



UNIVERSITY OF
KWAZULU-NATAL™

INYUVESI
YAKWAZULU-NATALI



UMTHETHO-OQOSHIWE

WENYUVESI YAKWAZULU-NATALI

Ishicilelwa okwesibili

SIFUNZELELA UBUKHULU

- This text is a translated version of the English text into isiZulu; and
- The English version of the text will prevail, in the event of any inconsistency between the different texts.
- Lo umbhalo osuhunyushiwe ususelwa kowesiNgisi wasiwa kowesiZulu; futhi
- Umbhalo wesiNgisi yiwona oyosetshenziswa uma kuvela ubuhixihixi emibhalweni yezilimi zozimbili.

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IZINCAZELO

1. Izincazelo

Kulo Mthetho-oqoshiwe okukanye elinye igama noma isigagulo okuncazelo yakho igunyazwe wuMthetho Wemfundo Ephakeme, 1997 (uMthetho Na. 101 ka-1997), njengoba uchtshiyelwe, kunencazelo efanayo enikwe khona, ngaphandle kokuba okukhulunywa ngakho kubonisa ngokwehlukile:

“umqashwa wezokufunda” kusho noma umuphi umuntu oqhashelwe ukufundisa noma ukwenza ucwaningo kule Nyuvesi nanoma yimuphi omunye umsebenzi omiselwe lokho wumkhandlu wale Nyuvesi;

“uMthetho” kusho uMthetho Wemfundo Ephakeme (uMthetho Na. 101 ka-1997), njengoba uchtshiyelwe;

“isigceme sesikhungo ” kusho noma yisiphi isigceme sesikhungo kwezinhlanu zale Nyuvesi, okuyiWestville, iKolishi iHoward, iSikole Sezokwelapha, i-Edgewood noMgungundlovu kanye nanoma yisiphi isigceme sesikhungo esingase senezelwe yile Nyuvesi esikhathini esizayo;

“ushansela” kusho lo muntu oshiwo ebinzeni 4;

“imbizo” kusho imbizo eshiwo ebinzeni 49;

“ikolishi” kusho isakhiwo semfundo (academic structure) esingqala esimiswe yile Nyuvesi esinezakhiwana njengoba kuvunywe wumkhandlu;

“umkhandlu” kusho abalawuli bale Nyuvesi okushiwo ebinzeni 7;

“i-CSRC” kusho umkhandlu omele abafundi oyindlunkulu oshiwo emabinzeni 41 no 42.

“izinsuku” kuhlenganisa iMigqibelo, aMasonto kanye namaholide kawonkewonke kodwa “izinsuku zokusebenza” aziyibali iMigqibelo, aMasonto kanye namaholide kawonkewonke;

“iphini likasekela-shansela” kusho lo muntu noma abantu abamiswe ngebinza 59 ifundwa kanye nebinza 7(3)(b);

“onediploma” kusho umuntu othole idiploma kunoma iyiphi inyuvesi;

“umnikeli” kusho umuntu, noma labo abakhiphe umnikelo, okuthi, ngokombono womkhandlu, kufaneleke ukuba bathathwe njengomnikeli ngokusho kwebinza 67;

“inqubo efanelekile” kusho ukunika uhlangothi oluthintekile ithuba lokulalelwa;

“umqashwa” kusho noma muphi umuntu oqhashwe yile Nyuvesi;

“umqashi” kusho le Nyuvesi;

“umlingani” kusho umuntu oklonyeliswe ngesikhundla sobulingani yile Nyuvesi ngokuvumelana nemithetho yayo kanye nezinkambiso okusebenza kule ndaba izikhathi ngezikhathi;

“imisebenzi” kuhlenganisa amandla nemisebenzi futhi imisebenzi namandla;

“oneziqu” kusho umuntu othole iziqu kunoma yiphi inyuvesi;

“isikhungo” kusho isikhungo sikawonkewonke semfundo ephakeme njengoba kusho uMthetho;

“isithangami sesikhungo” kusho lesi sithangami sesikhungo esishiwo ebinzeni 37 nakuwo uMthetho;

“abaphathi” kusho abaphathi abaphezulu kanye nabaphathi njengoba kushiwo ebinzeni 53;

“uNgqongqoshe” kusho uNgqongqoshe onomthwalo ngeMfundo Ephakeme;

“inyanga” kusho inyanga yekhalenda;

“umphathiswa” kusho umuntu owenza imisebenzi esemthethweni ehlinzekelwe uMthetho noma emiswe wumkhandlu;

“usolwazi” kusho umsebenzi wezokufunda onikwe isihlonipho sikasolwazi yile Nyuvesi noma ngenye inyuvesi, kodwa akuhlanganisi usolwazi osathatha umhlalaphansi, usolwazi ongcwele noma usolwazi oxhantele;

“umgamo wokuqeqeshwa” kusho isitifiketi noma idiploma okukhishiwe noma iziqu umuntu athweswe zona;

“imithetho” kusho imithetho yomkhandlu njengoba kusho uMthetho;

“isikole” kusho iqoqo lamaqoqwana emfundo kwenze isakhiwo sezinga lesibili ngaphakathi kwekolishi;

“ikomkhulu le Nyuvesi” linjengoba lichasiswa ebinzeni 2(2);

“isiqanyaka sokufunda” kusho umthamosikhathi wemfundo kule Nyuvesi okungaba ingxenye yokuqala noma yesibili yonyaka ngokwezinsuku zokufunda zale Nyuvesi;

“ithimba lezigele” kusho labo abanomthwalo ngezindaba zemfundo eshiwo ebinzeni 21;

“abaphathi abaphezulu” kusho abaphathi abaphezulu njengoba beshiwo ebinzeni 53(2);

“i-SRC” kusho umkhandlu omele abafundi wale Nyuvesi oshiwo ebinzeni 41 no-42;

“isakhiwo” kusho noma iyiphi inhlango, isithangami noma abantu kuhlanganisa noma yini yenhlango okuhlinzekelwe uMthetho noma okumiswe wumkhandlu;

“Umfundi” kusho umuntu obhaliselwe umgamo wokuqeqeshwa kule Nyuvesi;

“abalekeleli” kusho bonke abanye abasebenzi abangesibona abaqashwa kwezemfundo;

“iNyuvesi” kusho iNyuvesi YaKwaZulu-Natali ehlanganisa okwakuyiNyuvesi YaseNatali neNyuvesi YaseDurban-Westville;

“usekela-shansela” kusho usekela-shansela oshiwo ibinza 54 (igama “inhloko yenyuvesi” kumele libe mqondomunye nelithi “usekela-shansela”);

“unyaka” kusho unyaka wekhalenda.

INYUVESI

2. Igama, ikomkhulu kanye namandla

- (1) Igama leNyuvesi yiNyuvesi YaKwaZulu-Natali.
- (2) Ikomkhulu leNyuvesi liseWestville kuMasipala WeTheku liyisizinda lapho imisebenzi yale Nyuvesi iqondiswa khona. Ngokwezinhlinzeko zoMthetho, le Nyuvesi inelungelo lokwenza imisebenzi yayo ngaphandle kwekomkhulu layo, ezigcemeni zesikhungo nakunoma yimaphi amagceke ewalawulayo.
- (3) INyuvesi iyakwazi ukuthatha izinqumo, njengoba kusho uMthetho, futhi inamadla egixabezwe wona wuMthetho kufundwa noMthetho-oqoshiwe.
- (4) Naphezu kwebinzana (3), iNyuvesi ayinalungelo, ngaphandle kokuvunyelwa wuNgqongqoshe, lokulahla noma ukuhambisa nganoma ngayiphi indlela, impahla engenakuthutheka etholakale ngosizo lwezimali zikaHulumeni noma inike amalungelo angempela kunoma yimuphi umuntu noma ukuba ibe ngaphansi kwakhe njengokungathi ingeyakhe.
- (5) INyuvesi inelungelo lokuthwesa iziqu neziqu zokuhlonishwa futhi ikhiphe amadiploma nezitifiketi egameni layo njengoba kusho uMthetho.

3. Umthetho-sisekelo weNyuvesi

- (1) INyuvesi ibunjwa:
 - (a) ushansela;
 - (b) umkhandlu;
 - (c) ithimba lezigele;
 - (d) ibamba likashansela, njengoba kuchaza uMthetho;
 - (e) izikhulu ezimbili noma ngaphezulu, njengokunquma komkhandlu, ngamunye obizwa ngokuthi uyiphini

eliyibamba likashansela, noma abizwe ngesinye isihlonipho ngokunquma komkhandlu;

- (f) umbhalisi oyedwa noma ababili njengokunquma komkhandlu;
 - (g) uMkhandlu Omele Abafundi (SRC);
 - (h) isithangami sesikhungo;
 - (i) Amakolishi, izakhiwo zawo kanye nanoma ziphi ezinye izakhiwo zeNyuvesi njengoba kungase kunqume umkhandlu;
 - (j) abaqashwa bezokufunda bale Nyuvesi;
 - (k) abalekeleli bale Nyuvesi;
 - (l) abafundi bale Nyuvesi;
 - (m) imbizo yale Nyuvesi; kanye
 - (n) nanoma ziphi ezinye izikhundla, imizimba noma izakhiwo njengoba kungase kumiswe wumkhandlu.
- (2) Akukho sikhala somsebenzi kunoma yisiphi isikhundla esishiwo ebinzaneni (1) noma kuphi ukungeneli kwesibalo noma ukuntenga kokwakheka kahle imizimba noma izakhiwo okushiwo kuleli binzana (1) okukhubaza noma okuphazamisa ukuba khona kwale Nyuvesi ekwazi ukuthatha izinqumo nokusebenza ngokwamandla egixabezwe wona uMthetho noma egixabezwe wona uMthetho-oqoshiwe.

USHANSELA

4. Imisebenzi kashansela

- (1) Ushansela unesikhundla sokuba yinhloko yale Nyuvesi.
- (2) Ushansela, noma uma engekho loyo muntu oqokelwe ukubambela ushansela, kuba wuye owengamela yonke imibuthano yeNyuvesi futhi, egameni leNyuvesi, athwese iziqu nawo onke amadiploma nezitifiketi.
- (3) Ushansela wenza neminye imisebenzi ayinikwe wumkhandlu.

5. Ukukhethwa nokuqokwa kukashansela

- (1) Ushansela ukhethwa wumkhandlu ngale ndlela elandelayo:
 - (a) Usihlalo womkhandlu unquma usuku umhlangano womkhandlu ozobanjwa ngalo ngenjongo yokukhetha ushansela;
 - (b) Unobhala womkhandlu ukhipha isaziso esifanelekile kumalungu omkhandlu azisa ngosuku, isikhathi kanye nendawo yalo mhlango oshiwo kuleli binzana (1)(a);
 - (c) Unobhala womkhandlu umema amalungu omkhandlu, ithimba lezigele kanye nesithangami sesikhungo ukuba balethe amagama abawaphakamisela isikhundla sikashansela;
 - (d) Amagama aphakanyisiwe ashiwo kuleli binzana (1)(c) kumele afike kunobhala womkhandlu okungenani izinsuku zokusebenza ezingama-20 (amashumi amabili) ngaphambi komhlangano oshiwo kuleli binzana (1)(a);
 - (e) Amagama aphakanyisiwe ngokusho kwebinzana (1)(c) kumele abe ngabhalwe phansi futhi kumele kube nemvume ebhaliwe yomphakanyiswa kanye neminingwane-kuzazisa (CV) efingqiwe.

- (f) Unobhala womkhandlu, ezinsukwini ezi-5 (ezinhlanu) zokusebenza emva kokuvalwa kokuphakanyiswa kwamagama, kumele azise ngokubhalwe phansi amalungu omkhandlu, ithimba lezigele, kanye nesithangami sesikhungo ngamagama aphakanyisiwe atholakele.
 - (g) Kumele kubanjwe umhlangano okhethekile wesithangami sesikhungo ngaphambi komhlangano ngokusho kwebinzana (1)(a) ngenjongo yokucabangela la magama aphakanyisiwe nokweluleka umkhandlu ngaphambi komhlangano wokukhetha ngokuqokelwa komncintisani isikhundla sikashansela;
 - (h) Ushansela ukhethwa ngokuvota kwangasese nangeningi lamalungu omkhandlu akhona emhlanganweni ngokusho kwebinzana (1)(a);
 - (i) Uma kungekho mncintisani othola iningi lamavoti, kuzolokhu kwenziwa iziwombe zokuvota ngokulandelana; kuthi
 - (j) Esiwombeni sokuvota esilandelayo ngasinye umncintisani othole amavoti ambalwa kakhulu aphume emncintiswaneni.
- (2) Emva kokuba umkhandlu usukhethe ushansela, usihlalo womkhandlu umemezela igama likashansela.

6. Ubungako besikhathi ushansela esesikhundleni

- (1) Ushansela uba sesikhundleni iminyaka emine, ngaphandle kokuba esula noma ekhishwa esikhundleni ngokuvumelana nebinzana (5).
- (2) Akuvumelekile ukuba umuntu akhethwe njengoshansela ngaphezu kwamahlandla alandelayo amabili esesikhundleni.

- (3) Uma, nganoma siphi isizathu, ushansela engenakukwazi ukufeza imisebenzi yesikhundla sakhe, noma uma isikhundla sikashansela siba ngesingenamuntu, usekela-shansela noma iphini likasekela-shansela, noma-ke uma kungakazeki ngalaba abathintwe ngenhla omunye umuntu oqokwe wumkhandlu uzofoza imisebenzi kashansela.
- (4) Ubungako besikhathi sikashansela esesikhundleni buyanqamuka uma kwenzeka loku:
- (a) ukufa noma ukungakwazi ukusebenza;
 - (b) ukwesula esikhundleni; noma
 - (c) umkhandlu umsusa esikhundleni.
- (5)
- (a) ushansela unokususwa esikhundleni wumkhandlu kuphela ngezwi lesinqumo elenziwe okungenani yizingxenye ezimbili kwezintathu zamalungu omkhandlu.
 - (b) ngaphambi kokuthathwa kwesinqumo ngokusho kwebinzana (a) ngenhla kumele kufakwe kunobhala womkhandlu isinqumo esisadingidwa kubekwa izizathu ngokugcwele.
 - (c) Unobhala womkhandlu kumele akopishele ushansela lesi sinqumo esisadingidwa okufanele aphenule ngokubhalwe phansi, ngokwelungelo lakhe lokuphendula, zingakapheli izinsuku ezingama-20 (amashumi amabili) esitholile lesi sinqumo esisadingidwa.
 - (d) Emva kwezinsuku ezingama-20 (amashumi amabili) njengokucacisa kwebinzana (c) ngenhla, noma emva kokutholakala kwempendulo evela kashansela (kuye ngokuthi kwenzeka kuphi kuqala) unobhala womkhandlu kumele abize umhlangano okhethekile

womkhandlu okuhlinzekwe izimiso zebinza 15(2).

- (e) Kulo mhlango okhethekile oshiwo ebinzaneni (d) ngenhla ushansela angase ngemvume kasihlalo womkhandlu abeke amazwi emkhandlwini ngaphambi kokuba kuvotwe ngesinqumo.

UMKHANDLU

7. Imisebenzi yomkhandlu

- (1) Ngokwezinkambiso zoMthetho kanye nezoMthetho-oqoshiwe, umkhandlu yiwona olawula iNyuvesi.
- (2) Ngaphandle kokubukela phansi okushiwo ibinzana (1), umkhandlu:
 - (a) ushaya imithetho yokugondisa le Nyuvesi;
 - (b) umisa amakomiti omkhandlu futhi unqume ukwakheka kanye nemisebenzi kwekomiti ngalinye;
 - (c) umisa, ngokuthintana nethimba lezigele, amakomiti abambisana nomkhandlu kanye nethimba lezigele ekufezeni imisebenzi ekhona nxazonke phakathi komkhandlu nethimba lezigele;
 - (d) uqasha bonke abasebenzi bale Nyuvesi, nokho, endabeni yabaqashwa bezokufunda bale Nyuvesi, ingaqashwa kuphela emva kokubonisana nethimba lezigele;
 - (e) uhlahla inqubomgomo yokwemukelwa kwabafundi bale Nyuvesi, emva kokubonisana nethimba lezigele;
 - (f) uhlahla, ngokuvuma kwethimba lezigele, izidingo zokungena ngokuphathelene nezinhlelongqo zemfundo ephakeme, isibalo sabafundi abazomukelwa ohlelweningqo lwemfundo ephakeme kanye nendlela yokukhethwa kwazo, kanye nezidingo eziphansi zokwamukelwa futhi ukuze ufunde eNyuvesi;
 - (g) ngokuvuma kwethimba lezigele, emva kwesiwombe ngasinye sokuhlolwa, ungase ukubeke eceleni noma wenqabe ukuvuselelwa noma ukuqhubeka kokubhaliswa komfundi oye wehluleka ukuhlangabezana nezimfuneko zemfundo ukuze aqhubeka abhalisiwe;
 - (h) uhlahla futhi uhlinzeke izinsiza zokusekela abafundi

emva kokubonisana noMkhandlu Omele Abafundi (SRC);

- (i) uhlahla imibandela yokusebenza, izinhlinzeko zokuqondisa izigwegwe kanye namalungelo okuvunyelwa nemisebenzi kwabasebenzi, futhi unokumisa emsebenzini noma uxoshe emsebenzini noma wumuphi umsebenzi wale Nyuvesi; futhi
 - (j) ungayalela umsebenzi omisiwe emsebenzini ukuba angalubhadi emagcekeni alawulwa yile Nyuvesi futhi angazimbandakanyi kunoma yikuphi okwenziwa yile Nyuvesi noma ukhiphe nanoma miphi imibandela njengoba ungase ubone kufaneleka;
- (3) Ngaphandle kokubukela phansi okushiwo ibinzana (1), umkhandlu:
- (a) ungakha uhlaka loMthetho-oqoshiwe wesikhungo kanye nanoma yiziphi izichibiyelo zawo;
 - (b) uqoka abaphathi abaphezulu;
 - (c) kuye ngokwenqubomgomo ehlonzwe wuNgqongqoshe, uhlahla inqubomgomo yolimi yale Nyuvesi emva kokubonisana nethimba lezigele;
 - (d) uhlahla, emva kokubonisana nethimba lezigele, ukuthi yiziphi izakhiwo zokufunda ezidingekayo futhi iyini imisebenzi yohlaka ngalunye, ukuze kuqinisekiswa ukulawula ngokuyikho;
 - (e) uhlahla izimali zokufunda, izimali zendawo yokuhlala nanoma iziphi izimali ezikhokhwa ngabafundi kanye nezimali ezikhokhwa abasebenzi bekhokhela indawo yokuhlala;
 - (f) uphasisa isabelomali sonyaka sale Nyuvesi;
 - (g) unokungenela izivumelwano zemali-mboleko noma zemvume yokukhipha imali engaphezu kwaleyo ekhona ngempela, ngombandela wokuthi nanini

kufuneka kugunyazwe wuNgqongqoshe uma inanimvama lemali esabolekiwe njengamanje kanye nale entsha ecatshangelwa ukubolekwa yeqa amaphesenti ama-5 engeniso lale Nyuvesi lanjalo ngonyaka ngokwesilinganiso-mvama phakathi neminyaka emibili engaphambi-nje kwaleso sivumelwano;

- (h) unelungelo lokungenela isivumelwano sokwakhiwa kwesakhiwo esihlala njalo noma okunye ukuthuthukisa kwengqalasizinda okungenakuthutheka, ukuthengwa kwempahla engathutheki, noma ukuqashwa kwenkathi ende kwempahla engathutheki, ngombandela wokuthi nanini kufuneka kugunyazwe wuNgqongqoshe uma inani laloko kuthuthukisa noma impahla ingaphezu kwamaphesenti ama-5 engeniso lale Nyuvesi lanjalo ngonyaka ngokwesibalo-mvama phakathi neminyaka emibili engaphambi-nje kwaleso sivumelwano.
- (4) Ngokulawula koMthetho, umkhandlu unokuyiphathisa abanye imisebenzi okubhekiwe kuyo ebinzaneni (2), kodwa lo mkhandlu ungephathise abanye noma yiphi yemisebenzi eshiwo ebinzaneni (3).
- (5) Umkhandlu awethuliwe umthwalo ngokufezwa kwanoma umuphi umsebenzi ophathiswe abanye ngokwebinzana (4).

8. Ukwakheka komkhandlu

- (1) Umkhandlu, njengoba kusho uMthetho, wakhiwa yilaba:
 - (a) usekela-shansela;
 - (b) amalungu amabili abaphathi abaphezulu akhethwe ngabaphathi abaphezulu;
 - (c) abantu abahlanu abaqokwe uNgqongqoshe;

- (d) amalungu amabili ethimba lezigele akhethwe yithimba lezigele;
 - (e) abasebenzi bezemfundo ababili abasebenza ngokugcwele kule Nyuvesi, abangewona amalungu ethimba lezigele ngesikhathi sokukhethwa kwabo, abakhethwe ngabasebenzi bezemfundo;
 - (f) abafundi ababili abangamalungu oMkhandlu Omele Abafundi Oyindlunkulu (CSRC) futhi abakhethwe uMkhandlu Omele Abafundi Oyindlunkulu (CSRC);
 - (g) abasebenzi ababili abangabalekeleli abasebenza ngokugcwele, abangewona amalungu ethimba lezigele ngesikhathi sokukhethwa kwabo, abakhethwe ngabasebenzi abangabalekeleli;
 - (h) umengameli wembizo;
 - (i) amalungu amabili embizo akhethwe yimbizo;
 - (j) amalungu ayishumi nanye anolwazi nekhono okusabalele emikhakheni yemfundo, ibhizinisi, ezezimali, umthetho, ezempilo, ukumaketha, ithekinoloji yokwazisa kanye nokuphathwa kwabasebenzi ngokukhethwa wumkhandlu ngokwebinza 10(5); kanye
 - (k) amalungu angeziwe angavoti afakwe wumkhandlu isikhathi esinqunywe wumkhandlu.
- (2) Okungenani amaphesenti angama-60 amalungu omkhandlu avotayo kumele kube ngabantu abangaqashiwe yiNyuvesi nabangebona abafundi bayo futhi kumele kucatshangelwe kahle indaba yokumelelwa ngokobuhlanga nangokobulili kulo mkhandlu.
- (3) Amalungu omkhandlu kumele abe nolwazi namava okuphathelene nezinto nokulawulwa kwale Nyuvesi.
- (4) Ngaphandle kokuvumelana nokuhlinzekwe kula mabinzana (1) (a), (b), (d) (e), (f) no (g);

- (a) akukho mfundi noma umsebenzi wale Nyuvesi futhi akukho muntu omunye ohola njalo eNyuvesi ovumelekile ukuba aqokelwe noma akhethelwe ubulungu bomkhandlu; futhi
- (b) ilungu lomkhandlu eliba umfundi noma umsebenzi wale Nyuvesi noma elingena esivumelwaneni neNyuvesi bese ngaso lihole njalo kule Nyuvesi kumele lithathwe, ukusuka ngalolo suku, njengelisishiyile isikhundla salo emkhandlwini.

9. Ukukhethwa kwamalungu omkhandlu

- (1) Amalungu omkhandlu ashiwo kuleli binzana 8(1)(j) ngenhla nakanjani azokhethwa ngale ndlela elandelayo:
 - (a) unobhala womkhandlu kumele ezinsukwini ezingengaphansi kwama-20 (amashumi amabili) ngaphambi komhlangano ofanelekile womkhandlu ameme amalungu omkhandlu, ethimba lezigele, ithimba lembizo kanye nesithangami sesikhungo ngokubhalwe phansi ukuba baphakamise amagama aphakanyiswayo;
 - (b) amagama aphakanyisiwe kumele alethwe kunobhala ngokubhala kungengaphansi kwezisuku eziyi-10 (ishumi) ngaphambi komhlangano womkhandlu;
 - (c) emhlanganweni wawo umkhandlu kumele uvote ngokuthi obani abathola amavoti amaningi emalungeni omkhandlu akhona emhlanganweni;
 - (d) uma kuba khona ukulingana kwesibalo samavoti ngokuphathelene nanoma ziphi izikhala lawo magama athole amavoti ambalwa kunamagama alingana ngamavoti kumele akhishwe bese kuvotwa futhi ngalawo magama alingana ngamavoti.
- (2) Uma umkhandlu wesula emsebenzini njengoba kushiwo

ebinzeni 12(2), wonke amalungu omkhandlu akhethwa ngendlela ehlonzwe wumlawuli okuqondwe yena ngokoMthetho.

10. Ubungako besikhathi amalungu omkhandlu esesikhundleni

- (1) Usekela-shansela nakanjani uyilungu lomkhandlu uma nje esekuso lesi sikhundla.
- (2) Amalungu omkhandlu angabafundi ahlala engamalungu omkhandlu ubude besikhathi esinqunywe uMkhandlu Omele Abafundi oyindlunkulu lapho ekhethwa, kube nangokuthi ubulungu buziphelela bona uma umfundi engesilona ilungu loMkhandlu Olawula Abafundi oyindlunkulu.
- (3) Ubude besikhathi sokuba sesikhundleni kumalungu omkhandlu angewona abafundi noma abasebenzi beNyuvesi, aseqi iminyaka emi-4 (emine) futhi, kungakhathaleki usuku lokuqala esikhundleni, bunqamuka ngomhla zingama-30 kuNhlangulana (30 Juni) onyakeni wabo wesine besemkhandlwini.
- (4) Ubude besikhathi sokuba sesikhundleni kumalungu omkhandlu abangabasebenzi beNyuvesi, aseqi iminyaka emi-3 (emithathu) futhi, kungakhathaleki usuku lokuqala esikhundleni, bunqamuka ngomhla zingama-30 kuNhlangulana (30 Juni) onyakeni wabo wesithathu besemkhandlwini.
- (5) Ilungu lomkhandlu elisebenza ngokwanoma yiliphi ibinzana 8(1)(b) kuya ku (j) lingesebenze kanjalo amahlandla eqa kwamabili ngokwebinzana eliqukethe lokho;

11. Izikhala zomsebenzi wetoho

Uma kwenzeka kuvela isikhala somsebenzi wetoho emkhandlwini nganoma siphi isizathu okungesona sokuphela kwesikhathi sokuba

sesikhundleni kufanele unobhala womkhandlu akhiphe isaziso esibhaliwe asinikeze iziphathimandla noma labo abathintekayo bese belandela imigudu ehlonzwe wumkhandlu ngokugcwaliswa kwaleso sikhala somsebenzi. Lowo muntu uyokhethelwa ukuba sesikhundleni ubungakho besikhathi obugcwele njengoba kuchasiswa yibinza 10(3) noma (4).

12. Ukuqedwa kobulungu

- (1) Naphezu kokuhlinzekwe esigabeni 10, ubungakho besikhathi sokusebenza kwelungu lomkhandlu buzophela uma:
 - (a) lifaka incwadi yokwesula kunobhala;
 - (b) uNgqongqoshe, noma labo abomqoka noma abamkethile bekuqeda ukubayilungu ngokubhalwe phansi okungenziwa noma yinini ngaphambi kokuphela kobungakho besikhathi sokusebenza;
 - (c) liphutha izikhawu ezintathu kulandelana emihlanganweni yomkhandlu kungagunyazwanga wumkhandlu ukungabibikho;
 - (d) lithathwa njengosengenamali futhi iningi lamalungu omkhandlu engakuvumi ukuqhubeka kwaleli lungu;
 - (e) litholwa linecala ngenkathi kuqondiswa izigwegwe ngokona kwalo njengomsebenzi noma njengomfundi, ngokubona komkhandlu, kuyicala elibi ngokwanele ukuba kuqedwe ubulungu;
 - (f) lisuswa esikhundleni sokwethenjwa yinkantolo yomthetho noma lilahlwa ngecala eliholela ekuvalelweni ejele kungekho thuba lokukhokhiswa inhlawulo;
 - (g) litholwa lingafaneleki ngokoMthetho-oqoshiwe; noma
 - (h) ngokulandela inqubo efanelekile, umkhandlu ukhipha izwi lokususwa kwalo emkhandlwini

ngesizathu sokwephulwa kohlaka lokuziphatha lwalo mkhandlu.

- (2) Uma kwesula amalungu omkhandlu ezikhundleni angamaphesenti angama-75 noma ngaphezulu umkhandlu uthathwa ngokuthi usulile wonke njengoba kusho uMthetho.
- (3) Uma umkhandlu usula njengoba kusho ibinza (2) kumele kwakhiwe umkhandlu omusha ngokoMthetho-oqoshiwe kanye/noma uMthetho kuye ngokuthi yikuphi.

13. Ukukhethwa kukasihlalo womkhandlu kanye nosekelasihlalo nobungako besikhathi besezikhundleni

- (1) Umkhandlu kumele ukhethe usihlalo kanye nosekelasihlalo kumalungu omkhandlu angewona abasebenzi noma abafundi.
- (2) Usihlalo womkhandlu kanye nosekelasihlalo bakhethelwa isikhathi esiyiminyaka emi-2 (emibili) ngombandela wokuthi akekho kubo ozofanelekela ukukhethwa emva kokuba sesikhundleni amahlandla amabili elandelana.
- (3) Ukuphakanyiswa kwamagama ngamalungu omkhandlu ngenjongo yesikhundla sikasihlalo womkhandlu kanye nebamba likasihlalo kumele kube ngokubhalwe phansi futhi kubhekiswe kunobhala womkhandlu.
- (4) Uma kuphakanyiswe ngaphezu kwegama elilodwa, ukuvota kwenziwa ngasese.
- (5) Ilungu ngalinye lomkhandlu linevoti elilodwa phakathi nokuvota futhi akukho kubanjelwa okuvunyelwe.
- (6) Iningi lawo onke amalungu akhona likhetha usihlalo kanye nosekelasihlalo.

- (7) Naninilapho ubungakho besikhathi sokusebenza kukasihlalo noma kukasekela-sihlalo sokuba sezikhundleni sebuzophela unobhala kumele akhiphe isaziso saloko emhlanganweni womkhandlu ojwayelekile futhi umkhandlu kumele uthathe izinyathelo ezidingekile zokukhetha ozolandela esikhundleni. Usihlalo ophuma esikhundleni noma usekela-sihlalo bayakufanelekela ukukhethwa kabusha kuye ngokuhlinzekwe ibinza 13(2).
- (8) Uma kuvela isikhala somsebenzi esikhundleni sikasihlalo noma sikasekela-sihlalo phakathi nesikhathi sokuba sesikhundleni, unobhala womkhandlu kumele ameme umkhandlu ukuba emhlanganweni wawo ojwayelekile olandelayo uvale leso sikhala ngokwesikhathi esisasele sokuba sesikhundleni.

14. Unobhala womkhandlu

- (1) Unobhala womkhandlu wumbhalisi njengoba kusho uMthetho.
- (2) Unobhala usebenza njengesikhulu esiqapha ukhetho.
- (3) Unobhala wethamela yonke imihlangano futhi agcine yonke imiqulu yomkhandlu kuhlangukise ukwengamela kokuthathwa kanye nokugcinwa kwamaminithi.

15. Imihlangano yomkhandlu

- (1) Imihlangano ejwayelekile
 - (a) Imihlangano yomkhandlu ejwayelekile kufanele ibanjwe noma nini futhi nomaphi ngokunquma komkhandlu, ngombandela wokuthi okungenani kubanjwe imihlangano ejwayelekile emine ngonyaka.
 - (b) Nanoma luphi udaba lokudingidwa emhlanganweni ojwayelekile womkhandlu olandelayo kumele

lubhalwe phansi futhi lulethwe kunobhala okungenani ezinsukwini ezingama-21 (amashumi amabili nanye) ngaphambi kosuku lwalowo mhlango olunqunywe wumkhandlu, ngombandela wokuthi noma uluphi udaba oluphuthumayo lunokudingidwa, ngaphandle kwesaziso sangaphambili, ngemvume kasihlalo kanye neningi lamalungu akhona kulowo mhlango.

- (c) Ezinsukwini ezingengaphansi kwe-7 (-sikhombisa) ngaphambi kosuku lomhlango owayelekile, unobhala kumele anike ilungu ngalinye isaziso esifanele esiwuhla lwamaphuzu ezingxoxo kanye nemibhalo esekelayo sazo zonke izindaba ezizosingathwa kulowo mhlango futhi asho isikhathi, usuku nendawo kwalowo mhlango.

(2) Imihlango ekhethekile

- (a) Umhlango okhethekile unokubizwa wusihlalo noma nini.
- (b) Umhlango kumele ubizwe wusihlalo ngesicelo esibhaliwe samalungu angengaphansi kwamahlanu. Umgomo womhlango kumele ubekwe ngokucacile kuleso sicelo. Kumele kunikwe isaziso somhlango okhethekile sezinsuku ezingengaphansi kweziyi-7 (isikhombisa).
- (c) Akukho okunye okumele kusingathwe kulowo mhlango ngaphandle kwaloko umhlango okhethekile obizelwe kona.

(3) Imihlango ephuthumayo

- (a) Umhlango ophuthumayo ubizwa usihlalo noma, uma engekho, usekela-sihlalo uma nje amalungu enikwe isaziso ngalowo mhlango esikhathini esingengaphansi kwamahora angama-24

(amashumi amabili nane).

- (b) Isaziso somhlangano ophuthumayo singakhishwa nganoma yiphi indlela ekahle evunyelwa yizimo.
 - (c) Inhloso yomhlangano ophuthumayo kumele ishiwo kumalungu futhi akukho okunye okumele kusingathwe kulowo mhlango ngaphandle kwaloko okuye kwashiwo.
- (4) Isibalo esincane esivumelekile kuyo yonke imihlangano yomkhandlu kuyoba yiningi lamalungu omkhandlu ngobuningimvama, kungabalwa zikhala zomsebenzi.

16. Izinqubo zemihlangano yomkhandlu

- (1) Amalungu omkhandlu kumele abambe iqhaza ezindabeni zomkhandlu ngendlela yokuthi iNyuvesi izuze.
- (2) Kuye ngokuhlinzekwe yilo Mthetho iningi labantu abangamalungu omkhandlu ngosuku lomhlangano womkhandlu kumele bahlangabezane nemfuneko yesibalo esincane esivumelekile salowo mhlango futhi isinqumo seningi lamalungu omkhandlu akhona emhlanganweni siyoba yisinqumo somkhandlu.
- (3) Uma engekho usihlalo, usekela-sihlalo kufanele asebenze njengosihlalo womkhandlu kuthi uma usihlalo sosekela-sihlalo bomkhandlu bengekho, lawo malungu akhona kumele akhethe omunye wawo ukuba engamele kulowo mhlango.
- (4) Isinyathelo sokuqala emhlanganweni ojwayelekile, lapho nje sekuhlelekelwe izingxoxo, kumele sibe wukufunda nokuqinisekisa ngokusayina kukasihlalo amaminithi omhlangano ojwayelekile okwagcinwa ngawo nawanoma muphi umhlangano okhethekile owalandela, ngombandela wokuthi umhlangano ungawabheka njengafundiwe amaminithi uma phambilini ikhophi

yawo yathunyelwa elungeni lomkhandlu ngalinye, nangombandela futhi wokuthi uma kukhona okuphikiswayo emaminithini omhlangano loku kumele kunqunywe ngaphambi kokuqinisekiswa kwalawo maminithi.

- (5) Ilungu lomkhandlu alivumelekile, ngaphandle kwemvume yomhlangano, ukukhuluma ngaphezu kwesikhawu esisodwa ngento ephakanyisiwe noma nganoma isiphi isichibiyelo. Umphakamisi wanoma isiphi isiphakamiso noma isichibiyelo unelungelo lokuphendula.
- (6) Noma isiphi isiphakamiso noma isichibiyelo kumele sisekelwe ngomunye futhi, uma usihlalo eqondisa kanjalo, kube ngokubhalwe phansi.
- (7) Isiphakamiso noma isiphakamiso esisekelwe ngomunye njengoba kushiwo ebinzaneni (6), singehoxiswe ngaphandle kwemvume yomhlangano.
- (8) Usihlalo unevoti lesinqumo kunoma uluphi udaba, futhi, uma kwenzeka kulingana amavoti, unevoti elijuqulayo.
- (9) Uma umhlangano unqume kanjalo, inani lamalungu avotela noma amelana nanasiphi isiphakamiso kumele liqoshwe emaminithini, futhi ngaphezu kwaloko ngokwesicelo sanoma liphi ilungu usihlalo kumele aqondise ukuthi ivoti lalelo lungu liqoshwe phansi.
- (10) Uma iningi lamalungu omkhandlu lifinyelela esivumelwaneni ngodaba olulethwe kuwo wusihlalo ngencwadi noma ngokwe-elektroniki, ngaphandle kokubamba umhlangano, futhi lidlulisela lesi sinqumo ngencwadi noma ngokwe-elektroniki, lesi sinqumo (eliyobizwa ngokuthi isinqumo esijikelezayo) siyalingana nesinqumo somkhandlu futhi kumele siqoshwe emaminithini omhlangano ojwayelekile wokuqala olandelayo.
- (11) Imibono yelungu lomkhandlu elingeke libe khona

emhlanganweni inokulethwa emhlanganweni ibhaliwe kodwa ayinakubalwa njengevoti lalelo lungu.

- (12) Ukunquma kukasihlalo ngephuzu elithile lokuhleleka noma lenqubo kuyisibopho ngaphandle kokuba ilungu liphosele inselele khona manjalo, okuzokwenza ukuthi ngaphandle kokukudingida loko kunquma kumele ukuyiswa emhlanganweni wona bese ukhipha isinqumo esiwujuqu.
- (13) Izingxoxo zemihlangano zomkhandlu ziyisifuba ngaphandle kokuba umkhandlu uqondise ngokwehlukile.

17. Ukugxamalaza kumalungu omkhandlu

- (1) Ilungu lomkhandlu eligxamazele ezimalini, kokungokwakhe siqu noma kwenye indawo ngokuqondile noma ngokungaqondile kunoma uluphi udaba oluzodingidwa emhlanganweni futhi oluhlanganisa noma olungase luhlanganise ukugxamalaza kumele likudalule lokho kugxamalaza ngaphambi komhlangano noma phakathi nawo.
- (2) Umuntu, ngokubhala phansi, angazisa usihlalo womhlangano, ngaphambi komhlangano, ngokugxamalaza okukhona noma okungase kube khona elungwini lomkhandlu okungenzeka lowo muntu uyazi ngakho.
- (3) Akukho lungu lomkhandlu okumele livote noma lihlanganyele engxoxweni nganoma luphi udaba olunokugxamalaza okukhona noma okungase kube khona futhi lelo lungu elithintekayo kumele lihoxe emhlanganweni womkhandlu ngenkathi kuqhubeka leyo ngxoxo noma kuvotwa ngayo ngaphandle kokuba umkhandlu unquma ngokwehlukile.

18. Amakomiti omkhandlu

- (1) Umkhandlu kumele umise:
 - (a) ikomiti elilawulayo;
 - (b) ikomiti lokubala nokuhlolwa kwamabhuku kanye nezimo zobungozi;
 - (c) ikomiti lezimali; kanye
 - (d) amakomiti angase adingekke.
- (2) Kuye ngokwezinhlinzeko eziqukethwe lapha, ukwakheka, indlela yokukhethwa, imisebenzi, inqubo emihlanganweni kanye nokuhlakazwa kwekomiti kumele kunqunywe wumkhandlu ngemithetho emisiwe, ngombandela wokuthi uma kungekho mithetho yenqubo yalelo komiti eshaywe wumkhandlu, le mithetho yenqubo elawula umkhandlu isebenza ngokwempopo (*mutatis mutandis*) kulelo komiti elithintekayo.
- (3) Okungenani ingxenye eyodwa yamalungu amakomiti okubhekiswe kuwo ibinzana (1)(a) kuya ku (c) ngenhla kufanele kube abantu abangebona abasebenzi noma abafundi bale Nyuvesi.
- (4) Usihlalo wekomiti uqokwa wumkhandlu okuwubungako besikhathi sokusebenza esalokhu eyilungu lalelo komiti noma kuze kube yilapho umkhandlu umsusa.
- (5) Usihlalo wekomiti ngokwebinzana (1)(a) kuya ku (c) ngenhla kumele angabi ngumsebenzi noma ngumfundi wale Nyuvesi.

19. Amaminithi emihlangano yomkhandlu namakomiti

Unobhala womkhandlu kumele agcine amaminithi omhlangano womkhandlu ngamunye futhi la maminithi kumele awahlanganise

ohleni lwezingxoxo zomhlangano womkhandlu olandelayo lapho kukhishwa uhla lwamaphuzu ezingxoxo ngokwebinza 15(1)(c).

20. KWESULIWE

ITHIMBA LEZIGELE

21. Imisebenzi yethimba lezigele

- (1) Ngokuhambisana noMthetho, ithimba lezigele libika emkhandlwini ngako konke ukufundisa, ukufunda, imisebenzi yocwaningo kanye nezemfundo kwale Nyuvesi kanye nayo yonke eminye imisebenzi eyiphathiswe noma eyinikwe wumkhandlu.
- (2) Ngaphandle kokubukela phansi ukuqoqeka kwebinzana (1), ithimba lezigele:
 - (a) Kumele lihlele futhi lilawule ukufundisa, izivivinyo kanye nocwaningo kule Nyuvesi;
 - (b) Uma liphathiswe ukwenza kanjalo ngesinqumo somkhandlu, lingashaya noma lichibiyele noma umuphi umthetho ophathelene nekharikhulamu yokuthola noma iziphi iziqu, idiploma, isitifiketi noma elinye ibanga eliphasiwe, kodwa lingakwenza lokho kuphela ngemva kokubonisana nebhodi lezindaba zemfundo njengoba kusho ibinza 33;
 - (c) uma liphathiswe ukwenza kanjalo ngesinqumo somkhandlu, lingashaya noma lichibiyele noma umuphi umthetho ophathelene nendlela abafundi okumele bavivinywe ngayo;
 - (d) kumele lingume izinga lobuchule elidingeka kunoma yiphi indlela yokuhlola engasetshenziswe ukuze kwaneliswe izidingo zokuzuza iziqu, idiploma, isitifiketi noma elinye ibanga eliphasiwe;
 - (e) kumeleleluleke umkhandlu ngezinyathelo nemithetho kokuqondisa izigwegwe mayelana nabafundi;
 - (f) lingenza izincomo emkhandlwini mayelana nalelo kolishi isikole noma esinye isakhiwo semfundo okungokwakhona;
 - (g) lingenza izincomo emkhandlwini mayelana nokumiswa nokuhlakazwa kwamakolishi, izikole

kanye nezinye izakhiwo zemfundo;

- (h) kumele linqume, ngokuvumelana nganoma isiphi isivumelwano sokudlulisela ubunini noma isipho, futhi emva kokubonisana nosekelashansela, imibandela esebenza kunoma miphi imifundaze noma eminye imiklomelo yezemfundo;
- (i) kumele linqume izimiso, imibandela kanye nezindlela zokukhipha imifundaze kanye nemiklomelo yezemfundo;
- (j) linokumisa amakomiti okufeza noma imiphi imisebenzi yalo futhi lingaqoka abantu, abangewona amalungu aleli thimba lezigele, babe ngamalungu alawo makomiti, ngombandela wokuthi umuntu oyedwa ngale njongo unakho ukuthathwa njengekomiti. Ukwakheka, indlela yokukhethwa, imisebenzi, inqubo emihlanganweni kanye nokuhlakazwa kwekomiti kumele kunqunywe yithimba lezigele, ngombandela wokuthi uma kungekho mithetho yenqubo yalelo komiti eshaywe yithimba lezigele, le mithetho yenqubo elawula umkhandlu isebenza ngokwempopo (*mutatis mutandis*) kulelo komiti elithintekayo, futhi
- (k) linokuphathisa noma linike ikomiti noma imiphi imisebenzi yalo, ngombandela wokuthi lingeke laphathisa noma linike umsebenzi eliwuphathiswe wumkhandlu ngaphandle kwemvume yomkhandlu, nangombandela wokuthi ithimba lezigele kumele kuhlale kuyilo elinomthwalo ngokufezeka kwanoma umuphi lowo msebenzi ophathisiwe noma onikiwe.

(3) Ithimba lezigele kumele:

- (a) lenze nanoma imiphi eminye imisebenzi eliyinikwa wumkhandlu;
- (b) lilethe emkhandlwini leyo mibiko umkhandlu ongase

uyidinge ngomsebenzi walo; futhi

- (c) lenze izincomo emkhandlwini ngezindaba ezilethwe kulona umkhandlu nanangaziphi ezinye izindaba ezithinta iNyuvesi njengoba libona kufanele.

- (4) Ngokwemithetho, ithimba lezigele lingakumisa ukubhaliswa komfundi kuwo onke noma kweyodwa noma ngaphezulu amamoduli lowo mfundi akubhaliselwe wona kuleso siqanyaka uma ngokubona kwethimba lezigele, lapho kulandelwa imithetho, ukuthuthuka kwalowo mfundi kanye nokuhamba kahle ngokwemfundo kwalowo mfundi kungendlela yokuthi ekupheleni kwesiqanyaka lowo mfundi angeke athole isiklomeliso kuleyo moduli noma amamoduli, ngokwendlela isimo esingayo.

22. Ukubamba iqhaza ethimbeni lezigele kanye nokususwa kobulungu

- (1) Amalungu ethimba lezigele angabamba iqhaza ezingxowweni zethimba lezigele.
- (2) Ukuhluleka ukwenza ngendlela ehlomulisa iNyuvesi noma ukubonisa ukuziphatha okuthunaza iNyuvesi kungaholela ekususweni kwelungu ethimbeni lezigele lapho isilandelwe inqubo efanele.
- (3) Uma kwenzeka kuba nesidingo sokususa ilungu lethimba lezigele ngokuhambisana naloko okuhlinzekwa ibinzana (2) ngenhla izinhlinzeko mayelana nokungafanelekeli ukuba yilungu lomkhandlu kumele kusebenze ngempopo (*mutatis mutandis*.)

23. Ukwakheka kwethimba lezigele

- (1) Ithimba lezigele, kuye ngaloko okuhlinzekwa uMthetho, lakhiwe:

- (a) usekela-shansela;
- (b) amaphini kasekela-shansela ;
- (c) isikhulu esinomthwalo ngezinsiza kubafundi;
- (d) oyedwa omele umkhandlu okufanele angabi umsebenzi noma umfundi futhi okhethwa wumkhandlu;
- (e) usihlalo webhodi lezinsiza zokulekelela;
- (f) umqondisi wezinsiza zomtapo wolwazi;
- (g) umqondisi wokugqugquzela iqophelo nokuqinisekisa;
- (h) usihlalo wesithangami sesikhungo;
- (i) umengameli wembizo noma loyo okuphakanyiswe igama lakhe;
- (j) idini yocwaningo enyuvesi;
- (k) amadini ocwaningo emakolishi
- (l) amadini okufundisa nokufunda emakolishi;
- (m) izimeneja zekolishi ezinomthwalo wokuphathwa kwemfundo yabafundi ekolishi;
- (n) zonke izinhloko zezikole;
- (o) abasebenzi bezemfundo abaqashwe ngokugcwele ezivela esikoleni ngasinye futhi ezikhethwe ngokufanelekile yilesi sikole ngasinye;
- (p) umlingani weNyuvesi oyilungu labasebenzi eliqashwe ngokugcwele kwezokufunda bale Nyuvesi, okhethwe ngabalingani;
- (q) abamele izitshudeni abayisithupha, oyedwa ngesigceme sesikhungo ngasinye, futhi okhethwe ngokufanelekile uMkhandlu Omele Abafundi (SRC) walesi sigceme sesikhungo, kanye noyedwa omele abafundi woMkhandlu Omele Abafundi oyindlunkulu, okhethwe yilowo mkhandlu;

(r) lawo malungu engeziwe avunyelwe yithimba lezigele.

- (2) Iningilamalungu ethimba lezigele kumele libengabasebenzi zemfundo.
- (3) Indlela yokukhethwa noma yokuqokwa, kuye ngokuthi yikuphi, kwamalungu ethimba lezigele kuya ngokuthi isakhiwo ngasinye sikunqume kanjani.

24. Ubungakho besikhathi sokusebenza samalungu ethimba lezigele esezikhundleni

- (1) Amalungu aqokwe ngokwebinzana 23(1)(a), (b), (c), (f), (g), (j), (k), (l), (m) no-(n) kumele abambe isikhundla uma nje esalokhu eqashwe yile Nyuvesi kuleso sikhundla.
- (2) Ubungakho besikhathi sokusebenza samalungu okubhekiswe kuso ngokusho kwebinzana 23(1)(o) no (p) aseqi iminyaka emi-3 (emithathu) futhi, kungakhathaleki usuku lokuqalisa esikhundleni, buyanqamuka ngomhla zingama-31 kuZibandlela (31 Disemba) onyakeni wawo wesithathu besethimbeni lezigele.
- (3) Amalungu aqokwe ngokwebinzana 23(1)(e), (h) no (i) kumele abambe isikhundla uma nje esalokhu esesikhundleni njengosihlalo.
- (4) Ubungakho besikhathi sokusebenza samalungu angabafundi ngokusho kwebinzana 23(1)(q) bunqunywa wuMkhandlu Omele Abafundi (SRC), ngombandela wokuthi ubulungu buyazinqamukela lapho umfundi eyeka ukuba yilungu loMkhandlu Omele Abafundi.
- (5) Lapho ilungu ebelikhethiwe noma liqokiwe lifa, lesula emsebenzini noma lishiya esikhundleni nganoma isiphi isizathu kuhlenganise ukuphela kwesikhathi salo lisesikhundleni, unobhala wethimba lezigele kumele azise

abaphathi noma umzimba okhethe noma oqoke lelo lungu ngaleso sikhala, futhi kumele, uma ngokombono kasihlalo wethimba lezigele kulindeleke ukuthi lokho kungenzeka, acele labo baphathi noma umzimba ukuba uqoke noma ukhethe ozolandela esikhundleni.

- (6) Olandela esikhundleni ubamba isikhundla kube esobungakho obugcwele besikhathi sokusebenza njengoba kubekwe kumabinza 24(1) kuya ku-24(4) ngenhla.

25. Usihlalo, usekela-sihlalo kanye nonobhala wethimba lezigele

- (1) Usekela-shansela uwusihlalo wethimba lezigele njengoba kusho uMthetho.
- (2) Usekela-sihlalo wethimba lezigele uyiphini likasekela-shansela okhethelwe lokho yithimba lezigele.
- (3) Unobhala wethimba lezigele uwumbhalisi omiselwe lokho yithimba lezigele.
- (4) Usihlalo wengamela imihlangano yethimba lezigele. Imihlangano yamakomiti ethimba lezigele kumele enganyelwe usekela-shansela uma ithimba lezigele likubona kufaneleka ngalo ukwenza kanjalo, kungenjalo kube wumuntu ofanelekile omiselwe loko yithimba lezigele.
- (5) Usihlalo kumele afeze naleyo eminye imisebenzi enokunqunywa yithimba lezigele.
- (6) Uma engekho usihlalo, okuhlinzekwa yileli binza kumele kusebenze usekela-sihlalo lapho kufaneleka khona.
- (7) Unobhala ufeza leyo misebenzi ayinikwe yithimba lezigele.
- (8) Uma bengekho bobabili usihlalo nosekela-sihlalo, ithimba lezigele kumele likhethe usihlalo walowo mhlango phakathi kwamalungu alo.

26. Inqubo yethimba lezigele kanye nokugxamalaza kubasebenzi

Inqubo esebenza emihlanganweni yomkhandlu isebenza ngokwempopo (*mutatis mutandis*) emihlanganweni yethimba lezigele.

27. Amakomiti ethimba lezigele

- (1) Ithimba lezigele liqoka noma yimaphi amakomiti ngokwesidingo.
- (2) Ukwakheka nemisebenzi yamakomiti kufanele kunqunywe yithimba lezigele.

28. Amakomiti ahlangenisiwe omkhandlu nawethimba lezigele

- (1) Umkhandlu nethimba lezigele kungase ndawonye kumise amakomiti, azokwaziwa ngokuthi ngamakomiti ahlangenisiwe, ukufeza imisebenzi ekhona nxazonke emkhandlwini nasethimbeni lezigele.
- (2) Ukwakheka, indlela yokukhethwa, imisebenzi, inqubo emihlanganweni kanye nokuhlakazwa kwekomiti elihlangenisiwe kunqunywa uMthetho-oqoshiwe noma eminye imithetho.
- (3) Umkhandlu nethimba lezigele basenawo umthwalo wokufezwa nanoma umuphi umsebeni ophathiswe noma onikwe ikomiti elihlangenisiwe ngokucacisa kwaleli binza.

AMAKOLISHI

29. Ukumiswa kwamakolishi

Umkhandlu, emva kokubonisana nethimba lezigele umisa amakolishi ahlanganisa izikole ezihambelanayo njengoba kunguma umkhandlu izikhathi ngezikhathi.

30. Ukwakheka kwekomiti labaphathi bekolishi

- (1) Ikolishi ngalinye kumele libe nekomiti labaphathi elakhiwe yilaba:
 - (a) iphini likasekela-shansela eliyinhloko yekolishi;
 - (b) idini yocwaningo yekolishi
 - (c) idini yokufundisa nokufunda yekolishi;
 - (d) izinhloko zazo zonke izikole ezisekolishi
 - (e) umqondisi wezinsiza zobuchwepheshe zekolishi; kanye
 - (f) nalabo bantu abangavoti abanezelelwa yikomiti.
- (2) Iphini likasekela-shansela eliyinhloko yekolishi kumele kube wusihlalo wekomiti.
- (3) Uma kwenzeka usihlalo engekho, lelo lungu elikhonjelwe lokho wusihlalo lizokwengamela imihlangano yekomiti.

31. Imisebenzi yekomiti labaphathi bekolishi

Ikomiti labaphathi bekolishi kumele:

- (1) lihlinzeke amasu kanye nobuholi nokuphathwa kokusebenza kwekolishi;
- (2) lilawule isabelomali eliyinikiwe ukuba yabiwe phakathi kwezikole;

- (3) libeke iso ekulandelweni kwemithetho-mgomo yeNyuvesi ngezinga esebenza ngayo ekolishi nezikole zalo; futhi
- (4) lifeze nanoma imiphi eminye imisebenzi engase ishiwo wumkhandlu, ithimba lezigele noma ikomiti labaphathi benyuvesi elilawulayo.

32. Inqubo yekomiti labaphathi bekolishi

Isibalo esincane esivumelekile kanye nemithetho yenqubo okulawula umkhandlu kuzosebenza ngempopo (*mutatis mutandis*) ekomitini labaphathi bekolishi.

IBHODI LEZINDABA ZEMFUNDO

33. Ukwakheka kwamabhodi ezindaba zemfundo

- (1) Ikolishi ngalinye kumele limise ibhodi lezindaba zemfundo.
- (2) Ibhodi ngalinye lakhiwe yilaba:
 - (a) iphini likasekela-shansela eliyinhloko yekolishi;
 - (b) Iphini likasekela-shansela locwaningo
 - (c) Iphini likasekela-shansela lokufundisa nokufunda
 - (d) idini yocwaningo yekolishi
 - (e) idini yokufundisa nokufunda yekolishi;
 - (f) inhloko yesikole ngasinye esisekolishi;
 - (g) umsebenzi wezemfundo oyedwa ovela esikoleni ngasinye esisekolishi esikhethwe yilesi sikole;
 - (h) ilungu elilodwa elimele ikolishi ngalinye eliqokwe yibhodi lezindaba zemfundo lalelo kolishi kumalungu alo;
 - (i) abafundi ababili abaqokwe wuMkhandlu Omele Abafundi oyindlunkulu, omunye wabo kube umfundi osebhaliwe kulelo kolishi; kanye
 - (j) nalawo malungu engeziwe njengoba kuvunyelwa yithimba lezigele.
- (3) iphini likasekela-shansela eliyinhloko yekolishi kumele kube wusihlalo webhodi.
- (4) uma kwenzeka usihlalo angabibikho, lelo lungu elikhonjelwe lokho wusihlalo lizokwengamela imihlangano yebhodi.

34. Ubungako besikhathi sokusebenza samalungu ebhodi lezindaba zemfundo

- (1) Amaphini kasekela-shansela, amadini ekolishi kanye nezinhloko zezikole bahlala bengamalungu ebhodi uma

nje besalokhu besezikhundleni zabo zomsebenzi.

- (2) Ubungako besikhathi sokusebenza kwamalungu okushiwo kula mabinzana 33(2)(g) no-(h) buzonqunywa yibhodi.
- (3) Ubungako besikhathi sokusebenza kwamalungu angabafundi esesikhundleni buzoba wunyaka owo-1 (owodwa) buqondane nobungako besikhathi sokusebenza kwawo esebenza kuMkhandlu Omele Abafundi, ngombandela wokuthi ubulungu balowo mfundi bumele bunqamuke lapho loyo muntu eyeka ukuba yilungu loMkhandlu Omele Abafundi noma umfundi obhalisiwe kulelo kolishi, kuye ngesimo.

35. Imisebenzi yamabhodi ezindaba zemfundo

- (1) Ibhodi ngalinye linomthwalo ngemisebenzi yemfundo nocwaningo yezikole zalelo kolishi.
- (2) Ngaphandle kokubukela phansi ukuqoqeka kokuqukethwe yibinzana (1) ngenhla, ibhodi ngalinye, ngokuphathelene nezindaba ezimayelana nekolishi lalo linelungelo lokwenza loku:
 - (a) ukuncoma emkhandlwini nasethimbeni lezigele ukuba kumiswe, noma kuhlakazwe, izinhlelo zemfundo kanye nezinguquko kulezo zinhlelo noma amakharikhulamu;
 - (b) ukuncoma ethimbeni lezigele ukuba kumiswe amabhodi ezikole zakulelo kolishi;
 - (c) ukweluleka ithimba lezigele, noma lapho kufaneleka khona, umkhandlu ngaleyo mithetho emisha, noma echitshiyelwe, ephakanyiswa yikolishi;
 - (d) ukuncoma kubaphathi abafanele ukuba abantu baqokelwe izikhundla zokuhloniswa kule Nyuvesi;
 - (e) ukuqopha phansi abafundi abazuze ezemfundo

ngendlela engahambisani nemithetho ebekiwe;

- (f) ukubhalisa abafundi ngaphansi kwemibandela ethile;
- (g) ukusebenzisa ukwahlulela okuhle mayelana nezindaba ezilethwa kuwo yithimba lezigele njengoba kuhlinzekwe emithethweni ebekiwe;
- (h) ukusingatha noma ziphi ezinye izinto ezilethwe kuwo yithimba lezigele noma amabhodi ezikole zesikhungo.

IZIKOLE NAMABHODI EZIKOLE

36. Ukumiswa nokusebenza

- (1) Umkhandlu, ngokuncoma kwethimba lezigele kanye nekolishi elilodwa noma ngaphezulu, unokumisa noma uhlakaze izikole zale Nyuvesi njengoba kucatshangelwa ibinza 21(2)(g).
- (2) Amabhodi ezikole, okungamakomiti amabhodi ezindaba zemfundo, angase amiswe ngegunya lebhodi lezindaba zemfundo ngokulandela izincomo ezenziwe yikolishi elithintekayo.
- (3) Ibhodi lezindaba zemfundo kumele linqume ukwakheka, imisebenzi kanye nezinqubo zemihlangano yebhodi lesikole ngasinye.

ISITHANGAMI SESIKHUNGO

37. Umsebenzi wesithangami sesikhungo

- (1) Isithangami seziko seluleka umkhandlu ngezindaba ezithinta le Nyuvesi, kuhlangelelise:
 - (a) ukusebenza ngokulandela uMthetho [kahulumeni] kanye nenqubo-mgomo kazwelonke ngemfundo ephakeme;
 - (b) izinqubo-mgomo zobuhlanga, zobulili kanye nezokulinganiswa;
 - (c) ukukhethwa kwabazohlololwa umsebenzi wezikhundla zabaphathi abaphezulu;
 - (d) izinqubo zezimiso ngokuziphatha, zokulamula kanye nezokuxazulula imibango;
 - (e) ukugqaguzela isiko-mpilo lesikhungo elikhuthaza ukubekezelelana nokuhlonipha amalungelo abantu ayisisekelo nelakha isizinda esifanelekele ukufundisa, uchwano nochwano nokufundisa; kanye
 - (f) Inqubo-mgomo yolimi yeNyuvesi.
- (2) Isithangami sesikhungo sinokufeza naneminye imisebenzi njengokunquma komkhandlu.

38. Ukwakheka kwesithangami sesikhungo

- (1) Isithangami sesikhungo sakhiwa yilaba
 - (a) amalungu amabili omkhandlu angewona abasebenzi noma abafundi bale Nyuvesi;
 - (b) amalungu amabili avela kubaphathi;
 - (c) amalungu amabili ethimba lezigele;
 - (d) amalungu amabili avela ekolishi ngalinye amele abasebenzi bezemfundo zalelo kolishi;
 - (e) amalungu amahlanu amele abasebenzi

- bezokulekelela, esisodwa ngekolishi ngalinye kanye nesisodwa esivela ohlangothini lwabalekelelayo;
- (f) ababili abamele izinyunyana zabasebenzi, abaphakanyiswe yizinyunyana ezamukelekile ngokuhlanganyela;
 - (g) amalungu ababili embizo angebona abasebenzi noma abafundi bale Nyuvesi, abaqokwe yithimba lembizo;
 - (h) abafundi ababili abakhonjwe wuMkhandlu Omele Abafundi Oyindlunkulu (CRSC); kanye
 - (i) ilungu elingavoti elilodwa, noma ngaphezulu, elifakelelwe yisithangami seziko ngenjongo yokusiza isithangami seziko ngokuphathelene nanoma liphi iprojeke elithile.
- (2) Ukuqokwa kwabamele kufanele kube ngokungafihlekile nangentando yabantu futhi isakhiwana ngasinye kumele silandele inqubo yokukhetha yangaphakathi kuleso sakhiwana bese siletha amagama abameleli baso kumbhalisi.
 - (3) Ubungakho besikhathi sokusebenza kwamalungu bungaze bufinyelele iminyaka emi-4 (emine) njengokunquma kwesakhiwana ngasinye.
 - (4) Ibinza 12 lisebenza, ngokuphoqa (*mutatis mutandis*), ekunqanyulweni kobulungu bamalungu esithangami sesikhungo.

39. Abaphathi-zikhundla besithangami sesikhungo

Isithangami sesikhungo kumele sikhethe kumalungu aso usihlalo kanye nephini likasihlalo kumalungu aqokwe ngokwebinzana 38(1)(d) noma (e). Umbhalisi uzosebenza njengonobhala wesithangami sesikhungo.

40. Imihlangano kanye nenqubo yemihlangano kwesithangami sesikhungo

- (1) Isibalo semihlangano kumele sinqunywe yisithangami sesikhungo.
- (2) Iningi lamalungu esithangami sesikhungo kumele lenze isibalo esiphansi sabantu abavumelekile (ikhoramu).
- (3) Izinqubo zemihlangano zinjengoba kunqume isithangami sesikhungo ngombandela wokuthi uma kungekho kunqunywa okwenziwe lokho okuhlinzekwe yibinza 16 kumele kusebenze ngokucinelela (*mutatis mutandis*).

IMIKHANDLU EMELE ABAFUNDI

41. Ukumeleka kwabafundi

Abafundi bale Nyuvesi bamelwa ezindabeni ezibathintayo wumkhandlu omele abafundi oyindlunkulu (CRSC) kanye nemikhandlu emele abafundi yendawo (LSRC). UMkhandlu Omele Abafundi oyindlunkulu kanye neyendawo kuzobizwa ngokudidiyela ngokuthi iMikhandlu Emele Abafundi (SRCs).

42. Ukwakheka kweMikhandlu Emele Abafundi

- (1) Abafundi bale Nyuvesi jikelele kumele bamelelwe uMkhandlu Omele Abafundi Oyindlunkulu (CSRC).
- (2) Ngasinye isigceme seNyuvesi kumele sibe nowaso uMkhandlu Omele Abafundi Wendawo (LSRC).
- (3) Ama-LSRC angaphansi kwe-CRSC.
- (4) Ikomkhulu le-CRSC kumele libe sekomkhulu leNyuvesi njengoba kusho ibinza 2(2).

43. Ukukhethwa kanye nobulungu eMikhandlini Emele Abafundi (SRCs)

- (1) Ukukhethwa kwama-SRC kumele kube ngokusobala nangentando yabantu.
- (2) Kuye ngokuthi yikuphi, i-CSRC kanye nama-LSRC kumele kukhethwe noma kuqokwe ngokuvumelana naloko okuhlinzekwe kumthetho-sisekelo walowoMkhandlu Omele Abafundi (SRC), njengoba kuvunywe wumkhandlu izikhathi ngezikhathi.
- (3) Abafundi ababhaliswe kule Nyuvesi kuphela, okungenani isiqanyaka esisodwa sokufunda bebhaliswe uhlelo lokufunda okuhlelekile oluvunywa yithimba lezigele, abanelungelo lokuphakamisa igama le-*candidate*, ukuba amagama abo aphakanyiswe njengongenele ukhetho

noma ukuvota ngaleyo ndlela eyalelwa wumthetho-sisekelo woMkhandlu Omele Abafundi (SRC).

- (4) Ubungakho besikhathi sokusebenza ilungu loMkhandlu Omele Abafundi (SRC) lisesikhundleni buyanqamuka kuye ngesizathu, noma uma ilungu litholwe linecala lona siqu ngaphansi kwemithetho ebekelwe ukuqondiswa kwezigwegwe kwabafundi noma enkantolo yomthetho.

44. Imisebenzi yeMikhandlu Emele Abafundi (SRCs)

- (1) Imisebenzi yoMkhandlu Omele Abafundi Oyindlunkulu (CSRC) ihlanganisa:-
 - (a) ukuxhumana nomkhandlu, nethimba lezigele, nabaphathi, nomphakathi ojwayelekile, namanye amaziko emfundo ephakeme, nemikhandlu emele abafundi yazinye izikhungo zemfundo ephakeme, nezinhlangano zabafundi zakuleli zwe noma zamazwe ngamazwe, nezinyunyana kanye nemithombo yezindaba;
 - (b) njengoba iyinhlangano egubuzelayo yamakomiti ezitshudeni, amakilabhu, imikhandlu namasosayithi, ukunika noma ukuhoxisa ukuqashelwa kwalawo makomiti ezitshudeni, amakilabhu, imikhandlu namasosayithi, njengoba ibona kufanele.
 - (c) ukuxhumanisa kahle nokwelusa ukusetshenziswa kwezigsetshenziswa zabafundi kanye nazo zonke izindaba eziphathelene nalokho, ngokubambisana nabaphathi beNyuvesi;
 - (d) ukubizwa kanye nokuqhutshwa kwayo yonke imihlangano egunyaziwe umzimba wabafundi nanokuba umzimba olawulayo kuzo zonke izinhlolovo kanye nezincwadi zezikhalo okuhlelwa ngabafundi ngokuhambisana nemithetho ebekiwe;
 - (e) ukuqoka labo baphathi-zikhundla nokumisa lawo

makomiti ekubona kudingeka;

- (f) ukuhlelwa nokukhuthazwa kokwenza imisebenzi yangaphandle kwekilasi kubafundi;
 - (g) ukugcina umbhalo wazo zonke izimali ezikhokhwe kuyo wumkhandlu nanoma iziphi ezinye izimali, ezingatholakala ngokwesikhundla sayo sokumela abafundi;
 - (h) ukwabiwa nokunikezelwa kwalezo zimali ukuze zisetshenziswe ngabafundi, nokukhipha izibonelelo kumakilabhu abafundi avunyelwe, kumakomiti, kumasosayithi nasemikhandlwini ekusekeleni imicimbi yabafundi efanelekile;
 - (i) umthwalo wokugcina ukuthula emicimbini yabafundi, kanye nokuqinsekisa ukuziphatha ngokuyikho kweminye imihlangano yabafundi evumelekile;
 - (j) ukuxhumanisa kahle ukubandakanyeka kwabafundi kuwo onke amaprojekthi omphakathi asungulwe yiyo;
 - (k) ukubhekelela konke okushicilelwe abafundi;
 - (l) izincomo zemithetho yokufundisa izindaba zayo ezilethwa emkhandlwini;
 - (m) imisebenzi namalungelo okungengezwa njengoba umkhandlu ungase ukubeke phezu kwayo.
- (2) Imisebenzi yeMikhandlu Emele Abafundi Yendawo (LSRCs) yileyo ehlinzekwe kumthetho-sisekelo woMkhandlu Omele Abafundi (SRC) kanye / noma njengoba imiselwa yona uMkhandlu Omele Abafundi Oyindlunkulu (CSRC) izikhathi ngezikhathi.

45. Abaphathi-zikhundla beMikhandlu Emele Abafundi (SRCs)

- (1) UMkhandlu Omele Abafundi Oyindlunkulu (CRSC) ukhetha, kumalungu awo, umengameli ozosebenza njengosihlalo

nephini likamengameli elizoba yiphini likasihlalo.

- (2) IMikhandlu Emele Abafundi Yendawo (LRSCs), ngamunye, ukhetha umengameli ozosebenza njengosihlalo nephini likamengameli elizoba yiphini likasihlalo kumalungu awo.
- (3) Umthetho-sisekelo woMkhandlu Omele Abafundi (SRC) njengoba uvunywe wumkhandlu kumele uhlinzekele imisebenzi yabanye abaphathi-zikhundla kanye nokukhethwa kwalabo baphathi-zikhundla kuMikhandlu Emele Abafundi (SRCs).

46. Ubungakho besikhathi sokusebenza samalungu oMkhandlu Omele Abafundi (SRC)

Ubungakho besikhathi sokusebenza samalungu eMikhandlu Emele Abafundi (SRCs), oyindlunkulu neyendawo, buwunyaka wekhalenda owo-1 (owodwa) noma njengoba kungase kunqume umkhandlu izikhathi ngezikhathi.

47. Amalungelo okuvunyelwa

Amalungelo okuvunyelwa amalungu eMikhandlu Emele Abafundi (SRCs) anjengoba kunqume umkhandlu emva kokubonisana noMkhandlu Omele Abafundi Oyindlunkulu (CSRC).

48. Imihlangano yeMikhandlu Emele Abafundi (SRCs)

Umthetho-sisekelo weMikhandlu Emele Abafundi (SRCs) njengoba uvunywe wumkhandlu kumele uhlinzekele isibalo semihlangano, isibalo esincane esivumelekile emihlanganweni nezinqubo zemihlangano kanye nanezinye izinqubo zokusebenza ezidingekile ukuqinisekisa ukusebenza kahle kweMikhandlu Emele Abafundi (SRCs).

IMBIZO

49. Amalungu embizo

- (1) Imbizo yakhiwa usekela-shansela, iphini likasekela-shansela (elilodwa noma ngaphezulu), umbhalisi (oyedwa noma ngaphezulu), abasebenzi bezemfundo njengoba kubeka ibinzana (2) kanye nabo bonke abantu abaneziqu noma abathola iziqu noma abanamadiploma bakule Nyuvesi noma izikhungo zemfundo ezazingaphambi kwayo kanye nabanye abantu abangase bahlonzwe wumkhandlu, ngokubonisana nethimba lembizo.
- (2) Abasebenzi bezemfundo abaqashwe ngokugcwele yiNyuvesi, osolwazi asebathatha umhlalaphansi kanye nabasebenzi bezemfundo esezathatha umhlalaphansi bangamalungu embizo.
- (3) Uma igama lomuntu livela ohleni lwembizo loko kufanele kube wubufakazi obubonakalayo bokuthi uyilungu lale mbizo nanokuthi unelungelo lokuvota.
- (4) Amagama amasha alabo abathola iziqu noma amadiploma eNyuvesi kuthathwa ngokuthi aqoshiwe ohleni lwembizo emva kokuba kuthweswe iziqu kwakhishwa namadiploma. Amalungu abhaliswe kanjalo kudingeka alethe amakheli awo kunobhala osemthethweni futhi amazise nganoma uluphi uguquko lwekheli.

50. Ukwakheka kwethimba lezikhulu zembizo

Ithimba lezikhulu zembizo kumele lakhiwe yilaba:-

- (1) Umengameli oba usihlalo kuyo yonke imihlangano yalo.
- (2) Amalungu embizo amabili akhethiwe asemkhandlwini.
- (3) Umbhalisi oba unobhala ngokomthetho-oqoshiwe.
- (4) Usekela-shansela uyilungu ngokwesikhundla.

- (5) Lawo malungu engeziwe okungenzeka ahlinzekelwe kumthetho-sisekelo wembizo ngombandela wokuthi okungenani amaphesenti angama-60 amalungu ethimba lezikhulu zembizo kumele kubengabantu abangabasebenzi noma abafundi bale Nyuvesi futhi kumele kucatshangelwe kahle ukumelelwa kwezinhlanga nobulili ethimbeni lezikhulu zembizo.
- (6) Amalungu njengokusho kwebinza 50(1) no (2) kumele kungabi ngaqabashiwe eNyuvesi futhi kungabi abafundi bayo.

51. Ukumelelwa kwembizo emkhandlwini

- (1) Amalungu embizo amathathu angebona abasebenzi noma abafundi bale Nyuvesi kumele kube ngamalungu omkhandlu.
- (2) Umengameli wembizo kumele abe yilungu lembizo lokuqala emkhandlwini.
- (3) Ngokomthetho-sisekelo wayo, imbizo kumele ikhethe emkhandlwini lawa amanye amabili amalungu embizo.

52. Umthetho-sisekelo wembizo

- (1) Umkhandlu kumele uvume umthetho-sisekelo wembizo.
- (2) Umthetho-sisekelo wembizo kumele uhlinzekele zonke izindaba eziphathelele nokukhethwa, ubungakho besikhathi sokusebenza kwethimba lezikhulu zembizo kanye nemisebenzi yembizo kanye nethimba lezikhulu zembizo nanokunye ukuhlinzeka umkhandlu ongase ukubone kufanelekile ngokusho koMthetho-oqoshiwe nokusho koMthetho.

ABAPHATHI NABAPHATHI ABAKHULU

53. Abaphathi nabaphathi abakhulu

- (1) Ngabaphathi kushiwo, ngenhloso yoMthetho, abaphathi abaphezulu kanye nabaphathi njengalokhu kunqume umkhandlu.
- (2) Ngabaphathi abaphezulu kusho, ngenhloso yoMthetho, usekela-shansela, amaphini kasekela-shansela, umbhalisi noma ababhalisi, abaqondisi abalawulayo kanye nezinye izikhundla zomsebenzi wokuqondisa kunqume umkhandlu ukuba babe sezikhundleni ezilawulayo.

54. Usekela likashansela;

Usekela-shansela yisikhulu esilawulayo esiyinhloko seNyuvesi.

55. Imisebenzi kasekela-shansela

- (1) Usekela-shansela noyinhloko yesikhungo unomthwalo ngokuphathwa nokuqondiswa kwansukuzonke kweNyuvesi futhi unawo wonke amandla adingekayo ukufeza le misebenzi.
- (2) Usekela-shansela ubika emkhandlwini.
- (3) Ngokwesikhundla sakhe somsebenzi usekela-shansela uyilungu lawo onke amakomiti omkhandlu kanye nethimba lezigele.
- (4) Umkhandlu unokunika usekela-shansela imisebenzi eyengeziwe, futhi umnike amandla namalungelo okuvunyelwa engeziwe.
- (5) Uma usekela-shansela engekho noma engenakukwazi ukufeza imisebenzi yakhe isikhathi eseluliwe singekho, umkhandlu ungase uqoke lowo ongusekela-nhloko wesikhungo phakathi kwamaphini kasekela-shansela ukuba abambe esikhundleni sikasekela-shansela

ngesikhathi engekho. Endabeni yokungabikho isikhathi esifishane ngenxa yomsebenzi, ikhefu noma ukugula usekela-shansela unokuphathisa omunye igunya lakhe ngokwebinza 58.

56. Ukuqokwa kukasekela-shansela

Ngokulawula koMthetho, ukukhangisa ngesikhala somsebenzi kasekela-shansela, ukumemela ukukhethwa kwabangenela ukhetho, ukuthungatha abazongenela ukhetho abafanelekayo, izindlela zezinqubo zokufaka abambalwa kwabangenele ukhetho ohleni, nezokuhlola ikhono lomsebenzi, kanye nezokuqashwa zinqunywa wumkhandlu.

57. Ubungakho besikhathi sokusebenza kukasekela-shansela

Umkhandlu uqoka usekela-shansela abe sesikhundleni okuvunyelwana ngaso esivumelwaneni somsebenzi.

58. Ukuphathisa abanye igunya

Usekela-shansela unokuphathisa noma amaphi amandla awanikwe noma awaphathiswe wumkhandlu kunoma isiphi isikhulu seNyuvesi ngaphandle kwalapho umkhandlu unquma ngokwehlukile.

59. Ikomiti labaphathi elilawulayo

Amaphini kasekela-shansela, umbhalisi noma ababhalisi kanye namanye amalungu abaphathi abaphezulu kubizwa ngokuhlanganisa ngokuthi yikomiti labaphathi elilawulayo futhi banomthwalo wokusiza usekela-shansela ekuphathweni nokuqondiswa kweNyuvesi.

IZISEBENZI

60. Ukuqashwa

Ngokulawula koMthetho, umkhandlu uqasha abasebenzi ngokuhambisana nezinqubo-mgomo zokuqasha zeNyuvesi njengoba kunqunywe emithethweni ebekiwe.

61. Imibandela yokuqashwa

Imibandela yokuqashwa, kuhlenganisa ukunqunywa nokubuyekwezwa kwamaholo abasebenzi kanye nazo zonke ezinye izindlela zokukhokhelwa, ivunywa wumkhandlu ngokwenqubo-mgomo yeNyuvesi njengoba kunqunywe emithethweni ebekiwe.

62. Ukuhlolwa nokuthuthukiswa

Bonke abasebenzi beNyuvesi bazolokhu behlolwa futshi bethuthukiswa ekwenzeni imisebenzi yabo.

63. Ukufakwa endleleni kwabasebenzi

Bonke abasebenzi bangaphansi kohlaka lokuqondisa izigwegwe, inqubo yokuqondisa izigwegwe kanye nenqubo yokufaka izikhalo zabo, njengoba kuqunywe wumkhandlu ngokulandela imithetho ebekiwe, okuyingxenywe ebumbene yemibandela yokusebenza.

64. Izivumelwano ngokubambisana

Izivumelwano ngokubambisana njengoba zibekwa uMthetho Wobudlelwane Nabasebenzi ka-1995, (njengoba uchitshiyelwe) kungavunyelwana ngawo kungenelela abaphathi.

ABAFUNDI

65. Ukwamukelwa nokubhaliswa kwabafundi

- (1) Umuntu uvunyelwa wumkhandlu ukuba abhalise njengomfundi kuphela uma ehlangabezana kahle nezidingo zomthetho nezemfundo, uma zikhona, ukuze emukelwe ukuba afunde eNyuvesi futhi, ukwenezela lapho, uma ehlangabezana kahle nanoma iziphi ezinye izidingo zokwemukelwa ezinokunqunywa wumkhandlu futhi njengoba kubeka imithetho ebekiwe.
- (2) Izidingo zokwemukelwa kwabafundi eNyuvesi zibekiwe emithethweni futhi ziguqulwa wumkhandlu emva kokubonisana nethimba lezigele.
- (3) Umfundi ubhaliselwa unyaka owo-1 (owodwa) noma isikhathi esifishane kunaloko ngokunquma komkhandlu okujwayelekile noma kwesimo esithile.
- (4) Ukuze umfundi avuselele ukubhaliswa kwakhe emva kokuphela kwesikhathi esishiwo ibinzana (3), umfundi kudingeka ahlangabezane nanoma yiphi imibandela ebekwe wumkhandlu.
- (5) Umkhandlu ungenqaba ukuvumela ukuvuselelwa kokubhaliswa komfundi uma umfundi ehluleka ukuhlangabezana nemibandela eshiwo ibinzana (4).
- (6) Imibandela eshiwo ibinzana (4) ingafaka ukukhokhwa kwezimali ezisilele emuva.

66. Ukufakwa endleleni kwabafundi

- (1) Izinyathelo zokuqondisa izigwegwe nokuhlinzekelwe ukuqondiswa izigwegwe kubafundi kubekwe emithethweni, futhi kungaguqulwa wumkhandlu emva kokubonisana nethimba lezigele kanye noMkhandlu Omele Abafundi (SRC).

(2)

- (a) Usekela-shansela angachibiyela izinhlawulo eziyimali.
 - (b) Lezo zinhlawulo ezichitshiyelwe kumele zethulwe phambi komkhandlu emhlanganweni ojwayelekile olandelayo womkhandlu.
- (3) Uma kwenzeka umkhandlu uguqula noma ubeka eceleni noma isiphi isichibiyelo esinjalo, ukuba kwaso ngesisebenzayo kuze kube yisikhathi lapho umkhandlu uyasiguqula noma usibeka eceleni akuthinteki.

67. Ukunikezwa kwemigamo yemfundo esiphunyelelwe

- (1) Iziqu zithweswa kuthi amadiploma nezitifiketi kukhishwe embuthanweni obanjwa okungenani kanye ngonyaka ngosuku oluzomenyezela ekuqaleni konyaka wokufunda ngamunye.
- (2) Ushansela noma, uma engekho, usekela-shansela noma iphini likasekela-shansela, lizokwengamela umbuthano.
- (3) Umuntu akanalo noma liphi ilungelo lokuvunyelwa lokwethweswa yinoma iziphi iziqu ngaphambi kokuba emukelwe kulezo ziqu, noma liphi ilungelo lokuvunyelwa lokunikwa yinoma iyiphi idiploma noma isitifiketi ngaphambi kokuba anikwe leyo diploma noma isitifiketi embuthanweni.
- (4) Umkhandlu, ngokubonisana nethimba lezigele, unamandla okuhoxisa ukwethweswa kwanoma ziphi iziqu, idiploma, isitifiketi noma umuphi omunye umgamo wemfundo ophunyelelwayo othwese ngephutha noma uma umemukeli weziqu, wediploma, wesitifiketi noma womunye umgamo lwemfundo ophunyelelwayo enze isenzo sokungethembeki mayelana nokutholwa kweziqu, kwediploma, kwesitifiketi noma komunye umgamo wemfundo ophunyelelwayo.

ABANIKELI

68. Abanikeli

- (1) INyuvesi ingemukela izimali nempahla yokusebenza yanoma uluphi uhlobo ukusiza iNyuvesi ukuba iqhube imfundo yeqophelo eliphezulu.
- (2) Umkhandlu ungavumela ubuye uqophe phansi abanikeli abathile njengoba kunquma imithetho ebekiwe.

IZINHLINZEKO EZIJWAYELEKILE NEZEZINGUQUKO

69. Ukunkankanya, ukuchibiyela noma ukuchitha uMthetho-oqoshiwe.

- (1) Akukho siphakamiso sokuchibiyela, sokuchitha noma sempinda-kunkankanya uMthetho-oqoshiwe esizoba nesisindo sisebenze ngaphandle kokuba semukelwe abangengaphansi kuka-75% wamalungu omkhandlu akhona emhlanganweni, ngombandela wokuthi lowo mhlangano wethanyelwe okungenani yingxenye noyedwa (50%+1) kwesibalo samalungu omkhandlu esewonke.
- (2) Noma isiphi isiphakamiso sokuchibiyela, sokukhansela noma sempinda-kunkankanya uMthetho-oqoshiwe kufanele sihambisane naloko okuhlinzekwe wuMthetho.

70. Ukukhishwa kwezaziso

Ukwehluleka noma ukweqeka ngephutha kokukhishwa kwesaziso ngokunquma koMthetho-oqoshiwe ukuba kunikwe umuntu onelungelo lokusithola, noma ukungasitholi kwanoma umuphi umuntu leso saziso, akwenzi ukuba izinyathelo ezihlobene naleso saziso zingabe zisafanelekela ukuthathwa.

71. Amaqhezu ayizinamba

Lapho iqhezu eliyinamba lenamba eliyisiyalelo kulo Mthetho-oqoshiwe futhi lapho lingesiyo inamba ephелеle, inamba ephелеle elandelayo ngobukhulu kumele kube yiyo ethathwa njengenamba eyisiyalelo.

72. Izinhlinzeko ezijwayelekile nezezinguquko

- (1) Nanoma yini eyenziwa ngaphansi kweMithetho-oqoshiwe ephathelene nezikhungo zemfundo ezandulela le Nyuvesi noma uMthetho-oqoshiwe Wesikhungo Ohleleniwe (*Standard Institutional Statute*) njengoba uhlonzwa uMthetho ngaphambi kokuba uMthetho-oqoshiwe uqale ukusebenza uthathwa njengokungathi wenziwe ngaphansi kwenhlinzeko ehambisana noMthetho-oqoshiwe.

- (2) Umkhandlu, ithimba lezigele, amabhodi amakolishi, isithangami sesikhungo kanye nembizo okwakukhona ngaphambi kokuqala ukusebenza kwalo Mthetho-oqoshiwe kuyaqhubeka ukubakhona futhi kufeza imisebenzi okwakuyenza ngaphambi kwaloku kuqalisa, kodwa kufanele kuhambisane nezinhlinzeko zoMthetho-oqoshiwe ezinyangeni eziyi-12 emva kokuqala kokusebenza kwalo Mthetho-oqoshiwe.
- (3) Imithetho eyashaywa yilo mkhandlu kanye nabendulelayo ngokulawula koMthetho eyayikhona uqala ukusebenza uMthetho-oqoshiwe iyaqhubeka isebenza kuze kube iyachitshiyelwa noma iyasuswa kufakwe eminye.