

LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

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Hlawuleka hinkwato**

No. 1815

Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

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GENERAL NOTICE ALGEMENE KENNISGEWING

GENERAL NOTICE 217 OF 2010 LIMPOPO PROVINCIAL ADMINISTRATION DEPARTMENT OF SPORT, ARTS AND CULTURE

LIMPOPO PROVINCIAL ARCHIVES AND RECORDS MANAGEMENT SERVICES AMENDMENT BILL, 2010

In terms of the Standing Rules and Orders of the Limpopo Legislature, the Limpopo Provincial Archives and Records Management Services Amendment Bill, 2010 is hereby advertised for public comments.

Any person or organization wishing to comment on the said document may do so in writing, on or before 06 August 2010, with:

**The Head of Department
Department of Sport, Arts and Culture
Private Bag X9459
POLOKWANE
0700**

**FOR ATTENTION: Jabu Nkatingi
Tel: (015) 284 4043
Fax: 086 546 0880
nkatingij@sac.limpopo.gov.za**

LIMPOPO PROVINCIAL LEGISLATURE

**LIMPOPO PROVINCIAL ARCHIVES AND RECORDS MANAGEMENT SERVICES
AMENDMENT BILL, 2010**

As introduced by

**(THE MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR SPORT, ARTS
AND CULTURE)**

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.

BILL

To amend the Limpopo Province Archives Act, 2001 (Act No. 5 of 2001) so as to amend the long title; regulate the appointment of the Archivist, limit the number of members appointed to the Council and the powers of the Council; to provide for meeting allowances for Council members and the submission of a business plan by the Council; to provide for a Secretariat to Council; to delete provisions relating to the funds of Council and the accounting officer of Council; to provide for quarterly reporting by the Archivist and Council; to insert a limitation on liability; to amend the short title of the Act and to provide for matters connected therewith.

BE IT ENACTED by the Limpopo Provincial Legislature as follows:—

1. Substitution of Long Title

The long title of the Limpopo Province Archives Act, 2001 (Act No. 5 of 2001), hereinafter referred to as the “principal Act” is hereby amended by the substitution for the long title of the following long title:

“To provide for [the establishment of] Provincial Archives of [the] Limpopo [Province]; the appointment of the Archivist; the proper management and care of records of governmental bodies in [the] Limpopo [Province]; the preservation and use of [the Limpopo Province] Limpopo’s archival heritage; the establishment of the Limpopo Archives Council; and to provide for matters connected therewith.”.

2. Amendment of Section 1 of Act 5 of 2001

Section 1 of the principal Act, is hereby amended—

- (a) by the deletion of the definition of “archives”;
- (b) by the substitution for the definition of “Council” of the following definition:

“**Council**” means the Limpopo Archives Council referred to in section 6;”;

- (c) by the insertion after the definition of “custody” of the following definition:

“**Department**” means the Department responsible for archival matters in the Province;”;

- (d) by the substitution for the definition of “disposal authority” of the following definition:

“**disposal authority**” means a written authority issued [in terms of] by the Archivist as contemplated in section 13(2)[(a)] specifying records to be transferred to [the custody of the Provincial Archives] an archives repository or specifying records to be destroyed, erased or otherwise disposed of;”;

- (e) by the deletion of the definition of “Province”;

- (f) by the substitution for the definition of “Provincial Archives” of the following definition:

“**Provincial Archives**” means records in the custody of archives repositories in the Province;” and

- (g) by the insertion after the definition of “public record” of the following definition:

“**Public Service Act, 1994**” means the Public Service Act, 1994 (Proclamation 103 of 1994);”.

3. Amendment of Section 2 of Act 5 of 2001

Section 2 of the principal Act is hereby amended—

- (a) by the substitution for the marginal note of the following marginal note:

“**[Establishment] Appointment of [Archives of Province] Archivist**”;

(b) by the deletion of subsection (1); and

(c) by the substitution for subsection (2) of the following subsection:

“(2) The Provincial Archives are managed by the Archivist, who is appointed **[by the MEC]** in terms of the Public Service Act, 1994 on the basis of the Archivist’s professional experience and appropriate archival **[qualification]** qualifications.”.

4. Amendment of section 3 of Act 5 of 2001

The following section is hereby substituted for section 3 of the principal Act:

“3. Objects of Act

“The objects of the Act are to—

- (a) preserve public and non-public records with enduring value for use by the public and the State;
- (b) make such records accessible and promote their use by the public;
- (c) ensure the proper management and care of all public records;
- (d) collect non- public records with enduring value and of provincial significance which cannot be preserved by another institution, with due regard for the need to document aspects of the nation’s experience neglected by archives repositories in the past;
- (e) promote co-operation and co-ordination between institutions having custody of non-public records with enduring value;
- (f) promote the awareness of archives and records management and encourage archival and records management activities and organisations; and
- (g) generally promote the preservation and use of a provincial archival heritage.”.

5. Amendment of section 4 of Act 5 of 2001

Section 4 of the principal Act is hereby amended—

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

“(1) When [The] the Archivist **[must in the performance of the Archivist’s]** performs his or her functions, the Archivist must be assisted by **[officers and employees]** persons appointed in terms of the Public Service Act, 1994 **[(Proclamations 103 of 1994)]**.”;

- (b) by the substitution for paragraph (a) of subsection (2) of the following subsection:

“(2)**[(a)]** The Archivist may, subject to any conditions, delegate powers or assign duties to **[a member of the staff]** such persons referred to in subsection (1) and may at any time withdraw such delegation or assignment.”; and

- (c) by the substitution for paragraph (b) of subsection (2) of the following subsection:

“**[(b)] (3)** The delegation or assignment as contemplated in subsection (2), must not divest the Archivist of the power delegated or duty assigned to the Archivist, and the Archivist may at any time amend or set aside any decision made in terms thereof, or exercise the power or perform the duty concerned.”.

6. Amendment of section 5 of Act 5 of 2001

Section 5 of the principal Act is hereby amended—

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

“(c) with special emphasis on activities designed to reach out to less privileged sectors of society, make known information concerning records through means such as publications, exhibitions and the lending of records; **[and]**”;

- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) require a person who has made use of records in the Provincial Archives while researching a publication or a dissertation to furnish a copy of the publication or dissertation to the **[Provincial Archives.]** Archivist.”;

- (c) by the addition to subsection (1) after paragraph (d) of the following paragraphs:

“(e) take such measures as are necessary to preserve and restore records;

(f) determine records classification systems to be applied by governmental bodies;

(g) determine the conditions subject to which electronic record systems should be managed;

(h) determine the conditions subject to which records may be microfilmed or electronically reproduced;

(i) maintain a list of non-public records in the Province which in the opinion of the Archivist have enduring value; and

(j) take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of this Act.”; and

- (d) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) with the concurrence of the MEC **[and the Council]** exempt a governmental body from any provision of this Act.”.

7. Amendment of section 6 of Act 5 of 2001

Section 6 of the principal Act is hereby amended—

- (a) by the substitution for the marginal note of the following marginal note:

“Establishment, constitution and functions of Limpopo Archives Council”

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

“(1) The MEC may by notice in the *Gazette* establish a council to be known as the Limpopo **[Province]** Archives Council.”;

- (c) by the substitution for subsection (2) of the following subsection:

“(2) The Council will consist of the Archivist and not more than **[nine]** seven other members appointed by the MEC from among persons who are knowledgeable of, **[or have an interest]** experienced or qualified in[,] archival matters.”;

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

“(b) advise **[and assist]** the Archivist in **[carrying out]** order to further the objects **[and functions]** of the **[Provincial Archives]** Act; and”;

- (e) by the substitution for paragraph (c) of subsection (4) of the following paragraph:

“(c) promote the co-ordination of archival policy formulation and planning in the **[province;]** Province.”;

- (f) by the deletion of paragraphs (d), (e) and (f) of subsection (4);

- (g) by the substitution for subsection (7) of the following subsection:

“(7) The Council or any committee may after consulting with the accounting officer of the Department co-opt any person to serve on the Council or on a committee, as the case may be, in an advisory capacity, but such a co-opted member must not have any voting rights.”;

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

“(8) An ordinary member or a co-opted member referred to in subsection (7), who is not in the full- time service of the State, must be paid from the funds of the **[Council]** Department, such meeting allowances and such travelling and other expenses incurred by such member, in connection with the activities of the Council, as the MEC may determine with the concurrence of the Member of the Executive Council for Finance.”; and

(i) by the addition after subsection (8) of the following subsection:

“(9) The Council must annually submit a business plan to the MEC for approval.”.

8. Amendment of section 7 of Act 5 of 2001

Section 7 of the principal Act is hereby amended—

(a) by the substitution for the marginal note of the following marginal note:

“[Secretary and staff] Secretariat of Council”;

(b) by the substitution for subsection (1) of the following subsection:

“(1) The Department must provide secretariat services to the Council.”;
and

(c) by the deletion of subsection (2).

9. Amendment of section 8 of Act 5 of 2001

Section 8 of the principal Act is hereby deleted.

10. Amendment of section 9 of Act 5 of 2001

Section 9 of the principal Act is hereby deleted.

11. Amendment of section 10 of Act 5 of 2001

Section 10 of the principal Act is hereby amended—

- (a) by the substitution for the marginal note of the following marginal note:

“[Annual] Reports by Archivist and Council”;

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

“(1) At the end of each quarter and financial year, the Archivist must compile a report on all the archive related activities **[of the Provincial Archives]** for that quarter and financial year and the Council must compile a report on all the activities of the Council for that quarter and financial year.”;

- (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) an account of all cases of unauthorised disposal of public records investigated **[by the Provincial Archives]; [and]**”;

- (d) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) the number of records classification systems approved; and”;

- (e) by the insertion after paragraph (d) of subsection (2) of the following paragraph:

“(e) an account of all governmental bodies which have failed to comply with this Act.”;

- (f) by the substitution for paragraph (a) of subsection (3) of the following subsection:

“(3) The Archivist and the Council must submit the reports referred to in subsection (1), to the Head of the Department.”; and

(g) by the deletion of paragraph (b) of subsection (3).

12. Amendment of Section 11 of Act 5 of 2001

The following section is hereby substituted for section 11 of the principal Act:

“(1) The MEC may from time to time by way of notice in the *Provincial Gazette* establish archives repositories under the control of the Archivist for the custody and preservation of records.

(2) Public records identified as having enduring value in a disposal authority must be transferred to an archives repository when they have been in existence for 20 years: Provided that—

(a) no other law requires such records to be kept in the custody of a particular governmental body or person;

(b) the Archivist, after consultation with the head of a governmental body, may identify records which must—

(i) remain in the custody of a governmental body; or

(ii) be transferred to an archives repository before they have been in existence for 20 years;

(c) the Archivist may defer the transfer of any public records; and

(d) the Archivist may grant permission for any public record to be transferred to an archives repository before they have been in existence for 20 years.

(3) The MEC may prescribe terms and conditions governing the transfer of records under subsection (2).”.

13. Amendment of section 12 of Act 5 of 2001

Section 12 of the principal Act is hereby amended—

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

“(1) Subject to any other law which deals with access to records—

- (a) a public record in the custody of an archives repository must be available for public access if a period of 20 years has lapsed since the end of the year in which the record came into existence;
- (b) access to a public record of which a period of 20 years has not lapsed since the end of the year in which the record came into existence, may be given by the Archivist on request;
- (c) a non- public record in the custody of an archives repository must be available for public access subject to any condition agreed upon at its acquisition in terms of section 14(1) of this Act; and
- (d) the Archivist may refuse access to a record due to the fragile condition of the record unless access to the content of the record may be granted in a manner that will not compromise the preservation of that record.”

- (b) by the deletion of subsections (2) and (3).

14. Amendment of section 13 of Act 5 of 2001

The following section is hereby substituted for section 13 of the principal Act:

“13. Management of public records

- (1) The Archivist is charged with the proper management and care of public records in the custody of governmental bodies.

- (2) No public record under the control of a governmental body must be transferred to an archives repository, destroyed, erased or otherwise disposed of without the issue of a written authorisation by the Archivist.
- (3) The Archivist must inspect public records in so far as such inspections may be necessary for the performance of the Archivist's functions under this Act.
- (4) The Head of the Department may from time to time issue directives and instructions, which must be consistent with this Act, as to the management and care of public records in the custody of governmental bodies."

15. Insertion of section 13A of Act 5 of 2001

The following section is hereby inserted after section 13 of the principal Act:

"13A. Records manager

The head of a governmental body must ensure that the governmental body complies with the requirements of this Act and for this purpose he or she must designate or appoint an official to be the records manager of that body."

16. Amendment of section 14 of Act 5 of 2001

Section 14 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- "(3) No person or institution having non-public records in their custody which are recorded on the provincial list referred to in section **[6(4)(e)] 5(1)(i)** must destroy, export from the Province or otherwise dispose of such records without—
- (a) reporting their intention to dispose of the records to the **[Council] Archivist** at least 90 days **[in advance of]** prior to such action; and

- (b) **[getting]** obtaining the approval of the **[Council]** Archivist for such action.”.

17. Amendment of section 15 of Act 5 of 2001

Section 15 of the principal Act is hereby amended—

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

“(1) A person who is the **[Director]** Head of Archives and Records Management Services in the Department **[of Sport, Arts and Culture in the Province]** immediately prior to the coming into force of this Act, must continue in office as the Archivist until the Archivist is appointed in terms of section 2 of this Act.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Records in the custody of the **[Director]** Head of Archives and Records Management Services in the Department **[of Sport, Arts and Culture in the Province]** on the day immediately prior to the coming into force of this Act, are transferred to the Archivist subject to any conditions that were applicable to such records on that day.”; and

- (c) by the deletion of subsection (3).

18. Amendment of section 16 of Act 5 of 2001

Section 16 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who fails to comply with section 14(3) is guilty of an offence and liable on conviction to a fine **[not exceeding R10 000]** or to imprisonment or to both a fine and imprisonment.”

19. Insertion of Section 17A in Act 5 of 2001

The following section is hereby inserted after section 17 of the principal Act:

“17A. Limitation of Liability

Neither the state nor any other person is liable for any damage or loss caused by—

- (a) the exercise of any power or the performance of any duty under this Act; or
- (b) the failure to exercise any power, or perform any function or duty under this Act,

unless the exercise of or the failure to exercise the power, or performance or failure to perform the duty was unlawful, negligent or in bad faith.”.

20. Amendment of Section 19 of Act 5 of 2001

Section 19 of the principal Act is hereby amended by the substitution for the section of the following section:

“This Act is [**called**] the Limpopo [**Province**] Provincial Archives and Records Management Services Act, 2001 and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.”.

21. Short title

This Act is the Limpopo Provincial Archives and Records Management Services Amendment Act, 2010.

**MEMORANDUM ON OBJECTS OF
LIMPOPO PROVINCIAL ARCHIVES AND RECORDS MANAGEMENT SERVICES
AMENDMENT BILL, 2010**

1. BACKGROUND AND PURPOSE OF BILL

- 1.1. The Limpopo Province Archives Act, 2001 (Act No. 5 of 2001), hereinafter referred to as "the principal Act" was assented to by the Premier of Limpopo on the 12 October 2001 and commenced on the 1 February 2004.
- 1.2. The principal Act makes provision for the Provincial Archives, provides for the proper management and care of records of governmental bodies in the Province, the preservation and use of the Province's archival heritage, the establishment of the Limpopo Archives Council and for matters connected therewith.
- 1.3. From the commencement date of the principal Act, the Limpopo Archives Council ('hereinafter referred to as "the Council") has not been established. There is a need to establish the Council but before this is done, the principal Act needs to be amended in certain respects. The Bill seeks to reflect the appointment of the Archivist as one in terms of the Public Service Act, 1994 (Proclamation 103 of 1994). The Bill further seeks to reduce the number of members that may be appointed to the Council. The Bill also seeks to limit the powers of the Council to one that is advisory in nature and further to remove any rights of appeal to the Council. The Bill also proposes that the administrative work of the Council be performed by a secretariat from the Department and also proposes meeting allowances to be paid from the funds of the Department. The Bill also proposes that those sections dealing with the funds of the Council and accountability be deleted, so as to bring the Act in line with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999). The Bill also seeks to make provision for quarterly in addition to annual reporting by the Archivist and Council. Other proposed amendments are of a textual and consequential nature.

3. SOCIAL IMPLICATIONS

None.

4. CLAUSE-BY –CLAUSE ANALYSIS

- 4.1. Section 1 amends the long title of the principal Act.
- 4.2. Section 2 deletes and inserts definitions in the principal Act.
- 4.3. Section 3 deletes references to the establishment of the Provincial Archives and provides for the appointment of the Provincial Archivist in terms of the Public Service Act, 1994 (Proclamation 103 of 1994).
- 4.4. Section 4 amends section 3 to read as “Objects of Act” and correctly places a function of Council as an object of the Act.
- 4.5. Section 5 is a technical amendment.
- 4.6. Section 6 inserts an additional general power of the Archivist and brings all his duties found elsewhere in the Act under this section dealing with his duties. It also removes the need for concurrence of the Council for an exemption granted under the principal Act.
- 4.7. Section 7 reduces the number of members of the Council and changes the criteria for appointment by the MEC. It further limits the functions of the Council to one that is advisory in nature and places an obligation on the Council to submit a business plan. The section further makes provision for the payment of meeting allowances from the funds of the Department.
- 4.8. Section 8 provides for the Department to provide a secretariat to the Council.
- 4.9. Section 9 deletes Section 8 of the principal Act so that there is no reference to funding and opening of separate banking accounts of the Council as provision has been made for meeting allowances and travelling expenses to be paid from the funds of the Department.
- 4.10. Section 10 deletes section 9 of the principal Act to bring the Act in line with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) as the Head of the Department is to be the Accounting officer of the Council.

- 4.11. Section 11 places an obligation of quarterly as well as annual reporting by the Archivist and the Council; inserts new items that should be reported on by the Archivist and reports are to be submitted to the HOD instead of the MEC of the Department. It also deletes the requirement that those reports should be tabled in the legislature.
- 4.12. Section 12 is a textual amendment.
- 4.13. Section 13 brings the section dealing with access in line with the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- 4.14. Section 14 is a textual amendment where certain duplications have been deleted and other subsections removed and placed elsewhere in the principal Act.
- 4.15. Section 15 inserts a new section providing for a records manager.
- 4.16. Section 16 corrects a cross reference to a deleted section and provides for the reporting of intention to dispose to the Archivist and the approval of such disposal by the Archivist instead of the Council.
- 4.17. Section 17 replaces "Director" with his correct designation and deletes references to Sport, Arts and Culture as the Department is defined.
- 4.18. Section 18 removes the amount of the fine to be imposed.
- 4.19. Section 19 inserts a limitation of liability section.
- 4.20. Section 20 amends the short title of the principal Act.
- 4.21. Section 21 is the short title of the Act.

5. FINANCIAL IMPLICATIONS

There will be the costs of gazetting and the advertising of the Bill in 2 newspapers. There will also be the cost of notices in 2 newspapers calling for nominations of Council members and the cost of the notice in the Gazette

establishing the Council with its 7 members. After the establishment of the Council, the Department will be obliged to fund the travelling expenses, other expenses incurred in connection with the activities of the Council and meeting allowances of such members. The Council will be obliged to submit a business plan to the MEC for approval.

6. STAFFING AND ORGANISATIONAL IMPLICATIONS

The Amendment Bill proposes a secretariat to be provided by the Department to the Limpopo Archives Council.

7. CONSTITUTIONAL IMPLICATIONS

None.

8. INSTITUTIONS CONSULTED

The Department of Sport, Art and Culture and the State Law Advisers in the Office of the Premier were consulted.

ALGEMENE KENNISGEWING 217 VAN 2010
LIMPOPO PROVINSIALE ADMINISTRASIE
DEPARTEMENT VAN SPORT, KUNS EN KULTUUR

WYSIGINGSWETSONTWERP OP DIE LIMPOPO PROVINSIALE ARGIEWE EN
REKORDBESTUURSDIENSTE, 2010

Ingevolge die Staande Reëls en Orde van die Limpopo Wetgewer, word die Wysigingswetsontwerp op die Limpopo Argiewe en Rekordbestuursdienste, 2010 hierby geadverteer vir openbare kommentaar.

Enige persoon of organisasie wat graag wil kommentaar lewer op die genoemde dokument mag skriftelik so doen voor of op 06 Augustus 2010, aan:

Die Hoof van die Departement
Sport, Kuns en Kultuur
Privaatsak X9459
Polokwane
0700

VIR AANDAG: Jabu Nkatingi

Tel: (015) 284 4043
Faks: 086 546 0880
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LIMPOPO PROVINSIALE WETGEWER

**WYSIGINGSWETSONTWERP OP DIE LIMPOPO PROVINSIALE ARGIEWE EN
REKORDBESTUURSDIENSTE, 2010**

Soos ingelei deur

**(DIE LID VAN DIE UITVOERENDE RAAD VERANTWOORDELIK VIR SPORT, KUNS
EN KULTUUR)**

ALGEMENE VERKLARENDE NOTAS:

- [] Vetgedrukte woorde in vierkantige hakies dui op skappings van bestaande verordenings.
- _____ Woorde met `n onderstreepte lyn dui op invoegings tot bestaande verordenings.
-

WETSONTWERP

Om die Limpopo Argiewe Wet , 2001 (Wet No. 5 van 2001) te wysig ten einde die langtitel te wysig; regulering en aanstelling van argivaris en beperking van die aantal lede aangestel op die Raad en die magte van die Raad; om te voorsien in vergaderingstoelae vir Raadslede en die indiening van `n besigheidsplan deur die Raad; om te voorsien in `n Sekretariaat vir die Raad; om bepalings te skrap wat verband hou met fondse van die Raad en die rekenpligtige beampte van die Raad ; om te voorsien in kwartaallikse verslaggewing deur die Argivaris en die Raad; om `n beperking op aanspreeklikheid in te voeg; om die korttitel van die Wet te wysig en om te voorsien vir aangeleenthede wat daarmee verband hou.

WORD DAAR DERHALWE deur die Provinsiale Wetgewer van Limpopo as volg bepaal:—

1. Vervanging van die Langtitel

Die langtitel van die Wet op Limpopo Provinsiale Argiewe, 2001 (Wet No. 5 van 2001), hierna verwys as die “Hoofwet” word hierby gewysig met die vervanging van die langtitel van die volgende langtitel:

“Om te voorsien in Provinsiale Argiewe vir Limpopo ; die aanstelling van die argivaris; die doeltreffende bestuur en versorging van rekords van staatsliggame in Limpopo ; die bewaring en gebruik van Limpopo se argivaliese erfenis; die samestelling van die Limpopo Argiewe Raad; en om te voorsien in aangeleenthede wat daarmee verband hou.”.

2. Wysiging van Artikel 1 van Wet 5 van 2001

Artikel 1 van die Hoofwet, word hierby gewysig—

- (a) deur die skapping van die omskrywing van “argiewe”;
- (b) deur die vervanging van die omskrywing van “Raad” van die volgende omskrywing:

“**Raad**” beteken die Limpopo Argiewe Raad verwys na in artikel 6;”;

- (c) deur die invoeging na die omskrywing van “bewaring” van die volgende omskrywing:

“**Departement**” beteken die Departement verantwoordelik vir argivaliese aangeleenthede in die Provinsie;”;

- (d) deur die vervanging van die omskrywing van “verwyderingsgesag” van die volgende omskrywing:

“**verwyderingsgesag**” beteken skriftelike gesag uitgevaardig deur die Argivaris soos bepaal deur artikel 13(2) wat rekords spesifiseer wat oorgeplaas moet word na argief bewaarplekke of gespesifiseerde rekords wat vernietig, uitgewis of andersins verwyder moet word;”;

- (e) deur die skrapping van die omskrywing van “Provinsie”;
- (f) deur die vervanging van die omskrywing van “Provinsiale Argiewe” van die volgende omskrywing:

“**Provinsiale Argiewe**” beteken rekords bewaar in argief bewaarplekke in die Provinsie;”en

- (g) deur die invoeging na die omskrywing van “openbare rekords” van die volgende omskrywing:

“**Wet op Staatsdiens, 1994**” beteken die Wet op staatsdiens, 1994 (Proklamasie 103 van 1994);”.

3. Wysiging van Artikel 2 van Wet 5 van 2001

Artikel 2 van die Hoofwet word hierby gewysig—

- (a) deur die vervanging van die marginale rekords van die volgende marginale rekords:

“Aanstelling van die Argivaris”;

- (b) deur die skapping van subartikel (1); en
- (c) deur die vervanging van subartikel (2) van die volgende subartikel:
 - “(2) Die Provinsiale Argiewe word bestuur deur die Argivaris, wat aangestel word ingevolge die Staatsdienswet, 1994 op grond van die Argivaris se professionele ondervinding en gepaste argivaliese kwalifikasies.”.

4. Wysiging van artikel 3 van Wet 5 van 2001

Die volgende artikel word hierby vervang vir artikel 3 van die Hoofwet:

“3. Oogmerke van die Wet

“Die oogmerke van die Wet is om —

- (a) staats en nie-staatsrekords met duursame waarde te bewaar vir gebruik deur die publiek en die Staat;
- (b) sodanige rekords toeganklik te maak en die gebruik daarvan deur die publiek aan te moedig;
- (c) die doeltreffende bestuur en versorging van alle staatsrekords te verseker;
- (d) nie-staatsrekords met duursame waarde en van provinsiale betekenis wat nie deur `n ander instelling bewaar kan word nie te kollekteer met die hoofdoel om aspekte te dokumenteer omdat die volk se ondervinding afgeskeep was deur argief bewaarplekke in die verlede;
- (e) bevordering van samewerking en koördinerende tussen instellings wat nie-staatsrekords met duursame waarde bewaar;
- (f) bevordering van die bewustheid van argiewe en rekordbestuursaktiwiteite en die aanmoediging van argivaliese en aantekeningbestuursaktiwiteite en organisasie; en
- (g) algemene bevordering van die bewaring en gebruik van `n provinsiale argivaliese erfenis ”.

5. Wysiging van artikel 4 van Wet 5 van 2001

Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur die vervanging van subartikel (1) van die volgende subartikel:
- “(1) Indien die Argivaris hom/haar pligte uitvoer, moet die Argivaris ondersteun word deur persone aangestel ingevolge die Staatsdienswet, 1994.”;
- (b) deur die vervanging van paragraaf (a) van subartikel (2) van die volgende subartikel:
- “(2) Die Argivaris mag onderhewig aan enige voorwaardes pligte deleger of toewys aan sodanige persone verwys na in subartikel (1) en mag ter enige tyd sodanige delegering of pligte onttrek.”; en
- (c) deur die vervanging van paragraaf (b) van subartikel (2) van die volgende subartikel:
- “(3) Die delegering of opdragte ingevolge artikel (2) ontnem nie die Argivaris van die magte gedelegeer of pligte toegewys aan die Argivaris nie en die Argivaris mag op enige stadium enige besluitneming wysig of tersyde stel ingevolge waarvan dit ingestel is of die magte uitoefen of die betrokke pligte uitvoer.”.

6. Wysiging van artikel 5 van Wet 5 van 2001

Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur die vervanging van paragraaf (c) van subartikel (1) van die volgende paragraaf:
- “(c) met spesifieke beklemtoning van aktiwiteite wat bestem is om uit te reik na minder bevoorregte sektore van die samelewing en die bekendmaking van inligting oor rekords met behulp van publikasies, uitstallings en die uitleen van rekords;

- (b) deur die vervanging van paragraaf (d) van subartikel (1) van die volgende paragraaf:

“(d) vereis dat `n persoon wat gebruik gemaak het van rekords in die Provinsiale Argiewe vir navorsing van `n publikasie of `n verhandeling, `n afskrif van die publikasie of verhandeling aan die Argivaris beskikbaar moet stel”;

- (c) by die invoeging van subartikel (1) na paragraaf (d) van die volgende paragraaf:

“(e) die nodige maatreëls implementeer om rekords te bewaar en te herstel;

(f) instelling van `n rekord klassifikasiestelsel wat deur staatsliggame toegepas moet word;

(g) bepaling van die voorwaardes waarvolgens die elektroniese rekordstelsel bestuur moet word;

(h) bepaling van die voorwaardes waarvolgens rekords vermikrofilm of elektronies gekopieër mag word;

(i) behou `n lys van nie-staatsrekords in die Provinsie wat volgens die Argivaris duursame waarde het; en

(j) die nodige stappe en optrede neem vir of wat gepas is vir die bereiking van die oogmerke van die Wet.”; en

- (d) deur die vervanging van paragraaf (d) van subartikel (2) van die volgende paragraaf:

“(d) met die instemming van die LUR, die bestuursliggaam vrystel van enige bepalings van hierdie Wet.”.

7. Wysiging van artikel 6 van Wet 5 van 2001

Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur die vervanging van die marginale rekords met die volgende marginale rekords:

“Instelling, samestelling en werksaamhede van die Limpopo Argiewe Raad”

- (b) deur die vervanging van subartikel (1) van die volgende subartikel:

“(1) Die LUR mag by kennisgewing in die staatskoerant `n raad aanstel wat bekend staan as die Limpopo Argiewe Raad.”;

- (c) deur die vervanging van subartikel (2) van die volgende subartikel:

“(2) Die Raad sal bestaan uit die Argivaris en nie meer as sewe ander lede deur die LUR aangewys, uit geledere wat ervaring het of gekwalifiseerd is in argiefmateriaalaangeleenthede”;

- (d) deur die vervanging van paragraaf (b) van subartikel (4) van die volgende paragraaf:

“(b) adviseer die Argivaris in die bevordering van die oogmerke van die Wet” en;

- (e) deur die vervanging van paragraaf (c) van subartikel (4) van die volgende paragraaf:

“(c) bevordering en koördinering van `n argiewe beleid en beplanning in die Provinsie.”;

- (f) deur die verwydering van paragrawe (d), (e) en (f) van subartikel (4);

- (g) deur die vervanging van subartikel (7) van die volgende subartikel:

“(7) Die Raad of enige komitee mag na beraadslaging met die rekenpligtige beampte van die Departement enige persoon benoem om op die Raad te dien of op `n komitee, in welke geval dit mag wees in `n raadgewende hoedanigheid, maar sodanige gekoöpteerde lid mag nie stemregte het nie.”;

(h) deur die vervanging van subartikel (8) van die volgende subartikel:

“(8) `n Gewone lid of gekoöpteerde lid verwys na in subartikel (7), wat nie voltyds in diens van die Staat is nie, moet besoldig word vanuit fondse van die Departement en sodanige vergaderingstoelae, reis en ander uitgawes aangegaan deur die spesifieke lid, rakende die aktiwiteite van die Raad soos bepaal deur die LUR mag vasgestel word met die instemming van die Lid van die Uitvoerende Raad oor Finansies.”; en

(i) deur die toevoeging van subartikel (8) van die volgende subartikel:

“(9) Die Raad moet jaarliks `n besigheidsplan indien by die LUR vir goedkeuring.”.

8. Wysiging van artikel 7 van Wet 5 van 2001

Artikel 7 van die Hoofwet word hierby gewysig—

(a) deur die vervanging van die marginale rekord met die volgende marginale rekord:

“ **Sekretariaat van die Raad**”;

(b) deur die vervanging van subartikel (1) van die volgende subartikel:

“(1) Die Departement moet sekretariaat dienste aan die Raad verskaf.”; en

(c) deur die skapping van subartikel (2).

9. Wysiging van artikel 8 van Wet 5 van 2001

Artikel 8 van die Hoofwet word hierby geskrap.

10. Wysiging van artikel 9 van Wet 5 van 2001

Artikel 9 van die Hoofwet word hierby geskrap.

11. Wysiging van artikel 10 van Wet 5 van 2001

Artikel 10 van die Hoofwet word hierby gewysig—

- (a) deur die vervanging van die marginale rekord van die volgende marginale rekord:

“ Verslae deur die Argivaris en Raad ”;

- (b) deur die vervanging van subartikel (1) van die volgende subartikel:

“(1) Aan die einde van elke kwartaal en finansiële jaar moet die Argivaris `n verslag saamstel oor al die argief verwante aangeleenthede vir daardie kwartaal en finansiële jaar en die Raad moet `n verslag saamstel oor al die aktiwiteite van die Raad vir sodanige kwartaal en finansiële jaar.”;

- (c) deur die vervanging van paragraaf (c) van subartikel (2) van die volgende paragraaf:

“(c) `n verslag van alle gevalle van ongemagtigde verwydering van openbare rekords moet ondersoek word ; ”;

- (d) deur die vervanging van paragraaf (d) van subartikel (2) van die volgende paragraaf:

“(d) die aantal rekord klassifikasiestelsels goedgekeur”en;

- (e) deur die toevoeging na paragraaf (d) van subartikel (2) van die volgende paragraaf:

“(e) `n verslag van alle staatsliggame wat nie voldoen het aan die Wet nie.”;

- (f) deur die vervanging van paragraaf (a) van subartikel (3) van die volgende subartikel:

“(3) Die Argivaris en die Raad moet die verslae verwys na in subartikel (1) by die Hoof van die Departement indien.”; en

(g) deur die skraping van paragraaf (b) van subartikel (3).

12. Wysiging van Artikel 11 van Wet 5 van 2001

Die volgende artikel word hierby vervang vir artikel 11 van die Hoofwet:

“(1) Die LUR mag van tyd tot tyd by wyse van kennisgewing in die Provinsiale Koerant, argief bewaarplekke stig onder die beheer van die Argivaris vir die bewaring en beskerming van rekords.

(2) Openbare rekords wat gedentifiseer word as die met duursame waarde in `n verwyderingsgesag moet oorgeplaas word na `n argief bewaarplek indien dit vir `n tydperk van 20 jaar bestaan: Op voorwaarde dat—

(a) geen ander wetgewing vereis dat sodanige rekords in die bewaring van `n spesifieke staatsliggaam of persoon gehou mag word nie;

(b) die Argivaris moet na oorlegpleging met die hoof van `n staatsliggaam rekords identifiseer wat —

(i) in bewaring moet bly van `n staatsliggaam; of

(ii) oorgeplaas moet word na argief bewaarplekke voordat dit vir `n tydperk van 20 jaar bestaan;

(c) die Argivaris mag die oordrag van enige staatsrekords uitstel; en

(d) die Argivaris mag toestemming verleen dat enige staatsrekords oorgeplaas moet word na argief bewaarplekke voordat dit vir `n tydperk van 20 jaar bestaan.

(3) Die LUR mag bepalinge en voorwaardes voorskryf wat die oorplasing van rekords beheer ingevolge subartikel (2) .”.

13. Wysiging van artikel 12 van Wet 5 van 2001

Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur die vervanging van subartikel (1) van die volgende subartikel:

“(1) Onderhewig aan enige ander wetgewing wat handel oor toegang tot rekords—

- (a) moet `n staatsrekord wat in bewaring van `n argief bewaarplek is beskikbaar wees vir publieke toegang indien `n tydperk van 20 jaar verstryk het, sedert die einde van die jaar waarin die rekord bestaan het;
- (b) toegang tot `n staatsrekord waarin `n tydperk van 20 jaar nie verstryk het nie, sedert die einde van die jaar nadat dit bestaan het mag op versoek deur die Argivaris toegestaan word ;
- (c) `n nie-staatsrekord in besit van `n argief bewaarplek moet beskikbaar wees vir publieke toegang onderhewig aan enige voorwaardes soos ooreengekom tydens die verkryging daarvan ingevolge artikel 14(1) van hierdie Wet; en
- (d) die Argivaris mag toegang tot `n rekord weier ingevolge die broosheid van die rekord, tensy toegang tot die inhoud van die rekord toegestaan word op `n wyse wat nie die bewaring van sodanige rekord aan `n risiko bloot sal stel nie.”

(b) deur die skapping van subartikels (2) en (3).

14. Wysiging van artikel 13 van Wet 5 van 2001

Die volgende artikel word hierby vervang vir artikel 13 van die Hoofwet:

“13. Beheer van staatsrekords

- (1) Die Argivaris word belas met die doeltreffende bestuur en versorging van staatsrekords in die bewaring van staatsliggame.
- (2) Geen staatsrekord onder die beheer van `n staatsliggaam moet na `n argief bewaarplek oorgedra, vernietig, verwyder of andersins weggedoen mee word nie, sonder die uitvaardiging van `n geskrewe magtiging deur die Argivaris .
- (3) Die Argivaris moet staatsrekords ondersoek indien sodanige ondersoeke noodsaaklik is vir die uitvoering van die Argivaris se pligte ingevolge hierdie Wet.
- (4) Die Hoof van die Departement mag van tyd tot tyd riglyne en instruksies uitvaardig wat nie-strydig met die Wet is nie, aangaande die bestuur en versorging van staatsrekords in die besit van staatsliggame.”.

15. Invoeging van artikel 13A van Wet 5 van 2001

Die volgende artikel word hierby ingevoeg na artikel 13 van die Hoofwet:

“13A. Rekordbestuurder

Die Hoof van `n staatsliggaam moet voorsien dat die staatsliggaam voldoen aan die vereistes van hierdie Wet en vir sodanige doel moet hy of sy `n beamppte afvaardig of aanstel om die rekordbestuurder van die liggaam te wees.”.

16. Wysiging van artikel 14 van Wet 5 van 2001

Artikel 14 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (3) van die volgende subartikel:

- “(3) Geen persoon of instelling wat nie-openbare rekords in hul besit het en wat wel op die provinsiale lys aangeteken is ingevolge artikel 5(1)(i) moet dit vernietig, uitvoer vanaf die provinsie of andersins sodanige rekords weggooi nie, sonder—
- (a) aanmelding van hul bedoeling met die verwydering van die rekords aan die Argivaris ten minste 90 dae voor sodanige optrede.”.

(b) verkryging van goedkeuring deur die Argivaris vir sodanige optrede.

17. Wysiging van artikel 15 van Wet 5 van 2001

Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur die vervanging van subartikel (1) van die volgende subartikel:

“(1) `n Persoon wat die Hoof is van die Argiewe en Rekord Bestuursdienste in die Departement voor die inwerking treding van die Wet, moet aanbly in kantoor as Argivaris, totdat die Argivaris aangestel word ingevolge artikel 2 van hierdie Wet.”;

(b) deur die vervanging van subartikel (2) van die volgende subartikel:

“(2) Rekords in besit van die Hoof van Argiewe en Rekord Bestuursdienste in die Departement voor die inwerkingtreding van die Wet, word oorgedra aan die Argivaris onderhewig aan enige voorwaardes wat van toepassing was op sodanige rekords op daardie dag.”; en

(c) deur die skraping van subartikel (3).

18. Wysiging van artikel 16 van Wet 5 van 2001

Artikel 16 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (2) van die volgende subartikel:

“(2) Enige persoon wat versuim om te voldoen aan artikel 14(3) is skuldig aan `n oortreding en onderhewig aan veroordeling van `n boete of gevangenskap of beide `n boete en gevangenskap.”

19. Invoeging van Artikel 17A in Wet 5 van 2001

Die volgende artikel word hierby ingevoeg na artikel 17 van die Hoofwet:

“17A. Beperking van Aanspreeklikheid

Nóg die staat nóg enige ander persoon is aanspreeklik vir enige skade of verlies veroorsaak deur—

- (a) die uitoefening van enige magte of die uitvoering van enige pligte onderhewig aan hierdie Wet; of
- (b) die versuim om enige magte uit te oefen of enige funksie of pligte uit te voer onderhewig aan hierdie Wet,

Tensy die uitoefening van of die versuim om magte uit te oefen of die uitvoering of versuim in die uitvoering van pligte onregmatig, nalatig of in swak vertroue was.”.

20. Wysiging van Artikel 19 van Wet 5 van 2001

Artikel 19 van die Hoofwet word hierby gewysig deur die vervanging van die artikel van die volgende artikel:

Hierdie Wet is die Limpopo Provinsiale Argiewe en Rekordbestuursdienste Wet, 2001 en tree in werking op `n datum soos bepaal deur die Premier by proklamasie in die *Provinsiale Staatskoerant*.”.

21. Korttitel

Hierdie Wet is die Wysigingswet op die Limpopo Provinsiale Argiewe en Rekordbestuursdienste, 2010.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WYSIGINGSWETSONTWERP OP
DIE LIMPOPO PROVINSIALE ARGIEWE EN REKORD BESTUURSDIENSTE,
2010**

1. AGTERGROND EN DOELWIT VAN DIE WETSONTWERP

- 1.1. Die Limpopo Provinsiale Argiewe Wet, 2001 (Wet No. 5 van 2001), hierna verwys as “die Hoofwet” was ingewillig deur die Premier van Limpopo op die 12de Oktober 2001 en het inwerking getree op die 1ste Februarie 2004.
- 1.2. Die Hoofwet maak voorsiening vir Provinsiale Argiewe, voorsien in die doeltreffende bestuur en versorging van staatsliggame in die Provinsie, die bewaring en gebruik van die Provinsiale argivaliese erfenis, die samestelling van die Limpopo Argiewe Raad en vir aangeleenthede wat daarmee verband hou.
- 1.3. Na inwerkingtreding van die Hoofwet was die Limpopo Argiewe Raad (‘hierna verwys as die “Raad”) nog nie gestig nie. Derhalwe is daar ’n behoefte om die Raad te stig, maar voordat dit gedoen kan word moet die Hoofwet met betrekking tot sekere aspekte gewysig word. Die Wetsontwerp poog om oor die aanstelling van die Argivaris te besin ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994). Die Wetsontwerp het ook ten doel om die aantal lede wat op die Raad aangestel mag word te verminder. Die Wetsontwerp het ook ten doel om die magte van die Raad te beperk tot die van ’n raadgewende aard en poog verder om enige appèl regte teen die Raad te verwyder. Die Wetsontwerp stel ook voor dat die administratiewe werk van die Raad deur ’n Sekretariaat van die Departement uitgevoer moet word en stel ook vergaderingstoelaes voor wat betaal moet word vanuit die fondse van die Departement. Die Wetsontwerp stel ook voor dat sodanige artikels bemoeid met befondsing van die Raad en aanspreeklikheid geskrap moet word, ten einde die Wet in lyn te bring met die bepalings van die Openbare Finansiële Bestuurswet, 1999 (Wet No. 1 van 1999). Die Wetsontwerp poog ook om behalwe die jaarverslaggewing ook voorsiening te maak vir kwartaallikse verslaggewing deur die Argivaris en die Raad. Ander voorgestelde wysigings is van ’n tekstuele en gevolglike aard.

2. SOSIALE IMPLIKASIES

Geen.

3. KLOUSULE -NA KLOUSULE ANALISE

- 3.1. Artikel 1 wysig die langtitel van die Hoofwet.
- 3.2. Artikel 2 skrap en voeg omskrywings by tot die Hoofwet.
- 3.3. Artikel 3 skrap verwysings na die stigting van die Provinsiale Argiewe en voorsien in die aanstelling van die Provinsiale Argivaris ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994).
- 3.4. Artikel 4 wysig artikel 3 om te lees as "Oogmerke van Wet" en sorg vir die korrekte plasing van 'n funksie van die Raad as 'n oogmerk van die Wet.
- 3.5. Artikel 5 is 'n tegniese wysiging.
- 3.6. Artikel 6 voeg 'n addisionele algemene mag by tot die Argivaris en plaas al sy pligte wat in die Wet voorkom onder hierdie artikel wat handel oor sy pligte. Dit verwyder ook die behoefte vir samekoms van die Raad vir kwytskeldings soos toegestaan deur die Hoofwet.
- 3.7. Artikel 7 verminder die aantal lede van die Raad en wysig die kriteria vir aanstelling deur die LUR. Dit beperk die pligte van die Raad tot 'n adviserende aard en plaas 'n verpligting op die Raad om 'n besigheidsplan in te dien. Die artikel maak verder voorsiening vir die betaling van vergaderingstoelae vanuit fondse van die Departement.
- 3.8. Artikel 8 voorsien dat die Departement 'n Sekretariaat aan die Raad verskaf.
- 3.9. Artikel 9 skrap Artikel 8 van die Hoofwet sodat daar geen verwysing is na befondsing en die opening van 'n afsonderlike bankrekening van die Raad nie, aangesien voorsiening gemaak is vir vergaderingstoelae en vervoeruitgawes wat betaalbaar is vanuit die fondse van die Departement.
- 3.10. Artikel 10 skrap artikel 9 van die Hoofwet ten einde die Wet in lyn te bring met die bepalings van die Openbare Finansiële Bestuurswet, 1999 (Wet No. 1 van 1999) aangesien die Hoof van die Departement die Rekenpligtige amptenaar van die Raad is.

- 3.11 Artikel 11 verplig die Argivaris asook die Raad tot 'n kwartaallikse en ook 'n jaarlikse verslaggewing; voeg nuwe aspekte by waaroor verslag gedoen moet word deur die Argivaris en sodanige verslae moet ingedien word by die HVD in plaas van die LUR van die Departement. Dit skrap ook die vereiste dat sodanige verslae ter tafel gelê moet word in die wetgewer.
- 3.12 Artikel 12 is 'n tekstuele wysiging.
- 3.13 Artikel 13 bring die artikel wat handel oor toegang in lyn met die bepalings van die Bevordering van Toegang tot die Wet op Inligting, 2000 (Wet No. 2 van 2000).
- 3.14 Artikel 14 is 'n tekstuele wysiging waarby sekere dupliserings geskrap en ander subartikels verwyder moet word en elders in die Hoofwet geplaas moet word.
- 3.15 Artikel 15 voeg 'n nuwe artikel by en voorsien vir 'n rekordbestuurder.
- 3.16 Artikel 16 korregeer 'n kruisverwysing na 'n geskrapte artikel en voorsien in die verslaggewing van die voorneme om dit in ooreenstemming te bring met die Argivaris en die goedkeuring van instemming deur die Argivaris in plaas van die Raad.
- 3.17 Artikel 17 vervang "Direkteur" met sy korrekte bestemming en skrap verwysings na Sport, Kuns en Kultuur soos die Departement omskryf word.
- 3.18 Artikel 18 verwyder die bedrag van die boete wat voorgeskryf was.
- 3.19 Artikel 19 voeg 'n beperking by tot die artikel oor aanspreeklikheid.
- 3.20 Artikel 20 wysig die korttitel van die Hoofwet.
- 3.21 Artikel 21 is die korttitel van die Wet.

4. FINANSIËLE IMPLIKASIES

Daar sal koste verbonde wees aan die publiserings van die Wetsontwerp in die Staatskoerant en die advertering van die Wetsontwerp in 2 koerante. Daar sal ook koste verbonde wees aan die kennisgewing in 2 koerante waarby

nominasies beroep word vir Raadslede en die koste van die kennisgewing in die Staatskoerant met die stigting van die Raad met sy 7 lede. Na die stigting van die Raad sal die Departement verplig wees om die vervoeruitgawes en ander uitgawes aangegaan te finansier, wat verband hou met die aktiwiteite van die Raad, asook vergaderingstoelae van die lede. Die Raad sal verplig wees om 'n besigheidsplan by die LUR in te dien vir goedkeuring.

5. PERSONEEL EN ORGANISATORIESE IMPLIKASIES

Die Wysigingswetsontwerp stel 'n sekretariaat voor wat verskaf word deur die Departement aan die Limpopo Argiewe Raad.

6. GRONDWETLIKE IMPLIKASIES

Geen.

7. INSTELLINGS GERAADPLEEG

Die Departement van Sport, Kuns en Kultuur en die Staatsregsadviseurs in die Kantoor van die Premier was geraadpleeg.

XITIVISO HI KU ANGARHELA

XITIVISO XA 217 2010

MFUMO WA XIFUNDZANKULU XA LIMPOPO

NDZAWULO YA MINTLANGU, VUTSHILA NA NDHAVUKO

**NAWUMBISI WO HUNDZULUXA WA VUKORHOKERI BYA VUFAMBISI BYA
TIAKHAYIVHI NA TIRHEKHODO TA XIFUNDZANKULU XA LIMPOPO, 2010**

Hi ku landza Milawu ya Nkarhi Hinkwawo na Swileriso swa Mfumo wa Milawu wa Limpopo, Nawumbisi wo Hundzuluxa wa Vukorhokeri bya Vufambisi bya Tiakhayivhi na Tirhekhodo ta Xifundzankulu xa Limpopo, 2010 wa navetisiwa leswaku vanhu va nyika mavonele.

Munhu wihi ni wihi loyi a lavaka ku nyika mavonele eka tsalwa leri, a nga endla tano hi ku tsala, hi kumbe ku nga si fika 6/08/ 2010, eka:

**Nhloko ya Ndzawulo
Mintlangu, Vutshila na Ndhavuko
Xisaka xa Poso X9459
POLOKWANE
0700**

**KONGOMISA EKA Jabu Nkatingi
Riqingho: (015) 284 4043
Fekisi: 086 546 0880
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MFUMO WA MILAWU WA LIMPOPO

**NAWUMBISI WO HUNDZULUXA WA VUKORHOKERI BYA VUFAMBISI BYA
TIAKHAYIVHI NA TIRHEKHODO TA XIFUNDZANKULU XA LIMPOPO, 2010**

Tani hileswi wu ngenisiweke hi

**(XIRHO XA HUVONKULU LEXI NGA NI VUTIHLAMULERI XA MINTLANGU,
VUTSHILA NA NDHAVUKO)**

TINOTSI TA KU HLAMUSELA HI KU ANGARHELA:

[] Marito lawa tsariweke hi ku bumbula la nga ndzeni ka swiangi swa swikwere ya kombisa ku tluriwa eka tsalwa leri tirhaka existing enactments.

_____ Marito lawa ya khwatihatiweke hi ntila wo bumbula ya kombisa ku ngenhisiwa eka tsalwa leri tirhaka
existing enactments.

NAWUMBISI

Ku hundzuluxa Nawu wa Tiakhiyivhi wa Xifundzankulu xa Limpopo, 2001 (Nawu wa No.5 wa 2001) na ku tlhela wu hundzuluxa nhlokomhaka yo leha; ku lawula ku thoriwa ka Muakhayivhi, hunguta nhlayo ya swirho leswi thoriweke eka Huvo; ku nyika swiengetelo swa tinhlangeletano eka swirho swa Huvo na yisa pulani ya bindzu eka Huvo; ku nyika makungu eka Matsalani wa Huvo; ku sula makungu mayelana na minkwama ya Huvo na mutirhi wa tinkota wa Huvo; ku nyika makungu eka ku nyika xiviko xa kotara hi kotara ka muakhayivhi na Huvo; ku ngenhisiwa ka ku hungutiwa ka ndhzwalo; ku hundzuluxa nhlokomhaka hi ku komisa ka nawu na ku nyika makungu eka timhaka leti yelanaka na yona.

Mfumo wa Milawu wa Xifundzankulu xa Limpopo wu **VEKA NAWU** hi ndlela leyi landzeka:—

1. Ku siviwa ka Nhlokomhaka yo leha

Nhlokomhaka yo leha ya Nawu wa Tiakhayivhi ta Xifundzankulu xa Limpopo, 2001 (Nawu wa No. 5 wa 2001), lowu laha wu vuriwaka "Nawunkulu" wa hundzuluxiwa hi ku suriwa ka nhlokomhaka yo leha hi nhlokomhaka yo leha leyi landzelaka:

"Ku nyika makungu eka [ku tumbumbuluxiwa ka] Tiakhayivhi ta xifundzankulu [ta] [Xifundzankulu] xa Limpopo; ku thoriwa ka muakhayivhi; malawulele ya kahle na ku hlayisiwa ka tirhekhodo ta minhlangano ya mfumo eka [Xifundzankulu] xa Limpopo; ku hlayisiwa na ku tirhisiwa ka vuhlayiselo bya ndhavuko bya Limpopo [Xifundzankulu xa Limpopo]; ku tumbuluxiwa ka Huvo ya Tiakhayivhi ya Limpopo; na ku nyika matimba eka timhaka leti yelanaka ni tona."

2. Ku hundzuluxiwa ka Xiyenge xa 1 xa Nawu wa 5 wa 2001

Xiyenge xa 1 xa Nawunkulu xa hundzuluxiwa—

- (a) Hi ku susa nhlamuselo ya “tiakhayivhi”;
- (b) hi ku siva nhlamuselo ya “Huvo” hi nhlamuselo leyi landzelaka:
“**Huvo**” ri vula Huvo ya Tiakhayivhi ta Limpopo kongomisiweke eka xiyenge xa 6;”;
- (c) Hi ku ngenisa endzhaku ka nhlamuselo ya “vuhlayiselo” eka nhlamuselo leyi landzelaka:

“**Ndzawulo**” ri vula Ndzawulo leyi nga ni vutihlamuleri eka timhaka to akhayivha eka Xifundzankulu;”;

- (d) hi ku siviwa ka nhlamuselo ya “vulawuri bya ku tirhisa” hi nhlamuselo leyi landzelaka:

“**vulawuri bya ku herisa**” ri vula vulawuri byo tsariwa lebyi humesiwaka [hi ku landza] tanihi leswi bohiweke hi Muakhayivhi eka xiyenge xa 13(2)[(a)] lexi kombisaka tirhekhodo leti fanelaka ti transiferiwa eka [vuhlayisela bya Tiakhayivhi ta Xifundzankulu] ndhawu leyi ku hlayiswaka tiakhayivhi kumbe ku kombisa tirhekhodo leti faneleke ti herisiwa, suriwa kumbe ku cukumetiwa ;”;

- (e) ku suriwa ka nhlamuselo ya “Xifundzankulu”;
- (f) ku siviwa ka nhlamuselo ya “Tiakhayivhi ta Xifundzankulu” hi nhlamuselo leyi landzelaka:

“**Tiakhayivhi ta Xifundzankulu**” ri vula tirhekhodo leti nga hlayisiwa laha ku vekiwaka tiakhayivhi ta Xifundzankulu;” na

- (g) ku ngenisiwa endzhaku ka nhlamuselo ya “tirhekhodo ta tiko” hi nhlamuselo leyi landzelaka:

“**Nawu wa Vukorhokeri bya Tiko, 1994**” ri vula Nawu wa Vukorhokeri bya Tiko, 1994 (Xitivisanawu xa 103 xa 1994);”.

3. Ku hundzuluxiwa ka Xiyenge xa 2 xa Nawu wa 5 wa 2001

Xiyenge xa 2 xa Nawunkulu xa hundzuluxiwa—

- (a) Hi ku hundzuluxiwa ka tinotsi ta le hansi hi tinotsi ta le hansi leti landzelaka:

“[**Ku tumbuluxiwa**] Thoriwa ka [**Tiakhayivhi ta Xifundzankulu**] Muakhayivhi”;

- (b) hi ku sula ka xiyengenyana xa (1); na

- (c) hi ku siviwa ka xiyengenyana xa (2) hi xiyengenyana lexi landzelaka:

“(2) Tiakhayivhi ta Xifundzankulu ti lawuriwa hi Muakhayivhi, loyi a thoriweke hi [**Xirho xa Huvonkulu**] hi ku landza Nawu wa Vukorhokeri bya Tiko, 1994 hi ku landza ntokoto wa xiphurofexini wa Muakhayivhi na [**tidyondzo**] tidyondzo.”.

4. Ku hundzuluxiwa ka xiyenge xa 3 xa Nawu wa 5 wa 2001

Xiyenge lexi landzelaka xi siviwa hi xiyenge xa 3 xa Nawunkulu:

“3. Swikongomelo swa Nawu

“Swikongomelo swa Nawu i ku—

- (a) Ku hlayisa ka tirhekodo ta tiko na to ka ti nga ri ta tiko ti va ni nkoka wa ku tirhisiwa hi vanhu na Mfumo;
- (b) Ku endla tirhekhodo to tano ti fikeleleka na ku tlhotlhotela leswaku ti tirhisiwa hi vanhu;
- (c) Vona leswaku ku ni malawulele na mahlayisele ya kahle ya tirhekhodo hinkwato ta tiko;
- (d) Hlengeleta tirhekhodo leti nga riki ta tiko leti nga ni nkoka wa le henhla na ku va ti laveka eka xifundzankulu lowu wu nga ta ka wu nga hlayisiwi hi vandla rin'wani, hi ku tekela enhlokweni xilaveko

xa hlayisa matsalwa lama ya valavulaka hi ntokoto wa tiko lowu tshikiweke eka nkarhi lowu hundzeke;

- (e) tlakusa ntirhisano na ku fambisana exikarhi ka mavandla lawa ya hlayisaka tirhekodo to ka ti nga ri ra tiko leti nga na nkoka wa le henhla;
- (f) ku tlakusa dyondzo ya vulawuri bya tiakhayivhi na tirhekhodo na ku hlohlotela migingiriko ya vulawuri bya tiakhayivhi na tirhekhodo na minhlango; na
- (g) ku tlakusa hi ku angarhela ku hlayisiwa na tirhisiwa ka ku akhayivhiwa ka [mfuwo] wa xifundzankulu.”.

5. Ku hundzuluxiwa ka xiyenge xa 4 xa Nawu wa 5 wa 2001

Xiyenge xa 4 xa Nawunkulu xa hundzuluxiwa—

- (a) hi ku siviwa ka xiyengenyana xa (1) hi xiyengenyana lexi landzelaka:

“(1) Loko [Muakhayivhi] Muakhayivhi [a endla ntirho wa Muakhayivhi] endla mintirho ya yena, Muakhayivhi u fanele a pfuniwa hi [vaofisiri na vatirhi] vanhu lava thoriweke hi ku landza Nawu wa Vukorhokeri bya Tiko, 1994 **[(Xitivisanawu xa 103 xa 1994)]**.”;

- (b) hi ku siviwa ka ndzimana ya (a) hi xiyengenyana xa (2) xa xiyengenyana lexi landzelaka:

“(2)[(a)] Muakhayivhi a nga, hi ku ya hi swiyimo swihi ni swihi, nyika matimba kumbe ku nyika mintirho eka [xirho xa xitafu] vanhu vo tano lava ku kongomisiweke eka vona eka xiyengenyana xa (1) naswona hi nkarhi wihi ni wihi va nga ntirho wo rhumiwa kumbe ntirho.”; na

- (c) hi ku siviwa ka ndzimana ya (b) hi xiyengenyana xa (2) xa xiyengenyana lexi landzelaka:

“[(b)] (3) Ku rhumiwa kumbe ntirho tani hi leswi swi vuriweke eka xiyengenyana xa (2), a wu fanelangi wu hunguta matimba lawa Muakhayivhi a nyikiweke wona, naswona Muakhayivhi nkarhi wihi ni wihi anga hundzuluxa kumbe ku veka etlhelo xiboho xihi ni xihi hi ku landza ndlela yo tano , kumbe ku tirhisa matimba, kumbe ku endla ntirho lowu faneleke.”.

6. Ku hundzuluxiwa ka xiyenge xa 5 xa Nawu wa 5 wa 2001

Xiyenge xa 5 xa the Nawunkulu xa hundzuluxiwa—

- (a) hi ku siviwa ka ndzimana ya (c) ya xiyengenyana xa (1) xa ndzimana leyi landzelaka:

“(c) hi tshikeleo wa nkoka eka migingiriko leyi endleriweke ku fikelela tisekitara ta lava hluphekaka etikweni, ku fanele ku tivisiwa mahungu lama ya khumbhaka tirhekhodo hi tindlela ta ku fana ni ku minkandziyiso, minkombiso na ku lombisa tirhekhodo; [na]”;

- (b) hi ku siviwa ka ndzimana ya (d) ya xiyengenyana xa (1) xa ndzimana leyi landzelaka:

“(d) lava munhu loyi a tirhiseke tirhekhodo leti nga eka Tiakhayivhi ta Xifundzankulu loko a karhi a lavisisa nkandziyiso kumbe desithexini ku yisa khopi ya nkandziyiso kumbe desithexini eka [Tiakhayivhi ta Xifundzankulu.] Muakhayivhi.”;

- (c) hi ku engetela eka xiyengenyana xa (1) endzhaku ka ndzimana ya (d) ya tindzimana leti landzelaka:

“(e) teka magoza yo tano tani hi leswi swi faneleke ku hlayisa na ku tlhogomela tirhekhodo;

(f) boha sisiteme ya ku veka tirhekhodo leti nga ta tirhisiwa hi minhlango ya mfumo;

- (g) boha swiyimo leswi tisisiteme ta tirhekhodo ta elekitironiki ti faneleke ti lawurisiwa xiswona;
 - (h) boha swiyimo leswi tirhekhodo ti faneleke ti fanele ti filimiwa hi filimi leyintsongo kumbe ku tlhela ti tsariwa hi xiekitironiki;
 - (i) hlayisa nongoloko wa tirhekhodo to ka ti nga ri ta eka Xifundzankulu leti ku ya hi mavonele ya Muakhayivhi ti nga ni nkoka wu kulu ngopfu; na
 - (j) teka magoza/switepe swin'wani swo tano na ku tirha mintirho yin'wani yo tano tani hileswi swi faneleke kumbe swi fanerile eka ku fikelela swikongomelo swa Nawu lowu.”; na
- (d) hi ku siviwa ka ndzimana ya (d) ya xiyengenyana xa (2) eka ndzimana leyi landzelakaka ndzimana leyi landzelaka:
- “(d) hi ku tirhisana na Xirho xa Huvonkulu [na Huvo] yi katsa nhlango wa mfumo eka makungu ya Nawu lowu.”.

7. Ku hundzuluxiwa ka xiyenge xa 6 xa Nawu wa 5 wa 2001

Xiyenge xa 6 xa Nawunkulu xa hundzuluxiwa—

- (a) hi ku siviwa ka tinotsi ta le hansi hi tinotsi ta le hansi leti landzelaka:
“Ku tumbuluxiwa, vumbiwa na mintirho ya Huvo ya Tiakhayivhi ya Limpopo”
- (b) hi ku siviwa ka xiyengenyana xa (1) hi xiyengenyana lexi landzelaka:
“(1) Xirho xa Huvonkulu hi xitiviso eka *Gazette* u fanele a tumbuluxa Huvo leyi nga ta tiveka eLimpopo [Xifundzankulu] Huvo ya Tiakhayivhi.”;
- (c) hi ku siviwa for xiyengenyana xa (2) hi xiyengenyana lexi landzelaka xa:

- “(2) Huvo yi katsa Muakhayivhi na kunga tluli **[nkaye]** nkombo wa swirho swin’wani leswi thoriweke hi Xirho xa Huvonkulu ku suka eka vanhu lava nga ni vutivi, **[kumbe va nga ni ntsakelo]** ntokoto kumbe ku dyondzeka eka[,] timhaka ta ku akhayivha.”;
- (d) hi ku siviwa ka ndzimana ya (b) ya xiyengenyana xa (4) xa ndzimana leyi landzelaka:
- “(b) tsundzuxa **[na ku pfuneta]** Muakhayivhi eka ku **[endla ntirho]** leswaku va kota ku yisa emahlweni swikongomelo [na mintirho] ya **[Tiakhayivhi ta Xifundzankulu]** Nawu; na”;
- (e) hi ku siviwa ka ndzimana ya (c) hi xiyengenyana xa (4) hi ndzimana leyi landzelaka:
- “(c) ku tlakusiwa ka ku fambisa ku tumbuluxiwa ka pholisi ya ku akhayivha na ku pulana eka **[xifundzankulu;]** Xifundzankulu.”;
- (f) hi ku suriwa ka tindzimana ta (d), (e) na (f) hi xiyengenyana xa (4);
- (g) ku siviwa ka xiyengenyana xa (7) hi xiyengenyana lexi landzelaka:
- “(7) Huvo kumbe komiti yihi ni yihi endzhaku ka ku tihlanganisa na mulawuri wa tinkota ta ndzawulo anga yi nga ngenisa munhu wihi ni wihi ku tirha eka Huvo kumbe eka komiti, tanihi hileswi xiyimo xi nga vaka xiswona, eka xiyimo xa ku tsundzuxana, kambe xirho xo tano lexi ngenisiweke a xi nge vi ni timfanelo ta ku vhota.”;
- (h) ku siviwa ka xiyengenyana xa (8) hi xiyengenyana lexi landzelaka:
- “(8) Xirho ntsena kumbe xirho lexi ngenisiweke lexi ku kongomisiweke eka xona eka xiyengenyana xa (7), loyi a nga thoriwangiki swa nkarhi hinkwawo eka mfumo, u fanele a hakeriwa ku suka eka nkwama wa Mfumo, u fanele a hakela ku suka eka nkwama wa **[Huvo]** Ndzawulo, swingetelo swa

tinhlengeletano swo tano na tihakelo leti lavekeka ta ku famba na swikweleti swin'wani leswi leswi endliweke hi xirho xo tano, leswi yelanaka na migingiriko ya Huvo, tanihi leswi Xirho xa Huvonkulu xi nga bohaka hi ku fambisana na Xirho xa Huvonkulu xa swa Timali."; na

- (i) hi ku engetela endzhaku ka xiyengenyana xa (8) hi xiyengenyana lexi landzelaka:

"(9) Huvo yi fanele yi visa pulani ya bindzu xa lembe na lembe eka Xirho xa Huvonkulu leswaku a xi pasisa."

8. Ku hundzuluxiwa ka xiyenge xa 7 ka Act 5 ka 2001

Xiyenge xa 7 xa Nawunkulu xa hundzuluxiwa—

- (a) ku siviwa ka tinotsi ta le hansi hi tinotsi ta le hansi leti landzelaka:

"[Matsalani na xitafu] Matsalani wa Huvo";

- (b) hi ku siviwa ka xiyengenyana xa (1) hi xiyengenyana lexi landzelaka:

"(1) Ndzawulo yi fanele yi nyika makungu ya vukorhokeri ya matsalani eka Huvo."; na

- (c) hi ku suriwa ka xiyengenyana xa (2).

9. Ku hundzuluxiwa ka xiyenge xa 8 hi Nawu wa 5 wa 2001

Xiyenge xa 8 xa Nawunkulu xa suriwa.

10. Ku hundzuluxiwa ka xiyenge xa 9 hi Nawu wa 5 wa 2001

Xiyenge xa 9 xa Nawunkulu xa suriwa.

11. Ku hundzuluxiwa ka xiyenge xa 10 hi Nawu wa 5 wa 2001

Xiyenge xa 10 xa Nawunkulu xa hundzuluxiwa—

- (a) hi ku siviwa ka tinotsi ta le hansi hi tinotsi ta le hansi leti landzelaka:

“[Lembe na lembe] Swiviko hi Muakhayivhi na Huvo”;

- (b) ku siviwa ka xiyengenyana xa (1) hi xiyengenyana lexi landzelaka:
“(1) Emahelweni ya kotara na lembe ximali rin’wani ni rinwani, Muakhayivhi u fanele a tsala xiviko xa migingiriko hinkwayo leyi yi yelanaka na ku akhayivha [xa Tiakhayivhi ta Xifundzankulu] xa kotara na lembe ximali rin’wani ni rinwani na Huvo yi fanele yi tsala xiviko xa migingiriko ya Huvo xa kotara na lembe ximali rero.”;
- (c) hi ku siviwa ka ndzimana ya (c) ya xiyengenyana xa (2) xa ndzimananyana leyi landzelaka:
“(c) nhlamuselo ya tikheyisi hinkwato ta ku cukumeta loku nga ri ki enawini ka tirhekhodo ta vanhu leti vavisisiwaka **[hi Tiakhayivhi ta Xifundzankulu]; [na]**”;
- (d) hi ku siviwa ka ndzimana ya (d) ya xiyengenyana xa (2) xa ndzimananyana leyi landzelaka:
“(d) nhlayo ya tisisiteme ta mavekele ya tirhekhodo leti pasisiweke; na”;
- (e) hi ku nghenisiwa endzhaku ka ndzimana ya (d) ya xiyengenyana xa (2) xa ndzimana leyi landzelaka:
“(e) akhawunti ya minhlangano hinkwayo ya mfumo leyi yi tsandzekeke ku landzelela Nawu lowu.”;
- (f) hi ku siviwa ka ndzimana ya (a) ya xiyengenyana xa (3) xa xiyengenyana leyi landzelaka:

“(3) Muakhayivhisi na Huvo va fanele va tisa swiviko leswi hlamuseriweke eka xiyengentsongo xa (1), eka Nhloko ya Ndzawulo”; naswona

(g) hi ku suriwa ka ndzimana ya (b) ya xiyengentsongo xa (3).

12. Ku hundzuluxiwa ka xiyenge xa 11 xa Nawu wa 5 wa 2001

Xiyenge lexi landzelaka xi siviwa hi xiyenge xa 11 xa Nawunkulu:

“(1) Nkarhi na nkarhi Xirho xa Huvonkulu hi ku tirhisa xitiviso xa *Gazete ya Xifundzankulu* xi nga tumbuluxa tingula ta tiakhayivhi leti lawuriwaka hi Muakhayivhi leswaku ti khoma no hlayisa tirhekodo.

(2) Tirhekodo ta rixaka leti tekiwaka ti ri na nkoka ti fanele ti rhumeriwa eka ngula ya tiakhayivhi loko ti vile kona ku ringana malembe ya 20: Ntsena loko—

(a) ku ri hava nawu wun’wana wu lavaka tirhekodo toleto ku va ti hlayisiwa eka nhlango wihlango kumbe wihlango wa mfumo kumbe hi munhu wo karhi;

(b) Muakhayivhisiti, endzhaku kaloko a tihlanganisile na nhloko ta ndzawulo ya mfumo, a nga ha hlawula tirhekodo leti nga ta—

(i) hlayisiwa hi nhlango wa mfumo; kumbe

(ii) hundziseriwa eka ngula yihlango kumbe yihlango ya tiakhayivhi ti nga se heta 20 wa malembe;

(c) Muakhayivhisiti a nga yimanyana ku hundzisa tirhekodo tihlango kumbe tihlango ta rixaka emahlweni; naswona

(d) Muakhayivhisiti a nga nyika mpumelelo wa leswaku rhekodo yihlango kumbe yihlango ya rixaka yi yisiwa eka ngula ya tiakhayivhi loko yi vile kona ku nga se hundza 20 wa malembe.

- (3) Xirho xa Huvonkulu xi nga kombisa swiletelo na swipimelo leswi lawulaka ku hundzisiwa ka tirhekodo hi ku landza xiyengentsongo xa (2).”.

13. Ku hundzuluxiwa ka xiyenge xa 12 xa Nawu wa 5 wa 2001

Xiyenge xa 12 xa Nawunkulu xa hundzuluxiwa hi ndlela leyi—

- (a) Hi ku siviwa ka xiyengentsongo xa (1) xa xiyengentsongo lexi landzelaka:

“(1) Hi ku landza nawu wihi kumbe wihi wun’wana lowu khumbaka makumele ya tirhekodo—

(a) rhekodo ya tiko leyi nga eka ngula ya tiakhayivhi yi fanele yi va kona ku kumiwa hi vanhu loko ku hundzile malembe ya 20 ku sukela eku heleni ka lembe leri rhekodo yi nga va kona ro sungula;

(b) makumele ya rhekodo ya tiko ku nga se hela malembe ya 20 ku sukela eku heleni ka lembe leri rhekodo yi nga va kona ro sungula, yi nga kumeka hi ku endla xikombelo eka Muakhayivhisiti;

(c) rhekodo yo ka yi nga ri ya tiko leyi nga eka ngula ya tiakhayivhi yi nga kumeka hi ku landza swipimelo leswi ku pfumelaniweke ha swona hi ku landza xiyenge xa 14(1) xa Nawu lowu; naswona

(d) Muakhavhisiti a nga ala ku humesa rhekodo yo karhi hikwalaho ka xiyimo xa yona xo hlakala ehandle kaloko makumele ya vundzheni bya rhekodo yaleyo ya nga cinci mahlayiselo ya yona.”

- (b) hi ku susiwa ka swiyengentsongo swa (2) na (3).

14. Ku hundzuluxiwa ka xiyenge xa 13 xa Nawu wa 5 wa 2001

Xiyenge lexi landzelaka xi siva xiyenge xa 13 xa Nawunkulu:

“13. Malawulelo ya tirhekodo ta tiko

- (1) Muakahyivhisiti u haverisiwile matimba ya ku lawula hi mfanelo na vuhlayiseki tirhekodo ta tiko leti nga mavokweni ya mihlangano ya mfumo.
- (2) Ku hava rhekodo ya tiko leyi lawuriwaka hi nhlangano wa mfumo yi faneleke ku hundziseriwa eka ngula ya tiakhayivhi, ku herisiwa, ku susiwa kumbe ku cukumetiwa hi ndlela yihi kumbe yihi ehandle ka mpfumelelo wo tsariwa wa Muakhayivhisiti.
- (3) Muakhayivhisiti u fanele ku kambela tirhekodo ta tiko loko swi fanerile leswaku ti kamberiwa hi ku landza matirhelo ya Muakhayivhisiti ehansi ka Nawu lowu.
- (4) Nkarhi na nkarhi Nhloko ya Ndzawulo a nga nyika swileriso, leswi fambelanaka na Nawu, mayelana na malawulelo na mahlayiselo ya tirhekodo ta tiko leti nga eka mihlangano ya mfumo.”.

15. Ku ngenisiwa ka xiyenge xa 13A xa Nawu wa 5 wa 2001

Xiyenge lexi landzelaka se xa ngenisiwa hi ku landza xiyenge xa 13 xa Nawunkulu:

“13A. Mininjhere wa tirhekodo

Nhloko ya nhlangano wa mfumo yi fanele ku vona leswaku nhlangano wa mfumo wu landzelela swilaveko swa Nawu lowu kutani u fanele a nyika matimba kumbe ku thola muofisiri ku va mininjhere wa tirhekodo ta nhlangano wolowo.”.

16. Ku hundzuluxiwa ka xiyenge xa 14 xa Nawu wa 5 wa 2001

Xiyenge xa 14 xa Nawunkulu se xa hundzuluxiwa hi ku siva xiyengentsongo xa (3) hi xiyengentsongo lexi landzelaka:

“(3) ku hava munhu kumbe nhlango lowu nga ri kin a tirhekodo to ka ti nga ri ta tiko evuhlayiselweni bya wona naswona leti nga eka nongonoko wa xifundzankulu lowu boxiweke eka xiyenge xa **[6(4)(e)] 5(1)(i) ti faneleke ku herisiwa, ku rhurhisiwa eka Xifundzankulu hi ndlela yihi kumbe yihi ehandle ka ku—**

(a) Nyika xitiviso xa makungu yo herisa tirhekodo toleto eka **[Huvol] Muakhayivhisiti** eka masiku ya **[emahlweni ka] xiboho xolexo**; naswona

(b) **[kuma] mpfumelelo** wa **[Huvo] Muakhayivhisiti** eka goza rolero.”.

17. Ku hundzuluxiwa ka xiyenge xa 15 xa Nawu wa 5 wa 2001

Xiyenge xa 15 xa Nawunkulu se xa hundzuluxiwa hi ndlela leyi—

(a) hi ku siviwa ka xiyengentsongo lexi landzelaka:

“(1) Munhu loyi a nga **[Mufambisi] Nhloko** ya Tiakhayivi na Vukorhokeri bya Mafambiselo ta Tirhekodo eka Ndzawulo **[ya Mitlango, Vutshila na Ndhavuko eka Xifundzankulu]** hi xihatla ku nga se sungula ku tirha Nawu lowu, u fanele a ya emahlweni a tirha tanihi hi Muakhayivhisiti ku kondza loko ku thoriwa Muakhayivhisiti hi ku landza xiyenge xa 2 xa Nawu lowu.”;

(b) hi ku siviwa ka xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

“(2) Tirhekhodo leti nga eka vuhlayiselo bya **[Mufambisi] Nhloko** ya Tiakhayivi na Vukorhokeri bya Mafambiselo ta Tirhekodo eka Ndzawulo **[ya Mitlango, Vutshila na Ndhavuko eka Xifundzankulu]** eka siku ro rhangela ku tirha ka Nawu lowu, ti hundziseriwa eka Muakhayivhisiti hi ku landza swipimelo swihi kumbe swihi leswi a swi tirhisiwa eka tirhekodo toleto eka siku rolero.”; na

(c) hi ku susiwa ka xiyengentsongo xa (3).

18. Ku hundzuluxiwa ka xiyenge xa 16 xa Nawu wa 5 wa 2001

Xiyenge xa 16 xa Nawunkulu se xa hundzuluxiwa hi ku siva xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

“(2) Munhu wihi kumbe wihi loyi a honisaka xiyenge xa 14(3) u ta voniwa nandzu naswona wu **[nge hundzi R10 000]** kumbe a pfaleriwa ekhotsweni kumbe a herisiwa no pfaleriwa ekhotsweni.”

19. ku ngenisiwa ka Xiyenge xa 17A xa Nawu wa 5 wa 2001

Xiyenge lexi landzelaka se xa ngenisiwa hi ku landza xiyenge xa 17 xa Nawunkulu:

“17A. Swipimelo swa swikweleti

Mfumo kumbe munhu kumbe wihi a van a vutihlamuleri ehenhla ka ku onhaka kwihi kumbe kwihi kumbe ku lahlekeriwa loku vangiweke hi—

(a) ku tirhisiwa ka matimba kumbe hi ku endla ntirho wihi kumbe wihi ehansi ka Nawu lowu; kumbe

(b) ku tsandzeka ku tirhisa matimba mahi kumbe mahi, kumbe ku tirha ntirho wihi kumbe wihi ehansi ka Nawu lowu,

ehandle kaloko ku tirhisiwa kumbe ku tsandzeka ku tirhisiwa ka matimba, kumbe matirhelo kumbe ku tsandzeka ku tirha ntirho a swi nga ri enawini, ntsan'wo kumbe hi ndlela yo ka yi nga ri yona.”.

20. Ku hundzuluxiwa ka Xiyenge xa 19 xa Nawu wa 5 wa 2001

Xiyenge xa 19 xa Nawunkulu se xa hundzuluxiwa of the principal Act is hereby amended by the substitution for the section of the following section:

“Nawu lowu wu **[vuriwa]** Nawu wa Vukorhokeri bya Malawulelo ya Tiakhayivhi na Tirhekodo ta **[Xifundzankulu]** xa Limpopo, 2001 naswona wu ta sungula ku tirha hi siku leri vekiweke hi Holobyenkulu eka xitiviso xa *Gazete ya Xifundzankulu*.”.

21. Nhlokomhaka yo koma

Nawu lowu wu vuriwa Nawu wa ku Hundzuluxa Vukorhokeri bya Malawulelo ya Tirhekodo ta Tiakhayivhi ta Xifundzankulu xa Limpopo, 2010

**MEMORANDAMU YA SWIKONGOMELO SWA
NAWUMBISI WA KU HUNDZULUXA VUKORHOKERI BYA MALAWULELO YA
TIRHEKODO TA TIAKHAYIVHI TA XIFUNDZANKULU XA LIMPOPO, 2010**

1. MATIMU NA XIKONGOMELO XA NAWUMBISI

- 1.1. Nawu wa Tiakhayivhi ta Xifundzankulu xa Limpopo, 2001 (Nawu No. 5 wa 2001), lowu laha wu vuriwaka "Nawunkulu" wu pasisiwile hi Holobyenkulu wa Limpopo hi 12 Nhlangua 2001 naswona wu sungule ku tirha hi 1 Nyenyenyani 2004.
- 1.2. Nawunkulu wu kombisa Tiakhayivhi ta Xifundzankulu, wu kombisa malawulelo na mahlayiselo lamanene ya tirhekhodo ta minhlangano ya mfomo eka Xifundzankulu, mahlayiselo na matirhiselo ya tiakhayivhi ta mfuwo wa Xifundzankulu, matumbuluxelo ya Huvo ya Tiakhayivhi ya Xifundzankulu na timhaka to fambelana na swoleswo.
- 1.3. Ku sukela eka siku ra ku tirha ka Nawunkulu, Huvo ya Tiakhayivhi ta Limpopo ('leyi laha yi vuriwaka "Huvo") a yi nga se tumbuluxiwa. Swa fanela leswaku Huvo leyi yi tumbuluxiwa, kambe sweswo swi nga se humelela, Nawunkulu wu fanele wu hundzuluxiwa hi tindlela to karhi. Nawumbisi wu kombisa leswaku ku fanele ku thoriwa Muakhiyivisiti hi ku landza Nawu wa Vukorhokeri bya Tiko, 1994 (Xitiviso xa 103 xa 1994). Naswona Nawumbisi wu kombisa leswaku ku fanele ku hungutiwa nhlayo ya swirho swa Huvo. Nawumbisi wu tlhela wu kombisa leswaku matimba ya Huvo ya fanele ku hungutiwa ku ya eka ya ku tsundzuxa ntsena na ku susa timfanelo tihi kumbe tihi to aphila eka Huvo. Nawumbisi wu bumabumela na leswaku ntirho wa vufambisi bya Huvo wu endliwa hi matsalana wa Ndzawulo na leswaku swikoxo swa ku ngenela tinhlengeletano swi hakeriwa eka nkwama wa Ndzawulo. Nawumbisi wu bumabumela leswaku swiyenge leswi khumbaka nkwama wa Huvo na swa vutihlamuleri swi susiwa, leswaku Nawu lowu wu ta fambelana na swipimelo swa

Nawu wa Malawulelo ya Mali ya Tiko, 1999 (Nawu No. 1 wa 1999). Nawumbisi wu veka swipimelo swa swiviko swa kotara hi kotare na swa lembe na lembe hi Muakhavhisiti na Huvo. Ku hundzuluxa kwihi na kwihi kun'wana loku bumabumeriwaka i ko tsariwa kumbe i ka nkoka.

3. TIMHAKA LETI KHUMBAKA VANHU

Ku hava.

4. NHLAMUSELO YA XIYENGHA-XIYENGHA

- 4.1. Xiyenge xa 1 xi hundzuluxa nhlokomhaka yo leha ya Nawunkulu.
- 4.2. Xiyenge xa 2 xi susa no ngenisa tinhlamuselo eka Nawunkulu.
- 4.3. Xiyenge xa 3 xi susa leswi hlamuseriwaka mayelana na ku tumbuluxiwa ka Tiakhayivhi ta Xifundzankulu na ku kombisa ku thoriwa ka Muakhayivhi wa Xifundzankulu hi ku landza Nawu wa Vukorhokeri bya Tiko, 1994(Xitiviso xa 103 xa 1994).
- 4.4. Xiyenge xa 4 xi hundzuluxa xiyenge xa 3 ku hlayeka hi ndlela leyi "Swikongomelo swa Nawu" na ku kombisa ntirho wa Huvo tanihi xikongomelo xa Nawu.
- 4.5. Xiyenge xa 5 i ku hundzuluxa ka xithekinikhali.
- 4.6. Xiyenge xa 6 xi ngenisa matimba man'wana na man'wana yo engetela ya Muakhavhisiti na kun a ku tisa mitirho ya yena hinkwayo leyi kumekaka kun'wana eka Nawu ehansi ka xiyenge lexi xi langutaneke na mitirho ya yena. Xi susa na ntwanano wa Huvo eka mpfumelelo lowu nyikiweke ehansi ka Nawunkulu.
- 4.7. Xiyenge xa 7 xi hunguta swirho swa Huvo na ku cinca swihlawulekisi swa ku thoriwa hi Xirho xa Huvonkulu. Xi hunguta na mitirho ya Huvo ku sala wa vutsundzuxi ntsena na ku boha Huvo ku tisa kungu ra bindzu. Nakambe xiyenge lexi xi kombisa leswaku tihakelo ta swikoxo swa tinhlangeletano ti huma eka nkwama wa Ndzawulo.

- 4.8. Xiyenge xa 8 xi kombisa leswaku Ndzawulo yi fanele yi hlawwula matsalana wa Huvo.
- 4.9. Xiyenge xa 9 xi susa xiyenge xa 8 xa Nawunkulu leswaku ku nga ha vuriwi nchumu hi swa timali na ku pfuriwa ka tiakhawunti ta bangi ta le thlelo ta Huvo hikuva swikoxo swa tinhlengeletano na tihakelo ta swofamba swi ta huma eka nkwama wa Ndzawulo.
- 4.10. Xiyenge xa 10 xi susa xiyenge xa 9 xa Nawunkulu leswaku Nawu lowu wu fambelana na swipimelo swa Nawu wa Malawulelo ya Mali ya Tiko, 1999 (Nawu No. 1 wa 1999) tanihileswi Nhloko ya Ndzawulo a nga ta va Muofisiri wa Tinkota wa Huvo.
- 4.11. Xiyenge xa 11 xi boxa leswaku swa boha ku ri Muakhavisiti na Huvo va nyika swiviko swa kotare-hi-kotara na swa lembe-hi-lembe; ku kombisa tiayitheme tintshwa leti faneleke ku vikiwa hi Muakhavisiti naswona swiviko swi fanele ku rhumeriwa eka Nhloko ya Ndzawulo ku nga ri eka Xirho xa Huvonkulu ya Ndzawulo. Xi susa na xilaveko xa leswaku swiviko swoleswo swi andlariwa eka Huvo ya Milawu.
- 4.12. Xiyenge xa 12 i hundzuluxo wa leswi tsariweke.
- 4.13. Xiyenge xa 13 xi endla leswaku xiyenge lexi kombisaka makumelo ya swilo xi fambelana na swipimelo swa Nawu wa Nseketelo wo Kuma Mahungu, 2000 (Nawu No. 2 wa 2000).
- 4.14. Xiyenge xa 14 xi hundzuluxa leswi nga tsariwa laha mimbuyelelo yo karhi yi nga susiwa naswona swiyengentsongo swin'wana iwi nga susiwa no vekiwa kun'wana eka Nawunkulu.
- 4.15. Xiyenge xa 15 xi ngenisa xiyenge xintshwa lexi kombisaka mulawuri untshwa wa tirhekhodo.
- 4.16. Xiyenge xa 16 xi lulamisa leswi hlamuseriwaka mayelana na xiyenge lexi susiweke na ku kombisa leswaku loko ku susiwa swo karhi ku fanele ku tivisiwa Muakhavisiti naswona mpfumelelo wo susa swoleswo wu huma eka Muakhavisiti ku nga ri eka Huvo.

- 4.17. Xiyenge xa 17 xi siva "Mufambisi" hi vito ra yena leri nga fanela na ku susa nhlamuselo ya Mitlango, Vutshila na Ndzhavuko hilaha Ndzawulo yi hlamuseriwaka hakona.
- 4.18. Xiyenge xa 18 xi susa ntsengo wa ndziho lowu faneleke ku hakeriwa.
- 4.19. Xiyenge xa 19 xi ngenisa xiyenge xa swipimelo swa vutihlamuleri bya xinawu.
- 4.20. Xiyenge xa 20 xi hundzuluxa nhlokomhaka yo koma ya Nawunkulu.
- 4.21. Xiyenge xa 21 i nhlokomhaka yo koma ya Nawu.

5. XIYIMO XA TIMALI

Ku na mali leyi nga ta hakeriwa ku gazeta na ku navetisa Nawumbisi eka maphephahungu ya 2. Ku ta tihela ku van a mali leyi nga ta hakeleriwa switiviso eka maphephahungu ya 2 laha ku komberiwaka vanhu ku bumabumela mavito ya swirho swa Huvo na tihakelo ta xitiviso eka Gazete leyi tumbuluxaka Huvo na swirho swa yona swa 7. Endzhaku ka ku tumbuluxiwa ka Huvo, Ndzawulo yi ta boheka ku hakelela swirho mali yo famba, na mali leyi tirhisiweke eka migingiriko ya Huvo na swikoxo swa tinhlengoletano. Huvo yi ta fanela ku nyika Xirho xa Huvonkulu kungu ra bindzu ra yona leswaku ri pasisiwa.

6. XIYIMO XA VATIRHI NA XA NHLANGANO

Nawumbisi wa Ku Hundzuluxa wu bumabumela leswaku vamatsalana va huma eka Ndzawulo ku ya ka Huvo ya Tiakhayivhi ta Limpopo.

7. TIMHAKA TA VUMBIWA

Ku hava.

8. MIHLANGANO LEYI KU HLANGANIWEKE NA YONA

Ku hlanganiwile na Ndzawulo ya Mitlango, Vutshila na Ndzhavuko na Vatsundzuxi Vamfumo va Xinawu lava nga eka Ofisi ya Holobyenkulu.

NDIVHADZO NYANGAREDZI

**NDIVHADZO 217 YA 2010
NDAULO YA VUNDU LA LIMPOPO****MUHASHO WA ZWA MITAMBO, VHUTSILA NA VHUENDELAMASHANGO****MULAYOTIBE WA KHWINISO YA NDANGULO YA TSHUMELO DZA
REKHODO NA AKHAIVI DZA VUNDU LA LIMPOPO, 2010**

Hu tshi tevhedzwa Ndayo dza Tshothe na Ndaela dza Vhusimamilayo ha Limpopo, Mulayotibe wa Khwiniso ya Ndangulo dza Tshumelo dza Rekhodo na Akhaivi dza Vundu la Limpopo, 2010 u khou andadzwa u itela vhupfiwa ha vhathu.

Dzangano kana muthu ufhio na ufhio a todaho u bvisa vhupfiwa nga ha linwalwa lo bulwaho a nga ita ngauralo nga u tou nwala nga kana phanda ha 06/08/2010, zwo livhiswa kha:

Thoho ya Muhasho

Muhasho wa zwa Mitambo, Vhutsila na Mvelele

Private Bag X9459

POLOKWANE

0700

ZWI LIVHISWA KHA: Vho Jabu Nkatingi

Thelefounu: (015) 284 4043

Fekisi: 086 546 0880

nkatingij@sac.limpopo.gov.za

VHUSIMAMILYO HA VUNDU LA LIMPOPO

**MULAYOTIBE WA KHWINISO YA NDANGULO YA TSHUMELO DZA
REKHODO NA AKHAIVI DZA VUNDU LA LIMPOPO, 2010**

Nga he wa divhadzwa nga

**(MURADO WA KHOROTSHITUMBE A RE NA VHUDIFHINDULELI HA ZWA
MITAMBO, VHUTSILA NA MVELELE)**

20 LARA 2009 Tshandulelo ya Mulayotibe wa Khwiniso ya Ndangulo dza Tshumelo dza
Dzirekhodo na Akhaivi dza Vundu la Limpopo 1.10

NDIVHADZO NYANGAREDZI YA THALUTSHEDZO:

[] Maipfi o swifhadzwaho ane a vha kha zwidanga a sumbedza u bvisiwa u
bva kha tshandukiso dzi re hone

_____ Maipfi o talelwaho nga mutalo a sumbedza u dzheniswa kha tshanduko
dzi re hone

MULAYOTIBE

Wa u khwinisa Mulayo wa Dziakhaivi wa Vundu la Limpopo, 2001 (Mulayo No. 5 wa 2001) hu u itela u khwinisa dzina li lapfu; u laula u nangiwa ha Muakhaivi, u fhungudza nomboro ya mirado vho nangiwo kha Khoru kathihi na maanda a Khoru; u netshedza magavhelo a mutangano kha mirado vha Khoru na u netshedzwa ha pulane ya mushumo kha Khoru; u netshedza Vhunjaleli kha Khoru; u phumulwa ha mbetshelo dzi tutshelanaho na masheleni a Khoru na muofisiri a re na vhudifhinduleli ha Khoru; u dzheniswa ha phungudzo ya milandu; u khwinisa dzina lipfufhi la Mulayo na u netshedza hu tshi itelwa mafhungo a tutshelanaho na zwenezwo.

AFHA HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo nga hu tevhelaho:-

1. U imelwa ha Dzina li Lapfu

Dzina li lapfu la Mulayo wa Dziakhaivi wa Vundu la Limpopo, 2001 (Mulayo No. 5 wa 2001), line afha la pfi 'Mulayo muhulwane' li khou khwiniswa nga u imelwa nga dzina li lapfu la dzina li lapfu li tevhelaho:

“U netshedza u itela Akhaivi dza Vundu la Limpopo; u nangiwa ha Muakhaivi; u nangiwa ha Muakhaivi; ndangulo yo teaho na ndondolo ya rekhodo dza zwiimiswa zwa muvhuso Limpopo; u vhulungwa na u shumiswa ha vhufa ha akhaivi dza Limpopo; u thomiwa ha Khoru ya Dziakhaivi ya Limpopo; na u netshedza mafhungo a tutshelanaho na zwenezwo;”

2. Khwiniso ya Khethekanyo 1 ya Mulayo wa 2001

Khethekanyo 1 ya Mulayo muhulwane afha i khou khwiniswa-

- (a) nga u thuthiwa ha thandavhudzo ya Dziakhaivi”;
- (b) nga u imelwa ha thandavhudzo ya “Khoru” ha thandavhudzo i tevhelaho:
“**Khoru**” zwi amba Khoru ya Dziakhaivi ya Limpopo yo bulwaho kha khethekanyo 6;”
- (c) nga u dzheniswa nga murahu ha thandavhudzo ya “vhune” ha thandavhudzo i tevhelaho:
“**Muhasho**” zwi amba Muhasho u re na vhudifhinduleli ha mafhungo a zwa dziakhaivi dza Vundu;”
- (d) nga u imelwa ha thandavhudzo ya “vhulaedzwa ha u vhulunga” ha thandavhudzo i tevhelaho:

“vhulaedzwa ha u vhulunga” zwi amba vhulaedzwa ho tou nwalwaho ho bviswaho nga Muakhaivi sa zwo sumbedziswa kha khethekanyo 13(2) zwi sumbedzisaho rekhodo dzi no khou do pfuluswa u ya kha hu vhulungwaho dziakhaivi kana rekhodo dzo bulwaho dzi no khou toda u tshinyekanywa, u phumulwa kana u latwa nga inwe ndila;”

- (e) nga u thuthiwa ha thandavhudzo ya "Vundu";
- (f) nga u imelwa ha thandavhudzo ya "Akhaivi dza Vundu" ha thandavhudzo i tevhelaho:

"Akhaivi dza Vundu" zwi amba rekhodo dzi re kha hu vhulungwaho Dziakhaivi kha Vundu;" na

- (g) nga u dzheniswa nga murahu ha thandavhudzo ya "rekhodo dza vhathu" dza thandavhudzo dzi tevhelaho":

"Mulayo wa Tshumelo dza Vhathu, 1994" zwi amba Mulayo wa Tshumelo dza Vhathu, 1994 (Mulayo wa Vundu No. 103 wa 1994),"

3. **Khwiniso ya Khethekanyo 2 ya Mulayo 5 wa 2001**

Khethekanyo 2 ya Mulayo muhulwane afha i khou khwiniswa-

- (a) nga u imelwa ha ipfi kha tshiimo tsha ipfi li tevhelaho:

"U nangiwa ha Muakhaivi";
- (b) nga u thuthiwa ha khethekanyothukhu (1); na
- (c) nga u dzheniswa ha khethekanyothukhu (2) ha khethekanyothukhu dzi tevhelaho:
 - (2) Akhaivi dza Vundu dzi langiwa nga Muakhaivi ane a nangiwa hu tshi tevhedzwa Mulayo wa Tshumelo dza Vhathu, 1994 nahone ho sedzwa tshenzhemo ya Muakhaivi ya tshiphurofesheni na ndalukano dza u akhaivi dzo teaho"

4. Khwiniso ya khethekanyo 3 ya Mulayo 5 wa 2001

Khethekanyo i tevhelaho afha i khou dzheniswa u itela khethekanyo 3 ya Mulayo muhulwane:

“3. Ndivho dza Mulayo”

“Ndivho dza Mulayo ndi u-

- (a) vhulunga rekhodo dza vhathu na dzi si dza vhathu hu na muhumbulo wa u dzi shumisa lwa tshifhinga tshilapfu nga vhathu na Muvhuso;
- (b) itela uri rekhodo dzenedzo dzi swikelelwa na u khwinisa u shumiswa hadzo nga vhathu;
- (c) vhona uri hu na ndangulo yavhudi na Ndondolo ya rekhodo dzothe dza vhathu;
- (d) kuvhanganya rekhodo dzi si dza vhathu dzine dzi nga si vhulungwe nga tshinwe tshiimiswa, hu na muhumbulo wa u dzi shumisa lwa tshifhinga tshilapfu nahone zwi zwa ndeme kha vundu, hu na thodea ya u nwala zwithu zwo tshenzhelwaho na zwi so ngo dzhielwaho nthu zwa lushaka zwo vhulungwaho kha Dziakhaivi kale;
- (e) bveledza u tanganelana na u shumisana vhukati ha zwiimiswa zwi re na pfanelo nga lwa mulayo dza rekhodo dzi si dza vhathu dzi re na ndeme;
- (f) bveledza ndivho ya Dziakhaivi na ndangulo ya dzirekhodo kathihi na u tutuwedza u akhaivi na nyito dza ndangulo ya dzirekhodo na madzangano; na
- (g) bveledza nga u tou angaredza u vhulungwa na u shumiswa ha vhufa ha akhaivi dza Vundu;

5. Khwiniso ya khethekanyo 4 ya Mulayo 5 wa 2001

Khethekanyo 4 ya Mulayo muhulwane afha i khou khwiniswa-

- (a) nga u imelwa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:

“(1) Musi Muakhaivi a tshi shuma mishumo yawe, Muakhaivi u tea u thusiwa nga vhathu vho nangiwohu hu tshi tevhedzwa Mulayo wa Tshumelo dza Vhathu;

- (b) nga u imelwa ha phara (a) ya khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

“(2) Muakhaivi u tea, hu tshi tevhelwa nyimele ifhio na ifhio, u hwesa maanda kana u nea ndivhanelo kha vhathu vhenevho vho bulwaho kha khethekanyothukhu (1) nahone tshifhinga tshinwe na tshinwe a nga humisa kana u nea honoho u hwesa,” na

- (c) nga imelwa ha phara (b) ya khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

(3) u hweswa maanda sa zwo bulwaho kha khethekanyothukhu (2), hu tea u vha vhu sa dzhiyi maanda o hweswaho Muakhaivi kana ndivhanelo dze a laedzwa, nahone Muakhaivi a nga ri tshifhinga tshinwe na tshinwe a khwinisa kana a vhetshela thungo tsheo ifhio na ifhio yo itwaho ho tevhedzelwa henevho, kana a shumisa maanda kana mishumo yo livhanaho na ndivhanelo.”

6. Khwiniso ya khethekanyo 5 ya Mulayo 5 wa 2001

Khethekanyo 5 ya mulayo muhulwane afha i khou khwiniswa-

- (a) nga u imelwa ha phara (c) ya khethekanyothukhu (1) kha phara i tevhelaho:

“(c) hu na khwathisedzo ya sipeshala kha nyito dzo itelwaho u swikelela sekithara dzo shayaho dza vhadzulapo, u divhadza mafhungo a tutshelanaho na dzirekhodo nga ndila dzi fanaho na nyandadzo, tano na u hadzimiswa ha dzirekhodo;

- (b) nga u imelwa ha phara (d) ya khethekanyothukhu (1) ya phara i tevhelaho:

“(d) toda muthu we a shumisa rekhodo kha Akhaivi ya Vundu musi a tshi khou ita thoduluso ya kana desithesheni uri a netshedze kopi ya nyandadzo kana desithesheni kha Muakhaivi;”;

- (c) nga ndadziso kha khethekanyothukhu (1) nga murahu ha phara (d) ya phara dzi tevhelaho:

“(e) u dzhia aneo maga sa a ndeme hu u itela u vhulunga na u vhuedzedza rekhodo;

“(f) u ta sisiteme ya khethekanyo dza rekhodo ine ya do shumiswa nga zwiimiswa zwa muvhuso

“(g) ta nyimele dzine nga khadzo sisiteme ya rekhodo dza elekithironiki dza do langiwa ngaho;

“(h) ta nyimele ine nga khayoy rekhodo dzi nga vusuludzwa nga kha maikhifilimu kana elekithorinikhala;

“(i) u vhulunga mutevhe wa rekhodo dzi si dza vathu kha Vundu dzine nga kha muhumbulo wa Muakhaivi dza vha dza ndeme; na

“(j) u dzhia eneo manwe maga na u shuma yeneyo minwe mishumo sa zwine zwi nga vhonala zwo fanela kha kana zwo tea hu u itela u swikelelwa ha ndivho dza uyu Mulayo. “ na

(d) nga u imelwa ha phara (d) ya khethekanyothukhu (2) ya phara i tevhelaho:

“(d) hu na thendelano na Murado wa Khorotshitumbe hu tendelwe tshiimiswa tsha muvhuso u bva kha mbetshelo ifhio na ifhio ya uyu Mulayo.”

7. **Khwiniso ya khethekanyo 6 ya Mulayo 5 wa 2001**

Khethekanyo 6 ya Mulayo muhulwane afha i khou khwiniswa-

(b) nga u imelwa ha ipfi kha tshiimo tsha ipfi li tevhelaho:

U thomiwa, u vhumbiwa na mishumo ya Khoru ya Dziakhaivi ya Limpopo

(c) nga u imelwa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:

“(1) Murado wa Khorotshitumbe a nga divhadza nga kha Gazethe u thomiwa ha Khoru ine ya do divhiwa nga Khoru ya Dziakhaivi ya Limpopo.”;

(d) nga u imelwa ha khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

“(2) Khoru i do vhumbiwa nga Muakhaivi nahone hu na mirado vha sa fhiri sumbe nga nnda ha mirado vho nangiwo nga Murado wa Khorotshitumbe vha bvaho kha vhathu vha re na ndivho, tshenzhemo kana vho gudelaho zwa mafhungo a vhuakhaivi.”;

(e) nga u imelwa ha phara (b) ya khethekanyothukhu (4) ya phara i tevhelaho:

“(b) u eletshedza Muakhaivi hu u itela uri a bvele phanda na ndivho dza Mulayo; na”;

- (f) nga u imelwa ha phara (c) ya khethekanyothukhu (4) ya phara i tevhelaho:
“(c) u phuromota u tanganywa ha u itwa ha pholisi dza Dziakhaivi na vhupulani kha Vundu.”;
- (g) nga u thuthiwa ha phara (d), (e) na (f) kha khethekanyothukhu (4);
- (h) nga u imelwa ha khethekanyothukhu (7) ya khethekanyothukhu i tevhelaho:
“(7) Khoru kana komiti ifhio na ifhio i nga ri nga murahu ha vhukwamani na muofisiri a re na vhudifhinduleli ha Muhasho, ya dzhenisa muthu ufhio na ufhio uri a shume kha Khoru kana komiti, nga henefho hune zwa nga vha, kha vhuimo ha u vha mueletshedzi, fhedzi onoyo murado o dzheniswaho ha tei u vha na pfanelo dza u vouta;”;
- (i) nga u imelwa ha khethekanyothukhu (8) kha khethekanyothukhu i tevhelaho:
“(8) “Murado zwawe kana murado o dzheniswaho o bulwaho kha khethekanyo (7) ane a si vhe kha mushumo wa tshothe wa Muvhuso, u tea u badelwa u bva kha masheleni a Muhasho, aneo magavhelo a mutangano na manwe masheleni a u tshimbila na zwinwe vho zwo shumiswaho nga onoyo murado, zwi tutshelanaho na nyito dza Khoru, zwi tshi ya nga hune Murado wa Khorotshitumbe a nga ta zwi tshi elana na Murado wa Khorotshitumbe wa Gwama.”; na
- (j) nga nyengedzedzo nga murahu ha khethekanyothukhu (8) ya khethekanyothukhu i tevhelaho:

(9) Khoru i tea u netshedza pulane ya mushumo wayo kha Murado wa Khorotshitumbe nga nwaha u itela uri a i nee thendelo.”.

8. Khwiniso ya khethekanyo 7 ya Mulayo 5 wa 2001

Khethekanyo 7 ya Mulayo muhulwane afha ii khou khwiniswa-

- (a) nga u imelwa ha ipfi kha tshiimo tsha ipfi li tevhelaho:

“Vhunwaleli ha Khoru”;

- (b) nga u imelwa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:

(1) Mhasho u tea u nea tshumelo ya vhunwaleli kha Khoru. “; na

- (c) nga u thuthiwa ha khethekanyothukhu (2)

9. Khwiniso ya khethekanyo 8 ya Mulayo 5 wa 2001

Khethekanyo 8 ya mulayo muhulwane afha i khou thuthiwa.

10. Khwiniso ya khethekanyo 9 ya Mulayo 5 wa 2001

Khethekanyo 9 ya Mulayo muhulwane afha i khou thuthiwa.

11. Khwiniso ya khethekanyo 10 ya Mulayo 5 wa 2001

Khethekanyo 10 ya Mulayo muhulwane afha i khou khwiniswa-

- (a) nga u imelwa ha ipfi kha tshiimo tsha ipfi li tevhelaho:

“Muvhigo nga Muakhaivi na Khoru”;

- (b) nga u imelwa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:

(1) Mafheloni a kotara inwe na inwe na nwaha wa muvhalelano, Muakhaivi u tea u nwala muvhigo wa nyito dzothe dzi tutshelanaho na zwa akhaivi u itela yeneyo kotara na nwaha wa muvhalelano na Khoru i tea u nwala muvhigo wa nyito dzothe dza Khoru zwa yeneyo kotara na wonoyo nwaha wa muvhalelano.”;

- (c) nga u imelwa ha phara (c) ya khethekanyothukhu ya phara i tevhelaho:

“(c) vhudifhinduleli hothe ha u vhulungwa hu so ngo tendelwaho nga tsedzuluso ya rekhodo dza vhathu;”

- (d) nga imelwa ha phara (d) ya khethekanyothukhu ya phara i tevhelaho:

“(d) nomboro ya sisteme dza rekhodo dzo khethekanywaho nahone dzo tendelwaho; na”;

nga u dzheniswa nga murahu ha phara (d) ya khethekanyothukhu (2) ya phara i tevhelaho:

“(e) u vha na vhudifhinduleli ha zwiimiswa zwa muvhuso zwo kundelwaho u tevhedzelana na uyu Mulayo”;

(f) nga u imelwa ha phara (a) ya khethekanyothukhu (3) ya phara i tevhelaho:

“(3) Muakhaivi khathihi na Khoru vha tea u netshedza mivhigo yo laedzwaho kha khethekanyothukhu (1), kha Thoho ya Muhasho.”; na

(g) Nga u phumulwa ha phara (b) ya khethekanyothukhu (3).

12. Khwiniso ya Khethekanyo 11 ya Mulayo 5 wa 2001

Afha khethekanyo i tevhelaho i khou imela Khethekanyo 11 ya Mulayo muhulwane:

(1) Hu nga ndila ya ndivhadzo kha *Gazette ya Vundu* tshifhinga tshinwe na tshinwe Murado wa Khoru Tshitumbe a nga thoma tshifhato tsha mbulungela ya manwalo nga fhasi ha ndango ya Muakhaivi hu u itela u ndondolo na u vhulunga rekhodo.

(2) Rekhodo dza Muvhuso dzi taluswaho sa dzi re na ndeme khulwane kha muvhuso dzi tea u livhiswa kha tshifhato tsha akhaivi nga murahu ha musu zwo

vha hone lwa minwaha ya 20: Nga nnda ha uri ____

(a) a huna munwe mulayo u todaho rekhodo idzo uri dzi vheiwe nga fhasi ha tsireledzo ya tshiimiswa tsha muvhuso tsho khetheaho kana munwe muthu:

(b) Muakhaivi, nga murahu ha nyambedzano na thoho ya tshiimiswa tsha muvhuso, a nga kona u talusa rekhodo dzine dza tea ____

(i) dzi dzule nga fhasi ha ndondolo ya tshiimiswa tsha muvhuso; kana

- (ii) dzi livhiswe kha tshifhato tsha akhaivi musi dzi saathu u vha hone lwa minwaha ya 20;
 - (c) Muakhaivi a nga pfukisela phanda u pfukiselwa ha rekhodo dzinwe na dzinwe dza muvhuso; nahone
 - (d) Muakhaivi a nga netshedza thendelo yauri rekhodo inwe na inwe ya muvhuso i pfukiselwe kha tshifhato tsha akhaivi musi dzi saathu u vha hone lwa minwaha ya 20.
- (3) Murado wa Khorotshitumbe a nga randela milayo ya kushumele kha u langa u pfukiselwa ha rekhodo nga fhasi ha khethekanyothukhu (2)."

13. Khwiniso ya khethekanyo 12 ya Mulayo 5 wa 2001

Afha Khethekanyo 12 ya Mulayo muhulwane i khou khwiniswa:

- (a) nga u imelwa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:
- "(1) U ya nga mulayo munwe na munwe u sedzanaho na tswikelelo ya dzirekhodo -
- (a) rekhodo ya muvhuso i re nga fhasi ha ndondolo ya tshifhato tsha akhaivi i tea u kona u swikelelea nga tshitshavha arali tshikhala tsha minwaha ya 20 yo no fhela u bva mafheloni a nwaha we rekhodo ya thoma u vha hone.
 - (b) U swikelelea ha rekhodo ya muvhuso hune tshikhala tsha minwaha ya 20 ya vha i saathu u fhela u bva tshe nwaha wa fhela musi rekhodo i hone, i nga netshedzwa nga Muakhaivi hu nga fhasi ha khumbelo.
 - (c) Rekhodo i si ya muvhuso i re nga fhasi ha ndondolo ya ho vhewaho dzinwe dza muvhuso it eau swikelelea musi i tshi todwa nga tshitshavha zwi tshi kwama ndangulo yo tendelwaho musi i tshi vhewa hu tshi tevhelwa khethekanyo 14(1) ya Mulayo uyu; nahone

(d) Muakhaivi a nga hana tswikelelo ya rekhodo zwi tshi bva kha nyimele ya rekhodo nga nda ha musu u swikelela zwi re ngomu ha rekhodo zwi tshi nga tendelwa nga ndila ine ya nga si khakhise kuvhulungelwe kwa rekhodo.

(b) nga u phumulwa ha khethekanyothukhu (2) na (3).

14. Khwiniso ya khethekanyo 13 ya 15 ya Mulayo 5 wa 2001

Afha khethekanyo i tevhelaho i khou imela Khethekanyo 13 ya Mulayo muhulwane:

“13. Ndangulo ya rekhodo dza muvhuso

- (1) Muakhaivi o netshedzwa vhudifhinduleli na tsireledzo zwo teaho kha ndondolo ya rekhodo dza muvhuso nga fhasi ha tsireledzo ya zwiimiswa zwa muvhuso.
- (2) A huna rekhodo dza muvhuso dzi re nga fhasi ha ndangulo ya tshiimiswa tsha muvhuso dzine dza tea u pfukiselwa kha zwifhato zwa akhaivi, u tshinyadzwa, u phumulwa kana u dzudzanywa nga ndila ifhio kana ifhio hu songo thoma ha wanal athendelo yo nwalwaho i tshi bva kha Muakhaivi.
- (3) Muakhaivi u tea u tola rekhodo dza muvhuso nga ndila ine tsedzuluso iyo ya vha yo tea u ita mishumo ya Muakhaivi nga fhasi ha Mulayo uyu.
- (4) Thoho ya Muhasho u tea uri tshifhinga tshinwe na tshinwe a dzulele u bvisa maga na ndaela, zwine zwa tea u elana na Mulayo uyu, kha ndanngulo na ndondolo ya rekhodo dza muvhuso nga kha tsireledzo ya zwiimiswa zwa muvhuso.”

15. U dzheniswa ha khethekanyo 13A ya Mulayo 5 wa 2001

Afha khethekanyo i tevhelaho i khou dzheniswa nga murahu ha Khethekanyo 13 ya Mulayo muhulwane:

“13A. Mulanguli wa rekhodo

Thoho ya tshiimiswa tsha muvhuso i tea u vhona uri tshiimiswa tsha muvhuso tshi khou tevhedza thodea dza Mulayo uyu nahone nga nthani ha zwezwo u tea u netshedza maanda kana u ta muofisiri ane a do vha mulanguli wa dzirekhodo dza tshiimiswa itsho.”

16. Khwinniso ya khethekanyo 14 ya Mulayo 5 wa 2001

Khethekanyo 14 ya Mulayo muhulwane afha i khou khwiniswa nga u dzheniswa ha khethekanyothukhu (3) ya khethekanyothukhu i tevhelaho:

“(3) A huna muthu kana tshiimiswa tshi re na rekhodo dzi si ho fhasi ha muvhuso kha ndondolo yatsho tshine tsha do rekhodiwa kha mutevhe wa vundu wo sumbedzwaho kha khethekanyo 5(1)(i) tsha nga tshinyadza, u tunda u bva kha Vundu kana u dzudzanywa nga ndila ifhio kana ifhio ha idzo rekhodo hu songo thoma ha__

- (a) vhigwa muhumbulo watsho muhulwane wa u dzudzanya rekhodo kha Muakhaivi hu sa athu fhela maduvha a 90 phanda ha yeneyo nyito; na
- (b) wanala thendelo i bvaho kha Muakhaivi ya u ita yeneyo nyito.”

17. Khwiniso ya khethekanyo 15 ya Mulayo 5 wa 2001

Afha Khethekanyo 15 ya Mulayo muhulwane i khou khwiniswa__

- (a) nga u dzhieniswa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:

“(1) Muthu ane a vha Thoho ya Tshumelo ya Ndangulo ya Rekhodo na Akhaivi kha Muhasho nga u tavhanya phanda ha musu Mulayo uyu u saathu u thoma u shuma, u tea u isa phanda ofisini sa Mulangi u

swika Muakhaivi a tshi nangiwa hu tshi tevhedzwa khethekanyo 2 ya Mulayo uyu”;

- (b) nga u dzhiniswa ha khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

“(2) Rekhodo dzi re kha ndondolo ya Thoho ya Dziakhaivi na Tshumelo ya Ndangulo ya Dzirekhodo kha Muhasho dzi pfukiselwa kha Muakhaivi kha duvha lenelo nga u tavyanya phanda ha musu Mulayo uyu u saathu shuma, hu tshi tevhelwa maga manwe na manwe e a vha a tshi shumiswa kha dzenedzo rekhodo kha duvha lenelo”; na

- (c) nga u phumulwa ha khethekanyothukhu (3).

18. Khwiniso ya khethekanyo 16 ya Mulayo 5 wa 2001

Khethekanyo 16 ya Mulayo muhulwane afha i khou khwiniswa nga u dzheniswa ha khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

“(2) Muthu ufho na ufho a kundelwaho u tevhedza khethekanyo 14(3) u na mulandu wa vkhakhi na u vha na mulandu wa ndatso kana u dzula khotoni kana zwothe ndatso na u dzula khotoni.

19. U dzheniswa ha Khethekanyo 17A kha Mulayo 5 wa 2001

Khethekanyo i tevhelaho i afha i khou dzheniswa nga murahu ha khethekanyo 17 ya Mulayo muhulwane:

“17A. Phimo ya Vhudifhinduleli

Hu nga vha muvhoso kana muthu ufho na ufho u na vhudifhinduleli vufho na vufho ha u tshinyadzwa kana u xela zwo vhangwa nga__

- (a) u netshedzwa ha maanda afhio kana afhio kana u itwa ha mushumo
- (b) ufhio na ufhio fhasi ha Mulayo uyu; kana
- (b) u kundelwa u netshedza maanda afhio kana afhio, kana u ita mushumo kana ndivhanelo ifhio na ifhio fhasi ha Mulayo uyu, nga nnda ha musu u netshedzwa ha maanda a kana u kundelwa u netshedza maanda, kana u ita kana u kundelwa u ita mushumo zwo vha zwi siho mulayoni, u litshedzelwa kana hu si na u fulufhedzea”.

20. Khwiniso ya Khethekanyo 19 ya Mulayo 5 wa 2001

Khethekanyo 19 ya Mulayo muhulwane afha i khou khwiniswa nga u dzheniswa ha khethekanyo ya khethekanyo i tevhelaho:

“Mulayo uyu u vhidzwa u pfi Mulayo wa Ndangulo ya Tshumelo ya Rekhodo na Dziakhaivi wa Vundu la Limpopo, 2001 nahone u thoma u shuma nga duvha lo tetshelwaho nga Premia lo dzivhadzwaho kha Gazete ya Vundu.

21. Dzina Lipfufhi

Mulayo uyu ndi Mulayo wa Khwiniso ya Ndangulo ya Tshumelo ya Rekhodo na Dziakhaivi dza Vundu la Limpopo, 2010.

**MEMORAMDAMU NGA HA NDIVHO DZA
MULAYOTIBE WA KHWINISO YA NDANGULO YA TSHUMELO
YA REKHODO AKHAIVI DZA LIMPOPO, 2010**

1. SIANGANE NA NDIVHO YA MULAYOTIBE

- 1.1** Mulayo wa hu vhulungwaho zwithu zwa kale wa Vundu la Limpopo, 2001 (Mulayo No. 5 wa 2001), une afho wa bulwa sa “Mulayo muhulwane” wo tendelwa nga Premia wa Limpopo nga la 12 Tshimedzi 2001 wa thoma u shuma nga la 1 Luhuhi 2004.
- 1.2** Mulayo muhulwane u nea thendelo ya Akhaivi dza Vundu, netshedza ndangulo yavhudi na Ndongolo ya rekhodo dza zwiimiswa zwa muvhuso kha Vundu, u vhulunga na u shumiswa ha vhufa ha akhaivi, u thomiwa ha Khoro ya Akhaivi ya Limpopo na mafhungo a kwamanaho na zwenezwo.
- 1.3** U bva nga duvha la u thomiwa ha Mulayo muhulwane, Khoro ya Akhaivi ya Limpopo (‘he afha ya vha i tshi divhiwa sa “Khoro”) yo vha i saathu u thomiwa. Hu na thodea ya u thomiwa ha Khoro fhedzi musi izwo zwi saathu u thomiwa, Mulayo muhulwane u tea u thoma wa khwiniswa kha manwe masia. Mulayotibe u lusa u sumbedza u nangiwa ha Muakhaivi sa zwine zwa vha zwone hu tshi tevhedzwa Mulayo wa Tshumelo ya Vhathu, 1994 (Ndivhadzo 103 ya 1994). Mulayotibe u dovha hafhu wa toda u fhungudza mbalo ya mirado ine ya nga tiwa kha Khoro. Mulayotibe u dovha hafhu wa toda u u fhungudza maanda a Khoro u bva kha u vha Khoro ngeletshedzo na u fhelisa pfanelo dzifhio na dzifhio dza khathululu kha Khoro. Mulayotibe u dovha hafhu wa dzinginya lauri mushumo wa ndangulo ya khoro u itwe nga munwaleli a bvaho kha Muhasho hafhu na u dzinginya hafhu la uri magavhelo a mitangano a badelwe u bva kha tshikwama tsha Muhasho. Mulayotibe u dovha hafhu wa dzinginya uri khethekanyo idzo dzi shumanaho na zwa masheleni a Khoro na vhudifhinduleli zwi phumulwa hu u itela uri Mulayo u tshimbilelane na mbetshelo dza Mulayo wa Ndangulo ya Gwama la Vhathu, 1999 (Mulayo No. 1 wa 1999). Mulayotibe u dovha wa lusa u ita thendelo dza u vhiga nga kotare hu tshi engedzwa kha u vhiga nwaha nga

nwaha nga Muakhaivi na Khoru. Dzinwe khwiniso dzo kumedzwaho dzi kha nyimele yo tou nwalwaho nahone ndi dza ndeme.

3. ZWI KWAMAHO MATSHILISANO

A hu na.

4. TSEGULUSO YA DAVHI NA DAVHI

4.1. Khethekanyo 1 i khwinisa dzina lilapfu la Mulayo mululwane.

4.2. Khethekanyo 2 i phumula na u dzhenisa thandavhudzo kha Mulayo muhulwane.

4.3. Khethekanyo 3 i phumula zwo livhiswaho kha u thomiwa ha Akhaivi dza Vundu na u netshedza u itela u nangiwa ha Muakhaivi wa Vundu hu tshi tevhedzwa Mulayo wa Tshumelo ya Muvhuso, 1994 (Ndivhadzo 103 ya 1994).

4.4. Khethekanyo 4 i khwinisa khethekanyo 3 uri i vhalee sa “Ndivho dza Mulayo” na u vhea zwavhudi mushumo wa Khoru sa ndivho ya Mulayo.

4.5. Khethekanyo 5 ndi khwiniso ya thekiniki.

4.6. Khethekanyo 6 i dzhenisa maanda nyengedzedzwa nga u angaredza a Muakhaivi na u netshedza ndivhanelo dzothe dzi wanalaho kha Mulayo fhasi ha khethekanyo iyi i shumanaho na ndivhanelo dzawe. I dovha hafhu ya bvisa thodea ya thendelano ya Khoru u itela thendelo yo netshedzwaho fhasi ha uyu Mulayo muhulwane.

4.7. Khethekanyo 7 i fhungudza mbalo ya mirado ya Khoru na u shandukisa kuitele kha u ta nga Murado wa Khorotshitumbe. I dovha hafhu ya pima mishumo ya Khoru u swika kha ya muletshedzi na u hwesa vhudifhinduleli kha Khoru uri i netshedza pulane dza kushumele. Khethekanyo i dovha hafhu ya netshedza thendelo ya u badela magavhelo a mutangano a tshi bva kha tshikwama tsha Muhasho.

- 4.8 Khethekanyo 8 i tendela uri Muhasho u netshedze munwaleli kha Khoru.
- 4.9. Khethekanyo 9 i phumula Khethekanyo 8 ya Mulayo muhulwane u itela uri hu si vhe na u livhiswa kha u badela na u vulwa ha akhaunthu dza bannga dzo fhambanaho dza Khoru sa izwi ho itwa mbetshelo ya Mbadelo dza u tshimbila na magavhelo a mitangano uri zwi badelwe u bva kha zwi kwama zwa Muhasho.
- 4.10. Khethekanyo 10 i phumula khethekanyo 9 ya Mulayo muhulwane u itela uri Mulayo u tshimbilelane na thendelo dza Mulayo wa Ndangulo ya Gwama la Vhathu, 1999 (Mulayo No.1 wa 1999) sa izwi Thoho ya Muhasho a tshi tea u vha muofisiri wa Mbalelano wa Khoru.
- 4.11. Khethekanyo 11 i hwesa vhudifhinduleli ha u vhiga nga kotara na nga nwaha nga Muakhaivi na Khoru; dzhenisa zwithu zwi swa zwine zwa do vhi gwa nga hazwo nga Muakhaivi nahone mivhigo i do netshedzwa kha Thoho ya Muhasho vhudzuloni ha Murado wa Khorotshitumbe wa Muhasho. I dovha hafhu ya phumula thodea dzine yeneyo mivhigo ya u vhewa tafulani kha vhusimamilayo.
- 4.12. Khethekanyo 12 ndi khwiniso yo tou nwalwaho.
- 4.13. Khethekanyo 13 i netshedza khethekanyo i shumanaho na tswikelelo zwi tshi tutshelana na thendelo ya Mulayo wa Nyaluwo ya Tswikelelo kha Mafhungo, 2000 (Mulayo No. 2 wa 2000).
- 4.14. Khethekanyo 14 ndi khwiniso yo tou nwalwaho hune vhunzhi ha zwi dovhololwaho zwa phumulwa khathihi na u bviswa ha dzinwe khethekanyothukhu dzi tshi dzheniswa hunwe fhethu kha Mulayo muhulwane.
- 4.15. Khethekanyo 15 i dzhenisa khethekanyo ntswa i netshdzaho mulanga rekhodo.

- 4.16. Khethekanyo 16 i khakhulula u livhiswa ho fhambanaho kha khethekanyo yo phumulwaho na u netshedza u vhidzwa hu na muhumbulo wa u bvisela khagala kha Muakhaivi na thendelo ya u bvisa ha vhutanzi uho nga Muakhaivi hu si nga Khoro.
- 4.17. Khethekanyo 17 i imela “Mulangi” na vhuimo hawe ha vhukuma na u phumula zwi livhiswaho kha Mutambo, Vhutsila na Mvelele sa zwine Muhasho wa vhidziswa zwone.
- 4.18. Khethekanyo 18 i bvisa vhuhulwane ha ndatiso i todaho u netshedzwa.
- 4.19. Khethekanyo 19 i dzhenisa phimo dza vhudifhinduleli ha khethekanyo.
- 4.20. Khethekanyo 20 i khwinisa dzina lipfufhi na Mulayo muhulwane.
- 4.21. Khethekanyo 21 ndi dzina lipfufhi la Mulayo.

5. ZWI KWAMAHO MASHELENI

Hu do vha na mbadelo dza khandiso ya Mulayotibe kha gazethe ya muvhuso khathihi na khunguwedzo dza Mulayotibe kha gurannda mbili (2). Hu do dovha ha vha na mbadelo dza ndivhadzo kha gurannda mbili (2) hu tshi khou divhadzwa u tiwa ha mirado ya Khoro na mbadelo dza ndivhadzo kha Gazethe i thomaho Khoro i re na mirado vha 7. Nga murahu ha u thomiwa ha Khoro, Muhasho u tea u vhona uri u khou lambedza mbadelo dza u tshimbila, dzinwe mbadelo dzi diswaho zwi tshi elana na mishumo ya Khoro na magavhelo a mutangano kha vhenevho mirado. Khoro i tea u vhona uri i khou netshedza pulane ya kushumele kha Murado wa Khorotshitumbe u itela thendelo.

6. ZWI KWAMAHO TSHITAFU NA NZUDZANYO

Mulayotibe wa Khwiniso u kumedza uri munwaleli a netshedzwe nga Muhasho kha Khoru ya Dziakhaivi ya Limpopo.

7. ZWI KWAMAHO MULAYO

A hu na.

8. ZWIIMISWA ZWO KWAMIWAHO

Muhasho wa Mitambo, Vhustila na Mvelele na Vhaeletshedzi vha Mulayo vha Muvhuso kha Ofisi ya Premia vho kwamiwa.

ISAZISO MAZOMBE

**ISAZISO SENOMBORO 217 SAKA 2010
UMBUSO WEPHROVINSI YELIMPOPO
UMNYANGO WEZEMIDLALO, UBUKGHWARI NAMASIKO**

**UMTHETHOMLINGWA WAMATJHUGULUKO WEMISEBENZI YOKUPHATHWA
KWAMABULUNGELO-MILANDO NAMAREKHODI WEPHROVINSI YELIMPOPO,
WAKA-2010**

Ngokuya kwemiThetho yaSafuthi nemiLayo yesiBethamthetho seLimpopo, umThethomlingwa wamaTjhuguluko wemiSebenzi yokuPhathwa kwamaBulungelo-milando namaRekhodi wePhrovinsi yeLimpopo, waka-2010 uyakhangiswa lapha bona umphakathi uveze imibono.

Omunye nomunye umuntu namkha ihlangano efisa ukuveza umbono ngomtlole otjhiwoko ingenza njalo ngomtlole ngomhlaka namkha ngaphambi komhlaka 06/08/2010 ku:-

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ISIBETHAMTHETHO SEPHROVINSI YELIMPOPO

**UMTHETHOMLINGWA WAMATJHUGULUKO WEMISEBENZI
YOKUPHATHWA KWAMABULUNGELO-MILANDO NAMAREKHODI
WEPHROVINSI YELIMPOPO, KA-2010**

Njengalokhana wethulwe

(NGUSOMKHANDLU WEZEMIDLALO, UBUKGHWARI NAMASIKO)

UMTHETHOMLINGWA

Wokutjhugulula umThetho wamaBulungelo-milando wePhrovinsi yeLimpopo, ka-2001 (umThetho Nomboro 5 ka-2001) ukwenzela bonyana kutjhugululwe isihloko eside; wokulawula ukuqatjhwa komBulungi-milando, ukubeka inani lamalunga ekufuze aqatjhwe emKhandlwini kanye namandla womKhandlu; wokubonelela amalunga womKhandlu ngeembonelelo zokuhlangana kanye nangokwethulwa komtamo womsebenzi womKhandlu; wokuhlinzeka umKhandlu ngoNobhala; wokwesula iinjamiliso eziphathelene neemali zomKhandlu kanye nesiphathiswa esiziphendulelako somKhandlu; wokuqalelela ukwethulwa kombiko waqobe kota mBulungi-milando kanye nomKhandlu; wokufaka umbandela wokulawulwa kweenkolodo; wokutjhugulula isihloko esifitjhani somThetho kanye nokubonelela ngezinye iindaba ezikhambelana nalokho.

WENZIWE UMTHETHO siBethamthetho sePhrovinsi yeLimpopo ngendlela elandelako:-

1. Ukujanyiselelwa Kwesihloko Eside

Isihloko eside somThetho wamaBulungelo-milando wePhrovinsi yeLimpopo, ka-2001 (umThetho Nomboro 5 ka-2001), ngemva kwalokhu obizwa “umThetho oyihloko” ngalokhu utjhugululwa ngokujanyiselelwa kwesihloko eside ngesihloko eside esilandelako:

“Ukuhlinzeka [ngokuhlonywa kwa-] ngamaBulungelo-milando wePhrovinsi [ePhrovinsini ye-] eLimpopo; ngokuqatjhwa komBulungi-milando; ngokulawulwa kanye nokuthogonyelwa kuhle kwamarekhodi weenhlangano zombuso [ePhrovinsini ye-] eLimpopo; ngokubulungwa kanye nokusetjenziswa kwamagugu aphaathelene namabulungelo-milando [wePhrovinsi yeLimpopo] weLimpopo; ngokuhlonywa komKhandlu wamaBulungelo-milando weLimpopo; kanye nokubonelela ngezinye iindaba ezikhambelana nalokho.”

2. Ukutjhugululwa kwesiGaba 1 somThetho 5 ka-2001

Isigaba 1 somThetho oyiHloko, ngalokhu sitjhugululwa-

- (a) ngokwesulwa kwehlathululo “yamabulungelo-milando”;
- (b) ngokujanyiselelwa kwehlathululo “yomKhandlu” ngehlathululo elandelako:
“**UmKhandlu**” kutjiwo umKhandlu wamaBulungelo-milando

- (c) weLimpopo ekunqotjhiswe kiwo esigabeni 6;”;
ngokufakwa kwehlathululo elandelako ngemva kwehlathululo “yelungelo lokuthogomela”.
- “**“UmNyango”** kutjihiwo umNyango ophathelene neendaba zamabulungelo-milando ePhrovinsini;”;
- (d) ngokujanyiselelwa kwehlathululo “yegunya lokuthengisa” ngehlathululo elandelako:
- “igunya lokuthengisa” kutjihiwo igunya elitloliweko elikhutjhwe [ukuya ngokwe-] mBulungi-milando njengombana kucatjangwe kusigaba 13(2)(a) elinqophisa amarekhodi ekufuze adluliselwe [emaBulungelweni-milando yePhrovinsi bonyana athogonyelwe] endaweni yabulungelo-milando nanyana emarekhodini anqophisako ukwenzela bonyana atjhabalaliswe, asulwe nanyana nakungasinjalo athengiswe;”;
- (e) ngokwesulwa kwehlathululo “yePhrovinsi”;
- (f) ngokujanyiselelwa kwehlathululo “yamaBulungelo-milando wePhrovinsi” ngehlathululo elandelako:
- “**“AmaBulungelo-milando wePhrovinsi”** kutjihiwo amarekhodi athogonyelwa ziindawo zamabulungelo-milando wePhrovinsi;” begodu
- (g) nangokufakwa kwehlathululo elandelako ngemva kwehlathululo “yerekhodi lombuso”:
- “**“UmThetho wemiSebenzi yomBuso, ka-1994”** kutjihiwo umThetho wemiSebenzi yomBuso , ka-1994 (isiMemezelo 103 saka-1994);”.

3. Ukutjhugululwa kwesiGaba 2 somThetho 5 ka-2001

Isigaba 2 somThetho oyihloko ngalokhu sitjhugululwa-

- (a) ngokujanyiselelwa kwamagama wemajini ngamagama wemajini alandelako:
- “[Ukuhlonywa] ukuqatjhwa [kwamaBulungelo-milando yePhrovinsi] komBulungi-milando”;
- (b) ngokwesulwa kwesigaba (1); begodu
- (c) nangokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:
- “(2) AmaBulungelo-milando wePhrovinsi alawulwa mBulungi-milando, oqatjhwa [nguSomkhandlu] ukuya ngokomThetho wemiSebenzi yomBuso, ka-1994 ngokuqala ilemuko lomsebenzi womBulungi-milando kanye [nefuneko] neemfuneko ezifaneleko zamabulungelo-milando.”

4. Ukutjhugululwa kwesigaba 3 somThetho 5 ka-2001

Isigaba esilandelako ngalokhu sijanyiselelwa ngesigaba 3 somThetho oyihloko:

“3. Iminqopho yomThetho

“Iminqopho yomThetho ku-

- (a) bulunga amarekhodi womphakathi kanye nalawo angasiwo womphakathi azakuhlala akhombisa ubugugu ukwenzela bonyana akwazi ukusetjenziswa mphakathi kanye nomBuso;
- (b) kukwenza bonyana amarekhodi anjalo afumaneka kanye nokuphuhlisa ukusetjenziswa kwawo mphakathi;
- (c) kuqinisekisa bonyana amarekhodi womphakathi aphathwa begodu atjhejwa ngendlela efaneleko;
- (d) kubuthelela amarekhodi angasiwo womphakathi kodwana azakuhlala akhombisa ubugugu begodu naqakathekileko ephrovinsini, okumarekhodi angeze abulungwa ngenye ihlangano, ngokukhombisa ukuqakatheka kwesidingo sokutlola phasi yoke imininingwana yelemuko lesitjhaba eliselelwe mabulungelo-mininingwana esikhathini esidlulileko;
- (e) kuphuhlisa ukusebenzisana kanye nokuthintana phakathi kweenhlangano ezitlhogomela amarekhodi angasiwo womphakathi kodwana azokuhlala akhombisa ubugugu;
- (f) kuphuhlisa ilemukiso ngokuphathwa kwamabulungelo-milando namarekhodi kanye nokugqugqezela imisebenzi neenhlangano eziphathelene nokuphathwa kwamabulungelo-milando namarekhodi; begodu
- (g) phuhlisa ukubulungwa kanye nokusetjenziswa kwamagugu wamabulungelo-milando wephrovinsi ngendlela ejayelekileko.”.

5. Ukutjhugululwa kwesigaba 4 somThetho 5 ka-2001

Isigaba 4 somThetho oyihloko ngalokhu sitjhugululwa-

- (a) ngokujanyiselelwa kwesigatjana (1) ngesigatjana esilandelako:
 - “(1) Lokha nangabe [U-] umBulungi-mininingwana [kufuze bonyana lokha nakenza imisebenzi yakhe yokuBulunga imilando] wenza imisebenzi yakhe, kufuze asizwe [ziimphathiswa neensebenzi ezi-] babantu abaqatjhwe ukuya ngokomThetho wemiSebenzi yomPhakathi, ka-1994 [(isiMemezelo 103 saka-1994)].”;
- (b) ngokujanyiselelwa kwendima (a) yesigatjana (2) ngesigatjana esilandelako:
 - “(2)[(a)] Ngokukhambisana nginanyana ngimiphi imibandela, umBulungi-mininingwana anganikela nanyana aphe [ilunga lestaful] labo abantu ekunqotjhiswe kibo kusigatjana (1) amandla nanyana imisebenzi begodu angarhoqisa amandla anjalo anikelweko nanyana imisebenzi enjalo ephiweko isikhathi esinye nesinye.”; begodu

- (c) ngokujanyiselelwa kwendima (b) yesigatjana (2) ngesigatjana esilandelako:

“[(b)] (3) Amandla anikelweko nanyana imisebenzi ephiweko njengombana icatjangwe kusigatjana (2), akukafuzi bonyana yemuke umBulungi-mininingwana amandla anikelwe nanyana imisebenzi ephiwe umBulungi-mininingwana, begodu umBulungi-mininingwana angatjhugulula nanyana aphaye ngeqadi nanyana ngisiphi isiqunto esithethwe malungana nalokho isikhathi esinye nesinye, nanyana asebenzise amandla ekufuze awasebenzise nanyana enze umsebenzi ekufuze awenze.”

6. Ukutjhugululwa kwesigaba 5 somThetho 5 ka-2001

Isigaba 5 somThetho oyihloko ngalokhu sitjhugululwa-

- (a) ngokujanyiselelwa kwendima (c) yesigatjana (1) ngendima elandelako:

“(c) ngokugandelela ngendlela ekhethekileko imisebenzi etlanyelwe ukusiza amakoro womphakathi adinywe amathuba, ukuwazisa ngelwazi elimalungana namarekhodi ngezinto ezinjengemitlolo evezwako, imiqaliso kanye nangokuboleka amarekhodi; [begodu]”;

- (b) nangokujanyiselelwa kwendima (d) yesigatjana (1) ngendima elandelako:

“(d) kukhombela umuntu okhe wasebenzisa amarekhodi wamaBulungelo-milando wePhrovinsi lokha nabegade enza irhubhululo ngomtlo ovezwako nanyana ngendaba enabileko yesifundo esithileko bonyana anikele [amaBulungelo-milando wePhrovinsi] umBulungi-milando ikhophi yomtlo oveziweko nanyana yendaba enabileko yesifundo esithileko;”;

- (c) ngokwengeza iindima ezilandelako esigatjaneni (1) ngemva kwendima (d):

“(e) kuthatha amagadango anjalo njengombana anesidingo sokubulunga kanye nokubuyisela amarekhodi ebujameni baphambilini;

(f) kubeka amarherho wokuhlukanisa amarekhodi ngeengaba ekufuze asetjenziswe ziinhlango zombuso;

(g) kubeka imibandela yokuphathwa kwamarherho wamararekhodi abuelekthroniki;

(h) kubeka imibandela yokumayikhrofilima amarekhodi nanyana

- (i) yokuwaveza kabutjha ngendlela ebu-elekthroniki; kugcina irhelo lamarekhodi angasiwo womphakathi ePhrovinsini nabonakala njengalawo azokuhlala akhombisa ubugugu ngokombono womBulungi-milando; begodu
- (j) kuthatha amanye amagadango anjalo kanye nokwenza ezinye izenzo ezinjalo ezibonakala njengalezo ezinesidingo nanyana ezingasiza ekuphumeleliseni iminqopho yalomThetho.”; begodu

(d) ngokujanyiselelwa kwendima (d) yesigatjana (2) ngendima elandelako:

“(d) ngokuvumelana noSomkhandlu [**kanye nomKhandlu**] angakhupha ihlangano yombuso ekubanjweni kusebenza kwananyana ngisiphi isijamiso salomThetho.”.

7. Ukutjhugululwa kwesigaba 6 somThetho 5 ka-2001

Isigaba 6 somThetho oyihloko ngalokhu sitjhugululwa-

(a) ngokujanyiselelwa kwamagama wemajini ngamagama wemajini alandelako:

“Ukuhlonywa, ukubunjwa kanye nemisebenzi yomKhandlu wamaBulungelo-milando weLimpopo”

(b) ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

“(1) USomkhandlu angahloma umkhandlu obizwa umKhandlu wamaBulungelo-milando [**wePhrovinsi ye-**] weLimpopo ngokwenza isaziso eGazedeni.”;

(c) ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

“(2) UmKhandlu uzakuba nomBulungi-milando kanye namanye amalunga angadluli [**kalithoba**] kalikhomba aqatjhwe nguSomkhandlu hlangana nabantu abanelwazi, [**nanyana abanekareko**] abanelemuko nanyana abaneemfuneko [,] eziphathelene neendaba zamaBulungelo-milando.”;

(d) ngokujanyiselelwa kwendima (b) yesigatjana (4) ngendima elandelako:

“(b) kululeka [**kanye nokusiza**] umBulungi-milando [**ekwenzeni**] ukuphumelelisa iminqopho [**kanye nemisebenzi**] [**yamaBulungelo-milando yePhrovinsi**] yomThetho; begodu

- (e) ngokujanyiselelwa kwendima (c) yesigatjana (4) ngendima elandelako:
- “(c) kuphuhlisa ukuvunyelaniwa kokwakhiwa nokutlanywa komthethokambiso wamabulungelo-milando **[ephrovinsini;]** ePhrovinsini.”;
- (f) ngokwesulwa kweendima (d), (e) no-(f) zesigatjana (4);
- (g) ngokujanyiselelwa kwesigatjana (7) ngesigatjana esilandelako:
- “(7) Ngemva kokuthintana nesiphathiswa esiziphendulelako somNyango umKhandlu nanyana ikomidi enye nenye ingazikhethela nanyana ngimuphi umuntu bonyana abe lilunga lomKhandlu nanyana lekomidi, ngendlela ubujamo obungaba ngayo, ngegunya lokweluleka, kodwana ilunga elinjalo akukafaneli bonyana libe namalungelo wokuvowuda.”;
- (h) ngokujanyiselelwa kwesigatjana (8) ngesigatjana esilandelako:
- “(8) Ilunga elijayelekileko nanyana ilunga elikhethwe sigungu ekunqotjhiswe kiso esigatjaneni (7), elingasebenzeli umBuso ngeenkhati zoke, kufuze libhadalwe ngeemali **[zomKhandlu]** zomNyango, iimbonelelo ezinjalo zokuhlangana kanye neendleko ezinjalo zokukhamba kanye nezinye iindleko ezibangelwe lilunga elinjalo, malungana nemisebenzi yomKhandlu, njengalokhana uSomkhandlu angaqunta ngokuvumelana noSomkhandlu wezeeMali.”; begodu
- (i) ngokwengeza isigatjana esilandelako ngemva kwesigatjana (8):
- “(9) UmKhandlu kufuze wethule umtlamo wawo womsebenzi qobe mnyaka kuSomkhandlu ukwenzela bonyana ufumane imvumo.”;

8. Ukutjhugululwa kwesigaba 7 somThetho 5 ka-2001

Isigaba 7 somThetho oyihloko ngalokhu sitjhugululwa-

- (a) ngokujanyiselelwa kwamagama wemajini ngamagama wemajini alandelako:
- “**[uNobhala nestafu] i-Ofisi lakaNobhala womKhandlu**”;
- (b) ngokujanyiselelwa kwesigatjana (1) ngesigatjana esilandelako:
- “(1) UmNyango kufuze uqalelele umKhandlu ngemisebenzi ye-Ofisi lakaNobhala.”; begodu

(c) ngokwesulwa kwesigatjana (2)

9. Ukutjhugululwa kwesigaba 8 somThetho 5 ka-2001

Isigaba 8 somThetho oyihloko ngalokhu siyasulwa

10. Ukutjhugululwa kwesigaba 9 somThetho 5 ka-2001

Isigaba 9 somThetho oyihloko ngalokhu siyasulwa.

11. Ukutjhugululwa kwesigaba 10 somThetho 5 ka-2001

Isigaba 10 somThetho oyihloko ngalokhu sitjhugululwa-

(a) ngokujanyiselelwa kwamagama wemajini ngamagama wemajini landelako:

“ImiBiko [yaqobe mnyaka] yomBulungi-milando nomKhandlu”;

(b) ngokujanyiselelwa kwesigatjana (1) ngesigatjana esilandelako:

“(1) Ekupheleni kwekota ngayinye begodu komnyaka ngamunye weemali, umBulungi-milando kufuze ahlanganise umbiko wekota leyo begodu womnyaka lowo weemali, okumbiko omalungana nayo yoke imisebenzi ephathelene namabulungelo-milando [yamaBulungelo-milando wePhrovinsi] begodu umKhandlu kufuze uhlanganise umbiko omalungana nayo yoke imisebenzi yomKhandlu yekota leyo begodu yomnyaka lowo weemali.”;

(c) ngokujanyiselelwa kwendima (c) yesigatjana (2) ngendima elandelako:

“(c) ihlathululo yawo woke amacala aphaathelene nokuthengiswa kwamarekhodi womphakathi ngendlela engekho emthethweni aphenywe **[maBulungelo-milando wePhrovinsi]; [begodu]**”;

(d) ngokujanyiselelwa kwendima (d) yesigatjana (2) ngendima elandelako:

“(d) inani elivunyiweko lamarherho wokwahlukanisa amarekhodi ngeengaba; begodu”;

(e) ngokufakwa kwendima elandelako ngemva kwendima (d) yesigatjana (2):

“(e) ihlathululo yazo zoke iinhlangano zombuso ezibhalelwe kukhambisana nalomThetho.”;

- (f) ngokujanyiselelwa kwendima (a) yesigatjana (3) ngesigatjana esilandelako:

“(3) UmBulungi-milando kanye nomKhandlu kufuze ethule imibiko ekunqotjhiswe kiyo esigatjaneni (1), kuHloko yomNyango.”; begodu

- (g) ngokwesulwa kwendima (b) yesigatjana (3).

12. Ukutjhugululwa kwesiGaba 11 somThetho 5 ka-2001

Isigaba esilandelako ngalokhu sijanyiselelwa ngesigaba 11 somThetho oyihloko:

- “(1) USomkhandlu angahloma iindawo zamabulungelo-milando eziwela ngaphasi kwelawulo lomBulungi-milando isikhathi esinye nesinye ngokwenza isaziso eGazedeni yePhrovinsi ukwenzela bonyana kutlhogonyelwe begodu kubulungwe amarekhodi
- (2) Amarekhodi womphakathi akhonjwe njengalawo azakuhlala akhombisa ubugugu ngaphasi kwegunya lokuthengisa kufuze adluliselwe endaweni yamabulungelo-milando nasele aqede iminyaka ema-20: Nangabe-
- (a) awukho omunye umthetho ofuna bonyana amarekhodi anjalo athogonyelwe yihlangano ethize yombuso nanyana mumuntu othize;
- (b) umBulungi-milando angakghona ukukhomba amarekhodi ngemva kokuthintana nehloko yehlangano yombuso, okumarekhodi ekufuze-
- (i) athogonyelwe yihlangano yombuso; nanyana
- (ii) adluliselwe endaweni yamabulungelo-milando ngaphambi kobana abe khona iminyaka ema-20
- (c) umBulungi-milando angariyadisa ukudluliswa kwananyana ngikuphi ukudluliswa kwamarekhodi womphakathi; begodu
- (d) nangabe umBulungi-milando anganikela imvumo yokudlulisela nanyana ngiliphi irekhodi lomphakathi endaweni yamabulungelo-milando ngaphambi kobana aqede iminyaka ema-20.
- (3) USomkhandlu angajamisa ubujamo nemibandela elawula ukudluliswa

kwamarekhodi ngaphasi kwesigatjana (2).”.

13. Ukutjhugululwa kwesigaba 12 somThetho 5 waka-2001

Isigaba 12 somThetho omkhulu lapha sitjhugululwa –

(a) ngokujanyiselelwa kwesigatjana (1) sesigatjana esilandelako:

“(1) Ngokuyame komunye nomunye umthetho oqalene nokufikelelwa kwamarekhodi –

- (a) irekhodi lomphakathi elisendaweni yebulungelo-milando kufuze lifikelelwe mphakathi nayikuthi isikhathi esiminyaka ema-20 sele siphelile solo kwaphela unyaka irekhodi elabakhona ngawo;
- (b) ukufikelela irekhodi lomphakathi elingakaphelelwa sikhathi seminyaka ema-20 solo kwaphela unyaka elabakhona ngawo, kunganikelwa mBulungi-milando ngesibawo;
- (c) irekhodi okungasilo lomphakathi elisendaweni yebulungelo-milando kufuze lifikelelwe mphakathi kuyame ebuja meneni obunye nobunye okuvunyelwene ngabo ekufunyanweni kwalo ngokuya kwesigaba 14(1) salomThetho; begodu
- (d) umBulungi-milando angala ukunikela ngokufikelela irekhodi ngebanga lobujamo obumbi berekhodi ngaphandle kwalokha okumumethwe lirekhodi kunganikelwa ngendlela engeze yabeka engozini ukubulungwa kwerekhodi lelo.”

(b) ngokusulwa kweengatjana (2) no (3).

14. Ukutjhugululwa kwesigaba 13 somThetho 5 waka-2001

Isigaba esilandelako lapha sijanyiselelwa sigaba 13 somThetho omkhulu:

“13. Ukuphathwa kwamarekhodi womphakathi

- (1) UmBulungi-milando usebenza ukuphatha kuhle nokutlhogomela amarekhodi womphakathi alawulwa maziko wombuso.
- (2) Akunarekhodi lomphakathi eliwela ngaphasi kweziko lombuso elingadluliselwa endaweni yebulungelo-milando, litjhabalaliswe, lisulwe namkha ngenye indlela liqedwe ngaphandle kokukhutjiswa kwesigunyazo esitloliweko esibuya kumBulungi-milando.
- (3) UmBulungi-milando kufuze ahlolisise amarekhodi womphakathi ukufika lapho ukuhlolisisa kungatlhogeka khona ekwenziweni kwemisebenzi yomBulungi-milando ngaphasi kwalomThetho.
- (4) IHloko yomNyango inganande ikhupha imilayo okufuze ikhambisane nalomThetho, mayelana nokuphathwa nokutlhogonyelwa kwamarekhodi womphakathi alawulwa maziko wombuso.”

15. Ukufakwa kwesigaba 13A somThetho 5 waka-2001

Isigaba esilandelako sifakwa lapha ngemva kwesigaba 13 somthetho omkhulu:

“13A. Umphathi wamarekhodi

Ihloko yeziko lombuso kufuze iqinisekise bona iziko lombuso likhambisana neemfuno zalomThetho begodu ukwenzela lomnqopho kufuze ikhombe namkha iqatjhe isiphathiswa esizakuba mphathi wamarekhodi weziko lelo.”

16. Ukutjhugululwa kwesigaba 14 somThetho 5 waka-2001

Isigaba 14 somThetho omkhulu lapha sitjhugululwa ngokujanyiselelwa kwesigatjana (3) sesigatjana esilandelako:

“(3) Akunamuntu namkha isikhungo esinamarekhodi womphakathi arekhodwe erhemeni lephrovinsi okukhulunywe ngalo esigabeni [6(4)(e)] 5(1)(i) okufuze sitjhabalalise, sithumele ngaphandle kwePhrovinsi namkha ngenye indlela siphelise amarekhodi anjalo ngaphandle –

- (a) kokubika ngehloso yakhe yokuphelisa amarekhodi [emKhandlwini] kumBulungi-milando ubuncani bakhona amalanga ama-90 [ukwenzela ukuragelisa phambili] ngaphambi kwesenzo esinjalo; kanye
- (b) [kokufumana] kokuthola invumo yomBulungi-milando esenzweni esinjalo.”

17. Ukutjhugululwa kwesigaba 15 somThetho 5 waka-2001

Isigaba 15 somThetho omkhulu lapha sitjhugululwa –

- (a) ngokujanyiselelwa kwesigatjana (1) sesigatjana esilandelako:

“(1) Umuntu [omNqophisi] oyiHloko yemiSebenzi yeBulungelo-milando namaRekhodi emNyangweni [wezemiDlalo, ubuKghwari namaSiko ePhrovinsini] msinyana ngaphambi kokuthoma ukusebenza kwalomThetho, kufuze aragele phambili nge-ofisini njengomBulungi-milando bekufike lapho kuqatjiswa umBulungi-milando ngokuya kwesigaba 2 salomThetho”;

- (b) ngokujanyiselelwa kwesigatjana (2) sesigatjana esilandelako:

“(2) Amarekhodi aphethwe [mNqophisi] yiHloko yemiSebenzi yeBulungelo-milando namaRekhodi emNyangweni [wezemiDlalo, ubuKghwari namaSiko ePhrovinsini] ngelinye ilanga msinyana ngaphambi kokuthoma ukusebenza kwalomThetho, adluliselwa kumBulungi-milando ngokuya kobujamo ebebusebenza emarekhodini anjalo mhloko”;

kanye

(c) nangokusulwa kwesigatjana (3).

18. Ukutjhugululwa kwesigaba 16 somThetho 5 waka-2001

Isigaba 16 somthetho omkhulu lapha sitjhugululwa ngokujanyiselelwa kwesigatjana (2) sigatjana esilandelako:

“(2) Omunye nomunye umuntu obhalelwa kukhambisana nesigaba 14(3) wephule umthetho begodu nakangafunyanwa anomlandu uzakuhlawuliswa ihlawulo [engadluli i-R10 000] namkha ukudosa ejele namkha kokubili ihlawulo nokudosa ejele.”

19. Ukufakwa kwesigaba 17A emThethweni 5 waka-2001

Isigaba esilandelako lapha sifakwa ngemva kwesigaba 17 somThetho omkhulu:

“17A. Ukuqintelwa kokuziphendulela ngokomthetho

Akunambuso namkha omunye umuntu onokuziphendulela ngomonakalo namkha ilahleko ebangwe –

- (a) kusebenzisa amanye namanye amandla namkha ukwenza omunye nomunye umsebenzi ngaphasi kwalomThetho; namkha
- (b) kubhalelwa kusebenzisa amanye namanye amandla namkha ukwenza omunye umsebenzi ngaphasi kwalomThetho, ngaphandle kwalokha ukusebenzisa namkha ukubhalelwa kusebenzisa amandla namkha ukwenza namkha ukubhalelwa kukwenza omunye nomunye umsebenzi bekungasi semthethweni, kungatjheji namkha kungehloso yokukhohlisa.”

20. Ukutjhugululwa kwesigaba 19 somThetho 5 waka-2001

Isigaba 19 somThetho omkhulu lapha sitjhugululwa ngokujanyiselelwa kwesigaba sesigaba esilandelako:

“LomThetho [ubizwa] umThetho we[Phrovinsi] yeLimpopo wemiSebenzi yamaBulungelo-milando nokuPhathwa kwamaRekhodi waka-2001 begodu uthoma ukusebenza ngelanga elizakwaziswa nguNdunakulu ngesimemezelo eGazedini yePhrovinsi.”

21. Ithayithili efitjhani

LomThetho mThetho wePhrovinsi yeLimpopo wemiSebenzi yamaBulungelo-milando nokuPhathwa kwamaRekhodi waka-2001.

**IMEMORANDAMU NGEMINQOPHO YOMTHETHOMLINGWA
WAMATJHUGULUKO WEPHROVINSI YELIMPOPO WEMISEBENZI
YAMABULUNGELO-MILANDO NOKUPHATHWA KWAMAREKHODI
WAKA-2001**

1. ISENDLALELO NOMNQOPHO WOMTHETHOMLINGWA

- 1.1 UmThetho weLimpopo wamaBulungelo-milando waka-2001 (umThetho 5 waka-2001) lapha obizwa ngo”mThetho” omkhulu wavunywa nguNdunakulu weLimpopo ngomhlaka 12 Oktoba 2001 begodu wathoma ukusebenza ngomhlaka 1 Feberbari 2004.
- 1.2 UmThetho omkhulu uqalelela amabulungelo-milando, uqalelela ukuphathwa kuhle nokutlhogonyelwa kwamarekhodi wamaziko wombuso ePhrovinsini, ukubulungwa nokusetjenziswa kwamabulungelo-milando wamafa wePhrovinsi, ukuhlonywa komKhandlu weLimpopo wezamaBulungelo-milando kanye neendaba ezikhambelana nalokhu.
- 1.3 Ukusuka ngelanga lokuthoma ukusebenza komThetho, umKhandlu weLimpopo wezamaBulungelo-milando (‘lapha obizwa ngomKhandlu’) awukahlonywa. Kunetlhogeko yokuhlonywa komKhandlu kodwana ngaphambi kwalokho, umThetho omkhulu kufanele utjhugululwe kwamanye amahlangothi. UmThethomlingwa ufuna ukuveza ukuqatjiswa komBulungi-milando ngokuya kobujamo bomThetho wokuPhathwa kwabaSebenzi bomBuso waka-1994 (isimemezelo 103 saka-1994). UmThethomlingwa godu ufuna ukwehlisa isibalo samalunga angakhethelwa umKhandlu. UmThethomlingwa godu ufuna ukuqintela amandla womKhandlu abe ngilawo wokuyelelelisa begodu ukudlula lapho ukususa elinye nelinye ilungelo lokudluliselwa emKhandlwini kweenqunto. UmThethomlingwa godu uhlongoza bona umsebenzi wezokuphatha womKhandlu wenziwe li-ofisi lakamabhalana elibuya emNyangweni begodu uhlongoza bona iimbonelelo zemihlangano zibhadelwe ukusuka eemalini zomNyango. UmThethomlingwa godu uhlongoza bona iingaba lezo eziqalene neemali zomKhandlu kanye nokuziphendulela zisulwe, khona umThetho uzakukhambisana neenjamiso zomThetho wokuPhathwa kweeMali zomBuso waka-1999 (umThetho 1 waka-1999). UmThethomlingwa godu ufuna ukwenza isijamiso sokubika ngekota ukungezelela ekubikeni ngonyaka mBulungi-milando nomKhandlu. Amanye amatjhuguluko ahlongozwako amhlobo womtlole nemiphumela.

2. IMIPHUMELA KWEZOKUHLALISANA

Ayikho.

3. UKUCOZULULA UMUTJHO NOMUTJHO

- 3.1. Isigaba 1 sitjhugulula ithayithili ede yomThetho omkhulu.
- 3.2. Isigaba 2 sisula begodu sifaka iinhathululo zomThetho omkhulu.
- 3.3. Isigaba 3 sisula ukuqalisa ekuhlonyweni kwamaBulungelo-milando wamaPhrovinsi begodu siqalelela nokuqatjha komBulungi-milando wePhrovinsi ngokuya komThetho wokuPhathwa kwabaSebenzi bomBuso waka-1994 (isiMemezelo 103 saka-1994).
- 3.4. Isigaba 4 sitjhugulula isigaba 3 bona sifundeke ngalendlela: “Iminqopho yomThetho” begodu ngokulungileko sibeka imisebenzi yomKhandlu njengominqopho womThetho.
- 3.5. Isigaba 5 litjhuguluko lesithekniki.
- 3.6. Isigaba 6 sifaka amandla wamazombe angezelelweko womBulungi-milando begodu siletha yoke imisebenzi etholakala lapha okhanye emThethweni ngaphasi kwesigaba lesi esiqalene nemisebenzi. Godu sisusa itlhogeko yokuvuma komKhandlu ukubekela ngeqadi okunikelwe ngaphasi komthetho omkhulu.
- 3.7. Isigaba 7 sehlisa isibalo samalunga womKhandlu begodu sitjhugulula indlela yokuqatjha nguSo/Nomkhandlu. Ukudlula lapho godu siqintela imisebenzi yomKhandlu bona ibe ngileyo yokwelusa begodu sibeka emKhandlwini isibopho sokulethwa kweqhinga lezebhizinisi. Isigaba godu siqalelela ukubhadelwa kweembonelelo zemihlangano ukusuka eemalini zomNyango.
- 3.8. Isigaba 8 siqalelela bona umNyango unikele ngomabhalana emKhandlwini.
- 3.9. Isigaba 9 sisula isigaba 8 somThetho omkhulu khona kuzakuba nokuqalisa esekelweni leemali kanye nokuvulwa kwama-akhawunti webhanka ahlukeneko womKhandlu njengesijamiso esenzelwe iimbonelelo zemihlangano kanye neendleko zokukhamba ezizakubhadelwa ukusuka eemalini zomNyango.
- 3.10. Isigaba 10 sisula isigaba 9 somThetho omkhulu ukuletha ukukhambisana komThetho neenjamiso zomThetho wokuPhathwa kweeMali zomBuso waka-1999 (umThetho 1 waka-1999) njengombana iHloko yomNyango isiphathiswa

esiziphendulelako somKhandlu.

- 3.11. Isigaba 11 sibeka isibopho sokubika ngekota kanye nangonyaka mBulungi-milando kanye nomKhandlu, sifaka izinto ezitjha okufanele zibikwe mBulungi-milando begodu imibiko izakulethwa kuHloko yomNyango esikhundleni sakaSo/Nomkhandlu. Godu sisula ifuneko yokobana imibiko leyo kufanele yethulwe esiBethamthethweni.
- 3.12. Isigaba 12 litjhuguluko lezomtlolo.
- 3.13. Isigaba 13 siletha isigaba esitjheja ukufikelela okukhambelana neenjamiso zomThetho woKhutjhulwa kokuFikelelwa kweLwazi waka-2000 (umThetho 2 waka-2000).
- 3.14. Isigaba 14 litjhuguluko lomtlolo lapho ukubuyelelwa okuthileko kusuliwe begodu ezinye iingaba zisusiwe begodu zabekwa lapho okhunye emThethweni omkhulu.
- 3.15. Isigaba 15 sifaka isigaba esitjha esinikela ngomphathi wamarekhodi.
- 3.16. Isigaba 16 silungisa ukuqalisa-buvundla esigabeni esisuliweko begodu siqalelela ukubika ngehloso yokuphelisa kumBulungi-milando kanye nokuvuma ukuphelisa okunjalo mBulungi-milando esikhundleni somKhandlu.
- 3.17. Isigaba 17 sijamiselela “umNqophisi” ngesikhundla sakhe esilungileko begodu sisula ukutjihiwo kwezemiDlalo, ubukghwari namaSiko njengombana kubizwa umNyango.
- 3.18. Isigaba 18 sisusa inani lehlawulo ezakubekwa.
- 3.19. Isigaba 19 sifaka isigaba seqintelo lokuziphendulela ngokomthetho.
- 3.20. Isigaba 20 sitjhugulula ithayithili efitjhani yomThetho omkhulu.
- 3.21. Isigaba 21 yithayithili efitjhani yomThetho.

4. IMIPHUMELA KWEZEEMALI

Kuzakuba neendleko zokukhutjwa komThethomlingwa egazedini yombuso kanye nokukhangiswa komThethomlingwa emaphephandabeni amabili. Godu kuzakuba neendleko zezaziso emaphephandabeni amabili ezimema ukukhethwa kwamalunga womKhandlu kanye neendleko zesaziso eGazedini esihloma umKhandlu onamalunga alikhomba. Ngemva kokuhlonywa komKhandlu, umNyango uzakukateleleka ukusekela ngeemali iindleko zokukhamba, ezinye iindleko ezivela ngebanga lemisebenzi

yomKhandlu kanye neembonelelo zemihlangano yamalunga anjalo. UmKhandlu uzakukateleleka ukuletha iqhinga lezebhizinisi kuSo/Nomkhandlu bona alivume.

5. IMIPHUMELA KUBASEBENZI NEHLANGANWENI

UmThethomlingwa wamaTjhuguluko uhlongoza bona i-ofisi lakamabhalana linikelwe mNyango emKhandlwini wamaBulungelo-milando weLimpopo.

6. IMIPHUMELA KWEZOMTHETHOSISEKELO

Ayikho.

7. IINKHUNGO OKUBONISENWE NAZO

Kubonisenwe nomNyango wezemiDlalo, ubuKghwari namaSiko kanye nabaYelelisi bezomThetho bakaRhulumende nge-Ofisini lakaNdunakulu.

TSEBIŠO KAKARETŠO

GENERAL NOTICE 217 OF 2010

TAOLO YA PROFENSE YA LIMPOPO

KGORO YA DIPAPADI, BOKGABO LE SETŠO

MOLAOKAKANYWA PHETOŠWA WA DITIRELO TŠA TAOLO YA DIKGATIŠO LE DIPOLOKO TŠA PROFENSE YA LIMPOPO WA 2010

Go ya ka Melao Kemo le Ditaello tša Lekgotlatheramelao la Limpopo, Molaokakanywa Phetoswa wa Ditirelo tša Taolo le Dipoloko tša Profense wa Limpopo wa 2010 o phatlalatšwa fa bakeng sa setšhaba gore se dire ditshwayotshwayo.

Mekgatlho goba motho yo a nyakago go dira ditshwayotshwayo ka ga tokomane yeo e bolelwago a ka dira bjalo ka go ngwala, pele ga 06/08/2010, ka:

Hlogo ya Kgoro

Dipapadi Bogabo le Setšo

Private Bag X 9459

POLOKWANE

0700

GO YA GO: Jabu Nkatingi

Mogal: (015) 284 4043

Feks: 086 546 0880

nkatingij@sac.limpopo.gov.za

LEKGOTLATHERAMELAO LA LIMPOPO

**MOLAKAKANYWA-PHETOŠWA WA DITIRELO TŠA TAOLO YA DIKGATIŠO LE GO
LOTA TŠA PROFENSE WA LIMPOPO WA 2010**

Bjalo ka ge o tsebagaditšwe ke

**(LELOKOPHETHIŠI LEO LE RWELEGO MAIKARABELO A DIPAPADI, BOKGABO
LE SETŠO)**

MOLAOKAKANYWA

Go fetoša Molao wa Go Lota wa Profense ya Limpopo wa 2001 (Molao 5 wa 2001) go ka fetoša taetlele e telele; laola go bewa ga Moloti, lekanetša palo ya maloko ao a beiwago ka go Khansele le maatla a Khansele; go ka beakanyetša diputseletšo tša Maloko a Khansele le go tliša leano la mošomo wa Khansele; go beakanyetša Mongwaledi wa Khansele; go tloša dipeakanyetšo tšeo di amanago le ditšhelete tša Khansele le mohlankedi mogolo wa Khansele; go beakanyetša go bega ka kotara ka kotara ke Moloti le Khansele; go tsenya tekanyetšo ka ga mafokodi; go fetoša taetlele e kopana ya Molao le go beakanyetša ditaba tšeo di sepelelanago le tšeo.

O PHETHAGATŠWE KE Lekgotlatheramelao la Limpopo ka mo go latelago:—

1. Go ema legato Thaetlele e Telele

Thaetlele e telele ya Molao wa Go Lota wa Profense ya Limpopo wa 2001 (Molao 5 wa 2001), mo le morago ga fa ewo e bitšwa “Molao mogolo” e fa go fetošwa ka go emela legato la thaetlele e telele ya thaetlele e telele ye e latelago:

“Go ka beakanyetša [go hlangwa ga] Dilotwa tša Profense [Profense] ya Limpopo; go beakanyetša go bewa ga Moloti; taolo ya maleba le tlhokomelo ya dikgatišo tša makala a mmušo ka [Profenseng] ya Limpopo; go bolokwa le go šomišwa ga [Profense ya Limpopo] Bohwa bja Dilotwa tša Limpopo; go hlongwa ga Khansele ya Go Lota ya Limpopo; le go ka beakanyetša ditaba tšeo di sepelelanago le tšona.”.

2. A Go fetošwa ga Karolo 1 ya Molao 5 wa 2001

Karolo 1 ya Molao Mogolo, e fa go fetošwa —

- (a) Ka go tloša tlhaloso ya “Go Lota”;
- (b) go bea legato tlhaloso ya “Khansele” ya tlhaloso yeo e latelago:
““**Khansele**” ke gore Khansele ya Go Lota ya Limpopo yeo go bolelwago ka yona ka go karolo 6;”;
- (c) Ka go tsenya ka morago ga tlhaloso ya “maikarabelo” a tlhaloso ye e latelago:

“‘Kgoro’ ke gore Kgoro yeo e rwelego maikarabelo a ditaba tša Go Lota ka Profenseng;”;

- (d) ka go emela legato tihaloso ya “bolaodi bja go phatlalatša” ya tihaloso ye e latelago:

“‘bolaodi bja phatlalatšo’ ke gore tumelelo ya go ngwalwa yeo e filwego [go ya ka] ke Moloti bjalo ka ge go beilwe ka go karolo 13(2)[(a)] bontšha dikgatišo tšeo di tlogo fetišetšwa go [tlhokomelo ya Dilotwa tša Profense] lefelo la polokelo goba go bontšha dikgatišo tšeo di swanetšwego ke go senywa, go tlošwa goba go phatlalatšwa ka tsela e nngwe;”;

- (e) ka go tloša tihaloso ya “Profense”;
- (f) ka go emela legato tihaloso ya “Dilotwa tša Profense” ya tihaloso ye e latelago:

“‘Dilotwa tša Profense’ ke gore dikgatišo tšeo di beilwego lefelong la go Lota ka gare ga Profense;” gape

- (g) ka go tsenya ka morago ga tihaloso ya “kgatišo ya setšhaba” ya tihaloso ye e latelago:

“‘Molao wa Tirelo ya Setšhaba wa 1994’ ke gore Moalo wa Tirelo ya Setšhaba wa 1994 (Tsebišo 103 ya 1994);”.

3. Go fetoša Karolo 2 ya Molao 5 wa 2001

Karolo 2 ya Molao mogolo e fa go fetošwa —

- (a) Ka go emela legato lefoko la pharologanyo ya lefoko la pharologanyo ye e latelago:

“[Tlhango] Go beiwa ga Moloti wa [Dilotwa tša Profense];”

- (b) ka go tloša karolwana (1); le

- (c) ka go emela legato karolwana (2) ya karolwana ye e latelago:

“(2) Dilotwa tša Profense di laolwa ke Moloti, yoo a bewago ke [MEC] go ya ka Molao wa Tirelo ya Setšhaba wa 1994 go lebeletšwe maitemogelo a seprofešene a Moloti le maswanedi[maswanedi] a boboloki a maleba.”.

4. Go fetoša karolo 3 ya Molao 5 wa 2001

Karolo ye e latelago e emelwalegato mo ke karolo 3 ya Molao mogolo:

“3. Dinepo tša Molao

“Dinepo tša Molao wo ke go—

- (a) boloka dikgatišo tša setšhaba le tše e sego tša setšhaba tša boleng bjo bo kgotlelelago tše di ka go šomišwa ke setšhaba le mmušo;
- (b) dira gore dikgatišo tše di fihlelelege le go godiša tšhomišo ya tšona ke setšhaba;
- (c) netefatša taolo ya maleba le tlhokomelo ya dikagatišo tša setšhaba;
- (d) kgobokanya dikgatišo tše e sego tša setšhaba tša boleng bjo bo kgotlelelago le mohola wa profense tše di ka se bolokego ke lekala le lengwe, go lebeletšwe nyakego ya go ngwala fase dintlha tša maitemogelo a setšhaba a tlhokomologo ya mafelo a bobolokelo a go feta;
- (e) godiša tšhomišano le kgokaganyo magareng ga makala ao a nago le dikgatišo tše e sego tša setšhaba tše di nago le boleng bja go kgotlelela;
- (f) godiša temogo ya taolo ya Go Lota le dikgatišo le go tutuetša taolo ya Go Lota le dikgatišo le makgotla; gape ka kakaretšo, go godiša poloko le tšhomišo ya bohwa bja Dilotwa tša profense.”.

5. Phetošo ya karolo 4 ya Molao 5 wa 2001

Karolo 4 ya molao Mogolo e fa go fetošwa—

(a) ka go emela legato karolwana (1) ya karolwana ye e latelago:

“(1) Ge Moloti [a swanetše gore ka go mošomo wa Moloti] a dire mošomo_wa gagwe, Moloti o swanetše a thušwe ke [bahlankedi le bašomi] batho ba ba beilwego go ya ka Molao wa Tirelo ya Setšhaba wa 1994 [(Phatlalatšo ya 103 ya 1994)].”;

(b) ka go emela legato temana ya (a) ya karolwana (2) ya karolwana ye e latelago:

“(2)[(a)] Moloti a ka, go eya ka mabaka a mangwe le a mangwe, fana ka maatla goba a fa [mošomedi o mongwe le o mongwe] modiro wa batho bao go bolwelwago ka bona ka go karolwana (1) gomme a ka re ka nako e nngwe le e nngwe a emiša ka go fana ka maatla ao goba mošomo woo.”; gape

(c) ka go emela legato karolwana ya temana (b) ya karolwana (2) ya karolwana ye e latelago:

“[(b)] (3) Go fana ka modiro bjalo ka ge go bolelwa ka go karolwana (2), ga se gwa swanelwa go tšeela Moloti maatla ao a filwego goba mošomo wo a o filwego, gomme Moloti a ka re ka nako e nngwe le e nngwe a fetoša goba a bea ka thoko sephetho seo se dirilwego gona fao, goba a tšea magato a go dira mošomo woo o bolelwago.”.

6. A Go fetošwa ga karolo 5 ya Molao 5 wa 2001

Karolo 5 ya Molao mogolo e fetošwa fa—

(a) ka go emelalegato temana (c) ya karolwana (1) ya temana ye e latelago:

“(c) ka go gatelela mediro yeo e diretšwego go fihlelela ditšhaba tšeo di ihlokelago, dira tshedimošo yeo e tsebjago ka ga dikgatišo ka tsela ya go e phatlalatša, dipontšho le dikadimo tša dikgatišo; [gape]”;

- (b) ka go emela legaoto temana (d) ya karolwana (1) ya temana ye e latelago:

“(d) nyaka motho wo a šomišitšego dikgatišo ka go Dilotwa tša Profense ge a be a dira dinyakišišo ka phatlalatšo goba sengwalwa go ka fana ka khophi goba sengwalwa go **[Boloti bja Profense.] Moloti;**”;

- (c) ka go tlaleletša karolwana (1) ka morago ga temana (d) ya ditemana tše di latelago:

“(e) tšea magato a go swana le a bohlokwa go boloka le go lota dikgatišo

(f) bontšha mokgwa wa tlhathollo ya dikgatišo yeo e tla go dirwa ke makala a mmušo;

(g) bontšha mabaka ao ka wona mekgwa ya dikgatišo ya eleketroniki e swanetšwego go laolwa ka gona;

(h) bontšha mabaka ao ka wona dikgatišo di ka gatišwago gannyane goba tša tšweletšwa gape;

(i) boloka lenaneo la dikgatišo tše e sego tša setšhaba ka gare ga Profense tšeo ka kgopolo ya Moloti di nago le boleng bjo bo kgotlelelago; gape

(j) tšea magato a mangwe le go dira mediro e mengwe bjalo ka ge e ka ba bohlokwa go ka kgontšha go fihlelela dinepo tša Molao wo.”;
le

- (d) ka go ema legato temana ya (d) ya karolwana (2) ya temana ye e latelago:

“(d) mmogo le MEC **[le Khansele]** ntšha lekala la mmušo go peakanyetšo ya Molao wo.”.

7. Go fetošwa ga karolo 6 ya Moalo 5 wa 2001

Karolo 6 ya Molao mogolo e fa go fetošwa—

- (a) ka go emela legato molaetša wa pharologanyo ya molaetša wa pharologanyo wo o latelago:

“Tihango, molaotheo le mediro ya Khansele ya Go Lota ya Limpopo”

- (b) ka go emela , go emela legato karolwana (1) ya karolwana ye e latelago:

“(1) MEC a ka, ka kuranta ya profense, hlama khansele yeo e tlogo tsebja ka Khansele ya **[Profense]** ya Limpopo.”;

- (c) ka go emela legato karolwana (2) ya karolwana ye e elatelago:

“(2) Khansele e tla ba le Moloti le gona e sego go feta palo ya maloko a **[senyane] maloko a mangwe a šupa** a tla bewa ke MEC go tšwa go batho bao ba nago le tsebo ya, **[goba ba nago le kgahlego]** maswanedi goba maitemogelo ka ga [.]ditaba tša Go Lota.”;

- (d) ka go ema legato temana (b) ya karolwana (4) ya temana ye e latelago:

“(b) eletša **[le go thuša]** Moloti **[ka go dira] dikgopelo go ka tšwetša pele** dinepo **[le mediro]** ya Molao wa **[Dilotwa tša Profense]**; le”;

- (e) ka go emela legato temana (c) ya karolwana (4) ya temana ye e latelago:

“(c) godiša kgokaganyo ya popo ya pholisi ya Go Lota le go godiša kgokaganyo ya popo ya pholisi ya Go Lota le go beakanya ka **[profenseng;] Profenseng**.”;

- (f) ka go tloša ditemana (d), (e) le (f) tša karolwana (4);

- (g) ka go emela legato karolwana (7) ya karolwana ye e latelago:

“(7) Khansele goba komiti e nngwe le e nngwe e ka, morago ga go boledišana le mošomedi mogolo wa Kgoro hwetša motho o mongwe le o mongwe yo a ka šomago ka Khansele goba ka gare ga komiti, ka wona mokgwa woo, ka maemo a go eletša, efeela leloko lona leo le nyakilwego ga la swanela go ba le ditokelo tša go bouta.”;

(h) ka go emela legato karolwana (8) ya karolwana ye e latelago:

“(8) Leloko la mehleng goba leloko leo le nyakilwego leo go bolelwago ka lona ka go karolwana (7), leo e lego gore ga se la go šomela mmušo go ya go ile, le swanetšwe go lefelwa ka ditšhelete tša **[Khansele]** Kgoro, diputseletšo tša dikopano le ditshenyagalelo tša maeto le tše dingwe tšeo di dirwago ke leloko leo, ge a tla be a dira mediro ya Khansele, bjalo ka ge MEC a ka bontšha ka tšhomišano le Molekgptla Phethiši wa Matlotlo”; le

(i) ka go tlaleletša morago ga karolwana (8) ya karolwana ye e latelago:

“(9) Khansele e swanetše go tliša leano la yona la mošomo go MEC go ka le dumelela.”.

8. Phetošo ya karolo 7 ya Molao 5 wa 2001

Karolo 7 ya Molao o mogolo ka go realo e a fetošwa —

(a) ka go fetola ntlhatemošo ya morumong ya ntlhatemošo ya morumong ye e latelago:

[Mongwaedi le bahlankedi] Bongwaledi bja Khansele”;

(b) ka go fetola karolwana (1) ya karolwana ye e latelago:

“(1) Kgoro e swanetše go abelana ka ditirelo tša bongwaledi go Khansele.”; le

(c) ka go phumolwa ga karolwana (2).

9. Phetošo ya karolo 8 ya Molao 5 wa 2001

Karolo 8 ya Molao o mogolo ka go realo e a phumolwa.

10. Phetošo ya karolo 9 ya Molao 5 wa 2001

Karolo 9 ya Molao o mogolo ka go realo e a phumolwa.

11. Phetošo ya karolo 10 ya Molao 5 wa 2001

Karolo 10 ya Molao o mogolo ka go realo e a fetošwa—

(a) ka go fetola ntlhatemošo ya morumong ya ntlhatemošo ya morumong ye e latelago:

“Dipego [tša Ngwaga] ka Mohlankedi wa diakhaebe le Khansele”;

(b) ka go fetola karolwana ya (1) ya karolwana ye e latelago:

“(1) Mo mafelelong a kotara le ngwaga o mongwe le o mongwe wa matlotlo, Mohlankedi wa diakhaebe o swanetše go hlama pego ka mediro ka moka ye e amanago le diakhaebe/bolotadingwalwa **[Diakhaebe tša Profense]** tša kotara le ngwaga woo wa matlotlo gomme Khansele e swanetše go hlama pego ka mediro ka moka ya Khansele ya kotara le ngwaga woo wa matlotlo.”;

(c) ka go fetola temana ya (c) ya karolwana (2) ya temana ye e latelago:

“(c) tlhalošo ya melato ka moka ya phedišo ye e sa dumelelwago ya direkote tša mmušo yeo e nyakišišitšwego **[ke Diakhaebe tša Profense]; [le];**”

(d) ka go fetola temana ya (d) ya karolwana (2) ya temana ye e latelago:

“(d) palo ya mananeotlhopho a direkote ao a dumeletšwego; le”;

(e) ka go tsenywa ka morago ga temana (d) ya karolwana (2) ya temana ye e latelago:

- “(e) tlhalošo ya makala ka moka a mmušo ao a paletšwego ke go obamela Molao wo.”;
- (f) ka go fetola temana ya (a) ya karolwana (3) ya karolwana ye e latelago:
- “(3) Mohlankedi wa diakhaebe le Khansele ba swanetše go tliša dipego tšeo go bolelwago ka tšona go karolwana (1), go Hlogo ya Kgoro.”; le
- (g) ka go phumolwa ga temana (b) ya karolwana (3).

12. Phetošo ya Karolo 11 ya Molao 5 wa 2001

Karolo ye e latelago ka go realo fetotšwe ke Karolo 11 ya Molao o mogolo:

- “(1) MEC a ka, nako le nako ka tsela ya tsebišo ka go Kuranta ya Mmušo, hloma mafelo a go bolokela diakhaebe ka fase ga taolo ya Mohlankedi wa diakhaebe go boloka le go babalela direkote.
- (2) Direkote tša setšhaba tše di hlaotšwego bjalo ka tšeo di nago le boleng bia go kgotlelela ka go taolo ya phedišo di swanetše go fetišetšwa go lefelo la go bobolokela diakhaebe ge e le gore di be di le gona mengwaga ye 20: Ge e le gore—
- (a) ga go molao wo mongwe wo o nyakago gore direkote tše di bolokwe ka fase ga tlhokomelo ya lekala la lengwe le le itšego la mmušo goba motho;
- (b) Mohlankedi wa diakhaebe, ka morago ga go rerišana le hlogo ya lekala la mmušo, a ka hlaola direkote tšeo di swanetšego go—
- (i) šala ka fase ga tlhokomelo ya lekala la mmušo; goba
- (ii) fetišetšwa go lefelo la go bobolokela diakhaebe pele ga ge di be di le gona mengwaga ye 20;
- (c) Mohlankedi wa diakhaebe a ka šuthiša go fetišetšwa ga direkote dife goba dife tša setšhaba; le

- (d) Mohlankedi wa diakhaebe a ka fana ka tumelelo ya gore direkote dife goba dife tša setšhaba di fetišetšwe go lefelo la go bobolokela diakhaebe pele ga ge di be di le gona mengwaga ye 20.
- (3) MEC a ka bea mabaka le dipeelano tše di laolago phetišetšo ya direkote ka fase ga karolwana (2)."

13. Phetošo ya karolo 12 ya Molao 5 wa 2001

Karolo 12 ya Molao o mogolo ka go realo e a fetošwa—

- (a) ka go fetola karolwana ya (1) ya karolwana ye e latelago:

"(1) Go ya ka molao ofe goba ofe wo o bolelago ka phihlelelo ya direkote—

- (a) rekote ya setšhaba yeo e bolokilwego ka lefelong la go bobolokela diakhaebe e swanetše go ba gona go fihlelelwa ke setšhaba ge e le gore mengwaga e 20 e fetile go tloga mafelelo a ngwaga ao ka go ona rekote e thomilego go ba gona;
- (b) phihlelelo go rekote ya setšhaba moo go yona paka ya mengwaga ye 20 e sego ya fela go tloga mafelelo a ngwaga ao ka go ona rekote e thomilego go ba gona, e ka fiwa ke Mohlankedi wa diakhaebe ge e kgopelwa;
- (c) rekote ye e sego ya setšhaba yeo e hlokometšwego ke lefelo la go bobolokela diakhaebe e swanetše go ba gona go fihlelelwa ke setšhaba go ya ka mabaka afe goba afe ao go dumelelwanego ka ona ge e hwetšwa/rekwa go ya ka Karolo 14(1) ya Molao wo; le
- (d) Mohlankedi wa diakhaebe a ka gana ka phihlelelo go rekote ka baka la seemo sa yona sa go senyega gabonolo sa rekote ntle le ge phihlelelo ya rekote e ka fiwa ka tsela

yeo e lego gore e ka se šitiše pabalelo/polokelo ya rekote yeo.”

(b) ka go phumolwa ga dikarolwana (2) le (3).

14. Phetošo ya karolo 13 ya Molao 5 wa 2001

Karolo ye e latelago ka go realo e fetoletswa ke karolo 13 ya Molao o mogolo:

“13. Taolo ya direkote tša setšhaba

- (1) Mohlankedi wa diakhaebe o rwele maikarabelo a taolo ya maleba le tlhokomelo ya direkote tša setšhaba ka fase ga tlhokomelo ya makala a mmušo.
- (2) Ga go rekote ya setšhaba ye e lego ka fase ga taolo ya mmušo yeo e swanetšego go fetšetšwa go lefelo la go bobolokela diakhaebe, go senywa, go phumolwa goba ya fedišwa ka tsela ye nngwe ka ntle ga go ntšhiwa ga tumelelo ya go ngwalwa ke Mohlankedi wa diakhaebe.
- (3) Mohlankedi wa diakhaebe o swanetše go hlahloba direkote tša setšhaba malebana le ditlahlabo tše di ka bago bohlokwa mo phethagatšong ya mešomo ya Mohlankedi wa diakhaebe ka fase ya Molao wo.
- (4) Hlogo ya Kgoro a ka, nako le nako, ntšha ditaelo le ditaetšo, tšeo di swanetšego go sepelelana le Molao wo, go kgontšha taolo le tlhokomelo ya direkote tša setšhaba tše di lego ka fase ga tlhokomelo ya makala a mmušo.”

15. Go tsenywa ga Karolo 13A ya Molao 5 wa 2001

Karolo ye e latelago ka go realo e tsenywa ka morago ga Karolo 13 ya Molao o mogolo:

“13A. Molaola-direkote

Hlogo ya lekala la mmušo o swanetše go netefatša gore lekala la mmušo le obamela dinyakwa tša Molao wo le gona mabapie le morero wo o

swanetše go hlaola goba go thwala mohlankedi go ba molaola-direkote wa lekala leo.”.

16. Phetošo ya karolo 14 ya Molao 5 wa 2001

Karolo 14 ya Molao o mogolo ka go realo e fetošwa ka go fetola seka-temana sa (3) sa karolwana ye e latelago:

“(3) Ga go motho goba institšušene yeo e nago le direkote tše e sego tša setšhaba ka fase ga tlhokomelo ya bona tše di rekotilwego go lenaneo la profense leo go bolelwago ka lona go karolo **[6(4)(e)] 5(1)(i)** a swanetšego go senya, go romela ntle go tšwa ka Profenseng goba ka tsela ye nngwe a fediša direkote tše ka ntle ga go—

(a) bega ka maikemišetšo a bona a go fediša direkote go **[Khansale] Mohlankedi wa diakhaebe** tekano ya matšatši a 90 **[pele ga nako]** pele ga kgato yeo; le

(b) hwetša tumelelo ya **[Khansale] Mohlankedi wa diakhaebe** ka kgato yeo.”.

17. Phetošo ya karolo 15 ya Molao 5 wa 2001

Karolo 15 ya Molao o mogolo ka go realo e a fetošwa—

(a) ka go fetola seka-temana ya (1) ya karolwana ye e latelago:

“(1) Motho yo e lego **[Molaodimogolo] Hlogo** ya Diakhaebe/bolotadingwalwa le Ditirelo tša Taolo ya Direkote ka go Kgoro **[ya Dipapadi, Bokgabo le Setšo]** ntle ga go dikadika pele ga go thomišwa go dirišwa ga Molao wo, o swanetše go tšwela pele a šoma bjalo ka Mohlankedi wa diakhaebe go fihla ge Mohlankedi wa diakhaebe a thwalwa go ya ka Karolo 2 ya Molao wo.”;

(b) ka go fetola seka-temana ya (2) ya karolwana ye e latelago:

“(2) Direkote tše di lego ka fase ga tlhokomelo ya **[Molaodimogolo] Hlogo** ya Diakhaebe/bolotadingwalwa le Ditirelo tša Taolo ya Direkote ka go Kgoro **[ya Dipapadi, Bokgabo le Setšo]** ka

letšatši pele ga go thomišwa ka go šomišwa ga Molao wo, di fetišetšwa go Mohlankedi wa diakhaebe go ya ka mabaka afe goba afe ao a bego a dirišwago go direkote tšeo ka letšatši leo.”; le

(c) ka go phumolwa ga karolwana (3).

18. Phetošo ya karolo 16 ya Molao 5 wa 2001

Karolo 16 ya Molao o mogolo ka go realo e a fetošwa ka go fetola seka-temana ya (2) ya karolwana ye e latelago:

“(2) Motho ofe goba ofe yo a palelwago ke go obamela Karolo 14(3) o bonwa molato le go lebanwa ke kotlo ya tefišo **[ye e sa fetego R10 000]** goba kgolego goba bobedi tefišo le kgolego.”

19. Go tsenywa ga Karolo 17A ka go Karolo 5 ya 2001

Karolo ye e latelago ka go realo e tsenywa ka morago ga Karolo 17 ya Molao o mogolo:

“17A. Go bea mellwane go Boikarabelo

Mmušo goba motho ofe goba ofe ga a rwale maikarabelo go tshenyo goba tahlegelo efe goba efe yeo e hlolwago ke—

(a) phethagatšo ya maatla afe goba afe goba phethagatšo ya modiro ofe goba ofe ka fase ga Molao wo; goba

(b) go palelwa ke go phethagatša maatla afe goba afe, goba go phethagatša mošomo goba modiro ofe goba ofe ka fase ga Molao wo,

ka ntle ga ge phethagatšo ya goba go palelwa ke go šomiša maatla, goba go phethagatša goba go palelwa ke go phethagatša modiro go be go se molaong, go bonwa bjalo ka go se hlokomele goba go se tshephagale.”.

20. Phetošo ya karolo 19 ya Molao 5 wa 2001

Karolo 19 ya Molao o mogolo ka go realo e a fetošwa ka go fetola karolo ka karolo ye e latelago:

“Molao wo **[o bitšwa]** ke Molao wa Ditirelo tša Diakhaebe tša Profense le Taolo ya Direkote wa **[Profense ya]** Limpopo, 2001 le gona o thoma go šomišwa ka tšatšikgwedi yeo e beilwego ke Tona ka kgoeletšo ka go *Kuranta ya Profense*.”.

21. Thaetlele e kopana

Molao wo ke Molao-Phetošwa wa Ditirelo tša Diakhaebe tša Profense le Taolo ya Direkote wa Limpopo, 2010.

**MEMORANTAMO WA DINEPO TŠA
MOLAOKAKANYWA-PHETOŠWA WA DITIRELO TŠA DIAKHAEBE TŠA PROFENSE
LE TAOLO YA DIREKOTE WA LIMPOPO, 2010**

1. BOITHEKGO LE NEPO YA MOLAOKAKANYWA

- 1.1. Molao wa Diakhaebe wa Profense ya Limpopo, 2001 (Molao 5 wa 2001), woo o tsebjago bjalo ka "Molao o mogolo" o dumeletšwe ke Tonakgolo ya Limpopo ka 12 Oktobere 2001 gomme o thomile go šoma ka 1 Febreware 2004.
- 1.2. Molao o mogolo o dira peakanyetšo ya Diakhaebe tša Profense, go abelana ka taolo le tlhokomelo ya maleba ya direkote tša makala a mmušo ka Profenseng, pabalelo le tšhomišo ya bohwa bja diakhaebe/bolotadingwalwa, le go hlongwa ga Khansele ya Diakhaebe ya Limpopo le merero yeo e sepelanago le tše.
- 1.3. Go tloga ka tšatšikgwedi ya go thoma ya Molao o mogolo, Khansele ya Diakhaebe ya Limpopo ('ye e tsebjago bjalo ka "Khansele") ga se ya hlongwa. Go na le nyakego ya gore go hlongwe Khansele, eupša pele ga ge se se dirwa, Molao o mogolo o swanetše go fetošwa mo dikarolong tše dingwe. Molaokakanywa wo o swanetše go tšweletša go thwalwa ga Mohlankedi wa diakhaebe bjalo ka ye nngwe ya dilo tše bohlokwa go ya ka Molao wa Tirelo ya Setšhaba, 1994 (Kgoeletšo 103 ya 1994). Molaokakanywa gape o nyaka go fokotša palo ya maloko ao a ka thwalwago ke Khansele. Molaokakanywa gape o nyaka go beela mellwane maatla a Khansele go ao e lego gore ke a go abelana ka maele gammogo le go tloša ditokelo dife goba dife tša boipiletšo go Khansele. Molaokakanywa gape o šišinya gore mošomo wa tshepedišo wa Khansele o phethagatšwe ke bongwaledi go tšwa go Kgoro le go šišinya diputseletšo tša go tsenela dikopano gore di lefelwe go tšwa go dikhwama tša Kgoro. Molaokakanywa gape o šišinya gore dikarolo tšeo di bolelago ka dikhwama tša Khansele le boikarabelo di phumolwe, gore Molao o tle o sepelelane le dipeakanyetšo tša Molao wa Taolo ya Matlotlo a Setšhaba, 1999 (Molao 1 wa 1999). Molaokakanywa gape o nyaka go dira peakanyetšo ya go dira dipego tša kotara go tlaleletša dipego tša ngwaga ke Mohlankedi wa diakhaebe le Khansele. Diphetošo tše dingwe ke tša mkgwa wa go ngwala le bohlokwa bja molaokakanywa.

3. DIKAMEGO TŠA LEAGO

Ga di gona.

4. TSHEKASEKO YA TEMANA KA TEMANA

- 4.1. Karolo 1 e fetoša thaetlele ye telele ya Molao o mogolo.
- 4.2. Karolo 2 e phumola le go tsenya ditlhalošo ka go Molao o mogolo.
- 4.3. Karolo 3 e phumola go eleletša mabapi le tlhomo ya Diakhaebe a Profense le go abelana ka go thwalwa ga Mohlankedi wa diakhaebe wa Profense go ya ka Molao wa Tirelo ya Setšhaba, 1994 (Kgoeletšo 103 ya 1994).
- 4.4. Karolo 4 e fetoša Karolo 3 go balwa bjalo ka "Dinepo tša Molao" le go bea gabotse mešomo ya Khansele bjalo ka nepo ya Molao.
- 4.5. Karolo 5 ke phetošo ya sethekniki.
- 4.6. Karolo 6 e tsenya maatla ka kakaretšo a tlaleletšo a Mohlankedi wa diakhaebe le go tliša mešomo ya gagwe ka moka ye e hwetšwago kae le kae ka go Molao ka fase ga karolo ye yeo e bolelago ka mešomo ya gagwe. Gape e tloša nyakego ya tumelanelano ya Khansele ya tumelelo ye e filwego ka fase ga Molao o mogolo.
- 4.7. Karolo 7 e fokotša palo ya maloko a Khansele le go fetoša ditsela tša thwalo ke MEC. Gape e bea mellwane go mešomo ya Khansele go yeo e lego gore ke ya go abelana ka maele le go bea boitlamo go Khansele go tliša leano-tshepetšo la kgwebo. Karolo e tšwela pele go dira peakanyetšo ya tefo ya diputseletšo tša go tsenela dikopano go tšwa go dikhwama tša Kgoro.
- 4.8. Karolo 8 e beakanyetša Kgoro gore e abelane ka bongwaledi go Khansele.
- 4.9. Karolo 9 e phumola Karolo 8 ya Molao o mogolo gore go se be le go eleletša go thušo ya ditšhelete le go bulwa ga diakhaonte tša go panka tša ka thoko tša Khansele ka ge peakanyetšo e dirilwe ya diputseletšo tša go tsenela dikopano le ditshenyegelo tša maeto gore di lefše go tšwa go dikhwama tša Kgoro.

- 4.10. Karolo 10 e phumola Karolo 9 ya Molao o mogolo go dira gore Molao o sepelelane le dipeakanyetšo tša Molao wa Taolo ya Matlotlo a Setšhaba, 1999 (Molao 1 wa 1999) bjalo ka ge Hlogo ya Kgoro a swanetše go ba Mohlankedi wa Boikarabelo wa Khansele.
- 4.11. Karolo 11 e bea boitlamo bja kotara gammogo le pego ya ngwaga ka ngwaga ka Mohlankedi wa diakhaebe le Khansele; e tsenya dintlha tše mpsha tšeo di swanetšego go begwa ke Mohlankedi wa diakhaebe le gore dipego di tlišwe go Hlogo ya Kgoro e sego MEC wa Kgoro. Gape e phumola senyakwa sa gore dipego tšeo di swanetše go alwa pele ga Lekgotlatheramelao.
- 4.12. Karolo 12 ke phetošo ya mokgwa wa go ngwala.
- 4.13. Karolo 13 e tliša karolo yeo e bolelago ka phihlelelo go sepelelana le dipeakanyetšo tša Molao wa Tšwetšopele ya Phihlelelo go Tshedimošo, 2000 (Molao 2 wa 2000).
- 4.14. Karolo 14 ke phetošo ya mokgwa wa go ngwala moo dipušeletšo tše dingwe di phumotšwego le dikarolwana tše dingwe di tlošitšwego le go bewa go gongwe ka go Molao o mogolo.
- 4.15. Karolo 15 e tsenya karolo ye mpsha yeo e beakanyetšago molaola-direkote.
- 4.16. Karolo 16 e phošolla go fela go eleletša go karolo yeo e phumotšwego le go beakanyetša go begwa ga maikemišetšo a phedišo go Mohlankedi wa diakhaebe le tumelelo ya phedišo yeo ke Mohlankedi wa diakhaebe e sego Khansele.
- 4.17. Karolo 17 e fetola "Molaodimogolo" ka tlhalošo ya maemo a gagwe a maleba le go phumola go eleletša go Dipapadi, Bokgabo le Setšo bjalo ka ge Kgoro e hlalošwa ka gona.
- 4.18. Karolo 18 e tloša tšhelete ye e beilwego ya tefo yeo e swanetšego go lefišwa.
- 4.19. Karolo 19 e tsenya karolo ya go beela mellwane ga boikarabelo.
- 4.20. Karolo 20 e fetoša thaetlele ye kopana ya Molao o mogolo.

4.21. Karolo 21 ke thaetlele ye kopana ya Molao.

5. **DIKAMEGO TŠA MATLOTLO**

Go tla ba le ditshenyegelo tša kgatišo le kwalakwatšo ya Molaokakanywa ka go dikuranta tše pedi (2). Gape go tla ba le ditshenyegelo tša ditsebišo ka go dikuranta tše pedi (2) tše di kgopelago go romelwa ga ditšhišinyo tša maina a maloko a Khansele le tshenyegelo ya go dira tsebišo ka go Kuranta ya go hloma Khansele, Kgoro e tla gapeletšega go thuša ka tefelo ya ditshenyegelo tša maeto, ditshenyegelo tše dingwe tše go itemogelwago tšona ge go phethwa mediro ya Khansele le diputseletšo tša go tsenela dikopano tša maloko ao. Khansele e tle tlamega go tliša lenaneo-tshepetšo la kgwebo go MEC go dumelelwa.

6. **DIKAMEGO TŠA BAŠOMI LE MEKGATLO**

Molaokakanywa-Phetošwa o šišinya gore bongwaledi bo abelwe ke Kgoro go Khansele ya Diakhaebe ya Limpopo.

7. **DIKAMEGO TŠA MOLAO THEO**

Ga di gona.

8. **DIINSTITŠUŠENE TŠE GO RERIŠANWEGO LE TŠONA**

Go rerišanwe le Kgoro ya Dipapadi, Bokgabo le Setšo le Baeletši ba Semolao ba Mmušo ka Ofising ya Tonakgolo.