



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 617

2 November 2016
November

No. 40396

PART 1 OF 2

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ISSN 1682-5843



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

Government Gazette 40350, Notice 1275, which was published on 13 October 2016, had errors within the gazette, and is hereby replaced with the following:

DEPARTMENT OF HEALTH**NO. 1365****02 NOVEMBER 2016****NATIONAL HEALTH ACT, 2003****PROCEDURAL REGULATIONS PERTAINING TO THE FUNCTIONING OF THE OFFICE OF
HEALTH STANDARDS COMPLIANCE AND HANDLING OF COMPLAINTS BY THE OMBUD**

The Minister of Health has, after consultation with the Office, made the regulations contained in the Schedule hereto, in terms of section 90(1) of the National Health Act, 2003 (Act No. 61 of 2003).

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CHAPTER 1

DEFINITIONS, PURPOSE AND APPLICATION

1. Definitions and interpretation

(1) In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act, has the same meaning, and—

“category of health establishment” means the category contemplated in section 35 of the Act;

“certificate of compliance” means a certificate referred to in Regulation 18(2), issued to the health establishment by the Office;

“compliance notice” means a notice referred to in regulation 21(1), issued to the health establishment by an inspector;

“early warning system” means the surveillance systems that collect information on serious user-related incidents that prompt interventions by the health establishment, Office or relevant authority;

“head of the health establishment” means the owner and occupier of a health establishment as contemplated in section 88(a) of the Act;

“health care service” includes all services dealing with the diagnosis and treatment of disease, or the promotion, maintenance and restoration of health including personal and non-personal health services provided by public and private health establishments;

“inspection” means on site visits to health establishments for the purpose of gathering information and evidence to assess compliance or investigate breaches of norms and standards;

“person” means a legal person, except where the context indicates otherwise;

“person in charge” means a person designated as a person in charge of a health establishment, in terms of regulation 6(1);

“relevant authority” means a provincial department of health, district health authority, municipal authority or executive management of a private hospital or private hospital group;

“self-assessment” means the information or data resulting from an assessment conducted by the health establishment against a tool or framework published by the Office from time to time;

“serious breach” means a breach in safety procedures which results in the user suffering permanent loss of function or death unrelated to natural causes;

“serious risk” means any risk that could have severe negative effects on public health or result in the death of a user or permanent loss of function;

“the Act” means the National Health Act, 2003 (Act No. 61 of 2003); and

“working day” means any day other than a Saturday, Sunday or public holiday.

2. Purpose of Regulations

The purpose of these Regulations is to set out procedures and processes for the collection of information from health establishments by the Office, the certification of health establishments, the conducting of inspections, the dealing with non-compliance by health establishments with norms and standards, as well as the procedures and processes for the consideration, investigation and disposal of complaints relating to non-compliance with norms and standards, by the Ombud.

3. Scope and application

- (1) Subject to sub-regulation (2), these Regulations apply to all categories of health establishments referred to in section 35 of the Act,
- (2) Despite sub-regulation (1), and with the exception of Chapter 7, these Regulations will come into force in relation to each category of health establishment only once the norms and standards for such category of health establishment have been established.

CHAPTER 2

COLLECTION OF INFORMATION AND DESIGNATION OF PERSON IN CHARGE

4. Collection of or request for information

- (1) All health establishments and users that are required by the Office to provide information relating to norms and standards, in terms of section 79(2)(b) of the Act, must do so by 31 March of each year.
- (2) A request for information from health establishments, referred to in sub-regulation (1), must be in writing, and the required information must be in the form of Form 1 and include, at least, the following:
 - (a) Name of health establishment;
 - (b) legal status;
 - (c) physical address;
 - (d) contact details, including telephone, fax, email and website details, if any;
 - (e) names and contact details of the person in charge;
 - (f) category of health establishment;
 - (g) health district in which the health establishment falls;
 - (h) services offered;
 - (i) operating days and times; and
 - (j) results of the most recent annual self-assessment against norms and standards.
- (3) The Office may publish the request for information, referred to in sub-regulation (2), in the *Government Gazette* or on its public website.
- (4) The request for information from users, referred to in sub-regulation (1), must be accompanied by details of the required information and the manner in which such information must be submitted.
- (5) Any information that may be required by the Office from health establishments or users, in terms of section 79(2)(b) of the Act, may be submitted electronically.

- (6) If the person in charge, referred to in regulation 6(1), fails to provide the Office with the required information within the specified period, the Office must refer the matter to the head of the national or provincial department of health, the health department of a municipality or health establishment, as the case may be.
- (7) For the purposes of sub-regulation (2) “**legal status**” means the status of the health establishment in law, whether it is a private or public company, partnership, trust, sole proprietorship, cooperative or any other legally recognised form.

5. Indicators of risk

- (1) In terms of section 79(1)(d) of the Act, the Office must monitor indicators of risk in respect of the early warning system and provide guidance to health establishments on the—
 - (a) indicators of risk by category of health establishment;
 - (b) approach to measuring and calculating the indicators of risk;
 - (c) frequency of collection of the indicators of risk; and
 - (d) reporting to the Office on such indicators.
- (2) The Office must use the information referred to in sub-regulation (1) to—
 - (a) identify indicators of significant clinical risks to quality and safety, adverse events and healthcare associated infections as part of an early warning system and report serious breaches of norms and standards to the Minister without delay; or
 - (b) decide on the need for and conduct an inspection as contemplated in regulation 14 or 15, as the case may be.

6. Designation of person in charge

- (1) The Office must request the head of the national or provincial department of health or the health department of a municipality or, in the case of a private health establishment, the head of a health establishment or the executive management of a private hospital group to designate as a person in charge of the health establishment the most senior employee in rank, who will deal with all matters relating to norms and standards.

- (2) The designation of a person in charge, referred to in sub-regulation (1), must be in writing and signed by the head of the national or provincial department of health or the health department of a municipality or the head of the health establishment, or their delegates.
- (3) The Office must maintain a database of persons in charge, and any changes to the particulars of the person in charge must be submitted by such person to the Office within 20 working days of such a change occurring.

7. Duties of person in charge

- (1) The person in charge contemplated in regulation 6(2) must—
 - (a) supply the Office or Ombud with information necessary to discharge its or his or her responsibilities, as the case may be, in terms of the Act;
 - (b) provide assistance to an inspector in the preparation for and during an inspection contemplated in section 82(1) of the Act;
 - (c) receive and acknowledge receipt of a compliance notice contemplated in section 82A of the Act and regulation 13;
 - (d) provide assistance to the Ombud during an investigation contemplated in section 81A(1) of the Act;
 - (e) consider and respond to any report from the Office regarding compliance by the health establishment with norms and standards and implement remedial measures within specified timeframes;
 - (f) foster a culture of compliance with norms and standards within the health establishment;
 - (g) design and implement programmes to improve compliance by health care personnel in the employ of the health establishment;
 - (h) disseminate information supplied by the Office to the health care personnel in the employ of the health establishment;
 - (i) maintain an updated record of inspections by the Office or investigations by the Ombud; and
 - (j) render any assistance to the Office or Ombud on all matters relating to norms and standards.
- (2) The person in charge may assign any of his or her responsibilities, referred to in sub-regulation (1), to any senior employee in rank within the health establishment in writing.

CHAPTER 3

INSPECTORS AND INSPECTIONS

8. Appointment of inspectors

- (1) The Chief Executive Officer must issue a person who has been appointed as an inspector in terms of section 80(2) of the Act with a certificate of appointment as an inspector, in accordance with section 80(3) of the Act, once the person has successfully completed a minimum training programme approved by the Office.
- (2) The certificate of appointment as an inspector, referred to in sub-regulation (1), must be issued in the form of Form 2, and include, at a minimum, the following information:
 - (a) The name and surname of the inspector;
 - (b) a unique identification number supplied by the Office;
 - (c) the date of issuance;
 - (d) the address and contact details of the Office;
 - (e) the signature of the Chief Executive Officer; and
 - (f) a form of photographic identification.

9. Skills and experience for inspectors

- (1) An inspector appointed in terms of section 80(2) of the Act must—
 - (a) be a qualified health professional, who is registered with the Allied Health Professions Council of South Africa, the Health Professions Council of South Africa, the South African Nursing Council, or the South African Pharmacy Council, referred to in the definition of “**statutory health professional council**” in section 1 of the Act;
 - (b) maintain his or her registration and good standing with the relevant statutory health professional council referred to in paragraph (a), at the time of and for the duration of his or her appointment as an inspector; and
 - (c) have experience in the delivery of health care services in a public or private health establishment.

10. Code of conduct for inspectors

- (1) The Chief Executive Officer must develop and enforce a code of conduct for inspectors appointed in terms of section 80(2) of the Act.
- (2) The Office must publish the code of conduct for inspectors in the *Government Gazette* within three months of the promulgation of these Regulations.
- (3) A copy of the code of conduct for inspectors referred to in sub-regulation (1), must be signed by all the inspectors prior to the commencement of their duties.

11. Formal credentials for person rendering assistance

- (1) If an inspector is accompanied by any person reasonably required to assist him or her in the conduct of the inspection, as contemplated in section 82(2) of the Act, the Chief Executive Officer must issue such a person with formal credentials.
- (2) The formal credentials referred to in sub-regulation (1) must include, at least, the following information:
 - (a) Name and surname of the person rendering assistance;
 - (b) a unique identification number;
 - (c) date of issuance;
 - (d) contact details of the Office;
 - (e) signature of the Chief Executive Officer; and
 - (f) a form of photographic identification.

12. Inspection strategy, procedures and plan

- (1) The Board must approve an annual inspection strategy to guide the inspection activities of the Office.
- (2) The annual inspection strategy referred to in sub-regulation (1), must be published on the Office's public website, and include, at least, the following:
 - (a) An approach to prioritising, scheduling and conducting inspections; and
 - (b) resources for the implementation of the inspection strategy.

- (3) The Office must develop an inspection procedure manual and tools for inspectors to ensure that inspections are carried out in a consistent, fair, equitable and transparent manner.
- (4) An inspector must prepare an inspection plan, which sets out a clear approach to carrying out the inspection for each health establishment to be inspected.
- (5) The inspection plan referred to in sub-regulation (4) must be appended to the Notice of Inspection referred to in sub-regulation 13.

13. Notice of inspection to health establishments

- (1) An inspector must, at any time, before commencing with an inspection contemplated in section 82 of the Act, issue a notice of inspection to the health establishment.
- (2) The notice of inspection referred to in sub-regulation (1), must be in the form of Form 3, and include, at least, the following information:
 - (a) the purpose of the inspection;
 - (b) the date of the inspection;
 - (c) the estimated duration;
 - (d) the inspection plan referred to in sub-regulation 12(4);
 - (e) the number of authorised personnel expected to take part in the inspection;
 - (f) the contact details of the inspector primarily responsible for the inspection; and
 - (g) the responsibilities of the health establishment.
- (3) The notice of inspection referred to in sub-regulation (1), must be signed by the Chief Executive Officer or his or her delegatee.
- (4) Despite sub-regulation (1), the Office may, if it has reasonable grounds to believe that compliance with the notification requirements referred to in regulation (1) may jeopardise user safety or quality of care, conduct an unannounced inspection of a health establishment.

14. Inspection process

- (1) Upon arrival at the premises of the health establishment, the inspector must clearly identify himself or herself to the person in charge by presenting–
 - (a) a notice of inspection, referred to in regulation 13(1), if applicable;

- (b) a certificate of appointment as an inspector, issued in terms of section 80(3) of the Act; and
 - (c) an entry and search warrant issued in terms of section 84(5) of the Act, if applicable.
- (2) During an inspection, the health establishment must make available the necessary staff, resources and space to allow inspectors to complete the inspection in a timely and expeditious manner.
- (3) An inspector may question any user, occupant, health care personnel or any person on the premises of a health establishment about any information that is relevant to the inspection, or require the person in charge to produce any document, record or material for inspection.
- (4) The person in charge may provide the inspector with any relevant information, documents, records, objects or materials for the inspector's consideration during the inspection visit.
- (5) Within 20 working days of the completion of the inspection, the inspector must provide his or her preliminary findings to the person in charge in writing.
- (6) The preliminary findings must–
 - (a) identify the main areas of non-compliance with norms and standards;
 - (b) set out the consequences of non-compliance, contemplated in section 82A(2) and (4) of the Act; and
 - (c) set out the steps that must be undertaken to achieve compliance and timeframes for corrective action.
- (7) The inspector must provide the person in charge not more than 20 working days to respond to the preliminary findings in writing.
- (8) Within 20 working days of receipt of the response contemplated in sub-regulation 7, the inspector must consider such response and issue a final report to the person in charge.
- (9) After issuing a final report contemplated in sub-regulation 8, the inspector–
 - (a) may recommend to the Office the issuing of a compliance certificate to the health establishment, in terms of regulation 18(2); or
 - (b) must issue a compliance notice to the health establishment, in terms of section 82A(1) of the Act, if any norms and standards have not been complied with.

15. Additional inspection

- (1) An inspector may, at any time, subject to section 82(1) of the Act, conduct an additional inspection, provided that he or she has reasonable grounds to believe that–
- (a) such an inspection is needed to establish whether non-compliance has been remedied within the health establishment;
 - (b) the health establishment is contravening the Act or any relevant regulations;
 - (c) there are serious breaches of norms and standards by the health establishment, based on the indicators of risk; or
 - (d) the Ombud's findings demonstrate that continued exposure to the health care services provided by health establishment may pose a severe risk to users or health care personnel.
- (2) The provisions of sub-regulation (1) or (4) of regulation 13 apply, with the necessary changes, to an inspection contemplated in this regulation.

CHAPTER 4**INSPECTION OF HEALTH ESTABLISHMENT****16. Information on approach to carrying out inspections**

- (1) The Office may, within 2 weeks of the beginning of each financial year, inform the head of the national or provincial department of health, the municipal manager or, in the case of the private health establishment, the head of a health establishment or the executive management of a private hospital group, of its approach to carry out inspections.
- (2) For the purposes of sub- regulation (1), the Office may submit to the head of the national or provincial department of health, the municipal manager or in the case of the private health establishment, the head of a health establishment or the executive management of a private hospital group, an annual inspection strategy containing information on such approach to inspections.

17. Entry, inspection and search warrant

- (1) An inspector may, in terms of section 82(1) of the Act, enter any health establishment, at any reasonable time, for purposes of carrying out an inspection contemplated in section 82(1) of the Act.
- (2) Where entry into the health establishment as contemplated in sub-regulation (1) is refused, the Office must apply for a warrant in terms of section 84(1) of the Act.
- (3) The application for a warrant must include, at least, the following information:
 - (a) (the name and address of the health establishment to be inspected, and where possible, the area or areas of the health establishment to which the warrant relates;
 - (b) the legislative provisions governing the inspection;
 - (c) the reasons and motivation for the inspection; and
 - (d) (the most recent inspection results, if the establishment had been inspected previously.
- (4) Subject to section 84(3) of the Act, an inspector may question any user, occupant, health care personnel or any person on the premises of a health establishment, provided he or she has—

- (a) explained to the said user, occupant or any person on the premises his or her legal rights, including their right to remain silent or not to incriminate themselves; and
 - (b) obtained—
 - (i) written approval from the user, occupant or any person on the premises for the questioning or recording of the interview; or
 - (ii) verbal approval from the user, occupant or any or person on the premises for the questioning or recording of the interview, in the presence of a witness.
- (5) Despite sub-regulation (2), an inspector may enter, inspect and search the health establishment's premises without the authority of a warrant in terms of section 86(b) of the Act, if there are reasonable grounds to believe that, if applied for, a warrant for entry and search would be issued and that the delay in obtaining the warrant would defeat the object of the warrant.

CHAPTER 5

CERTIFICATION

18. Certification of health establishments

- (1) Within 15 working days of receipt of the recommendation for certification of a health establishment referred to in regulation 14(9)(a) or renewal of certification referred to in regulation 19(1), the Office must issue the health establishment that meets all the compliance requirements with a certificate of compliance.
- (2) A certificate of compliance referred to in sub-regulation (1), must—
 - (a) be signed by the Chief Executive Officer and be placed in the public, visible place within the health establishment and posted on its public website; and
 - (b) be issued in the form of Form 4, and include, at least, the following information:
 - (i) the name and physical address of health establishment;
 - (ii) the category of health establishment;
 - (iii) the address for the service of legal processes and notices, if that address is not the same as the physical address;
 - (iv) the date of the last inspection; and
 - (v) the date of expiry of the certificate.

19. Renewal and extension of certification

- (1) The health establishment must, within a period of not more than six months before the expiry of the compliance certificate referred to in regulation 18(1), submit an application to the Office for the renewal of its certificate.
- (2) The application for renewal of the certificate of compliance must be made in the form of Form 6, and include annual self-assessments of the health establishment's compliance with norms and standards and its most recent quality improvement plans.
- (3) A renewal of a certificate of compliance will be based on a recommendation for certification referred to in regulation 14(9)(a), as well as compliance by the health establishment with the requirements contained in sub-regulation (2).

- (4) The Office may extend the certification status of the health establishment that has applied for renewal in terms of regulation 19(1) for a period of not more than one year from the date of expiry, to afford the Office an opportunity to schedule and conduct an inspection for the purposes of renewal of certification.

20. Suspension of certificate

- (1) A certificate of compliance issued in terms of regulation 18(2), remains valid for a period of not more than four years, subject to an extension contemplated in regulation 19(4).
- (2) Despite sub-regulation (1), a compliance notice referred to in regulation 21(1), suspends the validity of that certificate of compliance, until the conditions set out in the said compliance notice are fulfilled.
- (3) The Office must, within 15 working days of the confirmation of fulfilment of the conditions of compliance referred to in sub-regulation (2), reconfirm the compliance status of the health establishment.

CHAPTER 6

COMPLIANCE NOTICE, ENFORCEMENT AND APPEAL

21. Compliance notice to health establishment

- (1) An inspector must—
 - (a) after issuing a final report, issue a compliance notice in terms of section 82A(1) of the Act, to the person in charge, if any norms and standards have not been complied with; or
 - (b) at any time during an inspection, issue a compliance notice in terms of section 82A(1) of the Act, to the person in charge, if there are reasonable grounds to believe that the health establishment or a part thereof poses a serious risk to public health or the health and safety of users.
- (2) The compliance notice referred to in sub-regulation (1), must be issued in the form of Form 7, and must contain all the information set out in section 82A (2) of the Act.
- (3) The person in charge must, within the period specified in the compliance notice, provide the inspector with the health establishment's quality improvement plan that details—
 - (a) the actions that will be undertaken to achieve compliance with the norms and standards; and
 - (b) the timeframe for achieving compliance.
- (4) If the health establishment fails to comply with the compliance notice issued in terms of section 82A(1) of the Act, the Office may invoke any of the sanctions listed in section 82A(4) of the Act.

22. Compliance enforcement

- (1) The Office must develop an enforcement policy which sets out the Office's approach to enforcing compliance.
- (2) The Chief Executive Officer must publish the enforcement policy referred to in sub-regulation (1) and any subsequent amendments thereof, in the *Government Gazette*, within 25 working days of their approval by the Board.

- (3) Compliance enforcement must, as far as possible, be applied in a progressive manner, after taking into account the following, with regards to each health establishment:
- (a) The nature and severity of non-compliance with the norms and standards and the consequences thereof;
 - (b) the compliance history of the health establishment;
 - (c) frequency of transgressions in relation to the norms and standards;
 - (d) any offences by the health establishment in terms of section 89(1) of the Act; and
 - (e) any mitigating or aggravating factors.

23. Written warning

- (1) The Office may issue a written warning to the person in charge, in terms of section 82A(4)(a) of the Act, for failure to comply with a compliance notice referred to in regulation 21(1)(a).
- (2) A written warning to the person in charge referred to in sub-regulation (1) must be issued in the form of Form 8, and must include, at least, the following information:
- (a) The name of the person to whom it is addressed and the date;
 - (b) the health establishment to which the warning applies;
 - (c) the norms and standards that have not been complied with;
 - (d) the nature and extent of non-compliance;
 - (e) the actions to be undertaken by the health establishment to remedy non-compliance; and
 - (f) the steps already taken by the Office to ensure compliance, if applicable.

24. Request for response

- (1) If the Office issues a written warning to the person in charge, it must request a written response from the person in charge in terms of section 82A(4)(b) of the Act, and set a timeframe within which the health establishment must respond and the consequences of any failure to respond.
- (2) The person in charge must acknowledge receipt of a written warning referred to in sub-regulation (1), in writing.
- (3) If the person in charge fails to respond to a request for a response referred to in sub-regulation (1), or provides an unsatisfactory response, the Office may—

- (a) recommend to the relevant authority any appropriate and suitable action, in terms of section 82A(4)(c) of the Act;
- (b) initiate a formal hearing to consider a possible revocation of a certificate of compliance or imposition of a fine, in terms of sections 82A(4)(d) and 82A(4)(e) of the Act, respectively; or
- (c) refer the matter to the National Prosecuting Authority for criminal prosecution, in terms of section 82A(4)(f) of the Act.

25. Monitoring of recommendations to relevant authority

If a recommendation is made to the relevant authority in terms of regulation 24(3)(a), the Office must monitor and report to the Minister on the implementation of the said recommendation by the relevant authority.

26. Formal hearing

- (1) Before revoking a certificate of compliance or imposing a fine, the Office must notify the person in charge of the health establishment and the relevant authority of its intention to revoke the certificate of compliance or to impose a fine, as the case may be, and initiate a hearing to allow the health establishment an opportunity to make representations, before a final decision is taken.
- (2) The Chief Executive Officer must appoint a suitable person to preside over the hearing contemplated in sub-regulation (1).
- (3) The person contemplated in sub-regulation (2) may appoint not more than 2 persons with technical expertise on the relevant subject as his or her assistants, as may be required.
- (4) The presiding officer must provide both the Office and the health establishment with, at least, 10 working days' written notice to prepare for the hearing and may—
 - (a) require written representations from both parties to be submitted to him or her, at least, 5 working days prior to the hearing;
 - (b) allow oral testimony to be presented by the parties or any other interested person, upon application, in relation to the matter.
- (5) The notice of hearing referred to in sub-regulation (1) must be issued in the form of Form 8, and include, at least, the following information:
 - (a) The date, time and place of the hearing;

- (b) the subject matter of the hearing;
 - (c) the legal rights of the parties and how to exercise them;
 - (d) the required documents, records, objects or materials, if any; and
 - (e) the consequences of failure to attend the hearing.
- (6) The procedure for the conduct of the hearing contemplated in sub-regulation (1) must be determined by the person presiding at the hearing.
- (7) The hearing of the matter—
 - (a) must be conducted expeditiously and in compliance with the principles of administrative justice, set out in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);
 - (b) may be conducted in an informal manner, consistent with paragraph (a); and
 - (c) must be open to the public: Provided that the person presiding at the hearing may exclude members of the public, or specific persons or categories of persons, from attending the proceedings—
 - (i) if evidence to be presented is confidential information, but only to the extent that the information cannot otherwise be protected;
 - (ii) if the proper conduct of the hearing requires it; or
 - (iii) for any other reason that would be justifiable in civil proceedings in a Court.
- (8) At the end of the hearing, the person presiding at the hearing may recommend to the Office to revoke or not to revoke the certificate of compliance of the health establishment, or to impose a fine, as the case may be.
- (9) The Office must, within 10 working days after the hearing, make a decision and provide the person in charge of the health establishment and the relevant authority with written reasons for any adverse decision.
- (10) For the purposes of this regulation “**suitable person**” means a person who has extensive knowledge and experience in the administration of law and the norms and standards for the health establishments as well as the general laws and regulations applicable to the health care sector.

27. Revocation of certification and recommendation to Minister

- (1) If a health establishment fails to comply with the compliance notice referred to in regulation 21(1)(b), the Office may, after complying with regulation 26(1), revoke the certificate of compliance of a health establishment and recommend to the Minister a temporary or permanent closure of the health establishment or a part thereof that constitutes a serious risk to public health or the health of users, in terms of section 82A(4)(d) of the Act.
- (2) A recommendation to the Minister in terms of sub-regulation (1) must be in writing and include, at least, the following information:
 - (a) the details of non-compliance;
 - (b) the nature and extent of the risk posed to public health or to users;
 - (c) the period of non-compliance;
 - (d) the consequences of continued non-compliance;
 - (e) an indication of the part or parts of the health establishment to be closed, and
 - (f) any other relevant information.
- (3) Before exercising his or her powers in terms of sub-regulation (1), the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

28. Fine

- (1) Before imposing a fine in terms of section 82A(4)(e) of the Act, and after complying with regulation 26(1), the Office must afford the person in charge of the health establishment an opportunity to submit a request for leniency.
- (2) A fine contemplated in section 82A(4)(e) of the Act may not exceed the thresholds determined by the Minister.
- (3) In determining the quantum of the fine, the Office must take into account—
 - (a) the nature and extent of non-compliance;
 - (b) the actions taken by the health establishment to remedy non-compliance;
 - (c) any requests for leniency presented by the health establishment; and
 - (d) the potential impact of the fine on the finances of the health establishment.

- (4) If the fine is imposed in terms of section 82A(4)(e) of the Act the health establishment must, within 20 working days of the decision, pay such a fine into a designated banking account contemplated in sub-regulation (5).
- (5) The Office must establish and maintain a separate banking account for the payment of fines in accordance with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

29. Referral to National Prosecuting Authority

- (1) Despite regulation 23, the Office may, at any time, refer the matter to the National Prosecuting Authority for criminal prosecution, in terms of section 82A(4)(f) of the Act, if any failure to comply with a compliance notice issued in terms of the Act is considered to amount to a criminal offence in terms of section 89(1) of the Act.
- (2) For the purposes of sub-regulation (1), the Office must prepare and hand over any and all evidence that may be relevant to the prosecution of the health establishment to the National Prosecuting Authority.

30. Appeal against decisions of Office or Ombud

- (1) An appeal to the Minister in terms of section 88A(1) of the Act must be lodged by written notice.
- (2) The notice referred to in sub-regulation (1) must be in the form of Form 9, and must set out the grounds for the appeal and sufficient information or documentation to support the application for appeal.
- (3) The *ad hoc* tribunal contemplated in section 88A(2) of the Act must determine the rules and procedure for the conduct of its proceedings.
- (4) The proceedings of the tribunal must be open to the public, but the chairperson of the tribunal may exclude members of the public, or specific persons or categories of persons, from attending the proceedings—

- (a) if evidence to be presented is confidential information, but only to the extent that the information cannot otherwise be protected;
- (b) if the proper conduct of the hearing requires it; or
- (c) for any other reason that would be justifiable in civil proceedings in a Court.

31. Publication of reports and tribunal decisions

- (1) The Office must—
 - (a) within 25 working days of the issue of the decision, publish the decision of the *ad hoc* tribunal in the *Government Gazette* and on its public website;
 - (b) every six months, publish on its public website and in any other appropriate publication platform, a report which covers all the—
 - (i) inspections conducted, with the names and location of the health establishments;
 - (ii) compliance certificates issued, with the names and location of health establishments;
 - (iii) hearings conducted, with the names and location of health establishments and the outcome of the hearings;
 - (iv) the recommendations made to the relevant authorities in terms of section 79(1)(e); and
 - (v) complaints received and resolved by the Ombud, by category.
 - (c) on an annual basis, publish on its public website and in any other any appropriate publication platform, a report which—
 - (i) sets out the compliance status of all health establishments; and
 - (ii) summarises the number and nature of the compliance notices issued.

CHAPTER 7**COMPLAINTS HANDLING AND INVESTIGATION****32. Who may lay complaint**

- (1) Any person may lay a complaint with the Ombud, in terms of section 81A(1) of the Act, for breach by a health establishment of any norms or standards.
- (2) Any person, guardian or representative of a person to whom a health care service was provided, may lay a complaint to the Ombud.
- (3) A complaint may be dealt with by the Ombud despite the death of the person contemplated in sub-regulation (2), if—
 - (a) a person dies and, if the person were alive, he or she could lay a complaint about a particular matter; or
 - (b) a person makes a complaint but dies before the complaint is finally dealt with.
- (4) If sub-regulation (3)(a) applies, a complaint may be laid on behalf of the person.
- (5) If sub-regulation (3)(b) applies, the Ombud may, at another person's request, permit the other person to be substituted as the complainant.
- (6) If a complaint is laid in terms of sub-regulation (2) by a representative on behalf of a person to whom a health care service was provided, other than under the circumstances contemplated in sub-regulation (3), the Ombud may request the person to whom a health care service was provided to confirm the complaint.

33. How to lay complaint

- (1) A complaint to the Ombud may be laid—
 - (a) orally, including by telephone; or
 - (b) in writing, including by email or other electronic means.
- (2) If a complaint is laid orally, the Ombud must—
 - (a) make a record of the complaint; and
 - (b) request the complainant to confirm the accuracy of the recording.

- (3) The Ombud must give a complainant reasonable assistance to lay a complaint, and to take necessary measures to ensure reasonable access to the Ombud by the users of health care services and other concerned persons.
- (4) The complaint must contain adequate information regarding the complaint including, at least, the contact details of the complainant or his or her representative, and the evidence or basis for the complaint, and such other particulars as the Ombud may require to deal with the complaint.

34. Acknowledgement of complaint and request for additional information

- (1) The Ombud must acknowledge receipt of a complaint within 48 hours of the laying of a complaint, in an appropriate manner.
- (2) The Ombud may request any additional information from the complainant, to be provided within a reasonable period stated in the request.
- (3) The Ombud may not deal with the complaint, or deal further with the complaint, until the complainant complies with a request contemplated in sub-regulation (2), to the extent the complainant is reasonably able to comply therewith.
- (4) A complainant's non-compliance with a request may be a ground for a decision to take no further action on the complaint.

35. Screening of complaints

- (1) The purpose of the screening is to obtain and analyse information relevant to the complaint and decide the most appropriate way to deal with it further.
- (2) The screening may be undertaken in any manner the Ombud considers appropriate, including—
 - (a) analysing information provided by the complaint;
 - (b) analysing information obtained in terms of regulation 34(2) from the complainant;
 - (c) considering submissions received in terms of regulation 36(1) from the complainant or the relevant health establishment or any other person;
 - (d) communication with the complainant or the relevant health establishment; or

- (e) consultation with any person or entity with relevant technical knowledge or expertise regarding the subject of the complaint.

36 Submissions regarding complaints

- (1) The Ombud may give notice to the complainant or the relevant health establishment, inviting submissions regarding a complaint, to be provided to the Ombud within a stated period.
- (2) The period for providing submissions must be reasonable, but may not be more than 20 working days from the date of notice.
- (3) The Ombud must consider each submission received within the period referred to in regulation 36(1).

37 Period for completing screening

- (1) The Ombud must complete the screening within 15 working days of the laying of the complaint or of receiving the additional information in terms of regulation 34(2).
- (2) The Ombud may extend the period for screening the complaint by a further period of up to 15 working days if necessary owing to—
 - (a) the size or complexity of the complaint; or
 - (b) the time taken to obtain additional information in terms of regulation 34(2) or submissions in terms of regulation 36(1).

38. Decision following screening

Upon completion of the screening, the Ombud must—

- (a) make a decision on whether—
 - (i) to investigate the complaint;
 - (ii) to refer the complaint to any other statutory authority or other appropriate or suitable body or entity; or
 - (iii) to take no further action in relation to the complaint;
- (b) give notice of the decision to the complainant and the relevant health establishment, and reasons for the decisions.

39. Cooperation with other entities

The Ombud must consult and cooperate with other public entities with functions that are relevant to, or may impact on, the Ombud's functions.

40. Referral from other entities and the public

If the Ombud becomes aware of a particular matter, other than through a formal complaint, by way of a referral from—

- (a) a health establishment;
- (b) other statutory authority or any other appropriate or suitable body or entity, including the Office; or
- (c) in any other manner and decides to deal with the matter; the Ombud may, with the relevant person's consent, deal with the matter as if it were a complaint and the person were the complainant.

41. Decision to take no further action on complaint

(1) At any time, the Ombud may decide to take no further action on a complaint if the Ombud reasonably considers that—

- (a) the complaint-
 - (i) is frivolous, vexatious, trivial or not made in good faith;
 - (ii) is misconceived or lacking in substance;
 - (iii) is being adequately dealt with by another appropriate entity;
 - (iv) has been resolved or otherwise appropriately finalised by the Ombud or another appropriate entity; and
 - (v) despite reasonable efforts by the Ombud or another appropriate entity, cannot be resolved; or
- (b) the complainant-
 - (i) has failed, without reasonable excuse, to—
 - (aa) satisfactorily cooperate with the Ombud to resolve the complaint; and
 - (bb) comply with a request from the Ombud for additional information, evidence or submissions the Ombud needs to deal properly with the complaint.

(2) The Ombud may decide to take no further action on a matter if—

- (a) the complaint is withdrawn;
- (b) the matter from which the complaint arose, and the complainant was aware of the matter, at least 2 years before the complaint was laid; or
- (c) a complainant, or other relevant person dies and the Ombud reasonably considers that no further action is necessary.

42. Complaint investigations

The procedure for conducting an investigation must be such as the Ombud considers appropriate in the circumstances of the case, and in particular, he or she may make such inquiries, as he or she deems fit and must be in line with the applicable legislation.

43. Notice to health establishment being investigated

The Ombud must notify the relevant health establishment regarding the investigation and the process of investigation, before or when the investigation has been started.

44. Progress reports

The Ombud must, every two months, give notice of the progress of an investigation to—

- (a) any health establishment being investigated; and
- (b) the complainant.

45. Period for completing investigation

- (1) The Ombud must complete an investigation referred to in Regulation 42 within a period of 6 months, unless extended in terms of sub-regulation (2), after the decision to carry out the investigation.
- (2) The Ombud may extend the period for completing an investigation if the Ombud reasonably considers that, in view of all the circumstances, including the size and complexity of the matters being investigated, it is not possible to complete the investigation by the due date.
- (3) The period for completing an investigation may be extended more than once, but each extension may not be more than 3 months, provided the total period of the investigation does not exceed 2 years.

46. Investigations register

- (1) The Ombud must keep a register, on its public website, of all investigations.
- (2) The register must list the following matters for each investigation-
 - (a) type of norm or standard breached;
 - (b) general nature of the matter being investigated;
 - (c) date on which it was decided to carry out the investigation;
 - (d) current due date for completing the investigation;
 - (e) current status of the investigation; and
 - (f) reason for each extension of the period of investigation.
- (3) The register must not include information that identifies or puts at risk a complainant, health establishment or person to whom a health care service was provided.

47. Report to Minister

- (1) If an investigation is not completed within 2 years after the decision to conduct it, the Ombud must give notice to the Minister stating-
 - (a) the details of the matter being investigated; and
 - (b) the reasons why the investigation has not been completed.
- (2) The Minister may make any decision regarding the matter, including a decision to-
 - (a) close the matter;
 - (b) extend the investigation for a specified period; or
 - (c) refer the matter to another statutory authority, body or entity.

48. Notice of decision after investigating complaint and investigation report

Within 10 working days after completing an investigation contemplated in regulation 42, the Ombud must-

- (a) inform the complainant and the health establishment of his or her findings and recommendations, in accordance with section 81A (11) of the Act; and
- (b) submit a report containing his or her findings and recommendations to the Chief Executive Officer, in accordance with Section 81A(9) of the Act, for appropriate action.

49. Referral to and reports from other statutory authority or other appropriate and suitable body or entity

- (1) When referring the matter, the Ombud must give the relevant statutory authority, or other appropriate and suitable body or entity, all relevant information that the Ombud has regarding the matter, including, details of the complaint, the complainant and the relevant health establishment.
- (2) The statutory authority or other appropriate and suitable body or entity to which the matter was referred must provide the Ombud—
 - (a) written reports regarding progress on the matter, at regular intervals; and
 - (b) within 25 working days after completing the investigation, a written report of the results of the action taken regarding the matter.
- (3) For the purposes of this regulation “**statutory authority**” means any authority established by or under a provincial or national legislation.

50. Confidentiality of information

- (1) Information obtained by the Ombud or persons designated in terms of section 81(3)(c) of the Act in the course of or for the purposes of an investigation may not be disclosed to any third party, except for the purposes of the investigation and any report to be made in respect thereof.
- (2) A health establishment may, by written notice explaining why the information is confidential, claim any information to be confidential.
- (3) The Ombud must, within 10 working days of receipt of the notice referred to in sub-regulation (2), determine whether or not the information is confidential, and if the Ombud finds that the information is confidential, make any appropriate order concerning access to that information.
- (4) The health establishment may, within 10 working days of the determination of the Ombud in terms of sub-regulation (3), lodge an appeal against such determination or an order contemplated in sub-regulation (3), to the Minister in terms of section 88A of the Act.

CHAPTER 8**GENERAL PROVISIONS****51. Prescribed forms**

- (1) The forms prescribed for purposes of these Regulations are set out in the Annexure to these Regulations.
- (2) Any form that must or may be submitted by any health establishment or user to the Office in terms of these Regulations may be submitted electronically.

52. Short title and commencement

These Regulations are called the Procedural Regulations Pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud, and come into operation on the date of publication in the *Gazette*.



DR A MOTSOLEDI, MP
MINISTER OF HEALTH
DATE: 30/8/2016

ANNEXURE
PRESCRIBED FORMS

Form No.	Section No.	Regulation No.	Description
OHSC 1		4(2)	Health establishment information
OHSC 2	80(3)	8(2)	Certificate of appointment as an inspector
OHSC 3		13(2)	Notice of inspection to health establishments
OHSC 4		18(1)	Certificate of compliance
OHSC 5	79(1)(c)	19(2)	Application for renewal of certification
OHSC 6	82A(1)	21(2)	Compliance notice to health establishments
OHSC 7	82A(4)(a)	23(2)	Written warning
OHSC 8		26(5)	Notice of hearing
OHSC 9	88A	30(2)	Notice of appeal

OHSC 1

INFORMATION ABOUT THE HEALTH ESTABLISHMENT

All health establishments and users that are required by the Office to provide information relating to norms and standards, in terms of section 79(2)(b) of the National Health Act, 2003 (Act No. 61 of 2003), must do so by 31 March of each year. If the person in charge, referred to in regulation 6(1), fails to provide the Office with the required information within the specified period, the Office must refer the matter to the head of the national or relevant provincial department of health or the health department of a municipality or the head of the health establishment, as the case may be, for intervention in accordance with the intervention policy and procedure of the relevant authority.

Name of health establishment	
Legal status	
Details of relevant authority (head of national, provincial or municipal health department, head of the health establishment or private hospital group)	
Physical address of health establishment	
GPS coordinates - latitude and longitude	
Contact details of the Health Establishment including – telephone no. e-mail address website details	
Name of the person in charge	
Contact details of the person in charge	
Category of health establishment (according to Policy on Management of Public Hospitals published in <i>Government Gazette</i> No 34522 of 12 August 2011);	
Health district in which the health establishment falls	
Services offered by speciality, including number of beds by service or number of consulting rooms	
Operating days and times: In patient unit Outpatient unit	

Emergency unit Pharmacy	
Human resources. Number of staff by category: Health care professionals Management Administrative Clinical support services	
Results of the most recent self-assessment against norms and standards	
Chief Executive Officer (signature)	Date _____

OHSC 2

CERTIFICATE OF APPOINTMENT AS AN INSPECTOR

This certificate of appointment as an inspector of the Office of Health Standards Compliance is hereby issued in terms of section 80(2) of the National Health Act, 2003 (Act No. 61 of 2003), read together with regulation 8 of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud

Name and surname _____ _____ OHSC Number: _____	(photograph) 	Date of issuance _____ Date of expiry _____
Chief Executive Officer (signature)	OHSC contact telephone _____	OHSC address _____

NOTICE OF INSPECTION**Purpose of inspection**

In terms of regulation 13 of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud, an inspector must issue a notice of inspection to the health establishment at any time, before commencing with an inspection contemplated in section 82 of the Act. The purpose of inspection is for duly certified inspectors of the Office of Health Standards Compliance to monitor the degree of compliance with the norms and standards for quality of healthcare as mandated by the National Health Act, 2003 (Act No. 61 of 2003) ("the Act") and the Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud.

Responsibilities of the health establishment

The responsibilities of the health establishment during this visit are to make available the necessary staff, resources and space to allow inspectors to complete the inspection in a timely and expeditious manner.

Powers of inspectors

In terms of section 82(1) of the Act, an inspector may enter any health establishment at any reasonable time, and-

- (a) inspect such a health establishment, as the case may be, in order to ensure compliance with the Act;*
- (b) question any person who her or she believes may have information relevant to the inspection;*
- (c) require the person in charge of the health establishment to produce, for inspection or for the purpose of obtaining copies or extracts thereof or therefrom, any document, including a health record contemplated in Section 15 of the Act, which such a person is required to maintain in terms of the law.*
- (d) take any samples of any substance or photographs relevant to the inspection.*

Name of health establishment	
Address of health establishment	
Consent for inspection OR warrant to enter (specify)	
Date of inspection	
Estimated duration of inspection	
Date for reporting and comments	
Number of authorised personnel taking part in the inspection	
Contact details of the inspector primarily responsible for the inspection	
The responsibilities of the health establishment.	

Chief Executive Officer (signature)	Date _____
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CERTIFICATE OF COMPLIANCE

This certificate of compliance is issued by the Office of Health Standards Compliance in terms of section 82(7) of the National Health Act, 2003 (Act No. 61 of 2003) as read with regulation 18(1) of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud (the Regulations)

A Certificate of Compliance is valid for a period of not more than 4 years, before which time the health establishment must apply for renewal. The Office may, however, in terms of regulation 15(1) of the Regulations, conduct an additional inspection at any time if it has reason to believe that the establishment is failing to comply with the provisions of the Act.

Name of health establishment certified as compliant	
Category of health establishment	
Physical address	
Address for the service of legal processes and notices, (if not the same as physical address)	
Date of inspection	
Chief Executive Officer (Signature)	Date of certification Date of expiry of certification

OHSC 5

APPLICATION FOR RENEWAL AND EXTENSION OF CERTIFICATION

In terms of section 82(7) of the National Health Act, 2003 (Act No. 61 of 2003) as read together with regulation 19 of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud (the Regulations), an application for renewal of a certificate must be submitted to the Office, within a period of not more than six months before the expiration of the certificate of compliance. This certificate will be renewed following an inspection as set out in regulation 14, provided that the Office may extend the certification for up to 1 year pending an inspection. .

Name of health establishment applying for extension of certification	
Address	
Name of person in charge	
Date of last inspection	
Date of certification	
Date of expiry of certification	
Certificate number	
Person in charge of health establishment (Signature)	Date _____
Attachments: 1. Most recent report submitted 2. Last 6 months of reporting on indicators of risk 3. Annual self-assessment reports since last inspection 4. Most recent quality improvement plan	

COMPLIANCE NOTICE

A compliance notice is issued to the person in charge of a health establishment in terms of section 82A(1) of the National Health Act, 2003 (Act No. 61 of 2003), ("the Act") as read together with regulation 21(1) of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud (the Regulations, when the health establishment is found on inspection by the Office of Health Standards Compliance not to be compliant with the norms and standards contemplated in the Act.

The penalties that may be imposed by the Office of Health Standards Compliance in the event of continued non-compliance in terms of section 82A(4) of the Act are as follows:

- a) issue a written warning to achieve compliance within a set period of time in a manner prescribed;*
- b) require a written response from the health establishment regarding the continued non-compliance;*
- c) recommend to the relevant authority any appropriate and suitable action to be undertaken, including the institution of disciplinary proceedings against persons responsible for the non-compliance or continued non-compliance;*
- d) revoke the compliance certificate and recommend to the Minister the temporary or permanent closure of the health establishment or part thereof that constitutes a serious risk to public health or to health service users;*
- e) impose upon that person or health establishment a fine as determined by the Minister in the Gazette from time to time; or*
- f) refer the matter to the National Prosecuting Authority for prosecution.*

Name of health establishment	
Address of health establishment	
Name of person in charge	
Contact information of person in charge	
Overall score and compliance status	
Requirements for corrective action	

Name of contact person in OHSC for submission of documentation	
Annexures: 1. Norms and standards that have not been complied with; 2. details of the nature and extent of non-compliance; 3. steps that are required to be taken and the period over which such steps must be taken	

OHSC 7

WRITTEN WARNING

The Office of Health Standards Compliance may issue a written warning to the person in charge, in terms of section 82A(4)(a) of the National Health Act, 2003 (Act No. 61 of 2003), ("the Act") as read together with *regulation 23(1) and (2) of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud (the Regulations, for failure to comply with a compliance notice issued in terms of section 82A of the Act as read with regulation 21(1) of the Regulations*

Name of the health establishment	
Address of the health establishment	
Name of the person in charge	
Contact details of the person in charge	
Annexures: 1. Norms and standards that have not been complied with 2. The nature and extent of non-compliance 3. Actions undertaken by the health establishment to remedy non-compliance	
Steps already taken by the Office to ensure compliance.	
Date by which the person in charge must respond to the written warning	
Name and address for response	

OHSC 8

NOTICE OF FORMAL HEARING

Before revoking a certificate of compliance or imposing a fine in terms of section 82A(4) of the National Health Act, 2003 (Act No. 61 of 2003), ("the Act"), the Office must, in terms of regulation 25 of the Procedural Regulations pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud ("the Regulations") notify a health establishment of its intention to revoke the certificate of compliance or to impose a fine, as the case may be, and initiate a hearing to allow the health establishment an opportunity to make representations, before a final decision is taken.

Name of health establishment	
Address of health establishment	
Name of person in charge	
Contact information of person in charge	
Name of relevant authority	
Contact information for relevant authority	
Date, time and place of hearing	
Name and position of presiding officer	
Subject matter of hearing	
Required documents, records, objects or materials	
Date for submission of above	
Annexures: 1. Norms and standards that have not been complied with 2. The nature and extent of non-compliance 3. Actions undertaken by the health establishment to remedy non-compliance 4. Actions taken by the Office to ensure compliance	

OHSC 9

NOTICE OF APPEAL

In terms of Section 88A of the National Health Act, 2003 (Act No. 61 of 2003), any person aggrieved by any decision of the Office or any finding and recommendation of the Ombud in relation to a matter regulated by this Act, or a person acting on his or her behalf, may within 30 days of gaining knowledge of that decision, lodge a written appeal with the Minister, who must appoint an independent ad hoc tribunal to whom the appeal received must be submitted.

Name of establishment	
Address of establishment	
Name of person lodging appeal	
Contact information of person lodging the appeal	
Decision, finding or recommendation against which appeal is being lodged	
Date of such finding, appeal or recommendation	
Grounds for appeal	
In annexure: Any documentation or representations relevant to the appeal	

UMNYANGO WEZEMPILO KUZWELONKE**UMTHETHO KAZWELONKE WEZEMPILO, 2003****IMITHETHONQUBO YEZINQUBO EZIMAYELANA NOKUSEBENZA KWEHHOVISI
LEMIGOMO YOKUTHOBELA YEZEMPILO KANYE NOKUPHATHWA KWEZIKHALAZO YI-
OMBUD**

UNgqongqoshe wezeMpilo emva kokuxhumana neHhovisi, wenze imithethonqubo equkethwe oHlelweni olungezansi, ngokwesigaba 90(1) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003).

UHLELO**UKUHLELWA KWEMITHETHONQUBO****ISAHLUKO 1****DEFINITIONS, PURPOSE AND APPLICATION IZINCAZELO, INHLOSO KANYE
NOKUSEBENZA**

1. Izincazelo nokutolikwa
2. Inhloso yemithethonqubo
3. Isikophu nokusebenza

ISAHLUKO 2**UKUQOQA ULWAZI NOKUQOKWA KOMUNTU OPHETHE**

4. Ukuqoqa noma ukucela ulwazi
5. Indicators of risk Izinkomba zobungozi
6. Designation of person in charge Ukuqashwa komuntu ophethe
7. Duties of person in charge Imisebenzi yomuntu ophethe

ISAHLUKO 3**ABAHLOLI NOKUHLOLA**

8. Ukuqashwa kwabahloli

9. Amakhono nesipiliyoni sabahloli
10. Indlela yokuziphatha kubahloli
11. Amaphepha asemthethweni omuntu ohlinzeka ngosizo
12. Indlela, izinqubo nohlelo lokuhlola
13. Isaziso sokuhlola kusakhiwo sezempilo
14. Inqubo yokuhlola
15. Okunye ukuhlola

ISAPHLUKO 4

UKUNGENA NOKUSESHWA KWESIKHUNGO SEZEMPILO

16. Ulwazi ngendlela yokuhlola
17. Imvume yokungena, ukuhlola kanye nokusesha

ISAPHLUKO 5

UKUVUNYWA OKUSEMTHETHWENI

18. Ukuvunywa okusemthethweni kwesikhungo sezempilo
19. Ukuvuselelwa kokuvunywa okusemthethweni
20. Ukumiswa kwesitifiketi

ISAPHLUKO 6

ISAZISO SOKUTHOBELA, UKUSETSHENZISWA KOMTHETHO NOKUDLULISWA KWAMACALA

21. Isaziso sokuthobela ezikhungweni zezempilo
22. Ukusetshenziswa komthetho wokuthobela
23. Isexwayiso esibhaliwe
24. Isicelo sempendulo
25. Ukuqashwa kwezincwadi yiziphathimandla ezifanele
26. Umhlangano osemthethweni
27. Ukuchithwa kokuvunywa okusemthethweni kanye nezincwadi eziya kuNgqongqoshe
28. Inhlawulo
29. Ukudluliselwa kwamacala kuPhiko lezokuShushisa kuZwelonke i-National Prosecuting Authority

30. Ukudluliselwa kwamacala ngesinqumo seHhovisi noma Ombud
31. Ukushicilelwa kwemibiko nezinqumo zekomidi lamacala

ISAHLUKO 7

UKUPHATHWA KWEZIKHALAZO, UPHENYO KANYE NE-OMBUD

32. Ubani ongafaka isikhalazo
33. Sifakwa kanjani isikhalazo
34. Ukuvuma isikhalazo nesicelo solwazi olwengeziwe
35. Ukuhlungwa kwezikhalazo
36. Izethulo mayelana nezikhalazo
37. Isikhathi sokuqeda ukuhlunga
38. Isinqumo emva kokuhlungwa
39. Ukubambisana nezinye izikhungo
40. Ukudluliselwa kusuka kwezinye izinkampani nasemphakathini
41. Isinqumo sokungaqhubeki nezinye izinyathelo esikhalazweni
42. Uphenyo lwesikhalazo
43. Isaziso esiya esikhungweni sezempilo esiphenywayo
44. Imibiko ngenqubekela phambili
45. Isikhathi sokuqeda uphenyo
46. Irejista yophenyo
47. Umbiko oya kuNgqongqoshe
48. Isaziso ngesinqumo emva kophenyo lwesikhalazo nombiko ngophenyo
49. Ukudluliselwa kanye nemibiko evela kwezinye iziphathimandla zomthetho noma ibhodi noma isikhungo olufanele
50. Ubumfihlo bolwazi

ISAHLUKO 8

UKUHLINZEKELWA OKUJWAYELEKILE

51. Amafomu abekiwe
52. Isihloko esifishane nokuqala
Isithasiselo: Amafomu abekiwe

ISAHLUKO 1**IZINCAZELO, INHLOSO KANYE NOKUSEBENZA****1. Izincazelo nokutolikwa**

(1) Kulemithethonqubo, ngaphandle uma umongo usho okunye, igama noma umusho onikwe incazelo eMthethweni, unencazelo efanayo, futhi -

“uhlobo lwesikhungo sezempilo” kusho uhlobo olubhalwe esigabeni 35 soMthetho;

“isitifiketi sokuthobela” kusho isitifiketi okukhulunywa ngaso kumthethonqubo 18(2), okhishelwe isikhungo sezempilo sikhishwa yiHhovisi;

“isaziso sokuthobela” kusho isaziso okukhulunywa ngaso kumthethonqubo 21(1), ekhishelwe isikhungo sezempilo sikhishwa umhloli;

“uhlelo lokuxwayisa maduze” kusho uhlelo lokugada oluqoqa ulwazi ngezigameko zabasebenzisi ezidinga ukungenelela kwesikhungo sezempilo, iHhovisi noma isiphathimandla esifanele;

“inhloko yesikhungo sezempilo” kusho umnikazi kanye nomsebenzisi wesikhungo sezempilo njengoba kushiwo esigabeni 88(a) soMthetho;

“usizo lokunakekelwa lwezempilo” kubandakanya lonke usizo olumayelana nokuxilongwa kanye nokwelashwa kwesifo, noma ukugqugquzelwa, ukunakekelwa kanye nokubuyiselwa kwesimo sempilo yomuntu kubandakanya ezempilo kumuntu nokungezona ezomuntu okuhlinzekwa yizikhungo zezempilo zikahulumeni nezizimele;

“ukuhlola” kusho ukuvakashela izindawo zezikhungo zezempilo ngenhloso yokuqoqa ulwazi nobufakazi ukuze kuhlolwe ukuthobela noma kuphenywe ngokuphulwa kwesivumelwano sezinkambiso nemigomo ebekiwe;

“umuntu” kusho umuntu womthetho, ngaphandle uma umongo usho okunye;

“umuntu ophethe” kusho umuntu oqashwe njengomuntu ophethe isikhungo sezempilo, ngokomthethonqubo 6(1);

“isiphathimandla esifanele” kusho umnyango wezempilo esifundazweni, umasipala, noma inhloko yesikhungo sezempilo noma abaphathi abakhulu beqembu lesibhedlela esizimele;

“ukuzihlola” kusho ulwazi olutholakala emva kokuhlola okwenziwa yisikhungo sezempilo ngokusebenzisa ithuluzi noma uhlaka lokusebenza olushicilelwe yiHhovisi manje namanje;

“ukuphula isivumelwano” kusho ukwephula izinqubo okuholele ekutheni umsebenzisi alahlekelwe ukusebenza kwengxenywe ethile noma ashone ngokungeyona indalo;

“ubungozi obukhulu” kusho ubungozi obungaba nomthelela omkhulu omubi kwezempilo zomphakathi noma ongaholela ekushoneni noma ekulahlekelweni ukusebenza kwengxenywe ethile;

“uMthetho” kusho uMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wonyaka wango-2003)

“usuku lokusebenza” kusho noma yiluphi usuku ngaphandle komgqibelo, iSonto noma usuku lweholide.

2. Inhloso yeMithethonqubo

Inhloso yaleMithethonqubo ukubeka izinkambiso nezinqubo zokuqoqa ulwazi esikhungweni sezempilo yihhovisi, ukuvunywa okusemthethweni kwesikhungo sezempilo, ukuhlola, ukubhekana nokungathobeli umthetho kwesikhungo sezempilo ngezinkambiso nemigomo ebekiwe, kanye nezinkambiso nezinqubo zokubhekwa, ukuhlola kanye nokukhishwa kwezikhalazo ezimayelana nokungathobeli umthetho ngezinkambiso nemigomo ebekwe yi-Ombud.

3. Isikophu nokusebenza

- (1) Le mithethonqubo isebenza kuzinhlobo zezikhungo zezempilo okukhulunywe ngazo esigabeni 35 soMthetho, kuya ngesigatshana (2).
- (2) Yize umthethonqubo ongaphansi komkhulu (1), ngaphandle kweSahluko 7, le mithethonqubo izosebenza kuphela ngokohlobo lwesikhungo sezempilo uma izinkambiso nemigomo yohlobo lolo lwesikhungo sezempilo sesibekwe nguNgqongqoshe.

ISAHLUKO 2**UKUQOQA ULWAZI KANYE NOKUQOKA KOMUNTU OPHETHE****4. Ukuqoqwa noma ukucelwa kolwazi**

- (1) Zonke izikhungo zezempilo nabasebenzisi ihhovisi eliding ukuthi bahlinzeke ngolwazi olumayelana nezinkambiso nemigomo ebekiwe, ngokwesigaba 79(2)(b) soMthetho, kumele bakwenze lokhu mhla ka-31 kuNdasa wonyaka ngamunye.
- (2) Isicelo solwazi esikhungweni sezempilo, okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sibe ku-Form 1 bese sibandakanya okungenani lolu lwazi olulandelayo:
 - (a) Igama lesikhungo sezempilo;
 - (b) Isimo sezomthetho;
 - (c) Ikheli lendawo;
 - (d) Imininingwane yokuxhumana, kubandakanya imininingwane yocingo, i-imeyli, nesizindalwazi;
 - (e) Amagama kanye nemininingwane yokuxhumana yomuntu ophethe;
 - (f) Uhlobo lwesikhungo sezempilo;
 - (g) isifunda sezempilo isikhungo sezempilo esingena ngaphansi kwaso;
 - (h) usizo oluhlinzekwayo;
 - (i) Izinsuku nezikhathi zokusebenza;
 - (j) Imiphumela yokuzihlola kwakamuva ngokuhambisana nezinkambiso nemigomo ebekiwe.
- (3) IHhovisi lingashicilela isicelo solwazi, okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu (2), kumqulu kahulumeni noma kusizindalwazi salo somphakathi.
- (4) Isicelo solwazi esiphuma kubasebenzisi, okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sihambisane nemininingwane yolwazi oludingekayo kanye nendlela okumele lolu lwazi luthunyelwe ngayo.

- (5) Noma yiluphi ulwazi olungadingwa yihhovisi lesikhungo sezempilo noma abasebenzisi, ngokwesigaba 79(2)(b) soMthetho, lungathunyelwa ngekhompyutha.
- (6) Uma umuntu ophethe, okukhulunywa ngaye kumthethonqubo 6(1), ehluleka ukuhlinzeka ihhovisi ngolwazi oludingekayo esikhathini esibekiwe, ihhovisi kumele lidlulisele udaba kunhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma umnyango wezempilo kamasipala noma inhloko yesikhungo sezempilo, okungenzeka, ukuze kungenelelwe.
- (7) Ngokuhloswe umthethonqubo ongaphansi komkhulu (2) “**isimo somthetho**” kusho isimo sesikhungo sezempilo ngokomthetho, noma ngabe yinkampani ezimele noma ekahulumeni, ezibambisene, isikhwama esisisiwe, inkampani yomuntu oyedwa, izinkampani ezisebenza ngokubambisana noma nanoma yiluphi uhlobo olwaziwa ngumthetho.

5. Izinkomba zobungozi

- (1) Ngokwesigaba 79(1)(d) soMthetho, ihhovisi kumele liqaphe liphinde libonise isikhungo sezempilo kulokhu okulandelayo-
 - (a) Izinkomba zobungozi ngokohlobo lwesikhungo sezempilo;
 - (b) Indlela yokukala nokubala izinkomba zobungozi;
 - (c) Izinga lokuqoqa izinkomba zobungozi; kanye
 - (d) nokubikela ihhovisi ngezinkomba ezinjalo.
- (2) IHhovisi kumele lisebenzise ulwazi okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu (1)-
 - (a) lihlonze izinkomba zobungozi obukhulu ezingeni nasekuphepheni, izigameko ezimbi kanye nezifo ezihlobene nokunakekelwa kwezempilo njengengxenywe yohlelo lokuxwayisa maduzane bese sibika ukuphulwa kwezinkambiso nemigomo kuNgqongqoshe ngaphandle kokulibaziseka; noma
 - (b) sinquma uma kunesidingo sokuhlola njengoba kushiwo kumthethonqubo 14 noma 15, njengoba kungaba njalo.

6. Ukuqokwa komuntu ophethe

- (1) Ihhovisi kumele licele inhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma umnyango wezempilo komasipala noma inhloko yesikhungo sezempilo ukuthi siqoke ukuba umuntu ophethe isikhungo sezempilo kube umuntu usesikhundleni esiphezulu, ozobhekana nazo zonke izindaba eziphathelele nezinkambiso nemigomo ebekiwe.
- (2) Ukuqashwa komuntu ozophatha, okukhulunywa ngakho kumthethonqubo ongaphansi komkhulu (1), kumele kubhalwe phansi futhi kusayindwe yinhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma umnyango wezempilo komasipala noma inhloko yesikhungo sezempilo noma amaxusa abo.
- (3) Ihhovisi kumele ligcine uhla lwemininingwane yabantu abaphethe, kanti nanoma yiziphi izinuqoko noma ushintsho kumininingwane yomuntu ophethe kumele ithunyelwe yilowo muntu eHhovisi ezinsukwini ezingama-20 zokusebenza lwenzekile lolo shintsho.

7. Imisebenzi yomuntu ophethe

- (1) Umuntu ophethe njengoba kushiwo kumthethonqubo 6(2) kumele-
 - (a) ahlinzeke ihhovisi noma i-Ombud ngolwazi oludingekayo ukuze akwazi ukwenza umsebenzi wakhe, njengoba kungaba njalo, ngokoMthetho;
 - (b) ahlinzeke usizokumhloli ekulungiseleleni nangesikhathi kuhlolwa ngokusho kwesigaba 82(1) soMthetho;
 - (c) athole bese eyasho ukuthi usitholile isaziso ngokuthobela ngokusho kwesigaba 82A soMthetho nomthethonqubo 13;
 - (d) ahlinzeke usizo ku-Ombud ngesikhathi sokuhlola ngokusho kwesigaba 81A(1) soMthetho;
 - (e) abheke bese ephendula noma yimuphi umbiko ophuma ehhovisi omayelana nokuthobela kwesikhungo sezempilo ngezinkambiso nemigomo ebekiwe bese esebenzisa izindlela zokulungisa ngezikhathi ezibekiwe;
 - (f) abe nomkhuba wokuthobela izinkambiso nemigomo ebekiwe esikhungweni sezempilo;
 - (g) asungule bese esebenzisa izinhlelo ezizothuthukisa ukuthobela umthetho kwabasebenzi bezempilo abasebenzela isikhungo sezempilo;

- (h) akhiphe ulwazi oluhlinzekwe yihhovisi luye kubasebenzi bezempilo abasebenzela isikhungo sezempilo;
 - (i) agcine irekhodi lakamuva lokuhlola okwenziwe yihhovisi noma uphenyo olwenziwe yi-Ombud, aphinde
 - (j) ahlinzeke ngosizo ehhovisi noma ku-Ombud kuzo zonke izindaba ezimayelana nezinkambiso nemigomo ebekiwe.
- (2) Umuntu ophethe angathumela abanye abantu ngokubhala phansi ukuthi benze eminye yemisebenzi ebekelwe yena, okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1), kungaba umuntu osesikhundleni esiphezulu esikhungweni sezempilo.

ISAHLUKO 3**INSPECTORS AND INSPECTIONS ABAHLOLI NOKUHLOLA****8. Ukuqashwa kwabahloli**

- (1) Umphathi Omkhulu kumele anike umuntu oqashelwe ukuba umhloli ngokwesigaba 80(2) soMthetho isitifiketi sokuqashwa njengomhloli, ngokuhambisana nesigaba 80(3) soMthetho, uma umuntu eluqede ngempumelelo uhlelo lokuqeqeshwa oluphasiswa yihhovisi.
- (2) Isitifiketi sokuqashwa njengomhloli, okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sibe kufomu OHSC 2, futhi sibandakanye, okungenani, lolu lwazi olulandelayo:
 - (a) Igama nesibongo somhloli;
 - (b) Inombolo ehluke yokumhlolwa ehlinzekwa yihhovisi;
 - (c) Usuku esikhishwe ngalo;
 - (d) ikheli nemininingwane yokuxhumana yeHhovisi;
 - (e) Isiginisha yoMphathi Omkhulu; kanye
 - (f) Nefomu elicacile lokuzazisa.

9. Amakhono nesipiliyoni sabahloli

- (1) Umhloli oqashwe ngokwesigaba 80(2) soMthetho kumele-
 - (a) umsebenzi wezempilo okufundele obhaliswe noMkhandlu woNgoti bezeMpilo eNingizimu Afrika i- *Health Professionals Council of South Africa*, uMkhandlu wabaHlengikazi eNingizimu Afrika i-*South Africa Nursing Council*, noma uMkhandlu wezamaKhemisi eNingizimu Afrika i- *South Africa Pharmacy Council*, okukhulunywa ngayo encazelweni “**yomkhandlu wongoti bezempilo osemthethweni**” esigabeni 1 soMthetho;
 - (b) azigcine ebhaliswe nomkhandlu wongoti bezempilo osemthethweni ofanele okukhulunywa ngawo esigabeni (a), isikhathi aqashwe ngaso njengomhloli; futhi
 - (c) abe nesipiliyoni ekulethweni kwezidingo ezibhedlela noma ezindaweni zokunakekelwa kwezempilo emphakathini noma emkhakheni ozimele.

10. Indlela yokuziphatha yabahloli

- (1) UMphathi Omkhulu kumele asungule aphinde aphoqelege indlela yokuziphatha yabahloli abaqokwe ngokwesigaba 80(2) soMthetho.
- (2) IHhovisi kumele lishicilele indlela yokuziphatha yabahloli kumqulu kahulumeni ezinyangeni ezi-3 ekumenyezelweni kwalemithethonqubo.
- (3) Ikhophi yendlela yokuziphatha yabahloli okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1), kumele usayindwe yibo bonke abahloli ngaphambi kokuthi baqale ukusebenza.

11. Amaphepha asemthethweni omuntu ohlinzeka ngosizo

- (1) Uma umhloli ephelezela umuntu okumele amsize ekuhloleni, njengoba kushiwo esigabeni 82(2) soMthetho, uMphathi Omkhulu kumele anike lowo muntu amaphepha asemthethweni.
- (2) Amaphepha asemthethweni okukhulunywa ngawo kumthethonqubo ongaphansi komkhulu (1) kumele abandakanye, okungenani, lolu lwazi olulandelayo:
 - (a) Igama nesibongo somuntu ohlinzeka ngosizo;
 - (b) Inombolo ehlukile yokumhlolwa;
 - (c) Usuku esikhishwe ngalo;
 - (d) Imininingwane yokuxhumana yehhovisi;
 - (e) Isiginisha yoMphathi Omkhulu; kanye
 - (f) nefomu elicacile lokuzazisa.

12. Indlela, izinqubo nohlelo lokuhlola

- (1) IBhodi kumele liphasise indlela yokuhlola yonyaka ukuqondisa imisebenzi yokuhlola yeHhovisi.
- (2) Indlela yokuhlola yonyaka okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1), kumele ushicilelwe emqulwini kahulumeni, ubandakanye, okungenani, lokhu okulandelayo:
 - (a) Indlela yokubeka eqhulwini, ukuhlela nokuhlola; kanye

(b) nezinsizakusebenza nezindleko zokusetshenziswa kwendlela yokuhlola.

- (3) IHhovisi kumele libe nebhuku elinezinqubo zokuhlola kanye namathuluzi okuhlola ukuqinisekisa ukuthi ukuhlolwa kwenziwa ngendlela engaguquki, efanelekile, elinganayo nesobala.
- (4) Umhloli kumele alungise uhlelo lokuhlola, olubeka ngokucacile indlela azohlola ngayo isikhungo ngasinye sezempilo okumele sihlolwe.
- (5) uhlelo lokuhlola okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu (4) kumele ufakwe eSazisweni sokuhlola okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu 13

13. Isaziso sesikhungo sezempilo sokuhlola

- (1) Ngaphambi kokuthi kuqalwe ukuhlola okubhalwe esigabeni 82 soMthetho, umhloli kumele akhiohe isaziso sokuhlola isikhungo sezempilo.
- (2) sokuhlola okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele ube yifomu 3, bese ubandakanya, okungenani, lolu lwazi olulandelayo:
 - (a) Inhloso yokuhlola;
 - (b) Usuku lokuhlola;
 - (c) Isikhathi esilinganisiwe;
 - (d) Uhlelo lokuhlola okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu 12(4);
 - (e) Isibalo sabasebenzi okulindeleke ukuthi babe yingxenye yokuhlola;
 - (f) Imininingwane yokuxhumana yomhloli okunguye obhekele ukuhlola kanye;
 - (g) nezibophezelo zesikhungo sezempilo.
- (3) Isaziso sokuhlola okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sisayindwe uMphathi Omkhulu noma inxusa/isithunywa sakhe.
- (4) Ngaphezu komthethonqubo ongaphansi komkhulu (1), iHHovisi, uma linesizathu sokukholelwa ukuthi ukuthobela okunezidingo sokwazisa okukhulunywe ngaso kumthethonqubo ongaphansi komkhulu (1) kungase kuphazamise ukuphepha komsebenzisi noma izinga lokunakekelwa, lingenza ukuhlolwa okungamenyezelwe esikhungweni sezempilo.

14. Inqubo yokuhlola

- (1) Uma efika emagcekeni esikhungo sezempilo, umhloli kumele azazise kumuntu ophethe ngokuveza -
 - (a) isaziso sokuhlola, okukhulunywa ngaso kumthethonqubo 13(1);
 - (b) isitifiketi sokuqashwa njengomhloli, esikhishwe ngokwesigaba 80(3) soMthetho; kanye
 - (c) Imvume yokungena nokusesha ekhishwe ngokwesigaba 84(5) soMthetho.
- (2) Ngesikhathi sokuhlola, isikhungo sezempilo kumele senze kutholakale abasebenzi, izinsizakusebenza kanye nendawo okudingekayo ukuze abahloli bezoqeda ukuhlola kwabo ngesikhathi nangokushesha.
- (3) Umhloli angambuza noma yimuphi umsebenzisi, ohlalayo, umsebenzi wezempilo noma yinoma yimuphi umuntu osemagcekeni esikhungo sezempilo, ngolwazi oluphathelele nokuhlola, noma acele umuntu ophethe akhiphe amaphepha athile, amarekhodi noma izinto zokuhlola.
- (4) Umuntu ophethe angahlinzeka umhloli ngolwazi olufanele, amaphepha, amarrekhodi, noma izinto ukuze zibhekwe ngesikhathi sokuhlola.
- (5) Ezinsukwini ezingama-20 zokusebenza emva kokuqedwa kokuhlola, umhloli angahlinzeka umuntu ophethe ngemiphumela yakutholile ebhalwe phansi.
- (6) Imiphumela yakutholile kumele-
 - (a) kuhlonze okuyizona zindawo ezingahambisani/ezingathobeli izinkambiso nemigomo ebekiwe;
 - (b) kuveze imiphumela yokungathobeli, okubhalwe esigabeni 82A(2) naku(4) soMthetho;
 - (c) kuveze izinyathelo okumele zithathwe ukuze kuthotshelwe kanye nezikhathi okumele kulungiswe ngazo.
- (7) Umhloli kumele ahlinzeke umuntu ophethe izinsuku ezingaphansi kwezingama-20 zokusebenza zokuthi aphenhule kulokhu okuyimiphumela evelile ngokubhala phansi.

- (8) Ezinsukwini ezingama-20 emva kokuthola impendulo eshiwo kumthethonqubo ongaphansi komkhulu 7, umhloli kumele ayibheke leyo mpendulo bese ekhipha umbiko wokugcina awunike umuntu ophethe.
- (9) Emva kokukhishwa kombiko wokugcina oshiwo kumthethonqubo ongaphansi komkhulu 8, umhloli -
- (a) angaphakamisa ehhovisi ukuthi likhiphe isitifiketi sesikhungo sezempilo, ngokwesigaba somthethonqubo 18(2); noma
 - (b) kumele akhiphe isaziso sokuthobela esikhungweni sezempilo, ngokwesigaba 82A(1) soMthetho, uma kukhona izinkambiso nemigomo yokuthobela engalandelwanga.

15. Okunye ukuhlola

- (1) Umhloli, noma ingasiphi isikhathi, ngokwesigaba 82(1) soMthetho, angenza okunye ukuhlola, inqobo nje uma enazo izizathu zokukholelwa ukuthi -
- (a) lokhu kuhlola kuyadingeka ukuze kutholakale ukuthi ukungathobeli sekulungisiwe esikhungweni sezempilo;
 - (b) isikhungo sezempilo siphula uMthetho noma noma yimiphi eminye imithethonqubo efanele;
 - (c) kukhona ukwep hulwa kwezinkambiso nemigomo, uma kubhekwa ezinkombeni zobungozi; noma
 - (d) Imiphumela ye-Ombud iveza ukuthi ukuqhubeka nosizo oluhlinzekiwe esikhungweni sezempilo kungadala ubungozi obukhulu kubasebenzisi noma abasebenzi bezempilo.
- (2) Ukuhlinzekela komthethonqubo ongaphansi komkhulu (1) noma (4) komthethonqubo 13 usebenza, noshintsho olufanele, ekuhlolweni okushiwo kulomthethonqubo.

ISAHLUKO 4**UKUHLOLWA KWESIKHUNGO SEZEMPILO****16. Ulwazi ngendlela yokuhlola**

- (1) Ihhovisi emasontweni ama-2 okuqala konyakamali, lingasiza inhloko yomnyango wezempilo kuzwelonke noma esifundazweni, kumphathi kamasipala noma uma kuyisikhungo sezempilo esizimele, inhloko yesikhungo sezempilo, noma iqembu labaphathi abakhulu lezibhedlela ezizimele, ngendlela yalo yokuhlola.
- (2) Ngokuhloswe yisivumelwano/imvume okukhulunywe ngayo kumthethonqubo ongaphansi komkhulu (1), ihhovisi lingathumela isu lokuhlola onyaka enhlokweni yomnyango wezempilo kuzwelonke noma esifundazweni, kumphathi kamasipala noma inhloko yesikhungo, noma iqembu lezibhedlela ezizimele okuqukethe ulwazi ngendlela okuhlolwa ngayo.

17. Imvume yokungena, yokuhlola nokusesha

- (1) Umhloli ngokwesigaba 82(1) soMthetho, angangena esikhungweni sezempilo, noma ingasiphi isikhathi, ukuze enze ukuhlola njengokusho kwesigaba 82(1) soMthetho.
- (2) Uma ingatholakali imvume yokungena niseshe amagceke ngenhloso yokuhlola, ihhovisi kumele lifake isicelo semvume ngokwesigaba 84(1) soMthetho.
- (3) Isicelo semvume kumele sibandakanye, okungenani, lolu lwazi olulandelayo -
 - (a) igama nekheli lesikhungo sezempilo okumele sihlolwe; uma kwenzeka indawo noma izindawo zesikhungo sezempilo lapho imvume iqondene nazo;

- (b) izidingo zomthetho ezengamele ukuhlola;
 - (c) izizathu nokugqugquzela ukuhlola; kanye
 - (d) nemiphumela yakamuva yokuhlola, uma isikhungo sike sahlolwa phambilini.

- (4) Ngokwesigaba 84(3) soMthetho, umhloli angafaka imibuzo noma yimuphi umsebenzisi, ohlalayo, umsebenzi wezempilo noma namuphi umuntu osemagcekeni esikhungo sezempilo, inqobo nje uma-
 - (a) emchazelile umsebenzisi, ohlalayo noma namuphi umuntu ngamalungelo akhe, kubandakanya amalungelo abo okuthula bangasho lutho noma basho okungase kubacindezele; futhi
 - (b) ethole -
 - (i) imvume ebhaliwe ephuma kumsebenzisi, ohlalayo noma namuphi umuntu osemagcekeni ngokumfaka imibuzo noma ukuqoshwa kwenkulumongxoxo; noma
 - (ii) imvume ngomlomo ephuma kumsebenzisi, ohlalayo noma namuphi umuntu osemagcekeni ngokumfaka imibuzo noma ukuqoshwa kwenkulumongxoxo, kukhona ofakazi.

- (5) Phezu komthethonqubo ongaphansi komkhulu (1), umhloli angangena aseshe amagceke ngaphandle kwemvume ngokwesigaba 86(b) soMthetho, uma sikhona izizathu sokukholwa ukuthi, uma kufakwa isicelo sayo, imvume yokungena nokusesha ingakhishwa nokuthi ukulibaziseka kokuthola imvume kungabulala inhloso yemvume.

ISAHLUKO 5**UKUVUNYWA OKUSEMTHETHWENI****18. Ukuvunywa okusemthethweni kwesikhungo sezempilo**

- (1) Ihhovisi kumele ezinsukwini ezi-5 zokusebenza emva kokuthola izincomo zokuvunywa ngokusemthethweni kwesikhungo sezempilo okukhulunywa ngakho kumthethonqubo 14(9)(a) nokuvuselelwa kokuvunywa okusemthethweni okukhulunywa ngakho kumthethonqubo 19(1) , iHhovisi kumele lihlinzeke isikhungo sezempilo elihlangabezana nazo zonke izidingo ngesitifiketi sokuthobela.
- (2) Isitifiketi sokuthobela okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele-
 - (a) sisayindwe uMphathi Omkhulu bese sibekwa lapho umphakathi uzosibona khona esikhungweni sezempilo siphinde sifakwe kusizindalwazi somphakathi; futhi
 - (b) kumele sibe kufomu 4, siphinde , okungenani sibe nalolu lwazi olulandelayo:
 - (i) igama nekheli lendawo yesikhungo sezempilo;
 - (ii) uhlobo lwesikhungo sezempilo;
 - (iii) ikheli lokuthumela ngezinqubo zezomthetho nezaziso, uma lihlukile kwelendawo;
 - (iv) usuku okwagcinwa ngalo ukuhlola;
 - (v) usuku lokuphelelwa yisikhathi kwesitifiketi.

19. Ukuvuselelwa nokwelulwa kokuvunywa okusemthethweni

- (1) Isikhungo sezempilo kumele, esikhathini esingadlulile ezinyangeni eziyisithupha ngaphambi kokuphelelwa yisikhathi kwesitifiketi sokuthobela okukhulunywa ngaso kumthethonqubo 18(1), sithumele isicelo sokuvuselela isitifiketi ehhovisi.
- (2) Isicelo sokuvuselela isitifiketi sokuthobela kumele sibe sefomini 6, bese sibandakanya ukuzihlola konyaka kwesikhungo sezempilo kokuhambisana nezinkambiso nemigomo ebekiwe kanye nezinhlelo zakamuva zokuthuthukisa izinga.

- (3) Ukuvuselelwa kwesitifiketi sokuthobela kumele kuye ngokuthi zithini iziphakamiso ngesitifiketi okukhulunywa ngaso kumthethonqubo 14(9)(a), kanjalo nokuthobela kwesikhungo sezempilo nezidingo ezikumthethonqubo ongaphansi komkhulu (2).
- (4) Ihhovisi lingelula isimo sesitifiketi sesikhungo sezempilo esifake isicelo sokuvuselela ngokwesigaba somthethonqubo ongaphansi komkhulu 19(1) isikhathi esingekho ngaphezu konyaka owodwa kusukela ngosuku lokuphelelwa yisikhathi, ukuze kunike ihhovisi ithuba lokuhlela nokwenza ukuhlola ngenhloso yokuvuselela isitifiketi.

20. Ukumiswa kokuvunywa okusemthethweni

- (1) Isitifiketi sokuthobela esikhishwa ngokomthethonqubo 18(2), siba semthethweni isikhathi esingekho ngaphezulu kweminyaka emine, ngaphandle uma sengeziwe isikhathi njengokusho komthethonqubo 19(4).
- (2) Phezu komthethonqubo ongaphansi komkhulu (1), isaziso sokuthobela okukhulunywa ngaso kumthethonqubo 21(1), uyakumisa ukuba semthethweni kwesitifiketi sokuthobeka okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kuze kube ukuthi imibandela ekusaziso sokuthobela iyalandelwa yonke.
- (3) IHhovisi kumele, ezinsukwini eziyi-15 zokusebenza zokuqinisekiswa kokugcwaliseka kwemibandela yokuthobela okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (2), liphinde liqinisekise isimo sesikhungo sezempilo sokuthobela.

ISAHLUKO 6**ISAZISO SOKUTHOBELA, UKUSETSHENZISWA KOMTHETHO NOKUDLULISWA
KWAMACALA****21. Isaziso sokuthobela esikhungweni sezempilo**

- (1) Umhloli kumele-
 - (a) emva kokukhipha umbiko, anike umuntu ophethe isaziso sokuthobela ngokwesigaba 82A(1) soMthetho, uma izinkambiso nemigomo ebekiwe ingalandeliwe, noma
 - (b) noma ingasiphi isikhathi ngesikhathi sokuhlola, anike umuntu ophethe isaziso sokuthobela ngokwesigaba 82A(1) soMthetho, uma kukhona izizathu ezibambekayo zokukholelwa ukuthi isikhungo sezempilo noma ingxenye yaso inobungozi empilweni yomphakathi noma kubasebenzisi bezempilo.
- (2) Isaziso sokuthobela okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sibe kufomu 7, bese liqukatha lonke ulwazi oluvezwe esigabeni 82A(2) soMthetho.
- (3) Umuntu ophethe kumele, esikhathini esibekwe kusaziso sokuthobela, ahlinzeke umhloli ngohlelo lokuthuthukisa izinga lokusebenza esikhungweni sezempilo -
 - (a) izinto ezizokwenziwa ukuze kufinyelelwe ekuthobeleni umthetho; kanye
 - (b) nesikhathi okuzokwenzeka ngaso lokhu.
- (4) Uma isikhungo sezempilo singakwazi ukulandela isaziso sokuthobela esikhishwe ngokwesigaba 82A(1) soMthetho, ihhovisi lingase lichithe noma yisiphi isigwebo esisohlwini olusesigabeni 82A(4) soMthetho.

22. Ukusetshenziswa komthetho wokuthobela

- (1) IHhovisi kumele lisungule inqubomgomo yokusetshenziswa komthetho ebeka indlela ihhovisi eliyisebenzisayo ukuphoqeleta ukuthobela.
- (2) UMphathi Omkhulu kumele ashicilele inqubomgomo yokusetshenziswa komthetho okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1) kanye nanoma ikuphi

okudinga ukuchitshiyelwa emva kwalokho, kusomqulu kahulumeni, ezinsukwini zokusebenza ezingu-25 emva kokuphasiswa yiBhodi.

- (3) Ukuphoqeelewa kokusetshenziswa komthetho kumele kwenziwe ngendlela eqhubekayo, emva kokubheka lokhu okulandelayo, mayelana nesikhungo sezempilo:
- (a) uhlobo nokuba bukhulu bokungathobeli izinkambiso nemigomo ebekiwe kanye nemiphumela elandela lapho;
 - (b) umlando wokuthobela umthetho wesikhungo sezempilo;
 - (c) izikhathi zokwenzeka kwamacala mayelana nezinkambiso nemigomo ebekiwe;
 - (d) noma imaphi amacala enziwe yisikhungo sezempilo ngowesigaba 89(1)(a) kuya ku(c) woMthetho; kanye
 - (e) nezinto zokuzikhalela noma ezihluphayo.

23. Isexwayiso esibhaliwe

- (1) Ihhovisi linganika umuntu ophethe isexwayiso esibhaliwe, ngokwesigaba 82A(2)(a) soMthetho, ngokuhluleka ukulandela isaziso sokuthobela okukhulunywa ngaso kumthethonqubo 21(1)(a).
- (2) Isexwayiso esibhaliwe esinikwa umuntu ophethe okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1) kumele ube sefomini 8, bese libandakanya okungenani lolu lwazi olulandelayo-
- (a) Igama lomuntu esibhekiswe kuye kanye nosuku;
 - (b) isikhungo sezempilo isexwayiso esibhekiswe kuso,
 - (c) izinkambiso nemigomo ebekiwe engalandelwanga;
 - (d) uhlobo nobunzulu /ubukhulu bokungathotshelwa komthetho;
 - (e) imizamo eyenziwe isikhungo sezempilo ukulungisa ukungathotshelwa komthetho; kanye
 - (f) nezinyathelo esezithathwe yiHhovisi ukuqinisekisa ukuthotshelwa komthetho.

24. Isicelo sempendulo

- (1) Uma iHhovisi linika umuntu ophethe isexwayiso esibhaliwe, kumele licele impendulo ebhaliwe kulowo muntu ophethe isikhungo sezempilo ngokwesigaba 82A(4)(b) soMthetho, bese sibeka isikhathi okumele isikhungo sezempilo siphendule ngaso siphinde sibeke nemiphumela yokungaphenduli.

- (2) Umuntu ophethe kumele avume ukuthi isexwayiso esibhaliwe usitholile lesi okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), akubhale phansi lokho.
- (3) Uma umuntu ophethe isikhungo sezempilo ehluleka ukuphendula isicelo sempendulo okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), noma enikeza impendulo engagculisi, iHhovisi lingase-
- (a) lenze isiphakamiso kuziphathimandla ezifanele zokungenziwa okufanele, ngokwesigaba 82A(4)(c) soMthetho;
 - (b) libize umhlangano wokuqondiswa kwezigwegwe ukuze ubheke ukuchithwa kwesitifiketi sokuthobela noma ukubizwa kwenhlawulo, ngokwesigaba 82A(4)(d) kanye no-82A(4)(e) soMthetho, ngokulandelana; noma
 - (c) lidlulisele udaba eMkhandlwini wokuShushisa kuZwelonke ukuze kushushiswe ubugebengu, ngokwesigaba 82A(4)(f) soMthetho.

25. Ukuqapha izincomo kuziphathimandla ezifanele

Uma isiphakamiso/isincomo senziwa kuziphathimandla ezifanele ngokomthethonqubo 24(3)(a), iHhovisi kumele liqaphe liphinde libike kuNgqongqoshe ngokuqalisa ukusebenza okushiwo kuziphakamiso ezenziwe yiziphathimandla ezifanele.

26. Umhlangano osemthethweni

- (1) Ngaphambi kokuchitha isitifiketi sokuthobela noma ukugagula inhlawulo, iHhovisi kumele lazise isikhungo sezempilo ngenhloso yalo yokuchitha isitifiketi sokuthobela noma yokugagula inhlawulo, noma ikuphi okusebenzayo, bese libiza umhlangano ukuze lizonika umnyango wezempilo ithuba lokuziphendulela, ngaphambi kokuthathwa kwesinqumo esingujuqu.
- (2) UMphathi Omkhulu kumele aqoke umuntu ofanele ukuba ngusihlalo womhlangano ohlelwe ngokomthethonqubo ongaphansi komkhulu (1).
- (3) Umuntu okukhulunywa ngaye kumthethonqubo ongaphansi komkhulu (2) angaqasha abantu abangaphezulu kwaba-2 abanamakhono obuchwepheshe kulokhu okufanele njengabasizi uma kunesidingo.

- (4) Usihlalo womhlangano kumele ahlinzeke ngesaziso esibhaliwe ihhovisi kanye nesikhungo sezempilo izinsuku okungenani eziyi-10 zokusebenza ukulungiselela umhlangano futhi -
- (a) angase acele ukuziphendulela okubhaliwe macala omabili ukuthi kuthunyelwe kuye ezinsukwini ezi-5 zokusebenza ngaphambi kosuku lomhlangano;
 - (b) angase avumele ukuthi amacala omabili ethule ubufakazi ngomlomo noma omunye umuntu onentshisekelo, uma efake isicelo sokwenza njalo, mayelana nalolu daba.
- (5) Isaziso somhlangano okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1) kumele sibe sefomini 8, futhi libandakanye okungenani lolu lwazi olulandelayo:
- (a) isikhathi kanye nendawo okuzobanjelwa kuyo umhlangano;
 - (b) isihloko sodaba umhlangano omayelana naso;
 - (c) amalungelo ngokomthetho abantu abathintekayo kanye nokuthi bangawasebenzisa kanjani;
 - (d) amaphepha afunekayo, amarekhodi, noma izinto, uma kukhona, kanye
 - (e) nemiphumela yokuhluleka ukuzothamela umhlangano.
- (6) Inqubo yokuhutshwa komhlangano ebhalwe kumthethonqubo ongaphansi komkhulu (1) kumele ihlonzwe ngumuntu onguSihlalo womhlangano.
- (7) Umhlangano wokulalelwa kodaba -
- (a) kumele uqhutshwe ngendlela esheshayo futhi uhambisane nezimiso zobulungiswa; ubekwe kuMthetho i-Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);
 - (b) ungaqhutshwa ngokungekho emthethweni kakhulu, kuhambisane nesigaba (a); futhi
 - (c) kumele umphakathi ukwazi ukuwuthamela, kodwa umuntu ongosihlalo kulowo mhlango angabashiya ngaphandle abantu bomphakathi, noma abantu abathile noma amaqembu athile abantu, ekuthameleni izinqubo zomhlangano-
 - (i) uma ubufakazi obuzokwethulwa buwulwazi oluyimfihlo, kodwa kungukuthi ulwazi angeke lukwazi ukuvikeleka;
 - (ii) uma ukuqhutshwa komhlangano okufanele kubudinga; noma
 - (iii) Ngesinye isizathu esamukelekile lokho kuzomukelwa ezinqubweni zaseNkantolo

- (8) Ekupheleni komhlangano, umuntu ongunusihlalo engenza isincomo ehhovisi lokuchitha noma lokungachithi isitifiketi sokuthobela kwesikhungo sezempilo, noma ukugagula inhlawulo, njengoba kungaba njalo, kodwa hhayi kokubili.
- (9) Ihhovisi kumele, ezinsukwini eziyi-10 zokusebenza emva komhlangano, lithathe isinqumo bese lihlinzeka isikhungo sezempilo ngezizathu ezibhalwe phansi ngesinqumo esibi/esingenza igama elibi.
- (10) Ngokuhloswe yilomthethonqubo “**umuntu ofanele**” kusho umuntu onolwazi oluningi kanye nesipiliyoni ekuphathweni komthetho nezinkambiso kanye nemigomo yesikhungo sezempilo kanjalo nemithetho ejwayelekile kanye nemithethonqubo esebenza emkhakheni wezikhungo zezempilo.

27. Ukuchithwa kwesitifiketi kanye nezincomo eziya kuNgqongqoshe

- (1) Uma isikhungo sezempilo sihluleka ukulandela isaziso sokuthobela okukhulunywa ngaso kumthethonqubo 21(1)(b), iHhovisi lingase, emva kokulandela umthethonqubo 26(1), lichithe isitifiketi sokuthobela sesikhungo sezempilo bese senza isincomo kuNgqongqoshe sokuthi isikhungo sezempilo sivalwe okwesikhashana noma sivalwe unomphelo noma ingxenye yaso enobungozi ezimpilweni zomphakathi noma empilweni yabasebenzisi, ngokwesigaba 82A(4)(d) soMthetho.
- (2) Isincomo esiya kuNgqongqoshe ngokomthethonqubo ongaphansi komkhulu (1) kumele sibhalwe phansi futhi sibandakanye lolu lwazi olulandelayo:
 - (a) imininingwane yokungathobeli umthetho;
 - (b) uhlobo nobukhulu bobungozi obungatholwa umphakathi noma abasebenzisi,
 - (c) isikhathi sokungathobeli;
 - (d) imiphumela yokuqhubeka nokungathobeli umthetho;
 - (e) inkomba yengxenye noma izingxenye yesikhungo sezempilo okumele zivalwe, kanye
 - (f) nolunye ulwazi oluqondene nalokhu.
- (3) Ngaphambi kokusebenzisa amandla akhe ngokomthethonqubo ongaphansi komkhulu (1), uNgqongqoshe kumele alandele i- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

28. Inhlawulo

- (1) Ngaphambi kokugagula inhlawulo ngokwesigaba 82A(4)(e) soMthetho, nasemva kokulandela umthethonqubo ongaphansi komkhulu 26(1), iHhovisi lingase lihlinzeke isikhungo sezempilo ngethuba lokuthumela isicelo sozwelo.
- (2) Inhlawulo ebhalwe esigabeni 82A(4)(e) soMthetho akumele idlule le ebekwe nguNgqongqoshe.
- (3) Ekuhlonzeni inhlawulo efanele, iHhovisi kumele libheke lokhu-
 - (a) uhlobo nobukhulu bokungathobeli umthetho;
 - (b) imizamo eyenziwe isikhungo sezempilo ukusombulula sokungathobeli umthetho;
 - (c) noma yiziphi izicelo zozwelo ezilethwe yisikhungo sezempilo; kanye
 - (d) nomthelela wenhlawulo kwezezimali zesikhungo sezempilo.
- (4) Uma inhlawulo ikhishwe ngokwesigaba 82A(4)(e) soMthetho isikhungo sezempilo kumele, ezinsukwini ezingama-20 zokusebenza siphumile isinqumo, sikhokhe leyo nhlawulo ku-akhawunti efanele okukhulunywe ngayo kumthethonqubo ongaphansi komkhulu (5).
- (5) IHhovisi kumele lisungule liphinde ligcine i-akhawunti eseceleni okuzokhokhelwa kuyo izinhlawulo ngokuhlinzekelwa nguMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho nombolo 1 wangonyaka ka-1999).

29. Ukudluliselwa kwamacala kuPhiko lezokuShushisa kuZwelonke i-National Prosecuting Authority

- (1) Phezu komthethonqubo 23, iHhovisi lingase, noma ingasiphi isikhathi, lidlulisele icala kuPhiko lezokuShushisa kuZwelonke ukuze lishushiswe njengobugebengu, ngokwesigaba 82A(4)(f) soMthetho, uma kunokuhluleka ukulandela isaziso sokuthobela esikhishwe ngokoMthetho sibhekwe salingana necala lobugebengu ngokwesigaba 89(1) soMthetho.
- (2) Ngokuhloswe umthethonqubo ongaphansi komkhulu (1), iHhovisi kumele lilungise liphinde linikezele bonke ubufakazi obufanele kumshushisi wesikhungo sezempilo kuPhiko lezokuShushisa kuZwelonke.

30. Ukudluliswa kwamacala ngesinqumo sehhovisi noma i-Ombud

- (1) Isicelo sokudlulisela icala kuNgqongqoshe ngokwesigaba 88A(1) soMthetho kumele sifakwe ngesaziso esibhaliwe.
- (2) Isaziso okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1) ongenhla kumele ube sefomini 9, futhi kumele sibhale izizathu zokufaka isiceo sokudlulisela icala kanye nolwazi olwanele noma amaphepha eseka isicelo sakho sokudlulisela icala.
- (3) Inkundla yamacala yesikhashana ebhalwe kusigaba 88A(2) soMthetho kumele ihlonze imithetho nezinqubo okuzoqhutshwa ngazo izinqubo zayo.
- (4) Izinqubo zenkundla yamacala kumele umphakathi ukwazi ukuwuthamela, kodwa umuntu ongusihlalo wenkundla yamacala angabashiya ngaphandle abantu bomphakathi, noma abantu abathile noma amaqembu athile abantu, ekuthameleni izinqubo zomhlangano-
 - (a) uma ubufakazi obuzokwethulwa buwulwazi oluyimfihlo, kodwa kungukuthi ulwazi angeke lukwazi ukuvikeleka;
 - (b) uma ukuqhutshwa komhlangano okufanele kubudinga; noma
 - (c) ngesinye isizathu esizwakalayo lokho kuzomukelwa ezinqubweni zaseNkantolo

31. Ukushicilelwa kwemibiko nezinqumo zenkundla yamacala

- (1) IHhovisi kumele-
 - (a) ezinsukwini ezingu-25 zokusebenza likhiphe isinqume, lishicilele isinqumo senkundla yamacala yesikhashana kusomqulu kahulumeni nakusizindalwazi somphakathi;
 - (b) njalo ezinyangeni eziyisithupha lishicilele kusizindalwazi salo noma kunoma yiyiphi inkundla yokwazisa umbiko okhuluma ngalokhu-
 - (i) ukuhlola okwenziwe kanye negama nendawo yesikhungo;
 - (ii) izitifiketi zokuthobela ezikhishiwe ezinegama nendawo yesikhungo;
 - (iii) imihlangano yokulalelwa kwamacala ebanjiwe ibe negama nendawo yesikhungo kanye nomphumela;

- (iv) izincomo ezenziwe kuziphathimandla ezifanele ngokwesigaba 79(1)(e); kanye
- (v) nezikhalazo ezifikile zasonjululwa yi-Ombud, ngokwezinhlelo
- (c) njalo ngonyaka, lishicilele kusizindlwazi salo noma kunoma yiyiphi inkundla yokwazisa umbiko okhuluma ngalokhu
 - (i) ibeke isimo sokuthobela sazo zonke izikhungo zezempilo; kanye
 - (ii) sifinqe isibala kanye nohlobo lwezaziso zokuthobela ezikhishiwe.

ISAHLUKO 7

UKUPHATHWA KWEZIKHALAZO NOPHENYO

32. Ubani ongafaka isikhalazo

- (1) Noma ubani angasifaka isikhalazo ku-Ombud, ngokwesigaba 81A(1) soMthetho, uma isikhungo sezempilo sephula noma yiziphi izinkambiso nemigomo ebekiwe.
- (2) Noma yimuphi umuntu, umnakekeli noma omelet umuntu owahlinzekwa ngosizo lwezempilo, angasifaka isikhalazo ku-Ombud.
- (3) Isikhalazo singabhekwa yi-Ombud yize noma umuntu ofanele okukhulunywa ngaye kumthethonqubo ongaphansi komkhulu (2), uma-
 - (a) umuntu eshona futhi, uma umuntu esaphila, wasifaka isikhalazo ngalolo daba oluthile noma;
 - (b) Umuntu efake isikhalazo wase eyashona ngaphambi kokuthi isikhalazo sibhekwe sifike emaphethelweni.
- (4) Uma umthethonqubo ongaphansi komkhulu (3)(a) usebenza, isikhalazo singenziwa egameni lomuntu.
- (5) Uma umthethonqubo ongaphansi komkhulu (3)(b) usebenza, i-Ombud ingase, ngesicelo esenziwe omunye umuntu, imvumele lowo muntu angene endaweni yalowo ofake isikhalazo.

- (6) Uma isikhalazo sasifakwe ngokomthethonqubo ongaphansi komkhulu (2) ommele umuntu owayehlinzekwe ngosizo lwezempilo, ngaphandle kwezimo ezibhalwe kumthethonqubo ongaphansi komkhulu (3), i-Ombud ingacela umuntu owayehlinzekwe ngosizo lwezempilo aqinisekise ukuthi nguye ngempela ofake isicelo.

33. Usifaka kanjani isikhalazo

- (1) Isikhalazo ku-Ombud singafakwa -
- (a) ngomlomo, kubandakanya ukushaya ucingo; noma
 - (b) Ngokubhala, kubandakanya ukuthumela i-imeyli noma ngezinye izindlela zekhompuyutha.
- (2) Uma isikhalazo sifakwe ngomlomo, i-Ombud kumele-
- (a) siqophe isikhalazo; futhi
 - (b) Sicele umuntu ofake isikhalazo aqinisekise ukuthi okuqoshiwe kuyikho.
- (3) I-Ombud kumele inike umuntu ofaka isikhalazo usizo olufanele mayelana nokufaka isikhalazo, iphinde yenze okudinga ukwenziwa ukuqinisekisa ukufinyeleleka kwe-Ombud ngabasebenzisi bosizo lwezempilo kanye nabanye abantu abathintekayo.
- (4) Isikhalazo kumele siqukathe ulwazi olwanele mayelana nesikhalazo nalowo ofaka isikhalazo, kubandakanya ubufakazi noma izizathu zokufaka isikhalazo, kanye neminye imininingwane engase idingwe yi-Ombud ukuze ibhekane nesikhalazo.

34. Ukuvuma isikhalazo nesicelo solwazi olwengeziwe

- (1) I-Ombud kumele ivume ukuthi isikhalazo isitholile emahoreni angama-48 okufakwa kwesikhalazo ngendlela eyiyo.
- (2) I-Ombud ingase icele olunye ulwazi kulowo ofaka isikhalazo, okumele luhlinzekwe esikhathini esibhalwe esicelweni.
- (3) I-Ombud ingase ingasibheki isikhalazo, noma iqhubeke nokubheka isikhalazo, kuze kube ukuthi umuntu ofake isikhalazo usilandelele isicelo njengoba kukumthethonqubo ongaphansi komkhulu (2), ngendlela umuntu ofake isikhalazo azokwazi ukusilandela ngayo lesi sicelo.

- (4) Ukungalandeli okushiwo yisicelo kwalowo ofake isikhalazo kungenza ukuthi kuthathwe isinqumo sokuthi kungabe kusaqhutshekwa nesikhalazo.

35. Ukuhlungwa kwezikhalazo

- (1) Inhloso yokuhlungwa kwezikhalazo ukuthola nokucwaninga ulwazi oluhambisana nesikhalazo bese kunqunywa ukuthi yiyiphi indlela efanele okungaqhutshekwa ngayo ngalesi sikhalazo.
- (2) Ukuhlungwa kungenziwa ngendlela ayibona ifanele u-Ombud, kubandakanya–
- (a) ukucubungula ulwazi oluhlinzekwe yilowo ofaka isikhalazo;
 - (b) ukucubungula ulwazi olutholwe ngokomthethonqubo 34(2) kulowo ofaka isikhalazo;
 - (c) ukubheka izethulo ezitholwe ngokomthethonqubo 36(1) kulowo ofake isikhalazo noma isikhungo sezempilo esifanele noma namuphi omunye umuntu noma isikhungo;
 - (d) ukuxhumana nalowo ofake isikhalazo noma isikhungo sezempilo esifanele; noma
 - (e) Ukuxoxisana nanoma yimuphi umuntu noma isikhungo onolwazi lobuchwepheshe olufanele mayelana nodaba lwesikhalazo.

36. Izethulo mayelana nezikhalazo

- (1) I-Ombud inganika isaziso lowo ofaka isikhalazo noma isikhungo sezempilo esifanele, ecela ukuba bathumele izethulo mayelana neisikhalazo, okumele zifike ku-Ombud ngesikhathi esibekiwe.
- (2) Isikhathi okumele izethulo zifike ngaso kumele sibe esikahle, kodwa akumele sibe ngaphezu kwezinsuku eziyi-20 zokusebenza kusukela ngosuku lwesaziso.
- (3) I-Ombud kumele abheke isethulo ngasinye esitholwe esikhathini okukhulunywe ngaso kumthethonqubo 36(1).

37. Isikhathi sokuqeda ukuhlunga

- (1) I-Ombud kumele iqede ukuhlunga ezinsukwini eziyi-15 zokusebenza emva kokufakwa kwesikhalazo noma emva kokuthola ulwazi olwengeziwe ngokomthethonqubo 34(2).
- (2) I-Ombud ingasengeza isikhathi sokuhlunga isikhalazo ngesikhathi esingaba izinsuku ezingu-15 zokusebenza uma kunesidingo ngenxa -
- (a) yobukhulu noma ubunzima besikhalazo; noma
 - (b) Isikhathi esithathiwe ukuthola ulwazi olwengeziwe ngokomthethonqubo 34(2) noma izethulo ngokomthethonqubo 36(1).

38. Isinqumo emva kokuhlungwa

Emva kokuqeda ukuhlunga, i-Ombud kumele-

- (a) yenze isinqumo ngokuthi-
 - (i) siphanye isikhalazo;
 - (ii) sidlulisele isikhalazo kwezinye iziphathimandla zomthetho noma elinye ibhodi noma isikhungo esifanele; noma
 - (iii) sithathe ezinye izinyathelo ngesikhalazo; siphinde
- (b) sinike lowo ofake isikhalazo kanye nesikhungo sezempilo esifanele isaziso sezinqumo.

39. Ukusebenzisana nezinye izikhungo

I-Ombud kumele ixoxisane iphinde isebenzisane nezinye izikhungo zikahulumeni ezenza imisebenzi efana noma enomthelela, emisebenzini ye-Ombud.

40. Ukudluliselwa kwamacala esuka kwezinye izikhungo nomphakathi

Uma i-Ombud seyazi ngodaba oluthile, ngaphandle kwesikhalazo esisemthethweni, ngokudluliselwa lusuka-

- (a) esikhungweni sezempilo;
- (b) ezinye iziphathimandla zomthetho noma elinye ibhodi noma isikhungo esifanele, kubandakanya iHhovisi; noma

- (c) noma yingayiphi enye indlela bese inquma ukubhekana nodaba, i-Ombud ingase, ngokuvumelana nomuntu ofanele, ibhekane nodaba sengathi yiyo isikhalazo bese kuthi umuntu abe yilowo ofake isikhalazo

41. Isinqumo sokungaqhubeki nesikhalazo

- (1) Noma yingasiphi iskhathi, i-Ombud inganquma ukungaqhubeki nesikhalazo uma i-Ombud ithola ukuthi-

- (a) lowo ofaka isikhalazo -

- (i) asinangqondo, angeke siphumelele, siwubala noma asenziwe ngokwezinjongo ezinhle;
- (ii) asizwakali kahle noma asinaso isiqo;
- (iii) sibhekwa esinye isikhungo esifanele ngendlela egculisayo;
- (iv) i-Ombud noma isikhungo esifanele isisombulule noma isiqede ngendlela efanele; kanye
- (v) phezu kwemizamo eyenziwe yi-Ombud noma isikhungo esifanele, angeke sikwazi ukusombululeka; noma

- (b) lowo ofake isikhalazo-

- (i) uhlulekile, ngaphandle kwesizathu esizwakalayo, —
 - (aa) ukusebenzisana ne-Ombud ngendlela egculisayo ukuze basombulule isikhalazo; kanye
 - (bb) Ukulandela isicelo esenziwe yi-Ombud ngolwazi olwengeziwe, ubufakazi noma izethulo ezidingwa yi-Ombud ukuze ibhekane kahle nesikhalazo.

- (2) I-Ombud ingase inqume ukungaqhubeki nodaba uma—

- (a) isikhalazo sihoxisiwe;
- (b) udaba okukhalazwa ngalo lwavela, kanti lowo ofaka isikhalazo uyalwazi lolo daba, okungenani eminyakeni emi-2 eyedlule ngaphambi kokuthi kwenziwe isikhalazo; noma
- (c) Lowo ofaka isikhalazo, noma omunye umuntu othintekayo eshona bese i-Ombud ibona ukuthi asikho isidingo sokuqhubeka nesikhalazo.

42. Ukuphenywa kwesikhalazo

Inqubo yokuqhuba uphenyo izoba yileyo i-Ombud eyibona ifanele ngokwesimo secala, futhi ikakhulu, engabuza ngalokhu, uma esibona isidingo futhi kumele ihambisane nemithethonqubo efanele.

43. Isaziso esiya kusikhungo sezempilo esiphenywayo

I-Ombud kumele yazise isikhungo sezempilo esifanele mayelana nophenyo, ngaphambi noma uma seluqalile uphenyo.

44. Imibiko ngenqubekela phambili

I-Ombud kumele, njalo ngezinyanga ezimbili, inike isaziso ngenqubekela phambili yophenyo -

- (a) kusikhungo sezempilo esiphenywayo; kanye
- (b) nalowo ofake isikhalazo

45. Isikhathi sokuqeda uphenyo

- (1) I-Ombud kumele iqede uphenyo okukhulunywa ngalo kumthethonqubo 42 esikhathini esiyizinyanga eziyi-6, ngaphandle uma sengeziwe ngokomthethonqubo ongaphansi komkhulu (2), emva kwesinqumo sokwenza uphenyo.
- (2) I-Ombud ingase iselule isikhathi sokuqeda uphenyo uma i-Ombud ibona kanjalo, emva kokubheka zonke izimo, kubandakanya ubungako kanye nobunzima bodaba oluphenywayo, akukho lula ukuqeda kahle uphenyo ngesikhathi esingumnqamula juqu.
- (3) Isikhathi sokuqeda uphenyo singengezwa izikhathi ezingaphezulu kwesisodwa, kodwa ngaso sonke isikhathi sengezwa asingabi ngaphezu kwezinyanga ezi-3, inqobo uma isikhathi sopenyo singadluli iminyaka emi-2.

46. Irejista yophenyo

- (1) I-Ombud kumele igcine irejista, kusizindlwazi se-Ombud umphakathi ozokwazi ukungena kuso, yalo lonke uphenyo.

- (2) Irejista kumele ibe nohlu lwalwezi zindaba ezilandelayo ngophenyo ngalunye-
- (a) uhlobo lwenkambiso nomgomo okuphuliwe;
 - (b) uhlobo lodaba oluphenywayo;
 - (c) usuku okwanqunywa ngalo ukuthi kwenziwe uphenyo;;
 - (d) usuku lwamanje lokuqedela uphenyo;
 - (e) isimo samanje ngophenyo; kanye
 - (f) nesizathu sokwengeza isikhathi sophenyo.
- (3) Irejista kumele ingalufaki ulwazi oluhlonza noma olubeka lowo ofake isikhalazo, isikhungo sezempilo noma umuntu owayehlinzekwa yisikhungo sezempilo ngosizo ebungozini,.

47. Umbiko oya kuNgqongqoshe

- (1) Uma uphenyo lungaqediwe eminyakeni emi-2 emva kokuthathwa kwesinqumo sokuthi lwenziwe, i-Ombud kumele inike uNgqongqoshe isaziso esibhalwe—
- (a) imininingwane yodaba oluphenywayo; kanye
 - (b) nezizathu zokuthi kungani uphenyo lungakapheli.
- (2) UNgqongqoshe angenza isinqumo mayelana nodaba, kubandakanya isinqumo -
- (a) sokuluvala udaba;
 - (b) sokulula uphenyo ngesikhathi esithile; noma
 - (c) sokudlulisela udaba kuziphathimandla ngokomthetho, ibhodi noma isikhungo

48. Isaziso sesinqumo emva kokuphenya isikhalazo kanye nombiko wophenyo

Ezinsukwini eziyi-10 emva kokuqeda uphenyo, i-Ombud kumele yazise lowo ofake isikhalazo kanye nesikhungo sezempilo ngemiphumela kanye nezincomo.

- (a) ukwazisa lowo ofaka isikhalazo kanye nesikhungo sezempilo ngomphumela kanye nezincomo, ngokuhambisana nesigaba 81A(11) soMthetho; siphinde
- (b) sithumele umbiko oqukethe imiphumela kanye nezincomo zoMphathi Omkhulu, ngokuhambisana neSigaba 81A(9) soMthetho, ukuze kuthathwe izinyathelo ezifanele.

49. Ukudliliswa kwecala nemibiko isuka kwesinye isiphathimandla somthetho noma elinye ibhodi noma isikhungo esifanele

- (1) Uma udlilisela udaba, i-Ombud kumele inike isiphathimandla, ibhodi noma isikhungo esifanele lonke ulwazi oluhambisana nalolu daba i-Ombud enalo, kubandakanya, imininingwane yesikhalazo, lowo ofaka isikhalazo kanye nesikhungo sezempilo esifanele.
- (2) Iziphathimandla zomthetho noma ibhodi noma isikhungo esifanele okudluliselwe kuso udaba kumele sihlENZEKE i-Ombud
 - (a) ngemibiko mayelana nenqubekela phambili ngodaba ngezikhathi ezifanele;
 - (b) ezinsukwini ezingama-25 zokusebenza emva kokuqeda uphenyo, ngombiko obhaliwe wemiphumela yalokhu okwenziwe mayelana nalolu daba.
- (3) Ngokuhloswe umthethonqubo ongaphansi komkhulu **“isiphathimandla ngokomthetho”** kusho noma yisiphi isiphathimandla esisungulwe umthetho noma ngaphansi komthetho wesifundazwe noma kazwelonke.

50. Ubumfihlo bolwazi

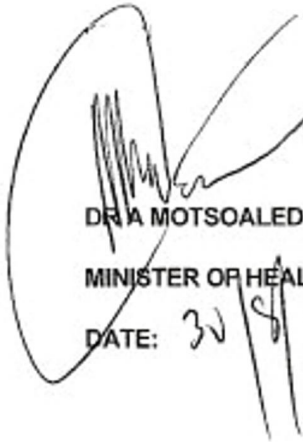
- (1) Ulwazi olutholwe yi-Ombud noma abasebenzi bakhona ngokwesigaba 81(3)(c) soMthetho ngenxa noma ngenhloso yophenyo kumele lungakhishwa kumuntu wesithathu, ngaphandle ngezinhloso zokuphenya kanye nanoma yimuphi umbiko owenziwe ngalo.
- (2) Isikhungo sezempilo singase, ngokubhala isaziso esichaza ukuthi kungani ulwazi luyimfihlo, sifake isicelo sokuthi ulwazi lube yimfihlo.
- (3) I-Ombud kumele, ezinsukwini eziyi-10 zokusebenza emva kokuthola isaziso okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (2), sihlENZEKE ukuthi ulwazi luyimfihlo noma cha, kanti uma i-Ombud ithola ukuthi ulwazi luyimfihlo, lenze isinqumo esifanele mayelana nokuthola lolu lwazi.
- (4) Isikhungo sezempilo singase, ezinsukwini eziyi-10 zokusebenza emva kokuthola okutholwe yi-Ombud ngokomthethonqubo ongaphansi komkhulu (3), sifake isicelo sokudluliselwa kwecala ngalokhu okutholiwe noma ngesinqumo esishiwo kumthethonqubo ongaphansi komkhulu (3), kuNgqongqoshe ngokwesigaba 88A soMthetho.

ISAHLUKO 8**UKUHLINZEKELWA OKUJWAYELEKILE****51. Amafomu abekiwe**

- (1) Amafomu abekiwe ukusetshenziselwa leMithethonqubo abekwe kuSithasiselo saleMithethonqubo.
- (2) Noma yiliphi ifomu okumele noma elingase lithunyelwe yisikhungo sezempilo noma umsebenzisi eHhovisi ngokwalemithethonqubo lingathunyelwa ngekhompyutha.

52. Isihloko esifishane kanye nokuqala

Imithethonqubo ibizwa ngeMithethonqubo yeNqubo emayelana nokusebenza kweHhovisi lokuThobela imigomo yezempilo kanye neBhodi lalo, bese isebenza ekushicilelweni kumqulu kahulumeni.



DR A MOTSOLEDI, MP
MINISTER OF HEALTH
DATE: 30/8/2016

**ISITHASISELO
AMAFOMU ABEKIWE**

Inombolo yefomu.	Inombolo yesigaba	Inombolo Yomthethonqubo	Incazelo
OHSC 1		4(2)	Ulwazi ngesikhungo sezempilo
OHSC 2	80(3)	8(2)	Isitifiketi sokuqokwa njengomhloli
OHSC 3		13(2)	Isaziso sokuhlola esikhungweni sezempilo
OHSC4		18(1)	Isitifiketi sokuthobela
OHSC 5	79(1)(c)	19(2)	Isicelo sokuvuselela isitifiketi/invume
OHSC 6	82A(1)	21(2)	Isaziso sokuthobela ezikhungweni zezempilo
OHSC 7	82A(4)(a)	23(2)	Isexwayiso esibhaliwe
OHSC 8		26(5)	Isaziso somhlangano
OHSC 9	88A	30(2)	Isazio sokudluliswa kwecala

OHSC 1

ULWAZI NGESIKHUNGO SEZEMPILO

Zonke izikhungo zezempilo kanye nabasebenzisi ihhovisi elidinga bahlinzeke ngolwazi mayelana nezinkambiso nemigomo ebekiwe, ngokwesigaba 79(2)(b) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), kumele benze lokho mhla zingama-31 kuNdasa wonyaka nonyaka. Uma umuntu ophethe, okukhulunywa ngaye kumthethonqubo 6(1), ehluleka ukuhlinzeka ihhovisi ngolwazi oludingekayo esikhathini esibekiwe, iHhovisi kumele lidlulisele udaba kunhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma kunhloko yomnyango wezempilo kumasipala noma kunhloko yesikhungo sezempilo, lokho okungaba yikho, ukuze ingenelele ngokwenqubomgomo nezinqubo zokungenelela zeziphathimandla ezifanele.

Igama lesikhungo sezempilo	
Isimo kwezomthetho	
Imininingwane yesiphathimandla esifanele (kunhloko yomnyango wezempilo kuzwelonke noma esifundazweni, kunhloko yesikhungo sezempilo noma iqembu lezibhedlela esizimele)	
Ikheli lendawo lapho isikhungo sezempilo sikhona	
Ukuxhumanisa nge-GPS – imigqa ekhombisa ukuthi indawo ikuphi (<i>latitude and longitude</i>)	
Imininingwane yokuxhumana yesikhungo sezempilo kubandakanya Inombolo yocingo Ikheli le-imeyli imininingwane yesizindalwazi	
Igama lomuntu ophethe	
Imininingwane yokuxhumana yomuntu ophethe	
Uhlobo lwesikhungo sezempilo (ngokwenqubomgomo yokuPhathwa kweziBhedlela zikaHulumeni eshicilelwe kumqulu kahulumeni nombolo 34522 wamhla 12 kuNcwaba wangonyaka ka-2011);	
Isifunda sezempilo isikhungo sezempilo esingaphansi kwaso;	
Usizo olutholakalayo kubandakanya inani lemibhede ngosizo noma inani lamagumbi okuhlalela	
Izikhathi zokusebenza Igumbi leziguli ezilaliswayo	

Igumbi leziguli eziphumayo Igumbi lezimo eziphuthumayo Ikhemisi	
Umnyango wezindaba zabasebenzi. Inani labasebenzi ngohlobo lwabo: Ongoti kwezokunakekelwa kwezempilo Abaphathi Abaphathi besikhungo Usizo lokweseka umtholampilo/isibhedlela	
Imiphumela yokuzihlola makubhekwa izinkambiso nemigomo ebekiwe	
UMphathi Omkhulu (Isiginisha)	Usuku _____

OHSC 2

ISITIFIKETI SOKUQOKWA NJENGOMHLOLI

Lesi sitifiketi sokuqokwa njengomhloli weHhovisi lokuThobela Imigomo yezeMpilo sikhishwa ngokweSigaba 80(2) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), kanye neMithethonqubo 8 yeMithethonqubo yeziNquobo emayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kwezikhalazo yi-Ombud.

Igama nesibongo _____ _____ Inombolo ye-OHSC: _____	(isithombe) 	Usuku esikhishwe ngalo _____ Usuku esiphelelwa ngalo _____
UMphathi Omkhulu (Isiginisha) 	Inombolo yokuxhumana ne-OHSC _____ 	Ikheli le-OHSC _____

OHSC 3

ISAZISO SOKUHLOLA

Inhloso yokuhlola

NgokoMthethonqubo 13 weMithethonqubo yeziNqubo mayelana nokuSebenza eHhovisi lokuThobela Imigomo yezeMpilo kanye nokuPhathwa kwezikhulazo yi-Ombud, umhloli kumele anike isikhungo sezempilo isaziso sokuhlola uma ezoqala ukuhlola okushiwo kusigaba 82 soMthetho. Lokhu kuhlola kumele kwenziwe ukuze abahloli abasemthethweni beHhovisi lokuThobela Imigomo yezeMpilo ukuze baqaphe izinga lokuthobela izinkambiso nemigomo elawulayo ukuze kubhekwe izinga lekhwalithi lokunakekelwa kwezempilo njengoba uyalelwe nguMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003) ("uMthetho") kanye neMithethonqubo eyamanyezelwa nguNgqongqoshe wezeMpilo eluleka iHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kwezikhulazo yi-Ombud.

Imisebenzi/izibophezelo zesikhungo sezempilo

Imisebenzi/izibophezelo zesikhungo sezempilo ngeisikhathi kwenziwa lokhu ukuqinisekisa ukuthi abasebenzi, izinsizakusebenza kanye nendawo yokusebenzela iyamvumela umhloli ukuthi akwazi ukuqeda ukuhlola ngesikhathi nangendlela esheshayo.

Amandla abahloli

Ngokwesigaba 82(1) soMthetho, umhloli angangena nakunoma yisiphi isikhungo sezempilo ngesikhathi esifanele, enze lokhu-

- (a) ahlole isikhungo sezempilo, njengoba kungaba njalo, ukuze aqinisekise ukuthobela noMthetho;
- (b) afake imibuzo noma ubani akholelwa ukuthi angaba nolwazi oluhambisana nokuhlola;
- (c) acele umuntu ophethe isikhungo sezempilo akhiphe, ukuze kuhlolwe noma ngenhloso yokuthola amakhophi noma okunye okungaba lapho kulawo maphepha, kubandakanya irekhodi lezempilo okushiwo esiGaben 15 soMthetho, okumele lowo muntu awagcine ngokomthetho.
- (d) athathe isampula yanoma yini noma izithombe ezihambisana nokuhlolwa.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Imvume yokuhlola NOMA imvume yokungena (cacisa)	
Usuku lokuhlola	
Isikhathi esilinganiselwe ukuhlola	
Usuku lokubika nokuphawula	
Inani labasebenzi abagunyaziwe abayingxenywe yokuhlola	
Imininingwane yokuxhumana yomhloli obhekele ukuhlola	

Imisebenzi/izibophezelo sezempilo	zesikhungo	
uMphathi omkhulu (<i>Isiginisha</i>)		Usuku _____

OHSC 4

ISITIFIKETI SOKUTHOBELA

Lesi sitifiketi sokuthobela sikhishwa yiHhovisi lokuThobela Imigomo yezeMpilo ngokweSigaba 82 (7) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003) kanye noMthethonqubo 18(1) weMithethonqubo yeNqubo mayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kweziKhalazo yi-Ombud (iMithethonqubo)

Isitifiketi sokuThobela sihlala sisemthethweni isikhathi esingekho ngaphezulu kweminyaka emi-4 ngaphambi kokufika kwesikhathi sokufaka isicelo sokuvuselelwa kwaso, kodwa-ke, iHhovisi lingase, ngokoMthethonqubo 15(1) weMithethonqubo yeNqubo okukhulunywe ngayo ngenhla yenza okunye ukuhlola noma ngasiphi isikhathi ekholelwa ukuthi isikhungo siyehluleka ukulandela lokhu okuhlinzekelwa uMthetho.

Igama lesikhungo sezempilo esinesitifiketi sokuthobela	
Uhlobo lwesikhungo sezempilo	
Ikheli lendawo	
Ikheli losizo ngezinqubo zezomthetho nezaziso, (uma lingafani nekheli lendawo)	
Usuku lokuhlola	
uMphathi Omkhulu (isiginisha)	Usuku lwesitifiketi Usuku lokuphelelwa yisikhathi kwesitifiketi

**ISICELO SOKUVUSELELWA NOMA SOKWELULWA KWEMVUME
NGOKOMTHETHO/ISITIFIKETI**

NgokweSigaba 82 (7) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003) kanye noMthethonqubo 19 weMithethonqubo yeNqubo mayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kweziKhalazo yi-Ombud (iMithethonqubo), isicelo sokuvuselelwa kwesitifiketi kumele sithunyelwe eHhovisi, esikhathini esingaphansi kwezinyanga eziyisithupha ngaphambi kokuphelelwa yisikhathi sesitifiketi sokuthobela. Lesi sitifiketi sokuvuselela emva kokuhlola njengoba kushiwo kumthethonqubo 14, uhlinzekela ukuthi iHhovisi lingaselula isikhathi sesitifiketi kuze kube unyaka o-1 kusalinde ukuhlolwa.

Igama lesikhungo sezempilo esifaka isicelo sokwelulwa kwesitifiketi	
Ikheli	
Igama lomuntu ophethe	
Usuku lokugcina lokuhlola	
Usuku lokukhishwa kwesitifiketi	
Usuku lokuphelelwa yisikhathi sesitifiketi	
Inombolo yesitifiketi	
Umuntu ophethe isikhungo sezempilo (Isiginisha)	Usuku _____
Okunanyathiselwayo 1. Umbiko wakamuva osanda kuthunyelwa 2. Imibiko yezinyanga eziyi-6 zezinkomba zobungozi 3. Imibiko yonyaka yokuhlola kusukela ngesikhathi sokugcina sokuhlola 4. uhlelo lwakamuva lokuthuthukisa izinga	

OHSC 6

ISAZISO SOKUTHOBELA

Isaziso sokuthobela sinikwa umuntu ophethe isikhungo sezempilo ngokwesigaba 82A (1) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), ("uMthetho") kanye neMithethonqubo 21(1) weMithethonqubo yeNqubo esikhishwe ngokoMthetho mayelana nokuSebenza kweHhovisi leMigomo yokuThobela yezeMpilo kanye nokuPhathwa kweziKhalazo yi-Ombud (imithethonqubo, uma isikhungo sezempilo uma sihlolwa sitholakale ukuthi asithobeli izinkambiso nemigomo ebekiwe eMthethweni.

Izizeziso ezingakhishwa yiHhovisi lokuThobela Imigomo yezeMpilo uma kwenzeka kuqhutshekwa nokungathobeli nangokweSigaba 82A(4) soMthetho ukwenza lokhu:

- a) ukukhipha isexwayiso esibhaliwe sokuthobela esikhathini esibekiwe ngendlela ebekiwe;
- b) sidinge impendulo ebhaliwe ephuma esikhungweni sezempilo mayelana nokuqhubeka nokungathobeli;
- c) sihambise izincomo kuziphathimandla ezifanele ngokungenziwa okufanele, kubandakanya ukubanjwa kwemihlangano yokuqondiswa kwezigwegwe kulowo muntu obhekenele nokungathobeli noma oqhubeka nokungathobeli;
- d) ichithe isitifiketi sokuthobela bese enza izincomo kuNgqongqoshe zokuthi kuvalwe isikhungo sezempilo isikhashana noma unomphelo noma ingxenye yaso enobungozi obukhulu kwezempilo zomphakathi noma kubasebenzisi bosizo lwezempilo;
- e) ijese lowo muntu ngenhlawulo ehlonzwe nguNgqongqoshe kumqulu kahulumeni manje namanje; noma
- f) adlulisele udaba Ophikweni lwezokuShushisa kuZwelonke ukuze ashushiswe.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Igama lomutnu ophethe	
Imininingwane yokuxhumana yomuntu ophethe	
Amaphuzu kanye nesimo sokuthobela	
Izidingo zokokulungisa okumele kwenziwe	
Igama lomuntu oku-OHSC okuzothunyelwa	

kuye amaphepha	
Izithasiselo	
1. izinkambiso nemigomo ebekiwe engalandelwanga;	
2. imininingwane yohlobo nobukhulu bokungathobeli;	
3. Izinyathelo okumele zithathwe kanye nesikhathi okumele lezi zinyathelo zithathwe ngaso	

OHSC 7

ISEXWAYISO ESIBHALIWE

IHhovisi lokuThotshelwa kweMigomo yezeMpilo linganika umuntu ophethe isexwayiso esibhaliwe, ngokwesigaba 82A(4)(a) soMthetho kaZwelonke wezeMpilo, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), ("uMthetho") noMthethonqubo 23 (1) kanye no(2) weMithethonqubo yeziNqubo mayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuPhathwa kwezikhalazo yi-Ombud (iMithethonqubo, yokuhluleka ukuthobela esikhishwe ngokweSigaba 82A soMthetho kanye noMthethonqubo 21(1) seMithethonqubo.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Iomuntu ophethe	
Imininingwane yokuxhumana yomuntu ophethe	
Izithatsiselo Izinkambiso nemigomo ebekiwe engalandelwanga 1. Uhlobo nobukhulu bokungathotshelwa komthetho 3. Imizamo eyenziwe yisikhungo sezempilo ukulungisa ukungathobeli umthetho	
Izinyathelo ezithathwe yihhovisi ukuphoqeleta ukuthobela umthetho.	
Usuku okumele aphenyule ngalo ngesexwayiso esibhaliwe	
Igama nekheli lokuthumelela impendulo	

OHSC 8

ISAZISO SOMHLANGANO OHLELIWE/OSEMTHEHWENI

Ngaphambi kokuchitha isitifiketi sokuthobela noma ukugagula inhlawulo ngokweSigaba 82A(4) soMthetho kaZwelonke wezeMpilo, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), ("uMthetho"), iHhovisi kumele, ngokoMthethonqubo 25 weMithethonqubo zeziNqubo mayelana nokuSebenza kweHhovisi lokuthobela Imigomo yezeMpilo kanye nokuPhathwa kweziKhalazo yi-Ombud ("iMithethonqubo") lazise isikhungo sezempilo ngenhloso yalo yokuchitha isitifiketi sokuthobela noma yokugagula inhlawulo, noma ikuphi okusebenzayo, bese libiza umhlango ukuze lizonika isikhungo sezempilo ithuba lokuziphendulela, ngaphambi kokuthathwa kwesinqumo esingujuqu.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Igama lomuntu ophethe	
Ulwazi lokuxhumana lomuntu ophethe	
Igama lesiphathimandla esifanele	
Ulwazi lokuxhumana lesiphathimandla esifanele	
Usuku, isikhathi kanye nendawo okuzobanjelwa kuyo umhlango	
Igama nesikhundla sikasihlalo womhlango	
Isihloko okukhulunywa ngaso emhlanganweni	
Amaphepha afunekayo, amarekhodi, noma izinto	
Usuku lokuthumela lokhu okungenhla	
Izithasiselo: 1. izinkambiso nemigomo ebekiwe okungahanjiswananga ngayo 2. isimo nobubanzi bokungathobeli 3. Izinto ezenziwe isikhungo sezempilo ukulungisa ukungathobeli 4. Izinyathelo ezithathwe yiHhovisi ukuze liqinisekise ukuthobela	

OHSC 9

ISAZISO SOKUDLULISA ISIKHALAZO

Ngokwesigaba 88A soMthetho kaZwelonke wezeMpilo, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), noma yimuphi umuntu ongaphathekile kahle ngenxa yesinqumo sehhovisi noma nanoma yimiphi imiphumela kanye neziphakamiso ze-Ombud mayelana nodaba olulawulwa yilo Mthetho, noma umuntu obambele omunye egameni lakhe, engakwazi, ezinsukwini ezingama-30 zokwazi ngaleso sinqumo, afake isicelo sokudluliswa kwecala noNgqongqoshe, okumele aqoke isigungu sesikhashana esizimele okuyibo okumele isicelo esifikile sithunyelwe khona.

Igama lesikhungo	
Ikheli lesikhungo	
Igama lomuntu ofaka isicelo	
Imininingwane yokuxhumana yomuntu ofake isicelo sokudluliswa	
Isinqumo, umphumela noma isiphakamiso, ngesicelo sokudluliswa isikhalazo	
Usuku lwaleyo miphumela, isicelo sokudluliswa noma okuphakanyisiwe	
Izizathu zokufaka isicelo sokudluliswa	
Esithasiselweni Noma yimaphi amaphepha ukumelwa okuhambisanayo nokudluliswa kwecala	

**KGORO YA MAPHELO YA BOSETŠHABA
MOLAO WA MAPHELO WA BOSETŠHABA, WA 2003**

**MELAOTSHEPEDIŠO YA TSHEPETŠO YA MABAPI LE GO ŠOMA GA KANTORO YA MABAPI
LE GO OBAMELA MELAWANA YA MAPHELO LE GO ŠOMA DINGONGOREGO KA
MMOELANYI**

Tona ya Maphelo o, ka morago ga go rerišana le Kantoro ya gagwe, dirile melaotshepetšo ye e lego ka gare ga Šetulo ya ka mo, go latela karolo ya 90(1) ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003).

ŠETULE

PEAKANYO YA.MELAOTSHEPETŠO

KGAOLO YA 1

DITLHALOŠO, MAIKEMIŠETŠO LE PHETHAGATŠO

1. Ditlhalošo le tlhathollo
2. Maikemišetšo a melaotshepetšo
3. Bogolo le phethagatšo

KGAOLO YA 2

KGOBOKETŠO YA TSHEDIMOŠO LE GO ROMELA MOTHO YO A LAOLAGO

4. Kgoboketšo goba kgopelo ya tshedimošo
5. Dilaetši tša dikotsi
6. Go bea motho yo a laolago
7. Mešomo ya motho yo a laolago

KGAOLO YA 3
BAHLAHLABI LE DITLHAHLOBO

8. Go thwalwa ga bahlahlobi
9. Bokgoni le maitemogelo a bahlahlobi
10. Melawana ya maitshwaro ya bahlahlobi
11. Dintlha tša semmušo tša motho yo a fago thušo
12. Mekgwa ya tlhahlobo, ditshepedišo le leano
13. Tsebišo ya tlhahlobo go dihlolongwa tša maphelo
14. Tshepedišo ya tlhahlobo
15. Tlhahlobo ya tlaleletšo

KGAOLO YA 4
GO HLAHLOBA SEHLONGWA SA MAPHELO

16. Tshedimošo ka ga mokgwa wa go dira ditlhahlobo
17. Tumelelo ya go tsena, ya go hlahloba le ya go phuruphuša

KGAOLO YA 5
GO ABA DISETIFIKEITI

18. Go aba disetifikeiti tša dihlolongwa tša maphelo
19. Go mpshafatša le go oketša nako ya setifikeiti
20. Go fega setifikeiti

KGAOLO YA 6
TSEBIŠO YA GO OBAMELA MOLAO, GO O PHETHAGATŠA LE GO DIRA
BOIPELAETŠO

21. Tsebišo ya go obamela molao go dihlolongwa tša maphelo
22. Go phethagatša molao
23. Kgalemo ye e ngwadilwego
24. Kgopelo ya go fetola
25. Go hlokomedišiša ditšhišinyo go ba taolo ba maleba
26. Ditheeletšo tša semmušo
27. Go phumolwa ga setifikeiti le go romela ditšhišinyo go Tona

28. Kotlo
29. Go romela go ba Tirelo ya Bosekiši ya Bosetšhaba
30. Boipelaetšo kgahlanong le dipheho tša Kantorogoba go Mmoelanyi
31. Go phatlalatša ga dipego le dipheho tša kgorotsheko

KGAOLO YA 7

GO ŠOMA DINGONGOREGO LE GO DI NYAKIŠIŠA

32. Ke mang yo a ka tlišago ngongorego
33. Ka fao o ka tlišago ngongorego
34. Tsebišo ya gore ngongorego e hweditšwe le kgopelo ya tshedimošo ya tlaleletšo
35. Go lekodišiša dingongorego
36. Go romela dingongorego
37. Nako ya go fetša tekodišišo
38. Sepheho sa go latela tekodišišo
39. Go dirišana le dihlengwa tše dingwe le dipego go tšwa go dihlengwa tša maphelo
40. Go romelwa go tšwa go dihlengwa tše dingwe le setšhabeng
41. Sepheho sa go se tšeye sephetho se sengwe go ya pele ka ga ngongorego
42. Go nyakišiša ngongorego
43. Tsebišo go sehlongwa sa maphelo seo se nyakišišwago
44. Dipego tša kgatelopele
45. Nako yeo dinyakišišo di swanetšego go phethwa
46. Retšistara ya dinyakišišo
47. Pego go Tona
48. Tsebišo ka ga sephetho ka morago ga go nyakišiša ngongorego le pego ya dinyakišišo
49. Go romela go le dipego go tšwa go ba taolo ba bangwe goba go sehlongwa goba setheo se sengwe sa maleba
50. Sephiri sa tshedimošo

KGAOLO YA 8

DITLHAGIŠO TŠA KAKARETŠO

51. Diforomo tše di beilwego
52. Thaetlele ye kopana le go thoma go šoma

Tlaleletšo: Diforomo tše di Beilwego

KGAOLO YA 1**DITLHALOŠO, MAIKEMIŠETŠO LE PHETHAGATŠO****1. Ditlhalošo le tlhathollo**

(1) Ka mo go melaotshepetšo ye, ka ntle le ge kamano e laetša ka tsela ye nngwe, lentšu goba tlhagišo yeo e filwego tlhalošo ka gare ga Molao, e na le tlhalošo ya go swana, gomme – **“legoro la sehlongwa sa maphelo”** e ra legoro leo go boletšwego ka lona ka go karolo ya 35 ya Molao;

“setifikeiti sa go obamela molao” e ra setifikeiti seo go bolelwago ka sona ka go Molaotshepetšo wa 18(2), seo se fiwago sehlongwa sa maphelo ke Kantoro;

“tsebišo ya go obamela molao” e ra tsebišo ye go bolelwago ka yona ka go molaotshepetšo wa 21(1), ye e fiwago sehlongwa sa maphelo ke mohlalobi;

“tshepedišo ya temošo ya ka pela” e ra ditshepedišo tša tekolo ya ka sephiring yeo e kgoboketšago tshedimošo ka ag ditiragalo tše šoro tše di amanago le bašomiši tše di hlohleletšago gore go be le ditsenogare ka sehlongwa sa maphelo, Kantoro goba ba taolo ba maleba;

“hlogo ya sehlongwa sa maphelo” e ra mong le modudi wa sehlongwa sa maphelo k age go hlalošitšwe ka go karolo ya 88(a) ya Molao;

“tirelo ya tlhokomelo ya maphelo” e akaretša ditirelo ka moka tše di šomago ka phekolo le go alafa bolwetši, goba go tšwetša pele, go hlokomela le go bušetša sekeng ga tša maphelo go akaretšwa ditirelo tša maphelo tša sephiri le tše e sego tša sephiri tše di abjago ke dihlomaga tša maphelo tša setšhaba le tša phraebete;

“tlhahlobo” e ra diketelo tša lefelong la sehlongwa sa maphelo ka maikemišetšo a go kgoboketša tshedimošo le bohlatse go sekaseka go obamela molao goba go nyakišiša go tshela melawana le melaotshepetšo ye e beilwego;

“motho” e ra motho wa semolao, ka ntle le fao kamano e hlalošago ka tsela ye nngwe;

“motho yo a laolago” e ra motho yo a filwego mošomo bjalo ka motho yo a laolago sehlongwa sa maphelo go latela molaotshepetšo wa 6(1);

“ba taolo ba maleba” e ra kgoro ya maphelo ya phrobentshe, ba taolo ya maphelo ka seleteng, ba taolo ya masepala, goba bolaodiphethiši bja sepetlele sa phraebete goba khamphani ya sepetlele sa phraebete;

“boitekolo” e ra tshedimošo goba datha ye e tšwago go tshakatsheko ye e dirilwego ke sehlomaga sa maphelo kgahlanong le sedirišwa goba motheo wo o phatlaladitšwego ke Knatoro nako le nako;

“go tshela molao kudu” go ra go tshela ditshepedišo tša polokego tše di feletšago ka gore mošomiši a lahlegelwe ke go šomiša ditho tša mmele sa ruri goba lehu leo le sa amanego le lehu la tlhago;

“kotsi ye šoro” e ra kotsi efe goba efe ye e ka bago le diabe tše kotsi kudu go maphelo a setšhaba goba ye e ka feletšago ka lehu la mošomiši goba go lahlegelwa ke go šomiša ditho tša gagwe tša mmele sa ruri;

“Molao” e ra Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003);

“letšatši la mošomo” e ra letšatši lefe goba lefe le e sego Mokibelo, Sontaga goba letšatši la maikhutšo la setšhaba.

2. Maikemišetšo a Melaotshepetšo

Maikemišetšo a melaotshepetšo ye ke go hlagiša ditshepetšo le ditshepedišo tša go kgoboetša tshedimošo go tšwa go sehlongwa sa maphelo ka Kantoru, go fa dihlongwa tša maphelo disetifikeiti, go dira ditlhahlobo, go šoma le go se obamele melawana le melaotshepetšo ga dihlongwa tša maphelo, gammogo le ditshepetšo le ditshepedišo gore go tle go lebeledišišwe, go nyakišišwe le go sepediša dingongorego tše di amanago le go se obamele melawana le melaotshepetšo ye e beilwego, ke Mmoelanyi.

3. Bogolo le Phethagatšo

- (1) Go latela melaotshepetšo wa ka fasana wa (2), Melaotshepetšo ye e šoma go magoro ka moka a dihlongwa tša maphelo tše go bolelwago ka tšona ka go karolo ya 35 ya Molao,
- (2) Ka ntle le karolo ya ka fasana ya (1), le ge go sa hlokomelwe Karolo ya 7, Melaotshepetšo ye e tla thoma go šoma fela mabapi le legoro le lengwe le le lengwe la sehlongwa sa maphelo ka morago ga ge melawana le melaotshepetšo ya legoro leo la sehlongwa sa maphelo e beilwe ke Tona.

KGAOLO YA 2**KGOBOKETŠO YA TSHEDIMOŠO LE GO BEA MOTHO YO A LAOLAGO****4. Kgoboketšo goba kgopelo ya tshedimošo**

- 1) (1) DIHLONGWA TŠA MAPHELO KA MOKA GA TŠONA LE BAŠOMIŠI BA TŠONA BAO BA KGOPELWAGO KE KANTORO GO FA TSHEDIMOŠO YA MABAPI LE MELAWANA LE MELAOTSHEPETŠO YE E BEILWEGO, GO LATELA KAROLO YA 79(2)(B) YA MOLAO, DI SWANETŠE GO DIRA BJALO PELE LA 31 MATŠHE LA NGWAGA O MONGWE LE O MONGWE LE DIKELA.
- (2) Kgopelo ya tshedimošo go tšwa go dihlongwa tša maphelo, ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), e swanetše go ngwalwa, gomme tshedimošo ye e nyakegago e swanetše go ba go Foromo ya 1 gomme e akaretše, bonyane, tshedimošo ye e latelago:
 - (a) Leina la sehlongwa sa maphelo;
 - (b) maemo a semolao;
 - (c) aterese ya bodulo;
 - (d) dintlha tša boikgokaganyo, go akaretšwa mogala, fekese, imeile, dintlha tša wepsaete, ge di le gona;
 - (e) maina le dintlha tša boikgokaganyo tša motho yo a laolago;
 - (f) legoro la sehlongwa sa maphelo;

- (g) Selete sa maphelo seo sehlongwa sa maphelo se welago ka go sona;
- (h) Ditirelo tše di abjago;
- (i) Matšatši le dinako tša mošomo; le
- (j) Dipelo tša tshekatsheko ya moragorago mabapi le melawana le melaotshepetšo ye e beilwego.
- (3) Kantoru e ka phatlalatša kgopelo ya tshedimošo, ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (2), ka gare ga *Kuranta ya Mmušo* goba wepsaeteng ya yona ya setšhaba.
- (4) Kgopelo ya tshedimošo go tšwa go bašomiši, ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), e swanetše go sepela le dintlha tša tshedimošo ye e nyakegago le mokgwa woo tshedimošo yeo e swanetšego go romelwa ka ona.
- (5) Tshedimošo efe goba efe ye e kgopelwago ke Kantoru go tšwa go dihlolongwa tša maphelo goba go tšwa go bašomiši go latela karolo ya 79(2)(b) ya Molao, e swanetše go romelwa ka elektroniki.
- (6) Ge motho yo a laolago, yo go bolelwago ka yena ka go molaotshepetšo wa 6(1), a palelwa ke go fa Kantoru tshedimošo ye e nyakegago ka nako ye e beilwego, Kantoru e swanetše go lebiša taba yeo go hlogo ya kgoro ya maphelo ya bosetšhaba goba ya phrobentshe goba go hlogo ya lefapha la maphelo la masepala goba go hlogo ya sehlongwa sa maphelo, go eya ka gore ke efe e amegago.
- (7) Go latela molaotshepetšo wa ka fasana wa (2) “**maemo a semolao**” e ra maemo a sehlongwa sa maphelo ka molaong, e ka be e le khamphani ya phraebete goba ya setšhaba, selekane, thraste, kgwebo ya mong o tee, kgwebo ya mohlakanelwa goba sehlongwa sefe goba sefe seo se tsebegago go ya ka molao.

5. Dilaetši tša dikotsi

- (1) Go ya ka karolo ya 79(1)(d) ya Molao, Kantorō e swanetše go hlokomedišiša dilaetši tša dikotsi mabapi le ditemošō tša peleng le go fa tlhahlo go dihlōngwa tša maphelo ka ga –
 - (a) dilaetši tša dikotsi ka legoro la sehlongwa sa maphelo;
 - (b) mokgwa wa go ela le go hlakanya dilaetši tša dikotsi;
 - (c) go kgoboketša dilaetši tša dikotsi kgafetšakgafetša; le _
 - (d) go begela Kantorō ka ga dilaetši tše.
- (2) Kantorō e swanetše go šomiša tshedimošō ye go bolelwago ka yona ka go molaotshepetšō wa ka fasana wa (1) go–
 - (a) Go tseba dilaetši tša dikotsi tše bohlokwa tša kalafo tša mabapi le boleng le polokego, tša ditiragalo tše mpe le tša tlhokomelo ya maphelo ye e amanago le diphetetšō bjalo ka karolo ya sthepedišō ya temošō ya ka pela le go bega go tshela melawana le melaotshepetšō kudu go Tona ka ntle le go ditelega; goba
 - (b) Tšea sephetho ka ga tlhokego le go dira tlhahlobo ka ge go ukangwe ka go molaotshepetšō wa 14 goba wa 15, go eya ka gore ke ofe wo o amegago.

6. Go bea motho yo a laolago

- (1) Kantorō e swanetše go kgopela hlogo ya kgoro ya maphelo ya bosetšhaba goba ya phrobentshe goba go hlogo ya lefapha la maphelo la masepala goba go hlogo ya sehlongwa sa maphelo go bea motho yo a laolago sehlongwa sa mapheloyo e lego mošomi wa godimo kudu, yo a tlogo šoma ka ditaba ka moka tša mabapi le melawana le melaotshepetšō ye e beilwego.

- (2) Go bea ga motho yo a laolago, yo go bolelwago ka yena ka go molaotshepetšo wa (1), go swanetše go dirwa ka go ngwalwa le go saenwa ke hlogo ya kgoro ya maphelo ya bosetšhaba goba ya phrobentshe goba go hlogo ya lefapha la maphelo la masepala goba go hlogo ya sehlongwa sa maphelo, goba baemedi ba bona.
- (3) Kantoru e swanetše go ba le lenaneo la tshedimošo ya batho bao ba laolago, gomme diphetogo dife goba dife tša dintlha tša motho yo a laolago di swanetše go romelwa ke motho yoo go Kantoru mo matšatšing a mošomo a 20 ka morago ga gore phetogo yeo e direge.

7. Mešomo ya motho yo a laolago

- (1) Motho yo a laolago yo go boletšwego ka yena ka go molaotshepetšo wa 6(2) o swanetše go—
- (a) fa Kantoru goba Mmoelanyi tshedimošo ye e hlokagalago gore a phethagatše maikarabelo a gagwe goba a sona, go eya ka gore ke eng ye e laolago, go latela Molao;
- (b) thuša mohlalobi go lokišetša tlhahlobo le nakong ya ge a hlaloba k age go hlalošitšwe ka go karolo ya 82(1) ya Molao;
- (c) amogela le go bolela gore o hweditše tsebišo ya mabapi le go obamela melaotshepetšo yeo go boletšwego ka yona ka go karolo ya 82A ya Molao le molaotshepetšo wa 13;
- (d) fa Mmoelanyi thušo nakong ya ge a dira dinyakišišo ka ge go hlalošitšwe ka go karolo ya 81A(1) ya Molao;
- (e) lebeledišiša le go fetola pego efe goba efe ye e tšwago go Kantoru mabapi le go obamela melawana le melaotshepetšo ya sehlongwa sa maphelo le go tsenya tirišong magato a kgalemo ka dinako tše di beilwego;

- (f) tsenya tirišong setlwaedi sa go obamela melawana le melaotshepetšo ye e beilwego ka gare ga sehlengwa sa maphelo;
 - (g) hlama le go tsenya tirišong mananeo a go kaonafatša go obamela melawana le melaotshepetšo ka bašomi ba tlhokomelo ya maphelo bao ba thwetšwego ke sehlengwa sa maphelo;
 - (h) phatlalatša tshedimošo ye e filwego ke Kantoro go bašomi ba tlhokomelo ya maphelo bao ba thwetšwego ke sehlengwa sa maphelo;
 - (i) Swara pego ye e mpshafaditšwego ya bahlahlobi ya Kantoro goba ya dinyakišišo tše di dirilwego ke Mmoelanyi; le go
 - (j) fa Kantoro goba Mmoelanyi thušo ka ga merero ka moka ya go amana le melawana le melaotshepetšo ye e beilwego.
- (2) Motho yo a laolago o swanetše go fa a mangwe a maikarabelo a gagwe, ao go boletšwego ka ona ka go molaotshepetšo wa ka fasana wa (1), go yo mongwe wa bašomi ba maemo a godingwana ka gare ga sehlengwa sa maphelo ka go ngwala.

KGAOLO YA 3**BAHLAHLOBI LE DITLHAHLOBO****8. Go thwalwa ga bahlahlobi**

- (1) Mohlankedimogolophethiši o swanetše go fa motho yo a thwetšwego bjalo ka mohlalobi go latela karolo ya 80(2) ya Molao setifikeiti sa gore o thwetšwe bjalo ka mohlalobi, go latela karolo ya 80(3) ya Molao, ge motho yoo a phethile lenaneo le lennyane la tlhahlo leo le dumeletšwego ke Kantoro.
- (2) Setifikeiti sa go thwala motho bjalo ka mohlalobi, se go bolelwago ka sona ka go molaotshepetšo wa ka fasana wa (1), se swanetše go ba go Foromo ya 2, gomme se akaretše, bonyane, tshedimošo ye e latelago:
 - (a) Leina le sefane sa mohlalobi;
 - (b) Nomoro ya boitšhupo ya moswananoši ye e filwego ke Kantoro;
 - (c) Letšatšikgweri leo e filwego ka lona;
 - (d) Dintlha tša boikgokaganyo tša Kantoro;
 - (e) Tshaeno ya Mohlankedimogolophethiši; le
 - (f) Boitšhupo bja Senepe.

9. Bokgoni le maitemogelo a bahlahlobi

- (1) Mohlahlobi yo a thwetšwego go latela karolo ya 80(2) ya Molao o swanetše go –
 - (a) Ba mošomi wa phrofešene yo a nago le mangwalo a dithuto, yo a ingwadišitšego le *Allied Health Professional Council of South Africa, Health Professions Council of South Africa, South Africa Nursing Council*, goba

South African Pharmacy Council, tše go bolelwago ka tšona ka go tlhalošo ya “**lekgotla la diphrofešenale tša maphelo tša semolao**” ka go karolo ya 1 ya Molao;

- (b) tšwetša pele maemo a boingwadišo bja gagwe le lekgotla la diphrofešenale lefe goba lefe goba ditlhagišo tše di amanago le boipelaetšoa maphelo la semolao la maleba leo go bolelwago ka lona ka go temana ya (a), go fihla ge a rola modiro bjalo mohlalobi; gomme a
- (c) be le maitemogelo ka kabong ya ditirelo tša tlhokomelo ya maphelo ka sehlongweng sa maphelo sa setšhaba goba sa phraebete.

10. Melawana ya maitshwaro ya bahlalobi

- (1) Mohlankedimogolophethiši o swanetše go hlama le go tsenya tirišong melawana ya maitshwaro ya bahlalobi bao ba thwetšwego go latela karolo ya 80(2) ya Molao.
- (2) Kantor e swanetše go phatlalatša melawana ya maitshwaro wa bahlalobi ka gare ga *Kuranta ya Mmušo* mo dikgweding tše tharo ka morago ga go tsebagatša semmušo Melaotshepetšo ye.
- (3) Khopi ya melawana ya maitshwaro ya bahlalobi ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), e swanetše go saenwa ke bahlalobi ka moka pele ga ge ba thomiša ka mešomo ya bona.

11. Dintlha tša semmušo tša motho yo a fago thušo

- (1) Ge mohlalobi a felegetšwa ke motho ofe goba ofe yo go lego maleba gore a mo thuše mabapi le melawana ya maitshwaro ya go hlahlobja, k age go boletšwe ka go karolo ya 82(2) ya Molao, Mohlankedimogolophethiši o swanetše go fa motho yoo dintlha tša semmušo.
- (2) Dintlha tša semmušo tše go bolelwago ka tšona ka go molaotshepetšo wa ka fasana wa (1) di swanetše go akaretša, bonyane, tshedimošo ye e latelago:

- (a) Leina le sefane sa mohlalobi;
- (b) Nomoro ya boitšhupo ya moswananoši ye e filwego ke Kantoro;
- (c) Letšatšikgwele le e filwego ka lona;
- (d) Dintlha tša boikgokaganyo tša Kantoro;
- (e) Tshaeno ya Mohlankedimogolophethiši; le
- (f) Boitšhupo bja Senepe.

12. Mekgwa ya tlhahlobo, ditshepedišo le leano

- (1) Lekgotlataolo le swanetše go dumelela mokgwa wa tlhahlobo ye e dirwago ngwaga ka ngwaga go hlalaha ditiro tša tlhahlobo tša Kantoro.
- (2) Mokgwa wa tlhahlobo ye e dirwago ngwaga ka ngwaga ye go bolelwago ka yona ka go (1), o swanetše go phatlalatšwa wepsaeteng ya setšhaba ya Kantoro, gomme e akaretše, bonyane, dilo tše di latelago:
 - (a) Mokgwa wa go bea pele, go rulaganya le go hlalaha; le
 - (b) Methopo ya go tsenya tirišong mokgwa wa tlhahlobo.
- (3) Kantoro e swanetše go ngwala sengwalwa sa sthepedišo ya go dira tlhahlobo le ditlabele tša bahlalobi go netefatša gore ditlabele di dirwa ka mokgwa wo o swanago, wo o sa tšee go lehlakore, wa tekatekanyo le wa go hloka sephiri.
- (4) Mohlalobi o swanetše go tšweletša leano la go dira tlhahlobo, le le beago gabotse mokgwa wa go dira tlhahlobo go sehlengwa se sengwe le se sengwe sa maphelo seo se tloga hlalobja.

Leano la go dira tlhahlobo leo go bolelwago ka lona ka go molaotshepetšo wa ka fasana wa (4) le swanetše go tsenywa go Tsebišo ya Tlhahlobo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa 13.

13. Tsebišo ya tlhahlobo go dihlolongwa tša maphelo

- (1) Mohlahlobi o swanetše, ka nako efe goba efe, pele ga ge a ka thomiša ka tlhahlobo ye go boletšwego ka yona ka go karolo ya 82 ya Molao, go fa tsebišo ya tlhahlobo go sehlolongwa sa maphelo.
- (2) Tsebišo ya tlhahlobo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), e swanetše go ba go Foromo ya 3, gomme e akaretše, bonyane, tshedimošo ye e latelago:
 - (a) maikemišetšo a tlhahlobo;
 - (b) letšatšikgwedi la tlhahlobo;
 - (c) lebaka leo go emetšwego gore tlhahlobo e tla le tšea;
 - (d) leano la tlhahlobo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa 12(4);
 - (e) palo ya bašomi bao ba dumeletšwego bao go emetšwego gore ba tla kgatha tema ka tlhahlobong;
 - (f) dintlha tša boikgokaganyo tša mohlahlobi yo a rwelego maikarabelo a tlhahlobo; le
 - (g) maikarabelo a sehlolongwa sa maphelo.
- (3) Tsebišo ya tlhahlobo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), e swanetše go saenwa ke Mohlankedimogolophethiši goba moromiwa wa gagwe.
- (4) Ka ntle le molaotshepetšo wa ka fasana wa (1), Kantoro e ka, ge e le gore e na le mabaka ao a kwagalago go dumela gore go obamela dinyakwa tša tsebišo tše go boletšwego ka tšona ka go molaotshepetšo wa (1) go ka šitiša polokego ya mošomiši goba boleng bja tlhokomelo, dira tlhahlobo ye e sego ya tsebagatšwa go sehlolongwa sa maphelo.

14. Tshepedišo ya tlhahlobo

- (1) Ka morago ga go fihla meagong ya sehlengwa sa maphelo, mohlalobi o swanetše go itsebiša gabotse go motho yo a laolago ka go mo fa -
 - (a) tsebišo ya tlhahlobo, ye go bolelwago ka yona ka go molaotshepetšo wa 13(1) ge e le gona;
 - (b) setifikeiti sa go mo thwala mošomong bjalo ka mohlalobi, seo se filwego go latela karolo ya 80(3) ya Molao; le
 - (c) lengwalo la tumelelo ya go tsena le go phuruphuša leo le filwego go latela karolo ya 84(5) ya Molao, ge e le gona.
- (2) Nakong ya tlhahlobo, sehlengwa sa maphelo se swanetše go dirwa gore go hwetšagale bašomi bao ba hlokagalago, methopo le sekgoba go dumelela bahlalobi go dira tlhahlobo ka nako le ka pela.
- (3) Mohlalobi a ka botšiša mošomiši dipotšišo, a botšiša yo a tsenego meagong, mošomi wa tlhokomelo ya maphelo goba motho ofe goba ofe yo a lego meagong ya sehlengwa sa maphelo ka ga tshedimošo efe goba efe ye e lego maleba go tlhahlobo, goba a kgopea motho yo a laolago go tšweletša sengwalwa sefe goba sefe, pego goba dilo tšeo di swanetšego go hlalobja.
- (4) Motho yo a laolago a ka fa mohlalobi tshedimošo efe goba efe ya maleba, dingwalwa, dipego, dilo goba ditlabele tše di tlogo hlalobja gore mohlalobi a di lekodišiša nakong ya ketelo ya tlhahlobo.
- (5) Mo matšatšing a 20 a ka morago ga go fetša tlhahlobo, mohlalobi o swanetše go fa dikutollo tša gagwe tša mathomong go motho yo a laolago ka go ngwala.

- (6) Dikutollo tša mathomong di swanetše go—
- (a) utolla mafapha a magolo ao go sa obamelwego melawana le melaotshepetšo ye e beilwego go ona;
 - (b) bea dipoelo tša go se obamele melawana le melaotshepetšo, ye go boletšwego ka ga yona ka go karolo ya 82A(2) le (4) ya Molao; le
 - (c) bea dikgato tše di swanetšego go tšewa ka nepo ya go fihlelelo go obamela melawana e melaotshepetšo le dinako tša magato a phošollo.
- (7) Mohlahlobi o swanetše go fa motho yo a laolago matšatši a mošomo ao a sa fetego a 20 go fetola dikutollo tša mathomong ka go ngwala.
- (8) Mo matšatšing a 20 a mošomo a ka morago ga go hwetša phetolo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa 7, mohlahlobi o swanetše go lebeledišiša phetolo yeo le go fa pego ya mafelelo go motho yo a laolago.
- (9) Ka morago ga go fa pego ya mafelelo ye go boletšwego ka yona ka go molaotshepetšo wa ka fasana wa 8, mohlahlobi—
- (a) a ka šišinya gore Kantor o e fe sehlongwa sa maphelo setifikeiti sa go obamela melawana le melaotshepetšo go latela molaotshepetšo wa 18(2); goba
 - (b) o swanetše go fa sehlongwa sa maphelo tsebišo ya go obamela melawana le melaotshepetšo go latela karolo ya 82A(1) ya Molao, ge e le gore go na le melawana le melaotshepetšo efe goba efe yeo e obametšwego.

15. Tlhahlobo ya tlaleletšo

- (1) Mohlahlobi a ka, ka nako efe goba efe, go latela karolo ya 82(1) ya Molao, dira tlhahlobo ya tlaleletšo, ge fela a na le mabaka ao a kwagalago a go dumela gore —
- (a) tlhahlobo yeo e a hlokagala go tseba ge eba go se obamele go phošollotšwe ka gare ga sehlongwa sa maphelo;
 - (b) sehlongwa sa maphelo se tshela Molao goba melaotshepetšo efe goba efe ya maleba;
 - (c) go na le go tshela melawana le melaotshepetšo gofe goba gofe go gošoro, go lebeletšwe dilaetši tša dikotsi; goba

- (d) dikutollo tša Mmoelanyi di laetša gore go tšwela pele go fiwa ditirelo ke sehlongwa sa maphelo go ka baka kotsi go balwetši goba go bašomi ba tlhokomelo ya maphelo.
- (2) Ditlhagišo tša molaotshepetšo wa ka fasana wa (1) goba wa (4) tša molaotshepetšo wa 13 di a šoma, go na le diphetogo tše di hlokegago, tša go hlahloba fao go boletšwego ka gona ka mo go molaotshepetšo wo.

KGAOLO YA 4**GO HLAHLOBA SEHLONGWA SA MAPHELO****16. Tshedimošo ka ga mokgwa wa go dira ditlahlobo**

- (1) Kantoro e swanetše, mo dibekeng tše 2 ka morago ga go thoma ga ngwaga o mongwe le o mongwe wa ditšhelete, go tsebiša hlogo ya kgoro ya maphelo ya bosetšhaba goba ya phrobentshe, molaodi wa masepala goba, ge e le sehlongwa sa maphelo sa phraebete, hlogo ya sehlongwa sa maphelo goba bolaodiphethiši bja khamphani ya sepetelele sa phraebete, ka ga mokgwa wa yona wa go dira ditlahlobo.
- (2) Go latela molaotshepetšo wa ka fasana wa (1), Kantoro e ka romela go kgoro ya maphelo ya bosetšhaba goba ya phrobentshe, go molaodi wa masepala goba go hlogo ya sehlongwa sa maphelo, ge e le sehlongwa sa maphelo sa phraebete, hlogo ya sehlongwa sa maphelo goba bolaodiphethiši bja khamphani ya sepetelele sa phraebete goba go khamphani ya sepetelele sa phraebete, mokgwa wa yona wa go dira ditlahlobo wo o nago le tshedimošo ka ga mokgwa woo wa go dira ditlahlobo.

17. Tumelelo ya go tsena, ya go hlahloba le ya go phuruphuša

- (1) Mohlahlobi a ka, go latela karolo ya 82(1) ya Molao, tsena go sehlongwa sefe goba sefe sa maphelo, ka nako efe goba efe, mabakeng a go dira tlhahlobo ye go boletšwego ka yona ka go karolo ya 82(1) ya Molao.
- (2) Fao go tsena go sehlongwa sa maphelo ka ge go hlalošitšwe ka go molaotshepetšo wa ka fasana wa (1) go gannwe, Kantoro e swanetše go dira kgopelo ya tumelelo go latela karolo ya 84(1) ya Molao.

- (3) Kgopelo ya tumelelo e swanetše go akaretša, bonyane, tshedimošo ye e latelago:
- (a) leina le aterese ya sehlengwa sa maphelo seo se tlogo hlahlobja, le fao go kgonagalago, lefelo goba mafelo a sehlengwa sa maphelo seo tumelelo e amanago le lona;
 - (b) ditlhagišo tša molao tše di laolago tlhahlobo;
 - (c) mabaka le go fa mabaka ao a dirago gore go dirwe tlhahlobo yeo; le
 - (d) dipelo tša tlhahlobo tše di sa tšwago dirwa, ge e le gore sehlengwa sa maphelo se ile sa hlahlobja mo nakong ye e fetilego
- (4) Go latela karolo ya 84(3) ya Molao, mohlalobi a ka botšiša mošomiši dipotšišo, a botšiša yo a tsenego meagong, mošomi wa tlhokomelo ya maphelo goba motho ofe goba ofe yo a lego meagong ya sehlengwa sa maphelo, ge fela a –
- (a) hlalošeditše mošomiši, motho yo a tsenego lefelong leo goba motho ofe goba ofe yo a lego lefelong leo ka ga ditokelo tša gagwe, go akaretšwa tokelo ya gagwe ya go hlomola goba ya go se itsenye kotsing ya bosenyi; ebile a
 - (b) hweditše—
 - (i) tumelelo ye e ngwadilwego go tšwa go mošomiši, motho yo a tsenego lefelong leo goba motho ofe goba ofe yo a lego lefelong leo ya go ba botšiša dipotšišo goba ya go gatiša dipoledišano; goba
 - (ii) tumelelo ya molomo go tšwa go mošomiši, yo a tsenego meagong, motho ofe goba ofe yo a lego lefelong leo ya go ba botšiša dipotšišo goba ya go gatiša dipoledišano tše, go na le hlatse.
- (5) Ka ntle ga molaotshepetšo wa (2), mohlalobi a ka tsena, a hlahloba le go phuruphuša mafelo a sehlengwa sa maphelo ka ntle le tumelelo yeo go latela karolo ya 86(b) ya Molao, ge e le gore go na le mabaka a go kwagala go dumela gore, ge e diretšwe kgopelo, tumelelo ya go tsena le go phuruphuša e tla fiwa le gore go ditelega go hwetša tumelelo go tla fenya maikemišetšo a tumelelo yeo.

KGAOLO YA 5**GO ABA DISETIFIKEITI****18. Go aba disetifikeiti tša dihlolongwa tša maphelo**

- (1) Mo matšatšing a 15 a mošomo ka morago ga go hwetša tšhišinyo ya go fa sehlolongwa sa maphelo setifikeiti seo go boletšwego ka sona ka go molaotshepetšo wa 14(9)(a) goba go mpshafatša disetifikeiti tše go bolelwago ka tšona ka go molaotshepetšo wa 19(1), Kantoro e swanetše go fa sehlolongwa sa maphelo seo se fihlelelago dinyakwa ka moka tša go obamela melawana setifikeiti sa go obamela melawana yeo.
- (2) Setifikeiti sa go obamela melawana seo go bolelwago ka sona ka go molaotshepetšo wa ka fasana wa (1), se swanetše—
- (a) Saenwa ke Mohlankedimogolophethiši gomme se bewe lifelong leo le bonwago ke setšhaba ka gare ga sehlolongwa sa maphelo le go bea wepsaeteng ya sona ya setšhaba; le go
- (b) Fiwa se le godimo ga Foromo ya 4, gomme se akaretše, bonyane, tshedimošo ye e latelago:
- (i) leina le aterese ya madulo ya sehlolongwa sa maphelo;
 - (ii) legoro la sehlolongwa sa maphelo;
 - (iii) aterese ya tirelo ya ditshepedišo tša semolao le ditsebišo, ge e le gore ga di swane le aterese ya bodulo;
 - (iv) letšatšikgwedi la tlhahlobo ya mafelelo; le
 - (v) letšatšikgwedi la go felelwa ke go šoma ga setifikeiti.

19. Go mpshafatša le go oketša nako ya setifikeiti

- (1) Sehlolongwa sa maphelo se swanetše, mo lebakeng la go se fete dikgwedi tše tshela pele ga ge nako ya setifikeiti sa mabapi le go obamela se ka fela seo go bolelwago ka sona aka go molaotshepetšo wa ka fasana wa 18(1), go romela kgopelo go Kantoro ya go mpshafatša setifikeiti sa sona.

- (2) Kgopelo ya go mpshafatša setifikeiti sa go obamela melawana e swanetše go ba go Foromo ya 6, gomme e swanetše go akaretša boitekolo bja ngwaga ka ngwaga bja go obamela melawana le melaotshepetšo ga sehlongwa sa maphelo le maano a kaonafatšo ya boleng a moragorago.
- (3) Go mpshafatša setifikeiti sa go obamela melawana le melaotshepetšo go swanetše go thewa go ditšhišinyo tša go aba setifikeiti seo go bolelwago ka sona ka go molaoshepetšo wa 14(9)(a), gammogo le go obamela melawana ka sehlongwa sa maphelo ka dinyakwa tše di lego ka go molaotshepetšo w aka fsana wa (2).
- (4) Kantoru e ka katološa maemo a setifikeiti a sehlongwa sa maphelo seo se dirilego kgopelo ya mpshafatšo ya setifikeiti go latela molaotshepetšo wa ka fasana wa 19(1) mo lebakeng leo le sa fetego ngwaga go thoma ka letšatšikgwedi la go felelwa ke nako ga sona, go fa Kantoru sebaka sa go rulaganya le go dira tlhahlobo mabakeng a go mpshafatša setifikeiti.

20. Go fega setifikeiti

- (1) Setifikeiti sa mabapi le go obamela melawana le melaotshepetšo seo se abjago go latela molaotshepetšo wa 18(2), se tšwela pele go šoma mo lebakeng leo le sa fetego mengwaga ye mene, go latela katološo ya nako ya sona ye e hlalošitšwego ka go molaotshepetšo wa 19(4).
- (2) Ka ntle le molaotshepetšo wa ka fasana wa (1), tsebišo ya go obamela melawana ye go bolelwago ka yona ka go 21(1), e fega go šoma ga semolao ga setifikeiti seo go bolelwago ka sona ka go molaotshepetšo wa ka fasana wa (1), go fihla ge maemo ao a beilwego ka gare ga tsebišo ya go obamela melawana a phethagaditšwe.
- (3) Kantoru e swanetše, mo matšatšing a 15 a mošomo ka morago ga go tiišetša phethagatšo ya maemo a go obamela melawana yeo go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (2), tiišetša leswa maemo a go obamela melawana ga sehlongwa sa maphelo.

KGAOLO YA 6**TSEBIŠO YA GO OBAMELA MOLAO, GO O PHETHAGATŠA LE GO DIRA
BOIPELAETŠO****21. Tsebišo ya go obamela molao go dihlongwa tša maphelo**

- (1) Mohlahlobi o swanetše—
- (a) Ka morago ga go fa pego ya mafelelo, a fa tsebišo ya go obamela melawana go latela karolo ya 82A(1) ya Molao, go motho yo a laolago, ge e le gore go na le melawana le melaotshepetšo ye e sego ya obamelwa; goba
- (b) ka nako efe goba efe nakong ya tihahlobo, a fa tsebišo ya go obamela molao go latela karolo ya 82A(1) ya Molao, go motho yo a laolago, ge e le gore go na le mabaka ao a kwagalago a go dumela gore sehlongwa sa maphelo goba karolo ya sona e na le dikotsi tše šoro go maphelo a setšhaba goba go maphelo a bašomiši.
- (2) Tsebišo ya go obamela melawana ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), e swanetše go ba go Foromo ya 7, gomme e be le tshedimošo ye e beilwego ka go karolo ya 82A(2) ya Molao.
- (3) Motho yo a laolago o swanetše, ka gare ga nako ye e beilwego go latela tsebišo, go fa mohlahlobi leano la kaonafatšo ya boleng la sehlongwa sa maphelo leo le akareditšego —
- (a) ditiro tše di tlogo dirwa go fihlelela go obamela melawana le melaotshepetšo; le
- (b) nako ye e beilwego go fihlelela go obamela melawana.
- (4) Ge sehlongwa sa maphelo se palelwa ke go obamela tsebišo ya mabapi le go obamela melwana ye e filwego go latela karolo ya 82A(1) ya Molao, Kantororo e ka fediša tše dingwe tša dikiletšo tše di ngwadilwego ka go karolo ya 82A(4) ya Molao.

22. Go phethagatsa molao

- (1) Kantoro e swanetše go hlama melawana ya go phethagatša molao ye e hlalošago mokgwa wa Kantoro wa go phethagatša go obamela molao.
- (2) Mohlankedimogolophethiši o swanetše go phatlalatša molaotshepetšo wa go phethagatša molao wo go bolelwago ka ona ka go molaotshepetšo wa ka fasana wa (1) le dipheetošo dife goba dife tše di latelago, ka gare ga Kuranta ya Mmušo, mo matšatšing a 25 a go šoma a ka morago ga tumelelo ya Lekgotlataolo.
- (3) Go phethagatša molao go swanetše, ka fao go ka kgonagalago, go dirišwa ka mokgwa wa kgatelopele, gomme go hlokometšwe dilo tše di latelago, mabapi le sehlongwa sa maphelo-
 - (a) bogolo le go mpefala ga go se obamele fao ga melawana le melaotshepetšo le ditlamorago tša gona;
 - (b) histori ya go obamela ga sehlongwa sa maphelo;
 - (c) go ipušeletša ga go se obamele melawana le melaotshepetšo;
 - (d) go tshela gofe goba gofe ga melawana ka sehlongwa sa maphelo go latela karolo ya 89(1)(a) ya Molao; le
 - (e) mabaka afe goba afe a kimollo goba ao go tshela melawana

23. Kgalemo ye e ngwadilwego

- (1) Kantoro e ka fa temošo ye e ngwadilwego go motho yo a laolago, go latela karolo ya 82A(4)(a) ya Molao, ge a paletšwe ke go obamela tsebišo ye go bolelwago ka yona ka go molaotshepetšo wa 21(1)(a).

- (2) Temošo ye e ngwadilwego go motho yo a laolago yo go bolelwago ka yen aka go molaotshepetšo wa ka fasana wa (1) e swanetše go ba go Foromo ya OHSC 8, gomme e akaretše, bonyane, tshedimošo ye e latelago:
- (a) Leina la motho yo temošo e romelwago go yena le letšatšikgwdi;
 - (b) sehlongwa sa maphelo seo se angwago ke temošo yeo;
 - (c) melawana le molaotshepetšo ye e beilwego ye e sego ya obamelwa ;
 - (d) sebopego le bogolo bja go se obamele melawana;
 - (e) dikgato tše di tlogo tšewa ke sehlongwa sa maphelo go phošolla maemo a go se obamele melawana; le
 - (f) dikgato tše di šetšego di tšerwe ke Kantoro go netefatša gore melawana e a obamelwa, ge di le gona.

24. Kgopelo ya go fetola

- (1) Ge Kantoro e efa temošo ye e ngwadilwego go motho yo a laolago, e swanetše go kgopela phetolo go motho yo a laolago sehlongwa sa maphelo go latela karolo ya 82A (4)(b) ya Molao, gomme e beye dinako tšeo sehlongwa sa maphelo se swanetšego go fetola le gore go palelwa ke go fetola go tla ba le ditlamorago dife.
- (2) Motho yo a laolago o swanetše go tsebiša gore o amogetše temošo ye e ngwadilwego ye go boletšwego ka yona ka go molaotshepetšo wa ka fasana wa (1), ka go ngwala.
- (3) Ge motho yo a laolago sehlongwa sa maphelo a palelwa ke go fetola kgopelo ya phetolo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1), goba a efa phetolo ye e sa kgotsofatšego, Kantoro e ka, –
- (a) šišinya gore ba taolo ba maleba ba tšeye magato a maleba ao a swanetšego, go latela karolo ya 82A(4)(c) ya Molao;
 - (b) hloma ditheeletšo tša semmušo go lebeledišiša kgonagalo ya go phumola setifikeiti seo sa go obamela melawana goba go fa kotlo, go latela dikarolo tša 82A(4)(d) le tša 82A(4)(e) tša Molao, ka go latelana; goba
 - (c) lebiša taba ye go Tirelo ya Bosekiši ya Bosetšhaba go yo sekišetšwa molato wa bosenyi, go latela karolo ya 82A(4)(f) ya Molao.

25. Go hlokomedišiša ditšhišinyo go ba taolo ba maleba

Ge e le gore tšhišinyo e dirilwe go ba taolo ba maleba go latela molaotshepetšo wa 24(3)(a), Kantoro e swanetše go hlokomedišiša le go begela Tona ka ga go tsenya tirišong ga ditšhišinyo tše go boletšwego ka tšona ka ba taolo ba maleba.

26. Ditheeletšo tša semmušo

- (1) Pele ga ge e ka phumola setifikeiti sa go obamele melawana goba go fa kotlo, Kantoro e swanetše go tsebiša sehlongwa sa maphelo ka ga maikemišetšo a yona a go phumola setifikeiti sa go obamela melawana goba go fa kotlo, go eya ka gore go amega efe, le go thomiša ditheeletšo go fa sehlongwa samaphelo go fa ditlhagišo, pele ga ge sephetho sa mafelelo se ka tšewa.
- (2) Mohlankedimogolophethiši o swanetše go thwala motho wa maleba go ba modulasetulo wa ditheeletšo tše go boletšwego ka tšona ka go molaotshepetšo wa ka fasana wa (1).
- (3) Motho yo go boletšwego ka yena ka go molaotshepetšo wa ka fasana wa (2) a ka thwala batho bao ba sa fetego ba 2 bao ba nago le tsebo ya sethekniki ka ga hlogotaba ya maleba bjalo ka bathuši ba gagwe, go ya ka fao go ka nyakegago.
- (4) Mohlankedi yo e lego modulasetulo wa ditheeletšo o swanetše go fa bobedi Kantoro le sehlongwa sa maphelo, bonyane temošo ye e ngwadilwego ya matšatši a 10 a mošomo go itokišetša ditheeletšo gomme a ka –
 - a. kgopela gore go dirwe ditlhagišo tša go ngwalwa go tšwa go Kantoro le sehlongwa sa maphelo gore di tlišwe go yena, bonyane matšatši a mošomo a 5 pele ga ditheeletšo;
 - b. dumelela gore go dirwe bohlatse ka molomo ke bobedi Kantoro le sehlongwa sa maphelo go baka motho ofe goba ofe yo a nago le kgahlego, ka morago ga go dira kgopelo, mabapi le taba ye.
- (5) Tsebišo ya ditheeletšo ye go bolelwago ka yona ka go molaotshepetšo wa ka fasana wa (1) e swanetše go ba go Foromo ya 8, gomme e akaretše, bonyane, tshedimošo ye e latelago:

- (a) letšatšikgwedi, nako le lefelo la ditheeletšo;
 - (b) hlogotaba ya ditheeletšo;
 - (c) ditokelo tša molao tša bao ba amegago le ka fao di ka phethagatšwago ka gona;
 - (d) dingwalwa tše di nyakegago, dipego, ditlabelelo goba didirišwa, ge di le gona; le
 - (e) ditlamorago tša go palelwa ke go tsenela ditheeletšo.
- (6) Tshepedišo ya go tsamaiša ditheeletšo tše go boletšwego ka tšona ka go molaotshepetšo wa ka fasana wa (1) di swanetše go laolwa ke motho yo a laolago ditheeletšo tše.
- (7) Theeletšo ya taba yeo—**
- (a) e swanetše go swarwa ka pela le go latela melawana ya toka ya tlhago, ye e beilwego ka go Molao wa Tšwetšopele ya Toka ya Bolaodi, wa 2000 (Molao wa Nomoro ya 3 wa 2000);
 - (b) e swanetše go swarwa ka mokgwa wo e sego wa semmušo ka fao go ka kgonagalago, go sepelelana le temana ya (a); gomme
 - (c) e swanetše go bulelwa setšhaba; Ge fela e le gore motho yo e lego modulasetulo wa ditheeletšo a ka no se akaretše maloko a setšhaba, goba batho ba itšego goba magoro a batho, gore ba se tsenele ditheeletšo tše—
 - (i) ge bohlatse bjo bo tlogo hlagišwa e le bja tshedimošo ya sephiri, eupša go fihla fao e lego gore tshedimošo yeo e ka se kgone go šireletšwa;
 - (ii) ge tshepedišo ya maleba ya ditheeletšo e nyaka ka fao; goba
 - (iii) go lebaka lefe goba lefe leo le tlogo kwagala ka go ditshepedišo tša Kgorotshoko.
- (8) Mafelelong a ditheeletšo, motho yo e lego modulasetulo wa ditheeletšo a ka šišinya gore Kantoro e phumole goba e se ke ya phumola setifikeiti sa go obamela melawana sa sehlolongwa sa maphelo, goba go fa kotlo, go eya ka gore go amega efe.

- (9) Kantoro e swanetše, mo matšatšing a 10 a mošomo ka morago ga ditheeletšo, e tšeye sephetho le go fa motho yo a laolago sehlolongwa sa maphelo le ba taolo ba maleba mabaka ao a ngwadilwego ka ga sephetho sefe goba sefe se segolo seo se tšerwego.
- (10) Mabakeng a molaotshepetšo wo “**motho wa maleba**” e ra motho yo a nago le tsebo ye kgolo le maitemogelo ka tshepedišong ya molao le ka go melawana le melaotshepetšo ya sehlolongwa sa maphelo gammogo le melao ya kakaretšo le melaotšhepetšo ye e šomago go lefapha la tlhokomelo ya maphelo.

27. Go phumolwa ga setifikeiti le go romela ditšhišinyo go Tona

- (1) Ge sehlolongwa sa maphelo se palelwa ke go obamela tsebišo ya go obamela melawana ye go boletšwego ka yona ka go molaotshepetšo wa 21(1)(b), Kantoro e ka, ka morago ga go latela molaotshepetšo wa 26(1), phumola setifikeiti sa go obamela melawana sa sehlolongwa sa maphelo le go šišinya go Tona gore sehlolongwa seo sa maphelo se tswalelwe lebakanyana goba se tswalelwe sa ruri goba karolo ya sona yeo e tšweletšago kotsi ye šoro go maphelo a setšhaba goba go maphelo a bašomiši ba sona, go latela karolo ya 82A(4)(d) ya Molao.
- (2) Tšhišinyo ye e lebišwago go Tona go latela molaotshepetšo wa ka fasana wa (1) e swanetše go ngwalwa gomme e akaretše, bonyane, tshedimošo ye e latelago:
- (a) dintlha tša go se obamele melawana;
 - (b) sebopego le bogolo bja kotsi ye e tlišwago go maphelo a setšhaba goba go bašomiši;
 - (c) lebaka la nako leo melawana e sego ya obamelwa ka lona;
 - (d) ditlamorago tša go tšwela pele go se obamele melawana;
 - (e) taetšo ya karolo goba dikarolo tša sehlolongwa sa maphelo seo se swanetšego go tswalelwa, le
 - (f) tshedimošo efe goba efe ya maleba.
- (3) Pele ga ge a phethagatša maatla a gagwe go latela molaotshepetšo wa ka fasana wa (1), Tona o swanetše go obamela Molao wa Tšwetšopele ya Toka ya Bolaodi, 2000 (Molao wa Nomoro ya 3 wa 2000).

28. Kotlo

- (1) Pele ga ge e ka fa kotlo go latela karolo ya 82A(4)(e) ya Molao, le ka morago ga go obamela molaotshepetšo wa 26(1), Kantoro e swanetše go fa motho yo a laolago sehlengwa sa maphelo sebaka sa go romela kgopelo ya kwelobohloko.
- (2) Kotlo ye go bolelwago ka yon aka go karolo ya 82A(4)(e) ya Molao ga se ya swanela go feta mollwane wo o beilwego ke Tona.
- (3) Ge e tšea sephetho ka ga bogolo bja kotlo, Kantoro e swanetše go hlokomela—
 - (a) sebopego le bogolo bja go se obamele melawana;
 - (b) dikgato tše di tšerwego ke sehlengwa sa maphelo go imolla go se obamele fao;
 - (c) dikgopelo dife goba dife tša kwelobohloko tše di tlišitšwego ke sehlengwa sa maphelo; le
 - (d) seabe seo se ka kgonagalago sa kotlo go ditšhelete tša sehlengwa sa maphelo.
- (4) Ge kotlo e fiwa go latela karolo ya 82A(4)(e) ya Molao sehlengwa sa maphelo se swanetše, mo matšatšing a mošomo a 20 ka morago ga sephetho, se swanetše go lefa kotlo yeo ka akhaonteng ya pankka ye e filwego ye go boletšwego ka yona ka go molaotshepetšo wa ka fasana wa (5).
- (5) Kantoro e swanetše go hloma le go tšwetša pele akhaonte ya pankka ye e aroganego ya go tlo lefela dikotlo tše ka gare ga yona go latela ditlhagišo tša Molao wa Taolo ya Ditšhelete tša Setšhaba, wa 1999 (Molao wa Nomoro ya 1 wa 1999).

29. Go romela go ba Tirelo ya Bosekiši ya Bosetšhaba

- (1) Ka ntle ga molaotshepetšo wa 23, Kantoro e ka, ka nako efe goba efe ya lebiša taba ye go Tirelo ya Bosekiši ya Bosetšhaba gore e ye go sekišetšwa bosenyi, go latela karolo ya 82A(4)(f) ya Molao, ge e le gore go palelwa gofe goba gofe ga go obamela tsebišo ya go obamela melawana ye e filwego go latela Molao e bonwa bjalo ka molato wa bosenyi go latela karolo ya 89(1) ya Molao.

- (2) Go latela molaotshepetšo wa ka fasana wa (1), Kantoro e swanetše go lokiša le go fa bohlatse bofe goba bofe le ka moka ga bjona bjo bo ka bago maleba gore sehlongwa sa maphelo se sekišwe go Tirelo ya Bosekiši ya Bosetšhaba.

30. Boipelaetšo kgahlanong le diphetho tša Kantoro goba tša Mmoelanyi

- (1) Boipelaetšo bjo bo lebišwago go tona go latela karolo ya 88A(1) ya Molao bo swanetše go dirwa ka tsebišo ye e ngwadilwego.
- (2) Tsebišo ye go bolelwago ka yona ka go molaotshetšo wa ka fasana wa (1) ka mo godimo e swanetše go ba go Foromo ya 10, gomme e swanetše go fa mabaka a boipelaetšo bjo le tshedimošo goba dingwalwa tše di lekanego go thekga kgopelo yeo ya boipelaetšo.
- (3) Kgorotsheko ya lebakanyana ye go boletšwego ka yona ka go karolo ya 88A(2) ya Molao e swanetše go bea melawana le ditshepedišo tša go tsamaiša ditheeletšo tša yona.
- (4) Ditshepedišo tša kgorotsheko di swanetše go bulelwa setšhaba, eupša modulasetulo wa kgorotsheko yeo a ka no se akaretše maloko a setšhaba, goba batho ba itšego goba magoro a batho, go tsenela ditshepedišo tše –
- (a) Ge bohlatse bjo bot logo hlagišwa bo le bja tshedimošo ya sephiri, eupša go fihla fao e lego gore tshedimošo e ka se kgone go šireletšwa;
- (b) ge maitshwaro a maleba a ditheeletšo a nyaka bjalo; goba
- (c) Lebakeng lefe goba lefe leo le tlogo kwagala ka go ditshepedišo tša tshekišo ya setšhaba ka go Kgorotsheko.

31. Go phatlalatša ga dipego le diphetho tša kgorotsheko

- (1) Kantoro e swanetše–
- (a) gore mo matšatšing a 25 a mošomo e fe sephetho, e phatlalatše sephetho sa komiti ya lebakanyana ka gare ga *Kuranta ya Mmušo* le wepsaeteng ya yona ya setšhaba;

- (b) dikgweding tše dingwe le tše dingwe tše tshela, e phatlalatše wepsaeteng ya yona ya setšhaba le lefelong le lengwe la dikgatišo la maleba, pego yeo e bolelago ka moka ka ga—
- (i) ditlhahlobo tše di dirilwego tše di nago le leina le lefelo la dihlengwa tše tša maphelo;
 - (ii) disetifikeiti tša go obamela melawana tše di filwego, tše di nago le leina le lefelo la dihlengwa tša maphelo;
 - (iii) ditheeletšo tše di dirilwego tše di nago le leina le lefelo la dihlengwa tša maphelo le dipelo tša ditheeletšo;
 - (iv) ditšhišinyo tše di dirilwego go ba taolo ba maleba go latela karolo ya 79(1)(e); le
 - (v) dingongorego tše di hweditšwego tše di rarollotšwego ke Mmoelanyi, ka legoro
- (c) ka ngwaga, e phatlalatše pego ka gare ga wepsaete ya yona ya setšhaba le ka lefelong le lengwe la dikgatišo la maleba, pego yeo e—
- (i) beago maemo a go obamela melawana ga dihlengwa tša maphelo ka moka; le
 - (ii) fago kakaretšo ka ga palo le sebopego sa ditsebišo tša go obamela melawana tše di filwego.

KGAOLO YA 7**GO ŠOMA DINGONGOREGO LE GO DI NYAKIŠIŠA****32. Ke mang yo a ka tlišago ngongorego**

- (1) Motho ofe goba ofe a ka tliša ngongorego go Mmoelanyi, go latela karolo ya 81A(1) ya Molao, ya go tshela melawana le melaotshepetšo efe goba efe ka sehlongwa sa maphelo.
- (2) Motho ofe goba ofe, mohlokomedi goba moemedi wa motho yo a filwego tirelo ya maphelo, a ka tliša ngongorego go Mmoelanyi.
- (3) Ngongorego e ka šongwa ke Mmoelanyi go sa lebelelwe gore motho wa maleba o hlokofetše ka ge go hlalošitšwe ka go molaotshepetšo wa ka fasana wa (2), ge—
 - (a) motho a ka hlokofala gomme, ge motho yo a sa phela, a ka tliša ngongorego ka ga taba yeo; goba
 - (b) motho a tliša ngongorego eupša a hlokofala pele ga ge ngongorego yeo e ka šongwa.
- (4) Ge molaotshepetšo wa ka fasana wa (3)(a) o amega, ngongorego e ka tlišwa legatong la motho yoo.
- (5) Ge molaotshepetšo wa ka fasana wa (4)(b) o amega, Mmoelanyi a ka, ka kgopelo ya motho yo mongwe, dumela gore motho yo mongwe a tšeelwe legato bjalo ka mongongoregi.
- (6) Ge ngongorego e tlišitšwe go latela molaotshepetšo wa ka fasana wa (2) ke moemedi legatong la motho yo a filwego tirelo ya maphelo, e sego ka fase ga mabaka ao go boletšwego ka ona ka go molaotshepetšo wa ka fasana wa (3), Mmoelanyi a ka kgopela motho yo a filwego tirelo ya maphelo go tiišetša ngongorego yeo.

33. Ka fao o ka tlišago ngongorego

- (1) Ngongorego go ya go Mmoelanyi e ka tlišwa-
 - (a) ka molomo, go akaretšwa le ka mogala; goba
 - (b) ka go ngwalwa, go akaretšwa ka imeile goba ka mekgwa ye mengwe ya elekthroniki.
- (2) Ge ngongorego e ka dirwa ka molomo, Mmoelanyi o swanetše go -
 - (a) gatiša ngongorego yeo; le go
 - (b) kgopela mongongoregi go tiišetša go nepagala ga kgatišo yeo.
- (3) Mmoelanyi o swanetše go ba mongongoregi thušo ye e swanetšego ya go tliša ngongorego, gomme a tšeye magato a maleba go netefatša gore go ba le phihlelelo ye e kwagalago go Mmoelanyi ka bašomiši ba ditirelo tša maphelo le go batho bao ba amegago.
- (4) Ngongorego e swanetše go ba le tshedimošo ya maleba ya mabapi le ngongorego le mongongoregi yoo, go akaretšwa bohlatse le mabaka a ngongorego, le dintlha tše dingwe tšeo Mmoelanyi a ka di nyakago go šoma ka ngongorego yeo.

34. Tsebišo ya gore ngongorego e hweditšwe le kgopelo ya tshedimošo ya tlaleletšo

- (1) Mmoelanyi o swanetše go tsebiša gore o amogetše ngongorego mo diiring tše 48 tša ka morago ga go tlišwa ga ngongorego.
- (2) Mmoelanyi a ka kgopela tshedimošo ya tlaleletšo go tšwa go mongongoregi, yeo e swanetšego go fiwa mo lebakeng la nako leo le kwagalago leo le filwego ka gare ga kgopelo yeo.

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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 617

2 November 2016
November

No. 40396

PART 2 OF 2



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ISSN 1682-5843



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- (3) Mmoelanyi a ka nose šome ngongorego yeo, goba a šoma go tšwela pele ka ngongorego, go fihla ge mongongoregi a obamela kgopelo ye go boletšwego ka yon aka go molaotshepetšo wa ka fsana wa (2), fao e lego gore mongongoregi o kgona go obamela se.
- (4) Go palelwa ke go obamela kgopelo ka mongongoregi e ka ba lebaka leo le dirwago gore go tšewe sephetho sa gore go se tšewe sephetho go ya pele ka ga ngongorego yeo.

35. Go lekodišiša dingongorego

- (1) Maikemišetšo a go lekodišiša ngongorego ke go hwetša tshedimošo le go e sekaseka go sepelelana le ngongorego yeo le go tšea sephetho ka ga mokgwa wa maleba kudu wa go šomana le yona go tšwela pele.
- (2) Go lekodišiša ngongorego go ka dirwa ka tsela efe goba efe yeo Mmoelanyi a bonago e le maleba, go akaretšwa—
- (a) go sekaseka tshedimošo ye e filwego ke mongongoregi;
 - (b) go sekaseka tshedimošo ye e hweditšwego go tšwa go mongongoregi go latela molaotshepetšo wa 34(2) go tšwa go mongongoregi;
 - (c) go lekodišiša dingongorego tšeo di tlišitšwego go latela molaotshepetšo wa 36(1) go tšwa go mongongoregi goba go sehlongwa sa maphelo sa maleba goba go motho ofe goba ofe;
 - (d) go boledišana le mongongoregi goba le sehlongwa sa maphelo sa maleba; goba
 - (e) go rerišana le motho ofe goba ofe goba setheo seo se nago le tsebo ya sethekniki ya maleba mabapi le hlogotaba ya ngongorego.

36 Go romela dingongorego

- (1) Mmoelanyi a ka fa mongongoregi goba sehlongwa sa maphelo sa maleba tsebišo, yeo a laletšago gore go tlišwe ngongorego, yeo e swanetšego go fiwa Mmoelanyi mo lebakeng la nako leo le beilwego.

- (2) lebaka la nako la go tliša dingongorego le swanetše go kwagala, eupša le swanetše go se fete matšatši a mošomo a 20 go tloga ka letšatšikgwedi la tsebišo.
- (3) Mmoelanyi o swanetše go lebeledišiša ngongorego ye nngwe le ye nngwe ye e amogetšwego mo lebakeng la nako leo go boletšwego ka lona ka go 36(1).

37. Nako ya go fetša tekodišišo

- (1) Mmoelanyi o swanetše go fetša tekodišišo mo matšatšing a 15 a mošomo ka morago ga go tlišwa ga ngongorego goba ka morago ga go amogela tshedimošo ya tlaleletšo go latela molaotshepetšo wa 34(2).
- (2) Mmoelanyi a ka oketša lebaka la nako la tekodišišo ka nako ye nngwe ya matšatši a 15 a mošomo ge go hlokagala ka lebaka la –
 - (a) bogolo goba go hlakahlakana ga ngongorego; goba
 - (b) nako ye e tšewago go hwetša tshedimošo ya tlaleletšo go latela molaotshepetšo wa 34(1) goba dithomelo go latela molaotshepetšo wa 36(1).

38. Sephetho sa go latela tekodišišo

Ka morago ga go fetša tekodišišo, Mmoelanyi o swanetše go–

- (a) tšea sephetho sa ge eba–
 - (i) a ka nyakišiša ngongorego;
 - (ii) iša ngongorego go ba taolo ba bangwe ba semolao goba go sehlongwa goba setheo se sengwe sa maleba; goba
 - (iii) go se tšeye sephetho sefe goba sefe mabapi le ngongorego;
- (b) fa tsebišo mongongoregi le sehlongwa sa maphelo sa maleba ka ga diphetho, le mabaka a diphetho tšeo.

39. Go dirišana le dihlongwa tše dingwe

Mmoelanyi a ka rerišana le go dirišana le dihlongwa tša setšhaba ka ga mešomo ye e amanago le, goba yeo e ka amago mešomo ya Mmoelanyi.

40. Go romelwa go tšwa go dihlolongwa tše dingwe le setšhabeng

Ge Mmoelanyi a thoma go tseba ka ga taba ye itšego, ye e sego ka ngongorego ye e tlišwago semmušo, ka mokgwa wa go romelwa go tšwa go—

- (a) sehlongwa sa maphelo;
- (b) ba taolo ya semolao ba bangwe goba go tšwa go sehlongwa goba setheo sa maleba le seo se nago le maswanedi, go akaretšwa go tšwa go Kantoru; goba
- (c) ka mokgwa ofe goba ofe gomme a tšea sephetho sa go šoma ka taba yeo, Mmoelanyi a ka, ka tumelelo le motho wa maleba, šoma ka taba yeo tše o ka rego ke ngongorego le bjalo ka ge eba motho yoo ke mongongoregi.

41. Sephetho sa go se tšeye sephetho se sengwe go ya pele ka ga ngongorego

(1) Ka nako efe goba efe, Mmoelanyi a ka tšea sephetho sa go se tšeye sephetho se sengwe go ya pele ka ga ngongorego ge Mmoelanyi a na le mabaka a gore —

- (a) ngongorego-
 - (i) e se bohlokwa, e tliša go tena, e hloka boleng goba e se ya dirwa ka moya o mokaone;
 - (ii) e sa kwešišegogo goba o hloka mooko;
 - (iii) e šongwa ka maleba ke setheo se sengwe sa maleba;
 - (iv) e rarollotšwe goba e phethilwe ka maleba ke Mmoelanyi goba ke sehlongwa sa maleba; le
 - (v) ka ntle le maitekelo ao a kwagalago ka Mmoelanyi goba ka setheo se sengwe sa maleba, e ka se kgone go rarollwa; goba
- (b) mongongoregi-
 - (i) a paletšwe, ka ntle le lebaka leo le kwagalago, go-
 - (aa) dirišana ka fao go kgotsofatašago le Mmoelanyi go rarolla ngongorego;
 - (bb) obamela kgopelo ya Mmoelanyi ya go tliša tshedimošo ya tlaleletšo, bohlatse goba go fa Mmoelanyi dinyakwa tša go šoma ka maleba le ngongorego.

- (2) Mmoelanyi a ka tšea sephetho sa go dire se sengwe go ya pele ka ga taba ye ge—
- (a) ngongorego e gomišitšwe;
 - (b) taba ya ngongorego e tšweleditšwe, gomme mongongoregi a be a tseba a tseba taba yeo, bonyane mengwaga ye 2 pele ga ge ngongorego e dirilwe; goba
 - (c) mongongoregi, goba motho yo mongwe wa maleba a ka hlokofala gomme Mmoelanyi ka mabaka ao a kwagalago a bona gore go ka ba maleba go se tšeye sephetho.

42. Go nyakišiša ngongorego

Tshepedišo ya go dira dinyakišišo e tla ba yeo Mmoelanyi a bonago e le maleba mabakeng a molato, le kudukudu, a ka dira dinyakišišo tša mohuta woo, ka ge a bona go swanetše gomme e swanetše go sepelelana le melao ya maleba.

43. Tsebišo go sehlongwa sa maphelo seo se nyakišišwago

Maditsela o swanetše go tsebiša sehlongwa sa maphelo sa maleba mabapi le dinyakišišo le ka ga tshepedišo ya dinyakišišo, pele goba ge dinyakišišo di thomilwe.

44. Diwego tša kgatelopele

Mmoelanyi o swanetše, dikgweding tše dingwe le tše dingwe tše pedi, afe tsebišo ya kgatelopele ya mabapi le dinyakišišo go —

- (a) sehlongwa sefe goba sefe sa maphelo seo se nyakišišwago; le
- (b) mongongoregi.

45. Nako yeo dinyakišišo di swanetšego go phethwa

- (1) Mmoelanyi o swanetše go fetša dinyakišišo tše go bolelwago ka tšona ka go molaotshepetšo wa 42 mo lebakeng la dikgwedi tše 6, ka ntle le ge di katološitšwe go latela molaotshepetšo wa (2), ka morago ga sephetho sa go dira dinyakišišo.
- (2) Mmoelanyi a ka katološa lebaka la go fetša dinyakišišo ge e le gore Mmoelanyi ge a tšea sephetho seo a na le mabaka a go kwagala, go hlokometše mabaka ka moka, go akaretšwa bogolo le go hlakahlakana ga ditaba tšeo di nyakišišwago, go sa kgonagale gore a ka fetša dinyakišišo gabotse ka letšatšikgwedi leo le filwego.
- (3) Lebaka la nako la go fetša dinyakišišo le ka katološwa go feta gatee, eupša katološo ye nngwe le ye nngwe ga se ya swanelwa go feta dikgwedi tše 3, ge fela palomoka ya nako ya dinyakišišo e sa fete mengwaga ye 2.

46. Retšistara ya dinyakišišo

- (1) Mmoelanyi o swanetše go ba le retšistara, wepsaeteng ya gagwe yeo e fihlelelwago ke setšhaba, ya dinyakišišo ka moka.
- (2) Retšistara e swanetše go ba le ditaba tše di latelago go dinyakišišo tše dingwe le tše dingwe-
 - (a) mohuta wa molawana goba wa molaotshepetšo wo o tshetšwego;
 - (b) sebopego sa tlhago sa taba yeo e nyakišišwago;
 - (c) letšatšikgwedi leo go tšerwego sephetho sa go dira dinyakišišo;
 - (d) letšatšikgwedi la bjale la mafelelo la go fetša dinyakišišo;
 - (e) maemo a bjale ka ga dinyakišišo; le
 - (f) lebaka la katološo ye nngwe le ye nngwe la nako ya dinyakišišo.
- (3) Retšistara ga se ya swanela go ba le tshedimošo yeo e tsebišago leina la mongongoregi goba e beago mongongoregi kotsing, sehlongwa sa maphelo goba motho yo a filwego tirelo ya tlhokomelo ya maphelo.

47. Pego go Tona

- (1) Ge dinyakišišo di ka se fetšwe mo mengwageng ye 2 ka morago ga sephetho sa go di dira, Mmoelanyi o swanetše go fa Tona pego ye e fago –
- (a) dintlha tša taba ye e nyakišišwago; le
 - (b) mabaka ao a dirilego gore dinyakišišo di se ke tša fetšwa.
- (2) Tona a ka tšea sephetho sa mabapi le taba yeo, go akaretšwa sephetho sa go –
- (a) tswalela taba yeo;
 - (b) katološa dinyakišišo mo lebakeng le itšego; goba
 - (c) lebiša taba yeo go ba taolo ba molao, go sehlengwa goba setheo.

48. Tsebišo ka ga sephetho ka morago ga go nyakišiša ngongorego le pego ya dinyakišišo

Mo matšatšing a 10 a mošomo ka morago ga go fetša dinyakišišo tše go boletšwego ka tšona ka go molaotshepetšo wa 42, Mmoelanyi o swanetše—

- (a) tsebiša mongongoregi le sehlengwa s amaphelo ka ga dikutollo tša gagwe le ka ga ditšhišinyo, go latela karolo ya 81A (11) ya Molao; le go
- (b) romela pego ye e nago le dikutollo tša gagwe le ditšhišinyo go Mohlankedimogolophethiši, go latela Karolo ya 81A(9) ya Molao, gore go tšewe magato a maleba.

49. Go romela go le dipego go tšwa go ba taolo ba bangwe goba go sehlengwa goba setheo se sengwe sa maleba

- (1) Ge a romela taba ye, Mmoelanyi o swanetše go fa ba Taolo ba maleba, setheo gobsehlengwa tshedimošo ka moka ya maleba yeo Mmoelanyi a nago le yona mabapi le taba ye, go akaretšwa, dintlha tša ngongorego, mongongoregi le sehlengwa sa maphelo sa maleba.
- (2) Ba taolo ba semolao goba setheo se sengwe sa maleba goba sehlengwa seo taba ye e rometšwego gona se swanetše go fa Mmoelanyi –

- (a) dipego tše di ngwadilwego tša mabapi le kgatelopele mabapi le taba ye, ka dikgoba tša nako tša kgafetšakgafetša; le
 - (b) mo matšatšing a mošomo a 25 ka morago ga go fetša dinyakišišo, pego ye e ngwadilwego ya dipoelo tša kgato ye e tšerwego mabapi le taba ye.
- (3) Go latela molaotshepetšo wo “**ba taolo ba semolao**” e ra setheo sa taolo seo se hlomilwego ke goba ka fase ga melao ya Phrobentshe goba ya bosetšhaba.

50. Sephiri sa tshedimošo

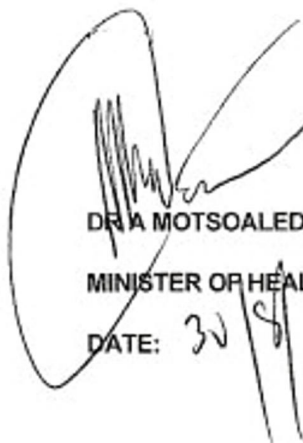
- (1) Tshedimošo ye e hweditšwego ke Mmoelanyi goba batho bao ba filwego mošomo wo go latela karolo ya 81(3) (c) ya Molao ka nakong ye goba mabakeng a go dira dinyakjišišo ga se ya swanelwa go tsebagatšwa go motho wa boraro, ka ntle le mabakeng a dinyakišišo le ge pego efe goba efe e swanetše go dirwa mabapi le yona.
- (2) Sehlongwa sa maphelo se ka, ka tsebišo ye e ngwadilwego ye e hlalošago gore ke ka lebaka la eng tshedimošo e le sephiri, bolela gore tshedimošo ye itšego ke ya sephiriclam any information to be confidential.
- (3) Mmoelanyi, mo matšatšing a mošomo a 10 a ka morago ga go hwetša tsebišo ye go boletšwego ka yona ka go molaotshepetšo wa ka fasana (2), a tšea sephetho sa gee ba tshedimošo yeo ke sephiri goba aowa, gomme ge Mmoelanyi a hwetša gore tshedimošo yeo ke sephiri, a ka dira taelo efe goba efe ya maleba mabapi le tshedimošo yeo.
- (4) Sehlongwa sa maphelo se ka, mo matšatšing a mošomo a 10 ka morago ga sephetho sa Mmoelanyi go latela molaotshepetšo wa ka fasana wa (3), dira boipelaetšo kgahlanong le sephetho seo goba kgahlanong le taelo yeo go boletšwego ka yona ka go molaotshepetšo wa ka fasana wa (3), go Tona go latela karolo ya 88A ya Molao.

KGAOLO YA 8**DITLHAGIŠO TŠA KAKARETŠO****51. Diforomo tše di beilwego**

- (1) Diforomo tše di beilwego mabakeng a melaotshepetšo ye di beilwe ka go Šetule ya 1 ya melaotshepetšo ye.
- (2) Foromo efe goba efe ye e swanetšego go goba e ka romelwago ke sehlongwa sefe goba sefe sa maphelo goba ke mošomiši go Kantoro go latela melaotshepetšo ye e ka romelwa ka elektroniki.

52. Thaetlele ye kopana le go thoma go šoma

Melaotshepetšo ye e bitšwa Melaotshepetšo ya Tshepedišo ya mabapi le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šongwa ga Dingongorego ka Mmoelanyi, gomme e thoma go šoma ka letšatšikgwedi la go e phatlalatša ka gare ga *Kuranta ya Mmušo*.



DR A MOTSOLEDI, MP
MINISTER OF HEALTH
DATE: 30/8/2016

TLALELETŠO
DIFOROMO TŠE DI BEILWEGO

Nomoro ya Foromo	Nomoro ya Karolo	Nomoro ya Molaotshepetšo	Tihalošo
OHSC 1		4(2)	Tshedimošo ka ga sehlengwa sa maphelo
OHSC 2	80(3)	8(2)	Setifikeiti sa go thwala motho bjalo ka mohlalobi
OHSC 3		13(2)	Tsebišo ya tlhahlobo go sehlengwa sa maphelo
OHSC 4		18(1)	Setifikeiti sa go obamela melawana
OHSC 5	79(1)(c)	19(2)	Kgopelo ya go mpshafatša setifikeiti
OHSC 6	82A(1)	21(2)	Tsebišo ya go obamela melawana go dihlengwa tša maphelo
OHSC 7	82A(4)(a)	23(2)	Temošo ye e ngwadilwego
OHSC 8		26(5)	Tsebišo ya ditheeletšo
OHSC 9	88A	30(2)	Tsebišo ya boipelaetšo

OHSC 1

TSHEDIMOŠO KA GA SEHLONGWA SA MAPHELO

Dihlongwa tša maphelo ka moka le bašomiši tšeo di kgopelwago ke Kantoro go fa tshedimošo ya mabapi le melawana le melaotshepetšo ye e beilwego, go latela karolo ya 79(2)(b) ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003), di swanetše go dira bjalo pele la 31 Matšhe ngwaga o mongwe le o mongwe le dikela. Ge motho yo a laolago, yo go bolelwago ka yena ka go molaotshepetšo wa 6(1), a palelwa ke go fa Kantoro tshedimošo ye e nyakegago mo lebakeng la nako leo le filwego, Kantoro e swanetše go lebiša taba yeo go hlogo ya kgoro ya maphelo ya bosetšhaba goba ya phrobentshe goba go kgoro ya maphelo ya masepala goba go hlogo ya sehlongwa sa maphelo, go eya ka gore ke efe ye e amagegago, go tsena taba yeo ka bogare go latela melawana le ditshepedišo tša go tsena taba gare ya ba taolo ba maleba.

Leina la sehlongwa sa maphelo	
Maemo a Semolao	
Dintlha tša ba Taolo ba maleba (hlogo ya kgoro ya maphelo ya bosetšhaba goba ya Phrobentshe goba ya masepala, hlogo ya sehlongwa sa amaphelo goba ya khamphani ya sepetlele sa phraebete)	
Aterese ya Bodulo ya sehlongwa sa maphelo	
Magahlanong a GPS - lathitšhute le lonkitšhute	
Dintlha tša boikgokaganyo tša Sehlongwa sa Maphelo go akaretšwa –	

Nomoro ya mogala aterese ya imeile dintlha tša wepsaete	
Leina la motho yo a laolago	
Dintlha tša boikgokaganyo tša motho yo a laolago	
Legoro la sehlongwa sa maphelo (go ya ka Molaotshepetšo ka ga Taolo ya Dipetlele tša Setšhaba wo o gatišitšwego ka gare ga <i>Kuranta ya Mmušo</i> ya Nomoro ya 34522 ya la 12 Agostose 2011);	
Selete sa Maphelo seo sehlongwa sa maphelo se welago ka gare ga sona	
Ditirelo tše di abjago ke botsebi go akaretšwa palo ya marobalo go ya ka tirelo goba ka palo ya diphapoši tša go bona ngaka	
Matšatši le dinako tša go šoma: Lekala la balwetši ba go robala sepetlele Lekala la balwetši ba go robala gae Lekala la tšhoganetšo Khemese	
Merero ya Bašomi. Palo ya Bašomi ka legoro: Bašomi ba tlhokomelo ya maphelo ba sephrofešenale Taolo Tshepedišo Ditirelo tša thekgo ya kalafo	

Dipoelo tša boitekolo bja moragorago mabapi le melawana le melaotshepetšo	
Mohlankedimogolophethiši (<i>tshaeno</i>)	Letšatšikgwedi _____

Leina le sefane _____ _____ _____ _____ Nomoro ya OHSC: _____	(senepe)	Letšatšikgwedi le se abilwego ka lona _____ Letšatšikgwedi la go fela ga nako _____ _____
Mohlankedimogolophethi ši (tshaeno)	Nomoro ya mogala ya OHSC _____ _____	aterese ya OHSC _____

OHSC 3

TSEBIŠO YA TLHAHLOBO***Maikemišetšo a tlhahlobo***

Go ya ka Molaotshepetšo wa 13 wa Melaotshepetšo ya Tshepedišo yeo e amanago le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma Dingongorego ka Mmoelanyi, mohlalobi o swanetše go fa tsebišo ya tlhahlobo go sehlengwa sa maphelo ka nako efe goba efe, pele ga ge a ka thoma ka tlhahlobo ye go boletšwego ka yona ka go karolo ya 82 ya Molao. Maikemišetšo a tlhahlobo ke ya gore bahlalobi bao ba nago le setifikeiti ba mathomong a ketelo ya tlhahlobo. Tlhahlobo ye e swanetše go dirwa ka nepo ya gore bahlalobi ba Kantoro ya Go Obamela Melawana ya Maphelo go hlokomedišiša bogolo bja go obamela melawana le melaotshepetšo ya tlhokomelo ya maphelo ya boleng ka ge go laetšwe ke Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003) ("Molao") le Melaotshepetšo ya mabapi le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma Dingongorego ka Mmoelanyi.

Maikarabelo a sehlengwa sa maphelo

Maikarabelo a sehlengwa sa maphelong ka nakong ya ketelo ke go dira gore bašomi bao ba hlokalago ba hwetšagale, go hwetšagale methopo le sekgoba go dumelela bahlalobi go phetha tlhahlobo ka nako le ka pela.

Maatla a bahlalobi

Go latela karolo ya 82(1) ya Molao, mohlalobi a ka tsenya sehlengwa sefe goba sefe sa maphelo ka nako efe goba efe ye e kwagalago, gomme a-

(a) a hlaloba sehlengwa seo sa maphelo, goeya ka gore ke sefe, ka nepo ya go netefatša gore se obamela Molao;

(b) botšiša motho ofe goba ofe yo a dumelago gore a ka ba le tshedimošo ye e lego maleba go tlhahlobo;

(c) kgopela motho yo a laolago sehlengwa sa maphelo go tšweletšwa, gore se hlalobje goba mabakeng a go hwetša dikhopi goba ditsopolwa gona fao, sengwalwa sefe goba sefe, go akaretšwa pego ya maphelo ye go boletšwego ka yona ka go Karolo ya 15 ya Molao, seo motho yoo a kgopelwago go se hlokomela go latela molao.

(d) tšea disampole dife goba dife goba dinepe tše di lego maleba go tlhahlobo.

Leina la sehlongwa sa maphelo	
Aterese ya sehlongwa sa maphelo	
Tumelelo ya tlhahlobo GOBA ya tumelelo ya go tsena (efe)	
Letšatšikgwedi la tlhahlobo	
Nako ye e akantšwego ya tlhahlobo	
Letšatšikgwedi la go bega le go fa tshwaotshwao	
Palo ya bašomi bao ba dumeletšwego go kgatha tem aka tlhahlobong	
Dintlha tša boikgokaganyo tša mohlalobi yo a rwelego maikarabelo a tlhahlobo	
Maikarabelo a Sehlongwa sa maphelo.	
Mohlankedimogolophethiši (tshaeno)	Letšatšikgwedi _____

OHSC 4

SETIFIKEITI SA GO OBAMELA MELAWANA

Setifikeiti se sa go obamela melawana se fiwa ke Kantoro ya Go Obamela Melawana ya Maphelo go latela Karolo ya 82 (7) ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003) ge o balwa mmogo le molaotshepetšo wa 18(1) wa Melaotshepetšo ya Tshepedišo ye e amanago le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma ga Dingongorego ka Mmoelanyi (Melaotshepetšo)

Setifikeiti sa go Obamela melawana se šoma lebaka la nako leo le sa fetego mengwaga ye 4 gomme pele ga ge nako yeo e fela sehlengwa sa maphelo se swanetše go dira kgopelo ga go se mpshafatša, le ge go le bjale, Kantoro e ka, go latela molaotshepetšo wa 15 (1) wa Melaotshepetšo, dira tlhahlobo ya tlaleletšo ka nako efe goba efe ge e le gore e na le lebaka la go dumela gore sehlengwa sa maphelo se palelwa ke go obamela ditlhagišo tša Molao.

Leina la sehlengwa sa maphelo seo tlišeditšwego gore se obamela melawana	
Legoro la sehlengwa sa maphelo	
Aterese ya bodulo	
Aterese yeo go tlogo romelwa tshepedišo ya tša molao le ditsebišo, (ge e le gore ga e swane le aterese ya bodulo)	
Letšatšikgwedi la tlhahlobo	
Mohlankedimogolophethiši (Tshaeno)	Letšatšikgwedi la go fa setifikeiti Letšatšikgwedi la go fa setifikeiti

OHSC 5

**KGOPELO YA GO MPSHAFATŠA LE GO KATOLOŠA NAKO YA
GO ŠOMA GA SETIFIKEITI**

Karolo ya 82 (7) ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003) ge o balwa mmogo le molaotshepetšo wa 19 wa Melaotshepetšo ya Tshepedišo ye e amanago le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma ga Dingongorego ka Mmoelanyi (Melaotshepetšo), kgopelo ya go mpshafatša setifikeiti e swanetše go tlišwa ka Kantorong, mo lebakeng leo le sa fetego dikgwedi tše tshela pele ga go fela ga nako ya setifekeiti sa go obamela melawana. Setifikeiti se se tla mpshafatšwa k age go beilwe ka go molaotshepetšo wa 14, ge fela e le gore Kantoro e ka katološa go šoma ga setifikeiti seo go fihla go ngwaga o 1 go emetšwe tlhahlobo.

Leina la sehlongwa sa maphelo seo se dirago kgopelo ya katološo ya nako ya go šoma ga setifikeiti	
Aterese	
Leina la motho yo a laolago	
Letšatšikgwedi la tlhahlobo ya mafelelo	
Letšatšikgwedi la go fa setifikeiti	
Letšatšikgwedi la go felelwa ke nako ya go šoma ga setifikeiti	
Nomoro ya setifikeiti	
Motho yo a laolago sehlongwa sa maphelo (<i>Tshaeno</i>)	Letšatšikgwedi _____
Dingwalwa tšeo di swanetšego go tsenywa : 1. Pego ya moragorago ye e	

rometšwego	
2. Dikgwedi tša mafelelo tše 6 tša go begaka ga dilaetši tša dikotsi	
3. Dipego tša boitekolo go tloga ka tlhahlobo ya mafelelo	
4. Leano la moragorago la kaonafatšo ya boleng	

TSEBIŠO YA GO OBAMELA MELAWANA

Tsebišo ya go obamela melawana e fiwa motho yo a laolago sehlongwa sa maphelo go latela karolo ya 82A (1) ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003), ("Molao") ge o balwa mmogo le molaotshepetšo wa 21(1) wa Melaotshepetšo ya Tshepedišo ye e amanago le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma ga Dingongorego ka Mmoelanyi (Melaotshepetšo), gore sehlongwa sa maphelo se a hlahlobiwa ke Kantoro ya mabapi le go Obamela Melawana ya Maphelo ka ge se sa obamele melawana le melaotshepetšo ye e beilwego yeo e hlalošitšwego ka go Molao.

Dikotlo tšeo di ka fiwago ke Kantoro ya go Obamela Melawana ya Maphelo sebakeng sa ge go tšwela pele go se obamele melawana le go latela Karolo ya 82A(4) ya Molao ke ye e latelago:

- a) fa temošo ye e ngwadilwego go fihlelela go obamela melawana mo lebakeng la nako leo le beilwego ka mokgwa wo o filwego;
- b) nyaka phetolo ye e ngwadilwego go tšwa go sehlongwa sa maphelo mabapi le go tšwela pele go se obamele melawana;
- c) Šišinya go ba taolo ba maleba kgato efe goba efe ya maleba le ye e swanetšego ye e swanetšego go tšewa, go akaretšwa go tšea magato a kgalemo kgahlanong le motho yo a rwelego maikarabelo a go se obamele melawana goba yo a tšwelago pele go se obamele melawana;
- d) phumola setifikeiti sa go obamela melawana le go šišinya go Tona gore sehlongwa seo sa maphelo se tswalelwe lebakanyana goba sa ruri goba go tswalelwe karolo ya sona yeo e tlišago kotsi go maphelo a setšhaba goba go bašomiši ba ditirelo tša maphelo;

e) fa motho yoo goba sehlongwa seo sa maphelo kotlo ka ge go beilwe ke Tona ka gare ga Kuranta ya Mmušo nako le nako; goba

f) romela taba yeo go Tirelo ya Bosekiši ya Bosetšhaba gore e ye go sekišetšwa.

Leina la sehlongwa sa maphelo	
Aterese ya sehlongwa sa maphelo	
Leina la motho yo a laolago	
Tshedimošo ya boikgokaganyo ya motho yo a laolago	
Dintlha ka kakaretšo le maemo a go obamela melawana	
Dinyakwa tša kgato ya phošollo	
Leina la motho yo go ka ikgokaganywago le yena ka go OHSC go tla go romela dingwalwa go yena	
Ditlaleletšo: 1. melawana le melaotshepetšo ye e beilwego yeo e sego ya obamelwa; 2. dintlha tša sebopego le bogolo bja go se obamele; 3. dikgato tše di nyakegago gore di tšewe le lebaka la nako leo dikgato di swanetšego go tšewa	

OHSC 7

TEMOŠO YE E NGWADILWEGO

Kantoro ya mabapi le go Obamela Melawana ya Maphelo e ka fa temošo ye e ngwadilwego go motho yo a laolago, go latela Karolo ya 82A(4)(a) ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003), ("Molao") ge o balwa mmogo le molaotshepetšo wa 23(1) le wa (2) ya Melaotshepetšo ya Tshapedišo ye e amanago le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma ga Dingongorego ka Mmoelanyi (Melaotshepetšo), ya go palelwa ke go obamela tsebišo ye e filwego go latela Karolo ya 82A ya Molao ge o balwa mmogo le molaotshepetšo wa 21(1) wa Melaotshepetšo

Leina la sehlongwa sa maphelo	
Aterese ya sehlongwa sa maphelo	
Leina la motho yo a laolago	
Dintlha tša boikgokaganyo tša motho yo a laolago	
Ditlaleletšo: 1. Melawana le melaotshepetšo ye e beilwego yeo e sego ya obamelwa 2. Dintlha tša sebopego le bogolo bja go se obamele 3. Dikgato tše di tšerwego ke sehlongwa sa maphelo go imolla go se obamele melawana	
Dikgato tše di šetšego di tšerwe ke Kantoro go gapeletša go obamela melawana.	
Letšatšikgvedi leo motho yo a laolago a swanetšego go fetola temošo ye e ngwadilwego	
Leina le aterese ya phetolo	

OHSC 8

TSEBIŠO YA DITHEELETŠO TŠA SEMMUŠO

Pele ga ge e ka phumola setifikeiti sa mabapi le go obamela melawana goba pele ga ge e ka fa kotlo gho latela Karolo ya 82A(4) ya Molao wa Maphelo wa Bosetšhaba (Molao wa Nomoro ya 61 wa 2003), ("Molao") Kantoro e swanetše go ya ka Molaotshepetšo wa 25 wa Melaotshepetšo ya Tshepedišo ye e amanago le Go šoma ga Kantoro ya Go Obamela Melawana ya Maphelo le Go šoma ga Dingongorego ka Mmoelanyi ("Melaotshepetšo"), go tsebiša sehlongwa sa maphelo ka ga maikemišetšo a yona a go phumola setifikeiti goba a go fa kotlo, go eya ka gore ke efe, le go thomiša ditheeletšo go fa sehlongwa sa maphelo sebaka sa go dira ditlhagišo, pele ga ge sephetho sa mafelelo se tšewa.

Leina la sehlongwa sa maphelo	
Aterese ya sehlongwa sa maphelo	
Leina la motho yo a laolago	
Dintlha tša boikgokaganyo tša motho yo a laolago	
Leina la ba taolo ba maleba	
Tshedimošo ya boikgokaganyo ya ba taolo ba maleba	
Letšatšikgwedi, nako le lefelo la ditheeletšo	
Leina le maemo a mohlankedi yo e lego modulasetulo	
Hlogotaba ya ditheeletšo	
Dingwalwa tše di nyakegago, dipego, didirišwa goba ditlabele	
Letšatšikgwedi la thomelo ya ka godimo	
Ditlaleletšo: 1. Melawana le melaotshepetšo ye e beilwego yeo e sego ya obamelwa 2. Dintlha tša sebopego le bogolo bja go se obamele	

3. Dikgato tše di tšerwego ke sehlongwa sa maphelo go imolla go se obamele melawana	
4. Dikgato tše di tšerwego ke Kantororo go netefatša go obamela melawana	

OHSC 9

TSEBIŠO YA GO DIRA BOIPELAETŠO

Go ya ka Karolo ya 88A ya Molao wa Maphelo wa Bosetšhaba, wa 2003 (Molao wa Nomoro ya 61 wa 2003), motho ofe goba ofe yo a sa thabišwego ke sephetho sefe goba sefe se se tšerwego ke Kantoro goba kutollo efe goba efe le ditšhišinyo tša Mmoelanyi mabapi le taba ye e laolago ke Molao wo, goba motho yo a dirago legatong la gagwe, a ka re mo matšatšing a 30 ka morago ga go tseba ka ga sephetho seo, a dira boipelaetšo ka go ngwala bjo a bo romelago go Tona, yo le yena a swanetšego go thwala seboka sa tshekišo sa lebakanyana seo se ikemetšego seo boipelaetšo bjo bo hweditšwego bo swanetšego go romelwa gona.

Leina la sehlongwa sa maphelo	
Aterese ya sehlongwa sa maphelo	
Leina la motho yo a dirago boipelaetšo	
Dintlha tša boikgokaganyo tša motho yo a diragop boipelaetšo	
Sephetho, kutollo goba tšhišinyo yeo e direlwago boipelaetšo	
Letšatšikgwedi la kutollo yeo, la boipelaetšo goba la tšhišinyo	
Mabaka a boipelaetšo	
Ka tlaleletšong: Sengwalwa sefe goba sefe goba ditlhagišo tše di amanago le boipelaetšo	

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065