umbiko ozeleko wonyaka ngalokho ekwenzileko epalamende kanye nombiko othinta iindaba zelimi eemfundeni eembethamthethweni zeemfunda lezo ezithintekako.

Isigaba 13: Imirholo kanye nama alawensi wamalungu we Board

Ipalamende izanikela imali ezorholela amalungu weBoard kanye neensebenzi ezisebenza ebhodini ezingasebenzi ngokuzeleko ngaphasi kombuso.

Isigaba 14: Ukuba nokuziphendulela kwe Board

Isigaba lesi sizihlathulula sonangokwaso.

Isigaba 15: Isihloko esifitjhani nokuthoma

Isihloko esifitjhani somthethosivivinyo lo siyazihlathulula. Umthethosivivinyo lo kuthathwa bona uthome ukusebenza mhlaka 28 ku April 1994 nebhodi ihlonywe ngelanga lelo ukwenzelela ukobana ikgone kusukela mhlokho (28 April 1994) ukuthoma ukwenza umsebenzi wayo isebenzise namandla wayo.

BILL

Ukubonelela ukwemukeleka, ukusebenza kanye nokuthuthukiswa kweenlimi limi ngapha ngakuRepublic yangesewula Afrika; ukuhloma iPan South African Language Board; nokubonelela koke okuthintene nayo.

IKHIBE umthethosisekelo weRepublic le yangesewula Afrikapha, 1993 (Act No. 200 of 1993), ibonelela ukwemukeleka kweenlimi limi;

BEGODU IKHIBE ukubonelela kufanele kwenziwe ngokulinganisa okuhlelwe ngehloso yokuphumelelisa ihlonipho, ngokuvikela okwaneleko nokuthuthukiswa kweenlimi ezisemthethweni ngenarheni le lezo ezingakhenge zifunyanisa ukwemukelelwa esikhathini esidlulileko, ngomqopho wokuthuthukisa ukulingana ngokuba semthethweni ngenarheni le nokuhlonipha amanye amalimi asetjhenziselwa zekolo ngenarheni le;

NJEKE, njengombana seyithethwe njengomthetho yipalamende yangapha ngeRepublic yangesewula Africa, njengalokhu okulandelayo:—

Iinhlathululo

1. Emthethweni lo, mhlambe nengabe lokho okungaphakathi kuyatjhwaya—
“Board” kutjho iPan South African Language Board ehloniwe sigaba 2;

- "Constitution"** kutjho umthethosisekelo weRepublic le yangapha ngesewula Africa, 1993 (Act No. 200 of 1993);
- "Department"** kutjho umnyango wombuso oyalwe ngumongameli ngokulandela umthethosisekelo ukobana uqalane neendabe eziphathelele nelimi;
- "Executive officer"** kutjiho isikhulu esikhethwe ngokulandela isigaba 9 (1);
- "Minister"** kutjiho ungqongqotjhe Womnyango;
- "acknowledged, practising translator"** kutjiho umuntu onelwazi elibanzi lokuthwasiswa ngaphakathi endaweni eyamukelwako begodu onelwazi leminyaka emihlanu amtjhugululi;
- "acknowledged, practising interpreter"** kutjiho umuntu onelwazi elibanzi nokuthwasiswa kwangaphakathi ekurhumutjheni;
- "acknowledged, practising lexicographer or terminologist"** kutjiho umuntu onelwazi elibanzi lokuthwasiswa ngaphakathi kulexicography namkha kanye nethemimology;
- "language planner"** kutjiho umuntu onelwazi elibanzi ekuhloleni ilimi nonelwazi elibanzi kilokho;
- "language sociologist"** kutjiho umuntu othwasiswe emalimini, zehlalakhle, zomba-nganarha kanye nakwezefundo ezikhambisana nelimi nomphakathi;
- "acknowledged, practising language teaching expert"** kutjiho umuntu othwasiswe ngokomthetho ekufundiseni ilimi nonelwazi elibanzi kilokho;
- "acknowledged literacy expert"** kutjiho umuntu othwasiswe ngokomthetho ukufundisa abantu abadala nonelwazi elibanzi kilokho;
- "organ of state"** kutjiho isitho sombuso njengombana sihlathululwe esigabeni 233 emthethweni sisekelo;
- "Provincial Gazette"** kutjiho igazette esemthethweni yesifunda leso;
- "existing"** kutjiho lokho obegade kukhona ngitjho nangaphambi kobukhona bomthethosisekelo, ukuthoma komthetho lowo namkha kusiphi isigaba;
- "prescribed"** kutjho bona okuvezwe ngaphasi kwanakumthetho;
- "this Act"** kufaka hlangana imiyalo kanye nezaziso ezikhitjhe ngaphasi kwesigaba 6 (9), 7 (8), 7 (11) kanye 8 (2) (d).

Ukuhlonywa kwe Board

2. (1) Kuhlonywe lapha iBoard ezokwaziwa njenge Pan South African Language Board.
- (2) I Board le izaba mumuntu osemthethweni begodu izajanyelwa ngusihlalo wayo namkha isekela lakhe namkha ilungu layo eliyalwe ngiyo ukwenza umsebenzi othize.

Iminqopho ye Board

3. I Board izoba nanasi iminqopho, okungile:
 - (a) Ukuphumelelisa ihlonipho ekambisweni etjiho esigabeni 3 (9) somthethosisekelo, okungilokhu—
 - (i) ukuhlonywa kwezimo ukuthuthukisa nokuphumelelisa ukulingana ekusetjhenziweni nekuthatjhelweni kwawo woke amalimi asemthethweni ngenarheni le;
 - (ii) ukululwa kwamalungelo lawo athinta ilimi kanye nesithunzi salo emalimini lawo ngaphambilini agade adinywe amathuba mthethosisekelo ngokuwaninela eendaweni ezithize;
 - (iii) ukukhandela ukusetjhenziwa butjhwelweni banginoma ngiliphi ilimi ngominqopho wokutjhimama, namkha ukulidlelelela;
 - (iv) ukuthuthukiswa kokusetjhenziwa kweenlimi ezimbalwa kanye nokubonelelwa kwezinto zokutjhugulula;
 - (v) ukuthuthukisa ukuhlonitjha kwamanye amalimi angakhulunywa ngenarheni le, nokukhuthazwa kokusetjhenziwa kwawo la kufanele khona; kanye
 - (vi) ukungehliswa kwamalungelo aphaathelene nelimi kanye nesithunzi samalimi lawo agade akhona ekuthomeni komthethosisekelo;

- (b) ukuphumelelisa ukuthuthukiswa kwamalimi asemthethweni ngenarheni le;
- (c) ukuphumelelisa ihlonipho ekuthuthukisweni kwamanye amalimi asetjhenziswa ngemi-nye imiphakathi ekhona ngenarheni le, kanye namalimi asetjhe-nzisela zekolo ngenarheni le;
- (d) ukuphumelelisa ukuhlonitjha kokhanye okubonelelwako nemibandela yomthethosisekelo ekhona ekhambisana bunqopho namkha ngandlela thize nomthethosisekelo; kanye
- (e) ukuphumelelisa ukukhulunywa kwamalimi amanengi ngekululeko.

Umwakheka kwe Board

4. (1) (a) iSenate ngemva kokumema umphakathi ukobana unikele amabizo walabo obakhethileko, izakhetha laba abalandelako:

- (i) Abantu ababili abazakuba masociologists bakhetheke ekuhlelweni kwelimi;
- (ii) abantu ababili abazakuba bahleli belimi abazaphathelana nokuhlelwa kwelimi;
- (iii) umuntu munye ozakuba mhlathululi owamukelekako;
- (iv) umuntu munye ozakuba mrhumutjhi owamukelekako;
- (v) umuntu munye ozakuba yilexographer namkha itheminologist;
- (vi) umuntu munye ozakuba mumuntu osisazi ekufundisweni kwelimi;
- (vii) umuntu munye ozakuba sisazi ekufundisweni kwabantu abadala;
- (viii) umuntu munye ozakuba sisazi kwezomthetho nelwazi elikhethekileko ngelimi nomthetho; kanye
- (ix) abantu abangasingaphezu kwabathathu abanelwazi elikhethekileko leenlimi ngenarheni le;

(b) Isikhulu naso sizakuba lilungu leBoard begodu sizakuba nesabe kilokho okwenziwa yiBoard begodu sizakuba namalungelo nomsebenzi njengawo woke amanye amalungu: kubonelelwa ukobana angeze aba nelungelo lokuvowuta.

(2) Amalungu weBoard azaku—

- (a) babe babantu abazilungeleko iinkhundla abakizo;
- (b) babe zizakhamuzi zangenarheni le, begodu;
- (c) babe nekgono nelwazi emsebenzini weBoard njengemalimini namkha umthetho namkha ukuthwasa okuzakwemukeleka kusenate.

(3) iSenate ingajamisa ukuqatjiswa ngokulandela lokhu okunasi isigaba—

- (a) nayenelisiweko ukobana abantu labo abakhethiweko aabasakhambisani neendingo ezisesigabeni (2);
- (b) nengabe abantu abanjalo benza iimbawo ngokutlola phasi ukobana isenate ijamise imisebenzi yabo; namkha;
- (c) nengabe umuntu akhange abe khona emihlanganweni engaphezu kwemibili ngaphandle kokunikelwa ilifu yiBoard.

(4) Namkha ngiliphi ilungu leBoard lizasebenza iminyaka eli-7 begodu ngemva kweminyaka leyo lizakuba nelungelo lokungabuyiselwa godu.

(5) Nengabe kuba khona ilungu elilisako ngaphambi kokuphela kwesikhathi salo seofisi, isenate ngokulandela okumumethwe sigaba (1) (a), ingaqatjha omunye umuntu ozasebenza kufikela esikhathini lowo wangaphambilini abekafanele aqede ngaso isikhathi sakhe seofisi.

(6) iSenate izathumela umbiko kuGovernment Gazette ngokuqatjiswa kwelungu elitjha leBoard kanye nelanga lokuthoma kwelungu lelo umsebenzi begodu nengabe umuntu lowo uqatjha ukujamiselela elinye ilungu, kuzatjhiwo ukobana uzosebenza isikhathi esingangani.

Usihlalo nesekele-lakhe

5. (1) Amalungu webhodi azakhetha omunye wawo ukobana abe ngusihlalo weBoard nomunye ozakuba lisekele lakhe ozajama esikhundleni sikasihlalo nengabe usihlalo akekho: Nengabe amakhetho anjalo azabanjwa emhlanganweni wokuthoma weBoard begodu azalawulwa nguChief Justice.

(2) Usihlalo kanye nesekele lakhe bazaba nelungelo lokuba seenkhundleni zabo isikhathi esiminyaka elikhomba, begodu banalo ilungelo lokungakhethwa godu kwesibili.

(3) Isekele likasihlalo, lokha nalisisekhundleni sikasihlalo lizakuba nelungelo elizeleko lokwenza ngokuzeleko umsebenzi kasihlalo njengombana kuhlathululwa sigaba (1).

(4) I ofisi likasihlalo namkha lesekele lakhe lizatjhiywa—

- (a) ekupheleni kwesikhathi seofisi;
- (b) lokha ilungu lelo nalithokoza umsebenzi ngendlela yokubhala phasi;
- (c) lokha ilungu lelo naliphelelwa bulungu balo ku Board;
- (d) lokha nakuthethwe isiqunto mayelana nalokho esiphunyeleliswe yiBoard; namkha
- (e) lokha ilungu lelo nalihlongakalako namkha ligula ngengqondo:

Kubonelelwa bona endaweni yesigaba (b), (c), (d) kanye no(e), ukukhethwa kukasi-hlalo omutjha namkha isekela lakhe kuzakwenganyelwa sikhulu.

(2) Ukuhlala kweBoard kuzabanjelwa ngePTA begodu imihlangano yayo izabanjwa ngesikhathi nasendaweni ezaquntwa yiBoard begodu usihlalo kuzakuba ngungusihlalo wayo emhlanganweni.

(3) Usihlalo weBoard angabiza umhlangano nganamkha ngisiphi isikhathi nawukhenawukhethekileko ozabanjwa ngesikhathi esizaquntwa nguye, begodo ozatlikitlelwa okungaseni malungu angasingaphasi kwamathathu we Board, umhlangano lowo uzafanela bona ubanjwe ngemva kwamalanga amasumi amathathu ngemva kokwemukelwa kwesibawo, endaweni nesikhathi njengombana usihlalo azabe aquntile.

(4) Amalungu alikhomba weBoard azakwenza ikhoramu ukungabamba namkha ngimuphi umhlangano we Board.

(5) I Board izakgona ukuthinta nokusebenza ngokutjhidelana nanoma ngubani namkha ngiyiphi ihlangano enelwazi elikhethekileko ngemiraro yelimi ekhona ngenarheni le namkha ngandlela thize okhona hlangana ekuthuthukisweni nekuphunyelelisweni kwelimi kwekambiso yalo nje ngombana kuvezwa sigaba 3 somthethosisekelo.

(6) I Board izasebenza ngendlela yokufana ukuvumelana itjheja indaba yamalimi njengombana njengombana imumethwe mthethosisekelo.

(7) Ukuvowuta kinoma ngimuphi umhlangano weBoard kuzatjhengiswa ngokuphakamisa izandla, inengi ngilo elizatjho ukwemukelwa kwesiqunto leso esithathwa yi Board: Kubonelelwa bona nakulingana amavowutu, usihlalo uzakuba nelungelo lokuvowuta ukungezelela amavowuti okuzathathwa ngawoisiqunto.

(8) Akukho siqunto namkha umthetho olandelwa ngaphasi kwe Board ongeze walandelwa ngombana kulandelwa ukuvuleka kwesikhala sokwesikhathjhana kuBoard nengabe kwathathwa isiqunto esayalwa mhlango weBoard ngokukhambisana nesigaba leso.

(9) I Board ingahle yenze imiyalo ngokukhambisana nokubanjwa kwemihlangano yayo.

Amandla nemisebenzi ye Board

7. I Board iza—

- (a) izakwenza ukuhlangoza mayelana nangenoma ngimuphi umthetho okhona nonohlo ngozwako, ukusetjhenziswa nekambiso ephathelene bunqophu namkha ngandlela thize neendaba zelimi ngokutjheja ukuhlangozwa kwetjhuguluko namkha ukubuyekezwano-kujanyiselelwa komthetho okhona, ukusetjhenziswa nekambiso.

(b) mayelana neenghonyoyilo—

- (i) Ikwazi ukuphenyisisa ngokwayo namkha ngemva kokufunyanisa isinghonyoyilo esitolwe phasi, ekufunyanweni kwanginoma ngikuphi ukweqiwa kwelungelo lelimi namkha ikambiso nokusetjhenziswa;

- (ii) Ukuba nekgono lokwemukela nokuvuma ukwemukelwa kweenghonyayo eziphathelele nokwephulwa kwelungelo lelimi; kanye
- (iii) ukuba nekgono ekuyeliseni labo abanghonyayo begodu yenze nokuhlongoza ngeenkathazi ezifaneleko;
- (c) ukuba nesabe ekubonelelweni komthethosisekelo ngokubonelela ikambiso bunqopha namkha ngandlela thize mayelana neendaba eziphathelele nelimi ngokwesigaba 3 (9) somthethosisekelo—
 - (i) ukutjheja okumumethwe mthethosisekelo mayelana nelimi;
 - (ii) ukutjheja nokubonelela lokho okumumethwe mthethosisekelo omutjha;
 - (iii) ukusiza nokutjheja ukuhlonywa kwamahlelo ngokubonelela isithunzi selimi nawo woke amalimi asemthethweni ngenarheni le abonelelwa sigaba 3 (10) (c) womthethosisekelo unethuba lokusebenzisa ilimi la kufanele khona;
 - (iv) Mayelana nalokho okubonelelwa sigaba lesi, kwenziwe la kufanele khona ukubonelelwa ngeemali kufikela ngesikhathi esizaquntwa yiBoard ngoku khamba kwe-sikhathi;
- (d) yazise etjhatjhalazini lokho ekufunyeneko, yazise lokho ekuhlongozako nokuziinyeleliso zayo ngokuveza ku*Government Gazette* ngesikhathi esiyikota yonyaka ngokubona kwayo, naku*Gazette* yesifunda nakunesidingo.
- (e) ifunyanane, ibuthelele beyibulunge koke okuphathelele nekambiso yesibethamthetho (sekufakwa hlangana nalokhookubonelelwa mthethosisekelo) okuphathelele neendaba zelima bunqopha namkha ngandlela thize okungahle kubuye namkha kukuphi namkha ehlanganweni ethize yombuso.
- (2) La iBoard ibona khona kunesidingo ingayeelisa umbuso bona usekele ngeemali iinqhema lezo ezibongazimbi bokuphulwa kwamalungelo welimi.
- (3) I Board izaba nekgono lokuhlongoza bona kufundwe begodu kwenziwe iphenyisiso ngomnqopho wokuphumelelisa ukuhlontjiswa kwamalimi lawo asemthethweni ngenarheni le njengombana kuhlathulwa sigaba 3 (1) somthethosisekelo, ukusetjhenziswa kwawo ngokulingana nokuthatjhelwa kokusetjhenziswa kwamalimi amanengi.
- (4) Ukubonelela iindingo zesigaba lesi, iBoard ingahle ibonelele isizo leemali kinamkha ngimuphi umuntu namkha ihlangano namkha abantu.
- (5) Akukho litho esigabeni lesi elingehlisa ilungelo le Board ukuhlongoza, bona kwenziwe iphenyisiso namkha unobangela wephenyisiso lelo kunikelwe ngalokho okuhlongozwako emthethweni lowo, namkha ikambiso nokusetjhenziswa okuphathelele bunqopha namkha ngandlela thize nelimimazombe okubonelelwa mthethosisekelo okuphathelele bunqopha namkha ngandlela thize nelimi kinoma ngisiphi isibethamthetho namkha ihlangano yombuso.
- (6) I Board izaba nekgono lokubizela ekhotho namkha ngimuphi umuntu ukunikela ubufakazi namkha ukufinyelela kinoma ngiwaphi amaphepha namkha okuthize okungasiza iBoard ephenyisisweni elenzako nakunesidingo salokho.
- (7) I Board izaba nekgono lokubizela namkha ngubani ikomitjhani namkha lokho kungathinta ihlangano ethize ukwenza iphenyisiso ebizweni layo ngelwazi ezabe ilifunyanane ukwenza umsebenzayo.
- (8) I Board ingahle ngandlelathize namkha ngokukhipha isaziso ngokusebenzisa i *Government Gazette* ne*Gazette* yesifunda ibonelele—
 - (a) Ikomiti yelimi yesifunda kizo zoke iimfunda ngehloso yobana iyiyeelelise nengabe kukhona imiraro ephathelele nelimi esifundeni ngasinye namkha incenye yesifunda lesi,
 - (b) Ihlangano yelimi yokuyiyeelelisa nganoma yini emraro othintana nelimi kinongiliphi ilimi.
- (9) I Board ingayala namkha ngiliphi ilungu layo ukobana lenze namkha yini eliyalwe ukobana liyenze.

(10) I Board ingakhetha ikomiti namkha amakomiti angaphezu kweyodwa enelungu le Board namkha amalungu ambalwa nabanye abantu njengombana kuzabe kunesidingo ukuyelelisa nokusebenzisa amandla wayo nemisebenzi yayo.

(11) I Board ingahle godu ekuthuthukiseni iminqopho yayo kanye nekusebenziseni amandla wayo nemisebenzayo—

(a) yenze imiyalo beyikhiphe nezaziso; begodu

(b) yazise imiyalo enjalo nezaziso *kuGovernment Gazette* naku *Gazette* yesifunda.

Ubudlelwana Beboard kanye nezinye iihlangano eziwela ngaphasi kombuso nezinye iihlangano neenhlangano zabantu

8. (1) I Board izalwela ukobana kuthuthukiswe ukusebenzisana hlangana nayo neenhlangano eziwela ngaphasi kombuso nezinye iihlangano neenhlangano zabantu khulu khulu lezo ezithinteka ekuthuthukisweni kwelimi namalungelo welimi.

(2) I Board, ngaphambi kobana yazise namkha ikhiphe umbiko, ekufunyeneko, umuzwa wayo, isiyeleliso namkha ekuhlongozako, izafanela ifunyane isiyeleliso—

(a) Ekomitini yesifunda yelimi ethintekako ehlonywe ngokwesigaba 7 (8) (a);

(b) Namkha ngiyiphi ihlangano elawulwa mbuso ngendlela yokuthinteka bunqopho namkha ngandlelathize kinoma ngiwaphi amalungelo welimi, ikambiso yelimi namkha ukusetjhenziswa kwalo kulandelwa lokho oku hlongoziweko nginoma ngiyiphi ihlangano elawulwa mbuso;

(c) namkha ngiyiphi ihlangano yelimi ehlonywe ngokwesigaba 7 (8) (b);

(d) namkha ngimuphi umuntu, isiqhema, ihlangano yelimi namkha ihlangano ethintekako ekubeni netjhisekelo ekuthuthukisweni kwamalimi asemthethweni ngenarheni le ngokumema imizwa yomphakathi ngezaziso mayelana nalokho *kuGovernment Gazette* kanye naku *Gazette* yesifunda.

(3) I Board ingathintana nanamkha ngubani, namkha ngiyiphi ihlangano, namkha isiqhema ngaphandle kwalezo ezitjhiwo endinyaneni yesigaba (2).

Ukuragwa kwelawulo emsebenzini we Board

9. (1) Umsebenzi welawulo ngetjhwa ngokuragwa kwemisebenzi yeBoard kuzaragwa sikhulu kanye nabasizi baso kuBoard, okuzakuba ziinkhulu zomnyango othintekako ezikhethwe ngokomthetho weensebenzi zomphakathi, ka 1994 (Proclamation No. 103 of 1994), begodu wathunyelwa mazombe namkha ngominqopho kangqongqotjhe ngemva kokuthintana neBoard.

(2) Ukuthumela umuntu ngokulandela indinyana (1), ungqongqotjhe uzafanela bona aqinisekise ukobana iinsebenzi zeBoard zizajanyelwa ngokuzeleko esitjhabeni senarha le yokana.

(3) Iinkhulu ezithunywako zizakwenza umsebenzazo ngaphasi kwelawulo netjhejo le Board.

Imiyalo mayelana nekambiso ye Board

10. (1) Namkha ngubani ojamele omunye umuntu namkha omunye namkha ihlangano namkha abantu namkha amalungu wesiqhema selimi elithize angafaka isinghonyoyilo esiphathelelene nokuleywa kokwepulwa namkha ukuthuselwa kokwepulwa kwelungelo lelimi, ikambiso yelimi nokusetjhenziswa kwalo yi Board.

(2) Isinghonyoyilo leso sizaba ngesibhalwe phasi begodu sizahlathulula—

(a) Itjhiseko yalowo onghonghoyilako endabeni leyo;

(b) (i) ihlobo lelungelo okuleywa bona lephuliwe namkha elithuseleka ukwepulwa, noba
(ii) Imininingwana umuntuanayo emenza bona afune namkha abone kunesidingo sephenyisiso, begodu

(c) loke ilwazi eliphathelene nalokho alaziko.

(3) I Board izanikela loke isizo elifaneleko ekubeni kunikelwe lowo onghoyilako ikululeko la kufuneka khona begodu izamsiza nobana akhambisane neendingo ezimumethwe yindinyana ye-(2).

(4) I Board ngemva kokufunyanisa isinghonyoyilo izaphenyisisa ngokuleywa kokwepulwa kwelungelo lelimi, ikambiso yelimi namkha ukusetjhenziswa kwalo.

(5) Nengabe ngemva kwephenyisiso iBoard inomuzwa wobana kunobufakazi esinghonyilweneso, izasiza lowo onghonghoyilako kanye nalabo abazabe bathinteka ekubeni bafunyanane isizo ngoku—

- (a) ukuthumela indaba leyo ehlanganweni elawulwa mbuso ukuphikisa leyo onghonghoyilelwako, ngokuhlongozelwa;
- (b) ukuhlongoza ehlanganweni elawulwa mbuso ukuphikisa leyo okufakwe kiyo isinghonyoyilo ukunikela isizo leemali kilowo onghonghoyilako ngomnqopho wokubonelela umonakalo nengabe ube khona;
- (c) kubonelelwa, ngokuthatha yona isiqu, isizo leemali kilowo onghonghoyilako ngehloso yokulungisa namkha ngimuphi umonakalo; noba
- (d) ukwenza amalungiselelo namkha ukubonelela ngeemali kilowo onghonghoyilako ukwenzelela bona akgone ukufunyanana irhelelho ekhetho enekgono.

(6) I Board izakwazisa lowo onghonghoyilako ngesiqu, begodu nengabe iBoard iqunte ukungathathi magadango, izakwazisa lowo onghonghoyilako ngeenzathu ze-siqu sayo lesa.

(7) I Board izakwazisa isiqu zayo ngokukhambisana nesigaba 7 (1) (d).

(8) Lokho okubonelelwa sigaba lesi angeze kwaphungula emandleni anikelwe iBoard ngaphasi kwesigaba 6 (9).

Iindleko ze Board

11. (1) Zoke iindleko zeBoard eziphathelele nomsebenzi weBoard zizakhitjwa emalini leyo ekhitjwe yipalamende ukwenza imisebenzi yeBoard.

(2) Ukubalwa okulinganise ngeendleko kutjhejwa unyaka weemali okwenziwe ngawo kuzanikelwe umnqophisi zombelele emnyangweni ofaneleko.

Umbiko wonyaka

12. I Board njalo ngonyaka kungasingemva kwelanga lokuthoma likaJuni izanikela—

- (a) ipalamende umbiko ophelileko wakho koke ekwenzileko enyakeni odlulileko kufikela mhlana amalanga ama-31 kuMarch; begodu
- (b) namkha ngisiphi isibethamthetho sesifunda umbiko ozeleko ngayo yoke imisebenzi yesifunda lesa ephathelele neendaba zelimisi ngonyaka ophelileko kufikela mhlana amalanga naka-31 March.

Imirholo nama alawensi wamalungu we Board

13. Ilungu leBoard namkha ngiliphi ilungu lekomiti yayo elingasebenzi ngokuzeleko ngaphasi kombuso, lingabhadalwa ngeemali ezikhitjwe mbuso ngepalamende mayelana nalokho, nama alawensi angabhadalwa ngefanelo kiyo imalileyo, nje ngombana azabe enze umsebenzi weBoard njengokungahle kuquntwe ngungqongqotjhe ngokuthintana nongqongqotjhe weemali.

Ukuziphendulela kwe Board

14. (1) Umthetho wombuso wokuziphendulela ka 1957 (Act No. 20 of 1957), uzasebenzisa *iMutatis Mutandis* ngokweBoard nanoma ngikuphi ukubuyisela emthethweni lowo "kungqongqotjhe womnyango lowo othintekako" kuzalondwa njengesitjhengiso kuBoard.

(2) Amalungu weBoard angeze aba nokuziphendulela umuntu ngokwakhe namkha kungaba ngayiphi indlela kinoma ngimuphi umbiko, namkha okufunyenweko namkha umbono, isiyelileso namkha ukuhlongoza okwenziwe ngokuthembeka.

Isihloko esifitjhani nokuthoma

15. (1) Umthetho lo uzabizwa iPan South African Language Board Act, 1995.

(2) Umthetho lo uzothathwa bona uthome ukusebenza mhlaka 28 April 1994 begodu neBoard kuzothathwa bona ihlonywe ngelanga elifanako.

Sesotho sa Leboa

Ka gare ga lengwalo le go molao-kakanywa woo nepo ya wona e leng go soma bjalo ka lengwalo leo le tla ahlaahlwang ka nako ya dikopano tsa setshaba goba batho ba re ngwalela ka maikutlo a bona. Ga se lengwalo la bofelo, gobane le sa ntse le tla beakanywa le go ngwalwa leswa ka polelo ya semolao ke Baeletsi ba Semolao ba Mmuso morago ga go amogela le go sekaseka maikutlo kamoka.

1. Botso bja Molaotheo

Afrika Borwa ke naga ya ditshaba tse ntsi ka dipolelo/maleme tse fapanego. Le ge maleme a mabedi a semmuso a be a gatelelwa ka molaotheong wa pele wa naga ye (malema a mangwe a semmuso a senyane a basotho a be a lemogwa fela ka mebusong ya pele ya TVBC le dilete tseo di ipusago), Molaotheo wa Rephabliki ya Afrika Borwa, wa 1993 (Act No. 200 of 1993), o tisa diphe-togo tse mmalwa go lemoga maleme a mangwe. Se ga se bontshe fela dikagare le moya wa demokrasi wa Molaotheo, eupsa ke legato le bohlokwa go lemoga gore Afrika Borwa ke naga wa maleme a mantsi a go fapana.

Bohlokwa bja go lemoga maleme a mantsi le tshireletso ya ditokelo tsa motheo tsa maleme di tsenyeleditswe ka go Constitutional Principle XI: *"Go fapana ga maleme le ditso go tla lemogwa le go sireletswa, mme le mabaka a go a tswetsapele a tla hlohleletswa"*.

Karolo 31 ya Molaotheo e tswelapele ka go hlalosa gore leleme ke tokelo ya batho ya motheo: *"Motho yo mongwe le yo mongwe o tla ba le tokelo ya go somisa leleme . . . leo a le ratago"*. Karolo 8 e gatelele gore kamoka re na le tokelo ya go lekalekana pele ga molao le gore ga go yoo a swanetsego go gatelelwa thwi, goba ka tsela ye nngwe, ka lebaka la polelo ya gabo. Ge re etla thutong, karolo 32 e gatelela gore mang le mang o na le tokelo *"ya go rutwa ka leleme leo a le ratago moo go kgonegago"*.

Karolo 3 e ka ga molao wa go lemoga maleme a lesometee a semmuso mageng ka bophara gape e gatelela gore go tla hlolewa mabaka a go hlolelwa tihabollo le tihohleletso ya go somiswa ga maleme a ka moka ka go lekana. Go feta moo, karolo 3 (9) (c) e thibela tshomiso ya leleme lefe goba lefe ka nepo ya go nyefola, go gatelela goba go arola maleme goba batho ba bangwe.

Go molaleng gore go lemogwa ga maleme a mantsi bjale ke molao wo o re hlahlago mo Afrika Borwa. Mokgwa wo bohlokwa wo o theilwego molaotheong ka nepo ya go laola tshomiso ya maleme a mantsi ka botllo o gatelelwa ka go karolo 3 (10), mme wona o re Senata se tla hloma Boto ya Maleme ya Pan South Africa ka Molao wa Phalamente.

Boto e swanetse gore ka mehla e obamele melao yeo e supilwego ka go Molaotheo. Dintlha tseo e tla swaragenago le tsona ke tse:

- (a) Go hlohleletsa tihompho ya melao ye mehlano ya maleme bjalo ka ge e adilwe ka go karolo 3 (9), e leng:
 - (i) Go hlolewa ga mabaka a go hlohleletsa tihabollo ya tshomiso le boipshino ka go lekalekana, ga maleme a a Afrika Borwa kamoka a semmuso;

- (ii) katoloso ya ditshwanelo tseo di leng mabapi le leleme/polelo le maemo a maleme ao mathomong a Molaotheo a beng a somiswa fela dileteng tse rileng (ke gore, maleme a semmuso a tseo go bego gothwe ke dilete tse di ipusago le mebuso ya TBVC);
 - (iii) thibelo ya tshomiso ya leleme lefe goba lefe ka nepo ya go nyefola, go gatelela le go aroganya;
 - (iv) tlhohleletso ya dipolelo tse ntsi le kabo ya ditlabakelo tsa go fetolela;
 - (v) tlhohleletso ya tlhompho ya maleme ao a bolelwago mo Afrika Borwa ao e seng a semmuso, le tlhohleletso ya tshomiso ya wona moo mabaka a dumelago; le
 - (vi) ditokelo le maemo a maleme tseo di sa nyenyefatswego go swana le ka Molaotheo wa pele.
- (b) Go tswetsapele tlhabollo ya maleme a semmuso.
 - (c) Go dira ditshisinyo ka ga molao o mongwe le o mongwe woo o ukangwago go ya ka karolo 3, morago ga go ditherisano le dikgoro tse dingwe tse di beago melao (mmusong wa setshaba le ya diprofense).
 - (d) Go hloleletsa tlhompho le tlhabollo ya maleme a mangwe ao a bolelwago ke ditshaba tse dingwe mo Afrika Borwa, mmogo le maleme a mangwe ao a somiswago ka nepo ya go tswetsapele bodumedi mo Afrika Borwa.

2. Tsela ya Phalamente go hloma Pan South African Language Board

Go rerisana le bomatwetwe ba maleme le bao ba amegago mererong ya maleme ka bophara, khonferense ya setshaba yeo e bitswago Languages for All: **Towards a Pan South African Language Board**, e ile ya rulaganywa ke Kgoro ya Thuto ya Bosetshaba ya pele le Lekala la ANC la Bokgabo le Stso ka di 27 le di 28 May 1994.

Maikemisetsa-magolo a Khonferense yeo e be e le go fa bao ba amegago sebaka sa go lahlela la bona la bosuwana lenaneong la go ngwalwa ga molao wa Boto. Khonferense e ile ya ile ya loga leano leo le amago bohle gape le se nang diphiri go sepetsa merero ya go hlongwa ga Boto:

- Mekgatlo le/goba batho ka bobona bao ba beng ba so dire bjalo ba ile ba fiwa sebaka sa go hlagisa ditshisinyo tsa bona go *Joint Organising Committee* ka go hlongwa ga Boto go (yeo e beng e soma ka fase ga Kgoro ya Bokgabo, Setso, Saense le Tegnolotsi); le
- ngotlofatso ya tse di ahlaahlilwego kopanong tseo e leng seipone sa maikutlo a mo/batseakarolo le ditshisinyo tseo di hlagisitswego ka morago di tla rulaganywa le go alwa pele ga Senata.

Komiti ye e kgethegilego ya *Joint Conference Organising Committee* yeo bopsago ke bo Ms Q. Buthelezi (ANC League Commission), Prof. V. N. Webb (Linguistics Society of Southern Africa) le Dr. A. M. Beukes (Department of Arts, Culture, Science and Technology) e rumilwe ngotlofatso ka di 27 October 1994, mme morago go moo ya fetisetswa go dikomiti tse pedi tsa Phalamente tseo di swaraganego le merero ya merero ya maleme le maloko kamoka a Komiti ya Dipeakanyo.

Ka di 18 tsa Agostose Senata se ile sa kwana gore Komiti ye e Kgethilwego ya Thuto, Dipapadi le Boithabiso, Bokgabo, Setso, Saense le Tegnolotsi, e tla beakanya le go thoma ka ditherisano tsa ditokisetso tsa molao wa go hlongwa ga Boto. Komiti ya ka fase ya senata ya Maleme e ile ya hlongwa ka di 5 tsa September 1994 mme Sen. L. J. Swanepoel o ile a kgwethwa go ba modulasetulo.

Ka di 31 tsa Agostose National Asswembly e ile ya tsea Sephetho gore, ka go lemoga mathata ao a tliswago ke dingangisano ka ga merero ya maleme mo Africa Borwa, phathi ye nngwe le ye nngwe yeo e nang le kemedi ka go National Assembly e tla kgetha leloko go tsenela Lekgotla la Nakwana la Maleme (*Interim Language Secretariat*) tshomisanong mmogo le Senate *Select Committee on Language*. National Assembly Subcommittee ya Maleme e ile ya hlongwa mme Ms. N. Tsheole a kgethwa go ba modulasetulo.

Kopangang ya mohlakanelwa ka di 4 tsa November 1994 dikomiti tsa ka fase tsa Senata le National Assembly di ile tsa tsea diphetho tse di latelago ka ga ditsela tsa Phalamente tse di swanetsego go latelwa ge go rulaganyetswa molao wa Boto:

- (a) Dikomiti tsa ka fase ka bobedi di swanetse go gatisa Policy Discussion Paper (goba *Green Paper*) ye e leng mabapi le go hlongwa ga PSALB. Go swanetse go laletswa bao ba nang le kgahlego go dira ditshisinyo ka go ngwala.
- (b) Dikopano tsa setshaba ka ga go hlongwa ga Pan South African Language Board di swanetse go swara go ye nngwe le ye nngwe ya diprofense tse 9 morago ga go phatlalatswa ga Green Paper.
- (c) Morago ga moo dikomiti tsa ka fase ka bobedi mmogo di tla tsweletsa *White Paper* ka ga Pan South African Language Board.
- (d) Mafelelong Senata se tla ala molao wa Pan South African Language Board.

Policy Discussion Paper (goba *Green Paper*) e ile ya napa ya beakanywa ke Komiti ya ka fase ya Senata tshomisanong mmogo le Kgoro ya Bokgabo, Setso, Saense le Tegnolotsi mme ya neelwa dikomiti tsa ka fase tse pedi. Molaokakanywa o ile wa nama wa beakanywa leswa go ya ka maikutlo ao a amogetsweng go tswa Komiti ya ka fase ya Senata.

Ka ge nako e be le e le ntiha bohlokwa mola ka lehlakoreng le lengwe lenaneo le lona le ipontshitse gore le tlo ja nako, Komiti ye e kgethilwego ya Senata ya merero ya Thuto, Dipapadi le Boithabiso, Bokgabo, Setso, Saense le Tegnolotsi e ile ya digela gore lenaneo le potlakiswe go se tshabje go bea tsohle pepeneneng. Diphetho tse di latelago di ile tsa tsewa ke Mengwako ye Phalamente ka bodedi:

- (a) *Policy Discussion Paper* (goba *Green Paper*), ye e rulagantswego ke Komiti ya ka fase ya Senata ya maleme ka tshomisano mmogo le dikgoro tsa ka fase tsa maleme tsa National Assembly, e tla somiswa bjalo ka lengwalotshomo ka mngwakong ya Phalamente ka bodedi.
- (b) Morago ga dingangisano, molaokakanywa wa Boto o tla rulaganywa ke bomatwetwe ba melao ka tshomisano mmogo le Kgoro ya tsa Bokgabo, Setso, Saense le Tegnolotsi, ka go somisa lengwalo-tshomo le maikutlo a ntshitswego ke diphathi tsa dipolotiki ka nako ya dingangisano.
- (c) Molaokakanywa o tla gatiswa ka go Kuranteng ya mmuso (*Government Gazette*) ka maleme a 11 a semmuso, mme mekgatlo ye e nang le kgahlego e tla laletswa go ntsha maikutlo a yona.
- (d) Morago ga moo dikopano tsa setshaba tse di amago diphathi kamoka tse di nang le kgahlego dio tla swarwa ka Cape Town (ge go hlokega, dikopano tse dingwe di tla swarwa di ka rulaganywa ka mafelong a mangwe a ithokotsego a magaeng go netefatsa batho ka bontsi ba tsee karolo).
- (e) Morago go moo Molaokakanywa a tla alwa ka Phalamenteng.

Sebopego sa bofelo sa *Green Paper* (sa March 1995) se ile sa akhlaahlwa ke Senata ka di 30 Matshe 1995 le National Assembly ka di 5 Aporele 1995.

Bomatwetwe ba badedi ba Molao, Prof. N. J. J. Olivier wa School of Law ka Yunibesithing ya Natala (Pietermaritzburg) le Mna. P. M. Ntshaulana, monyakisisi ka go Kgoro ya Tsheko ya Molaotheo gape e le mofahlosi ka Lekaleng la Molao ka Yunibesithing y Lebowa, ba ile ba kgethwa go thusa Kgoro ya Bokgabo, Setso, Saense le Tegnolotsi go rulaganya Molaokakanywa wa Boto.

Leina le le telele le matseno

Leina le le telele la Molaokakanywa is ngotlofatso ya ye nnyane ya dikagare. Matseno a netefatsa gore Molaokakanywa le melawana yeo e ithekgilego go yona, e tswa ka go Molaotheo o moswa wa Rephabliki ya Afrika Bowa, Molao wa bo 200 wa 1993.

Temana 1: Ditlhathollo

Temana 1 ya Molaokakanywa e swere ditlhaloso, tseo bontsi bja tsona di itlhalosago.

Temana 2: Go hlongwa ga Pan South African Language Board

Temana 2 e bolela ka ga go hlongwa ga Pan South African Language Board. Boto e tla ba ya semolao.

Temana 3: Maikemisetso

Temana ye e swere maikemisetso a Boto, kududukudu e lebeleltse ntlha ya go ba gona ga maleme a mantsi bjalo ka ge e hlaloswa ka go karolwana 3 (9) ya Molaotheo, e leng tihabollo ya maleme a 11 a semmuso mo Afrika Borwa, tswetsopele ya tihompho ya go tihabollo ya maleme a mangwe.

Temana 4: Maloko a Boto

Temana ye e hlalosa maloko a Boto. Boto (Ka maloko a 14: a 13 a a nang le maswanedi a go bouta le le tee le senang maswanedi a go bouta) e tla bopsa ke ditsebi tse di fapanego—

- (a) ditsebi tse nang le tsebo peakanyong ya maleme (batho ba bane);
- (b) ditsebi tse nang le maitemogolo mme ebile ba soma makaleng a latelago: Bofetoledi (motho o tee), botoloki (motho o tee), bongwadi goba mareo (motho o tee), morutisi wa maleme (motho o tee), le motsebi wa ditlhaka (motho o tee);
- (c) setsebi se nang le tsebo melaong ya maleme (motho o tee); le
- (d) setsebi se nang le tsebo ye e kgethegilego mererong ya maleme (batho ba go se fete ba bararo);

Godimo ga moo, mohlankedi phetisi gape e tla ba leloko la boto eupsa a ka se be le maswanedi a go bouta.

Temane ye gape e hlalosa gore maloko a Boto a tla kgethwa ke Senata morago ga go amogela ditshisinyo go tswa setshabeng. Maloko a Boto a swanetse go kgotosofatsoa dinyakwa tse rileng (dithuto) mme ebile go thwalwa ga bona go ka emiswa ke Senata.

Maloko a boto a tla soma mengwaga ye supa, mme Senata ke sona se tla tseago sephetho ge eba leloko le ka kgethwa gape sehlewnng se seswa. Diposo tseo di tla bulegago gona moo lebakeng la mengwaga ye 7 di ka tlatswa ke Senata go ruma lebaka leo le setsego.

Temana 5: Modulasetulo le Mothusa-Modulasetulo

Temana ye ke ya go kgethwa ga modulasetulo le mothusa-modulasetulo wa boto (dikgetho di tla sepetswa ke Moahlodi Pharephare) go soma mo lebakeng la mengwaga ye supa (ka kgonagalo ya go kgethwa gape mo sehlewnng sa bobedi). Mothusa-modulasetulo (ka nako yeo a tla beng a swaretse modulasetulo) o tla ba le maatla kamoka a go phetha mesomo kamoka ya modulasetulo. Gape go dirilwe le dipeakanyetso tsa go kgethwa ga modulasetulo goba mothusa-modulasetulo o moswa ge poso poso yua gagwe e ka sala e se na motho.

Temana 6: Dikopano le tulo ya Boto

Temana ye bogolo e a itlhalosa. E hlalosa, gareng ga tse dingwe, gore Boto e tla kopana bonnyane makga a mane ka ngwaga, le gore maloko a 7 go a 13 ao a nang le maswanedi a go bouta a tla bopa khoramo (quorum), le gore ba ka nyaka maele le go somisana mmogo le motho goba mokgatlo ofe goba ofe woo a nang le tsebo goba maitemogelo ka ga mathata a maleme a Afrika Borwa goba yo a amegago tihabollong le tswetsopeleng kgopolo ya go lemogowa ga maleme a mantsi bjalo ka ge e hlaloswa ka karolo 3 ya Molaotheo.

Temana ye gape e hlalosa gore Boto e tla soma ka mokgwa wa go tsea diphetho ka lebaka la kwano ya boñtsi go gata ka mosito o tee le moya wa go lemoga maleme a mantsi bjalo ka ge go hlalosowa ka Molaotheong (ditokisetse tse bjalo di gona mabapi le go mekgwa ya tshepetso ya Mmuso wa Stshaba wa Mohlakanelwa le Makgotla Phetisi a Diprofense). Modulasetulo o tla ba le le maswanedi a bouto ya go isa taba selepeng ge diboutu di lekalekana ka mahlakoreng mabedi.

Temana 7: Maatla le mesomo ya Boto

Temana ye swere maatla le mesomo ya Boto, yeo e akaretsago go dira ditshisinyo; go amogela mabarebare a dingongorego tsa go tshela molao le ditshosetso tsa go tshela molao; go eletsa bangongoregi le go dira ditshisinyi mabapi le dingongorego; go hlapetsa go latelwa ga melao ya Senolaotheo le mabapi le tshomiso ya maleme, dikagare le go latelwa ga melao e meswa le ya kgale, ditlwaedi le melao ye e amanago thwhii goba ka mokgwa o mongwe le merero ya maleme, go thusa le go hlapetsa tlhamo ya mananeo le melao, le, moo go leng maswanedi, go bona gore thekgo ya maseleng a gona. Gape Boto e tla phatlalatsa diphihlelelo, ditshisinyo, maikutlo le dikeletso tsa yona ka go Kuranta ya Mmuso (*Government Gazette*) kotara ye nngwe le ye nngwe (goba mo lebakeng le le kopana bjalo ka ge Boto e tla be e bona go le maswanedi), le ka Dikuranteng tsa mebuso ya Diprofense tseo di amegago mo mabakeng a merero ya polelo ya diprofense.

Boto gape e ka eletsa mmuso Mmuso go fana ka thuso ya maseleng go dihlopha tseo ditokelo tsa tsona tsa polelo di gatakilwego la go siisa. Gape e ka hloma dinyakisiso go katolosa maikemisetso a yona, gape gona mo nepong yeo e ka fana ka thuso ya ditshetele le ya mohuta o mongwe; gape ka hloma le khomisene ya dinyakisiso.

Boto gape e tla ba le maatla a go hloma mananeo a go dira dinyakisiso goba go laela gore gore go nyakisise, le go ala ditshisinyo mabapi melao goba merero efe le efe ya polelo mmogo le dithulaganyo tsa molaotheo go lekgotla goba lekala la mmuso.

Boto e ka bitsa mang goba mang go fana ka bohlatse go yona gape e tla ba le maswanedi a go fihlela mangnwalo a mmuso. Gape e ka hloma dikomiti tse di bopsago ke motho o tee goba go feta bao e leng maloko le batho ba bangwe ge go hlokega go ba thusa ka dikeletso go phethagatsa mesomo ya yona ka tshwanelo.

Go tswelapele Boto e ka hloma—

- (a) dikomiti tsa diprofense tsa poleleo go gore e dire dikeletso go tswa diprofenseng; le
- (b) mekgatlo ya polelo go eletsa ka maleme a rileng.

Gape go ka dirawa melao le go ntsha ditsebiso; mo mabakeng a bjalo go swanetse go dirwa kgatiso ka Kuranteng ya Mmuso le ka Dikuranteng tsa Mebuso ya Dilete.

Temana 8: Kamano le ditheo, batho le mekgatlo ye mengwe ya batho

Temana ye e swere melawana ya tshomisano-mmogo gareng ga Boto le makala a mangwe a mmuso, batho goba mekgatlo ya batho mmogo le ditheo tse dingwe tse di amanang le merero ya polelo. Boto e swanetse go hwetša keletso ya komiti goba dikomiti tsa maleba tsa dilete, lekala goba makala a mmuso le mekgatlo ya polelo ye e theilwego go ya ka molao wa mmuso goba Boto, gape e swanetse go laletša batho, dihlopha le mekgatlo ye mengwe ya polelo goba ditheo pele e ka phatlalatsa goba e tšweletša dipoelo tsa dinyakisiso, maikutlo, dikeletso goba ditshisinyo. Gape e ka nyaka dikeletso go batho, dihlopha, mekgatlo goba ditheo.

Temana 9: Go phethwa ga mesomo ya taolo ya Boto:

Mešomo ya taolo ya Boto e tla phethwa ke bahlankedi bao ba thwetšwego go ya ka Public Service Act, 1994 (Molao wa Mešomo ya Setšhaba, 1994)

Bahlankedi ba e tla bao ba emelago ditšhaba tša Afrika Borwa ka Bophara.

Temana 10: Melao ye e leng mabapi le tshepetšo ya Boto

Temana ye e mabapi le go tsenya dingongorego mabapi le mabarebare goba matšhošetsi a go gatakwa ga ditokelo tša polelo, molao wa polelo goba setlwaedi sa polelo. Tsela yeo e swanetšego go latelwa mmogo le thušo yeo e ka fiwago e a abja, mmogo le go nyakisisa ditlaleo tseo. Ge Boto e dumela gore sello seo se begilwego se na le mošito, tla thuša molli go hwetša kgotsofatšo, yeo gareng ga tše dingwe e akaretsago go fetišetsa sello seo go lekala la mmuso leo le amegago, go thuša (moo go leng maswanedi) molli go rarolla bothata bjo kgorong ya tsheko ye e nang le bokgoni. E tla thuša molli ka ga diphihlelelo tsa yona le gona e tla phatlalatsa dipoelo tša dinyakisiso.

Temana 11: Ditshenyegelo tša Boto

Mmušo o tla aba mašeleng a maleba a ditshenyegelo tša Boto. Tekanyetšo ya ngwaga ka ngwaga ya ditshenyegelo tša Boto di tla alwa pele ga Molaodi-Kakaretšo wa Kgoro ya Mmušo yeo e amegago, yeo e leng yona e tla bang yona e hlapetsago ditshenyegelo.

Temana 12: Pego ya Ngwaga ka ngwaga

Temana ye e gapeletša Boto go ala pego ye e feletšego ka ga merero ya yona pele ga Phalamente mmogo le pego ye e leng maleba le merero ya polelo ya selete go mebušo ya diprofense.

Temana ya 13: Tefo le diputseletšo tša maloko a Boto

Phalamente e tla aba mašeleng a go lefa Maloko a Boto le bašomi bao ba sa šomego go mmušo ka dinako tšohle.

Temana 14: Melato ya Boto

Temane ye e a itlhalosa.

Temana 15: Leina le le kopana le go tsenywa tšhomišong

Leina le le kopana la Molaokakanywa le a itlhalosa. Molaokakanywa wo o lebeletšwe gore nkabe o thomile go šoma ka di 28 tša Aporele mme Boto le yona e swanetše go ba e hlomilwe ka lona letšatši leo go kgontšha Boto go phetha mešomo ya yona ya kua morago (go tloga ka di 28 tša Aporele 1994).

MOLAOKAKANYWA

Go lemoga, go tsenya tšhomišong le go tšwetsapele ntlha ya go ba gona ga maleme a mantši mo Rephabliking ya Afrika Borwa; go hloma Pan South African Language Board; le go swaragana le merero ye mengwe ye e amanago le ntlha ye.

LE GE Molaotheo wa Rephabliki ya Afrika Borwa, wq 1993 (Act No. 200 of 1993), o lemoga go ba gona ga maleme a mantši;

GAPE LE GE go dirilwe dipeakanyetšo tša magato a go fihlelela tlhompho, tshireletšo ya maleba le tšwetsopele ya Maleme a Afrika Borwa a semmušo mmogo le tlhabollo ya maleme ao a semmuso ao peling a bego sa lemogwe ka botlalo, nepo e le go hlabolla boipshino bjo bo tletšego gape bjo lekanago bja maleme a semmuso a Afrika Borwa mmogo le tlhompho ya maleme a mangwe a Afrika Borwa ao go boledišanwago ka wona le go šomišwa mererong ya bodumedi;

BJALE KAFAO GE, e lemogwa ke Phalamente ya Rephabliki ya Afrika Borwa, ka mokgwa wo:—

Definitions

1. Ka molaong wo, ntle le ge go hlaloswa se sengwe—

“**Boto**” e ra Pan South African Language Board ye e theilwego go ya ka karolo 2;

“**Molaotheo**” o ra Molaotheo wa Rephabliki ya Afrika Borwa wa 1993 (Act No. 200 of 199)

“**Kgoro**” e ra kgoro ya mmuso yeo e filwego maatla ke Presidente go ya ka Molaotheo go swaragana le merero ya polelo.

“**mohlankedi phetisi**” ke mohlankedi phetisi yo a kgethilwego go ya karolo 9 (1);

“**Tona**” e ra tonia ya Kgoro;

“**Mofetoledi yo a tsebegago, gape a somago**” e ra motho yo a hweditsego tlhahlo ye e tseneletslego setheong seo se tsebegago le maitemogelo a bonnyane mengwaga ye mehlano e le mofetoledi;

"toloki ye e tsebjago, yeo e somago" e ra motho yo a nang le maitemogelo a nabilego le tlhahlo ya botoloki a le masomong;

"setsebi sa mareo le popopolelo seo se tsebjago gape se soma" se ra motho yoo a nang le bonnyane maitemogelo le tlhahlo ya mosomong a mengwaga ye mehlno ka ga le popopolelo le mareo;

"mmeakanyi wa polelo" e ra motho yo a hweditsego tlhahlo ka ga peakanyo ya maleme le maitemogelo a nabilego lefapheng leo;

"mososiolotsi wa polelo" e ra motho yo a hweditsego tlhahlo ya maleme, ka kamono gareng ga merero ya botho, sepolotiki le leleme le setshaba;

"setsebi sa maleme se se tsebjago, gape se somago" re ra motho yo a hweditsego tlhahlo ya go ruta maleme gape a na le maitemogelo a nabilego lefapheng leo;

"matwetwe yo a tsebjago wa ditlhaka" re ra yo a hweditsego tlhahlo go ruta ditlhaka gape a na le maitemogelo a nabilego lefapheng leo;

"Lekala la mmuso" re ra lekala la mmuso bjalo ka ge go hlalosewa ka go karolo 233 ya Molaotheo;

"Kuranta ya Mmuso wa profense/selete" re ra kuranta ya semmuso ya mmuso woo o amegago;

"kgale/bjale" re ra seo se bego se le gona pele ga ge Molaotheo o moswa o thoma go soma, pele ga molao wo le legatong lefe goba lefe;

"hlalositswego" e ra gore hlalositswe ke goba ka fase ga molao wo.

"molao wo" go akaretswa melao ye e dirilwego le ditsebiso tse di ntshitswego ka tase go dikarolo 6 (9), 7 (8), 7 (11) le 8 (2) (d).

Go hlongwa ga Boto

2. (1) Go tla hlongwa Boto ye e tla tsebjago ka la Pan South African Language Board.

(2) Boto e tla hlongwa go ya ka molao wa mmuso gape e tla emelwa ke modulasetulo goba mothusa-modulasetulo goba yo mongwe le yo mongwe wa maloko a yona yoo a kgethilwego go emela Boto mererong ya kakaretso goba ye rileng.

Maikemisetso a Boto

3. Maikemisetso a Boto ke a latelago:

(a) Go hlohleletsa tlhompho ya mabaka ao go boletswego ka wona ka go karolo 3 (9) ya Molaotheo, e leng—

(i) Go hlolwa ga mabaka a go hlabolla le go hlohleletsa tshomiso le boipshino bjo lekanago bja maleme a Afrika Borwa kamoka a semmuso;

(ii) go katolosewa ga ditokelo tseo tse amanago le polelo mmogo le maemo a dipolelo ao go tloga mathomong ka Molaotheo wa pele a bego a somiswa fela ditikologong tse rileng fela.

(iii) thibelo ya tshomiso ya leleme le rileng ka nepo ya go nyefola, go gataka goba go aroganya;

(iv) tlhohleletso ya go bolelwa ga maleme a mantsi le kabo ya ditlabakelo tsa go fetolela;

(v) tlhohleletso ya tlhompho ya maleme ao a bolelwago mo Raphabliking ntle le maleme a semmuso, le tlhohleletso ya tshomiso ya wona moo go leng maswanedi.

(vi) go se nyenyefatse ditokelo tseo di leng mabapi le polelo le maemo a dipolelo ao a bego a nyenyefatswa ka molaotheong wa pele.

(b) go tswetsapele tlhabollo ya maleme a semmuso a Afrika Borwa;

(c) go hlohleletsa tlhompho le tswetsopele ya maleme a ditshaba tse dingwe tsa Afrika Borwoa, mmogo le maleme ao a somiswago mererong ya bodumedi;

(d) go hlohleletsa tlhompho ya mabaka a mangwe ao a leng ka Molaotheong ao amang thwii merero ya polelo; le

(e) go hlohleletsa tlhompho ya tshomiso ya maleme a mantsi ka kakaretso.

Maloko a Boto

4. (1) (a) Senata, morago ga go laletsa maloko a setshaba gore ba itlkhagise bjalo ka bonkgektheng, se tla kgetha batho ba lkatelagho go ba maloko a Boto:

- (i) batho ba babedi bao e leng bomatwetwe ba polelo bao ba tla somanago le peakanyo ya polelo;
- (ii) batho ba babedi bao e tla bago babeakanyi ba polelo bao mo lebakeng le ba somago go beakanya polelo;
- (iii) motho o tee yoo a somang bjalo ka mofetoledi yo a lemogiwago;
- (iv) motho o tee yoo a somang bjalo ka toloki yeo e lemogiwago;
- (v) motho o tee yoo a somang ka mareo le popopolelo yoo a lemogiwago;
- (vi) motho o tee yoo a lemogiwago bjalo ka morutisi wa maleme mme e le matwetwe;
- (vii) motho o tee yoo e leng matwetwe yo a lemogiwago wa wa ditlhaka;
- (viii) motho o tee yoo e leng matwetwe yo a lemogiwago wa melao ya maleme; le
- (ix) batho ba bangwe bao ba sa fetego ba bararo bao ba nago le tsebo ye e tseneletsego ka ga merero ya maleme mo Afrika Borwa;

(b) Mohlankedi phetisi gape e tla ba leloko la Boto mme o tla kgatha tema ditherisanong tsa Boto mme gape o tla ba le ditokelo le maatla ao a swanago le tsa maloko a mangwe: Ge fela a ka se be le ditokelo tsa go bouta.

(2) Maloko a Boto e tla ba—

- (a) batho ba maleba bao ba loketsego msomo wo bjalo;
- (b) badudi ba Afrika Borwa; le
- (c) le bokgoni le tsebo ya maswanedi go phetha mosomo wa Boto goba tsebo le mangwalo a malema le/goba molao tseo di nyakwago ke Senata.

(3) Senata se ka ntsha motho yoo a thwetsego mosomong go ya ka karolwana ye—

- (a) ge se kgotsofetse gore motho yoo ga a sa kgotsofatsa dinyakwa tsa karolwana (2);
- (b) ge motho yoo a a dirile kgopelo go Senata gore o nyaka go tlogela mosomo; goba
- (c) ge motho yoo a hirilwego a paletswé ke go tsenela dikopano tse pedi tsa Boto ka go latelana ntle le ge a filwe tumelelo ke Boto.

(4) Leloko le lengwe le le lengwe la Boto le tla kgethwa go soma Botong lebaka la mwngwaga ye 7 mme ge nako yeo e fedile a ka kgethwa leswa go tsenela sehla sa bobedi fela.

(5) Ge sekgala sa leloko le lengwe le le lengwe la Boto se ka bulega pele ga ge sehla seo a se kgethetswego se fela, Senata se ka, go ya ka mabaka a karolwana 1 (a), kgetha motho yo mongwe go feleletsa sekga seo se setsego.

(6) Senata se tla dira tsebiso ka go Kuranta ya Mmuso ka ga leloko le lengwe le le lengwe la Boto le tsatsikgwedi leo leloko leo le tla thomago go soma ka lona le, mo lebakeng la leloko leo le le kgethilwego go tlatsa sekgoba, nako yeo a tla somago Botong.

Modulasetulo le mnotlatsa-modulasetulo

5. (1) Maloko a tla Boto a tla kgetha yo mongwe wa bona go ba modulasetulo wa Boto mola yo mongwe a tla kgethwa go ba motlatsa-modulasetulo go soma bjalo ka modulasetulo ge modulasetulo a se gona goba a se kgone go phetha mosomo wa gagwe: Fela dikgetho tsa matho tsa Boto di swanetse go sepetswa ke Moahlodipharephare.

(2) Modulasetulo le motlatsa-modulasetulo ba tla soma lebaka la mengwaga ye supa mme ba ka kgethwa leswa go tsenela sehla sa bobedi.

(3) Motlatsa-modulasetulo, nakong yeo a tla beng a soma bjalo ka modulasetulo bjalo ka ge go hlahoswa ka go karolwana (1), o tla ba le maatla kamoka kamoka a go mo kgontsha go phetha mosomo wa modulasetulo.

(4) Modulasetulo gabo mothusa-modulasetulo o tla tswa ka kantorong —

- (a) ge nako ya sehla sa gagwe e fedile;
- (b) ge a fane ka lengwalo la gagwe la go rola modiro;
- (c) ge mosomi yoo a emisa go ba leloko la Boto;
- (d) ge Boto e tsere sepheto se bujalo; goba
- (e) ge mosomi a a hlokofolela goba a a se sa kgona go phetha moosomo wa gagwe ka lebaka la maemo a monagano wa gagwe,

ge fela, mo lebakeng la (b), (c), (d) le (e), kgetho ya modulasetulo goba motlatsa-modulasetulo o moswa go be go sepetswa ke mohlankedi phetisi.

Dikopano le Tulo ya Boto

6. (1) Boto e tla kopana bonnyane makga a mane ka ngwaga.

(2) Tulo ya Boto e tla ba Pretoria mola dikopano tsa Boto di tla swara ka nako le lefelong leo le beilwego ke Boto mme di tla sepetswa ke modulasetulo.

(3) Modulasetulo wa Boto a ka bitsa kopano ye e kgethegilego ya Boto ka nako ye nngwe le ye nngwe kae goba kae, mme a ka, morago ga go dira kgopelo ye e saennwego ke maloko ao a seng ka fase ga a mararo a Boto, bitsa kopano ye e kgethegilego gore e swarwe mo lebakeng la matsatsi a masometharo morago ga kamogelo ya kgopelo, lefelong le ka nako efe goba efe yeo a bonago e le ya maswanedi.

(4) Maloko a supa a Boto a tla bopa Khoramo (a ka tsea sepheto) kopanong efe goba efe ya Boto.

(5) Boto e tla ba le maswanedi a go somisana le motho goba mokgatlo ofe le ofe woo o nang le tsebo le maitemogelo ao a kgethegilego ka ga merero ya maleme mo Afrika Borwa goba yoo a nang le kamano ka tsela ye e rileng go hlabolleng le go tswetsengpele kgopolo ya maleme a mantsi bjalo ka ge go hlalotswa ka Molaotheong.

(6) Boto e tsa tsea dipheho go ya ka moya wa kwano ya ya bontsi go ya ka kgopolo ya maleme a mantsi.

(7) Go bouta kopanong ye nngwe le ye nngwe ya Boto go tla dirwa ka go emiswa ga matsogo, mme sephetho seo sa bointsi bja maloko a Boto a a leng gona kopanong yeo e tla nama ya ba sepheto sa Boto: Ge fela, moo dibouti di lekanago, modulasetulo a tla bang le tokelo ya boutu ya go rema taba godimo ga boutu ya gagwe ye e tlwaelegilego.

(8) Ga go sephetho goba kgato yeo e tserwego ka tlase ga taelo ya Boto yeo go ka thwego ga e some ge fela sephetho goba kgato yeo e tserwego e dirilwe ka fase ga taelo ya kopano ya Boto ye e swerwego go ya ka karolo ye.

(9) Boto e ka dirwa melao ya tshepetso ya dikopano tsa yona.

Maatla le mesomo ya Boto

7. (1) Boto e tla—

(a) dira ditshisinyo mabapi le molao wo mongwe le wo mongwe woo o ukangwago goba wo o setsego o le gona, setlwaedi le melwana ye mengwe ye e amanang merero ya thuto thwii goba ka tsela ye nngwe mmogo le ditshisinyo tse dingwe tseo di angwago mabapi le go dira diphetogo goba go tlosa melao, ditlwaedi le mabaka a mangwe a bjale;

(b) ge go hlagile dipelaelo—

(i) e le maatla a go tsea matsapa a go dira dinyakisiso ka boyona goba ge e sa na go amogela pelaelo ye e ngwadilwego, mabarebare a mangwe le a mangwe a go gatakwa ga ditokelo tsa polelo, molao wa polelo goba setlwaedi sa polelo;

(ii) e be le maatla a go amogela le dipelaelo mabapi le mabarebare a mangwe le a mangwe a go gatakwa ga ditokelo tsa polelo; le

(iii) e be le maatla a go eletsa balli ka ga dipelaelo tsa bona le go dira ditshisinyo kgafetsakgafetsa le ge e kgopetswe go kgopelwa bjalo;

- (c) e tla hlomphe mabaka le melao yeo e leng ka molaotheong ye e amang merero ya maleme thwii goba ka tsela ye nngwe ka kakaretso, kudukudu karolo 3 (9) ya Molaotheo—
- (i) hlapetsa dipeakanyetso tsa Molaotheo mabapi le tshomiso ya dipolelo;
 - (ii) hlapetsa gore dikagare tsa molao o mongwene le wo o amang merero ya polelo thwii goba ka tsela ye nngwe, wo moswa goba wa kgale, di a latelwa;
 - (iii) thusa le go hlapetsa thulaganyo ya mananeo le melao yeo nepo ya yona e leng go tiisetse tshomiso ye e lekanego le tlhompho ya maleme a semmuso mola ka lehlakoreng le lengwe go tsewa magato a go netefatsa gore ditshaba tseo di bolelago maleme ao go boletswego ka wona ka go karolo 3 (10) (c) ya Molaotheo ba fiwa sebaka sa go somisa maleme ao moo go leng maswanedi;
 - (iv) ka lebaka la karolwana ye, go abje maseleng, moo go leng maleba, go tswetsapele merero yeo, bjalo ka ge Boto e ka sisinya gore go dirwe bjalo nako le nako;
- (d) e phatlaleltse dikutullo/dipoelo tsa dinyakisiso, maikutlo, maele goba ditshisinyo ka go di gatisa ka Kuranteng ya Mmuso kotara ye nngwe le ye nngwe goba no lebakeng le le kopana bjalo ka ge Boto e bona go le maswanedi, le ka Kuranteng ya Mmuso wa Selete ge e le merero ya polelo ya selete;
- (e) go hloma, go hlopha le go boloka mohlodi tshedimoso ya merero kamoka ya melao ya taolo (go akaretswa le yeo e leng ka go Molaotheong) yeo e amang le polelo, mmogo le melawana le ditlwaedi tse dingwe le tse dingwe tse di amang le polelo thwii goba ka tsela ye nngwe tse di tswelotsego goba di ka tswelago ka setheo goba lekale le lengwe le le lengwe la mmuso.
- (2) Moo Boto e bonang go le maswanedi e ka eletsa mmuso go fana ka thekgo ya maseleng go dihlomphe tseo ditokelo tsa tsona tsa polelo di gatakilwego la go siisa.
- (3) Boto e tla ba le maatla a go hloma dinyakisiso ka nepo ya go hlohleletsa tlhompho ya maleme a semmuso a Rephabliki bjalo ka ge go hlaloswa ka go karolo 3 (1) ya Molaotheo, tshomiso le go ipshina ka wona ka go lekana le kgopolo ya go ba gona ga maleme a mantsi.
- (4) Ka lebaka la karolwana ye Boto e ka fana ka thuso ya maseleng le ya mohuta o mongwe go motho goba mokgatlo wa batho.
- (5) Ga go selo ka mo karolong ye seo se ka nyenyefatsago tokelo ya Boto go hloma, go nyakisisa goba go laela gore go dirwe dinyakisiso le go fana ka ditshisinyo mabapi le melao, ditlwaedi tse di leng amang thwii goba ka mokgwa o mongwe mereo ya polelo ka kakaretso le dithulaganyo tsa Molaotheo tseo di amang thwii goba ka tsele ye nngwe lekala lefe goba lefe la mmuso.
- (6) Boto e tla le maatla a go laela motho yo mongwe le yo mongwe go fana ka bohlatse go yona le go fihlelela dingwalwa tse dingwe le tse dingwe tsa mmuso le tshedimoso goba selo se sengwe le se sengwe seo se ka thusago Boto go phetha mesomo ya yona.
- (7) Boto e tla le maatla a go hloma motho, mokgatlo goba setheo se sengwe le se sengwe go dira dinyakisiso mo legatong la wona m me mo mabakeng a bjalo motho, mokgatlo goba setheo se tla fiwa ditlabakelo tsa maleba go phetha mosomo woo.
- (8) Go latela mokgwa wo o hlalositsego ka go tsebiso ye e gatisitsego ka Kuranteng ya Mmuso le ka Kuranteng ya Mmuso wa selete, Boto e ka hloma—
- (a) komiti ya polelo ya selete ka profenseng ye nngwe le ye nngwe go e eletsa Boto ka ga merero ya polelo ye e amang profense yeo goba karolo ya yona;
 - (b) mokgatlo wa polelo go eletsa Boto ka ga polelo ye e rileng.
- (9) Boto e ka e ka fa mang goba mang maatla go phetha merero ofe goba ofe mo lataong la yona.
- (10) Boto e ka hloma komiti e tee goba go feta ye e nang le leloko la yona le tee goba go feta le batho ba bangwe go e thusa ka maele a go phetha mesomo ya yona moo e bonang go le maleba.

- (11) Phegellong ya go phetha mesomo le maatla a yona, Boto e ka—
- (a) dira melao le go ntsha ditsebiso; mmogo le
 - (b) go phatlalatsa melao le le ditsebiso tseo ka Kuranteng ya Mmuso le ka Dikuranteng tsa Mbuso ya Diprofense.

Kamano ya Boto le ditheo le mekgatlo ye mengwe ya mmuso, batho le mekgatlo ya batho

8. (1) Boto e tla phegelela go hlohleletsa tshomisano mmogo gareng ga yona le makala a mmuso goba batho goba mekgatlo ya batho goba setheo se sengwe le se sengwe, kudukudu tseo di swaraganego le go bopa polelo le go hlohleletsa ditokelo tsa polelo.

(2) Boto, pele ga go rulaganya goba go phatlalatsa pego, diphatisiso, maikutlo, maele goba ditshisinyo dife goba dife, e swanetse go hwetsa maele go—

- (a) komiti ya polelo ya profense yeo e amegago kudukudu go ya ka mabaka a karolo 7 (8) (a);
- (b) lekala lefe goba lefe la mmuso dmabapi le morero woo o amang lona thwii goba ka tsela yue nngwe ka ga tokelo ya leleme le lengwe le le lengwe, molao wa leleme goba setlwaedi sa polelo sefe goba sefe seo se latelwago, goba se rerwago go tsenywa tshomiso ke lekala leo la mmuso;
- (c) mekgatlo ofe goba wa polelo wo o theilwego go ya ka karolo 7 (8) (b); goba
- (d) motho, sehlopha mekgatlo wa polelo goba setheo sefe goba sefe seo se amegago mererong ya polelo goba se na le kgahlego go hlohleletseng tswetsopele ya maleme a semmuso a Afrika Borwa ka go laletsa gore ba ntshe maikutlo ka go dira tsebiso ka Kuranteng ya Mmuso goba Kuranteng ya Mmuso wa wa Selete.

(3) Boto e ka somisana le motho, mekgatlo, sehlopha goba setheo se sengwe le se sengwe ntle le tseo go boletswego ka tsona ka go karolwana (2).

Modiro wa tshepediso ya mosomo wa Boto

9. (1) Tshepediso ya mosomo ka sewelo go phethagatsa mediro ya Boto e tla dirwa ke mohlankedi wa ka sehlogong le bahlankedi ba bangwe ba Boto, bao e tlogo ba bahlankedi ba Lekala bao ba kgethwago ka fase ga molao wa Public Service Act, wa 1994 (Tsebišo No. 103 ya 1994), le go lebišwa ka kakaretšo goba ka fase ga lebaka le rilego ke Letona ka morago ga therišano le Boto.

(2) Ka go dira tebaganyo ka fase ga karolwana (1), Letona le tla nyaka go netefatsa gore bašomedi ba Boto ba be le boemedi ka bophara go baagi ba Afrika-Borwa.

(3) Bahlankedi bao ba kgethilwego ba tla phethagatsa mešomo ya bona ka fase ga taolo le tlhahlo ya Boto.

Melao ye e leng malebana le tshepetso ya Boto

10. (1) Motho yo mongwe le yo mongwe yo a ikemetsego, mekgatlo wa batho goba setheo seo se emetsego maloko a sona goba maloko a leleme le le rilego, o ka tsenya sello go Boto mabapi le mabarebare goba matshosetsi a go gatakwa ga ditokelo, molao wa polelo goba setlwaedi sa polelo.

(2) Sello se swanetse go ba ka sebopego sa lengwalo mme se hlalose—

- (a) kgahlego ya molli mo tabeng yeo;
- (b) (i) sebopego tokelo yeo to thwego e gatakilwe goba go nang le matshosetsi a gore e tla gatakwa; goba
- (ii) mabaka ao a dirago gore molli a dumele gore dinyakisiso di bohlokwa; le
- (c) tshedimoso ya maleba kamoka yeo a nago le yona.

(3) Boto e tla tsea magato a maleba ka nepo ya go thusa go molli go tsenya sello sa gagwe mahala mme moo go le maleba e tla thusa molli go phethagatsa dinyakwa tseo go boletswego ka tsona ka go karolwana (2).

(4) Boto e tla re go amogela sello ya nyakisisa mabarebare ao a go gatakwa ga tokelo ya polelo, molao wa polelo goba setlwaedi sa polelo.

(5) Ge ka morago ga go nyakisisa sello Boto e ka hwetsa gore sello seo se na le mosito, e tla thusa molli le batho bao ba amegilego ga bohloko go hwetsa kgotsofatso ka—

- (a) go fetiisetsa taba yeo go lekala la mmuso leo se lo se lebisitswego go yona, ka ditshisinyo;
- (b) go dira ditshisinyo go lekala la mmuso leo sello se lebisitswego go lona go fa molli thuso ya maseleng ka nepo ya go lokisa tshenyo yeo e ka bago e bile gona;
- (c) go fana ka thuso ya maseleng go molli go lokisa tshenyo, go tla tswa go Boto; goba
- (d) go dira dithulaganyo tsa goba go fana ka thuso ya maseleng go molli go mo thusa go hwetsa teliso go kgoro ya tsheko.

(6) Boto e tla tsebisa molli ka ga diphetho tsa yona, mme moo Boto e feditsego ka go se tséa magato, e tla tsebisa molli ka ga mabaka a a direlego gore go tsewe sepheto se bjalo.

(7) Boto e tla phatlalatsa diphetho tsa yona go ya ka karolo 7 (1) (d).

(8) Dithulaganyo tsa karolo ye ga tsa swanela go hlokomologoa maatla a filwego Boto ka fase ga karolo 6 (9).

Ditshenyegelo tsa Boto

11. (1) Ditshenyegelo kamoka tse di leng mabapi le go phethwa ga mesomo ya Boto di tla tswa go maseleng ao a abilwego ke Mmuso bakeng sa merero ye bjalo.

(2) Ditekanyetso tsa ditshenyegelo bakeng ya ngwaga wo mongnwe le wo mongwe wa ditshetele di tla alwa pele ga Molaodi-Kakaretso wa Kgoro, yoo e tla bang mookamedi wa mermero ya maseleng.

Pego ya ngwaga ka ngwaga

12. Ngwaga wo mongwe le o mongwe, pele ga letsatsi la pele la June, Boto e tla neela—

- (a) Phalamente pegu ye e feletsego ya merero ya yona kamoka ya ngwaga wo o fetilego, go fihla ka di 31 tsa Matshe; le
- (b) mmuso ofe goba ofe wa profense, pegu ye e feletsego, ya ngwaga wo o fetilego go fihla ka di 31 tsa Matshe, ka ga merero ya yona kamoka mabapi le mabaka a a amago maleme a profense yeo e amegago.

Tefo le diputseletso tse dingwe tsa maloko a Boto

13. Leloko la Boto goba ye nngwe ya dikomiti tsa yona yoo a a hirwago ke mmuso ka nako tsohle le tla lefsa, ka ditshetele tse di abilwego ke Phalamente, mogolo le diputseletso tsa mosomo wo a o phethilego wa Boto bjalo ka ge Tona ka tshomisano mmogo le Tona ya Matlotlo.

Melato ya Boto

14. (1) State Liability Act, 1957 (Act No. 20 of 1957), ka papetso, le tla rwala maikarabelo gohle ka molaong moo go bolelwago ka Boto le gohle moo go bolelwago ka "Tona ya kgoro yeo e amegago".

(2) Maloko a Boto a tla ka se rwale maikarabelo ka bowona ka ga se sengwe le se sengwe seo se ka tswelago ka tsebisong, dipolelo tsa dinyakisiso, maikutlo maele goba ditshisinyo tse di dirilwego ka nepo ya go hlabe bangwe ka mantsu.

Leina le le kapana le gore le tla thoma go soma neng

15. (1) Molao wo o tla bitswa **Pan South African Language Board Act, 1995**.

(2) Molao wo o tla tsewa gore o thomile go soma go tloga ka di **28 April 1994** mme Boto le yona e tla tsewa gore e hlomilwe ka lona letsatsi leo.

Sesotho

Toko mane ena e kentse molao wa moralo mme maikemisetso ke hore e be tokomane ya puisano ho nonya maikutlo a ditho tsa setjhaba nakong ya maikutlo a setjhaba kapa ho pheisa ka mokgwa wa ho ngolla. Hase tokomane ya getelo mme e tla hlophiswa ebe e bewa ka tsela e nepahetseng ya molao ke State Law Advisers hang ha maikutlo ohle a se a lekotswe.

SELELEKELA

1. *Tihalo ka molao-theo*

South Africa ke naha ya maleme a mangaka ka mefuta e mengata ya batho. Ka ha maleme a mabedi a molao pejana ene e le tsamaiso ya molao theo naheng ena (kananelo ka molao ya maleme a robong a ba Batsho e ne e kginnwe bakeng tsa pele tsa TBVC le naheng tse ipusang), Molao-theo wa Rephaboliki ya South Africa, 1993 (molao wa nomoro 200 wa 1993), o hlaisa neano tsa ho phethisa maleme a mangata. Hona ha ho bontshe fela boteng ba demokrasi le moya wa Molao-theo, empa ke kananelo e phethahetseng ya phatlallo ya maleme ya South Africa.

Bohlokwa bo amanang le maleme a mangata le tshireletso ya ditokelo tsa motheo wa leleme e fumaneha ho Constitutional Principle X 1: *"Phapang ya maleme le moetlo di tla ananelwa mme di tshireletswe, mme maemo a phahamiso a ona a tla kgothaletswa."*

Karolo ya 31 ya Molao-theo e tswela pele ka ho totobatsa hore leleme la motho ke motheo wa tokelo tsa motho: *"Motho e mong le emong o tla ba le tokelo ya ho sebedisa leleme . . . la kgetho ya hae."* Karolo ya 8 e nehana ka tokelo ya motho ka mong toka pela molao le hore ha ho motho ya tla kgeswang, ka ho otloloha kapa ka tsela enngwe, tlasa maemo a leleme. Ho latela thuto, karolo 32 e o na le tokelo *"ho thuto ka leleme ka kgetho ya hae moo hona ho kgonahalang."*

Karolo ya 3 e kenyeletsa tsela ya maleme a leshomenngwe a molao maamong a naha mme e nehana ka hore maemo a tla etswa a ntshetso pele le phahamiso e lekaneng ya tshebediso le monyaka ya maleme ana kaofela. Ho feta mona, karolo 3 (9) (c) e thibela tshebediso ya leleme lefe kapa lefe maamong a ho sebedisa, ho hatella kapa ho arola ba bang molemong wa hao.

Bongata ba maleme ho hlakile hore ke masupa tsela South Africa. Tsamaiso e kgolo ho molao-theo ya tsamaiso e ntle ya maleme a mangata e fumaneha ho karolo 3 (10), e toboketsang hore Senate se tla aha Pan South African Language Board ka Molao wa Palamente.

Boto e lokela ka hohle hohle e imatahanye le tsela tse hlahisitsweng ho Molao-theo ka ho latella ke tsena tse latelang:

- (a) Ho phahamisa tihompho ho tsela tse tshelletseng tsa leleme jwalokaha di le ho karolo 3 (9), e leng:
 - (i) Kaho ya maemo a ntshetso pele le phahamiso ya tshebediso le monyaka ka teka tekano ya maleme ohle a molao a South Africa.
 - (ii) katoloso eo ya ditokelo mabapi le leleme le maemo a maleme ao galong ya Molao-theo ane a kginnwe ho dibaka tse itseng (ke hore maleme a molao a tse neng di bitswa naha tsa boipuso le naha tsa TBVC);

- (iii) thibelo ya tshebediso ya leleme lefe kapa lefe ka sepheo sa ho sebedisa, ho hatella kapa karolo;
 - (iv) ho phahamisa maleme a mangata le phumantsho ya menyetla ya phetholelo;
 - (v) ho ntshetsa pele tlhompheo ya maleme a buuwang South Africa, ntle le a molao, le kgothaletso ya tshebediso ya ona maamong a loketseng; le
 - (vi) ho se nyanele ha ditokelo ho latela leleme le maemo a maleme a teng magalong a Molao-theo.
- (b) Ho ntshetsapele maleme o molao.
 - (c) Ho etsa ditsitsinyo ho latela molao o tsitsintsweng ka karolo ya 3 maroa ho kopano le baetsi ba fapaneng ba molao (ke hore mmuso le diprovinse).
 - (d) Ho phahamisa tlhompheo ho le ho ntsetsa pele maleme a mang a sebediswang ke batho South Africa, le maleme a mang a sebediswang ho maemo a bodumedi South Africa.

2. Tsela ya Palamente ya ho aha Pan South African Language Board

Ho kopana le ditsebi tsa leleme le ba nang le kgahlehelo ya leleme ka bophara, dikopano tsa naha, **Languages For All: Katanelo ho Pan South African Language Board** e ile ya hlophiswa ke Department of National Education ya pele le Department of Arts and Culture ya ANC ka 27 le 28 Motsheanong 1994.

Sepheo se seholo sa kopana ene e le ho nea bakgahlehedi monyetla wa ho nyehela tseleng ya ho rala molao Botong. Kopano e ile ya betla mokgwa o totobetseng wa dikamano ho kganna tsela ya kaho ya Boto:

- Mekgatllo le/kapa batho ba so ka ba etsa jwalo ba ile ba newa monyetla wa ho nyehela ka ditsitsinyo tsa bona ho kaho ya Boto ho *Joint Conference Organising Committee* (e neng e sebetse tlasa Department of Arts, Culture, Science and Technology); le
- kgutsufatso ya tsa bohlokwa ya ba ka sehlohong ka tsamaiso ya kopano e neng e hlaisa maikutlo a mekgatllo/batho ba itseng le ditsitsinyo tseo ho fanwang ka tsona ka morao ho moo di ne di lokela ho lokiswa mme di newe Senate.

Komiti e ikgetheng ya *Joint Conference Committee* e kenyeletsang Ms Q. Buthelezi (ANC Language Commission), Prof. V. N. Webb (Linguistics Society of Southern Africa) le Dr A. M. Beukes (Department of Arts, Culture, Science and Technology) ba getella kgutsufatso ya tsa bohlokwa ya ba ka sehlohong ka 27 Mphalane 1994 mme ka morao ho moo e ile ya romelwa ho komiti tse pedi tsa Palamente tse sebetsanang le ditaba tsa maleme le ditho tsohle tsa Organising Committee.

Ka 18 Phato 1994 Senata sa dumela hore *Select Committee on Education Sports and Recreation, Arts, Culture, Science and Technology* ya bona e tla, ka tshebetso mmoho le Department of Arts, Culture, Science and Technology, lokisa molao ho ahweng ha Boto. *Subcommittee on Language* ya Senate e ile ya thonywa ka 5 Lwetse 1994 mme Sen. L. J. Swanepoel o ile a kgethwa e le modula setulo.

Ka 31 Phato 1994 National Assembly e ile ya geta ka hore, ho latela lesedi la maemo a ngangisano a sa kgotsofatseng a moikutlo a matla mabapi le leleme South Africa, mekgatllo o mong le o mong o teng ho National Assembly o tla hlaisa setho se tla sebetse ho *Interim Language Secretariat* mmoho le *Select Committee on Language* ya Senate. National Assembly *Subcommittee on Language* e ile ya kgethwa mme Ms N. Tsheole o ile a kgethwa e le modula setulo.

Kopanong e kopanetsweng ka 4 Pudungwana 1994 dikomiti tse tlase tsa Senate le National Assembly di ile tsa nka qeto e latelang tsamaisong ya Palamente ho latelwa tukiso ya mohao Botong:

- (a) Dikomiti tse pedi tse tlase di lokela ho hlaisa ka kopanelo *Policy Discussion Paper* (kapa *Green Paper*) ho ahweng ha PSALB. Ditsitsinyo tse ngotsweng ho *Green Paper* di lokela ho mengwa ho tswa mekgatlong e nang le kgahlehelo.
- (b) Mamelo ya setshaba ho kaho ya Pan South African Language Board e lokela ho tshwarwa ho diprovinse tse robong moraro ho phatlalso ya *Green Paper*.

- (c) Dikomiti tse pedi tse tlase di lokela ho phatlalatsa *White Paper* ka Pan South African Language Board ka kopanelo.
- (d) Senate e be se getella ka ho bea molao ka Pan South African Language Board.

Policy Discussion Paper (kapa *Green Paper*) e ile ya lokiswa ke Senate Subcommittee mmoho le Department of Arts, Culture, Science and Technology mme ya hlaiswa ho Subcommittee tse pedi. Moralo wa Paper e ile ya sebetswa hape ho latela Senate Subcommittee.

Ka ha nako ene e le ya bohlokwa le tsamaiso e ile ya ba e jang nako, Senate *Select Committee on Education, Sports and Recreation, Arts and Culture, Science and Technology* di ile tsa tsitsinya hore tsamaiso e potlakiswe ntle le ho sutha ho bohlokwa ba pepenenne. Diqeto tse latelang di ile tsa nkwa ke ntlo tse pedi tsa Palamente:

- (a) *Policy Discussion Paper* (kapa *Green Paper*), e lokisitsweng ke Senate Subcommittee on Language mmoho le National Assembly Subcommittee on Language, e tla sebediswa e le tokomane ya tshebetso ya ngangisano ntlong tse pedi.
- (b) Morao ho dingangisano, moralo wa seka molao botong o tla lokiswa ke ditsebi tsa molao tsamaisong mmoho le Department of Arts, Culture, Science and Technology, tshebedisong ya tokomane ya tshebetso le ditsitsinyo tsa mekgatlo ya dipolotiki e hlaisitsweng nakong ya ngangisano.
- (c) Moralo wa seka Molao o tla phatlalatswa ho *Government Gazette* malemeng a 11 a molao, mme ditsitsinyo di tla mengwa ho tswa ho mekgatlo e nang le kgahlehelo.
- (d) Mamelwa ya Setshaba e kenyeletsang mekgatlo yohle e nang le kgahlehelo e tla mamelwa Cape Town (ha ho hlokhala, mabapi le hona mamelo ya setshaba e ka hlophiswa tulong tse thoko tse-mahaeng ho tiisa pepenene e phahameng).
- (e) Molao o tla tekwa Palamenteng ka morao ho moo.

Mokgahlelo wa ho qetela wa *Green Paper* (wa Tlhakubele 1995) o ile wa bewa ngangisanong ke Senate ka 30 Tlhakubele 1995) le ke National Assembly ka 5 Mmesa 1995.

Ditsebi tse pedi tsa molao, Prof N. J. J. Olivier wa sekolo sa molao University ya Natal (Pietermaritzburg) le Mr P. M. Mtshaulana, radipatlisiso ho Constitutional Court e bile e le morupelli ho thuto tsa molao University ya North, ba ile ba kgethwa ho thusa Department of Arts, Culture, Science and Technology ho ralweng ha Molao ho Boto.

Sehloho se se lelele le tihaloso

Sehloho se se lelele sa molao ke Kgutsufatso e kgutshwane ya dikahare tsa sona. Tihaloso e dumela hore Molao le tsamaiso eo o beilweng ho ona, e hlaha ho Molao o motsha wa Repaboliki ya South Africa, Molao wa nomoro 200 wa 1993.

Molawana 1: Tihaloso

Molawana 1 wa Molao o kentse ditihaloso, tse bongata ba tsona bo itihalosang.

Molawana 2: Kaho ya Pan South African Language Board

Molawana ona o aha Pan South African Language Board. Boto e tla ba motho wa setsebi sa molao.

Molawana 3: Sepheo

Molawana ona o kenyeletsa sepheo sa Boto, ho ikamahanya haholo le tsamaiso ya maleme a mangata jwalokaha e beilwe karolong 3 (9) ya Molao, ntshetso pele ya maleme a 11 a molao a South Africa, phahamiso ya tihompho ya le ntsetso pele ya maleme a mang.

Molawana 4: Sebopheo sa Boto

Molawana ona o hlalosa sebopheo sa Boto. Boto (batho ba 14: ba 13 ke ditho tse voutang le a le mong ya sa vouteng) etlaba ditsebi tse fapaneng—

- (a) boiphihlelo tihophisong ya leleme (batho ba bane);

- (b) bokgano mme ba sebetsane le: Phetholelo (motho a le mong), toloko (motho a le mong) mongodi wa buka ya mantswe kapa tshebediso e nepahetseng ya mantswe (motho a le mong) thuto ya lelewe (motho a le mong) le bokgoni ba ho ngola le ho bala (motho a le mong);
- (c) tsebo e ikgethang ya Molao wa leleme (motho e le mong); le
- (d) tsebo e ikgethang ya ditaba tsa leleme (batho ba sa feteng boraro).

Ka hodima mona mo-ofisiri ya ka sehlohong e tla ba setho sa Boto empa a ke ke a ba le ditokelo tsa ho vouta.

Bolawana ona o toboketsa hore ditho tsa Boto di tla kgethwa ke Senate morao ho tlhaiso ya ditho ka setjhaba ka kakaretso e mengwe. Ditho tsa Boto di lokela ho kgotsofatsa ditlhoko tse itseng (bokgoni, thuto) mme kgetho ya bona e ka fediswa hape ke Senate.

Nako ya ditho tsa Boto e tla ba lemo tse supileng, mme ho kgethwa hape nakong ya theme ya bobedi e ka lekolwa ke Senate. Dikgeo tse bang beng nakong ya leino tsena tse supileng e ka tlatswa ke Senate nakong e setseng.

Molawana 5: Modula Setulo le Motlatsi

Molawana ona o fana ka kgetho ya modula-setulo le motlatsi wa Boto (tsamaisong ya Chief Justice) nakong ya lemo tse supileng ofising (ka kgonahalo ya ho kgethwa hape themeng e latelang ya bobedi). Motlatsi (ha a sebetsa jwaloka modula-setulo) o tla ba le matla ohle mme a tsamaise mesebetsi yohle ya modula-setulo. Tlhophiso e entswe ya kgetho ya modula-setulo kapa motlatsi e motjha e bang ofisi ya hae e ka hloka motho.

Molawana 6: Tulo le kopanelo ya Boto

Molawana ona o titlhalosa haholo. O hlaisa, hara tse ding, hore Boto e tla kopana bonyane hane ka selemo, hore 7 ho 13 ya ditho tse voutang di tla aha lenane, le hore e ka buisana mme ya sebetsa mmoho le motho ofe kapa ofe kapa mokgatlo o nang le tsebo e ikgethang le boiphihlelo ho mathata a leleme mona South Africa kapa ya sebetsanang le ntshetso pele le phahamiso ya tsamaiso ya maleme a mangata jwaloka ha e hlaisitswe karolong ya 3 ya Malao-theo.

Molawana ona a fana ka hore Boto e tla sebetsa ka tsela ya ho batla maikutlo a tswanang eo e leng tumellano le moya wa maleme a mangata jwalokaha e hlaisitswe Molao-theong (phumantsho tse jwalo di teng ho latela tshebetso ya Mmuso wa kopanelo le Provincial Executive Councils). Modula-setulo o tla ba le voutu e welang ka mona le ka mane e bang ho ka ba le voutu tse lekanang.

Molawana 7: Matla le Mesebetsi ya Boto

Molawana ona o kentse matla le mesebetsi ya Boto, e kenyeletsang ketso ya ditsitsinyo, kamohelo le kananelo ya tletlebo ya tlolo ya molao kapa tlolo ya molao e ka etsahalang: ho eletsa ba ipelaetsi le ho etsa ditsitsinyo ho latela boipelaetso; Peo ya leihlo ho ditlhophiso tsa Malao-theo le tsamaiso mabapi le tshebediso ya maleme, dikahare le tjhebo ya molao o teng kapa o motjha, tsamaiso le molao e sebetsang ka ho otloloha kapa ka tsela enngwe ka ditaba tsa leleme, thusa le ho hlephisa mananeo le melao, le, moo ho hloka halang ho fumantsha ha mokotla wa tshelele. Boto e tla phatlalatsa seo e se fumaneng, maikutlo, dikeletso le ditsitsinyo ho *Government Gazette* nakong ya kgwedi tse tharo (kapa nakong e kgutshwane eo Boto e ka fumanang e lokela), mme mabapi le ditaba tsa leleme la diprovinse, le moo e tla ba ho *Provincial Gazette(s)*.

Boto e ka eletsa Mmuso ho fana ka thuso ya tshelete ho dihlopha tseo e leng diphofu tsa tshitiso ya ditokelo tsa leleme la bona. Boto e ka qala dithuto le dipatlisiso e le ho tsamaisa sepheo sa yona, mme ka baka lena e fane ka thuso ya tshelete le tshehetso enngwe, e ka tsamaisa dipatlisiso.

Boto e tla ba le matla a kakaretso a ho qala, batlisisa kapa ho etsa hore ho batlisiswe, le ho fana ka tsitsinyo mabapi le molao, tsamaiso le ketso e sebetsang ka ho otloloha kapa ka tsela enngwe le leleme mmoho le phano ya molao ho baetso ba molao kapa mokgatlo wa Mmuso.

Boto e ka bitsa motho ofe kapa ofe ho fana ka bopaki ho yona mme e tiaba le phihlello ho ditokomane tsa molao. E ka kgetha dikomiti tsa nange le a le mong kapa ba bangaka ba ditho tsa yona le batho ba bang ha e bona hohloka hahala ho etsa jwalo e le ho e eletsa tsamaisong ya matla le mesebetsi ya yona.

Boto e ka aha—

- (a) komiti ya leleme ya diprovinse ho e eletsa mabapi le ditaba tsa leleme provinseng eo, le
- (b) Mekgatlo ya leleme ho e eletsa mabapi le leleme le itseng.

Melao e ka etswa le tsebiso tsa ntshwa: Maemong ana phatlalatsa ho *Government Gazette* le *Provincial Gazette* e loketse.

Molawana 8: Dikamano le mekgatlo e meng, batho le ditho tsa batho

Molawana o na o kentse tsamaiso ya kamano mahareng a Boto le mekgatlo ya mmuso, batho kapa ditho tsa batho le mekgatlo e meng e ikamahanyang le ditaba tsa leleme. Boto e lokela ho funana keletso ya dokomiti tse lokelang tsa diprovinse, mekgatlo ya mmuso le ditho tsa leleme tse ahuweng ka molao kapa ke Boto, mme e meme batho, dihlopha le ditho tse ding tsa leleme kapa mekgatlo pele e etsa kapa e phatlalatsa se fumanweng, maikutlo, keletso kapa ditsitsinyo. Eka mema mang kapa mang, sehlopha, setho kapa mokgatlo.

Molawana 10: Melao ho latela tsamaiso ya Boto

Molawana ona o sebetsana le tletlebo tse hlaelang mabapi le tlolo ya molao ya ditokelo tsa leleme, tsamaiso ya leleme kapa puo ya leleme. Tsela e lokelang ho latelwa mmoho le phano ya thuso mabapi le hona e teng, mmoho le patlisiso ya tletlebo eo. Ha Boto ena le maikutlo a hore tletlebo e hiakile, etla thusa moipilaetsi ka ho mo fumanntsha thuso, hara tse ding ka ho isa sello sena ho mokgatlo wa mmuso o amehang, o thusang (tletlebong tse jwalo) motletlebi ho funana thuso lekgotleng le nang le bokgoni. E tla tsebisa motletlebi ka tse fumanweng mme e tla phatlalatsa seo e se fumaneng.

Molawana 11: Ditjeo tsa Boto

Palamente e tla fana ka dithuso tsa ditjhelete ho Boto. Tekatekanyo ya ditjeo tsa selemo di tla newa Director-General wa lefapha la mmuso le amehang, ya tla ba le boikarabelo.

Molawana 12: Raporoto ya Selema

Molawana ona o hatella Boto ho fana ka raporoto e hlophisitsweng hantle selema le selema ka tshebediso ya ditjhelete ho Palamente le raporoto e amanang le ditaba tsa maleme a diprovinse ho baetsi ba melao ba diprovinse tse amehang.

Molawana 13: Moputso le dinyehlisetso tsa ditho tsa Boto

Palamente e tla fana ka thuso ho meputso ya ditho tsa Boto le ho basebetsi bao e seng ba mehla ba mmuso.

Molawana 14: Boikarabelo ba Boto

Molawana ona o ya itlhalosa.

Molawana 15: Sehloho se sekgutshwane le qalo

Sehloho se sekgutshwane sa Molao se ya itlhalosa. Molao o nkwa o kene tshebetsong ka 28 Mmesa 1994 le Boto e theilwe tsatsing leo e le ho thusa Boto e ka e qadile pejana (ho 28 Mmesa 1994) e le ho ntshetsa pele matla le mesebetsi ya yona.

SEKA-MOLAO

Ho fana ka kananelo, tshebediso le ntshetso pele ya maleme a mangata mona Repaboliking ya South Africa: ho aha Pan South African Language Board; le ho fumantsha ditaba tse kopaneng le seo.

Ka ha Molao-theo wa Repaboliki ya South Africa, 1993 (molao nomoro 200 wa 1993), o fana ka kananelo ya tsamaiso ya maleme a mantgata;

Mme ka ha tlhophiso e lokela ho etswa ya tsela ya ho fumana tlhomphe, tshireletso e lekaneng le ntshetso pele ya maleme a molao a South Africa mmoho le ho phahamisa maleme ao a molao ao nakong ya pele a neng a sa fumane kananelo, e le ho phahamisa monyaka o tletseng, a lekanang wa maleme a molao a South Africa mmoho le tlhomphe ya maleme a mang a South Africa a sebediswang dipuisanong le mabakeng a bodumedi;

Ka hoo jwalo, sena ha se tshaelwa monwana ke Palamente ya Repaboliki ya South Africa, jwaloka ha ho latela:—

Tlhaloso

1. Molaong ona, ntle le ha maemo o ka bontsha ka tsela enngwe—

“**Boto**” e bolela Pan South African Language Board e ahileweng ke karalo 2;

“**Molao-theo**” e bolela Molao-theo wa Repaboliki ya South Africa; 1993 (molao nomoro 200 wa 1993);

“**Dipatmente**” e bolela dipatmente ya mmuso e hlongweng ke moPresidente ho ya ka Molao-theo ho ba le boikarabelo ho ditaba tsa leleme;

“**Ofisiri e phahameng**” e bolela ofisiri e phahameng e thontsweng ka karolo 9 (1);

“**Letona**” e bolela letona la dipatmente;

“**Ananelwa, mosebetsi wa fetolelo**” e bolela motho ya nang le thupello e amohelehileng ho tswa thupelong ya Phetholelo bonyane lemo tse hlano tsa boiphihlelo ho phetholelo;

“**Ananelwa, toloko tshehetsong**” e bolela motho ya nang le boiphihlelo le thupello ho mosebetsi wa botoloko;

“**Ananelwa, setsebi sa mantswe le tshebediso**” e bolela motho ya nang le bonyane lemo tse hlano tsa boiphihlelo le thupello ho buka ya mantswe le / kapa tshebediso ya mantswe;

“**Sehlophisi sa leleme**” e bolela motho ya rupelletsweng ho hlophiso ya leleme le boiphihlelo ho seo;

“**Setsebi sa maleme a batho le mekgwa**” e bolela motho ya rupelletsweng ho maleme, setshaba, dipolotiki le ntlha tsa thuto tsa dikamano mahareng a leleme le setshaba;

“**Ananelwa, setsebi sa thuto ya leleme**” e bolela motho ya nang le thupello ya ho ruta leleme bokgoni ho seo;

“**Setsebi se ananelwang ho thuto ya ho bala, ho ngola**” e bolela motho ya nang le thupello ho ruteng ba sa tsebang ho bala le ho ngola mme ana le boiphihlelo ho seo;

“**Mokgatlo wa mmuso**” e bolela mokgatlo wa mmuso jwaloka ha o hlahela karolong 233 ya Molao-theo;

“**Koranta ya Provinse**” e bolela koranta ya molao ya provinse eo;

“**Ho bateng**” ho bolela ho ba teng pele ho Molao-theo, qalo ya Molao ona le nako efe kapa efe;

“**Hlaiswa**” e bolela hlaiswa ke kapa tlasa Molao ona;

“**Molao ona**” ekenyeletsa melao e entsweng le ditsebiso tse tswileng tlasa dikarolo 6 (9); 7 (8); 7 (11) le 8 (2) (d).

Kaho ya Boto

2. (1) Hona ke kaho ya boto e tsejwang e le Pan South African Language Board.

(2) Boto e tla ba setsebi sa tsa molao mme e tla emelwa ke modula-setulo kapa motlatsi kapa mang kapa motlatsi kapa mang kapa mang wa ditho ya thontsweng ke Boto ka kakaretso kapa tlasa sepheo se itseng.

Setpheo sa Boto

3. Boto e tla ba le sepheo se latelang, e leng:

- (a) Ho phahamisa tlhompho ho tsamaiso e boletseng karolong 3 (9) ya Molao-theo, e leng—
 - (i) Kaho ya maemo a ntshetsho pele le phahamiso ya tshebediso e lekananng le monyaka ya maleme ohle a molao a South Africa;
 - (ii) Katoloso ya ditokelo tseo mabapi le leleme le maemo a maleme ao qalong ya Molao-theo a neng a kginnwe dibakeng tse itseng fela;
 - (iii) Thibelo ya tshebediso ya leleme lefe kapa lefe ho sebedisa, ho hatella kapa karohanyo;
 - (iv) Phahamiso ya maleme a mangata le phumantsho ya menyetla ya phetholelo;
 - (v) Ho ntshetsa pele tlhompho ho maleme a buuwang Repaboliking ntle le maleme a molao, le kgothaletso ya tshebediso ya ona maamong a loketseng; le
 - (vi) Ho se fediswe ha ditokelo ho latela leleme le maemo a maleme a bileng teng qalong ya Molao-theo;
- (b) Ho ntshetsa pele maleme a molao a South Africa;
- (c) Ho phahamisa tlhompho ho le ntshetso pele ya maleme a mang a sebediswang ke batho ba bang South Africa, mmoho le maleme a sebediswang bakeng sa bodumedi;
- (d) Ho phahamisa tlhompho ho tlhophiso tse ding le tsamaiso tsa Molao-theo tse teng ho Molao-theo tse sebetsang ka ho otloloha kapa ka tsele enngwe le ditaba tsa leleme; le
- (e) Ho phahamisa tlhompho ya maleme a mangata ka kakaretso.

Sebopeliso sa Boto

4. (1) (a) Hoba Senate se meme bo-nkgetheng ho tswa ho setshaba ka kakaretso, se tla thonya batho ba latelang ho ba Botong;

- (i) Batho ba babedi bao e tla ba ditsebi tsa leleme la setshaba ba shebana le tlhophiso ya leleme;
- (ii) Batho ba babedi e tla ba bahlophisi ba leleme mme ba shebane le tsamaiso ya leleme;
- (iii) Motho a le mong ya tla ananelwa e le mosebetsi ho phetholelo;
- (iv) Motho a le mong ya tla ananelwa ele mosebetsi wa tsa botoloko;
- (v) Motho a le mong ya tla ananelwa e le mosebetsi wa pokello ya mantswe, le tshebediso e nepahetseng ya mantswe;
- (vi) Motho a le mong ya tla ananelwa e le mosebetsi wa ho ruta leleme;
- (vii) Motho a le mong ya tla ananelwa e le morupelli wa thuto ho ba sa tsebeng ho bala le ho ngola;
- (viii) Motho a le mong ya nang le tsebo ya molao le tsebo e ikgethang ya molao wa leleme; le
- (ix) Ba sa feteng boraro ba nang le tsebo e ikgethang ya ditaba tsa leleme South Africa.

(b) Ofisiri e phahameng e tla ba setho sa Boto mme o tla nka sebaka ho dingangisano tsa Boto mme o tla ba le tokelo tse tshwanang le mesebetsi jwaloka ditho tse ding: Ha fela a ke ke a ba le tokelo ya ho vouta.

(2) Ditho tsa Boto ditla—

- (a) Ba le bo kgoni ba ho ka ba ditho tsa Boto:
 - (b) Baahi ba South Africa; le
 - (c) Ba be le bokgoni le tsebo e tsamayelanang le mosebetsi wa Boto kapa tsebo ya maleme le/kapa tsebo ya molao kapa mangolo a dithuto kamoo Senate se ka batlang ka teng.
- (3) Senate se ka kgaola setho ho ya ka karolo ena—
- (a) Ebang se ka ikgodisa hore setho seo se kgethilweng ha se sa sebetsa ho ya ka moo karolo e tlase ya (2) e batlang;

- (b) Ebang setho seo se kopa Senate ka lengolo ho emisa tshebetso ya sona; kapa
- (c) Ha motho eo ya kgethilweng a bile siyo dikopanong ka makgetlo a fetang pedi a latela-nang Botong ntle le tumello ya Boto.
- (4) Setho se seng le se seng sa Boto se tla kgethwa nako ya lemo tse supileng mme e tla ba nakong ya pheletso eo a ka lokelang ho ka kgethwa hape themeng ya bobedi fela.
- (5) Ebang ofisi ya emong wa ditho e ka hloka motho pele ho nako e badilweng ya lemo tse supileng. Senate se ka, ho latela karolo e ka tlase ya (1) (a) kgetha setho se seng nakong e so fele ya lemo tse supileng.
- (6) Senate e tla fana ka tsebiso ho *Government Gazette* ka thonyo ya setho sefe kapa sefe sa Boto le nako eo thonyo ya hao e qalang mme, ho motho ya thontsweng ho tlatsa sekgeo Botong, nako eo a tla e sebetsa Botong.

Modula Setulo le Motlatsi

- 5. (1) Ditho tsa Boto di tla kgetha e mong wa ditho hoba modula-Setulo wa Boto le emong hoba motlatsi wa Boto ho sebetsa jwaloka modula-setulo nakong ya hoba siyo, kapa ho hloleha ha modula-setulo: Ha fela kgetho eo kopanong ya pele ya Boto e tla tsamaiswa ke Chief Justice.
- (2) Modula-Setulo le motlatsi ba tla ba ofising lemo tse supileng mme ba tla kgethwa hape themeng ya bobedi.
- (3) Motlatsi ha a sebetsa jwaloka modula-setulo jwaloka ha e hlaha ho karolo e ka tlase (1), o tla ba le matla ohle a tsamaisa mesebetsi yohle ya modula-setulo.
- (4) Ofisi ya modula-setulo le motlatsi e tla hloka motho—
 - (a) pheletsong ya nako ya hae ya ofisi;
 - (b) ha a kgaotsa ka ho ngola lengolo;
 - (c) ha a emisa hoba setho sa Boto;
 - (d) ha geto e etswa ke Boto; kapa
 - (e) ha a shwa kapa a kula kelellong: Ha fela, bakeng sa (b), (c), (d) le (e) moo ho tla kgethwa tlasa tsamaiso ya ofisiri e phahameng ha ho kgethwa modula setulo kapa motlatsi e motjha.

Dikopano le Kopanelo ya Boto

- 6. (1) Boto e tla kopana bonyane hane ka Selemo.
- (2) Boto e tla dula Pretoria mme dikopano tsa Boto di tla tshwarwa nakong le sebaka seo Boto e tla se boelang mme e tla tsamaiswa ke modula-setulo.
- (3) Modula-Setulo wa boto a ka bitsa kopano e ikgethang ka nako efe kapa efe etshwarelwa sebakeng le nako e tla hlalose ke ena, mme o tla, ka kopo e ngotsweng mme e saenetswe ke ditho tse seng ka tlase ho boraro tsa Boto, a bitse kopano eo e ikgethang hore e tshwarwe nakona ya matsatsi a mashome a mararo moraro ho nako e amohetsweng ya kopo eo, nakong le tuló e tla kgethwa ke ena.
- (4) Ditho tse supileng tsa Boto di tla aha lenane la hore kopano eka tshwarwa ho kopana enngwe le enngwe ya Boto.
- (5) Boto e tla ba le bokgoni ba ho sebetsa le ho mema mang kapa mang kapa mokgatlo wa batho ba nang le tsebo e ikgethang ya, le tsebo ho mathata a leleme South Africa kapa ya bang o amana le ntshetso pele kapa phahamiso ya tsamaiso e ho karolo 3 ya Molao-theo.
- (6) Boto e tla sebetsa ka mokgwa o fanang ka moya o batlanang le maikutlo a tshwanan a ikamahantseng le ntleha ya maleme a mangata jwaloka ha a kenyeditswe ho Molao-theo.
- (7) Ho voute ho tla bontshwa ka ho phahamisa matsoho, mme geto ya bongata ka Bontong e tla ba geto ya Boto ho taba eo: Ha fela e le hore, e bang e le bohlokwa ba tekanyo ya divoutu, modula setulo o tla ba le boutu e welang ka mona le ka mane hodimo voutu ya hae ya ngangisano.
- (8) Ha ho geto e ntuwang kapa ketso e entsweng tlasa matla a Boto e tla nyenyefatswa ka monafano feela wa sekgeo sa nakwana Botong ha geto eo e nkuwe kapa ketso eo e entswe kapa ya tshwaelwa monwana ke kopano ya Boto e tshwerweng ho ya ka karolo ena.

- (9) Boto e ka etsa melao ho latela tsamaiso ya dikopano tsa yona.

Matla le Mesebitsi ya Boto

7. (1) Boto e tla—

- (a) etsa ditsitsinyo ho latela molao o hlaisitsweng kapa o teng, tsamaiso le melao e sebet-sang ka ho otloloha le melao e sebet-sang ka ho otloloha kapa ka tsela enngwe ka ditaba tsa leleme mmoho le ditukiso tse hlaisitsweng ho kapa ho fedisa kapa ho fetola melao e teng, tsamaiso le melao;
- (b) Mabapi le ditllebo—
 - (i) ho ba le bokgoni ba ho batlisisa ka maikemisetso kapa ka kamohelo ya ttlebo e ngotsweng, tshitiso efe kapa efe ya tokelo tsa leleme, molao wa leleme kapa tshebediso ya leleme;
 - (ii) ho be le bokgoni ba ho anohela le ho amanela kamohelo ya ditllebo ho latela tshitiso efe kapa efe ya tokelo ya leleme; le
 - (iii) ho ba le bokgoni ba ho eletsa ba ttlebang ka ditllebo tsa bona mme e etsa ditsitsinyo nako le nako le ha ho hloka-hala;
- (c) Ho ba le sedi ho tlhophiso tsa Molao-theo le tsamaiso e sebet-sang ka ho otloloha kapa ka tsela enngwe ka ditaba tsa leleme ka kakaretso, le ho karolo 3 (9) ya Molao-theo haholo—
 - (i) Bea leihlo ho kamohelo ya tlhaiso ya Molao-theo mabapi le tshebediso ya maleme;
 - (ii) Bea lehlo la dikahare le pono ya molao o teng kapa o motjha, tsamaiso le molao o sebet-sang ka ho otloloha kapa ka tsela enngwe ka ditaba tsa leleme;
 - (iii) Thusa le ho bea leihlo ho ketso ya mananeo le melao e shebaneng le ho ntshetsa pele tshebediso e lekanang le tlhompho yo maleme a molao ho ntse ho nkuwa mehato ya ho etsa bonnete ba hore batho ba sebedisang maleme a karolong ya 3 (10) (c) ya Molao-theo bana le mmonyetla wa ho sebedisa maleme a bona maamong a loketseng.
 - (iv) tlasa sepheo sa karolo e ka tlase, ho etsa, moo ho lokelang, dithuso di be teng nakong eo tlasa mabaka ao a itseng ao Boto e ka a lekolang nako le nako;
- (d) ho phatlalatsa tseo e di fumaneng, maikutlo, keletso kapa tsitsinyo ka tsela ya phatla-latso ho *Government Gazette* nakong ya kgwedi tse tharo kapa nako e kgutshwane eo Boto eka e fumanang e lokela mme ho ditaba tsa diprovinse ho *Provincial Gazette*;
- (e) aha, bokeletsa le ho bokeletsa ditaba tsa maemo a molao (ho kenyetsa le tseo tse ho Molao-theo) tse sebet-sang le ditaba tsa leleme, le melao le tsamaiso e sebet-sang ka ho otloloha kapa ka tsela enngwe ka ditaba tsa leleme tse tswang kapa tse ka tswang ho mokgatlo ofe kapa ofe kapa mokgatlo wa mmuso.

(2) Moo Boto e bonang bohlokwa eka eletsa mmuso ho fumantsha thuso ya ditjhelete ho dihlopha tseo e leng diphofu ho tshebediso e bohloko ya ditokelo tsa leleme.

(3) Boto e tla ba le bokgoni ho gala dithuto le dipatlisiso ka tjhebo ya phahamiso ya tlhompho ho maleme a molao a Repaboliki jwaloka ha e hlahela karolong 3 (1) ya molao-theo, tshebediso e lekaneng, monyaka le maleme a mangata.

(4) Ho ya ka karolo ena Boto e ka fana ka thuso ya tsehelete kapa thuso enngwe ho motho ofe kapa ofe kapa mokgatlo wa batho.

(5) Ha ho letho karolong ena le tla fokotsa tokelo ya Boto ho qala, ho batlisisa kapa ho etsa hore e batlisiswe le ho romela ditsitsinyo mabapi le molao, melawana le tsamaiso e sebet-sang ka ho otloloha kapa ka tsela enngwe ka leleme ka kakaretso le phumantsho ya Molao-theo e sebet-sang ka ho otloloha kapa ka tsela enngwe ka leleme ho baetsi ba melao kapa mokgatlo wa mmuso.

(6) Boto etla ba le bokgoni ba ho bitsa motho ofe kapa ofe ho fana ka bopaki le ho ba le matla a ho fihlella ditokomane tsa molao le molaetsa kapa eng e ka thusang Boto tshebet-sang ya yona.

(7) Boto e tla ba le bokgoni ba ho laela motho ofe kapa ofe kapa mokgatlo wa batho kapa mokgatlo ho tsamaisa dipatlisiso bitsong la lona mme ka mabaka ao eetse hore thuso e fumanehe ho motho eo kapa mokgatlo wa batho kapa mokgatlo.

(8) Boto e ka, ka mokgwa o hlalositse ka tsebiso e phatlaladitsweng ho *Government Gazette* le *Provincial Gazette* aha—

(a) komiti ya leleme la provinse ho prinse ka nngwe ho e eletsa mabapi le ditaba tsa leleme kapa tse amang provinse efe kapa efe kapa karolo e itseng ya yona;

(b) mokgatlo wa leleme ho eletsa ka leleme lefe kapa lefe.

(9) Boto e ka laela setho sefe kapa sefe sa Boto ho sebetse lebitsong la ona maemong a fe kapa afe.

(10) Boto e ka thonya komiti e leng nngwe kapa tse ngata e kenyeletsa a leng mong kapa ba bangata ba ditho tsa yona le batho ba bang ka moo e ka bonang ho lokela ho e eletsa tsamaisong ya matla le mesebetsi ya Boto.

(11) Boto ka ho ntshetsha pele sepheo sa yona le tsamaisong ya matla le mesebetsi ya yona e ka—

(a) etsa melao mme ya ntsha ditsebiso; le

(b) Phatlalatsa melao eo le ditsebiso ho *Government Gazette* le ho *Provincial Gazette*.

Dikamano tsa Boto le mekgatlo ya mmuso, le mekgatlo emeng le mekgatlo ya batho le batho

8. (1) Boto etla leka ka matla ho phahamisa tshebetso mmoho e haufi mahareng a yona le mekgatlo ya mmuso, kapa motho ofe kapa ofe kapa mokgatlo wa batho kapa mokgatlo, haholo bao ba shebanang le ntshetso pele ya leleme le phahamiso ya ditokelo tsa leleme.

(2) Boto, pele e etsa kapa e phatlalatsa raporoto efe kapa efe, se fumanweng maikutlo, keletso kapa ditsitsinyo e tla fumana keletso ho—

(a) komiti ya provinse ya leleme e amehang e ahuweng ho ya ka karolo 7 (8) (a);

(b) mokgatlo ofe kapa ofe wa mmuso ho taba e tobanang ka ho otloloha kapa ka tsela enngwe ho tokelo efe kapa efe ya leleme, molao wa leleme kapa tsamaiso ya leleme e latelwang, etshebetsong kapa e tsitsintswe ke kapa ho mokgatlo oo wa mmuso;

(c) mokgatlo o fe kapa ofe o ahuweng ho latela karolo 7 (8) (b); kapa

(d) Motho ofe kapa ofe, sehlopha, mokgathlo wa leleme kapa mokgathlo o ikamahantseng kapa o nang le kgahlehelo phahamisong ha maleme a molao a South Africa ka ho mema dipheiso ka tsela ya tsebiso ka hona ho *Government Gazette* le *Provincial Gazette*.

(3) Boto e ka ikopanya le motho o fe kapa ofe mokgatlo, sehlopha kapa mokgatlo ntle le eo e hlaileng ho karolo e tlase (2).

Tsamaiso ya tshebetso ya Boto

9. (1) Mesebetsi yohle ka ho fapana e tla etswa ke ofisiri e phahameng le ditho tse ding tsa Boto, ba e leng di ofisiri tsa Departmente ba kgethilweng ka ho ya ka Public Service Act, 1994 (Molao Nomoro 103 ya 1994), o hlaisitsweng ka kakaretso kapa ka morero o itseng ke letona morao ho dipuisano le Boto.

(2) Ha ho etswa hlaiso ka karolo e tlase (1), Letona le tla batla ho e tsa bonnete ba hore basebeletsi ba Boto ba tla ajwa ka bo batsi ka kemedi ya setjhaba sa South Africa.

(3) Diofisiri tse hlaisitsweng ho ya ka mesebetsi ba tla etsa mesebetsi ya bona tlasa taolo le leihlo la Boto.

Melao ya tsamaiso ya Boto

10. (1) Motho ya sebetseang bitsong la hae kapa motho ofe kapa ofe, mokgatlo wa batho kapa mokgatlo a sebetse tlasa bitso la ditho tsa hae kapa ditho tsa sehlopha sa leleme, a ka kenya tletlebo mabapi le tlola molao efe kapa efe a hlahelang kapa e tla etsahala ya ditokelo tsa leleme, molao we leleme kapa tsamaiso ye leleme Botong.

(2) Tletlebo e tla ba engotsweng mme etla hlaisa—

(a) Kgahlehelo ya motletlebo ho tletlebo;

- (b) (i) Maemo a tokelo sitisitweng kapa a bang e tsietsing ya ho sitiswa; kapa
- (ii) Mabaka a etsang hore patlisiso e lokela ho etswa; le
- (c) Ditaba tsa bohlokwa tse amanang tseo a dit tsebang.
- (3) Boto e tla fana ka thuso e bhlakahalang ka maikemisetso a ho kenya tletlebo ntle le tefo mme moo ho hlokahalang e tla thusa motletlebi ho dumellana le tse batlehang ho karolo e tlase (2).
- (4) Boto etla re hoba e fumane tletlebo a batlisisa tlolo eo ya tokelo efe kapa efe ya leleme, molao wa leleme kapa tsamaiso ya leleme.
- (5) Ebang ka morao ho patlisiso ya Boto e be Boto e fumane ho na le ho hong tabeng ena, Boto e tla thusa motletlebi le bathro ba anngweng haholo ke sena ka ho ba fumantsha thuso ka—
 - (a) ho fetisetša taba ena ho mokgatlo wa mmuso moo tletlebo e ileng ya kenywa teng, le pono ya Boto tabeng ena;
 - (b) Ehlaisa hore mokgatlo oo wa mmuso moo tletlebe e kentsweng hore ba fane ka thuso ya tjelele ho motletlebi ho thusa ho ditshenyehelo;
 - (c) Phano, ka boyona fela, thuso ya tselele ho motletlebi ho thusa ho ditshenyehelo; kapa
 - (d) Etsa dituketsetso tsa kapa phano ya thuso ya tselele ho motletlebi ho mo thusa ho fumana thuso ho lekgotla le nang le boiphihlelo.
- (6) Boto e tla tsebisa motletlebi ka diqeto tsa yona, mme moot Boto e getileng ka ho senke bohato, etla tsebisa motletlebi ka mabaka a geto eo.
- (7) Boto e tla phatlalatsa diqeto tsa yona ho latela karolo 7 (1) (d).
- (8) Tlhophiso ya karolo ena eke ke ya theoha ho matla a neilweng Boto tlasa karolo 6 (9).

Ditjeo tsa Boto

- 11. (1) Ditjeo tsohle tsa Boto ho mesebetsi e tla tselele e tswang ho Palamente e le e lebaneng le mesebetsi ya Boto.
- (2) Kakanyo ya ditjeo tsa selemo ka nngwe e tla romelwa ho Director-General ya Departamente ya tla ba le boikarabelo.

Raporoto ya Selemo

- 12. Boto e tla romela pele ho tsatsi la pele la Phupjwane selemo le selemo—
 - (a) Raporoto e nepahetseng ho Palamente ho mesebetsi yohle ya yona ya lemo se fetileng, ho fihlela 31 Fihakubele; le
 - (b) Raporoto e nepahetseng ho baetsi ba molao ba provinse ka mesebetsi yohle ya yona mabapi le ditaba tsa leleme la diprovinse lemong se fetileng ho fihla 31 Fihakubele.

Meputso le dinyehlisetso

- 13. Setho sa Boto kapa komiti efe kapa efe e seng tsebetšong nako tsohle ya mmuso e ka ho tswa tseleteng e tswang Palamenteng ho mabaka a kang ao, aka patalwa moputso le dinyehlisetso ho ya ka nako le mesebetsi oo a o entseng ho latella mesebetsi ya Boto ho ya ka moo Letona le bonang ho lokela a buisane le Letona la tsa ditshelele.

Maikarabelo a Boto

- 14. (1) The State of Liability Act, 1957 (molao nomoro 20 wa 1957), o tla sebedisa phephobo tse loketseng (*mutatis mutandis*) mabapi le Boto le se molaong ho "Matona a dipartmente tse angwang" e tla nkwa e le polelo e lokelang Boto le yona.
- (2) Ditho tsa Boto di keke tsa bewa molato kapa boikarabelo mabapi le ntho enngwe le enngwe e hlahang raportong, maikutlo, keletso kapa ditsitsinyo tse entsweng kapa ho hlaiswa ka moya o motle.

Sehloho se sekgutshwane le qalo

- 15. (1) Molao ona o tla bitswa **Pan South African Language Board Act, 1995.**
- (2) Molao o na o tla nkwa o kene tsebetšong ka **28 Mmesa 1994**, le Boto e tla nkwa e ahilwe ka nako yona eo.

siSwati

Lomculu ucuketse siphakamiso semtsetfo kantsi kuhloswe kutsi usebente njengemculu wekufakana imilomo ngenhloso yekutfole luvo lwemalungu emphakatsi nakuboniswa ngawo esiveni futsi nakukhona lokutsite lokufanele kubhalwe phasi. Lomculu awusiwo wesiphetfo, lokungafuneki kutawukhishwa uhlelwe kabusha ulungiswe kahle ngekusebentisa emagama etemtsetfo ebeluleki baHulumende betemtsetfo nasekwemukelwe lonkhe luvo ngekwehluhlukahluhana lwafakelwa tibuko.

1. *Lingemuva lemtsetfosisekelo*

Iningizimu Afrika ilive letilwimi letinyenti nemiphakatsi leyenaba ngekwehluhlukahluhana. Nanobe kuba lulwimi-mbili ngekweMtsetfo bekungumgomosisekelo weMtsetfosisekelo kulelive (kwemukeleka lokusemtsetfweni kwetilwimi tesintfu letiyimfica bekusebenta kuphela ekhatsi neminyele yeta-belo lebetitimele letingasekho te TBVC naleto lebetitibusa), uMtsetfosisekelo weRiphabliki yele Ningizimu Afrika, wanga 1993 (Act No. 200 of 1993), wetfula tibonelelo letinyenti letigunyata kusebenta kwetilwimi letinyenti ngalokusemtsetfweni. Loku akuveti kuphela umoya webutikhetseli (democracy) nemoya weMtsetfosisekelo, kepha kukhombisa kwemukela emaciniso ekwahluka lokwenabile kwetilwimi letisetjentiswa eNingizimu Afrika.

Lokubaluleka lokuchunyelwe kulokusebenta kwetilwimi letinyenti kanye nekuvikelwa kwemalungelo lasisekelo enhulumo kukuketfwe kuConstitutional Principle XI: leti *"Kwehluka ngekwenaba kwetilwimi nemasiko kutakwemukelwa njengentfo lebalulekile, kuvikelwe, kugcugcutelwe netindlela tekukutfutukisa."*

Sigaba 31 seMtsetfosisekelo sikubeka kukhanye kutsi lulwimi lulilungelo lolusisekelo lebanfu: *"Wonkhe umuntu utawuba nelilungelo lekusebentisa lulwimi latikhetsela lona"* Sigaba 8 sigunyata kutsi kube lilungelo lalowo nalowo kuphatfwa ngendlela lefanako embi kwenkantolo yemtsetfo kanye nekutsi kute umuntu lotawubandlululwa kabi, ngendlela lecondze-ngco nobe lengakondzi-ngco, ngenca yelulwimi lalusebentisa. Macondzana nemfundvo, sigaba 32 sigunyata kutsi lowo nalowo abe nelilungelo *"lekufundziswa ngelulwimi latikhetsela lona esimweni lesivumako"*.

Sigaba 3 sicuketse imigomosisekelo yetilwimi letilishumi nalunye ezingeni lavelonkhe kantsi sigunyata kutsi kudalwe timo tekutfutukisa nekugcugcutela kusetjentiswa ngekulingana nekutfoketelwa kwato tonkhe letilwimi. Ngetulu kwaloko, sigaba 3 (9) (c) sivimbela kusetjentiswa kwelulwimi ngenhloso yekuphatsa kabi, kwengamela nekwehluhanisa.

Kusebenta kwetilwimi letinyenti kungumgomosisekelo loholako eNingizimu Afrika. Sisetjentiswa lelisemcoka kakhulu semphatfo lebonakalako yekusebenta kwetilwimi letinyenti siyabonelelwa kusigaba 3 (10), lesibeka kukhanye kutsi Indlu Yetimphunga itawusungula i-Pan South African Language Board ngekulandzela umtsetfo wephalamende.

Lebhodi kumele nakanjani ilandzele imigomosisekelo lekuMtsetfosisekelo. Nankha emaphuzu ayo esiphawulo:

- (a) Kugcugcutela kutsi kuhlonishwe imigomosisekelo lesitfupha yelulwimi njengoba kucha-ziwe kusigaba 3 (9), ngalendlela:
 - (i) Kuvetwa kwetimo letitawutfutukisa tibuye tigcugcutele kusetjentiswa nekutfoketela ngekulingana tonkhe tilwimi letisemtsetfweni eNingizimu Afrika;

- (ii) kwenatjiswa kwalawo malungelo lamayelana nelulwimi kanye nemazinga ekulungana kwetilwimi lokwatsi ngasekucaleni kweMtsetfosisekelo kwatsiwa tibekelwe kusetjentiswa kuphela ekhatsi neminyele yetifundza letitsite (lokuchaza tilwimi letisemtsetfweni tetabelo lebetitimele te-TBVC nalebetitibusa);
 - (iii) kuvinjelwa kwekusetjentiswa kwelulwimi ngenhloso yekuphatsa kabi, kwengamela kumbe kwehlukana;
 - (iv) kugcugcutela kusebenta kwetilwimi letinyenti nekubonelela ngetinsita tekuhumusha;
 - (v) kukhutsata inhlonipho yetilwimi letisetjentiswa eNingizimu Afrika ngaphandle kwaleto letisemtsetfweni, kanye nekukhutsatwa kwekusetjentiswa kwato etimweni letivumako; kanye
 - (vi) nekungatsatselwa phasi kwemalungelo laphatselene nelulwimi kanye nemazinga etilwimi lebetikhona ekucaleni kweMtsetfosisekelo.
- (b) Kuchubekisela embili kutfutukiswa kwetilwimi letisemtsetfweni.
 - (c) Kwenta tiphakamiso mayelana nemtsetfo lophakanyiswako ngekulandzela sigaba 3 ngemuva kwekutsi kucale kwaboniswa nabo bonkhe boHulumende (emazingeni avelonkhe nemaphrovinsi).
 - (d) Kugcugcutela inhlonipho kanye nekutfutukiswa kwaletinye tilwimi letisetjentiswa miphakatsi yele Ningizimu Afrika, kanye naletinye tilwimi letisetjentiselwa inkholo eNingizimu Afrika.

2. *Inkhambiso yephalamende yekusungula i-Pan South African Language Board*

Ngenhloso yekubonisana nabochwepheshe betilwimi kanye nabo bonkhe labatsintsekako ngendlela lebanti, ingcungcutsela yavelonkhe ngaphasi kwesihloko lesitsi: tilwimi tebantfu bonkhe: indlela lecondze ku-Pan South African Language Board, yahlelwa Litiko lelidzala lemfundvo yavelonkhe libambisene nelemakhono nemasiko ku-ANC ngamhlaka 27 na 28 May 1994.

Injongo lenkhulukati yalengcungcutsela bekuniketa bonkhe bantfu labamele tilwimi litfuba lekufaka sandla kuloluhlelo lwekuphakamisa lomtsetfo mayelana neBhodi. Lengcungcutsela isungule indlelakwenta lengagodli lutfu lesebenta ngekuchumana lokuphelele kuze kube ngiyo lesungula leBhodi:

- Tihlangano nebantfu labasebenta ngabodwana kumbe bonkhe labo lebebasengakakwenti loku banikwa litfuba lekutfumela tiphakamiso tabo tekusungulwa kwaleBhodi ku-Joint Organising Committee lesebenta ngaphasi kweLitiko letemakhono, emasiko, isayensi nebuchwepheshe; kanye
- nembuseketo ngako konkhe kuchubeka kwalengcungcutsela loveta ebaleni imibono yabo bonkhe bantfu nobe tonkhe tihlangano, kantsi tiphakamiso letetfulwa ngemuva kwesikhatsi kwafuneka kutsi tilungiswe kahle bese tenduliselwa eNdlini Yetimphunga.

Ikomiti lesipesheli i-Joint Conference Organising Committee lebeyinabo Make Q. Buthelezi (wekhomishana yetilwimi ku-ANC), Prof. V. N. Webb (we Linguistics Society of Southern Africa) na Dok. A. M. Beukes (weLitiko letemakhono, emasiko, isayensi nebuchwepheshe) yaphetsa lombuseketo ngamhlaka 27 October 1994, lekwatsi emveni kwaloko wetfulwa kumakomiti lamabili asephalamende labukene netindzaba telulwimi nakuwo onkhe emalungu ale Organising Committee.

Ngamhlaka 18 August 1994 Indlu Yetimphunga yavumelana ngekutsi i-Select Committee yayo lebukene nemfundvo, temdlalo nekukhibika, emakhono, emasiko, isayensi nebuchwepheshe itawutsi ngekubambisana neLitiko letemakhono, emasiko, isayensi nebuchwepheshe, ilungise umtsetfosivivinywa lomayelana nekusungulwa kwaleBhodi. Bandlancane weTimphunga lobukene netindzaba telulwimi wakhetfwa ngamhlaka 5 September 1994, kwase kutsi Imphunga L. J. Swanepoel wakhetfwa waba ngusihlalo.

Ngamhlaka 31 August 1994 Indlu yeSishayamtsetfo yatsi ngekubona simo lesiyindida nalesinengatsikameta imiva ngenca yenkhulumo mphikiswano lemayelana nelulwimi eNingizimu Afrika, sancuma kutsi lelo nalelocumbu letepolitiki lelimelwe kuSishayamtsetfo likhetse lilungu linye lelitawusebenta ku-Interim Language Secretariat letawusebentisana ne-Select Committee lebukene netindzaba telulwimi endlini Yetimphunga. Bandlancane weSishayamtsetfo lobukene netindzaba telulwini wakhetfwa, kwasekutsi Make N. Tsheole wakhetfwa waba ngusihlaho.

Emhlanganweni lohlanganyele lowabanjwa ngamhlaka 4 November 1994, bobandlancane bendlu yeTimphunga nendlu yeSishayamtsetfo batsatsa letincumo letilandzelako ngenkhambiso yephalamende lekumele ilandzelwe nakwentiwa emalungiselelo alesiphakamiso semtsetfo ngekusungulwa kweBhodi:

- (a) Labobandlancane lababili kumele bashicilele ngekuhlanganyela i-green paper yekubonisana ngenchubomgomo ngekusungulwa kwePSALB. Tincomo letibhalwe phasi ngale green paper titawucelwa kumacembu lafisako.
- (b) Imihlangano levulekele sive lemayelana nekusungulwa kwe-Pan South African Language Board kutawufukeka kutsi ibanjwe kuwo omane emaphrovinsi ngemuva kwekushicilelwa kwale green paper.
- (c) Labobandlancane lababili kutawufuneka kutsi bashicilele i-white paper nge-Pan South African Language Board.
- (d) Indlu yeTimphunga itawutsi ekugcineni uwucubungule kahle lomtsetfo we-Pan South African Language Board.

Liphepha lekubonisana ngenchubomgomo (kumbe i-green paper) lagcina lilungisiwe ngubandlancane weTimphunga abambisene neLitiko letemakhono, emasiko, isayensi nebuchwepheshe, lase letfulwa kubobandlancane bobabili. Leliphepha lemalungiselelo laphindze lasetjentwa kabusha ngenca yetenanelo letabuya kubandlancane wendlu yeTimphunga.

Ngenca yekubaluleka kwesikhatsi nangenca yekutsi loluhlelo beludla sikhatsi lesinyenti i-Select Committee yeTimphunga kutemfundvo, temidlalo nekukhibika, emakhono, emasiko, isayensi nebuchwepheshe, yaphakamisa kutsi loluhlelo luchutjwe ngendlela yekungakhweshi esidzingweni sekungagodli lutfo. Letincumo letilandzelako tatsatfwa ngito totimbili tindlu tephalamende:

- (a) Leliphepha lekubonisana ngenchubomgomo (nobe i-green paper), lelilungiswe ngubandlancane wendlu yeTimphunga lobukene netindzaba telulwimi ngekusebentisana nabandlancane wendlu yeSishayamtsetfo lobukene netindzaba telulwimi, litawusetjentiswa njengemculu lekusetjentelwa etikwawo kutinkhulumo-mphikiswano etindlini totimbili ephalamende.
- (b) Ngemphumela lovela kuletinkhulumo-mphikiswano, uMtsetfosivivinywa lophakanyisiwe lomayelana naleBhodi utawulungiswa kahle tati temtsetfo ngekubambisana neLitiko letemakhono, emasiko, isayensi nebuchwepheshe ngekulandzela lomculu lekusetjentelwa etikwawo netenanelo temacembu epolitiki letetfulwe ngesikhatsi senkhulumo-mphikiswano.
- (c) Lomtsetfosivivinywa lophakanyisiwe utawube sewushicilelwa kuSomculu waHulumende ngato tonkhe tilwimi letilishumi nalunye letisemtsetfweni, kubuye kucelwe netenanelo talamanye emacembu lanesifiso.
- (d) Imihlangano levulekele imphakatsi nemacembu onkhe lanesifiso itawubanjwa eCape Town.
- (e) Lomtsetfosivivinywa utawube sewetfulwa ephalamende.

Liphepha lekugcina le-green paper (langa March 1995) kwakhulunywa kwaphikisanwa ngalo endlini yeTimphunga ngamhlaka 30 March 1995 nasendlini yeSishayamtsetfo ngamhlaka 5 April 1995.

Tati letimbili temtsetfo, Prof. N. J. J. Olivier wesikolo semtsetfo eYunivesi yase Natal (ePietersburg) naMnu P. M. Mtshaulana, umphenyi wasenkantolo yeMtsetfosisekelo lobuye abe ngumetfulitfundvo etikweni leteMtsetfo eYunivesi yaseNyakatfo, takhetfwa kutsi tisite Litiko letemakhono, emasiko, isayensi nebuchwepheshe ekulungiseni lomtsetfosivivinywa lomayelana neBhodi.

Sihloko lesidze nesingeniso

Sihloko lesidze salomtsetfosivivinywa sisinikamongo lesifinyetiwe salokucuketfwe kuwo. Singeniso sicinisekisa kutsi lomtsetfosivivinywa nemigomo losime kuyo, isuselwa kuMtsetfosisekelo lomusha wele Riphabliki yele ningizimu Afrika, Umtsetfo No. 200 wanga 1993.

Sigatjana 1: Tinchazelo

Sigatjana I salomtsetfosivivinywa sinetinchazelo, bunyenti bato tiyatichazo.

Sigatjana 2: Kusungulwa kwe-Pan South African Language Board

Lesigatjana sisungula i-Pan South African Language Board. Lebhodi itawuba ngumuntu ngekwemtsetfo.

Sigatjana 3: Tinhloso

Lesigatjana sicuketse tinhloso teBhodi, letimayelana kakhulu nemigomosisekelo yeku-sebenta kwetilimi letinyenti njengoba sigaba 3 (9) seMtsetfosisekelo sichaza, kutfutukiswa kwetilwimi letilishumi nalunye letisemtsetfweni tele Ningizimu Afrika, kugcugcutela inhlonipho nekutfutukiswa kwaletinye tilwimi.

Sigatjana 4: Kwakheka kwaleBhodi

Lesigatjana sibeka imibandzela yekwakheka kwebhodi. Ibhodi (yebantfu labangu-14: 13 yemalungu langavota nalinye lelingavoti) itawuba netati letehlukahlukene—

- (a) letinelwati lolujulile ekuhlelweni kwelulwimi (bantfu labane);
- (b) letinelwati lolubanti kunayi imikhakha lelandzelako; ekuhumusheni (umuntu munye), ekutoligeni (umuntu munye), kusayensi yelwatimagama (umuntu munye), ekufundziseni kwelulwimi (umuntu munye), nakulithereja (umuntu munye);
- (c) letinelwati lolusipesheli ngekushaywa kwemtsetfo welulwimi (umuntu munye);
- (d) naletinelwati lolusipesheli ngetindzaba telulwimi (bantfu labangengi kulabatsatfu).

Ngetulu, sikhulu lesiyi-executive naso sitawuba lilungu lebhodi kepha angeka sibi nemalungelo ekuvota.

Lesigatjana sibuye sikhanyise kahle kutsi emalungu eBhodi atawubekwa yindlu yeTimpunga ngemuva kwekutsi umphakatsi ucelwe kutsi uphakamise emagama. Emalungu eBhodi kumele ahambisane nemibandzela letsite futsi kusebenta kwawo eBhodini kungamiswa yindlu yeTimpunga.

Emalungu eBhodi atawudvonsa iminyaka lesikhombisa, kantsi angakhetfwa futsi kwesibili yindlu yeTimpunga. Tikhala letivulekako ingakapheli iminyaka lesikhombisa titawugcwaliswa ngalabanye bantfu labatawukhetfwa yindlu yeTimpunga badvonse sikhathi lesisele.

Sigatjana 5: Sihlalo nelisekela lasihlalo

Lesigatjana sigunyata kukhetfwa kwasihlalo nelisekela lasihlalo weBhodi (lokutawentiwa Lijaji Lelikhulu) aphaatse tintsambo kuleBhodi iminyaka lesikhombisa (angabuye akhetfwe futsi kwesibili) Lisekela lasihlalo (nalibambele sihlalo) litawetfwe onkhe emandla asihlalo lente nemisebenti yonkhe yasohlalo. Lesigatjana silbuye sigunyate kukhetfwa kwasihlalo lomusha kumbe lisekela lakhe uma kwenteka kutsi asishiye phasi sikunhdla sakhe.

Sigatjana 6: Imihlangano nemahhovisi eBhodi

Lesigatjana siyatichaza. Sincuma, ngetintfo letifana nekutsi iBhodi itawuhlangana lokungenani kane ngemnyaka, kutsi emalungu langu-7 kulangu-13 ayayenta ikhoramu, nekutsi ingabonisa isebentisane nemuntu nobe inhlangano yebantfu labanelwati lolusipesheli nalolubanti ngetinkhinga telulwimi eNingizimu Afrika nobe labahlanganyele ekutfutukisweni nasekugcugcutelweni kwemgomosisekelo wekusebenta kwetilwimi letinyenti njengoba sigaba 3 seMtsetfosisekelo sichaza.

Lesigatjana sigunyata kutsi iBhodi itawusebenta ngedlela yekufuna kusombulula tinkhinga ngemoya lomuhle nekuvelana ngekusetjentiswa kwetilwimi letinyenti njengoba kubhaliwe kuMtsetfosisekelo (tigunyatise letifana naleti tikhuna nasekusebenteni kwaHulumende Welubumbano naboHulumende bemaphrovinsi). Sihlalo utawuba nalelinye livoti ngetulu uma emavoti alingana.

Sigatjana 7: Emandla nemisebenti yeBhodi

Lesigatjana sicuketse emandla nemisebenti yeBhodi, lefaka ekhatsi kwenta tiphakamiso; kwemukela nekuvuma kutsi ititfolile tikhalo tekuphula nobe kufuna kuphula; kweluleka bamangali nekwenta tiphakamiso mayelana netikhalo; kucaphela kuhlonishwa kwetigunyatisi temtsetfosisekelo nemigomosisekelo lemayelana nekusetjentiswa kwetilwimi, kuhlonishwa kwemitsetfo lebesolomane ikhona nalemisha, indlela kwenta nenchubomgomo lecondzene-gco nobe lengakacondzani-ngco netindzaba telulwimi, kusita nekucaphela kwakhiwa kwetinhlelo netinchubomgomo, nekusita ngetimali lapho kudzingeke khona. IBhodi itawubuye ishicilele konkhe lekutfolako nayiphenya, luvo lwayo, seluleko nobe tiphakamiso kuSomculu waHulumende njalo ngekota yemnyaka (kumbe sikhatsi lesibonwa yiBhodi) nakuboSomculu bemaphrovinsi etindzabeni telulwimi letitsinta emaphrovinsi.

IBhodi ingeluleka Hulumende kutsi asite ngemali etinhlanganweni letihluphekile ngenca yekwephulwa kwemalungelo elulwimi. Ingasungula futsi tifundvo tekucwaninga ekuphumeleliseni tinhloso tayo, ngenca yaloko isite ngemali nobe ngaletinye tindlela. Ingagunyata futsi kutsi kucwaningwe.

IBhodi futsi itawuba nemandla lamakhulu ekutisungulela, iphenye kumbe yente kutsi kuphenywe, nekwetfula tiphakamiso letimayelana nemtsetfo, inchubomgomo nendlela kwenta lecondzene-ngco nobe lengakacondzani-ngco nelulwimi kanye netigunyatisi temtsetfosisekelo emtsetfweni kumbe elungwini lembuso.

IBhodi ingabita umuntfu kutsi atewunika bufakazi kuyo futsi ivumelekile kutfalo emadokhumenti emtsetfo lewafunako. Ingabeka emakomiti lanemuntfu munye kumbe labanyenti emalungwini ayo nakulabanye bantfu ngekubona kwayo ayeluleke ekwenteni imisebenti yayo.

IBhodi ingachubeka isungule—

- (a) emakomiti elulwimi emaphrovinsi ayeluleke ngetindzaba telulwimi kumaphrovinsi;
- (b) netinhlangano telulwimi tiyeluleke nganoma nguluphi lulwimi.

Imitsetfo ingentiwa netatiso tikhishwe; kepha nakwentiwa loko kutawudzingeka kutsi kucale kushicilelwe kuSomculu waHulumende nakuboSomculu bemaphrovinsi.

Sigatjana 8: Budlelwane naletinye tindzawo, bantfu netinhlangano tebantfu

Lesigatjana sicuketse imigomosisekelo yebudlelwane ekhatsi kweBhodi nemalungu embuso, bantfu kumbe tinhlango tebantfu naletinye-nje tindzawo letihlanganyele etindzabeni telulwimi. IBhodi kumele yelulekwe yikomiti nobe emakomiti ephrovinsi, lilungu kumbe emalungu embuso natinhlango telulwimi letisungulwe ngumtsetfo kumbe yiBhodi, futsi ibomema bantfu, emacambu naletinye tinhlango telulwimi kumbe tindzawo ngembi kwekutsi yente kumbe ishicilele lekutfolile nayiphenya, luvo lwayo, seluleko nobe tiphakamiso. Ingabonisana futsi nemuntfu, licembu, inhlango kumbe indzawo.

Sigatjana 9: Kwentiwa kwemsebanti wekuphatsa eBhodini

Umsebanti wekuphatsa eBhodini utawentiwa tikhulu letitawucashwa ngekulandzela imibandzela ye-Public Service Act, yanga 1994. Letikhulu letitawucashwa kumele tikhombise kwenaba kwemphakatsi weleNingizimu Afrika.

Sigatjane 10: Imitsetfo lemayelana nenchubo yeBhodi

Lesigatjana sikhuluma ngekufakwa kwetikhalo letimayelana nekwephulwa kumbe kufuna kwe-phula lilungelo lelulwimi, inchubomgomo yelulwimi kumbe kusebenta kwelulwimi. Indlela lekumele ilandzelwe kanye nendlela yekuniketwa kwelusito ikhona, kanye neyekuphenya tikhalo letinjalo. Uma iBhodi ikhandza kutsi kuneliciniso esikhalweni lesiphenyako, itawusita ummgali kutsi atfole kuncesitelwa, ngekutsi mhlawumbe yendlulisele leyondzaba elungweni lembuso lelitsintsekako, ngekusita etehlakalweni letifanele kutsi ummgali atfole lusito enkantolo lenemandla. Itamatisa ummgali ngalekutfolile iphindze ikushicilele loko lekutfolile.

Sigatjana 11: Tindleko teBhodi

Iphalamende itawuvumelana ngetimali letitawusetjentiswa yiBhodi. Tindleko temnyaka titawetfulwa ku-Director General welitoko lembuso lelitsintsekako, lotaba sikhulu lesilawulako.

Sigatjane 12: Umbiko wemnyaka

Lesigatjana sicindzela iBhodi kutsi iletse ephalamende umbiko wemnyaka logcwele lochaza ngetintfo letenteka eBhodini kanye nembiko lemayelana netindzaba telulwimi kumaphrovinsi lotawuya kumaphrovinsi.

Sigatjana 13: Imbhadalo nembasha letawunikwa emalungu eBhodi

Iphalamende itawukhipha imali letawusetjentiselwa kubhadala emalungu eBhodi netisebenti letisebentela umbuso ngalokugcwele.

Sigatjana 14: Umtfwalo lobopheleleke kuBhodi

Lesigatjana siyatichaza.

Sigatjana 15: Tihloko letifisha nesingeniso

Tihloko letifisha talomtsetfosivivinywa tiyatichaza. Lomtsetfosivivinywa bekubukwe kutsi ucale kusebenta ngamhlaka 28 April 1994 neBhodi ibe seyisunguliwe ngalololusuku kwentela phela kutsi iBhodi (ngamhlaka 28 April 1994) ibe seyikwati kwenta imisebenti yayo isebentise nemandla ayo.

UMTSETFOSIVIVINYWA

Ubonelela ngenhlonipho, kusebenta nekwenatjiswa kwekusebenta kweti-lwimi letinyenti eRiphabliki yele Ningizimu Afrika; usungula i-Pan South African Language Board; ubonelele tindzaba letitsintsekako.

KUBE KANTSI uMtsetfosisekelo weRiphabliki yele Ningizimu Afrika, wanga 1993 (Act No. 200 of 1993), ugunyata kuhlondiswa kwemgomosisekelo wekusetjentiswa kwetilwimi letinyenti;

KUBE KANTSI FUTSI kutawentiwa taba lenentelwe kuletsa inhlonipho, kuvikela nekukhutsata tilwimi letisemtsetfweni tele Ningizimu Afrika kanye nekutfutkiswa kwaletu tilwimi letisemtsetfweni lebetinganikwa inhlonipho letifanele ekuca- leni, ngenhloso yekugcugcutela kutfokotela lokugcwele nalokulinganako kwetilwimi letisemtsetfweni tele Ningizimu Afrika kanye nenhlonipho yaletinye tilwimi tele Ningizimu Afrika letisetjentiselwe kukhuluma nenkholo;

NYALO-KE, awushaywe yiphalamende yele Riphabliki yele Ningizimu Afrika, ngalendlela:—

Tinchazelo

1. Kulomtsetfo, ngaphandle-ke uma ingcikitsi isho lokunye—

“**IBhodi**” kushiwo i-Pan South African Language Board lesungulwe ngekulandzela sigaba 2;

“**Umtsetfosisekelo**” kushiwo uMtsetfosisekelo weRiphabliki yele Ningizimu Afrika, wanga 1993 (Act No. 200 of 1993);

“**Litiko**” kushiwo litiko laHulumende lelikhonjwe nguMengameli ngekulandzela uMtsetfosisekelo kutsi libukane netindzaba telulwimi;

“**i-executive officer**” kushiwo sikhulu lesiyi-executive lesibekwe ngekulandzela sigaba 9 (1);

“**Indvuna**” kushiwo indvuna yelitoko;

“**Uhumushi lofwasile**” kushiwo umuntfu lonelwati lolubanti naloceleshwe kakhulu ekuhumusheni;

“**Toliki lofwasile**” kushiwo umuntfu lonelwati lolubanti nalotfole kuceleshwa lokubanti ekutolikeneni;

“**Umntfu lofwasile kusayensi yelwatimagama**” kushiwo umuntfu lonelwati lweminyaka lesihlanu nekuceleshwa lokubanti kusayensi yelwatimagama;

“**Umhleli welulwimi**” kushiwo umuntfu loceleshiwe ekuhlelweni kwelulwimi nalonelwati lolubanti kulolohlangotsi;

“**Umntfu lofwasile kusayensi yetenhlalakahle yelulwimi**” kushiwo umuntfu loceleshwe kabanti kutinhlangatsi telulwimi, tenhlalakahle, tepolitiki nemfundvo ebudlelwaneni ekhatsi kwelulwimi nemphakatsi;

“**Sati sekufundzisa lulwimi**” kushiwo umuntfu lofundze wagogodza ekufundziseni lulwimi nalonelwati lolubanti;

"Sati sekufundzisa kubhala nekufundza" kushiwo umuntu lofundze wagogodza ekufundzeni bantfu kufundza nekubhala nalonelwati lolubanti;

"Lilungu lembuso" kushiwo lilungu lembuso njengoba lichaziwe kusigaba 233 seMtsetfosisekelo;

"Somculu wephrovinsi" kushiwo somculu losemntsetfweni waHulumende wephrovinsi;

"existing" kushiwo lebekukhona ngembi kwekucala kweMtsetfosisekelo, kucala kwalomtsetfo nanganobe ngusiphi sikhatsi;

"lokumisiwe" kushiwo lokumiswe ngaphasi kwalomtsetfo;

"lomtsetfo" ufaka ekhatsi imitsetfo leyentiwe netatiso letikhishiwe ngaphansi kwesigaba 6 (9), 7 (8), 7 (11) na 8 (2) (d).

Kusungulwa kweBhodi

2. (1) Kutawusungulwa iBhodi letawatiwa ngekutsi yi-Pan South African Language Board.

(2) LeBhodi itawuba ngumuntu ngekwemtsetfo kantsi itawumelwa ngusihlalo kumbe lisekela lasihlalo kumbe lomunye wemalungu logunyatwe yiBhodi jikelele kumbe ngesizatfu lesitsite.

Tinhloso teBhodi

3. IBhodi itawuba nanati tinhloso letilandzelako:

- (a) kugcugcutela inhlonipho yemigomosisekelo lebalwe kusigaba 3 (9) seMtsetfosisekelo, lelandzelako—
 - (i) Kuvetwa kwetimo letitawutfukisa tiphindze tiguqutele kusebenta lokulinga-nako nekutfokotela kwato tonkhe tilwimi letisemtsetfweni takuleli;
 - (ii) kwenatjiswa kwalawo malungelo lamayelana nelulwimi kanye nemazinga etilwimi lebetivunyelwe kuphela kusebenta etifundzeni letitsite ngasekucaleni kweMtsetfosisekelo;
 - (iii) kuvimbela kusetjentiswa kwelulwimi ngenhloso yekuphatsa kabi, kwengamela kumbe kwehlukana;
 - (iv) kugcugcutelwa kwekusebenta kwetilwimi letinyenti nekubonelela ngetinsita tekumusha;
 - (v) kugcugcutela inhlonipho yetilwimi letikhulunywa kule Riphabliki ngaphandle kwalito letisemtsetfweni, kanye nekugcugcutela kusetjentiswa kwato etimweni letivumako;
 - (vi) nekungatsatselwa phasi kwemalungelo laphatselene nelulwimi kanye nemazinga etilwimi lebetikhona ekucaleni kweMtsetfosisekelo;
- (b) kuchubekisela embili kutfutukiswa kwetilwimi letisemtsetfweni;
- (c) kugcugcutela inhlonipho nekutfutukiswa kwaletinye tilwimi letisetjentiswa miphakatsi yele Ningizimu Afrika, kanye netilwimi letisetjentiselwa inkholo;
- (d) kugcugcutela inhlonipho yaletinye tigunyatise nemigomo yemtsetfo lecuketfwe kuMtsetfosisekelo lecondzene-ngco kumbe lengakacondzani-ngco netindzaba telulwimi; kanye
- (e) nekugcugcutela inhlonipho yekusetjentiswa kwetilwimi letinyenti jikelele.

Kwakheka kweBhodi

4. (1) (a) Indlu yeTimpunga, ngemuva kwekucela emagama emphakatsini, itawubeka labantfu labalandzelako babe malungu eBhodi—

- (i) bantfu lababili labatwasile kusayensi yetenhlalakahle yelulwimi labati kabanti ngekuhlelwa kwelulwimi;
- (ii) bantfu lababili lababaleli belulwimi lebavele benta wona lomsebenzi;
- (iii) umuntu munye longumhumushi lotfwasile;

- (iv) umuntu muncye longutoliki lofwasile;
 - (v) umuntu muncye lofwasile kutesayensi yelwatimagama;
 - (vi) umuntu muncye losati ngekufundiswa kweluwimi;
 - (vii) umuntu muncye losati ngekufundiswa kwekubhala nekufundza;
 - (viii) umuntu muncye losati semtsetfo lonelwati lolusipesheli ngemtsetfo weluwimi;
 - (ix) labanye bantfu labangengci kulabatsatfu labanelwati lolusipesheli ngetindzaba teluwimi eNingizimu Afrika.
- (b) Sikhulu lesiyi-executive naso sitawuba lilungu leBhodi lelitayihlala yonkhe imihlangano yeBhodi nemalungelo lente nemisebenti lefana neyalamanye emalungu: Linye kuphela lilungelo lesikhulu lelingenalo, lilungelo lekuvota.
- (2) Emalungu eBhodi atawuba—
- (a) bantfu labakulungele kusebentela leBhodi;
 - (b) bantfu bekutalwa eNingizimu Afrika;
 - (c) bantfu labanemakhono nelwati loludzingwa yiBhodi kumbe lwati ngeluwimi nemtsetfo kumbe ticu Indlu yeTimpunga letatibona tifanele.
- (3) Indlu yeTimpunga ingalishiyisa phasi sikhundla lilungu ngekuya kwalesigaba—
- (a) uma yeneliswa kutsi kusebenta kwelilungu akusahambisani nemibandzela yesigaba lesincane (2);
 - (b) uma umuntu lolilungu abhalela Indlu yeTimpunga acela kusishiya phasi sikhundla sakhe; kumbe
 - (c) uma lilungu lingaketi emhlanganweni lengetulu kwalemibili ilandzelana ngaphandle kwemvumo yeBhodi.
- (4) Lilungu lihlala sikhatsi lesiminyaka lesikhombisa eBhodini kantsi nasiphela lesikhatsi lingabuye likhetfwe futsi kwesibili kuphela.
- (5) Uma kuvela sikhala eBhodini sikhatsi singakapheli, Indlu yeTimpunga ngekulandzela tiguanyatshi tesigaba lesincane (1) (a), ingabeka lomuncye umuntu acedzele leso sikhatsi lesisele.
- (6) Indlu yeTimpunga itawenta satiso kuSomculu waHulumende ngekubekwa kwemalungu eBhodi nelusuku lacala ngalo, nesikhatsi selilungu lelivala sikhala lesiyukekile.

Sihlalo nelisekela lasihlalo

5. (1) Emalungu eBhodi atawukhetha muncye wabo kutsi abe ngusihlalo weBhodi nalelinye lilungu lelitawuba lisekela lasihlalo weBhodi lelitawungena eticatulweni tasihlalo uma angekho kumbe kukhona lokumbambile: Lolukhetfo lutawentiwa emhlanganweni wekucala weBhodi Lijaji Lelikhulu.
- (2) Sihlalo nelisekela lasihlalo batawuhlala etikhundleni tabo iminyaka lesikhombisa kantsi bangakhwetfwa futsi kwesibili.
- (3) Lisekela lasihlalo, nalibambele sihlalo ngekugunyata kwesigaba lesincane (1), litawethweswa onkhe emandla asihlalo libuye lente yonkhe imisebenti yasihlalo.
- (4) Sikhundla sasihlalo kumbe lisekela lasihlalo sitawuvuleka—
- (a) ekupheleni kwesikhatsi sakhe eBhodini;
 - (b) uma sihlalo kumbe lisekela lakhe ashiya phasi sikhundla sakhe ngekubhala incwadzi;
 - (c) nakuphela sikhatsi sakhe sekuba lilungu leBhodi;
 - (d) uma umhlangano weBhodi uncuma kutsatsa leso sinyatselo; kumbe
 - (e) uma angafa nobe angenwa kugula kwengcondvo:

Etehlakalweni (b), (c), (d) na (e) kukhetfwa kwasihlalo lomusha kumbe lisekela lasihlalo kutawentiwa sikhulu lesiyi-executive.

Imihlangano nemahhovisi eBhodi

6. (1) IBhodi itawuhlangana lokungenani kane ngemnyaka.

(2) Emahhovisi eBhodi atawuba sePretoria kantsi imihlangano yeBhodi itawubanjwa ngesikhatsi nasendzaweni lebekwe yiBhodi futsi itawuphatfwa ngusihlalo.

(3) Sihlalo weBhodi angabita umhlangano losipesheli weBhodi ubanjwe ngesikhatsi nase-ndzaweni lebonwa nguye, kantsi uma angatfoli incwadzi lecela umhlangano lophutfumako lesayinwe malungu langasingaphasi kwalamatsatfu eBhodi, utawubita umhlangano losipesheli kungakapheli tinsuku letingu-30 ayitfolile incwadzi yesicelo, ngesikhatsi nendzawo layibonako yena.

(4) Emalungu lasikhombisa eBhodi ayayenta ikhoramu yemhlangano weBhodi.

(5) IBhodi itawuba nemandla ekubonisana kumbe isebentisane nemuntfu nobe inhlangano yebantfu labanelwati lolusipesheli nalolubanti ngetinkhinga telulwimi eNingizimu Afrika nobe lohlanganyele ekutfutukiseni nasekugcugcuteleni imigomosisekelo lebhawle kusigaba 3 seMtsetfosisekelo.

(6) IBhodi itawusebenta ngendlela yekufuna kusombulula tinkhinga ngemoya lomuhle wekuvulana ekusetjentisweni kwetilwimi letinyenti njengoba uMtsetfosisekelo usho.

(7) Nakuvotwa emihlanganweni kutawuphakanyiswa tandla, bese kutsi sincumo selinyenti kube ngiso sincumo seBhodi, uma emavoti alingana, sihlalo utawengeta livoti lekwehlukana ngetulu kwelivoti lanalo lebulungu beBhodi.

(8) Asikho sincumo lesitsetfwe yiBhodi lekutawutsiwa asisasebenti ngenca kuphela yekutsi bekunesikhala lesivuleke kwesikhashana eBhodini uma sincumo lesi satsatfwa kumbe sentiwa ngumhlangano weBhodi lobewuhlangene ngekulandzela lesigaba.

(9) IBhodi ingenta imitsetfo lemayelana nekuchutjwa kwemihlangano yayo.

Emandla nemisebenti yeBhodi

7. (1) IBhodi—

(a) itawenta tiphakamiso letimayelana nemitsetfo lehlolongotwako kumbe lekhona, kusebenta nenchubomgomo letsintsana-ngco nobe lengatsintsani-ngco netindzaba telulwimi kanye nekuhlongotwa kwekuchibiyela, kuphelisa kumbe kufaka lomunye umtsetfo esikhundleni salokhona, indlelakwenta nenchubomgomo;

(b) ngetikhalo—

(i) itawuba nemandla ekuphenya ngekuticalela kumbe nayitfole sikhalo ngencwadzi, kwephulwa kwelilungelo lelulwimi, inchubomgomo yelulwimi kumbe kusebenta kwelulwimi;

(ii) itawuba nemandla ekwemukela ibuye ivume kutsi isitfolile sikhalo lesimayelana nekuphulwa kwelilungelo lelulwimi;

(iii) futsi itawuba nemandla ekweluleka bamangali ngetikhalo yente netiphakamiso ngetikhatsi letitsite nanayicelwa;

(c) ngekuhlonipha tigunyatisi temtsetfosisekelo nemigomosisekelo letsintsana-ngco kumbe lengatsintsani-ngco netindzaba telulwimi jikelele, nesigaba 3 (9) seMtsetfosisekelo—

(i) icaphele kuhlonishwa kwetigunyatisi teMtsetfosisekelo mayelana nekusetjentiswa kwetilwimi;

(ii) icaphele ingcikitsi nekuhlonishwa kwemtsetfo lokhona nalomusha, kusetjentiswa nenchubomgomo lephatselene-ngco nalengakaphatselani-ngco netindzaba telulwimi;

(iii) isite ibuye icaphele kwakhiwa kwetinhlelo netinchubomgomo lekucondvwe ngato kusebenta nenhlonipho lelinganako yetilwimi letisemtsetfweni nakusatsatfwa tinyatselo letitawucinisekisa kutsi imiphakatsi lesebentisa tilwimi letibaliwe kusigaba 3 (10) (c) seMtsetfosisekelo ibe nelitfuba lekusebentisa tilwimi tayo etimweni letivumako;

- (iv) ngetinhloso talesigaba lesincane, itawukhipha timali lapho kudzingeke khona, ngetikhatsi nasetimweni letitsite ngekubona kwayo ekuchubekeni kwetikhatsi;
- (d) yatise umphakatsi ngalekutfolile nayiphenya, luvo lwayo, seluleko nobe tiphakamiso ngekushicilela kuSomculu waHulumende ngekota yemnyaka nobe ngesikhatsi lesibonwa yiBhodi, nakuboSomculu bemaphrovinsi etindzabeni telulwimi letitsintsa emaphrovinsi;
- (e) itawusungula, igcogce yente nesilulu sayo yonkhe imitsetfo yelulwimi (kanye naleyo lekuMtsetfosisekelo) lephatselene netindzaba telulwimi, nato tonkhe tincubomgomo, nekusebenta lokuphatselene-ngco kumbe lokungakaphatselani-ngco netindzaba telulwimi letichamuke kumbe letingachamuka kunoma yiphi indzawo nobe lilungu lembuso.
- (2) Lapho iBhodi ibona kudzingekile ingeluleka Hulumende kutsi akhiphe lusito lwemali lunikwe tinhlango telulwimi letahlupheka ngenya yekwepulwa kwemalungelo elulwimi.
- (3) IBhodi itawuba nemandla ekucala tifundvo nelucwaningo lekucondvwe ngato kugcugcutela inhlonipho yetilwimi letisemtsetfweni teleRiphabliki njengoba sigaba 3 (1) seMtsetfosisekelo sichaza, kusetjentiswa kwato ngalokulinganako nekukutfokotela nekusetjentiswa kwetilwimi letinyenti.
- (4) Ngetinhloso talesigaba iBhodi ingakhipha lusito lwetimali nobe lwati ilunike umuntfu kumbe inhlango yebantfu.
- (5) Kute kulesigaba letawubukela phasi lilungelo leBhodi lekuticalela, lekuphenya kumbe kwenta kutsi kuphenywe nekuletsa tiphakamiso letimayela nemtsetfo, inchubomgomo nekusebenta lokuphatselene-ngco kumbe lokungakaphatselani-ngco nelulwimi jikelele netigunyatise leMtsetfosisekelo letiphatselene-ngco kumbe letingakaphatselani-ngco nelulwimi kunoma muphi umtsetfo kumbe lilungu lembuso.
- (6) IBhodi itawuba nemandla ekubita umuntfu atewetfula bufakazi kuyo futsi itawukwati kutfola emadokhumenti lasemtsetfweni noma lwati kumbe intfo lengakwati kusita iBhodi nayenta imisebenti yayo.
- (7) IBhodi itawuba nemandla ekukhomba umuntfu noma inhlango yebantfu kumbe indzawo kutsi yente lucwaningo egameli layo futsi inikele ngemittombo yayo kutsi isetjentiswe ngulowo muntfu kumbe leyohlango yebantfu kumbe leyondzawo ekuphumeleliseni leyo nhloso.
- (8) IBhodi ingatsi ngendlela lemiswe ngesatiso lesishicilelwe kuSomculu waHulumende naSomculu wephrovinsi isungule—
 - (a) ikomiti yelulwimi yephrovinsi kuphrovinsi ngayinye letayeluleka ngetindzaba telulwimi letitsintsa iphrovinsi kumbe incenye yayo;
 - (b) inhlango yelulwimi letayeluleka nganoma nguluphi lulwimi.
- (9) IBhodi ingatfuma lilungu lemalungu ayo kutsi lente umsebenti lotsite egameni layo.
- (10) IBhodi ingabeka ikomiti kumbe lamanyenti lanelilungu linye kumbe lamanyenti ayo ngekubona kwayo ayeluleke nayenta imisebenti yayo.
- (11) IBhodi ingatsi ngenhloso yekuphumelelisa tinhloso tayo nayenta imisebenti yayo—
 - (a) yente imitsetfo ikhiphe netatiso; futsi
 - (b) ishicilele imitsetfo netatiso letinjalo kuSomculu waHulumende nakuboSomculu baboHulumende bemaphrovinsi.

Budlelwane beBhodi nalamanye emalungu embuso, letinye tindzawo, bantfu kumbe tinhlango tebantfu

8. (1) IBhodi itawulwela kugcugcutela kusebentisana ekhatsi kwayo nemalungu embuso nobe umuntfu nobe inhlango yebantfu no indzawo kakhulu leto letihlanganyele ekutfututkiseni nasekugcugcuteleni emalungelo elulwimi.

(2) IBhodi, ngembi kwekutsi yente kumbe ishicilele umbiko walekutfolile nayiphenya, luvo lwayo, seluleko kumbe tiphakamiso, itawucela seluleko—

- (a) sekomiti yelulwimi yephrovinsi letsintsekako leyasungulwa ngekulandzela sigaba 7 (8) (a);

- (b) selilungu lembuso ngendzaba letsintsana nalo-ngco nobe lengatsintsani nalo-ngco ngelilungelo lelulwini kumbe indlelakwenta letawulandzelwa, letawusetjentiswa nobe lehlongotwa kulelo lungu lembuso;
 - (c) senhlangano yelulwimi lesungulwe ngekulandzela sigaba 7 (8) (b); nobe
 - (d) semuntfu, licembu, inhlango yelulwimi nobe indzawo lehlanyanele ekufiseni kwetfu ekugcugcutelweni kwetilwimi letisemtsetfweni eNingizimu Afrika ngekumema tiphakamiso ngekushicilela satiso kuSomculu waHulumende naSomculu wephrovinsi.
- (3) IBhodi itawubonisana nemuntfu, inhlango, licembu nobe indzawo ngaphandle kwaletu letibalwe kusigaba lesincane (2).

Kwentiwa kwemisebenti yekuphatfwa kweBhodi

9. (1) Umsebenti wekuphatfwa kweBhodi nayenta imisebenti yayo kutawentiwa sikhulu lesiyi-executive naletinye tisebenti teBhodi, letitawube titisebenti teLitiko leticashwe ngekulandzela i-Public Service Act, yanga 1994 (Proclamation No. 103 of 1994), leticashiwe jikelele nobe letichashelwe inhloso letsite yiNdvuna ngemuva kwekutsi ibonisene neBhodi.

(2) Nayicasha ngekulandzela sigaba lesincane (1), Indvuna kutawufuneka iciniseke kutsi tisebenti timele kuhleleka kwebantfu baseNingizimu Afrika Sebabonkhe.

(3) Tisebenti leticashiwe titawenta umsebenti wato ngaphansi kwemandla neliso leBhodi.

Imitsetfo lemayelana nenchubo yeBhodi

10. (1) Umuntfu angafaka sikhalo eBhodini egameni lakhe, egameni lalomunye umuntfu, egameni lenhlangano yebantfu nobe indzawo kumbe egameni lemalungu ayo kumbe emalungu enhlangano yelulwimi, mayelana nekwephulwa kumbe kufuna kwephula lilungelo lelulwimi, inchubomgomo yelulwimi nobe kusebenta kwelulwimi.

(2) Sikhalo kufanele sibe ngencwadzi futsi sichaze kahle—

- (a) sifiso semmangali kulendzaba;
- (b) (i) inhlobo yelilungelo lelephuliwe nobe lelifunwa kwephulwa; nobe
- (ii) nemibandzela labona kutsi yenta sibe khona sidzingo sekutsi kuphenywe;
- (c) Nayonkhe imininingwane lanayo ngalendzaba.

(3) IBhodi itawuniketa lusito loludzingekile ngetinhloso tekwetfula sikhalo mahhala futsi uma kudzingekile isite ummangali kutsi angagudluki kumibandzela leshiwo esigabeni lesincane (2).

(4) IBhodi itawutsi ingatfola sikhalo iphenye kwephulwa kwelilungelo lelulwimi, inchubomgomo yelulwimi nobe kusebenta kwelulwimi.

(5) Uma ngemuva kwekuphenya ummangali iBhodi ibona kutsi likhona liciniso, itawusita ummangali nalabo bantfu labatsintsekako kutsi bancesitwe ngekutsi—

- (a) yendlulisele leyondzaba netiphakamiso elungweni lembuso lekukhalwa ngalo;
- (b) ngekuphakamisa kutsi kuniketwe ummangali lusito lwemali ngenhloso yekumnacesitela ngemonakalo;
- (c) yente emalungiselelo nobe inike ummangali lusito lwemali lolutawenta akwati kutfola lusito enkantolo yemtsetfo lenemandla.

(6) IBhodi itawatisa ummangali ngesincumo sayo, kantsi uma iBhodi incume kutsatsa tinyatselo, itamatisa ummangali ngetizatfu letente ifike kuleso sincumo.

(7) IBhodi itawushicilela tincumo tayo ngekulandzela sigaba 7 (1) (d).

(8) Tigunyatisi letikulesigaba atinawunyundzela emandle lanikwe iBhodi ngaphasi kwesigaba 6 (9).

Tindleko teBhodi

11. (1) Tonkhe tindleko tekusebenta kweBhodi titawuphuma etimalini letikhishelwe lowo msebenti yiphalamende.

(2) Imali yetindleko temnyaka wemali titawetfulwa ku-Mcondzisi Jikelele (Director-General) welitiko, lotabe asikhulu lesilawulako.

Umbiko wemnyaka

- 12.** IBhodi kutawutsi njalo kungakengci lusuku lwekucala enyangeni ya-June yetfule—
- (a) ephalamende umbiko wayo logcwele ngako konkhe lokwenteke eBhodini ngemnyaka lowengcile kuze kube ngumhlaka 31 March;
 - (b) nasephalamende yephrovinsi umbiko logcwele ngato tonkhe tindzaba telulwimi kuphrovinsi ebudzeni bemnyaka, kuze kube ngumhlaka 31 ku-March.

Imbadalo nembasha yemalungu eBhodi

13. Lilingu leBhodi kumbe ikomiti lelingasiso sisebenti lesigcwele sembuso, angabhalalwa emalini lebekelwe eceleni ngumbuso, imbadalo nembasha ngemsebenti lawentile eBhodini kumisebenti yeBhodi ngekumisa kweNdvuna ibonisane neNdvuna yetimali.

Umtfwalo lobophelela iBhodi

14. (1) I State Liability Act, yanga 1994, iyobukana neBhodi yonkhe kantsi noma yiphi inkhulumo lekulomtsetfo lecondziswe "kuNdvuna yeLitiko" iyotsatfwa ngekutsi icondziswe eBhodini yonkhe.

(2) Emalungu ebhodi angeke abopheleleke ngetintfo letikumbiko, lokutfolakele, seluleko netiphakamiso letentiwe ngemoya lomuhle.

Tihloko letifisha nesingeniso

15. (1) Lomtsetfo utawatiwa ngekutsi **yi-Pan South African Language, yanga 1995.**

(2) Lomtsetfo utawutsatfwa kutsi ucale kusebenta ngamhlaka **28 April 1994** neBhodi kutawutsatfwa ngekutsi icale kusebenta ngalo lolo lusuku.

Xitsonga

Tsalwa leri ri na mpfapfaruto wa nawu naswona xikongomelo xa rona i ku tirha tanihi tsalwa ro kana hi rona leswaku ku ta kumeka n'wangulo wa vaaki hi nkarhi wa tinhlangeletano ta mani na mani kumbe ku kuma n'wangulo lowu tsariweke. A hi tsalwa leri hetisekeke, naswona ri ta hungutiwa no tsariwa hi marito lamanene ya nawu hi Vatsundzuxi va Nawu va Mfumo loko n'wangulo lowu amukeriweke wu ta va wu kambisisiwele.

MASUNGULO

1. Vundzeni bya Vumbiwa

Afrika Dzonga i tiko ra tindzimi to tala ra vanhu va tinxaka to hambana. Loko hi hala tlhelo tindzimi timbirhi ta ximfumo ti vile tona leti a ti pfumeleriwa hi tirhelo ra vumbiwa etikweni leri (tindzimi ta kaye ta ximfumo ta Afrika a ti tirhisiwa ntsena etindzhawini ta matiko ya khale ka TBVC na le ka matiko lama ti fumaka), Vumbiwa bya Rephabliki ya Afrika Dzonga, 1993 (Act No. 200 ya 1993), yi simeke swipimelo swo hlaya swa tindzimi to hambana. Leswi a swi kombi ntsena vundzeni bya xidemokrati na moya wa Vumbiwa, kambe swi komba na ku amukela ku hambana ka tindzimi eAfrika Dzonga.

Nkoka lowu fambelanaka na ku tirhisa tindzimi to tala na ku sirheleriwa ka timfanelo ta nkoka ta ririmi swi katsiwele eka Constitutional Principle XI: *"Ku hambana ka ririmi na mfuwo swi ta amukeriwa no sirheleriwa, naswona swipimelo swi ti kurisa swi ta yisiwa emahlweni"*.

Ku ya emahlweni, Xiyenge xa vu-31 xa Vumbiwa xi swi veka erivaleni leswaku ririmi i mfanelo wa nkoka wa vumunhu: *"Munhu wun'wana na wun'wana u ta va na mfanelo wo tirhisa ririmi ... leri a ri tsakelaka"*. Xiyenge xa vu-8 xi pfumelela leswaku munhu wun'wana na wun'wana a va na mfanelo wo ringana emahlweni ka nawu na leswaku ku hava munhu loyi a nga ta vekiwa etihelo, hi ndlela yihi kumbe yihi, swi nga fanelanga, hikokwalaho ka swivangelo swa ririmi. Mayelana na dyondzo, Xiyenge xa vu-32 xi pfumelela leswaku munhu wun'wana na wun'wana u na mfanelo *"wo dyondzisiwa hi ririmi leri a ri tsakelaka laha leswi swi kotekaku"*.

Xiyenge xa vu-3 xi angarhela tirhelo ra tindzimi ta khume n'we ta ximfumo eka xiyimo xa rixaka no pfumelela leswaku ku va na xiyimo lexi nga ta pfumelela leswaku ti kurisiwa no kondletela ku ti tirhisa no tiphina hi tindzimi leti hinkwato hi ku ringana. Ku tlula kwalaho, xiyenge xa vu-3 (9) (c) xi yirisa ku tirhisa ririmi rihi kumbe rihi hi xikongomelo xo ti vuyerisa, ku tshikilela kumbe ku avanyisa.

Swi le rivaleni leswaku ku tirhisa tindzimi to tala swi hundzukile tirhelo leri nga makomba-ndlela eAfrika Dzonga. Ndlela ya nkoka ya vumbiwa yo lawula matirhiselo ya tindzimi to tala hi vukheta yi kona eka xiyenge xa vu-3 (10), lexi vulaka leswaku Senate yi ta simeka Pan South African Board ku ya hi Nawu wa Palamende.

Huvo yi ta landzelela matirhiselo lama nga le ka Vumbiwa hi tindlela hinkwato. Tona ti katsa leswi landzelaka:

- (a) Ku susumeta ku xiximiwa ka matirhelo ya tsevu tanihi laha ya tsariweke hi kona eka xiyenge xa vu-3 (9), lama nga:
 - (i) Ku simeka xiyimo lexi eka xona ku nga ta hlukisiwa no kondletela matirhiselo no tiphina hi tindzimi hinkwato ta ximfumo ta le Afrika Dzonga hi ku ringana;

- (ii) ku anamisa timfanelo leti fambelanaka na ririmi na xiyimo xa tindzimi leti eku sunguleni ka Vumbiwa a ti tirhisiwa ntsena eswifundzeni swo karhi (ku nga tindzimi ta ximfumo eka khale ka tindzhawu leti a ti vitaniwa tindzhawu leti ti ti fumaka na matiko ya TBVC);
 - (iii) ku yirisiwa ka matirhiselo ya ririmi rihi kumbe rihi hi xikongomelo xo ti vuyerisa, ku tshikilela kumbe ku avanyisa;
 - (iv) ku kondletela matirhiselo ya tindzimi to tala na ku simeka tindzhawu ta vuhundzuluxelo;
 - (v) ku tshikilela ku xiximiwa ka tindzimi leti vulavuriwaka eAfrika Dzonga, kambe ti nga ri tindzimi ta ximfumo, na ku hlohletela leswaku ti tirhisiwa laha swi faneleke;
 - (vi) ku hambana na ku tsongahatiwa ka timfanelo leti fambelanaka na ririmi na xiyimo xa tindzimi loko a ku ri kona loko ku sungula Vumbiwa.
- (b) Ku yisa emahlweni ku hlukisiwa ka tindzimi ta ximfumo.
 - (c) Ku endla swibumabumelo eka swiringanyeto swa nawu wihi kumbe wihi lowu ringanyetiweke hi ku landza xiyenge xa vu-3 endzaku ka ku ti hlanganisa na mintlawo yo hambana leyi khumbekaku (eka xiyimo xa rixaka na swifundza).
 - (d) Ku kondletela ku xiximiwa na ku hlukisiwa ka tindzimi tin'wana leti tirhisiwaka hi vaaki eAfrika dzonga, ku katsa na tindzimi tin'wana leti tirhiseriwaka swikongomelo swa vukhonger eAfrika dzonga.

2. Tirhelo ra Palamende ro simeka Pan South African Language Board

Ku ti hlanganisa na lava nga kotoka etimhakeni ta ririmi na lava va khumbekaku eka ririmi hi tindzimi leti anameke, nhlengeletano ya rixaka, leyi nga **Languages for all: Towards a Pan South African Language Board**, a yi lulamisiwe hi khale ka Ndzawulo ya Dyondzo ya Rixaka na Ndzawulo ya Vutshila na Mfuwo wa ANC hi ti 27 na ti 28 May 1994.

Xikongomelo-nkulu xa nhlengeletano leyi a ku ri ku nyika lava khumbekaku nkarhi wo kota ku hoxa rito eka tirhelo ro endla mpapfaruto wa nawu eka Huvo. Nhlengeletano leyi yi endlile ndlela ya le rivaleni no ti hlanganisa na van'wana leswaku ku ta susumetiwa tirhelo ra ku simekiwa ku Huvo:

- Minhlango na/kumbe vanhu ntsena lava nga si kotaka ku hoxa rito, va nyikiwile nkarhi wo humesa swiringanyeto swa vona mayelana na ku simekiwa ka Huvo eka *Komiti leyi Hlanganerikeke yo Lulamisa Nhlengeletano* (leyi a yi tirha ehansi ka Ndzawulo ya Vutshila, Mfuwo, Sayinsi na Thekinolohi); naswona
- nkomiso wa komitinkulu wa Nhlengeletano lowu a wu komba miehleketo ya lava nga ngenela na minhlango yo karhi na swiringanyeto leswi nga humesiwa endzaku ka swona, wu lulamisiwile kutani wu rhumeriwa eka Senate.

Komiti yo hlawuleka ya *Komiti leyi Hlanganerikeke yo Lulamisa Nhlengeletano*, leyi katsaka Manana Buthelezi (wa Khomixeni ya Ririmi ya ANC), Prof. V. N. Webb (Linguistics Society of Southern Africa) na Dok A. M. Beukes (wa Ndzawulo ya Vutshila, Mfuwo, Sayinsi na Thekinolohi) yi hete Nkomiso wa Komitinkulu hi ti 27 October 1994, laha endzaku ka swona yi nga rhumeriwa eka tikomiti timbirhi ta Palamende leti langutaneke na timhaka ta ririmi na le ka swirho hinkwaswo swa Komiti leyi hlanganerikeke yo Lulamisa Nhlengeletano. Hi ti 18 August 1994, Senate yi pfumetile leswaku Komiti leyi Hlawurikeke ya Dyondzo, Mintlangu na Vuhungasi, Vutshila, Mfuwo, Sayinsi na Thekinolohi, hi ku tirhisana na Ndzawulo ya Vutshila, Mfuwo, Sayinsi na Thekinolohi, yi ta lulamisa nawu wa ku simekiwa ka Huvo. Komiti-ntsongo ya Ririmi ya Senate yi hlawurikeke hi ti 5 September 1994 naswona Sen. L. J. Swanepoel u thoriwile ku va mutshama-xitulu.

Hi ti 31 August 1994 National Assembly yi teke xiboho xa leswaku, hi ku vona nkwetlembetano na ku tlakuka ka mimoya eka njhekajhekisano wa ririmi eAfrika Dzonga, vandla rin'wana na rin'wana leri nga yimeriwa eka National Assembly ri ta hlawula xirho lexi nga ta tirha eka Language Secretariat ya Nkarhinyana hi ku tirhisana na Komiti leyi Hlawurikeke ya Ririmi ya Senate. Komitintsongo ya Ririmi ya National Assembly yi hlawurikeke naswona Manana N Tsheole u thoriwe ku va mutshama-xitulu.

Eka nhlengeletano leyi hlangeriweke hi ti 4 November 1994 tikomiti-ntsongo ta Senate na National Assembly ti teke swiboho leswi landzelaka mayelana na ndlela leyi faneleke ku landzele-riwa eka ntirho wo lulamisa nawu wa Huvo:

- (a) Tikomiti-ntsongo timbirhi ti fanele ku kandziyisa kun'we Tsalwa ro Kanela hi rona ra Tirhelo (kumbe *Green Paper*) mayelana na ku simekiwa ka PSALB. N'wangulo lowu tsariweke mayelana na *Green Paper* wu fanele ku komberiwa eka mavandla hinkwawo lama khumbekaku.
- (b) Ku fanele ku va na tinhlengeletano ta mani na mani ta ku simekiwa ka Pan South African Language Board eka swifundzankulu hinkwaswo swa kaye endzaku ka ku kandziyisiwa ka *Green Paper*.
- (c) I vi tikomiti-ntsongo timbirhi ti kandziyisa kun'we *White Paper* mayelana na Pan South African Language.
- (d) Eku heteleleni Senate yi fanele ku andlala nawu wa Pan South African Language Board.

Tsalwa ro Kanela hi rona ra Tirhelo (kumbe *Green Paper*) ri vuye ri lulamisiwa hi Komiti-ntsongo ya Senate hi ku tirhisana na Ndzawulo ya Vutshila, Mfuwo, Sayinsi na Thekinolojihi kutani ri andlariwa eka Tikomiti-ntsongo timbirhi. Mpfapfaruto lowu wu lulamisiwile hi vuntshwa hikwalaho ka n'wangulo lowu nga huma eka Komiti-ntsongo ya Senate.

Hikokwalaho ka leswi nkarhi a wu ri na nkoka naswona tirhelo leri a ri teka nkarhi wo leha, Komiti leyi Hlawuriweke ya Senate mayelana na Dyondzo, Mintlangu na Vuhungasi, Vutshila, Mfuwo, Sayinsi na Thekinolojihi yi bumabumele leswaku tirhelo leri ri hatlisisiwa ehandle ko kavan-nyeta xilaveko xo pulaxiwa ka ntirho. Swiboho leswi landzelaka swi tekiwile hi Tiyindlu timbirhi ta Palamende:

- (a) Tsalwa ro kanela hi rona ra Tirhelo (kumbe *Green Paper*), leri nga lulamisiwa hi Komiti-ntsongo ya Tindzimi ya Senate hi ku tirhisana na Komiti-ntsongo ya Tindzimi ya National Assembly, ri ta tirhisiwa tanihi tsalwa ro tirha hi rona hi nkarhi wa njhekajhekisano wa Tiyindlu timbirhi.
- (b) Endzaku ka minjhekajhekisano leyi, mpfapfaruto wa Nawumbisi wa Huvo wu ta lulami-siwa hi lava nga tokota etimhakeni ta nawu hi ku tirhisana na Ndzawulo ya Vutshila, Mfuwo, Sayinsi na Thekinolojihi, laha ku nga ta tirhisiwa tsalwa ro tirha hi rona naswona mavandla ya tipolitiki ya ta humesa n'wangulo hi nkarhi wa njhekajhekisano.
- (c) Mpfapfaruto wa Nawumbisi wu ta kandziyisiwa eka *Government Gazette* hi tindzimi ta 11 ta ximfumo, naswona ku ta komberiwa n'wangulo eka mintlawo hinkwayo leyi khumbekaku.
- (d) Tinhlengeletano ta mani na mani leti khumbaka mintlawo hinkwayo leyi khumbekaku ti ta endleriwa eCape Town (loko swi fanela, tinhlengeletano to khomela ta mani na mani ti nga endliwa etindzhawini ta le matiko xikaya hi xikongomelo to tiyisisa ku veka ntirho lowu erivaleni).
- (e) Endzaku ka swona Nawumbisi lowu wu ta andlariwa ePalamende.

Ku vile na njhekajhekisano wa tsalwa ro hetisela ra *Green paper* (ra march 1995) eka se nate hi ti 30 March 1995 naswona wa national Assembly wu vile hi ti 5 April 1995. Vatrhi vambirhi lava nga tokota va nawu, Prof. N. J. J. Olivier wa School of Law eYunivesithi ya Natal (Pietermaritzburg) na Nkul P. M. Mtshaulana, loyi a nga mutirhi wa ndzavisiso wa Khoto ya Vumbiwa naswona a ri lekchara ya Faculty of Law eYunivesithi ya N'walungu, va thoriwile ku pfuneta Ndzawulo ya Vutshila, Mfuwo, Sayinsi na Thekinolojihi, leswaku yi pfapfarhuta Nawumbisi wa huvo.

Nhloko-mhaka yo leha na manghenelo

Nhloko-mhaka yo leha ya Nawumbisi i nkomiso wa vundzeni bya kona. Manghenelo ya tiyisisa leswaku Nawumbisi na matirhelo lama wu nga simekiwa eka wona, ya huma eka Vumbiwa lebyintshwa bya Rephabliki ya Afrika Dzonga, Act No. 200 ya 1993.

Xiyenge 1: Tinhlamuselo

Xiyenge 1 xa Nawumbisi xi na tinhlamuselo, leti to tala ta tona ti ti hlamuselaka hi toxo.

Xiyenge 2: Ku simekiwa ka Pan South African Language Board

Xiyenge lexi xa nawu xi simeka Pan South African Language Board. Huvo leyi hi yona yi nga ta teka swoboho swa nawu.

Xiyenge 3: Swikongomelo

Xiyenge lexi xa nawu xi na swikongomelo swa Huvo, leswi fambelanaka na matirhelo ya matirhiselo ya tindzimi to tala tanihi laha swi tsariweke hi kona eka xiyenge xa vu-3(9) xa Vumbiwa, ku hluvukisiwa ka tindzimi ta 11 ta ximfumo ta le Afrika Dzonga, ku kondletela ku xiximiwa na ku hluvukisiwa ka tindzimi tin'wana.

Xiyenge 4: Mayimele swa Huvo

Xiyenge lexi xa nawu xi lerisa na mayimele ya Huvo. Huvo (swirho swa 14: swirho swa 13 swi pfumeleriwa ku vhota kasi xirho xin'we xi hava mpfumelelo wo vhota) yi ta va na swirho swo hambana leswi nga tokota—

- (a) vutivi eka mapulanele ya ririmi (swirho swa mune);
- (b) ntokoto no tirha eka swiyenge leswi: Ku hundzuluxa (xirho xin'we), ku toloka (xirho xin'we), muhlengeleti wa xihlamusela-marito kumbe marito yo tika (xirho xin'we), mudyondzisi wa ririmi (xirho xin'we), na xiyimo xo kota ku hlava no tsala (xirho xin'we);
- (c) vutivi byo hlawuleka eka nawu wa ririmi (munhu wun'we); na
- (d) vutivi byo hlawuleka eka timhaka ta ririmi (swirho leswi nga tluliki swinharhu).

Ku tatisela kwalaho, ku ta tlhela ku va na mutirhi-nkulu loyi a nga ta va xirho xa Huvo, kambe a ri hava tifanelo to vhota.

Xiyenge lexi xa nawu xi tlhela xi komba leswaku swirho swa Huvo swi ta hlawuriwa hi Senate endzaku ka ku langiwa hi swiringanyeto swo huma eka vanhu. Swirho swa Huvo swi fanele ku fikelela swilaveko swo karhi (ku dyondzeka) naswona ku thoriwa ka swona ku nga herisiwa hi Senate.

Nkarhi lowu pimiweke wo tirha wa swirho swa huvo wu ta va nkombo wa malembe, naswona ku thoriwa ka swona ra vumbirhi, ku nga kambisisiwa hi Senate. Tiposo leti nga ta pfuleka enkarhini lowu wa nkombo wa malembe ti ta tatiwa hi Senate ku ringana xiphemu lexi nga sala xa nkarhi walowo.

Xiyenge 5: Mutshama-xitulu na Xandla xa Mutshama-Xutulu

Xiyenge lexi xa nawu xi pfumelela leswaku ku vhoteriwa mutshama-xitulu na xandla xa mutshama-xitulu wa Huvo (vhoto leyi nga ta fambisiwa hi Muavanyisi-nkulu) loyi a nga ta tirha nkombo wa malembe (loyi swi nga kotekaku leswaku a vhoteriwa ra vumbirhi). Xandla xa mutshama-xitulu (loko a tirha tanihi mutshama-xitulu) u ta va na matimba hinkwawo na ku endla mintirho hinkwayo ya mutshama-xitulu. Ku tlhela ku pfumeleriwa leswaku ku vhoteriwa mutshama-xitulu kumbe xandla xa mutshama-xitulu lowuntshwa loko kuve u tshike ntirho.

Xiyenge 6: Tihlengaletano na ntshamo wa Huvo

Xiyenge lexi xa nawu xi ti hlamusela hi xoxe. Eka swin'wana, xi boha leswaku Huvo yi ta hlangua kwalomu ka mune hi lembe, leswaku swirho swa 7 eka 13 swi ta endla khoramu, na leswaku Huvo yi nga tihlanganisa na ku tirhisana na munhu wihi kumbe wihi kumbe minhlangano leyi nga na vutivi byo hlawuleka na ntokoto wa swiphiso swa ririmi eAfrika Dzonga kumbe lowu khumbekaku eka nhluvukiso no kondletela matirhelo ya tindzimi to tala tanihi laha swi vuriweke hi kona eka xiyenge 3 xa Vumbiwa.

Xiyenge lexi xa nawu xi tlhela xi pfumelela leswaku Huvo yi ta tirha hi ndlela yo lava ku fikelela ntwanano, leyi nga ta fambelana na moya wa tindzimi to tala tanihi laha swi hlamuseriweke hi kona eka Vumbiwa (swileriso swo tani swi kona eka matirhelo ya Mfumo wa Vun'we bya Rixaka na Tihuvonkulu ta Swifundza-nkulu). Mutshama-xitulu u ta pfumeleriwa ku vhota laha tivhoti ti ringa-naka kona.

Xiyenge 7: Matimba na mintirho ya Huvo

Xiyenge lexi xi na matimba na mintirho ya Huvo, leyi katsaka ku endla swiringanyeto; ku amukela na pfumela swikoxo swa swihello swo onha kumbe ku xungeta ku onha; ku tivisa lava koxaka na ku endla swiringanyeto mayelana na leswi va koxaka swona; ku xiya ku hlaysiwa ka swipimelo swa Vumbiwa na matirhelo mayelana na matirhiselo ya tindzimi, vundzeni na ku hlaysiwa ka milawu leyi nga kona na leyintshwa, mintolovelu na matirhelo lama fambelanaka na timhaka ta nawu, ku pfuneta no xiya maakele ya minongonoko na matirhelo ya kona, na ku pfuneta hi timali laha swi faneleke. Nakambe Huvo yi ta kandziyisa vuyelo bya yona, mavonelo ya yona, switsundzuxo na swiringanyeto eka Tsalwa ra Mfumo kotara yin'wana na yin'wana (kumbe enkarhini wo koma ku ya hi laha Huvo yo vonaka swi fanerile), na le ka (Ma)tsalwa ra Xifundza-nkulu, laha swi khumbaka timhaka ta ririmi ra swifundza-nkulu.

Huvo yi nga tlhela yi tsundzuxa Mfumo ku nyika mpfuneto wa timali eka mintlawe leyi nga xanisiwa hi ku onhiwa ka timfanelo ta ririmi. Yi nga tlhela yi simeka tidyondzo na ndzavisiso hi ku yisa swikongomelo swa yona emahlweni, naswona hikokwalaho ka leswi yi nga nyika nseketelo wa timali na minseketelo yin'wana; nakambe yi nga thola khomixeni ya ndzavisiso.

Huvo yi ta va na matimba yo angarhela yo sungula, ku kambisisa kumbe xivangelo lexi nga ta kambisisiwa, na ku nyika swiringanyeto mayelana na nawu, matirhelo na mintolovelo lama fambelanaka na ririmi, ku katsa na swipimelo swa vumbiwa eka xiyenge xihhi kumbe xihhi xa nawu kumbe nhlango wa mfumo.

Huvo yi nga vitana munhu wihi kumbe wihi ku ta nyika vumbhoni emahlweni ka yona naswona yi ta pfumeleriwa ku kambela matsalwa ya ximfumo. Yi nga tlhela yi thola tikomiti leti nga na xirho xin'we xa yona kumbe xo tlula xin'we na vanhu van'wana lava yi nga vonaka va fanerile ku nga yi tsundzuxa eku tirhiseni ka matimba na mintirho ya yona.

Ku ya emahlweni, Huvo yi nga simeka—

- (a) tikomiti ta ririmi ta xifundza-nkulu leti nga ta yi tsundzuxa hi timhaka ta ririmi eka swifundza-nkulu swo hambana; na
- (b) minhlango ya ririmi leyi nga ta tsundzuxa Huvo mayelana na ririmi ro karhi.

Ku nga endliwa na milawu na switiviso; naswona kwalaho ku ta tirhisiwa Tsalwa ra Mfumo na Matsalwa ya Swifundza-nkulu.

Xiyenge 8: Ntirhisano na mavandla, vanhu na minhlango yin'wana

Xiyenge lexi xa nawu xi na matirhelo ya ntirhisano exikarhi ka Huvo na swiyenge swa mfumo, vanhu kumbe minhlango na mavandla man'wana lama khumbekaku etimhakeni ta ririmi. Huvo yi fanele ku kuma switsundzuxo swa (ti)komiti, (swi)xiyenge xa mfumo na minhlango ya ririmi ya swifundza-nkulu leyi khumbekaku, leyi nga simekiwa ku ya hi nawu kumbe hi Huvo, naswona yi fanele ku rhamba vanhu, mintlawe na minhlango yin'wana ya ririmi kumbe mavandla loko yi nga si tivisa kumbe ku kandziyisa vuyelo, mavonele ya yona, switsundzuxo kumbe swiringanyeto. Yi nga tlhela yi ti hlanganisa na vanhu, mintlawe, minhlango kumbe na mavandla man'wana.

Xiyenge 9: Matirhelo ya ntirho wa vulawuri wa Huvo

Ntirho wa vulawuri wa Huvo wu ta endliwa hi vatirhi lava lboriwa bi ku landze Public Service Act, 1994. Vatirhi lava va ta kombeta ku nnama ka rixake va Africa Daonga.

Xiyenge 10: Milawu ya maedlelo ya Huvo

Xiyenge lexi xa nawu xi tirhana na ku vikiwa ka swivilelo swa swihello swa ku tlula nawu wa mfanelo wa ririmi, tirhelo ra ririmi kumbe matirhiselo ya ririmi. Endlelo leri faneleke ku landzeleriwa, ku katsa na ku nyiketiwa ka mpfuneto emhakeni leyi, swi ta nyiketiwa, na mpfuneto wo kambisisa swikoxo swo tani. Loko Huvo yi ehleketa leswaku ku na nchumu lowu humaka eka xihello lexi nga kambisisiwa hi yona, yi ta pfuneta muvileri ku ololoxa xiphiko lexi, hi ku hundzisela mhaka leyi eka xiyenge xa mfumo lexi khumbekaku, na ku pfuneta (laha swi faneleke) muvileri leswaku a ololoxeriwa xiphiko ekhoto leyi nga na vuswikoti. Huvo yi ta tivisa muvileri hi vuyelo bya yona naswona yi ta tlhela yi byi kandziyisa.

Xiyenge 11: Timali leti nga ta tirhisiwa hi Huvo

Palamende yi ta nyikela mali leyi nga ta tirhisiwa hi Huvo. Mpimanyeto wa lembe wa mali leyi nga ta tirhisiwa wu ta rhumeriwa eka Mulawuri-general wa Ndzawulo ya Mfumo leyi khumbekaku, loyi a nga ta va mutirhi loyi a nga na vutihlamuleri ehenheleni ka Huvo.

Xiyenge 12: Xiviko xa lembe

Xiyenge lexi xa nawu xi sindzisa Huvo ku humesa xiviko lexi hetisekeke xa lembe xa misingiriko ya yona ePalamende, ku katsa na xiviko lexi khumbaka timhaka ta ririmi ra xifundza-nkulu lexi khumbekaku eka mfumo wa xifundza-nkulu xolexo.

Xiyenge 13: Hakelo na mali ya mpfuneto ya swirho swa Huvo

Palamende yi ta nyikela timali leti nga ta hakela swirho swa Huvo na vatirhi lava nga riku va nkarhi hinkwawo eka Mfumo.

Xiyenge 14: Vutihlamuleri bya Huvo

Xiyenge lexi xa nawu xi ti hlamusela hi xoxe.

Xiyenge 15: Nhloko-mhaka na ku sungula ntirho

Nhloko-mhaka ya Nawumbisi ya ti hlamusela hi xoxe. Nawumbisi lowu wu tekiwa wu sungule ku tirha hi ti 28 April 1994, naswona Huvo yi tekiwa yi simekiwe hi siku rolero, leswaku Huvo yi ta kota ku va yi sungule ku tirhisa matimba na mintirho ya yona hi 28 April 1994.

NAWUMBISI

Ku pfumelela ku amukeriwa, ku simekiwa na ku yisa emahlweni matirhiselo ya tindzimi to tala eRephabliki ya Afrika Dzonga; ku simeka Pan South African Language Board; na ku pfumelela timhaka leti fambelanaka na swona.

LOKO HI HALA TLHELO Vumbiwa bya Rephabliki ya Afrika Dzonga, 1993 (Act No. 200 ya 1993), byi pfumelela ku amukeriwa ka tirhelo ra tindzimi to tala;

NA LOKO HI HALA TLHELO ku ri na tindzimi leti nga ta fikelela ku xiximiwa, nsirhelelo lowu eneleke na ku yisa emahlweni tindzimi ta ximfumo ta le Afrika Dzonga, ku katsa na ku hlukukisiwa ka tindzimi ta ximfumo leti enkarhini lowu nga hundza a ti nga xiyiwe, leswaku ku ta kondleteriwa matirhiselo yo hetiseka no ringana ya tindzimi ta ximfumo ta le Afrika Dzonga, ku katsa na ku xixima tindzimi tin'wana ta le Afrika Dzonga leti ti tirhisiwaka loko ku vulavuriwa na le ka vukhongeri;

HIKWALAHO KE, wu amukeriwa hi Palamende ya Rephabliki ya Afrika Dzonga, hi ndlela leyi landzelaka:—

Tinhlamuselo

1. Eka Nawu lowu, ehandle ka loko vundzeni byi komba hi ndlela yin'wana—

“**Huvo**” swi vula Pan South African Language Board leyi nga simekiwa hi Xiyenge 2;

“**Vumbiwa**” swi vula Vumbiwa bya Rephabliki ya Afrika Dzonga, 1993 (Act No. 200 ya 1993);

“**Ndzawulo**” swi vula ndzawulo ya Mfumo leyi nga thoriwa hi President ku ya hi Vumbiwa leswaku yi va na vutihlamuleri bya timhaka ta ririmi;

“**mutirhi-nkulu**” swi vula mutirhi-nkulu loyi a nga thoriwa ku ya hi Xiyenge 9 (1);

“**muhundzuluxi loyi a tivekaku**” swi vula munhu loyi a leteriweke hi vuenti endzhawini leyi tivekaku yo letela vahundzuluxi loyi a tirhaka ntirho walowo naswona ari na ntokoto wa kwalomu ka ntlhanu wa malembe a hundzuluxa;

“**toloki loyi tivekaku**” swi vula munhu loyi a nga na ntokoto wo enta loyi a tirhaka ntirho walowo naswona a leteriwele entirhweni wo tolaka;

“**muhlengeleti wa xihlamusela marito kumbe marito yo tika loyi a tivekaku**” swi vula munhu loyi a nga na ntokoto wa kwalomu ka ntlhanu wa malembe loyi a tirhaka ntirho walowo naswona a leteriwele eka ntirho wo hlengeleta xihlamusela marito na/kumbe marito yo tika.

“**mupulani wa ririmi**” swi vula munhu loyi a nga leteriwa eka ntirho wo pulana ririmi naswona ari na ntokoto wo enta;

“**mutirhi wa mfuwo wa ririmi**” swi vula munhu loyi a nga leteriwa exiyengeni xa lingustic, mfuwo, tipolitiki na dyondzo mayelana na vuhlanganisi exikarhi ka ririmi na rixaka;

“**mudyondzisi wa ririmi loyi a nga tokota, loyi a tivekaku**” swi vula munhu loyi a nga kuma vuleteri bya le xikolweni byo dyondzisa ririmi na ku va na ntokoto wo enta;

"mutirhi loyi a nga tokota wo dyondzisa ku hlaya na ku tsala, loyi tivekaku" swi vula munhu loyi a nga kuma vuleteri bya le xikolweni byo dyondzisa ku hlaya na ku tsala, naswona a ri na ntokoto wo enta;

"xiyenge xa mfumo" swi vula xiyenge xa mfumo tanihi laha swi hlamuseriweke hi kona eka xiyenge 233 xa Vumbiwa;

"Tsalwa ra xifundza-nkulu" swi vula tsalwa ra ximfumo ra xifundza-nkulu lexi khumbekaku;

"lexi nga kona" swi vula lexi a xi ri kona loko ku nga si sungula Vumbiwa, ku simekiwa ka Nawu lowu na hi nkarhi wun'wana;

"lerisa" swi vula ku lerisa ku ya hi kumbe ehansi ka Nawu;

"Nawu lowu" swi katsa swinawana leswi nga endliwa na switiviso leswi nga humesiwa ehansi ka swiyenge 6 (9), 7 (8), 7 (11) na 8 (2) (d);

Ku simekiwa ka Huvo

2. (1) Ku simekiwa huvo leyi nga ta tiveka hi ra Pan South African Language Board.

(2) Huvo yi ta va ya nawu naswona yi ta yimeriwa hi Mutshama xitulu kumbe xandla xa mutshama-xitulu kumbe xirho xa yona lexi nga hlawuriwa hi Huvo hi ku angarhela kumbe hi xikongomelo xo karhi.

Swikongomelo swa Huvo

3. Huvo yi ta va na swikongomelo leswi landzelaka, ku nga:

- (a) Ku yisa emahlweni ku xiximiwa ka matirhelo lama vuriweke eka xiyenge 3 (9) xa Vumbiwa—
 - (i) ku simeka xiyimo xa nhluvukiso na ku kondletela matirhiselo no tiphina hi ku ringana hi tindzimi hinkwato ta ximfumo ta Afrika Dzonga;
 - (ii) ku anamisa timfanelo letiyani ta ririmi na xiyimo xa tindzimi, leswi eku sunguleni ka Vumbiwa a swi tirhisiwa eka swifundza swo karhi ntsena;
 - (iii) ku yirisa matirhiselo ya ririmi rihi kumbe rihi hi xikongomelo ti vuyerisa, ku tshikilela kumbe ku avanyisa;
 - (iv) ku yisa emahlweni matirhiselo ya tindzimi to tala na ku endla leswaku ku va na tindzhawu ta vuhundzuluxelo;
 - (v) ku kurisa ku xiximiwa ka tindzimi leti vulavuriwaka eka Rephabliki kambe ti nga ri ta ximfumo, na ku hlohletela matirhiselo ya tona laha swi faneleke; na
 - (vi) Ku yirisa ku tsongahatiwa ka timfanelo ta tindzimi na xiyimo xa tindzimi loko a ku ri kona loko ku sungula Vumbiwa;
- (b) ku yisa emahlweni ku hlukukisiwa ka tindzimi ta ximfumo ta le Afrika Dzonga;
- (c) ku kondletela ku xiximiwa ka nhluvukiso wa tindzimi tin'wana leti tirhisiwaka hi vaaki va Afrika Dzonga, ku katsa na tindzimi leti tirhisieriwaka swikongomelo swa vukhonger;
- (d) ku kondletela ku xiximiwa ka swipimelo swin'wana na Matirhelo ya Vumbiwa lama nga le ka Vumbiwa, lama fambelanaka na timhaka ta ririmi; na
- (e) ku kondletela ku xiximiwa ka matirhiselo ya tindzimi to tala hi ku angarhela.

Xivumbeko xa Huvo

4. (1) (a) Senate, yi thola vanhu lava va landzelaka eka Huvo, endzaku ka loko yi kumile swiringanyeto leswi humaka eka vanhu:

- (i) Vanhu vambirhi va ta va vatirhela mfuwo wa ririmi lava nga tokota eka ku pulana ririmi;

- (ii) vanhu vambirhi va ta va vatirhi vo pulana ririmi lava va tirhaka eka xiyenge xolexo;
 - (iii) munhu wun'we u ta va muhundzuluxi loyi a tivekaka loyi a tirhaka eka xiyenge xolexo;
 - (iv) munhu wun'we u ta va toloki yo tiveka leyi tirhaka eka xiyenge xolexo;
 - (v) munhu wun'we u ta va mhlengeleti wa xihlamusela-marito kumbe marito yo tika wo tiveka loyi a tirhaka eka xiyenge xolexo;
 - (vi) munhu wun'we u ta va mudyondzisi loyi a nga tokota wa ririmi loyi a tivekaku loyi a tirhaka eka xiyenge xolexo;
 - (vii) munhu wun'we u ta va mudyondzisi loyi a nga tokota wa ku hlaya na ku tsala loyi a tirhaka eka xiyenge xolexo;
 - (viii) munhu wun'we u ta va mutivi wa nawu loyi a nga tokota loyi a nga na vutivi bya nawu wa ririmi;
 - (ix) vanhu lava nga tluliki vanharhu va ta va vutivi byo hlawuleka bya timhaka ta ririmi eAfrika Dzonga.
- (b) Mutirhi-nkulu u ta tlhela a va xirho xa Huvo naswona u ta ngenela migingiriko yo kanerisana ya Huvo naswona u ta va na timfanelo na mintirho yo fana na ya swirho swin'wana: Kambe a nge vi na timfanelo to vhota.

(2) Swirho swa Huvo swi ta—

- (a) vanhu lava va lulameleke ku va eka ntirho wo tani;
- (b) vaaki va Afrika Dzonga; naswona
- (c) va ta va na vutshila na vutivi lebyi fambelanaka na ntirho wa Huvo kumbe byo tanihi linguistic na/kumbe vutivi bya nawu kumbe tidyondzo tanihi laha Senate yi nga ta vona swi fanerile hi kona.

(3) Senate yi nga herisa vuxirho bya mani kumbe mani hi ku landza xiyenge lexi xa nawu—

- (a) loko yi enerisekile leswaku munhu wo tani a nga ha fikeleli swilaveko swa xiyenge-ntsongo (2);
- (b) loko munhu wo tani a kombela Senate hi ku tsala kunene leswaku yi herisa vuxirho bya yena; kumbe
- (c) loko munhu wo tani a tlurile tinhlangeletano to tlula timbirhi ta Huvo hi ku landzelelana ehandle ka mpfumelelo wa Huvo.

(4) Xirho xin'wana na xin'wana xa Huvo xi ta thoriwa ku ringana nkombo wa malembe naswona loko nkarhi walowo wu hela xi nga tlhela xi thoriwa ra vumbirhi ka n'we ntsena.

(5) Loko xirho xi herisa vuxirho bya xona loko nkarhi lowu vekiweke wu nga si fika, Senate yi nga thola munhu wun'wana ku ta va xirho eka nkarhi lowu nga sala, ku ya hi swipimelo swa xiyenge-ntsongo (1) (a).

(6) Senate yi ta nyika xitiviso eka Tsalwa ra Mfumo mayelana na ku thoriwa ka swirho swa Huvo na siku leri vuxirho byi sungula ku tirha hi rona, naswona laha swi khumbaka xirho lexi tekaku ndzhawu ya wun'wana, ku ta tivisiwa na nkarhi lowu a nga ta tirha wona.

Mutshama-xitulu na Xandla xa mutshama-xitulu

5. (1) Swirho swa Huvo swi ta hlawula wun'we exikarhi ka swona ku va mutshama-xitulu kasi wun'wana u ta va xandla mutshama-xitulu wa Huvo loyi a nga ta tirha tanihi mutshamaxitulu loko mutshama-xitulu a nga ri kona kumbe a nga swi koti ku fambisa ntirho wa yena: Nhlawulo walowo eka nhlangeletano yo sungula ya Huvo wu ta fambisiwa hi Muavanyisi-nkulu.

(2) Mutshama-xitulu na xandla xa mutshama-xitulu va ta khoma ntirho wa vona ku ringana nkombo wa malembe naswona va nga hlawuriwa nakambe ra vumbirhi.

(3) Xandla xa Mutshama xitulu, loko a tirha tanihi mutshama xitulu ku ya hi xiyenge-ntsongo (1), u ta va na matimba hinkwawo no endla mintirho hinkwayo ya mutshama xitulu.

(4) Mutshama-xitulu na xandla xa mutshama-xitulu va ta huma etihofisini—

- (a) loko nkarhi lowu va vekiweke wona wu hela;
- (b) loko va hlamusela leswaku va tshika ntirho hi ku tsala kunene;

- (c) loko va herisa vuxirho bya vona eka Huvo;
- (d) loko xiboho xa mhaka leyj xi tekiwile hi Huvo; kumbe
- (e) loko munhu wo tani a lova kumbe a vabya emihleketweni:

Loko swi khumba (b), (c), (d) na (e), ku hlaluriwa ka mutshama-xitulu kumbe xandla xa mutshama-xitulu lowuntshwa swi ta fambisiwa hi mutirhi-nkulu.

Tinhlangeletano na ntshamo wa Huvo

6. (1) Huvo yi ta hlangeletana kwalomu ka mune hi lembe.
- (2) Ntshamo wa Huvo wu ta va ePitori naswona tihlungeletano ta Huvo ti ta endliwa hi nkarhi lowu vekiweke hi Huvo naswona endzhawini leyi nga ta bohiwa hi Huvo naswona ti ta fambisiwa hi mutshama-xitulu.
- (3) Mutshama-xitulu wa Huvo a nga vitana nhlungeletano ya xihlatla ya Huvo nkarhi wihi kumbe wihi leyi nga ta endliwa hi nkarhi naswona endzhawini leyi nga ta bohiwa hi yena, naswona, ku ya hi xikombelo lexi tsariweke, yi ta sayiniwa hi swirho leswi nga riku ehansi ka swinharhu swa Huvo. Nhlungeletano yo tani yi ta khomiwa enkarhini wa makume nharhu wa masiku endzaku ka loko xikombelo xi amukeriwile, endzhawini na hi nkarhi lowu nga bohiwa hi mutshama-xitulu.
- (4) Swirho swa nkombo swa Huvo swi ta endla khoramu eka tinhlungeletano ya huvo.
- (5) Huvo yi ta va na vuswikoti byo tihlanganisa na ku tirhisana na munhu wihi kumbe wihi kumbe minhlango leyi naga na vutivi byo hlaluleka na ntokoto eka swiphiqo swa ririmi eAfrika Dzonga, kumbe lowu khumbekaku eka nhluvukiso na ku kondletela matirhelo lama vuriweke eka xiyenge 3 xa Vumbiwa.
- (6) Huvo yi ta tirha hi ndlela ya moya wo lava ku fikelela ntwanano ehansi ka mianakanyo ya matirhiselo ya tindzimi to tala tanihi laha swi vuriweke hi kona eka Vumbiwa.
- (7) Eka tinhlungeletano hinkwato ta Huvo ku ta vhotiwa hi ndlela yo yimisa voko, naswona xiboho xa swirho swo tala swa Huvo leswi nga kona eka nhlungeletano leyi tekiwaka yi ri ya nawu xi ta va xiboho xa Huvo: loko tivhoti ti ringana, mutshama-xitulu u ta kota ku ngenisa vhoti ya yena yo tatisela.
- (8) Ku hava xiboho lexi nga tekiwa kumbe migingiriko leyi endliwaka ehansi ka Huvo leyi nga ta tekiwa yi ri ya hava hikokwalaho ka swivangelo swa vuxirho bya Huvo lebyi nga hava n'wini nkarhinyana, loko xiboho xolexo xi tekiwile kumbe miginigiriko yaleyo yi endliwile kumbe ku pfumeleriwa hi nhlungeletano ya Huvo leyi nga vitaniwa ku ya hi xiyenge lexi.
- (9) Huvo yi nga endla swinawana swa mafambiselo ya tinhlungeletano ta yona.

Matimba na mintirho ya Huvo

7. (1) Huvo yi ta—
 - (a) endla swibumabumelo mayelana na milawu leyi nga kona kumbe leyi nga ringanyetiwa, maendlelo na matirhelo ya timhaka ta ririmi, ku katsa na ku cinciwa kumbe ku herisiwa kumbe ku susiwa ka milawu, maendlelo na matirhelo lama nga kona;
 - (b) mayelana na swivilelo—
 - (i) yi ta va na vuswikoti byo sungula vulavisisi hi yoxe kumbe endzaku ka ku amukela xivilelo lexi tsariweke, yi ta lavisisa swiwehlo swa ku tluriwa ka mfanelo wa ririmi, tirhelo ra ririmi kumbe maendlelo ya ririmi;
 - (ii) yi ta va na vuswikoti byo amukela no pfumela leswaku yi amukerile xivilelo xa ku tluriwa ka timfanelo ta ririmi; na
 - (iii) ku va na vuswikoti byo tsundzuxa vavileri mayelana na swivilelo swa vona no endla swibumabumelo nkarhi na nkarhi na loko swi komberiwile;
 - (c) mayelana na swipimelo na matirhelo ya vumbiwa lama fambelanaka na timhaka ta ririmi hi ku angarhela, ngopfu-ngopfu na xiyenge 3 (9) xa Vumbiwa—
 - (i) yi ta xiya ku hlalisiwa ka ka swipimelo swa vumbiwa swa matirhiselo ya tindzimi;

- (ii) yi ta xiya vundzeni na ku hlayisiwa ka milawu maendlelo na matirhelo lamantshwa lama nga kona ya timhaka ta ririmi;
 - (iii) yi ta pfuneta no xiya ku simekiwa ka minongonoko na matirhelo lama xikongomelo xa wona ku nga ku kurisa matirhiselo na ku xixima tindzimi ta ximfumo hi ku ringana, loko hi hala tlhelo yi teka magoza yo tiyisisa leswaku vaaki lava va tirhi-saka tindzimi leti vuriweke eka xiyenge 3 (10) (c) xa Vumbiwa, va kuma nkarhi wo tirhisa tindzimi ta vona laha swi faneleke;
 - (iv) ku ya hi xikongomelo xa xiyenge-ntsongo lexi, laha swi kotekaku, yi ta nyikela hi timali eka nkarhi na ku ya hi swiyimo leswi Huvo yi nga ta boha swona nkarhi na nkarhi;
 - (d) yi ta tivisa vuyelo bya ndzavisiso, miehleketo ya yona, switsundzuxo kumbe swibumabumelo hi ku swi kandziyisa eka Tsalwa ra Mfumo kotara yin'wana na yin'wana kumbe enkarihini wo koma ku ya hi laha Huvo yi vonaka swi fanerile, naswona etimhakeni ta ririmi ra swifundza-nkulu, swi ta kandziyisiwa eka Tsalwa ra Xifundza-nkulu lexi khumbekaku;
 - (e) yi ta simeka, yi hlengeleta na ku hlayisa vuxokoxoko bya tindlela hinkwato ta nawu (ku katsa leti nga le ka Vumbiwa) ta timhaka ta ririmi, na ta matirhelo na maendlelo ya timhaka ta ririmi lama nga huma kumbe lama humaka, kumbe lama tshikaka ya huma eka vandla kumbe xiyenge xihi na xihi xa mfumo.
- (2) Laha Huvo yi vonaka swi fanerile yi nga tsundzuxa Mfumo ku nyika mpfuneto wa timali eka mintlawu leyi nga xanisiwa hi ku tluriwa ka milawu ya timfanelo ta ririmi.
- (3) Huvo yi ta va na vuswikoti byo sungula tidyondzo na ndzavisiso lowu xikongomelo xa wona ku nga ku kondletela ku xiximiwa ka tindzimi ta ximfumo ta Rephabliki tanihi laha swi vuriweke hi kona eka xiyenge 3 (1) xa Vumbiwa, na matirhiselo no tiphiniwa hi tona hi ku ringana, na matirhiselo ya tindzimi to tala.
- (4) Ku ya hi xikongomelo xa xiyenge lexi, Huvo yi ta nyika mpfuneto wa timali kumbe mpfuneto wun'wana eka munhu kumbe nhlanguano wihi kumbe wihi.
- (5) Ku hava lexi nga kona eka xiyenge lexi, lexi nga ta hunguta mfanelo wa Huvo wo sungula, ku lavisisa kumbe ku lavisisa xivangelo no humesa vuyelo bya kona mayelana na nawu, matirhelo na maendlelo ya ririmi hi ku angarhela na swipimelo swa Vumbiwa mayelana na ririmi eka vandla kumbe xiyenge xihi kumbe xihi xa mfumo.
- (6) Huvo yi ta va na vuswikoti byi vitana munhu kumbe nhlanguano wihi kumbe wihi ku ta nyika vumbhoni emahlweni ka yona naswona yi ta kambela matsalwa hinkwawo ya ximfumo na marungula man'wana kumbe swin'wana leswi nga pfunetaka Huvo ku endla ntirho wa yona.
- (7) Huvo yi ta va na vuswikoti byo lerisa munhu kumbe nhlanguano kumbe vandla leswaku ri endla ndzavisiso hi ku yimela Huvo naswona hikokwalaho ka xivangelo lexi, munhu wo tani, nhlanguano kumbe vandla, u ta kuma swihlovo leswi nga ta pfuna eka ndzavisiso lowu.
- (8) Hi ndlela leyi lerisiweke eka xitiviso lexi nga kandziyisiwa eka Tsalwa ra Mfumo kumbe Tsalwa ra Xifundza-nkulu, Huvo yi nga simeka —
- (a) komiti ya ririmi ya xifundza-nkulu eka xifundza-nkulu xin'wana na xin'wana leyi nga ta tsundzuxa Huvo mayelana na mhaka ririmi rihi kumbe rihi, kumbe leri khumbaka xifundza-nkulu kumbe xiphemu xa xona;
 - (b) nhlanguano wa ririmi lowu nga ta tsundzuxa Huvo mayelana na ririmi ro karhi.
- (9) Huvo yi nga pfumelela wun'wana eka swirho swa yona leswaku a yi yimela eka mhaka yihi kumbe yihi.
- (10) Huvo yi nga thola komiti yin'we kumbe to tlula yin'we leti nga na munhu wun'we kumbe wo tlula wun'we eka swirho swa yona na vanhu van'wana lava yi vonaka leswaku va lulamele ntirho, leswaku va tsundzuxa Huvo eka mintirho ya yona no tirhisa matimba ya yona.

(11) Hi ku yisa emahlweni swikongomelo na ku endla mintirho no tirhisa matimba ya yona, Huvo yi nga—

- (a) endla swinawana no humesa switiviso; na
- (b) ku kandziyisa swinawana na switiviso swo tani eka Tsalwa ra Mfumo na le ke Tsalwa ra Xifundza-nkulu.

Ntirhisano wa Huvo na swiyenge swa mfumo, mavandla man'wana, vanhu na minhlangano

8. (1) Huvo yi ta lwela ku kondletela ntirhisano exikarhi ka yona na swiyenge swa mfumo kumbe munhu kumbe minhlangano kume mavandla yahi kumbe yahi, ngopfungopfu lava khumbekaku eka nhluvukiso wa ririmi no kondletela temfanelo ta ririmi.

(2) Loko yi nga si endla kumbe ku kandziyisa xiviko, vuyelo bya ndzavisiso, miehleketo, xitsundzuxo kumbe xiringanyeto, Huvo yi ta kuma xitsundzuxo eka—

- (a) komiti ya ririmi ya xifundza-nkulu leyi khumbekaku ku ya hi xiyenge 7 (8) (a);
- (b) xiyenge xihl kumbe xihl xa mfumo mayelana na timhaka ta mfanelo wa ririmi, tirhelo ra ririmi kumbe tirhiselo leri landzeleriwa ka ririmi, leri nga simekiwa kumbe ku ringanyetiwa hi xiyenge xolexo xa mfumo;
- (c) nhlangano wa ririmi lowu nga simekiwa hi ku landza xiyenge 7 (8) (b); kumbe
- (d) munhu, ntlawa, nhlangano wa ririmi kumbe vandla leri khumbekaku kumbe ku va na ku navela eka ku kondletela tindzimi ta ximfumo ta le Afrika Dzonga hi ku kombela leswaku ku rumeriwa switsundzuxo hi ndlela ya xitiviso mayelana na mhaka leyi eka Tsalwa ra Mfumo na le Tsalwa ra Xidundza-nkulu.

(3) Huvo yi nga tihlanganisa na munhu, nhlangano, ntlawa kumbe vandla rihi kumbe rihi ehandle ka lama vuriweke eka xiyenge-ntsongo (2).

Maendlelo ya ntirho wa vulawuri wa Huvo

9. (1) Ntirho wa vulawuri lowu hi xiwelo wu welaka eka maendlelo ya mintirho ya Huvo, wu ta endliwa hi mutirhi-nkulu na vatirhi van'wana va Huvo, lava nga ta va vatirhi va Ndzhawulo lava thoriweke hi ku landza Public Service Act, 1994 (Proclamation No. 103 ya 1994), naswona va tirha mintirho hi ku angarhela kumbe hi xikongomelo xo karhi hi xileriso xa Holoby endzaku ka ku tihlanganisa na Huvo.

(2) Hi ku endla xileriso hi ku landza xiyenge-ntsongo (1), Holoby u ta lava ku tiyisisa leswaku vatirhi va Huvo va yimela rixaka leri anameke ra Afrika Dzonga.

(3) Vatirhi lava va ta endla mintirho ya vona ehansi ka vulawuri na ku languteriwa hi Huvo.

Swinawana wa matirhelo ya Huvo

10. (1) Munhu wihi kumbe wihi loyi a tiyimeleke, kumbe munhu, nhlangano kumbe vandla leri yimelaka swirho swa rona kumbe swirho swa ntlawa wa ririmi, ri nga humesa xivilelo xa ku tluriwa ka nawu kumbe ku xungeta ku tlula nawu wa mfanelo wa ririmi, tirhelo ra ririmi kumbe matirhiselo ya ririmi eka Huvo.

(2) Xivilelo lexi xi ta tsarisa kunene naswona xi ta komba—

- (a) ku navela ka muvileri emhakeni leyi;
- (b) (i) ndlela leyi mfanelo wu nga tluriwa hi kona kumbe wu nga xungetiwa hi kona; kumbe
- (ii) xivangelo lexi endlaka leswaku ku endliwa ndzavisiso wo tani; na
- (c) marungula hinkwawo lama a ya tivaka mayelana na mhaka leyi.

(3) Huvo yi ta nyiketa mpfuneto lowu lavekaku leswaku xivilelo lexi xi ta humesiwa ehandle ka hakelo naswona laha swi kotekaku, yi ta pfuneta muvileri leswaku a landzelela swilaveko leswi vuriweke eka xiyenge-ntsongo (2).

(4) Endzaku ka ku amukela xivilelo, Huvo yi ta lavisisa swihehlo swa ku tluriwa ka nawu wa timfanelo wa ririmi, tirhelo ra ririmi na matirhiselo ya ririmi.

(5) Endzaku ka ku endla vulavisisi, loko Huvo yi kuma leswaku ku na mongo endzeni ka nandzu lowu kona yi ta pfuna muvileri na vanhu lava va khumbekaku ku ololoxa xiphiso lexi hi—

- (a) ku hundzisela mhaka leyi eka xiyenge xa mfumo lexi xi hehliwaka hi nandzu lowu, na swiringanyeto;
- (b) ku ringanyeta eka xiyenge xa mfumo lexi nandzu wu hehliweke ehenhieni ka xona leswaku xi pfuneta hi timali eka muvileri leswaku ku ta lulamisiwa ku onhaka loko nga va kona;
- (d) ku lulamisela kumbe ku nyika mpfuneto wa timali eka muvileri leswaku a ta kota ku ti yimela ekhoto leyi nga na vuswikoti.

(6) Huvo yi ta tivisa muvileri mayelana na swiboho swa yona, naswona laha Huvo yi nga teka xiboho xa leswaku a yi nge teki magoza, yi ta tivisa muvileri swivangelo swa xiboho xolexo.

(7) Huvo yi ta kandziyisa swiboho swa yona hi ku landza xiyenge 7 (1) (d).

(8) Swipimelo swa xiyenge lexi a swi nge teki matimba lama nyikiweke Huvo ehansi ka xiyenge 6 (9).

Timali leti nga ta tirhisiwa hi Huvo

11. (1) Timali hinkwato ta maendlelo ya mintirho ya huvo ti ta huma eka timali leti averiweke swikongomelo swo tani hi Palamende.

(2) Mpimanyeto wa matirhiselo ya mali wa lembe ximali rin'wana na rin'wana wu ta rhume-riwa eka Mulawuri-nkulu wa Ndzawulo, loyi a nga ta va mutirhi loyi a nga na vutihlamuleri.

Xiviko xa lembe

12. Lembe rin'wana na rin'wana, ku nga si hundza ti 1 ta June, Huvo yi ta rhumela—

- (a) xiviko lexi hetisekeke xa migingiroko ya yona ya lembe leri nga hundza, ku fikela hi ti 31 March ePalamende; naswona
- (b) xiviko lexi hetisekeke xa migingiriko hinkwayo ya timhaka ta ririmi ta xifundza-nkulu xolexo, xa lembe leri nga hundza, ku fikela hi ti 31 March ePalamende ya xifundza-nkulu.

Tihakelo na mali ya mpfuneto ya swirho wa Huvo

13. Xirho xa Huvo kumbe xa komiti yini kumbe yini lexi nga tirhiki nkarhi hinkwawo eka Mfumo, xi nga hakeriwa muholo kumbe mali ya mpfuneto, leyi humaka eka timali leti aviweke hi Palamende, eka ntirho lowu xi nga wu endla wa vukorhokeri bya Huvo ku ya hi laha swi nga bohiwaka hi Holobye hi ku tirhisana na Holobye wa Timali.

Vutihlamuleri bya Huvo

14. (1) The State Liability Act, 1957 (Act No. 20 ya 1957), yi ta tirha ku ya hi ku fanani-siwa ka milandzu ku ya hi Huvo naswona xiboho lexi fambelanaka na nawu walowo eka "Holobye wa ndzawulo leyi khumbekaku" xi ta tekiwa xi tirha na le ka Huvo.

(2) Swirho swa Huvo a swi nge vi na vutihlamuleri hi swoxe eka leswi vuriweke eka xiviko, miehleketo, switsundzuxo kumbe swiringanyeto swihi kumbe swihi leswi nga endlwa kumbe ku humesiwa hi vutshembeki.

Nhloko-mhaka na ku sungula ntirho

15. (1) Nawu lowu wu ta vitaniwa **Nawu wa Pan South African Language Board, 1995.**

(2) Nawu lowu wu ta tekiwa wu sungule ku tirha hi ti **28 April 1994** naswona Huvo yi ta tekiwa yi simekiwile hi siku rolero.

Setswana

Bukana e e gatisitswe molao-tlhomo o o ikaeletswe go sedimosa se go tla rerisanngwang ka sona le go tshwaela ga baagi ka bophara ka nako e go tla bong go reeditse bopaki kgotsa bo kwadilwe. Se ga se kgatiso e e feleletseng, mme e tla tlhamiwa gape le go rulaganngwa ke Baitseanape ba Molao ba Semmuso fa ditshwaelo tsotlhe tse di tla bong di amogetswe di sena go sekasekwa.

MOLAETSA WA MATSENO

1. *Lemorago la molao-theo*

Afrika Borwa ke lefatshe la batho ba maleme a a farologaneng mme le agetswe ke merafe e e farologaneng. Le fa maleme ale mabedi a a neng a tlhomilwe go nna a semmuso ka maitlhomong a molao-theo mo nageng e (go amogelwa semmuso ga maleme ale robong a Bantsho go ne go beetswe melelwane mo dikgaolong tsa maloba tsa magae a TBVC le Dikgaolo tse di neng di ipusa), Molao-theo wa Rephaboliki ya Afrika Borwa, 1993 (Molao wa 200 wa 1993) o amogela ditshiamelo di le mmalwa go gatelela go nna teng ga maleme ale mantsi-ntsi. Se ga se fela gore se gatelela diteng le boleng be demokrasi tsa Molao-theo, fela ke sengwe sa botlhokwa go amogela malemelele a a farologaneng a Afrika Borwa.

Botlhokwa jo bo fiwang maleme a mantsi le go sireletsa ditshwanelo tsa puo di tshalositswe mo maitlhomong a Molao-theo X1: *"Go farologana ga maleme le setso go tla amogelwa le go sirelediwa, mme mabaka a go a tlhabolola go tla rotloedwa"*.

Karolwana ya 31 ya Molao-theo e tshalosa ka totobalo go ya pele gore leleme ke motheo wa botlhokwa wa botho: *"Motho mongwe le mongwe o tla nna la tshwanelo ya go bua puo . . . e a e ratang"*. Karolwana ya 8 e dira tshiamelo ya gore motho mongwe le mongwe o na le dithata tse di lekanang fa pele ga molao mme ga go motho y o tla kgethololwang fa go sa tshwanelang, ka tlhamalalo kgotsa ka mokgwa mongwe, ka ntlha ya puo ya gagwe. Mo mabakeng u thuto, karolwana ya 32 e tshalosa gore motho mongwe le mongwe o na le tshiamelo: *"Go rutiwa ka puo e a ratang fa go kgonegang"*.

Karolwana ya 3 e akaretsa maitlhomong a maleme ale somenngwe a semmuso mo kgatong ya Bosetshaba mme e dira ditshiamelo tsa gore go tla nna le mabaka a go a tlhabolola le go rotloetsa go buiwa le go itumelela maleme a. Go ya pele, karolwana ya 3 (9) (c) e kganela go dirisiwa ga leleme go lomeletsa batho, go ba gatelela kgotsa go ba aroganya.

Maleme-leme e ntse maitlhomong a botlhokwa mo Afrika Borwa. Mokgwa wa botlhokwa wa molaotheo ka ga tsamaiso e e nonofilewng ya maleme-leme o diretswe tshiamelo mo karolwaneng ya 3 (10), e e tshalosang gore Senate se tla tlhoma *"Pan South African Language Board"* ka Molao wa Palamente.

Boto e e tshwanetse gore ka mabaka otlhe e inyalane le maitlhomong a a tshalositsweng mo Molaotheong. Mabaka a ke a a latelang:

- (a) Go tlhabolola le go tlotliwa ga maitlhomong a maleme a le maratara jaaka go tshalositswe mo karolong ya 3 (9);

- (i) go tlhamiwa ga ditshiamelo tsa go tlabololwa le go rotloediwa ga go dirisiwa le go itumelelwa ka go lekalekana ga dipuo tsotlhe tsa semmuso tsa Afrika Borwa;
 - (ii) go atolosiwa ga dithata tse di amanang le puo le maemo a dipuo tseo kwa tshimologong ya Molaotheo di neng di beetswe melelwane kwa dikgaolong tse di rileng (ke gore: dipuo tsa semmuso tsa magae a go neng gothwe a ipusa le dinaga tsa TBVC);
 - (iii) go kganela go dirisiwa ga leleme lengwe ka maikaelelo a go lomeletsa, go gatelela le go aroganya;
 - (iv) go rotloetsa maleme-leme le ditshiamelo tsa go fetolela;
 - (v) go gapeletsa go tlotliwa ga maleme ao a buiwang mo Afrika Borwa kwa ntle ga a semmuso, le go rotloetsa go dirisa mo mabakeng a a tshwanetseng; le
 - (vi) go se gatelele dithata tse di amanang le leleme le maemo a maleme a a neng ale teng ka nako ya fa go simololwa Malaothea.
- (b) Go tsweletsa go tlabololwa ga maleme a semmuso.
- (c) Go dira ditsitsinyo malebana le molao o o tsitsintsweng go ya ka karolwana ya 3 morago go sena go rerisanwa le ditheo-molao tse di farologaneng (ke gore; tsa Bosetshaba le tsa Diprofense).
- (d) Go rotloetsa tlotlo le go tlabolola maleme a a dirisiwang ke merafe ya Afrika Borwa, mmogo le maleme a mangwe a a dirisediwa merero ya bodumedi mo Afrika Borwa.

2. *Motheo wa tsamaiso ya go tlhoma Pan South African Language Board*

Go rerisana le bomankge ba puo le ba ba nang le kgatleho mo puong ka bophara, khonferense ya bosetshaba, **Maleme a Botlhe: Towards a Pan South African Board**, e rulagantswe ke Lefapha la maloba la Thuto ya Bosetshaba le Lefapha la ANC la Botaki le Setso, ka di 27 le 28 May 1994.

Maikaelelo a magolo a Khonferense e ne e le go fa ba ba nang le kgatleho mo puong tshono ya go tshwaela mo thulaganyong ya go tlhama molao mo botong. Khonferense e rulagantse maano a mo pepeneneng le go rerisana ka botlalo mokgwa wa go tlhama boto:

- Mekgatleho le/kgotsa batho bao ba iseng ba dire jalo gore ba fiwe tshono ya go tlisa ditshwaelo kwa setheong sa boto go *Komiti e e Rulaganyang e e Kopanetsweng* (e e neng e dira ka fa tlase ga lefapha la Botaki, Setso, Saense le Thekenoloji); le
- tshobokanyo ya khuduthamaga ya Khonferense e e neng e supa dikakanyo tsa ba ba tshwaetseng ka mokgwa o o kgethegileng le ditsitsinyo tse di tlisitsweng kwa morago di tshwanetse go rulaganngwa le go romelwa kwa Senateng.

Komiti e e kgethegileng ya *Komiti e e Rulaganyang e e Kopanetsweng* eo ditokololo tsa yona e leng mohumagatsana Q. Buthelezi (Khomishene ya puo ya ANC), Prof. V. N. Webb (Linguistic Society of Southern Africa) le Dr. A. M. Beukes (Lefapha la Botaki, Setso, Saense le Thekenoloji) ba weditse Tshobokanyo ya Khuduthamaga ka la 27 October 1994, morago ga foo ya romelwa kwa dikomiting di le pedi tsa Palamente tse di nang le maikarabelo a merero ya puo le ditokololo tsotlhe tsa Komiti e e Rulaganyang.

Ka la 18 August 1994 Senate se dumetse gore Dikomiti tse di kgethegileng ka ga Thuto, Metshameko le Boitapoloso, Botaki, Setso, Saense le Thekenoloji di tlare ka tirisano le Lefapha la Botaki Setso, Saense le Thekenoloji, tsa rulaganya molao wa go tlhama Boto. Komiti potlana ya Senate ka ga Puo e supilwe ka la 5 September 1994 mme Mosenatoro L. J. Swanepoel a tlhomiwa go nna monnasetulo wa yona.

Ka la 31 August 1994 Kgotlatheo Molao ya Bosetshaba e ne ya swetsa gore, ka ntlha ya dikgotlang le bomasisi ba dikganetsano ka ga maleme mo Afrika Borwa, lekoko lengwe le lengwe la sepolotiki le le emetsweng kwa Kgotlatheo Molao ya Bosetshaba le tla supa moemedi yo o tla dirang kwa Bokwaleding ba Nakwana ba Puo go dirisana le Komiti e e kgethegileng ya Senate ka ga Puo. Komiti Potlana ya Kgotlatheo Molao ya Bosetshaba ka ga Puo e ne ya supilwa mme mohumagatsana N. Tsheole a tlhomiwa monnasetulo wa yona.

Mo kopanong e e tlhakanetsweng ka la 4 November 1994 dikomiti potlana tsa Senate le Kgotlatheo Molao ya Bosetshaba di ne tsa tsaya ditshweetso tse di latelang ka ga tsamaiso ya Palamente e e tshwanetseng go dirisiwa fa go baakanyetswa go thaya melao mo Botong:

- (a) Dikomiti potlana ka bobedi di tshwanetse mmogo tsa phasalatsa *Bukana ya Dipuisano ya Maitlhommo* (Kgotsa *Green Paper*) ya go tlhama PSALB. Ditshwaelo tse di tla kwadiwang mo *Green Paper* di tshwanetse go kopiwa go tswa mo go botlhe ba ba nang le kgatlhego.
- (b) Bopaki go tswa mo baaging ka bophara ka ga go tlhamiwa ga Pan South African Language Board bo tshwanetse go reediwa kwa diprofenseng tsotlhe di le robong morago go sena go phasaladiwa *Green Paper*.
- (c) Dikomiti potlana ka bobedi di tshwanetse mmogo tsa phasalatsa *White Paper* go Pan South African Language Board.
- (d) Senate se tshwanetse kwa bofelong sa baya molaotheo oo kwa pele ga Pan South African Language Board.

Bukana ya Dipuisano ya Maitlhommo (Green Paper) e ne kwa bofelong ya rulaganngwa ke komiti potlana ya Senate ka tirisano le Lefapha la Botaki, Setso, Saense le Thekenoloji mme ya bewa fa pele ga dikomiti potlana tse pedi tse. Molaotlhommo wa Bukana o ne wa sekasekwa seshwa ka ntlha ya ditshwaelo tse di tswang kwa dikomiti potlana tsa Senate.

Ka ntlha ya botlhokwa jwa nako e bile tsamaiso e e supile fa e tla tsaya nako a telele, Komiti e e Kgethegileng ya Senate ka ga Thuto, Metshameko le Boitapoloso, Botaki, Setso, Saense le Thekenoloji e tsitsintse gore thulaganyo e e potlakisiwe legale go sa lebalwe go dira tsotlhe mo pepeneneng. Ditshweetso tse di latelang di tserwe ke Dintlo tse pedi tsa Palamente:

- (a) *Bukana ya Dipuisano ya Maitlhommo* (kgotsa *Green Paper*), e e rulagantsweng ke Komiti potlana ya Senate ka ga Maleme ka tirisano le Komiti potlana ya Maleme ya Kgotsa Theomolao ya Bosetshaba ka ga Maleme, e tla dirisiwa go sekasekwa kwa dikganetsanong tsa Matlo a mabedi a Palamente.
- (b) Morago ga dikganetsano, Molao-tlhommo o o kwa Botong o tla tlhamiwa ke bomankge ba molao ka tirisano le Lefapha la Botaki, Setso, Saense le Thekenoloji, ba dirisa bukana e, le ditshwaelo tse di dirilweng ke makoko a sepolotiki ka nako ya dikganetsanyo.
- (c) Molaotlhommo o tla phasaladiwa mo kaseteng ya mmuso kamaleme otlhe ale 11, mme go tla kopiwa ditshwaelo go tswa go botlhe ba ba nang le kgatlhego.
- (d) Bopaki mo pepeneneng go tswa go botlhe ba ba nangle kgatlhego bo tla reediwa kwa Motse Kapa (mme fa go tlhokega bopaki ba nakwa bo ka nna ba reediwa kwa mafelong a a kgakala a mafe go netefatsa gore tsotlhe di dirwa mo pepeneneng ka botlalo).
- (e) Morago ga foo Molaotlhommo o tla bewa fa pele ga Palamente.

Kgatiso ya bofelo ya *Green Paper* (ya March 1995) e ne ya tshotliwa ke Senate ka la 30 March 1995 le ke Kgotsa Theo Molao ya Bosetshaba ka la 5 April 1995.

Bomankge ba le babedi ba molao, Prof. N. J. J. Olivier wa lephata la molao la Unibesithi ya Natala (Pietermaritzburg) le Rre P. M. Mtshaulana, radiatlisiso wa Kgotsa Thekelo ya Molaotheo le motlhatlhedli wa lephata la molao kwa Unibesithing ya Bokone, bobedi ba tlhomilwe go thusa Lefapha la Botaki, Setso, Saense le Thekenoloji go tlhama Molaotlhommo kwa Botong.

Setlhogo se se telele le tlhaloso ya matseno

Setlhogo se se telele sa Molaotlhommo ke tshobokanyo ya diteng tsa ona. Tlhaloso ya matseno e netefatsa gore Molaotlhommo le maitlhommo a o tlhamilweng mo go ona, di tswa mo Molaotheong o montshwa wa Rephaboliki ya Afrika Borwa, Molao wa No. 200 wa 1993.

Karolwana ya 1: Ditlhaloso

karolwana ya 1 ya Molaotlhommo e akareditse ditlhaloso, tseo bontsi ba tsona di tlhalosang.

Karolwana ya 2: Go tlhamiwa ga Pan South African Language Board

Karolwana e e tlhama Pan South African Language Board. Boto e tla nna motho yo o nang le kitso ya tsa bosiamisi.

Karolwana ya 3: Maikaelelo

Karolwana e e akareditse maikaelelo a Boto, go lebisitswe ka totobalo mo maitlhomong a maleme a a farologaneng jaaka go tihalositswe mo karolwaneng ya 3 (9) ya Molaotheo, ya tihabolola ya maleme ale 11 a semmuso a Afrika Borwa, go rotloetsa go tlotla le go tihabolola maleme a mangwe.

Karolwana ya 4: Go rulaganngwa ga Boto

Karolwana e e tihalosa dithata tsa go tlhama Boto. Boto (Batho ba le 14: Bao ba le 13 ba bona ba tla nnang le dithata tsa go vouta) e tla nna le ditokololo tsa baitseanape ba ba farologaneng—

- (a) ba ba nang le kitso e e tletseng mo mererong ya togamaano ya puo (batho ba le bane);
- (b) ba ba nang le kitso mme ba dira ka botlalo mo makaleng a a latelang: go fetolela ka go kwala go tswa mo puong e nngwe go ya go e nngwe (motho ale mongwe), bofetoledi (motho ale mongwe), ba ba tlamang tlotlo-ntswa (motho ale mongwe), ba ba rutang puo (motho ale mongwe), le ba ba nang le maikarabelo a gore botlhe ba bone thuto (motho ale mongwe);
- (c) ba ba nang le kitso e e kgethegileng ka go tlhamiwa ga melao ya puo (motho ale mongwe); le
- (d) ba ba nang le kitso e e tseneletseng ka merero ya puo (batho ba ba sa feteng ba le bararo).

Go ya pele, motlhankedi wa khuduthamaga e tla nna tokololo ya Boto mme a sena dithata tsa go vouta.

Karolwana e tihalosa gape gore ditokololo tsa Boto di tla tlhomiwa ke Senate morago di sena go supiwa ke setshaba ka bophara. Ditokololo tsa Boto di tshwanetse go lepalepana le ditlhokego tse di rileng (e ka nna tsa thuto) mme go thapiwa ga bona go santse gape go ka fedisiwa ke Senate.

Ditokololo tsa Boto di tla nna mo tirong ya tsona dingwaga di le supa, mme go thapiwa gape ga bona dingwaga di le supa go ka nne ga sekegelwa tsebe ke Senate. Fa phatlhatiro nngwe e ka nna lolea mo pakeng e ya dingwaga di le supa, phatlhatiro eo e ka nne ya tladiwa ke Senate mo sebakeng se se setseng sa dingwaga di le supa.

Karolwana ya 5: Monnasetulo le Motlatsa monnasetulo

Karolwana e e dira ditshiamelo tsa go tlhophiwa ga monnasetulo le motlatsa monnasetulo (tse di tshwanetseng go netefadiwa ke Moatlhodi Mogolo) ba tlhophelwa dingwaga di le supa ba le mo tirong (ka kgonagalo ya gore ba ka nne ba tlhophiwa gape mo dingwageng tse dingwe gape di le supa. Motlatsa monnasetulo (fa a tshwareletse monnasetulo) o tla nna le dithata tsotlhe tsa bonnasetulo mme a dire tiro eo ka botlalo. Go dirilwe gape le tshiamelo ya go tlhophiwa ga monnasetulo kgotsa motlatsa monnasetulo fa phatlhatiro eo e nna lolea.

Karolwana ya 6: Dikopano le ntlokgolo ya Boto

Karolwana e tota e a tihalosa. E tihalosa, mo gare ga tse dingwe, gore Boto e tla kopana bonnye gane ka ngwaga, le gore fa ba le 7 ba ditokololo di le 13 tse di nang le dithata tsa go vouta ba le teng mo kopanong, ba tla bopa khoramo, le gore e ka nne ya ikgolaganya le go dirisana le motho mongwe le mongwe kgotsa setlhophi sa batho ba ba nang le kitso e e tseneletseng le maitemogelo ka mathata a leleme la Afrika Borwa kgotsa yo o tshwaraganeng le go tihabolola le go tswelatsa maitlomo a maleme-leme jaaka go tihalositswe mo karolwaneng ya 3 ya Molaotheo.

Karolwana e e na le tshiamelo ya gore Boto e tla dira ka go batla tumellano e e dumallanang le mokgwa wa maleme-leme jaaka go tihalositswe mo Molaotheong (tshiamelo e e jaana e teng kwa Pusong e e Kopanetsweng le kwa dikhuduthamageng tsa Diprofense). Monnasetulo o tla nna le dithata tsa go vouta fa divoutu di lekalekana.

Karolwana ya 7: Dithata le ditiro tsa Boto

Karolwana e e tihalosa dithata le ditiro tsa Boto, tseo di akaretsang go dira ditsitsinyo; go amogela le go netefatsa dipego tsa go nyatsa kgotsa matshosetsi a go nyatsa; go gakolola ba ba tlhagisitseng selelo le go dira ditsitsinyo go ya ka dipego tseo; go netefatsa go diragadiwa ditshiamelo le maitlomo a Molaotheo mabapi le go dirisiwa ga maleme, diteng le go ela-tlhoko fa go le

melao e mentshwa, go diragatsa le moono tse di amanang ka tlhamalalo kgotsa ka tsela nngwe mabapi le merero ya puo, go thusa go ela-tlhoko le go tlhamiwa ga manaane a meono, le, fa go kgonegang, go aba matlole. Boto gape e tla phasalatsa dipatlisiso tsa yona, dikakanyo, dikgakololo le ditsitsinyo mo Kaseteng ya Semmuso kotara nngwe le nngwe (kgotsa mo pakeng e khutshwane jaaka Boto e tla bo e bona go tshwanetse), mme mo mabakeng a merero ya puo, le mo (Di)Kaseteng tsa Diprofense tse di amegang.

Boto e ka nne gape ya gakolola Puso go thusa ka ditshelete go ditlhopa tse di leng ditlhabelo tsa go nyadiwa ga dithata tsa tsona tsa puo. E ka nne gape ya simolola makala a thuto le dipatlisiso go atolosa maikaelelo a yona, mme e ka nne mo lebakeng le ya thusa ka kemonokeng ya ditshelete le tse dingwe; ebile e ka nne ya laela gore go dirwe dipatlisiso.

Boto gape e tla nna le dithata tsa go simolola go batlisisa kgotsa ya laela gore go batlisisiwe, le go supa ditsitsinyo mabapi le molao, maikemisetso le go diragadiwa tse di mabapi ka tlhamalalo kgotsa ka mokgwa mongwe merero ya puo le ditshiamelo tsa Molaotheo go theomolao kgotsa setheo sengwe le sengwe sa puso.

Boto e ka nne ya bitsa motho mongwe le mongwe go tla go fa bosupi ebile e tla nna le dithata tsa go tlathloba dikwalo dingwe le dingwe tsa puso. E ka nne gape ya tlhama dikomiti tsa motho ale mongwe kgotsa go feta ba ditokololo tsa yona le batho bangwe go ya ka fa go tla beng go tlaokafala ka teng go e gakololo mo dithateng le ditiro tsa yona.

Boto e ka nne go ya pele ya tlhama—

- (a) komiti ya puo ya profense go e gakolola ka merero ya puo mo profenseng eo; le
- (b) mekgatlho ya puo go e gakolola mo morerong ofe kgotsa ofe wa puo.

Go ka nne gape ga tlhamiwa le melawana mme ga gololwa dikitsiso; mme mo mabakeng a go totobadiwa go phasaladiwa ga Kasete ya Mmuso le Dikasete tsa Diprofense.

Karolwana ya 8: Dikgolagano le Ditheo tse dingwe, batho le mekgatlho ya batho

Karolwana e e tlhalosa go dirisana magareng ga Boto le ditheo tse dingwe tsa Puso, batho kgotsa ditlhopho tsa batho le ditheo tse dingwe tse di tshwaraganeng le merero ya puo. Boto e tshwanetse go bona dikgakololo go tswa mo (di)komiting, (di)theong tsa puso le mekgatlho ya puo e e tlhomilweng semolao kgotsa ke Boto, mme e tshwanetse go laletsa batho fela, ditlhopho, mekgatlho le ditheo tse dingwe tsa puo pele e phasalatsa dipatlisiso tsa yona, dikakanyo, dikgakololo kgotsa ditsitsinyo. E ka nne gape ya ikgolaganya le motho mongwe le mongwe, ditlhopho kgotsa ditheo.

Karolwana ya 10: Melawana ya tsamaiso ya Boto

Karolwana e e akaretsa mathata a dingongorego tsa dipego tsa go nyadiwa kgotsa matshosetsi a go nyadiwa ga dithata tsa puo, maikemisetso a puo kgotsa go dirisiwa ga puo. Tsela e e tshwanetseng go dirisiwa le go thusa mo lebakeng e tlametswe, tota le go batlisisa dingongorego tsa mothale oo. Fa Boto e lemoga gore go nnete mabapi le ngongorego e e batlisisang, e tla thusa yo o ngongoregang go rarabolola bothata bo, mo gare ga tse dingwe, ka go lebisa ngongorego kwa setheong sa puso se se amegang, go thusa (mo mabakeng a a lebaneng) yo o ngongoregang go bona tharabololo kwa kgotla-tshekelo e e nonofileng. E tla begela mongongoregi ka ga se se fitlhelletsweng le go se phasalatsa.

Karolwana ya 11: Ditshenyegelelo tsa Boto

Palamente e tla nna le ditekanyetso tsa ditshenyegelelo tsa Boto. Ditekanyetso tsa ditshenyegelelo tsa ngwaga di tla romelwa go Mokaedi-Kakaretso wa Lefapha la Puso le le amegang, yo o tla bong ale moruni wa dibuka.

Karolwana ya 12: Pegelo ya ngwaga

Karolwana e e gapeletsa Boto go romela pegelo e e totobetseng ya ditiro tsa yona kwa Palamenteng ngwaga le ngwaga le pego mabapi le merero ya dipuso tsa diprofense kwa ditheomolaong tsa diprofense tse di amegang.

Karolwana ya 13: Dituelo le diketleetso tsa ditokololo tsa Boto

Palamente e tla dira ditekanyetso tsa matlole a go duela ditokololo tsa Boto le badiri ba ba sa thapiwang leruri mo Pusong.

Karolwana ya 14: Melato ya Boto

Karolwana e e a itlhalosa.

Karolwana ya 15: Setlhogo se se Khutshwane le go simolola

Setlhogo se se khutshwane sa molaotlhomo se a itlhalosa. Molaotlhomo o tsewa o simolotse go dira go tloga ka la 28 April 1994 mme Boto yona e tshamilwe ka lona letsatsi leo go letla gore Boto e bo e simolotse go dira go tswa kwa morago (go tloga 28 April 1994) go diragatsa dithata le ditiro tsa yona.

MOLAOTLHOMO

Go dira ditshiamelo tsa go amogela, go diragatsa le go atolos diteme-teme mo Rephaboliking ya Afrika Borwa; go tlhama Pan South African Language Board; le go dira ditshiamelo tsa mabaka a a tsamaelanang nao.

ERE FA Molaotheo wa Rephaboliki ya Afrika Borwa, 1993 (Molao wa No. 200 wa 1993) o dira ditshiamelo tsa go amogelwa le maikemisetso a moonno wa diteme-teme;

LE FA go tshwanetse ga dirwa ditshiamelo tsa mabaka a a rulaganyeditsweng go bona tlotlo, tshireletso e e lekaneng le go atolosiwa ga dipuo tsa semmuso tsa Afrika Borwa le go tswetswa pele ga dipuop tseo tsa semmuso tseo bogologolo di neng di sa amogelwe ka botlalo, ka maikaelelo a go tlhabolola ka botlalo le go di itumelela ka go lekalekana ga maleme a semmuso a Afrika Borwa le go tlotla ga maleme a mangwe a Afrika Borwa a a dirisediwa dikamano le merero ya bodumedi;

JAANONG KA JALO, go dirwa molao ke Palamente ya Rephaboliki ya Afrika Borwa, jaana:—

Dithaloso

1. Mo Molaong o, fa diteng di sa tlhalosiwa ka mokgwa mongwe—

“Boto” e tlhalosa Pan South African Language Board e e tshamilweng ka karolo ya 2;

“Molaotheo” o tlhalosa Molaotheo wa Rephaboliki ya Afrika Borwa, 1993 (Molao wa No. 200 wa 1993);

“Lefapha” le tlhalosa lefapha la Puso le le rulagantsweng ke Presidente go ya ka Molaotheo go nna le maikarabelo a merero ya puo;

“motlhankedi wa khuduthamaga” e tlhalosa motlhankedi wa khuduthamaga yo o thapilweng go ya ka karolwana ya 9 (1);

“Tona” e tlhalosa Tona ya Lefapha;

“mofetoledi wa leruri wa go fetolela ka go kwala yo o amogetsweng” e tlhalosa motho yo o katisitsweng mo tirong ka botlalo mo setheong se se amogetsweng sa katiso mme a na le maitemogelo a bonnye ba dingwaga di le tlhano a go fetolela;

“mofetoledi wa leruri” e tlhalosa motho yo o katisitsweng ka botlalo mo tirong mme a na le maitemogelo a go fetolela;

“motlhami wa mafoko a tlotlo-ntswe yo o amogetsweng wa leruri” e tlhalosa motho yo o nang le maitemogelo a bonnye dingwaga di le tlhano le katiso ya mo tirong a tlhama mafoko a tlotlo-ntswe kgotsa a tlhama mafoko;

"morulaganyi wa puo" e tthalosa motho yo o katiseditsweng go rulaganya puo mme a na le maitemogelo a a tseneletseng a go nna jalo;

"modiredi wa loago wa puo" e tthalosa motho yo o katiseditsweng diteme-teme, boagi, sepolotiki le merero ya thuto go ya ka fa di golaganyang puo le morafe ka teng;

"morutabana wa bokgoni wa leruri yo o amogetsweng" e tthalosa motho yo o nang le thuto e e tletseng ya go ruta ebile a na le maitemogelo a go nna jalo;

"setheo sa puso" e tthalosa setheo sa puso jaaka se tthalositswe mo karolong ya 233 ya Molaotheo;

"Kasete ya Profense" e tthalosa kasete ya semmuso ya profense e e amegang;

"e e tthamilweng" e tthalosa e e tthamilweng le pele ga Molao-theo, le pele ga go simolola ga Molao o le mo kgatong nngwe le nngwe;

"e e laetsweng" e tthalosa se se laetsweng ka fa tlase ga Molao o;

"Molao o" e akaretsa melawana e e tthamilweng le dikitsiso tse di phasaladitsweng ka fa tlase ga karolwana ya 6 (9), 7 (8), 7 (11) le 8 (2) (d).

Go tthomiwa ga Boto

2. (1) Fa go tthalosiwa go tthamiwa ga Boto e e tla itsegeng e le Pan South African Language Board.

(2) Boto e tla nna motho wa bosiamisi mme e tla emelwa ke monnasetulo kgotsa motlatsa monnasetulo kgotsa mongwe wa ditokololo tsa yona yo o tla beng a supilwe ke Boto ka kakaretso kgotsa ka maikaelelo a a rileng.

Maikaelelo a Boto

3. Boto e tla nna le maikaelelo a a latelang, ke gore:

(a) Go rotloetsa tlotlo go ya ka maitlthomo a karolwana ya 3 (9) ya ka maitlthomo a karolwana ya 3 (9) ya Molaotheo, ke gore—

(i) go dira ditshiamelo tsa go tthabolola le go rotloetsa go dirisiwa le go itumelela ka go lekalekana maleme otlhe a semmuso a Afrika Borwa;

(ii) go atolosiwa ga dithata tseo di golaganang le puo le maemo a puo tseo e rileng Molaotheo o simolola tsa bo di beetswe melelwane go dirisiwa kwa dikgaolong tse di rileng;

(iii) go kganela go dirisa leleme lengwe ka maikaelelo a go lomeletsa, go gatelela kgotsa go aroganya;

(iv) go rotloetsa moono wa maleme-leme le go dira ditshiamelo tsa bofetoledi;

(v) go gapeletsa tlotlo ya maleme a a buiwang mo Rephaboliking go na le a semmuso, le go rotloetsa go a dirisa mo mabakeng mangwe; le

(vi) go se nyenyefatse dithata tse di mabapi le puo le maemo a maleme a a neng ale teng fa Molaotheo o simolola;

(b) go tthabolola go ya pele maleme a semmuso a Afrika Borwa;

(c) go rotloetsa tlotlo le go tthabololwa ga maleme a mangwe a Afrika Borwa a a dirisiwang ke merafe mengwe mo Afrika Borwa, mmogo le maleme a a dirisediwa merero ya sedumedi;

(d) go rotloetsa tlotlo mo ditshiamelong tse dingwe le Maitlthomo a Molaotheo tsi di leng mo Molaotheong tse di amanang ka tthamalalo kgotsa ka mokgwa mongwe le merero ya puo; le

(e) go rotloetsa tlotlo ya diteme-teme ka kakaretso.

Go tthamiwa ga Boto

4. (1) (a) Senate, morago se sena go kopa bontlhopheng go tswa mo baaging ka bo-phara, se tla tihoma batho ba ba latelang kwa Botong—

(i) batho ba le babedi ba ba tla bong ba le baitseanape mo puong ya loago ka kitso e e tletseng ya go rulaganya puo;

(ii) batho ba le babedi ba ba tla bong ba le barulaganyi ba puo ba tshwaragane le go rulaganya puo leruri;

- (iii) motho ale esi yo o amogetsweng, go nna mofetoledi yo o kwalang wa leruri;
 - (iv) motho ale esi yo o amogetsweng, go nna mofetoledi wa leruri;
 - (v) motho ale esi yo o amogetsweng, ale morulaganyi wa leruri wa tlotlontswe kgotsa mafoko;
 - (vi) motho ale esi yo o amogetsweng, e le morutabana wa boitseanape wa puo;
 - (vii) motho ale esi yo o amogetsweng, go nna moitseanape wa go ruta;
 - (viii) motho ale esi yo o tla beng ale moitseanape wa molao wa puo mme a na le kitso e e tletseng ya go rulaganya molao wa puo;
 - (ix) batho ba bangwe ba ba sa feteng ba le bararo ba ba tla beng ba na le kitso e e kgethegileng ya merero ya puo ya Afrika Borwa.
- (b) Motlhankedi wa khuduthamaga le ene o tla nna tokololo ya Boto mme o tla nna le seabe mo ditherisanong tsa Boto mme o tla nna le dithata le ditiro tse di tshwanang le tsa ditokololo tse dingwe: fa e le gore a ka se nne le dithata tsa go vouta.
- (2) Ditokololo tsa Boto di tla—
- (a) nna batho ba ba nonofileng le ba ba lebaganeng go nna mo tirong ya mofuta o;
 - (b) e nne baagi ba Afrika Borwa; le
 - (c) gore ba nne le bokgoni le kitso tse di malebana le ditiro tsa Boto kgotsa bokgoni ba puo le/kgotsa tsa semolao kgotsa dithuto tse Senate se ka bonang di tshwanela.
- (3) Senate se ka nne sa khutlisa go thapiwa ga motho mo go dirilweng go ya ka mabaka a karolwana e—
- (a) fa e netefaditse gore motho wa go nna jalo ga a sa tlhole a dira go ya ka ditlhokego tsa karolwana ya (2);
 - (b) fa motho yo o thapilweng a kopa Senate ka lekwalo gore o batla go khutlisa tiro ya gagwe; kgotsa
 - (c) fa motho yo o thapilweng a seke a nna teng mo dikopanong tsa Boto di le pedi tse di latellanang kwa ntle ga kitso ya Boto.
- (4) Tokololo nngwe le nngwe ya Boto e tla thapiwa paka ya dingwaga di le supa mme kwa bokhutlong ba paka eo a ka nne a tlhophiwa gape paka e nngwe ya bobedi fela.
- (5) Fa tiro ya mongwe wa ditokololo tsa Boto e ka nna lolea pele ga go khutla ga paka eo a neng a e thapetswe, Senate se ka nne sa, go ya ka mabaka a ditshiamelo tsa karolwana ya (1) (a), sa thapa motho mongwe mo pakeng e e setseng eo yo o rotseng tiro a neng a santse a tshwanetse go e dira.
- (6) Senate se tla itsise mo kaseteng ya mmuso ka ga go thapiwa ga tokololo nngwe le nngwe ya Boto le letlha leo go thapiwa ga gagwe go simololang ka lona, mme mo mabakeng a tokololo e e thapilweng go tlatsa phatlha-tiro ya Boto, paka e a tla bong a e thapetswe.

Monnasetulo le motlatsa monnasetulo

5. (1) Ditokololo tsa Boto di tla tlhopha mongwe wa tsona go nna monnasetulo mme yo mongwe go nna motlatsa monnasetulo go dira mo boemong jwa monnasetulo fa monnasetulo a se teng kgotsa fa a bobola: Fa e le gore go tlhophiwa ga go nna jalo mo kopanong ya ntlha ya Boto go ikanisitswe ke Moatlhodi Mogolo.

(2) Monnasetulo le motlatsa monnasetulo ba tla tlhophiwa paka ya dingwaga di le supa mme ba ka nne ba tlhophelwa gape paka ya bobedi.

(3) Motlatsa monnasetulo fa a dira mo boemong ba monnasetulo o tla dira ka dithata tsotlhe tsa tiro ya monnasetulo.

(4) Tiro ya monnasetulo le motlatsa monnasetulo e tla tlogelwa—

- (a) fa paka ya tiro ya mothapiwa e khutla;
- (b) fa mothapiwa a rola tiro ka lekwalo;
- (c) fa mothapiwa a khutla go nna tokokolo ya Boto;
- (d) fa tshweetso ya mothale o e tsewa ke Boto; kgotsa
- (e) fa mothapiwa a swa kgotsa a tsenwa:

Fa e le gore go ya ka mabaka a (b), (c), (d) 1e (e), go tlhophiwa ga monnasetulo le motlatsa monnasetulo go tla dirwa ke motlhankedi wa khuduthamaga.

Dikopano le ntlokgolo ya Boto

6. (1) Boto e tla kopana bonnye gane ka ngwaga.
- (2) Ntlokgolo ya Boto e tla nna kwa Tshwane mme dikopano tsa Boto di tla tshwarwa ka nako le kwa lefelong le le tla swetswang ke Boto mme di tla etelelwa pele ke monnasetulo.
- (3) Monnasetulo a ka nne ka nako nngwe le nngwe a rulaganya kopano e e kgethegileng ya Boto e e tla tshwarwang ka nako le kwa lefelong leo ene a le rulagantseng, mme gape, o tla itsise ka kopo e e kwadilweng e e tla bong e saenetswe ke ditokololo tse di seng ka fa tlase ga di le tharo tsa Boto, ka ga kopano e e kgethegileng e e tshwanetseng go tshwarwa mo pakeng ya malatsi ale somaa-mararo morago ditokololo di sena go amogela kopo ya go nna jalo, ka nako le lefelo le a tla bong a le rulagantse.
- (4) Ditokololo di le supa tsa boto di tla dira khoramo ya kopano ya Boto.
- (5) Boto e tla nna le bokgoni ba go golagana le go dira ka botlalo le motho mongwe le mongwe kgotsa mekgatlo ka botlalo yo o nang le kitso e e kgethegileng le maitemogelo ka ga mathata a maleme a Afrika Borwa kgotsa yo o tshwaraganeng ka mokgwa mongwe le go tlhabolola le go rotloetsa maitlomo a a tlhalositsweng mo karolwaneng ya 3 ya Molaotheo.
- (6) Boto e tla dira ka mokgwa o o elang-tlhoko mabaka a a lolameng a go dirisana ka moonoo wa maleme-leme jaaka go gatisitswe mo Molao-theong.
- (7) Go vouta mo dikopanong tsa boto go tla dirwa ka mokgwa wa go tsholetsa mabogo, mme tshweetso ja bontsi jwa ditokololo tsa Boto tse di leng teng mo kopanong e e rulagantsweng ka tshwanelo e tla nna ditshweetso tsa Boto: Fa e le gore, fa divoutu di lekalekana, monnasetulo o tla nna le thata ya go vouta mo godimo ga dithata tsa gagwe tsa voutu ya ditherisano.
- (8) Ga go tshweetso e e tserweng kgotsa kgato e e tserweng go ya ka dithata tsa Boto e e tla kgapelwang thoko ka mabaka fela a phatlha-tiro ya nakwana ya Boto fa e le gore tshweetso ya mothale oo kgotsa kgato e e tserweng kgotsa e netefaditswe ke kopano ya Boto e e rulagantsweng go ya ka karolwana e.
- (9) Boto e ka nne ya tlhama melawana e e malebana le dikopano tsa yona.

Dithata le ditiro tsa boto

7. (1) Boto e tla—
 - (a) dira ditaello go ya ka tsitsinyo nngwe le nngwe kgotsa molao o o leng teng, go diragatswa le maikaelelo a a malebana ka tlhamalalo kgotsa ka mokgwa mongwe le merero ya puo mmogo le tsitsinyo nngwe le nngwe ya mametlelelo, go ikuela kgotsa go dira mo boemong ba molao o o leng teng, go diragatswa le maikaelelo;
 - (b) mo mabakeng a dingongorego—
 - (i) e tshwanetse go nna le bokgoni ba go batlisisa ka bo yona kgotsa fa e amogetse ngongorego e e kwadilweng, ka ga go nyadiwa ga ditshwanelo tsa puo, maikaelelo a puo le go dirisiwa ga yona;
 - (ii) e nne le bokgoni ba go dumela gore e amogetse dingongorego mabapi le go nyadiwa ga ditshwanelo tsa puo; le
 - (iii) bokgoni ba go gakolola ba ba ngongoregang ka dingongorego tsa bona le go dira ditsitsinyo nako le nako le fa e kopilwe jalo;
 - (c) ka mabaka a ditshiamelo tsa Molaotheo le maitlomo a a amanang ka tlhamalalo kgotsa ka mokgwa mongwe le merero ya puo ka kakaretso, le ka karolwana ya 3 (9) ya Molaotheo ka totobalo—
 - (i) go ela-tlhoko ditshiamelo tsa molaotheo mabapi le maleme;
 - (ii) go ela-tlhoko diteng le go tlhokomela merero e e leng teng mo molaong o montshwa, go dirisiwa le maikaelelo tse di amanang ka tlhamalalo kgotsa ka mokgwa mongwe le merero ya puo;

- (iii) go thusa ka go ela-tlhoko go tlhamiwa ga mananeo le maikaelelo a a kobilweng go gatelela ga go dirisiwa ka go lekalekana le go tlotliwa ga maleme a semmuso mme go ntse go tsewe dikgato go netefatso gore merafe e e dirisang maleme a a umakilweng mo karolwaneng ya 3 (10) (c) a mo Molaotheong e na le tshiamelo ya go dirisa maleme a tsona mo mabakeng a a tshwanetseng;
 - (iv) go ya ka mabaka a karolwana e, go dira, fa go tlhokegang, gore matlole a nne teng ka paka ya go nna jalo le ka mabaka a Boto e ka a swetsang nako le nako;
 - (d) go itsise baagi ka bophara ka ga dipatlisiso tsa yona, dikakanyo, dikgakololo le ditsitsinyo ka tsela ya go di gatisa mo Kaseteng ya Mmuso kotara nngwe le nngwe kgotsa ka dinako tse di khutshwane go ya ka fa Boto e bonang go tshwanela ka teng, mme mo mabakeng a merero ya puo ya diprofense di gatisiwe le mo Kaseteng ya Profense;
 - (e) go tlhama, go rulaganya le go tshegetsa tshedimosetso merero yotlhe ya semolao (go akarediwa le eo e akaraditsweng mo Molaotheong) Ka merero ya puo, le ka maikaelelo le go dirisiwa ka tlhamalalo le ka mokgwa mongwe mabaka a a amanang le puo ao a runyang kgotsa a ka runya go tswa mo setheong sengwe le sengwe sa puso.
- (2) Moo Boto e bonang go tlhokegaa e ka nne ya gakolola Puso go aba matlole a go tshegetsa ditlhophatse di ntse di nyaleditswe ditshwanelo tsa tsona tsa puo.
- (3) Boto e tla nna le bokgoni ba go simolola dithuto kgotsa dipatlisiso tse di kobilweng go tlotla maleme a semmuso a Rephaboliki ya Afrika borwa a a tlhalositsweng mo karolwaneng ya 3 (1) ya Molaotheo, ka ga go dirisiwa ka go lekalekana le go a itumelela mo mabakeng a ditemeteme.
- (4) Ka mabaka a karolwana e Boto e ka nne ya thusa ka matlole kgotsa ka thuso nngwe fela go batho kgotsa mekgatlho ya batho.
- (5) Ga go sepe mo karolwaneng e se se ka fokotsang dithata tsa Boto go simolola, go batlisisa kgotsa mabaka a a tlhokang go batlisisa le go dira ditsitsinyo mabapi le theomelao, maikaelelo le tiriso tse di amanang ka tlhamalalo kgotsa ka mokgwa mongwe le puo ka kakaretso le ditshiamelo tsa Molaotheo ka tlhamalalo kgotsa ka mokgwa mongwe tse di mabapi le puo go theomolao nngwe le nngwe kgotsa setheo sengwe sa puso.
- (6) Boto e tla nna le bokgoni ba go bitsa motho mongwe le mongwe go ntsha bopaki fa pele ga yona le go nna le tshono ya go tlhatlhoba dikwalwa dingwe le dingwe tsa puso le tshedimosetso nngwe le nngwe le maikaelelo mangwe a a ka thusang Boto mo go direng ditiro tsa yona.
- (7) Boto e tla nna le bokgoni ba go laela motho mongwe le mongwe kgotsa mekgatlho ya batho kgotsa ditheo go batlisisa mo boemong jwa yona mme mo mabakeng a go nna jalo e tla thusa ka ditshiamelo go batho ba go nna jalo, mekgatlho ya batho le ditheo.
- (8) Boto e ka nne ka mokgwa o o tlhalositsweng ka kitsiso e e gatisitsweng mo Kaseteng ya Puso le kasete ya Profense ya tlhama—
- (a) komiti ya profense ya puo mo profenseng nngwe le nngwe go e gakolola mabapi le morero mongwe le mongwe wa puo kwa profenseng kgotsa o o amang profense kgotsa karola ya yona;
 - (b) Mekgatlho wa puo go e gakolola ka leleme le le rileng.
- (9) Boto e ka nne ya laela mongwe le mongwe wa ditokololo tsa yona go dira mo boemong jwa yona mo morerong mongwe le mongwe o o rileng.
- (10) Boto e ka nne ya tlhoma komiti nngwe kgotsa dikomiti tse di tla nnang le tokololo e le nngwe kgotsa di le mmalwa tsa ditokololo tsa yona le batho bangwe go ya ka fa e eletsang ka teng go e gakolola mo ditirong tsa boto kgotsa mo dithateng tsa yona.
- (11) Boto e ka nne mo go direng maikaelelo a yona le go dira dithata le ditiro tsa yona ya—
- (a) tlhama melawana le go golola dikitsiso; le
 - (b) go phasalatsa melawana ya go nna jalo mo Kaseteng ya Semmuso le mo Kaseteng ya Diprofense.

Dikgolagano tsa boto le ditheo tsa puso, mekgatlho e mengwe batho le ditlhophha tsa batho

8. (1) Boto e tla dira ka gotlhe go rotloetsa go dirisana magareng ga yona le ditheo tsa puso kgotsa le motho mongwe le mongwe kgotsa mekgatlho ya batho le mekgatlho e mengwe, bogolo bao ba tshwaraganeng le go tlhabolola puo le ditshwanelo tsa puo.

(2) Boto e tshwanetse pele e gatisa kgotsa e phasalatsa pegelo, dipatlisiso, dikakanyo, dikgakololo le ditsitsinyo, ya bona kgakololo ka ga—

- (a) komiti ya puo kwa profenseng e e amegang e e tlhomilweng ka karolwana ya 7 (8) (a);
- (b) setheo sengwe le sengwe sa puso ka ga merero e e nang le seabe ka tlhamalalo kgotsa ka mokgwa mongwe mo tshwanelong nngwe le nngwe ya puo, maikaelelo a puo kgotsa go dirisiwa ga puo kgotsa go tsitsinngwa ke setheo seo kgotsa mekgatlho wa go nna jalo wa puso;
- (c) mekgatlho mongwe le mongwe wa puo o o tlhamilweng go yaka karolwana ya 7 (8); kgotsa
- (d) motho mongwe le mongwe, ditlhophha, mekgatlho ya puo kgotsa ditheo tse di amanang le kgotsa di na le kgatlhego mo go tlhabololeng maleme a semmuso a Afrika Borwa ka go kopa ditshwaelo ka dikitsiso mo lebakeng le mo Kaseteng ya Mmuso le Kasete ya Profense.

(3) Boto e ka nne ya ikgolaganya le motho mongwe le mongwe, mekgatlho, setlhophha kgotsa ditheo tse dingwe go na le tseo di kailweng mo karolwaneng ya (2).

Go dirwa ga tiro ya tsamaiso ya boto

9. (1) Tsamaiso ya ditiro tsa Boto e tla dirwa ke motlhankedi wa khuduthamaga le badiri ba bangwe ba Boto, bao e tla nnang bathati ba Lefapha ba thapilwe go ya ka Molao wa Bodiredi Puso, 1994 (Kgoeletso ya No. 103 ya 1994), mme e laetswe ka kakaretso kgotsa ka mabaka a a totobetseng a Tona morago ga go rerisana le Boto.

(2) Ka go golola taelo go ya ka karolwana ya (1), Tona o tla netefatsa gore badiri ba Boto ba tla emela setshaba sotlhe sa Afrika Borwa.

(3) Badiri ba ba laetsweng jalo ba tla dira tiro ya bona ka fa tlase ga taolo le tlhokomelo ya Boto.

Melawana ka ga tsamaiso ya Boto

10. (1) Motho mongwe le mongwe yo o dirang ka bo ene kgotsa mo boemong jwa motho mongwe, mekgatlho wa batho kgotsa setheo se dirang mo boemong jwa ditokololo tsa sona kgotsa ditokololo tsa setlhophha sa puo, ba ka nne ba isa ngongorego mabapi le magatwe a go nyatsa kgotsa matshosetsi a go nyatsa ditshwanelo tsa puo, maikaelelo a puo kgotsa go dirisiwa ga puo kwa Botong.

(2) Ngongorego e tshwanetse go kwalwa mme ya tlhalosa—

- (a) dikgatlhego tsa mongongoregi mo morerong o;
- (b) (i) mokgwa wa tshwanelo e e nyaditsweng kgotsa magatwe a matshosetsi a go e nyatsa; kgotsa
- (ii) mekgatlho eo motho a akanyang gore e tshwenetse go batlisisiwa; le
- (c) tshedimisetso yotlhe e a nang nayo.

(3) Boto e tla thusa ka gotlhe fa go tlhokegang mabapi le go tlisa ngongorego kwa ntle ga go duela mme fa go tlhokegang e tla thusa mongongoregi go lepalepana le ditlhokego tsa karolwana ya (2).

(4) Boto e tla re fa e sena go amogela ngongorego ya batlisisa magatwe a go nyatsa ditshwanelo tsa puo, maikemisetso a puo kgotsa go dirisiwa ga puo.

(5) Fa morago ga go batlisisa ngongorego Boto e fitlhela go na le bopaki bongwe ka ga se, e tla thusa mongongoregi le batho ba ba lomeletsegileng thata ka go leka go siamisa ka—

- (a) go romela morero wa go nna jalo kwa setheong sa puso seo ngongorego e dirwang kgatlhanong naso, le tsitsinyo;

- (b) go tsitsinya go setheo sa puso seo go leng ngongorego kgalhanong naso go thusa mongongoregi ka matlole ka maikaelelo a go baakanya se se ka bong se sentse;
 - (c) fa e le gore, go ya ka dikakanyo tsa yona ka nosi, thuso ya matlole e tshwanetse go fiwa mongongoregi go baakanya se se ka bong se sentse; kgotsa
 - (d) go dira dithulaganyo tsa go thusa mongongoregi ka matlole gore a kgone go bona kgomotsego kwa kgotla tshekelong e e lolameng.
- (6) Boto e tla itsise mongongoregi ka tshweetso ya yona, mme mo mabakeng ao Boto e sweditse gore e ka se tseye kgato, e tla begela mongongoregi mabaka a a dirileng jalo.
- (7) Boto e tla phasalatsa ditshweetso tsa yona go ya ka karolwana ya 7 (1) (d).
- (8) Ditshiamelo tsa karolwana e di ka seke tsa fapoga go tswa mo dithateng tsa Boto ka fa tlase ga karolwana ya 6 (9).

Ditshenyegelo tsa Boto

11. (1) Ditshenyegelo tsotlhe mabapi le ditiro tsa Boto di tla duelwa go tswa mo ditsheteng tse di lekanyeditse ke Palamente ka mabaka a.
- (2) Ditekanyetso tsa ditshenyegelo tsa ngwaga mongwe le mongwe wa ditshetele di tla bewa fa pele ga Mokaedi-Kakaretso wa Lefapha, yo o tla beng ale moruni wa dibuka.

Pegelo ya ngwaga

12. Boto e tla ngwaga le ngwaga pele ga letsatsi la ntlha la June ya isa—
- (a) kwa Palamenteng pegelo e e tletseng ya ditiro tsotlhe tsa yona tsa ngwaga o o fetileng, go fitlha ka la 31 March; le
 - (b) kwa theomolaong nngwe le nngwe ya profense pegelo e e tletseng ya ditiro tsa yona mabapi le merero ya puo ya profense e e malebana le profense e e amegang ya ngwaga o o fetileng, go fitlha 31 March.

Dituelo le diketleetso tsa ditokololo tsa Boto

13. Tokololo ya Boto kgotsa komiti ya yona yo o sa direng leruri mo pusong a ka, duelwa go tswa mo ditsheteng tse di lekanyeditse ke Palamente tsa mabaka a, a duelwa tuelo le diketleetso tsa ditirelo tse a di dirileng mabapi le ditiro tsa Boto jaaka go tla bo go akantswe ke Tona ka ditherisano le Tona ya Ditshetele.

Melato ya Boto

14. (1) Molao wa Melato wa Puso, 1957 (Molao wa No. 20 wa 1957), o tla dirisiwa mabapi le merero ya Boto le merero e mengwe ya Molao oo go "Tona ya lefapha le le amegang" e tla tsewa e le e e amanang le Boto.
- (2) Ditokolo tsa Boto di ka seke ka nosi tsa rwala maikarabelo a melato mengwe le mengwe e e tihalositse mo pegong, dipatlisiso, dikakanyo kgotsa ditsitsinyo tse di dirilweng kgotsa di tihalositse ka bonnete jo bo tletseng.

Setlhogo se se khutshwane le go simolola

15. (1) Molao o o tla bidiwa Molao wa **Pan South African Language Board, 1995.**
- (2) Molao o tla tsewa gore o simolotse go dira ka la **28 April 1994** mme Boto e tla tsewa gore e tlamilwe ka lona letlha leo.

Tshivenda

Heji liṅwalo li na ngaganyo ya mulayo lo ṅwalelwa u shuma sa liṅwalwa la mafhungo a bvaho kha vhathu nga tshifhinga tsha khoro kana u ṅwala mihumbulo. Heji a si liṅwallo la u fhiledza, nahone li kha di do khakhululwa la ṅwalululwa zwavhuḍi nga luambo lwa mulayo nga vhaeletshedzi vha mulayo vha Muvhuso musi mihumbulo yothhe yo no tangedzwa.

MARANGAPHANDA

1. Ndayo tewa

Afrika-Tshipembe ndi shango lavhathu vha nyambo dzo fhambanaho. Hone ha nyambo mbili dza tshiofisi dzo vha dzi dzone dzo tendelwaho lwa mulayo kale, shangoni lino (u tendelwa lwa tshiofisi kha nyambo dza tahe dza vharema dzo vha dzi tshi shumiswa fhedzi kha mashango a vhudivhusi a TBVC) Ndayo tewa ya Afrika Tshipembe ya 1993 (Act No. 200 ya 1993), i disa mihumbula i si gathi malugana na nyambo. Hezwi a zwi sumbi mbofholowo na ndayotewa fhedzi, hone ndi tsumbo ya u sumbedza u tangedzwa ha nyambo dzo fhambanabo Afrika Tshipembe.

Ndeme i kwamanaho na nyambo na u tsireledza ndungelo dza luambo yo katelwa kha Ndayotewa X1 *"u fhambana ha nyambo na mvelele zwi do tangedziwa na u tsireledzwa, na maimo a u huliswa a do tutuwedzwa."*

Khethekanyo 31 ya mulayo i isa phanda zwavhuḍi vhuḍi nga u talutshedza zwavhuḍi uri luambo ndi pfanelo- teo ya muthu: *"Muthu muṅwe na muṅwe u do vha na thendelo ya u shumisa luambo lune a tou dinagela"*. Khethekanyo ya 8 i nea muṅwe na muṅwe thendelo ya u lingana pahnda ha mulayo nahone a huna muthu ane a do talulwa nga ndila ifhio kana ifhio malugana na luambo. Malugana na pfunzo, khethekanyo 32 hu divhadzwa u pfi muthu muṅwe na muṅwe u na thendelo *"ya u guda nga luambo lune a tou dinagela"*.

Khethekanyo 3 i katela mulayo wa nyambo dza fumi nthihi dza tshiofisi kha lushaka nahone hu do vha na maimo ane a do sikwa na u bveledzwa na u huliswa kha u shumiswa ha luambo na u diphina hu linganaho kha nyambo dzothe. ri tshi ya phanda, khethekanyo 3 (9) (c) i hanedza tshumiso ya luambo lufhio kana lufhio nga ndivho ya lunyadzo, u tsikeledza kana u fhambanya.

Luambo lwo no tou vha wone mulayo wa tsumba ndila Afrika-Tshipembe. Ndila khulwane ya mulayo ya u laula nyambo yo bveledzwa kha khethekanyo 3 (10) ine ya bula uri mulayo u do vhumba bodo ya luambo ya Pan South Africa. nga mulayo wa Phalamennde.

Bodo zwo i tea uri i tevhedze milayo yothhe yo bulwaho nga Ndayotewa. Zwithu zwine Bodo ya tea u zwi tevhela ndi:

- (a) U bveledza khuliso kha mulayo wa nyambo dza rathi sa zwe zwa teiswa zwone kha khethekanyo 3 (9) ndi;
 - (i) U vhumbe ha maimo kha mveledzo na kha khuliso ya tshumiso na u diphin hu linganaho kha nyambo dza tshiofisi dza Afrika-Tshipembe.
 - (ii) U engedzwa ha ndungelo hedzo malugana na luambo na maimo a luambo zwe u thomani ha mulayo zwa vha zwi tshi tendelwa fhedezi kha muṅwe madzingu (i.e nyambo dza luofisi kha madzingu e a vha a tshi divhusa na a kha TBVC.)
 - (iii) U thivhela u shumisa luambo hu tshi itele u nyadza, u tsikeledza kana u fhambanya.

- (iv) U bveledza nyambo na tshikhal tsha tshumiso ya tshandulelo.
- (v) U hulisa nyambo dzine dza ambiwa Afrika Tshipembu hu nyambo dza tshiofisi, na u tutuwedza tshumiso ya nyambo idzi ho teaho.
- (vi) U shaea ha ndungelo dza nyambo thukhu na maimo a nyambo dzine dza vha hone u thomani kha ndayotewa.
- (b) U isa phanda mvelele yambo dza tshiofisi.
- (c) U ita thendelo malugana na mulayo muṁwe na muṁwe wo bulwaho malugana na khethekanyo ya 3 nga mura hu ha musi ho tolwa na vho ramilayo (vha lushaka na vha madzingu).
- (d) U bveledza khuliso na bvelaphanda kha dzinwe nyambo dzine dza shumiswa kha vhudzulapo ha Afrika Tshipembe.

2. *Maga a Phalamende a u Bveledza Bodo ya Luambo ya Pan South Africa*

U shumisana na vha vhaḍivhi vha luambo nga u angaredza kha dzangano la lushaka, nyambo dzotho u livhana na Bodo ya luambo ya Pan South Africa yo vha yo dzudzanywa nga vha Muhasho wa kale wa Pfunzo ya Lushaka na Muhasho wa Vhutsila na Mvelele wa ANC nga dzi 27 na dzi 28 dza Shundunthule 1994.

Ndivho khulwane ya dzangano ho hu u nea vhathusi tshifhinga tsha u dzhenela maga a u gaganya mulayo kha Bodo. Dzangano lo bvisa maitele a pfalaho u bveledza maga aya kha Bodo:

- Mirado kana vhathu vha saathu u ita nga uralo vho newa tshifhinga tsha u disa liku-medzwa kha Bodo kha dzangano la khomithi ya mutanganelano (ine ya shuma nga fhasi ha Muhasho wa Vhutsila, Mvelele, Saints na thekholodzhi);
- na manweledzo a zwo bvelelelaho kha dzangano hune ha sumbedzwa mihumbulo ya vhathu vhe vha vha vhe hone na makumedzwa o daho nga murahu o vha o fanelwa o dzudzanywa na kona u iswa kha Senate.

Khomithi i songo dowealeho ya mutanganelano ine ya katela Vho Q. Buthelezi (vha khomishini ya luambo ya ANC), Prof. V. N. Webb (vha dzangano la nyambo la Afrika Tshipembe), na Dr. A. M. Beukes (vha Muhasho wa Vhutsila, Mvelele, Saints na Thekholodzhi) vho fhedza manweledzo ayo nga dzi 27 dza Tshimedzi 1994, nga murahu ha musi yo no kumedzwa khomithi mbili dza Phalamende dzine dza shumana na mafhungo a luambo na vha mirado yotho ya madzangano a khomithi.

Nga dzi 18 dza Thangule 1994 Senate yo tenda uri khomithi nangwaho kha Pfunzo, Mitambo, Vhudinetulusi, Vhutsila na Mvelele Saints na Thekholodzhi zwi do shumisa na Muhasho wa Vhutsila, Mvelele Saints na Thekholodzhi u dzudzanya mulayo une wa do bveledzwa kha Bodo. Khomithi thukhu ya Senate ya luambo yo nangwa nga dzi 5 dza Khubvumedzi 1994 na hone Muhulisei Vho L. J. Swanepoel vho do nangwa u vha mudzulatshidulo.

Nga dzi 31 dza Thangule Dzangano la Lushaka lo humbula uri malugana na tshiimo tsha nyandedzano kha luambo fano Afrika Tshipembe, lihora linwe na linwe to imelelwaho kha Dzangano la Lushaka li do nga muimeleli ane a do shuma kha dzangano la luambokhathihi na khomithi ya Senate ya luambo. Khomithi thukhu ya Dzangano la Lushaka kha luambo yo nangwa nahone Vho N. Tsheole vho nagwa sa mudzula tshidulo.

Kha mutangano wa dzi 4 dza Lara 1994 wo farwaho na khomithi thukhu dza Senate na Dzangano la Lushaka ho swikwa kha phetho dzi tevhelaho malugana na mvelele dzine dza fanela u tevhelwa hu tshi dzudzanywa mulayo wa Bodo Phalamendeni:

- (a) Khomithi thukhu mbili dzi fanela u tanganelana kha u gandisa mbambiri la linwalo la Nyandedzano kana Murero (*Green Paper*) kha u bveledza PSALB. Mabula muhumbulo o nwalwaho kha bambiri a fanelwa u rambwa a tshi bva mahoro ane a zwi takalela.
- (b) Dzulo line la do pfiwa nga nnyi na nnyi kha u bveledzao ya Bodo ya Luambo ya Pan South Africa i fanelwa u dzula kha linwe na linwe a mavundu a tahe malugana na u gandiswa ha *Green Paper*.

(c) Khomithi thukhu mbili dzi fanela u tanga uri dzi gandise *White Paper* kha Bodo ya Luambo ya Pan South Africa.

(d) Nga kathihi Senate i fanela u nwala mulayo kha Bodo ya Luambo ya Pan South Africa.

Lirwalo la Murero kana (*Green Paper*) lo dzudzanywa nga khomithi thukhu na vha Muhasho wa Vhutsila, Mvelele, Saints na Thekholodzhi la iswa kha Khomithi thukhu mbili. Mbambiri la mugaganyo lo dovha la shunwa hafu malugana na mabula mihubulo i bvaho kha khomithi thukhu dza Senate.

Nga uri tshifhinga yo i tshithu tshihulwane, nahone mvelele yo sumba i tshi dzhia tshifhinga tshinnzhi, Khomithi yo nangwaho ya Senate kha Pfunzo, Mitambo, na Netuluso, Vhutsila, Mvelele, Saints na Thekholodzhi vho themendela uri vha bve fulo kha mvelele vha sa humeli murahu kha thodea dza u di vhoneadza. Mabula mihumbulo a tevhelaho o itwa nga madzulo othe a Phalamenndeni:

(a) Linwalo la Murero kana (*Green Paper*) lo dzudzanywaho nga vha Khoro thukhu ya Senate malugana na Khomithi ya Dzangano ya Lushaka kha Nyambo li do shumiswa sa linwalo la mushumo kha murero kha madzulo/ndu dzothe.

(b) Malugana na murero, ngaganyo ya mulayo i re kha bodo i do dzudzanywa nga vha divhi vha mulayo nga tshumisano ya Muhasho wa Vhutsila, Mvelele, Saints na Thekholodzhi vha do vha tshi khou shumisa lirwalo la mushumo na mabula mihumbulo yo bveledzwaho nga vha mahoro a politiki.

(c) Ngaganyo ya mulayo i do gandiswa kha bambiri la muvhuso/*Government Gazette* nga nyambo dza tshiofisi dza fumi nthi/11 nahone mabula mihumbulo a do lavhelelwa a tshi bva kha mahoro othe ane a vha na dzangalelo.

(d) Dzulo li pfiwaho nga nnyi na nnyi, mahoro othe a zwi takalelaho vha do thetsheswa ngei Kapa (arali zwo tea dzulo lenelo li nga lugiselwa u pfiwa kha mashango haya u khwathisa u dzhanelwa nga vhothe).

(e) U bva hanefho, mulayo u do gandiswa/nwalwa Phalamenndeni.

Tshipida tsha u fheledza tsha *Green Paper* tsha Thafamuhwe 1995 tsho ambiwa nga hatsho nga Senate nga dzi 30 dza Thafamuhwe na nga vha Dzangano la Lushaka nga dzi 5 dza Lambamai 1995.

Vhadihi vha mulayo vhavhili, Prof. N. J. J. Olivier vha Tshikolo tsha Mulayo kha Univesithi ya Natal (Pietermaritzburg) na Vho P. M. Mtshaulana, Mutodisi kha khothe ya Ndayotewa na Muambi kha Sia la zwa Mulayo kha Univesithi ya Devhula vho khethwa uri vha thuse vha Muhasho wa Vhutsila, Mvelele, Saints na Thekholodzhi kha u gaganya Mulayo kha Bodo.

Thoho ndafu na maranga phanda

Thoho ndapfu ya Mulayo ndi manweledzo a zwi re nga ngomu. Maranga phanda a khwathisedza uri Mbelano na mulayo zwe zwa ditika ngazwo zwi bve kha Ndayo tewa ntswa ya Rephabuliki ya Afrika Tshipembe, Act No. 200 of 1993.

Mulayo wa u thoma 1: Thalutshedzo

Mulayo wa u thoma na thalutshedzo dzine vhunzhi hadzo daz ditalutshedza.

Mulayo wa vuvhili 2: Mveledzo ya Bodo ya Luambo ya Pan South African

Mulayo hoyu u bveledza Bodo ya Luambo ya Pan South African. Bodo hei i do vha muthu ane a divha nga mulayo.

Mulayo wa vharuru 3: Zwithu

Hoyu Mulayo u na zwithu zwa Bodo, zwo livhiswa nga maanda kha mulayo wa nyambo dzo fhambanaho sa zwe zwa nwaliswa zwone kha khethekanyo 3 (9) ya mulayo, u bveledza phanda nyambo dza tshiofi dza fumi na nthi/11 dza Afrika Tshipembe, u dzi hulisa na u bvelephanda dziwe nyambo.

Mulayo wa vhuna 4: Zwo vhumbaho Bodo

Hoyu mulayo u talutshedza zwo vhumbaho Bodo. Bodo (yo itwa nga vhatu vha 14 fumi na vhana, vha fumi na vhararu 13 ndi vha murado wa u voutha, muthihi ndi wa murado u sa vouthi) i do vhumbwa nga vhatali vho fhambanaho—

- (a) vhaḁivhi kah sia la u pulana zwa luambo (vhatu vhana);
- (b) vhane vha vha nandivho nahone vhane vha shuma kha masia a tevheleho: tshandu lelo kana talutshedzo (muthu muthihi) mudologi (muthu muthihi) muḁivhi wa luambo (muthu muthihi) mugudisi wa luambo (muthu muthihi) na vho funzwaho (muthu muthihi);
- (c) are na vhuḁivhi kha luambo lwa mulayo (muthu muthihi);
- (d) ane avha nandivho i songo ḁowealeho kha mafhungo a luambo (vhatu vha songo fhira vhararu).

Ha muofisiri muhulisei u do vha murado wa Bodo hone ha nga tendelwi u khetha.

Hoyu mulayo u talutshedza uri mirado ya Bodo i do khethwa nga Senate musu u nanga hu bvaho kha vhatu ho no rambiwa. Vha mirado ya Bodo vha fanela u tenda dzinwe thodea (ndalukano) nahone na u khethwa havho hu nga fhedziwa nga Senate.

Tshifhinga tsha vha mirado ya Bodo musu vhe ofisini tshi do vha minwaha ya sumbe, u tholiwa lwa vhuvhili zwi do sedzuluswa nga Senate.

Zwikhala zwa mishumo zwine zwa do vha hone kha tshifhinga tsha minwaha ya sumbe, i nga dadzwa nga Senate kha tshifhinga tsha minwaha ya salaho.

Mulayo wa vhumanu 5: Mudzulatshidulo na mufarisa mudzulatshidulo

Hoyu mulayo u disa u khethwa ha mudzula tshidulo na mufarisa mudzulatshidulo wa Bodo (izwi zwi do itwa nga Muhatuli muhulwane) kha tshifhinga tsha minwaha ya sumbe ya u vha ofisini (hu na khonadzeo ya u nga khethwa lwa vhuvhili kha tshifhinga tsh vhuvhili tsha mushumo; Mufarisa mudzulatshidulo (musi o farela mudzula tshidulo) u do vha na maanda othe nahone u do ita mushumo wothe wa mudzulatshidulo. Tshikhala tshi do sikwa tsha u khetha mudzula tshidulo kana mufarisa mudzulatshidulo arali o litsha mushumo.

Mulayo wa vhurathi 6: Mitangano na u dzula ha Bodo

Hoyu mulayo kanzhi u a di talutshedza. U talutshedza uri Bodo i do dzula kana u tanga luna nga nwa na uri vhatu vha sumbe kha vha fumi raru vha do vhu mba khoramu na zauri vha do tola na u shumisana na muthu munwe na munwe kana mirado ya vhatu vhane vha vha na ndivho na vukoni ha thaidzo dza nyambo dza Afrika Tshipembe kana vhane vha khou shuma kha mvelele na khuliso ya milayo ya nyambo sa zwine zwa vha kha khethekanyo ya 3 ya ndayotewa.

Hoyu mulayo na wone u bula uri Bodo i shuma nga ndila ya thendelano-gute uri i atendelana na muya wa nyambo dzo fhambanaho sa zwe katelwa kha ndayotewa (ndugiselo dzine dza nga dzenedzi dzi hone malungana na tshumiso ya Muvhuso wa Mutanganelwa wa Lushaka na vhaeletshedzi vha vha hulisei vha Madzingu.

Hoyu mudzula tshidulo u do kona u khetha arali ho vha na u lingana kha u dzikhetho.

Mulayo wa vhu sumbe 7: Maanda na mishumo ya Bodo

Hoyu mulayo u katela maanda na mishumo ya Bodo, zwine zwa katela u ita themende lo; u tangedza na u tenda mbilaelo dza u shushedzwa; u eletshedza vha vhaileli na u ita thendelo malugana na Mbilaelo; hu tshi sedziwa ndayotewe na milayo malugana na tshumiso ya luambozwi re nga ngomu na u sedza mulayo muswa munwe na munwe u re hone, u shuma no livhana kana ni songo livhana na mafhungo a luambo, u thusa kha u sedza na u ita mbekanyamushumo na milayo, nahone ho teaho hu itiwe uri tshede i vhe hone. Hone Bodo i do gandisa zwe ya zwi wana zwe ya zwi vhona, nyeletshedzo na themendelonga kotara kha gurannda ya muvhuso/*Government Gazette* (kana nga zwifhinga zwipufhi zwine Bodo ya vhona zwo tea), Gurandda ya Muvhuso/*Government Gazette*, i a kwamea malugana na mafhungo a luambo a Vundu.

Bodo i nga eletshedza Muvhuso uri u thuse nga tshelede kha zwigwada zwo nyadziwaho malugana na ndungelo dza luambo. Nahone i nga tutuwedza pfunzo na vhuṭoli nga u isa phanda ndivho dzayo, ngauralo vha nga thusa nga tshelede; nahone vha nga nea ndaelo ya vhutodisisi.

Bodo i do vha na maanda a gute a u kona u thoma, u sengulusa, kana zwine zwa kombetshedza tsenguluso, na u disa dzi themendelo malugana na mulayo, linwalo na u dowela u shumisana na luambo zwo livhana kana zwi songo livhana na vha mulayo wa shango.

Bodo i nga vhidza muṭwe na muṭwe uri a de a nee vhuṭanzi khayi nahone u do tendelwa u sedza maṭwalo a tshiofisi. Bodo i nga di khetha khomithi ine ya vha na muthihikana vhanzhi vha mirado yayo na vhanwe vhatu ya vhona vho tea u i eletshedza nga zwine ya ita, maanda na mishumo yayo.

Bodi i nga ya phanda ngauri—

- (a) khomithi dza luambo dza vundu dzi i eletshedze malugana na luambo kha mavudu;
- (b) nyeletshedzo ya vha mirado ya luambo malugana na luambo luṭwe na luṭwe.

Milayo i nga itwa na tshenzhemo dzi nga bvisiwa; ngauralo u gandiswa kha gurannda ya muvhusona kha gurannda ya vundu hu do divhadzwa.

Mulayo wa vhu malo 8: Vhushaka na maṭwe madzangano, vhatu na miṭwe mirado

Hoyo mulayo wa katela zwidayo zwa tshumisano vhukati ha Bodo na miṭwe mirado ya muvhuso, vhatu kan mirado ya vhatu na zwinwe zwigwada zwine zwa vha kha mafhungo a luambo. Bodo i fanela u wana nyeletshedzo kha dzi khomithi dza vundu mirado ya muvhuso na mirado ya vha luambo yo vledzwa nga muvhuso kana nga Bodo, nahone vho fanela u ramba vhatu nga muthihi, zwigwada, na miṭwe mirado ya luambo, vha saathu u gandisa zwe vha wana, zwine vha vhona, zwine vha eletshedza kana dzi thendelano. I nga eletshedzana na nnyi na nnyi muthu, tshigwada kana murado wa dzangano.

Mulayo wa vhutahe 9: Kushumele kwa vha ofisiri vha Bodo

Mushumo wa vha ofisiri vha Bodo u do shunwa nga vhaofisi vho toy khethwaho zwi tshi ya nga Mulayo wa Vhashumli Vhagute (Public Service Act) wa 1994.

Vhaofisiri avha vha do vha na vhalmeleli tshothe vha vhupo ha Afrika-Tshipembe.

Mulayo wa vhu fumi 10: Mulayo malugana na matshimbedzele a Bodo

Mulayo hoyu u tshimbilelana na u mangalela mbilaelodzine dza tshibilelana na u shushedzwa ha ndugelo ya luambo, mulayo wa luambo.

Ndila dza matshimbedzele na u nea thuso malugana na hezwo, na u sedzulusa mbilaelo dzo raloho, zwi hone. Arali Bodo i na muhumbulo wa uri hu na mbilaelo kha tsedzuluso ye ya ita, i do thusa muvhilaeli nga u lulamisa mafhungo nga u a isa kha murodo wo teaho wa muvhuso, hu u thusa muvhilaeli uri a wane—thuso khothe. I do divhadza muvhilaeli nga zwe ya wana nahone i do gandisa zwe ya zwi wana.

Mulayo wa fumi nthihi 11: Tshumiso ya tshelede nga Bodo

Phalamennde i do nea Bodo tshelede ine ya do i shumisa.

Ngaganyo dza nwaha dza tshumiso ya tshelede dzi do newa Mulangi-gute wa Muhasho wa muvhuso wo teaho, ane a vha muofisiri a no do hwala vhudifhinduleli.

Mulayo wa fumi mbili 12: Muvhigo wa nwaha

Hoyo mulayo u kombetshedza Bodo u disa muvhigo u pfalaho nwaha muṭwe na muṭwe nga ha mishumo yawo phalamenndeni na muvhigo malugana na mafhungo a luambo na milayo ya vundu lenelo.

Mulayo wa fumi raru 13: Muholo na magavhelo a vha mirado ya Bodo

Phalamennde i do bvisa tshelede ya u holela vha murado wa Bodo na vhashumeli vhane vha si vhe vha tshothe kha Muvhuso.

Mulayo wa fumi ina 14: Vhudifhinduleli ha Bodo

Mulayo hoyu u a ditalutshedza.

Mulayo wa fumi thanu 15: Thoho pfufhi na maranga phanda

Thoho pfufhi ya mulayo i a ditalutshedza. Mulayo wo vha who fanela u thoma u shuma nga dzi 28 dza Lambamai 1994 na Bodo yo vha yo fanela u di bveledza nga tshenetshi tshifhinga hu u itela uri Bodo i kone u shuma na u shumisa maanda ayo.

MULAYO

U disa u divhea, u shumisa na bveledza nyambo dza Afrika Tshipembe; u bveledza Bodo ya luamo ya Pan South African; na u disa mafhungo a tshimbilelanaho nazwo.

Hone Ndayotewa ya Riphabuliki ya Afrika Tshipembe, 1993 (Act No. 200 ya 1993), u disa u divhadzwa ha mulayo wa nyambo;

Hone hu fanelwa u itwa tshikhala na maga a u kona u wana khuliso, tsireledzo yo teaho, na mveledzo ya nyambo dza tshiofisi dza Afrika Tshipembe na u bveledza phanda idzo nyambo dza tshiofisi dze kale dza vha dzi sa dihw, uri ri kone u bveledza u diphina na u lingana ho dalaho kha nyambo dza Afrika Tshipembe na khuliso ya dziwe nyambo dzine dza shumiswa kha nyandano na mafhungo a vhurerele fhanu Afrika Tshipembe;

Ngauralo Phalamennde ya Afrika Tshipembe kha i shume, sa hezwi:—

Thalutshedzo

1. Mulayo hoyu zwine wa talutshedza ndi hezwi, nga nndani ha musi hu zwirwevho—

“**Board**” zwi amba Bodo ya Luambo ya Pan South African yo bveledzwaho nga khethe kanyo 2;

“**Constitution**” zwi amba Mulayo wa Afrika Tshipembe, 1993 (Act No. 200 of 1993);

“**Department**” zwi amba Muhasho wa Muvhuso wo khethwaho nga Mupresidente malugana na mulayo une wa do vha na vhudifhinduleli kha mafhungo a luambo;

“**executive officer**” Muhulisei Muofisiri u nangwa malugana na khethekanyo ya 9 (1);

“**Minister**” zwi amba Minista wa Muhasho;

“**acknowledged practising translator**” zwiamba muthu ane a vha na vhudivhi ho fhelelaho o gudiswaho tshandulelo vhukuma nahone a vhe na tshenzhemo ya tshandulelo ya minwaha mitanu;

“**acknowledged practising interpreter**” zwiamba muthu ane a vha na tshenzhemo nahone o gudiswaho vhukuma malugana na vhudologi;

“**acknowledged practising lexicographer or terminologist**” zwiamba muthu ane a vha o gudiswa a re na tshenzhemo ya minwaha mitanu a divhaho luambo;

“**language planner**” zwi amba muthu o gudiswaho kha u pulana zwa luambo a re na tshenzhemo yo dzenelelaho;

“**language sociologist**” ndi muthu o gudiswaho nga zwa luambo, zwa vhutshilo, zwa politiki na zwa pfunzo zwi tshimbilelanaho na luambo na zwa vhutshilo;

"acknowledged practising language teaching expert" zwi amba muthu o gudiswaho u funza luambo ngauralo a re na tshenzhemo khulu;

"acknowledge literacy expert" ndi muthu o gudiswaho u vhala na nwala ane a vha na tshenzhemo yo dzhenelaho;

"organ of state" zwi amba murado wa Muvhuso sa zwe zwa talutshedziswa zwone kha khethekanyo 233 ya Ndayotewa;

"Provincial Gazette" zwi amba gurandza ya muvhuso ya vundu lenele;

"existing" zwi amba zwe zwa vha zwi hone hu saathu u thomiwa Ndayotewa, u thomi wa ha hoyu mulayo tshifhinga tshinwe na tshinwe;

"prescribed" zwi amba uri zwo laedzwa nga kana nga fhasi ha hoyu mulayo;

"this Act" zwi katela milayo yo itwaho na ndivhadzo dzo bviswaho nga fhasi ha khethekanyo 6 (9), 7 (8), 7 (11) na 8 (2) (d).

Mveledzo ya Bodo

2. (1) Afha ri khou divhadza Bodo ine yo do dihwa nga u pfi Bodo ya Luambo ya Pan South African.

(2) Bodo i do vha muthu wa mulayo nahone u do imelwa nga mudzula tshidulo kana mufarisi mudzula tshidulo kana muhwe na muhwe wa murado ane a do nangwa nga Bodo kha gote kana a nangela muhwe mushumo.

Ndivho dza Bodo

3. Bodo i do vha na ndivho dzi tevhelaho:

- (a) U bveledza khuliso kha milayo yo bulwaho kha khethekanyo 3 (9) ya Ndayotewa, ndi hei:
 - (i) U vhumba maitele a mveledzo na u khulisa i linganaho kha u shumisa na u shumisa nyambo dzothe dza tshiofisi dza Afrika Tshipembe;
 - (ii) U engedzwa ha ndugelo malugana na maimo a luambo a nyambo dze u thomani ha mulayo tewa dza vha dzi dza manwe madzingu;
 - (iii) U thivhela u shumisa luambo lufhio kana lufhio hu u itela u nyadza, u tsikeledza kana u fhambanywa;
 - (iv) U bveledza phanda nyambo na u nea zwikhala kha mishumi ya tshandulelo;
 - (v) U tutuwedza khuliso kha nyambo dzi ambiwaho kha Riphabuliki nga nda ha nyambo dza tshiofisi, na u tutuwedza u dzi shumisa fhethu ho teaho;
 - (vi) Pfanelo thukhu malugana na luambo na maimo a nyambo dze dza vha dzi hone musu Ndayotewa i tshi thoma;
- (b) U isa panda mveledzo ya nyambo dza tshiofisi dza Afrika Tshipembe;
- (c) U bveledza khuliso na u bveledza phanda dzinwe nyambo dzine dza shumiswa kha vhupo ha Afrika Tshipembe, na nyambo dzine dza shumiswa kha vhurerele;
- (d) U hulisa manwe madzingu na milayo i re kha Ndayotewa ine ya shumisana yo livhana kana i songo livhana na mafhungo a luambo;
- (e) U bveledza khuliso kha nyambo nga u angaredza.

Zwo vhumbeho Bodo

4. (1) (a) Musi Senate yo no ramba vha nangiwa vha bvaho ngafhi kana ngafhi nga u angaredza, i do khetha vhathu vhathu vha tevhelaho kha Bodo:

- (i) Vhathu vhavhili vhane vha do vhadivhi vhaluambo na vhutshilo vhane vha tou vha vho makone kha u pulana luambo;
- (ii) Vhathu vhavhili vhane vha do pulana luambo yane vha tou dzhena tshotha kha u dzudzanya luambo;

- (iii) Muthu muthihi ane a vha mudivhi a tshandulelo;
- (iv) Muthu muthihi ane a vha mudivhi wa zwa vhudologi;
- (v) Muthu muthihi ane a vha mudivhi wa nyambo kana maipfi;
- (vi) Muthu muthihi ane a divha u gudisa luambo;
- (vii) Muthu muthihi ane a divha nga ha u vhala na u nwala;
- (viii) Muthu muthihi nae a divha nga zwa milayo ya luambo;
- (ix) Vhathu vha sa fhiri vhararu vhanvha vha vha na ndivho kha mafhungo a luambo Afrika Tshipembe.

(b) Muhulisei muofisiri u do vha e murado wa Bodo nahone u do shuma mishumo ya Bodo nahone u do di vha na pfanelo na mishumo zwi fanaho na zwa vhanvha vha murodo: Nahone arali ene a sa tendelwi u khetha.

(2) Vha murado wa Bodo vha do—

- (a) Vhathu vho khwathaho, vho teaho u shuma mishumo wa ofisini;
- (b) Vha do vha vhe vhadzulapo vha Afrika Tshipembe;
- (c) Vha do vha vha na vhukoni na vhudivhi ho teaho ha u shuma kha Bodo kana ndivho ya luambo/na ndivho ya zwa mulayo kana ndalukano sa zwine Senate ya zwi todisa zwone.

(3) Senate i nga fhedza mishumo muhwe na muhwe wo itwaho malugana na khethekanyo hei—

- (a) Arali yo fushea uri muthu o tholwaho ha tsha tevhedza thodea dzi re kha khethekanyo (2);
- (b) Arali muthu uyo o tholwaho a nea Senate luhwalo lwa u livhuwa mishumo;
- (c) Kana onoyo mutholwa a sa vhe hone kha mitangano mivhili i tshi tevhelana ya Bodo nga nda ha maduvha a u awela a Bodo.

(4) Murado muhwe na muhwe wa Bodo u tholwa miwaha ya sumbe, tshifhinga itshi tshi tshi fhela a nga di dovha a tholwa lwa vuvhili.

(5) Arali ofisi ya murado muhwe na muhwe i nga vha i si na muthu hu saathu u fhela tshifhinga tsha u tholwa mushumoni, Vha Senate vha nga tevhela khethekanyo (1) (a), u khetha muhwe muthu u ri a fare mishumo kha tshifhinga tsho salaho tsha we a vha o fara mishumo.

(6) Senate i do nea divhadzo kha gurandza ya muvhuso kha u tholwa ha murado muswa wa Bodo na divha line u vha wa murado la thoma, na malugana na u tholwa ha wa murado wa Bodo na tshifhinga tshe a tholwa ngatsho.

Mudzula tshidulo na Mufarisa mudzula tshidulo

5. (1) Vha murado wa Bodo vha do khetha muthihi ane a do vha mudzula tshidulo wa Bodo na muhwe ane a do vha mufarisa mudzula tshidulo wa Bodo ane a do shuma sa mudzula tshidulo arali a siho kana a tshi kundelwa: Nahone arali khetho ya u thoma kah dzulo la Bodo i tshi do laulwa nga Muhulisei wa mulayo.

(2) Mudzula tshidulo na Mufarisa mudzula tshidulo vha do shuma ofisini miwaha ya sumbe nahone vha do dovha u thendelwa u khethwa lwa vuvhili.

(3) Mufarisa mudzula tshidulo, musi o farela Mudzula tshidulo u do shumisa maanda wae othe sa zwe zwa bulwa kha khethekanyo (1).

(4) Ofisi ya Mudzula tshidulo kan Mufarisa mudzula tshidulo i do vha i si na muthu—

- (a) Arali tshifhinga tsha mishumo tsho fhela;
- (b) Arali mutholwa ha disa luwalo lwa u livhuwa mishumo;

- (c) Arali mutholwa a si tsha vha murado wa Bodo;
- (d) Arali ho fhedziwa nga mafhungo na Bodo;
- (e) Arali mutholwa a lovha kana a thithisea muhumbuloni.

Nga nda ha (b), (c), (d) na (e) malungana na u khethiwa ha Mudzula tshidulo muswa kana mufarisa mudzula tshidulo, izwo zwi do itwa nga Muhulisei muofisiri.

Mitangano na dzulo la Bodo

6. (1) Bodo i do tangana lu na nga nwaha.
- (2) Dzulo la bodo li do vha Pretoria na mitangano ya Bodo i do farwa nga tshifhinga na fhethu hune ha bulwa nga Bodo nahone mutangano u do laulwa nga mudzula tshidulo.
- (3) Mudzula tshidulo wa Bodo a nga kha di vhidza mutangano tshifhinga tshinwe—na tshinwe une wa do farwa nga tshifhinga tshine ata na fhethu hune ata, na u do dovha a humbela mutangano nga u nwala lunwalo lune lwa tea u sainwa nga vhathu vha si ho fhasi ha vhararu vhane vha vha mirado ya Bodo, mutangano uyo u fanelwa u farwa kha maduvha a furaru u bva nga duvha le khumbelo ya itwa, u do farwa nga tshifhinga tshe a ta nahone fhethu he a ta.
- (4) Mirado ya sumbe ya Bodo i do vhumba khoramu kha mutangano muñwe na muñwe wa Bodo.
- (5) Bodo i do kona u shumisana zwavhuḍi na muthu muñwe na muñwe kana mirado ine ya vha na vhuḍivhi na tshenzhemo kha thaidzo dza nyambo dza Afrika Tshipembekana ane a shuma u bveledza na u hulisa milayo i re kha khethekanyo 3 ya Ndayotewa.
- (6) Bodo i do nga ndila ine ya do sedza muya wa thendelano malugana na mafhungo a nyambo sa zwine zwa vha zwone kha Ndayotewa.
- (7) U khetha kha mutangano muñwe na muñwe wa Bodo do vha hone nga u sumbedza zwanda nahone u tendelana hune ha do dzhiwa nga vhunzhi ha vha murado kha muta ngano muñwe na muñwe hu do vha hu thendelano ya Bodo: Hoene arali u khetha ha lingana mudzula tshidulo u do vha ene amba dzi fhele malugana na u khetha.
- (8) A huna muhumbulo kana zwiito zwo itwaho nga fhasi ha mulayo wa Bodo une wa do kundelwa nga ndivho ya tshifhinga nyana kha Bodo arali muhumbulo wa u ralo wo dzhiwa kana zwiito zwa u ralo zwo tendelwa kha mutangano wa Bodo malugana na khethekanyo yenei.
- (9) Bodo i nga ita milayo ya u kona u laula mitangano yayo.

Maanda na mishumo ya Bodo

7. (1) Bodo i do—
 - (a) i do ita themendelo malugana na mulayo une wa vha hone, mulayo une wa shumi sana wo livhana kana u songo livhana na mafhungo a luambo na malugana na tsha nduko kana ndulamiso dzine dza nga itwa kha u tuwisa kana u vhuedzedza mulayo wonoyo;
 - (b) malugana na mbilaelo—
 - (i) u kona u sedzulusa mbilaelo nga vhane vhane musi vho tanganedza linwalo la mbilaelo, u nyadza ndugelo dza luambo, milayo ya luambo kana ndowelo dza luambo;
 - (ii) u kona u tanganedza na u tande u tanganedza mbilaelo malugana na lunyadzo lwa pfanelo dza luambo;
 - (iii) u kona u thusa u eletshedza vhavhilaeli nga ha mbilaelo dzavho na u ita themendelo nga zwinwe zwifhinga arali dzo humbelwa;
 - (c) nga u dziela nzhele milayo ine ya shumisana yo livhana kana i songo livhana na mafhungo a luambo nga u angaredza, nahone kha khethekanyo 3 (9) ya Ndayotewa—
 - (i) u sedza na u linda zwa milayo malugana tshumiso ya nyambo;
 - (ii) u linda na u sedza milayo ya kale na miswa, tshumiso yo livhanaho kana i songo livhanaho malugana na mafhungo a luambo;

- (iii) u thusa na u sedza u vhumbwa ha mbekanya mushumona milayo yo livhanywaho na u bveledza u shumisa na khuliso zwi linganaho kha nyambo dza tshiofisi nahone hu tshi khou dzhiwa maga a u khwathisa uri vhadzulapo vha shumisaho nyambo ddzo bulwaho kha khethekanyo 3 (10) (c) ya Ndayotewa vha na tshifhinga tsha u shumisa nyambo dzavho kha maimo o teaho;
- (iv) malugana na khethekanyo hei, hune zwa tendea vha ita uri tshelede i wanalaho nga tshenetsho tshifhinga nahone malugana na maimo sa zwe Bodo i nga vha yo humbulisa zwone tshifhinga tshinwe na tshinwe;
- (d) I bveledze khagala zwine ya zwi wana, mihumbulo, nyeletshedzo, kana themendelo nga ndila ya u zwi gandisa kha Gurannya ya Muvhuso nga kotara kana nga zwifhinga zwiofufhi zwi tshi ya nga hune Bodo ya zwi funisa zwone, hone malugana na mafhungo a nyambo a vundu na one vho a gandiswa kha Gurannya ya Vundu;
- (e) dzudzanyani, ni vhekanye mafhungo a mulayo othe (ni tshi katela na a re kha Ndayotewa) ane a shumisana na mafhungo a luambona mulayo muhwe na muhwe u shumiswaho wo livhana kana u songo livhana na mafhungo a luambo ane a nga bva kha minwe mirado kana mirado ya muvhuso.
- (2) Hune Bodo ya vhona zwo tea i nga eletshedza Muvhuso u thusa nga tshelede kha zwigwada zwo welwaho nga khombo ya u nyadziwa nga maanda kha pfanelo dza luambo;
- (3) Bodo i do kona u thoma pfunzo na vhutodisizwo livhiswaho kha u bveledza khuliso kha nyambo dza tshiofisi dza Riphabuliki sa zwe zwa bulwa kha khethekanyo 3 (1) ya Ndayotewa; u shumisa na u diphina hu linganaho kha nyambo.
- (4) Malugana na khethekayo hei, Bodo i nga u nea tshelede kana thuso inwe vho kha muthu muhwe na muhwe kana murado.
- (5) Kha khethekanyo hei a huna tshine tsha nga tusa pfanelo dza Bodo dza u thoma kana u sedzulusakana tshiitisi tsha tsedzulusona u disa themendelo malu gana na mulayo, na ndowedzo i shumaho yo livhana kana i songo livhana na luambo nga u angaredza kha mulayo muhwe na muhwe kana murado wa muvhuso.
- (6) Bodo i do zwi kona u divhadza muthu muhwe na muhwe u nea vhutanzi khayi nahone u tendelwa u vhona linwalo linwe na linwe la tshiofisi na manwe mafhungo vhokana tshinwe tshithu tshine tsha nga kona u thusa Bodo kha u bveledza mishumo yayo.
- (7) Bodo i nga kona u vhidza muthu muhwe na muhwe kana murado wa vhatu kana dzangano u ita vhutodisizi yo imela Bodo ngauralo i do ita uri kha mishumo wonoyu hu vhe na tshelede kha muthu muhwe na muhwe kana murado wa vhatu kana dzangano.
- (8) Bodo i nga divha ndaela hei nga ndila ya u tou gandisa kha Gurannya ya Muvhuso na kha Gurannya ya Vundu hune ha pfi—
 - (a) khomithi ya luambo ya vundu kha vundu linwe na linwe i eletshedzwa malugana na mafhungo a luambo lunwe na lunwe lu ne lwa kwama vundu kana tshipida tshinwe na tshinwe;
 - (b) dzangano la luambo li eletshedze malugana na luambo lunwe na lunwe.
- (9) Bodo i nga nea thendelo muhwe na muhwe wa murado yawo u i imela kha tshinwe na tshinwe.
- (10) Bodo i nga nanga muthu muthihi kana khomithi nnzhi ine ya vha na muthu muthihi kana vhanzhi vha murado wonoyo na vhanwe vhatu vhanwe vha vha vho tea u eletshedza Bodo kha ku shumisele kwa mishumo na maanda.
- (11) Bodo i nga di ri kha u isa phanda ndivho dzayo na u bveledza maanda na mishumo yayo—
 - (a) ya ita milayo na u bvisa ndivhadzo;
 - (b) u divhadza milayo yenei na ndivhadzo kha Gurannya ya Muvhuso na kah Gurannya ya Vundu.

Vhushaka ha Bodo na mirado ya muvhuso, mañwe madzangano, vhathu na mirado ya vhathu

8. (1) Bodo i do lwela u bveledza tshumisa vhukati ha yone ine mirado ya muvhuso muthu muñwe na muñwe murado wa vhathu, dzangano liñwe na liñwe nga maanda vho dzhenisa mulenzhe kha u bveledza phanda na u hulisa pfanelo dza luambo.

(2) Bodo, musi i saaathu u divhadza zwe ya wana, mihumbulo, na nyeletshedzo kan theme-ndelo i do wana nyeletshedzo ya—

- (a) khomithi ya luambo ya vundu lenelo yo bveledzwa malugana na khethekaya 7 (8) (a);
- (b) murado muñwe na muñwe malugana na mafhungo ane a kwama o livhana kana a a songo livhana na pfanelo dza luambo lufhio kana lufhio, mulayo wa luambo ndowelo dzine dza tevhelwa dza luambo dzine dza shumiswa kana dzo bulwaho nga murado wa muvhuso;
- (c) murado muñwe na muñwe wa luambo wo bveledzwaho malugana na khethekanyo 7 (8) (b); kana
- (d) muthu muñwe na muñwe, tshigwada, murado wa luambo kana dzangano lo dzhenisaho mulenzhe kha u vha na dzangalelo kha u bveledza nyambo dza tshiofisi dza Afrika Tshipembe nga tutuwedza u disa ndivhadzo malugana nazwo kha Gurandya ya Muvhuso na kha Gurandya ya Vundu.

(3) Bodo i nga vhidza muthu muñwe na muñwe, murado, tshigwada kana dzangano nga nda ha hezwo zwe zwa laedzwa kha khethekanyo (2).

Kushumele kwa ofisini kwa Bodo

9. (1) Mushumo wa ofisini na kushumele kwa mishumo ya Bodo i do itwa nga Muofisiri Muhulisei wa Bodo, ane a do vha muofisiri wa Muhasho o khethwaho malugana na mulayo wa vhashumi / Public Service Act, 1994 (Proclamation No. 103 of 1994), wo newa kha gute kana nga ndivho ya khetheaho nga Minista nga murahu ha u vhudzisana na Bodo.

(2) Musi hu tshi nangwa malugana na khethekanyo (1), Minista u do toda uri a vhe na vhubanzi ha uri vha murado wa Bodo vha do imelelwa tshothe hothhe kha lushaka lwa Afrika Tshipembe.

(3) Vhaofisiri vho khethwaho vha do shuma mishumo yavho nga fhasi ha ndaulo na mutoli wa Bodo.

Milayo malugana na mvelele dza Bodo

10. (1) Muthu muñwe na muñwe ane a kona u diimelela kana muthu muñwe na muñwe murado wa vhathu kana dzangano line la imela murado kana dzangano layo kana tshigwada tsha vha murado wa luambo, vhanga disa mbilaelo dziñwe na dziñwe dzi tshimbi-lelanaho na u nyadziwa kana u shushedzwa, u nyadziwa ha ndugelo dza luambo, milayo ya luambo, ndowelo dza luambo kha Bodo.

(2) Mbilaelo i do tou nwaliwa nahone i do talutshedza uri—

- (a) dzangalelo la muvhilaeli kha mafhungo;
- (b) (i) maimo a pfanelo yo nyadziwaho kana yo shushedziwaho; kana
- (ii) ndivho dzine a pfa zwo tea uri hu itwe tsedzuluso; na
- (c) mafhungo othe o khwathaho ane a a divha.

(3) Bodo i do disa thuso arali zwo tea hu u itela uri muvhilaeli a songo lifha na tshithu nahone hune ha konea i do thusamuvhilaeli uri a tevhedze dzi pfane lo dzi todeaho kha khethekanyo (2).

(4) Musi Bodo ya tangananedza mbilaelo u nyadziwa ha pfanelo dza luambo lufhio kana lufhio, mulayo wa luambo kana ndowelo dza luambo.

(5) Arali nga murahu ha tsedzuluso ya mbilaelo Bodo ya humbula uri hu na zwinwe khayoy, i do thusa muvhilaeli na muthu ane zwa mu kwama nga maanda uri vha wane ndulamiso nga—

- (a) nga u livhisa mafhungo kha murado wa muvhuso nga he muvhilaeli a vha o a hwelela, a na themendelo;
- (b) u themendela kha murado wa muvhuso kha zwe muvhilaela a hwelela uri hu wanale thuso ya tshelede kha muvhilaeli muhumbulo u wa u khakhulula zwo khakheaho;
- (c) u disa thuso yothe ya tshelede kha muvhilaeli u lulamisa zwine zwa nga vha zwo tshinyala; kana
- (d) u ita dzudzanyo ya u disa thuso ya tshelede kha muvhilaeli u itela uri a kone u wana thuso malugana na khothe.

(6) Bodo i do divhisa muvhilaeli muhumbulo wayo, hone arali Bodo yo swika kha muhumbulo wa u ita zwinwe, i do divhisa muvhilaeli ndivho ya u swika kha muhumbulo wonoyo.

(7) Bodo i do divhadza mihumbulo yayo malugana na khethekanyo (7) (1) (d).

(8) Zwine zwa vha kha khethekanyo zwi nga si thithise maanda o newaho Bodo nga fhasi ha khethekanyo 6 (9).

Tshumiso ya tshelede ya Bodo

11. (1) U shumisa tshelede malugana mvelele ya mishumo ya Bodo i do bviswa kha dzi tshelede dzi bvaho kha Phalamennde kha mushumo wonoyo.

(2) Ganganyo ya tshumiso ya tshelede malugana na nwaha muñwe na muñwe wa tsheledi i do diswa kha Mulangi-Gute wa Muhasho ane a do vha muofisiri wa mbalelano.

Muvhigo wa nwaha

12. Nwaha muñwe na muñwe hu saathu u fhira divha la u thoma la Fulwi Bodo i do disa—

- (a) kha Phalamennde muvhigo u pfalaho nga ha mishumo yothe yo bvelelaho nwaha wo fhelaho, u swika nga dzi 31 dza Thafamuhwe; na
- (b) muvhigo u pfalaho wa mulayo muñwe na muñwe wa vunḁu, zwo bvelelaho malugana na mafhungo a luambo kha vunḁu zwo iteaho nwaha wo fhelaho u swika nga dzi 31 dza Thafamuhwe.

Muholo na magavhelo a vha murado wa Bodo

13. Murado wa Bodo kana mudzulapo muñwe na muñwe ane a si vhe mushumi wa tshothe wa Muvhuso, kha tshelede ine ya bva kha Phalamennde ya uyu mushumo vha do lifhelwa muholo na magavhelo zwi tshi ya nga mushumo une vha shuma wa Bodo sa zwine zwa do dzudzanywa nga Minista nga tshumisano ya Minista wa tshelede.

Vhudifhinduleli ha Bodo

14. (1) Mulayo wa Muvhuso wa Vhudifhinduleli, 1957 (Act No. 20 of 1957), hu do kha khululwa ho teaho malugana na Bodo na ndivho dzinwe na dzinwe dza kha Minista wa muhasho wonoyo u do talutshedza ndivho kha Bodo.

(2) Vha murado wa Bodo a vha nga do vha na vhudifhinduleli vhone vhane kha zwine zwa do vha zwi kha muvhigo, zwo wanalaho, zwine vha humbula, nyeletshedzo kana themendelo dzine dza do itwa nga muya wa u pfana.

Thoho pfufhi na mathomoni

15. (1) Mulayo hoyu u do pfi **Mulayo wa Pan South African Language Board, 1995.**

(2) Mulayo hoyu u do dzhiwa wo thoma u shuma nga dzi **28 dza Lambamai 1994** na Bodo i do dzhiwa yo bveledzwa nga lenelo divha.

isiXhosa

Lo mqulu uqulathe umthetho oyilwayo yaye ijoliswe ekubeni liphepha lengxoxo, ukuze kufumaneke izimvo zoluntu kwiintlanganiso zengxoxo okanye igalelo elibhaliweyo. Ayiguwo umqulu ogqityiweyo, yaye iseza kuqulunqwa ibekwe ngamagama angawo omthetho ngaba Cebisi baka Rhulumente kwezoMthetho, nje emva kokuba zonke izimvo sezifunyenwe zagocwa gocwa.

INQAKU LENTSHAYELELO

1. *Imvelaphi ngomgaqo siseko*

UMzantsi Afrika lilizwe elinee lwimi ezininzi elibantu bazintlanga ngeentlanga. Noxa iilwimi ezimbini ngokusemthethweni ibizizo ezivumelekileyo kweli lizwe mandulo (iilwimi zabantsundu zazivumeleke kuphela kwiindawo, zikamziphathe kwanaloo mazwana ebefudula esaziwa njenge TBVC), uMgaqo Siseko we Rhiphabliki yelo Mzantsi Afrika, 1993 (Act No. 200 ka 1993), isazisa kwizicwangciso eziligela ezakuvumela iilwimi ezininzi. Oku akubonisi nje idemokrasi kunye nesakhiwo soMgaqo Siseko, koko kukwamkela ububanzi beelwimi zelo Mzantsi Afrika.

Ukubaluleka okuphathelene nobuninzi beelwimi kunye nokhuseleko lwamalungelo olwimi kuqulathwe kwi Constitutional Principle XI: "*Ububanzi beelwimi nenkcubeko buyakwamkelwa futhi bukhuselwe, yaye iimeko zokuwaphucula ziyakukhuthazwa*".

Icandelo 31 loMgaqo Siseko liqhuba licacise ukuba ulwimi olu lilungelo loluntu: "*Umntu ngamnye uyakuba nelungelo lokusebenzisa ulwimi ... aluthandayo*." Icandelo 8 linika umntu ngamnye unelungelo ngokulingana phambi komthetho yaye futhi akukho mntu kufuneka aculu calulwe, nokuba oko kwenziwa ngqo okanye bucala, ngenxa yolwimi lwakhe. Ngokuphathelene nezemfundo, icandelo 32 lithi umntu ngamnye unelungelo "*lokwamkela imiyalelo ngolwimi lwakhe apho oku kungathi kwenziwe*".

Icandelo 3 liqethe uluvo lweelwimi ezilishumi nanye ezisemthethweni kwilizwe lonke laye futhi linika imigaqo eyakuthi isekwe ukuphuhlisa nokuphucula ukusetyenziswa ngokulinganayo kwa nokuzonwabela zonke ezi lwimi. Ukongeza apho icandelo 3 (9) (c) lithintela ukusetyenziswa kwalo naluphi na ulwimi ngeenjongo zokulusebenzisa ngokuzilungiselela, ukulawula okanye ukucalula.

Iilwimi ezininzi ngokucacileyo zithe zaba sisikhokelo sengcamango kuMzantsi Afrika. Iindlela engundoqo yokulungiselela ukulawuleka kweelwimi ezinzi ilungiselelwe kwicandelo 3 (10), echaza ukuba Indlu Yeengwevu iyakuseka iBhodi Yeelwimi i Pan South Africa ngokomthetho wePalamente.

Le bhodi ngandlela zonke kufuneka ilandele imigaqo echazwe kuMgaqo Siseko. Iinjongo zayo zokusebenza iyakuba zezi zilandelayo:

- (a) Ukuphucula intlonipho yeengcamango ezintandathu zeelwimi njengoko zidwelisiwe kwicandelo 3 (9), ezizezi:
 - (i) Ukusekwa kweemeko eziyakuphuhlisa ziphucule ukusetyenziswa nokonwatyelwa okulinganayo kweelwimi zonke zelo Mzantsi Afrika;

- (ii) ukwandiswa kwaloo malungelo aphaathelene neelwimi kwanesidima seelwimi ezithe ekuqaleni koMgaqo Siseko zazisavumeleke kwiingingqi ezithile ezithile (i.e. iilwini ezisemthethweni zamaphandle kamziphathe kuye namazwane e TBVC;
 - (iii) Ukuthintelwa kokusetyenziswa kolwimi ngokuzilungiselela, ukulawula okanye ukucalula;
 - (iv) ukuphakanyiswa kweelwimi ezininzi kwakunye nokumbonelela ngeemeko zokutolika nokuguqula;
 - (v) ukuzama ukwakha iintlopho yezinye iilwimi ezithethwayo kweli loMzantsi Afrika ngaphandle kwezo zisemthethweni, kwanokukhuthaza ukusetyenziswa kwazo kwiimo ezifaneleyo; kwakunye
 - (vi) nokungancitshiswa kwamalungelo aphaathelene neelwimi kwakunye nesidima seelwimi ezazikho ekuqaleni koMgaqo Siseko.
- (b) Ukuqhuba ngophuhliso lweelwimi ezisemthethweni.
 - (c) Ukwenza izipakamiso eziphaathelene nawo nawuphi na umthetho oyilwayo ngokwecandelo 3 emva kokuthethana namaqela athile ezomthetho (ie kwilizwe lonke nakumaphondo).
 - (d) Ukukhuthaza intlonipho nokuphuhlisa iilwimi ezisetyenziswa Iluluntu lwelo Mzantsi Afrika, kananjalo nezo zisetyenziswa ngenjongo zezenkolo kweli loMzantsi Afrika.

2. *Inkqubo yeNdlu Yowiso Mithetho yokuseka iBhodi yeeLwini ye Pan South African.*

Ukuqhagamshelana neengcaphephe zeelwimi kwakunye nabanomdla kwiilwimi ngobubanzi, inkomfa yelizwe lonke, Ulwimi lwawo wonke: ngokujolise kwiBhodi yeeLwini ye Pan South African, eyaququzelelwa yeyayi sakuba liSebe leZemfundo kwakunye neSebe le ANC Lezobugcisa ne Nkcubeko ngomhla we 27 nowe 28 ku May 1994.

Eyona njongo iphambili yale nkomfa yaayikuku nika abanomdla ithuba lokuba bafake igalelo kwinkqubo yokuyila umthetho walebhodi. Le nkomfa yaseka indlela ecacileyo nenothethiswano ukuqhuba inkqubo yokusekwa le Bhodi:

- ▶ Amaqela kunye/okanye abantu abangekakwenzi oko, banikwa ithuba lokuba banike iziphakamiso ngokusekwa kwale Bhodi Komiti Edibeneyo Eququzelela leNkomfa (ebisebenza phantsi kweSebe leZobugcisa, Inkubeko neenzululwazi); kwakunye
- ▶ isishwankathelo esiphakamileyo senkqubo yale Nkomfa esasibonisa izimvo zabo babethatha inxaxheba/amaqela kwakunye neziphakamiso ezithe zafakwa emva koko zazizakulungiswa ze ke zigqithiselwe kwiNdlu Yeengwevu.

Ikomiti yabucala yaleyo idibeneyo eququzelela lenkomfa echotshelwe ngu Nkskz. Q. Buthelezi (weKomishani yeeLwini ye ANC), uNjingl. V. N. Webb (we Linguistics Society of Southern Africa) kwakunye no Gqr. A. M. Beukes (weSebe Lezobugcisa, Inkubeko, Neenzululwazi) basigqibezela esi sishwankathelo Siphakamileyo ngomhla we 27 ku October 1994, baze ke emva koko basinikela kwiKomiti zeNdlu Yowiso mithetho ezijongene nemiba yeelwimi nakuwo onke amalungu eKomiti eQuquzelelayo.

Ngomhla we 18 ku Agasti 1994, iNdlu Yeengwevu yavumelana ukuba iKomiti ekhethiweyo yezeMfundo, Ezemidlalo noLonwabo, Ezobugcisa, inkubeko kunye neenzululwazi iyakuthi, isebenzisana neSebe lezobugcisa, inkubeko neenzululwazi, zilungise umthetho oyakuseka le Bhodi. Ikomiti engezantsi yezeLwimi kwiNdlu Yeengwevu yakhethwa nge 5 ku September 1994 kunye neNgwevu u L. J. Swanepoel wakhethwa njengomhlali phambili.

Ngomhla we 31 ku Agasti 1994 iNdlu Yamalungu ePalamente agqiba ekubeni ngenxa yokukuba ceke ceke kwengxoxo eziphaathelene neelwini kweli loMzantsi Afrika, iqela lezopolitiko ngalinye elimelwe kwiNdlu Yamalungu ePalamente malikhethe ilungu elakuthi libamelekwi kwiBhunga lethutyana leeLwimi, lisebenzisana neKomiti Ekhethiweyo YeeLwimi kwiNdlu Yeengwevu. Ikomiti engezantsi kwindlu yamalungu epalamente yeeLwimi yatyunjwa kwaze kwakhethwa u Nkskz. N Tsheole njengomgcini sihlalo wayo.

Kwintlanganiso edibeneyo ngomhla we 4 ku November 1994, iikomiti ezingezantsi zeNdlu Yeengwevu kunye neyeNdlu Yamalungu ePalamente zathatha ezi zigqibo zilandelayo, zilungiselela ukuyila umthetho ozakulawula le Bhodi:

- (a) Ezi komiti zimbini kufuneka ngokudibeneyo zikhuphe iPhetshana Lengxoxo Mgaqo (okanye i *Green Paper*) ngokusekwa kwe Pan South African Language Board PSALB. Izimvo ezibhaliweyo nge *Green Paper* kufuneka zimenywe kubo bonke abanomdla.
- (b) Iintlanganiso zokuzivakalisa ngokusekwa kwaBhodi kufuneka zibanjwe kulo ngalinye iphondo kula alithoba phambi kokuba kupapashwe i *Green Paper*.
- (c) Ezi komiti ke zimbini kwakufuneka ngokudibaniselana zikhuphe i *White Paper* nge Bhodi yeelwimi i Pan South African.
- (d) Indlu Yeengwevu kwakufuneka ke ide iwuthi thaca umthetho ojongene ne Pan South African Language Board.

Iphetshana Lengxoxo Ngomgaqo (okanye i *Green Paper*) yade yalungiselelwa yiKomiti engezantsi yeNdlu Yeengwevu idibene neSebe Lezobugcisa, Inkubeko neenzululwazi yaze ke yothulwa kwiiKomiti zombini ezingezantsi.

Njengoko ke ixesha lalingu ndoqo yaye lenkqubo ibonisa ukuba itya ixesha kangangoko, iKomiti Yabucala yeNdlu Yeengwevu kwezeMfundo, ezemidlalo nolonwabo, ezobugcisa, inkubeko kwaneenzululwazi, yaphakamisa ukuba le nkqubo mayiqulunqwe ngaphandle kokulahlekana neemfuneko nokungafihli. Ezi zigqibo zilandelayo zathathwa zizo zombini iziNdlu zePalamente:

- (a) Iphetshana Lengxoxo Lomgaqo (okanye i *Green Paper*), eyalungiswa yi yiKomiti Engezantsi Yeelwimi kwiNdlu Yeengwevu idibene ne neKomiti engezantsi Yeelwimi kwiNdlu yamalungu ePalamente, iyakusetyenziswa njengomqulu wempikiswano kuzo zombini ezi zindlu.
- (b) Ukulandela ezongxoxo mpikiswano, umthetho uyilwayo wale Bhodi uyakulungiswa zingcaphephe zomthetho zisebenzisana a Sebe lezobugcisa, inkubeko kwaneenzululwazi, zisebenzisa lomqulu kunye nezimvo zamaqela opolitiko ezithe zavakaliswa xeshikweni kuphikiswana.
- (c) Lo mthetho uyilwayo uyakupapashwa kumqulu weendaba zika Rhulumente ngazo zoli 11 iilwimi ezisemthethweni, zaye izimvo zabo bonke abanomdla ziyakwamkeleka.
- (d) Iintlanganiso zasesidlangalaleni ezibandakanya bonke abanomdla zakubanjwa e Kapa (ukuba ngaba ikho imfuneko, kanti oonmogwana beentlanganiso bangabanjwa kwiindawo ezingaphandle zasezilalini ukuqinisekisa ukungafihli okupheleleyo).
- (e) Lo mthetho uyilwayo ke uyakuthiwa thaca phambi kwe Palamente.

I *Green Paper* equlunqwe yagqitywa (yosuku March 1995) yaxoxwa ngokwempikiswano yindlu yeengwevu ngomhla we 30 March 1995 yaze yaxoxwa nayindlu yamaalungu ePalamente ngomhla we 5 April 1995.

Iingcaphephe ezimbini zezomthetho, uNjingl. N. J. J. Olivier we Sikolo sezo Mthetho kwidyunivesiti yase Natala (Pietermaritzburg) kunye no Mnu. P. M. Mtshaulana, ongumphandi kwiNkundla yoMgaqo Siseko engumhlohli kwicandelo lezomthetho kwi dyunivesiti yaseNtla, bakhethwa ukuba bancedise iSebe lezobugcisa, inkubeko neenzululwazi ekuyileni lomthetho ngale Bhodi.

Isihloko eside kunye nentshayeleyo

Isihloko eside salomthetho uyilwayo, ngokufutshane sisishwankathelo sesiqulatho. Kanti intshayeleyo iqinisekisa ukuba lomthetho uyilwayo kwakunye neengcamango osekelwe kuzo, zingunozala waloMgaqo Siseko mtsha we Riphabliki yoMzantsi Afrika, Act No. 200 of 1993.

Igatya 1

Igatya 1 lalo mthetho uyilwayo liqulathe inkcaza, ubuninzi bayo izichaza ngokwayo.

Igatya 2: Ukusekwa kwe Pan South African Language Board

Eli gatya liseka i Pan South African Language Board. Le Bhodi iyakuba sisiqu esisemthethweni.

Igaty 3: Iinjongo

Eli gaty 3 liqulathe injongozale Bhodi, libhekisa ikakhulu kwiingcamango zeelwimi ezininzi njengoko kudwelisiwe kwicandelo 3 (9) loMgaqo Siseko, ukuphuhliswa kweelwimi ezili 11 ezisemthethweni zo Mzantsi Afrika, Ukuphakanyiswa nokuhlonitshwa, kananjalo nokuphuhliswa kwezi-nye iilwimi.

Igaty 4: Ukwakhiwa kwale Bhodi

Eli gaty 4 limisela isakhiwo sale Bhodi. Le bhodi (ngabantu abali 14: 13 amalungu avotayo kunye nomnye ongavotiyo) iyakuba ziingcaphephe ezintlobo ntlobo—

- (a) abanolwazi ekucwangciseni iilwimi (abantu abane);
- (b) abanolwazi futhi beyinxalenye yoku kulandelayo: Ukuguqula (umntu omnye) ukutoolika (umntu omnye) umbali weesichazi magama (umntu omnye) ukufundisa iilwimi (umntu omnye) kne nowokufunda nokubhala (umntu omnye);
- (c) onolwazi olulodwa nngocwangciso lomthetho weelwimi (umntu omnye); kunye
- (d) nabo banolwazi olulodwa lwemiba ephathelene neelwimi (bangabi ngaphezulu kubantu abathathu).

Ukongeza, igosa elingumlawuli nalo lakuba lilungu lale Bhodi kodwa lingenawo amalungelo okuvota.

Eli gaty 4 kananjalo lichaza ukuba amalungu ale Bhodi ayakutyunjwa yindlu yeengwevu emva kokuba uluntu jikelele selumenyiwe ukuba lutyumbe. Amalungu ale Bhodi kufuneka onelise imiqathango ethile (ibanga lemfundo) ukanti ke izikhundla zabo zingarhoxiswa nanina yindlu yeengwevu.

Ixesha lamalungu ayakubamba ngalo i ofisi yiminyaka esixhenxe, yaye ukuphinda ukhethwe kwakhona kwakuxhomekeka kwindlu yeengwevu. Izikhundla ezingathi zishiyeke zingemntu kulemi-nyaka isixhenxe ingavalwa yindlu yeengwevu elo xesha lisashiyekileyo.

Igaty 5: Umhlali phambili kunye neSekela-mgcini sihlalo

Eli gaty 5 lilungiselela ukukhethwa komhlali phambili kunye nesekele lakhe kule Bhodi (oku kwakwenziwa yijaji eyintloko) eza kubamba i ofisi yiminyaka esixhenxe (usenngakhethwa kwakhoma ityeli lesibini). Isekela mhlali phambili (xa embambe indawo yomhlali phambili) uyakuba nawo onke amagunya okuqhuba yonke imisebenzi yomhlali phambili. Akhona ke namalungiselelo okuba kukhethwe omnye umhlali ngaphambili okanye isekela lakhe ukuba ezi zikhundla zishiyeke zingemntu.

Igaty 6: Intlanganiso kunye nesitulo seBhodi

Eli gaty 6 lizichaza ngokwalo ikakhulu. Likhankanya phakathi kokunye ukuba iBhodi iyakudibana kube kane ngonyaka, yaye azi 7 kwali 13 amalungu anelungelo lokuvota ayakusithatha isigqibo, jaje futhi iyakusebenza iqhagamshelane kufutshane nabani na okanye iqumru labantu abanolwazi olunzulu ngeengxaki zeelwimi kweli loMzantsi Afrika, okanye ozibandakanye noku-phuhlisa nokuphakamisa iilwimi ezininzi njengoko kuchaziwe kwicandelo 3 loMgaqo Siseko.

Eli gaty 6 kwakhona linika amalungelo le Bhodi ukuba isebenze ngokufuna isivumelwano naba-nye, ngendlela ehambisana neelwimi ezininzi njengoko ibekwe ngokucacileyo kuMgaqo Siseko (zikhona izibonelelo ezifana nezo ngokuphathelene nokusebenza korhulument woManyano kwakunye namabhunga alawula amaphondo). Umhlali ngaphambili uyakuba nalo ilungelo lokuvota ukuba ngaba iivoti ziyalingana.

Igaty 7: Amandla okulawula nokusebenza kwale Bhodi

Eli gaty 7 liqulathe amandla okulawula kwakunye nokusebenza kwale Bhodi, okudibanisa ukwenza iziphakamiso; ukwamkela nokuphonononga izikhalazo zokwaphulwa okanye izoyikiso zokwaphulwa kwemithetho ephathelene nezelwimi; ukucebisa abamangali nokwenza iziphaka-miso ngokuphathelene nezozikhalazo; ukuphawula nokuqwalasela izibonelelo zoMgaqo siseko ngokuphathelene ekusetyenzisweni kweelwimi, ukuqwalaselwa kweziqulatho ezikhoyo kwakunye neminye imithetho emitsha, ukujongana ngqo okanye bucala neemeko eziphathelene neelwimi, ukuncedisa nokuphawula ukwakhiwa kweenkqubo kunye nemigaqo, ze ke apho ikhoyo indlela, kwenziwe imali ibekho. Le bhodi ke iyakupapasha oko ithe yakufumana, izimvo zayo, icebise yenze neziphakamiso kumqulu wopapasho korhulumente rhoqo ngekota (okanye kumaxesha amafutshane ngokubona kwayo), apho ke kujongenwe neelwimi zamaphondo, kwakupapashwa ke nakumqulu okanye imiqulu yopapasho yaloo maphondo achaphazelekayo.

Isihloko esishwankathelweyo seliphetshana sizichaza ngokwaso. Eli phetshana lithathwa ngokuba laqala ukusebenza ngomhla we 28 April 1994 ize ke yona iBhodi ibe ibekwe kwangolo suku ukuze iBhodi ikwazi ukuqala ngomsebenzi wayo (ususela 28 April 1994) namandla okulawula kananjalo.

UMTHETHO UYILWAYO

Ukubonelela ukuqondwa, ukusetyenziswa kwanokuphakamisa iilwimi ezinzi kwi Riphabliki yoMzantsi Afrika; ukuseka iBhodi Yeelwimi iPan South African; nokujongana neemeko eziphalene noku.

KANANJALO ke uMgaqo Siseko weRiphabliki yoMzantsi Afrika, 1993 (Act No. 200 ka 1993), ilungiselela ikwamkelwa kweengcamango zeelwimi ezininzi;

YAYE KANANJALO kufuneka kubekho izibonelelo ezakuthi zenze ukuba kuhlontshwe ngokupheleleyo, kukhuselwe ngokwaneleyo yaye kuphakanyiswe iilwimi ezisemthethweni kweli lo Mzantsi Afrika, kanjalo ke nokuphuculwa kwezo lwimi zisemthethweni ebezifudula zingamkelwanga, ukuze ke kuphakanyiswe ngokugcweleyo nangokulinganayo ukonwabela iilwimi ezisemthethweni zeli loMzantsi Afrika, kwanokuhlontshwa kwezinye iilwimi zoMzantsi Afrika ezisetyenziswa kunxibelelwano kwaneenjongo zeenkono;

NGOKO KE NJENGANGOKU, kufuneka wamkelwe yi Palamente yeRiphabliki yoMzantsi Afrika, ngolu hlobo lulandelayo:—

Inkcaza

1. Kulo mthetho ke, ngaphandle kokuba injongo iguqukile—
 - “iBhodi” ithetha iBhodi Yeelwimi i Pan South African icandelo 2;
 - “uMgaqo Siseko” uthetha uMgaqo Siseko we Riphabliki yoMzantsi Afrika, 1993 (Act No. 200 ka 1993);
 - “isebe” lithetha isebe lika Rhulumente elityunjwe ngu Mongameli ngokoMgaqo Siseko ukuba lijongane kuphela nezinto eziphathelele neelwimi;
 - “igosa Elingumlawuli” lithetha elogosa lityunjwe ngokwemigaqo yecandelo 9 (1);
 - “Umphathiswa” loo mphathiswa welo Sebe;
 - “Umgququli osebenzayo nowamkelweyo” uthetha umntu onolwazi olunzulu noqeqesho oluphangaleleyo kwiziko lokuguqula futhi eneminyaka emihlanu engumguquli;
 - “Umtoliki osebenzayo nowamkelweyo” uthetha loo mntu unolwazi olunzulu noqeqesho oluphangaleleyo lokutolika;
 - “Umazi wamagama osebenzayo nowamkelweyo” uthetha umntu onolwazo lweminyaka emihlanu kwanoqeqesho lokwazi amagama;
 - “Umcwangcisi Wolwimi” uthetha umntu ononoqeqesho kucwangciso lweelwimi kwanolwazi oluphangaleleyo kananjalo;
 - “Ingcali ngoluntu kwiilwimi (Sociologist)” ithetha umntu oqeqeshwe ngeelwini, ekuhlaleni, ezopolitiko kwakunye nezemfundo ngokuphathelele nobudlelwane phakathi kweelwimi kunye noluntu;
 - “Ingcaphephe esebenza neyamkelweyo efundisa ngeelwimi” ithetha umntu ononoqeqesho lokufundisa iilwimi abe enolwazi olunzulu kananjalo;
 - “Ingcaphephe eyamkelweyo yokufundisa” ithetha umntu ononoqeqesho lokufundisa kwanolwazi olunzulu kananjalo;
 - “isebe likarhulumente” lithetha elisebe likarhulumente njengoko kuchaziwe kwicandelo 233 loMgaqo Siseko;
 - “Umqulu wopapasho wePhondo” uthetha umqulu osemthethweni wopapasho wephondo elichaphazelekayo;

"Ebihlilikho" ithetha naleyo ibikho phambi kokuqala ukusebenza koMgaqo Siseko, ukuqala kwalomthetho okanye nanini na ke;

"Okubekiweyo" kuthetha oko kubekwe okanye phantsi kwalo mthetho;

"Lo Mthetho" idibanisa imigaqo nezibhengezo ezenziweyo phantsi kwecandelo 6 (9), 7 (8), 7 (11) kunye no 8 (2) (d).

Ukusekwa kwale Bhodi

2. (1) Apha ke kusekwe ibhodi eyakwasiwa njenge Bhodi Yeelwimi i Pan South African.

(2) Le Bhodi iyakuzimela ngokusemthethweni yaye ke iyakuthethelelwa ngumhlali ngaphambili okanye isekela lakhe okanye nokuba lelaphi na ilungu elithe latyunjwa yile Bhodi jikelele okanye ngezizathu ezithile.

Iinjongo zale Bhodi

3. Le Bhodi iyakuba nezinjongo zilandelayo:

- (a) Ukuphakamisa ukuhlonotshwa kweengcamango ezichukunyiswe kwicandelo 3 (9) yoMgaqo Siseko njenge—
 - (i) ukusekwa kweemeko zokuphuhlisa nokuphakamisa ukusetyenziswa ngokulinganayo nokonwatyelwa zonke iilwimi ezisemthethweni zeli loMzantsi Afrika;
 - (ii) ukolulwa kwamalungelo aphaathelene nolwimi kwanobume bezolwimi ekuqaleni kwaloMgaqo Siseko bezivumeleke kwiingingqi ezithile kuphela;
 - (iii) ukuthintela ukusetyenziswa kolwimi ngeenjongo zokuzilungiselela, ukulawula okanye ukucalula;
 - (iv) ukuphakanyiswa kweelwimi ezininzi kunye nezibonelelo zokuguqula;
 - (v) Ukunyanzelisa intlonipho kwezolwimi zithethwayo apha kwi Rhiphabliki ngaphandle kwezo zisemthethweni, nokukhuthaza ukusetyenziswa kwiimeko ezifanelekileyo; futhi
 - (vi) ukungehliswa kwelungelo lesidima kulwima okanye ubume beelwimi ebezikho ekuqaleni kwalo Mgaqo Siseko;
- (b) ukuqhuba nophuliso lweelwimi ezisemthethweni zelo Mzantsi Afrika;
- (c) ukuphakamisa intlonipho nokuphuhlisa ezolwimi zisetyenziswa ngabantu abathile eMzantsi Afrika, kananjalo nezo zisetyenziswa ngeenjongo zenkonzo;
- (d) ukuphakamisa intlonipho ngezibonelelo zoMgaqo Siseko eziqulathwe nguwo zijongene ngqo okanye bucala nokuphathelene neelwimi; kunye
- (e) nokuphakamisa ukuhlonitshwa kweelwimi ezinzi jikelele.

Isiseko sale Bhodi

4. (1) (a) Indlu Yeengwevu, emva kokumema abatyunjwa kuluntu ngobubanzi, iyakukhetha aba bantu balandelayo kule Bhodi:

- (i) Abantu ababini abayakuba ziingcali kwezelwimi bejongene nokucwangciswa kweelwimi;
- (ii) abantu ababini abayakucwangcisa iilwimi ingabantu abakuloo msebenzi;
- (iii) umntu omnye oyakuba ngumguquli owamkelweyo;
- (iv) umntu omnye oyakuba yitoliki eyamkelweyo;
- (v) umntu omnye oyakuba ngumazi magama owamkelweyo;
- (vi) umntu omnye oyingcaphephe ekufundiseni iilwimi;
- (vii) umntu omnye oyingcaphephe ekufundiseni;
- (viii) umntu omnye oyingcaphephe kwezomthetho nonolwazo olulodwa ngokuphathelene nomthetho olawula iilwimi; kunye
- (ix) abayi kuba ngaphezulu kwabathathu abantu abanolwazi olulodwa ngeelwimi zelo Mzantsi Afrika.

(b) Igosa elingumlawuli nalo lakuba ilungu lale Bhodi laye liyakuthatha inxaxheba kwinkqubo yale Bhodi, yaye liyakuba namalungelo kwanoxanduva njengamanye amalungu: Kuxhomekeke ekubeni angabinalo ilungelo lokuvota.

(2) Amalungu ale Bhodi ayakuba—

- (a) ngabantu abakulungeleyo ukubamba izikhundla ezinje;
- (b) babe ngabemi boMzantsi Afrika; kwaye
- (c) babenobugcisa nolwazi oluhambelana nomsebenzi Bhodi okanye ukwazi ilwimi ezininzi okanye futhi ulwazi lomthetho okanye izifundo njengoko Indlu Yeengwevu iyakubona kufanelekile.

(3) Indlu Yeengwevu ingarhoxisa nokuba sesiphi isikhundla esenziwe phantsi kwelican-
ndelo—

- (a) ukuba ngaba yonelisekile ukuba lowo ubetyunjiwe akasazigcwalisi ngokupheleleyo izicwangciso ezikwicandelo (2);
- (b) ukuba ngaba lowo ubetyunjiwe ufaka isicelo esibhaliweyo kwindlu yeengwevu ukuba asuswe esikhundleni sakhe; okanye
- (c) ukuba ngaba lowo ubetyunjiwe uthe wangabikho kwiintlanganiso ezingaphezulu kwesibi zale Bhodi ngaphandle kolwazi lwayo.

(4) Naliphi ilungu lale Bhodi lakukhethelwa ithuba leminyaka esixhenxe, ze lithi lakuphelwa libenokukhethwa kwakhona ityeli lesibini kuphela.

(5) Ukuba ngaba isikhundla salo naliphi na ilungu sishiyeka singenamntu ixesha lingekapheli, indlu yeengwevu ngokuqwalasela izibonelelo ezikwicandelo (1) (a), ikhethe omnye umntu ukuba agqibezele elothuba oyekile ebe bekewe lona.

(6) Indlu Yeengwevu iyakubhengeza kumqulu wopapasho karhulumente ukutyunjwa kwelungu kulu Bhodi, nosuku ubulungu balo oluyakuqala ngalo, apho kukhethwe ilungu endaweni yelo liyekileyo.

Umhlali ngaphambili nesekele lakhe

5. (1) Amalungu ale Bhodi ayakukhetha omnye wabo njengo Mhlali phambili wale Bhodi kuze kukhethwe nomnye ke njengesekela mhlali phambili wale Bhodi, yena ke oyakuthatha indawo yo Mhlali phambili xa engekho okanye engaphilanga umhlali phambili: Kuxhomekeke ekubeni olotyumbo kwiintlanganiso yokuqala yeBhodi lwenziwa yiJaji eyintloko.

(2) Umhlali phambili kunye nesekele lakhe bayakuba kule ofisi iminyaka esixhenxe yaye bangakhethwa kwakhona ityeli lesibini.

(3) Usekela mhlali phambili xeshikweni ebambele umhlali phambili njengoko kusekiwe kwicandelo (1), uyakuba namagunya nokujongana noxanduva lomhlali phambili.

(4) I Ofisi yomhlali ngaphambili okanye isekela lakhe iyakushiya ingenamntu xa ngaba—

- (a) ixesha labo le ofisi liphelile;
- (b) ukuba bafaka isicelo sokuyeka esibhaliweyo;
- (c) ukuba ubulungu babo baleBhodi buphelile;
- (d) ukuba ngaba iBhodi ikhuphe isigqibo esinje;
- (e) ukuba ngabaa ilungu liyabhubha okanye lingaphili ngokwe ngqondo.

Kuxhomekeke ekubeni ingakumbi ku (b), (c), (d) no (e), unyulo olo lomhlali phambili omtsha okanye isekela lakhe lwenziwa ligosa elilawulayo.

Iintlanganiso nedibano yeBhodi

6. (1) IBhodi iyakudibana ubuncinane kane ngonyaka.

(2) Le Bhodi iyakudibanela ePitoli ze iintlanganiso ezo zibanjwe ngexesha elakugqitywa kwayiyo le Bhodi, ize ke ilawulwe ngomhlali ngaphambili.

(3) Umhlali ngaphambili waleBhodi angabiza iintlanganiso nokuba kunini na, kwindawo nangexesha angathi agqibe kulo, waye ke uyakuthi ngokwesicelo esibhaliweyo sasayinwa ngamalungu angekho ngaphantsi kwamathathu ela Bhodi, abize iintlanganiso emayibanjwe zingaphelanga iintsuku ezimashumi mathathu emva kokufumana izaziso ezinjalo, kwindawo nexesha athe wagqiba kulo.

- (4) Amalungu asixhenxe ale Bhodi angasenza isigqibo nakuyiphi n intlanganiso.
- (5) Le Bhodi iyakuthi ibenako ukusebenzisana nokubonisana nabani na okanye nawuphi na umbutho wabantu abanolwazi noqiqo ngeengxaki zeliwimi zeli loMzantsi Afrika, okanye ozibandakanye nokuphuhlisa nokuphakamisa imiqathango edweliswe kwicandelo 3 loMgaqo Siseko.
- (6) Le Bhodi iyakusebenza ngendlela enika ukuba kuvunyelwane noxa kujoliswe kwimbono zeelwimi ezinzi njengoko kuchazwe kuMgaqo Siseko.
- (7) Uvoto nakweyiphi intlanganiso yaleBhodi lwakuqhutywa ngokuba kuphakanyiswe izandla, yaye isigqibo nasiphi na esithe sathathwa sisininzi samalungu ale Bhodi akhoyo nakuyiphi na intlanganiso esemthethweni, sakuthathwa njengesale Bhodi: Kuxhomekeke ekubeni ukuba ngaba iivoti zingalingana, umhlali ngaphambili naye uyakufaka eyakhe ivoti ngaphezulu kokuncedisela ukufika esigqibweni.
- (8) Akukho sigqibo okanye okuthile okwenziwe yile Bhodi okuyakuchithwa kuba kukho isikhundla esingenamntu okwethutyana kule Bhodi, ukuba ngab eso sigqibo sithathwe okanye oko kwenziweyo kwagunyaziswa yintlanganiso yale Bhodi ebizwe ngokuhambelana neli candelo.
- (9) Le Bhodi ingazenzela imigaqo ehambelana nokuziphatha kwiintlanganiso zayo.

Amandla okulawula nokusebenza kwale Bhodi

7. (1) Le Bhodi iya—

- (a) kwenza iziphakamiso eziphathelele nawo nawuphi na umthetho ocetywayo okanye okhoyo, ukujongana ngqo okanye bucala nemigaqo yeelwimi kananjalo noko kuphathelele nomthetho ofuna ozakongezelelwa okanye ucinywe okanye kufakwe omnye endaweni yalowo ubukho, ukuwusebenzisa nemigaqo;
- (b) ngokuphathelele nezikhalazo—
 - (i) mayizimisele ukuphanda ngokunokwayo okanye xa ithe yafumana isikhalazo esibhaliweyo, nokuba loluphi na ulwaphulo lwamalungelo emigaqo yeelwimi, okanye ukusetyenziswa kolwimi;
 - (ii) mayibenako ukwamkela futhi ingqine ukuzifumana ukuzamkela izikhalazo ezihambelana nokwaphulwa kwamalungelo eelwimi; kunye
 - (iii) mayibenako ukucebisa abamangali ngezikhalazo zabo yenze neziphakamiso ngamaxesha athile naxa bathe bacelelwa;
- (c) ukuqwalasela izibonelelo zoMgaqo Siseko, namanqaku ajongene ngqo okanye bucala neemeko eziqongene neelwimi jikelele, nakwi candelo 3 (9) loMgaqo Siseko ikakhulu—
 - (i) iqwalasele izibonelelo zomgaqo siseko ngokuphathelele nokusetyenziswa kweelwimi;
 - (ii) iqwalasele iziqulelo zomthetho okhoyo nomtsha, ukusetyenziswa nomgaqo ngokuthe ngqo okanye bucala ngokuphathelele neelwimi;
 - (iii) incedise futhi iqwalasele ukwakhiwa kweenkqubo kwakunye nemigaqo eyakunyanzela ukulingana kokusetyenziswa nentlonipho yeelwimi ezisemthethweni, xeshikweni kuthathwa ingqalelo yokuba uluntu olusebenzisa iilwimi ezikhankanywe kwicandelo 3 (10) (c) loMgaqo Siseko banelungelo lokusebenzisa ezilwimi kwiimeko ezifaneleyo;
 - (iv) ngeenjongo zeli candelo lingentsantsi, makufakwe apho kukho imfuneko imali kwelo thuba ngokuxhomekeke kwizigqibo zale Bhodi;
- (d) ipapashe ngokuthe pahaha oko ithe yakufumana, izimvo zayo, icebise futhi yenze iziphakamiso, ngokupapasha kumqulu karhulumente weendaba nhoqo ngekota, okanye ngamaxesha amafutshane ngokokugqiba kwale Bhodi, ukanti ke kumaphondo upapasho luyakuba kumqulu wephondo weendaba;
- (e) mayiseke, iqulunkqe igcine ulwazi lonke oluphathelelele nemithetho (idibanisa leyo ikumgaqo Siseko) ephathelelele neelwimi, kwakunye nawo nawuphi na umgaqo ophathelelele neelwimi ngokuthe ngqo okanye bucala, ongathi uvele nokuba kukweliphi iziko okanye isebe likarhulumente.

(2) Apho kukho imfuneko iBhodi ingacebisa urhulumente ukuba afake inkxaso yemali kumaqela athe angamakhoba okwaphulwa kwamalungelo awo eelwimi.

(3) Le Bhodi iyakuthi ibambe indawo ephambili ekusunguleni uphando kwanezifundo ezijoliswe ekuphakamiseni intlonipho yeelwimi ezisemthethweni ze Rhiphabliki yoMzantsi Afrika njengoko kuchaziwe kwicandelo 3 (1) loMgaqo Siseko, ukulingana kokusetyenziswa nokonwatyelwa kwazo kunye neelwimi ezininzi.

(4) Ngeenjongo zeli candelo ke iBhodi iganika inkxaso yezimali okanye okunye kumaqela okanye kubantu abathile.

(5) Ayikho into kwelicandelo eyakwenza ukuba kwehliswe ilungelo lale Bhodi ukuba iqale uphando okanye oko kufuna ukuphandwa, ngokuphathelele neemeko okanye iziphakamiso zomthetho, umgaqo kunye nokusetyenziswa ngqo okanye bucala mayelana neelwimi jikelele ngokwezibonelelo zoMgaqo Siseko ezijongene ngqo okanye bucala neelwimi okanye umthetho okanye isebe likarhulumente.

(6) Le Bhodi iyakuba negunya lokubiza nokuba ngubani anike ubungqina phambi kwayo, yaye futhi ibenako ukufikelela kumaphepha asemthethweni kunye nalo naluphi ulwazi okanye inkcaza engathi encedisane nale Bhodi ukuba ikwazi ukuqhuba umsebenzi wayo kakuhle.

(7) Le Bhodi iyakunako ukuba ityumbe nokuba ngubani okanye iqela labantu okanye iziko ukuba liyenzele uphando ze ke ngesosizathu yenze ukuba izimali zibekho kuloo mntu, iqela labantu okanye iziko elithile.

(8) Le Bhodi ngokusebenza ngokwezipapasho ezikumqulu karhulumente weendaba nowamaphondo isungule—

(a) ikomiti yeelwimi yephondo kwiphondo ngalinye, eyakuyicebisa ngokuphathelele noko kujongene nelwimi okuchaphazela iphondo elo okanye isigaba salo;

(b) iqumrhu lelwimi eliyakuyicebisa ngalo naluphi na ulwimi.

(9) Le Bhodi ingagunyazisa naliphi na ilungu layo ukuba liyimele kwiimeko ezithile.

(10) Le Bhodi ingatyumba ibenye okanye ngaphezulu ikomiti echotshelwe ngomnye okanye ngaphezulu omnye wamalungu ayo kwakunye nabanye abantu ngokubona kwayo ukuba icebise kwinkqubo yale Bhodi kwakunye namandla ayo okulawula nokusebenza kwayo.

(11) Le Bhodi ke iyakuthi ekuqhubeleni phambili umsebenzi wayo, nokusebenzisa amandla ayo okulawula nokusebenza kwayo—

(a) yenze imigaqo ikhuphe nezibhengezo;

(b) ipapashe ezo zibhengezo kumqulu karhulumente weendaba kwakunye nowamaphondo.

Ubudlelwane bale Bhodi kunye namasebe karhulumente, amanye amaziko, abantu abaathile kunye namaqela abantu

8. (1) Le Bhodi iyakuzama kangangoko ukuba ukuphakamisa ubudlelwane phakathi kwayo kunye namasebe karhulumente okanye nokuba ngubani na okanye iqela labantu okanye iziko, ingakumbi lawo azibandakanye nokuphuhlisa iilwimi kwanokuphakamisa amalungelo eelwimi.

(2) Le Bhodi iyakuthi ifune iingcebiso phambi kokuba ipapashe nayiphi na ingxelo, izimvo zayo, oko ikufumeneyo, iingcebiso okanye iziphakamiso kwi—

(a) kwikomiti yephondo esekwe ngemigaqo yecandelo 7 (8) (a);

(b) naliphi isebe likarhulumente ngokuphathelele nezinto ezijongene ngqo okanye bucala namalungelo eelwimi, umgaqo weelwimi okanye ukusetyenziswa kwelwimi okungalandelwa, kusetyenziswe okanye okucetywayo lelosebe likarhulumente.

Ukuqhuba umsebenzi wokulawula iincwadi kwale Bhodi

9. (1) Umsebenzi wokulawula iincwadi wale bhodi kwanemisebenzi yayo iyakulawulwa ligosa eliphetheyo kwakunye namanye amagosa ale Bhodi, abayakuba ngamagosa eSebe abatyunjwe ngemigaqo ye Public Service Act, 1994 (Isibhengezo 103 sika 1994), yaye yakhiwe jikelele okanye ngesizathu esithile nguMphathiswa emva kokubonisana nale Bhodi.

(2) Ekwenzeni ezi ziseko ngokwemigaqo yecandelo (1), umphathiswa uyakuqinisekisa ukuba abasebenzi baleBhodi bamele uluntu ngobubanzi beliloMzantsi Afrika.

(3) Amagosa atyunjiweyo ayakuqhuba umsebenzi wawo phantsi kolawulo neliso elibukhali lale Bhodi.

Imigaqo ephathelene nenkqubo yale Bhodi

10. (1) Nokuba ngubani na ezimele yedwa okanye nokuba ngubani na, iqela, iqumrhu, okanye iziko elithile leqela lezelwimi limele amalungu alo, linganako ukufaka isikhalazo kule Bhodi ngokuphathelene nokwaphula okanye isoyikiso sokwaphula amalungelo eelwimi, umgaqo weelwimi okanye ukusetyenziswa kwelwimi.

(2) Isikhalazo iyakuba sesibhaliweyo futhi sakuchaza ukuba—

(a) ubandakanyeka njani umangali kule nyewe;

(b) (i) ubunjani belo lungelo lithe laphulwa okanye ekugrogriswa ukuba liza kophulwa; okanye

(ii) izizathu ezenza ukuba acinge ukuba uphando luyafuneka; kunye

(c) nayo yonke inkcaza anolwazi ngayo.

(3) Le Bhodi iyakunika uncedo olululo ngenjongo zokufaka isikhalazo esingenangxaki, ze apho kufanelekileyo incedisane nomangali ukuba alandele imigaqo ekwicandelo (2).

(4) Le Bhodi iyakuthi ngokufumana isikhalazo, iphande olo lwaphulo lwamalungelo, umgaqo wolwimi kwanokusetyenziswa kolwimi.

(5) Ukuba ngaba le Bhodi inezizathu zonkukholelwa kukho umongo kwisikhalazo esifunyenweyo emva kophando lwayo, iyakuncedisana nomangali, kwanabo bathe bachaphazeleka ukuze bafumane imbuyekezo ngokuthi—

(a) ukugqithisele le nyewe kwisebe likarhulumente apho kuthe kwafakwa khona le nyewe, neziphakamiso;

(b) ukwenza iziphakamiso kwisebe likarhulumente apho isikhalazo sifakwe khona ukuba linike uncedo lwezimali ukuze ixhoba elo libenembuyekezo;

(c) ukunika ngesigqibo sayo iyodwa uncedo kumangali abe ufumene imbuyekezo; okanye

(d) ukwenza amalungiselelo ezimali kumangali ukuze abenako ukujongana neendleko zenkundla yamatyala.

(6) Le Bhodi iyakkumazisa umangali ngesigqibo sayo, ze apho ke le Bhodi igqibe ekubeni ingathathi zinyathelo, imazise umangali izizathu zokuba yenze eso sigqibo.

(7) Le Bhodi iyakupapasha izigqibozayo ngokwecandelo 7 (1) (d).

(8) Izibonelelo ezikweli candelo azisayi kuphikisana namandla okulawula ale Bhodi phantsi kwecandelo 6 (9).

Inkcitho mali yale Bhodi

11. (1) Yonke inkcitho mali yale Bhodi ephathelene nemisebenzi yayo iyakube ifunyenwe kwingxowa eyabiwe yi Palamente ngezonzongo.

(2) Imali ekucingelwa ukuba uyakuchithwa ngonyaka iyakugqithiselwa kuMlawuli Jikelele welo Sebe, oyakuba ligosa eligcina iincwadi zemali.

Iingxelo zonyaka

12. IBhodi iyakuthi rhoqo ngonyaka kungagqithanga umhla wokuqala ku Juni ifake ingxelo—

(a) epheleleyo ngako konke ukusebenza kwayo kunyaka odlulileyo ukuya kuthi gaa ngomhla we 31 March kwi Palamente; ze ke

(b) ulawulo naluphi na lwephondo olujongene neenyewe zelwimi lufake eyalo ingxelo epheleleyo kwiphondo ngokusebenza kwayo de kube ngumhla we 31 March.

Intlawulo kwakunye nezibonelelo zamalungu ale Bhodi

13. Ilungu lale Bhodi okanye nabani na okwikomiti kanjaqo ongasebenzi isigxina kuRhulumente angathi afumane umamkelo kwimali eyabiwe yi Palamente ngezo zizathu, ngomsebenzi athe wawenza ngokuhambelana nemisebenzi yale Bhodi, njengoko uMphathiswa eyakuthatha isigqibo ngokudibaniselana noMphathiswa wezezimali.

Izikweleti zale Bhodi

14. (1) Umthetho Wezikweleti ZikaRhulumente (Act No. 20 ka 1957), uyakusetyenziswa ngokwale Bhodi yaye naluphi na inxibelelwano olubhekise kulomthetho ku "Mphathiswa welo sebe lichaphazelekayo" uyakuqhagamshelana ngokubhekiselele kule Bhodi.

(2) Amalungu ale bhodi awasayi kufakwa etyaleni nangayiphina ingxelo, okufunyenweyo, izimvo zayo, iingcebiso okanye izindululo ezenziweyo konke ngomoya womsebenzi.

Isihloko esifutshane nokuqala

15. (1) Lo mthetho uyakubizwa ngokuba yi **Pan South African Language Board Act, 1995.**

(2) Lo mthetho uyakuthathwa ngokuba uqale ukusebenza ngomhla we **28 April 1994** yaye naleBhodi kwakuthathwa ngokuba yasekwa kwangolo suku.

isiZulu

Lelibhukwana liqukethe ipulani elingaphelele lomthetho osenziwayo, kanti-ke ngalo kuqondwe kuphela ukuthi lisebenze njengebhukwana lokudingida elizosethsenziwa amalungu omphakathi ekunikezeni imibono yawo ngesikhathi kulalelwa imibono noma kwethulwa imibono ebhalwe phansi. Lokhu okuqukethwe kulelibhukwana akusiwona umlamlajuqu, kusazocutshungulwa, kubhalwe nangendlela okubhalwa ngayo amabhuku asemthethweni aBeluleki abase-Mthethweni bakaHulumeni (State Law Advisers), emva kokuthi yonke imibono etholakele isibhekisiswe kahle.

ISINGENISO SALOMBIKO

1. *Imininingwane emayelana nomnyombo wohlelo loMthethosisekelo*

INingizimu Afrika iyilizwe elinezilimu ezahlukahlukene elakhelwe imiphakathi eyahlukahlukenene. Nakuba-ke kudala umgomo owawulandelwa umthethosisekelo wezwe wawuphelela ezilimini ezimbili kuphela ezazisetshenziswa ngokusemthethweni (ukusetshenziswa ngokusemthethweni kwezilimi zabantu abansundu eziyisishiyagalombili kwakubekelwe ukusetshenziswa kulezozindawo ezazingaphansi kwalokhu okwakwaziwa ngokuthi ama-TBVC states kanye nakulezozindawo ezazinomazibuse), uMthethosisekelo waseNingizimu Afrika, ka-1993 (ngaphansi komthetho i-Act No. 200 ka-1993), inemidanti eminingi eyethulayo ezothinta kakhulu ukusetshenziswa kwezilimu ezehlukahlukene. Lokhu akuzukuhombisa kuphela ukuqikelela koMthethosisekelo ukubusa ngokwentando yeningi kanye nomoya omuhle, kodwa kuzoba igxatho elibalulekile lokugcizelelisa kanye nokuveza ukuthi eNingizimu Afrika kukhona izilime eziningi.

Ukubaluleka okubekwe ekwahlukahlukeni kwezilimu kanye nasekuvikelweni kwamalungelo abalulekile okukhulunywa kwezilimu kuqukethwe eMgomweni woMthethosisekelo XI: *"Ukwehlukahlukana kwezilimu kanye namasiko kuyonakekelwa futhi kuvikelwe, kanti nezindlela eziyosetshenziswa ukuthi kuthuthukiswe lokhu ziyoxhaswa"*.

INGxenye 31 yoMthethosisekelo uyaqhubeka nokukucacisisa impela ukuthi izilimu zingamalungelo abantu abalulekile: *"Wonke umuntu uyoba nelungelo lokusebenzisa lolo limu . . . athanda ukulusebenzisa yena ngokuthanda kwakhe"*. INGxenye 8 yona ithi bonke abantu bayalingana phambi komthetho, iqhubeka ithi futhi akekho noyedwa umuntu oyophathwa ngokungafanele, kuqondiwe noma kungaqondiwe, ezintweni ezimayelana nezilimu. Mayelana nezemfundo, ingxenye 32 yona ithi umuntu nomuntu unelungelo: *"lokuthola izifundo ezithile ngolimi lwakhe uma ngabe lesosimo akuso sivuma ukuba kube njalo"*.

INGxenye 3 ihlanganisa umgomo wezilimu azyizishumi nanye ezisemthethweni okufanele zisetshenziswe izwe lonke, iqukethe futhi kuyokwakhiwa izimo izizokuthuthukisa zibuye zikugququzele ukusetshenziswa ngokulinganayo kanye nokuthokozelwa kwazonke lezilimu. Okungaphezulu kwalokho, ingxenye 3 (9) (c) ayikuvumeli ukusetshenziswa kwanoma yiluphi ulimi lusetshenziselwa ukuhlupha abanye, ukubacindezela noma ukwehlukanisa.

Ukusetshenziswa kweilimu ezahlukahlukene sekuphenduke kwaba umgomo ohamba phambili ngempela lapha eNingizimu Afrika. Esinye isikhali esiphambili esisetshenziswayo esimayelana nokuphathwa kwezindaba zokusetshenziswa kwezilimu ezahlukahlukene, kunikezwe engxenyeni 3 (10), esigcizelela ukuthi iNdlu ePhezulu eyakha imithetho (i-Senate), kufanele yakhe iSigungu esizoba nohlelo oluzofaka phakathi zonke izilimu ezikhulunywa eNingizimu Afrika (i-Pan South African Language Board), kube UMthetho wasePhalamende.

LeliBhodi kufanele noma kanjani elikuqethe kuvumelane nalokho okuQukethwe kuMthethosisekelo. Nakhu-ke okufanele likulandele:

- (a) Kufanele lithuthukise ukuhlonishwa kwemigomo yezilimu njengalokho ibekiwe engxenyeni 3 (9) yomthethosisekelo, kanti-ke leyomigomo imi kanjena:
 - (i) Ukwakhiwa kwesimo esizovumela ukuthukiswa kanye nokugqugquzelwa kokusetshenziswa kanye nokuthokozelwa ngokulinganayo kwazonke izilimu ezisemthethweni eNingizimu Afrika;
 - (ii) ukunwetshwa kwalayomalungelo aphaathelene nezilimu kanye nokuhlonishwa kwazo, okwathi ekuqalweni koMthethosisekelo zabekelwa ukuba zisetshenziswe ezindaweni ezithize kuphela, (izindawo ezinjengalezo ezazizibusa kanye nama-TBVC states);
 - (iii) ukuvinjelwa kokusetshenziswa kwanoma yiluphi ulimi lusetshenziselwa ukuhlupha nokucwasa abanye abantu, ukucindezela noma ukwehlukanisa;
 - (iv) ukugqugquzelwa kokusetshenziswa kwazonke izilimu ezikhona ezweni kanye nokwenziwa kube khona eduze kwezindlela zokuhumusha;
 - (v) ukufakwa kwezindlela zokuhlonipha ezinye izilimu ezikhulunywayo eNingizimu Afrika noma zingesizo izilimu ezisemthethweni, kanye nokugqugquzelwa kokusetshenziswa kwazo ezimweni ezithize; kanye
 - (vi) ukungancishiswa kwamalungelo aphaathelene nezilimu kanye nokuhlonipheka kwezilimu ezazivele zikhona ekuqalweni koMthethosisekelo.
- (b) Ukuthuthukiswa futhi kwezilimu ezisemthethweni.
- (c) Ukwethula imibono ephaathelene nanoma yimuphi umthetho osongozwayo ngokulandela ingxenyeni 3 yomthethosisekelo emva kokuthi sekukhulunyiswene nabenza imithetho (ngokukahulumeni kazwelonke noma ngokohulumeni bezifunda).
- (d) Ukugqugquzela ukuhlonishwa kanye nokuthuthukiswa kwezilimu ezisetshenziswa eNingizimu Afrika, kanye nezinye-ke izilimu ezisetshenziselwa ezenkolo eNingizimu Afrika.

2. Uhlelo lukaHulumeni lokuqamba iSigungu esizokwengamela ukusetshenziswa kwazonke izilimu ezikhona eNingizimu Afrika (i-Pan South African Language Board)

Ngenhloso yokuxhumana nochwepheshe ezilimini kanye nalabo abaneziteki ezilimini kabanzi kakhulu, iNkomfa kazwelonke wezilimu owawubizwa ngokuthi **i-Languages for All: Towards a Pan South African Language Board**, wahlanganiswa aboMnyango wezeMfundo kaZwelonke kanye noMnyango weZobuchwepheshe naMasiko (i-Department of Arts and Culture), we-ANC, mhlaka 27 no 28 May ngonyaka ka 1994.

Injogo enkulu yaleNkomfa kwakuwukunikeza labo abaneziteki ithuba lokuba bafake neyabo imibono ohlelweni lokwakhiwa komthetho othinta izilimu eSigungwini. LeNkofa yasungula icebo elicacile kanye nohlelo oluthinte abantu abafanele mayelana nokwakhiwa kweSigungu sezilimu:

- Lezozinhlangothi/noma abantu ababengakethuli imibono yabo banikezwa ithuba lokuba bethule izicelo zabo ezimayelana nokuqanjwa kwesiGungu ekomidini elaziwa ngokuthi *i-Joint Conference Organising Committee* (elalisebenza ngaphansi koMnyango wezo-Buciko, aMasiko, iSayensi kanye nobuChwepheshe (Department of Arts, Culture, Science and Technology); kanye
- Nemiphumela yeNkomfa efinqiwe eyayibeka ngokusobala konke okwakhulunywa ngakho eNkomfeni kanye nemibono yabantu/noma yezinhlangothi ezithize kanye nezicelo ezethulwa, yayizokwethulwa ababephele iNkomfa bayethulele iNdlu enkulu eshaya imithetho (i-Senate).

IKomodi eliyisipesheli lalabo abahlanganisa iNkomfa, *i-Joint Conference Organising Committee*, elalihlanganise uNkosazana Q. Buthelezi (weKhomishani yezilimu ye-ANC), u-Prof. V. N. Webb (we-Nhlangothi yezilimu yaseNingizimu Afrika), kanye noDokotela A. A. Beukes (woMnyango wezoBuciko, amaSiko, iSayensi kanye nobuChwepheshe), yilona elahlanganisa ndawonye lesosifinco ngomhlaka-27 October 1994, okwathi emva kwalokho sethunyelwa emakomidini amabili ePhalamende asebenza ngezindaba zezilimu kanye nakuwona onke amalungu eKomidi elahlanganisa iNkomfa.

Ngomhlaka 18 August 1994, iNdlu enkulu eshaya imithetho (i-Senate), yavuma ukuthi *i-Select Committee on Education, Sports and Recreation, i-Arts, Culture and Technology*, kusebenzisane noMnyango wezobuCiko, wezamaSiko, zeSayensi kanye nobuChwepheshe, ulungise umthetho owauzosehsenziselwa ukwakha iSigungu. Ikomidi elaziwa ngokuthi *i-Senate Subcommittee on Language*, lakhethwa ngomhlaka 5 September 1994, kwase kuthi u-Senator L. J. Swanepeel wakhethwa njengomphathisihlalo.

Ngomhlaka 31 August 1994, iSishayamthetho sikaZwelonke (National Assembly), sanquma ukuthi, ngenxa yokungavumelani kahle kanye nokuba nozwelo okuba khona uma kuboniswa ngezilimu eNingizimu Afrika, kufanele ukuthi onke amaqembu ezoMbusazwe amele iSishayamthetho sikaZwelonke, akhethe ilungu elilodwa ezinhlanganweni zawo eliba kuyi-*Interim Language Secretariat*, lisebenzisana ne-Senate Select Committee on Language. Kwabe sekukhethwa i-National Assembly Subcommittee on Language, kwathi-ke uNkosazane N. Tsheole wakhethwa njengomphathisihlalo walelikomidi.

Emhlanganweni ohlanganise onke amakomidi owawumhlaka 4 November 1994, amakomidi amancane eNdlu enkulu eshaya imithetho (i-Senate), kanye neNhlangano yesiShayamthetho sikaZwelonke, bathatha lezizinqumo ezilandelayo ezimayelana nemigomo okufanele ilandelwe ekulungiseni ukushaywa kwemithetho eSigungwini:

- (a) Lamakomidi amabili amancane kufanele ahlanganyele ekushicileleni *i-Policy Discussion Paper* (iPhepheni loMgomo wokuDingida ozolandelwa), noma *i-Green Paper*, omayelana nokwakhiwa kweSigungu esidingida izindaba ezimayelana nokwakhiwa kohlelo lwezilimu oluthinta zonke izilimu ezikhulunywayo eNingizimu Afrika (i-PSALB). Imibono ebhalwe phansi mayelana ne-*Green Paper* kufanele ifunwe kubona bonke abantu noma izinhlangano ezinesasasa lalokhu.
- (b) Kufanele kubanjwe imihlangano nemiphakathi yazozonke izifundaze eziyisishiyagalo-lunye ukuze kutholakale imibono yabantu mayelana nokwakhiwa kwe-Pan South African Language Board, ngaphambi kokuthi kukhishwe ushicilelo elinomgomo wokudingidwa ozolandelwa (*i-Green Paper*).
- (c) Lamakomidi amancane amabili, kufanele athi ethatha-ke abe ehlangana ukukhipha ushicilelo lombiko wezinto esekuhlenganiswe ukuthi zizofakelwa izikuko ePhalamende (*i-White Paper*), mayelana nePan South African Language Board.
- (d) INdlu enkulu eshaya imithetho (i-Senate), iyothi-ke emva kwalokho yethule umthetho odingidwayo ophathelene ne-Pan South African Language Board.

Kwathi-ke emva kwalokho iKomidi le-Senate lakha *i-Phepha lokudingida iMigomo (i-Green Paper)*, lisebenzisana ne-Department of Arts, Culture, Science and Technology, lethulwa emaKomidini amabili amancane. iPheshana lesikhashana lenziwa futhi ngokulandela imibono eyethulwa iKomidi eliNcane leNdlu eshaya eNkulu eshaya imithetho.

Ngenxa yokuthi isikhathi sasisincane kakhulu futhi sibalulekile, kanye nanokuthi ukwakhiwa kwaloluhelelo kwathatha isikhathi esiningi kakhulu, iKomidi leNdlu yokwakha iMithetho yezeMfundo, ezemiDlalo nezokuNgcebeleka, ezobuCiko, ezamaSiko, ezeSayensi kanye nezobuChwepheshe, lethula ukuthi uhlelo luqhutshwe ngaphandle kokusuka esidingweni sokuthi lucaciselw wonke umuntu. Zozimbili iZindlu zePhalamende zathatha lezizinqumo ezilandelayo:

- (a) *IPhepha lokuDingida imiGomo (noma i-Green Paper)*, elakhiwe i-Senate Subcommittee on Languages, lihlanganyele ne-National Assembly Subcommittee on Languages, liyosetshenziswa njengephepha elisemthethweni eliyosetshenziswa kuzona zombili iZindlu zokudingida.
- (b) Emva kwezinkulumo mpikiswano ezaba khona, uMthethosivivinyo wesikhashana omayelana neSigungu wawuzokwenziwa ochwepheshe kwezomthetho behlangene noMnyango wezobuCiko, namaSiko, ezeSayensi kanye nezobuChwepheshe, besebenzisa iphepha elisebenzayo kanye nemibono eqhamuka kuwonawonke amaqembu ezeopolitiki, eyavela ngesikhathi senkulumo mpikiswano.

- (c) Umthethosivivinyo wesikhashana uyoshicilelwa yiphephabhuku likaHulumeni elinezaziso ezehlukahlukene (*i-Government Gazette*), ngazozonke izilimu eziyishumi nanye ezisemthethweni, kanti-ke kuyocelwa nemibono eqhamuka kulabobantu noma amaqembu anesasa lalokhu.
- (d) Kuyobe sekubanjwe imihlangano okuyobe kuqondwe ngayo imibono yomphakathi yalabo abanesasasa lalokhu e-Capetown (uma ngabe kunesidingo imihlangano ephathelene naloludaba kuphela yomphakathi iyobanjwe nakuleyomphakathi esemaphandleni ukuqinisekisa ukuthi bonke abantu bafaka imibono yabo mayelana naloludaba).
- (e) LoMthethosisekelo uyobe sewethulwe ePhalamende.

Umbiko wokucina wePhepha wokuDingida uMgomo (elinosuku luka March 1995), ladingidwa iNdlu enkulu yokushaya iMithetho ngomhlaka 30 March 1995, kwathi i-National Assembly yona yalidingida ngomhlaka 5 April 1995.

Ochwepheshe bezomthetho ababili, u-Prof. N. J. J. Olivier we-School of Law e-University of Natal (e-Pietermaritzburg), kanye noMnumzane P. M. Mtshaulana, ongumcwani e-Constitutional Court, kanti futhi ofundisa e-University of the North, eMkhakheni wezoMthetho, bakhethwa ukuba belekelele i-Department of Arts, Culture, Science and Technology, ekwakheni uMthethosisekelo weSigungu (weBhodi).

Isihloko eside kanye nesitatimnde sokwethula okuqukethwe

Isihloko eside soMthethosisekelo sichaza ukufinyeza kokuqukethwe lapho. Ukwethulwa kwesitatimende esimayelana nokuqukethwe lapho, sigcizelela ukuthi uMthethosisekelo kanye nemigomo owencike kuyo, kunomsuka wakho kuMthethosisekelo waseNingizimu Afrika, eMthethweni u-Act No. 200 ka 1993.

I-Clause 1: Izincazelo

U-Clause 1 woMthethosisekelo uqukethe izincazelo, iningi lazo ezizichaza ngokwazo.

I-Clause 2: Ukwakhiwa kwe-Pan South African Language Board

Lesisihloko simele ukwakhiwa kwe-Pan South African Language Board. LesisiGungu singe-siyolandelwa ngokusemthweni ezintweni ezithinta izilimu.

I-Clause 3: Izinto

Lesisihloko sona siphethe izinto zeSigungu, lokho okuchaza imigomo ephathelene nokusetshenziswa kwezilimu ezehlukahlukene njengoba kubekiwe engxenyeni 3 (9) yoMthethosisekelo, ukuthuthukiswa kwezilimu ezisemthethweni eziyishumi nanye zaseNingizimu Afrika, ukuthuthukiswa kanye nokugqugqazelwa kokuhlonishw kwezinye izilimu ezikhona ezweni.

I-Clause 4: Ukwakhiwa kweSigungu

Lesisihloko sona siqukethe ukwakhiwa kweSigungu (noma iBhodi). ISigungu (abantu abayi-14: abayi-13 abangamalungu avotayo kanye nelilodwa elingavoti) liyoba nochwepheshe abehlukahlukene—

- (a) abonolwazi olunzulu ezindabene eziphathelene nokuhlelwa kwezilimu (bayoba bane);
- (b) abanesipiliyoni futhi abanobuchwepheshe kulezizindima: Ekuhumusheni (abe munye), ekutolikeneni (abe munye), ekwakhiweni kwezichazamagama nasekwakheni izincazelo zamagama (abe munye), ekufundiseni izilimu (abe munye), noyedwa onobuchwepheshe ekufundiseni abantu abangakwazi ukufunda nokubhala;
- (c) onobuchwepheshe obunzulu bokushaywa kwemithetho ephathelene nezilimu (abe munye); kanye
- (d) nabanolwazi oluyisipesheli lwezindaba eziphathelene nezilimu (bangabi ngaphezulu kwabathathu).

Ukwenezelela kulokhu, umuntu ophethe phezulu kuyofanele abe yilungu yeSigungu kodwa angabinawo amalungelo okuvota.

Lesisihloko sona sibeka ukuthi amalungu eSigungu kufanele akhethwe iNdlu enkulu eshaya iMithetho (i-Senate), emva kokuthi ukhetho lwabantu jikelele seluvelelwe. Amalungu eSigungu kufanele alandele izidingo ezithize (amazinga okufunda), kanti angamiswa ezikhundleni iNdlu enkulu eshaya iMithetho.

Amalungu eSigungu angahlala ezikhundleni zawo iminyaka eyisikhombisa, kanti-ke ukukhethelwa ezikhundleni kwawo futhi kungaba sekuboneni kweNdlu enkulu eshaya iMithetho (i-Senate). Izikhala ezingahle zivele kuleyominyaka eyisikhombisa, zingagcwaliswa i-Senate kuze kufike lapho kuphela khona lesosikhathi.

I-Clause 5: UMphathisihlalo kanye nephini lakhe

Lesisihloko sinikeza imininingwane ephathelene nokukhethwa komphathisihlalo weSigungu (iBhodi), kanye nephini lakhe (lokhu okuyochutshwa lJaji eliKhulu), kanti isikhathi salesisikhundla iminyaka eyisikhombisa (kanti-ke kulesikhundla kuyenzeka kubuye kukhethelwe bona labo ezikhundleni uma sekukhethwa futhi). Isekela likamphathisihlalo (uma lisebenza njengomphathisihlalo) liyoba nawowonke amandla, futhi liyokwazi ukwenza konke okwenziwa umphathisihlalo. Kuba khona futhi okwenziwayo mayelana nesikhundla somphathisihlalo noma isekela lakhe uma ngabe kwenzeka bezishiya izikhundla zabo.

U-Clause 7: Amandla kanye nemisebenzi yeSigungu (iBhodi)

Lesisihloko siqukethe amandla kanye nemisebenzi yeSigungu, ehlanganisa ukwethulwa kwemibono; ukuthola kanye nokunakekela izikhalo ezimayelana nokunukutshezwa noma ukwethembisa ukunukubeza; ukweluleka abanezikhalo kanye nokubeka imibono ethize mayelana nokungenziwa mayelana nezikhalo; ukulawula ukunakekelwa kwalokho okuMthethosisekelo okumayelana nemigomo yokuthethensiziswa kwezilimu, okuqukethwe kanye nokunakekelwa kwanoma yikuphi okuqukethwe kumthethosivivinyo okhona noma omusha, ukuqikelela ukuthi ziyalandelwa izindlela ezifanele zokubhekana nezinto ezithinta izilimu ngqo noma ngokungathanga ngqo, sibe selekelela ngokulawula ukwakhiwa kwezinhlelo kanye nemigomo, nalapho okufanele khona, benze kube lula ukutholakala kwezimali. ISigungu kuyofanele futhi sikwenze kwaziwe lokho esikutholile, sinikeze imibono yaso, izeluleko kanye nokufanele kwenziwe ephepheni likahumumeni lezaziso (i-Government Gazette), njalo ngekota (kungaba semva kwesikhathi esifushane lapho iSigungu esibona kufanele khona), bese kuba kulezozimo eziphathelene nezindaba zezilimu, ephepheni lezaziso zasezifundeni eziqondene nodaba lolo (*Provincial Gazette*).

ISigungu singabuye seluleke uHulumeni ukuba anikeze uxhaso emaqenjini ahlukumezeke kakhulu emalungelweni awo ezilimu. Singabuye futhi sisungule izifundo kanye nophenyo ukuthuthukisa imibono yaso, kanti singakhipha nezimali zokukuxhasa lokhu; singajuba futhi abathize ukuba benze uphenyo.

ISigungu siyoba nawowonke amandla akuthi siqale, siphenye noma senze ukuba kuphenywe, noma kwethulwe imibono emayelana nokwakhiwa kwemithetho, imigomo kanye nezindlela eziqondene ngqo noma ngokungathe ngqo nezilimu kanye nalokho okukumthethosisekelo okuqondene nokwakhiwa komthetho kwanoma yiyiphi ingxenye kahulumeni.

ISigungu singabuye futhi sibize noma ngabe yimuphi umuntu ukuba azonikeza ubufakazi kuso kanti siyokwazi ukufinyelela emaphepheni asemthethweni anemininingwane. Singakwazi futhi ukukhetha amakomidi anelungu elilodwa noma ngaphezulu eSigungu kanye nabanye-ke abantu esicabanga ukuthi bangaseluleka ekuqhubeni izindlela zaso zokuphatha.

ISigungu singabuye futhi sakhe—

- (a) amakomidi asemazingezi ezifunda azoseluleka ngezinto eziphathelene nezilimu ezifundeni ezifanele; kanye
- (b) namaqembu ezilimu azoseluleka mayelana nanoma yiluphi ulimi.

IMithetho ingabekwa kubuye kukhishwe izaziso; kulezozimo ezinjena, ukukhishwa kwalezizaziso ephepheni likahulumeni elisemthethweni, *i-Government Gazette*, kungaba kuhle kwenziwe.

I-Clause 8: Ubuhlobo nezinye izinhlangano, nabantu noma namaqembu ahlange-nisa abantu

Lesisihloko siqukethe imigomo yokusebenzisana phakathi kweSigungu (IBhodi), kanye namaqembu akhe uhulumeni, abantu noma amaqenjana akhiwe abantu kanye nezinye izinhlangano ezizibandakanyile nezindaba zezilimu. ISigungu kufanele sithole izeluleko eziqhamuka kumakomidi aqondene asefizundeni, amaqembu akhele uhulumeni kanye nezinhlangano zezilu ezakhiwe ngokomthetho noma ezakhiwe iSigungu, kanti futhi kuyofanele simeme, abantu, amaqembu kanye nezinye izinhlangano zezilimu ngaphambi kokuba zenze noma zishicilele esikutholile, imibono yaso, izeluleko noma lokho esibona ukuthi kufanele kwenziwe. Kufanele futhi sisebenzisane nabantu, izinhlangano noma maqembu.

I-Clause 9: Insebenzo yamabhuku eSigungu (eBhodi)

Ukuphathwa kwemisebenzi eqondene namabhuku eSigungu kuyokwenziwa abakhethiwe ngokulandela umthetho i-Public Service Act, ka-1994. Lababantu bayokhethwa ngendlela yokuthi baqhamuke kuzozonke izindawo ukuze bamele bonke abantu base-Ningizimu Afrika.

I-Clause 10: IMithetho ephathelene nendlela iSigungu okufanele siqhube ngayo

Lesisihloko siphathelene nokufakwa kwezikhalo ezimayelana nokunukunyezwa noma ngokwethembisa ukunukubeza amalungelo aphathelene nezilimu, nomgomo wezilimu noma nokusetshe-nziswa kwezilimu. Indlela eyolandelwa kanye nokunikezwa kosizo olumayelana nalokhu, kanye nokwenziwa kophenyo lokufaka lezizicelo. Uma ngabe iSigungu sibona ukuthi lezozicelo ezicutshunguliwe zinesigqi, siyobe seselekelela loyo onesicelo ekubeni anikezwe ithuba lokuba abuye ethule isikhalo sakhe, okuyoba, phakathi kwezinye izinto, ukwedlulisela lesosikhalo noma isicelo, kuleyongxenyekahulumeni efanele, belekelela futhi (kulezozindawo ezifanele) loyo onesikhalo ekutholeni ukusizakala enkantolo ewaziyo umsebenzi wayo. Siyobe sesimazisa loyo obenesikhalo ukuthi kuhambe kanjani, bese futhi sichicilela ukuba kwaziwe lokho esikutholile.

U-Clause 11: Izindleko zeSigungu (zeBhodi)

IPhalamende liyobeka eceleni izimali eziqondene nezindleko zeSigungu. Izindleko zeSigungu zonyaka ziyonikezwa u-Director-General waloyoMnyango kaHulumeni oqondene, oyobe-ke eqondene nama-akhawundi eSigungu.

U-Clause 12: Umbiko wonyaka

Lesisihloko sona siphokelela iSigungu ukuthi sethulele iPhalamende njalo ngonyaka umbiko obanzi omayelana nezinto esizenzile, sibuye sethulele imikhandlu eshaya imithetho ezifundeni imibiko emayelana nezilimu ezifundeni.

U-Clause 13: UMhlonolo kanye nezimali ezinikezwa amalungu eSigungu

IPhalamende liyobanikeza izimali labo abangamalungu eSigungu kanye nabasebenzi abangaqashiwe uHulumeni ngokuphelele.

U-Clause 14: Ukuba yisikweletu kweSigungu

Lesisihloko siyazichaza sona ngokwaso.

U-Clause 15: Isihloko esiFushane kanye nokuqala

Isihloko esifushane soMthethosivivinyo siyazichaza sona ngokwaso. UMthethosisekelo uthathwa ngokuthi waqala ukusebenza mhlaka 28 April 1994, kanti iSigungu naso sithathwa ngokuthi sasungulwa ngalo lolusuku kwenzelwa ukuvumela iSigungu ukuba (kusukela ngomhlaka 28 April 1994), sikwazi ukusebenzisa ubuthathimandla baso.

UMTHETHOSIVIVINYO

Owokuvezela obala ukubaluleka, ukusetshenziswa kanye nokuthuthukiswa kokusetshenziswa kwazonke izilimu ezikhona eNingizimu Afrika; ukwethul iSigungu (iBhodi) esimayelana nokusetshenziswa kwazonke izilimu ezikhona ezweni (i-Pan South African Language Board); kanye nokwazisa ngezindaba ezixhumene nakho lokhu.

KANTI UMthethosisekelo waseNingizimu Afrika ka 1993 wona (u-Act No. 200 ka 1993), unikeza ukunakekelwa komgomo wokusetshenziswa kwazonke izilimu ezikhona ezweni;

KANTI-KE NOMA kuzoba khon izindlela ezidalelwa ukuba kunakekelwe ukhlonishwa kwalokhu, ukuvikeleka okulingene kanye nokuthuthukiswa kwezilimu ezisemthethweni zaseNingizimu Afrika kanye nokugqugquzelwa kokusetshenziswa kwazo lezozilimi okwathi esikhathini esedlule azangasetshenziswa ngokufanele, ukuze kuthuthukiswe ukujatshulelwa okuphelele kanye nokulinganayo kwezilimu zaseNingizimu Afrika ezisemthethweni, kanye nokuhlonipha ezinye izilimu ezikhona eNingizimu Afrika ezisethenziselwa ukuxhumana kanye nezenkolo;

YINGAKHO-KE NJE MANJE izobe isishaywa iPhalamende laseNingizimu Afrika kanjena:—

Izincazelo

1. KuloMthetho, ngaphandle uma okushiwo lapho kukhombisa—

Nge “**Sigungu**” noma “**iBhodi**” kuchazwa i-Pan South African Language Board eyasungulwa ingxenye 2;

Ngo “**Mthethosisekelo**” kuchazwa uMthethosisekelo waseNingizimu Afrika, ka 1993 (umthetho u-Act No. 200 ka 1993);

Ngo “**Mnyango**” kuchazwa ingxenye kaHulumeni okufanele iibhekna nezindaba zezilimu, kanti-ke lengxenye ikhethwa uMongameli ngokulandela uMthethosisekelo;

“**ophete isikhundla esiphezulu**” (i-executive officer), yiloyo okhethwe ngokulandela ingxenye 9 (1);

“**UNgqongqoshe**” ungqongqoshe woMnyango othize kahulumeni;

“**Uhumusi owaziwayo, osebenzayo**” yilowo muntu onolwazi olunzulu lokuhumusha, owaqeqeshwa esikhungweni esaziwayo sokuhumusha, onesipiliyoni seminyaka emihlanu okungenani;

“**Utolika owaiwayo, osebenzayo**” kushiwo umuntu onolwazi olunzulu noqeqeshwe kabanzi kwezokutolika;

“**Umakhi zichazi-mazwi noma umakhi-magama owaziwayo**” kushiwo umuntu onesipiliyoni seminyaka emihlanu okungenani ekwakheni izichazi-mazwi noma ekwakheni amagama (amatemu);

“**Umhleli wezilimu**” kushiwo lowomuntu oqeqeshelwe ukuhlela izilimu futhi onolwazi olunzulu kulokhu;

“**Uchwepheshe wezilimu**” yiloyo muntu oqeqeshelwe izilimu ohlangothini lwezepolitiki kanye nohlangothi lokufunda ngobuhlobo obukhona phakathi kolimi nomphakathi;

“**Uchwepheshe ofundisa ngezilimu owaziwayo nosebenzayo**” uchaza loyomuntu onolwazi okufundele ukuqeqesha kanye nokufundisa ngezilimu futhi onesipiliyoni esikhulu kulokhu;

“uchwepheshe kwezokufundisa abangafundile owaziwayo” kushiwo umuntu okwazi ukufundisa kanye nokuqeqesha abafundisa abantu abangakwazi ukufunda nokubhala; nonesipiliyoni kulokhu;

“ingxenyekahulumeni” kushiwo leyonxenyekahulumeni njengoba kuchazwe engxenyeni 233 yoMthethosisekelo;

“Iphepha lezaziso likaHulumeni wesifunda” (*i-Provincial Gazette*) ichaza iphepha lezaziso elisemthethweni lalesosifunda esiqondene;

“Obekuvele kukhona” kuchaza lokho obekuvele kukhona ngaphambi kokuthi kwakhiwe uMthethosisekelo waloMthetho, noma kuliphi-ke elinye izinga;

“Okubekwe ukuba kusebenze” kushiwo okubekwe yiMthetho noma okungaphansi kwawo;

“Iomthetho” uhlunganisa imithetho eyakhiwe kanye nezaziso ezikhishwe ngaphansi kwengxenyeni 6 (9), 7 (8), 7 (11) kanye no 8 (2) (d).

Ukusungulwa kweSigungu (iBhodi)

2. (1) Lapha kusungulwa isigungu (noma ibhodi), esisokwaziwa ngokuthi i-Pan South African Language Board.

(2) LesiSigungu sizolawula ngokusemthethweni kanti-ke sisomelwa umphathisihlalo noma iphini lakhe noma-ke yinoma yiliphi ilungu laso elibekwe iBhodi ukuthi lingayenza imisebenzi ethize ngalesosikhathi esithize.

Izinto ezibhekene neSigungu

3. ISigungu siyobhekana nalezizinto ezilandelayo:

- (a) Ukuthuthukisa ukuhlonishwa kwemigomo ebalwe engxenyeni 3 (9) woMthethosisekelo, eziyilokhu okulandelayo—
 - (i) Ukwakha izimo ezizothuthukisa kanye nezizogqugqezela ukusetshenziswa ngokulinganayo kanye nokuthokozelwa kwazozonke izilimu ezisemthethweni zaseNingizimu Afrika;
 - (ii) ukunwetshwa kwamalungelo ahlobene nezilimu kanye nokuhlonishwa kwazo okwathi ekuqalweni koMthethosisekelo zabekelwa ukusetshenziswa ezifundeni ezithize kuphela;
 - (iii) ukuvikelwa kokusetshenziswa kwanoma yiluphi ulimi ngenjongo yokuhlukumeza, yokucindezela noma yokucwasa;
 - (iv) ukuthuthukisa ukusetshenziswa kwazozonke izilimu ezikhona ezweni kanye nokulethwa kwezindlela zokuhumusha;
 - (v) ukufakwa kwenhlonipho yezilimu ezisetshenziswayo ezweni noma ngabe zingezizo ezisemthethweni, kanye nokugqugqezelwa kokusetshenziswa kwazo ezindaweni ezifanele; kanye
 - (vi) nokungancishiswa kwamalungelo aphaathelene nezilimu kanye nokuhlonishwa kwalezozilimu ezazisetshenziswa ekuqalweni koMthethosisekelo;
- (b) ukuthuthukiswa futhi kwezilimu ezisemthethweni zaseNingizimu Afrika;
- (c) ukugqugqezela ukuhlonishwa kanye nokuthuthukiswa kwezinye izilimu ezisetshenziswa umphakathi waseNingizimu Afrika, kanye nalezo ezisetshenziselwa ezenkolo;
- (d) ukuthuthukisa ukuhlonishwa kweminye izinto ezibaliwe kanye nemiGomo yoMthethosisekelo eqondene ngqo noma ngokungathe ngqo nezindaba zezilimu; kanye
- (e) nokuthuthukisa ukuhlonishwa kokwehlukahluka kwezilimu ezikhulunywa ezweni.

Izinto ezakhe iSigungu (iBhodi)

4. (1) (a) INdлу eNkulu eshaya imithetho (i-Senate), emva kokuthi isiyethule ithuba lokukhetha ilethulela umphakathi, iyobe isikhetha lababantu abalandelayo ibakhethela eSigungwini:

- (i) Abantu ababili abayoba ochwepheshe bezilimu abayobe besebenza ngokuhlela izindaba ezimayelana nezilimu;
- (ii) abantu ababili abayoba abahleli bezilimu abasebenza ukuhlela izindaba eziphathelele nezilimu;

- (iii) umuntu oyedwa oyoba umhumushi owaziwayo nosebenzayo;
 - (iv) umuntu oyedwa oyoba umtoliko owaziwayo nosebenzayo;
 - (v) umuntu oyedwa oyoba umakhi-zichazi mazwi noma owumakhi-magama(matemu), owaziwayo nosebenzayo;
 - (vi) umuntu oyedwa owaziwayo futhi osebenzayo, owuchwepheshe kwezokufundisa izilimu;
 - (vii) umuntu oyedwa oyoba uchwepheshe wokufundisa abantu abangafundile;
 - (viii) umuntu oyedwa owuchwepheshe kwezomthetho onolwazi oluyisipesheli olumayelana nokushaywa kwemithetho ephathelene nezilimu; kanye
 - (ix) nabanye abantu abangekho ngaphezu kwabantu abathathu abanolwazi olunzulu oluphathelene nezilimu zaseNingizimu Afrika.
- (b) Loyo onesikhyndla esiphezulu kufanele abeyilungu leSigungu futhi oyobamba iqhaza ezintweni ezenziwa iSigungu kanti futhi uyoba namalungelo kanye nemisebenzi efana neyamanye amalungu: Lokho okuyoya ngokuthi loyomuntu ngeke abe nelungelo lokuvota.
- (2) Amalungu eSigungu kufanele—
- (a) abe sesimweni esifanele sokuthi aphaathe lezizikhundla;
 - (b) abe abahlali baseNingizimu Afrika abaphelel; futhi
 - (c) abe nobuchwepheshe kanye nolwazi oluphathelene nemisebenzi yesiGungu noma abe nolwazi lwezilimu noma lomthetho iNdlu enkulu eshaya imithetho (i-Senate) ekubona kukahle.
- (3) INdlu enkulu eshaya imithetho (i-Senate), ingazimisa lezizikhundla ezenziwengaphansi kwalengxenyane—
- (a) uma ngabe ibona ukuthi umuntu othize okhethiwe akasahambisani nezidingo ezingaphansi kwengxenyana (2);
 - (b) uma ngabe loyomuntu okhethiwe efaka isicelo esibhalwe phansi sokuthi i-Senate isimise isikhundla akhethelwe sona;
 - (c) noma uma ngabe loyomuntu okhethiwe ebengekho emihlanganweni emibili elandelayo yeSigungu ngaphandle kokuthola imvume eSigungwini.
- (4) Noma ngabe yiliphi ilungu leSigungu liyokhethelwa isikhundla isikhathi esiyiminyaka eyisikhombisa, kanti-ke kuyothi ekupheleni kwalesosikhathi, bese likwazi ukuthi lingakhethelwa isikhundla okhethweni olulandelayo kuphela.
- (5) Uma ngabe isikhundla sanoma yiliphi ilungu leSigungu sivuleka ngaphambi kokuthi kufikwe esikhathini elalikhethelwe sona, iSigungu singathi ngokulandela umthetho (1) (a), sikhethe omunye umuntu ozongena esikhundleni salo kulesosikhathi esiyobe sesisele.
- (6) INdlu eNkulu eshaya imithetho iyofaka isaziso ephepheni likahulumeni lezaziso *i-Government Gazette*, ngokukhethelwa esikhundleni kwanoma yiliphi ilungu leSigungu kanye nosuku okuyiqala ngalo ubulungu, bese kuthi kulelolu elikhethelwe ukugcwalisa isikhala eSigungwini, kucaciswe ukuthi linikezwa isikhundla isikhathi esingakanani.

UMphathisihlalo kanye nephini lakhe

5. (1) Amalungu eSigungu (iBhodi) ayokhetha omunye kuwo ukuba abe umphathisihlalo weSigungu, kanye nomunye oyoba iphini likasihlalo oyosebenza njengosihlalo uma usihlalo engekho noma engekho esimweni sokusebenza: Lokhu kuyoya ngokuthi ukhetho lwenziwa iJaji elikhulu emhlanganweni wokuqala.
- (2) Umphathisihlalo kanye nephini lakhe bayoziphatha iminyaka eyisikhombisa izikhundla zabo, kanti-ke bayoba sesimweni sokuthi bangakhethwa futhi uma sekukhethwa kabusha.
- (3) Iphini likasihlalo, uma lenza imisebenzi kamphathisihlalo, njengalokhu kubekiwe engxenyani (1), liyokwazi ukuyenza yonke imisebenzi eyenziwa umphathisihlalo.
- (4) Isikhundla sikamphathisihlalo kanye nesehini lakhe siyoshiywa uma—
- (a) sekufike isikhathi sokuma kwesikhundla;
 - (b) uma ngabe bona laba abakulezizikhundla befaka izicelo ezibhalwe phansi zokuthi sebeyashiya bona ngokwabo;

- (c) uma ngabe bona laba abakulezizikhundla sebema ekubeni amalungu eSigungu (eBhodi); noma
- (d) uma ngabe isinqumo sokuma kwesikhundla sithathwe yiSigungu; noma
- (e) uma ngabe osesikhundleni eshona noma egula ngokwengqondo lokho okuyomenza angabe esakwazi ukusebenza:

Konke kuyoya ngokuthi uma kwenzeka izinto ezingaphansi kuba (b), (c), (d), kanye no (e), ukukhethwa komphathisihlalo omusha kanye nephini lakhe kuyokwenziwa ophethe isikhundla esiphezulu.

Imihlangano kanye nezihlalo zeSigungu

6. (1) ISigungu siyohlalanga okungenani kane ngonyaka.
- (2) Isizinda seSigungu siyoba sePitoli, bese kuthi imihlangano yaso iyobanjelwa ngaleso-sikhathi kanye nakuleyondawo eyokhethwa yiso iSigungu, kanti-ke iyokwenganyelwa umphathisihlalo.
- (3) Umphathisihlalo weSigungu angawubiza noma yinini umhlangano oyisipesheli weSigungu, futhi angakhetha yena ukuthi uzobanjelwa kuphi kanye nesikhathi ozobanjelwa ngaso, enjalo nje unelungelo lokuthi, ngokusebenzisa isicelo esisayindwe amalungu eSigungu angangaphansi kwamathathu, abize umhlangano ezinsukwini ezingamashumi amathathu emva kokuthi ekhiphe isaziso, kanti angakhetha yena futhi isikhathi kanye nendawo ozobanjelwa kuwo.
- (4) Amalungu eSigungu ayisikhombisa ayakwazi ukuthi *amele amanye amalungu* angekho kuyinoma yimuphi umhlangano weSigungu.
- (5) ISigungu siyokwazi ukuthinta kanye nokusebenza ngokusondelana nanoma yimuphi umuntu noma iqembu labantu abanolwazi olunzulu kanye nesipiliyoni mayelana nezinkinga zezilimu eNingizimu Afrika, noma nabantu abazihlanganisile nokuthuthukiswa kanye nokugqaguzelwa kwemigomo esengxenyeni 3 yoMthethosisekelo.
- (6) ISigungu siyosebenza ngendlela eyokwazisa ukubaluleka kokuthi kube nomoyo wokuvumelana okuyiwona oyisisekelo sendaba yokusetshenziswa kwezilimu ezehlukahlukene njengoba kubekwe kwabaluleka kuMthethosisekelo.
- (7) Ukuvota okuyokwenziwa kunoma yimuphi umhlangano weSigungu kuyokhonjiswa ngokuphakanyiswa kwezandla, bese isinqumo sithathwa ngobuningi bezandla zalawomalungu eSigungu ayobe ekhona kuloyomhlangano: Lokho okuyoya ngokuthi, uma kwenzeka amavoti elingana, umphathisihlalo uyoqoka abaphumelelayo ngokuthi naye afake eyakhe ivoti ngasosona lesosikhathi.
- (8) Asikho isinqumo esithathiwe, noma isenzo esenziwe ngaphansi komthetho weSigungu esingeke sisetshenziswe ngesizathu sokuthi kuphela kunesikhala sesikhashana seSigungu uma ngabe lesosinqumo sathathwa noma lesosenzo senziwa noma salawulwa umhlangano weSigungu owawubanjwe ngokulandela imithetho yalesisigaba.
- (9) ISigungu singayishaya imithetho ehlobene nokuqhutshwa kwalemihlangano.

Amandla kanye nemisebenzi ebhekene neSigungu

7. (1) Isigungu siyo—
 - (a) kwethula imibona yaso mayelana nanoma yikuphi ukwakhiwa kwemithetho, izindlela zokuqhuba kanye nomigomo eqondene ngqo noma ngokungathe ngqo nezindaba zezilimu kanye nekuqondene nanoma yikuphi ukulungiswa kwemithetho okuphathelene nezikhalo noma nokushintshwa kwemithetho esishayiwe, izindlela zokukuqhuba lokhu kanye nemigomo;
 - (b) mayelana nezikhalo—
 - (i) sikwazi ukuphenya ngokwalo noma emva kokuthi lithole isikhalo esibhalwe phansi esimayelana nokunucindezelwa kwelungelo lolimi noma kokusetshenziswa kwalo;
 - (ii) sikwazi futhi ukwemukela sinakekele izikhalo ezimayelana nokunganikwa amalungelo ezilimu ezithize; futhi
 - (iii) sibuye sikwazi ukweluleka abanezikhalo mayelana nezikhalo zabo, babeke nalokho okungenziwa okungaxazulula inkinga, uma beceliwe noma bengacelwanga;

- (c) ukunakekela lezozinto eziqukethwe umthethosisekelo kanye nemigomo eqondene ngqo noma nengaqondene ngqo nazozonke izindaba ezithinta izilimu, kanye nengxenywe 3 (9) yomthethosisekelo, ikakhulukazi—
 - (i) ukulawula ukuhlolisiswa kwalezozinto eziqukethwe umthethosisekelo ezimayelana nokusetshenziswa kwezilimu;
 - (ii) ukulawula okuqukethwe kanye nokubhekisisa noma yimuphi umthetho obuvela ukhona noma oshayiwe, izindlela okuqhutshwa ngazo kanye nemigomo eqondene ngqo noma engaqondene ngqo nezindaba zezilimu;
 - (iii) ukwelekelela kanye nokulawula ukwakhiwa kwezinhlelo kanye nemigomo eqonde ekufakeni ukusetshenziswa ngokulinganayo kanye nokuhlonishwa kokusetshenziswa kwezilimu ezisemthethweni kube ngaso lesosikhathi kuthathwa izinyathelo zokuqinisekisa ukuthi imiphakathi esebenzisa lezozilimu ezibalwe engxenyeni 3 (10) (c) yomthethosisekelo iyanikezwa amathuba okuba asebenzise izilimu zawo ngezikhathi ezidingekile;
 - (iv) ngesidingo salengxenyana, kufanele senze, lapho kudingeka khona, kube lula ukutholakala kwezimali ngezikhathi ezifanele, kube kulandelwa ukubona kwaso iSigungu njalo nje emva kwesikhashana;
- (d) siyibeke obala imiphumelo vokuqopheni kwaso, imibono yaso, izeluleko noma lokho ebona kufanele kwenziwe ephepheni likahulumeni lezaziso elisemthethweni *i-Government Gazette*, njalo nje ngekota noma emva kwesikhashana njengokubona kwaso iSigungu, kanti-ke kulezozindaba ezithinta izilimu emazingeni ezifunda lokhu kufanele kukhishwe ephepheni lezifunda lezaziso elisemthethweni *i-Provincial Gazette*;
- (e) sisungule, sihlanganise ndawonye sibuye sigcine yonke imininigwane yazozonke izinto ezimayelana nokushaywa kwemithetho (kuhlangene naleyo mininingwane etholakala kuMthethosisekelo) ephathelene nezindaba zezilimu, eyayoyonke futhi imigomo kanye nezindlela okuqhutshwa ngazo eziqondene ngqo noma ezingaqondene ngqo nezindaba zezilimu ezinomsuka noma ezingahle zibe nomsuka kunoma iyiphi ingxenywe kahulumeni.

(2) Kulezozindawo lapho iSigungu esibona khona kufanele ukuthi singameluleka uHulumeni ukuba akhiphe izimali zokuxhasa amaqembu anukubezwa kakhulu ngamalungelo ezilimu zawo.

(3) ISigungu kufanele sikwazi ukusungula izifundo kanye nezinhlelo zokuqopheni eziqondene nokuthuthukisa inhlonipho yezilimu ezisemthethweni zaseNingizimu Afrika njengoba zibe kiwe engxenyeni 3 (1) yomthethosisekelo, ukusetshenziswa kwazo kanye nokuthokozelwa kwazo ngokulinganayo, kanye nokusetshenziswa kwazozonke izilimu ezikhona ezweni.

(4) Ukweseka lengxenywe, uSigungu singanikeza usizo lwezimali noma olunye nje usizo kumuntu noma kubantu abathize.

(5) Ayikho neyodwa into kulengxenywe eyonciphisa ilungelo leSigungu lokuqala izinto, lokuqopheni noma lokubanga ukuba kuphenywe, kwethulwe nemibono emayelana nokushaywa kwemithetho, ukubekwa kwemigomo kanye nezindlela okungaqhutshwa ngazo eziqondene ngqo noma ezingaqondene ngqo nezilimu kanye nalokho okuqukethwe kuMthethosisekelo okuqondene ngqo noma okungaqondene ngqo nezilimu kunoma yikuphi ukushaywa kwemithetho noma kunoma iyiphi ingxenywe kahulumeni.

(6) ISigungu kuyofanele sikwazi ukuba namandla okubiza noma yimuphi umuntu ukuba asinikeze ubufakazi kanye nokukwazi ukufinyelela kunanoma yimaphi amaphepha aqukethe imininigwane kahulumeni kanye nolunye nje ulwazi noma enye into engasisiza sona iSigungu ekuqhubeni imisebenzi yaso.

(7) ISigungu siyoba nawo amandla okuqoka umuntu noma iqembu elithize ukuba basenzele uphenyo, kanti-ke siyobe sesinikeza usizo lwemali kuloyomuntu noma kuleloqembu noma kuleso sakhiwo esiyobe senza loluphenyo.

(8) ISigungu, ngokulandela indlela eyethulwe ephepheni lezaziso lika hulumeni (*i-Government Gazette*), noma iphepha lezaziso zohulumeni bezifunda (*Provincial Gazette*), siyokwazi ukusungula—

- (a) ikomidi lesifunda lezilimu elimele ukuseluleka mayelana nezinto ezithinta izilimu ezifundeni noma kwezinye izingxenywe;
- (b) iqembu lezilimu eliyoseluleka mayelana nanoma yiluphi ulimi.

(9) ISigungu singalinika elinye lamalungu aso amandla okuba liphathe izindaba ezithize esikhundleni kwaso.

(10) ISigungu singakwazi ukukhetha ikomidi eyodwa noma amakomidi angaphezulu kweyodwa anelungu lesigungu elilodwa noma ngaphezulu kanye nabanye-ke abantu njengokubona kwaso ukuba beluleke mayelana nokuqhutshwa kwemisebenzi yeSigungu kanye nokusetshenziswa kwamandla.

(11) ISigungu singakwazi ukuthi ngokuqhuba izimiso zaso kanye nangokusebenzisa amandla esinawo—

- (a) sakhe imithetho, sikhophe nezaziso; futhi
- (b) siyikhiphe leymithetho kanye nalezozaziso ephepheni lezaziso likahulumeni lezaziso *i-Government Gazette*, noma elezaziso zasezifundeni *i-Provincial Gazette*.

Ubuhlobo obukhona phakathi kweSigungu kanye nezingxenywe ezithize zikahulumeni, ezinye izakhiwo, abantu abathize kanye namaqembu abantu

8. (1) ISigungu kufanele sizimisele ukuthuthukisa ukusebenza ngokubambisana phakathi kwaso kanye nezinye izingxenywe zikahulumeni noma nanoma yibaphi abantu noma amaqembu athize noma nanoma yisiphi isakhiwo, ikakhulukazi layomaqembu azibandakanyile nokuthuthukiswa kwezilimu kanye nokugqoguzelwa kokuba khona kwamalungelo ezilimu.

(2) ISigungu, ngaphambi kokuthi senze noma sikhophe noma yimuphi umbiko, lokho esikutholile, lokho esikucabangayo, izeluleko kanye nokufanele kwenziwe, kuyofanele sithole izeluleko eziphuma—

- (a) kumakomidi asezifundeni eziqondene nodaba njengoba kubekiwe engxenyeni 7 (8) (a);
- (b) kunoma iyiphi ingxenywe kahulumeni mayelana nendaba ethintana ngqo noma engathintani ngqo nanoma yiliphi ilungelo lolimi, noma nomgomo noma nendlela elandelwayo ekusebeziseni izilimu, olufakwe ukuba lusebenze noma olwethulwa yileyingxenywe kahulumeni;
- (c) noma iluphi ulimi noma izilimu ezasungulwa ngaphansi kwengxenywe 7 (8) (b); noma
- (d) yinoma yimuphi umuntu, iqembu, noma inhlangothi yezilimu noma isakhiwo esizibandakanye noma esinesasasa lokuthuthukisa izilimu zaseNingizimu Afrika ezisemthethweni ngokumema imibono ngokufaka izaziso ezimayelana nalokhu ephepheni likahulumeni lezaziso (*i-Government Gazette*).

(3) ISigungu sinalo ilungelo lokuthintana nanoma yimuphi umuntu, iqembu, inhlangothi ngaphandle kwalababantu ababalwe ngenhla engxenyani (2).

Imisebenzi ephathelene nokuphathwa kwamabhuku yeSigungu

9. (1) Imisebenzi yokuphathwa kwamabhuku eqondene nokwenziwa kwemisebenzi ephathelene neSigungu oyokwenziwa osesikhundleni kanye nabanye abaphethe abaseSingungwini, abayoba sezikhundleni zoMnyango kahulumeni ngokomthetho *i-Public Service Act* ka 1994 (*i-Proclamation No. 103* ka 1994), bebekwe esikhundleni jikelele noma bebekelwe imisebenzi ethize uNgqongqoshe emva kokuthintana neSigungu.

(2) Ngesikhathi ebeka esikhundleni, ngokulandela ingxenyana (1), uNgqongqoshe uyofuna ukuqinisekisa ukuthi abasebenzi beSigungu bakhethwe ukumela bonke abantu baseNingizimu Afrika.

(3) Abaphathi abanezikhundla bayokwenza imisebenzi yabo ngaphansi kokulawulwa kanye nokulayelwa iSigungu.

Imithetho ephathelene nezindlela iSigungu esiqhuba ngazo

10. (1) Noma ngabe yimuphi umuntu owenza okuthize okuphathelene nezilimu ekwenza ngokwakhe noma enzela omunye noma abanye, noma mhlambe enzela iqembu elithize noma isakhiwo esithize, angakwazi ukuthi afake isikhalo esimayelana nanoma yikuphi ukunukubezwa kolimi noma ukuthenjiswa kokunukubezwa, ukuphazanyiswa komgomo noma ukuhlukunyezwa kokusetshenziswa kwanoma yiluphi ulimi, asifake eSigungwini lesosikhalo.

(2) Lesosikhalo singabhalwa phansi kanti siyocacisa lokhu okulandelayo—

- (a) ukuthi loyo onesikhalo uhlangana kuphi nalokhu;
- (b) (i) uhlobo lwelungelo elinukubeziwe noma okuthenjisiwe ukuthi lizonukubezwa; noma
- (ii) izizathu abona yena ukuthi ngazo uphenyo lungenziwa; kanye
- (c) lonke ulwazi oluqondene alwaziyo yena.

(3) ISigungu kufanele sinikeze usizo olufanele ngenhloso yokwethula isikhalo mahala, bese kuthi lapho kudingeke khona sisize loyo okhalayo ukuthi akwazi ukuhlangabezana nezidingo ezibalwe engxenyane (2).

(4) Kuyothi emva kokuthi isigungu sesithole isikhalo bese siyaphenya mayelana nalokho okwethulwe esikhalweni okumayelana nokunukubezwa kwamalungelo olimi, umgomo walo kanye nokusetshenziswa kwalo.

(5) Uma emva kokuthi sekwenziwe uphenyo ngesikhalo, iSigungu sathola ukuthi asisho lutho lesosikhalo, siyobe sesilekelela loyo onesikhalo kanye nalabobantu abathinteka kakhulu ukuba bathole usizo ngokuthi—

- (a) sedlulisele udaba kuleyongxenywe kahulumeni esiqondiswe kuyo isikhalo, sifake nemibono;
- (b) eyeluleka ukuba leyongxenywe inikeze usizo lwezimali kulabo abanesikhalo ngenhloso yokulungisa ukulimala okube khona; noma
- (c) sinikeze sona ngokwaso usizo lwezimali kuloyomuntu obethule isikhalo ukuze kulungiswe konke ukulimala okube khona; noma
- (d) senze amalungiselelo okuthi kunikezwe usizo kuloyomuntu obenesikhalo ukuze akwazi ukuthola ukusizakala enkantolo ephilayo.

(6) ISigungu kuyofanele sazise loyo obethule isikhalo mayelana nesikunqumile, kanti-ke kulezozimo iSigungu esinqume kuzo ukuthi singenzi lutho ngesikhalo, siyofanele simtshele loyo okhalayo mayelana nesizathu saso sokungathathi sinyathelo.

(7) ISigungu siyokhipha umbiko omayelana nesinqumo saso ngokulandela ingxenyana 7 (1) (d).

(8) amandla aqukethwe yilengxenywe ngeke aphume emandleni anikezwe iSigungu ngaphansi kwengxenywe 6 (9).

Izindleko zeSigungu

11. (1) Zonke izindleko ezenziwa yiSigungu ngesikhathi senza imisebenzi eqondene naso ziyokhokhelwa ngezimali eziqhamuka kuHulumeni, ezibekwe eceleni zibekelwa khona lokhu.

(2) Ukukalwa kwezindleko zonyaka nonyaka wezimali kufanele kwethulwe ku-Director-General woMnyango (UMqondidi jikelele woMnyango), okuwuyena oyobhekana namabhuku ezimali eSigungu.

UMBiko woNyaka

12. Kuyothi njalo nje ngonyaka, iSigungu, lungakashayi usuku lokuqala luka June, sethule—

- (a) EPhalamende umbiko obanzi omayelana nazozonke izinto esizenzile noma ebesizenza onyakeni owedlule, kuze kufike kumhlaka 31 March; bese
- (b) sethulela futhi noma yisiphi isishayamthetho sesifunda umbiko obanzi omayelana nazozonke izinto esizenzile mayelana nesifunda esiqondene mayelana nezinto eziphathelele nezilimu onyakeni owedlule, kuze kufinyelele kumhlaka 31 March.

Umhlomulo kanye nokuyizimali okutholwa amalungu eSigungu

13. ILungu leSigungu noma lelinye nje ikomidi elingasebenzeli uHulumeni ngokuphelele, lingakwazi ukuthi likhokhelwe okuyizimali lithole neminye imihlomulo ngezimali ezibekwe yiPhalamende lizibekela khona lokhu, likhokhelelwa imisebenzi yalo eliyenzela iSigungu, lezozimali ezingakalwa uNgqongqoshe ngokuxhumana noNgqongqoshe wezeziMali.

Izinto ezibhekene neSigungu ngokusemthethweni

14. (1) Umthetho i-State Liability Act, ka 1957 (u-Act No. 20 ka 1957), uyosebenza, unezinguquko ezincane, naseSigungwini, kanti-ke lapho loMthetho okhuluma khona ngo "Ngqongqoshe womnyango oqondene" kuyothathwa lokho ngokuthi kukhulunywa ngeSigungu.

(2) Amalungu eSigungu angeke abe nezinto ezisemthethweni abhekene nazo noma eziyisikweletu kuwo eziyovezwa kunoma yimuphi umbiko, uphenyo, umbono, iseluleko noma lokho okubonakala ukuthi kungenziwa okwethulwe ngenhliziyo enhle.

ISaziso esifishane kanye nokuqala kokusebenza komthetho

15. (1) LoMthetho uzokwaziwa ngokuthi **i-Pan South African Language Board Act, ka 1995.**

(2) LoMthetho uyothathwa ngokuthi uqale ukusebenza mhlaka **28 April 1994**, kanti neSigungu (iBhodi phela), kuyothathwa ngokuthi naso saqala ukusebenza ngalo lolusuku.

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