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## PROVINCIAL NOTICES

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No. 4

31 March 2006

### **LIMPOPO PROVINCIAL GOVERNMENT**

#### **OFFICE OF THE PREMIER**

#### **LIMPOPO TRADITIONAL LEADERSHIP AND INSTITUTIONS ACT, 2005 (ACT NO. 6 OF 2005)**

It is hereby notified that the Premier has, in terms of section 121(1) of the Constitution of the Republic of South Africa, 1996, assented to the following Act which is hereby published for general information:

Act No. 6 of 2005: Limpopo Traditional Leadership And Institutions Act, 2005

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## **ACT**

**To provide for the recognition of traditional communities; the recognition of traditional councils, the election and appointment of members of traditional councils, recognition of traditional leaders, their removal from office, their roles and functions, recognition of acting traditional leaders and regents, to provide for funds of traditional councils and management thereof; to provide for payment of allowances for travelling expenses of members of traditional councils; to provide for meetings of royal family and traditional councils; to provide for code of conduct; and for matters connected therewith.**

## **PREAMBLE**

**WHEREAS** the Constitution recognises –

- the institution, status and role of traditional leadership according to customary law; and
- a traditional authority that observes a system of customary law;

**AND WHEREAS** the institution of traditional leadership must-

- promote freedom, human dignity and the achievement of equality and non-sexism;
- strive to enhance tradition and culture;
- promote nation building and harmony and peace amongst people;
- promote the principles of co-operative governance in its interaction with all spheres of government and organs of state;

**AND WHEREAS** it is necessary to enact provincial legislation within the framework provided by Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) in order to provide for matters which are peculiar to the Province;

**AND WHEREAS** it is the intention of the provincial government to transform the institution of traditional leadership in line with the Constitution, by taking into consideration, amongst others, gender equality;

**AND WHEREAS** it is necessary for traditional leaders within the Province to exercise their powers within a statutory framework that enhances certainty and uniformity;

**AND WHEREAS** it is within the competence of the Province to legislate on matters of traditional leadership.

**BE IT THEREFORE ENACTED** by the Provincial Legislature of Limpopo, as follows:

## CHAPTER 1

### DEFINITIONS, INTERPRETATION AND APPLICATION

#### Definitions

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

**“acting traditional leader”** means a traditional leader appointed in terms of section 15;

**“area of jurisdiction”** means the area of jurisdiction designated for a traditional community and traditional council that have been recognised in terms of this Act;

**“code of conduct”** means the code of conduct contained in Schedule 2, and includes the code of conduct contained in the Schedule to the Framework Act;

**“Commission”** means the commission established in terms of section 22 of the Framework Act;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“customary institution or structure”** means those institutions or structures established in terms of customary law;

**“deputy traditional leader”** means a member of the royal family appointed in accordance with customary law to temporarily act in the position of the king, queen, senior traditional leader, headman or headwoman under the circumstances contemplated in section 16(1);

**“financial year”** means the period starting from 1 April of any year and ending on 31 March of the next succeeding year.

**“Framework Act”** means the Traditional Leadership and Governance Framework Act, 2003 (Act No. 43 of 2003);

**“headman or headwoman”** means a traditional leader who—

(a) is under the authority of, or exercises authority within the area of jurisdiction of, a senior traditional leader in accordance with customary law; and

(b) is recognised as such in terms of this Act;

**“king or queen”** means a traditional leader—

(a) under whose authority, or within whose area of jurisdiction, senior traditional leaders exercise authority in accordance with customary law; and

(b) recognised as such in terms of this Act;

**“local house of traditional leaders”** means a local house of traditional leaders established in terms of the Limpopo Houses of Traditional Leaders Act, 2005;

**“provincial house of traditional leaders”** means a provincial house of traditional leaders established in terms of the Limpopo Houses of Traditional Leaders Act, 2005;

**“regent”** means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position in a temporary capacity until a successor to that position who is a minor, is recognized;

**“royal family”** means the core customary institution or structure consisting of immediate relatives of the ruling family within a traditional community, who have been identified in terms of custom, and includes, where applicable, other family members who are close relatives of the ruling family;

**“senior traditional leader”** means a traditional leader of a specific traditional community who exercises authority over a number of headmen or headwomen in accordance with customary law, or within whose area of jurisdiction a number of headmen or headwomen exercise authority;

**“this Act”** includes any regulations made in terms of section 31;

**“traditional community”** means a traditional community recognized as such in terms of section 3;

**“traditional council”** means a council established in terms of section 4;

**“traditional leader”** means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position, and is recognized in terms of this Act;



**“traditional leadership”** means the customary institutions or structures, or customary systems or procedures of governance, recognised, utilised or practised by traditional communities;

**“tribe”** means a tribe that was established or recognised under legislation in force before the commencement of this Act.

### **Interpretation and application**

2. (1) This Act is subject to the Framework Act.
- (2) Nothing contained in this Act may be construed as precluding members of a traditional community from addressing a traditional leader by the traditional title accorded to him or her by custom, but such traditional title does not derogate from, or add anything to, the status, role and functions of a traditional leader as provided for in this Act.
- (3) Traditional leaders may acknowledge or recognise the different levels of seniority among themselves in accordance with customs, and none of the definitions contained in section 1 must be construed as conferring or derogating from such seniority.

## **CHAPTER 2**

### **TRADITIONAL COMMUNITIES AND TRADITIONAL COUNCILS**

#### **Recognition of traditional communities**

3. (1) A community envisaged by section 2(1) of the Framework Act may apply to the Premier in writing for recognition as a traditional community.
- (2) An application referred to in subsection (1) must contain the following particulars:
- (a) a description of the community;
  - (b) the size of the community;

- (c) the name of the community;
  - (d) the name of the senior traditional leader and headmen or headwomen if any;
  - (e) names of persons whom the community regard as its leaders in accordance with the community's customary law and their customary designations;
  - (f) the envisaged number of councillors; and
  - (g) a description of the area within which the community generally resides.
- (3) The Premier must, upon receipt of the application referred to in subsection (1), if satisfied that the community concerned complied with the provisions of subsection (2), refer the matter to the provincial house of traditional leaders, the relevant local house of traditional leaders, and any senior traditional leader whose traditional community is in the opinion of the Premier likely to have an interest in the matter and if applicable, the king or queen under whose jurisdiction the group would fall, for their comments, which comments must be submitted within 30 days of the referral.
- (4) The Premier must, within three months of receipt of the application referred to in subsection (1), subject to subsection (3), take a decision on whether to recognise the community concerned as a traditional community and inform the community concerned of the said decision.
- (5) Before taking a decision not to recognise the community concerned as a traditional community, the Premier must invite the community concerned to furnish reasons why the application should not be turned down on the basis of the reasons stated by the Premier.
- (6) The Premier must, when recognising a traditional community in terms of subsection (4)—
- (a) simultaneously determine the territorial area of the traditional community concerned;
  - (b) issue a prescribed certificate of recognition to the traditional community in question; and
  - (c) within 30 days of the decision publish details of such recognition by notice in the *Gazette*.

## **Traditional Councils**

4. (1) The Premier must, when recognising a traditional community in terms of section 3(4), and with due regard to the needs of the traditional community concerned, determine the number of councillors for its traditional council to be established in terms of subsection (2): Provided that the total number must not exceed 30.
- (2) A traditional community recognised by the Premier in terms of this Act must within 30 days after the traditional community has been informed accordingly in terms of section 3(4) establish a traditional council for that traditional community, consisting of men and women who in accordance with the customary law of the traditional community concerned are recognised as councillors as well as other members of the traditional community concerned elected democratically.
- (3) The senior traditional leader of the traditional community referred to in subsection (2), must convene a meeting of all adult members of the traditional community for the purposes of election of members of the traditional council, by giving reasonable notice of such meeting in accordance with the custom of such traditional community. The senior traditional leader or his or her designate presides over such meeting.
- (4) The elected members of the traditional council must as far as possible be sufficiently representative of the wards of the traditional community concerned.
- (5) 60 percent of the members of the traditional council must consist of traditional leaders and members of the traditional community selected by the senior traditional leader and the other 40 percent must consist of elected members.
- (6) (a) At least a third of the members of the traditional council must be women, unless the Premier—
- (i) is satisfied upon certification by the senior traditional leader concerned that there is an insufficient number of women; and
  - (ii) determines the lower threshold of women to be included in the particular traditional council.

- (b) The senior traditional leader must, after the required number of men and the available number of women has been elected, if satisfied that there is insufficient number of women to fill the remainder of vacancies required to be filled by women, adjourn the elections and refer the matter to the Premier in writing for the Premier's directive in terms of paragraph (a).
  - (c) The senior traditional leader must, upon receipt of the Premier's directive referred to in paragraph (b) resume the elections within 14 days of such receipt in accordance with such directive.
  - (d) The Premier must review the threshold of women to be elected into the traditional council prior to the election of the new traditional council.
- (7) Election of members of the traditional council must be done by way of voting in the manner determined by the Premier or any person designated by the Premier to oversee the elections.
- (8) Particulars of the establishment of the traditional council and the names of the members thereof must be submitted to the Premier in writing, within 60 days after the traditional council has been established in terms of subsection (2).
- (9) The Premier must, upon receipt of the particulars referred to in subsection (8), if satisfied that the provisions of the Act have been complied with, within 30 days recognise the traditional council by notice in the *Gazette*.

#### **Term of office of members of traditional councils and oath of office**

- 5.
  - (1) Subject to section 6, a member of a traditional council holds office for a period of five years, provided that a member who holds a casual vacancy holds such office for the remainder of his or her predecessor's term.
  - (2) Members of the traditional council must, before assuming office as members, take oath of office in the form of Schedule 3 before a magistrate.

#### **Vacation of office and vacancies in traditional councils**

- 6.
  - (1) The seat of a member of a traditional council must be vacated—
    - (a) upon the death of such member;

- (b) if the member concerned was appointed following selection by the senior traditional leader and Premier approves a written request by the senior traditional leader that such member be dismissed;
  - (c) if the member resigns;
  - (d) if the Premier approves a written request by the majority of the members of the ward in which the member resides that such member be dismissed;
  - (e) if the Premier is satisfied that it is in the best interests of the traditional community concerned that such member must vacate the seat and approves that the member be dismissed; and
  - (f) if the term of office of a member is terminated for reasons mentioned in subsection (2).
- (2) A term of office of a member of a traditional council may be terminated—
  - (a) if the member has by reason of a permanent infirmity of mind or body become incapable of properly discharging the duties of his or her office;
  - (b) if the member is negligent or indolent in the performance of the functions of his or her office;
  - (c) if the member conducts himself or herself in a disgraceful manner.
- (3) A vacancy in the traditional council must be filled within 14 days in the manner in which the said vacancy was filled when the traditional council was elected or appointed, provided that nothing performed by the traditional council shall be void merely because the vacancy remained vacant for a period of more than 14 days.

**Rules and orders of traditional council and committees of traditional council**

7. (1) The traditional council may, in accordance with the customary law of the traditional community concerned, make rules and orders in connection with the conduct of its business and proceedings including the rules and orders regulating the establishment, constitution, powers and functions, procedures and duration of committees of the traditional council, provided that provision must be made for a standing Executive Committee consisting of the senior traditional leader as chairperson, and the deputy chairperson as well as three other members appointed in terms of subsection (2).
- (2) The senior traditional leader must, before the first sitting of the traditional council, appoint from members of the traditional council a deputy chairperson and three other members of the Executive Committee.
- (3) The members of the Executive Committee appointed by the senior traditional leader in terms of subsection (2) must hold office for a period of five years from the date of their appointment.
- (4) The Executive Committee must perform powers and functions assigned to it under this Act.

**Meetings of traditional councils**

8. (1) Every traditional council must hold an ordinary meeting not less than once every three months on a day fixed and an hour appointed by the senior traditional leader and written notice of the day, hour and place where the meeting is to be held must be given to every member of the traditional council at least seven days prior to the fixed date.
- (2) The senior traditional leader may at any time, and must when so required by the Premier or not less than one-third of the total number of members of the traditional council, call a special meeting of the traditional council: Provided that the Premier may himself or herself call such meeting.
- (3) No business must be dealt with at a special meeting other than that specified in the notice thereof, except with the approval of the majority of the members present at such meeting.

- (4) Half of the total number of the members of the traditional council forms a quorum and no proceedings and no decision must be taken unless a quorum is present.
- (5) Subject to the provisions of this Act and of any other applicable law the procedure to be followed at any meeting or other proceedings of a traditional council including the meetings of any standing or occasional committee shall be in accordance with the customary laws of the traditional community concerned and must be presided by the senior traditional leader or any member of the traditional council, designated by the senior traditional leader.
- (6) Every traditional council must keep a minute book in respect of each of its meetings in which the following must be recorded:
  - (a) the date, time and place of the meeting;
  - (b) the names of the members present;
  - (c) a summary of every decision taken at the meeting;
  - (d) if a member so requests, the fact that he or she voted against any decision taken.
- (7) A copy of the minutes must, within 15 days after any meeting, be forwarded to the official designated by the Premier.

#### **Withdrawal of recognition of traditional communities and traditional councils**

- 9. (1) The Premier may, by notice in the *Gazette*, withdraw the recognition of a traditional community in terms of section 7(1) of the Framework Act, after consultation with the provincial house of traditional leaders, the relevant local house of traditional leaders, the community concerned and if applicable, the king or queen under whose jurisdiction the traditional community concerned falls.
- (2) If the recognition of a traditional community is withdrawn in terms of subsection (1), the recognition of the traditional council is deemed to have been withdrawn when the withdrawal of the recognition of the traditional community takes effect.

## CHAPTER 3

### COOPERATIVE GOVERNANCE

#### Partnerships between municipalities and traditional councils

10. (1) When a traditional council considers it necessary for a by-law to be made in respect of any matter directly affecting the area of its authority it must submit a proposal to the municipal council of the municipality concerned to consider the adoption of such a by-law.
- (2) The proposal referred to in subsection (1), may be accompanied by a draft of the proposed by-law and must be motivated in writing.
- (3) On receipt of the proposal the municipal council must consider the proposed by-law within three months.
- (4) The municipal council to whom a draft by-law has been submitted in terms of subsection (1) must consult with the traditional council concerned before rejecting the proposed by-law.
- (5) A traditional council may enter into service level agreements with the relevant municipality in accordance with any applicable legislation.

#### Support to traditional councils

11. (1) The Premier must appoint public servants to manage the administration of traditional councils, taking into consideration the extent of the traditional community areas and the needs of its residents.
- (2) The Premier must determine the functions of the personnel of traditional councils appointed in terms of subsection (1) by notice in the *Gazette*.
- (3) The Premier must, within the provincial government's means, provide traditional councils with financial support to enable the traditional councils to perform their functions.



## CHAPTER 4

## RECOGNITION OF TRADITIONAL LEADERSHIP POSITIONS

**Recognition of senior traditional leader, headman or headwoman**

12. (1) Whenever a position of a senior traditional leader, headman or head woman is to be filled—
- (a) the royal family concerned must, within a reasonable time after the need arises for any of those positions to be filled, and with due regard to the customary law of the traditional community concerned—
    - (i) identify a person who qualifies in terms of customary law of the traditional community concerned to assume the position in question; and
    - (ii) through the relevant customary structure of the traditional community concerned and after notifying the traditional council, inform the Premier of the particulars of the person so identified to fill the position and of the reasons for the identification of the specific person.
  - (b) the Premier must, subject to subsection (2)—
    - (i) by notice in the *Gazette* recognise the person so identified by the royal family in accordance with paragraph (a) as senior traditional leader, headman or headwoman, as the case may be;
    - (ii) issue a certificate of recognition to the person so recognised; and
    - (iii) inform the provincial house of traditional leaders and the relevant local house of traditional leaders of the recognition of a senior traditional leader, headman or headwoman.
- (2) Where there is evidence or an allegation that the identification of a person referred to in subsection (1) was not done in accordance with customary law, customs or processes, the Premier—

- (a) may refer the matter to the provincial house of traditional leaders and the relevant local house of traditional leaders for their recommendations; or
  - (b) may refuse to issue a certificate of recognition; and
  - (c) must refer the matter back to the royal family for reconsideration and resolution where the certificate of recognition has been refused.
- (3) Where the matter which has been referred back to the royal family for reconsideration and resolution in terms of subsection (2) has been reconsidered and resolved, the Premier must recognise the person identified by the royal family if the Premier is satisfied that the reconsideration and resolution by the royal family has been done in accordance with customary law.

### **Relief of royal duties**

- 13.** (1) Relief of royal duties shall be on the grounds of—
- (a) conviction of an offence with a sentence of imprisonment for more than 12 months without an option of a fine;
  - (b) physical incapacity or mental infirmity which, based on acceptable medical evidence, makes it impossible for that senior traditional leader, headman or headwoman to function as such;
  - (c) wrongful appointment or recognition; or
  - (d) a transgression of a customary rule or principle that warrants removal.
  - (e) persistent negligence or indolence in the performance of the functions of his or her office;
- (2) Whenever any of the grounds referred to in subsection (1)(a), (b), (d) and (e) come to the attention of the royal family and the royal family decides to remove a senior traditional leader, headman or headwoman, the royal family concerned must, within a reasonable time and through the relevant customary structure—
- (a) inform the Premier of the province concerned of the particulars of the senior traditional leader, headman or headwoman to be removed from office; and

- (b) furnish reasons for such removal.
- (3) Where it has been decided to remove a senior traditional leader, headman or headwoman in terms of subsection (2), the Premier must—
  - (a) withdraw the certificate of recognition with effect from the date of removal;
  - (b) publish a notice with particulars of the removed senior traditional leader, headman or headwoman in the *Gazette*; and
  - (c) inform the royal family concerned, the removed senior traditional leader, headman or headwoman, and the provincial house of traditional leaders as well as the relevant local house of traditional leaders, of such removal.
- (4) Where a senior traditional leader, headman or headwoman is removed from office, a successor in line with customs may assume the position, role and responsibilities, subject to section 12.
- (5) Whenever it comes to the attention of the Premier that the grounds referred to in subsection (1)(a) exist and the royal family has not decided to remove the senior traditional leader, headman or headwoman as the case may be, the Premier must forthwith terminate the salary of the traditional leader concerned with effect from the date when the said grounds came into existence, after the Premier has given the royal family thirty days to respond to the allegations.

### Recognition of regents

14. (1) Where the successor to the position of king, queen, senior traditional leader, headman or headwoman is still regarded as a minor in terms of applicable customary law or customs—
- (a) the royal family concerned must, within a reasonable time—
    - (i) identify a regent to assume leadership on behalf of the minor; and
    - (ii) through the relevant customary structure, inform the Premier of the particulars of the person identified as regent and the reasons for the identification of that person; and

- (b) the Premier must, with due regard to applicable customary law or customs, and subject to subsection (2)—
    - (i) by notice in the *Gazette* recognise the regent identified by the royal family in terms of subsection (1);
    - (ii) issue a certificate of recognition to the regent so recognised; and
    - (iii) inform the provincial house of traditional leaders and the relevant local house of traditional leaders of the recognition of the regent concerned.
  - (c) The Premier must review the recognition of a regent every 12 months.
- (2) Where there is evidence or an allegation that the identification of a person as regent was not done in accordance with customary law, customs or processes, the Premier—
  - (a) may refer the matter to the provincial house of traditional leaders and the relevant local house of traditional leaders for their recommendations; or
  - (b) may refuse to issue a certificate of recognition; and
  - (c) must refer the matter back to the royal family for reconsideration and resolution where the certificate of recognition has been refused.
- (3) Where the matter which has been referred back to the royal family for reconsideration and resolution in terms of subsection (2) has been reconsidered and resolved, the Premier must recognise the person identified by the royal family if the Premier is satisfied that the reconsideration and resolution by the royal family have been done in accordance with customary law.
- (4) The regent recognised in terms of subsection (1) must relinquish his or her position as regent within three months after the successor to the position reaches his or her 25<sup>th</sup> birthday, and the successor must in the case of a senior traditional leader, headman or headwoman, be recognised by the Premier in terms of section 12.

### **Recognition of acting traditional leaders**

- 15.** (1) A royal family may, in accordance with the customary law of the traditional community concerned, identify a suitable person who must be a member of the royal family to act as a king, queen, senior traditional leader, headman or headwoman, as the case may be, where—
- (a) a successor to the position of a king, queen, senior traditional leader, headman or headwoman has not been identified by the royal family concerned in terms of this Act;
  - (b) the identification of a successor to the position of a king, queen, senior traditional leader, headman or headwoman is being reconsidered and resolved in terms of this Act; or
  - (c) a king, queen, senior traditional leader, headman or headwoman, as the case may be, would be absent from his or her area of jurisdiction under circumstances other than those provided for in section 16(1) and for a period of more than six months for—
    - (i) the treatment of illness;
    - (ii) study purposes; or
    - (iii) any other lawful purpose.
- (2) The Premier must, upon appointment of an acting traditional leader in terms of subsection (1)—
- (a) issue a certificate of appointment; and
  - (b) inform the provincial house of traditional leaders and the relevant local house of traditional leaders
- (3) The Premier must review the appointment of the acting traditional leader every 12 months.
- (4) The Premier must upon request by the royal family remove any person appointed in an acting capacity.

### **Appointment of deputy traditional leaders**

- 16.** (1) A king, queen, senior traditional leader, headman or headwoman, as the case may be, may, after consultation with the royal family, appoint a deputy who must be a member of the royal family to act in his or her stead whenever that king, queen, senior traditional leader, headman or headwoman—
- (a) becomes a full-time member of a municipal council;
  - (b) is elected as a member of a provincial legislature;
  - (c) is elected as a member of the National Assembly;
  - (d) is appointed as a permanent delegate in the National Council of Provinces; or
  - (e) is elected to, or appointed in, a full-time position in any house of traditional leaders.
- (2) A king, queen, senior traditional leader, headman or headwoman, as the case may be must immediately upon the appointment in terms of subsection (1) inform the Premier, the provincial house of traditional leaders as well as the relevant local house of traditional leaders about the appointment.
- (3) The Premier must upon receipt of the information about the appointment forthwith issue a certificate of appointment to the appointee.
- (4) A person who has been appointed as a deputy in terms of subsection (1) may perform the functions that are attached to the position in question.
- (5) Where a king or queen has appointed a deputy in terms of subsection (1), the king or queen must inform the President of such appointment.
- (6) The king, queen, senior traditional leader, headman or headwoman, as the case may be, may at any time remove the deputy appointed in terms of subsection (1).

### **Meetings of royal family**

- 17** (1) A royal family must, when meeting to discuss matters emanating from this Act, function in accordance with customary law of the traditional community concerned.

- (2) Any royal family must keep a minute book in which shall be recorded in respect of each meeting thereof—
  - (a) the date on which, the time at which and the place where such meeting was held;
  - (b) the names of the members of the royal council present and their designations in accordance with their custom; and
  - (c) the decision taken.
- (3) An officer of the State, designated by the Premier, must supervise the administration of the royal family and must have access to the minute books referred to in subsection (2).

## CHAPTER 5

### ROLE AND FUNCTIONS OF TRADITIONAL LEADERSHIP

#### **Roles and functions of traditional leadership**

- 18** (1) A traditional leader performs any function provided for in terms of customary law, or assigned to him or her in terms of any law, subject to section 20 of the Framework Act and without derogating from the generality of the foregoing, the traditional leader performs in addition, in consultation with the traditional council, the following functions:
- (a) promote the interests of the traditional community concerned;
  - (b) in co-operation with the relevant municipalities and State departments, assist with the administration of the traditional community;
  - (c) actively participate in the development of the area of his or her traditional community;
  - (d) at the request of any government department or the relevant municipality, make known to all residents of the traditional community concerned the provisions of any new law; and

- (e) performance of any functions allocated by any organ of State in accordance with this Act.
- (2) Organs of state must, upon allocation of functions to a traditional council in terms of section 20 of the Framework Act, inform the Premier of all functions so allocated.
- (3) A traditional council must generally account to the Premier in relation to the exercise of its powers and the performance of its functions and specifically account to the relevant organ of State with regard to the functions allocated to it by such organ of State.
- (4) The traditional councils must uphold traditional African values.

**Admission of new individuals into existing traditional communities and removal of existing members from traditional communities**

19. (1) The traditional council may admit any new individual into the traditional community in accordance with the customary laws of the traditional community concerned.
- (2) No existing member of the traditional community may be removed from the area of the traditional community without that member's consent.
- (3) There shall be a systematic transfer of community members.

**Determination of boundaries of traditional communities**

20. (1) The Premier must determine boundaries of traditional councils and publish this information in the *Gazette* for general information.
- (2) The Premier may, after consultation with the provincial house of traditional leaders, in order to resolve a boundary related dispute between two or more traditional communities, amend the existing boundaries of the traditional communities concerned, or any other traditional communities if the amendment is reasonably expected to resolve the boundary related dispute or contribute towards the resolution of the dispute.



## CHAPTER 6

### CONDITIONS OF SERVICE

#### **Salaries and allowances**

21. (1) The salaries and allowances of traditional leaders are dealt with in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).
- (2) A member of a traditional council may be paid from the funds of the traditional council, an allowance determined by the Premier.

#### **Travelling and subsistence**

22. (1) When a member of a traditional council is required to travel outside the area of jurisdiction of the council in the course of performance of functions of the council, an allowance determined by the Premier may be paid to him or her to defray subsistence and travelling expenses: Provided that such allowance must not be paid if the member is entitled to receive such allowance in terms of the provisions of any other law or direction or if there is proof that such expenses are catered for by a third party.
- (2) A traditional leader who is not a member of a traditional council may, when performing any functions on behalf of the traditional council, be paid an allowance in accordance with subsection (1).

#### **Code of conduct**

- 23 (1) A traditional leader or a member of a traditional council must, in addition to the code of conduct laid down in the Framework Act, adhere to the applicable part of the code of conduct in schedule 2 of this Act.
- (2) Any breach of the code of conduct referred to in subsection (1) must be dealt with in accordance with the procedure laid down in the said code.

## CHAPTER 7

### FINANCIAL MATTERS

#### Funds of traditional council

**24.** Funds of a traditional council consist of—

- (a) all monies which in accordance with the customary laws of the traditional community concerned are payable to the traditional council;
- (b) fines collected by the traditional leader or council in accordance with the traditional community's laws and customs;
- (c) all monies derived from any property in possession of the traditional community concerned;
- (d) any donations made by any person for the benefit of the traditional community concerned, provided that any conditional grant or donation must, subject to any applicable legislation or government policy, be administered in accordance with the conditions thereof;
- (e) any monies paid to the traditional council under any law; and
- (f) any amounts received by the traditional council under section 25.

#### Levy of traditional council rate

- 25**
- (1) A traditional council may, with the approval of the Premier, levy a traditional council rate upon every taxpayer of the traditional area concerned.
  - (2) The levy of a traditional council rate under subsection (1) shall be made known by the Premier by notice in the *Gazette* and shall be of force from the date mentioned in such notice.
  - (3) Any taxpayer referred to in subsection (1), who fails to pay the traditional council levy may be dealt with in accordance with the customary laws of the traditional community concerned.

**Opening of accounts for finances of traditional councils**

26. (1) The Premier must cause to be opened in respect of each traditional council, an account into which shall be paid all amounts received in terms of section 24 and from which all expenditure incurred in connection with any matter within the power of the traditional council concerned must be met.
- (2) The control of the account referred to in subsection (1) vests in the Premier: Provided that the Premier may on such conditions as the Premier may deem fit delegate any powers with regard to the said account to the traditional council concerned.
- (3) The Premier may, with consent of the traditional council concerned, invest moneys standing to the credit of the account of a traditional council which are not required for immediate use or as a reasonable balance for current expenditure on call or short-term deposit at any bank or other financial institution registered in the Republic to such extent and subject to such terms and conditions as the Premier may determine.

**Accounting Officer for finances of traditional councils**

27. The Director General is the accounting officer for the funds of the traditional councils.

**Quarterly financial reports**

28. Every traditional council must in respect of each financial year, within 15 days after the end of each quarter, submit to the Director General, a comprehensive report on income and expenditure for the preceding quarter and annually after the end of the financial year and at the time determined by the Premier, submit to the Director General, a comprehensive report on the traditional council's income and expenditure for the preceding year.

**Keeping of records**

29. (1) A traditional council must keep proper records of all its activities and income and expenditure;

- (2) A traditional council must make the records referred in subsection (1) available to be audited by the Auditor-General.

### **Implementation of decisions of commission**

- 30. (1) The Premier must, within seven days of receipt of the decision of the commission in terms of section 26(2) of the Framework Act, refer such decision to the provincial house of traditional leaders for its advice on implementation.
- (2) The provincial house of traditional leaders must submit its advice contemplated in subsection (1) to the Premier within 14 days of receipt, provided that the Premier may, if he or she deems it necessary, require the provincial house of traditional leaders to submit its advice within a specified shorter period.
- (3) The Premier must implement the decision of the commission within 30 days of receipt of such decision from the commission.

### **Regulations**

- 31. The Premier may make regulations relating to—
  - (a) any matter which in terms of this Act is required or permitted to be prescribed;
  - (b) in general, any matter which is considered necessary or expedient to prescribe for achieving the objects of this Act.

### **Delegation**

- 32. (1) The Premier may delegate any of his or her powers or functions in terms of this Act to any person.
- (2) A delegation referred to in subsection (1) may be withdrawn at any time by the Premier and does not prevent the Premier from exercising the power or function while the power or function is so delegated.

### **Transitional arrangements**

- 33.** (1) Any provision in this Act requiring consultation with a body which has not yet been established shall remain inoperative to the extent that it requires such consultation, until the relevant body is established.
- (2) Any traditional leader who was appointed as such in terms of applicable provincial legislation and was still recognised as a traditional leader immediately before the commencement of this Act, is deemed to have been recognised as such in terms of the relevant provisions of this Act.
- (3) A person who, immediately before the commencement of this Act, had been appointed and was still recognized as a regent, or had been appointed in an acting capacity or as a deputy, is deemed to have been recognised or appointed as such in terms of the relevant provisions of this Act.
- (4) Any tribe that, immediately before the commencement of this Act, existed under the provisions of any law, is deemed to be a traditional community established under this Act.
- (5) A tribal authority or tribal council that, immediately before the commencement of this Act, existed under the provisions of any law, is deemed to be a traditional council established under this Act: Provided that such traditional council must comply with the provisions of section 4 within one year of the commencement of this Act.

### **Repeal of laws and savings**

- 34.** (1) Subject to the provisions of subsections (2) and (3), the laws mentioned in the second column of Schedule 1 are hereby repealed to the extent indicated in the third column of Schedule 1 as from a date determined by the Premier by notice in the *Gazette*.
- (2) Different dates may so be determined by the Premier in respect of different laws.
- (3) Anything done under a provision of a law repealed by subsection (1) and which is capable of being done under a provision of this Act must be deemed to have been done under that provision of this Act.

**Short title**

- 35** This Act is called the Limpopo Traditional Leadership and Institutions Act, 2005 and comes into operation on a date determined by the Premier by proclamation in the *Gazette*.

**SCHEDULE 1****Repealed laws**

<b>Act No. &amp; Year</b>	<b>Short title</b>	<b>Extent of repeal</b>
No. 29 of 1991	Venda Traditional Leaders Proclamation.	The Whole
No. 38 of 1927	Black Administration Act.	To the extent that this Act is assigned to the Province.

## SCHEDULE 2

### CODE OF CONDUCT

#### Part A

##### *Members of traditional councils*

##### *Definitions*

- 1 In this Schedule 'partner' means a person who permanently lives with another person in a manner as if married.

##### *General conduct of members of traditional councils*

- 2 A member of the traditional council must—
- (a) perform the functions of office in good faith, honestly and in a transparent manner; and
  - (b) at all times act in the best interest of the traditional community and in such a way that the credibility and integrity of the traditional community are not compromised.

##### *Attendance at meetings*

- 3 A member of the traditional council must attend each meeting of the traditional council and of a committee of which that member of the traditional council is a member, except when—
- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the traditional council; or
  - (b) that member of the traditional council is required in terms of this Code to withdraw from the meeting.

##### *Sanctions for non-attendance of meetings*

- 4 (1) A traditional council may impose a fine as determined by the standing rules and orders of the traditional council on a member of the traditional council for:

- (a) not attending a meeting which that member of the traditional council is required to attend in terms of item 3; or
  - (b) failing to remain in attendance at such a meeting.
- (2) A member of the traditional council who is absent from three or more consecutive meetings of a traditional council, or from three or more consecutive meetings of a committee, which that member of the traditional council is required to attend in terms of item 3, must be removed from office as a member of the traditional council.
- (3) Proceedings for the imposition of a fine or the removal of a member of the traditional council must be conducted in accordance with a uniform standing procedure which each traditional council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.

#### *Disclosure of interests*

- 5 (1) A member of the traditional council must—
- (a) disclose to the traditional council, or to any committee of which that member of the traditional council is a member, any direct or indirect personal or private business interest that that member of the traditional council, or any spouse, partner or business associate of that member of the traditional council may have in any matter before the council or the committee; and
    - (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the member of the traditional council's direct or indirect interest in the matter is trivial or irrelevant.
  - (2) A member of the traditional council who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the traditional community, must disclose full particulars of the benefit of which the member of the traditional council is aware at the first meeting of the traditional council at which it is possible for the member of the traditional council to make the disclosure.
  - (3) This section does not apply to an interest or benefit which a member of the traditional council, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the traditional community.



*Personal gain*

- 6 (1) A member of the traditional council may not use the position or privileges of a member of the traditional council, or confidential information obtained as a member of the traditional council, for private gain or to improperly benefit another person.
- (2) Except with the prior consent of the traditional council, a member of the traditional council may not—
- (a) be a party to or beneficiary under a contract for—
    - (i) the provision of goods or services to the traditional community; or
    - (ii) the performance of any work otherwise than as a member of the traditional council for the traditional community;
  - (b) obtain a financial interest in any business of the traditional community; or
  - (c) for a fee or other consideration appear on behalf of any other person before the council or a committee.
- (3) If more than one quarter of the members of the traditional council object to consent being given to a member of the traditional council in terms of subitem (2), such consent may only be given to the member of the traditional council with the approval of the Premier.

*Declaration of interests*

- 7 (1) When elected or appointed, a member of the traditional council must within 60 days declare in writing to an officer of the State designated by the Premier the following financial interests held by that member of the traditional council:
- (a) shares and securities in any company;
  - (b) membership of any close corporation;
  - (c) interest in any trust;
  - (d) directorships;
  - (e) partnerships;

- (f) other financial interests in any business undertaking;
  - (g) employment and remuneration;
  - (h) interest in property;
  - (i) pension; and
  - (j) subsidies, grants and sponsorships by any organisation.
- (2) Any change in the nature or detail of the financial interests of a member of the traditional council must be declared in writing to the officer referred to in sub item (1) annually.
- (3) Gifts received by a member of the traditional council above a prescribed amount must also be declared in accordance with subitem (1).
- (4) The traditional council must determine which of the financial interests referred to in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

#### *Rewards, gifts and favours*

- 8 A member of the traditional council may not request, solicit or accept any reward, gift or favour for—
- (a) voting or not voting in a particular manner on any matter before the traditional council or before a committee of which that member of the traditional council is a member;
  - (b) persuading the traditional council or any committee in regard to the exercise of any power, function or duty;
  - (c) making a representation to the traditional council or any committee of the council; or
  - (d) disclosing privileged or confidential information.

#### *Unauthorised disclosure of information*

- 9 (1) A member of the traditional council may not without the permission of the traditional council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.

- (2) For the purpose of this item 'privileged or confidential information' includes any information—
- (a) determined by the traditional council or committee to be privileged or confidential;
  - (b) discussed in closed session by the council or committee;
  - (c) disclosure of which would violate a person's right to privacy; or
  - (d) declared to be privileged, confidential or secret in terms of law.
- (3) This item does not derogate from the right of any person to access to information in terms of national legislation.

### *Community property*

- 10** A member of the traditional council may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the traditional community to which that member of the traditional council has no right.

### *Breach of Code*

- 11** (1) If the traditional council, on reasonable suspicion, is of the opinion that a provision of this part of the Code of Conduct has been breached, the traditional council must—
- (a) authorise an investigation of the facts and circumstances of the alleged breach;
  - (b) give the member of the traditional council a reasonable opportunity to reply in writing regarding the alleged breach; and
  - (c) report the matter to a meeting of the traditional council after paragraphs (a) and (b) have been complied with.
- (2) A report in terms of subitem (1)(c) is open to the public.
- (3) The traditional council must report the outcome of the investigation to the Premier.

- (4) The senior traditional leader must ensure that each member of the traditional council when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the traditional council meets.
- (5) A traditional council may—
  - (a) investigate and make a finding on any alleged breach of a provision of this Code; or
  - (b) establish a special committee—
    - (i) to investigate and make a finding on any alleged breach of this Code; and
    - (ii) to make appropriate recommendations to the traditional council.
- (6) If the council or a special committee finds that a member of the traditional council has breached a provision of this part of the Code of Conduct, the council may—
  - (a) issue a formal warning to the member of the traditional council;
  - (b) reprimand the member of the traditional council;
  - (c) request the Premier to suspend the member of the traditional council for a period;
  - (d) fine the member of the traditional council; and
  - (e) request the Premier to remove the member of the traditional council from office.
- (7)
  - (a) Any member of the traditional council who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (6) may within 14 days of having been notified of the decision of traditional council appeal to the Premier in writing setting out the reasons on which the appeal is based.
  - (b) A copy of the appeal must be provided to the traditional council.
  - (c) The traditional council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the Premier in writing.

- (d) The Premier may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the member of the traditional council and the council of the outcome of the appeal.
- (8) The Premier may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the member of the traditional council should be suspended or removed from office.
- (9) If the Premier is of the opinion that the member of the traditional council has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the Premier may—
  - (a) suspend the member of the traditional council for a period and on conditions determined by the Premier; or
  - (b) remove the member of the traditional council from office.
- (10) Any investigation in terms of this item must be in accordance with the rules of natural justice.
- (11) The Premier may order that the provisions of the Limpopo Commissions of Inquiry Act, 2001 (Act No. 4 of 2001) must apply to any inquiry in terms of this part of the Code of Conduct.

## Part B

### *All traditional leaders*

#### *Misconduct*

1. A traditional leader is guilty of misconduct and may be dealt with in accordance with the provisions of item 2, if the traditional leader—
  - (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 the traditional leader by or 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 wilful default in carrying out a lawful order given to him by a person having authority to give it;

- (e) conducts himself or herself in a disgraceful, improper or unbecoming manner;
- (f) is found guilty by a court of law, for any offence with an element of violence or dishonesty.

*Procedure in cases of misconduct.*

2. (1) If a traditional leader is accused of misconduct as defined in item 1, the traditional council of the traditional community concerned must enquire into the allegations in accordance with the customary law of the traditional community concerned. An enquiry in terms of this subitem must observe the rules of natural justice.
- (2) If the traditional council is, after the enquiry referred to in subitem (1), of the opinion that a traditional leader is guilty of misconduct, the traditional council may, in consultation with the royal family, refer the results of its enquiry together with a recommendation on the appropriate measures to the Premier.
- (3) (a) The Premier must, within seven days of receipt of the results of the enquiry in terms of subitem (2), refer the matter to the Provincial House of Traditional Leaders for its recommendation.
- (b) The Provincial House of Traditional Leaders must consider the matter and refer its recommendation to the Premier within 14 days of receipt of the matter from the Premier.
- (4) If after receipt of the recommendation of the Provincial House of Traditional leaders the Premier is satisfied that the traditional leader is guilty of misconduct, the Premier may, with due regard to the recommendations of the traditional council and the Provincial House of Traditional Leaders—
  - (a) caution or reprimand the traditional leader; or
  - (b) impose on the traditional leader a fine; or
  - (c) direct that the traditional leader must not be paid remuneration for a specific period; or
  - (d) impose a combination of paragraphs (b) and (c); or
  - (e) refer the matter to the royal family with an instruction that the matter be dealt with in accordance with section 13 of this Act, if the Premier is satisfied that the matter falls within the ambit of the said section.

- (5) The Premier may, in his or her discretion, before acting in terms of subitem (4), appoint a committee to carry out a further inquiry into the alleged misconduct.
- (6) The Premier may order that the provisions of the Limpopo Commissions of Inquiry Act, 2001 (Act No. 4 of 2001) must apply to any inquiry in terms of subitem (5).

**SCHEDULE 3***OATH OF OFFICE*

I, A.B., do swear to be faithful to the \_\_\_\_\_ traditional community and do solemnly and sincerely promise at all times to promote that which will advance and to oppose all that may harm the traditional community; to obey, observe, uphold and maintain the customary laws of the traditional community and all other laws of the Republic of South Africa; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice unto all; and to devote myself to the well-being of the traditional community and its people.

May the Almighty God by His grace guide and sustain me in keeping this oath with honour and dignity.

So help me God.



## WET

**Om voorsiening te maak vir die erkenning van tradisionele gemeenskappe; die erkenning van tradisionelerade, die verkiesing en aanstelling van lede van tradisionelerade, erkenning van tradisionele leiers, hul ontruiming van ampte, hul rol en funksies, erkenning van waarnemende tradisionele leiers en regente; om te voorsien vir fondse vir tradisionelerade en die bestuur daarvan; om te voorsien vir die betaling van toelaes vir reisuittgawes van lede van tradisionelerade; om te voorsien vir byeenkomste van die koninklike families en tradisionelerade; om te voorsien vir 'n gedragskode; en aangeleenthede wat daarmee verband hou.**

## INLEIDING

**AANGESIEN** die Grondwet erkenning gee aan —

- die instelling, status en rol van tradisionele leiers volgens gewoontereg; en
- 'n tradisionele gesag wat 'n stelsel van gewoontereg handhaaf;

**EN AANGESIEN** die instelling van tradisionele leierskap moet —

- vryheid, menswaardigheid en die bereiking van gelykheid en non-seksisme bevorder;
- daarna strewende om tradisie en kultuur te versterk;
- nasiebou en harmonie en vrede tussen mense bevorder;
- die beginsels van samewerkende staatsbestuur in die interaksie met al die sferes van regering en Staatsinstansies bevorder;

**EN AANGESIEN** dit nodig is om provinsiale wetgewing te bepaal binne die raamwerk soos voorsien deur die Wet op Tradisionele Leierskap en Staatsbestuur Raamwerk, 2003 (Wetnr 41 van 2003) bedoel om te voorsien vir aangeleenthede wat uitsonderlik tot die Provinsie is;

**EN AANGESIEN** dit die voorneme is van die provinsiale regering om die instelling van tradisionele leierskap ooreenkomstig die Grondwet te omvorm deur, onder andere, geslagsgelykheid in ag te neem;

**EN AANGESIEN** dit nodig is vir tradisionele leiers binne die Provinsie om hul gesag uit te oefen binne 'n statutêre raamwerk wat sekerheid en eenvormigheid versterk;

**EN AANGESIEN** dit binne die bevoegdheid van die Provinsie is om wetgewing te maak aangaande aangeleenthede van tradisionele leierskap;

**WORD DAAR BEPAAL** deur die Provinsiale Wetgewer van Limpopo soos volg:

## HOOFSTUK 1

### WOORDOMSKRYWING, VERTOLKING EN TOEPASSING

#### Woordomskrywing

1. In hierdie Wet, tensy die verband anders aandui, beteken —

**“adjunk-tradisionele leier”** ‘n lid van die koninklikefamilie aangestel in ooreenstemming met die gewoontereg om tydelik te dien in die posisie as koning, koningin, senior tradisionele leier, hoofman of hoofvrou onder omstandighede soos bedoel is in artikel 16(1);

**“finansiëlejaar”** die periode beginnende 1 April van enige jaar en wat eindig op 31 Maart van die daaropvolgende jaar;

**“Gedragkode”** die gedragkode soos vervat in Bylae 2, en wat insluit die gedragkode soos vervat in die Bylae van die Raamwerkwet;

**“gewoontereg-instellings of -strukture”** die instansies of strukture wat kragtens die reg op gewoonte daar gestel is;

**“Grondwet”** die Grondwet van die Republiek van Suid Afrika, 1996

**“hierdie Wet”** sluit in enige regulasies wat gemaak is kragtens artikel 31;

**“Hoofman of Hoofvrou”** ‘n tradisionele leier wat-

- (a) onderhewig is aan gesag of, wat gesag uitoefen oor die regsgebied of 'n senior tradisionele leier is in ooreenstemming met die gewoontereg; en
- (b) Erken word kragtens hierdie Wet

**“kommissie”** die kommissie soos ingestel kragtens artikel 22 van die Raamwerkwet;

**“koning of koningin”** ‘n tradisionele leier wat-

(a) onder wie se gesag, of binne wie se regsgebied senior tradisionele leiers gesag uitoefen in ooreenstemming met die gewoontereg; en

(b) erken word kragtens die Wet;

**“koninklike gesin/ familie”** die kern gewoontereg instansie of struktuur wat uit die onmiddellike familieledede van die regerende familie binne ‘n tradisionele gemeenskap wat geïdentifiseer is kragtens gewoonte, en wat waar toepaslik, ander familieledede insluit wat bloedverwante is van die regerende familie;

**“Plaaslike Huis van tradisionele leiers”** ‘n Plaaslike Huis van tradisionele leiers soos ingestel kragtens die Limpopo Wet op die Huis van Tradisionele Leiers, 2005;

**“Provinsiale Huis van tradisionele leiers”** ‘n Provinsiale Huis van tradisionele leiers soos ingestel kragtens die Limpopo Wet op die Huis van Tradisionele Leiers, 2005;

**“Raamwerkwet”** die Wet op Tradisionele leierskap en Beheerraamwerk, 2003 (Wetnr 43 van 2003);

**“regent”** enige persoon wat kragtens die Gewoontereg van die betrokke tradisionele gemeenskap, tydelik ‘n leierskapposisie beklee totdat ‘n opvolger wat minderjarig is, as tradisionele leier erken word;

**“regsgebied”** die regsgebied soos toegeken aan ‘n tradisionele gemeenskap en tradisioneleraad wat erken word kragtens die Wet;

**“senior tradisionele leier”** ‘n tradisionele leier van ‘n bepaalde tradisionele gemeenskap wat gesag uitoefen oor ‘n aantal hoofmanne en hoofvroue in ooreenstemming met die gewoontereg, of binne wie se regsgebied ‘n aantal hoofmanne en hoofvroue gesag uitoefen;

**“stam”** ‘n stam wat ingestel word of erken word onder die wetgewing in plek, voor die aanvang van die Wet;

**“tradisionele gemeenskap”** ‘n tradisionele gemeenskap soos erken kragtens artikel 3;

**“tradisionele leier”** enige persoon wat kragtens die Gewoontereg van die tradisionelelegemeenskap ’n tradisionele leierskapsrol beklee en erken word kragtens die Wet;

**“tradisionele leierskap”** die gewoontereg instansies of strukture of gewoonte prosedures van staatsbestuur, wat erken, gebruik of beoefen word deur tradisionelelegemeenskappe;

**“tradisioneleraad”** ’n raad ingestel kragtens artikel 4

**“waarnemende tradisioneleleier”** beteken ’n tradisioneleleier aangestel kragtens artikel 15

### **Vertolking en toepassing**

2. (1) Hierdie Wet is onderhewig aan die Raamwerkwet
- (2) Niks wat vervat is in die Wet mag geag word om lede van ’n tradisionelelegemeenskap te verhoed om ’n tradisionele leier aan te spreek op die tradisionele titel aan hom of haar toegeken deur gewoonte nie, maar sodanige titel sal nie afbreuk doen aan, of enige iets byvoeg, by die status, rol en funksies van ’n tradisionele leier soos voorsien in die Wet nie.
- (3) Tradisionele leiers kan die verskillende vlakke van gesag onder hulself erken in ooreenstemming met hul gewoontes, en geen een van die definisies wat vervat is in artikel 1 moet aanvaar word as goedkeurend of neerhalend van sodanige senioriteit nie.

## **HOOFSTUK 2**

### **TRADISIONELEGEMEENSKAPPE EN TRADISIONELERADE**

#### **Erkenning van tradisionelelegemeenskappe**

3. (1) ’n Gemeenskap soos in vooruitsig gestel in artikel 2(1) van die Raamwerkwet kan skriftelik by die Premier aansoek doen vir erkenning van ’n tradisionelelegemeenskap.

- (2) 'n Aansoek soos verwys na in subartikel (1) moet die volgende inligting bevat:
- (a) 'n beskrywing van die gemeenskap;
  - (b) die grootte van die gemeenskap;
  - (c) die naam van die gemeenskap;
  - (d) die naam van die senior tradisionele leier en die hoofmanne of hoofvroue, indien enige;
  - (e) name van die mense wat deur die gemeenskap as hul leier beskou word in ooreenstemming met die gemeenskap se gewoontereg en hul gewoontes van benoeming;
  - (f) die voorgestelde/ beoogde aantal raadslede; en
  - (g) 'n beskrywing van die gebied waarin die gemeenskap gewoonlik bly.
- (3) Die Premier moet, na die ontvangs van die aansoek soos verwys na in subartikel (1), as daar tevredenheid is dat die betrokke gemeenskap die voorwaardes van subartikel (2) nagekom het, die saak verwys na die Provinsiale Huis van tradisionele leiers, die toepaslike Plaaslike Huis van tradisionele leiers, en enige ander senior tradisionele leiers waaroor die gemeenskap van mening is dat die Premier belang in die saak sou hê en waar van toepassing, die koning of koningin onder wie se regspleging die groep val, vir hul reaksie, en die reaksie moet binne 30 dae na die verwysing ingedien word.
- (4) Die Premier moet, binne drie maande vanaf die ontvangs van die aansoek soos verwys na in subartikel (1), onderhewig aan subartikel (3), 'n besluit maak om die betrokke gemeenskap as 'n tradisionele gemeenskap te erken en die betrokke gemeenskap in te lig aangaande die besluit.
- (5) Alvorens 'n besluit geneem word om nie die betrokke gemeenskap as 'n tradisionele gemeenskap te erken nie, moet die Premier die betrokke gemeenskap vra om redes te verstrek waarom hul aansoek nie afgewys moet word nie op grond van redes soos deur die Premier verstrek.
- (6) Die Premier moet, met die erkenning van 'n tradisionele gemeenskap kragtens subartikel (4)-
- (a) tergelyste die territoriale gebied van die betrokke gemeenskap bepaal;

- (b) die voorgeskrewe sertifikaat van erkenning uitreik aan die tradisionelelegemeenskap onder bespreking; en
- (c) binne 30 dae moet die besluit van erkenning se kennisgewing in die *Koerant* gepubliseer word.

### **Tradisionelerade**

4. (1) Die Premier moet, wanneer 'n tradisionelelegemeenskap erken word kragtens artikel 3(4), en in ag genome die behoeftes van die betrokke tradisionelelegemeenskap, die getal raadslede bepaal vir die raad wat ingestel gaan word kragtens subartikel(2): Met dien verstande dat die totaal nie 30 moet oorskry nie.
- (2) 'n Tradisionelelegemeenskap erken deur die Premier kragtens hierdie Wet, moet binne 30 dae na nadat die tradisionelelegemeenskap ooreenkomstig ingelig is kragtens artikel 3(4), 'n tradisioneleraad saamstel vir die tradisionelelegemeenskap, wat moet bestaan uit mans en vroue wat diensooreenkomstig met die gewoontereg van die betrokke tradisionelelegemeenskap as raadslede erken word, asook ander lede van die betrokke tradisionelelegemeenskap wat demokraties verkies is.
- (3) Die senior tradisionele leier van die tradisionelelegemeenskap waarna verwys word in subartikel (2), moet 'n vergadering belê vir al die volwasse lede van die tradisionelelegemeenskap vir die doel om lede te verkies vir die tradisioneleraad, deur genoegsame kennis te gee van die vergadering diensooreenkomstig die gebruike van die tradisionelelegemeenskap. Die senior tradisionele leier of sy of haar gedelegeerde is die voorsitter by so 'n vergadering.
- (4) Die verkose lede van die tradisioneleraad moet sover moontlik genoegsaam verteenwoordigend wees van die wyke van die betrokke tradisionelelegemeenskap.
- (5) Sestig persent van die lede van die tradisioneleraad moet bestaan uit tradisionele leiers en lede van die tradisionelelegemeenskap soos gekies deur die senior tradisionele leier en die ander 40% moet bestaan uit gekose lede.
- (6) (a) Ten minste 'n derde van die lede van die tradisioneleraad moet vroue wees, tensy die Premier-
- (i) tevrede is na die sertifisering deur die betrokke senior tradisionele leier dat daar 'n onvoldoende aantal vrouens beskikbaar is; en

- (ii) bepaal het wat die minimum aantal vroue is wat ingesluit moet word in die betrokke tradisioneleraad.
- (b) Die senior tradisionele leier moet, nadat die vereisde getal mans en vroue gekies is, as hy/ sy tevrede is dat daar 'n onvoldoende getal vroue is om die oorblywende vakante poste te vul, die verkiesing opskort en die saak skriftelik na die Premier verwys vir die Premier se besluit kragtens paragraaf (a).
- (c) Die senior tradisionele leier moet na die ontvangs van die Premier se bepaling waarna verwys word in paragraaf (b) die verkiesing hervat binne 14 dae na die ontvangs in ooreenstemming met sodanige voorskrif.
- (d) Die Premier moet die aantal vroue wat tot die tradisionele raad verkies word hersien voor die verkiesing van die nuwe tradisioneleraad.
- (7) Die verkiesing van lede van die tradisioneleraad moet gedoen word by wyse van stemming op die wyse vasgestel deur die Premier of enige ander persoon aangewys deur die Premier om oor die verkiesing toesig te hou.
- (8) Besonderhede oor die instel van tradisioneleraad en die name van die lede moet skriftelik aan die Premier gerig word, binne 60 dae nadat die raad ingestel is kragtens subartikel (2).
- (9) Die Premier moet na ontvangs van die besonderhede soos verwys na in subartikel (8), indien tevrede dat die bepalings van die Wet nagekom is, binne 30 dae die tradisioneleraad erken deur kennisgewing in die *Koerant*.

#### **Ampstermyn van lede van tradisioneleraad en die aflê van die Ampseed**

5. (1) Onderhewig aan artikel 6, beklee 'n lid van die tradisionele raad die amp vir 'n tydperk van vyf jaar, met dien verstande dat 'n lid wat 'n tydelike pos beklee, die posisie vir die oorblywende tydperk van sy of haar voorganger se termyn beklee.
- (2) Lede van die tradisioneleraad moet alvorens hul pligte opneem as lede, 'n ampseed aflê by wyse van Bylae 3 voor 'n landdros.

**Ampsverlating en vakatures in tradisionele rade**

6. (1) Die setel van 'n lid van die tradisioneleraad word vakant-
- (a) met die dood van sodanige lid;
  - (b) indien die betrokke lid aangestel was na 'n verkiesing deur die senior tradisionele leier en die Premier keur 'n geskrewe versoek goed dat die senior tradisionele leier van sy amp onthef moet word;
  - (c) indien die lid bedank;
  - (d) indien die Premier 'n geskrewe versoek wat deur die meerderheid van die lede in die wyk waarin die lid woonagtig is, goedkeur, kan die lid van sy/haar pligte onthef word.
  - (e) indien die Premier tevrede is dat in die beste belang van die tradisionele gemeenskap is dat die lid van sy/haar setel onthef word.
  - (f) indien die ampstermyn van die lid beëindig word vir redes soos genoem in subartikel (2).
- (2) Die ampstermyn van 'n lid van 'n tradisionele gemeenskap kan beëindig word-
- (a) indien die lid as gevolg van 'n permanente ongesteldheid fisiek of geestelik ongeskik word wat hom/ haar verhinder om die pligte van die kantoor uit te voer;
  - (b) indien die lid nalatig of traag is in die uitvoering van die funksies van sy of haar kantoor;
- (3) 'n Vakante posisie in die tradisioneleraad moet binne 14 dae gevul word in dieselfde manier soos toe die tradisioneleraad verkies of aangestel was, toegegee dat niks wat deur die tradisioneleraad gedoen was as nietig beskou sal word omdat die vakature vir meer as 14 dae vakant was nie.



**Reëls en wette van tradisionelerade en kommittees van tradisionelerade.**

7. (1) Die tradisioneleraad kan in oorleg met die gewoontereg van die betrokke tradisionele gemeenskap, reëls en wette maak in verband met die bestuur van sake en werksaamhede insluitend die reëls en regulasies wat die instellings reguleer, grondwet, gesag en funksies, prosedure en die leeftyd van die komitees van die tradisionelerade, op voorwaarde dat voorsorg getref word vir die Vaste Uitvoerendekomitee wat bestaan uit die senior tradisionele leier as voorsitter, en die adjunk-voorsitter sowel as drie ander lede wat aangestel is kragtens subartikel (2).
- (2) Die senior tradisionele leier moet, voor die eerste sitting van die tradisioneleraad lede van die tradisioneleraad aanwys as adjunk-voorsitter en drie ander lede van die Uitvoerendekomitee.
- (3) Die lede van die Uitvoerendekomitee soos aangestel deur die senior tradisionele leier moet kragtens subartikel(2) 'n ampstermyn van vyf jaar uitdien vanaf datum van aanstelling.
- (4) Die Uitvoerendekomitee moet gesag en funksies uitvoer soos deur die Wet bepaal.

**Vergaderings van tradisionelerade**

8. (1) Elke tradisioneleraad moet 'n gewone vergadering nie minder as ten minste eenkeer elke drie maande op 'n vasgestelde datum en tyd hou soos bepaal deur die senior tradisionele leier met geskrewe kennisgewing van die datum, tyd en plek waar die vergadering gehou gaan word, wat aan elke lid van die tradisioneleraad verskaf moet word, ten minste sewe dae voor die bevestigde datum.
- (2) Die senior tradisionele leier kan ter enige tyd, en kan wanneer benodig deur die Premier of nie minder as een derde van die totale getal lede van die tradisioneleraad 'n spesiale vergadering vir die tradisioneleraad beroep: Met dien verstande dat die Premier homself of haarself die vergadering aanvra.
- (3) Geen sake kan gehanteer word by 'n spesiale vergadering behalwe dit wat in die kennisgewing genoem is, behalwe met die goedkeuring van die meerderheid van die lede teenwoordig by so 'n vergadering nie.
- (4) Die helfte van die lede van die totale getal lede van die tradisioneleraad vorm 'n korum en geen verrigtinge mag plaasvind en geen besluite mag geneem word tensy 'n korum teenwoordig is nie.
- (5) Onderhewig aan die bepalings van die Wet en enige ander toepaslike wet moet die prosedure wat gevolg word by enige vergadering of ander verrigtinge van die tradisioneleraad insluitend die vergaderings van enige staande of tydelike komitee in oorleg wees met die gewoontereg van die betrokke tradisionele gemeenskap en die

voorsitter moet 'n senior tradisionele leier of enige lid van die tradisioneleraad wees, wat aangestel is deur die senior tradisionele leier .

- (6) Elke tradisioneleraad moet 'n notuleboek hou waarin die volgende besonderhede aangeteken moet word:
- (a) die datum, tyd en plek waar die vergadering gehou was
  - (b) die name van die teenwoordige lede
  - (c) 'n opsomming van elke besluit geneem by die vergadering
  - (d) indien deur 'n lid versoek, die feit dat hy of sy teen enige besluit wat geneem was, gestem het.
- (7) 'n Kopie van die notule moet binne 15 dae na enige vergadering, aan die amptenaar, soos deur die Premier aangewys is, gestuur word.

#### **Herroeping van die erkenning van tradisionele gemeenskappe en tradisioneleraade**

9. (1) Die Premier kan deur kennisgewing in die *Koerant*, die erkenning van 'n tradisionele gemeenskap terugtrek kragtens artikel 7(1) van die Raamwet, na oorlegpleging met die Provinsiale Huis van tradisionele leiers, die betrokke Plaaslike Huis van tradisionele leiers, die betrokke gemeenskap en indien van toepassing, die koning of koningin onder wie se regspleging die tradisionele gemeenskap val.
- (2) Indien die erkenning van 'n tradisionele gemeenskap teruggetrek word kragtens subartikel (1), word die erkenning van 'n tradisionele gemeenskap beskou as teruggetrek wanneer die erkenning van die terugtrekking van die tradisionele gemeenskap van krag word.

### **HOOFSTUK 3**

#### **KORPORATIEWE STAATSBESTUUR**

##### **Vennootskappe tussen munisipaliteite en tradisioneleraade**

- (1) Indien 'n tradisioneleraad dit nodig om 'n munisipale regulasie te maak kragtens enige saak wat 'n direkte invloed sal hê op die gesagsgebied voorstel aan die betrokke munisipaliteit gerig word vir die oorweging van so 'n munisipale regulasie.

- (2) Die voorstel soos verwys na in subartikel (1), kan deur 'n konsep van die voorgestelde verordening vergesel word en moet skriftelik gemotiveer wees.
- (3) Met ontvangs van die voorstel moet die munisipaleraad die voorgestelde munisipale regulasie/verordening binne drie maande oorweeg word.
- (4) Die munisipaleraad aan wie 'n konsep van die munisipale regulasie ingedien word kragtens subartikel (1) moet met die betrokke tradisioneleraad oorlegpleeg alvorens die voorgestelde verordening verwerp word.
- (5) 'n Tradisioneleraad kan 'n dienskontrak aangaan met die toepaslike munisipaliteite in ooreenstemming met enige toepaslike wetgewing.

#### **Ondersteuning aan tradisionelerade**

- 11. (1) Die Premier moet amptenare aanstel om die administrasie van die tradisionelerade te behartig en moet inagneem die grootte van die tradisionele gemeenskapsgebiede en die behoeftes van die inwoners.
- (2) Die Premier moet die funksies van die personeel van die tradisionelerade wat aangestel word bepaal, kragtens subartikel (1) deur kennisgewing in die *Koerant*.
- (3) Die Premier moet binne die vermoë van die regering, genoegsame finansiële ondersteuning aan die tradisionelerade bied om te verseker dat hulle hul pligte kan uitvoer.

### **HOOFSTUK 4**

#### **ERKENNING VAN TRADISIONELE LEIERSKAP POSISIES**

##### **Erkenning van 'n senior tradisionele leier, hoofvrou of hoofman**

- 12. (1) Indien 'n posisie vir 'n senior tradisionele leier, hoofman of hoofvrou gevul moet word, moet —
  - (a) die betrokke koninklike familie binne 'n redelike tydperk nadat daar 'n behoefte ontstaan het om die posisies te vul, en inaggenome die gewoontereg van die betrokke tradisionele gemeenskap —

- (i) 'n persoon identifiseer wat kwalifiseer om die posisies te vul kragtens die gewoontereg van die betrokke tradisionele gemeenskap.
  - (ii) deur middel van die toepaslike gewoontereg strukture van die betrokke tradisionele gemeenskap en na kennisgewing aan die tradisioneleraad; die Premier inlig oor die besonderhede van die geïdentifiseerde persoon wat die posisie gaan opneem, asook die redes waarom die spesifieke persoon geïdentifiseer is.
- (b) die Premier moet onderhewig aan subartikel (2) —
  - (i) deur kennisgewing in die *Koerant* erkenning gee aan die persoon wat deur die koninklike familie geïdentifiseer is in ooreenstemming met paragraaf (a) as 'n senior tradisionele leier, hoofman of hoofvrou, soos die geval ookal mag wees;
  - (ii) 'n sertifikaat van erkenning uitreik aan die persoon om sodanige erkenning te bevestig;
  - (iii) die Provinsiale Huis van tradisionele leiers en die aangewese Plaaslike Huis van tradisionele leiers inlig oor die erkenning van 'n senior tradisionele leier, hoofman of hoofvrou.
- (2) Waar daar bewyse of beskuldigings is dat die identifisering van die persoon soos verwys na in subartikel (1) nie in ooreenstemming met die gewoontereg, gewoontes of prosesse gedoen was nie, kan die Premier—
  - (a) die saak na die Provinsiale Huis van tradisionele leiers en die toepaslike Plaaslike Huis van tradisionele leiers verwys vir hul insae; of
  - (b) weier om 'n sertifikaat van erkenning uit te reik; en
  - (c) die saak terugverwys na die koninklike familie vir heroorweging en besluit, waar dit gebeur dat die sertifikaat van erkenning geweier was.
- (3) Waar die saak wat terugverwys is na die koninklike familie vir heroorweging en besluitneming kragtens subartikel (2), heroorweeg en opgelos is, moet die Premier die persoon wat deur die koninklike familie geïdentifiseer is erken, indien die Premier tevrede is dat die heroorweging en besluit deur die koninklike familie in ooreenstemming met die gewoontereg gedoen is.

**Ontsetting van koninklike pligte**

13. (1) Die ontsetting van koninklike pligte uit die kantoor kan om die volgende redes plaasvind—
- (a) skuldigbevinding aan 'n oortreding met gevangenisskap van meer as twaalf maande sonder die opsie van 'n boete;
  - (b) liggaamlike onvermoë of verstandelike gebreke, wat gebaseer is op aanvaarbare mediese bewyse, dit onmoontlik maak vir die senior tradisionele leier, hoofman of hoofvrou om in hul amp te funksioneer;
  - (c) verkeerdelike aanstelling of erkenning; of
  - (d) oortreding van 'n gewoontereg Reël of beginsel wat ontslag regverdig;
  - (e) volgehoue nalatigheid of traagheid in die uitvoering van die funksies van sy of haar kantoor;
- (2) Indien enige van die redes kragtens subartikel (1) (a), (b), (d) en (e) onder die aandag van die koninklikefamilie kom en die koninklikefamilie besluit om 'n senior tradisionele leier, hoofman of hoofvrou te ontslaan, moet die betrokke koninklikefamilie, binne 'n billike tydperk en deur die toepaslike gewoontereg strukture —
- (a) die Premier van die betrokke provinsie inlig oor die besonderhede van die senior tradisionele leier, hoofman, of hoofvrou wat van hul amp onthef gaan word; en
  - (b) redes verskaf vir die ontslag.
- (3) Indien daar besluit word om 'n senior tradisionele leier, hoofman of hoofvrou te ontslaan kragtens subartikel (2), moet die Premier —
- (a) die sertifikaat van erkenning terugtrek met inwerkingtreding vanaf die datum van ontslag.
  - (b) 'n kennisgewing publiseer met die besonderhede van die senior tradisionele leier, hoofman of hoofvrou in die *Koerant*; en

- (c) die betrokke koninklikefamilie, die onslane senior tradisionele leier, hoofman, hoofvrou, die Provinsiale Huis van tradisionele leiers sowel as die betrokke Plaaslike Huis van tradisionele leiers inlig oor sodanige ontslag.
- (4) Indien 'n senior tradisionele leier, hoofman of hoofvrou ontslaan word, kan 'n opvolger dienoreenkomstig met die gebruike of gewoontes die pos, rol en verantwoordelikhede oorneem, onderhewig aan artikel 12.
- (5) Indien dit onder die aandag van die Premier sou kom dat die gronde soos verwys na in subartikel (1) (a) bestaan en die koninklikefamilie het nog nie besluit om die senior tradisionele leier, hoofman of hoofvrou te ontslaan nie, soos die geval mag wees, moet die Premier voorts die salaris van die betrokke tradisionele leier opskort met inwerkingtreding vanaf die datum wanneer die aantuigings gemaak is, nadat die Premier die koninklikefamilie 30 dae gegee het om op die aantuigings te reageer.

#### Erkenning van regente/ heersers

14. (1) Indien die opvolger in die posisie van koning, koningin, senior tradisionele leier, hoofman of hoofvrou as minderjarig beskou word, kragtens die wette wat van toepassing is in gewoontereg of die gebruike —
- (a) moet die betrokke koninklikefamilie binne 'n redelike tydperk —
    - (i) 'n regent identifiseer wat namens die minderjarige as leier gaan optree en
    - (ii) deur die toepaslike gewoonte strukture die Premier inlig oor die besonderhede van die geïdentifiseerde persoon regent sowel as die redes waarom die persoon geïdentifiseer is; en
  - (b) die Premier kan, met inaggenome die toepaslike gewoontereg of die gebruike, en onderhewig aan subartikel (2) —
    - (i) deur kennisgewing in die *Koerant* die regent erken soos geïdentifiseer deur die koninklikefamilie kragtens subartikel (1) en 'n sertifikaat van erkenning uitreik aan die erkende regent;
    - (ii) 'n sertifikaat van erkenning uitreik aan die erkende regent
    - (iii) die Provinsiale Huis van tradisionele leiers en die toepaslike Plaaslike Huis van tradisionele leiers inlig oor die erkenning van die betrokke regent.

- (c) Die Premier moet die erkenning van die regent elke twaalf maande hersien.
- (2) Indien daar bewyse of aantuigings is dat die geïdentifiseerde persoon wat as regent gekies is nie in ooreenstemming met gewoontereg, gewoontes of prosesse gedoen was nie, kan die Premier —
- (a) die saak verwys na die Provinsiale Huis van tradisionele leiers en die toepaslike Plaaslike Huis van tradisionele leiers vir hul aanbevelings; of
  - (b) weier om 'n sertifikaat van erkenning uit te reik; en
  - (c) die saak terugverwys na die koninklikefamilie vir heroorweging en besluitneming waar die uitreiking van so 'n sertifikaat geweier is.
- (3) Indien die saak terugverwys word na die koninklikefamilie vir heroorweging en besluitneming kragtens subartikel (2) en opgelos en heroorweeg is, kan die Premier die persoon erken wat deur die koninklikefamilie geïdentifiseer is, sou die Premier tevrede wees dat die heroorweging en besluitneming in oorleg met die gewoontereg gedoen is.
- (4) Die regent erken kragtens subartikel (1) moet van sy /haar titel afsien binne drie maande nadat die opvolger vir die posisie sy of haar 25 ste verjaarsdag bereik het, en die opvolger moet in die geval van 'n senior tradisionele leier, hoofvrou of hoofman, erken word deur die Premier kragtens artikel 12.

#### **Erkenning van waarnemende tradisionele leiers**

15. (1) 'n Koninklike kan in oorleg met die gewoontereg van die betrokke tradisionele gemeenskap, 'n toepaslike persoon identifiseer wie 'n lid van die koninklikefamilie moet wees om as koning, koningin, senior tradisionele leier, hoofman of hoofvrou op te tree, soos die geval ook mag wees, waar —
- (a) die opvolger tot posisie as koning, koningin, senior tradisionele leier, hoofman of hoofvrou nie deur die koninklikefamilie geïdentifiseer is kragtens die Wet nie;
  - (b) die identifikasie van die opvolger tot die posisie van koning, koningin, senior tradisionele leier, hoofman of hoofvrou heroorweeg word en opgelos word kragtens die Wet;
  - (c) 'n koning, koningin, senior tradisionele leier, hoofman of

hoofvrou soos dit die geval mag wees, afwesig is van sy of haar regsgebied onder omstandighede anders as toegelaat in artikel 16(1) en vir 'n tydperk van nie meer as ses maande nie vir —

- (i) die behandeling van die siekte
  - (ii) studiedoeleindes; of
  - (iii) enige ander wettige doeleindes.
- (2) Die Premier kan met die aanstelling van 'n waarnemende tradisionele leier kragtens subartikel (1) —
- (a) 'n sertifikaat van aanstelling uitreik; en
  - (b) die Provinsiale Huis van tradisionele leiers en die toepaslike Plaaslike Huis van tradisionele leiers, inlig.
- (3) Die Premier kan die aanstelling van die waarnemende tradisionele leier elke twaalf maande hersien.
- (4) Die Premier moet met die ontvangs van die versoek deur die koninklikefamilie enige persoon ontslaan wat in 'n waarnemende hoedanigheid is.

#### **Aanstelling van adjunk- tradisionele leiers**

16. (1) 'n Koning, koningin, senior tradisionele leier, hoofman of hoofvrou soos dit die geval mag wees, kan, na in oorlegpleging met die koninklikefamilie, 'n adjunk aanstel wat 'n lid van die koninklikefamilie moet wees wat as koning, koningin, senior tradisionele leier, hoofman of hoofvrou wat in sy of haar pos kan waarneem —
- (a) 'n voltydse lid van die munisipaleraad word;
  - (b) as lid van die provinsiale wetgewer verkies word;
  - (c) tot lid van die Nasionale Vergadering verkies word
  - (d) aangestel word as 'n permanente afgevaardigde in die Nasionale Raad van Provinsies; of
  - (e) verkies of aangestel word in 'n voltydse posisie in enige Huis van tradisionele leiers
- (2) 'n Koning, koningin, senior tradisionele leier, hoofman of hoofvrou soos dit



die geval mag wees, kan na die aanstelling kragtens subartikel (1) die Premier, die Provinsiale Huis van tradisionele leiers sowel as die betrokke plaaslike huis van tradisionele leiers inlig omtrent die aanstelling.

- (3) Die Premier moet met die ontvangs van die inligting aangaande die aanstelling 'n sertifikaat van aanstelling uitreik aan die aangestelde.
- (4) 'n Persoon wat as adjunk aangestel is kragtens subartikel (1) kan die funksies verrig wat aan die posisie gekoppel is.
- (5) Indien 'n koning of koningin 'n adjunk aanstel kragtens subartikel (1) moet die koning of koningin die President oor sodanige aanstelling inlig.
- (6) Die koning, koningin, senior tradisionele leier, hoofman of hoofvrou soos dit die geval mag wees, kan ter enige tyd die adjunk wat aangestel is van sy/haar amp onthef kragtens subartikel (1).

#### **Vergaderings van die koninklikefamilie**

- 17.
  - (1) 'n Koninklikefamilie moet, wanneer daar 'n vergadering is om die sake wat voortspruit uit die Wet te bespreek, optree in ooreenstemming met die gewoontereg van die betrokke tradisionele gemeenskap.
  - (2) Enige koninklikefamilie moet 'n notuleboek hou waarin elke vergadering aangeteken word-
    - (a) die datum en tyd en die plek waar die vergadering gehou was;
    - (b) die name van die lede van die koninklikeraad teenwoordig en hul titels in ooreenstemming met hul gewoontes; en
    - (c) die besluite geneem.
  - (3) Enige staatsamptenaar, soos aangewys deur die Premier, moet toesig hou oor die administrasie van die koninklikefamilie en moet toegang hê tot die notuleboeke soos verwys na in subartikel (2).

## HOOFSTUK 5

### ROL EN FUNKSIES VAN TRADISIONELE LEIERSKAP

#### Rol en funksies van tradisionele leierskap

18. (1) 'n Tradisionele leier verrig enige funksie soos bepaal kragtens gewoontereg, aan hom of haar aangewys kragtens enige wet, onderhewig aan subartikel 20 van die Raamwerkwet en sonder om af te wyk van die algemeenheid van die voorafgaande, kan die tradisionele leier met byvoeging in oorlegpleging met die tradisioneleraad, die volgende funksies verrig:
- (a) die belange bevorder van die betrokke tradisionele gemeenskap;
  - (b) in samewerking met die betrokke munisipaliteite en staatsdepartemente, help met die administrasie van die tradisionele gemeenskap;
  - (c) aktief deelneem aan die ontwikkeling van die gebied van sy of haar tradisionele gemeenskap;
  - (d) op versoek van enige staatsdepartement of die betrokke munisipaliteit, moet die bepalings van enige nuwe wette aan die inwoners van die betrokke tradisionele gemeenskap bekend gemaak word; en
  - (e) uitvoer van enige funksies soos deur enige staatsinstelling toegestaan word in ooreenstemming met die Wet.
- (2) Staatsinstellings moet met die toeken van funksies aan 'n tradisioneleraad kragtens artikel 20 van die Raamwerkwet, die Premier inlig oor die toegekende funksies.
- (3) 'n Tradisioneleraad moet oor die algemeen aan die Premier verslag doen met betrekking tot die uitvoering van hul gesag en die uitvoering van hul funksies en spesifiek verslag doen aan die toepaslike staatsinstelling met betrekking tot die funksies toegeken deur so 'n staatsinstelling.
- (4) Die tradisioneleraad moet tradisionele Afrikawaardes handhaaf

**Toelating van nuwe individue tot bestaande tradisioelegemeenskappe en die ontslaan van bestaande lede van tradisioelegemeenskappe**

19. (1) Die tradisioneleraad kan enige nuwe individue toelaat tot die tradisioelegemeenskap in oorleg met die gewoontereg van die betrokke tradisioelegemeenskap.
- (2) Geen bestaande lid van die tradisioelegemeenskap kan van die gebied van die tradisioelegemeenskap verwyder word sonder toestemming van die lid nie.
- (3) Daar sal 'n stelselmatige oordrag van lede van die gemeenskap wees.

**Bepaling van grense van tradisioelegemeenskappe**

20. (1) Die Premier moet die grense van tradisionelerade vasstel en die inligting publiseer in die *Koerant* vir algemene inligting.
- (2) Die Premier kan na oorlegpleging met die Provinsiale Huis van tradisionele leiers, om 'n verwante grensgeskil tussen twee of meer tradisioelegemeenskappe op te los, 'n wysiging maak aan die bestaande grenslyne van die betrokke tradisioelegemeenskap, of enige ander tradisioelegemeenskap, sou van die wysiging redelikergewys verwag word om die grenslynverwante dispuut op te los, of om by te dra tot die oplossing van die dispuut.

**HOOFSTUK 6****DIENSVOORWAARDES****Salarisse en toelae**

21. (1) Die salarisse en toelae van tradisionele leiers word gehanteer kragtens die Wet op Vergoeding van Staatsamptenare, 1998( Wetnr 20 van 1998).
- (2) 'n Lid van 'n tradisioneleraad kan vanuit die fondse van die tradisioneleraad vergoed word, deur middel van 'n toelaag wat deur die Premier vasgestel is.

**Reis en verblyfkooste**

22. (1) Indien daar van 'n lid van 'n tradisioneleraad verwag word om buite die regsgebied van die raad aangaande die uitvoering van funksies van die raad, word 'n toelaag soos deur die Premier vasgestel aan hom of haar betaal word om reis en verblyf koste te dek: Met dien verstande dat so 'n toelaag nie aan 'n lid betaal word wat geregtig is om so 'n toelaag te ontvang kragtens die vereistes van enige ander wet of bestuur of sou daar bewyse wees dat sulke uitgawes deur 'n derde party aangegaan is nie.
- (2) 'n Tradisionele leier wie nie lid is van 'n tradisioneleraad nie, kan in die uitvoering van enige funksie namens die tradisioneleraad, vergoed word in ooreenstemming met subartikel (1).

#### **Gedragkode**

23. (1) 'n Tradisionele leier of lid van 'n tradisioneleraad moet, bykomend tot die gedragkode soos vasgestel in die Raamwerkwet, sy/haar onderwerp aan die toepaslike gedeelte van die gedragkode in Bylae 2 van die Wet.
- (2) Enige verbreking van die gedragkode soos verwys word na in subartikel (1) moet gehanteer word in ooreenstemming met die prosedures soos vasgestel in die genoemde kode.

### **HOOFSTUK 7**

#### **FINANSIËLE SAKE**

##### **Fondse van tradisioneleraade**

24. Fondse van 'n tradisioneleraad bestaan uit —
- (a) alle gelde wat in ooreenstemming met die gewoontereg van die betrokke tradisionele gemeenskap betaalbaar is aan die tradisioneleraad;
- (b) boetes wat deur die tradisionele leier of raad ingesamel is in ooreenstemming met die tradisionele gemeenskap se wette en gewoontes;

- (c) alle gelde wat kom vanaf enige eiendom wat in besit is van die betrokke tradisionele gemeenskap;
- (d) enige donasie wat deur enige persoon gemaak is tot die voordeel van die betrokke tradisionele gemeenskap, op voorwaarde dat enige voorwaardelike toelaag of donasies, onderhewig aan enige toepaslike wetgewing of regeringsbeleid, geadministreer word in oorleg met die voorwaardes daarvan;
- (e) enige gelde betaal aan die tradisioneleraad volgens enige wet; en
- (f) enige bedrag ontvang deur die tradisioneleraad volgens artikel 25.

### **Heffingskoers van tradisioneleraade**

25. (1) 'n Tradisioneleraad kan met die toestemming van die Premier, 'n tradisioneleraad-heffing plaas op elke belastingbetaler in die betrokke tradisionele gebied.
- (2) Die heffing van 'n tradisioneleraad onderhewig aan subartikel (1) sal deur die Premier bekend gemaak word deur kennisgewing in die *Koerant* en sal in werking tree vanaf die datum genoem in die kennisgewing.
- (3) Teen enige belastingbetaler soos verwys na in subartikel (1) wat versuim om die tradisioneleraadheffing te betaal, sal in ooreenstemming met die gewoontereg van die betrokke tradisionele gemeenskap opgetree word.

### **Die oopmaak van rekeninge vir die finansies van die tradisioneleraade**

26. (1) Die Premier moet redes verskaf vir die oopmaak van 'n rekening vir elke tradisioneleraad, waarin alle gelde ontvang kragtens artikel 24 en waaruit alle uitgawes met betrekking tot enige saak binne die kragte van die betrokke tradisioneleraad en enige saak, aan voldoen moet word.
- (2) Die beheer van die rekening soos verwys na in subartikel (1) gee aan die Premier die volgende magte: Met dien verstande dat die Premier in sulke omstandighede soos die Premier dit gepas sal vind magte kan delegeer met betrekking tot genoemde rekening aan die betrokke tradisioneleraad.
- (3) Die Premier kan met toestemming van die betrokke tradisioneleraad, geld belê as daar krediet in die rekening van die tradisioneleraad is wat nie onmiddellik gebruik gaan word nie as 'n redelike balans vir huidige uitgawes beskikbaar is, of korttermyn deposito by enige bank of ander finansiële instelling geregistreer in die Republiek in der mate en onderhewig aan sulke voorwaardes en omstandighede soos vasgestel deur die Premier.

**Rekenpligtige-amptenaar vir die finansies van tradisionelerade**

27. Die Direkteur-Generaal is die rekenpligtige-amptenaar vir die fondse van die tradisionelerade.

**Kwartaallikse finansiëleverslae**

28. Elke tradisioneleraad moet aan die einde van elke finansiëlejaar, binne vyftien dae na die einde van elke kwartaal, 'n omvattende verslag oor die inkomste en uitgawes van die vorige kwartaal aan die Direkteur-Generaal indien, en jaarliks aan die einde van die finansiëlejaar op 'n tyd soos vasgestel deur die Premier, 'n omvattende verslag oor die tradisionelerade se inkomste en uitgawes van die voorafgaande jaar indien.

**Die berg van afskrifte**

29. (1) 'n Tradisioneleraad moet behoorlik rekord hou van al die aktiwiteite en inkomste en uitgawes;
- (2) 'n Tradisioneleraad moet die rekords soos verwys na in subartikel (1) beskikbaar stel om deur die Ouditeur-Generaal ge-ouditeer te word.

**Implementering van besluite van die kommissie**

30. (1) Die Premier moet binne sewe dae na die ontvangs van die besluit van die kommissie kragtens artikel 26(2) van die Raamwerkwet, sodanige besluit na die Provinsiale Huis van tradisionele leiers verwys, om hul raadgewing vir implementering.
- (2) Die Provinsiale Huis van tradisionele leiers moet hul raadgewing soos bedoel word in subartikel (1), binne veertien dae na ontvangs aan die Premier indien, op voorwaarde dat die Premier as hy of sy dit nodig ag, van die Provinsiale Huis van tradisionele leiers vereis om hul raadgewing binne 'n verkorte vasgestelde tydperk in te dien.
- (3) Die Premier moet die besluit van die kommissie binne 30 dae na die ontvangs van die besluit deur die kommissie, implementeer.

**Regulasies**

31. Die Premier kan enige regulasies maak met betrekking tot —
- (a) enige saak kragtens hierdie Wet wat vereis of toegelaat word;

- (b) in die algemeen , enige saak wat nodig of wenslik is om voor te skryf ten einde die oogmerke van die Wet te bereik.

### **Delegering**

32. (1) Die Premier mag kragtens die Wet enige van sy of haar gesag of funksies delegeer aan enige persoon.
- (2) Delegering soos verwys na in subartikel (1) kan ter enige tyd deur die Premier teruggetrek word en dit verhoed nie die Premier om sy gesag of funksies uit te oefen terwyl die gesag of funksie gedelegeer is nie.

### **Oorgangsreëlings**

33. (1) Enige bepalings van die Wet vereis dat oorlegpleging met 'n instansie wat nog nie gevestig is nie, nie-operasioneel sal bly tot so 'n mate dit oorlegpleging vereis, totdat 'n toepaslike instansie gevestig is.
- (2) Enige tradisionele leier wat aangestel is kragtens die aanvaarbare provinsiale wetgewing en as tradisionele leier erken word onmiddellik voor die aanvang van die Wet, word erken kragtens die toepaslike bepalings van die Wet.
- (3) Enige persoon wat onmiddellik voor die aanvang van die Wet, aangestel word en as regent erken word, of in 'n waarnemende posisie of as adjunk aangestel word, word beskou as aangestel of erken kragtens die toepaslike bepalings van die Wet.
- (4) Enige stam wat, onmiddellik voor die aanvang van die Wet bestaan het onder die bepalings van die reg, word beskou as 'n tradisionele gemeenskap wat kragtens die Wet ingestel is.
- (5) 'n Stamsgesag of stamraad wat onmiddellik voor die aanvang van die van die Wet, bestaan het, kragtens die bepalings van die reg, word beskou as 'n tradisioneleraad ingestel kragtens die Wet: Met dien verstande dat sulke tradisioneleraad aan die bepalings van artikel(4) moet voldoen binne een jaar vanaf die aanvang van die Wet.

### **Herroeping van wette en uitsonderings**

34. (1) Onderhewig aan die bepalings van subartikels (2) en (3), word die genoemde wette genoem in die tweede kolom van Bylae 1 hiermee herroep in der mate soos aangedui in die derde kolom van Bylae 1 soos vanaf 'n datum vasgestel deur die Premier met kennisgewing in die *Koerant*.
- (2) Verskillende datums kan vasgestel word deur die Premier vir verskillende wette.

- (3) Enigiets gedoen kragtens die bepalings van 'n wet herroep in subartikel (1) en wat by magte is om onder die bepalings van die Wet gedoen te kan word, word beskou as gedoen kragtens die bepalings van die Wet.

**Kort titel**

35. Die Wet heet die Limpopo Wet op Tradisionele Leierskap en Instellings, 2005 en tree in werking op 'n datum soos deur die Premier bepaal deur proklamasie in die *Koerant*.



**BYLAE 1**

## Herroepte wette

<b>Wetnr en Jaar</b>	<b>Kort titel</b>	<b>Omvang van herroeping</b>
No. 29 van 1991	Venda Tradisionle leiers Proklamasie	Algeheel
No. 38 van 1927	Die Wet op Swart Administrasie	In der mate die Wet aan die Provinsie toegeskryf word.

**BYLAE 2****GEDRAGSKODE****Deel A****Lede van tradisioneleraade***Woordomskrywing*

- 1 In die Bylae beteken “eggenoot” ‘n persoon wat permanent saambly met ‘n ander persoon asof hul getroud is.

*Algemene gedragskode van lede van die tradisionele rade*

2. ‘n Lid van die tradisioneleraad moet —
- (a) die funksies van die amp in goedertrou, tot die beste van hul vermoë, eerlik en deursigtig verrig; en
  - (b) ten alle tye optree in die beste belang van die tradisionele gemeenskap en op so ‘n manier dat die geloofwaardigheid en integriteit van die tradisioneleraad nie in gedrang kom nie.

*Bywoning van vergaderings*

3. ‘n Lid van die tradisioneleraad moet elke vergadering van die tradisioneleraad en van ‘n komitee van wie die lid van die tradisioneleraad ‘n lid is bywoon, buiten wanneer —
- (a) toestemming vir verlof toegestaan kragtens ‘n toepaslike wet soos bepaal deur die reëls en regulasies van die tradisioneleraad; of
  - (b) dat daar van die lid van die tradisioneleraad vereis word kragtens hierdie Kode om van die vergadering te onttrek.

*Strafmaatreëls vir die nie-bywoning van vergaderings*

4. (1) ‘n Tradisioneleraad mag ‘n boete soos vasgestel deur die vastereëls en regulasies van die tradisioneleraad hef op ‘n lid van die tradisioneleraad vir:
- (a) die nie-bywoning van ‘n vergadering wat die lid van die tradisioneleraad veronderstel is om by te woon kragtens item 3; of

- (b) versuim om die volle duur van so 'n vergadering by te woon.
- (2) 'n Lid van die tradisioneleraad wie afwesig is vir drie of meer opeenvolgende kere van 'n vergadering van 'n tradisioneleraad, of afwesig is vir drie of meer opeenvolgende vergaderings van 'n komitee, wat van die lid van die tradisionele raad vereis word om by te woon kragtens item 3, moet van sy/haar amp as lid van die tradisioneleraad onthef word.

#### *Openbaarmaking van belange*

- 5 (1) 'n Lid van die tradisioneleraad moet –
- (a) aan die tradisioneleraad, of enige komitee van wie die lid van die tradisioneleraad 'n lid is, enige direkte of indirekte persoonlike of private besigheidsbelange onthul wat die tradisioneleraad, of enige ander eggenoot, medewerker of besigheidsvennoot mag hê in enige saak voor die raad of die komitee; en
  - (b) onttrek van die verrigtinge van die raad of komitee wanneer die saak deur die raad of komitee oorweeg word, behalwe wanneer die raad of komitee besluit dat die lid van die tradisioneleraad direkte of indirekte belange het in die saak wat onbeduidend of ontoepaslik is.
- (2) 'n Lid van die tradisioneleraad wie se eggenoot, medewerker, besigheidsvennoot of nabye familieledede, enige direkte voordeel verkry of kan verkry vanuit 'n kontrak met die tradisionele gemeenskap, moet die volle besonderhede van die voordele waarvan die lid van die tradisioneleraad kennis dra, openbaar maak by die eerste vergadering van die tradisioneleraad wanneer dit moontlik is vir die lid van die tradisioneleraad om die onthulling te maak.
- (3) Hierdie afdeling is nie van toepassing op belange of voordele wat 'n lid van die tradisioneleraad, of 'n eggenoot, medewerker of besigheidsvennoot of nabye familieledede het of, bekom het saam met ander inwoners van die tradisionele gemeenskap nie.

#### *Persoonlike gewin*

- 6 (1) 'n Lid van die tradisioneleraad kan nie sy/haar posisie gebruik om voorregte van 'n lid van die tradisioneleraad, of vertroulike inligting te verkry as 'n lid van die tradisioneleraad, vir private gewin of enige onvanpaste voordele vir 'n ander persoon nie.
- (2) Behalwe met die voorafgoedkeuring van die tradisioneleraad, mag 'n lid van die tradisioneleraad nie –

- (a) 'n deelnemer of begunstigde wees kragtens 'n kontrak vir —
    - (i) die verskaffing van goedere of dienste aan die tradisionele gemeenskap nie; of
    - (ii) die lewering van 'n diens of enige ander werk verrig as lid van die tradisioneleraad vir die tradisionele gemeenskap nie
  - (b) finansiële belange verkry in enige besigheid van die tradisionele gemeenskap nie of;
  - (c) teen betaling of enige oorweging namens 'n ander persoon voor 'n raad of komitee verskyn nie.
- (3) Indien meer as 'n kwart van die lede van die tradisioneleraad beswaar maak as daar toestemming gegee word aan 'n lid van die tradisioneleraad kragtens subitem (2), kan sulke toestemming slegs aan die lid van die tradisioneleraad toegestaan word na goedkeuring deur die Premier.

*Bekendmaking van belange*

- 7 (1) Wanneer 'n lid van die tradisioneleraad aangestel of verkies is moet die lid binne 60 dae skriftelik aan die staatsamptenaar soos aangestel deur die Premier, die volgende finansiële belange verklaar van die betrokke lid van die tradisioneleraad :
- (a) aandele en waardepapiere in enige maatskappye;
  - (b) lidmaatskap van enige beslote korporasie;
  - (c) belange in enige trust;
  - (d) direkteurskap;
  - (e) vennootskappe;
  - (f) ander finansiële belange in enige ander besigheidsonderneming;
  - (g) indiensneming en vergoeding;
  - (h) belange in eiendom;
  - (i) pensioen; en

- (j) subsidies, toelaes en borgskappe deur enige ander organisasie.
- (2) Enige verandering in die aard of besonderhede van die finansiële belange van 'n lid van die tradisioneleraad moet jaarliks in skrywe verklaar word aan die amptenaar soos verwys na in subitem (1), verklaar word.
- (3) 'n Vasgestelde bedrag van die geskenke ontvang deur 'n lid van die bogenoemde tradisioneleraad moet ook verklaar word in oorleg met subitem (1).
- (4) Die tradisioneleraad moet bepaal watter finansiële belange soos verwys na in subitem (1), openbaar gemaak moet word inaggenome die behoefte aan vertroulikheid en die publiek se belange met die openbaarmaking daarvan.

*Vergoeding, geskenke en gunste*

- 8 'n Lid van die tradisioneleraad kan dit nie versoek, of enige beloning/vergoeding, of geskenke aanvaar nie, vir —
- (a) gestem vir of nie gestem nie op 'n sekere manier vir 'n sekere saak vir die tradisioneleraad of vir 'n komitee van wie die lid van die tradisioneleraad 'n lid is;
  - (b) die oorreding van die tradisioneleraad of enige ander komitee met betrekking tot die uitoefening van magte, funksies of pligte;
  - (c) die maak van 'n voorstel aan die tradisioneleraad of enige ander komitee van die raad; of
  - (d) onthulling van bevoorregte of vertroulike inligting.

*Ongemagtigde onthulling van inligting*

- 9 (1) 'n Lid van die tradisioneleraad kan nie sonder die toestemming van die tradisioneleraad of komitee enige beskermde of vertroulike inligting van die raad of komitee bekend maak aan enige ongemagtigde persoon nie.
- (2) Vir die doel van die item sluit "beskermde of vertroulike" inligting enige inligting in —
- (a) soos bepaal deur die tradisioneleraad of komitee as beskermde of vertroulik beskou word;
  - (b) soos bespreek in 'n geslote sessie deur die raad of komitee;
  - (c) onthulling wat 'n persoon se reg tot privaatheid sal skend nie; of
  - (d) as beskermde, vertroulik of geheimlik kragtens die Wet geag word.

- (3) Die item wyk nie af van die reg van enige persoon om toegang te hê tot inligting kragtens nasionale wetgewing nie.

*Gemeenskapseiendom*

- 10 'n Lid van die tradisioneleraad mag nie gebruik maak van, neem, aanskaf of voordeel trek uit enige eiendom of bates besit, beheer of bestuur deur die tradisionele gemeenskap waartoe die lid van die tradisioneleraad geen reg het nie.

*Verbreking van Kode*

- 11 (1) Indien die tradisioneleraad bo redelike twyfel van die oortuiging is dat 'n bepaling van die gedeelte van die Kode verbreek is, moet die tradisioneleraad —
- (a) magtiging verleen vir 'n ondersoek na die feite en omstandighede van die beweerde verbreking;
  - (b) die lid van die tradisioneleraad 'n regverdige kans gee om skriftelik te antwoord aangaande die beweerde verbreking; en
  - (c) verslag doen oor die saak by 'n vergadering van die tradisioneleraad nadat daar aan paragrawe (a) en (b) voldoen is.
- 
- (2) 'n Verslag kragtens subitem (1)(c) beskikbaar is vir die publiek.
- (3) Die tradisioneleraad moet aan die Premier verslag doen aangaande die uitslag van die ondersoek.
- (4) Die senior tradisionele leier moet sorg dat elke lid van die tradisioneleraad met indienstreding 'n kopie van die Kode ontvang en 'n kopie moet beskikbaar wees in elke kamer of plek waar die tradisioneleraad vergader.
- (5) 'n Tradisioneleraad kan —
- (a) 'n ondersoek loods en bevindinge maak op enige beweerde verbreking van bepalinge van die Kode; of
  - (b) 'n spesiale komitee instel om
    - (i) 'n ondersoek te loods na en bevindinge te maak op enige beweerde verbreking van die Kode; en
    - (ii) toepaslike aanbevelings maak aan die tradisioneleraad

- (6) Indien die raad of 'n spesiale komitee bevind dat 'n lid van die tradisioneleraad 'n bepaling van hierdie gedeelte van die Gedragskode verbreek het, kan die raad —
- (a) 'n formele waarskuwing uitreik aan die lid van die tradisioneleraad;
  - (b) die lid van die tradisioneleraad tereg wys;
  - (c) die Premier versoek om die lid van die tradisioneleraad te ontslaan;
  - (d) die lid van die tradisioneleraad beboet; en
  - (e) die Premier versoek om die lid van die tradisioneleraad van sy/haar amp te onthef.
- (7) (a) Enige lid van die tradisioneleraad wat 'n waarskuwing ontvang het, tereg gewys is of 'n boete ontvang het kragtens paragrafe (a), (b) of (d) van subitem (6) kan binne veertien dae na kennisgewing van die besluit van die tradisioneleraad, skriftelike appèl aanteken, tesame met grondige redes vir die appèl.
- (b) 'n Afskrif van die appèl moet aan die tradisioneleraad verskaf word.
  - (c) Die tradisioneleraad kan binne veertien dae vanaf onvangs van die appèl soos verwys na paragraaf (b) enige skriftelike voorstelle maak aangaande die redes vir die appèl.
  - (d) Die Premier kan na oorweging van die appèl die besluit bevestig, tersyde stel of die besluit van die raad wysig en die lid van die tradisioneleraad en die raad inlig rakende die uitkoms van die besluit.
- (8) Die Premier moet 'n persoon of 'n komitee aanstel wat die beweringe rondom die verbreking van die Kode kragtens die bepalings en om 'n aanbeveling te maak aangaande skorsing of ontslag van die tradisionele lid.
- (9) Indien die Premier van oortuiging is dat die lid van die tradisioneleraad 'n bepaling van die Kode oortree het en dat sodanige oortreding die skorsing of ontslag regverdig, kan die Premier —
- (a) die lid van die tradisioneleraad skors vir 'n tydperk en op voorwaardes soos deur die Premier bepaal; of
  - (b) die lid van die tradisioneleraad ontslaan uit sy of haar amp.
- (10) Enige ondersoek kragtens die item moet met billikheid geskied.

- (11) Die Premier kan versoek dat die bepalings van die Limpopo Wet op die Kommissies van Onderzoek, 2001 (Wetnr 4 van 2001) van toepassing moet wees op enige ondersoek kragtens hierdie gedeelte van die Gedragskode.

## Deel B

### *Alle tradisionele leiers*

#### *Wangedrag*

1. 'n Tradisioneleleier is skuldig aan wangedrag en daar sal teen hom/haar opgetree word in ooreenstemming met die bepalings van item 2, indien die tradisionele leier —
  - (a) die bepalings van die Wet betwis of weier om daaraan te voldoen, of weier om enige werk te verrig of om enige verpligting nate kom soos voorgeskryf deur die tradisionele leier deur of kragtens enige ander wet;
  - (b) nalatig, lui of traag is in die uitvoering van sy/haar pligte;
  - (c) nie in die vermoë is om sy/haar pligte op 'n doeltreffende manier uit te voer nie;
  - (d) verontagsamend optree, geen respek toon of opsetlike foute maak in die uitvoering van 'n wetlike opdrag soos aan hom haar voorgeskryf deur 'n persoon wat oor die mag beskik;
  - (e) homself/haarself skandelik, onvanpas en onbehoorlik gedra;
  - (f) skuldig bevind word in 'n hof, vir enige oortreding met 'n sweem van geweld of oneerlikheid.



*Prosedures in die geval van wangedrag*

2. (1) Indien 'n tradisionele leier beskuldig word van wangedrag soos omskryf in item 1, moet die betrokke tradisionele gemeenskap navraag doen oor die beweringe in ooreenstemming met die gewoontereg van die betrokke tradisionele gemeenskap.
- (2) Indien die tradisioneleraad, na die ondersoek soos waarna verwys in subitem (1), van mening is dat die tradisionele leier skuldig is aan wangedrag, kan die tradisioneleraad, in in oorlegpleging met die koninklike familie, die bevindinge van die ondersoek tesame met die aanbevelings en die toepaslike optredes, na die Premier verwys.
- (3) (a) Die Premier moet binne sewe dae na die ontvangs van die bevindinge van die ondersoek kragtens subitem (2), die saak na die Provinsiale Huis van Tradisionele leiers verwys, vir hul aanbeveling.
- (b) Die Provinsiale Huis van Tradisionele Leiers moet die saak oorweeg en hul aanbevelings binne 14 dae na ontvangs van die saak hul aanbevelings na die Premier verwys.
- (4) Indien die Premier na die ontvangs van die aanbeveling van die Provinsiale Huis van Tradisionele Leiers tevrede is dat die tradisionele leier skuldig is aan wangedrag, kan die Premier, met inaggenome die aanbevelings van die tradisioneleraad en die Provinsiale Huis van Tradisionele Leiers —
  - (a) die tradisionele leier waarsku of teregwys; of
  - (b) 'n boete aan die tradisionele leier oplê; of
  - (c) opdrag gee dat die tradisionele leier nie vergoeding moet ontvang vir die bepaalde tydperk nie; of
  - (d) 'n kombinasie van paragrawe (b) en (c) voorskryf;
  - (e) die saak verwys na die koninklike familie met die opdrag dat die aangeleentheid ingevolge artikel 13 van die Wet hanteer moet word, indien die Premier tevrede is dat die saak binne die grense van die genoemde artikel val.
- (5) Die Premier kan na aanleiding van sy of haar oordeel, voordat daar kragtens subitem (4) opgetree word, 'n komitee aanstel wat 'n verdere ondersoek sal loods na die beweerde wangedrag.
- 6) Die Premier kan beveel dat die bepalinge van die Limpopo Wet op die Kommissies van Ondersoek, 2001 (Wetnr 4 van 2001) van toepassing moet wees vir enige ondersoek kragtens subitem (5).

**BYLAE 3****AMPSEED**

Ek, A.B., sweer om getrou te wees aan die \_\_\_\_\_ tradisonelegemeenskap en belowe plegtig en opreg om ten alle tye dit te bevorder wat alles teëstaan wat die tradisonelegemeenskap skade kan berokken; om gehoorsaam te wees aan die gewoontereg van die tradisonelegemeenskap en enige ander wette van die Republiek van Suid-Afrika, dit sodanig te handhaaf en te eerbiedig; en om my verantwoordelikhede met al my kragte en talente tot die beste van my kennis en vermoë na te kom en eg en opreg volgens my gewete, regverdig op te tree teenoor almal, en om myself te wy aan die welstand van die tradisonelegemeenskap en sy / haar mense.

Mag die Allerhoogste God deur Sy genade my lei en help om die eed na te kom in eerbiedigheid en respekvolheid.

So help my God!

## **MOLAO**

Go beakanyetša go amogelwa ga ditšhaba tša magoši; go amogelwa ga dikhansele tša mošate, go kgethwa le go bewa ga maloko a dikhansele tša mošate, go amogelwa ga baetapele ba setšo, go tlošwa ga bona ofising, ditema tšeo ba di kgathago le mešomo ya bona, go amogelwa ga baetapele ba setšo ba motšwaoswere le baswarela-kgoši, go beakanyetša ditšhelete tša dikhansele tša mošate le tšhomišo ya tšona; go beakanyetša tefo ya diputseletšo tša ditshenyegelo tša mosepelo tša maloko a dikhansele tša mošate; go beakanyetša dikopano tša malapa a bogoši le dikhansele tša mošate; go beakanyetša molao wa maitshwaro; le merero yeo e amanago le tše.

## **TLHAGIŠO**

**KA GE** Molaotheo o amogela –

- institišušene, maemo le tema yeo e kgathwago ke boetapele bja setšo go ya ka molao wa setšo; le
- pušosetšhaba yeo e hlompago peakanyo ya molao wa setšo;

**LE GONA KA GE** institišušene ya boetapele bja setšo e swanetše-

- go tšwetšapele tokologo, tlhompho ya botho le phihlelelo ya tekatekano le go se kgethologanye ka baka la bong;
- go phegelela go godiša moetlo le setšo;
- go tšwetšapele kago ya setšhaba le kwano le khutšo magareng ga batho;
- go tšwetšapele ditheo tša pušo-tlemagano tsenelanong ya yona le makala ka moka a mmušo le dikgoro tša mmušo;

**LE GONA KA GE** go le maleba go bea molao wa profense ka gare ga sebopego seo se abilwego ke Molao wa Boetapele bja Setšo le Sebopego sa Pušo, 2003 (Molao 41 wa 2003) go beakanyetša merero yeo e sepelelanago le Profense;

**LE GONA KA GE** e le maikemišetšo a mmušo wa profense go kaonafatša institišušene ya boetapele bja setšo go sepelelana le Molaotheo, ka go šetša, magareng ga tše dingwe, tekatekano ya bong;

**LE GONA KA GE** go le maleba gore baetapele ba setšo ka gare ga Profense ba diriše maatla a bona ka gare ga sebopego sa mmušo seo se godišago bonnete le go swana;

**LE GONA KA GE** e le maikarabelo a Profense go laola merero ya boetapele bja setšo.

**KA GONA GO BEWA MOLAO** ke Lekgotlapeamelao la Profense ya Limpopo ka mo go latelago:

## KGAOLO 1

### DITLHALOSO, KWEŠIŠO LE TIRIŠO

#### Ditlhaloso

1. Ka mo Molaong wo, ka ntle ga ge diteng di laetša ka tsela e nngwe –

**“boetapele bja setšo”** e šupa diinstitšušene le dibopego tša setšo, goba dipeakanyo tša setšo goba ditshepedišo tša pušo, tšeo di amogwelago, šomišwago goba di dirišwago ke ditšhaba tša magoši;

**“institšušene goba sebopego sa setšo”** e šupa diinstitšušene goba dibopego tšeo di hlamilwego go ya ka molao wa setšo;

**“khansele ya mošate”** e šupa khansele yeo e hlomilwego go ya ka karolo 4;

**“Khomišene”** e šupa khomišene yeo e hlomilwego go ya ka karolo 22 ya Molao wa Sebopego;

**“lapa la bogoši”** e šupa institšušene goba sebopego se e tlogago e le sa setšo seo se hlangwago ke meloko ya kgauswi ya lapa leo le bušago setšhaba sa magoši, leo le hlaotšwego go ya ka ditlwaello, le gona le akaretša, moo go kgonegago, maloko a mangwe a lapa ao e lego meloko ya kgauswi ya lapa la bogoši;

**“lefelo la taolo”** e šupa lefelo la taolo leo le abetšwego setšhaba sa magoši le khansele ya mošate leo le amogetšwego go ya ka Molao wo;

**“moetapele wa setšo”** e šupa motho ofe le ofe yo, go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago, a swerego maemo a boetapele bja setšo, le gona a amogelwago go ya ka Molao wo;

**“moetapele wa setšo wa motšwaoswere”** e šupa moetapele wa setšo yo a beilwego go ya ka karolo 15;

**“moetapele yo mogolo wa setšo”** e šupa moetapele wa setšo wa setšhaba sa magoši se se itšego yo a bušago/laolago ditona goba ditonagadi tše mmalwa go ya ka molao wa setšo, goba yo mo lefelong la gagwe la taolo ditona gona ditonagadi tše mmalwa di laolago gona;

**“Molao wo”** e akaretša melawana efe goba efe yeo e dirilego go ya ka karolo 31;

**“Molaotheo”** e šupa Molaotheo wa Rephabliki ya Afrika Borwa, 1996;

**“Molao wa Sebopego”** e šupa Molao wa Boetapele bja Setšo le Sebopego sa Pušo, 2003 (Molao 43 wa 2003);

**“molao wa maitshwaro”** o šupa molao wa maitshwaro wo o lego go Šetule 2, le gona o akaretša molao wa maitshwaro wo o lego gona ka go Šetule ya Molao wa Sebopego;

**“moswarela-kgoši”** e šupa motho yo mongwe le yo mongwe yo, go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago, a swerego maemo a boetapele bja setšo mo maemong a lebakanyana go fihla ge mohlatlami maemong ao yo e lego yo monnyane, a amogelwa;

**“motlatša moetapele wa setšo”** e šupa leloko la lapa la bogoši leo le beilwego go ya ka molao wa setšo go šoma bjalo ka kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi lebakanyana ka fase ga mabaka ao go ukangwago ka ona go karolo 16(1);

**“ngwaga wa ditšhelete”** e šupa paka yeo e thomago ka 1 Aporele ya ngwaga o mongwe le o mongwe le gona e fela ka 31 Matšhe ya ngwaga wo o latelago;

**“ngwako wa baetapele ba setšo wa profense”** e šupa ngwako wa baetapele ba setšo wa profense wo o hlomilwego go ya ka Molao wa Mengwako ya Baetapele ba Setšo wa Limpopo, 2005;

**“ngwako wa baetapele ba setšo wa tikologo”** e šupa ngwako wa baetapele ba setšo wa tikologo wo o hlomilwego go ya ka Molao wa Mengwako ya Baetapele ba Setšo wa Limpopo, 2005;

**“setšhaba”** e šupa setšhaba seo se hlamilwego goba se amogelwago ka fase ga molao wo o lego gona pele ga go thoma ga Molao wo.

**“setšhaba sa magoši”** e šupa setšhaba sa magoši seo se amogelwago ka tsela yeo go ya ka karolo 3;

**“tona goba tonagadi” e šupa moetapele wa setšo yo—**

- (a) a lego ka fase ya taolo ya, goba a buša/laola mo lefelong la taolo ya, moetapele yo mogolo wa setšo go ya ka molao wa setšo; le
- (b) a amogelwago ka tsela yeo go ya ka Molao wo;

### **Kwešišo le tirišo**

- 2. (1) Molao wo o sepelelana le Molao wa Sebopego.
- (2) Ga go selo seo se lego ka gare ga Molao wo seo se ka kwešišwago go ba se thibela maloko a setšhaba sa magoši go bitša moetapele wa setšo ka thaetlele ya setšo yeo a e filwego ka tlwaelo, eupša thaetlele yona yeo ya setšo ga ya swanela go mo hlapaola go tšwa go, goba go oketša se sengwe go, maemo, tema yeo a e kgathago le mešomo ya moetapele wa setšo bjalo ka ge go beakantšwe ka mo Molaong.
- (3) Baetapele ba setšo ba ka amogela goba go lemoga maemo a go fapana a bogolo magareng ga bona go ya ka ditlwaelo, gomme ga go le e tee ya ditlhaloso tšeo di lego ka gare ga karolo 1 yeo e swanetšego go kwešišwa go ba e oketša goba di nyenyefatša bogolo bjoo.

## **KGAOLO 2**

### **DITŠHABA TŠA MAGOŠI LE DIKHANSELE TŠA MOŠATE**

#### **Temogo ya ditšhaba tša magoši**

- 3. (1) Setšhaba seo se ukangwago ka sona ka go karolo 2(1) ya Molao wa Sebopego se ka kgopela go Tonakgolo ka tsela ya go ngwala go amogelwa bjalo ka setšhaba sa magoši.
- (2) Kgopelo ye go bolelwago ka yona go karolwana (1) e swanetše go ba le tshedimošo ye e latelago:

- (a) tlhaloso ya setšhaba;
  - (b) bogolo bja setšhaba;
  - (c) leina la setšhaba;
  - (d) leina la moetapele yo mogolo wa setšo le tona goba tonagadi ge e ba e le gona;
  - (e) maina a batho bao setšhaba se ba bonago e le baetapele ba sona go ya ka molao wa setšo wa setšhaba le ditšhupo tša bona tša tlwaelo;
  - (f) palo yeo e ukangwago ya makhanselara; le
  - (g) tlhaloso ya lefelo leo go lona setšhaba ka kakaretšo se dulago.
- (3) Tonakgolo o swanetše, morago ga go amogela kgopelo yeo go bolelwago ka yona go karolwana (1), ge a kgotsofetše gore setšhaba seo se amegago se obametše dipeakanyetšo tša karolwana (2), go lebiša taba go ngwako wa baetapele ba setšo wa profense, ngwako wa baetapele ba setšo wa tikologo wa maleba, le moetapele ofe goba ofe yo mogolo wa setšo yoo setšhaba sa gagwe se go ya ka kgopelo ya Tonakgolo se ka bago le kgahlego mo tabeng ye le gona ge go kgonega, kgoši, kgošigadi yoo sehlopha se tla welago ka fase ga taolo ya gagwe, gore go dirwe ditshwayotshwayo, ditshwayotshwayo tšeo di swanetšego go dirwa mo matšatšing a 30 a go lebišwa.
- (4) Tonakgolo o swanetše, mo dikgweding tše tharo tša go amogela kgopelo ye go bolelwago ka yona go karolwana (1), go ya ka karolwana (3), ge a tšea sephetho sa ge e ba o amogela setšhaba seo se amegago bjalo ka setšhaba sa magoši le go tsebiša setšhaba seo se amegago ka sephetho seo.
- (5) Pele ga go tšewa sephetho sa go se amogele setšhaba se go bolelwago ka sona bjalo ka setšhaba sa magoši, Tonakgolo o swanetše go kgopela setšhaba seo go bolelwago ka sona go tšweletša mabaka a gore ke ka baka la eng kgopelo ya sona e sa swanelwa go ganwa ka baka la mabaka ao a tšweleditšwego ke Tonakgolo.
- (6) Tonakgolo o swanetše, ge a amogela setšhaba sa magoši go ya ka karolwana (4) –

- (a) sammaletee a laetše mollwane wa lefelo la setšhaba sa magoši seo se amegago;
- (b) ntšha sethifikheiti seo e kgethilwego sa kamogelo go setšhaba sa magoši seo se amegago; le
- (c) mo matšatšing a 30 a sephetho, phatlalatša kamogelo yeo ka tsebišo ka go *Kuranta* ya Profense.

### Dikhansale tša Mošate

4. (1) Tonakgolo o swanetše, ge a amogela setšhaba sa magoši go ya ka karolo 3(4), le go sekegela dinyakwa tša setšhaba sa magošiseo se amegago, laetša palo ya makhanselara a setšhaba seo sa magoši ao a swanetšego go hlongwa go ya ka karolwana (2): Ge e le gore palomoka yeo ga ya swanelwa go feta 30.
- (2) Setšhaba seo se amogetšwego ke Tonakgolo go ya ka Molao o se swanetše gore mo matšatšing a 30 morago ga gore setšhaba sa magoši se tsebišwe semmušo go ya ka karolo 3(4) go hloma khansale ya mošate ya setšhaba sa magoši yeo, e hlangwago ke banna le basadi bao go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago bao ba amogetšwego bjalo ka makhanselara gammogo le batho ba bangwe ba setšhaba sa magoši bao ba kgethilwego ka tsela ya temokrasi.
- (3) Moetapele yo mogolo wa setšo wa setšhaba sa magoši seo go bolelwago ka sona go karolwana (2), o swanetše go bitša kopano ya batho ka moka ba bagolo ba setšhaba sa magoši ka maikemišetšo a go kgetha maloko a khansale ya mošate, ka go dira tsebišo ya go kwagala ya kopano yeo go ya ka tlwaelo ya setšhaba seo sa magoši. Moetapele yo mogolo wa setšo goba yo a kgethilwego o tla sepediša kopano yeo.
- (4) Maloko ao a kgethilwego a setšhaba sa magoši a swanetše go fihla moo go ka kgonagalago go emela diwate tša setšhaba sa magoši seo se amegago.
- (5) Diphesente tše 60 tša maloko a khansale ya mošate di swanetše go hlangwa ke baetapele ba setšo le maloko a khansale ya mošate ao a kgethilwego ke moetapele yo mogolo wa setšo gomme diphesente tše dingwe tše 40 di swanetše go hlangwa ke maloko ao a kgethilwego.
- (6) (a) Bonnyane tee-tharong ya maloko a khansale ya mošate e swanetše go ba basadi, ka ntle ga ge Tonakgolo—



- (i) a kgotsofetše godimo ga go netefatšwa ke moetapele yo mogolo wa setšo yo a amegago gore go na le palo ye e sa lekanelago ya basadi; le
    - (ii) a laetša palo ya basadi yeo e swanetšego go akaretšwa go khansele ya mošate ye e itšego.
  - (b) Moetapele yo mogolo wa setšo o swanetše, morago ga gore palo yeo e nyakegago ya banna le palo ye e lego gona ya basadi e kgethwe, ge a kgotsofetše gore go na le palo yeo e sa lekanelago ya basadi go tlatša dikgoba tše di šetšego tše di se nago motho tšeo di swanetšego go tlatšwa ke basadi, emiša dikgetho le go lebiša taba go Tonakgolo ka go ngwalwa gore Tonakgolo e ntšhe taelo go ya ka temana (a).
  - (c) Moetapele yo mogolo wa setšo o swanetše, morago ga go amogela taelo ya Tonakgolo yeo go bolelwago ka yona go temana (b), go tšwetšapele dikgetho mo matsatšing a 14 morago ga go amogela seo go ya ka taelo yeo.
  - (d) Tonakgolo o swanetše go lekola palo ya basadi yeo e swanetšego go kgethwa go khansele ya mošate pele ga go kgethwa ga khansele ya mošate e mpsha.
- (7) Go kgethwa ga maloko a khansele ya mošate go swanetše go dirwa ka tsela ya go bouta ka tsela yeo e laetšwago ke Tonakgolo goba motho yo mongwe le yo mongwe yo a hlaotšwego ke Tonakgolo go ukamela dikgetho.
- (8) Ditshwanelo tša go hlongwa ga khansele ya mošate le maina a maloko a gona di swanetše go išwa go Tonakgolo ka go ngwalwa, mo matsatšing a 60 morago ga gore khansele ya mošate e hlongwe go ya ka karolwana (2).
- (9) Tonakgolo o swanetše, morago ga go amogela ditshwanelo tšeo go bolelwago ka tšona go karolwana (8), ge a kgotsofetše gore dipeakanyetšo tša Molao di obametšwe, mo matsatšing a 30 a amogele khansele ya mošate ka tsebišo ka go *Kuranta*.

**Paka ya ofisi ya maloko a dikhansele tša mošate le kano ya ofisi**

5. (1) Go ya ka karolo 6, leloko goba khansele ya mošate le tla hlankela setšhabapaka ya mengwaga e mehlano, ge e le gore leloko leo le šomago mošomo wo e sego wa mehleng le hlankela setšhaba paka ye e šetšego ya go a mo latelago.

- (2) Maloko a khansele ya mošate a swanetše, pele ga go thoma go hlankela setšhaba bjalo ka maloko, go dira kano ya bohlangedi ka tsela ya Šetule 3 pele ga maseterata.

**Go tlogela mošomo le dikgoba ka go dikhansele tša mošate**

6. (1) Setulo sa leloko la khansele ya mošate se swanetše go tlogelwa –
- (a) morago ga lehu la leloko leo;
  - (b) ge leloko leo go bolelwago ka lona le be le beilwe morago ga go kgethwa ke moetapele yo mogolo wa setšo gomme Tonakgolo a dumelela kgopelo ya go ngwalwa ke moetapele yo mogolo wa setšo gore leloko leo le tlošwe;
  - (c) ge leloko le rola modiro;
  - (d) ge Tonakgolo a dumelela kgopelo ya go ngwalwa ke bontši bja maloko a wate moo leloko le dulago gona gore leloko leo le tlošwe;
  - (e) ge Tonakgolo a kgotsofeše gore go tla bego go kgahla setšhaba sa magoši seo se amegago gore leloko leo le swanetše go tlogela setulo le go dumelela gore leloko leo le tlošwe; le
  - (f) ge paka ya ofisi ya leloko e fedišwa ka mabaka ao a boletšwego go karolwana (2).
- (2) Paka ya ofisi ya leloko la khansele ya mošate e ka fedišwa –
- (a) ge leloko, le ka lebaka la go fokola monagano goba mmele go ya go ile, palelwa ke go dira mešomo ya lona ya ofisi ka tshwanelo;
  - (b) ge leloko le hlokomologa goba le tšwafa go dira mešomo ya lona ya ofisi;
  - (c) ge leloko le itshwara ka tsela ye e hlabišago dihlolong.
- (3) Sekgoba ka go khansele ya mošate se swanetše go tlatšwa mo matsatšing a 14 ka tsela yeo sekgoba se go bolelwago ka sona se tladitšwego ka gona ge khansele ya mošate e be e kgethwa goba e bewa, ge e le gore ga go selo seo se dirilwego ke khansele ya mošate se tla go dira lefela ka baka la gore sekgoba se be se sa tlatšwa paka ya go feta matsatši a 14.

**Melao le melawana ya khansele ya mošate le dikomiti tša khansele ya mošate**

7. (1) Khansele ya mošate e ka, go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago, dira melao le melawana go sepelelana le tshepedišo ya mošomo le ditshepedišo go akaretša melao le melawana yeo e laolago go hloma, go hlangwa, maatla le mešomo, ditshepedišo le paka ya dikomiti tša khansele ya mošate, ge e le gore go swanetše go dirwa peakanyo ya Komiti-Phethiši ya go-ya-go-ile yeo e hlangwago ke moetapele o mogolo wa setšo bjalo ka modulasetulo, le motlatša modulasetulo gammogo le maloko a mangwe a mararo ao a beilwego go ya ka karolwana (2).
- (2) Moetapele o mogolo wa setšo o swanetše, pele ga tulo ya mathomo ya khansele ya mošate go bea go tšwa go maloko a khansele ya mošate motlatša modulasetulo le maloko a mangwe a Komiti-Phethiši.
- (3) Maloko a Komiti-Phethiši ao a beilwego ke moetapele o mogolo wa setšo go ya ka karolwana (2) a swanetše go hlankela setšhaba paka ya mengwaga e mehlano go tloga ka tšatšikgvedi ya peo ya bona.
- (4) Komiti-Phethiši e swanetše go phethagatša maatla le mešomo yeo e e filwego ka fase ga Molao wo.

**Dikopano tša dikhansele tša mošate**

8. (1) Khansele ye nngwe le ye nngwe ya mošate e swanetše go swara kopano ya mehleng e sego ka fase ga tee mo dikgweding tše dingwe le tše dingwe tše tharo ka letšatši leo le beilwego le iri yeo e beilwego ke moetapele yo mogolo wa setšo le gona tsebišo ka go ngwalwa ya letšatši, iri le lefelo leo kopano e swanetšego go swarelwa gona di swanetše go fiwa leloko le lengwe le le lengwe la khansele ya mošate matšatši a šupago pele ga tšatšikgvedi yeo e beilwego.
- (2) Moetapele yo mogolo wa setšo a ka, nako efe le efe, le gona o swanetše ge go nyakwa ke Tonakgolo goba e sego ka fase ga tee-tharong ya palo ya maloko a khansele ya mošate, bitša kopano ye e kgethegilego ya khansele ya mošate: Ge e le gore Tonakgolo ka boyena a ka bitša kopano yeo.

- (3) Ga go mošomo wo o swanetšego go dirwa mo kopanong ye e kgethegilego ka ntle ga yeo e tšwelelago ka go tsebišo, ka ntle ga bontši bja maloko ao a lego gona mo kopanong yeo bo ka amogela seo.
- (4) Seripa sa palomoka ya maloko a khansele ya mošate se dira khoramo le gona ga go ditshepedišo le sephetho seo se swanetšego go tšewa ka ntle ga ge khoramo e le gona.
- (5) Go ya ka dipeakanyetšo tša Molao wo le molao o mongwe le o mongwe wo o šomišwago tshepedišo ye e swanetšego go latelwa mo kopanong ye nngwe le e nngwe goba ditshepedišo tše dingwe tša khansele ya mošate go akaretšwa dikopano tša komiti efe le efe ya go-ya-go-ile goba komiti ya lebakanyana e tla dirwa go ya ka melao ya setšo ya setšhaba sa magoši seo se amegago le gona di swanetše go sepetšwa ke moetapele yo mogolo wa setšo goba leloko le lengwe le lengwe la khansele ya mošate, leo le hlaotšwego ke moetapele yo mogolo wa setšo.
- (6) Khansele ye nngwe le ye nngwe ya mošate e swanetše go boloka puku ya metsotso malebana le dikopano tša yona moo e lego gore dilo tše di latelago di swanetše go rekotiwa:
  - (a) tšatšikgwedi, nako le lefelo la kopano;
  - (b) maina a maloko ao a lego gona;
  - (c) kakaretšo ya sephetho sefe le sefe seo se tšerwego mo kopanong;
  - (d) ge leloko le ka kgopela, taba ya gore le boutile kgahlanong le sephetho sefe le sefe seo se tšerwego.
- (7) Khopi ya metsotso e swanetše, mo matšatšing a 15 morago ga kopano efe le efe, go lebišwa go mohlankedi yo a hlaotšwego ke Tonakgolo.

**Go gogelwa morago ga go amogelwa ya setšhaba sa magoši le dikhansele tša mošate**

9. (1) Tonakgolo a ka, ka tsebišo go *Kuranta*, gogela morago kamogelo ya setšhaba go ya ka karolo 7(1) ya Molao wa Sebopego, morago ga go rerišana le ngwako wa baetapele ba setšo wa profense, ngwako wa baetapele ba setšowa tikologo wa maleba, setšhaba seo se amegago le gona ge go kgonega, kgošikgolo, kgošigadikgolo yo setšhaba se se amegago se welago ka fase ga taolo ya gagwe.
- (2) Ge kamogelo ya setšhaba sa magoši e gogela morago ya ka karolwana (1), kamogelo ya khansele ya mošate e tšewa go ba e gogetšwe morago ge go gogelwa morago ga kamogelo ya setšhaba go dirwa.

**KGAOLO 3****PUŠO YA MOHLAKANELWA****Ditšhomišano magareng ga mebasepala le dikhansele tša mošate**

10. (1) Ge khansele ya mošate e bona go le maleba gore molawana o ka dirwa malebana le taba efe goba efe yeo e amago lefelo leo o le laolago, e swanetše go tliša tšhišinyo go khansele ya masepala ya masepala wo o amegago go tsinkelwa le go amogelwa ga molawana wo.
- (2) Tšhišinyo ye go bolelwago ka yona go karolwana (1) e ka felegetšwa ke sengwalwa seo sa molawana wo o šišinywago le gona e swanetše go fahlelwa ka go ngwalwa.
- (3) Morago ga go amogela tšhišinyo khansele ya masepala e swanetše go tsinkela molawana wo o šišinywago ka nako ya kgwedi tše tharo.
- (4) Khansele ya masepala yeo go yona setlalwa sa molawana se lebišitšwego go yona go ya ka karolwana (1) e swanetše go rerišana le khansele ya mošate yeo e amegago pele ga go gana molawana wo o šišintšwego.

- (5) Khansele ya mošate e ka tsenela dikwano tša kabo ya ditirelo le masepala wa maleba go ya ka molawana ofe le ofe wo o dirišwago.

#### **Thekgo ya dikhansele tša mošate**

11. (1) Tonakgolo o swanetše go bea bahlankedi ba mmušo go sepediša taolo ya dikhansele tša mošate, go lebeletšwe bogolo bja mafelo a setšhaba sa magoši le dinyakwa tša badudi.
- (2) Tonakgolo o swanetše go laetša mešomo ya bahlankedi ba dikhansele tša mešate bao ba beilwego go ya ka karolwana (1) ka tsebišo ka go *Kuranta* ya Profense.
- (3) Tonakgolo o swanetše, ka thušo ya mmušo wa profense, go abela dikhansele tša mošate ka thekgo ya ditšhelete go thuša dikhansele tša mošate go phethagatša mešomo ya tšona.

### **KGAOLO 4**

#### **KAMOGELO YA MAEMO A BOETAPELE BJA SETŠO**

##### **Kamogelo ya moetapele yo mogolo wa setšo, tona goba tonagadi**

12. (1) Nako efe le efe ge maemo a moetapele o mogolo wa setšo, tona goba tonagadi a swanetše go tlatšwa –
- (a) lapa la bogoši leo le amegago le swanetše, mo nakong ye e sa fetšego pelo morago ga nyakego ya gore go tlatšwe ye nngwe ya dikgoba, le go sekegela molao wa setšo wa setšhaba seo se amegago –
- (i) hlaola gore motho yo a nago le maswanedi go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago go tšea maemo ao go bolelwago ka ona; le

- (ii) ka tsela ya dibopego tša maleba tša setšo tša setšhaba sa magoši yeo e amegago le morago ga go tsebiša khansela ya mošate, tsebiša Tonakgolo ka ditshwanelo tša motho yo a hlaotšwego go tlatša sekgoba le mabaka a go hlaola motho yo a itšego.
- (b) Tonakgolo o swanetše, go ya karolwana (2) –
  - (i) ka tsebišo ka go *Kuranta* go amogela motho yo a hlaotšwego ke lapa la bogoši go ya ka temana (a) bjalo ka moetapele o mogolo wa setšo, tona goba tonagadi, go ya le gore maemo a bjang;
  - (ii) ntšha sethifikheiti sa kamogelo go motho yo a amogetšwego; le
  - (iii) tsebiša ngwako wa baetapele ba setšo wa profense le ngwako wa baetapele ba setšo wa tikologo wa maleba ka kamogelo ya moetapele yo mogolo wa setšo, tona goba tonagadi.
- (2) Moo go nago le bohlatse goba tatofatšo ya gore go hlaolwa ga motho go go bolelwago ka gona go karolwana (1) ga se gwa dirwa go ya ka molao wa setšo, ditlwaelo le ditshepedišo, Tonakgolo –
  - (a) a ka lebiša taba go ngwako wa baetapele ba setšo wa profense le ngwako wa baetapele ba setšo wa tikologo wa maleba go hwetša ditšhišinyo; goba
  - (b) a ka gana go ntšha sethifikheiti sa kamogelo; le
  - (c) o swanetše go bušetša taba morago go lapa la bogoši go lebelelwa lefsa le go tšea sephetho moo sethifikheiti sa kamogelo se gannwego.
- (3) Moo taba yeo e gomišeditšwego morago go lapa la bogoši go lebelelwa lefsa le go tšea sephetho go ya ka karolwana (2) e lebeletšwego lefsa le go rarollwa, Tonakgolo o swanetše go amogela motho yo a hlaotšwego ke lapa la bogoši ge e le gore Tonakgolo a kgotsofetše gore go lebelelwa lefsa le sephetho sa lapa la bogoši di dirilwe go ya ka molao wa setšo.

**Go rolwa mešomo ya kantoro ya bogoši**

13. (1) go rolwa mešomo ya kantoro ya bogoši go ka dirwa ka mabaka ka mabaka –
- (a) go bonwa molato ka kotlo ya kgolego ya go feta dikgwedi tše 12 ka ntle ga kgetho ya tefo;
  - (b) go palelwa ga mmele goba go fokola ga monagano moo, go ya ka bohlatse bja kalafo bjo bo amogelegago, go šitišago moetapele yoo yo mogolo wa setšo, tona goba tonagadi go šoma gabotse;
  - (c) go bewa goba go amogelwa ka phošo;
  - (d) go tshelwa ga molawana goba theo ya setšo wo o gapeletšago gore motho a tlošwe; goba
  - (e) go hlokomologa goba go tšwafa ga phegelelo go direng mešomo ya gagwe ya ofisi;
- (2) Ge e le gore ye nngwe le ye nngwe ya mabaka ao go bolelwago ka ona ka go karolwana (1)(a), (b), (d) le (e) e lebišwa go lapa la bogoši gomme lapa la bogoši le phetha ka go tloša moetapele o mogolo wa setšo, tona goba tonagadi, lapa la bogoši leo le amegago le swanetše, mo nakong ye e sa fetšego pelo le ka tsela ya dibopego tša maleba tša setšo –
- (a) tsebiša Tonakgolo ya profense yeo e amegago ka ditshwanelo tša moetapele yo mogolo wa setšo, tona, tonagadi yeo e swanetšego go tlošwa ofising; le
  - (b) tšweletša mabaka a go tlošwa fao.
- (3) Moo e lego gore go phethilwe ka go tlošwa ga moetapele o mogolo wa setšo, tona goba tonagadi go ya ka karolwana (2), Tonakgolo o swanetše –
- (a) go gomiša sethifikheiti sa kamogelo go tloga ka tšatšikgwedi ya tlošo;
  - (b) go phatlalatša tsebišo e na le ditshwanelo tša moetapele yo mogolo wa setšo, tona goba tonagadi ka go *Kuranta*; le



- (c) go tsebiša lapa la bogoši leo le amegago, moetapele yo mogolo wa setšo, tona goba tonagadi yo a tlošitšwego, le ngwako wa baetapele ba setšo wa profense gammogo le ngwako wa baetapele ba setšo wa tikologo wa maleba, ka ga go tlošwa moo.
- (4) Mo e lego gore moetapele yo mogolo wa setšo, tona goba tonagadi a tlošitšwego ofising, mohlatlami go ya ka ditlwaelo, o tla tšea maemo, mešomo le maikarabelo, go ya ka karolo 12.
- (5) Ge e fihla ga gore e lebelelwe ke Tonakgolo gore mabaka ao go bolelwago ka ona go karolwana (1)(a) a a tšwelela gomme lapa la bogoši ga se la phetha go tloša moetapele yo mogolo wa setšo, tona gona tonagadi go ya le gore ke mang, Tonakgolo o tla swanelwa ke go emiša mogolo wa moetapele yo mogolo wa setšo yo a amegago go tloga ka tšatšikgwedi mo mabaka ao go bolelwago ka ona a bilego gona, morago ga gore Tonakgolo a fe lapa la bogoši matsatši a masometharo go fetola go ditatofatšo.

#### Go amogelwa ga baswarela-kgoši

14. (1) Moo mohlatlami go maemo a kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi a sa bonwago e le yo monnyane go ya ka molao wa setšo goba ditlwaelo wo o dirišwago –
- (a) lapa la bogoši leo le amegago le swanetše, mo nakong ye e sa fetšego pelo-
    - (i) go hlaola moswarela-kgoši go tšea boetapele legatong la ngwana yoo; le
    - (ii) ka tsela ya dibopego tša setšo tša maleba tša, tsebiša Tonakgolo ka ditshwanelo tša motho yo a hlaotšwego bjalo ka moswarela-kgoši le mabaka a go hlaola motho yoo; le
  - (b) Tonakgolo o swanetše, ka go sekegela melao ya setšo le ditlwaelo tšeo di dirišwago, le go ya ka karolwana (2) -
    - (i) ka tsebišo ka go *Kuranta* amogela moswarela-kgoši yo a hlaotšwego ke lapa la bogoši go ya ka karolwana (1);

- (ii) ntšha sethifikheiti sa kamogelo ya moswarela-kgoši yo a amogetšwego; le
    - (iii) tsebiša ngwako wa baetapele ba setšo wa profense le ngwako wa baetapele ba setšo wa tikologo ka kamogelo ya moswarela-kgoši yo a amegago.
  - (c) Tonakgolo o swanetše go lekola kamogelo ya moswarela-kgoši mo dikgweding tše dingwe le tše dingwe tše 12.
- (2) Moo go na go le bohlatse goba tatofatšo ya gore go hlaolwa ga motho bjalo ka moswarela-kgoši ga se gwa dirwa go ya ka molao wa setšo, ditlwaelo le ditshepedišo, Tonakgolo-
- (a) a ka lebiša taba go ngwako wa baetapele ba setšo wa profense le ngwako wa baetapele ba setšo wa tikologo wa maleba go hwetša ditšhišinyo; goba
  - (b) a ka gana go ntšha sethifikheiti; le
  - (c) o swanelwa ke go lebiša taba go lapa la bogoši go lebeletwa lefsa le go tšea sephetho moo sethifikheiti sa kamogelo se gannwego.
- (3) Moo taba yeo e gomišeditšwego morago go lapa la bogoši go lebeletwa lefsa le go tšea sephetho go ya ka karolwana (2) e lebeletšwego lefsa le go rarollwa, Tonakgolo o swanetše go amogela motho yo a hlaotšwego ke lapa la bogoši ge e le gore Tonakgolo a kgotsofetše gore go lebeletwa lefsa le sephetho sa lapa la bogoši di dirilwe go ya ka molao wa setšo.
- (4) Moswarela-kgoši yoo a amogetšwego go ya ka karolwana (1) o swanetše go tlogela maemo a gagwe bjalo ka moswarela-kgoši mo dikgweding tše tharo morago ga gore mohlatlami mo maamong ao a fihlele matswalo a mengwaga e 25, le gona mohlatlami o swanetše, ge e le gore ke moetapele yo mogolo wa setšo, tona goba tonagadi, go amogelwa ke Tonakgolo go ya ka karolo 12.

#### **Kamogelo ya baetapele ba setšo ba motšwaoswere**

15. (1) Lapa la bogoši le ka, go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago, hlaola motho yo a nago le maswanedi yo a swanetšgo go ba leloko la lapa la bogoši go šoma bjalo ka kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi, go ya leka gore seemo sa ditaba se bjang, moo-

- (a) mohlatlami mo maemong a kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi ga se nke a hlaolwa ke lapa la bogoši leo le amegago go ya ka Molao wo;
  - (b) go hlaolwa ga mohlatlami go maemo a kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi a lebelelwa lefsa le go rarollwa go ya ka Molao wo; goba
  - (c) kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi, go ya le ka gore seemo sa ditaba se bjang, o tla ba a se gona mo lefelong leo le lego ka fase ga taolo ya gagwe ka mabaka ao e sego ao a boletšwego go karolo 16(1) paka ya go feta dikgwedi tše tshela-
    - (i) go alafša ga bolwetši;
    - (ii) ka mabaka a dithuto; goba
    - (iii) ka morero ofe goba ofe wa molao.
- (2) Tonakgolo o swanetše, morago ga go bewa ga moetapele wa setšo wa motšwaoswere go ya ka karolwana (1)-
- (a) go ntšha sethifikheiti sa go bewa; le
  - (b) go tsebiša ngwako wa baetapele ba setšo wa profense le ngwako wa baetapele ba setšo wa tikologo wa maleba
- (3) Tonakgolo o swanetše go lekola go bewa ga moetapele wa setšo wa motšwaoswere dikgwedi tše dingwe le tše dingwe tše 12.
- (4) Tonakgolo o swanetše godimo ga kgopelo ka lapa la bogoši go tloša motho ofe le ofe yo a beilwego mo maemong a botšwaoswere.

### **Go bewa ga baetapele ba setšo ba motšwaoswere**

16. (1) Kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi, go ya le ka gore seemo se bjang, morago ga go rerišana le lapa la bogoši, a ka bea motlatši yo e swanetšego go ba leloko la lapa la bogoši go šoma mo maemong a gagwe nako efe le efe ge e le gore kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi yeo-

- (a) e ba leloko la go-ya-go-ile la khansele ya masepala;
  - (b) e kgethwa bjalo ka leloko la lekgotlapeamelao la profense;
  - (c) e kgethwa bjalo ka leloko la Palamente ya Bosetšhaba;
  - (d) e bewa bjalo ka kemedi ya go-ya-go-ile ya Khansele ya Bosetšhaba ya Diprofense; goba
  - (e) e kgethwa, goba a bewa go maemo a go-ya-go-ile a ngwako ofe goba ofe wa baetapele ba setšo.
- (2) Kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi, go ya le ka gore seemo se bjang o swanetše gore ka pela morago ga go bewa go ya ka karolwana (1) tsebiša Tonakgolo, ngwako wa baetapele ba setšo wa profense gammogo le ngwako wa baetapele ba setšo wa tikologo wa maleba ka peo yeo.
- (3) Tonakgolo o swanetše go, morago ga go amogela tshedimošo ka peo yeo, ntšha sethifikheiti sa peo go motho yo a beilwego.
- (4) Motho yo a beilwego bjalo ka motlatši go ya ka karolwana (1) a ka phethagatša mešomo yeo e sepelelanago le maemo ao go bolelwago ka ona.
- (5) Moo kgošikgolo, kgošigadikgolo a beilwego bjalo ka motlatši go ya ka karolwana (1), kgošikgolo, kgošigadikgolo o swanetše go tsebiša Mopresidente ka peo yeo.
- (6) Kgošikgolo, kgošigadikgolo, moetapele yo mogolo wa setšo, tona goba tonagadi go ya le ka gore seemo se bjang, nako ye nngwe le e nngwe a ka tloša motlatši yo a beilwego go ya ka karolwana (1).

#### **Dikopano tša lapa la bogoši**

17. (1) Lapa la bogoši le swanetše, ge le swara kopano go rerišana ka merero ye e tswalanago le Molao wo, go šoma go ya ka molao wa setšo wa setšhaba sa magoši seo se amegago.
- (2) Lapa le lengwe le le lengwe la bogoši le swanetše go boloka puku ya metsotso yeo ka go yona go tla rekotiwago ditaba tša go amana le kopano e nngwe le e nngwe-
- (a) tšatšikgwedi, nako le lefelo leo kopano e swaretšwego gona;

- (b) maina a maloko a khansele ya mošate ao a lego gona le maemo a ona go ya ka tlwaelo ya ona; le
- (c) sephetho seo se tšerwego.
- (3) Mohlankedi wa Mmušo, yo a beilwego ke Tonakgolo, o swanetše go ukamela tshepedišo ya lapa la bogoši le go kgona go fihlelela puku ya metsotso yeo go bolelwago ka yona go karolwana (2).

## KGAOLO 5

### MAIKARABELO LE MEŠOMO YA BOETAPELE BJA SETŠO

#### Maikarabelo le mešomo ya boetapele bja setšo

18. (1) Moetapele wa setšo o dira mošomo ofe goba ofe wo o beakanyeditšwego go ya ka molao wa setšo, goba a filwego go ya ka molao ofe goba ofe, go ya ka karolo 20 ya Molao wa Sebopego le ka ntle ga go nyatša kakaretšo ya seo se boletšwego, moetapele wa setšo o dira go tlaleletša, ka therišano le khansele ya mošate, mešomo ye e latelago:
- (a) tšwetšapele dikgahlego tša setšhaba sa magoši seo se amegago;
  - (b) ka tšhomišano le mebasepala ye e amegago le dikgoro tša Mmušo, thuša ka tshepedišo ya merero ya setšhaba sa magoši;
  - (c) kgatha tema ka mafolofolo go tihabollo ya lefelo la setšhaba sa gagwe;
  - (d) ka kgopelo ya kgoro efe goba efe ya mmušo goba masepala wa maleba, tsebagatša go badudi ka moka ba setšhaba seo se amegago ka dipeakanyetšo tša molao ofe le ofe o mofsa; le
  - (e) go dirwa ga mešomo efe le efe yeo e filwego lekala la Mmušo go ya ka Molao wo.

- (2) Makala a mmušo a swanetše, morago ga go abela khansele ya mošate mešomo go ya ka karolo 20 ya Molao wa Sebopego, tšebiša Tonakgolo ka mešomo ka moka yeo e abetšwego.
- (3) Khansele ya mošate e swanetše e bege dilo ka moka go Tonakgolo malebana le tirišo ya maatla a yona le go phethagatšwa ga mešomo le go bega ka makala a Mmušo malebana le mešomo yeo e e filwego ke lekala leo la Mmušo.
- (4) Dikhansele tša mošate di swanetše go hlompha dilo tše bohlokwa tša setšo sa Afrika.

**Go amogelwa ga batho ba bafsa go ditšhaba tša magoši le go tlošwa ga maloko ao a lego gona go tšwa go ditšhaba tša magoši**

- 19. (1) Khansele ya mošate e ka amogela motho ofe le ofe o mofsa go setšhaba sa magoši go ya ka melao ya setšo ya setšhaba seo se amegago.
- (2) Ga go leloko leo le lego gona la setšhaba sa magoši leo le ka go tlošwa lefelong la setšhaba sa magoši ka ntle ga tumelelo ya leloko leo.
- (3) Go tla ba le mokgwa wa phetišetšo ya maloko a setšhaba.

**Taetšo ya mellwane ya ditšhaba tša magoši**

- 20. (1) Tonakgolo o swanetše go laetša mellwane ya dikhansele tša mošate le go phatlalatša tshedimošo ye ka gare ga *Kuranta* go sedimoša setšhaba.
- (2) Tonakgolo a ka, morago ga go rerišana le ngwako wa baetapele ba setšo wa profense, ka maikemišetšo a go rarolla thulano ye e amanago le mellwane magareng ga ditšhaba tša magoši tše pedi goba go feta, fetoša mellwane ye e lego gona ya ditšhaba tša magoši tše di amegago, goba ditšhaba dife goba dife tša magoši ge e ba go fetolwa mo go tloga go bonala go ka rarolla thulano ye e amanago le mellwane goba e na le seabe go rarolleng thulano.

**KGAOLO 6****MABAKA O MOŠOMO****Megolo le diputseletšo**

21. (1) Megolo le diputseletšo tša baetapele ba setšo di sepetšwa go ya ka Molao wa Tefelo ya Bahlankedi ba Setšhaba, 1998 (Molao 20 wa 1998).
- (2) Leloko la khansele ya mošate le ka lefelwa go tšwa go dikhwama tša khansele ya mošate putseletšo yeo e beilwego ke Tonakgolo.

**Mosepelo le ditshenyegelo**

22. (1) Ge leloko ka khansele ya mošate le nyakega go sepelela ka ntle ga lefelo la taolo ya khansele go phetha mešomo ya khansele, a ka lefelwa putseletšo yeo e beilwego ke Tonakgolo go lefela ditshenyegelo tša mosepelo: Ge e le gore putseletšo yeo e swanetše go lefelwa ge leloko le swanetše go amogela putseletšo yeo go ya ka dipeakanyetšo tša molao ofe goba taelo goba ge e ba go na le bohlatse bja gore ditshenyegelo di lefelwa ke wa boraro.
- (2) Moetapele wa setšo yo e sego leloko la khansele ya mošate a ka, ge a šoma mešomo efe goba efe legatong la khansele ya mošate, lefelwa putseletšo go ya ka karolwana (1).

**Molao wa maitshwaro**

23. (1) Moetapele wa setšo goba leloko la khansele ya mošate o swanetše, go tlaleletša molao wa maitshwaro wo o beilwego go Molao wa Sebopego, obamela karolo ye e dirišwago ya molao ya maitshwaro go šetule 2 ya Molao wo.
- (2) Tlolo efe goba efe ya molao wa maitshwaro ye go bolelwago ka yona go karolwana (1) e swanetše go sepetšwa go ya ka tshepedišo yeo e beilwego ka molaong wo go bolelwago ka wona.

**KGAOLO 7****MERERO YA DITŠHELETE****Dikhwama tša khansele ya mošate**

24. Dikhwama tša khansele ya mošate di hlangwa ke -

- (a) ditšhelete ka moka tšeo go ya ka melao ya setšo ya setšhaba sa magoši seo se amegago di lefelwago khansele ya mošate;
- (b) ditefišo tšeo di kgobokeditšwego ke moetapele wa setšo goba khansele go ya ka melao le ditlwaello tša setšhaba sa magoši;
- (c) ditšhelete ka moka tšeo di tšwago go thoto efe goba efe yeo e swerwego ke setšhaba sa magoši seo se amegago;
- (d) dikabo tša ditšhelete tšeo di dirilwego ke motho ofe goba ofe go thuša setšhaba sa magoši seo se amegago, ge e le gore kabo ya boikgethelo goba kabo ya tšhelete efe goba efe e swanetše, go ya ka molao ofe le ofe wo o dirišwago goba leano-tshepedišo la mmušo, go laolwa go ya ka mabaka ona ao;
- (e) ditšhelete dife goba dife tšeo di lefelwago khansele ya mošate ka fase ga molao ofe goba ofe; le
- (f) ditšhelete dife goba dife tšeo di amogelwago ke khansele ya mošate ka fase ga karolo 25.

**Tefelo ya kelo ya khansele ya mošate**

25. (1) Khansele ya mošate e ka, ka tumelelo ya Tonakgolo, lefa kelo ya khansele ya mošate godimo ga molefamotšhelo yo mongwe le yo mongwe wa lefelo la setšo leo le amegago.
- (2) Tefo ya kelo ya khansele ya mošate ka fase ga karolwana (1) e tla tsebišwa ke Tonakgolo ka tsebišo ka go Kuranta le gona e tla dirišwa go tloga go tšatšikgwedi yeo e boletšwego ka gare ga tsebišo yeo.



- (3) Molefamotšhelo ofe le ofe yo go bolelwago ka yena go karolwana (1), yo a palelwago ke go lefa motšhelo wa khansele ya mošate o tla lebagana le melao ya setšo ya setšhaba sa magoši seo se amegago.

**Go bulwa ga diakhaone tša ditšhelete tša dikhansele tša mošate**

26. (1) Tonakgolo o swanetše go gapeletša gore go bulwe go ya ka khansele ye nngwe le ye nngwe ya mošate, akhaonte yeo ka go yona go tla lefelwago ditšhelete ka moka tšeo di amogetšwego go ya ka karolo 24 le yeo go tšwa go yona ditshenyegelo ka moka tšeo di dirilwego malebana le morero ofe le ofe wo o lego ka fase ga khansele ya mošate yeo e amegago e swanetšego go fihlelelwa.
- (2) Taolo ya akhaonte yeo go bolelwago ka yona go karolwana (1) e ka matsogong a Tonakgolo: Ge e le gore Tonakgolo a ka, mo mabakeng ao Tonakgolo a ka bonago go le maleba, fa tumelelo malebana le akhaonte ye go bolelwago ka yona go khansele ya mošate yeo e amegago.
- (3) Tonakgolo a ka, ka tumelelo ya khansele ya mošate yeo e amegago, beeletša ditšhelete tšeo di bolokilwego ka leina la akhaonte ya khansele ya mošate tšeo di sa swanelwago go šomišwa ka tšhoganetšo goba bjalo ka tšhelete ye e bonalago ya tshenyegelo ya tšheke ge go nyakega goba peeletšo ya lebaka le lekopana mo pankeng efe le efe goba institšušene ye nngwe le ye nngwe yeo e ngwadišitšwego mo Rephabliking go fihla mo e lego gore le go ya ka mabaka le maemo ao Tonakgolo e ka laetšago.

**Mohlankedi wa boikarabelo wa matlotlo wa dikhansele tša mošate**

27. Molaodi Pharephare ke mohlankedi wa boikarabelo wa ditšhelete tša dikhansele tša mošate.

**Dipego tša ditšhelete tša kotara**

28. Khansele ye nngwe le ye nngwe e swanetše go ya ka ngwaga o mongwe le o mongwe wa ditšhelete, mo matšatšing a 15 morago ga go fela ga kotara e nngwe le e nngwe, tliša go Molaodi-Pharephare, pego ye e feleletšego ya ditseno le ditshenyegelo ya kotara ya go feta le ngwaga ka ngwaga morago ga go fela ga ngwaga wa ditšhelete le ka nako yeo e laeditšwego ke Tonakgolo, tliša go Molaodi-Pharephare, pego ye e feleletšego ya ditseno le ditshenyegelo tša khasele ya mošate tša ngwaga wo o fetilego.

**Go bolokwa ga direkoto**

29. (1) Khansele ya mošate e swanetše go boloka direkoto tša maleba tša mediro ya yona ka moka le ditseno le ditshenyegelo;
- (2) Khansele ya mošate e swanetše go tliša direkoto tšeo go bolelwago ka tšona go karolwana (1) go Molekodi-Pharephare go tla go lekolwa.

**Go phethagatšwa ga diphetho tša khomišene**

30. (1) Tonakgolo o swanetše, mo matšatšing a a šupago a go amogela sephetho sa khomišene go ya ka karolo 26(2) ya Molao wa Sebopego, lebiša sephetho seo go ngwako wa baetapele wa setšo wa profense go hwetša maele a wona ka phethagatšo.
- (2) Ngwako wa baetapele ba setšo wa profense o swanetše go tliša maele a wona ao go ukangwago ka ona go karolwana (1) go Tonakgolo mo matšatšing a 14 morago ga go amogela, ge e le gore Tonakgolo a ka, ge a bona go le maleba, nyaka gore ngwako wa baetapele ba setšo wa profense o tliše maele a wona mo nakong e kopana yeo e beilwego.
- (3) Tonakgolo o swanetše go phethagatša sephetho sa khomišene mo matšatšing a 30 a go amogela sephetho seo go tšwa go khomišene.

**Melawana**

31. Tonakgolo a ka bea melawana ya go amana le –
- (a) morero ofe goba ofe wo go ya ka Molao wo o nyakegago goba go o dumelelwa go beawa;
- (b) ka kakaretšo, morero ofe goba ofe wo o tšewago goba maleba goba o kgontšha go bewa go fihlelela dinepo tša Molao wo.

**Go fa tumelelo**

32. (1) Tonakgolo a ka fa tumelelo efe le efe ya maatla goba mešomo ya gagwe go ya ka Molao wo go motho yo mongwe le yo mongwe.

- (2) Go fa tumelelo mo go bolelwago ka gona go karolwana (1) go ka gomišwa nako efe goba efe ke Tonakgolo le gona ga go thibele Tonakgolo go phethagatša maatla goba mešomo mola maatla goba mošomo o filwe.

### **Dipeakanyetšo tša lebakanyana**

33. (1) Peakanyo efe goba efe ka mo Molaong wo yeo e nyakago go rerišana le lekala leo le sa tšwago le hlongwa e tla dula e sa šome go fihla mo e lego gore e nyaka therišano, go fihla ge lekala la maleba le hlongwa.
- (2) Moetapele yo mongwe le yo mongwe wa setšo yo a bego a beilwe bjalo go ya ka molao wo o dirišwago wa profense le gona a a amogelwa bjalo ka moetapele wa setšo ka pela pele ga go thoma ga Molao wo, o tla tšewa go ba a amogetšwe bjalo go ya ka dipeakanyetšo tša maleba tša Molao wo.
- (3) Motho yo, ka pela pele ga go thoma ga Molao wo, a beilwego le gona a be a sa dutše a amogelwa bjalo ka moswarela-kgoši, goba a be a beilwe mo maemong a botšwaoswere goba bjalo ka motlatši, o tšewa go ba a amogetšwe goba a beilwe bjalo go ya ka dipeakanyetšo tša maleba tša Molao wo.
- (4) Setšhaba sefe goba sefe, ka pela pele ga go thoma ga Molao wo, seo se bilego gona ka fase ga dipeakanyetšo tša molao ofe goba ofe, se tšewa go ba setšhaba sa magoši seo se hlomilwego ka fase ga Molao wo.
- (5) Pušosetšhaba goba khansele ya mošate yeo, ka pela pele ga go thoma ga Molao wo, e bilego gona ka fase ga dipeakanyetšo tša molao ofe goba ofe, e tšewa go ba khansele ya mošate ka fase ga Molao wo: Ge e le gore khansele yeo ya mošate e swanetše go obamela dipeakanyetšo tša karolo 4 mo ngwageng o tee wa go thoma ga Molao wo.

### **Go fedišwa ga melao le dipoloko**

34. (1) Go ya ka dipeakanyetšo tša dikarolwana (2) le (3), melao yeo go bolelwago ka yona go kholomo ya bobedi ya Šetule 1, ka go realo e a fedišwa go fihla mo go boletšwego ka gona go kholomo ya boraro ya Šetule 1 go tloga ka tšatšikgwedi yeo e laeditšwego ke Tonakgolo ka tsebišo ka go *Kuranta*.

- (2) Tšatšikgwedi tša go fapana le tšona di ka laetšwa ke Tonakgolo malebana le melao ya go fapana.
- (3) Se sengwe le se sengwe seo e dirwago ka fase ga peakanyetšo ya molao wo o fedišitšwego ke karolwana (1); le gona se kgona go dirwa ka fase ga peakanyetšo ya Molao wo se tla tšewa go ba se dirilwe ka fase ga peakanyetšo ya Molao wo.

### **Thaetlele e kopana**

- 35. Molao wo o tla bitšwa Molao wa Boetapele le Diinstitšusene tša Setšo wa Limpopo, 2005 le gona o tla thoma go šoma ka tšatšikgwedi yeo e beilwego ke Tonakgolo ka kgoeletšo ka go *Kuranta*.

**ŠETULE 1****Melao yeo e fedišitšwego**

<b>Molao wa. &amp; Ngwaga</b>	<b>Thaetlele e kopana</b>	<b>Bogolo bja phedišo</b>
Malao 21 wa 1991	Kgoeletšo ya Baetapele ba Setšo ya Venda.	Ka moka
Molao 38 wa 1927	Molao wa Taolo ya Bathobaso	Go fihla mo e lego gore Molao wo o beetšwe Profense.

**ŠETULE 2****MOLAO WA MAITSHWARO****Karolo A*****Maloko a dikhansele tša mošate******Ditlhaloso***

- 1 Ka go Šetule ye 'molekani' e šupa motho yo a dulago bophelo ka moka le motho yo mongwe ka tsela ye o ka rego ba nyalane.

***Maitshwaro ka kakaretšo a maloko a dikhansele tša mošate***

- 2 Leloko la khansele ya mošate le swanetše -
- (a) dira mešomo ya ofisi ka botshephegi bjo bogolo, ka potego le ka tsela ye e lokologilego; le
  - (b) a ikgafe dinako ka moka go šomela setšhaba sa magoši le ka tsela yeo e lego ya serithi le potego ya setšhaba sa magoši ga di gatakwe.

***Go tsenela dikopano***

- 3 Leloko la khasele ya mošate le swanetše go tsenela kopano ye nngwe le ye nngwe ya khansele ya mošate le komiti yeo leloko la khasele ya mošate e lego leloko, ka ntle ga ge -
- (a) a filwe lifi ga gore a se be gona go ya ka molao wo o dirišwago goba go laeditšwe ke melao le melawana ya khansele ya mošate; goba
  - (b) leloko la khansele ya mošate le swanetše go ya ka Molao wo go ikgogela morago mo kopanong.

*Ditumelelo tša go se tsenele dikopano*

- 4 (1) Khansele ya mošate e ka lefiša kotlo bjalo ka ge e laeditšwe ke melao le ditaello tše di lego gona tša khansele ya mošate go leloko la khansele ya mošate ya:
- (a) go se tsenele kopano yeo leloko leo la khansele ya mošate le nyakegago go e tsenela go ya ka hlogwana 3; goba
- (b) go palelwa ke go tsenela kopano yeo.
- (2) Leloko la khansele ya mošate leo le sego gona go dikopano tše tharo goba go feta tša go latelana tša khansele ya mošate, goba go dikopano tše tharo goba go feta tša komiti, tšeo leloko leo la khansele ya mošate le swanetšego go di tsenela go ya ka hlogwana 3, le swanetše go tlošwa mo ofising bjalo ka leloko la khansele ya mošate.
- (3) Ditshepedišo tša go lefiša kotlo goba go tlošwa ga leloko la khansele ya mošate di swanetše go dirwa go ya ka tshepedišo ye e lego gona ya go swana yeo khansele e nngwe le e nngwe ya mošate e swanetšego go e amogela go fihlelela dinepo tša hlogwana ye. Tshepedišo ye e lego gona ya go swana e swanetše go sepelelana le melao ya toka ya tlhago.

*Go utollwa ga dikgahlego*

- 5 (1) Leloko la khansele ya mošate le swanetše –
- (a) go utolella khansele ya mošate, goba go komiti efe le efe yeo leloko lona leo la khasele ya mošate e lego leloko, kgahlego efe goba efe ya thwii goba ye e sego thwii, yeo leloko lona leo la khansele ya mošate, goba molekani ofe goba ofe, mogwera goba mogwebišani wa leloko leo la khansele ya mošate ka go morero ofe goba ofe wo o lego pele go khansele goba go komiti; le
- (b) go ikgogela morago go ditshepedišo tša khansele goba komiti ge morero woo o lebeletšwe ke khansele goba komiti, ka ntle ga ge khansele goba komiti e phetha gore kgahlego ya thwii goba ye e sego thwii ya leloko la khansele ya mošate go morero woo ga e bohlokwa le gatee goba e sa amane le se.

- (2) Leloko la khansale ya mošate leo, goba molekani wa lona, mogwera, mogwebišani goba leloko la kgauswi la lapa, a hweditšego goba a emetšego go hwetša kholo efe goba efe ya thwii go tšwa go kontraka yeo e kwanetšwego le setšhaba sa magoši, le swanetše go utolla ditshwanelo ka moka ka botlalo tša kholo yeo leloko la khansale ya mošate le tsebago ka yona mo kopanong ya mathomo ya khansale ya mošate moo go kgonagalago gore leloko la khansale ya mošate go dira kutollo.
- (3) Karolo ye ga e dirišwe go kgahlego goba kholego yeo leloko la khansale ya mošate, goba molekani, mogwera, mogwebišani goba leloko la kgauswi la lapa, le nago le yona goba le hwetšago go swana le badudi ba bangwe ba setšhaba sa magoši.

*Go ikhumiša*

- 6 (1) Leloko la khansale ya mošate le ka se šomiše maemo a go ba leloko la khansale ya mošate, goba tshedimošo ye e lego sephiri yeo e hweditšwego bjalo ka leloko la khansale ya mošate, go ikhumiša ka tsela ya poraebete goba go hola motho yo mongwe ka tsela ye e sa lokago.
- (2) Ka ntle ya tumelelo ya pele ya khansale ya mošate, leloko la khansale ya mošate le ka se -
- (a) be karolo go goba go motho yo a holegago ka fase ga kontraka go-
- (i) kabo ya diphahlo goba ditirelo go setšhaba sa magoši; goba
- (ii) phethagatšo ya mošomo ofe le ofe ka ntle ga ge e le bjalo ka leloko la khansale ya mošate la setšhaba seo;
- (b) go hwetša kgahlego ya ditšhelete go kgwebo efe goba efe ya setšhaba sa magoši; goba
- (c) ka tefo goba tsela e nngwe go tšwelela legatong la motho yo mongwe pele ga khansale goba komiti.
- (3) Ge go feta kotara e tee ga maloko a khansale ya mošate a sa thekge tumelelo yeo e fiwago leloko la khansale ya mošate go ya ka seka-hlogwana (2), tumelelo yeo e ka fiwa fela leloko la khansale ya mošate ka tumelelo ya Tonakgolo.



*Tlhagišo ya dikgahlego*

- 7 (1) Ge a kgethilwe goba a beilwe, leloko la khansale ya mošate le swanetše mo matsatšing a 60 go hlagiša ka go ngwala go mohlankedi wa Mmušo yo a hlaotšwego ke Tonakgolo dikgahlego tše di latelago tša ditšhelete tšeo di swerwego ke leloko leo la khansale ya mošate:
- (a) dišere le dipeeletšo go khamphani efe goba efe;
  - (b) boleloko bja kgwebo ya mohlakanelwa;
  - (c) kgahlego go trasete efe goba efe;
  - (d) bolaodi;
  - (e) bogwebišani
  - (f) dikgahlego tše dingwe tša ditšhelete go kgwebo efe goba efe;
  - (g) go thwalwa le go putsa;
  - (h) kgahlego go thoto;
  - (i) phenšene; le
  - (j) thušo ya ditšhelete, kabo le thekgo ya ditšhelete ka mokgahlo ofe goba ofe.
- (2) Phetogo efe goba efe ya tsela goba tshedimošo ya dikgahlego tša ditšhelete tša leloko ka khansale ya mošate di swanetše go hlagiša ka go ngwalwa go mohlankedi yo go bolelwago ka yena go seka-hlogwana (1) ngwaga ka ngwaga.
- (3) Dimphe tšeo di amogetšwego ke leloko la khansale ya mošate tša go feta tšhelete yeo e beilwego di swanetše go hlagišwa go ya ka seka-karolwana (1).
- (4) Khansale ya mošate e swanetše go laetša gore ke efe ya dikgahlego tša ditšhelete yeo go bolelwago ka yona go seka-karolwana (1) yeo e swanetšego go tsebišwa phatlalatšwa ka go sekegela nyakego ya sephiri le kgahlego ya setšhaba go utolleng.

*Dimpho, dimpho le dikgaugelo*

- 8 Leloko la khansele ya mošate le ka se kgopele, nyake, goba go amogela moputso, mpho goba kgaugelo efe goba efe ka go-
- (a) bote goba go se bote ka tsela ye e itšego go taba efe goba efe pele ga khansele ya mošate goba pele ga komiti yeo leloko la khansele ya mošate e lego leloko;
  - (b) hlohleletša khansele ya mošate goba komiti efe goba efe ka go sekegela tšhomišo efe goba efe ya maatla, mešomo goba modiro;
  - (c) go dira boemedi go khansele ya mošate goba komiti efe goba efe ya khansele; goba
  - (d) go utolla tshedimošo ya maemo a godimo goba ya sephiri.

*Go utolla tshedimošo yeo e sa dumelelwago*

- 9 (1) Leloko la khansele ya mošate le ka se ka ntle ga tumelelo ya khansele ya mošate goba komiti utolle tshedimošo efe goba efe ya maemo a godimo goba ya sephiri ya khansele goba komiti go motho ofe goba ofe yo a sa dumelelwago.
- (2) Ka nepo ya hlogwana ye tshedimošo ya 'maemo a godimo' goba ya sephiri e akaretša tshedimošo efe goba efe -
- (a) yeo e beilwego ke khansele ya mošate goba komiti go ba ya maemo a godimo goba ya sephiri;
  - (b) yeo e rerišanwego go kopano yeo e bego e sa dumelele ba e sego maloko a khansele goba komiti;
  - (c) go utolla moo go tla tshelago tokelo ya motho ya sephiri; goba
  - (d) e tšewago go ba ya maemo a godimo le sephiri goba khupamarama go ya ka molao.
- (3) Hlogwana ye ga e nyenyefatše tokelo ya motho yo mongwe le yo mongwe go fihlelela tshedimošo go ya ka molao wa bosetšhaba.

*Thoto ya setšhaba*

- 10 Leloko la khansele ya mošate le ka se šomiše, tšee, amogela goba go holega go thoto goba phahlo efe goba efe yeo e lego, laolwago goba e šomišwago ke setšhaba sa magoši seo leloko leo la khansele ya mošate le se nago le tokelo.

*Go tshela molao*

- 11 (1) Ge khansele ya mošate, ka go gonona mo go kwagalago, e na le kgopolo ya gore peakanyo ya karolo ye ya molao wa maitshwaro e tshetšwe, khansele ya mošate e swanetše go –
- (a) dumelela dinyakišišo ka dintlha le mabaka a go tlola molao go go latofatšwago;
  - (b) fa leloko la khansele ya mošate sebaka se se lekanego sa go fetola ka go ngwala malebana le go tlola molao go go latofatšwago; le
  - (c) bega taba mo kopanong ya khansele ya mošate morago ga gore ditemana (a) le (b) di obamelwe.
- (2) Pego go ya ka seka-hlogwana (1)(c) e buletšwe setšhaba ka moka.
- (3) Khansele ya mošate e swanetše go bega ka dipelo tša dinyakišišo go Tonakgolo.
- (4) Moetapele o mogolo wa setšo o swanetše go netefatša gore leloko le lengwe le le lengwe la khansele ya mošate ge le thoma mošomo wa ofisi le fiwa khopi ya Molao wo le gore khopi ye e ba gona go phapoši goba lefelo le lengwe le le lengwe leo khansele ya mošate e kopanago gona.
- (5) Khansele ya mošate e ka –
- (a) nyakišiša le go dira dikutolio ka go tlola molao gofe le gofe go go latofatšwago ga peakanyetšo ya Molao wo; goba
  - (b) go hloma komiti yeo e kgethegilego-
    - (i) go nyakišiša le go dira dikutollo ka go tlola molao gofe le gofe go go latofatšwago ga Molao wo;

- (ii) go dira ditšhišinyo tša maleba go khansele ya mošate.
- (6) Ge khansele goba komiti yeo e kgethegilego e hwetša gore leloko la khansele ya mošate le tshetše peakanyetšo ya karolo ye ya Molao wo wa Maitshwaro, khansele e ka -
- (a) ntšha temošo ya semmušo go leloko la khansele ya mošate;
  - (b) kgalema leloko la khansele ya mošate;
  - (c) kgopela Tonakgolo go fega leloko la khansele ya mošate nakwana;
  - (d) lefiša leloko la khansele ya mošate; le
  - (e) kgopela Tonakgolo go tloša leloko la khansele ya mošate mo ofising.
- (7) (a) Leloko le lengwe le le lengwe la khansele ya mošate leo le lemošitšwego, kgalemilwego goba le lefišitšwego go ya ka temana (a), (b) goba (d) ya seka-hlogwana (6) le ka, mo matšatšing a 14 morago ga go tsebišwa ka sephetho sa khansele ya mošate, dira boipiletšo go Tonakgolo ka go ngwala le laetša mabaka ao boipiletšo bo ithekgilego ka ona.
- (b) Khopi ya boipiletšo e swanetše go fiwa khansele ya mošate.
  - (c) Khansele ya mošate e swanetše gore mo matšatšing a 14 morago ga go amogela boipiletšo bjo go bolelwago ka bjona go temana (b) dira boemedi bofe goba bofe malebana le boipiletšo go Tonakgolo ka go ngwalwa.
  - (d) Tonakgolo a ka, morago ga go lebelela boipiletšo, netefatša, beela thoko goba go thulana le sephetho sa khansele le go tsebiša leloko la khansele ya mošate le khansele ka dipelo tša boipiletšo.
- (8) Tonakgolo a ka bea motho goba komiti go nyakišiša go tlola molao gofe goba gofe go go latofatšwago ga peakanyo ya Molao wo le go dira tšhišinyo ya ge e ba leloko la khansele ya mošate le swanetše go fegwa goba go tlošwa mo ofising.
- (9) Ge e le gore Tonakgolo a na le kgopolo ya gore leloko la khansele ya mošate le tlotše peakanyetšo ya Molao wo, le gona go tlola moo go nyaka go fegwa goba go tlošwa mo ofising, Tonakgolo a ka –

- (a) fega leloko la khansele ya mošate lebakanyana le ka mabaka ao a beilwego ke Tonakgolo; goba
  - (b) tloša leloko la khansele ya mošate mo ofising.
- (10) Nyakišišo efe goba efe go ya ka hlogwana ye e swanetše go dirwa go ya ka melawana ya toka ya tlhago.
- (11) Tonakgolo a ka laela gore dipeakanyetšo tša Molao wa Khomišene ya Dinyakišišo wa Limpopo, 2001 (Molao 4 wa 2001) di dirišwe go nyakišišo efe goba efe go ya ka karolo ya Molao wa Maitshwaro.

### Karolo B

#### *Baetapele ka moka ba setšo*

#### *Go hloka maitshwaro*

1. Moetapele wa setšo o tla bonwa molato wa go hloka maitshwaro le gona a ka otlwa go ya ka dipeakanyetšo tša hlogwana 2, ge moetapele yoo wa mošate –
- (a) a tshela goba a palelwa ke go obamela ye nngwe le ye nngwe ya dipeakanyetšo tša Molao wo goba a palelwa ke go dira mediro efe goba efe goba go phetha tlamego efe goba efe godimo ga moetapele wa setšo ka goba ka fase ga molao ofe goba ofe;
  - (b) a hlokomologa, sa hlokomela goba a tšwafa go dira mešomo ya gagwe;
  - (c) a palelwa ke go phethagatša mešomo ya gagwe ka tsela ya maleba;
  - (d) sa obamele, sa hlomphe goba a dira diphošo ka boomo ge a phetha taelo ya semolao yeo a e filwego ke motho yo a nago le maatla a go fa taelo ye;
  - (e) a itshwara ka tsela yeo e hlabišago dihlong, ye e sego ya maleba goba tsela ye e sa nyakegego;

- (f) a bonwa molato ke kgorotsheko ya molao, ka molato ofe goba ofe ka wo o nago le lefetla la dikgaruru goba go se tshephagale.

*Tshepedišo mo melatong ya go hloka maitshwaro*

2. (1) Ge moetapele wa setšo a latofatšwa ka go hloka maitshwaro bjalo ka ge go hlaloswa go hlogwana 1, khansele ya mošate ya setšhaba seo se amegago e swanetše go nyakišiša ditatofatšo go ya ka molao wa setšo wa setšhaba seo e amegago. Nyakišišo efe goba efe go ya ka seka-hlogwana ye e swanetše go obamela melawana ya toka ya tlhago.
- (2) Ge khansele ya mošate, morago ga nyakišišo ye go bolelwago ka yona go seka-hlogwana (1), e gopola gore moetapele wa setšo o na le molato wa go hloka maitshwaro, khansele ya mošate e ka, ka go rerišana le lapa la bogoši, lebiša dipoelo tša dinyakišišo gammogo le tšhišinyo ya magato a maleba go Tonakgolo.
- (3) (a) Tonakgolo o swanetše, mo matšatšing a a šupago a go amogela nyakišišo go ya ka seka-karolwana (2), lebiša taba go Ngwako wa Baetapele ba Setšo wa Profense go hwetša ditšhišinyo tša ona.
- (b) Ngwako wa Baetapele ba Setšo wa Profense o swanetše go lebelela taba le go lebiša tšhišinyo ya wona go Tonakgolo mo matšatšing a 14 a go amogela taba go tšwa go Tonakgolo.
- (4) Ge ka morago ga go amogela tšhišinyo ya Ngwako Baetapele ba Setšo wa Profense Tonakgolo a kgotsofetše gore moetapele wa setšo o na le molato wa go hloka maitshwaro, Tonakgolo a ka, ka go sekegela ditšhišinyo tša khansele ya mošate le Ngwako Baetapele ba Setšo wa Profense –
- (a) eletša goba go kgalema moetapele wa setšo; goba
- (b) lefiša moetapele wa setšo kotlo; goba
- (c) laela gore moetapele wa setšo a se ke a lefelwa moputso paka ye e itšego; goba
- (d) diriša ditemana tša (b) le (c) ka bobedi; goba

- (e) lebiša taba go lapa la bogoši ka taelo ya gore taba e lebeletwe go ya ka karolo 13 ya Molao wo, ge Tonakgolo a kgotsofetše gore morero wo o wela ka fase ga taolo ya karolo ye go bolelwago ka yona.
- (5) Tonakgolo a ka, ka kgetho ya gagwe, pele ga go tšea magato go ya ka seka-karolwana (4) bea komiti go phethagatša dinyakišišo tše dingwe tša go hloka maitshwaro go go latofatšwago.
- (6) Tonakgolo a ka laela gore dipeakanyetšo tša Molao wa Dikhomišene tša Dinyakišišo wa Profense ya Leboa, 2001 (Molao 4 wa 2001) o dirišwe go nyakišišo efe goba efe go ya ka seka-karolwana (5).

**ŠETULE 3****KANO YA OFISI**

Nna, A.B. ke ikana gore ke tla botegele setšhaba sa \_\_\_\_\_ le gona ke tshephiša ka kgonthe le boikokobetšo gore ke tla tšwetšapele dinako ka moka tšeo di tlišago kgatelopele le go thulana le tšeo di ka kwešago setšhaba bohioko ka moka ga tšona; go obamela, hlompha le go boloka melao ya setšo ya setšhaba le melao e mengwe ka moka ya Rephabliki ya Afrika Borwa; go dira mešomo ya ka ka moka ka maatla a ka ka moka le bokgoni ka tsebo ya ka ka moka le bokgoni le go ba le nnete go tšeo ke di tsebago; go dira toka go batho ka moka; le go ikgafa go boiketlo bja setšhaba le batho ba gona.

Hle Modimo ka Mogau wa Gagwe a ntlhahle le go mpoloka go tšwelapele ka kano ye ka tlhompho le boikokobetšo.

Ka gona Modimo nthuše.



## MULAYO

Wa u vhetshela u itela u tendeliwa ha zwitshavha zwa sialala; u tendeliwa ha khoro dza sialala, khetho na u vhwela ha mirado vha khoro dza sialala, u tendeliwa ha vharangaphanda vha sialala, u bviswa havho ofisini, mishumo yavho, u tendeliwa ha mirado vhafareli vha sialala na vhavhusi, u vhetshela u itela tshikwama tsha khoro ya sialala na ndangulo heneffho; u vhetshela u itela mbadelo dza magavhelo a mbadelo dza u enda ha mirado vha khoro dza sialala; u vhetshela u itela mitangano ya mutani wa vuhosini na khoro dza sialala; u vhetshela u itela maga a vhudifari; na mafhungo a tutshelanaho na zwenezwo.

## TSWIKISO

**HU NA URI** Ndayotewa i tshi tendela –

- tshiimiswa, tshiimo na mushumo wa vharangaphanda ha sialala zwi tutshelanaho na milayo ya sialala; na
- vhulaedzwa ha sialala vhu sedzanaho na sisiteme ya mulayo ya sialala;

**NA ZWAURI** tshiimiswa tsha vharangaphanda ha sialala tshi tea u -

- bveledza mbofhololo, vhuthu na u swikelelwa ha ndinganyo na u sa khethulula nga mbeu;
- lwela u hudza mvelele na sialala;
- bveledza u fhatiwa ha lushaka na u takadza vhathu na u disa mulalo kha vhathu;
- bveledza milayo ya ya kuvhusele kwo tanganelanaho kha u tangana hatsho na zwiimiswa zwothe zwa muvhuso na zwivhili zwa muvhuso

**NA ZWAURI** ndi zwa ndeme u thoma mulayo wa vundu kha muhanga wo netshedzwaho nga Mulayo wa Muhanga wa Mavhusele na Vharangaphanda ha Sialala, 2003 (Mulayo No. 41 wa 2003) hu u itela u vhetshela mafhungo a kha Vundu;

**NA ZWAURI** ndi muhumbulo wa muvhuso wa vundu u shandukisa tshiimiswa tsha vharangaphanda ha sialala uri tshi tutshelane na Ndayotewa, nga u dzhiela nzhele, vhukati ha zwinwe, ndinganyiso nga mbeu;

**NA ZWAURI** ndi zwa ndeme kha vharangaphanda vha sialala kha Vundu u shumisa maanda avho a re ngomu ha muhanga wa mulayo une wa hudza vhuthihi na vhungoho;

**NA ZWAURI** zwi kha pfanelo ya Vundu u tendela nga lwa mulayo nga ha mafhungo a vharangaphanda ha sialala.

**ZWENEZWO AFHA HU KHOU VHEWA MULAYO** nga Vhusimamilayo ha Vundu la Limpopo, nga hu tevhelaho:

## NDIMA 1

### THANDAVHUDZO, THALUTSHEDZO NA TSHUMISO

#### Thandavhudzo

- 1 Kha uyu Mulayo, nga nda ha musi zwi re ngomu zwi tshi sumbedzisa nga inwe ndila-

**“khoru ya zwa sialala”** zwi amba khoru yo thomiwaho hu tshi tevhedzwa khethekanyo 4:

**“Khomishini”** zwi amba khomishini yo thomiwaho hu tshi tevhedzwa khethekanyo 22 ya Mulayo wa Muhanga;

**“khosi”** zwi amba murangaphanda wa sialala-

- (a) ane fhasi ha vhulaedzwa hawe, kana ane fhasi ha vhupo hu re mulayoni, vharangaphanda vhahulwane vha sialala vha shumisa vhulaedzwa zwi tutshelanaho na milayo ya sialala; nahone

- (b) zwo tendelwa ngauralo hu tshi tevhedzwa uyu Mulayo;

**“maga a vhudifari”** zwi amba maga a vhudifari a re kha Shedulu 2, nahone zwi katela maga a vhudifari a re kha Shedulu u ya kha Mulayo wa Muhanga;

**“mufaraofisi”** zwi amba muthu ufhio na ufhio ane, hu tshi tevhedzwa mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho, a vha e kha vhuimo ha vharangaphanda ha sialala lwa tshifhinganyana u swika mutevheli wa kha honoho vhuimo ane a vha mutuku, a tshi tendeliwa;

**“mufarisamurangaphanda wa sialala”** zwi amba murado wa muta wa vuhosini o vhewaho zwi tutshelanaho na mulayo wa sialala uri a shume lwa tshifhinganyana kha tshiimo tsha khosi, khosi, murangaphanda muhulwane wa sialala, kana mukoma fhasi ha nyimele dzo bulwaho kha khethekanyo 16(1);

**“mukoma”** zwi amba murangaphanda wa sialala ane-

- (a) a vha fhasi ha vhulaedzwa ha, kana tshumiso ya vhulaedzwa i re kha vhupo vhu re mulayoni ha, murangaphanda wa sialala zwi tutshelanaho na milayo ya sialala; nahone
- (b) o tendeliwa ngauralo hu tshi tevhedzwa uyu Mulayo;

**“Mulayo wa Muhanga”** zwi amba Mulayo wa Muhanga wa Mavhusele na Vhurangaphanda ha Sialala, 2003 (Mulayo No. 43 wa 2003);

**“murangaphanda wa sialala”** zwi amba muthu ufio na ufio ane, hu tshi tevhedzwa mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho, a vha e kha maimo a vhurangaphanda ha sialala, nahone o tendelwaho hu tsi tevhedzwa uyu Mulayo;

**“murangangaphandamufareli wa sialala”** zwi amba murangaphanda wa zwa sialala o vhewaho hu tshi tevhedzwa khethekanyo 15;

**“murangaphanda muhulwane wa sialala”** zwi amba murangaphanda wa sialala wa vhadzulapo vha sialala vho bulwaho ane a vha na tshumiso ya maanda kha vhakomam vhanzhi zwi tutshelanaho na milayo ya sialala, kana ane kha vhupo hawe vhu re mulayoni ha vha hu na tshumiso ya vhulaedzwa nga vhakoma vha re na tshivhalo;

**“muta wa vuhosini”** zwi amba tshiimiswa tsha nga ngomu tsha sialala kana nzudzanyo yo vhumbiwaho nga mashaka a tsini a muta u vhusaho kha vhadzulapo vha sialala, vho divhadzwaho hu sti tevhedzwa sialala, nahone zwi katela, hune zwa konadzea, vhanwe mirado vha muta vhane vha vha mashaka a tsini a muta u vhusaho;

**“Ndayotewa”** zwi amba Ndayotewa ya Riphabuliki ya Afrika Tshipembe, 1996.

**“ndu yapo ya vharangaphanda vha sialala”** zwi amba ndu yapo ya vharangaphanda vha sialala yo thomiwaho hu tshi tevhedzwa Mulayo wa Vharangaphanda vha Sialala wa Ndu dza Limpopo, 2005;

**“ndu ya vundu ya vharangaphanda vha sialala”** zwi amba ndu ya vundu ya vharangaphanda vha sialala yo thomiwaho hu tshi tevhedzwa Mulayo wa Vharangaphanda vha Sialala wa Ndu dza Limpopo, 2005;

**“nwaha wa muvhalelano”** zwi amba tshifhinga tshi thomaho u bva 1 Lambamai wa nwaha munwe na munwe nahone wa fhela nga 31 Thafamuhwe wa nwaha u tevhelaho wonoyo;

**“tshiimiswa kana nzudzanyo ya sialala”** zwi amba nzudzanyo kana zwiimiswa zwenezwo zwo thomiwaho hu tshi tevhedzwa mulayo wa sialala;

**“tshitshavha”** zwi amba tshitshavha tsho thomiwaho kana tsho tendelwaho fhasi ha theo ya mulayo u no khou shuma phanda ha u thoma ha uyu Mulayo

**“vhadzulapo vha sialala”** zwi amba vhadzulapo vha sialala vho tendelwaho ngauralo hu tsi tevhedzwa khethekanyo 3;

**“vharangaphanda vha zwa sialala vha ndu yapo”** zwi amba ndu ya vundu ya vharangaphanda vha sialala yo thomiwaho hu tshi tevhedzwa Mulayo wa Vharangaphanda vha Sialala wa Ndu dza Limpopo, 2005;

**“uyu Mulayo”** zwi katela ndaulo dzifhio na dzifhio dzo itwaho hu tshi tevhedzwa khethekanyo 31;

**“vhupo vhu re mulayoni”** zwi amba vhupo vhu re mulayoni ho tiwaho u itela khoro ya sialala na vhadzulapo vho tendelwaho hu tshi tevhedzwa uyu Mulayo;

**“vhurangaphanda ha sialala”** zwi amba nzudzanyo kana zwiimiswa zwa sialala; kana sisiteme dza sialala kana matshimbidzelwe a kuvhusele, o tendelwaho, a shumiswaho nga vhadzulapo vha sialala;

### **Thalutshedzo na tshumiso**

2. (1) Mulayo uyu u fhasi ha Mulayo wa Muhanga.
- (2) A hu na zwi re kha uyu Mulayo sa zwine zwa nga dzhiwa sa zwi thivhelaho mirado vha vhadzulapo vha sialala uri vha vhidze murangaphanda wa sialala nga dzina lo newa ene nga lwa sialala, fhedzi dzina lerelo la sialala a li fhungudzi u bva kha, kana u dadzisa tshinwe tshithu kha, maimo, mishumo ya murangaphanda wa sialala sa zwo vhetshelwaho kha uyu Mulayo.
- (3) Vharangaphanda vha sialala vha nga tanganedza kana u tendela maimo o fhambanaho a vhuhulwane vhukati havho zwi tutshelanaho na milayo ya sialala, nahone a hu na thandavhudzo dzo bulwaho kha khethekanyo 1 dzi teaho u dzhiwa sa dzo newaho kana dzi fhungudzaho u bva kha honoho vhuhulwane.

**NDIMA 2****VHADZULAPO VHA SIALALA NA KHORO DZA SIALALA****U tendelwa ha vhadzulapo vha sialala**

3. (1) Vhadzulapo vha lavhelelwaho kha khethekanyo 2 (1) ya Mulayo wa Muhanga u nga shuma kha Premia nga u tou nwala u itela u tendelwa sa mudzulapo wa sialala.
- (2) Khumbelo yo bulwaho kha khethekanyo (1) i tea u vha na zwidodombedzwa zwi tevhelaho:
- (a) mbuletshedzo ya vhadzulapo;
  - (b) vhuhulu ha vhadzulapo;
  - (c) dzina la vhadzulapo;
  - (d) dzina la murangaphanda muhulwane wa sialala na mukoma arali e hone;
  - (e) madzina a vhathu vhane vhadzulapo vha vha dzhia sa vharangaphanda vhavho zwi tutshelanaho na mulayo wa sialala wa vhadzulapo na tsumbedziso dzavho dza sialala;
  - (f) nomboro i lavhelelwaho ya mirado vha khoro; na
  - (g) mbuletshedzo ya vhupo vhune khaho nga u angaredza ha dzula vhadzulapo.
- (3) Premia u tea uri, a tshi tou tangedza khumbelo yo bulwaho kha khethekanyothukhu (1), arali a tshi fushea uri vhadzulapo vha kwameaho vho tshimbilelana na mbetshelo dza khethekanyo (2), a pfukisele mafhungo kha ndu ya vharangaphanda vha sialala vha vundu ndu yo teaho ya vharangaphanda vha sialala, na murangaphanda muhulwane ufho na ufho wa sialala ane vhadzulapo vha sialala u ya nga khonadzeo ya khumbulo ya Premia vha vha na dzangalelo kha mafhungo nahone arali zwi tshi konadzea vha tshigwada tshine tsha wela nga fhasi ha khosi lu re mulayoni, u itela vhupfiwa havho, hune vhupfiwa ha tea u netshedzwa vhukati ha maduvha a 30 a u pfukhiselwa.

- (4) Premia u tea uri nga murahu ha minwedzi miraru ya u tangedzwa ha khumbelo yo bulwaho kha khethekanyothukhu (1), hu tshi tevhedzwa khethekanyothukhu (3), a dzhia tsheo ya uri u a tangedza vhadzulapo vha kwameaho u vha vhadzulapo vha sialala na u divhadza vhadzulapo vha kwameaho nga ha tsheo yeneyo.
- (5) Phanda ha musii Premia a tshi dzhia tsheo ya u tendela vhadzulapo vha kwameaho u vha vhadzulapo vha sialala, u tea u ramba vhadzulapo vha kwameaho uri vha netshedze vhutanzi ha uri ndi ngani khumbelo yavho i sa tei u haniwa ho sedziwa muhumbulo wo bulwaho nga Premia.
- (6) Premia u tea uri musii a tshi tendela vhadzulapo vha sialala hu tshi tevhedzwa khethekanyothukhu (4)-
  - (a) a te nga tshenetsho tshifhinga vhupo ha vhadzulapo vha sialala vha
  - (b) bvise thanziela yo randelwaho ya thendelo kha vhadzulapo vha sialala vha kwameaho; na uri
  - (c) vhukati ha maduvha a 30 a u dzhia tsheo a andadze zwidodombedzwa zwenezwo nga ndivhadzo kha Gazethe

#### **Khoro dza Sialala**

- 4. (1) Premia u tea uri a tshi tendela vhadzulapo vha sialala hu tshi tevhedzwa khethekanyo 3(4), nahone malugana na thodea dza vhadzulapo vha sialala vha kwameaho, a te nomboro ya mirado vha khoro u itela khoro ya sialala i no do thomiwa hu tshi tevhedzwa khethekanyothukhu (2): Tenda ha vha uri thanganyelo ya nomboro a i fhiri 30.
- (2) Vhadzulapo vha sialala vho tendelwaho nga Premia hu tshi tevhedzwa uyu Mulayo vha tea uri vhukati ha maduvha a 30 nga murahu ha musii vhadzulapo vha sialala vho no divhadzwa ngauralo hu tshi tevhedzwa khethekanyo 3(4) vha thome khoro ya sialala u itela vhenevho vhadzulapo vha sialala, yo vhumbiwaho nga vhanna na vhafumakadzi vhane hu tshi tevhelwa mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho vha tendelwa u vha mirado vha khoro zwi tshi katela na vhanwe mirado vha kwameaho vha vhadzulapo vha sialala vho khethiwaho nga lwa tshidemokirasi.

- (3) Murangaphanda wa sialala muhulwane wa vhadzulapo vha sialala o bulwaho kha khethekanyo (2), u tea u ramba mutanganano wa mirado vhothe vha vhaaluwa vha vhadzulapo vha sialala u itela ndivho dza u khethiwa ha mirado vha khoro ya sialala, nga u nea ndivhadzo l pfalaho ya wonoyo mutangano hu tshi tevhelwa mulayo wa vhenevho vhadzulapo vha sialala. Murangaphanda muhulwane wa sialala kana nkheteni u rang aphanda wonoyo mutangano.
- (4) Mirado vho khethiwaho vha khoro ya sialala vha tea uri nga heneffho hune vha kona vha vhe vhaimелеlei vha wadi dza vhadzulapo vha sialala vha kwameaho.
- (5) Mirado vha phesenthe 60 vha khoro ya sialala vha tea u vhumbiwa nga vhangaphanda vha sialala na mirado vha vhadzulapo vha sialala vho nangiwo nga murado muhulwane wa sialala nahone dzinwe phesenthe dza 40 dzi tea u vhumbiwa nga mirado vho khethiwaho.
- (6) (a) Thihi tsha raru zwatsho tsha mirado vha tea u vha vhafumakadzi vha khoro ya sialala , nga nda ha musi Premia-
- (i) a tshi fushea nga thanziela nga murangaphanda muhulwane wa sialala a kwameaho uri hu na tshivhalo tshi sa fushi tsha vhafumakadzi; na
- (ii) a tshi ta uri hu na tshivhalo tshituku tsha vhafumakadzi tshi no do katelwa kha yeneyo khoro ya sialala.
- (b) Murangaphanda muhulwane wa sialala u tea uri nga murahu ha musi nomboro i todeaho ya vhanna na nomboro ya vhafumakadzi vha re vha re hone yo no khethiwa, arali a tshi fushea zwauri hu na nomboro i sa fushi ya vhafumakadzi kha u dadza zwikhala zwo salaho zwi todeaho uri zwi dadziwe nga vhafumakadzi, a imise khetho na u pfukhisela mafhungo kha Premia nga u tou nwala u itela u wana tsivhudzo kha Premia hu tshi tevhedzwa phara (a).
- (c) Murangaphanda muhulwane wa sialala u tea, uri nga murahu ha u tangedza tsivhudzo ya Premia yo bulwaho kha phara (b) a thome hafu na khetho vhukati ha maduvha a 14 a u tangedza honoho hu tshi tevhelwa yeneyo tsivhudzo.

- (d) Premia u tea u sedzulusa vhenevho vhafumakadzi vha no do khethelwa u vha vha khoro ya sialala phanda ha khetho dza khoro ntswa ya sialala.
- (7) U khethiwa ha mirado vha khoro ya sialala hu tea u itiwa nga ndila ya u tou vouta nga maitete o tiwaho nga Premia kana muthu ufho na ufho o nangiwo nga Premia uri a lavhelele khetho.
- (8) Zwidodombedzwa zwa u thomiwa ha khoro ya sialala na madzina henevho zwi tea u netshedzwa kha Premia nga u tou nwala, vhukati ha maduvha a 60 nga murahu ha musi khoro ya sialala yo no thomiwa hu tshi tevhedzwa khethekanyothukhu (2).
- (9) Premia u tea, uri nga murahu ha u tangedza zwidodombedzwa zwo bulwaho kha khethekanyothukhu (8), arali a tshi fushea uri mbetshelo dza Mulayo dzo tevhedzelwa, a divhadza khoro ya sialala nga ndivhadzo kha Gazethe vhukati ha maduvha a 30.

#### **Tshifhinga tsha ofisi tsha mirado vha khoro ya sialala na muano wa ofisi**

- 5. (1) Hu tshi tevhedzwa khethekanyo 6, murado wa khoro ya sialala u vha ofisini lwa tshifhinga tsha minwaha mitanu, tenda ha vha hu uri murado a faraho ofisi lwa tshifhinganyana u fara yeneyo ofisi u itela tshifhinga tsho salaho tsha we a mu ranga phanda.
- (2) Mirado vha khoro ya sialala vha tea uri, phanda hamusi vha tshi thoma ofisini sa mirado, vha ite muano wa ofisi nga ndila ya Shedulu 3 phanda ha madzhisitarata.

#### **U tutshela ofisi na zwickhala kha khoro dza sialala**

- 6. (1) Tshidulo tsha murado wa khoro ya sialala tshi tea u tutshelwa –
  - (a) nga murahu ha u lovha ha onoyo murado;
  - (b) arali murado a kwameaho o vhewa ho tevhedzwa u nangiwa nga murado muhulwanme wa sialala na Premia vho tendela khumbelo yo tou nwaliwaho nga murangaphanda muhulwane wa sialala uri murado onoyo a pandeliwe;
  - (c) arali murado o litsha;



- (d) arali Premia o tendela khumbelo ya u tou nwaliwa nga vhunzhi ha mirado vha wadi hune murado a dzula zwauri onoyo murado a pandeliwe;
  - (e) arali Premia a tshi fushea uri zwi kha madzangalelo a khwine a vhadzulapo vha sialala vha kwameaho uri onoyo murado u tea u tutshela tshidulo na u tenda uri murado a pandeliwe ; nahone
  - (f) arali tshifhinga tsha ofisi tsha murado tsho fheliswa hu u itela muhumbulo wo bulwaho kha khethekanyothukhu (2).
- (2) Tshifhinga tsha ofisi tsha murado wa khoro ya sialala tshi nga di tiwa -
- (a) arali murado a sa tsha kona u ita mishumo yawe ofisini nga khumbulo ya u vhaaisala maluvhini lwa tshothe kana muvhili wawe u sa tsha kona u shuma zwavhudi;
  - (b) arali murado a sa tsha londa kana u bvafha kha u shuma mishumo ya ofisini yawe;
  - (c) arali murado a tshi difara nga ndila i shonisaho.
- (3) Tshikhala kha khoro ya sialala tshi tea u dadziwa vhukati ha maduvha a 14 nga ndila ine tshikhala tsho bulwaho tsha dadzwa ngaho musi khoro ya sialala i tshi khethiwa kana u vhwewa, tenda ha vha uri a hu na tshi shumiwaho nga khoro ya sialala tshine tsha do fheliswa nga nthani fhedzi ha uri tshikhala tshi dzula tshi so ngo dadziwa lwa tsifhings tahi fhiraho maduvha a 14.

#### **Ndayo na ndaela dza khoro ya sialala na komiti ya khoro ya sialala**

7. (1) Khoro ya sialala i nga ri hu tshi tevhelwa mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho, ya sika ndayo na ndaela zwi tutshelanaho na tshumiso ya mushumo wayo na kutshimbidzele ku katelaho ndaulo na ndaela dzi langah, u thomiwa, u vhumbiwa, maanda na mishumo, matshimbidzele na tshifhinga tsha komiti dza khoro ya sialala, tenda ha vha uri mbetshelo yeneyo i tea u itiwa u itela Khorotshitumbe yo vhumbiwaho nga murangaphanda muhulwane wa sialala sa mudzulatshidulo, na mufarisamudzulatshidulo zwi tshi katela na vhanwe mirado vhararu vho nangiwohu hu tsi tevhedzwa khethekanyothukhu (2).

- (2) Murangaphanda muhulwane wa sialala u tea, phanda ha dzulo la u thoma la khoro ya sialala, vhea u bva kha mirado vha khoro ya sialala mufarisamudzulatsidulo na vhanwe mirado vhararu vha Khorotshitumbe.
- (3) Mirado vha Khorotshitumbe vho vhewaho nga murangaphanda muhulwane wa sialala hu tshi tevhedzwa khethekanyothukhu (2) vha tea u vha ofisini lwa tshifhinga tsha minwaha mitanu u bva nga datumu ya u vhewa.
- (4) Khorotshitumbe i tea u shuma na nga maanda na mishumo yo avhelwaho khayi nga uyu Mulayo.

#### **Mitangano ya khoro dza sialala**

8. (1) Khoro inwe na inwe ya sialala i tea u fara mutangano lu siho fhasi ha luthihi kha minwedzi miraru minwe na minwe nga duvha na awara zwo vhewaho nga murangaphanda muhulwane wa sialala na nga ndivhadzo ya u tou nwaliwa ya duvha, awara na fhethu hune mutagano wa do farelwa hone zwi tea u newa murado munwe na munwe wa khoro ya sialala maduvha zwao a sumbe phanda ha datum uyo vhewaho.
- (2) Murangaphanda muhulwane wa sialala a nga ri tshifhinga tshifhio na tshifhio, nahone u tea uri hu na thodea nga Premia kana nga mirado vha khoro ya sialala vha siho fhasi ha thihi tsha raru, a vhidza mutangano wa sipeshala wa khoro ya sialala: Tendaha vha hu uri Premia ene mune a nga di vhidza wonoyo mutangano.
- (3) A hu na mushumo une wa tea u shumiwa kha mutangano wa sipeshala nga nda ha wo bulwaho kha ndivhadzo heneffho, nga ha musi zwo tendelwa nga vhunzhi ha mirado vha re hone kha wonoyo mutangano.
- (4) Hafu ya thanganyelo ya nomboro ya mirado vha khoro ya sialala vha tshi vhumba khoramu nahone a hu na u bvela phanda na u dzhia tsheo nga nda ha musi khoramu i hone.
- (5) Hu tshi tevhedzwa mbetshelo dza uyu Mulayo na dza munwe mulayo ufho na ufho u shumisiwaho, kuitele ku no do tevhelwa kha mutangano ufho na ufho kana manwe matshimbizelwe a khoro ya sialala zwi tshi katela na mitangano ifho na ifho ya komiti ya misi kana ya tshothe, u do, zwi tshi tutshelana na milayo ya sialala ya vhadzulapo vha sialala vha kwameaho nahone i tea u rangwa phanda nga murangaphanda muhulwane wa sialala kana murado ufho na ufho wa khoro ya sialala, o vhewaho nga murangaphanda muhulwane wa sialala

- (6) Khoro ya sialala inwe na inwe i tea u vhulunga bugu ya maambiwa malugana na mitangano yayo ine khayi ha tea u rekhodiwa zwi tevhelaho:
- (a) datumu, tshifhinga na fhethu ha mutangano;
  - (b) madzina a mirado vha re hone kha mutangano;
  - (c) manweledzo a tsheo inwe na inwe yo dzhiwaho kha mutangano;
  - (d) arali murado a tshi zwi toda ngauralo, mafhungo a uri ene o vouta zwi fhambanaho na tsheo yo dzhiwaho.
- (7) Kopi ya maambiwa i tea, vhukati ha maduvha a 15 nga murahu ha mutangano, u netshedzwa khamuofisiri o vhwaho nga Premia.

#### **U humiswa ha thendelo ya vhadzulapo vha sialala na khoro dza sialala**

9. (1) Premia a nga ri, nga ndivhadzo kha Gazethe, a humisa thendelo ya vhadzulapo vha sialala hu tshi tevhedzwa khethekanyo 7(1) ya Mulayo wa Muhanga, nga murahu ha vhukwamani na ndu ya vharangaphanda vha sialala vha sialala vha vundu, ndu ya vharangaphanda vha sialala yapo yo teaho, vhadzulapo vha sialala vha kwameaho nahone arali zwo fanela, khosi ine fhasi hayo vhadzulapo vha sialala vha kwameaho vha wela nga lwa mulayo.
- (2) Arali thendelo ya vhadzulapo vha sialala ya humiswa hu tshi tevhedzwa khethekanyothukhu (1), thendelo ya khoro ya sialala i dzhiwa sa yo humiswaho musi u humiswa ha thendelo ya vhadzulapo vha sialala i tshi thoma u shuma.

### **NDIMA 3**

#### **MAVHUSELE O TANGANELANAHO**

#### **Vhufarakani vhukati ha khoro dza sialala na masipala**

10. (1) Musi khoro ya sialala i tshi vhona zwo fanela uri mulayo wapo u sikiwe malugana na mafhungo afhio na afhio a kwamaho vhupo hayo ha vhulaedzwa lwo livhaho, i tea u netshedza likumedzwa kha khoro ya masipala ya masipala a kwameaho uri i sedzuluse na u tangedza wonoyo mulayo wapo.

- (2) Likumedzwa lo sumbedziswaho kha khethekanyothukhu (1), li nga fheletshedzwa mvetamveto ya likumedzwa la mulayo wapo nahone li tea u tutuwedzwa nga u tou nwala.
- (3) Khoro ya masipala i tshi tou tangedza likumedzwa i tea u sedzulusa mulayo wapo wo kumedzwaho nga tshifhinga tshi pfalaho.
- (4) Khoro ya masipala ine khayi mulayo wapo wa mvetamveto wa vha wo netshedzwa hu tshi tevhedzwa khethekanyothukhu (1) i tea u kwamana na khoro ya sialala i kwameaho phanda ha musu i tshi hana likumedzwa la mulayo wapo.
- (5) Khoro ya sialala i nga didzhenisa kha thendelano dza maimo a tshumelo na masipala o fanelaho zwi tutshelanaho na mulayo ufhiho na ufhiho u shumiseaho.

#### **Thikhedzo kha khoro dza sialala**

11. (1) Premia u tea u vhea vhashumi vha muvhuso uri vha lange ndaulo ya khoro dza sialala, a tshi khou dzhiela ntha vhuhulu ha vhupo ha vhadzulapo vha sialala na thodea dza vhadzuli.
- (2) Premia u tea u ta mishumo ya vatholiwa vha khoro ya sialala vho vhwaho hu tshi tevhedzwa khethekanyothukhu (1) nga ndivhadzo kha ya kha Vundu.
- (3) Premia u tea, nga kha maitele a muvhuso wa vundu, u netshedza khoro dza sialala thikhedzo ya mashelelani u itela uri khoro dza masipala dzi kone u shuma mishumo yadzo.

#### **NDIMA 4**

#### **U TENDELWA HA ZWIIMO ZWA VHURANGPHANDA HA SIALALA**

#### **U tendelwa ha vharangaphanda vhahulwane vha sialala kana mukoma**

12. (1) Musi tshiimo tsha murangaphanda muhulwane wa sialala kana mukoma tshi tshi dadziwa-

- (a) wa muta wa vuhosini a kwameaho u tea, nga tshifhinga tshi pfalaho nga murahu ha musu hu na thodea u itela maimo aneo afhio na afhio a no do dadziwa na malugana na mulayo wa sialala wa vhadzulapo vha kwameaho-
  - (i) u sumbedza muthu o teaho hu tshi tevhedzwa mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho uri vha thome mushumo wonoyo, na
  - (ii) nga kha zwiimiswa zwa sialala zwo teaho zwa vhadzulapo vha sialala vha kwameaho nahone nga murahu ha u divhadza khoro ya sialala, a divhadza Premia nga ha zwidombedzwa zwa muthu o divhadzwaho u dadza tshikhala na muhumbulo wa u divhadzwa ha muthu o bulwaho.
- (b) Premia u tea, hu tshi tevhelwa khethekanyothukhu (2)-
  - (i) nga ndivhadzo kha Gazethe u tendela muthu o divhadzwaho nga muta wa vuhosini zwi tutshelanaho na phara (a) u vha murangaphanda muhulwane wa sialala kana mukoma, sa zwine zwa nga vha;
  - (ii) netshedza thanziela ya thendelo kha muthu o divhadzwaho; na
  - (iii) u divhadza nndu ya vundu ya vharangaphanda vha sialala na nndu yapo yo teaho ya vharangaphanda vha sialala kana mukoma.
- (2) Hune ha vha na vhutanzi kana khumbulelo ya uri u divhadzwa ha muthu o bulwaho kha khethekanyothukhu (1) a ho ngo itwa hu tshi tevhelwa mulayo wa sialala, mikhwa kana matshimbidzele, Premia-
  - (a) a nga pfukhisela mafhungo kha nndu ya vundu ya vharangaphanda vha sialala na nndu yapo ya vharangaphanda vha sialala u itela themendelo dzavho; kana
  - (b) a nga hana u bvisa thanziela ya thendelo; nahone
  - (c) u tea u humisa mafhungo murahu kha muta wa vuhosini u itela tsedzuluso na u tendelaniwa hune thanziela ya thendelo ya vha yo haniwa; na

- (3) Hune mafhungo a vha o humiselwa murahukha muta wa vuhosini u itela u sedzuluswa na u tendelaniwa khao hu tshi tevhedzwa khethekanyothukhu (2) a vha o no sedzulusiwa na u tendelaniwa khao Premia u tea u tendela muthu o divhadzwaho nga vha muta wa vuhosini arali Premia a tshi fushea uri u sedzuluswa na u tendelaniwa nga vha muta wa vuhosini ho itwa zwi tshi tutshelana na mulayo wa sialala.

### **U bvisiwa ha murangaphanda muhulwane wa sialala kana mukoma**

13. (1) Murangaphanda muhulwane wa sialala kana mukoma a nga bviswa ofisini nga nthani ha-
- (a) u waniwa mulandu wa vhukhakhi hu na khathulo ya u valelwa minwedzi ya fumimbili hu si na u tendelwa u lifha;
  - (b) vuholefhalo kana u sa fhelela mihumbuloni zwine, zwi tshi bva kha vhutanzi vhu tangedzeaho ha madokotela, zwa swikisa kha u kundelwa u shuma ngauralo ha onoyo murangaphanda muhulwane wa sialala kana mukoma;
  - (c) u vhewa kana u tendelwa lwo khakheaho; kana
  - (d) u pfuka mulayo kana ndaulo ya sialala i swikisaho kha u bviswa;
  - (e) vhubva kana u sa londa lu sa gumi kha u ita mishumo yawe ya ofisi.
- (2) Musi tshifhio na tshifhio tsho bulwaho kha khethekanyothukhu (1) (a), (b), (c), (d) na (e) zwi tshi divhiwa nga vha muta wa vuhosini nahone muta wa vuhosini wa humbula u bvisa murangaphanda muhulwane wa sialala kana mukoma, muta wa vuhosini u kwameaho u tea, nga tshifhinga tshi pfallaho na nga kha tshiimiswa tsho fanelaho-
- (a) u divhadza Premia wa vundu a kwameaho nga ha zwidodombedzwa zwa murangaphanda muhulwane wa sialala kana mukoma a no do bviswa kha ofisi; na
  - (b) u nea muhumbulo wa u bviswa honoho.
- (3) He zwa humbulwa u bvisa murangaphanda muhulwane wa sialala kana mukoma hu tshi tevhedzwa khethekanyothukhu (2) Premia u tea-

- (a) u humisa thanziela ya u tendelwa u bva nga datumu ya u bvisiwa;
  - (b) u gandisa ndivhadzo hu na zwidodombedzwa zwa u bviswa ha murangaphanda muhulwane wa sialala kana mukoma kha Gazethe; na
  - (c) u divhadza vha muta wa vuhosini u kwameaho kana mukoma, na ndu ya vundu ya vharangaphanda vha sialala kathihi na ndu yapo yo teaho ya vharangaphanda vha sialala, nga ha honoho u bviswa.
- (4) Hune murangaphanda muhulwane wa sialala kana mukoma a bviswa ofisini mutevheli zwi tutshelanaho na sialala a nga dzhia tshiimo, mushumo na vhudifhinduleli, hu tshi tevhelwa khethekanyo 12.
- (5) Musi zwi tshi kwama Premia kha uri maphungo a pfukiselwaho kha khethekanyothukhu (1)(a) a hone nahone muta wa vuhosini a u athu u humbula u bvisa murangaphanda muhulwane wa sialala kana mukoma sa zwine zwa nga vha, Premia a nga ri na zwenezwo a fhelisa malamba a murangaphanda wa sialala a kwameaho u bva nga datumu ye ayo maphungo a thoma u ambiwa, nga murahu ha musu Premia o nea muta wa vuhosini maduvha a mahumi mararu uri u fhindule nga ha khumbulelo.

### Thendelo ya vhavhusi

14. (1) Hune mutevheli kha vhuimo ha khosi, murangaphanda muhulwane wa sialala kana mukoma a kha di dzhiwa e mutuku hu tshi tevhedzwa tshumiso ya mulayo wa sialala kana mikhwa-
- (a) muta wa vuhosini u kwameaho u tea u, nga tshifhinga tshi pfalaho-
    - (i) divhadza muvhusi ane a do dzhia vharangaphanda o imela mutuku; na
    - (ii) divhadza Premia nga ha zwidodombedzwa zwa muthu o divhadzwaho sa mutuku, nga kha tshiimiswa tsha sialala tsho teaho na nga muhumbulo wa u divhadzwa ha onoyo muthu; na

- (b) Premia u tea, zwi tshi elana na mulayo wa sialala u shumiswaho kana mikhwa, nahone zwi tshi tutshelana na khethekanyothukhu (2)-
  - (i) uri nga ndivhadzo kha Gazethe a divhadza muvhusi o divhadzwaho nga vha muta wa vuhosini hu tshi tevhedzwa khethekanyothukhu (1);
  - (ii) u netshedza thanziela ya u divhadzwa kha muvhusi o divhadzwaho nga u ralo; na
  - (iii) u divhadza ndu ya vundu ya vharangaphanda vha sialala na ndu yapo ya vharangaphanda vha sialala nga ha u divhadzwa na muvhusi a kwameaho.
- (2) Hune ha vha na vhutanzi kana khumbulelo ya uri u divhadzwa ha muthu sa muvhusi a ho ngo itwa hu tshi tevhelwa mulayo wa sialala, mikhwa kana maitele, Premia –
  - (a) a nga pfukhisela mafhungo kha ndu ya vundu ya vharangaphanda vha sialala na kha ndu yapo ya vharangaphanda vha sialala u itela themendelo dzavho, kana
  - (b) a nga hana u netshedza thanziela ya u divhadzwa; nahone
  - (c) u tea u humisela mafhungo murahu kha muta wa vuhosini u itela tsedzuluso na u tendelana hune thanziela ya vha yo haniwa.
- (3) Hune mafhungo e a vha o pfukiselwa kha vha muta vha vuhosini u itela u sedzuluswa na u u tendelaniwa hu tshi tevhedzwa khethekanyothukhu (2) a vha o no sedzuluswa na u tendelaniwa khao, Premia u tea u tendelamuthu o divhadzwaho nga vha muta wa vuhosini arali Premia a tshi fushea uri tsedzuluso na u tendelaniwa nga vha muta wa vuhosini zwo itwa zwi tsi tutshelana na mulayo wa sialala.
- (4) Muvhusi o tendelwaho hu tshi tevhedzwa khethekanyothukhu (1) u tea u bvula tshiimo tsnawe tsha u vha muvhusi vhukati ha minwedzi miraru nga murahu ha musi mutevheli a tshi swika duvha la mabebo la vhufumbili thanu, nahone mutevheli u tea uri kha hune murangaphanda muhulwane wa sialala kana mukoma a tendelwe nga Premia hu tshi tevhedzwa khethekanyo 12.



**U tendelwa ha vhangaphandavhafa-reli vha sialala**

15. (1) Muta wa vuhosini u nga ri hu tshi tevhelwa mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho, wa divhadza muthu ane a do vha murado wa muta wa vuhosini uri a imele khosi, murangaphanda muhulwane wa sialala kana mukoma, sa zwenezwo zwine zwa vha, hune –
- (a) mutevheli kha vhuimo ha khosi, murangaphanda muhulwane wa sialala kana mukoma a vha a so ngo divhadzwa nga muta wa vuhosini a kwameaho hu tshi tevhedzwa uyu Mulayo; kana
  - (b) u divhadzwa ha mutevheli kha vhuimo ha khosi, murangaphanda muhulwane wa sialala kana mukoma ha vha hu tshi khou sedzuluswa na u tendelaniwa hu tshi tevhedzwa uyu Mulayo; kana
  - (c) khosi, murangaphanda muhulwane wa sialala kana mukoma sa zwine zwa nga vha, avhe e siho kha vhupo hawe vhu re mulayoni fhasi ha nyimele nga nda ha honoho ho vhetshelwaho kha khethekanyo 16 (1) na tshifhinga tshi fhiraho minwedzi ya rathi hu u itela-
    - (i) u ilafhiwa ha vhulwadze;
    - (ii) ndivho dza u guda; kana
    - (iii) ndivho dzinwe dzifhio na dzifhio dzi re mulayoni.
- (2) Premia u tea, nga kha u vhewa ha murangaphandamufareli wa sialala hu tshi tevhedzwa khethekanyothukhu (1)-
- (a) netshedza thanziela ya u vhewa; na
  - (b) u divhadza ndu ya vundu ya vhangaphanda vha sialala na ndu yapo yo teaho ya vhangaphanda vha sialala.
- (3) Premia u tea u vusuludza u vhewa ha murangaphandamufareli wa sialala minwedzi minwe na minwe ya fumimbili.
- (4) Premia u tea uri a tshi tou wana khumbelo nga vha muta wa vuhosini a bvise muthu ufhio na ufhio o vhwaho kha tshikhala tsha u tou farela.

**U vhewa ha vharangaphandavhfareli vha sialala**

16. (1) Khosi, murangaphanda muhulwane wa sialala kana mukoma, sa zwine zwa nga vha, a nga ri, nga murahu ha u kwamana na vha muta wa vuhosini, a vhea mufareli ane a tea u vha wa murado wa muta wa vuhosini uri a farele kha vhuimo hawe musi onoyo khosi, murangaphanda muhulwane wa sialala kana mukoma-
- (a) u vha murado wa tshothe wa khoro ya masipalala;
  - (b) a tshi khethiwa u vha murado wa vhusimamilayo ha vundu;
  - (c) a tshi khethiwa u vha murado wa Buthano la Lushaka;
  - (d) a tshi vhewa u vha murado wa tsothe wa Khoro ya Lushaka ya Mavundu; kana
  - (e) a tshi khethiwa u, kana u vhewa kha, vhuimo ha tshothe kha ndu ifhio na ifhio ya vharangaphanda vha sialala.
- (2) Khosi, murangaphanda muhulwane wa sialala kana mukoma, sa zwine zwa nga vha u tea uri nga u tsvhanya nga murahu ha u vhewa hu tshi tevhedzwa khethekanyothukhu (1) a divhadza Premia, ndu ya vundu ya vharangaphanda vha sialala kathihi na ndu yapo ya vharangaphanda vha sialala nga ha u vhewa.
- (3) Premia u tea uri a tshi tou wana mafhungo nga ha u vhewa heneffho a netshedze thanziela ya u vhewa kha muvhewa.
- (4) Muthu o vhwaho sa mufareli hu tshi tevhedzwa khethekanyothukhu (1) a nga shuma mishumo yo tumanaho na honoho vhuimo.
- (5) Hune khosi ya vha yo vhea mufareli hu tshi tevhedzwa khethekanyothukhu (1), khosi i tea u divhadza Phuresidennde nga honoho u vhewa.
- (6) Khosi, murangaphanda muhulwane wa sialala kana mukoma, sa zwine zwa nga vha, a nga ri tshifhinga tshifhio na tshifhio a bvisa mufareli o vhwaho hu tshi tevhedzwa khethekanyothukhu (1).

**Mitangano ya muta wa vuhosini**

17. (1) Muta wa vuhosini u tea uri musu u tshi tangana u amba nga ha mafhungo a bvaho kha uyu Mulayo, u shume zwi tshi tutshelana na mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho.
- (2) Muta munwe na munwe wa vuhosini u tea u vhulunga bugu ya maambiwa ine ha do rekhodiwa malugana na mutangano ufho na ufho heneho-
- (a) datumu ye ngayo, tshifhinga tshe ngatsho na fhethu he wonoyo mutangano wa farelwa hone;
- (b) madzina a mirado vha khoro ya vuhosini vha re hone na maimo avho zwi tutshelanaho na sialala lavho; na
- (c) tsheo dzo dzhiwaho.
- (3) Muofisiri wa Muvhuso, o nangiwo nga Premia, u tea u eletshedza ndaulo ya muta wa vuhosini nahone u tea u swikelela kha bugu dza maambiwa dzo bulwaho kha khethekanyothukhu (2).

**NDIMA 5****NYITO NA MISHUMO YA VHURANGAPHANDA HA SIALALA****Nyito na mishumo ya vhurangaphanda ha sialala**

18. (1) Murangaphanda wa sialala u shuma mishumo ufho na ufho wo vhetshelwaho hu tshi tevhedzwa mulayo wa sialala, kana wo avhelwaho ene hu tshi tevhedzwa mulayo ufho na ufho, u tutshelanaho na khethekanyo 20 ya Mulayo wa Muhanga nahone hu si na u nyadziwa ha vhuangaredzi vhu re afho nthu, murangaphanda wa sialala nthu ha zwenezwo u shuma mishumo i tevhelaho hu na vhukwamani na khoro ya sialala:
- (a) u bveledza madzangalelo a vhadzulapo vha sialala vha kwameaho;
- (b) o tanganelana na mimasipala yo teaho na mihasho ya Muvhuso, a thusa nga ndaulo ya vhadzulapo vha sialala;

- (c) u didzhenisa nga lwo fhelelaho kha mveledziso ya vhupo ha vhadzulapo vhawe vha sialala;
  - (d) o humbelwa nga muhasho ufho na ufho wa muvhuso kana masipala o teaho, a divhadza mbetshelo dza mulayo muswa ufho na ufho kha vhadzulapo vhothe vha kwameaho; na
  - (e) u shuma mishumo ifho na ifho yo kovhelwaho nga tshivhili tshifho na tshifho tsha Muvhuso zwi tutshelanaho na uyu Mulayo.
- (2) Zwivhili zwa muvhuso zwi tea, nga murahu ha u avhela mishumo kha khoro dza sialala hu tshi tevhedzwa khethekanyo 20 ya Mulayo wa Muhanga, u divhadza Premia nga ha mishumo yothe yo kovhelwaho.
  - (3) Khoro ya sialala i tea u vha na vhudifhinduleli nga u angaredza kha Premia maelana na tshumiso ya maanda ayo na u shuma mishumo yayo nahone zwi hulwane i tea u vha na vhudifhinduleli kha zwivhili zwo teaho zwa Muvhuso malugana na mishumo yo kovhelwaho yone nga tshenetsho tshivhili tsha Muvhuso.
  - (4) Khoro dza sialala dzi tea u tikedza ndeme ya sialala ya Afrika. U tangedzwa ha vathu vhaswa kha vhadzulapo vha sialala vha re hone na u bviswa ha mirado vha re hone u bva kha vhadzulapo vha sialala

**U tangedzwa ha vathu vhaswa kha vhadzulapo vha sialala vha re hone na u bviswa ha mirado vha re hone kha vhadzulapo vha sialala.**

- 19. (1) Khoro ya sialala i nga tangedza muthu muswa ufho na ufho kha vhadzulapo vha sialala zwi tutshelanaho na milayo ya sialala ya vhadzulapo vha sialala vha kwameaho.
- (2) A hu na murado wa khoro ya sialala a re hone ane a nga bviswa kha vhupo ha vhadzulapo vha sialala hu si na thendelo ya onoyo murado.

**U tiwa ha mikano ya vhadzulapo vha sialala**

- 20. (1) Premia u tea u ta mikano ya khoro dza sialala na u gandisa aya mafhungo kha Gazethe u itela ndivho nyangaredzi

- (2) Premia a nga ri nga murahu ha u kwamana na ndu ya vundu ya vharangaphanda vha sialala, hu u itela u tandulula thaidzo dzi tutshelanaho na dza mikano vhukati ha vhadzulapo vhavhili kana vhararu vha sialala, a khwinisa mikano i re hone ya vhadzulapo vha sialala vha kwameaho, kana vhadzulapo vhanwe vhafhio na vhafhio vha sialala arali khwiniso nga lu pfalaho i tshi lavhelelwa u nga tandulula thaidzo dzi tutshelanaho dza mukano kana dza swikisa kha u tandulula thaidzo.

## NDIMA 6

### NYIMELE DZA TSHUMELO

#### Magavhelo na miholo

21. (1) Magavhelo na miholo zwa vharangaphanda vha sialala a shumaniwa nao hu tshi tevhedzwa Mulayo wa Malamba a Vhathu vha Vhafaraofisi, 1998 (Mulayo No. 20 wa 1998).
- (2) Murado wa khoro ya sialal a nga badelwa o tiwaho nga Premia u bva kha tshikwama tsha khoro ya sialala.

#### U tshimbila na mutikedzelo

22. (1) Musi hu tshi todea uri murado wa khoro ya sialala a ye nda ha vhupo ha khoro vhu re mulayoni hu u itela u shuma mishumo ya khoro, magavhelo a tiwaho nga Premia a nga badelwa kha ene u itela u lifha tshinyalelo dza u tshimbila na u tikedza: Tenda ha vha uri aneyo magavhelo a sa badelwe arali murado a tshi tea u wana aneyo magavhelo hu tshi tevhedzwa mbetshelo dza mulayo munwe ufhio na ufhio kana sia kana hu na vhutanzi ha uri dzenedzo tshinyalelo dzi khou netshedzwa nga tshigwar'a tsha vhuraru .
- (2) Murangaphanda wa sialala ane a si vhe murado wa khoro ya sialala a nga ri, a tshi shuma mishumo ifhio na ifhio o imela khoro ya sialala, a badelwa magavhelo zwi tshi tutshelana na khethekanyothukhu (1).

**Maga a vhudifari**

23. (1) Murangaphanda wa sialala kana murado wa khoro ya sialala u tea uri nga nthu ha maga a vhudifari o vhwahwa kha Mulayo wa Muhanga, a dibadekanye na tshipida tshi shumaho tsha maga a vhudifari kha shedulu 2 ya uyu Mulayo.
- (2) U fhambana na maga a vhudifari afhio na afhio o bulwaho kha khethekanyothukhu (1) hu tea u shumaniwa naho zwi tshi tutshelana na matshimbizelwe o vhwahwa kha maga o bulwaho.

**NDIMA 7****ZWI KWAMAHO MASHELENI****Zwikwama zwa khoro ya sialala**

24. Zwikwama zwa khoro ya sialala zwo vhumbiwa nga-
- (a) tshelede dzothu dzine zwi tshi tutshelana na milayo ya vhadzulapo vha sialala vha kwameaho dza badelwa kha khoro ya sialala;
  - (b) ndatiso dzo kuvhanganyiwaho nga murangaphanda wa sialala kana khoro ya sialala zwi tutshelanaho na milayo ya vhadzulapo vha sialala na sialala;
  - (c) tshelede dzothu dzi bvaho u bva kha ndaka ifhio na ifhio ine ya vha na vhadzulapo vha sialala vha kwameaho;
  - (d) ndambedzo ifhio na ifhio yo itwaho nga muthu ufhio na ufhio hu itela mbuelo ya mudzulapo wa sialala a kwameaho, tenda ha vha hu uri mphomali ya nyimelel ifhio na ifhio kana ndambedzo ifhio na ifhio i tea, hu tshi tevhelw a tshumiso ya mulayo ufhio na ufhio kana mbekanyamaitele ifhio na ifhio ya muvhuso, u laulwe zwi tshi tutshelana na nyimele heneffho;
  - (e) tshelede ifhio na ifhio i badelwaho khoro ya sialala fhasi ha mulayo ufhio na ufhio; na
  - (f) mitengo ifhio na ifhio yo tangedzwaho nga khoro ya sialala fhasi ha khethekanyo 25.

**Phimo ya lwetolweto ya khoro ya sialala**

25. (1) Khoro ya sialala i nga ri hu na thendelo ya Premia, ya pima lwetolweto lwa khoro ya sialala kha mbadelo ya muthelo wa nwaha munwe na munwe wa vhupo vhu kwameaho ha sialala.
- (2) Phimo ya lwetolweto lwa khoro ya sialala fhasi ha khethekanyothukhu (1) i do divhadzwa nga Premia nga ndivhadzo kha Gazethe nahone i do thoma u shuma nga datumu yo bulwaho kha yeneyo ndivhadzo.
- (3) Mubadeli wa muthelo ufho na ufho o bulwaho kha khethekanyothukhu (1), a kundelwaho nga u badela lwetolweto lwa khoro ya sialala u do shumaniwa nae zwi tshi tutshelana na milayo ya sialala ya vhadzulapo vha sialala.

**U vulwa ha akhaunthu hu u itela gwama la khoro dza sialala**

26. (1) Premia u tea u itisa uri hu hu vulwe akhaunthu malugana na khoro ya sialala, ine khayi ha do badelwa masheleni othe o tangedzwaho hu tshi tevhedzwa khethekanyo 24 na hune zwibviswa zwothe zwi kolodwaho malugana na mafhungo afho na afho ane a langwa nga khoro ya sialala i kwameaho a tea u shumiwa.
- (2) U langulwa ha akhaunthu dzo bulwaho kha khethekanyothukhu (1) ho hweswa Premia: Tenda ha vha uri Premia a nga ri kha dzenedzo nyimele u ya nga hune a vhona zwo fanela a hwesa maanda afho na afho malugana na akhaunthu yo bulwaho kha khoro ya sialala i kwameaho.
- (3) Premia a nga ri, hu na thendelo ya khoro ya sialala i kwameaho, a bindudza tshedele dzi re kha akhaunthu ya khiredithi ya khoro ya sialala ine i sa tode u shuma nga u tavhanya kana nga ndinganyiso i falaho ya zwibviswa zwi re hone kana zwa u vhulunga ha tshifhinga tshipfufhi kha bannga ifho na ifho kana tshimiswa tsha masheleni tshifho na tshifho tsho redzhisitariwaho kha Riphabuliki u swikela kha hune nahone zwi tshi tutshelanaho na tshenetsho tshifhinga na nyimele sa zwine Premia a nga ta.

**Muofisiri wa mbalelano wa zwiqwama a khoro dza sialala**

27. Mulanguli Muhulwane ndi ene muofisiri wa muvhalelano wa zwiqwama zwa khoro dza sialala.

**Mivhigo ya kotara ya masheleni**

28. Khoro inwe na inwe ya sialala i tea uri malugana na nwaha munwe na munwe wa muvhalelano, vhukati ha maduvha a 15 nga murahu ha u fhela ha kotara inwe na inwe, i netshedze kha Mulanguli Muhulwane muvhigo wo fhelelaho nga ha zwibviswa na mbuelo u itela nwaha na kotara zwo fhelaho nga murahu ha u fhela nwaha wa muvhalelano na nga tshifhinga tsho tiwaho nga Premia, ya netshedza kha Mulanguli Muhulwane, muvhigo wo fhelelaho nga ha zwibviswa na mbuelo zwa khoro ya sialala u itela nwaha wo fhiraho.

**U vhulungwa ha rekhodo**

29. (1) Khoro ya sialala i tea u vhulunga rekhodo dza vhukuma dza nyito dzayo dzotha na zwibviswa na mbuelo dzayo;
- (2) Khoro ya sialala i tea u vhona uri rekhodo dzo bulwaho kha khakhethekanyothukhu (1) dzi vhe hone uri dzi tolwe nga Mutolambalelano Muhulwane.

**U thomiwa ha tsheo dza khomishini**

30. (1) Premia u tea uri vhukati ha maduvha a sumbe a u tangedza tsheo ya khomishini hu tshi tevhezwa khethekanyo 26 (2) ya Mulayo wa Muhanga, a pfukisele yeneyo tsheo kha ndu ya vundu ya vharangaphanda vha silala u itela ngeletshedzo nga ha u thomiwa.
- (2) Ndu ya vundu ya vharangaphanda vha sialala i tea u netshedza ngeletshedzo yayo yo sedzuluswaho kha khethekanyothukhu (1) kha Premia vhukati ha maduvha a 14 a u i tangedza, tenda ha vha uri Premia a nga ri arali a tshi vhona zwo fanela, a toda ndu ya vharangaphanda vha sialala uri vha netshedze vhumanzi vhukati ha tshifhinga tshituku tsho bulwaho.



- (3) Premia u tea u dzhia tsheo ya khomishini vhukati ha maduvha a 30 a u tangedza yeneyo tsheo u bva kha khomishini.

### **Ndaulo**

**31. Premia a nga ita ndaulo malugana na –**

- (a) mafhungo afhio na afhio ane hu tshi tevhedzwa uyu Mulayo a todea kana a tendelwa u vha o randelwa;
- (b) nga u angaredza, mafhungo afhio na afhio ane a dzhiwa e a ndeme kana o fanelaho u randelwa u itela u swikelela ndivho dza uyu Mulayo.

### **Vhurumelwa**

- 32. (1)** Premia a nga hwesa maanda awe afhio na afhio kana mishumo kha muthu ufhio na ufhio hu tshi tevhedzwa uyu Mulayo.
- (2) Vhurumelwa ho bulwaho kha khethekanyothukhu (1) vhu nga humiswa tshifhinga tshinwe na tshinwe nga Premia nahone a zwi thivheli Premia u shumisa maanda kana u shuma muso o hweswa maanda kana mushumo.

### **Nzudzanyo dza u pfukhisela**

- 33. (1)** Mbetshelo ifhio na ifhio kha uyu Mulayo i todaho vhukwamani na tshivhili tshi saathu u thomiwa i do dzula i sa shumi u swika kha hune ya do toda honoho vhukwamani, u swika tshivhili tsho teaho tshi tshi thomiwa.
- (2) Murangaphanda ufhio na ufhio wa sialala o vhewaho ngauralo hu tshi tevhedzwa mulayo u shumaho wa vundu nahone we a vha a kha di dzhiwa sa murangaphanda wa sialala zwenezwo phanda ha u thoma ha uyu Mulayo, u dzhiwa o tendelwa hu tshi tevhedzwa mbetshelo dzo teaho ya uyu Mulayo.
- (3) Muthu ane, zwenezwo phanda ha u thoma ha uyu Mulayo, a vha o no vhewa nahone a vha a kha di dzhiwa sa muvhusi, kana a vha o vhewa kha tshikhala tsha vhufareli kana mufarisi, u dzhiwa o tendelwa kana o vhewa ngauralo hu tshi tevhedzwa mbetshelo dzo teaho dza uyu Mulayo.

- (4) Tshitshavha tshifhio na tshifhio tshine, zwenezwo phanda ha u thomiwa ha uyu Mulayo, tsha vha tshi tshi khou tshila fhasi ha mbetshelo dza mulayo ufhio na ufhio, tshi dzhiwa tshi vhadzulapo vha tshitshavha tsho thomiwaho fhasi ha uyu Mulayo.
- (5) Vhulaedzwa ha tshitshavha kana khoro ya tshitshavha ine, zwenezwo phanda ha u thoma ha uyu Mulayo, tsha vha tshi tsha khou tshila fhasi ha mbetshelo dza mulayo ufhio na ufhio, tshi dzhiwa tshi khoro ya sialala yo thomiwaho fhasi ha uyu Mulayo: Tenda ha vha uri khoro yeneyo ya sialala i tea u tshimbilelana na mbetshelo dza khethekanyo 4 vhukati ha nwaha muthihi wa u thomiwa ha uyu Mulayo.

#### **U phumulwa ha milayo na mbulungo**

- 34 (1) Hu tshi tevhelwa mbetshelo dza khethekanyothikhu (2) na (3) milayo yo bulwaho kha kholomu ya vhuvhili ya Shedulu 1 afha i khou phumulwa u swikela kha kholomu ya vhuraru yo bulwaho kha Shedulu 1 u bva nga datumu yo tiwaho nga Premia nga ndivhadzo kha Gazethe.
- (2) Datumu dzo fhambanaho dzi nga tiwa ngauralo nga Premia malugana na milayo yo fhambanaho.
- (3) Tshifhio na tshifhio tsho itwaho fhasi ha mbetshelo ya mulayo wo phumulwaho nga khethekanyothukhu (1) nahone tshine tsha nga kha di itwa fhasi ha mbetshelo ya uyu Mulayo tshi tea u dzhiwa tsho itwa fhasi ha yeneyo mbetshelo ya uyu Mulayo.

#### **Dzina lipfufhi**

35. Uyu Mulayo u vhidzwa Mulayo wa Zwiimiswa na Vhurangaphanda ha Sialala wa Limpopo, 2005 nahone u thoma u shuma nga datumu yo tiwaho nga Premia nga mulevho kha Gazethe.

**SHEDULU 1****Milayo yo phumulwaho**

<b>Nomboro. Ya Mulayo na Nwaha</b>	<b>Dzina lipfufhi</b>	<b>Vhuhulu ha u phumulwa</b>
No. 29 wa 1991	Mulevho wa Vharangaphanda vha Sialala vha Venda.	Wothe
No. 38 wa 1927	Mulayo wa Ndaulo wa Vharema	Kha vhuhulu vhune uyu Mulayo wa vha wo vhewa kha Vundu

**SHEDULU 2****MAGA A VHUDIFARI****Tshipida A**

Mirado vha khoro dza sialala

**Thandavhudzo**

- 1 Kha iyi shedulu 'mufarakani' zwi amba muthu ane lwa tshothe a dzulaho na munwe muthu nga ndila ya u nga o maliwa.

**Maga nyangaredzi a mirado vha khoro dza sialala**

- 2 Murado wa khoro ya sialala u tea-
- (a) u shuma mishumo ya ofisi nga ngoho, vhudifulufhedzei na nga maitele a so ngo dzumbamaho; na
  - (b) uri tshifhinga tshothe a shume e na dzangalelo lo fhelelaho la vhadzulapo vha sialala na nga ndila ine ha vha na u dinetshedzela na vhufhulufhedzei ho fhelelaho kha vhadzulapo vha sialala.

**U dzhenela mitangano**

- 3 Murado wa khoro ya sialal u tea u dzhenela mutangano munwe na munwe khoro ya sialala na wa komiti une khawo onoyo murado wa khoro ya sialala a vha murado, nga nda ha hune-
- (a) a vha o fhiwa livi hu tshi tevhedzwa mulayo u shumaho kana zwo tiwa nga ndayo na ndaela dza khoro ya sialala; kana
  - (b) onoyo murado wa khoro ya sialala a todea hu tshi tevhedzwa ili Liga uri a bve mutanganoni.

**Ndatiso ya u sa dzhenela mitangano**

- 4 (1) Khoro ya sialala i nga kombetshedza ndatiso sa zwo tiwaho nga Premia nga ndayo dza tshothe na ndaela dza khoro ya sialala kha murado wa khoro ya sialala kha u:
- (a) sa dzhenela mutangano une onoyo murado wa khoro ya sialala a lavhelelwa uri a u dzhenele hu tshi tevhedzwa tshitenwa 3; kana
- (b) u kundelwa u dzula a tshi dzhenela wonoyo mutangano.
- (2) Murado wa khorotshitumbe ane a a si vhe hone mutanganoni u bva kha mitangano miraru kana u fhira i tshi tevhekana ya khoro ya sialala, kana mitangano miraru kana u fhira i tshi tevhekana ya komiti, ine onoyo murado wa khoro a tea uri a i dzhenele hu tshi tevhedzwa tshitenwa 3, u tea u bvisiwa kha ofisi sa murado wa khoro ya sialala.
- (3) Matshimbizelwe a u kombetshedza ndatiso kana u bvisa murado wa khoro ya sialala a tea u tshimbizwa zwi tshi tutshelana na matshimbizelwe a fanaho a tshothe ane khoro inwe na inwe ya sialala ya tea u a tevhedza u itela ndivho dza itshi tshitenwa. Matshimbizelwe a fanaho a tshothe a tea u tutshelana na ndayo dza khathulo kwayo.

**U bvisela khagala madzangalelo**

- 5 (1) Murado wa khoro ya sialala u tea –
- (a) u bvisela khagala kha khoro ya sialala, kana kha komiti ifhio na ifhio ine onoyo murado wa khoro ya sialala a vha murado, dzangalelo la bindu la phuraivethe kana lawe lo livhaho kana li so ngo livhaho line onoyo murado wa khoro ya sialala, kana mufarisi, mufarakani kana muandana wa mabindu wa onoyo murado wa khoro ya sialala a nga vha a nazwo kha mafhungo afhio na afhio phanda ha khoro kana komiti; na
- (b) u bva kha matshimbizelwe a khoro kana komiti muso aneo mafhungo a tshi khou sedzulusiwa nga khoro kana komiti, nga nda ha muso komiti kana khoro i tshi nga tshea uri madzangalelo o livhaho kana a so ngo livhaho a murado wa khoro ya sialala kha aneo mafhungo ho ngo tea kana a si a ndeme.

- (2) Murado wa khoro ya sialala ane, kana we mufarisi, mufarakani, muandana wa mabindu kana murado wa muta wa tsini, o wanaho kana a no do wana mbuelo lwo livhaho u bva kha khonthiraka yo itwaho na vhadzulapo vha sialala, u tea u bvisela khagala zwidodombedzwa zwo fhelelaho zwa mbuelo zwine murado wa khoro ya sialala a zwi divha kha mutangano wa u thoma wa khoro ya sialala une zwa konadzea uri murado wa khoro ya sialala a bvisela khagala.
- (3) Iyi khethekanyo a i shumi kha madzangalelo kana mbuelo dzine murado wa khoro ya sialala, kana mufarisi, mufarakani, muandana wa mabindu kana murado wa muta wa tsini, a vha kana a wana zwi fanaho na zwa vhanwe vhadzuli vha vhadzulapo vha sialala.

### U bindula ha muthu

- 6 (1) Murado wa khoro ya sialala a nga si shumise vhuimo kana vhutalu ha murado wa khoro ya sialala, kana mafhungo a tshiphiri o wanalaho sa murado wa khoro ya sialala, a tshi itela u bindula ha phuraivethe kana nga lu so ngo teaho a vhuedza munwe muthu.
- (2) Nga nda ha thendelo ya khoro ya sialala, murado wa khoro ya sialala a nga si-
- (a) vhe tshipida kha kana muvhuelwa fhasi ha khonthiraka u itela –
- (i) mbetshelo dza thundu kana tshumelo kha vhadzulapo vha sialala; kana
- (ii) u shumiwa ha mushumo ufho na ufho nga nda ha murado wa khoro ya sialala wa vhadzulapo vha sialala;
- (b) wane dzangalelo la mbalelano kha bindu lifho na lifho la vhadzulapo vha sialala; kana
- (c) u itela mutengo kana a ita uri tsedzuluso inwe i bevelele o imela muthu munwe ufho na ufho phanda ha khoro kana komiti.
- (3) Arali mirado vha fhiraho kotara nthihi vha khoro ya sialala vha nga hanedza u tendelwa u netshedzwe ha murado wa khoro ya sialala hu tshi tevhedzwa tshitenwa tshituku (2), thendelo yeneyo i nga newa fhedzi kha murado wa khoro ya sialala hu na thendelo ya Premia.

**U divhadzwa ha madzangalelo**

7. (1) Musi murado wa khoro ya sialala o khethiwa kana u vhewa, u tea uri vhukati ha maduvha a 60 a divhadze nga u tou nwala kha muofisiri wa Muvhuso o vhwaho nga Premia madzangalelo a mbalelano a tevhelaho o farwaho nga onoyo murado wa khoro ya sialala:
- (a) mikovhelano na ndaka kha khamphani ifhio na ifhio;
  - (b) vhurado ha vhuandani vhufhio na vhufhio ha tsini;
  - (c) dzangalelo kha tshikwama tshifhio na tsifhio;
  - (d) vhulanguli;
  - (e) vhufarakani;
  - (f) madzangalelo manwe a mbalelano kha mabindu afhio na afhio a re hone;
  - (g) malamba na mishumo;
  - (h) dzangalelo kha ndaka;
  - (i) phesheni; na
  - (j) mutikedzelo, mphomali na vhulambedzeli nga dzangano lifhio na lifhio.
- (2) Tshanduko ifhio na ifhio kha tshiimo kana zwidodombedzwa zwa madzangalelo a mbalelano dza murado wa khoro ya sialala zwi tea u divhadzwa nga nwaha nga u tou nwala kha muofisiri o bulwaho kha tshitenwa tshituku (1).
- (3) Mpho dzi tangedzwaho nga murado wa khoro ya sialala afho nthu dzi firaho mutengo wo randelwaho dzi tea u divhadzwa zwi tshi tevhela tshitenwa tshituku (1).
- (4) Khoro ya sialala i tea u ta uri ndi madzangalelo afhio a mbalelano o bulwaho kha tshitenwa tshituku (1) ane a tea u divhadzwa malugana na thodea dza vhufhulufhedzei na dzangalelo la vhathu u itela u divhadzwa.

**Pfufho, mpho na thendelo**

- 8 Murado wa khoro ya sialala a nga si humbele, tode kana u tangedza pfufho, mpho kana thendelo ifhio na ifhio hu u itela-
- (a) u vouta kana u sa vouta nga inwe ndila kha mafhungo afhio na afhio phanda ha khoro ya sialala kana phanda ha komiti ine khayo murado wa khoro ya sialala a vha murado;
  - (b) tutuwedza khoro ya sialala kana komiti ifhio na ifhio malugana na u shumiswa ha maanda, mushumo kana ndivhanelo ifhio na ifhio;
  - (c) sumbedzisa vhuimeleli kha khoro ya sialala kana komiti ifhio na ifhio ya khoro; kana
  - (d) bvisela khagala vhutalu kana mafhungo a tshiphiri.

**U bviselwa khagala ha mafhungo hu so ngo tendelwaho**

- 9 (1) Murado wa khoro ya sialala ho ngo tea uri hu si na thendelo ya khoro ya sialala kana komiti a bvisela khagala vhutalu vhufhio na vhufhio kana mafhungo a tshiphiri a khoro kana a komiti kha muthu ufhio na ufhio a so ngo tendelwaho.
- (2) U itela ndivho dza itshi tshitenwa 'vhutalu kana mafhungo a tshiphiri' zwi katela mafhungo afhio na afhio-
- (a) o tiwaho nga khoro ya sialala kana komiti u vha a vhutalu kana tshidzumbe;
  - (b) o ambiwaho kha dzulo lo dzumbamaho nga khoro kana komiti;
  - (c) ane u bviselwa hao khagala zwa nga khakhisa pfanelo ya muthu kha phuraivesi; kana
  - (d) ane o bviselwa khagala a vha vhutalu, tshiphiri kana tshidzumbe hu tshi tevhedzwa mulayo.
- (3) Itshi tshitenwa a tshi nyadzi pfanelo ya muthu ufhio na ufhio uri a swikelele mafhungo hu tshi tevhedzwa mulayo wa lushaka.



**Ndaka ya vhadzulapo**

- 10 Murado wa khoro ya sialala a nga si shumise, dzhie, diwanele kana u vhuelwa u bva kha thundu ifhio na ifhio kana ndaka, i re hone, i langiwaho kana i langulwaho nga vhadzulapo vha sialala vhanne murado wa khoro ya sialala a vha na pfanelo.

**U sa tevhedza Maga**

- 11 (1) Arali khoro ya sialala, nga khumbulelo i pfalaho, i na muhumbulo wa uri mbetshelo dza itshi tshipida tsha Maga a Vhudifari a tsho tevhedzelwa, khoro ya sialala i tea u-
- (a) tendela tsedzuluso ya vhungoho na zwiitisi zwa u sa tevhedzelwa hu humbulelwaho;
  - (b) nea murado wa khoro ya sialala tshifhinga tshi pfalaho tsha u fhindula nga u tou nwala malugana na u sa tevhedzelwa hu humbulelwaho; na
  - (c) vhiga mafhungo kha mutangano wa khoro ya sialala nga murahu ha musa phara (a) na (b) dzo no tendelaniwa khadzo.
- (2) Muvhigo zwi tshi tevhedza tshitenwa tshituku (1)(c) wo vulelwa vhathu.
- (3) Khoro ya sialala i tea u vhiga mvelelo dza tsedzuluso kha Premia.
- (4) Murangaphanda muhulwane wa sialala u fanela u vhona uri murado munwe na munwe wa khoro ya sialala u newa kopi ya ili Liga musa a tshi dzhia ofisi na uri kopi ya Liga i wanale kha rumu inwe na inwe kana fhethu hune khoro ya sialala ya tangana.
- (5) Khoro ya sialala i nga –
- (a) sedzulusa ya disa mawanwa kha u sa tevhedzelwa hufhio na hufhio hu humbulelwaho ha mbetshelo ya ili Liga; kana
  - (b) thoma komiti ya sipeshala-
    - (i) uri i sedzuluse na u disa mawanwa nga ha u sa tevhedzela hufhio na hufhio hu humbulelwaho ha ili Liga; na
    - (ii) u ita themendelo dzo teaho kha khoro ya sialala.

- (6) Arali khoro kana komiti ya sipeshala ya wana uri murado wa khoro ya sialala ho ngo tevhedzela mbetshelo ya itshi tshipida tsha Maga a Vhudifari, khoro i nga-
- (a) nea khaidzo yo fanelaho kha murado wa khoro ya sialala;
  - (b) kaidza murado wa khoro ya sialala;
  - (c) humbela Premia uri a imise Murado wa khoro ya sialala lwa tshifhinga;
  - (d) lifhisa murado wa khoro ya sialala; na
  - (e) humbela Premia uri a bwise murado wa khoro ya sialala kha ofisi.
- (7) (a) Murado ufhio naufhio wa khoro ya sialala we a newa khaidzo, kaidziwa kana u lifhisiwa hu tshi tevhedzwa phara (a), (b) kana (d) ya tshitenwa tshituku tsha (6) a nga ri vhukati ha maduvha a 14 nga murahu ha u divhadzwa nga tsheo ya khoro ya sialala a ita khathululo kha Premia nga u tou nwala a tshi sumbedzisa muhumbulo une khawo khathululo ya vha yo zwi livhisa khawo.
- (b) Kopi ya khathululo i tea u netshedzwa kha khoro ya sialala.
  - (c) Khoro ya sialala i nga ri vhukati ha maduvha a 14 a u tangedza khathululo yo bulwaho kha phara (b) ya netshedza vhuimelelel vhu fhio na vhu fhio vhu tutshelanaho na khathululo kha Premia nga u tou nwala.
  - (d) Premia a nga, nga murahu ha u sedzulusa khathululo, khwathisedza, vhetshela thungo, kana a fhambana na tsheo yo khoro na u divhadza murado wa khoro ya sialala na khoro nga ha mawanwa a khathululo.
- (8) Premia a nga vhea muthu kana komiti uri i sedzuluse u sa tevhedzela hufhio na hufhio hu humbulelwaho ha ili Liga na u ita themendelo nga ha uri murado wa khoro ya sialala u tea u imiswa naa kana u bvisiwa ofisini.
- (9) Arali Premia a na khumbulo ya uri murado wa khoro ya sialala ho ngo tevhedzela mbetshelo ya ili Liga, na zwa uri honoho u pfuka hu swikisa kha u imiswa kana u bvisiwa ofisini, Premia a nga-
- (a) imisa murado wa khoro ya sialala lwa tshifhinga na nyimele dzo tiwaho nga Premia; kana

- (b) bvisa murado wa khoro ya sialala kha ofisi.
- (10) Tsedzuluso ifhio na ifhio hu tshi tevhedzwa itshi tshitenwa i tea u tutshelana na na ndayo dza mulayo wa ngoho
- (11) Premia a nga laedza uri mbetshelo dza Mulayo wa Khomishini ya Tsedzuluso wa Limpopo (Mulayo No. 4 wa 2001) u tea u shuma kha tsedzuluso ifhio na ifhio hu tshi tevhedzwa itshi tshipida tsha Maga a Vhudifari.

### Tshipida B

### Vharangaphanda vhothe vha sialala

### Vhukhakhi

1. Murangaphanda wa sialala u vha na mulandu wa vhukhakhi nahone a nga di shumaniwa nae zwi tshi tutshelana na mbetshelo dza tshitenwa 2, arali murangaphanda wa sialala-
- (a) a tshi hanaedzana kana a kundelwa u tendelana na mbetshelo ifhio na ifhio ya uyu Mulayo kana a kundelwa u shuma ndivhanelo ifhio na ifhio kana u vhotholola khombetshedzo ifhio na ifhio yo hweswaho ene nga kana fhasi ha munwe mulayo ufhio na ufhio;
- (b) a sa londi, a si na ndavha kana vhubva kha u shuma ndivhanele dzawe;
- (c) a sa koni u shuma mishumo yawe nga ndila ya vhukoni;
- (d) a tshi litshedzela, a sa londi kana a tshi khakha nga khole kha u tevhedzela ndaela dze a newa dzi re mulayoni nga muthu ane a vha na vhulaedzwa ha u mu nea;
- (e) a tshi difara nga ndila i shayaho thompho, i so ngo fanelaho kana nga maitele a so ngo fanelaho;
- (f) a wanala e na mulandu nga khothe ya mulayo, wa vhukhakhi vhufhio na vhufhio une wa vha wa dzikhakhathi kana wa u sa fhulufhedzea.

**Matshimbidzelwe a milandu ya vhukhakhi**

2. (1) Arali murangaphanda wa sialala a vhone mulandu wa vhukhakhi ho bulwaho kha tshitenwa 1, khoro ya sialala ya vhadzulapo vha sialala vha kwameaho i tea u vhudzisesa nga ha khumbulelo zwi tshi tutshelana na mulayo wa sialala wa vhadzulapo vha sialala vha kwameaho. U vhudzisa hu tshi tevhedzwa itshi tshitenwa tshituku hu tea u itwa ho sedzwa ndayo dza mulayo wa ngoho.
- (2) Arali khoro ya sialala, nga murahu ha u sedzuluswa ho bulwaho kha tshitenwa tshituku (1), ya vha na muhumbulo wa uri murangaphanda wa sialala u na mulandu wa vhukhakhi, khoro ya sialala i nga ri hu na vhukwamani na muta wa vuhosini, ya pfukhisela mvelelo dza tsedzuluso yadzo kathihi na themendelo nga ha maga o fanelaho kha Premia.
- (3) (a) Premia u tea, vhukati ha maduvha a sumbe nga murahu ha u tangedza mvelelo dza tsedzuluso hu tshi tevhedzwa tshitenwa (2), pfukhisela maphungo kha Ndu ya Vundu ya Vharangaphanda vha Sialala uri vha themendele.
- (b) Ndu ya Vundu ya Vharangaphanda vha Sialala i tea u sedzulusa maphungo ya pfukhisela themendelo dzayo kha Premia vhukati ha maduvha a 14 nga murahu ha u tangedza maphungo u bva kha Premia.
- (4) Arali nga murahu ha u tangedza themendelo dzi bvaho kha Ndu ya Vundu ya Vharangaphanda vha Sialala Premia a fushea zwauri murangaphanda wa sialala u na mulandu wa vhukhakhi, Premia a nga ri, zwi tshi ya nga themendelo dza khoro ya sialala na Ndu ya Vundu ya Vharangaphanda vha Sialala-
- (a) a kaidza kana a vhea mulandu wa murangaphanda wa sialala; kana
- (b) nea ndatso murangaphanda wa sialala; kana
- (c) a laedza uri murangaphanda wa sialala a so ngo badelwa malamba a tshifhinga tsho bulwaho; kana
- (d) a nea zwothe zwa phara (b) na (c); kana
- (e) a pfukhisela maphungo kha muta wa vuhosini hu na ndaela ya uri maphungo a shumaniwe nao zwi tshi tevhelela khethekanyo 13 ya uyu Mulayo, arali Premia a tshi fushea zwauri maphungo a khou wela kha liisela la khethekanyo yo bulwaho.

- (5) Premia a nga ri nga muhumbulo wawe, phanda ha musu a tshi dzhia tsheo hu tshi tevhedzwa tshitenwa tshituku (4), a vhea komiti uri i bvele phanda na tsedzuluso kha vhudifari vhu no khou humbulelwa.
- (6) Premia a nga laedza uri mbetshelo dza Mulayo wa Khomishini ya Tsedzuluso dza Vundu la Devhula, 2001 (Mulayo No. 4 wa 2001) dzi tea u shumiswa kha tsedzuluso ifhio na ifhio hu tshi tevhedzwa tshitenwa tshituku (5).

### SCHEDULU 3

#### MUANO WA OFISI

Nne, A.B., ndi khou ana u do fulufhedzea kha \_\_\_\_\_ vhadzulapo vha sialala nahone ndi ana nga vhuufhedzei nga lwo fhelelaho u bveledza tshifhinga tshothe zwine zwa do isa phanda na u hanedzana na zwothe zwine zwa nga tshinyadza vhadzulapo vha sialala; u thetshesela, u tevhedzela, u tikedza na u vhulunga milayo ya sialala ya vhadzulapo vha sialala na minwe milayo yothe ya Riphapuliki ya Afrika Tshipembe; u shuma ndivhanele dzanga nga maanda na vhukoni hanga hothe nga hune nda kona ngaho na maanda na vhungoho kha ndaela dza luvalo lwanga; u shuma nga lwa mulayo kha vhatu vhothe; na u dinetshedzela kha vhuva ha ndondolo ya vhadzulapo vha sialala na vhatu vha

Mudzimu wa Maanda Othe nga Tshilidzi Tshawe kha ndinde na u mmbulunga kha u ita uri uyu muano ndi dzule ndi tshi u hulisa na u u thompha.

Mudzimu kha nthuse.

## NAWU

Ku endlela ku tekeriwa enhlokweni ka vaaki va xintu; ku tekerira enhlokweni ka vakhanselara va xintu, ku hlawuriwa na ku thoriwa ka swirho swa tikhanselara ta xintu, ku tekeriwa enhlokweni ka varhangeri va xintu, ku susiwa ehofisini, timfanelo na mintirho ya vona, ku tekeriwa enhlokweni ka varhangeri va xintu va nkarhinyana vana va vuhosi, ku endlela timali ta tikhanselara ta xintu na vufambisi bya kona; ku endlela ku hakeriwa ka swipfuno swa tihakelelo ta maendzo ya swirho swa tikhanselara ta xintu; ku endlela tinhlengeletano ta ndyangu wa vuhosi na tikhanselara ta xintu; ku endlela matikhomele; na timhaka leti ti fambelanaka naswona.

## MANGHENELO

LOKO HI TLHELO Vumbiwa ri tekela enhlokweni—

- Vandla, xiyimo, na mfanelo ya vurhangeri bya xintu hi ku landza nawu wa xintu; na
- vurhangeri bya xintu lebyi byi tekelaka enhlokweni matirhele ya nawu wa xintu;

NASWONA LOKO HI TLHELO vandla ra vurhangeri bya xintu ri fanele—

- tlakusa ntshunxeko, ndzhuti wa vanhu na ku fikeleriwa ka ndzingano na ku ka ku nga langutiwi rimbewu;
- hisekela ku tlakusa xintu na mfuwo;
- tlakusa ku akiwa ka rixaka na ntirhisano na ku rhula exikarhi ka vanhu;
- ku tlakusa milawu ya mafumele ya ntirhisano eka matirhele ya wona na swiyenge hinkwaswo swa mfumo na swirho swa mfumo;

NA LOKO HI TLHELO swi fanerile ku ngenisa nawu wa xifundzankulu hi ku landza maendlele ya ya nga nyikiw hi Nawu wa Timba ra Mafumele ya Xintu na Mafumele, 2003 (Nawu wa 41 wa 2003) leswaku ku ta endliwa timhaka leti ti nga tolovelekangiki eka Xifundzankulu;

NA LOKO HI TLHELO ku ri xikongomelo xa mfumo wa xifundzankulu ku hundzuluxa vandla leri ra vurhangeri bya xintu hi ku landza Vumbiwa, hi ku tekela enhlokweni, exikarhi ka leswin'wana, ndzinganiso wa rimbewu;

NA LOKO HI TLHELO swi fanerile eka varhangeri va xintu eka Xifundzankulu ku tirhisa matimba ya vona ku tlakusa ntiyiso na ku fanana;

NA LOKO HI TLHELO swi ri eka matirhele ya Xifundzankulu ku endla nawu hi timhaka ta vurhangeri bya xintu.

KU VEKIWA NAWU hi Mfumo wa Xifundzankulu xa Limpopo, hi ndlela leyi yi landzelaka:

## KAVANYISA KA 1

### TINHLAMUSELO, MAHLAMUSELELE NA MATIRHISELE

#### Tinhlamuselo

1. Eka Nawu lowu, handleka ka loko nhlamuselo yi kombisa swin'wana—

'hosi ya nkarhinayana' swi vula munhu wihi ni wihi loyi, hi ku landza nawu wa xintu wa vaaki lava va khumbhekaka, a nga eka xiyimo xa vurhangeri bya xintu bya nkarhinyana ku fikela loko munhu loyi a faneleke ku teka xitulu loyi a ha ri ki ntsongo a tekeriwa enhlokweni;

'hosi' ri vula murhangeri wa xintu—

- (a) loyi ehansi ka matimba ya yena, kumbe loyi ema ndhawu ya vurhangeri, varhangeri lavakulu va xintu va tirhisaka matimba hi ku landza nawu wa xintu; na
- (b) loyi a tekeriwaka enhlokweni hi ku landza Nawu lowu;

'huvo ya xintu' swi vula huvo leyi yi nga simekiwa hi ku landza xiyenge xa 4;

'Khomixini' ri vula khomoxini leyi yi nga simekiwa hi ku landza xiyenge xa 22 xa Nawu wa Rimba;

'lembe-ximali' ri vula nkarhi ku sukela hi 1 Dzivamisoko wa lembe rihi hi ni rihi na ku hela hi 31 Nyenyankulu wa lembe leri ri landzelaka;

'matikhomele' ri vula matikhomele tani hilaha ya nga vekiwa ha kona eka Xedulu ya 2, na ku katsa matikhomele lawa ya nga vekiwa eka Xedulu ya Nawu wa Rimba;

**'murhangeri wa xintu'** swi vula munhu wihi ni wihi loyi hi ku landza nawu wa xintu wa vaaki va xintu lava va khumbhekaka, a nga na xiyimo xa xintu, naswona a tekeriwa enhlokweni hi ku landza Nawu lowu;

**'murhangeri wa xintu wo khomela'** swi vula murhangeri wa xintu loyi a nga hlawuriwa hi ku landza xiyenge xa 15;

**'murhangeri-nkulu wa xintu'** swi vula murhangeri wa xintu wa vaaki vo karhi loyi a tirhisaka matimba ehenhla ka nhlayo yo karhi ya tindhuna hi ku landza nawu wa xintu, kumbe loyi endzeni ka ndhawu ya matimba ya yena tindhuna to nhlayo yo karhi ti tirhisaka matimba;

**'Nawu lowu'** swi katsa na swinawana leswi swi nga endliwa hi ku landza xiyenge xa 31;

**'Nawu wa Rimba'** swi vula Nawu wa Rimba wa Vurhangeri bya Xintu na Mafumele, 2003 (Nawu wa 43 wa 2003);

**'ndhawu ya matimba'** swi vula ndhawu ya matimba leyi yi nga vekiwa vaaki va xintu na huvo ya xintu lava va tekeriwaka enhlokweni hi ku landza Nawu lowu;

**'ndhuna'** ri vula vurhangeri wa xintu loyi—

- (a) a nga ehansi ka matimba ya, kumbe a tirhisaka matimba endhawini ya matimba ya, murhangerinkulu wa xintu hi ku landza nawu wa xintu; naswona
- (b) a tekeriwa enhlokweni hindlela yoleyo hi ku landza Nawu lowu;

**'ndyangu wa vuhosi'** swi vula vandlankulu ra xintu kumbe nhlangano lowu wu nga na maxaka ya lekusuhani ya ndyangu lowu wu fumaka vaaki va xintu, lowu wu nga hlawuriwa hi ku landza nawu, naswona lowu wu katsaka, laha swi kotekaka, swirho swin'wana swa ndyangu leswi swi nga eku suhani na ndyangu lowu wu fumaka;

**'vaaki va xintu'** swi vula vaaki va xintu lava va tekeriwaka enhlokweni hi ndlela yoleyo hi ku landza xiyenge xa 3;

**'vandla kumbe nhlangano wa xintu'** swi vula mavandla kumbe minhlangano leyi yi nga simekiwa hi ku landza nawu wa xintu;

**'Vumbiwa'** ri vula Vumbiwa ra Rhiphabliki ra Afrika Dzonga, 1996;

**'vurhangeri bya xintu'** swi vula mavandla kumbe minhlangano ya xintu, kumbe tisisitame ta xintu kumbe maendlele ya mafambisele, lawa ya tekeriwaka enhlokweni, tirhisiwaka kumbe ku endliwa hi vaaki va xintu;



**'xandla xa murhangeri wa xintu'** swi vula xirho xa ndyangu wa vuhosi loyi a nga hlawuriwa hi ku landza nawu wa xintu ku va tirha nkarhinyana eka xiyimo xa hosi, murhangerinkulu wa xintu, ndhuna ehansi ka swiyimo leswi swi vuriwaka eka xiyenge xa 16(1);

**'xivongo'** ri vula xivongo lexi xi nga simekiwa kumbe ku tekeriwa enhlokweni ehansi ka nawu ku nga se fika nkarhi wo sungula ku tirha ka Nawu lowu;

**'yindlu ya ndhawu ya varhangeri va xintu'** swi vula yindlu ya ndhawu ya varhangeri va xintu leyi yi nga simekiwa hi ku landza Nawu wa Tindlu ta Varhangeri va Xintu wa Limpopo, 2005;

**'yindlu ya xifundzankulu ya varhangeri va xintu'** swi vula yindlu ya xifundzankulu ya varhangeri va xintu leyi yi nga simekiwa hi ku landza Nawu wa Tindlu ta Varhangeri va Xintu wa Limpopo, 2005;

#### **Mahlamuselele na matirhisele**

2. (1) Nawu lowu wu ta va ehansi ka Nawu wa Rimba.
- (2) A ku na nchumu lowu wu nga kona eka Nawu lowu lowu wu nga ha tekiwaka wu sivela swirho swa vaaki va xintu ku vitana murhangeri wa xintu hi xiyimo xa yena xa vurhangeri lexi xi nga nyiketiwa eka yena hi nawu, kambe xiyimo xo tano xa vurhangeri xi nga humi eka, kumbe ku tatisa eka, xiyimo, mfanelo na ntirho wa murhangeri wa xintu tani hilaha swi nga vekiwa ha kona eka Nawu lowu.
- (3) Varhangeri va xintu va nga ha tekela enhlokweni kumbe ku amukela swiyimo swo hambana hambana swa vurhangeri exikarhi ka vona hi ku landza milawu leyi naswona a ku na tinhlamuselo leti ti nga kona eka xiyenge xa 1 leti ti faneleke ku tekiwa tani hi huma kumbe ku suka eka vurhangeri byo tano.

#### **KAVANYISA KA 2**

#### **VAAKI VA XINTU NA TIHUVU TA XINTU**

#### **Ku tekeriwa enhlokweni ka vaaki va xintu**

3. (1) Vaaki lava ku vuriwaka vona eka xiyenge xa 2(1) xa Nawu wa Rimba va nga endla xikombelo eka Holobyenkulu hi ku tsala ku va va tekeriwa enhlokweni tani hi vaaki va xintu.

- (2) Xikombelo lexi xi vuriwaka eka xiyengenyana xa (1) xi fanela ku va na vuxokoxoko lebyi byi landzelaka:
- (a) nhlamuselo ya vaaki;
  - (b) vukulu bya vaaki;
  - (c) vito ra vaaki;
  - (d) vito ra murhangerinkulu na ndhuna loko yi ri kona;
  - (e) mavito ya vanhu lava vaaki lava va va tekaka tani hi varhangeri hi ku landza nawu wa xintu wa vaaki valavo na mindzilekano ya nawu;
  - (f) nhlayo ya tikhanselara leti ti nga ha vaka kona; na
  - (g) nhlamuselo ya ndhawu laya vaaki va tshamaka kona hi ku angarhela.
- (3) Holobyenkulu u fanele, ehenhleni ka ku kuma xikombelo lexi ku vuriwaka xona eka xiyengenyana xa (1), loko a enetisiwa leswaku vaaki lava va khumbhekaka va landzelerile makungu ya xiyengenyana xa (2), a hundzisela mhaka leyi eka yindlu ya varhangeri va xintu ya xifundzankulu, yindlu ya ndhawu ya varhangeri va xintu, na murhangerinkulu wihi ni wihi wa xintu loyi vaaki va xintu va yena va nga hi mavonele ya Holobyenkulu va nga va ri na ku tsakela eka mhaka naswona loko swi endleka, hosi leyi ehansi ka matimba ya yona ntlawa lowu wu nga ta wela, ku endlela makanelwa ya vona, lawa ya feneleke ku tisiwa hi masiku ya 30.
- (4) Holobyenkulu u fanele, hi tin'wheti ti nharhu ta ku amukeriwa ka xikombelo lexi ku kongomisiwaka eka xona eka xiyengenyana xa (1), ehansi ka xiyenge xa (3), endla xiboho mayelana na ku tekeriwa enhlokweni ka vaaki lava va khumbhekaka tani hi vaaki va xintu na ku tivisa vaaki lava va khumbhekaka hi xiboho lexi xi nga vuriwa.
- (5) Loko ku nga se endliwa xiboho xo teka vaaki tani hi vaaki va xintu, Holobyenkulu u fanela ku rhamba vaaki lava va khumbhekaka ku tisa nhlamuselo ya xikombelo xa vona ku va xi nga aleriwi hi ku landza swivangelo swa Holobyenkulu.
- (6) Holobyenkulu u fanele, loko a tekela enhlokweni vaaki va xintu hi ku landza xiyengenyana xa (4)—

- (a) hi nkarhi wun'we a kumisisa ndhawu ya vaaki va xintu lava va khumbhekaka;
- (b) nyika setifikheti leyi yi nga hlawuriwa ya ku amukeriwa ka vaaki va xintu lava ku vulavuriwaka hi vona; na
- (c) hi 30 wa masiku ya xiboho na ku hangalasiwa ka vuxokoxoko bya ku amukeriwa ko tano hi xitiviso eka *Gazete*.

#### Tihuvo ta Xintu

- 4. (1) Holobyenkulu u fanele, loko a mukela vaaki va xintu hi ku landza xiyenge xa 3(4), naswona hi ku landza swilaveko swa vaaki va xintu lava va khumbhekaka, veka nhlayo ya tikhanselara ku endlela huvo ya vona ya xintu leyi yi ta simekiwa hi ku landza xiyengenyana xa (2): Ku ri hileswaku nhlayo hinkwayo a yi fanelanga ku hundza 30.
- (2) Vaaki va xintu lava va nga amukeriwa hi Holobyenkulu hi ku landza Nawu lowu va fanele hi masiku ya 30 endzhaku ka loko vaaki va xintu va tivisiwile hi mfanelo hi ku landza xiyenge xa 3(4) ku simeka huvo ya xintu ku endlela vaaki volavo va va xintu, laha ku nga ni vavanuna na vavasati lava hi ku landza nawu wa xintu wa vaaki va xintu lava va khumbhekaka va amukeriwaka tani hi vakhanselara ku katsa na swirho swin'wana swa vaaki va xintu lava va khumbhekaka lava va nga hlawuriwa hi xidimokirasi.
- (3) Murhangerinkulu wa xintu wa vaaki va xintu loyi ku kongomisiwaka eka yena eka xiyengenyana xa (2), u fanela ku endla nhlengeletano ya swirho swa lavakulu hinkwaswo swa vaaki va xintu ku endlela xikongomelo xo hlawula swirho swa huvo ya xintu, hi ku nyika xitiviso xo amukeleka xa nhlengeletano yo tano hi ku landza nawu wa vaaki va xintu vo tano. Murhangerinkulu wa xintu kumbe muhlawuriwa wa yena u ta fambisa nhlengeletano.
- (4) Swirho leswi swi nga hlawuriwa swa huvo ya xintu swi fanele hi laha swi nga ha kotaka ha kona swi yimela hi ku ringanela tiwadi ta vaaki va xintu lava va khumbhekaka.
- (5) 60 wa tiphesente ta swirho swa huvo ya xintu swi fanele ku va varhangeri va xintu na swirho swa vaaki va xintu lava va nga hlawuriwa hi murhangerinkulu wa xintu na 40 wa tiphesente letin'wana yi fanela ku va yi ri swirho leswi swi nga hlawuriwa.
- (6) (a) Kwalomu ka vunharhu bya swirho swa huvo ya xintu swi fanela ku va vavasati, handleka ka loko Holobyenkulu—

- (i) a enetisiwa ehenhleni ka ku tiyisiwa hi murhangerinkulu wa xintu leswaku a ku nhlayo yo ringana ya vavasati; naswona
    - (ii) u ta boha hi xiyimo xa le hansi xa vavasati lava va nga ta nghenisiwa eka huvo ya xintu.
  - (b) Murhangerinkulu wa xintu u fanele, endzhaku ka nhlayo leyi yi lavekaka ya vavanuna na nhlayo leyi yi nga kona ya vavasati yi hlawuriwile, loko a enetisiwile leswaku a ku na nhlayo yo ringanela ya vavasati ku tatisa swivandla leswi swi nga sala leswi swi lavekaka ku va swi tatiwa hi vavasati, khumukisa nhlawulo naswona a hundzisela mhaka eka Holobyenkulu hi ku tsala ku kuma xileriso xa Holobyenkulu hi ku landza ndzimana ya (a).
  - (c) Murhangerinkulu wa xintu u fanele, ehenhleni ka ku kuma xileriso xa Holobyenkulu lexi ku kongomisiwaka eka xona eka ndzimana ya (b) ku sungula nakambe nhlawulo hi 14 wa masiku ya ku amukeriwa ka xileriso xo tano.
  - (d) Holobyenkulu u fanele ku kambisisa xiyimo xa lehansi xa vavasati lexi xi faneleke ku hlawuriwa ku va eka huvo ya xintu ku nga se fika nkarhi wa nhlawulo wa huvo leyintshwa ya xintu.
- (7) Nhlawulo wa swirho swa huvo ya xintu wu fanela ku endliwa hi ndlela yo vhotla hi ndlela leyi yi nga bohiwa hi Holobyenkulu ku kambela minhlawulo.
  - (8) Vuxokoxoko bya ku simekiwa ka huvo ya xintu na mavito ya swirho swi fanela ku yisiwa eka Holobyenkulu hi ku tsala, hi 60 wa masiku endzhaku ka loko huvo ya xintu yi simekiwile hi ku landza xiyengenyana xa (2).
  - (9) Holobyenkulu u fanela, endzhaku ka loko a kumile vuxokoxoko lebyi ku kongomisiwaka eka byona eka xiyengenyana xa (8), loko a enetisiwa leswaku makungu ya Nawu ya landzeleriwe, hi masiku ya 30 a amukela huvo ya xintu hi xitiviso eka *Gazete*.

#### **Nkarhi wa ku va ehofisini wa swirho swa huvo ya xintu na xihlambanyo**

- 5. (1) Hi ku landza xiyenge xa 6, xirho xa huvo ya xintu u fanele ku va ehofisini ku ringana ntlhanu wa malembe, hi leswaku xirho lexi xi nga ehofisini nkarhinyana xi ta va kona ku ringana nkarhi wa loyi xi n'wi landzaka.

- (2) Swirho swa huvo ya xintu swi fanele, loko swi nga se teka hofisi tani hi swirho, ku hlambanya hi xivumbeko ka Xedulu ya 3 emahlweni ka majistarata.

**Ku kuma ehofisini na swivandla va mintirho eka tihuvo ta xintu**

6. (1) Xitulu xa xirho xa vuvo ya xintu xi fanele ku va xi sukeriwile—
- (a) loko xirho xo tano xi hundza emisaveni;
  - (b) loko xirho lexi xi khumbhekaka a xi hlawuriwile endzaku ka ku hlawuriwa hi murhangerinkulu wa xintu naswona Holobyenkulu a swi pfumelela xikombelo xo tsariwa hi murhangerinkulu leswaku xirho xo tano xi hlongoriwa;
  - (c) loko xirho xi tshika;
  - (d) loko Holobyenkulu a pfumelela xikombelo xo tsariwa hi ntalo wa swirho swa wadi laha xirho xi tshamaka kona leswaku xirho xo tano xi hlongoriwa;
  - (e) loko Holobyenkulu a enetisiwa leswaku swi ta pfuna vaaki va xintu lava va khumbhekaka leswaku xirho xo tano xi suka exitulwini naswona a pfumela leswaku xirho xi hlongoriwa; na
  - (f) loko nkarhi wo va ehofisini wa xirho wu herisiwa hikwalaho ka swivangelo leswi swi nga kombisiwa eka xiyengenyana xa (2).
- (2) Nkarhi wa hofisi wa xirho xa huvo ya xintu wu nga ha herisiwa—
- (a) loko xirho xi hi xivangelo xa ku vaviseka miehleketo kumbe mirhi xi nga ha koti ku tirha mintirho ya xona hi mfanelo;
  - (b) loko xirho xi ri ni vusopfa eku tirheni ka ntirho wa xona wa le hofisini
  - (c) loko xirho xi tikhoma hi ndlela yo khomisa tingana.
- (3) Xivandla xa ntirho eka huvo ya xintu xi fanele ku tatiwa hi 14 wa masiku hi ndlela leyi xivandla lexi xi vuriwaka xi nga tatiwa ha kona loko vandla ra xintu ri hlawuriwa kumbe ku thoriwa, ku ri leswaku a ku na nchumu lowu wu nga endliwa hi huvo ya xintu lowu wu nga ta tshama wu nga endliwanga ntsena hi mhaka ya leswaku xivandla a xi siviwanga nkarhi wo tlula 14 wa masiku.

**Timfanelo na swileriso swa huvo ya xintu na tikomoti ta huvo ya xintu**

7. (1) Huvo ya xintu yi nga ha, hi ku landza nawu wa xintu wa vaaki va xintu lava va khumbhekaka, endla milawu na swileriso hi mayelana na matikhomele ya bindzu ra vona na mafambisele na milawu na swileriso leswi swi lawulaka vandla, vumbiwa, matimba, na mintirho, mafambisele na nkarhi wa tikomoti ta Komitinkulu ya nkarhi hinkwawo leyi yi nga ni murhangerinkulu wa xintu tani hi mutshami wa xitulu, na museketeri wa mutshami wa xitulu ku katsa na swirho swin'wana swinharhu leswi swi nga hlawuriwa hi ku landza xiyengenyana xa (2).
- (2) Murhangerinkulu wa xintu u fanele, ku nga se fika ntshamo was ungula wa huvo ya xintu, hlawula ku suka eka swirho swa huvo ya xintu museketeri wa mutshami wa xitulu na swirho swin'wana swinharhu swa Komitinkulu.
- (3) Swirho swa Komitinkulu leswi swi nga hlawuriwa hi murhangerinkulu wa xintu hi ku landza xiyengenyana xa (2) u fanele ku khoma hofisi malembe ya ntlhanu ku sukela siku ra ku thoriwa hi rona.
- (4) Komitinkulu yi fanela ku tirhisa matimba na ku endla mintirho leyi yi nga nyikiwa ehansi ka Nawu lowu.

**Tinhlengeletano ta tihuvo ta xintu**

8. (1) Huvo yin'wana ni yin'wana ya xintu yi fanela ku khoma nhlengeletano ya ntolovelo kan'we hi tin'whweti tinharhu hi siku leri ri nga vekiwa na awara leyi yi nga hlawuriwa hi murhangerinkulu wa xintu naswona xitiviso xo tsariwa xa siku, awara na ndhawu laha nhlengeletano yi nga ta khomeriwa kona xi fanela ku nyikiwa xirho xin'wana ni xin'wana xa huvo ya xintu kwalomu ka masiku ya nkombo ku nga se fika siku leri ri nga vekiwa.
- (2) Murhangerinkulu wa xintu wa nga ha hi nkarhi wihi ni wihi, naswona u fanele loko a komberiwile hi Holobyenkulu kumbe ku nga ri ehansi ka n'we-nharhu ya nhlayo ya swirho swa huvo ya xintu, vutana nhlengeletano ya xipexele ya huvo ya xintu: Ku ri hileswaku Holobyenkulu hi yexe u ta vitana nhlengeletano yo tano.
- (3) A ku na mhaka yin'wana yi nga ta vulavuriwa eka nhlengeletano ya xipexele handleka leyi yi nga kombisiwa eka xitiviso xa kona, handleka ka loko ku ri ni ku pfumeleriwa hi ntalo wa swirho leswi swi nga kona eka nhlengeletano yo tano.

- (4) Hafu ya nhlayo hinkwayo ya swirho swa huvo ya xintu swi ta endla khoramu naswona a ku nga vi na ku ya emahlweni na ku teka swiboho loko ku nga ri na khoramu.
- (5) Ehansi ka makungu ya Nawu lowu na swa nawu wihi ni wihi lowu wu nga tirhisiwaka eka mafambisele lawa ya nga ta landzeleriwa eka nhlengeletano yihi ni yihi kumbe mafambisele waha ni waha ya huvo ya xintu ku katsa na tinhlangeletano ta komiti yihi ni yihi ya nkarhi hinkwawo kumbe nkarhinyana swi ta hi ku landza milawu ya xintu ya vaaki va xintu lava va khumbhekaka naswona ti ta rhangeriwa hi murhangerinkulu wa xintu kumbe xirho xihi ni xihi xa huvo ya xintu, leyi yi nga vekiwa hi murhangerinkulu wa xintu.
- (6) Huvo yin'wana ni yin'wana yi fanele ku hlayisa buku ya makanelwa hi ku endlela nhlengeletano yin'wana na yin'wana laha leswi swi landzelaka swi nga faneleke ku tsariwa:
  - (a) siku, nkarhi na ndhawu ya nhlengeletano;
  - (b) mavito ya swirho leswi swi nga kona;
  - (c) nkomiso wa xiboho xin'wana ni xin'wana lexi xi nga tekiwa eka nhlengeletano;
  - (d) loko xirho xi kombela, mhaka ya leswaku xi vhotela hi ku kanetana na xiboho lexi xi nga tekiwa.
- (7) Khopi ya makanelwa yi fanele, hi 15 wa masiku endzhaku ka nhlengeletano yihi ni yihi, ku hundziseriwa eka mutirhi loyi a nga hlawuriwa hi Holobyenkulu.

**Ku herisiwa ka ku amukeriwa ka vaaki na tihuvo ta xintu**

9. (1) Holobyenkulu a nga ha, hi xitiviso eka *Gazete*, herisa ku amukeriwa vaaki va xintu hi ku landza xiyenge xa 7(1) xa Nawu wa Rimba, endzhaku ka ku tihlanganisa na yindlu ya xifundzankulu ya varhangeri va xintu, vaaki lava va khumbhekaka na loko swi endleka, hosi loyi vaaki va kona va welaka ehansi ka yena.
- (2) Loko ku amukeriwa ka vaaki va xintu ku herisiwile hi ku landza xiyengenyana xa (1), ku amukeriwa ka vandla ku ta tekiwa ku herisiwile loko ku herisiwa ka vaaki va xintu ku herisiwa.

**KAVANYISA KA 3****MAFAMBISELE YA NTIRHISANO****Vuxaka exikarhi ka vamasipala na mavandla ya xintu**

10. (1) Loko vandla ra xintu ri vona swi fanerile leswaku xinawana xi endliwa hi ku endlela mhaka yihi ni yihi leyi yi khumbhaka ndhawu ya vurhangeri ri fanele ku yisa xikombelo eka huvo ya masipala ya masipala leyi yi khumbhekaka ku kambisisa ku amukeriwa ka xinawana xo tano.
- (2) Xikombelo lexi ku kongomisiwaka eka xona eka xiyengenyana xa (1), xi nga ha katsiwa na mpfampfarhuto wa xikombelo xa xinawana naswona xi fanela ku tiyisisiwa hi ku tsala.
- (3) Endzhaku ka ku kuma ka xikombelo huvo masipala yi fanela ku kambisisa xikombelo xa xinawana hi nkarhi lowu wu amukelekaka.
- (4) Huvo ya masipala leyi yi nga nyikiwa mpfampfarhuto hi ku landza xiyengenyana xa (1) yi fanela ku tihlanganisa na huvo ya xintu leyi yi khumbhekaka yi nga se raha xinawana lexi xi nga komberiwa.
- (5) Huvo ya xintu yi nga ha sungula mimpfumelelano ya vukorhokeri na masipala loyi a fambelanaka na swona hi ku landza nawu lowu wu tirhisiwaka.

**Nseketelo eka mavandla ya xintu**

11. (1) Holobyenkulu u fanela ku thola vatirhela-mfumo ku endla vufambisi bya tihuvo ta xintu, va ri karhi va tekela enhlokweni vukulu bya tindhawu ta xintu na swilaveko swa vaaki va kona.
- (2) Holobyenkulu u fanela ku boha hi mintirho ya vatirhi va tihuvo ta xintu lava va nga thoriwa hi ku landza xiyengenyana xa (1) hi xitiviso eka *Gazete* ya Xifundzankulu.
- (3) Holobyenkulu u fanele, hi ku tirhisa matirhele ya mfumo wa xifundzankulu, nyika mpfuno wa swa timali ku pfuna mavandla ya xintu ti tirha mintirho ya vona.



**KAVANYISA KA 4****KU AMUKERIWA KA SWIYIMO SWA VURHANGERI BYA XINTU****Ku amukeriwa ka murhangerinkulu wa xintu, ndhuna**

12. (1) Nkarhi wihi ni wihi loko xiyimo xa murhangerinkulu wa xintu, ndhuna xi fanele ka siviwa—
- (a) ndyangu wa vuhosi lowu wu khumbhekaka wu fanela, hi nkarhi lowu wu faneleke endzhaku ka loko xilaveko xi vile kona xa leswaku swiyimo sweswo swi siviwa, naswona hi ku tekela enhlokweni milawu ya nawu ya vaaki va xintu lava va khumbhekaka—
- (i) kuma munhu loyi a nga ringanela hi ku landza nawu wa xintu wa vaaki va xintu lava va khumbhekaka ku teka xiyimo lexi ku vulavuriwaka ha xona; na
- (ii) hi ku tirhisa nhlango wa nawu lowu wu fambelanaka na swona wa vaaki va xintu lava va khumbhekaka naswona endzhaku ka ku tivisa huvo ya xintu, tivisa Holobyenkulu hi vuxokoxoko bya bya munhu loyi a nga kumiwa ku tatisa xiyimo xikan'we na swivangelo swa ku kumisiwa ka munhu yolo.
- (b) Holobyenkulu u fanele, ehansi ka xiyengenyana xa (2)--
- (i) hi xitiviso eka Gazete amukela munhu loyi a nga hlawuriwa hi ndyangu wa vuhosi hi ku landza ndzimana ya (a) tani hi murhangerinkulu wa xintu kumbe ndhuna, sweswi mhaka yi nga ta va yi yime ha kona.
- (ii) nyika setifikheti yo amukela eka munhu loyi a nga amukeriwa; na
- (iii) tivisa yindlu ya xifundzankulu ya varhangeri va xintu na yindlu leyi yi fambelanaka na swona ya ndhawu hi ku amukeriwa ka murhangerinkulu wa xintu, ndhuna.
- (2) Laha ku nga ni vumbhoni kumbe ku lumbeta leswaku ku kumiwa ka munhu loyi a vuriwaka eka xiyengenyana xa (1) a ku endliwanga hi ku landza nawu wa xintu, maendlele ya xintu kumbe maendlele ya kona, Holobyenkulu—

- (a) a nga ha hundzisela mhaka ya kona eka yindlu ya xifundzankulu ya varhangeri va xintu na yindlu ya varhangeri va xintu leyi yi fambelanaka na swoan ku endla swibumabumelo; kumbe
  - (b) a nga ha ala ku nyika setifikheti ya ku amukeriwa; naswona
  - (c) u fanela ku hundzisela mhaka eka ndyangu wa vuhosi ku ya kambisisiwa na xiboho laha setifikheti yo amukela yi nga aleriwa.
- (3) Laha mhaka leyi yi nga tlheleriseriwa eka ndyangu wa vuhosi ku ya kambisisiwa naswona xiboho hi ku landza xiyengenyana xa (2) yi nga kambisisiwa na ku bohiwa, Holobyenkulu u fanela ku amukela munhu loyi a nga kumiwa hi ndyangu wa vuhosi loko Holobyenkulu a enetisiwa leswaku ku kambisisiwa na xiboho hi ndyangu wa vuhosi swi endlwile hi ku landza nawu wa xintu.

#### **Ku susiwa ka murhangerinkulu wa xintu, ndhuna**

13. (1) Murhangerinkulu, ndhuna a nga ha susiwa ehofisini hi mhaka ya—
- (a) nandzu wa ku khomiwa ku ringana tin'wheti wa 12 handleka ku tihlawulela ku hakela ndziho;
  - (b) ku tsandzeka ka mirhi kumbe ku tsandzeka ka miehleketo loku, hi ku landza vumbhoni bya vutshunguri, ku endlaka leswaku murhangerinkulu wa xintu, ndhuna a nga koti ku tirha hi mfanelo;
  - (c) matholele yo ka nga ri kahle kumbe ku amukeriwa; kumbe
  - (d) ku hambuka eka nawu wa xintu kumbe nawu lowu wu tiyisisaka ku susiwa.
  - (e) vusopfa byo ka byi nga heli kumbe ku tsana ka matirhele ya mintirho ya hofisi ya yena;
- (2) Nkarhi wihi ni wihi loko swivangelo leswi ku kongomisiwaka eka swona eka xiyengenyana xa (1)(a),(b),(d) na (e) swi fikelela etindleveni ta ndyangu wa vuhosi naswona ndyangu wa vuhosi wu teka goza ro susa murhangerinkulu wa xintu, ndhuna, ndyangu wa vuhosi lwou wu khumbhekaka wu fanele hi nkarhi lowu wu feneleke naswona hi ku tirhisa maendlele lawa ya nga fanela ya xinawu—

- (a) tivisa Holobyenkulu wa xifundza lexi xi khumbhekaka hi vuxokoxoko bya murhangerinkulu wa xintu, ndhuna loyi a nga ta susiwa exitulwini; na
- (b) ku tisa swivangelo swa ku susiwa ko tano.
- (3) Laha swi nga bohiwa ku susa murhangerinkulu wa xintu, ndhuna hi ku landza xiyingenyana xa (2), Holobyenkulu u fanele—
  - (a) susa setifikheti ya ku amukeriwa ku sukela siku ra ku susiwa;
  - (b) kandziyisa xitiviso lexi xi nga ni vuxokoxoko bya murhangerinkulu wa xintu, ndhuna, eka Gazete, na
  - (c) ku tivisa nyangu wa vuhosi lowu wu khumbhekaka, murhangerinkulu wa xintu, ndhuna na yindlu ya vurhangeri bya xintu ya xifundzankulu ku katsa na yindlu ya vurhangeri bya xintu ya ndhawu leyi yi khumbhekaka, hi ku susiwa ko tano.
- (4) Laha murhangerinkulu wa xintu, ndhuna a nga susiwa ehofisini, loyi a n'wi landzelaka a nga ha sungula ku teka xiyimo, endla timfanelo na ku tirha tirho, ehansi ka xiyenge xa 12.
- (5) Loko swi fika etindleveni ta Holobyenkulu leswaku swivangelo leswi swi nga kombisiwa eka xiyengenyanana xa (1)(a) swi kona naswona ndyangu wa vuhosi a wu tekanga goza ro susa murhangerinkulu wa xintu, ndhuna tani hilaha mhaka yi nga yima ha kona, Holobyenkulu a nga ha yimisa muholo wa murhangeri wa xintu loyi a khumbhekaka ku sukela siku leri swivangelo leswi swi nga kumeka ha rona, endzhaku ka loko Holobyenkulu a nyikile ndyangu wa vuhosi khumenharhu wa masiku ku angula eka swihehlo.

#### **Ku amukeriwa ka tihosi ta nkarhinyana**

- 14. (1) Laha mulandzeri wa xiyimo xa vuhosi, murhangerinkulu wa xintu kumbe ndhuna a ha tekiwaka ku va a nga ringanelanga hi vukhale hi ku landza nawu wa xintu lowu wu tirhisiwaka—
  - (a) ndyangu wa xintu lowu wu khumbhekaka, wu fanele hi nkarhi lowu wu nga fanela—
    - (i) kuma hosi ya nkarhinyana ku sungula hi vurhangeri hi ku yimela loyi wo ka a nga ringanelanga; na

- (ii) hi ku landza maendlele ya xintu lawa ya nga fanela, ku tivisa Holobyenkulu hi vuxokoxoko bya munhu loyi a nga kumeka tani hi hosi ya nkarhinyana na swivangelo swa ku hlawuriwa ka munhu wo tano; na
  - (b) Holobyenkulu u fanele, hi mayelana na nawu wa xintu lowu wu tirhisiwaka kumbe milawu, naswona hi ku landza xiyengenyana xa (2)—
    - (i) hi xitiviso eka Gazete amukela hosi ya nkarhinyana loyi a nga hlawuriwa hi ndyangu wa vuhosi hi ku landza xiyengenyana xa (1);
    - (ii) nyika setifikheti ya ku amukeriwa eka hosi ya nkarhinyana loyi a nga amukeriwa hi ndlela yoleyo; na ku
    - (iii) tivisa yindlu ya varhangeri va xintu ya xifundzankulu na yindlu ya varhangeri va xuntu ya ndhawu hi ta ku amukeriwa ka hosi ya nkarhinyana.
  - (c) Holobyenkulu u fanele a kambela ku amukeriwa ka hosi ya nkarhinyana khumembirhi wa tin'hweti tin'wana na tin'wana.
- (2) Laha ku nga na vumbhoni kumbe swihehlo leswaku ka hlawuriwa ka hosi ya nkarhinyana a ku endliwanga hi ku landza nawu wa xintu, kumbe maendlele, Holobyenkulu—
- (a) a nga ha hundzisela mhaka eka yindlu ya varhangeri va xintu ya xifundzankulu na yindlu ya varhangeri va xintu ya ndhawu leyi yi fambelanaka na swona ku kuma swibumabumelo; kumbe
  - (b) a nga ha ala ku nyika setifikheti ya ku amukela; naswona
  - (c) u fanela ku tlherisela mhaka eka ndyangu wa vuhosi ku ya kambisiwa nakambe na ku endla swiboho laha setifikheti ya ku amukeriwa yi nga ariwa kona.
- (3) Laha mhaka yi nga tlheriseriwa eka ndzangu wa vuhosi ku ya kambisiwa na ku kuma swiboho hi ku landza xiyengenyana xa (2) yi va yi kambisiwile na ku hetiswa, Holobyenkulu u fanele a amukela munhu loyi a nga hlawuriwa hi ndyangu wa vuhosi loko Holobyenkulu a enetisiwa leswaku ku kambisiwa na swiboho hi ndyangu wa vuhosi swi endliwile hi ku landza nawu wa xintu.

- (4) Hosi ya nkarhinyana loyi a nga amukeriwa hi ku landza xiyengenyana xa (1) u fanele ku herisa xiyimo xa yena xa ku va hosi ya nkarhinyana hi tin'wheti ti nharhu endzhaku ka loyi a tekaka xiyimo a a fikisile malembe ya 25, naswona loyi a tekaka xiyimo emhakeni ya murhangerinkulu wa xintu, kumbe ndhuna u fanele ku amukeriwa hi Holobyenkulu hi ku landza xiyenge xa 12.

#### **Ku amukeriwa ka varhangeri vo yimela va xintu**

15. (1) Ndyangu wa vuhosi wu nga ha, hi ku landza nawu wa xintu wa vaaki va xintu lava va khumbhekaka, kuma munhu loyi a nga ringanela ku va xirho xa ndyangu ku tirha tani hosi, murhangeri wa xintu kumbe ndhuna, tani hilaha mhaka yi nga va yi yimile hi kona, laha—
- (a) loyi a tekaka xiyimo xa hosi, murhangerinkulu wa xintu kumbe ndhuna a nga se kumiwa hi ndyangu wa vuhosi lowu wu khumbhekaka hi ku landza Nawu lowu;
  - (b) ku kumiwa ka loyi a nga teka xitulu xa hosi, murhangerinkulu wa xintu kumbe ndhuna ka ha kambisisiwaka na ku lulamisiwa hi ku landza Nawu lowu; kumbe
  - (c) hosi, murhangerinkulu wa xintu kumbe ndhuna tani hi laha mhaka yi nga hi kona, a nge vi kona endhawini ya yena yo vulawuri ehansi ka swiyimo handleka ka leswi swi nga nyiketiwa eka xiyenge xa 16(1) naswona ku ringana nkarhi wo hundzisa tsevu wa tin'wheti ku endlela—
    - (i) vutshunguri bya vuvabyi;
    - (ii) hlela swikongomelo; kumbe
    - (iii) xikongomelo xihi ni xihi xin'wana xa le nawini.
- (2) Holobyenkulu u fanele, eku thoriweni ka murhangeri wa xintu wo khomela hi ku landza xiyengenyana xa (1)—
- (a) ku nyika xitifikhethi ya ku thoriwa; na
  - (b) ku tivisa yindlu ya varhangeri va xintu ya xifundzankulu na yindlu yin'wana ya leyi yi fambelanaka na swona ya varhangeri va xintu.

- (3) Holobyenkulu u fanele ku langutisa nakambe ku thoriwa ka murhangeri wa xintu wo khomela hi tin'wheti ta 12 tin'wana na tin'wana.
- (4) Holobyenkulu u fanele hi xikombelo xa ndyangu wa vuhosi ku susa munhu loyi a nga thoriwa eka xiyimo xo yimela.

#### **Ku thoriwa ka vaseketeri va varhangeri va xintu**

16. (1) Hosi, murhangeri wa xintu kumbe ndhuna, tani hi laha mhaka yi nga yima ha kona, a nga ha, endzhaku ka vutihlanganisi na ndyangu wa vuhosi, thola museketeri loyi a nga ta xirho xa ndyangu wa vuhosi ku tirha ematshan'wini ya yena minkarhi hinkwayo loko hosi, murhangeri wa xintu kumbe ndhuna yoloye a—
- (a) va xirho xa nkarhi hinkwawo wa huvo ya masipala;
  - (b) a hlawuriwa ku va xirho xa mfumo wa milawu wa xifundzankulu;
  - (c) a hlawuriwa ku va xirho xa Phalamende xa Rixaka;
  - (d) a hlawuriwa ku va murhumuwa wa nkarhi hinkwawo eka Huvo ya Rixaka ya Swifundzankulu; kumbe
  - (e) a hlawuriwa ku, kumbe ku thoriwa eka, xiyimo xa nkarhi hinkwawo eka yindlu yihi ni yihi ya varhangeri va xintu.
- (2) Hosi, murhangerinkulu wa xintu kumbe ndhuna, tani hilaha mhaka yi nga yima hi kona u fanele ehenhleni ka ku thoriwa hi ku landza xiyengenyana xa (1) tivisa Holobyenkulu, yindlu ya varhangeri va xintu ya xifundzankulu ku katsa na yindlu ya ndhawu leyi yi fambelanaka na swona ya varhangeri va xintu ku ta ku thoriwa loku.
- (3) Holobyenkulu fanele endzhaku ka kuma vuxokoxoko bya ku thoriwa a nyika setikheti ya ya ku thoriwa eka muthoriwa.
- (4) Munhu loyi a nga thoriwa tani hi museketeri hi ku landza xiyengenyana xa (1) a nga ha endla mintirho leyi yi fambelanaka na xiyimo lexi ku vulavuriwaka hi xona.
- (5) Laha hosi yi nga thola museketeri hi ku landza xiyengenyana xa (1), hosi yi fanela ku tivisa Presidente hi ku thoriea kotano.

- (6) Hosi murhangerinkulu wa xintu kumbe ndhuna, tani hilaha mhaka yi nga yima hi kona, a nga susa museketeri loyi a nga thoriwa hi ku landza xiyengenyana xa (1) nkarhi wihi ni wihi.

#### **Tinhlengeletano ta ndyangu wa vuhosi**

17. (1) Ndyangu wa vuhosi wu fanele leswaku loko va hlangana ku ta vulavula hi timhaka leti ti tumbulukaka eka Nawu lowu, va tirha hi ku landza nawu wa xintu wa vaaki lava va khumbhekaka.
- (2) Ndyangu wa vuhosi wihi ni wihi wu fanele wu hlayisa buku ya makanelwa laha ku nga ta tsariwa makanelwa ya nhlengeletano yin'wana na yin'wana laha—
- (a) siku, nkarhi na ndhawu laha nhlengeletano yi nga khomeriwa kona;
- (b) mavito ya swirho swa ndyangu wa vuhosi leswi swi va ka kona ku katsa na swiyimo swa vona hi ku landza nawu wa vona; na
- (c) xiboho lexi xi nga tekiwa.
- (3) Mutirhela Mfumo, loyi a nga vekiwa hi Holobyenkulu, u fanele a fambisa ndyangu wa vuhosi naswona u fanele ku va na mfanelo yo vona tibuku ta makanelwa lawa ku kongomisiwaka eka wona eka xiyengenyana xa (2).

#### **KAVANYISA KA 5**

#### **MFANELO NA MINTIRHO YA VURHANGERI BYA XINTU**

##### **Timfanelo na mintirho ya vurhangeri bya xintu**

18. (1) Murhangeri wa xintu u tirha ntirho wihi ni wihi lowu wu nga nyikiwa hi nawu wa xintu, kumbe lowu a nyikiwaka wona hi nawu wi ni wihi, ehansi ka xiyenge xa 20 xa Nawu wa Rimba naswona handleka ku hambana na ku angarhela ka leswi swi nga rhanga, murhangeri wa xintu u fanele ku tirha mintirho hi ku katsa na, hi ku tihlanganisa na huvo ya xintu, mintirho leyi yi landzelaka:

- (a) ku tlakusa ku tsakela ka vaaki va xintu lava va khumbhekaka;
  - (b) hi ku tirhisana na vamasipala lava va fambelanaka na swona na tindzawulo ta mfumo, pfuna hi vufambisi bya vaaki va xintu;
  - (c) ku gingirika eku ndlandlamukiseni ka ndhawu ya vaaki va xintu ya yena;
  - (d) hi ku komberiwa hi ndzawulo yihi ni yihi ya mfumo kumbe masipala lowu wu fambelanaka na swona, ku tivisa vaaki hinkwavo va vaaki va xintu lava va khumbhekaka hi makungu ya nawu wihi ni wihi lowuntshwa; na
  - (e) ku tirhiwa ka mintirho yihi ni yihi leyi yi nga vekiwa hi xirho xa Mfumo hi ku landza Nawu lowu.
- (2) Swirho swa Mfumo swifanele, endzhaku ka ku nyikiwa mintirho eka huvo ya xintu hi ku landza xiyenge xa 20 xa Nawu wa Rimba, ku tivisa Holobyenkulu hi mintirho hinkwayo leyi yi nga nyikiwa.
  - (3) Huvo ya xintu yi fanele hi ku angarhela ku va ni vutihlamuleri eka Holobyenkulu hi mayelana na ku tirhisa matimba na ku tirhiwa ka mintirho na ku va ni vutihlamuleri eka xirho xa Mfumo lexi xi fambelanaka na swona hi mayelana na mintirho leyi yi nga nyikiwa hi xirho xo tano xa Mfumo.
  - (4) Tihuvo ta xintu ti fanele ku hlayisa milawu wa xintu ya Xiafrika.

**Ku amukeriwa ka vanhu vantshwa eka vaaki va xintu lava va nga kona na ku susiwa ka swirho leswi swi nga kona eka vaaki va xintu**

- 19. (1) Huvo ya xintu yi nga ha amukela munhu wihi ni wihi lontshwa eka vaaki va xintu hi ku landza milawu ya xintu ya vaaki va xintu lava va khumbhekaka.
- (2) A ku xirho lexi xi nga kona xa vaaki va xintu lexi xi nga ha susiwaka eka ndhawu ya vaaki va xintu handleka mavonele ya yena hi yexe.

**Ku kumisisiwa ka mindzilekano ya vaaki va xintu**

- 20. (1) Holobyenkulu a nga vonisisa mindzilekano ya tihuvo ta xintu na ku kandziyisa vuxokoxoko lebyi eka *Gazete* ku endlela vuxokoxoko byo angarhela.



- (2) Holobyenkulu a nga ha, endzhaku ka ku tihlanganisa na yindlu ya varhangeri va xintu ya xifundzankulu, hi ku endlela ku ahlula ntlimbo wa ndzilekano exikarhi ka vaaki vambirhi va xintu, ku hundzuluxa mindzelekano leyi yi nga kona ya vaaki va xintu lava va khumbhekaka loko ku hundzuluxa ku languteriwa ku ahlula ntlimbo lowu wu nga kona wa ndzilekano kumbe ku hoxa xandla mayelana na ku ahlula ntlimbo.

## KAVANYISA KA 6

### SWIPIMELO SWA VUKORHOKERI

#### Miholo na swiengetelo

21. (1) Miholo na swiengetelo swa varhangeri va xintu swi tirhaniwa hi ku landza Nawu wa Miholo ya Vatirhela Mfumo, 1998 (Nawu wa 20 wa 1998).
- (2) Xirho xa huvo ya xintu xi nga ha hakeriwa ku suka eka nkwama wa huvo ya xintu, swipfuno leswi swi nga bohiwa hi Holobyenkulu.

#### Marendzo na swiseketelo swa vutomi

22. (1) Loko xirho xa huvo ya xintu xi laveka ku teka rendzo ku huma endhawini ya fuma hi huvo hi nkarhi wo tirha mintirho ya huvo, swipfuno leswi swi nga bohiwa hi Holobyenkulu swi nga ha hakeriwa eka yena ku pfala tihakelelo ta swiseketelo swa vutomi: Ku ri hi leswaku swiolovisi swo tano a swi fanelanga swi hakeriwa loko xirho xi ringanerile ku kuma swipfuno hi ku landza makungu ya nawu wihi ni wihi kumbe xileriso kumbe loko ku ri na vumbhoni bya leswaku tihakelelo to tano ti hakeriwa munhu wa un'wana.
- (2) Murhangeri wa xintu loyi a nga ri ki xirho xa huvo ya xintu a nga ha, loko a ka rhi a tirha mintirho yihi ni yihi ya huvo, hakeriwa swiengetelo hi ku landza xiyengenyana xa (1).

#### Matikhomele

23. (1) Murhangeri wa xintu kumbe xirho xa huvo ya xintu u fanele, hi ku engetela eka matikhomele lawa ya nga vekiwa eka Nawu wa Rimba, a landzelela xiphemu lexi xi tirhaka xa matikhomele eka xedulu ya 2 eka Nawu lowu.

- (2) Ku tlula kwihi ni kwihi ka matikhomele lawa ku vuriwaka wona eka xiyengenyana xa (1) ku fanele ku tirhaniwa hi ku landza maendlele lawa ya nga vekiwa hi maendlele lawa ya nga vuriwa.

## KAVANYISA KA 7

### TIMHAKA TA TIMALI

#### Timali ta huvo ya xintu

24. Mali ya huvo ya xintu yi katsa--

- (a) timali hinkwato leti hi ku landza milawu wa xintu ya vaaki va xintu lava va khumbhekaka ti hakelekaka eka huvo ya xintu;
- (b) mindziho leyi yi hlengeletiwaka hi murhangeri wa xintu kumbe huvo hi ku landza milawu wa vaaki na mfuwo;
- (c) timali hinkwato leti ti humaka eka ndhundzu yihi ni yihi leyi yi nga emavokweni ya vaaki va xintu lava va khumbhekaka;
- (d) minyikelo hinkwayo leyi yi ndliwaka munhu wihi ni wihi leyi yi pfunaka vaaki va xintu lava va khumbhekaka, ku ri hileswaku mali yihi ni yihi ya xipimelo kumbe minyikelo, yi fanele ehansi ka nawu wihi ni wihi lowu wu tirhaka kumbe pholisi ya mfumo, ku fambisiwa hi ku landza swipimelo leswi swi nga kona;
- (e) timali hinkwato leti ti hakeleriwaka eka huvo ya xintu ehansi ka nawu wihi ni wihi; na
- (f) mintsengo yihi ni yihi leyi yi nga kumiwa hi huvo ya xintu ehansi ka xiyenge xa 25.

#### Tihakelo ta huvo ya xintu

- 25 (1) Huvo ya xintu yi nga ha, hi ku pfumeleriwa hi Holobyenkulu, vaka hakelo ya huvo ya xintu ehenhla ka muhari un'wana na un'wana wa xibalo eka ndhawu ya xintu leyi yi khumbhekaka.

- (2) Hakelo ya huvo ya xintu ehansi ka xiyenganyana xa (1) xi ta tivisiwa hi Holobyenkulu hi xitiviso eka Gazete naswona xi ta sungula ku tirha hi siku leri ri nga ta tivisiwa eka xitiviso xa kona.
- (3) Muhakeri wihi ni wihi wa xibalo loyi a vuriwaka eka xiyenganyana xa (1), loyi a tsandzekaka ku hakela tihakelo ta huvo a nga ha tirhaniwa na yena hi ku landza milawu wa xintu ya vaaki va xintu lava va khumbhekaka.

#### **Ku pfuriwa ka tinkota ta timali ta tihuvo ta xintu**

26. (1) Holobyenku u fanele ku endla leswaku ku pfuriwa hi ku endlela huvo yin'wana ni yin'wana ya xintu, nkota leyi eka yona ku nga ta hakeriwa mintsengo hinkwayo hi ku landza xiyenge xa 24 naswona laha tihakelelo hinkwato leti ti nga vangiwa hi mayelana na mhaka yihi ni yihi ehansi ka matimba ya huvo ya xintu leyi yi khumbhekaka ti nga ta hakeriwa.
- (2) Ku lawuriwa ka nkota leyi ku kongomisiwaka eka yona eka xiyenge xa (1) ku le mavokweni ya Holobyenkulu: Kuri hi leswaku Holobyenkulu a nga ha eka swipimelo swo tano tani hi Holobyenkulu vona swi fanerile ku hundzisela matimba waha na waha mayelana na ntsengo lowu wu nga vuriwa eka huvo ya xintu leyi yi khumbhekaka.
- (3) Holobyenkulu a nga ha, hi ku twanana na huvo ya xintu leyi yi khumbhekaka, endla vuvekisi bya timali ehansi ka nkota ya huvo ya xintu leti ti nga lavekiki hi nkarhi wa xihatla kumbe tani hi balansi yo twisiseka ya tihekelelo ta nkarhi wa sweswi kumbe dipoziti ya nkarhi wo koma eka bangi yihi ni yihi kumbe vandla ra swatimali leri ri nga tsarisiwa eka Rhiphabliki ra ku fika laha naswona ehansi ka swipimelo na swiyimo swo tano hi laha Holobyenkulu a nga ha bohaka ha kona.

#### **Mutirhi wa Tinkota ta timali tihuvo ta xintu**

27. Mufambisinkulu hi yena mutirhi wa tinkota ta tihuvo ta xintu.

**Swiviko swa timali hi kotara**

28. Huvo ya xinti yin'wana na yin'wana yi fanele hi ku endlela lembe-ximali rin'wana na rin'wana, hi 15 wa masiku endzhaku ka ku hela ka kotara yin'wana na yin'wana, nyika Mufambisinkulu xiviko xo hetiseka xa timali na tihakelelo ta kotara leyi ya ha ku helaka na hi lembe eku heleni ka lembe-ximali na hi nkarhi lowu wu nga bohiwa hi Holobyenkulu, yisa eka Mufambisinkulu, xiviko xa mali na tihakelelo ta huvo ta lembe leri ra ha ku helaka.

**Ku hlayisiwa ka tirhekhodo**

29. (1) Huvo ya xintu yi fanele ya hlayisa tirhekhodo ta mfanelo ta migingiriko hinkwayo na mali na tihakelelo.
- (2) Huvo ya xintu yi fanele yi endla tirhekhodo leti ku vuriwaka tona eka xiyengenyana xa (1) ti va kona ku va ti ta kamberiwa hi Oditara-Jenerala.

**Ku endliwa swiboho swa khomixini**

30. (1) Holobyenkulu u fanele, hi nkombo wa masiku ya kumiwa ka xiboho xa khomixini hi ku landza xiyenge xa 26(2) xa Nawu wa Rimba, hundzisela xiboho xo tano eka yindlu ya xifundzankulu ya varhangeri va xintu ku ta kuma switsundzuxo swa ku endla swiboho.
- (2) Yindlu ya xifundzankulu ya varhangeri va xintu yi fanele ku tisa xitsundzuxo xa yona lexi ku vuriwak xona eka xiyengenyana xa (1) eka Holobyenkulu hi 14 wa masiku ya ku xi kuma, ku ri hileswaku Holobyenkulu a nga ha, loko a vona swi fanerile, lava leswaku yindlu ya varhangeri va xintu ya xifundzankulu ku tisa xitsundzuxo hi nkarho wo karhi wo koma.
- (3) Holobyenkulu u ta sungula ku endla xiboho xa khomixini hi 30 wa masiku ya ku kuma xiboho xo tano ku suka eka khomixini.

**Swinawana**

31. Holobyenkulu a nga ha endla swinawana mayelana na—

- (a) mhaka yihi ni yihi leyi ku landza Nawu lowu yi lavekaka kumbe ku pfumeleriwa ku vekiwa;
- (b) hi ku angarhela, mhaka yihi ni yihi leyi yi voniwaka yi fanerile kumbe ku boha ku vekiwa leswaku ku fikeleriwa swikongomelo swa Nawu lowu.

### **Vurhumiwa**

32. (1) Holobyenkulu a nga nyika matimba yahi ni yahi ya yena kumbe mintirho eka munhu wihi ni wihi hi ku landza Nawu lowu.
- (2) Ku rhumiwa loku kongomisiweke eka xiyengenyana xa (1) ku nga tshikiwa nkarhi wihi ni wihi hi Holobyenkulu naswona a swi sivele Holobyenkulu ku va a tirhisa matimba kumbe ku endla mintirho loko matimba kumbe mintirho swi nyikiwile hi ndlela yaleyo.

### **Makungu ya nkarhinyana**

33. (1) Makungu wahi ni wahi ya Nawu lowu lama ya lavaka ku tsundzuxana ni nhlangano lowu wu nga si tumbuluxiwaka, ya ta tshama ya nga tirhi ku fika eka xiyimo lexi xi lavaka ku tsundzuxana kaloko, ku fikela loko nhlangano lowu faneleke wu tumbuluxiwile.
- (2) Murhangeri wihi ni wihi loyi a thoriweke eka swiyimo swo tano leswi swi tirhaka eka mfumo wa milawu naswona a tlhela a voniwa tanihi murhangeri wa ndhavuko xikan'we Nawu lowu wu nga si sungula ku tirha, u ta va a voniwe tano hi ku landza makungu lama faneleke ya Nawu lowu.
- (3) Munhu loyi xikan'we Nawu lowu wu nga si sungula ku tirha, a nga thoriwa naswona a ha voniwaka tani hi mukhomeri, kumbexana a thoriwile hi xiyimo xo khomela kumbe a ri museketeri, u tekiwa a voniwa kumbe ku thoriwa hi ku landza swiyimo swa makungu ya Nawu lowu.
- (4) Rixaka rihi ni rihi xikan'we loko Nawu lowu wu nga si sungula ku tirha, wu vile kona ehansi ka makungu ya nawu wihi ni wihi, ri ta voniwa tanihi rixaka ra ndhavuko leri tumbuluxiweke ehansi ka Nawu lowu.

- (5) Vulawuri bya xikaya kumbe huvo ya xikaya leyi xikan'we loko Nawu lowu wu nga si sungula ku tirha a ri ri kona ehansi ka makungu ya nawu wihi ni wihi ri ta voniwa tanihi huvo ya rixaka leyi tumbuluxiweke ehansi ka Nawu lowu: Ntsena loko ku ri leswaku huvo yaleyo ya rixaka yi ta landzelela makungu ya xiyenge xa 4 hi lembe rin'we loko Nawu lowu wu sungurile ku tirha.

#### **Ku herisiwa ka milawu na ku vekisa**

34. (1) Hi ku landza makungu ya xiyengenyana xa (2 ) na (3), milawu leyi hlayiweke eka rixaxa ra vumbirhi ra Xedulu ya 1 ya herisiwa ku fika eka xiyimo lexi kombisiweke eka rixaxa ra vunharhu ra Xedulu ya 1 ku sukela siku leri bohiweke hi Holobyenkulu hi xitiviso eka Gazete.
- (2) Masiku yo hambana ya nga bohiwa tano hi Holobyenkulu hi ku landza milawu yo hambana.
- (3) Xilo xin'wani na xin'wani lexi xi endliweke ehansi ka nawu lowu herisiweke hi xiyengenyana xa (1) naswona lexi kotaka ku va xi endliwa ehansi ka Nawu xi voniwa tanihi lexi xi endliweke ehansi ka Nawu lowu.

#### **Nhlokomhaka hi ku komisa**

35. Nawu lowu wu ta vitaniwa Nawumbisi wa Vurhangeri bya Ndhavuko na Mavandla wa Xifundzankulu xa Limpopo, 2005, naswona wu ta sungula ku tirha hi siku leri bohiweke hi Holobyenkulu hi xitivisa-nawu eka Gazete.

**XEDULU YA 1****Milawu leyi herisiweke**

<b>Nomboro ya Nawu</b>	<b>Nhlokomhaka hi ku komisa</b>	<b>Xiyimo xa ku wu herisa</b>
Nomboro 29 wa 1991	Xitivisa nawu xa Varhangeri va Ndhavuko va Venda	Hinkwawo
Nomboro 38 wa 1927	Nawu wa Vufambisi bya Vantima	Ku fika ka xiyimo lexi Nawu lowu wu vekiweke eka Xifundzankulu

**XEDULU 2****KHODI YA MATIKHOMELE****Xiphemu xa A*****Swirho swa tihuvo ta xikaya*****Tinhlamuselo**

1. Eka Xedulu leyi 'murhandzani' ri vula munhu loyi a tshamaka ni munhu wun'wani i nga ku va tekanile.

**Matikhomele hi ku angarhela ya swirho swa tihuvo ta xikaya**

2. Xirho xa huvo ya xikaya xi fanele xi-
  - (a) endla mintirho ya hofisi hi moya wa kahle, tshembheka na hi ndlela leyi yi vonakaka; na
  - (b) minkarhi hinkwayo u fanele a tikhoma kahle leswi tsakisaka tiko xikaya na hi ndlela leyi xiyimo na ku tshembheka ka tiko xikaya a ku nga yi ehansi.

**Ku ngenela tinhlengeletano**

3. Xirho xa huvo ya xikaya xi fanele xi ngenela nhlengeletano yin'wani na yin'wani ya huvo ya xikaya naswona yi fanele yi va komiti leyi xirho xa huvo ya xikaya a nga xirho, handle kaloko –
  - (a) livhi yo ka a nga a nga vi kona entirhweni yi nyikiwile hi ku landza milawu leyi yi tirhaka kumbe tanihi leswi swi bohiweke hi huvo ya xikaya; kumbe
  - (b) xirho xo tano xa huvo ya xikaya swa laveka hi ku landza Khodi leswaku xi huma eka nhlengeletano.

**Minxupulo ya ku nga ngeneli tinhlengeletano**

4. (1) Huvo ya xikaya yi nyika fayini tanihi leswi swi bohiweke hi milawu na mafimbisele ya nkarhi hikwawu ya huvo ya xikaya ku:



- (a) ka a nga ngeneli nhlengeletano leyi xirho xexo xa huvo ya xikaya xi faneleke xi yi ngenela hi ku landza xiyenge xa xa 3; kumbe
  - (b) tsandzeka ku tshama eka nhlengeletano yo tano.
- (2) Xirho xa huvo ya xikaya loyi a nga viki kona eka tinhlengeletano ta huvo ya xikaya tinharhu kumbe ku tlula to landzelelana, kumbe ku tlula ta tinhlengeletano ta komiti leyi xirho xo tano xa huvo ya xikaya xi faneleke xi yi ngenela hi ku landza ayitheme ya 3, u fanele a susiwa ehofisini tanihi xirho xa huvo ya xikaya.
- (3) Mafambisele ya ku nyika fayini kumbe ku susa xirho xa huvo ya xikaya ya fanele ya endliwa hi ku landza maendlelo laya fanaka ya nkarhi hinkwawo ya huvo ya xikaya yin'wani ni yin'wani leyi va yi tirhisaka eka swikongomelo swa ayitheme leyi. Maendlele laya fanaka ya fanele ya landzelela milawu ya nawu wa ntumbuluko.

#### **Ku humesela erivaleni mabindzu**

- 5 (1) Xirho xa huvo ya rixaka xi fanele xi-
- (a) tivisa eka huvo ya xikaya kumbe eka komiti yihi ni yihi leyi xirho xo tano xa huvo ya xikaya xi nga xirho, bindzu ro kongoma na ro ka ri nga kongomi kumbe bindzu ra le xihundleni leri xirho xa huvo ya xikaya, kumbe nsati/nuna, murhandzani kumbe mutirhisani kuloni eka bindzu ra xirho xa huvo ya xikaya lava a nga ni vona eka huvo kumbe komiti; na
  - (b) ku huma eka mafambisele ya huvo kumbe komiti loko mhaka yaleyo yi kambisisiwa hi huvo kumbe komiti, handlekaloko huvo kumbe komiti va boha leswaku ku va ni bindzu ka xirho xexo xa huvo ya xikaya a swi nga fanelangi.
- (2) Xirho xa huvo ya xikaya loyi nuna/nsati, murhandziwa, mutirhikuloni wa bindzu kumbe xirho xa ndyangu xa le kusuhi, a kumile kumbe a faneleke a kuma mbuyelo wo kongoma ku suka ka kontiraka leyi endliweke ni tiko- xikaya u fanele a humesa swilaveko hinkwaswo swa mbuyelo lowu xirho xa huvo ya xikaya yi wu tivaka eka nhlengeletano yo sungula ya huvo ya xikaya laha swi kotekaka leswaku xirho xa huvo ya xikaya xi humesela ehandle mabindzu ya xona.
- (3) Xiyenge lexi a xi tirhi eka mabindzu kumbe mbuyelo lowu xirho xa huvo ya xikaya, kumbe nuna/nsati, murhandzani, mutirhisani kuloni eka bindzu kumbe xirho xa ndyangu xa le kusuhi a nga swi kuma swi fana ni swa vatshami va le ka tiko xikaya.

***Ku kuma swa vuyena***

- 6 (1) Xirho xa huvo ya xikaya a xi nge tirhisi xiyimo kumbe timfanelo ta xirho xa huvo ya xikaya, kumbe a kuma mahungu lama ya nga ya xihundla tanihi xirho xa huvo ya xikaya, leswaku yena hi vuyena a vuyeriwa kumbe munhu wun'wani a vuyeriwa hi ndlela yo ka yi nga ri kahle.
- (2) Handle ka laha ku nga ni mpfumelelo wa huvo ya xikaya, xirho xa huvo ya xikaya xi nge-
- (a) vi xirho kumbe mudyandzhaka ehansi ka kontiraka ya-
- (i) makungu ya nhundzu na vutirheli bya huvo ya xikaya; kumbe
- (ii) ku tirha ntirho wihi ni wihi wo ka ku nga ri tanihi xirho xa huvo ya xikaya ya tiko xikaya;
- (b) kuma ntswalo wa mali eka bindzu rihi ni rihi ra tiko xikaya; kumbe
- (c) kumi ntsengo kumbe nkambisiso wun'wani ni wun'wani hi ku yimela munhu wihi ni wihi wun'wani emahlweni ka ka huvo kumbe komiti.
- (3) Loko ku tlula kotara yin'we ya swirho swa huvo ya xikaya va kanetana na mpfumelelo lowu wu nyikiweke xirho xa huvo ya xikaya hi ku landza xiyengenyana xa (2), mpfumelelo wo tano wu nga nyikiwa xirho xa huvo ya xikaya hi mpfumelelo wa Holobyenkulu.

***Ku boxa mabindzu***

- 7 (1) Loko a hlawuriwile kumbe a thoriwile, xirho xa huvo ya xikaya xi fanele ku nga si hela masiku ya 60 a boxa hi ku tsala eka mutirhi loyi a thoriweke hi mfumo loyi a vekiweke hi Holobyenkulu mabindzu ya timali lama ya landzelaka lawa xirho xa huvo ya xikaya xi nga ni wona.
- (a) tixere na sekhurithi eka khamphani yihi ni yihi;
- (b) vuxirho eka bindzu rihi ni rihi;
- (c) bindzu eka nkwama wihi ni wihi;
- (d) vufambisi;
- (e) vutirhikulobye;
- (f) swin'wani swa timali eka mabindzu yan'wani;
- (g) ntirho na muholo;
- (h) ntsakelo eka nhundzu;

- (i) mudende; na
  - (j) swipfuno, mudende na ku pfuniwa hi minhlango.
- (2) Ku ncinca kwihi ni kwihi kumbe mhaka ya timhaka ta timali ta xirho xa huvo ya xikaya swi fanele swi boxiwa hi ku tsariwa swi ya eka mutirhi loyi a kongomisiweke eka ayithemenyana ya (1) lembe na lembe.
- (3) Tinyiko leti amukeriwaka hi xirho xa huvo ya xikaya leti nga henhla ka ntsengo lowu hlamuseriweke swi fanele na swona swi boxiwa hi ku landza ayithemenyana ya (1).
- (4) Huvo ya xikaya yi fanele yi boha leswaku hi swihi swa mabindzu ya mali lama ya kongomisiweke eka ayithemenyana ya (1) lama ya faneleke ya humeseriwa ehandle hi ku tekela enhlokweni mhaka ya xihundla na ku tsakela ka vanhu leswaku swi humesiriwa ehandle.

***Tihakelo, tinyiko na ku ba mati***

8. Xirho xa huvo ya xikaya a xi nge kombeli, katsi kumbe amukela hakelo yihi ni yihi, nyiko kumbe ku ba mati eka-
- (a) Ku vhoti na ku nga vhoti hi ndlela yin'wani eka mhaka yihi ni yihi emahlweni ka huvo ya xikaya kumbe emahlweni ka komiti leyi xirho xo tano xa huvo ya xikaya xi nga xirho;
  - (b) ku hlohlotela leswaku huvo ya xikaya kumbe komiti yihi ni yihi hi mayelana na ku tirhisa matimba wahi ni wahi, mintirho na timfanelo;
  - (c) ku endla vuyimeri eka huvo ya xikaya kumbe komiti yihi ni yihi ya huvo; kumbe
  - (d) humesa timhaka leti a ti kumaka kumbe ta xihundla.

***Ku humesa timhaka swi nga ri enawini***

9. (1) Xirho xa huvo ya xikaya humesi timhaka leti a ti kumeka kumbe timhaka ta xihundla a nga ri ni mpfumelelo wa huvo kumbe komiti eka munhu loyi a nge fanelangiki.
- (2) hi xikongomelo xa ayitheme 'timhaka leti kumiwaka kumbe taxihundla swi katsa timhaka tihi ni tihi leti-
- (a) bohiweke hi huvo ya xikaya kumbe komiti ku va ti ri leti kumiwaka hi vanhu vo karhi kumbe ta xihundla;
  - (b) swi vulavuriwile eka leyi nhlangeletano leyi pfalekeke hi huvo kumbe komiti;
  - (c) ku humesa timhaka leswi swi nga ta onha mfanelo ya ku va ni xihundla; kumbe

- (d) bohiwaka ku va ti kumiwa hi vanhu vo karhi, xihundla hi ku ya hi nawu
- (4) Ayitheme leyi a yi yisi ehansi mfanelo ya munhu wihi ni wihi ku va a kuma timhaka hi ku ya hi nawu wa tiko

***Nhundzu ya tiko***

10. Xirho xa huvo ya xikaya a xi nge tirhisi, teki, kuma kumbe ku vuyeriwa hi nhundzu leyi yi fumiwaka, lawuriwaka kumbe fambisiwaka hi huvo ya xikaya leyi xirho xexo xa huvo ya xikaya xi nga ri ki ni mfanelo.

***Ku tlula Khodi***

- 11 (1) Loko huvo ya xikaya, hi ku sola ko twisiseka a vona leswaku makungu ya xiyenge lexi xa Khodi ya Matikhomele yi tluriwile, huvo ya xikaya yi fanele-
- (a) pfumelela leswaku ku va ni ndzavisiso wa timhaka na swiyimo swa ku tluriwa loko;
  - (b) nyika xirho xa huvo ya xikaya nkarhi wo twisiseka ku va a hlamula hi ku tsala mayelana ni ku tluriwa ka khodi loku vuriwaka; na
  - (c) vika mhaka eka nhlengeletano ya huvo ya xikaya endzhaku ka ndzimana ya (a) na (b) ti landzeleriwile.
- (2) Xiviko hi ku landza ayithemenyana ya (1) (c) xi pfulekile eka vanhu.
- (3) Huvo ya xikaya yi fanela yi vika mbuyelo eka Holobyenkulu.
- (4) Murhangeri loknkulu wa ndhavuko u fanele a vona leswaku xirho xin'wani na xin'wani xa huvo ya xikaya loko xi nghena ehofisini xi fanele xi kuma khopi ya Khodi na leswaku khopi ya Khodi yi kona eka kamara yin'wani ni yin'wani kumbe ndhawu leyi huvo ya xikaya yi hlanganelaka kona.
- (5) Huvo ya xikaya yi nga-
- (a) nga lavisisa na ku endla mbuyelo eka ku tlula loko ku vuriwaka ku ya hi makungu ya Khodi leyi; kumbe
  - (b) tumbuluxa komiti yo hlawuleka
    - (i) ku lavisisa na ku endla mbuyelo eka ku tlula loko ku vuriwaka ku ya hi makungu ya Khodi leyi; kumbe

- (ii) ku nyika swibumabumelo leswi faneleke eka huvo ya xikaya
- (6) Loko huvo kumbe komiti yo hlawuleka yi kuma leswaku xirho xa huvo ya xikaya xi tlurile makungu ya xiyenge lexi xa Khodi ya Matikhomele, huvo yi nga-
- (a) humesa xitshinyo xa ximfumo eka xirho xa huvo ya xikaya;
  - (b) laya xirho xa huvo ya xikaya;
  - (c) kombela Holobyenkulu leswaku a tshikisa xirho xa huvo ya xikaya ntirho swa xinkarhani; fayina xirho xa huvo ya xikaya; na
  - (d) kombela Holobyenkulu leswaku a susa xirho xa huvo ya xikaya ehofisini
7. (a) Xirho xihhi ni xihhi xa huvo ya xikaya lexi xi tshinyiweke, tsundzuxiweke kumbe fayiniwa hi ku landza ndzimana ya (a), (b) kumbe (d) ya ayithemenyana ya (6) ku nga si hela masiku ya 14 ya ku va a tivisiwile hi xiboho xa huvo ya xikaya, a nga aphila hi ku tsalela Holobyenkulu na ku kombisa swivangelo leswi aphili yi kongomisiweke eka swona.
- (b) Khopi ya aphili yi fanele yi nyikiwa huvo ya xikaya.
- (c) Huvo ya xikaya ku nga si hela masiku ya 14 ya ku va ku amukeriwile aphili leyi yi kongomisiweke eka ndzimana ya (b) va nga nyika vuyimeri mayelana na aphili eka Holobyenkulu hi ku tsala.
- (d) Holobyenkulu endzhaku kaloko a kambisisile aphili, tiyisisa, veka etlhelo kumbe a hambana ni xiboho xa huvo na ku tivisa huvo hi mbuyelo wa aphili.
8. Holobyenkulu a nga thola munhu kumbe komiti ku lavisisa ku tluriwa ka khodi loku vuriwaka ka makungu ya Khodi leyi na ku endla swibumabumelo eka ku va xirho xa huvo ya xikaya xi fanele xi yimisiwa entirhweni kumbe a susiwa ehofisini.
9. Loko Holobyenkulu hi mavonele ya yena a vona leswaku xirho xa huvo ya xikaya xi tlurile makungu ya ya Khodi leyi, naswona ku tlula ko tano ku la ku yimisiwa entirhweni kumbe ku susiwa ehofisini, Holobyenkulu a nga-
- (a) yimisa xirho xa huvo ya xikaya ku tirha nkarhi na hi swiyimo leswi swi boxiweke hi Holobyenkulu; kumbe
  - (b) susa xirho xa huvo ya xikaya ehofisini.

10. Ndzavisiso wihi ni wihi wu nga va hi ku landza ayitheme leyi wu fanele wu landzelela milawu ya nawu wa ntumbuluko.
11. Holobyenkulu a nga lerisa leswaku makungu ya Nawu wa Khomixini ya Vulavisisi ya Limpopo, 2001 (Nawu wa 4 wa 2001) wu tirha eka vulavisisi byihi ni byihi bya xiyenge lexi xa Khodi ya Matikhomele.

## **XIYENGE XA B**

### ***Varhangeri va ndhavuko hinkwavo***

#### **Matikhomele yo ka ya nga ri kahle**

- (1) Murhangeri wa ndhavuko u ta voniwa nandzu naswona a ku nga tirhaniwa na yena hi ku landza makungu ya ayitheme ya 2, loko murhangeri wa ndhavuko a-
  - (a) hambana kumbe tsandzeka ku landzelela makungu wahi ni wahi ya Nawu lowu kumbe a tsandzeka ku endla ntirho wihi ni wihi kumbe ku endla swilaveko leswi vekiweke ehenhla ka murhangeri wa ndhavuko hi kumbe ehansi ka nawu wun'wani;
  - (b) tshika, a nga vileli kumbe ku loloha ku endla mintirho ya yena;
  - (c) nga swi koti ku tirha mintirho ya yena yena hi ndlela leyi enetisaka;
  - (d) yingiseri, tekeli enhlokweni kumbe a endla xihoxo hi mavomu eku endleni ka xileriso xa nawu lexi a nyikiweke xona hi munhu loyi a nga ni matimba yo endla tano;
  - (e) ti khome hi ndlela leyi yi nyumisaka, nga ri ki kahle na leyi nga pfumeleriweki;
  - (f) voniwa nandzu hi khoto ya nawu ku va a ri ni nandzu wa lowu nga ni ku onha na ku nga tshembheki.

#### **Maendlelo eka timhaka ta matikhomele yo ka ya nga ri kahle**

2. (1) Loko murhangeri wa ndhavuko a pumbiwa ku va a nga tikhomangi kahle tanihi leswi swi hlamuseriweke eka ayitheme ya 1, huvo ya xikaya ya tiko xikaya leyi yi khumbhekaka yi fanele yi lavisisa ku pumbiwa loko hi mayelana na nawu wa xikaya wa tiko xikaya leri khumbhekaka. Vulavisisi hi ku landza ayithemenyana leyi byi fanele byi landzelela nawu wa tiko.

- (2) Loko huvo ya xikaya endzhaku ka vulavisisi lebyi kongomisiweke eka xiyengenyana xa (1), va vona leswaku murhangeri wa ndhavuko u ni nandzu wo ka a nga tikhomagi kahle, huvo ya xikaya hi ku tsundzuxana na yindlu ya vuhosi, va fanele va yisa mbuyelo wa vulavisisi xikan'we na xibumabumelo swa goza leri faneleke eka Holobyenkulu.
- (3) (a) Holobyenkulu ku nga si hela nkombo wa masiku u fanele a va a amukerile mbuyelo wa vulavisisi hi ku landza xiyengenyana xa (2), u fanele a kongomisa mhaka leyi eka Yindlu ya Xifundzankulu ya Varhangeri va Ndhavuko leswaku va bumabumela.
- (b) Yindlu ya Xifundzankulu ya varhangeri va ndhavuko yi fanele yi kambisisa mhaka na ku va va kongomisa swibumabumelo swa vona eka Holobyenkulu ku nga si hundza masiku ya 14 loko va amukerile mhaka eka holobyenkulu.
- (4) Loko endzhaku kaloko va amukerile swibumabumelo wa Yindlu ya Xifundzankulu ya Varhangeri va Ndhavuko, Holobyenkulu a enetisekile leswaku murhangeri wa ndhavuko u voniwa nandzu wa ku va a nga ti khomangi kahle, Holobyenkulu hi ku landza swibumabumelo swa huvo ya xikaya na Yindlu ya Xifundzankulu ya Varhangeri va Ndhavuko a nga-
- (a) chavisa kumbe ku tsundzuxa murhangeri wa ndhavuko; kumbe
- (b) n'wu nyika fayini eka murhangeri wa ndhavuko; kumbe
- (c) lerisa leswaku murhangeri wa ndhavuko a nga hakeriwi muholo wa yena eka nkarhi wo karhi; kumbe
- (d) a katsa leswi nga ka ndzimana ya (b) na (c); kumbe
- (e) kongomisa mhaka leyi eka yindlu ya vuhosi na xileriso xa leswaku mhaka leyi yi yi tirhiwa hi ku landza xiyenge xa 13 xa Nawu lowu, loko Holobyenkulu a enetiseka leswaku swi fanele swi wela eka xiyenge lexi.
- (5) Holobyenkulu hi mavonelo ya yena loko a nga se endla hi ku landza ayitheme ya (4), a nga thola komi u leyi yi nga ta tlhela yi endla vulavisisi eka mikhomele yo ka ya nga ri kahle lama ya nga kona.
- (6) Holobyenkulu a nga lerisa leswaku makungu ya Nawu wa Khomixini ya Vulavisisi ya Xifundzankulu xa N'walungu, 2001 ( Nawu wa 4 wa 2001) ya fanele ya tirha eka vulavisisi byihi ni byihi hi ku landza ayithemenyana ya (5)

**XEDULU YA 3*****XIHLAMBANYISO XA HOFISI***

Mina A. B, ndza hlambanya leswaku ndzi ta tshembheka eka \_\_\_\_\_ tiko xikaya naswona ndzi tlhela ndzi tiyisisa na ku tshembhisisa leswaku nkarhi hinkwawo ndzi ta tlakusa na ku kanetana na swo biha leswi swi nga onhaka vanhu va tiko xikaya; ndzi ta yingisela, languta, tlakusa na ku hlayisa milawu ya xikaya ya tiko xikaya na milawu hinkwayo ya Afrika-Dzonga; ku tirha mintirho ya mina hi mbilu ya mina hinkwayo na na ku tirhisa nyiko ya mina hi vutivi na vuswikoti bya mina na ntiyiso lowu ni nga na wona eka mapfalo ya mina; ku va kahle eka vanhu hinkwavo; na ku nyiketela vutomi bya mina eka tiko xikaya na vanhu va rona.

Xikwembu xa matimba a xi ndzi pfune hi Tintswalo ta xona ku ndzi kombisa ndlela na ku ndzi pfuna eka ku hlayisa xihlambanyiso lexi hi ku chaviseka na ndzhuti.

Ndzi pfune Xikwembu



**MEMORANDAMU YA SWIKONGOMELO SWA NAWUMBISI WA VURHANGERI BYA NDHAVUKO NA MAVANDLA WA XIFUNDZANKULU XA LIMPOPO, 2005.****VUYIMERI**

Ku sungula ka xidimokrasi khume ra malembe lama hundzeke swi kumile vurhangeri bya ndhavuko byi rhendzeriwile hi milawu yo tala leyi humaka eka swiyenge swa mfumo na yin'wani leyi a yi huma eka mimfumo ya khale leyi a yi tiyimerile na leyi a yi tifuma. Xiyimo lexi xi tikisiwile hikwalaho ka leswaku loko ku tumbuluxiwa swifundzankulu swintshwa, swi tekile switirho swa nawu leswi a swi huma eka mimfumo leyi vuriweke laha henhla. Xin'wani na xin'wani xa switirho swa nawu leswi xi ni matirhele lama ya pimiweke ku ya hi ndhawu. Leswi swi endlile leswaku Xifundzankulu xin'we xi khomiwa ku hambana ni swin'wani ku ya hi ndhawu.

Ku kota ku lulamisa xiyimo lexi xi nga hlamuselekiki, Mfumo wa Rixaka wu vekile Nawu wa Rimba ra Vurhangeri bya Ndhavuko na ku Fuma, 2003 (nawu wa 41 wa 2003) lowu sayiniweke hi President hi 11 N'wendzamhala 2003. Nawu lowu wu nyika masungulo ya swinawana swa vurhangeri bya ndhavuko xikan'we wu lava na Swifundzankulu ku ngenisa milawu xa xifundzankulu eka masungulo ku nyika makungu eka timhaka leti yelanaka ni Xifundzankulu.

Leswi hi swona swi endleke leswaku ku mpfampfarhutiwa Nawumbisi wa Vurhangeri bya Ndhavuko na Mavandla wa Xifundzankulu xa Limpopo, 2005. Nawumbisi lowu wu nyika makungu eka ku tekeriwa enhlokweni ka tindhawu ta le makaya, tihuvo ta ndhavuko, nhlawulo na ku thoriwa ka swirho, ku tekeriwa enhlokweni ka varhangeri va ndhavuko, ku susiwa ka vona, swiyimo ni mintirho, timali ta tihuvo ta ndhavuko na vulawuri bya timali, mali ya ku famba ya tihuvo ta ndhavuko, tinhlengeletano ti yindlu ya vuhosi na tihuvo ta ndhavuko na timhaka tin'wana leti ti yelanaka na vurhangeri bya ndhavuko na mavandla.

**KU KHUMBHEKA KA SWA TIMALI**

Mali yi ta tirhisiwa hi ndlela ya ku nyika nseketelo wa swa timali eka tihuvo ta ndhavuko, ku thoriwa ka vatirhi ku va va fambisa matirhele na timali to navetisa mpfampfarhuto wa Nawumbisi leswaku wu ta kota ku fikelela vanhu vat a kota ku nyika mavonelo ya vona.

**KU KHUMBHEKA KA VUMBIWA**

Ku hava

**KU KHUMBHEKA KA VATIRHI NA HOFISI**

Vatirhi va fanele va thoriwa leswaku va ta fambisa matirhele ya tihuvo ta ndhavuko.

**KU KHUMBHEKA KA VUHLANGANISI**

Mpfampfarhuto wa Nawumbisi wu fanele wu hangalasiwa leswaku vanhu va kota ku nyika mavonelo ya vona

**MAVANDLA LAMA KU TIHLANGANISIWEKE NI WONA**

Ku tihlanganisiwile ni Yindlu ya Varhangeri va Ndhavuko ya Xifundzankulu na Ndzawulo ya Mfumo wa Ndhawu na Xifundzankulu naswona mpfampfarhuto wa Nawumbisi wu ta hangalasiwa leswaku vanhu va kota ku nyika mavonelo ya vona.

**NXOPONXOPO WA XIVULWANA HI XIVULWANA***Xivulwana xa 1*

Xivulwana lexi xi hlamusela tinhlamuselo tin'wani na marito man'wani lama tirhisiweke eka Nawumbisi..

*Xivulwana xa 2*

Xivulwana lexi xi tirhana ni nhlamuselo na ku tirha ka Nawu naswona xi nyika makungu ya leswaku ku hlamuseriwa ka Nawu lowu swi va hikwalaho ka Nawu lowu wu endleke leswaku swi koteka, xik, Nawu wa Rimba ra Vurhangeri bya Ndhavuko na ku Fuma, 2003 (Nawu wa 41 wa 2003).

Xi thlela xi nyika makungu eka ku tirhisiwa ka swiyimo swa ndhavuko leswi swi nyikiweke varhangeri va ndhavuko hi ku landza ndhavuko a swi nge kavanyeti, kambe swiyimo leswi swi nge yisi ehansi kumbe ku engetela swin'wani eka xitetasi, xiphemu, na mintirho ya murhangeri wa ndhavuko tanihi leswi swi hlamuseriwaka eka Nawu lowu.

Nawu lowu wu tlhela wu nyika makungu leswaku varhangeri va ndhavuko va fanele tiva kumbe ku tekela enhlokweni swiyimo swo hambana swa le henhla exikarhi ka varhangeri va ndhavuko hi ku lanza ndhavuko.

*Xivulwana xa 3*

Eka xivulwana lexi maendlelo yak u tekela enhlokweni ka tindhawu ta ndhavuko swi vekiwele hi ku landza leswaku xikombelo lexi xi nga ni swilaveko leswi swi lavekaka xi fanele xi yisiwa eka Holobyenkulu loyi a faneleke ku kongomisa xikombelo lexi eka Yindlu ya xikaya ya varhangeri va ndhavuko leyi yi faneleke na le ka murhangeri wa ndhavuko lonkulu loyi a nga ni ntsakelo kumbe hosi kumbe nkosikazi loyi muendli wa xikombelo a welaka ehansi ka yena leswaku va nyika mavonelo ya vona mukombera a nga si tekiwa tanihi murhangeri wa ndhavuko.

*Xivulwana xa 4*

Xivulwana lexi xi tirhana ni ku simekiwa, vumbiwa na ku tekeriwa enhlokweni ka tihuvo ta ndhavuko. Xi nyika makungu ya maendlelo lama ya faneleke ku landzeleriwa eka nhlawulo wa swirho swa huvo ya ndhavuko.

*Xivulwana xa 5*

Xivulwana lexi xi nyika makungu eka nkarhi lowu wu faneleke wu tirhiwa wa hofisi hi swirho swa huvo ya ndhavuko na ku endla xihlambanyiso xa hofisi.

*Xivulwana xa 6*

Eka xivulwana lexi makungu ya endleriwele swiyimo leswi xitulu xa xirho xa huvo ya ndhavuko lexi tshikiweke naswona ndlela na nkarhi lowu xivandla xo tano xi faneleke xi pfariwa.

*Xivulwana xa 7*

Xivulwana lexi xi nyika matimba eka huvo ya varhangeri va ndhavuko ku endla milawu na mafambisele hi ku landza milawu ya xintima/ndhavuko leyi yi nga kona eka ndhawu ya ndhavuko; mayelana ni mafambisele ya ntirho na mafambisele ya huvo ya ndhavuko leyi milawu na mafambisele ya nga tlhelaka ya fambisa ku simekiwa, vumba, matimba na mintirho, maendlelo na nkarhi wa komiti ya huvo ya ndhavuko.

Xi tlhela xi nyika makungu eka ku vumbiwa na nkarhi wa hofisi wa komitinkulu eka ku tirhisa matimba na mintirho leyi va nyikiweke enhansi ka Nawu lowu.

*Xivulwana xa 8*

Eka xivulwana lexi makungu ya endliwile ya leswi tinhlengeletano ta varhangeri va ndhavuko ti faneleke ku endlisiwa xiswona na mafambisele naswona xi tlhela xi nyika makungu ya ku rhekhoda na ku hlayisa buku ya makanelwa ya tinhlengeletano.

Xivulwana lexi xi vula leswaku tikhopi ta makanelwa ya huvo ya ndhavuko ti ta rhumeriwa mutirhi loyi a vekiweke hi Holobyenkulu eka nkarhi lowu vekiweke.

*Xivulwana xa 9*

Eka xivulwana lexi makungu ya nyikiwa eka endlelo leri faneleke ri landzeleriwa ra ku tshikiwa ka ku tekeriwa enhlokweni ka vaaka-tiko va ndhavuko na huvo ya ndhavuko.

*Xivulwana xa 10*

Xivulwana lexi xi tirhana ni vuxaka exikarhi ka timasipala na tihuvo ta ndhavuko hi mayelana na ku mpfampfarhuta swinawana leswi nga laviwaka hi tihuvo ta ndhavuko na ku sayiniwa ka ntwanano wa xiyimo xa vukorhokeri hi mayelana ni Nawu lowu tirhaka.

*Xivulwana xa 11*

Eka xivulwana lexi Holobyenkulu u fanele a thola vatirhela mfumo lava va fanelaka ku fambisa matirhele ya tihuvo ta ndhavuko naswona xi tlhela lava leswaku Holobyenkulu a boha mintirho ya vona hi ku endla xitiviso eka Gazete ya Xifundzankulu.

Xivulwana xi hlamusela leswaku Holobyenkulu u fanele a nyika nseketelo wa mali eka tihuvo ta ndhavuko yo huma eka mfumo wa xifundzankulu leswaku tihuvo ta ndhavuko ti kota ku tirha mintirho ya tona.

*Xivulwana xa 12.*

Xivulwana lexi xi tirhana na ku tekela enhlokweni ka murhangeri wa ndhavuko lonkulu, ndhuna kumbe ndhuna ya xisati hi ndlela leyi Holobyenkulu a lavaka va tekerisiwa xiswona enhlokweni na ku humesa xisetifikheti xa ku kombisa ku tekeriwa enhlokweni ka munhu wo tano loyi a hlawuriweke hi yindlu ya vuhosi hi ku landza Nawu wa xikaya.

Xi tlhela xi tirhana ni swiyimo leswi ku nga ni vumbhoni kumbe swisolo swa leswaku munhu loyi a tekeriwaka enhlonkweni a nga hlawuriwangi hi ku landza Nawu wa Xikaya, ndhavuko kumbe maendlelo.

*Xivulwana xa 13*

Xivulwana lexi xi tirhana ni swiyimo leswi murhangeri wa ndhavuko lonkulu, nduna kumbe ndhuna ya xisati a susiwaka ehofisini.

Xivulwana xi tlhela xi tirhana na maendlelo ya ku susa murhangeri wa ndhavuko lonkulu, ndhuna kumbe ndhuna ya xisati hi xivangelo kumbe swo tlula xivangelo xin'we leswi vekiweke eka xivulwana lexi na ku thola loyi a nga ta n'wu landzela.

*Xivulwana xa 14*

Xivulwana lexi xi veka maendlelo lama ya faneleke ya landzeleriwa eka ku tekela enhlokweni vakhomeri eka xiyimo lexi loyi a faneleke a kuma xiyimo xa vuhosi, nkosikazi, murhangeri wa ndhavuko lonkulu na ndhuna va tekiwa tani hi ku nga vi nchumo hi ku landza nawu wa xikaya lowu tirhaka kumbe ndhavuko.

Xi tlhela xi nyika makungu eka maendlele lama ya faneleke ya landzeleriwa eka xiyimo lexi vumbhoni na swisolo swa leswaku munhu loyi a tekeriwaka enhlonkweni tanihi murhangeri wa ndhavuko loyi a khomelaka a nga

hlawuriwangi hi ku landza Nawu wa Xikaya, ndhavuko kumbe maendlelo lama vekiweke eka Nawu lowu.

Xivulwana lexi xi tlhela xi nyika makungu hi nkarhi lowu faneleke ku landzeleriwa lowu mukhomeri loyi a tekeriwaka enhlokweni a fanelaka ku suka exitulwini endzhaku kaloko n'winyi wa vuhosi a ta va a fikelerile malembe lama nyikiweke eka Nawu lowu.

*Xivulwana xa 15*

Eka xivulwana lexi ku nyikiwa makungu ya swiyimo leswi murhangeri wa ndhavuko wo khomela a nga swi endlaka na ku tekeriwa enhlokweni ku va a tirha mintirho ya murhangeri wa ndhavuko.

*Xivulwana xa 16*

Eka xivulwana lexi makungu ya endliwa ya maendlelo leswaku ya landzeleriwa eka ku thoriwa ka vaseketeri va varhangeri va ndhavuko ehansi ka swiyimo leswi hlamuseriweke eka nawu, ku tirha mintirho leyi vekiweke eka xiyimo lexi museketeri a thoriweke.

*Xivulwana xa 17*

Xivulwana lexi xi tirhana ni tinhlengeletano ta yindlu ya vuhosi na ku lava leswaku yindlu ya vuhosi yi tirha hi ku landza ndhavuko wa tiko xikaya leri khumbhekeke eka ku vulavula hi timhaka leti ti humaka eka Nawumbisi lowu.

Yindlu ya vuhosi yi fanele yi va ni buku ya makanelwa leyi nga ni rhekhodo ya nhlengeletano yin'wani na yn'wani leyi kombisaka siku, nkarhi, ndhawu na mavito ya tihuvo ta vuhosi leti a ti ri kona na swiyimo swa vona ni swiboho leswi swi tekiweke enhlengetanini.

Xivulwana xi boha mutirhi wa mfumo loyi a vekiweke hi Holobyenkulu ku langutisa mafambisele ya yindlu ya vuhosi.

*Xivulwana xa 18*

Xivulwana lexi xi endla makungu ya swiphemu na mintirho ya vurhangeri bya ndhavuko ku engetela eka mintirho leyi nyikiweke hi ku landza nawu wa xintu/xikaya, kumbe leswi swi nyikiweke murhangeri wa ndhavuko hi ku landza nawu wihi ni wihi.

Xi lava leswaku varhangeri va ndhavuko va va ni vutihlamuleri eka ku tirhisa matimba na endlelo ra mintirho ya vona eka Holobyenkulu na le nhlangano lowu faneleke hi mayelana ni mintirho leyi yi endliweke hi nhlangano wo tano wa mfumo.

*Xivulwana xa 19*

Xivulwana lexi xi tirhana ni ku amukeriwa ka vanhu vantshwa etikweni leri nga kona na ku susiwa ka vanhu vahi ni vahi lava nga kona eka ndhawu ya xikaya yi nyika leswaka amukeriwa ko tano ku fanele ku fambisana ni milawu ya xikaya leyi kumekaka eka tindhawu teto ta xikaya

*Xivulwana xa 20*

Xivulwana lexi xi tirhana ni ku bohiwa na ku hundzuluxiwa ka tindzilekani ta tindhawu ta xikaya hi Holobyenkulu.

*Xivulwana xa 21*

Xivulwana lexi xi tirhana ni miholo ni swiengetelo swa miholo swa varhangeri vandhavuko naswona yi nyika makungu ya nawu hi ku landza leswo swo fana ni swona swi faneleke swi tirhiwa.

*Xivulwana xa 22*

Eka xivulwana makungu ya endliwa ya tihakelo ta mali yo famba na yo pfuneta ya varhangeri vandhavuko eku tirheni ka mintirho ya vona ehandle ka ndhawu ya huvo ya vona.

*Xivulwana xa 23*

Xivulwana lexi xi tirhana ni khodi ya matikhomele leyi faneleke yi landzeleriwa hi varhangeri vandhavuko kumbe swirho swa tihuvo ta xikaya ku engetela eka khodi ya matikhomele leyi yi hlamuseriwaka eka Nawu wu kotisaka. Xi tlhela xi nyika makungu ya maendlelo eka xiyimo lexi ku tluriweke khodi ya matikhomele.

*Xivulwana xa 24*

Xivulwana xi boha keswaku i yini xi nga vumbaka timali ta huvo ya ndhavuko.

*Xivulwana xa 25*

Xivulwana lexi xi tirhana ni xiyimo tihakelo leti ti nga hakerisiwaka huvo ya ndhavuko eka ndhawu ya vona ya ndhavuko.

*Xivulwana xa 26*

Xivulwana xi lava leswaku Holobyenkulu a endla leswaku ku pfuriwa akhawunti ni bangi leyi akhawunti ya kona yi nga ta lawuriwa hi Holobyenkulu.

Xivulwana xi nyika matimba eka Holobyenkulu, hi mpfumelelo wa huvo ya ndhavuko leyi yi khumbhekaka, ku hlayisa timali leti ti nga laveki ku tirhisiwa hi xihatla ni vandla rin'wani ra timali leri ri rhejistariweke laha ka Rhiphabliki

*Xivulwana xa 27*

Xivulwana lexi xi boha mutirhi wa tinkota wa timali ta tihuvo ta ndhavuko.

*Xivulwana xa 28*

Xivulwana lexi xi tirhana na ku yisiwa ka swiviko swa timali eka mutirhi wa tinkota hi kotara na hi lembe hi mayelana ni miholo na matirhele ya mali ya tihuvo ta ndhavuko.

*Xivulwana xa 29*

Eka xivulwana lexi tihuvo ta ndhavuko ti fanele ti hlayisa tirhekhodo ta kahle ta migingiriko hinkwayo na miholo na matirhele ya mali, xi tlhela xi lava leswaku tihuvo ta ndhavuko ti endla tirhekhodo to tano ti va kona hi xikongomelo xa tioditi.

*Xivulwana xa 30*

Xivulwana lexi xi nyika matimba eka Holobyenkulu ku endla swinawana eka timhaka leti ti pfumeleriwaka ku hlawuriwa kumbe ku tekiwa ti ri ta nkoka eka ku fikelela swikongomelo swa Nawu lowu.

*Xivulwana xa 31*

Xivulwana lexi xi nyika Holobyenkulu matimba ya ku nyika matimba kumbe mintirho yi endliwa hi yena hi ku landza Nawu lowu.

*Xivulwana xa 32*

Xivulwana lexi xi tirhana ni malulamisele ya nkarhinyana Nawu lowu wu nga si sungula ku tirha na ku tumbuluxiwa ka minhlangano yin'wani tanihi hi leswi swi lavekaka hi ku landza Nawu lowu.

*Xivulwana xa 33*

Eka xivulwana lexi, xilo xin'wani na xin'wani lexi endliwaka kumbe hi ku landza milawu leyi hlamuseriwaka eka rixaxa ra vumbirhi ra Xedulu ya 1 ya nawu lowu xa hlayisiwa hi ku xi teka xi endliwile ehansi ka makungu ya nawu lowu. Xivulwana lexi xi nyika matimba eka Holobyenkulu ku boha masiku lama milawu yi nga ta herisiwa hi Nawu lowu yi ta sungula ku ka yi nga ha tirhi.

*Xivulwana xa 34*

Nhlokomhaka hi ku komisa na ku sungula ku tirha.

*Xedulu ya 1*

Xedulu leyi yi nyika makungu ya khodi ya matikhomele.

*Xedulu ya 2*

Xedulu leyi yi nyika nongonoko wa milawu leyi faneleke ku herisiwa

*Xedulu ya 3*

Xedulu leyi yi nyika makungu ya fomo ya xihlambanyiso xa le hofisini.