

SEHLUKO 4**IPHALAMENDE****Kubunjwa kwePhalamende**

42. (1) IPhalamende ibunjwe -
- Sigungu saVelonkhe; kanye
 - neMkhandlu waVelonkhe weTifundza.
- (2) Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza sifaka sandla eluhlelweni lwekushaya umtsetfo ngendlela lebekwe kuMtsetfosisekelo
- (3) Sigungu saVelonkhe sikhetselwe kumela bantfu nekuzinisekisa hulumende webantfu ngaphasi kweMtsetfosisekelo. Sikwenta loku ngekukhetsa Mengameli, ngekuniketa sive sonkhe inkhundla kutsi sicubungule tindzaba, ngekubeka imitsetfo nangekubukisisa nekwelusa tento teSigungu lesengamele.
- (4) Umkhandlu weTifundza umela tifundza kuze ucinisekise kutsi timfuno tetifundza tiyanakekelwa emkhakheni wahulumende wavelonkhe. Kwenta loku ikakhulukati ngekufaka sandla ekushayeni kwemtsetfo kuvelonkhe nangekuniketa sive sonkhe inkhundla kutsi sicubungule tindzaba letitsintsa tifundza.
- (5) Mengameli angabita iPhalamende kutsi ite emhlanganweni longaketayeleki nganoma ngusiphi sikhatsi kutewuchuba umsebenti welikhetselo.
- (6) Indzawo yekuhlanganela kwePhalamende kuseKapa, kepha uMtsetfo wePhalamende lobekwe ngekulandzela tigaba 76(1) na-(5), ungabeka lenye indzawo kutsi kube yekuhlanganela iPhalamende.

Ligunya lekushaya umtsetfo weRiphabhulikhi

43. (1) ERiphabhulikhi, ligunya lekushaya umtsetfo –
- wemkhakha wahulumende wavelonkhe liniketwe iPhalamende njengoba kumiswe esigabeni 44
 - wemkhakha wahulumende wesifundza liniketwe tishayamtsetfo tesifundza, njengoba kumiswe esigabeni 104; kantsi
 - wemkhakha wahulumende wasekhaya liniketwe imikhandlu yaboMasipala, njengoba kumiswe esigabeni 156.

Ligunya lekushaya umtsetfo wavelonkhe

44. (1) Ligunya lekushaya umtsetfo wavelonkhe njengoba liniketwe yiPhalamende -
- (a) linika Sigungu saVelonkhe emandla -
 - (i) ekuchibiyela uMtsetfosisekelo;
 - (ii) ekushaya umtsetfo lophatselene nanoma yini, lokufaka neludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4, kepha lokungafaki ekhatsi, ngaphasi kwembandzela wesigatjana (2), ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 5; kanye
 - (iii) nekuniketa nganoma nguwaphi emandla awo ekushaya umtsetfo, ngaphandle kwemandla ekuchibiyela uMtsetfosisekelo, kunoma ngumuphi umtimba wekushaya umtsetfo kulomunye umkhakha wahulumende; futsi
 - (b) linika Umkhandlu weTifundza emandla -
 - (i) ekufaka sandla ekuchitjiyelweni kweMtsetfosisekelo ngekulandzela sigaba 74;
 - (ii) ekushaya umtsetfo, ngekulandzela sigaba 76, lophatselene nanoma nguluphi ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4, kanye nanoma nguluphi lolunye ludzaba ngekuyalela kweMtsetfosisekelo lokumele ushaywe ngekulandzela sigaba 76; kanye
 - (iii) nekucubungula, ngekulandzela sigaba 75, nanoma ngumuphi lomunye umtsetfo lohaywe Sigungu saVelonkhe.
- (2) IPhalamende ingangenela, ngekushaya umtsetfo ngekulandzela sigaba 76(1), eludzabeni loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 5, uma ngabe kudzingekile -
- (a) kutewugcina kuphepha eveni lonkhe;
 - (b) kutewugcina lubumbano kutemnotfo;
 - (c) kutewugcina emazinga lafanelekile eveni lonkhe;
 - (d) kutewusungula emazingancanti lafunekako uma kwetfulwa imisebenti; noma
 - (e) kutewuvimbela tento letingakalungi letitsetfwe sifundza letikhinyabeta lesinye sifundza noma live lonkhana.
- (3) Umtsetfo lophatselene neludzaba lolubonakala lusidzingo, noma lolusondzelene ngandlela-tsite, ekusetjentisweni kwemandla ngalokusezingeni leliphakeme lokuphatselene neludzaba loluhleliswe kuShejuli 4, ngato tonkhe tinholo,

ngumtsetfo lophatselene nako konkhe lokuhleliswe kuShejuli 4.

- (4) Uma isebentisa ligunya layo lekushaya umtsetfo, iPhalamende iboshwa kuphela nguMtsetfosisekelo, futsi kumele yente umsebenti wayo ngekulanzela tilinganiso teMtsetfosisekelo.

Imitsetfomgomo lehlanganyelwe netibopho kanye nemakomiti lahlanganyelwe

45. (1) Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza kumele ubeke likomidi lehlanganyelwe lelingabeka imitsetfomgomo netibopho letiphatselene nemisebenti yayo lehlanganyelwe, lokufaka imitsetfomgomo netibopho -
- (a) tekusungula tinchubo tekuhlembisa kushaywa kwemtsetfo, lokufaka ekhatsi kubekwa kwesikhatsi lekufanele kutsi sinyatselo noma siphil sicedvwe ngaso kuleyo nchubo;
 - (b) tekusungula emakomiti lahlanganyelwe labunjwe ngemalunga lavela esiGungwini saVelonkhe naseMkhandlwini waVelonkhe weTifundza ekubuka nekubika ngeMitsetfosivivinyo lebukelelwe ngekwetigaba 74 na-75 lemukiswe kulawo makomiti;
 - (c) tekusungula likomidi lehlanganyelwe lekubuyeketa uMtsetfosisekelo lokungenani kanye ngemnyaka; kanye
 - (d) netekulawula inchubo nemisebenti -
 - (i) yelikomidi lehlanganyelwe lemitsetfomgomo netibopho;
 - (ii) yelikomidi lekuLamula;
 - (iii) likomidi lekubuyeketa umtsetfosisekelo; kanye
 - (iv) nanoma nguwaphe emakomiti lahlanganyelwe lasukunyiswe ngekulanzela indzima(b).
- (2) Emalunga eKhabhinethi, emalunga eSigungu saVelonkhe netifunywa teMkhandlu waVelonkhe weTifundza banemalungelomvume nekuvikeleka lokufanako embi kwekomiti lenhlanganyelwe yeSigungu saVelonkhe neMkhandlu waVelonkhe weTifundza.

Sigungu saVelonkhe**Kubunjwa nekukhetfwa**

46. (1) Sigungu saVelonkhe sakhwiwe ngemalunga langekho ngaphasi kwe-350 futsi angabi ngetulu kwe-400 langulabasikati nalabadvuna labakhetfwe njengemalunga ngekulandzela luhlelo lwehlukhetfo -
- lolumiswe ngumtsetfo wavelonkhe;
 - lolwesekelwe eluhlwini lolwetayelekile lwavelonkhe lwebavoti;
 - lolubeka buncane beminyaka yekuvota lobu-18; futsi
 - loluholela, jikelele, kumiphumela yekumelwa ngelinani lekuvotelwa kwelicumbu letembusave.

[Sigatjana (1) siChitjiyelwe sigaba 1 seMtsetfo 2 wanga-2003.]

- (2) Umtsetfo wePhalamende kumele umise indlela yekubeka linani lemalunga eSigungu saVelonkhe.

[Ngekwesigatjana (1) seMtsetfo wesichibiyelo seLishumi seMtsetfosisekelo wanga-2003 nangekwesi-gabaseMtsetfo wesichibiyelo seLishumi neSihlanu seMtsetfosisekelo wanga-2008]

Bulunga

47. (1) Tonkhe takhamuti letivumelekile kutsi tivotele Sigungu saVelonkhe tamukelekile kutsi tibe lilunga leSigungu, ngaphandle -
- kwanoma ngubani locashwe esikhundleni, noma losebentela, 34 ngaphasi kwembuso futsi abe aholelwa ngaloko kucashwa, ngaphandle -
 - kwaMengameli, liSekela laMengameli, tiNdvuna teMbuso nemaSekela etiNdvuna teMbuso;
 - kwanoma ngutiphi tiphatsimandla lapho imisebenti yato ihambelana neyemalunga eSigungu, futsi lemisse njengalehambelanako ngekulandzela umtsetfo wavelonkhe;
 - kwetitfunywa letingesuswa teMkhandlu waVelonkhe weTifundza noma emalunga esishayamtsetfo sesifundza noma eMkhandlu waMasipala;
 - kwebantfu labangakabuyiselwa emalungelomvume abo ngekwestsetfo ngesizatfu sekutsi banetikweleti;
 - kwanoma ngumuphi umuntfu lotfolwe yinkantolo yeRiphabhulikhi kutsi akakaphili kahle engcondweni; noma

- (e) kwanoma ngubani lokutse, ngemuva kwekucala kwekusebenta kwalesigaba, watfolwa anelicala waniketwa sigwebo setinyanga letingetulu kwa-12 ejele ngaphandle kwekunikwa lilungelo lekutsi akhiphe inhlawulo, noma eRiphabhulikhi, noma ngaphandle kweRiphabhulikhi uma ngabe lesento lesakha lelicala besingatsatfwa njengelicala eRiphabhulikhi, kepha kute umuntu lokungatsiwa ugwetjiwe uma kusengakancunywa kwendluliselwa kwelicala yinkantolo lephakeme noma sigwebo sisengakancunywa ngulenkantolo, noma kusengakaniketwa sigwebo, noma sikhatsi sekwendlulisela licala enkantolo lephakeme sesiphelile, kwemukwa lemuvume ngekulandzela lendzima kuphela ngemuva kweminyaka lesihlanu kuphela lesigwebo.
- (2) Umuntu longakemukeleki kuba lilunga leSigungu saVelonkhe ngekwetigatjana (1)(a) noma (b) angamela lukhetfo lweSigungu, ngaphasi kwemibandzela yetilinganiso nobe imikhawulo lemiswe ngekulandzela umtsetfo wavelonkhe.
- (3) Umuntu ulahlekelwa bulunga beSigungu saVelonkhe uma ngabe lowo muntu;
- (a) angasemukeleki kuba lilunga;
- (b) angekho esiGungwini ngaphandle kwemuvume ngaphasi kwetimo lapho khona imitsetfomgomo netibopho teSigungu kumisa kutsi umuntu longekho utawulahlekelwa bulunga; noma
- (c) ayekela kuba lilunga lelicembu lelimkhetsile lowo muntu njengelilunga leSigungu.

[Sigatjana (3) sivalwe ngesigaba 2 seMtsetfo weLishumi wekuChitjiyelwa kweMtsetfosisekelo wanga-2003, nangesigaba 2 seMtsetfo weSichibiyelo weLishumi nesihlanu weMtsetfosisekelo wanga-2008.]Nangekwesigaba 1 seMtsetfo weLishumi neSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-2008]

- (4) Tikhala esiGungwini saVelonkhe kumele tigcwaliswe ngekulandzela umtsetfo wavelonkhe.

Kufunga noma kuvuma ngekutibopha

48. Ngembi kwekutsi emalunga eSigungu saVelonkhe acale kwenta imisebenti yawo esiGungwini kumele afunge noma avume ngekutibopha kutsi atawetsembeka kuRiphabhulikhi nekutsi atawutfobela uMtsetfosisekelo, ngekulandzela iShejuli 2.

Budze besikhatsi sekusebenta kweSigungu saVelonkhe

49. (1) Sigungu saVelonkhe sikhethwa kutsi sisebente iminyaka lesihlanu.
 (2) Uma ngabe Sigungu saVelonkhe sihlakatwa ngekulandzela sigaba 50, noma uma kuphela sikhatsi saso sekusebenta, Mengameli, ngekwesimemetelo semtsetfo, kumele abite futsi amise emalanga elukhetfo, lekumele lubanjwe kungakapheli emalanga lange—90 ngemuva kwekuhlakateka kweSigungu noma ngemuva kwekuphela kwesikhatsi sekusebenta. Simemetelo semtsetfo sekubita nekumisa emalanga elukhetfo singakhishwa ngembi noma ngemuva kwekuphela kwesikhatsi sekusebenta kweSigungu saVelonkhe.

[Sigatjana (2) sivalwe ngesigaba 1 seMtsetfo weSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-1999.]

- (3) Uma ngabe imiphumela yelukhetfo lweSigungu saVelonkhe ayikaniketwa ngesikhatsi lesibekwe esigabeni 190, noma uma ngabe lukhetfo lubekwe eceleni yinkantolo, Mengameli ngesimemetelo semtsetfo, kumele abite futsi amise emalanga elukhetfo lolunye, lekumele lubanjwe kungakapheli emalanga lange-90 ngemuva kwekuphela kwaleso sikhatsi noma ngemuva kwelilanga lekwabekwa ngalo eceleni lolukhetfo.
 (4) Sigungu saVelonkhe sitawuchubeka kuba nemandla ekusebenta kusukukela ngesikhatsi sihlakateka noma ngesikhatsi siphelwa sikhatsi sekusebenta kuze kube lilanga ngembi kwelilanga lekucala lekuvotela lukhetfo lweSigungu lesilandzelako.

Kuhlakateka kweSigungu saVelonkhe kungakapheli sikhatsi saso sekusebenta

50. (1) Mengameli kumele ahlakate Sigungu saVelonkhe uma ngabe –
 (a) Sigungu sitsatse sincumo sekuhlakateka ngelivoti lelesekelwa linyenti lemalunga aso; futsi
 (b) iminyaka lemitsatfu seyendlulile kusukela Sigungu sakhetfwa.
 (2) LiBamba laMengameli kumele lihlakate Sigungu saVelonkhe uma ngabe -
 (a) kunesikhala esikhundleni sekuba nguMengameli; futsi
 (b) Sigungu sehluleka kukhetha Mengameli lomusha kungakapheli emalanga lange-30 ngemuva kwekuvela kwesikhala saMengameli.

Tikhatsi tekuhlangana nekuphumula

51. (1) Ngemuva kwelukhetfo, kuhlangua kwekucala kweSigungu saVelonkhe kumele kwenteke ngesikhatsi nangelilanga lelincunye nguSomajaji kepha kungakapheli emalanga la-14 ngemuva kwekuniketwa kwemiphumela yelukhetfo. Sigungu singancuma ngetikhatsi nebudze baletinye tikhatsi tekuhlangana kanye netikhatsi tekuphumula kwaso.

[Sigatjana (1) sivalwe ngesigaba 1 seMtsetfo weSitfupha wekuChitjijyelwa kweMtsetfosisekelo wanga-2001.]

- (2) Mengameli angabita Sigungu saVelonkhe kutsi site emhlanganweni longaketayekeki nganoma ngusiphi sikhatsi kutewuchuba umsebenzi welikhetselo.
- (3) Kuhlangana kweSigungu saVelonkhe kuvumelekile kuletinye tindzawo ngaphandle kwendzawo yePhalamende kuphela ngetizatfu tetimfuno temmango, tekuphepha noma kufaneleka, futsi uma ngabe loko kumisiwe kumitsetfomgomo nakunchubo yaleSigungu.

Somlomo kanye neliSekela laSomlomo

52. (1) Emhlanganweni waso wekucala ngemuva kwelukhetfo lwaso, noma uma kunesidzingo sekugcwalisa sikhala, Sigungu saVelonkhe kumele sikhetsa Somlomo kanye neliSekela laSomlomo emalungeni aso.
- (2) Somajaji kumele engamele lukhetfo lwaSomlomo, noma amise lelinye lijaji lelitakwenta loko. Somlomo wengamela lukhetfo lweliSekela laSomlomo.

[Sigatjana (2) sivalwe ngesigaba 2 seMtsetfo weSitfupha wekuChitjijyelwa kweMtsetfosisekelo wanga-2001.]

- (3) Inchubo lemiswe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lwaSomlomo kanye neliSekela laSomlomo.
- (4) Sigungu saVelonkhe singakhipha Somlomo noma liSekela laSomlomo esikhundleni ngesincumo. Linyenti lemalunga eSigungu kumele libe khona ngesikhatsi kutsatfwa lesincumo.
- (5) Ngekulanzela imitsetfomgomo netibopho taso, Sigungu saVelonkhe singakhetsa letinye tiphatsimandla tekwegamela emalungeni aso kutewulekelela Somlomo neliSekela laSomlomo.

Tincumo

53. (1) Ngaphandle uma ngabe uMtsetfosisekelo usho lokunye –
- linyenti lemalunga eSigungu saVelonkhe kufanele libe khona ngembi kwekutsi kuvotelwe uMtsetfosivivinyo noma uMtsetfosivivinyo lochitjijyelwe;
 - lokungenani linyenti lakunye kulokutsatfu lemalunga kumele libe khona ngembi kwekutsi kuvotelwe noma nguluphi lolunye ludzaba lolusembi kweSigungu; futsi
 - yonkhe imibuto lesembi kweSigungu saVelonkhe incunywa ngebunyeti bemalunga lavotile.
- (2) Lilunga leSigungu saVelonkhe lelingusihlalo emhlanganweni weSigungu alinalo livoti letinkhulumiswano kepha -
- kumele livotele kwenta sincumo uma kunelinani lemavoti lelilinganako kulelo nalelo cala lembuto; futsi
 - lingafaka livoti letinkhulumiswano uma ngabe umbuto kumele uncunywe ngekwesekelwa linani lemalunga lokungenani langulokubili kulokutsatfu kwelinani lemalunga eSigungu.

Emalungelo emalunga latsite eKhabhinethi nemaSekela etiNdvuna teMbuso esiGungwini saVelonkhe

54. Mengameli kanye nanoma nguliphi lilunga leKhabhinethi kanye nanoma nguliphi liSekela leNdvuna yeMbuso lelingesilo lilunga leSigungu saVelonkhe, ngaphasi kwemibandzela yemitsetfomgomo netibopho teSigungu, lingaba khona liphindze likhulume esiGungwini, kepha lingete lavota.

[Sigaba 54 sivalwe ngesigaba 3 seMtsetfo 34 wanga-2001.]

Emandla eSigungu saVelonkhe

55. (1) Ekusebentiseni emandla aso ekushaya umtsetfo, Sigungu saVelonkhe -
- singacubungula, sishaye, sichibiyele noma sicitse noma ngumuphi umtsetfo losembi kweSigungu; futsi
 - singasukumisa noma silungise umtsetfo ngaphandle kweMitsetfosivivinyo yetetimali.

- (2) Sigungu saVelonkhe kumele sente tindlela –
- (a) tekucinisekisa kutsi tonkhe tikhungo tembuso letengamele emkhakheni wahulumende wavelonkhe tinekutiphendvulela kuso; futsi
 - (b) tekubeka liso -
 - (i) ekusetjentisweni kwemandla avelonkhe ekwengamela, lokufaka kuphunyeleliswa kwemitsetfo; kanye
 - (ii) nakunoma ngusiphi sikhungo sembuso.

Bufakazi noma imininingwane lesembi kweSigungu saVelonkhe

56. Sigungu saVelonkhe noma nguwaphi emakomiti aso –
- (a) singabita noma ngumuphi umuntfu kutsi atewuvela embi kwaso kutewuniketa bufakazi ngekubufungela noma ngekuvuma, noma kutsi aletse imiculu;
 - (b) singafuna noma ngumuphi umuntfu noma sikhungo kutsi sitewubika kuso;
 - (c) singaphocelela, ngekulanzela umtsetfo wavelonkhe noma imitsetfomgomo netibopho, noma ngumuphi umuntfu noma sikhungo kutsi sihloniphe lokubitwa noma lesidzingo ngaphasi kwetigatjana(a) noma (b); futsi
 - (d) singemukela tikhalo, kubekwa kweluvo noma tetfulo lokuvela kunoma ngumuphi umuntfu noma sikhungo lesinenshisekelo.

Kuhlembisa kwangekhatsi, lokuchubekako netinchubo teSigungu saVelonkhe

57. (1) Sigungu saVelonkhe -
- (a) singancuma siphindze silawule kuhlembisa kwangekhatsi, lokuchubekako netinchubo taso; futsi
 - (b) singenta imitsetfomgomo netibopho macondzana nemisebenti yaso, ngekubukisisa intsandvo yelinyenti macondzana nekumelela nekubamba indzima, kutiphendvulela, kuba selubala kanye nekumbandzakanyeka kwemmango.
- (2) Imitsetfomgomo netibopho teSigungu saVelonkhe kumele tiniketele -
- (a) ngekusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze besikhatsi semakomiti aso;
 - (b) ngekufaka sandla kwemacembu lamancane lekamelwe kuleSigungu

emisebentini yeSigungu saVelonkhe nemakomiti aso, ngendlela lehambisana nentsandvo yelinyenti;

- (c) lusito lwetetimali nelwekusebenta kulelo nalelo cembu lelimelwe kuleSigungu ngekulandzela linani lemalunga alo, kuze kutewusita lelicembu nemholi walo kutsi akhone kwenta imisebenti yakhe esiGungwini ngalokunemphumelelo; kanye
- (d) nekwekumelwa kwemholi welicembu lelikhulu leliphelelako kuleSigungu njengeMholi weliCembu leliPhikisako.

Lilungelomvume

58. (1) Emalunga eKhabhinethi, emaSekela etiNdvana teMbuso kanye nemalunga eSigungu saVelonkhe -
- (a) anenkululeko yekukhuluma esiGungwini kanye nasemakomitini aso, ngaphasi kwemibandzela yemitsetfomgomo netibopho taso; futsi
 - (b) akukafaneli abekwe licala lembango noma lebugebengu, aboshwe, avalelwe ejele noma ahlawuliswe -
 - (i) mayelana nanoma yini lekayisho, lekayetfule noma lekayendlele kuleSigungu noma kunoma nguliphi likomidi laso; noma
 - (ii) mayelana nanoma yini levetwe ebaleni ngesizatfu sanoma yini lekayishilo, lekayetfulise noma lekayendlele kuleSigungu noma kunoma nguliphi likomidi laso.

[Sigatjana (1) siChitjiyelwe sigaba 4 seMtsetfo weSifupha wekuchitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (2) Lamanye emalungelomvume nekuvikeleka kwemalunga eSigungu saVelonkhe, emalunga eKhabhinethi kanye nemalunga eSigungu saVelonkhe angamiswa ngumtsetfo wavelonkhe.
- (3) Imiholo, tibonelelo netinzuzo letikhokhelwa emalunga eSigungu saVelonkhe aluphakelo-mali lolucondzene nesikhwama saVelonkhe seMali.

[Sigaba 58 sichibiyelwe ngekwesigaba 4 seMtsetfo wekuchitjiyelwa kweMtsetfosisekelo wanga-2001]

Kuvumeleka kwemango nekufaka sandla esiGungwini saVelonkhe

59. (1) Sigungu saVelonkhe kumele -
- (a) sicinisekise kufaka sandla kwemango etinhlelweni tekushaya umtsetfo kanye naletinye teSigungu kanye nemakomiti aso; futsi

- (b) sichube umsebenti waso ngendlela leselubala, futsi sibambe imihlangano yaso, kanye naleyo yemakomiti aso, elubala, kepha kunetinyatselo letifanelekile letingatsatfwa -
 - (i) kulawula kuvumeleka kwemmango, lokufaka ekhatsi kuvumeleka kwebemifombo yetindzaba, kuleSigungu nemakomiti aso; kanye
 - (ii) nekuniketela ngekusesha kwanoma ngumuphi umuntfu kanye, uma kufanelekile, nekwencajelwa kwekungena, noma kukhishwa, kwanoma ngumuphi umuntfu.
- (2) Sigungu saVelonkhe akumelanga sencabele ummango, kufaka ekhatsi bemifombo yetindzaba, kunoma ngumuphi umhlangano wekomiti ngaphandle uma kufanelekile futsi kunebulungiswa kwenta njalo emmangweni loselubala wentsandvo yelinyenti.

Umkhandlu weTifundza

Kubunjwa kweMkhandlu waVelonkhe

60. (1) Umkhandlu weTifundza ubunjwe ngelitsimba lelinetitfunywa letilishumi letivela kuleso naleso sifundza.
- (2) Letitfunywa letilishumi -
- (a) tingemalunga lamane elikhetselo lafaka ekhatsi -
 - (i) Ndvunankhulu wesifundza noma , uma Ndvunankhulu angekho, noma nguliphi lilunga lesishayamtsetfo sesifundza lelikhetfwe nguNdvunankhulu jikelele noma macondzana neludzaba lolutsite lolusembi kweMkhandlu waVelonkhe weTifundza; kanye
 - (ii) naletinye titfunywa letintsatfu; kanye
 - (b) netitfunywa letisitfupha letingesuswa letikhetfwe ngekulanzela sigaba 61 (2).
- (3) Ndvunankhulu wesifundza, noma uma ngabe Ndvunankhulu angekho, lilunga lelitsimba lesifundza lelikhetfwe nguNdvunankhulu, lihola lelitsimba.

Kubekwa kwetitfunywa

61. (1) Emacembu lekemelwe kusishayamtsetfo sesifundza anelilungelo lekuba netifunywa kulelitsimba lesifundza ngekulandzela lendlela lebekwe eNcenyeni B yeShejuli 3.
- (2) (a) Kungakapheli emalanga langu—30 ngemuva kwekumenyetelwa kwemphumela welukhetfo lwesishayamtsetfo sesifundza, sishayamtsetfo kumele -
- (i) sincume, ngekulandzela umtsetfo wavelonkhe, ngekutsi tingaki titfunywa talinye ngalinye licembu letitawuba titfunywa letingesuswa nekutsi tingaki letitawuba titfunywa letitawuba telikhetselo; futsi
- (ii) sikhetsa titfunywa letingesuswa ngekulandzela kuphakanyiswa kwemagama ngemacembu.
- (b) Sigaba (b) lesishiywe ngekwesigaba 2 seMtsetfo weLishumi naKune wekuChitjilelwa kweMtsetfosisekelo wanga-2008.

[Sigatjana (2) sivalwe ngesigaba 1 seMtsetfo weMfica wekuChitjijelwa kweMtsetfosisekelo wanga-2002.] nangesigaba 1 seMtsetfo weLishumi naKune wekuChitjilelwa kweMtsetfosisekelo wanga-2008.]

- (3) Lomtsetfo wavelonkhe lohlongotwe esigatjaneni (2)(a) kumele ucinisekise kumbandzakanyeka kwemacembu lamancane kuto totimbili letinhlobo tetitfunywa letingesuswa netitfunywa telikhetselo ngendlela lehambisana nentsandvo yelinyenti.
- (4) Sishayamtsetfo, ngekuvumelana kwaNdvunankhulu kanye nebaholi bemacembu laneilungelo lekuba netifunywa telikhetselo elitsimbeni lesifundza, kumele simise titfunywa telikhetselo, njengoba kudzingeka njalo ngesikhatsi, kulamalunga esishayamtsetfo.

Titfunywa letingesuswa

62. (1) Umuntu lokhetfwe njengesitfunywa lesingesuswa kumele abe ngulovumelekile kuba lilunga lesishayamtsetfo sesifundza.
- (2) Uma ngabe umuntu lolilunga lesishayamtsetfo akhetfwa njengesitfunywa lesingesuswa, lowo muntu akabe asaba lilunga lesishayamtsetfo.
- (3) Titfunywa letingesuswa tikhetselwa sikhatsi lesiphela -
- (a) ngembili nje kwekuhlangu kwecula kwesishayamtsetfo sesifundza ngemuva kwelukhetfo lwaso lolulandzelako; noma

[Sigatjana (3) sivalwe ngesigaba 2 seMtsetfo weMfica wekuChitjiyelwa kweMtsetfosisekelo wanga-2002 nangekwesigaba 4 seMtsetfo weLishumi naKune wekuChitjiyelwa kweMtsetfosisekelo wanga-2008]

- (4) Umuntfu akabe asaba sitfunywa lesingesuswa uma ngabe lowo muntfu -
 - (a) angasavumeleki kuba lilunga lesishayamtsetfo sesifundza ngesizatfu lesinye ngaphandle kwaleso sekukhetfwa abe lilunga lelingesuswa;
 - (b) aba lilunga leKhabhinethi;
 - (c) asalahlekelwe kwetsenjwa sishayamtsetfo sesifundza futsi ahociswe licembu lelimkhetsile;
 - (d) angasabi lilunga lalelicembu lelamkhetsa lowo muntfu futsi ahociswe ngulelo cembu; noma
 - (e) angabi khona eMkhandlwini waVelonkhe weTifundza ngaphandle kwemvume etimeni lapho imitsetfomgomo netibopho tibeka kulahlekelwa sikhundla sekuba sitfunywa lesingesuswa.
- (5) Tikhala ecenjini letifunywala letingesuswa kumele tivalwe ngekulandzela umtsetfo wavelonkhe.
- (6) Ngembi kwekucala kwenta umsebenzi wato eMkhandlwini waVelonkhe weTifundza, titfunywa letingesuswa kumele tifunge noma tivume ngekutibophela kwetsembeka kuRiphabhulikhi nekutifobela uMtsetfosisekelo, ngekulandzela iShejuli 2.

Kuhlangana kweMkhandlu waVelonkhe weTifundza

63. (1) Umkhandlu weTifundza ungancuma tikhatsi nebudze bekuhlangana kwawo kanye netikhatsi tekuphumula.
- (2) Mengameli angabita Umkhandlu weTifundza kutsi ute emhlanganweni longaketayeleki nganoma ngusiphi sikhatsi kutewuchuba umsebenzi welikhetselo.
- (3) Kuhlangana kweMkhandlu waVelonkhe weTifundza kuvumelekile kuletinye tindzawo ngaphandle kwendzawo yePhalamende kuphela ngetizatfu tetimfuno temmango, tekuphepha noma kufaneleka, futsi uma ngabe loko kumisiwe kumitsetfomgomo nasenchubeni yaloMkhandlu.

Sihlalo nemaSekela aSihlalo

64. (1) Umkhandlu weTifundza kumele ukhetse Sihlalo nemaSekela aSihlalo lamabili etitfunyweni.
- (2) Sihlalo nalinye liSekela bakhetfwa etitfunyweni letingesuswa kutsi baphatse letikhundla iminyaka lesihlanu ngaphandle uma ngabe sikhatsi sabo sekuba titfunywa siphela kungakapheli leminyaka lesihlanu.
- (3) Leli lesibili liSekela laSihlalo likhetselwa kuphatsa lesikhundla umnyaka munye, kantsi kumele lilandzelwe sitfunywa lesibuya kulesinye sifundza, kuze kutsi tonkhe timelwe ngekulandzelana.
- (4) Somajaji kumele engamele lukhetfo lwaSihlalo, noma amise lelinye lijaji lelitakwenta loko. Sihlalo wengamela lukhetfo lwemaSekela aSihlalo.

[Sigatjana (4) sivalwe ngesigaba 5 seMtsetfo weSitfupha wekuChitijyelwa kweMtsetfosisekelo wanga-2001.]

- (5) Inchubo lemiswe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lwaSihlalo kanye nemaSekela aSihlalo.
- (6) Umkhandlu weTifundza ungakhipha Sihlalo noma liSekela laSihlalo esikhundleni ngesincumo.
- (7) Ngekulandzela imitsetfomgomo netibopho tawo, Umkhandlu weTifundza ungakhetsa letinye tiphatsimandla tekwegamela emalungeni awo kutewulekelela Sihlalo nemaSekela aSihlalo.

Tincumo

65. (1) Ngaphandle lapho uMtsetfosisekelo usho ngalenywe indlela -
- (a) sifundza ngasinye sinelivoti linye, lelifakwa egameni lesifundza yinhloko yetitfunywa taso; futsi
- (b) yonkhe imibono lesembi kweMkhandlu waVelonkhe weTifundza kusuke kuvunyelenwe ngayo uma ngabe lokungenani tifundza letisihlanu tiwemukela lowo mbono.
- (2) Umtsetfo wePhalamende, loshaywe ngekulandzela inchubo lebekwe ngekulandzela noma tigatjana (1) noma (2) tesigaba 76, kumele ubeke indlela lefanako lekumele tifundza tinikete ngayo ligunya etitfunyweni tato tekufaka emavoti egameni letifundza.

Kufaka sandla kwemalunga eSigungu savelonkhe lesengamele

66. (1) Emalunga eKhabhinethi kanye nanoma nguliphi liSekela leNdvuna yeMbuso lingaba khona, liphinde likhulume eMkhandlwini waVelonkhe weTifundza, kepha lingete lavota.
- (2) Umkhandlu weTifundza ungabita lilunga leKhabhinethi, liSekela leNdvuna yeMbuso noma siphatsimandla seSigungu lesengamele kuvelonkhe noma leSigungu sesifundza lesengamele kutsi sibe khona emhlanganweni weMkhandlu noma welikomidi laloMkhandlu.

Kufaka sandla kwalabamele hulumende wasekhaya

67. Emalunga ngalokungakagcwali langengi kulishumi lakhetfwe bohulumende labahlelele basekhaya ngekulanzela sigaba 163 kutewumela tigaba lethlukene tabomasipala angafaka sandla uma kudzingekile kunchubo yeMkhandlu waVelonkhe weTifundza kodwa angete avote.

Emandla eMkhandlu waVelonkhe weTifundza

68. (1) Ekusebentiseni emandla awo ekushaya umtsetfo, Umkhandlu weTifundza -
- (a) ungacubungula, ushaye, uchibiyele noma ucitse noma ngumuphi umtsetfo losembi kweMkhandlu, ngekulanzela leSAHLUKO; futsi
- (b) ungasukumisa noma ulungise umtsetfo lowela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4 noma lomunye umtsetfo lophawulwe esigabeni 76 (3), kepha angeke usukumise noma ulungise iMitssetfosivinyo yetetimali.

Bufakazi noma imininingwane lesembi kweMkhandlu waVelonkhe

69. Umkhandlu weTifundza noma nguwaphi emakomiti awo -
- (a) ungabita noma ngumuphi umuntfu kutsi atewuvela embi kwawo kutewuniketa bufakazi ngekubufungela noma ngekuvuma, noma kutsi aletse imiculu;
- (b) ungafuna noma ngumuphi umuntfu noma sikhungo kutsi sitewubika kuwo;
- (c) ungaphocelela, ngekulanzela umtsetfo wavelonkhe noma imitsetfomgomo netibopho, noma ngumuphi umuntfu noma sikhungo kutsi sikhloniphe lokubitwa noma lesidzingo ngaphasi kwetigatjana(a) noma (b); futsi
- (d) ungemukela tikhalo, kubekwa kweluvo noma tetfulo lokuvela kunoma ngumuphi umuntfu noma sikhungo lesinenshisekelo.

Kuhlembisa kwangekhatsi, lokuchubekako netinchubo teMkhandlu waVelonkhe

70. (1) Umkhandlu weTifundza -
- ungancuma uphinde ulawule kuhlembisa kwangekhatsi, lokuchubekako netinchubo tawo; futsi
 - ungenta imitsetfomgomo netibopho macondzana nemisebenti yawo, ngekubukisisa intsandvo yelinyenti macondzana nekumelela nekubamba indzima, kutiphendvulela, kuba selubala kanye nekumbandzakanyeka kwemmango.
- (2) Imitsetfomgomo netibopho teMkhandlu waVelonkhe weTifundza kumele tiniketele -
- ngekusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze besikhatsi semakomiti awo;
 - ngokufaka sandla kwato tonkhe tifundza emisebentini yeMkhandlu waVelonkhe weTifundza ngendlela lehambisana nentsandvo yelinyenti; kanye
 - nangekufaka sandla kwemacembu lamancane lekamelwe eMkhandlwini emisebentini yeMkhandlu waVelonkhe weTifundza nemakomiti awo, ngendlela lehambisana nentsandvo yelinyenti, uma ludzaba lutawuncunywa ngekulanzela sigaba 75.

Lilungelomvume

71. (1) Tifunywa teMkhandlu waVelonkhe weTifundza kanye nebantfu labaphawulwe etigabeni 66 na-67 -
- tinenkhululeko yekukhuluma eMkhandlwini kanye nasemakomitini awo, ngaphasi kwemibandzela yemitsetfomgomo netibopho tawo; futsi
 - akukafaneli tibekwe licala lembango noma lebugebengu, tiboshwe, tivalelwe ejele noma tihlawuliswe -
 - mayelana nanoma yini letiyishoko, letiyetfule noma letiyendlale kuloMkhandlu noma kunoma nguliphi likomidi lawo; noma
 - mayelana nanoma yini levetwe ebaleni ngesizatfu sanoma yini letiyishito, letiyetfulise noma letiyendlale kuloMkhandlu noma kunoma nguliphi likomidi lawo.

- (2) Lamanye emalungelomvume nekuvikeleka kwemalunga eMkhandlu waVelonkhe weTifundza, tifunyuwa teMkhandlu kanye nebantfu labaphawulwe ngaphasi kwetigaba 66 na-67 angamiswa ngumtsetfo wavelonkhe.
- (3) Imiholo, tibonelelo netinzuzo letikhokhelwa emalunga langesuswa eMkhandlu waVelonkhe weTifundza aluphakele lolucondzene nesiKhwama saVelonkhe seMali.

Kuvumeleka kwemango nekufaka sandla eMkhandlwini waVelonkhe

72. (1) Umkhandlu weTifundza kumele -
 - (a) ucinisekise kufaka sandla kwemango etinhlelweni tekushaya umtsetfo kanye naletinye teMkhandlu kanye nemakomiti awo; futsi
 - (b) uchube umsebenti wawo ngendlela leselubala, futsi ubambe imihlangano yawo, kanye naleyo yemakomiti awo, elubala, kepha kunetinyatselo letifanelekile letingatsatfwa -
 - (i) kulawula kuvumeleka kwemango, lokufaka ekhatsi kuvumeleka kwebemifombo yetindzaba, kuloMkhandlu nemakomiti awo; kanye
 - (ii) nekuniketela ngekusesha kwanoma ngumuphi umuntfu kanye, uma kufanelekile, nekwencatjelwa kwekungena, noma kukhishwa, kwanoma ngumuphi umuntfu.
- (2) Umkhandlu weTifundza akumelanga wencabele ummango, kufaka ekhatsi bemifombo yetindzaba, kunoma ngumuphi umhlangano wekomiti ngaphandle uma kufanelekile futsi kunebulungiswa kwenta njalo emmangweni loselubala wentsandvo yelinyenti.

Inchubo yekushaya umtsetfo waVelonkhe

IMitsetfosivivinyo Yonkhe

73. (1) Noma ngumuphi uMtsetfosivivinyo ungetfulwa ngembi kweSigungu saVelonkhe.
- (2) Lilunga leKhabhinethi kuphela noma liSekela leNdvuna yeMbuso, noma lilunga noma ikomiti yeSigungu saVelonkhe lelingetfula uMtsetfosivivinyo embi kweSigungu, kepha lilunga leKhabhinethi lelibukene netindzaba tetimali kuvelonkhe kuphela lelingetfula leMitsetfosivivinyo lelandzelako embi kweSigungu -

- (a) uMtsetfosivivinyo wetetimali; noma
- (b) uMtsetfosivivinyo loniketela ngemtsetfo lohlongotwa esigabeni 214.

[Sigatjana (2) sivalwe ngesigaba 1(a) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (3) UMtsetfosivivinyo lophawulwe esigabeni 76 (3), ngaphandle kweMtsetfosivivinyo lophawulwe esigatjaneni (2)(a) noma (b) walesigaba, ungetfulwa embi kweMkhandlu waVelonkhe weTifundza.

[Sigatjana (3) sivalwe ngesigaba 1(b) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (4) Lilunga noma ikomiti yeMkhandlu waVelonkhe weTifundza kuphela lelingetfula uMtsetfosivivinyo embi kweMkhandlu.
- (5) UMtsetfosivivinyo lophasiswe Sigungu saVelonkhe kumele utfunyelwe kUmkhandlu weTifundza uma ngabe kumele ucutjungulwe nguloMkhandlu. UMtsetfosivivinyo lophasiswe nguMkhandlu weTifundza kumele utfunyelwe esiGungwini saVelonkhe.

IMitsetfosivivinyo lechibiyela uMtsetfosisekelo

74. (1) Sigaba 1 kanye nalesigatjana tingaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
- (a) Sigungu saVelonkhe, ngekwesekelwa kwemavoti lokungenani langemaphesenti langu-75 emalunga aso; kanye
 - (b) nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha.
- (2) SAHLUKO 2 singaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
- (a) Sigungu saVelonkhe ngekwesekelwa ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga aso; kanye
 - (b) nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha.
- (3) Letinye tiphakamiso teMtsetfosisekelo tingaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
- (a) Sigungu saVelonkhe ngekwesekelwa ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga awo; kanye
 - (b) nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha, uma ngabe lokuChitjiyelwa -

- (i) kuphatselene neludzaba lolutsintsa Umkhandlu weTifundza;
 - (ii) kugucula iminyele, emandla, imisebenti noma tikhungo tetifundza; noma
 - (iii) kuchibiyela siphakamiso lesicondzene-ngco neludzaba lwesifundza.
- (4) UMtsetfosivivinyo lochibiyela uMtsetfosisekelo akumelanga ufake ekhatsi letinye tiphakamiso ngaphandle kwetichibiyelo temtsetfosisekelo nalokunye lokuphatselene naletichibiyelo.
- (5) Lokungenani emalanga langu-30 ngembi kwekutsi uMtsetfosivivinyo lochibiyela uMtsetfosisekelo wetfulwe ngekulanzela sigaba 73(2), lomuntfu noma ikomiti lefuna kwetfula loMtsetfosivivinyo kumele -
- (a) ashicilele kuGazethi yaHulumende, futsi ngekuvumelana nemitsetfomgomo netibopho teSigungu saVelonkhe imininingwane yalesichibiyelo lesihlongotwako kuze sive sitawuphawula;
 - (b) etfule ngekuvumelana nemitsetfomgomo netibopho teSigungu leyo mininingwane kutishayamtsetfo tetifundza kuze tibeke imibono yato;
 - (c) etfule ngekuvumelana nemitsetfomgomo netibopho teMkhandlu waVelonkhe weTifundza, leyo mininingwane eMkhandlwini kuze sive sikwati kucocisana ngawo, uma ngabe lesichibiyelo lesihlongotiwe akusiso sichibiyelo lesidzinga kuphasiswa nguMkhandlu.
- (6) Uma uMtsetfosivivinyo lochibiyela uMtsetfosisekelo wetfulwa umuntfu noma ikomiti leyetfula lowo Mtsetfosivivinyo kumele etfule noma ngukuphi kuphawula lokubhaliwe lokutfolakale esiveni nakutishayamtsetfo tetifundza -
- (a) kuSihlalo lotawendlala embi kweSigungu saVelonkhe; kanye
 - (b) uma kutichibiyelo letiphawulwe etigatjaneni (1), (2) noma (3)(b) kuSihlalo weMkhandlu waVelonkhe weTifundza lotawendlala embi kweMkhandlu.
- (7) UMtsetfosivivinyo lochibiyela uMtsetfosisekelo ungete wavotelwa esiGungwini savelonkhe emalangenani langu-30 -
- (a) wetfuliwe uma Sigungu sihlalene ngalesikhatsi loMtsetfosivivinyo wetfulwa; noma
 - (b) wendlaliwe embi kweSigungu, uma Sigungu wephumulile ngalesikhatsi loMtsetfosivivinyo wetfulwa.
- (8) Uma uMtsetfosivivinyo lophawulwe esigatjaneni (3)(b), noma ngabe nguyiphi incenye yalowo Mtsetfosivivinyo, uphatselenengco nesifundza noma tifundza

letitsite, Umkhandlu weTifundza ungete wawuphasisa loMtsetfosivivinyo noma lencenye yawo letsintsekako ngaphandle uma ngabe wemukelwe sishayamtsetfo sesifundza noma tishayamtsetfo tetifundza letitsintsekako.

- (9) UMtsetfosivivinyo lochibiyela uMtsetfosisekelo losewuphasiswe Sigungu saVelonkhe futsi, lapho kufanele khona nguMkhandlu weTifundza, kumele utfunyelwe kuMengameli kutsi awamukele.

IMtsetfosivivinyo leyeTayelekile lengatsintsani netifundza

75. (1) Uma ngabe Sigungu saVelonkhe siphasisa uMtsetfosivivinyo ngaphandle kweMtsetfosivivinyo lapho lenchubo lemiswe esigabeni 74 noma 76 isebenta khona, lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe weTifundza kutsi usetjentwe ngekuvumelana nalenchubo lelandzelako:
- (a) Umkhandlu kumele -
- uphasise loMtsetfosivivinyo;
 - uphasise loMtsetfosivivinyo loChitjiyelwe; noma
 - ucitse loMtsetfosivivinyo.
- (b) Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo ngaphandle kwetichibiyelo, loMtsetfosivivinyo kumele umikiswe kuMengameli kutsi awamukele.
- (c) Uma ngabe uMkhandlu uwucitsa lomtsetfosivivinyo noma uwuphasisa ngemandzela wekuChitjiyelwa, uMkhandlu kumele uphindze uwucubungule lowo Mtsetfosivivinyo, unake noma ngutiphi tichibiyelo letiphakanyiswe nguMkhandlu, bese -
- uwuphasisa lowo Mtsetfosivivinyo futsi, noma netichibiyelo noma ngaphandle kwato; noma
 - ungancuma kungachubeki nalowo Mtsetfosivivinyo.
- (d) UMtsetfosivivinyo lophasisiwe nguMkhandlu waVelonkhe ngekulandzela sigatjana(c) kumele umikiswe kuMengameli kutsi awamukele.
- (2) Uma ngabe Umkhandlu weTifundza uvota mayelana neliphuzu lelitsite ngaphasi kwalesigaba, sigaba 65 asisebenti; kepha
- ngasinye sitfunywa selitsimba letitfunywa tesifundza sinelivoti linye;
 - linyenti lemalunga etitfunywa langukunye kulokutsatfu kumele libe khona kungakatsatfwa livoti ngaleliphuzu; futsi

- (c) leliphuzu lemukelwe ngecutfolamavoti lamanyenti, kepha uma kunelinani lelilinganako alabalemukelako nalabalicitsako, sitfunywa lesisesihlalweni sifaka livoti lesincumo.

IMtsetfosivivinyo leyetyelekile letsintsa tifundza

76. (1) Uma ngabe uMkhandlu waVelonkhe uphasisa uMtsetfosivivinyo lophawulwe esigatjaneni (3), (4) noma (5), lowo Mtsetfosivivinyo kumele wemukelwe eMkhandlwini waVelonkhe weTifundza futsi usetjentwe ngalendlela lelandzelako:
- (a) UMkhandlu kumele -
- (i) uphasise loMtsetfosivivinyo;
 - (ii) uphasise loMtsetfosivivinyo loChitjiyelwe; noma
 - (iii) ucitse loMtsetfosivivinyo.
- (b) Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo ngaphandle kwetichibiyelo, loMtsetfosivivinyo kumele umikiswe kuMengameli kutsi awamukele.
- (c) Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo loChitjiyelwe, lowo Mtsetfosivivinyo loChitjiyelwe kumele umikiswe eMkhandlwini, kantsi uma ngabe loMkhandlu uyawuphasisa loMtsetfosivivinyo loChitjiyelwe, kumele umikiswe kuMengameli awamukele.
- (d) Uma ngabe uMkhandlu uwucitsa lowo Mtsetfosivivinyo noma uma ngabe uMkhandlu wala kuphasisa uMtsetfosivivinyo lophawulwe esigabeni(c), lowo Mtsetfosivivinyo noma, lapho kufanele khona, loMtsetfosivivinyo loChitjiyelwe, kumele uyiswe eKomidini lekuLamula, lelingavumelana -
- (i) naloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe;
 - (ii) nekuChitjiyelwa kwaloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu weTifundza; noma
 - (iii) nalomunye umbhalo waloMtsetfosivivinyo.
- (e) Uma ngabe likomidi lekuLamula lehluleka kuvumelana kungakapheli emalanga lange-30 ngeMtsetfosivivinyo lotfunyelwe kulo, lowo Mtsetfosivivinyo kumele ulahlwe ngaphandle uma ngabe uMkhandlu waVelonkhe uwuphasisa futsi loMtsetfosivivinyo, kepha kufanele wesekelwe ngelinani lokungenani lemalunga langulokubili kulokutsatfu wemalunga awo.
- (f) Uma ngabe lelikomidi lekuLamula liwemukela lowo Mtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe, loMtsetfosivivinyo kumele utfunyelwe

- eMkhandlwini waVelonkhe weTifundza, futsi uma ngabe loMkhandlu waVelonkhe weTifundza uyawuphasisa loMtsetfosivivinyo, kumele uyiswe kuMengameli kutsi awamukele.
- (g) Uma ngabe likomidi lekuLamula livumelana ngeMtsetfosivivinyo loChitjiyelwe waphasiswa nguMkhandlu weTifundza, lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe, futsi uma uphasiswe nguloMkhandlu waVelonkhe, kumele umukiswe kuMengameli kutsi awamukele.
- (h) Uma ngabe likomidi lekuLawula livumelana ngeMtsetfosivivinyo lowehlukile kunalowo lovunyiwe, lolo luhlobo lweMtsetfosivivinyo kumele lutfunyelwe kuyo yomibili uMkhandlu waVelonkhe kanye nemKhandlu weTifundza kutsi iwemukele, uma ngabe uphasiswe nguMkhandlu waVelonkhe noma weTifundza kumele utfunyelwe kuMengameli kutsi awamukele.
- (i) Uma ngabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weTifundza ngekulanzela sigatjana (f) noma (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi ngaphandle uma ngabe uMkhandlu waVelonkhe uwuphasisa ngekwesekelwa livoti lokungenani lalokubili kulokutsatfu lemalunga awo.
- (j) Uma ngabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weTifundza ngekulanzela sigatjana (g) noma (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi kepha lowo Mtsetfosivivinyo njengoba waphasiswa nguloMkhandlu ekucaleni ungaphindze futsi uphasiswe nguloMkhandlu, kepha ngekwesekelwa livoti lemalunga langulokubili kulokutsatfu emalunga awo.
- (k) UMtsetfosivivinyo lophasiswe nguMkhandlu waVelonkhe ngekulanzela sigatjana(e),(i) noma (j) kumele utfunyelwe kuMengameli awamukele.
- (2) Uma uMkhandlu weTifundza uphasisa uMtsetfosivivinyo lophawulwe esigatjaneni
- (3) lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe futsi esetjentwe ngekulanzela lenchubo lelandzelako -
- (a) UMkhandlu waVelonkhe kumele -
- (i) uphasise loMtsetfosivivinyo;
- (ii) uphasise loMtsetfosivivinyo loChitjiyelwe; noma
- (iii) ucitse loMtsetfosivivinyo.
- (b) UMtsetfosivivinyo lophasiswe nguMkhandlu waVelonkhe ngekulanzela sigatjana(a)(i) kumele umukiswe kuMengameli kutsi awamukele.

- (c) Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo loChitjiyelwe, lowo Mtsetfosivivinyo loChitjiyelwe kumele umikiswe eMkhandlwini weTifundza, kantsi uma ngabe loMkhandlu uyawuphasisa loMtsetfosivivinyo loChitjiyelwe, kumele umikiswe kuMengameli awamukele.
- (d) Uma ngabe uMkhandlu uwucitsa lowo Mtsetfosivivinyo noma uma ngabe uMkhandlu weTifundza wala kuphasisa uMtsetfosivivinyo loChitjiyelwe lophawulwe esigabeni(c), lowo Mtsetfosivivinyo noma, lapho kufanele khona, loMtsetfosivivinyo loChitjiyelwe, kumele uyiswe ekomidini lekuLamula, lelingavumelana -
 - (i) naloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu weTifundza;
 - (ii) nekuChitjiyelwa kwaloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe; noma
 - (iii) nalomunye umbhalo waloMtsetfosivivinyo.
- (e) Uma ngabe likomidi lekuLamula lehluleka kuvumelana kungakapheli emalanga langu-30 ngeMtsetfosivivinyo lotfunyelwe kulo, lowo Mtsetfosivivinyo uphelelwa sikhatsi.
- (f) Uma ngabe elikomidi lekuLamula liwemukela lowo Mtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe, loMtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe weTifundza, futsi uma ngabe loMkhandlu weTifundza uyawuphasisa loMtsetfosivivinyo, kumele uyiswe kuMengameli kutsi awamukele.
- (g) Uma ngabe likomidi lekuLamula livumelana ngeMtsetfosivivinyo loChitjiyelwe waphasiswa nguMkhandlu weTifundza, lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe, futsi uma uphasiswe nguloMkhandlu waVelonkhe, kumele umukiswe kuMengameli kutsi awamukele.
- (h) Uma ngabe likomidi lekuLamula livumelana ngeMtsetfosivivinyo lowehlukile kunalowo lovunyiwe, lolo luhlobo lweMtsetfosivivinyo kumele lutfunyelwe kuyo yomibili uMkhandlu waVelonkhe kanye neMkhandlu weTifundza kutsi iwemukele, uma ngabe uphasiswe nguMkhandlu waVelonkhe noma weTifundza kumele utfunyelwe kuMengameli kutsi awamukele.
- (i) Uma ngabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weTifundza ngekulandzela sigatjana (f) noma (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi.

- (3) UMTsetfosivivinyo kumele usetjentwe ngekulanzela inchubo lephawulwe esigatjaneni (1) noma esigatjaneni (2) uma ngabe uwela ngaphasi kwemandla ekusebenta labekwe kuShejuli 4 noma uma ngabe wenta kube khona kushaywa kwemsetfo lokubekwe noma ngusiphi sigaba saleti letilandzelako:
- (a) sigaba 65(2);
 - (b) sigaba 163;
 - (c) sigaba 182;
 - (d) sigaba 195(3) na-(4);
 - (e) sigaba sigaba 196; kanye
 - (f) nesigaba 197.
- (4) UMTsetfosivivinyo kumele usetjentwe ngekulanzela inchubo lephawulwe esigatjaneni (1) uma ngabe wenta kube khona kushaywa kwemsetfo -
- (a) lobekwe esigabeni 44 (2) noma 220 (3); noma
 - (b) lobekwe eSehlukweni 13, futsi lofaka ekhatsi noma ngusiphi simiso lesiphatselene netindzaba tetimali temkhakha wahlumende weTifundza.

[Indzima(b) ivalwe ngesigaba 1 seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfosisekelo wanga-2003.]

- (5) UMTsetfosivivinyo lophawulwe esigabeni 42 (6) kumele usetjentwe ngekulanzela inchubo lephawulwe esigatjaneni (2), ngaphandlenje -
- (a) uma uMkhandlu waVelonkhe uvota ngaloMtsetfosivivinyo, timiso tesigaba 53 (1) atisebenti, esikhundleni saloko, loMtsetfosivivinyo ungaphasiswa kuphela-nje uma ngabe linyenti lemalunga eMkhandlu waVelonkhe livito ngekwesekela; futsi
 - (b) uma ngabe loMtsetfosivivinyo wendluliselwa eKomidini lekuLamula, kusetjentiswa lemitsetfomgomo lelandzelako -
 - (i) uma ngabe uMkhandlu waVelonkhe ubuka uMtsetfosivivinyo lophawulwe esigatjaneni (1) (g) noma (h) lowo Mtsetfosivivinyo ungaphasiswa kuphela-nje uma ngabe linyenti lemalunga eMkhandlu waVelonkhe liwesekela.
 - (ii) Uma ngabe uMkhandlu waVelonkhe ubuka noma ubuketa uMtsetfosivivinyo lophawulwe esigatjaneni (1)(e),(i) noma (j), lowo Mtsetfosivivinyo ungaphasiswa kuphela-nje uma ngabe emalunga langulokubili kulokutsafu eMkhandlu waVelonkhe awesekela.

- (6) Lesigaba asisebenti eMitsetfwenisivivinyo yetetimali.

IMitsetfosivivinyo yetetiMali

77. (1) UMTsetfosivivinyo nguMTsetfosivivinyo wetetimali uma -
- (a) waba imali;
 - (b) ubeka tintsela, tinhlawulo netimali letibhadalwako;
 - (c) ucitsa noma wehlisa, noma uniketela ngekucolelwa macondzana, nanoma ngutiphi tintsela, tinhlawulo, netimali letibhadalwako; noma
 - (d) ugunyata tindleko-ngco esiKhwameni saVelonkhe seMali, ngaphandle uma uMTsetfosivivinyo lohlongotwe esigabeni 214 sigunyata tindleko-ngco.
- (2) UMTsetfosivivinyo wetetimali akumelanga utsintsane nalolunye ludzaba ngaphandle -
- (a) kweludzaba lolweyamile loluhambisana nekwabiwa kwemali;
 - (b) kwekubekwa kucitfwa noma kukhishwa kwetintsela tavelonkhe, tinhlawulo noma timali letibhadalwako;
 - (c) kuniketwa kwekucolelwa macondzana, nanoma ngutiphi tintsela, tinhlawulo, netimali letibhadalwako; noma
 - (d) kugunyatwa kwetindleko-ngco esiKhwameni saVelonkhe seMali.
- (3) Yonkhe iMitsetfosivivinyo yetetimali kumele ibekwe ngekulanzela inchubo lephawulwe esigabeni 75. UMTsetfo wePhalamende kumele wente kube khona inchubo yekuChitjiyelwa kweMitsetfosivivinyo yetetimali ePhalamende.

[Sigaba 77 sivalwe ngesigaba 2 seMTsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

Likomidi lekuLamula

78. (1) Likomidi lekuLamula libunjwe -
- (a) ngemalunga layimfica eMkhandlu waVelonkhe lekakhetfwe nguloMkhandlu ngekulanzela inchubo yemitseshwana netibopho yaloMkhandlu futsi leyenta kube nemphumela wekumelwa kwemacambu etembusave ngendlela lefana naleyo lekamelwe ngayo eMkhandlwini waVelonkhe; futsi
 - (b) ngesitfunywa sinye lesiphuma kulelo nalelo cembu letitfunywa tetifundza lesikhetfwe ngemalunga esifundza eMkhandlwini waVelonkhe weTifundza.

- (2) Likomidi lekuLamula lisuke livumelene ngembhalo lotsite weMtsetfosivivinyo noma lincumile ngembuto lotsite uma lowo mbhalo lomusha noma lelinye licala lalowo mbuto, lesekelwe –
- (a) lokungenani ngemalunga lasihlanu lamele uMkhandlu waVelonkhe; futsi
- (b) lokungenani ngemalunga lasihlanu lekamele Umkhandlu weTifundza.

Kubusiswa kweMtsetfosivivinyo

79. (1) Mengameli kumele abusise aphindze futsi asayine uMtsetfosivivinyo lophasiswe ngekwaleSAHLUKO noma, uma ngabe Mengameli anekungabata ngebumtsetfosisekelo balowo Mtsetfosivivinyo, awubuyisele eMkhandlwini waVelonkhe uyewubuketwa kabusha.
- (2) Lemitsetfomgomo netibopho letihlanganyelwe kumele tibeke inchubo yekubuyeketwa kabusha kweMtsetfosivivinyo nguMkhandlu waVelonkhe kanye neyekubambisana neMkhandlu waVelonkhe weTifundza kulenchubeko.
- (3) Umkhandlu weTifundza kumele ufake sandla ekubuyeketweni kabusha kwaloMtsetfosivivinyo lobuyiselwe nguMengameli emuva eMkhandlwini waVelonkhe uma ngabe -
- (a) kungabata kwaMengameli ngebumtsetfosisekelo baloMtsetfosivivinyo kuphatselene nenchubo letsintsa Umkhandlu weTifundza; noma
- (b) sigaba 74 (1), (2) noma (3)(b) noma 76 sasebenta uma kuphasiswa lowo Mtsetfosivivinyo.
- (4) Uma ngabe, ngemuva kwekubuyeketwa kabusha, loMtsetfosivivinyo uyatenetisa ngalokugcwele timfuno teMengameli, Mengameli kumele awamukele aphindze futsi awusayine lowo Mtsetfosivivinyo, uma ngabe kungesinjalo, Mengameli kumele -
- (a) awamukele aphindze futsi awusayine lowo Mtsetfosivivinyo; noma
- (b) awutfumele eNkantolo yeMtsetfosisekelo kutsi ikhiphe sincumo sayo ngekuhambisana kwawo nemtsetfosisekelo.
- (5) Uma ngabe iNkantolo yeMtsetfosisekelo incuma kutsi luMtsetfosivivinyo uyahambisana neMtsetfosisekelo Mengameli kumele awamukele aphindze futsi awusayine.

Sicelo semaLunga eMkhandlu waVelonkhe eNkantolo yeMtsetfosisekelo

80. (1) Emalunga eMkhandlu waVelonkhe angasenta sicelo eNkantolo yeMtsetfosisekelo sekutfola sincumo lesibeka kutsi wonkhe noma incenye leMtsetfo wePhalamende ayihambisane nemtsetfosisekelo.
- (2) Lesicelo kumele -
- (a) sesekelwe lokungenani ngemalunga langukunye kulokutsatfu eMkhandlu; futsi
- (b) sentiwe kungakapheli emalanga langu-30 kusukela ngalelo langa Mengameli labusisa waphindza futsi wawusayina ngalo lowo Mtsetfo.
- (3) INkantolo yeMtsetfosisekelo ingancuma kutsi lowo Mtsetfo noma incenye yawo lekunesicelo ngawo noma ngayo ngekwesigatjana (1) awunawo emandla kuze kufike lapho iNkantolo incuma mayelana nesicelo kutsi -
- (a) tinjongo tebulungiswa tiyakudzinga loku; futsi
- (b) lesicelo sibonakala sengatsi sitawuphumelela.
- (4) Uma ngabe lesicelo singaphumeleli, futsi sibe besingenato timphawu tekuphumelela, iNkantolo yeMtsetfosisekelo ingaphocelela labafake lesicelo kutsi batfwale tindleko.

Kushicilelwa kweMitsetfo

81. UMtsetfosisekelo lobusiswe waphindze futsi wasayinwa nguMengameli uba nguMtsetfo wePhalamende, kumele ushicilelwe masinyane, futsi ucala kusebenta uma sewushicilelwa noma ngemalanga lalandzelako ngekubeka kwalowo Mtsetfo.

Kulondvolotwa kweMitsetfo yePhalamende

82. Lencwajana lesayiniwe yeMtsetfo wePhalamende ibufakazi lobuphelele betimiso talowo Mtsetfo, futsi kumele ngemuva kwekushicilelwa uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote.