



KWAZULU-NATAL PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

UMQULU WOKUKHUTHAZA UKUFINYELELA OLWAZINI

WOMNYANGO WEZOLIMO KANYE NOKUTHUTHUKISWA KWEZINDAWO ZASEMAKHAYA KWAZULU-NATALI

**Uhlanganiswe ngokuhambisana nemigomo yoMthetho
Wokhuthaza Ukufinyelela Olwazini (uMthetho No.2 wezi-
2002) (i-PAIA)**

USHICILELO: 2019/2020

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ISIGABA SOKUQALA

1. ISINGENISO

1.1 INHLOSO YOMQUKU NGOKWE - PAIA:

ISigaba 32(1) (a) soMthethosisekelo sihlinzekela ukuthi wonke umuntu unelungelo lokufinyelela *“kunoma yiluphi ulwazi olugcinwe nguhulumeni”* kanti isigaba 32(2) soMthethosisekelo sikhapha isibophezelo kuHulumeni ukuba ushaye umthetho ukuze kuqalise ukusebenza kwaleli lungelo.

Ukuze kulandelwe imigomo yesigaba 32(2) soMthethosisekelo, kwashaywa uMthetho Wokhuthaza Ukufinyelela Olwazini, wezi- 2000 (uMthetho No. 2 wezi-2000) (lapha obizwa ngokuthi “Mthetho”) ukuze kuqaliswe ukusebenza kwaleli Lungelo lokufinyelela olwazini ngokwemithetho kazwelonke.

ISigaba 14 soMthetho sikwenza kube semqoka ukuthi uhloka ngalunye lukahulumeni luzihlanganisele umqulu okuyiwona ozonikeza umhlahlandlela kumalungu omphakathi maqondana nokuthi angafinyelela kanjani olwazini olugcinwe yilo.

Lo mqulu uhlanganiswe ngokuhambisana nezihlinzekelo zesigaba 14 soMthetho ukuze ube ngumhlahlandlela womphakathi ukuthi ungafinyelela kanjani olwazini olugcinwe nguMnyango Wezolimo Nokuthuthukiswa Kwezindawo Zasemakhaya (lapha obizwa ngokuthi “uMnyango”) ukuze kuqinisekiswa ukuthi uMnyango wenza umsebenzi wawo ngendlela esobala ukwenzela ukuthi umphakathi ukwazi ukucubungula izinqumo ezithathwa nguMnyango.

Ulwazi luphinde luhlomisa ngamandla izakhamuzi zonkana. Kumele zazi ukuthi yimiphi imisebenzi ehlinzekwa nguMnyango nokuthi zingafinyelela kanjani kuyo. Lena yiyona ndlela engaqinisa futhi ikhulise intando yabantu.

1.2 IGUNYA LOMNYANGO:

Umbono

Umkhakha wezolimo obumbene, osimeme futhi onomdlandla ukuphumelelisa imiphakathi yesemakhaya iphila ngokuhambisana nemvelo.

Impokophelo

Ukukhuthaza, ngokusebenzisana, izinhlelo ezingqala zokusebenza kwezolimo ezigqugquzela ukukhula komnotho, ukuqinisekisa ukutholakala kokudla kanye nokwenza ngcono imiphakathi yasemakhaya KwaZulu-Natali.

1.3 IZINJONGO KANYE NEZINHLOSO ZAMASU OKUSEBENZA:

UMnyango usuhlonze izinjongo ezine ukuze usebenzise isu lokusebenza futhi wenze njengalokhu ujutshiwe. Nansi imininingwane lapha ngezansi.

INJONGO YAMASU OKUSEBENZA ENCIKE EMIPHUMELENI	ISITATIMENDE ESINQALA
1. Ukuphathwa komnyango kanye nokunikezela ngezidingo ezididiyele	Ukuhlinzekwa kwezinhlelo zokulawula ezezimali kanye nokusebenza komnyango okusenqala nokusobala.
2. Ukuvundulula abantu abangavelela kwezolimo esifundazweni.	Ukukhulisa ukuthuthukiswa kwezolimo kanye nomkhiqizo esifundazweni.
4. Ukulawulwa kwezemvelo ezisimeme.	Ukukhuthaza intuthuko yezolimo esimamiswe yimvelo.
4. Ukukhuthaza impilo yasezindaweni zasemakhaya esimeme.	Ukwenza ngcono ukufinyelele ezidingweni ezindaweni zasemakhaya ngokuthi kwenziwe izinhlelo.

1.4 IZINHLELO ZAMASU OKUSEBENZA:

UMnyango usuhlonze izinhlelongqangi ezintathu okuyizona ozogxila kuzo. Lezi zinhlelo zihambisana nezindaba ezikhona esiFundazweni kanye nokuthi uhulumeni ubhekephi ngokwenqubomgomo. Nazi lezi zinhlelo:

- Ukuphathwa kweHhovisi
- Ezolimo
- Ukuthuthukiswa Kwezindawo Zasemakhaya

1.4.1 UHLELO LWEZINHLELO KANYE NEZINHLELO EZINGAPHANSI KWEZINYE:

Inombolo Yohlelo	Igama Lohlelo	Inhloso Yohlelo	Imisebenzi Ehlinzekwayo (izinhlelo ezingaphansi kwezinye)
1	Ukuphathwa Kwehhovisi	UHlelo 1 luhlinzeka ngemisebenzi yokweseka ezimpikweni zomnyango ezenza imisebenzi yokwelekelela ukuze ufezekise izinhloso zawo. UHlelo 1 lugxile kakhulu ekuhlinzekeni ngezezimali, imisebenzi yokwelekelela ekanye nokwaxhiwa kwamasu okusebenza emnyangweni. Lokhu kubandakanya nokuLawulwa Kwezezimali, ukuLawulwa Kwezikandabazabantu, uKwenziwa Kwezinqubomgomo, ukuQapha Nokuhlola, ukuLawulwa Kolwazi kanye Nobuchwepheshe Bezokuxhumana (ICT), ezoMthetho, ukuLawulwa Kwemisebenzi Yokweluleka, ukuLawulwa Kolwazi kanye Nemininingwane, ezoBudlelwano phakathi kwabasebenzi nomqashi ngokunjalo nezoVikeleka kanye nezeMpilo Nokuphepha endaweni yokusebenza.	1.1 IHhovisi likaNgqongqoshe neleNhloko yoMnyango - 1.2 Abaphathi Abakhulu 1.3 Imisebenzi Edidiyele 1.4 Ukuphathwa Kwezezimali 1.5 Imisebenzi Yezokuxhumana
2	Imisebenzi Yokuthuthukiswa Kwezolimo	Ukuxhumana, ukuhlomisa ngamakhono kanye nokuguqula imiphakathi yakithi ikwazi ukubamba iqhaza emisebenzini ezinzile yezolimo nezemvelo ukuze kuthuthuke umnotho futhi kube nokudla okwanele esiFundazweni.	2.1 Isimo esizinzile sokuLawulwa Kwezinsizakusebenza 2.2 Ukwesekwa kanye nokuthuthukiswa kwabalimi 2.3 Imisebenzi ephathelene nokwelashwa kwezilwane 2.4 Ezomnotho Kwezolimo 2.5 Ucwangingo kanye Nokuthuthukiswa Kwezobuchwepheshe 2.6 Uqeqesho oluhlelekile kwezolimo
3	Ukuthuthukiswa Kwezindawo Zasemakhaya	Ukuqinisekisa ukudidiyelwa kwemisebenzi kahulumeni ngendlela enomfutho nelinganayo emiphakathini yasemakhaya KwaZulu Natali.	3.1 Ukudidiyelwa Kwemiphakathi Yasemakhaya 3.2 Ukulekelelwa

			kwemiphakathi
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**1.5 UHLAKA LOMNYANGO
UKUZE UBONE UHLAKA – BHEKA ISITHASISELO 1**

1.6 IKHOMISHINI YAMALUNGELO ABANTU ENINGIZIMU AFRIKA (I-“SAHRC”) UMHLAMHLANDLELA NGOMTHETHO:

Lo mhlahlandlela ngoMthetho kanye namalungelo abafakizicelo kutholakala kwi-SAHRC noma kwi-website yabo ethi: www.sahrc.org.za.

Uma unemibuzo maqondana nalokhu, uyacelwa ukuba uxhumane ngqo ne-SAHRC ku: The South Human Rights Commission: PAIA Unit; The Research and Documentation Department; Ikheli Leposi: Private Bag X 2700, Houghton, 2041; Ucingo: +27 11 484-8300; Ifeksi: +27 11 484-0582; i-Website: www.sahrc.org.za; i-imeyili: paia@sahrc.org.za

1.7 OKUFINGQIWE NGAMAREKHODI AGCINWE NGUMNYANGO:

UMnyango Wezolimo kanye Nokuthuthukiswa Kwezindawo Zasemakhaya usebenzisa izinhlelo ezimbili ezifanayo zokugcina amafayela emaphepheni, okuwuHlelo Lokugcina Amafayela ayo yonke imikhakha (i-General Filing System) kanye nHlelo Lokugcina Amafayela Abasebenzi. Lezi zinhlelo zisetshenziswa eMnyangweni wonkana.

Amarekhodi ayesetshenziswa nguMnyango Wezolimo Namahlathi (KwaZulu) kanye Nezolimo (e-RSA) ngaphambi konyaka we-1994, asemisiwe kanti inombolo egunyaza ukulahlwa kwawo ngu-31-B3NA yakhishwa wuPhiko Lwezinqolobane Ezigcina Imibhalo Yomlando esiFundazweni.

Kancane kancane uMnyango uyangena ohlelweni lokugcinwa kwamaRekhodi ngeKhompyutha. Amarekhodi eMnyangweni ahlelwe kanje:-

1.7.1 UHLELO LOKUGCINWA KWAMAFAYELA EMIKHAKHA EHLUKENE:

(i) IMithetho kanye Nezinqubo

- Inqubomgomo
- Inqubo elandelwayo kanye Nemibuzo
- Ukumenyenzelwa kweMithetho kanye neMithethonqubo
- Ukuhunyushwa kanye Nemibono Ngokomthetho
- Ukugunyaza.

(ii) Ukuhlela kanye Nokulawula

- Imisebenzi
- Ukwedluliselwa kwaMandla Okuphatha
- Ukwakhiwa kweziNgxenye Ezintsha akanye namaHhovisi
- Izingubo zeHhovisi kanye Nemiyalelo
- Ukulawulwa kweMisebenzi Yokweluleka (uCwaningo olubhekelela impumelelo)
- UCwaningo iMibiko kanye Nokuqalisa Kokusebenza
- Ukulawulwa Kwamarekhodi
- Ukulahlwa Kwamarekhodi
- Izindlela Zokuvikela.

(iii) Ezezimali

- Izilinganiso
- Isibopho Sokubika
- Imali Esetshenziwe
- Imali Engenayo
- Iziphathimandla
- Ukukhululwa kweBhodi Lamathenda e-KZN (KZN Tender Board Exemptions)
- UHlelo olwaziwa nge-Logis
- Ukuqagelwa Kwezezimali
- Ukuhlelwa kweSabelomali – ukusebenzisa imali yokuqalisa umsebenzi
- Ukuhlelwa kweSabelomali – ukusebenzisa imali yokwenza umsebenzi
- Ukulawulwa kwempahla egudluzekayo (ukulawula irejista yempahla)
- Ukuvumelanisa amanani
- Ama- Journal voucher
- Amarisidi
- Izitatimende Zezimali
- Ukumiswa kwezintela
- Imibiko yezezimali
- Ama-akhawunti alabo abakweletayo
- I-akhwunti yabangabodwana kanye namabhizinisi akweleta umnyango abarejistiwe
- Imibuzo yamakhasimende
- Ukukhokhwa kwezikweleti kulabo esibakweletayo
- Izitatimende zalabo esibakweletayo
- Imiqulu yokuholela kanye nezichibiyelo
- Ukuphathwa kwezimali ezithathwa emqulwini wokuholela
- Ukuthengwa kwempahla (kwempahla kanye nemisebenzi)
- Ukuphathwa kwezinkontileka

- Ukulawulwa kwelungelo lokuba namandla empahleniokungesiyona eyakho
- Amabhizinisi amancane
- Ukulawulwa kwerejista lempahla
- Ukuphathwa kwezakhiwo
- Imishuwalensi yenkampani
- Izibizo zomshuwalense zomuntu ngamunye
- Imisebenzi yezokuxhumana kanye namaphepha nezinto zokubhala
- Imisebenzi yasehhovisi, ezakhiweni nasezingadini
- Imisebenzi yokulawulwa kwezimoto
- Amarekhodi ezomthetho (izivumelwane, izinkontileka)
- Ukulawulwa kwezimo ezibucayi okusemthethweni
- Ukuhlelwa kwamasu okusebenza
- Imibiko yonyaka
- UHlelo loNyaka Lokwenziwa Komsebenzi
- IMibiko ngoLwazi Lokwenziwa Komsebenzi

(iv) Indawo yokuhlala

- Ukuthengwa kweZiza kanye Nokwakhiwa Kwamabhilidi
- INdawo yamaHhovisi
- Ukulungiswa kanye Nokupheshwa Kwezakhiwo
- Izakhiwo kanye Nezinkundla.

(v) Izitolo, Imishini kanye Nemisebenzi

- Ukuthengwa kwamaphepha nezinto zokubhala, impahla yesehhovisi, imishini yokunciphisa abantu abasebenzayo, njll.
- Ukuhlola kanye neMibiko
- IBhodi Labaklami
- Imisebenzi
- Ukuphrinta

(vi) Ezokuthutha, Izinkambo, kanye Nemishini Emikhulu

- Izicelo kanye nokuhlinzekwa kwezimoto
- Izingozi
- Izimoto Zomxhaso
- Imishini Emikhulu
- Ukunakekelwa
- Ukubhukhela Ukuhamba.

(vii) Ukushicilela kanye Nokwazisa umphakathi

- Ezokwazisa
- Izinkulumo
- Ezokuxhumana
- Imibhalo ethunyelelwa abezokwazisa.

(vii) Ukwakheka kanye Nemihlangano Yezinhlaka, Amakomidi, Izingqungquthela kanye neminye imibuthano

- Amaminithi kanye Nemibiko.

(viii) Imibiko kanye Nezinzuzo Ngokwezibalo

- IMibiko kanye Nezinzuzo
- Imibiko Yenqubekela Phambili kanye Nokuhlelwa kwaMasu Okusebenza.

Ukulawula Kwangaphakathi

- Izinqubomgomo kanye nezinqubo zomnyango
- Usomqulu wokucwaningwa kwamabhuku kwangaphakathi
- Umqulu wenqubo yokucwaningwa kwambhuku
- Izinhlelo zokucwaningwa kwamabhuku
- Uphenyo ngokucwaningwa kwambhuku

1.7.2 UHLELO LOKUGCINWA KWAMAFAYELA ABASEBENZI:**Uhlu Lochungechunge Olukhulu**

- Imithetho kanye Nezinqubo
- Ukwakhiwa kanye Nokulawulwa Kwezikhala Zomsebenzi
- Imibandela Yomsebenzi
- Ukuhlelwa kanye Nokuhlinzekela Ezakandabazabantu
- Ukuqeqeshwa kanye Nokuthuthkiswa Kwamakhono
- Ukuhlolwa Kokwenziwa Komsebenzi
- Ubudlelwane Kwabasebenzi Nomqashi
- Izinhlelo Eziyisipesheli
- Ezezimali
- Ukuthengwa Nokusatshalaliswa Kwempahla kanye Nendawo Yokuhlala

- Ukwakheka kwemihlangano kanye neminye imibuthano
- Imibiko, izinzuzo kanye nezibalo

ISIGABA SESIBILI

2. IMINININGWANE YOKUXHUMANA (iSigaba 14 (1)(b))

- | | | |
|-------|--------------------------------------|--|
| 2.1 | ISikhulu Esibhekele Ulwazi: | uMnu Siza Sibande– INhloko
yoMnyango |
| 2.1.1 | Ikheli Lendawo | UMnyango Wezolimo Nokuthuthukiswa
Kwezindawo Zasemakhaya
Cedara |
| | Ikheli Leposi | Private Bag X9059
PIETERMARITZBURG
3200 |
| | I-imeyili | HODPA.HODPA@kzndard.gov.za |
| | Inombolo Yocingo | (033) 355 9108 |
| | Inombolo yefeksi | (033) 355 9293 |
| 2.2 | ISekela Lesikhulu Esibhekele Ulwazi: | uNk Nishee Seegobin- iMenenja:
yoPhiko Lwemisebenzi Yezomthetho |
| 2.2.1 | Ikheli Lendawo | UMnyango Wezolimo Nokuthuthukiswa
Kwezindawo Zasemakhaya
Cedara |
| | Ikheli Leposi | Private Bag X9059
PIETERMARITZBURG
3200 |
| | Inombolo Yocingo | (033) 355 9118 |
| | Inombolo yefeksi | (033) 355 9370 |
| | I-imeyili | Nishi.Seegobin@kzndard.gov.za |

kanye

2.3 neSekela Lesikhulu Esibhekele Ulwazi: uMnu Rizaan Cassim (uMsebenzi Wezokuphathwa Kwehhovisi othe Thuthu oPhikweni Lwezomthetho)

2.3.1 Ikheli Lendawo UMnyango Wezolimo Nokuthuthukiswa
Kwezindawo Zasemakhaya
Cedara

Ikheli Leposi Private Bag X9059
PIETERMARITZBURG
3200

Inombolo Yocingo (033) 343 8005

Inombolo yefeksi (033) 355 9370

I-imeyili Rezaan.Cassim@kzndard.gov.za

2.4 neSekela Lesikhulu Esibhekele Ulwazi: uNk Nonhlanhla Mthethwa (uMsebenzi oPhikweni Lwezomthetho)

2.4.1 Ikheli Lendawo UMnyango Wezolimo Nokuthuthukiswa
Kwezindawo Zasemakhaya
Cedara

Ikheli Leposi Private Bag X9059
PIETERMARITZBURG
3200

Inombolo Yocingo (033) 355 9402

Inombolo yefeksi (033) 355 9370

I-imeyili Nonhlanhla.Mthethwa@kzndard.gov.za

2.5 neSekela Lesikhulu Esibhekele Ulwazi: uMnu Raymond Ngema (uMsebenzi
oPhikweni Lwezomthetho)

2.5.1 Ikheli Lendawo UMnyango Wezolimo Nokuthuthukiswa
Kwezindawo Zasemakhaya
Cedara

Ikheli Leposi Private Bag X9059
PIETERMARITZBURG
3200

Inombolo Yocingo (033) 355 9187

Inombolo yefeksi (033) 355 9370

I-imeyili Zakhele.Ngema@kzndard.gov.za

ISIGABA SESITHATHU

3. UKUFINYELELA KUMAREKHODI AGCINWE NGUMNYANGO WEZOLIMO (iSigaba 14 (1)(d))

3.1 Amarekhodi avela adalulwe

ISigaba 15 se- PAIA sinquma ukuthi uMnyango kumele ngokukhipha isaziso kwiGazethi kaHulumeni, ushicilele isheduli (uhlu) yamarekhodi avela etholakale eMnyangweni ngale kokuthi kufakwe isicelo sokuwathola ngokoMthetho. Akudingeki ukuthi umfakisicelo agcwalise iFomu A okuyilona elisetshenziswa ukufaka isicelo solwazi. Futhi akukho mali yokufaka isicelo okudingeka ikhokhelwe lawa marekhodi. Imali ikhokhwa kuphela uma kuzokwenziwa amakhophi alawo marekhodi, kungakhathalekile ukuthi aangayiphi indlela (asephepheni, kwi- compact disc, kwi-, stiffy noma arekhodwe ekhasethini, njll).

Ithebula elilandelayo liqukethe uhlu lwalawo marekhodi:

AMAREKHODI AVELE ATHOLAKALE	INDELELA ATHOLAKALA NGAYO
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<ul style="list-style-type: none"> • Uhlelo lwamasu okusebenza kanye neziNhlelo Zonyaka Zokwenziwa Komsebenzi • Injongo, uMbono kanye Nezinhlolongqangi Zamasu Okusebenza zoMnyango • Amagugungqangi oMnyango • UMsebenzi uMnyango ojutshelwe wona ngokoMthetho • USomqulu Wokuzinikela Ekwenzeni Umsebenzi (i-SCC) • UHlelo Lokwenza Ngcono Ukunikezelwa Kwezidingo (i-SDIP) • IMibiko Ngokusetshenziswa Kwezimali Ngokwamakota • Izinqubomgomo maqondana neziNdlela Zokwenza Zangaphakathi • INkulumo yeSabelomali kaNgqongqoshe kanye nezinye iziNkulumo • Imibhalo eshicilelwa nguMnyango • Imibiko Yonyaka • Ukuklama okwenziwa ngabe-GIS • Ukubuyezwa kwamaphakathi nonyaka • Imithetho Emisiwe • Ukwedluliselwa kwamandla • Amasekhula • Iphephandaba lezindaba zangaphakathi labasebenzi bomtapo wolwazi e-KZN • Iphephandaba lezindaba zangaphakathi • Izitatimende Ezikhishelwa Abezokwazisa (Umvulo, Daily media, ukuqapha) 	<ul style="list-style-type: none"> • Atholakala ku- www.kzndard.gov.za
<ul style="list-style-type: none"> • Amabhukwana Okwazisa (Ulwandle) 	<ul style="list-style-type: none"> • Atholakala mahhala kunoma yimaphi amahhovisi esifunda oMnyango.
<p>Iqoqo lamarekhodi aqoqiwe ngomnyango</p>	<ul style="list-style-type: none"> • Atholakala mahhala kunoma yimaphi amahhovisi eziNqolobane Okugcinwa kuzo Imibhalo Yomlando.

3.2 UKUTHOLA AMANYE AMAREKHODI

3.2.1. Ukuthunyelwa kwesicelo sokufinyelela oLwazini/ iNqubo Yokufaka isicelo seRekhodi

3.2.1.1. Isicelo sokufinyelela erekhodini eligcinwe nguMnyango kumele sihambisane

nalezi zidingo ezilandelayo:

- (a) kumele sithunyelwe ngefomu elisemthethweni (elinanyathiselwe kulo mqulu laba ngu**Fomu A kwiSithasiselo 2**);

- (b) kumele sithunyelwe koyiSikhulu soMnyango Esibhekele Ulwazi noma koyiSekela Lesikhulu Esibhekele Ulwazi eminingwaneni yakhe yokuxhumana ebalulwe endinyaneni 3.1. yalo mqulu;
- (c) kumele sihlizwe ngemininingwane eyanele ukuze umsebenzi woMnyango akwazi ukuhlonza irekhodi noma amarekhodi acelwayo kanye nokuthi ungubani umfakisicelo;
- (d) kumele sicacise ukuthi irekhodi lelo ngabe lidingeka ngolimi oluthile yini;
- (e) kumele sibalule ikheli leposi noma inombolo yefeksi yomfakisicelo;
- (f) uma kungukuthi ngale kwempendulo ebhaliwe, umfakisicelo ufisa ukwaziswa mayelana nesinqumo sesicelo sakhe ngenye indlela, kumele sicacise leyo ndlela kanye neminingwane efanele ukuze aziswe kanjalo; futhi
- (g) uma isicelo senziwe egameni lomunye umuntu, kumele kuhlinzekwe ngobufakazi bokuthi umfakisicelo usifaka ngaphansi kwasiphi isikhundla isicelo futhi kumele kube ngendlela ezogculisa iSikhulu Esibhekele Ulwazi.

3.2.1.2. Ngale kwesigatshana 3.2.1.1 salo mqulu, iSikhulu soMnyango Esibhekele

Ulwazi kumele sizame ngayo yonke indlela, ukusiza umfakisicelo ukuqinisekisa ukuthi isicelo sakhe sihambisana nezidingo ezibalulwe esigabeni 3.2.1.1 ngenhla:-

- (a) ngokunciphisa izicelo ezenziwa ngomlomo zenziwe ngokubhalwe phansi egameni lalabo bafakizicelo abangakwazi ukuzibhalela izicelo zabo ngendlela egunyaziwe ngenxa yokungakwazi ukufunda nokubhala kumbe yokukhubazeka;
- (b) ngokuhlinzeka umfakisicelo ngolwazi oluzomenza akwazi ukufaka isicelo ngendlela efanele;
- (c) ngokwelekelela umfakisicelo ukuthi isicelo sakhe asifake ohlakeni olufanele lukahulumeni uma kubonakala kulowo oyiSikhulu Esibhekele Ulwazi okunguyena owamukele isicelo ukuthi leso sicelo kumele ngabe sithunyelwe kolunye uhloko lukahulumeni; kanye

- (d) nangokwedlulisela isicelo ohlakeni olufanele lukahulumeni uma kubonakala kulowo oyiSikhulu Esibhekele Ulwazi okunguyena owamukele isicelo ukuthi leso sicelo kumele ngabe sithunyelwe kolunye uhlaka lukahulumeni kumbe kolunye uhlaka olusebenzisana noMnyango.

3.2.2 Ukuqinisekisa nokuvunywa kokutholakala kwesicelo

Uma nje iSikhulu Esibhekele Ulwazi sesizigculisile ukuthi isicelo siyahambisana nezidingo ezibalulwe ku- 3.2.1 ngenhla, sizobe sesikhipha isaziso esiqondiswe kumfakisicelo, ngesikhathi esifanelekile esivuma ukuthi sitholakele isicelo nesichaza ukuthi umfakisicelo kuzodingeka ukuthi akhokhe imali enqunyiwe, okuyilena:

- (a) imali yesicelo engama- **R 35.00** (okuyimali emisiwe esebenza kuzo zonke izicelo zokufinyelela olwazini, kodwa- ke ingehoxiswa uma kungukuthi ulwazi oluceliwe lumaqondana nomfakisicelo ngqo) kanye
- (b) nemali yokufinyelela (okuyimali ehlanganisa izindleko zokwenzelwa amakhophi kanye nemisebenzi yasehhovisi. Isamba esikhokhwayo semali yokufinyelela siyokwehluka ngokwesicelo ngasinye kuye ngomthamo wolwazi oluceliwe kanye nesikhathi esichithiwe kulungiswa lolo lwazi. Uyacelwa ukuba ubheke **iSithasiselo 4** ukuze ubone uhlu lwezimali ezinqunyiwe).

3.2.3. Ukucutshungulwa Kwesicelo

Emva kokuba sekukhishwe isaziso esibalulwe ku- 3.2.2 ngenhla, iSikhulu Esibhekele Ulwazi kumele siphothule ngokushesha ukucutshungulwa kwesicelo zingakapheli **izinsuku ezingama- 30** isicelo samukeliwe. ISikhulu Esibhekele Ulwazi, kungathi ngokubuka izimo zesicelo ngasinye:-

- (a) sedlulisele isicelo kolunye uhlaka lukahulumeni;
- (b) sihlelise isikhathi sokufinyelela olwazini;
- (c) selule isikhathi sokubhekana nesicelo;
- (d) sicele ukuthi kube nokumeleleka kohlangothi lwesithathu;

- (e) singanikeza imvume yokufinyelela olwazini; noma
- (f) singenqaba ukuthi kufinyelelwe olwazini.

3.2.3.1 Ukwedluliselwa kwesicelo kolunye uhlaka lomphakathi

- (a) Isicelo sokufinyelela olwazini esithunyelwe koyiSikhulu Esibhekele Ulwazi singedluliselwa kolunye uhlaka lukahulumeni uma kukhona okukodwa nangaphezulu kwalokhu okulandelayo:
 - (i) uma ulwazi noma irekhodi eliceliwe lingekho ngaphansi kumbe lingagciniwe nguMnyango kodwa ligcinwe ngomunye umnyango kahulumeni noma uhlaka lukahulumeni;
 - (ii) uma ulwazi oluceliwe luthinta kakhulu imisebenzi yomunye umnyango kahulumeni kunemisebenzi yalo Mnyango; noma
 - (iii) uma ulwazi oluceliwe luqukethe ulwazi lwezohwebo (okungavumelekile ukutholakala kwalo ngokwesigaba 42 soMthetho) okungulwazi omunye umnyango kahulumeni unentshisekelo enkulu ngalo.
- (b) Uma ulwazi oluceliwe lungena ngaphansi kwendinyana (a) engenhla, iSikhulu Esibhekele Ulwazi kumele:-
 - (i) sedlulisele ngokushesha isicelo emnyangweni kahulumeni ofanele, zingakapheli **izinsuku eziyi- 14** emva kokwamukelwa kwesicelo; futhi
 - (ii) sithumele ulwazi noma irekhodi eliceliwe emnyangweni okwedluliselwe kuwo, uma iSikhulu Esibhekele Ulwazi sinawo lowo mbhalo futhi uma sikubona kungaba wusizo ukwenza njalo.
- (c) Emveni kokwedluliselwa kwesicelo, iSikhulu soMnyango Esibhekele Ulwazi kumele sazise ngokushesha umfakisicelo-
 - (i) ngokwedluliswa kwesicelo, kubandakanya igama kanye neminingwane yokuxhumana yeSikhulu Esibhekele Ulwazi okwedluliselwe kuso isicelo;
 - (ii) izizathu zokwedluliswa kwesicelo; kanye
 - (iii) nesikhathi okulindeleke ukuthi kucuthsungulwe ngaso isicelo.

3.2.3.2 UKUHLEHLISWA KWESIKHATHI SOKUFINYELELA EREKHODINI

(a) Uma iSikhulu Esibhekele Ulwazi sinquma ukunikeza imvume yokufinyelela erekhodini-

- (i) elizoshicilelwa **ezinsukwini ezingama- 90** kwamukelwe isicelo;
- (ii) elidingwa ngumthetho ukuba lishicilelwe kanjalo kodwa kuyima lisazoshicilelwa; noma
- (iii) eselilungiselwe ukuba lithunyelwe esishayamthetho noma kumuntu othile kodwa kuseyima lisazothunyelwa, singahlehlisa isikhathi sokunikeza imvume yokufinyelela kulelo rekhodi isikhathi esithile esifanelekile.

(b) Uma ukufinyelela kwirekhodi kuhlehlisiwe, iSikhulu Esibhekele

Ulwazi kumele sinikeze umfakisicelo othintekayo isaziso esimazisa:

- (i) ukuthi kumele **ezinsukwini ezingama-30** ethole lesi saziso okukhulunywa ngaso, anikeze izizathu koyiSikhulu Esibhekele Ulwazi maqondana nokuthi kungani lolu lwazi ludingeka ngaphambi kokuthi luthunyelwe kumbe lushicilelwe; futhi
- (ii) ngesikhathi okungenzeka ukuthi siphela kunalokhu kuhlehliswa.

(c) ISikhulu Esibhekele Ulwazi singanikeza imvume yokufinyelela erekhodini okuhlehlisiwe ukutholakala kwalo uma, emva kokubhekisisa izizathu ezibekwe ngumfakisicelo, sigculiseka ukuthi umfakisicelo angadicileleka phansi uma ukutholakala kwaleli rekhodi kuhlehliswa.

3.2.3.3 Ukwelulwa kwesikhathi sokucubungula isicelo

(a) ISikhulu Esibhekele Ulwazi singelula isikhathi esinqunyiwe **sezinsuku ezingama- 30** sokucubungula isicelo singabi ngaphezu **kwezinsuku ezingama- 30** uma kunalezi zimo ezilandelayo-

- (i) uma isicelo kungesamarekhodi amaningi ngokwesibalo noma kudingeka ukuthi kucingwe kumarekhodi amaningi futhi ukulandela isikhathi esibekiwe kungaphazamisa ukwenziwa komsebenzi woMnyango;

- (ii) uma isicelo sidinga ukuthi lelo rekhodi licingwe noma liyolandwa ehhovisi loMnyango elingekho edolobheni linye nehhovisi loyiSikhulu Esibhekele Ulwazi, lokho ngeke kukwazi ukuthi kuphothulwe esikhathini esibekiwe;
- (iii) uma kudingeka ukuthi kube nokuxoxisana phakathi kwezimpiko zoMnyango noma nomunye uMnyango kaHulumeni kumbe uHlaka lukaHulumeni ukuze kuthathwe isinqumo ngesicelo okungeke kuphothulwe ngesikhathi esibekiwe;
- (iv) uma kungukuthi kunesinye kumbe ezinye zalezi zimo eziningwe ngenhla ezenza ukuthi ukulandelwa kwemigomo maqondana nesikhathi esibekiwe kungabi lula ukwenzeka; noma
- (v) umfakisicelo uma evuma ukuthi kwelulwe isikhathi.

(b) Uma kwenzeka kuba khona nanoma yisiphi isimo esishiwo endinyaneni (a) ngenhla; esenza kube nesidingo sokuthi kwelulwe isikhathi esibekiwe **esiyizinsuku ezingama-30**, iSikhulu Esibhekele Ulwazi kumele ngokushesha, zingakapheli **izinsuku ezingama- 30** samukeliwe isicelo, sikhuphe isaziso esiya kumfakisicelo simazisa –

- (i) ngesikhathi okwelulwe ngaso isikhathi;
- (ii) ngezizathu ezanele zokwelulwa kwesikhathi; kanye
- (iii) nokuthi umfakisicelo angafaka isicelo sokwedluliswa kwesikhalo kwangaphakathi noma afake isicelo enkantolo, kuye ngokuthi yikuphi okuyikho, ephikisana nokwelula kwesikhathi kanye nenqubo yokufakwa kwesicelo sokwedluliswa kwesikhalo kwangaphakathi noma ukufakwa kwesicelo.

3.2.3. Ukucelwa kokuMeleleka koHlangothini Lwesithathu (omunye umuntu/ olunye uhlaka)

ISikhulu Esibhekele Ulwazi uma sicubungula isicelo sokufinyelela erekhodini okungenzeka kube yirekhodi eliphathelene-

- (a) nokuyimfihlo komunye umuntu/ olunye uhlaka;
- (b) namarekhodi athile oPhiko Lwabaqoqi Bentela eNingizimu Afrika;
- (c) nolwazi lwezohwebo lomunye umuntu/ olunye uhlaka;
- (d) nolwazi oluyimfihlo lomunye umuntu/ olunye uhlaka; noma

(e) ulwazi locwaningo lomunye umuntu/ olunye uhlaka noma lohlaka lukahulumeni, kumele sazise lowo muntu/lolo hlaka oluqondene nalo lolo lwazi futhi kumele sicele ukuba lowo muntu/lolo hlaka lubhale izizathu luzithumele koyiSikhulu Esibhekele Ulwazi maqondana nanoma yikuphi kulokhu okulandelayo:

(i) kungani isicelo kumele singavunywa; noma

(ii) lunikeze imvume ebhaliwe yokudalulela lowo ofake isicelo lelo rekhodi.

3.3. UKUVUNYWA NOMA UKUPHIKISWA KWEZICELO

3.3.1. Uma ukufinyelela olwazini kuvunywa, umfakisicelo uyokwaziswa:-

(a) ukuthi isicelo sivunyiwe;

(b) nganoma yiyiphi imali yokuthola ulwazi esilele okumele ikhokhwe;

(c) ngendlela azolithola ngayo; kanye

(d) nokuthi angafaka isicelo sokwedlulisa isikhalo kwangaphakathi ephikisana nemali yokufinyelela okumele ikhokhwe noma ngendlela azolinikezwa ngayo kanye nangenqubo nesikhathi sokufaka lesi Sicelo sokwedlulisa isikhalo.

3.3.2. Isicelo sokufinyelela olwazini olugcinwe nguMnyango singenqatshwa uma ulwazi oluceliwe lungena ngaphansi komkhakha wolwazi okungamele ludalulwe ngokwesigaba 34(1), 35(1) 36(1), 37(1), 38(a), 39(1), 40, 41(1), 41(2) no 45 soMthetho. Uma isicelo sokufinyelela olwazini senqatshiwe, iSikhulu Esibhekele Ulwazi kumele sazise umfakisicelo ukuthi:-

(a) isicelo senqatshiwe kanye nezizathu zalokho kwenqatshwa; kanye

(b) nokuthi umfakisicelo angafaka isicelo sokwedlulisa isikhalo kwangaphakathi ngokwenqubo yokwedlulisa izikhalo ebalulwe endimeni 7 yalo mqulu noma angaya enkantolo ukuze azizwe ekhululekile.

33.3. Uma iSikhulu Esibhekele Ulwazi singaphendulanga esicelweni somfakisicelo **ezinsukwini ezingama-30** kwamukelwe isicelo okukhulunywa ngaso, kumele kuthathwe ngokuthi isicelo senqatshiwe.

3.3.4. Uma zonke izinyathelo ezifanelekile zithathiwe ukuze kutholakale irekhodi futhi kunezizathu ezizwakalayo zokukholwa ukuthi irekhodi ligcinwe nguMnyango kodwa libe lingatholakali noma lingekho, iSikhulu Esibhekele Ulwazi kumele sazise umfakisicelo ngokuthi sibhale incwadi efungelwe ukuthi angeke kwenzeke ukuthi avunyelwe ukuthola lelo rekhodi. Ngokwezinhloso zoMthetho, lesi saziso siyothathwa ngokuthi siyisinqumo sokwenqatshwa kokutholakala kwerekhodi. Uma irekhodi ligcina litholakale, umfakisicelo othintekayo uyonikezwa imvume yokulithola ngaphandle uma kwenqatshwe futhi ukutholakala kwalo ngokoMthetho.

3.4 IZIMALI EZIKHOKHWAYO:

3.4.1 Imali okumele ikhokhelwe ukufaka isicelo kanye nokwaziswa ngesinqumo mayelana nokufinyelela:

- Umfakisicelo ofuna ukufinyelela kumarekhodi aqukethe ulwazi oluthinta yena ngqo akumele akhokhe imali yokufaka isicelo. Imali ekhokhwa yiwo wonke umfakisicelo ibekiwe ohlwini olusesigabeni 6 salo Mqulu.
- **ISikhulu Esibhekele Ulwazi** kumele sazise uMfakisicelo ngemali enqunyiwe kanye nemali eyisibambiso (uma ikhona) ngaphambi kokuthi kuqhutshekwe nesicelo.
- Umfakisicelo angafaka isicelo sokwedlulisa isikhalo kwangaphakathi, kuNgqongqoshe wesiFundazwe uma kufanele, noma afake isicelo enkantolo ephikisa ithenda kumbe ukukhokhwa kwemali.
- Emva kokuba **iSikhulu Esibhekele Ulwazi** sesithathe isinqumo mayelana nesicelo kumele sazise umfakisicelo ngaleso sinqumo ngendlela acele ukuba aziswe ngayo.
- Uma isicelo sivunyiwe kumele kukhokhwe enye imali yokufinyelela yokuthi kugaywe futhi kufunwe bese kulungiswa irekhodi ngesikhathi esidingekayo esevile emahoreni abekelwe ukucinga nokulungisa amarekhodi okumele adalulwe.
- **Ukufinyelela** kumarekhodi kuyomiswa kuze kukhokhwe yonke imali okumele ikhokhwe.

ISIGABA SESIHLANU

5. IZINDLELA EZIKHONA ZOKULUNGISA ISIMO MAQONDANA NEMITHETHO KANYE NOKWEHLULEKA UKUTHATHA ISINYATHELO

- 5.1.1 Uma iSikhulu Esibhekele Ezolwazi sisenqaba isicelo serekhodi, uMfakisisicelo angafaka isicelo sokwedlulisa isikhalo kwangaphakathi ukuphikisa lesi sinqumo (s74 (1) (a)). Angeke aye enkantolo engakayilandeli le ndlela. Uma sekuphele zonke izindlela zangaphakathi zokulungisa isimo, sesingafakwa isicelo enkantolo (isigaba 78 – 82).
- 5.1.2 Umuntu angafaka isicelo sencwadi yesivimbelo yenkantolo (indlela yokulungisa lapho umuntu ecela khona inkantolo ukuba iphoqelegele umuntu kumbe ukungathathi isinyathelo esithile)
- 5.1.3 Umonakalo ngokoMthethosisekelo (uma ilungelo lomuntu lidicilelwa phansi ngokungenasidingo lowo muntu angafuna inkokhelo yomonakalo (amademeshe) ngokomthethosisekelo.
- 5.1.4 Ukufaka isikhalo kuMvikeli Womphakathi
- 5.1.5 Ukufaka isimangalo enkantolo noma enkantolo yesizwe ukuze kubuyezwe ngobulungiswa isenzo sezokuphatha ngokweSigaba 6 soMthetho Wokukhuthwaza Ukuphathwa Kobulungiswa (uMthetho 3 wezi-2000)

5.1 UKWEDLULISWA KWEZIKHALO KWANGAPHAKATHI

- 5.1.1. Umfakisisicelo angafaka isicelo sokwedlulisa isikhalo kwangaphakathi kuNgqongqoshe aphikisane nesinqumo seSikhulu Esibhekele Ulwazi -
 - (a) sokwenqaba isicelo sokufinyelela olwazini olugcinwe nguMnyango; maqondana nokukhokhwa kwemali yesicelo kanye neyokufinyelela; noma

- (b) esimayelana nokwelulwa kwesikhathi esinqunyiwe esichazwe endinyaneni 4.2.4.3 **ngenhla**, noma
- (c) esimayelana nendlela yokufinyelela uma linikezelwa ngendlela ehlukile kule elicelwe ngayo.

5.1.2. Omunye umuntu/uhlangothi nalo lungafaka isicelo sokwedlulisa isikhalo kwangaphakathi luphikisane nesinqumo seSikhulu Esibhekele Ulwazi maqondana nesinqumo saso sokunikeza isicelo sokufinyelela.

5.1.3. Isicelo sokwedlulisa isikhalo kwangaphakathi kumele sihambisane nalezi zidingo ezilandelayo:-

- (a) kumele sifakwe efomini elinqunyelwe ukusetshenziswa (bheka **Isengezo 3**);
- (b) kumele sifakwe **ezinsukwini ezingama-60**;
- (c) uma kudingeka ukuthi kuthunyelwe isaziso komunye umuntu/uhlaka **ezinsukwini ezingama-30** emva kokuba isaziso sinikezelwe kummangali ofake isicelo sokwedluliswa kwesikhalo noma uma singadingeki isaziso ukuba sithunyelwe komunye umuntu/uhlaka, emva kokuba sesithathiwe isinqumo;
- (d) kumele sithunyelwe koyiSikhulu Esibhekele Ulwazi ngokwemininingwane yokuxhumana ebekwe endinyaneni 3 yalo mqulu.
- (e) kumele siveze isihloko sokwedluliswa kwesikhalo futhi sibalule nezizathu zokwedluliswa kwesikhalo kwangaphakathi kanye nanoma yiluphi olunye ulwazi olwaziwa ngummangali;
- (f) Uma kungukuthi ngaphezu kwempendulo ebhaliwe, ummangali ufisa ukwaziswa maqondana nesinqumo sokwedluliswa kwesikhalo kwangaphakathi nganoma yiyiphi enye indlela, kumele sisho leyo ndlela bese sihlinzeka imininingwane efanele ukuba aziswe ngayo;

- (g) uma kwenzeka, kumele sihambisane nemali enqunyiwe yokufaka isicelo sokwedlulisa isikhalo.
- (h) kumele sibalule ikheli leposi noma inombolo yefekisi (uma ikhona).

5.1.4. Uma isicelo sokwedlulisa isikhalo sifakwe emva kokuphela kwesikhathi okukhulunywe ngaso endinyaneni 5.1.3. ngenhla, uNgqongqoshe avumele ukufakwa kwesikhalo sesedlule isikhathi, ngenhloso yokukhombisa ubuntu. Uma uNgqongqoshe engakuvumeli ukufakwa kwesikhalo sekwedlule isikhathi, kumele akhiphe isaziso saleso sinqumo asinike lowo muntu ofake isicelo sokwedlulisa kwesikhalo.

5.1.5. Umuntu ofake isicelo sokwedlulisa isikhalo sokuphikisana nokwenqatshwa kwesicelo sakhe sokufinyelela kumele akhokhe imali enqunyiwe yokufaka isicelo sokwedlulisa isikhalo (uma ikhona). Uma imali enqunyiwe kumele ikhokhwe maqondana nokwedlulisa kwesikhalo kwangaphakathi, isinqumo ngokwedlulisa kwesikhalo kumele sihlehliswe kuze kukhokhwe leyo mali.

5.1.6. **Ezinsukwini zokusebenza eziyi-10**, emva kokwamukela isicelo sokwedlulisa isikhalo kwangaphakathi, iSikhulu Esibhekele Ulwazi kumele siphuthume sithumele lolu lwazi olulandelayo kuNgqongqoshe -

- (a) Isicelo sokwedlulisa isikhalo kwangaphakathi sihambisane nezizathu zesinqumo saso; futhi
- (b) uma ukwedlulisa kwesikhalo kuphikisana nokunqatshwa noma ukuvunywa kwesicelo sokufinyelela, kumele kutholakale igama, ikheli leposi, inombolo yocingo neyefekisi kanye nekheli le- imeyili, nanoma yikuphi okukhona, kwanoma yimuphi omunye umuntu /uhlaka okumele lwaziswe ngesicelo.

5.1.7. Uma uNgqongqoshe ecubungula ukwedluliswa kwesikhalo kwangaphakathi okuphikisa ukwenqatshwa kwesicelo sokufinyelela kwirekhodi eliqukethe nanoma yiluphi lwalolu lwazi olulandelayo-

- (a) okuyimfihlo komunye umuntu/uhlaka;
- (b) amarekhodi athile aboPhiko Lwabaqoqi Bentela eNingizimu Afrika;
- (c) ulwazi lwezohwebo lomunye umuntu/uhlaka;
- (d) ulwazi oluyimfihlo lomunye umuntu/uhlaka; noma
- (i) ulwazi locwaningo lomunye umuntu/uhlaka noma lohlaka lukahulumeni, UNgqongqoshe kumele **ezinsukwini ezingama-30** ngokushesha akhiphe isaziso azise omunye umuntu/uhlaka lelo rekhodi elimthintayo.

5.1.8. Omunye umuntu/uhlaka oselwazisiwe ngokwedluliswa kwesikhalo kwangaphakathi kumele **ezinsukwini ezingama-21** emva kokwaziswa, lubhalele uNgqongqoshe lunizeke izizathu zokuthu kungani kumele kwenqatshwe ukufinyelela kwirekhodi.

5.1.9. Uma uNgqongqoshe esecubungula ukwedluliswa kwesikhalo kwangaphakathi okuphikisana nokuvunywa kwesicelo sokufinyelela, kumele ngokushesha zingakapheli **izinsuku ezingama-30** emva kokuthola ukwedluliswa kwesikhalo, azise umfakisiselo ngokwedluliswa kwesikhalo futhi kuleso saziso asho nokuthi:

- (a) Omunye umuntu/uhlaka, **ezinsukwini ezingama-21** kukhishwe isaziso lungabhalela uNgqongqoshe lubeke izizathu zokuthi kungani isicelo kumele singavunywa; nokuthi
- (b) umfakisiselo, kungakapheli **izinsuku ezingama-21** kukhishwe isaziso, angabhalela uNgqongqoshe abeke izizathu zokuthi kungani kumele sivunywe isicelo sokufinyelela.

5.1.10. UNgqongqoshe kumele asheshe athathe esakhe isinqumo ngokwedluliswa kwesikhalo kodwa zingapheli izinsuku ezingama-30 amukele lokho kwedluliswa kwesikhalo.

- 5.1.11. Uma kuthathwa isinqumo ngokwedluliswa kweesikhalo kwangaphakathi, uNgqongqoshe angaqinisekisa isinqumo sokwedluliswa kwesikhalo noma akhiphe esinye esikhundleni saso.
- 5.1.12. UNgqongqoshe kuzothi ngokushesha emva kokukhishwa kwesinqumo ngokweluliswa kwesikhalo, akhiphe isaziso esiya kummangali, abanye abantu/izihlaka kanye nomfakisicelo uma kungukuthi ukwedluliswa kwesikhalo kwenziwe maqondana nokuphikisa ukuvunywa kwesicelo. Leso saziso okukhulunywa ngaso kumele sibe nezizathu ezanele ngesinqumo kubandakanya nezihlinzekelo zoMthetho okusetshenzelwa phezu kwawo. Isaziso kumele siphinde seluleke ummangali, omunye umuntu/uhlaka kanye nomfakisicelo -
- (a) ngokuthi bangafaka isicelo enkantolo bephikisa isinqumo ngokwedluliswa kwesicelo sangaphakathi;
 - (b) ngesikhathi okungafakwa ngaso isicelo esinjalo; kanye
 - (c) nangenqubo yokufaka leso sicelo okukhulunywa ngaso.
- 5.1.13. Uma uNgqongqoshe engakhiphi saziso ngesinqumo sakhe maqondana nokwedluliswa kwe **ezinsukwini ezingama-30** amukele ukwelduliswa kwesikhalo, kuzothathwa ngokuthi lokho kwedluliswa kwesikhalo kwangaphakathi kuchithiwe.

5.2 UKUFAKA ISICELO ENKANTOLO

- 5.2.1. Umfakisicelo noma omunye umuntu/uhlaka lungafaka isicelo eNkantolo ukuze lugculiseke ngokwanele emva kokuba selulandele yonke imigudu nenqubo yangaphakathi yokwedluliswa kwesikhalo.

- 5.2.2. Umfakisicelo noma omunye umuntu/uhlaka olungaphumelelanga ekwedluliseni isikhalo kwangaphakathi kumele, zingakapheli **izinsuku ezingama-30** kukhishwe isinqumo sikaNgqongqoshe, angaxhumana nenkantolo efanele okuyiyona ebhekele ukunikeza ukugculiseka. Leso sicelo kumele silandele inqubo ebekwe esigabeni 79 soMthetho kanye/kumbe nanoma yimiphi eminye imithetho esungulelwe lokho.
- 5.2.3. Inkantolo elalela isicelo ingakhipha umyalelo onobulungiswa kanye nokulingana kubandakanya imiyalelo -
- (a) eqinisekisa, echibiyela, noma ebeka eceleni isinqumo seSikhulu Esibhekele Ulwazi noma sikaNgqongqoshe;
 - (b) edinga ukuba iSikhulu Esibhekele Ulwazi noma uNgqongqoshe athathe isinyathelo noma ayeke ukuthatha lesi sinyathelo njengalokhu inkantolo ingabona kufanele esikhathini esishiwo emyalelweni;
 - (c) enikeza incwadi yenkantolo evimbelayo noma ukugculiseka okuthile, umyalelo wokucaciswa komthetho noma isinxephezelo; noma
 - (d) ngezindleko.

5.3. UKUFAKA KWEZIKHALO KUMVIKELI WOMPHAKATHI

- ISigaba 6 soMthetho Womvikeli Womphakathi No. 23 we-1994 njengalokhu uchitshiyelwe yisigaba 91 soMthetho uvumela uMvikeli Womphakathi ngokomsebenzi wakhe kumbe lapho amukela khona isikhalo esimaqondana nokusetshenziswa kumbe ukuphathwa koMthetho, noma ngokokubona kwakhe ukuba axazulule ingxabano -
- (a) ngokulamula, ukubuyisana noma ukuxoxisana;
 - (b) ngokweluleka, lapho kudingeka khona, nanoma ngubani ofaka isikhalo mayelana nezindlela ezifanele zokulungisa; kumbe
 - (c) nganoma yiziphi ezinye izindlela ezingafaneleka kuleso simo.

5.4. UKUDALULA INGXABANO NGAPHANSI KOMTHETHO WOBUDLELWANO BABASEBENZI NABAQASHI

- 5.4.1. Umuntu angasebenzisa izindlela zezabasebenzi ukulungisa izezenzo noma amaphutha omsebenzi aqondene nezomsebenzi, okungukuthi ukushayisana kwamalungelo , (uMthetho Wezemisebenzi Kahulumeni, we-1994, kanye noMthetho Wobudlelwano Babasebenzi Nabaqashi, we-1995);
- 5.4.2. Umuntu angafaka isikhalo kumhloli wezabasebenzi mayelana nanoma yiziphi izinsolo zokwephulwa koMthetho Wemigomongqangi Yokuqasha, we- 1997 (uMthetho uNo. 75 we-1997- isigaba 78(1)9a), noma uMthetho Wemibandela Eyisisekelo Yokuqasha Ngokulingana, we-1998 (uMthetho No. 55 we-1998- isigaba 34(e)).

5.5. UKUFAKWA KWEZIKHALO KWIKHOMISHINI YAMALUNGELO ESINTU YASENINGIZIMU AFRIKA (I- SAHRC)

Umuntu angafaka isikhalo kwi-SAHRC (okuyiKhomishini Yamalungelo Esintu yaseNingizimu Afrika mayelana nesenzo noma iphutha lomsebenzi okusolakala ukuthi liholele ekwephuazamiseni noma ekwesabiseni nanoma yiliphi ilungelo elisemqoka (uMthetho Wekhomishini Yamalungelo Esintu, we-1994 (uMthetho No. 54 we-1994)).

5.6. EZINYE IZINDLELA ZOKULUNGISA

- 5.6.1. Umsebenzi kahulumeni angafaka isikhalo sokuthi kube nophenyo olwenziwa yiKhomishini Yezemisebenzi kaHulumeni maqondana nesenzo noma iphutha lomsebenzi (isigaba 35 soMthetho Wezemisebenzi kaHulumeni, we-1994);
- 5.6.2. Umuntu angasebenzisa ezinye izindlela zomthetho zokulungisa ezifana nesikhungo sokulalelwa kokubuyekezwa kobulungiswa kwezinyathelo zezokuphatha ngokoMthetho Wokukhuthazwa Kobulungiswa Kwezokuphatha, wezi-2000 (uMthetho No. 3 wezi-2000);

- 6.6.3. Umuntu angacela izizathu zesinyathelo sezokuphatha ngokoMthetho Wokukhuthazwa Kobulungiswa Kwezokuphatha, wezi-2000 (isigaba 5);
- 5.6.4. Umuntu angacela ukufinyelela kumarekhodi omnyango kahulumeni noma olunye uhlaka lukahulumeni ngokoMthetho Wokukhuthaza Ukufinyelela Olwazini, wezi-2000 (isigaba 11).

ISIGABA 6

UKUBAMBA IQHAZA KOMPHAKATHI EKWAKHENI INQUBOMGOMO KANYE NOKWENZIWA KOMSEBENZI EMNYANGWENI

Amalungu omphakathi angaba nomthelela ekwakhiweni kwenqubomgomo noma kwemithetho kanye nokunye ukusetshenziswa kwamandla noma ukwenziwa kwemisebenzi nguMnyango ngokuthi-

- (a) ngaphambi kokuba nanoma yimuphi umthethosivivinywa uthunyelwe esiShayamthetho ukuze uyodingidwa kuphikiswane ngawo okokugcina bese uvunywa, kuba nezimbizo zokulalelwa kwezimvo kanye nemihlangano yokucobelelana ngolwazi, lapho umphakathi unikezwa ithuba lokwenza izethulo ngaleyo mithethosivivinywa;
- (b) IMithethosivivinywa Eseluhlaka nayo iyashicilelwa kwiGazethi kaHulumeni ukuze umphakathi ubeke izimvo zawo ngaphambi kokuba yethulwe ePhalamende;
- (c) Amalungu omphakathi aphinde anikezwa ithuba lokwenza izethulo ngezinqubomgomo ezinomthelela emphakathini kanjalo nangokulethwa kwezidingo kanye neqophelo loMnyango ezithangamini ezahlukenene ezinjenge mihlangano yokucobelelana ngolwazi kanye nezimbizo zesiFundazwe.

ISITHASISELO 1**IMALI ENQUNYIWE EMAQONDANA NEZINHLAKA ZIKAHULUMENI****Ingxenye ii yeSaziso 187 seGazethi kaHulumeni yamhla ziyi- 15 kuNhlolanja wezi-2002**

- | | | |
|-----|---|-------|
| 1. | Imali yekhophi yomqulu njengalokhu kuninga umthethonqubo 5(c) ngama - R0.60 ikhophi ngayinye eyenziwe ekhasini elingu – A4 kumbe ingxenye yayo. | |
| 2. | Imali yokukhiqiza okukhulunywe ngayo kumthethonqubo 7(1) imi kanje: | R |
| (a) | Ikhophi ngayinye eyikhasi elingu – A4 kumbe ingxenye yayo | 0, 60 |
| (b) | Ikhophi ngayinye ephrintwe ekhasini elingu – A4 kumbe ingxenye yayo egcinwe kwikhompuyutha kumbe ngendlela yokuthi ifundwe emshinini | 0,40 |
| (c) | Ikhophi engendlela yokuthi ifundeke kwikhompuyutha – | |
| | (i) kwi -stiffy disc | 5,00 |
| | (ii) kwi -compact disc | 40,00 |
| (d) | (i) Yezithombe ezibukwayo eziqoshwe ekhasini elingu – A4 kumbe ingxenye yayo | 22,00 |

	(ii)	Ikhophi enezithombe ezibukwayo	60,00
(e)	(i)	Yerekhodi lomsindo eliqoshwe ekhasini elingu –A4 kumbe ingxenye yayo	12,00
	(ii)	Ikhophi yerekhodi lomsindo	17,00
3.		Imali yesicelo ekhokhwa yibo bonke abafakizicelo, ngale kwalowo ozifakela isicelo esiqondene naye, okukhulunywe ngaye kumthethonqubo 7(2)	R35,00.

4. Imali yokufinyelela kumarekhodi ekhokhwa ngumfakisicelo okukhulunywe ngayo kumthethonqubo 7(3) imi kanje:

			R
(1)(a)		Ikhophi ngayinye eyikhasi elingu-A4 kumbe ingxenye yayo	0, 60
(b)		Ikhophi ngayinye ephrintiwe eyikhasi elingu-A4 kumbe ingxenye yayo egcinwe kwikhompyutha kumbe ngendlela yokuthi ifundwe emshinini	0, 40
(c)		Ikhophi engendlela yokuthi ifundeke kwikhompyutha:	
	(i)	kwi- stiffy disc	5, 00
	(ii)	kwi- compact disc	40, 00
(d)	(i)	yezithombe ezibukwayo eziqoshwe ekhasini elingu-A4 kumbe ingxenye yayo	22 ,00
	(ii)	Ikhophi enezithombe ezibukwayo	60, 00
(e)	(i)	yerekhodi lomsindo eliqoshwe ekhasini elingu-A4 kumbe ingxenye yayo	12,00
	(ii)	Ikhophi yerekhodi lomsindo	17, 00
(f)		Ukucinga kanye nokulungiselela ukuvezwa kwerekhodi, yi- R15, 00 ihora ngalinye kumbe ingxenye yehora, alibalwa ihora lokuqala, liyisikhathi esilingene ukucinga kanye nokwenza amalungiselelo erekhodi.	

Ikhasi **31** kwangama - **40**

- (2) Ngokwezinhloso zesigaba 22(2) soMthetho, kusetshenziswa lokhu okulandelayo:
- (a) amahora ayisithupha angamahora angeqiwa ngaphambi kokuba umfakisiselo akhokhe imali eyisibambiso (deposit) futhi
 - (b) nengxenywe yokukodwa kokuthathu yemali yokufinyelela kumarekhodi ikhokhwa ngumfakisiselo ibe yimali yesibambiso.
- (3) Umfakisiselo nguye okhokha imali yokuposa uma kudingeka ukuthi ikhophi yerekhodi ithunyelwe kuye ngeposi.

ISITHASISELO 2

IFOMU A

AMAFOMU ASEMTHEHWENI OKUCELA UKUFINYELELA OLWAZINI

ISICELO SOKUFINYELELA KUMAREKHODI OHLAKA LUKAHULUMENI

(ISigaba 18(1) soMthetho Wokhuthaza Ukufinyelela Olwazini, wezi- 2000 (uMthetho No. 2 wezi-2000)

OKUMNYANGO KUPHELA

Inombolo eyinkomba:

Isicelo samukelwe ngu- (isikhundla, igama nesibongo sesikhulu esibhekelela ulwazi/isekela lesikhulu esibhekelela ulwazi) mhla (usuku) e (indawo).

Imali yesicelo (uma ikhona): R.....

Imali eyisibambiso (uma ikhona): R.....

Imali yokufinyelela kwirekhodi: R.....

ISIGNESHA YESIKHULU ESIBHEKELE ULWAZI/ISEKELA LESIKHULU ESIBHEKELE ULWAZI

A. IMINININGWANE YOHLAKA LUKAHULUMENI:

IGAMA LOHLAKA LUKAHULUMENI	
ISikhulu Esibhekele Ulwazi Esigunyaziwe	
Isekela Lesikhulu Esibhekele Ulwazi Esikhethiwe (uma sikhona)	
Ikheli le-imeyili Yesikhulu Esibhekele Ulwazi/ Isekela Lesikhulu Esibhekele Ulwazi	
Ikheli lokuposa	
Ikheli lomgwaqo	
Inombolo yocingo	
Inombolo yefeksi	

B. IMINININGWANE YOMUNTU OCELA UKUFINYELELA KUMAREKHODI:

(a)	Imininingwane yomuntu ocela ukufinyelela kwirekhodi kumele irekhodwe ngezansi.
(b)	Nikeza ikheli kanye/noma inombolo yefeksi yeRiphabhlikhi lapho ulwazi kumele luthunyelwe khona.
(c)	Ubufakazi besikhundla somuntu owenza isicelo, uma bukhona, kumele bufakwe.

Amagama aphelel kanye nesibongo:

Inombolo kamazisi:

Ikheli lokuposa:

Inombolo yefeksi:

Ikhasi **33** kwangama - **40**

Inombolo yocingo:

Ikheli le- imeyili:

Isikhundla somuntu ofaka isicelo uma kungukuthi isicelo usifakela omunye umuntu:

C. IMINININGWANE YOMUNTU OKUFAKWE ISICELO EGAMENI LAKHE:

Le ngxenye kumele igcwaliswe kuphela uma isicelo sokuthola ulwazi senziwa egameni lomunye umuntu.

Amagama aphelele kanye nesibongo:

Inombolo kamazisi:

D. IMINININGWANE YAMAREKHODI:

- (a) Hlinzeka ngemininingwane egcwele yerekhodi elidingekayo, kubandakanya nenombolo yenkomba uma uyazi, ukuze kube lula ukutholakala kwalo.
- (b) Uma indawo ehlinzekiwe ingenele, qhubeka ubhale kwelinye ikhasi eliseceleni bese ulinamathelisa kuleli fomu.

Ofake isielo kumele asayine wonke amakhasi engeziwe.

1. Incazelo ngerekhodi kumbe ingxenye efanele yerekhodi:
2. Inombolo yenkomba, uma ikhona:

4. Nanoma yimiphi eminye imininingwane ngerekhodi:

IMALI EKHOKHWAYO:

- | | |
|-----|---|
| (a) | Isicelo sokufinyelela kwirekhodi, okungesilona eliqukethe ulwazi oluqondene nawe ngqo, siyobhekelelwa kuphela uma sekukhokhwe imali yokufaka isicelo . |
| (b) | Uzokwaziswa ngesamba semali okudingeka ukuba uyikhokhe okuyimali yokufaka isicelo. |
| (c) | Imali ekhokhelwa ukufinyelela kwirekhodi incike ekutheni lelo rekhodi ulidinga ngayiphi indlela kanye nesikhathi esanele esidingekayo ukulicinga kanye nokulilungisa irekhodi. |
| (d) | Uma ufanelekile ukuba ukhululwe ekukhokheni imali ethile, sicela uveze izizathu zalokho. |

Isizathu sokukhululwa ekukhokheni imali ekhokhwayo:

F. IZINDLELA ZOKUFINYELELA KUMAREKHODI:

Uma ngenxa yokukhubazeka, ungakwazi ukufunda, ukubona noma ukulalela irekhodi, ngokwendlela yokufinyelela ehlinzekwe lapha ngezansi ku-1 kuya ku- 4, Chaza indlela okhubazeke ngayo bese uveza ukuthi iyiphi indlela olidinga ngayo irekhodi.

Ukukhubazeka	Indlela irekhodi elidingeka ngayo
AMANOTHI:	
(a)	Indlela othe ulidinga ngayo irkhodi izoncika ekutheni lona litholakala ngayiphi indlela.
(b)	Kungenzeka ezimweni ezithile kungavunywa ukuthi irekhodi ulithole ngendlela olicele ngayo. Uma kunjalo uzokwaziswa uma kungukuthi irekhodi uzokwazi ukulithola ngenye indlela
(c)	Imali ekhokhwayo ukuze uthole irekhodi, uma ikhona, izonqunywa nangokuthi kubhekwe indlela ocele ukulithola ngayo irekhodi.

Faka uphawu u-“X” ebhokisini elifanele.

1. Uma irekhodi libhaliwe noma liphrintiwe –	
Ikhophi yerekhodi*	Ukuhlolwa kwerekhodi

2. Uma irekhodi linezithombe ezibukwayo- (lokhu kubandakanya izithombe, ama-slide, okuqoshwe nge-video, izithombe ezenziwe ngekompuyutha, izithombe ezidwetshiwe, njll)				
	Ukubuka izithombe		Ukwenza ikhophi yezithombe*	Ukuqoshwa kwezithombe*
3. Uma irekhodi linamagama aqoshiwe kumbe ulwazi olungaphinde lwenziwe lube ngumsindo-				
	Ukulalela umsindo womculo (ikhasethi elalelwayo)		Ukubhalwa phansi komsindo womculo* (umbhalo obhaliwe noma ophrintiwe)	
4. Uma irekhodi ligcinwe kwikhompuyutha kumbe ngendlela elenza lifundeke kwikhompuyutha noma emshinini-				
	Ikhophi ephrintiwe yerekhodi*		Ikhophi ephrintiwe yolwazi olususelwe kwirekhodi*	Ikhophi yohlobo olufundeka kwikhompuyutha* (i-magnetic noma i-optical disc)
*Uma ucela ikhophi noma umbhalo werekhodi oqoshiwe (ngenhla), ngabe ufisa ukuthunyelelwa ngolimi irekhodi elitholakala ngalo.				
Ungathanda ukulithola ngaluphi ulimi irekhodi?				

G. ISAZISO NGESINQUMO ESIMAYELANA NESICELO SOKUTHOLA IREKHODI:

Uzokwaziswa ngokubhalwe phansi ukuthi isicelo sakho sivunyiwe/sichithiwe. Uma ufuna

ukwaziswa ngenye indlela, uyacelwa ukuba usho leyo ndlela bese uhlinzeka ngemininingwane efanele ukuze isicelo sakho sifezeke.

Ungathanda ukwaziswa kanjani ngesinqumo mayelana nesicelo sakho sokuthola irekhodi?

Sisayinwe e _____ mhla _____ ku _____ wezi- 20 _____

“ISIGNESHA YOMFAKISICELO/UMUNTU OKUFAKWA ISICELO EGAMENI LAKHE”

ISENGEZO 3

IFOMU B

ISAZISO SOKWEDLULISWA KWESIKHALO KWANGAPHAKATHI

(ISigaba 75 soMthetho Wokhuthaza Ukufinyelela Olwazini, wezi- 2000 (uMthetho No. 2 wezi-2000))

[UMthethonqubo 8]

BHALA INOMBOLO YAKHO YENKOMBA:

A. IMINININGWANE YOHLAKA LUKAHULUMENI:

ISikhulu Esibhekele Ulwazi/iSekela Lesikhulu Esibhekele Ulwazi:

B. IMINININGWANE YOMFAKISICELO / UMUNTU WESITHATHU OWEDLULISA ISIKHALO:

- (a) Imininingwane yomuntu ofake isicelo sokwedluliswa kwesikhalo kwangaphakathi kumele ibhalwe lapha ngezansi.
- (b) Ubufakazi besikhundla akuso lo ofaka isicelo, uma sikhona, kumele bunanyatheliswe.
- (c) Uma kungukuthi ofake isicelo wumuntu wesithathu futhi kungasesiyena lo owayefake sokuthola ulwazi ekuqaleni, imininingwane yofaka isicelo kumele inikezwe ku C ngezansi.

Amagama aphelele nesibongo:.....

Inombolo kamazisi:.....

Ikheli lokuposa:.....

Inombolo yefeksi: Inombolo yocingo:.....

Ikheli le -imeyili:.....

Isikhundla somuntu ofake isicelo uma kungukuthi isicelo senziwe egameni lomunye umuntu:

Ikhasi **37** kwangama - **40**

C. IMINININGWANE YOFAKE ISICELO:

Le ngxenye kumele igcwaliswe KUPHELA uma kungumuntu wesithathu (kungesiye umfakisiselo) ofaka isicelo sokwedluliswa kwesikhalo kwangaphakathi.

Amagama aphelele nesibongo:.....
Inombolo kamazisi:.....

D. ISINQUMO OKUYISONA OKUFAKWA ISICELO SOKWEDLULISWA KWESIKHALO MAQONDANA NASO:

Faka X uphawu maqondana nesinqumo okuyisona okufakwe ukwedluliswa kwesikhalo mayelana naso esikhaleni esifanele.

	Ukwenqatshwa kwesicelo sokufinyelela olwazini.
	Isinqumo mayelana nemali ngokwesigaba 22 soMthetho.
	Isinqumo mayelana nokwelulwa kwesikhathi okumele kusetshenzwe ngaso isicelo ngokwesigaba 26 (1) soMthetho.
	Isinqumo ngokwesigaba 29(3) soMthetho sokwenqaba ukufinyelela olwazini ngendlela acele ngayo umfakisiselo.
	Isinqumo sokuvumela isicelo sokufinyelela.

E. IZIZATHU ZOKWEDLULISA ISIKHALO:

Uma isikhala esihlinzekiwe singenele, uyacelwa ukuba uqhubeke ekhasini eliseceleni bese ulinamathisela kuleli fomu. Kumele usayine wonke amakhasi engeziwe.

Yisho izizathu eziholele ekufakweni kwesicelo sokwedluliswa kwesikhalo kwangaphakathi: Nikeza nolunye ulwazi olungaba lusizo ekubhekweni kwesicelo sakho sokwedlulisa isikhalo :

F. ISAZISO NGESINQUMO SOKWEDLULISWA KWESIKHALO:

Uzokwaziswa ngokubhalwe phansi ngesinqumo mayelana nokwedluliswa kwesikhalo kwangaphakathi. Uma ufisa ukwaziswa ngenye indlela, uyacelwa ubalule leyo ndlela bese uhlinzeka ngemininingwane efanele ukuze kuzokwenziwa njengokwesicelo sakho.

Balula i _____

Imininingwane Yendlela ofuna ukwaziswa ngayo: _____

Isayinwe e- _____ mhla _____ ku _____ wezi-20 _____

ISIGNESHA KAMMANGALI

OKOMNYANGO KUPHELA:

IREKHODI ELISEMTHETHWENI LOKWEDLULISWA KWESIKHALO KWANGAPHAKATHI:

Isikhalo esedluliswayo samukelwe ngu-.....

Isikhundla....., mhla.....ku..... wezi -
20.....

E.....

Isikhalo esedluliswayo sihambisana nezizathu zesinqumo seSikhulu Esibhekelela
Ulwazi/seSekela Lesikhulu Esibhekelela Ulwazi, imininingwane yomuntu wesithathu, lapho
kufanele khona irekhodi elimaqondana naye, sithunyelwe yisikhulu esibhekele ulwazi/isekela
lesikhulu esibhekele ulwazi mhla (usuku) koyisiphathimandla esifanele.

UMPHUMELA WOKWEDLULISWA KWESIKHALO:

ISINQUMO SESIKHULU ESIBHEKELE ULWAZI / SESEKELA LESIKHULU ESIBHEKELE ULWAZI

SIQINISEKISIWE /KUFAKWE ISINQUMO ESISHA

ISINQUMO ESISHA _____

ISIPHATHIMANDLA ESIFANELE _____

USUKU _____

USUKU ESAMUKELWE NGASO YISIKHULU ESIBHEKELE ULWAZI / YISEKELA LESIKHULU

ESIBHEKELE ULWAZI SIVELA KOYISIPHATHIMANDLA ESIFANELE: