

**KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI**

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**PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE**

No. 385

14 November 2007

**KWAZULU-NATAL LEGISLATURE****CORRECTION NOTICE**

**Notice is hereby given that the correct version of the allocation of seats in the KwaZulu-Natal Legislature in terms of the Constitution of South Africa Amendment Act, 2003 is hereby published.**

**ALLOCATION OF SEATS IN THE KWAZULU-NATAL LEGISLATURE IN TERMS OF THE CONSTITUTION OF SOUTH AFRICA AMENDMENT ACT, 2003**

I, **THEMBINKOSI WILLIES MCHUNU**, the Speaker of the KwaZulu-Natal Legislature, publish the following in terms of item 5 (3) of Schedule 6A of the Constitution (as amended by the Constitution of the Republic of South Africa Amendment Act, 2003 (Act No. 2 of 2003)).

1. The number of seats allocated to each party represented in the Legislature item 5 (3)  
(a) -

**Party****Number of seats**

African National Congress	41
Inkatha Freedom Party	27
Democratic Alliance	5
National Democratic Convention	3
Minority Front	2
African Christian Democratic Party	1
United Democratic Movement	1

2. The name of, and party represented by, each Member item 5 (3) (b) -

**AFRICAN NATIONAL CONGRESS**

<b>NAME</b>	<b>PARTY</b>
1. Mr Y S Bhamjee	ANC
2. Mrs HM Blöse	ANC
3. Mr B H Cele	ANC
4. Mrs C M Cronje	ANC
5. Mr S J Gcabashe	ANC
6. Ms L X Hlongwa	ANC
7. Mrs L Johnson	ANC
8. Mr TMB Jeebodh	ANC
9. Mr MAI Kubheka	ANC
10. Mr D N Khuzwayo	ANC
11. Ms Z M Ludidi	ANC
12. Mr M Mabuyakhulu	ANC
13. Mr R Maharaj	ANC
14. Mr E S Mchunu	ANC
15. Mr T W Mchunu	ANC
16. Mr Z J Mchunu	ANC
17. Mr P M Mckay	ANC
18. Dr ZL Mkhize	ANC
19. Inkosi ZM Mlaba	ANC
20. Mr S N Mtetwa	ANC
21. Mr M E Mthimkhulu	ANC
22. Ms Y M Nahara	ANC
23. Prof. LBG Ndabandaba	ANC
24. Mr J S Ndebele	ANC
25. Mr PN Ngcobo	ANC
26. Mrs N P Nkonyeni	ANC
27. Mr M V Noel	ANC
28. Dr B M Radebe	ANC
29. Mrs BF Scott	ANC
30. Ms L F Shabalala	ANC
31. Mr A Singh	ANC
32. Mr GM Sithole	ANC
33. Mr M E Sithebe	ANC
34. Mr J H Slabbert	ANC
35. Ms G N Swartbooi	ANC
36. Ms V V Tambo	ANC
37. Mr MAI Tarr	ANC
38. Mrs W G Thusi	ANC

39.	Mr S J Vilane	ANC
40.	Mr V C Xaba	ANC
41.	Ms WP Zondi	ANC

### **INKATHA FREEDOM PARTY**

<b>NAME</b>	<b>PARTY</b>
42. Mr G B Bhengu	IFP
43. Dr B T Buthelezi	IFP
44. Mr T D Buthelezi	IFP
45. Mr O E Coleman	IFP
46. Mr H L Combrinck	IFP
47. Inkosi S H Gumede ( <i>Deceased- not yet replaced</i> )	IFP
48. Mr M B Gwala	IFP
49. Mr P Govender	IFP
50. Mr A J Hamilton	IFP
51. Inkosi K W Mathaba	IFP
52. Mr E S Mbatha	IFP
53. Mrs L R Mbuyazi	IFP
54. Mr S W Mcoyi	IFP
55. Inkosi B N Mdletshe	IFP
56. Ms L A Mncwango	IFP
57. Mrs B S Mohlaka	IFP
58. Mr S Moodley	IFP
59. Rev C J Mtetwa	IFP
60. Dr M J Mthethwa	IFP
61. Dr LPHM Mtshali	IFP
62. Mr M R Mzobe	IFP
63. Mr S V Naicker	IFP
64. Mrs LG Ngcobo	IFP
65. Inkosi N J Ngubane	IFP
66. Mr T D Ntombela	IFP
67. Mr K Panday	IFP
68. Ms L Rajkumar	IFP

### **DEMOCRATIC ALLIANCE**

<b>NAME</b>	<b>PARTY</b>
69. Mrs M Ambler-Moore	DA
70. Mr R M Burrows	DA
71. Mr R E Keys	DA

72.	Mr J Krog	DA
73.	Mr G Mari	DA

#### **NATIONAL DEMOCRATIC CONVENTION**

<b>NAME</b>	<b>PARTY</b>
74. Prof J S Maphalala	Nadeco
75. Rev. A Mbatha	Nadeco
76. Inkosi M Z Mthuli	Nadeco

#### **MINORITY FRONT**

<b>NAME</b>	<b>PARTY</b>
77. Mrs S Thakur-Rajbansi	MF
78. Mr A Rajbansi	MF

#### **AFRICAN CHRISTIAN DEMOCRATIC PARTY**

<b>NAME</b>	<b>PARTY</b>
79. Mrs J Downs	ACDP

#### **UNITED DEMOCRATIC MOVEMENT**

<b>NAME</b>	<b>PARTY</b>
80. Mr B J Msomi	UDM

No. 385

14 November 2007

**KWAZULU-NATAL WETGEWER****KENNISGEWING VAN REGSTELLING**

**Kennisgewing geskied hiermee dat die korrekte weergawe van die toekenning van setels ingevolge die Wysigingswet op die Grondwet van Suid Afrika, 2003, hiermee gepubliseer word.**

**TOEKENNING VAN SETELS IN DIE KWAZULU-NATAL WETGEWER INGEVOLGE DIE WYSIGINGSWET OP DIE GRONDWET VAN SUID-AFRIKA, 2003**

Ek, **THEMBINKOSI WILLIES MCHUNU**, die Speaker van die KwaZulu-Natal Wetgewer, publiseer die volgende ingevolge item 5(3) van Bylae 6A van die Grondwet (soos gewysig deur die Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 2003 (Wet No. 2 van 2003)).

1. Die aantal setels toegeken aan elke party wat in die Wetgewer verteenwoordig is, item 5 (3) (a) -

Party	Aantal setels
African National Congress	41
Inkatha-Vryheidsparty	27
Demokratiese Alliansie	5
National Democratic Convention	3
Minderheidsfront	2
African Christian Democratic Party	1
United Democratic Movement	1

2. Die naam van, en party verteenwoordig deur elke Lid, item 5 (3) (b) –

**AFRICAN NATIONAL CONGRESS**

<b>NAAM</b>	<b>PARTY</b>
1. Mnr Y S Bhamjee	ANC
2. Mev H M Blose	ANC
3. Mnr B H Cele	ANC
4. Mev C M Cronjé	ANC
5. Mnr S J Gcabashe	ANC
6. Me L X Hlongwa	ANC
7. Mev L Johnson	ANC
8. Mnr T M B Jeebodh	ANC
9. Mnr M A I Kubheka	ANC
10. Mnr D N Khuzwayo	ANC
11. Me Z M Ludidi	ANC
12. Mnr M Mabuyakhulu	ANC
13. Mnr R Maharaj	ANC
14. Mnr E S Mchunu	ANC
15. Mnr T W Mchunu	ANC
16. Mnr Z J Mchunu	ANC
17. Mnr P M Mckay	ANC
18. Dr Z L Mkhize	ANC
19. Inkosi ZM Mlaba	ANC
20. Mnr S N Mtetwa	ANC
21. Mnr M E Mthimkhulu	ANC
22. Me Y M Nahara	ANC
23. Prof L B G Ndabandaba	ANC
24. Mnr J S Ndebele	ANC
25. Mnr PN Ngcobo	ANC
26. Mev N P Nkonyeni	ANC
27. Mnr M V Noel	ANC
28. Dr B M Radebe	ANC
29. Mev B F Scott	ANC
30. Me L F Shabalala	ANC
31. Mnr A Singh	ANC
32. Mnr GM Sithole	ANC
33. Mnr M E Sithebe	ANC
34. Mnr J H Slabbert	ANC
35. Me G N Swartbooi	ANC
36. Me V V Tambo	ANC
37. Mnr M A Tarr	ANC
38. Mrs W G Thusi	ANC



39.	Mnr S J Vilane	ANC
40.	Mnr V C Xaba	ANC
41.	Me W P Zondi	ANC

### INKATHA-VRYHEIDSPARTY

NAAM	PARTY	
42.	Mnr G B Bhengu	IVP
43.	Dr B T Buthelezi	IVP
44.	Mnr T D Buthelezi	IVP
45.	Mnr O E Coleman	IVP
46.	Mnr H L Combrinck	IVP
47.	Inkosi S H Gumede ( <i>Oorlede – nog nie vervang</i> )	IVP
48.	Mnr M B Gwala	IVP
49.	Mnr P Govender	IVP
50.	Mnr A J Hamilton	IVP
51.	Inkosi K W Mathaba	IVP
52.	Mnr E S Mbatha	IVP
53.	Mev L R Mbuyazi	IVP
54.	Mnr S W Mcoyi	IVP
55.	Inkosi B N Mdletshe	IVP
56.	Me L A Mncwango	IVP
57.	Mev B S Mohlaka	IVP
58.	Mnr S Moodley	IVP
59.	Eerw C J Mtetwa	IVP
60.	Dr M J Mthethwa	IVP
61.	Dr L P H M Mtshali	IVP
62.	Mnr M R Mzobe	IVP
63.	Mnr S V Naicker	IVP
64.	Mev LG Ngcobo	IVP
65.	Inkosi N J Ngubane	IVP
66.	Mnr T D Ntombela	IVP
67.	Mnr K Panday	IVP
68.	Me L Rajkumar	IVP

### DEMOKRATIESE ALLIANSIE

NAAM	PARTY	
69.	Mev M Ambler-Moore	DA
70.	Mnr R M Burrows	DA
71.	Mnr R E Keys	DA
72.	Mnr J Krog	DA
73.	Mnr G Mari	DA

**NATIONAL DEMOCRATIC CONVENTION**

<b>NAAM</b>	<b>PARTY</b>
74. Prof J S Maphalala	Nadeco
75. Eerw A Mbatha	Nadeco
76. Inkosi M Z Mthuli	Nadeco

**MINDERHEIDSFRONT**

<b>NAAM</b>	<b>PARTY</b>
77. Mev S Thakur-Rajbansi	MF
78. Mnr A Rajbansi	MF

**AFRICAN CHRISTIAN DEMOCRATIC PARTY**

<b>NAAM</b>	<b>PARTY</b>
79. Mev J M Downs	ACDP

**UNITED DEMOCRATIC MOVEMENT**

<b>NAAM</b>	<b>PARTY</b>
80. Mnr B J Msomi	UDM

## ISISHAYAMTHETHO SAKWAZULU-NATALI

### ISAZISO SOKULUNGISA

**Ngalokhu kunikezwa isaziso sokuthi umbhalo okuyiwona wokwabiwa kwezihlalo esiShayamthetho saKwaZulu-Natali ngokoMthetho wokuChibiyela Umthethosisekelo waseNingizimu Afrika, ka 2003, uyashicilelwa.**

### UKWABIWA KWEZIHLALO ESISHAYAMTHETHO SAKWAZULU-NATALI NGOKOMTHETHO WOKUCHIBIYELA UMTHETHOSISEKELO WASENINGIZIMU AFRIKA, KA-2003

Mina, **THEMBINKOSI WILLIES MCHUNU**, uSomlomo weSishayamthetho the saKwaZulu-Natali, ngishicilela lolu hlu olulandelayo ngokulandela uhlamvu 5(3) lukaSheduli 6A woMthethosisekelo (njengoba uchitshiyelwe ngoMthetho Wokuchibiyela uMthethosisekelo waseNingizimu Afrika, ka-2003 (uMthetho No. 2 ka-2003).

1. Isibalo sezihlalo esabelwe lelo nalelo qembu elimelelekile eSishayamthetho ngokohlamvu 5(3)(a) -

<b>Iqembu</b>	<b>Isibalo sezihlalo</b>
African National Congress	41
Inkatha Freedom Party	27
Democratic Alliance	5
National Democratic Convention	3
Minority Front	2
African Christian Democratic Party	1
United Democratic Movement	1

2. Igama lelungu kanye neqembu elimelwe yilelo nalelo Lungu ngokohlamvu 5(3)(b) -

### **AFRICAN NATIONAL CONGRESS**

#### **IGAMA**

#### **IQEMBU**

1.	Mnu. Y S Bhamjee	ANC
2.	Nkk. HM Blose	ANC
3.	Mnu. B H Cele	ANC
4.	Nkk. C M Cronje	ANC
5.	Mnu. S J Gcabashe	ANC
6.	Nksz. L X Hlongwa	ANC
7.	Nkk. L Johnson	ANC
8.	Mnu. TMB Jeebodh	ANC
9.	Mnu. MAI Kubheka	ANC
10.	Mnu. D N Khuzwayo	ANC
11.	Nksz Z M Ludidi	ANC
12.	Mnu. M Mabuyakhulu	ANC
13.	Mnu. R Maharaj	ANC
14.	Mnu. E S Mchunu	ANC
15.	Mnu. T W Mchunu	ANC
16.	Mnu. Z J Mchunu	ANC
17.	Mnu. P M Mckay	ANC
18.	Dkt. ZL Mkhize	ANC
19.	Inkosi ZM Mlaba	ANC
20.	Mnu. S N Mtetwa	ANC
21.	Mnu. M E Mthimkhulu	ANC
22.	Nksz Y M Nahara	ANC
23.	Solwazi. LBG Ndabandaba	ANC
24.	Mnu. J S Ndebele	ANC
25.	Mnu. PN Ngcobo	ANC
26.	Nkk. N P Nkonyeni	ANC
27.	Mnu. M V Noel	ANC
28.	Dkt BM Radebe	ANC
29.	Nkk. BF Scott	ANC
30.	Nksz. LF Shabalala	ANC
31.	Mnu. A Singh	ANC
32.	Mnu. GM Sithole	ANC
33.	Mnu. ME Sithebe	ANC
34.	Mnu. J H Slabbert	ANC
35.	Nksz G N Swartbooi	ANC
36.	Nksz. V V Tambo	ANC

37.	Mnu. MA Tarr	ANC
38.	Nkk. WG Thusi	ANC
39.	Mnu. SJ Vilane	ANC
40.	Mnu. VC Xaba	ANC
41.	Nksz. WP Zondi	ANC

## **INKATHA FREEDOM PARTY**

### **IGAMA**

### **IQEMBU**

42.	Mnu G B Bhengu	IFP
43.	Dkt B T Buthelezi	IFP
44.	Mnu T D Buthelezi	IFP
45.	Mnu. O E Coleman	IFP
46.	Mnu. H L Combrinck	IFP
47.	Inkosi S H Gumede ( <i>Yakhothama akukafakwa muntu esikhundleni seNkosi</i> )	
	IFP	
48.	Mnu. M B Gwala	IFP
49.	Mnu. P Govender	IFP
50.	Mnu. A J Hamilton	IFP
51.	Inkosi K W Mathaba	IFP
52.	Mnu. E S Mbatha	IFP
53.	Nkk. L R Mbuyazi	IFP
54.	Mnu. S W Mcoyi	IFP
55.	Inkosi B N Mdletshe	IFP
56.	Ms L A Mncwango	IFP
57.	Nkk B S Mohlaka	IFP
58.	Mnu. S Moodley	IFP
59.	Mfu. C J Mtetwa	IFP
60.	Dkt M J Mthethwa	IFP
61.	Dkt LPHM Mtshali	IFP
62.	Mnu. M R Mzobe	IFP
63.	Mnu. S V Naicker	IFP
64.	Nkk LG Ngcobo	IFP
65.	Inkosi N J Ngubane	IFP
66.	Mnu. T D Ntombela	IFP
67.	Mnu. K Panday	IFP
68.	Nksz L Rajkumar	IFP

## **DEMOCRATIC ALLIANCE**

**IGAMA****IQEMBU**

- |     |                    |    |    |
|-----|--------------------|----|----|
| 69. | Nkk M Ambler-Moore | DA |    |
| 70. | Mnu. R M Burrows   |    | DA |
| 71. | Mnu. R E Keys      | DA |    |
| 72. | Mnu. J Krog        |    | DA |
| 73. | Mnu. G Mari        | DA |    |

**NATIONAL DEMOCRATIC CONVENTION****IGAMA****IQEMBU**

- |     |                       |        |  |
|-----|-----------------------|--------|--|
| 74. | Solwazi J S Maphalala | Nadeco |  |
| 75. | Mfu. A Mbatha         | Nadeco |  |
| 76. | Inkosi M Z Mthuli     | Nadeco |  |

**MINORITY FRONT****IGAMA****IQEMBU**

- |     |                       |    |  |
|-----|-----------------------|----|--|
| 77. | Mrs S Thakur-Rajbansi | MF |  |
| 78. | Mnu. A Rajbansi       | MF |  |

**AFRICAN CHRISTIAN DEMOCRATIC PARTY****IGAMA****IQEMBU**

- |     |              |      |  |
|-----|--------------|------|--|
| 79. | Nkk JM Downs | ACDP |  |
|-----|--------------|------|--|

**UNITED DEMOCRATIC MOVEMENT****IGAMA****IQEMBU**

- |     |                |     |  |
|-----|----------------|-----|--|
| 80. | Mnu. B J Msomi | UDM |  |
|-----|----------------|-----|--|

No. 6

14 November 2007

[English text signed by the Premier]

**KWAZULU-NATAL ROYAL HOUSEHOLD TRUST ACT, 2007**  
**(Act No. 2 of 2007)**  
**Assented to on 2007-06-04**

## **ACT**

**To establish a statutory trust for the Royal Household in the Province of KwaZulu-Natal; to determine the objects and functions of the Royal Household Trust; to determine the manner in which the Trust is to be managed, governed, staffed and financed; and to provide for matters connected therewith.**

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

### **ARRANGEMENT OF SECTIONS**

*Section*

#### **CHAPTER 1**

#### **DEFINITIONS**

1. Definitions

#### **CHAPTER 2**

#### **ROYAL HOUSEHOLD TRUST**

2. Establishment of Royal Household Trust

3. Objects of Trust

4. *Umnndeni WeSilo*

5. Duties, powers and functions of Trust

#### **CHAPTER 3**

#### **BOARD OF TRUSTEES OF ROYAL HOUSEHOLD TRUST**

6. Composition of Board of Trustees of Trust, filling of vacancies and remuneration

7. Declaration of financial or other interests of members of Board

8. Term of office, and disqualifications, of members of Board

9. Meetings of Board

10. Management committee of Board

**CHAPTER 4****CHIEF EXECUTIVE OFFICER AND OTHER STAFF OF ROYAL HOUSEHOLD TRUST**

11. Chief Executive Officer of Trust
12. Functions of Chief Executive Officer
13. Staff of Trust
14. Secondment or transfer of staff to Trust
15. Conflict of interest

**CHAPTER 5****FUNDING AND MANAGEMENT OF ROYAL HOUSEHOLD TRUST**

16. Funds of Trust
17. Financial management
18. Audit and annual report
19. Immovable property
20. Legal proceedings against Trust
21. Limitation of liability

**CHAPTER 6****GENERAL PROVISIONS**

22. Security of confidential information held by Trust
23. Dissolution of Trust
24. Use of name of Trust
25. General offences
26. Penalties
27. Regulations
28. Delegations

**CHAPTER 7****SHORT TITLE**

29. Short title



## CHAPTER 1 DEFINITIONS

### Definitions

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

“**Board**” means the Board of Trustees of the Royal Household Trust referred to in section 6(1);

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

“**Chief Executive Officer**” means the chief executive officer of the Trust appointed in terms of section 11(1);

“**Executive Council**” means the Executive Council of the Province of KwaZulu-Natal;

“**financial year**” means the period from 1 April in any year to 31 March of the following year;

“**Gazette**” means the official *Provincial Gazette* of KwaZulu-Natal;

“**Head of Department**” means the Director-General or, where the Premier has assigned the administration of this Act to a member of the Executive Council, the most senior officer of the department in the Provincial Government of KwaZulu-Natal for which that member of the Executive Council is responsible;

“**Member of the Executive Council responsible for finance**” means the member of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

“**Monarch**” means the Monarch for the Province of KwaZulu-Natal, being –

- (a) the person holding office as the King of the Zulu nation, the King of *AmaZulu*, the *Ingonyama* or *Isilo*, at the date of commencement of this Act; or
- (b) the Monarch for the Province of KwaZulu-Natal as may be defined in any other provincial legislation;

“**National Treasury**” means the National Treasury established by section 5 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“**Premier**” means the Premier-in-Executive Council of the Province of KwaZulu-Natal as contemplated in section 125 of the Constitution;

“**prescribed**” means prescribed in terms of this Act and “**prescribe**” has a corresponding meaning;

“**Provincial Government**” means the government of the Province of KwaZulu-Natal;

“**Provincial Legislature**” means the Legislature of the Province of KwaZulu-Natal;

“**regulations**” means regulations made in terms of section 27;

“**responsible Member of the Executive Council**” means the Premier of the Province of KwaZulu-Natal or that member of the Executive Council of the Province of KwaZulu-Natal to whom the Premier has assigned the administration of this Act;

“**Royal Household**” means “*uMndeni weSilo*”, the traditional institution of the Royal Family of the Monarch according to Zulu customary law and customs;

“**this Act**” includes the regulations;

“**Trust**” means the Royal Household Trust established by section 2(1);

“**Umndeni WeSilo**” means the royal Queens and blood relatives of the Monarch as contained in the list contemplated in section 4.

## CHAPTER 2 ROYAL HOUSEHOLD TRUST

### **Establishment of Royal Household Trust**

2.(1) A juristic person to be known as the Royal Household Trust is hereby established.

(2) The Trust is a provincial public entity subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The Trust Property Control Act, 1988 (Act No. 57 of 1988), does not apply to the Trust and a member of the Board of trustees referred to in section 6(1) is exempted from furnishing any form of security.

**Objects of Trust**

3. The Trust must, in a manner consistent with the provisions of this Act, –

- (a) be administered for the benefit of the Monarch and the Royal Household, including their –
  - (i) material welfare;
  - (ii) educational needs;
  - (iii) aspirations; and
  - (iv) social well-being,befitting their status; and
- (b) be managed to provide for the maintenance and upkeep of the assets of the Trust.

**Umndeni WeSilo**

4.(1) For the purposes of section 3, the Royal Household or *Umndeni WeSilo* consists of the royal Queens and blood relatives of the Monarch as contained in a list to be published for comments by notice in the *Gazette* by the responsible Member of the Executive Council after consultation with the Monarch.

(2) The responsible Member of the Executive Council may, after consultation with the Monarch and by notice in the *Gazette* withdraw, substitute or amend the list published in terms of subsection (1).

**Duties, powers and functions of Trust**

5. The Trust –

- (a) must perform the functions and carry out the duties and responsibilities imposed by this Act;
- (b) may exercise any power –
  - (i) conferred by any other provision of this Act or any other law; or
  - (ii) delegated or assigned to the Trust by the responsible Member of the Executive Council.
- (c) may, in the exercise of its powers or the performance of its duties and functions in terms of this Act, for specific projects, enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the Trust and must determine the remuneration, including reimbursement for traveling, subsistence and other expenses, of such persons;  
and
- (d) may, generally, do everything which is necessary or expedient to achieve its objects referred to in section 3 and to perform the duties and carry out the functions referred to in paragraph (a).

### CHAPTER 3 BOARD OF TRUSTEES OF ROYAL HOUSEHOLD TRUST

**Composition of Board of Trustees of Trust, filling of vacancies and remuneration**

6.(1)(a) The Trust acts through a board of trustees consisting of seven members appointed by the responsible Member of the Executive Council after consultation with the Monarch.

(b) One of the members of the Board must be designated by the responsible Member of the Executive Council as chairperson of the Board.

(2) At least two members of the Board must have proven knowledge or experience of financial

management.

(3)(a) The first meeting of the Board must be held at such time and place as the chairperson determines.

(b) At that meeting the members of the Board must elect a deputy chairperson from amongst the members of the Board.

(4) Any vacancy on the Board amongst the members must be filled in the same manner in which the member who vacates the office was appointed.

(5) If the office of deputy chairperson of the Board becomes vacant, a deputy chairperson must be elected in accordance with subsection (3)(b).

(6) If both the chairperson and deputy chairperson of the Board are absent or unable to perform any function of the chairperson, the responsible Member of the Executive Council may designate any other member to act as chairperson during such absence or incapacity.

(7) No vacancy in the office of the Chief Executive Officer or a deficiency in the number of members of the Board affects or impairs the corporate existence of the Trust or any rights, duties or powers conferred or imposed by this Act upon the Trust or the Board.

(8) No decision of the Board is valid unless passed at a meeting –  
(a) at which the *quorum* required by section 9(3) was present; and  
(b) held in accordance with the other provisions of section 9.

(9)(a) A member of the Board may be paid from the funds of the Trust such remuneration and allowances as may be determined by the responsible Member of the Executive Council in consultation with the Member of the Executive Council responsible for finance.

(b) A member of the Board who receives remuneration, allowances or other benefits by virtue of his or her post or employment in –  
(i) the national government;  
(ii) a provincial government;  
(iii) a municipality; or  
(iv) a corporation, body or institution in which the national or a provincial government has a controlling interest,

and who continues to receive such remuneration, allowances or other benefits while serving as a member of the Board, may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position in which he or she would have been were it not for such post or employment:

(10)(a) A member of the Board and a member of the of the management committee of the Board may, in respect of his or her functions as a member, receive reimbursement from the funds of the Trust for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Board or the management committee of the Board.

(b) The Member of the Executive Council responsible for finance must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and traveling expenses contemplated in paragraph (a).

#### **Declaration of financial or other interests of members of Board**

7.(1) A member of the Board referred to in section 6(1) must –

- (a) within 30 days of being appointed, submit to the responsible Member of the Executive Council a written declaration of all direct and indirect financial or other interests; and
- (b) in the declaration referred to in paragraph (a) include financial and other interests of family members or close associates that may be in conflict with an appointment as a member of the Board.

(2) Where a member of the Board experiences a change in financial or any other circumstances or acquires an interest, the member of the Board must, within 10 days of the date of the changed circumstances, submit a written declaration of change of financial or other interests to the responsible Member of the Executive Council.

(3) Where a family member or close associate of a member of the Board experiences a change in financial or any other circumstances or acquires an interest that may be in conflict with an appointment as a member of the Board, the member of the Board must, within 10 days of the date of the changed circumstances, submit a written declaration of change of financial or other interests to the responsible Member of the Executive Council.

(4) The responsible Member of the Executive Council must keep an updated register of the interests of the members of the Board disclosed in terms of this section.

(5) A member of the Board who fails to make a declaration envisaged in this section commits an offence.

#### **Term of office, and disqualifications, of members of Board**

**8.(1)** A member of the Board referred to in section 6(1) holds office for a period of five years.

(2) A member of the Board is eligible for reappointment.

(3) A person who has been appointed to fill a vacancy on the Board is regarded as having served the full term of five years for which the Board was constituted.

(4) A member of the Board must vacate office if –

- (a) the responsible Member of the Executive Council, on the recommendation of the Board, terminates the member's appointment for reasons that are just and fair;
- (b) the member is convicted of an offence of which dishonesty is an element;
- (c) the member is absent from two or more meetings in one calendar year without the chairperson's permission; or
- (d) the member resigns after giving at least 30 days notice in writing of the resignation to the chairperson.

#### **Meetings of Board**

**9.(1)** The Board must meet at least four times a year at such times and places as the Board determines.

(2) The chairperson, or in the absence of the chairperson, the deputy chairperson –

- (a) may convene a special meeting of the Board;
- (b) must convene a special meeting within 14 days of the receipt of a written request signed by at least four members of the Board to convene such a meeting.

(3) The *quorum* for a meeting of the Board is at least four members of the Board.

(4) The Board determines the procedure at its meetings.

(5) The Chief Executive Officer may attend and participate, but may not vote, in a meeting of the Board.

(6) A decision of the Board must be taken by resolution of the majority of members present at any meeting of the Board and, in the event of an equality of votes, the person presiding has a casting

vote in addition to his or her deliberative vote.

(7) A member of the Board must act impartially and in good faith and without fear, favour or prejudice and subject only to the Constitution and any other applicable law.

(8) If a member of the Board has, in relation to any matter to be considered at a meeting of the Board, any interest which precludes that member from acting in a fair, unbiased and proper manner in respect of his or her membership of the Board, the member may not –

- (a) vote or in any other manner participate in that meeting of the Board; or
- (b) be present at the venue where the meeting is held.

#### **Management committee of Board**

10.(1) At its first meeting or as soon as possible thereafter, the Board must establish a management committee consisting of –

- (a) the chairperson and deputy chairperson of the Board; and
- (b) two other members of the Board, appointed by the Board.

(2) At least one member of the management committee must have proven knowledge or experience of financial management.

(3) The chairperson and deputy chairperson of the Board are the chairperson and deputy chairperson, respectively, of the management committee.

(4) The management committee must perform such duties and may exercise such powers of the Board as the Board may delegate to it in terms of section 28(2).

(5) The management committee must meet as often as is necessary to perform and exercise its duties and powers at such times and places, and in accordance with such procedure, as that committee determines.

(6) The provisions of section 9(4) – (8) apply with the necessary changes in respect of meetings of the management committee.

## **CHAPTER 4**

### **CHIEF EXECUTIVE OFFICER AND OTHER STAFF OF ROYAL HOUSEHOLD TRUST**

#### **Chief Executive Officer of Trust**

11.(1) The responsible Member of the Executive Council must, after consultation with the Board, appoint a fit and proper and suitably qualified person as the Chief Executive Officer of the Trust.

- (2)(a) The Chief Executive Officer is appointed for a period not exceeding five years.
- (b) The Chief Executive Officer may be reappointed.

(3)(a) The appointment of the Chief Executive Officer is subject to the conclusion of a written performance agreement entered into between that person and the Board.

(b) The Board and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(4) The responsible Member of the Executive Council may, after consultation with the Board, terminate the Chief Executive Officer's employment in accordance with applicable employment and labour law.

(5) Section 15 applies to the Chief Executive Officer, except that he or she must disclose his or her interests or any conflict of interest to the Board.

### **Functions of Chief Executive Officer**

**12.** (1) The Chief Executive Officer is the chief administrative, executive and accounting officer of the Trust and is responsible for –

- (a) the management of the Trust, subject to the direction of the Board;
- (b) the compilation of a business and financial plan and reports in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), for approval by the Board;
- (c) the appointment of members of staff of the Trust contemplated in section 13(1); and
- (d) the control of, and maintenance of discipline over, members of staff of the Trust.

(2) The Chief Executive Officer is accountable to the Board and must report to the Board on the activities of the Trust.

(3) If the Chief Executive Officer is for any reason unable to perform any of his or her functions, the Board must, in writing, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions.

### **Staff of Trust**

**13.**(1) The Chief Executive Officer must, subject to subsection (2), employ members of staff of the Trust.

(2) The Board –

- (a) must determine a human resources policy for the Trust; and
- (b) must in consultation with the Member of the Executive Council responsible for finance determine –
  - (i) the remuneration and conditions of service; and
  - (ii) the pension and retirement benefits,of the Chief Executive Officer and the other members of staff of the Trust.

(3) The Board must, after consultation with the Chief Executive Officer, determine a code of conduct, applicable to all members of staff of the Trust and justiciable for purposes of disciplinary proceedings, to ensure –

- (a) compliance with applicable law;
- (b) the effective, efficient and economical use of the Trust's funds and resources;
- (c) the promotion and maintenance of a high standard of professional ethics;
- (d) the prevention of conflicts of interest other than those contemplated in section 15;
- (e) the protection of confidential information held by the Trust other than as is contemplated in section 22; and
- (f) professional, honest, impartial, fair, ethical and equitable service.

### **Secondment or transfer of staff to Trust**

**14.** The Trust may utilise the services of persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

### **Conflict of interest**

**15.**(1) A member of staff of the Trust must, on appointment, submit to the Trust a written statement in which it is declared whether or not that member has any direct or indirect interest, financially or otherwise, that –

- (a) may constitute a conflict of interest in respect of his or her functions as a member of staff of the Trust; or
- (b) could reasonably be expected to compromise the Trust in the performance of its functions.

- (2) If any member of staff of the Trust acquires an interest contemplated in subsection (1), he or she must immediately in writing declare that fact to the Trust.
- (3) A member of staff of the Trust may not be present at, or participate in, the discussion of or the taking of a decision on any matter before the Board in which that member has an interest contemplated in subsection (1).
- (4) A member of staff of the Trust may not use his or her position or privileges, or confidential information obtained as a member of staff of the Trust, for personal gain or to improperly benefit another person.
- (5) A member of staff of the Trust who fails or refuses to comply with subsection (1), (2), (3) or (4) –
- (a) is regarded as being in breach of the code of conduct referred to in section 13(3); and
  - (b) is subject to disciplinary measures contemplated in such code of conduct, applicable employment and labour law, and the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- (6) The Trust must keep a register of the interests of members of staff disclosed in terms of subsection (1) and must update that register annually.
- (7) This section applies, with the necessary changes, to a person seconded or transferred to the Trust in terms of section 14.

## CHAPTER 5 FUNDING AND MANAGEMENT OF ROYAL HOUSEHOLD TRUST

### Funds of Trust

16.(1) The funds of the Trust consist of –

- (a) money appropriated by the Provincial Legislature;
- (b) donations or contributions lawfully received by the Trust from any source;
- (c) interest on investments of the Trust; and
- (d) income lawfully derived from any other source.

(2) The Trust must utilise its funds –

- (a) for the payment of remuneration, allowances and subsistence and travelling expenses of –

- (i) the members of the Board;
- (ii) the Chief Executive Officer; and
- (iii) the members of staff,

of the Trust; and

- (b) to cover costs in connection with –

- (i) the day to day operation and administration of the Trust; and
- (ii) the performance of the duties and functions of the Trust and the exercise of its powers in terms of this Act.

(3) The Chief Executive Officer must, with the concurrence of the Board –



- (a) open an account in the name of the Trust with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
- (b) deposit therein all money received in terms of subsection (1).

### **Financial management**

17.(1) The Chief Executive Officer must cause full and proper books of account and all the necessary records in relation thereto to be kept.

(2) The Chief Executive Officer must ensure that the Trust's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The Chief Executive Officer must, within three months before the end of each financial year, submit to the Board for approval –

- (a) a business plan for the Trust, containing measurable objectives and the other information contemplated in section 18(3)(b) and (c); and
- (b) a statement of the estimated income and expenditure of the Trust,

in respect of the following three financial years.

(4) In any financial year the Chief Executive Officer may submit to the Board for approval adjusted or supplementary statements of the estimated income and expenditure of the Trust for that financial year.

(5) The Trust may not enter into any financial commitment beyond its approved budget and its accumulated reserves.

(6) The Chief Executive Officer may –

- (a) with the approval of the Board, invest any unexpended portion of its funds with the Corporation for Public Deposits or any other institution categorised or listed from time to time by the National Treasury as a Category "A1" financial institution; or
- (b) with the approval of the Board, dispose of that portion in any other manner.

(7) The Chief Executive Officer may, with the approval of the Board, establish reserve funds and deposit therein such amounts as the Board approves.

### **Audit and annual report**

18.(1) The Auditor-General must audit the financial statements of the Trust.

(2)(a) The Board must table a report on the activities of the Trust during a financial year in the Provincial Legislature within five months after the end of that financial year.

(b) Within five months after the report has been tabled, a delegation consisting of the chairperson of the Board and at least two other members of the Board must brief the relevant Portfolio Committee on the annual report.

(3) The report must –

- (a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;
- (b) state the extent to which the Trust has achieved or advanced its objects referred to in section 3 and the measurable objectives as set out in its business plan as contemplated in section 17(3)(a) during the financial year concerned; and
- (c) contain relevant performance information regarding the economic, efficient and effective

application of resources and specifically a comparison between planned and actual performance indicators as set out in that business plan.

#### **Immovable property**

**19.** The Trust may, in terms of a policy and procedure determined by the Board and with the approval of the Board, acquire, hold or dispose of immovable property in the course of its business.

#### **Legal proceedings against Trust**

**20.(1)** Any legal proceedings against the Trust must be instituted in accordance with the Institution of Legal Proceedings against certain Organs of State Act, 2002 (Act No. 40 of 2002).

(2) The Trust is, for purposes of subsection (1), regarded as an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of the said Act.

#### **Limitation of liability**

**21.** Neither the Board nor any individual member of the Board, or a member of staff of the Trust, is liable for anything done in good faith in the exercise of a power or the performance of a duty or function in terms of this Act.

## **CHAPTER 6 GENERAL PROVISIONS**

#### **Security of confidential information held by Trust**

**22.(1)** Subject to the Constitution, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), no person may disclose any information submitted to the Trust in connection with any legal brief or instruction, unless –

- (a) he or she is ordered to do so by a court of law;
- (b) or unless the person who gave such brief or instruction consents thereto in writing.

(2) No person may disclose any information kept in the register contemplated in section 15(6) unless such disclosure is –

- (a) in terms of any law that compels or authorises such disclosure;
- (b) materially necessary for the proper functioning of the Trust; or
- (c) made for purposes of monitoring, evaluating, investigating or considering any activity relating to the Trust, or any member of staff of the Trust.

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

#### **Dissolution of Trust**

**23.** The Trust may only be dissolved in terms of an Act of the Provincial Legislature.

#### **Use of name of Trust**

**24.(1)** No person may, without the prior written authorisation of the Trust, in any way represent or make use of the name, acronym, logos, designs or material used or owned by the Trust.

(2) No person may falsely claim to be acting on behalf of the Trust.

(3) Any person who contravenes subsections (1) or (2) is guilty of an offence.

### **General offences**

**25.(1)** A member of the Board, a member of staff, adviser, agent or other person employed by or acting on behalf of the Trust is guilty of an offence if he or she directly or indirectly accepts any unauthorised fee or reward from any person in respect of or in connection with anything done or offered by the Trust.

(2) Any person is guilty of an offence if he or she, in respect of or in connection with anything done or offered by the Trust, bribes or attempts to bribe, or corruptly influences or attempts to corruptly influence, any member of staff or any adviser, agent or other person employed by, or acting on behalf of, the Trust.

(3) Any person who falsely claims that he or she is authorised to charge or collect fees, donations or contributions on behalf of, or by direction of, the Trust, is guilty of an offence.

### **Penalties**

**26.** Any person convicted of an offence –

(a) in terms of section 25(1) or (2), is liable to a fine or to imprisonment for a period not exceeding that determined by national legislation for corruption; or

(b) in terms of section 7(5) or section 25(3), is liable to a fine or to imprisonment for a period not exceeding 5 years.

### **Regulations**

**27.** The responsible Member of the Executive Council may, in consultation with the Board and by notice in the *Gazette*, make regulations regarding –

(a) any matter that may or must be prescribed in terms of this Act; or

(b) any administrative or procedural matter necessary to give effect to the provisions of this Act.

### **Delegations**

**28.(1)** The responsible Member of the Executive Council may delegate to the Head of Department –

(a) any power conferred on the responsible Member of the Executive Council by this Act, except the power to make regulations referred to in section 27; or

(b) any duty imposed on the responsible Member of the Executive Council by this Act, except any duty regarding the appointment, and termination of office, of the members of the Board contemplated in sections 6(1)(b) and 8(4)(a).

(2) The Board may delegate to the Chief Executive Officer any power or duty conferred or imposed on the Board by this Act.

(3) The Chief Executive Officer may delegate to any member of staff of the Trust any power or duty conferred or imposed on the Chief Executive Officer by this Act, except any duty as accounting officer of the Trust.

(4) Any power or duty delegated in terms of subsection (1), (2) or (3) must be exercised or

performed subject to such conditions as the person or body that made the delegation considers necessary.

(5) Any delegation referred to in subsection (1), (2) or (3) –

(a) must be in writing;

(b) does not prohibit the person or body that made the delegation from exercising that power or performing that duty; and

(c) may at any time be withdrawn or amended in writing by that person or body.

## CHAPTER 7 SHORT TITLE

### **Short title**

**29.** This Act is called the KwaZulu-Natal Royal Household Trust Act, 2007.

No. 6

14 November 2007

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL  
WET OP DIE KONINKLIKE HUISHOUDINGTRUST, 2007  
(No. 2 van 2007)**

Goedgekeur op 2007 – 06 - 04

# WET

Om 'n statutêre trust vir die Koninklike Huishouding in die Provinsie KwaZulu-Natal in te stel; om die sake van die Koninklike Huishouding te bestuur en te behartig; om die oogmerke en werksaamhede van die Koninklike Huishoudingtrust te bepaal; om die wyse te bepaal waarop die Trust bestuur, beheer, beman en gefinansier moet word; en om voorsiening te maak vir aangeleenthede in verband daarmee.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie KwaZulu-Natal bepaal:-

## INDELING VAN ARTIKELS

*Artikel*

### HOOFSTUK 1 OMSKRYWINGS

1. Omskrywings

### HOOFSTUK 2 KONINKLIKE HUISHOUDINGTRUST

2. Instelling van Koninklike Huishoudingtrust
3. Oogmerke van Trust
4. *UMndeni weSilo*
5. Pligte, bevoegdhede en werksaamhede van Trust

### HOOFSTUK 3 RAAD VAN TRUSTEES VAN KONINKLIKE HUISHOUDINGTRUST

6. Samestelling van Raad van Trusteers van Trust, vulling van vakatures en besoldiging
7. Verklaring van finansiële of ander belange van lede van Raad
8. Ampstermyn en diskwalifikasies van lede van Raad
9. Vergaderings van Raad
10. Uitvoerende Komitee van Raad

#### HOOFSTUK 4 HOOF- UITVOERENDE BEAMPTTE EN ANDER PERSONEEL VAN KONINKLIKE HUISHOUDINGTRUST

11. Hoof- Uitvoerende Beamppte van Trust
12. Werkzaamhede van Hoof- Uitvoerende Beamppte
13. Personeel van Trust
14. Die afstaan aan of oorpasing van personeel na Trust
15. Strydige belange

#### HOOFSTUK 5 BEFONDSING EN BESTUUR VAN KONINKLIKE HUISHOUDINGTRUST

16. Fondse van Trust
17. Finansiële bestuur
18. Oudit en jaarverslag
19. Onroerende eiendom
20. Regsgedinge teen Trust
21. Beperking van aanspreeklikheid

#### HOOFSTUK 6 ALGEMENE BEPALINGS

22. Sekuriteit van vertroulike inligting deur die Trust gehou
23. Ontbinding van Trust
24. Gebruik van Trust se naam
25. Algemene misdrywe
26. Strawwe
27. Regulasies
28. Delegasies

#### HOOFSTUK 7 KORT TITEL

29. Kort titel

#### HOOFSTUK 1 OMSKRYWINGS

##### Omskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken –

“**boekjaar**” die tydperk van 1 April in enige jaar tot 31 Maart van die volgende jaar;

“**departementshoof**” die Direkteur-generaal of, waar die Premier die administrasie van hierdie Wet aan 'n lid van die Uitvoerende Komitee opgedra het, die mees senior beamppte van die departement van die Provinsiale Regering van KwaZulu-Natal waarvoor daardie lid van die Uitvoerende Raad verantwoordelik is;

**"Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996;

**"hierdie Wet"** ook die regulasies;

**"Hoof-Uitvoerende Beampte"** die uitvoerende beampte van die Trust aangestel ingevolge artikel 9(1);

**"Koerant"** die *Provinsiale Koerant* van KwaZulu-Natal;

**"Koninklike Huishouding"** "*uMndeni weSilo*", die tradisionele instelling van die Koninklike Familie van die Monarg ooreenkomstig Zoeloe-gewoontereg en -gebruike;

**"Lid van die Uitvoerende Raad verantwoordelik vir finansies"** die lid van die Uitvoerende Raad van die Provinsie KwaZulu-Natal verantwoordelik vir finansies;

**"Monarg"** die Monarg van die Provinsie KwaZulu-Natal synde –

(a) die persoon wat die amp van die Koning van die Zoeloe-volk, die Koning van *AmaZulu*, die *Ingonyama* of *Isilo*, beklee by die inwerkingtreding van hierdie Wet; of

(b) die Monarg van die Provinsie KwaZulu-Natal soos wat dit vervolgens in enige ander provinsiale wetgewing omskryf mag word;

**"Nasionale Tesourie"** die Nasionale Tesourie ingestel by artikel 5 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

**"Premier"** die Premier-in-Uitvoerende Raad van die Provinsie KwaZulu-Natal soos bedoel in artikel 125 van die Grondwet;

**"Provinsiale Regering"** die regering van die Provinsie KwaZulu-Natal;

**"Provinsiale Wetgewer"** die Wetgewer van die Provinsie KwaZulu-Natal;

**"Raad"** die Raad van Trustees van die Koninklike Huishoudingtrust bedoel in artikel 6(1);

**"regulasies"** regulasies kragtens artikel 27 uitgevaardig;

**"Trust"** die Koninklike Huishoudingtrust by artikel 2(1) ingestel;

**"Uitvoerende Raad"** die Uitvoerende Raad van die Provinsie KwaZulu-Natal;

**"Umndeni weSilo"** die koninklike Koninginne en bloedverwante van die Monarg soos vervat in die lys wat met artikel 4 beoog word.

**"verantwoordelike Lid van die Uitvoerende Raad"** die Premier van die Provinsie KwaZulu-Natal of daardie lid van die Uitvoerende Raad van die Provinsie KwaZulu-Natal aan wie die Premier die administrasie van hierdie Wet opgedra het;

**"voorgeskryf"** voorgeskryf ingevolge hierdie Wet en **"voorskryf"** het 'n ooreenstemmende betekenis;

## HOOFSTUK 2 KONINKLIKE HUISHOUDINGSTRUST

### **Instelling van Koninklike Huishoudingstrust**

2.(1) 'n Regspersoon bekend as die Koninklike Huishoudingstrust word hierby ingestel.

(2) Die Trust is 'n provinsiale openbare entiteit behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

(3) Die Wet op Beheer van Trusteiendom, 1988 (Wet No. 57 van 1988) is nie op die Trust van toepassing nie en 'n lid van die Raad van Trustees bedoel in artikel 6(1) is daarvan vrygestel om enige sekerheid te verskaf.

### **Oogmerke van Trust**

3. Die Trust moet op 'n wyse wat in ooreenstemming is met die bepalings van hierdie Wet –
- (a) geadmistreer word tot voordeel van die Monarg en die ander lede van die Koninklike Huishouding, met inbegrip van hulle –
    - (i) stoflike welsyn;
    - (ii) opvoedkundige behoeftes;
    - (iii) aspirasies; en
    - (iv) maatskaplike welstand,wat by hulle status pas; en
  - (b) bestuur word om voorsiening te maak vir die instandhouding van die bates van die Trust.

### ***Umndeni WeSilo***

4.(1) Vir die doeleindes van artikel 3, die Monarg en *Umndeni Wesilo* bestaan uit die koninklike Koninginne en bloedverwante van die Monarg soos vervat in 'n lys wat deur die verantwoordelike Lid van die Uitvoerende Raad in die *Koerant* na oorlegpleging met die Monarg gepubliseer sal word.

### **Pligte, bevoegdheede en werksaamhede van Trust**

5. Die Trust –
- (a) moet die werksaamhede verrig en die pligte en verantwoordelikhede vervul wat deur hierdie Wet opgelê word ;
  - (b) kan enige bevoegdheid uitoefen wat
    - (i) deur enige ander bepaling van hierdie Wet of enige ander wet verleen word; of
    - (ii) aan die Trust deur die verantwoordelike Lid van die Uitvoerende Raad gedelegeer of toegeken word.
  - (c) kan, by die uitoefening van sy bevoegdheede of die vervulling van sy pligte en werksaamhede ingevolge hierdie Wet, vir spesifieke projekte kontrakte aangaan vir die dienste van persone wat oor tegniese of spesialis kennis beskik rakende 'n aangeleentheid wat met die Trust verband hou, en moet die besoldiging, met inbegrip van die betaling van reis- en verblyftekoste en ander uitgawes, van sodanige persone bepaal; en
  - (d) kan, oor die algemeen, alles doen wat nodig of wenslik is om sy doelwitte vermeld in artikel 3 te bereik en om die pligte te vervul en die werksaamhede te verrig vermeld in paragraaf (a).



### HOOFSTUK 3 RAAD VAN TRUSTEES VAN DIE KONINKLIKE HUISHOUDINGSTRUST

#### **Samestelling van Raad van Trustees van Raad, vulling van vakatures en besoldiging**

6.(1)(a) Die Trust handel deur 'n raad van Trustees bestaande uit sewe lede aangestel deur die verantwoordelike Lid van die Uitvoerende Raad na oorlegpleging met die Monarg.

(b) Een van die lede van die Raad moet deur die verantwoordelike Lid van die Uitvoerende Raad as voorsitter van die Raad aangewys word.

(2) Minstens twee lede van die Raad moet oor bewese kennis en ervaring van finansiële bestuur beskik.

(3) (a) Die eerste vergadering van die Raad moet gehou word op 'n tyd en plek wat deur die voorsitter bepaal word.

(b) By daardie vergadering moet die lede van die Raad 'n ondervoorsitter kies uit die geledere van die lede van die Raad.

(4) Enige vakature in die Raad in die geledere van die lede moet op dieselfde wyse gevul word as toe die lid aangestel is wat die amp ontruim.

(5) Indien die amp van ondervoorsitter vakant raak, moet 'n ondervoorsitter gekies word in ooreenstemming met subartikel (3)(b).

(6) Indien beide die voorsitter en die ondervoorsitter van die Raad afwesig is of nie in staat is om enige werksaamheid van die voorsitter te verrig nie, moet die verantwoordelike Lid van die Uitvoerende Raad enige ander lid aanwys om as voorsitter op te tree tydens sodanige afwesigheid of onbevoegdheid.

(7) Geen vakature in die amp van die Hoof- Uitvoerende Beampte of 'n tekort in die aantal lede van die Raad beïnvloed of tas die bestaan van die Trust as regspersoon of enige regte, pligte of bevoegdhede aan wat deur hierdie Wet aan die Trust van die Raad verleen of opgelê is nie.

(8) Geen besluit van die Raad is geldig tensy dit geneem is by 'n vergadering –

(a) waar 'n kworum vereis deur artikel 9(3) teenwoordig was; en

(b) dit gehou is in ooreenstemming met die ander bepalings van artikel 9 nie.

(9)(a) 'n Lid van die Raad kan uit die fondse van die Raad sodanige besoldiging en toelaes betaal word wat deur die verantwoordelike Lid van die Uitvoerende Raad in oorlegpleging met die Lid van die Uitvoerende Raad vir finansies bepaal mag word.

(b) 'n Lid van die Raad wat besoldiging, toelaes of enige ander voordele ontvang uit hoofde van sy of haar pos of diens in –

(i) die nasionale regering;

(ii) 'n provinsiale regering;

(iii) 'n munisipaliteit; of

(iv) 'n korporasie, liggaam of instelling waarin die nasionale of provinsiale regering 'n beherende belang het,

en wat voortgaan om sodanige besoldiging, toelaes en ander voordele te ontvang terwyl hy of sy as lid van die Raad diens doen, mag alleenlik die besoldiging en toelaes vermeld in paragraaf (a) ontvang tot die mate wat vereis word om sodanige lid in die finansiële posisie te plaas waarin hy of sy sou wees indien dit nie was vir sodanige pos of diens nie.

(10)(a) 'n Lid van die Raad en 'n lid van die uitvoerende komitee van die Raad kan, ten opsigte van sy of haar werksaamhede as lid, vergoed word uit die fondse van die Raad vir redelike en werklike reis- en verblyfuitgawes genoodsaak deur die werklike bywoning van 'n vergadering van die Raad of die uitvoerende komitee van die Raad.

(b) Die Lid van die Uitvoerende Raad verantwoordelik vir finansies moet die prosedure, met inbegrip van beheermaatreëls, vir die beheer, hantering en prosessering van eise vir reis- en verblyfuitgawes bedoel in paragraaf (a) bepaal.

### **Verklaring van finansiële of ander belange deur lede van Raad**

7.(1) 'n Lid van die Raad waarna in artikel 5(1) verwys word, moet –

(a) binne 30 dae na aanstelling, 'n geskrewe verklaring van alle direkte en indirekte finansiële of ander belange by die verantwoordelike Lid van die Uitvoerende Raad indien; en

(b) in die verklaring waarna in paragraaf (a) verwys is, direkte en indirekte finansiële of ander belange insluit van familielede of vertrouelinge wat strydig mag wees met 'n aanstelling as lid van die Raad.

(2) Waar 'n lid van die Raad 'n verandering in finansiële of enige ander omstandighede ondervind of 'n belang verkry, moet die lid van die Raad 'n geskrewe verklaring binne 10 dae van die veranderde omstandighede by die verantwoordelike Lid van die Uitvoerende Raad indien.

(3) Waar 'n familielid of vertroueling van 'n lid van die Raad 'n verandering in finansiële of ander omstandighede ondervind of 'n belang verkry wat strydig mag wees met 'n aanstelling as 'n Lid van die Raad, moet die lid van die Raad 'n geskrewe verklaring binne 10 dae van die veranderde omstandighede by die verantwoordelike Lid van die Uitvoerende Raad indien.

(4) Die verantwoordelike Lid van die Uitvoerende Raad moet 'n bygewerkte register van die belange van lede van die Raad soos ingevolge hierdie artikel openbaar, byhou.

(5) 'n Lid van die Raad wat versuim om 'n verklaring soos in hierdie artikel voorsien, in te dien, begaan 'n misdryf.

### **Ampstermyn en diskwalifikasies van lede van Raad**

8.(1) 'n Lid van die Raad vermeld in artikel 6(1) beklee die amp vir 'n tydperk van vyf jaar.

(2) 'n Lid van die Raad kan heraangestel word.

(3) 'n Persoon wat aangestel is om 'n vakature in die Raad te vul, word geag die volle termyn van vyf jaar te dien waarvoor die Raad saamgestel is.

(4) 'n Lid van die Raad moet die amp ontruim indien –

(a) die verantwoordelike Lid van die Uitvoerende Raad, op aanbeveling van die Raad, die lid se aanstelling beëindig vir redes wat billik en regverdig is;

(b) die lid skuldig bevind word aan 'n misdryf waarvan oneerlikheid 'n bestanddeel is;

(c) die lid afwesig is van twee of meer vergaderings in 'n kalenderjaar sonder die voorsitter se toestemming; of

(d) die lid bedank na 30 dae skriftelike kennisgewing van die bedanking aan die voorsitter gegee is.

**Vergaderings van Raad**

9.(1) Die Raad moet minstens vier keer per jaar vergader op sodanige tye en plekke as wat die Raad bepaal.

- (2) Die voorsitter, of in afwesigheid van die voorsitter, die ondervoorsitter –
  - (a) kan 'n spesiale vergadering van die Raad belê;
  - (b) moet 'n spesiale vergadering belê binne 14 dae na ontvangs van 'n skriftelike versoek van minstens vier lede van die Raad om sodanige vergadering te belê.
- (3) Die kworum van 'n vergadering van die Raad is minstens vier lede van die Raad.
- (4) Die Raad bepaal die prosedure by sy vergaderings.
- (5) Die Hoof- Uitvoerende Beampte kan 'n vergadering van die Raad bywoon en daaraan deelneem maar mag nie stem nie.
- (6) 'n Besluit van die Raad word deur 'n meerderheidstem van lede teenwoordig by enige vergadering van die Raad geneem, en in die geval van 'n staking van stemme, het die persoon wat voorsit 'n beslissende stem bykomend tot sy gewone stem.
- (7) 'n Lid van die Raad moet onpartydig en te goeder trou optree sonder vrees, begunstiging of partydigheid en slegs onderhewig aan die Grondwet en enige ander toepaslike wet.
- (8) Indien 'n lid van die Raad, ten opsigte van enige aangeleentheid wat by 'n vergadering van die Raad oorweeg staan te word, 'n belang het wat daardie lid verhinder om op 'n regverdige, onpartydige en behoorlike wyse ten opsigte van sy of haar lidmaatskap van die Raad te handel, mag die lid nie –
  - (a) stem of op enige ander wyse deelneem aan die vergadering van daardie Raad nie; of
  - (b) teenwoordig wees op die perseel waar die vergadering gehou word nie.

**Uitvoerende Komitee van die Raad**

10.(1) By sy eerste vergadering of so gou doenlik daarna moet die Raad 'n uitvoerende komitee instel bestaande uit –

- (a) die voorsitter en ondervoorsitter van die Raad; en
  - (b) twee ander lede van die Raad deur die Raad aangestel.
- (2) Minstens een lid van die uitvoerende komitee moet oor bewese kennis en ervaring van finansiële bestuur beskik.
  - (3) Die voorsitter en ondervoorsitter van die Raad is onderskeidelik die voorsitter en ondervoorsitter van die uitvoerende komitee.
  - (4) Die uitvoerende komitee moet sodanige pligte vervul en kan sodanige bevoegdhede van die Raad uitoefen as wat die Raad ingevolge artikel 28(2) aan hom mag delegeer.
  - (5) Die uitvoerende komitee moet so dikwels vergader as wat dit nodig is om sy pligte te vervul en sy bevoegdhede uit oefen op sodanige tye en plekke, en in ooreenstemming met sodanige prosedure as wat daardie komitee bepaal.
  - (6) Die bepalinge van artikel 9(4)-(8) is met die nodige veranderinge van toepassing ten opsigte van vergaderings van die uitvoerende komitee.

## **HOOFSTUK 4**

### **HOOF- UITVOERENDE BEAMPTTE EN ANDER PERSONEEL VAN DIE KONINKLIKE HUISHOUDINGSTRUST**

#### **Hoof- Uitvoerende Beampte van Trust**

11.(1) Die verantwoordelike Lid van die Uitvoerende Raad moet na oorlegpleging met die Raad, 'n geskikte en behoorlik gekwalifiseerde persoon aanstel as die Hoof-Uitvoerende Beampte van die Trust.

(2)(a) Die Hoof- Uitvoerende Beampte word aangestel vir 'n tydperk van hoogstens vyf jaar.  
(b) Die Hoof- Uitvoerende Beampte kan heraan gestel word.

(3)(a) Die aanstelling van die Hoof- Uitvoerende Beampte is onderhewig aan die sluiting van 'n geskrewe prestasie-ooreenkoms tussen daardie persoon en die Raad.  
(b) Die Raad en Hoof- Uitvoerende Beampte kan die prestasie-ooreenkoms skriftelik en deur ooreenkoms wysig.

(4) Die Lid van die Uitvoerende Raad, na oorlegpleging met die Raad, kan die diens van die Hoof- Uitvoerende Beampte beëindig in ooreenstemming met toepaslike emplojerings- en arbeidsreg.

(5) Klousule 15 is van toepassing op die Hoof- Uitvoerende Beampte, behalwe dat hy of sy, sy of haar belange of strydige belange aan die Raad moet openbaar.

#### **Wersaamhede van Hoof-Uitvoerende Beampte**

12.(1) Die Hoof- Uitvoerende Beampte is die hoof administratiewe; uitvoerende en rekenpligtige amptenaar van die Trust en is verantwoordelik vir –

- (a) die bestuur van die Trust behoudens die opdrag van die Raad;
- (b) die samestelling van 'n sake- en finansiële plan en verslae ingevolge die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) vir goedkeuring deur die Raad;
- (c) die aanstelling van personeellede van die Trust bedoel in artikel 13(1); en
- (d) die beheer van en handhawing van dissipline ten opsigte van personeellede van die Trust.

(2) Die Hoof- Uitvoerende Beampte is aanspreeklik teenoor die Raad en moet aan die Raad rapporteer aangaande die wersaamhede van die Trust.

(3) Indien die Hoof- Uitvoerende Beampte vir enige rede nie in staat is om sy of haar wersaamhede te verrig nie, moet die Raad skriftelik 'n ander persoon as waarnemende Hoof-Uitvoerende Beampte aanstel totdat die Hoof- Uitvoerende Beampte in staat is om daardie wersaamhede te hervat.

### **Personeel van Trust**

**13.(1)** Die Hoof- Uitvoerende Beampte moet, behoudens subartikel (2), personeellede van die Trust in diens neem.

(2) Die Raad moet –

(a) 'n menslike hulpbronbeleid vir die Trust; en

(b) verder –

(i) die besoldiging en diensvoorwaardes; en

(ii) die pensioen- en aftreevoordele,

van die Hoof- Uitvoerende Beampte en ander personeellede van die Trust bepaal.

(3) Die Raad moet, na oorlegpleging met die Hoof- Uitvoerende Beampte, 'n gedragskode bepaal wat van toepassing is op alle personeellede van die Trust en beregbaar is vir doeleindes van dissiplinêre optrede om –

(a) nakoming van toepaslike wette;

(b) die doelmatige, doeltreffende en ekonomiese gebruik van die Trust se fondse en hulpbronne;

(c) die bevordering en handhawing van 'n hoë standaard van professionele etiek;

(d) die voorkoming van strydige belange behalwe daardie bedoel in artikel 15 ;

(e) die beskerming van vertroulike inligting wat deur die Trust gehou word behalwe soos bedoel in artikel 22; en

(f) professionele, eerlike, onpartydige, regverdige, etiese en billike diens te verseker.

### **Die afstaan aan of oorplasing van personeel na Trust**

**14.** Die Trust kan van die dienste gebruik maak van persone wat ingevolge die bepalings van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994) deur die staatsdiens afgestaan of oorgeplaas word.

### **Strydige belange**

**15.(1)** 'n Personeellid van die Trust moet by aanstelling 'n skriftelike verklaring aan die Trust voorlê waaraan verklaar word of daardie lid oor enige regstreekse of onregstreekse finansiële of ander belang beskik wat –

(a) 'n strydige belang uitmaak ten opsigte van sy of haar werksaamhede as 'n personeellid van die Trust; of

(b) redelikerwys verwag kan word om die Trust in die uitoefening van sy werksaamhede onder verdenking te bring.

(2) Indien enige personeellid van die Trust 'n belang bedoel in subartikel (1) verkry, moet hy of sy onmiddellik sodanige feit skriftelik aan die Trust verklaar.

(3) 'n Personeellid van die Trust mag nie teenwoordig wees by of deelneem aan die bespreking van of die neem van 'n besluit oor enige aangeleentheid wat voor die Raad dien waarin daardie lid 'n belang bedoel in subartikel (1) het nie.

(4) 'n Personeellid van die Trust mag nie sy posisie of voorregte, of vertroulike inligting wat verkry is as personeellid van die Trust, vir persoonlike gewin of onbehoorlike voordeel van 'n ander persoon gebruik nie.

(5) 'n Personeellid van die Trust wat versuim of weier om aan subartikel (1), (2), (3) of (4) te voldoen –

(a) word geag strydig met die gedragskode vermeld in 11(3) op te tree ; en

(b) is onderhewig aan dissiplinêre optrede bedoel in sodanige gedragkode, toepaslike emplojerings- en arbeidsreg en die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

(6) Die Trust moet 'n register hou van die belange van personeellede wat ingevolge subartikel (1) geopenbaar is en moet daardie register jaarliks opdateer.

(7) Hierdie artikel geld, met die nodige veranderings, vir 'n persoon wat aan die Trust afgestaan of na die Trust oorgeplaas word ingevolge artikel 14.

## **HOOFSTUK 5 BEFONDSING EN BESTUUR VAN KONINKLIKE HUISHOUDINGSTRUST**

### **Fondse van Trust**

16.(1) Die fondse van die Trust bestaan uit –

- (a) geld wat deur die Provinsiale Wetgewer bewillig is;
- (b) donasies of bydraes wat wettiglik deur die Trust van enige bron ontvang is;
- (c) rente op beleggings van die Trust; en
- (d) inkomste wat wettiglik vanaf enige ander bron bekom is.

(2) Die Trust moet sy fondse gebruik –

- (a) vir die betaling van besoldiging, toelaes en reis- en verblyfuitgawes van –
  - (i) die lede van die Raad;
  - (ii) die Hoof- Uitvoerende Beampste; en
  - (iii) personeellede,van die Trust; en
- (b) om uitgawes te bestry met betrekking tot –
  - (i) die daaglikse bedryf en administrasie van die Trust; en
  - (ii) die ver vulling van die pligte en werksaamhede van die Trust en die uitoefening van sy bevoegdhede ingevolge hierdie Wet.

(3) Die Hoof- Uitvoerende Beampste moet, met die instemming van die Raad –

- (a) 'n rekening in die naam van die Trust open by 'n geregistreerde Bank ingevolge die Bankwet, 1990, (Wet No. 94 van 1990); en
- (b) al die geld daarin deponeer wat ingevolge subartikel (1) ontvang word.

### **Finansiële bestuur**

17.(1) Die Hoof- Uitvoerende Beampste moet sorg dat volledige en behoorlike boekhouding gedoen word en dat alle rekords wat daarmee in verband staan gehou word.

(2) Die Hoof- Uitvoerende Beampste moet verseker dat die Trust se jaarlikse begrotings, korporatiewe planne, jaarverslae en geouditeerde finansiële state opgestel en voorgelê word in ooreenstemming met die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

(3) Die Hoof- Uitvoerende Beampste moet binne drie maande voor die einde van elke boekjaar aan die Raad vir goedkeuring voorlê –

- (a) 'n sakeplan vir die Trust wat meetbare doelwitte en die ander inligting bedoel in artikel 18(3)(b) en (c) bevat; en
- (b) 'n staat van die beraamde inkomste en uitgawes van die Trust, ten opsigte van die volgende drie boekjare.

- (4) Die Hoof- Uitvoerende Beampte kan in enige boekjaar gewysigde of aanvullende state van die beraamde inkomste en uitgawes van die Trust vir daardie boekjaar aan die Raad vir goedkeuring voorlê.
- (5) Die Trust mag nie enige finansiële verpligtinge aangaan wat sy goedgekeurde begroting en opgeloopte reserwes oorskry nie.
- (6) Die Hoof- Uitvoerende Beampte kan –
- (a) met die toestemming van die Raad enige onbestede gedeelte van sy fondse belê by die Korporasie vir Openbare Depositos of enige ander instelling wat van tyd tot tyd deur die Nasionale Tesourie as kategorie “A1” finansiële instelling gekategoriseer of gelys word; of
  - (b) met die toestemming van die Raad op enige ander wyse oor daardie gedeelte beskik.
- (7) Die Hoof- Uitvoerende Beampte kan, met die goedkeuring van die Raad, ‘n reserwefonds instel en sodanige bedrae as wat die Raad goedkeur daarin stort.

### **Oudit en jaarverslag**

18.(1) Die Ouditeur-generaal moet die finansiële state van die Trust ouditeer.

- (2)(a) Die Raad moet ‘n verslag oor die werksaamhede van die Trust in ‘n boekjaar in die Provinsiale Wetgewer tertafel lê binne vyf maande na die einde van die boekjaar.
- (b) Binne vyf maande nadat die verslag tertafel gelê is, moet ‘n afvaardiging bestaande uit die voorsitter van die Raad en minstens twee lede van die Raad die betrokke portefeuljekomitee oor die jaarverslag voorlig.
- (3) Die verslag moet –
- (a) ‘n balansstaat en ‘n inkomste en uitgawestaat gesertifiseer deur die Ouditeur-generaal insluit ;
  - (b) die mate waarin die Trust sy doelwitte vermeld in artikel 3 vir die betrokke boekjaar bereik of bevorder het, uiteensit en die meetbare doelwitte soos in sy sakeplan bedoel in artikel 17(3)(a) uiteengesit; en
  - (c) toepaslike inligting bevat oor die ekonomiese en doeltreffende aanwending van hulpbronne en spesifiek ‘n vergelyking tussen beplande en werklike prestasie-aanduiders soos in die sakeplan uiteengesit.

### **Onroerende eiendom**

19. Die Raad kan, ingevolge ‘n beleid en prosedure wat deur die Raad met die goedkeuring van die Raad bepaal word, onroerende eiendom verkry, besit of daarvoor beskik in die gang van sake.

### **Regsgedinge teen Trust**

20.(1) Enige regsgedinge teen die Trust moet ingestel word in ooreenstemming met die Wet op die Instel van Regsgedinge teen Sekere Staatsorgane, 2002 (Wet No. 40 van 2002).

- (2) Die Trust word, vir doeleindes van subartikel (1), beskou as ‘n staatsorgaan bedoel in paragraaf (c) van die omskrywing daarvan in artikel 1 van die gemelde Wet.

## **Beperking van aanspreeklikheid**

21. Nóg die Raad nóg enige individuele lid van die Raad, of 'n personeellid van die Trust, is aanspreeklik vir iets wat te goeder trou gedoen is in die vervulling van 'n plig of werksaamheid ingevolge hierdie Wet.

## **HOOFSTUK 6 ALGEMENE BEPALINGS**

### **Sekuriteit van vertroulike inligting deur die Trust gehou**

22.(1) Behoudens die Grondwet en die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), mag geen persoon enige inligting openbaar nie wat aan die Trust voorgelê is ten opsigte van enige regsopdrag of instruksie, tensy –

- (a) hy of sy deur 'n hof daartoe beveel word;
- (b) of tensy die persoon wat sodanige opdrag of instruksie verskaf het skriftelik daartoe instem.

(2) Geen persoon mag enige inligting wat in die register bedoel in artikel 15(6) gehou word, openbaar nie, tensy sodanige openbaarmaking –

- (a) ingevolge enige wet is wat sodanige openbaarmaking beveel of magtig;
- (b) wesenlik belangrik is vir die behoorlike funksionering van die Trust; of
- (c) gedoen is met die doel om enige werksaamheid in verband met die Trust, of enige personeellid van die Trust, te monitor, evalueer, ondersoek of te oorweeg.

(3) Enige persoon wat subartikel (1) of (2) oortree, is skuldig aan 'n misdryf.

### **Ontbinding van Trust**

23. Die Trust kan alleenlik ingevolge 'n Wet van die Provinsiale Wetgewer ontbind word.

### **Gebruik van Trust se naam**

24.(1) Geen persoon mag sonder die vooraf skriftelike goedkeuring van die Trust op enige wyse van die naam, akroniem, embleme, ontwerpe of materiaal wat deur die Trust gebruik of besit word, gebruik maak of dit verteenwoordig nie.

(2) Geen persoon mag valslik voorgee dat hy of sy namens die Trust handel nie.

(3) Enige persoon wat subartikel (1) of (2) oortree, is skuldig aan 'n misdryf.

### **Algemene misdrywe**

25.(1) 'n Lid van die Raad, personeellid, raadgewer, agent of ander persoon wat by die Trust in diens is of namens hom handel, is skuldig aan 'n misdryf indien hy of sy regstreeks of onregstreeks enige ongemagtige gelde of vergoeding van enige persoon aanvaar ten opsigte van of in verband met iets wat deur die Trust gedoen of aangebied word.

(2) Enige persoon is skuldig aan 'n misdryf indien hy of sy, ten opsigte van of in verband met iets wat deur die Trust gedoen of aangebied word, enige personeellid of enige raadgewer, agent of ander persoon in diens van of wat namens die Trust handel, omkoop of probeer omkoop, of beïnvloed om korrupsie te pleeg of probeer beïnvloed om korrupsie te pleeg.

(3) Enige persoon wat valslik voorgee dat hy of sy gemagtig is om gelde, donasies of bydraes namens of in opdrag van die Trust te hef of in te samel, is aan 'n misdryf skuldig.



**Strawwe**

26. Enige persoon wat ingevolge hierdie Wet skuldig bevind word, is strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 5 jaar.

**Regulasies**

27. Die verantwoordelike Lid van die Uitvoerende Raad kan, na oorlegpleging met die Raad en by kennisgewing in die *Koerant*, regulasie uitvaardig betreffende –

- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan of moet word; of
- (b) enige administratiewe of proseduremaatreeël wat nodig is om uitvoering aan die bepalings van hierdie Wet te gee.

**Delegasies**

28.(1) Die verantwoordelike Lid van die Uitvoerende Raad kan aan die departementshoof delegeer –

- (a) enige bevoegdheid deur hierdie Wet aan die verantwoordelike Lid van die Uitvoerende Raad opgedra, behalwe die bevoegdheid om regulasie uit te vaardig vermeld in artikel 25; of
- (b) enige plig deur hierdie Wet aan die verantwoordelike Lid van die Uitvoerende Raad opgelê, behalwe enige plig betreffende die aanstelling en beëindiging van diens van die lede van die Raad bedoel in artikels 6(1)(b) en 8(4)(a).

(2) Die Raad kan aan die Hoof- Uitvoerende Beampte enige bevoegdheid of plig delegeer wat deur hierdie Wet aan die Raad verleen of opgelê is.

(3) Die Hoof- Uitvoerende Beampte kan aan enige personeellid van die Trust enige bevoegdheid of plig delegeer wat deur hierdie Wet aan die Hoof- Uitvoerende Beampte verleen of opgelê is, behalwe enige plig as rekenpligtige amptenaar van die Trust.

(4) Enige bevoegdheid of plig wat ingevolge subartikel (1), (2) of (3) gedelegeer is, moet uitgeoefen of vervul word behoudens sodanige voorwaardes as wat die persoon of liggaam wat die delegasie gedoen het, nodig ag.

(5) Enige delegasie vermeld in subartikel (1), (2) of (3) –

- (a) moet skriftelik geskied;
- (b) verhoed nie die persoon of liggaam wat die delegasie gedoen het om daardie bevoegdheid uit te oefen of daardie plig te vervul nie; en
- (c) kan te enige tyd skriftelik deur daardie persoon of liggaam teruggetrek of gewysig word.

## HOOFSTUK 7 KORT TITEL

**Kort titel**

29. Hierdie Wet heet die KwaZulu-Natal Wet op die Koninklike Huishoudingtrust, 2007.

## MEMORANDUM OOR DIE DOELWITTE VAN DIE KWAZULU-NATAL WETSONTWERP OP DIE KONINKLIKE HUISHOUDINGSTRUST, 2005

### 1. AGTERGROND

In sy 2005/ 2006-begrotingsrede oor die Departement van die Koninklike Huishouding het die agbare Premier gesê –

*“Mnr Speaker, soos aangetoon, het die bevindinge bevestig dat ‘n staatsdepartement nie die geskikte struktuur is om ondersteuning en diens aan Sy Majesteit te verleen nie. Daar word aanbeveel dat die Departement van die Koninklike Huishouding afgeskaf word.”*

Die KwaZulu-Natal Wetsontwerp op die Koninklike Huishoudingtrust, 2005 poog om ‘n statutêre trust wat tot die voordeel van die Monarg en die ander lede van die Koninklike Huishouding in die Provinsie KwaZulu-Natal geadministreer word, in te stel.

Die Wetsontwerp bepaal ook die doelwitte en funksies van die KwaZulu-Natal Koninklike Huishoudingtrust, asook die wyse waarop die Trust bestuur, beheer, beman en gefinansier moet word.

Die belangrikste oogmerk van die Wetsontwerp is om die praktiese probleme met betrekking tot die instandhouding van die KwaZulu-Natal Koninklike Huishoudingtrust aan te spreek ten einde dit selfonderhoudend te maak.

### 2. KLOUSULE VIR KLOUSULE VERDUIDELIKING

Die Wetsontwerp bepaal opsommenderwys soos volg:

#### **Klousule 1:**

In klousule 1 word die terme wat in die die Wetsontwerp gebruik word omskryf, met die oog daarop om die betekenis van die terme te beperk of uit te brei.

#### **Klousule 2:**

In klousule 2 word ‘n statutêre liggaam wat as die Koninklike Huishoudingtrust bekend sal staan, ingestel wat as provinsiale openbare entiteit ingevolge die WBOF gelys sal word. Lede van die Raad van Trustees sal vrygestel word van die bepalings van die Wet op Beheer van Trusteïendom wat vereis dat lede of liggame van hierdie aard sekuriteit moet verskaf.

#### **Klousule 3:**

Klousule 3 maak voorsiening vir die doelwitte van die Trust met inbegrip van die wyse waarop dit geadministreer en bestuur moet word.

#### **Klousule 4:**

Klousule 4 maak voorsiening vir die pligte, bevoegdhede en werksaamhede van die Trust.

#### **Klousule 5:**

Klousule 5 maak voorsiening vir die samestelling van die Raad van Trustees van die Trust en hoe dit gevul moet word, asook besoldiging vir lede van die Raad.

#### **Klousule 6:**

Klousule 6 maak voorsiening vir die ampstermyn en die omstandighede waaronder 'n persoon gediskwalifiseer kan word om as lid van die Raad te dien.

**Klousule 7:**

Klousule 7 maak voorsiening vir die vergaderings van die Raad met inbegrip van, maar nie beperk nie, tot hoe en wanneer dit gehou moet word.

**Klousule 8:**

Klousule 8 maak voorsiening vir die instelling van 'n uitvoerende komitee vir die Raad wat onder meer sodanige pligte sal vervul as wat die Raad ingevolge artikel 26 aan hom mag delegeer.

**Klousule 9:**

Klousule 9 maak voorsiening vir die aanstelling van 'n Hoof- Uitvoerende Beampte (HUB) vir die Trust.

**Klousule 10:**

Klousule 10 maak voorsiening vir die werksaamhede van die HUB met inbegrip van onder meer die daaglikse sake van die Trust. Die HUB is teenoor die Raad aanspreeklik.

**Klousule 11:**

Klousule 11 maak voorsiening vir die indiensneming van personeellede van die Trust deur die HUB en die verantwoordelikheid van die Raad om hulle diensvoorwaardes te bepaal.

**Klousule 12:**

Klousule 12 poog om die Trust in staat te stel om die dienste van persone te gebruik wat vanaf die staatsdiens oorgeplaas of deur laasgenoemde afgestaan word.

**Klousule 13:**

Klousule 13 maak voorsiening vir die verklaring van finansiële en ander belange deur personeellede by aanstelling of wanneer ookal dit opduik terwyl hulle in die Trust se diens is. Hierdie artikel is ook op die HUB van toepassing.

**Klousule 14:**

Klousule 14 maak voorsiening vir die Trust se befondsingsbronne. Ingevolge hierdie klousule moet die HUB met die instemming van die Raad 'n bankrekening vir die Trust open.

**Klousule 15:**

In klousule 15 word die finansiële verantwoordelikheid ten opsigte van die Trust se fondse op die HUB geplaas.

**Klousule 16:**

Klousule 16 maak voorsiening vir die ouditering van die Trust se finansiële state en die tertafellegging van 'n verslag oor sy werksaamhede in die Provinsiale Wetgewer en by die portefeuljekomitee.

**Klousule 17:**

Klousule 17 verleen aan die Trust die bevoegdheid om onroerende eiendom te verkry, te besit of daarvoor te beskik.

**Klousule 18:**

Klousule 18 bepaal dat vir die doel van 'n regsgeeding teen die Trust die bepalings van die Wet op die Instelling van Regstappe teen Sekere Staatsinstellings, 2002 (Wet No. 40 van 2002) op die Trust van toepassing is.

**Klousule 19:**

Klousule 19 maak voorsiening vir beperking van aanspreeklikheid vir lede van die Raad of personelede van die Trust vir iets wat te goeder trou gedoen is.

**Klousule 20:**

In klousule 20 word persone verbied om vertroulike inligting oor die Trust openbaar te maak tensy sodanige openbaarmaking ingevolge die reg of 'n hofbevel geskied.

**Klousule 21:**

Klousule 21 bepaal dat die Trust alleenlik deur 'n Wet van die Provinsiale Wetgewer ontbind kan word.

**Klousule 22:**

In klousule 22 word die ongemagtigde gebruik van die naam, akroniem, embleme, ontwerpe of materiaal wat deur die Trust gebruik of besit word, verbied.

**Klousule 23:**

Klousule 23 stel sekere gedrag deur lede van die Trust en private individue strafbaar.

**Klousule 24:**

Klousule 24 maak voorsiening vir strawwe vir persone wat skuldig bevind word dat hulle hierdie Wet oortree het.

**Klousule 25:**

Klousule 25 verleen aan die verantwoordelike Lid van die Uitvoerende Raad die bevoegdheid om regulasie uit te vaardig.

**Klousule 26:**

Klousule 26 maak voorsiening vir die delegasie van bevoegdhede aan die departementshoof deur die verantwoordelike Lid van die Uitvoerende Raad en aan die HUB deur die Raad.

**Klousule 27:**

Klousule 27 maak voorsiening vir die kort titel.

### **3. ORGANISATORIESE EN PERSONEELIMPLIKASIES VIR PROVINSIALE REGERING**

Die Departement van die Koninklike Huishouding is tans verantwoordelik vir die instandhouding en onderhoud van die Monarg. Daar word derhalwe verwag dat die Wetsontwerp nie organisatoriese of personeelvereistes vir die Provinsiale Regering sal laat toeneem nie.

### **4. DEPARTEMENTE/ LIGGAME/ PERSONE GERAADPLEEG**

Die Monarg

Die Departement van die Koninklike Huishouding

Die Departement van Plaaslike Regering en Tradisionele Sake

## **5. FINANSIËLE IMPLIKASIES**

Daar word voorsien dat die Provinsiale Regering 'n verantwoordelikheid van nie meer as die R27,6 miljoen van die begroting wat aan die Departement: Koninklike Huishouding vir die 2005/ 2006-boekjaar toegewys is teenoor die verwagte Trust sal hê nie.

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

**UMTHETHO WAKWAZULU-NATALI WETHRASTI YOMNYANGO  
WEZASENDLUNKULU, KA-2007  
(Na. 2 ka 2007)  
Uvunywe mhlaka 2007- 06- 04**

# UMTHETHO

Wokusungula ithrasti esemthethweni ezobhekela uMnyango WezaseNdlunkulu esifundazweni saKwaZulu-Natali; ukunquma ngezinjongo kanye nemisebenzi yeThrasti yoMnyango Wezasendlunkulu; ukunquma ngendlela iThrasti okumele iphathwe, ilawulwe, ibuye ihlinzekwe ngabasebenzi nezimali ngayo; kanye nokuhlinzekela ezinye izindaba eziphathelele nalokho.

MAKUMISWE UMTHETHO yiSishayamthetho sesiFundazwe saKwaZulu-Natali, kanje:

## UKUHLELWA KWEZIGABA

Isigaba

### ISAHLUKO 1 IZINCAZELO

1. Izincazelo

### ISAHLUKO 2

## ITHRASTI YOMNYANGO WEZASENDLUNKULU

2. Ukusungulwa kweThrasti Yomnyango WezaseNdlunkulu
3. Izinjongo zeThrasti
4. Umndeni weSilo
5. Izibopho, amandla kanye nemisebenzi yeThrasti

**ISAPHLUKO 3****IBHODI LABAPHATHELI BETHRASTI YOMNYANGO WEZASENDLUNKULU**

6. Ukwakheka kweBhodi Labaphatheli, ukugcwaliswa kwezikhala kanye namaholo
7. Ukudalulwa kokuhlomula ngokwemali noma ngezinye izindlela kwamalungu eBhodi
8. Isikhathi sokuqokelwa esikhundleni kanye nemibandela enqinda ubulungu kumalungu eBhodi
9. Imihlangano yeBhodi
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**ISAPHLUKO 4****ISIKHULU ESIPHETHE KANYE NABANYE ABASEBENZI BETHRASTI YOMNYANGO WEZASENDLUNKULU**

11. Isikhulu Esiphethe seThrasti
12. Imisebenzi yesikhulu Esiphethe
13. Abasebenzi beThrasti
14. Ukusekhondwa noma ukudluliselwa kwabasebenzi kwiThrasti
15. Ukushayisana kwamaqhaza

**ISAPHLUKO 5****UKUHLINZEKWA NGOXHASOMALI NOKUPHATHWA KWETHRASTI YOMNYANGO WEZASENDLUNKULU**

16. Izimali zeThrasti
17. Ukuphathwa kwezimali
18. Umbiko wokucwaningwa kwamabhuku kanye nowonyaka
19. Impahla engasuseki
20. Ukumangalelwa kweThrasti
21. Umkhawulo wesibopho sokukhokha

**ISAPHLUKO 6****IZINHLINZEKO EZIWAYELEKILE**

22. Ukuvikeleka kolwazi oluyimfihlo olugcinwe yiThrasti
23. Ukuhlakazwa kweThrasti
24. Ukusetshenziswa kwegama leThrasti
25. Amacala ajwayelekile
26. Izijeziso

- 27. Imithethonqubo
- 28. Ukudluliselwa kwamandla

## **ISAHLUKO 7 ISIHLOKO ESIFUSHANE**

- 29. Isihloko Esifushane

## **ISAHLUKO 1**

### **IZINCAZELO**

#### **Izincazelo**

- 1. Kulo Mthetho, ngaphandle uma ingqikithi isho okunye –

“**iBhodi**” kusho iBhodi Labaphatheli kusho beThrasti yoMnyango wezaseNdlunkulu ebalulwe esigabeni 6(1);

“**uMthethosisekelo**” kusho uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;

“**isiKhulu Esiphethe**” kusho isikhulu esiphethe seThrasti esiqokwe ngaphansi kwesigaba 11(1);

“**uMkhandlu Ophethe**” kusho uMkhandlu Ophethe wesiFundazwe saKwaZulu-Natali;

“**unyaka wezimali**” kusho isikhathi esisukela mhla lu-1 kuMbasa kunoma yimuphi unyaka kuze kube umhla zingama-31 kuNdasa onyakeni olandelayo;

“**iGazethi**” kusho iGazethi yesiFundazwe saKwaZulu-Natali;

“**iNhloko Yomnyango**” kusho uMqondisi-Jikelele noma, lapho uNdunankulu enikezele ukuphathwa kwalo Mthetho elungwini loMkhandlu Ophethe, isikhulu esiphezulu somnyango kuhulumeni wesifundazwe saKwaZulu-Natali lelo lungu loMkhandlu Ophethe elibhekene nawo;

“**iLungu loMkhandlu Ophethe elibhekene nezimali**” kusho ilungu loMkhandlu Ophethe wesiFundazwe saKwaZulu-Natali elibhekene nezimali;

“**iSilo**” kusho iSilo Samabandla sesifundazwe saKwaZulu-Natali, okuba –



(a) ngumuntu osesikhundleni sobukhosi besizwe saMazulu, *iNgonyama noma iSilo*, ngosuku lokuqala kokusebenza kwalo Mthetho;

(b) iSilo Samabandla sesiFundazwe saKwaZulu-Natali njengoba kungabuye kuchazwe kuMthethosisekelo wesiFundazwe saKwazulu-Natali noma komunye umthetho wesifundazwe;

**“uPhiko Lukazwelonke Lokugcinwa Kwezimali”** kusho uPhiko Lukazwelonke Lokugcinwa Kwezimali olusungulwe yisigaba 5 soMthetho Wokuphathwa Kwezimali Zikahulumeni, 1999 ( uMthetho No. 1 ka 1999);

**“uNdunankulu”** kusho uNdunankulu eMkhandlwini Ophethe wesiFundazwe saKwaZulu-Natali njengoba kuchazwe esigabeni 125 soMthethosisekelo;

**“okunqunyiwe”** kusho okunqunywe ngokwalo Mthetho futhi **ukunquma** kunencazelo efanayo;

**“uHulumeni wesiFundazwe’** kusho uhulumeni wesifundazwe saKwazulu-Natali;

**“iSishayamthetho sesiFundazwe”**kushoiSishayamthetho sesiFundazwe saKwaZulu-Natali;

**“imithethonqubo”** kusho imithethonqubo eyenziwe ngokwesigaba 27;

**“iLungu elinesibopho loMkhandlu Ophethe”** kusho uNdunankulu wesiFundazwe saKwaZulu-Natali noma lelo lungu loMkhandlu Ophethe wesiFundazwe saKwaZulu-Natali, eliphathiswe nguNdunankulu amandla okulawula ukusebenza kwalo Mthetho;

**“iNdlunkulu”** kusho uMndeni weSilo, oyisakhiwo somdabu sobukhosi beSilo ngokuhambisana nomthetho wesintu namasiko;

**“lo Mthetho”** kufaka phakathi nemithethinqubo;

**“iThrasti”** kusho iThrasti Yomnyango Wezasendlunkulu esungulwe yisigaba 2(1);

**“Umndeni weSilo”** kusho oNdlunkulu beSilo nezihlobo zegazi seSilo njengoba zibaliwe ohlwini olubalulwe esigabeni 4.

## ISAPHLUKO 2

### ITHRASI YOMNYANGO WEZASENDLUNKULU

#### Ukusungulwa kweThrasi Yomnyango WezaseNdlunkulu

2.(1) Ngalokhu kusungulwa isakhiwo esisemthethweni esizokwaziwa njengeThrasi Yomnyango WezaseNdlunkulu

(2) IThrasi iyisakhiwo sikahulumeni sesifundazwe esingaphansi koMthetho wokuPhathwa kweziMali zikaHulumeni, ka-1999 (uMthetho No.1 ka-1999).

(3) UMthetho wokuPhathwa kweMpahla yeThrasi, 1988 (uMthetho No. 57 ka-1988), awusebenzi kule Thrasi futhi lungu leBhodi labaphatheli elibalulwe esigabeni 6(1) liyakhululwa ekunikezeni noma yisiphi isibambiso

#### Izinjongo zeThrasi

3. IThrasi kumele, ngendlela ehambisana nezinhlizwe zalo Mthetho -

(a) iphathwe ngendlela ezohlomulisa iSilo kanye neNdlunkulu, kubandakanya –

(i) izidingo zabo zenhlalakahle;

(ii) izidingo zemfundo;

(iii) izifiso zabo; kanye

(iv) nendlela abaphila ngayo, okufanele isikhundla sabo; futhi

(b) iphathwe ngendlela yokuthi ihlinzekela ukugcinwa nokunakekelwa kwempahla yeThrasi.

#### Umndeni weSilo

4.(1) Ukwenzela izinhloso zesigaba 3, uMndeni weSilo ubandakanya oNdlunkulu beSilo kanye nezihlobo zegazi zeSilo njengoba zibalulwe ohlwini oluzoshicilelwa kwiGazethi ukuze kuphawulwe ngalo, yilungu elinesibopho loMkhandlu Ophethe ngemuva kokubonisana neSilo.

(2) ILungu elinesibopho loMkhandlu Ophethe, ngemuva kokubonisana neSilo nangokusebenzisa isaziso kwiGazethi, lingahoxisa, lifake noma lichibiyele uhlu olushicilelwe ngokuhambisana nesigatshana (1).

#### Izibopho, amandla kanye nemisebenzi yeThrasi

5. IThrasi –

- (a) kumele yenze imisebenzi ibuye ifeze izibopho ezibekwe yilo Mthetho;
- (b) ingasebenzisa noma imaphi amandla –
  - (i) anikezwe yinoma iyiphi inhlinzeko yalo Mthetho okanye yinoma imuphi omunye umthetho; noma
  - (ii) adluliselwe noma anikezwe iThrasti yiLungu elinesibopho loMkhandlu Ophethe.
- (c) ekusebenziseni amandla ayo noma ekwenzeni izibopho nemisebenzi yayo ngokuhambisana nalo Mthetho, emiklameni ethile, ingaba nezivumelwano zokusebenzelana nabantu abanolwazi lwezobuchwepheshe noma olukhethekile kunoma yiluphi udaba oluqondene neThrasti futhi kumele inqume inkokhelo, kumbandakanya nokubuyiselwa kwemali yokuhamba, izindleko zokudla nokulala kanye nezinye izindleko zalabo bantu;
- (d) ngokwejwayelekile ingenza konke okudingekile noma okufanele ukufeza izinjongo ezibalulwe esigabeni 3 kanye nokufeza izibopho nemisebenzi ebalulwe endimeni (a).

### ISAHLUKO 3

#### IBHODI LABAPHATHELI BETHRASTI YOMNYANGO WEZASENDLUNKULU

**Ukwakheka kweBhodi Labaphatheli, ukugcwaliswa kwezikhala kanye namaholo**

6.(1)(a) IThrasti isebenza ngebhodi labaphatheli elinamalungu ayisikhombisa aqokwe yilungu elinesibopho loMkhandlu Ophethe ngemuva kokubonisana neSilo.

(b) Elilodwa kumalungu eBhodi kumele liqokwe njengosihlalo weBhodi yilungu elinesibopho loMkhandlu Ophethe.

(2) Okungenani amalungu amabili eBhodi kumele abe nolwazi noma isipiliyoni sokuphathwa kwezimali.

(3)(a) Umhlangano wokuqala weBhodi kumele ubanjwe ngesikhathi nasendaweni ezonqunywa ngusihlalo.

(b) Emhlanganweni amalungu kumele aqoke isekela likasihlalo ozoqokwa kuwona amalungu eBhodi.

(4) Noma yisiphi isikhundla kwiBhodi kumele sigcwaliswe ngendlela efanayo naleyo ilungu elishiyayo elaqokwa ngayo.

(5) Uma isikhundla sesekela likasihlalo weBhodi sivuleka, kumele kukhethwe isekela likasihlalo ngokuhambisana nesigatshana 3(b).

(6) Uma bobabili usihlalo kanye nesekela likasihlalo weBhodi bengekho noma bengakwazi ukwenza noma imuphi umsebenzi kasihlalo, ilungu elinesibopho loMkhandlu Ophethe lingaqoka noma iliphi ilungu ukuba libambe njengosihlalo kuleso sikhathi engekho ngaso noma engakwazi ukwenza imisebenzi yakhe.

(7) Asikho isikhala ehhovisi lesikhulu esiphethe noma ukushoda esibalweni samalungu eBhodi okuthikameza noma okukhubaza ubukhona beThrasti njengesikhungo okanye noma yimaphi amalungelo, izibopho noma amandla anikezelwe noma abekwe yilo Mthetho kwiThrasti noma kwiBhodi.

(8) Asikho isinqumo seBhodi esiyosebenza ngaphandle uma sithathwe emhlanganweni –

- (a) obukade inekhoramu edingwa yisigaba 9(3); futhi
- (b) obanjwe ngokuhambisana nezinye izinhlinzeko zesigaba 9.

(9)(a) Ilungu leBhodi lingakhokhelwa ezimalini zeThrasti lelo holo kanye nezibonelelo ezinganqunywa yilungu elinesibopho loMkhandlu Ophethe ngokubonisana neLungu loMkhandlu Ophethe elibhekene nezezimali.

(b) Ilungu leBhodi elithola iholo, iziboneleleo noma eminye imihlomulo ngesikhundla salo noma ngokuqashwa kwalo -

- (i) kuhulumeni kazwelonke;
- (ii) kuhulumeni wesifundazwe;
- (iii) kumasipala; noma
- (iv) enkampanini, emgwamandeni noma esikhungweni esilawulwa nguhulumeni kazwelonke noma wesifundazwe,

futhi eliqhubekayo nokuthola lelo holo, izibonelelo noma neminye imihlomulo libe lisasebenza njengelungu leBhodi, lingathola kuphela iholo kanye nezibonelelo ezibalulwe endimeni (a), ezingaba yingxenywe ezobeka lelo lungu esimeni sezimali ebelingaba kuso ukuba belingekho kuleso sikhundla noma ukuba belingaqashwanga.

(10)(a) Ilungu elinesibopho kanye nelungu lekomidi eliphethe leBhodi, ngokuqondene nemisebenzi yalo njengelungu, lingathola ukubuyiselwa imali ezimalini zeThrasti ngezindleko elingene kuzo zokudla nokulala kanye nokuhamba ezibangelwe ukuhambela kwalo umhlangano weBhodi noma wekomidi eliphethe leBhodi.

(b) Ilungu loMkhandlu Ophethe elibhekene nezezimali kumele linqume izinqubo, okufaka phakathi nezindlela zokulawula, ukuphathwa, ukubhekwa kanye nokusetshenzwa kwezicelo zokukhokhelwa ngezindleko zokulala nokudla kanye nezokuhamba ezibalulwe ezindimeni (a).

**Ukudalulwa kokuhlomula ngokwemali noma ngezinye izindlela kwamalungu eBhodi**

7.(1) Ilungu leBhodi elibalulwe esigabeni 6(1) kumele –

- (a) zingakapheli izinsuku ezingama-30 liqokiwe, lethule eLungwini loMkhandlu Ophethe isitatimende esibhaliwe esidalula konke ukuhlomula ngokwemali noma ngezinye izindlela; futhi
- (b) kuleso sitatimende sokudalula esibalulwe endimeni (a) lidalule ukuhlomula ngokwemali nangezinye izindlela kwamalungu omndeni noma kwabantu elisebenzelana nabo okungenzeka ukuthi kushayisane nokuqokwa kwalo njengelungu leBhodi.

(2) Lapho khona ilungu leBhodi liba noguquko esimeni salo sezimali noma kwezinye izimo noma lithola ukuhlomula, lelo lungu kumele, zingakapheli izinsuku eziyi-10 kube khona lolu guquko, lethule isitatimende esibhaliwe esichaza ngalolu guquko kwezezimali noma kwezinye izindlela zokuhlomula elungwini elinesibopho loMkhandlu Ophethe.

(3) Lapho khona ilungu lomndeni noma umuntu osebenzelana nelungu leBhodi eba noguquko esimeni sakhe sezimali noma kunoma yiziphi ezinye izimo noma ethola ukuhlomula okungashayisana nokuqokwa njengelungu leBhodi, ilungu lebhodi kumele zingakapheli izinsuku eziyi-10 kusukela ngosuku kube khona uguquko, lethule isitatimende esibhaliwe salolu guquko lwezimali okanye lokuhlomula ngenye indlela elungwini elinesibopho loMkhandlu Ophethe.

(4) ILungu elinesibopho loMkhandlu Ophethe kumele ligcine irejista elinemininingwane yokuhlomula kwamalungu eBhodi edalulwe ngokuhambisana nalesi sigaba.

(5) Ilungu leBhodi elihluleka ukudalula njengoba kuhlangoziwe kulesi sigaba lenza icala

**Isikhathi sokuqokwela esikhundleni kanye nemibandela enqinda ubulungu kumalungu eBhodi**

8.(1) Ilungu leBhodi elibalulwe esigabeni 6(1) lihlala esikhundleni isikhathi esiyiminyaka emihlanu.

(2) Ilungu leBhodi liyakwazi ukuba libuye liqokwe futhi.

(3) Umuntu oseqokelwe ukuvala isikhala eBhodini uthathwa ngokuthi usesebenze isikhathi esigcwele seminyaka emihlanu iBhodi elakhelwe yona.

(4) Ilungu leBhodi kumele lishiye esikhundleni uma –

- (a) ilungu elinesibopho loMkhandlu Ophethe, ngesincomo seBhodi, likumisa ukuqokwa kwalelo lungu ngezizathu ezinobulungiswa nezizwakalayo;
- (b) ilungu lilahlwa yicala elifaka phakathi ukungethembeki;
- (c) ilungu liphuthile emihlanganweni emibili noma ngaphezulu onyakeni wekhalenda owodwa ngaphandle kokuthola imvume kasihlalo; noma
- (d) ilungu lesula ngemuva kokunikeza usihlalo isaziso esibhaliwe sezinsuku ezingama-30 ngaokwesula kwaso.

### **Imihlangano yeBhodi**

9.(1) IBhodi kumele lihlangane okungenani kane ngonyaka ngezikhathi nasezindaweni ezinqunywa yilona.

(2) Usihlalo, noma uma engekho usihlalo, isekela likasihlalo –

- (a) lingabiza umhlangano oyisipesheli weBhodi;
- (b) kumele libize umhlangano oyisipesheli zingakapheli izinsuku eziyi-14 emva kokuthola isicelo esibhaliwe sasayinwa okungenani ngamalungu eBhodi amane sokuba kubizwe lowo mhlango.

(3) Ikhoram yomhlangano weBhodi yenziwa ngamalungu amane eBhodi.

(4) IBhodi linquma inqubo yemihlangano yalo.

(5) Isikhulu Esiphethe singawuhambela sibuye sibambe iqhaza, kodwa singavoti, emhlanganweni weBhodi.

(6) Isinqumo seBhodi kumele sithathwe yiningi lamalungu akhona emhlanganweni weBhodi futhi, uma kwenzeka amavoti elingana, umuntu ophethe umhlangano unevoti elingujuqu ngaphezu kwevoti lakhe elejwayelekile.

(7) Ilungu leBhodi kumele liziphathe ngendlela engachemile futhi lithembeke ngaphandle kokwesaba, ukwenzelela noma ukubandlulula futhi lithobele kuphela uMthethosisekelo kanye nayinoma imuphi umthetho osebenzayo.

(8) Uma ilungu leBhodi, ngokuqondene nanoma yiluphi udaba okumele lucutshungulwe yiBhodi, linokuthile okulivimbela ekutheni lisebenze ngobulungiswa, ngaphandle kokuchema kanye nangendlela efanele njengalungu leBhodi, lelo lungu alikwazi –

- (a) ukuvota noma libambe iqhaza nganoma iyiphi indlela kulowo mhlango weBhodi; noma
- (b) libe khona ndaweni lapho lowo mhlango ubanjelwe khona

**Ikomidi eliphethe leBhodi**

10. (1) Emhlanganweni walo wokuqala noma ngokushesha ngemuva kwawo, uma kunokwenza, iBhodi kumele lisungule ikomidi elizoba –

- (a) nosihlalo kanye nesekele likasihlalo weBhodi; kanye
- (b) namanye amalungu amabili eBhodi, aqokwe yiBhodi.

(2) Okungenani ilungu elilodwa lekomidi eliphethe kumele libe nolwazi noma isipiliyoni sokuphatha izimali.

(3) Usihlalo kanye nesekele likasihlalo weBhodi yibona ababuye babe ngusihlalo nesekele likasihlalo, ngokwahlukana, bekomidi eliphethe.

(4) Ikomidi eliphethe kumele lenze leyo misebenzi futhi lisebenzise lawo amandla eBhodi, angadluliselwa kulona yiBhodi ngokuhambisana nesigaba 28(2).

(5) Ikomidi eliphethe kumele lihlengane izikhathi ezihambisana nesidingo ukwenza imisebenzi yalo kanye nokusebenzisa amandla alo ngezikhathi nasezindaweni, futhi ngokuhambisana nenqubo enganqunywa yilona.

(6) Izinhlinzeko zesigaba 9(4) kuya ku-(8) ziyasebenza ngokuhambisana nezinguquko ezidingekile ngokuqondene nemihlangano yekomidi eliphethe.

**ISAHLUKO 4****ISIKHULU ESIPHETHE KANYE NABANYE ABASEBENZI BETHRASTI YOMNYANGO WEZASENDLUNKULU****IsiKhulu Esiphethe seThrasti**

11.(1) ILungu elinesibopho loMkhandlu Ophethe kumele, ngemuva kokubonisana neBhodi, liqoke umuntu ofanelekile noqeqesheke ngokufanelekile ukuba abe yisiKhulu Esiphethe seThrasti.

(2)(a) IsiKhulu Esiphethe siqokwa isikhathi esingekile sibe ngaphezu kweminyaka emihlanu

(b) IsiKhulu Esiphethe singaphinde siqokwe futhi.

(3)(a) Ukuqokwa kwesiKhulu Esiphethe kweyame ekufinyeleleni esivumelwaneni esibhaliwe sokusebenza phakathi kwalowo muntu kanye neBhodi.

(b) IBhodi kanye nesiKhulu Esiphethe bangasichibiyela isivumelwano sokusebenza, ngokubhala phansi futhi sebevumelene.

(4) ILungu elinesibopho loMkhandlu Ophethe, ngemuva kokubonisana neBhodi, lingakumisa ukuqashwa kwesiKhulu Esiphethe ngokuhambisana nomthetho wokuqasha kanye nowezabasebenzi.

(5) Isigaba 15 sisebenza esiKhulwini Esiphethe, ngaphandle kokuthi kumele sidalule ukuhlomula kwaso okanye noma ikuphi ukushayisana kwamaqhaza kwiBhodi.

### **Imisebenzi yesiKhulu Esiphethe**

12.(1) Isikhulu Esiphethe siyisikhulu esiphezulu, esilawulayo nesinesibopho sokubika ngeThrasti futhi sinesibopho ngokuqondene –

- (a) nokuphatha iThrasti, ngokuhambisana nomyalelo weBhodi;
- (b) nokuhlanganiswa kohlelo lokusebenza kanye nolwezimali kanye nemibiko ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikahulumeni, ka-1999 ( uMthetho No. 1 ka-1999) ukuze luvunywe yiBhodi;
- (c) nokuqokwa kwabasebenzi beThrasti njengoba kubalulwa esigabeni 13(1); kanye
- (d) nesokulawula kanye nokugcina ukuziphatha okufanele kubasebenzi beThrasti.

(2) Isikhulu Esiphethe sinesibopho sokubika kwiBhodi futhi kumele sibikele iBhodi ngokusebenza kweThrasti.

(3) Uma isikhulu Esiphethe nganoma isiphi isizathu singakwazi ukwenza imisebenzi yaso, iBhodi kumele, ngokubhala phansi, liqoke omunye umuntu ozobamba njengesikhulu Esiphethe kuze kube isikhulu Esiphethe siyakwazi ukuqhubeka nemisebenzi yaso.

### **Abasebenzi beThrasti**

13.(1) Isikhulu Esiphethe kumele ngokuhambisana nesigatshana (2), siqashe abasebenzi beThrasti.

(2) IBhodi –

- (a) kumele linqume ngenqubo yabasebenzi beThrasti; futhi
- (b) kumele, ngokubonisana neLungu loMkhandlu Ophethe elibhekene nezimali linqume –
  - i. iholo kanye nezimo zokusebenza; kanye
  - ii. nemihlomulo yempesheni neyomhlalaphansi,

yesikhulu Esiphethe kanye nabanye abasebenzi beThrasti.

(3) IBhodi kumele, ngemuva kokubonisana nesikhulu Esiphethe, linqume ngomgomo wokuziphatha, ozosebenza kubo bonke abasebenzi beThrasti nozolandelwa lapho kuqondiswa izigwegwe, ukuqinisekisa –

- (a) ukuhambisana nomthetho osebenzayo;
- (b) ukusetshenziswa ngempumelelo, ngekhono nangokonga kwezimali zeThrasti kanye nezinsizasidingo;



- (c) ukukhuthazwa kanye nokugcinwa kweqophelo eliphezulu lokuziphatha;
- (d) ukugwema ukushayisana kwamaqhaza ngale kwalokho okubalulwe esigabeni 15;
- (e) ukuvikelwa kolwazi oluyimfihlo olugcinwe yiThrasti ngale kwalolo olubalulwe esigabeni 22; kanye
- (f) nomsebenzi onobungcweti, ukwethembeka, ukungachemi, ubulungiswa kanye nokulingana.

#### **Ukusekhondwa noma ukudluliselwa kwabasebenzi kwiThrasti**

**14.** IThrasti ingasebenzisa umuntu osekhondelwe kuyo noma odluliselwe kuyo evela emnyangweni kahulumeni ngokuhambisana nezinhlinzeko zoMthetho wabaSebenzi bakaHulumeni, ka-1994 ( uMthetho No. 103 ka-1994).

#### **Ukushayisana kwamaqhaza**

**15.(1)** Umsebenzi weThrasti kumele uma eqokwa ethule kwiThrasti isitatimende esibhaliwe lapho lidalula khona noma linakho ukuhlomula ngqo ngokwemali noma ngenye indlela, -

- (a) okungaholela ekushayisaneni kwamaqhaza ngokuqondene nemisebenzi yakhe njengomsebenzi weThrasti; noma
- (b) okungalindeleka ukuthi kwenzele phansi iThrasti ekwenzeni imisebenzi yayo.

(2) Uma noma yiliphi ilungu leThrasti lihlomula njengoba kuchazwe esigatshaneni (1), kumele ngokushesha likudalule lokho ngokubhalela iThrasti.

(3) Umsebenzi weThrasti angeke akwazi ukuba khona noma abambe iqhaza ezingxoxweni noma ekuthathweni kwesinqumo nganoma yiluphi udaba olungaphambi kweBhodi lelo lungu elinentshisekelo kulo njengoba kubalulwe esigatshaneni (1).

(4) Umsebenzi weThrasti akakwazi ukusebenzisa isikhundla sakhe noma amalungelo akhe noma ulwazi oluyimfihlo aluthole njengomsebenzi weThrasti, alusebenzisele ukuzihlomulela yena noma ukuhlomulisa omunye umuntu ngokungafanele.

(5) Umsebenzi weThrasti ohlulekayo ukuhambisana nezigatshana (1) , (2), (3) noma (4) –

- (a) uthathwa ngokuthi wephule umgomo wokuziphatha obalulwe esigabeni 13(3); futhi
- (b) angathathelwa izinyathelo zokuqondiswa izigwegwe ezibalulwe kulowo mgomo, emthethweni wokuqashwa nowabasebenzi, kanye noMthetho Wokuphathwa Kwezimali Zikahulumeni, ka-1999 ( uMthetho No. 1 ka-1999).

(6) IThrasti kumele igcine irejista yokuhlomula kwabasebenzi okudalulwe ngokuhambisana nesigatshana (1) futhi kumele ihlolewe minyaka yonke.

(7) Lesi sigaba sisebenza, ngokuhambisana nezinguquko ezidingekayo, kumuntu osekhondelwe noma odluliselwe kwiThrasti ngokuhambisana nesigaba 14.

## ISAHLUKO 5

### UKUHLINZEKWA NGEZIMALI KANYE NOKUPHATHWA KWETHRASTI YEZANDLUNKULU

#### Izimali zeThrasti

16.(1) Izimali zeThrasti zibandakanya –

- (a) imali eyabiwe yiSishayamthetho sesiFundazwe;
- (b) iminikelo etholwe yiThrasti ngokusemthethweni kunoma yimuphi umthombo.
- (c) Inzalo otshalwenimali lweThrasti; kanye
- (d) nemali engenile etholwe ngokusemthethweni kunoma yimuphi umthombo.

(2) IThrasti kumele isebenzise izimali zayo –

(a) ukukhokhela amaholo, izibonelelo kanye nezindleko zokudla nokulala kanye nokuhamba –

- (i) zamalungu eBhodi;
- (ii) zesiKhulu Esiphethe; kanye
- (iii) nabasebenzi,

beThrasti; kanye

(b) nokukhokhela izindleko ngokuqondene –

- (i) nokusebenza kwansuku zonke kanye nokuphathwa kweThrasti; kanye
- (ii) nokwenziwa kwemisebenzi yeThrasti kanye nokusetshenziswa kwamandla ayo ngokuhambisana nalo Mthetho.

(2) Isikhulu Esiphethe kumele, ngokuvumelana neBhodi –

(a) sivule i-akhawunti egameni leThrasti nesikhungo esiyibhange ngokuhambisana noMthetho Wamabhange, ka- 1990 ( uMthetho No. 94 ka-1990); futhi

(b) afake kuyona izimali ezitholwe ngokuhambisana nesigatshana (1).

**Ukuphathwa kwezimali**

**17.(1)** IsiKhulu Esiphethe kumele siqinisekise ukugcinwa kwamabhuku aphelele nafanele e-akhawunti kanye nawo wonke amarekhodi aqondene nayo.

(2) IsiKhulu Esiphethe kumele siqinisekise ukuthi isabelozimali sonyaka seThrasti, izinhlelo zokusebenza, imibiko yonyaka kanye nezitatimende zonyaka ezicwaningiwe kuyalungiswa futhi kuyethulwa ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikahulumeni, ka-1999 (uMthetho No. 1 ka-1999).

(3) IsiKhulu Esiphethe kumele, zingakapheli izinyanga ezintathu ngaphambi kokuphela konyaka wezimali ngamunye sethulelele iBhodi ukuze lizoluphasisa –

(a) uhlelo lokusebenza lweThrasti, oluqukethe izinjongo ezizobonakala kanye nolwazi olubalulwe esigabeni 18(3)(b) no (c); kanye

(b) nesitatimende sesilinganiso semali engahle ingene nezosebenza yeThrasti, ngokuqondene neminyaka emithathu ezolandela yezimali.

(c) Kunoma imuphi unyaka, isiKhulu Esiphethe singethula kwiBhodi izitatimende ezilungisiwe kabusha noma ezengezayo zezilinganiso zemali engahle ingene kanye nezosebenza yeThrasti kulowo nyaka wezimali.

(d) IThrasti ayikwazi ukuzibophezela ekukhokheleni noma isiphi isikweletu esizokwenza ukube yeqe esabelwenizimali sayo esivunyiwe kanye nasezimalini ezigciniwe.

(e) IsiKhulu Esiphethe –

a. ngemvume yeBhodi, singatshala noma iyiphi ingxenye yezimali zalo ezingasetshenziswanga esiKhungweni Sokubeka Izimali Zomphakathi okanye kunoma isiphi isikhungo esifakwe ohlwini uPhiko Lukazwelonke Lokugcinwa Kwezimali sangena oHlwini A1 njengesikhungo sezimali; noma

b. ngemvume yeBhodi, sisebenzise leyo ngxenye nganoma iyiphi enye indlela.

(f) IsiKhulu Esiphethe, ngokuvunyelwa yiBhodi, singasungula isikhwama sokubeka izimali bese sifaka kuso lezo zimali eziyovunywa yiBhodi.

**Umbiko wokucwaningwa kwamabhuku nowonyaka**

**18.(1)** Umcwaningi-mabhuku-Jikelele kumele acwaninge izitatimende zezimali zeThrasti.

(2)(a) IBhodi kumele lethule umbiko ngokusebenza kweThrasti onyakeni

wezimali kwiSishayamthetho zingakapheli izinyanga ezinhlanu emva kokuphela kwalowo nyaka wezimali.

(b) Zingakapheli izinyanga ezinhlanu ngemuva kokuba umbiko wethuliwe, kumele ithimba, elizoba nosihlalo weBhodi kanye nokungenani amalungu amanye amabili eBhodi, lichazele ikomidi leSishayamthetho ngombiko wonyaka.

(3) Umbiko kumele -

(a) ufake isitatimende semali esele kanye nesemali engenile nesebenzile esiqinisekisewe nguMchwanezi-mabhuku-Jikelele;

(b) sichaze izinga iThrasti ephumelele ngalo ukufeza izinjongo ezibalulwe esigabeni 3 kanye nezinjongo ezibonakalayo njengoba zichazwe ohlelweni lwayo lokusebenza njengoba kubalulwe esigabeni 17(3)(a) ngalowo nyaka wezimali okukhulunywa ngawo; futhi

(c) uqukathe ulwazi olufanele lokusebenza olumayelana nokusetshenziswa ngendlela eyongayo, enekhono nempumelelo kwezinsizasidingo futhi kuqhathaniswe ikakhulukazi izinkomba zokusebenza ezazihleliwe nezafezwa njengoba zichazwe ohlelweni lokusebenza.

#### **Impahla engasuseki**

19. IThrasti, ngokuhambisana nenqubomgomo kanye nenqubo enqunywe yiBhodi futhi ngemvume yeBhodi, lingathenga, ligcine noma lidayise impahla engasuseki.

#### **Ukumangalelwa kweThrasti**

20.(1) Noma yisiphi isimangalo esibhekiswe kwiThrasti kumele senziwe ngokuhambisana noMthetho Wokufakwa Kwezimangalo Ezibhekiswe Ezinhlakeni Zikahulumeni, ka-2002 (uMthetho No. 40 ka-2002).

(2) IThrasti, ukwenzela izinhloso zesigatshana (1), ithathwa njengohlaka lukahulumeni njengoba kuchazwe endimeni (c) yencazelo esigabeni 1 salowo Mthetho.

#### **Umkhawulo wesibopho sokukhokha**

21. IBhodi noma ilungu leBhodi, noma umsebenzi weThrasti abasoze baba nesibopho sokukhokha nganoma yini abayenze bengahlase bubi besebenzisa amandla noma benza umsebenzi wabo ngokuhambisana nalo Mthetho.

**ISAHLUKO 6****IZINHLENGEKO EZIJWAYELEKILE****Ukuvikeleka kolwazi oluyimfihlo olugcinwe yiThrasti**

22.(1) Kuye ngokuhambisana noMthethosisekelo, uMthetho Wokukhuthaza Ukufinyelela Olwazini, ka-2000 (uMthetho No. 2 ka-2000), akekho umuntu ongadalula noma iluphi ulwazi ngokuqondene nanoma imuphi umyalelo womthetho, ngaphandle uma –

- (a) eyalelwa ukuba enze njalo yinkantolo yomthetho;
- (b) okanye ngaphandle uma lowo muntu onikeze lowo myalelo ekuvumela ngokuba abhale phansi ukuba udalulwe.

(2) Akekho umuntu ongadalula noma iluphi ulwazi olugcinwe kwirejista ebalulwe esigabeni 15(6) ngaphandle uma lokho kudalula –

- (a) kuhambisana nanoma yimuphi umthetho ophoqa noma ogunyaza lokho kudalula;
- (b) kudingekile ukuze izosebenza ngendlela efanele iThrasti; noma
- (c) kwenzelwa izinhloso zokuqapha, ukuhlola, ukuphenya noma ukubuka noma yikuphi ukusebenza okuqondene neThrasti, okanye nanoma imuphi umsebenzi weThrasti.

(3) Noma ngubani owaphula isigatshana (1) noma (2) unecala.

**Ukuhlakazwa kweThrasti**

23. IThrasti ingahlakazwa kuphela ngokuhambisana noMthetho ophasiswe yiSishayamthetho sesiFundazwe.

**Ukusetshenziswa kwegama leThrasti**

24.(1) Akekho umuntu, okungathi ngaphandle kokugunyazwa yiThrasti ngokubhala phansi, amele noma asebenzise noma ngandlelani igama, isifinyezo segama, iziqubulo, imifanekiso noma okunye okusetshenziswa noma okungokweThrasti.

(2) Akekho umuntu ongazishaya samuntu omele iThrasti.

(3) Noma ngubani owaphula izigatshana (1) noma (2) unecala.

**Amacala ajwayelekile**

25.(1) Ilungu leBhodi, umsebenzi, umeluleki, umuntu osebenzela okanye noma imuphi omunye oqashwe noma omele iBhodi unecala uma emukela ngqo noma ngendlela eseceleni imali noma umhlomulo ongagunyaziwe kunoma ngubani ngokuqodene nanoma yini eyenziwe noma enikezwe yiThrasti.

(2) Noma ngubani unecala uma, ngokuqodene nanoma yini eyenziwa noma enikezwa yiThrasti egwazisa noma ezama ukugwazisa, noma efaka esenzweni senkohlakalo okanye ezama ukufaka esenzweni senkohlakalo, noma yimuphi umsebenzi, umuntu osebenzela okanye noma omunye umuntu oqashwe yiThrasti noma omele iThrasti.

(3) Noma ngubani ozishaya samuntu ogunyazwe ukuqoqa izimali, iminikelo egameni noma ngomyalelo weThrasti unecala.

**Izijezi**

26. Noma ngubani olahlwe yicala -

- (a) ngokuhambisana nesigaba 25(1) noma (2), angahlawuliswa noma agqunywe ejele isikhathi esingekelise seje kuleso esinqunywe ngumthetho kazwelonke oqodene nenkohlakalo; noma
- (b) ngokuhambisana nesigaba 7(5) noma isigaba 25(3) angahlawuliswa noma agqunywe ejele isingathi esingevile eminyakeni emihlanu.

**Imithethonqubo**

27. ILungu elinesibopho loMkhandlu Ophethe, ngokubonisana neBhodi nangokusebenzisa isaziso kwiGazethi, lingenza imithethonqubo emayelana -

- (a) nanoma yiluphi udaba olungahle noma okumele lunqunywe ngokuhambisana nalo Mthetho;
- (b) nanoma yiluphi udaba lokuphatha noma lwenqubo oludingekile ukufeza izinhlinzeko zalo Mthetho.

**Ukudluliselwa kwamandla**

28.(1) Ilungu elinesibopho loMkhandlu Ophethe lingadlulisela eNhlokweni Yomnyango -

- (a) noma yimaphi amandla anikezwe ilungu elinesibopho loMkhandlu Ophethe yilo Mthetho, ngaphandle kwamandla okwenza imithethonqubo abalulwe esigabeni 27; noma
- (b) noma isibopho esibekwe elungwini elinesibopho loMkhandlu Ophethe yilo Mthetho, ngaphandle kwesibopho esiqodene nokuqokwa yekiswa esikhundleni kwamalungu eBhodi abalulwe ezigabeni 6(1)(b) no 8(4)(a).

- (2) IBhodi lingadlulisela esiKhulwini Esiphethe noma imaphi amandla noma isibopho esinikezwe noma esibekwe kwiBhodi yilo Mthetho.
- (3) IsiKhulu Esiphethe singadlulisela kunoma yimuphi umsebenzi weThrasti noma imaphi amandla noma isibopho esinikezwe noma esibekwe esiKhulwini Esiphethe yilo Mthetho, ngaphandle kwesibopho okungesesikhulu esinesibopho sokubika ngeThrasti.
- (4) Noma imaphi amandla noma isibopho esidluliswe ngokuhambisana nesigatshana (1), (2) noma (3) kumele asetshenziswe ngokulandela imibandela engabukwa idingekile yilowo muntu noma yilowo mgwamanda owenze leso sedluliselo.
- (5) Noma yikuphi ukwedluliselwa okubalulwe esigatshaneni (1), (2) noma (3) –
- (a) kumele kubhalwe phansi;
  - (b) akuvimbeli umuntu noma umgwamanda owenze lokho kudluliselwa ukuba uwasebenzise lawo mandla noma wenze lowo msebenzi; futhi
  - (c) kungahoxiswa noma kuchitshiyelwe ngokubhala phansi noma ngasiphi isikhathi yilowo muntu noma yilowo mgwamanda.

## ISAHLUKO 7

### ISIHLOKO ESIFINGQIWE

#### **Isihloko esifingqiwe**

**29.** Lo Mthetho ubizwa ngoMthetho waKwaZulu-Natali weThrasti yoMnyango wezaseNdlunkulu, ka-2007.

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