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KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI**

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**GENERAL NOTICES—ALGEMENE KENNISGEWINGS—ISAZISO SIKAWONKE-WONKE**

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**No. 16****27 May 2009****DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****GENERAL NOTICE****DRAFT STANDARD RULES FOR LOCAL HOUSES OF TRADITIONAL LEADERS IN KWAZULU-NATAL**

1. In order to facilitate meaningful consultation with Local Houses of Traditional Leaders, the Draft Standard Rules for KwaZulu-Natal Local Houses of Traditional Leaders is hereby published for public comment.

2. All Local Houses of Traditional Leaders, Traditional Leaders, Traditional Council and Traditional Communities, as well as all other interested persons, are invited to submit comments in writing on the proposed Standard Rules as follows:

(a) by post, to –

The Head of Department  
Local Government and Traditional Affairs  
Private Bag X9078  
PIETERMARITZBURG  
3200

(b) delivery by hand to Room 8, 12th Floor, North Tower, Natalia Building, 330 Langalibalele Street, Pietermaritzburg;

(c) via facsimile to 086 517 7582; or

(d) via electronic mail to [ngqabutho.bhebhe@kznlqta.gov.za](mailto:ngqabutho.bhebhe@kznlqta.gov.za).

3. All comments must be received by no later than 1 June 2009 and must be marked clearly:

**"For Attention: Mr N Bhebhe"**

4. All enquiries and requests for copies of the Policy must be addressed to:

Mr N Bhebhe

Tel: 033–395 2292

Fax: 086 517 7582

E-mail: [ngqabutho.bhebhe@kznlqta.gov.za](mailto:ngqabutho.bhebhe@kznlqta.gov.za)

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# **LOCAL HOUSE OF TRADITIONAL LEADERS STANDING RULES**

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## STANDING RULES OF THE \_\_\_\_\_ LOCAL HOUSE OF TRADITIONAL LEADERS

### WHEREAS

A. The \_\_\_\_\_ Local House of Traditional Leaders recognises the Constitution of the Republic of South Africa, 1996, as the supreme law of the country;

B. The legal authority for these Rules arises from section 41(2) of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), read with section 212(2)(a) of the Constitution of the Republic of South Africa, 1996;

C. These Rules govern the proceedings of the \_\_\_\_\_ Local House of Traditional Leaders; and

D. These Rules bind and must be complied with by –

- (i) all members of the \_\_\_\_\_ Local House of Traditional Leaders;
- (ii) *Amakhosi* insofar as they participate in the business of the \_\_\_\_\_ Local House of Traditional Leaders;
- (iii) the Secretary and other employees of the \_\_\_\_\_ Local House of Traditional Leaders in the course and scope of their employment;
- (iv) any Consultant to or Contractor with the \_\_\_\_\_ Local House of Traditional Leaders in the course of fulfillment of their contractual obligations; and
- (v) any member of the public or the media, whilst in the precincts.

### NOW THEREFORE THE FOLLOWING RULES ARE AGREED UPON:-

### DEFINITIONS

1. In these Rules, unless the context indicates otherwise –

- (a) an expression, which denotes any gender, includes the other genders, and the singular includes the plural and vice versa;
- (b) words and expressions defined in any sub-clause, for the purpose of the clause of which that sub-clause forms part, bear the meaning assigned to such words and expressions in that sub-clause;

(c) these Rules are governed by and construed in accordance with the law of the Republic of South Africa; and

(d) chapter and clause headings are for convenience only and will not be used in its interpretation, and the following expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings –

**“chairperson”** means a member elected as Chairperson of the House as contemplated in section 38(2) of the Act;

**“chamber”** means the physical structure where the House meets, or at any other premises where any proceedings of the House take place;

**“code of conduct”** means the Code of Conduct contemplated in Schedule 1;

**“committee clerk”** means the Clerk assigned to any Committee by the Secretary;

**“convener”** means a member elected to chair a Committee of the House;

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

**“coordinator”** means a member elected to chair a sub-Committee of the House;

**“deputy chairperson”** means a member elected as Deputy Chairperson of the House as contemplated in section 38(2) of the Act;

**“district municipality”** means a municipality as described in section 155(1)(c) of the Constitution;

**“Executive Committee”** means the Committee contemplated in section 37(2) read with section 38(1) of the Act, consisting of the Chairperson, Deputy Chairperson and a maximum of five further members of the House, elected as contemplated in Rule 6;

**“House”** means the \_\_\_\_\_ Local House of Traditional Leaders established in terms of section 36 of the Act;

**“Inkosi”** means a senior traditional leader as defined in section 1 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41. of 2003) and recognised as such in terms of section 19 of KwaZulu-Natal Traditional Leadership



and Governance Act, 2005 (Act No. 5 of 2005);

**“Isilo”** means the Monarch for the Province of KwaZulu- Natal, as recognised in section 17 of the Act, and “king” as defined in section 1 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), has a corresponding meaning;

**“Member of the House”** means the members contemplated in section 37(1) of the Act;

**“Minister”** means the Member of the KwaZulu-Natal Executive Council responsible for Traditional Affairs;

**“Municipal Council”** means the elected Council of the Municipality;

**“National House of Traditional Leaders”** means the National House of Traditional Leaders contemplated in section 2(1) of the National House of Traditional Leaders Act, 1997 (Act No. 10 of 1997);

**“Portfolio Committee”** means a Committee established by the House to deal with matters relating to District and Metropolitan Municipalities;

**“precincts”** means the chamber and the immediate vicinity thereof;

**“Provincial House”** means the KwaZulu-Natal Provincial House of Traditional Leaders established in terms of section 32 of the Act;

**“Regulations”** means the KwaZulu-Natal Traditional Leadership Regulations, 2006 promulgated as contemplated in section 44(2) of the Act in the *Provincial Gazette* on 15 September 2006 as Notice 1646 of 2006;

**“secretary”** means an official or his or her deputy appointed by the Minister to serve the House;

**“session”** means any specific period during which the House is sitting;

**“sitting”** means any day during a session on which the House is meeting to conduct

its business;

**“Standing Committee”** means a permanent Committee established by the House to deal with matters relating to the House; and

**“the Act”** means the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), and includes any Regulations and Notices issued in terms of the Act.

## **INTERIM RULING BY THE CHAIRPERSON**

### **2. The Chairperson –**

- (a) may give a ruling or frame a Rule in respect of any eventuality for which these Rules do not provide;
- (b) must submit any Rule contemplated in sub-Rule (a), to the Rules Committee within seven days after the ruling, for consideration and report; provided that –
  - (i) the Rules Committee must report to the House at the next Plenary Meeting; and
  - (ii) any Rule contemplated in sub-Rule (a) will remain in force until the House takes a decision on the Rule, by way of resolution, after consideration of the recommendations contained in the report of the Rules Committee.

## **SUSPENSION OR AMENDMENT OF RULES**

**3.(1)** Any provision of these Rules may be suspended upon application by any member present in the chamber; provided that –

- (a) the suspension is limited in its operation to the particular purpose for which the suspension has been approved, and is valid only until the end of the sitting; and
- (b) such a motion may be moved without notice.

(2) Any provision of these Rules may be amended upon application by any member present in the chamber, and by Resolution of not less than two-thirds of the members present in the chamber; provided that Rule 2(b) will apply with the necessary changes.

## **COMPOSITION OF THE HOUSE AND OATH OF OFFICE**

**4.** The House consists of the members contemplated in section 37 of the Act, read with Regulation 10; provided that members of the House will assume office only after swearing or

affirming faithfulness to the Province of KwaZulu-Natal and obedience to the Constitution in accordance with Schedule 2 of the Act, before a person designated in writing by the Minister.

## **QUORUM AND MEETINGS OF THE HOUSE**

5.(1) The quorum for the House is at least one-third of all members of the house in order to constitute a valid meeting of that house; provided that at least one-half of all the members of that house will constitute the required quorum when voting on any matter within its power.

(2) The Minister must, after the election of the members of the House, and by notice in the *Gazette*, convene the first meeting of the House as contemplated in section 38(1) of the Act, read with Regulation 10; provided that –

- (a) the first meeting must be held no less than seven days after publication of the notice in the *Gazette*; and
- (b) as the Minister must appoint a Chairperson for the first meeting, until such time as the Chairperson and deputy Chairperson of the House have been elected, whereafter the Chairperson of the House must conduct the election of the remaining members of the Executive Committee.

(3) Ordinary meetings of the House must be convened by the Chairperson, who must deliver a written notice to each member at least four days prior to the date of the meeting; provided that –

- (a) all meetings must be opened with a reading of the Prayer contemplated in Schedule 3 by the Chairperson;
- (b) the Chairperson must convene a special extraordinary meeting of the House –
  - (i) if such a meeting is necessary to enable the house to perform the roles and functions contemplated in section 40 of the Act, or section 17(3) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), within the applicable time limits;
  - (ii) on the request of a majority of the members; or
  - (iii) if the Minister, in consultation with the Chairperson, is of the opinion that such a meeting is desirable in the circumstances,

in which event the meeting may be convened on less than four day's prior notice;

(c) the notice must be delivered to the usual place of residence of each member, or at such place designated by a member in writing;

(d) the first sitting of the first session of every year will be opened at the request of the Executive Committee by the Chairperson of the House;

(e) every meeting of the House must be open to the public unless the nature of the

business to be transacted at that meeting demands otherwise, in which event the Chairperson may exclude members of the public from the meeting;

(f) the House must meet at least four times a year, and at least once in every calendar year during a session of the Provincial Legislature, and thereafter as is necessary, in order to perform its roles and functions in terms of the Act; and

(g) the House may resolve to call consultative meetings with members of the public.

#### **ELECTION OF CHAIRPERSON, DEPUTY CHAIRPERSON AND EXECUTIVE COMMITTEE OF THE HOUSE**

6. The members of the Executive Committee of the House must be elected as contemplated in Regulation 47; provided that the Minister must appoint a person to act as Chairperson at the first meeting of the House, and for the election of the Chairperson and the Deputy Chairperson, whereafter the elected Chairperson must conduct the election of the remaining members of the Executive Committee, which must consist of a total of no more than seven members.

#### **QUALIFICATION OF MEMBERS**

7. No person may be a member of the House unless he or she –

(a) is an *Inkosi* duly recognised in terms of the Act;

(b) qualifies in terms of the provision of section 37(1) of the Act; and

(c) is not disqualified in terms of any provision of the Act.

#### **TERM OF OFFICE, VACATING OF OFFICE AND FILLING OF VACANCIES**

8.(1) The term of office of members of the House is five years; provided that the seat of a member of the House will become vacant –

(a) upon the death of such member;

(b) if he or she resigns his or her seat in writing; or

(c) if he or she is removed from office.

(2) Any vacancy arising in the House must be filled in terms of the customary law and customs of the Traditional Community concerned.

#### **NOMINATION OF MEMBERS BY LOCAL HOUSE TO THE PROVINCIAL HOUSE**

9. The House must nominate a minimum of three and a maximum of seven members from the

House to serve in the Provincial House of Traditional leaders as contemplated in section 33(1)(b) of the Act, as prescribed in Regulation 48.

#### **POWERS AND FUNCTIONS OF THE CHAIRPERSON**

**10.** The Chairperson, or in his or her absence, the Deputy-Chairperson must –

- (a) chair and preside over meetings of the House;
- (b) co-ordinate, supervise and monitor the activities and functioning of the House; and
- (c) perform such powers, functions and duties as contemplated in these Rules.

#### **ELECTION OF CONVENERS OF COMMITTEES**

**11.** The House must, as soon as possible after the first meeting of the House elect members of the House as Conveners of all Standing and Portfolio Committees.

#### **DURATION OF APPOINTMENT AS CONVENERS OF COMMITTEES**

**12.** An appointment as Convener of any Committee will continue until –

- (a) the House resolves by a majority of its members present to remove the relevant Convener from office; provided that such a Convener may only be removed if he or she –
  - (i) has committed a serious violation of the Constitution or the Rules;
  - (ii) has committed an act of serious misconduct; or
  - (iii) is unable to perform the functions of the Convener for any reason whatsoever;
- (b) the person so appointed –
  - (i) resigns from the position of Convener; or
  - (ii) ceases to be a member of the House; and
- (c) up to the last day before the election of a new House; provided that any vacancy contemplated herein must be filled as soon as possible as contemplated in Rule 11.

#### **ABSENCE OF THE CONVENER OF ANY COMMITTEE**

**13.** In the event that a Convener of a Committee is absent for any reason whatsoever, or if no Convener has been appointed after a vacancy arose, the Committee must elect one of its members to act as Convener for that day.

## **COMMUNICATION WITH CHAIRPERSON OR CONVENER**

**14.** During any sitting of the House or a Committee, any communication with the Chairperson or Convener must be kept to a minimum and must, as far as possible, take place through the clerk manning the table unless otherwise requested by the Chairperson or Convener.

## **PUBLIC ACCESS AND PARTICIPATION**

**15.** In order to ensure the safety of the members and the facilitation of public involvement so as to conduct its business in an open manner as required by the Constitution –

- (a) the House must provide for access by the public and the media to its sittings and Committee meetings; provided that the Chairperson or the Convener may exclude the public or the media from a sitting of the House or a meeting of a Committee if it is reasonable and justifiable to do so;
- (b) the Chairperson or the Convener may, in his or her discretion impose reasonable conditions of admission to and removal from the precincts of any member of the public;
- (c) the members of the South African Police Service responsible for security of the House may search or cause to be searched any member of the public seeking access to the precincts; provided that females will be searched by female security officers and males by male officers;
- (d) the only persons allowed onto the precincts while in the possession of any firearm, are the members of the South African Police Service responsible for the security of the House;
- (e) the Chairperson or the Convener may refuse access to the precincts to any person visibly under the influence or in possession of alcohol, drugs or other banned substances;
- or
- (f) the Chairperson or the Convener may refuse access to any person who misconducts himself or herself during the proceedings of the House or a Committee, and such person must be removed from the precincts on the instructions of the Chairperson or the Convener.

## **MEMBERS TO ATTEND SITTINGS AND MEETINGS**

**16.** The Chairperson and Deputy Chairperson of the House or the Convener of a Committee must ensure the attendance of members at sittings and meetings, and that a quorum is obtained; provided that –

- (a) no member may be absent from any sitting for a consecutive period of three days, or from three consecutive meetings, without written notice to the Chairperson or Convener, providing reasons for such absence;
- (b) any member who is absent due to an emergency, must whenever possible obtain prior

written approval for such absence from the Chairperson or Convener, who may not unreasonably withhold such approval;

(c) every member attending a sitting or a meeting must sign an attendance register as provided by the Chairperson or Convener, and must be correctly dressed in traditional attire or in formal dress; and

(d) the Chairperson or Convener must refer any contravention of the Rules to the Disciplinary and Ethics Committee for investigation and report.

### **CODE OF CONDUCT FOR MEMBERS**

17. Every member of the House must act with honesty and integrity and abide by the Code of Conduct for Members contemplated in Schedule 1, and in the event that any member commits an act of misconduct in the precinct –

(a) such member will, at the instruction of the Chairperson or the Convener, forfeit the right of attendance of the sitting of the House or the meeting of the Committee for the remainder of the day; and

(b) the misconduct of the member and the decision taken under sub-Rule (a) must be reported to the House at the next sitting.

### **ORDER AND CONDUCT DURING SITTINGS AND MEETINGS**

18.(1) The Chairperson or the Convener must maintain order during the sitting or meeting; provided that the Chairperson or the Convener may, in the event of grave disorder during such sitting or meeting, adjourn or suspend the proceedings for a period to be stated by him or her.

(2) The Chairperson or the Convener may –

(a) order any member to withdraw any words or statement if he or she is of the opinion that the words or statement used by the said member are offensive; and

(b) suspend a member and order the member to leave the precincts for the remainder of the day, if he or she is of the opinion that a member –

(i) is deliberately contravening any Rule of procedure;

(ii) has committed an act of contempt;

(iii) has committed an act of misconduct; or

(iv) is acting in a disorderly manner.

(3) A member will commit an act of contempt of the House or Committee if he or she –

(a) contravenes a provision of these Rules;

- (b) disregards or refuses to comply with a ruling of the Chairperson or the Convener;
- (c) shows any disrespect or disregards any ruling of the Chairperson or the Convener; or
- (d) misleads the House or any Committee.

(4) Any member suspended as contemplated in sub-Rule (2)(b) must immediately be removed and escorted from the precincts by a person or persons authorised to do so by the Chairperson or the Convener, and the matter must be referred to the Discipline and Ethics Committee for investigation and report.

(5) Any member contemplated in sub-Rule (2) may submit a written expression of regret to the Chairperson for approval, and in the event that the Chairperson approves the expression of regret –

- (a) the Chairperson must record the expression of regret in the Minutes of Proceedings; and
- (b) the member will be entitled to return at the commencement of the next day.

#### **ACCESS TO CHAMBER**

19. The Chairperson of the House may allow members of the public access to a sitting of the House; provided that the only persons who may enter the chamber during a sitting of the House without the prior approval of the Chairperson, irrespective of whether or not the House is in session or has been adjourned are –

- (a) members of the House;
- (b) the Secretary; and
- (c) such persons specifically authorised by the Secretary.

#### **ESTABLISHMENT OF COMMITTEES**

20.(1) At the first sitting of the first session of a newly elected House, the House must establish by Resolution an interim *ad hoc* Rules Committee comprising of the Chairperson, Deputy Chairperson, and duly appointed additional members for purposes of –

- (a) determining the Rules of the House; and
- (b) drafting recommendations for adoption by the House on the establishment of committees.

(2) Upon receipt of the recommendations by the *ad hoc* interim Rules Committee, the House may, by resolution, establish –



- (a) standing committees;
- (b) portfolio committees; and
- (c) any *ad hoc* Committee.

### **DURATION AND DISSOLUTION OF COMMITTEES**

**21.**(a) A standing or Portfolio Committee will endure until the last day before the election of a new House; provided that the House may by resolution dissolve any such Committee.

(b) An *ad hoc* Committee will continue until it has completed or has been discharged from its assignment.

### **APPOINTMENT OF COMMITTEE MEMBERS**

**22.** The Chairperson of the House must –

- (a) in writing appoint the equal number of permanent and alternate members of any Committee; provided that the alternate member –
  - (i) may attend any meeting of that Committee;
  - (ii) may participate but not vote if the permanent member is present; and
  - (iii) will obtain compensation even in the event that the permanent member is present; and
- (b) within ten days of the appointment of a permanent or alternate member of a Committee advise all Members of the House in writing of such an appointment.

### **TERMINATION OF MEMBERSHIP OF A COMMITTEE**

**23.** Membership of a Committee terminates –

- (a) at the direction of the Chairperson, after consultation with the Executive Committee;
- (b) on resolution by the House;
- (c) on resignation by the member in writing;
- (d) on the death of a member; or
- (e) on cessation of the member's membership of the House.

### **COMMITTEE MEETINGS**

**24.**(1) The first meeting of a Committee must be convened by the Secretary within three weeks of the appointment of the Committee members.

(2) A majority of the members of the Committee will constitute a quorum, if at least fifty per cent plus one of the members of that Committee are present, and a Committee may only decide on a matter if a quorum of members is present at the time of voting.

(3) The Secretary must assign a Committee Clerk to co-ordinate the work assigned to the Committee; provided that such a Committee Clerk must –

- (a) keep a register of Resolutions of the Committee;
- (b) upon implementation of a Resolution immediately record the implementation date of that Resolution in the register; and
- (c) ensure that a copy of the register is available in the library of the House.

### **SUB-COMMITTEES**

**25.**(1) Any Committee may, from within its own members, appoint a sub-Committee, and in the event that such a sub-Committee is appointed, must –

- (a) designate the Coordinator of the sub-Committee;
- (b) assign a task or function to be performed by the sub-Committee, with clear terms of reference;
- (c) delegate such powers, duties and functions to the sub-Committee as may be deemed necessary by the Committee;
- (d) make the appointment, assignment or delegation subject to appropriate terms and conditions; and
- (e) instruct the sub-Committee to report to the Committee under the terms and conditions specified by the Committee at the time of the appointment.

(2) The meetings of any sub-Committee need not be scheduled during any sitting of the House, and the venue must be determined by the Coordinator.

### **MINUTES OF MEETINGS AND COMMITTEE REPORTS**

**26.**(1) The Committee Clerk must maintain an accurate record of the proceedings of the Committee or a sub-Committee.

(2) The annual report of a Committee must be tabled by no later than the last sitting of the last session of the House for that year; provided that –

- (a) a Committee may table an interim report whenever requested to do so by the Chairperson;

- (b) the report of a Committee must be tabled by the Convener of the Committee, unless another member is so delegated; and
- (c) a tabled report may be debated in the House.

## **ACCESS TO INFORMATION AND ADMINISTRATIVE JUSTICE**

27.(a) The House must comply with the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

(b) Any Committee may classify the whole, or part of, any document submitted to it as confidential, if the document contains information where the grounds for refusal of access contemplated in Chapter 4 of the Promotion of Access to Information Act, 2000, are applicable.

(c) Any record of proceedings or report of a Committee concerning proceedings held in camera, as contemplated in Chapter 4 of the Promotion of Access to Information Act, 2000, will retain its confidential classification until such time that the Committee agrees to release the report for public knowledge.

(d) No person, other than a member of the Committee, may be granted access to, or permission to make copies of, or take extracts from, any document determined as confidential under sub-Rule (2) without the written approval of the Chairperson or the Convener.

## **POWERS OF COMMITTEES**

28. A Committee will have the power to –

- (a) summon any person to appear before it to –
  - (i) give evidence under oath or affirmation; or
  - (ii) produce any document, record or similar item required by it;
- (b) receive and consider oral or written representations;
- (c) determine the nature, extent and form of its proceedings; and
- (d) conduct its proceedings or any aspect of its work –
  - (i) at the time allotted to it in the House Calendar; and
  - (ii) at the venue which it considers to be most suitable, which venue need not be the seat of the House.

## **POWERS OF CONVENERS**

29. Subject to the decision and directions of a Committee, the Convener must –

- (a) instruct the Committee Clerk to convene a meeting of that Committee;

- (b) chair and preside over the meetings of the Committee to which he or she has been appointed as Convener;
- (c) co-ordinate, supervise and monitor the activities and functioning of the Committee to which he or she has been appointed as Convener;
- (d) with the concurrence of the Committee, make media statements on behalf of the Committee;
- (e) in those circumstances where it would not be convenient to convene a meeting of the Committee for the purpose of obtaining a resolution –
  - (i) grant or refuse an application to make oral or written representations to the Committee; and
  - (ii) take or initiate any steps or take any decisions which he or she may deem necessary for purposes of exercising the powers and performing the functions of that Committee; and
- (f) act in accordance with these Rules.

## **STANDING AND PORTFOLIO COMMITTEES**

### **30.(1) The Committees of the House are –**

- (a) the following Standing Committees:
  - (i) the Chairperson and Conveners Committee;
  - (ii) the Rules Committee;
  - (iii) the Ethics Committee;
  - (iv) the Quality of Life, Status of Women, Children and Physically Challenged Persons Committee;
  - (v) the Member's Interests Committee;
  - (vi) the Disputes and Boundaries Committee; and
  - (vii) the Rural Economic Development and Strategy Committee;
- (b) such Portfolio Committees as may be established by resolution of the House;
- (c) such *ad hoc* Committees as may be established by resolution of the House; and
- (d) such Sub-committees as may be appointed by any Committee.

### **(2) The Chairperson may –**

- (a) prepare guidelines to enable the Conveners and Coordinators to effectively fulfill their roles;
- (b) conduct ongoing assessment of the performance of such Conveners and Coordinators, and training in areas of under-performance; and
- (c) discuss the co-ordination, supervision and monitoring of the activities and functioning of

the various Committees and sub-Committees by the Conveners and Coordinators.

## **MEMBERSHIP AND FUNCTIONS OF THE ETHICS STANDING COMMITTEE**

**31.(1)** The Ethics Standing Committee will –

- (a) consist of one member from each Standing Committee of the House, who must elect the Convener of the Committee;
- (b) implement the Code of Conduct;
- (c) develop standards of ethical conduct;
- (d) investigate and report on charges of privilege or contempt, and make findings and recommendations to the House on the private conduct or possible breaches by any member which bears upon his or her duties as a public office bearer;
- (e) perform such other functions and exercise such other powers assigned to it by Resolution of the House; and
- (f) report annually to the House on its operations.

(2) A member of the Ethics Standing Committee who is the subject of an investigation before the Committee must recuse himself or herself from the deliberations of the Committee concerning that investigation.

(3) A member or the Secretary reporting an alleged infringement or misconduct, must deliver an affidavit to the Chairperson, setting out the grounds of the complaint in sufficient details.

(4) On receipt of a complaint –

- (a) the Chairperson must enter the details thereof in a complaints register located in his or her office, and thereafter refer the complaint to the Ethics Standing Committee within fourteen days for investigation by the Committee; and
- (b) the Ethics Standing Committee must inform the person named in the complaint of the contents of the complaint and afford the person so named an opportunity to respond to the complaint in writing, in order to comply with the rules of natural justice,

whereafter the Ethics Standing Committee must report to the Chairperson on the investigation, which report may include recommendations as to –

- (i) the proposed sanction to be imposed;
- (ii) the tabling of the report in the House; and
- (iii) the debate by the House on the nature and extent of the sanction.

## RULES OF DEBATE IN THE HOUSE

32.(1) Any member wishing to address the House must –

- (a) wherever possible, do so whilst standing at all times;
- (b) be called to debate by the Chairperson in accordance with a list of members who are to speak in the debate; and
- (c) give an indication to the Chairperson, and may only speak or debate any matter after being given an opportunity to do so by the Chairperson; provided that any member who wishes to raise a point of privilege, must be acknowledged by the Chairperson.

(2) All announcements must be made by the Chairperson; provided that any member who wishes to have any announcement made in the House, must provide the Chairperson with –

- (a) a brief motivation for the announcement; and
- (b) a copy of any announcement.

(3) When a member rises to speak, he or she must be called by the Chairperson to do so, and if two or more members rise at the same time, the member who is called by the Chairperson will be entitled to speak.

(4) Unless otherwise provided for in the Rules, a member may not exceed the time allocated to him or her in accordance with a list of members who are to speak in the debate.

(5) A member must refer to any other member, using the term “*the Honourable*” followed by the name or portfolio of that member.

(6) No member may deliberately mislead the House, or use any language deemed by the Chairperson to be –

- (a) derogatory, insulting or offensive;
- (b) unconstitutional, intimidatory or defamatory;
- (c) propaganda or incitement to violence; or
- (d) advocacy of hatred based on race, ethnicity, gender or religion.

(7) Any member who is on the floor must be granted a free opportunity to debate any matter, subject to the time allocated by the Chairperson, and the only grounds on which a member may interrupt another member who has the floor are –

- (a) to call attention to –
  - (i) a point of privilege; or
  - (ii) the presence of a non-member; or

(b) to ask whether the member who has the floor will accept questions.

(8) When a point of privilege is raised, the member called to order must resume his or her seat, and may continue after a point of privilege has been dispensed with by the Chairperson; provided that the Chairperson may –

- (a) call to order a member whose debate is irrelevant or a repetition of a debate dispensed with; and
- (b) direct any member to discontinue the debate.

(9) Where the Chairperson rises or calls for order, the member who has the floor must resume his or her seat, and the Chairperson will be heard without interruption.

(10) No member may refer to any matter on which a judicial decision is pending.

(11) The Chairperson may, upon receipt of a brief written request providing the name of a deceased person, and after consultation with the member providing the request, permit the House to observe a moment of silence.

## **MOTIONS IN THE HOUSE**

**33.(1)** Any member may propose a motion for debate by the House; provided that –

- (a) the notice of motion must –
  - (i) clearly indicate the purpose of the motion and the date on which the motion is to be tabled;
  - (ii) be signed by the member proposing it; and
  - (iii) be handed to the Secretary for inclusion in the Order Paper;
- (b) every motion requires notice, except for a motion –
  - (i) seeking to amend a motion under these Rules;
  - (ii) for the postponement or discharge of a motion, or giving precedence to an order of the day;
  - (iii) referring a Bill or by-law to a Committee;
  - (iv) by the Convener of a Committee, proposing a motion on the report of that Committee, immediately after the debate on the report has been concluded;
  - (v) in respect of which notice is dispensed with by a majority of the members present; or
  - (vi) where notice is specifically excluded by these Rules;
- (c) a motion which is the same in substance as a motion already discussed, approved or

rejected by the House during the same sitting, may not be proposed for discussion;

(d) a member may not give verbal notice of more than one motion on any given sitting day;

(e) a member must give verbal notice of motion in the House by reading the motion aloud, *verbatim* and, immediately thereafter, delivering a legible signed copy of the notice to the Secretary at the table;

(f) the written motion may not exceed one hundred words, and must briefly set out the matter to be debated without including any argument, which would normally be considered as part of the debate;

(g) the Chairperson may rule that a notice of motion is wholly out of order, vexatious, malicious or frivolous and declare it to be out of order, as a result of which the notice of motion may not be published on the order paper; and

(h) any member who gave notice of motion may withdraw it before any debate commences; provided that where debate has commenced, the member who gave notice may only withdraw it after the conclusion of his or her reply to the debate.

(2) A member may request the Chairperson to put a motion to the vote for approval as a Resolution of the House.

(3) Any member, on any sitting day, may request the Chairperson in writing, briefly setting out the public importance of any matter, to allow a matter to be discussed and voted on by the House; provided that –

(a) if the request is granted, the Chairperson must announce the matter in the House, and debates on the matter must stand over until the time appointed by the Chairperson; and

(b) if the request is refused, the Chairperson must inform the member of the decision and the matter will fall away.

## **CONSIDERATION OF MATTERS BY THE HOUSE**

**34.** The House must consider and advise the Municipal Council on all matters relating to the provision of services or the demarcation of boundaries, or land tenure which falls within the competency of a district municipality and will apply to traditional communities, as contemplated in section 40 of the Act; provided that –

(a) the House may propose draft legislation to the Municipal Council;

(b) the House must provide advice to the Municipal Council within thirty days of receipt of any request for advice;

(c) any advice provided by the House must be directed to the Municipal Manager of the District Municipality under signature of the Chairperson;



- (d) if any matter is referred to the House by the Municipal Council, the House must –
  - (i) consider the matter and provide the necessary comment to the Municipal Council within thirty days of receipt of the matter; and
  - (ii) if necessary, nominate members of the House to make representations to the Municipal Council; and
- (e) the House may not fail to act on any matter referred to it by the Municipal Council.

## **WITNESSES**

**35.(1)** A Committee of the House which resolves to call witnesses in any matter referred to it, must –

- (a) satisfy itself that the evidence for which the witnesses are needed is material to the enquiry;
- (b) do so after consultation with the Chairperson; and
- (c) complete a notice of the resolution to subpoena a witness in the format contemplated in Schedule 4, which must be signed by the Convener of the Committee.

(2) Any evidence obtained from a witness must be presented by the witness in person, and must be made under oath or affirmation.

(3) The Secretary, upon receipt of the resolution contemplated in sub-Rule (1)(c), must –

- (a) sign a subpoena in the format contemplated in Schedule 5;
- (b) ensure that the subpoena is duly served on the witness; and
- (c) ensure that the person who served the subpoena duly completes the Return of Service as contemplated in Schedule 6.

(4) The provisions of section 4 and 5 of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999) will, with the necessary changes, apply to the subpoena and conduct of witnesses, as well as offences committed by witnesses called to testify before the House or a Committee.

## **DUTIES OF THE SECRETARY OF THE HOUSE**

**36.** The Secretary of the House is responsible for the administration of all matters connected with the business of the House.

## **DECISIONS BY THE HOUSE OR COMMITTEE OF THE HOUSE**

**37.(1)** Unless otherwise provided in any legislation –

- (a) a majority of the members must be present before a vote may be taken on any matter before the House or any Committee;
- (b) all matters are decided by a majority of the votes cast;
- (c) the Chairperson or Convener will have no deliberate vote; provided that he or she –
  - (i) must cast a deciding vote when there is an equal number of votes for and against any specific matter; and
  - (ii) may cast a deliberate vote when a matter must be decided with a supporting vote of at least two thirds of the members; and
- (d) a decision on any matter may be postponed until the next sitting or another date and time, after consultation with all stakeholders in the matter.

(2) The House may debate the recommendations of any Committee and by agreement or vote resolve to –

- (a) accept the recommendation of the Committee in whole or in part;
- (b) reject the recommendation of the Committee in whole or in part; or
- (c) refer the matter back to the Committee for further consideration and report.

## **REPORTING BY MEMBERS OF HOUSES OF TRADITIONAL LEADERS**

**38.** All members nominated to represent KwaZulu-Natal Traditional Leaders in the Provincial and National Houses of Traditional Leaders, must –

- (a) on a regular basis report to the House on business conducted by the Provincial and National Houses of Traditional Leaders; and
- (b) on a regular basis report to the Provincial and National Houses of Traditional Leaders on business conducted by the House.

## **SCHEDULE 1**

### **CODE OF CONDUCT**

#### **The Provincial and National Codes of Conduct**

##### **PART A: Provincial Code of Conduct**

###### **General Conduct**

1. All traditional leaders and members of the Provincial House of Traditional Leaders, the Local Houses of Traditional Leaders and traditional councils must –

- (a) perform their functions in good faith, honestly and in a transparent manner;
- (b) at all times act in the best interests of the community they serve;
- (c) ensure that the credibility and integrity of traditional leadership or traditional authority is not compromised.

###### **Disclosure of interests and personal gain**

2.(a) Traditional leaders, members of the Provincial and Local Houses of Traditional Leaders and members of a traditional council –

- (i) must disclose any direct or indirect personal or private business interest that that traditional leader or member, or any spouse, partner or business associate of that traditional leader or member may have which may reasonably be expected to preclude him or her from performing his or her functions under the Act in a fair, unbiased and proper manner or where potential prejudice or conflict of interest may arise, and he or she must recuse himself or herself from the consideration of such matter;
- (ii) may not use the position or privileges derived by him or her under the Act for private gain or to improperly benefit another person; and
- (iii) may not be a party to or a beneficiary under any contract for the provision of goods or services to or work for the Provincial House of Traditional Leaders, a Local House of Traditional Leaders or a traditional council of which he or she is a member without the prior written consent of the Provincial House of Traditional Leaders or the relevant Local House of Traditional Leaders or traditional council.

(b) Any disclosure, determination or consent contemplated in paragraph (a) must be recorded in the minutes of the meeting of the Provincial House of Traditional Leaders or the relevant Local House of Traditional Leaders or traditional council.

## **PART B: The National Code of Conduct**

### **General conduct of traditional leader**

#### **1. A traditional leader –**

- (a) must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
- (b) must fulfil his or her role in an efficient manner;
- (c) may not conduct himself or herself in a disgraceful, improper or unbecoming manner;
- (d) must comply with any applicable legislation;
- (e) must act in the best interest of the traditional community or communities he or she serves;
- (f) must promote unity amongst traditional communities;
- (g) may not embark on actions that would create division within or amongst traditional communities;
- (h) must promote nation building;
- (i) may not refuse to provide any service to a person on political or ideological grounds;
- (j) must foster good relations with the organs of state with whom he or she interacts;
- (k) must promote the principles of a democratic and open society; and
- (l) must disclose gifts received.

### **General conduct of traditional council**

#### **2. A traditional council must –**

- (a) perform the functions allocated to it in good faith, diligently, honestly and in a transparent manner;
- (b) execute its duties in an efficient manner;
- (c) comply with any applicable legislation;
- (d) act in the best interest of the traditional community it serves;
- (e) give effect to the principles governing public administration set out in section 195 of the Constitution; and
- (f) foster good relations with the organs of state with whom it interacts.

**SCHEDULE 2****OATH OR SOLEMN AFFIRMATION OF MEMBERS OF THE LOCAL HOUSE**

*I, \_\_\_\_\_, swear / solemnly affirm that I will be faithful to the Republic of South Africa and the Province of KwaZulu-Natal and will obey, respect and uphold the Constitution and all other law of the Republic of South Africa, and I undertake and solemnly promise to hold my office as a member of the \_\_\_\_\_ Local House of Traditional Leaders with honour and dignity; impartially and without bias, fear, or favour or influence, and to perform the role and function of my office conscientiously and to the best of my ability.*

(In the case of an oath: **"So help me God"**.)

## SCHEDULE 3

**PRAYER**

***O, Almighty God and Heavenly Father, who in Thy infinite mercy and wisdom hast called rulers and appointed governments for the welfare of society and the just government of people, we beseech Thee to bestow Thy abundant favour upon us Thy servants whom Thou has been pleased to call to the performance of such important trust in this our Land.***

***Let Thy blessing descend upon us here assembled and grant that we may under Thy guidance treat and consider all matters that shall come before us in so just and faithful a manner as to promote Thy honour and glory and so advance the welfare of our people who Thou hast called us to serve.***

***All this we ask in the name and for the sake of Our Lord***

**AMEN**

**SCHEDULE 4****NOTICE OF A RESOLUTION TO SUBPOENA A WITNESS***[Rule 35(1)(c)]*

I \_\_\_\_\_ (*insert title and full names of Convener*) the Convener of the \_\_\_\_\_ Committee, hereby record my satisfaction in terms of Rule 35(1) that the evidence of \_\_\_\_\_ (*insert title and full names of witness to be summoned*) will be material to an enquiry to be conducted by the \_\_\_\_\_ Committee of the \_\_\_\_\_ Local House of Traditional Leaders.

Accordingly, and in terms of Rules 35(3) and 35(4) of the Rules of the \_\_\_\_\_ Local House of Traditional Leaders, I hereby direct that the Secretary issue under his / her hand the necessary subpoena to \_\_\_\_\_, to appear before the \_\_\_\_\_ Committee of the \_\_\_\_\_ Local House of Traditional Leaders.

**Signed by the Convener of the \_\_\_\_\_ Committee at \_\_\_\_\_ on this the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_**

\_\_\_\_\_  
**SIGNATURE OF CONVENER**

\_\_\_\_\_  
**OFFICIAL DATE STAMP**

**SCHEDULE 5****SUBPOENA***[Rule 35(3)(a)]*

Subpoena to appear before the \_\_\_\_\_ Committee of the \_\_\_\_\_  
Local House of Traditional Leaders in terms of Rules 35(3) to 35(4) of the Standing Rules of the  
\_\_\_\_\_ Local House of Traditional Leaders.

**TO:** \_\_\_\_\_ *(insert title and full  
names of person to be summoned) of* \_\_\_\_\_  
\_\_\_\_\_ *(insert last known  
address)*

You are hereby given notice that you are subpoenaed to appear before the  
\_\_\_\_\_ Committee of the \_\_\_\_\_ Local House of Traditional  
Leaders at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ at  
\_\_\_\_\_ *(insert venue or place of hearing)* to give  
evidence under oath or affirmation in respect of \_\_\_\_\_  
\_\_\_\_\_ *(insert the  
subject matter of the enquiry)* for the purpose of \_\_\_\_\_

*(insert the purpose)* or to produce the following documents or records:  
\_\_\_\_\_ *(insert description of  
documents needed)*

The subpoena is to be served by \_\_\_\_\_  
*(insert name, designation of a person effecting service of the subpoena)*

**Signed at** \_\_\_\_\_ **on this** \_\_\_\_\_ **day of** \_\_\_\_\_, 2\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF SECRETARY**

\_\_\_\_\_  
**OFFICIAL DATE STAMP**



**SCHEDULE 6****RETURN OF SERVICE***[Rule 35(3)(c)]*

I, \_\_\_\_\_ (*insert full names of person effecting delivery*) a \_\_\_\_\_ (*insert job designation*) in the employ of the \_\_\_\_\_ Local House of Traditional Leaders effected delivery of the subpoena on \_\_\_\_\_ (*name of person to be subpoenaed*) at \_\_\_\_\_ (*place of delivery*) on \_\_\_\_\_ (*insert title and full names of person accepting delivery*) an adult person \_\_\_\_\_ in \_\_\_\_\_ attendance \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_ (*insert address of person subpoenaed*) at \_\_\_\_\_ (*insert time*) on this the \_\_\_\_\_ day (*insert day*) of \_\_\_\_\_ (*insert month*), 2\_\_\_\_ (*insert year*).

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF PERSON  
EFFECTING DELIVERY**

\_\_\_\_\_  
**OFFICIAL DATE STAMP**

**DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE****ALGEMENE KENNISGEWING****KONSEPSTANDAARDREËLS VIR PLAASLIKE HUISE VAN TRADISIONELE LEIERS IN KWAZULU-NATAL**

1. Ten einde betekenisvolle oorleg met Plaaslike Huise van Tradisionele Huise te bevorder, word die Konsepstandaardreëls vir KwaZulu-Natal Plaaslike Huise van Tradisionele Huise hiermee gepubliseer vir openbare kommentaar.

2. Alle Plaaslike Huise van Tradisionele Huise, tradisionele leiers, tradisionele rade en tradisionele gemeenskappe, asook alle ander belanghebbendes word uitgenooi om skriftelike kommentaar op die voorgename standaardreëls te lewer, soos volg:

(a) per pos, aan –

Die Hoof van die Departement  
Plaaslike Regering en Tradisionele Sake  
Privaatsak X9078  
PIETERMARITZBURG  
3200

(b) per hand aan Kamer 8, 12de Verdieping, Noordtoring, Natalia Gebou, Langalibalelestraat 330, Pietermaritzburg;

(c) per faks aan 086 517 7582; of

(d) per e-pos aan [ngqabutho.bhebhe@kznlqta.gov.za](mailto:ngqabutho.bhebhe@kznlqta.gov.za).

3. Alle kommentaar moet teen nie later nie as 1 Junie 2009 ontvang word en duidelik gemerk wees:

**"Vir aandag: Mnr N Bhebhe"**

4. Alle navrae en versoeke om afskrifte van die beleid moet gerig word aan:

Mnr N Bhebhe  
Tel: 033-395 2292  
Faks: 086 517 7582  
E-pos: [ngqabutho.bhebhe@kznlqta.gov.za](mailto:ngqabutho.bhebhe@kznlqta.gov.za)

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# **PLAASLIKE HUIS VAN TRADISIONELE LEIERS**

## **STAANDE REëLS**

## INHOUDSOPGAWE

### INLEIDING

1. OMSKRYWINGS
2. TUSSENTYDSE BESLISSING DEUR DIE VOORSITTER
3. OPSKORTING OF WYSIGING VAN REËLS
4. SAMESTELLING VAN DIE HUIS EN AMPSEED
5. KWORUM EN VERGADERINGS VAN DIE HUIS
6. VERKIESING VAN VOORSITTER, ADJUNKVOORSITTER EN UITVOERENDE KOMITEE VAN DIE HUIS
7. KWALIFIKASIES VAN LEDE
8. AMPSTERMYN, ONTRUIMING VAN AMP EN VUL VAN VAKATURES
9. BENOEMING VAN LEDE VIR PROVINSIALE HUIS DEUR PLAASLIKE HUIS
10. BEVOEGDHEDE EN WERKSAMHEDE VAN DIE VOORSITTER
11. VERKIESING VAN SAAMROEPERS VAN KOMITEES
12. DUUR VAN AANSTELLING AS SAAMROEPERS VAN KOMITEES
13. AFWESIGHEID VAN DIE SAAMROEPER VAN 'N KOMITEE
14. KOMMUNIKASIE MET VOORSITTER OF SAAMROEPER
15. OPENBARE TOEGANG EN DEELNAME
16. LEDE MOET SITTINGS EN VERGADERINGS BYWOON
17. GEDRAGSKODE VIR LEDE
18. ORDE EN GEDRAG TYDENS SITTINGS EN VERGADERINGS
19. TOEGANG TOT KAMER
20. TOTSTANDKOMING VAN KOMITEES
21. DUUR EN ONTBINDING VAN KOMITEES
22. AANSTELLING VAN KOMITEELEDE
23. BEËINDIGING VAN LIDMAATSKAP VAN 'N KOMITEE
24. KOMITEEVERGADERINGS
25. SUBKOMITEES
26. NOTULES VAN VERGADERINGS EN KOMITEEVERSLAE
27. TOEGANG TOT INLIGTING EN ADMINISTRATIEWE GERECHTIGHEID
28. BEVOEGDHEDE VAN KOMITEES
29. BEVOEGDHEDE VAN SAAMROEPERS
30. STAANDE EN PORTEFEULJEKOMITEES
31. LIDMAATSKAP EN FUNKSIES VAN DIE ETIESE STAANDE KOMITEE
32. DEBATREËLS IN DIE HUIS

**33. MOSIES IN DIE HUIS**

**34. OORWEGING VAN AANGELEENTHEDE DEUR DIE HUIS**

**35. GETUIES**

**36. PLIGTE VAN DIE SEKRETARIS VAN DIE HUIS**

**37. BESLUIE DEUR DIE HUIS OF KOMITEE VAN DIE HUIS**

**38. VERSLAGGEWING DEUR LEDE VAN HUISE VAN TRADISIONELE LEIERS**

**BYLAES**

**1. GEDRAGSKODE**

**2. EED OF PLEGTIGE VERKLARING VAN LEDE VAN DIE HUIS**

**3. GEBED**

**4. KENNISGEWING VAN 'N BESLUIT OM 'N GETUIE TE DAGVAAR**

**5. DAGVAARDING**

**6. OPGAWE VAN BETEKENING**

**REGLEMENT VAN ORDE VAN DIE \_\_\_\_\_ PLAASLIKE HUIS VAN  
TRADISIONELE LEIERS**

**NADEMAAL**

**A.** Die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers die Grondwet van die Republiek van Suid-Afrika, 1996, as die hoogste wet van die land erken;

**B.** Die regsgesag vir hierdie reëls uit artikel 41(2) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005), saamgelees met artikel 212(2)(a) van die Grondwet van die Republiek van Suid-Afrika, 1996, voortspruit;

**C.** Hierdie reëls die verrigtinge van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers beheer; en

**D.** Hierdie reëls bindend is en nagekom moet word deur –

- (i) alle lede van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers;
- ii) *Amakhosi* in soverre hulle aan die sake van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers deelneem;
- (iii) die Sekretaris en ander werknemers van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers in die loop en omvang van hulle indiensneming;
- (iv) enige konsultant of kontrakteur vir die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers terwyl hulle hul kontraktuele verpligtinge nakom; en
- (v) enige lid van die publiek of die media, terwyl hulle op die perseel is.

**DERHALWE WORD DAAR SOOS VOLG OOREENGEKOM –**

**OMSKRYWINGS**

**1.** In hierdie reëls, tensy uit die samehang anders blyk –

- (a) sluit 'n uitdrukking wat 'n geslag aandui, die ander geslag in en sluit die enkelvoud die meervoud in en omgekeerd;
- (b) het woorde en uitdrukkings wat in enige subklousule omskryf word vir die doel van die klousule waarvan daardie subklousule 'n deel uitmaak, die betekenis wat aan sodanige woorde en uitdrukkings in daardie subklousule toegewys word;
- (c) word hierdie reëls beheer en uitgelê ooreenkomstig die wette van die Republiek van Suid-Afrika; en

(d) is die opskrifte van hoofstukke en klousules slegs vir gerief en het die volgende uitdrukkings die betekenis wat daaraan geheg word en verwante uitdrukkings het dieselfde betekenis, en beteken –

**“adjunkvoorsitter”** ‘n lid wat as adjunkvoorsitter van die Huis verkies is soos bedoel in artikel 38(2) van die Wet;

**“die Wet”** die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005), en sluit enige regulasies en kennisgewings in wat ingevolge die Wet uitgereik word;

**“distriksmunisipaliteit”** ‘n munisipaliteit soos omskryf in artikel 155(1)(c) van die Grondwet;

**“gedragskode”** die gedragskode bedoel in bylae 1;

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

**“Huis”** die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers ingestel ingevolge artikel 36 van die Wet;

**“Inkosi”** ‘n senior tradisionele leier soos omskryf in artikel 1 van die Raamwerkwet op Tradisionele Leierskap en Regering, 2003 (Wet No. 41 van 2003) en as sodanig erken ingevolge artikel 19 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

**“Isilo”** die monarg van die provinsie KwaZulu-Natal soos erken in artikel 17 van die Wet en “koning” soos omskryf in artikel 1 van die Raamwerkwet op Tradisionele Leierskap en Regering, 2003 (Wet No. 41 van 2003), het ‘n ooreenstemmende betekenis;

**“kamer”** die fisieke struktuur waar die Huis vergader of op enige ander perseel waar enige verrigtinge van die Huis plaasvind;

**“komiteeklerk”** die klerk wat deur die sekretaris aan enige komitee toegewys word;

**“koördineerder”** ‘n lid wat gekies is om die voorsitter van ‘n subkomitee van die Huis te wees;

**“lid van die Huis”** die lede bedoel in artikel 37(1) van die Wet;

**“Minister”** die lid van die Uitvoerende Komitee van KwaZulu-Natal verantwoordelik vir Tradisionele Sake;

**“munisipale raad”** die verkose raad van die munisipaliteit;

**“Nasionale Huis van Tradisionele Leiers”** die Nasionale Huis van Tradisionele Leiers bedoel in artikel 2(1) van die Wet op die Nasionale Huis van Tradisionele Leiers, 1997 (Wet No. 10 van 1997);

**“perseel”** die kamer en die onmiddellike buurt daarvan;

**“portefeuljekomitee”** ‘n komitee wat deur die Huis ingestel is om sake in verband met distriks- en metropolitaanse munisipaliteite te hanteer;

**“Provinsiale Huis”** die KwaZulu-Natal Provinsiale Huis van Tradisionele Leiers ingestel ingevolge artikel 32 van die Wet;

**“Regulasies”** die Regulasies betreffende die KwaZulu-Natal Tradisionele Leierskap, 2006, afgekondig soos bedoel in artikel 44(2) van die Wet in die *Provinsiale Koerant* gedateer 15 September 2006 as kennisgewing 1646 van 2006;

**“sameroeper”** ‘n lid wat gekies is om die voorsitter van ‘n komitee van die Huis te wees;

**“sekretaris”** ‘n beampte of sy of haar adjunk wat deur die Minister aangestel is om die Huis te dien;

**“sessie”** ‘n spesifieke tydperk waartydens die Huis in sitting is;

**“sitting”** enige dag gedurende ‘n sessie wanneer die Huis vergader om sy sake te verrig;

**“staande komitee”** ‘n permanente komitee wat deur die Huis ingestel is om aangeleenthede rakende die Huis te hanteer;



**“Uitvoerende Komitee”** die komitee bedoel in artikel 37(2) saamgelees met artikel 38(1) van die Wet en wat bestaan uit die voorsitter, adjunkvoorsitter en hoogstens vyf verdere lede van die Huis wat gekies is soos bedoel in reël 6; en

**“voorsitter”** ‘n lid wat as voorsitter van die Huis gekies is soos bedoel in artikel 38(2) van die Wet.

## **TUSSENTYDSE BESLISSING DEUR DIE VOORSITTER**

### **2. Die Voorsitter –**

- (a) kan ‘n beslissing gee of ‘n reël opstel ten opsigte van enige gebeurtenis waarvoor hierdie reëls nie voorsiening maak nie;
- (b) moet ‘n reël bedoel in subreël (a) binne sewe dae na die beslissing aan die Reglementkomitee voorlê vir oorweging en verslag; met dien verstande dat –
  - (i) die Reglementkomitee op die volgende voltallige vergadering aan die Huis daaroor verslag moet doen; en
  - (ii) enige reël bedoel in subreël (a) van krag bly totdat die Huis ‘n beslissing oor die reël neem deur middel van ‘n besluit, na oorweging van die aanbevelings vervat in die verslag van die Reglementkomitee.

## **OPSKORTING OF WYSIGING VAN REËLS**

**3.(1)** Enige bepaling van hierdie reëls kan opgeskort word by aansoek van enige lid wat in die kamer teenwoordig is; met dien verstande dat –

- (a) die opskorting beperk word tot die werking daarvan vir die spesifieke doel waarvoor die opskorting goedgekeur is en geldig is slegs tot die einde van die sitting; en
- (b) sodanige mosie sonder kennisgewing voorgestel kan word.

**(2)** Enige bepaling van hierdie reëls kan gewysig word by aansoek deur enige lid wat in die kamer teenwoordig is, en deur middel van ‘n besluit van nie minder nie as twee derdes van die lede wat in die kamer teenwoordig is, met dien verstande dat reël 2(b) met die nodige veranderings van toepassing is.

## **SAMESTELLING VAN DIE HUIS EN AMPSEED**

**4.** Die Huis bestaan uit die lede bedoel in artikel 37 van die Wet, saamgelees met regulasie 10; met dien verstande dat lede van die Huis hul ampte inneem slegs na die aflegging van die eed of

nadat hulle hul getrouheid aan die provinsie KwaZulu-Natal bevestig het asook hul getrouheid aan die Grondwet ooreenkomstig bylae 2 van die Wet, voor iemand wat deur die Minister aangewys word.

### **KWORUM EN VERGADERINGS VAN DIE HUIS**

5.(1) Die kworum vir die Huis is minstens een-derde van alle lede van die Huis om 'n geldige vergadering van die Huis uit te maak; met dien verstande dat minstens die helfte van al die lede van die Huis die vereiste kworum uitmaak wanneer daar oor enigiets binne sy bevoegdheid gestem word.

(2) Die Minister moet na die verkiesing van die lede van die Huis en deur kennisgewing in die *Koerant*, die eerste vergadering van die Huis byeenroep soos bedoel in artikel 38(1) van die Wet, saamgelees met regulasie 10; met dien verstande dat –

- (a) die eerste vergadering hoogstens sewe dae na die publikasie van die kennisgewing in die *Koerant* gehou moet word; en
- (b) die Minister 'n voorsitter vir die eerste vergadering moet aanstel tot tyd en wyl die voorsitter en adjunkvoorsitter van die Huis gekies is, waarna die voorsitter van die Huis die verkiesing van die oorblywende lede van die Uitvoerende Komitee moet aanvoer.

(3) Gewone vergaderings van die Huis moet deur die voorsitter byeengeroep word deur minstens vier dae voor die datum van die vergadering 'n skriftelike kennisgewing aan elke lid te beteken; met dien verstande dat –

- (a) alle vergaderings deur die voorsitter geopen moet word met 'n lesing van die gebed bedoel in bylae 3;
- (b) die voorsitter 'n spesiale buitengewone vergadering van die Huis moet belê –
  - (i) indien sodanige vergadering nodig is om die Huis in staat te stel om binne die toepaslike tydgrense sy rol te vervul en sy werksaamhede te verrig soos bedoel in artikel 40 van die Wet, of artikel 17(3) van die Raamwerkwet op Tradisionele Leierskap en Regering, 2003 (Wet No. 41 van 2003);
  - (ii) op versoek van 'n meerderheid van die lede; of
  - (iii) indien die Minister, in oorlegpleging met die voorsitter, van mening is dat sodanige vergadering in die omstandighede wenslik is,in welke geval die vergadering in minder as die vier dae se voorafgaande kennisgewing belê kan word;
- (c) die kennisgewing by die gewone verblyfplek van elke lid of sodanige plek wat skriftelik deur 'n lid aangewys word, afgelewer moet word;

- (d) die eerste sitting van die eerste sessie van elke jaar op versoek van die Uitvoerende Komitee deur die voorsitter van die Huis geopen moet word;
- (e) elke vergadering van die Huis vir die publiek toeganklik is, tensy die aard van die sake wat op daardie vergadering bespreek gaan word, anders vereis, in welke geval die voorsitter lede van die publiek van sodanige vergadering kan uitsluit;
- (f) die Huis minstens vier keer per jaar moet vergader en minstens een keer in elke kalenderjaar gedurende 'n sessie van die Provinsiale Wetgewer en daarna soos nodig, ten einde sy rol te vervul en sy werksaamhede te verrig ingevolge die Wet; en
- (g) die Huis kan besluit om raadplegende vergaderings met lede van die publiek te belê.

### **VERKIESING VAN VOORSITTER, ADJUNKVOORSITTER EN UITVOERENDE KOMITEE VAN DIE HUIS**

6. Die lede van die Uitvoerende Komitee van die Huis moet gekies word soos bedoel in regulasie 47; met dien verstande dat die Minister tydens die eerste vergadering van die Huis iemand moet aanstel om as voorsitter waar te neem en vir die verkiesing van die voorsitter en adjunkvoorsitter, waarna die verkose voorsitter die verkiesing van die oorblywende lede van die Uitvoerende Komitee moet behartig, wat uit hoogstens sewe lede moet bestaan.

### **KWALIFIKASIE VAN LEDE**

7. Niemand mag 'n lid van die Huis wees nie, tensy hy of sy –

- (a) 'n *Inkosi* is wat behoorlik ingevolge die Wet erken word;
- (b) kwalifiseer ingevolge die bepalings van artikel 37(1) van die Wet; en
- (c) nie ingevolge enige bepaling van die Wet onbevoeg verklaar word nie.

### **AMPSTERMYN, ONTRUIMING VAN AMP EN VUL VAN VAKATURES**

8.(1) Die ampstermyn van lede van die Huis is vyf jaar; met dien verstande dat die setel van 'n lid van die Huis vakant raak –

- (a) by die afsterwe van sodanige lid;
- (b) indien hy of sy skriftelik uit sy of haar setel bedank; of
- (c) hy of sy uit die amp ontslaan word.

(2) Enige vakature wat in die Huis ontstaan, moet gevul word ingevolge die gewoontereg en gewoontes van die betrokke tradisionele gemeenskap.

**BENOEMING VAN LEDE VIR DIE PROVINSIALE HUIS DEUR PLAASLIKE HUIS**

9. Die Huis moet minstens drie en hoogstens sewe lede van die Huis benoem om in die Provinsiale Huis van Tradisionele Leiers te dien soos bedoel in artikel 33(1)(b) van die Wet, soos voorgeskryf in regulasie 48.

**BEVOEGDHEDE EN WERKSAAMHEDE VAN DIE VOORSITTER**

10. Die voorsitter of, in sy of haar afwesigheid, die adjunkvoorsitter, moet –

- (a) op vergaderings van die Huis voorsit en die leiding neem;
- (b) die aktiwiteite en funksionering van die Huis koördineer en moniteer en toesig daaroor hou; en
- (c) sodanige bevoegdhede uitoefen en werksaamhede en pligte vervul wat in hierdie reëls bedoel word.

**VERKIESING VAN SAAMROEPERS VAN KOMITEES**

11. Die Huis moet so spoedig moontlik na die eerste vergadering van die Huis lede van die Huis as saamroepers van alle staande en portefeuljekomitees kies.

**DUUR VAN AANSTELLING AS SAAMROEPERS VAN KOMITEES**

12. 'n Aanstelling as saamroeper van 'n komitee duur voort –

- (a) totdat die Huis deur 'n meerderheid van sy teenwoordige lede besluit om die betrokke saamroeper van sy of haar amp te onthef; met dien verstande dat sodanige saamroeper slegs van sy of haar amp onthef mag word indien hy of sy –
  - (i) 'n ernstige oortreding van die Grondwet of die reëls begaan het;
  - (ii) hom of haar aan 'n ernstige daad van wangedrag skuldig gemaak het; of
  - (iii) nie in staat is om die werksaamhede van saamroeper om enige rede hoegenaamd te verrig nie;
- (b) totdat die persoon wat aldus aangestel is –
  - (i) uit die pos van saamroeper bedank; of
  - (ii) ophou om 'n lid van die Huis te wees; en
- (c) tot die laaste dag voor die verkiesing van 'n nuwe Huis, maar enige vakature wat hierin bedoel word moet so spoedig moontlik gevul word soos bedoel in reël 11.

**AFWESIGHEID VAN DIE SAAMROEPER VAN 'N KOMITEE**

13. Indien die saamroeper van 'n komitee om enige rede ook al afwesig is, of indien geen saamroeper aangestel is nadat 'n vakature ontstaan het nie, moet die komitee een van sy lede kies om as saamroeper vir daardie dag waar te neem.

**KOMMUNIKASIE MET VOORSITTER OF SAAMROEPER**

14. Gedurende enige sitting van die Huis of 'n komitee moet enige kommunikasie met die voorsitter of saamroeper tot 'n minimum beperk word en moet sover moontlik plaasvind deur middel van die klerk wat die tafel beman, tensy anders deur die voorsitter of saamroeper versoek.

**OPENBARE TOEGANG EN DEELNAME**

15. Ten einde die veiligheid van die lede te verseker en om openbare betrokkenheid te bevorder om sy sake op 'n openlike wyse te verrig soos deur die Grondwet vereis –

- (a) moet die sittings en komiteevergaderings van die Huis toeganklik vir die publiek en media wees; met dien verstande dat die voorsitter of saamroeper die publiek of die media van 'n sitting van die Huis of 'n vergadering van 'n komitee kan uitsluit indien dit redelik en regverdigbaar is om aldus te doen;
- (b) kan die voorsitter of die saamroeper na sy of haar goeë dunks redelike voorwaardes opleë vir toegang tot en die verwydering van enige lid van die publiek vanaf die perseel;
- (c) kan die lede van die Suid-Afrikaanse Polisiediens wat vir die sekuriteit van die Huis verantwoordelik is, enige lid van die publiek wat toegang tot die perseel verlang, deursoek of laat deursoek; met dien verstande dat vroue deur vroulike sekuriteitsbeamptes en mans deur manlike beamptes deursoek moet word;
- (d) is die enigste persone wat op die perseel in besit van vuurwapens toegelaat word, die lede van die Suid-Afrikaanse Polisiediens wat vir die sekuriteit van die Huis verantwoordelik is;
- (e) kan die voorsitter of die saamroeper aan enige persoon toegang tot die perseel weier indien sodanige persoon sigbaar onder die invloed of in besit van alkohol, dwelmmiddels of ander verbanne stowwe is; of
- (f) kan die voorsitter of die saamroeper toegang aan enige persoon weier wat hom of haar gedurende die verrigtinge van die Huis of 'n komitee wangedra en sodanige persoon kan in opdrag van die voorsitter of saamroeper van die perseel verwyder word.

**LEDE MOET SITTINGS EN VERGADERINGS BYWOON**

**16.** Die voorsitter en adjunkvoorsitter van die Huis of die saamroeper van 'n komitee moet verseker dat lede sittings en vergaderings bywoon en dat daar 'n kworum is; met dien verstande dat –

- (a) geen lid vir 'n agtereenvolgende tydperk van drie dae of van drie agtereenvolgende vergaderings sonder 'n skriftelike kennisgewing aan die voorsitter of saamroeper, met verstrekking van redes vir sodanige afwesigheid, afwesig mag wees nie;
- (b) 'n lid wat weens 'n noodgeval afwesig is, wanneer dit ook al moontlik is, voorafgaande skriftelike goedkeuring van die voorsitter of saamroeper vir sodanige afwesigheid moet verkry, welke goedkeuring nie onredelik weerhou mag word nie;
- (c) elke lid wat 'n sitting of vergadering bywoon, 'n bywoningsregister wat deur die voorsitter of saamroeper verskaf word, moet teken en korrek in tradisionele of formele klere geklee moet wees; en
- (d) die voorsitter of saamroeper enige oortreding van hierdie reëls aan die Dissiplinêre en Etiese Komitee vir ondersoek en verslag moet verwys.

**GEDRAGSKODE VIR LEDE**

**17.** Elke lid van die Huis moet eerlik en met integriteit optree en aan die Gedragskode vir Lede bedoel in bylae 1 voldoen en indien 'n lid hom of haar aan 'n daad van wangedrag op die perseel skuldig maak –

- (a) verbeur sodanige lid, in opdrag van die voorsitter of saamroeper, die reg om sittings van die Huis of vergaderings van die komitee vir die oorblywende deel van die dag by te woon; en
- (b) moet die wangedrag van die lid en die besluit wat kragtens subreël (a) geneem is, met die volgende sitting aan die Huis gerapporteer word.

**ORDE EN GEDRAG TYDENS SITTINGS EN VERGADERINGS**

**18.(1)** Die voorsitter of die saamroeper moet gedurende die sitting of vergadering orde handhaaf; met dien verstande dat die voorsitter of die saamroeper, in die geval van ernstige wanorde gedurende sodanige sitting of vergadering, die verrigtinge kan verdaag of opskort vir 'n tydperk wat hy of sy bepaal.

**(2)** Die voorsitter of die saamroeper kan –

- (a) enige lid gelas om enige woorde of stelling wat geopper is, terug te trek indien hy of sy van mening is dat die woorde of stelling wat deur genoemde lid geopper is, aanstootlik is;

en

(b) 'n lid skors en die lid gelas om die perseel te verlaat vir die oorblywende deel van die dag of, indien hy of sy van mening is dat 'n lid –

- (i) opsetlik enige reël of prosedure oortree;
- (ii) 'n daad van minagting begaan het;
- (iii) 'n daad van wangedrag begaan het; of
- (iv) hom of haar op 'n wanordelike wyse gedra.

(3) 'n Lid toon minagting teenoor die Huis of 'n komitee indien hy of sy –

- (a) enige bepaling van hierdie reëls oortree;
- (b) 'n beslissing van die voorsitter of die saamroeper verontagsaam of weier om daaraan te voldoen;
- (c) disrespek teenoor die voorsitter of die saamroeper toon of 'n beslissing deur hulle verontagsaam; of
- (d) die Huis of enige komitee mislei.

(4) 'n Geskorste lid bedoel in subreël (2)(b) moet onmiddellik verwyder word en deur 'n persoon of persone wat deur die voorsitter of saamroeper gemagtig is om aldus te doen, van die perseel verwyder en vergesel word en die aangeleentheid moet na die Dissiplinêre en Etiese Komitee vir ondersoek en verslag verwys word.

(5) 'n Lid bedoel in subreël (2) kan 'n skriftelike uitdrukking van spyt by die voorsitter om goedkeuring indien en indien die voorsitter die uitdrukking van spyt goedkeur –

- (a) moet die voorsitter die uitdrukking van spyt in die notule van die verrigtinge opteken; en
- (b) is die lid daarop geregtig om aan die begin van die volgende dag se verrigtinge terug te keer.

## TOEGANG TOT KAMER

**19.** Die voorsitter van die Huis kan aan lede van die publiek toegang tot 'n sitting van die Huis verleen; met dien verstande dat die enigste persone wat die kamer gedurende 'n sitting van die Huis sonder vooraf goedkeuring van die voorsitter kan betree, ongeag of die Huis in sitting is al dan nie, of verdaag is, is –

- (a) lede van die Huis;
- (b) die sekretaris; en
- (c) sodanige persone wat spesifiek deur die sekretaris daartoe gemagtig is.

### TOTSTANDKOMING VAN KOMITEES

20.(1) Tydens die eerste sitting van die eerste sessie van 'n nuutverkose Huis, moet die Huis kragtens besluit 'n tussentydse *ad hoc*-Reglementkomitee stig, bestaande uit die voorsitter, adjunkvoorsitter en behoorlik aangestelde addisionele lede met die doel om –

- (a) die reëls van die Huis vas te stel; en
- (b) aanbevelings oor die stigting van komitees op te stel vir aanvaarding deur die Huis.

(2) By ontvangs van die aanbevelings deur die *ad hoc*-tussentydse Reglementkomitee, moet die Huis kragtens besluit –

- (a) staande komitees stig;
- (b) portefeuljekomitees stig; en
- (c) enige *ad hoc*-komitee stig.

### DUUR EN ONTBINDING VAN KOMITEES

21.(a) 'n Staande of Portefeuljekomitee bly voortbestaan tot die laaste dag voor die verkiesing van 'n nuwe Huis; met dien verstande dat die Huis kragtens besluit enige sodanige komitee kan ontbind.

(b) 'n *Ad hoc*-komitee bly voortbestaan totdat dit sy opdrag voltooi het of van sy pligte onthef is.

### AANSTELLING VAN KOMITEELEDE

22. Die voorsitter van die Huis moet –

(a) 'n gelyke aantal permanente en alternatiewe lede van enige komitee skriftelik aanstel; met dien verstande dat die alternatiewe lede –

- (i) enige vergadering van daardie komitee kan bywoon;
- (ii) kan deelneem maar nie mag stem indien die permanente lede teenwoordig is nie; en

(iii) kompensasie ontvang, selfs indien die permanente lede teenwoordig is; en

(b) binne tien dae na die aanstelling van 'n permanente of alternatiewe lid van 'n komitee alle lede van die Huis skriftelik van sodanige aanstelling in kennis stel.

### BEEÏNDIGING VAN LIDMAATSKAP VAN 'N KOMITEE

23. Lidmaatskap van 'n komitee eindig –

- (a) in opdrag van die voorsitter, na oorlegpleging met die Uitvoerende Komitee;
- (b) kragtens besluit deur die Huis;



- (c) by die skriftelike bedanking van 'n lid;
- (d) by die afsterwe van 'n lid; of
- (e) by die beëindiging van 'n lid se lidmaatskap van die Huis.

### **KOMITEEVERGADERINGS**

**24.(1)** Die eerste vergadering van 'n komitee moet deur die sekretaris belê word binne drie weke na die aanstelling van die komitee-lede.

(2) 'n Meerderheid van die lede van 'n komitee maak 'n kworum uit indien minstens vyftig persent plus een van die lede van sodanige komitee teenwoordig is en 'n komitee mag slegs oor 'n aangeleentheid beslis indien 'n kworum van die lede ten tye van stemming teenwoordig is.

(3) Die sekretaris moet 'n komiteeklerk aanwys om die werk wat aan die komitee toegewys is, te koördineer; met dien verstande dat sodanige komiteeklerk –

- (a) 'n register van besluite van die komitee moet byhou;
- (b) by inwerkingstelling van 'n besluit die inwerkingtredingsdatum van sodanige besluit onmiddellik in die register moet aanteken; en
- (c) moet verseker dat 'n afskrif van die register in die Huis se biblioteek beskikbaar is.

### **SUBKOMITEES**

**25.(1)** 'n Komitee kan vanuit sy eie lede 'n subkomitee aanstel en indien sodanige subkomitee aangestel word, moet die komitee –

- (a) die koördineerder van die subkomitee aanwys;
- (b) 'n taak of funksie aanwys wat deur die subkomitee verrig moet word met duidelike opdragte;
- (c) sodanige bevoegdhede, pligte en funksies wat deur die komitee nodig geag word aan die subkomitee delegeer;
- (d) die aanstelling, toewysing en delegering doen behoudens toepaslike bedinge en voorwaardes; en
- (e) die subkomitee opdrag gee om aan die komitee verslag te doen op die bedinge en voorwaardes wat die komitee ten tye van die aanstelling gespesifiseer het.

(2) Die vergaderings van 'n subkomitee hoef nie gedurende enige sitting van die Huis geskeduleer te word nie en die plek moet deur die koördineerder bepaal word.

**NOTULES VAN VERGADERINGS EN KOMITEEVERSLAE**

**26.(1)** Die komiteeklerk moet 'n akkurate rekord van die verrigtinge van die komitee of 'n subkomitee byhou.

(2) Die jaarverslag van 'n komitee moet nie later nie as die laaste sitting van die laaste sessie van die Huis in daardie jaar ter tafel gelê word; met dien verstande dat –

- (a) 'n komitee 'n tussentydse verslag ter tafel kan lê wanneer hy ook al daartoe deur die voorsitter versoek word;
- (b) die verslag van 'n komitee deur die saamroeper van die komitee ter tafel gelê moet word, tensy 'n ander lid aldus gedelegeer word; en
- (c) 'n verslag wat ter tafel gelê word, in die Huis bespreek kan word.

**TOEGANG TOT INLIGTING EN ADMINISTRATIEWE GERECHTIGHEID**

**27.(a)** Die Huis moet aan die bepalings van die Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000) en die Wet op Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000), voldoen.

(b) 'n Komitee kan die hele of 'n gedeelte van enige dokument wat by hom ingedien word as vertroulik klassifiseer indien sodanige dokument inligting bevat waar die gronde vir weiering van toegang bedoel in hoofstuk 4 van die Wet op Bevordering van Toegang tot Inligting, 2000, van toepassing is.

(c) Enige rekord van verrigtinge of verslag van 'n komitee betreffende verrigtinge wat in kamera gehou word, soos bedoel in hoofstuk 4 van die Wet op Bevordering van Toegang tot Inligting, 2000, behou sy vertroulike klassifikasie tot tyd en wyl die komitee ooreenkom om die verslag vir openbare kennisname vry te stel.

(d) Toegang mag aan geen persoon behalwe 'n lid van die komitee verleen word tot enige dokument of toestemming verleen word om afskrifte te maak van of uittreksels te maak uit enige dokument wat kragtens subreël (2) as vertroulik geklassifiseer word sonder die skriftelike goedkeuring van die voorsitter of saamroeper nie.

**BEVOEGDHEDE VAN KOMITEES**

**28.** 'n Komitee besit die bevoegdheid om –

- (a) enige persoon te dagvaar om voor hom te verskyn ten einde –
  - (i) getuienis onder eed of plegtige verklaring te lewer; en
  - (ii) enige dokument, rekord of dergelike item wat hy nodig het, voor te lê;
- (b) mondelinge of skriftelike vertoë te ontvang of aan te hoor;

- (c) die aard, omvang en vorm van sy verrigtinge te bepaal; en
- (d) sy verrigtinge te hou of om enige aspek van sy werk te lewer –
  - (i) binne die tyd wat aan hom in die Huis se kalender gegun word; en
  - (ii) op die plek wat hy die geskikste ag, welke plek nie die setel van die Huis hoef te wees nie.

## BEVOEGDHEDE VAN SAAMROEPERS

**29.** Behoudens die besluite en opdragte van 'n komitee moet die saamroeper –

- (a) die komiteeklerk opdrag gee om 'n vergadering van daardie komitee te belê;
- (b) op die vergaderings van die komitee waarin hy of sy as saamroeper aangestel is, voorsit en presideer;
- (c) die aktiwiteite en funksionering van die komitee waarin hy of sy as saamroeper aangestel is, koördineer, toesig daaroor hou en moniteer;
- (d) met die instemming van die komitee mediaverklarings namens die komitee uitreik;
- (e) in die omstandighede waar dit nie gerieflik sou wees om 'n vergadering van die komitee te belê met die doel om 'n besluit te neem nie –
  - (i) 'n aansoek om mondelinge of skriftelike vertoë tot die komitee te rig, toestaan of weier; en
  - (ii) stappe doen of aan die gang te sit wat hy of sy nodig ag met die doel om die bevoegdhede uit te oefen en die funksies van daardie komitee te verrig; en
- (f) ooreenkomstig hierdie reëls optree.

## STAANDE EN PORTEFEULJEKOMITEES

**30.(1)** Die komitees van die Huis is –

- (a) die volgende staande komitees:
  - (i) die voorsitters- en saamroeperskomitee;
  - (ii) die reglementkomitee;
  - (iii) die etiese komitee;
  - (iv) die komitee vir die lewensgehalte, status van vroue, kinders en fisiek gestremde persone;
  - (v) die komitee vir die belange van lede;
  - (vi) die geskille- en grensekomitee; en
  - (vii) die landelike ekonomiese ontwikkelings- en strategiekomitee;
- (b) sodanige portefeuljekomitees wat kragtens besluit deur die Huis tot stand gebring word;
- (c) sodanige *ad hoc*-komitees wat kragtens besluit deur die Huis tot stand gebring word; en

(d) sodanige subkomitees wat deur enige komitee aangestel word.

(2) Die voorsitter kan –

- (a) riglyne opstel om saamroepers en koördineerders in staat te stel om hulle rolle doeltreffend te vervul;
- (b) voortgaande evaluasies doen van die prestasie van sodanige saamroepers en koördineerders en opleiding verskaf op terreine waar daar onderprestasie is; en
- (c) die koördinering, toesighouding oor en monitering van die aktiwiteite en funksionering van die verskeie komitees en subkomitees deur die saamroepers en koördineerders bespreek.

### **LIDMAATSKAP EN FUNKSIES VAN DIE ETIESE STAANDE KOMITEE**

**31.**(1) Die etiese staande komitee –

- (a) bestaan uit een lid van elke staande komitee van die Huis wat die saamroeper van die komitee moet kies;
- (b) stel die gedragskode in werking;
- (c) ontwikkel standaarde van etiese gedrag;
- (d) stel ondersoek in na en doen verslag oor aantygings van bevoorregting of minagting en maak bevindings en doen aanbevelings aan die Huis oor die private gedrag of moontlike oortredings deur enige lid wat 'n invloed kan hê op sy of haar pligte as die bekleër van 'n openbare amp;
- (e) verrig sodanige ander werksaamhede en oefen sodanige ander bevoegdhede uit wat daaraan toegewys word kragtens besluit van die Huis; en
- (f) doen jaarliks aan die Huis verslag oor sy handelinge.

(2) 'n Lid van die etiese staande komitee wat die onderwerp van 'n ondersoek voor die komitee is, moet hom of haar van die beraadslagings van die komitee wat met sodanige ondersoek besig is, onttrek.

(3) 'n Lid of die sekretaris wat 'n beweerde oortreding of wangedrag rapporteer, moet 'n beëdigde verklaring aan die voorsitter verskaf waarin die gronde van die klag in voldoende besonderhede uiteengesit word.

(4) By ontvangs van 'n klag –

- (a) moet die voorsitter die besonderhede daarvan in 'n klagteregister in sy of haar kantoor aanteken en daarna binne veertien dae die klag na die etiese staande komitee verwys vir

ondersoek deur die komitee; en

(b) moet die etiese staande komitee die persoon wat in die klag vermeld word, van die inhoud daarvan in kennis stel en aan die persoon wat aldus vermeld word, die geleentheid bied om skriftelik op die klag te reageer, ten einde aan die reëls van natuurlike geregtigheid te voldoen,

waarna die etiese staande komitee aan die voorsitter verslag moet doen oor die ondersoek, welke verslag aanbevelings kan insluit betreffende –

- (i) die voorgestelde strafmaatreël wat opgelê moet word;
- (ii) die tertaaflegging van die verslag in die Huis; en
- (iii) debat in die Huis oor die aard en omvang van die strafmaatreël.

### **DEBATREËLS IN DIE HUIS**

**32.(1)** 'n Lid wat die Huis wil toespreek moet –

- (a) te alle tye, wanneer ook al moontlik, dit staande doen;
- (b) deur die voorsitter aangesê word om te debatteer ooreenkomstig 'n lys van lede wat in die debat gaan praat; en
- (c) aan die voorsitter 'n aanduiding daarvan gee en mag slegs oor enige aangeleentheid praat of daaroor debatteer nadat die voorsitter aan hom of haar 'n geleentheid gebied het om aldus te doen; met dien verstande dat 'n lid wat 'n punt van privilegie wil opper, deur die voorsitter erken moet word.

(2) Alle aankondigings moet deur die voorsitter gedoen word; met dien verstande dat 'n lid wat 'n aankondiging in die Huis wil laat doen, aan die voorsitter –

- (a) 'n kort motivering vir die aankondiging moet verskaf; en
- (b) 'n afskrif van die aankondiging moet verskaf.

(3) Wanneer 'n lid opstaan om te praat, moet hy of sy deur die voorsitter versoek word om aldus te doen en indien twee of meer lede terselfdertyd opstaan, is die persoon wat deur die voorsitter genoem word, daarop geregtig om te praat.

(4) Tensy anders in hierdie reëls bepaal, mag 'n lid nie die tyd wat aan hom of haar toegestaan word, oorskry nie ooreenkomstig 'n lys van lede wat in die debat wil praat.

(5) 'n Lid moet enige ander lid as “die agbare” aanspreek, gevolg deur die naam of portefeulje van die betrokke lid.

(6) Geen lid mag die Huis opsetlik mislei nie of enige taal gebruik wat deur die voorsitter beskou word as –

- (a) vernederend, beledigend of aanstootlik;
- (b) ongrondwetlik, intimiderend of lasterlik;
- (c) propagandisties of 'n aanhitsing tot geweld; of
- (d) bepleiting van haat gebaseer op ras, etnisiteit, geslag of godsdiens.

(7) 'n Lid wat aan die woord is, moet 'n vrye geleentheid gegun word om oor enige aangeleentheid te debatteer, onderworpe aan die tyd wat deur die voorsitter toegelaat word en die enigste gronde waarop 'n lid 'n ander lid wat aan die woord is mag onderbreek, is –

- (a) om die aandag te vestig op –
  - (i) 'n punt van privilegie; of
  - (ii) die teenwoordigheid van 'n nie-lid; of
- (b) om die lid wat aan die woord is, te vra of hy of sy vrae sal aanvaar.

(8) Wanneer 'n punt van privilegie geopper word, moet die lid wat tot orde geroep word, sy of haar sitplek inneem en mag voortgaan nadat 'n punt van privilegie deur die voorsitter afgehandel is; met dien verstande dat die voorsitter –

- (a) 'n lid tot orde kan roep wie se debat ontoepaslik of 'n herhaling is van 'n debat wat afgehandel is; en
- (b) enige lid kan aansê om die debat te beëindig.

(9) Wanneer die voorsitter opstaan of die aanwesiges tot orde roep, moet die lid wat aan die woord is sy of haar sitplek inneem en die voorsitter moet sonder onderbreking aangehoor word.

(10) Geen lid mag enige aangeleentheid ten opsigte waarvan 'n geregtelike besluit hangende is, aanhangig maak nie.

(11) Die voorsitter kan na ontvangs van 'n kort skriftelike versoek waarin die naam van 'n afgestorwe persoon vermeld word, en na oorlegpleging met die lid wat die versoek rig, toelaat dat die Huis 'n oomblik van stilte handhaaf.

## **MOSIES IN DIE HUIS**

**33.**(1) Enige lid kan 'n mosie vir bespreking deur die Huis voorstel; met dien verstande dat –

- (a) die mosiekennisgewing –
  - (i) duidelik die doel van die mosie en die datum waarop dit ter tafel gelê gaan word,

- moet vermeld;
- (ii) deur die lid wat dit voorstel geteken moet word; en
  - (iii) aan die sekretaris oorhandig moet word vir insluiting in die agenda;
- (b) elke mosie kennisgewing vereis, uitgesonderd 'n mosie –
- (i) ingevolge waarvan daar gepoog word om 'n mosie kragtens hierdie reëls te wysig;
  - (ii) vir die uitstel of afhandeling van 'n mosie of waar voorrang verleen word aan 'n dagorde;
  - (iii) ingevolge waarvan 'n wetsontwerp of verordening na 'n komitee verwys word;
  - (iv) deur die saamroeper van 'n komitee ingevolge waarvan 'n mosie oor die verslag van daardie komitee voorgestel word, onmiddellik nadat die debat oor die verslag afgehandel is;
  - (v) ten opsigte waarvan daar van kennisgewing afgesien word deur 'n meerderheid van die teenwoordige lede; of
  - (vi) waar kennisgewing spesifiek deur hierdie reëls uitgesluit word;
- (c) 'n mosie wat wesenlik dieselfde is as 'n mosie wat reeds deur die Huis bespreek, goedgekeur of verwerp is gedurende dieselfde sitting, nie vir bespreking voorgestel mag word nie;
- (d) 'n lid nie mondelinge kennis van meer as een mosie op enige gegewe sittingsdag mag gee nie;
- (e) 'n lid mondelinge kennis van 'n mosie in die Huis moet gee deur die mosie hardop en woordeliks te lees en onmiddellik daarna 'n leesbare en getekende afskrif van die kennisgewing aan die sekretaris by die tafel moet gee;
- (f) die skriftelike mosie nie eenhonderd woorde mag oorskry nie en die aangeleentheid wat bespreek moet word, bondig vermeld moet word, sonder om enige argument wat gewoonlik as 'n deel van die debat beskou sou word, in te sluit;
- (g) die voorsitter kan beslis dat 'n mosiekennisgewing geheel en al buite die orde, kwelsiek, kwaadwillig of beuselagtig is en dit buite orde verklaar, as gevolg waarvan die mosiekennisgewing nie in die agenda gepubliseer mag word nie; en
- (h) 'n lid wat kennis van 'n mosie gegee het, dit voordat die debat begin, terug kan trek, maar indien die debat reeds begin het, mag die lid wat kennis gegee het, dit slegs terugtrek na die einde van sy of haar repliek op die debat.
- (2) 'n Lid kan die voorsitter versoek om 'n mosie tot stemming te bring vir goedkeuring as 'n besluit van die Huis.
- (3) 'n Lid kan op enige sittingsdag die voorsitter skriftelik versoek, met 'n bondige vermelding van die openbare belangrikheid van enige aangeleentheid, om toe te laat dat 'n aangeleentheid

bespreek en tot stemming in die Huis gebring word; met dien verstande dat –

- (a) indien die versoek toegestaan word, die voorsitter die aangeleentheid in die Huis moet aankondig en debat oor die aangeleentheid oor moet staan tot die tyd wat die voorsitter bepaal; en
- (b) indien die versoek geweier word, die voorsitter die lid van die besluit moet verwittig en die saak val weg.

### **OORWEGING VAN AANGELEENTHEDE DEUR DIE HUIS**

**34.** Die Huis moet alle aangeleenthede van die Munisipale Raad oorweeg en hom van raad dien oor alle aangeleenthede met betrekking tot diensverskaffing of die afbakening van grense of grondbesit wat binne die bevoegdheid van 'n distriksmunisipaliteit ressorteer en is van toepassing op tradisionele gemeenskappe soos bedoel in artikel 40 van die Wet; met dien verstande dat –

- (a) die Huis konsepwetgewing aan die Munisipale Raad kan voorstel;
- (b) die Huis binne dertig dae na die ontvangs van 'n versoek om advies, aan die Munisipale Raad advies moet verskaf;
- (c) enige advies wat deur die Huis verskaf word, aan die munisipale bestuurder van die distriksmunisipaliteit onder die handtekening van die voorsitter gerig moet word;
- (d) indien enige aangeleentheid deur die Munisipale Raad na die Huis verwys word, die Huis –
  - (i) die aangeleentheid moet oorweeg en binne dertig dae na die ontvangs van die aangeleentheid die nodige kommentaar aan die Munisipale Raad moet verskaf; en
  - (ii) indien nodig, lede van die Huis moet benoem om vertoë aan die Munisipale Raad te rig; en
- (e) die Huis nie in gebreke mag bly om aan enige aangeleentheid wat na hom deur die Munisipale Raad verwys is, aandag aan te gee nie.

### **GETUIES**

**35.(1)** 'n Komitee van die Huis wat besluit om getuies te roep in enige aangeleentheid wat na hom verwys word, moet –

- (a) daarvan oortuig wees dat die getuienis waarvoor die getuies nodig is, noodsaaklik vir die ondersoek is;
- (b) aldus doen na oorlegpleging met die voorsitter; en
- (c) 'n kennisgewing van die besluit om 'n getuie as getuie te dagvaar voltooi in die formaat bedoel in bylae 4, wat deur die saamroeper van die komitee onderteken moet word.



(2) Enige getuienis wat van 'n getuie verkry word, moet deur die persoon persoonlik gelewer word en moet onder eed of plegtige verklaring afgelê word.

(3) Die sekretaris moet by ontvangs van die besluit bedoel in subreël (1)(c) –

- (a) 'n getuiedagvaarding onderteken in die formaat bedoel in bylae 5;
- (b) verseker dat die getuiedagvaarding behoorlik aan die getuie beteken word; en
- (c) verseker dat die persoon wat die getuiedagvaarding beteken die opgawe van betekening bedoel in bylae 6 behoorlik invul.

(4) Die bepalings van artikel 4 en 5 van die KwaZulu-Natal Wet op Kommissies, 1999 (Wet No. 3 van 1999), is met die nodige veranderings op die getuiedagvaarding en die gedrag van getuies van toepassing, asook op oortredings wat deur getuies begaan word wat gedagvaar word om voor die Huis of 'n komitee te getuig.

#### **PLIGTE VAN DIE SEKRETARIS VAN DIE HUIS**

**36.** Die sekretaris van die Huis is verantwoordelik vir die administrasie van alle aangeleenthede in verband met die sake van die Huis.

#### **BESLUIE DEUR DIE HUIS OF KOMITEE VAN DIE HUIS**

**37.**(1) Tensy anders bepaal in enige wetgewing –

- (a) moet 'n meerderheid van die lede teenwoordig wees voordat daar gestem mag word oor enige aangeleentheid voor die Huis of 'n komitee;
- (b) word alle aangeleenthede beslis deur 'n meerderheid van die stemme wat uitgebring word;
- (c) besit die voorsitter of saamroeper geen beraadslagende stem nie; met dien verstande dat hy of sy –
  - (i) 'n beslissende stem moet uitbring wanneer daar 'n gelyke aantal stemme vir en teen enige spesifieke aangeleentheid is; en
  - (ii) 'n beraadslagende stem kan uitbring wanneer 'n aangeleentheid beslis moet word met 'n ondersteunende stem van minstens twee-derdes van die lede; en
- (d) kan 'n besluit oor enige aangeleentheid uitgestel word tot die volgende sitting of 'n ander datum of tyd, na oorlegpleging met alle aandeelhouders in die aangeleentheid.

(2) Die Huis kan die aanbevelings van enige komitee debatteer en kragtens ooreenkoms of

stemming besluit om –

- (a) die aanbeveling van die komitee in sy geheel of gedeeltelik te aanvaar;
- (b) die aanbeveling van die komitee in sy geheel of gedeeltelik te verwerp; of
- (c) die aangeleentheid na die komitee terug te verwys vir verdere oorweging en verslag.

#### **VERSLAGGEWING DEUR LEDE VAN HUISE VAN TRADISIONELE LEIERS**

**38.** Alle lede wat benoem is om KwaZulu-Natal se tradisionele leiers in die Provinsiale en Nasionale Huis van Tradisionele Leiers te verteenwoordig moet –

- (a) op 'n gereelde grondslag aan die Huis verslag doen oor sake wat deur die Provinsiale en Nasionale Huis van Tradisionele Leiers gedoen word; en
- (b) op 'n gereelde grondslag aan die Provinsiale en Nasionale Huis van Tradisionele Leiers verslag doen oor sake wat deur die Huis gedoen word.

**BYLAE 1****GEDRAGSKODE****Die provinsiale en nasionale gedragskodes****DEEL A: Provinsiale Gedragskode****Algemene gedrag**

1. Alle tradisionele leiers en lede van die Provinsiale Huis van Tradisionele Leiers, die Plaaslike Huise van Tradisionele Leiers en tradisionele rade moet –

- (a) hulle werksaamhede in goeie trou, eerlik en op 'n deursigtige wyse verrig;
- (b) te alle tye in die belang van die gemeenskap wat hulle dien, optree; en
- (c) verseker dat die geloofwaardigheid en integriteit van tradisionele leierskap of tradisionele gesag nie onder verdenking gebring word nie.

**Bekendmaking van belange en persoonlike gewin**

2.(a) Tradisionele leiers, lede van die Provinsiale en Plaaslike Huis van Tradisionele Leiers en lede van 'n tradisionele raad –

- (i) moet enige regstreekse of onregstreekse persoonlike of private sakebelange bekend maak wat die tradisionele leier of lid mag hê, of enige gade, vennoot of sakevennoot van sodanige tradisionele leier wat hom of haar na verwagting redelikerwys kan verhinder om sy of haar werksaamhede kragtens die Wet op 'n billike, onbevooroordeelde en behoorlike wyse te verrig of waar potensiële benadeling of 'n konflik van belange kan ontstaan, en hy of sy moet hom of haar van die oorweging van sodanige aangeleentheid onttrek;
- (ii) mag nie die amp of voorregte wat hy of sy kragtens die Wet geniet, vir private gewin gebruik of om 'n ander persoon onbehoorlik te bevoordeel nie; en
- (iii) mag nie 'n party tot of 'n bevooroordeelde wees kragtens enige kontrak vir die verskaffing van goedere of dienste of werk vir die Provinsiale Huis van Tradisionele Leiers, 'n Plaaslike Huis van Tradisionele Leiers of 'n tradisionele raad waarvan hy of sy 'n lid is, sonder die voorafgaande skriftelike toestemming van die Provinsiale Raad van Tradisionele Leiers of die betrokke Plaaslike Huis van Tradisionele Leiers of tradisionele raad nie.

(b) Enige bekendmaking, bepaling of toestemming bedoel in paragraaf (a) moet in die notule van die vergadering van die Provinsiale Huis van Tradisionele Leiers of die betrokke Plaaslike Huis van Tradisionele Leiers of tradisionele raad aangeteken word.

**DEEL B: Die Nasionale Gedragskode****Algemene gedrag van tradisionele leier****1. 'n Tradisionele leier –**

- (a) moet die take wat aan hom of haar opgedra word, in goeie trou, ywerig, eerlik en op 'n deursigtige wyse verrig;
- (b) moet sy of haar rol op 'n doeltreffende wyse vervul;
- (c) mag hom of haar nie op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra nie;
- (d) moet enige toepaslike wetgewing gehoorsaam;
- (e) moet in die belang van die tradisionele gemeenskap of gemeenskappe wat hy of sy dien, optree;
- (f) moet eenheid onder tradisionele gemeenskappe bevorder;
- (g) mag nie aan handelinge deelneem wat verdeeldheid binne of onder tradisionele gemeenskappe kan skep nie;
- (h) moet nasiebou bevorder;
- (i) mag nie enige diens aan 'n persoon weens politieke of ideologiese gronde weier nie;
- (j) moet goeie verhoudings met die staatsorgane met wie hy of sy 'n wisselwerking het, bevorder;
- (k) moet die beginsels van 'n demokratiese en ope gemeenskap bevorder; en
- (l) moet geskenke wat ontvang is, bekendmaak.

**Algemene gedrag van tradisionele raad****2. 'n Tradisionele raad moet –**

- (a) die take wat daaraan opgedra word in goeie trou, ywerig, eerlik en op 'n deursigtige wyse verrig;
- (b) sy pligte op 'n doeltreffende wyse uitvoer;
- (c) enige toepaslike wetgewing gehoorsaam;
- (d) in die belang van die tradisionele gemeenskap wat hy dien, optree;
- (e) uitvoering gee aan die beginsels betreffende openbare administrasie soos uiteengesit in artikel 195 van die Grondwet; en
- (f) goeie verhoudings met die staatsorgane met wie dit 'n wisselwerking het, bevorder.

**BYLAE 2****EED OF PLEGTIGE VERKLARING VAN LEDE VAN DIE PLAASLIKE HUIS**

*Ek, ..... sweer/verklaar plegtig dat ek getrou sal wees aan die Republiek van Suid-Afrika en die provinsie KwaZulu-Natal en die Grondwet en alle ander wette van die Republiek van Suid-Afrika sal gehoorsaam, respekteer en handhaaf en ek onderneem en belowe plegtig om my amp as 'n lid van die ..... Plaaslike Huis van Tradisionele Leiers eervol en met waardigheid, onpartydig en sonder vooroordeel, vrees of begunstiging of beïnvloeding te beklee, en om die rol en werksaamhede van my amp pligsgetrou en na my beste vermoë te verrig.*

(In die geval van 'n eed: "So help my God")

**BYLAE 3****GEBED**

**O, almagtige God en Hemelse Vader, wat in U oneindige genade en wysheid regeerders geroep en regerings aangestel het vir die welsyn van die gemeenskap en die regverdige regering van mense, ons smeeek U om U oorvloedige guns aan ons, U dienaars, te verleen wat dit U behaag het om te vertrou met die verrigting van sodanige belangrike taak in ons land.**

**Laat U seën op ons wat hier vergader is, neerdaal en gee dat ons onder U leiding alle aangeleenthede wat voor ons kom, op 'n regverdige en getroue wyse sal uitvoer tot U eer en glorie en die welsyn van ons mense wat U ons geroep het om te dien, sal bevorder.**

**Ons vra dit alles in die naam ons God.**

**AMEN**

**BYLAE 4****KENNISGEWING VAN 'N BESLUIT OM 'N GETUIE TE DAGVAAR**

[Reël 35(1)(c)]

Ek, \_\_\_\_\_ (voeg die titel en volle name van die saamroeper in), die saamroeper van die \_\_\_\_\_ Komitee, teken hiermee ingevolge reël 35(1) my tevredenheid aan dat die getuienis van \_\_\_\_\_ (voeg titel en volle name van getuie wat gedagvaar moet word, in) van wesenlike belang is vir 'n ondersoek om gehou te word deur die \_\_\_\_\_ Komitee van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers.

Ek gelas derhalwe ingevolge reël 35(3) en 35(4) van die reëls van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers dat die Sekretaris onder sy/haar handtekening die nodige dagvaarding aan \_\_\_\_\_ moet beteken om voor die \_\_\_\_\_ Komitee van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers te verskyn.

Geteken deur die saamroeper van die \_\_\_\_\_ Komitee te \_\_\_\_\_ op hierdie \_\_\_\_\_ dag van \_\_\_\_\_, 2\_\_\_\_\_

\_\_\_\_\_  
HANDTEKENING VAN SAAMROEPER

\_\_\_\_\_  
AMPTELIKE DATUMSTEMPEL

**BYLAE 5****DAGVAARDING**

[Reël 35(3)(a)]

Dagvaarding om ingevolge reël 35(3) tot 35(4) van die Reglement van Orde van die \_\_\_\_\_  
Plaaslike Huis van Tradisionele Leiers voor die \_\_\_\_\_ Komitee van die \_\_\_\_\_  
Plaaslike Huis van Tradisionele Leiers te verskyn.

AAN: \_\_\_\_\_ (voeg titel en volle name van die persoon  
wat gedagvaar word, in) van \_\_\_\_\_ (voeg jongste bekende adres  
in).

U word hierby in kennis gestel dat u gedagvaar word om op die \_\_\_\_\_ dag van \_\_\_\_\_ ,  
2 \_\_\_\_\_ te \_\_\_\_\_ (voeg plek van verhoor in) voor die \_\_\_\_\_ Komitee  
van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers te verskyn om onder eed of kragtens  
plegtige verklaring getuienis te lewer ten opsigte van \_\_\_\_\_ (voeg die onderwerp van die  
ondersoek in) met die doel om \_\_\_\_\_ (voeg die doel in) of om die volgende dokumente of  
rekords voor te lê (voeg beskrywing van die benodigde dokumente of rekords in).

Die dagvaarding moet beteken word deur \_\_\_\_\_ (voeg  
naam en posbeskrywing van persoon wat dagvaarding beteken, in).

Geteken te \_\_\_\_\_ op hierdie \_\_\_\_\_ dag van \_\_\_\_\_ , 2 \_\_\_\_\_

\_\_\_\_\_  
HANDTEKENING VAN SEKRETARIS

\_\_\_\_\_  
AMPTELIKE DATUMSTEMPEL



## BYLAE 6

## OPGAWE VAN BETEKENING

*[Reël 35(3)(c)]*

Ek, \_\_\_\_\_ (voeg volle name van persoon wat betekening doen, in) 'n \_\_\_\_\_ (voeg ampstitel in), in die diens van die \_\_\_\_\_ Plaaslike Huis van Tradisionele Leiers, het die dagvaarding aan \_\_\_\_\_ (voeg naam van persoon wat gedagvaar word, in) beteken te \_\_\_\_\_ (plek van betekening) aan \_\_\_\_\_ (voeg titel en volle name van persoon wat betekening aanvaar, in), 'n volwasse persoon te \_\_\_\_\_ (voeg adres van persoon wat gedagvaar word, in) om \_\_\_\_\_ (voeg tyd in) op hierdie \_\_\_\_\_ dag van \_\_\_\_\_, 2\_\_\_\_\_.

Onderteken te \_\_\_\_\_ op hierdie \_\_\_\_\_ dag van \_\_\_\_\_, 2\_\_\_\_\_

\_\_\_\_\_  
HANDTEKENING VAN PERSOON WAT  
BETEKENING DOEN

\_\_\_\_\_  
AMPTELIKE DATUMSTEMPEL

No. 16

27 kuNhlaba 2009

**UMNYANGO WEZOHULUMENI BASEKHAYA NEZENDABUKO****UHLAKA LWEMITHETHO EMILE LWEZINDLU ZABAHOLI BENDABUKO ZEZINDAWO  
LWAKWAZULU-NATALI**

1. Ukuze kuhlinzekelwe ukubonisana okufanele neziNdlu zabaHoli beNdabuko zeziNdawo, ngalokhu kushicilelwa uHlaka lweMithetho eMile lweziNdlu zabaHoli beNdabuko zeziNdawo lwaKwaZulu-Natali ukuze umphakathi uphawule.

2. Zonke iziNdlu zabaHoli beNdabuko zeziNdawo, abaHoli beNdabuko, uMkhandlu weNdabuko kanye nemiphakathi yeNdabuko, kanye nabo bonke abanye abantu abathintekayo, bayamenywa ukuba bathumele izimvo ezibhaliwe mayelana neMithetho eMile ehlongozwayo kanje:

(a) ngeposi –

INhloko yoMnyango  
wezoHulumeni baseKhaya nezeNdabuko  
Private Bag X9078  
PIETERMARITZBURG  
3200

(b) zihanjiswe ngesandla e-Room 8, 12<sup>th</sup> Floor, North Tower, Natalia Building, 330 Langalibalele Street, Pietermaritzburg;

(c) zithunyelwe ngefeksi ku: 086 517 7582; noma

(d) zithunyelwe nge-imeyili ku: [ngqabutho.bhebhe@kznlqta.gov.za](mailto:ngqabutho.bhebhe@kznlqta.gov.za)

3. Zonke izimvo kumele zitholakale engakedluli umhla lu-1 kuNhlangulana 2009 futhi kumele zibhalwe ngokucacile ukuthi:

**“Ibhekiswe kuMnu. N Bhebhe”**

4. Yonke Imibuzo nezicelo zamakhophi eNqubomgomo kumele kubhekiswe ku:

Mnu. N Bhebhe  
Ucingo: (033) 395 2292  
Ifeksi: 086 517 7582  
I-imeyili: [ngqabutho.bhebhe@kznlqta.gov.za](mailto:ngqabutho.bhebhe@kznlqta.gov.za)

# **INDLU YASEKHAYA YOBUHOLI NOKUBUSA KWENDABUKO**

## **IMITHETHO EMILE**

**OKUQUKETHWE****ISANDULELO**

1. IZINCAZELO
2. ISINQUMO SESIKHASHANA SIKASIHLO
3. UKUMISWA NOMA UKUCHITSHIYELWA KWEMITHETHO
4. UKWAKHEKA KWENDLU NOKUFUNGA KOKUZIBOPHO EKWENZENI UMSEBENZI
5. ISIBALO ESIDINGEKAYO SAMALUNGU UKUZE KUQHUBEKE UMHLANGANO KANYE NEMHLANGANO YENDLU
6. UKUKHETHWA KUKASIHLO, ISEKELA LIKASIHLO KANYE NEKOMIDI ELIPHETHE INDLU YOBUHOLI NOKUBUSA KWENDABUKO
7. UKUFANELEKA KWAMALUNGU
8. ISIKHATHI SOKUPHATHA, UKUSHIYA EHOVISI KANYE NOKUGCWALISWA KWEZIKHALA ZOMSEBENZI
9. UKUKHETHA KWAMALUNGU UKUBA ABE NGAMALUNGU ENDLU YOBUHOLI NOKUBUSA KWENDABUKO ESIFUNDAZWENI
10. AMANDLA KANYE NEMISEBENZI KASIHLO
11. UKUKHETHWA KWABAHLELI BEMHLANGANO
12. ISIKHATHI ESINQUNYELWE UKUSEBENZA NJENGOMHLELI WEMHLANGANI YAMAKOMIDI.
13. UKUNGABI BIKHO EMHLANGWANWENI KOMHLELI WOMHLANGANO WANOMA YILIPHI IKOMIDI
14. UKUXHUMANA NOSIHLO NOMA UMHLELI WOMHLANGANO
15. UKUTHOLA ULWAZI KOMPHAKATHI KANYE NOKUBAMBA IQHAZA
16. UKUHAMBELA KWAMALUNGU UMA KUHLALA INDLU KANYE NEMHLANGANO
17. INQUBO YOKUZIPHATHA KWAMALUNGU
18. UKUHLONIPA NENQUBO YOKUZIPHATHA NGESIKHATHI SOKUHLALA SOKUBANJWA KWEMIHLO YENDLU
19. UKUNGENA ESIGCAWINI SOKWETHAMELA IMIHLANGANO ESEMTHETHWENI
20. UKUSUNGULWA KWAMAKOMIDI
21. ISIKHATHI ESINQUNYELWE AMAKOMIDI NOKUHLAKAZWA KWAWO
22. UKUQOKWA KWAMALUNGU EKOMIDI
23. UKUQEDWA KOBULUNGU BOKUBA KWIKOMIDI
24. IMIHLANGANO YEKOMIDI
25. AMAKOMIDI AMANCANE
26. AMAMINITHI EMHLANGANO KANYE NEMIBIKO YAMAKOMIDI

27. UKUTHOLAKALA KOLWAZI KANYE NOKUPHATHWA OKUNOBULUNGIWA
28. AMANDLA AMAKOMIDI
29. AMANDLA ABAHLELI BEMIHLANGANO
30. AMAKOMIDI AMILE KANYE NAMAKOMIDI AMALUNGU ASEZIKHUNDLENI  
EZIPHEZULU
31. UBULUNGU KANYE NEMISEBENZI YEKOMIDI ELIMELE LOKUQONDISWA  
KWEZIGWEGWE NOKUZIPHATHA NGOBUQOTHO
32. IMITHETHO YENKULUMOMPIKISWANO NGAPHAKATHI ENDLINI
33. IZIPHAKAMISO NGAPHAKATHI ENDLINI
34. UKUCUTSHUNGULWA KWEZINDABA ZENDLU
35. OFAKAZI
36. IMISEBENZI KANOBHALA WENDLU
37. IZINQUMO ZENDLU NOMA ZEKOMIDI YENDLU
38. UKUBIKA KWAMALUNGU ENDLU YOBUHOLI BENDABUKO

**IZINHLELO:**

1. INQUBO YOKUZIPHATHA
2. ISIFUNGO NOMA UKUFUNGISWA KOKUZIBOPHEZELA KWAMALUNGU ENDLU  
YOBUHOLI NOKUBUSA KWENDABUKO
3. UMTHANDAZO
4. ISAZISO NGESINQUMO SOKUBIZELWA ESIGCAWINI
5. INCWADI YOKUBIZELA OFAKAZI ESIGCAWINI
6. UBUPHAKAZI BOKUHANJISWA KWENCWADI YOKUBIZELA UFAKAZI ESIGCAWINI

**IMITHETHO EMILE \_\_\_\_\_ YENDLU YASEKHAYA YOBUHOLI  
NOKUBUSA KWENDABUKO**

**Njengoba**

**A.** Indlu yaseKhaya yobuHoli nokuBusa kweNdabuko yase, \_\_\_\_\_, iyawuhlonipha UMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996, njengoMthetho omkhulu kunayo yonke ezweni;

**B.** Igunya elisemthethweni lale Mithetho lisuselwa esigabeni 41(2) aoMthetho wobuHoli nokuBusa kweNdabuko waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005), sifundwa nesigaba 212(2) (a) soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996;

**C.** Le Mithetho ilawula ukuqhuba kwe \_\_\_\_\_ iNdlu yaseKhaya yobuHoli nokuBusa kweNdabuko; futhi

**D.** Le Mithetho ibophezela futhi kumele ilandelwe –

- (i) yiwo wonke amalungu \_\_\_\_\_ eNdlu yaseKhaya yoBuholi bokuBusa kweNdabuko;
- (ii) *AmaKhosi* uma njalo enza umsebenzi \_\_\_\_\_ weNdlu yaseKhaya yobuHoli nokuBusa kweNdabuko;
- (iii) UNobhala kanye nabanye abasebenzi \_\_\_\_\_ beNdlu yaseKhaya yobuHoli bokuBusa kweNdabuko ekwenzeni kwabo umsebenzi abaqashelwe wona;
- (iv) noma ngubani osebenza ngokuzimele okuXhunyanwa naye noma oneNkontilaki yokwenza umsebenzi \_\_\_\_\_ weNdlu yaseKhaya yobuHoli nokuBusa kweNdabuko ekwenzeni umsebenzi ngokwemibandela yokufezekisa isivumelwano sokuzibophezela; kanye
- (v) nanoma yiliphi ilungu lomphakathi noma abezindaba, uma besendaweni ayenganyelwe iNdlu yobuHoli nokuBusa kweNdabuko.

**NGAKHO-KE NGALOKHU LE MITHETHO ELANDELAYO KUYAVUNYELWANA NGAYO:-**

**IZINCAZELO**

**1.** Kule Mithetho-, ngaphandle uma ingqikithi isho okwehlukile-

- (a) noma yiliphi igama elisetshenzisiwe, elibalula nganoma yibuphi ubulili, kubandakanya nobuye ubulili, kanye negama elisetshenziswe ebunyeneni lihlanganisa ubuningi, ngokushitshashintshana ngokufanayo;
- (b) amagama nezincazelo ezinikezwe kunoma yisiphi isigatshana somthetho, ngenhloso

yokugcizelela leso sigatshana somthetho esiyinxenye yaso, aqhukethe incazelo eqondiswe kulawo magama kanye nencazelo ekuleso sigatshana somthetho;

(c) le mithetho ilawulwa futhi yakhiwe ngokuhambisana nomthetho waseRiphabhuliki yaseNingizimu Afrika; futhi

(d) isahluko kanye nezihloko zesigaba somthetho zisetshenziselwe kuphela ukuba kukwazi ukwenzeka kanjalo angeke zasetshenziswa ekuzihumusheni, kanye nokuthi lamagama asetshenzisiwe aqukethe izincazelo ezinikezwe wona kanye namagama afana nawo aqonde izincazelo ezifanayo ezihambisana nawo-

**“USihlalo”** kushiwo ilungu eliqokwe njengoSihlalo wendlu ohlongozwe esigabeni 38(2) soMthetho;

**“IsiGcawu sokubamba imihlangano esemthethweni”** kushiwo isakhiwo lapho okuhlanganyela khona iNdlu yabaHoli nokuBusa kweNdabuko, nanoma yiziphi ezinye izindawo lapho kuqhutshelwa khona imihlangano yeNdlu yabaHoli nokuBusa kweNdabuko;

**“Inqubo yokuziPhatha”** kushiwo umgomo weNqubo yokuziPhatha ehlongozwe oHlelweni 1;

**“uMabhalane weKomidi”** kushiwo uMabhalane oqokelwe kunoma yiliphi ikomidi nguNobhala;

**“Umhleli woMhlangano”** kushiwo ilungu eliqokwe ukuba ngusihlalo weKomidi leNdlu yobuHoli nokuBusa kweNdabuko;

**“UMthethosisekelo”** kushiwo uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996;

**“Umdidiyeli”** kushiwo ilungu eliqokelwe ukuba ngusihlalo wekomidi elincane leNdlu yobuHoli nokuBusa kweNdabuko;

**“uSekela Sihlalo”** kushiwo ilungu eliqokwe njengoSekela Sihlalo weNdlu yobuHoli nokuBusa kweNdabuko njengalokhu kuhlongozwe esigabeni 38(2) soMthetho;

**“Ikomidi eliPhethe”** kushiwo ikomidi elihlongozwe esigabeni 37(20) sifundwa

nesigaba 38(1) soMthetho, liqukethe uSihlalo, uSekela Sihlalo kanye namalungu eyisihlanu ongeziwe eNdlu yobuHoli nokuBusa kweNdabuko, aqokwe njengalokhu kuhlongozwe emthethweni 6;

**“Indlu”** kushiwo \_\_\_\_\_ iNdlu yobuHoli nokuBusa kweNdabuko esungulwe ngokwesigaba 36 soMthetho;

**“Inkos”** kushiwo uMholi weNdabuko omdala njengalokhu kuchazwe esigabeni 1 soMthetho woHlaka lobuHoli nokuBusa kweNdabuko, 2003 (uMthetho No. 41 ka 2003) kanjalo futhi njengalokhu ihlonishwa ngokwesigaba 19 soMthetho wobuHoli nokuBusa kweNdabuko wakwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005);

**“Isilo”** kushiwo Isilo Samabandla Onke esiyinhloko yobuKhosi esiFundazweni sakwaZulu-Natali njengalokhu semukelwe esigabeni 17 soMthetho, futhi (“iNkosi”) njengalokhu kuchazwe esigabeni 1 soMthetho woHlaka lobuHoli nokubusa kweNdabuko, 2003 (uMthetho No. 41 ka 2003), sinencazelo efanayo;

**“ILungu leNdlu yobuHoli nokuBusa kweNdabuko”** kushiwo amalungu ahlongozwe esigabeni 37(1) soMthetho;

**“uNgqongqoshe”** kushiwo iLungu loMkhandlu oPhethe waKwaZulu-Natali elibhekele iziNdaba zeNdabuko;

**“uMkhandlu kaMasipala”** kushiwo uMkhandlu oqokiwe kaMasipala;

**“uMasipala wesiFunda”** kushiwo uMasipala njengalokhu kuchazwe esigabeni 155(1)(c) soMthethosisekelo;

**“Indlu kaZwelonke yobuHoli nokuBusa kweNdabuko”** kushiwo Indlu kaZwelonke ehlongozwe esigabeni 2(1) soMthetho kaZwelonke wobuHoli nokuBusa kweNdabuko, 1997 (uMthetho No. 10 ka 1997);

**“iKomidi lamaLungu aseziKhundleni eziphezulu”** kushiwo ikomidi elisungulwe iNdlu yobuHoli nokuBusa kweNdabuko eliphethe izindaba eziphathelelene noMasipala



beziFunda namaDolobha amakhulu;

**“IMithethonqubo”** kushiwo iMithethonqubo yobuHoli nokuBusa kweNdabuko waKwaZulu-Natali, 2006 eyaziswe njengalokhu ihlongozwe esigabeni 44(2) soMthetho wesiFundazwe esachicilelwa kwiGazethe yesiFundazwe mhla ziyi-15 kuMandulo 2006 njengeSaziso No.1646 sika 2006;

**“uNobhala”** kushiwo umsebenzi noma isekela lakhe eliqokwe nguNgqongqoshe ukuba asebenzele iNdlu yobuHoli nokuBusa kweNdabuko;

**“isigaba”** kushiwo noma yisiphi isikhathi esibakhona ngesikhathi sokuhlala kweNdlu yobuHoli nokuBusa kweNdabuko;

**“ukuhlala”** kushiwo noma yisiphi isikhathi sosuku lapho iNdlu isuke ihlangene ukwenza imisebenzi eqondene nayo ;

**“IKomidi eliMile”** kushiwo iKomidi elingaguqulwa elisungulwe yiNdlu yobuHoli nokuBusa kweNdabuko elibhekana nezindaba eziphathelele neNdlu yobuHoli nokuBusa kweNdabuko; kanye

**“noMthetho”** kushiwo uMthetho wobuHoli nokuBusa kweNdabuko waKwaZulu-natali, 2005 (uMthetho No. 5 ka 2005), futhi ubandakanya nanoma yimiphi imithethonqubo neZaziso ezikhishwe ngokoMthetho;

## **ISINQUMO SESIKHASHANA SIKASIHLO**

### **2. USihlalo—**

(a) angathatha isinqumo noma abeke uMthetho wesinqumo maqondana nanoma yisiphi isimo esinokwenzeka esihlinzekelwa yile Mithetho;

(b) Kumele athumele nanoma yisiphi isinqumo esihlongozwe esigatshaneni soMthetho (a), asise eKomidini leziNqumo kungakapheli izinsuku eziyisikhombisa emva kokuphuma kwesinqumo, ukuze sicutshungulwe futhi sibikwe, Kuncike ekutheni –

(i) iKomidi leziNqumo kumele libikele iNdlu yobuHoli nokuBusa kweNdabuko emhlanganweni wabo bonke bephelele; futhi

(ii) noma yisiphi isinqumo esihlongozwe esigatshaneni soMthetho (a) siyohlala sisebenza ngokuphoqelekile kuze kube iNdlu ithatha esinye isinqumo ngaleso siNqumo, ngendlela yokuxazulula, emva kokucubungulwa kwezincwadi eziqokwe kumbiko weKomidi leziNqumo.

**UKUMISWA NOMA UKUCHITSHIYELWA KWEMITHETHO**

3.(1) Noma yikuphi ukuhlinzekwa kwale Mithetho kungamiswa ngokufaka isicelo kwanoma yiliphi ilungu elikhona esigcawini sokubamba imihlangano esemthethweni, kuncike ekutheni—

- (a) ukumiswa lokho kuqondene kuphela nokusebenza kwengxenywe ethize ebese kuvunyelwene ngayo, futhi simiswe kuze kuphele ukuhlala kweNdlu yobuholi nokuBusa kweNdabuko, futhi
- (b) lesi siphakamiso singagudluzwa ngaphandle kokuxwayiswa.

(2) Noma yikuphi ukuhlinzekwa kwale Mithetho kungachitshiyelwa uma kufakwa isicelo isicelo kwanoma yiliphi ilungu elikhona esigcawini sokubamba imihlangano esemthethweni, futhi nangendlela yokuxazula engekho ngaphansi kokubili kokuthathu samalungu akhona kwisigceme sokubamba imihlangano esemthethweni, kuncike ekutheni Isinqumo 2(b) sizosetshenziswa nezichibiyelo ezifanele.

**UKWAKHEKA KWENDLU NOKUFUNGA KOKUZIBOPHO EKWENZENI UMSEBENZI**

4. Indlu iqukethe amalungu ahlangozwe esigabeni 37 soMthetho, sifundwa neMthithethonqubo 10, kuncike ekutheni amalungu eNdlu yobuHoli nokuBusa kweNdabuko azoqala ukusebenza kuphela emva kwezifungo noma ekuqinisekiseni ukwethembeka esiFundazweni saKwaZulu-Natali nokuhlonipha uMthethosisekelo ngokuhambisana noHlelo 2 lo Mthetho, ngaphambi kokuthi umuntu ajutshwe ngokugunyazwa ngencwadi ebhalwe nguNgqongqoshe.

**ISIBALO ESIDINGEKAYO SAMALUNGU UKUZE KUQHUBEKE UMHLANGANO KANYE NEMIHLANGANO YENDLU**

5.(1) Isibalo esidingekayo samalungu ukuze kuqhubeke umhlangano wendlu yobuHoli nokuBusa kweNdabuko, okungenani amalungu alinganiselwa kokukodwa kokuthathu ukuze kwakhiwe isibalo esisemthethweni sokuqhubeka nomhlangano weNdlu, kuncike ekutheni okungenani ingxenywe yesigamu samalungu aleyoNdlu sizokwazi ukwenza isibalo esidingekayo samalungu ukuze kuqhubeke umhlangano uma sekuvotelwa noma yiluphi udaba olusemandleni okudingidwa yiNdlu.

(2) UNgqongqoshe kumele, emva kokukhethwa kwamalungu eNdlu yobuHoli beNdabuko, futhi nangokukhipha isaziso kwiGazethi, ahlanganise umhlangano wokuqala weNdlu yobuHoli nokuBusa kweNdabuko njengalokhu kuhlangozwe esigabeni 38(1) soMthetho sifundwa neMthithethonqubo 10, kuncike ekutheni —

- (a) umhlangano wokuqala kumele ubanjwe zingakapheli izinsuku eziyisikhombisa emva kokushicilelwa kwesaziso kwiGazethe; futhi

(b) njengalokhu uNgqongqoshe kumele aqoke uSihlalo womhlangano wokuqala, kuze kube yilesi sikhathi lapho uSihlalo noSekela likaSihlalo weNdlu yobuHoli nokuBusa kweNdabuko kufanele babambe ukhetho lwamalungu asele eKomidi eliPhethe.

(3) Imihlangano ejwayelekile yeNdlu yobuHoli nokuBusa kweNdabuko kumele ihlanganiswe uSihlalo, okumele athumele isaziso esibhaliwe kunoma yiliphi ilungu okungenani kusasele izinsuku ezine ngaphambi kosuku lomhlangano, kuncike ekutheni –

(a) yonke imihlangano kumele ivulwe nguSihlalo ngokufunda uMkhuleko ohlongozwe oHlelweni 3;

(b) uSihlalo kumele ahlanganise umhlangano ophuthumayo weNdlu yobuHoli nokuBusa kweNdabuko –

(i) uma lowo mhlangano uzosiza ukuba iNdlu yobuHoli nokuBusa kweNdabuko yenze imisebenzi yayo ehlongozwe esigabeni 40 soMthetho, noma esigabeni 17 (3) soMthetho woHlaka lobuHoli nokuBusa kweNdabuko (uMthetho No. 41 ka 2003) esikhathi esibekiwe;

(ii) ngokwesicelo seningi lamalungu, noma

(iii) uma uNgqongqoshe, ngokuxhumana noSihlalo, ebona ukuthi lowo mhlangano kunesidingo sokuthi ubanjwe, ezimweni lapho ongahlangana ngazo ezingekho ngaphansi kwezinsuku ezine kuphume isaziso;

(c) isaziso somhlangano kumele sithunyelwe endaweni ejwayelekile lapho kuhlala khona amalungu noma endaweni ekhethwe yilungu ngokubhala phansi;

(d) ukuhlala kwesigaba somhlangano wokuqala wonyaka kuyovulwa ngokucela kweKomidi eliPhethe nguSihlalo weNdlu yobuHoli nokuBusa kweNdabuko;

(e) yonke imihlangano yeNdlu iyovuleleka ukuba ihanjelwe amalungu omphakathi, ngaphandle uma uhlobo lomhlangano nezindaba ezizodingidwa ziphoqa ukuba kwenziwe ngenye indlela, okuyothi uma kunjalo, uSihlalo angawenqabela amalungu omphakathi ukuba awethamele umhlangano;

(f) iNdlu kumele ihlangane okungenani izikhathi ezine ngonyaka ibuye futhi ihlangane, okungenani kanye esikhathini esingunyaka ngesikhathi kuqhubeka ukuhlala kwesiShayamthetho sesiFundazwe, emva kwalokho njengoba kudingekile, ukuze udlale indima yawo futhi wenze imisebenzi ngokoMthetho; futhi

(g) iNdlu inganquma ukuba izibizele imihlangano yokuxhumana nomphakathi.

#### **UKUKHETHWA KUKASIHLOLO, USEKELA SIHLALO KANYE NEKOMIDI LABAPHATHI**

6. Amalungu eKomidi eliPhethe iNdlu nobuHoli nokuBusa kweNdabuko kufanele aqokwe ngokuhlongozwe kuMthethonqubo 47, kuncike ekutheni uNgqongqoshe kumele aqoke umuntu ozobamba njengoSihlalo emhlanganweni wokuqala weNdlu, ekukhethweni kukaSihlalo kanye

noSekela Sihlalo, emva kokuqokwa kukaSihlalo kufanele abambe ukhetho lwamalungu asale ngaphandle eKomidi eliPhethe, okumele liqukathe isibalo sesisonke esingeqile kumalungu ayisikhombisa.

#### **UKUFANELEKA KWAMALUNGU**

7. Akekho umuntu ongaba yilungu leNdlu yobuHoli nokuBusa kweNdabuko ngaphandle uma—

- (a) eyiNkosi egcotshwe ngokoMthetho;
- (b) efanelekile ngokwezinhlinzeko kwesigaba 37 (1) soMthetho, futhi
- (c) engahoxisiwe ngokwanoma yiziphi izinhlinzeko zoMthetho.

#### **ISIKHATHI SOKUPHATHA, UKUSHIYA EHHOVISI KANYE NOKUGCWALISWA KWEZIKHALA ZOMSEBENZI**

8.(1) Isikhathi sokusebenza kwamalungu eNdlu yobuHoli nokuBusa kweNdabuko iminyaka emihlanu, kuncike ekutheni isihlalo selungu siyoba ngesina muntu—

- (a) uma lidlula emhlabeni lelo lungu;
- (b) uma lesula esikhundleni salo lelo lungu ngokubhala incwadi, noma
- (c) uma lisuswa esikhundleni.

(2) Noma yisiphi isikhundla esivela eNdlini yobuHoli nokuBusa kweNdabuko kumele sigcwaliswe ngokulandela uMthetho wenqubo yesintu kanye namasiko aleso sizwe sobuKhosi esithintekayo.

#### **UKUKHETHA KWAMALUNGU UKUBA ABE NGAMALUNGU ENDLU YOBUHOLI NOKUBUSA KWENDABUKO ESIFUNDAZWENI**

9. INdlu kumele ikhombe amalungu okungenani amathathu futhi angeqile kwayisikhombisa eNdlu ukuba ayoyimela njenge ngxenye yeNdlu yabaHoli nokuBusa kweNdabuko esiFundazweni njengalokhu kuhlangozwe esigabeni 33(1)(b) soMthetho 48

#### **AMANDLA KANYE NEMISEBENZI KASIHLOLO**

10. USihlalo, noma uma engekho, uSekela Sihlalo, kumele—

- (a) apharhe futhi ahlale emihlangano yeNdlu yabaHoli nokuBusa kweNdabuko;
- (b) adidiyele, abheke futhi abuye abhekisise imisebenzi yokusebenza kweNdlu; futhi
- (c) asebenzise lawo mandla ukwenza imisebenzi njengalokhu kuhlangozwe kule Mithetho.

#### **UKUKHETHWA KWABAHLELI BEMIHLANGANO**

11. INdlu yabaHoli nokuBusa kweNdabuko kumele, ngokushesha emuva nje kokuhlala komhlangano wokuqala, iqoke amalungu eNdlu azoba ngabaHleli bemihlangano awo wonke amaKomidi aMile kanye namaKomidi amaLungu aseziKhundleni eziPhezulu.

**ISIKHATHI ESINQUNYELWE UKUSEBENZA NJENGOMHLELI WOMHLANGANO YAMAKOMIDI**

**12.** Ukuqokwa njengoMhleli woMhlangano wanoma yiliphi iKomidi kuyoqhubeka kuze—

(a) kube iNdlu iyanquma ngesinqumo seningi samalunga eNdlu akhona ukuba agudluze lowo Mhleli woMhlangano waseHhovisi, kuncike ekutheni lowo Mhleli woMhlangano angasuswa kuphela esikhundleni uma—

(i) enze amacala amabi kakhulu aphambana noMthethosisekelo noma neMithetho;

(ii) enze isenzo esibi sokungaziphathi kahle, noma

(iii) engakwazi ukwenza imisebenzi yakhe njengo Mhleli woMhlangano ngenxa yanoma yisiphi isizathu;

(b) lowo muntu oqokelwe lokho—

(i) esula esikhundleni sokuba nguMhleli woMhlangano; noma

(ii) eyeka ukuba yilungu leNdlu; futhi

(c) kuze kube usuku lokugcina olwandulela ukukhethwa kweNdlu entsha, kuncike ekutheni noma yisiphi isikhundla esihlongozwe lapha kumele sigcwaliswe ngokushesha njengalokhu kuhlongozwe esigabeni 11.

**UKUNGABI BIKHO EMHLANGWANWENI KOMHLELI WOMHLANGANO WANOMA YILIPHI IKOMIDI**

**13.** Esimweni lapho lowo Mhleli weKomidi engeke abakhona ngasizathu simbe, noma uma engakabi bikho uMhleli womhlangano oseqokiwe emva kokuvuleka kwesikhala, iKomidi kumele liqoke elinye lamalungu alo ukuba libe nguMhleli womhlangano wangalolo suku.

**UKUXHUMANA NOSIHLALO NOMA UMHLELI WOMHLANGANO**

**14.** Ngesikhathi somhlangano kweNdlu noma weKomidi, noma yikuphi ukuxhumana noSihlalo noma uMhleli womhlangano kumele kugcineke kuyimfihlo ngendlela enokwenzeka, kumele kwenziwe ngokuthintana nomabhalane ohlezi etafuleni, ngaphandle uma uSihlalo noma uMhleli woMhlangano ecela ukuba kwenzeke ngenye indlela ehlukile.

**UKUTHOLA UKWAZI KOMPHAKATHI KANYE NOKUBAMBA IQHAZA**

**15.** Ukuze kuqinisekise ukuphepha kwamalungu nokubamba iqhaza komphathi ukuze kwenziwe umsebenzi ngendlela evulelekile njengokusho koMthethosisekelo—

(a) iNdlu kumele yenze izinhlelo zokufinyelela komphakathi kanye nabezindaba emhlanganweni yamaKomidi, kuncike ekutheni uSihlalo noma uMhleli woMhlangano angawenqabela amalungu omphakathi ukuba awethamele umhlangano weNdlu noma umhlangano weKomidi uma nje ukwenza njalo kunezizathu ezemukelekayo nezinobulungiswa;

- (b) uSihlalo noma uMhleli woMhlangano ngokunquma kwakhe angaphikisa imibandela yokwamukela kanye neyokukhishwa emhlanganweni kwanoma yiliphi ilungu lomphakathi,
- (c) amalungu ezokuSebenza kwamaPhoyisa aseNingizimu Afrika abhekele ukuphepha kweNdlu yobuHoli nokuBusa kweNdabuko angasesha noma enze ukuba umuntu aseshwe noma ngubani lowo osuke efuna ukungena esakhiweni, kuncike ekutheni abantu besifazane bazoseshwa onogada besifazane ebese kuthi abesilisa ngokufanayo baseshwe ngabesilisa.
- (d) abantu abavunyelwe kuphela ukungena endaweni engaphansi kwamagunya eNdlu bephethe izikhali, amalungu ezokuSebenza kwamaPhoyisa aseNingizimu Afrika abhekele ukuphepha kweNdlu yobuHoli nokuBusa kweNdabuko;
- (e) uSihlalo noma uMhleli woMhlangano angenqabela ukungena ezakhiweni ezingaphansi kwamagunya eNdlu noma ngubani obonakala ukuthi uphuze ngokweqile noma uphethe utshwala, izidakamizwa noma yini enye engavumekelike; noma
- (f) uSihlalo noma uMhleli woMhlangano angenqabela ukungena ezakhiweni ezingaphansi kwamagunya eNdlu noma ngubani oziphatha ngendlela engemukelekile ngesikhathi sokuqhutshwa komhlangano noma kweminye yemisebenzi yeNdlu noma yeKomidi, lowo muntu onjalo uyobe esekhishwa kuleyo ndawo ngokulandela imiyalelo kaSihlalo noma yoMhleli woMhlangano.

#### **UKUHAMBELA KWAMALUNGU UMA KUHLALA INDLU YOBUHOLI NOKUBUSA KWENDABUKO KANYE NEMIHLANGANO**

**16.** USihlalo kanye neSekela likaSihlalo weNdlu noma weKomidi loMhleli woMhlangano kumele aqinisekise ukuza emhlanganweni kwamalungu uma kuhlalana umhlangano, nokuthi isibalo esidingekayo samalungu ukuze kuqhubeka umhlangano siyafezeka, kuncike ekutheni –

- (a) alikho ilungu eliyophutha kunoma yimuphi umhlangano wokuhlala kweNdlu yobuHoli nokuBusa kweNdabuko isikhathi esiyizinsuku ezintathu noma imihlangweni emithathu ilandelana, ngaphandle kokuthi lithumele incwadi eyisaziso eya kuSihlalo noma kuMhleli woMhlangano enikeza izizathu eziyimbangela yokuphutha;
- (b) noma yiliphi ilungu eliphutha ngenxa yesizathu sesimo esithile esibucayi, kumele, uma kunokwenzeka, lithole imvume ebhaliwe egunyanza ukungabi bikho emhlanganweni evela kuSihlalo noma kuMhleli woMhlangano, ongeke ngokunganabulungiswa enqabe ukugunyaza lokho;
- (c) noma yiliphi ilungu elihambele ukuhlala noma umhlangano, kumele lisayine ibhukwana labahambele umhlangano elizungeziswa nguSihlalo noma uMhleli woMhlangano, futhi kumele liqhoke ngokubhince ngendlela efanele noma ligqoke ngesizotha; futhi
- (d) uSihlalo noma uMhleli woMhlangano kumele adlulise noma yikuphi ukwepulwa kweMithetho kwiKomidi yokuQondiswa kweziGwegwe kanye nokuziphatha ngobuQotho

ukuze liphenye ebese lethula umbiko.

#### **INQUBO YOKUZIPHATHA KWAMALUNGU**

**17.** Onke amalungu eNdlu yobuHoli nokuBusa kweNdabuko kumele liziphathe ngokwethembeka nangesithunzi futhi lizibophezele kwinqubo yokuziphatha kwamalungu ehlongozwe oHlelweni 1, futhi uma kwenzeka noma yiliphi ilungu liziphathe ngendlela ehlambalazayo ngaphansi kokulawula kweNdlu—

- (a) lelo lungu, ngokuyalelwa nguSihlalo noma uMhleli woMhlangano, liyolahlekelwa ngamagunya okuhambela lokho kuhlangana kweNdlu noma umhlangano walelo Komidi wangalolo suku; futhi
- (b) ukuziphatha ngokuzihlambalaza kwelungu kanye nesinqumo esithathwe ngaphansi kwesigatshana soMthetho (a) kumele kubikelwe iNdlu yobuHoli nokuBusa kweNdabuko ngalo emhlanganweni olandelayo.

#### **UKUHLONIPHA NENQUBO YOKUZIPHATHA NGESIKHATHI SOKUHLALA SOKUBANJWA KWEMIHLANO YENDLU**

**18.(1)** USihlalo noma uMhleli woMhlangano kumele abhekele ukugcinwa kwenhloniphon ngesikhathi somhlangano noma sokuhlala kweNdlu yobuHoli nokuBusa kweNdabuko, kuncike ekutheni uSihlalo noma uMhleli woMhlangano lapho kuqubuka umsindo wokungaboni ngaso linye ngesikhathi somhlangano, angawuhlakaza noma akumise ukuqhubeka komhlangano isikhathi angasinquma ngokubona kwakhe.

(2) USihlalo noma uMhleli woMhlangano –

- (a) angayalela noma yiliphi ilungu ukuba lihoxise amagama alo noma isitatimende uma ebona ukuthi lawo mazwi noma lesa sitatimende esisetshenziswe yilelo lungu sivusa uhlevane; futhi
- (b) angamise lelo lungu ebese eliyalela ukuba liphume emhlanganweni lingabe lisaba yingxenywe yokuqhubeka komhlangano, uma nje ngokubona kwakhe lelo lungu—
  - (i) likhombisa ukwedelela ngamabomu noma yimuphi uMthetho;
  - (ii) libe nokwedelela okunokubukela phansi;
  - (iii) liziphathe ngohuhlambalaza; noma
  - (iv) liziphathe ngendlela enokuphazamisa umhlangano.

(3) Ilungu liyobe linokwedelela iNdlu yobuHoli nokuBusa kweNdabuko noma iKomidi uma -

- (a) lephule okuhlinzekwe yile Mithetho;
- (b) lishaya indiva noma lenqaba ukuhambisana nesinqumo sikaSihlalo noma soMhleli weMihlangano;

- (c) likhombisa ukukwedelela noma lishaya indiva noma yisiphi isinqumo sikaSihlalo noma uMhleli woMhlangano; noma
- (d) lidukisa iNdlu yobuHoli nokuBusa kweNdabuko noma yiliphi elinye iKomidi.

(4) Noma yiliphi ilungu elimisiwe njengalokhu kuhlangozwe esigatshaneni soMthetho (2)(b) kumele ngokushesha likhishwe futhi liphelekezelwe lize liyophuma ngomnyango ngumuntu noma ngabantu abagunyazwe ukwenza lokho uSihlalo noma uMhleli woMhlangano, futhi lolu daba kumele ludluliselwe kwiKomidi lokuQondiswa kweziGwegwe kanye nokuziphatha ngobuQotho ukuze liphenye ebese lethula umbiko.

(5) Noma yiliphi ilungu elimisiwe njengalokhu kuhlangozwe esigatshaneni soMthetho (2) lingaletha incwadi ezwakalisa ukuzisola kuSihlalo ukuze ayemukele, futhi laphe uSihlalo eyemukela incwadi yokuzisola –

- (a) uSihlalo kumele abhale phansi isixoliso sokuzisola kuMaminithi oMhlangano; futhi (b) ilungu elixolelelwayo liyobe selivunyelwa ukuba libuyele uma sekuqala umhlangano ngelanga elilandelayo.

#### **UKUNGENA ESIGCAWINI SOKWETHAMELA IMIHLANGANO ESEMTHETHWENI**

**19.** USihlalo weNdlu yobuHoli nokuBusa kweNdabuko angavumela amalungu omphakathi ukuthi angene emhlanganweni weNdlu, kuncike ekutheni abantu abangangena kuphela esigcawini sokwethamela imihlangano ngesikhathi somhlangano weNdlu ngaphandle kokuthola imvume kuSihlalo, kungayi ngokuthi indlu isisesigabeni esithile somhlangano noma usuhlakaziwe yilaba –

- (a) amalungu eNdlu;
- (b) uNobhala weNdlu; kanye
- (c) nalabo bantu abagunyazwe nguNobhala.

#### **UKUSUNGULWA KWAMAKOMIDI**

**20.(1)** Emhlanganweni wokuqala esigabeni sokuqala weNdlu yobuHoli nokuBusa kweNdabuko entsha, iNdlu kumele isungule ngokwesinqumo seKomidi elithatha iziNqumo elihlala okwesikhashana ngezikhathi ezithile elihlanganise uSihlalo, iSekela likaSihlalo, kanye namalungu ongeziwe aqokwe ngenhloso–

- (a) yokunquma iMithetho yeNdlu; kanye
- (b) nokwenza iziphakamiso zokwemukela kweNdlu ukuthi kusungulwe amaKomidi.

(2) Emva kokwemukela iziphakamiso kweKomidi elithatha iziNqumo elihlala okwesikhashana ngezikhathi ezithile, iNdlu ngesinqumo esithathiwe, ingasungula–

- (a) iKomidi elimile;



- (b) AmaKomidi amalungu asezikhundleni; kanye
- (c) nanoma yiliphi iKomidi elihlala okwesikhashana ngezikhathi ezithile.

### **ISIKHATHI ESINQUNYELWE AMAKOMIDI NOKUHLAKAZWA KWAYO**

21. (a) Ikomidi elimile noma iKomidi lamalungu asezikhundleni ayoma kuze kube usuku lokugcina ngaphambi kosuku lokukhethwa kweNdlu entsha, kuncike ekutheni iNdlu inganquma ukuhlakaza noma yiliphi iKomidi.
- (b) IKomidi elihlala okwesikhashana ngezikhathi ezithile lizoqhubeka kuze kube liyawuqeda umsebenzi elisungulelwe wona noma kuze kube liyahlakazwa ekupheleni komsebenzi walo ebeliwusungulelwe.

### **UKUQOKWA KWAMALUNGU EKOMIDI**

22. USihlalo weNdlu yobuHoli nokuBusa kweNdabuko kumele—

- (a) ngokubhala incwadi aqoke inani elilinganayo lamalungu asebenza ngokugcwele kanye nalawo oqokiwe eceleni wanoma yiliphi iKomidi, kuncike ekutheni ilungu eliseceleni —
  - (i) lingathamela noma yimuphi umhlangano walelo Komidi;
  - (ii) lingaba yingxenywe yomhlangano kodwa alivunyelwe ukuvota uma lelo lungu elisebenza ngokugcwele likhona; futhi
  - (iii) liyothola ukukhokhelwa izindleko ezifanele ngisho noma ngabe ilungu elisebenza ngokugcwele likhona;
- (b) nokuthi kungakapheli izinsuku eziyishumi kuqokwe ilungu elisebenza ngokugcwele noma eliseceleni leKomidi kwaziswe wonke amalungu eNdlu ngalokho kuqokwa kwalelo lungu.

### **UKUQEDWA KOBULUNGU BOKUBA KWIKOMIDI**

23. Ubulungu beKomidi buyaphela—

- (a) ngokuyalela kukaSihlalo, ngemuva kokuxoxisana neKomidi labaPhethe,
- (b) ngesinqumo esithathwe iNdlu yobuHoli nokuBusa kweNdabuko;
- (c) ngokwesula kwelungu ngencwadi;
- (d) ngokufa kwelungu; noma
- (e) ngokuphelelwa ubulungu kwelungu leNdlu.

### **IMIHLANGANO YEKOMIDI**

- 24.(1) Umhlangano wokuqala weKomidi kumele ubizwe nguNobhala engakapheli amasonto amathathu emva kokuqokwa kwamalungu eKomidi.

- (2) Amalungu amaningi eKomidi akhona ayokwenza isibalo esidingekile samalugu ukuze

kuqhubeke umhlangano, okungenani uma amaphesenti angashumi ayisihlanu nelungu elilodwa ngaphezulu alelo Komidi ekhona, futhi iKomidi linganquma kuphela ngodaba uma isibalo esidingekile samalugu ukuze kuqhubeke umhlangano ekhona emhlanganweni ngesikhathi sekuvotelwa kwalolo daba.

(3) UNobhala kumele ajube uMabhalane weKomidi ukuba adidiyele umsebenzi onikezwe iKomidi, kuncike ekutheni lowo Mabhalane weKomidi kumele—

- (a) agcine irejista yeziNqumo zeKomidi;
- (b) ekuqalisweni kwesiNqumo ngokushesha abhale phansi usuku lokuqaliswa kwaleso siNqumo kwirejista; futhi
- (c) aqinisekise ukuthi ikhophi yerejista iyatholakala kumtapowolwazi weNdlu yobuHili nokuBusa kweNdabuko.

#### **AMAKOMIDI AMANCANE**

**25.**(1) Noma yiliphi iKomidi kumalungu alo, lingaqoka iKomidi elincane, futhi esimweni lapho leli Komidi elincane liqokwa, kumele —

- (a) liqoke uMdidiyeli weKomidi elincane;
- (b) lijube umsebenzi ukuba wenziwe yiKomidi elincane, ngezinkomba ezicacile zalokhu okuzokwenziwa;
- (c) lidlulisele lawo mandla, imisebenzini kuleli Komidi elincane njengokubona kudingekile ngokweKomidi elilijubile;
- (d) liqoke, lijube noma linikeze imisebenzi ngokwemigomo nemibandela; futhi
- (e) liyalele iKomidi elincane ukuba lenze lihambiso umbiko kwiKomidi elilijubile ngaphansi kwemigomo nemibandela ebekwe yiKomidi ngesikhathi sokumiswa kwalo.

(2) Imihlangano yanoma yiliphi iKomidi elincane lidinga ukuba libe khona ngesikhathi somhlangano weNdlu yobuHoli nokuBusa kweNdabuko, futhi indawo okuzobanjelwa kuyo umhlangano kumele inqunywe nguMdidiyeli.

#### **AMAMINITHI EMIHLANGANO KANYE NEMIBIKO YAMAKOMIDI**

**26.** (1) UMabhalane weKomidi kumele agcine amarekhodi aqondile ayo yonke imihlangano yeKomidi noma iKomidi elincane.

(2) Imibiko yonyaka yeKomidi kumele yethulwe ngaphambi kokuhlangana okokugcina kweNdlu kulowo nyaka, kuncike ekutheni —

- (a) iKomidi lingethula umbiko wesikhashana noma ngasiphi isikhathi uma nje licelwa nguSihlalo ukuba lenze lokho;

- (b) umbiko weKomidi kumele wethulwe nguMhleli woMhlangano walelo Komidi, ngaphandle uma elinye lamalungu ligunyazwe ukwenza lokho; futhi
- (c) umbiko othuliwe ungabe usudingidwa yiNdlu.

#### **UKUTHOLAKALA KOLWAZI KANYE NOKUPHATHWA OKUNOBULUNGIWA**

- 27.** (a) INdlu kumele ihambisane nenhlinzeko zoMthetho wokuGqugquzelwa kokuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000) kanye noMthetho wokuGqugquzelwa kokuPhathwa ngoBulungiswa, 2000 (uMthetho No. 3 ka 2000).
- (b) Noma yiliphi iKomidi lingahlukanisa lonke ulwazi, noma ingxenye yalo, noma ulwazi olunikezwe lona njengoluyimfihlo lapho izizathu zokwenqatshelwa ukuba lutholakale zihlongozwe kwiSahluko 4 soMthetho wokuGqugquzelwa kokuTholakala koLwazi, 2000, zisetshenziswa.
- (c) Noma yiliphi irekhodi lokuqhutshwa komhlangano noma yombiko weKomidi okhuluma ngokuhlangana okwathwebulwa ngomshini wokuqopha, njengalokhu kuhlangozwe kwiSahluko 4 soMthetho wokuGqugquzelwa kokuTholakala koLwazi, 2000, liyogodla ulwazi oluyimfihlo kuze kushaye leso sikhathi lapho iKomidi liyovuma ukuthi lowo mbiko usungadedelwa ukuba waziswe umphakathi.
- (d) Akukho muntu, ngaphandle kwelungu leKomidi ongavunyelwa ukuthola ulwazi noma agunyazwe ukwenza amakhophi noma athathe ingxenye, yanoma yiluphi ulwazi oluchazwe njengaluyimfihlo ngaphansi kwesigatshana soMthetho (2) ngaphandle kokuthola imvume ebhaliwe kuSihlalo noma kuMhleli woMhlangano.

#### **AMANDLA AMAKOMIDI**

**28.** IKomidi liyoba namandla—

- (a) okubizela noma ngubani ukuba avele phambi kwalo—
  - (i) ukuzonikeza ubufakazi ngaphansi kwesifungo noma kwesitatimende sokuqinisekisa ngokwaziyo; noma
  - (ii) ukuzoveza noma yiliphi ulwazi, irekhodi noma into efanayo oluludingayo;
- (b) okuthola nokucubungula isethulo esibhalwe phansi kanye nesenziwe ngomlomo;
- (c) okunquma uhlobo, izinga nendlela yokwenza umhlangano walo; kanye
- (d) nokuqhuba imihlangano noma yini ephathelene nomsebenzi walo—
  - (i) ngesikhathi leso esibekwe kwiKhalenda yeNdlu; kanye
  - (ii) nasendaweni eliyikhethe ukuba liyisebenzise njengefanele, akudingeki ukuthi kuze kube yileyo okujwayele ukuhlala kuyo iNdlu.

#### **AMANDLA ABAHLELI BEMIHLANGANO**

**29.** Ngokweyame kwisinqumo nangokweziqondiso zeKomidi, uMhleli, kumele—

- (a) ayalele uMabhalane ukuba abize umhlangano walelo Komidi;

- (b) abenguSihlalo ophatha uhlelo lomhlangano weKomidi aqokwelwe ukuba nguMhleli woMhlangano kulo;
- (c) adidiyele, abheke futhi aqaphe izinhlelo zokusebenza kweKomidi lelo aqokelwe ukuba nguMhleli woMhlangano kulo;
- (d) ngokuhambisana neKomidi, enze izitatimende eziya kwabemithombo yezindaba egameni leKomidi;
- (e) esimweni lapho kungeke kwenzeke ukuba abize umhlangano weKomidi ukuze kuthathwe isinqumo somhlangano—
  - (i) avume noma anqabe isicelo sokwenza isethulo ngokomlomo noma esibhaliwe ngaphambi kweKomidi; futhi
  - (ii) athathe noma aqalise izinyathelo noma athathe nomsa yisiphi isinqumo asibona sifanelekile ngenhloso yokusebenzisa amandla nokwenza imisebenzi yalelo Komidi; kanye
- (f) nakho konke akwenzayo kuhambisane nale Mithetho.

#### **AMAKOMIDI AMILE KANYE NAWAMALUNGU ASEZIKHUNDLENI EZIPHEZULU**

**30.(1)** AmaKomidi eNdlu yobuHoli nokuBusa kweNdabuko –

- (a) AmaKomidi Amile alandelayo:
  - (i) uSihlalo kanye neKomidi labaHleli beMihlangano
  - (ii) iKomidi leMithetho;
  - (iii) iKomidi lokuziPhatha ngobuQotho;
  - (iv) isimo sokuThuthuka kweMpilo, Isithunzi sabeSifazane, abantwana kanye nabakhubazekile;
  - (v) iKomidi elibhekele iziNdaba zamaLungu;
  - (vi) iKomidi elibhekele iziNgxabano nemiNgcele; kanye,
  - (vii) neKomiti elibhekele ukuThuthukiswa koMnotho eziNdawo ezisemaKhaya neKomidi leziNhlelo.
- (b) lelo Komidi lamaLungu aseziKhundleni eziPhezulu lingasungulwa ngokwesinqumo somhlangano weNdlu;
- (c) lelo Komidi elithatha iziNqumo elihlala okwesikhashana ngezikhathi ezithile njengalokhu lingasungulwa ngokwesinqumo somhlangano weNdlu; kanye
- (d) neKomidi elincane njengalokhu lingaqokwa noma yiliphi iKomidi.

**(2)** USihlalo—

- (a) angalungisa iziqondiso zokusebenza ukwenzela ukusebenza kalula nangendlela eyiyo kwabaHleli beMihlangano kanye nabaDidiyeli uma benza imisebenzi yabo;

- (b) angenza uqeqesho oluqhubekayo lokuhlolisisa ukusebenza okuyikho kwabaHleli beMihlangano kanye nabaDidiyeli, ahlele nohlelo loqeqeshwa kwabo ukuze kufukulwe lezo zindawo zokusebenza ezisalele emuva; futhi
- (c) angabamba izingxoxa ngokudidiyela, ukubheka umsebenzi nokuqapha konke okwenziwayo nemisebenzi yamaKomidi ehlukehlukene kanye namaKomidi amancane kwabaHleli beMihlangano kanye nabaDidiyeli.

### **UBULUNGU KANYE NEMISEBENZI YEKOMIDI ELIMELE UKUQONDISWA KWEZIGWEGWE NOKUZIPHATHA NGOBUQOTHO**

#### **31.(1) IKomidi Elimile libhekele ezokuziPhatha ngobuQotho—**

- (a) linelungu elilodwa elivela kuwo wonke amaKomidi Amil eNdlu, okumele aqoke uMhleli woMhlangano weKomidi;
  - (b) liqalisa iNdlela yokuziPhatha ngobuQotho;
  - (c) lisungula amazinga okuziphatha ngobuqotho;
  - (d) liphenye futhi libike ngamacala okwephula noma ukwedelela imigomo libuye lenze izethulo ngophenyo nezincwadi eNdlini ngokuziphatha kwangasese kwamalungu kanye nokwephulwa kwemigomo ngamanye amalungu okunomthelela ekusebenzeni kwawo njengamalungu aphelele izikhundla zomphakathi;
  - (e) lenze eminye imisebenzi yalo njengoba linikezwe amandla ngokwesinqumo somhlangano weNdlu, futhi
  - (f) lilethe umbiko minyaka yonke ngemisebenzi yeNdlu.
- (2) Ilungu leKomidi eLimile lokuziPhatha ngobuQotho lelo eliphenywa yiKomidi kumele lizihoxise ekubeni yingxenye yeKomidi elenza lolo phenyo ngalo.
- (3) Ilungu noma uNobhala obika ngezinsolo zokungaziphathi kahle noma zokwephula umthetho, kumele libhale incwadi efungelwe yokuqinisekisa ngokwaziyo liyise kuSihlalo, limchazele ngokugcwele izizathu ngesikhalazo
- (4) Ekwemukeleni isikhalazo —
- (a) uSihlalo kumele abhale imininingwane yesikhalazo ebhukwini lezikhalazo eliseHhovisi lakhe ebese futhi esidlulisela kwiKomidi Elimile elibhekele ukuziPhatha ngobuQotho zingakapheli izinsuku eziyishuminane ukuze iKomidi lenze uphenyo ngazo; futhi
  - (b) IKomidi Elimile lokuziPhatha ngobuQotho, kumele lazise lelo lungu elithintekayo esikhalazweni ngemininingwane yesikhalazo lilinikeze ithuba lokuba liphendule ngokubhaliwe ngokuhambisana noMthetho wokulalela izinhlangothi zombili, emva kwalokho iKomidi elibhekela ukuziPhatha ngobuQotho kumele libikele uSihlalo ngophenyo

Iwalo, kulowo mbiko lingafaka iziphakamiso –

- (i) ngesijeziso okumele sinikezwe,
- (ii) ngokwethulwa kombiko ngaphambi kweNdlu; kanye
- (iii) nokubhunga kweNdlu ngobunjalo nesimo sesijeziso.

#### **IMITHETHO YEZINKULUMOMPIKISWANO NGAPHAKATHI ENDLINI**

**32.(1)** Noma yiliphi ilungu elifisa ukukhuluma neNdlu kumele -

- (a) uma kunokwenzeka, likwenze lokhu limile, ngaso sonke isikhathi;
- (b) likhonjwe nguSihlalo ukuba likhulume kwimpikiswano ngokulandela uhlu lwezikhulumi zonke ezihlelwe ukukhuluma ngaleso sihloko, futhi
- (c) likhombise kuSihlalo, futhi lingakhuluma kuphela noma liphikisane kunoma yiluphi udaba ngemuva kokunikezwa ithuba lokwenze njalo nguSihlalo, kuncike ekutheni noma yiliphi ilungu elifisa ukuphakamisa iphuzu elingavumelekile, kumele ligunyazwe nguSihlalo.

(2) Zonke izimemezelo kumele zenziwe nguSihlalo, kuncike ekutheni noma yiliphi ilungu elifisa ukwenza isimemezelo eNdlini, kumele linikeze uSihlalo -

- (a) isincomo saleso simemezelo kafushane; kanye
- (b) nekhophi yanoma yisiphi isimemezelo.

(3) Uma ilungu liphakamela ukukhuluma, kumele likhonjwe nguSihlalo ukuba lenze njalo, futhi uma amalungu amabili noma ngaphezulu esukume kanyekanye, ilungu elibizwe nguSihlalo liyoba negunya lokukhuluma.

(4) Ngaphandle uma kubekwe ngenye indlela eMithethweni, ilungu alivumelekile ukuba leqe esikhathini elinikezwe sona ukuba likhulume ngokuhambisana nohlu lwezikhulumi ezisohlwini lwabazophikisana ngodaba.

(5) Ilungu kumele likhulume ngelinye ilungu ngokulibiza “ngoMhlonishwa” bese lilandelisa ngegama noma isikhundla salelo lungu elisiphethe.

(6) Akukho lungu eliyokhohlisa iNdlu ngabomu, noma lisebenzise ulimi, ngokubona kukaSihlalo –

- (a) oluthunaza isithunzi, oluhlambalazayo noma olunohlevane;
- (b) olungahambisani nomthethosisekelo, olwesabisayo, noma oluhlasela isithunzi somuntu;
- (c) olufafaza imfundisoze noma oluphehla udweshu noma udlame, noma
- (d) olugqugquzela inzondo ehambisana nobuhlanga, ukuhlaselana ngokobuzwe, ngokobulili noma ngokwenkolo.

(7) Noma yiliphi ilungu elisuke likhuluma kumele linikezwe ithuba elivulelekile lokukhuluma nganoma iluphi udaba, kuncike esikhathini elisabelwe nguSihlalo, kanti ilungu lingaphazanyiswa kuphela ngelinye lisakhuluma ngaphansi kwalezi zizathu ezilandelayo -

(a) uma lifuna ukuphawula -

(i) iphuzu elingavumelekile; noma

(ii) ukuba khona phakathi kweNdlu noma kweKomidi ongelona ilungu; noma

(b) uma lifuna ukubuza ukuthi ilungu elikhulumayo lizovuma yini ukuphendula imibuzo.

(8) Uma kuphakanyiswa iphuzu elingafanele, lelo lungu elisuke likhuluma, kumele libuyele phansi esihlalweni salo, futhi lingaqhubeka kuphela emva kokuba lelo phuzu elingafanele selichithiwe nguSihlalo, kuncike ekutheni uSihlalo -

(a) angaqondisa lelo lungu eseliphuma esihlokweni, noma seliphindaphinda amaphuzu asechithiwe; futhi

(b) angayalela lelo lungu ukuthi lingabe lisaqhubeka nenkulumompikiswano.

(9) Uma uSihlalo esephakama, noma eqondisa umhlango ukuba uziqoqe, ilungu elisuke lisakhuluma kumele libuyele esihlalweni salo, futhi uSihlalo uyolalelwa ngaphandle kokuphazanyiswa.

(10) Akukho lungu eliyovunyelwa ukwenza isibonelo noma ukulinganisa ngodaba olusalinde ukunqunywa ngabezomthetho.

(11) USihlalo, angathi emva kokuthola isicelo esibhaliwe esimcela ukuba adedele igama lelungu elingasekho emhlabeni, nangemuva kokubonisana nelungu elenza lesi sicelo, avumele ukuba iNdlu ithathe umzuzwana wokuthula ukuhlonipha lelo lungu elidlulile emhlabeni.

### **IZIPHAKAMISO NGAPHAKATHI ENDLINI**

**33. (1)** Noma yiliphi ilungu lingaphakamisa iphuzu lempikiswano eNdlini, kuncike ekutheni -

(a) lesi siphakamiso kumele -

(i) sicacise ngokugcwele inhloso yalesi siphakamiso nosuku lesi siphakamiso esiyokwethulwa ngalo;

(ii) sisayindwe yilelo lungu elenza lesi siphakamiso; futhi

(iii) sinikezwe uNobhala ukuze asifake kumaPhepha eziNgxoxo;

(b) noma yisiphi isiphakamiso sidinga kube nesaziso, ngaphandle kwesiphakamiso -

(i) esihlose ukuchibiyela isiphakamiso esingaphansi kwale Mithetho;

(ii) sokuhlehlisa noma sokuchitha esinye isiphakamiso, noma ukubeka phambili esinye isiphakamiso ohlwini losuku;

- (iii) esidlulisela uMthethosivivinyo noma umthetho kasipala eKomidini;
  - (iv) esenziwa umhleli wemihlangano yekomidi, enxusa ukufaka isiphakamiso embikweni wekomidi, ngokushesha ngemuva kokuba kuphothulwe inkulumompikiswano ngombiko;
  - (v) okudluliswe isaziso ngenxa yaso ngeningi lamalungu akhona; noma
  - (vi) lapho isaziso singamandakanywanga kule Mithetho.
- (c) isiphakamiso esifanayo ngokwengqikithi nesinye esesivele sidingidiwe, sagunyazwa, noma sachithwa yiNdlu ekuhlaleni kwayo ngosuku olufanayo, angeke sisavunyelwa ukuba sidingidwe;
- (d) ilungu ngeke livunyelwe ukuba lenze isaziso ngokomlomo seziphakamiso ezingaphezu kwesisodwa kunoma yiluphi usuku lokuhlala kweNdlu;
- (e) ilungu kumele linikeze isaziso somlomo endlini ngokuthi lifunde isiphakamiso kakhulu, njengoba sinjalo, ebese, ngokushesha emva kwalokho, likhiphe ikhophi yesasizo esayindwe ngokucacile bese inikezwa uNobhala ebandla;
- (f) isiphakamiso esibhaliwe angeke seqe emagameni ayikhulu, futhi kumele sibeke ngokufinqiwe udaba okuzokhulunywa ngalo kubandakanya nezimpikiswano, ngokuvamile ezingathathwa njengengxenywe yenkulumompikiwano;
- (g) uSihlalo anganquma ngesaziso sesiphakamiso ukuthi asihambisani nenqubo ngokuphelele, asicacile, sinokwedelela noma asinasisindo ebese esimemezela njengesingahambisani nenqubo, ngenxa yaleso sizathu isaziso sesiphakamiso angeke sishicilelwe ephepheni lezingxoxo; futhi
- (h) noma yiluphi ilungu ebelenza leso saziso sesiphakamiso, lingasihoxisa ngaphambi kokuba kuqale noma iyiphi inkulumompikiswano, kuncike ekutheni uma inkulumompikiswano seyivele seyiqalile, ilungu lelo ebelikhiphe isaziso lingasihoxisa kuphela uma seliqede ukuphendula kwinkulumompikiswano.
- (2) Ilungu linganxusa uSihlalo ukuba abeke isiphakamiso ezithebeni ukuba sivotelwe ukuze sigunyazwe njengesinqumo somhlangano weNdlu.
- (3) Noma yiluphi ilungu, nganoma yiluphi usuku lokuhlala kweNdlu, linganxusa uSihlalo ngokubhaliwe, libeke izizathu ngokufinqiwe zokubaluleka kwalelo phuzu kuwonkewonke, ukuba lelo phuzu lidingidwe yiNdlu futhi inqume ngalo, kuncike ekutheni –
- (a) uma leso sicelo samukelwe, uSihlalo kumele amemezele udaba eNdlini, ebese udaba seluma kuze kube yilesosikhathi esimisiwe nguSihlalo; kanye nokuthi
  - (b) uma isicelo senqatshiwe, uSihlalo kumele azise ilungu lelo ngesinqumo ebese lolodaba seluyasuswa ohlwini lwamaphuzu.



**UKUCUTSHUNGULWA KWEZINDABA ZENDLU**

**34.** INdlu kumele icubungule futhi ibuye yeluleke uMkhandlu kaMasipala ngazo zonke izindaba ezithinta ukulethwa kwezidingo noma ukuklanywa kwemingcele, noma lezo zindaba ezithinta ukusetshenziswa komhlaba okuwela ngaphansi kwamandla okuphatha kamasipala wesiFunda futhi kuyosebenza nasemiphakathini yeNdabuko, njengoba kuhlongozwe esigabeni 40 soMthetho, kuncike ekutheni –

- (a) iNdlu inganxusa uhlaka lomthetho kuMkhandlu kaMasipala;
- (b) iNdlu kumele ihlinzeke izeluleko eMkhandlwini kaMasipala ezinsukwini ezingamashumi amathathu emva kokuthola isicelo sesaluleko;
- (c) noma yisiphi iseluleko esinikezwa yiNdlu kumele sibhekiswe kuMphathi kaMasipala woMkhandlu weSifunda ngaphansi ngokusayina kukaSihlalo;
- (d) lapho kunodaba oludluliselwe eNdlini luvela eMkhandlwini kaMasipala, iNdlu kumele –
  - (i) ibheke udaba ebese yedlulisa imibono yayo zingakapheli izinsuku ezingamashumi amathathu sitholakele isicelo esinjenga lesi, nokuthi
  - (ii) uma kudingekile, ikhethe amalungu ambalwa okuba ayokwenza izethulo eMkhandlwini kaMasipala; futhi
- (e) iNdlu akumele yehluleke ukuthathela izinyathelo noma yiluphi udaba olwedluliselwe kuyo nguMkhandlu kaMasipala.

**OFAKAZI**

**35. (1)** IKomiti leNdlu elinquma ukuba libize ofakazi ukuba bazokwethula ubufakazi kunoma yiluphi udaba olwedluliselwe kulo, kumele –

- (a) lizenelise ukuthi lobo bufakazi okudingeka kubo ofakazi buzokuba usizo ophenyweni;
- (b) lenze njalo emva kokubonisana noSihlalo; futhi
- (c) ligcwalise isaziso sesisombululo sokubizela esigcawini ufakazi ngendlela ehlongozwe kwUHLELO 4, okumele isayindwe nguMhleli wemiHlangano yeKomidi.

(2) Noma yibuphi ubufakazi obutholakala kufakazi kumele buthulwe ngufakazi mathupha, futhi lokho kwenziwe ngaphansi kwesifungo noma ukuzibophezela.

(3) UNobhala, emva kokuthola isinqumo seNdlu esihlongozwe kuMtheshwana (1)(c), kumele –

- (a) asayinde incwadi ebizela ufakazi esigcawini ngendlela ehlongozwe kwUHLELO 5;
- (b) aqiniseke ukuthi incwadi leyo yokubizela ufakazi esigcawini ifinyelele kuye; futhi
- (c) aqinisekise nokuthi lowo ohambise incwadi uyamsayinisa ufakazi ingxenye ekhombise ukuyamukela njengoba kuhlongozwe kwUHLELO 6.

(4) Izinhlinzeko zesigaba 4 kanye 5 soMthetho wamaKhomishana waKwaZulu-Natali, 1999

(uMthetho No. 3 ka 1999) kuyothi, ngokuhambisana nezinguquko ezifanele, zisebenze kulezo zincwadi ezibizela ufakazi esigcawini nasekuziphatheni kofakazi, kanjalo nasemacaleni enziwa ngofakazi ababizelwe ukwethula ubufakazi ngaphambi kweNdlu noma kweKomidi.

#### **IMISEBENZI KANOBHALA WENDLU**

**36.** UNobhala weNdlu ubhekele ezokuphathwa kwazo zonke izindaba eziphathelele nokusebenza kweNdlu.

#### **IZINQUMO ZENDLU NOMA ZEKOMIDI LENDLU YABAHOLI BENDABUKO**

**37.(1)** Ngaphandle uma kubekiwe kunoma yimuphi omunye uMthetho –

- (a) iningi lamalungu kumele libekhona ngaphambi kokuba noma yiluphi udaba olusezithebeni luvotelwe yiKomidi;
- (b) zonke izindaba ziyonqunywa ngokwevoti leningi;
- (c) USihlalo noma uMhleli wemihlangano akanalo ivoti elivulelekile, kuncike ekutheni kumele –
  - (i) asisebenzise ivoti lakhe njengelinqumayo uma kunesibalo esilinganayo samavoti abaliwe, avumelane noma aphikisane nodaba lolo oluthile oluvotelwayo; futhi
  - (ii) elakhe ivoti uyolisebenzisa ngokuvulelekile uma udaba seludinga ukuphasiswa ngevoti lokwelekelela okudingeka kulo isibalo sokuningi kokubili kokuthathu samalungu esewonke; futhi
- (d) isinqumo sanoma yiluphi udaba singahlehliswa ukuze kube sekuhlaleni okulandelayo noma ngolunye usuku nesikhathi, emva kokubonisana nabanye abantu abathintekayo kulolo daba.

**(2)** INdlu ingaba nenkulumompikiswano ngezincwadi zanamanye yiliphi iKomidi ebese kuthi ngokuvemelana noma ngokuvota, inqume –

- (a) ukuzamukelo ezincwadi zeKomiti ngokuphelele noma yamukele ingxenye;
- (b) izichithe ezincwadi zeKomiti ngokuphelele noma yamukele ingxenye; noma
- (c) ibuyisele udaba emuva eKomitini ukuba liphinde lilucubungule ebese lenza umbiko.

#### **UKUBIKA KWAMALUNGU ENDLU YABAHOLI BENDABUKO**

**38.** Onke amalungu akhonjelwe ukumela iNdlu yabaHoli beNdabuko yaKwaZulu-Natali eNdlini yabaHoli beNdabuko yesiFundazwe kanye nekaZwelonke, kumele –

- (a) ethule umbiko izikhathi ngezikhathi eNdlini ngezindaba eziqhubekayo eNdlini yabaHoli beNdabuko yesiFundazwe nekaZwelonke; futhi
- (b) ethule umbiko izikhathi ngezikhathi eNdlini yabaHoli beNdabuko yesiFundazwe kanye nekaZwelonke ngalokho okuqhubekayo eNdlini yawo.

**UHLELO 1****INQUBO YOKUZIPHATHA****Inqubo yokuziphatha yesiFundazwe kanye nekaZwelonke****INGXENYE YOKUQALA: INQUBO YOKUZIPHATHA YESIFUNDAZWE****Ukuziphatha okwejwayelekile**

1. Bonke abaNdabuko kanye namalungu eNdlu yabaNdabuko yesiFundazwe kanye neziNdlu zabaNdabuko boMdabu zeziFunda kanye nemiKhandlu yeNdabuko kumele –

- (a) benze umsebenzi wabo ngokwethembeka nangobuqotho nangendlela esobala;
- (b) ngazo zonke izikhathi basebenzele ukuqhakambisa nokufezekisa izifiso nalokho okuzozuzisa umphakathi abawusebenzelayo;
- (c) baqinisekise ukuthi isigqi nobuqotho bobuHoli boMdabu noma amandla obuKhosi akubekwa esimweni esingasihle.

**Ukudalulwa kwezinhloso nemihlomulo yangasese etholwa ngamalungu**

2.(a) AbaNdabuko, amalungu eziNdlu yabaNdabuko zeziFundazwe naseKhaya kanye namalungu emikhandlu yendabuko –

- (i) kumele badalule noma yikuphi ukuhlomula ngqo nokuhlomula okungaqondile kwebhizinisi langasese analo lowo mholi wendabuko noma ilungu, uwakwalo, uzakwabo noma abasebenzisana naye ebhizinisini lowo mholi wendabuko noma ilungu okungathathwa ngokuthi kungamphazamisa ekwenzeni umsebenzi wakhe ngaphansi koMthetho ngendlela enobuqotho, engachemile nefanele noma lapho kunokwenzeka kube nokwenzelela noma ukushayisana, futhi kumle azihoxise yena ekutheni abandakanywe kulolo daba;
  - (ii) angeke basebenzise isikhundla noma igunya anabalo abalithole ngokwalo Mthetho ukuze lizuze ngasese noma azuzise omunye umuntu ngendlela enokwenzelela; futhi
  - (iii) angeke babe yingxenywe noma babe ngabahlomulayo ngaphansi kwanoma yisiphi isivumelwano sokwenza umsebenzi noma sokuthengisa ngamakhono noma benze umsebenzi weNdlu yabaNdabuko yesiFundazwe, yesiFunda noma okukanye yoMkhandlu weNdabuko lapho bengamalungu awo ngaphambi kokuthola imvume ebhaliwe evela eNdlini yabaNdabuko yesiFundazwe noma leyoNdlu yesiFunda noma eMkhandlwini WobuKhosi eqondene.
- (b) Noma yikuphi ukudalula, ukunquma noma imvume ehlongozwe kwisigatshana (a) kumele iqoshwe phansi emaminithini omhlangano weNdlu yabaNdabuko yesiFundazwe, noma kuleyo Ndlu ethintekayo yesiFunda noma uMkhandlu weNdabuko.

**INGXENYE YESIBILI: INqubo yokuziPhatha kaZwelonke****Ukuziphatha Okwejwayelekile kwabaHoli beNdabuko****1. Umholi wendabuko –**

- (a) kumele enze imisebenzi anikezwe yona ngobuqotho nangokwethembeka, ngokuzinikela nangendlela efanele;
- (b) enze imisebenzi yakhe ngendlela ehlelekile;
- (c) angeke aziphathe ngendlela eyihlazo, engafanele noma engemukelekile;
- (d) asebenze ngokuhambisana nemithetho ebusayo;
- (e) asebenze ngendlela ebeka phambili umphakathi wendabuko noma lowo mphakathi awusebenzelayo;
- (f) agqugquzele ukubumbana phakathi kwemiphakathi yendabuko;
- (g) angeke aziphatha ngendlela ezodala uqhekeko phakathi emphakathini wendabuko;
- (h) agqugquzele ukwakha isizwe;
- (i) angeke enqabe ukunikeza usizo kubantu ngoba eqhutshwa imibono yakhe yezombusazwe noma imibono yakhe akholelwa kuyona;
- (j) kumele akhuthaze ubudlelwano ubuhle phakathi kwezinhlobo ezahlukene zikaHulumeni kulabo axhumana nabo ngokomsebenzi wakhe;
- (k) kumele akhuthaze ukubaluleka kwemigomo yentando yeningi nomphakathi osebenza ngendlela evulelekile ; futhi
- (l) adalule zonke izipho aziphiwayo.

**Ukuziphatha okwejwayelekile kwemikhandlu yendabuko****2. Umkhandlu wendabuko –**

- (a) kumele wenze imisebenzi onikezwe yona ngobuqotho, ngokuzinikela nangokwethembeka, nangendlela efanele;
- (b) mawenze imisebenzi yawo ngendlela ehlelekile;
- (c) usebenze ngokuhambisana nemithetho ebusayo;
- (d) usebenze ngendlela efunwa umphakathi wendabuko owusebenzelayo;
- (e) usebenzise imigomo ebusa uhulumeni ebekwe esigabeni 195 soMthethosisekelo; futhi
- (f) kumele wakhe ubudlelwano ubuhle nezinhlobo ezahlukene zikaHulumeni oxhumana nazo ngokomsebenzi wawo.

## UHLELO 2

**ISIFUNGO NOMA UKUFUNGISWA KOKUZIBOPHEZELA KWAMALUNGU ENDLU  
YOBUHOLI NOKUBUSA KWENDABUKO**

**Mina, \_\_\_\_\_, ngiyafunga/ ngiyazibophezela ukuthi ngizokwethembeka esizweni seRephabhulikhi yaseNingizimu Afrika nasesiFundazweni saKwaZulu-Natali futhi ngiyolandela, ngihloniphe futhi ngiqisekise ukugcinwa koMthethosisekelo kanye neminye iMithetho yeRephabhulikhi yaseNingizimu Afrika, futhi ngiyazibophezela ngesifungo futhi ngethembisa ukubamba isikhundla sami njengelungu leNdlu yabaHoli beNdabuko yase \_\_\_\_\_, ngokuzithoba nangesithunzi; ngokungachemi kanye nokungokungenzeleli, ngokungesabi, noma ngokungavuni noma ukucindezela, nokwenza umsebenzi neqhaza lesikhundla sami ngokuqhaphela kanjalo nangakho konke okusemandleni ami.**

(Uma kungukufunga:: **"Inkosi ingisize".**)

**UHLELO 3****UMTHANDAZO**

*O Baba, Mninimandla Onke nonguBaba wethu oseZulwini, okuthe ngomusa nokuhlakanipha kwaKho okungapheli wamisa abaholi waqoka nohulumeni ukuze kube khona inhlalakahle emphakathini nokuthi kube nokubuswa okufanele kubantu, siyakunxusa ukuba wehlisele umusa waKho kithi njengabasebenzi baKho okuthe ngomusa waKho wababizela ukuba bakusebenzele ngokuthembeka okungaka eMhlabeni wakho.*

*Yehlisa izibusiso zaKho phezu kwethu sonke njengoba sihlangene lapha futhi usiphe ukuthi ngaphansi kokuqondiswa isandla sakho siphathe futhi sithathe zonke izindaba ezizolethwa phambi kwethu ngobulungiswa nangokwethembeka ukuze kudunyiswe ubukhulu nodumo lwakho kuthi ngalokho siqhubekele phambili inhlalo enhle le yabantu bakithi osibizele ukuba sibasebenzele.*

*Konke lokhu sikucela eGameni nasethembeni leNkosi yeThu*

**AMEN**

**UHLELO 4****ISAZISO NGESINQUMO SOKUBIZELA OFAKAZI ESIGCAWINI**

[Umthetho-nqubo Olawulayo R 35(1) (c)]

Mina \_\_\_\_\_ (bhala isikhundla namagama aphelele  
oMhleli womhlangano), onguMhleli wemihlangano eKomidini  
\_\_\_\_\_, ngalokhu ngiqopha ukweneliseka enginakho  
ngokoMthetho 35(1) ngokuthi ubufakazi buka \_\_\_\_\_  
(bhala isikhundla kanye namagama aphelele kafakazi obizwayo) buyoba ngobusemqoka kakhulu  
ophenyweni oluqhutshwayo yiKomidi labaHoli beNdabuko  
lase \_\_\_\_\_.

Ngokususela lapho, nangokulandela uMthetho 35(3) kanye 35(4) weMithetho yeNdlu yabaHoli  
beNdabuko yase \_\_\_\_\_, ngalokhu, ngiyalela  
uNobhala ukuba akhiphe ngaphansi kwesandla sakhe incwadi ebizela ufakazi enkantolo  
edingekayo ibhekiswe ku \_\_\_\_\_, ukuba uvele phambi  
kweKomidi \_\_\_\_\_ leNdlu yabaHoli beNdabuko  
yase \_\_\_\_\_.

Isayindwe nguMhleli wemiHlangano wekomidi \_\_\_\_\_ e  
\_\_\_\_\_ ngalolu suku lwe \_\_\_\_\_ enyangeni ka  
\_\_\_\_\_ ngonyaka \_\_\_\_ ka 2 \_\_\_\_

\_\_\_\_\_  
**UKUSAYINA KOMHLELI WOMHLANGANO ISIGXIVIZO SISEMTHETHWENI ESINOSUKU**

## UHLELO 5

## INCWADI YOKUBIZELA UFAKAZI ESIGCAWINI

[uMthetho 35(3) (a)]

Incwadi ekubiza ukuba uvele phambi kwekomidi le \_\_\_\_\_ leNdlu yabaHoli beNdabuko yase \_\_\_\_\_, ngokoMthetho 35(3) kuya ku-35(4) weMithetho eMile yeNdlu yabaHoli beNdabuko yase \_\_\_\_\_.

**IBHEKISWE KU:** \_\_\_\_\_ (bhala isihloko namagama aphelele alowo muntu obizelwa esigcawini) wase \_\_\_\_\_ (bhala ikheli lokugcina lakhe elaziwayo).

Ngalokhu unikezwa isaziso sokuthi ubizwa ukuba uzovela phambi kweKomidi le \_\_\_\_\_ leNdlu yabaHoli boMdabu yase \_\_\_\_\_, ngo \_\_\_\_\_, mhla zingama- \_\_\_\_\_, enyangeni ka \_\_\_\_\_ onyakeni ka-2 \_\_\_\_\_ endaweni yase \_\_\_\_\_ (bhala igama lendawo noma isigcawu lapho kuyobe kulalelwe khona udaba) ukuba uzonikeza ubufakazi ngaphansi kwesifungo noma ukuvuma ukuzibophezela ngodaba \_\_\_\_\_ (bhala isihloko sodaba oluyobe ludingidwa ophenyweni) ngenhloso yokuthi \_\_\_\_\_ (bhala inhloso) noma uveze lawa mabhuku noma lawa marekhodi:

(bhala incazelo yamabhuku adingekayo)

Lencwadi ekubizela esigcawini iyoletswa kuwe ngu \_\_\_\_\_ (bhala igama, nesikhundla solowo muntu ojutshelwa ukuhambisa incwadi yokubizela esigcawini)

Isayinwe e \_\_\_\_\_ ngomhla zingama \_\_\_\_\_ enyangeni ka \_\_\_\_\_, ngonyaka ka-2 \_\_\_\_\_

\_\_\_\_\_  
ISISAYINDO SIKANOBHALA

\_\_\_\_\_  
ISIGXIVIZO ESISEMTHETHWENI ESINOSUKU



## UHLELO 6

## UBUFAKAZI BOKUHANJISWA KWENCWADI YOKUBIZELA UFAKAZI ESIGCAWINI

[uMthetho 35(3) (c)]

Mina, \_\_\_\_\_ (bhala amagama lomuntu ohambisa leyoncwadi kufakazi) oyi \_\_\_\_\_ (bhala isikhundla somuntu) osebenzela Indlu yaBaholi beNdabuko yaseKhaya yase \_\_\_\_\_, ngivuma ukuthi ngiyihambisile incwadi ebizela esigcawini u \_\_\_\_\_ (igama lalo muntu obizwayo) wase \_\_\_\_\_ (indawo lapho ihanjiswe khona) ku \_\_\_\_\_ (bhala igama nesikhundla somuntu owemukele incwadi) ongumuntu omdala ohlala e \_\_\_\_\_ (bhala Ikheli lomuntu obizelwa esigcawini) ngo \_\_\_\_\_ (bhala isikhathi) mhla zingama \_\_\_\_\_ (bhala usuku) enyangeni ka \_\_\_\_\_ (bhala inyanga), onyakeni ka-2 \_\_\_\_\_ (faka unyaka oyiwo).

Isayinwe e \_\_\_\_\_ ngalolu siku lomhla zingama \_\_\_\_\_ enyangeni ka \_\_\_\_\_, ngonyaka ka-2 \_\_\_\_\_

\_\_\_\_\_  
**ISISAYINDO SOMUNTU OLETHE  
 INCWADI EBIZELA ESIGCAWINI**

\_\_\_\_\_  
**ISITEMBU ESISEMTHETHWENI ESINOSUKU**