

ISAHLUKO 4

IPALAMENDE

Ukubunjwa KwePalamende

42. (1) IPalamende ibunjwa—
- siBethamthetho seNarha; begodu
 - nomKhandlu weNarha ongamele iimFunda.
- (2) IsiBethamthetho seNarha nomKhandlu ongamele iimFunda uzibandakanya ekambisweni yokwenza umThetho ngendlela endlalwe ngaphakathi komThethosisekelo.
- (3) IsiBethamthetho seNarha sikhethelwe bona sijamele abantu begodu siqinisekise uRhulumende wabantu ngaphasi komThethosisekelo. Senza lokho ngokukhetha uMongameli, ngokuqalelela ukubakhona kweforamu yesitjhaba ezakutjheja iindaba zomphakathi; ngokuphasisa umThetho, begodu nangokutjheja nokubeka ilihlo elibukhali phezu kweekambiso zeKhabinedi.
- (4) UmKhandlu weNarha ongamele iimFunda ujamele iimFunda ukuqinisekisa bona iinrhuluphele zeemfunda ziyatjhejwa ezingeni lakaRhulumende weNarha. Wenza lokho ngokuzibandakanya ehlelweni lokwenza umThetho wenarha zombebele begodu nangokunikela ngeforamu yenarha ukutjheja iindaba zomphakathi ezithinta iimfunda.
- (5) UMongameli angabiza iPalamende bona izokuhlala ngokungakavami ngesinye nesinye isikhathi kobana izokwenza umsebenzi okhethekileko.
- (6) IPalamende iseKapa, kodwana umThetho wePalamende, owamenezelwa ngokukhambisana nesigaba 76 (1) no- (5) ungaqunta bona indawo yokuhlala yePalamende ibe kenye indawo.

Amandla WesiBethamthetho SeRiphabliki

43. ERiphabliki amandla womthetho—
- wezinga lakaRhulumende weNarha athweswe iPalamende; ngokuya kwendlela etjhiwo esigabeni 44;
 - wezinga likaRhulumende weemFunda athweswe isiBethamthetho sesiFunda, ngokuya kwendlela etjhiwo esigabeni 104; begodu
 - wezinga likaRhulumende wemaKhaya athweswe umKhandlu kaMasipala, ngokuya kwendlela etjhiwo esigabeni 156.

Amandla WesiBethamthetho SeNarha

44. (1) Amandla wesiBethamthetho seNarha athweswe iPalamende—
- (a) anikela isiBethamthetho seNarha amandla woku—
 - (i) tjhugulula umThethosisekelo
 - (ii) phasisa umthetho omalungana nanyana ngiyiphi indaba, okufaka hlangana indaba ephathelene nendawo yokusebenzela erheliswe eHlelweni 4, kodwana kungafaki hlangana okulawulwa sigatjana (2), indaba ewela ngaphasi kwendawo yokusebenzela erheliswe eHlelweni 5, begodu
 - (iii) nokunikela nanganyana ngimaphi amandla wokubetha umthetho, ngaphandle kwamandla wokutjhugulula umThethosisekelo, siwuse kwesinye nesinye isibethamthetho esisezingeni elinye lakaRhulumente; begodu
 - (b) nikela umKhandlu weNarha ongamele iimFunda amandla—
 - (i) wokuzibandakanya ekutjhugululweni komThethosisekelo ngokuya kwesigaba 74;
 - (ii) wokuphasisa umthetho ngokuya kwesigaba 76, malungana nenye nenye indaba engaphasi kwendawo yokusebenzela erheliswe eHlelweni 4, begodu nanyana ngiyiphi indaba leyo umThethosisekelo ofuna bona iphasiswe ngokuya kwesigaba 76; begodu
 - (iii) nokutjheja ngokuya kwesigaba 75, omunye nomunye umthetho ophasiswe siBethamthetho seNarha.
- (2) IPalamende ingangenelela ngokuphasisa umThetho ngokuya kwesigaba 76 (1), malungana nendaba ewela ngaphasi kwendawo yokusebenzela erheliswe eHlelweni 5, lokha nakuthogeka—
- (a) ukugcina ukuvikeleka kwenarha;
 - (b) ukugcina ibumbano kezomnotho;
 - (c) ukugcina amazinga aqakathekileko weNarha;
 - (d) ukusungula amazinga alingeneko wokwethulwa kwemisebenzi; namkha;
 - (e) ukuvimbela igadango elingazwakaliko elithethwe siFunda elikhubaza iinrhluphelo zesinye isiFunda, namkha zeNarha yoke.
- (3) UmThetho malungana nendaba etlhogekako namkha ekhambisana nokusetjenziswa ngepumelelo kwamandla, malungana nanyana ngitiphi indaba erheliswe eHlelweni 4 ngokweminqopho yoke, umThetho omalungana nendaba erheliswe eHlelweni 4.

- (4) Lokha nayisebenzisa amandlayo wokwenza umThetho, iPalamende ibotjhwa kwaphela mThethosisekelo lo, begodu kumele ithathe igadango elikhambisana nemikhawulo yomThethosisekelo lo.

Imilayo Ehlanganyelweko, Iinqunto Kanye Namakomidi Ahlanganyelweko

45. (1) IsiBethamthetho seNarha kanye nomKhandlu ongamele iimFunda kumele sisungule ikomidi yemilayo nemiyalo ephathelene nomsebenzi ohlanganyelweko, wesiBethamthetho seNarha nomKhandlu ongamele iimFunda, okufaka hlangana imilayo nemiyalo—
- (a) yokwenza iindlela zokukghonakalisa ikambiso yokwenziwa komThetho, okufaka hlangana ukubekwa kwesikhathi soqeda nanyana ngiliphi igadango lokwenza okuthileko;
 - (b) yokusungula amakomidi ahlanganyelweko abunjwe malunga wesiBethamthetho seNarha nomKhandlu ongamele iimFunda ukobana atjheje bekathule umbiko malungana nemiThethomlingwa ehlongozwako etjhiwo esigabeni 74 nesama- 75 lawo athunyelwe emakomidini atjhiweko;
 - (c) kuhloma ikomidi ebumbeneko ukuqalisisa umThethosisekelo okungasenani kanye ngomnyaka; begodu
 - (d) nokulawula ukusebenza kwe—
 - (i) Komidi yemiLayo eHlanganyelweko
 - (ii) Komidi yokuLamula;
 - (iii) Komidi eBuyekeza umThethosisekelo, begodu
 - (iv) nanyana ngimaphi amakomidi ebumbeneko ahlonywe ngaphasi kwepharagrafu (b).
- (2) Amalunga weKhabinedi, amalunga wesiBethamthetho seNarha begodu neenthunywa zomKhandlu ongamele iimFunda banamalungelo nokuvikeleka okufanako phambi kwekomidi ehlanganyelweko yesiBethamthetho seNarha neyomKhandlu ongamele iimFunda.

IsiBethamthetho SeNarha

Ukubunjwa Namakhetho

46. (1) IsiBethamthetho seNarha sakhiwe malunga angasingaphasi kwama-350 begodu angadluli ema-400 waboMma naboBaba abakhethwe njengamalunga ukuya ngokwekambiso yerherho lokukhetha eli—
- quntwe mthetho wenarha;
 - dzimelele phezu kwerhelo elifanako labavowudi;
 - bonelela bona iminyaka yokuvowuda ibe li-18; begodu
 - nemiphumela, seyiyoke, ibe ngendlela yokujanyelwa kweenhlangano ngokwamavowudi eziwatholileko ngayinye.
- (2) umThetho wePalamende kumele unikele indlela yokubeka inani lamalunga wesiBethamthetho seNarha.

[Isigatjana. (1) sitjhugululwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumu lomThetho womnyaka we-2003 begodu nesigaba 1 somThethosisekelo oliTjhuguluko leTjhumu naHlanu lomThetho womnyaka we-2008.]

Ubulunga

47. (1) Esinye nesinye isakhamuzi esilungele ukuvowudela isiBethamthetho seNarha sinelungelo lokuba lilunga lesiBethamthetho seNarha; ngaphandle kwalokha—
- nangabe umuntu lowo sele aqatjihiwe namkha sele asebenzela umBuso begodu awurholela nomsebenzi lowo, ngaphandle kwaka—
 - Mongameli, iSekela likaMongameli, aboNgqongqotjhe namaSekela waboNgqongqotjhe; begodu-
 - nabanye abantu abaseenkundleni ezifana nalezo okufumaniseka bona umsebenzi abawenzako ukhambisana nomsebenzi welunga lePalamende, begodu njengomsebenzi okhambisana naloyo;
 - iinthunyuwa zasafuthi zomKhandlu ongamele iimFunda namkha amalunga wesiBethamthetho sesiFunda namkha womKhandlu kaMasipala;
 - umuntu ongakabi ukuba sebujameni obuhle beemali ngokuya komyalo kwekhotho
 - omunye nomunye umuntu omenyezelve yikhotho yeRiphabliki bona uyatlhayelelwa emkhumbulweni; namkha

- (e) omunye nomunye umuntu othe ngemva kobana isigabesi sisebenze wabonwa amlandu begodu wanikelwa isigwebo sesikhathi esidlula iinyanga ezili-12, ejele ngaphandle kobuzikhethelo behlawulo, kungaba ngaphakathi namkha ngaphandle kweRiphabliki nangabe isenzo esibange umlandu lo, besingaba mlandu lapha eRiphabliki, kodwana akekho noyedwa umuntu ongathathwa njengalowo osele agwetjiwe, bekufike isikhathi lapha ukubuyekenza kokubonwa umlandu namkha isigwebo, sekuquntwiwe namkha lapha isibaweso sele siphelwele sikhathi khona. Ukungamukelwa kobulunga bomuntu ngaphasi kwepharagrafu le kuphela iminyaka emihlanu emva kokuphela kwesigwebo.
- (2) Umuntu ongakalungeli ukuba lilunga lesiBethamthetho ngokuya ngokwesigatjana (1) (a) namkha (b) angaba ngungikhetani wesiBethamthetho seNarha, ngokulawulwa ziinrhunyezo namkha mibandela esungulwe mthetho wenarha.
- (3) Umuntu ulahlakelwa bulunga bakhe besiBethamthetho seNarha nangabe umuntu loyo—
- (a) akasakulungeli ukuba lilunga;
- (b) utshwile ukubakhona kusiBethamthetho seNarha ngaphandle kwemvumo ngemibandela yobujamo bemilayo nemiyalo yesiBethamthetho seNarha, ikhombisa ukulahleka kwamalunga; namkha
- (c) angasese lilunga lehlango eyamenyusako njengelunga lesiBethamthetho seNarha.

[Isigatjana (3) sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko leTjhumu lomThetho womnyaka we-2003 begodu nesigaba 2 somThethosisekelo oliTjhuguluko leTjhumu naHlanu lomThetho womnyaka we-2008.]

- (4) linkhundla ngaphakathi kwesiBethamthetho seNarha kumele zizaliswe ngokuya komthetho wenarha.

Ukufunga Namkha Ukuzibopha

48. Ngaphambi kobana amalunga wesiBethamthetho seNarha athome ngemisebenzawo yesiBethamthetho, kumele bona afunge namkha, azibophe ngokuthembeka kwawo eRiphabliki begodu nokuthobela umThethosiseko, ngokuya kweHlelo 2.

Isikhathi Sokusebenza KwesiBethamthetho SeNarha

49. (1) IsiBethamthetho seNarha sinikelwa isikhathi esingangeminyaka emihlanu.

- (2) Nangabe isiBethamthetho seNarha siphadlhalajwe ngokuya kwesigaba 50, namkha nakuphela isikhathi saso, uMongameli, ngesimemezelo, kumele abeke ilanga lamakhetho, okumele libanjwe kungakadluli amalanga ama-90 kusukela ngelanga isiBethamthetho esaphadlhalajwa ngalo, namkha ngemva kokuphela kwesikhathi saso. Isimemezelo sokubiza nokubekwa kwelanga lamakhetho singakhutjwa ngaphambi namkha ngemva kokuphela kwesikhathi sokusebenza kwesiBethamthetho seNarha.

[Isigatjana 2 sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuquluko lesiHlanu lomThetho womnyaka we-1999.]

- (3) Nangabe imiphumela yamakhetho wesiBethamthetho seNarha ayikamenezelwa ngesikhathi esibekwe ngokuya kwesigaba 190, namkha nangabe amakhetho ajanyiselwe ngeqadi yikhotho, uMongameli, ngesimemezelo kumele abize begodu abeke amalanga wamakhetho amanye okumele abanjwe phakathi kwamalanga ama-90 emva kokuphela kwesikhatheso namkha kwelangelo amakhetho aphadlhalajwe ngalo.
- (4) IsiBethamthetho seNarha sihlala sinamandla wokusebenza kusukela ngesikhathi sokuphadlhalajwa kwaso, namkha ngemva kokuphela kwesikhathi sokusebenza kwaso, kufikela ngelanga elingaphambi kwelanga lokuthoma kwamakhetho wesiBethamthetho esilandelako.

Ukuphadlhalajwa KwesiBethamthetho SeNarha Ngaphambi Kokuphela Kwesikhathi Saso Esibekelwe Sona

50. (1) UMongameli kumele aphadlhalaje isiBethamthetho seNarha nangabe—
- isiBethamthetho samukele isiqu nto bona iphadlhalajwe, okumele sisekelwe linengi lamalungaso; begodu
 - neminyaka emithathu sele idlulile solo isiBethamthetho seNarha sakhethwako.
- (2) UmJaphethe kaMongameli kumele aphadlhalaje isiBethamthetho seNarha nangabe—
- kukhona isikhundla e-ofisini lakaMongameli, begodu
 - isiBethamthetho sibhalelwa kukhetha uMongameli omutjha ngamalanga ama-30 ngemva kokuvuleka kwesikhundleso.

linkhathi Zokuhlala Nezokuphumula

51. (1) Emva kwamakhetho, ukuhlala kokuthoma kwesiBethamthetho seNarha kumele kwenziwe ngesikhathi nelanga eliquntwe iJaji eliKhulu, kodwana kungadluli amalanga ali-14 ngemva kokumenyenzelwa kwemiphumela yamakhetho. IsiBethamthetho seNarha singaqunta iinkhathi nobude bokuhlala nokuphumula kwaso.

[Isigatjana (1) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]

- (2) UMongameli angabizela isiBethamthetho seNarha emhlanganweni ongakajayeleki nanyana kungasiphi isikhathi nangabe kukhona izinto eziqakathekileko okumele zidingidwe.
- (3) Ukuhlala kwesiBethamthetho seNarha kuvunyelwe eendaweni ezinye ngaphandle kwendawo yokuhlala iPalamende kwaphela ngamabanga avezwe ziinrhuluphelo zomphakathi, ukuvikeleka namkha lokha nakungcono ukuhlala endawo leyo, begodu nalokha kubonelelwa imilayo nemiyalo yesiBethamthetho.

USomlomo NeSekela LikaSomlomo

52. (1) Ekuhlaleni kokuthoma ngemva kwamakhetho, namkha nakunetlhogakalo yokuzalisa isikhundla, isiBethamthetho seNarha kumele sikhethe uSomlomo neSekela lakaSomlomo hlangana namalunga waso.
- (2) IJaji eliKhulu kumele kube ngilo elilawula amakhetho kaSomlomo, namkha kukhethwe elinye iJaji ukwenza lokho. USomlomo yena ulawula ekukhethweni kweSekela lakhe.

[Isigatjana (2) sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]

- (3) Ikambiso ebekwe eNgcenyeni A yeHlelo 3 isetjenziswa ekukhethweni kwakaSomlomo neSekela lakhe
- (4) IsiBethamthetho seNarha singasusa uSomlomo neSekela lakhe ngokuthatha isiqunto. Inengi lamalunga wesiBthethamthetho kumele abekhona lokha isiquntweso nasamukelwako.
- (5) Ngokuya kwamilayo nemiyalo, isiBethamthetho seNarha singakhetha hlangana namalungaso abanye abosihlalo ukurhelebha uSomlomo neSekela lakhe.

linqunto

53. (1) Ngaphandle kwalokha umThethosisekelo ubeka ngokuhlukileko—
- inengi lamalunga wesiBethamthetho seNarha kumele abe khona ngaphambi kobana ivowudu ingathathwa ngomThethomlingwa namkha ukutjhgugulwa komThethomlingwa.
 - okungasenani kunye esithathwini samalunga kumele abekhona ngaphambi kobana kungavowudelwa nanyana ngiyiphi into engaphambi kwesiBethamthetho, begodu
 - nayo yoke imibuzo engaphambi kwesiBethamthetho iquntwa linengi lamavowudu aphoselweko.
- (2) Ilunga lesiBethamthetho seNarha eliphethe umhlangano wesiBethamthetho alikavunyelwa ukuvowuda; kodwana—
- kumele liphosele ivowudu lokuhlukanisa nangabe kunamavowudu alinganako emahlangothini womabili phezu kombuzo othileko; begodu
 - lingaphosele ivowudu lokha kunendaba okumele bona iquntwe livowudu elisekelwa buncani bobunengi yobubili ebuthathwini bamalunga wendlu.

Amalungelo Wamalunga Athileko WeKhabinedi NeSekela LakaMongameli WesiBethamthetho SeNarha

54. UMongameli nanomangiliphi ilunga leKhabhinethe namkha elinye nelinye iphini likaMongameli elingasililunga leBandla lesiBethamthetho, ngokuya ngokwemigomo nekambiso yeBandla lingabakhona begodu likhulume kileyondlu, kodwana angeze livowude.

[Isigaba. 54 sijanyiselelwe ngesigaba 3 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]

Amandla WesiBethamthetho SeNarha

55. (1) Ekusebenziseni amandla waso wokulawula, isiBethamthetho seNarha singa—
- tjheja, siphasise, sitjhugulule namkha sale nanyana ngimuphi umthetho ongaphambi kwesiBethamthetho seNarha, begodu,
 - sisungule namkha silungise umthetho, ngaphandle kwemiThethomlingwa yezeemali.

- (2) IsiBethamthetho seNarha kumele sibonelele indlela yoku—
- (a) qinisekisa bona zoke iingungu zeenjamiso zomBuso ezisezingeni lakaRhulumente lenarha zinobuziphendulelo kiso, begodu
 - (b) sibonelele itjhejo elingeneleleko—
 - (i) ukusetjenziswa kwamandla wesigungu somthetho wenarha, okufaka hlangana nokusetjenziswa komthetho ngokwesiqunto, begodu
 - (ii) nanyana ngisiphi isiJamiso somBuso.

Ubufakazi Namkha Ilwazi Phambi KwesiBethamthetho SeNarha

56. IsiBethamthetho seNarha namkha enye yamakomidaso inga—
- (a) siza omunye nomunye umuntu ukuvela phambi kwaso ukuzokwethula ubufakazi obufungelweko namkha obuqinisekisiweko, namkha ngokwethula iincwadi zobufakazi
 - (b) bawa omunye nomunye umuntu namkha iinkhungo bona zibike kiso;
 - (c) katelela, ukuya ngokomthetho wenarha namkha imilayo nemiyalo, omunye nomunye umuntu namkha isijamiso bona bakhambisane namasamoni namkha iintlhogakalo ukuya ngokwendima (a) namkha (b); begodu
 - (d) nokwamukela iinghonghoyilo; iinlilo namkha imphakamiso ezivela komunye nomunye umuntu namkha iinkhungo ezineenrhuluphelo.

Ukuhleleleka Kwangaphakathi, Ikambiso YesiBethamthetho

57. (1) IsiBethamthetho seNarha—
- (a) singaqunta besilawule ukuhleleka kwangaphakathi, iinkambiso neendlela zaso; begodu
 - (b) singenza imilayo nemiyalo emalungana nomsebenzaso, kutjhejwe ukujanyelwa kwentando yesitjhaba, ubuziphendulelo, ukuba bupepenene begodu nokubandakanyeka komphakathi.
- (2) Imilayo nemiyalo zesiBethamthetho kumele ibonelele—
- (a) ukusungulwa, ukubunjwa, amandla, imisebenzi, iindlela zekambiso nesikhathi samakomidaso;
 - (b) ukuhlanganyela ekambisweni yesiBethamthetho namakomidaso weenhlango ezincani ezijanyelweko, ngendlela ekhambisana nentando yenengi;

- (c) isizo leemali nelokuphathwa kwenye nenye ihlangano ejanyelweko esiBethamthweni ukuya ngobukhulu bokujanyelwa kwayo, ukwenzela bona ihlangano ikwazi ukwenza umsebenzayo begodu nomrholayo akwazi ukwenza imisebenzakhe yesiBethamthetho kuhle; begodu
- (d) nokwamukelwa komrhali wehlangano engekulu ephikisako esiBethamthethweni seNarha njengomrhali wehlangano ephikisako.

Amalungelo Akhethekileko

58. (1) Amalunga weKhabinedi, amaSekela waboNgqongqotjhe namalunga wesiBethamthetho seNarha—
- (a) anetjhapfuluko yekulumo ngaphakathi kwesiBethamthetho seNarha nemakomidinayo, ngokulawulwa milayo nemiyalo, begodu
 - (b) angekhe bamangalelwa bona benze okumbi namkha ubelesi, babotjhwe, bavalelwe namkha bahlawuliswe ngalokho abakumotjhileko ngombana—
 - (i) enye nenyinto abayikhulumileko, abayivezileko ngaphambili namkha abayethule ngaphambi kwesiBethamthetho namkha kunyana ngiyiphi yeenkomidi zaso; namkha
 - (ii) okhunye nokhunye okuvezwe yikulumo etjhiweko, okuzeziweko namkha okwethulwe ngaphambi kwesiBethamthetho namkha kunanyana ngiyiphi yeenkomidi zaso.
 - (2) Amanye amalungelo akhethekileko nokulitjalelwa kwesiBethamthetho, amalunga weKhabinedi kanye namlunga wesiBethamthetho kungabekwa mThetho wenarha.
 - (3) Imirholo, iimbonelelo neenzuzo ezibhadelwa amalunga wesiBethamthetho seNarha zidoswa bunqopha esiKhwameni seMalingeniso.

[Isigatjana 58 sithuguluko ngesigaba 4 somThethosisekelo oliThuguluko lesiThandathu lomThetho 6 womnyaka we-2001.]

Ikghono Lokufumana Nokuzibandakanya Komphakathi Eendabeni ZesiBethamthetho

59. (1) IsiBethamthetho seNarha kumele—
- (a) sikhonakalise ukuzibandakanya komphakathi ekwenziweni komthetho begodu nakwezinye iinkambiso zesiBethamthetho namakomidaso; begodu
 - (b) senze imisebenzaso ngendlela evulekileko, besibambe nemihlanganwaso naleyo yamakomidayo etjhatjhalazini kodwana amagadango azwakalako angathathwa—

- (i) ukulawula ikghono lomphakathi nabeendaba lokufumana isiBethamthetho, namakomidaso; begodu
 - (ii) nokusetjiswa kwananyana ngimuphi umuntu, begodu nakufaneleko, nokwalelwa ukungena ngaphakathi namkha ukukhutjiswa kwananyana ngimuphi umuntu ngaphakathi.
- (2) IsiBethamthetho seNarha angekhe satjhiya ngaphandle umphakathi, okufaka hlangana beendaba ukukhambela imihlangano yekomidi ngaphandle kwalokha kuzwakalako begodu kufanelekile bona kwenziwe lokho emphakathini ovulekileko nowentando yesitjhaba.

UmKhandlu WeNarha Ongamele IimFunda

Ukubunjwa KomKhandlu WeNarha Ongamele IimFunda

60. (1) UmKhandlu weNarha ongamele iimFunda ubunjwa siqhema esisodwa esinamalunga alitjhumu abathunyelwa bona bajamele isifunda ngasinye.
- (2) Amalunga alitjhumu lawo athunyelwako ngila—
- (a) amalunga amane akhethekileko angaba bo—
 - (i) Ndunakulu besiFunda, namkha lokha uNdunakulu angaphumeleli, elinye nelinye ilunga lesibethamthetho sesifunda elikhonjwe ngundunakulu bona lijamele isifunda leso safuthi namkha liqalane nomsebenzi othileko ophambi komKhandlu weNarha;
 - (ii) amalunga amanye amathathu aziinshunywa ezikhethekileko; begodu
 - (b) namalunga asithandathu aqhatjwe ngokuzeleko akhethwe ngokuya kwesigatjana isigaba 61 (2).
- (3) UNdunakulu wesiFunda, namkha nangabe uNdunakulu akekho; ilunga leenthunywa elikhonjwe nguNdunakulu lidosa phambili iinshunywa.

Ukwabiwa Kweenthunywa

61. (1) linhlango ezizanyelweko esiBethamthethweni sesiFunda zinelungelo lokuba namalunga aziinshunywa ngaphakathi kwamalunga ajamele isifunda ngokuya kwefomula eyendlalwe eNgcenyeni B yeHlelo 3.
- (2) (a) IsiBethamthetho sesiFunda, kumele bona sithi phakathi kwamalanga ama-30 ngemva kokumenyenzelwa kwemiphumela—

- (i) sitjho bona, ngokuya komthetho wenarha, mangaki amalunga weenhlango okumele abe malunga wasafuthi begodu nokobana mangaki azakuba malunga akhethekileko; begodu
- (ii) sikhethe amalunga aziinthywa wasafuthi ukuya ngokwenyulwa kwamalunga weenhlango.

(b)

[Ipharagrafu (b) isulwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nane lomThetho womnyaka we-2008]

[Isigatjana (2) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko leThoba lomThetho womnyaka we -2002 begodu nesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nane lomThetho womnyaka we-2008.]

- (3) UmThetho wenarha otjhiwo esigatjaneni (2) (a) kumele uqinisekise ukuhlanyela kweenhlango ezincani kizo zombili iingceny zeenthunywa zasafuthi namkha ezikhethekileko ngendlela ekhambisana nentando yenengi.
- (4) IsiBethamthetho sesiFunda ngemvumo kaNdunakulu begodu nabarholi beenhlango ezinelungelo lokuba nabajameli esiFundeni, kumele sikhethe abajameli abakhethekileko, njengoba bazakufuneka nanyana kukunini emalangenini wesiBethamthetho.

Amalunga Aziinthywa Ngokuzeleko

62. (1) Umuntu onyulwe njengelunga elisithunywa ngokuzeleko kumele alungele ukuba lilunga lesiBethamthetho sesiFunda
- (2) Nangabe umuntu olilunga lesiBethamthetho sesiFunda ukhethwa njengelunga lesithunywa lasafuthi, umuntu loyo uphelelwa bulunga bakhe besiBethamthetho.
- (3) Amalunga aziinthywa zasafuthi aqatjiswa isikhathi sokusebenza esiphelako—
- (a) Msinyana-nje ngaphambi kokuhlala kwesiBethamthetho sesiFunda kokuthoma ngemva kokukhethwa kwaso okulandelako.
- (b)

[Ipharagrafu (b) isulwe ngesigaba 2 somThethosisekelo oliTjhuguluko leTjhumini nane lomThetho womnyaka we-2008]

[Isigatjana 3 sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko leThoba lomThetho womnyaka we -2002 begodu sajanyiselelwa ngesigaba 2 somThethosisekelo oliTjhuguluko leTjhumini nane lomThetho womnyaka we-2008.]

- (4) Umuntu ulahlekelwa kukuba lilunga elisithunywa sasafuthi nangabe umuntu loyo—
- angasakulungeli ukuba lilunga lesiBethamthetho sesiFunda ngebanga elinye nelinye ngaphandle kwalokha abalilunga elisithunywa lasafuthi;
 - ubekwa esikhundleni sokuba lilunga leKhabinedi;
 - akangasanathemba esiBethamthethweni sesiFunda begodu abizelwa emva yihlangano emenyulileko;
 - ulisa ukuba lilunga lehlango emenyulileko begodu udoselwa ngiyo ihlangano leyo emuva; namkha
 - utshwile emKhandlwini weNarha ongamele iimFunda ngaphandle kwemvumo ngaphasi komlayo nomyalo womKhandlu kutjho bona kumele alahlakelwe sikhundla sokuba lilunga elisithunywa sasafuthi.
- (5) linkhundla ezivulekileko hlangana namalunga aziinthyunya zasafuthi kumele zizaliswe ngokuya komThetho wenarha.
- (6) Ngaphambi kobana amalunga aziinthyunya zasafuthi angathoma ngomsebenzi ngaphakathi komKhandlu weNarha ongamele iimFunda, kumele afunge namkha aqinisekise bona bazakukhuluma iqiniso, ukwethembeka kuRiphabliki begodu athobele nomThethosisekelo, ngokuya kweHlelo 2.

Ukuhlala KomKhandlu WeNarha

63. (1) UmKhandlu weNarha ongamele iimFunda ungaqunta isikhathi sokuhlala kwawo, nokobana sibe ngangani begodu neenkathi zabo zokuphumula.
- (2) UMongameli angabiza umKhandlu weNarha ongamele iimFunda, emhlanganweni ongakavami nanyana ngisiphi isikhathi ukuzokwenza umsebenzi oqakathekileko.
- (3) Ukuhlala komKhandlu weNarha ongamele iimFunda kuvunyelwe kwezinye iindawo kwaphela ngaphandle kwendawo okuhlala kiyo iPalamende ngeenzathu eziphathelele neenrhuluphelo zomphakathi, ukuvikeleka, namkha nangabe kungcono ukuhlala eendawenezo, begodu nalokha kukhona emilayweni nemilayweni yomKhandlu.

USihlalo NamaSekela KaSihlalo

64. (1) UmKhandlu weNarha ongamele iimFunda kumele ukhethe uSihlalo namaSekela kaSihlalo amabili hlangana namalunga aziinthyunya.

- (2) USihlalo neSekela likaSihlalo elilodwa bakhethwa hlangua namalunga aziinshunywa zasafuthi, bakhethelwa iminyaka emihlanu, ngaphandle kwanyana iinkhathi zabo zokuba malunga athunyelwe emKhandlwini ziphela ngaphambi kwesikhathi.
- (3) Elinye iSekela likaSihlalo likhethelwa isikhathi esingangomnyaka oodwa; begodu kumele lilandelwe ngokwesikhundla lilunga elivela kwesinye isifunda ukwenzela bona isifunda ngasinye sijanyelwe.
- (4) Ijaji elikhulu kumele lengamele ukukhethwa kukaSihlalo, namkha ligunyaze elinye iJaji ukwenza lokho. USihlalo nguye okhambisa amakhetho wamaSekela kaSihlalo.

[Isigatjana (4) sijanyiselwe ngesigaba 5 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]

- (5) Indlela yekambiso endlalwe eNgcenyeni A yeHlelo 3 iyasetjenziswa nakukhethwa uSihlalo namaSekela kaSihlalo.
- (6) UmKhandlu weNarha ongamele iimFunda ungasusa uSihlalo namkha iSekela likaSihlalo esikhundleni;
- (7) Ngokuya kwemilayo nemiyalo, umKhandlu weNarha ongamele iimFunda ungakhetha hlangua nabajameli ezinye iimphathiswa bona zirhelebhe uSihlalo namaSekela kaSihlalo.

Iinqunto

65. (1) Ngaphandle kwanyana umThethosisekelo lo utjho ngendlela ehlukileko—
 - (a) isifunda ngasinye sinevowudu yinye ephoselwa ebujameni besifunda mdoisiphambili wesiqhema samalunga aziinshunywa, begodu
 - (b) zoke iindaba ezingaphambi komKhandlu weNarha ongamele iimFunda kuvunyelwana ngazo, kwaphela nangabe okungasenani iimFunda ezihlanu zivowudela indaba enjengaleyo.
- (2) UmThetho wePalamende, ophasise ngokuya kwekambiso ehlonywe ngesigabatjana (1) namkha (2) sesigaba 76, kumele unikele ikambiso ebumbeneko ngokuya kwayo iimBethamthetho zeemFunda zinikela igunya kubajameli babo ukobana bavowude eenkhundleni zabo.

Ukuzibandakanya Kwamalunga WeKhabinedi

66. (1) Amalunga weKhabinedi namaSekela waboNgqongqotjhe bangakhambela bebakhulume emhlanganweni womKhandlu weNarha ongamele iimFunda, kodwana angeze bavowuda.
- (2) UmKhandlu weNarha, ongamele iimFunda ungatlhoga ilunga leKhabinedi, iSekela likaNgqongqotjhe namkha isikhulu seKhabinedi namkha uSomkhandlu wesiFunda bona akhambela umhlangano womKhandlu namkha weKomidi yomKhandlu.

Ukuhlanganyela Kwabajameli BakaRhulumende WeKhaya

67. Abajameli besikhatjhana abangeqiko etjhumini abakhonjwe nguRhulumende ohlelekileko weNdawo ngokuya kwesigaba 163, bona bajamele iinqhema ezahlukeneko zabomasipala, bangazibandakanya nakutlhogakalako, eenkambisweni zomKhandlu weNarha ongamele iimFunda, kodwana angeze bavowuda.

Amandla WomKhandlu WeNarha

68. Ekusebenziseni amandlawo womThetho, umKhandlu weNarha ongamele iimFunda unga—
- (a) tjheja, udlulise, utjhugulule, uhlongoze amatjhuguluko, namkha ungavumeli nanyana ngimuphi umthetho ophambi komKhandlu, ngokuya kweSahlukwekisi, begodu
- (b) sungula namkha ulungise umthetho owela ngaphasi kwendawo yokusebenza orheliswe eHlelweni 4 namkha emthethweni omunye otjhiwo esigabeni 76 (3), kodwana angeze usungule namkha ulungise imiThethomlingwa yezeeMali.

Ubufakazi Namkha Ilwazi Elingaphambi KomKhandlu WeNarha Ogamele iimFunda

69. UmKhandlu weNarha ongamele iimFunda namkha enye neny e yamakomidawo anga—
- (a) biza nanyana ngubani ukuzokwela ngaphambi kwawo ukuzokwethula ubufakazi obufungelweko namkha isiqinisekiso sokukhuluma iqiniso, namkha ukuveza iincwadi;
- (b) bawa nanyana ngiyiphi ihlangano namkha umuntu bona azokwethula umbiko ngaphambi kwayo;

- (c) katelela, ngokuya komthetho wenarha namkha imilayo nemiyalo, nanyana ngimuphi umuntu namkha isikhungo sikhambisane nesibawo namkha neemfuneko ngokuya kwepharagrafu (a) namkha (b); begodu
- (d) nokwamukela iinghonyoyilo, iinlilo namkha iimphakamiso ezivela kunanyana ngibaphi abantu abanekareko namkha iinkhungo.

Ukuhleleka Kwangaphakathi, linkambiso Neendlela Zokusebenza ZomKhandlu WeNarha

70. (1) UmKhandlu weNarha ongamele iimFunda—
- (a) ungaqunta bewulawule ukuhleleka kwawo kwangaphakathi, iinkambiso neendlela zawo zokusebenza; begodu
 - (b) ungenza imilayo nemiyalo emanqophana nomsebenzawo; ngokutjhejwa kobujameli begodu nokubandakanyeka entandweni yenengi, ubuziphendulelo, ukuba bupepenene nokubandakanywa komphakathi.
- (2) Imilayo nemiyalo yomKhandlu weNarha ongamele iimFunda kumele ibonelele—
- (a) ukusungulwa, ukubunjwa, amandla, imisebenzi, iindlela zekambiso neenkhati ezibekelwe amakomidawo,
 - (b) ukuzibandakanya kwazo zoke iimFunda eenkambisweni zawo ngendlela ekhambisana neyentando yenengi; begodu
 - (c) nokuzibandakanya eenkambisweni zomKhandlu namaKomidi weenhlango ezincani ezijanyelwe emKhandlwini, ngendlala ekhambisana nokuphatha ngentando yenengi, ngaso soke isikhathi nangabe indaba kumele iquptwe ngokuya kwesigaba 75.

Amalungelo Akhethekileko

71. (1) Amalunga aziinthyunya emKhandlwini weNarha ongamele iimFunda, begodu nabantu okukhulunywa ngabo esigabeni 66 nesama-67—
- (a) banetjhaphuluko yokukhuluma emKhandlwini nemaKomidinayo, ngokulawulwa milayo nemiyalwayo; begodu
 - (b) angeze bamangalelwa bona benze okumbi namkha ubulelesi emphakathini, babotjhwe bavalelwe namkha bone ipahla ngebanga—
 - (i) lananyana yini abayikhulumileko, abakukhuphileko namkha abakwethule ngaphambi komKhandlu weNarha namkha kunanyana ngiyiphi yamaKomidawo; namkha

- (ii) okhunye nokhunye okuvezwe nginyana ngiyiphi ikulumo abayikhulumileko, okuvele ngaphambili namkha okwethulwe emKhandlwini namkha kunyana ngiyiphi yamaKomidawo.
- (2) Amanye amalungelo akhethekile womKhandlu weNarha ongamele iimFunda, amalunga womKhandlu aziinthonwa begodu nabantu okukhulunywa ngabo esigabeni 66 nesama- 67 angaquntwa mThetho weNarha.
- (3) Imirholo, iimbonelelo nemivuzo ebhadelwa amalunga wasafuthi womKhandlu weNarha ongamele iimFunda kudoswa bunqopho esiKhwameni seNarha seMalingeniso.

Ikghono Lokufumana Nokuzibandakanya Komphakathi EmKhandlwini WeNarha

72. (1) UmKhandlu weNarha ongamele iimFunda kumele—
- (a) ukghonakalise ukuzibandakanya komphakathi emisebenzini yokwenza umthetho nakweminye imisebenzi yomKhandlu namaKomidawo; begodu
 - (b) urage umsebenzawo tjjhatjhalazi, begodu ubambe imihlanganwawo naleyo yamakomidawo, emphakathini; kodwana, amagadango azwakalako angathathwa—
 - (i) ukulawula ikghono lomphakathi lokufumana, okufaka hlangana ikghono lokufumana iindaba, koMkhandu weNarha ongamele iimFunda namaKomidawo, begodu
 - (ii) nokunikela ukufunwa kwananyana ngimuphi umuntu begodu, lapha kufaneleko, ukwala ukungena ngaphakathi namkha ukususwa kwananyana ngimuphi umuntu.
- (2) UmKhandlu weNarha ongamele iimFunda angeze watjhiya umphakathi, okufaka hlangana iindaba ezivela emhlanganweni weKomidi ngaphandle kwanyana kuzwakala begodu kuqinisekisiwe ukwenza njalo ngendlela esetjjhatjhalazini nomphakathi wentando yenengi.

Ikambiso Yokwenziwa KomThetho WeNarha

Yoke ImiThethomlingwa

73. (1) Nanyana ngimuphi umThethomlingwa ungethulwa esiBethamthethweni seNarha.
- (2) Lilunga leKhabinedi namkha iSekela likaNgqongqotjhe, namkha ilunga namkha iKomidi yesiBethamthetho kwaphela engethula umThethomlingwa phambi

kwesiBethamthetho seNarha, kodwana lilunga leKhabinedi kwaphela eliphathelene neendaba zeemali zeimiThethomlingwa yeemali elandelako ingaziswa kwaphela lilunga leKhabinethe eliziphendulela eendabeni zeeMali zeNarha elingethula imiThethomlingwa elandelako esiBethamthethweni seNarha:

- (a) umThethomlingwa wezeeMali, namkha
- (b) umThethomlingwa onikela umthetho otjiwo esigabeni 214.

[Isigatjana (2) sijanyiselelwe ngesigaba 1 (a) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]

- (3) UmThethomlingwa okukhulunywa ngawo esigabeni 76 (3), ngaphandle komThethomlingwa okukhulunywa ngawo esigatjaneni (2) (a) namkha (b) sesigabesi, ungafakwa emKhandlwini weNarha ongamele iimFunda.

[Isigatjana (3) sijanyiselelwe ngesigaba 1 (b) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]

- (4) Lilunga namkha yiKomidi yomKhandlu weNarha ongamele iimFunda kwaphela ongethula umThethomlingwa phambi komKhandlu.
- (5) UmThethomlingwa ophasiswe siBethamthetho seNarha kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, nangabe kumele utjhejwe mKhandlu. UmThethomlingwa ophasiswe mKhandlu kumele udluliselwe esiBethamthethweni seNarha.

ImiThethomlingwa Etjhugulula UmThethosisekelo

- 74. (1) Isigaba 1 begodu nesigatjanesi singatjhugulwa mThethomlingwa ophasiswe—
 - (a) siBethamthetho seNarha, ngevowudi elisekelwe okungasenani maphesende ama-75 wamalungayo; begodu
 - (b) nomKhandlu weNarha ongamele iimFunda, ngevowudi elisekelwe okungasenani leemFunda ezisithandathu.
- (2) ISahluko 2 singatjhugululwa mThethomlingwa ophasiswe—
 - (a) siBethamthetho seNarha, ngevowudi elisekelwe okungasenani malungawo asibili kokuthathu; begodu
 - (b) noMkhandlu weNarha ongamele iimFunda, ngevowudi elisekelwe okungasenani ziimFunda ezisithandathu.
- (3) Nanyana ngisiphi isiqalelelo somThethosisekelo singatjhugululwa njengomThethomlingwa ophasiswe—

- (a) siBethamthetho seNarha, ngevowudi elisekelwe okungasenani malungaso asibili kokuthathu; begodu
- (b) nomKhandlu weNarha ongamele iimFunda, ngevowudi elisekelwe okungasenani leemFunda ezisithandathu, nange ukutjhugulula—
 - (i) kutjho indaba ethinta umKhandlu;
 - (ii) kutjhugulula imikhawulo, amandla, imisebenzi namkha iinkhungo zesifunda; namkha
 - (iii) kutjhugulula isiqalelelo esisebenza ngokunqophileko ngendaba yesiFunda.
- (4) UmThethomlingwa otjhugulula umThethosisekelo angekhe wafaka hlangua iinqalelelo ngaphandle kwamatjhuguluko womThethosisekelo neendaba ezihlangene namatjhuguluko lawo.
- (5) Okungasenani amalanga ama-30 ngaphambi kobana umThethomlingwa otjhugulula umThethosisekelo wethulwa ngokuya kwesigaba 73(2), umuntu namkha ikomidi elihlongoza ukwethula umThethomlingwa lo kumele—
 - (a) liwukhangise eGazedeni kaRhulumende nangokuya kwemilayo nemiyalo yesiBethamthetho seNarha, imininingwana yetjhuguluko ehlongoziweko ukwenzela bona nomphakathi uveze imibonwazo.
 - (b) anikele, ngokuya kwemilayo nemiyalo yesiBethamthetho seNarha, imininingwana leyo eemBethamthethweni zeemFunda bona ziveze imibonwazo.
 - (c) anikele, ngokuya kwemilayo nemiyalo yomKhandlu weNarha ongamele iimFunda, imininingwana leyo esiBethamthethweni seNarha bona kube nekulumo-pikiswano, nangabe itjhuguluko elihlongoziweko akusilo itjhuguluko elithoga ukuphasiswa mKhandlu.
- (6) Nakwethulwa umThethomlingwa otjhugulula umThethosisekelo, umuntu namkha ikomidi eyethula umThethomlingwa kumele inikele nanyana ngimiphi imibono etloliweko evela emphakathini neemBethamthethweni zeemFunda—
 - (a) kuSomlomo bona awendlale esiBethamthethweni weNarha; begodu
 - (b) mayelana namatjhuguluko okukhulunywa ngawo esigatjeneni (1), (2), namkha (3) (b), aya kuSihlalo womKhandlu weNarha ongamele iimFunda bona awendlale emKhandlwini.
- (7) UmThethomlingwa otjhugulula umThethosisekelo angeze wavowudelwa esiBethamthethweni seNarha ngaphambi kwamalanga ama-30 woku—

- (a) wokwethulwa kwawo, nangabe isiBethamthetho seNarha sizabe sihlalezi lokha umThethomlingwa nawethulwako; namkha
 - (b) ukwendlalwa kwawo esiBethamthethweni seNarha nangabe isiBethamthetho seNarha sisaphumulile ngesikhathi umThethomlingwa ovezwa ngaso.
- (8) Nangabe umThethomlingwa okukhulunywa ngawo esigatjaneni (3)(b), namkha enye nenyengcenyeyomThethomlingwa, uthinta kwaphela isiFunda namkha iimFunda ezithileko, umKhandlu weNarha ongamele iimFunda ngeze waphasisa umThethomlingwa namkha ingcenyefaneleko ngaphandle kwanyana ivunywe siBethamthetho namkha iimBethamthetho zeemFunda namkha iimFundezo ezithintekako.
- (9) UmThethomlingwa otjhugulula umThethosisekelo esele uphasiswe siBethamthetho seNarha begodu, lapha kufaneleko, umKhandlu weNarha ongamele iimFunda, kumele uwudlulisele kuMongameli bona awutlikitle.

ImiThethomlingwa Ejayekileko Engathinti Iimfunda

75. (1) Lokha isiBethamthetho seNarha nasiphasisa umThethomlingwa ngaphandle komThethomlingwa, lapha indlela yekabiso evezwe esigabeni 74 namkha 76 isebenza khona, umThethomlingwa lowo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda begodu usetjenzwe ngokuya kwekambiso elandelako:
- (a) UmKhandlu weNarha ongamele iimFunda kumele—
 - (i) uphasisa umThethomlingwa loyo;
 - (ii) uphasisa umThethomlingwa ngokulawulwa matjhuguluko aphakanyiswa ngiwo, namkha
 - (iii) ungawala umThethomlingwa loyo.
 - (b) Nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa ngaphandle kokuphakamisa amatjhuguluko, umThethomlingwa loyo kumele udluliselwe kuMongameli bona awemukele.
 - (c) Nangabe umKhandlu weNarha ongamele iimFunda wala umThethomlingwa, namkha uwuphasisa ngokulawulwa matjhuguluko, isiBethamthetho seNarha kumele sitjheje godu umThethomlingwa loyo, sithathele ehloko nanyana ngiliphi itjhuguluko eliphakayiswe mKhandlu weNarha ongamele iimFunda, begodu unga—
 - (i) phasisa umThethomlingwa godu, ingawuphasisa neemphakamiso namkha ngaphandle kwazo; namkha
 - (ii) qunta bona awusarageli phambili ngomThethomlingwa loyo.

- (d) UmThethomlingwa ophasiswe siBethamthetho seNarha ngokuya kwepharagrafu (c) kumele udluliselwe kuMongameli bona awutlikitle.
- (2) Lokha iBanda lesiBethamthetho seNarha liwuvodela umbuzo ngokulandela isigaba lesi, isigaba 65 asizukusebenza; okuzakwenzeka ngilokhu—
 - (a) Elinye nelinye ilunga elithunyelwe ukujamela isifunda kumkhandlu linevowudu yinye;
 - (b) Munye ebuthathwini bamalunga aziinthunywa kufanele babekhona ngaphambi kobana kuvowudelwe umbuzo loyo; begodu
 - (c) Umbuzo lowo uquntwa linengi lamavowudi aphoselweko, kodwana nangabe kuba nenani elilinganako lamavowudi ngakwelinye nelinye ihlangothi lombuzo, ilunga elithunyelwe ukujamela isiFunda elinguSihlalo kumele liphosele ivowudi.

ImiThethomlingwa Ejayelekileko Ethinta iimFunda

76. (1) Lokha isiBethamthetho seNarha siphasisa umThethomlingwa okukhulunywa ngawo esigatjaneni (3), (4) namkha (5), umThethomlingwa kumele udluliselwe emKhandlwini weNarha ongamele iimFunda begodu kusetjenzwe ngawo ngokuya kwendlela yekambiso elandelako:
- (a) UmKhandlu weNarha ongamele iimFunda kumele—
 - (i) uphasise umThethomlingwa loyo;
 - (ii) uphasise umThethomlingwa otjhugululiweko;
 - (iii) wale umThethomlingwa loyo.
 - (b) Nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa ngaphandle kwamatjhuguluko, umThethomlingwa loyo kumele udluliselwe kuMongameli bona awutlikitle.
 - (c) Nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa otjhugululiweko, umThethomlingwa otjhugululiweko kumele udluliselwe esiBethamthethweni seNarha, begodu nangabe isiBethamthetho seNarha siphasisa umThethomlingwa otjhugululiweko loyo, kumele udluliselwe kuMongameli bona awemukele.
 - (d) Nangabe umKhandlu weNarha ongamele iimFunda uyawala umThethomlingwa loyo, namkha lokha isiBethamthetho seNarha nasingavumiko ukudlulisa umThethomlingwa oliTjhugululo lowo okukhulunywa ngawo ngokuya kwepharagrafu (c), umThethomlingwa

- loyo, begodu nakungezeka, umThethomlingwa olitjhugululo nawo, kumele udluliselwe eKomidini yezokuLamula, okungiyi engavumelana nalokhu—
- (i) umThethomlingwa ngendlela ophasiswe ngayo siBethamthetho seNarha;
 - (ii) umThethomlingwa olitjhugululo ngendlela ophasiswe ngayo mKhandlu weNarha ongamele iimFunda;
 - (iii) umThethomlingwa ohlukileko.
- (e) Nangabe iKomidi yezokuLamula iyabhalelwa ukuvumelana phakathi kwamalanga ama-30 ukusukela ngelanga lapha umThethomlingwa lo udluliselwa khona kiyi, umThethomlingwa loyo uphelelwa sikhathi, ngaphandle kwanyana isiBethamthetho seNarha siwuphasisa godu umThethomlingwa loyo, kodwana ngokusekelwa mavowudi wamalungawo okungasenani abubili esithathwini.
- (f) Nangabe iKomidi yezokuLamula iyavumelana ngomThethomlingwa lo ngendlela uphasiswe ngayo siBethamthetho seNarha, umThethomlingwa lo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda begodu nangabe umThethomlingwa uphasiswe, kumele umThethomlingwa loyo, kumele udluliselwe kuMongameli bona awemukele.
- (g) Nangabe iKomidi yezokuLamula iyavumelana ngomThethomlingwa olitjhugululo ngendlela ophasiswe ngayo mKhandlu weNarha ongamele iimFunda, umThethomlingwa loyo kumele udluliselwe esiBethamthethweni seNarha, begodu nangabe umThethomlingwa uphasiswe siBethamthetho seNarha, kumele udluliselwe kuMongameli bona awemukele.
- (h) Nangabe iKomidi yezokuLamula ivumelana ngomThethomlingwa ohlukileko, umThethomlingwa ohlukileko loyo kumele udluliselwe esiBethamthethweni seNarha nemKhandlwini weNarha, begodu nangabe uphasiswe siBethamthetho seNarha nomKhandlu weNarha kumele udluliselwe kuMongameli bona awemukele.
- (i) Nangabe umThethomlingwa odluliselwe emKhandlwini weNarha ngokuya kwepharagrafu [(f) namkha] (h) awuphasiswa mKhandlu weNarha ongamele iimFunda, umThethomlingwa loyo uphelelwa sikhathi ngaphandle kwalokha isiBethamthetho seNarha siwuphasisa umThethomlingwa loyo ngokusekelwa mavowudi wamalungawo okungasenani abubili esithathwini.
- (j) Nangabe umThethomlingwa odluliselwe esiBethamthethweni seNarha ngokuya kwepharagrafu (g) namkha (h) awuphasiswa siBethamthetho

seNarha, umThethomlingwa loyo uphelelwa sikhathi kodwana umThethomlingwa ngendlela egade uphasiswe ngayo siBethamthetho seNarha ekuthomeni, ungabuye uphasiswe godu siBethamthetho seNarha, kodwana ngesekelo lamavowudi wamalungawo okungasenani abubili esithathwini.

- (k) UmThethomlingwa ophasiswe siBethamthetho seNarha ngokuya pharagrafu (e), (i) namkha (j) kumele udluliselwe kuMongameli bona awemukele.
- (2) Lokha umKhandlu weNarha ongamele iimFunda nawuphasisa umThethomlingwa okukhulunywa ngawo esigatjaneni (3), umThethomlingwa kumele udluliselwe esiBethamthethweni seNarha begodu usetjenziswe ngokuya kwendlela yekambiso elandelako:
- (a) IsiBethamthetho seNarha kumele—
- (i) siphasiswe umThethomlingwa loyo;
 - (ii) siphasiswe umThethomlingwa olitjhugululo; namkha
 - (iii) wale umThethomlingwa loyo.
- (b) UmThethomlingwa ophasiswe siBethamthetho seNarha ngokuya kwepharagrafu (a) (i) kumele udluliselwe kuMongameli bona awemukele.
- (c) Nangabe isiBethamthetho seNarha siphasisa umThethomlingwa olitjhugululo, umThethomlingwa olitjhugululo loyo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, begodu nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa olitjhugululo, kumele udluliselwe kuMongameli bona awutlikitle.
- (d) Nangabe isiBethamthetho seNarha sala umThethomlingwa namkha lokha umKhandlu weNarha ongamele iimFunda wala ukuphasisa umThethomlingwa olitjhugululo okukhulunywa ngawo, ngokuya kwepharagrafu (c), umThethomlingwa, begodu nakwenzeka, umThethomlingwa olitjhugululo kumele udluliselwe eKomidini yezokuLamula, okungenzeka ivumelane ngalokhu—
- (i) ngomThethomlingwa njengoba uphasiswe mkhandlu;
 - (ii) ngomThethomlingwa olitjhugululo ngendlela ophasiswe ngayo siBethamthetho seNarha; namkha
 - (iii) ngomThethomlingwa ohlukileko.
- (e) Nangabe iKomidi yezokuLamula iyabhalalelwa kuvumelana phakathi kwamalanga ama-30 ngemva kobana umThethomlingwa udluliselwe kiyi, umThethomlingwa loyo uphelelwa sikhathi.

- (f) Nangabe iKomidi yezokuLamula iyavumelana ngendlela umThethomlingwa olitjhugululo ophasiswe ngayo mKhandlu weNarha ongamele iimFunda, umThethomlingwa loyo kumele udluliselwe esiBethamthethweni seNarha, begodu nangabe isiBethamthetho seNarha siwuphasisile umThethomlingwa lo, kumele udluliselwe kuMongameli bona awemukele.
- (g) Nangabe iKomidi yezokuLamula iyavumelana ngendlela umThethomlingwa olitjhugululo ophasiswe ngayo siBethamthetho seNarha, umThethomlingwa lo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, begodu nangabe umKhandlu weNarha ongamele iimFunda uwuphasisile, kumele udluliselwe kuMongameli bona awemukele.
- (h) Nangabe iKomidi yezokuLamula iyavumelana ngomThethomlingwa ohlukileko, umThethomlingwa ohlukileko loyo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda nesiBethamthethweni seNarha, begodu nangabe umKhandlu weNarha ongamele iimFunda nesiBethamthetho seNarha, bawuphasisile, kumele udluliselwe kuMongameli bona awemukele.
- (i) Nangabe umThethomlingwa odluliselwe esiBethamthetho seNarha ngokuya kwepharagrafu (f) namkha (h) awukaphasiswa siBethamthetho seNarha, umThethomlingwa loyo uphelelwa sikhathi.
- (3) UmThethomlingwa kumele usetjenzwe ngokuya kwendlela yekambiso esungulwe sigatjana (1) namkha (2) nangabe uwela ngaphasi kwerhelo leHlelo 4 lomsebenzi namkha unikelwe umThetho otjhiwo kunanyana ngisiphi seengatjana ezilandelako:
- (a) isigaba 65(2);
- (b) isigaba 163
- (c) isigaba 182
- (d) isigaba 195(3) noku-(4)
- (e) isigaba 196; begodu
- (f) nesigaba 197.
- (4) UmThethomlingwa kumele kusetjenzwe ngayo ngokuya kwendlela yekambiso esungulwe sigatjana (1) nangabe ubonelela umThetho—
- (a) otjhiwoko esigabeni 44(2) namkha 220(3); namkha
- (b) otjhiwoko esaHlukweni 13 begodu nofaka hlangana nanyana ngisiphi isiqalelelo esithinta iinkareko zeemali zezinga likaRhulumente wesifunda.

[Isigatjana (3) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]

- (5) UmThethomlingwa otjhiwo esigabeni 42(6) kumele usetjenzwe ngokuya kwendlela yekambiso esungulwe sigatjana (1) ngaphandle kwalokha—
- (a) isibethamthetho seNarha sivowudela umThethomlingwa, iinqalelelo zesigaba 53(1) azisebenzi, kunalokho, umThethomlingwa umThethomlingwa ungaphasiswa kwaphela nangabe inengi lamalunga wesiBethamthetho seNarha lingawuvowudela; begodu
- (b) nangabe umThethomlingwa lowo udluliselwe eKomidini yezokuLamula, imilayo elandelako iyasetjenziswa:
- (i) nangabe isibethamthetho seNarha sitjheja umThethomlingwa otjhiwo sigatjana 1(g) namkha (h), umThethomlingwa lowo ungaphasiswa kwaphela nangabe inengi lamalunga wesiBethamthetho seNarha singawuvowudela.
- (ii) nangabe isibethamthetho seNarha sitjheja namkha sitjheja godu umThethomlingwa lo ngokutjhiwo sigaba (1)(e),(i) namkha (j), umThethomlingwa lo ungaphasiswa kwaphela nangabe okungasenani amalunga wesiBethamthetho awusekela ngamavowudi abubili esithathwini.
- (6) Isigabesi azisebenzi emiThethomlingweni ephathelene nemali.

ImiThethomlingwa YeeMali

77. (1) UmThethomlingwa uba mThethomlingwa weemali nangabe—
- (a) uqalene neemali;
- (b) ubhadelisa umthelo wenarha, ilevi, imbhadela yepahla namkha umthelo ongezeleleweko;
- (c) uphelisa namkha uphungula, namkha ukunikelwa kwegunya lokungabhadeli nanyana ngimuphi umthelo wenarha, ilevi, imbhadela yepahla namkha umthelo ongezeleleweko; namkha
- (d) ugunyaza ukutholakala bunqophakomthelo wesiKhwama seNarha seNgenisomali, ngaphandle komThethomlingwa otjhiwo esigabeni 214 ogunyaza ukutholakala komthelo bunqophakomthelo.
- (2) UmThethomlingwa weemali angekhe usebenzise ezinye izinto ngaphandle—
- (a) kweendatjana eziphathelene neemali;
- (b) kokukatelela, ukuphelisa namkha ukuphungulwa komthelo wenarha, amalevi, imbhadela yepahla namkha umthelo ongezeleleweko

- (c) kokunikelwa igunya lokungabhadeli nanyana ngimuphi umthelo wenarha, amalevi, imbhadela yepahla namkha umthelo ongezelelweko
 - (d) kwegunyaza lokutholakala bunqophla komthelo wesiKhwama seNarha seNgenisomali.
- (3) Yoke imiThethomlingwa yezeemali kumele itjhejwe ngokuya kwendlela yekambiso esungulwe sigaba 75. UmThetho wePalamende kumele unikele indlela yekambiso yokutjhugulula imiThethomlingwa yezeemali ngePalamende.

[Isigatjana 77 sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]

IKomidi YezokuLamula

78. (1) IKomidi yezokuLamula ibunjwa—
- (a) malunga alithoba wesiBethamthetho seNarha abakhethwe siBethamthetho seNarha ngokuya kwendlela yekambiso ejanyiswe ngokwemilayo nemiyalo yesiBethamthetho seNarha, begodu nokugcina ngokujanyelwa kweenhlangano ngokwendlela elinganako naleyo iinhlangano ezijameleke ngayo esiBethamthethweni seNarha; begodu
 - (b) ilunga elilodwa elivela eenthunyweni zesiFunda ngasinye somKhandlu weNarha ongamele iimFunda, elithunyelwe ziiimthunywa.
- (2) IKomidi yezokuLamula ivumelene ngomThethomlingwa ohlukileko, namkha ithethe isiqunto ngombuzo, walokha umThetho ohlukileko loyo, namkha nangabe ihlangothi elinye lombuzo lisekelwa—
- (a) okungasenani babajameli abahlanu besiBethamthetho seNarha; begodu
 - (b) okungasenani babajameli abahlanu bomKhandlu weNarha ongamele iimFunda.

Ukutlikitlwa Ukwamukelwa KwemiThethomlingwa

79. (1) UMongameli kumele amukele begodu atlikitle umThethomlingwa ophasiswe ngokuya kweSahlukwesi, namkha nangabe uMongameli anokuzaza ngokukhambisana komThethomlingwa nomThethosisekelo, kumele awubuyisele emva esiBethamthethweni seNarha bona siyowuhlolisisa kabutjha.
- (2) Imilayo nemiyalo ehlanganyelweko kumele inikele indlela yekambiso yokubuyekwezwa komThethomlingwa siBethamthetho seNarha nomKhandlu weNarha ongamele iimFunda.

- (3) UmKhandlu weNarha ongamele iimFunda kumele uzibandakanye ekuhlolisweni kabutjha komThethomlingwa lowo uMongameli awubuyisele emva ePalamende nangabe—
 - (a) ukuzaza kwakaMongameli ngokukhambisana komThethomlingwa nomThethosisekelo kumalungana nendlela yekambiso ebandakanya umKhandlu; namkha
 - (b) isahluko 74(1), (2) namkha (3)(b) namkha 76 sasetjenziswa ekuphasisweni komThethomlingwa.
- (4) Nangabe, ukuhloliswa kabutjha komThethomlingwa kutjheja ukuzaza kwakaMongameli, uMongameli kumele amukele begodu atlikitle umThethomlingwa lowo; nakungasinjalo, uMongameli kumele enze okhunye kwalokhu—
 - (a) angamukela begodu atlikitle umThethomlingwa lowo;
 - (b) angadlulisela umThethomlingwa lowo ekhotho yomThethosisekelo bona ithathe isiqu nto ngokukhambisana kwawo nomThethosisekelo.
- (5) Nangabe ikhotho yomThethosisekelo iqunta bona umThethomlingwa lowo uyakhambisana nomThethosisekelo, uMongameli kumele awemukele begodu awutlikitle.

Isibawo Samalunga WesiBethamthetho SeNarha Ekhotho YomThethosisekelo

80. (1) Amalunga wesiBethamthetho seNarha angenza isibawo ekhotho yomThethosisekelo bona ikhuphe umyalo otjhoko bona umThethomlingwa woke namkha ingcinye yawo, ophasiswe siBethamthetho seNarha awukhambisani nomThethosisekelo.
- (2) Isibawo—
 - (a) kumele sisekelwe okungaseni malunga alingana nobunye bokuthathu kwamalunga wesiBethamthetho seNarha; begodu
 - (b) kumele senziwe phakathi kwamalanga ama-30 ukusukela ngelanga uMongameli amukele begodu bewatlikitla ngalo umThetho lowo.
- (3) Ikhotho yomThethosisekelo ingayala bona woke namkha ingcinye yomThetho lowo ingalawulwa sibawo, kodwana ngokuya kwesigatjana (1) awunawo amandla womThetho bekufike lapha ikhotho ithatha isiqu nto ngesibaweso, nangabe—
 - (a) iinrhuluphelo zezobulungiswa ziyakudinga lokhu; begodu
 - (b) isibawo sisebujameni obuzwakalako bokungaphumelela.

- (4) Nangabe isibawesi asikaphumeleli, begodu ikhotho nayo khenge ibe sebujamani obuthembisa ipumelelo, iKhotho yomThethosisekelo ingayala ababawo bona babhadele zoke iindleko.

Ukwaziswa KwemiThetho

81. UmThethomlingwa owemukelweko bewatlikitlwa nguMongameli uba mThetho, kumele umenyazelwe msinya, begodu uthome nokusebenza ngesikhatheso omenyazelwe ngaso namkha ngelanga eliquntwe ngokuya komThetho.

Ukubulungwa KwemiThetho YePalamende

82. IKhophi etlikitliweko yomThetho wePalamende ibufakazi obuzeleko beenqalelelo zomThetho lowo begodu, ngemva kokumenyazelwa kwawo kumle unikelwe iKhotho yomThethosisekelo bona iwubulunge.