
PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 2

4 February 2005

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:—

No. 4 of 2003: **Limpopo Petitions Act, 2003**

ACT

To provide for the right to submit a petition to the Provincial Legislature of Limpopo, to lay down the general principles and procedure for public participation in the process of government in the Province; to provide for the establishment and functions of the relevant Standing Committee of the Legislature assigned to deal with petitions; and to provide for matters connected therewith.

*(English text signed by the Premier)
(Assented to on 15-12-2004)*

BE IT ENACTED by the Legislature of the Limpopo, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise –

“**Chairperson**” means the chairperson of the Committee;

“**Committee**” means the relevant Committee of the Provincial Legislature established in terms of Section 3, assigned to deal with petitions;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996);

“**Executive Council**” means the Executive Council of the Province as contemplated in section 132 of the Constitution;

“**Legislature**” means the Legislature of the Province as contemplated in Section 104 of the Constitution;

“**Local Government**” means the local sphere of government in the Province as contemplated in Section 151 and 155 of the Constitution;

“Member” means a member of the Legislature elected to a seat in the Legislature in terms of Sections 105 and 106 of the Constitution;

“Petition” means either a complaint, a request, a representation or a submission addressed by a petitioner to the Committee; and may take the form of -

- (a) a single petition, which is an individual submission from a single petitioner concerning a particular complaint or request; or
- (b) a collective petition, which is a collection of signatures from a number of petitioners concerning a particular complaint or request; or
- (c) a multiple or group or mass petition, made up of individual or group submissions from a number of petitioners concerning the same or substantially similar complaints or requests; or
- (d) an association petition, which is an individual submission from an association or an individual mandated by an association, concerning a particular complaint or request;

“Petitioner” means a person who has addressed a petition to the Committee, and includes a natural or juristic person –

- (a) acting in his or her or its own interest;
- (b) acting in the interest of another person who is not in a position to seek relief in his or her or its own name;
- (c) acting as a member of or in the interest of a group or class of persons; or
- (d) acting in the public interest;
- (e) of an association, acting in the interest of members of that association;

“Secretary” means the person appointed in terms of Section 12(1)(a) of the Northern Province Legislature Service Act, 1997 (Act No.3 of 1997);

“Speaker” means the Speaker of the Provincial Legislature elected in terms of section 111 of the Constitution;

“Standing Rules” means the standing rules, regulations or orders made in terms of Section 116 of the Constitution for the conduct of the business of the Provincial Legislature; and

“State Institutions” means state institutions supporting constitutional democracy as established by section 181 of the Constitution.

General principles of Act

2. (1) The Committee must –
 - (a) take appropriate steps to encourage and facilitate participation by the public in the process of governance in the Province, particularly, previously politically, socially, and economically excluded communities;
 - (b) enhance democracy by exercising maximum accountability and transparency; and
 - (c) respect the rights of petitioners, and those affected by the petition.
- (2) A right conferred by this Act must be exercised in a manner which is reasonable and justifiable.
- (3) A petitioner shall have the right to submit a petition in the official language of the petitioner's choice.
- (4) The Committee must ensure that persons or groups or categories of persons previously disadvantaged by unfair discrimination, enjoy full participation in the process of governance.

Establishment of Committee

3. A Committee consisting of members of the Legislature, as determined from time to time by the Standing Rules of the Legislature, is hereby established.

Right to petition

4. (1) Subject to the provisions of this Act and any other law, a petitioner has the right to address a petition to the Committee.
- (2) The administration support service of the Legislature must render assistance to a prospective petitioner who wishes to submit a petition to the Committee.

Jurisdiction of Committee

5. (1) The Speaker or the Chairperson or any person authorised by the Speaker or Chairperson must receive a petition and refer it to the Committee.
- (2) The Committee must consider every petition referred to it in terms of this Act.

Form of petition

6. (1) Subject to subsection (2), a petitioner must submit a petition in writing, written in the petitioner's preferred official language.
- (2) The Committee may allow a petitioner to supplement a written petition with oral submissions.
- (3) The Committee must, before it considers a petition, record and reduce to writing the oral submissions contemplated in subsection (2).

Consideration of settled petition

7. A petition in respect of a matter on which a decision has been taken, is not to be considered by the Committee, unless that petition provides new facts or relevant evidence that justify a reconsideration of the matter.

Powers and Functions of Committee

8. (1) The Committee must –
 - (a) consider a petition, with a view to settling the matter to the satisfaction of the petitioner; or

- (b) where applicable, advise a petitioner of other appropriate remedies available.
- (2) The Committee may recommend the referral of a petition, in whole or in part, to the Speaker for consideration by any of the following persons or bodies:
- (a) the Legislature;
 - (b) a Standing Committee of the Legislature;
 - (c) a member of the Executive Council of the Province;
 - (d) the Municipal Council of local government in the Province; or
 - (e) an institution supporting constitutional democracy mentioned in Chapter 9 of the Constitution.
- (3) If a petition has been referred to a member of the Executive Council or a local government, the Committee must –
- (a) request a response within four weeks of the referral; and
 - (b) direct the person or body to whom the petition was referred, to consider it, make a decision or recommendation, or otherwise dispose of the matter by any means expedient in the circumstances; and
 - (c) request such body to furnish the Committee with a report detailing and providing reasons for the steps taken within the stipulated period.
- (4) If the Committee is of the opinion that the conduct of a person or body to whom a petition has been referred, in terms of this section is unsatisfactory and that the circumstances merit such action, the Committee may lodge a complaint with the appropriate State Institution, or take other appropriate action.
- (5) Subject to the provisions of this Act, if requested to do so by a petitioner, the Committee may resolve a dispute, or rectify an omission, by means of mediation, negotiation or reverse an act .
- (6) The Committee may make a recommendation to a person or a body on the basis of a petition.

- (7) The Committee may conclude its consideration of a petition if the Committee is of the opinion that –
- (a) no steps, or no further steps, can be taken to settle the matter; or
 - (b) the matter has been settled as requested by the petitioner.
- (8) The Committee may refuse to consider a written petition that –
- (a) is illegible; or
 - (b) does not reflect the name and contact address of the petitioner; or
 - (c) has not been signed by the petitioner: Provided that a petitioner who is unable to write must make her or his mark on the petition in the presence of two witnesses, who must sign the petition in that capacity.
- (9) The Committee must refuse to consider a petition that –
- (a) concerns a matter pending in a court of law;
 - (b) originates from a prisoner and is connected to his or her case; or
 - (c) involves the subject matter that is before a commission of inquiry and other relevant bodies.
- (10) In the event where the Committee refuses to consider a petition as contemplated in subsection (9), the Committee must give written reasons for the refusal to the petitioner.
- (11) The Committee must –
- (a) submit quarterly reports of referrals as contemplated in subsections (2) and (3) to the Legislature; and
 - (b) inform a petitioner of its decisions with regard to a particular petition and reasons, within four weeks.
- (12) Subject to the provisions of this Act, the Committee may in consultation with the Speaker, regulate its proceedings and perform its functions in a manner it deems fit.

Sittings of Committee

9. (1) The Committee may, for the purpose of receiving evidence or for deliberating, sit at a time and a place in the Province, as the Chairperson determines.
- (2) Evidence presented to the Committee must be heard in public, unless the Chairperson determines otherwise.
- (3) The Chairperson must give public notice of all sittings determined by the Standing Rules.

Witnesses

10. (1) For the purpose of ascertaining a matter relating to the subject of its investigation, the Committee may—
 - (a) subpoena a person to attend a sitting of the Committee, as a witness in order to give evidence, or produce any book, document or object, before the Committee at the time and place specified in the subpoena; or
 - (b) subpoena a person to attend a sitting of the Committee, as a witness in order to give evidence, or produce any book, document or object if the Committee requires it.
- (2) A subpoena contemplated in subsection (1) must be signed and issued by the Chairperson, and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorised thereto by the Chairperson or by any method determined by the Speaker in the form of the Standing Rules.
- (3) A witness must, before giving evidence, take an oath or make an affirmation administered by the Chairperson or such member of the Committee, as the Chairperson may designate.
- (4) A person who has been subpoenaed to attend a sitting of the Committee as a witness, or who has given evidence before the Committee, is entitled to the

same witness fees as if he or she has been subpoenaed to attend, or had given evidence at a criminal trial in the High Court.

Offences

11. (1) A person duly subpoenaed in terms of section 10 who, without sufficient cause—

- (a) fails to attend the meeting of the Committee at the time and place specified in the subpoena; or
- (b) fails to remain in attendance at the meeting of the Committee until the completion of the investigation before the Committee or until he or she is excused by the Chairperson from further attendance,

is guilty of an offence.

(2) A person called as a witness under section 10, who without sufficient cause –

- (a) refuses to be sworn in or to make an affirmation as a witness after that person has been requested to do so by the Chairperson; or
- (b) after having been sworn in or having made an affirmation, fails to answer fully and satisfactorily any question lawfully put to her or him; or
- (c) after having been sworn in or having made an affirmation, gives false evidence before the Committee on a matter, knowing the evidence to be false or not believing it to be true;
- (d) fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she has been called to produce; or
- (e) uses abusive language or behaves in a contemptuous manner,

is guilty of an offence.

(3) A person who –

- (a) threatens, obstructs or unduly influences a witness to refrain from giving evidence or to give false evidence before the Committee; or

- (b) threatens, obstructs or unduly influences a witness not to produce a paper, book, record or document before the Committee; or
- (c) with the intent to deceive the Committee, produces before the Committee a false, untrue, fabricated or falsified paper, book, record or document; or
- (d) destroys or conceals a book, document or object which to his or her knowledge might be of assistance to the Committee in any matter relating to the subject of its investigation; or
- (e) willfully furnishes the Committee with information, or make a statement before it, which is false or misleading,

is guilty of an offence.

Penalties

12. A person convicted of an offence in terms of section 11, is liable to a fine or imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

Retention of books, documents or objects by Committee

13. The Committee may retain, for a reasonable period after a sitting, a book, document or object that it has requested or subpoenaed a person to produce in terms of section 10 and issue a receipt in respect of such material.

Delegation of powers by Committee

14. (1) The Committee may delegate its powers to a Member or Members of the Committee or other Members of the Legislature; provided that –
- (a) no fewer than two members must conduct each sitting; and
 - (b) the members must be representative of political parties.
- (2) The Chairperson must provide the members referred to in subsection (1) with a written and signed authorization.
- (3) On completion of the sitting or sittings, the members referred to in subsection (1) must report their findings to the Committee.

- (4) Nothing shall prevent the Committee from exercising powers delegated to persons referred to in subsection (1).

Accountability to Legislature

15. (1) The Committee must prepare a quarterly report on every petition it has adjudicated upon for submission to the Legislature for consideration.
- (2) The Committee must prepare and submit, an annual written report of its activities, to the Legislature.
- (3) The annual written report of the Committee must provide for an evaluation of the responsiveness, efficiency and timeousness with which petitions referred to under section 8(2), were finalized.
- (4) The Legislature may refer a matter emanating from a report of the Committee back to the Committee for reconsideration.

Administrative Support Service

16. The Secretary must provide administrative support to the Committee, to enable it to perform its functions and duties.

Procedures relating to petitions

17. (1) The administrative support service must –
- (a) register every petition received in a petitions register and keep a register of all books, documents and objects retained in terms of section (13);
 - (b) open a file for every petition;
 - (c) in terms of section 4(2) of this Act, prepare every petition received for consideration by the Committee, which may involve –
 - (i) correction, if possible, to ensure that a petition complies with the provisions of this Act; and
 - (ii) the translation of a petition;

- (d) prepare a full list of outstanding petitions addressed to the Legislature and make it available to each meeting of the Committee; and
 - (e) present a petition prepared under paragraph (c) to the Chairperson, who must table the petition at a meeting of the Committee for consideration within two weeks of the date on which the Chairperson received the petition when the House is sitting.
- (2) The Committee must notify a petitioner within four weeks of the date on which a petition was tabled, of the –
- (a) manner in which a petition is being dealt with; and
 - (b) reason why it is being dealt with in that particular manner.
- (3) A petitioner may withdraw a petition: Provided that if the Committee deems the matter to be of public importance, it may continue to act on the complaint or request after the withdrawal.
- (4) The Committee must, after concluding its consideration of a petition in terms of section 8(7), submit the petition file and its recommendation to the Speaker.
- (5) After the submission of a petition in terms of subsection (4), the Speaker must scrutinize the contents of the file within two weeks when the House is sitting.
- (6) A member of the Legislature is entitled to scrutinize the file and the recommendation of the Committee.
- (7) A member of the Legislature may object to the closing of the file and must provide reasons for such objection.
- (8) The Speaker may refer the file to the Committee for–
- (a) reconsideration; or
 - (b) closure.
- (9) The Speaker may supplement this procedure by way of the Standing Rules.

Standing Rules

18. The Speaker may make Standing Rules required for carrying out the provisions of this Act.

Short title and commencement

19. This Act is called the Limpopo Petitions Act, 2003 and comes into operation upon publication in the Provincial Gazette.

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 2

4 February 2005

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatswago go dira tshedimošetšo ya Kakaretšo:—

No. 4 of 2003: Molao wa Diphethišene wa Limpopo, 2003

MOLAO

Go beakanyetša tokelo ya go tliša phethišene go Lekgotlapeamelao la Profense ya Limpopo; go ala fase ditheo-kakaretšo le tsela ya tsenelo ya setšhaba ka gare ga tshepetšo ya mmušo ka gare ga Profense; go beakanyetša tlhomo le mediro ya Komiti-Kemo ya maleba ya Lekgotlapeamelao yeo e abetšwego go šogana le diphethišene; le go beakanyetša ditaba tšeo di amanago le tšona.

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 15-12-2004)*

GO BEWA MELAO ke Lekgotlapeamelao la Limpopo, ka fao go latelago:-

Ditlhalošo

1. Ka gare ga Molao wo, ntle le ge diteng di laetša ka mokgwa o mongwe -

“Diinstitšušene tša Mmušo” di ra diinstitšušene tša mmušo tšeo di thekgago temokrasi ya molaotheo bjalo ka ge di tšwelela go karolo 181 ya Molaotheo.

“Komiti” ke go re Komiti ya maleba ya Lekgotlapeamelao la Profense yeo e hlamilwego go ya ka Karolo 3; yeo e filwego maatla a go šogana le diphethišene;

“Lekgotlapeamelao” ke go re Lekgotlapeamelao la Profense bjalo ka ge go ukangwa ka go karolo 104 ya Molaotheo;

“Lekgotla-Phethišo” ke go re Lekgotla-Phethišo la Profense bjalo ka ge go ukangwa ka go karolo 132 ya Molaotheo;

“Leloko” ke go re leloko la Lekgotlapeamelao leo le kgethetšwego madulo ka gare ga Lekgotlapeamelao go ya ka dikarolo 105 le 106 tša Molaotheo;

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“Melawana-Kemo” ke go re melawana-kemo, melawana goba ditaelo tšeo di diretšwego tshepedišo ya merero ya Lekgotlapeamelao la Profense go ya ka karolo 116 ya Molaotheo;

“Mmušo-Selegae” ke go re tikologo-selegae ya mmušo ka gare ga Profense bjalo ka ge go ukangwa ka gare ga dikarolo 151 le 155 tša Molaotheo;

“Modulasetulo” ke go re modulasetulo wa Komiti;

“Molaotheo” ke go re Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996);

“Mongwaledi” o ra motho yoo a beilwego go ya karolo 12(1)(a) ya Molao wa Tirelo ya Lekgotlapeamelao la Profense la Leboa (Molao 3 wa 1997);

“Mophethišene” o ra motho yoo a rometšego phethišene go Komiti, gomme o akaretša motho wa tlhago goba wa molao –

- (a) yoo a šomago ka kgahlego ya gagwe goba ya yona;
- (b) yoo a šomago ka kgahlego ya motho yo mongwe yoo a sego maemong a go nyaka thušo leineng la gagwe goba leineng la yona goba;
- (c) yoo a šomago bjalo ka leloko goba kgahlegong ya sehlopha goba legoro la batho, goba
- (d) yoo a šomago ka kgahlego ya setšhaba; goba
- (e) wa mokgahlo, woo o šomago go ya ka dikgahlego tša maloko a mokgahlo wona woo.

“Phethišene” ke go re e ka ba pelaelo, kgopelo, kemelo goba neelo yeo e lebišitšwego go Komiti ke mophethišene; gomme e ka tšea sebopego sa –

- (a) phethišene e tee, yeo e lego thomelo ya mong go tšwa go mophethišene o tee mabapi le pelaelo goba kgopelo ye e itšego; goba

- (b) phethišene ya mohlakanelwa, yeo e lego kgoboketšo ya ditshaeno go tšwa go palo ya baphethišene mabapi le pelaelo goba kgopelo ye e itšego; goba
- (c) boati goba sehlopha goba bontši bja diphethišene tšeo di hlamilwego ke e tee goba sehlopha sa dithomelo go tšwa go palo ya baphethišene mabapi le dillo goba dikgopelo tša go swana goba tša go swana swaniswani; goba
- (d) phethišene ya mokgahlo, yeo e lego thomelo ya mong go tšwa go mokgahlo, goba motho o tee yoo a laetšwego ke mokgahlo, mabapi le pelaelo goba kgopelo ye e itšego;

“Speaker” ke go re Speaker sa Lekgotlapeamelao la Profense seo se kgethilwego go ya ka karolo 111 ya Molaotheo.

Ditheo-kakaretšo tša Molao

- 2. (1) Komiti e swanetše go-
 - (a) tšea magato a maleba go hlohleletša le go sepediša tsenelo ka setšhaba mo tshepetšong ya pušo ka gare ga Profense, gagolo, ditšhaba tšeo pele di bego di tlogetšwe go tša dipolitiki, leago le tša ekonomi;
 - (b) hlatloša temokrasi ka go phethagatša boikarabelo le ntšhetšonyanyeng; le
 - (c) hlompha ditokelo tša baphethišene, le bao ba angwago ke phethišene.
- (2) Tokelo yeo e abelwago ke Molao wo e swanetše go phethagatšwa ka tsela yeo e lebanego le gona ya maswanedi.
- (3) Mophethišene o tla ba le tokelo ya go tliša phethišene ka leleme la semmušo leo a le kgethilego.

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- (4) Komiti e swanetše go netefatša gore batho goba dihlopha goba magoro a batho bao pele ba bego ba hlokišwa ka kgethollompe, ba ipshina ka tsenelo yeo e feletšego ka gare ga tshepetšo ya pušo.

Tlhommo ya Komiti

3. Komiti ya go bopša ke maloko a Lekgotlapeamelao, bjalo ka ge go beakanywa nako le nako ka Melawana-Kemo ya Lekgotlapeamelao ka gona e a hlongwa.

Tokelo ya go dira phethišene

4. (1) Go ya ka dipeakanyetšo tša Molao wo le molao ofe le ofe o mongwe, mophethišene o na le tokelo ya go lebiša phethišene go Komiti.
- (2) Tirelo-thekgo ya taolo ya Lekgotlapeamelao e swanetše go aba thušo go mophethišene wa maswanedi yo a ratago go romela phethišene go Komiti.

Maatlataolo a Komiti

5. (1) Speaker goba Modulasetulo goba motho ofe le ofe yoo a filwego maatla ke Speaker goba Modulasetulo o swanetše go amogela phethišene gomme a e lebiše go Komiti.
- (2) Komiti e swanetše go ela hloko phethišene ye nngwe le ye nngwe yeo e romelwago go yona go ya ka Molao wo.

Sebopego sa Phethišene

6. (1) Go ya ka karolwana (2), mophethišene o swanetše go romela phethišene ka tsela ya go ngwala, e ngwadilwe ka polelo ya semmušo yeo e ratwago ke mophethišene.

- (2) Komiti e ka dumelela mophethišene go tlaleletša phethišene ya go ngwalwa ka mokgwa wa go bolela.
- (3) Komiti e swanetše go, pele e ela phethišene hloko, rekhota le go ngwala fase tše di boletšwego tše go ukangwago ka tšona ka go karolwana (2).

Tebelelo ya phethišene yeo e rarollotšwego

7. Phethišene malebana le taba yeo go šetšego go tšerwe sephetho ka yona, ga ya swanelwa go lebelelwa ke Komiti, kante ga ge phethišene e tšweletša dintlha tše mpsha goba bohlatse bja maleba bjoo bo gapeletšago go lebelelwa lefsa ga taba.

Maatla le Mediro ya Komiti

8. (1) Komiti e swanetše go-
 - (a) lebelela phethišene, ka maikemišetšo a go fediša taba go kgotsofatša mophethišene; goba
 - (b) fao go kgonagalago, eletša mophethišene ka ga ditharollo tše dingwe tša maleba tše di lego gona.
- (2) Komiti e ka šišinya go lebišwa ga phethišene, ka moka goba seripa, go Speaker gore e lebelelwe ke yo mongwe le yo mongwe wa ditho goba batho ba ba latelago:
 - (a) Lekgotlapeamelao;
 - (b) Komiti-Kemo ya Lekgotlapeamelao;
 - (c) Leloko la Lekgotla-Phethišo la Profense;
 - (d) Lekgotla la Masepala la mmušo-selegae ka gare ga Profense; goba
 - (e) Institšušene yeo e thekgago temokrasi ya molaotheo yeo go bolelwago ka yona ka go Kgaolo 5 ya Molaotheo.

- (3) Ge phethišene e rometšwe go leloko la Lekgotla-Phethišo goba mmušo-selegae, Komiti e swanetše go -
- (a) kgopela karabo mo dibekeng tše nne tša thomelo; le
 - (b) laela motho goba setho seo phethišene e lebišitšwego go sona, go e lebelela, go tšea sephetho goba go dira tšhišinyo, goba go se go bjalo go fediša taba ka tsela e nngwe ya maleba go ya ka mabaka, le
 - (c) kgopela setho seo se hlagiše go Komiti pego yeo e hlalosago ka botlalo le go tšweletša mabaka a magato ao a tšerwego mo pakeng yeo e beilwego.
- (4) Ge Komiti e na le mogopolo wa gore maitshwaro a motho goba setho seo phethišene e rometšwego go sona, go ya ka karolo ye ga a kgotsofatše le gore mabaka a dumelela magato ona ao, Komiti e ka dira boipelaetšo go Institšušene ya Mmušo ya maleba, goba go tšea kgato ye nngwe ya maleba.
- (5) Go ya ka dipeakanyetšo tša Molao wo, ge go kgopetšwe go dira bjalo ke mophethišene, Komiti e ka tšea sephetho sa go rarolla kgakgano, goba go lokiša phošo yeo, ka tsela ya bolamodi, therišano goba go gomiša kgato yeo.
- (6) Komiti e ka dira tšhišinyo go motho goba setho ka lebaka la phethišene.
- (7) Komiti e ka ruma tebelelo ya yona ya phethišene ge e le gore Komiti e dumela gore -
- (a) ga go magato, goba ga go magato a tšwetšopele ao a ka go tšewa go rarolla taba; goba
 - (b) taba e rarollotšwe ka ge go kgopetšwe ke mophethišene.
- (8) Komiti e ka gana go lekodišiša phethišene ya go ngwalwa yeo -

- (a) e sa balegego; goba
 - (b) e sa tšweletšego leina le aterese ya kgokagano tša mophethišene; goba
 - (c) e se go ya saenwa ke mophethišene: Ge e le gore mophethišene yo a sa kgonego go ngwala o swanetše go dira leswao la gagwe godimo ga phethišene pele ga dihlatshe tše pedi, tšeo di swanetšego go saena phethišene legatong la gagwe.
- (9) Komiti e swanetše go gana go lebelela phethišene yeo e –
- (a) amago taba yeo e sekwago go kgorotsheko ya molao;
 - (b) tšwelelago go mogolegwa le gona e nyalelana le molato wa gagwe; goba
 - (c) amago morero woo o lego pele ga khomišene ya dinyakišišo le ditho tše dingwe tša maleba.
- (10) Ge e le gore Komiti e gana go lekodišiša phethišene ka ge go ukangwa ka go karolwana (9), Komiti e swanetše go fa mabaka a go ngwalwa ka go gana moo go mophethišene.
- (11) Komiti e swanetše go -
- (a) tliša dipego tša kotara tša ditebišo ka ge go ukangwa go dikarolwana (2) le (3) go Lekgotlapeamelao; le
 - (b) tsebiša mophethišene ka diphetho tša yona mabapi le phethišene ye e itšego le mabaka a gona, mo dibekeng tše nne.
- (12) Go ya ka dipeakanyetšo tša Molao wo, Komiti e ka, ka go rerišana le Speaker, laola ditshepedišo tša yona le go phethagatša mešomo ya yona ka tsela yeo e bonago e le maleba.

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Ditulo tša Komiti

9. (1) Komiti e ka, ka maikemišetšo a go hwetša bohlatse goba go ngangišana, dula ka nako le lefelo ka mo Profenseng, bjalo ka ge Modulasetulo a ka kgetha.
- (2) Bohlatse bjo bo filwego Komiti bo swanetše go theeletšwa phatlalatša, kantie ga ge Modulasetulo a ka laetša ka tsela ye nngwe.
- (3) Modulasetulo o swanetše go fa tsebišo ya phatlalatša ya ditulo ka moka tšeo di kgethilwego ke Melao-Kemo.

Dihlatse

10. (1) Ka maikemišetšo a go netefatša taba yeo e nyalelanago le morero wa yona ya nyakišišo, Komiti e ka –
- (a) tagafaletša motho go tsenela tulo ya Komiti, bjalo ka hlatse, ka maikemišetšo a go fa bohlatse, goba go tšweletša puku, tokumente goba selo sefe le sefe ge Komiti e se nyaka; goba
- (b) tagafaletša motho go tsenela tulo ya Komiti, bjalo ka hlatse, ka maikemišetšo a go fa bohlatse, goba go tšweletša puku, tokumente goba selo sefe le sefe pele ga komiti ka nako le lefelo leo le laeditšwego ka go tagafatšo.
- (2) Tagafatšo yeo e ukangwago go karolwana (1)(b) e swanetše go saenwa le go hlagišwa ke Modulasetulo, le go lebišwa go motho yoo a tagafaditšwego e ka ba ka lengwalo le le retšisetarilwego leo le rometšwego ka poso goba ka go išwa ke motho yo a filwego maatla a go dira seo ke Modulasetulo goba ka tsela e nngwe le e nngwe yeo e kgethilwego ke Speaker ka tsela ya Melao-Kemo.

- (3) Hlatse e swanetše go, pele ga go fa bohlatse, tšea keno goba go dira tiišetšo yeo e sepedišwago ke Modulasetulo goba leloko la Komiti, bjalo ka ge Modulasetulo a ka kgetha.
- (4) Motho yo a bego a tagafadišwe go tsenela tulo ya Komiti bjalo ka hlatse, goba yoo a filego bohlatse pele ga Komiti, o na amogela ditšhelete tša hlatse bjalo ka ge nke o be a tagafadišwe go tsenela, goba a file bohlatse go molato wa bosenyi go Kgorotshoko-Kgolo.

Melato

11. (1) Motho yo a tlogago a tagafadišwe go ya ka karolo 10 yoo, ka ntle ga lebaka la go kwagala a –
 - (a) palelwago ke go tsenela kopano ya Komiti ka nako le lefelo leo le laeditšwego ka go tagafalo; goba
 - (b) palelwago ke go hlwa a tsenetše kopano ya Komiti go fihla pheletšong ya nyakišišo pele ga Komiti goba go fihla ge a lokollwa ke Modulasetulo go tsenela go tšwela pele,

o tla bonwa molato.
- (2) Motho yo a biditšwego bjalo ka hlatse ka fase ga karolo 10 yoo, ntle le lebaka le le kwagalago a -
 - (a) ganago go anišwa goba go dira tiišetšo bjalo ka hlatse morago ga go kgopelwa go dira bjalo ke Modulasetulo;
 - (b) morago ga go dira kano goba go dira tiišetšo, a palelwa ke go araba ka botlalo goba ka mo go kgotsofatšago potšišo efe le efe yeo e beilwego semolao pele ga gagwe;
 - (c) morago ga go dira kano goba go dira tiišetšo, a fa bohlatse bja maaka pele ga Komiti ka taba, a tseba gore bohlatse ke maaka goba a sa dumele gore ke nnete;

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- (d) palelwago ke go tšweletša puku, tokumente goba selo seo a nago le sona goba a se swerego goba se lego ka fase ga taolo ya gagwe, seo a boditšwego gore a se tšweletše; goba
- (e) šomišago polelo ya maroga goba a itshwara ka tsela ya lenyatšo;

o tla bonwa molato.

(3) Motho yo -

- (a) a tšhošetšago, thibelago goba a huetšago hlatse ka mokgwa o sa lokago go ikaroganyana le go fa bohlatse goba go fa bohlatse bja maaka pele ga Komiti;
- (b) a tšhošetšago, thibelago goba a huetšago hlatse ka mokgwa o sa lokago go tšweletša pampiri, puku, rekoto, goba tokumente pele ga Komiti;
- (c) ka maikemišetšo a go nyatša Komiti, a tšweletša pele ga Komiti pampiri, puku, rekoto goba tokumente ya maaka, e se go rine, maitirelo a go fora;
- (d) a senyago goba go uta puku, tokumente goba selo seo go ya ka tsebo ya gagwe se ka go thuša Komiti ka taba efe le efe yeo e amanago le morero wa nyakišišo ya yona; goba
- (e) ka maikemišetšo a fago Komiti tshedimošo, goba go dira setatemente pele ga yona, seo e lego sa maaka goba se timetša;

o tla bonwa molato.

Dikotlo

12. Motho yo a latofatšwago ka molato go ya ka karolo 11, o lebanwe ke tefo goba kgolego ya paka yeo e sa fetego dikgwedi tše 12 goba tefo le kgolego ka bobedi bja tšona.

Tshwaro ya dipuku, ditokumente goba dilo ke Komiti

13. Komiti e ka swara, paka yeo e bonalago morago ga tulo, puku, tokumente goba selo seo e se kgopetšego goba e laetšego motho go se tšweletša go ya ka karolo 10 le go ntšha rasiti ya selo seo.

Kabelo ya maatla ke Komiti

14. (1) Komiti e ka abela maatla a yona go Leloko goba Maloko a Komiti goba Maloko a mangwe a Lekgotlapeamelao; ge e le gore -
- (a) maloko ao a se bego ka fase ga a mabedi a swanetše go sepediša tulo efe le efe; le gore
- (b) maloko e swanetše go ba baemedi ba diphathi tša dipolitiki.
- (2) Modulasetulo o swanetše go neela maloko ao go bolelwago ka ona go karolwana (1) ka tumelelo yeo e ngwadilwego le gona e saennwe.
- (3) Go fetšeng tulo goba ditulo, leloko leo go bolelwago ka lona go karolwana (1) le swanetše go bega dikutollo tša lona go Komiti.
- (4) Ga go seo se tlogo thibela Komiti go diragatša maatla ao a abetšwego batho bao go bolelwago ka bona go karolwana (1).

Maikarabelo go Lekgotlapeamelao

15. (1) Komiti e swanetše go beakanya pego ya kotara ka phethišene ye nngwe le ye nngwe yeo e e rarollotšego, e e tliše go Lekgotlapeamelao go lebelelwa.
- (2) Komiti e swanetše go beakanya pego ya go ngwalwa ya ngwaga ya mediro ya yona go Lekgotlapeamelao.

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- (3) Pego yeo e ngwadilwego ya ngwaga ya Komiti e swanetše go beakanyetša tekolo ya phetolo, bokgoni le bjako bjoo diphethišene tše go bolelwago ka tšona ka fase ga karolo 8(2) di rarollotšwego.
- (4) Lekgotlapeamelao le ka bušetša morago taba ya go tšwa go pego ya Komiti go Komiti go lebelelwa lefsa.

Tirelo-Thekgo ya Taolo

16. Mongwaledi o swanetše go fa thekgo ya taolo go Komiti, go e kgontšha go phethagatša mešomo le mediro ya yona.

Ditshepedišo tše amanago le diphethišene

17. (1) Tirelo ya thušo ya taolo e swanetše go -
 - (a) ngwadiša phethišene ye nngwe le ye nngwe yeo e amogelwago ka go retšisetara ya diphethišene le go boloka retšisetara ya dipuku, ditokumente le dilo ka moka tšeo di swerwego go ya ka karolo (13);
 - (b) bulela phethišene ye nngwe le ye nngwe faele,
 - (c) go ya ka Karolo 4(2) ya Molao wo, beakanyetša phethišene ye nngwe le ye nngwe yeo e amogetšwego go lekodišišwa ke Komiti, yeo e ka go akaretša -
 - (i) phošollo, ge go kgonega, go netefatša gore phethišene e sepelelana le dipeakanyetšo tša Molao wo; le
 - (ii) phetolelo ya phethišene;
 - (d) beakanya lenaneo le le tletšego la diphethišene tše di šaletšego tšeo di lebišitšwego go Lekgotlapeamelao le go bona gore di gona go tulo efe le efe ya Komiti; le
 - (e) tliša phethišene yeo e beakantšwego ka fase ga temana (c) go Modulasetulo, yoo a swanetšego go ala phethišene mo kopanong ya Komiti go lebelelwa mo dibekeng tše pedi tša

tšatšikgwedi yeo Modulasetulo a amogetšego phethišene ge Ngwako o dula.

- (2) Komiti e swanetše go tsebiša mophethišene dibekeng tše nne tša tšatšikgwedi yeo phethišene e adilwego ka lona ka -
 - (a) tsela yeo phethišene e šogilwego ka gona; le
 - (b) lebaka la gore ke ka baka la eng e šogwa ka tsela ya mohuta woo.
- (3) Mophethišene a ka gomiša phethišene: Ge e le gore Komiti e bona taba e le bohlokwa setšhabeng, e ka tšwela pele go tšea magato ka pelaelo goba kgopelo ka morago ga go e gomiša.
- (4) Komiti e swanetše go, morago ga go fetša ka tebelelo ya yona ya phethišene go ya ka karolo 8(7), tliša faele ya diphethišene le tšhišinyo ya yona go Speaker.
- (5) Morago ga go tliša phethišene go ya ka karolwana (4), Speaker o swanetše go tsinkela dikagare tša faele mo dibekeng tše pedi.
- (6) Leloko la Lekgotlapeamelao le na le tokelo ya go tsinkela faele le tšhišinyo ya Komiti.
- (7) Leloko la Lekgotlapeamelao le ka ganetša tswalelo ya faele, gomme le swanetše go tšweletša mabaka a kganetšo yeo.
- (8) Speaker a ka lebiša faele go Komiti go -
 - (a) lebelelwa lefsa; goba
 - (b) tswalelwa.
- (9) Speaker a ka tlaletša tshepedišo ye ka tsela ya Melawana-Kemo le Ditaelo.

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Melao-Kemo

18. Speaker o swanetše go dira Melao-Kemo yeo e nyakegago go diragatša dipeakanyetšo tša Molao wo.

Thaetlele e kopana le go thoma

19. Molao wo ke Molao wa Diphethišene wa Limpopo, 2003 gomme o thoma go šoma morago ga kgatišo ka go Kuranta ya Profense.

NDIVHADZO YA VUNDU

OFISI YA PREMIA

No. 2

4 February 2005

Hu khou divhadzwa henefha uri Premia o tendela Mulayo u tevhelaho une wa khou anqadziwa uri u divhiwe nga vhothe:—

No. 4 wa 2003: Mulayo wa Dziphethishini wa Vundu la Limpopo, 2003

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MULAYO

Wa u vhetshela u itela pfanelo dza u swikisa phethishini kha Vhusimamilayo ha Vundu ha Limpopo; u vhea maga nyangaredzi na matshimbidzele u itela u shelamulenzhe ha vhathu kha kutshimbidzele kwa muvhuso kha Vundu; u vhetshela u itela u thomiwa na mishumo ya Komiti ya Tshothe ya Vhusimamilayo i kwameaho yo hweswaho u shumana na dziphethishini; na u vhetshela u itela mafhungo a tutshelanaho na zwenezwo.

(Tshipiḁa tsha Tshiisimane tsho sainwaho nga Premia)
(Tsho ḁivhadzwa kha nga la 15-12-2004)

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Limpopo, nga u rali:-

Dzithandavhudzo

1. Kha uyu Mulayo, nga nnda ha musu zwi re ngomu zwi tshi nga sumbedza nga inwe ndila –

“Komiti” zwi amba Komiti i tshimbilelanaho ya Vhusimamilayo ha Vundu yo thomiwaho hu tshi tevhedzwa khethekanyo 3; yo hweswaho u shumana na dziphethishini

“Khorotshitumbe” zwi amba khorotshitumbe ya Vundu sa zwo laedzwaho kha khethekanyo 132 ya Ndayotewa;

“Mudzulatshidulo” zwi amba mudzulatshidulo wa Komiti;

“Mulangadzulo” zwi amba Mulangadzulo wa Vhusimamilayo ha Vundu o khethwaho hu tshi tevhedzwa khethekanyo 111 ya Ndayotewa;

“Munwaleli” zwi amba muthu o vhwaho hu tshi tevhedzwa khethekanyo 12(1)(a) ya Mulayo wa Tshumelo ya Vhusimamilayo ha Vundu la Devhula, 1997 (Mulayo No. 3, 1997);

“Muphethishina” zwi amba muthu we a livhisa phethishini kha Komiti, nahone zwi katela muimeleli zwawe kana muthu wa mulayo –

- (a) a imelaho kha dzangalelo lawe kana latsho;
- (b) a imelaho u itela dzangalelo la munwe muthu ane a nga si kone u di todela thandululo nga dzina lawe kana latsho;
- (c) a imelaho sa murado wa kana u itela dzangalelo la tshigwada kana kilasi ya vhathu; kana
- (d) a imelaho kha dzangalelo la vhathu;
- (e) wa dzangano, a imelaho kha dzangalelo la mirado vha lenelo dzangano;

“Murado” zwi amba murado wa Vhusimamilayo o khethwaho kha tshidulo kha Vhusimamilayo hu tshi tevhedzwa khethekanyo dza 105 na 106 dza Ndayotewa;

“Muvhuso Wapo” zwi amba muvhuso wapo kha Vundu sa zwo laedzwaho kha khethekanyo dza 151 na 155 dza Ndayotewa;

“Ndayo dzo Imaho” zwi amba ndayo dzo imaho, ndaulo kana ndaela do itwaho hu tshi tevhedzwa khethekanyo 116 ya Ndayotewa u itela u farwa ha mishumo ya Vhusimamilayo ha Vundu;

“Ndayotewa” zwi amba Ndayotewa ya Riphabuliki ya Afrika Tshipembe, 1996 (Mulayo No. 108 wa 1996);

“Phethishini” zwi amba mbilaelo, kana khumbelo, kana vhuimeleli kana tswikiso yo livhiswaho nga muphethishina kha Komiti nahone i nga dzhia tshivhumbeo tsha –

- (a) phethishini nthihi, ine ya vha tswikiso ya muthu muthihi u bva kha muphethishina muthihi malugana na mbilaelo kana khumbelo yeneyo; kana
- (b) phethishini i katelaho, ine ya vha khuvhanganyo ya dzitsaino dzi bvaho kha nomboro ya vhaphethishina malugana na mbilaelo kana khumbelo yeneyo; kana
- (c) nyandisedzo kana tshigwada kana vhunzhi ha phethishini, yo vhumbiwaho nga tswikiso dza muthu kana tshigwada u bva kha nomboro ya vhaphethishina malugana na mbilaelo kana khumbelo dzi fanaho kana dzi yelanaho; kana
- (d) phethishini ya dzangano, ine ya vha tswikiso ya muthu muthihi u bva kha dzangano, kana muthu o newaho maanda nga dzangano, malugana na mbilaelo kana khumbelo yeneyo;

“Vhusimamilayo” zwi amba Vhusimamilayo ha Vundu sa zwo laedzwaho kha khethekanyo 104 ya Mulayotewa;

“Vundu” zwi amba Limpopo lo thomiwaho hu tshi tevhedzwa khethekanyo 103 ya Ndayotewa;

“Zwiimiswa zwa Muvhuso” zwi amba zwiimiswa zwi tikedzaho mulayotewa wa demokirasi sa zwo thomiwaho nga khethekanyo 181 ya Mulayotewa.

Maga nyangaredzi a Mulayo

2. (1) Komiti i tea u –
 - (a) dzhia maga o teaho u tutuwedza na u leludza kha u shela mulenzhe nga vhathu kha kushumele kwa mavhusele kha Vundu, nga maanda, kha tshitshavha tshe kale, lwa polotiki, matshilele, na lwa ekonomi tsha vha tsho siwa nnda;
 - (b) alusa demokirasi nga u ita vhudifhinduleli na u vha khagala lwo fhelelaho; na
 - (c) u thonifha pfanelo dza vhaswikisi vha phethishini na avho vha kwa-meaho nga phethishini.
- (2) Maanda o hweswaho nga uyu Mulayo a do shumiswa nga ndila i Pfadzaho nahone i tikedzeaho.

- (3) Muphethishina u do vha na pfanelo ya u swikisa phethishini i kha luambo lune muphethishina a funa.
- (4) Komiti i tea u vhona uri vhathu kana zwigwada kana lushaka lwa vhathu vhe kale vha vha vho tsikeledzea nga khethululo i si ya vhudi, vha diphine nga u shela mulenzhe lwo fheielaho kha kushumele kha mavhusele.

U Thomiwa na Mbumbo ya Komiti

3. Komiti yo vhumbwa nga mirado vha Vhusimamilayo, sa zwo tiwaho u bva kha tshifhinga u ya kha tshifhinga nga Ndayo dzo Imaho dza Vhusimamilayo, afha i khou thomiwa.

Pfanelo ya u ita phethishini

4. (1) Hu tshi tevhedzwa mbetshelo dza uyu Mulayo na mulayo munwe na munwe-vho, muphethishina u na pfanelo ya u livhisa phethishini kha Komiti.
- (2) Tshumelo ya thikhedzo ya ndaulo ya Vhusimamilayo i tea u netshedza thikhedzo kha muphethishina o bvelelaho a todaho u swikisa phethishini kha Komiti.

Maanda a mulayo a Komiti

5. (1) Mulangadzulo kana Mudzulatshidulo kana muthu munwe na munwe o laedzwaho nga Mulangadzulo kana Mudzulatshidulo u tea u tanganedza na u i livhisa kha Komiti.
- (2) Komiti i tea u sedzulusa phethishini inwe na inwe yo livhiswaho khayoy hu tshi tevhedzwa uyu Mulayo.

Mbonalo ya phethishini

6. (1) Hu tshi tevhedzwa khethekanyothukhu (2), muphethishina u tea u swikisa phethishini nga u tou nwala, yo nwalwa nga luamba lwa tshiofisi lu takalelwaho nga muphethishina.
- (2) Komiti i nga tendela muphethishina a tshi engedzedza phethishini yo tou nwalwaho nga tswikiso dza mulomo.
- (3) Musi i sa athu u tanganedza phethishini, Komiti i tea u rekhoda na u isa kha u tou nwala tswikiso dza mulomo dzo laedzwaho kha khethekanyothukhu (2).

Tsedzuluso ya phethishini yo dzudzanyiwaho

7. Komiti a i nga sedzulusi phethishini i re malugana na fhungo, nga nda ha musi phethishini yeneyo i tshi netshedza maga maswa kana vhumanzi vhu elanaho vhune ha tikedza u sedzuluswa hafhu ha fhungo.

Maanda na Mishumo ya Komiti

8. (1) Komiti i tea u –
- (a) sedzulusa phethishini, hu na muhumbulo wa u ladza fhungo lu fushaho muphethishina; kana
 - (b) hune zwa konadzea, i eletshedze muphethishina nga ha thuso dzinwe dzo teaho dzi re hone.
- (2) Komiti i nga themendela ndivhiso ya phethishini, yothe kana tshipida, kha Mulangadzulo u itela tsedzuluso nga munwe wa vhathu kana zwivhili zwi tevhelaho:
- (a) Vhusimamilayo;
 - (b) Komiti ya Tshothe ya Vhusimamilayo;
 - (c) murado wa Khorotshitumbe wa Vundu;
 - (d) Khoro ya Masipala wa muvhuso wapo kha Vundu; kana
 - (e) tshiimiswa tshi tikedzaho ndayotewa wa demokirasi wo bulwaho kha Ndima 9 ya Ndayotewa.
- (3) Arali phethishini yo livhiswa kha murado wa Khorotshitumbe kana Muvhuso Wapo, Komiti i tea u –
- (a) humbela phindulo ngomu ha vhege nna dza ndivhiso; na
 - (b) u laedza muthu kana tshivhili tshine phethishini yo livhiswa khatsho, u itela u i sedzulusa phethishini, u nea tsheo kana themendelo, kana nga inwe ndila u shumana na fhungo nga ndila inwe na inwe yo teaho kha nyimele,
 - (c) humbela tshenetsho tshivhili uri tshi neye Komiti muvhigo u dodombedzaho, na u nea zwiitisi zwa maga e a dzhiwa ngomu ha tshifhinga tsho bulwaho.
- (4) Arali Komiti i na muhumbulo wa uri vhudifari ha muthu kana tshivhili tshe phethishini ya livhiswa khatsho hu tshi tevhedzwa iyi khethekanyo (3), a vhu fhushi nahone maimela a swikisa kha vhukando honoho, Komiti i nga ita mbilahelo na Tshiimiswa tsha Muvhuso tsho-teaho, kana ya dzhia vhumanze vhukando ho teaho.
- (5) Hu tshi tevhedzwa mbetshelo dza uyu Mulayo, arali yo humbelwa uri i ite ngauralo nga muphethishina, Komiti i nga fhelisa phambano, kana u khakhulula zwo siedzwaho, nga ndila ya vhulamuli, nyambedzano kana u humisa nyito.

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- (6) Komiti i nga ita themendelo kha muthu kana tshivhili yo ditika nga phethishini.
- (7) Komiti i nga fhedza tzedzuluso dzayo dza phethishini arali Komiti na muhumbulo wa uri –
- (a) a huna maga, kana a huna manwe maga, ane a nga dzhiwa kha u ladza fhungo; kana
- (b) fhungo lo no ladzwa sa zwo humbelwaho nga muphethishina.
- (8) Komiti i nga hana u sedzulusa phethishini yo tou nwaliwaho ine –
- (a) a i vhalei; kana
- (b) a i sumbedzi dzina na diresi ya vhukwamani ya muphethishina; kana
- (c) a yo ngo sainiwa nga muphethishina; nga nda ha hune muphethishina a sa kone u nwala phethishini yeneyo, u tea u vhea luswayo lwawe kha phethishini hu na thanzi mbili, vhane vha tea u saina phethishini yeneyo kha vhuimo honoho.
- (9) Komiti i tea u hana u sedzulusa phethishini ine –
- (a) ya yelana na mafhungo li sa athu u fhela kotho ya mulayo;
- (b) ya bva kha tshivhotshwa nahone i kwamanaho na mulandu watsho; kana
- (c) ya kwama thoho ya fhungo line la vha phanda ha khomishini ya tzedzuluso kana zwinwe zwiivhili zwi tshimbilelanaho.
- (10) Kha sia line Komiti ya hana u sedzulusa phethishini sa zwo laedzwaho kha khethekanyo thukhu (9), Komiti i tea u nea zwiitisi zwo tou nwalwaho zwa u haniwa kha muphethishina.
- (11) Komiti i tea u –
- (a) netshedza mivhigo ya kotara ya phirisela sa zwo laedzwaho kha khethekanyothukhu (2) na (3) kha Vhusimamilayo; na
- (b) u divhadza muphethishina nga ha tsheo dzayo na zwiitisi malugana na phethishini yeneyo, ngomu ha vhege nna.
- (12) Hu tshi tevhedzwa mbetshelo dza hoyu Mulayo, Komiti i nga ri hu na vhukwamani na Mulangadzulo, ya laula matshimbidzele ayo na u ita mishumo yayo nga ndila ine ya vhona zwo tea.

Madzulo a Komiti

9. (1) Komiti i nga, u itela ndivho ya u wana vhutanzi kana u itela mahumbulwa, dzula nga tshifhinga nahone fhethu kha Vundu sa zwine Mudzulatshidulo a nga ta.

- (2) Vhutanzi vhu netshedzwaho Komiti vhu tea u pfiwa nga vhathu, nga nnda ha musu Mudzulatshidulo a tshi nga ta nga inwe ndila.
- (3) Mudzulatshidulo u tea u nea ndivhadzo ya nnyi na nnyi nga ha madzulo othe o tiwaho nga Ndayo dzo Imaho.

Dzithanzi

- 10. (1) U itela ndivho ya u wana vhutanzi ha fhungo malugana na thero ya tsezuluso yayo, Komiti i nga
 - (a) vhidza muthu uri a dzhenele dzulo la Komiti, sa thanzi u itela u netshedza vhutanzi, kana u bvisa bugu inwe na inwe, linwalo kana tshithu, phanda ha Komiti nga Tshifhinga na fhethu ho bulwaho kha ndivhadzambulandu; kana
 - (b) hwelela mulandu muthu uri a dzhenele dzulo la Komiti, sa thanzi u itela u nea vhutanzi, kana u bvisa bugu inwe na inwe, linwalo kana tshithu aril Komiti i tshi khou tshi toda.
- (2) Dagafala yo laedzwaho kha khethekanyothukhu (1) i tea u sainiwa na u bviswa nga Mudzulatshidulo, na u netshedzwa kha muthu o vhidzwaho naho hu nga lunwalo lwo ridzhisitariwaho lwo rumelwaho nga poso kana nga muthu o laedzelwaho zwenezwo nga Mudzulatshidulo kana nga ndila inwe na inwe yo tiwaho nga Mulangadzulo nga tshivhumbeo tsha Ndayo dzo Imaho.
- (3) Thanzi i tea u, i sa athu u nea vhutanzi, ita muano kana u ita khwathisedzo i laulwaho nga Mudzulatshidulo kana murado onoyo kana mushumeli wa Komiti, sa zwine Mudzulatshidulo a nga laedza.
- (4) Muthu o vhidzwaho u dzhenela dzulo la Komiti sa thanzi kana we a netshedza vhutanzi phanda ha Komiti u na pfanelo ya tshedele ya thanzi i fanaho na ya muthu o vhidzelwaho u dzhenela kana o netshedzaho vhutanzi kha mulandu wa vhugevhenga kha Khothe Khulu.

Vhukhaki

- 11. (1) Muthu o itelwaho dagafala lwo teaho hu tshi tevhedzwa khethekanyo 10 we hu si na zwiitisi zwi fushaho-
 - (a) a kundelwa u dzhenela mutangano wa Komiti nga tshifhinga na fhethu ho bulwaho kha dagafala; kana
 - (b) a kundelwa u dzula o dzhenela mutangano wa Komiti u swika mafheleloni a tsezuluso phanda ha Komiti kana u swikela a tshi vhofoholwa nga Mudzulatshidulo kha u dzhenela a tshi ya phanda, u do vha na na mulandu wa vhukhaki.

- (2) Muthu o vhidzwaho sa thanzi fhasi ha khethekanyo 10, we, hu si na zwiitisi zwi fushaho a –
- (a) hana u aniswa kana u ita khwathiisedzo sa thanzi nga murahu ha musu o humbelwa uri a ite nga u ralo nga Mudzulatshidulo; kana
 - (b) nga murahu ha musu o no anisiwa kana o no ita khwathisedzo, a kundelwa u nea phindulo lwo fhelelaho nahone lu fushaho kha mbudziso inwe na inwe yo vhudziswa lwa mulayo kha ene; kana
 - (c) nga murahu ha musu o no anisiwa kana o no ita khwathisedzo, a nea vnutanzi ha u zwifha phanda ha Komiti kha fhungo, a tshi zwi divha zwa uri vnutanzi ndi ha mazwifhi kana a sa tendi uri ndi ha vhukuma; kana
 - (d) a kundelwa u bvisa bugu, linwalo kana tshithu tshine a vha na tsho kana vhuundi kana tshi re fhasi ha vhulanguli hawe, tshene a vhudzwa uri a tshi bwise; kana
 - (e) shumisa luambo lu vhaisho kana a na mikhwa i so ngo daho, u do vha na mulandu wa vhukhaki.
- (3) Muthu ane a –
- (a) shushedza, thivhela kana lu so ngo fanelaho a tutuwedza thanzi kha u litsha u netshedza vnutanzi kana u netshedza vnutanzi ha u zwifha phanda ha Komiti; kana
 - (b) a shushedza, thivhela kana lu so ngo fanelaho a tutuwedza thanzi kha u bvisa bammbiri, bugu, rekhodo kana linwalo phanda ha Komiti; kana
 - (c) hu na muhumbulo wa u xedza Komiti, a bvisa phanda ha Komiti bammbiri, bugu, rekhodo kana linwalo li si lone, lo khakheaho lo itelwaho uri li xedze; kana
 - (d) a tshinyadza kana a dzumba bugu, linwalo kana tshithu tshine kha ndivho yawe tshi nga vha na thikhedzo kha Komiti kha fhungo linwe na linwe malugana na thero ya tzedzuluso yayo kana;
 - (e) o diimisela a nea Komiti mafhungo, kana a ita tshitamennde phanda hayo, tsho khakheaho kana tshi xedzaho; u do vha na mulandu wa vhukhaki.

Dzindatiso

12. Muthu o wanwaho mulandu wa vhukhaki hu tshi tevhedzwa khethekanyo 11, u tewa nga khwalo ya faini kana u valelwa dzhele lwa tshifhinga tshi sa fhirihho minwedzi ya 12, kana zwothe, faini yeneyo na u valelwa honoho.

U vhulungwa ha dzibugu, manwalo kana zwithu nga Komiti

13. Komiti i nga vhulunga, lwa tshifhinga tshi pfa dzaho nga murahu ha dzulo, bugu, linwalo kana tshithu tshe tsha bviswa hu tshi tevhedzwa khethekanyo 10 na u bvisa rasiti ya bugu, linwalo kana tshithu tshenetsho.

U hweswa ha maanda nga Komiti

14. (1) Komiti i nga hwesa maanda ayo kha Murado kana Mirado vha Komiti kana vhanwe Mirado vha Vhusimamilayo; Tenda-
- (a) ha vha hu uri mirado vha siho fhasi ha vhavhili vha tea u tshimbidza dzulo linwe na linwe; na
- (b) zwauri mirado vha tea u vha vhaimелеli vha mahoro a politiki.
- (2) Mudzulatshidulo u tea u netshedza mirado vho bulwaho kha khethekanyothukhu (1) ndaela yo tou nwalwaho nahone yo sainiwa.
- (3) Mirado vho bulwaho kha khethekanyothukhu (1) vha tea uri magumoni a dzulo kana madzulo, vha netshedze mawanwa a mivhigo yavho kha Komiti.
- (4) Komiti a i nga do thivhelwa kha u shumisa maanda o hweswaho kha vhatu vho bulwaho kha khethekanyothukhu (1).

Vhudifhinduleli kha Vhusimamilayo

15. (1) Komiti i tea u dzudzanya muvhigo wa kotara wa phethishini inwe na inwe ye ya ita khathulo khayoy, na u swikisa kha Vhusimamilayo u itela tsedzuluso.
- (2) Komiti i tea u dzudzanya na u netshedza muvhigo wa nwaha wo tou nwalwaho wa mishumo yayo kha Vhusimamilayo.
- (3) Muvhigo wa nwaha wo tou nwalwaho wa Komiti u tea u vhetshela u itela u pima vhudifhinduleli, vhukoni na tshifhinga tshine khatsho phethishini dzo bulwaho fhasi ha khethekanyo 8(2), dza vha dzo ladziwa.
- (4) Vhusimamilayo vhu nga humisela fhungo li bvaho kha muvhigo wa Komiti murahu kha Komiti u itela tsedzuluso hasfhu.

Tshumelo ya Thikhedzo ya Ndaulo

16. Munwaleli u tea u netshedza thikhedzo ya ndaulo kha Komiti u itela uri Komiti i kone u shuma mishumo na ndivhanele dzayo.

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Matshimbidzele malugana na dziphethishini

17. (1) Tshumelo ya thikhedzo ya ndaulo i tea u –
- (a) ridzhisitara phethishini inwe na inwe yo tangedzwaho kha ridzhisitara ya phethishini na u vhulunga redzhisitara ya bugu dzothe, manwalwa na zwithu zwo vhwaho hu tshi tevhedzwa khethekanyo 13;
 - (b) vula faila ya phethishini inwe na inwe,
 - (c) hu tshi tevhedzwa khethekanyo 4 ya uyu Mulayo, lugisela phethishini inwe na inwe yo tangedzwaho u itela u sedzuluswa nga Komiti, zwine zwi nga katela –
 - (i) ndulamiso, arali zwo tea, u itela u vhona uri phethishini i tshimbilelane na mbetshelo dza uyu Mulayo; na
 - (ii) u pindulelwa u ya kha lunwe luambo ha phethishini;
 - (d) dzudzanya mutevhe wo fhelelaho wa phethishini dzo salelaho dzo livhiswaho kha Vhusimamilayo na u ita uri u vhe hone kha mutangano munwe na munwe wa Komiti; na
 - (e) u swikisa phethishini yo dzudzanyiwaho fhasi ha phara (c) kha Mudzulatshidulo, ane a tea u vhea tafulani phethishini kha mutangano wa Komiti u itela tsedzuluso ngomu ha vhege mbili dza datumu ye ngayo Mudzulatshidulo a tangedza phethishini.
- (2) Komiti i tea u divhadza muphethishina ngomu ha vhege nna dza datumu ye ngayo phethishini ya vhwaha tafulani nga ha –
- (a) ndila ine ngayo phethishini ya khou shumaniwa nayo; na
 - (b) zwiitisi zwa uri ndi ngani i tshi khou shumaniwa nayo nga ndila yeneyo.
- (3) Muphethishina a nga humisa phethishini: Fhedzi arali Komiti i tshi khou vhona fhungo la hone li kha dzangalelo la vhathu, Komiti i nga kha di bvela phanda na u dzhia vhukando kha mbilahlalo kana khumbelo phanda nga murahu ha u humisiwa ha phethishini.
- (4) Komiti i tea u, nga murahu ha u fhedza tsedzuluso yayo ya phethishini hu tshi tevhedzwa khethekanyo 8(7), ya swikisa faila ya phethishini na themendelo dzayo kha Mulangadzulo.
- (5) Nga murahu ha u swikiswa ha phethishini hu tshi tevhedzelwa khethekanyothukhu (4), Mulangadzulo u tea u sedzulusa zwi re ngomu ha faela ngomu ha vhege mbili musi Ndu i tshi khou dzula.
- (6) Murado wa Vhusimamilayo o tewa nga u seeulusa faela na themendelo ya Komiti.
- (7) Murado wa Vhusimamilayo a nga hanedza u valiwa ha faela nahone u tea u nea muhumbulo wa uho u hana .

- (8) Mulangadzulo a nga livhisa faela kha Komiti u itela
 - (a) tsezuluso hafhu; kana
 - (b) u vala.

- (9) Mulangadzulo a nga dadzisa aya matshimbidzele a tshi tevhedza Ndayo dzo Imaho.

Ndayo dzo Imaho

18. Mulangadzulo a nga ita Ndayo dzo Imaho dzi todeaho u itela u bvedza mbetshelo dza uyu Mulayo.

Dzina lipfufhi na mathomo

19. Uyu Mulayo u vhidzwa u pfi Mulayo wa Dziphethishini wa Vundu la Limpopo, 2003 nahone u thoma u shuma nga datumu i no do tiwa nga Premia nga nyandadzo kha *Gazethe*.

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XITIVISO XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 2

4 February 2005

Ku tivisiwa leswaku Holobyenkulu u pfumerile Nawu lowu wu ladzelaka lowu laha wu tivisiwaka leswaku wu ta tiviwa hi mani na mani:—

No. 4 wa 2003: Nawu wa Swirilo/Swikombelo wa Xifundzankulu xa N'walungu, wa 2003

NAWU

Wo endla makungu ya mfanelo yo nyiketa xirilo/xikombelo eka Mfumo wa Milawu wa Xifundzankulu; wo andlala minsinya na maendlele ya ku hoxa xandla ka mani na mani hi ku angarhela eka mafambisele ya mfumo eka Xifundzankulu; wo endla makungu ya mintirho leyi yelanaka ya Komiti ya Nkarhi Hinkwawo ya Mfumo wa Milawu leyi nga nyikiwa ku tirhana na swirilo/swikombelo; na ku endla makungu ya timhaka leti yelanaka na tona.

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 15-12-2004)*

Mfumo wa Milawu wa Xifundzankulu xa N'walungu WU VEKA NAWU hi ndlela leyi landzelaka:-

Tinhlamuselo

1. Eka Nawumbisi lowu, handle kaloko nhlamuselo yi komba swin'wana-

"Huvonkulu" ri vula huvonkulu ya xifundzankulu tani hilaha swi languteriwaka eka xiyenge xa 132 xa Vumbiwa;

"Komiti" ri vula Komiti leyi nga yona ya Mfumo wa Milawu wa Xifundzankulu leyi languteriwaka ehansi ka xiyenge xa 3 leyi nyikiweke ku tirhana na swirilo/swikombelo;

"Matsalani" ri vula munhu loyi a nga thoriwa hi ku landza xiyenge xa 12(1)(a) xa Nawu wa Vutirheli wa Xifundzankulu xa N'walungu (Nawu wa 3 wa 1997);

"Mavandla ya Mfumo" swi vula mavandla ya mfumo lama ya seketelaka demokirasi ya ya vumbiwa tani hileswi swi vuriweke hi xiyenge xa 181 xa Nawu wa Vumbiwa.

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“Mfumo wa Milawu” swi vula Mfumo wa Milawu wa Xifundzankulu wa xifundzankulu lowu languteriwaka eka xiyenge xa 104 xa Vumbiwa;

“Mfumo wa Ndhawu” swi vula mbango wa ndhawu wa mfumo eka xifundzankulu tani hilaha swi languteriwaka eka swiyenge swa 151 na 155 swa Vumbiwa;

“Milawu ya Makanelele” swi vula milawu ya makanelele kumbe swileriso leswi nga endleriwa ku fambisa timhaka ta Mfumo wa Milawu wa Xifundzankulou hi ku landza xiyenge xa 116 xa Vumbiwa;

“Murili/mukomberi” ri vula munhu loyi a nga kongomisa xirilo/xivilelo eka Komiti, na ku wa ndhavuko kumbe munhu wa xinawu-

- (a) Loyi a yimelaka yena kumbe ku tsakela ka xona; kumbe
- (b) Loyi a yimelaka ku tsakela eka munhu un'wana loyi a nga riki eka xiyimo xo kota ku kumba ku pfuniwa eka yena kumbe hi vito ra xona; kumbe
- (c) Loyi a yimelaka tani hi xirho xa kumbe eka ku tsakela ka ntlawa kkumbe ntlawa wa vanhu; kumbe
- (d) Loyi a yimelaka ku tsakela ka mani na mani;
- (e) ku tsakela ka swirho swa nhlango;

“Mutshami wa xitulu” swi vula mutshami wa xitulu wa Komiti;

“Vumbiwa” ri vula Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996);

“Xifundzankulu” ri vula Xifundzankulu xa N'walungu lexi simekiweke hi ku landza xiyenge xa 103 xa Vumbiwa;

“Xipikara” ri vula Xipikara xa Mfumo wa Milawu wa Xifundzankulu lexi nga hlawuriwa hi ku landza xiyenge xa 111 xa Vumbiwa;

“Xirho” ri vula xirho xa Mfumo wa Milawu lexi nga hlawuriwa ku va eka Mfumo wa Milawu hi ku landza swiyenge swa 105 na 106 swa Vumbiwa; na

“Xirilo/xikombelo” ri vula xirilo kumbe xikombelo kumbe xivilelo kumbe manhlomulo lawa ya tsariweke hi murili/vileri a tsalela Komiti, naswona swi nga ha teka xivumbeko xa-

- (a) xirilo/xivilelo xin’we, lexi ma nga mahlomulo ya un’we lawa ya humaka eka murili/mukomberi un’we xi ri karhi xi khumba xirilo xo karhi kumbe xikombelo; kumbe
- (b) nhlengelo wa xirilo/xivilelo, lexi nga nhlengelo wa minsayino yo huma eka varilo/vavileli vo hlaya mayelana na xivilelo xo karhi kumbe xikombelo; kumbe
- (c) swo hlaya kumbe ntlawa kumbe vunyingi bya swivilelo/swirilo, leswi nga endliwa ha un’we un’we kumbe ku nyiketiwa hi ntlawaku suka eka varili/vavileri vo hlaya mayelana na swirilo/swivilelo swo fana kumbe leswi yelanaka kumbe swikombelo; kumbe
- (d) xirilo/xivilelo xa nhlango, leyi nga xivilelo xa munhu un’we ku suka eka nhlango, kumbe munhu un’we loyi a nga nyikiwa matimba hi nhlango, mayelana na xivilelo xo karhi kumbe xikombelo;

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Minsinya ya Nawumbisi hi ku angarhela

2. (1) Komiti yi fanele –
- (a) ku teka magoza lawa ya faneleke ku hlohlotela na ku olovisa ku hoxa xandla hi mani na mani eka maendlele ya mafumele eka Xifundzankulu, ngopfu-ngopfu, v aaki v a tindhawu lava khale a va siyiwile ehandle eka timhaka ta tipolitiki, swa ximunhu na swa ikhonomi;
 - (b) ku antswisa xidimokirasi hi ku kombisa vutihlamuleri hi ku hetiseka na le ku vonakaleni; na
 - (c) ku xixima timfanelo ta varili/vakomberi.
- (2) Mfanelo leyi yi nga vekiwa hi Nawu yi fanele ku kombisiwa hi mukhuva lowu wu twalaka na ku va kahle.
- (3) Murili/mukomberi u fanele ku va na mfanelo yo yisa xirilo/xikombelo hi ririmi leri yena a ti hlawulelaka rona.
- (4) Komiti yi fanele ku vonisisa leswaku vanhu kumbe mintlawa kumbe minkhetekanyo ya vanhu lava khale a va nga khomiwanga kahle hi xihlawuhlawu xo ka xi nga ri kahle, va kota ku tiphina hi ku hoxa xandla eka maendlele ya mafumele.

Ku simekiwa ka Komiti

3. Komiti yi vumbiwa hi swirho swa Mfumo wa Milawu tani hilaha swi bohiwaka hakona nkarhi ni nkarhi hi Milawu ya Nkarhi Hinkwawo ya Mfumo wa Milawu.

Mfanelo yo va ni xirilo/xikombelo

4. (1) Ku ya hi makungu ya Nawu na nawu wihi ni wihi wun'wana, murili/mukomberi u ni mfanelo yo yisa xirilo/xikombelo eka Komiti.
- (2) Vukorhokeri byo pfuneta mafambiselo bya Mfumo wa Milawu byi fanele ku pfuna eka murili/mukomberi loyi a navelaka ku yisa xirilo/xikombelo eka Komiti.

Matimba ya Vulawuri ya Komiti

5. (1) Xipikara kumbe Mutshami wa Xitulu kumbe munhu wihi ni wihi loyi a nga nyikiwa matimba hi Xipika kumbe Mutshami wa Xitulu u fanele ku amuekela xirilo/xikombelo na ku xi hundzisela eka Komiti.
- (2) Komiti yi fanele ku kambisisa xirilo/xikombelo xin'wana na xin'wana lexi vuriwaka hi ku landza Nawu lowu.

Muxaka wa swirilo/swikombelo

6. (1) Ku ya hi xiyengenyana xa (2), murili/mukomberi u fanele ku yisa xirilo/xikombelo hi ku tsala, xi tsariwile hi ririmi ra ximfumo leri murili/mukomberi a lavaka rona.

- (2) Komiti yi nga ha pfumelela murili/mukomberi ku tatisa xirilo/xikombelo hi ku vulavula.
- (3) Loko yi nga si kambisisa xirilo/xikombelo, Komiti yi fanele ku tsala ehansi na ku hunguta eka ku tsala leswi swi nga tisiwa hi nomo leswi swi languteriwaka eka xiyengenyana xa (2).

Ku kambisisiwa ka xirilo/xikombelo lexi xi nga tshamiseka

7. Xirilo/xikombelo hi tlhelo ra mhaka leyi eka yona xibohe xi nga tekiwa, xi nga fanelanga ku kambisisiwa hi Komiti, handla kaloko xirilo/xikombelo xexo xi nyika mianakanyo yintshwa kumbe vumbhoni lebyi byi fambelanaka na swona lebyi byi lunghisaka ku kambisisiwa ka mhaka leyi.

Matimba na Mintirho swa Komiti

8. (1) Komiti yi fanele ku –
 - (a) kambisisa xirilo/xikombelo hi vonene ra ku ahlula mhaka leswaku ku murili/mukomberi a ta enetetisiwa; na
 - (b) laha swi kotekaka, tsundzuxa murili/mukomberi hi tindlela tin'wana leti nga kona eka yena.
- (2) Komiti yi nga ha bumabumela hi ku kongomisiwa ka xirilo/xikombelo, hinkwaxo kumbe hi xiphemu, eka Xipikara leswakku xi ta kambisisiwa hi vanhu vahi ni vahi lava landzelaka kumbe mavandla:
 - (a) Mfumo wa Milawu;

- (b) Komiti ya Nkarhi Hinkwawo ya Mfumo wa Milawu;
- (c) xirho xa Huvonkulu xa Xifundzankulu;
- (d) huvo ya masipala ya mfumo wa ndhawu eka Xifundzankulu; kumbe
- (e) vandla leri ri seketelaka xidimokirasi xa vumbiwa lexi xi nga vuriwa eka Kavanyisa ka 5 ka Vumbiwa.
- (3) Loko xirilo/xikombelo xi hundziseriwile eka xirho xa Huvonkulu, kumbe mfumo wa ndhawu, Komiti yi fanele ku—
- (a) kombela n hlamlulo ku nga si h ela m une (4) wa m avhiki ya ku hundziseriwa; na
- (b) kongomisa munhu kumbe vandla eka loyi xirilo/xikombelo xi nga kongomisiwa kona, leswaku a ta xi kambisisa, endla xibofo kumbe xibumabumelo, kumbe hi ndlela yin'wana a tirhana na mhaka hi ndlela yihi ni yihi leyi yi nga vuyerisa swa kahle eka matshamelo ya timhaka,
- (c) kombela leswaku munhu wo tano kumbe vandla a nyika Komiti xiviko lexi xi nga na v uxokoxoko, na ku nyika swivangelo swa, magoza, lawa a kumbe yi nga ya teka hi nkarhi lowu wu nga vuriwa.
- (4) Loko Komiti yi ri ni mavonele ya leswaku matikhomele ya munhu kumbe vandla leri eka rona xirilo/xikombelo xi nga kongomisiwa hi ku landza swiyenge-ntsongo xa (3) leswi, ya nga enetisi, naswona matshamele ya timhaka ya tiyisisa goza ro tano Komiti yi nga ha, endla xivilelo eka Musirheleri wa Mani na Mani, kumbe teka magoza yan'wana lawa ya fambelanaka na swona.

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- (5) Ku ya hi makungu ya Nawumbisi lowu, loko swi komberiwile ku endla tano hi murili/mukomberi, Komiti yi nga ha ahlula kanetana, tlherisela xiendllo endzhaku, kumbe lunghisa lexi xi nga siyiwa ehandle, hi maendlele yo hlanganisa kumbe ku vulavurisana.
- (6) Komiti yi nga ha endla xibumabumelo eka munhu kumbe vandla hi ku landza xirilo/xikombelo.
- (7) Komiti yi nga ha hetisisisa ku kambisisisa ka yona ka xirilo/xikombelo loko Komiti yi ri ni mavonele ya leswaku—
- (a) a ku na magoza, kumbe a ku na magoza yo yisa emahlweni, lawa ya nga ta tekiwa ku ahlula mhaka leyi; kumbe
- (b) mhaka yi ahluriwile tani hilaha swi nga komberiswa hi murili/mukomberi.
- (8) Komiti yi nga ha ala ku kambisisisa xirilo/xikombelo xo tsariwa lexi—
- (a) xi nga hlayekiki; kumbe
- (b) xi nga kombisiki vito na adirese ya murili/mukomberi; kumbe
- (c) xi nga sayiniwangiki hi murili/mukomberi: ku ri leswaku murili/mukomberi loyi a nga kotiki ku tsala u fanele ku endla mfungho eka xirilo/xikombelo ku ri na timbhoni timbirhi, lava va nga ta sayina xirilo/xikombelo hi ku yimela swona.
- (2) Komiti yi fanele ku ala ku kambisisa xirilo/xikombelo lexi—
- (a) khumbhaka mhaka leyi yimisiweke ekhoto ya nawu;
- (b) xi sungulaka eka mukhotswiwa naswona xi fambelana na nandzu wa yena; kumbe
- (c) xi katsaka mhaka leyi yi nga eka khomixini ya vulavisisi na mavandla yan'wana lawa ya fambelanaka na swona.

- (3) Eka nkarhi lowu ha wona Komiti yi alaka ku kambisisa xirilo/xikombelo tani hilaha swi languteriwaka hakona eka xiyengenyana xa (9), Komiti yi fanele ku nyika swivangelo swo tsariwa swa ku ala koloko eka murili/mukomberi.
- (4) Komiti yi fanele—
 - (a) ku endla swiviko swa kotara swa ku kongomisa tani hilaha swi languteriwaka eka swiyengenyana swa (2) na (3) eka Mfumo wa Milawu; na
 - (b) ku tivisa murili/mukomberi hi ta swiboho swa yona hi mayelana na xirilo/xikombelo xo karhi na swivangelo swa kona.
- (5) Ku ya hi makungu ya Nawu lowu, Komiti yi nga ha, hi ku tsundzuxana na Xipikara, lawula mafambisele ya yona na ku endla mintirho ya yona hi mukhuva lowu yi vonaka wu fanerile.

Mintshamo ya Komiti

9. (1) Komiti yi nga ha, hi xikongomelo xo kuma vumbhoni kumbe xo hoxa xandla eka njhekanjhekisano, tshama hi nkarhi na ndhawu eka xifundzankulu tani hilaha Mutshami wa xitulu a bohaka hakona.
- (2) Vumbhoni lebyi byi nga nyikiwa eka Komiti byi fanele ku twiwa hi vanhu, handle kaloko Mutshami wa xitulu o boha swin'wana.
- (3) Mutshami wa xitulu u fanele ku nyika xitiviso xa mani na mani xa mintshamo hinkwayo leyi yi nga bohiwa hi Milawu ya Makanelelo.

Timbhoni

10. (1) Hi tlhelo ra xikongomelo xo kumisisa mhaka leyi yelanaka na nhloko mhaka ya ndzavisiso wa yona, Komiti yi nga ha-

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- (a) samanisa munhu ku ngenela ntshamo wa Komiti tani hi mbhoni, leswaku a ta kota ku nyika vumbhoni kumbe ku humesa buku yihi ni yihi, tsalwa kumbe xilo xo karhi loko Komiti yi xi lava; kumbe
- (b) samanisa munhu ku ya ngenela ntshamo wa Komiti, tani hi mbhoni leswaku a ta nyika vumbhoni, kumbe ku humesa buku yihi ni yihi, tsalwa kumbe xilo xo karhi emahlweni ka Komiti loko yi swi lava.
- (2) Samanisi leri languteriwaka eka xiyengenyana xa (1)(b) ri fanele ri sayiniwa na ku humesiwa hi Mutshami wa xitulu, na ku va ri nyikiwa eka munhu loyi a samanisiweke ku nga va hi papila leri ri rhejistariweke leri ri posiweke hi poso kumbe ri lo yisiwa hi munhu loyi a pfumeleriwaka hi Mutshami wa Xitulu kumbe hi ndlela yihi ni yihi leyi yi bohiweke hi Xipikara hi xivumebeko xa Milawu ya Nkarhi Hinkwawo.
- (3) Mbhoni yi nga se nyika vumbhoni, yi fanele yi endla xihlambanyiso kumbe a nyika xitiyisiso lexi xi fambisiwaka hi Mutshami wa Xitulu kumbe xirho xo tano xa Komiti tani hi leswi Mutshami wa Xitulu a nga swi kombisaka.
- (4) Munhu loyi a samanisiweke ku ngenela ntshamo wa Komiti tani hi mbhoni, kumbe loyi a nga nyika vumbhoni emahlweni ka Komiti, u fanele a nyikiwa mali ya timbhoni tani hiloko kumbe a samanisiwile ku ngenela kumbe u nyikile vumbhoni eka ku tengiwaa ka vugevenga eka Khoto ya le Henhla.

Milandzu

11. (1) Munhu loyi a samanisiweke hi ku landza xiyenge xa 10, loyi a pfumalaka xivangelo lexi xi heleleke a-
- (a) tsandzekaka ku ngenela nhlengeletano ya Komiti hi nkarhi na ndhawu leswi vuriweke eka samanisi; kumbe
- (b) tsandzekaka ku tshama eka nhlengeletano ya Komiti ku fikela ku hela ndzavisiso emahlweni ka Komiti kumbe ku fikela loko tshikisiwa hi Mutshami wa Xitulu ku va a yisa emahlweni a ngenela tinhlengeletano,

u na nandzu wo tlula nawu;

- (2) Munhu loyi a vitaniwaka ku ta va mbhoni ehansi ka xiyenge xa (10) loyi a pfumalaka xivangelo lexi xi heleleke a-
- (a) alaka ku hlambanyisiwa kumbe ku endla xitiyisiso tani hi mbhoni endzhaku kaloko a komberiwile hi Mutshami wa Xitulu ku endla tano; kumbe
- (b) endzhaku kaloko a hlambanyisiwile kumbe ku ku endla xitiyisiso, a tsandzeka ku hlamula hi ku hetiseka na ku enetisa xivutiso xihhi ni xihhi lexi xi nga enawini lexi a vutisiwaka xona; kumbe
- (c) endzhaku kaloko a hlambanyisiwile kumbe a endlile xitiyisiso a nyika vumbhoni byo hembra emahlweni ka Komiti eka mhaka, leyi a tivaka leswaku vumbhoni lebyi a byi nyikaka i mavun'wa kumbe va nga tshembi leswaku i bya ntiyiso; kumbe
- (d) tsandzeka ku humesa buku, tsalwa kumbe xilo lexi a xi khomeke kumbe leswi a na swona kumbe hlayisaka kumbe ehansi ka vulawuri bya yena, leswi a nga vitaniwa ku ta swi humesa, u na nandzu wo nawu.
- (3) Munhu loyi a --
- (a) chavisaka, sivelaka kumbe ku kucetela loku ku nga fanelangiki ka mbhoni leswaku yi yima ku nyika vumbhoni kumbe ku nyika vumbhoni bya mavun'wa emahlweni ka Komiti, kumbe
- (b) chavisaka, sivelaka kumbe ku kucetela loku ku nga fanelangiki ka mbhoni ku humesa phepha, buku, rhekhodo kumbe tsalwa emahlweni ka Komiti; kumbe
- (c) nga ni xikongomelo xo xisa Komiti, a humesa emahlweni ka Komiti phepha ra vuxisi, mavun'wa na ku makeleriwa, buku, rhekhodo kumbe tsalwa; kumbe
- (d) herisa kumbe ku fihla buku, tsalwa kumbe xilo lexi hi ku ya ka yena xi nga pfunaka eka Khomixini eka mhaka yihhi ni yihhi leyi nga ni yelanaka ni mhaka leyi eka ndzavisiso; kumbe

- (e) ha vomu a nyika Komiti mahungu kumbe a endla xitatimende xa mavun'wa emahlweni kumbe lexi xi lahlaka,

u na nandzu wo tlula nawu..

Minxupulo

12. Munhu u ta fanela ku hakela ndziho kumbe ku tshama ekhotsweni nkarhi lowu wu nga hundzeki tin'hweti ta 12 kumbe ha swimbirhi ndziho na ku tshama ekhotsweni.

Ku tekiwa ka tibuku, matsalwa kumbe swilo hi Komiti

13. Komiti yi nga ha teka, hi nkarhi wo twisiseka endzhaku ka ntshamo, buku, tsalwa kumbe xilo lexi xi laviwaka kumbe yi nga samanisa munhu ku humesa hi ku landza xiyenge xa 10 kumbe ku humesa rhesiti hi ku landza swilo swa kona.

Ku nyiketiwa ka matimba hi Komiti

14. (1) Komiti yi nga ha nyika matimba ya yona eka xirho kumbe Swirho swa Komiti kumbe swirho swin'wana swa Mfumo wa Milawu, Ku ri leswaku-
- (a) swirho swo ka swi nga ri ehansi ka mbirhi swi fanele swi fambisa tshamo wun'wana na wun'wana; naswona
- (b) swirho swi fanele swi va vayimeri va minhlangano yimbirhi yo hambana hambana ya tipolotiki.
- (2) Mutshami wa Xitulu u fanele hi mpfumele wo tsariwa no sayiniwa a nyika matimba swirho leswi swi vuriwaka eka xiyengenyana xa (1).
- (3) Eka ku hetisa ntshamo kumbe mintshamo, xirho lexi xi vuriwaka eka xiyengenyana xa (1) swi fanele swi vika leswi swi swi kumeke eka Komiti.

- (4) A ku ni lexi xi nga ta sivelela Komiti ku tirhisa matimba ya yona lama ya nyikiweke vanhu lava va vuriwaka eka xiyengenyana xa (1).

Vutihlamuleri eka Mfumo wa Milawu

15. (1) Komiti yi fanele yi lulamisa xiviko xa kotara eka xirilo/xikombelo xin'wana ni xin'wana lexi yi nga xi languta eka ku yisiwa eka mfumo wa milawu ku xi kambisisa.
- (2) Komiti yi fanele yi lulamisa na ku yisa xiviko xa lembe xo tsariwa xa migingiriko ya yona eka Mfumo wa Milawu.
- (3) Xiviko xo tsariwa xa lembe xi fanele xi nyika nkoka wa nhlamulo hi ku hatlisa, vuswikoti na hi nkarhi lowu ha wona swirilo/swikombelo leswi swi vuriwaka ehansi ka xiyenge xa 8(2) swi hetisiwile.
- (4) Njhekanjhekisano hi mhaka leyi yi vuriweke eka xiviko xa Komiti eka Mfumo wa Milawu wu fanele wu va kona loko swirho swo hundza ntlhanu swa Mfumo wa Milawu swi wu lava.

Vutirheli byo Seketela bya Vulawuri

16. Matsalani u fanele a nyika vuseketeri bya vulawuri eka Komiti ku endlala leswaku yi kota ku endla mintirho ni timfanelo.

Maendlele mayelana ni swirilo/swikombelo

17. (1) Vutirheli byo vuseketeri bya vulawuri byi fanele-
- (a) ku rhejistara xirilo/xikombelo xin'wana na xin'wana eka rhejistara ra swirilo/swikombelo,
- (b) ku pfula fayili ya xirilo/xikombelo xin'wana ni xin'wana;

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- (c) hi ku landza xiyenge xa 4(2) xa Nawu lowu, lulamisa xirilo/xikombelo xin'wana ni xin'wana lexi xi amukeriwaka leswaku xi ta kambisisiwa hi Komiti, lexi xi nga ha katsaka-
- (i) ndzulamiso, loko swi koteka, ku vona leswaku xirilo/xikombelo xi landzelela makungu ya Nawumbisi lowu; na
 - (ii) ku hundzuluxiwa ka xirilo/xikombelo;
- (d) lulamisa nongoloko lowu wu heleleke wa swikombelo/swikombelo leswi swi nga sala leswi swi kongomisiweke eka Mfumo wa Milawu; na ku endla leswaku swi kumeka eka nhlengeletano yin'wana ni yin'wana ya Komiti; na
- (e) nyiketa xirilo/xikombelo lexi xi lulamisiweke ehansi ka ndzimana ya (c) eka Mutshami wa xitulu, loyi a faneleke a andlala xikombelo eka nhlengeletano ya Komiti leswaku yi xi kambisisa ku nga si hela mavhiki mambirhi ya siku leri ha rona Mutshami wa Xitulu a amukelaka xikombelo loko Yindlu yi tshamile.
- (2) Komiti yi fanele yi tivisa murili/mukomberi ku nga si hela mune wa mavhiki ya siku leri ha rona xirilo/xikombelo xi andlariweke hi rona hi-
- (a) mukhuva lowu xirilo/xikombelo xi nga eku tirhiweni hi wona; na
 - (b) xivangelo lexi xi endleke leswaku xi tirhiwa hi mukhuva wolowo.
- (3) Murili/Mukomberi a nga khansela xikombe/xikombelo; ku ri leswaku loko Komiti yi vona mhaka leyi yi ri ya nkoka eka mani na mani, yi nga ha ya emahlweni yi tirha xirilo kumbe xikombelo endzhaku kaloko xi susiwile.
- (4) Komiti yi fanele, endzhaku kaloko yi hetile ku kambisisa xirilo/xikombelo hi ku landza xiyenge xa 8(7), ku yisa fayili xirilo/xikombelo na xiibumabumelo xa xona eka Xipikara.
- (5) Endzhaku ka ku yisa xirilo/xikombelo hi ku landza xiyengenyana xa (4), Xipikara xi fanele xi langutisisa leswi swi nga endzeni ka fayili ku nga si hela mavhiki mambirhi (2) ya ntshamo wa Yindlu.
- (6) Xirho xa Mfumo wa Milawu xa pfumeleriwa ku langutisisa fayili na xibumabumelo xa Komiti.

- (7) Xirho xa Mfumo wa Milawu xi nga ha kaneta ku pfariwa ka fayili naswona u fanele a nyika swivangelo swa ku kaneta ko tano.
- (8) Xipikara xi nga ha—
 - (a) kongomisa fayili eka Komiti leswaku yi ya tlhela yi yi kambisisa; kumbe
 - (b) ku pfala.
- (9) Xipikara xi nga ha engetela endlelo leri hi swinawana.

Milawu ya Nkarhi Hinkwawo

18. Xipikara a nga ha endla Milawu ya Nkarhi Hinkwawo leswi swi lavekaka eka ku yisa emahlweni ka makungu ya Nawu lowu.

Nhloko-mhaka hi ku komisa na ku sungula ku tirha

19. Nawu lowu wu vuriwa Nawu wa Swirilo/Swikombelo wa Xifundzankulu xa N'walungu, wa 2003 naswona wu ta sungula ku tirha loko swi tivisiwa eka Gazete ya Xifundzankulu.

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PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 2

4 Februarie 2005

Hierby word bekendgemaak dat die Premier van die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 4 van 2003: **Limpopo Wet op Petisies, 2003**

WET

Om voorsiening te maak vir die reg om 'n petisie voor te lê aan die Provinsiale Wetgewer van die Limpopo Provinsie; om die algemene beginsels en prosedure vir openbare deelname aan die proses van regering in die Provinsie neer te lê; om voorsiening te maak vir die vestiging en die werksaamhede van die betrokke Vastekomitees van die Wetgewer wat belas is met die hantering van petisies; en om voorsiening te maak vir gebeure wat daarmee verband hou.

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 15-12-2004)

DAAR WORD BEPAAL deur die Wetgewer van die Limpopo Provinsie, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy die konteks anders aandui, beteken -

“**Administratiewe Ondersteuningsdienste**” die oorsigtelike rol van toesighouding;

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wetr 108 van 1996);

“**Komitee**” die toepaslike Komitee van die Provinsiale Wetgewer, tot stand gebring kragtens artikel 3 ;

“**Lid**” die lid van die Wetgewer verkies om in die Wetgewer sitting te hê volgens artikels 105 en 106 van die Grondwet;

“**Petisie**” ‘n klagte, ‘n versoek, ‘n verteenwoordiging of ‘n voorlegging, aangespreek deur die ondertekenaar van die petisie aan die Komitee; en dit kan wees in die vorm van -

- (a) ‘n enkele petisie, wat ‘n individuele voorlegging is vanaf ‘n enkele ondertekenaar van ‘n petisie aangaande ‘n besondere klagte of versoek; of
- (b) ‘n gesamentlike petisie, wat ‘n samevoeging is van die handtekeninge van ‘n aantal ondertekenaars van ‘n petisie aangaande ‘n besondere klagte of versoek, of
- (c) ‘n meervoudige-, of groep-, of massapetisie, bestaande uit individuele- of groepvoorleggings van ‘n aantal ondertekenaars van ‘n petisie

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aangaande dieselfde of grotendeels dieselfde klagtes of versoeke; of

- (d) 'n verenigingspetisie, wat 'n individuele voorlegging is van 'n vereniging of 'n individu met die mandaat toegeken deur 'n vereniging, aangaande 'n besondere klagte of versoek;

"Petisie ondertekenaar" 'n persoon wat 'n petisie rig aan die Komitee, en dit sluit 'n natuurlike of regs persoon in wat -

- (a) optree in sy, of haar, of die eie belang;
- (b) optree in die belang van 'n ander persoon wat nie in staat is om verligting aan te vra in sy of haar eie naam nie;
- (c) optree as 'n lid van, of in die belang van 'n groep of persone; of
- (d) in openbare belang;
- (e) of in die belang van die lede van daardie vereniging.

"Plaaslike Regering" die plaaslike sfeer van regering in die Provinsie soos bedoel in artikel 151 en 155 van die Grondwet;

"Sekretaris" die persoon aangestel kragtens artikel 12(1)(a) van die Limpopo Wet op Wetgewersdienste (Wetr 3 van 1997);

"Speaker" die Speaker van die Provinsiale Wetgewer verkies kragtens artikel 111 van die Grondwet;

"Staatsinstellings" staatsinstellings wat grondwetlike demokrasie ondersteun soos daargestel deur artikel 181 van die Grondwet.

"Uitvoerende Raad" die uitvoerende raad van die Provinsie soos bedoel in artikel 132 van die Grondwet;

"Vastereëls" die vastereëls, regulasies of ordes gemaak ten opsigte van die uitvoering van die werksaamhede van die Provinsiale Wetgewer kragtens artikel 116 van die Grondwet;

"Voorsitter" die Voorsitter van die Komitee; en

"Wetgewer" beteken die Provinsiale Wetgewer van die Provinsie soos bedoel in artikel 104 van die Grondwet.

Algemene beginsels van die Wet

2. (1) Die Komitee moet-
- (a) toepaslik optree om deelname van die publiek aan die regeringsproses aan te moedig en te fasiliteer, veral van die gemeenskappe wat voorheen polities, sosiaal en ekonomies uitgesluit was;
 - (b) demokrasie versterk deur toerekenbaarheid en deursigtigheid maksimaal te beoefen;
 - (b) die regte van die ondertekenaars van petisies en diene wat daardeur geraak word, respekteer.
- (2) 'n Reg soos neergelê deur hierdie Wet sal op 'n redelike en verantwoordbare manier beoefen word.
- (3) Elke ondertekenaar van 'n petisie sal die reg hê om 'n petisie in die amptelike taal van die ondertekenaar van die petisie se keuse voor te lê.
- (4) Die Komitee moet seker maak dat persone of groepe of kategorieë van persone wat voorheen benadeel was deur onregverdig diskriminasie, volle deelname in die proses van regering geniet.

Die vestiging en die samestelling van Komitee

3. 'n Komitee bestaande uit lede van die Wetgewer, soos van tyd tot tyd vasgestel deur die Vastereëls van die Wetgewer, word hiermee tot stand gebring.

Die reg om 'n petisie voor te lê

4. (1) Onderworpe aan die voorwaardes van hierdie Wet en enige ander wet, het die ondertekenaar van 'n petisie die reg om 'n petisie aan die Komitee te rig.
- (2) Die administratiewe ondersteuningsdiens van die Wetgewer moet hulp verleen aan 'n voornemende ondertekenaar van 'n petisie wat graag 'n petisie aan die Komitee wil voorlê.

Die jurisdiksie van die Komitee

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5. (1) Die Speaker of die Voorsitter of enige persoon gemagtig deur die Speaker of Voorsitter moet die petisie ontvang en dit na die Komitee verwys.
- (2) Die Komitee moet elke petisie wat na hom verwys is ingevolge hierdie Wet oorweeg.

Die Formaat van Petisies

6. (1) Onderworpe aan sub-artikel (2) moet die ondertekenaar van 'n petisie, 'n skriftelike petisie, geskryf in die amptelike taal van die ondertekenaar van 'n petisie se voorkeur, voorlê.
- (2) Die Komitee mag toelaat dat die ondertekenaar van 'n petisie, die geskrewe petisie aanvul deur mondelinge voorleggings.
- (3) Voordat 'n petisie oorweeg word, moet die Komitee die mondelinge voorleggings op band opneem en transkribeer soos bedoel in subartikel (2).

Oorweging van afgehandelde petisies

7. 'n Petisie aangaande 'n saak waaroor daar reeds 'n besluit geneem is, is nie geregtig op heroorweging deur die Komitee nie, behalwe wanneer die petisie nuwe feite of toepaslike getuienis verskaf wat die heroorweging regverdig.

Die Bevoegdhede en Funksies van die Komitee

8. (1) Die Komitee moet-
 - (a) die petisie oorweeg met die oogmerk om die saak tot bevrediging van die ondertekenaar van die petisie, af te handel; en
 - (b) waar dit toepaslik is, die ondertekenaar van die petisie raad gee oor ander toepaslike oplossings beskikbaar.
- (2) Die Komitee mag aanbeveel dat die hele petisie of gedeelte daarvan, verwys word na die Speaker vir oorweging deur enige van die volgende persone of liggame:

- (a) Die Wetgewer;
 - (b) 'n Vastekomitee van die Wetgewer;
 - (c) 'n lid van die Uitvoerende Raad van die Provinsie;
 - (d) die Munisipaleraad van 'n plaaslike regering in die Provinsie; of
 - (e) 'n instelling wat grondwetlike demokrasie ondersteun soos genoem in Hoofstuk 9 van die Grondwet.
- (3) Indien 'n petisie verwys is na die Lid van die Uitvoerende Raad, of na 'n plaaslike owerheid, moet die Komitee-
- (a) 'n reaksie binne vier (4) weke na die verwysing vereis; en
 - (b) rigting gee aan die persoon of vereniging waarheen die petisie verwys is vir oorweging, besluitneming of maak van 'n aanbeveling of om die aangeleentheid andersins af te handel op enige wyse wat toepaslik is vir die omstandighede, en
 - (c) dat sodanige persoon of vereniging 'n gedetailleerde verslag aan die Komitee verskaf wat die redes vir optrede verskaf binne die vasgestelde tydperk.
- (4) Indien die Komitee van mening is dat die optrede van 'n persoon of 'n vereniging na wie die petisie verwys is volgens die artikel nie bevredigend is nie en dat die omstandighede sodanige aksie regverdig, mag die Komitee 'n klag aanhangig maak by die toepaslike Staatsinstellings of enige ander toepaslike aksie neem.
- (5) Onderhewig aan die voorwaardes van hierdie Wet mag die Komitee 'n dispuut besleg, 'n aksie omswaai of 'n weglating herstel deur middel van mediasie of onderhandeling of die optrede omswaai.
- (6) Die Komitee mag op grond van die petisie 'n aanbeveling maak aan 'n persoon of 'n vereniging.
- (7) Die Komitee mag sy oorweging van 'n petisie afsluit indien die Komitee van die opinie is dat -

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- (a) geen stappe of verdere stappe geneem kan word om die saak af te handel nie; of
 - (b) die saak afgehandel is soos versoek deur die ondertekenaar van die petisie.
- (8) Die Komitee mag weier om 'n geskrewe petisie te oorweeg wat-
- (a) onleesbaar is;
 - (b) nie die naam en kontakadres van die ondertekenaar van die petisie aandui nie; of
 - (c) nie onderteken is deur die onderskrywer van die petisie nie; met dien verstande dat die onderskrywer wat nie kan skryf nie, sy of haar merk op die petisie aanbring in die teenwoordigheid van twee (2) getuies wat in sodanige aangeduide kapasiteit moet teken.
- (9) Die Komitee mag weier om 'n petisie te oorweeg wat-
- (a) betrekking het op 'n saak hangende in 'n geregshof;
 - (b) van 'n gevangene afkomstig is en verbind is aan sy of haar saak; of
 - (c) betrokke is by die sake van belang wat voor 'n kommissie van inligting dien en ander verwante verenigings.
- (10) In die geval waar die Komitee weier om 'n petisie soos bedoel in sub-artikel (9) te oorweeg, moet die komitee die redes op skrif verskaf aan die ondertekenaar van die petisie.
- (11) Die Komitee moet -
- (a) kwartaalverslae oor verwysings indien aan die Wetgewer soos bedoel in sub-artikel (2) en (3); en
 - (b) die ondertekenaar van die petisie inlig aangaande sy besluite oor 'n spesifieke petisie asook die redes daarvoor binne vier weke verskaf.

- (12) Onderhewig aan die voorwaardes van hierdie Wet, mag die Komitee, in oorleg met die Speaker, sy werkswyses reguleer en sy werksaamhede uitvoer op die wyse wat hy geskik ag.

Sittings van die Komitee

9. (1) Die Komitee mag, vir die doel om getuienis te ontvang of vir samesprekings, sit op 'n tyd en plek in die Provinsie soos deur die Voorsitter bepaal.
- (2) Getuienis gelewer aan die Komitee moet in die openbaar aangehoor word, tensy anders bepaal word deur die Voorsitter.
- (3) Die Voorsitter moet openbare kennis gee van alle sittings soos bepaal deur die vaste reëls.

Getuies

10. (1) Met die doel om seker te maak dat 'n saak verband hou met die onderwerp van sy ondersoek, mag die Komitee-
- (a) 'n persoon subpoena om die sitting van die Komitee as getuie by te woon om sodoende getuienis te lewer of enige boek, dokument of voorwerp voor te lê; of
- (b) 'n persoon subpoena om 'n sitting van die Komitee as getuie by te woon om getuienis te lewer, of enige boek, dokument of voorwerp te verskaf indien die Komitee dit vereis.
- (2) 'n Dagvaarding soos bedoel in subartikel (1) moet geteken en uitgereik wees deur die Voorsitter en bedien word op die gedagvaardigde persoon of deur 'n geregistreerde brief gestuur deur die pos of afgelewer deur 'n persoon daartoe gemagtig deur die Voorsitter of deur enige metode soos bepaal deur die Premier in die vorm van regulasies.
- (3) Voordat 'n getuie getuienis lewer moet hy/sy die eed aflê of 'n bevestiging maak uitgevoer deur die Voorsitter of sodanige lid van die Komitee soos aangewys deur die Voorsitter.

- (4) 'n Persoon wat gedagvaar is om 'n sitting van die Komitee as getuie by te woon, of wie getuienis voor die Komitee gegee het, is geregtig op dieselfde fooie vir getuies indien hy of sy gedagvaar is om teenwoordig te wees, of getuienis gegee het in 'n kriminele saak in die Hooggeregshof.

Misdrywe

11. (1) 'n Persoon wat geregtelik gedagvaar is volgens artikel 10 wat sonder genoegsame rede –
- (a) versuim om die vergadering van die Komitee op die regte tyd en plek soos aangedui in die dagvaardiging by te woon; of
 - (b) versuim om teenwoordig te wees by die vergadering van die Komitee, die ondersoek wat voor die Komitee dien afgehandel is of totdat hy of sy van verdere bywoning deur die Voorsitter verskoon is, is skuldig aan 'n misdryf.
- (2) 'n Persoon wat as 'n getuie geroep is volgens artikel 10 wat sonder genoegsame rede–
- (a) weier om ingesweer te word of om 'n bevestiging af te lê as 'n getuie nadat sy of hy so deur die Voorsitter sodanig versoek is; of
 - (b) na inswering of bevestiging versuim om enige wettige vraag aan haar of hom gestel, volledig en tot bevrediging te beantwoord; of
 - (c) na inswering of bevestiging gemaak is, willens en wetens valse getuienis aflê voor die Komitee of self nie glo dat dit die waarheid is nie,
 - (d) versuim om 'n boek, dokument of voorwerp wat in sy of haar besit of bewaring is of onder sy of haar beheer is, wat hy of sy gevra word om voor te lê, te verskaf; of

- (e) onwewoeglike taal gebruik of op 'n minagtende wyse optree, is skuldig aan 'n misdryf.
- (3) 'n Persoon wat-
- (a) dreig, verhinder of onregmatig 'n getuie beïnvloed om getuienis te weerhou of om valse getuienis voor die Komitee te gee; of
 - (c) dreig, verhinder of onregmatig 'n getuie beïnvloed om nie 'n papier, boek, rekord of dokument voor die Komitee te lê nie; of
 - (d) met die bedoeling om die Komitee om die bos te lei, aan die Komitee 'n valse, onware, versinde of vervalste papiere, boek of dokument voor te lê; of
 - (e) 'n boek, dokument of voorwerp te vernietig of verberg wat na sy of haar kennis van nut mag wees vir die Komitee op enige ander wyse met betrekking tot die onderwerp van die ondersoek; of
 - (f) doelbewus aan die Komitee valse of misleidende inligting te verskaf, of om sodanige stelling voor hulle te maak, is skuldig aan 'n misdryf.

Strawwe

12. 'n Persoon wat skuldig bevind word aan 'n misdaad kragtens Afdeling 11, stel hom bloot aan 'n boete of tronkstraf vir 'n tydperk wat nie 12 maande oorskry nie of beide sodanige boete en tronkstraf.

Opgaar van boeke, dokumente of voorwerpe deur die Komitee

13. Die Komitee mag 'n boek, dokument of voorwerp wat aangevra is of waarvoor 'n persoon gedagvaar is volgens artikel 10 vir 'n redelike tydperk na 'n sitting in hulle besit hou en 'n bewys uitreik ten opsigte van sodanige materiaal.

Afwenteling van magte deur Komitee

14. (1) Die Komitee mag sy magte deleger aan 'n Lid of Lede van die Komitee, of ander Lede van die Wetgewer, met dien verstande dat-

- (a) elke sitting deur nie minder as twee (2) lede bedryf word nie;
 - (b) die lede verteenwoordigend van politieke partye moet wees.
- (2) Die Voorsitter moet aan die lede soos na verwys in subartikel (1) skriftelik en getekende magtiging verskaf.
 - (3) Na afhandeling van die sitting, of sittings, moet die lede soos na verwys in subartikel (1), verslag aan die Komitee doen oor hulle bevindinge.
 - (4) Niks verhoed die Komitee om magte wat aan die persone soos waarna verwys in subartikel (1), uit te oefen nie.

Rekenpligtigheid aan die Wetgewer

- 15. (1) Die Komitee moet 'n kwartaalverslag voorberei oor elke petisie wat dit beoordeel het vir voorlegging aan die Wetgewer vir oorweging.
- (2) Die Komitee moet 'n geskrewe jaarverslag aangaande sy werksaamhede aan die Wetgewer voorlê.
- (3) Die geskrewe jaarverslag van die Komitee moet die evaluasie van die deelname, doeltreffendheid en stiptelikheid waarmee die probleme waarna die petisies verwys volgens artikel 8(2) opgelos is, ingebou hê.
- (4) Die Wetgewer mag 'n saak wat voortspruit uit 'n verslag van die Komitee, terugverwys na die Komitee vir heroorweging.

Administratiewe Ondersteuningsdienste

- 16. Die Sekretaris moet administratiewe ondersteuning aan die Komitee verskaf om sodoende hul werksaamhede en pligte uit te voer.

Prosedures met betrekking tot petisies

- 17. (1) Die administratiewe steuningsdienste moet-

- (a) elke petisie wat ontvang is in 'n petisieregister aanteken en 'n register hou van alle boeke, dokumente en voorwerpe gehou ingevolge artikel 13;
 - (b) 'n lêer open vir elke petisie;
 - (c) volgens artikel 4(2) van hierdie Wet, elke petisie wat ontvang is vir oorweging deur die Komitee, voorberei en dit mag insluit
 - (i) verbeterings, indien moontlik, om te verseker dat 'n petisie voldoen aan die voorwaardes van hierdie Wet; en
 - (ii) die vertaling van die petisie;
 - (d) 'n volledige lys voorberei van petisies aan die Wetgewer, wat nog uitstaande is; en dit beskikbaar maak vir elke vergadering van die Komitee; en
 - (e) 'n petisie soos voorberei volgens paragraaf (c) aan die Voorsitter voorlê, wat dit dan ter tafel moet lê vir oorweging tydens 'n vergadering van die Komitee binne twee (2) weke vanaf die daum waarop die Voorsitter die petisie ontvang het terwyl die Huis in sitting is.
- (2) Die Komitee moet die ondertekenaar van die petisie binne vier (4) weke vanaf die datum waarop die petisie ter tafel gelê is, kennis gee van die -
- (a) wyse waarop die petisie hanteer word; en
 - (b) van die rede waarom dit op daardie spesifieke manier hanteer word.
- (3) Die ondertekenaar van 'n petisie mag 'n petisie terugtrek: Met dien verstande dat indien die Komitee van mening is dat dit 'n saak van openbare belang is, dit mag voortgaan om oor die klagte of versoek op te tree, na die onttrekking daarvan.
- (4) Die Komitee moet, nadat dit die oorweging van die petisie volgens artikel 8(7) afgesluit het, die lêer

van die petisie en sy aanbeveling aan die Speaker voorlê.

- (5) Na voorlegging van die petisie volgens subartikel (4) moet die Speaker die inhoud van die lêer binne twee weke wat die Huis in sitting is, noukeurig bestudeer.
- (6) 'n Lid van die Wetgewer mag die lêer noukeurig bestudeer, asook insgelyks die aanbeveling van die Komitee.
- (7) 'n Lid van die Wetgewer mag beswaar aanteken teen die afsluiting van die lêer maar moet redes verskaf vir sodanige teenkanting.
- (8) Die Speaker mag-
 - (a) die lêer vir heroorweging terugverwys na die Komitee; of
 - (b) die lêer af te sluit.
- (9) Die Speaker mag hierdie prosedure aanvul deur middel van Vastereëls.

Vastereëls

18. Die Speaker mag Vastereëls instel soos benodig om die bepalings van hierdie Wet uit te voer.

Kort titel en aanvang

19. Hierdie Wet staan bekend as die Limpopo Wet op Petisies, 2003 en tree in werking op publikasie in die *Provinsiale Koerant*.
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