



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*



INKHOMBANDLELA

**YEKUTSI UNGAWUSEBENTISA NJANI
UMTSETFO WEKUFINYELELA KULWATISO, UMTSETFO
2 WANGA 2000, NJENGOBA UCHITJIYELWE**

SISWATI

TABLE OF CONTENTS

EMAVI LAVELA KUSIHLALO	3
KUBALEKELA UMTFWALO	4
1. LUHLA LWETIFINYETO NEMAGAMA LAMAFUSHANE EBUFAKAZI	4
2. EMAGAMA LABALULEKILE AYACHAZWA NGENDLELA LEBANTI NALECACILE	4
3. IMINININGWANE YEKUTSINTSANA NEMLAWULI	8
4. INJONGO YALENKHOMBANDLELA YE-PAIA	9
5. LOKUPHATSELENE NE-PAIA	10
6. TINJONGO TE-PAIA	11
7. KUSUNGULWA KWEMLAWULI WELWATISO	16
8. UMSEBENTI WEMLAWULI WELWATISO	17
9. KWENTA SICELO SEMAREKHODI	18
10. IMINININGWANE YEKUTSINTSANA NETISEBENTI TELWATISO	22
11. INCHUBO YEKUFAKA SICELO SEKUTFOLA LWATISO	23
12. NGUBANI LONGENTA SICELO SE-PAIA?	24
13. SICELO SINGAFAKWA KUBANI?	25
14. KUGCWALISA LELIFOMU	25
15. TINDLEKO LETIKHONA	29
16. NGABE SISEBENTI SELWATISO SITAWUSITA LOFAKA SICELO KUTSI AFAKE SICELO SE-PAIA?	30
17. LUSITO LOLUKHONA KUMLAWULI WELWATISO NGEKUSEBENTISA I-PAIA NE POPIA	32
18. UMLAWULI WELWATISO ANGASELULA YINI SKHATSI LESINCUNYIWE?	33
19. TIMPHENDVULO KUSICELO SEKUTFOLA LWATISO	33
20. KUVETWA LOKUPHOCELELEKILE KWEMAREKHODI KUTE KUZUZE UMPHAKATSI	38
21. INCHUBO YEKWATISA BESITSATFU LABATSINTSEKAKO	38
22. TINDLELA TEMTSETFO TEKULUNGISA LETIKHONA LETIMELENE NESINCUMO ...	39
23. TIKHALO LETIMIKISWA KUMLAWULI WELWATISO	47
24. KUFAKA SICELO ENKANTOLO	52
25. UMDVWEBO WENCHUBO YEKUFAKA SICELO NGEKWE-PAIA	55
26. IMITSETFO LEMISWE NGEKWESIGABA 92 SE-PAIA	57
27. IMITSETFO LEBALULEKILE, IMITSETFOSIMISO, TATISO NEKWAMUKELA	58

PAIA GUIDE

EMAVI LAVELA KUSIHLALO

Utsetfosisekelo waseRiphabhlikhi yaseNingizimu Afrika, 1996¹ (“Umtsetfosisekelo”) ubeka kutsi iNingizimu Afrika ngumbuso lotimele nembuso wentsadvo yelunyenti lowasungulwa ngekutfutukiswa kwemalungelo eluntfu Kanye neluhlelo lwekubusa lonemtfwalo, loluphendvulako nalolucacile njengencenye yemigomo yawo. Ngembi kwekutsi iNingizimu Afrika iba nemtsetfosisekelo wentsandvo yelunyenti neMtsetfosisekelo Wemalungelo Eluntfu losebentako, luhlelo lweMbuso easeNingizimu Afrika kulokunye, lwaholelwa ekubeni nguloluyimfihlo nemasiko langavakali kumitimba yomibili letimele neyahulumende leyivamise kuholela ekuphatfweni kabi kwemandla nekuhlukunyetwa kwemalungelo eluntfu. Kungaloku nje kutsi sigaba 32(1) seMtsetfosivivinyo Semalungelo Eluntfu kuMtsetfosisekelo, uniketela emalungelo ekufinyelela kulwatiso loluphetfwe ngumbuso; nanoma luphi lwatiso loluphetfwe ngulomunye umuntfu loludzingeka kute kusetjentiswe noma kuvikelwa noma maphi emalungelo. Sigaba 32(2) seMtsetfosisekelo ngalokunjalo siniketa kutsi kushaywe umtsetfo wavelonkhe lotawucinisekisa kutsi lelilungelo liyasebenta, ngekuhlonipha, kuvikela, kutfutukisa nekuzeza lelilungelo.

LoMtsetfo Wekufinyelela Kulwatiso, Nom. 2 wanga 2000 (lapha ubitwa ngekutsi yi-“**PAIA**”, noma “loMtsetfo” ngekuntjintjana), njengoba uchitjijelwe, ngumtsetfo wavelonkhe lowashaywa ngekuhambisana nalesigaba lesibalwe ngenhla lekusigaba 32(2) seMtsetfosisekelo.

Injongo ye**PAIA**, kusebentisa lusiko lwekungafihli lutfo nekuba nemtfwalo emitimbeni yahulumende nalabatimele. Yenta loko ngekuphumelelisa lamalungelo ekufinyelela kulwatiso nekutfutukisa ngalokubonakalako umphakatsi lapho khona bantfu baseNingizimu Afrika bafinyelela ngalokufanele kulwatiso kutsi bakhone kwenta ngalokugcwele nekuvikela onkhe emalungelo abo nekwati kancono tinjongo teNingizimu Afrika tembuso lovulekile nekungenelela kuntsandvo yelunyenti.

Inkhombandlela ye-**PAIA** isungulelwe ekucinisekiseni umsebenti weMlawuli Welwatiso (“Umlawuli”) ngaphansi kwesigaba 10 se-**PAIA**, lesidzinga kutsi Umlawuli alungise abuye ente kutsi leNkhombandlela lekhona itfolakale lekungulena leyentiwe yiKhomishini Yemalungelo Eluntfu eNingizimu Afrika.

LeNkhombandlela yakhelwe kutsi ibe nguleholako, isebentise kalula futsi ibe lithulusi lelifinyelelekako kunoma ngubani lofisa kusebentisa noma maphi emalungelo lavetwe ku-**PAIA** neMtsetfo Wekuvikela Lwatiso Lwemuntfu, 2013.



Adv Pansy Tlakula
SIHLALO WEMLAWULI WELWATISO

¹ Umtsetfosisekelo weRiphabhlikhi yaseNingizimu Afrika, 1996 (Umtsetfo Nom. 108 wanga 1996)

KUBALEKELA UMTFWALO

Lenkhombandlela ayikhululi lona loyisebentisako ekutseni abe nemtfwalo wekusebentisa emakhono ake nekunakekela lokuhambisana nalokudzingekako noma umtfwalo lobekwa ngulomtsetfo. Kulokunye, leNkhombandlela ayiniketi tecwayiso temtsetfo kantsi ayikahlosi kuvala iPAIA noma Imitsetfosimiso lekhishwe ngaphansi kwePAIA. Umlawuli ayivumi umtfwalo nemsebenti wanoma yini lelahlekako lokungabangelwa kwekutsi weyame kuleNkhombandlela.

1. LUHLA LWETIFINYETO NEMAGAMA LAMAFUSHANE EBUFAKAZI

CEO	Sisebenti Lesisesikhundleni Lesiphakeme
CFO	Sisebenti Lwesiphetse Timali
Utsatfosisekelo	Umtsetfosisekelo waseRiphabhulikhi yaseNingizimu Afrika, Umtsetfo Nom. 108 wanga 1996
DIO	Sisebenti Selwatiso Lesilisekela
Doj & CD	Litiko Letebulungiswa Netemtsetfosisekelo
IO	Sisebenti Selwatiso
Emalunga	Emalunga eMlawuli Welwatiso
Ndvuna	Ndvuna weTebulungiswa Nemisebenti Yemajele
PAIA	Umtsetfo Lotfutukisa Kufinyelela Kulwatiso Nom. 2 wanga 2000, njengoba uchitjiyelwe
PAJA	Umtsetfo Wekutfutukisa Kulwaulwa Kwebulungiswa, 2000
PFMA	Umtsetfo Wekulawula Timali taHulumende Nom.1 wanga 1999 njengoba uchitjiyelwe;
POPIA	Umtsetfo Wekuvikela Lwatiso Ngemuntfu Nom.4 wanga 2013
Umlawuli	Umlawuli Welwatiso
SAHRC	Ikhomishini Yemalungelo Eluntfu yaseNingizimu Afrika

2. EMAGAMA LABALULEKILE AYACHAZWA NGENDLELA LEBANTI NALECACILE

Ligama

Inchazelo

Tindleko tekufinyelela

Letindleko tekufinyelela tikhokhelwa ngulofake sicelo kulomtimba lofake kuwo sicelo salolwatiso, kukhokhela tindleko tekutfole nekufothokhopho lamarekhodi lowadzingako. Lekufanele kukholhelwe kuchazwe ngekwemtsetfo.

Umlawuli

Ngumtimba wembuso noma umuntfu nje noma inkapani leyenta umsebenti wekulawula.

Ligama

Inchazelo

Umsebenti wekulawula

Ngunoma ngusiphi sincumo lesitsatfwako, noma kuhluleka kutsatsa sincumo, ngu

- (a) Ligatja lembuso, uma ngabe:
 - (i) kusetjentiswa emandla ngalokushiwo ngumtsetfosisekelo noma umtsetfosisekelo wesifundza; noma
 - (ii) Kusetjentiswa emandla ahulumende noma kwentiwa umsebenti wahulumende ngekuhambisana noma muphi umtsetfo; noma
- (b) Umuntfu noma umtsetfo, kungasilo ligatja lahulumende, uma ngabe kusetjentiswa emandla embuso noma kwentiwa umsebenti wahulumende ngekuhambisana nesigaba lesiniketa emandla.

Lesitsitsa kabanti emalungelo anoma muphi umuntfu nalanemtselela locondze ngco, noma lonemtselela ngekwetemtsetfo ngekwangaphandle.

Umuntfu Losemtsetfweni

Lomuntfu losemtsetfweni ngulomuntfu lofaka sicelo ngekumelela lomunye lomuntfu, naloniketwe ligunya ngekwemtsetfo ngekubhalela kwenta loko.

Emarekhodi Lahlala Atfolakala

Lamarekhodi ngulawa ahulumende noma alabatimele latawuniketwa lofake sicelo ngaphandle kwekutsi bafake sicelo. Lamarekhodi abhalwe 'kusatiso sekuveta ngekutitsandzela', lekufanele atfolakale kubantfu.

Idatha yemuntfu

Ngumuntfu lwatiso lolubukene naye lekucondziswe kulo.

Tinsuku

Ngaphandle kwekutsi kubalwe 'njengelusuku lwekusebenta' kusigaba lesiku-PAIA, lusuku lutsatfwa njengelusuku lolukukhalenda. Kubala sikhatsi, lolusuku lekutfolakala ngalo ngalo lesicelo alubalwa, kantsi lusuku lolulandzelako ngemuva kwaloko luyabalwa kufaka ekhatsi impelasontfo nemaholide kudzimate kubalwe lolusuku lwekugcina. Uma ngabe lolusuku lwekugcina lwekuphendvula sicelo luba ngelLisontfo noma ngeliholide, lolusuku lolulandzelako lubalwa njengelusuku lwekugcina.

Kufanele Singavunyelwa

Uma ngabe kungatfolakali mphendvulo kusicelo ngalesikhatsi lesibekiwe, loku kuchazwa 'njengalokufanele kuvunyelwe'.

Lifomu 2

Lelifomu lichazwa ngekwemtsetfo kantsi kufanele lisetjentiswe kucela kufinyelela kulwatiso loluphetfwe nguhulumende noma umtimba lotimele.

Lifomu 4

Lelifomu lichazwa ngekwemtsetfo kantsi kufanele lisetjentiswe uma ngabe kufakwa sikhalo ngesincumo lesentiwe nguhulumende ngalokuphatselene nesicelo sekufinyelela kulwatiso.

Ligama**Inchazelo****Inkhombandlela**

Lenkhombandlela, leyentiwe ngekwesigaba 10 se-**PAIA**, njengoba sichitjiyelwe, lesifuna kusita umuntfu lohlose kwenta noma liphi lilungelo lelibalwe ku-**PAIA** neMtsetfo Wekuvikela Lwatsio Ngemuntfu, 2013.

Information Officer

Lesisebenti Selwatiso ngulomuntfu loniketwe imvume yekusebenta ngeticelo te-**PAIA**. Loku lokulandzelako tigaba tetisebenti Telwatiso kuMtimba lobaliwe -

Umtimba Wahulumende noma Emagatja aHulumende e (njengoba kuchazwe kusigaba 239 seMtsetfosisekelo)	Litiko Lavelonkhe	Umcondzisi Jikelele noma umuntfu lolibambele laloko.
	Kulawula Esifundzeni	Inhloko Yelitiko noma umuntfu lolibambela laloko.
	Masipala	Ump hatsi waMasipala noma umuntfu lolibambela laloko.
	Tikhungo taHulumende letibalwe kuShejuli yePFMA 1, 2, 3A, 3B, 3C na 3D	Sisebenti Lesikhulu Lesiphetse noma umuntfu lolibambela laloko.
Umtimba lotimele	Umuntfu	Umuntfu ayedwa lonelibhizinisi noma lohwebelanako, ibhizinisi noma umsebenti, kodwa kuleso sikhundla kodwa hhayi kuleso sikhundla ngekwakhe
	Budlelwano	Noma muphi umlingani walobudlelwano noma muphi umuntfu loniketwe ligunya ngulobudlelwano.
	Inhlangano Yepolitiki	Umholi wenhlangano yepolitiki noma muphi umuntfu loniketwe ligunya ngulowo mholi.

Ligama**Inchazelo****Umtimba lotimele**

	Inkapani	<p>Sisebenti Lesikhulu Lesiphetse noma Umholi Lophetse noma sisebenti lesifanako salenkapani noma lomunye umuntfu loniketwe ligunya ngulowo mholi.</p> <p>YATI: Sisebenti Lesikhulu Lesiphakeme noma sisebenti lesifanako singagunyata noma ngubani njengesisebenti Selwatiso seMtimba Lotimele.</p>
--	----------	---

Lisekela Lesisebenti Selwatiso

Lisekela leSisebenti Selwatiso ngulomuntfu loniketwe sikhundla noma loniketwe umsebenti Sisebenti selwatiso lwemtimba wahulumende kusita lofake sicelo ngelwatiso lwabo lwabalucelile, nalapho kulesisebenti selwatiso labacele kuso anganiketela ngemandla lanawo ngekwe-**PAIA**.

YATI: Ngumtimba wahulumende kuphela longaniketa emandla noma abeke Lisekela Lesisebenti Selwatiso, ngekuhambisana nesigaba 17(1) se-**PAIA**, Umtsetfo Wekuvikelwa Kwelwatiso Ngawe, 2013 ("**POPIA**") lekhulisa emandla ekuniketa emandla kuLisekela Lesisebenti Selwatiso kumtimba lotimele, ngekuhambisana nesigaba 56(1) saloko.

Umlawuli Welwatiso

Lihhovisi Lemlawuli Welwatiso lisunguliwe, ngekuhambisana nesigaba 39 se-**POPIA**, kulandzelela nekusebentisa kuhambisana ngako kokubili **iPOPIA** ne **PAIA**. Kulenkhombandlela leLihhovisi Lemlawuli Welwatiso noma Umlawuli Welwatiso kukhulunywa ngaye njengeMlawuli.

Sikhalo Sangekhatsi

Sikhalo sangekhatsi kushiwo inchubo yekubeka inselelela kusincumo lesentiwe ngekuhambisana nesicelo se**PAIA** kumtimba wahulumende, lekufanele sicedzelelwe ngembi kwekutsi inselele yentiwe kuMlawuli noma enkantolo lefanele.

Umtimba Lotimele

Umtimba lotimele ngumuntfu, inkapani noma lolunye luhlobo lwemkhakha losebenta ngekuhwebelana, ibhizinizi noma umsebenti webuchwepheshe, kufaka ekhatsi inhlango yepolitiki.

Ligama	Inchazelo
--------	-----------

Umtimba Wahulumende	Umtimba wahulumende kushiwo litiko lahulumende noma lamanye emahhovisi noma sikhungo, lesenta umsebeni wahulumende. Noma kunjalo, ngalokuphatselene nesikhalo sangekhatsi, noma yini lehambisana “nemtimba wahulumende” lokuguculwe kwaba “nguHulumende”, kute kuvikelwe kudideka ngalokuphatselene nemitimba yahulumende lapho sikhalo singeke sibe khona.
----------------------------	---

Lirekhodi	Lirekhodi ngunoma luphi lwatiso lolurekhodiwe kungayi ngendlela, kufaka ekhatsi, sibonelo, emaphepha labhaliwe, lokucoshiwe, idijithali nemavidiyo. Lirekhodi lelivelwe kumtimba lotimele noma wahulumende kushiwo lirekhodi leliphethwe ngulowo mtimba kungayi ngekutsi lowo mtimba wente lelirekhodi.
------------------	---

Umtsetfosimiso	I-PAIA ivumela Ndvuna kutsi anikete imitsetfo lemisiwe lehambisana naloMtsetfo, lekufanele ushicilelwe kuGazethi yaHulumende, bese ifaka ekhatsi tintfo letifana nemaformu lekufanele asetjentiswe netindleko lekufanele tintsatfwe kwentela tinchubo letitsite.
-----------------------	--

Baphatsi Labafanele	I-PAIA isebentisa leligama ‘baphatsi labafanele’ kuchaza umuntu lokuHulumende Wavelonkhe, Sifundza Nakumasipala lapho khona sicelo sangekhatsi kufanele sifakwe khona, lekuvamise kuba yinhloko yetepolitiki yalomtimba lotsintsekako (lomsebeni unganiketelwa ngalokusemtsetfweni).
----------------------------	--

3. IMININGWANE YEKUTSINTSANA NEMLAWULI

Sisebenti Selwatiso	
Sisebenti Lesikhulu:	Mnu Mosalanyane Mosala
Lotsintfwako:	Nkst Ntombizodwa Harrieth Rikhotso
I-imeyili:	NtoRikhotso@justice.gov.za

Lisekela Lesisebenti Selwatiso:	Nkst Varsha Sewlal
I-imeyili:	VarSewlal@justice.gov.za

Likheli lasekhaya:	Likheli leliposi:
JD House, 27 Stiemens Street	P.O. Box 31533
Braamfontein	Braamfontein
Johannesburg	Johannesburg
2001	2017

Telephone:	
010 023 5200	

4. INJONGO YALENKHOMBANDLELA YE-PAIA

- 4.1 Injongo yaleNkhombandlela kuniketa lwatiso loludzingwa ngunoma ngubani lofisa kusebentisa emalungelo akhe lavetwe kuMtsetfo Wekutfufukiswa Kufinyelela Kulwatiso wanga 2000 (**iPAIA**) neMtsetfo Wekuvikela Lwatiso Ngemuntfu, 2013 ("**iPOPIA**"). Noma ngubani, kungayi ngebuve, angafaka sicelo sekufinyelela kulwatiso ngaphansi kwe-**PAIA**.
- 4.2 Lenkhombandlela itawusita umuntfu, ibuye ibitwe ngebantfu bedatha, kutsi kufinyelelwa njani kulwatiso ngaye ngalokuhambisana nesigaba 23 se**POPIA**. Ngaphansi kwe-**POPIA**, umuntfu noma idatha ngemuntfu unelilungelo -
- 4.2.1 Lekucela inhlango lefanele kutsi icinisekise, ngaphandle kwetindleko, nanoma kungiyi noma kungasiyi inhlango lefanele lephetse lwatiso ngemuntfu, futsi
- 4.2.2 Lekucela kunhlango lefanele emarekhodi noma inchazelo yalolwatiso lolubukene nawe ngalokuphatselene nedatha yemuntfu lebanjwe inhlango lefanele, kufaka ekhatsi lwatiso ngebunguwe benhlango yesitsatfu, labane, noma lebebane, kufinyelela kulolwatiso;
- 4.2.3 Lekucela inhlango lefanele ku -
- (a) Lungisa noma kusula lwatiso ngemuntfu lolufanele ngedatha yebantfu labayiphetsa noma lelawulwa ngaphansi kwekulawulwa ngibo lemba ecolo, lengafanele, lenyenti, lendlulelwe sikhatsi, lengakapheleli, lelahlekisako noma letfolakele ngalokungekho emtsetfweni; noma
- (b) Bulala noma kusula lirekhodi lelwatiso lolucondzene nawe ngedatha yemuntfu lapho lenhlango lekungiyi ayikagunyatwa kugcina lwatiso
- 4.3 Lenkhombandlela itawusita noma muphi umuntfu kutsi ungacela njani kufinyelela kumarekhodi laceliwe ngaphansi kwe-**PAIA**. Lenkhombandlela itawubuye isite labacelako kutsi:
- 4.3.1 Bavisise **iPAIA**, tinzuzo tayo nelingemuva layo;
- 4.3.2 Kufundza sinyatselo nesinyatselo senchubo lapho kutawentiwa khona sicelo naletinye tecwayiso tekwenta lenchubo ibe lula;
- 4.3.3 Kufundza letinhlobo telwatiso lolungacelwa kusetjentiswa **iPAIA**;
- 4.3.4 Kuvisisa lenchubo lofake sicelo lekangabeka ngayo inselele kusincumo lesitsetfwe ngalokuphatselene nalofake sicelo;

4.3.5 Kungeniswa kuletingucuko letitawuba khona ku-PAIA uma ngabe iPOPIA seyisebenta ngalokugcwele.

4.4 Lenkhombandlela itawubuye isite bantfu ekuvisiseni kutsi ibekwa njani inselele ekuniketweni kukhona kufinyelela kumarekhodi noma kungenelelwa njani kunchubo yekufinyelela kumarekhodi

5. LOKUPHATSELENE NE-PAIA

5.1 Lelilungelo lekufinyelela kulwatiso “ngulenyeye yetindlela letiyimphumelelo yekugcina imihambo yemtsetfosisekelo yekucaca, kuvuleleka, kungenelela nekuba nemsebenti². Lemihambi lebalwe ngenhla yemtsetfosisekelo angeke yatfolakala uma ngabe hulumente ulawula lwatiso lolwakha indlela lekenta ngayo nalekancuma ngayo. Ngako-ke, kufinyelela kulwatiso akukabaluleki kuphela kumbuso wentsandvo yelunyenti losebenta kahle, kodwa ibuye ikhulise kutsembela kwebantfu kuhulumente kantsi kukhulisa nekucinisekisa kwakhe. Letinye tinzuzo talamalungelo ekufinyelela kulwatiso tifaka ekhatsi, kwekutsi akukhutsatwa kukhohlakala nekweba, kungaciniseki nalokunye kungasebenti kahle kwahulumente.

5.2 Ngalesikhatsi Umtsetfosisekelo waseNingizimu Afrika bewushicilelwa ngalesikhatsi lesilandzela kuwa kwembuso welubandlululo ngabo 1990, tinhlangano letihlukene nebantfu bakhankasela kufakwa kwemalungelo ekufinyelelakulwatiso. Kwaba nelitsembe lekutsi kufakwa kwalelilungelo kuMtsetfosivivinyo Wemalungelo Elunfu batawucinisekisa kwekutsi kubulawa lebekukhona lokufana nelubandlululo angeke kuphindze futsi kwenteke, njengoba umbuso netinhlangano letitimele titawulindzeleka kutsi tisebente ngendlela letawukhombisa imiphumela nalecacile ngekutsi banikete indlela yekufinyelela kulwatiso, ngako-ke, angeke bakhone kubhaca ngekutsi kufanele kube yimfihlo. Kubonakele njengesinyatselo lesifanele kusita ekwakheni lisiko lekutiphendvulela lelitawuholela kubudlelwano lobungavuni licala emkhatsini webantfu, nalabo labasemandleni. Kuyinye yaletindzaba tangaphambilini letibukene nalombuto³ wekutsi ngabe umunfu lobekwe licala unemvume yekufinyelela kulwatiso lolucuketfwe kudokhethi yemaphoyisa. Jones J wabona kubaluleka kwaloko ngaletizatfu:

“Injongo ... kususa lokubhebhethseka kwenchubo lendzala yekuphatsa, luhlelo lapho bekwenteka kutsi hulumente aphume ekudlaleni indzima ngekwala kuveta lwatiso nanoma ngabe lunemtselela kulomsebenti noma ekuvikeleni emalungelo emunfu. Lena ngulindlela leyakhelwe kutsi kuvikelwe [...] Kukhonjiswe kungavuni licala nekuvuleleka kute kutfutfukiswe kutetsembe kwebantfu ekulawuleni kwetindzaba letiphatselene nabo. Lokutetsembe ngulokunye kwaletintfo umbuso wentsandvo yelunyenti letiphetfwe ngayo letenta kutsi umtsetfosisekelo undlondlobale”.

² Hoexter Administrative Law 94

³ 1994 (1) SACR 635 (E)

- 5.3 Sigaba 32 seMtsetfosisekelo sikhutsata lelilungelo lekufinyelela kulwatiso loluphetfwe ngiko kokubili kumitimba yahulumende nalabatimele. Sigaba 32 sibuye sibeke kutsi umtsetfo loshayiwe kufanele ubekwe kute kusebentiseke kahle lilungelo lekufinyelela kulwatiso ngekuchaza kabanti tindlela lapho khona lwatiso lwemitimba yahulumende nalabatimele bangalutfola, nangekuniketa tindlela tekutsi imitimba yahulumende naletimele ingavumeli kufinyelela kulwatiso.
- 5.4 I-**PAIA** yashaywa ngekuphendvula kuloku lokubalwe ngenhla lokubekwe kumtsetfosisekelo, kantsi ucale kusebenta kutincenye letinkhulu ngaMashi 2021. Singeniso sayo sivumelana “nalemfihlo nalelisiko lekungaphendvuli” yangalesikhatsi sangembi kwembuso wentsandvo yelunyenti, kantsi iyasho kutsi letinye tetinjongo te-**PAIA** “kusebentisa lisiko lekungafihli lutfo nekuba nemtfwalo kumitimba yahulumende nalabatimele.”
- 5.5 I-**PAIA** yentelwe kuniketa emalungelo ebantfu ekufinyelela kulwatiso nekuba nemtfwalo. Yentelwe kuniketa emandla kubantfu kutsi bakwati kusebentisa umtsetfo, kantsi usita kuhambisa kahle ticelo tekufinyelela kulwatiso ngetindlela letihlukene. Umuntfu akadzingi ummeli kute ente sicelo sekufinyelela kulwatiso ngekwe-**PAIA**.

6. TINJONGO TE-PAIA

- 6.1 Tinjongo te-**PAIA** akusiko kuvala emalungelo lakumtsetfosisekelo, kodwa kukhona kusebentisa lelilungelo lelikusigaba 32 ngekuya ngemikhawulo lengachazeka, nangendlela lesita kusimamisa onkhe lalamanye emalungelo lacuketfwe kumtsetfosisekelo. Ihlose kutfutukisa lisiko lemalungelo eluntfu nekulingana kwebantfu nebulungiswa, umkhakha wahulumende nemkhakha walabatimele. I-**PAIA** ihlose kutfutukisa kungabi namfihlo, kuba nemtfwalo nekubusa ngemphumelelo kuto tonkhe tikhungo (kokubili kuhulumende nakulabatimele) ngekuniketa emandla kubantfu kutsi bavisise emalungelo ekufinyelela kwabo kulwatiso, kuwasebentisa, nekuhlatiya kwakokubili, nekungenelela kuko, kwenta tincumo letinemtselela kubo.
- 6.2 Lelilungelo lekufinyelela kulwatiso lilungelo lelinemandla ngekwe mtsetfosisekelo, njengoba lisita bantfu kutsi babone lamanye emalungelo abo. Umuntfu angalisebentisa kumsita kulandzelela nekuhlatiya kwetfulwa kwetinsita tahulumende, noma kufinyelela kumarekhodi akudzala langahle avuse inshisekelo.
- 6.3 Tinjongo te-**PAIA** ku -
- 6.3.1 Niketa kufinyeleleka kumalungelo emtsetfosisekelo lekufinyelela -
- 6.3.1.1 Kunomaluphi lwatiso loluphetfwe nguMbuso; kanye
- 6.3.1.2 Nanoma luphi lwatiso lolubanjwe ngunoma ngubani loludzingekako kute kusetjentiswe noma kuvikelwe noma maphi emalungelo.

- Letidzingo letiphatselene nalokuvikelwa kwemalungelo luhambisana nelwatiso lolubanjwe etandleni letingasese. Imitimba letimele ingaphansi kwemazinga laphakeme ekucacisa kunemitimba yahulumende. Umkhakha lotimele, ngalamanye emavi, unelilungelo lekugcina lwatiso ngekwawo, ngaphandle kwekutsi lolo lwatiso ludzingeka kute kuvikelwe emalunge. **I-PAIA** inaka, ngekwesigaba 8(1) ngaloko, kwekutsi umtimba
- ungaba “wahulumende” noma “lotimele” kwentela tinjongo taloMtsetfo ngekuya ngekutsi lelirekhodi lekukhulunywa ngalo “likhuluma ngekusetjentiswa kwemandla noma kusebenta kwemsebenti njengemitimba wahulumende noma umtimba walabatimele.”

6.3.2 Kusebentisa lelo lungelo -

6.3.2.1 Lokuyimfihlo kwalokutsengiswako nalokusebentisekako, kubusa ngemfanelo nakahle; kanyeNgekuya ngemikhawulo lechazekako, kufaka ekhatsi, kungashiyi ngaphandle, imikhawulo lohloswe ekuvikeleni lokuvakalako kwalokuyimfihlo, kanye

6.3.2.2 Nangendlela lesimamisa lelo lungelo nanoma maphi lamanye emalungelo, kufaka ekhatsi lelilungelo lelikuMtsetfosivivinyo Wemalungelo kuSahluko 2 weMtsetfosisekelo;

6.3.3 Kuniketa imphumelelo kumisebenti yemtsetfosisekelo weMbuso ekutfufukiseni emasiko emalungelo eluntfu nebulungiswa bebantfu, ngekufaka ekhatsi imitimba yahulumende ngekwalenchazelo ‘yalofake sicelo’, nekubavumela, kulokunye, kutfola lwatiso kumitimba letimele ngemuva kwekuhambisana naletidzingo letine letikuloMtsetfo, kufaka ekhatsi umsebenti longetiwe waleminye imitimba yahulumende ngaletinye tikhatsi kutsi isebente ngekwenshisekelo yahulumende;

6.3.4 Kusungula tindlela tekutitsandzela naletiphoccelelekile noma tindlela tekufinyelela kulelo lungelo ngendlela levumela bantfu kutsi bafinyelele kumarekhodi ahulumende newemitimba letimele ngekushesha, ngaphandle kwetindleko nangekungasebenti ngemandla nendlela lekungakhonakala nngayo; kanye

6.3.5 ngalokunjalo, kutfufukisa kungafihli, kuba nemsebenti nekubusa ngemphumelelo kwemitimba yahulumende nalabatimele, kufaka ekhatsi kodwa kungashiywa, kuniketa emandla nekufundzisa wonkhe umuntfu -

6.3.5.1 avisise emalungelo ache ngekwaloMtsetfo kute asebentise emalungelo ache ngalokuphatselene nemitimba yahulumende naletimele;

6.3.5.2 kuvisisa imisebenti nekusebenta kwemitimba yahulumende naletimele; kanye

6.3.5.3 Nekuhatiya ngemphumelelo, nekkungenelela, ekwentiweni kwetincumo letentiwa mitimba yahulumende letinemtselela kumalungelo ayo.

6.4 Umtsetfo Lochitjiyelwe Wekutfutukiswa Kufinyelela Kulwatiso, 2019

6.4.1 Kulelicala lelisemkhatsini we - ***My Vote Counts NPC v Minister of Justice and Correctional Services and Another [2018] ZACC 17***, inkantolo yemtsetfosisekelo yatfola kutsi “Umbuso unemtfwalo wekucinisekisa kutsi sigaba 32, 19 na 7(2) seMtsetfosisekelo sifundzeka kahle kute bente konkhe lokusemandleni kuniketa indlela lesebentisekako nalevakalako kulelilungelo lekufinyelela kulwatiso nelilungelo lekuvota. Labanyenti bachubekile bafakaza kwekutsi loko kunjalo ngoba loku kukusebentisa lilungelo lekuvota kufanele kube kutikhetsela, kantsi kunekuchumana lokubalulekile ekusebentiseni kahle lelilungelo lekuvota nekufinyelela kulwatiso. Kantsi “ngaphandle kwekufinyelela kulwatiso, lelikhono letakhamuti lekwenta tincumo letifanele ngekwepolitiki nekungenelela kumphilo levakalako libukelwa phansi”. Inkantolo yemtsetfosisekelo yacinisekisa lomtsetfo wekutsi akuhambisani nemtsetfosisekelo yase ilawula iphalemende kutsi ichibiyele **IPAIA** nekutsi yenta noma ngabe yini lebonakala ifanele kuniketa lokulungiswa, kugcina nekuhambisa kahle kufinyelela kulwatiso ekuphakelweni ngasese kwetimali kwetinhlangano tepolitiki nalabangenela lukhetfo labatimele ngesikhatsi lesilinganiselwa etinyangeni leti-18.

6.4.2 Ngelokuphatselene nalesisombululo senkantolo yemtsetfosisekelo lesibalwe ngenhla, mengameli, ngamhlaka 3 Juni 2019, wasayina Umtsetfo lochibiyela Kutfutukiswa Kwekufinyelelwa Kulwatiso, 2019 (**IPAIA** Umtsetfo lochitjiyelwe 2019)⁴. Umtsetfo Lochitjiyelwe Wekutfutukiswa Kwekufinyelelwa Kulwatiso, 2019, ufaka ekhatsi inhlangano yepolitiki kunchazelo yemtimba lotimele, lokusho kwekutsi ngemphumelelo lomholi wepolitiki noma lomunye umuntfu loniketwe emandla ngulowo mholi unguloniketa lwatiso noma umholi. Umtsetfo lochitjiyelwe we-**PAIA** wanga 2019 nyalo ukhulisa lelilungelo lekufinyelela kumalungelo anoma maphi emarekhodi enhlangano yepolitiki.

6.4.3 Lomtsetfo lochitjiyelwe uniketa lwatiso kulokuniketa imali ngasese kwetinhlangano tepolitiki nalabangenela lukhetfo ngekutimela lekufanele barekhodwe, lugciniwe futsi lwentiwa lwaba khona.

6.4.4 Ngekwesigaba 52A seMtsetfo we-**PAIA** lochitjiyelwe wanga 2019, inhloko yenhlangano yepolitiki kufanele yakhe futsi igcine emarekhodi etimali letinikelwe letindlula lemali lebekiwe, lengu **R100 000.00**, leniketwe kuleyo nhlangano yepolitiki kunoma ngumuphi umnyaka timali neminingwane yalomuntfu noma bantfu noma sikhungo lesente leyo minikelo. Lenhloko yenhlangano yetepolitiki kudzingeke kutsi yenta lamarekhodi atfolakale njalo ngekota, njengoba kubekiwe; nekugcina emarekhodi sikhatsi lesilinganiselwa kuminyaka lesihlanu ngemuva kwekutsi lamarekhodi lekukhulunywa ngawo asunguliwe.

⁴ Umtsetfo Lochibiyela Kutfutukiswa Kwekufinyelela Kulwatiso, Nom. 31 wanga 2019

6.4.5 Loku kusho kutsi ngalesikhatsi loMtsetfo Wekuphakela Tinhlango Tepolitiki Ngemali ukunyata kutsi kuvetwe kuKhomishini Yelukhetfo, Umtsetfo lochitjijyelwe we**PAIA** wanga 2019 nyalo ukhulisa lamalungelo ekufinyelela, kumarekhodi anoma yiphi imali lenikelwe lendlula **R100000.00**, kunoma ngumuphi umuntfu, lenikelelwe leyo nhlango yepolitiki.

6.5 Leminye imitsetfo levikela lelilungelo lekufinyelela kulwatiso

I-**PAIA** iyasebenta etindzaweni letinyenti temtsetfo, letentelwe kwakha “lisiko lekumeleleka”. Ekunakeni loku, i**PAIA** ibeka kutsi noma ngabe ngumuphi umtsetfo loniketa umuntfu indzawo yekutfo la watiso lekungasimatima kulutfo kune-**PAIA**, lungasetjentiswa lokungenani⁵.

6.5.1 Umtsetfo Wetinkapani 71 wanga 2008

6.5.1.1 Sigaba 26(1) Semtsetfo Wetinkapani siniketa umuntfu lekanenshisekelo yekuzuzo kulokongiwe lokukhishwe yinkapani letfo inzuzo, noma lolilunga lenkapani lengenzuzo, unelilungelo lekubuka ikhophi, ngaphandle kwekukhokhela leyo khophi, lwatiso lolutfolakala kumarekhodi aleyo nkapani.

6.5.1.2 Ngekuya ngesigaba 26(7)(b) seMtsetfo Wetinkapani, “emalungelo ekufinyelela kulwatiso lekbkw kulsigaba anglla, kantsi awasusi, noma maphi emalungelo umuntfu langaba nawo ekutfo lwatiso ngekuhambisana neMtsetfo Wekutfutukisa Kufinyelela Kulwatiso, 2000 (Umtsetfo Nom. 2 wanga 2000)”.

6.5.2 Umtsetfo Wekuphakela Tinhlango Tepolitiki Ngemali, 2018 (Umtsetfo Nom. 6 wanga 2018)

6.5.2.1 Lokuphakelwa kwetinhlangano tepolitiki ngemali kuletsa luhlaka lwekulawula ngemandla lokuniketa timali kuto tonkhe tinhlango tepolitiki letibhalisiwe, nanoma kusesigabeni savelonkhenoma kutishayamtsetfo tesifundza noma cha. Loku kufaka ekhatsi kubeka emazinga alomtfombo, isayizi nekusetjentiswa kwetimali letinikeliwe kuletinhlangano tepolitiki.

6.5.2.2 Kucinisekisa kungafihli lutfo nekuba nemtfwalo, tinhlango tepolitiki tilindzeleke kutsi tivete yonkhe iminikelo letfolakele lengetulu kwalesamba lesibekiwe lesingu **R100000.00** kuleKhomishani Yelukhetfo njalo ngemuva kwetinyanga letintsatfu (Kanye nangembi kwelukhetfo lwavelonkhe).

⁵ Sigaba 2(1) se-PAIA

- 6.5.2.3 Noma ngubani noma inhlango lenikelela inhlango yepolitiki bese lemali yodwa noma naseyihlanganiswe naleny indlula **R100000.00** ngemnyaka kufanele babike lowo mnikelo kuKhomishani Yelukhetfo kungakapheli emalanga langema-30 ekufaka lomnikelo noma ngemalanga langema-30 lowo mnikelo sewukhule waba ngetulu kwa **R100000.00**.
- 6.5.2.4 Kwekugcina, Umtsetfo Wekuphakela Tinhlango tepolitiki Ngemali ubeka umtfwalo kuKhomishani Yelukhetfo kwatisa sive njalo ngemuva kwetinyanga letintsatfu imali lenikeliwe lelikwe tinhlango tepolitiki nekubika njalo ngemnyaka ePhalamende yonkhe iminikelo letfolwe ngulenhlangano yepolitiki ekhatsi nemnyaka.
- 6.5.3 Umtsetfo Wekuvikelwa Kwelwatiso Lwakho, 2013 (Umtsetfo Nom. 4 wanga 2013)
- 6.5.3.1 Sigaba 23 se**POPIA** siniketa laba labacela idatha ngemalungelo ekufinyelela kulwatiso lolubanjwe ngulenhlangano lekunguyona yona, kufaka ekhatsi emagama alabo besitsatfu, noma tigaba talaba besitsatfu, leba, noma lebake, bafinyelela kulolwatiso.
- 6.5.3.2 Loku kusho kutsi nanoma kufinyelela kulirekhodi lolucuketse lwatiso ngawe ngemuntfu lofaka sicelo ukhishiwe ku**PAIA** ngekwesigaba 11(2) kanjalo, lona lofuna idatha angacela -
- 6.5.3.2.1 Kufinyelela kulwatiso ngaye; Kanye/noma
- 6.5.3.2.2 Emagama abo bonkhe bantfu besitsatfu, Kanye/noma tigaba tabo bonkhe besitsatfu, leba, noma lebebane, kufinyelela kulwatiso.
- 6.5.3.2.3 Kulungisa noma kususa kwelwatiso ngawe ngebantfu labacela lwatiso labaluphetse noma ngaphansi kwekulawulwa lokungasikahle, lokungakafaneli, lokundlulele, lokundlulelwe sikhatsi, lokungakapheleli, loluyengako noma lolutfolakale ngalokungekho emtsetfweni; noma
- 6.5.3.2.4 Lirekhodi lakhe lelwatiso ngaye kwekutsi lenhlano lefanele ayisagunyatwanga kutsi ligcinwe kute lilahlwe noma lisulwe.
- 6.5.3.3 Inhlango lekungiyi ingala kuveta lwatiso ngayo loluceliwe, ngekuhambisana netindlela tekwala kutsi kufinyelelwe kulamarekhodi, njengoba kubekwe kundzima 19.4 lengentasi.

6.5.4 Umtsetfo Wekutfutukisa Kulawulwa Kwebulungiswa 3 wanga 2000

- 6.5.4.1 Lomunye umtsetfo lobalulekile lekufanele siwukhumbule nasinaka kufinyelela kulwatiso nguloMtsetfo Wekutfutukiswa Kwekufinyelela Kubulungiswa (**iPAJA**). I-**PAJA** iniketa emalungelo ekuphatfwa ngemfanelo ngalokusemtsetfweni, lokufanele nalokuhamba ngendlela lengavuni licele nemalungelo ekuniketwa tizatfu letibhalwe phansi kute kwentiwe umsebenzi wekulawula njengoba kubekwe kusigaba 33(2) seMtsetfosisekelo⁶.
- 6.5.4.2 Ngekwesigaba 5(1) se**PAJA**, noma ngubani emalungelo ache lahlukumetekile kabuhlungu ngekwemsebenzi wekulawula wanganiketwa tizatfu talesento, ngemuva kwemalanga langema-90 ngemuva kwalolusuku lapho umuntfu abe nelwati ngalomsebenzi, acele kutsi lona lophetse lotsintekako amnikete tizatfu letibhalwe phansi ngalesento. Lolophetse lekufakwe kuye sicelo kufanele, kungakapheli emalanga lange-90 ngekuva kwekutfolela sicelo, anikete lowo muntfu tizatfu letanele letibhalwe phansi ngalesento salokulawula.

7. KUSUNGULWA KWEMLAWULI WELWATISO

- 7.1 Kucinisekisa lokutfutukiswa nekunotsiswa kwemigomo ye-**PAIA**, lekuniketa emalungelo ekufinyelela kulwatiso ngendlela leyenta bantfu bakwati kufinyelela kumarekhodi emitimba yahulumende neyalabatimele ngaphandle kwetingcinamba nangendlela lefinyelelekako nangendlela lengakhoneka, Umlawuli Welwatiso ("Umlawuli") wasungulwa ngekwesigaba 39 se**POPIA**.
- 7.2 Kute ucinisekise kwekutsi tindlela tekuphatsa letingakacakeki naletishiphile tiyalandzelwa ngalesikhatsi sicelo sekufinyelela kulwatiso sentiwa, tikhalo letiya kuMlawuli nekufaka ticelo enkantolo kufanele kube ngulokwentekako hhayi umtsetfo.
- 7.3 I-**POPIA** ichibiyela umsebenzi we**SAHRC** ngekuhambisana nemtsetfo we**PAIA**. Kusukela ngamhlaka 30 Juni 2021, yonkhe lemisebenzi ye**SAHRC**, njengoba ilinganiswe ku-**PAIA**, itawusetjentwa nguMlawuli, lekabuye abe nemandla langetiwe ekulawula.
- 7.4 Ngalesikhatsi i**SAHRC** itawuchubeka nekugcina imisebenzi yayo lebanti ngekwemtsetfosisekelo yekutfutukisa, kuvikela nekulandzelela emalungelo labalwe kuMtsetfosivivinyo Wemalungelo Eluntfu, i**SAHRC** neMlawuli batawusebenta ngekubambisana ndzawonye.

⁶ Wonkhe umuntfu lonemalungelo latsikametekile ngenca yemsebenzi wekulawula unelilungelo lekuniketwa tizatfu letibhalwe phansi.

8. UMSEBENTI WEMLAWULI WELWATISO

- 8.1 Umlawuli unemsebenti lobaluleke kakhulu ngalokuphatselene ne**PAIA**. Umlawuli uniketwe umsebenti ngekwe-**PAIA**, ngaphansi kweNcenywe 4, Sahluko 1A neNcenywe 5 naletinye tigaba, kutsi:
- 8.1.1 Kutfutukisa emalungelo ekufinyelela kulwatiso nekusita bantfu ekusebentiseni i**PAIA** lapho kufanele khona kutsi kwenteke njalo,
 - 8.1.2 Kulandzelelwe nekuchubeka nekusebentisa i**PAIA** bantfu nemitimba letimele (lokufaka ekhatsi kutfutukisa tindlela letiyimphumelelo kwenta kutsi lwatiso lutfolakale ngesikhatsi),
 - 8.1.3 Kwenta tincomo kute kuciniswe i**PAIA**, futsi
 - 8.1.4 Nekubika njalo ngemnyaka ePhalamende.
- 8.2 Sigaba 77C (1) na (2) se-**PAIA** siniketa kusetjentiswa kwalamandla lalandzelako, imisebenti netento teMlawuli, tekun -
- 8.2.1 Phenya ngetikhalo letentiwe nguMlawuli ngendlela lebekiwe;
 - 8.2.2 Ndlulisela lesikhalo kuLikomidi Lekusebentisa Umtsetfo lelisungulwe ngekwesigaba 50 se-**POPIA**; noma
 - 8.2.3 Ncuma, ngekusebentisa sigaba 77D, sekungatsatsa tinyatselo kulesikhalo noma, njengoba kungaba njalo, kungadzingeki letinye tento ngalokuphatselene netikhalo; kanye
 - 8.2.4 kwenta, lapho kufanele khona, njengaloletsa kuthula ngalokuphatselene netikhalo letinjalo ngendlela lebekiwe.
- 8.3 Umlawuli anga, ngekwesigaba 77H(1) se-**PAIA**, nangemitamo yakhe, noma ngesicelo lesenriwe noma ngekubambela sisebenti selwatiso noma inhloko yemtimba lotimele noma lomunye nje umuntfu ente luhlolo kutsi ngabe umtimba wahulumende noma lotimele uyalandzelela ngalokutayelekile letigaba te-**PAIA**, ngekuhambisana netinchubomgomo netindlela letiphatselene nekusebentisa.
- 8.4 Umlawuli uniketwe emandla, ngekwesigaba 77F se-**PAIA**, kusebentise imitamo yakhe lehambembili yekugcina kulungiswa kwesikhalo, uma ngabe kuvela kulesikhalo, noma imphendvulo lebhaliwe leyentiwe ngekuhambisana nayo lekungenteka kutsi kulungiswe lesikhalo, uma ngabe kunesikhalo lesifakwe neMlawuli, ngaphandle kwekutsi kuncunywe, ngemitamo yakhe, kwenta luhlolo, njengoba kuvele kundzima 8.3 ngenhla.

9. KWENTA SICELO SEMAREKHODI

Sicela ubukete kulenchubo yetinyatselo letilandzelelanako kulelishadi lelikundzima 27 ngentasi, kutsi ungacela njani kufinyelela kumarekhodi.

9.1 Kucala: **Imihlahlandlela yePAIA**

- 9.1.1 Ngalesikhatsi leNkhombandlela ishicilelwe kutsi isite bantfu labavela kuto tonkhe tinkhalo kutosebentisa emalungelo abo ngekweMtsetfosisekelo kutsi bafinyelele kulwatiso, kunaleminyane imitfombo yelwatiso lengabuye isite bantfu ekufakeni sicelo sekufinyelela kumarekhodi. **iPAIA** idzinga kwekutsi yonkhe imitimba yahulumende nemitimba letimele, babhala futsi benta umhlahlandlela we**PAIA** utfolakale⁷.
- 9.1.2 Ngembi kwekutsi noma ngubani atsatse tinyatselo tekufinyelela kulwatiso noma emarekhodi emtimba lotsite, inkhombandlela ye**PAIA** lithulusi lekucala lekulifundza.
- 9.1.3 Kusukela kususisa sayo, inkhombandlela ye**PAIA** ibalulekile kumuntfu kute:
 - 9.1.3.1 Ahlole simo semarekhodi lekangahle atfolakale ngaphandle kwesidzingo sekuletsa sicelo lesisemtsetfweni se**PAIA**;
 - 9.1.3.2 Kube nekuvisisana kutsi ungasifaka njani sicelo sekufinyelela kulwatiso loluphetfwe ngumtimba lotsite;
 - 9.1.3.3 Kufinyelela kuyo yonkhe lemininingwane yekutsintsana yalomuntfu lotawusita bantfu ngemarekhodi lenoma muphi umuntfu afuna kufinyelela kuwo;
 - 9.1.3.4 Kwati tonkhe tindlela tekulungisa letikhona kulomtimba lapho kufinyelela kumarekhodi kucelwa khona, ngembi kwekuya kuMlawuli noma etinkantolo;
 - 9.1.3.5 Kwati letinchazelo taletinsita letikhona kumalunga emphakatsi lavela kulomtimba nekutsi ufinyelela njani kuletinsita;
 - 9.1.3.6 Kwati kutsi ngabe lomtimba utawukhona kusebentisa lolwatiso ngemuntfu, injongo yekusebentisa lolwatiso ngawe nenchazelo yaletigaba yebantfu labafuna idatha nebalolwatiso noma tigaba telwatiso letiphatselene naloko;
 - 9.1.3.7 Kwati kutsi uma ngabe lomtimba uhlele kundlulisela noma kusebentisa lwatiso lwebantfu ngaphandle kwaseRiphabhulikhi yaseNingizimu Afrika; kanye

⁷ Sigaba 14 nesigaba 51 se-PAIA

- 9.1.3.8 Kwati kutsi ngabe lomtimba unekuvikeleka lokufanele kucinisekisa imfihlo, sitfunti nekutfolakala kwalolwatiso lekufanele lusetjentiswe.

9.2 Ungayitfola kuphi imihlahlandlela yePAIA?

9.2.1 Umhlahlandlela wePAIA yemitimba yahulumende

- 9.2.1.1 Yonkhe imitimba yahulumende kufanele yenta lomhlahlandlela⁹ wePAIA utfolakale kalula lokungenani ngetilwimi letintsatfu letisemtsetfweni⁸.

- 9.2.1.2 Kulokumbalwa, kudzingeke kutsi bente umhlahlandlela loyikhophi yePAIA mahhala, ngaphandle kwekutsi kube yikhophi lephrintiwe leceliwe -

9.2.1.2.1 Kuwebhusayithi yemitimba wahulumende;

9.2.1.2.2 Ehhovisi leliyinhloko kwentela kuhlola bantfu ngalesikhatsi semsebenti;

9.2.1.2.3 Uma ngabe umuntfu afuna ikhophi lephrintiwe, lomtimba wahulumende kufanele wente ikhophi, kodwa bangacela kukhokhelwa imali levakalako ngekuniketa ikhophi lephrintiwe; futsi

9.2.1.3.4 KuMlawuli ngalesikhatsi kucelwa.

9.2.2 Umhlahlandlela wePAIA kumitimba letimele

- 9.2.2.1 Imitimba letimele nayo ilindzeleke kutsi ibhale umhlahlandlela wePAIA , kodwa akunasidzingo sekuyibhala kutilwimi letingetulu kwalunye noma ngelulwimi lolutsite, nanoma kunconyiwe kutsi Imihlahlandlela yePAIA yemitimba letimele kufanele lokungenani kube Singisi. Uma ngabe umtimba lotsite uniketa tinsita kubantfu labanyenti labangenamfundvo, Umlamuli uncome kwekutsi lomhlahlandlela walomtimba ungabhalwa nganoma luphi lulwimi lolusemtsetfweni.

- 9.2.2.2 Kulokumbalwa, lemitimba letimele kufanele yenta ikhophi yePAIA itfolakale mahhala¹⁰, ngaphandle kwekutsi kudzingeke ikhophi lephrintiwe

9.2.2.2.1 Kuwebhusayithi yemitimba lotimele;

9.2.2.2.2 Endzaweni yekusebenta yalebhizinisi yalomtimba lotimele kwentela kuhlolwa kwebantfu ngalesikhatsi sekusebenta;

⁸ Sigaba 14(1) se-PAIA

⁹ ngekwesigaba 51 se-PAIA

¹⁰ Sigaba 51(3) se-PAIA

9.2.2.2.3 Uma ngabe umuntfu afuna ikhophi lephrintiwe, lomtimba lotimele kufanele wente ikhophi, kodwa bangacela kukhokhelwa imali levakalako ngekuniketa ikhophi lephrintiwe; futsi

9.2.2.2.4 KuMlawuli ngalesikhatsi kucelwa.

9.2.3 Ndvuna weMisebenti Yetebulungiswa neTemajele unemandla ekukniketa imitimba letimele¹¹ letsite noma tigaba temitimba letimele kulomtfwalo wekubhala umhlahlandlela. Kwanyalo, kudzimate kube ngamhlaka 31 Disemba 2021, Ndvuna uniketa imvume kuyo yonkhe imitimba letimele¹², ngaphandle kwanoma yiphi inkapani -

- (a) Lengasiyo ikapani letimele njengoba ichazwe kusigaba 1 seMtsetfo wenkapani, 2008 (Umtsetfo Nom. 71 wanga 2008); futsi
- (b) Yinkapani letimele njengoba ichazwe kusigaba 1 seMtsetfo Wetinkapani 2008 (Umtsetfo Nom. 71 wanga 2008), lesebenta kunoma ngumuphi umkhakha lobalwe kukholamu yekucala yaleshejuli kuleSatiso kanye
 - (i) Banetisebenti leti-50 noma ngetulu emisebentini yabo; noma
 - (ii) Banelinani leliphelile lelitfolakele lelingana noma ngetulu kwalesamba lesifanele lesibalwe kukholamu 2 kulelithebula lelingentasi,

Kusukela ekubhaleni lomhlahlandlela lobalwe kusigaba 51(1) kulomtsetfo lobalwe kwekucala kulesikhatsi setinyanga letisitfupha (6) kusukela ngamhlaka **1 Julayi 2021** kuya ku **31 Disemba 2021**:-

Umkhakha	Lokutfolakala ngemnyaka
Tekulima	R6 tigidzi
Kumba nenkwari	R22.5 tigidzi
Kukhacita	R30 tigidzi
Gezi, Igasi neManti	R30 tigidzi
Tekwakha	R15 tigidzi
Titolo nekuhwebelana ngeTimoto neTinsita Tekulungisa	R45 tigidzi
Kuhwebelana Kwemawoliseyi, Tisebenti Tekutsengiselana Netinsita Tekuchumana	R75 tigidzi
Tekupheka, Tekuhlala nalokunye Kuhlwebelana	R15 tigidzi
Tekutfutsa, Kugcina imphahla Nekuchumana	R30 tigidzi
Tetimali netinsita Temabhizinisi	R30 tigidzi
Ummango, Tinsita Letikhetsekile Netebantfu	R15 tigidzi

¹¹ Sigaba 51(4) se-PAIA

¹² IGazethi yaHulumende nom: 39504, 11 Disemba 2015

- 9.2.4 Ngenca yekubaluleka kwaletidzingo tekushaywa kwemtsetfo letiphatselene nekubhalwa kweMhlahlandlela ye-**PAIA**, ikakhulukati lokuchitjiyela¹³ kwesigaba 51 se-**PAIA** (lotawucala kusebenta ngamhlaka 30 Juni 2021), ngekuhambisana nekutsi ingcikitsi yalolwatiso kwekutsi lomhlahlandlela kufanele ufake ekhatsi kantsi ikhulisiwe kute ifake ekhatsi tindzaba letiphatselene ne**POPIA**, imitimba letimele angeke yakhishwa kulomsebenti wekwenta umhlahlandlela we-**PAIA**. Ngako-ke kusukela lapha, mhla-1 Janawari 2022, yonkhe imitimba letimele neyahulumende kutawudzingeka kutsi babe nemhlahlandlela wabo ubekhona, njengoba kubalwe kundzima 9.2.2.2 ngenhla.
- 9.2.5 Lokuniketwa imvume kwetinkapani letitimele kulomtfwalo wekutibhalela umhlahlandlela wabo we-**PAIA** awuvumeli leto tinkapani letitimele kutsi tingahambisani nemtsetfo we-**PAIA**. Loku kusho kutsi noma bani angafaka sicelo sekufinyelela kulwatiso kumitimba leniketwe imvume. Lokuniketwa imvume kumane kusho kutsi leto tinkapani letitimele akunasidzingo sekubhala umhlahlandlela we-**PAIA**.
- 9.2.6 Khumbula futsi, kwekuts akusiyo yonkhe imitimba letimele letinkapani, njengoba lenchazelo yemtimba lotimele ifaka ekhatsi umuntfu, inkapani lenemuntfu munye nelenebantfu labangetulu kwamunye. Noma kunjalo, kungahle kube kufanele kuhlola iwebhusayithi yakhe, njengoba letinye tiNkapani tisungula umhlahlandlela we-**PAIA** kungayi ngenombolo yaletisebenti tayo noma inzuzo labayenta ngemnyaka.

9.3 Kuveta ngekutitsandzela nekuvela kutfolakale emarekhodi

- 9.3.1 Emarekhodi lekavele abe khona ngulawo umtimba lotimele noma wahulumende utawaniketa ngaphandle kwesidzingo sekutsi lofaka sicelo ngekusebentisa **iPAIA** (ngalamanye emagama, umuntfu angavele awacele ngaphandle kwekugcwalisa lifomu 2 le**PAIA**).
- 9.3.2 Lesisebenti Selwatiso semtimba wahulumende kuddzingeka kutsi, ngekwesigaba 15(1) se-**PAIA**, kwenta kutsi kube neluhla lolutfolakalako noma tigaba temarekhodi lekavele abe khona, njengoba kubekiwe kundzima 9.3.4 ngentasi.
- 9.3.3 Emarekhodi lavele atfolakale emtimba lotimele angabuye entiwe atfolakale, ngekwesigaba 52(1) se-**PAIA**, kodvwa ngekutitsandzela ngekuhambisana nendzima 9.3.4 ngentasi.
- 9.3.4 Inchazelo yaletigaba yemarekhodi lavele atfolakale kufanele entiwe atfolakale
- (a) kuMlawuli Welwatiso;
 - (b) kuwebhusayithi yemtimba lotimele; ne
 - (c) kuhlola, emahhovisi emtimba lotsintsekako ngesikhatsi lesijwayelekile sekusebenta.

¹³ Sigaba 110 se-POPIA

- 9.3.5 Sicela wati kutsi Umlawuli utawufaka inchazelo yeluhlobo lwemarekhodi lekavele atfolakale emtimba wahulumende kuwebhusayithi yakhe.
- 9.3.6 Loluhla lufaka ekhatsi emarekhodi lekangahle kudzingeke kutsi entiwe atfolakale ngaleminye imitsetfo, nalamanye emarekhodi umtimba lowakhetsako kutsi uwafake. Kute kuvinjelwe lomtsetfo wekuhambisana netidzingo tenchubo yekufaka sicelo se-**PAIA**, lofaka sicelo uyecwayiswa kutsi abuke Umhlahlandlela we-**PAIA** walowo mtimba lotimele noma wahulumende lotsintsekako. Uma umuntfu angatsandza kufinyelela kumarekhodi latfolakala ngaphansi kwaloluhla lwalomtimba lemarekhodi lavele atfolakale, lowo muntfu angavele acele kufinyelela kuwo ngaphandle kwekudzinga kugcwalisa Lifomu 2 le-**PAIA**.
- 9.3.7 Umtsetfo Wekuniketwa Timali Kutinhlangano tepolitiki 6 wanga 2018 ungenisa tingucuko letitsite ngekusebentisa i**PAIA**, lapho khona tinhloko tetinhlangano tepolitiki kudzingeke kutsi tibhalise futsi tigcine emarekhodi ekunikelelwa ngulabangasese, lekudzingeka kwatiwe nguwonkhe umuntfu ngaphandle kwekufaka sicelo se-**PAIA**.

10. IMINININGWANE YEKUTSINTSANA NETISEBENTI TELWATISO

- 10.1 Nanoma lemininingwane yekuchumana yeTisebenti Telwatiso tayonkhe imitimba yahulumende kufanele ishicilelwe kuto tonkhe tincwadzi tetincingo, ngekwesigaba 16 se**PAIA**, Umlawuli unemininingwane letsite yato tonkhe Tisebenti telwatiso (kufaka ekhatsi Sisebenti selwatiso Lesilibambela, lesicashwe ngekwesigaba 17 na 56 se-**PAIA** ne **POPIA** ngalokufanako) letibhaliswe ngekwesigaba 55(2) se-**POPIA**.
- 10.2 Ngalesikhatsi kutfola imininingwane yekuchumana lekungiyi kungahle kube yincenye leyinselele yekwenta sicelo se-**PAIA**, njengoba tikhundla tigucuka njalo kumkhakha wahulumende nenkhombandlela ye**PAIA** kungenteka ingahambisani netikhatsi, indzawo yekucala yekutfola imininingwane yekutsintsana kufanele kube ngumtimba weNkhombandlela ye-**PAIA**. Noma kunjalo, uma lofake sicelo angeke akhone kutfola loMhlahlandlela, kushayela sikhungo setincingo salomtimba kute ubute imininingwane lekungiyi naloko kungasita.
- 10.3 Kubomasipala, Inhlangano Yabohulumende Basemakhaya eNingizimu Afrika (i**SALGA**) ibeka imininingwane yekuchumana yabo bonkhe bomasipala kulelinki: <http://www.salga.org.za/Municipalities%20MCD.html>
- 10.4 Betekuchumana kuhulumende nabo baniketa imininingwane yekuchumana yavelonkhe neyesifundza Kanye nemininingwane yeTinkapani Letilawulwa nguMbuso ngaphansi kwalelinki: <https://www.gov.za/about-government/contact-directory>. Hlala ukhumbula kwekutsi inchazelo yeSisebenti Selwatiso iyasita kutfola kutsi udzinga imininingwane yabani yekuchumana kute wati leSisebenti Selwatiso.

11. INCHUBO YEKUFAKA SICELO SEKUTFOLA LWATISO

11.1 Emafomu ekufaka sicelo

11.1.1 Sicelo sekufinyelela kulwatiso singentiwa kumitimba yomibili lotimele newahulumende.

11.1.2 I-**PAIA** idzinga kwekutsi uma ufuna kwenta sicelo lesinjalo, kufanele ufake lesicelo ngalelifomu lelidzingekeko (lmafomu lawa abekwa ngekweMtsetfosimiso). Lawa ngulmafomu lamabili langasetjentiswa uma ufuna kusebentisa lilungelo lakho lekufinyelela kulwatiso:

Lifomu 2	Lifomu 4
Lelifomu lingasetjentiswa kuphela uma ufuna kucela kufinyelela kulwatiso lwemarekhodi emtimba alabatimele newahulumende.	Lelifomu lingasetjentiswa kuphela uma ngabe ufuna kufaka sikhalo sangekhatsi ngekumelana nesincumo seSisebenti Selwatiso noma Selisekela Lesisebenti Selwatiso kuhulumende wavelonkhe, sifundza noma masipala lapho sikhalo sangekhatsi sidzingeke khona.

11.1.3 Lamafomu angatfolakala kuwebhusayithi yeMlawuli ku <https://www.justice.gov.za/infoereg/>

11.2 Kuncuma kwekutsi ngabe sicelo sihambisana nelwatiso lolubanjwe ngumtimba lotimele noma wahulumende

11.2.1 Umtimba wahulumende wenta umsebenti wahulumende, njengekuphakela gezi noma emanti kubantfu. Ngako-ke, umtimba wahulumende akusuye hulumende wavelonkhe, wesifundza noma masipala – utawufaka ekhatsi tinkapani letiholwa nguhulumende noma lmitimba yeMbuso lenjengeMlawuli, Eskom noma PRASA, noma kunjalo, umehluko kufanele wentiwe ngalokuphatselene nemtimba wahulumende kwentela kufaka sikhalo sangekhatsi, lokusho kuphela hulumende Wavelonkhe, Wesifundza naMasipala.

11.2.2 Umtimba lotimele wenta umsebenti walabatimele. Lowo mtimba (lekungaba ngumuntfu) uyahwebelana, uyabhezisa noma unekufundzisa ngemsebenti. Kubaluleke kakhulu kwati kutsi uma ufaka sicelo se**PAIA** kumtimba lotimele umuntfu kufanele asho kutsi uvikela liphi lilungelo noma lalisebentisako ngekucela lolwatiso. Ngalokuphatselene nanoma luphi lwatiso loluphetfwe ngulomunye umuntfu, Streicher JA ufinyete lesimo ngaloluhlobo lolulandzelako, ku **Cape Metropolitan Council v Metro Inspection Services (Western Cape) CC and Others**¹⁴,

¹⁴ 2001 (3) SA 1013 (SCA) indzima 28 ku 1026F–G

“Iwatiso lungadzingeka kuphela kusebentisa noma kuvikela lilungelo uma ngabe kutawuba lusito ekusebentiseni noma ekuvikeleni emalungelo. Kulandzela kwekutsi, uma ngabe kufanele kwentiwe licala lekufinyelela kulwatiso ngekwesigaba 32, lofaka sicelo kufanele asho kutsi lelilungelo liyini lelekafuna kulisebentisa noma kulivikela, ngabe lolwatiso luyini lololudzingekako nekutsi lolwatiso lutawusita njani ekusebentiseni nasekuvikeleni lilungelo”.

- 11.2.3 Ngalesinye sikhatsi lombuto wekutsi ngabe lirekhodi lalabatimele noma lahulumende kungaba yinkinga kantsi bantfu bayecwayiswa kutsi bacele kwecwayiswa ngekweemtsetfo. Sibonelo, uma umtimba wahulumende ubeka umtimba lotimele kutsi wente letinye tinsita ngekumelela wona, kufana nekufana emamitha emanti kuleminyane imimmango, kufinyelela kutinombolo temamitha lafakiwe, nanoma lolo lwatiso lubanjwe ngulowo mtimba lotimele, lutawutsatfwa njengelwatiso lwentimba wahulumende.
- 11.3 Ngabe umuntfu ulichaza njani lelilungelo lekahlose kulisebentisa noma kulivikela?
- 11.3.1 Uma uchaza kutsi nguliphi lilungelo umuntfu lekahlose kulisebentisa uma afaka sicelo kumtimba lotimele, umuntfu angeke wasebentisa lilungelo lekufinyelela kulwatiso. Umuntfu kufanele achaze kutsi lelirekhodi lekalicelako lifuneka ngendlela levakalako kute ativikele, noma asebentise, lelinye lilungelo. Loku kungafaka ekhatsi emalungelo lekungasiwo emalungelo nje emtsetfosisekelo.
- 11.3.2 Umuntfu angahle ngekwesibonelo acele emacebo lahambembili kulenkapani lenemtselela wekutsintsa emazinga ekungcola kwemvelo ngekulandzela imisebenti yawo. Noma umuntfu angacela emarekhodi, langasita umuntfu ancume kutsi ngabe unelilungelo lekufaka ikleyimu ngekumelana nenkapani. Umuntfu kudzingeka kutsi:
- 11.3.2.1 Ngalokucondzile akhombe lelilungelo lekahlose kulivikela noma kulenta, futsi
- 11.3.2.2 Achaze ngalokucacile kutsi kungani lelirekhodi lekalicelako lidzingeka ngalokujwayelekile kusita umuntfu lonalelo lilungelo.
- 11.3.3 Ngalokuhlukile, uma ngabe ufaka sicelo se-**PAIA** kumtimba wahulumende, umuntfu akukafanelei kutsi abe netizatfu tekucela lolwatiso.

12. NGUBANI LONGENTA SICELO SE-PAIA?

- 12.1 Noma ngubani, noma ngabe waseNingizimu Afrika, uvumelekile kwenta sicelo ngaphansi kwe-**PAIA**. Lolofaka sicelo kungaba ngumuntfu noma inkapani.

12.2 Umtimba lotimele utsatfwa njengenkapani kantsi ingenta sicelo sekufinyelela kumarekhodi laphetfwe ngumtimba lotimele, kodwa kuphela uma ngabe lomtimba lotimele -

12.2.1 Losebenta ngekumelela tinshisekelo tebantfu, futsi

12.2.2 Uma lamarekhodi adzingeka kucedza noma kuvikela noma maphi emalungelo ngaphandle kwalawo emtimba wahulumende.

12.3 Ngaphansi kwe-**PAIA** lofaka sicelo angeke wacela kufinyelela kumarekhodi, emtimba wahulumende¹⁵, lekacuketse lwatiso ngemuntfu lofaka sicelo lokumtimba wahulumende, noma kunjalo, lolofaka sicelo noma umuntfu lofuna idatha anga, ngekuhambisana nesigaba 23(1)(b) se-**POPIA**, angacela kunhlangano lefanele lirekhodi noma inchazelo yalolwatiso ngaye loluphatselene nalolofuna idatha loluphetfwe ngulenhlangano letsintsekako. Loku kusho kutsi noma bani angacela kufinyelela kulwatiso lwakhe loluphetfwe ngumtimba wahulumende nalotimele ngemuva kwekuniketa bufakazi lobanele bekutsi unguye. Lolwatiso ngawe lofaka sicelo longalucela kulomtimba lofanele lungafaka ekhatsi lwatiso ngalokuphatselene nato tonkhe tinhlangano tesitsatfu, noma tigaba tetinhlangano tesitsatfu, leti, noma letibe, nekufinyelela kulwatiso.

12.4 Ngekwesigaba 50(1) se-**POPIA**, noma ngabe ngubani angacela kufinyelela kumarekhodi, emtimba lotimele, lelicuketse lwatiso ngemuntfu lekunguye lofake sicelo noma lomuntfu lesicelo lesentiwe ngekumelela yena.

13. SICELO SINGAFAKWA KUBANI?

13.1 Sisebenti Selwatiso semtimba wahulumendekudzingeke kutsi sibeke Lisekela Lesisebenti Selwatiso, lekufanele sicinisekise kutsi kuyafinyeleleka kulamarekhodi emtimba wahulumende ngendlela lefinyelelekako ngalokukhonekako. Nanoma loku bekungasiko lokudzingekako ngalokuphatselene nemtimba lotimele ngaphansi kwe-**PAIA**, umtimba wahulumende ungabeka Lisekela Lesisebenti Selwatiso lesibalwe ngenhla, ngekwesigaba 56 se-**POPIA**.

13.2 Lesicelo sekufinyelela kulwatiso, nanoma kungacondziswa kuleSisebenti Selwatiso, kungayiswa kuLisekela Lesisebenti Selwatiso. Imininingwane yeSisebenti Selwatiso ingatfolakala kumhlahlandlela we-**PAIA** yalowo mtimba noma Umlawuli.

14. KUGCWALISA LELIFOMU

14.1 Lifomu 2 – sicelo sekufinyelela kumarekhodi emtimba lotimele newahulumende:

14.1.1 Kute kutsi ugcwalise lifomu le-**PAIA**, umuntfu kufanele anikete imininingwane leyanele kuvumela Sisebenti Selwatiso noma Lisekela Lesisebenti Selwatiso kutsi batfole emarekhodi lekadzingwa ngulofaka sicelo.

¹⁵ Sigaba 11(2) se-PAIA

- 14.1.2 Imitsetfosimiso ye-**PAIA** ichaza lelifomu lekufanele lisetjentiswe, lekufanele litfunyelwe kuleSisebenti Selwatiso, noma Lisekela Lesisebenti Selwatiso salomtimba.
- 14.1.3 Bafaki ticelo labangakhoni kufundza noma kubhala bangenta ticelo nge mlomo kuSisebenti Selwatiso noma Lisekela Lesisebenti Selwatiso semtimba wahulumende, lewutawubese uba nemsebenti sekugcwalisa lelifomu 2 ngekusita lolofaka sicelo. Lelifomu lelikhona nyalo litawudzinga kutsi uligcwalise letigaba letilandzelako:

Lwatiso loludzingekako	Inchazelo
------------------------	-----------

Imininingwane yemtimba wahulumende/lotimele	Lesigaba kufanele sicuketse ema-imeyili lafanele nenombolo yefeksi yeSisebenti Selwatiso Kanye/noma Lisekela Lesisebenti Selwatiso.
--	---

Imininingwane yemuntfu locela kufinyelela kumarekhodi	Loku kufanele kucuketse lwatiso lolwanele ngalofake sicelo kute kube lula kutfola, kufaka ekhatsi imininingwane yekutsintsana yalolofake sicelo: likheli laseposini, likheli le-imeyili, ifeksi Kanye/noma inombolo yelucingo eNingizimu Afrika. Libuye lifune inombolo yelipasi kute kucinisekiswe kutsi nguwe. Uma ngabe ucela lolwatiso ngekumelela lomunye umuntfu, bufakazi balesikhundla lonaso sekucelela lomunye umuntfu kufanele siniketwe ('njengalogunyatiwe').
--	--

Imininingwane yemarekhodi laceliwe	Niketa imininingwane legcwele yalamarekhodi lekucelwa kufinyelelwa kuwo, kufaka ekhatsi inombolo yereferensi uma ngabe uyati, kwentela kutsi lelirekhodi litfolakale. (uma ngabe lendzawo leniketiwe inganeli, sicela uchubekele kulelinye likhasi bese ulinamatsisela kulelifomu. Onkhe emakhasi langetiwe kufanele asayinwe.
---	--

Inhlobo yelirekhodi	Loku kufanele kucuketse lwatiso lolwanele ngalirekhodi kwenta kube lula kutfolakala. Uma ngabe lolwatiso loludzingekako lunganeli kulenzawo leniketiwe kulelifomu, likhasi lelingetiwe lelibhalwe ngesandla noma lelithayiphiwe lingasetjentiswa kuniketa imininingwane lengetiwe yalesicelo, inkhuni nje
----------------------------	---

Lwatiso loludzingekako

Inchazelo

uma ngabe likhasi lelingetiwe lisayiniwe lanamatsiselwa kulelifomu lesicelo. Ungahle, sibonelo, ufake lokucashuniwe lokuvela kumbiko noma ludzaba lwetindzaba letifaka ekhatsi lamarekhodi lowabukako. Kukuvumela kutsi ufake inombolo yereferensi yalamarekhodi, uma ngabe ikhona.

Tindleko

Umtimba, lapho lohlose kufaka sicelo sekufinyelela kumarekhodi, kufaka ekhatsi emarekhodi lacuketse lwatiso ngawe, angacela kutsi ukhokhe imali yekufaka sicelo (imali yekufinyelela) noma imali yesibambiso, kodwa lesa samba akukafaneli sindlule, njengoba lemali kufanele ibe ngeyesikhatsi lesifanele sekutfola nekulungisa lirekhodi. Ndvuna ngekwesatiso kuGazethi angavumela kutsi kungakhokhwa letindleko njengoba kubalwe kundzima 51.1 ngentasi.

Indzawo iniketwe kulofaka sicelo kutsi akhombise kutsi kungani akholelwe kutsi ngubani lekufanele aniketwe imvume yekungakhokhi tindleko. Tizatfu tingafaka ekhatsi, sibonelo, kwekutsi akasebenti.

Lifomu lekufinyelela kumarekhodi

Lesigaba sikuvumela kutsi ukhombise nga "X" lokufunako kulelifomu lekufinyelela kumarekhodi kantsi linganiketwa njengaleliphrintiwe noma nge flash drive futsi/noma nge-compact disc drive.

Indlela yekufinyelela

Ngaphansi kwalesigaba kudzingeka kutsi ukhombise lokufunako ngalokuphatselene nelulwimi lelirekhodi lofuna libe ngalo (loku kungenteka kungatfolakali kuwo onkhe emarekhodi, kodwa solo kufanele ukhombise lokufunako).

Lendlela yekufinyelela kulamarekhodi ingafaka kungavumi kufinyelela ngenca yekunyuka kwetindleko. Sibonelo, uma ngabe lofaka sicelo afuna idokhumenti ngelulwimi lalinconotako, tindleko tekugucula ledokhumenti tibe ngelulwimi lolufunako kungafanele kutsi

tikhokhelwe. Noma kunjalo, uma ngabe lelirekhodi alitfolakali ngelulwimi lolifunako, kufinyelela kunganiketwa ngalolulwimi lolukhona. Lendlela yekufinyelela kumarekhodi ingafaka ekhatsi kuwahlolisisa lamarekhodi, emarekhodi latfunyelwe nge-imeyili, noma ifeksi noma ikhoriya noma liposi.

Satiso ngesincumo ngalokuphatselene nesicelo sekufinyelela

Indzawo iniketwa kulofaka sicelo kuchaza lendlela lapho angatsandza kwatiswa khona ngesincumo sekuniketa noma kwala kuniketwa lesicelo. Lolofaka lesicelo angachaza mhlawumbe kutsi angatsandza kutsintfwa nge-imeyili noma ngelucingo noma lemphendvulo ingafakwa ngeliposi noma ikhoriywe.

Imininingwane yelilungelo lekufanele lisetjentiswe noma livikelwe

Uma ucela lwatiso kumtimba lotimele lona lofaka sicelo kulindzeleke kutsi achaze “imininingwane yelilungelo lekufanele lisetjentiswe noma livikelwe”. Lapha kufanele asho lelilungelo lekalisebentisako (njengelilungelo lesimondzawo lesinempilo) nekutsi lelirekhodi lekalicelako litamsita njani kufinyelela, noma kuvikela, lelo lungelo. Kufanele akhombise kuhlanguana emkhatsini walelirekhodi lalifunako, nalokusebentisa noma kuvikela lelo lungelo.

Lokubi kwekutsi, ngekungafani nesicelo selirekhodi lemtimba wahulumende, angeke akhone kufinyelela kulirekhodi lemtimba lotimele ngaphandle kwekutsi asho lelilungelo lekafuna kulivikela noma kulisebentisa uma kwenteka imvume yekufinyelela kulwatiso iniketwa. Loku kungafaka ekhatsi lamaciniso ekutsi utfola kufinyelela kumarekhodi, utawubese usebentisa lilungelo lakhe lekuvikeleka ngalokufanako nekuzuza ngekumtsetfo¹⁶ ngekumangalela lowo mtimba ngekulahlekelwa lekangahle abe ahlanguanetane nako.

¹⁶ *Sigaba 9(1) seMtsetfosisekelo weRiphabhulikhi yaseNingizimu Afrika, Umtsetfo 108 wanga 1996*

14.1.4 Uma ngabe noma ngatiphi tizatfu lesicelo sakhe asihambisani nalokudzingekako lokubalwe ngenhla, leSisebenti Selwatiso angeke sivele singavumi sicelo sakhe, ngaphandle kwekutsi atise lolofake sicelo kutsi utimisele kwala nekutsi amnikete tizatfu. Lesisebenti Selwatiso kufanele sibuye satiswe kutsi sitawusita lolofake sicelo noma aniketwe litfuba lekulungisa leliphutsa.

15. TINDLEKO LETIKHONA

15.1 Ngalokujwayelekile, tindleko kufanele tikhokhelwe takokubili tekufaka sicelo, nekukhokhela tindleko tekufinyelela kumarekhodi ngekwesicelo, kodwa yekubuye kukhokhelwe tindleko tekufinyelela kumarekhodi ngekwesicelo. Kukhona, ngalesinye sikhatsi, lokwentwa ngalokuhlukile. Uma ngabe lona lofake sicelo aniketwe kufinyelela kumarekhodi lekawacelile nekutsi akakaniketwa imvume yekungakhokhi noma tiphi tindleko, ngengoba kukhonjisiwe kundzima 15.2 ngentasi, leSisebenti Selwatiso noma Lisekela Lesisebenti Selwatiso angatsatselwa letindleko letibekiwe ngalendlela, -

YATI KUTSI: Lendlela yemanani ngalokuphatselene netindleko lekufanele tikhokhwe kuMitimba Letimele neyahHulumende tingatfolakala kuwebhusayithi yeMlawuli.

Item	Inchazelo
1	Tindleko tesicelo letikhokhelwa nguwonkhe lofaka sicelo
2	Ifothokhophi yelikhasi le-A4
3	Ikhophi lephrintiwe yelikhasi le-A4
4	Ikhophi lengafundzeka kungcondvomshini: <ul style="list-style-type: none"> (i) i-Flash drive (kufanele ite nalona lofaka sicelo) (ii) Idiskhi <ul style="list-style-type: none"> • Uma iniketwe ngulofake sicelo • Uma kuniketwe lolofake sicelo
5	Kubhala kabusha kwetitfombe letibonakalako ngekwelikhasi le-A4
6	Ikhophi yetitfombe letibonakalako
7	Lokurekhodiwe lokulalelwako, ngekwelikhasi le-A4 ngalinye
8	Ikhophi yemarekhodi lacoshiwe afakwa ku: <ul style="list-style-type: none"> (i) Flash drive (letawuniketwa ngulofake sicelo) (ii) Idiskhi <ul style="list-style-type: none"> • Uma iniketwe ngulofake sicelo • Uma iniketwe kulofake sicelo
9	Kubuka nekulungiselela emarekhodi kutsi avetelwe ngaphandle lihora ngalinye noma incenye yelihora, kungafaki ekhatsi lelihora lekucala, kuyadzingeka kute kufunwe nekulungiselela. Kungandluli linani letindleko setiphelele talelinani leliphakeme lelibekiwe
10	Sibambiso: Uma kufuna kundlula emahora lasi-6
11	Kuposa, i-imeyili noma lenye indlela yekundlulisa nge-elektronikhi

15.2 Lolofake sicelo akukafaneli kutsi akhokhele imali¹⁷ yekufinyelela kumtimba wahulumende uma ngabe:-

15.2.1 Ungumuntfu loyedwa le umholo wakhe wemnyaka lawutfolako, ngekuva kwekukhishwa kwetimali letifanele, leyo **PAYE** ne **UIF**, ingaphansi kwa **R14712.00** ngemnyaka, noma

15.2.2 Ushadile nemali lebayitfolo bobabili nemlingani wakhe, ngemuva kwekukhishwa kwemali levumelekile, lenjenge **PAYE** ne **UIF**, ingaphansi kwa **R27192.00** ngemnyaka.

15.3 Sicela wati kutsi umtimba wahulumende nemtimba lotimele, kulifomu 4 leMitsetfosimiso, imali yesibambiso kulolofake sicelo, kodwa kuphela uma bakholelwa kutsi lolwatiso noma lirekhodi lelceliwe litawutsatsa ngetulu kwemahora lasitfupha (6) kulifuna, kodwa lemali yesibambiso angeke ibe ngetulu kwakunye kulokutsatfu kwaletindleko letibekiwe.

16. NGABE SISEBENTI SELWATISO SITAWUSITA LOFAKA SICELo KUTSI AFAKE SICELo SE-PAIA?

16.1 Umsebenti weSisebenti Selwatiso kanyenoma Lisekela Lesisebenti Selwatiso semitimba yahulumende neyalabatimele kutsi, uma kuhambelana nalokulungiselela ticelo tekufinyelela kulwatiso:

16.1.1 Kutfolakala sicelo se-**PAIA** noma **iPOPIA**;

16.1.2 Kuhlenganisa lokusetjentiswa kwalesicelo kulomtimba;

16.1.3 Kwenta sincumo sekutsi banganiketa kufinyelela noma bale kuniketa emarekhodi lacelwako;

16.1.4 Basebentisane nalofake sicelo (sib. Bangadzinga kucela lolofake sicelo kutsi anikete leminyane imininingwane noma bangahle bacele kutsi bangetelwe sikhatsi kute basebente ngalesicelo, njll);

16.1.5 Kwecwayisa lolofake sicelo ngemiphumela yesicelo sakhe se-**PAIA**, leso secwayiso kufanele siniketwe ngekushesha kodwa kungakandluli emalanga lange-30 ngemuva kwekutfola sicelo. Lesikhatsi sekucala semalanga lange-30 singakhuliswa Kanye kudzimate kube sikhatsi lesingandluli kumalanga lange-30, uma kwentekile, lolofake sicelo avumile kutsi kukhuliswe noma lesicelo sidzinga kutsi kufunwe emarekhodi lekangeke acedvwe ngesikhatsi lebekubekelwene sona;

16.1.6 Kuniketa locelako tizatfu talesincumo sekungavumi kutsi afinyelele. Kubalulekile kwekutsi letizatfu labaniketwe tona kutsi bangavumi ticacile futsi tinemininingwane kantsi kufanele tifake ireferensi kutigaba letitsite te-**PAIA** (buka indzima 19.4 ngentasi, ngalokuphatselene netizatfu letibangele kutsi bale kutsi ufinyelele kumarekhodi¹⁸);

¹⁷ njengekweSatiso saHulumende R991 samhlaka 14 Okthoba 2005

¹⁸ Sigaba 33 kuya 46 se-PAIA

- 16.1.7 Kwatisa bantfu labafanele besitsatfu ngekusebentisa inhubo yekwatisa inhlango yesitsatfu, ngekwesigaba-47 se-**PAIA**; futsi
- 16.1.8 Uma ngabe kufinyelela kumarekhodi kuyaniketwa, kuniketa lofake sicelo ikhophi yalamarekhodi.
- 16.2 Uma ngabe watisa lofake sicelo ngalesincumo, phindza ulandzise letindlela tekulungisa letikhona naletikhatsi letifanele (letindlela tekulungisa letikhona tiyehluka kumitimba yahulumende neyalabathimele).
- 16.3 Lomsebenti longetiwe nemitfwalo yeSisebenti Selwatiso Kanye/noma Lisekela leSisebenti Selwatiso ngulawo labaliswe kuleSatiso Lesiholako Sesisebenti Selwatiso neLisekela Lesisebenti Selwatiso lapho Inothi Yekuhola itfolakala ku <https://www.justice.gov.za/infocore/docs.html>
- 16.4 Ngoba umsebenti weSisebenti Selwatiso Kanye/noma Lisekela Lesisebenti Selwatiso kusebentisa lesicelo sekufinyelela kulwatiso, loku kubuye kusho kutsi banemisebenti lehlukene kulabo labenta sicelo.
- 16.5 Lesisebenti Selwatiso Kanye/noma Lisekela Lesisebenti Selwatiso kufanele sikete lusito mahhala.
- 16.6 Lesisebenti Selwatiso Kanye/noma Lisekela Lesisebenti Selwatiso semtimba wahulumende sinalemisebenti lekhetsekile lelandzelako:

Imisebenti Yebasebenti Belwatiso Inhlazelo

Ncedza ngekugcwalisa lelifomu

Umlawuli Welwatiso kufanele anikete lusito lolwanele kumfakisicelo ekugcwaliseni lifomu lakhe le-**PAIA**, futsi kungenteka akwale kwamukela lifomu lelingakagcwaliswa ngendlela ngaphandle kwekutsi baluniketiwe lolo lusito, noma banikete lolo lusito kanye nekusita noma lusito alukamukelwa.

Niketa lwatiso lolufanele

Uma kungenteka ngendlela lefanele, Umlawuli weLwatiso kufanele anikete umfakisicelo nganoma ngabe nguluphi lwatiso lolufanele, ngisho noma lungakacelwa ngco.

Kundlulisela sicelo

Lona ngumsebenti lobalulekile. Uma ngabe sicelo se-**PAIA** sentiwe emtimbeni wahulumende lekungasiwo, leSisebenti Selwatiso kufanele sindlulisele lolwatiso emtimbeni wahulumende lekungasiwo

kungakapheli emalanga la-14 ekutfola lesicelo kantsi kufanele atise lolofake sicelo ngekumbalela ngekutsi wente njalo. Uma sesidluliselwe, sisebenti selwatiso lesifanele kufanele siphendvule **kungakapheli emalanga langema-30**.

Kukhishwa lokutsetse sikhatsi

Sisebenti Selwatiso singancuma kundlulisela lokukhishwa kwemarekhodi kulofake sicelo uma lelo rekhodi lingakhishwa kulolofake sicelo uma ngabe lelo rekhodi lingashicilelwa kungakapheli **emalanga lange-90** noma uma ngabe lelirekhodi liyadzingeka ngekwemtsetfo kutsi lishicilelwe kodvwa lisatawukhishwa.

- 16.7 Ngako kokubili lekumtimba wahulumende nalotimele, Sisebenti Selwatiso kufanele, uma bahluleka kutfola lelo rekhodi lelícíliwe noma bakholelwa kutsi lamarekhodi awatfolakala, bafake incwadzi yebufakazi¹⁹ lechaza kabanti noma sicinisekiso kulofake sicelo anikete satiso kwekutsi lamarekhodi lekukhulunywa ngawo awatfolakali, kodvwa abuye akhombise letinyatselo lebatatitsatsa kuwatfola.

17. LUSITO LOLUKHONA KUMLAWULI WELWATISO NGEKUSEBENTISA I-PAIA NE POPIA

- 17.1 Umlawuli Welwatiso wenhlangano yahulumende unemtfwalo wekuniketa lusito lolufanelekile²⁰, lwamahhala, njengoba kunesidzingo sekwenta kutsi umfakisicelo noma idatha ihambisane nendlela yekufinyelela erekhodini njengoba kubekiwe kutigaba 18 te-**PAIA** kanye nakusigaba 23 se-**PAIA**.
- 17.2 Nanoma kunjalo, uma kungenteka Umlawuli Welwatiso ahluleke kuhambisana nemsebenti wakhe, lokukhulunywa ngawo endzimeni 17.1 ngenhla, umfakisicelo noma idatha ingafakwa njengesikhalo kuMlawuli kantsi Umlawuli anga, nakasesha, akhiphe Satiso Sekucinisalasicondzise kuMlawuli Welwatiso kutoniketa lusito lolufanelekile.
- 17.3 Ulawuli anga, uma kufanelekile, ngesicelo, asite noma ngumuphi umuntfu lofisa kusebentisa lilungelo lakhe njengoba kushiwo ku-**PAIA** noma i-**POPIA**²¹, kantsi loku kufaka lusito loluvakalako, lwamahhala, njengoba kudzingekile kwenta kutsi umfakisicelo noma idatha kuhambisana nendlela yekufinyelela kumarekhodi njengoba kuboniwe esigabeni 18 na 53 we-**PAIA** nesigaba 23 se-**POPIA**.
- 17.4 Lokungenhla kufaka kuhlolwa ngendlela yekugcwalisa sicelo sekutfola lifomu noma kugcwalisa lifomu egameni leuntfu longakafundzi noma longaboni.

¹⁹ Sigaba 23(1) ne 51(1) se-PAIA

²⁰ Sigaba 19(1) se-PAIA

²¹ Sigaba 83(3)(c) se-PAIA

18. UMLAWULI WELWATISO ANGASELULA YINI SKHATSI LESINCUNYIWE?

- 18.1 Luhlakala klwenchubo kanye netikhatsi letibekiwe letibalulekile letitsintsekako tifikwe kumfanekisomdvwebo wenchubo yesicelo ye-**PAIA**, endzimeni 27 ngentasi. Kuba netikhatsi letibekiwe kuyincenye lebalulekile ye-**PAIA**, njengoba ikhutsata kuphatsa ngendlela kweticelo tekufinyelela kumarekhodi.
- 18.2 Njengesikhumbuto, uma sewusitfumele kahle sicelo sakho, Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso, loyo sicelo lesentlwe yena noma sendlulisa, kufanele akuphendvule ngekushesha kodwa kunoma ngusiphi sento kungakapheli emalanga langema-30²². Nanoma kunjalo, Umlawuli Welwatiso wenhlangano yahulumende noma letimele angacela kwelulelwa kanye emalanga langema-30²³, kodwa kuphela uma:
- 18.2.1 Sicelo semarekhodi lamakhulu noma kudzingeka kutsi linani lelikhulu lemarekhodi lisheshe, kantsi ngaphandle kwekwelulwa kwemalanga, lokusesha kutawuphatamisa imisebenti letayelekile yenhlangano letsintsekako;
- 18.2.2 sicelo sidzinga kusenga emarekhodi ehovisi laleyo nhlangano lengekho kudolobhakati noma edolobheni kantsi kungenteka kube akukapheli **kungapheli emalanga langema-30**; ne/noma
- 18.2.3 kudzinga lizinga lekukhulumisana kute kusetjentwe ngesicelo, lesingeke sicedvwe kungakapheli emalanga langema-30.
- 18.3 Umlawuli Welwatiso kufanele atise umfakisicelo ngenhloso yakhe yekwelula sikhatsi lebesibekiwe, kanye nekukhombisa sikhatsi sekulula, sizatfu sekulula sikhatsi, kanye nekwatisa umfakisicelo ngelilungelo lakhe leku -
- 18.3.1 Faka sikhalo kusiphatsimandla lesifanele;
- 18.3.2 khonondza kuMlawuli; noma
- 18.2.3 kubeka ngalokusemtsetfweni tinchubo enkantolo letiphikisana nekululwa njengoba kungaba njalo.
- 18.4 Umlawuli Welwatiso kufanele atise umfakisicelo ngenchubo yalinye lalamalungelo labalwe ngenhla esatisweni²⁴.

19. TIMPHENDVULO KUSICELO SEKUTFOLA LWATISO

- 19.1 I-**PAIA** inikete umphakatsi litfuba lekucela kufinyelela kumarekhodi kunoma nguyiphi inhlangano yahulumende noma letimele. Kuvame kuchazwa njengemtsetfo logcina takhamiti tinelwati ngahulumende wato. Tinhlango tahulumende kudzingeke tivete lwatiso loluceliwe ngaphansi kwe-**PAIA** kwakunye **kulokulishumi nakubili (12)**

²² Sigaba 25(1) se-PAIA

²³ Sigaba 26(1) se-PAIA

²⁴ Sigaba 26(3) se-PAIA - lesatiso sekukhulisa kufanele sichaze kutsi lolofake sicelo angahle afake sikhalo ngekhatshi, sikhalo kuSisebenti Lesilawula lwatiso noma sicelo nenkhantolo, njengoba kungabekwa, ngekumelana nalokukhuliswa, nalendlela lekwenziwa ngayo (kufaka ekhatshi lesikhatsi sekufaka lesikhalo sangekhatsi, sikhalo lesiya kulolawula lwatiso noma sicelo, njengoba kungabe kubekiwe.

lokungasiyo incenye noma tizatfu tekutsi kungani kufinyelela kumarekhodi enhlangano yahulumende kufanele noma akukafaneli tiniketwe²⁵ kanye **naletisikhombisa (7) letingasiyo incenye** noma tizatfu tekutsi kungani kufinyelela kumarekhodi enhlangano letimele kufanele noma akukafaneli tiniketwe²⁶. Lishumi nemfica (19) yaletingasiyo incenye letiniketwe ku-**PAIA** kuhloswe kuvikela tinshisakalo letifana nemfihlo yemuntfu, kuvikeleka kwelive, kanye nekugcinwa kwemtsetfo.

19.2 Umgomo wekucondzisa usekelwe ekuphetfweni kwe-**PAIA** ukucabanga kwekuvuleleka. Loku kusho kutsi noma ngusiphi sizatfu sekuvala lokuvuleleka kufanele kube ngulesilungile. Tinhlango tahulumende kufanele tibuke kutsi kuveta kancane lwatiso kuyenteka yini uma titfola kutsi kuveta ngalokuphelele lwatiso akwenteki kantsi kufanele tihlukanise noma tilungise kabusha lwatiso lolungeke luvetwe futsi tivete lolunye.

19.3 Tinhlobo tetimphendvulo kuticelo

19.3.1 Uma sicelo sekufinyelela kulirekhodi sentiwe, Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso kufanele, uma sicelo sekufinyelela kulirekhodi siniketwa noma saliwa, atise umfakisicelo nge -

- (a) Sincumo sakhe; ne
- (b) Timali letikhokhwako, uma tikhona,

19.3.2 Efomini lelihambisana kakhulu neLifomu 3 leSingetelelo A kuMitsetfosimiso: 19.3.2 Nanoma kunjalo, i-**PAIA** iniketa luhla lwetizatfu noma tizatfu (lokungabi yincenye) (buka tindzima 19.4 na 19.6 ngentasi) kungani sicelo singaliwa kuphela ngesizatfu sasinye saletizatfu letibaliwe tekwala kufinyelela emarekhodini.

19.3.3 Ngaphandle kwetizatfu letibalwe ngenhla tekwala kuniketa imvumo yekufinyelela kumarekhodi, Umlawuli Welwatiso wenhlango yahulumende uma inshisakalo yemphakatsi ekuvetweni kwelirekhodi ngalokucacile kungetulu kwengoti lebalwe kutizatfu letibaliwe tekwala²⁷. Loku kusho kutsi umfakisicelo angatsembela kunshisakalo yemphakatsi noma kunini nakuncengwa tizatfu tekwala kufinyelela kumarekhodi.

19.3.4 Ngalamafisha, tizatfu tekutsi kungani lwatiso lungavetwa tihambisana nekutsi kuvetwa kwelwatiso kungaba umonakalo lomkhulu yini kunekungavetwa kwalo. Kunetinhlobo letimbili letehlukene tetizatfu letibaliwe tekwala kuniketwa imvumo yekufinyelela kumarekhodi enhlangano.

²⁵ Sahluko 4 se-PAIA - tizatfu tekungavunyelwa kufinyelela kumarekhodi (Sigaba 34-45 se-PAIA)

²⁶ Sahluko 4 se-PAIA - tizatfu tekungavunyelwa kufinyelela kumarekhodi (Sigaba 63-69 se-PAIA)

²⁷ Sigaba 46 se-PAIA

19.4 Tizatfu tekuphoceneleka kwekwala (tizatfu tekungabi yincenye)

19.4.1 Ngetizatfu tekuphocenelela, Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso kufanele lisale sicelo ngoba sisebenta erekhodini.

19.4.2 Kunetizatfu letinyenti letiphocelelekile kunetizatfu tekutikhetsela. Lokulandzelako tizatfu tekuphocenelela kwala, kantsi Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso kufanele lisicitse sicelo ngoba tisebenta erekhodini -

19.4.2.1 **Kuvikelwa lokuphocenelekile kwemfihlo yemuntfu wesitsatfu longumuntfu lotayelekile;**

Umlawuli Welwatiso wenhlangano yahlumende noma letimele kufanele angamvumeli umfakisicelo imvumo yekufinyelela kukulwatiso lwemuntfu lwalomunye umuntfu uma kwenta `kuveta lwatiso lokungenamsebenti`. Letigaba ngekwato tikhombisa tizatfu letimbalwa uma loku kungasebenti, njengesikhatsi emarekhodi atiwa ngumphakatsi, noma lapho umuntfu anikete imvumo khona. Indzaba yemvumo ibalulekile ikakhulukati njengoba ihlanganisa kulenye incenye yalenchubo umfakisicelo lekufanele ayati, lehambisana netatiso temuntfu wesitsatfu, ngekwesahluko 5 se-PAIA.

19.4.2.2 **Kuvikelwa lokuphocenelekile kwalamanye emarekhodi e- South African Revenue Service;**

Umlawuli Welwatiso we-SARS kufanele angavumeli umfakisicelo atfole imvumo yekufinyelela kumarekhodi latfoliwe, noma labanjwe, ngu-SARS ngetinhloso tekucokelela malingena. Nanoma kunjalo, emarekhodi latfolakale noma labanjwe ngu-SARS kungenteka angaliwa uma sicelo sentiwe ngumfakisicelo ngekwakhe noma umuntfu sicelo lesentiwa egameni lakhe.

19.4.2.3 **Kuvikelwa lokuphocenelekile kwelwatiso lekuhweba kwemuntfu wesitsatfu;**

Umlawuli Welwatiso wenhlanganokufanele angavumeli umfakisicelo imvumo yekufinyelela kulwatiso lwekuhweba lwalomunye umuntfu (ngalamanye emagama, longasuye umfakisicelo noma locelako). Loku kutofaka lwatiso njengetimfihlo tekuhweba, noma loku lokungatsikameta tinshisakalo tekuhweba temuntfu wesitsatfu. Sibonelo, KFC usebentisa emaresephi latsite, kufaka titsako letentiwa ngumuntfu wesitsatfu, lekutimfihlo tekuhweba futsi kutiveta kungalimata tinshisakalo tekuhweba taloyo muntfu wesitsatfu.

19.4.2.4 **Kuvikelwa lokuphokelelelele kwelwatiso loluyimfihlo, kanye nekuvikelwa kwalolunye lokulwatiso loluyimfihlo, lwemuntfu wesitsatfu;**

Umlawuli Welwatiso wenhlangano yahulumende noma letimele kufanele angamniketi umfakisiselo imvumo yekufinyelela kumarekhodi uma kukhishwa kwalo kutawenta kube khona kwepulwa kweMsebenti wekutetsemba kumuntfu wesitsatfu ngekwesivumelwane noma ikontileka.

19.4.2.5 **Kuvikelwa lokuphokelelelele kwakuphepha kwebantfu kanye nekuvikelwa kwemphahla;**

Umlawuli Welwatiso wenhlangano yahulumende noma letimele kufanele angamvumeli umfakisiselo imvumo yekufinyelela kumarekhodi uma kukhishwa kwalo kungalindzeleka kutsi kukhinyabete kuphepha kwemuntfu Etigabeni letifanako, kuphindza kushiwo kutsi Umlawuli Welwatiso wenhlangano angala kuniketa imvumo yekufinyelela kulirekhodi uma kutawubonakala kulimata kuphepha kwesakhiwo noma imphahla.

19.4.2.6 **Kuvikelelwa lokuphokelelelele kwemadokhethi emaphoyisa kutinchubo tebheyili, kanye nekuvikelwa kwekugcinwa kweMtsetfo kanye netinchubo teMtsetfo;**

Umlawuli Welwatiso wenhlangano yahulumende kufanele angamvumeli umfakisiselo imvumo yekufinyelela kumarekhodi njengemarekhodi etinchubo tebheyili letivele tivikelwe sigaba 60 seMtsetfo Wenchubo Yebugebengu. Esigabeni lesifanako, uphindza usho kutsi Umlawuli Welwatiso wenhlangano letimele yahulumende angala kuniketa imvumo yekufinyelela kumarekhodi ekugcinwa kweMtsetfo laveta tindlela tawo, emasu, tinchubo tekuvikela bugebengu, noma kugwetjwa kwemacala, kanye nalamanye emarekhodi lafanele kutinchubo temtsetfo letentekako.

19.4.2.7 **Kuvikelwa lokuphokelelelelele kwemarekhodi lanelilungelo lekukhicitwa etinchubeni teMtsetfo;**

Umlawuli Welwatiso wenhlangano yahulumende kufanele angamniketi umfakisiselo imvumo yekufinyelela kulirekhodi uma lirekhodi libe nelilungelo kumikhicito yetinchubo temtsetfo, ngaphandle kwekutsi umuntfu lonelilungelo uliyekele lelilungelo.

19.4.2.8 **Kuvikelwa lokuphokelelelelele kwelwatiso lwelucwaningo lwemuntfu wesitsatfu, kanye nekuvikelwa kwelwatiso lwelucwaningo lwenhlangano yahulumende noma letimele.**

Umlawuli Welwatiso wenhlangano kufanele angamniketi umfakisiselo imvumo yekufinyelela erekhodini uma lirekhodi liphatselene nelucwaningo lolungukutsi, noma lolutawutsatfwa yinhlangano lekukhulunywa ngayo kantsi nekukhishwa kwato kungenteka kuvete umcwaningi, umuntfu wesitsatfu noma indzaba lengaphansi kwelucwaningo ibe sengotini lenkhulu.

19.4.3 Sicela unake kutsi letizatfu letingenhla letiphocelako tekwala kuniketa imvumo yekufinyelela kumarekhodi nguletifanako nakutinhlangano tahulumende naletitimele, ngaphandle kwekuvikeleka lokuphocalekile kwemarekhodi latsite e-South African Revenue Service, emadokhethi maphoyisa kutinchubo tekubheyila, lasebenta kuphela kutinhlangano tahulumende.

19.4.4 Uma incenye yelirekhodi kuphela ihlanganiswe nesizatfu sekungabi yiNcenye, Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso watotimbili tinhlango yahulumende noma letimele angaphansi kwesibopho sekucabanga kutsi kuveta incenye yelwatiso kuyenteka uma batfola kutsi kuveta ngalokuphelele lwati akwenteki kantsi kufanele batsatse tinyatselo letidzingekile kuncamula noma kuhlela kabusha leyo ncenye lengeke iniketwe umfakisicelo kanye nekuniketa ivumo yekufinyelela kulo lonkhe lirekhodi.

19.5 Lokutsatfwa njengekwaliwa kwesicelo²⁸

19.5.1 Kwehluleka kuphendvula ngendlela sicelo lesentiwe ngesikhatsi lesibekiwe `kutsatfwa ngekutsi kwala`. Loku kubalulekile, ngoba i-**PAIA** ivumela umfakisicelo kutsi aphikise sincumo uma singekho sincumo lesentiwe kantsi lesicelo asikanakwa. Umfakisicelo utawumane asho kusikhalo sangekhatsi kutsi akamange ayitfole imphendvulo.

19.5.2 Sicelo semvumo yekufinyelela kumarekhodi sibonakala saliya emva kwekuphela kwemalanga langema-30 noma ngabe ngusiphi sikhatsi lesingetiwe kantsi nenhlango yahulumende noma letimele yehlulekile kuphendvula.

19.6 Tizatfu tekukhetsa kwala

19.6.1 Ngetizatfu tekukhetsa kwala, Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso lingacabanga kutsi lisale noma lingasali sicelo ngoba tizatfu tisebenta kulirekhodi lelceliwe. Ngoba uyatikhetsela Umlawuli Welwatiso kufanele asebantise ingcondvo yakhe ngendlela nakacabanga tizatfu letahlukene, lekunguleti:

19.6.1.1 **Tekuvikela, tekuphepha netebudlelwane bamhlabawonkhe eNingizimu Afrika:** Umlawuli Welwatiso angala kufinyelela kumarekhodi uma kukhishwa kwelwatiso kungalindzeleka kulimate tekuvikela noma tekuphepha kwelive. Loku kungaphindza kusebente lapho kukhishwa kwelwatiso kungalimata khona budlelwane baseNingizimu Afrika nalelinye live, njengekuveta emarekhodi lakhishwe ngekutetsemba.

19.6.1.2 **Tinshisakalo temnotfo, tetimali netekutsengisa:** Umlawuli Welwatiso angala kuniketa imvumo yekufinyelela kurekhodi uma kukhishwa kwalo kutawuba yingoti esimeni semnotfo kanye nasesimni setimali taseRiphabhliki;

²⁸ Sigaba 27 ne 58 se-PAIA

19.6.1.3 **Imisebenti yetinhlango tahulumende:** Umlawuli Welwatiso wenhlango yahulumende angala kuniketa imvumo yekufinyelela kulirekhodi uma kukhululwa kwelwatiso kungalimata imisebenti, sibonelo uma ilinga kwakha inchubomgomo, kukhuluma ngendzaba

19.6.1.4 **Ticelo letibonakala tingenasisndvo noma letikhatsatako:** Umlawuli Welwatiso angasala sicelo selwatiso uma anembono wekutsi kucubungula ticelo kutawube kucitsa sikhatsi ngalokungakalungi futsi kuholela ekulahlekeni kwetinsita. Kungeta bangala kuniketa imvumo yekufinyelela kulirekhodi uma lesicelo sibonakala sentiwe ngumfakisicelo kutfukutselisa noma kuchukuluta lokungenasidzingo.

20. KUVETWA LOKUPHOCELELEKILE KWEMAREKHODI KUTE KUZUZE UMPHAKATSI

20.1 Noma ngabe sizatfu sekutikhetsela noma kuphococelelwa ngekwala lokukhona mayelana nesicelo sekufinyelela kumarekhodi ahulumende noma etinhlango letitimele, kuhlala kukhona njalo kutsi kungenteka kutsi tifiso tahulumende ekuvetweni kwemarekhodi tibaluleke kakhulu kunemonakalo lowentiwa kukhishwa kwelirekhodi.

20.2 Lapho kukhona inshisakalo yemphakatsi njengoba kubhalwe ngenhla kantsi nekuvetwa kwelirekhodi kungaveta bufakazi lobukhulu bekuphambuka, noma kwehluleka kwekuhambisana neMtsetfo, noma , kuphepha kwemphakatsi kwanyalo kanye nalokungemandla noma tinkinga tesimondzawo, kantsi Umlawuli Welwatiso kufanele avume sicelo sekufinyelela kulirekhodo nangaphandle kwekuba khona kwetizatfu tekungambandzakanywa letibalwe ngenhla.

21. 21 INCHUBO YEKWATISA BESITSATFU LABATSINTSEKAKO²⁹

21.1 Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso wenhlango uyadzingeka ngekwetigaba 47 na 71 te- **PAIA**, kunaka tonkhe tinyatselo letifanele ekwatiseni umuntfu wesitsatfu mayelana nesicelo semarekhodi akhe langaba nelirekhodi lelinelwatiso.

21.1.1 Lirekhodi laka-**SARS**;

21.1.2 Timfihlo tekuhweba;

21.1.3 Kukhishwa kwelwatiso lokungaba tizatfu tesinyatselo sekuphulwa kwemsebenti wekutetsemba; noma lwatiso lwelucwaningo lolungaveta lomunye noma indzaba kumonakalo lomkhulu.

21.2 Satiso lesiya kumuntfu wesitsatfu emarekhodi noma lwatiso lolungaphansi kwesicelo kufanele simeme umuntfu wesitsatfu kutsi -

²⁹ Sigaba 47 na 71 we-PAIA

- 21.2.1 Ente tetfulo letibhaliwe noma temlomo kuMlawuli Welwatiso kungani sicelo sekufinyelela kumarekhodi kufanele sicitfwe, noma
- 21.2.2 Anikete imvumo lebhaliwe ekuveteni lirekhod lemfakisicelo.
- 21.3 Ngalokubalulekile kumfakisicelo, i-**PAIA** itsi tatiso letibhalelwe umuntfu wesitsatfu kufanele titfunyelwe umuntfu wesitsatfu kungakapheli emalanga langema-21 esicelo lesitfolakele, nekutsi Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso kufanele latise umfakisicelo kwekutsi satiso sitfunyelwe kumuntfu wesitsatfu.
- 21.4 Uma leso satiso sesitfunyelwe, Umlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso kufanele atsatse sincumo sekugcina sekutsi utowakhipha noma angeke awakhiphe emarekhodi **kungakapheli emalanga langema-30** aleso satiso lesitfunyelwe.
- 21.5 Umuntfu wesitsatfu kufanele atiswe mayelana nesincumo lesitsetfwe futsi kufanele kuniketwe tizatfu letifanele mayelana nekuniketa sicelo. Umuntfu wesitsatfu naye kufanele atiswe mayelana nelilungelo kanye nenchubo yekufaka insayeya sincumo njengoba sikhonjiswe endzimeni 22 ngentasi.

22. TINDLELA TEMTSETFO TEKULUNGISA LETIKHONA LETIMELENE NESINCUMO SEKUHLULEKA KUTSATSA SINCUMO SISEBENTI SELWATISO NOMA LISEKELA LESISEBENTISELWATISO

- 22.1 Tinyatselo lekufanele titsatfwe uma sincumo sitsetfwe ngesicelo
- 22.1.1 Umfakisicelo angatsatsa sinyatselo sekulandzelela ngekubhala, ngalesincumo lesilindzile seMlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso. Kuyakhutsata kutsi konkhe kuchumana emkhatsini wemcelisicelo kanye neMlawuli Welwatiso noma Lisekela leMlawuli Welwatiso kufanele kubhalwe kute kusetjentiswe esikhatsini lesitako.
- 22.1.2 Kunetinchubo letehlukene tetinhlango tahulumende naletitimele, ikakhulukati netikhalo tangekhatsi. Asesitsi, mayelana nesicelo sekutfola lirekhodi lenhlango yahulumende, umfakisicelo kufanele acale ngekungenisa sikhalo sangekhatsi ngembi kwekukhuluma neMlawuli noma Inkantolo. Nanoma kunjalo, asikho sikhalo sangekhatsi lesiphikisana nesincumo (noa kumniketa noma kwala kuniketa imvumo yekutfola emarekhodi) noma lokubonwa kukwala kwekutfolakala kwemarekhodi enhlango letimele.
- 22.1.3 Lesigaba sitawuchaza tindlela teMtsetfo letilusito letingatfolakala kumfakisicelo lofisa kubukana naleto tincumo, lokufaka ema-aphili angekhatsi, kufaka sikhalo kuMlawuli kanye neticelo Enkantolo. Phindza ubuke umdwebomfanekiso wenchubo yekufaka sicelo we-**PAIA**, endzimeni 27 ngentasi.

22.1.4 Umfakisicelo, ngetulu kwalokunye, angafaka incabhayi ngalesincumo lesilandzelako semkhakha lotimele ne/noma waHulumende -

22.1.4.1 Ithenda noma kukhokhwa kwemali yesicelo;

22.1.4.2 Ithenda noma kukhokhwa kwediphozithi;

22.1.4.3 Imali yekutfole lwatiso lekumele ikhokhwe ibita ngalokwengcile;

22.1.4.4 luhlobo lwekufinyelela kulwatiso luniketiwe;

22.1.4.5 kungamukelwa kwesicelo;

22.1.4.6 inchubo (kufaka nesikhatsi) yekufaka sicelo sekubuyeketa sangekhatsi;

22.1.4.7 Sikhatsi lesingetiwe lesingakafaneli lesitsetfwe ekuphendvuleni sicelo sekufinyelela;

22.1.4.8 Kwehluleka kuveta emarekhodi;

22.1.4.9 Kuniketwa kwesicelo sekutfole lirekhodi;

22.1.4.10 Kwala kuniketa sicelo sekuyekela timali;

22.2 Kulungisa kwangekhatsi

22.2.1 Umfakisicelo usindlulisa njani sikhalo sangekhatsi ngesincumo senhlangano yahulumende?

22.2.1.1 Sikhalo sangekhatsi singafakwa kuphela, ngekwesigaba 74 we-**PAIA**, nemtimba lofanele wemkhakha waHulumende wavelonkhe noma wesifundza noma wamuphi masipalati emkhakheni waHulumende wenzawo ngendlela lekungaba ngayo³⁰.

22.2.1.2 Manje ngekwesibonelo, Lidolobhakati lasajozi lisibonelo semkhakha waHulumende wenzawo lapho sikhalo sangekhatsi singafakwa khona. BeSikhwama Setingoti Letenteka Emgwacweni noma Umlawuli basibonelo senhlangano yahulumende lengasiyo incenye yeMkhakha waHulumende wavelonkhe, wesifundza noma wenzawo njengoba kubekiwe kumtsetfosimiso, futsi-ke sikhalo sangekhatsi angeke sifakwe kuphikisana naso.

³⁰ Sigaba 74(1) we-PAIA

22.2.1.3 Uma umfakisicelo noma umuntu wesitsatfu angatfokoti ngesincumo lesentiwe nguMlawuli Welwatiso noma Lisekela Lemlawuli Welwatiso wemkhakha waHulumende wavelonkhe, wesifundza noma wenzawo, umfakisicelo noma umuntu wesitsatfu unelilungelo lekufaka sikhalo sangekhatsi, ngekwesigaba 74(1) noma (2) we-**PAIA**. Inchubo yekufaka sikhalo ibekiwe kuncwajana ye-**PAIA** yaleyo nhlangano kanye nendlela yekufaka sikhalo sangekhatsi naso sichazwe kabanti lapha ngentasi.

22.2.1.4 Uya kumkhakha waHulumende wavelonkhe, wesifundza noma wenzawo ikhombisa kwala, ngalamanye emagama, yehlulekile kuphendvula sicelo kungakapheli emalanga langema-30 noma lesinye sikhatsi lesingetiwe, umfakisicelo angafaka sikhalo sangekhatsi, ngekwetinchubo letibekwe lapha, ngembi kwekutsi umfakisicelo aye kuMlawuli noma eNkantolo.

22.3 **Kugcinwa kwemarekhodi kute sincumo sekugcina lesiceliwe sitfolakale ekugcineni**

22.3.1 Umlawuli Welwatiso wemkhakha waHulumende Wavelonkhe, weSifundza noma Wenzawo lapho sikhalo sangekhatsi sisebenta khona futsi sidzingeka, ngekwesigaba 21 we-**PAIA**, ekutsatseni tinyatselo letifanelekile kugcina emarekhodi kantsi angeke acishe noma alahle noa nguliphi lirekhodi lelifelwako, kudzimate kube nguleso sikhatsi lapho tonkhe noma ngutiphi tinchubo kusicelo sangekhatsi noma sikhalo kuMlawuli noma kufaka sicelo senkantolo, njengoba kungaba njalo, ekugcineni kutfolakala.

22.3.2 Loku kusho kutsi Umlawuli Welwatiso angeke acime noma alahle noma nguluphi lwatiso loluceliwe, kulindvwe noma nguyiphi inchubo lechaziwe endzimeni 22.3.1.1 ngenhla.

22.4 **Sikhalo sangekhatsi kufanele sicondziswe kubani?**

22.4.1 Nanoma sikhalo sitogunyatwa ngumtimba lophetse lofanelekile, sikhalo sangekhatsi kufanele sihanjiswe noma sitfunyelwe kuMlawuli Welwatiso weMkhakha waHulumende waVelonkhe, Wesifundza noma Wenzawo, njengoba kungaba njalo, ekhelini lakhe, inombolo yefeksi noma likheli le-imeyili leli-elekhthroniki³¹, imininingwane yekuchumana lengatfolakala kuncwajana ye-**PAIA** noma njengoba ingatfolakala kuMlawuli.

22.4.2 Umlawuli Welwatiso wemkhakha waHulumende wavelonkhe, wesifundza noma wenzawo, njengoba kungaba njalo, unemtfwalo lotsite, ngekwesigaba 75(4) we- **PAIA**, kungenisa sikhalo kumtimba lobukene

³¹ Sigaba 75(1)(b) se-PAIA

netikhalo, kanye netizatfu tesincumo lesingaphansi kwesikhalo. Kungeniswa kwesikhalo kulosiphatsimandla lofanele kufanele kwentiwe kungakapheli emalanga lali-10 ekusebenta emva kwekutfolakala kwesikhalo.

22.5 Ngubani leSiphatsimandla lofanele?

22.5.1 Losiphatsimandla lofanele, lapha lobitwa nge “siphatsimandla setikhalo” ikuvamise kuba yinhloko yepolitiki yemtimba lotsintsekako (nanoma lomsebenti ungandluliselwa ngalokusemtsetfweni) kantsi ikakhulukati kubukiswe kulomuntfu lolandzelako

Inhlangano Yahulumende (“Hulumende”)	Siphatsimandla Lesivamile (“Siphatsimandla Sesikhalo”)
Lihhovisi laMengameli	Ngumuntfu loniketwe emandla lobhalwe phansi nguMengameli, uma akhona, uma kungasinjalo Mengameli uba siphatsimandla sesikhalo
Litiko Lavelonkhe	Ndvuna lobukene nalelo litiko noma ngumuntfu loniketwe emandla lobhalwe phansi nguleyoNdvuna
Lihhovisi LaNdvunankhulu	Ngumuntfu loniketwe emandla lobhalwe phansi nguNdvunankhulu.
Litiko Lesifundza	Lilungu Lemkhandlu Lophetse (i- MEC) lobukene nalelo Litiko Lesifundza noma umun tfu loniketwe emandla lobhalwe phansi ngu- MEC ;
Masipalati	Sodolobha, Somlomo noma ngabe ngumuphi lomunye umuntfu loniketwe emandla lobhalwe phansi nguMkhandlu Wamasipalati walowo masipalati;

22.5.2 Lelinye licala, lapho kungasiko khona lihhovisi landvunankhulu: lilungu lesigungu sekuphatsa lelibukene naleyo nhlangano yahulumende noma umuntfu loniketwe emandla ngekubhalwa phansi ngulelo lunga.

22.5.3 Uma siphatsimandla sesikhalo samukela sincumo seMlawuli Welwatiso, nesikhalo sangekhatsi sicitfwa, kuma sincumo sekucala seMlawuli Welwatiso. Nanoma kunjalo, uma siphatsimandla sesikhalo singavumelani nesincumo seMlawuli Welwatiso, sikhalo sitobese siyamukelwa bese sincumo sekucala siguculwe.

22.5.4 Sincumo sesisebenti selwatiso simile. Noma kunjalo, uma ngabe labaphetse labenta tincepheteliso bangavumelani naleSisebventi Selwatiso, lesincepheteliso siyaniketwa kantsi lesincumo sekucala siyacitfwa.

22.6 Ngubani longafaka sikhalo sangekhatsi?

22.6.1 Noma ngumuphi umfakisicelo losicelo sakhe se-**PAIA** sekufinyelela kumarekhodi emkhakha waHulumende Wavelonkhe, Wesifundza noma Wendzawo njengoba kungaba njalo, singavunywa, kantsi ukholelwa kutsi sinye setizatfu tekufaka sicelo letibhalwe endzimeni 22.2.4 ngenhla siyasebenta esicelweni sabo, unelilungelo lekufaka sikhali sangekhatsi.

22.6.2 Umuntfu wesitsatfu naye angafaka sicelo sekundlulisela sikhalo sangekhatsi ngesincumo lesentiwe nguMlawuli Welwatiso kuniketa imvumo yekufinyelela kumarekhodi labatsintsako. Uma sikhalo sangekhatsi sifaka umuntfu wesitsatfu, siphatsimandla sesikhalo kuyadzingeka satise labo bantfu besitsatfu (ngako-ke umsebeni uyasuka kuMlawuli Welwatiso uya kusiphatsimandla sesikhalo).

22.7 Sikhatsi lofaka ngaso sikhalo

22.7.1 Sikhalo sangekhatsi kufanele sifakwe -

22.7.1.1 angakapheli **emalanga langema-60**³² wangemva kwekutsatfwa sincumo ;

22.7.1.2 angakapheli **emalanga langema-60**³³ sesiniketiwe satiso kumuntfu wesitsatfu ngesincumo lekukhalwa ngaso.

22.7.2 Kufaka sikhalo sangekhatsi ngemva kwesikhatsi lesibalwe ngenhla (kuphutselwa sikhatsi) kungenteka singavunywa, ngaphandle kwekutsi sizatfu lesisemtsetfweni sekuphutselwa sikhatsi siniketiwe siphatsimandla sesikhalo. Sibonelo, njengekulaliswa esibhedlela emalanga langetulu kwema-60 angamukelwa njengetizatfu letisemtsetfweni ngekuphutselwa sikhatsi.

22.7.3 Uma siphatsimandla sekubuyeketa sikhalo singakwamukeli kufaka sikhalo sangekhatsi sikhatsi sesihambile, kufanele sikunikete ngetizatfu tekwala lesikhalo kanye nekubonisa ngalolunye lwatiso lolungetelelwe, uma kukhona lokunye, lokudzingekako kute amukele sikhalo. Siphatsimandla setikhalo kumele siphindze sikubonise mayelana nenchbo yekufaka sikhalo lesiphikisa sincumo seMlawuli noma senkantolo.

³² Sigaba 75(1)(a)(i) we-PAIA

³³ Sigaba 75(1)(a)(ii) we-PAIA

22.7.4 Njengoba kukhonjisiwe ngenhla, sikhalo sakho kufanele singeniswe nguMlawuli Welwatiso kusiphatsimandla sesikhalo kungakapheli emalanga lali-10 emva kwekutfolala sikhalo sangekhatsi³⁴.

22.8 Satiso seseikhalo lesidluliswa siphatsimandla sesikhalo kumfakisicelo noma kumuntfu wesitsatfu

22.8.1 Siphatsimandla sesikhalo kufanele, masinyane ngendlela lekungenteka ngayo kodwa kunoma ngusiphi sehlo kungakapheli emalanga langema-30 emva kwekutfolakala kwesikhalo sangekhatsi³⁵, satise -

22.8.1.1 Umuntfu wesitsatfu lirekhodi lelingaphansi kwesikhalo licondzene naye, noma

22.8.1.2 Umfakisicelo mayelana nesikhalo sangekhatsi lophikisa kuniketwa kwesicelo sekufinyelela kulirekhodi.

22.8.2 Umfakisicelo noma umuntfu wesitsatfu loniketwe satiso, kungakapheli **emalanga langema-21** emva kwekuniketwa satiso, angenta titfulo letibhaliwe kusiphatsimandla sesikhalo sekutsi kungani sicelo sekufinyelela kulirekhodi kufanele noma akukafaneli siniketwe.

22.9 22.3.7 Sincumo ngesikhalo sangekhatsi nesatiso saso³⁶

22.9.1 Siphatsimandla sesikhalo kufanele sincume ngesikhalo sangekhatsi ngekushesha kodwa kunoma ngusiphi sehlo kungakapheli emalanga langema-30.

22.9.1.1 Ngemuva kwekutfolwa kwesikhalo sangekhatsi nguMlawuli Welwatiso wenhlangano;

22.9.1.2 Ngemuva kwekutjelwa kwemuntfu wesitsatfu, njengoba kukhonjisiwe endzimeni 22.3.6.1 ngenhla.

22.9.2 Sincumo sesiphatsimandla sesikhalo kufanele satiswe kulofake sikhalo, umuntfu wesitsatfu kanye nemfakisicelo. Sincumo sesiphatsimandla sesikhalo kufanele sihambisane netizatfu letifanele tesincumo, kufaka kuniketwa kwe-**PAIA** noma kwe-**POPIA** lokutsenjelwe kuko.

22.9.3 Uma siphatsimandla sesikhalo sehluleka kuniketa satiso sesincumo ngesikhalo sangekhatsi kulofake sikhalo kungakapheli emalanga langema-30, sikhalo sitotsatfwa ngekutsi sicitsiwe kantsi umfakisicelo angachubeka afake sikhalo kuMlawuli noma abukane nenkantolo ngekutfolala lusito lolufanele³⁷.

³⁴ Sigaba 75(4) we-PAIA

³⁵ Sigaba 76(2)(a) we-PAIA

³⁶ Sigaba 77 we-PAIA

³⁷ Sigaba 77(7) we-PAIA

22.10 Kugcwalisa sikhalo sangekhatsi – Lifomu 4

- 22.10.1 Kute ufake sikhalo lesiphikisa noma ngusiphi sincumo lesentiwe ngumkhakha waHulumende Wavelonkhe, Wesifundza noma Wendzawo, umfakisicelo kufanele afake sikhalo sakhe sangekhatsi ngekugcwalisa Lifomu 4. Lifomu 4 kufanele lingeniswe nguMlawuli Welwatiso wemkhakha waHulumende lotsintsekile, lokutodzingeka kutsi alindlulisele kusiphatsimandla sesikhalo, njengoba kushiwo ngenhla.
- 22.10.2 Lifomu 4 liyatfolakala kuwebsayithi yeMlawuli, <https://www.justice.gov.za/inforeg/>, kanye newebaysayithi yeMkhakha waHulumende lotsintsekako.
- 22.10.3 Umlawuli Welwatiso noma Lisekela leMlawuli Welwatiso wemkhakha Wahulumende lotsintsekile akekho ngaphansi kwesibopho sekusita umfakisicelo ekugcwaliseni lifomu lesikhalo sangekhatsi, nanoma kunjalo, umfakisicelo angamcela Umlawuli Welwatiso amsite kulesimo.
- 22.10.4 Ngentasi inchubo yesinyatselo ngesinyatselo loyilandzelako kugcwalisa lifomu lesikhalo sangekhatsi -

Lwatiso loludzingekako	Inchazelo
Iminingwane Yeligatja lahulumende	Lesigaba kufanele sifake ligama lemkhakha Wahulumende, Wavelonkhe, Wesifundza noma Wendzawo lotsintsekako, kanye neligama nesibongo seMlawuli Welwatiso.
Iminingwane yalofake sicelo ngesikhalo sangekhatsi	Lesigaba kufanele sigcwaliswe ngulofake sikhalo, umelelwe noma angakamelelwa. Emagama laphelwele nesibongo, inombolo yamatisi kanye nesikhundla sekumelela, uma sikhalo sangekhatsi sifakwe egameni lalomunye, uma kufanelekile, kufanele siniketwe. Uma sikhalo sentiwe ngumnikati, kufanele naloko kubhalwe.

Lwatiso loludzingekako	Inchazelo
	<p>Lolunye lwatiso loludzingekako lufaka imininingwane yekuchumana yemfakisicelo likheli leliposi, likheli le-imeyili, inombolo yefeksi ne/noma inombolo yelucingo. Lolwatiso kufanele lufane nalolo lwesicelo sekucala. Uma umuntfu logcwalisa lifomu angulomele umfakisicelo, bufakazi besikhundla sekummela nakufakwa sikhalo kufanele bufakwe kulelifomu.</p>
<p>Imininingwane yemuntfu locelela lomunye (uma sifakwe ngumuntfu wesitsatfu)</p>	<p>Lesigaba sidzinga kuphela kugcwaliswa ngumuntfu locelela lomunye lwatiso. Uma umuntfu angenisa sikhalo sangekhatsi kungasiye loyo locale lolwatiso, imininingwane yemfakisicelo kufanele iniketwe. Uma umuntfu aticelela lesigaba akudzingeki kutsi sigcwaliswe.</p>
<p>Sincumo lesiyimbangela yekufakwa kwesikhalo sangekhatsi</p>	<p>Lifomu liniketa sikhala sekutfi umfakisicelo akhombise nga"x", loko lokutizatfu tesikhalo lokusebentako kulesikhalo.</p>
<p>Grounds for appeal</p>	<p>Ngaphansi kwalesigaba, umfakisicelo kudzingeke kutsi achaze kabanti kutsi kungani acabanga kutsi tizatfu tesikhalo tiyasebenta. Kudzingeke kutsi anikete si(ti)zatzfu tekutsi kungani acabanga kutsi sizatzfu seMlawuli Welwatiso siliphutsa. Lokunye udzinga kufaka emadokhumenti lasekela lesikhalo. Luhlu lwetizatfu letisekela lesikhalo tingahlelwa kabanti kulelinye likhasi. Uma sikhala lesiniketiwe kulelifomu singeneli, lelinye likhasi kufanele lisayinwe.</p>

Kufanele kube netizatfu letanele kanye nelwatiso lolusekelako khona siphatsimandla sesikhalo sitotsatsa sincumo lesivakalako. Ngako-ke kufanele kufakwe luhlaka lwako konkhe lokwentekile ekuchubekeni kwalesikhalo sangekhatsi. Kulelinye likhasi, ungakhuluma ngetigaba letitsite te-**PAIA** njengesisekelo sesikhalo sakho.

Satiso sesincumo ngesikhalo

Sikhala lesiniketive senchazelo ngendlela sincumo lekufanele sitfunyelwe ngayo, sibonelo ngelposi, khuriwe noma ifascimile noma imeyili. Sicela ukhetse indlela loyinconotako yekwatiswa.

22.10.5 Nanoma kungekho lokukuvimbela ekutfoleni ummeli wekukusita kunoma ngusiphi sigaba sekucela lwatiso, tinchubo letinyenti te-**PAIA** tentelwe kutsi tisebentiseke kususa sidzingo sekufuna ummeli kanye netindleko teMtsetfo longatitfwala.

23. TIKHALO LETIMIKISWA KUMLAWULI WELWATISO

- 23.1 Umfakisicelo noma umuntfu wesitsatfu angatfumela kuphela sikhalo kuMlawuli emva kwekutsi umfakisicelo noma umuntfu wesitsatfu asatihambe tonkhe tinchubo tesikhalo tangekhatsi letiphikisana nesincumo seMlawuli Welwatiso wemkhakha wahulumende wavelonkhe, wesifundza noma wenzawo. Loku kusho kutsi lomunye angatfumela sikhalo salomunye, lesiphikisana nemkhakha lotsite waHulumende kuMlawuli uma lomunye angakajabuli ngesincumo sesiphatsimandla sesikhalo. Umalawuli utawucitsa sikhalo uma inchubo yesikhalo kulomkhakha lofanele wahulumende ingakapheli.
- 23.2 Nanoma kunjalo, mayelana nenhlangano yahulumende (macondzana Nalapho sikhalo sangekhatsi singasebenti) kanye nenhlangano letimele, umfakisicelo noma umuntfu wesitsatfu angatfumela sikhalo kuMlawuli, uma angakaneliseki ngesincumo senhlangano letsintsekako.
- 23.3 Sikhalo lesiya kuMlawuli ngemfakisicelo noma umuntfu wesitsatfu kufanele sifakwe kungakapheli emalanga lali-180 wekutfola sincumo kulenhlangano.

23.4 Umfakisicelo angafaka sikhalo neMlawuli, uma angakatfokoti nge -

23.4.1 Ngemphumela wesikhalo sangekhatsi kusiphatsimandla sesikhalo sanoma ngumuphi umkhakha wahulumende.

23.4.2 Sincumo semphatsimandla wesikhalo sekungavumeli kufakwa kwesikhalo sangekhatsi sikhatsi sesengcile;

23.4.3 Sincumo seMlawuli Welwatiso wenhlangano yahulumende lengasiyo incenye yanoma ngumuphi umkhakha wahulumende -

23.4.3.1 Kwala sicelo sekufinyelela kulirekhodi; noma

23.4.3.2 Kwelula sikhatsi sekubukana nesicelo; noma

23.4.3.3 Kuvumela kufinyelela ngendlela letsite.

23.4.4 Sincumo senhloko yenhlangano letimele ku -

23.4.4.1 Kwala sicelo sekufinyelela kurekhodi; noma

23.4.4.2 Kufuna kukhokhelwa imali noma idiphozithi yemali yekufinyelela kulirekhodi; noma

23.4.4.3 Kwelula sikhatsi sekubukana nesicelo; noma

23.4.4.4 Kuniketa imvumo yekufinyelela kulirekhodi ngandlela tsite.

23.5 Umuntfu wesitsatfu angafaka sikhalo neMlawuli, uma angakatfokoti -

23.5.1 Umphumela wesikhalo sangekhatsi kusiphatsimandla sesikhalo semkhakha lofanele wahulumende;

23.5.2 Sincumo seMlawuli Welwatiso wenhlangano yahulumende lengasiyo incenye yanoma ngumuphi umkhakha waHulumende kuniketa sicelo sekufinyelela kulirekhodi; noma

23.5.3 Sincumo senhloko yenhlangano letimele kuniketa sicelo sekufinyelela kulirekhodi laleyo nhlangano,

23.6 Usifaka njani sikhalo kuMlawuli?

- 23.6.1 Sikhalo lesiya kuMlawuli kufanele sibhalwe kantsi lifomu lesikhalo kufanele ligcwaliswe, ngesandla noma online. Lifomu lesikhalo, Lifomu 5, lingatfolakala kuwebsayithi yeMlawuli, <https://www.justice.gov.za/inforeg/>
- 23.6.2 Loku kusho kutsi Umlawuli angeke amukele sikhalo ngelucingo; nanoma kunjalo, Umlawuli kulindzeleke anikete lusito lolufanele kunoma ngumuphi umuntfu lofisa kufaka sikhalo kantsi loku kufaka lusito lolumayelana nekugcwaliswa kwelifomu lesikhalo.
- 23.6.3 Uma lomunye afaka inselela esincumeni seMlawuli Welwatiso wenhlangano letimele, lomunye akanikete bufakazi lobenele kukhombisa kutsi lirekhodi lelifelwako lidzingeka kutowenta umsebenti noma kuvikela lamanye emalungelo. Kufinyelela kumarekhodi enhlangano letimele kunganiketwa kuphela uma lomunye angaveta kwekutsi uhlose kuwasebentisa nooma kuvikela lamanye emalungelo ngelirekhodi lelifelwe.

23.7 Kwentekani emva kwekutfola sikhalo?

- 23.7.1 Nawutfola sikhalo semuntfu, Umlawuli kufanele -
- 23.7.1.1 Aphenye sikhalo abuye atfumele lakutfolile eKomitini Lekucinisa mayelana nesincumo; noma
- 23.7.1.2 Angatsatsi sinyatselo ngesikhalo ngenca yekutsi -
- 23.7.1.2.1 Sikhalo asikatfunyelwa esikhatsini lesimalanga lali-180 kantsi atikho tizatfu letiphatsakako tekuvumela kuletfwa kwesikhalo lesendlulelwe sikhatsi;
- 23.7.1.2.2 Sikhalo asinasisindvo noma siyanyanyisa asikentiwa ngekutsembeka; noma
- 23.7.1.2.3 Ngekubuka tonkhe letimo talelicalala, lesinye sinyatselo asinasidzingo noma asikafaneli. Sibonelo, lwatiso loluceliwe luyatfolakala kunoma ngubani.
- 23.7.1.3 Lapho kunekubuyisana lokufanele noma kusebentisa imizamo yakhe lencono kuvikela sincumo lesijalo noma kusita emacembu ekusombululeni in(tin)kinga tawo; ne

23.7.1.4 Kubonisa umfakisikhalo kanye neMlawuli Welwatiso, sikhalo lesingaye, ngesinyatselo lesitotsatfwa.

23.8 **Kuchumana kwekucala kwemlawuli nemfakisikhalo kanye neMlawuli Welwatiso mayelana nesikhalo lesifakiwe**

23.8.1 Uma Umlawuli atsatsa sincumo sekungatsatsi sinyatselo ngesikhalo, Umlawuli utowatisa umfakisicelo ngaleso sincumo kanye netizatfu tekungasitsatsi lesinye sinyatselo ngemfakisikhalo.

23.8.2 Uma Umlawuli ancuma kuphenya sikhalo, umfakisicelo utawutfola incwadzi lembonisa kutsi Umlawuli uncume kuchuba luphenyo.

23.8.3 Uma asatfole sikhalo, Umlawuli utawendlulisa imininingwane yesikhalo kuMlawuli Welwatiso wemtimba lofanele, amcele kutsi andlulisele kuMlawuli, imphendvulo lebhaliwe ngesikhalo.

23.9 **Emandla ekuphenya eMlawuli**

23.9.1 Umlawuli unemandla, ngekwesigaba 77G(2) se **PAIA**, se -

23.9.1.1 Kusebentisa konkhe lokusemandleni akhe kutfole leso sivumelwane.

23.9.1.2 Kubita nekuphocenelela kuvela kwebantfu embi kweMlawuli;

23.9.1.3 Kubaphocenelela banikete bufakazi bemlomo noma lobubhaliwe ngekufunga kanye nekuveta noma nguwaphi emarekhodi;

23.9.1.4 Kutfole nekwamukela noma ngubuphi bufakazi kanye nalolunye lwatiso, noma ngekufunga, noma nge-avidavithi;

23.9.1.5 Kungena nekusesha noma ngutiphi takhiwo lekuhlala kuto licembu lelinakile;

23.9.1.6 kubamba i-inthaviyu yangasese nanoma ngumuphi umuntfu kunoma ngusiphi sakhiwo langene kuso; ne

23.9.1.7 kubamba noma nguyiphi imibuto kuleto tindzawo Umlawuli labona tifanele.

23.10 **Kuhambisana kwekuhlola nemibandzela ye- PAIA**

- 23.10.1 Umlawuli angachuba kuhlolwa kwekutsi ligatja lempakatsi noma leliltimele ngalokuvamile liyahambisana nemibandzela ye-**PAIA**.
- 23.10.2 Umlawuli noma ngaluphi luhlobo angabamba kuhlolwa lokuhambisanako ngemtimba, ngekufisa kwawo, nanokuhlola kwekuhambisana ngekwesicelo noma ngumuphi lomunye umuntfu. Loku kusho kutsi noma ngumuphi umuntfu angacela Umlawuli abambe kuhlolwa kwekuhambisana kumtimba. Umuntfu angapsicelo lesingatiwa sekuchuba kuhlolwa kwekuhambisana, ngekukhombisa kwekutsi ucela kuhlala angatiwa.
- 23.10.3 Umlawuli utawuniketa umuntfu locale kuhlolwa ngembiko wekuhlola kanye nesincomo sesinyatselo lesitokwentiwa, uma sikhona.

23.11 **Satiso Selwatiso**

Umlawul angasebenta njengeMlawuli Welwatiso wenhlangano leneSatiso selwatiso loludzinga licembu lekukhulunywa ngalo linikete Umlawuli ngelwatiso loluchaziwe kusatiso. Sibonelo, uma sikhalo lesifakwe neMlawuli simayelana nekwalelwa kungena ngekwanoma ngabe ngutiphi tizatfu letingaafakwa, Umlawuli angacela, ngeSatiso seLwatiso, emakhophi laveta kutsi walelwe kungena kute atfole kutsi ingabe tizatfu tekwala tiseMtsetfweni yini noma cha.

23.12 **Kusungulwa KweLikomidi Lekucinisa/lekuphocenelela**

- 23.12.1 Umlawuli kudzingeka asungule Likomidi Lekucinisa³⁸, lelinemandla eku -
- 23.12.1.1 Cubungula tonkhe tindzaba letidluliselwe kulo nguMlawuli ngekwe-**PAIA** abuye asho lakutfolako ngaloko; futsi
- 23.12.1.1 Ente noma ngutiphi tincomo kuMlawuli mayelana nanoma ngusiphi sinyatselo lesingatsatselwa Umlawuli Welwatiso wenhlangano.

23.13 **Satiso Sekuphocenelela**

- 23.13.1 Umlawuli emva kwekucubungula tincomo teLikomidi lekuphocenelela, anganiketa Umlawuli Welwatiso wenhlangano ngeSatiso Sekuphocenelela -

³⁸ Sigaba 50 se-POPIA

23.13.1.1 Kucinisekisa, kuchibiyela noma kubekela eceleni sncumo lekungisona lesisikhalo; noma

23.13.1.2 Kudzinga kutsi Umlawuli Welwatiso atsatse sinyatselo lesinjalo noma ayekele kutsatsa lesi sinyatselo njengoba uMlawuli Welwatiso achazile esatisweni

23.14 **Iyini imiphulla yekungahambisani neTatiso Tekuphocenelela?**

23.14.1 Umlawuli Welwatiso wenhlangano lowala kuhambisana nesatiso sekuphocenelela unelicala kantsi angahlawuliswa inhlawulo noma aboshwe sikhatsi lesingengi eminyakeni lemitsatfu noma kokubili inhlawulo kanye nekuboshwa.

23.14.2 Sigaba 77K we-**PAIA** ukhombisa kubaluleka kwelilungelo lekutfola lwatiso noma emarekhodi. Lesigaba siphindza sicinise kubaluleka kweMlawuli macondzana nekugcugcutelwa kwelilungelo lekutfola lwatiso.

24. KUFAKA SICELO ENKANTOLO

24.1 **Ngubani longafaka sicelo enkantolo aphikisane nesincumo?**

24.1.1 Umfakisicelo noma umuntfu wesitsatfu angafaka sicelo kuphela enkantolo ngekutfola lusito lolufanele ngekwesigaba 82 kuletimo letilandzelako:

24.1.1.1 Ngemva kwekutsi umfakisicelo noma umuntfu wesitsatfu asacedze yonkhe inchubo yangekhatsi yekwendlulisa licala lekukhulunywa ngayo endzimeni 22.3 ngenhla; noma

24.1.1.2 Ngemuva kwekutsi umfakisicelo noma umuntfu wesitsatfu asacedze inchubo yetikhalo lekukhulunywa ngayo esigabeni 77A.

24.1.2 Ngekwesigaba 78(1) we-**PAIA**, umfakisicelo noma umuntfu wesitsatfu unakubili langakhetsa kuko, angatfumela sincumo, lesibhalwe etindzimeni 22.2.4, 23.4 na 23.5 ngenhla, kuMlawuli noma Inkantolo. Nanoma ungakaphocenelelwa kuya kuMlawuli, njengoba uMlawuli anetindlela tekusombulula tinkinga letiphangisako naletibanti, nakucatsaniswa neNkantolo.

24.1.3 Nanoma kunjalo, kute Inkantolo ibe nemandla ekugweba lendzaba, umfakisicelo noma umuntfu wesitsatfu kufanele -

24.1.3.1 Akhatsatwe tincumo, letibhalwe endzimeni 2 noma 2.2.4, 23.4 noma 23.5 ngenhla; noma

24.1.3.2 Acedze tonkhe tinchubo tetikhalo neMlawuli noma ahocise sikhalo kuMlawuli Loku kusho kutsi angeke uchumane nenkantolo uma sicelo sakho sisalindzile neMlawuli.

24.1.4 Uma lomunye afaka inselela lesincumo seMlawuli Welwatiso lenhlangano letimele, umuntfu udzinga kuniketa bufakazi lobanele kukhombisa kutsi lirekhodi lelceliwe lalomsebenti noma kuvikeleka kwanoma ngabe nguliphi li(ema)lungelo.

24.2 Ungasifaka nini sicelo enkantolo lesibukene nesincumo semtimba noma seMlawuli?

24.2.1 Kufaka sicelo enkantolo ngumfakisicelo noma ngumuntfu wesitsatfu, longakaphumeleli kusikhalo sekubuyeketa licala sangekhatsi kumtimba lobuyeketa sikhalo wemkhakha lofanele waHulumende noma lokhalako ngesincumo seMlawuli Welwatiso wenhlangano (kubhalwe ku 22.2.4, 23.4 noma 23.5 ngenhla) noma lowo weMlawuli kufanele ungeniswe kungakapheli emalanga lali-180 kusuka ngelilanga lesehlo lekungaso.

24.2.2 Umlawuli Welwatiso wenhlangano noma umtimba lophetse tekubuyeketa licala waHulumende, ngendlela lekungaba ngayo, akhala ngesincumo seMlawuli angafaka sicelo enkantolo ngekutfole lusito lolufanele ngekwesigaba 82, kungakapheli emalanga lali- 180³⁹.

24.2.3 Umfakisicelo, umuntfu wesitsatfu, noma inhlangano, angafaka sicelo enkantolo kute atfole noma ngusiphi setincumo labakhla ngato kutsi tibuyeketwe yiNkantolo.

24.2.4 Kufaka sicelo enkantolo ngaphansi kwe-**PAIA** kwentiwa ngetinchubo temphakatsi, kantsi kufanele kwentiwe njengendlela yekugcina.

24.2.5 Emacala ekutfole lwatiso angalalelwa eTinkantolo Tamantji, njengenkantolo yekucala⁴⁰, nenkantolo lephakeme lenemandla.

24.2.6 Kwehluleka kungenisa sicelo kungakapheli sikhatsi semalanga lali 180 kungacolelwa yiNkantolo uma lomunye akhombisa inshisakalo yekudzinga bulungiswa. Loku kusho kutsi inkantolo ingamukela sicelo lesiphutselwe sikhatsi uma indzaba lekufanele igwetjwe kutfolakala kutsi inenshisakalo

³⁹ Sigaba 78(4) se-PAIA

⁴⁰ Sigaba 91A se-PAIA neMitsotfo Yekutfutukisa Kufinyelela Kulwatiso, 2019

yebulungiswa. Uma emarekhodi lacelwako atosita lomunye ekufakeni sicelo sekubuyeketwa kwesigwebo kute angaboshwa noma kusita lomunye ekutfoleni kunakwa ngetekwelashwa, sibonelo, inkantolo kungenteka ikucolele ngalendlela.

24.2.7 Sicelo singaletfwa sihambisana nenchubo lebekwe emtsetfweni 53 weMitsetfo Yenkantolo Lephakeme noma ngekwemtsetfo 55 weMitsetfo Yenkantolo YaboMantji uma kungenamarekhodi noma emarekhodi langakacedvwa laletfwe ngumabhalane.

24.2.8 Uma emarekhodi asaletsiwe, sicelo sitawuletfwa ngekwesigaba 55 weMitsetfo Yenkantolo YaboMantji, kuye ngekutsi kunesizatfu sekutsi umfakisicelo akholelwe ekutseni lirekhodi leliphelile lenchubo kungenteka alikaletfwa ngumabhalane, umfakisicelo angachubeka ngekwenchubo lebekwe kuMtsetfo 53 weMitsetfo yenkantolo Lephakeme, elukhetfweni lwayo, kodvwa utawukhombisa kubufakazi lobufungelwe kungani kube nesizatfu sekukholelwa ekutseni lirekhodi leligcwele alikaniketwa⁴¹.

24.3 **Sinjani simo semtsetfo sesincumo seMlawuli kusalindvwe sincumo seNkantolo?**

Emandla emlawuli atfolakala kakhulukati kuMtsetfosisekelo, ku-**POPIA** naku-**PAIA**. Ngenca yaloko, satiso sekuphocenele lesikhishwe nguMlawuli sinemphumela wetemtsetfo futsi siyabophelela kudzimate kufike sikhatsi lapho inkantolo yemtsetfo incume khona ngalenywe indlela. Tincumo teMlawuli tiyasebenta futsi tiyaphocelwa ngaphandle kwalapho ucondzise ngalenywe indlela yinkantolo lefanele.

24.4 **Nguyiphi imiyalelo inkantolo lelalela sicelo lengasiniketa?**

24.4.1 Kulalelwa kwesicelo yinkantolo (noma yaMantji noma Inkantolo Lephakeme) kungenta lemiyalelo lelandzelako -

24.4.4.1 Cinisekisa, kuchibiyele noma kubekela eceleni sincumo seSikhulu Selwatiso, noma Umtimba lobuke Tikhalo noma Umlawuli Welwatiso;

24.4.4.2 Kudzinga Umlawuli Welwatiso noma Umtimba Lobuke Tikhalo utsatse sinyatselo lesinjalo njengoba Inkantolo ibona kudzingekile kulesikhatsi lesibekiwe kulesicondziso;

24.4.4.3 Kuniketa incwadzi levimbela umtsetfo, yesikhashana noma yekuphumuta lokutsi, sicondziso sesimemetelo noma sicondziso sekuncephetelisa;

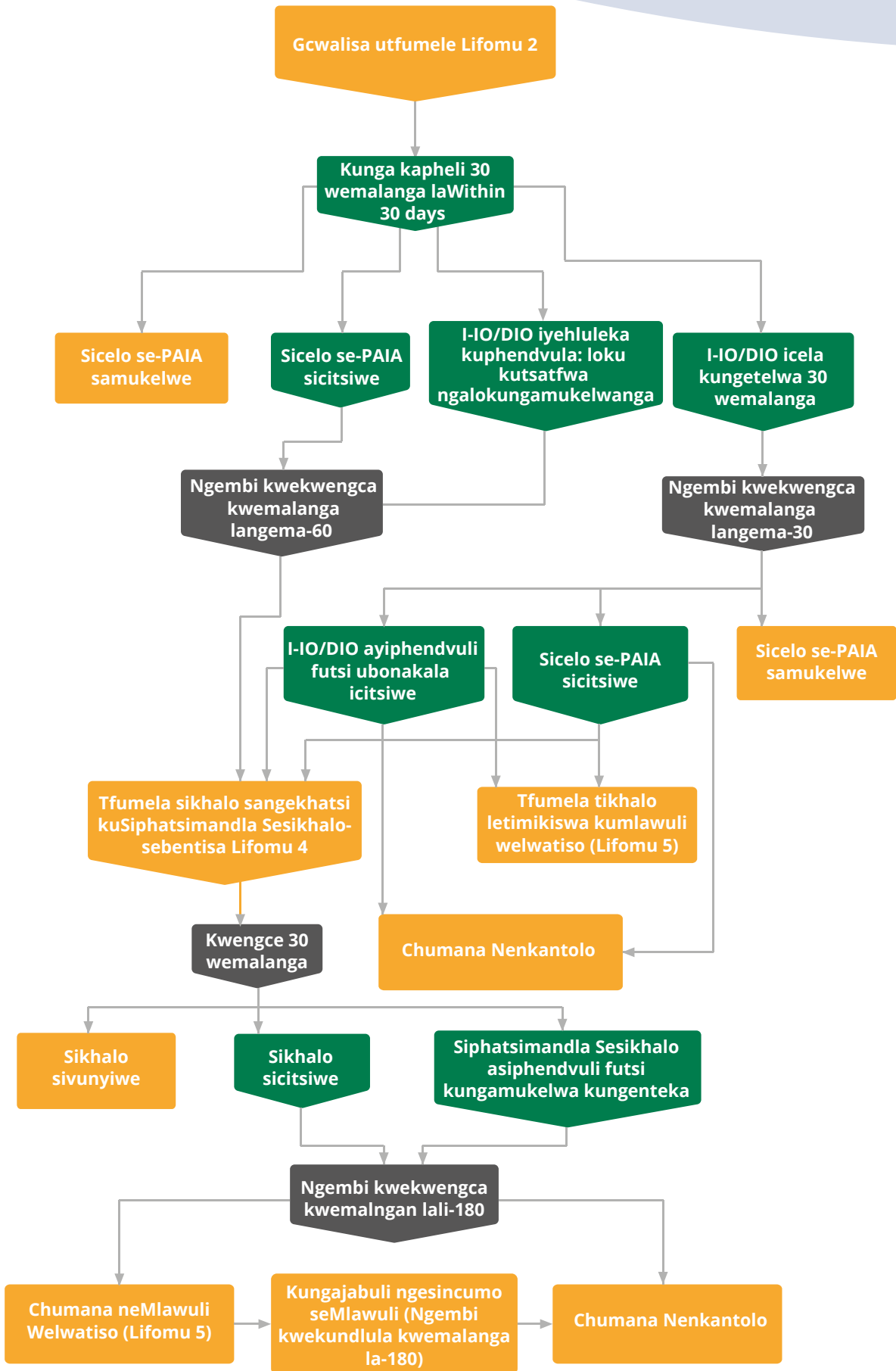
⁴¹ Umtsetfo 4 Imitsetfo Yelwatiso kanye neKukhutsatwa Kwekufinyelela, 2019

24.4.4.4 Kwenta sicondziso setindleko letibukene nanoma nguliphi licembu;

24.4.4.5 Ingekubuka tinshisakalo tebulungiswa, yekela tintfo letingahambisani ngesicondziso ngesikhatsi se-180 ngelusuku kwentela kufaka sicelo. Njengoba kukhonjisiwe ngenhla, tizatfu letanele tekwehluleka kulandzela sikhatsi lesibekiwe kufanele ichazwe kabanti ekuhambisaneni nesicelo ekucolelweni.

25. UMDVWEBO WENCHUBO YEKUFAKA SICELO NGEKWE-PAIA

Sicela ubuke umdvwebomfanekiso wenchubo lehamba ngekulandzelana, ngetinchubo letitolandzelwa nawusebentisa lilungelo lekutfo la watiso.



26. IMITSETFO LEMISWE NGEKWESIGABA 92 SE-PAIA

- 26.1 Ngekwesigaba 92(1) na 92(4) se-**PAIA**, Ndvuna wente Imitsetfosismo lemayelana Nekutfufukiswa Kwekutfolakala Kwelwatiso, lokufaka letintfo letilandzelako
- 26.1.1 Imisebenti yeMlawuli Welwati (**umtsetfosimiso wesi-2**)
 - 26.1.2 Imisebenti yeMlawuli Welwatiso (**umtsetfosimiso wesi-3**)
 - 26.1.3 Kutfolakala lokutentakalelako kwemarekhodi latsite etinhlango tephakatsi (**umtsetfosimiso wesi- 4**)
 - 26.1.4 Kutiveta ngekutitsandzela kanye nekutfolakala lokutentakalelako kwemarekhodi latsite etinhlango letitimele (**umtsetfosimiso wesi-5**)
 - 26.1.5 Sicelo sekutfolakala kwelwatiso lolubanjwe tinhlango tahulumende noma letitimele (**umtsetfosimiso wesi- 6**)
 - 26.1.6 Umphumela wesicelo netimali letikhokhwako (**umtsetfosimiso wesi- 7**)
 - 26.1.7 Kwendluliswa kwangekhatsi wesincumo lesentiwe yinhlango yemphakatsi (**umtsetfosimiso wesi- 8**)
 - 26.1.8 Kufaka tikhalo kuMlawuli Welwatiso (**umtsetfosimiso we- 9**)
 - 26.1.9 Inchubo mayelana neluphenyo lwesikhalo (**umtsetfosimiso weli- 10**)
 - 26.1.10 Kucatululwa kwetindzaba (**umtsetfosimiso weli-11**)
 - 26.1.11 Kubuyisana ngendzaba (**umtsetfosimiso weli-12**)
 - 26.1.12 Kuhlolwa kwekuhambisana neMlawuli Welwatiso ekuphendvuleni sicelo (**umtsetfosimiso weli-13**)
 - 26.1.13 Emacala netimali lekumele tikhokhwe (**umtsetfosimiso weli 14**)
 - 26.1.14 Kuchumana nge-elektronikhi (**umtsetfosimiso 15**)
 - 26.1.15 Emacala netinhlawulo (**Regulation 16**)
- 26.2 Ngekwesigaba 79(1) se-**PAIA**, Ibhodi yemitsetfo Yetinkantolo Temtsetfo, ngemvume yaNdvuna, yenta imitsetfo yenchubo ye -
- 26.2.1 nkantolo macondzana neticelo ngekwesigaba 78 se-**PAIA**; futsi
 - 26.2.2 inkantolo ingatfolatsetfulo lekuyincenye lekukhulunywe ngayo esigabeni 80(3)(a).

27. IMITSETFO LEBALULEKILE, IMITSETFOSIMISO, TATISO NEKWAMUKELA

Imitsetfosimiso, njengoba ingachitjiyelwa njalo nje

Umtsetfo Lokhutsata Kutfolakala Kwelwatiso, Umtsetfo wesi-2 wa-2000

Umtsetfo Lokhutsata Kuphatfwa Kwetebulungiswa, Umtsetfo wesi-3 wa-2000

Umtsetfo Lochibiyela Kukhutsatwa Kwekutfolakala Kwelwatiso, Umtsetfo wema-54 wa-2002

Umtsetfo Lovikela Lwatiso Lwebantfu, Umtsetfo wesi-4 wa-2013

Umtsetfo Lochibiyela Kukhutsatwa Kwekutfolakala Kwelwatiso, Umtsetfo wema-31 wa-2019

Umtsetfo Wetimali Telicembu Ietepolitiki, Umtsetfo wesi-6 wa-2018

Imitsetfosimiso netatiso

Satiso SaHulumende	Lusuku Lwekushicilela	Sihloko nenchazelo
Satiso saHulumende R. 757 ku-GG Nom. 45057	27 Ingci 2021	Imitsetfo lelawulako lephatselene neKutfutukiswa Kwekufinyelela Kulwatiso, 2021
Satiso SaHulumende R.991 in GG 28107	14 Okthoba 2005	Imitsetfosimiso lechaza tizatfu lapho umuntfu akhululwa ekukhokhweni kwemali.
Satiso saHulumende 397 ku-GG Nom. 44785	30 Ingci 2021	Kukhululwa kwaleminye imitimba yahulumende ekuhlanganiseni Tinkhombandlela te-PAIA.
Satiso SaHulumende 1217 in GG 42717	19 Septemba 2019	Kukhetfwa kwetinkantolo taMantji letinemandla ekulalela tindzaba te-PAIA.
Satiso SaHulumende R.1284 in GG 42740	4 Okthoba 2019	Imithetho yenchubo yeticelo letitokwentiwa ngekwe-PAIA ngembi kweNkantolo Lephakeme noma iNkantolo yeMantji.

KWAMUKELA

Lomhlahlandlela lobuyeketiwe ngendlela yekusebentisa i-**PAIA** wahlanganiswa kucala yiKhomishini YaseNingizimu Afrika Yemalungelo Eluntfu (i-**SAHRC**) kanye neMlawuli ngekunatisa ngemsebenti wakucala we-**SAHRC**, kuhlanganise nayo yonkhe imitfombo yayo.

Ikhishwe ngu

UMLAWULI WELWATISO