

# UMGAQO-SISEKO

WERIPHABLIKHI YOMZANTSI-AFRIKA KA-1996

*Intshayelelo, Okusisiseko no Mqulu wamalungelo*



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### *Intshayelelo, Okusisiseko no Mqulu wamalungelo*

iPrintwe yiConstitutional Court Trust ngo 2024 ukuze ikhapse iimiboniso yeConstitutional Court Art Collection (CCAC). Lencwadi yenzelwe ukukhapha iimiboniso ye CCAC xa ihamba ekuhlaleni naphesheya ihlabela iminyaka eyi 30 yenkululeko ngo 2024, iminyaka eyi 30 ye CCAC ngo 2025 neminyaka eyi 30 yomgaqo siseko ngo 2026.



Lencwadana iyafumaneka kwi webhusayithi ye CCAC ngolwimi lwesiXhosa, ngesiNgesi namnye amalwimi waseMzantsi Afrika. Skena leQR code okanye udwendwele ikhonkco le webhusayithi ye CCAC ukuze ufumane lencwadana ukuze ufunde lukhulu ngeqokelelo nemiboniso yokuhambahamba: <https://ccac.concourtrust.org.za/travelling-exhibition>

**CCAC** 30 YEARS OF DEMOCRACY - 2024  
30 YEARS OF THE CCAC - 2025  
30 YEARS OF THE CONSTITUTION - 2026



**Constitutional Court  
Trust**

Aba ngaba ncedisileyo ngokwe ngalelo lwemali ukuze kwenzeke kuPrintwe lencwadi, abaphinde babenogalelo ngomsebenzi we CCT:

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Isingeniso siguqulwe kwisingesi ngu: Buntu Makhedama  
Onegalelo noguqula: Thandolwethu Jele (CCSA law clerk)

## MALUNGA NE CCAC

iConstitutional Court Art Collection ngumbonelo bu gcisa we nkundla yomgaqo siseko ephakamileyo eMzantsi Afrika. Ubugcisa bayo buhlukaniswe ka bini ngoba kube khona iintlobo zobugcisa ezidityaniswe nesakhiwo se nkundla yomgaqo siseko ephakamileyo, kube khona ubugcisa obuphakamisekayo ukuze buqaqambise iindawo ezohlukileyo kwiNkundla yomgaqo siseko. Ubugcisa bokuqala bafika ngo1995 ize kube kuba khona iCCAC, kwaye olu luqokelelo olukhulayo olu nobugcisa obungapha kwe khulu. iCCAC iyayi khuthaza imfundo, ingxoxo kwakunye nophando loku tyebisa indima yomgaqo siseko neNkundla yomgaqo siseko ephakamileyo eMzantsi Afrika.

iCCAC iphuhlisa kwaye inikezela ngeendlela zokuqonda nokuphicotha imixholo ehabisana nenguquko, ubulungisa kwezentlalo, amalungelo oluntu, umgaqo siseko, nobuqu, okusingqongileyo, ubulungisa noxolelwaniso eMzantsi Afrika jikelele. Ngokwe ndima yoku veza umoya womgaqo siseko, iCCAC inyanzelisa umanyano lweeNtlanga kwi sakhiwo se nkundla yomgaqo siseko ephakamileyo eMzantsi Afrika.

iCCAC lilungu le Constitutional Court Trust (CCT). iCCT isulungwe ngeenjongo zokukhuthaza nokuphuhlisa amalungelo woluntu, ukulawula komthetho, ezomthetho ezizimeleyo kwi ngingqi yaseMzantsi Afrika, ikakhulu umgaqo siseko.

## MALUNGA NOMFANEKISO WOKOGQUMA

Ezi ziintsika ezikekeleyo kwi foyer yenkundla yomgaqo siseko ezingumfanekiso obonisa imithi kwaye zihonjiswe ngeentanga ze mosaic ezinamatshungu azo. Ezi zakhiwo zicacisa umbono wokubamba inkundla phantsi ko mthi, ekhuthaza ukuthatha kwe nxaxheba ekuyindlela yasembo yoku nyanzelisa umthetho emzantsi Afrika; apho abantu abadala bachopha phantsi ko mthi ize bashukuxe iingxaki abajongana nazo.

**Umgcisi:** Carolyn Parton. **Abanegalelo:** Nandipha Baduza, Sandile Cele, Alvina Chonco, Zama Dunywa, Paul Figuero, Raksha Gobardan, Thando Mama, Vukani Mpanza, Tanja van Zyl.

**Ifotwe ngu:** Ben Law-Viljoen © CCT

## MALUNGA NOMBHALO WOBUSO BESIZWE

Lona umbhalo wokhiwa ngu Garth Walker ngo 2004 ewenzela inkundla yomgaqo siseko. Lombhalo esiwubiza ngobuso besizwe wakhiwa ngenxa yokukhuthazwa kukubona imibhalo yesakhiwo sase Hillbrow. Lemibhalo ayibonayo kwaku ziziibongo ezazi krwelwe kwiminyango yentilongo nemibhalo yo rhulumente wocalucalulo. Lemibhalo yathathwa ngokuba imele imvelaphi yobumi beNkundla yomgaqo siseko. Ngexesha uWalker esokha lombhalo wasose wacaphula kwiindlela zokubhala zaba Gwebi bokuqala beNkundla ye nkululeko. Lombhalo uyabonakala kwi phaneli yesamente ephezulu xa ungena emnyango wase wenkundla yomgaqo siseko. Lombhalo uthetha gabalala nge braille nangamalwini alishumi elinanye ase Mzantsi Afrika ngexabiso lokuba ngumntu, inkululeko nokulingana. Lombhalo esiwubiza ngobuso besizwe waziwa njengomzekelo womgaqo siseko odlala indima yokuba ngumkhomba ndlela wenkundla yomgaqo siseko kwakunye nemibhalo ekuyo.

# MALUNGA NALE NCWADI

iCCAC ikhanyisa iindawo ngeendawo zomgaqo siseko ngakumbi intshayelelo, okusisiseko umqulu wamalungelo zonke zixutyiwe kule ncwadi. Okuqulethwe ngumgaqo siseko kubhalwe ngoku pheleleyo kwaye lomgaqo siseko uyafumaneka kwiindawo ze intha-nethi:

 <https://www.justice.gov.za/constitution/pdf.html>

## ISAZHLUKO ZOMGAQO SISEKO

### INTSHAYELELO

**ISAZHLUKO 1:** Okusisiseko

**ISAZHLUKO 2:** Umqulu wamalungelo

**ISAZHLUKO 3:** Urhulumente Wentsebenziswano

**ISAZHLUKO 4:** IPalamente

**ISAZHLUKO 5:** UMongameli Norhulumente Wezwelonke

**ISAZHLUKO 6:** Amaphondo

**ISAZHLUKO 7:** Urhulumente Wasekuhlaleni

**ISAZHLUKO 8:** Iinkundla Nokusingathwa Kobulungisa

**ISAZHLUKO 9:** Amaziko Karhulumente Axhasa Intando Yesininzi

YoMgaqo-siseko

**ISAZHLUKO 10:** Imisebenzi Yolawulo Karhulumente

**ISAZHLUKO 11:** Iinkonzo Zokhuseleko

**ISAZHLUKO 12:** Iinkokeli Zomthonyama

**ISAZHLUKO 13:** Iimali

**ISAZHLUKO 14:** Izibhalo eziquka konke

**ISHEDYULI 1-6:** Izandisi notshintsho

# UMFANEKISO OSISHWANKATHELO

## UMGAQO-SISEKO

### WERIPHABLIKHI YOMZANTSI-AFRIKA KA-1996

[Njengoko wathi wamkelwa ngoMeyi 8, 1996 waza wenziwa utshintsho ngo-Oktobha 11, 1996 yiNdlu yoQulunqo-Mgaqo-siseko]

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Umbhalo wesingisi usayinwe nguMongameli  
Yavunywa ngomhla we 16 kwiNyanga yoMnga 1996

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Ngokwazisa Umgaqo-Siseko omtsha weRiphabliki yoMzantsi-Afrika nokuphuhlisa imixholo ngokuzenzekelayo.

## OKUQULETHWEYO

Intshayelelo	8
Isahluko 1      Okusisiseko	9
Isahluko 2      Umqulu wamalungelo	12

# INTSHAYELELO

Thina, bantu baseMzantsi-Afrika,

Siyaziqonda iintswela-bulungisa zexesha elidlulileyo;

Sibothulel' umnqwazi abo baye bev' ubunzima ukuze kubekho ubulungisa nenkululeko elizweni lethu;

Siyabahlonela abo baye basebenzela ukwakha nokuphucula ilizwe lethu; kwaye

Sikholelwa kwelokuba uMzantsi-Afrika ngowabo bonke abahlala kuwo, bemaneyene nangona bengafani.

Ngoko ke, ngabameli bethu abanyulwe ngokukhululekileyo, samkela lo Mgaqo-siseko njengo-mthetho owongamileyo weRiphabliki ukuze—

Kungcibeke imisantsa yexesha elidlulileyo, kwakheke noluntu lwentando yesininzi, ubulungisa basentlalweni namalungelo oluntu asisiseko;

Kwandlalwe iziseko zoluntu lwentando yesininzi nolukhululekileyo apho urhulumente engowentando yabantu kwaye ummi ngamnye ekhuselwe ngumthetho ngokulinga-nayo nabanye;

Kuphuculwe umgangatho wobomi wabo bonke abemi, kukhululwe nomntu ngamnye afikelele kwelona nqanaba anokufikelela kulo lobuchule bakhe; kananjalo

Kwaxiwe uMzantsi-Afrika omanyeneyo wentando yesininzi okwaziyo ukuthabatha indawo yawo onelungelo layo njengelizwe elizimeleyo kusapho phakathi kwamanye amazwe.

Ngamana uThixo angabakhusela abantu bakowethu.

Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso. God seën Suid-Afrika. God bless South Africa. Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.



# ISAHLUKO 1

## IZISEKO

### **1. IRiphabliki yoMzantsi-Afrika**

IRiphabliki yoMzantsi-Afrika ililizwe elinye, elizimeleyo, lentando yesininzi elisekelwe koku kulandelayo:

- 1) sokuba ngumntu, ukufikelela ekulinganeni kwabantu bonke nokukhuthazwa kwamalungelo oluntu neenkululeko omalube nazo;
- 2) ukungacaluli ngokobuhlanga nangokobuni;
- 3) ukongama koMgaqo-siseko nokulawula komthetho;
- 4) ilungelo lokuvota kwabo bonke abantu abadala, umqulu wabavoti omnye wezwelonke, unyulo olubakho rhoqo nenkqubo yamaqela amaninzi opolitiko yorhulumente wesininzi, ukuqinisekisa uxanduva lokuphendula, ukusabela nokusebenzela elubala.

### **2. Ukongama koMgaqo-siseko**

Lo Mgaqo-siseko ungumthetho owongamileyo weRiphabliki; umthetho okanye ukwenza okungavisaniyo nawo kuphuthile kwaye iimbopheleleko ezifunwa nguwo mazifezekiswe.

### **3. Ubumi**

- 1) Wonke umntu waseMzantsi-Afrika ungummi.
- 2) Bonke abemi-
  - a. banamalungelo ngokulinganayo okuxhamla kumalungelo, kwiinyhweba neenzuzo zokuba ngummi; kwaye
  - b. banoxanduva ngokulinganayo lokufeza iimbopheleleko noxanduva lokuba ngummi.
- 3) Imithetho yepalamente yezwelonke mayithethe ngokuzuzwa kobumi, ngokulahlekelwa bubo nangokubuyiselwa kwabo.

#### **4. Umhobe Wesizwe**

NguMongameli owenza isigqibo ngomhobe wesizwe weRiphabliki ngokwenza isihlokomiso.

#### **5. Iflegi yelizwe**

Iflegi yelizwe yeRiphabliki ingumbala omnyama, nagolide, naluhlaza, namhlophe, nabomvu, naluhlaza okwesibhakabhaka, njengoko ichazwe kwaye yazotywa kwiSihlomelo 1.

#### **6. Iilwimi**

- 1) Iilwimi zaseburhulumenteni zeRiphabliki siSepedi, neSesotho, neSetswana, neSiswati, nesiVenda, nesiTsonga, nesiBhulu, nesiNgesi, nesiNdebele, nesiXhosa, nesiZulu.
- 2) Ngokuqonda imeko yeelwimi zomthonyama zabantu bakowethu nembali yazo yokuncitshiswa kokusetyenziswa kwazo, urhulumente makathabathe amanyathelo asebenzisekayo naqinisekileyo okuphakamisa umgangatho wezi lwimi aze akhuthaze ukusetyenziswa kwazo.
- 3) a. Urhulumente wezwelonke noorhulumente bamaphondo banokusebenzisa naziphi na iilwimi zaseburhulumenteni, bezisebenzisela imisebenzi yoburhulumente, becingela ukusetyenziswa kwazo, ukusebenziseka kwazo, indleko yokuzisebenzisa, iimeko zengingqi neemfuno zoluntu noko kukhethwa luluntu lulonke okanye kwiphondo elo; kodwa yena urhulumente wezwelonke kunye norhulumente ngamnye wephondo makasebenzise ubuncinane iilwimi ezimbini zaseburhulumenteni.  
b. Oomasipala mabacingele ukusetyenziswa kweelwimi ngabahlali kunye noko kukhethwa ngabo.

- 4) Urhulumente wezwelonke noorhulumente bamaphondo mabathi, ngokuwis' imithetho nangezinye iindlela, bakulawule kwaye bakubek' esweni ukusetyenziswa kweelwimi zabo zaseburhulumenteni. Kungekuko ukuba kuyaphambukwa koko kutshiwo kwisiqendwana (2), zonke iilwimi zaseburhulumenteni mazixatyiswe ngokulinganayo kwaye maziphathwe ngokungakhwisiyo.
- 5) IBhodi Yeelwimi YaseMzantsi-Afrika esekwe ngumthetho wepalamente wezwelonke-
- a. mayikhuthaze, kwaye idale iimeko, zokuphuhliswa nokusetyenziswa-
- i) kwazo zonke iilwimi zaseburhulumenteni;
  - ii) kulwimi lwamaKhoi, nolwamaNama nolwamaSan; kunye
  - iii) nolwimi lwezandla; kananjalo
  - iv) ikhuthaze ize iqinisekise ukuhlonelwa-
  - v) kwazo zonke iilwimi ezisetyenziswa ngokuqhelekileyo ngabantu ngabantu eMzantsi-Afrika, kuquka nesiJamani, nesiGrike, nesiGujarati, nesiHindi, nesiPhuthukezi, nesiTamil, nesiTelegu nesiUrdu; kunye
  - vi) nesiArabhu, nesiHebhere, nesiSanskrit kunye nezinye iilwimi ezisetyenziselwa ukunqula eMzantsi-Afrika.

# ISAHLUKO 2

## UMQULU WAMALUNGELO

### 7. *Amalungelo*

- 1) Lo Mqulu wamaLungelo ulilitye lembombo lentando yesininzi eMzantsi-Afrika. Uqulethe amalungelo abo bonke abantu elizweni lethu kwaye uqinisekisa sokuba ngumntu, ukulingana nenkululeko yentando yesininzi.
- 2) Urhulumente makawahlonele, awakhusele, awakhuthaze kwaye awafezekise amalungelo akuMqulu wamaLungelo.
- 3) Amalungelo akuMqulu wamaLungelo anokuthi asikelwe umda lusikelo-nda olukwisiqendu 36, okanye olukwenye indawo kuMqulu.

### 8. *Ukusebenza kwawo*

- 1) UMqulu wamaLungelo usebenza kuwo wonke umthetho, kwaye unqamangela abawisi-mthetho, urhulumente, iinkundla nawo onke amacandelo karhulumente.
- 2) Okutshiwo kuMqulu wamaLungelo kunkqamangela umntu okanye inkampani, ukuba kuyasebenza kuyo, kuxhomekeke nasekubeni kusebenza kangakanani, kucingelwa ubunjani belungelo nobunjani boxanduva oluza nelungelo elo.
- 3) Xa isebenzisa okutshiwo nguMqulu wamaLungelo kumntu okanye kwinkampani ngokwesiqendwana (2), inkundla-
  - a. ukuze iphumeze ilungelo elikuMqulu, mayisebenzise, okanye ukuba kuyimfuneko, iphuhlise umthetho wohlobo olungabhalwanga phantsi, xa umthetho wepalamente wona ungalifezekisi elo lungelo; kwaye
  - b. isenokuphuhlisa imigaqo yomthetho wohlobo olungabhalwanga phantsi ukulisikel' umda ilungelo, kodwa kuxhomekeke ekubeni oko kusikelwa umda kuyavumelana kusinina nesiqendu 36(1).
  - c. Inkampani nelungelo lokuxhamla kumalungelo akuMqulu wamaLungelo kangangoko kufunwa bubunjani bamalungelo nabubunjani baloo nkampani.

## **9. Ukulingana**

- 1) Bonke abantu bayalingana phambi komthetho kwaye banelungelo lokukhuselwa ngokulinganayo ngumthetho nokuzuza ngokulinganayo kuwo.
- 2) Ukulingana kuquka ukuxhanyulwa okupheleleyo nokulinganayo kwawo onke amalungelo neenkululeko. Ngenjongo yokukhuthaza ukuba kulinganwe, kusenokuthatyathwa amanyathelo okuwis' umthetho namanye amanyathelo acetyelwe ukukhusela okanye ukuphucula abantu, okanye iindidi zabantu, ezihlelelekileyo ngenxa yokucalulwa okungafanelekanga.
- 3) Urhulumente akavumelekanga ukuba athi, ngokungqalileyo okanye ngokungangqalanga, acalule nabani na ngenye yezi ndlela zilandelayo: ngokobuhlanga, ngokobuni, ngokukhulelwa, ngobume bomntu ngokwasemtshatweni, ngobuzwe okanye ngemvelaphi yakhe ngokwasentlalweni, ngebala, ngotyekelo lwakhe ngokwesondo, ngobudala beminyaka, ngokugokeka, ngonqulo, ngesazela, ngenkolelo, ngenkcubeko, ngolwimi nangokuzalwa.
- 4) Akukho mntu uvumelekileyo ukuba acalule ngokungafanelekanga, ngokungqalileyo okanye ngokungangqalanga, ecalula omnye ngenye yezi ndlela zixelwe kwisiqendwana (3). Makuwiswe umthetho yipalamente yezwelonke ukuthintela ucalulo olungafanelekanga.
- 5) Ukucalula ngenye yezi ndlela zidweliswe kwisiqendwana (3) okanye ngeendlela eziliqela kwezo kukucalula okungafanelekanga ngaphandle kokuba kuveliswa izibakala ezibonisa ukuba olo calulo lufanelekile.

## **10. Isidima sokuba ngumntu**

Wonk' ubani unesidima esingenakohluthwa nelungelo lokuba sihlonitshwe sakhe kwaye sikhuselwe.

## **11. Ubomi**

Wonk' ubani unelungelo lokuphila.

## **12. Inkululeko nokukhuseleka komntu**

- 1) Wonk' ubani unelungelo lenkululeko nokukhuseleka, elibandakanya ilungelo–
  - a. lokuba angayohluthwa inkululeko ngokuzenzela nje, okanye kungekho sizathu sivakalayo;
  - b. lokuba angavalelwa uhalala kungathethwa tyala;
  - c. lokuba angagonyamelwa nangaluphi na uhlobo, nokuba kukugonyamelwa ngamagosa aseburhulumenteni okanye ngabantu nje;
  - d. lokuba angangcungcuthekiswa nangayiphi na indlela; nelokuba
  - e. angaphathwa okanye ohlwaywe ngendlela ekhohlakeleyo, engenabantu okanye ethob'.
- 2) Wonk' ubani unelungelo lokuba angenziwa nto emzimbeni nasengqondweni, eliquka ilungelo–
  - a. lokuzenzel' isigqibo mayela nokuzala;
  - b. lokukhuseleka komzimba wakhe nokuba ulawulwe nguye; nelokuba
  - c. kungenziwa ufuniselo lonyango okanye lobunzululwazi kuye ngaphandle kwemvume yakhe.

## **13. Ubukhoboka nomsebenzi wesinyanzelo**

Akukho bani unokwenziwa ikhoboka okanye enziswe umsebenzi wesinyanzelo.

## **14. Ukuba neemfihlo**

Wonk' ubani unelungelo lokuba neemfihlo, eliquka ilungelo lokuba–

- a. angasetshwa emzimbeni okanye kungasetshwa umzi wakhe;
- b. ingasetshwa impahla yakhe;
- c. zingathathwa izinto zakhe; okanye
- d. zingaphulaphulwa iincoko zakhe nabanye abantu.

## **15. Inkululeko yokunqula, yenkolelo noluvo**

- 1) Wonk' ubani unelungelo lokwenza ngokwesazela sakhe, unenkululeko yokunqula, yokucinga, yokukholelwa, nokuba noluvo lwakhe.
- 2) Unqulo lunokuqhutywa kumaziko karhulumente okanye kumaziko ancediswa ngurhulumente, kodwa kuxhomekeka ekubeni-
  - a. oko kunqula kulandela imigaqo eyenziwe ngabasemagunyeni abafanelekileyo;
  - b. kunqulwa ngendlela engakhalazisiyo; kwaye
  - c. ukubakho apho kusimahla kwaye kungokuzithandela.
- 3) a. Esi siqendu asiyithinteli imithetho yepalamente-
  - i) eyamkelayo imitshato ekungenwe kuyo ngokwesithethe, okanye ngokwenkqubo yonqulo, okanye ngokwenkqubo yosapho; okanye
  - ii) eyamkela iinkqubo ekuqhutywa ngazo kusapho oluthile ngokwesithethe, okanye ngokwabantu bonqulo oluthile.b. Ukwamkelwa yimithetho yepalamente ngokwesiqendu (a) makuvisisane nokutshiwo kwesi siqendu nokunye okutshiwo nguMgaqo-siseko.

## **16. Inkululeko yokuthetha**

- 1) Wonk' ubani unelungelo lenkululeko yokuthetha, eliquka-
  - a. inkululeko yamaphephandaba namanye amajelo eendaba;
  - b. inkululeko yokufumana ingcombolo okanye ukunika abanye ingcombolo okanye iingcamango;
  - c. inkululeko yokusebenzisa ubuchule bokuziqalela izinto;
  - d. nenkululeko yemfundo nenkululeko yophando kubunzululwazi.
- 2) Ilungelo elikwisiqendwana (1) aliquki-
  - a. ukuphemb' imfazwe;
  - b. ukuthundeza abanye ukwenz' ugonyamelo olukhawulezileyo; okanye
  - c. ukukhuthaza intiyo esekelwe kubuhlanga, ubuzwe, ubuni okanye unqulo, nekhuthaza ukwenzakalisa.

### **17. Ukuhlenganisana, ukuqhankqalaza, noxwebhu lwezikhalazo**

Wonk' ubani unelungelo lokuhlenganisana nabanye, lokuqhankqalaza nelokudlulisa uxwebhu lwezikhalazo, ekwenza oko ngoxolo kwaye engaxhobanga.

### **18. Inkululeko yokuzibandakanya**

Wonk' ubani unelungelo lokuzibandakanya ngokukhululekileyo.

### **19. Amalungelo opolitiko**

- 1) Wonke ummi ukhululekile ukwenza ukhetho kupolitiko, okuquka ilungelo–
  - a. lokusungula umbutho wopolitiko;
  - b. lokuthabath' inxaxheba kwimisebenzi yombutho wopolitiko, okanye ukuwugayel' amalungu umbutho wopolitiko;
  - c. nokuphum' iphulo lombutho wopolitiko okanye iphulo lenjongo yopolitiko.
- 2) Wonke ummi unelungelo lonyulo olukhululekileyo, olungenamkhethe nolubakho rhoqo lalo naliphi na iqumrhu lowiso-mthetho elisekwe ngokoMgaqo-siseko.
- 3) Wonk' ummi ongumntu omdala unelungelo–
  - a. lokuvota kunyulo evotela naliphi na iqumrhu lowiso-mthetho elisekwe ngokoMgaqo-siseko, ekwenza oko emfihlakalweni;
  - b. nelokuziqatsela isikhundla saseburhulumenteni aze, ukuba unyuliwe, angene aso.

### **20. Ubumi**

Akukho mmi onokohluthwa ubumi.

### **21. Inkululeko yokuhamba-hamba nokuhlala**

- 1) Wonk' ubani unelungelo lenkululeko yokuhamba-hamba.
- 2) Wonk' ubani unelungelo lokumka kwiRiphabliki.



- 3) Wonk' ubani unelungelo lokungena kwiRiphabliki, lokuqhubeka engaphakathi kuyo, nelokuhlala naphi na kuyo.
- 4) Wonk' ummi unelungelo lokuba nephaspothi.

## **22. Inkululeko yokurhweba, yokusebenza nokwenza umsebenzi ofundelweyo**

Wonk' ummi unelungelo lokukhetha ngokukhululeka urhwebo alufunayo, umsebenzi okanye umsebenzi awufundeleyo. Ukurhweba, ukusebenza okanye ukwenza umsebenzi ofundelweyo kusenokuthi kulawulwe ng-umthetho.

## **23. Ubudlelane emisebenzini**

- 1) Wonk' ubani unelungelo lokuphathwa ngendlela engenamkhethe emisebenzini.
- 2) Wonk' umsebenzi unelungelo-
  - a. lokusungula umbutho wabasebenzi nokuzimanya nawo;
  - b. lokuthabath' inxaxheba kwimisebenzi yombutho wabasebenzi nakwizicwangciso zayo;
  - c. nelokugwayimba.
- 3) Wonk' umqeshi unelungelo-
  - a. lokusungula umbutho wabaqeshi nokuzimanya nawo;
  - b. nelokuthabath' inxaxheba kwimisebenzi yombutho wabaqeshi nakwizicwangciso zawo.
- 4) Umbutho ngamnye wabasebenzi nombutho ngamnye wabaqeshi unelungelo-
  - a. lokwenz' izigqibo ngolawulo lwawo nezicwangciso zawo nemisebenzi yawo;
  - b. lokuququzelela;
  - c. nelokusungula umanyano uze uzibandakanye nalo.
- 5) Umbutho ngamnye wabasebenzi, umbutho ngamnye wabaqeshi nomqeshi banelungelo lokubandakanyeka kwiingxoxo zokubonisana. Kunokuwisw' umthetho wezwelonke ngenjongo yokulawula iingxoxo

zokubonisana. Xa kunokuthi umthetho wepalamente ulisikel' umda ilungelo elikwesi Sahluko, oko kulisikel' umda makuvisisane nesiqendu 36(1).

- 6) Umthetho wepalamente wezwelonke usenokuthi uwamkele amalungiselelo okhuseleko ombutho wabasebenzi aqulethwe kwizivumelwano zendibaniselwano. Xa unokuthi umthetho owiswe yipalamente ulisikel' umda ilungelo elikwesi Sahluko, oko kulisikel' umda makuvusisane nesiqendu 36(1).

## **24. Okusingqongileyo**

Wonk' ubani unelungelo–

- a. lokuba okusingqongileyo kungabi yingozi kwimpilo yakhe okanye kwintlalo-ntle yakhe;
- b. nelokuba okusingqongileyo kukhuselwe, ukuze kuncedakale izizukulwana zangoku nezexesha elizayo, ngokuthi kuwisw' imithetho enokubonelela, kusetyenziswa nezinye iindlela–
  - i) ezithintela ungcoliso nokuwohloka kwemeko yokusingqongileyo;
  - ii) ezikhuthaza ulondolozo lwendalo;
  - iii) nolwenza uphuhliso oluqhubekayo lwemeko yokusingqongileyo nokusetyenziswa kobuncwane bendalo ngoxa zikhuthaza uphuhliso oluthethelekayo kuqoqosho nakwintlalo.

## **25. Umhlaba okanye izakhiwo**

- 1) Akukho bani onokohluthwa umhlaba okanye isakhiwo ngaphandle kokuba kungomthetho osebenza kuwonkewonke, kwaye akukho mthetho onokuvumela ukohluthwa komhlaba okanye isakhiwo kungabonisanwanga.
- 2) Umhlaba okanye isakhiwo unokuthathwa kuphela ngokomthetho osebenza kuwonkewonke–
  - a. ngenjongo eyekarhulumente okanye ukuze kuncedakale uluntu;
  - b. xa kuthe kwakho imbuyekezo, exabiso layo, nexesha emayihlawulwe ngalo, nendlela emayihlawulwe ngayo, ekufanele ukuba kuvunyelwane ngabo bachaphazelekayo, kungenjalo igqitywe yinkundla okanye ivunywe yiyo.

- 3) Isixa sembuyekezo nexesha lokuhlululwa kwayo nendlela yokuhlululwa kwayo mazibe zezinobulungisa nezingakhalazisiyo, zibonakalisa ukulinga-lingana okungakhalazisiyo phakathi koncedo oluzuzwa luluntu nokuchaphazeleka kwabo bachaphazelekayo, kucingelwa zonke iimeko ezifanelwe kukucingelwa, eziquka-
- a. into osetyenziselwa yona ngoku umhlaba lowo okanye isakhiwo;
  - b. mbali yokuzuzwa kwaloo mhlaba okanye isakhiwo neyokusetyenziswa kwawo okanye kwaso;
  - c. ixabiso laloo mhlaba okanye isakhiwo emarikenini;
  - d. ukuthi urhulumente wenza utyalo-mali kangakanani kuwo okanye kuso ngokuthe ngqo noncedo-mali ekuzuzweni kwaloo mhlaba okanye isakhiwo nokuphuculwa kwawo okanye kwaso okuluncedo;
  - e. nenjongo yokuthathwa kwawo okanye kwaso.
- 4) Ngenjongo yokusebenza kwesi siqendu, ukuncedakala koluntu kuquka ukuzibophelela kwesizwe ekuguqulweni kwenkqubo yomhlaba, nakwiinguqu zokubangela ukuba kufikeleleke ngokungakhalazisiyo kubo bonke ubuncwane bendalo boMzantsi-Afrika.
- 5) Urhulumente makathabathe amanyathelo afanelekileyo ngokuwis' imithetho nangezinye iindlela, ngokobuncwane anabo, ukubangela iimeko ezenza ukuba abemi bakwazi ukuba nomhlaba ngokungakhalazisiyo.
- 6) Umntu okanye abantu abalungelo labo lomhlaba okanye isakhiwo lingakhuselekanga ngokwasemthethweni ngenxa yemithetho okanye imikhwa yexesha elidlulileyo ecalula ngokobuhlanga unelungelo okanye banelungelo, kangangoko kuvunyelwa nguMthetho wePalamente, lokubambelela kwilungelo elikhuselekileyo ngokwasemthethweni okanye unelungelo okanye banelungelo lokuba abuyiselwe okanye babuyiselwe okulingana noko alahlekelwe okanye balahlekelwe kuko.
- 7) Umntu okanye abantu abohluthwe umhlaba okanye isakhiwo emva komhla we-19 kuJuni 1913 ngenxa yemithetho okanye imikhwa yexesha elidlulileyo ecalula ngokobuhlanga unelungelo okanye banelungelo kangangoko kuvunyelwa nguMthetho wePalamente ukuba abuyiselwe okanye babuyiselwe loo mhlaba okanye eso

sakhiwo okanye afumane okanye bafumane imbuyekezo elingana noko alahlekelwe kuko okanye balahlekelwe kuko.

- 8) Akukho okutshiwo sesi siqendu okunokuthintela urhulumente ekuthabatheni amanyathelo okuwis' umthetho nawolunye uhlobo ukuze kubekho inguqu kwinkqubo yomhlaba namanzi nokunye okuhlobene noko, ngenjongo yokulungisa iziphumo zocalulo lobuhlanga lwexesha elidlulileyo, kodwa ke kuxhomekeke ekubeni nakuphi na okutenxileyo okutshiwo sesi siqendu kuyavisisana nokutshiwo sisiqendu 36(1).
- 9) IPalamente mayiwise umthetho ekuthethwe ngawo kwisiqendwana (6).

## **26. Izindlu**

- 1) Wonk' ubani unelungelo lokuba nendlu eyaneleyo.
- 2) Urhulumente makathabathe amanyathelo afanelekileyo ngokuwis' imithetho nangezinye iindlela, ngokobuncwane anabo, ukuze alenze lifezeke ngokuthe ngcembe eli lungelo.
- 3) Akukho mntu onokukhutshwa ekhayeni lakhe, okanye adilizelwe ikhaya lakhe, ngaphandle komyalelo wenkundla okhutshwe emva kokuqwalasela zonke iimeko emaziqwalaselwe. Akukho mthetho wepalamente onokuvumela ukukhutshwa ezindlwini kungaboniswa nanga.

## **27. Unonophelo lwempilo, ukutya, amanzi nokhuseleko eluntwini**

- 1) Wonk' ubani unelungelo lokufumana-
- iinkonzo zokunonophelwa kwempilo, kuquka nononophelo lwempilo olumayela nokuzala;
  - ukutya okwaneleyo namanzi; kwakunye
  - nokhuseleko eluntwini, kuquka, ukuba akanandlela yokuzondla ngokwakhe nabo baxhomekeke kuye, noncedo olufanelekileyo oluvela eluntwini.
- 2) Urhulumente makathabathe amanyathelo afanelekileyo okuwis' imithethonawezinye iindlela, ngokobuncwane obufumanekayo, ukuze la malungelo afezeke ngokuthe ngcembe.
- 3) Akukho bani onokwalelwa unyango kwimeko yequbuliso.

## 28. Abantwana

- 1) Wonke umntwana unelungelo–
  - a. lokuba negama nelizwe angummi walo ukususela ekuzalweni;
  - b. lokunonophelwa lusapho okanye lokunonophelwa ngabazali, okanye lokunonophelwa ngenye indlela efanelekileyo xa esusiwe elusatsheni lwakowabo;
  - c. lokufumana ukutya okunesondlo esisisiseko, ikhusi, iinkonzo zokunonophelwa kwempilo ezisisiseko neenkonzo zoonontlalo-ntle;
  - d. lokukhuselwa kwimpatho-mbi, kwintswela-nkathalo, ekuxhatshazweni okanye ekuthotyweni ;
  - e. lokukhuselwa ekuxhatshazweni kwiimeko zasempangelweni;
  - f. lokungayalelwa okanye lokungavunyelwa ukuba enze umsebenzi okanye enze iinkonzo–
    - i) ezingamfanelanga umntu ongumntwana; okanye
    - ii) ezibeka emngciphekweni impilo-ntle yomntwana, imfundo yakhe, impilo yakhe engokwasemzimbeni okanye engokwasengqondweni okanye engokomoya, nokukhula kwakhe;
  - g. lokuba angavalelwa, ngaphandle kokuba alikho elinye icebo elinokuzanywa, ekuya kuthi xa kunjalo ke, ukongezelela kumalungelo anawo umntwana ngokwesiqendu 12 nesama-35, umntwana abe nokuvalelwa elona xesha lifutshane lifanelekileyo, kwaye unelungelo–
    - i) lokungadityaniswa nabanye abantu abavalelweyo ababudala bungaphezu kweminyaka eli-18;
    - ii) nelokuphathwa ngendlela ebonisa, kwaye egcinwe kwiimeko ezibonisa, ulwazelelelo ngobudala bomntwana;
  - h. lokuba abe negqwetha alinikwa ngurhulumente, ngeendleko zikarhulumente, kumatyala embambano achaphazela umntwana, ukuba ukungabikho kwegqwetha bekuya kubangela intswela bulungisa enkulu;
    - i) nelokungasetyenziswa ngokuthe ngqo kungquzulwano ekuxhotyiweyo kulo, nelokukhuselwa ngamaxesha ongquzulwano ekuxhotyiweyo kulo.

- 2) Ukulungelwa komntwana kokona kubalulekileyo kuwo nawuphi na umcimbi ongomntwana.
- 3) Kwesi siqendu igama elithi “umntwana” lithetha umntu obudala bungaphantsi kweminya eli-18.

## **29. Imfundo**

- 1) Wonk' ubani unelungelo–
  - a. lokufumana imfundo esisiseko, kuquka nemfundo yabantu abadala esisiseko;
  - b. nelokufumana imfundo ebhekele phaya, mfundo leyo urhulumente amele ukuba ayenze ifumaneke ngokuthe ngcembe ngokuthabath' amanyathelo afanelekileyo.
- 2) Wonk' ubani unelungelo lokufumana imfundo ngolwimi lwaseburhulumenteni okanye ngeelwimi ezikhethwe nguye kumaziko emfundo karhulumente apho loo mfundo inokuthi ifumaneke khona. Ukuze urhulumente aqinisekise ukufezekiswa kweli lungelo nokwenziwa kwalo lisebenze, makacinge ngazo zonke iindlela ezifanelekileyo ezizezinye zemfundo, kuquka namaziko afundisa ngolwimi olunye, kucingelwa–
  - a. ubulungisa;
  - b. ukusebenziseka;
  - c. nemfuneko yokulungisa iziphumo zemithetho nemikhwa yocalulo lobuhlanga yexesha elidlulileyo.
- 3) Wonk' ubani unelungelo lokwakha amaziko emfundo azimeleyo aze awalondoloze ngeendleko zakhe, kube ngamaziko–
  - a. angacaluliyo ngobuhlanga;
  - b. abhalisiweyo kurhulumente;
  - c. angehleliyo ngezantsi kumgangatho wamaziko emfundo karhulumente.
- 4) Isiqendwana (3) asikuthinteli ukufunyanwa kwenkxaso-mali karhulumente ngamaziko emfundo azimeleyo.

### **30. Ulwimi nenkcubeko**

Wonk' umntu unelungelo lokusebenzisa ulwimi oluthandwa nguye nokuthabath' inxaxheba kubomi benkcubeko obuthandwa nguye, kodwa akukho bani osebenzisa la malungelo uvumelekileyo ukuwasebenzisa ngendlela engavisisaniyo noko kutshiwo kuMqulu wamaLungelo.

### **31. Abantu abaphila ngokwenkcubeko yabo, ngokonqulo lwabo nangokolwimi lwabo**

- 1) Abantu abangabenkcubeko ethile, abangabonqulo oluthile, okanye abangabolwimi oluthile abanakulibandezwa ilungelo, bekunye nabanye abantu boluntu lwakowabo–
  - a. lokuyonwabela inkcubeko yabo, lokunqula ngokonqulo lwabo, nelokusebenzisa ulwimi lwabo;
  - b. nelokusungula imibutho yenkcubeko, yonqulo, neyolwimi, aze umntu azimanye nayo kwaye ayilondoloze, kunye neminye imibutho yoluntu.
- 2) Amalungelo akwisiqendwana (1) akanakusetyenziswa ngendlela engavisisaniyo nokutshiwo kuMqulu wamaLungelo.

### **32. Ukufumana ingcombolo**

- 1) Wonk' ubani unelungelo lokufumana–
  - a. nayiphi na ingcombolo ekurhulumente; kunye
  - b. nayo nayiphi na ingcombolo ekomnye umntu, efunekayo ukuze umntu akwazi ukusebenzisa okanye ukukhusela amalungelo.
- 2) Makuwiswe umthetho wepalamente wezwelonke ngenjongo yokufezekisa eli lungelo, kwaye loo mthetho unokutsho amanyathelo afanelekileyo amakathatyathwe okwenza lula umthwalo omayela nolawulo nezimali othwelwe ngurhulumente.

### **33. Ukwenziwa kwezigqibo ngobulungisa**

- 1) Wonk' ubani unelungelo lokuba ukwenziwa kwesigqibo ngomcimbi wakhe kube kokusemthethweni, okunokubonelela nokusingethwe ngobulungisa.
- 2) Wonk' ubani omalungelo akhe aye anyhashwa sisigqibo esithathiweyo unelungelo lokunikwa izizathu ezibhaliweyo.

- 3) Makuwiswe umthetho wepalamente wezwelonke ngenjongo yokufezekisa la malungelo, kwaye loo mthetho-
  - a. mawuyalele ukuba isigqibo esithatyathiweyo siqwalaselwe ngokutsha yinkundla okanye, apho kufanelekileyo, ngabachopheli-matyala abazimeleyo, abangenamkhethe;
  - b. mawunyanzele urhulumente ukuba afezekise amalungelo akwisiqendwana (1) nesesi-(2); kwaye
  - c. mawukhuthaze ukwenziwa kwezigqibo ngokutyibilikayo.

### **34. Ukufikelela ezinkundleni**

Wonk' ubani unelungelo lokuba nayiphi na imbambano anayo enokusonjululwa ngokusetyenziswa komthetho kwenziwe isigqibo ngayo ekuxoxweni kwetyala okungenamkhethe esidlangalaleni phambi kwenkundla okanye, apho kufanelekileyo, phambi kwabanye abachopheli-matyala abazimeleyo abangenamkethe.

### **35. Abantu ababanjiweyo, abavalelweyo nabamangalelweyo**

- 1) Wonk' ubani obanjiweyo etyholwa ngokwaphul' umthetho unelungelo-
  - a. lokuthula;
  - b. lokwaziswa ngokukhawuleza-
    - i) ngelungelo lokuthula;
    - ii) angeziphumo zokungathuli;
  - c. lokunganyanzelwa ukuba enze imvumo-tyala enokuthi isetyenziswe kubungqina nxamnye naye;
  - d. lokuziswa phambi kwenkundla kamsinya kangangoko kunokwenzeka, kodwa kungekapheli-
    - i) iiyure ezingama-48 ebanjiwe; okanye
    - ii) imini yokuqala yenkundla emva kokuba kuphele iiyure ezingama-48, ukuba iiyure ezingama-48 ziphela kungezizo iiyure zokusebenza kwenkundla eziqhelekileyo okanye ngemini engeyiyo imini yokusebenza kwenkundla eqhelekileyo;
  - e. lokuba ekuveleni kwakhe kokuqala enkundleni emva kokuba



ebanjiwe, abekw' ityala okanye aziswe ngesizathu sokuqhubeka kokuvallelwa, kungenjalo akhululwe;

- f. nelokukhululwa ekuvallelweni ukuba ubulungisa buyavuma, ekhululwa ngemiqathango enokubonelela.

2) Wonk' ubani ovaletweyo, kuquka nebanjwa ngalinye eligwetyiweyo, unelungelo-

- a. lokwaziswa ngokukhawuleza ngesizathu sokuvallelwa;
- b. lokukhetha igqwetha aze afakan' umlomo nalo, kwaye aziswe ngeli lungelo msinya;
- c. lokuba anikwe igqwetha ngurhulumente ngeendleko zikarhulumente, ukuba ngokungabi nalo kungakho intswela-bulungisa enkulu, kwaye aziswe ngeli lungelo msinya;
- d. lokukucel' umngeni ukuba semthethweni kokuvallelwa kwakhe, ekwenza oko buqu phambi kwenkundla, kuze kuthi, ukuba ukuvallelwa oko akukho mthethweni, akhululwe;
- e. lokuba iimeko avalelwe kuzo zivisisane nokuba nesidima kwakhe, ziquke ubuncinane ukwenza umthambo nokunikwa indawo yokuhlala eyaneleyo, ukutya okunesondlo, into efundwayo nonyango, ngeendleko zikarhulumente;
- f. nelokuba athethe kwaye atyelelwe-
  - i) liqabane lakhe lomtshato okanye sisingqandamathe;
  - ii) sisihlobo esisondeleyo;
  - iii) ngumluleki okhethwe nguye kwicala lonqulo;
  - iv) nangugqirha okhethwe nguye.

3) Wonke umntu omangalelweyo unelungelo lokuxoxwa kwetyala okunobulungisa, okuquka ilungelo-

- a. lokwaziswa ngesimangalo esineenkukacha ezaneleyo ukuze akwazi ukusiphendula;
- b. lokuba nexesha elaneleyo namancedo awaneleyo okulungiselela ukuzithethelela;
- c. lokuba ityala lakhe lixoxwe elubala phambi kwenkundla eqhelekileyo;
- d. lokuba ukuxoxwa kwetyala lakhe kuqalise kuze kufike esiphelweni

ngaphandle kokulibaziseka okungavakaliyo;

- e. lokuba abekho xa kuxoxwa ityala lakhe;
- f. lokuba azikhethele igqwetha aze amelwe lilo, kwaye aziswe ngeli lungelo msinya;
- g. lokuba anikwe igqwetha ngurhulumente ngeendleko zikarhulumente, ukuba ngokungalinikwa kungakho intswelabulungisa enkulu, kwaye aziswe ngeli lungelo msinya;
- h. lokuba athathwe njengomntu omsulwa, athule, anganiki bungqina ekuxoxweni kwetyala;
- i. lokuba anike ubungqina kwaye abuphikise ubungqina obunikiweyo;
- j. lokuba anganyanzelwa ukunika ubungqina obumdyobha ngetyala;
- k. lokuba lixoxwe ityala lakhe ngolwimi aluqondayo, kungenjalo ukuba akunakwenzeka oko, atolikelwe ngolo lwimi aluqondayo kwelotyala;
- l. lokuba angafunyaniswa enetyala lokwenza isenzo okanye lokungenzi isenzo esasingekuko ukwaphul' umthetho ngokomthetho welizwe okanye ngokomthetho wamazwe ngamazwe ngexesha awasenza ngalo okanye ngexesha angazange asenze ngalo;
- m. lokuba angaxoxisw' ityala ngokwaphul' umthetho mayela nokwenza okanye ukungenzi isenzo awayesele efunyaniswe engenatyala okanye awayesele efunyaniswe enetyala ngaso;
- n. lokuba afumane esona sincinane kwizohlwayo ezitshiwo ngumthetho ukuba isohlwayo esifunwa ngumthetho sokwaphul' umthetho siye satshintshwa kwixesha eliphakathi kokwaphula kwakhe umthetho nokugwetywa kwakhe;
- o. nelokubhenela kwinkundla engentla okanye ityala lakhe liqwalaselwe ngokutsha yiyo.

4) Nanini na xa esi siqendu sifuna ukuba umntu anikwe ingcombolo, makayinikwe loo ngcombolo ngolwimi aluqondayo.

5) Ubungqina obufunyenwe ngendlela enyhasha ilungelo elikuMqulu wamaLungelo mabungamkelwa ukuba ukwamkelwa kwabo kuya

kukwenza ukuxoxwa kwetyala kube kokungenabulungisa okanye kube nobungozi ekusingathweni kobulungisa.

### **36. Ukusikelwa umda kwamalungelo**

- 1) Amalungelo akuMqulu wamaLungelo anokusikelwa umda kuphela ngokomthetho osebenza kuwonkewonke, kodwa ukusikelwa umda oko kube kokunokubonelela nokuthethelelekayo kuluntu olukhululekileyo lwentando yesininzi oluhlonela sokuba ngumntu, ukulingana nenkululeko, kuvelwa zonke iinkalo emazivelelwe, eziquka-
  - a. ubunjani belungelo;
  - b. ukubaluleka kwenjongo yokusikelwa umda;
  - c. ubunjani bokusikelwa umda nobungakanani bako;
  - d. ikhonkco phakathi kokusikelwa umda nenjongo yako;
  - e. nokusetyenziswa kweyona ndlela ingcathu yokuyifeza loo njongo.
- 2) Ngaphandle kokuba kwenziwa ngendlela exelwe kwisiqendwana (1) okanye exelwe kwezinye iinxalenye zoMgaqo-siseko, akukho mthetho onokuthi ulisikel' umda ilungelo elikuMgaqo-siseko.

### **37. limeko zequbuliso**

- 1) Kunokwenziwa isibhengezo sobukho bemeko yequbuliso kuphela ngokoMthetho wePalamente, kunjalonje kuphela xa-
  - a. ubomi besizwe busongelwa yimfazwe, luhlaselo, luvukelo, sisiphithiphithi, yintlekele yendalo okanye yenye imeko yequbuliso echaphazela uluntu; kube
  - b. ukwenziwa kwesibhengezo kuyimfuneko ukuze kubuye kubekho uxolo nocwangco.
- 2) Ukubhengezwa kwemeko yequbuliso, kunye nawo nawuphi na umthetho wepalamente owisiweyo okanye elinye inyathelo elithatyathiwewo elisisiphumo sokwenziwa kweso sibhengezo, kunokuqalisa ukusebenza kuphela-
  - a. kwixesha elisengaphambili;

b. ixesha elingengaphezulu kweentsuku ezingama-21 ukususela kumhla wokwenziwa kwesibhengezo, ngaphandle kokuba iNdlu yoWiso-mthetho igqiba kwelokuba ilolule ixesha lesibhengezo. INdlu inokulolula ixesha lesibhengezo semeko yequbuliso ixesha elingengaphezulu kweenyanga ezintathu ngexesha. Ukolulwa kokuqala kwemeko yequbuliso makube ngesigqibo esamkelwe ngevoti ekuxhasayo oko yesininzi samalungu eNdlu. Nakuphi na ukolulwa okulandelayo emva koko makube ngesigqibo esamkelwe ngevoti ekuxhasayo oko yamalungu eNdlu angama-60 ekhulwini ubuncinane. Isigqibo esingokwesi siqendu sinokwamkelwa kuphela emva kwengxoxo yasesidlangalaleni kwiNdlu.

- 3) Nayiphi na inkundla enegunya lokukwenza oko inokuthath' isigqibo ngokufaneleka-
- a. kwesibhengezo semeko yequbuliso;
  - b. ngokolulwa kwexesha lesibhengezo semeko yequbuliso; okanye
  - c. kwawo nawuphi na umthetho wepalamente owisiweyo, okanye elinye inyathelo elithatyathiweyo ngenxa yokubhengezwa kwemeko yequbuliso.
- 4) Nawuphi na umthetho wepalamente owiswe ngenxa yokubhengezwa kwemeko yequbuliso unokutenxa kuMqulu wamaLungelo kuphela ngokwenqanaba-
- a. elifunwa ngokungqongqo yimeko yequbuliso leyo;
  - b. lokuba umthetho wepalamente-
    - i) uvisisane neembopheleleko iRiphabliki enazo ngokomthetho wamazwe ngamazwe osebenza kwiimeko zequbuliso;
    - ii) uvisisane nesiqendwana (5); kwaye
    - iii) upapashwe kuShicilelo-Mithetho lukaRhulumente (Government Gazette) lwezwe lonke msinya kangangoko kunokwenzeka emva kokuba uwisiwe.

- 5) Akukho Mthetho wePalamente ogunyaza ukubhengezwa kwemeko yequbuliso, kwaye akukho mthetho wepalamente owisiweyo okanye elinye inyathelo elithatyathwe ngenxa yesibhengezo, onokuthi uvumele okanye ugunyaze-
- a. ukukhululwa kukarhulumente okanye nawuphi na omnye umntu ekuphenduleni ngeziphumo zesenzo esingekho mthethweni;
  - b. ukuphambuka kokutshiwo sesi siqendu; okanye
  - c. ukuphambuka kwisiqendu esikhankanywe kumhlathi wesiCangca samaLungelo Angenakunyhashwa, ngokwenqanaba eliboniswe kweso siqendu kumhlathi 3 wesiCangca.

## ISICANGCA SAMALUNGELO ANGENAKUNYHASHWA

ISIQENDU	UMXHOLO KWESO SIQENDU	UBUNGAKANANI BOKUKHUSELEKA KWELUNGELO
9	Ukulingana	Ngokumayela nocalulo olungenabulungisa, kuphela xa lulolobuhlanga, lulolwebala, lulolobuzwe okanye lulolwemvelaphi ngokwasentlalweni, lulolwesondo, lulolonqulo okanye lolwimi.
10	Sokuba Ngumntu	Ngokupheleleyo
11	Ubomi	Ngokupheleleyo
12	Inkululeko-nokukhuseleka komntu	Ngokumayela nesiqendwana (1)(d) no-(e) no-2(c).
13	Ubukhoboka nomsebenzi wesinyanzelo	Ngokumayela nobukhoboka
28	Abantwana	Ngokumayela: <ul style="list-style-type: none"> <li>• nesiqendwana (1)(d) no-(e);</li> <li>• namalungelo akwisiqendwana (i) nesesi-(ii) kwisiqendwana (1)(g); kunye</li> <li>• nesiqendwana (1)(i) ngokumayela nabantwana abaminyaka ili-15 nangaphantsi.</li> </ul>
35	Abantu ababanjiweyo, abavalelweyo-nabamangalelweyo	Ngokumayela: <ul style="list-style-type: none"> <li>• nesiqendwana (1)(a), (b) no-(c) no-(2)(d);</li> <li>• namalungelo akwisiqendwana (a) ukuya ku-(o) kwisiqendwana (3), ngaphandle kwisiqendwana (d);</li> <li>• nesiqendwana (4);</li> <li>• nesiqendwana (5) ngokumayela nokungamkelwa kobungqina ukuba ukwamkelwa kwabo kuya kukwenza ukuxoxwa kwetyala kube kokungenabulungisa.</li> </ul>

- 6) Nanini na xa umntu evalelwe akwaxoxwa tyala ngenxa yokunyhashwa kwamalungelo okuzalwa kukubhengezwa kwemeko yongxamiseko, makunikelw' ingqalelo kwimiqathango elandelayo:
- a. makuqhagamshelwane msinya kangangoko kunokwenzeka nelungu losapho elingumntu omdala okanye umhlobo womntu ovalelweyo, aziswe into yokuba umntu ovalelweyo uvalelwe;
  - b. makupapashwe isaziso kuShicilelo-Mithetho LukaRhulumente lwezwelonke zingaphelanga iintsuku ezintlanu evalelwe umntu lowo, kuxelwe igama lomntu ovalelweyo nendawo avalelwe kuyo, kuxelwe nenyathelo lemeko yequbuliso avalelwe ngenxa yalo loo mntu;
  - c. umntu ovalelweyo makavunyelwe ukuba azikhethele ugqirha aze atyelelwe nguye nangaliphi na ixesha elifanelekileyo;
  - d. umntu ovalelweyo makavunyelwe ukuba azikhethele igqwetha, aze atyelelwe lilo nangaliphi na ixesha elifanelekileyo;
  - e. inkundla mayikuqwalasele ngokutsha ukuvalelwa kwakhe msinya kangangoko kunokwenzeka, kodwa kungadanga kuphele iintsuku ezili-10 emva komhla awavalelwa ngawo umntu, kwaye inkundla mayimkhulule umntu ovalelweyo ngaphandle kokuba kuyimfuneko ukumgcina evalelwe ukuze kubuye kubekho uxolo nocwangco;
  - f. mntu ovalelweyo ongakhululwanga xa kuqwalaselwa ngokutsha ukuvalelwa kwakhe ngokwesiqendu (e), okanye ongakhululwanga xa kuqwalaselwa ngokutsha ukuvalelwa kwakhe ngokwesi siqendu, unokwenza isicelo enkundleni sokunye kwakhona ukuqwalaselwa ngokutsha kokuvalelwa kwakhe nangaliphi na ixesha emva kokuba ziphelile iintsuku ezili-10 ukususela ekuqwalaselweni ngokutsha kwangaphambili, kwaye inkundla mayimkhulule umntu lowo uvalelweyo ngaphandle kokuba kuseyimfuneko ukumgcina evalelwe ukuze kubuye kubekho uxolo nocwangco;
  - g. umntu ovalelweyo makavunyelwe ukuba avele buqu phambi kwayo nayiphi na inkundla eqwalasela ukuvalelwa kwakhe, amelwe ligqwetha koko kuqwalaselwa, kwaye atsho afuna ukukutsho ngokuqhubeka kwakhe evalelwe;

- h. urhulumente makanike inkundla izizathu ezibhaliweyo ezikwenza kuthetheleleke ukuqhubeka kwakhe evalelwe, kwaye makanike umntu ovalelweyo ikopi yezo zizathu ubuncinane kusasele iintsuku ezimbini ngaphambi kokuba inkundla ikuqwalasele ngokutsha ukuvalelwa kwakhe.
- 7) Ukuba inkundla iyamkhulula umntu ovalelweyo, loo mntu akanakuvalelwa kwakhona ngezizathu ezifanayo ngaphandle kokuba urhulumente uqale abonise inkundla isizathu esivakalayo sokumvalela ngokutsha.
- 8) Isiqendwana (6) nese-(7) azisebenzi kubantu abangengabo abaseMzantsi-Afrika nabavalelwe ngenxa yongquzulwano lwamazwe ngamazwe kuxhotyiwe. Ndaweni yoko, urhulumente makenze okufunwa yimigaqo enkqamangela iRiphabliki phantsi komthetho wamazwe ngamazwe wokuboniswa kobantu ngokumayela nokuvalelwa kwabo bantu.

### **38. Ukunyanzeliswa kwamalungelo**

Nabani na odweliswe kwesi siqendu unelungelo lokuya kwinkundla enegunya elifanelekileyo, esithi ilungelo elikuMqulu wamaLungelo linyhashiwe okanye lisemngciphekweni wokunyhashwa, inokuthi ke inkundla yenze uncedo olufunekayo, oluquka ukuvakaliswa kwamalungelo. Abantu abano-kuthi baye enkundleni ngaba-

- a. nabani na omele isiqu sakhe;
- b. nabani na omele omnye umntu ongakwaziyo yena ukuzimela;
- c. nabani na olilungu leqela elithile labantu okanye omela elo qela ukuba alincede;
- d. nabani na ofuna ukunceda uluntu;
- e. nombutho ofuna ukunceda amalungu awo.



### **39. Ukuchazwa kwentsingiselo yoMqulu wamaLungelo**




- 1) Xa ichaza intsingiselo yoMqulu wamaLungelo, inkundla, abachopheli-matyala okanye abachopheli-mcimbi –
  - a. mayikhuthaze izithethe ezisisiseko zoluntu olukhululekileyo lwentando yesininzi oluxabise isidima sokuba ngumntu, ukulingana nenkululeko;
  - b. mayiqwalasele umthetho wamazwe ngamazwe; kananjalo
  - c. isenokuthi iqwalasele umthetho welinye ilizwe.
- 2) Xa zichaza intsingiselo yawo nawuphi na umthetho wepalamente, naxa ziphucula umthetho ongabhalwanga phantsi okanye umthetho wakwantu, zonke iinkundla, abachopheli-matyala okanye abachopheli-mcimbi mabakhuthaze umoya nenjongo yoMqulu wamaLungelo.
- 3) UMqulu wamaLungelo awubukhanyeli ubukho bamanye amalungelo okanye iinkululeko ezivunywayo ngumthetho ongabhalwanga phantsi okanye ezifumaneka kuwo, nakumthetho wakwantu okanye kumthetho wepalamente, kuphela nje xa evisisana noMqulu wamaLungelo.







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