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19 August 2019

No. 42647

THE PRESIDENCY

No. 1082

19 August 2019

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 6 of 2019: Protection, Promotion, Development and Management of Indigenous Knowledge Act, 2019

VHUPRESIDENDE

No. 1082

19 August 2019

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:—

Nom 6 ya 2019: Mulayo wa Tsireledzo, Nyaluso, Mveledziso na u Langa Ndivho Yapwa wa, 2019

(English text signed by the President)
(Assented to 13 August 2019)

ACT

To provide for the protection, promotion, development and management of indigenous knowledge; to provide for the establishment and functions of the National Indigenous Knowledge Systems Office; to provide for the management of rights of indigenous knowledge communities; to provide for the establishment and functions of the Advisory Panel on indigenous knowledge; to provide for access and conditions of access to knowledge of indigenous communities; to provide for the recognition of prior learning; to provide for the facilitation and coordination of indigenous knowledge-based innovation; and to provide for matters incidental thereto.

PREAMBLE

RECOGNISING that the liberation of South Africa and its people from centuries of racial discriminatory colonial rule and domination and the establishment of a constitutional democracy was, is and will remain a historic achievement of all our people;

EMPHASISING that the Constitution of the Republic of South Africa, 1996, enshrines the founding values of human dignity, the achievement of equality, non-racism and non-sexism, as well as the Bill of Rights entrenches inalienable rights to and freedom of human dignity, equality, education, culture, religion, language, research, creativity, environment and property, among others;

NOTING that the Republic of South Africa as a sovereign democratic state has taken its rightful place in the family of sovereign states and is committed and obligated to observe international treaties, covenants, as well as international law;

REALISING that the Government of the Republic of South Africa is committed to the economic, cultural and social upliftment and well-being of its people, free of discrimination;

TAKING into account that in the exercise of its sovereignty, South Africa has enacted and continues to enact legislation that underpins the protection, promotion and development of indigenous knowledge systems and indigenous knowledge;

RECOGNISING that indigenous knowledge is a national asset and that it is therefore in the national interest to protect and promote indigenous knowledge through law, policy and both public and private sector programmes;

WISHING to encourage the use of indigenous knowledge in the development of novel, socially and economically applicable products and services;

ACCEPTING that indigenous innovation is a unique approach to social innovation that informs and underpins the work of indigenous communities,

(English text signed by the President)
(Assented to 13 August 2019)

MULAYO

U ita mbetshelo malugana na tsireledzo, nyaluso, mveledziso na u langa ndivho ya yapo; u ita mbetshelo ya uri hu vhe na u thomiwa ha Ofisi ya Lushaka ya Sisiteme dza Ndivho Yapo na mishumo yayo; u ita mbetshelo ya kulangele kwa pfanelo dza zwitshavha zwa ndivho yapo; u ita mbetshelo ya uri hu thomiwe Phanele ya Vhuelethshedzi kha zwa ndivho yapo na mishumo ya iyo phanele; u ita mbetshelo ya u swikelela na milayo ya u swikelela ndivho ya zwitshavha zwapo; u ita mbetshelo ya lavhelesa-vho zwine muthu a vha na ndivho khazwo a so ngo tou dzhena tshikolo; u ita mbetshelo ya u leludza na u konanya vhuthomi ho sendekaho kha ndivho yapo; na u ita mbetshelo ya zwi kwamaho izwi.

MVULATSWINGA

NGA U VHONA uri mbofholowo ya shango la Afrika Tshipembe na vhatu vha lo kha minwaha minzhi ya tshitalula na u vhuswa nga vhukoloni na u tsikeledzwa na u thomiwa ha mbofholowo ya demokirasi zwo vhaho hone, zwi re hone na zwino nahone zwine zwa do dzula zwi divhazwakale yo swikelelwaho nga vhatu vhashu vhothe;

NGA U OMBEDZELA uri Ndayotewa ya Riphabuiki ya Afrika Tshipembe ya, 1996, i tsireledza ndayo dza tshirunzi tsha muthu, u swikelela u edana ha vhatu, u edana ha mirafho na u edana ha mbeu khathihi na Mulayotibe wa Pfanelo une wa khwaithisa pfanelo dza ndemesa na mbofholowo kana tshirunzi tsha muthu, u edana, pfunzo, mvelele, vhurerele, luambo, thodisiso, vhukoni, mupo na ndaka, na zwiinwe zwinzhi;

NGA U DZHIELA NTHA uri Riphabuiki ya Afrika Tshipembe ndi shango lo diimisaho nga lothe lo dzhia tshikhala tshone-tshone kha mufa wa mashango o imaho nga othe nahone lo diimisela na u vhofhea kha u tevhedza thendelano dza lifhasi, milanga na mulayo wa lifhasi;

NGA U LIMUWA uri Muvhuso wa Afrika Tshipembe wo diimisela kha zwa ikonomi, mvelele na u khwinisa vhutshilo kha zwa matshilele, ndondolo ya vhatu vha lo, na mbofholowo kha tshitalula;

NGA U DZHIELA NTHA uri nga u shumisa vhuqilangi, Afrika Tshipembe lo sika milayo nahone li khou ya phanda na u sika milayo ine ya khwaithisa tsireledzo, nyaluso na mveledziso ya sisiteme dza ndivho yapo;

NGA U VHONA uri ndivho yapo ndi ndaka ya lushaka na uri ndi zwi funwaho nga lushaka uri hu tsireledzwe na u alusa ndivho yapo nga kha mulayo, mbekanyamaitele na nga mbekanyamushumo dza sekithara dza phuraivethe na dza muvhuso;

NGA U FUNA u tutuwedza u shumiswa ha ndivho yapo kha u bveledzisa nganetshelo, matshiliso na ikonomi nga ndila yo fanelaho zwibveledzwa na tshumelo;

NGA U TANGANEDZA uri u thoma zwithu zwapo ndi ndila yo khetheaho kha u thoma zwa matshiliso zwine zwa khwaithisa mushumo wa zwitshavha zwapo,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa,
as follows:—

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U KHWAṬHISWE nga Phalamennde ya Riphabuḽiki ya Afrika Tshipembe, nga nḽila i tevhelaho:—

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CHAPTER 1

DEFINITIONS

Definitions

1. In this Act, unless the context indicates otherwise— 20
 “**access**” includes the acquisition of indigenous knowledge by natural and legal persons as facilitated by NIKSO in terms of this Act;
 “**accreditation**” means a formal procedure by which NIKSO grants or delegates authority to an assessor to assess and verify the qualification of indigenous knowledge practitioners in accordance with pre-determined requirements for purpose of certification; 25
 “**assessor**” means a qualified person accredited and assigned by NIKSO to assess applicants according to applicable pre-determined standards having regard to that person’s possession of indigenous knowledge, expertise and skills for the purpose of being certified as an indigenous knowledge practitioner; 30
 “**benefit sharing**” means the fair and equitable sharing of monetary and non-monetary benefits in terms of a benefit sharing agreement between the trustee of the indigenous community and the licence holder;
 “**certification**”, in respect of indigenous knowledge practitioners, means the formal qualification acknowledgment, subject to an assessment by an assessor of a practitioner within a discipline or practice, according to applicable, pre-determined standards, having regard to that person’s possession of indigenous knowledge expertise and skills; 35
 “**commercial use**” means the use of indigenous knowledge for financial gain;
 “**Constitution**” means the Constitution of the Republic of South Africa, 1996; 40
 “**cultural and social identity**” means the particular and distinctive identity or characteristics of a certain indigenous community or of an individual as far as he or she is influenced by belonging to a certain indigenous community;
 “**Curator**” means the Curator of indigenous knowledge, who is the head of the Registration Office of Indigenous Knowledge appointed in terms of section 18 of this Act; 45
 “**Department**” means the department responsible for science and technology;
 “**discipline of practice**” means a group of people who share the same understanding and methodology of a given practice, craft or profession, which—
 (a) evolved spontaneously; or 50

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NDIMA YA 7**U SHUMISWA HA NDIVHO YAPO SA VHUBINDUDZI**

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NDIMA YA 1**THALUTSHEDZO****Thalutshedzo**

1. Kha uno Mulayo, nga nnda ha musu nyimele i tshi sumbedza nga inwe ndila— 20
 “u swikelela” zwi katela u wana ndivho yapo nga muthu wa mvelo na nga
 zwiimiswa zwo tshimbizwa nga NIKSO i tshi khou tevhedza uno Mulayo;
 “utendela” zwi amba kuitele kwa NIKSO u fha kana u hwesa maanda kha uyo
 muhathuvhi uri a thathuvhe na u khwathisedza ndalukano dza vhashumi vha zwa
 ndivho yapo u ya nga thodea dzo dzulaho dzo vhwewa ndivho i ya u fha thanziela; 25
 “muhathuvhi” zwi amba muthu o fushaho ndalukano nahone o tendelwaho
 nahone a hweswa mushumo nga NIKSO uri a thathuvhe vhashumbeli u ya nga
 zwiandadi zwo vhwaho nahone zwo teaho ho sedzwa ndivho, vhudivhi na
 vhukoni zwine uyo muhumbeli a vha na zwo ndivho i ya u mu fha thanziela ya uri
 ndi mushumi wa zwa ndivho yapo; 30
 “u kovhekana mbuelo” zwi amba u kovha mbuelo nga ndila i sa dzihho sia
 nahone mbuelo dzi linganaho dza tshedele na dzi si dza tshedele hu tshi khou
 tevhedzwa thendelano ya u kovhekana mbuelo vhukati ha mulondoli wa
 tshitshavha tshapo na uyo muwe wa laisente; 35
 “u fha thanziela” zwi tshi khou kwama vhashumi vha zwa ndivho ya sialala, zwi
 amba khwathisedzo ya ndalukano ya foma, hu tshi tevhedzwa thathuvho yo
 itwaho nga muhathuvhi kha uyo mushumi wa iyo thero kana mushumo, u ya nga
 zwiandadi zwo vhwaho nahone zwo teaho, ho lavheleswa vhukoni vhune uyo
 muthu a vha na zwo;
 “u bindudza” zwi amba u shumisa ndivho yapo kha u wana masheleni; 40
 “Ndayotewa” zwi amba Ndayotewa ya Riphabuliki ya Afrika Tshipembe ya,
 1996;
 “vhuwe ha zwa matshilele na mvelele” zwi amba phambano ya vhuwe yenyoye
 kana zwiataluli zwa tshitshavha tshapo tshenetsho kana muthu zwi tshi tshuwedzwa
 nga tshenetsho tshitshavha tshapo; 45
 “Mulondoli” zwi amba Mulondoli wa ndivho yapo sa ene thoho ya Ofisi ya u
 walisa Ndivho Yapo o tholwaho hu tshi khou tevhedzwa khethekanyo ya 18 ya uno
 Mulayo;
 “Muhasho” zwi amba Muhasho u re na vhudivhinduleli kha zwa saintsi na
 thekhnodzhi; 50

- (b) is created based on people's engagement, in a process of collective learning in a shared domain of human endeavour;
- "functional"**, in relation to indigenous knowledge, means knowledge that is scientific and, or technical in nature;
- "indigenous community"** means any recognisable community of people— 5
- (a) developing from, or historically settled in a geographic area or areas located within the borders of the Republic;
- (b) characterised by social, cultural and economic conditions, which distinguish them from other sections of the national community; and
- (c) who identify themselves as a distinct collective; 10
- "indigenous cultural expression"** means expressions that have a cultural content that developed within indigenous communities and have assimilated into their cultural and social identity, including but not limited to—
- (a) phonetic or verbal expressions;
- (b) musical or sound expressions; 15
- (c) expressions by action; and
- (d) action tangible expressions;
- "indigenous knowledge"** means knowledge which has been developed within an indigenous community and has been assimilated into the cultural and social identity of that community, and includes— 20
- (a) knowledge of a functional nature;
- (b) knowledge of natural resources; and
- (c) indigenous cultural expressions;
- "indigenous knowledge practitioner"** means a person who is certified as sufficiently knowledgeable in indigenous knowledge practices to render a related service, subject to section 15 of this Act and relevant prescribed practice standards being met; 25
- "licence holder"** means any person who successfully enters into a licence agreement with an indigenous community to use indigenous knowledge;
- "Minister"** means the Minister responsible for science and technology; 30
- "natural resources"** means any materials and components that can be found within the environment and may exist as a separate entity, such as genetic resources, fresh water, air, and mineral deposits with actual or potential use or value;
- "NIKSO"** means the National Indigenous Knowledge Systems Office established in section 4; 35
- "prescribed"** means prescribed by regulations;
- "prior informed consent"** means the consent in respect of indigenous knowledge granted by a trustee, which has been obtained— 40
- (a) free from any manipulation, interference or coercion;
- (b) after full disclosure of the intent and scope of the activity; and
- (c) in a language and process understandable to the community;
- "Registration Office"** means the Registration Office for Indigenous Knowledge within NIKSO;
- "Register"** means the Register of indigenous knowledge provided for in section 19, and includes any official documents, compilations or records, including databases, reflecting information in respect of indigenous knowledge kept by NIKSO; 45
- "Register of Designations"** means a register of names and levels of competencies of certified indigenous knowledge practitioners and accredited assessors; 50
- "regulations"** means regulations made in terms of this Act;
- "this Act"** includes the regulations; and
- "trustee"** means a natural or legal person that is duly delegated in terms of the practices of an indigenous community to represent that indigenous community in matters pertaining to indigenous knowledge and to be vested with the custodianship of indigenous knowledge emanating from it, which person is deemed to be a trustee appointed in terms of the law of trusts and to have the powers and duties of such a trustee, with any reference in this Act to an act performed, or the rights held, by an indigenous community deemed to be a reference to that act performed, or rights held, by the trustee of that indigenous community. 55 60

- “thero ya mushumo”** zwi amba tshigwada tsha vhathu vhane vha fana kha u pfesesa na ngona dza mushumo wonoyo, vhutsila na phrofesheni yeneyo, zwine izwi—
- (a) zwo vha hone nga lwa mupo; kana
- (b) zwo itwa nga ñwambo wa u ambedzana ha vhathu, 5
nga kha kuitele kwa u guda vhathu vhe guṭe fhethu hune vha tou kovhekana ndingedzo dza vhathu;
- “ndivho ya sainthifiki kana thekhenikhaḷa”** ho sedzwa ndivho yapo, zwi amba ndivho ine ya vha sainthifiki na, kana thekhenikhaḷa;
- “tshitshavha tshapo”** zwi amba tshitshavha tshi ḡivheaho tsha vhathu— 10
- (a) vha bvaho kha kana tshine nga ḡivhazwakale tsho vha tshi khou dzula kha vhupov hu wanalaho ngomu ha mikano ya Riphabuḷiki;
- (b) vhane vha ḡaluswa nga nyimele dza matshilele, mvelele na ikonomi, zwine izwi zwa ita uri vha sa fane na vhañwe kha dziñwe khethekanyo dza tshitshavha tsha lushaka; na 15
- (c) vhane vha ḡiḡivha vhe tshigwada tsho fhambanaho na zwiñwe;
- “kuambeke kwa mvelele kwapo”** zwi amba kuambeke kwo faraho mvelele ya tshitshavha nahone izwi zwo bva kha heneḡho ngomu ha zwitshavha zwapo nahone zwa ḡongovhela kha mvelele na kutshilele, hu tshi katelwa zwi sa gumihho kha zwi tevhelaho— 20
- (a) kuambeke kwa ipfi kana fonetika;
- (b) muungo wa kuambeke na muzika;
- (c) zwi vhoneḷaho nga nyito; na
- (d) nyito i sumbedzaho zwi vhoneḷaho;
- “ndivho yapo”** zwi amba ndivho yo bveledziswaho ngomu kha tshitshavha tshapo na u nwelela kha mvelele kana vhuḡvha ha kutshilele kha tshitshavha, nahone zwi tshi katela— 25
- (a) ndivho ya sainthifiki kana ya thekhenikhaḷa;
- (b) ndivho ya zwiko zwa mupo; na
- (c) mbonalo ya mvelele yapo; 30
- “mushumi wa zwa ndivho yapo ”** zwi amba muthu o fhiwaho ḡanziela i sumbaho uri u na ndivho yo linganaho nga hamatele a zwa ndivho yapo uri a kone u fha tshumelo a tshi khou tevhedza khethekanyo ya 15 ya uno Mulayo na zwiḡandadi zwa maitele o randelwaho a tshi tea u fushwa-vho;
- “muḡe wa ḷaisentse”** zwi amba muthu muñwe na muñwe o konaho u dzhena kha thendelano ya ḷiasentse na tshitshavha tshapo uri a shumise ndivho yapo; 35
- “Minisṭa”** zwi amba Minisṭa a re na vhuḡifhindleli kha zwa saintsi na thekhnoloḡdhi;
- “zwiko zwa mupo”** zwi amba zwishumiswa na zwipiḡa-piḡa zwine zwa nga wanwa kha mupo nahone zwine zwa vha hone sa zwithu zwo imaho nga zwoḡhe, sa *genetic resources*, maḡi, muya, na zwa migodi zwine zwa nga shumiswa zwavhukuma kana lwa ndeme; 40
- “NIKSO”** zwi amba Ofisi ya Lushaka ya Sisṭeme dza Ndivho Yapo yo sikwaho u ya nga khethekanyo ya 4;
- “randela”** zwi amba u randela nga ndangulo; 45
- “u tenda wo thoma wa vhudzwa”** zwi amba u tenda malugana na u fha ndivho yapo nga thirasitii, ine yo wanwa—
- (a) nga mahala zwi so ngo tshimbizwa zwavhuḡi, ho vha na u dzhenelelekanya kana u kombetshedza;
- (b) nga murahu ha u bula ndivho na tshikoupu tsha mushumo; nahone 50
- (c) hu tshi khou shumiswa luambo na kuitele ku pfeseshwaho nga tshitshavha;
- “Ofisi ya u walisa”** zwi amba Ofisi ya u walisa Ndivho Yapo i re ngei kha Ofisi ya NIKSO;
- “Redzhisiṭara”** zwi amba Redzhisiṭara ya ndivho yapo zwine izwi zwi na mbetshelo kha khethekanyo ya 19, nahone zwi katela mañwalwa mañwe na mañwe a shiofisi, rekhodo dzo itwaho, hu tshi katelwa databeisi, dzi sumbedzaho mafhungo a ndivho yapo o vhuḷungwaho nga NIKSO; 55
- “Redzhisiṭara ya madzina a vhuimo”** zwi amba redzhisiṭara ya madzina na ḷeveḷe dza vhukoni ha vhashumi vha zwa ndivho yapo vho fhiwaho ḡanziela na vhaḡhaḡhuvhi vho tendelwaho; 60
- “Ndangulo”** zwi amba ndangulo dzo itwaho u ya nga uno Mulayo;
- “uno Mulayo”** zwi katela ndangulo; na

CHAPTER 2**APPLICATION AND OBJECTS OF ACT****Application of Act**

2. This Act applies to all—
- (a) persons in the Republic, including the State; and 5
 - (b) indigenous knowledge registered under this Act.

Objects of Act

3. The objects of this Act are to—
- (a) protect the indigenous knowledge of indigenous communities from unauthorised use, misappropriation and misuse; 10
 - (b) promote public awareness and understanding of indigenous knowledge for the wider application and development thereof;
 - (c) develop and enhance the potential of indigenous communities to protect their indigenous knowledge;
 - (d) regulate the equitable distribution of benefits; 15
 - (e) promote the commercial use of indigenous knowledge in the development of new products, services and processes;
 - (f) provide for registration, cataloguing, documentation and recording of indigenous knowledge held by indigenous communities;
 - (g) establish mechanisms for the accreditation of assessors and the certification of indigenous knowledge practitioners; and 20
 - (h) recognise indigenous knowledge as prior art under intellectual property laws.

CHAPTER 3**NATIONAL INDIGENOUS KNOWLEDGE SYSTEMS OFFICE****Establishment of NIKSO 25**

4. NIKSO is hereby established within the Department.

Functions and powers of NIKSO

5. The functions and powers of NIKSO include—
- (a) implementation of this Act;
 - (b) protecting and recognising indigenous knowledge as property owned by indigenous communities; 30
 - (c) facilitating the redress of rights and benefits to indigenous communities which have previously been deprived of such rights and benefits;
 - (d) facilitating and coordinating the development of indigenous knowledge;
 - (e) establishing and managing the registration of assessors and indigenous knowledge practitioners; 35
 - (f) empowering indigenous communities through education and awareness campaigns to enable them to recognise and utilise indigenous knowledge for cultural and economic benefit;
 - (g) determining the criteria for issuing licences for the use of indigenous knowledge; 40
 - (h) certifying licence agreements for the use of indigenous knowledge;

“**thirasitii**” zwi amba muthu wa vhukuma wa mvelo kana tshiimiswa tsho ruñwaho u ya nga maitele a tshitshavha tshapo uri a imele itsho tshitshavha tshapo kha mafhungo a kwamaho nḁivho yapo nahone a hweswe na maandā a u londola nḁivho yapo i bvaho kha itsho tshitshavha ane uyo muthu a dzhiwa o tholwa sa thirasitii hu tshi khou tevhedzwa mulayo wa thirasitii nahone a vhe na maandā na mishumo ya u vha thirasitii hawe, ho sedzwa uno Mulayo kha mushumo une a vha o u shuma, kana pfanelo dza tshitshavha tshapo tshi dzhiwaho tshi tshi kwamana na iyo nyito yo itwaho, kana pfanelo dzo farwaho nga thirasitii wa itsho tshitshavha tshapo. 5

NDIMA YA 2 10

KUSHUMISELE KWA MULAYO NA ZWIPIKWA ZWA MULAYO

Kushumisele kwa Mulayo

2. Uyu Mulayo u shuma kha—
- (a) vhatu vhoḁhe vha Riphabuḁiki, hu tshi katelwa Muvhuso; na
 - (b) nḁivho inwe na inwe yo nwaliswaho nga fhasi ha uno Mulayo. 15

Zwipikwa zwa Mulayo

3. (1) Zwipikwa zwa uyu Mulayo ndi u—
- (a) tsireledza nḁivho yapo ya zwitshavha zwapo uri ya sa shumiswe zwi songo tendelwa, na uri ya sa dzhiwe zwi songo tendelwa;
 - (b) tuḁwedza tshitshavha uri tshi ḁivhe na u pfesesa nga ha nḁivho yapo uri i shumiswe na u bveledziswa nga nḁila yo tanḁavhuwaho; 20
 - (c) bveledzisa na u khwinisa vhukoni ha zwitshavha zwapo kha u tsireledza nḁivho yapo ine ndi yavho;
 - (d) langula phaḁaladzo i linganaho ya mbuelo;
 - (e) tuḁwedza zwa vhubinduzi kha nḁivho yapo musi hu tshi bveledzwa zwibveledzwa zwiswa, tshumelo ntswa na maitele maswa; 25
 - (f) itela uri hu vhe na mbetshelo ya u nwalisa, u dzundzanya/vhekanya, u nwalana na u rekhoda nḁivho yapo ine zwitshavha zwapo zwa vha nayo;
 - (g) thoma nḁila dza u tendela vhaḁhḁuvhi na u fha ḁhaziela vhashumi vha zwa nḁivho yapo; na 30
 - (h) lavhelesa /dzhiela nḁha nḁivho yapo sa vhutsila ha u thoma nga fhasi ha milayo ya zwa vhuḁe ha nḁivho.

NDIMA YA 3

OFISI YA LUSHAKA YA SISITEME DZA NḁIVHO YAPO

U thomiwa ha NIKSO 35

4. NIKSO i khou thomiwa nga ngomu kha Muhasho.

Mishumo na maandā a NIKSO

5. (1) Mishumo na maandā zwa NIKSO hu katelwa—
- (a) u shumisa uyu Mulayo;
 - (b) u tsireledza na u lavhelesa nḁivho yapo sa ndaka ine vhuḁe vhuḁe ndi zwitshavha zwapo; 40
 - (c) u leludza u khakhulula pfanelo na mbuelo kha zwitshavha zwapo zwine zwo khakhelwa tshifhingani tsho fhelaho zwa si ḁiphine nga pfanelo na mbuelo dza zwa nḁivho yapo;
 - (d) u leludza na u konanya mveledziso ya nḁivho yapo; 45
 - (e) u thoma na u langula u nwalisa vhaḁhḁuvhi na vhashumi vha nḁivho yapo;
 - (f) u maandāfhadza zwitshavha zwapo nga kha pfunzo na mafulo a uri vhatu vha ḁivhe na u kona u vhuḁe na u shumisa nḁivho yapo kha mbuelo ya mvelele na ikonomi;
 - (g) u ta nḁila dza u ḁetshedza laisentse dza u shumisa nḁivho yapo; 50
 - (h) u khwaḁhisedza thendelano dza laisentse malugana na u shumisa nḁivho yapo;

- (i) assisting indigenous communities in the negotiation of benefit sharing agreements for the use of indigenous knowledge;
- (j) facilitating the negotiation of licences between trustees and users for the use of indigenous knowledge for commercial purposes;
- (k) making recommendations to the Minister regarding norms and standards for the certification of indigenous practitioners; 5
- (l) liaising with the Department to facilitate the entering into of licence agreements with users of indigenous knowledge on behalf of an indigenous community where the relevant indigenous community cannot be identified;
- (m) ensuring that the Register of Designations is maintained and made available; 10
and
- (n) carrying out any functions that are consistent with the objects of this Act.

Administration of NIKSO

6. (1) The Minister must appoint a suitably skilled and qualified person as the Head of NIKSO in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994). 15

(2) The Head of NIKSO—

- (a) is responsible for the administration and general management of NIKSO, subject to directions and instructions issued by the Minister or the Director-General as delegated by the Minister; and 20
- (b) must report to the Director-General on all matters relating to the management of NIKSO.

(3) The staff of NIKSO consists of such number of employees as may be—

- (a) appointed by the Minister, in accordance with the Public Service Act, 1994; or
- (b) seconded from any organ of state, 25

as are necessary to enable NIKSO to perform its functions.

Establishment of Advisory Panel

7. (1) The Minister may establish an Advisory Panel based on criteria as prescribed, consisting of a minimum of five, but no more than ten, members on specific matters relating to the objects of this Act. 30

(2) The Advisory Panel must be broadly representative of the—

- (a) different relevant government departments;
- (b) indigenous knowledge practitioners;
- (c) industry; and
- (d) specialists in the discipline of practice, 35

based on criteria as prescribed.

(3) The Advisory Panel may be convened by the Head of NIKSO, as and when the need arises.

(4) The members of the Advisory Panel, with the exclusion of subsection (2)(a) representatives who are subject to public service remuneration prescriptions, must only be remunerated for time spent on the business of NIKSO, in accordance with rates determined by the Minister, with the concurrence of the Minister of Finance. 40

(5) A member of the Advisory Panel holds office for a period of three years and may, upon expiry of that period, be reappointed for a further period of three years.

(6) Notwithstanding subsection (5), for the sake of continuity, the Minister may reappoint a core of at least three members of the Advisory Panel, as prescribed. 45

(7) The Minister may, subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), remove a member of the Advisory Panel for—

- (a) non-performance;
- (b) serious misconduct; 50
- (c) conduct that undermines the integrity or objective of the Advisory Panel; or
- (d) being convicted of a criminal offence and sentenced to imprisonment without the option of a fine.

- (i) u thusa zwitshavha zwapo kha nyambedzano dza thendelano dza u kovhekana mbuelo musi hu tshi shumiswa ndivho yapo;
- (j) u tshimbidza nyambedzano dza laisentse vhukati ha dzithirasitii na vhashumisi vha ndivho yapo kha zwa ndivho dza vhubindudzi;
- (k) u ita themendelo kha Minista malugana na ndayo na zwiandadi zwa u fha 5
thanziela dza vhashumi vha zwa ndivho yapo;
- (l) u kwamana na Muhasho u itela u tshimbidza zwi kwamaho u dzhena kha thendelano dza laisentse na vhashumisi vha ndivho yapo ho imelwa tshitshavha tshapo hune tshitshavha tsho teaho tshapo tsha sa qivhee;
- (m) u vhona uri Redzhisitara ya Madzina a vhuimo yo vhlungea nahone i a 10
wanalea; na
- (n) u shuma mishumo miñwe na miñwe ine ya yelana na zwipikwa zwa uno Mulayo.

Kulangele kwa NIKSO

6. (1) Minista u tea u thola muthu ane a fusha thodea nahone a re na vhukoni uri a vhe 15
ene Thoho ya Ofisi ya Lushaka ya Sisiteme dza Ndivho Yapo u ya nga Mulayo wa Tshumelo ya Muvhuso wa, 1994 (Mulevho wa nomboro ya.103 wa 1994).

(2) Thoho ya NIKSO—

- (a) ndi vhuqifhinduleli kha ndaulo ya na u langa NIKSO, a tshi khou tevhedza 20
ndaela dzi bvaho kha Mulangi-Muangaredzi kana Minista; na
- (b) u tea u vhiga mafhungo othe a kwamaho u laula NIKSO kha Mulangi-Muangaredzi.

(3) Vhashumi vha NIKSO ndi tshivhalo tshenetsho—

- (a) tsho tholwaho nga Minista a tshi khou tevhedza Mulayo wa Tshumelo dza 25
Muvhuso wa, 1994; kana
- (b) avho vho tou dzinginywaho uri vha tholwe vha tshi bva kha zwiñwe zwiimiswa zwa muvhuso,

hu na thodea ya uri NIKSO i shume zwavhuqi.

U thomiwa ha Phanele ya Vhueleletshedzi

7. (1) Minista a nga vhumba Phanele ya Vhueleletshedzi a tshi khou shumisa ndila dzo 30
randelwaho, ine iyo phanele i do vha i na mirado i si ho fhasi ha miñanu, fhedzi iyo mirado a i nga fhiri fumi, ine ya do lavhelesa kha mafhungo eneo a kwamaho zwipikwa zwa uno Mulayo.

(2) Phanele ya Vhueleletshedzi nga vhuphara i imela—

- (a) mihasho ya muvhuso yo fhambanaho; 35
- (b) vhashumi vha zwa ndivho yapo;
- (c) ndowetshumo; na
- (d) vhaqivhi kha thero ya uno mushumo,

zwo sendeka kha ndila yo randelwaho.

(3) Phanele ya Vhueleletshedzi i nga vha na mutangano yo rambiwa nga Thoho ya 40
NIKSO, musi hu na thodea.

(4) Mirado ya Phanele ya Vhueleletshedzi, hu songo katelwa khethekanyo thukhu ya (2)(a)vhaimelileli vhane vha hola muvhusoni u ya nga thendelo ya muvhuso, vha do to badelwa fhedzi tshifhinga tsho vha tshi fhedza vhe kha mushumo wa NIKSO, hu tshi khou tevhedzwa mitengo yo tiwaho nga Minista o tendelana na Minista wa zwa 45
Masheleni.

(5) Murafo wa Phanele ya Vhueleletshedzi u vha murafo wa Phanele lwa miñwaha miraru, nahone musi tshifhinga tsho fhela tsha u vha kha ofisi, murafo a nga dovha a tholwa hafhu lwa miñwaha miraru.

(6) Naho hu na khethekanyo ya (5), hu tshi itelwa uri hu vhe na u ya phanda 50
zwavhuqi, Minista a nga thola hafhu mirado miraru ya Phanele ya Vhueleletshedzi sa zwo randelwaho.

(7) Minista a tshi khou tevhedza Mulayo wa *Promotion of Administrative Justice Act*, 2000 (Act No. 3 of 2000), a nga pandela murafo wa Phanele ya Vhueleletshedzi zwi tshi khou itiswa nga— 55

- (a) u sa kona u shuma ha uyo murafo;
- (b) u sa qifara zwavhuqi ha uyo murafo;
- (c) vhuqifari vhune ha nyadza tshirunzi kana zwipikwa zwa Phanele ya Vhueleletshedzi; kana
- (d) u wanwa mulandu wa vhutshinyi nahone murafo uyo o gwevhelwa u dzula 60
dzhele hu si na u tou badela ndaxiso ya masheleni.

(8) NIKSO must provide administrative and secretarial support to the Advisory Panel.

(9) For the purpose of subsection (2)(c), “industry” means any sector of an economy dealing in the commercial use of indigenous knowledge based products and services.

Role of Advisory Panel

- 8.** The Advisory Panel must— 5
- (a) provide expert and strategic advice to NIKSO in respect of the protection, promotion, development and management of indigenous knowledge;
 - (b) assist with the mobilisation of indigenous communities for purposes of pursuing specific activities conducted by NIKSO; and
 - (c) advise NIKSO on any specific issue referred to it and execute any task that NIKSO may entrust to it in terms of this Act. 10

CHAPTER 4

PROTECTION OF INDIGENOUS KNOWLEDGE

Subject matter of protection

- 9.** (1) This Act protects registered indigenous knowledge. 15
- (2) Indigenous knowledge constitutes property of indigenous communities within the meaning of section 25 of the Constitution.

Term of protection

- 10.** (1) Indigenous knowledge is protected for as long as it meets the eligibility criteria set out in section 11. 20
- (2) If indigenous knowledge ceases to meet the eligibility criteria set out in section 11, it falls into the public domain from the date of proven ineligibility.

Eligibility criteria for protection

- 11.** The protection of indigenous knowledge contemplated in section 9 applies to indigenous knowledge, which— 25
- (a) has been passed on from generation to generation within an indigenous community;
 - (b) has been developed within an indigenous community; and
 - (c) is associated with the cultural and social identity of that indigenous community. 30

Vesting of rights in indigenous knowledge

- 12.** (1) Subject to section 9, the custodianship of indigenous knowledge eligible for protection vests in the trustee of that indigenous community.
- (2) The trustee of the indigenous community— 35
- (a) holds the indigenous knowledge in trust on behalf of the indigenous community; and
 - (b) is responsible for and accountable to the indigenous community for the protection of their rights.
- (3) In the event that, and for as long as, the indigenous community of the relevant indigenous knowledge cannot be identified and designated, NIKSO must act as custodian of that indigenous knowledge, with the rights and obligations of a trustee in respect of that indigenous knowledge. 40

Rights conferred

- 13.** (1) Subject to subsection (3), the indigenous community holding indigenous knowledge has the exclusive right to— 45
- (a) any benefits arising from its commercial use;
 - (b) be acknowledged as its origin; and
 - (c) limit any unauthorised use of the indigenous knowledge.

(8) NIKSO i tea u thusa Phanele ya Vhueleledzi nga ndaulo na vhuŋwaleli.

(9) U itela ndivho ya khahekanyo thukhu ya (2)(c), “nṱowetshumo” zwi amba sekithara inwe ya zwa ikonomi ine ya shumana na zwa u shumisa ha ndivho yapo kha u bindundza zwo sendeka kha zwibveledzwa na tshumelo.

Mushumo wa Phanele ya Vhueleledzi 5

8. Phanele ya Vhueleledzi i tea u—

- (a) fha muḍivhi na nyeletshedzo NIKSO malugana na tsireledzo, nyaluso, mveledziso na ndaulo ya sisiteme ya nḍivho yapo;
- (b) thusa nga u vhea fhethu huthihi zwitshavha zwapo u itela uri hu shumiwe mishumo ya NIKSO; na 10
- (c) eletshedza NIKSO malugana na mafhungo o ḍiswaho na u shuma mishumo ine NIKSO ya fha Phanele u nga Mulayo uno.

NDIMA YA 4

TSIRELEDZO YA NḌIVHO YAPO

Mafhungo a thero dzine dza khou tsireledzwa 15

9. (1) Uyu Mulayo u tsireledza nḍivho yapo yo nwaliswaho.

(2) Nḍivho yapo i vhumba ndaka ine yo ambiwa kha khethekanyo ya 25 ya Ndayotewa.

Vhulapfu ha tshifhinga tsha u tsireledza

10. (1) Nḍivho yapo i tsireledzwa lwa tshifhinga tsha musi i tshi kha ḍi fusha thodea dza uri i tsireledzwe u ya nga khethekanyo ya 11. 20

(2) Arali nḍivho yapo ya swika tshifhinga tshine ya vha i sa tsha fusha thodea dza khethekanyo ya 11, i mbo wela fhasi ha tshitshavha tshoṱhe u tou bva nga ḍuvha line ya sa tsha fusha.

Nḍila dzine dza shumiswa uri nḍivho yapo i tsireledzwe 25

11. U tsireledza nḍivho yapo ho bulwaho kha khethekanyo ya 9 hu shumiswa kha nḍivho yapo ine—

- (a) yo ratha i tshi bva kha murafho u ya kha muṱwe murafho ngomu kha tshitshavha tshapo;
- (b) yo bveledziswa kha tshitshavha tshapo; na 30
- (c) i na vhushaka na vhuṱe ha mvelele na matshilisano zwa tshitshavha tshapo.

U fha pfanelo dza nḍivho yapo

12. (1) Hu tshi khou tevhedzwa khethekanyo ya 9, vhuṱhogomeli ha nḍivho yapo ine ya tea u tsireledzwa vhu hweswa thirasitii wa tshitshavha tshapo tshenetsho. 35

(2) Thirasitii wa tshitshavha tshapo—

- (a) o fara nḍivho yapo i re kha thirasitii o imela tshitshavha tshapo; na
- (b) u na vhuḍifhinduleli nahone u tea u vhigela tshitshavha tshapo nga ha u tsireledzwa ha pfanelo dzavho sa tshitshavha.

(3) Kha nyimele ine muṱe wa ndaka yapo a sa ḍivhei kana u sumbea na musi tshitshavha tshapo tsha iyo nḍivho yapo tshi sa ḍivhei, NIKSO ndi yone ine ya ḍo dzhiiwa sa vhulondoli ha iyo nḍivho yapo, na pfanelo na vhuḍifhinduleli ha thirasitii malugana na nḍivho yapo iyo. 40

Pfanelo dzo ṱetshedzwaho

13. (1) Hu tshi tevhedzwa khethekanyo thukhu ya (3), muṱe wa nḍivho yapo u na pfanelo dzo khetheaho malugana na nḍivho yapo kha— 45

- (a) mbuelo dzi wanwaho musi hu tshi bindudzwa iyo nḍivho;
- (b) u ambiwa na u livhuwiwa uri ndi ene muṱe wa nḍivho; na
- (c) u thivhela u shumiswa ha iyo nḍivho yapo zwi songo tendelwa.

- (2) Subject to subsection (3), a person wishing to make commercial use of indigenous knowledge must—
- (a) apply through NIKSO for a licence in accordance with section 26(1); and
 - (b) when so applying, must indicate—
 - (i) the identity of the indigenous community; 5
 - (ii) the place of origin of the indigenous knowledge; and
 - (iii) whether prior informed consent of the indigenous community has been obtained and a benefit sharing arrangement entered into with that indigenous community.
- (3) An individual member of the indigenous community holding indigenous knowledge who wishes to make commercial use of the indigenous knowledge— 10
- (a) must obtain permission from the indigenous community; and
 - (b) may only make commercial use of that indigenous knowledge in a manner and subject to the indigenous community imposed terms and conditions as formalised in an agreement with the trustee. 15

CHAPTER 5

RECOGNITION OF PRIOR LEARNING OF INDIGENOUS KNOWLEDGE PRACTITIONERS

Accreditation of assessors

- 14.** (1) A certified indigenous knowledge practitioner may apply to NIKSO in the prescribed manner for recognition and accreditation as an assessor. 20
- (2) In processing a subsection (1) application, NIKSO—
- (a) must evaluate each application in accordance with the prescribed procedures and requirements; and
 - (b) may issue an accreditation certificate to act as an assessor if it is satisfied that the applicant meets the prescribed criteria. 25
- (3) NIKSO may impose any reasonable conditions on such accreditation.
- (4) NIKSO may, in the prescribed manner, cancel the accreditation of an assessor, if the assessor has—
- (a) made a false declaration or intentionally submitted a fraudulent application to NIKSO; 30
 - (b) failed to comply with or contravened any of the conditions of the accreditation;
 - (c) failed or refused to comply with the prescribed accreditation process;
 - (d) accepted unlawful compensation, in respect of the certification of an indigenous knowledge practitioner; 35
 - (e) charged excessive or unreasonable fees in respect of the certification of an indigenous knowledge practitioner;
 - (f) undermined, through any act of omission, the interests of the discipline or practice for which the assessor is registered; or 40
 - (g) been convicted of a criminal offence and sentenced to imprisonment without the option of a fine.
- (5) The Minister must prescribe accreditation procedures to be followed by registered assessors.

Certification of indigenous knowledge practitioners 45

- 15.** (1) Any person who wishes to register their qualifications as an indigenous knowledge practitioner must apply, in the prescribed manner, to NIKSO to be so certified and recorded in the Register of Designations.
- (2) NIKSO may refer the application for certification to an assessor for assessment and recommendation. 50
- (3) In assessing the eligibility of an applicant, the assessor must apply the prescribed norms and standards for certification of indigenous knowledge practitioners.
- (4) Upon completion of the assessment, if an applicant meets all the prescribed requirements, the assessor must recommend to NIKSO that a certificate of competency be issued to the applicant for purposes of certification. 55

- (2) Hu tshi tevhedzwa khethekanyo thukhu ya (3), muthu ane a funa u shumisa ndivho yapo kha zwa u bindula u tea u—
- (a) ita khumbelo nga kha ya laisentsa kha NIKSO u ya nga khethekanyo ya 26(1); na
 - (b) musu khumbelo i tshi itiwa hutea u sumbedzwa— 5
 - (i) dzina la/vhufe ha tshitshavha tshapo;
 - (ii) fhethu ha vhubvo ha iyo ndivho yapo; na
 - (iii) uri naa u tenda muthu o thoma a vhudzwa ha mufe wa ndivho yapo ho wanala kha tshitshavha tsha ndivho yapo nahone nzudzanyo dza u kovhekana mbuelo dzo itwa na itsho tshitshavha tshapo naa. 10
- (3) Muthu wa tshitshavha tsha ndivho yapo a re na ndivho yapo ane a funa u ita vhubindudzi ha ndivho yapo—
- (a) u tea u wana themendelo u bva kha tshitshavha tshapo; nahone
 - (b) a nga ita fhedzi vhubindudzi nga iyo ndivho yapo nga ndila ine ya tevhedza milayo yo vhwaho ya tshitshavha tsha ndivho yapo sa zwe zwa tendelanwa na thirasitii. 15

NDIMA YA 5

U DZHIELA NTHA NDIVHO I SONGO WANWAHO TSHIKOLONI YA VHASHUMI VHA ZWA NDIVHO YAPO

- U tendelwa ha vhaṭhaṭhuvhi** 20
- 14.** (1) Mushumi wa zwa ndivho ya sialala a re na ṭhanziela a nga ita khumbelo ngei kha NIKSO a tshi khou tevhedza ndila yo randelwaho uri a tendelwe u vha muṭhaṭhuvhi.
- (2) Musu hu tshi khou shumiswa khumbelo ya khethekanyo ya (1), NIKSO—
- (a) i tea u sengulusa khumbelo inwe na inwe u ya nga maitele na ṭhodea dzo randelwaho; na 25
 - (b) i nga ṭetshedza ṭhanziela ya u tendela uri muhumbeli a vhe muṭhaṭhuvhi arali khumbelo yo fusha zwine zwa khou ṭodwa nga ofisi uri muhumbeli ngoho o fusha ndila dzo randelwaho.
- (3) NIKSO i nga vhea milayo i pfadzaho musu i tshi tshi fha thendelo.
- (4) NIKSO nga ndila yo randelwaho i nga fhelisa uho u tendelwa ha muṭhaṭhuvhi, arali muṭhaṭhuvhi o— 30
- (a) bula mazwifhi kana nga khole o ṭetshedza khumbelo lwa vhufhura kha NIKSO;
 - (b) o kundelwa u anana kana o pfuka milayo i kwamaho u tendelwa;
 - (c) kundelwa kana o hana u anana na kuitele kwa u tendelwa kwo randelwaho; 35
 - (d) ṭanganedza mbadelo zwi si ho mulayoni, malugana na u fha ṭhanziela ya mushumi wa ndivho yapo;
 - (e) badelisa masheleni a sa pfadzi nahone o kalulesaho malugana na u fha ṭhanziela ya ndivho yapo;
 - (f) o vha na lunyadzo nga u pfuka madzangalelo a thero kana mushumo wa muṭhaṭhuvhi o ṅwalisaho; kana 40
 - (g) wanwa mulandu wa vhutshinyi nahone o gwevhiwa u dzula dzhele hu si na u badela ndaṭiso.
- (5) Minista a nga yandela maitela a u tendela ane a tea u tevhedzwa nga vhaṭhaṭhuvhi vho ṅwaliswaho. 45

Ṭhanziela dza vhashumi vha zwa ndivho yapo

- 15.** (1) Muthu muṅwe na muṅwe ane a funa u ṅwalisa ndalukano dzawe sa mushumi wa zwa ndivho yapo u tea u ita khumbelo nga ndila yo randelwaho ngei kha NIKSO uri a wane ṭhanziela ya u khwaṭhisedza na u rekhodiwa kha redzhisitara ya Mushumo.
- (2) NIKSO i nga isa khumbelo uri i khwaṭhisedzwe ngei kha muṭhaṭhuvhi ane a ḡo i ṭhaṭhuvha na u ita themendelo. 50
- (3) Musu hu tshi khou ṭhaṭhuvhiwa uri muhumbeli u a fusha ṭhodea naa, muṭhaṭhuvhi u tea u shumisa zwiṭandadi na milayo yo randelwaho musu hu tshi khwaṭhisedzwa uri muthu ndi mushumi wa zwa ndivho yapo.
- (4) Musu u ṭhaṭhuvha zwo fhela, arali muhumbeli o fusha ṭhodea dzoṭhe dzo randelwaho, muṭhaṭhuvhi u tea u ita themendelo kha NIKSO uri hu ṅekedzwe ṭhanziela ya vhuḡoni kha muhumbeli ndivho i ya u khwaṭhisedza. 55

- (5) Subject to subsection (4), NIKSO must—
- (a) issue the certificate of competency to the applicant; and
 - (b) record the applicant as a certified indigenous knowledge practitioner in the Register of Designations.
- (6) Subject to subsection (5), no indigenous knowledge practitioner may practice for gain, unless the practitioner is registered with the relevant government department and been granted permission to practice in terms of the applicable prescribed practice standards. 5
- (7) NIKSO may, in the prescribed manner, revoke the certification of an indigenous knowledge practitioner if such practitioner has— 10
- (a) made a false declaration or intentionally submitted a fraudulent application to NIKSO;
 - (b) failed or refused to comply with the prescribed certification procedures;
 - (c) failed to comply with or contravened any of the conditions set out in the certificate; 15
 - (d) undermined, through any act or omission, the interests of the discipline of practice for which the practitioner is certified;
 - (e) been convicted of a criminal offence and sentenced to imprisonment without the option of a fine; or
 - (f) voluntarily relinquished practice as an indigenous knowledge practitioner. 20
- (8) The Minister must prescribe application standards and procedures to be followed by applicants.

Register of Designations

16. (1) NIKSO must—
- (a) keep the Register of Designations in the prescribed manner; and 25
 - (b) ensure the security of the Register of Designations.
- (2) Where information may be accessed by persons other than the indigenous community or an individual within that indigenous community, NIKSO must facilitate such access on payment of a prescribed fee.

CHAPTER 6 30

REGISTRATION OF INDIGENOUS KNOWLEDGE

Registration Office for Indigenous Knowledge

17. NIKSO must establish a Registration Office for Indigenous Knowledge.

Curator of indigenous knowledge

18. (1) The Minister must appoint a suitably skilled and qualified person as the Curator of indigenous knowledge in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994). 35
- (2) The Curator is responsible for the control of the Registration Office, subject to the directions and instructions issued by the Minister or the Director-General as delegated by the Minister. 40
- (3) The Curator may delegate any of the powers and entrust any of the duties assigned to him or her by this Act, to any officer within NIKSO.
- (4) The Curator must permit the trustee to act on behalf of the indigenous community for whom he or she is a trustee, in connection with registration under this Act or any proceeding relating thereto. 45

- (5) NIKSO i tshi khou tevhedza khethekanyo ya (4) i tea—
- (a) u nekedza tñanziela ya vhukoni kha muhumbeli; na
 - (b) u rekhoda muhumbeli sa mushumi wa zwa ndivho yapo o khwaṭhisedzwaho kha Redzhisitara ya Mishumo.
- (6) Hu tshi khou tevhedzwa khethekanyo ya (5), a hu na mushumi wa zwa ndivho yapo ane a a nga shuma a tshi itela malamba, nga nnḁa ha musi mushumo uyo o ṅwalisa kha muhasho wo teaho wa muvhuso nahone o fhiwa thendelo ya u shuma u ya nga zwiṭandadi zwo randelwaho nahone zwo teaho. 5
- (7) NIKSO nga ṅḁila yo randelwaho, i nga fhelisa tñanziela ya mushumi wa zwa ndivho yapo arali uyo mushumi— 10
- (a) o amba mazwifhi kana o ita tshiṭamennde tsha mazwifhi kana o ita khumbelo a tshi khou shumisa vhuḁhura ngei kha NIKSO;
 - (b) o kundelwa u tevhedza kana o hana u tevhedzela maitete o randelwaho a u khwaṭhisedza;
 - (c) o kundelwa u tevhedzela kana o pfuka milayo miṅwe na miṅwe yo sumbedzwaho kha tñanziela; 15
 - (d) nga zwe a ita kana u pfuka a vha o nyadza madzangalelo a maitete kwao ane muhumbeli o fhelwa one tñanziela;
 - (e) o wanwa mulandu wa vhuṭshinyi nahone o gwevhelwa u dzula dzhele hu si na u tou badela ndaṭiso; kana 20
 - (f) ene muge o ṭutshela mushumo wawe wa u shuma sa mushumi wa zwa ndivho yapo.
- (8) Minista fanela utea themendelo kha malugana na milayo na zwiṭandadi zwa u tendela vhashumi. 25

Redzhisitara ya Madzina a vhuimo

16. (1) NIKSO—
- (a) i vhuḁluga Redzhisitara ya Madzina a vhuimo nga ṅḁila yo randelwaho; na
 - (b) i vhoṅa uri hu vhe na tsireledzo ya Redzhisitara ya Madzina a vhuimo.
- (2) Hune mafhungo a nga swikelelwa nga vhatu nga nnḁa ha tshitshavha tsha ndivho yapo kana muthu ngomu ha itsho tshitshavha tshapo, NIKSO i tea u tshimbidza uho u swikelela ho vha na u badelwa ha tshedele yo randelwaho. 30

NDIMA YA 6

U WALISWA HA NDIVHO YAPO

Ofisi ya u walisa zwa Ndivho Yapo

17. NIKSO i vhumbe Ofisi ya u walisa Ndivho Yapo. 35

Mulondoli wa ndivho yapo

18. (1) Minista u tea u thola muthu a re na vhukoni ho teaho nahone ane a vha na ndalukano dzone-dzone sa Mulondoli wa ndivho yapo u ya nga Mulayo wa Tshumelo dza Muvhuso wa, 1994 (Proclamation No. 103 of 1994).
- (2) Mulondoli wa ndivho yapo u na vhuḁifhinduleli ha u langa Ofisi ya u walisa a tshi khou tevhedza ndaela dzi bvaho kha Minista na Mulangi-Muangaredzi o rumelwa nga Minista. 40
- (3) Mulondoli uyu a nga hwesa maanḁa awe muofisiri muṅwe na muṅwe ane a wanala kha NIKSO ane a mu themba uri a shume mishumo ye a hweswa yone nga uno Mulayo. 45
- (4) Mulondoli u tea u tendela thirasitii uri a shume o imela tshitshavha tshapo tshine a vha thirasitii watsho malugana na u ṅwalisa nga fhasi ha uno Mulayo kana tshinwe na tshinwe tshi itwaho.

Register of indigenous knowledge

- 19.** (1) NIKSO must—
- (a) keep a Register of Indigenous Knowledge in the prescribed manner; and
 - (b) ensure the security of the Register.
- (2) The Curator must record in respect of each item of indigenous knowledge— 5
- (a) the particulars of the indigenous community from which the indigenous knowledge originates;
 - (b) whether the indigenous knowledge is functional indigenous knowledge or an indigenous cultural expression, or both;
 - (c) whether the information provided may only be shared with persons outside the indigenous community with its prior informed consent; 10
 - (d) whether any agreements have been entered into between an outside party and the indigenous community;
 - (e) whether the indigenous knowledge is closely related to indigenous knowledge registered by another indigenous community, and if so, details of that indigenous knowledge; and 15
 - (f) any such other particulars as may be prescribed.
- (3) The Register is presumed to be evidence of any matters directed or authorised by this Act to be recorded therein.

Registration of indigenous knowledge 20

- 20.** (1) The trustee of an indigenous community may apply to the Curator in the prescribed manner for the registration of indigenous knowledge.
- (2) Subject to the provisions of this Act, the Curator may—
- (a) approve the application;
 - (b) approve the application subject to any conditions or limitations, and register the indigenous knowledge; or 25
 - (c) reject the application if it does not meet the criteria set out in section 11.
- (3) The Curator must, within 30 days after the registration of the indigenous knowledge—
- (a) issue to the applicant a certificate of registration in the prescribed form; and 30
 - (b) publish, in the prescribed form, a notice of registration in the Indigenous Knowledge Bulletin and any appropriate publication.
- (4) In order to exercise any right in respect of indigenous knowledge under this Act, the indigenous community must register the indigenous knowledge in terms of Chapter 6. 35

Inspection of Register

- 21.** (1) Subject to the provisions of this Act, the Curator must make the Register available for inspection by the public during working hours, upon payment of the prescribed fee.
- (2) Notwithstanding subsection (1), additional documents relating to the registration of indigenous knowledge may only be made available to the public, if the person seeking access enters into a prescribed non-disclosure agreement. 40
- (3) The Curator must, as prescribed, at the request of any person, and on payment of the prescribed fee, furnish a copy of an extract of the Register, or a copy of a certificate of registration. 45

Certificates of Curator to be *prima facie* evidence

- 22.** (1) A certificate appearing to be issued by the Curator, in respect of any record authorised by this Act, is presumed evidence of the content thereof and action authorised therein, unless proven otherwise.
- (2) In any judicial proceedings— 50
- (a) printed or written copies or extracts appearing to be copies of or extracts from the Register; or

Redzhisiṭara ya nḍivho yapo

19. (1) NIKSO i tea u—

- (a) vhulunga Redzhisiṭara ya Nḍivho Yapo nga nḍila yo randelwaho; na
 (b) vhona uri hu vhe na tsireledzo kha iyo Redzhisiṭara.

(2) Mulondoli u tea u rekhoda tshiteṅwa tshiṅwe na tshiṅwe tsha nḍivho yapo— 5

- (a) zwidodombedzwa zwa tshitshavha tshapo afho hune nḍivho yapo yo thoma hone;
 (b) hu nga vha nḍivho i tshi shumiswa kana i nḍivho ya u sumbedza mvelele, kana zwoṭhe;
 (c) hu nga vha mafhungo o ḡetshedzwaho a tshi nga kovhelwa-vho na vhatu vha 10
 nga nḍa ha tshitshavha tshapo ho ranga ha vha na u tenda wo vhudzwa;
 (d) hu nga vha thendelano iṅwe na iṅwe ye ya dzhenwa khayi vhukati ha vhatu vha nḍa na tshitshavha tshapo;
 (e) hu nga vha nḍivho yapo i tshi tushelana na nḍivho yapo yo ṅwaliswaho nga tshiṅwe tshitshavha tshapo, nahone arali zwo ralo, zwidodombedzwa zwa iyo 15
 nḍivho; na
 (f) zwidodombedzwa zwiṅwe na zwiṅwe u ya nga he zwa randelwa.

(3) Redzhisiṭara i dzhiwa hu hone vhuṭanzi ha mafhungo maṅwe na maṅwe o laelwaho na u tendelwa nga uno Mulayo.

U ṅwaliswa ha nḍivho yapo 20

20. (1) Thirasitii wa tshitshavha tshapo a nga ita khumbelo kha Mulondoli nga nḍila yo randelwaho a tshi itela u ṅwalisa nḍivho yapo.

(2) Hu tshi khou tevhedzwa uno Mulayo, Mulondoli a nga—

- (a) tendela iyo khumbelo;
 (b) tendela khumbelo a tshi khou tevhedza milayo miṅwe na miṅwe kana 25
 phungudzelo, nahone a kona-ha u ṅwalisa iyo nḍivho yapo; kana
 (c) hanela khumbelo arali i sa fushi nḍila dzo vhwaho kha khethekanyo ya 11.

(3) Hu sa athu u fhela maḍuvha a 30, nga murahu ha u ṅwalisa nḍivho yapo, Mulondoli u tea u—

- (a) ḡetshedza muhumbeli ṭhanziela ya u ṅwalisa a tshi khou tevhedza nḍila yo 30
 randelwaho; na
 (b) a nḍadza nḍivhadzo ya u ṅwalisa Nḍivho Yapo kha Gurannḍa ya mafhungo na kha iṅwe nyanḍadzo yo teaho, zwi tshi khou itwa nga nḍila yo randelwaho.

(4) U itela u shumisa pfanelo zwi tshi kwama nḍivho yapo nga fhasi ha uno Mulayo, tshitshavha tshapo tshi tea u ṅwalisa nḍivho yapo u ya nga Ndimba ya 6. 35

U ingamelwa ha Redzhisiṭara

21. (1) Hu tshi khou tevhedzwa mbetshelo dza uyu Mulayo, Mulondoli u tea u ita uri Redzhisiṭara i ingamelwe nga tshitshavha nga tshifhinga tsha mushumo, musi ho badelwa mbadelo yo randelwaho.

(2) naho hu na khethekanyo ṭhukhu ya (1), maṅwe maṅwalwa a kwamaho u ṅwalisa 40
 nḍivho yapo a nga itwa uri a wanale nga tshitshavha fhedzi arali muthu ane a khou ṭoda u a swikelela a tshi ita thendelano ya u fhulufhedzisa u sa punḍisa mafhungosa zwe zwa randelwa.

(3) Mulondoli nga nḍila yo randelwaho nahone ho itwa khumbelo nga muthu ufho na ufho nahone ho itwa mbadelo yo randelwaho u tea u fha khophi ya zwi bvaho kha 45
 Redzhisiṭara, kana khophi ya ṭhanziela ya u ṅwalisa.

ṭhanziela dza Mulondoli ndi hone vhuṭanzi ha *prima facie*

22. (1) ṭhanziela i vhonehona unga yo ḡetshedzwa nga Mulondoli, malugana na rekhodo iṅwe na iṅwe yo tendelwaho nga uno Mulayo, i dzhiwa hu hone vhuṭanzi ha 50
 zwi re ngomu na zwo itwaho zwo tendelwa, nga nḍa ha musi zwo sumbedzwa nga iṅwe nḍila.

(2) Kha khaḡulo dziṅwe na dziṅwe—

- (a) khophi dzo phrinthiwaho na dzo tou ṅwalwaho kana zwe zwa bviswa kha izwi zwi vhonehona hu khophi dza kana zwo bviswaho kha Redzhisiṭara; kana

(b) any document relating to indigenous knowledge certified by the Curator of the Registration Office,
is presumed evidence of the content thereof, unless proven otherwise, and may be admitted as evidence without further proof or production of the original.

Register to be constructive notice 5

23. In any proceedings regarding the rights registered in respect of indigenous knowledge, it may be presumed—

- (a) that every party to those proceedings was aware of the particulars entered in the Register from the date of the section 20(3)(b) publication; and
- (b) that any person using the indigenous knowledge did so knowing that it was registered and that it was a pre-condition of use that the person should have entered into a benefit sharing agreement before commencing use. 10

Amendment of Register

24. (1) The Curator may—

- (a) upon receiving an application from an interested person in the prescribed manner; and 15
- (b) after granting the indigenous community an opportunity to make representations in response to the application, amend the Register.

(2) The Curator must amend an entry in the Register in accordance with any finding by a court. 20

CHAPTER 7

COMMERCIAL UTILISATION OF INDIGENOUS KNOWLEDGE

Product development, commercialisation, services and processes

25. (1) NIKSO may, at the request of an indigenous community, provide assistance or facilitate the commercial use of its indigenous knowledge. 25

(2) NIKSO must, in respect of commercial use of indigenous knowledge—

- (a) promote partnerships for innovation and product development;
- (b) coordinate funding;
- (c) develop market strategies; and
- (d) promote commercial use of products, services, processes and the use of 30 technology.

Access to and use of indigenous knowledge

26. (1) Any person who intends to use indigenous knowledge for commercial purposes must—

- (a) apply in the prescribed manner for a licence authorising the use of that indigenous knowledge; and 35
- (b) enter into a licence agreement with the trustee of the relevant indigenous community for the use of that indigenous knowledge,

as facilitated by NIKSO.

(2) NIKSO must consult with the trustee on the terms of the subsection (1)(b) licence agreement for the intended use and benefits payable by the licence holder. 40

(3) In the event that the indigenous knowledge, which is the subject of the licence agreement, is—

- (a) functional in nature, then any obligation on the part of the licence holder to pay a royalty expires 20 years after the date of agreement; and 45
- (b) an indigenous cultural expression, then any obligation on the part of the user to pay a royalty expires 50 years after the date of agreement.

(b) Jiiwalwa Jiiwe na Jiiwe Ji kwamaho ndivho yapo lo khwaṭhisedzwaho nga Mulondoli wa Ofisiya u walisa, Ji dzhiiwa hu vhuṭanzi ha zwi re ngomu ha, nga nṅa ha musi hu na tsumbo ya iṅwe nṅila, nahone Ji nga ṭanganedzwa sa vhuṭanzi hu si na iṅwe tsumbo kana u bveledzwa ha Jiiwalwa Ja oridzhinaJa. 5

Redzhisitara i vha yone ndivhadzo

23. Kha khothe ya malugana na pfanelo dzo ṅwaliswaho malugana na ndivho yapo, zwi dzhiiwa—

- (a) uri muṅwe na muṅwe a kwameaho kha iyo miṭangano u na ndivho ya zwidodombedzwa zwo dzheniswaho kha Redzhisitara u bva nga datumu ya u anṅadza khethekanyo ya 20(3)(b); na 10
- (b) uri muthu muṅwe na muṅwe ane a khou shumisa ndivho yapo o i shumisa a tshi khou divha uri yo ṅwaliswa nahone hu na milayo yo vhwaho ya uri hu vhe na thendelano malugana na u kovhekana mbuelo phanṅa ha musi ndivho i tshi shumiswa. 15

U khakhulula Redzhisitara

24. (1) Mulondoli—

- (a) musi o ṭanganedza khumbelo i bvaho kha muthu a re na dzangalelo nga nṅila yo randelwaho; na
- (b) nga murahu ha u fha tshitshavha tshapo tshikhala tsha u sumbedza zwi kwamaho khumbelo, Mulondoli u ṅo khakhulula Redzhisitara. 20

(2) Mulondoli u tea u khakhulula zwo ṅwalwaho kha Redzhisitara u ya nga mawanwa a khothe.

NDIMA YA 7

U SHUMISWA HA NDIVHO YAPO SA VHUBINDUDZI 25

U bveledzisa tshibveledzwa, u tshi bindudza, tshumelo na maitele

25. (1) NIKSO musi hu na khumbelo yo itwaho nga tshitshavha tshapo i nga thusa kana u tshimbidza zwa u shumiswa ha ndivho yapo nga nṅila i bindudzaho.

(2) NIKSO malugana na u shumisa ndivho yapo nga nṅila i bindulisaho—

- (a) i tea u ṭuṭuwedza tshumisano (vhuṭama) na u bveledzisa tshibveledzwa; 30
- (b) u konanya ndambedzo;
- (c) u ita nṅila dza u vhambadza; na
- (d) u ṭuṭuwedza u shumisa zwibveledzwa, tshumelo, kuitele na thekhnolojzhi nga nṅila i bindulaho.

U swikelela na u shumisa ndivho yapo 35

26. (1) Muthu muṅwe na muṅwe ane a funa u shumisa ndivho yapo nga nṅila ya bindu u tea u—

- (a) ita khumbelo nga nṅila yo randelwaho uri a wane Jaisentse i mu tendelaho u shumisa iyo ndivho yapo; na
- (b) ita thendelano na thirasitii wa tshitshavha tshapo tsho teaho u itela u shumisa iyo ndivho yapo, 40

zwi tshi khou tshimbidzwa nga NIKSO.

(2) NIKSO i tea u kwama thirasitii zwi tshi kwama khethekanyo ṭhukhu ya (1)(b) maelana na thendelano ya Jaisentse ya u shumisa na mbuelo dzi badelwaho nga muṅwe wa Jaisentse. 45

(3) Kha nyimele ine ndivho yapo ine y a tea u tevhedza thendelano ya Jaisentse ndi—

- (a) ya vhuṭaha ha saintsii kana thekhenikhaJa, zwenezwo-ha mbofho iṅwe na iṅwe kha muṅwe wa Jaisentse malugana na u badela mbadelo i fhela nga murahu ha miṅwaha ya 20 ya thendelano; nahone
- (b) ndivho i sumbedzaho zwa mvelele, mbofho ya hone kha mushumisi ane a badela mbadelo i ṅo fhela nga murahu ha miṅwaha ya 50 ya thendelano. 50

- (4) No prior informed consent for the use of indigenous knowledge is required for—
- (a) criticism or academic review;
 - (b) reporting news or current events;
 - (c) judicial proceedings;
 - (d) any use that is incidental to the above purposes; and 5
 - (e) in circumstances of national emergencies or natural disasters, as long as the relevant indigenous community is compensated for the use of their indigenous knowledge.

(5) A licence holder must, subject to subsection (1), acknowledge the relevant indigenous community by mentioning them or the geographical place from which the indigenous knowledge originated. 10

(6) Any person who is aggrieved by a NIKSO decision or the conditions imposed with regard to access, may within 60 working days declare a dispute and refer the matter for resolution in terms of section 27.

CHAPTER 8 15

ENFORCEMENT OF RIGHTS

Dispute Resolution Committee

27. (1) The Minister may, subject to prescribed terms and conditions, appoint members of the Dispute Resolution Committee to resolve any dispute arising from this Act on an ad hoc basis. 20

(2) In resolving a dispute, the Dispute Resolution Committee must consider customary laws which may have a bearing on the subject matter of the dispute.

(3) Any party to a matter referred to the Dispute Resolution Committee may take the matter for review to the High Court.

- (4) The Dispute Resolution Committee may, as a sanction: 25
- (a) issue a written warning to the licence holder;
 - (b) issue a notice prohibiting the unauthorised use of indigenous knowledge by the licence holder; and
 - (c) recommend to NIKSO the cancelling, suspending or revoking of the licence rights of a licence holder. 30

Offences and penalties

28. Any third party who—

- (a) knowingly makes commercial use of indigenous knowledge in a manner which is not in accordance with an agreement entered into with the indigenous community; and 35
 - (b) infringes the rights of that indigenous community,
- is guilty of an offence and on conviction liable to pay a fine as prescribed.

CHAPTER 9

GENERAL PROVISIONS

Transitional arrangements 40

29. (1) Indigenous knowledge originating in a foreign jurisdiction must be given the same protection granted to indigenous knowledge originating in the Republic, if the laws of that foreign jurisdiction provide reciprocal protection to indigenous knowledge originating in the Republic.

(2) In instances where indigenous knowledge originates in one or more indigenous communities in foreign jurisdictions and in the Republic, NIKSO must assist the relevant foreign authorities and the indigenous community of the Republic to conclude an arrangement to share equitably in the proceeds accruing to the indigenous communities in terms of that benefit sharing agreement. 45

- (4) A hu na u tenda muthu o thoma a ñivhadzwa malugana na u shumisa ñivho yapo kha zwa—
- (a) ñholo ya zwa akademi kana tsenguluso;
 - (b) u vhiga mafhungo;
 - (c) zwa khañulo; 5
 - (d) kha ndivho dza ñhoñisiso ya akademi hu si na u bindula; na
 - (e) kha nyimele ya lushaka ya shishi kana zwiwo zwa mupo: tenda tshitshavha tshapo tsho teaho tsha badelwa malugana na uho u shumiswa ha ñivho yapo ya itsho tshitshavha.
- (5) Muthu a re na ñaisentse a tshi khou tevhedza khethekanyo ñhukhu ya (1), u tea u livhuwa tshitshavha tshapo tsho teaho nga u bula dzina kana vhupo afho hune ñivho yapo ya bva hone. 10
- (6) Muthu muñwe na muñwe ane a pfa o khakhelwa nga tsheo ya NIKSO kana milayo yo vhwaho malugana na uho u swikelela ñivho u tea uri hu sa athu u fhela mañuvha a 60 a mushumo, a ite khandzo na u isa iyo thaidzo uri i tandululwe u ya nga khethekanyo ya vhu 27. 15

NDIMA YA 8

KUTEVHEDZELE KWA PFANELO

Komiti ya u Thasulula Phambano

27. (1) Minista a tshi khou tevhedza milayo yo randelwaho, a nga thola mirado ya Komiti ya u Thasulula Phambano u itela u tandulula phambano dzi itiswaho nga uyu Mulayo kha yeneyo nyimele. 20
- (2) Musi hu tshi tandululwa phambano, Komiti ya u Tandulula Phambano i tea u lavhelesa milayo ya mvelele ine ya nga thusa kha fhungo ñi kwameaho kha phambano.
- (3) Muñwe na muñwe ane a kwamea kha fhungo ño iswaho kha Komiti ya u Thasulula Phambano, a nga isa ño fhungo Khothe khulwane uri ñi lavheleswe. 25
- (4) Komiti ya u Thasulula Phambano i tshi khou ita ndañoiso i nga:
- (a) ñetshedza khaidzo yo tou ñwalelwaho muñe wa ñaisentse;
 - (b) ñetshedza ñivhadzo ya u ñledza u shumisa ñivho yapo hu si na thendelo i bvaho kha muñe wa ñaisentse; na 30
 - (c) u themendela kha NIKSO uri hu fheliswe, hu imiswe kana u dzhiulula ñaisentse ya pfanelo kha muñe wayo. 30

Vhutshinyi na ndañoiso

28. (1) Muñwe muthu muñwe na muñwe ane—
- (a) ane a tshi zwi ñivha a shumisa ñivho yapo lwa u mu bindulisa nga ñila ine ya lwa na thendelano yo itwaho na tshitshavha tshapo; na 35
 - (b) u pfukekanya pfano dza tshitshavha tshapo,
- u na mulandu wa vhutshinyi nahone u tewa nga u wanwa mulandu a badela na ndañoiso yo randelwaho.

NDIMA YA 9

40

MBETSHELO NYANGAREDZI

Nzudzanyo dza tshanduko

29. (1) ñivho yapo ine ya bva kha mukano wa mashangoñavha i tea u tsireledzwa u tou fana na ñivho yapo yo tumbukaho fhano kha Riphabuñiki, arali milayo ya ño shangoñavha ya vha na u ñekana tsireledzo kha ñivho yapo yo tumbukaho fhano kha Riphabuñiki. 45
- (2) Kha nyimele dzine ñivho yapo ya vha yo tumbuka kha tshitshavha tshapo tshithihi kana zwinzhi kha mikano ya ñña na kha Riphabuñiki, NIKSO i tea u thusa maanñalanga o teaho a mashangoñavha na tshitshavha tshapo tsha Riphabuñiki kha u vhina nzudzanyo dza u kovhekana mbuelo i linganaho hu tshi khou tevhedzwa thendelano ya u kovhana mbuelo. 50

Multiple claims to indigenous knowledge

30. (1) Where there are multiple claims to indigenous knowledge, any remuneration payable under a benefit sharing agreement must be apportioned equally among the trustees.

(2) Where an existing benefit sharing agreement in terms of subsection (1) does not include all the trustees of the relevant indigenous communities, the agreement must be amended accordingly. 5

Regulations

- 31.** (1) The Minister may make regulations regarding any matter pertaining to—
- (a) the protection, promotion, development and management of indigenous knowledge; 10
 - (b) procedures for securing registration in the Register and obtaining licences to use indigenous knowledge from NIKSO;
 - (c) matters which may or must be prescribed in terms of this Act; and
 - (d) in general, any ancillary or incidental matter that it is necessary to prescribe 15
for the proper implementation or administration of this Act.

Effect on other laws

32. (1) This Act does not alter or detract from any right in respect of any statute or the common law.

(2) Compliance with any procedures or requirements laid down in this Act does not constitute compliance with any procedures or requirements imposed in any other Act. 20

Transitional arrangements

33. (1) An indigenous community wishing to register indigenous knowledge already in existence at the time of commencement of this Act, must register such indigenous knowledge in terms of this Act. 25

(2) Any continued use of indigenous knowledge, after the commencement of this Act, must be regulated in terms of a licence agreement between the trustee of the relevant indigenous community and the potential licence holder, entered into within 12 months from the date of commencement of this Act.

Short title and commencement 30

34. This Act is called the Protection, Promotion, Development and Management of Indigenous Knowledge Act, 2019, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

Ndivho yapo ine vhaṅe vhayo ndi vhanzhi

30. (1) Kha nyimele ine vhaṅe vha ndivho yapo vha vha vhe vhanzhi, mbadelo inwe na inwe ine ya ḑo badelwa nga fhasi ha thendelano ya u kovhana mbuelo i ḑo kovhiwa u lingana ya badelwa kha dzithirasitii.

(2) Hune ha vha na thendelano ya u kovhana mbuelo u ya nga khethekanyo ṭhukhu ya (1) i sa kateli dzithirasitii dzo teaho dza zwitshavha zwapo, thendelano i ḑo tea u khwiṅiswa zwavhuḑi. 5

Ndangulo

31. (1) Minista a nga ita ndangulo malugana na mafhungo afhio na afhio a kwamaho— 10

- (a) tsireledzo, ṭhuṭhuwedzo (*nyaluso*), mveledziso na vhulangi ha ndivho yapo;
- (b) maitete a u ṅwalisa kha Redzhisiṭara na u wana laisentse ya u shumisa ndivho yapo kha NIKSO;
- (c) mafhungo ane a nga kana ane a tea u randelwa u ya nga uyu Mulayo; na
- (d) nga u angaredza, mafhungo maṅwe na maṅwe ane tea u randelwa hu tshi itelwa uri hu vhe na ndaulo yavhuḑi na kushumisele kwa uno Mulayo. 15

U kwamea ha miṅwe milayo

32. (1) Uyu Mulayo a u thuthi kana a u fhungudzi pfanelo dzi kwamaho mulayo u itwaho nga phalamende kana mulayo wo ḑowealeho.

(2) U tevhedza maitete na ṭhoḑea dza uyu Mulayo a zwi iti uri muthu a pfi u khou anana na maitete kana ṭhoḑea dzo vhwaho nga miṅwe Milayo. 20

Nzudzanyo dza tshanduko

33. (1) Tshitshavha tshapo tshiṅwe na tshiṅwe tshine tsha khou funa u ṅwalisa ndivho yapo ye ya vha i hone phanḑa ha u thoma u shuma ha uno Mulayo, tshi tea u ṅwalisa iyo ndivho yapo u ya nga onoyu Mulayo. 25

(2) U ya phanḑa ha u shumiswa ha ndivho yapo, nga murau ha u thoma u shuma ha uno Mulayo, zwi tea u langulwa u ya nga laisentse ya thendelano vhukati ha thirasitii wa tshitshavha tsho teaho na ane a ḑo wana laisentse, yo itwaho kha miṅwedzi ya 12 u bva kha u thoma u shuma ha uno Mulayo.

Dzina jipfufhi na u thoma u shumisa Mulayo 30

34. Uyu Mulayo u vhidzwa u pfi Mulayo wa Tsireledzo, Nyaluso, Mveledziso na u Langa Ndivho Yapo wa, 2019, nahone u ḑo thoma u shumiswa nga datumu yo tiwaho nga Phresidennde nga mulevho wa *Gazete*.