ISAHLUKO 4

IPHALAMENDE

Ukwakheka kwePhalamende

42. (1) IPhalamende lakhiwe –
    (a) isiGungu sikaZwelonke; kanye
    (b) noMkhandlu kaZwelonke weziFundazwe.

    (2) IsiGungu sikaZwelonke kanye noMkhandlu kaZwelonke weziFundazwe kokubili kubamba iqhaza ekushayweni kwemithetho ngendlela ebekwe kuMthethosisekelo.

    (3) IsiGungu sikaZwelonke sikhethelwe ukuba simele abantu kanye nokuqinisekisa ukuphatha kwabantu ngaphansi koMthethosisekelo. Lokhu sikwenza ngokukhetha uMongameli, ngohlinzeka ngesithangamu sikazwelonke esicwaningwa izingqinamba zomphakathi, ngokushaya imithetho nangokuhlolisisa nokuqapha okwenziwa ngabaphethe.

    (4) UMkhandlu kaZwelonke weziFundazwe umele izifundazwe ukuze uqinisekise ukuthi izidingo zezifundazwe ziyaqikelelwa emkhakheni kahulumeni kazwelonke. Lokhu ukwenza ikakhulukazi ngokubamba iqhaza ekushayweni kwemithetho kazwelonke nangokuhlinzeka ngesithangamu sikazwelonke sokucwaningwa kwezingqinamba ezithinta izifundazwe emphakathini.

    (5) UMongameli angabizela iPhalamende emhlanganweni ongajwayelekile noma ngasiphi isikhathi ukuze lenze umsebenzi okhethekile.

    (6) Indawo yokuhlala kwePhalamende iseKapa, kodwa umthetho wePhalamende oshaywe ngokulandela isigaba sama 76(1) nesesi (5), unganquma ukuthi indawo yokuhlala iPhalamende ibe kwenye indawo.

Igunya lokushaya imithetho eRiphabhuliki

43. ERiphabhuliki igunya lokushaya imithetho –
    (a) lomkhakha kahulumeni kazwelonke linikezwe iPhalamende, njengoba kushiwo esigabeni sama 44;
    (b) lomkhakha kahulumeni wezifundazwe linikezwe izishayamthetho zezifundazwe njengoba kushiwo esigabeni se 104; futhi
    (c) elomkhakha kahulumeni wendawo linikezwe imiKhandlu yoMasipala,

njengoba kushiwo esigabeni se 156.

Igunya lokushaya imithetho kazwelonke

44. (1) Igunya lokushaya imithetho kazwelonke njengoba linikezwe iPhalamende –

(a) libeka amandla phezu kwesiGungu sikaZwelonke –

(i) okuchibiyela uMthethosisekelo;

(ii) okubeka imithetho mayelana nanoma yiluphi udaba, kumbandakanya udaba olusengxenyeni yokwenziwayo okusohlwini lweSheduli yesi-4, kodwa kungambandakanywa, ngokusebenzisa isigatshana sesi-(2), udaba olusohlwini lweSheduli yesi- 5; kanye

(iii) nawokudlulisela noma yimaphi amandla awo okushaya umthetho, ngaphandle kwamandla okuguqula uMthethosisekelo, kunoma iyiphi inhlangano yesishayamthetho ekomunye umkhakha kahulumeni; futhi

(b) libeka amandla phezu koMkhandlu kaZwelonke weziFundazwe -

(i) okubamba iqhaza ekuchibiyeleni uMthethosisekelo, ngokwesigaba sama 74;

(ii) okushaya umthetho ngokwesigaba sama 76, omayelana nanoma yiluphi udaba olusengxenyeni yokwenziwayo ohlwini lukaSheduli yesi 4, kanye nangolunye udaba oludingwa ukuthi lubekwe nguMthethosisekelo ngokwesigaba sama 76; kanye

(iii) nawokucwaninga, ngokwesigaba sama 75, omunye umthetho oshaywe isiGungu sikaZwelonke.

(2) IPhalamende lingangenelela, ngokuthi lishaye umthetho ngokuhambisana nesigaba sama 76(1), mayelana nodaba olungena ngaphansi kwengxenye yokusebenza olufakwe ohlwini lweSheduli yesi 5, uma udingeka –

(a) ukugcina ukuphepha kwezwe;

(b) ukugcina ubumbano kwezomnotho;

(c) ukugcina amazinga asemqoka kazwelonke;

(d) ukusungula amazinga okungafanele ehliswe okunikezela ngezidingo; noma

(e) ukunqanda isenzo esingafanele esithathwa yisifundazwe esingakhinyabeza izintshisekelo zesinye isifundazwe noma zezwe ngokuphelele.

(3) Imithetho emayelana nodaba oludingeka ngendlela eyamukelekayo, noma olungumphumela wokunye okubalulekile, ukuze kusetshenziswe ngempumelelo

amagunya amayelana nanoma yiluphi udaba olusohlwini lweSheduli yesi 4, iyimithetho emayelana nodaba olusohlwini lweSheduli yesi 4.

(4) Lapho lisebenzisa igunya lalo lokushaya imithetho, iPhalamende libekelwe imigomo nguMthethosisekelo kuphela, futhi kufanele lisebenze ngokulandela uMthethosisekelo, nangaphakathi kwemikhawulo yoMthethosisekelo.

Imitheshwana nezinqumo ezihlanganyelwe namakomiti ahlanganyelwe

45 (1) IsiGungu sikaZwelonke noMkhandlu kaZwelonke weziFundazwe kufanele zisungule ikomiti elihlanganyelwe lemithetho elizokwenza imitheshwana nezinqumo mayelana nokwenziwa ngokuhlanganyela kwesiGungu noMkhandlu, kumbandakanya imitheshwana nezinqumo –

(a) zokumiswa kwezinqubo ezilandelwayo zokugqugquzela uhlelo lokushaya imithetho, kumbandakanya ukubeka imikhawulo yesikhathi sokuqeda isinyathelo esithile ohlelweni;

(b) zokumiswa kwamakomiti ahlanganyelwe akhiwe ngabamele imikhakha yomibili yePhalamende, isiGugungu kanye noMkhandlu, ukuze acwaninge futhi ethule imibiko ngemiThethosivivinywa ehlongozwa esigabeni sama 74 nesama 75 esidluliselwe kulawo makomiti;

(c) zokumiswa kwekomiti elihlanganyelwe elizobukeza uMthethosisekelo okungenani njalo ngonyaka; kanye

(d) nezokulawula umsebenzi –

(i) wekomiti elihlangenyelwe lemitheshwana;

(ii) weKomiti labaLamuli;

(iii) wekomiti elibukeza uMthethosisekelo; kanye

(iv) nowanoma yimaphi amakomiti ahlanganyelwe asungulwe ngokwendima (b).

(2) Amalungu eKhabhinethi, amalungu esiGungu sikaZwelonke kanye nezithunywa zoMkhandlu kaZwelonke weziFundazwe anelungelo nokuvikeleka okufanayo ngaphambi kwekomiti elihlanganyelwe lesiGungu noMkhandlu njengoba benalo ngaphambi kwesiGungu noma uMkhandlu.

IsiGungu sikaZwelonke

Ukwakheka nokukhethwa

46. (1) IsiGungu sikaZwelonke sakhiwe yinani labesifazane nabesilisa elingekho ngaphansi kwama 350 nelingekho ngaphezulu kwama 400 abakhethwe njengamalungu ngokohlelo lokhetho –
    (a) olubekwe ngumthetho kazwelonke;
    (b) olwakhelwe phezu kohlu lukazwelonke lwabovoti;
    (c) oluhlinzekela ukuthi iminyaka yobudala yokuvota ingabi ngaphansi kweyi-18; kanye
    (d) noluba nomphumela, ngokubanzi, wokumelwa ngokwamanani amavoti atholiwe.

    (2) Umthetho wePhalamende kumele uhlinzeke ngendlela yokuthola inani lamalungu esiGungu sikaZwelonke.

[Isigatshana soku (1) esichitshiyelwe yisigaba soku 1 soMthetho Weshumi oChibiyela uMthethosisekelo wezi-2003 kanye nesigaba soku 1 soMthetho Weshumi Nanhlanu oChibiyela uMthethosisekelo wezi 2008.]

Ubulungu

47. (1) Zonke izakhamuzi ezivunyelwe ukuvotela amalungu esiGungu sikaZwelonke zingaba amalungu esiGungu ngaphandle –
    (a) kwanoma ngubani oqashiwe, noma osebenzela umbuso, futhi okhokhelwayo ngalokho kuqashwa noma umsebenzi, ngaphandle –
        (i) kukaMongameli, iPhini likaMongameli, oNgqongqoshe namaPhini oNgqongqoshe; kanye
        (ii) nabanye abasezikhundleni imisebenzi yabo ehambisana nemisebenzi yelungu lesiGungu, futhi okushiwo ngumthetho kazwelonke ukuthi iyahambisana naleyo misebenzi;
    (b) kwabayizithunywa ngokugcwele kuMkhandlu kaZwelonke weziFundazwe, noma abangamalungu esishayamthetho sesifundazwe noma oMkhandlu kaMasipala;
    (c) kwasebehlulwe yizikweletu abangasenakubuyiselwa amalungelo abo;
    (d) noma ngubani omenyezelwe inkantolo yaseRiphabhuliki ukuthi akaphilile

kahle engqondweni; noma

(e) noma ngubani okwathi emuva kokuthi lesi sigaba siqale ukusebenza, watholwa enecala wagwetshwa isikhathi esingaphezulu kwezinyanga eziyi 12 ejele ngaphandle kokunikezwa ithuba lokuhlawuliswa imali, lapha eRiphabhuliki noma ngaphandle kweRiphabhuliki uma isenzo esiyicala sasingaba yicala eRiphabhuliki; kodwa, akekho umuntu oyothathwa ngokuthi ugwetshiwe kuze kube kuthathwe isinqumo maqondana nokulahlwa kwakhe icala noma kuze kukhishwe isigwebo, noma kube sekuphele isikhathi sokwedlulisa icala. Isithiyo ngaphansi kwale ndima siphela eminyakeni emihlanu ngemuva kokuqedwa kwesigwebo.

(2) Umuntu ongavunyelwe ukuba yilungu lesiGungu sikaZwelonke ngokusho kwezigatshana soku (1)(a) noma u (b)angalumela ukhetho lesiGungu, uma kuhambisana nemikhawulo noma imibandela emiswe ngumthetho kazwelonke.

(3) Umuntu ulahlekelwa wubulungu besiGungu sikaZwelonke uma lowo muntu –

(a) eyeka ukuba ngumuntu ovunyelwe; noma

(b) engekho esiGungwini ngaphandle kwemvume kulezo zimo lapho imitheshwana nezinqumo zisho khona ukuthi ulahlekelwa ubulungu.

(c) eyeka ukuba yilungu lenhlangano emkhethile ukuba abe yilungu lesiGungu.

[Isigatshana sesi (3) siguqulwe ngesigaba sesi-2 soMthetho weShumi oChibiyela uMthethosisekelo wezi-2008]

(4) Izikhala zomsebenzi esiGungwini sikaZwelonke kumele zigcwaliswe ngokulandela umthetho kazwelonke.

Isifungo noma ukuvuma ngokuzibophelela

48. Ngaphambi kokuba amalungu esiGungu sikaZwelonke aqale ukwenza imisebenzi yawo esiGungwini, kufanele afunge noma ethembise ukwethembeka kuRiphabhuliki kanye nokuthobela uMthethosisekelo, ngokulandela iSheduli yesi 2.

Isikhathi esihlalwa isiGungu sikaZwelonke

49. (1) IsiGungu sikaZwelonke sikhethelwa isikhathi esiyiminyaka emihlanu.

(2) Uma isiGungu sikaZwelonke sihlakazwe ngokwesigaba sama 50, noma lapho sesiphelelwa yisikhathi saso, uMongameli, kufanele ahlele futhi abeke nezinsuku zokhetho ngesimemezelo esishicilelwe, okufanele senziwe zingakapheli izinyanga ezingama

90 ukusuka osukwini okwahlakazwa ngalo noma okwaphela ngalo isikhathi saso. Isimemezelo esihlela futhi sibeka izinsuku zokhetho singahle sikhishwe ngaphambili noma ngemuva kokuphela kwesikhathi sesiGungu sikaZwelonke.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1 soMthetho Wesihlanu oChibiyela uMthethosisekelo we 1999.]

(3) Uma umphumela wokhetho lwesiGungu sikaZwelonke ungamenyezelwanga kungakapheli isikhathi esibekwe ngokwesigaba se 190, noma uma ukhetho luchithwe yinkantolo, uMongameli, kufanele ahlele futhi abeke nezinsuku zolunye ukhetho ngesimemezelo esishicilelwe, okufanele lwenziwe zingakapheli izinsuku ezingama 90 zokuphela kwaleso sikhathi noma ukusuka ngelanga ukhetho olwachithwa ngalo.

(4) IsiGungu Sikazwelonke siyaqhubeka nokuba namandla okusebenza ukusuka esikhathini ohlakazwe ngaso noma ophelelwe ngaso yisikhathi, kuze kube yilanga elingaphambi kwelanga lokuqala lokuvotela isiGungu esilandelayo.

Ukuhlakazwa kwesiGungu sikaZwelonke ngaphambi kokuphela kwesikhathi sawo

50. (1) UMongameli kufanele asihlakaze isiGungu sikaZwelonke uma –
    (a) lsiGungu sikaZwelonke sithathe isinqumo sokuhlakazeka esesekwe yiningi lamalungu aso; futhi
    (b) sekwedlule iminyaka emithathu selokhu kwakhethwa isiGungu.

(2) IBamba likaMongameli kufanele lisihlakaze isiGungu sikaZwelonke uma –
    (a) kunesikhala esikhundleni sikaMongameli; futhi
    (b) nesiGungu sehluleka ukukhetha uMongameli omusha zingakapheli izinsuku ezingama 30 sivelile leso sikhala.

Izikhathi zokuhlangana nezamakhefu

51. (1) Ngemuva kokhetho, umhlangano wokuqala wesiGungu sikaZwelonke kufanele ubanjwe ngesikhathi kanye nangelanga elibekwe nguMongameli weNkantolo, kodwa kungakapheli izinsuku eziyi 14 ngemuva kokumenyezelwa komphumela wokhetho. IsiGungu Sikazwelonke singabeka izikhathi nobude beminye imihlangano yaso kanye namakhefu aso.

[Isigatshana sesi (1) indawo yaso ithathwe yisigaba soku 1 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

(2) UMongameli angabiza ngokushesha isiGungu ukuba size emhlanganweni ongejwayelekile noma ngasiphi isikhathi ukuze senze umsebenzi okhethekile.

(3) Imihlangano yesiGungu Sikazwelonke ivunyelwe ukubanjwa ezindaweni ezingeyona indawo yokuhlala kwePhalamende kuphela ngenxa yezizathu eziyizidingo zomphakathi, ezokuphepha noma ezokufinyeleleka kalula, futhi uma ngabe kuhlinzekelwe emitheshwaneni nasemiyalweni esiGungu.

USomlomo noma iPhini likaSomlomo wesiGungu

52. (1) Emhlanganweni wokuqala wesiGungu ngemuva kokukhethwa kwaso, noma kudingeka kuvalwe isikhala, isiGungu Sikazwelonke kufanele sikhethe uSomlomo nephini likaSomlomo phakathi kwamalungu aso.

(2) UMongameli weNkantolo kufanele engamele ukhetho lukaSomlomo, noma aqoke elinye ijaji ukuthi lengamele. USomlomo wengamela ukhetho lwePhini likaSomlomo.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba sesi 2 soMthetho wesiThupha wokuChibiyela uMthethosisekelo we 2001.]

(3) Inqubo elandelwayo ebekwe engxenyeni A kuSheduli yesi-3 iyasebenza ekukhethweni kukaSomlomo nephini likaSomlomo.

(4) IsiGungu Sikazwelonke singasusa uSomlomo noma iPhini likaSomlomo esikhundleni ngokuthatha isinqumo sokwenza njalo. Iningi lamalungu esiGungu kufanele libekhona lapho kuthathwa lesi sinqumo.

(5) Ngokwemitheshwana nemiyalo, isiGungu Sikazwelonke singakhetha phakathi kwamalungu aso ezinye iziphathimandla ezingengamela imihlangano yesiGungu ukuze zisize uSomlomo nePhini likaSomlomo.

Izinqumo

53. (1) Ngaphandle kwalapho uMthethosisekelo ubeka ngandlela yimbe –

(a) iningi lamalungu esiGungu Sikazwelonke kufanele libekhona ngaphambi kokuthi kuvotelwe uMthethosivivinywa noma isichibiyelo kuMthethosivivinywa;

(b) okungenani ingxenye engoku 1/3 yamalungu kufanele ibe khona ngaphambi kokuthi kuvotelwe noma yiluphi olunye udaba olubekwe phambi kwesiGungu; futhi

(c) isinqumo ngazo zonke izinto ezibekwe phambi kwesiGungu kufanele sithathwe ngokwesekwa yiningi lamavoti afakiwe.

(2) Ilungu lesiGungu Sikazwelonke elengamele umhlangano wesiGungu alikwazi ukufaka ivoti elejwayelekile kodwa –

(a) kufanele lifake ivoti eliletha isinqumo uma inani lamavoti lilingana ezinhlangothini zombili zodaba oluvotelwayo; futhi

(b) lingafaka ivoti elejwayelekile uma udaba kufanele lunqunywe ngokwesekwa okungenani yinani lamavoti elingo 2/3 kumalungu esiGungu.

Amalungelo amalungu athile eKhabinethi kanye nawamaPhini oNgqongqoshe esiGungwini sikaZwelonke

54. UMongameli nelungu leKhabhinethi noma nePhini likaNgqongqoshe elingelona ilungu lesiGungu sikaZwelonke, ngokwemithetho nemiyalelo, yesiGungu, bangathamela futhi bakhulume esiGungwini, kodwa abavunyelwe ukuvota.

[Isigaba sama-54 indawo yaso ithathwe yisigaba sesi-3 soMthetho wesiThupha oChibiyela uMthetho-sisekelo wezi-2001.]

Amandla esiGungu sikaZwelonke

55. (1) Ekusebenziseni amandla okushaya imithetho, isiGungu sikaZwelonke –

(a) singacwaninga, samukele, sichibiyele noma sichithe noma yimuphi umthetho obekwe phambi kwesiGungu; futhi

(b) singasungula noma silungise umthetho oshaywayo ngaphandle kweMithethosivivinywa yemali.

(2) IsiGungu sikaZwelonke kufanele sihlinzekele ngezindlela –

(a) zokuqinisekisa ukuthi zonke izingxenye zombuso emkhakheni kahulumeni kaZwelonke ziphendula kuwona; futhi

(b) zokubeka iso –

(i) ekusetshenzisweni kwegunya lokuphatha ngokukaZwelonke, kumbandakanya nokusetshenziswa komthetho; futhi

(ii) kunoma yiyiphi ingxenye yombuso.

Ubufakazi noma ulwazi oluphambi kwesiGungu sikaZwelonke

56. IsiGungu sikaZwelonke nanoma yiliphi elinye lamakomiti aso –

(a) bangabiza noma yimuphi umuntu ukuthi avele phambi kwaso ukuze anike ubufakazi obufungelwe noma obuqinisekisiwe, noma ukuze aveze imibhalo ethile;

(b) bangafuna noma ubani noma inhlangano ukuba inikeze umbiko kusona;

(c) bangaphoqa, ngokomthetho kazwelonke noma imitheshwana nemiyalo yaso, ukuthi noma yimuphi umuntu noma inhlangano ukuba ilandele okushiwo yisamanisi noma yizidingo ngokwendima (a) noma u-(b); futhi

(d) bangemukela izicelo ezisayinwe ngabazesekayo, imibono noma iziphakamiso ezivela kunoma yimuphi umuntu othintekayo noma kwezinye izinhlangano ezithintekayo.

Amalungiselelo angaphakathi, okuqhubekayo kanye nezinqubo ezilandelwayo zoMkhandlu kaZwelonke

57. (1) IsiGungu sikaZwelonke –

(a) singazithathela izinqumo futhi sizilawulele amalungiselelo angaphakathi, okuqhubekayo kanye nezinqubo ezilandelwayo; futhi

(b) senze imitheshwana nezibopho maqondana nomsebenzi waso, sibe sibonelela ukuqhutshwa kwenqubo yentando yeningi ebheka ukumelwa nokubamba iqhaza, ukuba nezibopho, ukusebenzela obala nokuthintwa komphakathi.

(2) Imitheshwana nemiyalo yesiGungu sikaZwelonke kufanele ihlinzekele –

(a) ukumiswa, ukwakheka, amandla, imisebenzi, inqubo elandelwayo kanye nesikhathi sokubakhona kwamakomiti;

(b) ukubamba iqhaza kokuqhubekayo ePhalamende kanye nakumakomiti alo amaqembu amancane ezombusazwe amelwe ePhalamende, ngendlela ehambisana nenqubo yentando yeningi;

(c) usizo lwezemali nezokuphathwa komsebenzi eqenjini ngalinye elimelwe ngendlela elinganisiwe ePhalamende, ukusiza iqembu kanye nomholi walo ekwenzeni umsebenzi walo ngempumelelo ePhalamende; kanye

(d) nokwamukelwa komholi weqembu elikhulu kunawo wonke eliphikisayo elisePhalamende njengoMholi weQembu Eliphikisayo.

Ilungelomvume

58. (1) Amalungu eKhabinethi kanye namalungu esiGungu sikaZwelonke –

(a) avumelekile ukukhuluma ngokukhululeka kusiGungu sikaZwelonke nasemakomitini aso, ngendlela evumelana nemitheshwana nemiyalo; futhi

(b) angeke athweswe amacala ombango noma obulelesi, aboshwe, avalelwe noma ahlawuliswe ngenxa –

(i) yanoma yini ayishilo, ayivezile noma ayinikeze isiGungu noma yinoma yiliphi ikomiti laso; noma

(ii) ngenxa yanoma yini evelile ngenxa yalokho akushilo, akuvezile noma akunikeze isiGungu noma yiliphi ikomiti laso.

(2) Amanye amalungelomvume nokuvikeleka kwesiGungu sikaZwelonke, kwamalungu eKhabinethi, kanye nokwamalungu esiGungu angabekwa ngumthetho kazwelonke.

(3) Amaholo, izimali zokubonelela okuthile kanye nezimali eziyinzuzo ezikhokhelwa amalungu esiGungu sikaZwelonke kubizwa ngqo esiKhwameni Sikazwelonke seziMali.

[Isigaba sama 58 sichibiyelwe yisigaba sesi 4 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.]

Ukukwazi ukufinyelela kanye nokubamba iqhaza komphakathi kusiGungu sikaZwelonke

59. (1) isiGungu sikaZwelonke kufanele –

(a) sigqugquzele ukubanjwa kweqhaza ngumphakathi kunqubo yokushaywa komthetho nakwezinye izinqubo zasePhalamende nezamaKomiti aso; futhi

(b) siqhube umsebenzi ngendlela esobala, sibambe imihlangano yaso, nemihlangano yalawo makomiti aso obala, kodwa kungahle kuthathwe izinyathelo ezifanele –

(i) ukulawula ukufinyelela komphakathi; kumbandakanya ukufinyelela kwabezindaba kusiGungu kanye nasemakomitini aso; kanye

(ii) nokuhlinzekela ukuseshwa kwanoma yimuphi umuntu, futhi lapho kufanele, ukwenqatshelwa imvume yokungena, noma ukukhishelwa ngaphandle kwanoma yimuphi umuntu.

(2) IsiGungu sikaZwelonke asinakushiya ngaphandle umphakathi, kumbandakanya abezezindaba, emhlanganweni wekomiti ngaphandle kwalapho kufanelekile futhi kunesidingo sokukwenza lokho emphakathini wentando yeningi.

UMkhandlu kaZwelonke weziFundazwe

Ukwakheka koMkhandlu kaZwelonke

60. (1) UMkhandlu kaZwelonke weziFundazwe wakhiwe yiqembu elilodwa lezithunywa elivela esifundazweni ngasinye elinezithunywa eziyishumi.

(2) Izithunywa eziyishumi –

(a) yizithunywa ezikhethekile ezine ezibunjwe –

(i) uNdunankulu wesifundazwe noma, uma engekho uNdunankulu noma yiliphi ilungu lesishayamthetho sesifundazwe eliqokwe nguNdunankulu okwesikhathi esithile noma maqondana nomsebenzi othile ophambi koMkhandlu kaZwelonke weziFundazwe; kanye

(ii) nezinye izithunywa ezikhethekile ezintathu; kanye

(b) nezithunywa ezikhona unomphelo eziyisithupha eziqokwe ngokwesigaba sama 61(2).

(3) UNdunankulu wesifundazwe, noma uma engekho uNdunankulu, ilungu lezithunywa zesifundazwe eliqokwe nguNdunankulu, lihola izithunywa.

Ukwabiwa kwezithunywa

61. (1) Amaqembu amelwe kusishayamthetho sesifundazwe anelungelo lokuba nezithunywa eqenjini lezithunywa zesifundazwe ngokulandela indlela yokubala ebhalwe eNgxenyeni B kuSheduli yesi 3.

(2) (a) Kungakapheli izinsuku ezingama 30 ngemuva kokumenyezelwa kwemiphumela yokhetho lwaleso sishayamthetho sesifundazwe, isishayamthetho sesifundazwe kufanele –

(i) sinqume, ngendlela ebekwe ngumthetho kazwelonke, ukuthi zingaki izithunywa zeqembu ngalinye ezizoqokwa njengezithunywa esizoqokwa ngokugcwele kanye nokuthi bangaki abazoba yizithunywa ezikhethekile; futhi

(ii) siqoke izithunywa zamalungu ngokugcwele ngokulandela amagama aphakanyiswe ngamaqembu.

(b) .....

[Indima (b) ikhishwe yisigaba soku 1 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1 soMthetho wesiShiyagalolunye oChibiyela uMthethosisekelo wezi 2002 futhi ngokunjalo nayisigatshana sesi 2 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]

(3) Umthetho kazwelonke ovezwe kusigatshana sesi (2)(a) mawuqinisekise ukubanjwa kweqhaza ngamaqembu amancane ezombusazwe emikhakheni yomibili yezithunywa eziqokwe ngokugcwele neyezikhethekile yethimba elimele amaqembu ezombusazwe ngendlela ehambelana nentando yeningi.

(4) Isishayamthetho, ngokuvumelana noNdunankulu kanye nabaholi bamaqembu abanegunya lokuba nezithunywa ezikhethekile ethimbeni lesifundazwe, kufanele baqoke izithunywa ezikhethekile, njengoba zidingeka ngezikhathi ezahlukahlukene, phakathi kwamalungu esishayamthetho.

Izithunywa eziqokwe ngokugcwele

62. (1) Umuntu ophakanyiswe njengesithunywa ngokugcwele kufanele kube ngumuntu ovunyelwe ukuba yilungu lesishayamthetho sesifundazwe.

(2) Uma umuntu oyilungu lesishayamthetho sesifundazwe eqokelwe esikhundleni sokuba yisithunywa ngokugcwele, lowo muntu uyayeka ukuba yilungu lesishayamthetho.

(3) Izithunywa eziqokwe ngokugcwele ziqokelwa ezikhundleni isikhathi esiphela –

(a) masishane ngaphambi kokuhlangana kokuqala kwesishayamthetho sesifundazwe ngemuva kokhetho lwaso olulandelayo.

(b) .....

[Indima (b) ikhishiwe indawo yayo ithathwe yisigaba sesi 2 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]
[Isigatshana sesi (3) indawo yaso ithathwe yisigaba sesi 2 soMthetho wesiShiyagalolunye oChibiyela uMthethosisekelo wezi 2002 futhi indawo yaso yabe isithathwa yisigaba sesi 2 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]

(4) Umuntu uyayeka ukuba yisithunywa ngokugcwele uma lowo muntu–

(a) eseyeka ukuba yilungu lesishayamthetho sesifundazwe nganoma yisiphi isizathu ngaphandle kokuqokwa njengesithunywa ngokugcwele;

(b) eba yilungu leKhabhinethi;

(c) eselahlekelwe ukwethenjwa yisishayamthetho sesifundazwe futhi wabuyiselwa emuva yilelo qembu elaphakamisa igama lalowo muntu;

(d) eyeka ukuba yilungu leqembu elaphakamisa igama lalowo muntu futhi ebuyiselwa emuva yilelo qembu; noma

(e) engekho esiMkhandlwini kaZwelonke weziFundazwe ngaphandle kwemvume ezimweni lapho imitheshwana nemiyalo yoMkhandlu ibeka ukuthi kufanele alahlekelwe yisikhundla sokuba yisithunywa ngokugcwele.

(5) Izikhala ezivela ezithunyweni ezisebenza ngokugcwele kufanele zigcwaliswe njengokusho komthetho kazwelonke.

(6) Ngaphambi kokuthi amalungu asebenza ngokugcwele aqale ukwenza umsebenzi wawo eMkhandlwini kaZwelonke weziFundazwe, kufanele bafunge noma bethembise ukwethembeka kuRiphabhuliki kanye nokuthobela uMthethosisekelo, ngokulandela iSheduli yesi 2.

Izithangamu zoMkhandlu kaZwelonke

63. (1) UMkhandlu kaZwelonke weziFundazwe ungazinqumela isikhathi nobude bezithangamu kanye nezikhathi zamakhefu.

(2) UMongameli angabizela uMkhandlu kaZwelonke weziFundazwe emhlanganweni ongejwayelekile noma yinini ukuba uzokwenza umsebenzi okhethekile.

(3) Imihlangano yoMkhandlu kaZwelonke weziFundazwe uvunyelwe ukubanjwa kwezinye izindawo ngaphandle kwesePhalamende kuphela ngenxa yezizathu zezidingo zomphakathi, zokuphepha noma zokwenza lula, futhi uma lokhu kubonelelwe ngemitheshwana nezinqumo zoMkhandlu.

USihlalo namaPhini kaSihlalo

64. (1) UMkhandlu kaZwelonke weziFundazwe kufanele ukhethe uSihlalo namaPhini amabili kaSihlalo ezithunyweni.

(2) USihlalo nePhini likaSihlalo elilodwa bakhethwa ezithunyweni ezisebenza ngokugcwele isikhathi esiyiminyaka emihlanu ngaphandle kwalapho isikhathi sabo njengezithunywa siphela ngaphambi kwaleso sikhathi.

(3) Elinye iPhini likaSihlalo likhethelwa isikhathi esingunyaka owodwa, futhi kufanele lilandelwe yisithunywa esivela kwesinye isiFundazwe, ukuze isifundazwe ngasinye sithole ithuba lokumelwa.

(4) UMongameli weNkantolo kufanele engamele ukhetho lukaSihlalo, noma aqoke

elinye ijaji elizokwenza lokho. USihlalo wengamela ukhetho lwePhini likaSihlalo.

[Isigatshana sesi (4)indawo yaso ithathwe yisigaba sesi-5 soMthetho wesiHlanu oChibiyela uMthethosisekelo wezi 2001.]

(5) Inqubo elandelwayo ebekwe kuSheduli yesi 3 iyasebenza ekukhethweni kukaSihlalo namaPhini kaSihlalo.

(6) UMkhandlu kaZwelonke weziFundazwe ungamsusa uSihlalo noma iPhini likaSihlalo esikhundleni.

(7) Ngokwemitheshwana kanye nemiyalo yawo, uMkhandlu kaZwelonke weziFundazwe ungaqoka phakathi kwezithunywa ezinye izikhulu ezengamele ezizokwelekelela uSihlalo kanye namaPhini kaSihlalo.

Izinqumo

65. (1) Ngaphandle kwalapho uMthethosisekelo ubeka ngokuhlukile –

(a) isiFundazwe ngasinye sinevoti elilodwa, elifakwa egameni lesifundazwe lifakwa ngumholi wethimba laso; futhi

(b) zonke izindaba eziphambi koMkhandlu kaZwelonke weziFundazwe ziyamukelwa uma okungenani izifundazwe eziyisihlanu zivotele ukulweseka udaba.

(2) UMthetho wePhalamende omiswe ngokuhambisana nenqubo elandelwayo esungulwe ngokwesigatshana soku (1) noma isigatshana sesi (2) sesigaba sama 76, kufanele ubonelele inqubo efanayo okuthi ngokuyisebenzisa izishayamthetho zezifundazwe zinikeze igunya ezithunyweni zazo zokuba nelungelo lokuvota egameni lazo.

Ukubamba iqhaza kwamalungu eziphathimandla zikazwelonke

66. (1) Amalungu eKhabinethi kanye namaPhini oNgqongqoshe, bangabakhona, bakhulume, eMkhandlwini kaZwelonke weziFundazwe, kodwa abavunyelwe ukuvota.

(2) UMkhandlu kaZwelonke weziFundazwe ungabiza ilungu leKhabinethi, iPhini likaNgqongqoshe noma osebenzela isigungu esiphethe sikazwelonke noma esesifundazwe ukuthi beze emhlanganweni woMkhandlu noma wekomiti loMkhandlu.

Ukubamba iqhaza kwabamele ohulumeni bendawo

67. Abangeqi eshumini abangabameli besikhashana abakhethwe ngohulumeni abahlelekile bendawo ngokwesigaba se 163, ukuthi bamele izinhlobo ezahlukene zomasipala, abangabamba iqhaza uma kunesidingo emisebenzini yoMkhandlu kaZwelonke weziFundazwe, kodwa bebe bengavunyelwe ukuvota.

Amandla oMkhandlu kaZwelonke

68. Ekusebenziseni amandla awo asemthethweni, uMkhandlu kaZwelonke weziFundazwe –
    (a) ungacwaninga, wamukele, uchibiyele, uphakamise ukuchitshiyelwa, noma uchithe nanoma yimiphi imithetho ebekwe phambi koMkhandlu ngokwalesi Sahluko; futhi
    (b) ungaqala noma ulungiselele umthetho ongena phakathi kwezinto ezenziwayo ezisohlwini olukuSheduli yesi-4 noma omunye umthetho oshiwo kusigaba sama 76(3), kodwa awunakuqala noma ulungiselele iMithethozivivinywa yemali.

Ubufakazi nolwazi olunikezwa uMkhandlu kaZwelonke

69. UMkhandlu Zwelonke weziFundazwe noma yiliphi ikomiti lawo –
    (a) ungabiza noma yimuphi umuntu ukuthi avele phambi kwawo ukuze anike ubufakazi ngaphansi kwesifungo noma isethembiso noma ukuzoveza imibhalo ethile;
    (b) ungadinga noma iyiphi inhlangano noma umuntu awunikeze umbiko;
    (c) ungaphoqa, ngokomthetho kazwelonke noma kwemitheshwana nemiyalo, noma yimuphi umuntu ukuthi alandele amasamanisi noma isidingo esiphathelene nokushiwo endimeni (a) noma u (b); futhi
    (d) ungemukela izicelo ezisayiniwe, imibono noma iziphakamiso ezivela kunoma yibaphi abantu noma izinhlangano ezithintekile.

Amalungiselelo angaphakathi, okwenzekayo nezinqubo ezilandelwayo zoMkhandlu kaZwelonke

70. (1) UMkhandlu kaZwelonke weziFundazwe –
    (a) ungazinqumela futhi uzilawulele amalungiselelo awo angaphakathi, okwenzekayo kanye nezinqubo ezilandelwayo; futhi

(b) ungazenzela imitheshwana nemiyalo ephathelene nomsebenzi wawo, uqikelele ukumelwa nokubanjwa kweqhaza kwenqubo yentando yeningi, ukuba nezibopho ngokuthile, ukusebenzela obala kanye nokubamba iqhaza komphakathi.

(2) Imitheshwana nemiyalo yoMkhandlu kaZwelonke kufanele ihlinzekele –

(a) ukumiswa, ukwakheka, amandla, imisebenzi, izinqubo ezilandelwayo kanye nesikhathi samakomiti ayo;

(b) ukubamba iqhaza kwazo zonke izifundazwe kokwenziwayo ngendlela ehambisana nenqubo yentando yeningi; kanye

(c) nokubamba iqhaza kokwenziwa nguMkhandlu namakomiti awo amaqembu amancane amelwe eMkhandlwini, ngendlela ehambisanayo nenqubo yentando yeningi ngazo zonke izikhathi lapho kufanele kuthathwe isinqumo ngokwesigaba sama 75.

Amalungelomvume

71. (1) Izithunywa eMkhandlwini kaZwelonke weziFundazwe kanye nabantu okukhulunywa ngabo ezigabeni sama 66 nesama 67 –

(a) banelungelo lokukhuluma bakhululeke eMkhandlwini nasemakomitini awo, ngendlela ehambisanayo nemitheshwana nemiyalo yawo; futhi

(b) angeke baquliswe amacala ombango noma obelelesi, baboshwe, bavalelwe noma bakhokhiswe inhlawulo ngenxa –

(i) yanoma yini abayishilo, abayivezile noma abayilethe eMkhandlwini noma yinoma ekomotini lawo;

(ii) yanoma yini evezwe ngesizathu sanoma yini abayishilo, abayivezile noma abayilethe eMkhandlwini noma ekomitini lawo.

(2) Amanye amalungelomvume nokuvikeleka koMkhandlu kaZwelonke weziFundazwe, ezithunywa zoMkhandlu kanye nabantu abashiwo ezigabeni sama 66 nesama 67, zingabekwa ngumthetho kazwelonke.

(3) Amaholo, izimali ezikhokhelwa okuthile kanye nezinye izimali eziyinzuzo ezikhokhelwa amalungu asebenza ngokugcwele oMkhandlu kaZwelonke weziFundazwe ziphuma ngqo eSikhwameni seMali kaZwelonke.

Ukufinyelela komphakathi eMkhandlwini kaZwelonke nokubamba kwawo iqhaza

72. (1) UMkhandlu kaZwelonke weziFundazwe kumele –
(a) ugqugquzele ukuthi umphakathi ubamba iqhaza kokwenziwayo uma kushaya imithetho nakweminye imisebenzi yoMkhandlu namakomiti awo; futhi
(b) wenze umsebenzi wawo ngendlela esobala, wenze ukuthi imihlangano yawo neyamakomiti awo ivulelwe umphakathi; kodwa kungahle kuthathwe izinyathelo ezifanelekile –
(i) ukulawula ukuvunyelwa komphakathi, kumbandakanya nabezezindaba, eMkhandlwini nasemakomitini awo, futhi
(ii) ukuhlinzekela ukuseshwa kwanoma yimuphi umuntu, futhi, uma kufanele, ukuvinjelwa ukungena, noma ukukhishelwa phandle kwanoma yimuphi umuntu.

(2) UMkhandlu kaZwelonke weziFundazwe awunakushiya ngaphandle umphakathi, kumbandakanya nabezezindaba, ukuba babe ingxenye yomhlangano wekomiti ngaphandle kwalapho kufanelekile futhi kuvumelekile ukuba kwenziwe kanjalo emphakathini wentando yeningi.

INQUBO YOKUSHAYWA KWEMITHETHO KAZWELONKE

Yonke imithethosivivinywa

73. (1) Noma yimuphi uMthethosivivinywa ungethulwa esiGungwini sikaZwelonke.
(2) Ilungu leKhabinethi noma iPhini likaNgqngqoshe, noma ilungu noma iKomidi lesiGungu sikaZwelonkedlu kuphela elingethula uMthethosivivinywa esiGungwini, kodwa ilungu leKhabhinethi kuphela elibhekele izindaba zezimali zikaZwelonke elingethula iMithethosivivinywa elandelayo esiGungwini -
(a) uMthethosivivinywa wezimali; noma
(b) uMthethosivivinywa ohlinzekela umthetho ocatshangwa kusigaba sama 214.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1(a) soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001.]

(3) UMthethosivivinywa obalulwe esigabeni sama 76(3), ngaphandle koMthethosivinywa obalulwe esigatshaneni sesi (2)(a) noma (b) salesi sigaba,

ungethulwa eMkhandlwini kaZwelonke weziFundazwe.

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba soku 1(b) soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001.]

(4) Ilungu, noma yikomiti loMkhandlu kaZwelonke weziFundazwe kuphela elivunyelwe ukwethula uMthethosivivinywa phambi koMkhandlu sentimental

(5) UMthethosivivinywa owamukelwe yisiGungu sikaZwelonke kufanele udluliselwe kuMkhandlu kaZwelonke weziFundazwe uma kufanele ucwaningwe nguMkhandlu. UMthethosivivinywa ovunywe nguMkhandlu kufanele uyiswe kusiGungu sikaZwelonke.

IMithethosivivinywa echibiyela uMthethosisekelo

74. (1) Isigaba soku 1 kanye nalesi sigatshana kungachitshiyelwa nguMthethosivivinywa owamukelwe –

(a) yisiGungu sikaZwelonke, ngokwesekwa okungenani yivoti lamalungu aso elingamaphesenti angama 75; kanye

(b) nanguMkhandlu kaZwelonke weziFundazwe, ngokwesekwa okungenani yivoti lezifundazwe eziyisithupha.

(2) IsaHluko sesi-2, singachitshiyelwa ngumthethosivivinywa owamukelwe –

(a) yisiGungu sikaZwelonke, ngokusekwa okungenani yivoti lamalungu aso amabili kwamathathu; kanye

(b) nanguMkhandlu kaZwelonke weziFundazwe wesekwe yivoti lezifundazwe okungenani eziyisithupha.

(3) Noma yimuphi umbandela woMthethosisekelo ungachitshiyelwa nguMthethosivivinywa owamukelwe –

(a) yisiGungu sikaZwelonke, wesekwe okungenani yivoti lamalungu amabili kwamathathu; kanye

(b) nanguMkhandlu kaZwelonke weziFundazwe, wesekwe yivoti lezifundazwe okungenani eziyisithupha uma ukuchibiyela -

(i) kuphathelene nodaba oluthinta uMkhandlu;

(ii) kuguqula imingcele yezifundazwe, amandla, imisebenzi noma izinhlangano; noma

(iii) kuchibiyela umbandela obhekene ngqo nodaba lwesifundazwe.

(4) Umthethosivivinywa ochibiyela uMthethosisekelo awunakufaka imibandela eminye ngaphanIde kokuchitshiyelwa komthethosisekelo kanye nezindaba ezihambisana nokuchibiyela.

(5) Okungenani kusasele izinsuku ezingama 30 ngaphambi kokwethulwa koMthethosivivinywa ochibiyela uMthethosisekelo ngokwesigaba sama 73(2), umuntu noma ikomiti elizimisele ukwethula uMthethosivivinywa kufanele -
   (a) lishicilele kuSomqulu kaHulumeni, ngokulandela imitheshwana nemiyalo yesiGungu sikaZwelonke, imininingwane yesichibiyelo esihlongozwayo ukuze umphakathi ube nezwi;
   (b) lethule, ngokulandela imitheshwana kanye nemiyalo yesiGungu, leyo mininingwane kuzishayamthetho zezifundazwe ukuzwa uvo lwazo; futhi
   (c) lethule, ngokulandela imitheshwana kanye nemiyalo yoMkhandlu kaZwelonke weziFundazwe, leyo mininingwane eMkhandlwini ukuze kube nenkulumompikiswano esobala ngayo, uma ukuchibiyela okuhlongozwayo kungekhona ukuchibiyela okudinga ukuba kwamukelwe nguMkhandlu.

(6) Uma uMthethosivivinywa ochibiyela uMthethosisekelo wethulwa, umuntu noma ikomiti elethula uMthethosivivinywa kufanele lilethe noma yiziphi iziphakamiso ezibhalwe phansi zanoma yiluphi uhlobo ezilethwe ngumphakathi kanye nezishayamthetho zezifundazwe –
   (a) kuSomlomo ukuze zethulwe ePhalamende likaZwelonke; futhi
   (b) mayelana nezichibiyelo okuphawulwe ngazo kusigatshana soku (1), sesi (2), noma sesi (3)(b), kuSihlalo woMkhandlu kaZwelonke weziFundazwe ukuze zethulwe kuMkhandlu.

(7) UMthethosivivinywa ochibiyela uMthethosisekelo awunakuvotelwa ePhalamende zingakapheli izinsuku ezingama 30 -
   (a) wethuliwe uma isiGungu sihlangena ngenkathi uMthethosivivinywa wethulwa; noma
   (b) zokwethulwa kwawo ePhalamende, uma iPhalamende lisahlabe ikhefu ngenkathi uMthethosivivinywa wethulwa.

(8) Uma uMthethosivivinywa okuphawulwe ngawo kusigatshana sesi (3)(b), noma yinoma iyiphi ingxenye yoMthethosivivinywa, ithintene kuphela nesifundazwe esithile noma izifundazwe, uMkhandlu kaZwelonke weziFundazwe awunakuvumela uMthethosivivinywa noma ingxenye yawo efanele ngaphandle kwalapho uvunywe

yisishayamthetho noma izishayamthetho zesifundazwe noma zezifundazwe ezithintekile.

(9) UMthethosivivinywa ochibiyela uMthethosisekelo ovunywe yiPhalamende likaZwelonke futhi, uma kudingekile, nanguMkhandlu kaZwelonke weziFundazwe, kufanele wedluliselwe kuMongameli ukuze kutholakale imvume yakhe.

IMithethosivivinywa engathinti izifundazwe

75. (1) Uma isiGungu sikaZwelonke semukela uMthethosivivinywa ngaphandle koMthethosivivinywa lapho okusebenza kuwo inqubo elandelwayo kusigaba sama 74 noma esama 75, lowo Mthethosivivinywa kufanele uyiswe eMkhandlwini kaZwelonke weziFundazwe futhi udingidwe ngendlela ehambisana nenqubo elandelayo -

(a) UMkhandlu kufanele –

(i) wamukele uMthethosivivinywa;

(ii) wamukele uMthethosivivinywa ngokulandela ukuchibiyela okuhlongozwa yiwo; noma

(iii) uwuchithe uMthethosivivinywa.

(b) Uma uMkhandlu wamukela uMthethosivivinywa ngaphandle kwezichibiyelo ezihlongozwayo, uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(c) Uma uMkhandlu ungawamukeli noma uwemukela uMthethosivivinywa ngokwezichibiyelo, isiGungu kufanele siwucwaninge kabusha uMthethosivivinywa, sibheke noma yikuphi ukuchibiyela okuhlongozwa uMkhandlu, futhi –

(i) ungawemukela futhi uMthethosivivinywa, unezinguquko noma ungenazo; noma

(ii) unganquma ukungaqhubeki noMthethosivivinywa.

(d) UMthethosivivinywa owemukelwe yisiGungu ngokwesigaba (c), kufanele uyiswe kuMongameli ukuze uthole imvume.

(2) Uma uMkhandlu kaZwelonke weziFundazwe uvotela udaba ngokusho kwalesi sigaba, isigaba sama 65 asisebenzi; esikhundleni salokho –

(a) isithunywa ngasinye ethimbeni lezithunywa zesifundazwe sibanevoti elilodwa;

(b) okungenani ingxenye eyodwa kwezintathu yezithunywa kufanele ibe khona ngaphambi kokuba kuvotelwe udaba; futhi

(c) udaba lunqunywa ngeningi lamavoti afakiwe, kodwa uma kunenani lamavoti alinganayo ezinhlangothini zombili, isithunywa esengamele umhlangano kufanele sifake ivoti elizoveza isinqumo.

IMithethosivivinywa eyejwayelekile ethinta izifundazwe

76. (1) Uma isiGungu sikaZwelonke semukela uMthethosivivinywa okubhekiswe kuwo ezigatshaneni sesi (3), sesi (4) noma esesi (5), lowo Mthethosivivinywa kufanele wedluliselwe kuMkhandlu kaZwelonke weziFundazwe futhi uphathwe ngokulandela le nqubo elandelwayo -

(a) UMkhandlu kufanele –

(i) wemukele uMthethosivivinywa;

(ii) wemukele uMthethosivivinywa ochitshiyelwe; noma

(iii) uwuchithe uMthethosivivinywa.

(b) Uma uMkhandlu wamukela uMthethosivivinywa ngaphandle kokuchibiyelwa, lowo uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(c) Uma uMkhandlu wamukela uMthethosivivinywa ochitshiyelwe, uMthethosivivinywa ochitshiyelwe kufanele uyiswe kusiGungu, futhi uma isiGungu samukela uMthethosivivinywa ochitshiyelwe, kufanele uyiswe kuMongameli ukuze uthole imvume.

(d) Uma uMkhandlu uchitha uMthethosisekelo, noma uma isiGungu senqaba ukwemukela uMthethosivivinywa ophawulwe kundima (c), lowo Mthethosivivinywa futhi, uma kunesidingo, kanye noMthethosivivinywa ochitshiyelwe, kufanele kuyiswe eKomitini Lokulamula, elingahle livumelane –

(i) ngoMthethosivivinywa njengoba wemukelwe yisiGungu;

(ii) ngoMthethosivivinywa ochitshiyelwe njengoba wemukelwe uMkhandlu; noma

(iii) ngenye inhlobo yoMthethosivivinywa.

(e) Uma iKomiti Lokulamula lingakwazi ukuvumelana ezinsukwini ezingama 30 ngemva kokuyiswa koMthethosivivinywa kulona, uMthethosivivinywa uphelelwa yisikhathi ngaphandle uma isiGungu siphinde siwamukele lowo

Mthethosivivinywa, kodwa wesekwe yivoti okungenani lababili kwabathathu bamalungu aso.

(f) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa njengoba wamukelwe nguMkhandlu, uMthethosivivinywa kufanele uyiswe esiGungwini, kuthi uma isiGungu siwamukela lowo Mthethosivivinywa, lowo Mthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(g) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa ochitshiyelwe njengoba wamukelwe nguMkhandlu, uMthethosivivinywa kufanele uyiswe esiGungwini, futhi uma isiGungu siwamukela, kufanele uyiswe kuMongameli ukuze uthole imvume.

(h) Uma iKomiti Lokulamula livumelana ngenye inhlobo yoMthethosivivinywa, leyo nhlobo yoMthethosivivinywa kufanele iyiswe kusiGungu nakuMkhandlu, futhi uma wemukelwa nguMkhandlu kanye nesiGungu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(i) Uma uMthethosivivinywa oyiswe eMkhandlwini ngokwesigaba (f) noma u (h) ungemukelwa uMkhandlu, uMthethosivivinywa uphelelwa yisikhathi ngaphandle kwalapho isiGungu sivumela lowo uMthethosivivinywa ngokwesekwa okungenani yivoti lababili kwabathathu bamalungu aso.

(j) Uma uMthethosivivinywa oyiswe kusiGungu ngokwesigaba(g) no (h), ungemukelwa yisiGungu, lowo Mthethosivivinywa uphelelwa yisikhathi, kodwa uMthethosivivinywa njengoba wawamukelwa yisiGungu ekuqaleni ungaphinde futhi wamukelwe yisiGungu, kodwa ngokwesekwavokungenani yivoti lababili kwabathathu bamalungu aso.

(k) UMthethosivivinywa owamukelwe yisiGungu njengokusho kwesigaba (e), (i) noma u (j) kufanele uyiswe kuMongameli ukuze uthole imvume.

(2) Uma uMkhandlu kaZwelonke weziFundazwe wamukela uMthethosivivinywa ophathelene nemisebenzi esesigatshaneni sesi (3), uMthethosivivinywa kufanele uyiswe esiGungwini sikaZwelonke futhi udingidwe ngokulandela le nqubo elandelayo -

(a) isiGungu kufanele –

(i) semukele uMthethosivivinywa;

(ii) semukele uMthethosivivinywa ochitshiyelwe; noma

(iii) siwuchithe uMthethosivivinywa.

(b) UMthethosivivinywa owamukelwe yisiGungu ngokwesigaba (a)(i) kufanele

uyiswe kuMongameli ukuze uthole imvume.

(c) Uma isiGungu samukela uMthethosivivinywa ochitshiyelwe, uMthethosisekelo ochitshiyelwe kufanele uyiswe eMkhandlwini; futhi uma uMkhandlu wamukela uMthethosivivinywa ochitshiyelwe, lowo Mthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(d) Uma isiGungu sichitha uMthethosivivinywa noma uma uMkhandlu wenqaba ukwamukela uMthethosivivinywa ochitshiyelwe oyiswe kuwona ngokwendima (c), uMthethosivivinywa futhi, uma kunesidingo, kanye noMthethosivivinywa ochitshiyelwe, kufanele kudluliselwe eKomitini Lokulamula, elingavumelana ngalokhu –

(i) ngoMthethosivivinywa njengoba wemukelwe nguMkhandlu ;

(ii) ngoMthethosivivinywa ochitshiyelwe njengoba wemukelwe yisiGungu; noma

(iii) ngenye inhlobo yoMthethosivivinywa.

(e) Uma iKomiti Lokulamula lingakwazi ukuvumelana zingakapheli izinsuku ezingama 30 ngemuva kokuyiswa koMthethosivivinywa kulo, uMthethosivivinywa uphelelwa yisikhathi.

(f) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa njengoba wamukelwe yisiGungu, uMthethosivivinywa kufanele uyiswe eMkhandlwini, kuthi uma uMkhandlu uwemukela lowo Mthethosivivinywa, uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(g) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa ochitshiyelwe njengoba wemukelwe yisiGungu, uMthethosivivinywa kufanele uyiswe eMkhandlwini, futhi uma wemukelwa uMkhandlu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(h) Uma iKomiti Lokulamula livumelana ngolunye uhlobo loMthethosivivinywa, lowo Mthethosivivinywa kufanele uyiswe esiGungwini naseMkhandlwini, futhi uma wemukelwa yisiGungu noMkhandlu uyiswe kuMongameli ukuze uthole imvume.

(i) Uma uMthethosivivinywa oyiswe esiGungwini ngokwendima (f) noma u (h) ungemukelwanga yisiGungu, uMthethosivivinywa uphelelwa yisikhathi.

(3) UMthethosivivinywa kufanele udingidwe ngokwenqubo elandelwayo ebekwe isigatshana soku (1) noma esesi (2) uma ungena ngaphakathi komsebenzi owenziwayo osohlwini olukuSheduli yesi 4 yemithetho ecatshangwayo kunoma

yisiphi isigaba kwezilandelayo -

(a) isigaba sama 65(2);
(b) isigaba se 163;
(c) isigaba se 182;
(d) isigaba se 195(3) nesesi (4);
(e) isigaba se 196; kanye
(f) nesigaba se 197.

(4) UMthethosivivinywa kufanele udingidwe ngokulandela inqubo esungulwe yisigatshana soku (1) uma uhlinzekela umthetho -

(a) ohlongozwe esigabeni sama 44(2); noma sama 220(3); noma
(b) ohlongozwe kuSahluko se-13, futhi ofaka noma yimiphi imibandela ethinta ezezimali zomkhakha kahulumeni wezifundazwe.

[Indima (b) indawo yayo ithathwe yisigaba soku 1 soMthetho wokuweShumi nane oChibiyela uMthethosisekelo wezi 2003.]

(5) UMthethosivivinywa ocatshangwa esigabeni sama 42(6) kufanele udingidwe ngokulandela inqubo emiswe ngesigatshana soku (1), ngaphandle –

(a) uma isiGungu sikaZwelonke sivotela uMthethosivivinywa, imibandela yesigaba sama 53(1) ayilandelwa, esikhundleni salokho uMthethosivivinywa ungavunywa kuphela uma iningi lamalungu ePhalamende liwuvotela; futhi
(b) uma uMthethosivivinywa uyiswa eKomitini Lokulamula, kulandelwa imithetho elandelayo –
    (i) Uma isiGungu sikaZwelonke sicubungula uMthethosivivinywa ocatshangwa kusigatshana soku (1)(g) noma u (h), lowo Mthethosivivinywa ungavunywa kuphela uma iningi lamalungu ePhalamende liwuvotela;
    (ii) Uma isiGungu sikaZwelonke sicubungula noma sicubungula kabusha uMthethosivivinywa ocatshangwa esigatshaneni soku (1)(e),(i) noma (j), lowo Mthethosivivinywa ungavunywa kuphela uma okungenani amalungu amabili kwamathathu ePhalamende ewuvotela.

(6) Lesi sigaba asisebenzi kuMthethosivivinywa weziMali.

IMithethosivivinywa yemali

77. (1) UMthethosivivinywa unguMthethosivivinywa wemali uma -

(a) waba imali;
(b) ubeka izintela zikazwelonke, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke;
(c) uqeda noma wehlisa, noma unikeza ukukhululwa ekukhokheni izintela, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke;
(d) ugunyaza izimali ezibizwa ngqo esiKhwameni seMali kaZwelonke, ngaphandle koMthethosisekelo ohlongozwa esigabeni sama 214 esigunyaza ukubizwa ngqo kwezimali.

(2) UMthethosivinywa wemali awunakudingida nanoma yiluphi olunye udaba ngaphandle –
(a) kodaba olungaphansi olulandela ukwabiwa kwemali;
(b) kokubekwa, ukuqedwa noma ukwehliswa kwezintela, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke;
(c) kokunikezwa kokukhululwa ekukhokheni izintela, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke; noma
(d) ukugunyazwa kwezimali ezibizwa ngqo esiKhwameni seMali kaZwelonke.

(3) Yonke iMithethosivivinywa kufanele ibhekisiswe ngokulandela inqubo elandelwayo esungulwe yisigaba sama 75. UMthetho wePhalamende kufanele uhlinzekele inqubo elandelwayo yokuchibiyela iMithethosivivinywa yemali ngaphambi kwePhalamende.

[Isigaba sama 77 indawo yaso ithathwe yisigaba sesi 2 soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001.]

Ikomiti Lokulamula

78. (1) IKomiti Lokulamula lakhiwe –
(a) ngamalungu ayisishiyagalolunye esiGungu sikaZwelonke akhethwe yisiGungu ngokulandela inqubo ebekwe yimitheshwana nemiyalo yesiGungu futhi enomphumela wokuthi amaqembu akwazi ukumelwa ngendlela efanayo nameleke ngayo esiGungwini; kanye
(b) nesithunywa esisodwa esivela ethimbeni lesifundazwe ngasinye, esiqokwe

yilezo zithunywa.

(2) Ikomiti Lokulamula lisuke selivumelene ngohlobo loMthethosivivinywa othile noma selinqumile ngodaba, uma lolo hlobo, noma uhlangothi olulodwa lodaba lusekwa –
(a) okungenani ngabahlanu abamele isiGungu sikaZwelonke; futhi
(b) okungenani abahlanu abamele uMkhandlu kaZwelonke weziFundazwe.

Ukuvunywa kweMithethosivivinywa

79. (1) UMongameli kufanele avume futhi asayine uMthethosisekelo owemukelwe ngokwalesi Sahluko noma, uma uMongameli engagculisekile ngokuthi uMthethosivivinywa uyahambisana noMthethosisekelo, kufanele awuphindisele esiGungwini sikaZwelonke ukuze siwucwaninge kabusha.

(2) Imitheshwana nemiyalo ehlanganisiwe kufanele ihlinzekele inqubo elandelwayo uma kucwaningwa kabusha uMthethosivivinywa yisiGungu sikaZwelonke ngokuhlanganyela noMkhandlu kaZwelonke weziFundazwe kulokho okwenziwayo.

(3) UMkhandlu kaZwelonke weziFundazwe kufanele ubambe iqhaza ekucwaningeni kabusha koMthethosivivinywa ophindiselwe emuva esiGungwini sikaZwelonke nguMongameli uma –
(a) ukungagculiseki kukaMongameli mayelana nokungahambisani koMthethosivivinywa noMthethosisekelo kuphathelene nodaba lwenkambiso oluthinta uMkhandlu; noma
(b) isigaba sesi 74(1),(2) noma sesi (3)(b)noma sama 76 sasetshenziswa ekwamukelweni koMthethosivivinywa.

(4) Uma, ngemuva kokucwaningwa kabusha, uMthethosivivinywa wenelisa ngokuphelele ukungagculiseki kukaMongameli, uMongameli kufanele awuvume futhi awusayine lowo Mthethosisekelo; uma kungenzeki lokho, uMongameli kufanele enze okunye kwaloku -
(a) avume futhi asayine uMthethosivivinywa; noma
(b) awedlulisele eNkantolo yoMthethosisekelo ezonquma ngokuhambisana kwawo noMthethosisekelo.

(5) Uma iNkantolo yoMthethosisekelo inquma ukuthi uMthethosivivinywa uyahambisana noMthethosisekelo, uMongameli kufanele awuvume futhi awusayine.

Izicelo ezifakwa ngamalungu esiGungu sikaZwelonke eNkantolo yoMthethosisekelo

80. (1) Amalungu esiGungu sikaZwelonke angafaka isicelo eNkantolo yoMthethosisekelo sokuthi inkantolo ikhiphe umyalo othi wonke noma ingxenye yoMthetho wePhalamende awuhambisani nomthethosisekelo.

(2) Isicelo –

(a) kufanele sesekwe okungenani yivoti loyedwa kwabathathu bamalungu esiGungu sikaZwelonke; futhi

(b) kufanele senziwe kungakapheli izinsuku ezingama 30 kusukela osukwini uMongameli awuvume futhi awusayina ngalo uMthetho.

(3) INkantolo yoMthethosisekelo ingayalela ukuthi wonke umthetho noma ingxenye yomthetho okufakwe isicelo ngawo ngokwesigatshana soku (1), angeke usebenze kuze kube yilapho iNkantolo ikhiphe isinqumo ngesicelo uma –

(a) izidingo zobulungiswa zikudinga lokhu; futhi

(b) isicelo sinamathuba anele okuphumelela.

(4) Uma isicelo singaphumeleli, futhi singenamathuba anele okuphumelela, iNkantolo yoMthethosisekelo inganquma ukuthi labo abafake isicelo kufanele bakhokhe izindleko.

Ukushicilelwa kweMithetho

81. UMthethosivivinywa ovunywe futhi wasayinwa nguMongameli uba nguMthetho wePhalamende, kufanele ushicilelwe ngokushesha, futhi uqala ukusebenza lapho usushicilelwe noma ngosuku olubekwe ngokoMthetho.

Ukugcinwa ngokuphepha kweMithetho yePhalamende

82. Ikhophi esayiniwe yoMthetho wePhalamende ingubufakazi obugcwele balokho okuqukethwe kulowo mthetho, futhi ngemuva kokushicilelwa, kufanele unikezwe iNkantolo yoMthethosisekelo ukuze iwugcine ngokuphepha.