IRIPHABLIKHI YOMZANTSI-AFRIKA

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UMTHETHO OYILWAYO WEENKOKELI ZAKWANTU NEZAMA-KHOI-SAN KA-2015

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(Ngokwemo ongeniswe ukuyo kwiNdlu YoWiso-Mthetho omawuqhutywe ngokwesiqendu 76; lo Mthetho Oyilwayo upapashwe kuShicilelo-Mithetho olunguNombolo)
(inguqulelo yesiXhosa yinguqulelo evunyiweyo yalo Mthetho Oyilwayo)

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(**UMPHATHISWA WENTSEBENZISWANO YOORHULUMENTE NEMICIMBI YAKWANTU)**

[B — 2015]

UMTHETHO OYILWAYO

Injongo kukuba lwamkelwe uluntu oluphila ngokwakwantu noluntu olungamaKhoi-San, nezikhundla zobunkokeli zolo luntu, nokuze kurhoxiswe oko kwamkelwa; kukuxela imisebenzi yeenkokeli zakwantu nezingamaKhoi-San; kukwenza ukuba kubekho amaphakathi obukumkani okanye obukumkanikazi, namaphakathi obungotya, namaphakathi obukhosi, namaphakathi amaKhoi-San, namaqaqobana amaphakathi, nokuncediswa kwaloo maphakathi, kuze kuxelwe imisebenzi yawo; kukwenza ukuba kubekho iNdlu Yezwelonke Yeenkokeli Zomthonyama NezamaKhoi-San, kuxelwe indlela eyakhiwe ngayo nemisebenzi yayo; kukwenza ukuba kubekho izindlu zamaphondo zeenkokeli zomthonyama nezamaKhoi-San ngokomthetho wendlu yowiso-mthetho yephondo; kukwenza ukuba kubekho izindlu zasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San izezemimandla yasekuhlaleni neyoomasipala, kuxelwe nendlela emazakhiwe ngayo ezi zindlu; kukwenza ukuba kubekho iKomishoni Yeembambano Namabango Ngobunkokeli Bomthonyama, neKomiti Ecebisa Ngemicimbi YamaKhoi-San; kukwenzela ukuba kubekho imigqaliselo yokuziphatha yabantu abangamalungu eNdlu Yezwelonke, yezindlu zamaphondo, yezindlu zasekuhlaleni, neyawo onke amaphakathi namaphakathi amaKhoi-San; kukwenza ukuba uMphathiswa neeNkulumbuso babe namagunya okwenza imimiselo; kukuxela okuza kwenzeka okwethutyana; kukwenza utshintsho kwiMithetho ethile; kukwenzela ukuba kutshitshiswe imithetho ethile yepalamente; nokulungiselela imicimbi ehlobene noku.

KUQULUNQWA UMTHETHO yiPalamente yeRiphablikhi yoMzantsi-Afrika ngale ndlela ilandelayo:—

ULANDELELWANO LWEZIQENDU

ISAHLUKO 1
UKUCHAZWA KWENTSINGISELO YAWO, UKUSETYENZISWA KWAWO NEMIGAQO YAWO

Ukuchazwa kwamagama nokusetyenziswa kwawo
Imigaqo esisikhokelo

ISAHLUKO 2
UBUNKOKELI NOLAWULO
iNxalenye 1
Abantu abaphila ngokwakwantu nabangamaKhoi-San

Ukwamkelwa kobukumkani okanye ubukumkanikazi, okanye uluntu oluphila ngokwakwantu, okanye ububonda
Ukurhoxiswa kokwamkelwa kobukumkani okanye ubukumkanikazi, kobungotya, kobukhosi, okanye kobubonda
Ukwamkelwa koluntu olungamaKhoi-San nesebe

Ukurhoxiswa kokwamkelwa koluntu olungamaKhoi-San nesebe

iNxalenye 2
Iinkokeli zomthonyama nezamaKhoi-San

Ukwamkelwa kwezikhundla zobunkokeli
Ukwamkelwa kwekumkani okanye ikumkanikazi, ingotya, inkosi, okanye isibonda
Ukurhoxiswa kokwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda
Ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe
Ukurhoxiswa kokwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe
Ukwamkelwa kwebambela
Ukwamkelwa kweenkokeli zomthonyama nezingamaKhoi-San ezibambeleyo
Ukwamkelwa kwenkokeli yomthonyama neyamaKhoi-San elisekela
Imisebenzi yeenkokeli zomthonyama nezamaKhoi-San nezinto zokwenza loo misebenzi

iNxalenye 3
Amaphakathi akwantu nawamaKhoi-San

Kwenziwa kubekho amaphakathi obukumkani okanye obukumkanikazi, obungotya, okanye obukhosi
Kwenziwa kubekho iqaqobana lamaphakathi
Kwenziwa kubekho amaphakathi amaKhoi-San
Imisebenzi yamaphakathi obukumkani okanye ubukumkanikazi neyamaphakathi obungotya
Imisebenzi yamaphakathi obukhosi, neyeqaqobana lamaphakathi, neyamaphakathi amaKhoi-San, neyesebe
Ukunyulwa kwamaphakathi obukhosi, neqaqobana lamaphakathi, namaphakathi amaKhoi-San, nokuvalwa kwezithuba
Ukuphathwa kwamaphakathi obukumkani okanye obukumkanikazi, amaphakathi obungotya, amaphakathi obukhosi, amaphakathi amaKhoi-San, neqaqobana lamaphakathi
Ukuncediswa kwamaphakathi obukumkani okanye obukumkanikazi, namaphakathi obungotya, namaphakathi amaKhoi-San, neqaqobana lamaphakathi
Ubuqabane nezivumelwano
Ukwabiwa kweendima emazifezwe ngamaphakathi obukumkani okanye ubukumkanikazi, ngamaphakathi obungotya, ngamaphakathi obukhosi, liqaqobana lamaphakathi, naziinkokeli zomthonyama nezamaKhoi-San

ISAHLUKO 3
IZINDLU ZEENKOKELI ZOMTHONYAMA NEZAMAKHOI-SAN

iNxalenye 1
Izindlu zeenkokeli zomthonyama nezamaKhoi-San

Izindlu zeenkokeli zomthonyama nezamaKhoi-San

iNxalenye 2
INdlu Yezwelonke Yeenkokeli Zomthonyama NezamaKhoi-San

Ukusekwa kweNdlu Yezwelonke nobude bexesha layo

Indlela eyakhiwe ngayo iNdlu Yezwelonke

Ukunyulwa nokuchongwa kwamalungu eNdlu Yezwelonke

Ukungafaneleki ukuba lilungu leNdlu Yezwelonke

Ukungabi namntu kwezihlalo

Ukuvalwa kwezithuba

Ikomkhulu leNdlu Yezwelonke neentlanganiso zayo

Usihlalo nosekela-sihlalo weNdlu Yezwelonke

Ubume bamalungu eNdlu Yezwelonke

Imisebenzi yeNdlu Yezwelonke

Ukuphathwa kweNdlu Yezwelonke

Iimbopheleleko zeNdlu Yezwelonke

Ukudluliselwa kwemithetho eyilwayo kwiNdlu Yezwelonke

Ubudlelane phakathi kweNdlu Yezwelonke neekumkani neekumkanikazi

Ubudlelane phakathi kweNdlu Yezwelonke nezindlu zamaphondo

Ukuncediswa kweNdlu Yezwelonke

Ingxelo yaminyaka le yeNdlu Yezwelonke

Iinyhweba nezinto angenakubekwa tyala ngazo amalungu eNdlu Yezwelonke

Umvuzo ohlawulwa amalungu eNdlu Yezwelonke ne zibonelelo azifumanayo

Imigaqo nemiyalelo neekomiiti zeNdlu Yezwelonke

Ukubhangiswa kweNdlu Yezwelonke

Isifungo okanye isibhambathiso esenziwa ngamalungu eNdlu Yezwelonke

iNxalenye 3

Izindlu zamaphondo nezasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San

Izindlu zamaphondo zeenkokeli zomthonyama nezamaKhoi-San

Izindlu zasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San

ISAHLUKO 4

IKOMISHONI NEKOMITI ECEBISAYO

iNxalenye 1

iKomishoni Yeembambano Namabango Obunkokeli Bomthonyama

Ukusekwa kweKomishoni

Ukumiselwa kwamalungu eKomishoni

Izithuba

Imiqathango yokumiselwa kwamalungu eKomishoni

Ukuncediswa kweKomishoni neengxelo zayo

Imisebenzi yeKomishoni

Izindululo zeKomishoni

Iikomiti zamaphondo zeKomi shoni

iNxalenye 2

iKomiti Ecebisa Ngemicimbi YamaKhoi-San

Ukusekwa kweKomiti Ecebisayo

Ukumiselwa kwamalungu eKomiti Ecebisayo

Izithuba

Imiqathango yokumiselwa kwamalungu eKomiti Ecebisayo

Ukuncediswa kweKomiti Ecebisayo neengxelo zayo

Isicelo sokwamkelwa kwamaqela abantu abangamaKhoi-San, namasebe, neenkosi ezingamaKhoi-San, neentloko zamasebe

Imisebenzi yeKomiti Ecebisayo

Izindululo nezigqibo

ISAHLUKO 5

OKUTSHIWO NGULO MTHETHO GABALALA

Imimiselo

INkulumbuso iphathisa abanye amagunya nemisebenzi

Ukubekw' esweni

Okuza kwenzeka okwethutyana

Ukwenziwa kotshintsho kwimithetho yepalamente

Ukutshitshiswa kwemithetho ethile yepalamente nokulondolozwa kweminye

Igama lawo nokuqalisa kwawo ukusebenza

ISIHLOMELO 1

Imigqaliselo yokuziphatha

ISHEDYULI 2

Isifungo okanye isibhambathiso esenziwa ngamalungu eNdlu Yezwelonke, ezindlu zamaphondo nawezindlu zasekuhlaleni

ISHEDYULI 3

Ukwenziwa kotshintsho kwimithetho yepalamente

ISHEDYULI 4

Ukutshitshiswa kwemithetho yepalamente ethile

ISAHLUKO 1

UKUCHAZWA KWENTSINGISELO YAWO, NOKUSETYENZISWA KWAWO, NEMIGAQO YAWO

Ukuchazwa kwamagama nokusetyenziswa kwawo

(1) Kulo Mthetho, ngaphandle kokuba okunye okubhaliweyo kuwo kubonisa ngenye indlela—

" iKomit Ecebisayo" yiKomiti Ecebisa Ngemicimbi YamaKhoi-San esekwe ngokwesiqendu 59;

" ummandla" ngummandla ocandwe wangowamaphakathi obukumkani okanye obukumkanikazi, wangowamaphakathi obungotya, wangowamaphakathi obukhosi, wangoweqaqobana lamaphakathi;

" isebe" lisebe elamkelwa njengesebe ngokwesiqendu 5(5);

" intloko yesebe" yinkokeli yamaKhoi-San eyintloko yesebe nethe yamkelwa njengentloko yesebe ngokwesiqendu 10;

" imigqaliselo yokuziphatha" yimigqaliselo yokuziphatha ekwiShedyuli 1;

" iKomishoni" yiKomishoni Yeembambano Namabango Ngobunkokeli Bomthonyama esekwe ngokwesiqendu 51;

" iSebe" lisebe lezwelonke eliphathiswe imicimbi yakwantu;

" umasipala wesithili" ngumasipala wesithili ngendlela achazwe ngayo kwisiqendu 1 se*Local Government Municipal Structures Act* 117 ka-1998;

" isibonda" sisikhundla sobunkokeli bomthonyama esixelwe kwisiqendu 7—

esiphantsi kwegunya lenkosi nomntu okuso esebenzisa igunya kummandla wenkosi, ngokwemithetho yesintu namasiko;

nesithe samkelwa njengesinjalo ngokwesiqendu 8;

" ububonda" bububonda obamkelwe ngokwesiqendu 3;

" uMkhoi-San" nguye nawuphi na umntu ophila ngokwamasiko nezithethe zamaKhoi aseKoloni, amaGriqua, amaKoranna, amaNama okanye amaSan, okanye nasiphi na isizwana esiphantsi kwezi zizwe, abe ngaloo ndlela ungumKhoi-San ngendlela exelwe kwisiqendu 5;

" uluntu olungamaKhoi-San" luluntu olungamaKhoi-San olwamkelwa njengolunjalo ngokwesiqen du 5;

" amaphakathi amaKhoi-San" ngamaphakathi asekwe ngokwesiqendu 18;

" inkokeli yamaKhoi-San" ngumntu owamkelwe njengenkokeli enkulu yamaKhoi-San okanye intloko yesebe ngokwesiqendu 10, kwaye eli gama liquka ibambela, inkokeli yamaKhoi-San ebambeleyo nenkokeli yamaKhoi-San elisekela;

" ikumkani okanye ikumkanikazi" ngumntu owamkelwe njengekumkani okanye njengekumkanikazi ngokwesiqendu 8;

" ubukumkani okanye ubukumkanikazi" bubukumkani okanye ubukumkanikazi obamkelwe ngokwesiqendu 3;

" amaphakathi obukumkani okanye obukumkanikazi" ngamaphakathi obukumkani okanye ubukumkanikazi obuxelwe kwisiqendu 16;

" indlu yasekuhlaleni" yindlu yasekuhlaleni yeenkokeli zomthonyama nezamaKhoi-San exelwe kwisiqendu 50;

" umasipala wasekuhlaleni" ngumasipala wasekuhlaleni ngendlela achazwe ngayo kwisiqendu 1 se*Local Government: Municipal Structures Act* 117 ka-1998;

" umasipala ombaxa" ngumasipala ombaxa ngendlela achazwe ngayo kwisiqendu 1 se*Local Government: Municipal Structures Act* 117 ka-1998;

" uMphathiswa" nguMphathiswa wezwelonke ophathiswe imicimbi yobunkokeli bomthonyama nobamaKhoi-San;

" iNdlu Yezwelonke" yiNdlu Yezwelonke Yeenkokeli Zomthonyama NezamaKhoi-San esekwe ngokwesiqendu 27;

elithi " efunekayo" lithetha efunwa ngummiselo ngokwesiqendu 67;

" abantu bengotya" ngabantu abathathwa njengabantu bengotya ngokwesiqendu 28(9)*(c)* se *Traditional Leadership and Governance Framework Act* 41 ka-2003, ngaphambi kokutshitshiswa kwaloo Mthetho, okanye ngendlela exelwe kwisiqendu 70(8)*(c)* saloo Mthetho;

" amaphakathi engotya" ngamaphakathi asekwe navunywe ngokwesiqendu 16;

" ingotya" ngumntu othathwa njengengotya ngokwesiqendu 28(9)*(c)* se*Traditional Leadership and Governance Framework Act* 41 ka-2003, ngaphambi kokutshitshiswa kwaloo Mthetho, okanye ngendlela exelwe kwisiqendu 70(8)*(c)* salo Mthetho, okanye ilandela laloo mntu njengoko kuxelwe kwisiqendu 8;

" indlu yephondo" yindlu yephondo yeenkokeli zomthonyama nezamaKhoi-San njengoko kuxelwe kwisiqendu 49;

" ibambela" nguye nawuphi na umntu, ngokwesiqendu 12, okwisihlalo sokuphatha somthonyama okanye sobuKhoi-San kukokwexeshana de oyena mntu oza kungena kweso sihlalo oselula okwangoku abe uba mdala ngokwesiqendu 17 se*Children' s Act* 38 ka-2005;

" usapho lwasebukhosini" lolona sapho ncakasana ngokwesithethe oluzizizalwana ezihlobene kakhulu zosapho oluphetheyo kuluntu oluphila ngokwakwantu okanye olungamaKhoi-San, oluye lwalathwa ngokwemithetho yesintu namasiko, kwaye luquka, maxa wambi, amanye amalungu osapho azizizalwane ezihlobene kakhulu zosapho oluphetheyo;

" imigaqo nemiyalelo" yimigaqo nemiyalelo yeNdlu Yezwelonke njengoko kuxelwe kwisiqendu 46;

" uNobhala" nguNobhala weNdlu Yezwelonke omiselwe ngokwesiqendu 37;

" inkosi" ngumntu ojongwa njengenkosi ngokwesiqendu 8;

" inkosi yamaKhoi-San" nguye nawuphi na umntu othathwa njengenkosi yamaKhoi-San ngokwesiqendu 10;

elithi " lo Mthetho" liquka imimiselo eyenziwe ngokwalo Mthetho;

" uluntu oluphila ngokwakwantu" luluntu oluphila ngokwakwantu oluthathwa njengoluphila ngokwakwantu ngokwesiqendu 3;

" amaphakathi" ngamaphakathi axelwe kwisiqendu 16 kwaye eli gama liquka iqaqobana lamaphakathi elixelwe kwisiqendu 17;

" inkokeli yomthonyama" ngumntu oye wamkelwa ukuba uyikumkani okanye ikumkanikazi, uyingotya, uyinkosi, okanye usisibonda ngokwesiqendu 8, kwaye eli gama liquka amabambela, iinkokeli zomthonyama ezibambeleyo neenkokeli zomthonyama ezingamasekela;

" ubunkokeli bomthonyama" bubunkokeli obasekwa ngokwemithetho yesintu namasiko awamkelwayo, nasetyenziswayo ngabanntu abaphila ngokwakwantu okanye abangamaKhoi-San;

" iqaqobana lamaphakathi" liqaqobana lamaphakathi elixelwe kwisiqendu 17.

(2) Akukho nto ekulo Mthetho enokuthathwa njengethintela abantu abaphila ngokwakwantu okanye abangamaKhoi-San ekubizeni inkokeli yomthonyama okanye engumKhoi-San ngesikhahlelo ebizwa ngaso ngokwesiko lakhona, kodwa loo ndlela ebizwa ngayo ayiguquli nto kwiwonga nakwindima nakwimisebenzi yenkokeli yomthonyama okanye engumKhoi-San eyinikwa ngulo Mthetho.

(3) Iinkokeli zomthonyama nezamaKhoi-San zingawamkela okanye ziwahlonele amanqanaba ngamanqanaba obukhulu phakathi kwezizwe zawo ngokwezithethe zakhona, kwaye akukho nalinye kumagama achazwe kwisiqendwana (1) amakathathwe njengongezayo okanye njengaphungulayo kobo bukhulu.

(4) Nakuphi na okutshiwo ngulo Mthetho okufuna ukuba kuniswane nendlu yephondo okanye yasekuhlaleni yeenkokeli zomthonyama nezamaKhoi-San makwenziwe kuphela xa indlu enjalo isekiwe, kodwa ke xa indlu enjalo ingasekwanga, loo mfuneko ayisebenzi kwaye ayiyi kuba nasiphumo kulo naliphi na inyathelo okanye isigqibo esithathwe ngokomthetho.

(5) Okutshiwo ngulo Mthetho okumayela nokwamkelwa nenkokeli yomthonyama okanye engumKhoi-San akuyi kuthathwa njengokunika loo nkokeli iwonga elikhethekileyo.

Imigaqo ezizikhokelo

2. (1) Uluntu olunobukumkani okanye ubukumkanikazi, uluntu lwengotya, uluntu oluphila ngokwakwantu, uluntu olunezibonda, noluntu olungamaKhoi-San, mabenze iinguqu kwizithethe zakwantu ngokuvisisana nokusetyenziswa kwalo Mthetho ukuze zivisisane nemigaqo ekuMqulu Wamalungelo noMgaqo-Siseko, ngokukodwa—

ngokuthintela ucalu-calulo olungafanelekanga;

ngokukhuthaza ukulingana;

nangokufuna ngokuqhubekayo ukumelwa kwamadoda nabafazi ekungeneni kwizikhundla zobunkokeli bakwantu.

(2) Ubuncwane balo naluphi na uluntu, benkokeli, bamaphakathi, bendlu, beKomishoni okanye bekomiti eyamkelwayo okanye esekwe ngokwalo Mthetho—

abunakusetyenziselwa ukukhuthaza okanye ukwenzakalisa naliphi na iqela lopolitiko; kwaye

bunokusetyenziselwa kuphela iinjongo zemisebenzi noxanduva oludalwa ngulo Mthetho kolo luntu, kuloo nkokeli, kuloo ndlu, kuloo Komishoni okanye kuloo komiti.

ISAHLUKO 2

UBUNKOKELI NOLAWULO

iNxalenye 1

Abantu abaphila ngokwakwantu nabangamaKhoi-San

Ukwamkelwa kobukumkani okanye ubukumkanikazi, okanye uluntu oluphila ngokwakwantu, okanye ububonda

3. (1) Abantu abaphila ngokwakwantu abahlala ndawonye banokwamkelwa njengabantu abanobukunkani okanye ubukumkanikazi ukuba—

bayamkelwa njengabantu abaphila ngokwakwantu ngokwesiqendwana (4);

iqela ngalinye labantu linamaphakathi awamkelwayo anommandla njengoko kuxelwe kwisiqendu 16;
iqela ngalinye labantu linenkosi eyamkelwayo njengoko kuxelwe kwisiqendu 8;
bamkela inkosi ethile evunyiweyo njengekumkani okanye ikumkanikazi yabo ethe, ngokwamasiko nesithethe, yaba ngentla kunezinye iinkosi;
bona ngokwabo bazithatha njengeqela labantu abaphila ngokwakwantu abanembali engqiniweyo yobukho babo, ukususela kwixesha elithile embalini kude kube ngoku, bahlukile kwabanye abantu abaphambili ekuphileni ngokwakwantu nabanye abantu;
banenkqubo yokuphathwa ngokwakwantu yikumkani okanye yikumkanikazi; kwaye banendlela yokuphila eyeyabo bodwa.

(2) *(a)* Abantu abaphila ngokwakwantu abahlangabezanayo neemfuneko ezichazwe kwisiqendwana (1) banokwenza isicelo kuMongameli sokuba bamkelwe njengabantu abanekumkani okanye ikumkanikazi, kwaye isicelo eso masiphelekwe sisigqibo seqela ngalinye lamaphakathi ekuthethwe ngalo kwisiqendwana (1)*(b)*, sibonisa ukuba loo maphakathi ayinxalenye yobukumkani okanye yobukumkanikazi obucelwayo.

(b) Isicelo esingokwesiqendu *(a)* masiphelekwe sisicelo sokwamkelwa kwesihlalo sokuba yikumkani okanye yikumkanikazi yabo bantu njengoko kuxelwe kwisiqendu 8.

(3) *(a)* Emva kokubonisana noMphathiswa, uMongameli unokuthi ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* abamkele abantu abaphila ngokwakwantu abaxelwe kwisiqendwana (1) nese-(2) njengabantu abanobukumkani okanye ubukumkanikazi.

(b) Ngaphambi kokuba abamkele ubukumkani okanye ubukumkanikazi njengoko kuxelwe kwisiqendu *(a)*, uMongameli unokuthi—
enze ukuba uMphathiswa aphande ukuba abantu abaphila ngokwakwantu bayahlangabezana kusini na neemfuneko ezichazwe kwisiqendwana (1);
ayalele uMphathiswa ukuba abonisane neNkulumbuso echaphazelekayo, nendlu yephondo kwiphondo elichaphazelekayo, neNdlu Yezwelonke, kwakunye neenkosi zabantu abaphila ngokwakwantu eziphantsi kobukumkani okanye ubukumkanikazi ekwenziwe isicelo sabo; aze
enze isigqibo ngobude bexesha emalingapheli uMphathiswa engalugqibanga uphando okanye ukubonisana okuxelwe kwisqendwana (i) nese-(ii).

(4) Iqela labantu linokwamkelwa njengoluntu oluphila ngokwakwantu ukuba—
linendlela yokuphathwa ngokwakwantu ziinkosi, ndlela leyo eyamkelwayo ngabanye abantu abaphila ngokwakwantu;
liphila ngokwemithetho yesintu namasiko;
lizithatha njengeqela labantu abaphila ngokwakwantu elaziwayo elinembali engqiniweyo yobukho, ukususela kwixesha elithile embalini kude kube ngoku, lisaziwa kwaye lithe geqe kwabanye abantu abaphila ngokwakwantu;
likummandla othile;
linezithethe ezithile eliphila ngazo; kwaye
apho kunokwenzeka khona, linezibonda eziliqela.

(5) *(a)* Iqela labantu elihlangabezanayo neemfuneko ezichazwe kwisiqendu (4) linokwenz' isicelo kwiNkulumbuso yaloo mmandla sokuba lamkelwe njengabantu abaphila ngokwakwantu.

(b) Isicelo esingokwesiqendu *(a)* masiphelekwe sisicelo sokwamkelwa kwesihlalo sokuba yinkosi yelo qela labantu njengoko kuxelwe kwisiqendu 8.

(6) INkulumbuso yalapho inokuthi, emva kokubonisana nendlu yephondo nangokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo ilamkele iqela labantu abaxelwe kwisiqendu 4 njengoluntu oluphila ngokwakwantu.

(7) Isibonda sinokwamkelwa njengesibonda ukuba—
abantu baphathwa ngokwakwantu sisibonda kwaye bathathwa njengabantu abanjalo ngabantu abaphila ngokwakwantu ngabantu baloo ndawo;

kukho ummandla ophantsi kwamaphakathi abantu abaphila ngokwakwantu; kwaye oku kuza kwenza ukuba asebenze ngempumelelo nangokutyibilikayo amaphakathi.

(8) *(a)* Inxalenye yabantu abaphila ngokwakwantu abahlangabezanayo neemfuneko ezichazwe kwisiqendwana (7) banokuthi bacele amaphakathi abo ukuba enze isicelo kwiNkulumbuso sokwamkelwa kwaloo nxalenye yabantu njengabantu abanesibonda.

(b) Ukuba amaphakathi anoluvo lokuba inxalenye yoluntu oluphila ngokwakwantu ekuthethwe ngalo kwisiqendu *(a)* ayihlangabezani neemduneko ezichazwe kwisiqenduwana (7), amaphakathi makazise uluntu olo kunye neNkulumbuso ngokungahlangabezani kwabo nemfuneko aze anike izizathu zokuba nolo luvo.

(9) INkulumbuso yalapho inokuthi, emva kokubonisana namaphakathi, nasemva kokuba ikhuphe isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, ibamkele ububonda obuxelwe kwisiqendwana (7).

(10) Ngokuvumelana noko kutshiwo sisiqendu 67, uMphathiswa unokwenza imimiselo mayela—

nenkqubo eya kuthi ivumele ukubonisana okwaneleyo ekucingwa ngako kwisiqendwana (6) nese-(9); nangokumayela

nobude bexesha emalingapheli iNkulumbuso ingasenzanga isigqibo ngokwamkelwa kwamaqela abantu ekucingwa ngawo kwisiqendwana (6) nese-(9).

(11) INkulumbuso yalapho inokwenza ukuba kuphandwe ngumphathiswa wephondo ophathiswe imicimbi yakwantu, aphande ukuba abantu abaphila ngokwakwantu okanye inxalenye yabo bayahlangabezana kusini na neemfuneko ezichazwe kwisiqendu (4) nese-(7), kwakunye nemigaqo ezizikhokelo ekwisiqendu 2.

Ukurhoxiswa kokwamkelwa kobukumkani okanye ubukumkanikazi, kobungotya, kobukhosi, okanye kobubonda

4. (1) Ukurhoxiswa kokwamkelwa kobukumkani okanye ubukumkanikazi okanye ubungotya kunokuthi, ngokulawulwa sisiqendwana (12), kuqwalaselwe kuphela xa uninzi lwabantu abaphila ngokwakwantu phantsi kommandla wobukumkani okanye wobukumkanikazi okanye wobungotya lucela uMongameli, xa kumalunga nobukumkani okanye ubukumkanikazi, okanye xa lucela iNkulumbuso, xa kumalunga nobungotya, ukuba arhoxise ukwamkelwa kobukumkani okanye ubukumkanikazi okanye ubungotya, kodwa, eso sicelo masiphelekwe zizizathu zokwenziwa kwaso.

(2) Ngaphambi kokuba uMongameli okanye iNkulumbuso ithabathe isigqibo ngokwesiqendwana (1), mayenze ukuba umphathiswa wephondo ophathiswe imicimbi yakwantu aphande ukuba sikho kusini na isizathu esivakalayo sokurhoxiswa kokwamkelwa kobukumkani okanye ubukumkanikazi okanye ubungotya.

(3) *(a)* Ukurhoxiswa kokwamkelwa kobukumkani okanye ubukumkanikazi makwenziwe nguMongameli ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* emva kokubonisana namaphakathi obukumkani okanye obukumkanikazi, neNdlu Yezwelonke, noMphathiswa, neNkulumbuso echaphazelekayo, nendlu yephondo.

(b) UMongameli usengayalela uMphathiswa ukuba aqhube ukubonisana ekuthethwe ngako kwisiqendu *(a)* kwaye aqingqe ixesha emakugqitywe ngalo oko kubonisana.

(4) *(a)* Ukurhoxiswa kokwamkelwa kobungotya makwenziwe yiNkulumbuso ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(b) Ngaphambi kokuba kurhoxiswe ukwamkelwa okuxelwe kwisiqendu *(a)*, iNkulumbuso mayibonisane nendlu yephondo, kunye noluntu olunokuthi luchaphazeleke, kwakunye neenkosi eziyinxalenye yobo bungotya.

(c) INkulumbuso inokuthi iyalele umphathiswa wephondo ophathiswe imicimbi yakwantu ukuba aqhube ukubonisana ekuthethwe ngako kwisiqendu *(b)* aze aqingqe ixesha emakugqitywe ngalo oko kubonisana.

(5) Ukurhoxiswa kokwamkelwa koluntu njengoluntu oluphila ngokwakwantu kunokuthi, ngokulawulwa sisiqendwana (12), kuqwalaselwe kuphela xa—

olo luntu lucela iNkulumbuso ukuba ikurhoxise ukwamkelwa kwalo njengoluntu oluphila ngokwakwantu, kodwa ke, eso sicelo masiphelekwe zizizathu zokwenziwa kwaso, kodwa ke, ukuba olo luntu luphila ngokwakwantu luyinxalenye yobukumkani okanye ubukumkanikazi okanye ubungotya, eso sicelo sinokungeniswa kuphela emva emva kokuba uluntu oluphila ngokwakwantu lubonisene namaphakathi obukumkani okanye ubukumkanikazi okanye amaphakathi obungotya;

amaphakathi obukumkani okanye obukumkanikazi okanye amaphakathi obungotya ecela iNkulumbuso ukuba ikurhoxise ukwamkelwa koluntu oluphila ngokwakwantu oluyinxalenye yobukumkani okanye ubukumkanikazi okanye ubungotya, kodwa ke eso sicelo sinokungeniswa kuphela emva kokuba amaphakathi obukumkani okanye ubukumkanikazi okanye obungotya eboniseene noluntu oluphila ngokwakwantu;

iNkulumbuso icelwe lulo naluphi na uluntu oluchaphazelekileyo ukuba iqwalasele ngokutsha imeko yolo luntu olwaluthe lwahlulwa okanye lwadityaniswa ngaphambi konyaka ka-1994 ngokwemithetho yepalamente eyayisebenza; okanye

amaqela amabini okanye angaphezu koko oluntu acela iNkulumbuso ukuba iwadibanise loo maqela abantu abe liqela elinye eliphila ngokwakwantu, kodwa ke isicelo sokurhoxiswa kokwamkelwa koluntu oluphila ngokwakwantu masiphelekwe zizizathu, kodwa ke isicelo sokurhoxiswa kokwamkelwa koluntu oluphila ngokwakwantu masiphelekwe zizizathu esisekelwe kuzo, kodwa ke eso sicelo masiphelekwe kananjalo yingcombolo exela iinkcukacha zokubonisana okuxelwe kwesi siqendwana.

(6) *(a)* Ukurhoxiswa kokwamkelwa koluntu njengoluntu oluphila ngokwakwantu makwenziwe yiNkulumbuso ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(b) Ngaphambi kokurhoxiswa kokwamkelwa okuxelwe kwisiqendu *(a)*, iNkulumnbuso mayibonisane nendlu yephondo, kwakunye noluntu olunokuthi luchaphazeleke, ukuba oku kulandelayo kuyasebenza kuloo meko, ibonisane kananjalo namaphakathi obukumkani okanye obukumkanikazi okanye obungotya ekuthethwe ngawo kwisiqendwana (5)*(a)* no- *(b)*, ngaphambi kokuba ukurhoxiswa kokwamkelwa koluntu oluphila ngokwakwantu kuphunyezwe ngesihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(7) *(a)* Ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo iNkulumbuso mayilwamkele uluntu oludityanisiweyo oluphila nghokwakwantu oluxelwe kwisiqendwana (5)*(d)* ize iwabhangise amaqela athe saa abantu abaphila ngokwakwantu acele ukudityaniswa.

(b) Isihlokomiso ekuthethwe ngaso kwisiqendu *(a)* masizilawule iziphumo ezingokwasemthethweni nezinye ezinokubakho zokudityaniswa kwabantu nokubhangiswa kokuthi saa kwabo, kuquka—

ukuba kuyasebenza oku kule meko, kuquka ukufuduswa kwempahla, kwamatyala, nezinye izinto zabantu abaphila ngokwakwantu abachitha-chithiweyo;

nobunkokeli babantu abadityanisiweyo abaphila ngokwakwantu nokuphulukwa sisihlalo kwakhe nabani na obenesihlalo kwabo bantu bachitha-chithiweyo.

(8) *(a)* Ukurhoxiswa kokwamkelwa kobubonda kunokuthi, ngokulawulwa sisiqendwana (12), kuqwalaselwe kuphela xa amaphakathi ecela iNkulumbuso ukuba ikurhoxise.

(b) Isicelo ekuthethwe ngaso kwisiqendwana *(a)* masiphelekwe zizizathu zokwenziwa kwaso.

(9) Emva kokubonisana namaphakathi nangokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, iNkulumbuso inokuthi ikurhoxise ukwamkelwa kobubonda njengoko kuxelwe kwisiqendwana (8).

(10) Ngaphambi kokuba ikurhoxise ukwamkelwa kobukhosi okanye kobubonda, iNkulumbuso inokwenza ukuba kuphandwe kuqondakale ukuba sikho kusini na isizathu esivakalayo sokurhoxiswa kwabo.

(11) Ngokuvumelana nesiqendu 67, uMphathiswa unokwenza imimiselo—

ngenkqubo eza kuthi ivumele ukubonisana okwaneleyo ekucingwa ngako kwisiqendwana (4), (5), (6) nese(9);

nangexesha emalingapheli iNkulumbuso ingekafikeleli kwisigqibo ngokurhoxiswa kokwamkelwa kwabantu ekucingwa ngako kwesi siqendwana.

(12) *(a)* Ukwamkelwa kobukumkani okanye ubukumkanikazi, kobungotya, koluntu oluphila ngokwakwantu, okanye kobubonda makurhoxiswe xa kuyalelwe ngolo hlobo yinkundla.

(b) UMongameli, xa kuyikumkani okanye okanye ubukumkanikazi, neNkulumbuso xa kububungotya, uluntu oluphila ngokwakwantu, okanye ububonda, makenz' isihlokomiso ku*Shicilelo-Mithetho* okanye ku*Shicilelo-Mithetho* Lwephondo esazisa ngokurhoxiswa kokwamkelwa ngokomyalelo wenkundla.

(c) Isihlokomiso esixelwe kwisiqendu *(b)* masixele iziphumo ezingokwasemthethweni nezinye iziphumo ezinokuzalwa koko kurhoxiswa.

Ukwamkelwa koluntu olungamaKhoi-San nesebe

5. (1) *(a)* Ngokulalwulwa sisiqendu *(b)*, uluntu lunokwenz' isicelo kwiNkulumbuso sokuba lwamkelwe njengoluntu olungamaKhoi-San ukuba—

lunembali yokuzisingathela imicimbi yalo, lululuntu olululoldwa olwahlukileyo kubo bonke abanye abantu;

lugcina izithethe ezicacileyo ezaziwayo zamaKhoi-San;

lusebenzisa indlela yokuphathwa ngokokuzalwa okanye ngokunyulwa ngokobuKhoi-San, kube kukho abantu abasebenzisa amagunya ngokwezithethe zakwantu zolo luntu;

lunezithethe olubonakala ngazo ezahlukileyo;

lunembali engqiniweyo yokumanyana koluntu ukususela kwixesha elithile kude kube ngoku;

lunommandla othile elingabemi kuwo okanye lunemimandla ngemimandla olungabemi kuyo luphila kunye nabanye abantu abangengabo abolu luntu,

kodwa ke, zonke izicelo zokwamkelwa ngendlela exelwe kwesi siqendu mazifakwe kwiKomiti Ecebisayo de libe liphelile ixesha ekuthethwe ngalo kwisiqendu 65(2)*(a)*, ekuya kuthi emva koko zonke izicelo zokwamkelwa zifakwe kwiNkulumbuso ngokwesi siqendu.

(b) Isicelo esingokwesiqendu *(a)* masiphelekwe—

sisicelo sokwamkelwa kwesihlalo sokuba yinkokeli enkulu yamaKhoi-San yolo luntu njengoko kuxelwe kwisiqendu 10;

naluluhlu lwabo bonke abantu, kodwa ke olo luhlu malube nezi nkcukacha zilandelayo zomntu ngamnye:

(aa) amagama apheleleyo nefani;

(bb) inombolo yesazisi kwakunye nekopi esethifayiweyo yesazisi okanye iphaspothi esemthethweni, okanye xa kungumntu ominyaka ingaphantsi kweminyaka ili-

16, kube yikopi esethifayiweyo yesiqinisekiso sakhe sokuzalwa;

(cc) idilesi ahlala kuyo engqinelwa ngamaphepha, kwakunye negama lephondo ekuyo loo dilesi ahlala kuyo;

(dd) iinkcukacha zoqhagamshelwano;

(ee) ukutyikitya kwakhe evuma ukuba ungomnye wolo luntu; kwakunye

(ff) nayiphi na enye ingcombolo enokuthi icelwe yiKomiti Ecebisayo okanye enokuthi ifunwe nguMphathiswa,

kodwa ke xa kungumntu ominyaka ingaphantsi kwe-16, ingcombolo efunwa sesi siqendwana mayiphume kumzali okanye kumntu ongumgcini wakhe, aze umzali lowo okanye umntu ongumgcini wakhe alutyikitye uluhlu egameni lomntu lowo, kodwa ke kananjalo ngabantu abaminyaka ili-18 nangaphezulu abanokuthabath' inxaxheba kwimicimbi yoluntu olungamaKhoi-San okanye yamaphakathi awo njengoko kuxelwe kulo Mthetho.

(c) Umntu okuqinisekisileyo ukuba uphila phakathi koluntu oluthile olungamaKhoi-San ngokuthi atyikitye uluhlu oluxelwe kwisiqendu *(b)*(ii), akanakuba lilungu lolunye uluntu lwamaKhoi-San.

(d) Akuba evunyiwe amaphakathi amaKhoi-san oluntu oluthile lwamaKhoi-San, loo maphakathi makalwenze luhambisane namaxesha uluhlu lwamalungu ekuthethwe ngalo kwisiqendu *(b)*(ii) ubuncinane kanye ngonyaka aze iikopi zolo luhlu azinike uMphathiswa neNkulumbuso yephondo ekukho kulo loo maphakathi, neeNkulumbuso zamaphondo apho isebe lolo luntu livunywe khona, kodwa ke uMphathiswa okanye iNkulumbuso inokuthabath' amanyathelo ayimfuneko okuqinisekisa ubunyaniso bengcombolo ekolo luhlu.

(2) INkulumbuso inokuthi yenze ukuba kuphandwe ukuze kuqondakale ukuba uluntu luyahlangabezana kusini na neemfuneko ezichazwe kwisiqendwana (1) nemigaqo esisisikhokelo ekwisiqendu 2.

(3) Emva kokubonisana nendlu yephondo, ukuba ikho, iNkulumbuso inokuthi, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, ilwamkele uluntu oluxelwe kwisiqendwana (1) njengoluntu lwamaKhoi-San.

(4) *(a)* Apho kunokwenzeka khona, uluntu olungamaKhoi-San lunokuthi lube ngamasebe avunyiweyo ngokwesiqendwana (5).

(b) Isebe linokuthi libe lelivunyiweyo ngokwesiqendwana (5) ukuba—

liyamkelwa luluntu olungamaKhoi-San njengesebe lolo luntu;

linamalungu angekho ngaphantsi kwe-10 ekhulwini njengoko kuboniswe kuluhlu lwabantu ekuthethwe ngabo kwisiqendwana (1)*(b)*(ii);

liza kwenza ukuba alawuleke ngempumelelo nangokutyibilikayo amaKhoi-San; kwaye liyayamkela inkosi yamaKhoi-San ngokwezithethe zakwantu.

(5) *(a)* Ngokulawulwa sisiqendu *(b)* no-*(c)*, amaphakathi angamaKhoi-San anokwenz' isicelo kwiNkulumbuso yephondo kwindawo loo maphakathi akuyo, ukuze lamkelwe isebe ukuba liyahlangabezana neemfuneko ezichazwe kwisiqendwana (4).

(b) Ukuba iNkulumbuso inoluvo lokuba isebe liyahlangabezana neemfuneko ezichazwe kwisiqendwana (4), kodwa libe elo sebe likwiphondo elingelilo iphondo ekukho kulo amaphakathi amaKhoi-San, iNkulumbuso yephondo ekukho kulo amaphakathi mayicele iNkulumbuso yephondo ekukho kulo isebe ukuze kube yiyo elamkelayo elo sebe.

(c) Ukwamkelwa kwesebe elixelwe kwisiqendu *(a)* okanye *(b)* kulawulwa sisiqendwana (6), (7) nese-(8).

(6) INkulumbuso yephondo ekukho kulo isebe inokwenza ukuba kuphandwe ukuze kuqondakale ukuba isebe liyahlangabezana kusini na neemfuneko ezichazwe kwisiqendwana (4).

(7) INkulumbuso yephondo ekukho kulo isebe inokuthi, ngokulawulwa sisiqendwana (8), ilamkele isebe elihlangabezanayo neemfuneko ezichazwe kwisiqendwana (4).

(8) Apho uluntu olungamaKhoi-San lungamasebe akumaphondo ngamaphondo, ukwamkelwa kwaloo masebe makwenziwe ziiNkulumbuso zawo ngokukhuph' isihlokomiso ku*Shiclelo-Mithetho* lwaloo maphondo ekukho kuwo amasebe.

(9) *(a)* INkulumbuso mayithi qho ngonyaka okanye xa icelwe nguMphathiswa inike uMphathiswa ingxelo engokwamkelwa kwabantu abangamaKhoi-San namasebe.

(b) Ikopi yengxelo ekuthethwe ngayo kwisiqendu *(a)* mayithunyelwe kwindlu yephondo efanelekileyo ukuze ifundwe.

Ukurhoxiswa kokwamkelwa koluntu olungamaKhoi-San nesebe

6. (1) Ukurhoxiswa kokwamkelwa koluntu olungamaKhoi-San okanye isebe kunokuthi, ngokulawulwa sisiqendwana (5), kuqwalaselwe kuphela xa—

amaphakathi amaKhoi-San ecela iNkulumbuso ukuba ukwamkelwa koluntu olungamaKhoi-san okanye ukwamkelwa kwesebe okanye kwamasebe olo luntu kurhoxiswe; okanye

amaphakathi amaKhoi-San ezizwana ezibini okanye ezingaphezu koko zamaKhoi-San awamkelweyo ecela iNkulumbuso ukuba izidibanise ezo zizwana zibe sisizwe samaKhoi-San esinye,

kodwa ke, eso sicelo masiphelekwe zizizathu zokwenziwa kwaso.

(2) *(a)* Ngokulawulwa sisiqendu *(b)* nasisiqendwana (3), iNkulumbuso inokuthi, emva kokuba ibonisene nendlu yephondo, ukuba kusekwe indlu yephondo, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, ikurhoxise ukwamkelwa koluntu olungamaKhoi-San okanye kwesebe lawo njengoko kuxelwe kwisiqendwana (1)*(a)*.

(b) Xa amasebe oluntu olungamaKhoi-San ekufuneka kurhoxisiwe ukwamkelwa kwawo, ekumaphondo aliqela, iiNkulumbuso zaloo maphondo ekukho kuwo amasebe, mazithi, ngokulawulwa sisiqendwana (3), ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* lwaloo maphondo, zikurhozise ukwamkelwa kwaloo masebe.

(3) INkulumbuso okanye iiNkulumbuso zinokuthi, ngaphambi kokuba zikurhoxise ukwamkelwa koluntu olungama-Khoi-San okanye kwesebe lawo ngokwesiqendwana (2), zenze ukuba kuphandwe ukuze kuqondakale ukuba kwaboniswana kusini na noluntu oluza kuchatshazelwa sisicelo esixelwe kwisiqendwana (1) lwaza lwasixhasa eso sicelo.

(4) *(a)* INkulumbuso mayilwamkele uluntu oludityanisiweyo olungama-Khoi-San oluxelwe kwisiqendwana (1)*(b)* ize iziphelise izizwana ebezizimele zodwa ezingamaKhoi-San ezicele ukuba zidityaniswe, ikwenza oku ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(b) Nanini na xa izizwana ezingamaKhoi-San zidityaniswa, oko kudityaniswa kuzala ukubhangiswa kwesebe okanye kwamaphakathi amaKhoi-San athe asekwa ezo zizwana, kodwa ke isizwe samaKhoi-San esidityanisiweyo masibe namaphakathi amaKhoi-San ngokwesiqendu 18 kwaye sinokucela ukuba kwamkelwe amasebe amatsha ngokwesiqendu 5.

(c) Isihlokomiso ekuthethwe ngaso kwisiqendu *(a)* masizilawule iziphumo ezimayela nomthetho nezizezinye zokudityaniswa kwezizwana nokupheliswa kokuthi saa kwazo, kuquka—

ukuba kuyasebenza oku kule meko, kuquka nokudityaniswa kwempahla, namatyala, nezinye izinto zezizwana zamaKhoi-San eziphelisiweyo;

nobunkokeli boluntu oludityanisiweyo lwamaKhpi-San kwakunye nokuphuma esihlalweni kwakhe nawuphi na umntu obesesihlalweni kwisizwana samaKhoi-San esiphelisiweyo.

(5) *(a)* Ukwamkelwa kwesizwe samaKhoi-San okanye isebe lawo makurhoxiswe ukuba kuyalelwe ngolo hlobo yinkundla.

(b) INkulumbuso mayikhuphe isihlokomiso soko kurhoxiswa ku*Shicilelo-Mithetho* Lwephondo ngokomyalelo wenkundla.

(c) Isihlokomiso esixelwe kwisiqendu *(b)* masizixele iziphumo ezingokwasemthethweni nezinye iziphumo ezizalwa kukurhoxiswa koko kwamkelwa.

iNxalenye 2

Iinkokeli zomthonyama nezamaKhoi-San

Ukwamkelwa kwezikhundla zobunkokeli

7. (1) *(a)* Kukho ezi zikhundla zobunkokeli zilandelayo:

ikumkani okanye ikumkanikazi;

ingotya;

inkosi;

nesibonda,

kodwa ke isihlalo sobungotya sisebenza kuphela kumntu othathwa njengengotya ngendlela echazwe ngayo kwisiqendu 1.

(b) Kukho ezi zihlalo zilandelayo zokuphatha kumaKhoi-San:

inkosi yamaKhoi-San;

nentloko yesebe.

(2) Kusebenza ezi mfuneko zilandelayo nanini na xa kufuneka kwamkelwe isikhundla sobunkokeli:

imbali engqiniweyo yobukho beso sikhundla sobunkokeli ngaphakathi kolo luntu;

imbali engqiniweyo yokwamkelwa kweso sikhundla sobunkokeli lolo luntu;

imbali yemisebenzi namagunya eso sikhundla sobunkokeli ngokomthetho wesintu owaziwayo namasiko awaziwayo alapho ngaphakathi kolo luntu;

ukwamkelwa koluntu ngokwalo Mthetho;

nembali engqiniweyo yenye kwezi zinto zilandelayo:

ubunkokeli obuzuzw' ilifa ngokomthetho wesintu okanye ngokwamasiko oluntu, ikho okanye ingekho indima eqhelekileyo yokuthabath' inxaxheba koluntu ekwenzeni izigqibo ngokuba yinkokeli komntu; okanye ubunkokeli obunyuliweyo apho kunyulwe inkokeli inyuliweyo ngokomthetho wesintu okanye amasiko.

(3) *(a)* Isicelo sokwamkelwa kwesikhundla sokuba yikumkani okanye ikumkanikazi masibhekiswe kuMongameli.

(b) Isicelo sokwamkelwa kwesikhundla sokuba yingotya, sokuba yinkosi, sokuba yinkokeli enkulu yamaKhoi-San, sokuba sisibonda okanye sokuba yintloko yesebe masibhekiswe kwiNkulumbuso, kodwa ke, zonke izicelo zokwamkelwa kwesikhundla sokuba yinkokeli enkulu yamaKhoi-San okanye sokuba yintloko yesebe mazifakwe kwiKomiti Ecebisayo de libe liphelile ixesha ekuthethwe ngalo kwisiqendu 65(2)*(a)* ekuya kuthi emva koko zonke izicelo zokwamkelwa zifakwe kwiNkulumbuso ngokwesiqendu 5 nese-10.

(4) Xa kukho ubungqina okanye isityholo sokuba isikhundla sobunkokeli asihlangabezani neemfuneko ezichazwe kwisiqendwana (2), uMongameli okanye

iNkulumbuso makenze ukuba kuphandwe yikomiti ephandayo echongwe nguMongameli okanye iNkulumbuso, komiti leyo emayinike ingxelo mayela nokuba isikhundla sobunkokeli siyahlangabezana kusini na neemfuneko ezixeliweyo, kodwa ke, xa kusisikhundla sobunkokeli sokuba yikumkani okanye ikumkanikazi, ubuncinane ilungu elinye lekomiti ephandayo makube lilungu leNdlu Yezwelonke, kuze kuthi, xa kusesinye isikhundla sobunkokeli, ubuncinane ilungu elinye lekomiti ephandayo kube lilungu lendlu yephondo yalapho, ukuba kusekwe indlu yephondo.

(5) UMongameli okanye iNkulumbuso unokuthi, emva kokuba eyiqwalasele ingxelo yekomiti ephandayo, asamkele isikhundla sobunkokeli.

(6) Ukwamkelwa kwesikhundla sobunkokeli ngokwesi siqendu makwenziwe ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* okanye ku*Shicilelo-Mithetho* Lwephondo.

(7) *(a)* Nanini na xa inkosi isamkelwa njengekumkani okanye ikumkanikazi ngokwalo Mthetho okanye ithe yamkelwa ngaphambi kokuqalisa kwalo Mthetho, eso sihlalo sobukhosi sithi singabi namntu okanye sithathwa njengesingenamntu.

(b) Isihlalo esingenamntu senkosi njengoko kuxelwe kwisiqendu *(a)* sinokuthi, ngokulawulwa sisiqendu *(c)* kwaye zingekapheli iintsuku ezingama-90 singenamntu, okanye xa ikukwamkelwa njengekumkani okanye ikumkanikazi ngaphambi kokuqalisa kwalo Mthetho ukusebenza, zingekapheli iintsuku ezingama-90 ukususela ekuqaleni kwalo Mthetho ukusebenza, sinokuthi senziwe sibe nomntu—

ngokuthi kwamkelwe omnye umntu njengenkosi ngokwesiqendu 8;

ngokuthi kwalathwe inkokeli yomthonyama elisekela ngokwesiqendu 14;

Nanini na xa ukwamkelwa kobukumkani okanye kobukumkanikazi kurhoxiswa ngokwesiqendu 4, oko kurhoxiswa kuya kuthi ngokuzenzekelayo kwenze ukuba—

loo kumkani okanye loo kumkanikazi evunyiweyo ibuyele kwisihlalo sokuba yinkosi ebikuso ngaphambi kokuba ibe yikumkani okanye ikumkanikazi;

nokwamkelwa kokuba yinkosi ekuthethwe ngako kwisiqendu *(b)*(i) okanye kurhoxiswe okanye kuphelelwe ukwamkelwa njengenkokeli yomthonyama elisekela ekuthethwe ngako kwisiqendu *(b)*(ii).

(d) Umntu okwamkelwa kwakhe kurhoxisiweyo njengenkosi njengoko kuxelwe kwisiqendu *(c)*(ii)—

uyayiyeka yonke imisebenzi neembopheleleko namalungelo okuba yinkosi;

uza kuqhubeka efumana umvuzo nezibonelelo zokuba yinkosi de afe; kwaye

akasakufanelekeli ukufumana nayiphi na imalana esecaleni njengoko kuxelwe kwi-*Independent Commission for the Remuneration of Public Office-Bearers Act* ka-1997.

(8) *(a)* Nayiphi na inkokeli evunyiweyo yomthonyama okanye engumKhoi-San inokuthi iziyekele, kodwa ke oko kuziyekela mayikwenze ngokubhala, kwaye mayithi xa iyikumkani okanye ikumkanikazi iyibhekise kuMongameli incwadi yayo, ize ithi ukuba iyinkokeli nje yomthonyama okanye engumKhoi-San iyibhekise kwiNkulumbuso incwadi yayo, kodwa ke kananjalo xa kuyinkokeli yamaKhoi-San eyayivunywe nguMphathiswa ngokwesiqendu 66, oko kuziyekela makubhekiswe kuMphathiswa, ize ikopi yako ibhekiswe kwiNkulumbuso yephondo ehlala kulo loo nkokeli yamaKhoi-San.

(b) Inkokeli yomthonyama okanye engumKhoi-San eyekayo ukuba yinkokeli iphulukana ngokuzenzekelayo, ukususela kumhla eyeka ngawo, iphulukana nomvuzo, neemalana ezisecaleni, nezibonelelo, namalungelo okuba yinkokeli ebiwafumana ngaphambi kokuba iziyekele.

(c) Inkokeli yomthonyama okanye engumKhoi-San ethe yaziyekela ayivumelekanga ukuba iphinde yenz' isicelo sokuba yinkokeli.

(d) Nanini na xa inkokeli yomthonyama okanye engumKhoi-San iziyekele ngendlela exelwe kwesi siqendwana, eso sihlalo sayo sithi singabi namntu kuze kufuneke sibe nomnntu ngokutsho kwalo Mthetho, kukhunjulwa ukuba ukuziyekela akukuchaphazeli ukungen' ezihlangwini zomnye ngokwezithethe zeso sizwe.

(9) Nawuphi na umntu ongeyiyo inkokeli evunyiweyo ngendlela exelwe kwisiqendwana (1) kodwa ozenza yona, waphul' umthetho kwaye esakufunyaniswa enetyala uya kugwetywa ifayini okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiminyaka emithathu.

Ukwamkelwa kwekumkani okanye ikumkanikazi, ingotya, inkosi, okanye isibonda

8. (1) Nanini na xa kufuneka kuvalwe isithuba sekumkani okanye ikumkanikazi, okanye sengotya, kusebenza le nkqubo ilandelayo:

olo sapho lwasebukhosini maluthi, kungadanga kube xesha lide ithe gqi imfuneko leyo yesikhundla sekumkani okanye ikumkanikazi, okanye sengotya, kuseziwa oku ngokuhlonela umthetho wesintu namasiko osebenza kuloo meko—

lwalathe umntu ofanelekayo ngkomthetho wesintu namasiko ukuba athabathe isihlalo sobukumkani okanye ubukumkanikazi, okanye sobungotya, emva kokuba olo sapho luthe lwaqasela ukuba ziyasebenza kusini na kuloo mntu izibakala ekuthethwe ngazo kwisiqendu 9(1) okanye 16(11)*(h)* okanye 16(14)*(a)*, *(c)*, *(d)* okanye *(e)*; luze

lubhekise isicelo kuMongameli okanye kwiNkulumbuso yalapho sokuba amkelwe umntu lowo walathiweyo njengekumkani okanye ikumkanikazi, ngokulawulwa sisiqendu 3(2), okanye owalathelwe ukuba yingotya, isicelo eso siphelekwe—

ziinkcukacha zomntu lowo walathiweyo ukuba avale isithuba sekumkani okanye ikumkanikazi, okanye sengotya;

(bb) nazizizathu zokwalatha kwaloo mntu njengekumkani okanye ikumkanikazi, okanye njengengotya;

emva kokubonisana noMphathiswa neNkulumbuso yalapho, uMongameli unokuthi, ngokulawulwa sisiqendwana (3) nese-(4), amamkele njengekumkani okanye ikumkanikazi umntu owalathiweyo ngokesiqendu *(a)*(i), ecingela into yokuba buye bamkelwa kusini na ubukumkani okanye ubukumkanikazi ngokwesiqendu 3;

iNkulumbuso inokuthi imamkele njengengotya umntu owalathiweyo ngokwesiqendu *(a)*(i), icingela into yokuba lusekho kusini na uluntu olulolwengotya.

(2) Nanini na xa kufuneka kubekwe umntu kwisihlalo senkosi okanye sesibonda, ngokulawulwa sisiqendwana (3)—

usapho lwasebukhosini maluthi, xa oza kungena kufuneka angene ngokokuzalwa, kungadanga kube lixesha elide emva kokuba ithe gqi imfuneko yokuvalwa kwezo zithuba, lwalathe umntu ofanelekileyo ngokwesintu ukuba athabath' indawo, lucingela into yokuba ziyasebenza kusini na kuloo mntu izibakala ekuthethwe ngazo kwisiqendu 9(1) okanye 16(11)*(h)* okanye 16(14)*(a)*, *(c)*, *(d)* okanye *(e)*;

xa kungeyomfuneko ukuba olandelayo athabath' indawo ngokokuzalwa, umntu omakathabath' indawo yokuba sisibonda makalathwe ngokwesintu okanye anyulwe luluntu kungabanga xesha lide emva kokuthi gqi kwemfuneko yokuvalwa kweso sithuba, kucingelwa into yokuba ziyasebenza kusini na kuloo mntu izibakala ekuthethwe ngazo kwisiqendu 9(1) okanye 16(11)*(h)* okanye 16(14)*(a)*, *(c)*, *(d)* okanye *(e)*;

xa othabath' indawo kufuneka athabath' indawo ngokokuzalwa ekuthethwe ngako kwisiqendu *(a)*, usapho lwasebukhosini maluthi, ngokwesithethe, kananjalo amaphakathi, xa kusalathwa okanye kunyulwa isibonda ekuthethwe ngaso kwisiqendu *(b)*, olo sapho

lwasebukhosini malwenz’ isicelo kwiNkulumbuso sokuba amakelwe umntu owalathiweyo okanye onyuliweyo luze lunike iNkulumbuso iinkcukacha zaloo mntu;
iNkulumbuso mayithi, ngokulalwulwa sisiqendwana (3), imamkele umntu lowo owalathiweyo okanye onyuliweyo ukuba abe yinkosi okanye abe sisibonda.

(3) Nanini na xa uMongameli eyamkela ikumkani okanye ikumkanikazi, okanye xa iNkulumbuso isamkela ingotya, okanye inkosi, okanye isibonda, uMongameli okanye iNkulumbuso—
makapapashe isihlokomiso ku*Shicilelo-Mithetho* esimakelayo loo mntu njengekumkani okanye ikumkanikazi, okanye apapashe isihlokomiso ku*Shicilelo-Mithetho* Lwephondo olumamkelayo loo mntu njengengotya, okanye njengenkosi, okanye njengesibonda;
makakhuphe isiqinisekiso sokumamkela loo mntu; kananjalo
azise iNdlu Yezwelonke ngokwamkelwa kwekumkani okanye ikumkanikazi, aze azise indlu yephondo ngokwamkelwa kwengotya, okanye kwenkosi, okanye kwesibonda.

(4) Xa kukho ubungqina okanye isityholo sokuba ukwalathwa komntu njengekumkani okanye ikumkanikazi, okanye njengengotya, okanye njengenkosi, okanye ukwalathwa okanye ukunyulwa komntu njengesibonda, akwenziwanga ngokwemithetho yesinto namasiko, uMongameli okanye iNkulumbuso yaloo ndawo—
makenze ukuba kuphandwe yikomiti yophando echongwe nguMongameli okanye yiNkulumbuso, komiti leyo, xa kuyikomiti echongwe nguMongameli, emayibe nelungu elinye ubuncinane leNdlu Yezwelonke, kuze kuthi xa kuyikomiti echongwe yiNkulumbuso, ibe lilungu elinye ubuncinane lendlu yephondo, yenze ingxelo mayela nokuba ukwalathwa okanye ukunyulwa komntu kwenziwa ngokomthetho wesintu namasiko kusini na, kuze kuthi ukuba akunjalo, yenze ingxelo yokuba nguwuphi umntu omakalathwe okanye makubekho unyulo olutsha kusini na;
xa okufunyaniswe yikomiti yophando kubonisa ukuba ukwalathwa okanye ukunyulwa komntu ekuthethwe ngaye kwisiqendwana (1) nese-(2) akwenziwanga ngokomthetho wesintu namasiko, makayidlulisele ingxelo exelwe kwisiqendu *(b)* kusapho lwasebukhosini okanye kumaphakathi achaphazelekayo, xa kusisibonda esinyuliweyo, ukuze olo sapho lwasebukhosini kanye amaphakathi bavakalise uluvo.

(5) Emva kokuba eyiqwalasele ingxelo yekomiti ephandayo kunye noluvo losapho lwasebukhosini, uMongameli okanye iNkulumbuso unokuthi, ngokulawulwa sisiqendwana (3), amamkele umntu njengekumkani okanye ikumkanikazi, okanye njengengotya, okanye njengenkosi, okanye njengesibonda.

(6) Ngokwesiqendu 67, uMphathiswa unokwenza imimiselo mayela—
nokubonisana kweNkulumbuso namaphakathi xa kufuneka kuvalwe isithuba senkosi okanye sesibonda;
nangenkqubo emayilandelwe yokwalathwa okanye ukunyulwa kwenkosi okanye kwesibonda xa umthetho wesintu namasiko ungathethi nto ngoko kwalathwa okanye ukunyulwa.

Ukurhoxiswa kokwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda

9. (1) Ngokulawulwa sisiqendwana (2) nese-(3), ukwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda—
makurhoxiswe ukuba—
uthe wafunyaniswa enetyala lokwaphul’ umthetho waza wagwetywa ukuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 engakhethiswanga fayini;
uvakaliswe yinkundla engogula ngengqondo; okanye
akasahlali ngokusisigxina kummandla wobukumkani okanye wobukumkanikazi bakhe, okanye wobungotya bakhe; okanye
kunokuthi kurhoxiswe ukuba—
uyekisiwe ukuphatha ngokwemigqaliselo yokuziphatha; okanye
waphule umthetho wesintu okanye amasiko,

kusisizathu esifunisa ukuba kurhoxiswe ukwamkelwa kwakhe;
makurhoxiswe ukuba kuyalele inkundla.

(2) *(a)* Nanini na xa kuyikumkani okanye ikumkanikazi, naziphi na kwizibakala ekuthethwe ngazo kwisiqendwana (1) zithi zaziwe lusapho lwasebukhosini, usapho lwasebukhosini maluthi, kungadanga kube xesha lide, nangokusebenzisa iindlela zakwantu—
lwazise uMongameli, iNkulumbuso, uMphathiswa neenkosi ezingaphakathi kubukumkani okanye kubukumkanikazi, lumazisa ngeenkcukacha zaloo kumkani okanye ikumkanikazi nangeenkcukacha eziphathelele kwisibakala ekuthethwe ngaso kwisiqendwana (1); zize
lunike uMongameli isiqinisekiso esibhaliweyo sokuba iNkulumbuso leyo noMphathiswa bazisiwe.

(b) Nanini na xa izibakala ekuthethwe ngazo kwisiqendwana (1)*(b)* zithi zaziwe lusapho lwasebukhosini, usapho lwasebukhosini lungandulula ukuba kurhoxiswe ukwamkelwa kwekumkani okanye ikumkanikazi, kwaye mayinike uMongameli izizathu zokundulula ngolo hlobo.

(3) *(a)* Nanini na xa izibakala ekuthethwe ngazo kwisiqendwana (1) zithi zaziwe lusapho lwasebukhosini okanye, xa kusisibonda esinyuliweyo, zithi zaziwe ngamaphakathi, usapho lwasebukhosini okanye amaphakathi maluthi kungadanga kube xesha lide, kwaye lusebenzisa iindlela zakwantu, lwazise iNkulumbuso kunye neenkosi eziphantsi kobungotya, zimazisa ngeenkcukacha zaloo ngotya, okanye zaloo nkosi, okanye zeso sibonda, nangeenkcukacha zesibakala ekuthethwe ngaso kwisiqendwana (1).

(b) Nanini na xa izibakala ekuthethwe ngazo kwisiqendwana (1)*(b)* zithi zaziwe lusapho lwasbukhosini okanye, xa kusisibonda esinyuliweyo, xa zithi zaziwe ngamaphakathi, usapho lwasebukhosini okanye amaphakathi bangandulula ukuba kurhoxiswe ukwamkelwa kwengotya okanye kwenkosi okanye kwesibonda baze banike iNkulumbuso izizathu zokundulula ngolo hlobo.

(4) *(a)* Xa uMongameli okanye iNkulumbuso esaziswa ngobukho bezibakala ekuthethwe ngazo kwisiqendwana (1)*(a)*, uMongameli okanye iNkulumbuso makathi, emva kokubonisana noMphathiswa okanye nomphathiswa wephondo ophathiswe imicimbi yakwantu kwelo phondo, nangokulawulwa sisiqendwana (5) nese-(6), akurhoxise ukwamkelwa kwekumkani okanye ikumkanikazi okanye ingotya, okanye inkosi, okanye isibonda.

(b) Xa uMongameli okanye iNkulumbuso esaziswa ngobukho bezibakala ekuthethwe ngazo kwisiqendwana (1)*(b)*, uMongameli okanye iNkulumbuso inokuthi, emva kokubonisana noMphathiswa okanye nomphathiswa wephondo ekuthethwe ngaye kwisiqendu *(a)*,—
nasemva kokuqwalasela ingcombolo ekuthethwe ngayo kwisiqendwana (2)*(a)*(i);
apho kusebenza khona oku, nasemva kokuqwalasela isindululo nezizathu ezixelwe kwisiqendwana (2)*(b)*,
banokuthi bakurhoxise ukwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda, okanye bale ukukurhoxisa ukuyamkela, kodwa ke, ukuba uMongameli okanye iNkulumbuso uyala ukurhoxisa ukwamkela, makathi ngokubhala anike usapho lwasebukhosini izizathu okanye, xa kusisibonda esinyuliweyo, ezo zizathu azinike amaphakathi, kodwa ke, ukuba uMongameli uyala ukukurhoxisa ukwamkela kwakhe makayazise iNkulumbuso noMphathiswa ngako oko.

(5) Xa uMongameli okanye iNkulumbuso ekurhoxisa ukwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda—

uMongameli makenze ukuba kupapashwe ku*Shicilelo-Mithetho* isihlokomiso esineenkcukacha zaloo kumkani okanye ikumkanikazi nomhla okuqalisa ngawo ukusebenza ukurhoxisa oko;

iNkulumbuso mayenze ukuba kupapashwe *Shicilelo-Mithetho* Lwephondo isihlokomiso esineenkcukacha saloo ngotya okanye inkosi okanye isibonda, nomhla okuqalisa ngawo ukusebenza oko kurhoxa;

uMongameli okanye iNkulumbuso makazise usapho lwasebukhosini okanye amaphakathi, azise nekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda ngoko kurhoxiswa.

(6) *(a)* Xa kukho ubungqina okanye isityholo sokuba—

ukurhoxiswa kokwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda, kwakungasekelwanga kwizizathu ezichazwe kwisiqendwana (1);

ingcombolo awathi waziswa yona uMongameli okanye iNkulumbuso ngokuvumelana nesiqendwana (2)*(a)*(1) waziswa yona ngenjongo embi; okanye

isindululo esenziwa lusapho lwasebukhosini okanye ngamaphakathi, xa kusisibonda esinyuliweyo, njengoko kuxelwe kwisiqendwana (2)*(b)*, kwenziwa ngenjongo embi,

uMongameli okanye iNkulumbuso makenze ukuba kuphandwe yikomiti yophando echongwe nguMongameli okanye yiNkulumbuso, komiti leyo emakuthi, xa kuyikumkani okanye ikumkanikazi, kubekho kuyo ubuncinane ilungu elinye leNdlu Yezwelonke, kuze kuthi xa kuyingotya, inkosi, okanye isibonda, kubekho ubuncinane ilungu elinye lendlu yephondo, ukuze yenze ingxelo kwakunye nezindululo mayela nokuba ukurhoxiswa kokwamkelwa komntu kwenziwa ngokwezizathu ezichazwe kwisiqendwana (1) okanye ingcombolo eyanikwa uMongameli okanye iNkulumbuso wayinikwa ngenjongo embi okanye entle kusini na, okanye isindululo sosapho lwasebukhosini okanye samaphakathi senziwa ngenjongo embi okanye akunjalo kusini na.

(b) xa ingxelo yekomiti yophando ibonisa ukuba—

ukurhoxiswa kokwamkelwa kwekumkani okanye ikumkanikazi, kwengotya, okanye kwenkosi okanye kwesibonda, akwenziwanga ngokwezizathu ezichazwe kwisiqendwana (1),;

ingcombolo athe uMongameli okanye iNkulumbuso waziswa ngayo, waziswe ngayo ngejongo embi; okanye

isindululo esenziwe lusapho lwasebukhosini okanye ngamaphakathi senziwe ngenjongo,

uMongameli okanye iNkulumbuso makayibhekise loo ngxelo kusapho lwasebukhosini okanye kumaphakathi ukuze bavakalise uluvo, kwaye olo sapho lwasebukhosini okanye amaphakathi makanike uMongameli okanye iNkulumbuso izimvo ezibhaliweyo zingaphelanga iintsuku ezingama-60 ukususela kumhla ingxelo idluliselwe kubo.

(c) Emva kokuqwalasela ingxelo yekomiti yophando kwakunye nezimvo zosapho lwasebukhosini okanye zamaphakathi, uMongameli opkanye iNkulumbuso unokuthi—

ale ukukurhoxisa ukwamkelwa kwekumkani okanye ikumkanikazi okanye kwengotya, okanye kwenkosi, okanye kwesibonda, ukuba ingcombolo enikiweyo okanye izindululo ezenziweyo lusapho lwasebukhosini okanye ngamaphakathi zenziwa ngenjongo embi;

ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* okanye ku*Shicilelo-Mithetho* Lwephondo, akuqinisekise ukurhoxiswa kokwamkelwa kwaloo nkokeli yomthonyama okanye akutshitshise oko kurhoxiswa kokwamkelwa, kodwa ke, ukuba ukurhoxiswa kokwamkelwa kutshitshisiwe, loo nkokeli yomthonyama iza kuthi ngenxa yoko ijongwe njengebuyiselweyo ukususela kumhla okwarhoxiswa ngayo ukwamkelwa kwayo.

(7) Xa kurhoxisiwe ukwamkelwa kwekumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda ngokwesiqendwana (1)*(a)*, *(b)* okanye *(c)*, usapho lwasebukhosini malwalathe ilandela ngokwesiqendu 8 nangokomthetho wesintu namasiko, okanye lunokuthi, xa kusebenza isiqendwana (1)*(a)*(i), lwalathe

inkokeli elibambela njengoko kuxelwe kwisiqendu 13(1), kodwa ke nakuphi na ukungafaneleki ngokwalo Mthetho okunjengesigwebo sokuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 kungekho fayini, makube oko kungafaneleki kuphela emva kweminyaka emihlanu esigqibile isigwebo.

Ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye yentloko yesebe

10. (1) Nanini na xa kufuneka kuvalwe isithuba senkokeli enkulu yamaKhoi-San okanye sentloko yesebe, ngokulawulwa sisiqendu 64, 65 nesama-66—
olo sapho lwasebukhosini, xa kufuneka isihlalo sithathwe ngokokuzalwa, maluthi, kungadanga kube lixesha elide ithe gqi imfuneko yokuvalwa kwesithuba, kananjalo kucingelwa umthetho wesintu namasiko osebenza kwimeko enjalo, usapho lwasebukhosini malwalathe inkokeli enkulu yamaKhoi-San njengelandela ngokokuzalwa, kucingelwe into yokuba izizathu ekuthethwe ngazo kwisiqendu 11(1) okanye ekuthethwe ngazo kwisiqendu 16(14)*(a), (c)*, *(d)* okanye *(e)* notshintsho olunokuthi lufuneke, ziyasebenza kusini na kuloo mntu;
amaphakathi amaKhoi-San achaphazelekayo, xa kuza kuvalwa izithuba ngonyulo makathi, kungadanga kwaba lixesha elide ithe gqi imfuneko yokuvalwa kwesithuba, kananjalo kucingelwa umthetho wesintu osebenzayo kwimeko enjalo, makanyule inkokeli enkulu yamaKhoi-San okanye intloko yesebe ukuba ithathe eso sihlalo sokuphatha, kucingelwe into yokuba izizathu ekuthethwe ngazo kwisiqendu 11(1) okanye ekuthethwe ngazo kwisiqendu 16(14)*(a)*, *(c)*, *(d)* okanye *(e)* ziyasebenza kusini na kuloo mntu;
usapho lwasebukhosini okanye amaphakathi amaKhoi-San makenz' isicelo kwiNkulumbuso sokwamkelwa komntu owalathiweyo okanye onyuliweyo ngokwesiqendu *(a)* okanye *(b)*.

(2) Intloko yesebe enyulwe ngokwesiqendwana (1)*(b)* ithi, ngokulawulwa sisiqendwana (1)*(b),* inyulelwe ithuba eliyiminyaka emihlanu, thuba elo emalingqamane nethuba lamaphakathi amaKhoi-San achaphazelekayo.

(3) Unyulo ekuthethwe ngalo kwisiqendwana (1)*(b)* maluqhutywe ngokwemigaqo neenkqubo ezivunywe ngamaphakathi amaKhoi-San achaphazelekayo.

(4) Usapho lwasebukhosini okanye amaphakathi amaKhoi-San makayazise iNkulumbuso ngeenkcukacha zomntu owalathiweyo okanye onyuliweyo njengoko kuxelwe kwisiqendwana (1).

(5) Ngokulawulwa sisiqendwana (6) nese-(7), iNkulumbuso mayithi, xa kwalathwe okanye kunyulwe inkokeli enkulu yamaKhoi-San okanye intloko yesebe—
ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, imamkele umntu owalathiweyo okanye onyuliweyo ngokwesiqendwana (1);
ikhuphe isiqinisekiso sokwamkelwa komntu lowo owalathiweyo okanye onyuliweyo ize, ngokulawulwa sisiqendwana (2), ibonise ubude bexesha lokuphatha lomntu onyuliweyo; kananjalo
yazise uMphathiswa kunye nendlu yephondo echaphazelekayo ngeenkcukacha zomntu ekuthethwa ngaye kwisiqendu *(a)*.

(6) *(a)* Xa intloko yesebe enyuliweyo ihlala kwiphondo elingelilo ekukho kulo amaphakathi amaKhoi-San achaphazelekayo, iNkulumbuso yephondo ekukho kulo isebe mayithi, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo nasemva kokubonisana neNkulumbuso yephondo ekukho kulo amaphakathi amaKhoi-San, iyamkele intloko yesebe leyo.

(b) Okutshiwo sisiqendu 5*(b)* no-*(c)* kuyasebenza ekwamkelweni kwentloko yesebe ngokwesiqendu *(a)*.

(7) Xa kukho ubungqina okanye isityholo sokuba ukunyulwa okanye ukwalathwa komntu ekuthethwe ngaye kwisiqendwana (1) akwenziwanga ngokwemigaqo

neenkqubo ezixelwe kwisiqendwana (3) okanye ngokomthetho wesintu namasiko, iNkulumbuso—

mayenze ukuba kuphandwe yikomiti yophando echongwe yiNkulumbuso, komiti leyo emakubekho kuyo ubuncinane ilungu elinye elinngumKhoi-San lendlu yephondo, ukuba indlu yephondo isekiwe, ukuze anik' ingxelo mayela nokuba ukwalathwa okanye ukunyulwa komntu ekuthethwe ngaye kwisiqendwana (1) kwenziwa ngokomthetho wesintu namasiko kusini na okanye ngokwemigaqo neenkqubo ezixelwe kwisiqendwana (3), kuze kuthi ukuba akunjalom ixele ukuba nguwuphi umntu omakalathwe okanye ixele ukuba makubekho unyulo olutsha kusini na; kananjalo

mayithi, ukuba okufunyaniswe yikomiti yophando kubonisa ukuba ukwalathwa okanye ukunyulwa komntu ekuthethwe ngaye kwisiqendwana (1) akwenziwanga ngokwemithetho yesintu namasiko okanye ngokwemigaqo neenkqubo ezixelwe kwisiqendwana (3), idlulisele ingxelo exelwe kwisiqendwana *(a)* kusapho lwasebukhosini okanye kumaphakathi amaKhoi-San ukuze avakalise uluvo.

(8) Emva kokuba iyiqwalasele ingxelo yekomiti yophando kwakunye nezimvo zosapho lwasebukhosini okanye zamaphakathi amaKhoi-San, iNkulumbuso inokuthi—

imamkele umntu njengenkokeli enkulu yamaKhoi-San okanye njengentloko yesebe; okanye iwazise amaphakathi amaKhoi-San ngento yokuba ukunyulwa kwenkokeli enkulu yamaKhoi-San okanye yentloko yesebe akwenziwanga ngokwemithetho yesinto namasiko okanye ngokwemigaqo neenkqubo ezixelwe kwisiqendwana (3), nokuthi makubekho unyulo kwakhona lingekapheli ixesha eligqitywe yiNkulumbuso.

(9) *(a)* INkulumbuso mayithi qho ngonyaka okanye xa icelwe nguMphathiswa inike uMphathiswa ingxelo ngokwamkelwa kweenkokeli ezingamaKhoi-San neentloko zamasebe.

(b) Ikopi yengxelo ekuthethwe ngayo kwisiqendu *(a)* mayibhekiswe kwindlu yephondo efanelekileyo, ifundwe.

Ukurhoxiswa kokwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe

11. (1) Ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe, ngokulawulwa koko kutshiwo sisiqendwana (2)—

makurhoxiswe ukuba—

ufunyaniswe enetyala lokwaphul' umthetho waza wavalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 engakhethiswanga fayini;

uvakaliswe yinkundla engogula ngengqondo; okanye

kungarhoxiswa ukuba—

umntu lowo uyekisiwe ukuphatha ngokwemigqaliselo yokuziphatha; okanye

waphule umthetho wesintu okanye amasiko,

ngesibakala esifunisa ukuba kurhoxiswe ukwamkelwa kwakhe.

makurhoxiswe ukuba kuyalelwe ngolo hlobo yinkundla.

(2) *(a)* Nanini na izizathu ekuthethwe ngazo kwisiqendwana (1) zithi zaziwe lusapho lwasebukhosini okanye ngamaphakathi amaKhoi-San, usapho lwasebukhosini okanye amaphakathi amaKhoi-San makathi, kungadanga kube xesha lide, nangokusebenzisa isintu azise iNkulumbuso yephondo ekukho kulo usapho olo lwasebukhosini okanye isebe, emazisa ngeenkcukacha zaloo nkokeli inkulu yamaKhoi-San okanye emazisa ngentloko yesebe nangeenkcukacha eziphathelele kwisibakala ekuthethwe ngaso kwisiqendwana (1).

(b) Nanini na xa izibakala ekuthethwe ngazo kwisiqendwana (1)*(b)* zithi zaziwe lusapho lwasebukhosini okanye ngamaphakathi amaKhoi-San, usapho lwasebukhosini okanye amaphakathi amaKhoi-San angandulula ukuba kurhoxiswe

ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe, xa kunjalo ke makanike iNkulumbuso izizathu zeso sindululo.

(3) *(a)* Xa iNkulumbuso isaziswa ngobukho bezibakala ekuthethwe ngazo kwisiqendwana (1)*(a)*, iNkulumbuso mayihi, ngokulawulwa sisiqendwana (4) nese-(5) ikurhoxise ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe.

(b) Xa iNkulumbuso isaziswa ngobukho bezibakala ekuthethwe ngazo kwisiqendwana (1)*(b)*, iNkulumbuso inokuthi—

emva kokuba iyiqwalasele ingcombolo ekuthethwe ngayo kwisiqendwana (2)*(a)*;

nalapho kunokwenzeka khona, emva kokuba iqwalasele nasiphi na isindululo nezizathu njengoko kuxelwe kwisiqendwana (2)*(b)*,

ikurhoxise ukwamkelwa kwenkokeli enkulu yamaKhoisan okanye kwentloko yesebe okanye yale ukukurhoxisa ukumkelwa kwayo, kodwa ke, ukuba iNkulumbuso iyala ukurhoxisa ukwamkelwa, mayinike usapho lwasebukhosini okanye amaphakathi amaKhoi-San izizathu ezibhaliweyo.

(4) Xa iNkulumbuso irhoxisa ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe, iNkulumbuso--

mayenze ukuba kupapashwe ku*Shicilelo-Mithetho* Lwephondo isihlokomiso esineenkcukacha zaloo nkokeli enkulu yamaKhoi-San okanye intloko yesebe kunye nomhla okuqala ngawo ukusebenza oko kurhoxiswa; ize

yazise usapho lwasebukhosini okanye amaphakathi amaKhoi-San kunye nenkokeli enkulu yamaKhoi-San okanye intloko yesebe ngoko kurhoxiswa.

(5) *(a)* Xa kukho ubungqina okanye isityholo sokuba ukurhoxiswa kokwamkelwa kwenkokeli enkulu yamaKhoi-San okanye intloko yesebe kwakungasekelwanga kwizibakala ezichazwe kwisiqendwana (1), okanye kukho ubungqina okanye isityholo sokuba ingcombolo eyadluliselwa kwiNkulumbuso ngokwesiqendwana (2)*(a)* yadluliselwa ngenjongo embi, okanye kukho ubungqina okanye isityholo sokuba isindululo esenziwa lusapho lwasebukhosini okanye ngamaphakathi amaKhoi-San njengoko kuxelwe kwisiqendwana (2)*(b)* kwenziwa ngenjongo embi, iNkulumbuso mayenze ukuba kuphandwe yikomiti yophando echongwe yiNkulumbuso, komiti leyo emayibe nelungu elinye ubuncinane lamaKhoi-San nendlu yephondo, ukuba indlu yephondo isekiwe, ukuze ikomiti yophando inik' ingxelo, yenze nezindululo mayela nokuba ukurhoxiswa kokwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe kwenziwa ngokwezibakala ezichazwe kwisiqendwana (1), okanye mayela nokuba ingcombolo eyadluliselwa kwiNkulumbuso yenziwa ngenjongo embi kusini na, okanye mayela nokuba isindululo sosapho lwasebukhosini okanye senziwa ngentsusa embi okanye akunjalo kusini na.

(b) Xa ingxelo yekomiti yophando ibonisa ukuba ukurhoxiswa kokwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe akwenziwanga ngokwezibakala ezichaziwe kwisiqendwana (1), okanye ingcombolo eziswe kwiNkulumbuso yenziwa ngentsusa embi, okanye isindululo sosapho lwasebukhosini okanye samaphakathi amaKhoi-San senziwa ngentsusa embi, iNkulumbuso mayiyidlulisele ingxelo leyo kusapho lwasebukhosini okanye kumaphakathi amaKhoi-San, ukuze avakalise uluvo ngayo, luze usapho lwasebukhosini okanye amaphakathi amaKhoi-San anike iNkulumbuso izimvo zawo ezibhaliweyo zingaphelanga iintsuku ezingama-60 ukususela kumhla wokudluliselwa kwengxelo.

(c) Emva kokuba iyiqwalasele ingxelo yekomiti yophando kwkaunye nezimvo zosapho lwasebukhosini okanye zamaphakathi amaKhoi-San, iNkulumbuso inokuthi, apho kunokwenzeka khona,—

yale ukukurhoxisa ukwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe ukuba ingcombolo enikiweyo okanye izindululo ezenziweyo lusapho lwasebukhosini okanye ngamaphakathi amaKhi-San kwenziwa ngentsusa embi;

ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, ingakuqinisekisa ukurhoxiswa kokwamkelwa kwenkokeli enkulu yamaKhoi-San okanye kwentloko yesebe okanye ikutshitshise oko kurhoxiswa kokwamkelwa, kodwa ke, ukuba ukurhoxiswa kokwamkelwa kuyatshitshiswa, inkokeli enkulu yamaKhoi-San okanye intloko yesebe iza kuthatyathwa njengebuyiselweyo ukususela kumhla okwarhoxiswa ngayo ukwamkelwa kwayo.

(6) Ukuba inkokeli enkulu yamaKhoi-san okanye intloko yesebe ekwamkelwa kwayo kurhoxisiweyo—

ibikwisihlalo sobunkokeli ngokokuzalwa njengoko kuxelwe kwisiqendu 7(2)*(e)*(i), ilandela okanye inkokeli engumKhoi-San elibambela njengoko kuxelwe kwisiqendu 13(1)*(c)*(iii) malalathwe lusapho lwasebukhosini ngokwesiqendu 10 okanye 13; okanye

yanyulwa ngendlela exelwe kwisiqendu 7(2)*(e)*(ii), ilandela malinyulwe ngamaphakathi amaKhoi-San ngokwesiqendu 10, kodwa ke, umntu onyulwe ngokwesi siqendu unyulelwa ixesha elingagqitywanga ngulowo obephambi kwakhe.

(7) *(a)* ukuba usapho lwasebukhosini okanye amaphakathi amaKhoi-San andulule ukuba kurhoxiswe ukwamkelwa kwentloko yesebe elihlala kwiphondo elingelilo iphondo ekukho kulo amaphakathi amaKhoi-San, iNkulumbuso yephondo ekukho kulo amaphakathi amaKhoi-san mayicele iNkulumbuso yephondo eyathi yamkela loo ntloko yesebe, iyicele ukuba ikurhoxise ukwamkelwa kwaloo ntloko yesebe.

(b) Okutshiwo sisiqendwana (4) nese-(5) kuyasebenza ekurhoxisweni okungokwesiqendu *(a)*.

Ukwamkelwa kwebambela

12. (1) Xa ilandela kwisihlalo sokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkokeli enkulu yamaKhoi-San lithe lalathwa ngokwesiqendu 8 okanye 10, kwaye lingumntu oselula ngokwemithetho yesintu namasiko—

usapho lwasebukhosini maluthi, zingaphelanga iintsuku ezingama-60 iswelekile ikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkokeli yamaKhoi-San—

lwalathe ibambela eliza kuthabath' indawo yaloo mntu uselula, emva kokucingela into yokuba ziyasebenza kusini na kuloo mntu izibakala ekuthethwe ngazo kwisiqendu 9(1) okanye kwisiqendu 16(11)*(h)* okanye 16(14)*(a)*, *(c) (d)* okanye *(e)* xa kulibambela kwisihlalo sekumkani. Ikumkanikazi, ingotya, inkosi, okanye isibonda, okanye kucingelwe ukuba ziyasebenza kusini na kwelo bambela izibakala ekuthethwe ngazo kwisiqendu 11(1) okanye 16(14)*(a)*, *(c), (d)* okanye *(e)* xa kulibambela okanye inkokeli enkulu engumKhoi-San; luze

lusebenzisa inkqubo yakwantu, malwazise iNkulumbuso ngeenkcukacha zomntu owalathiweyo ukuba abe libambela nezizathu zokwalathwa kwakhe; ize

iNkulumbuso, icingela izithethe zakwantu, kwaye ilawulwa sisiqendwana nese-(2) nese-(3) ilamkele ilandela elalathiweyo lusapho lwasebukhosini njengomntu oza kungena kwisihlalo sokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkokeli enkulu yamaKhoi-San, kodwa ke, ukwamkelwa kwebambela makuqwalaselwe ngokutsha yiNkulumbuso qho emva kweminyaka emibini ubuncinane.

(2) Xa usapho lwasebukhosini loyisakele ukwalatha ibambela njengoko kuxelwe kwisiqendwana (1), iNkulumbuso mayithi, emva kokubonisana nosapho lwasebukhosini, yalathe umntu ofanelekileyo abe libambela.

(3) Nanini na xa iNkulumbuso ilamkela ibambela njengoko kuxelwe kwisiqendwana (1),—

mayipapashe isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, imamkela loo mntu walathiweyo njengebambela ngokwesiqendwana (1);

mayikhuphe isiqinisekiso sokwamkelwa isinike ibambela elalathiweyo; ize yazise indlu efanelekileyo yephondo ngokwamkelwa kwebambela.

(4) Ibambela lifanele lenze imisebenzi enxulumene nokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkokeli enkulu yamaKhoi-San, kwaye inelungelo lokufumana umvuzo neemalana ezisecaleni ezihambisana neso sihlalo.

(5) Okutshiwo sisiqendu 10(7) kuyasebenza, kubekho nje olunokuthi lufuneke, ngokumayela nebambela elalathiweyo lenkokeli enkulu engumKhoi-San.

(6) Xa ubungqina okanye isityholo sokuba ukwalathwa komntu njengebambela akwenziwanga ngokwemithetho yesintu namasiko, iNkulumbuso—

mayenze ukuba kuphandwe yikomiti yophando echongwe yiNkulumbuso, komiti leyo emakubekho kuyo ubuncinane ilungu elinye lendlu yephondo, ukuze inik' ingxelo mayela nokuba ukwalathwa komntu ekuthethwe ngaye kwisiqendwana (1) kwenziwa ngokwemithetho yesintu namasiko kusini na, kuze kuthi ukuba akunjalo, ixele ukuba nguwuphi umntu omakalathwe; kwaye

mayithi, xa okufunyaniswe yikomiti yophando kubonisa ukuba ukwalathwa komntu ekuthethwe ngaye kwisiqendwana (1) akwenziwanga ngokwemithetho yesintu namasiko, iyidlulisele ingxelo exelwe kwisiqendu *(a)* kusapho lwasebukhosini ukuze luvakalise izimvo zalo.

(7) Emva kokuba iNkulumbuso iyiqwalasele ingxelo yekomiti yophando kunye nezimvo zosapho lwasebukhosini, inokuthi imamkele umntu njengebambela.

(8) Kwaoko lisakuba ibambela kwisihlalo sokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkokeli enkulu yamaKhoi-San liyekile ukuba ngumntu oselula ngokomthetho wesintu, ibambela elamkelweyo ngokwesiqendwana (1) malisishiye isihlalo sokuba libambela aze umntu olilandela esisesakhe isihlalo ngokuselungelweni—

xa kuyikumkani okanye ikumkanikazi, amkelwe yiNkulumbuso emva kokubonisana noMphathiswa njengoko kuxelwe kwisiqendu 8(1)*(b)*, kuze kukhutshwe isiqinisekiso sokwamkelwa njengoko kuxelwe kwisiqendu 8(3)*(b)* emva kokuba igama lakhe lipapashwe ku*Shicilelo-Mithetho*;

xa kuyingotya, inkosi, okanye isibonda, makamkelwe yiNkulumbuso ngokwesiqendu 8(1)*(c)* okanye 8(2)*(d)*, kuze kukhutshwe isiqinisekiso sokwamkelwa esixelwe kwisiqendu 8(3)*(b)* emva kokuba igama lakhe lipapashwe ku*Shicilelo-Mithetho* Lwephondo; okanye

xa kuyinkokeli enkulu yamaKhoi-San, makamkelwe yiNkulumbuso ngokwesiqendu 10(5)*(a)*, kuze kukhutshwe isiqinisekiso sokwamkelwa esixelwe kwisiqendu 10(5)*(b)* emva kokuba igama lakhe lipapashwe ku*Shicilelo-Mithetho* Lwephondo.

(9) Xa ibambela lithe lamkelwa lisamkelelwa isihlalo sokuba yikumkani okanye ikumkanikazi, iNkulumbuso mayazise uMongameli noMphathiswa—

ngeenkcukacha zebambela elo;

imazisa ukuba ibambela elo kulindeleke ukuba lisishiye nini isihlalo sokuba libambela; kananjalo imazise nangokurhoxiswa kokwamkelwa kwebambela, ukuba oko kuyasebenza kule meko.

(10) Ukuba ilandela kwisihlalo sekumkani, ikumkanikazi, ingotya, inkosi, isibonda okanye inkokeli enkulu engumKhoi-San lithi life liselula ngeminyaka, ibambela lisuka ngoko nangoko nangokuzenzekelayo esihlalweni.

(11) Kwiimeko zaxa—

isihlalo sokuba yikumkani, ikumkanikazi, inkosi, isibonda, okanye inkokeli enkulu yamaKhoi-San sithe samkelwa kukokokuqala ngokwesiqendu 8 okanye se-10;

eso sihlalo sokuphatha sithathwa njengelifa; naxa

umntu ochongelwe ukuba abe kweso sihlalo eselula ngeminyaka,

okutshiwo kwesi siqendu kuyasebenza kubekho nje utshintsho olunokuthi

lufuneke.

Ukwamkelwa kweenkokeli zomthonyama nezamaKhoi-San ezibambeleyo

13. (1) Zingaphelanga iintsuku ezingama-60 usapho lwasebukhosini lwazile ngeemeko ezikhankanywe kwiziqendwana (i), (ii) nesesi-(iii)—
malwalathe umntu ofanelekileyo ukuba abambele njengekumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, emva kokucingela into yokuba ziyakusebenza kusini na kuloo mntu izibakala ekuthethwe ngazo kwisiqendu 9(1) okanye 16(11)*(h)* okanye kwisiqendu 16(14)*(a), (c), (d)* okanye *(e)*; okanye
usapho lwasebukhosini okanye amaphakathi amaKhoi-San malwalathe umntu ofanelekileyo wokubambela njengenkokeli enkulu yamaKhoi-San okanye njengentloko yesebe, kucingelwa into yokuba izibakala ekuthethwe ngazo kwisiqendu 11(1) okanye kwisiendu 16(14)*(a), (c), (d)* okanye *(e)* ziyasebenza kusini na kuloo mntu, xa—
ilandela—
(A) kwisihlalo esililifa sokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkosi yamaKhoi-San lingalathwanga lusapho lwasebukhosini ngokwesiqendu 8 okanye 10; okanye
(B) kwisihlalo sokuba yinkokeli enkulu yamaKhoi-San okanye intloko yesebe linganyulwanga ngamaphakathi amaKhoi-San njengoko kuxelwe kwisiqendu 10(1)*(b)*;
ukwalathwa kwelandela lokuthabath' isihlalo sokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, okanye inkosi yamaKhoi-San, okanye intloko yesebe kuqhutywa ngokwesiqendu 8(4) okanye ngokwesiqendu 10(7); okanye
ikumkani, ikumkanikazi, ingoitya, inkosi, isibonda, inkokeli enkulu yamaKhoi-San okanye intloko yesebe ingakwazi ukwenza imisebenzi yayo kwiimkeko ezingezizo ezixelwe kwisiqendu 14—
(A) inyangelwa ukugula ixesha elingaphezu kweenyanga ezintathu;
(B) ifunda ixesha elingaphezu kweenyanga ezintathu; okanye
(C) ngaso nasiphi na esinye isizathu esivakalayo,
lunokuthi ke olo sapho lwasebukhosini okanye iphakathi, xa umntu evalelwe entolongweni njengoko kuxelwe kwisiqendu 9(1)*(a)*(i) nangokulawulwa sisiqendu 9(7) noko kutshiwo sesi siqendu, lunokuthi lwalathe umntu omakambele endaweni yenkokeli ekuvunywa kwayo kurhoxisiweyo ngenxa yokuvalelwa entolongweni.

(2) Xa usapho lwasebukhosini okanye amaphakathi amaKhoi-San engamalathi umntu ofanelekileyo njengoko kuxelwe kwisiqendwana (1), iNkulumbuso mayithi, emva kokubonisana nosapho lwasebukhosini okanye namaphakathi amaKhoi-San, yalathe umntu ofanelekileyo ukuba abambele njengekumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, inkosi yamaKhoi-San, okanye intloko yesebe.

(3) Xa umntu alathiwe ukuba abambele njengekumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, inkosi yamaKhoi-San, okanye intloko yesebe, usapho lwasebukhosini okanye amaphakathi amaKhoi-San makathi, zingaphelanga iintsuku ezisixhenxe alathiwe umntu wokubambela, lwazise iNkulumbuso ngeenkcukacha zomntu owalathiweyo nangezizathu zokwalathwa kwakhe.

(4) Umntu owalathiweyo ukuba abambele njengekumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, inkosi yamaKhoi-San, okanye intloko yesebe mayithi,

ngokulawulwa sisiqendwana (5) samkelwe yiNkulumbuso ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, ize iNkulumbuso—

ikhuphe isiqinisekiso sokwamkelwa komntu owalathiweyo ukuba abambele kwisihlalo esithile; ize yazise uMphathiswa ngokwamkelwa kwekumkani okanye ikumkanikazi ebambeleyo, ize yazise indlu yephondo ngokwamkelwa kwayo nayiphi na enye inkokeli ebambeleyo, kodwa ke, ukwamkelwa komntu njengobambeleyo makuqwalaselwe ngokutsha yiNkulumbuso ubuncinane qho emva kweminyaka emithathu.

(5) *(a)* Xa kukho ubungqina okanye isityholo sokuba ukwalathwa komntu njengobambeleyo kwisihlalo sokuba yikumkani okanye ikumkanikazi, ingotya, inkosi, okanye isibonda akwenziwanga ngokwemithetho yesintu namasiko, iNkulumbuso—

mayenze ukuba kuphandwe yikomti yophando echongwe yiNkulumbuso, komiti leyo emayibe nelungu elinye ubuncinane lendlu yephondo, ukuze yenz' ingxelo mayela nokuba ukwalathwa komntu ekuthethwe ngaye kwisiqendwana (1) kwenziwa ngokwemithetho yesintu namasiko kusini na, kuze kuthi ukuba akunjalo, ixele ukuba ngubani umntu omakalathwe; kananjalo

mayithi, ukuba okufunyaniswe yikomiti yophando kubonisa ukuba ukwalathwa komntu ekuthethwe ngako kwisiqendwana (1) akwenziwanga ngokwemithetho yesintu namasiko, ayidlulisele ingxelo exelwe kwisiqendwana (i) kusapho lwasebukhosini ukuze luvakalise izimvo zalo.

(b) Okutshiwo sisiqendu 10(7) kuyasebenza, kubekho nje utshintsho olunokuthi lufuneke ngokumayela nokwalathwa kwenkosi yamaKhoi-San okanye intloko yesebe ebambeleyo.

(6) Umntu othe wamkelwa njengekumkani okanye ikumkanikazi ebambeleyo, ingotya ebambeleyo, inkosi ebambeleyo, isibonda esibambeleyo, inkosi yamaKhoi-San ebambeleyo, okanye intloko yesebe ebambeleyo ngokwesi siqendu, ufanele enze imisebenzi ehambisana noko kuba yikumkani okanye ikumkanikazi, ukuba yingotya, ukuba yinkosi, ukuba sisibonda, ukuba yinkosi yamaKhoi-San, okanye ukuba yintloko yesebe, kwaye unelungelo lokufumana umvuzo neemalana ezisecaleni ezihambisana neso sihlalo, kodwa ke, ikumkani okanye ikumkanikazi, ingotya, inkosi, isibonda, inkosi yamaKhoi-San, nentloko yesebe, ekuthe kwamkelwa umntu ukuba abambele endaweni yayo ngokwesiqendu, ayinalungelo lokufumana umvuzo neemalana ezisecaleni ezihambelana neso sihlalo ngalo lonke ixesha lokwamkelwa komntu ongomnye obambeleyo.

(7) Xa umntu ethe walathwa njengekumkani okanye ikumkanikazi ebambeleyo, iNkulumbuso mayazise uMongameli kunye noMphathiswa—

ngokwamkelwa kokubambela kwakhe;

nangokurhoxiswa kokwamkelwa kwaloo mntu othe walathwa njengekumkani okanye ikumkanikazi ebambeleyo, ukuba kuyasebenza oko kule meko.

(8) Nanini na xa umntu olilandela kwisihlalo sokuphatha ethe walathwa okanye wanyulwa njengoko kuxelwe kwisiqendwana (1)*(a)*, okanye xa kuthe kwaqukunjelwa uphando oluxelwe kwisiqendwana (1)*(b)*, okanye iimeko ekuthethwe ngazo kwisiqendwana (1)*(c)* zingasasebenzi, nakuphi na ukwamkelwa njengomntu obambeleyo kuyaphelelwa ngokuzenzekelayo ngomhla ekuthi ngawo kwamkelwe inkokeli ekuthethwe ngayo kwisiqendwana (1)*(a)* okanye *(b)* ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* okanye ku*Shicilelo-Mithetho* Lwephondo, okanye ngomhla ethi ngawo inkokeli ekuthethwe ngayo kwisiqendwana (1)*(c)* ithabathise ngemisebenzi yayo, kodwa ke kwimeko yenkokeli ekuvunywa kwayo kwathi kwarhoxiswa njengoko kuxelwe kwisiqendu 9(1)*(a)*(i) nenokuthi, ngokulawulwa sisiqendu 9(7), ithabathise ngemisebenzi yayo, okutshiwo sisiqendu 8(3) makwenziwe, ekuya kuthi xa kunjalo umhla wesaziso ekuthethwe ngawo kwisiqendu 8(3)*(a)* ube ngumhla loo nkokeli ethabathisa ngawo kwimisebenzi yayo nekuphela ngawo ukwamkelwa kwayo njengebambela.

Ukwamkelwa kwenkokeli yomthonyama neyamaKhoi-San elisekela

14. (1) Umntu oyikumkani okanye ikumkanikazi, okanye oyingotya, okanye oyinkosi, okanye osisibonda makathi, ngokuvumelana nosapho lwasebukhosini, zingaphelanga iintsuku ezingama-60 zikho iimeko ezixelwe kwisiqendu *(a)* ukuya ku-*(f)*, alathe isekela eliza kubambela endaweni yakhe nanini na xa yena eyikumkani okanye ikumkanikazi, okanye eyingotya, okanye eyinkosi, okanye esisibonda—

eba nguceba ngokupheleleyo;

enyulelwa ukuba lilungu lendlu yowiso-mthetho yephondo;

enyulelwa ukuba lilungu leNdlu YoWiso-mthetho;

emiselwa ukuba ngumthunywa osisigxina kwiBhunga Lamaphondo Lezwelonke; okanye

eba kwisikhundla sexesha lonke kuyo nayiphi na indlu yeenkokeli zomthonyama nezamaKhoi-San; okanye

uqeshwe ngokupheleleyo nguye nawuphi na umqeshi,

kodwa ke loo kumkani, ikumkanikazi, ingotya, inkosi, okanye isibonda makathi, ngaphambi kokuba kwalathwe isekela, acingele into yokuba izibakala ekuthethwe ngazo kwisiqendu 9(1) okanye 16(11)*(h)* okanye kwisiqendu 16(14)*(a), (c), (d)* okanye *(e)* ziyasebenza kusini na kwelo sekela.

(2) Xa ikumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda singamalathi umntu ofanelekileyo njengoko kuxelwe kwisiqendwana (1), mayithi iNkulumbuso yakuba ibonisene nenkokeli echaphazelekayo, yalathe umntu ofanelekileyo abe lisekela.

(3) Inkosi yamaKhoi-San ekweso sihlalo ngokuzalwa inokuthi, ngokubonisana nosapho lwasebukhosini, kananjalo nenkosi yamaKhoi-San enyuliweyo inokuthi, ngokubonisana namaphakathi amaKhoi-San, zingaphelanga iintsuku ezingama-60 zikho iimeko ezixelwe kwisiqendwana (1)*(a)* ukuya ku-*(f)*, yalathe umntu ofanelekileyo wokuba lisekela ukuba abambele endaweni yayo, kodwa ke loo nkokeli yamaKhoi-San mayithi ngaphambi kokuba yalathe isekela icingele into yokuba izibakala ekuthethwe ngazo kwisiqendu 11(1) okanye kwisiqendu 16(14)*(a), (c), (d)* okanye *(e)* ziyasebenza kusini na kuloo mntu.

(4) Xa usapho lwasebukhosini okanye amaphakathi amaKhoi-San engamalathi umntu ofanelekileyo njengoko kuxelwe kwisiqendwana (3), mayithi iNkulumbuso yakuba ibonisene nosapho lwasebukhosini okanye namaphakathi amaKhoi-San, imalathe umntu ofanelekileyo abe lisekela.

(5) Usapho lwasebukhosini ekuthethwe ngalo kwisiqendwana (1) okanye (3) maluthi, zingaphelanga iintsuku ezisixhenxe alathiwe umntu wokuba lisekela, kananjalo lusebenzisa isintu, lwazise iNkulumbuso ngeenkcukacha zomntu owalathiweyo ukuba abe yinkokeli yomthonyama elisekela ngokwesiqendwana (1) okanye abe yinkokeli enkulu elisekela yamaKhoi-San ngokwesiqendwana (3), luyazise nangezizathu zokwalathwa kwaloo mntu.

(6) INkulumbuso inokuthi, icingela imithetho yesintu namasiko asebenzayo kwimeko enjalo, ikwalawulwa sisiqendwana (8) , ilamkele isekela elalathiweyo lusapho lwasebukhosini ngokwesiqendwana (1) okanye (3), kwaye—

mayikhuphe isiqinisekiso sokwamkelwa isinike loo nkokeli yomthonyama elisekela okanye inkokeli enkulu yamaKhoi-San elisekela; ize

yazise uMphathiswa ngokwamkelwa kwekumkani okanye ikumkanikazi elisekela, yazise nendlu yephondo ngokwamkelwa kwayo nayiphi na enye inkokeli elisekela, kodwa ke, ukwamkelwa komntu njengesekela kuphelelwa ngokuzenzekelayo ukususela kumhla umntu oyikumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibinda, okanye inkosi yamaKhoi-San ayeka ngawo ukuba sesihlalweni ekuthethwe ngaso kwisiqendwana (1).

(7) Okutshiwo sisiqendu 10(7) kuyasebenza, kubekho nje utshintsho olunokuthi lube yimfuneko, ngokumayela nokwalathwa kwenkosi yamaKhoi-San elisekela.

(8) Xa kukho ubungqina okanye isityholo sokuba ukwalathwa komntu njengekumkani okanye ikumkanikazi elibambela elisekela, ingotya elisekela, inkosi elisekela, isibonda esilisekela, akwenziwanga ngokomthetho wesintu namasiko, iNkulumbuso—

mayenze ukuba kuphandwe yikomiti yophando echongwe yiNkulumbuso, komiti leyo emayibe nelungu elinye ubuncinane lendlu yephondo, ukuze inik' ingxelo mayela ukwalathwa komntu ekuthethwe ngaye kwisiqendwana (1) kwenziwa ngokwemithetho yesintu namasiko kusini na, kuze kuthi ukuba akunjalo ixele ukuba nguwuphi umntu omakalathwe; kananjalo

mayithi, xa okufunyaniswe yikomiti yophando kubonisa ukuba ukwalathwa komntu ekuthethwe ngaye kwisiqendwana (1) akwenziwanga ngokwemithetho yesintu namasiko, iyidlulisele ingxelo exelwe kwisiqendu *(a)* kusapho lwasebukhosini ukuze luvakalise izimvo zalo.

(9) Nakuphi na ukwamkelwa okungokwesiqendu makuqwalaselwe ngokutsha yiNkulumbuso ubuncinane qho emva kweminyaka emibini ukuze iqonde ukuba zisasebenza kusini na izizathu zokwalathwa nokwamkelwa komntu olisekela.

(10) Umntu othe wamkelwa njengsekela ngokwesi siqendu ufanele enze imisebenzi ehambisana nokuba yikumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda, okanye inkosi yamaKhoi-San, kwaye unelungelo lokufumana umvuzo nezinye iimalana ezisecaleni ezihambisana neso sihlalo, kodwa ke, ikumkani okanye ikumkanikazi, okanye ingotya, okanye inkosi, okanye isibonda, okanye inkosi yamaKhoi-San ekuthe kwamkelwa umntu endaweni yayo njengesekela ngokwesi siqendu, ayinalungelo lokufumana umvuzo neemalana ezisecaleni ezihambisana neso sihlalo ngalo lonke ixesha lokwamkelwa kwaloo mntu olisekela.

Imisebenzi yeenkokeli zomthonyama nezamaKhoi-San nezinto zokwenza loo misebenzi

15. (1) Inkokeli yomthonyama okanye yamaKhoi-San yenza imisebenzi exeliweyo—

ngokwemithetho yesintu namasiko oluntu oluphila ngokwakwantu okanye abangamaKhoi-San; nangokomthetho osebenzayo wendlu yowiso-mthetho yezwelonke okanye yephondo.

(2) UMphathiswa unokuthi, ecingela isindululo esenziwe yiKomishoni Ezimeleyo yamaGosa Asezikhundleni ngokwesiqendu 8(4)*(c)* se *Independent Commission for the Remuneratio of Public Office-bearers Act* 92 ka-1997, nasemva kokubonisana nazo zonke iiNkulumbuso, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* enz' isigqibo ngezinto eziluncedo ezinokuthi zinikwe iinkokeli zomthonyama nezingamaKhoi-San ukuze zikwazi ukwenza imisebenzi yazo ngempumelelo.

iNxalenye 3

Amaphakathi akwantu nangamaKhoi-San

Kwenziwa kubekho amaphakathi obukumkani okanye obukumkanikazi, obungotya, okanye obukhosi

16. (1) Akuba uMongameli ebamkele ubukumkani okanye ubukumkanikazi, okanye lwakuba uluntu luthathwe njengoluntu oluyintloko oluphila ngokwakwantu njengoko kuxelwe kwisiqendu 70(8)*(c)*, okanye iNkulumbuso yakuba ilwamkele uluntu oluphila ngokwakwantu njengoko kuxelwe kwisiqendu 3, obo bukumkani okanye ubukumkanikazi, okanye ubungotya mabuthi, kwisithuba seminyaka emihlanu bamkelwe okanye kwisithuba esoluliweyo nguMphathiswa, xa

kububukumkani okanye ubukumkanikazi, okanye iNkulumbuso, xa kububungotya okanye ubukhosi, inokuthi ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* okanye ku*Shicilelo-Mithetho* Lwephondo, imisele amaphakathi obukumkani okanye obukumkanikazi, okanye amaphakathi obungotya okanye amaphakathi obukhosi, kodwa ke kuyo nayiphi na imeko xa ubukumkani okanye ubukumkanikazi, ubungotya, ubukhosi buthe bamkelwa ngaphambi kokupapashwa kwendlela exelwe kwisiqendwana (2), ithuba elingunyaka liza kuqala kumhla wokupapashwa kwaloo ndlela.

(2) *(a)* Amaphakathi obukumkani okanye obukumkanikazi, amaphakathi obungotya, namaphakathi obukhosi aba linani lamalungu eligqitywe nguMphathiswa, ngendlela epapashwe ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* emva kokubonisana—

xa kungamaphakathi obukumkani okanye ubukumkanikazi, okanye amaphakathi obungotya—
ikumkani okanye ikumkanikazi, okanye ingotya;

(bb) iqumrhu lamalungu angengaphezulu kwesihlanu sosapho lwasebukhosini achongwe lusapho lwasebukhosini;

(cc) iqumrhu leenkosi ezingekho ngaphezu kwama-20 phantsi kobukumkani okanye ubukumkani okanye ubungotya, ezichongwe ziinkosi phakathi kwazo;

xa kungamakhosi obubukhosi, zonke iiNkulumbuso nezindlu zamaphondo,

kodwa ke indlela yokwenza mayipapashwe ku*Shicilelo-Mithetho* ingekapheli iminyaka emibini ukususela kumhla wokuqala kwalo Mthetho ukusebenza.

(b) Ubuncinane isinye kwisithathu samaphakathi obukumkani okanye ubukumkanikazi okanye ubungotya okanye ubukhosi, masibe ngabasetyhini, kodwa ke, xa kukho ubungqina bokuba alifumaneki inani elaneleyo labasetyhini lokuthabath' inxaxheba kuloo maphakathi*,* uMphathiswa usenokugqiba kwelokuba kube linani elinganeno lamaphakathi obukumkani okanye obukumkanikazi*,* okanye iNkulumbuso isenokugqiba kwelokuba kube linani elinganeno lamaphakathi obungotya okanye lamaphakathi obukhosi.

(c) Amaphakathi obukumkani okanye obukhosi, okanye amaphakathi obungotya okanye obukhosi ami ngale ndlela:

ama-60% eenkokeli zomthonyama nabantu abaphila ngokwakwantu abanyuliweyo, ngokulawulwa sisiqendwana (3) nangokwezithethe zoluntu, ikumkani okanye ikumkanikazi , ingotya okanye inkosi, olilungu ngokwesikhundla sakhe nongusihlalo wamaphakathi, ecingela imfuneko yokwenza okufunwa sisiqendu *(b)*, kodwa ke, ukuba, xa kungamaphakathi obukhosi, akukho zibonda zamkelweyo, kuphela ngabantu basekuhlaleni amabanyulwe; kunye

nama-40% amalungu anyulwe ngokwesiqendu *(f)* xa kungamaphakathi obukumkani okanye obukumkanikazi okanye obukhosi, okanye anyulwe ngokwesiqendu 21 xa kungamaphakathi obukhosi.

(d) Ukukhethwa kwamalungu obukumkani okanye ubukumkanikazi, obungitya, okanye obukhosi njengoko kuxelwe kwesi siqendu makuqukunjelwe ngaphambi kokunyulwa kwamalungu njengoko kuxelwe kwesi siqendu, aze amagama amalungu anyuliweyo avakaliswe esidlangalaleni, kodwa ke, nakuphi na ukunyulwa kwamaphakathi obukumkani okanye obukumkanikazi, okanye obungotya, makwenzeke zingaphelanga iintsuku ezingama-21 evakaliswe esidlangalaleni amagama amalungu anyuliweyo.

(e) Ubukumkani okanye ubukumkanikazi, uluntu lwengotya okanye uluntu lwenkosi, maluthi zingaphelanga iintsuku ezingama-21 ukususela kumhla wonyulo,

lungenise amagama amalungu akhethiweyo nanyuliweyo, adluliselwe kwiNkulumbuso.

(f) Iqela ngalinye lamaphakathi elikummandla wobukumkani okanye wobukumkanikazi, okanye wobungotya, malinyule umntu abe mnye kumalungu anyuliweyo kuloo maphakathi, ukuze akhonze njengelungu ekuthethwe ngalo kwisiqendu *(c)*(ii), kodwa ke, xa inani labantu abanyuliweyo lingaphantsi kwenani lamalungu axelwe kwisiqendu *(c)*(ii), iqela lamaphakathi ngalinye malinyule omnye umntu kumalungu alo, kodwa ke xa inani labantu abanyuliweyo lingaphezu kwenani lamalungu axelwe kwisiqendu *(c)*(ii), abantu abanyulwe ngamaphakathi mabanyule phakathi kwabo inani labantu abaxelwe kwisiqendu *(c)*(ii).

(3) *(a)* Ngaphambi kokuba ukukhetha okuxelwe kwisiqendwana (2)*(c)*(i) kwenzeke, usapho lwasebukhosini maluchonge kumalungu alo abantu abangekho ngaphantsi kwesihlanu, kodwa abangekho ngaphezu kwe-10 ukuba bancedise ekukhetheni.

(b) Ukukhethwa kwamalungu axelwe kwisiqendwana (2)*(c)*(i) yikumkani okanye yikumkanikazi, yingotya okanye yinkosi, kuxhomekeke ekuvumeni kwabantu ekuthethwe ngabo kwisiqendu *(a)*.

(c) Ukuba akukho kuvumelana njengoko kuthethwe ngako kwisiqendu *(b)*, ikumkani okanye ikumkanikazi, okanye ingotya okanye inkosi mayingenise amagama abantu ababekhethelwe ukunyulwa njengoko kwisiqendu *(a)* iwangenise kwiNkulumbuso, kwaye iNkulumbuso mayithi, emva kokuba ibonisene naloo nkokeli nabantu abaxelwe kwisiqendu *(a)*, ikhethe inani elifunekayo lamalungu elixelwe kwisiqendwana (2)*(c)*(i).

(4) *(a)* Ixesha lokuba sesihlalweni kwamaphakathi ekumkani okanye ekumkanikazi, okanye engotya okanye enkosi, ingaqukwanga ikumkani okanye ikumkanikazi, okanye ingotya okanye inkosi, alingaphezulu kweminyaka emihlanu, kwaye malenziwe lihambisane lihambisane nexesha lokuba sesihlalweni kwendlu yezwelonke, kodwa ke, kungakhathaliseki ukuba uthini na omnye umthetho ochasene nalo, ixesha lamaphakathi ekumkani okanye ekumkanikazi, lamaphakathi engotya, okanye lamaphakathi enkosi elalimiselwe ngaphambi kokuqalisa kwalo Mthetho ukusebenza, liya kuphela ngomhla wama-31 kuMatshi 2017, kodwa ke, naliphi na ixesha elithi lilandele lokuba sesihlalweni kwamaphakathi liya kuphela ngomhla wama-31 kuMatshi wonyaka wesihlanu emva kokumiselwa kwaloo maphakathi, obalwa ukususela kumhla wama-31 kuMatshi 2017.

(b) Ukukhethwa kwamalungu ngokwesiqendwana (2)*(c)*(i) makuthi, xa kungamaphakathi obukumkani okanye obukumkanikazi, okanye kungamaphakathi obungotya, kuqukunjelwe ubuncinane kusekho iintsuku ezingama-60 ngaphambi kokuphela kwexesha laloo maphakathi, kuze kuthi xa kungamaphakathi enkosi, kuqukunjelwe ubuncinane kusekho iintsuku ezingama-45 ngaphambi kokuphela kwexesha laloo maphakathi.

(5) *(a)* INkulumbuso mayithi, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo nangokuvumelana naloo Mthetho, iwamkele amaphakathi obukumkani okanye obukumkanikazi, okanye amaphakathi obungotya, okanye amaphakathi obukhosi, ize icacise ukuba uhamba phi umda wawo, icingela oko kutshiwo sisiqendu 3(1)*(b)* nesiqendwana (2)*(a)* xa kububukumkani okanye ubukumkanikazi, kodwa ke, iNkulumbuso mayazise uMongameli kunye noMphathiswa ngokwamkelwa kwamaphakathi obukumkani okanye obukumkanikazi, kodwa ke, ummandla ongaphakathi komda wamaphakathi enkosi mawuquke ummandla wamaphakathi amancinane enkosi, kwimeko okusebenza kuyo oku.

(b) Isihlokomiso ekuthethwe ngaso kwisiqendu *(a)* masibe namagama amaphakathi.

(6) Amaphakathi obukumkani okanye obukumkanikazi, namaphakathi obungotya, namaphakathi obukhosi ahlanganisana kwikomkhulu laloo maphakathi.

(7) Inani elifunekayo ukuze ziqhubeke iintlanganiso zamaphakathi obukumkani okanye ubukumkanikazi, okanye zamaphakathi obungotya luninzi lwamaphakathi akhoyo.

(8) Amaphakathi obukumkani okanye obukumkanikazi, okanye amaphakathi obungotya, okanye amaphakathi obukhosi makanyule omnye wawo abe ngusihlalo olisekela oya kuthi abambele njengosihlalo xa ikumkani okanye ikumkanikazi, okanye ingotya okanye inkosi ingekho.

(9) *(a)* Amaphakathi obukumkani okanye obukumkanikazi okanye amaphakathi obungotya makahlanganisane kanye qho emva kweenyanga ezintathu, aze wona amaphakathi enkosi ahlanganisane qho emva kweenyanga ezimbini, kodwa ke, ikumkani okanye ikumkanikazi okanye ingotya okanye inkosi inokuthi ngokuvumelana neNkulumbuso yalapho ibe nenye intlanganiso eqhelekileyo okanye ekhethekileyo yamaphakathi.

(b) Ikumkani, ikumkanikazi okanye ingotya inokuthi kanye ngonyaka idibane nazo zonke iinkosi eziphantsi kobo bukumkani, ubukumkanikazi okanye ubungotya.

(10) Xa iza kubiza intlanganiso ekhethekileyo, ikumkani okanye ikumkanikazi, okanye ingotya okanye inkosi mayikhuphe isaziso kusekho iintsuku ezingekho ngaphantsi kwesixhenxe esiya kumaphakathi ayo.

(11) Iphakathi lekumkani okanye ikumkanikazi, okanye lengotya, okanye lenkosi maliyeke ukuba liphakathi ukuba—

lithe layeka ukuba ngummi waseMzantsi-Afrika;

lithe lafunyaniswa linetyala lokwaphul' umthetho laza lagwetywa ukuvalelwa entolongweni ixesha ezingaphezu kw-12 lingakhethiswanga fayini;

lithe laziyekela ngokwalo;

livakaliswe yinkundla lingumntu ongaphilanga ngenngqondo;

ixesha elalikhethelwe lona okanye elalinyulelwe lona iphakathi elo liphelile;

lithi lingafaneleki ngokwesiqendwana 14;

liyekisiwe ukuba liphakathi ngokwemigqaliselo yokuziphatha;

alisahlali kummandla ekuphethe kuwo ikumkani okanye ikumkanikazi okanye ingotya okanye inkosi; okanye

liphakathi elikhethiweyo kwaza ukwamkelwa kwalo njengenkokeli yomthonyama kwarhoxiswa.

(12) Ukuba iphakathi lekumkani okanye lekumkanikazi okanye lengotya okanye lenkosi liyasweleka okanye liyayeka ukuba liphakathi libe lingekapheli ixesha lalo, eso sithuba masivalwe ngendlela ekuthethwe ngayo kwisiqendwana (2)*(c)*(i) okanye (ii), zingekapheli iintsuku ezingama-30 sivulekile isithuba eso.

(13) Umntu omiselweyo ukuba avale isithuba njengephakathi lekumkani okanye lekumkanikazi, okanye lengotya, okanye lenkosi njengoko kuxelwe kwisiqendu 12, uba kweso sithuba kude kuphele ixesha ebelingekapheli lalowo angena endaweni yakhe.

(14) Umntu akafaneleki ukuba anyulwe okanye akhethwe abe liphakathi lekumkani okanye lekumkanikazi, okanye lengotya okanye lenkosi, ukuba—

akangommi waseMzantsi-Afrika;

ungaphantsi kweminyaka eli-18 ubudala;

ufunyaniswe enetyala lokwaphul' umthetho waza wagwetywa ukuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 engakhethiswanga fayini;

uvakaliswe yinkundla engumntu ongakwaziyo ukuhlawula amatyala akhe abe engekaphumi kuloo meko okanye ungene kwisivumelwano sobonelelo nabo abatyalayo;

akaphilanga ngengqondo kwaye uvakaliswe engonjalo yinkundla enegunya loko;
unguceba ngokupheleleyo okanye uthi abe nguceba ngokupheleleyo;
unyulwa abe lilungu lendlu yowiso-mthetho yephondo;
unyulwa abe lilungu leNdlu Yowiso-Mthetho;
umiselwa abe ngumntu osisigxina kwiBhunga Lezwelone Lamaphondo;
unyulelwa sexesha lonke kuyo nayiphi na indlu yeenkokeli zomthonyama;
akahlali kummandla wamaphakathi obukumkani okanye obukumkanikazi, obungotya okanye obukhosi.

(15) *(a)* Ukurhoxiswa kokwamkelwa kobukumkani okanye ubukumkanikazi okanye kobungotya, okanye kobukhosi, ngokwesiqendu 4, kuthi ngokuzekelayo kuzale ukubhangiswa kwamaphakathi obukumkani okanye obukumkanikazi, okanye amaphakathi obungotya okanye amaphakathi obukhosi,nokurhoxiswa kokwamkelwa kwaloo kumkani okanye ikumkanikazi, ingotya, okanye inkosi.

(b) Ukurhoxiswa kwamaphakathi obukumkani okanye obukumkanikazi, okanye obungotya, okanye obukhosi, makwenziwe yiNkulumbuso yalapho ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(16) Isihlokomiso ekuthethwe ngaso kwisiqendu 15(*(b)* masixele iziphumo ezingokomthetho nezolunye uhlobo zokubhangiswa kwamaphakathi obukumkani okanye obukumkanikazi, obungotya okanye obukhosi, kuquka nokudluliswa kwempahla, namatyala, nabasebenzi,neefayile, kucingelwa nawuphi na umthetho wepalamente osenokuba uyasebenza kule meko.

(17) Nakuphi na okutshiwo ngulo Mthetho okumayela nokusekwa kwamaphakathi obukumkani okanye obukumkanikazi, obungotya okanye obukhosi kusebenza ekusekweni kokuqala kwaloo maphakathi nasekusekweni ngokutsha kwaloo maphakathi emva kokuba liphelile ixesha lawo, kodwa ke, ngokulawulwa sisiqendwana (18) okanye (19), okutshiwo sisiqendwana (5) nasisiqendu 17(2) mayela nemimandla, akusebenzi ekusekweni ngokutsha kwamaphakathi.

(18) Nanini na xa kuza kwenziwa utshintsho kummandla wamaphakathi, iNkulumbuso mayithi, emva kokubonisana namaphakathi achaphazelekayo nebhunga likamasipala, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, yenze uhlengahlengiso kuloo mmandla.

(19) Nanini na xa kuza kwenziwa utshintsho kummandla weqaqobana lamaphakathi, iNkulumbuso mayithi, emva kokubonisana namaphakathi achaphazelekayo, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*, yenze uhlengahlengiso kuloo mmandla.

Kwenziwa kubekho iqaqobana lamaphakathi

17. (1) *(a)* Kungakhathaliseki ukuba sithini isiqendu 16, iNkulumbuso inokuthi yakucelwa ngamaphakathi, kwimeko yaxa uluntu oluphethwe yinkosi luthe saa kwimimandla emibini okanye engaphezu koko ngaphakathi kwiphondo, xa kunjalo iNkulumbuso inokuthi yenze kubekho iqaqobana lamaphakathi ommandla ongaphandle komda ekukho kuwo ikomkhulu, ukuba iNkulumbuso inoluvo lokuba oko kuya kubenza baphathwe bhetele abantu abo.

(b) Iqaqobana lamaphakathi linenani lamaphakathi eligqitywe yiNkulumbuso yalapho, emva kokubonisana namaphakathi.

(2) Ngokulawulwa koko kutshiwo sisiqendu 16(5), (17) nese-(19), iNkulumbuso mayilamkele iqaqobana lamaphakathi njengenxalenye yamaphakathi ize icacise ukuba uhamba phi umda wawo ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(3) *(a)* Ubuncinane isinye kwisithathu seqaqobana lamaphakathi makube ngabasetyhini.

(b) Iqaqobana lamaphakathi malibe—

neenkokeli zomthonyama ezingama-60% kunye namaphakathi, bekhethwe ngamaphakathi alapho, ngokwamasiko olo luntu, kucingelwa imfuneko yokuba kwenziwe okufunwa sisiqendu *(a)*, kodwa ke, azikho izibonda ezamkelweyo, makukhethwe abantu basentlalweni kuphela; kunye

nama-40% amaphakathi anyulwe luluntu ngokwesiqendu 21.

(4) Okutshiwo sisiqendu 16(2)*(b)* no-*(d)* kuyasebenza kwindlela elakhiwe ngayo iqaqobana lamaphakathi, kwaye naphi na kweso siqendu xa kuthethwa ngamaphakathi, oko makuthathwe njengokubhekisela kwiinkokeli zomthonyama nabantu bazo.

(5) Usihlalo weqaqobana lamaphakathi makachongwe ngamaphakathi.

(6) Usihlalo ochongwe ngokwesiqendwana (5) makabe ngumntu oliphakathi.

(7) Ixesha lokuba kwiqaqobana lamaphakathi malenziwe lingqamane nexesha lamaphakathi.

(8) *(a)* Iqaqobana lamaphakathi malihlanganisane qho emva kweenyanga ezimbini lize lenze imisebenzi ekuthethwe ngayo kwisiqendu 20 enokuthi iphathiswe lona ngamaphakathi.

(b) Iqaqobana lamaphakathi malingenise ingxelo ngendlela eliyenze ngayo imisebenzi ephathiswe lona, lisebenzisa indlela emiselwe ngamaphakathi kwaye likwenza oko lingekapheli ixesha elimiselwe ngamaphakathi.

(9) *(a)* Ukurhoxiswa kokwamkelwa koluntu njengabantu abaphila ngokwakwantu ngokwesiqendu 4 kuthi ngokuzenzekelayo kuzale ukubhangiswa kweqaqobana lamaphakathi.

(b) Ukuba, emva kokubonisana namaphakathi, iNkulumbuso inoluvo lokuba iqaqobana lamaphakathi alisenaluncedo nganto ekuphathweni bhetele kwabantu baloo ndawo, iNkulumbuso inokuthi ikurhoxise ukwamkelwa kwelo qaqobana lamaphakathi.

(c) Ukurhoxiswa kokwamkelwa kweqaqobana lamaphakathi makwenziwe yiNkulumbuso yalapho ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo.

(d) Okutshiwo sisiqendu 16(16) kuyasebenza ekurhoxisweni kokwamkelwa kweqaqobana lamaphakathi, kubekho nje utshintsho olunokuthi lufuneke.

Kwenziwa kubekho amaphakathi amaKhoi-San

18. (1) Ngako nje iNkulumbuso isakulwamkela uluntu olungamaKhoi-San ngokwesiqendu 5 okanye 66, olo luntu maluthi lingaphelanga ixesha elingunyaka lwamkelwe okanye ke lingaphelanga ixesha elololiweyo eligqitywe yiNkulumbuso ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, loo Nkulumbuso mayenze kubekho amaphakathi amaKhoi-San, kodwa ke nakuyiphi na imeko ekuthe lwamkelwa uluntu olungamaKhoi-San ngaphambi kokupapashwa kwendlela exelwe kwisiqendwana (2)*(a)*, ithuba elingunyaka liza kuqala ukususela kumhla wokupapashwa kwaloo ndlela.

(2) *(a)* Amaphakathi amaKhoi-San alinani eligqitywe nguMphathiswa ngendlela epapashwe ku*Shicilelo-Mithetho*, emva kokubonisana nazo zonke iiNkulumbuso, kodwa ke indlela leyo mayipapashwe ku*Shicilelo-Mithetho* ingaphelanga iminyaka emibini ukususela kumhla wokuqalisa kwalo Mthetho.

(b) Kumaphakathi amaKhoi-San makubekho—

amalungu angama-60% ekukho kuwo—

inkosi yamaKhoi-San ethi ibe lilungu ngokwesikhundla sayo kunye nosihlalo wamaphakathi amaKhoi-San; kananjalo

(bb) apho uluntu oluyintloko lunamasebe, makubekho iintloko zamasebe, kodwa ke, ukuba inkosi yamaKhoi-San kunye neentloko zamasebe bangaphantsi kwenani elifunekayo lamalungu, inkosi yamaKhoi-San mayikhethe abaseleyo kuluntu oluyintloko emva kokubonisana neentloko zamasebe, kuze kuthi, apho kukho usapho lwasebukhosini, ikhethe kananjalo usapho lwasebukhosini ngokuvumelana neguqula elixelwe kwisiqendwana *(cc)*, kodwa ke ukuba inani leentloko zamasebe lingaphezu kwenani elifunekayo lamalungu, iintloko zamasebe mazikhethe inani elifunekayo kuzo ngokwazo, ziqinisekisa ukuba iphondo limelwa lonke; okanye

(cc) xa uluntu oluyintloko lungenawo amasebe, inkosi yamaKhoi-San mayithi, apho kunokwenzeka khona oku, ngokuvumelana negqugula labantu abangekho ngaphantsi kwesihlanu kodwa bengekho ngaphantsi kwe-10, kodwa bengekho ngaphezu kweshumi, abachongwe lusapho lwasebukhosini, inkosi yamaKhoi-San mayikhethe inani elifunekayo lamalungu kumalungu osapho lwasebukhosini nakumalungu oluntu oluyintloko, okanye apho kungekho lusapho lwasebukhosini, inkosi yamaKhoi-San mayikhethe inani elifunekayo lamalungu kuluntu oluyintloko kuphela, kodwa ke, okutshiwo sisiqendu 16(3)*(c)* kuyasebenza, kubekho nje utshintsho olunokuthi lufuneke kwimeko yaxa ungekho kuvumelana.

amalungu angama-40% ekukho kuwo abantu boluntu oluyintloko abanyulwe ngokwentando yesininzi luluntu oluyintloko ngokwesiqendu 21.

(c) Ukunyulwa kwamalungu ngokwesiqendu *(b)*(ii) makwenziwe ngokwesiqendu 21.

(3) INkulumbuso mayithi, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, iwamkele amaphakathi amaKhoi-San oluntu olungamaKhoi-San ize ixele apho likhoyo ikomkhulu laloo maphakathi amaKhoi-San.

(4) Igunya lamaphakathi amaKhoi-San lisebenza kuphela kumalungu oluntu olungamaKhoi-San oluxelwe kwisiqendu 5(1) nese-(3).

(5) Okutshiwo sisiqendu 16(2)*(b)* no-*(d)*, (4), (5)*(b)*, (7), (8), (11), (14)*(a)* ukuya ku-*(j)*, (15) nese-16 kuyasebenza kumaphakathi amaKhoi-San, kwaye naphi na apho kuthethwa khona kweso siqendu ngamaphakathi, okanye ngenkosi nezibonda, makuthathwe njengokubhekisela kumaphakathi amaKhoi-San, nakwinkosi yamaKhoi-San nentloko yamasebe.

(6) Nantoni etshiwo ngulo Mthetho mayela nokusekwa kwamaphakathi amaKhoi-San kuyasebenza ekusekweni kokuqala kwaloo maphakathi nasekusekweni kwawo ngokutsha emva koko emva kokuphela kwexesha lawo.

(7) Amaphakathi amaKhoi-San makahlanganisane qho emva kweenyanga ezintathu, kodwa ke inkosi yamaKhoi-San inokuthi, ngokuvumelana neNkulumbuso yephondo apho loo maphakathi avunywe khona, ibize enye intlanganiso eqhelekileyo okanye ekhethekileyo yamaphakathi, kodwa ke mayela nokubiza intlanganiso ekhethekileyo, inkosi yamaKhoi-San mayiwazise amaphakathi amaKhoi-San kusasele iintsuku ezisixhenxe ubuncinane.

Imisebenzi yamaphakathi yobukumkani okanye ubukumkanikazi neyamaphakathi obungotya

19. (1) Imisebenzi yamaphakathi obukumkani okanye ubukumkanikazi neyamaphakathi obungotya—
kukusingatha imicimbi yabantu bekumkani okanye bekumkanikazi okanye yabantu bengotya ngokwemithetho yesintu namasiko;
kukuncedisa, ukuxhasa nokunqwanqwada iinkosi namaphakathi aphantsi kobukumkani okanye ubukumkanikazi okanye ubungotya ekwenzeni imisebenzi yabo;
kukuncedisa ikumkani okanye ikumkanikazi, okanye ingotya ekwenzeni imisebenzi yesithethe emayela nokwamkelwa kweenkosi, apho kusebenza khona oku;
kukuncedisa ikumkani okanye ikumkanikazi, okanye ingotya, ekulamleni kwiimbambano eziphakathi kwenkosi eziphantsi kwegunya lekumkani okanye lekumkanikazi okanye lengotya leyo;
kukukhuthaza ubunye phakathi abaphethwe yikumkani okanye yikumkanikazi okanye yingotya leyo;
nokuncedisa ikumkani okanye ikumkanikazi, okanye ingotya ekwenzeni imisebenzi yayo eyinikwe ngokwemimiselo eyenziwe ngokwesiqendu 67.

(2) Amaphakathi obukumkani okanye obukumkanikazi okanye amaphakathi obungotya—
makagcine iingxelo ngokufanelekileyo;
makenze ukuba kuphicothwe iingxelo zeemali nguMphicothi-zimali Jikelele aze ezo ngxelo eziphicothiweyo azithumele kwiNkulumbuso ingekapheli inyanga ezifumene;
makadandalazise izipho azifumeneyo kwiNkulumbuso;
makanamathele kwimigqaliselo yokuziphatha; kananjalo
acebise kwaye axhase onke amaphakathi aphantsi kwegunya lawo.

Imisebenzi yamaphakathi obukhosi, neyeqaqobana lamaphakathi, neyamaphakathi amaKhoi-San, neyesebe

20. (1) Imisebenzi yamaphakathi obukhosi, neyeqaqobana lamaphakathi ngokulawulwa sisiqendu 17(8), neyamaphakathi amaKhoi-San, neyesebe—
kukusingatha imicimbi yoluntu oluphila ngokwakwantu okanye uluntu olungamaKhoi-San ngokwamasiko nezithethe zakhona;
kukuncedisa, nokuxhasa nokunqwanqwada iinkokeli zomthonyama nezamaKhoi-San ekwenzeni imisebenzi yazo;
kukuxhasa oomasipala ekuboneni iimfuno zoluntu;
kukuncedisa ekubandakanyekeni koluntu oluphila ngokwakwantu okanye olungamaKhoi-San ekuphuhlisweni okanye ekwenziweni kotshintsho kwisicwangciso sophuhliso sikamasipala oluhlala phantsi kwakhe olo luntu;
kukwenza izindululo, emva kokubonisana nezindlu zasekuhlaleni nezephondo, kwenziwe izindululo kurhulumente ngongenelelo olunokwenziwa oluya kuthi luncedise kuphuhliso nasekusiweni kweenkonzo ebantwini kummandla ophethwe ngamaphakathi okanye ngamaphakathi amaKhoi-San;
kukuba nenxaxheba ekuphuhlisweni kwenkqubo nemithetho equlunqwe ngumasipala;
kukuba nenxaxheba kwimisebenzi yophuhliso karhulumente wasekuhlaleni nowephondo nowezwelonke;
kukukhuthaza intsebenziswano koorhulumente, kwisicwangciso sophuhliso, nakuphuhliso oluqhubekayo nokusiwa kweenkonzo ebantwini;
kukukhuthaza ulwazi ngemvelaphi ukuze kubekho uphluhliso oluqhubekayo nokulawulwa kweentlekele;
kukulumkisa nawuphi na umasipala ngengozi okanye intlekele nokuncedisa ekulawulweni kwentlekele;
kukwabelana ngolwazi nokusebenzisana namanye amaphakathi namaphakathi amaKhoio-San;
nokwenza imisebenzi ayinikwa yimithetho yesintu namasiko, nayimithetho yepalamente ehambisana noMgaqo-Siseko;

(2) Amaphakathi namaphakathi amaKhoi-San—

makagcine iingxelo ngokufanelekileyo;
makenze ukuba kuphicothwe iingxelo zeemali;
makadandalazise izipho azifumeneyo kwiNkulumbuso; kananjalo
makanamathele kwimigqaliselo yokuziphatha.

(3) Amaphakathi obukhosi namaphakathi amaKhoi-San—

makasebenzisane nayo nayiphi na ikomiti yewadi esekwe ngokwesiqendu 73 se*Local Government: Municipal Structures Act* 117 ka-1998; kwaye
ahlanganisane noluntu okanye noluntu lwamaKhoi-San ubuncinane kanye ngonyaka ukuze anik' ingxelo ngokwenziweyo nangeemali zamaphakathi obukhosi okanye zamaphakathi amaKhoi-San.

Ukunyulwa kwamaphakathi obukhosi, neqaqobana lamaphakathi, namaphakathi amaKhoi-San, nokuvalwa kwezithuba

21. (1) Nanini na xa iphakathi, ilungu leqaqobana lamaphakathi, okanye amaphakathi amaKhoi-San eza kunyulwa, iNkulumbuso yalapho inokuthi emva kokubonisana nendlu yephondo, ukuba ikho indlu yephondo, yenze ukuba olo nyulo luqhutywe—

yiKomishoni Yonyulo eyasekwa ngokwe-*Electoral Commission Act* 51 ka-1996, ukuba iKomishoni yoNyulo neNkulumbuso yephondo bangena kwisivumelwano mayela nolo nyulo, sivumelwano emasixele indlela emaluqhutywe ngayo unyulo, kodwa ke, oku akusebenzi ekuvalweni kwesithuba esithi sibekho ngexesha lokusebenza kwaloo maphakathi; okanye
ngokulawulwa sisiqendwana (2)—
ngentlanganiso yoluntu; okanye
ngequmrhu ekukho kulo umntu omnye okanye abaliqela abamiselwe yiNkulumbuso.

(2) Ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, iNkulumbuso inokwenza imimiselo—

ngonyulo njengoko kuxelwe kwisiqendwana (1)*(b)* ngokuphathelele kwinkqubo eza kulandelwa namaxesha amakagcinwe ekuqhutyweni kolo nyulo; kananjalo
ngokulawulwa koko kutshiwo ngulo Mthetho, yenze imimiselo nangokuvalwa kwezithuba.

Ukuphathwa kwamaphakathi obukumkani okanye ubukumkanikazi, amaphakathi obungotya, amaphakathi obukhosi, amaphakathi amaKhoi-San, neqaqobana lamaphakathi

22. (1) Amaphakathi obukumkani okanye obukumkanikazi, amaphakathi obungotya, amaphakathi obukhosi, iqaqobana lamaphakathi, namaphakathi amaKhoi-San (kwesi siqendu abizwe xa ewonke ngokuthi ngamaphakathi), makazame ukwenza imisebenzi yawo anyanzeleke ukuyenza engokomthetho wepalamente nengokwesintu ngeyona ndlela eya kuba luncedo kuluntu, kwaye aphendula kwiNkulumbuso ngokwenziwa kwaloo misebenzi ngokutyibilikayo nangokuphumelelayo.

(2) INkulumbuso mayiwabek' esweni amaphakathi akwiphondo layo ukuze ayenze ngempumelelo nangokutyibilikayo imisebenzi yawo anyanzelekileyo ukuyenza engokomthetho wepalamente nengokwesintu.

(3) Ukuba iNkulumbuso inoluvo lokuba amaphakathi athile akawenzi umsebenzi wawo anyanzelekileyo ukuwenza ongokomthetho wepalamente nongokwesintu okanye akangekwazi ukuwenza, iNkulumbuso—

mayiwacele ngencwadi amaphakathi ukuba ayinike inkcazelo iNkulumbuso ngokwenziwa komsebenzi ewukhankanyileyo apho encwadini; okanye
ukuba iNkulumbuso ikubona kuyimfuneko, ichonge umntu okanye abantu baphande ngomcimbi lowo.

(4) Ukuba, ngokusekelwe kwingcombolo efunyenweyo okanye ngokophando olwenziweyo njengoko kuxelwe kwisiqendwana (3), iNkulumbuso iqinisekile ukuba amaphakathi akawenzi okanye akangekwazi ukuyenza imisebenzi yawo anyanzelekileyo ukuba ayenze engokomthetho wepalamente okanye engokwesintu, ingangenelela ngokuthi imisele umntu ixesha elibubude obugqitywe yiNkulumbuso ngokubhala—

wokuba ancedise amaphakathi ukuba enze umsebenzi othile okanye yonke imisebenzi ekunyanzelekileyo ukuba yenziwe engokomthetho wepalamente nengokwesintu eyabelwe loo maphakathi; okanye

athwale uxanduva ngokwenziwa kwemisebenzi ethile okanye kwayo yonke yaloo maphakathi.

(5) Ukuba umntu uthe wamiselwa ngokwesiqendwana (4), loo maphakathi wona ayohluthiwe imisebenzi ethile exeliweyo yawo okanye yonke.

(6) Umntu omiselweyo ngokwesiqendwana (4) makabe ngumntu okwaziyo ukwenza imisebenzi ethile okanye yonke yaloo maphakathi.

(7) Umntu omiselwe ngokwesiqendwana (4) makanike iNkulumbuso ingxelo yanyanga zonke exela amanyathelo awathabathileyo nenkqubela ayenzileyo ekwenzeni imisebenzi ethile yamaphakathi okanye yonke.

(8) Ukumiselwa komntu okwenziwe ngokwesiqendwana (4) makuqwalaselwe ngokutsha lingekapheli ixesha eliziintsuku ezili-180, kodwa ke, elo xesha linokuhlaziywa elinye ithuba eliziintsuku ezili-180, lihlaziywa izihlandlo eziphindiweyo kangangoko kufuneka ukuba nje iNkulumbuso isakubona kuyimfuneko ukwenza njalo ukuze yenzeke imisebenzi ethile okanye yonke enyanzeleke ukuba yenziwe ngokomthetho wepalamente okanye ngokwesintu, kwaye malihlaziywe zingekapheli iintsuku ezili-180.

Ukuncediswa kwamaphakathi obukumkani okanye obukumkanikazi, namaphakathi obungotya, namaphakathi obukhosi, namaphakathi amaKhoi-San, neqaqobana lamaphakathi

23. (1) Urhulumente wezwelonke unokuthi athabath' amanyathelo okuwis' imithetho okanye amanye amanyathelo anokuthi abe yimfuneko, kanti yena urhulumente wephondo unyanzelekile ukuthabatha loo manyathelo ngenjongo—

yokuncedisa nokomeleza ukukwazi ukusebenza kwamaphakathi obukumkani okanye obukumkanikazi, obungotya, obukhosi, amaphakathi amaKhoi-San, namaqaqobana amaphakathi, kwaye oko kuncedisa nokomeleza kuquka ukuncedisa kwimisebenzi yolawulo nasezimalini; kwakunye

nokubezibek' esweni nokuzilawula iimali zaloo maphakathi.

(2) INkulumbuso yephondo inokuthi, emva kokubonisana namaphakathi obukumkani okanye ubukumkanikazi, obungotya, obukhosi okanye obuKhoi-San akwiphondo elithile—

yenz' isigqibo ngenani lezithuba ezifunekayo nemivuzo efunekayo ukuze kwenzeke imisebenzi yolawulo, yezimali neminye imisebenzi, ehlobene nemisebenzi yamaphakathi athile;

yenz' isigqibo ngezinye iimeko zokusebenza ezisebenza kwezo zithuba; aze

iqeshe abantu abafanalekileyo kwezo zithuba ngokweenkqubo zokuqesha ezisebenza kuloo rhulumente wephondo okanye aboleke abasebenzi kurhulumente ukuba bazokwenza loo misebenzi.

(3) *(a)* Ngenjongo yokusebenza kwesiqendwana (1), iNkulumbuso inokuthi, ibonisana neNxili yePhondo echaphazelekayo kwaye ilawulwa yimithetho yepalamente njengoko kuxelwe kwisiqendwana (1), inokuthi ithume umntu avule iakhawunti yeqela ngalinye lamaphakathi ekuthethwe ngalo kwisiqendwana (1), akhawunti leyo emakufakwe kuyo—

yonke iminikelo yokuzithandela enikelwe luluntu;

zonke iimali ezifumaneke kwisakhiwo okanye kumhlaba ongowalo maphakathi okanye olawulwa ngawo;
nawuphi na umnikelo oyimali onikelwe kuloo maphakathi nguye nawuphi na umntu okanye liqumrhu okanye ngumbutho;
naziphi na iimali emazinikwe amaphakathi ngokwesivumelwano sokuba ngamaqabane njengoko kuxelwe kwisiqendu 24;
nazo zonke ezinye iimali ezinokuthi zigqitywe okanye zivunywe yiNkulumbuso.

(b) Ngenjongo yokuphathwa kweakhawunti ekuthethwe ngayo kwisiqendu *(a)*, iNkulumbuso inokuthi, ibonisana neNxili yePhondo echaphazelekayo kwaye ilawulwa yimithetho yepalamente njengoko kuxelwe kwisiqendwana (1), inokuthi yenz' isigqibo—
ngeenkqubo zemali neendlela zolawulo ezisebenza kuloo akhawunti;
ngemiqathango esebenza kuloo akhawunti;
ngokulondolozwa kweemali ngamaphakathi;
ngokuhlawulwa kweendleko ngamaphakathi;
ngeenjongo enokusetyenziselwa zona imali ekuloo akhawunti ngamaphakathi;
ngokuvalwa kwezinye iiakhawunti, kuquka neakhawunti yeemali zokuphathiswa, kodwa ingaqukwanga yona iakhawunti yeemali zokuphathiswa exelwe kwisiqendu 10 se*Trust Property Control Act* 57 ka-1988, nokufuduswa kweemali ezikuloo akhawunti zifuduselwa kwiakhawunti exelwe kwisiqendu *(a)*;
ngeemfuneko zokwenz' ingxelo ezisebenza kuloo akhawunti;
nangezinye izinto ezinokubonwa yiNkulumbuso ziyimfuneko ukuqinisekisa ukuphathwa kwaloo akhawunti kakuhle,
kwaye inokuchonga naliphi na igosa kurhulumente wephondo ukuba lincedise amaphakathi lawo ekuphathweni kwaloo akhawunti okanye igosa elo liyiphathe loo akhawunti egameni lamaphakathi lawo, kodwa ke ngenjongo yokusebenza kweziqendwana (ii) ukuya kwesesi-(vii) iNkulumbuso mayibonisane namaphakathi ngaphambi kokuba yenz' isigqibo njengoko kuxelwe kwezo ziqendwana.

(4) *(a)* Urhulumente wephondo kwiphondo ekukho kulo isebe loluntu olungamaKhoi-San oluvunyiweyo unokuthi abe namanyathelo okuwis' imithetho namanye amanyathelo anokuthi abe yimfuneko okuncedisa elo sebe ngemisebenzi yolawulo, kodwa ke ukuba isebe likwiphondo elingelilo iphondo ekuvunywe kulo amaphakathi amaKhoi-San, iNkulumbuso yephondo ekukho kulo isebe mayibonisane kuqala neNkulumbuso yephondo ekukho kulo amaphakathi amaKhoi-San ukuqinisekisa ukuba ukunikwa koncedo lolawulo kwenziwa ngendlela efanayo.

(b) Urhulumente wephondo ekuvunywe kulo uluntu olungamaKhoi-San makathwale iindleko zokuya kwentloko yesebe kwiintlanganiso zamaphakathi amaKhoi-San.

Ubuqabane nezivumelwano

24. (1) Urhulumente wezwelonke noorhulumente bamaphondo banokuthi, ngokuwis' imithetho nangezinye iindlela, babulawule ubuqabane nezivumelwano njengoko kuxelwe kwesi siqendu.

(2) Amaphakathi obukumkani okanye obukumkanikazi, amaphakathi obungotya, amaphakathi obukhosi, amaphakathi amaKhoi-San namaqaqobana amaphakathi anokuthi angene kubuqabane nakwizivumelwano wona odwa, kwakunye—
noomasipala;
namasebe karhulumente; kwakunye
nawuphi na omnye umntu, okanye iqumrhu, okanye umbutho.

(3) Ubuqabane okanye isivumelwano ekungenwe kuso ngamaphakathi axelwe kwisiqendwana (2) masibhalwe phantsi kwaye—

masibe luncedo kuluntu olumelwe ngaloo maphakathi;

masitsho okucacileyo ngemisebenzi yomntu ngamnye nangokupheliswa kobo buqabane okanye isivumelwano;

sixhomekeke kwisigqibo sangaphambili saloo maphakathi esibonisa ngamazwi abhaliweyo inkxaso yamaphakathi sixhasa ubuqabane okanye isivumelwano;

sixhomekeke ekuvunyweni yiNkulumbuso yephondo ekukho kulo amaphakathi, kwaye asiyi kuba namandla de sibe sivunyiwe yiNkulumbuso; kwaye

asinakumnkqamangela urhulumente okanye omnye umntu okanye iqumrhu okanye umbutho ongekhoyo yena kobo buqabane okanye kweso sivumelwano.

(4) Nabuphi na ubudlelane obuxelwe kwisiqendwana (2)—

mabusekelwe kwimigaqo yokuhlonelana nokwamkelana;

mabukhokelwe kwaye busekelwe kwimigaqo yokusebenzisana koorhulumente.

(5) Nawaphi na amaphakathi axelwe kwisiqendwana (2) angangena kwisivumelwano nomasipala sokwenzele abantu oko bakufunayo ngokwe*Local Government: Municipal Systems Act* 32 ka-2000, kunye nawuphi na omnye umthetho wepalamente osebenzayo kule meko.

(6) INkulumbuso—

mayibubek' esweni bonke ubuqabane nezivumelwano ezixelwe kwesi siqendu kwaye inokuthabath' amanyathelo ayimfuneko ukuqinisekisa ukuba zenziwa zisebenze okanye ziyaqhawulwa; kananjalo inike uMphathiswa iikopi zabo bonke ubuqabane okanye izivumelwano ezixelwe kwisiqendwana (3)*(d)* nesesi-(7).

(7) *(a)* Xa iNkulumbuso iqwalasela ukubuvuma ubuqabane okanye isivumelwano njengoko kuxelwe kwisiqendwana (3)*(d)* mayiqiniseke ukuba okufunwa sisiqendwana (3) *(a), (b), (c)* no-*(e)* kwenziwe.

(b) Ukuba iNkulumbuso inoluvo lokuba ubuqabane okanye isivumelwano asihlangabezani noko kufunwa sisiqendwana (3)*(a), (b), (c)* okanye *(e)*, iNkulumbuso mayisiphindise eso sivumelwano kubantu abangene kuso ichaza izizathu zokungabamkeli ubuqabane okanye isivumelwano, ize ibacele ukuba balungise izinto ezifuna ukulungiswa apho njengoko zivela kwizizathu ezinikileyo.

(8) Okutshiwo sisiqendwana (3)*(d)* akusebenzi kubuqabane okanye kwisivumelwano esiphakathi kwabantu ekuthethwe ngabo kwisiqendwana (2), ekungenwe kuso ngokokutsho komnye umthetho welizwe, kodwa ke amaphakathi akhoyo kobo buqabane okanye kweso sivumelwano makanike uMphathiswa neNkulumbuso echaphazelekayo iikopi zaso.

Ukwabiwa kweendima emazifezwe ngamaphakathi obukumkani okanye obukumkanikazi, ngamaphakathi obungotya, ngamaphakathi obukhosi, ngamaphakathi amaKhoi-San, liqaqobana lamaphakathi, naziinkokeli zakwantu nezamaKhoi-San

25. (1) Isebe elikurhulumente wezwelonke okanye kurhulumente wephondo linokuthi, ngokuwis' imithetho nangezinye iindlela, lixele indima emayifezwe ngamaphakathi obukumkani okanye obukumkanikazi, ngamaphakathi obungotya, ngamaphakathi obukhosi, ngamaphakathi amaKhoi-San, liqaqobana lamaphakathi, naziinkokeli zakwantu nezamaKhoi-San kuwo nawuphi na umsebenzi welo sebe, kodwa ke loo ndima ayinakuquka igunya lokwenz' izigqibo.

(2) Inkqubo emayilandelwe ekuxeleni indima exelwe kwisiqendwana (1) emayifezwe ngamaphakathi okanye ziinkokeli ezixelwe kweso siqendwana, kwakunye nobungakanani bayo nemiqathango yayo, oko konke kunokuthi kugqitywe lisebe elichaphazelekayo.

(3) Xa isebe lithe laxela indima yamaphakathi athile okanye yenkokeli ethile yakwantu njengoko kuxelwe kwisiqendwana (1), elo sebe malikubek' esweni ukufezwa kwaloo ndima kwaye liqinisekise ukuba—

ukufezwa kwayo kuyavisisana noMgaqo-Siseko kwakunye nomnye umthetho ochaphazelekayo; kwaye

loo ndima ifezwa ngokutyibilikayo nangempumelelo.

(4) Xa amaphakathi okanye iinkokeli ezixelwe kwisiqendwana (1) zingayifezi indima ekucingwa ngayo kwisiqendwana (3), nabuphi na ubuncwane obunikwe loo maphakathi okanye inkokeli ngejongo yokufeza loo ndima bunokuthi burhoxiswe lisebe.

ISAHLUKO 3

IZINDLU ZEENKOKELI ZAKWANTU NEZAMAKHOI-SAN

iNxalenye 1
Izindlu zeenkokeli zomthonyama nezamaKhoi-San

Izindlu zeenkokeli zomthonyama nezamaKhoi-San

26. Izindlu zeenkokeli zakwantu nezamaKhoi-San—

yiNdlu Yezwelonke Yeenkokeli Zomthonyama Nezama-Khoi-San eyasekwa ngokwesiqendu 27;

zizindlu zamaphondo zeenkokeli zomthonyama nezamaKhoi-San ezasekwa ngokwemithetho yezindlu zowiso-mthetho zamaphondo nangokwemigaqo echazwe kwisiqendu 49;

nezindlu zasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San ezasekwa ngokwemigaqo echazwe kwisiqendu 50.

iNxalenye 2
INdlu Yezwelonke Yeenkokeli Zomthonyama NezamaKhoi-San

Ukusekwa kweNdlu Yezwelonke nobude bexesha layo

27. (1) Ngokwenjenje kusekwa iNdlu Yezwelonke eyaziwa ngkuba yiNdlu Yezwelonke Yeenkokeli Zomthonyama NezamaKhoi-San.

(2) Ubude bexesha lokusebenza kwayo yiminyaka emihlanu, kodwa ke, kungakhathaliseki ukuba uthini na omnye umthetho otsho okuchasene noku, kodwa ke ngokulawulwa sisiqendu 70(12), ixesha leNdlu Yezwelonke eyasekwa ngokwe*National House of Traditional Leaders Act* 22 ka-2009, ngaphambi kokuqalisa kwalo Mthetho ukusebenza, liza kuphela ngomhla wama-31 kuMeyi 2017, kodwa ke,naliphi na ixesha elinokuthi lilandele leNdlu Yezwelonke liza kuphela ngomhla wama-31 kuMeyi wonyaka wesihlanu olandela ukusekwa kwaloo ndlu, obalwa ukususela kumhla wama-31 kuMeyi 2017.

Indlela eyakhiwe ngayo iNdlu Yezwelonke

28. (1) INdlu Yezwelonke—

ngabantu abathathu abaziinkosi okanye abaziinkosi zomthonyama abanyulwe yindlu nganye yephondo ngokwesiqendu 29, kodwa ke, apho iinkosi zamaKhoi-San zingamalungu endlu yephondo, ubuncinane mayibe nye inkosi yamaKhoi-San enyulwa njengelungu leNdlu Yezwelonke;

nabantu abalathiweyo ngokwesiqendwana (2), apho kusebenza khona.

(2) Okutshiwo sisiqendwana (1)*(b)* kusebenza kuphela kwiimeko apho kungasekwanga ndlu yephondo, kwaye okutshiwo seso siqendu kuza kwenziwa ngale ndlela ilandelayo:

apho kukho amaphakathi namaphakathi amaKhoi-San angaphezu kwesithathu awenza imisebenzi yendlu yasekuhlaleni, oosihlalo baloo maphakathi mabanyule phakathi kwabo abameli abathathu bokubamela kwiNdlu Yezwelonke; okanye

apho kukho amaphakathi namaphakathi amaKhoi-San amathathu okanye ngaphantsi koko awenza imisebenzi yendlu yasekuhlaleni, oosihlalo baloo maphakathi okanye amaphakathi amaKhoi-San bangamalungu eNdlu Yezwelonke ngenxa yezihlalo abakuzo; okanye

(3) Ubuncinane isinye kwisithathu samalungu eNdlu Yezwelonke makube ngabantu basetyhini, kodwa ke, ukuba uMphathiswa uqinisekile ukuba alanelanga inani labantu basetyhini bokuthabath' inxaxheba kwiNdlu Yezwelonke, uMphathiswa makathi emva kokubonisana neeNkulumbuso kwakunye nezindlu zamaphondo, alehlise inani elifunekayo mayela nokumelwa kwabasetyhini kwiNdlu Yezwelonke.

Ukunyulwa nokuchongwa kwamalungu eNdlu Yezwelonke

29. (1) UMphathiswa makathi, ubuncinane kusasele iintsuku ezingama-60 ngaphambi kokuba liphele ixesha leNdlu Yezwelonke, acele iiNkulumbuso ukuba zazise izindlu zamaphondo ukuba zinyule, ngokulawulwa sisiqendu 28, iinkosi kunye neenkosi zamaKhoi-San, apho kunokwenzeka khona, ukuze zikhonze njengamalungu eNdlu Yezwelonke.

(2) Amalungu endlu yephondo ekuthethwe ngayo kwisiqendu 28(1) makanyulwe zingaphelanga iintsuku ezingama-21 esifumene isaziso esivela kwiNkulumbuso ngokwesiqendwana (1), enyulwa ngamalungu aloo ndlu yephondo kwintlanganiso ebizelwe loo njongo, nekukho kuyo ubuncinane isibini kwisithathu samalungu endlu leyo, kodwa ke, amalungu endlu yephondo ekuthethwe ngayo kwisiqendu 28(1)*(a)* akanakuba ngamalungu ngokupheleleyo aloo ndlu yephondo.

(3) Inkqubo yokunyula ekuthethwe ngayo kwisiqendwana (2) mayiphathwe yiNkulumbuso kwaye iNkulumbuso ibe ngusihlalo wayo, okanye kube ngumntu ochongwe yiloo Nkulumbuso, kwaye inkqubo leyo yokunyula makusetyenziswe yona ngamagosa endlu yezwelonke nalisebe lephondo eliphathiswe imicimbi yakwantu.

(4) Unyulo oluxelwe kwisiqendwana (2) maluqhutywe emfihlakalweni ngamalungu endlu yephondo kwintlanganiso ekwanye ekuchongwa kuyo.

(5) Indlu nganye yephondo mayichonge omnye wamalungu ayo anyulwe ngendlela exelwe kwisiqendwana (2) ukuba abe yinkokeli yamalungu anyuliweyo.

(6) INkulumbuso mayidlulisele kuMphathiswa, mayela nomntu ngamnye onyuliweyo nochongiweyo, imnika—

ukwamkelwa kokunyulwa okanye ukuchongwa;

igama elipheleleyo nefani;

inombolo yesazisi;

neenkcukacha zoqhagamshelwano.

(7) Xa ithe indlu yephondo ayanyula mntu kumalungu ayo ukuba akhonze kwiNdlu Yezwelonke lingaphelanga ixesha ekuthethwe ngalo kwisiqendwana (2), iNkulumbuso mayichonge amalungu aloo ndlu yephondo ukuba akhonze kwiNdlu Yezwelonke.

(8) Ilungu leNdlu Yezwelonke alivumelekanga ukuba likhonze izihlandlo ezingaphezu kwezibini zilandelana nengelungu leNdlu Yezwelonke.

Ukungafaneleki ukuba lilungu leNdlu Yezwelonke

30. Umntu akafaneleki ukuba abe lilungu leNdlu Yezwelonke ukuba—
unguceba, ulilungu lendlu yowiso-mthetho yephondo okanye ulilungu lePalamente;
ngexesha lokunyulwa kwamalungu eNdlu Yezwelonke uthothoza isigwebo sokuvalelwa entolongweni;
uvakaliswe yinkundla engongakwaziyo ukuhlawula amatyala akhe kwaye engekaphumi kuloo meko;
akaphilanga engqondweni kwaye uvakaliswe yinkundla engumntu onjalo;
ufunyaniswe enetyala lokwaphul' umthetho waza wagwetywa ukuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 engakhethiswanga fayini ngaphakathi kwiRiphablikhi okanye ngaphaya kwemida yeRiphablikhi, ukuba isenzo esilulwaphulo-mthetho besiya kuba lulwaphulo-mthetho apha kwiRiphablikhi, kodwa akukho mntu onokuthathwa njengogwetyiweyo de sibe siqukunjelwe isibheno nxamnye nokufunyaniswa kwakhe enetyala okanye nxamnye nesigwebo sakhe okanye de libe liphelile ixesha elivumelekileyo lokubhena, kodwa ke, ukungafaneleki ngokwesi siqendu kuyaphela emva kweminyaka emihlanu sigqityiwe isigwebo;
akalilo ilungu lendlu yephondo;
akanguye ummi waseMzantsi-Afrika; okanye
akangomhlali ngokusisigxina kwiRiphablikhi.

Ukungabi namntu kwezihlalo

31. Isihlalo selungu lendlu yezwelonke sithi singabi namntu—
lisakufa ilungu;
ukuba ilungu liyaziyekela ngokwalo ngokubhal' incwadi liyibhekise kuMphathiswa;
ukuba ilungu lithi lingafaneleki ngokwesiqendu 30;
ukuba ilungu lithi libe nguceba ngokupheleleyo, okanye libe lilungu lendlu yowiso-mthetho yephondo, okanye libe lilungu lePalamente;
ukuba ilungu lifunyaniswe linetyala lokwaphul' umthetho laza lagwetywa ukuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 lingakhethiswanga fayini;
ukuba lishenxisiwe esihlalweni ngenxa yokwaphula imigqaliselo yokuziphatha; okanye
xa kulilungu elixelwe kwisiqendu 28(1)*(a)*, ukuba elo lungu liyayeka ukuba lilungu lendlu yephondo eyalinyulayo, kuze kuthi xa kulilungu elixelwe kwisiqendu 28(1)*(b)* nesesi-(2), ukuba liyayeka ukuba ngusihlalo okanye ukuba liphakathi okanye iphakathi lamaKhoi-San.

Ukuvalwa kwezithuba

32. (1) Xa kuthi kubekho isithuba kwiNdlu Yezwelonke, uMphathiswa makathi, zingaphelanga iintsuku ezili-14 azisiwe ngeso sithuba nguNobhala, makazise iNkulumbuso echaphazelekayo ngeso sithuba.

(2) Isithuba esikwiNdlu Yezwelonke masithi, ngokulawulwa sisiqendu 28 nesama-29, sivalwe zingaphelanga iintsuku ezingama-45 emva kokuba sithe savuleka, ngokuthi kunyulwe ilungu lokugqibezela ixesha elingagqitywanga lelo lungu ekungenwa endaweni yalo, kusenziwa oko kwangaleya ndlela ilungu langaphambili elalinyulwe ngayo okanye elalichongwe ngayo.

Ikomkhulu leNdlu Yezwelonke neentlanganiso zayo

33. (1) *(a)* Intlanganiso yokuqala yeNdlu Yezwelonke emva kokuba yakhiwe ngokwesiqendu 28 nesama-29, mayibekho ngexesha nakwindawo egqitywe nguNobhala, ngokulalwulwa sisiqendwana (5).

(b) UMongameli okanye umntu ochongwe nguye makube nguye isithethi sokuvulwa konyaka ngamnye kweNdlu Yezwelonke.

(2) Iintlanganiso eziqhelekileyo zeNdlu Yezwelonke zinokuthi, ngokulawulwa sisiqendwana (5), zibekho ngexesha nakwindawo egqitywe nguNobhala ngokubonisana noSihlalo.

(3) Iintlanganiso ezikhethekileyo zeNdlu Yezwelonke zinokuthi, ngokulawulwa sisiqendwana (5), zibekho ngexesha nakwindawo egqitywe yiKomiti Eququzelelayo YeNdlu Yezwelonke okanye egqitywe nguSihlalo weNdlu Yezwelonke, ukuba ugunyaziwe yiKomiti Eququzelelayo, kodwa ke, uMphathiswa unokuthi nangaliphi na ixesha abizele iNdlu Yezwelonke kwintlanganiso ekhethekileyo ngenjongo yokuthi qhwii imicimbi engxamisekileyo.

(4) INdlu Yezwelonke mayihlanganisane ubuncinane kanye ngekota xa kuhleli iPalamente.

(5) Ikomkhulu leNdlu Yezwelonke likwakwindawo ekuyo iofisi eyintloko yeSebe kwaye iintlanganiso zeNdlu Yezwelonke zinokubakho kwikomkhulu okanye kwikomkhulu lePalamente.

(6) Inani elifunekayo ukuze labantu amababekho ukuze ziqhubeke iintlanganiso zeNdlu Yezwelonke ngamashumi amahlanu ananye ekhulwini alo lonke inani lamalungu eNdlu Yezwelonke.

(7) Izigqibo zeNdlu Yezwelonke mazithatyathwe ngokuvumelana, okanye ukuba kuyavotwa, ngokulawulwa sisiqendwana (6), zithatyathwe sisibini kwisithathu samalungu akhoyo navotayo kwintlanganiso leyo.

Usihlalo nosekela-sihlalo weNdlu Yezwelonke

34. (1) Kwintlanganiso yayo yokuqala emva kokuba yakhiwe ngowesiqendu 28 nesama-29 mayinyule omnye kumalungu ayo abe ngusihlalo, ize emva koko inyule omnye kumalungu ayo abe ngusekela-sihlalo, kuloo ntlanganiso yayo yokuqala kongamele uMongameli okanye omnye umntu ochongwe nguMongameli.

(2) Usihlalo uthiwe jize onke amagunya nemisebenzi awabelwe usihlalo ngokwalo Mthetho nangokwemigaqo nemiyalelo yeNdlu Yezwelonke.

(3) Usihlalo wongamela iintlanganiso zeNdlu Yezwelonke.

(4) Ukuba usihlalo akekho okanye ngasizathu sithile akakwazi ukusebenzisa amagunya akhe okanye ukwenza imisebenzi yakhe njengosihlalo, okanye xa isikhundla sikasihlalo singenamntu, usekela-sihlalo makabambele njengosihlalo kwixesha lokungabikho kukasihlalo okanye kwixesha lokungakwazi kukasihlalo ukusebenza okanye de kube kunyulwe usihlalo.

(5) Ukuba abekho bobabini usihlalo nosekela-sihlalo, ilungu leNdlu Yezwelonke elichongwe ngokwemigaqo nemiyalelo yeNdlu Yezwelonke malibambele usihlalo ngoxa kusekho loo meko.

(6) Usekela-sihlalo okanye ilungu elichongwe ngokwalo Mthetho, ngoxa libambele njengosihlalo, linokusebenzisa amagunya kwaye lenze nemisebenzi yokuba ngusihlalo.

(7) Ngoxa ongamele kwintlanganiso yeNdlu Yezwelonke, ilungu leNdlu elichongwe ukuba libe ngusihlalo linelungelo lokuthabath’ inxaxheba kwiingxoxo nelokuvota xa zithi iivoti zilingane macala.

(8) Usihlalo okanye usekela-sihlalo makaphume esihlalweni ukuba uthi angafaneleki ngokwesiqendu 30.

(9) Ukuba isihlalo sikasihlalo sithi singabi namntu, uMphathiswa okanye umntu ochongwe nguMphathiswa makongamele ekunyulweni kwelungu leNdlu Yezwelonke lokuvala isithuba.

(10) Ukuba isithuba sikasekela-sihlalo sithi singabi namntu, usihlalo makongamele ekunyulweni kwelungu leNdlu Yezwelonke lokuvala isithuba.

(11) Ukuba zozibini izihlalo esikasihlalo nesikasekela-sihlalo weNdlu Yezwelonke zithi zingabi namntu, iNdlu Yezwelonke mayinyule amalungu eNdlu Yezwelonke ukuba avale ezo zithuba, kongamele uMphathiswa okanye umntu ochongwe nguMphathiswa.

(12) Usihlalo okanye usekela-sihlalo uyafaneleka ukuba anyulwe kwakhona, kodwa ke, akukho lungu elivumelekileyo ukuba likhonze njengosihlalo okanye usekela-sihlalo weNdlu Yezwelonke izihlandlo ezingaphezu kwezibini zilandelana.

Ubume bamalungu eNdlu Yezwelonke

35. (1) Usihlalo nosekela-sihlalo bangamalungu ngokupheleleyo eNdlu Yezwelonke.

(2) Emva kokubonisana neNdlu Yezwelonke nangokulawulwa sisiqendwana (1), uMphathiswa unokwenza isigqibo sokuba amalungu athile angamalungu ngokupheleleyo eNdlu Yezwelonke.

Imisebenzi yeNdlu Yezwelonke

36. (1) Imisebenzi yeNdlu Yezwelonke—

kukusebenzisana nezindlu zamaphondo zeenkokeli zomthonyama, ngenjongo yokukhuthaza—

indima yeenkokeli zomthonyama kwindlela yokwenza izinto eyeyentando yesininzi nengokoMgaqo-Siseko;

ukwakha isizwe;

ubukho boxolo, nozinzo nobunye phakathi koluntu;

ukulondolozwa kokuziphatha okuhle nokwakhiwa ngokutsha kwesimilo soluntu;

ukulondolozwa kwezithethe zoluntu;

ukuphuculwa kwemeko yasentlalweni neyokufuma kwelizwe neyokusetyenzelwa koluntu;

intlalo-ntle yoluntu;

nokuguqulwa kwemithetho yesintu namasiko ukuze zivisisane noko kutshiwo nguMqulu Wamalungelo kuMgaqo-Siseko, ngokukodwa—

ngokuthintela ucalu-calulo olungafanelekanga;

(bb) ngokukhuthaza ukulingana;

(cc) nangokufuna ukuqhubela phambili ukumelwa kokubini kwamadoda nabafazi xa kufuneka ilandela kwizihlalo zobunkokeli bomthonyama;

nokukkhuthaza intsebenziswano phakathi kweNdlu Yezwelonke nezindlu zamaphondo ngenjongo yokulungisa imicimbi ekudlelwana ngayo.

(2) INdlu Yezwelonke—

mayiyiqwalasele imithetho eyilwayo yePalamente edluliselwe kuyo nguNobhala wePalamente ngokwesiqendu 39;

inokuthi icebise urhulumente wezwelonke kwaye yenze izindululo—

ngemicimbi ephathelele kwinkqubo nemithetho yePalamente engobunkokeli bomthonyama;

ngendima yeenkokeli zomthonyama;

ngomthetho wesintu;

nangamasiko abantu abaphila ngokwakwantu;

inokuthi iphande ize iyenze ifumaneke ingcombolo engobunkokeli bomthonyama, nangabantu abaphila ngokwakwantu, nangemithetho yesintu namasiko;

mayithi, isakucelwa lilungu leKhabhinethi Yezwelonke, ilicebise elo lungu ngawo nawuphi na umcimbi ekubhekiselwe kuwo kwesio siqendu;

mayincedise kumsebenzi karhulumente wezwelonke;

inokuba nobudlelane bomfela-ndawonye nobokuba ngamaqabane norhulumente wezwelonke kuphuculo nasekusebenzeleni uluntu;

inokuthabath' inxaxheba kwimisebenzi yamazwe ngamazwe neyangaphakathi elizweni enjongo yayo ikukuphucula abantu basemaphandleni;
inokuba nenxaxheba kwimisebenzi yezwelonke enjongo yayo ikukubek' esweni imisebenzi karhulumente, nokuyiqwalasela ngokutsha, nokuyiphononononga kubantu basemaphandleni; kwaye mayenze imisebenzi enokuthi iyiyalelwe lilungu leKhabhinethi Yezwelonke okanye imisebenzi exelwe kwimithetho yendlu yowiso-mthetho yezwelonke.

(3) Naliphi na ilungu leKhabhinethi Yezwelonke eliphathiswe imisebenzi yophuculo kurhulumente wezwelonke, ekiyimisebenzi echaphazela okanye esenokuchaphazela abantu basemaphandleni, malibonisane neNdlu Yezwelonke ngaphambi kokuba lo msebenzi wenziwe, okanye kwenziwe utshintsho kuwo okanye uyekwe.

Ukuphathwa kweNdlu Yezwelonke

37. (1) Ngokuvunywa yiNdlu Yezwelonke nangokulawulwa yimthetho elawula inkonzo yaseburhulumenteni, uMphathiswa unokuthi abolekise ngamagosa amaninzi kangangoko akubona kuyimfuneko ewasusa kwiSebe, ukuze enze umsebenzi wolawulo weNdlu Yezwelonke.

(2) Ngokwemithetho elawula inkonzo yaseburhulumenteni nangemvume yeNdlu, uMphathiswa makamisele umntu abe nguNobhala weNdlu, mntu lowo—
omakasebenzise amagunya, enze nemisebenzi enikwe uNobhala ngulo Mthetho nayimigaqo nemiyalelo yeNdlu Yezwelonke;
ngokulawulwa yimiyalelo yeNdlu Yezwelonke, makenze umsebenzi ohambisana nokusetyenziswa kwamagunya nokwenziwa kwemisebenzi yeNdlu Yezwelonke ; kananjalo
aqinisekise ukuba iNdlu Yezwelonke kunye nayo nayiphi na ikomiti yeNdlu isebenzisa amagunya ayo, yenze nemisebenzi yayo ngendlela efanelekileyo nengenazindleko.

(3) UNobhala makaxhaswe ekusebenziseni kwakhe amagunya okanye ekwenzeni kwakhe imisebenzi yamagosa eSebe achongwe ngokwesiqendwana (1) ngaloo njongo.

Iimbopheleleko zeNdlu Yezwelonke

38. (1) INdlu Yezwelonke—
mayiqulunqe isicwangciso esichuliweyo sexesha leminyaka emihlanu ize iman' ukusiqwalasela ngokutsha qho ngonyaka;
mayiqulunqe isicwangciso saminyaka le sokusebenza;
mayigcine iingxelo ngokufanelekileyo;
ukongezelela kwiintlanganiso zekota, mayibe nentlanganiso yaminyaka le nezindlu zamaphondo ngenjongo yokunik' ingxelo ngemisebenzi nangezimali zeNdlu Yezwelonke;
mayinyanzelise imigqaliselo yokuziphatha;
mayidale ubudlelane obucacileyo nezindlu zamaphondo ize iyenze ibe lula intsebenziswano nonxibelelwano phakathi kwayo nezindlu zamaphondo, kwanaphakathi kwezindlu zamaphondo ezahlukahlukeneyo;
mayabele uNobhala weNdlu Yezwelonke iimbopheleleko ezicacileyo zokuphathwa nokulungelelaniswa kolawulo lweNdlu Yezwelonke, ize imenze aphendule ngalo lonke ulawulo lweNdlu Yezwelonke;
mayilwenze lube kwelona nqanaba liphezulu unxibelelwano nokwenziwa kwezigqibo ngaphakathi kwiNdlu Yezwelonke;
kangangoko kunokwenzeka, mayimbandakanye uNobhala weNdlu Yezwelonke kwizigqibo ezichaphazela ukuphathwa jikelele kweNdlu Yezwelonke;
mayikhuthaze umoya wobulungisa, wokusebezela elubala, wokungacalu-caluli, nowenkxaso kuzo zonke izindlu zamaphondo; kananjalo
mayidale umoya wobulungisa, wokusebenzela elubala wokungacalu-caluli, nowenkxaso kwiNdlu Yezwelonke.

(2) *(a)* Isicwangciso esichuliweyo nesicwangcsiso saminyaka le sokusebenza ekuthethwe ngaso kwisiqendwana (1)*(a)* no-*(b)* masisiwe kuMphathiswa ngenjongo yokuba asivume, sisisiwa ngaphambi komhla ogqitywe nguMphathiswa.

(b) INdlu Yezwelonke mayingenise kuMphathiswa ingxelo yekota engokusetyenziswa kwesicwangciso esichuliweyo nengesicwangciso saminyaka le sokusebenza.

(c) Zingaphelanga iintsuku ezingama-60 uMphathiswa esivumile isicwangciso esichuliweyo okanye isicwangciso esihlaziyiweyo njengoko kwisiqendwana (1)*(a)*, iNdlu Yezwelonke mayithi thaca eso sicwangciso sichuliweyo ePalamente.

(3) Apho kunokwenzeka khona, iNdlu Yezwelonke—

mayifumanise izizathu zokuba kungani kungahlangatyezwananga nemfuneko yokumelwa kwabasetyhini ngesinye kwisithathu kwindlu yephondo; ize

ngokusebenzisana nendlu yephondo echaphazelekayo, ifumanise izizathu zokuba kungani loo mfuneko kungahlatyezwananga nayo yindlu yasekuhlaleni, ngamaphakathi obukumkani okanye obukumkanikazi, obungotya, obukhosi, obuKhoi-San, eqaqobana lamaphakathi, ize yenze izindululo izibhekise kuMphathiswa nakwiNkulumbuso, kwindlu nakumaphakathi achaphazelekayo, icebise ukuba ukumelwa kwabasetyhini kungaphuculwa njani kuloo ndlu okanye kuloo maphakathi ukuqinisekisa ukuba imfuneko yesinye kwisithathu kuyahlangatyezwana nayo.

Ukudluliselwa kwemithetho eyilwayo kwiNdlu Yezwelonke

39. (1) *(a)* Nawuphi na umtyhetho oyilwayo ePalamente ophathelele kwimithetho yesintu namasiko abantu abaphila ngokwakwantu okanye amaKhoi-San okanye ophathelele kuwo nawuphi na umcimbi ekubhekiselwe kuwo kwisiqendu 154(2) soMgaqo-Siseko mawuthi, ngaphambi kokuba uphunyezwe yiPalamente owawungeniswe kuyo, udluliselwe nguNobhala wePalamente kwiNdlu Yezwelonke ukuze ivakalise izimvo.

(b) Zingaphelanga iintsuku ezingama-60 ukususela kumhla wokudluliselwa kwawo, iNdlu Yezwelonke mayivakalise naziphi na izimvo enqwenela ukuzivakalisa ize izidlulisele kuNobhala wePalamente, kodwa ke, ukuba iNdlu Yezwelonke ayinazimvo izivakalisayo ngomthetho oyilwayo odluliselwe kuyo, mayazise uNobhala wePalamente ngako oko.

(2) Indlu yowiso-mthetho yephondo okanye ibhunga likamasipala lingasebenzisa kwaloo nkqubo ekuthethwe ngayo kwisiqendwana (1) mayela nokudlulisela umthetho oyilwayo wephondo okanye umthetho kamasipala oseluvavanyo, udluliselwa kwindlu yephondo okanye kwindlu yasekuhlaleni.

Ubudlelane phakathi kwenNdlu Yezwelonke neekumkani neekumkanikazi

40. INdlu Yezwelonke ingahlanganisana nazo zonke izikumkani nezikumkanikazi ezivunyiweyo ngejongo yokuxoxa—

ngezinto ezenziwa yiNdlu Yezwelonke nezicwangciso zayo;

ngezinto ezidl' umzi kwiikumkani neekumkanikazi;

ngezinto eziphathelele ekusiweni kweenkonzo ebantwini nouhuculwa kwabantu abaphila ngokwakwantu; kunye

nayo nayiphi na eminye imicimbi ebonwa ifanelekile yiNdlu Yezwelonke okanye ziikumkani neekumkanikazi kwaza kwavunyelwana ngayo loo micimbi ngawo omabini amaqela.

Ubudlelane phakathi kweNdlu Yezwelonke nezindlu zamaphondo

41. (1) INdlu Yezwelonke inokuthi—

iphande ngemicimbi edluliselwe kuyo yindlu yephondo ize yenze izindululo ngayo; icebise izindlu zamaphondo ngokusingathwa kwemicimbi yayo; kwaye ibe nentlanganiso nendlu yephondo ukuze kuxoxwe ngenkqubela eyenziweyo ngemicimbi ephathelele kwizinto ezidl' umzi nentlalo-ntle yabantu ababhila ngokwakwantu.

(2) Xa iNdlu Yezwelonke inqwenela ukudibanis' iintloko nendlu yasekuhlaleni okanye namaphakathi okanye amaphakathi amaKhoi-San, oko kudibanis' iintloko makwenzeke kuboniswene nendlu yephondo echaphazelekayo, kodwa ke, apho kungekho ndlu yephondo, iNdlu Yezwelonke ingadibanis' iintloko ngqo nendlu yasekuhlaleni okanye namaphakathi okanye amaphakathi amaKhoi-San.

(3) Usihlalo weNdlu Yezwelonke makenze ukuba kubekho iqumrhu loosihlalo bezindlu zamaphondo ngenjongo yokuba badibanis' iintloko neNdlu Yezwelonke ngemicimbi edla omabini la maqela.

(4) UNobhala weNdlu Yezwelonke makenze ukuba kubekho iqumrhu looNobhala bezindlu zamaphondo ngenjongo yokuba badibanis' iintloko neNdlu Yezwelonke rhoqo ngemicimbi edla omabini la maqela.

Ukuncediswa kweNdlu Yezwelonke

42. (1) UMphathiswa makayincedise iNdlu Yezwelonke ukuze ikwazi ukwenza yonke imisebenzi eyinikiweyo kwaye loo nkxaso—
ingaquka ukunikwa—
izinto ezifuneka tanci;
abasebenzi njengoko kuxelwe kwisiqendu 37(1);
izicwangciso zokuphuculwa kwezakhono;
neendlela zokwenz' imisebenzi yolawulo; kwaye
mayiquke ukuxhaswa ngemali.

(2) Ngenjongo yokusebenza kwesiqendwana (1)*(b)*, iNdlu Yezwelonke mayithumele kuMlawuli-Jikelele weSebe uqikelelo lwaminyaka le lwenkcitho yonyaka-mali olandelayo, iluthumela ngaphambi komhla ogqitywe nguMlawuli-Jikelele.

Ingxelo yaminyaka le yeNdlu Yezwelonke

43. (1) INdlu Yezwelonke mayithi qho minyaka le ungekadluli umhla wama-30 kuJuni enyakeni, ingenise kuMphathiswa ingxelo eyeyonyaka-mali wangaphambili, evisisana noko kutshiwo sisiqendwana (2), iyingxelo ngezinto ezenziweyo nezicwangciso, kwaye mayiyithi thaca ePalamente zingaphelanga iintsuku ezingama-30 uMphathiswa eyivumile ingxelo leyo.

(2) Ingcombolo emayibe kwingxelo leyo engokwesiqendwana (1) mayiquke, kodwa ingapheleli apho, iquke ingcombolo—
engendlela eyakhiwe ngayo iNdlu Yezwelonke;
engokuvalwa kwezithuba;
engokungafaneleki kwelungu nokuba leliphi na;
engeentlanganiso zeNdlu Yezwelonke, ngokukodwa iintlanganiso eziye zaqhutywa kunye neekumkani neekumkanikazi, neentlanganiso ezinye zaqhutywa nezinye zamaphondo;
engokuqwalaselwa kwemithetho eyilwayo edluliselwe kwiNdlu Yezwelonke;
engokwenziwa kwemisebenzi yeNdlu Yezwelonke njengoko kuxelwe kwisiqendu 36;
engeembopheleleko zeNdlu Yezwelonke njengoko kuxelwe kwisiqendu 38;
engesabelo-mali neendleko zeNdlu Yezwelonke;
engawo nawuphi na umcimbi onokuthi ufunwe nguMongameli okanye nguMphathiswa;
nengawo nawuphi na umcimbi obonwa uyimfuneko yiNdlu Yezwelonke.

(3) *(a)* Ngaphambi kokuba ayivume ingxelo eziswe kuye njengoo kuxelwe kwisiqendwana (1), uMphathiswa usengacela ukuba nentlanganiso neNdlu Yezwelonke ukuze baxoxe ngokuqulethwe yingxelo.

(b) Yakuba ingxelo exelwe kwisiqendwana (1) ithiwe thaca ePalamente, nayiphi na indlu yePalamente inokuthi icele ukuba nentlanganiso neNdlu Yezwelonke ukuze baxoxe ngokuqulethwe yingxelo.

Iinyhweba nezinto angenakubekwa tyala ngazo amalungu eNdlu Yezwelonke

44. (1) INdlu Yezwelonke inegunya lokuyilawula ngokwayo imicimbi yayo yangaphakathi ize iyifikise esiphelweni kwaye inazo zonke iinyhweba nezinto engenakubekwa tyala ngazo, ngokulawulwa nguMgaqo-Siseko.

(2) *(a)* Amalungu eNdlu Yezwelonke anenkululeko yokuthetha kwiNdlu Yezwelonke nakwiikomiti zayo, ngokulawulwa yimigaqo nayimiyalelo yeNdlu Yezwelonke.

(b) Amalungu eNdlu Yezwelonke akanakumangalelwa kwiinkundla zamatyala embambano okanye kwiinkundla zolwaphulo-mthetho, okanye abanjwe okanye avalelwe entolongweni—

ngayo nayiphi na into ayithethileyo okanye ayivelisa kwiNdlu Yezwelonke okanye kwiikomiti zayo; okanye

ngayo nayiphi na into ayidandalazisileyo ngenxa yento ayithethileyo okanye ayivelisayo kwiNdlu Yezwelonke okanye kwiikomiti zayo.

Umvuzo ohlawulwa amalungu eNdlu Yezwelonke nezibonelelo azifumanayo

45. Umvuzo ohlawulwa amalungu eNdlu Yezwelonke nezibonelelo azifumanayo ugqitywa ngokwe*Remuneration of Public Office Bearers Act* 20 ka-1998.

Imigaqo nemiyalelo neekomiti zeNdlu Yezwelonke

46. (1) INdlu Yezwelonke mayiqulunqe imigaqo nemiyalelo ngokuqhutywa komsebenzi wayo nendlela yokuwuqhuba, kuquka imigaqo nemiyalelo elawula—

ngokulawulwa sisiqendwana (2), ukusekwa kwekomiti zeNdlu Yezwelonke, indlela yokwakhiwa kwazo, amagunya azo nemisebenzi yazo, neenkqubo zayo, nobude bexesha lazo;

inkqubo yokulandelwa kwiintlanganiso zeNdlu Yezwelonke neekomiti zayo;

ukuthintelwa kokungena kwezo komiti;

ukuvumeleka kwekomiti ukwenza okanye ukuqukumbela imisebenzi yayo kwiindawo ezingelilo ikomkhulu leNdlu Yezwelonke;

ukuchongwa kwamalungu ukuba ongamele kwiintlanganiso zeekomiti zeNdlu Yezwelonke;

ukubakho kwentlanganiso yeNdlu Yezwelonke komntu ongelilo ilungu layo nobume bomntu onjalo kuloo ntlanganiso.

(2) Kungabakho ikomiti eququzelelayo ekukho kuyo usihlalo nosekela-sihlalo naloo malungu axelwe kwisiqendu 29(5).

Ukubhangiswa kweNdlu Yezwelonke

47. (1) INdlu Yezwelonke mayibhangiswe—

lisakuphela ixesha layo; okanye

xa kuthathwe ivoti exhaswe luninzi olusisibini kwisithathu sawo onke amalungu eNdlu Yezwelonke kwintlanganiso yayo ebizelwe loo njongo, kodwa ke, kwimeko enjalo iNdlu Yezwelonke mayakhiwe ngokutsha ngokwesiqendu 28 nesama-29, ize ke isebenze igqibe ixesha elinagqityelwanga yiNdlu Yezwelonke ebhangisiweyo njengoko kuxelwe kwisiqendu 27(2).

(2) Nangona ibhangisiwe iNdlu Yezwelonke, uMphathiswa usenokuyibizela iNdlu Yezwelonke kwintlanganiso engaqhelekanga ukuze isingathe nawuphi na umcimbi ongxamisekileyo kwithuba elilandela ukuchithwa kwayo kude kube yimini engaphambi kwentlanganiso yokuqala yeNdlu Yezwelonke elandelayo, kwaye ngenxa yale njongo—

wonke umntu olilungu xa kufika umhla wokubhangiswa kweNdlu Yezwelonke, uqhubeka elilungu layo, kwaye

iNdlu Yezwelonke iqhubeka inako ukusebenza.

Isifungo okanye isibhambathiso esenziwa ngamalungu eNdlu Yezwelonke

48. Ngaphambi kokuba amalungu eNdlu Yezwelonke aqale ukwenza imisebenzi yawo kwiNdlu Yezwelonke makafunge okanye enze isibhambathiso njengoko kuxelwe kwiShedyuli 2 yalo Mthetho, efunga okanye esenza isibhambathiso phambi kweJaji Eyintloko okanye ijaji echongwe yiJaji Eyintloko.

iNxalenye 3
Izindlu zamaphondo nezasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San

Izindlu zamaphondo zeenkokeli zomthonyama nezamaKhoi-San

49. (1) Kunokuthi kusekwe izindlu zamaphondo ngamaphondo ngokomthetho wendlu yowiso-mthetho yephondo nangokulawulwa koko kutshiwo ngulo Mthetho.

(2) Umthetho wendlu yowiso-mthetho yephondo oxelwe kwisiqendwana (1) ubuncinane mawuthethe—

ngokumelwa kwabasetyhini kwizindlu zamaphondo kwaye ubuncinane omnye kubameli abanyuliweyo baloo ndlu yephondo kwiNdlu Yezwelonke kube ngumntu wasetyhini;

ngexesha lezindlu zamaphondo ukuba libe yiminyaka emihlanu, kodwa ke, kungakhathakiseki ukuba uthini omnye umthetho otsho okuchasene nalo, kodwa ngokulawulwa sisiqendu 70(13), ixesha lendlu yephondo eyayisekwe ngokomthetho wendlu yowiso-mthetho yephondo ngaphambi kokuqalisa kokusebenza kwalo Mthetho, liyakuphela ngomhla wama-30 kuEpreli 2017, kodwa ke, naliphi na ixesha elilandelayo emva koko lezindlu zamaphondo ezibuye zakhiwa ngokutsha okanye zasekwa emva kokuqalisa kwalo Mthetho ukusebenza liya kuphela qho emva kweminyaka emihlanu ngomhla wama-30 kuEpreli, obalwa ukususela kumhla wama-30 kuEpreli 2017;

apho kunokwenzeka khona oku, mawuthethe ngokuba lilungu kokubini kwiinkokeli zomthonyama nakwiinkokeli zamaKhoi-San kwizindlu zamaphondo;

ngokunyulwa kweenkosi, kuze kuthi apho kunokwenzeka khona, nangokunyulwa kweenkosi zamaKhoi-San njengoko kuxelwe kwisiqendu 28(1)*(a)*;

apho kunokwenzeka khona, mawuthethe ngobudlelane phakathi kwendlu yephondo namaphakathi obukumkani okanye obukumkanikazi okanye amaphakathi obungotya ngaphakathi kwiphondo, kuquka neentlanganiso naloo maphakathi okanye iinkokeli zomthonyama ezivunyiweyo;

ngamalungu ngokupheleleyo nangamalungu angxungxileyo endlu yephondo;

ngokuncediswa kwendlu yephondo ngemisebenzi yolawulo nangezimali,

kwaye usenokuthetha ngemigqaliselo yokuziphatha yamalungu endlu yephondo eyongezelela kwimigqaliselo yokuziphatha ekwiShedyuli 1 yalo Mthetho.

(3) *(a)* Ubulungu obuxelwe kwisiqendwana (2)*(c)* mabube ngendlela yokuba kokubini iinkokeli zomthonyama neenkokeli zamaKhoi-San ezimelwe kwizindlu zasekuhlaleni zimelwe kwindlu yephondo ngomlinganiselo ofana nqwa nalowo zimelwe ngawo kwizindlu zasekuhlaleni, kodwa ke, ukuba indlu yasekuhlaleni

inenkokeli enye yamaKhoi-San elilungu, loo nkokeli yamaKhoi-San mayibe lilungu lendlu yephondo.

(b) Into yokuba ziinkokeli zomthonyama kuphela okanye ziinkokeli zamaKhoi-San kuphela ezamkelwayo kwiphondo akulithinteli iphondo ekusekeni indlu yephondo.

(4) Ngaphambi kokuba amalungu endlu yephondo aqalise ukwenza imisebenzi yawo kwindlu yephondo makafunge okanye enze isibhambathiso njengoko kuxelwe kwiSihlomelo 2 salo Mthetho, ekwenza oko phambi kwejaji yeNkundla Ephakamileyo echongwe nguMongameli Weejaji ngale njongo.

Izindlu zasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San

50. (1) Ngokulawulwa koko kutshiwo ngulo Mthetho nayimimiselo ephathelele kwizindlu zasekuhlaleni njengoko kwisiqendwana (11), iNkulumbuso mayithi ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo iseke indlu yasekuhlaleni yeenkokeli zomthonyama nezamaKhoi-San zommandla kamasipala wasekuhlaleni okanye kamasipala ombaxa apho kukho iqela elinye lamaphakathi okanye amaqela aliqela amaphakathi okanye amaKhoi-San.

(2) Indlu yasekuhlaleni mayibe namalungu angekho ngaphantsi kwesihlanu, kubekho kuwo ubuncinane ilungu elinye eliyinkosi okanye inkosi yamaKhoi-San.

(3) Zonke iinkosi neenkosi zamaKhoi-San ezihlala ngaphakathi kummandla kamasipala wasekuhlaleni okanye kamasipala ombaxa zingamalungu endlu yasekuhlaleni esekelwe loo mmandla.

(4) Xa ngaphakathi kummandla kamasipala wasekuhlaleni okanye kamasipala ombaxa kuthi kubekho—

iqela elinye lamaphakathi okanye iqela elinye lamaphakathi amaKhoi-San, indlu yasekuhlaleni iba namalungu amane anyulwe ngaloo maphakathi okanye ngaloo maphakathi amaKhoi-San nayinkosi okanye inkosi yamaKhoi-San ethi ngokwesihlalo enaso ibe lilungu nosihlalo wendlu yasekuhlaleni; sekukonke amaqela amaphakathi angaphezu kwelinye kodwa angaphantsi kwesihlanu, amaphakathi amaKhoi-San, amaqaqobana amaphakathi okanye amasebe, indlu yasekuhlaleni iba—

nazo zonke iinkosi neenkosi zamaKhoi-San;

nabo bonke oosihlalo baloo maqaqobana amaphakathi;

nazo zonke iintloko zamasebe zaloo masebe, kodwa ke, apho kukho aliqela—

(aa) isebe loluntu olukwalunye lwamaKhoi-San, amaphakathi amaKhoi-San makanyule intloko enye yesebe;

(bb) iqaqobana lamaphakathi oluntu olunye oluphila ngokwakwantu, amaphakathi makanyule usihlalo omnye, abe lilungu lendlu yasekuhlaleni, kodwa ke, xa sebebonke, iinkosi, iinkosi zamaKhoi-San, iintloko zamasebe noosihlalo bamaqaqobana amasebe bengaphantsi kwesihlanu, iinkosi neenkosi zamaKhoi-San mazichonge inani elifunekayo lamalungu lizichonga phakathi kwamaphakathi alo, kodwa ke, xa kufuneka iinkosi eziliqela okanye iinkosi zamaKhoi-San eziliqela ukuze zichongwe, oko kuchonga makwenziwe ngokuvumelana nazo zonke iinkosi ezichaphazelekayo neenkosi zamaKhoi-San ezichaphazelekayo;

kukho amaqela amaphakathi angaphezu kwesihlanu, amaphakathi amaKhoi-San angaphezu kwesihlanu, amaqaqobana amaphakathi okanye amasebe angaphezu kwesihlanu, indlu yasekuhlaleni iba—

nazo zonke iinkosi neenkosi zamaKhoi-San;

nabo bonke oosihlalo baloo maqaqobana amaphakathi; kunye
nazo zonke iintloko zamasebe zaloo masebe,
kodwa ke, xa kukho ngaphezu—

(aa) kwesebe elinye loluntu olunye lwamaKhoi-San, amaphakathi amaKhoi-San makanyule intloko yesebe ibe nye;

(bb) iqaqobana lamaphakathi eqela elinye loluntu oluphila ngokwakwantu, amaphakathi makanyule usihlalo abe mnye, abe lilungu lendlu yasekuhlaleni.

(5) Apho ummandla wamaphakathi ungaphakathi kwimida yoomasipala basekuhlaleni abaliqela okanye ungaphakathi kwemida kamasipala wasekuhlaleni nomasipala ombaxa—

inkosi ililungu lendlu yasekuhlaleni apho ihlala khona; kwaye
amaphakathi makanyule isibonda kwimimandla ekoomasipala basekuhlaleni okanye oomasipala abambaxa kungekuko apho inkosi ihlala khona, abe lilungu lendlu yasekuhlaleni.

(6) Imisebenzi yendlu yasekuhlaleni—

kukucebisa umasipala wasekuhlaleni okanye umasipala ombaxa—
ngemicimbi ephathelele kwimithetho yesintu, amasiko, ubunkokeli bakwantu nobamaKhoi-San, nabantu abaphila ngokwakwantu nabantu abangamaKhoi-San, ngaphakathi kumasipala wasekuhlaleni okanye kumasipala ombaxa;
kukuphuculwa kwezicwangciso ezichaphazela abantu abaphila ngokwakwantu nabantu abangamaKhoi-San;
kukuphuculwa kwemithetho kamasipala echaphazela abantu abaphila ngokwakwantu nabantu abangamaKhoi-San;
kukuthabath' inxaxheba kwizicwangciso zasekuhlaleni ezinjongo yazo ikukuphuculwa kwabantu abaphila ngokwakwantu namaKhoi-San;
nokuthabath' inxaxheba kwizinto ezenziwa ekuhlaleni ezinjongo yazo ikukubek' esweni nokuhlaziya okanye ukuhlalutya izicwangciso zikarhulumente kubantu abaphila ngokwakwantu nabangamaKhoi-San.

(7) Indlu yasekuhlaleni mayihlanganisane ubuncinane kane ngonyaka.

(8) Ixesha lendlu yasekuhlaleni yiminyaka emihlanu, kodwa ke, kungakhathaliseki ukuba uthini na omnye umthetho otsho okuchasene nalo, kodwa ngokulawulwa sisiqendu 70(14), ixesha lendlu yasekuhlaleni eyasekwa ngokomthetho wepalamente okanye ngokomthetho wendlu yowiso-mthetho yephondo ngaphambi kokuqalisa kwalo Mthetho ukusebenza, liya kuphela ngomhla wama-31 kuMatshi 2017, kodwa ke naliphi na ixesha elithi lilandele emva kwelo lezindlu zasekuhlaleni liya kuphela qho emva kweminyaka emihlanu ngomhla wama-31 kuMatshi, obalwa ukususela kumhla wama-31 kuMatshi 2017.

(9) Usihlalo namanye amalungu endlu yasekuhlaleni abathabath' inxaxheba kokwenziwayo libhunga likamasipala njengoko kuxelwe kwisiqendu 81 se*Local Government: Municipal Structures Act* 117 ka-1998, makanike indlu yasekuhlaleni ingxelo ngemicimbi exoxiweyo nekuthathwe isigqibo ngayo libhunga likamasipala, ngokuphathelele kumaphakathi namaphakathi amaKhoi-San eyakhiwe ngawo loo ndlu yasekuhlaleni.

(10) Iphondo lingazincedisa izindlu zasekuhlaleni ezikummandla kamasipala wesithili, kuncedisa oko okunokuquka ukunikwa indawo yeofisi nabasebenzi bokuncedisa, kodwa ke kungaphelelanga apho, kodwa ke apho kusekwe izindlu zasekuhlaleni kwimimandla yoomasipala basekuhlaleni, ukuncediswa ngemisebenzi yolawulo kwezo zindlu kunokwenziwa njengenkonzo ehlanganyelweyo kwinqanaba lesithili okanye likamasipala ombaxa.

(11) Ngokuvumelana noko kutshiwo sisiqendu 67, uMphathiswa unokwenza imimiselo—

ngokungafaneleki kwamalungu endlu yasekuhlaleni;
ngeenyhweba zamalungu endlu yasekuhlaleni nezinto angenakubekwa tyala ngazo;

apho kunokwenzeka khona, ngokunyulwa kwabameli bendlu yephondo;
ngeentlanganiso zendlu yasekuhlaleni, kuquka nenani elifunekayo lamalungu ukuze ziqhubeke, nokuthi kufuneka isininzi esingakanani;
ngokushiywa kwezihlalo nokuvalwa kwezithuba;
ngokulawulwa sisiqendwana (6), unokwenza imimiselo ngamagunya endlu yasekuhlaleni nangemisebenzi yayo;
ngokulawulwa sisiqendwana (4)*(a)*, unokwenza imimiselo ngosihlalo nangosekela-sihlalo wendlu yasekuhlaleni;
ngemigaqo nemiyalelo yendlu yasekuhlaleni;
ngokulawulwa sisiqendwana (10), ngoncedo lwemisebenzi yolawulo nolwezimali;
ngobudlelane phakathi kwezindlu zamaphondo nezasekuhlaleni, ecingela okutshiwo sisiqendu 41;
ngamacebo okanye iinkqubo eziya kuthi zivumele inani elaneleyo labasetyhini libe ngamalungu ezindlu zasekuhlaleni;
nangemigqaliselo yokuziphatha yamalungu ezindlu zasekuhlaleni eyongezelela kwimigqaliselo yokuziphatha equlethwe kwiSihlomelo 1 salo Mthetho.

(12) INkulumbuso inokwenza imimiselo ngemicimbi ekwisiqendwana (11), kodwa ke loo mimiselo ayifanele ingqubane nemimiselo eyenziwe nguMphathiswa ngokwesiqendwana (11), kodwa ke kwakhona okutshiwo sisiqendu 67(2)*(a)* kuyasebenza kwimimiselo eyenziwe yiNkulumbuso ngokwesi siqendwana, kubekho nje utshintsho olunokuthi lufuneke.

(13) Amalungu endlu yasekuhlaleni makathi ngaphambi kokuba aqalise ukwenza imisebenzi yawo kwindlu yasekuhlaleni afunge okanye enze isibhambathiso njengoko kuxelwe kwiSihlomelo 2 salo Mthetho, ekwenza oko phambi kwejaji yeNkundla Ephakamileyo echongwe nguMongameli weejaji ngaloo njongo.

ISAHLUKO 4
IKOMISHONI NEKOMITI ECEBISAYO

iNxalenye 1
IKomishoni Yeembambano Namabango Ngobunkokeli Bomthonyama

Ukusekwa kweKomishoni

51. (1) Ngokulawulwa sisiqendu 70(10), ngokwenjenje kusekwa iKomishoni eyaziwa ngokuba yiKomishoni Yeembambano Namabango Angobunkokeli Bomthonyama.

(2) IKomishoni mayiyenze imisebenzi yayo ngendlela enobulungisa, ngengqondo ephangaleleyo, nangokungakhethi buso.

Ukumiselwa kwamalungu eKomishoni

52. (1) *(a)* Ngokulawulwa sisiqendu 70(10), emva kokubonisana neNdlu Yezwelonke, uMphathiswa makamisele usihlalo, nosekela-sihlalo, nabantu abangekho ngaphezu kwesithathu abanolwazi ngemithetho yesintu namasiko nangobunkokeli bomthonyama, babe ngamalungu eKomishoni, ixesha elingagqithiyo kwiminyaka emihlanu elixelwe kwisiqendu 56(4)*(b)* okanye ixesha elingaphaya koko elinokuthi ligqitywe nguMphathiswa ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*.

(b) UMphathiswa makapapashe ku*Shicilelo-Mithetho* amagama kasihlalo, nelikasekela-sihlalo, nelawo wonke umntu omiselwe ukuba abe lilungu leKomishoni, kunye nomhla okuqala ngawo ukusebenza oko kumiselwa.

(2) Ilungu leKomishoni lingaba lilungu ngokupheleleyo okanye ngokungxungxileyo, kuxhomekeke koko kugqitywe nguMphathiswa.

(3) Usekela-sihlalo weKomishoni makabambele usihlalo xa angekhoyo.

(4) Ukuba ilungu leKomishoni lithi life okanye lisishiye isihlalo ngaphambi kokuphela kwexesha elalimiselelwe lona, uMphathiswa makamisele umntu ukuba avale isithuba sexesha elingagqitywanga lelo lungu, ekwenza oko ngokwesiqendwana (1).

(5) Ngokulawulwa yi*Promotion of Administrative Justice Act* 3 ka-2000, uMphathiswa unokulishenxisa ilungu leKomishoni ngezizathu ezikukuba—

elo lungu lifunyaniswe linetyala lokwaphul' umthetho laza lagwetywa ukuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 lingakhethiswanga fayini;

elo lungu livakaliswe yinkundla lingumntu ongakwaziyo ukuhlawula amatyala akhe;

elo lungu livakaliswe yinkundla lingumntu ongaphilanga ngengqondo;

liziphethe kakubi, alikwazi ukusebenza ngenxa yempilo okanye aliwazi umsebenzi.

(6) *(a)* Isigqibo sokushenxisa ilungu leKomishoni ngesizathu sokuziphatha kakubi okanye sokungawazi umsebenzi masisekelwe kokufunyaniswe yikomiti ephandayo emiselwe nguMphathiswa.

(b) UMphathiswa angalinqumamisa ilungu leKomishoni eliphandwayo ngokwesiqendu *(a)*.

Izithuba

53. Kubakho isithuba nanini na xa ilungu leKomishoni—

liziyekela ngokwalo ngokwazisa uMphathiswa ngencwadi;

lishenxiswa ngokwesiqendu 52(5); okanye

liba lilungu leNdlu YoWiso-Mthetho, liba lilungu lendlu yowiso-mthetho yephondo, liba nguceba ngokupheleleyo okanye liba ngumthunywa osisigxina kwiBhunga Lezwelonke Lamaphondo.

Imiqathango yokumiselwa kwamalungu eKomishoni

54. (1) Emva kokubonisana noMphathiswa Wezimali, uMphathiswa makenze isigqibo ngemiqathango yokumiselwa kwamalungu eKomishoni, ecingela—

indima, nemisebenzi, neembopheleleko zamalungu eKomishoni;

ukuthi zingathwaleka kusini na iimbopheleleko zeKomishoni;

nobungakanani bobuchule nobamava obufunekayo kumalungu eKomishoni.

(2) Imiqathango yokumiselwa isengangafani—

kusihlalo namanye amalungu eKomishoni;

kumalungu angamalungu ngokupheleleyo nangxungxileyo;

ngezinye iimeko ezifanelekileyo.

Ukuncediswa kweKomishoni neengxelo zayo

55. (1) *(a)* Isebe maliyincedise iKomishoni ngomsebenzi nangezimali ukuze ikwazi ukuyenza yonke imisebenzi eyinikiweyo.

(b) Ngokulawulwa koko kutshiwo yi*Public Finance Management Act* 1 ka-1999, iKomishoni ingamisela umntu okanye iziko elithile ukuba liyenzele uphando.

(2) IKomishoni mayinike uMphathiswa ingxelo epheleleyo ngekwenzileyo qho ngekota okanye xa ithe yacelwa nguMphathiswa.

Imisebenzi yeKomishoni

56. (1) IKomishoni isebenza elizweni jikelele idibene iyonke nakumaphondo kwiikomiti kwaye inegunya lokuphanda ize yenze izindululo ngayo nayiphi na imbambano nebango elingobunkokeli bomthonyama elixelwe kwisiqendwana (2).

(2) *(a)* IKomishoni mayiphande ize yenze izindululo—

ngeemeko ekukho amathandabuzo kuzo mayela nokuba basekwa ngokwemithetho yesintu namasiko kusini na ubukumkani okanye ubukumkanikazi, ubungotya, ubukhosi, okanye ububonda;

ngesihlalo sobunkokeli bomthonyama xa kukho imbambano ngenqanaba elikuso eso sihlalo okanye amalungelo aso;

ngamabango oluntu okuba mabamkelwe njengabantu abanobukumkani okanye ubukumkanikazi, ubungotya, ubukhosi, okanye ububonda;

ngokufaneleka kokusekwa okanye ukuchithwa " kwezizwe" okanye ububonda*;*

ngeembambano ezizalwa kukwenziwa kwesigqibo ngemida yegunya-bantu okubangelwa kukudityaniswa okanye kukwahlulwa " kwezizwe" *;*

ngawo onke amabango neembambani ezingobunkokeli bomthonyama ezifakwe ngexesha eliqalela kumhla woku-1 kuSeptemba 1927 ukuya ekuqaliseni ukusebenza komthetho wepalamente ongobunkokeli bomthonyama nemicimbi yolawulo, kodwa ke, iKomishoni inokuqwalasela naziphi na iziganeko ezisebenza kwimbambano okanye kwibango elingaphambi komhla woku-1 kuSeptemba 1927;

nangeembambano ezingobuni eziphathelele kwizihlalo zobunkokeli bomthonyama ezithi gqi emva komhla wama-27 kuEpreli 1994.

(b) Imbambano okanye ibango elixelwe kulo Mthetho linokufakwa nguye nawuphi na umntu kwaye maliphelekwe yingcombolo echaza uhlobo lwembambano okanye lwebango kunye nayo nayiphi na enye ingcombolo engaluncedo.

(c) IKomishoni isengagqiba kwelokuba ingayiqwalaseli imbambano okanye ibango ngesizathu sokuba umntu ofake imbambano okanye ibango akayinikanga iKomishoni ingcombolo efanelekileyo okanye eyaneleyo.

(3) *(a)* Xa iqwalasela imbambano okanye ibango, iKomishoni mayiqwalasele ize isebenzise imithetho yesinto namasiko oluntu olo ngendlela ezazisebenza ngayo kwezo ziganeko ezibangele imbambano okanye ibango.

(b) IKomishoni mayithi—

xa kububukumkani okanye ubukumkanikazi, ikhokelwe ziimfuneko ezixelwe kwisiqendu 3 nese-8; kuze kuthi

xa kububungotya, okanye ubukhosi, okanye ububonda, ikhokelwe yimithetho yesinto namasiko naziimfuneko ezisebenza ekusekweni kobungotya, kobukhosi, nobubonda, njengoko kuxelwe kulo Mthetho.

(c) Xa iKomishoni iphanda iimbambano ezibangelwa kukwenziwa kwesigqibo ngemida yegunya-bantu nokudityaniswa okanye ukwahlulwa " kwezizwe" *,* iKomiti mayithi*,* ngaphambi kokuba yenze isindululo ngokwesiqendu 57*,* ibonisane neBhodi Yemida Yoomasipala eyasekwa sisiqendu 2 se*Local Government: Municipal Dermacation Act* 27 ka-1998, apho imida yobukhosi ingxabalaze phezu kwemida yoomasipala neyamaphondo.

(4) Ngokulawulwa sisiqendwana (5), iKomishoni—

inokuphanda ize yenze izindululo ngeembambano namabango awayephambi kwayo ngomhla woku-1 kuAgasti 2010; kwaye

mayithi, ngokulawulwa sisiqendu 70(10), iqukumbele imicimbi exelwe kwisiqendu *(a)* ingaphelanga iminyaka emihlanu eqala ngomhla wokumiselwa kwamalungu eKomishoni, okanye eqala ngelinye ixesha elinokuthi ligqitywe nguMphathiswa.

(5) IKomishoni—

inokuwuphathisa omnye umntu okanye abanye abantu nawuphi na umsebenzi oxelwe kwesi siqendu, ngaphandle komcimbi ophathelele kubukumkani okanye kubukumkanikazi, iwuphathisa ikomiti ekuthethwe ngayo kwisiqendu 58; kwaye

mayilungelelanise ize icebise ngomsebenzi weekomiti ekuthethwe ngazo kwisiqendu 58.

(6) Isiqendu 2, 3, 4, 5 nese-6 se*Commissions Act* 8 ka-1947 siyasebenza kwiKomishoni, kubekho nje utshintsho olunokuthi lufuneke.

(7) IKomishoni ingasebenzisa imigaqo yokwenza umsebenzi wayo noweekomiti ekuthethwe ngazo kwisiqendu 58.

(8) *(a)* Nayiphi na imbambano yobunkokeli bomthonyama engekumkani okanye ikumkanikazi, okanye engengotya, okanye engenkosi, okanye engesibonda, okanye engobukumkani okanye ubukumkanikazi, okanye engobungotya, okanye engobukhosi, okanye engobubonda, engeyiyo imbambani ekufuneka isingathwe yiKomishoni ngokwalo Mthetho, mayisingathwe nguMongameli xa imalunga nekumkani okanye ikumkanikazi, okanye ubukumkani okanye ubukumkanikazi, ize isingathwe yiNkulumnbuso xa kuyenye imbambano, kwaye uMongameli okanye iNkulumbuso—

makenze ukuba kuphandwe yikomiti yophando echongwe nguye, komiti leyo, xa kuyimbambano engekumkani okanye ikumkanikazi okanye engobukumkani okanye ubukumkanikazi, loo komiti mayibe nelungu elinye ubuncinane leNdlu Yezwelonke, kuze kuthi xa kuyimbambano eyenye, kubekho ilungu elinye ubuncinane lendlu yephondo echaphazelekayo, yenze ingxelo kwanezindululo ngomcimbi lowo oyimbambano;

makayidlulisele ingxelo kusapho lwasebukhosini oluchaphazelekayo okanye, apho kusebenzeka khona, ayidlulisele kumaphakathi ukuze avakalise izimvo zawo ngokubhala emazithunyelwe kuMongameli okanye kwiNkulumbuso zingaphelanga iintsuku ezingama-60 ukususela kumhla wokuthunyelwa kwazo.

(b) Emva kokuqwalasela ingxelo yekomiti yophando nezimvo zosapho lwasebukhosini okanye zamaphakathi, uMongameli okanye iNkulumbuso makathathe isigqibo ngomcimbi wembambano aze azise ababandakanyekileyo kuloo mbambano ngokubabhalela ngesigqibo sakhe.

Izindululo zeKomishoni

57. (1) Isindululo seKomishoni makuvunyelwane ngaso ubuncinane sisibini kwisithathu samalungu eKomishoni.

(2) Zingaphelanga iintsuku ezingama-30 senziwe isindululo, masidluliselwe—

kuMongameli nakuMphathiswa xa kusisihlalo sekumkani okanye sekumkanikazi okanye sobukumkani okanye sobukumkanikazi esichatshazelwa seso sindululo;

nakurhulumente wephondo ochaphazelekayo nakulo naliphi na elinye igosa elichaphazelekayo ekusebenza kulo isindululo seKomishoni ngokomthetho wendlu yowiso-mthetho yephondo osebenza kuloo meko, ukuba nje ukuqwalaselwa kwesindululo akunanto yakwenza nokwamkelwa okanye ukurhoxiswa kokwamkelwa kobukumkani okanye kobukumkanikazi ngokwesiqendu 3, okanye ngokwamkelwa okanye ukurhoxiswa kokwamkelwa kwekumkani okanye ikumkanikazi ngokwesiqendu 8 nese-9.

(3) *(a)* Zingaphelanga iintsuku ezingama-90 ukususela ekufumaneni isindululo, uMongameli okanye elinye igosa elichaphazelekayo ekuthunyelwe kulo isindululo ngokwesiqendwana (2), makenze isigqibo ngesindululo eso.

(b) UMphathiswa makasidlulisele isigqibo esithathwe nguMongameli ngokwesiqendu *(a)* kwiKomishoni nakumntu lowo ubangayo.

(c) Nasiphi na isigqibo esithathwe lilo naliphi na igosa elichaphazelekayo elilelinye ngokwesiqendu *(a)* masidluliselwe kwiKomishoni nakumntu lowo ubangayo, sidluliselwa lelo gosa.

(d) Okutshiwo sisiqendu 3(3)(*a)*, (6) nese-(9), nesiqendu 4(3)*(a)*, (4)*(a)*, (6)*(a)* nese-(9), nesiqendu 8(3) nese-9(5), kuyasebenza kwisigqibo esixelwe kwisiqendu *(a)*, kubekho nje utshintsho olunokuthi lufuneke.

(4) Ukuba uMongameli okanye igosa elichaphazelekayo bathabatha isigqibo esinagafaniyo nesindululo seKomishoni, uMongameli okanye igosa elichaphazelekayo mabanike iKomishoni izizathu ezibhaliweyo zeso sigqibo.

(5) *(a)* Zonke iiNkulumbuso mazinike uMongameli noMphathiswa ingxelo ngokusetyenziswa kwezigqibo zikaMongameli njengoko kuxelwe kwesi siqendu, zikwenza oko iiNkulumbuso qho ngonyaka okanye xa zicelwe nguMphathiswa.

(b) Ikopi yengxelo ekuthethwe ngayo kwisiqendu *(a)* mayisiwe kwindlu yephondo efanelekileyo ukuze ibonwe.

Iikomiti zamaphondo zeKomishoni

58. (1) *(a)* Emva kokubonisana noMphathiswa neKomishoni, iNkulumbuso inokuthi iseke ikomiti yeophondo yelo phondo ukuze isingathe iinbambano namabango angobunkokeli bakwantu, okanye ichithe ikomti yephondo ekhoyo.

(b) Ngenjongo yokusebenza kwesiqendu *(a)*, iNkulumbuso mayilise iso icebiso loMphathiswa neleKomishoni kunye nako konke okunye emele ukuba ikuse iso okumayela neembambano namabango, kuquka nenani leembambano namabango afakiweyo nokuntsonkotha kwawo.

(c) Apho kungekho komiti yephondo isekiweyo okanye apho ikomiti yephondo ithe yachithwa, iKomishoni mayizisingathe iimbambano namabango elo phondo.

(d) Nayiphi na ikomiti yephondo esekwe ngaphambi komhla wokuqalisa kokusebenza kwalo Mthetho ithathwa njengesekwe ngokwesiqendu *(a)*.

(2) *(a)* Ikomiti nganye yephondo exelwe kwisiqendwana (1) inamalungu alinani eligqitywe yiNkulumbuso emva kokubonisana noMphathiswa neKomishoni, kwaye loo malungu amiselwa yiNkulumbuso ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo ixesha elingagqithiyo kwiminyaka emihlanu.

(b) Ixesha lamalungu eekomiti zamaphondo malenziwe lingqamane nelamalungu eKomishoni elixelwe kwisiqendu 52(1)*(a)*.

(c) Amalungu eekomiti zamaphondo makabe nolwazi olufanayo nolwamalungu eKomishoni njengoko kuxelwe kwisiqendu 52(1)*(a)*.

(3) Ikomiti nganye yephondo exelwe kwisiqendwana (1) mayibe nosihlalo olilungu leKomishoni ochongwe yiKomishoni emva kokubonisana neNkulumbuso, kodwa ke, ilungu leKomishoni linokuba ngusihlalo kwiikomiti eziliqela.

(4) Okutshiwo sisiqendu 52(4), (5) nese-(6), nasisiqendu 53, 54, 55 nesama-56(2) ukuya kwisiqendwana (4) nese-(6) nakwisiqendu 57(1), kuyasebenza kwiikomiti zamaphondo, kwaye naphi na apho kuthethwa khona kwezo ziqendu ngoMphathiswa, ngeKomishoni, ngoMphathiswa Wezimali nangeSebe Lezwelonke eliphathiswe imicimbi yakwantu, makuthathwe njengokubhekisela kwiNkulumbuso echaphazelekayo, nakwikomiti yephondo esekwe ngokwesi siqendu, nakumphathiswa wephondo ophathiswe izimali kwiphondo, nakwisebe lephondo eliphandiswe imicimbi yakwantu kwiphondo.

(5) Ikomiti yephondo mayenze imisebenzi ephathiswe yona yiKomishoni ngokwesiqendu 56(5) .

(6) Ikomiti yephondo inokwenza izindululo zokugqibela kuyo yonke imicimbi ephathiswe yona ngokwesiqendu 56(5), kodwa ke, xa ikomiti inoluvo lokuba kukho iimeko ezingaqhelekanga inokuthi iwudlulisele umcimbi kwiKomishoni ifune icebiso.

(7) Okutshiwo sisiqendu 57(2)*(b)* kuyasebenza kwizindululo zekomiti yephondo, kwaye naphi na xa kuthethwa ngeKomishoni kweso siqendu, oko makuthathwe njengokubhekisela kwikomiti yephondo echaphazelekayo.

(8) Ikomiti yephondo nganye mayithi qho ngekota okanye xa ixelwe yiKomishoni, ingenise ingxelo kwiKomishoni ngazo zonke iimbambano namabango aye asingathwa yiloo komiti yephondo kwikota engaphambili okanye kwixesha elicelwe yiKomishoni.

iNxalenye 2

Ikomiti Ecebisa Ngemicimbi YamaKhoi-San

Ukusekwa kweKomiti Ecebisayo

59. (1) Ngokwenjenje kusekwa iKomiti Ecebisa Ngemicimbi YamaKhoi-San.

(2) IKomiti Ecebisayo mayiyenze imisebenzi yayo ngendlela enobulungisa, ngengqondo ephangaleleyo, nangokungakhethi buso.

Ukumiselwa kwamalungu eKomiti Ecebisayo

60. (1) *(a)* Ngokulawulwa sisiqendu *(b), (c), (e), (f)* no-*(g)*, nasemva kokuba ecele uluntu ukuba luchonge abantu, uMphathiswa makamisele usihlalo nosekela-sihlalo nabantu abangekho ngaphezu kwesihlanu babe ngamalungu eKomiti Ecebisayo ixesha elingagqithiyo kwiminyaka emithathu okanye elinye ixesha elongeziweyo elinokuthi ligqitywe nguMphathiswa ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*.

(b) Ilungu leKomiti Ecebisayo malibe ngummi waseMzantsi-Afrika kwaye libe nemfundo okanye amava okanye ulwazi olufanelekileyo—

ngemvelaphi yezizwe;
ngembali yamaKhoi-San;
ngemithetho yesintu namasiko nangobunkokeli bamaKhoi-San; okanye
ngomthetho.

(c) Amalungu eKomiti Ecebisayo ekuthethwe ngawo kwisiqendu *(b)*(i), (ii) no-(iii) makathi xa ewonke abe nolwazi ngemibandela enxulumene nezizwana eziyintloko ezintlanu zamaKhoi-San, ezizezi: amaKhoi aseKoloni, amaNama, amaKorana, amaSan, namaGriqua.

(d) Igama likasihlalo, nelikasihlalo, nelamalungu amiselwe ngokwesiqendu *(a)* kunye nomhla okuqala ngawo ukusebenza ukumiselwa kwawo, makupapashwe ku*Shicilelo-Mithetho*.

(e) UMphathiswa usenokuthi amisele isigqeba esikhethayo ekukho kuso uMlawuli-Jikelele weSebe nabanye abantu abangekho ngaphezu kwesithathu ukuba benze izindululo eziya kuMphathiswa zokuba ngabaphi abantu abakhethiweyo abangabona bakufanele kakhulu ukukhonza kwiKomiti Ecebisayo, bezenze ezo zindululo ngokusekelwe kwiimfuneko ekuthethwe ngazo kwesi siqendwana.

(f) Emva kokuba uMphathiswa efumene izindululo ezivela kwisigqeba esikhethayo esixelwe kwisiqendwana *(e)*, unokuthi azidlulisele izindululo ezo kwiiNkulumbuso ukuze zivakalise izimvo.

(g) Ukhetho olwenziwe luluntu malube nayo yonke ingcombolo enokuthi ixelwe kwisimemo kwaye malubonise ukuba lowo ukhethiweyo ukufanele kusini na ukuba angajongwa njengenkosi yamaKhoi-San okanye ungomnye wabantu abanokuthi benz' isicelo sokwamkelwa njengoluntu olungamaKhoi-San, kodwa ke umntu onjalo akavumelekanga ukuba akhonze kwiKomiti Ecebisayo.

(2) Ilungu leKomiti Ecebisayo lingaba lilungu ngokupheleleyo okanye libe lilungu elingxungxileyo, kuxhomekeke kuMphathiswa.

(3) Ukuba ilungu leKomiti Ecebisayo lithe lafa okanye lasishiya isihlalo lingekapheli ixesha elalimiselelwe lona, uMphathiswa makamisele umntu wokuvala isithuba sexesha elingagqitywanga lelo lungu, ekwenza oko ngokwesiqendwana (1).

(4) UMphathiswa angalishenxisa ilungu leKomiti Ecebisayo ngesizathu—

sokufunyaniswa linetyala lokwaphul' umthetho nokugwetywa ukuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 lingakhethiswanga fayini;

esikukuvakaliswa kwelo lungu yinkundla lingumntu ongaphilanga ngengqondo;

esikukuvakaliswa kwelo lungu yinkundla lingumntu ongakwaziyo ukuwahlawula amatyala akhe; okanye

esikukuziphatha kwalo kakubi, ukungakwazi ukusebenza ngenxa yempilo, okanye ukungawazi umsebenzi; OKANYE

sokuba elo lungu lithe lafanelekela ukwamkelwa njengenkosi yamaKhoi-San okanye ukuba yintloko yesebe, okanye ukuba ngomnye wabantu abenze isicelo sokwamkelwa njengoluntu lwamaKhoi-San.

(5) *(a)* Isigqibo sokushenxisa ilungu leKomiti Ecebisayo ngesizathu sokuziphatha kakubi okanye sokungawazi umsebenzi masisekelwe kokufunyaniswe yikomiti yophando emiselwe nguMphathiswa.

(b) UMphathiswa angalinqumamisa ilungu leKomiti Ecebisayo eliphandwayo ngokwesiqendu *(a)*.

Izithuba

61. Kubakho isithuba naxa ilungu leKomiti Ecebisayo—

liziyekela ngokwalo ngokwazisa uMphathiswa ngencwadi;

lishenxiswa ngokwesiqendu 60(4); okanye

lisiba lilungu leNdlu YoWiso-Mthetho, okanye olungu lendlu yowiso-mthetho yephondo, okanye lisiba nguceba ngokupheleleyo, okanye umthunywa osisigxina kwiBhunga Lezwelonke Lamaphondo.

Imiqathango yokumiselwa kwamalungu eKomiti Ecebisayo

62. Okutshiwo mayela nemiqathango yokumiselwa kwamalungu eKomishoni njengoko kuthethwe ngako kwisiqendu 54(1)*(a)* no-*(c)* no-(2), kuyasebenza kumalungu eKomiti Ecebisayo, kubekho nje utshintsho olunokuthi lufuneke.

Ukuncediswa kweKomiti Ecebisayo neengxelo zayo

63. (1) *(a)* ISebe maliyincedise iKomiti Ecebisayo ngabasebenzi nangezimali ukuze likwazi ukwenza yonke imisebenzi elinikwe yona kwaye lisenokubolekisa ngamagosa okanye lichonge amagosa akwiSebe ngenjongo yoku okanye ukuze enze uphengululo egameni leKomiti Ecebisayo.

(b) IKomiti Ecebisayo inokumisela umntu ofanelekileyo okanye abantu abafanelekileyo ukuba bayenzele umsebenzi wophando, ikwenza oko ngokulawulwa yi *Public Finance Management Act* 1 ka-1999, nangemvume yoMlawuli-Jikelele.

(2) IKomiti Ecebisayo mayinike uMphathiswa ingxelo epheleleyo ngekwenzileyo qho ngekota okanye xa iceliwe nguMphathiswa.

Isicelo sokwamkelwa kwamaqela abantu abangamaKhoi-San, namasebe, neenkosi zamaKhoi-San, neentloko zamasebe

64. (1) Uluntu oluhlangabezanayo neemfuneko ezichazwe kwisiqendu 5 lunokufak' isicelo esinazo zonk' iinkcukacha ngokubhala lusibhekise kwiKomiti Ecebisayo ukuze olo luntu lwamkelwe, kuze kuthi ukuba oku kuyasebenza kwimeko yolo luntu, kwamkelwe namasebe olo luntu kunye nokuba yinkosi yamaKhoi-San

ehlangabezana neemfuneko ezixelwe kwisiqendu 7, kuze kuthi ukuba kuyasebenza oku kolo luntu, kwamkelwe nentloko yesebe, isicelo eso sibhekiswe kwiKomiti Ecebisayo.

(2) Isicelo esixelwe kwisiqendwana (1) masibe kwimo enokuthi igqitywe yiKomiti Ecebisayo , mayihlangabezane noko kufunwa sisiqendu 5(1)*(b)* kwaye—

masifakwe ngumntu ongomnye wolo luntu ogunyazwe ngokufanelekileyo lolo luntu okanye lusapho lwasebukhosini;

(i) masiphelekwe yingcombolo echaza iinkcukacha
ekusekelwe kuzo ibango lokwamkelwa koluntu

(ii) kwakunye nezikhundla zobunkokeli;
masiphelekwe ziinkcukacha zommandla okanye zemimandla ekuthethwe ngayo kwisiqendu 5(1)*(a)*, kwakunye nenani labantu abakolo luntu oluhlala kuloo mmandla, ngokulawulwa sisiendu 5(1)*(c)* ;

(iii) masingeniswe lingaphelanga ixesha eliyiminyaka emibini ekuthethwe ngalo kwisiqendu 65(2)*(a)*; kuze kuthi
ukuba uluntu ekuthethwe ngalo kwisiqendwana (1) lunembali engqiniweyo yobunkokeli ngokuzalwa okanye ngokunyulwa, masiphelekwe ziinkcukacha zobunkokeli obungokokuzalwa okanye obungokokunyulwa.

(3) Xa iqwalasela isicelo, iKomiti Ecebisayo mayiqwalasele imithetho yesintu namasiko amaKhoi-San ize isebenzise zona.

(4) IKomiti Ecebisayo mayithi, xa isenza isicelo sokwamkelwa—

koluntu namasebe alo, isebenzise iimfuneko ezixelwe kwisiqendu 5; kuze kuthi xa kuziinkokeli zokuzalwa okanye ezinyuliweyo, isebenzise iimfuneko ezixelwe kwisiqendu 7 nese-10.

(5) IKomiti Ecebisayo mayithi qho ngekota yazise iNkulumbuso ngezicelo ezifunyenweyo ezingokwesi siqendu.

Imisebenzi yeKomiti Ecebisayo

65. (1) IKomiti Ecebisayo mayiphande ize yenze izindululo eziya kwiNkulumbuso ngokwamkelwa—

kwamaqela oluntu angamaKhoi-San;
ngeenkosi zamaKhoi-San ezizizo ngokuzalwa;
ngeenkosi zamaKhosi ezizizo ngokunyulwa;
nangamasebe neentloko zamasebe.

(2) IKomiti Ecebisayo—

inokuphanda kuphela ize yenze izindululo ngezo zicelo ezifakwe kwiKomiti Ecebisayo ngokwesiqendu 64, lingaphelangha ixesha eliyiminyaka emibini ukususela kumhla omawugqitywe nguMphathiswa ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*, okanye ke elinye ixesha elololiweyo elinokuthi ligqitywe nguMphathiswa ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*; kwaye

mayiluqukumbele uphando ize yenze izindululo njengoko kuxelwe kwisiqendu *(a)* lingaphelanga ixesha eliyiminyaka emithathu ekuthethwe ngalo kwisiqendu 60(1) *(a)*, okanye elinye ixesha elololiweyo elinokuthi ligqitywe nguMphathiswa.

(3) Nasiphi na isicelo esingafakwanga kwiKomiti Ecebisayo ngexesha ekuthethwe ngalo kwisiqendwana (2)*(a)* asinakusingathwa yiKomiti Ecebisayo kwaye masisingathwe ngokwesiqendu 5 okanye 10.

(4) Nayiphi na imbambano enokuthi gqi emva kwexesha ekuthethwe ngalo kwisiqendwana (2)*(a)* mayisingathwe yiNkulumbuso yaloo ndawo kwaye ngenjongo yoku, okutshiwo sisiqendu 56(8) kuyasebenza, kubekho nje utshintsho olunokuthi lufuneke.

Izindululo zeKomiti Ecebisayo

66. (1) Isindululo seKomiti Ecebisayo makuvunyelwane ngaso ubuncinane sisibini kwisithathu samalungu ayo.

(2) *(a)* Isindululo seKomiti Ecebisayo masithi, zingaphelanga iiveki ezimbini senziwe isindululo, sidluliselwe kwiNkulumbuso yephondo apho uluntu olwenz' isicelo, inkokeli nentloko yesebe bahlala khona okanye apho isebe likhoyo, ukuze iNkulumbuso ivakalise izimvo zayo.

(b) INkulumbuso mayizithumele izimvo zayo kwiKomiti Ecebisayo zingaphelanga iintsuku ezingama-60 ukususela kumhla wokudluliselwa kwezindululo, kodwa ke ukuba akukho zimvo zifunyenweyo kwisithuba seentsuku ezingama-60, kuza kuthathwa ngokuthi iNkulumbuso iyasixhasa isindululo.

(c) IKomiti Ecebisayo mayithi zingaphelanga iiveki ezimbini ukususela ekupheleni kweentsuku ezingama-60 ekuthethwe ngazo kwisiqendu *(b)*, ithumele kuMphathiswa isindululo sayo kunye nezimvo zeNkulumbuso, ukuba zikho.

(3) UMphathiswa makathi zingaphelanga iintsuku ezingama-60 ukususela kumhla wokufumana izindululo ezixelwe kwisiqendwana (2)*(c)* athabathe isigqibo ngesindululo.

(4) Ukuba uMphathiswa uthabath' isigqibo esingafaniyo nesindululo esidluliselwe kuye ngokwesiqendwana (2), makanike iKomiti Ecebisayo neNkulumbuso echaphazelekayo izizathu ezibhaliweyo ngeso sigqibo.

(5) Ngokulawulwa sisiqgibo soMphathiswa njengoko kuxelwe kwisiqendwana (3), uMphathiswa—

makalwamkele uluntu olungamaKhoi-San, isebe, inkosi yamaKhoi-San, okanye intloko yesebe, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*; aze akhuphele loo nkokeli isiqinisekiso sokwamkelwa.

ISAHLUKO 5

OKUTSHIWO NGULO MTHETHO GABALALA

Imimiselo

67. (1) Ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* , uMphathiswa unokwenza imimiselo—

ngawo nawuphi na umcimbi emakwenziwe imimiselo ngawo okanye ekunokuthi kwenziwe imimiselo ngawo ngokwalo Mthetho;

ngazo naziphi na iindima ezingokwesithethe nemisebenzi yekumkani okanye yekumkanikazi, okanye yengotya, emva kokubonisana negqirha labathunywa abangekho ngaphezu kwamalungu amabini ngaphakathi kobukumkani okanye kobukumkanikazi okanye ngaphakathi kobungotya, achongwe ngamaphakathi;

ngawo nawuphi na umcimbi ekunokuba yimfuneko ukwenza imimiselo ngawo ukuqinisekisa ukuba yimpumelelo ukusebenza kwendlu yasekuhlaleni, kuquka nomcimbi ekuthethwe ngawo kwisiqendu 50(11);

nangawo nawuphi na omnye umcimbi oyeleleyo ekuyimfuneko ukwenz' imimiselo ngawo ukuze lo Mthetho usebenze kakuhle.

(2) Ngaphambi kokuba kwenziwe imimiselo ngokwesi siqendu, uMphathiswa makathi—

xa kuyimimiselo exelwe kwisiqendwana (1)*(a)*, *(c)* no-*(d)*, abonisane—

nabaphathiswa bamaphondo abaphathiswe imicimbi yobunkokeli bomthonyama nobamaKhoi-San yamaphondo abakuwo;

nezindlu zamaphondo; kuze kuthi

xa kuyimimiselo exelwe kwisiqendwana (1)*(b)*, abonisane—

neeNkulumbuso ezichaphazelekayo;

nabaphathiswa bamaphondo abaphathiswe imicimbi yobunkokeli bomthonyama nobamaKhoi-San yamaphondo abakuwo;

neNdlu Yezwelonke; kwakunye

nezindlu zamaphondo ezichaphazelekayo; aze

apapashe imimiselo eseluvavanyo ku*Shicilelo-Mithetho* ukuze kuvakaliswe izimvo ngayo.

INkulumbuso iphathisa abanye amagunya nemisebenzi

68. (1) INkulumbuso inokuthi, ngokulawulwa yimiqathango enokuthi igqitywe yiyo iNkulumbuso, ngokubhala, iliphathise omnye umntu naliphi na igunya okanye umsebenzi oniwe yena ngokwalo Mthetho, iliphathisa igunya okanye iwuphathisa umsebenzi umphathiswa wephondo ophanthiswe imicimbi yakwantu yephondo.

(2) Ukuphathisa omnye umntu ngokwesiqendwana (1) akukuthinteli ukusetyenziswa kwelo gunya okanye ukwenziwa kwalo msebenzi yiNkulumbuso ngokwayo.

(3) Nangaliphi na ixesha, ngokubhala, iNkulumbuso inokuthi ikurhoxise ukuphathisa ebikwenzile ngokwesiqendwana (1) okanye yenze utshintsho kuko.

(4) Umphathiswa wephondo ophathiswe igunya akavumelekanga ukuba aliphatise omnye umntu naye igunya aliphathisiweyo okanye umsebenzi awuphathisiweyo ngaphandle kokugunyazwa ngencwadi nguMphathiswa.

Ukubekw' esweni

69. (1) ISebe linokuthi likubek' esweni ukusetyenziswa kwalo Mthetho kwakunye nemimiselo eyenizwe ngokwalo Mthetho, kuquka nokusebenza kwayo nayiphi na iKomishoni, ikomiti, indlu, uluntu, inkokeli, amaphakathi okanye isebe ekuthethwe ngalo kulo Mthetho, kwaye linokuthi lingenise iingxelo kwaye lenze nezindululo ngokusetyenziswa kwawo lo Mthetho lizibhekise kuMphathiswa, kwiNkulumbuso echaphazelekayo okanye kwiiNkulumbuso zonke, nakwiKomishoni echaphazelekayo, kwikomiti, kuluntu, kwinkokeli, kumaphakathi okanye kwisebe.

(2) ISebe linokuthi likubek' esweni ukusetyenziswa kwesiqendu 81 se*Local Government: Municipal Structures Act* 117 ka-1998 lize lenze izindululo ngokusetyenziswa kwaso lizibhekise kuMphathiswa, kwiNkulumbuso, nakuyiphi na indlu echaphazelekayo yeenkokeli zomthonyama nezamaKhoi-San, nakuyo nayiphi na inkosi okanye inkosi yamaKhoi-San ethabath' inxaxheba kwiintlanganiso zebhunga likamasipala ngokwalo Mthetho oxelwe apha.

(3) UMphathiswa unokuthi emva kokuba efumene ingxelo okanye izindululo ezixelwe kwisiqendwana (1) nese-(2) nasemva kokuba ebonisene neNkulumbuso echaphazelekayo, athabathe amanyathelo ayimfuneko okuqinisekisa ukuba okutshiwo ngulo Mthetho kuyenziwa.

Okuza kwenzeka okwethutyana

70. (1) *(a)* Nayiphi na inkokeli yomthonyama—

eyamiselwa okanye eyayisamkelwa njengenkokeli yomthonyama ngokomthetho wendlu yowiso-mthetho wephondo owawusebenza, neyayisathathwa njengenkokeli yomthonyama ngaphambi komhla wama-24 kuSeptemba 2004; okanye

eyathi yamkelwa njengenjalo ngokwe*Traditional Leadership and Governance Framework Act* 41 ka-2003 (emva koku ebizwe ngokuba yi*Framwork Act*) ngaphambi kokutshitshiswa kwaloo Mthetho, okanye ngokomthetho wepalamente osebenzayo ongangqubaniyo ne*Framework Act*,

uthathwa njengowathi wamkelwa ngokwesiqendu 8 salo Mthetho, kodwa ke kuxhomekeke kwisindululo seKomishoni ngokwesiqendu 57, apho kusebenza khona oku.

(b) Nabuphi na ubukumkani okanye ubukumkanikazi, ubungotya, ubukhosi, ngokulawulwa sisiqendu *(c)*, nobubonda obathi bamkelwa ngokwe*Framework Act* ingekatshitshiswa, okanye ngokomnye umthetho wephondo ongangqubaniyo ne*Framework Act*, ezo zikhundla zithathwa njengezathi zavunywa ngokwesiqendu 3 salo Mthetho, kodwa kuxhomekeke kwisindululo seKomishoni ngokwesiqendu 57 apho kunokwenzeka khona.

(c) (i) INkulumbuso mayithi ingaphelanga iminyaka emithathu uqalile ukusebenza lo Mthetho okanye lingaphelanga ixesha elololiweyo eligqitywe nguMphathiswa, enze ukuba kuphandwe ukuze kuqondakale ukuba ububonda obavunywa ngokomthetho wepalamente ngaphambi kwe*Framework Act* okanye ukususela ekuqaleni kwayo ukusebenza, nokuthi isibonda esathi samiselwa okanye samkelwa siyahlangabezana kusini na neemfuneko ezikwisiqendu 3, 7 nese-8 salo Mthetho.

(ii) Ukuba uphando oluxelwe kwisiqendwana (i) lufumanisa ukuba ububonda okanye isibonda asihlangabezani neemfuneko ezikwisiqendu 3, 7 nese-8 salo Mthetho, obo bubonda buya kuthi ngokuzenzekelayo bubhangiswe kusakufa okanye kusakuziyekela isibonda esikhoyo nokumiselwa okanye ukwamkelwa kwesibonda kuza kuthathwa njengokurhoxisiweyo.

(iii) INkulumbuso inokuthi ngesihlokomiso ku*Shicilelo-Mithetho* Lwephondo ixele iziphumo ezingokomthetho nezolunye uhlobo zokubhangiswa okuxelwe kwisiqendwana (ii).

(d) Amaphakathi obukumkani, amaphakathi obungotya, amaphakathi obukhosi, okanye iqaqobana lamaphakathi elisekwe ngokwe*Framework Act* ingekatshitshiswa, okanye ngokomnye umthetho wephondo ongangqubaniyo ne*Framework Act*, loo maphakathi athathwa njengasekwe ngokwesiqendu 16 okanye 17 salo Mthetho.

(2) Umntu owayemiselwe kwaye esamkelwa njengebambela, okanye emiselwe ukuba abe lisekela ngokwe*Framework Act* ingekatshitshiswa, okanye ngokomnye umthetho wephondo ongangqubaniyo ne*Framework Act*, loo mntu uthathwa njengowamkelweyo ukuba abe libambela ngokwesiqendu 12, 13 okanye 14 salo Mthetho.

(3) Nasiphi na " isizwe" esasimiselwe ngaphambi komhla wama-24 kuSeptemba 2004 ngokomthetho wendlu yowiso-mthetho owawusebenza ngelo xesha, nesisathathwa njengesizwe, sithathwa njengoluntu oluphila ngokwakwantu oluxelwe kwisiqendu 3 salo Mthetho, kodwa ke—

ukwamkelwa kwaso kusenokurhoxiswa ngokwesiqendu 4; okanye

kusenokwenziwa isindululo yiKomishoni ngokwesiqendu 57, apho kusebenza khona oku.

(4) Igunya-bantu elaselisekiwe kakade ngaphambi komhla wama-24 kuSeptemba 2004, kwaye lisathathwa njengegunya-bantu, lithathwa njengamaphakathi axelwe kwisiqendu 16 salo Mthetho, kodwa malenze imisebenzi ekuthethwe ngayo kwisiqendu salo Mthetho, kwaye malenze imisebenzi ekuthethwe ngayo kwisiqendu 20, kodwa ke loo maphakathi makenze okufunwa sisiqendu 16(2) ungekabethi umhla wama-23 kuSeptemba 2014, kodwa ke, ukuba akahlangabezananga nomda wexesha wama-23 kuSeptemba 2014, uMphathiswa angathabatha amanyathelo ayimfuneko ukuqinisekisa ukuba okufunwa sisiqendu 16(2) kuyenziwa.

(5) *(a)* Naliphi na igunya loluntu elalisekwe ngokomthetho wepalamente owawusebenza ngelo xesha, nelalisekho ngaphambi komhla wama-24 kuSeptemba 2004, liqhubeka likho de libe libhangisiwe ngokomthetho wendlu yowiso-mthetho wephondo, kubhangiswa oko omakwenzeke ungekabethi umhla wama-23 kuSeptemba 2014, ngaphandle kwaxa ubunkokeli bomthonyama belo gunya loluntu busaphandwa yiKomishoni ngokwesiqendu 56(2), ekuya kuthi xa kunjalo igunya loluntu elichaphazelekayo lithathwe ngokungathi umthetho wepalamente elisekwe ngawo awutshitshiswanga.

(b) Umthetho wepalamente yephondo oxelwe kwisiqendu *(a)* mawuzilawule iziphumo ezingokomthetho nezolunye uhlobo zokubhangiswa, kuquka—

ukudluliselwa kwempahla, amatyala neefayile zomsebenzi wolawulo nezinye, zidluliselwa kwigunya elifanelekileyo;

ukuphuma esikhundleni kwakhe nabani osesikhundleni kwelo gunya loluntu;

nokufuduswa kwabasebenzi belo gunya loluntu ngokomthetho wepalamente osebenzayo.

(c) Ukuba akuhlangatyezwananga nomda wexesha ekuthethwe ngawo kwisiqendu *(a)* malunga negunya loluntu, uMphathiswa unokuthi athabathe amanyathelo ayimfuneko ukuqinisekisa ukuba okutshiwo sesi siqendwana kuyenziwa.

(6) *(a)* Umphathiswa wephondo ophathiswe imicimbi yakwantu makathi, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo, ungekapheli unyaka uqalile ukusebenza lo Mthetho, abhangise naliphi na igunya-bantu, iBandla Lamakhosi, iBhunga leeNkosi, negunya lewadi esebenza phantsi kwamagunya esizwe asekwe ngokomthetho wepalamente owawusebenza ngaphambi kokuqalisa kwalo Mthetho ukusebenza.

(b) Isihlokomiso esibhangisa igunya-bantu, iBandla Lamakhosi, iBhunga leeNkosi, okanye igunya lewadi malizilawule iziphumo ezingokomthetho nezinye iziphumo zokubhangiswa kwalo, kuquka—

ukufuduswa kwempahla, kwamatyala, kwabasebenzi nezinye iingxelo zisisiwa kwisebe lephondo elifanelekileyo, kumasipala, okanye kwindlu yasekuhlaleni yeenkokeli zomthonyama, ngokokufuna kweemeko.

ukushiywa kwesihlalo nguye nawuphi na umntu ohleli kuso welo gunya-bantu;

nokufuduswa kwabasebenzi belo gunya-bantu ngokwemithetho yepalamente esebenzayo.

(c) Ukuba umda wexesha wonyaka omnye ekuthethwe ngawo kwisiqendu *(a)* akuhlangatyezwananga nawo ngokumayela negunya-bantu, iBandla Lamakhosi, iBhunga leeNkosi, okanye igunya lewadi, uMphathiswa angathabatha amanyathelo ayimfuneko ukuqinisekisa ukuba okufunwa sesi siqendwana kuyenziwa.

(7) *(a)* Xa, emva kophando oluqhutywe ngokwesiqendu 28(7) se*Framework Act*, iKomishoni igqibe kwelokuba ubungotya buyafaneleka ukuba bamkelwe njengobukumkani okanye ubukumkanikazi, obo bungotya buthathwa njengobamkelwe njengobukumkani okanye ubukumkanikazi ngokwesiqendu 3 salo Mthetho.

(b) Iingotya eziziingotya ngoku, ngokumayela nobukumkani okanye ubukumkanikazi obuxelwe kwisiqendu *(a)*, zithathwa njengezamkelwa njengeekumkani okanye iikumkanikazi ngokwesiqendu 8 salo Mthetho.

(8) *(a)* Xa, emva kophando oluqhutywe ngokwesiqendu 28(7) se*Framework Act*, iKomishoni igqiba kwelokuba ubungotya abufaneleki ukuba bamkelwe njengobukumkani okanye ubukumkanikazi, obo bungotya buya kuthathwa njengobamkelwe njengobukumkani okanye ubukumkanikazi ngokwesiqendu 3 salo Mthetho, kungakhathaliseki ukuba sithini isigqibo seKomishoni nangokulawulwa sisiqendu *(c)*.

(b) Xa, emva kophando oluqhutywe ngokwesiqendu 28(7) se*Framework Act*, iKomishoni igqibe kwelokuba ingotya ayifaneleki ukuba ithathwe njengekumkani okanye ikumkanikazi, loo ngotya, okanye ibambela-ngotya iya kuthi ithathwe njengeyamkelwayo njengekumkani okanye ikumkanikazi ngokwesiqendu 8 okanye njengebambela-kumkani okanye ibambela-kumkanikazi ngokwesiqendu 12 okanye 13 salo Mthetho, kungakhathaliseki ukuba sithini isigqibo seKomishoni nangokulawulwa sisiqendu *(c)*.

(c) Ubukumkani okanye ubukumkanikazi kunye nekumkani okanye ikumkanikazi obamkelwayo ngokwesiqendu *(a)* no-*(b)* buyaphelelwa—

ukuba, ngomhla woku-1 kuFebruwari 2010, eso sihlalo sasingenamntu;

kusakufa umntu oyikumkani okanye oyikumkanikazi xa kwisihlalo saloo kumkani okanye ikumkanikazi kuhleli umntu osisigxina;

xa kwisihlalo somntu oyikumkani okanye oyikumkanikazi kuhleli ibambela kusakufa elo bambela okanye ngomhla wokwamkelwa komntu olilandela,

ekuya kuthi emva koko ubukumkani okanye ubukumkanikazi kunye nekumkani okanye ikumkanikazi buthathwe njengobungotya okanye ingotya, kodwa ke, xa inkokeli yoluntu iba yingotya okanye uluntu lusiba luluntu lwengotya ngokwesi siqendu, iNkulumbuso mayipapashe isihlokomiso ku*Shicilelo-Mithetho* Lwephondo esamkela loo ngotya noluntu lwengotya, ize ikhuphe isiqinisekiso sokwamkelwa isinike loo ngotya.

(9) Ukuba kumiselwe ubukumkani okanye ubukumkanikazi, bumiselelwa ubukumkani okanye ubukumkanikazi ekuthethwe ngabo kwisiqendu 8*(a)*, kuze ukwamkelwa kobo bukumkani okanye ubukumkanikazi kuphelelwe ngokwesiqendu 8*(c)*, ubukumkanikani okanye ubukumkanikazi buza kuthathwa njengamaphakathi obungotya.

(10) *(a)* IKomishoni esekwe sisiqendu 22 se*Framework Act* (emva koku eza kubizwa ngokuba " yiKomishoni endala"), ithathwa ngokuthi isekwe sisiqendu 51 salo Mthetho (emva koku ebizwe ngokuba " yiKomishoni entsha").

(b) Zonke iimbambano namabango awayephambi kweKomishoni endala athathwa njengafakwe kwiKomishoni entsha.

(c) Ixesha lokuba sesikhundleni kweKomishoni entsha liza kuba yintsalela yexesha engagqitywanga yexesha lokuba sesikhundleni kweKomishoni endala, kuquka naliphi na ixesha elongezelelweyo lokuba sesikhundleni njengoko kuxelwe kwisiqendu 25(4)*(b)* se*Framework Act.*

(11) Onke amabango neembambano angagqitywanga ngomhla woku-1 kuAgasti 2010 athathwa njengahambisanayo nokufunwa sisiqendu 21(1) nese-(2) se*Framework Act*, kungakhathaliseki ukuba ubhangisiwe loo Mthetho ngulo Mthetho, kwaye loo mabango neembambano makasingathwe ngokwesiqendu 56, 57 nesama-58 salo Mthetho.

(12) Kungakhathaliseki ukuba sithini isiqendu 28, iinkokeli zomthonyama ezathi, ngomhla wokuqalisa kwalo Mthetho ukusebenza, zabe zingamalungu eNdlu Yezwelonke Yeenkokeli Zomthonyama esekwe ngokwe*National House of Traditional*

Leaders Act 22 ka-2009, ziqhubeka zingamalungu aloo Ndlu, kwaye ziyaqhubeka zingawo ukuba lo Mthetho uya kube ungekatshitshiswa xa kubetha umhla wama-31 kuMeyi 2017, ekuya kuthi ke ngelo xesha loo Ndlu yakhiwe ngokutsha kwalo Mthetho, kodwa ke nayiphi na into eyenziwa yiNdlu kaZwelonke ngokokutsho kwe*National House of Traditional Leaders Act* ka-2009, ngaphambi kokuqalisa kwalo Mthetho ukusebenza, iza kuthathwa njengeyenziwe ngokwalo Mthetho.

(13) Kungakhathaliseki ukuba sithini isiqendu 49, iinkokeli zomthonyama ekwathi kuqalisa ukusebenza kwalo Mthetho zabe zingamalungu endlu yephondo yeenkokeli zomthonyama eyasekwa ngokomthetho wendlu yowiso-mthetho yephondo, ziqhubeka zingamalungu endlu yephondo kude kube ngumhla wama-30 kuEpreli 2017, ekuya kuthi ke ngelo xesha loo ndlu yakhwe ngokutsha ngokwesiqendu 49.

(14) Kungakhathaliseki ukuba sithini isiqendu 50, amalungu endlu yasekuhlaleni yeenkokeli zomthonyama awayengamalungu endlu yasekuhlaleni esekwe ngokomthetho wepalamente wezwelonke okanye wephondo ngomhla wokuqalisa kokusebenza kwalo Mthetho, ayaqhubeka engamalungu endlu yasekuhlaleni, kwaye mayiphathwe ngokomthetho wepalamente osebenzayo, kude kube ngumhla wama-31 kuMatshi 2017, kwaye ukwakhiwa ngokutsha kwaloo ndlu makuvisisane noko kutshiwo sisiqendu 50.

(15) Naziphi na izikhokelo ezigqitywe okanye ezikhutshwe ngokwe*Framework Act*, ngaphambi kokuqalisa kokusebenza kwalo Mthetho, zihqubeka zisebenza de ibe indawo yazo ithathwe zizikhokelo ezikhutshwe ngokwalo Mthetho.

(16) Ukubonisana okwenziwe mayela nokusekwa kwamaphakathi obukumkani okanye ubukumkanikazi njengoko kuxelwe kwisiqendu 3A(2)*(a)* se*Framework Act* ngaphambi kokuqalisa kwalo Mthetho ukusebenza, kuthathwa njengokwenziwe ngokwesiqendu 16(2) salo Mthetho.

Kwenziwa utshintsho kwimithetho yepalamente

71. Kwenziwa utshintsho kwimithetho yepalamente ekankanywe kwiSihlomelo 3 salo Mthetho, kwaye ubungakanani botshintsho buxelwe kweso Sihlomelo.

Ukutshitshswa kwemithetho yepalamente ethile nokulondolozwa kwethile

72. (1) Imithetho yepalamente exelwe kwiShedyuli 4 yalo Mthetho iyatshitshiswa, kwaye ubungakanani bokutshitshiswa kwayo buboniswe kumhlathi wesithathu weso Sihlomelo.

(2) Nayiphi na into eyenziwe okanye ethathwa njengeyenziwe ngokomthetho otshitshisiweyo sisiqendwana (1) nenokuthi yenziwe okanye emayenziwe ngokwalo Mthetho, ithathwa njengeyenziweyo ngokwalo Mthetho.

Igama lawo nokuqalisa kwawo ukusebenza

73. Lo Mthetho ubizwa ngokuba nguMthetho Weenkokeli Zomthonyama NezamaKhoi-San ka-2015 kwaye uqalisa ukusebenza ngomhla omawugqitywe nguMongameli ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*.

ISIHLOMELO 1
Imigqaliselo yokuziphatha

Ukuchazwa kwamagama
Ukuziphatha kwamalungu gabalala
Ukubakho kwiintlanganiso
Izohlwayo zokungabikho kwiintlanganiso
Ukudandalaziswa kwezinto umntu azincwasileyo
Inzuzo yobuqu
Ukuxelwa kwezinto umntu azincwasileyo
Imivuzo, nezipho, nezicengo
Ukutyhilwa kwengcombolo okungagunyazwanga
Ukwaphulwa kwemigqaliselo lilungu leNdlu Yezwelonke
Ukwaphulwa kwemigqaliselo lilungu lendlu yephondo, okanye yendlu yephondo, okanye yendlu yasekuhlaleni, okanye liphakathi

Ukuchazwa kwamagama

Kwesi Sihlomelo, ngaphandle kokuba okunye okubhaliweyo kuso kubonisa ngenye indlela—

" iNdlu" yiNdlu Yezwelonke Yeenkosi Zomthonyama NezamaKhoi-San, nendlu yephondo yeenkokeli zomthonyama nezamaKhoi-San, nendlu yasekuhlaleni yeenkokeli zomthonyama nezingamaKhoi-San;

" ilungu" lilungu leNdlu okanye iphakathi;

" amaphakathi" ngamaphakathi obukumkani okanye obukumkanikazi, namaphakathi obungotya, namaphakathi obukhosi, neqaqobana lamaphakathi, namaphakathi amaKhoi-San, nesebe.

Ukuziphatha kwamalungu gabalala

2. Ilungu—

malenze imisebenzi yalo ngesisusa esihle kwanangendlelayokunyaniseka, yokungacaluli neselubala;
malithi ngamaxesha onke okuza kuba luncedo kwiNdlu okanye kumaphakathi kwaye likwenze ngendlela yokuba ukuthenjwa kweNdlu okanye kwamaphakathi kungathandatyuzwa;
alivumelekanga ukuba lithi ngabom lenze nayiphi na into enjongo yayo ikukungcolisa ngenkohlakalo okanye ngokungenabulungisa udumo lwelinye ilungu;
alivumelekanga ukuba lisebenzise igunya lesihlalo salo ngenjongo yokufuna okanye yokuzuza ukuncedakala okuthile okungaluncedi nganto uluntu; kwaye
alivumelekanga ukuba lithi pahaha ingcombolo eyimfihlo eliyizuze xa lisenza imisebenzi yalo, ngaphandle kokuba kufunwa ngumthetho ukuba lenze njalo, okanye kukwiimeko ezithintela ukwenzakala kwabanye abantu.

Ukubakho kwiintlanganiso

3. Ilungu malibekho kwintlanganiso yeNdlu okanye yamaphakathi neyekomiti yeNdlu okanye yamaphakathi, ngaphandle kwaxa—
livunyelwe ukuba lingabikho ngokomthetho osebenzayo okanye ngokokutsho kwemigaqo nemiyalelo yeNdlu okanye yamaphakathi; okanye
elo lungu kufuneka ukuba lirhoze kwintlanganiso ngokwemigqaliselo yokuziphatha.

Izohlwayo zokungabikho kwiintlanganiso

4. (1) Ilungu elithi lingenayo imvume lingabikho kwiintlanganiso zeNdlu okanye zamaphakathi zide zibe ntathu nangaphezulu zilandelana, maliyekiswe ukuba lilungu leNdlu okanye ukuba liphakathi.

(2) Ukuyekiswa kwelungu ngokwesiqendwana (1) kulawulwa kokutshiwo sisiqendu 10 xa kulilungu leNdlu Yezwelonke, kuze kulawulwe sisiqendu 11 xa kulilungu lendlu yephondo, okanye yasekuhlaleni, okanye kungamaphakathi.

Ukudandalaziswa kwezinto umntu azincwasileyo

5. (1) Ilungu—
malidandalazisele okanye amaphakathi okanye ikomiti yeNdlu okanye amaphakathi nayiphi na into eliyincwasileyo ngokungqalileyo okanye ngokungqalanga okanye into eliyincwasileyo kwishishini layo okanye lowakwakhe okanye leqabane lakhe kwishishini; kwaye
malirhoxe kwiintlanganiso zeNdlu okanye zamaphakathi okanye zekomiti yeNdlu okanye zamaphakathi xa umcimbi oxelwe kwisiqendu *(a)* uqwalaselwa yiNdlu, ngaphandle kokuba iNdlu okanye amaphakathi okanye ikomiti yayo igqiba kwelokuba oko akuncwasileyo akunto ingakanani.

(2) Ilungu elizuza okanye elinokuthi lizuze okanye kuzuze iqabane lalo lomtshato okanye iqabane lalo kwishishini ngokungqalileyo okanye ngokungangqalanga malidandalazise iinkcukacha ezipheleleyo zaloo nzuzo kwintlanganiso yokuqala yeNdlu okanye yamaphakathi elinokuthi likwazi ukuyidandalazisa kuyo.

Inzuzo yobuqu

6. (1) Ilungu alivumelekanga, kodwa ke kuxhomekeke kwisiqendu 2*(e)*, ukuba lisebenzise isihlalo salo okanye amalungelo okuba lilungu, okanye lisebenzise ingcombolo eyimfihlo eliyifumene ngenxa yokuba lililungu, liyisebenzisele inzuzo yalo siqu okanye liyisebenzisele ukuzuzisa omnye umntu ngokungafanelekanga.

(2) Ngaphandle kokuba liqale lafumana imvume kwiNdlu okanye kumaphakathi, ilungu alivumelekanga ukuba—
libe ngomnye wabantu abakwisivumelwano okanye libe ngumntu oza kuzuza kwisivumelwano sokunikezelwa kwempahla okanye kweenkonzo kwiNdlu okanye kumaphakathi;
lizuze imali kuwo nawuphi na umsebenzi weNdlu okanye wamaphakathi; okanye
livele egameni lomnye umntu phambi kweNdlu okanye phambi kwamaphakathi okanye phambi kwekomiti yeNdlu okanye yamaphakathi, likwenza oko liza kuhlawulwa imali okanye lifumane nto ithile.

(3) Ukuba amalungu angaphezu kwekota yeNdlu okanye yamaphakathi ayakuchasa ukunikwa kwelungu imvume ngokwesiqendwana (2), loo mvume inokunikwa elo lungu kuphela xa kuvume uMphathiswa, xa kuyiNdlu Yezwelonke, naxa kuvume iNkulumbuso yaloo ndawo, xa kuyindlu yephondo, okanye yindlu yasekuhlaleni, okanye yamaphakathi.

Ukuxelwa kwezinto umntu azincwasileyo

7. (1) Xa linyuliwe okanye limiselwe ilungu, malithi zingaphelanga iintsuku ezingama-60 linyuliwe okanye limiselwe, lixele ngokubhalela igosa leNdlu okanye lamaphakathi elichongwe nguMphathiswa, xa kuyiNdlu Yezwelonke, okanye elichongwe yiNkulumbuso yaloo ndawo, xa kuyindlu yephondo, okanye indlu yasekuhlaleni, okanye yamaphakathi, lixele ezi zinto zilandelayo ezinento yokwenza nemali elo lungu elinazo:

izabelo neziqinisekiso kuyo nayiphi na inkampani;
ukuba lilungu kwakhe kuyo nayiphi na inkampani yomntu omnye;
umdla kuyo nayiphi na impahla yokuphathiswa;
ukuba ngumlawuli kwakhe kwiinkampani;
ukuba liqabane kwakhe kumashishini;
ezinye izinto anazo ngokwasemalini kulo naluphi na ushishino;
ukuqeshwa nokuhlawulwa umvuzo;
umdla anawo kumhlaba nezakhiwo;
umhlalaphantsi;
nenkxaso-mali, nezibonelelo ezivela nakuwuphi na umbutho.

(2) Naluphi na utshintsho olwenzekayo kubunjani okanye kwiinkcukacha zezinto elizincwasileyo ilungu ngokwasemalini mazixelwe ngokubhala qho ngonyaka, zixelwa kwigosa ekuthethwe ngalo kwisiqendwana (1).

(3) Izipho ezifunyenwe lilungu ezixabiso lazo lingaphaya kwesixa esigqitywe nguMphathiswa ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*, nazo mazixelwe ngokwesiqendwana (1).

(4) INdlu okanye amaphakathi makenze isigqibo sokuba zeziphi izinto ezincwasiweyo ngokwasemalini ekuthethwe ngazo kwisiqendwana (1) emazithiwe pahaha esidlangalaleni, kucingelwa imfuneko yokukugcina kuyimfihlo okufanele kube yimfihlo kwanemfuneko yokuba uluntu lukwazi olufanele lukwazi.

Imivuzo, izipho, nezicengo

8. Ilungu alivumelekanga ukuba licele okanye lamkele nawuphi na umvuzo, okanye isipho, okanye isicengo ngenjongo—

yokuvota okanye yokungavoti ngendlela ethile kuwo nawuphi na umcimbi ophambi kweNdlu okanye ophambi kwamaphakathi okanye ophambi kwekomiti yeNdlu okanye yamaphakathi;
yokuthundeza iNdlu okanye amaphakathi okanye ikomiti yeNdlu okanye yamaphakathi ekusebenziseni amagunya ayo okanye ekwenzeni imisebenzi yayo;
yokubeka uluvo kwiNdlu, okanye yamaphakathi, okanye kwikomiti yeNdlu okanye yamaphakathi; okanye
yokudiza ingcombolo eyimfihlo.

Ukutyhilwa kwengcombolo okungagunyazwanga

9. (1) Ilungu alivumelekanga ukuba lithi lingenamvume yeNdlu okanye yamaphakathi okanye yekomiti yeNdlu okanye yamaphakathi, lityhile ingcombolo eyimfihlo yeNdlu okanye yamaphakathi okanye yekomiti kuye nawuphi na umntu ongagunyazwanga.

(2) Ngenjongo yokusebenza kwesi siqendu, amagama athi " ingcombo eyimfihlo" aquka nayiphi na ingcombolo—

eyenziwe yayimfihlo yiNdlu okanye ngamaphakathi okanye yikomiti yamaphakathi;
ekuxoxwe ngayo kwintlanganiso yangasese yeNdlu okanye yamaphakathi okanye yekomiti yeNdlu okanye yekomiti yamaphakathi;
ekunokuthi ukutyhilwa kwayo kunyhashe ilungelo lomntu lokuba neemfihlo zakhe; okanye evakaliswe iyimfihlo ngokwasemthethweni.

(3) Esi siqendu asilohluthi ilungelo lomntu lokwenz' isicelo sokufumana ingcombolo ngokomthetho wepalamente wezwelonke omayela noko.

Ukwaphulwa kwemigqaliselo lilungu leNdlu Yezwelonke

10. (1) Ukuba iNdlu Yezwelonke, ngezizathu ezivakalayo, inokuvo lokuba okutshiwo yimigqaliselo yokuziphatha kwaphulwe lelinye lamalungu ayo, iNdlu Yezwelonke—

mayigunyaze ukuphandwa kwezibakala neemeko ekuthiwa kwenzeke kuzo oko kwaphulwa; kananjalo

mayinike ilungu leNdlu Yezwelonke ithuba elaneleyo lokuphendula ngokubhala ngoko kwaphulwa kuxelwayo, kodwa ke iNdlu Yezwelonke inokuthi ilinqumamise elo lungu ngeli xesha kusaphandwa.

(2) INdlu Yezwelonke mayazise uMphathiswa ngesiphumo sophando.

(3) UNobhala makaqinisekise ukuba ilungu ngalinye leNdlu Yezwelonke, xa lisiba lilungu, linikwa ikopi yemigqaliselo yokuziphatha nokuthi ikopi yemigqaliselo iyafumaneka kwigumbi ngalinye okanye kwindawo nganye apho ihlanganisana khona iNdlu Yezwelonke okanye ikomiti yeNdlu Yezwelonke.

(4) Ukuba iNdlu Yezwelonke igunyaze uphando, mayiseke ikomiti yophando—

ukuze iphande ize ifumanise oko ikufumanisayo ngako nakuphi na ukwaphulwa kwemigqaliselo yokuziphatha; kananjalo

ukuze yenze izindululo kwiNldu Yezwelonke ngesohlwayo okanye izohlwayo ezifanelekileyo.

(5) Ukuba ikomiti yophando emiselwe yiNdlu Yezwelonke ukuba iphande ifumanisa ukuba ilungu leNdlu Yezwelone, kuquka nosihlalo okanye usekela-sihlalo, liwaphule omnye wemigqaliselo yokuziphatha, iNdlu Yezwelonke isenokuthi—

ililumkise elo lungu;

ilingxolise;

ilinqumamise ixesha elithile elixelwe yiNdlu Yezwelonke; okanye

ilishenxise esihlalweni.

(6) *(a)* Naliphi na ilungu leNdlu Yezwelonke eliye lalunyukiswa, langxoliswa, lanqunyanyiswa, okanye lashenxiswa ngokwesiqendu *(a), (b)*, *(c)* okanye *(d)* kwisiqendwana (5), linokuthi, zingaphelanga iintsuku ezili-14 lazisiwe ngesigqibo seNdlu Yezwelonke, libhenele kuMphathiswa ngokubhala, lichaza izizathu zokubhena.

(b) Ikopi yesibheno mayinikwe iNdlu Yezwelonke.

(c) Zingaphelanga iintsuku ezili-14 iNdlu Yezwelonke isifumene isibheno ekuthethwe ngaso kwisiqendu *(b)*, itsho efuna ukukutsho mayela nesibheno kuMphathiswa ngokubhala.

(d) Emva kokusiqwalasela isibheno, uMphathiswa unokuthi, avumelane nesigqibo seNdlu Yezwelonke, okanye asikhabhe, okanye enze utshintsho kuso, aze azise elo lungu leNdlu Yezwelonke kwakunye neNdlu, ebazisa ngesiphumo sesibheno.

(7) *(a)* UMphathiswa unokuthi amisele umntu okanye ikomiti ukuba iphande ngokwaphulwa okuxelwayo kokutshiwo ngumgqaliselo wokuziphatha, usaphulwa lilungu leNdlu Yezwelonke, aze loo mntu okanye loo komiti yenze izindululo ngesohlwayo esifanelekileyo ngokwesiqendwana (5), ukuba iNdlu Yezwelonke ayinalo uphando oluqhutywe ngokwendlela exelwe kwisiqendwana (1), abe yena uMphathiswa elubona luyimfuneko.

(b) Ukuba uMphathiswa unoluvo lokuba ilungu leNdlu Yezwelonke laphule okutshiwo ngomnye wemigqaliselo yokuziphatha, kwaye oko kwaphulwa kufunisa ukunqunyanyiswa okanye ukushenxiswa esihlalweni, uMphathiswa unokuthi—

alinqumamise ilungu leNdlu Yezwelonke ixesha elithile nangemiqathango egqityiwe nguye; okanye

aliyekise ukuba lilungu.

(8) Naluphi na uphando olungokwesi siqendu maluqhutywe ngokwe*Promotion of Administrative Justice Act* 3 ka-2000.

Ukwaphulwa kwemigqaliselo lilungu lendlu yephondo, okanye lendlu yasekuhlaleni, okanye liphakathi

11. (1) Ukuba indlu yephondo okanye, okanye indlu yasekuhlaleni, okanye amaphakathi, okanye naliphi na ilungu laloo ndlu okanye iphakathi, lithi ngezizathu ezivakalayo libe noluvo lokuba ilungu lendlu okanye iphakathi, engaqukwanga usihlalo, laphule okutshiwo ngumgqaliselo wokuziphatha, loo ndlu okanye amaphakathi makaseke ikomiti yophando—

ukuze iphande ize ifumanise oko ikufumanisayo ngokwaphulwa okuxelwayo komgqaliselo wokuziphatha; ize

yenze izindululo kwindlu leyo okanye kumaphakathi, kodwa ke indlu okanye amaphakathi anokuthi alinqumamise elo lungu ngeli xesha kusaphandwa.

(2) Ukuba ikomiti yophando ifumanisa ukuba ilungu lendlu yephondo okanye lendlu yasekuhlaleni, okanye iphakathi laphule okutshiwo ngumgqaliselo wokuziphatha, loo ndlu okanye amaphakathi inokuthi—

ililumkise elo lungu;

ilingxolise;

icele iNkulumbuso ukuba ilinqumamise ixesha eligqitywe yiNkulumbuso; okanye

icele iNkulumbuso ukuba iliyekise ukuba lilungu.

(3) *(a)* INkulumbuso inokuthi imisele umntu okanye ikomiti ukuba aphande ukwaphulwa okuxelwayo komgqaliselo wokuziphatha aze loo mntu okanye ikomiti enze izindululo mayela nesohlwayo esifanelekileyo ngokwesiqendwana (2), ukuba indlu yephondo okanye indlu yasekuhlaleni okanye amaphakathi akanalo uphando oluqhutyiweyo njengoko kuxelwe kwisiqendwana (1), ibe yona iNkulumbuso ikubona kuyimfuneko, kodwa ke, ukuba ngusihlalo wendlu yephondo okanye wendlu yasekuhlaleni okanye wamaphakathi owaphule umgqaliselo wokuziphatha, okutshiwo sesi siqendu makusetyenziswe yiNkulumbuso, kodwa ke kwakhona iNkulumbuso inokulinqumamisa elo lungu ngeli xesha kusaphandwa.

(b) Ukuba iNkulumbuso inokuvo lokuba ilungu lendlu yephondo okanye indlu yasekuhlaleni okanye iphakathi laphule okutshiwo ngumgqaliselo wokuziphatha, kube oko kwaphulwa kufunisa ukunqunyanyiswa okanye ukushenxiswa, iNkulumbuso inokuthi—

ililumkise elo lungu;

ilingxolise;

ilinqumamise ixesha elithile nangemiqathango enokuthi igqitywe yiyo iNkulumbuso;

iliyekise ukuba lilungu, kodwa ke, xa kungusihlalo wamaphakathi, ukuyekiswa kulawulwa koko kutshiwo nguMthetho othetha ngokurhoxiswa kokwamkelwa kweso sihlalo sobunkokeli.

(4) I*Commissions Act* 8 ka-1947, okanye ke apho kufanelekileyo khona, umthetho wendlu yowiso-mthetho yephondo osebenzayo kule meko unokusetyenziswa kuphando olwenziwa ngokwesiqendwana (3).

(5) Naluphi na uphando olwenziwa ngokwesi siqendu maluqhutywe ngokwe*Promotion of Administrative Justice Act* 3 ka-2000.

ISIHLOMELO 2

INXALENYE A
ISIFUNGO ESENZIWA NGAMALUNGU ENDLU YEZWELONKWE, NAWEZINDLU ZAMAPHONDO, NAWEZINDLU ZASEKUHLALENI

Mna, ... (igama lelungu), ndiyafunga ndisithi ndiza kuthembeka kuyo iNdlu kwaye ndithembisa ngokunyanisekileyo ukuba ngamaxesha onke ndiza kukhuthaza oko okuza kuyenza iqhubele phambili iNdlu, ndikuchase konke okunokuthi kuyenzakalise; ndiza kuyithobela, ndiyigcine, ndiyithethelele imithetho, nemigaqo, nemiyalelo, neenkqubo zeNdlu kunye nayo yonke eminye imithetho yeRiphablikhi yoMzantsi-Afrika; ndiza kuyenza imisebenzi yam ngawo onke amandla am neziphiwo endinazo ngokolwazi endinalo nobuchule endinabo, ndinyanisekile kwendikuxelelwa sisazela sam; ndiza kwenza ubulungisa kubantu bonke; kananjalo ndiza kuzinikela kwimpilo-ntle yeNdlu namalungu ayo.

Ngamana uThixo uSomandla ngobabalo lwakhe kunye/okanye ne(i)zinyanya anga(zinga)ndikhokela, andi(zindi)gcine ekubambeleleni kwesi sifungo ngokubekekileyo nangesidima.

Thixo ndincede.

.....
Kutyikitya ilungu

Umhla:

INXALENYE B
ISIBHAMBATHISO ESENZIWA NGAMALUNGU ENDLU YEZWELONKE, NAWEZINDLU ZAMAPHONDO, NAWEZINDLU ZASEKUHLALENI

Mna, ... (igama lelungu), ndibhambathisa ngokunyaniseka ndisithi ndiza kuthembeka kuyo iNdlu kwaye ndithembisa ngokunyanisekileyo ukuba ngamaxesha onke ndiza kukhuthaza oko okuza kuyenza iqhubele phambili iNdlu, ndikuchase konke okunokuthi kuyenzakalise; ndiza kuyithobela, ndiyigcine, ndiyithethelele imithetho, nemigaqo, nemiyalelo, neenkqubo zeNdlu kunye nayo yonke eminye imithetho yeRiphablikhi yoMzantsi-Afrika; ndiza kuyenza imisebenzi yam ngawo onke amandla am neziphiwo endinazo ngokolwazi endinalo nobuchule endinabo, ndinyanisekile kwendikuxelelwa sisazela sam; ndiza kwenza ubulungisa kubantu bonke; kananjalo ndiza kuzinikela kwimpilo-ntle yeNdlu namalungu ayo.

Ngamana izinyanya zingandikhokela zindigcine ekubambeleleni kwesi sibhambathiso ngokubekekileyo nangesidima.

Thixo ndincede.

.....
Kutyikitya ilungu

Umhla:

ISIHLOMELO 3
KWENZIWA UTSHINTSHO KWIMITHETHO YEPALAMENTE
isiqendu 71

Kwenziwa utshintsho kwi-*Independent Commission for the Remuneration of Public Office Bearers Act* ka-1997

1. Kwenziwa utshintsho kwi*Commission for the Remuneration of Public Office Bearers Act* 92 ka-1997 ngokuthi kwisiqendu *(e)* kwisiqendu 1 endaweni yokuchazwa kwegama elithi **' office bearer'** kufakwe isiqendu esithi:

"(e) naliphi na **[ ]**
ikumkani, ikumkanikazi, ingotya, inkosi, inkosi yamaKhoi-San, isibonda, nentloko yesebe ethe yamkelwa ngokwe*Traditional Leadership and Governance Framework Act* 41 ka-2003 ingekatshitshiswa, okanye ngendlela exelwe kwisiqendu 28 sayo, okanye yamkelwa ngokoMthetho Weenkokeli Zomthonyama NezamaKhoi-San ka-2015;
ilungu leNdlu Yezwelonke yeenkokeli zomthonyama nezamaKhoi-San, nayiphi na indlu yephondo yeenkokeli zomthonyama nezamaKhoi-San kunye nendlu yasekuhlaleni yeenkokeli zomthonyama nezamaKhoi-San esekwe ngokoMthetho Weenkokeli Zomthonyama NezamaKhoi-San ka-2015 okanye esekwe ngokwawo nawuphi na omnye umthetho wepalamente wephondo ochaphazelekayo; kunye
ilungu elingeyiyo inkokeli yomthonyama lobukumkani okanye ubukumkanikazi, lobungotya, lobukhosi, leqaqobana lamaphakathi, lamaphakathi amaKhoi-San okanye lesebe elisekwe ngokoMthetho Weenkokeli Zomthonyama NezamaKhoi-San ka-2015 okanye ngendlela exelwe kwisiqendu 70 sawo lo Mthetho, kodwa ke mayela nelungu elingeyiyo inkokeli yomthonyama, izindululo zinokwenziwa kuphela mayela neemalana ezisecaleni ekuthethwe ngazo kwisiqendu 8(4)*(a)* no-*(c)*;" .

Kwenziwa utshintsho kwi*Remuneration of Public Office Bearers Act* ka-1998

2. Kwenziwa utshintsho kwi*Remuneration of Public Office Bearers Act* 20 ka-1998 (emva koku eza kubizwa ngokuba yi*Remuneration Act*), ngokuthi endaweni yesichazi-njongo esikhoyo kufakwe isichazi-njongo esilandelayo:

" Injongo kukuba nomthetho-sikhokelo wokugqiba ngemivuzo neemalana ezisecaleni zikaMongameli, nezamalungu eNdlu YoWiso-Mthetho, nezabathunywa abasisigxina kwiBhunga Lezwelonke Lamaphondo, nezikaSekela-Mongameli, nezaBaphathiswa, nezooSekela-Baphathiswa, neezenkokeli zomthonyama, nezeenkokeli zamaKhoi-San, nezamalungu aziinkokeli ezingezizo ezakwantu nezamalungu ezindlu [ ]; namalungu ezindlu; kukwenza ukuba kubekho umthetho-sikhokelo wokugqiba ngenqanaba eliphezulu emayingadluli kulo imivuzo neemalana ezisecaleni

zeeNkulumbuso, nezabaphathiswa bamaphondo, nezamalungu ezindlu zowiso-mthetho zamaphondo, nezooceba; kukuba kubekho umthetho-sikhokelo wokugqiba ngezibonelelo ezinjengomhlalaphantsi noncedo lwemali yonyango kwabasezikhundleni; kukwenzela ukuba kutshitshiswe imithetho ethile nokulungiselela imicimbi ehlobene noku.” .

3. Kwenziwa utshintsho kwisiqendu 1 se*Remuneration Act*—

ngokuthi endaweni yokuchazwa kwegama elithi **“ benefits”** kufakelwe ukuchazwa kwegama okulandelayo:

> **elithi “ ’ benefits’** xa kuyinkokeli yomthonyama, xa kuyinkokeli yamaKhoi-San, xa kulilungu eliyinkokeli engeyiyo eyomthonyama, naxa kulilungu lendlu **[ ]** nelungu lendlu, lithetha ezo zibonelelo anokuthi uMongameli agqibe ngazo ngokwesiqendu 5(3), nangabo bonke abanye abasezikhundleni, iminikelo exelwe kwisiqendu 8(2) nesiqendwana-(5) nesiqendu 9(2) nesiqendwana (5);” ;

ngokuthi emva kokuchazwa kwegama elithi **“ Executive Council”** kufakelwe ukuchazwa kwegama okulandelayo:

> **elithi “ ’ Khoi-San leader’** lithetha inkokeli yamaKhoi-San njengoko ichazwe kwisiqendu 1 soMthetho Wemicimbi Yakwantu ka-2013;
>
> **elithi “ ’ member of a house’** lithetha ilungu leNdlu Yezwelonke Yeenkokeli Zomthonyama NezamaKhi-San, indlu yephondo yeenkokeli zomthonyama nezamaKhoi-San, kunye nendlu yasekuhlaleni yeenkokeli zomthonyama nezamaKhoi-San, njengoko zisekwe ziinxalenye ezithile zoMthetho Wemicimbi Yakwantu ka-2013, okanye nguwo nawuphi na umthetho wendlu yowiso-mthetho yephondo osebenza kule meko;” ;

ngokuthi emva kokuchazwa kwegama elithi **“ Minister”** kufakelwe ukuchazwa kwegama okulandelayo:

> **amagama athi “ ’ non-traditional leader member’** athetha ilungu eliyinkokeli engeyiyo eyomthonyama yamaphakathi obukumkani okanye obukumkanikazi, yamaphakathi obungotya, yamaphakathi obukhosi, iqaqobana lamaphakathi, amaphakathi amaKhoi-San, okanye isebe elisekwe ngokweenxalenye ezifanelekileyo zoMthetho Weenkokeli Zomthonyama nezamaKhoi-San ka-2015;” ;

ngokuthi endaweni yokuchazwa kwegama elithi **“ office bearer”** kufakelwe ukuchazwa kwegama okulandelayo:

> **elithi “ ’ office bearer’** lithetha uSekela-Mongameli, uMphathiswa, uSekela-Mphathiswa, ilungu lendlu yowiso-mthetho, umthunywa osisigxina, iNkulumbuso, umphathiswa wephondo, ilungu lendlu yowiso-mthetho yephondo, inkokeli yomthonyama, inkokeli yamaKhoi-San, ilungu lenkokeli engeyiyo eyomthonyama **[ ]**, ilungu lendlu kunye noceba;” ; nangokuthi

endaweni yokuchazwa kwegama elithi **“ traditional leader”** kufakelwe ukuchazwa kwegama okulandelayo:

> **elithi “ ’ traditional leader’** lithetha inkokeli yomthonyama njengoko ichazwe kwisiqendu 1 se**[Traditional Leadershio and Governance Framework Act, 2003]** soMthetho Weenkokeli Zomthonyama Nezama-Khoi-San ka-2015.” .

4. Isiqendu 5 se*Remuneration Act* ka-1998 sithatyathelw’ indawo sisiqendu esilandelayo:

" Imivuzo, iimalana ezisecaleni nezibonelelo zeenkokeli zomthonyama, zeenkokeli zamaKhoi-San, namalungu aziinkokeli ezingezizo ezomthonyama [ ] namalungu ezindlu

5. (1) Iinkokeli zomthonyama, iinkokeli zamaKhoi-San, amalungu aziinkokeli ezingezizo ezomthonyama **[ ]** namalungu ezindlu ziza kuthi, kungakhathaliseki ukuba uthini na omnye umthetho otsho okuchasene noku, zibe nelungelo lokufumana imivuzo neemalana ezisecaleni ezinokuthi ziman' ukuqingqwa nguMongameli emva kokubonisana neNkulumbuso ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho*, emva kokucingela—

naziphi na izindululo zeKomishoni;

indima, iwonga, imisebenzi neembopheleleko zeendidi ezahlukeneyo zeenkokeli zomthonyama, neenkokeli zamaKhoi-San, namalungu aziinkokeli ezingezizo ezomthonyama **[ ]** namalungu awahlukeneyo ezindlu;

ukuthi ingabakho kusini na imali yokuhlawula amanqanaba ngamanqanaba emivuzo kwabo basezikhundleni zaseburhulumenteni;

imigaqo yangoku namanqanaba okuhlawulwa kwemivuzo kuluntu ngokubanzi;

imfuneko yokukhuthazwa kokulingana nokufana kwemivuzo neemalana ezisecaleni ngomsebenzi olinganayo owenziweyo;

ukukhuthazwa kwentsebenziswano, nobunye nokuqondana phakathi kwamaqela abantu abaphila ngokwakwantu namaqela abantu abangamaKhoi-San elizweni lonke;

ubungakanani bendima nemisebenzi yeenkokeli zomthonyama neenkokeli ezingamaKhoi-San ukuya kutsho ngaphaya kwemida yamaphondo;

nonyuso-mivuzo olubangelwa kukunyuka kwamaxabiso.

(2) Kungakhathaliseki ukuba sithini isiqendwana (1), inkokeli yomthonyama, inkokeli yamaKhoi-San, nelungu eliyinkokeli engeyiyo eyomthonyama **[ ]** nelungu lendlu elinezikhundla ngezikhundla zaseburhulumenteni ngaxesha-nye, linelungelo lokufumana kuphela umvuzo, neemalana ezisecaleni nezibonelelo zeso sikhundla saseburhulumenteni elifumana owona mvuzo uphakamileyo ngaso, kodwa—

esi siqendwana asikuthinteli ukuhlawulwa kwendleko eziphuma epokothweni ngokwenziwa kwemisebenzi engeyiyo leyo elo gosa lifumana owona mvuzo uphakamileyo ngawo;

apho kuyimalana esecaleni kuphela ekwenziwe isigqibo ngayo ngokwesiqendwana (1) mayela nobulungu benkokeli yomthonyama okanye yamaKhoi-San kwiNdlu yasekuhlaleni Yeenkokeli Zomthonyama nezama-Khoi-San, indlu yephondo yeenkokeli zomthonyama nezamaKhoi-San okanye iNdlu Yezwelonke Yeenkokeli Zomthonyama nezamaKhoi-San, loo nkokeli yomthonyama okanye inkokeli yamaKhoi-San inelungelo lokufumana imalana esecaleni ukongezelela kumvuzo wayo neemalana ezisecaleni nezibonelelo, njengenkokeli yomthonyama okanye inkokeli yamaKhoi-San.

(3) *(a)* UMongameli unokuthi, ukuba ukubona kufanelekile emva kokubonisana noMphathiswa neNkulumbuso echaphazelekayo, ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* , unokuthi enz' isigqibo ngezibonelelo inkokeli yomthonyama, inkokeli yamaKhoi-San, ilungu eliyinkokeli engeyiyo eyomthonyama **[ ]** okanye ilungu lendlu enelungelo lokuzifumana, ngokulawulwa yimiqathango enokuthi ibekwe nguMongameli.

(b) Ukuba uMongameli ugqiba kwelokuba enz' isigqibo ngezo zibonelelo, iimfuneko ezidweliswe kwisiqendu *(a)* ukuya ku-*(h)* zesiqendwana (1) ziza kusebenza, kubekho nje utshintsho olunokuthi lufuneke.

(4) Imali enokuhlawulwa yemivuzo neemalana ezisecaleni, nezibonelelo kwiinkokeli zomthonyama, neenkokeli zamaKhoi-San, namalungu aziinkokeli ezingezizo ezomthonyama **[ ]** namalungu ezindlu mazihlawulwe kuthatyathwa

kwiimali ezibekelwe loo njongo yiPalamente izezeNdlu Yezwelonke Yeenkokeli Zomthonyama nezamaKhoi-San, nayindlu yowiso-mthetho yephondo, izezeenkokeli zomthonyama, neenkokeli zamaKhoi-San, namalungu aziinkokeli ezingezizo ezomthonyama **[ ]**, amalungu ezindlu zasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San namalungu ezindlu zephondo zeenkokeli zomthonyama nezamaKhoi-San.

(5) . . .

(6) Nangona sisitsho oku sikutshoyo isiqendwana (1), ilungu leNdlu Yezwelonke Yeenkokeli Zomthonyama nezamaKhoi-San inelungelo lokufumana imalana esecaleni egqitywe nguMongameli ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* iyeyomsebenzi owenziwe ukuqalela kumhla we-10 kuEpreli 1997 de kube kwenziwe isigqibo ngokwesiqendwana (1)." .

5. Kwenziwa utshintsho kwisiqendu 8 se*Remuneration Act* ka-1998 ngokuthi endaweni yesiqendwana (6) kufakelwe isiqendwana esilandelayo:

" (6) Okutshiwo sesi siqendu, ngokulawulwa sisiqendu 5(3) akusebenzi kwinkokeli yomthonyama, kwinkokeli yamaKhoi-San, kwilungu eliyinkokeli engeyiyo eyomthonyama, **[ ]** okanye kwilungu lendlu." .

6. Kwenziwa utshintsho kwisiqendu 9 se*Remuneration Act* ka-1998 ngokuthi endaweni yesiqendwana (6) esilandelayo:

" (6) Ngokulawulwa sisiqendu 5(3), okutshiwo sesi siqendu akusebenzi kwinkokeli yomthonyama, kwinkokeli yamaKhoi-San, nakwilungu eliyinkokeli engeyiyo eyomthonyama **[ ]** okanye kwilungu lendlu." .

Kwenziwa utshintsho kwi*Local Government: Municipal Structures Act* ka-1998

7. (1) Kwenziwa utshintsho kwisiqendu 81 se*Local Government: Municipal Structures Act* 117 ka-1998 ngokuthi isiqendu 81 sithatyathelw' indawo sisiqendu esilandelayo:

endaweni yesiqendwana (1) nese-(2) kufakelwe isiqendwana iziqendwana ezilandelayo:

"(1) Kwesi siqendu, ngaphandle kokuba okunye okubhaliweyo kuso kubonisa ngenye indlela—

Ukuthabath' inxaxheba kweenkokeli zomthonyama nezamaKhoi-San kumabhunga oomasipala

"81. (1) Kwesi siqendu, ngaphandle kokuba okunye okubhaliweyo kuso kubonisa ngenye indlela—

i-**' branch**' lisebe loluntu lwamaKhoi-San oluvunyiweyo ngokwesiqendu 5(5) seMNTK;

"**amaphakathi amaKhoi-San**" ngamaphakathi amaKhoi-San asekwe esekelwa uluntu oluvunyiweyo lwamaKhoi-San ngokwesiqendu 18 soMthetho Weenkokeli Zomthonyama NezamaKhoi-San;

i-**" MNTK"** nguMthetho Weenkokeli Zomthonyama NezamaKhoi-San ka-2015;

'indlu yasekuhlaleni' yindlu yasekuhlaleni njengoko ixelwe kwisiqendu 50 seMNTK;

i-"**MP"** ngumphathiswa wephondo ophathiswe imicimbi karhulumente wasekuhlaleni kwiphondo elithile;

" inkokeli ethabath' inxaxheba" ngusihlalo wendlu yasekuhlaleni, ilungu okanye amalungu anyulwe yiloo ndlu uasekuhlaleni njengoko kuxelwe kwisiqendwana (2)*(a)* no-*(b)*, nomntu okanye abantu abakhethwe njengoko kuxelwe kwisiqendwana (2)*(c)*;
" amaphakathi" ngamaphakathi asekwe esekelwa uluntu oluvunywe njengoluphila ngokwakwantu ngokwesiqendu 16 seMNTK;
" iqaqobana lamaphakathi" liqaqobana lamaphakathi njengoko lixelwe kwisiqendu 17 seMNTK.

(2) *(a)* Apho kusekwe indlu yasekuhlaleni iyeyommandla kamasipala wasekuhlaleni okanye ombaxa, usihlalo waloo ndlu namanye amalungu anyulwe yiloo ndlu anokuthabath' inxaxheba kwiintlanganiso zebhunga laloo masipala wasekuhlaleni okanye ombaxa.

(b) Apho kusekwe indlu yasekuhlaleni iyeyommandla kamasipala wesithili—

usihlalo wendlu yasekuhlaleni namalungu amabini anyulwe yiloo ndlu yasekuhlaleni banokuthabath' inxaxheba kwiintlanganiso zebhunga laloo masipala wesithili; kananjalo

indlu yasekuhlaleni inokuthi, ngomasipala wasekuhlaleni ngamnye okummandla kamasipala wesithili, inokuthi inyule ubuncinane ilungu elinye okanye kodwa angagqithi kwisibini athabath' inxaxheba kwiintlanganiso zamabhunga abo masipala basekuhlaleni, kodwa ke usihlalo namalungu endlu yasekuhlaleni axelwe kwisiqendwana (1) abanakuqwalaselwa ngenjongo yokusebenza kwesi siqendwana, kodwa ke kwakhona umntu okanye abantu abaza kunyulwa ngenjongo yokusebenza kwesi siqendwana kufuneka babe bahlala ngaphakathi kummandla waloo masipala wasekuhlaleni.

(c) Apho kungekho zindlu zasekuhlaleni kwimimandla kamasipala wasekuhlaleni, okanye wesithili, okanye ombaxa, kodwa kube kukho amaphakathi namaphakathi amaKhoi-San—

umphathiswa wephondo makabize intlanganiso yokubonisana nazo zonke iinkosi ezivunyiweyo neenkosi zamaKhoi-San ezikummandla waloo masipala; zize

iinkosi neenkosi zamaKhoi-San ezikhoyo kuloo ntlanganiso—

(aa) zikhethe umntu abe mnye kamasipala ngamnye ukuze athabath' inxaxheba kwiintlanganiso zaloo masipala; zize

(bb) zikhethe umntu abe mnye kamasipala ngamnye oza kuvala isithuba senkokeli ethabath' inxaxheba esinokuthi sivele, kodwa ke ukuba akufikelelwa kwisivumelwano ngenkokeli ethabath' inxaxheba okanye ngomntu omakaval' isithuba, iinkokeli mazivotele abantu abakhethiweyo nangayiphi na indlela ebonwa ifanelekile ngumphathiswa wephondo.

(d) Ubuncinane isinye kwisithathu kwinani lilonke lamalungu anyuliweyo okanye akhethiweyo ngokwesiqendu *(a)*, *(b)* okanye *(c)* makube ngabasetyhini.

(e) Usihlalo wendlu yasekuhlaleni mazithi zingaphelanga iiveki ezimbini ukususela kumhla wonyulo oluxelwe kwisiqendu *(a)* okanye *(b)* anike umphathiswa wephondo amagama apheleleyo nefani, inombolo yesazisi neenkcukacha zoqhagamshelwano zakhe siqu nabo bonke abantu abanyuliweyo.

(f) Ngosihlalo ngamnye nomntu onyuliweyo okanye okhethiweyo oxelwe kwesi siqendwana, umphathiswa wephondo makangenise ingcombolo exelwe kwisiqendu *(e)*, eyingenisa kumasipala wasekuhlaleni, wesithili okanye ombaxa.

(g) Ukunyulwa nokukhethwa kwenkokeli ezithabath' inxaxheba njengoko kuxelwe kwisiqendu *(a), (b)* no-*(c)* makuqale ubuncinane kusasele inyanga phambi komhla wokunyulwa kwebhunga likamasipala kwaye makuggitywe ngaphambi kwaloo mhla, kodwa ke umphathiswa wephondo unokumisa ixesha elithe ukuba lide elingenakuba ngaphezu kwenyanga enye emva komhla wokulunywa kwebhunga likamasipala.

(3) *(a)* Umntu akanakuba yinkokeli ethabath' inxaxheba ukuba—

ungaphantsi kweminyaka eli-18 ubudala;
akangommi waseMzantsi-Afrika;
akayonkosi evunyiweyo okanye akayonkosi yamaKhoi-San evunyiweyo njengoko kuxelwe kwiMNTK;
ufunyaniswe enetyala waza wagwetywa ukuvalelwa entolongweni iinyanga ezingaphezu kwe-12 engakhethiswanga fayini;
unesiphene esingangokuba akanakukwazi ukuthabath' ixaxheba kwiintlanganiso zebhunga likamasipala;
ungumntu ovakaliswe yinkundla engongakwakwaziyo ukuhlawula amatyala akhe okanye ungene kwisivumelwano esingesihle nabo abatyalayo;
akaphilanga enggondweni kwaye uvakaliswe engonjalo yinkundla enegunya loko;
unguceba onyuliweyo webhunga likamasipala;
ulilungu lendlu yowiso-mthetho yephondo;
ulilungu leNdlu yoWiso-Mthetho;
ungumthunywa osisigxina kwiBhunga laMaphondo leZwelonke; okanye
ulilungu ngokupheleleyo layo nayiphi na indlu yeenkokeli zomthonyama okanye zamaKhoi-San.

(b) Inkokeli ethabath' inxaxheba ayinakuqhubeka ithabath' inxaxheba kwiintlanganiso zebhunga likamasipala ukuba—

Nayiphi na kwiimeko ekuthethwe ngazo kwisiqendwana (ii) ukuya kwese-(xii) kwisiqendu *(a)* iyasebenza kwinkokeli ethabatha' inxaxheba;

Ithi ifak' incwadi yokuziyekela njengenkokeli ethabath' inxaxheba.

(c) Inkokeli ethabath' inxaxheba ayivumelekanga ukuba inyulelwe okanye ikhethelwe ukuthabath' inxaxheba kumabhunga eendidi eziliqela zikamasipala.

(d) Ukusweleka kwenkokei ethabath' inxaxheba okanye nayiphi na imeko kwiimeko ekuthethwe ngazo kwisiqendu *(b)* kuya kudala isithuba esifun' ukuvalwa senkokeli ethabath' inxaxheba, sithuba eso emasivalwe ngokwesiqendwana (2)*(a), (b)* okanye *(c)*, nangokulawulwa sisiqendwana (2)*(d), (e)* no-*(f)*.

(4) Inkokeli ethabath' inxaxheba inokuthabath' inxaxheba kwiintlanganiso zikamasipala wasekuhlaleni, wesithili okanye ombaxa, kwaye—

mayenze imisebenzi enokuthi icelwe libhunga likamasipala ukuba iyenze—

mayibekho kwaye ithabath' inxaxheba kwintlanganiso yebhunga likamasipala, kwaye inokuthi, ngokulawulwa yimigaqo nayimiyalelo yebhunga likamasipala, ingenise izindululo, icebise, ibuze nemibuzo;

mayibekho kwaye ithabath' inxaxheba kwiintlanganiso zekomiti yebhunga likamasipala ethe yafakwa kulo loo nkokeli ngokwesiqendu 79(2)*(d)* salo Mthetho;

ilawulwa koko kutshiwo yiMigqaliselo Yokuziphatha ekwiShedyuli 1 ye*Local Government: Municipal Systems Act* 32 ka-2000 nayimigaqo esoloko ikho nayimiyalelo kamasipala;

ayinalungelo lokuvota nakuyiphi na intlanganiso yebhunga likamasipala okanye yekomiti yebhunga kwaye ayinakubalwa xa kubalwa inani elifunekayo ukuze iqhubeke itlanganiso yebhunga okanye yekomiti yebhunga; kwaye

inokuthetha nebhunga likamasipala ngawo—

nawuphi na umbandela ochaphazela ngokunggalileyo okanye ngokunganggalanga iinkokeli zomthonyama okanye zamaKhoi-San okanye amaphakathi okanye amaphakathi amaKhoi-San okanye uluntu; okanye

nawuphi na umbandela obandakanya uluntu oluphila ngokwakwantu okanye olungamaKhoi-San kummandla webhunga likamasipala.

(5) Inkokeli ethabath' inxaxheba—

inokuthabath' inxaxheba kwiintlanganiso zebhunga likamasipala kude kuphele ixesha lelo bhunga njengoko kuxelwe kwisiqendu 24 salo Mthetho;

ayivumelekanga ukuba ikhonze izihlandlo zilandelana, kodwa ke ukuba azikho ezinye iinkosi ezivunyiweyo okanye iinkosi ezivunyiweyo zamaKhoi-San emaziqwalaselelwe ukunyulwa okanye ukukhethwa njengoko kuxelwe kwisiqendwana (2) xa kunyulwa umasipala, inkokeli ethabath' inxaxheba ebikhe yanyulwa okanye yakhethwa kwixesha elingaphambili inokukhonza izihlandlo zilandelana;

ayivumelekanga ukuba icele omnye umntu athabath' inxaxheba kwiintlanganiso zebhunga likamasipala egameni layo.

(6) Inkokeli ethabath' inxaxheba mayithi zingekapheli iiveki ezintandathu ukususela kumhla wentlanganiso yebhunga likamasipala iqulunqe ingxelo ngayo yonke imibandela echaphazela uluntu oluphilwa ngokwakwantu nolungamaKhoi-San, njengoko kuye kwaxoxwa kwaza kwaggitywa libhunga likamasipala, ize iyithumele ingxelo kwindlu yasekuhlaleni nakumaphakathi nakumaphakathi amaKhoi-San akummandla waloo masipala, kodwa ke xa ziliqela iinkokeli ezithabath' inxaxheba kwiintlanganiso zebhunga likamasipala, ezo nkokeli mazithi zingaphelanga iiveki ezimbini ukususela kumhla wentlanganiso yebhunga likamasipala zihlangane ngenjongo yokuqulunq' ingxelo ekuthethwe ngayo kwesi siqendwana.

(7) Ikomiti yebhunga likamasipala ekuthethwe ngayo kwisiqendwana (4) *(c)* ingamema nayiphi na inkokeli yomthonyama evunyiweyo okanye nayiphi na inkokeli yamaKhoi-San evunyiweyo engeyiyo inkokeli ethabath' inxaxheba, ukuze ithethe naloo komiti ngawo nawuphi na umbanela ochaphazela uluntu oluphila ngokwakwantu okanye uluntu olungamaKhoi-San.

(8) Inkokeli ethabath' inxaxheba mayenze ngendlela engenamkhethe kwaye—

mayincedise amabhuna oomasipala ekuboneni izinto eziswelwe luluntu oluphila ngokwakwantu noluntu olungamaKhoi-San olukummandla kamasipala lowo;

mayincedise ekubandakanyekeni koluntu oluphila ngokwakwantu nolungamaKhoi-San ekuphuhlisweni okanye ekwenzeni utshintsho kwisicwangciso sophuhliso soluntu olo;

mayincedise umasipala ekukhuthazeni uphuhliso loqoqosho nesicwangciso;

mayenze lula ukuthabath' inxaxheba kwabantu abaphila ngokwakwantu nabangamaKhoi-San bethabath' inxaxheba kwimicimbi kamasipala efuna okanye evumela ukuthabath' inxaxheba koluntu, kuquka nemicimbi yeekomiti zeewadi;

mayenze izindululo kwaye icebise ngamanyathelo afanelekileyo okweenziwa kweenkonzo kwimimandla ethile yamaphakathi;

mayithabath' inxaxheba ekuphuhlisweni kwenkqubo nemithetho kamasipala kumasipala;

mayithabath' inxaxheba kwiinkqubo zophuhliso zikamasipala;

mayikhuthaze iinjongo zolawulo lwentsebenziswano, kwisicwangciso sophuhliso, kuphuhliso oluqhubekayo nokwenziwa kweenkonzo;

mayikhuthaze iindlela zokuba nolwazi ngezakwantu;

mayithabath' inxaxheba, kananjalo iqiniseke ukuba bathabath' inxaxheba nabo abantu abaphila ngokwakwantu nabangamaKhoi-San kwiinkqubo zokusinggongileyo zikamasipala;

mayilumkise umasipala ngengozi ekhoyo okanye esenokubakho okanye intlekele echaphazela okanye esenokuchaphazela ummandla kamasipala,

kwaye inokuthi ilicebise ibhunga likamasipala ngemicimbi emayela nezinto esizishiyelwe njengelifa, ngolwimi, ngamasiko nezithethe zabantu abaphila ngokwakwantu nabangamaKhoi-San.

(9) Ooceba bebhunga likamasipala neenkokeli ezithabath' inxaxheba—

mabayihlonele indawo yomnye nendima yakhe ngaphakathi kwimicimbi kamasipala;

mabamhlonele urhulumente wasekuhlaleni njengorhulumente ozimeleyo, kodwa oxhomekeke kwabanye nohlobeneyo nabanye njengoko kuxelwe kuMgaqo-siseko; kananjalo mabasebenzisane bethembene—

ngokukhuthaza ubudlelane obuhle bokusebenza ndawonye;

nangokuncedisana ekwenzeni imisebenzi yabo.

(10) *(a)* Xa kwaphulwe okutshiwo yiMiggaliselo Yokuziphatha ekwiShedyuli 1 ye*Local Government: Municipal Systems Act* ka-2000 kusaphulwa yinkokeli ethabath' inxaxheba, ibhunga likamasipala malithi ngoko nangoko lazise—

indlu yephondo efanelekileyo yeenkokeli zomthonyama nezamaKhoi-San, ukuba ikho;

izindlu zasekuhlaleni zeenkokeli zomthonyama nezamaKhoi-San ezikummandla kamasipala, ukuba zikho; kunye

namaphakathi namaphakathi amaKhoi-San akummandla kamasipala,

libazisa ukuba kwaphulwe njani okutshiwo yimiggaliselo.

(b) Ukwaphulwa kweMigqaliselo Yokuziphatha okuthethwe ngako kwisiqendu *(a)* makusingathwe ngokwesiqendu 15 seMigqaliselo Yokuziphatha.

(c) Okufunyenwe kuphando oluxelwe kwisiqendu 15 seMigqaliselo Yokuziphatha nezohlwayo ohlwaywe ngazo umntu ngokweso siqendu, makudluliswe libhunga likamasipala okanye ngumphathiswa wephondo, kudluliselwa—

kwinkokeli ethabath' inxaxheba efanelekileyo;

kumphathiswa wephondo xa kuluphando oluqhutywa libhunga likamasipala okanye oluqhutywa yikomiti ekhethekileyo njengoko kuxelwe kwisiqendu 14(1) seShedyuli 1 se*Local Government: Municipal Systems Act* ka-2000;

kwibhunga likamasipala xa kuluphando oluqhutywa ngumntu okanye yikomiti emiselwe ngumphathiswa wephondo njengoko kuxelwe 15(4) seShedyuli 1 ye*Local Government: Municipal Systems Act* ka-2000; kuze kudluliselwe kwizindlu nakumabhunga ekuthethwe ngawo kwisiqendu *(a)*.

(d) Kungakhathaliseki ukuba sithini isiqendu *(a)*, inkokeli ethabath' inxaxheba ilawulwa yiMigqaliselo Yokuziphatha ekwiShedyuli yeMNTK, nayimigqaliselo yokuziphatha yephondo ekwimithetho yendlu yowiso-mthetho yephondo iyeyeenkokeli zomthonyama nezamaKhoi-San.

(11) Umphathiswa wephondo—

makathi, ngayo nayiphi na indlela ayibona ifanelekile, akubek' esweni ukusetyenziswa kwesi siqendu kwiphondo aze enze izindululo ngokusetyenziswa kwaso azibhekise kwindlu efanelekileyo yeenkokeli zomthonyama nezamaKhoi-San, nakoomasipala abafanelekileyo nakuzo zonke iinkokeli ezifanelekileyo ezithabath' inxaxheba; kwaye

angaphathisa ngamagunya akhe ekuthethwe ngawo kwesi siqendu, ngaphandle kwegunya lokwenz' isigqibo ngethuba elololiweyo njengoko kuxelwe kwisiqendwana (2)*(g)*, ewaphathisa uMlawuli-Jikelele wesebe elisingethe imicimbi yomthonyama neyamaKhoi-San kwiphondo, okanye awaphathise naliphi na igosa lelo sebe.

(12) INkulumbuso inokuthi ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho* Lwephondo yenze imimiselo ngomcimbi ekuyimfuneko ukwenza imimiselo ngawo ukuze sisebenze ngempumelelo esi siqendu, kodwa ke loo mimiselo mayinganggubani noko kutshiwo sesi siqendu.

(13) *(a)* Inkokeli ethabath' inxaxheba inokuthi, kuthatyathwa kwisabelo-mali sebhunga likamasipala, ibuyiselwe iindleko engene kuzo ngemali ephuma epokothweni yayo, kodwa ke ngenjongo yokusebenza kwesi siqendu, ' iindleko eziphuma epokothweni' lithetha iindleko ezenzeke ngokwenene nebeziyimfuneko ekungenwe kuzo yinkokeli ethabath' inxaxheba mayela nemoto yakhe, mayela nezithuthi zikawonkewone nendawo yokupaka, ndleko ezo emazibe zezentlanganiso okanye zibe zezesiganeko esiququzelelwe libhunga likamasipala okanye yikomiti yebhunga, okanye ke zibe zezeminye imisebenzi loo nkokeli ethabath' inxaxheba ecelwe ukuba iyenze libhunga likamasipala.

(b) Iindleko ezihlawulwe ziphuma epokothweni yomntu mazigunyazwe ngumasipala ngaphambi kwentlanganiso okanye isiganeko ekuthethwe ngaso kwisiqendu *(a)*.

(c) Iindleko ezihlawulwe ziphuma epokothweni yomntu aziquki imivuzo, iimalana ezisecaleni okanye izibonelelo njengoko kuxelwe kwi*Remuneration of Public Office Bearers Act* 20 ka-1998, okanye ubuncwane obuxelwe kwi-*Independent Commission for the Remuneration of Public Office Bearers Act* 92 ka-1997.

(d) Ukuqinisekisa kwenziwa ngokufanayo kuwo onke amaphondo, uMphathiswa unokuthi, emva kokubonisana neeNkulumbuso nangokukhuph' isihlokomiso ku*Shicilelo-Mithetho*, enze imimiselo emalunga neendleko ezihlawulwa ziphuma epokothweni yomntu. *"* .

(2) IShedyuli 6 ye*Local Government: Municipal Structures Act* 117 ka-1998 iyatshitshiswa.

(3) Isiqendwana (1) nese-(2) ziqala ukusebenza ngomhla oqala ngawo ukusebenza uMthetho Weenkokeli Zomthonyama NezamaKhoi-San ka-2015.

ISHEDYULI 4
IMITHETHO YEPALAMENTE ETSHITSHISWAYO
(isiqendu 72)

iNombolo	**Igama lomthetho, inombolo yawo nonyaka wawo**	**Indawo etshitshiswayo**
1	i*Traditional Leadership and Governance Framework Act* 41 ka-2003	wonke
2	i*Traditional Leadership and Governance Framawork Act* 23 ka-2009	wonke
3	i*National House of Traditional Leaders Act* 22 ka-2009	wonke

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