



Government Gazette

REPUBLIC OF SOUTH AFRICA
RIPHABULIKI YA AFRIKA TSHIPEMBE

Vol. 568 Cape Town, Kaapstad, 2 October 2012 **No. 35742**

THE PRESIDENCY

No. 801 2 October 2012

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 12 of 2012: Use of Official Languages Act, 2012

VHUPRESIDENDE

Nom 801 2 October 2012

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itel ndivhadzo kha tshitshavha:—

Nom 12 ya 2012: Mulayo wa u Shumiswa ha Nyambo dza Tshiofisi, 2012



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(English text signed by the President)
(Assented to 1 October 2012)

ACT

To provide for the regulation and monitoring of the use of official languages by national government for government purposes; to require the adoption of a language policy by a national department, national public entity and national public enterprise; to provide for the establishment and functions of a National Language Unit; to provide for the establishment and functions of language units by a national department, national public entity and national public enterprise; to provide for monitoring of and reporting on use of official languages by national government; to facilitate intergovernmental coordination of language units; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the use of the Republic's official languages must be promoted and pursued in accordance with the Constitution of the Republic of South Africa, 1996;

AND WHEREAS section 6 of the Constitution of the Republic of South Africa, 1996, provides for 11 official languages of South Africa; recognises the diminished use and status of indigenous languages and requires the State to take practical and positive measures to elevate the status and advance the use of indigenous languages;

AND WHEREAS the Constitution of the Republic of South Africa, 1996, requires all official languages to enjoy parity of esteem and be treated equitably;

AND WHEREAS section 6(4) of the Constitution of the Republic of South Africa, 1996, provides that national government must regulate and monitor its use of official languages by legislative and other measures,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

1.	Definitions	5
2.	Objects of Act	
3.	Application of Act	
4.	Language policy	
5.	Establishment of National Language Unit	
6.	Functions of National Language Unit	10
7.	Establishment of language units in national departments, national public entities and national public enterprises	

*(English text signed by the President)
(Assented to 1 October 2012)*

MULAYO

U itela u ita mbetshelo ya u langula na u lavhelesa kushumisele kwa nyambo nga muvhuso wa lushaka kha ndivho dza muvhuso; u itela u tangedza mbekanyamaitele dza zwa nyambo nga muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka na bindu la muvhuso wa lushaka; u itela mbetshelo ya u thoma na mishumo ya Yuniti ya zwa Luambo ya Lushaka, u itela mbetshelo ya u thoma na mishumo ya yuniti dza zwa luambo nga muvhuso wa lushaka, tshiimiswa tsha muvhuso wa lushaka, na bindu la muvhuso wa lushaka; u itela mbetshelo ya u lavhelesa na u vhiga kha kushumisele kwa nyambo dza tshiofisi nga muvhuso wa lushaka; u itela u leludza vhumani ha muvhuso kha kutshimbidzele kwa yuniti dza zwa luambo; na u ita mbetshelo kha zwi tumanaho na zwenezwo.

MATHOMO

HU NA LA URI u shumiswa ha nyambo dza tshiofisi dza Riphabuḽiki zwi tea u aluswa nahone zwi iswe phanda nga Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996;

NAHONE HU NA LA URI khethekanyo ya 6 ya Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe, ya 1996, i na mbetshelo nga ha nyambo dza tshiofisi dza Afrika Tshipembe; i dzhiela nḽa u fhungudzea ha u shumiswa na vhuimo ha nyambo dza fhano hayani nahone ndayotewa i ṽoda Muvhuso u tshi dzhia maga o teaho a u alusa vhuimo na u engedza u shumiswa ha nyambo dza fhano hayani;

NAHONE HU NA LA URI Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe, ya 1996 i ṽoda nyambo dzoṽhe dza tshiofisi dzi tshi diphina nga u lingana nahone dzi farwe u lingana;

NAHONE HU NA LA URI khethekanyo ya 6(4) ya Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe, ya 1996, i na mbetshelo kha uri muvhuso wa lushaka u fanela u langula na u lavhelesa kushumisele kwa nyambo dza lushaka nga u shumisa mulayosikwa na maiwe maga,

ZWENEZWO-HA U KHWATHISEDZWE nga Phalamennde ya Afrika Tshipembe sa zwi tevhelaho:—

KUDZUDZANYELE KWA KHETHEKANYO

Khethekanyo

- | | | |
|----|---|----|
| 1. | Thalutshedzo | 5 |
| 2. | Zwipikwa zwa Mulayo | |
| 3. | U shumiswa ha Mulayo | |
| 4. | Mbekanyamaitele ya Luambo | |
| 5. | U thomiwa ha Yuniti ya Luambo ya Lushaka | |
| 6. | Mishumo ya Yuniti ya Luambo ya Lushaka | 10 |
| 7. | U thomiwa ha yuniti dza luambo kha mihasho ya lushaka, zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso wa lushaka | |

8. Functions of language units in national departments, national public entities and national public enterprises
9. Monitoring of and reporting on use of official languages
10. Annual report to National Assembly
11. Intergovernmental forums on use of official languages 5
12. Exemption from application of section 7
13. Regulations
14. Short title and commencement

Definitions

1. In this Act, unless the context indicates otherwise— 10
 - “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
 - “**Department**” means the national Department of Arts and Culture;
 - “**language unit**” means a language unit established in terms of section 7;
 - “**Minister**” means the Minister responsible for language matters;
 - “**national department**” means a department listed in Schedule 1 to the Public 15 Service Act, 1994 (Proclamation No. 103 of 1994), but excluding the Offices of Premier;
 - “**national government**” means national departments, national public entities and national public enterprises;
 - “**National Language Unit**” means the National Language Unit established in 20 terms of section 5;
 - “**national public enterprise**” means a national government business enterprise defined in section 1 and listed in Schedule 3 Part B to the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - “**national public entity**” means a national public entity defined in section 1 and 25 listed in Schedules 2 and 3 to the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - “**official language**” means an official language contemplated in section 6(1) of the Constitution;
 - “**Pan South African Language Board**” means the Board established in terms of 30 section 2 of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);
 - “**prescribe**” means prescribe by regulations; and
 - “**this Act**” includes any regulations made in terms of this Act.

Objects of Act

2. The objects of this Act are— 35
 - (a) to regulate and monitor the use of official languages for government purposes by national government;
 - (b) to promote parity of esteem and equitable treatment of official languages of the Republic;
 - (c) to facilitate equitable access to services and information of national 40 government; and
 - (d) to promote good language management by national government for efficient public service administration and to meet the needs of the public.

Application of Act

3. (1) This Act applies to— 45
 - (a) national departments;
 - (b) national public entities; and
 - (c) national public enterprises.

(2) This Act takes precedence over any inconsistent provision of any other law on the use of official languages by national government. 50

8. Mishumo ya yuniti dza luambo kha mihasho ya lushaka, zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso wa lushaka
9. U lavhelesa na u vhiga u shumiswa ha luambo lwa tshiofisi
10. Muvhigo wa iwaha u iswaho kha Buthano la Lushaka
11. Foramu dza thanganelano ya muvhuso kha zwau shumisanyambo dza tshiofisi 5
12. U tendelwa kha zwa u sa tevhedza khethekanyo ya 7
13. Ndangulo
14. Dzina lipfufhi la Mulayo na kuvha la u thoma u shumisa Mulayo

Tsalutshedzo

1. Kha uno Mulayo, nga ndani ha musi nyimele i tshi sumbedza nga inwe ndila— 10
“**Ndayotewa**” zwi amba Ndayotewa ya Riphabuliki ya Afrika Tshipembe, ya 1996;
“**Muhasho**” zwi amba Muhasho wa Vhutsila na Mvelele wa Lushaka;
“**yuniti ya luambo**” zwi ambayuniti ya luambo yo thomiwaho zwi tshi ya nga khethekanyo ya 7; 15
“**Minista**” zwi amba Minista a re na vhudifhinduleli kha zwa luambo;
“**muhasho wa lushaka**” zwi amba muhasho u re kha mutevhe kha Shedulu ya 1 kha Mulayo wa Tshumelo ya Muvhuso, wa 1994 (Mulevho wa Nomboro ya 103 wa 1994), fhedzi hu sa katelwi Ofisi dza Phirimia;
“**muvhuso wa lushaka**” zwi amba mihasho ya lushaka, zwiimiswa zwa muvhuso 20
wa lushaka na mabindu a muvhuso wa lushaka;
“**Yuniti ya Luambo ya Lushaka**” zwi amba Yuniti ya Luambo ya Lushaka yo thomiwaho zwi tshi ya nga khethekanyo ya 5;
“**bindu la muvhuso wa lushaka**” zwi ambabindu la muvhuso wa lushaka li tsalutshedzwaho kha khethekanyo ya 1 nahone li re kha mutevhe kha Shedulu ya 3 25
kha Tshipiqa tsha B tsha Mulayo wa Kulangele kwa Masheleni a Muvhuso, wa 1999 (Mulayo wa Nomboro ya 1 wa 1999);
“**tshiimiswa tsha muvhuso wa lushaka**” zwi ambatshiimiswa tsha muvhuso wa lushaka tsho tsalutshedzwaho kha khethekanyo ya 1 nahone tshi re kha mutevhe kha Shedulu ya 2 na 3 kha Mulayo wa Kulangele kwa Masheleni a Muvhuso, wa 1999 30
(Mulayo wa Nomboro ya 1 wa 1999);
“**luambo lwa tshiofisi**” zwi amba luambo lwa tshiofisi lwo bulwaho kha khethekanyo ya 6(1) ya Ndayotewa;
“**Bodo ya Luambo ya Afrika Tshipembe**” zwi amba Bodo yo thomiwaho zwi tshi ya nga khethekanyo ya 2 ya Mulayo wa Bodo ya Luambo ya Afrika 35
Tshipembe, Mulayo wa 1995 (Mulayo wa Nomboro ya 59 wa 1995);
“**u randela**” zwi amba u randela nga ndangulo; na
“**uno Mulayo**” zwi katela ndangulo inwe na inwe zwi tshi ya nga uno Mulayo.

Zwipikwa zwa Mulayo

2. Zwipikwa zwa uno Mulayo ndi— 40
 - (a) u langula na u lavhelesa u shumiswa ha nyambo dza tshiofisi zwi tshi itelwa ndivho dza muvhuso nga muvhuso wa lushaka;
 - (b) u alusa ndinganelo ya fhulufhelo na kufarele ku linganaho kha nyambo dza tshiofisi dza Riphabuliki;
 - (c) u leludza u swikelela hu edanaho kha tshumelo na ndivhiso kha muvhuso wa 45
lushaka; na
 - (d) u alusa kulangele kwavhudi kwa luambo nga muvhuso wa lushaka kha kutshimbidzele kwavhudi kwa tshumelo dza muvhuso na u fusha thodea dza tshitshavha.

U shumiswa ha Mulayo 50

3. (1) Uno Mulayo u shuma kha—
 - (a) mihasho ya lushaka;
 - (b) zwiimiswa zwa muvhuso wa lushaka; na
 - (c) mabindu a muvhuso wa lushaka.
- (2) Uno Mulayo u vha wone wa ndemesa kha mbetshelo ya mulayo munwe na 55
munwe zwi tshi da kha u shumiswa ha nyambo dza tshiofisi nga muvhuso wa lushaka.

Language policy

4. (1) Every national department, national public entity and national public enterprise must adopt a language policy regarding its use of official languages for government purposes within 18 months of the commencement of this Act or such further period as the Minister may prescribe, provided that such prescribed period may not exceed six months. 5

(2) A language policy adopted in terms of subsection (1) must—

- (a) comply with the provisions of section 6(3)(a) of the Constitution;
- (b) identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes; 10
- (c) stipulate how official languages will be used, amongst other things, in effectively communicating with the public, official notices, government publications and inter- and intra-government communications;
- (d) describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is— 15
 - (i) not an official language contemplated in paragraph (b); or
 - (ii) South African sign language.
- (e) describe how members of the public can access the language policy;
- (f) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise; 20
- (g) provide for any other matter that the Minister may prescribe; and
- (h) be published in the *Gazette* as soon as reasonably practicable, but within 90 days of its adoption. 25

(3) In identifying at least three official languages as contemplated in subsection (2)(b), every national department, national public entity and national public enterprise must take into account its obligation to take practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status in accordance with section 6(2) of the Constitution. 30

(4) Every national department, national public entity and national public enterprise must—

- (a) ensure that a copy of its language policy is available on request to members of the public at all its offices; and
- (b) display at all its offices a summary of its language policy in such manner and place that it can be read by the public. 35

Establishment of National Language Unit

5. The Minister must—

- (a) establish a National Language Unit in the Department; and
- (b) ensure that the National Language Unit is provided with human resources, administrative resources and other resources necessary for its effective functioning. 40

Functions of National Language Unit

6. (1) The National Language Unit must—

- (a) advise the Minister on policy and strategy— 45
 - (i) to regulate and monitor the use of official languages by national government for government purposes;
 - (ii) to promote parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services

Mbekanyamaitele ya Luambo

4. (1) Muhasho muñwe na muñwe, tshiimiswa tsha muvhuso tshiñwe na tshiñwe na bindu liñwe na liñwe la muvhuso zwi fanela u tšanganedza mbekanyamaitele ya luambo malugana na kushumisele kwavho kwa nyambo dza tshiofisi hu tshi itelwa ndivho dza muvhuso hu saathu u fhela miñwedzi ya 18 ya u thoma u shumiswa ha uno Mulayo kana tshiñwe tshifhinga sa zwine zwa nga randelwa nga Minista, tenda tshenetsho tshifhinga tshe tsha randelwa tsha sa pañe miñwedzi ya rathi. 5

(2) Mbekanyamaitele ya luambo i tšanganedzwaho zwi tshi ya nga khethekanyo ya nga fhasi ya (1) i fanela u—

- (a) anana na mbetshelo dza khethekanyo ya 6(3)(a) dza Ndayotewa; 10
- (b) sumbedza nyambo dza tshiofisi tšukhusa dzi vhe tharu dzine muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwañe shumisa malugana na ndivho dza muvhuso;
- (c) bula uri nyambo dza tshiofisi dziñe shumiswa hani, ho sedzwa zwinzhisa zwi ngaho sa, u davhidzana zwavhuñi na tshitshavha, ndivhadzo dza tshiofisi, nyandadzo dza muvhuso na vhudavhidzani ha ngomu kha wone muvhuso na vhudavhidzani ha nga nñda ha muvhuso; 15
- (d) talutshedza uri muvhuso wa lushaka, tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi ñe davhidzana zwavhuñi hani na miraño ya tshitshavha vhane luambo lune vha khou nanga ndi— 20
 - (i) luambo lwa tshiofisi lu songo bulwaho kha pharagirafu ya (b); kana
 - (ii) luambo lwa zwanña lwa Afrika Tshipembe.
- (e) talutshedza uri miraño ya tshitshavha i nga kona hani u swikelela mbekanyamaitele ya luambo;
- (f) vhea ndila ya u ita mbilaelo u itela uri miraño ya tshitshavha i kone u vhiga mbilaelo malugana na u shumiswa ha nyambo dza tshiofisi nga muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka kana bidu la muvhuso wa lushaka; 25
- (g) ita mbetshelo kha zwiñwe na zwiñwe zwine Minista a nga randela; nahone
- (h) zwi andadze kha *Gazete* nga u tšavhanya zwi tshi ya nga hune zwa konadzea ngaho, fhedzi hu saathu u fhela mañuvha a 90 mbekanyamaitele yo tšanganedzwa. 30

(3) Kha u sumbedza nyambo tšukhusa tharu dza tshiofisi sa zwe zwa bulwa kha khethekanyo ya nga fhasi ya (2)(b), muhasho muñwe na muñwe wa lushaka, tshiimiswa tshiñwe na tshiñwe tsha muvhuso wa lushaka na bindu liñwe na liñwe la muvhuso wa lushaka zwi fanela u dzhiela nñha khombekhombe ya u dzhia maga o teaho a u alusa vhuimo na u khwi?isa u shumiswa ha nyambo dzafhano hayani dzire na ñivhazwakale ine u shumiswa hadzo na vhuimo zwo fhungudzea zwi tshi ya nga khethekanyo ya 6(2) ya Ndayotewa. 35

(4) Muhasho muñwe na muñwe wa lushaka, tshiimiswa tshiñwe na tshiñwe tsha muvhuso wa lushaka na bindu liñwe na liñwe la muvhuso wa lushaka zwi fanela u— 40

- (a) vhona uri khophi ya mbekanyamaitele ya luambo i hone kha ofisi dzoñhe nahone i a wanalea nga miraño ya tshitshavha musi yo humbela; na uri
- (b) manweledzo a mbekanyamaitele ya luambo a tšanwe misi yoñhe fhethu hune ya nga kona u vhalwa nga tshitshavha. 45

U thomiwa ha Yuniti ya Luambo ya Lushaka

5. Minista u fanela u—

- (a) thoma Yuniti ya Luambo ya Lushaka kha Muhasho; na u
- (b) vhona uri Yuniti ya Luambo ya Lushaka i na vhashumi, vhulangi vñutshi-mbidzi na zwiñwe zwiko zwi tšeaho uri Yuniti i shume zwavhuñi. 50

Mishumo ya Yuniti ya Luambo ya Lushaka

6. (1) Yuniti ya Luambo ya Lushaka i fanela u—

- (a) eletshedza Minista kha zwa mbekanyamaitele na ndila—
 - (i) zwa u langulana u lavhelesa u shumiswa ha nyambo dza tshiofisi zwi tshi itelwa ndivho dza muvhuso; 55
 - (ii) alusa ndingano ya fhulufhelo na ndingano ya kufarelwa kwa nyambo dza tshiofisi dza Riphabuliki na u leludza u swikelela hu linganaho kha

- and information of national departments, national public entities and national public enterprises;
- (iii) to promote good language management within national departments, national public entities and national public enterprises; and
- (iv) on the functions of language units contemplated in section 8; 5
- (b) liaise with and promote the general co-ordination of language units contemplated in section 7;
- (c) perform the functions provided for in section 8 for the Department; and
- (d) perform any other function that the Minister may prescribe.

Establishment of language units in national departments, national public entities and national public enterprises 10

7. Every national department, national public entity and national public enterprise must—

- (a) establish a language unit; and
- (b) ensure that the language unit is provided with human resources, administrative resources and other resources necessary for its effective functioning. 15

Functions of language units in national departments, national public entities and national public enterprises

8. Every language unit must—

- (a) advise the responsible accounting officer or accounting authority on the development, adoption and implementation of the language policy for the national department, national public entity or national public enterprise concerned; 20
- (b) monitor and assess the use of official languages by the national department, national public entity or national public enterprise concerned; 25
- (c) monitor and assess compliance with the language policy of the national department, national public entity or national public enterprise concerned;
- (d) compile and submit a report to the Minister and to the Pan South African Language Board in terms of section 9;
- (e) promote parity of esteem and equitable treatment of official languages of the Republic and facilitate equitable access to services and information of the national department, national public entity or national public enterprise concerned; 30
- (f) promote good language management by the national department, national public entity or national public enterprise concerned; and 35
- (g) perform any other functions that the Minister may prescribe.

Monitoring of and reporting on use of official languages

9. (1) The Minister is responsible for monitoring the use of official languages by the national government for government purposes.

(2) Every national department, national public entity and national public enterprise must submit a report to the Minister and to the Pan South African Language Board annually on— 40

- (a) the activities of its language unit;
- (b) the implementation of its language policy;
- (c) any complaints received regarding its use of official languages and the manner in which these complaints were dealt with; and 45
- (d) any other matter that the Minister may prescribe.

(3) The Minister may prescribe the form and content of the reports to be submitted and the timeframes for submitting such reports.

- tshumelo na ndivhiso zwa mihasho ya lushaka, zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso wa lushaka;
- (iii) alusa kulangele kwavhuḍi kwa zwa luambo ngomu mihashoni ya lushaka, zwiimisiwani zwa muvhuso wa lushaka na mabinduni a muvhuso wa lushaka; na 5
- (iv) kha mishumo ya yuniti dza zwa nyambo dzo bulwaho kha khethekanyo ya 8;
- (b) davhidzana na, na u alusa kutshimbidzele nga u angaredza kwa yuniti dza nyambo dzo sumbedzwaho kha khethekanyo ya 7;
- (c) u shuma mishumo ine mbetshelo dza hone dza vha kha khethekanyo ya 8 kha 10
Muhasho; na
- (d) u shuma mishumo muḽwe na muḽwe une Minista a nga u randela.

U thomiwa ha yuniti dza luambo kha mihasho ya lushaka, zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso wa lushaka

7. Muhasho muḽwe na muḽwe wa lushaka, tshiimiswa tsha muvhuso wa lushaka na bindu la muvhuso wa lushakazwi fanela u— 15
- (a) thoma yuniti ya luambo; na u
- (b) vhona uri yuniti ya luambo i na vhashumi, vhulangivhutshimbidzi na zwiḽwe zwiko zwine zwa ṽḑea uri yuniti i shume zwavhuḍi.

Mishumo ya yuniti dza luambo kha mihasho ya muvhuso wa lushaka, zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso wa lushaka 20

8. Yuniti iḽwe na iḽwe ya luambo i fanela u—
- (a) eletshedza muofisiri a re na vhuḍifhinduleli kana tshiimiswa tsha maḽḑala-nga tshi re na vhuḍifhinduleli malugana na mvelaphḽḑa, u ṽḑanedza na u thoma u shumisa mbekanyamaitele ya luambo kha muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka na bindu la muvhuso wa lushaka zwi kwameaho; 25
- (b) u lavhelesa na u vhiga u shumiswa ha luambo lwa tshiofisina u ṽḑaṽhuvha u shumiswa ha nyambo nga muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi kwameaho; 30
- (c) u lavhelesa na u ṽḑaṽhuvha u anana na mbekanyamaitele ya muvhuso wa lushaka, tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi kwameaho;
- (d) u ita mivhigo nahone ya iswa kha Minista na kha Bodo ya Luambo ya Afrika Tshipembe zwi tshi ya nga khethekanyo ya 9; 35
- (e) u alusa ndingano ya fhulufhelo na u farwa hu linganaho ha nyambo dza tshiofisi dza Riphabuliki ya Afrika Tshipembe na u leludza ndingano ya u swikelela kha tshumelo na ndivhiso ya muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi kwameaho; 40
- (f) u alusa kulangele kwavhuḍi kwa luambo nga muvhuso wa lushaka, tshiimiswa tsha muvhuso wa lushaka na bindu la muvhuso wa lushaka zwi kwameaho; na
- (g) u shuma mishumo miḽwe na miḽwe ine Minista a nga i randela.

U lavhelesa na u vhiga u shumiswa ha luambo lwa tshiofisi

9. (1) Minista u na vhuḍifhinduleli ha u lavhelesa u shumiswa ha nyambo dza tshiofisi nga muvhuso wa lushaka zwi itelwa ndivho dza muvhuso. 45
- (2) Muhasho muḽwe na muḽwe wa lushaka, tshiimiswa tshiḽwe na tshiḽwe tsha muvhuso wa lushaka na bindu liḽwe na liḽwe la muvhuso wa lushaka zwi fanela u isa mivhigo wa ḽwaha kha Minista na kha Bodo ya Luambo ya Afrika Tshipembe malugana na— 50
- (a) mishumo ya yuniti ya luambo;
- (b) u thoma u shumisa mbekanyamaitele ya luambo;
- (c) mbilaelo dziḽwe na dziḽwe dzo ṽḑanedzwaho malugana na u shumisa nyambo dza tshiofisi na ḽḑila ye mbilaelo dza shumaniwa nadzo ngayo; na
- (d) zwiḽwe na zwiḽwe zwine Minista a nga randela. 55
- (3) Minista a nga randela nzulele na zwine zwa tea u vha kha mivhigo ine ya ḑo iswa, na zwifhinga zwa u isa yeneyo mivhigo.

(4) Notwithstanding the provisions of subsections (2) and (3), the Minister may at any time require any national department, national public entity or national public enterprise to submit a report to the Minister on its use of official languages, within a time period determined by the Minister.

(5) The Minister may instruct a national department, national public entity or national public enterprise that has failed to comply with any provision of this Act to comply with the Act within a time period determined by the Minister. 5

Annual report to National Assembly

10. The Minister must, on an annual basis, table a report in the National Assembly on the status and use of official languages by national government for government purposes and on any exemption granted to a national public entity and a national public enterprise in terms of section 12. 10

Intergovernmental forums on use of official languages

11. The Minister may—

- (a) establish one or more intergovernmental forums— 15
 - (i) to promote general coordination, cooperation and consultation between national departments, national public entities and national public enterprises on the use of official languages for government purposes;
 - (ii) to coordinate, align and monitor the implementation of language policies; and
 - (iii) to perform any other function that the Minister may prescribe.
- (b) in respect of such forums—
 - (i) determine their composition;
 - (ii) determine their terms of reference; 25
 - (iii) convene their meetings; and
 - (iv) determine any other matter necessary for their effective functioning.

Exemptions from application of section 7

12. (1) The Minister may, on application by a national public entity or national public enterprise listed in Schedule 3 Parts A or B to the Public Finance Management Act, 1999 (Act No. 1 of 1999), exempt, wholly or in part, such national public entity or national public enterprise from the application of section 7. 30

(2) The Minister may, on his or her own accord and on such terms and conditions as the Minister may determine, by notice in the *Gazette*, exempt a national public entity or national public enterprise listed in Schedule 3 Parts A or B to the Public Finance Management Act, 1999 (Act No. 1 of 1999), from the application of section 7. 35

(3) The application for an exemption must be in the form and manner prescribed by the Minister.

(4) If the Minister exempts a national public entity or national public enterprise from the application of section 7 the national public entity or national public enterprise must assign a senior employee to perform the functions of a language unit. 40

Regulations

13. (1) The Minister may, after consultation with the Pan South African Language Board, make regulations, not inconsistent with the provisions of this Act, regarding—

- (a) the form and content of a language policy; 45
- (b) timeframes for establishing a language unit;
- (c) the form and content of a report contemplated in section 9;

(4) Naho hu na mbetshelo dza khethekanyo dza nga fhasi dza (2) na (3), Minista tshifhinga tshiinwe na tshiinwe a nga toda uri muhasho muinwe na muinwe wa lushaka, tshiimiswa tshiinwe na tshiinwe tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi ise muvhigo kha Minista malugana na zwine nyambo dza khou shumiswa zwone, lwa tshifhinga tshine Minista a do tshi amba. 5

(5) Minista a nga laela muhasho wa lushaka, tshiimiswa tsha muvhuso wa lushaka na bindu la muvhuso wa lushaka zwine zwo kundelwa u anana na mbetshelo inwe na inwe ya uno Mulayo u itela uri zwiimiswa zwi anane na uno Mulayo hu saathu u fhela tshifhinga tshine Minista a do tou bula.

Muvhigo wa iwaha u iswaho kha Buthano la Lushaka 10

10. Minista u fanela uri nga iwaha, a ite uri muvhigo u ambiwe nga hawo Buthanoni la Lushaka ho sedzwa vhuimo na u shumiswa ha nyambo dza tshiofisi nga muvhuso wa lushaka zwi tshi itelwa ndivho dza muvhuso nahone hu sumbedzwe-vho na zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso zwe zwa tendelwa u sa tevhedza khethekanyo ya 12. 15

Foramu dza thanganelano ya muvhuso kha zwa u shumisa nyambo dza tshiofisi

11. Minista a nga—

(a) thoma foramu nthihi kana nnzhi dza thanganelano ya muvhuso—

(i) u itela u alusa u konanya nga u tou angaredza, tshumisano na u kwamana vhukati ha mihasho ya lushaka, zwiimiswa zwa muvhuso wa lushaka na mabindu a muvhuso wa lushaka kha u shumiswa ha nyambo zwi tshi itelwa ndivho dza muvhuso; 20

(ii) u konanya, u livhanyisa na u lavhelesa u thoma u shumiswa ha mbekanya maitele dza luambo; na

(iii) u shuma mushumo muinwe na muinwe une Minista a nga u randela. 25

(b) zwi tshi yelana na dziforamu—

(i) dzhia tsheo malugana na uri yo vhumbe nga mirado ifhio;

(ii) u dzhia tsheo malugana na zwine zwa khou tendelanwa khazwo

(iii) u vhidza mitangano; na

(iv) u dzhia tsheo kha tshiinwe na tshiinwe tsho teaho hu tshi itelwa kushumele kwavhudi. 30

U tendelwa kha zwa u sa tevhedza khethekanyo ya 7

12. (1) Minista a nga ri, musi ho itwa khumbelo nga tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi re kha mutevhe wa shedulu ya 3 Zwipida zwa A kana B kha Mulayo wa Kulangele kwa Masheleni a Muvhuso, wa 1999 (Mulayo wa Nomboro ya 1 wa 1999) tendela lwo fhelelaho kana lu songo fhelelaho, tshenetsho tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka uri zwi sa tevhedze khethekanyo ya 7. 35

(2) Minista a nga, musi a tshi funa nahone nga kha yeneyo milayo ine Minista a do ita tsheo ya hone, nga kha ndivhadzo kha Gazete, tendela tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi re kha mutevhe wa wa Shedulu ya 3 Zwipida zwa A kana B kha Mulayo wa Kulangele kwa Masheleni a Muvhuso, wa 1999 (Mulayo wa Nomboro ya 1 wa 1999) uri zwa sa tevhedze khethekanyo ya 7. 40

(3) Khumbelo ya u tendelwa i fanela u itwa nga ndila yo randelwaho nga Minista.

(4) Arali Minista a tendela tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka uri zwa sa tevhedze khethekanyo ya 7, tshiimiswa tsha muvhuso wa lushaka kana bindu la muvhuso wa lushaka zwi fanela u ita uri mushumo wa yuniti ya luambo u shumiwe nga mushumi a re na vhuimo vhuhulwane. 45

Ndangulo

13. (1) Minista a nga, musi o ranga u kwamana na Bodo ya Luambo ya Afrika Tshipembe, ita ndangulo, dzi ananaho na mbetshelo dza uno Mulayo, malugana na— 50

(a) nzulele na zwi re ngomu ha mbekanyamaitele ya luambo;

(b) zwifhinga zwa u thoma u vhumbe yuniti ya luambo;

(c) nzulele na zwi re ngomu ha muvhigo wo bulwaho kha khethekanyo ya 9;

- (d) the manner, form and timeframes for submitting an application for exemption in terms of section 12;
 - (e) any matter which in terms of this Act is required, or permitted, to be prescribed; and
 - (f) any matter which the Minister deems it necessary or expedient to make regulations in order to achieve the objects of this Act. 5
- (2) Before making regulations in terms of this Act, the Minister must—
- (a) publish the proposed regulations in the *Gazette* for public comment;
 - (b) grant a period of at least 30 days for written representations to the Minister on the proposed regulations; and 10
 - (c) consider any such written representations received.

Short title and commencement

14. This Act is called the Use of Official Languages Act, 2012, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

- (d) ndila, nzulele na zwifhinga zwa u isa khumbelo ya u tendelwa u sa tevhedza zwi tshi ya nga khethekanyo ya 12;
- (e) tshiinwe na tshiinwe tshine zwi tshi ya nga uno Mulayo tsha todea, kana tsha tendelwa, u randelwa; nahone
- (f) tshiinwe na tshiinwe zwi tshi ya kha zwine Minista a vhona zwi tshi todea kana zwi todeaho naho zwi tshi nga vha zwi sa pfadzi kha u ita ndangulo zwi tshi itelwa u swikelela zwipikwa zwa uno Mulayo. 5
- (2) Phanda ha u ita ndangulo zwi tshi ya nga uno Mulayo, Minista u fanela u—
 - (a) anadza kha *Gazete* ndangulo dzo dzinginywaho u itela vhupfiwa ha tshitshavha; 10
 - (b) fha tshifhinga tshitukusa tshine tsha nga linga na maduvha a 30 tsha u tou nwaleta Minista malugana na ndangulo dzo dzinginywaho; na u
 - (c) dzhiela ntha manwalwa manwe na manwe o tangedzwaho.

Dzina lipfufhi la Mulayo na kuvha la u thoma u shumisa Mulayo

14. Uno Mulayo u vhidzwa upfi Mulayo wa u Shumiswa ha Nyambo dza Tshiofisi, wa 2012, nahone u do thoma u shuma nga datumu ine ya do dzudzanywa nga Phresidennde nga Mulevho kha *Gazete*. 15

