

UMTHETHO WENTURHU YANGEKHAYA

INOMBORO. 116 of 1998

[Qala umthetjhwana]

[YADLULISWA NGOKOMTHETHO MHLANA AMALANGA

AMA- 20 KUSINYIKHABA, 1998]

[ILANGA LOKUTHOMA UKUSEBENZA KOMTHETHO LO: 15 KUNOBAYENI, 1999]

(Umthetho otlolwe ngesiNgisi otlikitlwe nguMongameli)

UmThetho lo wakhambisaniswa nesikhathi kuGazede kaRhulumende eyinomboro

35018 yamhlana amalanga ali-10 kuMhlolanja, 2012.

Njengombana utjhugulu nge-*Judicial Matters Second Amendment Act, No. 55*

yomnyaka we- 2003

i-*Jurisdiction of Regional Courts Amendment Act, No. 31* yomnyaka we-2008

[ukusukela mhlana amalanga ali-9 kuRhoboyi, 2010] i-*Independent Police*

Investigative Directorate Act, No. 1 yomnyaka we- 2011[ukusukela mhlana ilanga lili-

1 kuSihlabantangana, 2012] amatjhuguluko atjhukunyiswe yi-*Independent Police*

Investigative Directorate Act, No. 1 yomnyaka we-2011

(iinqalelelo ezingakabi ukumenyenzelwa) amatjhuguluko atjhukunyiswe ziinGaba

okumele zitjhugululwe nginanzi:

S. 36 of Act No. 1 of 2011 S. 18 of Act No. 116 of 1998

UMTHETHO

Ukuletha Ukunikelwa Kwemilayo Ephathelene Nenturhu Yangekhaya; Begodu Nezinye Iindaba Ezithintana Nayo.

ISENDLALELO

UKWAMUKELA bona inturhu yomndeni kwamambala ingusathana osele arhagele kwamanikelela eemphakathini; ukobana kunezehlakalo zenturhu yekhaya ezisezingeni eliphakamileko hlangana nomphakathi weSewula Afrikapha; ukobana abongazimbi benturhu yangekhaya bahlangana nalabo abahlala basengozini yokungakavikeleki hlangana namalunga womphakathi; ukobana inturhu yangekhaya iza ngeendlela ezinengi ezahlukahlukeneko; ukobana izenzo zenturhu yangekhaya zingenziwa ngeendlela ezinengi ezahlukahlukeneko zehlobo lobungani obukhona bomndeni; begodu nokobana iindlela ezikhona kwakhathesi zokurhelebha abongazimbi benturhu yangekhaya zitholakele zibonisa ukungasebenzi;

BEGODU NGOKUTHEMBELA kuMthethosisekelo weSewula Afrika, begodu khulukhulu, ilungelo lokulingana, itjhaphuluko begodu nokuvikeleka komuntu; begodu nokuzibophelela kweentjhabatjhaba nokuzibophelela komBuso ekuqedeni inturhu ehlukele abantu bengubo nabentwana, okufaka hlangana amagunya angaphasi kwesivumelwano seeNgqungquthela zeBumbano leeNarha eziphathelene

nokuRhogobajwa kweeNdlela zoke zeBandlelulo eliQaliswe ebantwini beNgubo begodu namaLungelo wabaNtwana;

KUMUNQOPHO womThetho lo ukwenza bona abongazimbi benturhu yangekhaya bathola ivikeleko elisezingeni eliphezulu ekuhlukunyezweni kwangekhaya umthetho ongakwazi ukubanikela khona; begodu ukuveza amagadango lawo anqophe ukuqinisekisa bona iinJamiso zomBuso zinikela isekelo elipheleleko eenqalelelweni zomThetho lo, begodu ngaso isikhatheso umBuso uzibophelele ekurhobhiseni inturhu yangekhaya.

UMTHETHO LO WENZIWE yiPalamende yeRiphabliki yeSewula Afrika, ngendlela elandelako:—

UKUHLELEKA KWEENGABA

1. lihlathululo
2. Umsebenzi wokurhelelwa nokukwazisa ummangali ngamalungelo
3. Ukubanjwa siPhathiswa sokuthula ngaphandle kwencwadi yesigunyazo
4. Isibawo somlayo wokuvikela
5. Ukutjhejwa kwesibawo nokunikelwa komlayo wesikhatjhana wokuvikela
6. Ukunikelwa komlayo wokuvikela
7. Amandla weKhotho manqophana nomlayo wokuvikela
8. Isigunyazo sokubopha ngesikhathi kunikelwa umlayo wokuvikela
9. Ukuthathwa kweembulawo neenkhalo eziyingozi
10. Ukutjhugutjhuguluka namkha ukubekela ngeqadi umlayo wokuvikela

11. Ukutjhejwa kweenkambiso nokuvinjelwa kokukhamgiswa kwelwazi elithileko
12. Ilungelo lokusebenzisa umthetho
13. Ukunikelwa kwemitlolo yomthetho
14. Ukujanyelwa ngokomthetho
15. Iindleko
16. Ukudluliswa nokubuyekezwa kwemilandu
17. Imilandu
18. Ukusetjenziswa komThetho baTjhutjhisi bezomthetho namalunga wePhiko lamaPholisa weSewula Afrika
19. Imithetjhwana
20. Itjhuguluko lesiGaba 40 somThetho 51 we-1977, ngendlela otjhugululwe ngayo sigaba 41 somThetho 129 we-1993 begodu nesiGaba 4 somThetho 18 we-1996
21. Ukusulwa kwemithetho nokubulunga
22. Isihloko esifitjhani nokuthoma ukusebenza komthetho

linhlathululo

1. EmThethweni lo, ngaphandle kwanyana ubujamo buveza ngenye indlela—
"isibulawo" kutjhiwo nanyana ngisiphi isibulawo ngendlela esihlathululwe ngayo kusigaba 1(1) namkha nanyana ngisiphi isibulawo ngendlela esihlathululwe ngayo kusigaba 32(1) se-*Arms and Ammunition Act, No. 75* womnyaka we-1969;
" umabhalana wekhotso " kutjhiwo umabhalana wekhotso oqatjhwe ngokuya kwesigaba 13 se-*Magistrates' Courts Act, No. 32* yomnyaka we-1944, begodu

okufaka hlangana umsizi kamabhalana wekhotho naye oqatjhwe ngokulandela indlela etshwaywe ngehla;

"ummangali" kutjhiwo nanyana ngimuphi umuntu ebegade asesinganini somndeni nommangalelwa, lowo okutholakala bona uzifumene asele asemrarweni wenturhu yangekhaya, okufaka hlangana nanyana ngimuphi umntwana ongaphasi kwetjhejo likammangali;

"ikhotho" kutjhiwo nanyana ngiyiphi ikhotho kaMarhastrada wesigodi ngendlela okutjhiwo ngayo ku-*Magistrates' Courts Act, No. 32* yomnyaka we-1944;

"ukulimaza ipahla" kutjhiwo ukulimaza namkha ukufahlaza ipahla kammangali ngomabomu namkha leyo ummangali anerhuluphelo elikhulu kiyo;

"isikhali esiyingozi" kutjhiwo nanyana ngisiphi isikhali ngendlela esihlathululwe ngayo kusiGaba 1 we-*Dangerous Weapons Act, No. 71* womnyaka we-1968;

"isingani somndeni" kutjhiwo isingani esikhona phakathi kukammangali nalowo ongummangalelwa kunanyana ngiyiphi indlela kilezi ezilandelako—

- (a) basatjhadile namkha khabe batjhadile, okufaka hlangana umtjhadu ukuya ngananyana ngimuphi umthetho, wesintu namkha wekolo;
- (b) bangaba (ngebobulili obufanako namkha obungafaniko) abahlala namkha ekhabe bahlala boke ngesingani esifana nesabantu abatjhadileko, nanyana kungasinjalo, namkha nanyana gade kungasinjalo, bebagade batjhadile, namkha nanyana bangakwazi ukutjhada;
- (c) bababelethi bomntwana namkha bababantu abanesibopho namkha ekhabe banesibopho somntwana lowo (iye namkha awa ngasikhathisinye);
- (d) bamalunga womndeni abahlobeneko, ubuhlobo beengazi, ngokufana namkha ngokumbelekela;

- (e) baziingani namkha bebaziingani, bakhuphana namkha bahlanganiswe ngesintu, okufaka hlangana ukuhlangana kwamambala namkha okubonakala kwanga kuyathandanwa, ngokutjhidelana khulu namkha ngokwetjhebiswano lezomseme kwananyana ngisiphi isilinganiso sesikhathi; namkha
- (f) bayabelana namkha bakhe babelana indawo yokuhlala ingasi kade;

"inturhu yangekhaya" kutjiwo—

- (a) yokhlukumeza ngokulimaza umzimba;
- (b) ngokomseme;
- (c) emoyeni, ngomlomo begodu nangokomkhumbulo;
- (d) ngokomnotho;
- (e) ukuthusela;
- (f) ukuthagisa;
- (g) ukulalela;
- (h) ukulimaza ipahla;
- (i) ukungena endaweni kammangali ngaphandle kwemvumo, lapha abantwana bangabelani indawo eyodwa yokuhlala; namkha
- (j) nanyana ngikuphi ukulawula namkha ukuziphatha okhlukumezako okunqotjhiswe kummangali, lapha ukuziphatha okufana nalokho kulimaza, namkha kungabangela khona ukulimala okusepepeneneni kummangali, ivikeleko, ipilo namkha isithunzi sikammangali;

"ukhlukumeza ngokomnotho" kufaka hlangana—

- (a) ukudinywa zomnotho namkha iintlabagelo zezomnoth okungazwakaliko lapha kutholakala khona bona ummangali unelungelo ngaphasi komthetho namkha lapha ummangali okufuneka khona bona ngesidingo, okufaka hlangana iindingo zomndeni kammangalelwa, begodu nokubhadelwa kwebhondi yendlu

namkha ukubhadelwa kwerende ephathelene nendawo yokuhlala
eyatjelwanako; namkha

- (b) ukulahlwa okungazwakaliko kwepahla yendlini namkha nanyana ngiyiphi
ipahla ummangali anakareko kiyo;

"imali yesibonelelo esirhabekileko" kutjihiwo isibonelelo seendleko zemali

ezitholwe ngummangali ngesikhathi sokukhutjiswa komlayelo wokuvikela ngebanga
lenturhu yangekhaya, okufaka hlangana—

- (a) ukulahlekelwa yingenisomali;
(b) ukwelatjiswa begodu neendleko zamazinyo;
(c) ukutjhidiswa begodu neendleko zendawo yokuhlala; namkha
(d) iindleko zeentlabagelo zangekhaya;

"ukuhlukunyezwa ngokomnotho, komlomo begodu nangokomkhumbulo"

kutjihiwo iphetheni yokwehlisa namkha ukuphathwa okwehlisa ummangali isithunzi,
okufaka hlangana—

- (a) ukuhlanjalazwa okubuyeleleko, ukuhlekisa ngomuntu namkha ukutjho
ngamaganyana atjhigamileko;
(b) ukuthuselwa okubuyelelweko ukubangela ummangalelwa ubuhlungu
bomkhumbulo; namkha
(c) umkhangiso obuyelelweko womzindlo wobunininto yomuntu, namkha umona,
okungenzeka bona uswaphelise wenza bona umuntu angene ngetjhova
entumbeni yommangali, ikululeko, ukudzimelela emigomeni ozibekele yona
namkha ivikeleko;

"ukutlhagisa" kutjihiwo ukuragela phambili ngendlela ethileko yokuziphatha

okuletha ukwesaba ukulinyazwa kukammangali okufaka hlangana—

- (a) ukuqala okubuyelelweko, namkha ukutjhagala ngaphandle okunganamngqopho namkha eduze komakhiwo namkha indawo lapha ummangali ahlala, asebenza, enza ibhizinisakhe, afunda khona nanyana angazithola akhona;
- (b) ukudosa umtato ngokubuyelela, namkha ukubawa omunye bona adosele ummangali umtato, akunandaba bona ndababani leyo amdosela ngayo;
- (c) ukuthumela ngokubuyelelweko, ukwehlisa namkha wenze bona iincwadi zehliswe, amathelegramu, amaphasela, amafeksi, ama-imeyili namkha kungaba nginanyana ngiziphi izinto zikammangali;

"ukuthusela" kutjiwo ukutjho namkha ukudlulisela ukwethusela, namkha ukwenza bona ummangali afumane ukwethuselwa, ukungamulethela ukwesaba;

"ilunga lePhiko lamaPholisa weSewula Afrika" kutjiwo kunanyana ngiliphi ilunga ngendlela elihlathululwa ngayo esigabeni 1 se-*South African Police Service Act, No. 68* yomnyaka we-1995;

"isiPhathiswa sezokuThula" kutjiwo isiPhathiswa sezokuThula ngendlela esihlathulwe ngayo esigabeni 1 se-*Criminal Procedure Act, No. 51* yomnyaka we-1977;

"ukuhlukumeza ngokulimaza umzimba" kutjiwo kunanyana ngisiphi isenzo namkha isenzo sokuthusela ngokuhlukumeza umuntu ngokulimaza umzimba kammangalelwa;

"okujanyisiweko" kutjiwo lokho okujanyiswe ngokuya komthetjhwana owenziwe ngaphasi kwesigaba 19;

"umlayo wokuvikela" kutjiwo umlayo okhutjwe ngokuya kwesigaba 5 namkha 6 kodwana, isigaba 6, sitjhiya ngaphandle umlayo wesikhatjhana wokuvikela;

"**indawo yokuhlala**" ifaka hlangana isijamiso sabantwana, abantu abadala begodu nabantu abakhubazekileko;

"**ummangalelwa**" kutjiwo kunanyana ngimuphi umuntu namkha owakhe waba setjhebiswaneni lokuba sinini sangekhaya sikammangali begodu nowenze namkha osolelwa bona wenze isenzo sokuhlukumeza kwangekhaya;

"**ukhlukumeza ngokomseme**" kutjiwo kunanyana ngiyphi indlela yokuziphatha okuhlukumeza, ukwehlisa isithunzi, kuqalela phasi namkha ngakelinye ihlangothi kweqa isithunzi sobulili bukammangali;

"**umabhalana wekhotso**" kutjiwo **umabhalana wekhotso oqatjhwe ngokuya kwesigaba 2 (1) se-Sheriffs Act, No. 90** yomnyaka we-1986, namkha umjaphethe kamabhalana wekhotso oqatjhwe ngokuya kwesigaba 5 (1) somThetho lo okukhulunywa ngawo;

"**ukulalela**" kutjiwo ukulandela umuntu ngokubuyelelweko , ukuragela phambili ngokulandela, namkha ukujamisa ummangali ngomngqopho wokumkhulumisa ngendlela eyeyisako nekghabhudlhako;

"**umThetho lo**" okufaka hlangana imithetjhwana.

Umsebenzi Wokurhelebha Nokukwazisa Ummangali Ngamalungelo

2. Nanyana ngiliphi iPhiko lamaPholisa weSewula Afrika kumele, endaweni lapha kwenzeka khona isehlakalo senturhu yangekhaya namkha msinyana ngemva kwalokho ngendlela okungakghonakala ngayo, namkha ngesikhathi isehlakalo senturhu yangekhaya esibikwe ngayo—

(a) anikele isizo elifana nalelo kummangali ngendlela okungafunakala ebujameni obufana nalobu, okufaka hlangana okusiza namkha ukwenza amalungiselelo

ukobana ummangali athole isiphephelo esifaneleko begodu athole netjhejo lezokwelatjhwa;

- (b) nangabe kuyakghonakala ukwenza lokho, anikele isiyeliso sokufumana ilwazi ngendlela okujanyiswe ngelimi lelo elenyulwa ngummangali; begodu
- (c) nangabe kuyakghonakala ukwenza lokho, lihlathulule kummangali lokho okumunyethwe siyeleliso esifana naleso ngendlela ejanyisiweko, okufaka hlangana iimpengu zokurhelebha lokho eziseduze ngokuya komThetho lo begodu nelungelo lokuvula isinghonyoyilo sobulelesi, nangabe kuyakghonakala.

Ukubanjwa SiPhathiswa SokuThula Ngaphandle Kwencwadi Yesigunyazo

3. IsiPhathiswa sezokuThula singabopha ngaphandle kwesigunyazo sokubopha endaweni lapha isehlakalo senturhu yangekhaya senzeka khona lapha umsolelwa kusolelwa kwanga wenze umlandu omumethe itshwayo lenturhu elinqotjhiswe kummangali.

Isibawo Somlayo Wokuvikela

4. (1) Nanyana ngimuphi ummangali ngendlela ejanyisiweko angakwazi ukwenza isibawo somlayo wokuvikeleka ekhotho.

(2) Nangabe ummangali akakajanyelwa ligqwetha, umabhalala wekhotho kumele azise ummangali, bona ngendlela ejanyisiweko—

- (a) ngerhelebho elikhona ngokuya komThetho lo; begodu

(b) nangelungelo lomvangali lokuvulela umvangalelwa umlandu wobulelesi wangokomthetho, nangabe umvangalelwa uwenzile umlandu wobulelesi.

(3) Ngaphandle kwenqalelelo zananyana ngimuphi omunye umthetho, isibawo singalethwa esikhundleni sikamvangali nginanyana ngimuphi omunye umuntu, okufaka hlangana umeluleki, umsekeli wezepilo, ilunga lePhiko lamaPholisa weSewula Afrika, unohlalakhule namkha utitjhere, onekareko elibanbekako epilweni kamvangali: Ngaphandle kwanyana kufuneka bona isibawo kumele silethwe nencwadi etloliweko ebuya kumvangali, ngaphandle kwanyana umvangali—

(a) asesemncani;

(b) anomkhumbulo othathela emuva;

(c) ayathile; namkha

(d) amumuntu ikhotho eyanelisiweko bona akakwazi ukunikela imvume efunakalako.

(4) Nanyana iinqalelelo zananyana ngimuphi omunye umthetho, nanyana ngimuphi umuntu osesemncani namkha nanyana ngimuphi umuntu ojamele umntwana osesemncani, angasenza isibawo sekhotho sokubawa umlayo wokuvikeleka ngaphandle kwerhelebho lombelethi, umjameli wombelethi namkha nanyana ngimuphi omunye umuntu.

(5) Isibawo okukhulunywa ngaso esigatjaneni (1) singalethwa ngaphandle kwama-iri ajayelekileko wekhotho namkha ilanga okungasilo ilanga elijayelekileko lekhotho, nangabe ikhotho iyaneliswa bona umvangali angathola ubudisi ebegade angakabujameli nangabe isibawo asikatjhejwa msinyana.

(6) Isekelo lesitatimende esifungelweko esivela emuntwini onelwazi ngendaba okukhulunywa ngayo lingakhambisana nesibawo.

(7) Isibawo neentatimende ezifungelweko kumele zinikelwe umabhalana wekhotho ozakuthi nakasuka lapho anikele isibawo neentatimende ezifungelweko ekhotho.

Ukutjhejwa Kwesibawo Nokunikelwa Komlayo Wesikhatjhana Wokuvikela

5. (1) Ikhotho kumele kuthi ngokurhabeka okungakghonakalako itjheje isibawo esethulwe kiyo ngokuya kwesigaba 4 (7) begodu ngomnqopho lowo, ingatjheja ubufakazi obungezelelweko ngendlela ebona ngayo, okufaka hlangana ubufakazi bomlomo namkha ubufakazi obunikelwe ngesitatimende esifungelweko, esizakwenza ingcenywe yemininingwana yendlela yeenkambiso.

(1A) Lapha izinto zivuma khona begodu nalapha iGqwetha lomNdeni likhona khona, ikhotho ngokuya kwendlela ubujamo bungajanyiswa ngayo ku- *Mediation in Certain Divorce Matters Act, No. 24* yomnyaka we-1987, nayingatjheja isibawo esitjhiwo esigatjaneni (1), esigabangela bona iphenyo lenziwe nguGqwetha womNdeni, otjhiwo ku-*Mediation in Certain Divorce Matters Act*, yomnyaka we-1987, endaweni okuwela kiyo ikhotho leyo, ephathelene nezehlalakuhle yananyana ngimuphi umntwana otlhoga itjhejo namkha osengaphasi kwabambeleleli ngeenkambiso okukhulunywa ngazo, lapha iinqalelelo zomThetho zisebenza khona namatjhuguluko athlogwa bujamo.

(2) Nangabe ikhotho iyaneliswa bona kwamambala kunobufakazi obusepepeneneni ukobana—

(a) ummangalelwa uyasenza namkha angasenza isenzo senturhu yangenkhaba; begodu

(b) ubudisi obungathogakaliko kungenzeka ummangali azifumane akibo ngebanga lalokho inturhu yangekhaya efana naleyo nangabe umlayo wokuvikela awukhutjwa msinyana, ikhotho kumele, nanyana ummangalelwa angakanikelwa isiyeleliso seenkambiso ngendlela okutjiwo ngayo esigatjaneni (1), sokukhutjwa komlayo wesikhatjhana wokumvikela kummangalelwa, ngendlela ejanyisiweko.

(3) (a) Umlayo wesikhatjhana wokuvikela kumele unikelwe ummangalelwa ngendlela ejanyisiweko begodu kumele kubizwe ummangalelwa ukubinisa indlela yekambiso ngelanga lokubika elitloliweko lokubika bona kubayini umyalo wokuvikela ungekhe wakhutjwa.

(b) Ikhophi yesibawo okukhulunywa ngaso esigabeni 4(1) begodu neminingwana yananyana ngibuphi ubufakazi obutshwaywe ngokuya kwesigatjana (1) kumele bunikelwe ummangalelwa kanye nomlayo wesikhatjhana wokuvikela.

(4) Nangabe ikhotho ayikhuphi umlayo wesikhatjhana wokuvikela ngokuya kwesigatjana (2), ikhotho kumele yazise umabhalana wekhotho ukobana enze amakhophi aqinisekisiweko wesibawo okukhulunywa ngasweso begodu nanyana ngiliphi isekelo leentatimende ezifungelweko okumele zinikelwe ummangalelwa ngendlela ejanyisiweko, ezikhambisana nesiyeleliso esijanyisiweko esibiza ummangalelwa ukobana abonise embikwenakhe isiyeleliso esitjhoko bona kubayini umlayo wokuvikela ungekhe wakhutjwa.

(5) Amalanga wemibiko okukhulunywa ngayo esigatjaneni (3) (a) begodu (4) angekhe abe ngaphasi kwamalanga ali-10 ngemva kobana koke sele kunikelwe ummangalelwa: Ngaphandle kwanyana amalanga wemibiko okukhulunywa ngawo esigatjaneni (3) (a) angaba ngilawo ajanyelwe

ngummangalelwa esikhathini esingasi ngaphasi kwama-iri ama-24 sesiyeliso esitlolwe ummangali nekhotho.

(6) Umlayo wesikhatjhana wokuvikela angekhe waba nokugandelela begodu nepumelelo bekufike lapha unikelwa khona ummangalelwa.

(7) Ngesikhathi unikelwa ngaso namkha kwemukelwa ngaso isiyeliso sokobana umlayo wesikhatjhana wokuvikela, umabhalana wekhotho kumele ukusukela mhlanokho ukuya phambili enze bona—

- (a) ikhophi eqinisekisiweko yomlayo wesikhatjhana wokuvikela; begodu
- (b) nomtlole wamambala wesigunyazo sokubopha umuntu esitjhiwo esigabeni 8(1)(a), zinikelwe ummangali.

Ukunikelwa Komlayo Wokuvikela

6. (1) Nangabe ummangalelwa akaveli ngelanga ebekelwe lona elitjhiwo esigabeni 5(3) namkha (4), begodu nangabe ikhotho iyaneliswa ngalokho—

- (a) bona igadango elifaneleko lithethwe ngommangalelwa; begodu
- (b) nesibawo simumethe ubufakazi ophathekako bokobana ummangali kwamambala uyenzile namkha wenza inturhu yangekhaya, ikhotho kumele ikhuphe umlayo wokuvikela ngeforomu elijanyisiweko.

(2) Nangabe ummangalelwa uyavela ngelanga eanikelwe lona esiyeliselweni ukuzokuphikisa ukukhutjwa komlayo wokuvikela, ikhotho kumele iragele phambili ngokulalela indabakhe begodu—

- (a) itjheje nanyana ngibuphi ubufakazi obamukelwe esikhathini esigadungileko ngokuya kwesigaba 5(1); begodu

(b) itjheje neentatimende ezifana nalezo ukuragela phambili namkha ubufakazi bomlomo ngendlela engafuna ngayo, nokungaba yingcenywe yemininingwana yeenkambiso zekhotho.

(3) Ikhotho ngokufuna kwayo, namkha ngokubawiwa ngummangali, nangabe inombono wokobana kungenzeka namkha kungaba ngesifiso sokwenza njalo, ukwenzela bona ekuhlolweni kwabofakazi, okufaka hlanguana ummangali, ummangalelwa ongakajanyelwa ligqwetha—

(a) akakavunyelwa ukutjhumega ngemibuzo bunqopho umuntu onetjhebiswano lokuhlalisana nommangalelwa; begodu

(b) angatjhumega nanyana ngimuphi umbuzo kufakazi ofana naloyo ngokuveza umbuzo lowo ekhotho, begodu nekhotho kumele ibuyelele umbuzo lowo godu ngendlela ezwakalako kummangalelwa.

(4) Ikhotho kumele, ngemva kokulalelwa okutjiwo esigatjaneni (2), ikhuphe umlayo wokuvikela eforomini elijanyisiweko nangabe ifumana bona, nakulingwaniswa amathuba, kutholakala bona kwamambala usenzile namkha wenza inturhu yangekhaya.

(5) Ngesikhathi sokukhutjwa komlayo wokuvikela umabhalana wekhotho kumele ukusukela mhlanokho ukuya phambili enze ngendlela ejanyisiweko bona—

(a) umtlole wamambala womlayo ofana nalo kumele unikelwe ummangalelwa; begodu

(b) ikhopyi eqinisekisiweko womlayo ofana nalowo, begodu umtlole wesigunyazo samambala sokubopha umuntu esitjiwo esigabeni 8(1)(a), kumele sinikelwe ummangali.

(6) Umabhalana wekhotho kumele ukusukela ngelanga lelo ukuya phambili adlulisele ngendlela ejanyisiweko amakhophi aqinisekisiweko wananyana ngimuphi umlayo wokuvikela begodu nowesigunyazo sokubopha umuntu otjhiwo esigabeni 8(1)(a) esitetjhini samaPholisa esikhethwe ngummangali.

(7) Ngokulawulwa ziinqalelelo zesigaba 7(7), umlayo wokuvikela okhutjhwe ngokuya kwesigaba uhlala usebenza bekufike isikhathi lapha ubekelwa khona ngeqadi, begodu ukusetjenziswa komlayo ofana nalowo angekhe kwazilengisa ngokwakho ngesikhathi sokufakwa kwesibawo sokudluliselwa phambili komlayo.

Amandla WeKhotho Manqophana Nomlayo Wokuvikela

7. (1) Ikhotho, ngomlayo wokuvikela okukhulunywa ngawo esigabeni 5 namkha 6, ingavimbela ummangalelwa ekubeni—
- (a) angenzi nanyana ngisiphi isenzo senturhu yangekhaya;
 - (b) angasebenzisi irhelebho lananyana ngimuphi umuntu omunye okwenza nanyana ngisiphi isenzo esifana naleso;
 - (c) angangeni endaweni ayabelana nommangali: Ngaphandle kwanyana ikhotho ingaphosa esivimbelo esifana nalesi kwaphela nangabe sibonakala singeenrhuluphelo esifaneleko zikammangali;
 - (d) angangeni engcenyeni ethileko efana nale yendawo ayabelana nommangali;
 - (e) angangeni endaweni yommangali yokuhlala;
 - (f) angangeni endaweni yomsebenzi wommangali;

- (g) uvikele ummangali ovele ahlala namkha owakhe wahlala endaweni eyatjelwanako etjhiwo kupharagrafu (c) ekungeneni namkha ekuhlaleni endaweni eyatjelwanako; namkha
- (h) enze nanyana ngisiphi isenzo esinye esihlathululwe emlayweni wokuvikela.
- (2) Ikhotho ingaphosela nanyana ngibuphi ubujamo ebubona butlhogeka ngendlela ezwakalako ukuvikela begodu bunikele ivikeleko, ipilo namkha ipilo ehlele yommangali, okufaka hlanga umlayo—
- (a) wokwemuka nanyana ngisiphi isibulawo namkha isikhali esiyingozi esi[phethwe namkha ngaphasi kwelawulo likammangalelwa, ngendlela okutjhiwo ngayo esigabeni 9; begodu
- (b) isiPhathisweso sezokuThula kumele siphekele ummangali endaweni ebaliweko ukurhelebha ngamalungiselelo aphantelene nokuthathwa kwepahla kammangalelwa.
- (3) ukulaya bona kumele kube nevilkeleko elitjhiwo esigatjaneni (1)(c), ikhotho ingaphosa emahlombe wommangalelwa iimbopho njengokukhutjiswa kwerende namkha ukubhadelwa kwesibambiso sepahla kunomthelela eentlhogakalweni zeemali neentlabagelo zikammangali begodu nezikammangalelwa.
- (4) Ikhotho ingalayela ummangalelwa bona abhadele iimali ezirhabekileko eziphathelene neentlhogakalo zeemali neentlabagelo zommangali begodu nommangalelwa, begodu umlayo ofana nalowo unepumelelo wesiqunto seKhotho kaMarhastrada.
- (5) (a) I-adresi yesiphande sikammangali kumele ingatlolwa emlayweni wokuvikela, ngaphandle kwanyana indlela yekambiso ngokuya komlayo wenza kube netlhogakalo lokobana kufakwe i-adresi yesiphande esifana naleso.

(b) Ikhotho kumele ingakhupha nanyana ngiziphi iinqophiso ukuqinisekisa bona i-adresi yesiphande sikammangali siba yifihlo ngananyana ngiyiphi indlela engafaka engozini ivikeleko, ipilo namkha nehlalakuhle kammangali.

(6) Nangabe ikhotho iyaneliswa bona kungeenkareko zananyana ngimuphi umntwana bona inga—

- (a) lela ummangalelwa bona athintane nomntwana ofana nalowo; namkha
- (b) layela bona abonane nomntwana ofana nalowo ngemibandela enjengaleyo engathathwa njengefaneleko.

(7) (a) Ikhotho angekhe yale—

- (i) ukukhupha umlayo wokuvikela; namkha
- (ii) ukuphosa nanyana ngibuphi ubujamo namkha ukwenza nanyana ngimuphi umlayo ophalisana nokuphosa namkha owenziwe ngaphasi kwesigabesi, kwaphela ngemibandela yokobana leziya ezinye iindlela zeempengu zomthetho zikhona ngehlangothini likammangali.

(b) Nangabe ikhotho inombono wokobana nanyana ngisiphi isiqalelelo somlayo wokuvikela sisebenza ngendaba okumele, ngokuya kweenkareko zomthetho, isetjenzwe ukuya phambili ngokuya kwananyana ngeimuphi omunye umthetho ofaneleko, okufaka hlangana i-*Maintenance Act*, yomnyaka we-1998, ikhotho kumele ilayele bona isiqalelelo esifana naleso sizakuthoma ukusebenza esikhathi esilinganiswe ngendlela ikhotho ingabeka ngayo, ukwenzela bona ihlangothi elithintekako likwazi ukuthola ithuba lokufuna ikululeko ngokuya komthetho ofana nalo.

Isigunyazo Sokubopha Ngesikhathi Kunikelwa Umlayo Wokuvikela

8. (1) Nanyana kukunini nangabe ikhotho ikhupha umlayo wokuvikela, ikhotho kumele yenze umlayo—

- (a) ogunyaza ukukhutjiswa kwesigunyazo sokubotjiswa kukammangalelwa, ngeforomo elifaneleko; begodu
- (b) ilengise ukusebenza kwesigunyazo esifana naleso ngokulawulwa kuthotjelwa kwananyana ngiyiphi into esivimbo, ubujamo, isibopho namkha umlayo ophoselwe ngokuya kwesigaba 7.

(2) Isigunyazo okukhulunywa ngaso esigatjaneni (1)(a) sihlala sisebenza ngaphandle kwanyana umlayo wokuvikela ubekelwe ngeqadi, namkha usuliwe ngemva kobana ungakafakwa.

(3) Umabhalana wekhotho kumele anikele ummangali isigunyazo sesibili namkha esiragela phambili sokubopha, nangabe ummangali afayili isitatimende esifungelweko ngeforomu elifaneleko lapha kutjhiwo khona isigunyazo esifana nalesi kufuneka bona sikwazi ukuvikela yena begodu nokobana isigunyazo esikhona sokubopha si—

- (a) sisetjenzisiwe besesulwa; namkha
- (b) silahlekile namkha sidatjuliwe.

(4) (a) Ummangali anganikela isigunyazo sokubopha ndawonye nesitatimende esifungelweko eforomini elijanyisiweko, lapha kuthswaywe khona baona ummangalelwa weqe nanyana ngisiphi isivimbo, ubujamo, isibopho namkha umlayo omunyethwe mulayo wokuvikela, kunanyana ngiliphi ilunga lePhiko lamaPholisa weSewula Afrika.

(b) Nangabe kuyavela elungeni elithintekako bona, ngokulawulwa sigatjana (5), kukhona imibandela ezwakalako yokusolela bona ummangali angazibona alimala ngebanga lokweqiwa komlayo wokuvikela ngummangalelwa, ilunga kumele ukuragela phambili libophe ummangalelwa ngokuthlakala enza umlandu okukhulunywa ngawo esigabeni 17(a).

(c) Nangabe ilunga elithintekako linombono wokobana kunemibandela ethayelako angenza bona ummangalelwa abanjwe ngokuya kwepharagrafu (b), kumele athi ukusukel khatheso anikele isiyeleliso esitloliwekokummangalelwa esi—

- (i) gagula igama, i-adresi yesiphande begodu nomsebenzi namkha izinga likammangalelwa lobujamo;
- (ii) biza ummangalelwa bona avele ekhotho, begodu ngelanga nesikhathi, esigagulwe esiyelelisweni, esigwebeni 17(a); begodu
- (iii) mumethe isitifiketi esitlikitlwe lilunga elithintekako okwenze bona anikele umtlole wamambala wesiyeleliso kummangalelwa begodu nokobana uhlathululile ukuqakatheka, kwawo kummangalelwa.

(d) Ilunga kumele ukusukela lapho ukuragela phambili enze imitlole yamambala yesiyeleliso okukhulunywa nawo kupharagrafu (c) ibe mibili ayinikele umabhalana wekhotho ethintekako, begodu umkhiqizo nje kwaphela womtlole wesiyeleliso samambala uzakuba siqinisekiso sokobana ubufakazi obuphathekako kwamambala banikelwa ummangalelwa izinyo lakhe eligaguliweko.

(5) Ekutjhejweni kobana iye namkha awa ummangali angazifumana alimala angakatjheji, ngendlela okutjhiwo ngayo esigatjaneni (4)(b), ilunga lePhiko lamaPholisa weSewula Afrika kumele lithathele ehloko—

- (a) ubungozi bevikeleko, ipilo namkha zehlalakuphle kammangali;

(b) ukuqakatheka kwendlela yokuziphatha okumumethe ukusolelwa kokweqiwa komlayo wokuvikela; begodu

(c) ubude besikhathi, ukusukela ngesikhathi okweqiwa ngaso umthetho.

(6) Nanganyana ngisiphi isikhathi lapha isigunyazo sokubopha sinikelwa khona ilunga lePhiko lalaPholisa weSewula ngokuya kwesigatjana (4)(a), ilunga kumele lazise ummangali ngelungelo lakhe lokobana athi ngasikhathi sinye avulele ummangalelwa umlandu wobulelesi, nangabe ukhona, begodu ahlathululele ummangali ukobana uvulwa njani umlandu ofana nalo.

Ukuthathwa Kweembulawo Neenkhalo Eziyingozi

9. (1) Ikhotho kumele iyalele ilunga lePhiko lamaPholisa weSewula Afrika bona athathe nanyana ngisiphi isibulawo namkha isikhali esiyingozi angafumana ummangali aziphethe namkha zingaphasi kwelawulo lakhe, nangabe ikhotho iyaneliswa ngobufakazi enikelwe bona, okufaka hlangana nanyana ngisiphi isitatimende esifungelweko esisekela isibawo okukhulunywa ngaso esigabeni 4(1), bona—

(a) ummangalelwa uthusele namkha ubonise umnqopho wokubulala namkha ukuzilimaza, namkha nanyana ngimuphi umuntu athandana naye ekhaya, iye namkha awa ingasi ngamabanga wesibulawo namkha isikhali esiyingozi esifana naleso; namkha

(b) aphele isibulawo namkha isikhali esiyingozi asikho ebujameni obuhle bukammangalelwa namkha nanyana ngimuphi omunye umuntu anetjhebiswano lezethando naye ekhaya, ngebanga likammangalelwa—

(i) ubujamo bengqondo;

- (ii) indlela othinteka ngayo ngezenzo zenturhu; namkha
- (iii) ukusetjenziswa namkha ukurhuluphela eenselweni ezidakako namkha eendakamizweni.

(2) Nanyana ngisiphi isibulawo esithethwe ngokuya kwesigatjana

(1) kumele sinikelwe loyo ophethe i-Ofisi lePhiko lamaPholisa weSewula Afrika ngendlela okutjihiwo ngayo esigabeni 11(2) (b) se-*Arms and Ammunition Act, No. 75* womnyaka we-1969, begodu ikhotho kumele ilayele umabhalana wekhotho ukobana adlulisele ikhophi yerekhodo lobufakazi okukhulunywa ngabo esandleni sikaKomitjhinara weNarha wePhiko lamaPholisa weSewula Afrika bona ayitjheje ngokuya kwesigaba 11 se- *Arms and Ammunition Act*, yomnyaka we-1969.

(3) Nanyana ngisiphi isikhali esiyingozi esithethwe ngokuya kwesigatjana (1)—

- (a) kumele sinikelwe itshwayo elibonakalako lokusifanisa begodu libulungwe ebulungelweni lamaPholisa isilinganiso sesikhathi leso ikhotho engasibekako; begodu
- (b) sizakubuyiselwa kummangali kwaphela namkha nangabe ummangali akasuye umnikazi wesikhali esiyingozi, ukobana ukobana abe ngumnikazi, ngomlayo wekhotho begodu nebujameni obungabekwa yikhotho:

Ngaphandle kwalokha—

- (i) nangabe, embonweni wekhotho, inani lentengo yesikhali esiyingozi esithethwe ngaleyo ndlela singaphasi kwama-R200,00; namkha
- (ii) nagabe, ukubuyiswa kwesikhali esiyingozi akukalayelwa eenyangu ezingaphakathi kwezili-12 ngemva ngobana sithethwe; or

- (iii) nangabe, ikhotho iyaneliswa bona ngokwerhuluphelo levikeleko lananyana ngimuphi umuntu othintekako, ikhotho ingayala bona isikhali esiyingozi angasasithola kodwana sithathwe mBuso.

Ukutjhugutjhuguluka Namkha Ukubekela Ngeqadi Umlayo Wokuvikela

10. (1) Ummangali namkha ummangalelwa, ekutholeni kwakhe isiyeliso esitloliweko esiya keline ihlangothi begodu ikhotho ethintekako ngakelinye ihlangothi, ingenza isibawo sokuhlukahlukanisa namkha abekele ngeqadi umlayo wokuvikela okukhulunywa ngawo esigabeni 6 ngendlela ejanyisiweko.

(2) Nangabe ikhotho iyaneliswa bona umnqopho omuhle owenziweko ukhonjisiwe ngokwehlukahlukana namkha ngokubekelwa ngeqadi komlayo wokuvikela, ikhotho ingakhupha umlayo ngento efana nale: Ngaphandle kwanyana ikhotho ingekhe yanikela ummangali isibawo esifana nalesi ngaphandle kwanyana yaneliswa bona isibawo senziwa ngaphandle kwevalo begodu nangokuzinikela.

(3) Umabhalana wekhotho kumele adlulisele isiyeliso ngendlela ejanyiselwe ummangali nommangalelwa nangabe umlayo wokuvikela iyehlukahlukaniseka namkha ibekelwe ngeqadi ngendlela okutjiwo ngayo esigatjaneni (1).

Ukutjhejwa Kweenkambiso Nokujinjelwa Kokukhamgiswa Kwelwazi Elithileko

11. (1) (a) Akekho noyedwa umuntu okumele abekhona kunanyana ngiziphi iinkambiso ngokuya komThetho lo ngaphandle—

- (a) kweemPhathiswa zekhotho;
- (b) labo abadlala indima eenkambisweni;
- (c) nanyana ngimuphi umuntu olethe isibawo esikhundleni sikammangali ngokuya kwesigaba 4(3);
- (d) nanyana ngimuphi umjameli womthetho ojamele nanyana ngimuphi umuntu okhona eenkambisweni;
- (e) abofakazi;
- (f) kungeqi ebantwini abathathu angomnqopho wokuzokunikela ummangali isekelo;
- (g) kungeqi ebantwini abathathu ngomnqopho wokuzokunikela ummangalelwa isekelo; begodu
- (h) nanyana ngimuphi omunye umuntu lowo ikhotho engamvumela bon abe khona:Ngaphandle kwanyana ikhotho ingatjhiya ngaphandle nanyana ngimuphi umuntu ukobana abe khona kunanyana ngiyiphi ikambiso, nangabe ikhotho iyaneliswa bona lokho kuserhuluphelweni lobulungiswa.

(b) Akukho nokukodwa esigatjanenesi okurhunyeza nanyana ngimaphi amandla wekhotho ukobana ilalele iinkambiso ngentumbeni namkha itjhiye ngaphandle nanyana ngimuphi umuntu ukobana akhambele iinkambiso ezifana nalezi.

(2) (a) Akekho noyedwa umuntu ongakhangisa nanganyana ngiyiphi indlela ilwazi okungenzeka bona bunqopho namkha ingasi bunqopho, liveze ifihlo yanyana ngiliphi ihlangothi leenkambiso.

(b) Ikhotho, nangabe iyaneliswa ukobana kuserhuluphelweni lobulungiswa, inganqophisa bona nanyana ngiliphi elinye ilwazi eliphathelene neenkambiso elibanjwe ngokuya komThetho lo angekhe likhangiswe: Ngaphandle kwanyana kungekho nesisodwa isinqophiso ngokuya kwesigatjanesi kuyasebenza manqophana nesikhangiso sombiko womthetho wamambala engadzubhuli amazinyo namkha iveze iimfihlo zabantu abathintekako eenkambisweni namkha wananyana ngimuphi ufakazi weenkambiso ezifana nalezi.

Ilungelo Lokusebenzisa Umthetho

12. (1) Nanyana ngiyiphi ikhotho engaphakathi kwendawo lapha—

(a) ummangali ahlala khona safuthi namkha kwesikhatjhana, anebhizinisi namkha asebenza khona;

(b) ummangalelwa ahlala, anebhizinisi namkha asebenza khona; namkha

(c) lapha kusuke bhona inturhu, inelungelo lokunikela umlayo wokuvikela ngendlela kutjhiwo ngayo emThethweni lo.

(2) Asikho isilinganiso esiphasi sesikhathi esibekiweko esiphathelene nesigatjana (1) (a).

(3) Umlayo wokuvikela uyasebetjenziswa kiyo yoke iRiphabliki.

Ukunikelwa Kwemitlolo Yomthetho

13. (1) Ukusebenza kwananyana ngimuphi umtlolo wangokothetho ngokuya komThetho lo kumele ukuragela phambili kuthonywe ngendlela ejanyisiweko ngumabhalana wekhotho, isigijimi sekhotho namkha isiphathiswa sezokuthula, namkha ngendlela ikhotho inganqophisa ngayo.

(2) Imithetjhwana etjihiwo esigabeni 19 kumele yenze isiqalelelo serhelebho leemali ezivela emBusweni ezirhelebha ummangali namkha ummangalelwa onganalitho angabhadela ngalo nanyana ngimuphi umsebenzi awenzelweko ngokuya komThetho lo.

Ukujanyelwa Ngokomthetho

14. Nanyana ngiliphi ihlangothi leenkambiswezi ngokuya komThetho lo, lingajanyelwa mjameli wangokomthetho ekhotho.

lindleko

15. Ikhotho ingenza kwaphela umlayo ngokubhadelisa nanyana ngubani nangabe iyaneliswa bona ihlangothi elifana nalelo lenze ngendlela ezele ukusa, ukubanga inturhu namkha ngendlela engazwakaliko.

Ukudluliswa Nokubuyezwa Kwemilandu

16. Iinqalelelo eziphathelele nesibawo sokudluliswa begodu nokubuyezwa komlandu okutjhiwo ku-Magistrate's Courts Act, No. 32 yomnyaka we-1944, begodu naku-Supreme Court Act, No. 59 yomnyaka we-1959, zisebenza kunanyana ngiziphi iinkambiso ngokuya komThetho lo.

Imilandu

17. Nanyana iinqalelelo zananyana ngimuphi umthetho, nanayana ngimuphi umuntu—

(a) oweqa nanyana ngimuphi umthetho ovikela, ubujamo, isibopho namkha umlayo obekwe ngokuya kwesigaba 7;

(b) oweqa iinqalelelo zesigaba 11(2)(a);

(c) obhalelwa kukhambisana nanyana ngisiphi isinqophiso ngokuya kweenqalelelo zesigaba 11(2)(b); namkha

(d) othi esitatimendini esifungelweko okukhulunywa ngaso esigabeni 8(4)(a), enze ngamabomu isitatimende samanga ngobujamo obuphathekako, unomlandu wobulelesi begodu angahlawuliswa ngomlandu okukhulunywa ngawo epharagrafini (a) ngefayini namkha ngodosa ejele isikhathi esingeqiko eminyakeni emihlanu namkha iingwebo zombili, sefayini nokudosa ejele, begodu emlandwini otjhiwo epharagrafini (b), (c), namkha (d), ngefayini namkha ngokudosa ejele isikhathi esingeqiko eminyakeni emibili namkha iingwebo zombili, sefayini begodu nokudosa ejele.

Ukusetjenziswa KomThetho BaTjhutjhisi Bezomthetho Namalunga WePhiko LamaPholisa WeSewula Afrika

18. (1) Akekho noyedwa umTjhutjhisi ozaku—

(a) kwala ukutjhutjhisa; namkha

(b) tsomula isigwebo, esiphathelene nokweqiwa kwesigaba 17(a), ngaphandle kwanyana athole agunya lokwenza lokho, kungaba ngendlela ejayelekileko namkha ngananyana ngimuphi umlandu onqophileko, owenziwa mNqophisi wabaTjhutjhisi bomPhakathi ngendlela etjhiwo esigabeni 13(1)(a) se-*National Prosecuting Authority Act*, No. 32 yomnyaka we-1998, namkha ilunga eliphezulu labaphathi babatjhutjhisi elikhethelwe umsebenzi lowo ngokutloliweko ngumNqophisi ofana nalowo.

(2) UmNqophisi wabaTjhutjhisi bomPhakathi okukhulunywa ngaye esigabeni 10 se-*National Prosecuting Authority Act*, yomnyaka we-1998, ngokubonisana noNgqongqotjhe wezobuLungiswa begodu ngemva kokubonisana nomNqophisi wabaNqophisi babaTjhutjhisi bomPhakathi, kumele bakhethe umthethokambiso wokutjhutjhisa begodu akhuphe umthethokambiso onqophisako manqophana nanyana ngimuphi umlandu ovela ezehlakalweni eziphathelene nenturhu yangekhaya.

(3) UKomitjhinara wePhiko lamaPholisa weSewula Afrika kumele akhuphe iinlayelo zenarha ngendlela okutjhiwo esigabeni 25 se-*South African Police Service Act*, No. 68 yomnyaka we-1995, okumele bona amalungayo athobele ukwenziwa kwemisebenzayo ngokuya komThetho lo, begodu nanyana ngiziphi iinlayelo ezikhutjhwe ngendlela leyo kumele zikhangiswe kuGazede.

(4) (a) Ukubhalelwa kwelunga lePhiko lamaPholisa weSewula Afrika ukuthobela isibopho esiphoswe phezu kwalo ngokuya komThetho lo namkha iinlayelo zenarha okukhulunywa ngazo esigatjaneni (3), kwenza ukweqiwa kwendlela

yokuziphatha okutjiwo yi-*South African Police Service Act*, yomnyaka we-1995, begodu i-Ofisi likaNobhala, elasungulwa ngokuya kwesigaba 4(1) se-*Civilian Secretariat for Police Service Act*, yomnyaka we- 2010, kumele ukusuka lapha ukuragela phambili iPhiko lamaPholisa weSewula Afrika laziswe ngananyana ngikuphi ukubhalelwa okufana nalokhu.

(b) Ngaphandle kwanyana i-Ofisi likaNobhala linqophisa ngenye indlela kunanyana ngimuphi umlandu, iPhiko lamaPholisa weSewula Afrika kumele lithathele amagadango wokunqophisa iingwegwe kinanyana ngiliphi ilunga okuzwakala ngobatjho bona libhalelwe kuthobela isibopho esitjiwo epharagrafini (a).

(5) (a) UmNqophisi weNarha wabaTjhutjhisi bomPhakathi kumele ethule nanyana ngimuphi umthethokambiso wokutjhutjhisa nomthethokambiso wesinqophiso ebekwe namkha ekhutjwe ngokuya kwesigatjana (2) sePalamende, begodu umthethokambiso wokuthoma neenqophiso ezibekwe namkha ezikhutjiweko kumele zethulwe ePalamende ngaphakathi kweenyanaga ezisithandathu ukusukela mhlana umThetho lo uthoma ukusebenza.

(b) UKomitjhinara weNarha wePhiko lamaPholisa weSewula Afrika kumele ethule nanyana ngiziphi iinlayelo zenarha ezikhutjwe ngokuya kwesigatjana (3) ePalamende, begodu neenlayelo zokuthoma ezikhutjiwe ngendlela leyo, kumele zethulwe ePalamende ngaphakathi kweenyanaga ezisithandathu kusukela lapha umThetho lo uthoma khona ukusebenza.

(c) I-Ofisi likaNobhala, qobe ngeenyanga ezisithandathu, wethula umbiko ePalamende ophathelene nenomboro begodu neminingwana yeendaba ezibikwe ngokuya kwesigatjana (4)(a), begodu nokubeka tjhatjhalazi iimphakamiso ezenziwe manqophana neendaba ezifana nalezo.

(d) UKomitjhinara weNarha wePhiko lamaPholisa weSewula Afrika kumele, qobe ngeenyanga ezisithandathu, ethule umbiko ePalamende ophathelene—

- (i) nenomboro begodu neminingwana ephathelene nabamangali emukelweko ngehlangothini lamalunga wayo ephathelene nanyana ngikuphi ukubhalelwa okutjiwo esigatjaneni (4)(a);
- (ii) nokuthathwa kwamagadango weenkambiso zokunqotjhiswa kweengwegwe ngebanga begodu neenqunto ezivele eenkambisweni ezifana nalezo; begodu
- (iii) namagadango athathwako ngebanga leemphakamiso ezenziwa li-Ofisi likaNobhala.

Imithetjhwana

19. (1) UNgqongqotjhe womNyango wezobuLungiswa angenza imithetjhwana ephathelene—

- (a) nanyana ngiliphi iforomu okumele lijanyiswe ngokuya komThetho lo;
- (b) nanyana ngiyiphi indaba etlhoga ukujanyiswa ngokuya komThetho lo; begodu
- (c) nanyana ngiyiphi into enye uNgqongqotjhe angabona bona kunetlhogakalo namkha nekambiso kumele ijanyiswe ukwenzela bona kukwazi ukufezeka iminqopho yomThetho lo.

(2) Nanyana ngimuphi umthetjhwana owenziwe ngaphasi kwesigatjana (1)—

- (a) kumele wethulwe ePalamende ngaphambi kobana ukhangiswe kuGazede;
- (b) okumele kwenzeke kukobana iindleko zomBuso, kumele zesetjenziswe ngokubonisana noNgqongqotjhe wezeeMali; begodu

- (c) anganikela bona nayana ngimuphi umuntu oweqa isiqalelelweso namkha abhalelwe kuthobela lokho uzakuba nomlandu wobulelesi begodu uzakuhlululwa ngefayini namkha ngokudosa ejele isikhathi esingeqiko emnyakeni owodwa.

**Itjhuguluko LesiGaba 40 SomThetho 51 We-1977, Ngendlela Otjhugululwe
Ngayo Sigaba 41 SomThetho 129 we-1993 Begodu NesiGaba 4
SomThetho 18 We-1996**

20. Utjhugulula isigaba 40 (1) se-*Criminal Procedure Act, No. 51* yomnyaka we-1977, ngokungezelela ipharagrafu (q).

Ukusulwa kwemithetho nokubulunga

21. (1) Iingaba 1, 2, 3, 6 begodu 7 ze-Prevention of Family Violence Act, No. 133 yomnyaka we-1993, zisulwa ngokomthetho.

(2) Nanyana ngisiphi isibawo esenziweko, iinkambiso ezenziweko namkha isalelo sekhotho ngokuya komThetho lo okukhulunywa ngawo esigatjaneni (1) sizakuthathwa kwanga senziwe, sihlonywe namkha sinikelwe ngokuya komThetho lo.

Isihloko esifitjhani nokuthoma ukusebenza komthetho

22. UmThetho lo, uzakubizwa nge-Domestic Violence Act, yomnyaka we-1998, begodu uzakuthoma ukusebenza ngelanga elibekwe nguMongameli ngesimemezelo *Gazede*.