

FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

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OFFICE OF THE PREMIER	OFISI YA TONAKGOLO	OFISI YA TAUTONA
No. 4 16 November 2018	No. 4 16 Pudungwana 2018	No. 4 16 Ngwanaetsele 2018
It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-	Ho tsebiswa mona hore Tonakgolô o dumetse Molao o latelang, o pahlaladitsweng ho ba leedi le akaretsang:	Go tsebiswa fano go re Tautona e tshwanetse monwana Molao o latelang, o pahlaladitsweng go ama tshedimosetso e e akaretsang:
NO. 4 OF 2018 : FREE STATE TRADITIONAL LEADERSHIP AND GOVERNANCE AMENDMENT ACT, 2018	NO. 4 WA 2018 : MOLAO WA TOKISO WA FREISTATA WA PUSO YA MARENA, 2018	NO. 4 WA 2018 : MOLAO WA TOKAFATSO WA FOREISITATA WA KETELELOPELE LE TSAMAISO-PUSO YA NGOAO LE SETSO, 2018

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Free State Traditional Leadership and Governance Act, 2005, so as to make provision for principal traditional communities, principal traditional leaders and principal traditional councils; and to provide for matters connected therewith.

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

(Enacted in the Provincial Legislature of the Free State Province on 11 November 2018.)

Amendment of section 1 of Act 8 of 2005

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1. Section 1 of the Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005) (hereinafter referred to as the Principal Act), is hereby amended

(a) by the insertion after the definition of "Act 41 of 2003" of the following definition:

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" 'Amendment Act, 2016' means the Free State Traditional Leadership and Governance Amendment Act, 2016";

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(b) by the insertion after the definition of "Kgosi or Morena" of the following definition:

" 'MEC' means the member of the Executive Council of the Free State Provincial Government responsible for traditional affairs";

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(c) by the insertion after the definition of "Motshwaredi" of the following definition:

" 'National House' means the National House of Traditional Leaders established in terms of the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009)";

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- (d) by the insertion after the definition of “**prescribe**” of the following definitions:

“ **‘principal traditional community’** means a community deemed to be a principal traditional community in terms of section 28(2)(f) of Act 41 of 2003, read with section 26A of this Act;

‘principal traditional council’ means a principal traditional council established and recognised in terms of section 26B of this Act;

‘principal traditional leader’ means a person deemed to be a principal traditional leader in terms of section 28(2)(g) of Act 41 of 2003, or a successor to such person as contemplated in section 26C of this Act;”

- (e) by the substitution for the definition of “**royal family**” of the following definition:

“ **‘royal family’** means the core customary institution or structure consisting of immediate relatives of the ruling family within a principal traditional community or 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;” and

- (f) by the insertion after the definition of “**royal family**” of the following definition:

“ **‘this Act’** means the Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005);”.

Amendment of section 3 of Act 8 of 2005

2. Section 3 of the Principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) consult the Kgosi or Morena, Provincial House of Traditional Leaders, the community concerned, and, if applicable, the Morena e moholo or principal traditional leader under whose authority that community would fall, on the application;”.

Amendment of section 5 of Act 8 of 2005

3. Section 5 of the Principal Act is hereby amended –

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The Premier must consider the withdrawal of the recognition of a community as a traditional community where –

- (a) the community concerned requests the Premier to withdraw its recognition as a traditional community; Provided that if such a traditional community forms part of a principal traditional community, such request may only be submitted after the traditional community has consulted the principal traditional council; 5
- (b) the Premier has been requested by the community or communities concerned to review the position of that community or communities that was or were divided or merged prior to 1994 in terms of applicable legislation; or 10
- (c) two or more recognised traditional communities request the Premier that they be merged into a single traditional community; or 15
- (d) a principal traditional council requests the relevant Premier to withdraw the recognition of a traditional community which forms part of such principal traditional community; Provided that such request may only be submitted after the principal traditional council has consulted the relevant regional community; 20
- Provided that any request for the withdrawal of the recognition of a traditional community must be accompanied by the grounds on which the request is based; Provided further that any such request must be accompanied by information setting out the details of the consultation contemplated in this subsection.”; 25
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 30
- “(2) The recognition of a community as a traditional community is, subject to the proviso to subsection (1), withdrawn where –” 35
- (c) by the substitution for subsection (3) of the following subsection: 40
- “(3) The Premier must consult the Provincial House of Traditional Leaders and any community that may be affected and if applicable, a Morena e moholo or principal traditional leader under whose authority such a community falls, before the withdrawal of the recognition of a traditional community may be made.”; and

(d) by the substitution for subsection (4) of the following subsection:

- “(4) (a) The withdrawal of the recognition of a traditional community is effected by way of a notice in the *Provincial Gazette*. 5
- (b) The notice referred to in subsection (4)(a) must, subject to paragraph (c), also provide for the withdrawal of the recognition of the traditional council concerned at the same time the recognition of its traditional community is withdrawn. 10
- ~~(c) The withdrawal of the recognition of a traditional community which forms part of a principal traditional community shall not affect the status of such a principal traditional community or principal traditional council and any withdrawal of the recognition of a principal traditional community or principal traditional council is subject to the provisions of section 26B and 26C of this Act.”~~ 15 20

Amendment of section 18 of Act 8 of 2005

4. Section 18 of the Principal Act is hereby amended –

- (a) by the substitution for subsection (4) of the following subsection: 25
- “(4) The Provincial House of Traditional Leaders and where applicable, the principal traditional council must be informed of the recognition of a Kgosi or Morena.”; and 30
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) Subject to the provision of this Act, the Premier may remove from Office or dismiss any recognised Kgosi or Morena after consulting the Provincial House of Traditional Leaders and the principal traditional council or traditional council concerned.”. 35

Amendment of section 25 of Act 8 of 2005

5. Section 25 of the Principal Act is hereby amended – 40

- (a) by the substitution for subsection (1) of the following subsection:

“(1) A royal family may identify a suitable person to act as Moemedi for a Morena e moholo, principal traditional leader, Kgosi, Morena, Kgosana or Morena wa Motse, as the case may be, where

(a) a successor to the position of a Morena e moholo, principal traditional leader, Kgosi, Morena, Kgosana or Morena wa Motse has not been identified by the royal family concerned in terms of section 18.1, [or] 19.1, or 26C, as the case may be;

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(b) the identification of a successor to the position of a Morena e moholo, principal traditional leader, Kgosi, Morena, Kgosana or Morena wa Motse is being reconsidered and resolved in terms of section 18.6, [or] 19(5) or 26C(3), as the case may be; or

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(c) a Morena e moholo, principal traditional leader, Kgosi, Morena, Kgosana or Morena wa Motse, as the case may be, would be absent from his or her area of jurisdiction under circumstances other than those provided for in section 26 and for a period of more than six months for

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- (i) the treatment of illness;
- (ii) study purposes; or
- (iii) any other lawful purpose.”; and

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(d) by the substitution for subsection (8) of the following subsection:

“(8) [A person appointed in terms of subsection (1), may be removed from position of Moemedi when the Morena e moholo, Kgosi, Morena, Kgosana or Morena wa Motse is able to resume his or her duties] Whenever the successor to a leadership position has been identified as contemplated in subparagraph (i) of subsection (1), or an investigation as contemplated in subparagraph (ii) of subsection (1) has been finalised, or the circumstances referred to in subparagraph (iii) of subsection (1) are no longer applicable, any relevant acting recognition shall automatically lapse on the date on which the relevant leader referred to in subparagraph (i) or (ii) of subsection (1) is recognised by notice in the *Provincial Gazette* or the date on which the leader referred to in subparagraph (iii) of subsection (1) resumes his or her functions.”.

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Substitution of section 6 of Act 8 of 2005

6. The following section is hereby substituted for section 6 of the Principal Act:

“Number of members of traditional councils

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6. The Premier must determine, in accordance with a prescribed formula, the number of the members of each traditional council, taking into consideration any guidelines issued by the Minister in terms of section 3(2)(a) of Act 41 of 2003 and the population or the number of recognised headmanship or headwomanship positions of the traditional community. [Such number may not be more than 30.]”.

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Insertion of Chapter 3A in Act 8 of 2005

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7. The Principal Act is hereby amended by the insertion after Chapter 3 of the following Chapter:

**“CHAPTER 3A
PRINCIPAL TRADITIONAL LEADERSHIP**

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Recognition of principal traditional community

26A. (1) A principal traditional community is established by operation of law as contemplated in section 28(9)(c) of Act 41 of 2003.

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(2) Within six months from the death of a king or a queen as contemplated in section 28(9)(c)(ii) of Act 41 of 2003, the Premier must, by general notice in the *Provincial Gazette*, inform the public that the former kingship or queenship has become a principal traditional community in accordance with the provisions of the said section 28(9)(c). Provided that if in any instance such a king or a queen has passed on prior to the commencement of the Amendment Act, 2016, such general notice must be published within six months from the date of commencement of the Amendment Act, 2016.

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(3) With the exception of a kingship or a queenship as contemplated in section 28(9)(c) of Act 41 of 2003, no other recognised traditional community or communities may apply for recognition as a principal traditional community.

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Withdrawal of recognition of principal traditional community

- 26B. (1) The withdrawal of the recognition of a principal traditional community may, subject to subsection (6), only be considered where the majority of traditional communities under the jurisdiction of the principal traditional community concerned request the Premier to withdraw the recognition of their principal traditional community; Provided that such request must be accompanied by the grounds on which the request is based. 5
- (2) The Premier must, before taking a decision in terms of subsection (1), cause an investigation to be conducted by the MEC in order to establish whether there is sufficient cause for the withdrawal of the recognition of the principal traditional community. 10
- (3) a. The withdrawal of the recognition of a principal traditional community must be done by the Premier by notice in the *Provincial Gazette*. 15
- (b) Before the withdrawal of a recognition as contemplated in paragraph (a), the Premier must consult the Provincial House of Traditional Leaders, any community that may be affected and the senior traditional leaders who form part of the principal traditional community. 20
- (c) The Premier may direct the MEC to conduct the consultations referred to in paragraph (b) and determine a period within which such consultations must be finalised. 25
- (4) The withdrawal of the recognition of a principal traditional community 30
- (a) shall automatically result in the disestablishment of the principal traditional council; 35
- (b) shall not affect the recognition of the individual traditional communities which formed part of such a principal traditional community prior to the withdrawal of the recognition of the principal traditional community, provided that such traditional communities still meet the requirements for recognition as contemplated in section 3 of this Act. 40

- (5) The notice referred to in subsection (3)(a) must, subject to any other relevant provision of this Act, stipulate the legal, practical and other consequences of the withdrawal of recognition of the principal traditional community, including, if applicable, the transfer of assets, liabilities and administrative and other records of the disestablished principal traditional community. 5
- (6) (a) The recognition of a principal traditional community must be withdrawn if so ordered by a court. 10
- (b) The Premier must give notice in the *Provincial Gazette* of any withdrawal of recognition in accordance with a court order.
- (c) The notice contemplated in paragraph (b) must stipulate the legal, practical and other consequences of the withdrawal of recognition. 15
- (7) The Premier may, in accordance with the provisions of section 31 of this Act, make regulations in respect of a process that will allow for sufficient consultations as envisaged in this section. 20

Recognition of principal traditional leader

- 26C. (1) (a) The position of a principal traditional leader is created by operation of law as contemplated in section 28(9)(e) of Act 41 of 2003. 25
- (b) The position of a principal traditional leader which has been created by operation of law, or of any successor to such a position, must be filled in accordance with the provisions of this section. 30
- (c) With the exception of the instances referred to in paragraphs (a) and (b), no other person, including any other recognised traditional leader, may apply for recognition as a principal traditional leader. 35
- (2) Whenever the position of a king or a queen becomes a principal traditional leader as contemplated in subsection (1)(a) or the successor to a principal traditional leader is to be identified as contemplated in subsection (1)(b), the following process applies: 40

a The royal family concerned must, within a reasonable time after the need arises for the position of a principal traditional leader to be filled, and with due regard to applicable customary law and customs and the provisions of subsection (7)

(i) identify a person who qualifies in terms of customary law and customs to assume the position of principal traditional leader, taking into account whether any of the grounds referred to in section 26D(i) or 26E(1)(h) or 26E(1)(a), (c), (d) or (e) apply to that person; and

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(ii) apply to the Premier for the recognition of the person so identified as principal traditional leader which application must be accompanied by

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aa) the particulars of the person so identified to fill the position of a principal traditional leader; and

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bb) the reasons for the identification of that person as principal traditional leader.

(b) In the event of the recognition of a successor to an existing position of principal traditional leader, the Premier must also take into account whether a principal traditional community still exists.

25 Whenever the Premier recognises a principal traditional leader, the Premier must

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(a) publish a notice in the *Provincial Gazette* recognising such person as principal traditional leader;

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(b) issue a certificate of recognition to such person; and

(c) inform the Provincial House of Traditional Leaders and the National House of such recognition.

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30 Where there is evidence or an allegation that the identification of a person as a principal traditional leader was not done in terms of customary law and customs, the Premier –

- (j) must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one member of the Provincial House of Traditional Leaders, to provide the Premier with a report on whether the identification of the relevant person was done in accordance with customary law and customs and if not, which person should be so identified; and 5
- (k) must, where the findings of the investigative committee indicate that the identification of the person referred to in subsection (2) was not done in terms of customary law and customs, refer the report contemplated in paragraph (a) to the royal family for its comments. 10
- (5) The Premier may, after having considered the report of the investigative committee as well as the comments of the royal family, subject to subsection (3), recognise a person as principal traditional leader. 15
- (6) The Premier may, in accordance with the provisions of section 31, make regulations in respect of – 20
- (a) investigations as contemplated in this section; and 25
- (b) the procedure to be followed for the identification of a principal traditional leader in instances where the customs or customary law does not make provision for such identification. 30
- (7) The following criteria apply whenever the successor to a principal traditional leadership position as contemplated in subsection (1)(b) is to be filled: 35
- (a) a proven history of existence of such leadership position within the community concerned; 40
- (b) a proven history of acceptance of such leadership position by the community concerned; 40
- (c) a history of functions and powers of the specific leadership position in terms of the established customary law and customs within the particular community; 40
- (d) the continued existence recognition of the community or communities as a principal traditional community; and 45

(e)	a proven history of either –	
	(i) hereditary leadership in terms of customary law or customs of the principal traditional community, with or without a customary role for community participation in the determination or confirmation of the individual as leader; or	5
	(ii) elected leadership where, in terms of the customary law or customs of the community concerned, the leader is elected.	10
(8)	Where there is evidence or an allegation that the successor to a principal traditional leadership position does not comply with the criteria set out in subsection (7), the Premier must cause an investigation to be conducted and the provisions of subsections (3), (4) and (5) shall apply with the necessary changes for purposes of such investigation.	15
(9)	(a) Whenever a senior traditional leader is recognised as a principal traditional leader, such senior traditional leadership position become - vacant.	20
	(b) A vacant senior traditional leadership position as contemplated in paragraph (a) may, subject to paragraph (c) and within 90 days of such vacancy occurring, be filled by means of the recognition of another person as senior traditional leader in accordance with the provisions of section 18 of this Act.	25
	(c) Whenever the recognition of a principal traditional community is withdrawn in terms of section 26B of this Act, such withdrawal will automatically result in –	30
	(i) the recognised principal traditional leader reverting to the position of senior traditional leader which he or she occupied prior to recognition as a principal traditional leader; and	35
	(ii) the withdrawal of the recognition of the senior traditional leader referred to in paragraph (b).	40
(d)	A person whose recognition as senior traditional leader has been withdrawn as contemplated in paragraph (c)(ii)	

- i. relinquishes all functions, roles, duties, responsibilities and rights associated with the relevant position of senior traditional leader;
 - ii. shall continue to receive the salary and benefits associated with such senior traditional leadership position until his or her death; and
 - iii. is no longer entitled to receive any allowance or enabling resource as contemplated in the Independent Commission for the Remuneration of Public Office-Bearer Act, 1997 (Act No. 92 of 1997).
- (10)
 - (a) Any recognised principal traditional leader may resign as such leader. Provided that such resignation must be in writing and must be submitted to the Premier.
 - (b) A principal traditional leader who resigns as such leader automatically relinquishes, with effect from the date of resignation, any salaries, allowances, benefits and rights associated with the leadership position occupied prior to such resignation.
 - (c) A principal traditional leader who has resigned may not reapply for recognition as a principal traditional leader.
 - (d) Whenever a principal traditional leader resigns as contemplated in this subsection, the relevant position becomes vacant and has to be filled in accordance with the relevant provisions of this Act, taking into account the fact that a resignation does not affect succession in terms of customary law and customs of the particular community.
- (11) Any person who is not a recognised principal traditional leader as contemplated in this section but purports to be such a leader is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding three years.

Withdrawal of recognition of principal traditional leader

- 26D.** (1) The recognition of a principal traditional leader, subject to subsections (2), (3) and (4) -

- (a) must be withdrawn if he or she
 - (i) has been convicted of an offence with a sentence of imprisonment for more than 12 months without the option of a fine; 5
 - (ii) is declared mentally unfit or mentally disordered by a court; or
 - (iii) no longer permanently resides within the area of the principal traditional council; or 10
 - (b) may be withdrawn if he or she
 - (i) has been removed from office in terms of the code of conduct; or 15
 - (ii) has transgressed customary law or customs, 20on a ground that warrants withdrawal of recognition and
 - (c) must be withdrawn if so ordered by a court.
- (2) (a) Whenever any of the grounds referred to in subsection (1) come to the attention of the royal family, the royal family must, within a reasonable time and through the relevant customary structure, inform the Premier concerned and the senior traditional leaders within the principal traditional community or the particulars of such principal traditional leader and of the particulars relating to the specific ground referred to in subsection (1). 25 30
- (b) Whenever any of the grounds referred to in subsection (1)(b) come to the attention of the royal family, the royal family may recommend the withdrawal of the recognition of the principal traditional leader and must furnish the Premier with reasons for such recommendation. 35
- (3) (a) When the Premier is informed of the presence of any of the grounds referred to in subsection (1)(a), the Premier must, after consultation with the MLC and subject to subsections (4) and (5), withdraw the recognition of the relevant principal traditional leader. 40

- (b) When the Premier is informed of the presence of any of the grounds referred to in subsection (1)(b), the Premier may, after consultation with the MEC referred to in paragraph (a), and
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- (i) after having considered the information referred to in subsection (2)(a); and
- (ii) where applicable, after having considered any recommendation and reasons as contemplated in subsection (2)(b),
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- withdraw the recognition of the principal traditional leader or refuse to withdraw such recognition: Provided that if the Premier refuses to withdraw such recognition, he or she must in writing provide reasons to the royal family.
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- (c) When the Premier withdraws the recognition of a principal traditional leader, the Premier must
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- (a) cause a notice with particulars of such principal traditional leader and the date on which such withdrawal takes effect to be published in the *Provincial Gazette*; and
- (b) inform the royal family and the relevant principal traditional leader of such withdrawal.
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- (3) (a) Where there is evidence or an allegation that –
- (i) the withdrawal of the recognition of a principal traditional leader was not based on any of the grounds set out in subsection (1);
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- (ii) the information which was brought to the Premier's attention in accordance with subsection (2)(a) was provided in bad faith; or
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- (iii) a recommendation made by the royal family as contemplated in subsection (2)(b) was done in bad faith,
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the Premier must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one member of the Provincial House of Traditional Leaders, to provide a report to the Premier as well as recommendations on whether the withdrawal of the recognition of the person concerned was done in accordance with the grounds set out in subsection (1), or whether the information brought to the attention of the Premier was done in bad faith or not, or whether the recommendation of the royal family was made in bad faith or not.

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(b) Where the report of the investigative committee indicates that

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(i) the withdrawal of the recognition of the principal traditional leader was not done in accordance with any of the grounds set out in subsection (1);

(ii) the information brought to the Premier's attention was done in bad faith; or

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(iii) the recommendation of the royal family was made in bad faith,

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the Premier must refer the report to the royal family for its comments and the royal family must provide the Premier with written comments within 60 days from the date of such referral.

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(c) The Premier may, after having considered the report of the investigative committee as well as the comments of the royal family -

(i) refuse to withdraw the recognition of a principal traditional leader if the information provided or the recommendations made by the royal family were done in bad faith; or

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(ii) by notice in the *Provincial Gazette* confirm the withdrawal of recognition or revoke such withdrawal of recognition: Provided that if the withdrawal of recognition is revoked, the principal traditional leader shall consequentially be regarded as reinstated from the date on which the recognition was withdrawn.

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- (6) Where the recognition of a principal traditional leader is withdrawn in accordance with the provisions of this section, the royal family must identify a successor in accordance with the provisions of section 26C of this Act and the relevant customary law and customs or may, in the case of subsection (1-a)(i), identify an acting leader as contemplated in section 25 of this Act. 5

Establishment of principal traditional council

- 26E. (1) (a) Once a community has become a principal traditional community by operation of law as contemplated in section 28(9)(e) of Act 41 of 2003, that principal traditional community must, subject to subsection (2), establish a principal traditional council. 10
- (b) A principal traditional council must be established within one year from the date of commencement of the Amendment Act, 2016 or, in the case of a principal traditional community which becomes such a community by operation of law after the commencement of the Amendment Act, 2016, within one year from the date on which it becomes a principal traditional community; Provided that the Premier may extend any such period by notice in the *Principal Gazette* for a period not exceeding a further two years. 15 20 25
- (c) In any instance where a principal traditional community has become such a community by operation of law prior to the publication of the formula contemplated in subsection (2), the period of one year shall commence from the date of publication of such formula. 30
- (2) (a) A principal traditional council consists of the number of members as determined by the Premier by formula published by notice in the *Principal Gazette* after consultation with – 35
- (i) the principal traditional leader; and
- (ii) a forum of not more than five members of the royal family designated by the royal family; and 40

(fii) a forum of not more than 20 senior traditional leaders under the principal traditional community, designated by the senior traditional leaders from amongst themselves;

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Provided that the formula must be published in the *Provincial Gazette* within two years from the date of commencement of the Amendment Act, 2018: Provided further that any formula in respect of a principal traditional council which may be issued in accordance with national legislation, shall replace a formula as contemplated in this section and the constitution of such principal traditional council shall have to meet the requirements of the national formula: Provided further that if the provincial formula is similar to any applicable national formula, any such principal traditional council shall be deemed to have been constituted in accordance with the national formula.

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(b) At least a third of the members of a principal traditional council must be women: Provided that if this requirement cannot be met, the Premier may, prior to the recognition of a principal traditional council, determine a lower threshold for the particular principal traditional council.

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(c) The membership of a principal traditional council comprises

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(i) 60% of recognised senior traditional leaders, headmen or headwomen and members of the traditional community selected, subject to subsection (3) and in terms of that community's customs, by the principal traditional leader who is an *ex officio* member and chairperson of the relevant council, taking into account the need for overall compliance with paragraph (b); and

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(ii) 40% of members elected in terms of paragraph (i).

- (d) The selection of the members of a principal traditional council as contemplated in this section must be finalised before the election of members as contemplated in this section, and the names of such selected members must be made public. Provided that an election of members of a principal traditional council must take place within 21 days of the names of the selected members having been made public. 5
- (e) A principal traditional community must, within 21 days of the date of an election, submit the names of the members that have been selected and elected to the Premier concerned. 10
- (f) Each traditional council falling within the area of jurisdiction of the principal traditional community concerned, must elect one person from the elected members of that council, to serve as a member referred to in paragraph (c)(ii). Provided that where the number of persons so elected are less than the number of members contemplated in paragraph (c)(i), the traditional councils must each, proportionally to the total number of members of each such council, elect as many persons as may be required from amongst the elected members of that council. Provided further that where the number of persons so elected exceed the number of members contemplated in paragraph (c)(ii), the persons elected by the traditional councils must elect from amongst themselves the number of persons contemplated in paragraph (c)(ii). 15
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- (5) (a) Before a selection contemplated in subsection (2)(c)(i), the royal family concerned must designate from amongst its members a forum of not less than five and not more than 10 members to assist in the selection. 35
- (b) The selection of the members contemplated in subsection (2)(c)(i) by a principal traditional leader is subject to the concurrence of the forum referred to in paragraph (a). 35

- (c) If there is no concurrence as referred to in paragraph (b), the principal traditional leader must submit the names of the persons who were nominated for selection to the Premier concerned and the Premier must, after consultation with such leader and the forum referred to in paragraph (a), select the required number of members as contemplated in subsection (2)(c)(i). 5
- (4) (a) The term of office of the members of a principal traditional council, excluding the principal traditional leader, is not more than five years and must be aligned to the term of office of the National House. 10
- (b) The selection of members in terms of subsection (2)(c)(i) must be finalised at least 60 days prior to the expiry of the term of office of members of such council. 15
- (5) (a) The Premier must, by notice in the relevant *Provincial Gazette* and in accordance with this Act, recognise a principal traditional council for such principal traditional community and define its area of jurisdiction. 20
- (b) The notice referred to in paragraph (a) must contain the names of the council members. 25
- (6) A principal traditional council convenes at the great place of the principal traditional leader or at the administrative seat of the particular council. 30
- (7) The quorum of a principal traditional council consists of the majority of the total number of members of such council. 35
- (8) A principal traditional council must elect one of its members as a deputy chairperson who will act as the chairperson in the absence of the principal traditional leader.
- (9) (a) A principal traditional council must meet once every two months: Provided that the principal traditional leader may, with the concurrence of the Premier, convene any additional ordinary or any special meeting of the council.

- (b) A principal traditional leader may once a year meet with all senior traditional leaders falling under such principal traditional leadership.
- (c) The provisions of sections 13(2) and (3) and 14 of this Act shall apply to any meeting of a principal traditional council. 5
- (10) A principal traditional leader must, for purposes of convening a special meeting, give notice of not less than seven days to members of the principal traditional council. 10
- (11) A member of a principal traditional council must vacate his or her office if –
- (a) he or she ceases to be a South African citizen;
- (b) he or she has been convicted of an offence and sentenced to imprisonment for more than 12 months without the option of a fine; 15
- (c) he or she tenders his or her resignation; 20
- (d) he or she is declared mentally unfit or mentally disordered by a court;
- (e) the period for which the member was selected or elected, as the case may be, has expired; 25
- (f) he or she becomes disqualified in terms of subsection (14);
- (g) he or she no longer resides within the area of jurisdiction of the principal traditional council; or 30
- (h) he or she is a deposed member and his or her recognition as a traditional leader has been withdrawn.
- (12) If a member of a principal traditional council dies or vacates his or her office before the expiration of his or her term of office, such a vacancy must be filled in the manner referred to in subsection (2)(c)(i) or (ii), as the case may be, within 30 days of the vacancy having arisen. 35

- (13) A person who has been appointed to fill a vacancy in a principal traditional council as contemplated in subsection (12), holds office for the unexpired period of his or her predecessor's term of office.
- (14) A person is not eligible to be elected or selected as a member of a principal traditional council if that person –
- (a) is not a South African citizen;
 - (b) is under 18 years of age; 10
 - (c) has been convicted of an offence in respect of which he or she was sentenced to imprisonment for more than 12 months without the option of a fine; 15
 - (d) is an unrehabilitated insolvent or has entered into a compromise with his or her creditors;
 - (e) is of unsound mind and has been so declared by a competent court; 20
 - (f) is or becomes a full-time member of a municipal council;
 - (g) is elected as a member of a provincial legislature;
 - (h) is elected as a member of the National Assembly; 25
 - (i) is appointed as a permanent delegate in the National Council of Provinces;
 - (j) is elected to a full-time position in any house of traditional leaders; 30
or
 - (k) does not reside within the area of jurisdiction of the principal traditional council. 35
- (15) (a) The withdrawal of the recognition of a principal traditional community in terms of section 26B of this Act, automatically results in the disestablishment of the relevant principal traditional council and the withdrawal of the recognition of the principal traditional leader. 40
- (b) The disestablishment of a principal traditional council must be done by the Premier by notice in the *Provincial Gazette*.

- (16) The notice referred to in subsection (15)(b) must stipulate the legal, practical and other consequences of the dis-establishment of a principal traditional council, including the transfer of assets, liabilities, staff, administrative and other records, taking into account any applicable legislation. 5
- (17) Any provision of this Act that relates to the establishment of a principal traditional council apply to the initial establishment of such a council and any subsequent reconstitution of such council following the expiry of any term thereof. Provided that the provisions of this Act relating to areas of jurisdiction of a principal traditional council do not apply to the reconstitution of such a principal traditional council unless the area of jurisdiction of any traditional council which forms part of such a principal traditional council has been amended. 10
- (18) Any consultations done in respect of the establishment of a kingship or a queenship council as contemplated in section 3A(2)(a) of Act 41 of 2003, prior to such a kingship or queenship becoming a principal traditional community, or done in terms of section 3B(2)(a) of Act 41 of 2003, is deemed to have been done in accordance with the provisions of subsection (2)(a). 15
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Functions and responsibilities of principal traditional council

- 26F.** (1) A principal traditional council has the following functions: 25
- (a) administering the affairs of the principal traditional community in accordance with customary law and customs; 30
 - (b) assisting, supporting and guiding senior traditional leaders and traditional councils falling within the jurisdiction of the principal traditional council concerned in the performance of their functions; 35
 - (c) assisting the principal traditional leader in performing customary functions in relation to the recognition of senior traditional leaders, where applicable; 40
 - (d) assisting the principal traditional leader in mediating disputes between senior traditional leaders falling within the jurisdiction of the principal traditional council;

	(e) promoting unity between traditional communities falling under the jurisdiction of the principal traditional council; and	
	(f) assisting the principal traditional leader in performing his or her roles and functions, including any roles and functions conferred upon him or her in terms of any legislation.	5
(2)	A principal traditional council must –	10
	(a) keep proper records;	
	(b) have its financial statements audited by the Auditor-General and submit such audited statements to the Premier within one month from the date of receipt thereof;	15
	(c) disclose the receipt of gifts to the Premier concerned;	
	(d) adhere to the code of conduct; and	20
	(e) advise and support all traditional councils falling under its authority.	
Support to principal traditional councils		
26G.	(1) The Free State provincial government must adopt such legislative or other measures as may be necessary to –	25
	(a) support and strengthen the capacity of principal traditional councils to fulfil its functions, and such support includes the provision of administrative and financial support; and	30
	(b) monitor and manage the finances of such councils.	
	(2) The Premier may, after consultation with a principal traditional council and subject to section 12 of this Act –	35
	(a) determine the number and remuneration levels of posts needed to perform the administrative, financial and related duties relevant to the functions of the specific council;	40
	(b) determine any other conditions of service applicable to such posts; and	
	(c) appoint suitable persons in such posts in accordance with the recruitment procedures applicable in the province or second officials from the provincial government to perform such duties.	45

- (3) (a) For the purposes of subsection (1), the Premier may, in consultation with the Provincial Treasury and subject to any legislative or other measures as contemplated in subsection (1), cause to be opened an account for each established principal traditional council into which must be paid – 5
- (i) all voluntary contributions made by members of the relevant community; 5
 - (ii) all moneys derived from any property owned or managed by such council; 10
 - (iii) any financial donation made to such council by any person, body or institution; 15
 - (iv) any moneys payable to the council in accordance with the provisions of a partnership as contemplated in section 10; and 20
 - (v) any other moneys as may be determined or agreed to by the Premier. 20
- (b) For the purposes of the management of any account referred to in paragraph (a), the Premier may, in consultation with the Provincial Treasury and subject to any legislative or other measures as contemplated in subsection (1), determine – 25
- (i) the financial systems and controls applicable to such account; 30
 - (ii) any conditions applicable to such account; 30
 - (iii) the investment of any moneys by the principal traditional council concerned; 35
 - (iv) the payment of any expenditure by such council; 35
 - (v) the purposes for which any moneys in such account may be used by the council; 40

(vi) the closure of any other accounts, including a trust account but excluding a trust account as contemplated in section 10 of the Trust Property Control Act, 1988 (Act No. 57 of 1988), and the transfer of any moneys in such other account or trust account to the account contemplated in paragraph (a);

(vii) the reporting requirements applicable to such account, and

(viii) any other measures as may be deemed necessary by the Premier to ensure the efficient and effective management of such account,

and may designate any official from the provincial government to assist the principal traditional council with the management of such account or to manage such account on behalf of the council. Provided that for the purposes of subparagraphs (i) to (iii) the Premier must consult the relevant principal traditional council prior to making any determination as contemplated in those subparagraphs.

Application and interpretation of provisions

26H. (1) The provisions of sections 9, 10, 15 and 16 of this Act shall apply with the necessary changes to a principal traditional council

(2) The provisions of sections 24 and 26 of this Act shall apply with the necessary changes to a principal traditional leader.

(3) The provisions of the Code of Conduct in Schedule 2 to this Act shall apply with the necessary changes to a principal traditional leader and a member of a principal traditional council.

(4) Any reference in this Chapter to a provision of Act 41 of 2003 includes a corresponding provision in applicable national legislation which may replace such provision or Act 41 of 2003 as a whole.

(5) Any disqualification in terms of this Act relating to a sentence of imprisonment for a period of more than 12 months without the option of a fine ends five years after the sentence has been completed.

Substitution of section 27 of Act 8 of 2005

8. The following section is hereby substituted for section 27 of the Principal Act:

“27. The Premier must send a copy of a *Provincial Gazette* [where] containing a notice [which is] issued in terms of this Act, [is published] to all principal traditional councils and traditional councils.” 5

Substitution of section 28 of Act 8 of 2005

9. The following section is hereby substituted for section 28 of the Principal Act: 10

“28. The decision of the Commission on Traditional Leadership Disputes and Claims must be implemented by the Premier in accordance with sections 18 and 19 of this Act, where the position of a principal traditional leader, Kgosi, Morena, Kgosana or Morena wa Motse is affected by such a decision.” 15

Substitution of section 29 of Act 8 of 2005

10. The following section is hereby substituted for section 29 of the Principal Act: 20

“29. (1) Whenever there is reason to believe that a principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council may be guilty of misconduct in that he or she 25

(a) fails or refuses to comply with the Code of Conduct;

(b) fails or refuses to comply with any provision of this Act or of any other law which it is his or her duty to comply with; 30

(c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him or her by a person having authority to give it, or by conduct displays insubordination; 35

(d) conducts himself or herself in a disgraceful, improper or unbecoming manner;

(e) uses intoxicating liquor or dependence producing drugs excessively; 40

(f) abuses his or her powers of extorts, or by the use of compulsion or arbitrary means obtains, any tribute, fee, reward or present; 45

(g) tries or punishes any person without being duly authorised thereto by or under any law,

(h) is negligent or incompetent in the discharge of his or her duties,

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the Premier may charge him or her in writing with such misconduct and appoint any person to enquire into the matter.

2. At any enquiry by the person appointed under subsection (1), a principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council shall be entitled to be heard: Provided that the proceedings shall not be invalidated by any failure of the principal traditional leader, Kgosi, Morena, Kgosana, Ramotse or member of a principal traditional council or a traditional council to attend the enquiry.

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3. The person appointed to do the investigation must

a) at the conclusion of the enquiry, find whether the principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council is guilty of the misconduct and inform him or her of its findings; and

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(b) forward to the Premier, the record of the proceedings, a statement of its finding, the reasons therefore, and any observations which he might wish to make.

4. If the principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council has been found guilty of the misconduct, the Premier may

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(a) caution or reprimand the principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council,

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- (b) compel such principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, [or] Ramotse or a member of a principal traditional council or a traditional council to go for rehabilitation for alcoholism or drug dependency; 5
- (c) impose on him or her a fine not exceeding [Two Hundred Rand] **one thousand Rand**, payable or recoverable from any remuneration to be paid to him or her in terms of the applicable legislation for the benefit of the Provincial Revenue Fund in such instalments as the Premier may determine; 10
- (d) direct that for such period not exceeding two years as the Premier may determine, he or she must not be paid any remuneration; or 15
- (e) impose on him or her any two or more of the penalties referred to in paragraph (a), (b) and (c) jointly.
- (5) Any principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council who has been convicted by a competent court of law of any offence referred to in Schedule 1 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or of any offence which, in the opinion of the Premier, is tantamount to misconduct within the purview of this section, shall be deemed, on account of such conviction, to have been found guilty of misconduct in terms of this section, in which event: the provisions of subsection (4) relating to the penalties which may be imposed for misconduct shall mutatis mutandis apply in respect of such principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council. 20 25 30
- (6) Whenever a principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council has been charged with misconduct in terms of subsection (4) or with any offence contemplated by subsection (5), the Premier may suspend such a principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse or a member of a principal traditional council or a traditional council from his or her office until such time 35 40

- a) where such principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse or a member of a principal traditional council or a traditional council has been found guilty of misconduct or of such an offence, as the Premier has imposed a penalty in terms of subsection (4); or 5
- (b) as such principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse or a member of a principal traditional council or a traditional council is found to be not guilty of misconduct or of such an offence or the charge of misconduct or the criminal prosecution against him or her is withdrawn or abandoned 10

Any principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse or a member of a principal traditional council or a traditional council suspended from his or her office in terms of subsection (6) ~~must~~ shall not during the period of his or her suspension be entitled or competent to exercise and perform any power, function and duty conferred and imposed on or associated with a principal traditional leader, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse or a member of a principal traditional council or a traditional council by or in terms of any rule of law, nor ~~must~~ shall he or she in respect of such period of suspension be entitled to receive any remuneration or emolument payable to a principal traditional leader, Kgosi, Morena, Kgosana, Ramotse or a member of a principal traditional council or a traditional council in terms of the applicable legislation. 15
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Substitution of section 31 of Act 8 of 2005

11. The following section is hereby substituted for section 31 of the Principal Act: 30

31. The Premier may, by notice in the Provincial Gazette, make regulations relating to 35

- (a) any matter which in terms of this Act is required or permitted to be prescribed,

(b) the traditional, ceremonial and any other roles and functions of a principal traditional leader, after consultation with a delegation consisting of not more than two members of each principal traditional council designated by such councils; and

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(c) in general, any matter which is considered necessary or expedient to prescribe for achieving the objects of this Act.

(2) Before any regulations are made under this section, the Premier must consult the Provincial House of Traditional Leaders and publish any draft regulations in the *Provincial Gazette* for public comment."

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Short title and commencement

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12. This Act is called the Free State Traditional Leadership and Governance Amendment Act, 2018 and shall commence on the date of publication thereof in the *Provincial Gazette*.

- (d) ka ho kenngwa ha ditlhaloso tse latelang, ka mora tlhaloso ya “**hela**”:
- “**baahi ba setso ba sehlooho**” e bolela baahi ba behilweng ho ba baahi ba setso ba sehlooho, ho ya ka diphelelo tsa karolo ya 28(9)(j) ya Molao wa 41 wa 2003, o baliwang le karolo ya 26A ya Molao ona; 5
 - “**lekgotla la setso la sehlooho**” e bolela lekgotla la setso la sehlooho le tbehilweng mme la ananelwa ho ya ka diphelelo tsa karolo ya 26E ya Molao ona; 10
 - “**morena wa sehlooho**” e bolela motho ya behilweng ho ba morena wa sehlooho ho ya ka diphelelo tsa karolo ya 28(9)(g) ya Molao wa 41 wa 2003, kapa motho ya latelang boreneng, jwalo ka ha ho umakilwe karolong ya 26C ya Molao ona. 15
- (e) ka ho kenngwa ha tlhaloso e latelang, sebakeng sa tlhaloso ya “**lelapa la borena**”:
- “**lelapa la borena**” e bolela serheo se tswalehileng sa sehlooho kapa popelhe e nang le ba amanang haufi baholo le lelapa le busang, ka hara baahi ba setso ba sehlooho kapa baahi ba setso ba hlwalweng ho ya ka setso mme ba konyelelisa, moo ho loketseng, ditso tse ding tse amanang haufi baholo le lelapa le busang;”, le 20
- (f) ka ho kenngwa ha tlhaloso e latelang, ka mora tlhaloso ya “**lelapa la borena**”:
- “**molao ona**” e bolela Molao wa Freistata wa Puso ya Marena, wa 2005 (Molao wa 8 wa 2005);”. 25 30

Tokiso ya karolo ya 3 ya Molao wa 8 wa 2005

2. Karolo ya 3 ya Molao wa sehlooho e lokiswa ka ho kenngwa ha seratswana se latelang, bakeng sa seratswana (a) sa karolwana ya (5): 35
- “(a) kopong, kgothanyane le Kgosi kapa Morena, Ntlo ya Marena va Provence, baahi ba amehang, ekasitana le, ha ho lokela, Morena e mohlolo kapa morena wa sehlooho eo baahi ba ita wela ka tlasa hae;”.

Tokiso ya karolo ya 5 ya Molao wa 8 wa 2005 40

3. Karolo ya 5 ya Molao wa sehlooho e lokiswa ka mokgwa ona –

- (a) ka ho kenngwa ha karolwana e latelang sebakeng sa karolwana (1): 45
- “(1) Tonakgolo o lokela ho nahana ka ho hulwa ha baahi jwalo ka baahi ba setso, moo –

- (a) baahi ba amehang ba kopang Tonakgolo ho ntokolla jwalo ka izahi ba serso; ha feela baahi bao e le karolo ya baahi ba setso la sehlooho, kopo eo e tla romelwa ka mora hore baahi bao ba serso ba ikopanye le lekgole la setso la sehlooho. 5
- (b) Tonakgolo a kopuwe ka baahi kapa setjhaba se amehang ho lekolaboriba boemo ba baahi kapa setjhaba se neng se arotswa kapa se kopantswe pele ho 1994, ho ya ka diphelelo tsa molawana o loketseng. [kapa] 10
- (c) baahi ba serso ba bahedi kapa ho feta, ba kopang Tonakgolo ho kopanngwa ho ba sehloaha se le seng sa baahi ba serso; kapa 15
- (d) lekgole la setso la sehlooho le kopileng Tonakgolo ya leketseeng hore, a thoge seming baahi ba serso bao e leng karolo ya baahi ba setso la sehlooho ha feela kopo eo e tla romelwa ka mora hore lekgole la setso la sehlooho le ikopanye le baahi ba serso ba loketseng 20
- [Ha feela kopo e nngwe le e nngwe ya ho lokollwa jwalo ka baahi ba serso e lokelang ho tsamaya le mabaka an kopo e leng ga nna le ha feela kopo e nngwe le e nngwe e hang eo e lokela ho tsamaya le lesedi le boatshang dimilia tsa kopano e balatsweng khatjwaneng tsa]. 25
- (b) ka ho kenngwa ha mantswa kaolwaneng ya (2) sebakeng sa mantswa a pele seratswaneng sa (a) sa mantswa a luelang 30
- “(2) Ho behwa setulong ha baahi jwalo ka baahi ba serso ho tshelelele maemong a karolwana ya (1), e thositweng moe –”;
- (c) ka ho kenngwa ha karolwana ya (3) sebakeng sa karolwana e luelang 35
- “(3) Tonakgolo o lokela ho ikopanya le Ntlo ya Marena ya Provense le baahi bafe kapa bafe ba ka amehang, le ha ho loketsu, Morena e moholo kapa marena ya serso wa sehlooho, eo baahi ba tla wela ka tlasa hae, pele ho ka thoswa setulong ha baahi ba serso.”; le

(d) ka ho kengwa ha karolwana ya (d) sebakeng sa karolwana e latelang:

- “(4) (a) Tokollo ya baahi jwalo ka baahi ba setso e sebetswa ka mokgwa wa tsebiso ka hara *Pampiri ya Mmusa*. 5
- (b) Tsebiso e bolelwanng karolwaneng ya (d)(a), ho ya ka seratswana sa (c), e lokela ho hlphisetsa ho lokolla baahi jwalo ka lekgotla la setso le amehang, ka nako eo baahi ba lona ba setso ba lokollwanng. 10
- (c) Ho lokollwa ha baahi jwalo ka baahi ba setso, ba e leng karolo ya baahi ba setso ba sehlooho, ho keke ha ama maemo a baahi ba setso ba sehlooho kapa a lekgotla la setso la sehlooho moe le ho lokollwa ho fe kapa ho fe ha baahi ba setso ba sehlooho kapa lekgotla la setso la sehlooho ho usherelhele diphehlong tsa karolo ya 26B le 26C tsa Molao ona.” 15

Tokiso ya karolo ya 18 ya Molao wa 8 wa 2005

4. Karolo ya 18 ya Molao wa sehlooho o lokiswa ka mokgwa ona

(a) ka ho kengwa ha karolwana ya (4) sebakeng sa karolwana e latelang:

“(4) Ndo ya Marena ya Provense, le lekgotla la setso la sehlooho, moe ho loketseng, di lokela ho tseiswa ka ho behwa ha Kgosi kapa Morena”; le 25

(b) ka ho kengwa ha karolwana ya (5) sebakeng sa karolwana e latelang:

“(5) Ho ya ka dipheho tsa Molao ona, Tonakgolo a ka dosa kapa a lelela Kgosi kapa Motena ofe kapa ofe ofeng ka mora ho ikopanya le Ndo ya Marena ya Provense le lekgotla la setso la sehlooho le amehang.” 30

Tokiso ya karolo ya 25 ya Molao wa 8 wa 2005

5. Karolo ya 25 ya Molao wa sehlooho e lokiswa ka mokgwa ona

(a) ka ho kengwa ha karolwana ya (1) sebakeng sa karolwana e latelang: 40

- “(1) Lelapa la borena le ka hlwaya motho ya loketseng ho tshwara mokobobo jwalo ka Moemedi wa Morena e moholo, Morena wa sehlooho, Kgosi, Morena, Kgosana kapa Morena wa Motse, ho ya ka moo maemo a ditaba a leng ka teng, mo” 5
- (a) mohlalalani setulong sa Morena e moholo, Morena wa sehlooho, Kgosi, Morena, Kgosana kapa Morena wa Motse a se hlwayang ke ba lelapa la borena le amehang, ho ya ka karolo ya 18(1), [kapa] ya 19(1) kapa ya 26(1), ho ya ka moo maemo a ditaba a leng ka teng. 10
- (b) ho hlwaywa ha mohlalalani setulong sa Morena e moholo, Morena wa sehlooho, Kgosi, Morena, Kgosana kapa Morena wa Motse, ho shejwa boqha le ho ratolwa ho ya ka diphele tsa karolo ya 18(6), [kapa] ya 19(5), kapa ya 26(3), ho ya ka moo maemo a ditaba a leng ka teng. 15
- (c) Morena e moholo, Morena wa sehlooho, Kgosi, Morena, Kgosana kapa Morena wa Motse, ho ya ka moo maemo a ditaba a leng ka teng, ba ka ba suo dibakeng tsa bona tsa bolaodi, ka dala mabaka a mang ntle le ao a boletsweng karolong ya 26, mako e ferang dikgwedi tse tshelatseng, bakeng sa
 - (i) kalafu ya ho kula; 25
 - (ii) ditluto, kapa
 - (iii) lebaka lefe kapa lefe le molaong; le
- (2) ka ho kenngwa ha karolwana ya (8) sebakeng sa karolwana e latelang: 30
- “(8) [Motho ya behilweng ho ya ka diphele tsa karolwana ya (1), a ka dloswa setulong sa Moemedi ha Morena e moholo, Kgosi, Morena, Kgosana kapa Morena wa Motse a kgutlela mosebetsing wa hae] Nako efe kapa efe ha mohlalalani setulong sa boerapele a se a hlwaywe jwalo ka ha ho boletswwe seratswaneng sa (i) sa karolwana (1), kapa phaputsu jwalo ka ha ho boletswwe seratswaneng sa (ii) sa karolwana (i) e phethetswe, kapa mabaka a boletsweng seratswaneng sa (iii) sa karolwana ya (1) di se di sa sebetse, kamanelo efe kapa efe ya mokobobo e loketseng e da fela letsatsing leo morena ya loketseng, ya boletsweng seratswaneng sa (i) kapa (ii) tsa karolwana (1), a behilweng setulong ka tsebisu Pauparing ja Manna, kapa letsatsi leo morena ya loketseng, ya boletsweng seratswaneng sa (iii) sa karolwana (1) a qalellang mosebetsing wa hae”]. 35 40

Ho tloswa ha karolo ya 6 ya Molao wa 8 wa 2005

- 6. Karolo e latelang e kentswe sebakeng sa karolo 6 ya Molao wa Sehlooho, ka mokgwa ona: 5

“Palo ya dirho tsa makgotla a setso

 6. Tonakgolo o lokela, ho larela motjha o behilweng, ho etsa qeto ya palo ya dirho tsa makgotla a setso ka leng, a kula motjha efe kapa efe e behilweng ke letona, ho ya ka diphele tsa karolo ya 3(2)(a) ya Molao wa 41 wa 2003 le palo ya marena kapa mafumahadi a ananetsweng a baahi ba setso. [Palo eo ha e a lokela ho feta 30.]”

Ho kenngwa ha kgaolo ya 3A ya Molao wa 8 wa 2005

- 7. Molao wa sehlooho o lokisitswe ka ho eketswa ka mora Kgaolo ya 3 ya Kgaolo e latelang, ka mokgwa ona: 15

**“KGAOLO YA 3A
MARENA A SETSO A SEHLOOHO**

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Ho behwa setulong ha baahi ba setso ba sehlooho

- 26A. (1) Sehlopha sa baahi ba setso ba sehlooho se tshelwe ka tshbediso ya molao jwalo ka ha o boletswe karolong ya 28(9)(c) ya Molao wa 41 wa 2003. 25
- (2) Dikgweding tse tshelatseng ka mora ho hlokatlala ha Morena kapa mofumahadi, jwalo ka ha ho boletswe karolong ya 28(9)(c)(ii) ya Molao wa 41 wa 2003, Tonakgolo, ka tshbediso ya kakaretso *Pampiring ya Mbitana*, o lokela ho tshela setjhaba hore borena kapa bofumahadi ba mehlang bo fetohile ho ba baahi ba setso ba sehlooho, ho larela diphele tsa karolo ya 28(9)(c) ha feela e le hore morena kapa mofumahadi o hlokatlatswe pele ho Molao wa Tokiso, wa 2016, tshbediso ya kakaretso e kang ena e lokela ho phatlalatswa dikgweding tse tshelatseng ho dola lefatšeng la ho sebediswa ha Molao wa Tokiso wa 2016. 30

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- (3) Ntle le borena kapa bofumahadi, jwalo ka ha ho boletswe karolong ya 28(9)(c) ya Molao wa 41 wa 2003, ha ho baahi ba setso kapa baahi ba bang ba ananetsweng ba tla etsang kopo ya ho behwa setulong ha baahi ba setso ba sehlooho. 40

Ho tloswa setulong ha baahi jwalo ka baahi ba setso ba sehlooho

- | | | | |
|------|-----|---|----|
| 26B. | (1) | Ho tloswa setulong ha baahi jwalo ka baahi ba setso ba sehlooho, ho ya ka karolwana ya (6), ho la ammelwa feela moa bongata ba baahi ba setso, ka tlasa puso ya baahi ba setso ba sehlooho ba amehang ba kopang Tonakgolo ho lokollwa jwalo ka baahi ba setso ba sehlooho. Ha feela kopu e kang eo e lokela ho tsamaya numoho le maabaka ao kopu eo e etswang ka ona. | 5 |
| | (2) | Tonakgolo, pele a nka qeto, ho ya ka diphelo tsa karolwana ya (1), o lokela ho etsa diphupuso tse di tsamaiswa ke Lerona, bakeng sa ho fumana hore ho na le lebaka le utwahalang la ho lokollwa ha baahi jwalo ka baahi ba setso ba sehlooho. | 10 |
| | (3) | (a) Ho lokollwa ha baahi jwalo ka baahi ba setso ba sehlooho ho lokela ho etswa ke Tonakgolo ka tsebisu <i>Pampiring ya Mamma</i> . | 15 |
| | | (b) Pele ho lokollwa ha baahi jwalo ka ha ho boletsweng seratswaneng sa (a), Tonakgolo o lokela ho ikopanya le Ntlo ya Marena ya Provense, baahi bafe lapa bafe ba ka amehang le marena a maholo ao e leng karolo ya baahi ba setso ba sehlooho. | 20 |
| | | (c) Tonakgolo a ka hula Lerona ho tsamaisa dikopano tse boletsweng seratswaneng sa (b) mme le behe nako eo dikopano tseo di lokelang ho phethelwa ka yona. | 25 |
| | (4) | Ho lokollwa ha baahi jwalo ka baahi ba setso ba sehlooho – | 30 |
| | | (a) ho da lebisa ho qhalweng ha lekgodi la setso ba sehlooho, | |
| | | (b) ho kehe ka ama ho behwa setulong ha baahi ba setso bao e neng e le karolo ya baahi ba setso ba sehlooho pele ho tloswa baahi setulong jwalo ka baahi ba setso ba sehlooho, ha feela baahi bao ba setso ba nse ha na le tse hlokwang bakeng sa ho behwa setulong jwalo ka ha ho boletsweng kandelong ya 3 ya Moko. | 35 |

- (5) Tsebisiso e bolelwang karolwaneng ya (3)(a), ho latela pehelo efe kapa efe e amanang le Molao ona, e lokela ho beha mabaka a molaong, a sebetlang le mabaka afe kapa afe amang a ho lobollwa ha baahi jwalo ka baahi ba setso ba sehlooho, ho kemeletsa, ha ho loketse, ho tsamaiswa ha thepa, tse ba loketseng le direkoto tse ding tsa ho qhalwa ha sehlopha sa baahi ba setso ba sehlooho. 5
- (6) (a) Kananelo ya baahi jwalo ka baahi ba setso ba sehlooho e lokela ho hulwa ha ho hantse lekgotla la dinyewe. 10
- (b) Tonakgolo o lokela ho fana ka tsebisiso ya ho dloswa setulong hofe kapa hofe *Pampiring ya Mmuso*, ho latela taelo ya lekgotla la dinyewe.
- (c) Tsebisiso e boletsweng seratswaneng sa (b) e lokela ho beha mabaka a molaong, a sebetlang le afe kapa afe amang a ho dloswa setulong ha baahi. 15
- (7) Tonakgolo, ho latela diphelelo tsa karolo ya 31 ya Molao ona, a ka etsa Melawana e ntabapi le tshebetso e tla damella dikopano tse lokaneng, jwalo ka ha o akantswe karolong ena. 20

Ho behwa setulong ha morena wa sehlooho

- 26C. (1) (a) Setulo sa morena wa sehlooho se thehilwe ka tshebetso ya molao jwalo ka ha o akantswe karolong ya 28(9)(c) ya Molao wa 41 wa 2005. 25
- (b) Setulo sa morena wa sehlooho se thehilweng ka tshebetso ya molao kapa sa motho ofe kapa ofe ya hlahlamang setulong sa borena, o lokela ho tsebiswa ka diphelelo tsa karolo ena. 30
- (c) Ntle le mabaka a boletsweng seratswaneng sa (a) le (b), ha ho motho e mong, ho kemeletsa le morena ofe kapa ofe wa sehlooho, ya tla etsa kopo ya ho ba morena wa sehlooho. 35
- (2) Nako e nngwe le e nngwe moo setulo sa borena kapa sa bofumahadi e bang sa borena ba setso ba sehlooho, jwalo ka ha ho boletsweng karolwaneng ya (1)(a) kapa ya hlahlamang setulong sa borena ba setso ba sehlooho o lokela ho hlwanwa jwalo ka ha ho boletsweng karolwaneng ya (1)(b), ho tla sebetswa ka molgwana o latelang: 40

- (3) Lelapa la borena le amehang, nakong e kgetsofatsang, ha ho hlakela hore setulo sa morena wa setso wa sehlooho se nkuwe, ho larelle motho o dwaelehileng wa setso le meetlo le diphelelo tsa karobana va ^(a), le lokela ho
- (a) (i) hlwaya motho ya bohatseng, ho ya ka motho o dwaelehileng le meetlo, ho nka moschering wa morena wa setso wa sehlooho, ha eba diphelelo tse bohatseng tselolong ya 26D(1) kapa 26E(1)(b) kapa 26F(1)(a), (c), (d) kapa (e) di loketse motho eo; le
- (ii) erse kapa ya ho beha motho eo ya hlwaiweng setulong sa morena wa setso wa sehlooho ho Tonakgolo, eo kapa ya cona e lokelang ho tsamaya le
- (iii) (aa) dimitha tsa motho ya hlwaiweng ho nka setulo sa morena wa setso wa sehlooho; le
- (bb) mabaka a hore motho eo a hlwaiwe jwalo ka morena wa setso wa sehlooho.
- (b) Ha ho behwa motho ya hlaklamang setulong se teng sa morena wa setso wa sehlooho, Tonakgolo o lokela le ho sheba hore baahla ba setso ba sehlooho ba nse ba le teng na.
- (3) Nako emngwe le e mngwe eo Tonakgolo a behang morena wa setso wa sehlooho setulong, Tonakgolo o lokela –
- (a) ho phatlalatsa tsebiso *Boipang ya Mmon* a beha motho setulong sa morena wa setso wa sehlooho;
- (b) a fe motho eo kngolo la ho behwa setulong; mme
- (c) a tsebise Ntlo ya Marena ya Province le va Naha la kankelo eo.
- (4) Moa ho nang le bopaki ba qoso ya hore ho hlwaiwa ka motho eo jwalo ka morena wa setso wa sehlooho ha ho a etswa ka ho larelle diphelelo tsa motho o dwaelehileng wa setso le meetlo, Tonakgolo

- (a) o lokela ho etsa phuputso e itlhamiswa ke komiti ya diphuputso e laetsweng ke Tonakgolo, komiti e lokelang ho kenyeletsa bonnyane seho se le seng sa Ntlo ya Marena ya Provense, ho fa Tonakgolo tlaleho ya hore ho hlwauiwa ha motho ya loketseng ho entswe ka ho latela molao o thwaelehileng wa setso le meetlo, ebang ho se jwalo, ke motho ofe ya lokelang ho hlwauiwa; mme
- (b) o lokela, moo komiti ya diphuputso e fumaneng hore ho hlwauiwa ha motho ya boletsweng karolwaneng ya (2) ha ho a etswa ho latela diphelelo tsa molao o thwaelehileng wa setso le meetlo, a romele tlaleho e boletsweng seratswaneng sa (a) ho lelapa la borena bakeng sa maikutlo a lona
- (5) Tonakagolo, ka mora ho lekoa tlaleho ya komiti ya diphuputso, haminoho le maikutlo a lelapa la borena, ho ya ka karolwana ya (3), a ka beha motho eo setulong sa morena wa setso wa sehlooho.
- (6) Tonakgolo, ka ho latela diphelelo tsa karolo ya 31, a ka etsa melawana ho ya ka
- (a) diphuputso jwalo ka ha di boletswa karolong ena; le
- (b) metjha e lokelang ho latelwa bakeng sa ho hlwauiwa ha morena wa setso wa sehlooho, moo e leng hore meetlo ka molao o thwaelehileng wa setso ha o dumelle ho hlwaya ha mofuta oo.
- (7) Metjha e latelang e sebetsa moo motho ya hlahlamang setulong sa borena ha setso ba sehlooho a lokelang ho se nka, jwalo ka ha ho boletswa karolwaneng ya (1 (b):
- (a) nalane e nnetefaditsweng ya boteng ba setulo se kang seo sa borena ka hara baahi ba amehang;
- (b) nalane e nnetefaditsweng ya kamohelo ya setulo se kang seo ke baahi ba amehang;
- (c) nalane ya mesebetsi le matla a setulo se boletsweng sa borena, ho ya ka diphelelo tsa molao o thwaelehileng wa setso le meetlo ka hara baahi ba boletsweng;
- (d) boteng bo tswelang pele ba ho beha baahi kapa setjhaha jwalo ka baahi ba setso ba sehlooho; le

(c)	malume e mmechaditsweng ya –	
	(i) morena ka lefa, ho ya ka dipelulo tsa motho o dwaelehileng wa setso kapa meeto ya baahi ba setso ba sehlooho, ka kapa ntle le mosebetisi wa tswalo wa ho ba le sebe ho baahi ho tsheng kapa ho nntelatseng morho jwalo ka morena kapa	5
	(ii) moe morena ya kgethilweng, ho ya ka dipelulo tsa molao o dwaelehileng wa setso kapa meeto ya baahi ba amehang, morena o kgethilwe	10
(8)	Moe ho nang le bopaki kapa qoso ya hote motho ya hlahlamang setulong sa morena wa setso wa sehlooho ha a larela moqha o behilweng karolwaneng ya (7), Tamkgolo o lokela ho etsa phapuso le dipelulo tsa dikarolwana tsa (3), (4) le (5) di nta sebetsa ka dipheoho tse hokelang baling sa phapuso e kang eo.	15
(9)	(a) Nako e nngwe le e nngwe moe morena e moholo a behwang setulong sa morena wa sehlooho, semole sa morena eo e moholo se ka le sekgo.	20
	(b) Semole sa morena wa setso e moholo se nang le sekgo, jwalo ka ha ho boletsweng seratswaneng sa (ii), ho ya ka seratswana sa (c) matsatsing a 90 a ho bulwa ha sekgo seo, se ka kwalwa ka ho beha motho e nng jwalo ka morena wa setso e moholo, ho larela dipelulo tsa karolo ya 18 ya Molao ona.	25
	(c) Nako e nngwe le e nngwe moe ho behwa ka baahi ba setso ba sehlooho ho felang, ho ya ka karolo 26B ya Molao ona, ho tswa hon ho nta le bisa ho –	30
	(i) morena wa setso e moholo ya behilweng a kgethelang setulong sa morena wa setso e moholo, seo a ileng a se nta pele a behwa setuung sa morena wa setso wa sehlooho le	35
	(ii) ho tswa setulong sa morena wa setso e moholo ho boletsweng seratswaneng sa (b).	40
(d)	Motho eo ho behwa ha hae setulong sa morena wa setso e moholo ho feditsweng, jwalo ka ha ho boletsweng seratswaneng sa (c)(ii) –	

- (c) o tlohela mosebetsi yohle ya hae, boikarabelo le ditokelo tse amanang le mosebetsi oo wa morena wa setso wa sehlooho;
 - (ii) o tla tswella ho fumana moputso wa hae le melemo e amanang le setulo seo sa morena wa setso e mohlolo ho tihlela a hlalahlaha le
 - (iii) ha a sa lokela ho fumana moputso ofe kapa ofe kapa sesebediswa sa mosebetsi oo, jwalo ka ha ho boletswa Khomisheneng e Ikemetseng ya Molao wa Meputso ya Basebetsi ba Otisi, wa 1997 (Molao wa 92 wa 1997).
10. (a) Morena ofe kapa ofe wa setso wa sehlooho a ka itokolla mosebetsing; ha feela a itokolla ka lengolo mme lengolo leo le lokela ho romelwa ho Lonakgolo. 15
- (b) Morena wa setso wa sehlooho ya itokollang mosebetsing, ho tloha lersatsing leo a itokollotseng mosebetsing ka lona, o tlohela meputso, melemo le ditokelo dife kapa dife tse amanang le setulo seo a se fumaneng pele a itokolla mosebetsing. 20
- (c) Morena wa setso wa sehlooho ya itokollotseng mosebetsing ha a lokela ho etsa kopo ya ho behwa setulong sa morena wa setso wa sehlooho hape. 25
- (d) Nako e nngwe le e nngwe moo morena wa setso wa sehlooho a itokollang mosebetsing, jwalo ka ha ho boletswa karolong ena, senbo seo se ba le sekgeo mme se lokela ho kwala ho latela diphelelo tse amanang le Molao ona, ho ntse ho shebuwe le hote ho itokolla mosebetsing ha ho ame rshibuso ya ya hlalahlamang setulong. ho ya ka diphelelo tsa molao o tlwaelehileng wa setso le meeto ya baahi bana. 30
11. Motho ofe kapa ofe eo e seng morena wa setso wa sehlooho, jwalo ka ha ho boletswa karolong ena, empa a iketsa yena, o tla fumanwa a le molato wa tlolo ya molao mme o lokela ho abelelwa ho lefa njelete kapa o tla kwaliwa njhankaneng nako e sa feteng dilemo tse tharo. 40

Ho tloswa setulong sa morena wa setso wa sehlooho

- 26D. (1) Ho behwa setulong sa morena wa setso wa sehlooho, ho ya ka karolwana ya (2), (3) le ya (4) – 45

(a)	a lokelwa ho dloswa ha a –	
	(i) kile a tshelwa dolo wa mabalo ka ho kwatlwa tlhankaneng nako e fering dikgwedi tse 12 ntle le ho dumellwa ho kgelha ho lefa tlhetele ya koto;	5
	(ii) a phahlelletswe a se itekanela kelellong kapa a na le bofeloledi kelellong ke lekgola la dreyewe kapa	
	(iii) a se a sa dule semmuso ka lura sebaka sa lekgola la setso la sehlooho kapa	10
(b)	a ka dloswa ha a –	
	(i) dloswa o tšing ho ya ka dpehelo tsa mabalo wa bontshwano kapa	15
	(ii) sa botele mabalo o tshaelehileng wa setso kapa morena, ka mabaka a dumellang ho dloswa sentlong mme	20
(c)	a lokela ho dloswa ho ho bese lekgola la dreyewe.	
(2)	(a) Nabo e nngwe le e nngwe moo mabaka afe kapa afe a boletsweng karolwaneng ya (1) a tšewang ke lelapa la borena, lelapa la borena, nakong e tšewang le ka mabalo o tshaelehileng wa setso, le lokela ho tshela Tonakgolo e amehang le morena a setso a maholo ka hana baabi ha setso ba sehlooho ka dirlha tsa morena eo wa setso wa sehlooho le ka dirlha tse tšewang ke mabaka a boletsweng karolwaneng ya (1)	25 30
	(b) Nabo e nngwe le e nngwe moo mabaka afe kapa afe a boletsweng karolwaneng ya (1)(b) a tšewang ke lelapa la borena, lelapa la borena le ka kgelhaletso ho dloswa sentlong ha morena wa setso wa sehlooho mme le lokela ho fa Tonakgolo mabaka a kgelhaletso eo.	35
(3)	(a) Tonakgolo a tshelletswe ka boteng ka mabaka afe kapa afe a boletsweng karolwaneng ya (1)(a), Tonakgolo, ka moya ho ikopanya le Letona le ho ya ka karolwana ya (4) le ya (5), o lokela ho dloswa morena wa setso wa sehlooho setlong.	40

- (d) Ha Tonakgolo a tsebisiwe ba mabaka afe kapa afe a boletsweng karolwaneng ya (1)(b), Tonakgolo, ka mora ho ikopanya le Letona le boletsweng seratswaneng sa (a), le
 - (i) ka mora ho hlahlaba lesedi le boletsweng karolwaneng ya (2)(a); le 5
 - (ii) moo ho loketseng, ka mora ho hlahlaba kgothaleiso le mabaka a boletsweng karolwaneng ya (2)(b), 10
 ho tlosa morena wa setso wa sehlooho setulong kapa ho hana ho mo tlosa. Ha Tonakgolo a hana ho mo tlosa, o lokela ho fa lelapa la borena mabaka a khano.
- (4) Ha Tonakgolo a tlosa morena wa setso wa sehlooho setulong, o lokela ho 15
 - (a) etsa tsebiso ya diindha tsa morena wa setso wa sehlooho le leisatsi leo la ho tlosa setulong e da phatlalatswa *Paopiping ya Mpona*, le 20
 - (b) ho tsebisa lelapa la borena le morena wa setso wa sehlooho ya amchang.
- (5) (a) Moo ho nang le bopaki ba bore 25
 - (i) ho tloswa ha morena wa setso wa sehlooho setulong ha ho a etswa ho latela diphelelo dife kapa dife tse behilweng karolwaneng ya (1); 30
 - (ii) lesedi le rometsweng ho Tonakgolo ho latela karolwana ya (2)(a) le rometse ka ho susumetsa moya o mobe; kapa
 - (iii) kgothaleiso e entsweng ke ba lelapa la borena, jwalo ka ha ho boletsewe karolwaneng ya (2)(b), e entswe ka ho susumetsa moya o mobe. 35

- Tonakgolo o lokela ho etsa phuputso e tla tsamaiswa ke komiti ya dipheputso e kgethulweng ke Tonakgolo, komiti e lokelang ho benyeletsa bonnyane setho se le seng sa Ntlo ya Morena ya Provense, ho fa Tonakgolo tlaleho hammoho le dikgothaletso tse bontshang ehang ho tloswa setulong ha motho eo va amelang ho entswe ka ho latela diphelelo tse behilweng karolwaneng ya (1), kapa ehang lesedi le fuheng Tonakgolo le entswe ka ho susumetsa moya o mobe kapa thee, kapa ehang kgodhaletso ya lelapa la borena e entswe ka ho susumetsa moya o mobe kapa thee. 5
- (b) Ehang tlaleho ya komiti ya dipheputso e bontsha hore – 10
- (i) ho tloswa ha morena wa setso wa sehlooho setulong ho entswe ho latela diphelelo dife kapa dife tse behilweng karolwaneng ya (1); 15
- (ii) lesedi le fuheng Tonakgolo le entswe ka ho susumetsa moya o mobe kapa 20
- (iii) kgodhaletso ya lelapa la borena e entswe ka ho susumetsa moya o mobe; 25
- Tonakgolo o lokela ho nemela tlaleho ho ba lelapa la borena bakeng sa ho hlalusa makoabo a bona mme ba lelapa la borena ba lokela ho fa Tonakgolo lengole la makoabo a bona matsatsing a 60 ho dola letsatsing leo rometseng tlaleho ka bona.
- (c) Tonakgolo, ka mona ho hlaloha tlaleho ya komiti ya dipheputso hammoho le makoabo a ba lelapa la borena, a la 30
- (i) kaha ho tloswa morena wa setso wa sehlooho setulong ha lesedi leo ho fuheng ka lona kapa dikgothaletso tse entsweng ke ba lelapa la borena di entswe ka ho susumetsa moya o mobe kapa 35
- (ii) ka tsebiso *Pamphlet ya Manna*, a mofutse ho tloswa setulong kapa a fedise ho tloswa setulong. Ha feela ho tloswa setulong ho fedisirwe, morena wa setso wa sehlooho, ka baka leo, o tla nkuwa a behilwe setulong ho dola letsatsing leo ho tloswa setulong ha hae ho ne ho fediswa. 40

- (b) Moo ho tshwa setulong ha morena wa setso wa sehlooho ho fedisweng, ho latela diphele tsa karolo ena, lelapa la borena le lokela ho hlophisa morho ya hlabamang setulong sa borena, ho latela diphele tsa karolo ya 26C ya Molao oona le molao o tswakelileng wa setso le meeto, kapa a ka, bakeng sa karolwana ya (1)(c)(i), a hlophise morena ya tla tshwara mokoboko jwalo ka ha ho boletswa karolong ya 25 ya Molao oona. 5

Ho thehwa ha lekgotla la setso la sehlooho

- 26E. (1) (a) Hang fela baahi e ba baahi ba setso ba sehlooho, ka tshchediso ya molao jwalo ka ha ho boletswa karolong ya 28(9)(e) ya Molao wa 41 wa 2003, baahi hao ba setso ba sehlooho, ho ya ka karolwana ya (2), ba lokela ho theha lekgotla la setso la sehlooho. 10
- (b) Lekgotla la setso la sehlooho le lokela ho thehwa hona selemong seo, ho tloha letsatsing la ho qala ha ho sebediswa ha Molao wa Tokiso, wa 2016, kapa ntlheng ya lekgotla la setso la sehlooho leo e hang baahi ba mofuta oo, ka tshchediso ya molao, ka mora ho qala ha ho sebediswa ha Molao wa Tokiso, wa 2016, hona selemong seo, ho tloha letsatsing leo e hang baahi ba setso ba sehlooho ka kutwisiso ya hore Tonakgolo a ka eketsa nako e nngwe le e nngwe *Panahiring ya Muna* ka nako e sa feteng dilemo tse pedi. 15
- (c) Kersahalang e nngwe le e nngwe moo baahi ba setso ba sehlooho e hang baahi ba mofuta oo, ka tshchediso ya molao pele ho phatlalatsa ya polelo e behilweng karolwaneng ya (2), nako ya selemo se le seng e tla qala ho tloha letsatsing la phatlalatsa ya polelo eo. 20
- (2) (a) Lekgotla la setso la sehlooho le na le palo e irseng ya ditso jwalo ka ha Tonakgolo a phatlaladitse polelo eo e le tsebisiso *Panahiring ya Muna* ka mora ho ikopanya le 25
- (i) morena wa setso wa sehlooho
- (ii) foramo e nang le ditso tse sa feteng hlano tsa ba lelapa la borena; le 30

- (iii) feteng e nang le matena a setso a sehlooho a sa feteng 20, a ka tlasa baahi ba setso ba sehlooho, e kgethilweng ke matena a setso a maholo ho tswa hana bona. 5

Ha feela polelo eo e lokela ho phatlalatswa *Bangyang ya Amapo* dilemong tse pedi ho tloha ka kersata la ho qala ha ho sebediswa ha Molao wa Fokiso, wa 2016. Le ha feela polelo e nngwe le e nngwe e mabapi le lekgotla la setso la sehlooho e ita hlaliso ho lula kersamelao ya naha, e ita kena sebakeng sa polelo jwalo ka ha ho boletswa karolong eam le molaotheo wa lekgotla leo la setso la sehlooho o lokela ho fihlela ditlhoko tsa polelo ya naha. Le ha feela, ehang polelo ya provense e tshwana le polelo efe kapa efe e sebediswang ya naha, lekgotla lefe kapa lefe le ita nkuwa le tlehilwe ho lula polelo ya naha. 10
- (b) Bonnyane bonngwe bonngwe ba ditlo tsa lekgotla la setso la sehlooho e lokela ho ba basadi ka kutlwisiso ya hore ehang kopo eam e sa fihlelwe, Tonakgolo, pele ho behwa lekgotla la setso la sehlooho, a ka beha moedi bakeng sa lekgotla leo la setso la sehlooho. 20
- (c) Botlo ba lekgotla la setso la sehlooho bo kenyeditse – 25

 - (i) 60% tsa matena a setso a maholo, baerapele le ditlo tsa baahi ba setso tse kgethilweng, ho lula karolwana ya (3) le ho va ka diphele tsa meelo ya baahi, tse kgethilweng ke matena wa setso wa sehlooho eo e leng setho sa lekgotla *ho va ka mahela set o tlang* le modutsumo wa lekgotla le loketseng, a sa lebele tlhoko va ka kobea diphele tsa seratswana sa (b), le 30
 - (ii) 40% ya ditlo tse kgethilweng ho va ka diphele tsa seratswana sa (i). 35

- (c) Tlang ho se na tumellano joalo ka ha ho boletswa seratswaneng sa (b), morena wa setso wa sehlooho o lokela ho fa Tonakgolo e amehang indutso e batho ba Chontsweng holeng sa dikgetho tsa Tonakgolo, ka mora ho kopanya le morena eo le foramo e boletsweng seratswaneng sa (a), o lokela ho fgetha palo e hlokehlang ya ditso joalo ka ha ho boletswa karabwaneng ya (2)(c)(i). 5
- (4) (a) Nako ya puso ya ditso tsa lekgotla le setso la sehlooho, ntle le morena wa setso wa sehlooho, ha e fere dilemo tse hlano tsa ntle e lokela ho bapa le nako ya puso ya Ntlo ya Naha. 10
- (b) Ho fgethwa ho ditso ho ya ka karabwana ya (2)(c)(i) ho lokela ho phethelwa bomoya mantsi a 60 pele nako ya puso ya ditso tsa lekgotla leo e fela. 15
- (5) (a) Tonakgolo, ka tsebisu *Notifying to Member* e boletsweng le ka ho laela Moko o na, o lokela ho beha lekgotla le setso le sehlooho setulong bakeng sa batho bao ba setso tsa a boele se bal a sa lona sa rako. 20
- (b) Tsebisu e boletsweng seratswaneng sa (a) e lokela ho ba le mabuso a ditso tsa lekgotla.
- (6) Lekgotla la setso la sehlooho le bitsusa kopano sebakeng se sehloho sa morena wa setso wa sehlooho kapa sebakeng sa tsamaiso sa lekgotla leo. 25
- (7) Khetamo ya lekgotla la setso la sehlooho e na le palo e ngata ya palo e fella seng ya ditso tsa lekgotla leo. 30
- (8) Lekgotla la setso la sehlooho le lokela ho fgetha e mong wa ditso ho ba modisa modisasetula ya ta tshwana modiboho boasing ba morena wa setso wa sehlooho. 35
- (9) (a) Lekgotla la setso la sehlooho le lokela ho bitsa kopano ha mgwe dikgveding tse pedi. Ha feela morena wa setso wa sehlooho a ka, ka tumello ya tonakgolo, le ka bitsa kopano e rwaehlaleng kapa kopano efe kapa efe e ikgethang ya lekgotla. 40

- (b) Morena wa setso wa sehlooho a ka kopana le morena a setso a mabolo a ka thasa puo ya boetapele ba setso ba sehlooho.
- (c) Dipehelo isa karolo ya 13(2) le (3) le ya 14 ya Molao ona di rla sebitsa kopanong efe kapa efe ya lekgotla la setso la sehlooho. 5
- (10) Morena wa setso wa sehlooho, bakeng sa ho bitsa kopano e kgethang, e lokela ho tshebi-a ditso isa lekgotla la setso la sehlooho matsatsi a sa feteng a supileng pele ho kopano. 10
- (11) Setho sa lekgotla la setso la sehlooho se lokela ho tlhela ofisi ba
 - (a) e se moali wa Afrika Borwa; 15
 - (b) ahlolwa tlolo ya molao ka ho kwallwa tshankaneng nako e ferang dikgwedi tse 12 ntle le ho dumellwa ho kgetha ho lefa tshetele ya kotlo;
 - (c) a itokolla mosebetsing; 20
 - (d) a phatlaladitswe a sa itekanela kefellong kapa a na le bofofodi kefellong ke lekgotla la dmyewe;
 - (e) nako eo setho se e kgethsweng kapa se e behetsweng, ho ya ka moo maemo a ditaba a emeng ka teng, e fedile; 25
 - (f) a kginnwe ho ya ka karolwana ya (14);
 - (g) a se a sa dule ka hara sebaka se ka thasa taolo ya lekgotla la setso la sehlooho; kapa 30
 - (h) e le setho se kgethilweng nune a thositswe setulong sa borena. 35
- (12) Ha setho sa lekgotla la setso la sehlooho se hloka-hala kapa se tlhela mosebetsi pele nako ya sona ya tshebetso e fela, sekgeo se kang seo sa mosebetsi se lokela ho kwalwa ka mokgwa o boletsweng karolwaneng ya (2)(c)(i) kapa (ii), matsatsing a 30 a ho tlhela ho ne ho ba le sekgeo seo sa mosebetsi, ho ya ka moo maemo a ditaba a emeng ka teng. 40

- | | | |
|------|--|----|
| (5) | Morho ya huriweng ho kwala seligero lekgotleng la setso la sehlooho iwalo ka ha ho boletswa karolwaneng ya (12), o tla sebersa ofising eo ho qatella nako eo morho ya neng a sebersa ho yona a sa e qatang. | |
| (4) | Morho ha a lokela ho kgethwa ho ba setho sa lekgotla la setso la sehlooho eba – | 5 |
| | (a) e se moala wa Afuka Borwa; | |
| | (b) a le ka tlasa dilemo tse 18; | 10 |
| | (c) a adoletswe, dolo e ya mola e ka ho kwalwa qhankameng naho e ferang dikgwedi tse 12 orle le ho dimellwa kgetho ya ho lefa tjirelene ya kolo; | 15 |
| | (d) a sa kgone ho lefa mekilane ya hae hobang kapa a kene tumellanong le baso a ba kolotang; | |
| | (e) a sa tsisa kellohong naha seo se phatlaladitswe ke lekgotla la mela le nang le bolgona; | 20 |
| | (f) e le kapa e eba seibo se feller-seng sa lekgotla la masepala; | |
| | (g) a kgethilwe ho ba setho sa lekgotla la khatamela la provense; | 25 |
| | (h) a kgethilwe ho ba setho sa Seboka sa Naha; | |
| | (i) a hirilwe ho ba moemedi wa moshweleli wa Lekgotla la Naha la Diprovense; | 30 |
| | (j) a filwe moschasi wa nako yohle nlong efe kapa efe ya marena; kapa | |
| | (k) a sa dula ka hant seiyaka se ka tlasa ranta ya lekgotla la setso la sehlooho. | 35 |
| 415) | (a) Ho thoswa setulong sa hant ha setso ha sehlooho, ho ya ka dpebele tsa karolo ya 26B ya mola o na, ho tla leisa ho qhalweng ha lekgotla la setso la sehlooho le loketseng le ho thoswa setulong ha morena wa setso wa sehlooho. | 40 |
| | (b) Ho qhalwa ha lekgotla la setso la sehlooho ho lokela ho etswa ke Fonalgolo ka tsebiso <i>Pampiring ya Manna</i> . | |

(e)	ho kgothaletsa kopano pakeng tsa sejhaha sa setso se thasa raolo ya lekgotla la setso la sehlooho; le	
(f)	ho thusa morena wa setso wa sehlooho ho etsa mesebetsi ya hae, ho kengyeletsa mesebetsi eo a e filweng ho ya ka molawana ofe kapa ofe.	5
(2)	Lekgotla la setso la sehlooho le lokela –	
(a)	ho boloka direkoto tse nepahetseng;	10
(b)	ho ba le dipampitshana tsa tshelbediso ya diqhelete tse hlakisitsweng ke Mohtakisi-Isakaretso tsona le romele dipampitshana tsa hlakisitsweng ho Tonalgolo kgwedung e le mgwe ho tloha letsatsing leo ba di fumaneang ka lona;	15
(c)	ba pepese dimpho tseo ba di amohetseng ho Tonalgolo e amehang;	
(d)	ho ikobela molao wa beitsiwarana; le	20
(e)	ho eletsa le ho tshelhetisa makgotla a setso ohle a ka thasa raolo ya lona.	
	Tshelhetso ho makgotla a setso a sehlooho	25
26G.	Mmuso wa Provense ya Freistata o lokela ho amohela molawana kapa metjha e meng ba ho ka hlokeha ho	
(a)	tshelhetisa le ho matlafatsa bokgami ba makgotla a setso a sehlooho ho phetha mesebetsi ya yona, mme tshelhetso eo e kengyeletsa phano ya tshelhetso ya tsamaiso le ya diqhelete; le	30
(b)	ho disa le ho laola diqhelete tsa makgotla ao.	35
	Tonalgolo, ka mora kopano le lekgotla la setso la sehlooho le ho ya ka kanelo 12 ya Molao oona, a ka –	
(a)	etsa qeto ya palo le hoemo ba mampuso ya mesebetsi e hlokeheng ho etsa mesebetsi ya tsamaiso, diqhelete le mesebetsi e amanang le mesebetsi ya lekgotla le tobileng.	40
(b)	etsa qeto ya maemo afe kapa afe a tshelhetso e loketseng mesebetsi le	45
(c)	hira batho ba loketseng mesebetsi eo ho latela metjha ya klubo e sebediswang ka hata provense kapa bahalanka ba loketseng ho tswa mmusong wa provense ho etsa mesebetsi eo.	

(5)	(a)	Bakeng sa merero ya karolwana ya (1), Tonakgolo, ka kopano le Matlole a Provense le ho ya ka molawana ofe kapa ofe kapa metjha e meng jwalo ka ha ho boletswe ka rolwaneng ya (1), a ka bula akhaonto bakeng sa lekgotla la setso la sehlooho lefe kapa lefe le thehilwang moo tjhelete e	3
		(i) dithuso tsohle tse entsweng ke ditho tsa baahi ba loketseng;	10
		(ii) dijhelete tsohle tse kenang ka rthepa efe kapa efe ya lekgotla kapa e hahwang ke lekgotla;	15
		(iii) monchelo ofe kapa ofe o filwang lekgotla ke motho ofe kapa ofe, lekgotla kapa serheo;	20
		(iv) dijhelete dife kapa dife tse lefshwang ho lekgotla ho latela dipehelo tsa tshebetsonumobo jwalo ka ha ho boletswe karolong ya 10; le	25
		(v) dijhelete dife kapa dife tse diug'ho ya ka moo Tonakgolo a ka qetang kapa a dumella ka teng.	30
	(b)	Bakeng sa merero taolo ya akhaonto efe kapa efe e boletsweng seratswaneng sa (a), Tonakgolo, ka kopano le Matlole a Provense le ho ya ka molawana ofe kapa ofe kapa metjha e meng jwalo ka ha ho boletswe ka rolwaneng ya (1), a ka etsa qeto ya	35
		(i) tsamaiso le taolo ya dijhelete e loketseng akhaonto eo;	40
		(ii) maemo afe kapa afe a loketseng akhaonto eo;	35
		(iii) lense le dijhelete dife kapa dife la lekgotla la setso la sehlooho;	40
		(iv) tefo ya tshebediso efe kapa efe ya tjelete ya lekgotla leo;	40
		(v) merero eo dijhelete dife kapa dife tse akhaontong eo di ka sebediswang ka yona ke lekgotla;	40

- vi) ho kwalwa ha dikhaonto dife kapa dife tse ding, ho kenelelsa akhaonto ya polokeho ya tshelere enpa ntle le akhaonto ya polokeho ya tshelere jwalo ka ha ho boletswa karoleong ya 10 ya Molao wa Taolo ya Polokeho ya Tshelere, wa 1988 (Molao wa 57 wa 1988), le ho fetsetswa ha ditshelere dife kapa dife akhaontong tse ding kapa akhaontong ya polokeho ya ditshelere akhaontong e bolotsweng seatswaneng sa tse;
- vii) ditshelere tsa tlaleho tse loketseng akhaonto eo; le
- viii) metjha efe kapa efe e meng jwalo ka ha ho ka abantjwa ho le bohlokwa ke Lonakgolo ho nnete tsa molo e ntle le e phethahetseng ya akhaonto,
- mine a ka kgetha mohlanka efe kapa ho tswa numusong wa provense ho rusa lekgotla la setso la sehlooho ka molo ya akhaonto eo kapa ho laola akhaonto eo lebitsong la lekgotla. Ha feela merero ya diratswana tsa (i) ho tšhla ho (ii) Lonakgolo a lokela ho kopana le lekgotla la setso la sehlooho le loketseng pele a etsa qeto efe kapa efe jwalo ka ha ho boletswa diratswaneng tseo.

Tshebediso le tlhaloso ya diphelelo

2611. (1) Diphelelo tsa dikarolo tsa 9, 10, 15 le ya 16 tsa Molao ona di tla sebetsa ka diphetoho tse hlakelang ho lekgotla la setso la sehlooho.
- (2) Diphelelo tsa dikarolo tsa 24 le 26 tsa Molao ona di tla sebetsa ka diphetoho tse hlakelang ho morena wa setso wa sehlooho.
- (3) Diphelelo tsa Molao wa Botswana o Scheduleng ya 2 Molaoong ona di tla sebetsa ka diphetoho tse hlakelang ho morena wa setso wa sehlooho le setho sa lekgotla la setso la sehlooho.
- (4) Palo efe kapa efe e Kgaofoong ena ya phelelo ya Molao wa 41 wa 2003 e kenelelsa phelelo e arabang molawana o shebediswang wa naha o ka kengwang sebakeng sa Molao wa 41 wa 2003 o fellese.
- (5) Ho kginwa ho hong le ho hong ho ya ka Molao ona, ho amanang le kahlolo ya tshankane ya nako e fetang dikgwedi tse 12 ntle le ho dimellwa ho kgetha ho tšhla tshelere ya kotlo ho tla tšhla dilamong tse hantle ka mora hore kotlo eo e qetwe.

Ho tloswa ha karolo 27 ya Molao wa 8 wa 2005

8. Karolo e latelang e tloswa bakeng sa karolo ya 27 ya Molao wa sehlooho ka mokgwa ona: 5
- “27. Tonakgolo o lokela ho romela khopli ya *Pampiri ya Mmuso* [moo] e nang le tsebiso [e leng] e hlalisingeng ho ya ka Molao ona, [e phatlaladitswe] ho makgotla a setso a sehlooho le makgotla a setso.”

Ho tloswa ha karolo 28 ya Molao wa 8 wa 2005 10

9. Karolo e latelang e tloswa bakeng sa karolo ya 28 ya Molao wa sehlooho ka mokgwa ona:
- “28. Qeto ya Khomishene ya Dikqabang le Dintlalo tsa Marena a Setso e lokela ho sebediswa ke Tonakgolo ho lula dikarolo tsa 18 le 19 tsa Molao ona, moo setulo sa morena wa setso wa sehlooho, Kgosi, Morena, Kgosana kapa Morena wa Motse se amehang ke qeto eo.” 15

Ho tloswa ha karolo 29 ya Molao wa 8 wa 2005 20

10. Karolo e latelang e tloswa bakeng sa karolo ya 29 ya Molao wa sehlooho ka mokgwa ona:
- “29. (1) Moo ho nang le lebaka le kgodisang hore morena wa setso wa sehlooho, Kgosi, Kgosana, Morena wa Motse, Ramotse kapa setho sa lekgotla la setso la sehlooho kapa lekgotla la setso ba ka ba molato wa boitshware bo bohe ka – 25
- (a) a hloloha kapa a bana ho ikobela Molao wa Boitshware; 30
- (b) a hloloha kapa a bana ho ikobela diphelelo tsa Molao ona kapa molao ofe kapa ote oo e leng mosebetsi wa hae ho ikobela ona; 35
- (c) a tloa molao, a sa natse letho kapa a etsa ka boomo ho se phethea le ho e filweng ke morho ya nang le matla a ho mo fa yona, kapa ho se latele ditlalo ka bala la boitshware bo bohe; 40
- (d) a nshwere ka tsela e hlabisang dihlong kapa ka mokgwa o sa lokang; 45
- (e) a nwa jwala kapa a sebedisa dithefatsi lahoholo; 45
- (f) a sebedisa matla a hae ka tsela e fosahetseng, kapa ka qobello kapa kgethollo, bakeng sa ho tlotlwa, ho lefshwa tjelele, ho putswa kapa ho fumana mpho;

- (g) a leka kapa a fa motho kotle ntle le tumello ke molao ofe kapa ofe ho etsa seo.
- (b) a le bohlaswa kapa a le botswa ba ho etsa mosebetsi wa hae,
- 5
Tonakgolo a ka mo abolela boitshwara bo bobo ka kotle ya tefello ka lungolo nne a hre motho ya tla etsa diphuputso tsa nyewe eo.
- (2) Phuputso efe kapa efe ya motho ya kgethibweng ho latela karolwana ya (1), morena wa setso wa sehlabaha, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa setho sa lekgotla la setso la sehlabaha kapa lekgotla la setso di tla dumellwa ho mamelwa. Ha feela tsheberso e sa tlo fediswa ke ho sirwa ha morena wa setso wa sehlabaha, Kgosi, Kgosana, Ramotse kapa setho sa lekgotla la setso la sehlabaha kapa lekgotla la setso ho sebetšana le diphuputso tseo.
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- (3) Morho ya kgethibweng ho etsa diphuputso o lokela –
- (a) hore qetellong ya diphuputso, a fumane hore morena wa setso wa sehlabaha, Kgosi, Kgosana, Ramotse kapa setho sa lekgotla la setso la sehlabaha kapa lekgotla la setso ba molato wa boitshwara bo bobo kapa nhee nne a mo tshisa ka dipathisiso tsa tsona le
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- (b) ho fa tonakgolo direkoto tsa tsheberso ya nyewe, daleho ya dipathisiso tsa tsona, le mabaka a tsona, le matkurlo afe kapa afe a hae a ka latlang ho fana ka ona
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- 4) Haeba morena wa setso wa sehlabaha, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa setho sa lekgotla la setso la sehlabaha kapa lekgotla la setso ha fumane ba le molato wa boitshwara bo bobo, Tonakgolo a ka
- 30
- (a) hlokomedisa kapa a kgalema morena wa setso wa sehlabaha, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa setho sa lekgotla la setso la sehlabaha kapa lekgotla la setso,
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- (b) qobella morena eo wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Motse [kapa] Ramotse kapa setho sa lekgotla la setso la sehlooho kapa lekgotla la setso ho ya tsosoliswa bakeng sa tshebediso ea jwala kapa dithefatsi. 5
- (c) mo fa kotlo ya ho lefa tshelere e sa feteng [diranta tse **Makholo a Mabedi**] diranta tse sekere, tse da lefshwa kapa tsa hulwa moputsong ofe kapa ofe wa hae ho ya ka diphele tsa molawana o sebediswang bakeng sa Kuno ya Letlale la Ditshelere la Provense, e da lefshwa hanyane ha nyane ho ya ka moo Tonakgolo a tla laleng ka teng. 10
- (d) laola seo ntle e sa feteng dilemo tse pedi ho ya ka moo Tonakgolo a tla laelang ka teng, ha a lokela ho lefshwa moputo ofe kapa ofe; kapa 15
- (e) mo fa dikotlo dife kapa dife tse pedi kapa ho feta tsa dikotlo tse boletsweng seratswaneng sa (a), (b), le (c) kaofela. 20
- (5) Motema ofe kapa ofe wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kapa setho sa lekgotla la setso la sehlooho kapa lekgotla la setso ya ahloletsweng tlhlo efe kapa efe ya molao e boletsweng Sheduleng ya 1 ya Molao wa Tsamaiso ya Bosenyi wa 1977 (Molao wa 51 wa 1977) ke lekgotla la duyewe le nang le bokgoni, kapa tlhlo efe kapa efe ya molao eo, ho ya ka tshelero ya Tonakgolo, e tshwana le boitshwano bo bobu ho ya ka karolo ena, e tla nkuwa, ho arabela qoso eo, a tumanwe a le molato wa boitshwano bo bobu ho ya ka diphele tsa karolo ena, eo ho ya ka diphele tsa karolwana ya (4) di amanang le dikotlo tsa boitshwano bo bobu, e tla fetolwa ho sechediswa ho morena eo wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kapa setho sa lekgotla la setso la sehlooho kapa lekgotla la setso. 25 30
- (6) Moo e leng hore morena wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kapa setho sa lekgotla la setso la sehlooho kapa lekgotla la setso ba qositswe ka boitshwano bo bobu ho ya ka diphele tsa karolwana ya (1) kapa ba qositswe ka tlhlo efe kapa efe ya molao boletsweng karolwaneng ya (5), Tonakgolo a ka kgina morena eo wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kapa setho sa lekgotla la setso la sehlooho kapa la setso moschetsing wa hae ho fihlela nako eo 35 40

- (a) moo morena eo wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa serho sa lekgorla la setso la sehlooho kapa lekgorla la setso a fumanwe a le molato wa boitshware bo bebe kapa tlolo e kang eo ya molao, jwalo ka ha Tomakgolo o fane ka kotlo ho ya ka dipelelo tsa karolwana ya (f); kapa 5
- (b) morena eo wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kapa serho sa lekgorla la setso la sehlooho kapa lekgorla la setso ha fumanwe ba se molato wa boitshware bo bebe kapa tlolo e kang eo ya molao kapa qoso ya boitshware bo bebe kapa botjuntjuna ha bozenya kgahlano le vena ho tla fediswa. 10
- (c) Morena ofe kapa ofe wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa serho sa lekgorla la setso la sehlooho kapa lekgorla la setso ha kginawe mesebeteng ya bona ho va ka karolwana ya (6) [o lokela] ha ba lokela ho, nakong ya ho kginwa mesebeteng ya bona, ho sebedisi matla afe kapa afe a bona kapa ho etsa mesebetsi ofe kapa ofe eo ba o filweng o amanang le morena wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa serho sa lekgorla la setso la sehlooho kapa lekgorla la setso ho ya ka dipelelo tsa molao ofe kapa ofe, kapa [o lokela] ha ba lokela, nakong ya ho kginwa mesebetseng ya bona, ho fumanwa moputsa wa mesebetsi wa mesebetsi wa morena wa setso wa sehlooho, Kgosi, Morena, Kgosana, Morena wa Morse, Ramotse kapa serho sa lekgorla la setso la sehlooho kapa lekgorla la setso ho va ka dipelelo tsa molaoana o tshabetsong.”. 15
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Ho tloswa ha karolo 30 ya Molao wa 8 wa 2005 30

11. Karolo e latelang e tloswa bakeng sa latulo ya M wa Molao wa sehlooho la molgwa ome

- “31. (1) Tomakgolo ka seliso Limpiteng la Molao, a ka rucha melawana e amanang le 35
- (a) taba efe kapa efe eo ho ya ka dipelelo tsa Molao ome e hlokehang kapa e dumellersweng ho laelwa; 40

(b) mesebetsi ya seriso, mekero le mesebetsi e meng ya morena wa seriso wa sehlooho, ka mora kopano le lekgotla la boemedi le nang le ditlo, tse sa feteng tse pedi tsa lekgotla ka leng la seriso la sehlooho le kgethilweng le lekgotla lena, le

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(c) ka kakaretso, taba efe kapa efe e nkuwang e le bohlokwa kapa e loketse ho hahwa bakeng sa ho fihlella maikemisetso a Molao ona.

(2) Pele melawana efe kapa efe e rhibwa ka tlasa karolo ena, Tonakgolo o lokela ho kopana le ba Ntlo ya Marena ya Proyese nune a phatlalatsa moralo wa melawana efe kapa efe Pamphlet ya Molao bakeng sa ditlhaliso tsa setjhaba."

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Kgutsufatso le qalo

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12. Molao ona o hriswa Molao wa Tokiso wa Freistata wa Poso ya Marena, wa 2018 nune o tla qala ho sebersa ho tloha letsatsing la ho phatlalatswa ha ona *Pamphlet ya Molao*.

NTLHA TLHALOSO EE AKARERETSEGILENG:

- (a) Mantswe aa tlhatsweng gakana a le mo teng ga masakana a supa fa e tbaeditswe mo Tlhomogong ya melao e ntseng e leng gone.
- (b) Mantswe aa tlhathweng-dase ka mola o o papota a supa kgokolelo mo melao-popong e ntseng e le gone.

MOLAO

Tokafatso ya Molao wa Foreisitata wa Ketelelopele le Tsamaiso-Puso ya Ngoao le Setso, wa 2005, go tlamela go nna teng ga merafe-megolo ya ngoao le setso; bagokgo ba baeteledipele ba ngoao le setso; mabegota-kgolo a okametseng taolo ya ngoao le setso; le go tlamela merero ee golaganeng nao.

JAAKA GO TLHOMILWE ke Bodiramelao jwa Porofensi ya Foreisitata ka tsela ee latelang:

(Molao o o tshwaraganyang le Molao wa Foreisitata wa Ketelelopele le Tsamaiso-Puso ya Ngoao le Setso, wa 2005)

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Karolo 1 ya Tokafatso ya Palo-Molao 8 wa 2005

- 1. Karolo 1 ya Molao wa Foreisitata wa Ketelelopele le Tsamaiso-Puso ya Ngoao le Setso, wa 2005 (Palomolao 8 wa 2005) o go tloga jama o fa ka kwang ele one Molao Nngoloi o tokafaditswe e jama –
 - (a) ka go somelwa fa morago ga tlhaloso ya “Palomolao 41 wa 2003” ga tlhaloso ee latelang:
 - “Tokafatso Molao, 2016” e kaya Tokafatso ya Molao wa Foreisitata wa Ketelelopele le Tsamaiso-Puso ya Ngoao le Setso, ya 2016;”
 - (b) ka go somelwa fa morago ga tlhaloso ya “Kgosi kgotsa Morena” ga tlhaloso ee latelang:
 - “MEC go kaiwa Tokololo ya Khuduthamaga ya Lekgotla taolo la tsamaiso-puso la Porofensi ya Foreisitata je le rweleng maikarabelo a merero ya ngoao le setso;”
 - (c) ka go somelwa ka fa morago ga tlhaloso ya “Motshwareldi” mo tlhalosong ee latelang:
 - “Lekgotla la BoSetshaba” le kaya Lekgotla la Boseetshaba la Baeteledipele ba Ngoao le Setso je le tlhamilweng go latela Molao wa Lekgotla la Boseetshaba la Baeteledipele ba Ngoao le Setso, wa 2009 (Palomolao 22 wa 2009);”

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- (d) ka go somelwa fa morago ga tlhaloso ya “**taolo**” mo ditlhalosong tse di latelang:
- “ **‘morafe-mogolo wa ngoao le setso’** o kaya morafe oo bonagalang e le one morafe-Mogolo wa ngoao le setso go latela karolo 28(9)(c) ya Palomolao 41 wa 2003, fa e balwang mmogo le karolo 26A ya one Molao ono; 5
- ‘Lekgotla-taolo la taolo ya ngoao le setso’** le kaya Lekgotla-taolo la taolo je le tlhamilweng le go tlhomanisiwa go latela karolo 26E ya one Molao ono; 10
- ‘Mogokgo wa Baetapele ba Ngoao le Setso’** go kaiwa motho yo o kailweng go nna mogokgo wa baetapele ba ngoao le setso go latela karolo 28(9)(c) ya Palomolao 41 wa 2003, kgotsa modhadlhami wa gagwe jaaka go akantsweng mo karolong 26C ya one Molao ono;” 15
- (e) ka go ntshafatsa tlhaloso ya “**Losika la Bogosi**” ka tlhaloso ee latelang:
- “ **‘Losika lwa bogosi’** go kaiwa setheo se e leng mmoko wa meetlo ya morafe kgotsa mokgarlo oo tsenyeletsang balosika ba ba amanang gaufi le losika je le busang morafe-mogolo wa ngoao le setso kgotsa morafe wa ngoao le setso oo supilweng go ya ka meetlo mme o tsenyelets, fa go kgonega, balosika ba bangwe gape ba ba amanang gaufi le losika je le busang;” e bile 20 25
- (f) ka go somelwa la fa morago ga tlhaloso ya “**Losika la bogosi**” tlhaloso e e latelang:
- “ **‘Molao ono’** o kaya Molao wa Forerisirata wa kerelelopele le Tsamaiso-puso ya Ngoao le Setso wa 2005, (Palomolao 8 wa 2005);” 30

Tokafatso ya karolo 3 ya Palomolao 8 wa 2005

2. Karolo 3 ya Molao-mogolo e tokafadiwa jaana ka go ntshafadiwa ga karolwana (a) ya karolo-potlana (5) ka karolwana ee latelang: 35
- “(a) Go rerisana le kgosi kgotsa Morena, Lekgotla la Porofensi la Baetapele ba Ngoao le Setso, morafe oo amegang, mmogo le, fa go kgonega, kgosi-kgolo kgotsa mogokgo wa baetapele ba ngoao le setso o morafe oo, o welang mo tlase ga gagwe fa go dirilwe kopo e ntseng jaalo?” 40

Tokafatso ya karolo 5 ya Palomolao 8 wa 2005

3. Karolo 5 ya Molao-Mogolo o tokafadiwa jaana – 45
- (a) ka go ntshafadiwa ga karolo-potlana (1) ya karolo-potlana ee latelang:
- “(i) Tautona o tshwanela go ikakanya ka ga Kgogelo morago dthomamiso ya morafe jaaka morafe wa ngoao le setso fa – 50

201. Lasika lwa Bogosi le ka tupa mongwe yo o mabela go ka diragatsa karolo ya go nna. Moemedi wa Kgosi-kgolo, Mogoqgo wa Baetapele ba Ngwao le Setso, Kgosi, Morena, Kgosana kgotsa Morena wa Motse, go ya fela ka fa maemo a leng ka gone, fa –

(a) motlhatlhami mo maemo a Kgosi-kgolo, Mogoqgo wa Baetapele, ba Ngwao le Setso, Kgosi, Morena, Kgosana, Morena wa Motse a tse a supiwe ka Balosika lwa Bogosi. ba ba amogang go latela karolo 18(1) [kgotsa] 19(1) kgotsa 26C, go latela maemo a a kabong a le gone.

(b) go supiwa ga motlhatlhami go tseye maemo a Kgosi-kgolo, Mogoqgo wa Baetapele, ba Ngwao le Setso, Kgosi, Morena, Kgosana, kgotsa Morena wa Motse go santse go sekasekwa go ka ranelolwa go latela karolo 15 6, [kgotsa] 26C(3), go tuela maemo ee kabong a le gone.

(c) Kgosi-kgolo, Mogoqgo wa Baetapele, ba Ngwao le Setso, Kgosi, Morena, Kgosana kgotsa Morena wa Motse, go tuela fela ka maemo a ka bo a leng ka teng, a ka nna a bo a se gone mo tikologong ya gagwe ya simolola mo tlase ga mabaka mungwe na sa akaredwang mo teng ga karolo 26 go feta lobaka lo lo kana ka dikgwedi di le diutaro ka ntlha va

- (i) go okelwa bolweru;
- (ii) go tseola Dirhmo;
- (iii) lebaka lengwe le lengwe je leka fa mabong ga mmogo le

(d) ka go ntsafatsa karolo potlana (8) la karolo-potlana ee latelang:

205. [Motho yo o tlhopilweng goarela karolo-potlana (1), a ka pagololwa mo setulong sa Moemedi fa Kgosi-kgolo, kgosi, Morena, Kgosana kgotsa kgosi ya motse a kgona go boela mo tirong ya gagwe] La motlhatlhami mo setulong sa baetapele a setse a supiwe jaaka go akantswe mo karolwaneng e nnye (i) ya karolo potlana (1) kgotsa fa diphuraphuro tse di akantsweng mo teng karolwaneng (ii) ya karolo potlana (1); e setse e konosediswe kgotsa mabaka aa rebotsweng mo teng ga karolwana-nye (iii) ya karolo potlana (1) a sa tlele a le boelwoka, tlhomamiso nngwe le nngwe e e mo tirisong e tla kgaphwa ka gangwe fela ka letlha je moetapele yo o matshwanedi ka fa go kailweng ka gone mo teng ga karolwana-nye (i) kgotsa (ii) ya karolo potlana (1) ee akenegisitsweng ka kitsiso mo teng ga *Letlha letlha la Potlana kgotsa ka letlha moetapele a le kaileng mo karolwaneng e nnye (iii) ya karolo potlana (1) go simolola tiro ya gagwe.*”

Ntshafatso ya karolo 6 ya Palomolao 8 wa 2005

6. Karolo ee latelang e ntshafatso jaana karolo 6 ya Molao Mogolo:
- “Palo ya makala a makgotla-taolo a ngoao le setso 5
6. Tautona o tshwanela go tlotlhomisa, ka go sala motago mokgwa-palo oo ka fa molaong, palo ya makala aa mo teng, lekgotla taolo lengwe le lengwe, a tsile tsa tsamaiso nngwe e e kabong e rehoisweng ke Tona go a ka ga karolo 3(2)(a) ya Palomolao 41 of 2003 le palogotlbe ya batho kgotsa palo ya ditulo tse di dumeletsweng tsa ditona kgotsa diomagadi tsa morafe wa Ngoao le Setso. [Palo eo ga ea tshwanela go feta 30.]” 10

Tshomelo ya Kgaolo 3A go Palomolao 8 wa 2005 15

7. Molao-mogolo o tokafadiwa ka go senela fa morago ga Kgaolo 3 Kgaolo ee latelang:

**“KGAOLO 3A
MOGOKGO WA KETELELOPELE YA NGOAO LE SETSO** 20

Tlhomamiso ya bogokgo jwa morafe wa ngoao le setso

- 26A. (1) Morafe-mogolo wa ngoao le setso o tlhamiwa ka ditisa molao jaaka o akantswe mo karolong 28(9)(c) ya Palomolao 41 ya 2003. 25
- (2) Mo lobakeng lwa kgwedi tse thatharo morago ga loto lwa kgosi kgotsa kgosigadi jaaka go akantswe mo karolong 28(9)(c)(i) ya Molao-palo 41 wa 2003, Tautona o tshwanela, ka litsiso ee akareditsweng mo *Lakwari-katisong lwa Panyfusi*, go itsise Sechaba gore bogosi kgotsa bogosigadi jwa maloba ba sese ho fetogile go ma morafe-mogolo wa ngoao le setso go ya ka fa tlamelong ee unakilweng ya karolo 28(9)(c) kwa ntle le fa kgosi kgotsa kgosigadi e ka bo e hulere pele ga go tsena tirisong ga Molao-Tokafatso, wa 2016, litsiso eno e tshwanela go phasaladiwa mo lobakeng lwa dikgwedi di le thatharo go tswa mo lotlheng lwa simologa ya Molao-Tokafatso wa 2016. 30
- (3) Kwa nde ga Kgosi kgotsa kgosigadi ee akantsweng mo karolong 28(9)(c) ya Palomolao 41 wa 2003, go gona morafe wa ngoao le setso oo tlhomaneng oo dumeletsweng go ka dira kopo ya go ka tlhomaniswa go naa morafe-mogolo wa ngoao le setso. 40

Kgogelo-morago ya tlhomamiso yo go nna morafe-mogolo wa ngoao le setso

26B. (1)	Kgogelo-morago ya tlhomamiso ya gona morafe-mogolo wa ngoao le setso e ka nna ya re, fa go itsegile mo karolong-patlana (6) ya tsewa tsa fela fa bogolo ba morafe ya ngoao le setso ee welang fa tlase ga tikologo ya semolao ya morafe-mogolo wa ngoao le setso ee amegang e ka lopa Tautona go kgogelo-morago tlhomamiso ya morafe-mogolo wa ngoao le setso wa bone; seno se itsegile mo guteng kopo eo e tshwanetse go temaya mmogo le mabala a tlhatsang go diwa ga yone.	5 10
(2)	Tautona o tshwanela gore pele a tsava tshwetso go luela karolo-patlana (1), a dire gore go simololwe dipatlisiso ke MEC gore gutle go kgone go tlallobwa fa gona le tshusumetso e e lekang goka tsa Kgogelo-morago ya tlhomamiso ya morafe-mogolo ngoao le setso.	15
(3) (a)	Kgogelo-morago ya tlhomamiso ya morafe-mogolo wa ngoao le setso e tshwanetse go diwa ke Tautona ka go tlathela kuiso mo <i>Letlalo-ketsoeng na Pampira</i> .	20
(b)	Pele ga kgogelo-morago ya tlhomamiso ee akantsweni mo karolwaneng (a) Tautona o tshwanela go tshama le Lekgola la Porofeni la Baetsepele ba Ngoao le Serso, mmogo le morafe-mingwe le mongwe eo ka amegang le baeteledipele ba bogolwane ba ngoao le setso ba eleng karolo ya morafe-mogolo wa ngoao le setso.	25
(c)	Tautona a la luela MEC go tswedisa dithebisano tse di umakilweng mo karolwaneng (b) go ka tlhathomisa lobaka lwa nako le dithebisano tse di ntseng jaalodi kakontsediwang mo go lona.	30
	Kgogelo-morago ya tlhomamiso ya morafe-mogolo wa ngoao le setso	35
a	e ka nna ka gangwe fela le ditlhomago tsa go tshobodiwa ga lekgola-rulo je le okametseng ngoao le setso;	
(b)	ga e kitha e ama tlhomamiso ya morafe ya ngoao le setso ka nosi ee nnileng karolo ya morafe-mogolo oo wa ngoao le setso pele ga Kgogelo-morago ya tlhomamiso ya morafe-mogolo wa ngoao le setso, ja fela morafe eo ya ngoao le setso e nse e bobokile ditlhokego tsa tlhomamiso jaka di akantswe mo karolong 3 ya Molao ono.	40 45

- (5) Katsiso ee umakilweng kwa karolo-podaneng (3)(a) e tshwanetse, gore e ilaegile mo ditlamelong dingwe tse di mabapi le Molao omo, go supa ditlamorago tsa semolao, tsa tiragatso le tse dingwe ka ntlha ya Kgotlamo morago ya tlhomamiso ya morafe-mogolo wa ngoao le setso, go tsenyeleisa, fa gogonaga le neclero ya ditlamo, dikadimo mmogo le tsamaiso le dikwalo tse dingwe tsa morafe-mogolo wa ngoao le setso oo tsholotsweng. 5
- (6) (a) Tlhomamiso ya morafe-mogolo wa ngoao le setso e tshwanetse go gogelwa morago fa go laetswe jalo ke kgotla tshetshetso. 10
- (b) Tautona o tshwanetse go dirakatsiso mo *Lokwabi kitlamo la Parofensi* ka ga kgogelomorago ya tlhomamiso jaaka go laetswe ke kgotlatshetshetso. 15
- (c) Katsiso ee akantsweng mo karolwaneng (b) e tshwanetse go supa ditlamorago tsa semolao, tsa tiragatso le tse dingwe ka ntlha ya kgogelomorago a tlhomamiso. 20
- (7) Tautona a ka nna aye, fa a laetse ditlamelo tsa karolo 31 ya Molao omo, a rebola melawana ee mabapi le tsamaiso ee tla dirang kgonagalo ya nako ee lekaneng ditlhamiso tse di lebeleletsweng mo karolong omo. 25

Tlhomamiso ya Mogokgo wa baetapele ba ngoao le setso

- 26C. (1) (a) Setulo sa go nna Mogokgo wa baetapele ba ngoao le setso se tlhamiwa ka go diisa molao jaaka go akantswe mo karolong 28(2)(c) ya Palomolao 41 wa 2003. 30
- (b) Setulo sa go nna Mogokgo wa baetapele ba ngoao le setso se se tlhamilweng go latele molao, kgotsa sa moditlhami mongwe mo go sona, se tshwanetswe go dulwa go latele ditlamelo tsa karolo omo. 35
- (c) Kwa ntle ga mo mabakeng aa umakilweng mo karolwaneng (a) le (b), ha go motho, go ntse go tsenyeditse moetapele mongwe fela oo tlhomamisitsweng wa ngoao le setso, yo o ka dirang kopo ya goka tlhomamiswa go nna mogokgo wa baetapele ba ngoao le setso. 40
- (2) Nako nngwe le nngwe fa setulo sa kgosi kgotsa kgosigadi se fetogela go nna sa mogokgo wa baetapele ba ngoao le setso jaaka go akantswe mo karolo-podaneng (1)(a) kgotsa moditlhami wa mogokgo wa baetapele ba ngoao le setso o tshwanetse go supiwa jaaka go akantswe mo karolo-podaneng (1)(b), mme go tsemngwa misono tsamaiso ee latelang. 45

1. Losika lwa bogosi je le amegang le tshwanetse, gore mo lobakeng je le sa fediseng pelo morago ga go nna gone ga tlhokego ya gore setulo sa mogokgo wa ngoao le setso se pegiwe, mme go ntsa go itsegilwe mo melong ya setso le meetlo le mo dilanelong tsa katolo potlana (7) – 5
- a) go supiwe motho yo tshwanetwang go va ka melao ya setso le meetlo go ka tsaya maemo a mogokgo wa baetapele ba ngoao le setso, go ntsa go etswe tlhoko gore a mabaka a omakibweng mo katolong 26D(1), kgotsa 26E(1)(b), kgotsa 26F(14)(a), (c), (d) kgotsa (e) ama motho oo jang, gape 10
- b) le go dira kopo kwa go Tautona va go tlhomanisa matha yo o supilweng go ka dirisa setulo sa mogokgo wa baetapele ba ngoao le setso ee patiweng ke – 15
- aa) dirilha tse di ka ga motho yo o supilweng go pagama setulo sa mogokgo baetapele ba ngoao le setso, gape 20
- bb) mabaka a go supiwa ga gagwe moka mogokgo wa baetapele ba ngoao le setso.
- c) fa go ka direga gore tlhomaniso va motlhatlhami e nne ya setulo se se ntseng se le gone sa mogokgo wa baetapele ba ngoao le setso Tautona o tshwanela gore a tlhokomele gore a monafe-mngolo wa ngoao le setso o o sa ntsa o le gone kgotsa jang. 25
2. Nalo mugwe le mugwe fa Tautona a tlhomanisa mogokgo wa baetapele ba ngoao le setso, o tshwanetse go – 30
- a) patsalatsa kitsiso mo *Lekgotla-kitsisong lwa Profensi* mo gone a tlhomanising motho yo o jaaka mogokgo wa baetapele ba ngoao le setso; 35
- b) rebola bokwalo-shupo le le tlhomanising motho yo o; mme
- c) a ntsise Lekgotla la Profensi sa Baetapele ba Ngoao le Setso muno go le Lekgotla la Bosetshaba ka ga tlhomaniso eo. 40
3. Fa go na le bopaki kgotsa ngongorege ya gore go supiwa ga motho go nna mogokgo wa baetapele ba ngoao le setso ha ga tsamaiswa ka go latela melao ya setso le meetlo, Tautona o tshwanetse gore – 45

- (a) a dire gore go tlhathelwa dipatlisiso tse di tla tshamisiwang ke setlhophha sa dipatlisiso ee tlhomilweng ke Tautona e e tsenyeleditseng, bonnye, lekala le le est la Letgola la Porofensi la Baetapele ba Ngoao le Sese, gore ba tle ba neele Tautona pegelo ee tlhalosang fa go supwa go motho yo o maleba e dirilwe go latelwa melao ya setso le meetlo mme fa go sa nna jaalo, e boitshe gore ke motho ofeng you o ka supiwang; mme

5
- (b) e tshwanetse, gore fa diphitlhelelo tsa setlhophha sa dipatlisiso di kayang gore go supwa ga motho yo o umakilweng mo karolo-potlaneng (2) e ne e sa tshamisana le melao ya setso le meetlo, go romelwe pegelo e go akantsweng ka ga yone mo karolwaneng (a) kwa losikeng lwa bogosi go ka tshwacha.

10
- (5) Tautona a ka nna a re, fa a setse a sekatekide pegelo ya setlhophha sa dipatlisiso mmogo le ditshwaelo tsa losika lwa bogosi, mme a sa ikgatolosa karolo-potlana (3) a tlhomamane motho go nna mogokgo wa baetapele le ngoao.

15
- (6) Tautona a ka nna a re, a ntshe a tshamagantshe le diramelo tsa karolo 31, a rebole melawana ee mabapi le

20

 - (a) dipatlisiso tse di akantsweng mo karolong eno; mme

25
 - (b) mogwa wa tsamaiso oo tla salwang morago fa go supwa mogokgo wa baeteledipele ba ngoao le setso mo mabakeng a fa melao ya setso le meetlo e sa dire tlamele mabapi le tsbupo ee ntseng jaalo.

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- (7) Dintlha-kgolo tse di latelang di tshwanetseng go dirisiwa nako mugwe le mugwe fa moltharlhami wa setulo sa mogokgo wa baeteledipele ba ngoao le setso a tshwacha go se pagama jaaka go akantswe mo karolo-potlaneng (1)(b):

35

 - (a) lemorago je le iponagaditseng ka go nna ga setulo se se ntseng jaalo sa boetapele mo teng ga morafe oo amegang;
 - (b) lemorago je le iponagaditseng ka kamogelo ya boetapele mo teng ga morafe oo amegang;

40
 - (c) lemorago la ditiro le dirhata tse di lebaganeng le setulo sa boetapele go latele melawana ya setso le meetlo ee tsagaleng mo teng ga morafe oo rileng;

45
 - (d) go tswelelepele go nna teng ga tlhomamiso mo morafeng kgotsa merafeng jaaka morafe-mogolo wa ngoao le setso; le

10	e	ishwanela go gogelwa morago fa –	
	i)	a kile a bonwa molato wa tlolomolao e e nang le kadibolelo a kgogelwe e e fetang dikgwedi di le 12 kwa ntle ga tshono ya tefo;	15
	ii)	o bonwa a sa nkaneli mo tlhologanyong kgotea a tlhakane tlhogo le Kgotla-Tshekela; kgotsa	
	iii)	a ea tlhofo a agile sauri mo tikologong ya lekgotla taolo je le okametseng ngwao le setso; kgotsa	10
		e ka gogelwa morago fa –	
	i)	fa a tloswa mo setulong go laela molato wa maisholelo; kgotsa	15
	ii)	a tlodile mawana wa setso le meeto;	
		modise ga mabaka aa tlhohlheletsang kgogelo-morago ya tlhomamiso; zuthe	20
15	e	ishwatela go gogelwa morago fa go laetswe jalo le Kgotla-Tshekela	25
20	a	Nako nngwe le nngwe fa mabaka a a umakilweng mo karolo potlaneng (1) a tllaga fa pele ga losika lwa bogosi, losika lwa bogosi le ishwanela gore mo lobakeng lo lo sa fediseng pelo le go a ka lephata je le maleba la setso, lo itase Tautona yo o amegang le baeteledipele ba bagozwane ba ngwao le setso mo teng ga morale mogolo wa ngwao le setso ka go dintlha ka ga mogokgo yoo wa baetepele ba ngwao le setso le dintlha tse di lebagateng le mabaka aa baikweng aa karolo potlaneng (1)	30
	(b)	Nako efe kgona efi fa mabaka aa umakilweng mo karolo potlaneng (1)(b) a tla fa tlhokomekong ya losika lwa bogosi, losika lwa bogosi le ka rollotisa Kgogelo-morago ya tlhomamiso ya mogokgo wa baetepele ba ngwao le setso mo le ishwantse go rebolela Tautona mabaka a thothoetso ee ntseng jalo.	35
25	a	Fa Tautona a itsistwe ka go nna gone ga mabaka mangwe aa umakilweng mo karolo potlaneng (1)(a), Tautona o ishwantse gore fa a sena go inberisanya le MEC e bile a ikaegile mo dikarolo-potlaneng (4) le (5), a gogele morago tlhomamiso ya mogokgo wa baetepele ba ngwao le setso yoo amegang.	45

- (b) Fa Tautona a itshitswe ka go nna gone ga mabaka mangwe a umakilweng mo karolo-potlaneng (1)(b), Tautona a ka morago ga go rihensanya le MFC yoo a kailweng mo karolwaneng (a) mme –
 - (i) morago ga go ekasela diutla tse di umakilweng mo karolo-potlaneng (2)(a); mme
 - (ii) mo go nang le kgonagalo, morago ga go sekasekiwa thotloetso efe kgotsa efe le mabaka aa akantsweng mo karolo-potlaneng (2)(b),
 - a ka gogelwa morago tlhomamiso ya mogokgo wa baetapeleba ngoao le setso kgotsa a gana go gogela morago tlhomamiso eo. Fa Tautona a ka gana go gogela morago tlhomamiso eo, o tshwanetse go tlamela mabaka a gagwe ka gokwalela losil a lwa bogosi.
- (c) Fa Tautona a gogela morago tlhomamiso ya mogokgo wa baetapele ba ngoao le setso, o tshwanetse go –
 - (a) dira gore kitsiso ee nang le dintlha tse di ka ga mogokgo wa baetapele ba ngoao le setso mmogo le dintlha le ka lona Kgogelo morago eo e di diragadiwang ka lone di phasaladiwe mo *Lakwato-katisang boi Pomo tse* le gore
 - (b) a itse ba losika lwa bogosi mmogo le mogokgo wa baetapele ba ngoao le setso ka ga Kgogelo morago eo.
- (d) (a) Fa go na le bopaki kgotsa ngongorego ee reng –
 - (i) kgogelo-morago ya tlhomamiso ya mogokgowa baetapele ba ngoao le setso ha ea ikaega mo mabakeng ape a a adilweng mo karolo-potlaneng (1);
 - (ii) dintlha tse di tsitsweng fa tlase ga tlhokomelo ya ga Tautona go tsamisana le karolo potlana (2)(a) di ntshitswe ka go tlhoka boikanyego; kgotsa
 - (iii) thotloetso e e dirilweng ke ba losika la bogosi janka go akantswe mo karolo-potlaneng (2)(b) e dirilwe ka go tlhoka boikanego,

	Taotona o tshwanela go dia gore go nne le dipatlisiso tse di tla tsamaiswaeng ke setlhopha sa dipatlisiso se se tlhopelweng ke Taotona mme se tsenyeletsa bonnye, lekala le le esi la Lekgotla la Porofensi la Bactapele ba ngoao le setso, go tlamela pegelo go Taotona le go kaya ditlholoetso tse dimabapile gore kgogelo morago ya tlhomamiso ya morho yo o anegang e dirilwe go lutela mabaka aa adileeng mo karolo potaneng (I), kgotsa lesedi je le tirisweng mo tlhokomelong ya ga Taotona le tiriswe ka go tlhoka bolanyego kgotsa nya, kgotsa tlholoetso ya losika lwa bogosi e tlhokile boikanvego.	5
(b)	Fa pegelo ya setlhopha sa dipatlisiso e supa gore	
(i)	Kgogelo-morago ya tlhomamiso ya mogokgo wa bactapele ba ngoao le setso ha ya tsamaiswa go lutela ape a mabaka aa adileeng mo karolo potaneng (I);	15
(ii)	lesedi je le tirisweng fa pele ga tlhokomelo ya Taotona le tiriswe ka go tlhoka bolanyego; kgotsa	20
(iii)	tlholoetso ya losika lwa bogosi e dirilwe ka go tlhoka boikanvego.	25
	Taotona o tshwanetse go tlamela pegelo go losika lwa bogosi go tshwanela mme losika lwa bogosi le tshwanetse go tlamela Taotona ka lokyalo lwa ditshwaelo mo teng ga malatsi a le 60 go madola la letlha le thomelo eo e diragaditsweng ka lona.	30
(c)	Taotona a kare, morago ga go sekaseka pegelo ya setlhopha sa dipatlisiso mme go le dirilwe tsa losika lwa ngoao	
(i)	a gate go gogela morago tlhomamiso ya mogokgo wa bactapele ba ngoao le setso fa lesedi je le rebotsweng kgotsa ditlholoetso tse di dirilweng ke losika lwa bogosi di tiriswe ka go tlhoka bolanyego, kgotsa	35
(ii)	ka tsela ya kitsiso mo <i>Lekgotla letsweng la Porofensi</i> a rufaise kgogelo morago ya tlhomamiso kgotsa a phimole kgogelo eo ya tlhomamiso. Fa kgogelo-morago ya tlhomamiso e phimolwa, mogokgo wa bactapele ba ngoao le setso, ka ntlha ya phimolo eo a kawe a buseditse mo mmetlong a gagwe go foga ka letlha le tlhomamiso e ne e gogetswe morago ka lona.	40
		45

ii	<p>leloko je le nang maloko a a sa feren. 70 baetapele bagolwane ba ngoao le setso a a leno fa tlase ga morafe-mogolo wa ngoao le setso, a a kaitweng ke baetapele bagolwane ba ngoao le setso ba bangwe mo gare ga bone:</p>	5
<p>Mokwa palo o tshwanetse go phasaladiwa mo <i>Lokwalo-kutlweng lwa Puna wa</i> mo teng ga lobaka lwa diragaga di le pedi go daga ka kotlha ko Katoloso Palomoloo, 2016 le simologileng ka lesa: Go feta moe, fa mokgwa-palo mongwe le mongwe oo o mahapi lekgotla-taolo je le okametseng ngoao le setso o ka rebolwa go sala morago moho wa bosetshaba, o ka surisa mokgwa-palo oo akametseng mo karolong eno nne seivopego sa lekgotla-taolo leo je le okametseng ngoao le setso le tla tshanela go diragatsa le dirhokego isa mokgwa-palo wa bosetshaba. Fa go feta moe mokgwa-palo wa potefensi o tshwana le o mongwe oo diriswang wa bosetshaba, lekgotla-taolo leo je le okametseng ngoao le setso le tla kaiwa le ipopaganuse go tuela mokgwa-palo wa bosetshaba.</p>	10	
		15
		20
ib)	<p>Bonnye bongwe-thaong jwa Makala a lekgotla-taolo je le okametseng ngoao le setso oiso tshantse go nna basadi. Fa tlhokego eno e sa kgone go ka bulokwa, Tautona a kare, morago ga a sena go tlhomamisa lekgotla-taolo je le okametseng ngoao le setso, a tlhohlomose palo-molewane ee kwa tlase rra lekgotla taolong leo je le okametseng ngoao le setso.</p>	25
ic)	<p>Bokala jwa lekgotla taolo je le okametseng ngoao le setso obo tla hopega nana</p>	30
ii)	<p>60% ya baetapele bagolwane ba ngoao le setso ba ba tlhomamisweng, ditona kgotsa dironagadi nungo le makala a morafe wa ngoao le setso oo tlhopilweng, go itsegilwe mo karolong-potlana (3) nne bele go latetswe setso sa morafe, ke mogokgo wa baetapele ba ngoao le setso o eleng kahi <i>go ya ka setso sa gofene le go thapane</i> le modulasetulu sa lekgotla je le maleba, go ntse go tseilwe rra tlhokego ya goitshamaganya gothelele le korolwana (b): le</p>	35
iii)	<p>40% ya makala a a tlhopilweng go tuela korolwana (f):</p>	40

- (d) Go supiwa ga makala a lekgotla taolo je le okametse ngono le setso jaaka go alantwe mo karolong eno go tshwanetse go tloledwa pele ga ba dirhopiwa go ma makala jaaka go alantwe mo karolong eno, mme muna a ba ba supilwe go ma makala a tshwanetse itagadiwa. Go tlhopiwa ga makala a lekgotla taolo je le okametse ngono le setso go tshwanetse go diragla mo teng ga lobaka lwa malatsi ale 21 muna a makala aa supilwe a seta go itagadiwa. 3
- (e) Morafe mogolo wa ngono le setso o tshwanetse gore mo teng ga malatsi ale 21 pele ga lutha lwa dirhopa, o rehole muna a maoko aa setseng a supilwe go ka tlhopiwa go Taurona yo o amegang. 10
- (f) Lekgotla-taolo je le okametse ngono le setso lengwe le lengwe je le welang mo tikologong ya morafe mogolo wa ngono le setso o amegang, o tshwanetse go rhopa morho a le mongwe got wa Makaleng aa setseng a tlhopilwe a lekgotla-taolo eo, go direla jaaka leka ka mo go unakilweng ka gone mo karolwaneng (c)(i), fa palo ya batho ba ba tlhopilwe e le ka fa tlase ga palo ya Makala aa akantsweng mo karolwaneng (c)(i), lekgotla-taolo la ngono le setso lengwe le lengwe le tshwanetse gore ka golekelekana ga palogotlhe ya makala a lekgotla taolo lengwe le lengwe, le tlhopye palo ya batho ee tlhokegang go tswa mo makaleng a a setseng a tlhopilwe a lekgotla taolo leo. Go feta fao, fa palo ya batho baba tlhopilwe e feta palo ya Makala ee akantslweng mo karolwaneng (c)(ii), batho baba tlhopilwe ke makgotla-taolo a ngono le setso ba tshwanetse go tlhopye mo gare ga bone palo ya batho ee akantsweng mo karolwaneng (c)(ii). 20
- (3) (a) Pele go ka supiwa jaaka go alantwe mo karolwaneng (c)(i), losika lwa bogosi je le amegang le tshwanetse go tshwava kemedi go tswa mo gare ga makala a lekoko je le seng ka fa tlase ga tlano mme le sa fete Makala a 10 ee tlh thusang go supa. 25
- (b) Go supiwa ga makala aa akantsweng mo karolo potlaneng (2)(c)(i) ke mogokgo wa baetapele ba ngono le setso e ekaegile mo tumelanong-tumogo le lekoko je le unakilweng mo karolwaneng (a). 40

- (c) Fa go sena tumallano-mmogo ee umakilweng mo karolwaneng (b), mogokgo wa baetapele ba ngoao le setso o tshwanela go releda maina a barho ba ba neng ba tshwalwe go ka sepiwa go Tautona oo amegang mme Tautona ene o tshwanetse gore morago ga a sena go itnera le moetapele oo utsegang jalo mmogo le lekoko je le umakilweng kwa karolwaneng (a), a supe palo ee batlegang ya makala jaha go abar wo mo karolwaneng (c) e r.
- 5
- (4) (a) Botlha lwa tiro ya makala a lekgodla-raolo je le okametseng ngoao le setso, go sa tshwalwe mogokgo wa baetapele ba ngoao le setso, ga le fete dingwe di le tlhano mme tshwanetse go tsamaya mmogo le botlha lwa tiro lwa lekgodla la Boershaba.
- 10
- (b) Go supwa ga makala go latela karolo-patlana 2)(c) i go tshwanetse go kopanediwa bonnye dilgwedi di le 60 pele ga bolhetha jwa botlha lwa tiro lwa makala a lekgodla-raolo.
- 15
- (5) (a) Tautona o tshwanetse, ka go dira lentso mo tseung ya *Letlamo's Lentso la Pongosi* ee maleba mme a tshwalwe le Molao omo, a tshwalwe lekgodla-raolo je le okametseng ngoao le setso ee letaneng le morafe-mogolo oo wa ngoao le setso mme a usaguse tlhologo ya serolelo ya omo.
- 20
- (b) Lentso ee umakilweng mo karolwaneng (a) e tshwalwe maina a makala a lekgodla-raolo.
- 25
- (6) Lekgodla-raolo je le okametseng ngoao le setso le epela puso kwa lilelong legole je go dulang mogokgo wa baetapele ba ngoao le setso kgotsa kwa moshareng wa tsemaiso ya lekgodla-raolo je e riling.
- 30
- Palo bonnye ya kopano ya lekgodla-raolo je le okametseng ngoao le setso e tshwalwe bogolo ba palogotha ya makala a lekgodla-raolo.
- 35
- (7) Lekgodla-raolo je le okametseng ngoao le setso le tshwanetse go tlhapa mungwe wa Makala go medlatsa-medlasetulo yoo o tla diragatsang jaha modlasetulo wa nama-ratshwete fa mogokgo wa baetapele ba ngoao le setso a se gone.
- 40
- (8) (a) Lekgodla-raolo je le okametseng ngoao le setso le tshwanetse go kopana ga mungwe kgedi tse pedi dingwe le dingwe: Fa Mogokgo wa baetapele ba ngoao le setso a sena go dumallana le Tautona, a ka epa puso e mungwe gape ya tlaleiso e ka nna e e utsegang fela kgotsa ya botlhokwa jo bo riling ya lekgodla-raolo.
- 45

- (b) Mogokgo wa baetapele ba ngoano le setso a ka nna a kopana g nngwe mo ka ngwaga le baetapee bottle b aba gohlwane ba ngoano le setso b aba welang war lise ga baetapele jwa gagwe.
- (c) Dulamelo isa karolo 13(2) le 14 ts moluo ono di tla tsengwa mo tvisong mo dikopanong isothie isa lekgotla taolo je le okametseng ngoano le setso. 5
- (10) Mogokgo wa baetapele ba ngoano le setso o tshwanetse, ka nllha ya mabala a go epa pitso ya botlhokwa, go rebola kitsiso mo Nakong ya matsatsi na seng kwa thase ga a le supa go makala a lekgotla-taolo je le okametseng ngoano le setso. 10
- (11) Lekala la lekgotla-taolo je le okametseng ngoano le setso le tshwanetse go pagologa setulo fa
- (a) a khutla go nna moagi wa Afrika Borwa;
- (b) Fa a bouwa moluo wa tlolo moluo mme a atholelwa kgolegelo go feta dikgwedi dile 12 go se tshono ya refo; 20
- (c) Fa a rebola kopo ya go rola tiro;
- (d) Fa a bouwe a sa itekalele tlhaleganyo kgotsa a tihakane tlhogo le kgotla tshetelo; 25
- (e) Fa nako e lekale le e supersweng kgotsa le e tlhoppersweng, go itaegile mo maemong, e seise e fedile;
- (f) Fa tshwanologile go litlel karolo-potlana (14); 30
- (g) Fa a sa tlhole a dula kwa tikologong ya setulo ya lekgotla-taolo; kgotsa
- (h) Fa ele lekala je le supilweng mme tlhomamiso ya gagwe ya go nna moetapele wa ngoano le setso e be e gogelwa morago. 35
- (12) Fa lekala la lekgotla-taolo je le okametseng ngoano le setso le tlhokafala kgotsa pagologa setulo sa gagwe pele ga nako e a e baletsweng mo setulong, phatla eo e tshwanetse go kwalwa ka ee umakilweng mo karolo-potlaneng (2)(c)(i) kgotsa (ii), ka mo maemo e leng ka gone, mo teng ga malatsi a 30 go tloga ka nako e se onileng gone. 40

(13)	Pa motho yo o thapilweng go tlatsa phatlalatsa mo lekgotleng taolo jaha go akantse mo karolo-potlanaeng (12), a tse a tshwanetse go a mahlamolelo seka: sa borla lwa mo le le iseng go le bodibong	5
(14)	Motho ga a dumelwa go thapwa kgotsa go supwa jaha leka la lekgotla-taolo je le okametseng ngoao le setso ta motho yo:	
(a)	a se moaga wa Aferika Borwa;	10
(b)	a le fa tlase ga dingwaga di le 18;	
(c)	a bouwe modato wa tlolemodi mo a adhoetsweng kgolegela go tsa dibgwedi di fa 17 go semi tshono ya tefo;	15
(d)	a reletse ke go tharabolageliswa miso ee botlaswa ya madi kgotsa a tene tumellano ya go ipola matsogo le barekisi;	
(e)	a nna le dhaloganyo ee sa tselanelang mme begilwe jaha ke kgotlatsekelo ee nonofileng;	20
(f)	a fetoga go nna leka la leruri la lekgotla a mmasepala;	
(g)	a thapwa go leka la bodimanelo jwa porofensi;	25
(h)	a thapwa go nna moemedi wa leruri wa bokwano Bosetshaba;	
(i)	a thapwa go nna moemedi wa leruri wa lekgotla taolo la bosetshaba la DiPorofensi;	30
(j)	a thapwa mo setulong sa leruri sa lekgotla lengwe le lengwe la baetapela ba ngoao le setso kgotsa	35
(k)	a sa dule mo teng ga ukologo ya semoleo ya lekgotla taolo je le okametseng ngoao le setso.	
(15)	(a) Kgogelo morago ya tlhomamiso ya morafe-mogolo go hula karolo potlana 26B ya molao ono, ka gangwe fela e nna le ditlamorago tsa go dirolola lekgotla taolo jele okametseng ngoao le setso le le maleba mmogo le go gagela morago tlhomamiso ya mogokgo wa baetapelenba ngoao le setso.	40
(b)	Go dirolowa ga lekgotla-taolo je le okametseng ngoao le setso go tshwanetse go dirwa ke Tautona ka kitsiso mo <i>Lokwalo kitisoeng jwa Porofensi</i> .	45

- (16) Kutsiso ee unakilweng mo karolong tlaneng 15(b) e tshwanetse go supa ditlamorago tsa semolao, tiragalo le tse dingwe tsa tirololo ya lekgotla-taolo la ngoao-le setso, go tsenyeletsa neeletšana ya ditlholo, melato, badiri, tsamaiso le dikwalo tse dingwe, go nise go tsailwe tsia melao ee maleba. 5
- (17) Tlanelo nngwe le nngwe ya Molao ono ee amanang le go tlbomiwa ga lekgotla-taolo je le okametseng ngoao le setso e ka tseingwa mo tirong kwa tshimologong ya go tllamiwa ga lekgotla-taolo je le ntseng jaalo le fa kwa morago ga nako go ka bopiwa sesha ga lekgotla-taolo ka ntlha a fa nngwe ya dirpeelo tsa yone di ne fillile kwa bokhudong. Ditlanelo tsa molao ono tse di amanang le tikologo ya semolao tsa lekgotla-taolo je le okametseng ngoao le setso ga di na go tseingwa untsong mo go bopuweng seshwa ga lekgotla-taolo leo je le okametseng ngoao le setso kwa ntle le fa tikologo ya semolao ya lengwe la makgotla aa okametseng ngoao le setso ee leng karolo ya lekgotla-taolo je le okametseng ngoao lesetso e atolositsewe. 10
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- (18) Ditherisanyo tsofhe tse di ka ga tlbomiwa ga lekgotla-taolo la bogosi kgotsa bogosigadi iaka go akantswe mo karolong 3A(2)(a) ya PaloMolao 41 wa 2003, pele bogosi kgotsa bogosigadi joo bo nna morafe-mogolo wa ngoao le setso, kgotsa go latetswe karolo 3B(2)(a) ya Palomolao 41 wa 2003, di kaiwa di tsamaisitse ka goinyalana le karolo-potlana (2)(a). 20
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Ditiro le maikarabelo a lekgotla-taolo je le okametseng ngoao le setso

- 26F. (1) Lekgotla taolo je le okametseng ngoao le setso le nale ditiro tse di latelang: 30

 - (a) tsamaiso ya merero ya morafe-mogolo wa ngoao le setso ka rthomamo le melawana ya setso le meetlo; 35
 - (b) go thusa, go tshagetsa le go kaela baetapele bagolwane ba ngoao le setso mmogo le makgotla a ngoao le setso aa welang fa tlase ga tikologo ya semolao ya lekgotla-taolo je le okametseng ngoao le setso mabapi le tiragatso ya ditiro; 40
 - (c) go thusa mogokgo wa baetapeleha ngoao le setso go diragatsa ditiro tsa setso tse di amanang le go tlbomamiswa ga baetapele ba bagolwane ba ngoao le setso, mo go kgonagalang gone; 45
 - (d) go thusa mogokgo wa baetapele ba ngoao le setso go seka dikgoga-kgogano magareng ga baetapele ba bagolwane ba ngoao le setso ba ba welang fa tlase ga tikologo ya semolao ya lekgotla-taolo je le okametseng ngoao le setso;

(c)	(i)	Ka mabaka a mabaka a karolo potlana (1), Tautona a fa a setse a tsherele le Botswana-Matlolo a Porofensi mme a ikaegile mo melaong le dikgato dingwe tse di akantsweng mo karolo potlanaeng (1) a dire gore go bulwe polokelo ya madi mo boemong jwa lekgotla-taolo le ngwe le ngwe je leokametseng nngao le setso mo tla duelwang gone	5
	(ii)	dikapelo tsodhe tse di ntsirweng ka go tshapa ke makala a morafe oo maleba;	10
	(iii)	madi otlhe aa unilweng go tswa mo diantšiweng tsa lekgotla-taolo leo;	
	(iv)	dikabelo tsodhe tsa madi tse di newang lekgotla-taolo le metho-mogwe le mongwe, mo kgato kgotsa setheo;	15
	(v)	madi otlhe a tshwanetseng go duelwa mo lekgotla-taoleng go larela diramelo tsa tirisano mmogo ee akantsweng mo karolong (1) le gore	20
	(vi)	madi otlhe jaaka fa a tla bo a dthothomisitswe ke Tautona kgotsa ka romallano le ene.	
(d)		Ka mabaka a taolo ya polokelo ee ukakilweng mo karolwaneng (a) Tautona fa a sena go tshera le Botswana-Matlolo la Porofensi mme a ikaegile mo melaong le dikgatong tsodhe tse di akantsweng mo karolo potlanaeng (1) a dthothomise –	25
	(i)	tsela a tsamaiso le taolo ya madi tse di tla dirisiwang mo polokelong ene;	30
	(ii)	mabaka mangwe le mangwe a a tla dirisiwang mo polokelong ene;	35
	(iii)	dipelele o tsa madi dirigwe e e tla dirwang ke lekgotla-taolo je le okametseng nngao le setso je le amegang;	40
	(iv)	taolo ya ditshenyegelo dingwe tsa lekgotla-taolo leo;	
	(v)	mabaka a mo tlase ga one madi aa mo polokelong eo a tla dirisiwang ka one le lekgotla-taolo;	

(vii) go kwalwa ga dipolokelo tse dingwe tsothe, go tsenyeledisa ya Boikanyego fela eseng polokelo ya Boikanyego ya paka e akantswe mo karolong 10 ya Molao wa Boikanyego jwa Taolo ya Didirisiwawa 1988 (Palomola 57 wa 1988), le go nakeisa madi mangwe mo polokelong ee ntseeng jabo kgotsa mo polokelong ya boikanyego go ya kwa polokelong e e akantsweng mo karolo-potlantseng (ii).

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(viii) ditlhokego tsa dipegele tse di batlegang mo polokelong eno le

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(ix) ditlamo dingwe le dingwe tse di batlang di le bothokwa go Tautona go netefatsa tado ee boreledi le ee tlhaping mo polokelong eno,

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mmme a ka tlhapa motlhankedi go tswa kwa pusoeng ya porofensa go rusa lekgotla-tado je le okamenseng ngoto le setso ka go bohi polokelo eo kgotsa tsamaisa polokelo eo mo boemong jwa lekgotla-tado ka ntha a dikarolwananane (ii) go tula (vii) Tautona o tshwanetse go thera le lekgotla-tado je le okamenseng je le mabela pele ga a dira ditlhothomiso paka go akantswe mo dikarolwananeng tseo

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Go tsenngwa mo tirisong le go tlhaloso ya ditlamo

26H. (1) Ditlamo tsa dikarolo 9, 10, 15 le 16 tsa molao ono di tla tsena mo tirisong mmogo le diphetogo tse di tlhokegang mo lekgotla-tadong je le okamenseng ngoto le setso

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(2) Ditlamo tsa dikarolo 24 le 26 tsa Molao ono di tla dirisiwa mmogo le diphetogo tse di tlhokegang tsa mogokgo wa baerapele ngoto le setso.

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(3) Ditlamo tsa Molao wa Mairshelo mo Letlhareng la Molao ono, le di dirisiwa mmogole diphetogo tse di tlhokegang go mogokgo wa baerapele ba ngoto le setso mmogo le lekala la lekgotla-tado je le okamenseng ngoto le setso.

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(4) Kuanako mo kgolong eno go tlamo nngwe lengwe a Molao 41 wa 2003 e tsenyeletsa tlamo nngwe ee tsamaelang le yone mo teng melao ya boSetshaba ee dumelesegang go nsharaisa tlamo eo kgotsa Palomola 41 wa 2003 ka bojofhe jwa one.

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(5) Go sa tshwanelang go gouleng ka go latela molao ono go go amanang le katibolo go ya kgolegelong lobaka le le sa fetang dikgwedi di le 12 kwa ntle ga tshono a tefo go fela dingwaga di le rhanano morago ga katibolo e setse e konosedirwe.”

- (g) Leka kgotsa a otlhaya motho mongwe kwa ntle ga go seka kgotsa sentle kgotsa ka tsela ee ka fa tlase go molao;
 - (h) boithaswa kgotsa boarla mo go dineng moong va gagwe; 5
- Tautona a ka mo ka mo rarofatsa ke maitsholo a sa sumang mo lekwabong, mme a thape motho mongwe go bathisa kgotsa eo.
- (2) Mo nakong va dipathisiso la motho yo o thapilweng mo tlase ga karolo porlana (1) Mogokgo wa baetapele ba ngoao le setso, Kgosi, Morena, Kgosana, Morena wa Moise, Ramotse kgotsa kala va lekgotla-taolo je le okametseng ngoao le setso kgotsa lekgotla-taolo la ngoao le setso le tlana le teta a go reediwa. Ditsamaiso tau dipathisiso ha di na go senngwa ke go palelwa ga mogokgo wa baetapele ba ngoao le setso, Kgosi, Morena, Kgosana, Morena wa Moise, Ramotse kgotsa kala va lekgotla-taolo je le okametseng ngoao le setso kgotsa lekgotla-taolo la ngoao le setso go tna gone kwa dipathisisong. 10
 - (3) Motho yo o thapilweng go dina dipathisiso o ishwanetse gore – 20
 - (a) kwa bokhudong jwa tseko, a fitlhelele fa mogokgo wa baetapele ba ngoao le setso, Kgosi, Morena, Kgosana, Morena wa Moise, Ramotse kgotsa kala va lekgotla-taolo je le okametseng ngoao le setso kgotsa lekgotla-taolo la ngoao le setso o le molato wa maitsholo aa makgwakgwa mme a mo tsele ka ga dipitlhelelo tau tsheko mme a 25
 - (b) fetisetse kwa go Tautona, lokwalo je le supang morlaha wa tsamaiso, lokwalo lwa je subokanyang dipitlhelelo tau gagwe, mabaka a tsele, mmogo ke dilo dingwe tse a di eleletsweng tse a ka raang go di senonala. 30
 - (4) Fa mogokgo wa baetapele ba ngoao le setso, Kgosi, Morena, Kgosana, Morena wa Moise, Ramotse kgotsa kala va lekgotla-taolo je le okametseng ngoao le setso kgotsa lekgotla-taolo la ngoao le setso a bonwe molato maitsho aa makgwakgwa, Tautona a ka
 - (a) kgalema kgotsa a supa ka monwana mogokgo wa baetapele ba ngoao le setso, Kgosi, Morena, Kgosana, Morena wa Moise, Ramotse kgotsa kala va lekgotla-taolo je le okametseng ngoao le setso kgotsa lekgotla-taolo la ngoao le setso; 35
 - (b) 40

- (a) ka yone mogokgo wa haerapele ba ngoao le seriso, Kgosi, Morena, Kgovana, Morena wa Motse, Ramotse kgotsa kala ya lekgotla-taolo je le okametseng ngoao le seriso kgotsa lekgotla-taolo la ngoao le seriso yo o bonweng molato wa matsholo aa malgwakgwa kgotsa dolo molao e naka Tautona a mshitseng kwanlawa go larela karolo podana 4; kgotsa 5
- (b) e jaaka mogokgo wa haerapele ba ngoao le seriso, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kgotsa kala ya lekgotla-taolo je le okametseng ngoao le seriso kgotsa lekgotla-taolo la ngoao le seriso yo o bonweng molato wa matsholo aa malgwakgwa kgotsa tloamolao kgotsa motafiso wa matsholo aa malgwakgwa kgotsa go sefatswa ka bogamana e gogetsweng motago kgotsa e tlogetswe. 10 15
- (c) ka mongwe yo e leng mogokgo wa haerapele ba ngoao le seriso, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kgotsa kala ya lekgotla-taolo je le okametseng ngoao le seriso kgotsa lekgotla-taolo la ngoao le seriso a sekegilwe mo moneg ya gagwe go larela karolo podana 6) [O tshwela gore] mo Nakong ya tshokego ya gagwe a se bone teta kgotsa bokgom ba go dirisa le go diragatsa mongwe yo dutlata, ditso le dushwanelo tse a di apesweng le go di rwala mabapi le go nna mogokgo wa haerapele ba ngoao le seriso, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kgotsa kala ya lekgotla-taolo je le okametseng ngoao le seriso kgotsa lekgotla-taolo la ngoao le seriso kgotsa ka dipelo tsa go letlana fa pele ga molao, ebile [o tshwanetse gore] mo tloboang lwa tshokego a se bone teta ya go amogela tuelo epe kgotsa motafiso oo duetwang mogokgo wa haerapele ba ngoao le seriso, Kgosi, Morena, Kgosana, Morena wa Motse, Ramotse kgotsa kala ya lekgotla-taolo je le okametseng ngoao le seriso kgotsa lekgotla-taolo la ngoao le seriso go larela molao oo la ditlwang. 20 25 30

Ntshafatso ya karolo 31 ya Palomolao 8 wa 2005 35

- 11. Karolo ee larelang e ntshafatsa karolo 31 ya Molao-mogolo jwana:
 - *31. (1) Tautona, ka go tsena kutsiso mo Lekgotla-kgotsang lwa Ramotse, a ka nna a dira melawana ee amanang le – 40
 - (a) kgang mongwe e ka go larela Molao omo e tloboang kgotsa e ditseletsweng go ka laolwa;

(b) ngoao le setso, tšamiso ya ngoao mmogo le dikarolo le diiro dingwe fela tsa mozolego wa baetapele ba ngoao le setso, morago ga go ithena le boemedi po bo tseletseng makala a sa feteng bobedi go tswa kwa lekgodla, talong, lengwe, le lengwe je le okametsentseng ngoao le setso jaha ba kaetswe ke makgodla aadole

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(c) ka kakaretso, kgang nngwe le nngwe ee kaunang e le bodihokwa kgotsa e itlhametse go kolwa go thibelela diurlhakangolo tsa Molao omo.

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(2) Pele ga go dirwa melawana epe mo tlase ga karolo eno, Tautona o tshwanetse go ithena le Lekgodla Baetapele ba Ngoao le Setso mme a pmasalaise dika melawana eo mo ranyo ga: *Lekgodla katsonng la Porofensi* go nngwe ngoka diishwagole tsa setshaba.

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Leina-Khutswe le tshimologo

12. Molao omo o bidiwa Molao wa Foreinata wa Kerelelopele le Tsamiso-Puso ya Ngoao le Setso oo Tokafaditsweng, 2018 mme o da tsengwa mo tinsong go tloga ka letlha le le da tsesiweng mo *Lekgodla katsonng la Porofensi*.

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