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## GENERAL NOTICE

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### GENERAL NOTICE 81 OF 2014

#### LIMPOPO PROVINCIAL ADMINISTRATION

#### DEPARTMENT OF COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS

#### LIMPOPO INITIATION SCHOOLS BILL, 2014

In terms of the Standing Rules and Orders of the Limpopo Legislature, the Limpopo Initiation Schools Bill, 2014 is hereby advertised for public comments.

Any person or organization wishing to comment on the said document may do so in writing, on or before 10/04/2014, with:

**The Head of Department**

**Department of Cooperative Governance, Human Settlements and Traditional  
Affairs**

**Private Bag X 9485**

**POLOKWANE**

**0700**

**FOR ATTENTION: Priceman Mngomezulu**

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**LIMPOPO PROVINCIAL LEGISLATURE**

**LIMPOPO INITIATION SCHOOLS BILL, 2014**

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as introduced by

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**(THE MEMBER OF THE EXECUTIVE COUNCIL FOR CO OPERATIVE GOVERNANCE,  
HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS)**

**BILL**

To regulate initiation school customs and traditions of traditional communities in the province, to repeal the Limpopo Province Circumcision Schools Act, 1996 (Act No. 6 of 1996); and to provide for matters connected therewith.

BE IT ENACTED by the Limpopo Provincial Legislature as follows: —

**Definitions**

1. In this Act, unless the context indicates otherwise —

“**authorised officer**” means the head of the department responsible for traditional affairs or any person delegated by the head of department to perform a function in terms of this Act;

“**circumcision surgeon**” means a person, registered in the prescribed manner in the register of surgeons, who is culturally trained in performing traditional practices and rituals;

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

“**initiate**” means a person attending an initiation school in order to undergo traditional practices and rituals in accordance with applicable customs and traditions of the traditional community concerned;

“**law enforcement agencies**” includes SAPS, provincial or municipal traffic officers and the municipal police;

“**Local House**” means Local Houses of Traditional Leaders established under section 10 of the Limpopo Houses of Traditional Leaders Act, 2005 (Act No. 5 of 2005);

“**MEC**” means Member of the Executive Council responsible for traditional affairs matters in the Province;

“**minor**” means a child below the age of 18 years as provided for in the Children's Act, 2005 (Act No. 38 of 2005);

“**permit holder**” means a senior traditional leader who has applied for and is permitted to hold and manage an initiation school;

“**prescribe**” means prescribed by regulations;

“**Provincial House**” means the Limpopo Provincial House of Traditional Leaders established under section 2 of the Limpopo Houses of Traditional Leaders Act, 2005 (Act No. 5 of 2005);

“**SAPS**” means the South African Police Service;

“**senior traditional leader**” means a traditional leader of a specific traditional community who exercises authority over a number of headmen or headwomen in accordance with customary law, or within whose area of jurisdiction a number of headmen or headwomen exercise authority;

“**this Act**” includes the regulations;

“**traditional community**” means a traditional community recognised as such in terms of section 3 of the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No. 6 of 2005);

“**traditional council**” means a traditional council established in terms of section 4 of the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No. 6 of 2005);

“**traditional leader**” means a person duly appointed or recognised as a traditional leader by-

- (a) the person who before the commencement of the Constitution was-
  - (i) the State President of the Republic within the meaning of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);
  - (ii) the President, Chief Minister or other chief executive in a government under any other constitution or constitutional arrangement which was in force in an area which forms part of the Republic; and
- (b) the Premier, and includes any person appointed to act temporarily in the place of such a traditional leader; and

**“traditional practice”** means a practice according to the customs, traditions, religion or any other rule of a similar nature observed by a traditional community situated within the Province.

## 2. Object of Act

The object of this Act is to give effect to customary and cultural practices and rituals of traditional communities as enshrined in section 31 of the Constitution.

## 3. Application procedure for permit to hold initiation school

(1) A senior traditional leader must apply to the relevant district office of the department responsible for traditional affairs, in the prescribed format for a permit to hold an initiation school and such application must be accompanied by —

- (a) documents as prescribed;
- (b) proof that the application fees are paid;
- (c) a certificate by an environmental officer; and
- (d) a certificate by a health practitioner.

(2) A committee comprising of members of the Local House and the authorised officer must, within the prescribed period, scrutinise the application for compliance with the requirements of subsection (1).

(3) If the committee is satisfied that the application meets the requirements of subsection (1), the committee must, within the prescribed period, submit the application together with the committee's recommendation to the MEC.

(4) Where an application does not meet the requirements of subsection (1), the committee must, within the prescribed period, refer that application to the applicant, directing the applicant to supplement or remedy the defective application within the prescribed period from the date of referral.

(5) If the applicant fails to comply with subsection (4), the committee must refer the application to the MEC for a decision.

#### **4. Site inspection**

(1) The authorised officer may inspect the site to which the permit relates.

(2) Where an authorised officer conducts the inspection, the authorised officer must furnish a report to the MEC regarding the suitability of the site.

#### **5. Powers of MEC**

(1) The MEC must consider the application in terms of section (3) and the site inspection report in terms of section (4) and may -

(a) grant the permit on such conditions as the MEC may determine; or

(b) refuse the permit.

(2) Where the MEC rejects the application for the permit, the MEC must furnish written reasons for the decision.

(3) The MEC may, at any time, on reasonable grounds, amend, suspend or revoke a permit.

#### **6. Appeal procedure**

(1) An applicant who is aggrieved by a decision of the MEC may within the prescribed period of being served with a notice of the decision of the MEC, lodge an appeal with the Premier.

(2) The Premier may, on good cause shown, condone the late lodging of an appeal.

- (3) An appeal must include the following:
- (a) a copy of the application to hold an initiation school;
  - (b) a written statement on the grounds of appeal;
  - (c) the notice sent to the applicant by the MEC in terms of section 5 (1) (b); and
  - (f) any other information which is relevant to the appeal.

## **7. Hearing of Appeal**

- (1) The Premier must constitute an appeal authority by appointing a competent person with knowledge of traditional practices, traditional rituals or the law to consider the appeal within the prescribed period and make recommendations to the Premier.
- (2) The Premier —
- (a) may confirm, set aside or amend a decision of the MEC; and
  - (c) must, in writing, notify the applicant and the MEC of the decision.

## **8. Closing down of initiation school**

- (1) The MEC may, where necessary, through the assistance of the law enforcement agencies —
- (a) close down an initiation school operating without a permit or operating in contravention of the conditions imposed in the permit;
  - (b) transfer the initiates to an authorised initiation school; or
  - (c) make such arrangements as may be appropriate to take care of the initiates.
- (2) Where the MEC, on reasonable grounds, believes that the initiation school is not being conducted properly, or that an initiate's state of health is in jeopardy, the MEC may

order the immediate closing down of that initiation school and ensure that initiates in need of medical care are provided with the necessary medical treatment.

#### **9. Prohibition of holding initiation school without permit**

No person may hold an initiation school –

- (a) without a valid permit issued in terms of section 5(1)(a);
- (b) which contravenes a condition imposed in a permit.

#### **10. Inspection and submission of reports**

(1) The MEC may, in consultation with the MEC responsible for health matters in the province and the Provincial House, designate a person in the employ of the public service and who has previously graduated from an initiation school, to conduct an inspection at any initiation school being held within the Province in order to ensure that such school is being conducted in full compliance with this Act.

(2) Where the MEC has reason to believe that -

- (a) a transgression, maltreatment, overcrowding or other similar deed is occurring at an initiation school; or
- (b) conditions prevailing in the area in which an initiation school is being held are detrimental to the health or well-being of the initiates,

the MEC may, after consultation with the Provincial House and the MEC responsible for health matters in the province, cause the matter to be investigated.

(3) After receiving the investigation report, the MEC may take such steps as the MEC deems necessary to address the matter.

(4) The permit holder must duly record in a register and report to the MEC, the full personal particulars of initiates.

(5) The permit holder must immediately report to the Provincial House, the MEC and the SAPS, the personal particulars of initiates that die at the initiation school and the corrective measures put in place to avoid a recurrence of such deaths.



(6) At the completion of the initiation school, the permit holder must submit a complete report, in the prescribed form, to the MEC.

#### **11. Prohibition against abduction**

(1) No person may abduct, force, coerce or compel another to attend an initiation school or be subjected to any activity taking place at such initiation school.

(2) The MEC must, as soon as the MEC becomes aware that a person has been abducted, forced, coerced or compelled to attend an initiation school, order the permit holder to immediately release that person and report the matter to the South African Police Service.

#### **12. Permission to attend Initiation school**

(1) No child under the age of 12 years must be admitted to an initiation school for circumcision.

(2) A minor may not attend an initiation school for circumcision without his or her parent's or legal guardian's written consent in the prescribed format.

(3) A person above the age of 18 years may voluntarily enrol at an initiation school for circumcision.

(4) The initiates referred to in subsection (2) and (3) must, when applying to attend initiation school for circumcision, attach a medical certificate issued by a medical practitioner certifying that such initiate is medically fit to undergo the circumcision procedure in accordance with the traditional practices and rituals of that particular traditional community.

(5) Any person over the age of 12 years and under the age of 18 years who enrolls herself or himself at an initiation school for circumcision without the written consent of his or her parent or legal guardian, must not undergo initiation rituals or be circumcised until the traditional leader in charge and the permit holder have been notified and obtains a

medical certificate referred to in subsection (4) and the written consent of the parent or legal guardian as contemplated in subsection (2).

- (6) No permit holder may admit an initiate referred to in –
- (a) subsection (2) to the initiation school without the required medical certificate or permission;
  - (b) subsection (3) without the required medical certificate,

referred to in this section

### **13. Role of Department of Health**

The MEC responsible for health matters in the province must, through specific programmes, assist initiates to obtain the necessary medical certificates in terms of this Act.

### **14. Persons who may perform initiation rituals**

- (1) Only a person who has graduated from an initiation school or a person registered in the prescribed manner as a circumcision surgeon in the register of surgeons may perform initiation rituals and circumcise an initiate.
- (2) In performing traditional rituals, the person referred to in subsection (1) must observe due care and diligence and maintain prescribed health standards.
- (3) The Provincial House must establish and maintain a register of circumcision surgeons in the prescribed manner.
- (4) The permit holder is responsible for the care, safety and well-being of initiates.

### **15. Date of initiation school**

- (1) The MEC must, subject to subsection (2) and in consultation with the Member of the Executive Council responsible for education matters, determine the dates on which the initiation schools operates.
- (2) The dates when the initiation school is to be held must not conflict with the academic schooling calendar.

**16. Offences**

A person who contravenes the provisions of section 9, 11(1), 12(1), (2), (6) and 14 (1), (2) or (4) commits an offence and liable on conviction to a fine or period of imprisonment not exceeding five years, or to both such fine and imprisonment not exceeding five years.

**17. Regulations**

The MEC may, after consultation with the Provincial House, make regulations regarding

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- (a) the timeframes for lodging an application for initiation schools and to finalise an appeal;
- (b) the categories and upper limits of fees payable when attending an initiation school;
- (c) the requirements for the registration of a circumcision surgeon and the keeping of the register thereof; and
- (d) any other matter necessary to achieve the object of this Act.

**18. Repeal of laws**

The Limpopo Province Circumcision Schools Act, 1996 (Act No.6 of 1996) is hereby repealed.

**19. Short title and commencement**

This Act is called the Limpopo Initiation Schools Act, 2014.

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**MEMORANDUM ON THE OBJECTS OF THE  
LIMPOPO INITIATION SCHOOLS BILL, 2014**

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**1. BACKGROUND AND PURPOSE OF BILL**

- 1.1. The Limpopo Initiation Schools Bill, 2014 (the Bill) has been developed in line with Chapter 12, section 211 of the Constitution of the Republic of South Africa, 1996 (the Constitution) and other applicable legislation. Section 211 (1) of the Constitution provides for the recognition of a system of customary law and the observance of customary practices including the institution of initiation schools.
- 1.2. The Northern Province Circumcision Schools Act, 1996 (Act No.6 of 1996) was duly enacted by the Limpopo Provincial Government to regulate the holding of initiation schools in the province.
- 1.3. Additional measures which seek to strengthen and prevent illegal holding of initiation schools need to be introduced. This in turn will eliminate the possibility of unqualified surgeons who more often than not cause irreparable harm to the initiates.
- 1.4. The main objectives of the Bill to regulate initiation school customs and traditions of traditional communities in the province, to repeal the Limpopo Province Circumcision Schools Act, 1996 (Act No. 6 of 1996); and to provide for matters connected therewith.

**2. SOCIAL IMPLICATIONS**

The Bill seeks to regulate the traditional practice of the holding of initiation schools in accordance with applicable customary law and practices within the Province. The Bill limits the performing of initiation rituals to circumcision surgeons who are registered

as such in the register of surgeons. This in turn will eliminate the possibility of unqualified surgeons who more often than not cause irreparable harm to the initiates.

### **3. CLAUSE-BY CLAUSE ANALYSIS**

- 3.1. Section 1 provides for definitions.
- 3.2. Section 2 outlines the objects of the Act.
- 3.3. Section 3 outlines application procedure for permit to hold initiation school.
- 3.4. Section 4 provides for the site inspection.
- 3.5. Section 5 provides powers of the MEC.
- 3.6. Section 6 provides for appeal procedure.
- 3.7. Section 7 provides for hearing of appeal.
- 3.8. Section 8 provides for closing down of initiation school.
- 3.9. Section 9 provides for prohibition of holding initiation school without permit.
- 3.10. Section 10 provides for inspection and submission of reports.
- 3.11. Section 11 provides for prohibition against abduction.
- 3.12. Section 12 provides for permission to attend initiation school.
- 3.13. Section 13 provides for the role of Department of Health.
- 3.14. Section 14 provides for persons who may perform initiation rituals.
- 3.15. Section 15 provides for the dates of initiation schools.
- 3.16. Section 16 provides for offences.

3.17 Section 17 provides for regulations.

3.18 Section 18 provides for the repeal of laws.

3.19 Section 19 provides for the short title and commencement of the Act.

#### **4. FINANCIAL IMPLICATIONS**

There will be the costs of gazetting the Bill in the government gazette for public comments and notices advertising of the Bill in two newspapers. Any regulations issued under the Act will also have gazetting costs.

#### **5. STAFFING AND ORGANISATIONAL IMPLICATIONS**

The Department will delegate officials to administer the registration of circumcision surgeons and issuing of permits to hold initiation schools.

#### **6. CONSTITUTIONAL IMPLICATIONS**

There are no constitutional implications associated with the Bill. We therefore have confidence in the constitutionality of this Bill as it does not have offending provisions.

#### **7. INSTITUTIONS CONSULTED**

The National Department of Cooperative Governance and Traditional Affairs; and the State Law Advisors in the Office of the Premier, Limpopo, and the Provincial House of Traditional Leaders were consulted.

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## ALGEMENE KENNISGEWING

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### ALGEMENE KENNISGEWING 81 VAN 2014

#### LIMPOPO PROVINSIALE ADMINISTRASIE

#### DEPARTEMENT VAN SAMEWERKENDE REGERING, MENSLIKE VESTIGING EN TRADISIONELE SAKE

#### LIMPOPO WETSONTWERP OP INISIASIE SKOLE, 2014

Ingevolge die Staande Reëls en Orde van die Limpopo Wetgewer, word die Limpopo Wetsontwerp op Inisiasie skole hiermee geadverteer vir openbare kommentaar.

Enige persoon of organisasie wat graag kommentaar op genoemde dokument wil lewer mag skriftelik so doen voor of op 10/04/2014, by:

#### Die Hoof van die Departement

Departement van Samewerkende Regering, Menslike Vestiging en Tradisionele Sake

Privaat Sak X 9485

POLOKWANE

0700

**VIR AANDAG: Priceman Mngomezulu**

**Tel: (015) 2845411**

**Faks (015) 2958263**

**E-pos: mngomezulup@coghsta.limpopo.gov.za**

**PROVINSIALE WETGEWER VAN LIMPOPO**

**LIMPOPO WET OP INISIASIESKOLE, 2014**

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Soos ingelei deur

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**(DIE LID VAN DIE UITVOERENDE RAAD VERANTWOORDELIK VIR KOÖPERATIEWE  
BESTUUR, MENSLIKE NEDERSETTINGS EN TRADISIONELE SAKE)**



## WETSONTWERP

**Om inisiasieskool gebruike en tradisies van tradisionele gemeenskappe in die provinsie te reguleer, om die Limpopo Wet op Besnydingskole, 1996 (Wet Nr 6 van 1996) te herroep en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.**

**WORD DEUR** die Provinsiale Wetgewer van Limpopo soos volg bepaal: —

### Definisies

1. In hierdie Wet, tensy uit die konteks anders blyk —

**“gemagtigde amptenaar”** beteken die hoof van die Departement wat verantwoordelik is vir tradisionele sake of enige persoon wat deur die hoof van die departement wat afgevaardig was om 'n funksie ingevolge die Wet te verrig;

**“besnydingsdokter”** beteken 'n persoon wat op die voorgeskrewe wyse in die register van die besnydingsdokters geregistreer was, wat kultureel opgelei was in die uitvoering van tradisionele praktyke en rituele;

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

**“ingewyde”** beteken 'n persoon wat 'n inisiasieskool bywoon om sodoende tradisionele praktyke en rituele te ondergaan wat in ooreenstemming met die toepaslike gebruike en tradisies van die betrokke tradisionele gemeenskap is;

**“wetstoepassingsagentskappe”** sluit die SAPD, provinsiale of munisipale verkeersbeamptes en munisipale polisie in;

**“Plaaslike Huis”** beteken Plaaslike Huise van Tradisionele Leiers wat kragtens artikel 10 van die Limpopo Wet op Huise van Tradisionele Leiers, 2005 (Wet Nr 5 van 2005) ingestel was.

“**LUR**” beteken die Lid van die Uitvoerende Raad wat verantwoordelik is vir tradisionele sake in die Provinsie;

“**minderjarige**” beteken ‘n kind onder die ouderdom van 18 jaar soos bepaal deur die Kinderwet van 2005 (Wet Nr 38 van 2005);

“**permithouer**” beteken ‘n senior tradisionele leier wat aansoek gedoen het en toegelaat is om ‘n inisiasieskool te bedryf en te bestuur;

“**voorskryf**” beteken skryf die regulasies voor;

“**Provinsiale Huis**” beteken die Limpopo Provinsiale Huis van Tradisionele Leiers wat kragtens artikel 2 van die Limpopo Wet op Huise van Tradisionele Leiers, 2005 (Wet Nr. 5 van 2005) ingestel was;

“**SAPD**” beteken die Suid-Afrikaanse Polisie Diens;

“**senior tradisionele leier**” beteken ‘n tradisionele leier van ‘n spesifieke tradisionele gemeenskap wat gesag uitoefen oor ‘n aantal hoofmanne en hoofvrouens in ooreenstemming met die gewoontereg, of binne wie se regsgebied ‘n aantal hoofmanne en hoofvrouens gesag uitoefen;

“**die Wetsontwerp**” sluit die regulasies in;

“**tradisionele gemeenskap**” beteken ‘n sodanige tradisionele gemeenskap wat erken word ingevolge artikel 3 van die Limpopo Wet op Tradisionele Leierskap en Instellings, 2005 (Wet Nr. 6 van 2005);

“**tradisionele raad**” beteken ‘n tradisionele raad wat gevestig is ingevolge artikel 2 van die Limpopo Wet op Tradisionele Leierskap en Instellings, 2005 (Wet Nr. 6 van 2005);

“**tradisionele leier**” beteken ‘n persoon wat behoorlik aangestel was of erken word as ‘n tradisionele leier deur-

- (a) ‘n persoon wat voor die inwerkingtreding van die Grondwet-
  - (i) die Staatspresident van die Republiek binne die betekenis van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet Nr. 110 van 1983);

- (ii) die President, Minister van die uitvoerende hoof van die regering onder enige ander grondwet of grondwetlike reëling wat van krag was in 'n area wat deel vorm van die Republiek; en
- (b) die Premier, en sluit enige persoon in wat tydelik aangestel was om op te tree in die plek van sodanige tradisionele leier; en

“**tradisionele praktyk**” beteken 'n praktyk volgens die gebruike, tradisies en godsdiens of enige ander reël van soortgelyke aard wat deur 'n tradisionele gemeenskap wat in die Provinsie geleë is erken word.

## 2. Oogmerke van die Wet

Die oogmerke van die Wet is om gevolg te gee aan gebruiklike kulturele praktyke en rituele van tradisionele gemeenskappe soos vervat in artikel 31 van die Grondwet.

## 3. Aansoek prosedure om 'n permit om 'n inisiasieskool te bedryf

(1) 'n Senior tradisionele leier moet aansoek doen by 'n betrokke distrikskantoor van die departement wat verantwoordelik is vir tradisionele aangeleenthede, in die voorgeskrewe vorm vir 'n permit om 'n inisiasieskool te bedryf en sodanige aansoek moet vergesel word deur —

- (a) voorgeskrewe dokumente;
- (b) 'n bewys dat die aansoek fooie betaal is;
- (c) 'n sertifikaat deur die omgewingsbeampte; en
- (d) 'n sertifikaat deur 'n gesondheidspraktisyn.

(2) 'n Komitee bestaande uit lede van die Plaaslike Huis en die gemagtigde amptenaar moet, binne die voorgeskrewe tydperk die aansoek om nakoming met die vereistes van subartikel (1) bestudeer.

(3) As die komitee tevrede is dat die aansoek aan die vereistes van subartikel (1) voldoen, moet die komitee die aansoek met die aanbevelings binne die voorgeskrewe tydperk aan die LUR oorhandig.

(4) Waar 'n aansoek nie voldoen aan die vereistes van subartikel (1), moet die komitee, binne die voorgeskrewe tydperk, die aansoek na die aansoeker verwys, die aansoeker daarop wys om die gebrekkige aansoek aan te vul of reg te stel binne die voorgeskrewe tydperk vanaf die verwysingsdatum.

(5) Indien die aansoeker versuim om aan subartikel (4) te voldoen, moet die komitee die aansoek na die LUR verwys vir 'n besluit.

#### **4. Perseel inspeksie**

(1) Die gemagtigde beampte mag die perseel waarop die permit betrekking het inspekteer.

(2) Waar 'n gemagtigde amptenaar die inspeksie doen, moet die gemagtigde amptenaar die LUR voorsien van 'n verslag ten opsigte van die geskiktheid van die perseel.

#### **5. Magte van die LUR**

(1) Die LUR mag die aansoek oorweeg ingevolge artikel (3) en die verslag van die inspeksie van die perseel ingevolge artikel (4) en mag-

(a) die permit toestaan op sodanige voorwaardes as wat die LUR mag bepaal; of

(b) die permit verwerp.

(2) Waar die LUR die aansoek om die permit te verwerp, moet die LUR skriftelike redes vir die besluit verskaf.

(3) Die LUR mag, op enige tyd, die permit op redelike grondslag twyfel, wysig, opskort of in trek.

## 6. Appèl-prosedure

- (1) 'n Aansoeker wat gegrief is met die besluit van die LUR mag, binne die voorgeskrewe tydperk waarin die kennisgewing bedien is met 'n besluit van die LUR, appèl by die Premier aanteken.
- (2) Die Premier mag, op redelike gronde wat aangevoer is die laat indiening van 'n appèl bevorder.
- (3) 'n Appèl moet die volgende insluit:
  - (a) 'n afskrif van die aansoek om die inisiasieskool aan te bied
  - (b) 'n skriftelike verklaring oor die beweegredes vir die appèl;
  - (c) die kennisgewing wat aan die aansoeker gestuur was deur die LUR ingevolge artikel 5 (1) (b); en
  - (f) enige ander relevante inligting rakende die appèl.

## 7. Verhoor van die appèl

- (1) Die Premier moet 'n appèlleringsgesag saamstel deur 'n geskikte persoon met kennis van tradisionele praktyke, tradisionele rituele of die wet aanstel om die appèl te oorweeg binne die voorgeskrewe tydperk en daarna aanbevellings aan die Premier maak.
- (2) Die Premier —
  - (a) mag 'n besluit wat deur die LUR bevestig was, ter syde stel of die besluit wysig
  - (c) moet die aansoek en die LUR skriftelik in kennis stel van die besluit.

## **8. Sluiting van die inisiasieskool**

- (1) Die LUR mag, waar nodig en met behulp van die ondersteuning van wetstoepassingsagentskappe –
- (a) 'n inisiasieskool sluit wat sonder 'n permit funksioneer of in teenstelling bedryf word met die voorwaardes soos uiteengesit in die permit;
  - (b) die ingewydes oorplaas na 'n gemagtigde inisiasieskool; of
  - (c) sodanige maatreëls tref wat geskik is om na die ingewydes om te sien.
- (2) Waar die LUR, op redelike grondslag oortuig is dat die inisiasieskool nie behoorlik bestuur word nie, of dat 'n ingewyde se gesondheidstoestand in gevaar is, mag die LUR 'n bevel uitreik vir die onmiddellike sluiting van sodanige inisiasieskool en verseker dat ingewydes wat mediese versorging benodig, sodanige mediese behandeling ontvang.

## **9. Verbod op die bedryf van 'n inisiasieskool sonder 'n permit**

Geen persoon mag 'n inisiasieskool bedryf –

- (a) sonder 'n geldige permit uitgereik ingevolge artikel 5(1)(a);
- (b) wat in stryd is met die voorwaardes soos bepaal in die permit.

## **10. Inspeksie en indiening van verslae**

- (1) Die LUR mag, in oorlegpleging met die LUR verantwoordelik wees vir gesondheidsaangeleenthede in die provinsie en die Provinsiale Huis, 'n persoon wat werksaam is in die openbare diens en wat voorheen gegradueer het by 'n inisiasieskool aanwys, om inspeksie te doen by enige inisiasieskool wat in die Provinsie aangebied word ten einde te verseker dat sodanige skool bestuur word in volkome voldoening aan hierdie Wet.
- (2) Waar die LUR ten volle oortuig is dat –
- (a) 'n oortreding, mishandeling, oorbevolking of enige soortgelyke daad by die inisiasieskool plaasvind; of
  - (b) omstandighede voorkom in die omgewing waar die inisiasieskool bedryf word en wat nadelig is vir die gesondheid of welstand van die ingewydes,
- mag die LUR, in oorlegpleging met die Provinsiale Huis en die LUR verantwoordelik vir gesondheidsaangeleenthede in die provinsie, die aangeleentheid laat ondersoek.

- (3) Na ontvangs van die inspeksieverslag, mag die LUR sodanige stappe neem wat die LUR nodig ag om die aangeleentheid aan te spreek.
- (4) Die permithouer moet die volledige persoonlike besonderhede van die ingewydes in 'n register aanteken en aan die LUR verslag doen.
- (5) Die permithouer moet onmiddellik die persoonlike besonderhede van die ingewydes wat by die inisiasieskool afgesterf het, asook die regstellende maatreëls wat ingestel is om 'n herhaling van sodanige sterftes te voorkom, by die Provinsiale Huis, die LUR en die SAPD aanmeld.
- (6) Na voltooiing van die inisiasieskool, moet die permithouer 'n volledige verslag op die voorgeskrewe vorm by die LUR, indien.

#### **11. Verbod op ontvoering**

- (1) Geen persoon mag 'n ander ontvoer, verplig, forseer of dwing om 'n inisiasieskool by te woon nie of onderwerp aan enige aktiwiteite wat by sodanige inisiasieskool plaasvind nie
- (2) Die LUR moet, so gou as wat die LUR bewus geword het dat 'n persoon ontvoer, verplig, forseer of gedwing was om 'n inisiasieskool by te woon, die permithouer beopdrag om onmiddellik sodanige persoon vry te laat en die aangeleentheid so gou as moontlik by die Suid-Afrikaans Polisie diens aanmeld.

#### **12. Toestemming om inisiasieskool by te woon**

- (1) Geen kind onder die ouderdom van 12 jaar mag toegelaat word om 'n inisiasieskool by te woon vir die doeleindes van besnyding nie.
- (2) 'n Minderjarige mag nie sonder hom/haar ouers of wettige voogde 'n inisiasieskool bywoon vir die doeleindes van besnyding nie.
- (3) 'n Persoon bo die ouderdom van 18 jaar mag vrywilliglik inskryf by 'n inisiasieskool vir die doeleindes van besnyding.

(4) Die ingewydes verwys na in subartikel (2) en (3) moet by die aansoek om 'n inisiasieskool by te woon vir die doeleindes van besnyding, 'n mediese sertifikaat indien, uitgereik deur 'n mediese praktisyn wat sertifiseer dat die ingewyde medies geskik is om die besnydingsprosedure te ondergaan, ingevolge die tradisionele praktyke en rituele van sodanige tradisionele gemeenskap.

(5) Enige persoon ouer as 12 jaar en onder 18 jaar wat homself of haarself sonder die toestemming van hom of haar ouers of voog by 'n inisiasieskool vir die doeleindes van besnyding inskryf, mag nie inisiasie rituele ondergaan nie, of ook nie besnyding nie, totdat die tradisionele leier in beheer asook die permithouer in kennis gestel is en ook 'n mediese sertifikaat verwys na in subartikel(4) en 'n skriftelike instemmingsbrief van die ouer of wettige voog indien soos uiteengesit in subartikel (2).

(6) Geen permithouer mag 'n ingewyde verwys na in –

(a) subartikel (2) by die inisiasieskool aanvaar sonder die vereistes mediese sertifikaat of toestemming nie;

(b) subartikel (3) aanvaar nie, sonder die vereiste mediese sertifikaat verwys na in hierdie artikel nie.

### **13. Rol van die Departement van Gesondheid**

Die LUR verantwoordelik vir gesondheidsaangeleenthede in die provinsie moet, met behulp van spesifieke programme, ingewydes ondersteun om die nodige mediese sertifikaat te bekom, ingevolge hierdie Wet.

### **14. Persone wat inisiasie rituele mag uitvoer**

(1) Slegs 'n persoon wat gegradueer het by 'n inisiasieskool of 'n persoon wat geregistreer is op die voorgeskrewe wyse as 'n besnydingsdokter in die register van dokters mag inisiasie rituele uitvoer en ingewydes besny.

(2) Tydens die uitvoering van tradisionele rituele moet die persoon verwys na in subartikel (1) sorgvuldig en ywerig handel en ook alle voorgestelde mediese standarde handhaaf.

(3) Die Provinsiale Huis moet 'n register van besnydingsdokters opstel en byhou op die voorgestelde wyse.



(4) Die permithouer is verantwoordelik vir die versorging, veiligheid en welstand van die ingewydes.

#### **15. Datum van inisiasieskool**

(1) Die LUR moet ingevolge subartikel (2) en in oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir onderwysaangeleenthede die datums bepaal waarop die inisiasieskool bedryf sal word.

(2) Die datum waarop die inisiasieskool bedryf sal word, mag nie indruis met die akademiese skoolkalender nie.

#### **16. Oortredings**

'n Persoon wat die bepalings van artikel 9, 11(1), 12(1), (2), (6) en 14 (1), (2) of (4) verontagsaam, begaan 'n oortreding en is na skuldig bevinding onderhewig aan 'n boete of 'n tydperk van tronkstraf of beide sodanige boete of tronkstraf wat nie vyf jaar mag oorskry nie.

#### **17. Regulasies**

Die LUR mag, na oorlegpleging met die Provinsiale Huis, regulasie instel met betrekking tot

—

- (a) die tydperke vir aansoek om 'n inisiasieskool te bedryf en om die appèl af te handel;
- (b) die kategorieë en boonste grense van die fooie wat betaalbaar is vir die bywoning van 'n inisiasieskool;
- (c) die registrasie vereistes vir 'n besnydingsdokter en die byhou van 'n register daarvoor; en
- (d) enige ander aangeleentheid wat noodsaaklik is vir die bereiking van die oogmerke van hierdie Wet.

#### **18. Herroeping van wette**

Die Limpopo Provinsiale Wet op Besnydingsskole, 1996 (Wet Nr.6 van 1996) word hiermee herroep.

**19. Kort titel en inwerkingtreding**

Hierdie Wet word die Limpopo Wet op Inisiasieskole, 2014 genoem.

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**MEMORANDUM OOR DIE OOGMERKE VAN DIE  
LIMPOPO WETSONTWERP OP INISIASIESKOLE, 2014**

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**1. AGTERGROND EN DOELWIT VAN WETSONTWERP**

- 1.1. Die Limpopo Wetsontwerp op Inisiasieskole (die Wetsontwerp) was ontwikkel in lyn met Hoofstuk 12, artikel 211 van die Grondwet van die Republiek van Suid-Afrika, 1996 (die Grondwet) en ander toepaslike wetgewing. Artikel 211 (1) van die Grondwet maak voorsiening vir die erkenning van 'n stelsel van gewoontereg en die nakoming van gewoontereg praktyke, insluitend die instelling van inisiasieskole.
- 1.2. Die Noordelike Provinsie se Wet op Besnydingskole, 1996 (Wet Nr.6 van 1996) was gevolglik verorden deur die Provinsiale Regering van Limpopo om die bedryf van inisiasieskole in die provinsie te reguleer.
- 1.3. Bykomende maatreëls wat poog om die aanbieding van onwettige inisiasieskole te bekamp en te voorkom moet ingestel word. Gevolglik sal dit die moontlikheid van ongekwalifiseerde snydokters uitskakel, wat op 'n gereelde basis onherstelbare skade aanrig aan ingewydes.
- 1.4. Die hoof oogmerke van die Wetsontwerp is om inisiasieskool gewoontes en tradisies van tradisionele gemeenskappe in die provinsie te reguleer, ten einde die Limpopo Provinsie Wet op Besnydingskole, 1996 (Wet Nr. 6 van 1996) te herroep en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

**2. SOSIALE IMPLIKASIES**

Die Wetsontwerp is daarop gemik om tradisionele praktyke wat verband hou met die bedryf van inisiasieskole te reguleer, in ooreenstemming met toepaslike gewoontereg en praktyke binne die Provinsie. Die Wetsontwerp beperk die uitvoering van inisiasierituele deur besnydingsdokters en wat as sodanig geregistreer is in die register van besnydingsdokters. Gevolglik sal dit die moontlikheid van ongekwalifiseerde

snydokters uitskakel, wat op 'n gereelde basis onherstelbare skade aanrig aan ingewydes.

### **3. KLOUSULE NA KLOUSULE ANALISE**

3.1. Artikel 1 maak voorsiening vir definisies.

3.2. Artikel 2 gee 'n uiteensetting van die oogmerke van die Wet.

3.3. Artikel 3 gee 'n uiteensetting van die aansoekprosedure om 'n permit vir die bedryf van 'n inisiasieskool.

3.4 Artikel 4 maak voorsiening vir perseel inspeksie.

3.5 Artikel 5 maak voorsiening vir die magte van die LUR.

3.6 Artikel 6 maak voorsiening vir appèl-prosedure.

3.7 Artikel 7 maak voorsiening vir die verhoor van 'n appèl.

3.8 Artikel 8 maak voorsiening vir die sluit van inisiasieskole.

3.9 Artikel 9 maak voorsiening vir die verbod op die bedryf van 'n inisiasieskool sonder 'n permit.

3.10 Artikel 10 maak voorsiening vir inspeksie en indiening van verslae.

3.11 Artikel 11 maak voorsiening vir die verbod teen ontvoering.

3.12 Artikel 12 maak voorsiening vir toestemming om 'n inisiasieskool by te woon.

3.13 Artikel 13 maak voorsiening vir die rol van die Departement van Gesondheid.

3.14 Artikel 14 maak voorsiening vir persone wat inisiasie rituele mag uitvoer.

3.15 Artikel 15 maak voorsiening vir datums van inisiasieskole.

- 3.16 Artikel 16 maak voorsiening vir misdrywe.
- 3.17 Artikel 17 maak voorsiening vir regulasies.
- 3.18 Artikel 18 maak voorsiening vir die herroeping van wette.
- 3.19 Artikel 19 maak voorsiening vir die korttitel en inwerkingtreding van die Wet.

#### **4. FINANSIËLE IMPLIKASIES**

Daar sal kostes verbonde wees aan die publikasie van die Wetsontwerp in die staatskoerant vir openbare kommentaar, asook vir die advertering van kennisgewings rakende die Wetsontwerp in twee koerante. Enige regulasies uitgereik ingevolge hierdie Wet sal egter ook publikasie kostes inhou.

#### **5. PERSONEEL EN ORGANISATORIESE IMPLIKASIES**

Die Departement sal beamptes delegeer om die regulasies met betrekking tot besnydingsdokters te administreer, asook die uitreiking van permitte om inisiasieskole te bedryf.

#### **6. GRONDWETLIKE IMPLIKASIES**

Daar is geen grondwetlike implikasies verbonde aan die Wetsontwerp nie. Gevolglik het ons vertrouwe in die grondwetlikheid van die Wetsontwerp, aangesien dit geen aanstootlike bepalings bevat nie.

#### **7. INSTELLINGS GEKONSULTEER**

Die Nasionale Departement van Samewerkende Regering en Tradisionele Sake, die Staatsregsadviseurs in die Kantoor van die Premier van Limpopo, asook die Provinsiale Huis van Tradisionele Leiers was geraadpleeg.

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## ISAZISO MAZOMBE

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### ISAZISO 81 SAKA 2014

#### UMBUSO WEPHROVINSI YELIMPOPO

#### UMNYANGO WEZOMBUSOHLANGANYELA, UKUHLALISWA KWABANTU NEZENDABUKO

#### UMTHETHOMLINGWA WENGOMA WELIMPOPO, WAKA-2014

Ngokuya ngokwemiThetho yaSafuthi nemiLayo yesiBethamthetho seLimpopo, umThethomlingwa weNgoma wePhrovinsi yeLimpopo, waka-2014 uyakhangiswa lapha bona umphakathi uveze imibono.

Omunye nomunye umuntu namkha ihlangano efisa ukuveza umbono ngomtlole ekukhulunywa ngawo lo, ingenza njalo ngomtlole ngomhlaka namkha ngaphambi kwamhlana amalanga ama-10/04/2014. Imitlole inqotjhiswe ku:-

#### The Head of Department

Department of Cooperative Governance, Human Settlements and Traditional Affairs

Private Bag X 9485

POLOKWANE

0700

FOR ATTENTION: Priceman Mngomezulu

Tel: (015) 2845411

Fax: (015) 2958263

Email: [mngomezulup@coghsta.limpopo.gov.za](mailto:mngomezulup@coghsta.limpopo.gov.za)

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**ISIBETHAMTHETHO SEPHROVINSI YELIMPOPO**

**UMTHETHOMLINGWA WENGOMA WELIMPOPO, WAKA-2014**

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njengombana waziswa

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**(NGUSOMKHANDLU WEZOMBUSOHLANGANYELA, UKUHLALISWA KWABANTU  
NEZENDABUKO)**

## UMTHETHOMLINGWA

Wokulawula imikhuba namasiko wemiphakathi esagcina amasiko ephrovinsini, wokuphelisa umThetho weNgoma wePhrovinsi yeLimpopo, waka-1996 (umThetho Wesi-6 waka-1996); kanye nokuqalelela ngezinye iindaba ezikhambelana nalokho.

WENZIWE UMTHETHO siBethamthetho sePhrovinsi yeLimpopo ngendlela elandelako: –

### linhlathululo

1. KilomThetho, ngaphandle kwalokha nangabe okumunyethweko kutjengisa okhunye okuhlukileko –

“**isiphathiswa esigunyaziweko**” kutjhiwo ihloko yomnyango oqalene nezendabuko namkha nanyana ngimuphi umuntu othunywe yihloko yomnyango bonyana enze umsebenzi ukuya ngokomThetho lo;

“**udorhoda oyamisako**” kutjhiwo umuntu, orejistwe ngendlela ejanyiswe kurejista yabodorhoda abayamisako, obandulwe ngokwesiko ukwenza imisebenzi yamasiko wesintu kanye nokulandela iinkambiso zamasiko wesintu;

“**umThethosisekelo**” kutjhiwo umThethosisekelo weRiphabliki yeSewula Afrika, waka-1996;

“**umsegwabo**” kutjhiwo umuntu oya engomeni ngomnqopho wokugcina imisebenzi yamasiko wesintu kanye neenkambiso zamasiko wesintu ngokulandela imikhwa namasiko afaneleko womphakathi lowo osagcina amasiko;

“**iinhlango ezikatelela ukusebenza komthetho**” zifaka hlangana i-SAPS, abalawuli beentuthi bephrovinsi nanyana bakamasipala kanye namapholisa wakamasipala;

“**iNdlu yeNdawo**” kutjhiwo iziNdlu zeNdawo zabaRholi beNdabuko ezihlonywe ngaphasi kwesigaba 10 somThetho weLimpopo weziNdlu zabaRholi beNdabuko, waka-2005 (umThetho Wesi-5 waka-2005);

“**uSomkhandlu**” kutjhiwo uSomkhandlu oqalene nezendabuko ePhrovinsini;



**“umntwana ngokomthetho”** kutjhiwo umntwana ongaphasi kweminyaka yobudala eli-18 njengombana kutlolwe emThethweni wezabaNtwana, waka-2005 (umThetho Wama-38 waka-2005);

**“umphathi wemvumo”** kutjhiwo ikosi eyenze isibawo begodu enemvumo yokukhupha nokulawula ingoma;

**“jamisa”** kutjhiwo okujanyiswe mithetjhwana;

**“iNdlu yePhrovinsi”** kutjhiwo iNdlu yabaRholi beNdabuko yePhrovinsi yeLimpopo ehlonkwe ngaphasi kwesigaba 2 somThetho weziNdlu zabaRholi beNdabuko eLimpopo, waka-2005 (umThetho Wesi-5 waka-2005);

**“i-SAPS”** kutjhiwo iPhiko lemiSebenzi yamaPholisa eSewula Afrika;

**“ikosi”** kutjhiwo umrholi wendabuko obusa umphakathi othileko osagcina amasiko begodu obusa amakhosana ambalwa ngokulandela umthetho wesintu, nanyana onamakhosana ambalwa abusa ngaphasi kwakhe ngaphakathi kwendawo yena njengekosi anelungelo lokuyibusa;

**“umThetho lo”** ufaka hlangana imithetjhwana;

**“umphakathi osagcina amasiko”** kutjhiwo umphakathi owamukelwa njengomphakathi osagcina amasiko ukuya ngokwesigaba 3 somThetho weLimpopo wezobuRholi beNdabuko neenKhungo, waka-2005 (umThetho Wesi-6 waka-2005);

**“umkhandlu wamasiko”** kutjhiwo umkhandlu wamasiko ohlonkwe ukuya ngokwesigaba 4 somThetho weLimpopo wezobuRholi beNdabuko neenKhungo, waka-2005 (umThetho Wesi-6 waka-2005);

**“umrholi wendabuko”** kutjhiwo umuntu okhethwe ngendlela efaneleko nanyana owamukelwa njengomrholi wendabuko-

- (a) mumuntu okuthe ngaphambi kokuthoma ukusebenza komThethosisekelo kwatholakala bonyana-

- (i) unguMengameli womBuso weRiphabliki ukuya ngalokhu okutjiwo mThetho womThethosisekelo weRiphabliki yeSewula Afrika, waka-1983 (umThetho We-110 waka-1983);
  - (ii) unguMengameli, unguNdunakulu nanyana usikhulu esiphetheko ngaphasi kwananyana ngiwuphi omunye umthethosisekelo nanyana amalungiselelo womthethosisekelo ebegade asebenza endaweni eyingcenyane yeRiphabliki; begodu
- (b) nguNdunakulu, begodu kufaka hlangana nanyana ngimuphi umuntu okhethwe bonyana abe mjaphethe womrholi wendabuko onjalo; begodu

“**isiko lesintu**” kutjiwo isiko eliphathelene nemikghwa, namasiko, nekolo namkha kutjiwo ikolelo ephathelene nanyana ngiwuphi omunye umthetho ogcinwa mphakathi osagcina amasiko otholakala ngaphakathi kwePhrovinsi.

## 2. Umnqopho womThetho

Umnqopho womThetho lo kuphumelelisa iinkolelo zamasiko wesintu kanye neenkambiso zamasiko wesintu njengombana zimunyethwe sigaba 31 somThethosisekelo.

## 3. Ikambiso yokwenza isibawo semvumo yokukhupha ingoma

- (1) Ikosi kufanele bonyana yenze isibawo e-ofisini lesiyingi elifaneleko lomnyango oqalene nezendabuko, ngokusebenzisa indlela ejanyisiweko yokwenza isibawo sokukhupha ingoma, begodu isibaweso kufanele bonyana sikhambisane –
- (a) nemitlolo ejanyisiweko;
  - (b) nobufakazi bokobana iimbadalo zesibawo zikhutjiwe;
  - (c) nesitifikedi sesiphathiswa sezebhoduluko; kanye
  - (d) nesitifikedi sesazi sezamaphilo.
- (2) Ikomidi enamalunga weNdlu yeNdawo kanye nesiphathiswa esigunyaziweko kufanele, ngaphakathi kwesikhathi esijanyisiweko, ihlolise isibaweso bonyana ingabe siyakhambisana neemfuneko zesigatjana (1) nanyana njani.

- (3) Nangabe ikomidi iyaneliseka bonyana isibaweso siyahlangabezana neemfuneko zesigatjana (1), ikomidi leyo kufanele, ngaphakathi kwesikhathi esijanyisiweko, yethule isibawo esikhambisana nesiphakamiso sekomidi kuSomkhandlu.
- (4) Lokha nangabe isibaweso asihlangabezani neemfuneko zesigatjana (1), ikomidi leyo kufanele, ngaphakathi kwesikhathi esijanyisiweko, idlulisele isibaweso kiloyo owenze isibawo, begodu ilayele loyo owenze isibawo bonyana akhabelele nanyana alungise isibawo sakhe esingakalungi ngaphakathi kwesikhathi esijanyisiweko ukuthoma ngesikhathi ekudluliselwe ngaso isibaweso kuye.
- (5) Nangabe loyo owenza isibawo uyabhalelwa kukhambisana nesigatjana (4), ikomidi leyo kufanele idlulisele isibawo sakheso kuSomkhandlu akwazi ukuthatha isiqunto.

#### **4. Ukuhlolwa kwebala lokuwisela ingoma**

- (1) Isiphathiswa esigunyaziweko sivumelekile bonyana sihlola ibala lokuwisela ingoma elikhambelana nemvumo.
- (2) Lokha nangabe isiphathiswa esigunyaziweko sihlola ibala lokuwisela ingoma, isiphathiswa esigunyaziweko kufanele sinikele uSomkhandlu umbiko omayelana nokwamukeleka kwebalelo.

#### **5. Amandla wakaSomkhandlu**

- (1) USomkhandlu kufanele atjheje isibawo ukuya ngokwesigaba (3) begodu kufanele atjheje umbiko wokuhlolwa kwebala lokuwisela ingoma ukuya ngokwesigaba (4) begodu uvumelekile bonyana –
  - (a) anikele imvumo ngokulandela imibandela uSomkhandlu anemvumo yokuyibeka; nanyana
  - (b) ale ukunikela imvumo.

- (2) Lokha nangabe uSomkhandlu uyasala isibawo semvumo, uSomkhandlu kufanele anikele iinzathu ezitloliweko zesiqunto sakhe.
- (3) USomkhandlu uvumelekile, isikhathi esinye nesinye, ngeenzathu ezizwakalako, bonyana atjhugulule, ajamise nanyana esule imvumo.

**6. Ikambiso yokwenza isibawo sokuzibilayeza**

- (1) Loyo owenze isibawo kodwana onganeliseki ngesiqunto esithethwe nguSomkhandlu uvumelekile, ngaphakathi kwesikhathi esijanyisiweko afumene ngaso isaziso esimayelana nesiqunto sakaSomkhandlu, bonyana afake isibawo sokuzibilayeza kuNdunakulu.
- (2) UNdunakulu uvumelekile, nangabe kunesizathu esizwakalako esiveziweko, bonyana amukele ukufakwa kwesibawo sokuzibilayeza ngemva kwesikhathi.
- (3) Isibawo sokuzibilayeza kufanele sifake hlangana lokhu okulandelako:
  - (a) ikhophi yesibawo sokukhupha ingoma;
  - (b) isitatimende esitloliweko seenzathu zokwenza isibawo sokuzibilayeza;
  - (c) isaziso esithunyelwe nguSomkhandlu kiloyo owenze isibawo ukuya ngokwesigaba 5 (1) (b); begodu
  - (f) nanyana ngiliphi elinye ilwazi elikhambelana nesibawo sokuzibilayeza.

**7. Ukulalelwa kwesibawo sokuzibilayeza**

- (1) UNdunakulu kufanele abumbe ibandla leembawo zokuzibilayeza ngokukhetha umuntu onekghono begodu onelwazi ngamasiko wesintu, ngeenkambiso zamasiko wesintu nanyana owazi umthetho ukwenzela bonyana akwazi ukutjheja isibawo sokuzibilayeza ngaphakathi kwesikhathi esijanyisiweko begodu enze iimphakamiso kuNdunakulu.

(2) UNdunakulu –

- (a) uvumelekile bonyana aqinisekise, aphayele ngeqadi nanyana atjhugulule isiqunto sakaSomkhandlu; begodu
- (c) kufanele, ngokutlola phasi, azise loyo owenze isibawo kanye noSomkhandlu ngesiqunto asithetheko.

## 8. Ukugoduswa kwengoma

- (1) USomkhandlu uvumelekile, nakunesidingo, begodu ngokusizwa ziinhlango ezikatelela ukusebenza komthetho bonyana –
  - (a) agoduse ingoma ekhutjwe ngaphandle kwemvumo nanyana ephikisana nemibandela emunyethwe yimvumo;
  - (b) adlulisele abakhethwa engomeni egunyaziweko; nanyana
  - (c) enze amanye amalungiselelo afaneleko wokuthogomela abakhethwa.
- (2) Lokha nangabe uSomkhandlu, ngeenzathu ezizwakalako, ukholelwa ekutheni ingoma leyo ayikhanjiswa ngefanelo, nanyana ukholelwa ekutheni ubujamo bezamaphilo babakhethwa busengozini, uSomkhandlu uvumelekile bonyana akhuphe umyalo wokobana ingoma leyo igoduswe msinyana begodu uvumelekile ukuqinisekisa bonyana abakhethwa abadinga itjhejo lezokwelatjiswa bafumana ukwelatjiswa okufaneleko.

## 9. Ukungakavunyelwa ukukhupha ingoma ngaphandle kwemvumo

Akunamuntu ovunyelwe ukukhupha ingoma –

- (a) ngaphandle kwemvumo esemthethweni ekhutjwe ukuya ngokwesigaba 5(1)(a);
- (b) ephikisana nombandela omunyethwe yimvumo.

## 10. Ukuhlolwa nokunikelwa kwemibiko

- (1) USomkhandlu ngokuthintana noSomkhandlu oqalene nezamaphilo ephrovinsini kanye neNdlu yePhrovinsi angakhetha umuntu oqatjwe ngaphasi kukarhulumende noyileko engomeni bona ahlole ingoma ewelele ePhrovinsini ukuze kuqinisekise bona ingoma ikhanjiswa ngokulandela umThetho.

- (2) Lapho uSomkhandlu aneenzathu zokukholwa bona -
  - (a) kube nokweqiwa komthetho, ukungaphathi kuhle, ukuzala khulu nofana esinye isehlakalo esenzeka engomeni; nofana
  - (b) ubujamo bezamaphilo balapho kuwelele khona ingoma bungaba yingozi ebakhethweni, uSomkhandlu ngemva kokuthintana neNdlu yePhrovinsi kanye noSomkhandlu oqalene nezamaphilo ephrovinsini angenza iphenyo.
- (3) Ngemva kokuthola umbiko wephenyo, uSomkhandlu angathatha amagadango awabona afanele ukulungisa ubujamo.
- (4) Umphathi wemvumo kufanele arekhode imininingwana epheleleko yabakhethwa kurejista bese ubika kuSomkhandlu.
- (5) Umphathi wemvumo kufanele abikele iNdlu yePhrovinsi, uSomkhandlu ne-SAPS khonokho nakube kuba nomkhethwa ohlongakalako engomeni bekube namagadango ajanyiswako azokukhandela bona kungasabi nesehlakalo esinjalo.
- (6) Ngemva kokugoduswa kwengoma, umphathi wemvumo kufanele anikele ngombiko opheleleko kuSomkhandlu, enze lokhu ngendlela ejanyisiweko.

#### **11. Ukungakavunyelwa ukuwisela umuntu ngekani**

- (1) Akunamuntu ovunyelwe ukukatelela omunye bona awele nofana enze okuthileko okuphathelele nengoma ngekani.
- (2) USomkhandlu kufanele bona athi angezwa bona kunomuntu owiselwe ngekani, alayele umphathi wemvumo bona atjhaphulule umuntu loyo khonokho bekabike isehlakalweso ePhikweni lemiSebenzi yamaPholisa weSewula Afrika.

#### **12. Imvumo yokuwela**

- (1) Akunamntwana ongaphasi kweminyaka eli-12 ovunyelwe bona aye engomeni.
- (2) Umntwana ongaphasi kweminyaka yobudala akavunyelwa ukuya engomeni ngaphandle kwemvumo etlolwe ngendlela ejanyisiweko yababelethi bakhe nofana yomtlhogomeli wangokomthetho.

- (3) Umuntu oneminyaka engehla kweli-18 angaya engomeni ngokuthanda kwakhe.
- (4) Abesegwabo ekukhulunywa ngabo esigatjaneni (2) nesigatjaneni (3) kufanele bathi ngaphambi kokuya engomeni bahlolwe ngudorhoda bekabakhuphele iintifiked i eziqinisekisa bona bakulungele ngokwezamaphilo ukuya engomeni ngokwekambiso yamasiko wesintu nangokulandela imikghwa namasiko afaneleko womphakathi osagcina amasiko.
- (5) Omunye nomunye umuntu ongaphezu kweminyaka eli-12 kodwana angaphasi kweminyaka eli-18 oziyela engomeni ngaphandle kwemvumo yababelethi bakhe nofana yomthhogomeli wangokomthetho wakhe, kumele angenziswa amasiko wengoma nofana awiselwe bekube kulapho kwaziswa ikosi ephetheko kanye nomphathi wemvumo begodu athole isitifikedi sezamaphilo ekukhulunywa ngaso esigatjaneni (4) kanye nemvumo etloliweko yombelethi nofana yomthhogomeli wangokomthetho njengoba kuvezwe esigatjaneni (2).
- (6) Umphathi wemvumo akavunyelwa bona amukele umsegwabo ekukhulunywa ngaye—
- (a) esigatjaneni (2) bona aye engomeni ngaphandle kwesitifikedi sezamaphilo esifunekako nofana imvumo;
- (b) ngokwesigatjana (3) ngaphandle kwesitifikedi sezamaphilo esifunekako okukhulunywe ngaso esigabenesi.

### 13. Indima yomNyango wezamaPhilo

USomkhandlu oqalene neendaba zamaphilo ephrovinsini ufanele ngokwamahlelo akhethekileko asize abesegwabo ukuthola iintifiked i ezifunekako zezamaphilo ngokomThetho lo.

### 14. Abantu abangayamisako

- (1) Mumuntu owelileko kwaphela nofana ozitlolise ngendlela ejanyisiweko njengodorhoda oyamisako kurejista yabayamisako ovunyelwe ukwenzisa amasiko wengoma bekayamise abakhethwa.
- (2) Ekwenzeni amasiko wesintu, umuntu ekukhulunywa ngaye esigatjaneni (1) kufanele atjheje bekayebele khulu bekagcine amazinga ajanyisiweko wezamaphilo.

- (3) INdlu yePhrovinsi kufanele yenze beyigcine irejista yabodorhoda abayamisako ngendlela ejanyisiweko.
- (4) Umphathi wemvumo unesibopho sokutjheja, ukuqinisekisa ukuphepha nokuphatheka kuhle kwabakhethwa.

#### **15. Ilanga lengoma**

- (1) USomkhandlu ngokwesigatjana (2), kanye nangokubonisana neLunga lomKhandlu oPhetheko eliqalene neendaba zefundo kufanele ajamise amalanga wokuwela nokugoduka kwengoma.
- (2) Amalanga wokuwela kwengoma kufanele angatjhayisani namalanga wesikolo.

#### **16. Imilandu**

Umuntu ozokweqa nofana aphule iinjamo zesisigaba 9, 11(1), 12(1), (2), (6) kanye 14(1), (2) nofana (4) wenza umlandu begodu angahlawuliswa nofana agwetjwe isikhathi esingaphasi kweminyaka emihlanu ngejele, nofana ahlawuliswe bekagwetjwe iminyaka engaphasi kwemihlanu ngejele.

#### **17. Imithetjhwana**

USomkhandlu ngemva kokuthintana neNdlu yePhrovinsi, angenza imithetjhwana mayelana—

- (a) neenkhati zokufaka iimbawo zemvumo yokukhupha ingoma kanye nokuqedelela isibilayezo;
- (b) neengaba namaqintelo aphezulu wemali yengoma;
- (c) neemfuneko zokutloliswa kwabodorhoda abayamisako kanye nokugcinwa kwerejista yabodorhoda abayamisako; kanye
- (d) nokhanye okuzokuphumelelisa ukufikelelwa komnqopho womThetho lo.

#### **18. Ukupheliswa kwemithetho**

UmThetho weNgoma weLimpopo waka-1996 (umThetho Wesi-6 waka-1996) uphelisiwe.



**19. Isihloko esifitjhani nokuthoma ukusebenza**

UmThetho lo ubizwa bona mThetho weNgoma weLimpopo, waka-2014.

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**IMEMORANDAMU NGEMINQOPHO YOMTHETHOMLINGWA WENGOMA WELIMPOPO,  
WAKA-2014**

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**1. ISENDLALELO NOMNQOPHO WOMTHETHOMLINGWA**

- 1.1. UmThethomlingwa weNgoma weLimpopo (umThethomlingwa) wenziwe ngokukhambisana nesaHluko 12, isigaba 211 somThethosisekelo weRiphabhligi yeSewula Afrika, wango-1996 (umThethosisekelo) kanye neminye imithetho esebenzisekako. Isigaba 211 (1) somThethosisekelo sifuna kuyelelwe irherho lomthetho wamasiko kanye nokubekwa ilihlo kokwenziwa kwamasiko okufaka hlangana nemiphadu.
- 1.2. UmThetho weNgoma wePhrovinsi yeTlhagwini , waka-1996 (umThetho Wes-6 waka-1996) wajanyiswa mBuso wePhrovinsi yeLimpopo ukulawula ukuwiselwa kwengoma ephrovinsini.
- 1.3. Amagadango wokungezelela ahlose ukuqinisa nokukhandela ukuwiselwa kwengoma ngokungasimthetho, kuzokufuneka bona ethulwe. Lokhu kuzokusiza ukuphelisa ikghonakalo yokubakhona kwabodorhodera abayamisako abangasisemthethweni evane benze umonakalo ebakhethweni.
- 1.4. Umnqopho omkhulu womThethomlingwa lo, kulawula imikhuba namasiko wengoma wemiphakathi esagcina amasiko ephrovinsini, ukubulawa komThetho weNgoma wePhrovinsi yeTlhagwini, waka-1996 (umThetho Wes-6 waka-1996); kanye nokuqalelela ezinye iindaba ezikhambelana nalokho.

## 2. UMTHELELA KEZEHLALAKUHLE

UmThethomlingwa ufuna ukulawula isiko lokuwisela ingoma ngokukhambisana nemithetho yamasiko esebenzisekako ePhrovinsini. UmThethomlingwa lo uvumela kuphela abodorhoda abayamisako abatloliswe kurejista yabodorhoda abayamisako bona kube ngibo kwaphela abayamisako. Lokhu kuzokusiza ukuphelisa ikghonakalo yokubakhona kwabodorhoda abangasisemthethweni evane benze umonakalo ebakhethweni.

## 3. IHLAZIYO LENDINYANA NGAYINYE

- 3.1. Isigaba 1 siveza iinhlathululo ezisetjenziswe emThethweni lo.
- 3.2. Isigaba 2 siveza iminqopho yomThetho lo.
- 3.3. Isigaba 3 siveza ikambiso yokufaka isibawo sokukhupha ingoma.
- 3.4. Isigaba 4 siveza ukuhlolwa kweendawo.
- 3.5. Isigaba 5 siveza amandla wakaSomkhandlu.
- 3.6. Isigaba 6 siveza ikambiso yokuzibilayeza.
- 3.7. Isigaba 7 siveza ukulalelwa kwesibilayezo.
- 3.8. Isigaba 8 siveza ukugoduswa kwengoma.
- 3.9. Isigaba 9 siveza ukungavunyelwa kokuwisela ingoma ngaphandle kwemvumo.
- 3.10. Isigaba 10 siveza ukuhlolwa kweendawo nokunikela ngemibiko.
- 3.11. Isigaba 11 siveza ukungakavunyelwa ukuwisela omunye ngekani.
- 3.12. Isigaba 12 siveza imvumo yokuyokuwela.
- 3.13. Isigaba 13 siveza indima yomNyango wezamaPhilo.

- 3.14 Isigaba 14 siveza abantu abangenzisa amasiko wengoma.
- 3.15 Isigaba 15 siveza amalanga wokuwiselwa kwengoma.
- 3.16 Isigaba 16 siveza imilandu.
- 3.17 Isigaba 17 siveza imithetjhwana.
- 3.18 Isigaba 18 siveza ukusulwa kwemithetho.
- 3.19 Isigaba 19 siveza isihloko esifitjhani nokuthoma ukusebenza komThetho.

#### **4. UMTHELELA KEZEEMALI**

Kuzokuba neendleko zokugazeda umThethomlingwa lo kugazedi yombuso ukwenzela bona umphakathi uveze imibono kanye nezaziso ezikhangisa umThethomlingwa emaphephandabeni amabili. Eminye neminye imithetjhwana ekhutjwa ngaphasi komThetho izokuba neendleko zokugazeda.

#### **5. UKUHLINZEKELA NGABASEBENZI NOMTHELELA EHLANGANWENI**

UmNyango uzakuthumela iimphathiswa ezizokuphatha ukutloliswa kwabodorhodera abayamisako kanye nokukhutjwa kweemvumo zokukhupha ingoma.

#### **6. IMITHELELA KUMTHETHOSISEKELO**

Ayikho imithelela kumthethosisekelo ekhambisana nomThethomlingwa lo. Ngalokhoke, siyathemba umThethomlingwa lo awukaphambani nomthethosisekelo njengoba kungekho lapho uveza iinjamiso eziphula umthetho.

#### **7. IINKHUNGO EKUBONISENWE NAZO**

UmNyango wezomBusohlanganyela nezeNdabuko; abeLuleki bezomThetho bomBuso nge-Ofisini lakaNdunakulu weLimpopo kanye neNdlu yabaRholi beNdabuko ePhrovinsini.

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## TSEBIŠO KAKARETŠO

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### TŠEBIŠO KAKARETŠO 81 YA 2014 MMUŠO WA PROFENSE YA LIMPOPO

### KGORO YA MMUŠO WA TIRIŠANO, BODULO BJA BATHO LE TŠA MERERO YA SETŠO

#### MOLAOKAKANYWA WA KOMA WA LIMPOPO, 2014

Go ya le ka Melao ye e Ikemego le Otara tša Lekgotlatheramelao la Limpopo, Molaokakanywa wa Koma wa Limpopo, 2013 o tsebišwa go setšhaba gore se dire ditshwayatshwayo.

Motho mang goba mang yo a ratago go swayaswaya ka molaokakanywa wo a ka dira bjalo ka go ngwala lengwalo la ditshwayatshwayo letšatši pe le ga 10/04/2014. gomme a ngwalela:

**Hlogo ya Kgoro**

**COGHSTA**

**Private Bag X9485**

**POLOKWANE**

**0700**

**GO YA GO: Mr PM Mngomezulu**

**Mogala: (015) 2845411**

**Fekese: (015) 2958263**

**Email: [MngomezuluP@limdlgh.gov.za](mailto:MngomezuluP@limdlgh.gov.za)**

**LEKGOTLATHERAMELAO LA LIMPOPO**

**MOLAOKAKANYWA WA KOMA WA LIMPOPO, 2014**

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Ka ge o tsebagaditšwe ke

**(LELOKO LA KHUDUTHAMAGA YA MMUŠO WA TIRIŠANO, BODULO BJA BATHO.LE  
MERERO YA SETŠO)**

## **MOLAOKAKANYWA**

**Go sepetša semolao ditlwaelo tša koma le ditšo tša ditšhaba tša setšo ka gare ga profense, go fediša Molao wa Lebollo wa Profense ya Limpopo, 1996 (Molao No.6 wa 1996); le go fa merero yeo e lebaganego le wona.**

**KA GE E BEILWE KE** Lekgotlatheramelao la Limpopo ka fao go latelago: —

### **Dihlathollo**

1. Ka mo gare ga Molao wo, ntle le ge kgopolo e laetša ka tsela ye nngwe —

**“rakantoro yo a dumeletšwego”** e ra gore hlogo ya kgoro ye e lebaganego le merero ya setšo goba motho yo mongwe le yo mongwe yo a rometšwego ke hlogo ya kgoro go dira mošomo go ya ka Molao wo;

**“thipana”** e ra gore motho yo a ngwadišitšwego ka mokgwa wo o kgethilwego ka gare ga retšisetara ya borathipana, bao ba hlahlilwego ka mokgwa wa setšo go dira ditlwaetšo tša setšo le ditirelo;

**“Molaotheo”** o ra gore Molaotheo wa Rephabliki ya Afrika Borwa, 1996;

**“modika/ngwale”** e ra gore motho yo a wetšego ka komeng gore a tle a hlahlwe go ditlwaetšo le ditirelo tša setšo go ya ka ditlwaelo le ditšo tše di lebaganego le setšhaba sa setšo se se amegago;

**“dietšentshi tša taolo ya molao”** di akaretša SAPS, bahlapetši ba tsela ba profense goba ba masepala le maphodisa a masepala;

**“Ngwako wa Selegae”** e ra gore Mengwako ya Selegae ya Baetepele ba Setšo ye e hlomilwego ka tlase ga kgaolo ya 10 ya Molao wa Baetepele ba Mengwako ya Setšo ya Limpopo 2005 (Act No. 5 wa 2005);

**“Molekgotlaphethiši”** e ra gore Leloko la Khuduthamaga le le lebaganego le merero ya setšo ka gare ga profense;

**“ngwana ka molao”** e ra gore ngwana wa ka tlase ga mengwaga ye 18 go ya ka fao e beilwego ka gare ga Molao wa Bana, 2005 (Molao No. 38 wa 2005);

**“lengwalo la tumelelo”** le ra gore kgoši yo a dirilego kgopelo go dumelelwa go ntšha le go laola koma;

**“kgethilwego”** e ra gore kgethilwego go ya ka ka melawana;

**“Ngwako wa Profense”** e ra gore Ngwako wa Profense ya Limpopo wa Magoši ka tlase ga karolo ya 2 ya Molao wa Magoši wa Limpopo/ Baetapelele ba Setšo, 2005 (Molao No. 5 of 2005);

**“SAPS”** e ra gore Tirelo ya Sephodisa ya Afrika Borwa;

**“Kgoši”** e ra gore moetapele wa setšhaba sa setšo se se itšego yoo a laolago dintona tša basadi goba tša banna go ya ka molao wa setšo goba yoo e le go gore lefelo la gagwe la tokelo ya boahlodi, dintona tša basadi goba tša banna di a buša;

**“Molao wo”** o akaretša melawana;

**“leina la setšhaba”** le ra gore setšhaba sa setšo ka fao se tsebjago ka gona go ya ka karolo ya 3 ya Molao wa Boetapelele bja Setšo le Dihlongwa tša Limpopo, 2005 (Molao wa Nomoro ya 6 ya 2005);

**“khansele ya setšo”** e ra gore khansele ya setšo ye e hlomilwego go ya ka karolo ya 4 ya Molao wa Boetapelele bja Setšo le Dihlongwa tša Limpopo, 2005 (Molao wa Nomoro ya 6 ya 2005);

**“Ntona”** e ra gore motho yo a thwetšwego goba a tsebjwago bjalo ka Kgoši ke -

- (a) Motho yoo pele ga mathomo a Molaotheo e be e le -
  - (i) Presidente ya Naga ya Rephabliki go ya ka hlathollo ya Molao wa Molaotheo wa Rephabliki ya Afrika Borwa, 1983 (Molao wa No. 110 wa 1983);
  - (ii) Presidente, Tonakgolo goba leloko le legolo la Khuduthamaga ka go mmušo ka tlase ga molaotheo wo mongwe le wo mongwe goba peakanyo ya molaotheo wo o bego o šomišwa go lefelo leo e lego karolo ya Rephabliki; le



- (b) Tonakgolo, le go akaretša motho yo a thwetšwego lebakanyana legatong la kgoši yeo; le

“tlwaetšo ya setšhaba” e ra gore mokgwa go ya ka tlwaetšo, setšo, tumelo goba molao wo mongwe le wo mongwe wa go nyaka go swana le wona yeo e dirwago ke setšhaba sa setšo se se dulago ka mo profenseng.

## 2. Maikemišetšo a Molao

Maikemišetšo a Molao ke go hlohleletšao ditlwaelo tša setšo le ditirelo tša ditšhaba tša ditšo ka ge di šireleditšwe ka gare ga karolo ya 31 ya Molaotheo.

## 3. Mokgwa wa Kgotlo ya go ntšha koma

(1) Kgoši e swanetše go dira kgotlo ya lengwalo la tumelelo le ofisi ya selete se e swanetšego sa kgoro ye e lebaganego le merero ya setšo, ka fomete ye e kgethilwego go ntšha koma, gomme kgotlo yeo e swanetše go ba le —

- (a) Ditokumente ka fao di laeditšwego go ba ka gona;
- (b) Bohlatse bja gore dikgotlo tša ditefo di lefilwe;
- (c) Setifikeiti sa rakantoro wa tikologo; le
- (d) Setifikeiti sa mošomedi wa maphelo.

(2) Komiti ya go akaretša maloko a Ngwako wa Selegae le rakantoro yo a dumeletšwego ba swanetše gore ka lebaka le le beilwego, ba lebedišiše kgotlo gore e sepelelana le dinyakwa tša karolwana ya (1).

(3) ge komite e kgotsofetše gore kgotlo e na le dinyakwa tša karolwana ya (1), komiti e swanetše gore pele ga lebaka le le beilwego, e tliše kgotlo gammogo le dikeletšo tša komiti go Molekgotlaphethiši.

(4) Fao e le go gore kgotlo ga e na dinyakwa ka moka tša karolwana ya (1); komiti e swanetše gore pele ga lebaka le le beilwego, re e bušetše kgotlo morago go

modirakgopelo, gomme e eletše modirakgopelo go tlaleletša goba go phošolla kgopelo yeo ka lebaka le le beilwego go tloga tšatšikgwedi leo temošo e dirilwego.

(5) Ge modirakgopelo a palelwa ke go obamela karolwana ya (4); komiti e swanetše go fetišetša kgopelo go Molekgotlaphethiši gore a tšee sephetho.

#### **4. Tlhahlobo ya lefelo**

(1) Rakantoro yo a dumeletšwego a ka hlahloba lefelo le le sepelelanago le lengwalo la tumelelo.

(2) Fao rakantoro yo a dumeletšwego a dirago tlhahlobo, o swanetše

go fa Molekgotlaphethiši pegu mabapi le tokelo ya lefelo.

#### **5. Maatla a Molekgotlaphethiši**

(1) Molekgotlaphethiši o swanetše go lebedišiša kgopelo go ya ka karolo ya (3) le pegu ya tlhahlobo ya lefelo go ya ka karolo ya (4) le go ka -

(a) fa lengwalo la tumelelo ka mabaka ao Molekgotlaphethiši a ka akanyago; goba

(b) a gane ka lengwalo la tumelelo.

(2) Fao Molekgotlaphethiši a sa dumelelanego le kgopelo ya lengwalo la tumelelo, Molekgotlaphethiši o swanetše go ngwala mabaka a go mo fihliša go sephetho seo.

(3) Molekgotlaphethiši a ka re nako le nako, ka mabaka a go kwagala, a fetošā, fega goba go fedišā lengwalo la tumelelo..

(3) Aphili e swanetše e akaretše tše di latelago:

(a) khopi ya lengwalo la kgopelo ya go ntšha koma;

- (b) setatamente se sengwadilwego, se se hlalosago mabaka a aphili;
- (c) tsebišo yeo Molekgotlaphethiši a e rometšego modirakgopelo go ya ka karolo 5 (1) (b); le
- (f) tshedimošo e fe goba e fe yeo e lego malebana le aphili.

## 7. Theetšo ya Aphili

- (1) Tonakgolo o swanetše go hloma setsebi sa aphili ka go thwala motho wa go ba le tsebo le bokgoni ka ditlwaedi tša setšo, ditirelo tša setšo goba molao go akanya aphili ka nako yeo e beilwego le go direla Tonakgolo dikeletšo.
- (2) Tonakgolo —
  - (a) a ka tiišeša, a beela ka thoko goba a lokiša sephetho sa Molekgotlaphethiši; le
  - (c) o swanetše go tsebiša modirakgopelo le Molekgotlaphethiši ka lengwalo, ka sephetho sa gagwe.

## 8. Go tswalelwa ga koma

- (1) Molekgotlaphethiši a ka re ge go nyakega, a thušwa ke dietšentshi tša taolo ya molao go —
  - (a) tswalela koma yeo e bollago ntle le lengwalo la tumelelo goba e bollago gomme e le kgahlanong le maemo ao a laeditšwego go lengwalo la tumelelo;
  - (b) fetišetša baboludi go koma yeo e lego molaong; goba
  - (c) dira ditokišetšo tše bjalo, ka ge go le maleba go hlokomela baboludi.
- (2) Moo e lego gore Molekgotlaphethiši o na le mabaka ao a kwalago gore koma ga e bolotšwe ka mokgwa wa maleba, goba seemo sa maphelo sa baboludi se a hlobaetša,

Molekgotlaphethiši a ka ntšha taelo ya gore koma yeo e tswalelwe ka bjako le go netefatša gore babuludi bao ba hloko go thušo ya kalafo ba e hwetša.

#### **9. Kiletšo ya go ntšha koma ntle le lengwalo la tumelelo**

Ga gona motho yo a ka ntšhago koma –

- (a) ntle le lengwalo la tumelelo la nnete leo le ntšitšwego go ya ka karolo ya 5(1)(a);
- (b) yeo e lego kgahlanong le maemo ao a lego go lengwalo la tumelelo.

#### **10. Tihahlobo le go tlišwa ga dipego**

(1) Molekgotlaphethiši a ka re dipoledišanong tša gagwe le Molekgotlaphethiši wa tša maphelo ka mo profenseng le Lekgotlatheramelao, a laela motho yo a šomago ka ditirelo tša setšhaba, yoo e lego gore o bolotše, gore a lekole koma e fe goba e fe yeo e hlagilego ka mo profenseng gore go netefatšwe gore koma yeo e bolotšwa go ya ka tatelo ya Molao wo.

(2) Moo Molekgotlaphethiši a bonago gore -

- (a) go se swarwe gabotse goba se sengwe sa go swana le seo se a diragala komeng; goba
- (b) seemo seo se lego gona fao koma e hlagišitšwego gona se ka tsenya maphelo a babuludi kotsing,

Molekgotlaphethiši a ka re ka morago ga go boledišana le Lekgotlatheramelao le Molekgotlaphethiši wa tša maphelo ka mo profenseng a dira gore taba ye e nyakišišwe.

(3) Ka morago ga go amogela dipego tša dinyakišišo, Molekgotlaphethiši a ka tšea magato a o a bonago e le a maleba go rarolla bothata.

(4) Monglengwalotumelelo o swantše go rekhota ka retšistareng gomme a begele Molekgotlaphethiši ditlhalošišo ka botlalo tša babuludi.

(5) Monglengwalotumelelo o swanetše gore a begele Lekgotlatheramelao, Molekgotlaphethiši le Maphodisa a Afrika Borwa ka pela ka ditlhalošišo ka botlalo tša

babuludi bao ba hloko falelago komeng le magato a go phošolla ao a tšerwego go thibela mahu a mohuta woo leboela ka komeng.

(6) Ka nako yeo koma e alogago, monglengwalotumelelo o swanetše a ngwale pego ka botlalo ka go tlatša fomo ye e kgwthilwego gomme a efe Molekgotlaphethiši.

#### **11. Kiletšo ya go tšhabišetša batho komeng.**

(1) Ga gona motho yo a ka tšeago ka kgang, gapeletša, go tšhošetša le go ka tšhabišetša yo mongwe komeng, goba a laetšwe dilo tše di diragalago komeng.

(2) Ge Molekgotlaphethiši a thoma go lemoga gore motho o tšerwe ka kgang, a gapeletšwa, a tšhošetšwa gomme a tšhabetšwa komeng, o swanetše go laela monglengwalotumelelo gore a lokolle motho yoo le semetseng gomme a begele Maphodisa a Afrika Borwa.

#### **12. Tumelelo ya go ya komeng**

(1) Ga gona ngwana wa mengwaga ya ka tlase ga 12 yo a swanetšego go amogelwa komeng gore a bolotšwe.

(2) Ngwana ka molao a ka se ye komeng gore a bolotšwe ka ntle ga lengwalo la fomete ye e kgethilwego go tšwa go batswadi goba bahlokamedi ba gagwe ba semolao.

(3) Motho wa mengwaga ya go feta ye 18 a ka dira kgopelo ya go ya komeng gore a bolotšwe ka bo yena.

(4) Babuludi bao go bolelwago ka bona ka go karolwana (2) le (3) ba swanetše gore ge ba dira kgopelo ya go ya komeng go bolotšwa, ba be le setefikeiti sa seemo sa lephelo la go tšwa go mošomedi wa tša maphelo le tššetša gore mmoludi yoo o itekanetše gore a ka bolotšwa go ya le ka ditlwaedi tša setšo le ditirelo tša setšo sa setšhaba seo.

(5) Motho yo mongwe le yo mongwe wa mengwaga ya go feta 12 le ka fase ga mengwaga ye 18 yo a itirelago kgopelo ya go ya komeng gomme a se na lengwalo la go tšwa go batswadi go ba bahlokamedi ba semolao a se ke a bolotšwa go fihlela ge moetapele

wa setšo le monglengwalotumelelo ba tsebišitšwe gomme ba tla lesetefikeiti sa seemo sa lephelo seo go boletšwego ka sona ka go karolwanana ya (4) le lengwalo la go tšwa go motswadi goba mohlokomedi wa semolao bjalo ka ge go hlalositšwe ka go karolwana ya (2).

(6) Ga gona monglengwalotumelelo yo a ka amogelago mmoludi yo go bolelwago ka yena ka go –

(a) karolwana ya (2) go ya komeng ntle le setifikeiti sa seemo sa lephelo se se nyakegago goba lengwalo la tumelelo;

(b) karolwana ya (3) ntle le setifikeiti sa seemo sa lephelo se se nyakegago se go boletšwego ka sona ka go karolo ye.

### 13. Mošomo wa Kgoro ya Maphelo

Molekgotlaphethiši yo a lebaganego le merero ya maphelo ka mo profenseng, o swanetše gore a thuše babuludi ka mananeo go hwetša ditifikeiti tša seemo sa lephelo go ya ka Molao wo.

### 14. Batho bao ba ka hlagišago koma

(1) Ke motho fela yo a bolotšego, goba yo a ngwadišitšwego ka mokgwa wo o laeditšwego gore o hlagiša koma retšistareng ya bahlagiša-koma a ka phethago mediro le diterelo tša go hlagiša koma, a ka hlagišago mmuludi.

(2) Ge a phetha mediro le diterelo tša setšo, motho yo go boletšwego ka yena go karolwana (1) o swanetše a be le mafolofolo le go tlhokomedišišo le go latela boemo bja maphelo bjo bo beilwego.

(3) Lekgotlatheramelao le swanetše le thome le go ba le retšistara ya batho bao ba hlagišago koma ka mokgwa wo o beilwego.

(4) Monglengwalotumelelo o rwele maikarabelo a go hlokomela, tšhireletšego le maphelo a babuludi.

### 15. Letšatšikgweri la koma

(1) Molekgotlaphethiši o swanetše a re go ya ka karolwana ya (2) gomme a boledišana le Maloko a Khuduthamaga ao a rwelego maikarabelo a ditaba tša thuto, ba kgethe matšatšikgweri ao koma e swanetšego go bolotšwa ka wona.

- (2) Matšatši ao koma e bollago ka wona a se ke a thulana le tšhupatsatši ya sekolo.

## 16. Melato

Motho yo a lego kgahlanong le ditaba tše di lego go karolo ya 9, 11(1), 12(1), (2), (6) le 14 (1), (2) goba (4) a oba molato, gomme a swarwa, o tla be a faenwa nako ya go ya toronkong/ntlo leswiswi mengwag ya gofeta ye mehlano.

## 17. Ditokišetšo

Molekgotlaphethiši a ka re ka morago ga go boledišana le Lekgotlatheramelao, a dira ditokišetšo melebana le —

- (a) dinako tša go dira dikgopelo tša go ntšha koma le go feleletša aphili;
- (b) mafapha le ditefelo tša ge motho a eya komeng;
- (c) dinyakwa tša go ngwadiša motho yo a tlo hlagišago koma le go ba le retšistara; le
- (d) taba e fe goba e fe e lego bohlokwa go fihlelela dinyakwa tša Moalo wo.

## 18. Phedišo ya melao

Molao wa Koma wa Profense ya Limpopo, 1996 (Molao Nomoro.6 wa 1996) o a fedišwa.

## 19. Thaetlele ye kopana le go thoma

Molao o bitšwa Molao wa Limpopo wa Koma, 2014.

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**MEMORANTAMO WA DINEPO TŠA MOLAOKAKANYWA WA DIKOMA WA LIMOPOPO,  
2014**

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**1. MATSENO LE MAIKEMIŠETŠO A MOLAOKAKANYWA**

- 1.1. Molaokakanywa wa Limopopo wa Dikoma (Molaokakanywa) o kaonafadišwe go ya ka Kgaolo ya 12, karolo ya 211 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molaotheo) le melao ye mengwe ya maleba. Karolo 211(1) ya Molaotheo e laetša go hlomphelele le go latela mekgwa tshepedišo ya molao wa setlwaedi le go latela mekgwa ya setlwaedi go akaretša le sehlongwa sa dikoma.
- 1.2. Molao wa Dikoma wa Profense ya Lebowa, 1996 (Molao wa Nomoro.6 ya 1996) o phasišitšwe ka mekgwa wa maleba ke Mmušo wa Profense wa Limpopo go lokiša go ntšhwa ga dikoma mo profenseng.
- 1.3. Go a nyakega gore go tsebišwe mekgwatlaletšo yeo e lekago go ka thibela go ntšha dikoma mo go sego molaong. Se se tlo fediša kgonagalo ya borathipana bao e sego ba maleba bao e lego gore gantši ba gobatša badikana kudu ka nako ya ge ba ba bolotša.
- 1.4. Dinepokgolo tša Molaokakanywa wo ke go lokiša ditlwaedi le ditšo tša dikoma tša ditšhaba tše di sa bolotšago dikoma mo profenseng, go fediša Molao wa Dikoma wa Profense ya Limpopo, 1996 (Molao wa Nomoro. 6 wa 1996); gape le go thuša ditaba tša go sepelelana le tše.

**2. DITLAMORAGO SETŠHABENG**

Molaokakanywa wo o leka go lokiša mekgwa ya go ntšha dikoma ya setšo malebana le melao ya setlwaedi yeo e lego gona ka mo profenseng. Molaokakanywa o dira gore batho bao ba phethago ditšo tša dikoma e be fela borathipana bao ba



ngwadišitšwego ka fao ka gare ga retšisetara ya borathipana. Se se tlo fediša kgonagalo ya go ba gona ga borathipana bao e sego ba maleba bao gantši ba gobatšago badikana kudu ka nako ya ge ba ba bolotša.

### **3. TSHEKATSHEKO YA TEMA KA TEMA**

- 3.1. Karolo ya 1 e laetša ditlhathollo.
- 3.2. Karolo ya 2 e laetša dinepo tša Molao.
- 3.3. Karolo ya 3 laetša tsela ya kgopelo ya go ba lengwalo la tumelelo go ntšha koma.
- 3.4. Karolo ya 4 e laetša lefelo la tlhahlobo.
- 3.5. Karolo ya 5 e laetša maatla a Molekgotlaphethiši.
- 3.6. Karolo ya 6 e laetša tshepetšo ya aphili.
- 3.7. Karolo ya 7 e laetša theetšo ya aphili.
- 3.8. Karolo ya 8 e laetša go tswalela koma.
- 3.9. Karolo ya 9 e laetša kiletšo ya go ntšha koma ntle le tumelelo.
- 3.10. Karolo ya 10 e laetša tlhahlobo le go tliša ga dipego
- 3.11. Karolo ya 11 e laetša kiletšo kgahlanong le go thopa ka kgapeletšo.
- 3.12. Karolo ya 12 e laetša tumelelo ya go bolla koma.
- 3.13. Karolo ya 13 e laetša mohola wa Kgoro ya Maphelo.
- 3.14. Karolo ya 14 e laetša batho bao ba swanetšego go bogiša koma.
- 3.15. Karolo ya 15 e laetša letšatšikgweri la koma.

- 3.16 Karolo ya 16 e laetša bosenyi.
- 3.17 Karolo ya 17 e laetša melawana.
- 3.18 Karolo ya 18 e laetša go fedišwa ga melao.
- 3.19 Karolo ya 19 e laetša thaetlele ye kopana le go thoma ga Molao.

#### **4. DITLAMORAGO TŠA DITŠHELETE**

Go tla ba le ditefelo tša go phatlalatša Molaokakanywa ka gare ga kuranta ya mmušo gore setšhaba se kgone go dira ditshwayotshwayo le ditsebišo tša go kwalakwatša ga Molaokakanywa ka gare ga dikuranta tše pedi. Melawana ye mengwe le ye mengwe ye e tsebagaditšwego ka tlase ga Molao le yona e tla ba le ditefelo.

#### **5. GO TLATŠA GA DIKGOBA TŠA MOŠOMO LE DITLAMORAGO GO PEAKANYO YA TLHAMO YA SEHLONGWA**

Kgoro e tla romela bašomedi ba semolao go laola boingwadišo bja borathipana le go fa mangwalo a tumelelo a go ntšha koma.

#### **6. DITLAMORAGO TŠA SEMOLAOTHEO**

Ga go na ditlamorago tša semolaotheo tše di amanywago le Molaokakanywa. Ka fao re na le tshepo go Molaotheo mabapi le Molaokakanywa wo ka gore o se na dipeakanyo tša go se loke.

#### **7. DIHLONGWA TŠE GO RERIŠWANEGO**

Kgoro ya Bosetšhaba ya Mmušo wa Tirišano le Merero ya Setšo; le Baeletši ba Semolao ba Setšhaba ka go Ofisi ya Tonakgolo, Limpopo, le Ngwako wa Profense wa Baetapele ba Setšo ba rerišane.

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## XITMSO XA MANI NA MANI

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### XITIVISO XA MANI NA MANI 81 XA 2014

### VULAWURI BYA XIFUNDZANKULU XA LIMPOPO

### NDZAWULO YA MFUMONTIRHISANO, MATSHAMELO YA VANHU NA TIMHAKA TA NDHAVUKO

### NAWUMBISI WA TINGOMA TA LIMPOPO, 2014

Hi ku leteriwa hi Swinawana swa Nkarhi Hinkwawo na Swa Matirhelo ya Mfumo wa Milawu wa Limpopo, laha ku tivisiwa Nawumbisi wa Tingoma ta Limpopo, 2014 leswaku vaakandhawu va nyika vonele ra vona ehenhla ka wona.

Munhu wihi kumbe wihi kumbe nhlanganano wihi kumbe wihi lowu lavaka ku nyika vonele ra wona ehenhla ka tsalwa leri, wu fanbele wu endla swoleswo hi kumbe ku nga si hundza 10/04/2014, hi ku tihlanganisa na:

#### Nhloko ya Ndzawulo

**Ndzawulo ya Mfumontirhisano, Matshamelo ya Vanhu na Timhaka ta Ndhavuko**

**Private Bag X 9485**

**POLOKWANE**

**0700**

**SWI KONGOMISIWA EKA: Priceman Mngomezulu**

**Riqingho: (015) 2845411**

**Fekisi: (015) 2958263**

**Imeyili: mngomezulup@coghsta.limpopo.gov.za**

**MFUMO WA MILAWU WA XIFUNDZANKULU XA LIMPOPO**

**NAWUMBISI WA TINGOMA TA LIMPOPO, 2014**

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hilaha wu tivisiweke hakona hi

**(XIRHO XA HUVONKULU XA MFUMONTIRHISANO, VUTSHAMO NA TIMHAKA TA  
NDZAVUKO)**

**NAWUMBISI**

Ku lawula timhaka ta mafambiselo ya tingoma ta miganga ya ndzavuko eka xifundzankulu, ku herisa Nawu wa Tingoma wa Xifundzankulu xa Limpopo, 1996 (Nawu wa No.6 wa 1996); na ku hlamusela swin'wana mayelana na swoleswo.

**WU SIMEKIWA** hi Mfumo wa Milawu wa Limpopo hi ndlela leyi landzelaka: —

**Tinhlamuselo**

1. Eka Nawu lowu, ehandle kaloko ku ri na nhlamuselo yin'wana —

**“muofisiri loyi a nga na mpfumelelo”** swi vula nhloko ya ndzawulo leyi a nga na vutihlamuleri eka timhaka ta swa ndzavuko kumbe munhu wihi kumbe wihi loyi a haverisiweke matimba hi nhloko ya ndzawulo ku endla mitirho yo karhi mayelana na Nawu lowu;

**“mayini”** swi vula munhu loyi a tsarisiweke eka rhijisitara ra vamayini, naswona loyi a leteriweke eka timhaka ta ndzavuko ku endla migingiriko yo karhi ya xintu;

**“Vumbiwa”** swi vula Vumbiwa ra Rhiphabiliki ra Afrika-Dzonga, 1996;

**“xigomatshuka”** swi vula munhu loyi a ngheneleke ngoma leswaku a ta endla migingiriko yo karhi ya xintu ya muganga wa ndzavuko wo karhi lowu khumbekaka;

**“tiejensi leti tshikelelaka nawu”** ku katsa SAPS, maphorisa ya le magondzweni ya xifundzankulu na ya ka masipala na maphorisa ya ka masipala;

**“Yindlu ya Muganga”** swi vula Yindlu ya Muganga ya Varhangeri va Ndzavuko leyi tumbuluxiweke ehansi ka xiyenge xa 10 xa Nawu wa Tindlu na Varhangeri va Ndzavuko ta Limpopo, 2005 (Nawu wa No.5 wa 2005);

**“MEC”** swi vula Xirho xa Huvonkulu lexi nga na vutihlamuleri eka timhaka ta ndzavuko ta Xifundzankulu;

**“n’wana lontsongo”** swi vula n’wana loyi a nga ehansi ka malembe ya 18 hilaha swi hlamuseriweke hakona eka Nawu wa Vana, 2005 (Nawu wa No.38 wa 2005);

**“mutameri wa mpfumelelo”** swi vula ndhavezitha loyi a nga endla xikombelo naswona a nga na mpfumelelo wa ku yimisa ngoma;

**“ku bumabumela”** swi vula ku bumabumela hi ku tirhisa swinawana

**“Yindlu ya Vurhangeri bya Ndzavuko”** swi vula Yindlu ya Vurhangeri bya Ndzavuko ya Limpopo leyi tumbuluxiweke ehansi ka xiyenge xa 2 xa Nawu wa Tindlu na Varhangeri va Ndzavuko ta Limpopo, 2005 (Nawu wa No.5 wa 2005);

**“SAPS”** swi vula Vukorhokeri bya Maphorisa ya Afrika-Dzonga;

**“hosi”** swi vula murhangeri wa ndzavuko wa muganga wa ndzavuko wo karhi loyi a haverisiweke matimba ehenhla ka tindhuna to karhi hi ku landza milawu ya ndzavuko, kumbe loyi ehansi ka yena tindhuna to karhi ti lawulaka miganga yo karhi;

**“Nawu lowu”** wu katsa swinawana;

**“muganga wa ndzavuko”** swi vula muganga wa ndzavuko lowu tiviwaka hi ndlela yaleyo hi ku landza xiyenge xa 3 xa Nawu wa Varhangeri na Mihlanhgano ya Ndzavuko ya Limpopo, 2005 (Nawu wa No.6 wa 2005);

**“hovo ya ndzavuko”** swi vula huvo ya ndzavuko leyi tumbuluxiweke hi ku landza xiyenge xa 4 xa Nawu wa Varhangeri na Mihlanhgano ya Ndzavuko ya Limpopo, 2005 (Nawu wa No.6 wa 2005);

**“murhangeri wa ndzavuko”** swi vula munhu loyi a hlawuriweke kumbe a tivekaka tanihi murhangeri wa ndzavuko hi-

- (a) munhu loyi loko Vumbiwa ri nga se simekiwa a a ri-
  - (i) Puresidente wa Riphabuliki leswi kongomisaka eka Nawu wa Vumbiwa ra Riphabuliki ra Afrika-Dzonga, 1983 (Nawu wa No.110 wa 1983);
  - (ii) Puresidente, Holobyenkulu kumbe murhangeri un’wana eka mfumo loyi a lawuriwaka hi Vumbiwa kumbe hi milawu yin’wana ya Vumbiwa leyi a yi tirhisiwa eka ndhawu leyi kumekaka eka Riphabuliki; na

- (b) Phirimiya, ku katsa munhu wihi kumbe wihi loyi a thoriweke ku khomela nkarhinyana eka xitulu xa murhangeri wa ndzavuko; na

“endlelo ra xintu” swi vula swi vula endlelo leri lawuriwaka hi mikhuva, mitolovelo, vukhongereri kumbe nawu wihi kumbe wihi lowu tirhisiwaka hi muganga wa ndzavuko lowu kumekaka eka Xifundzankulu.

## 2. Xikongomelo xa Nawu

Xikongomelo xa Nawu lowu i ku kombisa mikhuvo na mitolovelo ya miganga ya ndzavuko hilaha swi hlamuseriweke hakona eka xiyenge xa 31 xa Vumbiwa.

## 3. Endlelo ra xikombelo xa mpfumelelo wo yimisa ngoma

- (1) Ndhavezitha u fanele a rhumela xikombelo xa yena eka hofisi ya xifundza leyi nga fanela ya ndzawulo leyi kongomaneke na timhaka ta ndzavuko, hi ku tirhisa fomo ya mpfumelelo leyi nga fanela ku va a ta kota ku yimisa ngoma naswona xikombelo lexi xi fanele ku tisiwa na –
- (a) Matsalwa lama boxiweke;
- (b) Vumbhoni bya leswaku tihakelo to endla xikombelo ti hakeriwile;
- (c) xitifikhethi xa muofisiri wa swa mbango; na
- (d) xitifikhethi xa mupurakitixinara wa swa rihanyo.
- (2) Komiti leyi nga na swirho swa Yindlu ya Muganga na muofisiri loyi a nga haveriwa matimba, eka nkarhi lowu boxiweke, va fanele ku hlela loko xikombelo xi fambelana na swilaveko swa xiyengentsongo xa (1).
- (3) Loko komiti yi enetisiwile leswaku xikombelo xi enetisa swilaveko swa xiyengentsongo xa (1), eka nkarhi lowu pimiweke, komiti yi fanele ku rhumela xikombelo xikan'we na swibumabumelo swa komiti eka Xirho xa Huvonkulu.

- (4) Loko xikombelo xi nga fikeleli swilaveko swa xiyengentsongo xa (1), eka nkarhi lowu pimiweke, komiti yi fanele yi ttherisela xikombelo xolexo eka mukomberi, laha yi kombelaka mukomberi ku tlhandlekela kumbe ku lulamisa leswi nga hoxeka eka xikombelo eka nkarhi lowu boxiweke ku suka eka siku leri vekiweweke.
- (5) Loko mukomberi a tsandzeka ku fikelela swilaveko swa xiyengentsongo xa (4), komiti yi fanele ku hundzisela xikombelo eka Xirho xa Huvonkulu leswaku xi teka xibofo.

#### **4. Ku kambela ndhawu**

- (1) Muofisiri loyi a nga haveriwa matimba a nga kambela ndhawu leyi khumbiwaka hi mpfumelelo.
- (2) Loko muofisiri loyi a nga haveriwa matimba a endla nkambelo, muofisiri loyi a nga haveriwa matimba a nga nyika xiviko eka Xirho xa Huvonkulu laha a kombisaka vonele ra yena mayelana na ndhawu leyi.

#### **5. Matimba ya MEC**

- (1) Xirho xa Huvonkulu xi fanele ku hlela xikombelo hi ku landza xiyenge xa (3) na ku hlelsa xiviko xo kambela ndhawu hi ku landza xiyenge xa (4) naswona xi nga -
  - (a) hi ku landza swipimelo leswi vekiwaka hi Xirho xa Huvonkulu; kumbe
  - (b) ku ala na mpfumelelo.
- (2) Loko Xirho xa Huvonkulu xi ala na mpfumelelo, Xirho xa Huvonkulu xi fanele ku nyika swivangelo swa xibofo xolexo.
- (3) Xirho xa Huvonkulu, eka nkarhi wihi kumbe wihi, hi ku nyika swivangelo leswi amukelekaka, xi nga hundzuluxa, xi yimisanyana kumbe ku ttherisela endzhaku mpfumelelo.



**6. Endlelo ro aphila**

- (1) Mukomberi loyi a nga enetiwangiki hi xiboho xa Xirho xa Huvonkulu, hi ku leteriwa hi nkarhi lowu vekiweke wa ku aphila xiboho xa Xirho xa Huvonkulu, a nga ha hundzisela aphili ya yena eka Phirimiya.
- (2) Mikarhi yin'wana Phirimiya, hi ku leteriwa hi swivangelo leswi amukelekaka, a nga amukela aphili leyi hundzeriweke hi nkarhi.
- (3) Aphili yi fanele ku katsa swilo leswi landzelaka:
  - (a) khopi ya xikombelo xa ku yimisa ngoma;
  - (b) xitatimende lexi tsariweke mayelana na xivangelo xa aphili;
  - (c) xitiviso lexi rhumeriweke mukomberi hi Xirho xa Huvonkulu hi ku landza xiyenge xa 5 (1) (b); na
  - (f) na vuxokoxoko byihi kumbe byihi lebyi lavekaka eka aphili.

**7. Ku yingisela Aphili**

- (1) Phirimiya u fanele ku simeka komiti yo aphila hi ku thola munhu loyi anga na vutivi mayela na timhaka ta xintu, maendlelo ya xintu na milawu leyi faneleke ku tirhisiwa ku hlela aphili eka nkarhi lowu boxiweke na ku rhumela swibumabumelo eka Phirimiya.
- (2) Phirimiya —
  - (a) a nga tiyisisa, a bakanyela etlhelo kumbe ku cinca xiboho xa Xirho xa Huvonkulu; naswona

- (c) hi ku tsala, a nga tivisa mukomberi na Xirho xa Huvonkulu mayelana na xiboho xa yena.

#### **8. Ku pfariwa ka ngoma**

- (1) Loko swi fanerile, Xirho xa Huvonkulu, hi ku pfuniwa hi tiejensi leti tshikelelaka nawu, xi nga –
- (a) pfala ngoma leyi yimisiweke ehandle ka mpfumelelo kumbe leyi tirhaka ehandle ka swipimelo leswi boxiweke eka mpfumelelo;
- (b) susa swigomatshuka swi yisiwa eka ngoma leyi nga na mpfumelelo; kumbe
- (c) endla swilo swihi kumbe swihi leswi nga fanela ku hlayisa swigomatshuka.
- (2) Loko Xirho xa Huvonkulu xi tshemba leswaku ngoma a yi fambisiwi hi ndlela leyi nga fanela, kumbe ku na ku xungetiwa ka vutomi bya swigomatshuka, Xirho xa Huvonkulu xi nga lerisa leswaku ngoma yi pfariwa hi xihatla naswona swigomatshuka leswi lavaka nhlayiso wa swa vutshunguri swi nyikiwa ntshungulo lowu nga fanela.

#### **9. Ntsimbiso wo simeka ngoma ehandle ka mpfumelelo**

Ku hava munhu loyi a nga yimisaka ngoma –

- (a) a nga ri na mpfumelelo lowu nga fanela hi ku landza xiyenge xa 5(1)(a);
- (b) leyi nga fambelaniki na swipimelo leswi boxiweke eka mpfumelelo.

#### **10. Ku kambela na ku rhumela swiviko**

- (1) Xirho xa Huvonkulu, hi ku tihlanganisa na Xirho xa Huvonkulu lexi khumbiwaka hi timhaka ta swa rihanyo eka Xifundzankulu na Yindlu ya Vurhangeri bya Ndzavuko, xi nga thola mutirhelamfumo loyi a nga ya engomeni, ku kambela ngoma yihi kumbe yihi leyi nga eka Xifundzankulu ku vona leswaku ngoma yaleyo yi simekiwile hi ku landzelela Nawu.
- (2) Loko Xirho xa Huvonkulu xi pfumela leswaku -

- (a) engomeni ku tluriwa milawu ya tiko, swigomatshuka a swi khomiwi kahle naswona ku tele ku tlula mpimo; kumbe
- (b) swiyimo swa ndhawu leyi ngoma yi nga simekiwa kona swi xungeta vutomi bya swigomatshuka, Xirho xa Huvonkulu, endzhaku ka ku tihlanganisa na Yindlu ya Vurhangeri bya Ndzavuko na Xirho xa Huvonkulu lexi khumbiwaka hi timhaka ta swa rihanyo eka Xifundzankulu, xi nga endla leswaku mhaka leyi yi kambisisiwa.
- (3) Endzhaku ka ku kuma xiviko xa ndzavisiso, Xirho xa Huvonkulu xi nga teka magoza mahi kumbe mahi lama nga fanela ku lulamisa xiyimo lexi.
- (4) Mutameri wa mpfumelelo u fanela a tsala eka rhijisitara na ku tivisa Xirho xa Huvonkulu, vuxokoxoko hi ntalo bya swigomatshuka.
- (5) Mutameri wa mpfumelelo u fanele a tivisa hi xihatla Yindlu ya Vurhangeri bya Ndzavuko, Xirho xa Huvonkulu na maphorisa - SAPS, mayelana na swigomatshuka leswi lovaka engomeni na ku teka magoza yo vona leswaku leswi a swi humeleli eka nkarhi lowu taka.
- (6) Loko ngoma yi tshwa, mutameri wa mpfumelelo u fanele a rhumela xiviko hi ntaloi , hi ku tirhisa fomo leyi nga fanela, eka Xirho xa Huvonkulu.

#### **11. Ntsimbiso wa ku tlhakisiwa**

- (1) Ku hava munhu loyi a nga tlhakisaka kumbe ku bohelela munhu un'wana ku ya engomeni kumbe ku va xiphemu xa swilo leswi humelelaka engomeni.
- (2) Loko Xirho xa Huvonkulu xi tivisiwile leswaku ku na munhu loyi a nga tlhakisiwa kumbe ku boheleriwa ku ya engomeni, xi fanele xi tivisa mutameri wa mpfumelelo ku tshunxa munhu yaloye na ku tivisa mhaka leyi eka Vukorhokeri bya Maphorisa ya Afrika-Dzonga.

#### **12. Mpfumelelo wo ya engomeni**

- (1) Ku hava n'wana loyi a nga ehansi ka mal'embe ya 12 a nga ta ngenela ngoma.

- (2) N'wana lontsongo a nge yi engomeni a nga ri na mpfumelelo lowu nga tsariwa wa mutswari kumbe muhlayisi wa xinawu wa yena na swona lowu tsariweke hi ndlela leyi bumabumeriweke.
- (3) Munhu loyi nga ehanhla ka malembe ya 18 a nga ya engomeni.
- (4) Swigomatshuka leswi boxiweke eka xiyengentsongo xa (2) na (3), loko swi endla xikombelo xa ku ya engomeni, swi fanele swi khomanisa xitifikheti xa swa vutshunguri lexi kumekaka eka dokodela lexi kombisaka leswaku xigomatshuka xolexo xi nga amukeriwa engomeni hi ku landzelela maendlelo na mikhuva ya muganga wa ndzavuko wolowo.
- (5) Munhu wihi kumbe wihi loyi a nga ehanhla ka malembe ya 12 naswona a ri ehansi ka malembe ya 18 loyi a titsarisaka engomeni a nga ri na mpfumelelo wo tsariwa wa mutswari kumbe muhlayisi wa xinawu, a nga fanelangi ku ngenela ngoma yaleyo ku kondza loko murhangeri wa ndzavuko loyi a lawulaka na mutameri wa mpfumelelo va tivisiwile na ku kuma xitifikheti xa swa vutshunguri lexi boxiweke eka xiyengentsongo xa (4) na mpfumelelo wo tsariwa wa mutswari kumbe muhlayisi wa xinawu hilaha swi kombisiweke hakona eka xiyengentsongo xa (2).
- (6) Ku hava mutameri wa mpfumelelo a nga amukelaka xigomatshuka lexi boxiweke eka
- 
- (a) xiyengentsongo xa (2) engomeni xi nga ri na xitifikheti xa swa vutshunguri lexi lavekaka kumbe mpfumelelo;
- (b) xiyengentsongo xa (3) ehandle ka xitifikheti xa swa vutshunguri lexi lavekaka,

Lexi boxiweke eka xiyenge lexi

### **13. Vutihlamuleri bya Ndzawulo ya Rihanyo**

Xirho xa Huvonkulu lexi khumbekaka eka timhaka ta swa rihanyo eka Xifundzankulu, hi ku tirhisa minongonoko leyi nga fanela, xi fanele xi pfuna swigomatshuka ku kuma switifikheti swa vutshunguri leswi lavekaka mayelana na Nawu lowu.

**14. Vanhu lava nga endlaka leswi nga fanela engomeni**

- (1) I munhu ntsena loyi a humaka engomeni kumbe loyi a tsarisiweke hi ndlela leyi nga fanela tanihi mayini eka rhijisitara ra vamayini a nga pfumeleriwa ku endla mitolovelo leyi faneleke na ku tsema xigomatshuka.
- (2) Eka ku endla mikhuva na mitolovelo ya ndzavuko, munhu loyi a boxiweke eka xiyengentsongo xa (1) u fanele a ri na vukheta eka ku hlayisa mipimo ya le henhla ya swa rihanyo leyi bumabumeriweke.
- (3) Yindlu ya Vurhangeri bya Ndzavuko yi fanele yi tumbuluxa na ku hlayisa rhijisitara ra vamayini hi ndlela leyi nga fanela.
- (4) Mutameri wa mpfumelelo u na vutihlamuleri bya ku hlayisa na ku sirhelela swigomatshuka.

**15. Ku yima ka ngoma**

- (1) Xirho xa Huvonkulu, hi ku leteriwa hi xiyengentsongo xa (2) na hi ku tihlanganisa na Xirho xa Huvonkulu lexi nga na vutihlamuleri eka timhaka ta dyondzo, xi fanele ku boxa masiku lama ngoma yi faneleke ku yima ha wona.
- (2) Masiku lama ngoma yi tshamaka ha wona ya fanele ya ri lama swikolo swi nga pfala.

**16. Milandzu**

Munhu wihi kumbe wihi loyi a tlulaka swipimelo swa xiyenge xa 9, 11(1), 12(1), (2), (6) na 14 (1), (2) kumbe (4) u tlula nawu naswona a nga khotsiwa hi ku fayiniwa kumbe ku gweviwa malembe lama nga hundziki ya ntlhanu, kumbe a fayini a tlhela a khotsiwa malembe ya ntlhanu.

**17. Swinawana**

Xirho xa Huvonkulu, endzhaku ka ku tihlanganisa na Yindlu ya Vurhangeri bya Ndzavuko, xi nga veka swinawana mayelana na —

- (a) the timeframes for lodging an application for ngomas na ku fikelela xiboho mayelana na aphili;
- (b) swiyenge swa mipimo leyi hakeriwa ku ngenela ngoma;
- (c) swilaveko swo titsarisa tanihi mayini na ku hlayisa rhijisitara; na
- (d) mhaka yihi kumbe yihi leyi nga tirhisiwaka ku fikelela xikongomelo xa Nawu lowu.

**18. Ku herisa milawu**

Nawu wa Tingoma ta Limpopo, 1996 (Nawu No.6 wa 1996) wu herisiwile.

**19. Nhlokomhaka yo koma na ku sungula ku tirha**

Nawu lowu wu vuriwa Nawu wa Tingoma ta Limpopo, 2014.

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**MEMORANDAMU YA SWIKONGOMELO SWA NAWUMBISI WA TINGOMA TA  
LIMPOPO, 2014**

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**1. MANGHENELO NA XIKONGOMELO XA NAWUMBISI**

- 1.1. Nawumbisi wa Tingoma ta Limpopo (Nawumbisi) wu simekiwile hi ku leteriwa hi Kavanyisa ka 12, xiyenge xa 211 xa Vumbiwa ra Riphabuliki ra Afrika-Dzonga, 1996 (Vumbiwa) na milawu yin'wana leyi tirhisiwaka. Xiyenge xa 211 (1) xa Vumbiwa xi kombisa leswaku ku fanele ku xiximiwa mikhuva na maendlelo ya xintu leswi katsaka timhaka ta tingoma.
- 1.2. Nawu wa Tingoma ta Xifundzankulu xa N'walungu, 1996 (Nawu No.6 wa 1996) wu simekiwile hi Mfumo wa Xifundzankulu xa Limpopo hi xikongomelo xa ku lawula timhaka ta ku yimisiwa ka tingoma eka xifundzankulu.
- 1.3. Ku fanele ku simekiwa mapfumba man'wana ya ku tiyisa na ku sivela ku yimisiwa ka tingoma leti nga ri ki enawini. Leswi swi ta endla leswaku ntirho wa le ngomeni wu nga endlwi hi vanhu lava nga ri ki vayini lava hakanyingi va vavisaka swigomatshuka.
- 1.4. Swikongomelonkulu swa Nawumbisi i ku lawula mikhuva na maendlelo ya le ngomeni ya vaakandhawu va xifundzankulu, ku herisa Nawu wa Tingoma ta Xifundzankulu xa Limpopo, 1996 (Nawu No. 6 wa 1996); na ku hlamusela timhaka tihhi kumbe tihhi leti fambelanaka na leswi.

**2. TIMHAKA LETI KHUMBAKA VAAKANDHAWU**

Nawumbisi wu lava ku lawula endlelo ra xintu ra ku yimisa tingoma hi ku landza mikhuva na maendlelo ya ndzavuko eka Xifundzankulu. Nawumbisi wu kombisa

leswaku endlelo hinkwaro ra le ngomeni ri lawuriwa hi vayini lava nga tsarisiwa tanihi vayini eka rhijisitara ra vayini. Leswi swi ta endla leswaku ntirho wa le ngomeni wu nga endliwi hi vanhu lava nga ri ki vayini lava hakanyingi va vavisaka swigomatshuka.

### **3. NHLELO WA XIVULWANA-HA-XIVULWANA**

- 3.1. Xiyenge xa 1 xi kombisa tinhlamuselo.
- 3.2. Xiyenge xa 2 xi kombisa swikongomelo swa Nawu.
- 3.3. Xiyenge xa 3 xi kombisa tindlela ta ku endla xikombelo xa phumende ya ku yimisa ngoma.
- 3.4. Xiyenge xa 4 xi kombisa tindhawu ta ku kambela ngoma.
- 3.5. Xiyenge xa 5 xi kombisa matimba lama ya haverisiweke Holobye.
- 3.6. Xiyenge xa 6 xi kombisa tindlela ta ku aphila.
- 3.7. Xiyenge xa 7 xi kombisa tindlela ta ku yingisela aphili.
- 3.8. Xiyenge xa 8 xi kombisa ku pfariwa ka ngoma.
- 3.9. Xiyenge xa 9 xi kombisa ku yirisa ku simekiwa ka ngoma ehandle ka phumende.
- 3.10. Xiyenge xa 10 xi kombisa ku kamberiwa na ku rhumeriwa ka swiviko.
- 3.11. Xiyenge xa 11 xi kombisa ku tsimbisiwa ka ntlhakiso.
- 3.12. Xiyenge xa 12 xi kombisa mpfumelelo wa ku ya engomeni.
- 3.13. Xiyenge xa 13 xi kombisa ntirho wa Ndzawulo ya Rihanyo.
- 3.14. Xiyenge xa 14 xi kombisa xi boxa leswaku vayini I vamani.



- 3.15 Xiyenge xa 15 xi kombisa masiku yak u yimisa tingoma.
- 3.16 Xiyenge xa 16 xi kombisa ku tluriwa ka milawu.
- 3.17 Xiyenge xa 17 xi kombisa swinawana.
- 3.18 Xiyenge xa 18 xi kombisa ku herisiwa ka milawu.
- 3.19 Xiyenge xa 19 xi kombisa nhlokomhaka yo koma na ku sungula ku tirha ka Nawu lowu.

#### **4. LESWI KHUMBAKA SWA TIMALI**

Ku na mali leyi nga ta tirhisiwa ku tsarisa Nawumbisi lowu eka gazete ya Mfumo leswaku vaakandhawu va nyika vonele ra vona na ku hakelela switiviso swo navetisa Nawumbisi lowu eka maphephahungu mambirhi. Swinawana swihi kumbe swihi leswi nga ta kandziyisiwa ehansi ka Nawu lowu naswona swi ta hakeleriwa.

#### **5. TIMHAKA TA VATIRHI NA TA MATIRHELO**

Ndzawulo yi ta rhumela vaofisiri lava nga ta rhangela pfhumba ra ku tsarisa vayini na ku humesa tiphumende ta ku yimisa tingoma.

#### **6. TIMHAKA LETI KHUMBAKA VUMBIWA**

Ku hava timhaka leti khumbaka Vumbiwa leti fambelanaka na Nawumbisi lowu. Hikwalaho-ke, hi tiyisisa leswaku Nawumbisi lowu a wu na swipimelo leswi hambanaka na hanyelo ra vanhu.

#### **7. MIHLANGANO LEYI KU TIHLANGANISIWEKE NA YONA**

Ku hlanganiwile na Ndzawulo ya Rixaka ya Mfumontirhisano na Timhaka ta Ndzavuko; na Vatsundzuxi va Xinawu va Hofisi ya Phirimiya, Limpopo, na Yindlu ya Xifundzankulu ya Varhangeri va Ndzavuko.

## NDIVHADZO NGANGAREDZI

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### NDIVHADZO NYANGAREDZI 81 YA 2014

#### NDAULO YA VUNDU LA LIMPOPO

#### MUHASHO WA THANGANELO YA MAVHUSELE, MADZULELE A VHATHU NA MAFHUNGO A SIALALA

#### MULAYOTIBE WA ZWIKOLO ZWA NGOMA WA LIMPOPO, 2014

U ya nga Milayo ya Tshothe na Ndaela dza Vhusimamilayo ha Limpopo, Mulayotibe wa Zwikolo zwa Ngoma wa Limpopo, 2014 afha u khou kunguwedzwa u itela mihumbulo ya vhathu.

Dzangano kana muthu munwe na munwe a tamaho u netshedza mihumbulo nga ha linwalo lo bulwaho a nga zwi ita nga u tou nwala, nga la kana hu saathu pfuka la 10/04/2014, kha:

#### Thoho ya Mhasho

**Mhasho wa Thanganelo ya Mavhusele, Madzulele a Vhathu na Mafhungo a Sialala**

**Private Bag X 9485**

**POLOKWANE**

**0700**

**I YA KHA: Priceman Mngomezulu**

**Lutingo: (015) 2845411**

**Fekisi: (015) 2958263**

**Imeili: mngomezulup@coghsta.limpopo.gov.za**

**VHUSIMAMILAYO HA VUNDU LA LIMPOPO**

**MULAYOTIBE WA NGOMA DZA LIMPOPO, 2014**

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Sa zwe wa divhadzwa nga

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**MURADO WA KHOROTSHITUMBE WA MAVHUSELE O TANGANELANAHO, NZUDZANYO  
DZA VHATHU NA MAFHUNGO A SIALALA)**

### **MULAYOTIBE**

**Wa u laula mikhwa na sialala ya ngoma dza zwitshavha zwa sialala kha vundu, u phumula Mulayo wa zwa u Fumbisa wa Vundu la Limpopo 1996 (Mulayo No. 6 wa 1996); na u vhetshela mafhungo a tutshelanaho na zwenezwo.**

**AFHA HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo nga hu tevhelaho: —**

#### **Thalutshedzo**

1. kha uyu Mulayo, nga nnda ha musu zwi re ngomu zwi tshi sumba nga inwe ndila —

“**muofisiri o tendelwaho**” zwi amba thoho ya muhasho a re na vhudifhinduleli ha mafhungo a sialala kana munwe muthu o tiwaho nga thoho ya muhasho uri a shume mushumo hu tshi tevhedzwa uyu Mulayo;

“**dokotela wa mufumbisi**” zwi amba muthu, o redzhisitariwaho nga ndila yo randelwaho kha redzhisitara ya madokotela, ane a vha o gudaho nga lwa sialala kha u ita mishumo na ngoma dza zwa sialala;

“**Ndayotewa**” zwi amba Ndayotewa ya Riphaboliki ya Afrika Tshipembe ya 1996.

“**mufumbiswa**” zwi amba muthu a yaho ngomani hu u itela u tevhezela maitete a ngoma dza sialala hu tshi tevhezwa mikhwa na sialala zwa tshitshavha zwi kwameaho;

“**mazhendedzi a khombetshedzo ya zwa mulayo**” zwi katela vha Tshumelo ya zwa Tshipholisa ya Afrika Tshipembe, vhaofisiri vha zwa vhuendi vha masipala na vha vundu kathihi na mapholisa a hamasipala;

“**Ndu Yapo**” zwi amba Ndu Yapo ya Mahosi yo thomiwaho fhasi ha khethekanyo 10 ya Mulayo wa Mahosi a Ndu dza Limpopo, 2005 (Mulayo No. 5 wa 2005);

**“Murado wa Khorotshitumbe”** zwi amba Murado wa Khorotshitumbe a re na vhudifhinduleli ha mafhungo a zwa sialala kha Vundu;

**“nwana / muthu mutuku”** zwi amba muthu a re fhasi ha minwaha ya 18 sa zwo sumbedziswa kha Mulayo wa Vhana, 2005 (Mulayo No. 38 wa 2005);

**“mune wa phemithi”** zwi amba khosi yo itaho khumbelo nahone yo tendelwaho u vha na ngoma ya sialala a dovha a i langa

**“u randela”** zwi amba u randelwa nga ndaulo;

**“Ndu ya Vundu”** zwi amba Ndu ya Mahosi vha Vundu la Limpopo fhasi ha khethekanyo 2 ya Mulayo wa Mahosi wa Ndu dza Limpopo, 2005 (Mulayo No. 5 wa 2005);

**“Tshumelo ya Tshipholisa tsha Afrika Tshipembe”** zwi amba Tshumelo ya Tshipholisa tsha Afrika Tshipembe;

**“khosi”** zwi amba khosi ya sialala ya tshitshavha tsho bulwaho tsha sialala a re na maanda kha tshitshavha kha vhakoma vha re na tshivhalo hu tshi tevhelwa milayo ya sialala, kana ane kha vhupo hawe vhu re mulayoni a vha na maanda kha vhakoma vha re na tshivhalo;

**“Uyu Mulayo”** u katela ndaulo;

**“tshitshavha tsha sialala”** zwi amba tshitshavha tsha sialala tsho tendelwaho hu tshi tevhedzwa khethekanyo 3 ya Mulayo wa Zwiimiswa na Vhurangaphanda ha Sialala wa Limpopo, 2005 (Mulayo No. 6 wa 2005);

**“khoru ya sialala”** zwi amba khoru ya sialala yo thomiwaho hu tshi tevhedzwa khethekanyo 4 ya Mulayo wa Zwiimiswa na Vhurangaphanda ha Sialala wa Limpopo, 2005 (Mulayo No. 6 wa 2005);

**“khosi”** zwi amba muthu o nangwaho zwi ngonani kana zwo tendelwa uri a vhe murangaphanda wa sialala nga -

(a) muthu we phanda ha u thomiwa ha Ndayotewa a vha e -

- (i) Phuresidennde wa Riphabuliki hu tshi tevhelwa Mulayo wa Ndayotewa ya Riphabuliki ya Afrika Tshipembe, 1983 (Mulayo No. 110 wa 1983);
  - (ii) Phuresidennde, Minisita Muhulwane kana inwe khorotshitumbe khulwane kha muvhuso fhasi ha ndayotewa inwe na inwe kana nzudzanyo ya zwa ndayotewa ye ya vha ii tshi khou shuma kha vhupo vhu re tshipida tsha Riphabuliki; na
- (b) Premia, nahone zwi katelaho na muthu munwe na munwe o nangiwaho u farela lwa tshifhinganyana kha tshikhala tsha onoyo murangaphanda wa sialala; na

“tshumiso ya sialala” zwi amba tshumiso zwi tshi tutshelana na mikhwa, sialala, vhurereli kana ndayo inwe ifhio na ifhio i fanaho yo vhonwaho nga vha tshitshavha tsha sialala tshi re kha Vundu.

## 2. Ndivho ya Mulayo

Ndivho ya uyu Mulayo ndi u khwathisedza tshumiso ya zwa mikhwa na sialala ya zwitshavha zwa sialala sa zwo sumbedziswa kha khethekanyo 31 ya Ndayotewa.

## 3. Matshimbidzelwe a khumbelo hu u itela thendelo ya u vha na ngoma

(1) Khosi i tea u ita khumbelo yayo kha ofisi ya tshitiriki yo teaho ya muhasho u re na vhudifhinduleli ha mafhungo a zwa sialala, nga ndila yo randelwaho i tshi itela u vha na thendelo ya u vha na ngoma /murundu wa u fumbisa nahone khumbelo yeneyo i tea u vha i na —

- (a) manwalo sa zwo randelwaho;
- (b) vhutanzi ha zwa uri masheleni a khumbelo o badelwa;
- (c) thanziela yo bviswaho nga muofisiri wa zwa mupo; na
- (d) thanziela yo bviswaho nga muthu a shumanaho na zwa mutakalo.

(2) Komiti yo vhumwaho nga mirado vha Ndu Yapo na muofisiri o tendelwaho vha tea, vhukati ha tshifhinga tsho randelwaho, u sedzulusa khumbelo uri i khou tutshelana na thodea dza khethekanyothukhu (1).

(3) Arali komiti i tshi fushea zwauri khumbelo yo swikelela thodea dza khethekanyo (1), komiti i tea, vhukati ha tshifhinga tsho randelwaho, u netshedza khumbelo kathihi na themendelo dza komiti kha Murado wa Khorotshitumbe.

(4) Hune khumbelo ya si swikelele thodea dza khethekanyothukhu (1), komiti i tea, vhukati ha tshifhinga tsho randelwaho, u humisela yeneyo khumbelo kha muhumbeli, i tshi laedza muhumbeli uri a dadzise kana a lulamisa zwi re kha khumbelo vhukati ha tshifhinga tsho randelwaho kha datumu yo bulwaho.

(5) Arali muhumbeli a kundelwa u tevhedzela zwi re kha khethekanyothukhu (4), komiti i tea u pfukhisela khumbelo kha Murado wa Khorotshitumbe uri a dzhie tsheo.

#### **4. U tolwa ha fhethu**

(1) Muofisiri o tendelwaho a nga tola fhethu ho sumbedziswa.

(2) Hune muofisiri o tendelwaho a ita tholo, uyo muofisiri o tendelwaho u tea u netshedza muvhigo kha Murado wa Khorotshitumbe malugana na khonadzeo ya fhethu.

**5. Maanda a Murado wa Khorotshitumbe**

(1) Murado wa Khorotshitumbe u tea u sedzulusa khumbelo hu tshi tevhedzwa khethekanyo

(3) na u tolwa ha muvhigo wa tshitentsi hu tshi tevhedzwa khethekanyo (4) nahone a nga -

(a) netshedza thendelo nga kha dzenedzo nyimele sa zwine Murado wa Khorotshitumbe a nga ta; kana

(b) a si netshedze thendelo.

(2) *Hune Murado wa Khorotshitumbe a hana khumbelo ya thendelo*, Murado wa Khorotshitumbe u tea u netshedza mihumbulo i pfalaho nga u tou nwala hu u itela yeneyo tsheo.

(3) Murado wa Khorotshitumbe a nga, tshifhinga tshinwe na tshinwe, nga kuhumbulele ku pfalaho, khwinisa, imisa kana a vusuludza thendelo/ phemithi yawe.

**6. Matshimbidzelwe a khathululo**

(1) Muhumbeli o vhaiwaho nga tsheo yo dzhiwaho nga Murado wa Khorotshitumbe a nga ri vhukati ha tshifhinga tsho randelwaho tsha u vha o netshedzwa linwalo la tsheo ya Murado wa Khorotshitumbe, a ita khumbelo ya khathululo kha Premia.

(2) Premia a nga, hu na zwi pfalaho zwo sumbedziswa, tendela u netshedzwa ha khumbelo ya khathululo.

(3) Khathululo i tea u katela zwi tevhelaho:

(a) kopi ya khumbelo ya u toda u vha na ngoma/ murundu;

(b) Tshitatamennde tsho tou nwalwaho tsha nga ha u ita khathululo;



(c) ndivhadzo yo rumelwaho kha muhumbeli nga Murado wa Khorotshitumbe hu tshi tevhedzwa khethekanyo 5 (1) (b); na

(f) mafhungo manwe afhio na afhio a tikedzaho khathululo.

## 7. U thetsheswa ha Khathululo

(1) Premia u tea u vhumba vhulaedzwa ha khathululo nga u nanga muthu a vha na ndivho ya mashumele a zwa sialala, maitele a zwa sialala kana mulayo u tevhelwaho kha khathululo vhukati ha tshifhinga tsho randelwaho nahone onoyo muthu a ita themendelo kha Premia.

(2) Premia —

(a) a nga khwathisedza, a vhetshela thungo kana a khwinisa tsheo yo dzhiwaho nga Murado wa Khorotshitumbe; nahone

(c) u tea uri nga u tou nwala, a divhadze muhumbeli na Murado wa Khorotshitumbe nga ha tsheo yo dzhiwaho.

## 8. U valwa ha ngoma

(1) Murado wa Khorotshitumbe a nga, hune zwa vha zwo tea, nga kha thuso ya mazhendedzi a khombetshedzo ya zwa milayo —

(a) vala ngoma ine ya khou shuma hu si na thendelo kana i shumaho zwi tshi fhambana na nyimele dzo sumbedziswa kha thendelo;

(b) pfukhisela vhafumbi kha ngoma yo tendelwaho; kana

(c) ita dzenedzo nzudzanyo sa zwine zwa vha zwo tea hu u itela u thogomela vhafumbi

(2) Hune Murado wa Khorotshitumbe, nga muhumbulo u pfallaho, a vhona zwauri murundu/ mula/ ngoma a i khou tshimbidzwa zwavhudi, kana mutakalo wa mufumbi u khomboni, Murado wa Khorotshitumbe a nga laedza uri yeneyo ngoma i vale nga u tavhanya nahone a vha na

vhutanzi ha uri vhafumbi vha re na thodea dza dzilafho la zwa mishonga vha khou ilaxwa nga ndila yo teaho.

**9. Nyiledzo ya u imisa ngoma hu si na phemithi**

A hu na muthu ane a nga imisa ngoma –

- (a) a si na phemithi i re mulayoni hu tshi tevhedzwa khethekanyo 5(1)(a);
- (b) ine ya pfuka maga a kombetshedzwaho nga phemithi.

**10. Vhuingameli na u netshedzwa ha mivhigo**

(1) Murado wa Khorotshitumbe a nga, hu na vhukwamani na Murado wa Khorotshitumbe a re na vhudifhinduleli ha zwa mutakalo kha vundu na Ndu ya Vundu, thola muthu ane a do shuma kha tshumelo ya tshitshavha nahone a ane o tshina ngoma, uri a ingamele ngoma inwe na inwe yo imiswaho kha vundu u itela u vhona uri ngoma iyo i khou tshimbidzwa hu tshi tevhedzwa Mulayo lwo fhelelaho.

(2) Hune Murado wa Khorotshitumbe a vha na na khumbulo ya u tenda uri -

- (a) u pfukwa ha mulayo, u sa farwa zwavhudi, u dalesa lwo kalulaho kana zwinwe zwiito zwi fanaho na zwenezwo zwi khou itea afho ngomani; kana
- (b) nyimele i re afho fhethu hune ngoma yo ima hone i khombo kha mutakalo kana mutakalo wa vhafumbi, Murado wa Khorotshitumbe a nga, nga murahu ha vhukwamani na Ndu ya Vundu na Murado wa Khorotshitumbe wa zwa mutakalo kha vundu, ita uri hu itwe tsenguluso ya mafhungo ayo.

(3) Nga murahu ha u wana muvhigo wa tsenguluso, Murado wa Khorotshitumbe a nga dzhia maga ayo sa Murado wa Khorotshitumbe o teaho u shumana na mafhungo ayo.

(4) Mune wa phemithi u tea u rekhoda zwavhudi kha ridzhistara nahone a vhiga kha Murado wa Khorotshitumbe, zwidodombedzwa zwa vhune zwo fhelelaho nga vhudalo zwa vhafumbi.

(5) Mune wa phemithi u tea u vhiga kha Ndu ya Vundu, Murado wa Khorotshitumbe na Tshumelo ya Tshipholisa ya Afurika Tshipembe, zwidodombedzwa zwa vhune zwo fhelelaho zwa vhafumbi vhane vha lovha ngomani na maga a ndulamiso o vhwaho u itela u thivhela u bvelela ha mpfu idzo.

(6) Musi ngoma i tshi swa, mune wa phemithi u tea u netshedza muvhigo wo fhelelaho, u ya nga ndila yo randelwaho, kha Murado wa Khorotshitumbe.

#### 11. Nyiledzo ya u dzhia nga khani

(1) A hu na muthu ane a nga dzhia nga khani, kombetshedza, u fhura kana u ita uri munwe muthu a wele ngomani kana u tumanywa na zwithu zwinwe na zwinwe zwi bvelelaho ngomani.

(2) Murado wa Khorotshitumbe u tea uri, nga murahu na zwezwo musu Murado wa Khorotshitumbe a tshi divha uri hu na muthu o dzhiwaho nga khani, kombetshedzwa, u fhurwa kana u ita uri muthu a shavhele ngomani, a nee ndaela mune wa phemithi ya uri a bwise muthu uyo na zwenezwo na u vhiga mafhungo ayo kha vha Tshumelo ya Tshipholisa ya Afurika Tshipembe.

#### 12. Thendelo ya u wela ngomani

(1) Nwana a re na minwaha i re fhasi ha 12 ha tei u tangedzwa ngomani uri a fumbiswe.

(2) Nwana ha tendelwi u ya ngomani u fumbiswa hu si na thendelo yo tou nwalwaho u bva kha vhabebi kana muundi wawe i re kha tshivhumbeo tsho randelwaho.

(3) Muthu a re na minwaha i re nthha ha 18 a nga ya a dinwalisa ngomani u itela u fumbiswa nga u tou funa hawe.

(4) Vhafumbi vho bulwaho afho kha khethekanyothukhu (2) na (3) vha tea uri, musu vha tshi ita khumbelo ya u wela ngomani u ya u fumbiswa, vha tuwa na thanziela ya dokotela yo bviswaho nga dokotela hu u khwathisedza uri mufumbi uyo mutakalo wawe wo lugela maitete a u fumbiswa zwi tshi tevhela maitete a sialala na maitete / nyitelathero ya tshitshavha tshenetsho tsha sialala.

(5) Muthu munwe na munwe a re nthha ha minwaha ya 12 a dovha a vha fhasi ha minwaha ya 18 o dinwalisaho kha ngoma u itela u fumbiswa hu si na thendelo yo tou nwalwaho u bva kha

vhabebi vhawe kana muundi a re mulayoni, ha tei u fumbiswa kana u fumbiswa musi murangaphanda wa sialala a re na vhudifhinduleli na mune wa phemithi vho no divhadzwa nahone vho wana thanziela ya dokotela yo bulwaho afho kha khethekanyothukhu (4) na linwalo la thendelo lo tou nwalwaho la vhabebi kana muundi a re mulayoni sa o sumbebdzwaho kha khethekanyothukhu (2).

(6) A hu na mune wa phemithi ane a nga tanganedza mufumbi o bulwaho afho kha –

(a) khethekanyothukhu (2) kha ngoma i si na thanziela ya dokotela i todeaho kana thendelo;

(b) khethekanyothukhu (3) i si na thanziela ya dokotela i todeaho, yo bulwaho afho kha khethekanyo iyi.

### 13. Mushumo wa Muhasho wa Mutakalo

Murado wa Khorotshitumbe a re na vhudifhinduleli ha zwa mutakalo kha vundu u tea uri, nga kha mbekanyamushumo dzo khetheaho, a thuse vhafumbi uri vha wane thanziela dza dokotela dzo teaho hu tshi tevhedzwa uyu Mulayo.

### 14. Vhathu vhane vha nga fumbisa ngomani

(1) Ndi muthu o tshinaho ngoma kana muthu o ridzhisitaraho nga ndila yo randelwaho sa ene maine kha ridzhisitara ya vhomaine ane a nga ita nyitelatherelo ya ngoma na u fumbisa vhafumbi.

(2) Musi hu tshi itwa zwa nyitelatherelo, muthu o bulwaho afho kha khethekanyothukhu (1) u tea u vhone uri hu na ndondolo yo fhelelaho nahone nga vhuronwane na u tevhedza maga a zwa mutakalo o randelwaho.

(3) nndu ya Vundu i tea u thoma na u vhulunga ridzhisitara ya vhomaine u ya nga ndila yo randelwaho.

(4) Mune wa phemithi u hwala vhudifhinduleli ha ndondolo, tsireledzo na mutakalo wa vhafumbi.

**15. Tshifhinga tshine ngoma ya tea u ima ngatsho**

(1) Murado wa Khorotshitumbe u tea u, u ya nga khethekanyothukhu (2) nahone hu na vhukwamani na Murado wa Khorotshitumbe a re na vhudifhinduleli ha zwa pfunzo, nea duvha line ngoma dza nga imiswa ngalo.

(2) Maduvha ane ngoma ya imiswa ngao ha tei u khakhisa khalenda ya kutshimbilele kwa tshikolo.

**16. Vhukhakhi**

Muthu ane a pfuka mbetshelo dza khethekanyo 9, 11(1), 12(1), (2), (6) na 14 (1), (2) kana (4) u vha o ita mulandu nahone u tea u hwala vhudifhinduleli ha faini/ ndatiso kana tshikhala tsha u dzula dzhele lwa tshifhinga tshi sa fhiri minwaha mitanu, kana zwothe yeneyo faini / ndatiso na u dzula dzhele lwa minwaha i sa fhiri mitanu.

**17. Milayo**

Murado wa Khorotshitumbe a nga, nga murahu ha vhukwamani na Nndu ya Vundu, ita milayo i kwamaho —

- (a) zwifhinga zwa u guma kha u netshedza khumbelo ya u imisa ngoma na phedziselo ya khathululo;
- (b) zwitenwa na tshelede ya nthi i badelwaho musu muthu o ya ngomani;
- (c) thodea dza u ridzhisitara maine na u vhulunga ridzhisitara yo bulwaho; na
- (d) mafhungo manwe na manwe o teaho kha u swikelela ndivho ya Mulayo.

**18. U phumulwa ha milayo**

Mulayo wa Ngoma wa Vundu la Limpopo, 1996 (Mulayo No.6 wa 1996) afha u khou phumulwa.

**19. Dzina lipfufhi na mathomo**

Uyu Mulayo u vhidzwa Mulayo wa Ngoma wa Limpopo, 2014.

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**MEMORANDAMU WA NGA HA NDIVHO DZA MULAYOTIBE  
WA NGOMA DZA LIMPOPO, 2014**

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**1. MARANGAPHANDA NA NDIVHO DZA MULAYOTIBE**

- 1.1. Mulayotibe wa Ngoma dza Limpopo (Mulayotibe) wo bveledzwa zwi tshi tutshelana na Ndimya ya 12, khethekanyo 211 ya Ndayotewa ya Riphabuliki ya Afrika Tshipembe, 1996 (Ndayotewa) na minwe milayo i shumiswaho. Khethekanyo 211 (1) ya Ndayotewa i vhetshela zwa u tendelwa ha sisiteme ya milayo ya sialala na u tevhedzwa ha maitete a sialala zwi tshi katela na zwiimiswa zwa dzingoma.
- 1.2. Mulayo wa Ngoma dza zwa u Fumbisa wa Vundu la Limpopo, 1996 (Mulayo No.6 wa 1996) wo phasiswa u vha mulayo zwo fanela nga Muvhuso wa Vundu wa Limpopo hu u itela u langa mafarelwe a ngoma kha vundu.
- 1.3. Maga ndadzisi a todaho u khwathisedza na u thivhela u farwa ha ngoma lu siho mulayoni a tea u divhadzwa. Izwi zwi do dovha hafhu zwa fhedza khonadzeo dza vho maine vha so ngo pfumbudzwaho vhane kanzhi vha disa mafuvhalo a sa ilafhei kha vhafumbi.
- 1.4. Ndivho khulwane dza Mulayotibe ndi u toda u langa maitete a zwa dzingoma na sialala kha vhadzulapo kha vundu, u phumula Mulayo wa zwa Ngoma kha Vundu la Limpopo, 1996 (Mulayo No. 6 wa 1996); kathihi na u vhetshela mafhungo a tutshelanaho na zwenezwo.

## 2. ZWI KWAMAHO MATSHILISANO

Mulayotibe u toda u langa matshimbidzelwe a zwa sialala a u farwa ha ngoma zwi tutshelanaho na maitele na milayo i shumiswaho ya sialala kha Vundu. Mulayotibe u fhungudza maitele a u vha hone ha ngoma kha vho maine vha zwa u fumbisa vho redzhisitariwaho kha zwenezwo kha redzhisitara ya vho maine. Izwi zwi do konaha u fhungudza khonadzeo ya vho maine vha so ngo pfumbudzwaho vhane kanzhi vha vha vhone vha itaho uri hu vhe na mafuvhalo a sa ilafhei.

## 3. TSENGULUSO YA TSHITENWA NGATSHITENWA

- 3.1. Khethekanyo 1 i vhetshela zwa thandavhudzo.
- 3.2. Khethekanyo 2 i bvisela khagala ndivho dza Mulayo.
- 3.3. Khethekanyo 3 i bvisela khagala matshimbidzelwe a khumbelo ya phemithi ya u vha na ngoma.
- 3.4. Khethekanyo 4 i vhetshela zwa tholo ya fhethu.
- 3.5. Khethekanyo 5 i sumbedzisa maanda a Murado wa Khorotshitumbe
- 3.6. Khethekanyo 6 i sumbedzisa zwa matshimbidzelwe a khathululo.
- 3.7. Khethekanyo 7 i vhetshela zwa vhupfiwa ha khathululo.
- 3.8. Khethekanyo 8 i vhetshela zwa u valwa ha ngoma.
- 3.9. Khethekanyo i vhetshela zwa nyiledzo ya u vha hone ha ngoma hu si na phemithi.
- 3.10. Khethekanyo 10 i sumbedzisa zwa u tolwa na u netshedzwa ha mivhigo.
- 3.11. Khethekanyo 11 i iledza zwa u kombetshedzwa.

- 3.12 Khethekanyo 12 i vhetshela zwa thendelo ya u dzhenela mutangano wa ngoma.
- 3.13 Khethekanyo 13 i sumbedzisa zwa mushumo wa Muhasho wa Mutakalo.
- 3.14 Khethekanyo 14 i vhetshela zwa vhathu vhane vha nga shumana na maitete a zwa ngoma.
- 3.15 Khethekanyo 15 i sumbedzisa nga ha zwa datumu dza ngoma.
- 3.16 Khethekanyo 16 i vhetshela zwa vhukhakhi.
- 3.17 Khethekanyo 17 i sumbedzisa zwa ndaulo.
- 3.18 Khethekanyo 18 i vhetshela zwa mafhungo a u phumulwa ha milayo.
- 3.19 Khethekanyo 19 i vhetshela zwa dzina lipfufhi na u thoma u shuma ha Mulayo.

#### **4. ZWI KWAMAHO MASHELENI**

Hu do vha na mbadelo dza u gazethiwa ha Mulayotibe kha gazethe ya muvhuso hu u itela vhupfiwa ha vhathu na ndivhadzo dza u andadzwa ha Mulayotibe kha gurannda mbili. Ndaulo dzinwe na dzinwe dzo bviswaho fhasi ha uyu Mulayo na dzone dzi do vha na mbadelo dza u gazethiwa.

#### **5. ZWI KWAMAHO ZWA TSHITAFU NA NZUDZANYO**

Muhasho u do nanga vhaofisiri vha u langula u redzhisitariwa ha vho maine vha zwa u fumbisa kathihi na u netshedzwa ha phemithi dza u vha na ngoma.



**6. ZWI KWAMAHO NDAYOTEWA**

A hu na zwi kwamaho ndayotewa zwi tutshelanaho na Mulayotibe. Zwenezwoha, ri na fulufhelo kha zwi tutshelanaho na mulayo nga ha uyu Mulayotibe sa izwo u si na mbetshelo dza zwa vhukhakhi.

**7. ZWIIMISWA ZWO KWAMIWAHO**

Muhasho wa zwa Mafungo a Sialala na Mavhusele o Tanganelanaho wa Lushaka; na Vhaeletshedzi vha zwa Mulayo vha Muvhuso kha Ofisi ya Premia, Limpopo, kathihi na Mahosi a Ndu ya Vundu vho kwamiwa.

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