

ACT

To provide for the establishment of a Provincial House of Traditional Leaders and Local Houses of Traditional Leaders; to provide for the composition of the Houses; to determine the roles and functions of the Houses; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:

(English text assented to and signed by the Premier on 26 September 2017.)

CHAPTER 1

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Definitions

1. (1) In this Act, unless the context otherwise indicates – 10
- “code of conduct” means the Code of Conduct set out in Schedule 1;
- “Constitution” means the Constitution of the Republic of South Africa, 1996; 15
- “district municipality” means a district municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- “executive committee” means the executive committee of a House referred to in section 17; 20
- “Framework Act” means the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003); 25
- “Free State Traditional Leadership and Governance Act, 2005” means the Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005);
- “House” means the Provincial House and/or Local House, as the case requires; 30
- “Kgosana, Morena wa Motse or Ramotse” means a headman or headwoman contemplated in section 11 of the Framework Act; 35
- “Kgosi or Morena” means a senior traditional leader contemplated in section 11 of the of the Framework Act;
- “Local House” means a Local House of Traditional Leaders established under section 9; 40
- “MEC” means the Member of the Executive Council responsible for traditional affairs in the Province;
- “member” means a member of a House; 45

“**metropolitan municipality**” means a metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Morena e moholo**” means a king or queen recognised in terms of section 9 of the Framework Act; 5

“**National House**” means the National House of Traditional Leaders referred to in section 2 of the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009); 10

“**Premier**” means the Executive Head of the Province;

“**Principal traditional leader**” means a principal traditional leader recognised in terms of provincial legislation contemplated in section 10A of the Framework Act; 15

“**Province**” means the Free State Province as contemplated in section 103 of the Constitution; 20

“**Provincial House**” means the Free State House of Traditional Leaders established under section 2;

“**Secretary**” means the person appointed as secretary to the Provincial House and the persons appointed as secretary to Local houses in terms of section 21; 25

“**Traditional community**” means a traditional community recognised in terms of section 3 of the Free State Traditional Leadership and Governance Act, 2005; and 30

“**Traditional council**” means a traditional council recognised in terms of section 7 of the Free State Traditional Leadership and Governance Act, 2005. 35

- (2) The words defined in the Free State Traditional Leadership and Governance Act, 2005, has the same meaning for the purposes of this Act.

CHAPTER 2

Establishment of the Provincial House of Traditional Leaders 40

2. (1) There is hereby established a Provincial House of Traditional Leaders known as the Free State House of Traditional Leaders. 45
- (2) The Provincial House has the functions and duties entrusted to it in terms of the provisions of this Act.

- (3) The term of office of a Provincial House is five years aligned to the term of the National House of Traditional Leaders: Provided that the first term of the Provincial House, after the commencement of this Act, may be less or more than five years so as to align to the term of the National House.

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Composition of the Provincial House

3. (1) (a) The Provincial House shall, subject to subsection (2), consist of the number of members to be determined by the Premier by notice in the *Provincial Gazette*.

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- (b) The membership of the Provincial House shall consist of senior traditional leaders and on good grounds shown or due to an insufficient number of senior traditional leaders, headmen and/or headwomen: Provided that where a traditional community does not have a sufficient number of headmen or headwomen, such community will be represented by the required number of members of the royal family which will for purposes of this section and section 9 be deemed to be headmen or headwomen.

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- (c) The Kings/Queens and the principal traditional leaders may not be members of the Provincial House.

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- (d) The members of the Provincial House shall, subject to subsection (2), be elected by an electoral college for each a kingship or Queenship, principal traditional leadership and by traditional councils which do not form part of a kingship or queenship or a principal traditional leadership: Provided that where a traditional council has not been established, the election shall be done by the traditional community concerned.

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- (e) The Electoral College referred to in paragraph (d) consists of the king or queen or principal traditional leader, all senior traditional leaders and all headmen or headwomen within the kingship or Queenship or principal traditional leadership or traditional council concerned.

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- (2) The Premier shall, subject to subsection (1)(a), by notice in the *Provincial Gazette*, determine the number of members of each kingship or Queenship or principal traditional community and of each traditional council which does not form part of a kingship or queenship or principal traditional community or where a traditional council has not been established, the number of members of the traditional community, to be represented in the Provincial House.

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- (3) A third of the members of the Provincial House must consist of women: Provided that if the Premier is satisfied that there are an insufficient number of women available to participate in the Provincial House, the Premier may determine a lower threshold. 5
- (4) A member must hold office for the term of the Provincial House.
- (5) If a member of the Provincial House dies, or ceases to be a member in terms of section 7, a new member must be elected within a period of one month for the remainder of the term of the Provincial House. 10

Meetings of the Provincial House

4. (1) (a) The first meeting after the constitution of the Provincial House in terms of section 3, must take place at a date and place to be determined by the Premier. 15
- (b) The Premier or a person designated by the Premier must chair the meeting referred to in paragraph (a). 20
- (2) Meetings of the Provincial House must be held at such place as the chairperson, may from time to time determine.
- (3) There must be an ordinary meeting of the Provincial House at least four times in every year during the session of the Provincial Legislature. 25
- (4) Subject to subsections (2) and (3), the Provincial House must meet during such periods and on such days and during such hours as it may determine.
- (5) (a) The chairperson may at any time, or if so directed by the Premier, call a special meeting of the Provincial House on a day and at a place to be determined by the said committee, as the case may be. 30
- (b) At such a special meeting only such matters as are placed before the Provincial House must be dealt with. 35
- (c) Any member of the House, if supported by a third of the members of the House, may call a special meeting.
- (6) A person designated by the Premier may attend the meetings of the Provincial House to advise the Provincial House regarding government policies and legislation that relate to traditional affairs. 40

- (7) The presence of at least a majority of all members of the Provincial House shall be necessary to constitute a meeting of the Provincial House.

Election of chairperson and deputy chairperson of the Provincial House

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5. At its first meeting as contemplated in section 4(1), the Provincial House, must elect one of its members to be the chairperson, and must thereafter elect another of its members to be the deputy chairperson of the Provincial House.

Roles, functions and duties of the chairperson and deputy chairperson of the Provincial House

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6. (1) The chairperson of the Provincial House has the following roles, functions and duties:

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(a) to call the meetings of the Provincial House;

(b) to chair the meetings of the Provincial House;

(c) to ensure the efficient day-to-day running of the business of the Provincial House; and

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(d) to perform any other function or role as may be assigned to him or her by the Premier or this Act.

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- (2) If the chairperson is absent or for any reason unable to perform the functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson must act as chairperson during the absence or inability of the chairperson or until a chairperson is elected.

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- (3) If any of the circumstances described in subsection (2) applies with reference to both the chairperson and the deputy chairperson, a member of the Executive Committee designated in terms of the rules and orders must act as chairperson while the said circumstances prevail.

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- (4) The deputy chairperson or the member of the Executive Committee designated under subsection (3), while acting as chairperson, must perform the functions vested in the office of chairperson.

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- (5) While presiding at a meeting of the Provincial House, the chairperson, deputy chairperson or any other member presiding must not have a deliberative vote, but must have and exercise a casting vote in the case of an equality of votes.

- (6) The chairperson or deputy chairperson must vacate his or her office if he or she ceases to be a member of the Provincial House according to sections 7 or 16, and may be removed from office by resolution of the Provincial House supported by a two thirds majority of the full complement of the members of the Provincial House. 5
- (7) If the office of chairperson or deputy chairperson becomes vacant, the Provincial House, under the chairpersonship of the Premier or a person designated by the Premier, must elect a member to fill the vacancy: Provided that the chairperson must in such event preside at the election of the deputy chairperson. 10

Qualification for membership of the Provincial House

7. (1) No person must become or remain a member of the Provincial House, unless he or she is of or over the age of 18 years, or if he or she – 15
- (a) at any time after the promulgation of the Constitution, is convicted of an offence in the Republic, or outside the Republic, if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon; 20
- (b) is an unrehabilitated insolvent; 25
- (c) is of unsound mind and has been so declared by a competent court;
- (d) is a member of a municipal council, a member of the provincial legislature or a member of Parliament; 30
- (e) is not a South African citizen;
- (f) is not permanently resident within the Republic. 35
- (2) For the purpose of subsection (1)(a), no person must be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. 40

Functions of the Provincial House of Traditional Leaders

8. (1) The Provincial House has the following functions:

- (a) Advise the provincial government or the provincial legislature on developmental matters relating to indigenous law or affecting traditions and customs of traditional communities.
 - (b) Advise the provincial government and participate in the development of provincial policies and legislation. 5
 - (c) Participate in national and provincial developmental programmes.
 - (d) Promote the role of traditional leadership within the Free State Province. 10
 - (e) Participate in partnership with other stakeholders, in provincial initiatives meant to monitor, review and evaluate government programmes in traditional communities. 15
 - (f) Enhance unity and understanding among Free State traditional communities.
 - (g) Enhance co-operation between the Local House/s, and the traditional councils in the Free State Province. 20
 - (h) Participate in the structures of government.
 - (i) Promote and protect cultural values, morals and indigenous practices of the communities. 25
- (2) To perform such functions as may be conferred by the Premier or as may be provided for in any other relevant provincial legislation.

CHAPTER 3 30

Establishment of a Local House of Traditional Leaders

9. (1) (a) A local house of traditional leaders is hereby established for each district and metropolitan municipality where there is more than one traditional council in that district or metropolitan municipality. 35
- (b) The local houses referred to in paragraph (a) must be established by the Premier by notice in the *Provincial Gazette*.

- (2) (a) Subject to paragraph (b), where a Local House cannot be established in terms of subsection (1), the functions of a local house referred to in subsection (3) must be performed by the traditional council within the district or metropolitan municipality. 5
- (b) The functions of a local house contemplated in paragraph (a), must be performed by the senior traditional leader and other four members of the traditional council.
- (3) The members of a Local House consist of the senior traditional leaders and headmen or head women residing within the district or metropolitan municipality. 10
- (4) The members of a Local House are elected by the electoral college consisting of Kings and/or Queens or their representatives, principal traditional leaders and senior traditional leaders residing within the district or metropolitan municipality in question. 15
- (5) The Premier must, by notice in the *Provincial Gazette*, call the elections for the first term of the respective Local Houses, within sixty days after the coming into operation of this Act: Provided that such elections must take place within 30 days of the said notice. 20
- (6) The Premier must, by proclamation in the *Provincial Gazette*, prescribe the procedure to be followed at the elections referred to in subsection (4) and any other future elections for Local Houses. 25
- (7) A Local House has the functions entrusted to it by or in terms of section 15. 30
- (8) The term of office of a Local House is five years aligned to the term of office of the National House of Traditional Leaders: Provided that the first term of local houses may be less or more than five years so as to align to the term of the National House. 35

Composition of a Local House

10. (1) A Local House consists of not less than 5 and not more than 10 members as determined by the Premier by notice in the *Provincial Gazette*.

- (2) A third of the members of a Local House must consist of women: Provided that if the Premier is satisfied that there is an insufficient number of women to participate in the Local House, the Premier may, after consultation with the relevant electoral college referred to in section 9(3), determine a lower threshold. 5

Meetings of the Local House

11. (1) (a) The first meeting after the constitution of a local house in terms of section 10, must take place at a date and place to be determined by the MEC. 10
- (b) The MEC or a person designated by the MEC must chair the meeting referred to in paragraph (a). 15
- (2) Meetings of the Local House must be held at such place as the Chairperson may from time to time determine. 15
- (3) There must be an ordinary meeting of the Local House at least four times in every year during the session of the district or metropolitan municipality. 20
- (4) Subject to subsections (2) and (4), the Local House must meet during such periods and on such days and during such hours as it may determine.
- (5) The chairperson may at any time, and if so directed by the MEC, must call a special meeting of the Local House on a day and at a place to be determined by the said chairperson with the approval of the MEC and at such special meeting only such matters as are placed before the Local House must be dealt with. 25
- (6) A person designated by the MEC may attend the meetings of the Local House to advise the Local House regarding government policies and legislation that relate to traditional affairs. 30

Election of the chairperson and deputy chairperson of the Local House 35

12. At its first meeting, contemplated in section 11, the Local House must elect one of its members to be the Chairperson, and must thereafter elect another of its members to be the deputy Chairperson of the Local House. 40

Roles, functions and duties of the chairperson and deputy chairperson of the Local House

13. (1) The chairperson of the Local House has the following roles, functions and duties: 45

- (a) to call the meetings of the Local House;
- (b) to chair the meetings of the Local House;
- (c) to ensure the efficient day-to-day running of the business of the Local House; and 5
- (d) to perform any other function or role as may be assigned to him or her by the MEC or this Act. 10
- (2) If the chairperson is absent or for any reason unable to perform the functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson must act as chairperson during the absence or inability of the chairperson or until a chairperson is elected. 15
- (3) If any of the circumstances described in subsection (2) applies with reference to both the chairperson and the deputy chairperson, a member of the Executive Committee designated in terms of the rules and orders must act as chairperson while the said circumstances prevail. 20
- (4) The deputy chairperson or the member of the Executive Committee designated under subsection (3), while acting as chairperson, must perform the functions vested in the office of chairperson. 25
- (5) The chairperson, the deputy chairperson or any other member of the Local House designated for that purpose in terms of the rules and orders must preside over meetings of the Local House.
- (6) While presiding at a meeting of the Local House, the chairperson, deputy chairperson or any other member presiding must not have a deliberative vote, but must have and exercise a casting vote in the case of an equality of votes. 30
- (7) The chairperson or deputy chairperson must vacate his or her office if he or she ceases to be a member of the Local House according to sections 14 and 16, and may be removed from office by resolution of the Local House, and may resign by lodging his or her resignation in writing with the secretary of the Local House. 35
- (8) If the office of chairperson or deputy chairperson becomes vacant, the Local House, under the chairpersonship of the Premier or a person designated by the Premier, must elect a member to fill the vacancy: Provided that the chairperson must in such event preside at the election of the deputy chairperson. 40 45

Qualification for membership of the Local House

14. (1) No person must become or remain a member of the Local House, unless he or she is of or over the age of 18 years, or if he or she –
- (a) at any time after the promulgation of the Constitution, is convicted of an offence in the Republic, or outside the Republic, if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon; 10
 - (b) is an unrehabilitated insolvent;
 - (c) is of unsound mind and has been so declared by a competent court; 15
 - (d) is a member of a municipal council, a member of the provincial legislature or a member of Parliament;
 - (e) is not a South African citizen; 20
 - (f) is not permanently resident within the Republic.
- (2) For the purpose of subsection (1)(a), no person must be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. 25

Functions of the Local House

15. The functions of the Local House are: 30
- (a) to advise the district or metropolitan municipality or municipality in question on – 35
 - (i) matters pertaining to customary law, customs, traditional leadership and the traditional communities within the district municipality or metropolitan municipality;
 - (ii) the development of planning frameworks that impact on traditional communities; or 40

- (iii) the development of by-laws that impact on traditional communities;
- (b) to participate in local programmes that have the development of communities as an object; or 5
- (c) to participate in local initiatives that are aimed at monitoring, reviewing or evaluating government programmes in communities. 5

CHAPTER 4 GENERAL MATTERS 10

Vacation of seats

16. A member of a House must vacate his or her seat – 15
- (a) if he or she ceases to be eligible to be a member of the House in terms of section 7 or 14; 15
 - (b) if he or she resigns his or her seat by submitting his or her resignation in writing to the secretary to a House; 20
 - (c) if he or she is removed from office in terms of the code of conduct; or
 - (d) if he or she, without having obtained leave in accordance with the rules and orders, absents himself or herself from three consecutive meetings of the House. 25

Rules and orders

17. The respective Houses may make rules and orders in connection with the conduct of its business and proceedings, including rules and orders regulating – 30
- (a) the establishment, constitution, powers and functions, procedures and duration of committees of the relevant House: Provided that provision must be made for a standing executive committee consisting of the chairperson, deputy chairperson and 3 other members elected by the relevant House; 35
 - (b) restrictions on access to such committees; and
 - (c) the designation of members of the House as presiding officers to preside over meetings of the respective House, as and when the chairperson so requires. 40

Quorum

18. The presence of –
- (a) at least one third of all members of a House shall be necessary to constitute a meeting of the House; or 5
 - (b) a majority of all members of a House shall be necessary when a vote is taken on any question before the House. 10

Requisite majorities

19. (1) All questions before a House must be determined by a majority of votes cast by the members present. 15
- (2) The person designated by the MEC to attend the meetings of a House in terms of sections 4(6) and 11(6), does not have any voting rights.

Salaries and allowances payable to members of the Houses and status of members

20. (1) Members of a House are remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998). 20
- (2) The Premier may, after consultation with the Houses, determine that certain members of a House are full-time members. 25

Administration and accountability of the Houses

21. (1) The MEC, after consultation with the chairpersons of a House must, after consultation with the Premier, appoint a Secretary and such other staff as may be necessary for the discharge of the work of the Houses. 30
- (2) Until the necessary staff is appointed as contemplated in subsection (1), the Premier may designate officers as may be necessary for the purpose of subsection (1). 35
- (3) Persons appointed under this section must be remunerated out of and as a charge on the Provincial Revenue Fund.
- (4) The Houses must – 40
- (a) keep proper records;
 - (b) have its financial statements audited by the Auditor General; 45
 - (c) disclose the receipt of awards, gifts and favours;

- (d) in addition to quarterly meetings, hold an annual meeting to give account of the activities and finances of the Houses;
- (e) adhere to the Code of Conduct provided for in Schedule 1 of this Act; 5
- (f) be responsive to the needs of traditional councils;
- (g) establish clear relationships and facilitate co-operation and communication between traditional councils; 10
- (h) submit to the MEC quarterly reports of their activities to the Provincial Government;
- (i) hold the Secretaries of the Houses accountable for the overall performance of the administration of the Houses; 15
- (j) maximise the efficiency of communication and decision-making within the administration of the Houses; 20
- (k) assign clear responsibilities for the management and co-ordination of the administration of the Houses;
- (l) involve the Secretaries of the Houses in management decisions as far as is practicable; and 25
- (m) provide an equitable, fair, open and non-discriminatory working environment.

Support to the Houses

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22. (1) The Provincial Government may adopt legislative or other measures as may be necessary to support and strengthen the capacity of the Houses.
- (2) The Premier must, within the Provincial Government's means, give the Houses financial support to enable them to perform their functions. 35
- (3) The support envisaged in this section may include transport assistance, where it is feasible, taking into consideration budgetary means.

Relationship between the Provincial House and the Kings and Queens

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23. The Provincial House must, on a bi-annual basis, hold a meeting with all Kings and Queens in the Province to discuss –

- (a) the activities and programmes of the Provincial House;
- (b) matters of interest to Kings and Queens;
- (c) matters relating to service delivery and development of traditional communities; and 5
- (d) any other business identified and proposed by either party and agreed to by both parties. 10

Relationship between the Provincial House and the Local House

24. (1) The Provincial House must, on a bi-annual basis, hold a meeting with the Local Houses to discuss – 15
- (a) activities and programmes of both Houses;
 - (b) matters relating to service delivery and development of traditional communities; 20
 - (c) any other business identified and proposed by either House and agreed to by both Houses. 25
- (2) The Provincial House must advise the Local House regarding the administration of their affairs. 25
- (3) Where the Provincial House wishes to interact with traditional council such interaction must be done in consultation with the relevant Local House: Provided that where no Local House has been established, the Provincial House may interact directly with the traditional council. 30

Relationship between the Local House and traditional councils

25. (1) The Local House must investigate matters referred to it by the traditional councils and make recommendations. 35
- (2) The Local House must advise traditional councils regarding the administration of their affairs.
- (3) Members of a Local House must report on the progress of matters relating to the general interest and welfare of traditional councils quarterly to their respective traditional councils. 40

- (4) Members of a Local House must table the reports referred to in subsection (3) at the first meeting of the House, after the reports have been submitted to the respective traditional councils.
- (5) Where the Provincial House wishes to interact with a traditional council, such interaction must be done in consultation with the Local House under whose jurisdiction the said traditional council is located.

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Relationship between the Provincial House and the Provincial Legislature

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26. (1) The Speaker of the Provincial Legislature must refer all the Bills introduced in the Legislature that relate to traditional affairs, customary law, traditions or customs of traditional communities in the Province or any other law that has an effect thereon, to the Provincial House for its comments.
- (2) The Provincial House must consider and comment on the Bills referred to in subsection (1).
- (3) The written notification of the Provincial House's support or opposition of a Bill referred to it, together with the comments, must be submitted to the Speaker within 30 days from the date of such referral.
- (4) Notwithstanding subsection (1), the Provincial Legislature may refer any Bill introduced in the Legislature to the Provincial House for its comments.

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Relationship between a Local House and the Municipal Council

27. (1) The Local House must, in consultation with traditional councils, advise the district or metropolitan municipalities on matters relating to the general interest and welfare of traditional communities.
- (2) The Speaker of a district municipality or metropolitan municipality must refer all the draft by-laws that relate to traditional affairs, customary law, traditions or customs of traditional communities in the municipality's jurisdiction, to a Local House for its comments.
- (3) A Local House must consider and comment on draft by-laws referred to in subsection (2).
- (4) The written notification of the Local House's support or opposition of a by-law referred to it, together with comments, must be submitted to the Speaker within 30 days from the date of such referral.

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- (5) Notwithstanding subsection (2), a district municipality or metropolitan municipality may refer any draft by-law to a Local House for its comments.

Relationship between the Provincial House and the Executive Council

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28. The Premier must, in consultation with the Provincial House and the Executive Council, determine the relationship between the Executive Council and the Provincial House.

Privileges and immunities of members of Houses

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29. Members of a House –

- (a) have freedom of speech in the respective House and its committees, subject to its rules and orders; and

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- (b) are not liable to civil or criminal proceedings, arrest, imprisonment or damages for –

- (i) anything that they have said in, produced before or submitted to the respective Houses or any of its committees, or

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- (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the respective House or any of its committees.

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Dissolution of a House

30. A House must be dissolved –

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- (a) on the expiry of the term of office of the House; or

- (b) after a vote supported by a two-thirds majority of the full complement of the members of a House in a meeting of the House called for that purpose.

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Oath and affirmation

31. Before members of a House begin to perform their functions in the respective House, they must swear or affirm faithfulness to the Republic and obedience to the Constitution in accordance with Schedule 3 of this Act, before a judge of the High Court designated by the Judge President, for this purpose.

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Regulations

32. The Premier may make regulations relating to:

- (a) any matter which in terms of this Act is required or permitted to be prescribed; 5
- (b) in general, any matter which is considered necessary or expedient to prescribe for achieving the objects of this Act. 10

Delegation

33. (1) The Premier may in writing delegate any of his or her powers or functions in terms of this Act, except powers to make regulations in terms of section 32, to the MEC. 15
- (2) A delegation in terms of this section may be withdrawn at any time by the Premier.

Repeal of laws, savings and transitional arrangements 20

34. (1) The senior traditional leaders and headmen or headwomen who, on the date of coming into operation of this Act were members of the House of Traditional Leaders established under the House of Traditional Leaders Act, 1994 (Act No. 6 of 1994), remain members of that House and continue as such as if that Act had not been repealed, until the expiry of the current term, whereupon the that House must be reconstituted in terms of this Act. 25
- (2) The Laws listed in Schedule 2 are hereby repealed to the extent indicated in the same Schedule. 30
- (3) Anything done or any act performed under the repealed laws is deemed to have been done or performed under this Act.

Short title 35

35. (1) This Act is called the Free State Provincial and Local Houses of Traditional Leaders Act, 2017, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 40
- (2) Different dates of commencement may be so determined for different sections of this Act.

SCHEDULE 1

CODE OF CONDUCT OF MEMBERS OF HOUSES

General conduct of members of Houses

1. A member of a House –
 - (a) must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
 - (b) must fulfil his or her role in an effective and efficient manner;
 - (c) must comply with any applicable legislation, promote nation building and principles of democracy and an open society;
 - (d) must act in the best interests of the traditional community or communities he or she serves and must promote unity amongst traditional communities;
 - (e) must foster good relations with the organs of state, other traditional leaders and traditional communities with whom he or she interacts;
 - (f) may not conduct himself or herself in a disgraceful, improper or unbecoming manner;
 - (g) must not use his or her position or confidential information obtained because of his or her position, for personal gain or in order to improperly benefit another;
 - (h) must obey a lawful order given to him or her by a person having authority to give such an order;
 - (i) may not abuse his or her powers or extort or by use of compulsion or by arbitrary means, obtain any tribute, fee, reward or gift;
 - (j) must not excessively use intoxicating liquor or stupefying drugs.

Breaches of Code of Conduct by members of a House

2. (1) If there is a reasonable suspicion that a member of a House has breached a provision of this Code of Conduct, the Premier may refer the matter to the chairperson of the House for investigation, failing which an inquiry may be conducted regarding the member of the House concerned by a person appointed by the Premier.
- (2) At an inquiry contemplated in sub-item (1), a member of a House must be given a reasonable opportunity to be heard: Provided that the proceedings shall not be invalidated by failure of his or her attendance of the enquiry.

- (3) The person appointed to conduct the inquiry must –
- (a) at the conclusion of the inquiry, find whether the member of the House is guilty of a breach of the provision of the Code of Conduct and inform such member of such finding; and
 - (b) forward to the Premier, the record of the proceedings, a statement of the findings, the reasons therefore, and any observations which he or she deems necessary to make.
- (4) If the member of a House has been found guilty of a breach of the Code of Conduct, the Premier may –
- (a) issue a formal warning to the member of the House;
 - (b) caution or reprimand the member of the House;
 - (c) compel the member of the House to go for rehabilitation for alcoholism, drug dependency or any other improper addiction;
 - (d) impose on the member of the House a fine not exceeding ten thousand rand, payable or recoverable from any remuneration to be paid to him or her in terms of the applicable legislation for the benefit of the Provincial Revenue Fund in such installments as the Premier may determine;
 - (e) direct that for such period not exceeding two years as the Premier may determine, he or she must not be paid any remuneration;
 - (f) suspend the member of the House from official duties for a specified period not exceeding two years;
 - (g) remove the member of the House from office; or
 - (h) impose on him or her any two of the penalties referred to in paragraphs (a), (b) and (c) jointly.
- (5) A member of a House who has been convicted by a competent court of law of any offence referred to in Schedule 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or of any offence which, in the opinion of the Premier, is tantamount to misconduct, is deemed, on account of such conviction, to have been found guilty of misconduct in terms of this schedule, in which event the provisions of sub-item (4) applies with the necessary changes.
- (6) Whenever a member of a House has been charged with a breach of the Code of Conduct or with any offence contemplated by sub-item (5), the Premier may suspend such member until such time that –
- (a) the member of the House has been found guilty of a breach of the Code of Conduct or of such other offence as contemplated in sub-item (5); or

- (b) the member of the House has been acquitted in respect of the charge of the breach of the Code of Conduct or such other offence as contemplated in sub-item (5) or the charge of breach of the Code of Conduct or the criminal prosecution against him or her is withdrawn or abandoned.

Misconduct by members of a House

3. A member of A House is guilty of misconduct and may be dealt with in accordance with the provisions of item 2, if he or she does not comply with the provisions of item 1 or if he or she-
- (a) contravenes or fails to comply with any provisions of this Act or fails to perform any duty or to discharge any obligation imposed upon him or her under any other law;
 - (b) is negligent, careless or indolent in the discharge of his or her duties;
 - (c) is unable to execute his or her duties in an efficient manner;
 - (d) disobeys, disregards or makes willful default in carrying out a lawful order given to him or her by a person having authority to give it;
 - (e) conducts himself or herself in a disgraceful, improper or unbecoming manner;
 - (f) is dependent on intoxicating liquor or stupefying drugs;
 - (g) embarks in activities that creates division within or amongst traditional communities;
 - (h) is found guilty by a court of law, for any criminal offence.

SCHEDULE 2

REPEAL OF LAWS

Name of Act	Year of Publication	Extent of Repeal
House of Traditional Leaders Act	Act No. 6 of 1994	The whole
House of Traditional Leaders Amendment Act	Act No. 5 of 2000	The whole

SCHEDULE 3

“I swear/affirm that I will be faithful to the Republic of South Africa and the Institution of Traditional Leadership and I will obey, respect and uphold the Constitution of the Republic of South Africa; and I solemnly promise to perform my functions as a member of the Free State House of Traditional Leaders to the best of my ability.”

(In the case of an oath members shall raise their right hand and utter the words “So help me God”).

MOLAO

Ho theha Ntlo ya Marena ya Provense le Matlo a Marena a Lehac; ho fana ka sebopeho sa Matlo; ho bontsha sepheo le mosebetsi wa Matlo ao; le ho fana ka ditaba tse amanang le ona.

E TLA KENNGWA TSHEBETSONG ke Lekgotla la Ketsamelao la Provense ya Freistata, ka mokgwa ona:-

(English text assented to and signed by the Premier on 26 September 2017.)

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KGAOLO 1

Ditlhaloso

1. (1) Molaong ona, ntle le ha eba moelelo o bolela ka tsela enngwe – 10
 - “Kgosana, Morena wa Motse kapa Ramotse” ho bolela ramotse kapa mmamotse, jwalo ka ha ho hlalositse karolong ya 11 ya Moralo wa Molao;
 - “Kgosi kapa Morena” ho bolelwa Morena e Moholo, e leng se hlalositsweng karolong ya 11 ya Moralo wa Molao; 15
 - “Komiti ya Phethahatso” e bolela Komiti ya Phethahatso ya Ntlo ya Marena e boletsweng karolong ya 17;
 - “Lekgotla la setso” ho bolelang, lekgotla la moetlo le thehilweng ho ya ka karolo ya 7 ya Molao wa Freistata wa Borena le Puso, wa 2005; 20
 - “Mmasepala e moholo” ho hlaloswa Mmasepala ho latela tlhakisetsa e karolong ya 1 ya Mmuso wa Lehac ho latela Molao wa Moralo wa Bommasepala wa 1998 (Molao wa No. 117 wa 1998); 25
 - “Mmasepala wa Seterecke” o bolela mmasepala wa seterecke jwalo ka ha o hlalositse karolong ya 1 ya Mmuso wa Lehac: Molao wa Ditheo tsa Bommasepala, 1998 (Molao wa No. 117 wa 1998); 30
 - “Molaotheo” o bolela Molaotheo wa Rephaboliki ya Afrika Borwa, wa 1996;
 - “Molao wa Boitshwaro” o bolela Molao wa Boitshwaro o behilweng Shejuling ya 1; 35
 - “Molao wa Freistata wa Borena le Puso, wa 2005” o bolela Molao wa Freistata wa Borena le Puso, wa 2005 (Molao wa No. 8 wa 2005);
 - “Molao wa Moralo” o bolela Moralo wa Molao wa Borena le Puso, wa 2003 (Molao wa No. 41 wa 2003); 40

- “**Mongodi**” ho bolelwa motho ya kgethilweng ho ba mongodi wa Ntlo ya Marena ya Provense le batho ba kgethilweng e le bangodi ba Matlo a Marena a Lehae, ho ya ka karolo ya 21;
- “**Morena e Moholo**” ho bolelwa Morena kapa Mofumahadi ya ananelwang ho ya ka karolo ya 9 ya Moralo wa Molao; 5
- “**Morena wa Sehlooho**” o bolela morena wa sehlooho ya thehilweng ho ya ka molao wa provense wa karolo ya 10A ya Moralo wa Molao; 10
- “**Ntlo**” e bolela Ntlo ya Provense le/kapa ya Lehae, jwalo ka ha ho hlokeha;
- “**Ntlo ya Lehae**” e bolela Ntlo ya Marena ya Lehae e thehilweng ho ya ka karolo ya 9; 15
- “**Ntlo ya Naha**” e bolela Ntlo ya Marena ya Naha e boletsweng karolong ya 2 ya Molao wa Naha wa Ntlo ya Marena, wa 2009 (Molao wa No. 22 wa 2009);
- “**Ntlo ya Provense**” e bolela Ntlo ya Marena ya Freistata, e thehilweng ho ya ka karolo ya 2; 20
- “**Provense**” e bolela Provense ya Freistata jwalo ka ha ho hlalositse karolong 103 ya Molaotheo; 25
- “**Setho**” se bolela setho sa Ntlo;
- “**SETHO SA LEKGOTLA LA PHETHAHATSO**” ho bolelwa Setho sa Lekgotla la Phethahatso le ikarabellang ditabeng tsa meetlo ka hara Provense; 30
- “**Setjhaba sa setso**” ho bolelwa baahi bao ho ya ka moetlo, ba thehilweng ho ya ka karolo ya 3 ya Molao wa Freistata wa Borena le Puso, wa 2005; le
- “**Tonakgolo**” e bolela Hlooho ya Phethahatso ya Provense. 35
- (2) Mantswe a hlalositsweng kahara Molao wa Freistata wa Borena le Puso, wa 2005, a na le moelelo o tshwanang ka sepheo sa Molao ona.

KGAOLO YA 2

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Ho thehwa ha Ntlo ya Marena ya Provense

2. (1) Ho thehilwe Ntlo ya Marena ya Provense, e tsebahalang ka Ntlo ya Marena ya Freistata. 45
- (2) Ntlo ya Marena ya Provense, e filwe mesebetsi ho ya ka diphelelo tsa Molao ona.

- (3) Nako ya puso ya ba Ntlo ya Marena ya Provense ke dilemo tse hlano tse tshwanang le tsa Ntlo ya Marena ya Naha; ha feela nako ya pele ya puso ya Ntlo ya Marena ya Provense, kamora ho kenngwa tshebetsong ha Molao ona, e ka ba kgutshwane kapa telele ho feta dilemo tse hlano, hore e tshwane le tsa puso ya Ntlo ya Marena ya Naha.

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Motheo wa Ntlo ya Marena ya Provense

3. (1) (a) Ntlo ya Marena ya Provense, ho latela karolwana ya (2), e tla ba le palo ya ditho e tla behwa ke Tonakgolo ka tsebiso *Koranteng ya Mmuso*. 10
- (b) Botho ba Ntlo ya Marena bo tla kenyeletsa marena a sehlooho mme ha ho bontshitswe kapa ka baka la kgaello ya ditho tsa marena a sehlooho, boramotse le/kapa bommamotse: mme ha e le hore baahi habana palo e lekaneng ya ditho tsa boramotse le bommamotse, baahi bao ba tla emelwa ke palo ya ditho e batlahalang ya balelapa la boreneng, tseo ho ya ka sepheo sa karolo ena le karolo ya 9, di tla tlameha ho ba boramotse kapa bommamotse. 15
20
- (c) Marena/Mafumahadi le marena a okametseng ha ba a lokela ho ba ditho tsa Ntlo ya Marena ya Provense.
- (d) Ditho tsa Ntlo ya Marena ya Provense, ho ya ka karolwana ya (2), di tla kgethwa ke kemedi ya setjhaba ya dikgetho bakeng sa borena kapa bofumahadi ka bong, borena ba sehlooho le ke makgotla a setso, ao e seng karolo ya borena kapa bofumahadi kapa borena bo okametseng: ha feela moo lekgotla la setso le sa thehlang, dikgetho di tla etswa ke baahi ba amehang. 25
30
- (e) Kemedi ya setjhaba ya dikgetho e boletsweng seratswaneng sa (d) e na le morena kapa mofumahadi kapa morena ya okametseng, marena a sehlooho ohle le boramotse kapa bommamotse bohle ba ka hara borena kapa bofumahadi, kapa morena ya okametseng kapa Lekgotla la tsa meetlo le ikarabellang. 35
- (2) Tonakgolo, ho ya ka karolwana ya (1)(a), ka tsebiso *Koranteng ya Mmuso*, e tla beha palo ya ditho tsa marena kapa mafumahadi kapa baahi ba okametseng ba setso le ba lekgotla le leng le le leng la setso, leo e seng karolo ya borena kapa bofumahadi, kapa baahi ba okametseng tsa setso kapa moo lekgotla la tsa setso le so kang le thehwa, palo ya ditho tsa baahi ba tsa setso e tla ba le kemedi Ntlong ya Marena ya Provense. 40

- (3) Nngwe borarong ya ditho tsa Ntlo ya Marena ya Provense e lokela ho ba basadi: Ha feela Tonakgolo e kgotsofetse hore ho na le kgaello ya ditho tsa basadi ba nang le seabo Ntlong ya Marena ya Provense, Tonakgolo a ka fokotsa palo e jwalo. 5
- (4) Setho se lokela hoba tshebetsong ofisi nako e lekanang le ya Ntlo ya Marena ya Provense.
- (5) Ho ya ka karolo ya 7, ha setho sa Ntlo ya Marena ya Provense se hlokahala, kapa se tlohela ho ba setho, setho se setjha se lokela ho kgethwa nakong ya kgwedi e le nngwe, bakeng sa nako e setseng ya Ntlo ya Marena ya Provense. 10

Dikopano tsa Ntlo ya Marena ya Provense

4. (1) (a) Kopano ya pele, ho latela ho thehwa ha Ntlo ya Marena ya Provense, ho ya ka karolo 3, e lokela ho tshwarwa ka letsatsi le sebaka tse tla bolelwa ke Tonakgolo. 15
- (b) Tonakgolo kapa motho ya kgethilweng ke Tonakgolo o lokela ho tsamaisa kopano e boletsweng seratswaneng sa (a). 20
- (2) Dikopano tsa Ntlo ya Marena ya Provense di lokela ho tshwarelwa sebakeng seo modulasetulo a ka se behang, neng kapa neng. 25
- (3) Ho lokela hore ho be le kopano e tlwaelehileng ya Ntlo ya Marena ya Provense, bonyane makgetlo a mane ka selemo, nakong ya tshebetso ya Lekgotla la Ketsamelao la Provense.
- (4) Ho latela dikarolwana tsa (2) le (3), Ntlo ya Marena ya Provense e lokela ho ba le dikopano dinakong tseo le matsatsing ao, le ka dihora tseo e tla di bolela. 30
- (5) (a) Modulasetulo, ka nako efe kapa efe, kapa ha Tonakgolo a laetse, a ka bitsa kopano e ikgethang ya Ntlo ya Marena ya Provense, ka letsatsi le sebaka tse tla behwa ke komiti e boletsweng, ho ya ka moo ho boletsweng. 35
- (b) Dikopanong tse kang tsena tse ikgethang, ke ditaba tse hlahisitsweng Ntlong ya Marena fela tse lokelang ho tshohlwa. 40
- (c) Setho sefe kapa sefe sa Ntlo, ebang se tshehetswa ke palo ya nngwe borarong ya ditho tsa ntlo ya Marena, se ka bitsa kopano e ikgethileng. 45
- (6) Motho ya kgethilweng ke Tonakgolo a ka ba teng dikopanong tsa Ntlo ya Marena ya Provense ho eletsisa Ntlo ya Marena ya Provense ka maano a mmuso le melao e amanang le ditaba tsa meetlo.

- (7) Bonnyane bo teng ba boholo ba ditho tsohle tsa Ntlo ya Marena ya Provense bo hloka ho ba teng kopanong ya Ntlo ya Marena ya Provense.

Ho kgethwa ha modulasetulo le motlatsa modulasetulo wa ntlo ya Marena ya Provense 5

5. Kopanong ya yona ya pele, jwaloka ha ho boletswe karolong ya 4(1), Ntlo ya Marena ya Provense e lokela ho kgetha e mong wa ditho tsa yona ho ba modulasetulo, mme kamora moo e lokela ho kgetha e mong hape wa ditho tsa yona ho ba motlatsa modulasetulo wa Ntlo ya Marena ya Provense. 10

Mesebetsi ya modulasetulo le motlatsa modulasetulo wa Ntlo ya Marena ya Provense

6. (1) Modulasetulo wa Ntlo ya Marena o na le mesebetsi e latelang: 15
- (a) Ho bitsa dikopano tsa Ntlo ya Marena ya Provense;
- (b) Ho tsamaisa dikopano tsa Ntlo ya Marena ya Provense; 20
- (c) Ho netefatsa tsamaiso e phethahetseng ya kamehla ya mesebetsi wa Ntlo ya Marena ya Provense; le
- (d) Ho etsa mesebetsi o mong le o mong oo Tonakgolo kapa Molao ona o ka mo fang ona. 25
- (2) Ha modulasetulo a le siyo tlasa mabaka a itseng a ke ke a kgona ho etsa mesebetsi e filweng ofisi ya hae, kapa ofisi ya modulasetulo e na le sekgeo, motlatsa modulasetulo o lokela ho etsa mesebetsi ya modulasetulo nako eo modulasetulo a leng siyo ka yona kapa ho fihlela ho kgethwa modulasetulo e mong. 30
- (3) Ha maemo afe kapa afe a hlalositsweng karolwaneng ya (2) a etsahala ho modulasetulo le motlatsa modulasetulo, setho sa Komiti ya Phethahatso se kgethilweng ho ya ka melao le ditaelo, se lokela ho etsa mesebetsi ya modulasetulo ha maemo a boletsweng a sa le teng. 35
- (4) Motlatsa modulasetulo kapa setho sa Komiti ya Phethahatso se kgethilweng ka tlasa karolwana ya (3), ha se ntse se tshwere mokobobo hoba modulasetulo, se lokela ho etsa mesebetsi e filweng ofisi ya modulasetulo. 40
- (5) Ha a ntse a okametse kopano ya Ntlo ya Marena ya Provense, modulasetulo, Motlatsa modulasetulo kapa setho sefe kapa sefe se okametseng ha se a lokela ho ba le kgetho ya ho rala, empa se lokela ho kgetha bakeng sa tekatekano dikgethong. 45

- (6) Ho ya ka karolo ya 7 kapa ya 16, Modulasetulo kapa motlatsa modulasetulo o lokela ho tlohela ofisi ya haec ebang a tlohela ho ba setho sa Ntlo ya Marena ya Provense, mme a ka tloswa ofising ka qeto ya Ntlo ya Marena ya Provense, e tshchetswang ke bobedi borarong ba ditho tse felleletseng tsa Ntlo ya Marena ya Provense. 5
- (7) Ebang ofisi ya modulasetulo kapa motlatsa modulasetulo e ba le sekgeo sa mosebetsi, Ntlo ya Marena ya Provense, ka tlasa bodulasetulo ba Tonakgolo kapa motho ya kgethilweng ke Tonakgolo, e lokela ho kgetha setho hore se kwale sekgeo seo: ha feela modulasetulo ketsahalong e kang ena, a tla tsamaisa dikgetho tsa motlatsa modulasetulo. 10

Tshwaneleho ya botho ba Ntlo ya Marena ya Provense

7. (1) Ha ho motho ya lokelang ho ba kapa ho tswella ho ba setho sa Ntlo ya Marena ya Provense, ntle le haeba a le dilemo tse ka hodimo ho 18, kapa ha – 15
- (a) ka nako efe kapa efe, kamora phatlalatsa ya Molaotheo, a qositswe ka tlolo ya molao kahara Rephaboliki, kapa kantle ho Rephaboliki, e bang tlolo ena ya molao e kabe e bile tlolo ya molao kahara Rephaboliki, mme a ahloetswe ho ya tjhankaneng nako e fetang dikgvedi tse 12, ntle le kgetho ya ho lefiswa, ntle le haeba a tshwaretse; 20
- (b) e le motho ya hlokgang tjelele; 25
- (c) a sa nke hantle ka kelellong mme sena se phatlaladitswe lekgotleng la dinyewe le phethahetseng; 30
- (d) e le setho sa lekgotla la mmasepala, setho sa lekgotla la ketsamelao la provense kapa setho sa Palamente; 35
- (e) e se moahi wa Afrika Borwa; 35
- (f) e se moahi wa ruri kahara Rephaboliki.
- (2) Bakeng sa karolwana ya (1)(a), ha ho motho ya lokelang ho bonwa e le moqosuwa wa tlolo ya molao, ho fihlela boipiletso bofe kapa bofe kgahlano le qoso kapa kahlolo e entswe, kapa ebang ho se na boipiletso kgahlano le qoso kapa kahlolo, nako ya boipiletso boo e tla be e se e fetile. 40

Mesebetsi ya Ntlo ya Marena ya Provense

8. (1) Ntlo ya Marena ya Provense e na le mesebetsi e latelang: 45

- (a) Ho eletsa mmuso wa provense kapa Lekgotla la Ketsamelao la Provense ka ditaba tsa tlhabollo tse amanang le molao wa botjhaba kapa tse amang botjhaba le meetlo ya baahi ba setso.
- (b) Ho eletsa mmuso wa provense le ho ba le seabo tlhabollong ya maano le melao ya provense. 5
- (c) Ho ba le seabo mananeong a tlhabollo ya naha le provense.
- (d) Ho phahamisa mosebetsi wa Marena kahara Provense ya Freistata. 10
- (e) Ho ba le seabo tshebetsong mmoho le batshehetsi ba bang, maitekong a provense a bodisa, ntjhafatso le tekolo ya mananeo a mmuso kahara baahi ba setso. 15
- (f) Ho ntlafatsa kopano le kutlwisisano hara baahi ba setso kahara Freistata.
- (g) Ho ntlafatsa tshebedisano pakeng tsa Matlo a Lehae le makgotla a setso ka hara Provense ya Freistata. 20
- (h) Ho ba le seabo ditheong tsa mmuso.
- (i) Ho ntshetsapele le ho sireletsa melao ya boitshwaro ba botjhaba, boitshwaro ka kakaretso le mekgwa ya botjhaba. 25
- (2) Ho phetha mesebetsi e ka laelwang ke Tonakgolo kapa e ka hlahang molaong ofe feela o amehang wa provense.

KGAOLO YA 3

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Ho thehwa ha Ntlo ya Marena ya Lehae

9. (1) (a) Ntlo ya Lehae ya Marena, ka hona, e thehelwa setereke ka seng le mmasepala e moholo, moo ho nang le lekgotla la setso le fetang bonngwe seterekeng seo kapa mmasepaleng oo e moholo. 35
- (b) Ntlo ya lehae e boletsweng seratswaneng sa (a) e lokela ho thehwa ke Tonakgolo *Koranteng ya Mmuso*.

- (2) (a) Ho ya ka seratswana sa (b), moo ntlo ya lehae e kekeng ya thehwa ho ya ka karolwana ya (1), mesebetsi ya Ntlo ya Marena ya Lehae e boletsweng karolwaneng ya (3), e lokela ho etswa ke lekgotla la setso la kahara setereke kapa mmasepala e moholo. 5
- (b) Mesebetsi ya Ntlo ya Lehae e boletsweng seratswaneng sa (b) e lokela ho etswa ke Morena wa Sehlooho le ditho tse ding tse nne tsa lekgotla la setso.
- (3) Ditho tsa Ntlo ya Lehae di kenyeletsa Marena a Sehlooho le Boramotse le Bommamotse ba dulang seterekeng seo kapa mmasepaleng e moholo. 10
- (4) Ditho tsa Ntlo ya Lehae di kgethwa ke lekgotla la dikgetho le kenyeletsang Marena le /kapa Mafumahadi, kapa baemedi ba bona, marena a okametseng le marena a sehlooho, ba dulang ka hara setereke kapa mmasepala wa e moholo o boletsweng. 15
- (5) Ka ho phatlalatsa *Koranteng ya Mmuso*, Tonakgolo e lokela ho etsa dikgetho tsa Matlo a Lehae a fapaneng, karolong ya pele ya tshebetso, matsatsing a mashome a tshelatseng kamora ho kenngwa tshebetso ha Molao ona: Ha feela dikgetho tse jwalo di ba matsatsing a 30 a tsebisong e boletsweng. 20
- (6) Tonakgolo, ka phatlalatsa *Koranteng ya Mmuso*, e lokela ho beha mokgwa wa tshebetso o lokelang ho latelwa dikgethong tse boletsweng karolwaneng ya (4) le dikgetho dife kapa dife tse tla latela tsa Ntlo ya Marena ya Lehae. 25
- (7) Ntlo ya Marena ya Lehae e na le mesebetsi eo e e filweng ke karolo ya 15.
- (8) Nako ya puso ya Ntlo ya Marena ya Lehae ke dilemo tse hlano, ho tsamaelana le nako ya puso ya Ntlo ya Marena ya Naha: Ha feela karolo ya pele ya tshebetso ya matlo a lehae e ka ba ka tlase kapa ka hodimo ho dilemo tse hlano, ho e bapisa le karolo ya tshebetso ya Ntlo ya Marena ya Naha. 30
- Popeho ya Ntlo ya Marena ya Lehae** 35
10. (1) Ntlo ya Marena ya Lehae e na le ditho tse seng ka tlase ho 5 empa di sa fete 10, jwalo ka ha Tonakgolo e ka tsebisa *Koranteng ya Mmuso*.

- (2) Karolo ya nngwe borarong ya ditho tsa Ntlo ya Marena ya Lehae e lokela ho Ba basadi: Ha feela Tonakgolo e kgotsofetse hore ho na le palo e haellang ya Basadi batla sebetsa ka hara Ntlo ya Marena ya Lehae, Tonakgolo e ka nka qeto ya palo e tlase, kamorao ho dipuisano le kemedi ya dikgetho e boletsweng karolong ya 9(3). 5

Dikopano tsa Ntlo ya Marena ya Lehae

11. (1) (a) Ho ya ka karolo ya 10, kopano ya pele kamorao ho thehwa ha ntlo ya marena ya lehae e lokela ho ba ka letsatsi le sebaka tse tla behwa ke Setho sa Lekgotla la Phethahatso. 10
- (b) Setho sa Lekgotla la Phethahatso kapa motho ya kgethilweng ke Setho sa Lekgotla la Phethahatso o lokela ho tsamaisa kopano e boletsweng seratswaneng sa (a). 15
- (2) Dikopano tsa Ntlo ya Marena ya Lehae di lokela ho tshwarelwa sebakeng se behilweng ho ya ka taelo ya Modulasetulo.
- (3) Ho lokela ho ba le kopano e tlwaelehileng ya Ntlo ya Marena ya Lehae, bonyane makgetlo a mane ka selemo, nakong ya tsamaiso ya setereke kapa ya mmasepala e moholo. 20
- (4) Ho ya ka dikarolwana tsa (2) le (4), Ntlo ya Marena ya Lehae e lokela ho kopana ka dinako le ka matsatsi le ka dihora tse kgethilweng ho ya ka taelo ya Ntlo. 25
- (5) Ka nako efe kapa efe ekasitana le ha a laetswe ke Setho sa Lekgotla la Phethahatso ho etsa jwalo, modulasetulo o lokela ho bitsa kopano e ikgethang ya Ntlo ya Marena ya Lehae, ka letsatsi le sebaka tse tla behwang ke yena modulasetulo ya boletsweng, ka tumello ya Setho sa Lekgotla la Phethahatso, mme dikopanong tsena tse ikgethang, ke ditaba tse hlahisitsweng Ntlong ya Marena feela tse lokelang ho tshohlwa. 30
- (6) Motho ya kgethilweng ke Setho sa Lekgotla la Phethahatso a ka ba teng dikopanong tsa Ntlo ya Marena a Lehae ho eletsisa Ntlo ya Marena ya Lehae ka maano a mmuso le melao e amanang le ditaba tsa botjhaba. 35

Ho kgethwa ha modulasetulo le motlatsa modulasetulo wa Ntlo ya Marena ya Lehae 40

12. Kopanong ya yona ya pele, jwaloka ha ho boletsweng karolong ya 11, Ntlo ya Marena ya Lehae e lokela ho kgetha e mong wa ditho tsa yona ho ba modulasetulo, mme kamora moo e lokela ho kgetha e mong hape wa ditho tsa yona ho ba motlatsa modulasetulo wa Ntlo ya Marena ya Lehae. 45

Seabo, mesebetsi ya modulasetulo le motlatsa modulasetulo wa Ntlo ya Marena ya Lehae

13. (1) Modulasetulo wa Ntlo ya Marena ya Lehae o na le mesebetsi e latelang: 50

- (a) ho bitsa dikopano tsa Ntlo ya Marena ya Lehae;
- (b) ho tsamaisa dikopano tsa Ntlo ya Marena ya Lehae;
- (c) ho netefatsa tsamaiso e phethahetseng ya ka mehla ya mosebetsi wa Ntlo ya Marena ya Lehae; le 5
- (d) ho etsa mosebetsi ofe kapa ofe o mong oo Setho sa Lekgotla la Phethahatso kapa Molao ona o ka mo fang ona. 10
- (2) Ha modulasetulo a le siyo kapa tlasa mabaka a itseng, a ke ke a kgona ho etsa mesebetsi e filweng ofisi ya hae, kapa ofisi ya modulasetulo ena le sekgeo, motlatsa modulasetulo o lokela ho etsa mesebetsi ya modulasetulo nako eo modulasetulo a leng siyo kapa a hlolehang ho etsa mesebetsi eo ka yona, kapa ho fihlela ho kgethwa modulasetulo e mong. 15
- (3) Maemong afe kapa afe a hlalositsweng karolong ya (2) a etsahala ho modulasetulo le motlatsa modulasetulo, setho sa Komiti ya Phethahatso se kgethilweng ho ya ka melao le ditaelo, se lokela ho etsa mesebetsi ya modulasetulo ha maemo a boletsweng a sa le teng. 20
- (4) Motlatsa modulasetulo kapa setho sa Komiti ya Phethahatso se kgethilweng ka tlasa karolwana ya (3), ha se ntse se tshwere mokobobo, se lokela ho etsa mesebetsi e filweng ofisi ya modulasetulo. 25
- (5) Modulasetulo, motlatsa modulasetulo kapa setho sefe kapa sefe sa Ntlo ya Marena ya Lehae ba kgethilweng bakeng sa morero oo, ho ya ka melao le ditsamaiso, ba lokela ho tsamaisa dikopano tsa Ntlo ya Marena ya Lehae. 30
- (6) Ha a ntse a okametse kopano ya Ntlo ya Marena ya Lehae, modulasetulo, Motlatsa modulasetulo kapa setho sefe kapa sefe se okametseng ha se a lokela ho ba le kgetho ya ho rala, empa se lokela ho kgetha bakeng sa tekatekano dikgethong. 35
- (7) Ho ya ka karolo ya 14 le 16, Modulasetulo kapa motlatsa modulasetulo o lokela ho tlohela ofisi ya hae ebang a kgaotsa ho ba setho sa Ntlo ya Marena ya Lehae, mme a ka tloswa ofising ka qeto ya Ntlo ya Marena ya Lehae, mme a ka tlohela mosebetsi ka ho ngolla mongodi wa Ntlo ya Marena ya Lehae lengolo la ho leboha mosebetsi. 40
- (8) Ebang ofisi ya modulasetulo kapa motlatsa modulasetulo e ba le sekgeo sa mosebetsi, Ntlo ya Marena ya Lehae, ka tlasa bodulasetulo ba Tonakgolo kapa motho ya kgethilweng ke Tonakgolo, e lokela ho kgetha setho hore se kwale sekgeo seo: Ha feela modulasetulo ketsahalang e kang ena, a tla tsamaisa dikgetho tsa motlatsa modulasetulo. 45

Tshwaneleho ya botho ba Ntlo ya Marena ya Lehae

14. (1) Ha ho motho ya lokelang hoba kapa ho tswella hoba setho sa Ntlo ya Marena ya Lehae, ntle le haeba a le dilemo di, kapa tse ka hodimo ho, 18, kapa ha – 5
- (a) ka nako efe kapa efe kamora phatlalatso ya Motheo, a qositswe ka tlolo ya molao ka hara Rephaboliki kapa kante ho Rephaboliki, e bang tlolo ena ya molao e kabe e bile tlolo ya molao ka hara Rephaboliki, mme a ahloetswe ho ya tjhankaneng nako e fetang dikgvedu tse 12 ntle le kgetho ya ho lefiswa, ntle le haeba a tshwarwe; 10
- (b) e le motho ya hlokanng tjhelete; 15
- (c) a sa nke hantle ka kelellong mme sena se phatlaladitswe lekgotleng la dinyewe le phethahetseng;
- (d) e le setho sa lekgotla la mmasepala, setho sa lekgotla la ketsamelao la provense kapa setho sa Palamente; 20
- (e) e se moahi wa Afrika Borwa;
- (f) e se moahi wa ruri ka hara Rephaboliki.
- (2) Bakeng sa karolwana ya (1)(a), ha ho motho ya lokelang ho bonwa e le moqosuwa wa tlolo ya molao, ho fihlela boipiletso bofe kapa bofe kgahlano le qoso kapa kahlolo e entswe, kapa ebang ho se na boipiletso kgahlano le qoso kapa kahlolo, nako eo ho fanwang ka yona bakeng sa boipiletso boo e se e fetile. 25
- 30

Mesebetsi ya Ntlo ya Marena ya Lehae

15. Mesebetsi ya Ntlo ya Marena ya Lehae ke:

- (a) ho eletsisa setereke kapa mmasepala e moholo kapa mmasepala ya bolelwang ka – 35
- (i) ditaba tse amanang le molao wa setso, tlwaelo, borena le setjhaba sa setso ka hara mmasepala wa setereke kapa mmasepala e moholo; 40
- (ii) tlhabollo ya meralo ya tshebetso e nang le tshusumetso setjhabeng; kapa

- (iii) tlhabollo ya melao e nang le tshusumetso setjhabeng;
- (b) ho ba le seabo mananeong a lehae ao sepheo sa ona e leng ho hlabolla setjhaba sa setso; kapa 5
- (c) ho ba le seabo maitekong a lehae a etseditsweng ho lekola, ho hlahloba botjha kapa ho lekola mananeo a mmuso ka hara setjhaba.

**KGAOLO YA 4
TSE AKARETSANG**

10

Ho tlohelwa ha ditulo

16. Setho sa Ntlo ya Marena se lokela ho tlohela setulo sa sona – 15
- (a) ha se kgaotsa ho ba le tokelo ya hoba setho sa Ntlo ya Marena; ho ya ka karolo ya 7 kapa ya 14;
- (b) ha a itokolla setulong sa hae, ka ho fa mongodi wa Ntlo lengolo la ho itokolla; 20
- (c) ha a tloswa ofising ho ya ka diphelelo tsa boitshwaro; kapa
- (d) ha a ba siyo dikopanong tsa Ntlo tse tharo ka tatellano, a sa fumana tumello ya ho phomola, ho ya ka melao le diphelelo tsa Ntlo. 25

Melao le ditsamaiso

17. Matlo ka ho fapana a ka iketsetsa melao le ditsamaiso tsa boitshwaro mosebetsing le tsamaisong ya Ntlo, ho kenyeletsa melao le ditsamaiso tsa taolo ya – 30
- (a) motheo, sebopeho, matla le mesebetsi, tsamaiso le bolelele ba nako ya tshebetso ya dikomiti tsa Ntlo ya Marena e amehang; ha feela ho kenyeleditswe komiti ya phethahatso e nang le modulasetulo, motlatsa modulasetulo le ditho tse ding tse 3 tse kgethilweng ke Ntlo e amehang; 35
- (b) thibelo le tumello dikomiting tse jwalo; le
- (c) ho kgethwa ha ditho tsa Ntlo ya Marena ho tsamaisa dikopano tsa Ntlo e amehang, ka qeto le nako e kgethilweng ke modulasetulo. 40

Khoramo**18. Ho ba teng ha –**

- (a) bonyane nngwe borarong ba palo ya ditho tsohle tsa Ntlo e tla hlokeha hore Ntlo e kopane; kapa 5
- (b) boholo ba palo ya ditho tsohle tsa Ntlo e tla hlokeha ha ho etswa kgetho mabapi le potso efe kapa efe e behelwang Ntlo. 10

Bongata bo hlokehang

19. (1) Dipotso tsohle tse tliwang ka pele ho Ntlo di lokela ho sebetswa ho ya ka bongata ba palo ya dikgetho tsa ditho tse leng teng. 15
- (2) Motho ya kgethilweng ke Setho sa Lekgotla la Phethahatso hore a be teng kopanong ya Ntlo ho ya ka karolo ya 4(6) le ya 11(6), ha a na tokelo ya ho kgetha.

Meputso le merokotso e lokelang ho putswa ditho tsa Matlo le maemo a ditho 20

20. (1) Ditho tsa Ntlo di putswa ho ya ka Molao wa Bahlanka ba Mmuso wa 1998 (Molao wa No. 20 wa 1998). 25
- (2) Kamora ho rerisana le Ntlo, Tonakgolo e ka etsa qeto ya hore ditho tse itseng tsa Ntlo ke ditho tsa nako tsohle.

Tsamaiso le boikarabelo ba Matlo

21. (1) Kamora ho rerisana le baduladitulo ba Ntlo, Setho sa Lekgotla la Phethahatso, kamora ho rerisana le Tonakgolo, se tlameha ho thonya Mongodi le basebeletsi ba bang ba ka hlokehang bakeng sa phethahatso ya mosebetsi wa Matlo. 30
- (2) Ho fihlela basebetsi ba hlokehang ba hirwa, jwaloka ha ho boletswe karolwaneng ya (1), Tonakgolo e ka kgetha basebeletsi ka moo ho ka kgonehang bakeng sa karolwana ya (1). 35
- (3) Batho ba hirilweng tlasa karolo ena ba lokela ho putswa ho tswa Letloleng la Kuno ya Provense. 40
- (4) Matlo a lokela –
- (a) ho boloka direkoto tse nepahetseng; 45
- (b) ho hlahlojwe dibuka tsa ona tsa ditjhelete ke Mohlahlobi kakaretso wa Dibuka tsa Ditjhelete;
- (c) ho senola dikgau, dimpho le melemo eo di e fuweng;

- (d) ho ba le kopano ya selemo, hodima dikopano tse tshwarwang kotara enngwe le enngwe, ho fana ka tlaleho ya diketsahalo le tshebediso ya ditjhelete tsa Matlo;
- (e) ho latela Molao ya Boitshwara e boletsweng Shejuleng ya 1 ya Molao ona; 5
- (f) ho arabela ditlhoko tsa makgotla a setso;
- (g) ho theha dikamano tse hlakileng le ho bebofatsa tshebedisano le dikgokahano pakeng tsa makgotla a setso; 10
- (h) ho romela ditlaleho tsa tshebetso ya ona kotara enngwe le enngwe Mmusong wa Provense ka Setho sa Lekgotla la Phethahatso; 15
- (i) ho fa bangodi ba Matlo a Marena boikarabelo ba mosebetsi ka kakaretso, wa tsamaiso ya Matlo a Marena;
- (j) ho hodisa bokgoni ba dikgokahano le ho nkwa ha diqeto tsamaisong ya Matlo a Marena; 20
- (k) ho aba mesebetsi bakeng sa bolaodi le tshebedisano tsamaisong ya Matlo a Marena;
- (l) ho fa Bangodi ba Matlo a Marena monyetla wa ho ba karolo ha ho nkuwa diqeto tsa taolo ya Matlo a Marena ho fihlela moo ba ka kgonang; le 25
- (m) ho fana ka sebaka sa tshebetso se nang le tekano, se hlokanang leeme le se se nang kgethollo. 30

Tshehetso ya Matlo a Marena

22. (1) Mmuso wa Provense o ka amohela metjha ya melao kapa metjha e meng, jwaloka ha ho hlokeha, ho tshehetsa le ho matlafatsa bokgoni ba Matlo a Marena. 35
- (2) Ho ya ka moo Mmuso wa Provense o ka kgonang, Tonakgolo e lokela ho fa Matlo a Marena tshehetso ya ditjhelete hore a kgone ho etsa mesebetsi ya ona. 40
- (3) Tshehetso e akantsweng karolong ena e ka kenyeletsa thuso ka dipalangwang, moo ho kgonhang, ho shebilwe tjhelete e teng.

Dikamano pakeng tsa Ntlo ya Marena ya Provense le Marena le Mafumahadi

23. Ntlo ya Marena ya Provense, e lokela ho tshwara kopano le Marena le Mafumahadi ohle ka hara Provense, habedi selemong, ho tshohla – 45

- (a) mesebetsi le mananeo a Ntlo ya Marena ya Provense;
- (b) ditaba tseo Marena le Mafumahadi a nang le thahasello ho tsona;
- (c) ditaba tse amanang le phano ya ditshebeletso le tlhabollo ya Setjhaba; le 5
- (d) mesebetsi efe kapa efe e hlwailweng kapa e hlahisitsweng ke bohle ba amehang mme ka bobedi e dumellane ka yona.

Dikamano pakeng tsa Ntlo ya Marena ya Provense le Ntlo ya Marena ya Lehae 10

24. (1) Ntlo ya Marena ya Provense, e lokela ho tshwara kopano le Matlo a Marena a Lehae, habedi ka selemo, ho tshohla –
- (a) mesebetsi le mananeo a Matlo a Marena ka bobedi; 15
 - (b) ditaba tse amanang le phano ya ditshebeletso le tlhabollo ya setjhaba;
 - (c) mesebetsi efe kapa efe e hlwailweng kapa e hlahisitsweng ke enngwe ya Matlo a Marena mme Matlo ka bobedi a dumellane ka yona. 20
- (2) Ntlo ya Marena ya Provense e lokela ho eletsa Ntlo ya Marena ya Lehae ka tsamaiso ya ditaba tsa yona. 25
- (3) Moo Ntlo ya Marena ya Provense e labalabelang ho sebedisana le lekgotla la setso, tshebedisano e kang ena e lokela ho etswa ka ditherisano le Ntlo ya Marena ya Lehae e loketseng: Ha feela moo Ntlo ya Marena ya Lehae e sa thehlang, Ntlo ya Marena ya Provense e ka sebedisana le lekgotla la setso. 30

Dikamano pakeng tsa Ntlo ya Marena ya Lehae le makgotla a setso

25. (1) Ntlo ya Lehae e lokela ho fuputsa ditaba tseo e di filweng ke makgotla a setso mme e etse dikgothaletso. 35
- (2) Ntlo ya Marena ya Lehae e lokela ho eletsa makgotla a setso ka tsamaiso ya ditaba tsa ona.
- (3) Ditho tsa Ntlo ya Marena ya Lehae di lokela ho fana ka tlaleho ya ditaba tse molemong wa makgotla a setso ka kakaretso, ho makgotla a tsona a setso, kotara enngwe le enngwe. 40

- (4) Ditho tsa Ntlo ya Marena ya Lehae di lokela ho fana ka tlaleho e boletsweng karolwaneng ya (3) kopanong ya pele ya Ntlo ya Marena, kamora hore di fuwe makgotla a setso a amehang.
- (5) Moo Ntlo ya Marena ya Provense e lakatsang ho sebedisana le lekgotla la setso, tshebedisano e kang ena e lokela ho etswa ka therisano le Ntlo ya Marena ya Lehae, eo lekgotla la setso le boletsweng le leng tlasa matla a yona a ho nka diqeto. 5

Dikamano pakeng tsa Ntlo ya Marena ya Provense le Lekgotla la Ketsamelao la Provense 10

26. (1) *Speaker* sa Lekgotla la Ketsamelao la Provense se lokela ho lebisa Dibili tsohle Ntlong ya Marena ya Provense ho tshwaela hodima tsona jwalo ka tse tsebisitsweng Lekgotleng la Ketsamelao tse amanang le ditaba tsa setso, molao wa setso, meetlo le ditlwaelo tsa setjhaba kahara Provense, kapa molao ofe feela o amanang le tsona. 15
- (2) Ntlo ya Marena ya Provense e lokela ho ananela le ho fana ka ditshwaelo Dibiling tse boletsweng karolwaneng ya (1). 20
- (3) Lengolo la tshchetso kapa la kganyetso ya Ntlo ya Marena ya Provense le Bili e rometsweng ho yona, hammoho le ditshwaelo, le lokela ho romelwa ho *Speaker* matsatsing a 30 ho tloha letsatsing leo le rometsweng ka lona. 25
- (4) Ho sa natswe se boletsweng karolwaneng ya (1), Lekgotla la Ketsamelao la Provense le ka romela Bili efe kapa efe e tsebisitsweng ho lona, Ntlong ya Marena ya Provense hore Ntlo e tshwaele.

Dikamano pakeng tsa Ntlo ya Marena ya Lehae le Lekgotla la Mmasepala 30

27. (1) Ntlo ya Marena ya Lehae, ka therisano le makgotla a setso, e lokela ho eletsisa bommasepala ba ditereke kapa ba baholo ka ditaba tse amanang le tabatabelo le thekolohelo ya setjhaba, ka kakaretso. 35
- (2) *Speaker* sa mmasepala wa setereke kapa mmasepala e moholo se lokela ho romela meralo yohle ya melao e amanang le ditaba tsa setso, molao wa setso, meetlo le ditlwaelo tsa setjhaba kahara lekgotla la setso la mmasepala le nang le matla a ho nka diqeto le ho ahlola, Ntlong ya Marena ya Lehae bakeng sa ditshwaelo. 40
- (3) Ntlo ya Marena ya Lehae e lokela ho ananela le ho tshwaela moralong wa melao e boletsweng karolwaneng ya (2).
- (4) Lengolo la Ntlo ya Marena ya Lehae le tshhetsang kapa le hanana le Bili e rometsweng ho yona le lokela ho romelwa hammoho le ditshwaelo ho *Speaker* matsatsing a 30 ho tloha letsatsing leo le rometsweng ka lona. 45

- (5) Ho sa natswe karolwana ya (2), mmasepala wa setereke kapa mmasepala e moholo a ka romela moralo wa Molao Ntlong ya Marena ya Lehac, hore e fane ka diphehiso.

Dikamano pakeng tsa Ntlo ya Marena ya Provense le Lekgotla la Phethahatso

5

28. Ka therisano le Ntlo ya Marena ya Provense le Lekgotla la Phethahatso, Tonakgolo e lokela ho bontsha dikamano pakeng tsa Lekgotla la Phethahatso le Ntlo ya Marena ya Provense.

10

Menyetla le ditokelo tsa ditho tsa Matlo a Marena

29. Ditho tsa Ntlo ya Marena –

(a) di na le bolokolohi ba puo kahara Matlo a fapaneng le dikomiting, ho ya ka melao le ditsamiso; mme

15

(b) ha di anngwe ke tsamaiso ya boahi kapa ya bosenyi, ho tshwarwa, ho kwallwa tjhankaneng kapa ditshenyehelo tsa –

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(i) tseo ba di buileng, hlahisitseng kapa nehetseng Matlong a Marena a fapaneng kapa dikomiting dife kapa dife tsa ona, kapa

(ii) letho le hlahelletseng ka baka la eng kapa eng ya tseo ba di buileng, hlahisitseng kapa nehetseng Matlong a Marena a fapaneng kapa dikomiting tsa ona.

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Ho qhalwa ha Ntlo ya Marena

30. Ntlo ya Marena e lokela ho qhalwa –

30

(a) ha nako ya yona ya puso e fela; kapa

(b) kamora kgetho e tsheheditsweng ke pedi borarong ba boholo ba ditho tsa Ntlo ya Marena di felletse, kopanong ya Ntlo ya Marena e bitsitsweng ka sepheo seo.

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Kano le boitlamo

31. Pele Ditho tsa Ntlo ya Marena di qala ho etsa mesebetsi ya tsona ya Ntlo di lokela ho ikana kapa ho itlama hore di tla tshepahala ho Rephaboliki le ho ikokobeletsa Molaotheo, ho ya ka Shejule ya 3 ya Molao ona, kapela moahlodi wa Lekgotla le Phahameng la Dinyewe ya kgethetsweng mesebetsi ona ke Mopresidente wa Baahlodi.

40

Melawana

32. Tonakgolo e ka etsa melawana e amanang le:

- (a) taba efe kapa efe eo, ho ya ka Molao ona, e hlokehang kapa e dumelletsweng; 5
- (b) taba efe kapa efe e nkwang e le ya bohlokwa kapa e le e loketseng, hore ho fihlellwe maikemisetso a Molao ona, ka kakaretso. 10

Ho fana ka Matla

33. (1) Ho ya ka Molao ona, Tonakgolo e ka fa Setho sa Lekgotla la Phethahatso matla afe kapa afe a haec kapa mosebetsi ofe kapa ofe wa haec, ntle le matla a ho etsa melao, ho ya ka karolo ya 32. 15
- (2) Ho ya ka karolo ena, Tonakgolo e ka fedisa matla ao a faneng ka ona nako efe kapa efe.

Ho phumulwa ha melao, dithophiso tsa ho boloka le ho fetola maemo

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34. (1) Marena a sehlooho le boramotse kapa bommamotse bao, ka letsetsatsi la ho kenngwa tshebetsong ha Molao ona, e neng e se e le ditho tsa Ntlo ya Marena e thehilweng ka tlasa Molao wa Ntlo ya Marena wa 1994 (Molao wa No. 6 wa 1994), ba tla dula e le ditho tsa Ntlo eo ya Marena mme ba tla nne ba tswelle jwalo ka ha eka Molao oo ha oa ka wa phumulwa, ho fihlela nako ya jwale ya tshebetso e fela mme ebe Ntlo eo ya Marena e lokela ho thehwa botjha. 25
- (2) Melao e boletsweng Shejuleng ya 2 e phumutswe ka tlasa mabaka a boletsweng hona Shejuleng ena. 30
- (3) Ntho enngwe le enngwe e entsweng ka tlasa melao e phumutsweng e bonwa e entswe ka tlasa Molao ona. 35

Kgutsufatso ya Lebitso la Molao

35. (1) Molao ona o bitswa Molao wa 2017 wa Baetapele ba Setso ba Ntlo ya Lehae le Matlo a Marena a Provense ya Freistata, mme o kenngwa tshebetsong ka letsatsi le behilweng ke Tonakgolo ka phatlalatso *Koranteng ya Mmuso*. 40
- (2) Matsatsi a fapaneng a ho kenngwa tshebetsong a ka behelwa dikarolo tse fapaneng tsa Molao ona.

SHEJULE YA 1**BOITSHWARO BA DITHO TSA MATLO A MARENA****Boitshwaro ka kakaretso ba ditho tsa Matlo a Marena****1. Setho sa Ntlo –**

- (a) se lokela ho phetha mesebetsi eo se e filweng ka botshepehi, bokgoni, le ka tsela e nang le ponaletso;
- (b) se lokela ho phetha mosebetsi wa sona ka tsela e amohelang le e nepahetseng;
- (c) se lokela ho latela molao ofe kapa ofe o loketseng, se kgothaletse kaho ya setjhaba le metheo ya demokrasi ekasitana le setjhaba se lokolohileng;
- (d) se lokela ho sebetsa ka thata molemong wa baahi kapa setjhaba seo a se sebeletsang mme se lokela ho kgothaletsa bonngwe kahara setjhaba;
- (e) se lokela ho kgothaletsa dikamano le makala a naha le marena a mang hammoho le setjhaba seo a sebedisanang le sona;
- (f) ha se a lokela ho itshwara ka mokgwa o tlontlolang, o sa lokang le o sa kgahliseng;
- (g) ha se a lokela ho sebedisa boemo ba mosebetsi wa sona kapa lesedi le sephiring le fumanehileng ka baka la boemo ba mosebetsi wa sona, molemong wa sona kapa molemong wa ba bang;
- (h) se lokela ho latela ditaelo tseo se di filweng ke motho ya nang le matla a ho fana ka ditaelo tse kang tseo;
- (i) ha se a lokela ho sebedisa matla a sona ka tsela e fosahetseng kapa ka kगतello kapa ka tsela ya kगतello kapa qobello, ho fumana tloto efe kapa efe, tefo, moputso kapa mpho;
- (j) ha se a lokela ho sebedisa jwala kapa dithetefatsi tse tahang, ka mokgwa o fetang tekano.

Ditlolo tsa Molao wa Boitshwaro tsa ditho tsa Ntlo ya Marena

2. (1) Ebang ho ena le pelaelo e utlwahalang ya hore setho sa Ntlo ya Marena se tlote pehelo ya Molao ona wa Boitshwaro, Tonakgolo e ka fetisetsa taba ena ho modulasetulo wa Ntlo ya Marena hore e fuputswe, mme ebang ho sa etsahale jwalo, ho ka etswa diphuputso mabapi le setho seo sa Ntlo, mme tsona di etswa ke motho ya kgethilweng ke Tonakgolo.
- (2) Diphuputso tse boletsweng ntlheng ya (1), setho sa Ntlo ya Marena se lokela ho fuwa monyetla wa hore se bue: ha feela ditsamaiso di ke ke tsa emiswa ke ho se be teng ha hae diphuputsong.

- (3) Motho ya kgethilweng ho tsamaisa diphuputso o lokela hore:
- (a) qetellong ya dipatlisiso, a fumane qeto ya hore setho sa Ntlo ya Marena se molato wa tlolo ya pehelo ya Molao wa Boitshwaro mme a tsebise setho se amehang ka sephetho sa dipatlisiso; mme.
 - (b) a fetisetse ho Tonakgolo, bopaki ba ditsamaiso, tokomane ya tse fumanweng, mabaka a tsona le ditekolo tseo a nahanang hore ho a hlokeha ho di etsa.
- (4) Ha setho sa Ntlo ya Marena se fumanwe se le molato wa tlolo ya Molao wa Boitshwaro, Tonakgolo e ka—
- (a) kgalemela setho sa Ntlo ya Marena semmuso;
 - (b) hlokomedisa kapa a kgalema setho sa Ntlo ya Marena;
 - (c) qobella setho sa Ntlo ya Marena ho ya tsosoloswa hlabollwa kgahlanong le bokgoba ba tahi, bokgoba ba dithetefatsi le bokgoba bofe kapa bofe fela bo sa lokang;
 - (d) fa setho sa Ntlo ya Marena kotlo ya tefo ya tjelete e sa feteng dikete tse leshome tsa diranta, e tla hulwang moputsong ofe kapa ofe wa hae, ho ya ka molao o amehang molemong wa Letlole la Kuno ya Provense, ka dikotwana tse tla behwa ke Tonakgolo;
 - (e) laela hore nakong e sa feteng dilemo tse pedi, jwalo ka ha Tonakgolo e tla bolela, setho ha se a lokela ho putswa moputso ofe kapa ofe;
 - (f) kgaola setho mosebetsing wa Ntlo ya Marena nako e behilweng, e sa feteng dilemo tse pedi;
 - (g) tlosa setho sa Ntlo ya Marena ofising; kapa
 - (h) mo fa dikotlo dife kapa dife tse pedi ho tse boletsweng diratswaneng tsa (a), (b) le (c) ka nako e le nngwe.
- (5) Setho sa Ntlo ya Marena se qositsweng ke lekgotla la molao le loketseng, ka molato wa tlolo efe kapa efe ya molao ho e boletsweng Shejuleng ya 1 ya Molao wa Tshebetso ya Bosenyi wa 1977 (Molao wa No. 51 wa 1977), kapa ka tlolo efe kapa efe ya molao eo, ho ya ka Tonakgolo, e leng boitshwaro bo bobo, se bonwa se loketse qososo e kang eo, se fumanwa se le molato wa boitshwaro bo bobo ho ya ka shejule ena, eo ka yona diphelelo tsa ntlha ya (4) di amohelehang, ka diphetoho tse hlokehang.
- (6) Neng kapa neng ha setho sa Ntlo ya Marena se qositswe ka tlolo ya Molao wa Boitshwaro kapa ka tlolo efe kapa efe ya molao e hlositsweng ntlheng ya (5), Tonakgolo e ka kgaola setho sena mosebetsing ho fihlela nako eo —
- (a) setho sa Ntlo ya Marena se fumanwang se le molato wa tlolo ya Molao wa Boitshwaro kapa tlolo enngwe ya mofuta o boletsweng ntlheng ya (5); kapa

- (b) setho sa Ntlo ya Marena se fumanwe se se molato ho ya ka qoso ya tlolo ya Molao wa Boitshwaro kapa tlolo enngwe ya molao jwalo ka ha ho hlalositsweng ntlheng ya (5) kapa qoso ya tlolo ya Molao wa Boitshwaro kapa botjhotjhisi ba bosenyi kgahlano le sona bo tlhetswe kapa bo nyahladitswe.

Boitshwaro bo bobele ba ditho tsa Ntlo ya Marena

3. Setho sa Ntlo ya Marena se molato wa boitshwaro bo bobele mme se ka kgalengwa ho ya ka diphelelo tsa ntlha ya 2, ha se sa latele diphelelo tsa ntlha ya 1 kapa se –
- tlola kapa se hloleha ho latela diphelelo tsa Molao ona kapa se hlolela ho etsa mosebetsi ofe kapa ofe kapa se sa phethe boikarabelo boo se bo filweng, ka tlasa molao ofe kapa ofe o mong;
 - le bohlaswa, se sa tsotelle kapa se sa phethe mosebetsi eo se e filweng;
 - sitwa ho phetha mosebetsi ya sona ka tsela e supang bokgoni;
 - sa latele, se sa hlomphe kapa se etsa ka boomo ho se phethe mosebetsi ya sona seo se laetsweng ke molao kapa ke motho ya nang le matla a ho fana ka ditaelo;
 - se itlontlolla, se na le mekgwa e sa lokang kapa e sa kgahlising;
 - lekgoba la jwala kapa dithetefatsi;
 - etsa diketso tse bakang karohano hara setjhaba;
 - fumanwe se le molato ke lekgotla la dinyewe, bakeng sa tlolo efe kapa efe ya molao.

SHEJULE YA 2

HO HLAOLWA HA MELAO

Lebitso la Molao	Selemo sa Phatlalatso	Boholo ba Phetolo
Molao wa Ntlo ya Marena	Molao wa No. 6 wa 1994	Kaofela
Molao wa Ntlo ya Marena o Fetotsweng	Molao wa No. 5 wa 2000	Kaofela

SHEJULE YA 3

“Ke a ikana/nnetefatsa hore ke tla tshepahala Rephaboliking ya Afrika Borwa le Boetapele ba Setso mme ke tla ikoba, ke hlomphe le ho ikamahanya le Molaotheo wa Rephaboliki ya Afrika Borwa; mme ke tshepisa ke tšile ho etsa mosebetsi ya ka jwalo ka setho sa Ntlo ya Marena ya Freistata, ka bokgoni ba ka bohle.”

(Bakeng sa kano, setho se tla phahamisa letsobo le Setho sa Lekgotla la Phethabatso mme se bue mantswe ana “Modimo o Nthuse”).

MOLAO

Go tlhagolela go tlhamiwa ga Makgotla a Porofensi le a Selegae a Baetapele ba Ngoao le Setso; go tlamela Popego ya Makgotla; go thotlhomisa dikarolo le ditiro tsa Makgotla; le go dira ditlamelo tsa merero e mengwe e ka tshoganeng e a ama.

FANO GO TLHOMAMISIWA ke Bodiramelao jwa Porofensi ya Foreisitata ka mokgwa o latelang:

(English text assented to and signed by the Premier on 26 September 2017.)

5

KGAOLO 1

Ditlhaloso

1. (1) Mo Molaong ono, ntle le fa boemo bo supa se se farologaneng – 10
 - “**Kgosana, Morena wa Motse kgotsa Ramotse**” go kgaiwa tona kgotsa tonagadi jaaka go akantswe mo karolong 11 ya Molao wa Meralo;
 - “**Kgosi-Kgolo**” go kaiwa kgosi kgotsa kgosigadi jaaka go amogetswe go latela karolo 9 ya Molao wa Meralo; 15
 - “**Kgosi kgotsa Morena**” go kaiwa moetapele yo mogolwane wa ngoao le setso jaaka go akantswe mo karolong 11 ya Molao wa Meralo; 20
 - “**Kokwano Khuduthamaga**” e raya kokwano khuduthamaga ya Lekgotla je le umakilweng mo karolong ya 17;
 - “**Lekala**” go kaiwa lekala la Lekgotla; 25
 - “**Lekgotla La BoSechaba**” go kaiwa Lekgotla La BoSechaba la Baetapele ba Ngoao Le Setso je le umakilweng mo Karolong ya 2 ya Molao wa Lekgotla La BoSechaba la Baetapele ba Ngoao Le Setso la 2009 (Palomolao 22 wa 2009); 30
 - “**Lekgotla La Porofensi**” le kaya Lekgotla la Porofensi ya Foerisitata la Baetapele ba Ngoao Le Setso je le tlhomilweng mo tlase ga karolo ya 2;
 - “**Lekgotla**” go kaiwa Lekgotla la Porofensi mmogo le / kgotsa Lekgotla la Selegae, jaaka go tlhokega go ya ka mabaka; 35
 - “**Lekgotla la Selegae**” le kaya Lekgotla la Selegae la Baetapele ba Ngoao le Setso ee tlhomilweng mo tlase ga karolo ya 9;
 - “**LKK**” go kaiwa Lekala la Kokwano Khudithamaga je le rveleng maikarabelo a merero ya ngoao le setso mo porofensing; 40
 - “**Lekgotla-taolo la Ngoao le Setso**” go tewa lekgotla-taolo la ngoao le setso je le amogetsweng mo karolong 7 ya Molao wa Foreisitata wa Boetapele le Puso yo ngoao le setso wa 2005; 45

- “**Masepala wa Matshuti-tshuti**” go kaiwa masepala wa matshuti-tshuti jaaka go tthalositswe mo karolong 1 ya Molao wa Puso ya Selegae: Ditheo tsa Masepala wa 1998 (Palomolao 117 wa 1998);
- “**Masepala wa sedika**” go kaiwa masepala wa sedika jaaka o tthalositswe mo karolong ya 1 ya Molao wa Puso Ya Selegae wa Ditheo tsa Masepala wa 1998 (Palomolao 117 wa 1998); 5
- “**Mogokgo wa Baetapele ba Ngoao le Setso**” go kaiwa mogokgo wa baetapele ba ngoao le setso jaaka go amogetswe go latela molao wa porofensi oo akantsweng mo karolong ya 10A ya Molao wa Meralo; 10
- “**Mokwaledi**” go kaiwa motho yoo thapilweng jaaka Mokwaledi wa Lekgotla la Porofensi le motho yo o thapilweng jaaka Mokwaledi mo Lekgotleng la Selegae go latela karolo ya 21; 15
- “**Molaotheo**” o kaya Molaotheo wa Repaboliki ya Afrika Borwa wa 1996;
- “**Molao wa Foreisitata wa Boetapele le Puso ya Ngoao le Setso wa, 2005**” o kaya Molao wa Foreisitata wa Boetapele le Puso ya Ngoao le Setso wa 2005 (Palomolao 8 wa 2005); 20
- “**Molao wa Maitsholo**” o kaya Molao wa Maitsholo oo tthalositsweng mo Letlhareng 1; 25
- “**Molao wa Meralo**” go kaiwa Molao wa Meralo ya Boetapele jwa Ngoao le Setso wa 2003 (Palomolao 41 wa 2003);
- “**Morafe wa Ngoao Le Setso**” go kaiwa morafe wa ngoao le setso jaaka go amogetswe mo karolong ya 3 ya Molao wa Foreisitata wa Boetapele le Puso ya Ngoao ya Setso, wa 2005; 30
- “**Porofensi**” go kaiwa Porofensi Ya Foreisitata jaaka go akantswe mo karolong 103 ya Molaotheo; le 35
- “**Tautona**” go kaiwa Mogokgo wa Bakhuduthamaga wa Porofensi;
- (2) Mafoko aa tthalositsweng mo Molaong wa Foerisitata wa Boetapele le Puso ya Ngoao le Setso wa 2005, a nale le bokao jo bo tshwanang ka mabaka a Molao ono. 40

KGAOLO 2

Go tlhamiwa ga Lekgotla la Porofensi la Baetapele ba Ngoao le Setso

2. (1) Fano go tlhamiwa Lekgotla la Porofensi la Baetapele ba Ngoao le Setso je le itsegeng jaaka Lekgotla la Foreisitata la Baetapele ba Ngoao le Setso. 45
- (2) Lekgotla la Porofensi le nale ditiro le maikarabelo a di a tlhomilweng go latela ditlamelo tsa Molao ono. 50

- (3) Letlha la tiro la Lekgotla la Porofensi ke dingwaga di le tlhano tse di tsamaisanang le letlha la tiro la Lekgotla la BoSechaba la Baetapele ba Ngoao le Setso: Seno se ikaegile mo goreng fa letlha la ntlha la Lekgotla la Porofensi, morago ga tshimologo ya go tseno mo tirisong ga Molao ono, le ka nna kwa tlase kgotsa kwa godimo ga dingwaga dile tlhano gore le tsamaisane mmogo le letlha je le baletsweng Lekgotla la BoSechaba. 5

Popego ya Lekgotla La Porofensi

3. (1) (a) Lekgotla La Porofensi, ka go ikaega go karolo-potlana ya (2) le tla nna le palo ya makala aa tla tlhotlhomisiwang ke Tautona ka tsela ya kitsiso mo *Lokwalo-Kitsisong la Porofensi*. 10
- (b) Bokala jwa Lekgotla la Porofensi bo tla tsenyeletsa baetapele ba bagolo ba ngoao le setso, mmogo le, fa go kailwe mabaka aa siameng, kgotsa ka ntlha ya fa palo ya baetapele ba ngoao le setso ba ba golwane e sa lekane go ka tsenngwa ditona kgotsa ditonagadi. Fa ele gore morafe wa ngoao le setso ga ona palo e e lekaneng ya ditona kgotsa ditonagadi, Sechaba seo se tla emelwa ke palo e lekaneng ya makala a balosika la bogosi ba ka ntlha ya karolo eno, le ya 9 ba tla kaiwang ele ditona kgotsa ditonagadi. 15
20
- (c) Dikgosi/Dikgosigadi le bagokgo jwa baetapele ba ngoao le setso ha ba letlelelwa go nna makala a Lekgotla La Diporofensi. 25
- (d) Makala a Lekgotla la Porofensi, ka go ikaega mo karolo-potlaneng ya (2) a tla tlhophiwa ke mophato wa bathopi oo wa ba bogosi kgotsa bogosigadi bongwe le bongwe, bagokgo ba baetapele ba ngoao le setso, le makgotla-taolo a ngoao le setso aa seng karolo yo bogosi kgotsa bogosigadi kgotsa bogokgo jwa baetapele jwa ngoao le setso: Fa Lekgotla-taolo la ngoao le setso le ise le tlhomiwe, tlhopo e tla diriwa ke morafe wa ngoao le setso oo amegang. 30
- (e) Mophato wa bathopi oo umakilweng mo karolwaneng (d) o bopiwa ka kgosi kgotsa kgosigadi kgotsa mogokgo wa baetapele ba wa ngoao le setso, baetapele botlhe ba bagolwane ba ngoao le setso le ditona le ditonagadi tsotlhe tse di leng karolo ya bogosi kgotsa bogosigadi kgotsa bogokgo jwa baetapele jwa ngoao le setso kgotsa Lekgotla-taolo la ngoao le setso je le amegang. 35
40
- (2) Tautona o tlare a ikaegile ka karolo-potlana ya (1)(a), ka kitsiso ee mo *Lokwalo-Kitsisong la Porofensi* a tlhotlhomise palo ya makala a bogosi kgotsa bogosigadi bongwe le bongwe kgotsa morafe-mogolo wa ngoao le setso, le lekgotla-taolo lengwe le lengwe la ngoao la ngoao le setso je le seng karolo ya bogosi kgotsa bogosigadi kgotsa ya morafe-mogolo wa ngoao le setso, kgotsa fa lekgotla-taolo la ngoao le setso le ise le tlhomiwe, palo ya makala a morafe wa ngoao le setso, ee tla emelwang mo Lekgotleng la Porofensi. 45

- (3) Nngwe-tharong ya makala a Lekgotla la Porofensi e tshwanetse go nna basadi: Ka go ikaego mo goreng Tautona o inetefaleditse fa go sena palo ee lekaneng ya basadi ba ba leng gone go tsaya karolo mo Lekgotleng la Porofensi, Tautona a ka tlhothomisa palo-molelwane ee kwa tlase. 5
- (4) Lekala le tshwanetse go tshwara marapo lobaka je le le kang letlha je le baletsweng Lekgotla la Porofensi.
- (5) Fa lekala la Lekgotla la Porofensi le tlhokafala, kgotsa le khutla go nna lekala go latela karolo ya 7, lekala je le swa le tshwanetse go tlhopiwa mo lobakeng lwa Kgvedi ele nngwe go tswela ka letlha je le setseng la Lekgotla la Porofensi. 10

Dikopano tsa Lekgotla La Porofensi

4. (1) (a) Kopano ya ntlha ee tlang morago ga go bopiwa ga Lekgotla la Porofensi go latela karolo ya 3, e tshwanetse go diragala ka letlha le mo lefelong je le tla tlhothomisiwang ke Tautona. 15
- (b) Tautona kgotsa motho yoo tshwailweng ke Tautona o tshwanetse nna modulasetulo wa kopano ee umakilweng mo karolwaneng (a). 20
- (2) Dikopano tsa Lekgotla la Porofensi di tshwanetse go tshwarelwa kwa lefelong je modulasetulo, a ka le tlhothomising nako le nako. 25
- (3) Go tshwanetse go tshwarwa kopano ee ntseng fela ya Lekgotla la Porofensi bonnye makgetlo a mane ngwaga le ngwaga mo tsamaong ya setlha sa Bodiramolao jwa Porofensi.
- (4) Go ikaegilwe mo dikarolo-potlaneng ya (2) le (3) Lekgotla La Porofensi le tshwanetse go kopana mo lobakeng, le mo malatsing le mo dinakong tse le tla di tlhothomising. 30
- (5) (a) Modulasetulo a ka nna are nako le nako kgotsa go fa a laetswe jaalo ke Tautona, a bitsa kopano ee kgethegileng ya Lekgotla La Porofensi mo letsatsing le kwa lefelong je le tlhthomisitsweng ke kokwano ee maleba, go ya ka boemo jo bo leng teng. 35
- (b) Mo kopanong eno ee kgethegileng ke fela merero ee ntseng jaalo ee adiwang fa pele ga Lekgotla la Porofensi go ka sekasekiwa. 40
- (c) Lekala lengwe le lengwe la Lekgotla, fa le tshegeditswe nngwe-tharong ya makala a Lekgotla, le ka bitsa kopano ee kgethegileng.
- (6) Motho yo o tshwailweng ke Tautona a ka tsenela dikopano tsa Lekgotla La Porofensi go eletsa Lekgotla La Porofensi mabapi le melawana le melao a puso ee amang merero a ngoao le setso. 45

- (7) Go nna gone ga bonnye, bontsi jwa makala otlhe a Lekgotla la Porofensi go tla nna botlhokwa mo go bopiveng ga kopano ya Lekgotla La Porofensi.

Go tlhopiwa ga modulasetulo le mothusa-modulasetulo wa Lekgotla la Porofensi

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5. Mo kopanong ya lona ya ntlha, jaaka go akantswe mo karolong ya 4(1), Lekgotla la Porofensi, le tshwanetse go tlhopa mongwe wa makala a lone go nna modulasetulo, mme morago ga moo le tlhlope yo mongwe gape wa makala go nna mothusa-modulasetulo wa Lekgotla la Porofensi.

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Dikarolo, ditiro le maikarabelo a modulasetulo le mothusa-modulasetulo ba Lekgotla La Porofensi.

6. (1) Modulasetulo wa Lekgotla la Porofensi o nale dikarolo, ditiro le maikarabelo aa latelang:

15

(a) Go bitsa dikopano tsa Lekgotla La Porofensi;

(b) Go dulasetulo dikopano tsa Lekgotla La Porofensi;

20

(c) Go netefatsa tsamaiso ee bofefo ya letsatsi lengwe le lengwe ya tiro ya Lekgotla La Porofensi; le

(d) Go diragatsa tiro nngwe le nngwe kgotsa go tsaya karolo jaaka go laetswe ke Tautona kgotsa ke Molao ono.

25

- (2) Fa modulasetulo a se gone kgotsa ka ntlha ya lebaka lengwe a sa kgone go diragatsa ditiro tse a di pegilweng tsa bodulasetulo, kgotsa fa bodulasetulo, bo le lolea, mothusa-modulasetulo o tshwanela go itira modulasetulo mo lobakeng lwa go se nneng teng kgotsa go se kgoneng ga modulasetulo, go fitlhela go tlhopiwa modulasetulo.

30

- (3) Fa lengwe la maemo aa kailweng mo karolo-potlaneng ya (2) le diragala mabapi le modulasetulo mmogo le mothusa-modulasetulo ka bobedi jwa bone, lekala la Kokwano Khuduthamaga je le tshwailweng go latela melawana le ditaolo o tshwanela go itira modulasetulo fa maemo ao a sa ntse a le gone.

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- (4) Mothusa-modulasetulo kgotsa lekala la Kokwano Khuduthamaga je le tshwailweng go latela karolo-potlana ya (3), fa a sa ntse a tshwere nakwana tiro ya modulasetulo, o tshwanela go diragatsa ditiro tse di pegilweng bodulasetulo.

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- (5) Fa a santse a okametse kopano ya Lekgotla la Porofensi, modulasetulo, mothusa-modulasetulo kgotsa mongwe fela yoo okametseng ha a letlelelwa go nna le tlhopo ya maitlhommo, fela o tshwanetse go nna le le go dirisa tlhopo ee tsereganyang matlhakore fa ele gore dipholo tsa ditlhopo di leka-lekana ka matlhakore.

45

- (6) Modulasetulo kgotsa mothusa-modulasetulo o tshwanetse go fologa setulo sa bodulasetulo fa a khutla go nna lekala la Lekgotla Porofensi go latele dikarolo tsa 7 kgotsa 16, mme a ka folosiwa setulo ka tshwetso ya Lekgotla la Porofensi ee tshegeditsweng ke dikarolo-pedi-tharong tsa kgobokano ee tletseng ya makala a Lekgotla la Porofensi. 5
- (7) Fa setulo sa modulasetulo kgotsa sa mothusa-modulasetulo se nna lolea, Lekgotla la Porofensi, je le fa tlase ga bodulasetulo ba ga Tautona kgotsa motho yo o tshwailweng ke Tautona, le tshwanetse go tlhopa lekala je le tla tswalang phatlha eo: Seno se ikaegile mo goreng modulasetulo o tshwanela mo tlase ga mabaka a ntseng jaalo go okamela go tlhopiwa ga mothusa-modulasetulo. 10

Ditlhokwa tsa go nna lekala la Lekgotla la Porofensi

- 7. (1) Ga go motho ope yoo tshwanetseng go nna kgotsa go tswelera gona lekala la Lekgotla la Porofensi, kwa ntle le fa a na le dingwaga tse 18 kgotsa go feta, kgotsa fa – 15
 - (a) ka nako nngwe morago ga go tlhomamisiwa ga Molaotheo, a ba a bonwa molato wa tlolo-molao mo teng ga Repaboliki, kgotsa kwa ntle ga Repaboliki, mme maitsholo aa kailweng mo tlolo-molaong eo a ne a tla lekanngwa le tlolomolao mo teng ga Repaboliki, ebile mo go yone a atloletsweng kwatlhao ya kgolegelo ee fetang dikgwedi dile 12 kwa ntle ga kgonagalo ya kwatlhao ya tuelo, kwa ntle le fa a bone boitshwarelo; 20
 - (b) a reteletswe ke go itharabologedisiwa mo tirisong ee botlhaswa ya Madi; 30
 - (c) a nale tlhaloganyo ee sa itekanelang e bile a kailwe jaalo ke kgotlatsekelo ee nonofileng; 35
 - (d) ele lekala la lekgotla la masepala, lekala la bodiramelao jwa porofensi kgotsa lakala la palamente; 35
 - (e) e se moagi wa Afrika Borwa;
 - (f) e se modudi wa leruri mo teng ga Repaboliki. 40
- (2) Ka lebaka la karolo-potlana ya (1)(a), ga go motho yoo tshwanelang go kaiwang a bonwe molato mabapi le tlolomolao go fitlhela boipiletso bongwe kgatthanong le pono-molato kgotsa katlholo bo tlhotlhomisitswe, kgotsa, fa go sena boipiletso kgatthanong le pono-molato kgotsa katlholo jo bo etsweng tlhoko , nako ya go ela tlhoko boipiletso joo e setse e khutlhile. 45

Ditiro tsa Lekgotla La Porofensi la Baetapele ba Ngoao le Setso

- 8. (1) Lekgotla la Porofensi le nale ditiro tse di latelang:

- (a) Go eletsa puso ya porofensi kgotsa bodiramelao jwa porofensi mabapi le merero ya tlabololo ee amanang le molao wa bagologolo kgotsa oo amang ditso le ngoao ya merafe ya ngoao le setso.
- (b) Go eletsa puso ya porofensi le go tsaya karolo mo tlabolong ya melawana le melao ya porofensi. 5
- (c) Go tsaya karolo mo maanong a tlabololo ya bosechaba le ya Porofensi. 10
- (d) Go eletsa karolo ya boetapele jwa ngoao le setso mo teng ga porofensi ya Foreisitata.
- (e) Go tsaya karolo mo tirisano-mmogo le batsaya-karolo, mo maitekong a porofensi a maikaelelo a one eleng kelotlhoko, tshekatsheko le tlatlhobo ya maano a porofensi mo merafeng ya ngoao le setso. 15
- (f) Go tsewletsapele kitlano le kutlwano magareng ga merafe ya ngoao le setso mo Foreisitata. 20
- (g) Go tsewletsapele tirisano-mmogo magareng ga Lekgotla / Makgotla a Selegae le makgotla-taolo a ngoao le setso mo Porofensing ya Foreisitata. 25
- (h) Go tsaya karolo mo ditheong tsa puso.
- (i) Go eletsa le go sireletsa ditumelo tsa setso, mekgwa ya boitswaro le meetlo ya bogologolo ya merafe ya ngoao le setso. 30
- (2) Go diragatsa ditro tse di jaaka tse di abetsweng ke Tautota kgotsa ka mokgwa o go tlametsweng ka ona mabapi melao mengwe le mengwe ee maleba ya porofensi. 35

KGAOLO YA 3

35

Go tlhamiwa ga Lekgotla la Selegae la Baetapele ba Ngoao le Setso

9. (1) (a) Lekgotla la selegae la baetapele ba ngoao le setso le tlhamiwa jaana mabapi le masepala mongwe le mongwe wa sedika le wa matshuti-tshuti mo go nang le makgotla-taolo a ngoao le setso aa fetang bongwe mo teng ga masepala wa sedika kgotsa wa matshuti-tshuti. 40
- (b) Makgotla a selegae aa umakilweng mo karolwaneng ya (a) a tshwanetswe go tlhamiwa ke Tautona ka kitsiso mo *Lokwalong la Dikitsiso la Porofensi*. 45

- (2) (a) Go ikaegilweng ka karolo-potlana ya (b), fa lekgotla la selegae le sa kgone go ka tlhamiwa go latela karolo-potlana (1), ditiro tsa lekgotla la selegae tse di umakilweng mo karolo-potlaneng ya (3) di tshwanetse go diragadiwa ke lekgotla-taolo la ngoao le setso je le mo gare ga masepala wa sedika kgotsa wa matshuti-tshuti. 5
- (b) Ditiro tsa lekgotla la selegae tse di akantsweng mo karolo-potlaneng (a) di tshwanetswe go diragadiwa ke moetapele yo mogolwane wa ngoao le setso mmogo le makala a mangwe a mane a lekgotla-taolo la ngoao le setso. 10
- (3) Makala a Lekgotla la Selegae a bopiwa ka baetapele ba bagolwane ba ngoao le setso mmogo le ditona kgotsa ditonagadi tse di agileng mo gareng ga masepala wa sedika kgotsa wa matshuti-tshuti. 15
- (4) Makala a Lekgotla la Selegae a tlhopiwa ke mophato wa batlhopi oo bopilweng ka Dikgosi mmogo le /kgotsa Dikgosigadi kgotsa baemedi ba bone, bagokgo ba baetapele ba ngoao le setso ba ba agileng mo gareng ga masepala wa sedika kgotsa wa matshuti-tshuti oo amegang. 20
- (5) Tautona o tshwanetse, go dira ka kitsiso mo *Lokwalo la Dikitsiso la Porofensi*, go goeletsang ditlhopo tsa letlha lwa ntlha lwa Lekgotla La Selegae je le amegang, mo nakong a malatsi a masome aa tshelletseng morago ga go tsenatirisong ga Molao ono. Seno se ikaegile mo goreng ditlhopo tse di ntseng jaalo di tla tshwariwa mo lobakeng lwa malatsi a le 30 a go diriwa ga kitsiso ee kailweng. 25
- (6) Tautona o tshwanetse, ka tlhomamiso ya molao mo Lokwalong lwa Dikitsiso La Porofensi, go laela tsela ee tshwanetseng go salwa morago mo ditlhopong tse di umakilweng mo karolo-potlaneng ya (4) le mo ditlhopong tsa paka nngwe ee tlang tsa Makgotla a Selegae. 30
- (7) Lekgotla La Selegae la Baetapele ba Ngoao le Setso le nale ditiro tse di bolokilweng mo go lona go latela karolo ya 15. 35
- (8) Letlha la tiro la Lekgotla la Selegae ke dingwaga di le tlhano tse di tsamaisanang mmogo le letla la tiro la Lekgotla la BoSetshaba la Baetapele ba Ngoao le Setso: Seno se ikaegile mo go reng fa letlha lwa ntlha la makgotla a selegae le ka nna kwa tlase kgotsa kwa godimo ga dingwaga di le tlhano le tle le tsamaisane le letlha la Lekgotla la Bo Sechaba. 40

Popego ya Lekgotla la Selegae

10. (1) Lekgotla la Selegae le bopiwa ka palo ya makala aa seng kwa tlase ga 5 mme ee sa feteng 10 ee tlhotlhomisitsweng ke Tautona ka kitsiso mo *Lokwalong la Dikitsiso la Porofensi*. 45

- (2) Nngwe-tharong ya makala a Lekgotla la Selegae e tshwanetse go bopiwa ka basadi: Fa Tautona a inetefaleditse gore ga gona palo ee lekaneng ya basadi go ka tsaya karolo mo Lekgotleng la Selegae, Tautona fa sena go ikopanya le mophato wa ditlhopo oo maleba oo umakilweng mo karolong ya 9(3), a ka tlhotlhomisa molelwane wa palo oo kwa tlase. 5

Dikopano tsa Lekgotla la Selegae

11. (1) (a) Kopano ya ntlha morago ga gobopiwa ga lekgotla la selegae go latela karolo ya 10, e tshwanetse go diragala ka letlha le kwa lefelong je le tlhotlhomisitsweng ke LKK. 10
- (b) LKK kgotsa motho yo o tshwailweng ke LKK o tshwanetse go dulasetulo kopano ee umakilweng mo karolwaneng ya (a). 15
- (2) Dikopano tsa Lekgotla la Selegae di tshwanetse go tshwarelwa mo lefelong je Modulasetulo a ka le tlhotlhomisang nako le nako.
- (3) Go tshwanetse go nna le kopano-fela ya Lekgotla la Selegae bonnye makgetlo a mane ngwaga nngwe le nngwe mo tsamaong ya setlha sa masepala wa sedika kgotsa wa matshuti-tshuti. 20
- (4) Go ikaegilwe mo dikarolo-potlaneng tsa (2) le (4), Lekgotla la Selegae le tshwanetse go kopana mo lobakeng le mo malatsing le mo dinakong tse le tla di tlhotlhomisiwang. 25
- (5) Modulasetulo a kare nako nngwe le nngwe, le jaaka fa a tla be a laetswe ke LKK, o tshwanetse go bitsa kopano ee kgethegileng ya Lekgotla La Selegae mo letsatsing le kwa lefelong je le tla tlhotlhomisiwang ke modulasetulo ka tetla ya LKK mme mo kopanong kgethegileng jaalo ke fela merero e ntseng jaalo ee tla adiwang fa pele ga Lekgotla la Selegae ee tshwanelwang go ka sekasekiwa. 30
- (6) Motho yoo tshwailweng ke LKK o ka tsenela dikopano tsa Lekgotla la Selegae go eletsela Lekgotla tsa Selegae mabapi le melawana le melao ya puso ee amanang le merero ya ngoao le setso. 35

Go tlhopiwa ga modulasetulo le mothusa-modulasetulo wa Lekgotla la Selegae

12. Mo kopanong ya lona ya ntlha, ee akantsweng mo karolong ya 11, Lekgotla la Selegae le tshwanetse go tlhopa lengwe la makala go nna modulasetulo, mme morago ga moo le tshwanetse go tlhopa lekala le lengwe gape go nna mothusa-modulasetulo wa Lekgotla la Selegae. 40

Dikarolo, ditiro le maikarabelo a modulasetulo le mothusa-modulasetulo wa Lekgotla La Selegae 45

13. (1) Modulasetulo wa Lekgotla la Selegae o tshameka dikarolo, o dira ditiro ebile o nale maikarabelo aa latelang:

- (a) Go bitsa dikopano tsa Lekgotla la Selegae;
- (b) Go dulasetulo dikopano tsa Lekgotla la Selegae;
- (c) Go netefatsa tsamaiso ee bofefo ya letsatsi lengwe le lengwe ya tiro ya Lekgotla la Selegae; le 5
- (d) go diragatsa tiro nngwe le nngwe kgotsa karolo jaaka go tla bo a laetswe ke LKK kgotsa Molao ono. 10
- (2) Fa modulasetulo a se gone kgotsa ka ntle ya lebaka lengwe a sa kgone go diragatsa ditiro tse di tlhomilweng bodulasetulo, kgotsa bodulasetulo bo le lolea, mothusa-modulasetulo o tshwanetse go itira modulasetulo mo nakong ya go se nneng teng kgotsa go se kgoneng ga modulasetulo kgotsa go fitlhela go tlhopiwa modulasetulo. 15
- (3) Fa lengwe la mabaka aa tlhalositsweng mo karolo-potlaneng ya (2) a ka ama bobedi jwa modulasetulo le mothusa-modulasetulo, lekala la Kokwano Khuduthamaga je le tshwailweng go latela melawana le ditaelo o tshwanetse go itira modulasetulo mo nakong ya fa maemo aa kailweng a santse a le gone. 20
- (4) Mothusa-modulasetulo kgotsa lekala la Kokwano Khuduthamaga je le tshwailweng mo tase ga karolo-potlana ya (3), mo nakong ya fa a itirileng modulasetulo, o tshwanetse go diragatsa ditiro tse di tlhomilweng bodulasetulo. 25
- (5) Modulasetulo, mothusa-modulasetulo kgotsa lekala lengwe le lengwe la Lekgotla la Selegae je le tshwailweng ka lebaka leo go latela melawana le ditaelo o tshwanetse go okamela dikopano tsa Lekgotla la Selegae. 30
- (6) Mo nakong e a okametseng kopano ya Lekgotla la Selegae, modulasetulo, mothusa-modulasetulo kgotsa lekala lengwe le lengwe je le okametseng ga le a tshwanela go nna le tlhopo ya maitlhommo, fela o tshwanetse go nna le go dirisa tlhopo ee tseraganyang matlhakore fa ele gore dipholo tsa ditlhopo di lekalekana ka matlhakore. 35
- (7) Modulasetulo kgotsa mothusa-modulasetulo o tshwanela go tlogela bodulasetulo fa a khutla go nna lakala la Lekgotla la Selegae go latela dikarolo tsa 14 le 16, mme a ka tlosiwa mo setilong ka tshwetso ya Lekgotla La Selegae, mme a ka ikgolola mo setulong ka go somela ikgololo ya gagwe ka lokwalo go mokwaledi wa Lekgotla la Selegae. 40
- (8) Fa setulo sa modulasetulo kgotsa sa mothusa-modulasetulo se nna lolea, Lekgotla la Selegae, mo tase ga bodulasetulo jwa ga Tautona kgotsa motho yoo tshwailweng ke Tautona, o tshwanetse go tlhopa lekala je le tla tlatsang phatlha eo: Seno se ikaegile mo goreng modulasetulo mo tase ga mabaka a ntseng jaalo o tshwanetse go okamela tlhopo ya mothusa-modulasetulo. 45

Ditlhokwa tsa go nna lekala la Lekgotla la Selegae

14. (1) Ga go motho yoo tshwanelang go nna kgotsa a ka tswelolang gona lekala la Lekgotla la Selegae kwa ntle le fa a na dingwaga tse 18 kgotsa go feta kgotsa fa – 5
- (a) ka nako nngwe fa morago ga tlhomamisiwa ga Molaotheo, a bo a bonwa molato wa tlolomolao mo teng ga Repaboliki, kgotsa kwa ntle ga Repaboliki, mme maitsholo aa tsamaisanang le tlolo-molao eo a ka lekanngwa le tlolomolao mo teng ga Repaboliki, e mo go yone a filweng kwatlhao ya kgolegelo ee fetang dikgwedi dile 12 kwa ntle ga kgonagalo ya kwatlhao ya tuelo, kwa ntle le fa a bone boitshwarelo; 10
 - (b) a reteletswe ke go itharabologedisiwa mo tirisong ee sokameng ya madi; 15
 - (c) tlhaloganyo ya gagwe e sa itekanela e bile a kailwe jaalo ke kgotlatsekelo ee nonofileng; 20
 - (d) ele lekala la lekgotla-taolo la masepala, lekala la bodiramelao jwa porofensi kgotsa lakala la palamente; 25
 - (e) e se moagi wa Afrika Borwa; 25
 - (f) e se modudi wa leruri mo teng ga Repaboliki.
- (2) Ka lebaka la karolo-potlana ya (1)(a), ga go motho yo o tshwanetseng go kaiwang a bonwe molato wa tlolomolao go fitlhela boipiletso bongwe kgatthanong le pono-molato kgotsa katlholo bo tlhotlhomisitswe, kgotsa, fa go sena boipiletso kgatthanong le pono-molato kgotsa katlholo jo bo etsweng tlhoko , nako ya kelotlhoko ya boipiletso jo bo ntseng jaalo e khutlile. 30

Ditiro tsa Lekgotla La Selegae

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15. Ditiro tsa Lekgotla la Selegae ke:

- (a) go eletsa masepala wa sedika kgotsa wa matshuti-tshuti kgotsa masepala yo o amegang ka – 40
 - (i) merero ee mabapi le molao wa setso, meetlo, boetapele ba ngoao le setso le merafe ya ngoao le setso ee agileng mo gareng ga masepala wa sedika kgotsa wa matshuti-tshuti; 45
 - (ii) Tlhabololo ya maano a meralo ee amang merafe ya ngoao le setso; kgotsa

- (iii) tlhabololo ya melao ya tlaleletso ee amang merafe ya ngoao setso;
- (b) go tsaya karolo mo meralong ya selegae tshwaileng tlhabololo ya merafe ya ngoao le setso; kgotsa 5
- (c) go tsaya karolo mo maitlhomong a selegae a maikaelelo a one eleng kelotlhoko, tshkatsheko, le tlhatlhobo ya meralo ya puso mo merafeng.

**KGAOLO YA 4
MERERO YA KAKARETSO**

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Go rolwa ga ditulo

16. Lekala la Lekgotla le tshwanetse go tswa mo setulong fa – 15
- (a) fa a khutla go nna le tshwanelego ya go nna lekala la Lekgotla go latela karolo 7 kgotsa 14;
- (b) fa a ikgolola mo setulong ka go romela ikgololo ya gagwe ka lokwalo go mokwaledi wa Lekgotla; 20
- (c) fa a rolwa setulo go latela molawana wa maitsholo; kgotsa
- (d) Fa kwa ntle ga go bona tetla ee maleba ee tsamaisanang le melawana le ditaelo, a tlhologa go nna gone mo dikopanong tsa Lekgotla di le tharo tse di latelanang. 25

Melawana le ditaolo

17. Makgotla aa farologaneng a kgona go itlhamela melawana le ditaelo tse di Golaganeng le tsamaiso ya tiro ya one le ditswelediso, ee tsenyeletsang melawana le ditaelo tse di laolang – 30
- (a) go tlhamiwa ga, sebopego sa, dithata le ditiro tsa, le dikgato-tsamaiso le lotlha la dikokwano tse di lebaneng le Makgotla: Go tshwanetse go nna le ditlamelo tse di diretsweng dikokwano khuduthamaga tse di emeng tse di bopilweng ka modulasetulo, mothusa-modulasetulo le makala a mangwe a mararo aa tlhopilweng ke Lekgotla je le amegang; 35
- (b) dikgoreletso go tshutlelelo mo dikokwanong tsa mofuta ono; le 40
- (c) go tshwaiwa ga makala a Lekgotla jaaka batlhankedi ba ba okameng go okamela dikopano tsa makgotla aa farologaneng go ya ka fa modulasetulo a tlhokang ka gone.

Palo-Bonnye

18. Bogone jwa –

- (a) bonnye nngwe-tharong ya makala otlhe a Lekgotla a tla tlokega go nna karolo ya kopano ya Lekgotla; kgotsa 5
- (b) bogolo jwa makala otlhe a Lekgotla a tla tlokega fa go na le tlhopo e ka yone go sekasekiwang sengwe se se fa pele ga Lekgotla. 10

Palo-Bogolo ee tlokegang

- 19. (1) Dipotso tsothe tse di adilweng fa pele ga Lekgotla di tshwanetse go tlhotlhomisiwa ka bogolo jwa ditlhopo tse di dirilweng ke makala aa leng gone. 15
- (2) Motho yo o tshwailweng ke LKK go tsenela dikopano tsa Lekgotla go latela dikarolo tsa 4(6) le 11(6), ga a na tshiamelo epe ya go dira tlhopo.

Dituelo le ditlhapiso tse di duelwang makala a Makgotla le boemo jwa makala 20

- 20. (1) Makala a Makgotla a duelwa go latela Molao wa Dituelo tsa Batlhanka ba Ditulo tsa Sechaba wa, 1998 (Palomolao 20 ya 1998).
- (2) Tautona o kare, morago ga go ikgolaganya le Makgotla, a tlhotlhomisa gore makala a mangwe a Lekgotla a nne makala a dirang ka botlalo. 25

Tsamaiso le boikarabelo jwa Makgotla

- 21. (1) LKK, morago ga go ikgolaganya le baduladitulo ba Lekgotla o tshwanetse gore, fa a setse a ikgolagantse le Tautona, a thape Mokwaledi mmogo le batlhankedi ba bangwe ba ba ka tlokegang go diragatsa tiro ya Lekgotla. 30
- (2) go fitlhela batlhankedi botlhe ba ba tlokegang ba setse ba thapilwe jaaka go akantswe mo karolo-potlaneng ya (1), Tautona a ka tshwaya batlhanka go ya ka bothokwa jwa mabaka aa beetsweng karolo-potlana ya (1). 35
- (3) Batho ba ba thapilweng mo tlase ga karolo eno ba tshwanela go duelwa go tswa ebile jaaka ditshenyegelo o tsa letlole la Maduo la Porofensi. 40
- (4) Makgotla a tshwanetse go –
 - (a) boloka ditlankana-tsamaiso ka tsela ee siameng;
 - (b) go nna le ditlankana tsa tsamaiso ya madi ee tlhatlhobilweng ke Motlhatlhabi-Kakaretso wa tsamaiso ya madi; 45
 - (c) senola kamogelo ya dikabo, dince le melemo;

- (d) Mo godimo ga dikopano tse ditshwarwang kgedi-tharo nngwe le nngwe, makgotla a tshwanela go tshwara dikopano tsa ngwaga le ngwaga go bega bosupi ka ga ditiro le tsamaiso ya madi a makgotla;
- (e) go ikgomaretsa mo melawaneng ya maitsholo ee rebotsweng mo letlhareng 1 la Molao ono; 5
- (f) go nna le matsetseleko a go tsibogela ditlhoko tsa makgotla-taolo a ngoao le setso; 10
- (g) Go tlhama dikamano tse di tlhamaletseng le go tlhagolela tirisano-mmogo le dikgokagano magareng ga makgotla-taolo a ngoao le setso;
- (h) go rebola dipegelo tsa kgwedi-tharo go LKK ka ga ditiro tse ba di diretseng Puso ya Porofensi; 15
- (i) go netefatsa maikarabelo a Bakwaledi ba Makgotla mo go diragatseng tiro yotlhe ya tsamaiso ya makgotla; 20
- (j) go isa magoletsa maatlametlo a dikgokagano le tsewo ya ditshwetso mo gareng ga tsamaiso ya makgotla;
- (k) go aba maikarabelo aa tlhamaletseng mo taolong le kgolaganyong ya tsa tsamaiso ya Makgotla; 25
- (l) go fa Bakwaledi ba Makgotla seabe mo ditshwetsong tsa bolaodi ka tsela yotlhe ee kgonegang; le
- (m) go rebola maemo a tirelo aa nang le teka-tekano, aa siametseng botlhe, aa bulegileng le aa senang tlhaolele. 30

Tshegetso go Makgotla

22. (1) Puso ya Porofensi e ka ipetlela dikgato tsa semolao kgotsa le tse dingwe jaaka go ka tlhokega go ka tshegetsa le go natlafatsa bokgoni jwa Makgotla. 35
- (2) Tautona o tshwanetse gore mo teng ga bogone jwa Puso ya Porofensi a abele Makgotla ditshegetso tsa madi go a atlenegisa mo tiragatsong ya ditiro tsa one. 40
- (3) Tshegetso ee lebeleletsweng mo karolong eno e ka nna ya tsenyeletsa thuso ya dijanaga, fa go kgonegang go ntse go tseilwe tsia bogone ba ditekanyetso.

Kamano magareng ga Lekgotla la Porofensi le DiKgosi le DiKgosigadi 45

23. Lekgotla la Porofensi le tshwanetse gore ga bedi mo ngwageng nngwe lengwe le tshware dikopano le DiKgosi le DiKgosigadi aa teng mo Porofensing go tshotlha –

- (a) ditiro le meralo ya Lekgotla la Porofensi;
- (b) dintlha tsa dikgatlegelo tsa DiKgosi le DiKgosisadi;
- (c) dintlha tse di amanang le thebolo ya ditirelo le tlhabololo ya merafe a ngoao le setso; le 5
- (d) Tiro nngwe le nngwe ee supilweng le ee tlhagisitsweng ke lengwe la matlhakore mme e dummellwane ke matlhakore oo mabedi. 10

Kamano mo magareng ga Lekgotla la Porofensi le Lekgotla la Selegae

24. (1) Lekgotla la Porofensi le tshwanetse gore ga bedi mo ngvageng nngwe lengwe le tshware dikopano le Makgotla a Selegae go tshotla – 15
- (a) ditiro le meralo ya Makgotla ao mabedi;
 - (b) dintlha tse di amanang le thebolo ya ditirelo le tlhabololo ya merafe a ngoao le setso; 20
 - (c) Tiro nngwe le nngwe ee supilweng le ee tlhagisitsweng ke lengwe la Makgotla mme go dummellnwe ke Makgotla oo mabedi;
- (2) Lekgotla la Porofensi le tshwanetse go eletsa Lekgotla la Selegae ka ga tsamaiso ya merero ya lone. 25
- (3) Fa Lekgotla la Porofensi le na le keletso a yo dirisana le lekgotla-taolo la ngoao le setso, tirisano ee ntseng jaalo e tshwanetse go diragadiwa ka go ikgolaganya le Lekgotla la Selegae je le maleba: Fa go sena Lekgotla la Selegae je le tlhomilweng, Lekgotla la Porofensi le ka dirisana le lekgotla-taolo la ngoao le setso ka tlhamalalo. 30

Kamano mo magareng ga Lekgotla la Selegae le Makgotla-taolo a ngoao le setso

25. (1) Lekgotla la Selegae le tshwanetse go batlisisa dintlha tse di feteseditweng kwa go lona ke makgotla-taolo a ngoao le setso le go a kaela ditlhagiso tsa ditharabololo. 35
- (2) Lekgotla Selegae le tshwanetse go eletsa makgotla-taolo a ngoao le setso mabapi le tsamaiso ya merero ya ona. 40
- (3) Makala a Lekgotla a Selegae a tshwanetse go dira pegelo ya kgatelopele ya merero ee amanang le dikgatlegelo ka kakaretso le tsiamelo ya makgotla-taolo a ngoao le setso ka kgwedi-tharo nngwe le nngwe kwa makgotleng-taolo a ngoao le setso aa maleba. 45

- (4) Makala a Lekgotla la Selegae a tshwanetse go ala dipegelo tse di umakilweng mo karolo-potlaneng ya (3) kwa kopanong ya ntlha ya Lekgotla, morago ga dipegelo di sena go neelwa kwa makgotleng-taolo aa farologaneng a ngoao le setso.

5

- (5) Fa Lekgotla la Porofensi le na le keletso ya go dirisana le lekgotla-taolo la ngoao le setso, tirisano e ntseng jaalo e tshwanetse go diriwa ka go ikgolaganya le Lekgotla la Selegae je le welang fa tlase ga bolaodi jo lekgotla-taolo leo la ngoao le setso le welang fa tlase ga lone.

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Kamano magareng ga Lekgotla la Porofensi le Bodiramelao jwa Porofensi

26. (1) Sebui sa Bodiramelao jwa Porofensi se tshwanetse go romela melao-tlhommo yotlhe ee itsisitsweng kwa Bodiramelaong ee amanang le merero ya ngoao le setso, molao wa ngoao, ngoao kgotsa setso ya merafe ya ngoao le setso ee mo teng ga Porofensi kgotsa molao ope fela oo ka e amang, go anya ditshwaelo tsa Lekgotla la Porofensi.

15

- (2) Lekgotla la Porofensi le tshwanetse go akanya ka ga le go tshwaela mabapi le melao-tlhommo oo umakilweng mo karolo-potlaneng ya (1).

20

- (3) kitsiso ee kwadilweng ya Lekgotla La Porofensi ee tshegetsang kgotsa ee kगतललनong le molao-tlhommo o eo romeletsweng, mmogo le ditshwaelo, e tshwanetse go neelwa Sebui mo lobakeng lwa malatsi a le 30 go tloga ka letlha la thomelo e ntseng jaalo.

25

- (4) Kwa ntle le go furaella karolo-potlana ya (1), Bodiramelao jwa Porofensi bo ka romela Molao-tlhommo mongwe le mongwe oo itsisitsweng kwa Bodiramelaong jwa Porofensi go utlwa ditshwaelo tsa bone.

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Kamano magareng ga Lekgotla la Selegae le Lekgotla-taolo la Masepala

27. (1) Lekgotla la Selegae le tshwanetse ka go ikgolaganya le makgotla-taolo a ngoao le setso go eletsa bo masepala ba sedika kgotsa ba matshuti-tshuti ka ga dintlha tse di amanang le dikgatlegelo tsa kakaretso le ditshiamelo tsa merafe ya ngoao le setso.

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- (2) Sebui sa masepala wa sedika kgotsa sa masepala wa matshuti-tshuti ba tshwanetse go romela dikamelawana ya tlaletso tsotlhe tse di amanang le merero ya ngoao le setso, molao wa ngoao, ngoao kgotsa setso ya merafe ya ngoao mo teng ga taolo a masepala, kwa Lekgotleng la Selegae go utlwa ditshwaelo tsa lone.

40

- (3) Lekgotla Selegae le tshwanetse go akanya ka ga le go tshwaela mabapi le seka-melawana ya tlaletso ee umakilweng mo karolo-potlaneng ya (2).

45

- (4) Kitsiso ee kwadilweng ya Lekgotla La Selegae ee tshegetsang kgotsa ee kगतललनong le molao wa tlaletso eo romeletsweng, mmogo le ditshwanelo, di tshwanetse go neelwa Sebui mo lobakeng lwa malatsi a le 30 go tloga ka letlha la thomelo ee ntseng jaalo.

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- (5) Kwa ntle le go fura lela karolo-potlana ya (2), masepala wa sedika kgotsa masepala wa matshuti-tshuti oka romela seka-molao wa tlaletso mongwe le mongwe go Lekgotla la go utlwa ditshwaelo tsa lone.

Kamano magareng ga Lekgotla la Porofensi le Lekgotla Khuduthamaga 5

28. Tautona o tshwanetse o tshwanetse ka go ikgolaganya le Lekgotla Porofensi le Lekgotla Khuduthamaga, go tlhotlhomisa kamano magareng ga Lekgotla Khuduthamaga le Lekgotla la Porofensi. 10

Menyetla le ditshireletso tsa makala a Makgotla

29. Makala a Lekgotla –

- (a) a nale kgololesego ya puo mo Lekgotleng je le farologaneng le dikokwano tsa lone, go itshegeditse mo melawaneng le ditaelo; le 15
- (b) ga ana tshekiso ya loago, ya ditsamaiso tsa bonokwane, ya go tlhatlhelwa, go golegiwa kgotsa ditshenyegelo mabapi le – 20
- (i) sengwe se ba se buileng, kgotsa ba se tlhagisitseng, kgotsa se ba se neetseng fa pele ga Lekgotla je le amegang kgotsa dikokwano nngwe tsa lone; kgotsa
- (ii) Sengwe se se senogileng ka ntsha ya sengwe se ba se buileng, kgotsa se ba se tlhagisitseng kgotsa se ba se neetseng fa pele ga Lekgotla je le maleba kgotsa nngwe ya dikokwano tsa lone. 25

Go fedisiwa ga Lekgotla 30

30. Lekgotla le tshwanetse go fedisiwa –

- (a) fa letlha la tiro la Lekgotla le khutlha; kgotsa
- (b) morago ga tlhopo ee tshegeditsweng ke pedi-tharong ya bontsi jwa kgobokanyo ee tletseng ya makala a Lekgotla mo kopanong ya Lekgotla ee bileditsweng lona lebaka leo. 35

Kano le tsepamiso 40

31. Pele makala a Lekgotla a simolola go diragatsa ditiro tsa one mo Lekgotleng je le amegang, ba tshwanela go tsaya kano le go tsepamisiwa boikanyego ba bone go Repaboliki le kobamelo go Molaotheo go latela ditlamelo tsa Letlhare la 3 la Molao ono, fa pele ga moatlhodi wa Kgotsa-Tshekelo ee kwa Godimo ee tshwailweng Ke Mogokgo wa Baatlhodi mabapi le lebaka leno. 45

Melawana ya Tsamaiso

32. Tautona a ka tlhama melawana ya tsamaiso mabapi le:

- (a) ntlha nngwe le nngwe e ikaegileng mo Molaong ono ee tlhokang kgotsa ee dumeletsweng go ntshediwa taolo; 5
- (b) ka kakaretso, ntlha nngwe le nngwe ee akanngwang o le ya bothokwa kgotsa o ithaganetse go ka ntshediwa taolo a go fitlhelela maikaelelo a Molao ono. 10

Thomeletso

33. (1) Tautona a ka romeletsa ka lekwalo nngwe le nngwe ya dithata kgotsa ditiro tsa gagwe go latela Molao ono, ntle le dithata tsa go tlhama melawana go latela karolo ya 32, go LKK. 15
- (2) Thomeletso go latela karolo eno e ka gogelwa morago nako nngwe lengwe ke Tautona. 20

Go phimolwa ga molao, ditshomarelo le dithulagano tsa nakwana ya diphetogo

34. (1) Batlhankedi bagolo ba ngoao le setso le ditona le ditonagadi ba ka letla la go tsena tirisong ga Molao ono ba neng e le makala a Lekgotla la Ngoao le Setso, ee tlhomilweng fa tlase ga Molao wa Lekgotla la Ngoao le Setso wa 1994 (Palomolao 6 wa 1994) ba tla dula ele makala a Lekgotla mme ba tla tswelela go nna jaalo jaaka e kete Molao ha oa phimolwa go fitlhela letlha je ba leng mo go lone le khutla, mo e tla reng gone Lekgotla le bopiwe seswa go latela Molao ono. 25
- (2) Molao ee kwadilweng mo Letlhareng la 2 e phimolwa jaana go fitlhelela sekgala se se kailweng mo go lone Letlhare leo. 30
- (3) Sengwe le sengwe se se dirilweng kgotsa tiro ee diragaditsweng mo tlase ga molao ee phimotsweng di kaiwa di dirilwe kgotsa di dirigaditswe mo tlase ga Molao ono. 35

Leina-khutswe

35. (1) Molao ono o bidiwa Molao wa Foreisitata wa Makgotla a Porofensi le a Selegae a Baetapele ba Ngoao le Setso wa 2017, mme o tsena tirisong ka letlha je le tlhotlhomisitsweng ke Tautona ka tlhomamiso mo *Lekwalo-Kitsisong la Porofensi*. 40
- (2) Matlha aa farologaneng a tshimologo a ka tlhotlhomisediwa dikarolo tse di fapaneng tsa Molao ono. 45

LETLHARE 1**MOLAO WA MAITSHOLO WA MAKALA A MAKGOTLA****Maitsholo a kakaretso a makala a Makgotla****1. Lekala la Lekgotla –**

- (a) le tshwanetse go diragatsa ditiro tse a di neetsweng ka boikanyego, maatlametlo, boammaruri le ka tsela ee bonaletsang;
- (b) le tshwanetse diragatsa botlalo ba karolo ya gagwe ka matssetseleko le manontlholdho;
- (c) le tshwanetse go ikamaganya le melao ee maleba, go etletsa kago ya Sechaba le maikemisetso a kgololesego le Sechaba se se bulegileng;
- (d) le tshwanetse go diragaletsa mo dikgatlegelong tsa morafe kgotsa merafe yo ngoao le setso e a e direlang mme a etletse kitlano gareng ga merafe ya ngoao le setso;
- (e) le tshwanetse go tlhotlheletsa dikamano tse di siameng mabapi le dirve tsa puso, baetapele ba bangwe ba ngoao le setso le merafe ya ngoao ya le setso e ba dirisanang le yone;
- (f) Ga la tshwanela go itshola ka mokgwa oo swabisang, oo sa siamang kgotsa oo maswe;
- (g) Ga la tshwanela go dirisa maemo a lone kgotsa kitso dikhupamarama tse le di boneng ka ntlha ya maemo a lone, go ikunela morokotso kgotsa go unaela mongwe molemo ka tsela ee sa lolamang;
- (h) le tshwanetse go obamela taelo ee kafa molaong e a e neilweng ke motho yo a nang le thata ya go ntsha taelo ee jaaka eo;
- (i) Ga la tshwanela go dirisa thata ya lone botlhaswa go tsietsa kgotsa go dirisa kgapeletso kgotsa ka mokgwa oo sa lalolang go iponela tlotlo, dikatso, tuelo kgotsa neo;
- (j) Ga la tshwanela dirisa nnotagi go feta tekano kgotsa diritibatsi tsemi senyang tlhologanyo.

Ditlolo tsa Molao wa Maitsholo ke makala a Lekgotla

2. (1) Fa go na le pelaelo ee lekaneng ya gore lekala la Lekgotla le robile tlanelo ya Molao ono wa Maitsholo, Tautona a ka fetisetsa ntlha eno go modulasetulo wa Lekgotla go batlisisa, eseng jaalo kgetsi ee lebaneng lekala leo la Lekgotla e ka sekisiwa ke motho yoo thapilweng ke Tautona.
- (2) Mo tshekong ya kgetsi ee akantsweng mo ntlha-potlaneng ya (1), lekala la Lekgotla le tshwanetse go fiwa tshono ee lekaneng go reediwa: Seno fela fa ditswelediso di ka se sengwe ke go retelelwa ke go nna gone ga gagwe mo tshekong.

- (3) Motho yo o thapilweng go tsamaisa kgetsi ya tsheko o tshwanetse –
- (a) kwa bokhutlong jwa tsheko, a dire phitlhelelo ya gore lekala Lekgotla le molato wa go roba ditlamelo tsa Molao Maitsholo kgotsa jang, le go itsise lekala je le amegang ka ga tshwetso ya gagwe; le go
 - (b) Romela kwa go Tautona pegelo ee supang ditsamaiso, le bosupi jwa katlholo, mabaka ka jaalo, le ditemogo dingwe tse a di boneng di le bothokwa go ka diriwa.
- (4) Fa lekala la Lekgotla le bonwe molato wa go tloa Molao wa Maitsholo, Tautona a ka –
- (a) rebola tshupo ka monwana ya lekala la Lekgotla ya semmuso;
 - (b) tlhokomedisa kgotsa a kgalema lekala la Lekgotla;
 - (c) Gapeletsa lekala leo la Lekgotla go tsenela phodiso le itharabologelo mo tirisong ee botlhaswa ya nnotagi, ikaego mo diritibatsing kgotsa nngwe ya dikgomarelo tse di bothole;
 - (d) athola lekala la Lekgotla kwatlhao ya madi aa sa feteng diranta di le dikete di le lesome, tse di ka duelwang kgotsa tse di ka gogiwang go tswa mo dituelong dingwe tse a di duelwang go latela molao oo malebana le meputso wa Letlole la Letseno la Porofensi ka di karolwana tsa dituelo tse di ka tlhothomisiwang ke Tautona;
 - (e) laela gore lekala le se amogele dituelo dipe mo lobakeng le le sa feteng dingwaga di le pedi jaaka le ka tlhothomisiwang ke Tautona;
 - (f) sekega lekala la Lekgotla mo ditirong tsa lone tsa semmuso mo lobakeng kwa nako ee badilweng ee sa feteng dingwaga di le pedi;
 - (g) phimola lekala gore le se thole e nna lekala; kgotsa
 - (h) a le athola nngwe ya dikwatlhao di le pedi tse di umakilweng mo dikarolwaneng (a), (b) le (c) mmogo.
- (5) Lekala la Lekgotla le le bonweng molato ke kgotlatsekelo ee nonofileng ya molao mabapi le nngwe ya ditlolo tse di umakilweng mo Letlhareng 1 la Molao wa Dikgato tsa Bothokatsebe wa 1997 (Palomolao 51 wa 1977), kgotsa nngwe ya ditlolo e, go a ka kakanyo ya ga Tautona, e lekanag le tshiamololo, ee kaiwang ka ntlha a katlholo e ntseng jaalo, a bonwe molato wa tlolomolao go latela Letlhare leno le mo go lone le ditlamelo tsa ntlha-potlana ya (4) di ka dirisiwang ka diphetogo tse di tlhokegang.
- (6) Nako nngwe le nngwe fa lekala la Lekgotla le latofaditswe ka go tloa Molao wa Maitsholo kgotsa ka ga molato mongwe oo akantsweng mo ntlha-potlaneng ya (5), Tautona a ka sekega lekala leo go fitlhela ka nako e –
- (a) Lekala la Lekgotla le bonweng molato wa tlolo ya Molao wa Maitsholo kgotsa tlholo nngwe ee akantsweng mo ntlha-potlaneng ya (5); kgotsa

- (b) lekala la Lekgotla le fitlhetsweng le sena molao mabapi le tatofatso o go tlola Molao wa Maitsholo kgotsa le tlolomolao nngwe jaaka go akantswe go ntlhapotlana ya (5) kgotsa ya tatofatso ya go roba Molao wa Maitsholo kgotsa tshekiso ya boganana kgatlhanong le ene e gogetswe morago kgotsa e tsholotswe.

Maitsholo aa Makgwakgwa ke makala a Lekgotla

3. Lekala la Lekgotla le molato wa maitsholo aa Makgwakgwa mme le ka tshwarwa ka tsela ee latelang ditlamelo tsa ntlha ya 2, fa a sa itshamaganya le ditlamelo tsa ntlha 1 kgotsa fa a –
- (a) tlola molao kgotsa go retelwa ke go ikobela ditlamelo tsa Molao ono kgotsa a retelwa go diragatsa nngwe ya ditiro kgotsa go diragatsa ditshwanelo tseo a di pegilweng ke molao ofe kgotsa mongwe;
 - (b) nna bothaswa kgotsa a sena tlhokomelo ee siameng kgotsa go itsapa go dira tiro ya gagwe;
 - (c) sa kgone go diragatsa tiro ya gagwe ka matsetseleko;
 - (d) a sa obamele, a ithokomolola kgotsa a dira diphosho tsa ka bomo mo go diragatseng taelo e oe filweng mo molaong ke motho yoo nang le thata ya go ntsa taelo;
 - (e) a itshwara ka tsela ee tlhabisang ditlhong, ee sa siamang kgotsa ee maswe;
 - (f) a ikaegile thata mo botholeng jwa nnotaging kgotsa mo diritibatsing tse di senyang tlhaloganyo;
 - (g) a nanogela mo ditirong tse di tlang dikaroganyo mo magareng kgotsa mo merafeng ya ngoao le setso;
 - (h) a bonwe molato ke kgotlatsekelo ya molao mabapi tlole-molao nngwe ya boganana.

LETLHARE 2

PHIMOLO YA MELAO

Leina la Molao	Ngwaga wa Phasalatso	Phimolo e kae
Molao wa Lekgotla la Baetapele ba Ngoao le Setso	Palo-Molao 6 wa 1994	Gotlhelele
Molao o Fetotsweng wa Lekgotla la Baetapele ba Ngoao le Setso	Palo-Molao 5 wa 2000	Gotlhelele

LETLHARE 3

“Ke ikana / ke tsepamisa gore ke tla nna boikanyego go Repaboliki ya Afrika Borwa le mo Setheong sa Boetapele ba Ngoao le Setso mme ke tla obamela, le go tlotla le go tsholetsa Molaotheo wa Afrika Borwa; mme ke solofetsa ka tlhoafalo go diragatsa, ditiro tsa me jaaka lekala la Lekgotla la Baetapele ba Ngoao le Setso la Foreisitata ka bojotle jwa bokgoni jwa me.”

(Fa go tsewa kano makala a tshwanetse go tsholetsa mabogo a moja mme ba bue mantswa a "Modimo Nthuse").