

# IMEMORANDAMU YEENJONGO ZEZILUNGISO ZOMTHETHO OYILWAYO WAMA-2020

## 1. IINJONGO ZOMTHETHO OYILWAYO

UMthetho oYilwayo wama-2020, (“uMthetho oYilwayo”), ujonge ukuhlomela uMthetho wobuGcisa beCandelo, wowe-1986 (uMthetho onguNombolo 95 wowe-1986) (“uMthetho”), ukuze –

- (a) alungise iingcaciso ezithile;
- (b) ukubonelela umphuhlisi ukuba aphenhlele imibuzo ebuzwa kumphuhlisi zii-arhente zabaqeshi;
- (c) ukubonelela kwakhona ngohlenga-hlengiso lwezicwangciso zamacandelo ngokumalunga neendawo ezisetyenziselwa usetyenziso olulodwa;
- (d) ukubonelela kwakhona ngolungiso kunye nokucinywa kwesicwangciso secandelo ngokomyalelo wenkundla;
- (e) ubonelele ngokuqatshelwa kwetayitile malunga nokuphelelwa kwexesha ebekelwe bucala ngokwecandelo 25;
- (f) ubonelele ngengqeshiso yenxalenye yepropati yomntu wonke ngemvume yabanini bamalungelo okwenene abhalisiweyo;
- (g) alungise imiqathango emalunga nokuchaswa kwepropati yomntu wonke;
- (h) ibonelele ngakumbi ngokucinywa kwecandelo lemali yokubambisa kunye nendawo yokusetyenziswa kuphela ekubanjiswe kuyo;
- (i) kananjalo ibonelele ngomphuhlisi ukuba angenise isicwangciso sokwahlulwa-hlulwa okanye sokudibanisa kuNocanda-Jikelele ukuze avunywe ukwahlula, ukuhlanganisa kunye nokwandisa icandelo;
- (j) andise ukubhaliswa kolwahlulwa-hlulo lwecandelo, ukudityaniswa kwamacandelo, nokwandiswa kwamacandelo kubaphuhlisi;
- (k) ubonelele ngokufayilishwa kwamaxwebhu endaweni yawo ngokumalunga namaxwebhu alahlekileyo okanye atshatyalalisiweyo;
- (l) alungise izibonelelo ezinxulumene nokwandiswa kwenkqubo;
- (m) alungise amagatya anxulumene nezabelo zentatho-nxaxheba zamacandelo;
- (n) ukulawula ubulungu bebhodi yemigaqo yetayitile yecandelo; kunye (o) nokubonelela ngemiba enxulumene noko.

## **2. UHLALUTYO LWEGATYA NGEATYA**

### **2.1 ISoloty 1**

2.1.1 ISoloty 1 lijonge ukulungisa icandelo 1 loMthetho.

2.1.2 Amagama akhoyo ngoku enkcazo “indawo yokusetyenziswa kuphela” ibhekisa kusetyenziso olukhethekileyo kuphela “ngabanini okanye abanikazi becandelo elinye okanye ngaphezulu”. Inkcazo inokutolikwa ngendlela enokukhuphela ngaphandle nawuphi na umntu ongenguye umnini ukuba asebenzise indawo yokusetyenziswa kuphela, efana nomqeshisi, ogunyazisiweyo okanye iqabane lomnini okanye elinye ilungu lekhaya lomnini. Isilungiso esicetywayo kwisoloty loku-1(a) loMthetho oyaYilwayo sijolise ekucaciseni lo mbono.

2.1.3 Inkcazelo “yoMthetho woLawulo lweZikimu zeTayitile zeCandelo” ibhekisa ngokungachanekanga ekubeni inguMthetho ka-2010. Isihlomelo esicetywayo kwisoloty loku-1(b) loMthetho oyaYilwayo silungisa ukucatshulwa “kuMthetho woLawulo lweNkqubo yeTayitile yeCandelo”.

### **2.2 ISoloty 2**

Igaty 2 lijonge ukwenza izilungiso kwicandelo 4 loMthetho, elijongene nolwamkelo lwezikim zophuhliso kwaye libonelela ukuba umakhi ukuba abentlanganiso nomqeshi ngamnye wesakhiwo kwiimeko apho inxalenye yeso sakhiwo siya kuvunyelwa ngokupheleleyo okanye ngokuyinxenye ukuba sibe yindawo yokuhlala. iinjongo. ICandelo 4(3)(b) libonelela umphuhlisi ukuba aphenyule yonke imibuzo efanelekileyo yabaqeshi abakhoyo kuloo ntlanganiso. Imfuno ichongiwe yokubonelela ummeli womqeshisi ukuba enze egameni lalowo urentayo kwiimeko apho umqeshi angekhoyo entlanganisweni.

### **2.3 ISoloty 3**

2.3.1 Igaty 3 lijonge ukulungisa icandelo 14 loMthetho, elijongene nokulungiswa nokucinywa kwezicwangciso zamacandelo.

2.3.2 Icandelo 14 libonelela kuphela ngemiba ephathelele kumacandelo achatshazelwa zizicwangciso zecandelo ezingachanekanga. Kukwakho imfuneko yokwandisa umda wecandelo le-14 ukubandakanya iindawo zosetyenziso olulodwa ezichatshazelwa zizicwangciso zamacandelo ezingachanekanga. Izilungiso ezicetywayo kumagaty 3(a) kunye (b) alo Mthetho uYilwayo zifuna ukulungisa le meko.

2.3.3 Icandelo le-14(8) loMthetho libonelela ngokucinywa kwesicwangciso secandelo ngomyalelo wenkundla. Isilungiso

esicetywayo sijonge ukucacisa imeko kwiimeko apho kukho ibhodi yebhodi ekhoyo kwaye inkundla yenza umyalelo wokucinywa kwesicwangciso secandelo.

## **2.4 Isoloty 4**

Igaty 4 lijonge ukufakela izilungiso kwicandelo 15B loMthetho, elibonelela ngobhaliso lokutshintshelwa kobunini kwinkqubo yetayitile yecandelo. ICandelo le-15B loMthetho lithe cwaka xa liqwalasela ukuphela kwelungelo eligcinwe ngokwemiqathango yecandelo lama-25(1) loMthetho. Ukongezwa kwecandelwana 1(e), njengoko kucetyiwe kwisoloty 4 loMthetho oYilwayo, kujonge ukubonelela ngokuqatshelwa kwetayitile efanelekileyo xa isicelo somphuhlisi, okanye liqumrhu lequmrhu kwiimeko apho umakhi engasekho.

## **2.5 Isoloty 5**

2.5.1 Igaty 5 lijonge ukulungisa icandelo 17 loMthetho, elijongene nokutshitshiswa kunye nokuthengiswa kwepropati yomntu wonke. Ngokwemigaqo yecandelo 17(4)(b), umbhalisi akayi kubhalisa ingqesho yomhlaba oyinxalenye yepropati yomntu wonke, ngaphandle kokuba olo qeshiso lwenziwa ngokuxhomekeke kuwo onke amalungelo omnini wecandelo. ICandelo le-17 aliboneleli ngendawo yokuqeshisa ukuba ibe phantsi kwamalungelo abanini bamalungelo okwenene ngokwemiqathango yeCandelo lama 25 nelama-27. , ifuna ukwenza oku.

2.5.2 Icandelo le-17(4B) libonelela ngokutshitshiswa kwenxalenye yepropati yomntu wonke ekubhaliswe kuyo indawo yokusetyenziswa kuphela okanye inxalenye yayo. Nangona kunjalo, ukubhaliswa kokudluliselwa kwepropati yomntu wonke kunokuchaphazeleka kuphela emva kokucinywa kwendawo yokusetyenziswa kuphela, okanye inxalenye yayo, emi kwipropati yomntu wonke eza kudluliselwa. UMthetho awuboneleli ngokusebenzelana nenxalenye yendawo yokusetyenziswa kuphela. Ulungiso olucetywayo lwecandelo 17(4B)(a) no-(b), njengoko luqulathwe kwisoloty 5(b) loMthetho oYilwayo, lujonge ukulungisa le meko

2.5.3 Ulungiso olucetywayo kwicandelo 17(4C), njengoko luqulathwe kwisoloty 5(c) loMthetho oYilwayo, lulandela ukwenziwa kwezilungiso kwicandelo 17(4B), ekubhekiswe kulo kumhlathi 2.5.2.

## **2.6 Isoloty 6**

Igaty 6 lijonge ukulungisa icandelo le-18 loMthetho owenza amalungiselelo ecandelo lama-56 nelama-57 oMthetho weeRegistries zeMihlaba ka-1937 (uMthetho onguNombolo 47 wowe-1937), elisebenza kudluliselo lweyunithi yokubambisa kunye nepropati yomntu wonke ekubanjiswe ngayo, kunye Ukuyekwa kwesivumelwano sokubambisa seyunithi kunye nelungelo lokwenyani eliboleke ngeyunithi. Eli candelo likhankanyiweyo, nangona kunjalo, lithe cwaka ngokumalunga nokucinywa, phantsi kwecandelo le-17, lecandelo lemali yokubambisa, indawo yokusetyenziswa kuphela, kunye

namalungelo okwenene okongezwa. ISoloty lesi-6 lijonge ukubonelela ngokubandakanywa okuyimfuneko.

## **2.7 Isoloty 7**

ICandelo lama-21 loMthetho libonelela ngolwamkelo lwezicwangciso zecandelo lokwahlulwa-hlulwa kunye nokuhlanganiswa kwamacandelo. ICandelo lama-21 aliboneleli ngomphuhlisi, phambi kokusekwa kwequmrhu lequmrhu, ukuba enze umhlathana womhlaba okanye umyili wezakhiwo ukuba angenise isicwangciso secandelo eliyidrafti lolwahlulo-mhlaba okanye lokuhlanganisa, njengoko kunokuba njalo, kuNocanda-Jikelele ukuze amkelwe. Igatya lesi-7 lijonge ukufaka icandelo 21(1A) kuMthetho, ukubonelela ngomphuhlisi, phambi kokusekwa kwequmrhu lequmrhu, ukuba enze umhlathana womhlaba okanye umakhi wezakhiwo ukuba angenise idrafti yesicwangciso secandelo lolwahlulo-mhlaba okanye lokuhlanganisa, njengoko kunjalo. inokuba, kuNocanda-Jikelele ukuze avunywe.

## **2.8 Isoloty 8**

2.8.1 Isoloty 8 lijonge ukulungisa icandelo 22 loMthetho, elijongene nokubhaliswa kolwahlulo lwecandelo. Ufakelo olucetywayo lwecandelo 22(1A) no-22(2A), lujolise ekuboneleleni ngomphuhlisi ukuba enze isicelo sokubhaliswa kwesicwangciso secandelo sokwahlulwa kwecandelo, phambi kokusekwa kwequmrhu loshishino.

2.8.2 ICandelo lama-22(5) libonelela ngokuvunywa kwetayitile ebhaliswe ngokuchasene netayitile yecandelo ukuze kuboniswe ulwahlulo olunjalo. Nakuba kunjalo, icandelo lama-22(2) elibonelela ngokungeniswa kwamaxwebhu etayitile afanelekileyo ngeenjongo zokuqinisekisa, liyasishiya imbekiselo kwingqeshiso. Igatya lesi-8 lijonge ukufaka icandelo 22(2)(cA) ukuze libonelele ngokuqukwa koqeshiso.

2.8.3. Isoloty 8(c) no-(d) lijonge ukulungisa icandelo 22(2)(d) lize licime icandelo 22(2)(e) loMthetho. ICandelo lama-22(2)(d) loMthetho libonelela ngokukhutshwa kwezatifikethi zetayitile zamacandelo ezibhalisiweyo kulungiselelwa abantu abanelungelo lokuzifumana ngokwemiqathango yesivumelwano solwahlulo. Nangona kunjalo, indawo echanekileyo yolwahlulo lweziqinisekiso zetayitile yecandelo elibhalisiweyo mazikhutshwe kumagama abanini abadibeneyo beyunithi yokuqala. Udluliselo lwezahlulo lunokuthi ke ngoko lubhaliswe emva kokukhutshwa kwesatifikethi sezihloko zecandelo ezibhalisiweyo.

## **2.9 Isoloty 9**

2.9.1 ICandelo lama-23 loMthetho lijongene nokubhaliswa kokuhlanganiswa kwamacandelo. Igatya le-9 lijonge ukwenza izilungiso kwicandelo 23

loMthetho, ngokufaka amacandelo 23(1A) no-23(2A) ukuze kulungiselelwe umakhi, phambi kokusekwa kwequmrhu lequmrhu, ukuba enze isicelo sokubhaliswa kwesicwangciso secandelo ukudityaniswa kwamacandelo amabini nangaphezulu.

2.9.2 Icandelo 23(2) loMthetho libonelela ngokuvunywa kwetayitile ezibhalisiweyo ngokuchasene netayitile yecandelo ukubonisa oko kudityaniswa. Igatya le-9 lijonge ukwenza izilungiso kwicandelo 23(2) loMthetho, ngokufaka icandelo 23(2)(cA), ukuze kulungiselelwe ukufakwa kwamaxwebhu etayitile afanelekileyo ngeenjongo zokuqinisekisa, kuquka nembekiselo kwingqeshiso.

## **2.10 ISoloty 10**

2.10.1 Igatya 10 lijonge ukulungisa icandelo 24 loMthetho, elijongene nokubhaliswa kokwandiswa kwecandelo kwiskimu.

2.10.2 Ufakelo olucetywayo lwamacandelo 24(3A) kunye nelama-24 (6AA) lujonge ukubonelela umakhi, phambi kokusekwa kwebhodi yequmrhu, ukuba enze umhlathana womhlaba okanye umakhi wezakhiwo ukuba angenise idrafti yesicwangciso secandelo sokwandiswa kwesakhiwo. icandelo, kuNocanda Jikelele ukuze amkelwe.

2.10.3 Igatya le-10 likwajonge ukulungisa icandelo 24(6) loMthetho, elibonelela ngamaxwebhu ekufuneka ahambe nesicelo kumbhalisi sokubhaliswa kwesicwangciso secandelo sokwandiswa kwecandelo, ngokubandakanya ukuqeshisa uluhlu lwamaxwebhu ekufuneka ahambe nesicelo eso.

## **2.11 ISoloty 11**

2.11.1 ISoloty 11 lijonge ukulungisa icandelo 25 loMthetho, elijongene nokwandiswa kweskim ngokongezwa kwamacandelo kunye neendawo ezisetyenziswa ngokukodwa.

2.11.2 ICandelo lama-25(2) loMthetho libonelela ngokufayilishwa kubhaliso lweetayitile, phakathi kwezinye izinto, isicwangciso sokulinganisa esibonisa inxalenye yepropati yoluntu echatshazelwa lugcino ukuya kumlinganiselo weskim, isicwangciso sokulinganisa indlela izakhiwo eziya kwahlulwa ngayo zibe ngamacandelo kunye neendawo ezisetyenziswa ngokukodwa, kunye neshedyuli ebonisa uqikelelo lwezabelo zentatho-nxaxheba yawo onke amacandelo. Ufakelo olucetywayo lwecandelo 25(2A), lujonge ukubonelela ngamaxwebhu endaweni yawo ukuba afakwe efayilini kwiimeko apho loo maxwebhu alahlekileyo okanye atshatyalalisiwe.

2.11.3 Icandelo 25(5A)(a) loMthetho libhekisa kuphela ekufakweni kweyunithi kwirejista yetayitile yecandelo elifanelekileyo. Igatya le-11 lijonge

ukufakela izilungiso kwicandelo 25(5A)(a), ukuze liquke nendawo yokusetyenziswa kuphela.

2.11.4 ICandelo lama-25(6) loMthetho libonelela ngequmrhu lequmrhu ukuba lifake isicelo sokwandiswa kweskim kwiimeko apho kungekho gcino lwenziweyo ngumphuhlisi ngokwecandelo lama-25(1), okanye ukuba ugcino olo lwenziwe. , kwaye yaphela. Elo lungelo linokusetyenziswa liqumrhu elilawulayo ngemvume ebhaliweyo yawo onke amalungu ebhodi yebhodi kunye nabagcini beebhondi bazo zonke iiyunithi kwiskim. Isilungiso esicetywayo secandelo 25(6) sijonge ukufaka umgaqo wokuba ibhodi yequmrhu iya kulisebenzisa kuphela okanye ilahlekise okanye idlulisele elo lungelo ngemvume ebhaliweyo yawo onke amalungu ebhodi yequmrhu, abo babolekise ngemali kwiiyunithi kunye namalungelo okwenene phezu iiyunithi, kunye nabanini bamalungelo okwenene abhalisiweyo phezu kweeyunithi ezikwiskim nabangayi kubamba loo mvume ngaphandle kwesizathu esibambekayo emthethweni.

2.11.5 Izilungiso ezicetywayo zamacandelo 25(10)(c) kunye nama-25(10)(dA) oMthetho, zijonge ukuphelisa uphinda-phindo kumacandelo 25(10)(c) kunye necandelo 25(10)(dA) , ebonelela ngokungeniswa kunye nokwamkelwa kweebhondi zokubambisa ezibhaliswe ngokuchasene nesatifikethi selungelo lokwenyani lokwandiswa.

## **2.12 ISoloty 12**

Igaty 12-12 lijonge ukulungisa icandelo lama-26 loMthetho, elijongene nokwandiswa kweenkqubo ngokongezwa komhlaba kwipropati yomntu wonke. Igaty 12-12 lijonge ukubonelela ngokongezwa kwecandelwana (8) nele-(9), ukuze kubonelelwe ngomphuhlisi, phambi kokusekwa kwequmrhu lequmrhu, ukuba enze isicelo sokubhaliswa kwesicwangciso sokwandiswa kwepropati yomntu wonke.

## **2.13 ISoloty 13**

Igaty 13-13 lijonge ukwenza izilungiso kwicandelo 27 loMthetho, ngokuthi kufakelwe icandelwana (5A), ukuze kube nokwenzeka ukuba umakhi, phambi kokusekwa kwequmrhu loshishino, ukuba arhoxise amalungelo akhe okusetyenziswa kuphela kweenxalenye zecandelo. ipropati eqhelekileyo. Umthetho uthetha cwaka malunga nokucinywa kwamalungelo okusetyenziswa ngabaphuhlisi kuphela.

## **2.14 ISoloty 14**

Igaty 14-14 lijonge ukulungisa icandelo lama-32 loMthetho, elijongene nothatho-nxaxheba lwamacandelo. Amacandelo 32(1) kunye ne-(2) aqulathe amalungiselelo aphaqhelele ekumiselweni kwekowitza yentatho-nxaxheba kwaye enze izibonelelo ezilolo hlobo ngokuxhomekeke kwicandelo lama-48 loMthetho. ICandelo lama-48 loMthetho litshitsiswe nguMthetho woLawulo

IweZikimu zeMihlaba yeCandelo, wama-2011 (uMthetho onguNombolo 8 wama-2011). Igatya le-14 lijonge ukufaka endaweni yembekiselo yecandelo lama 48 loMthetho, ngokubhekisele kwicandelo le 17 loMthetho woLawulo lweNkqubo yeTayitile yeCandelo.

## 2.15 ISolotya 15

2.15.1 ISolotya 15 lijonge ukulungisa icandelo 54 loMthetho. IBhunga lesiGqeba soLawulo loMbutho woMthetho weRiphabliki yoMzantsi Afrika ('LSSA') lityumba umdluliseli omnye ukuba aqeshwe nguMphathiswa njengelungu leBhodi yeMigaqo yeTayitile yeCandelo. Nangona kunjalo, i-LSSA imelwe ngabadlulisi ababini kwiiRejistri zeMihlaba IBhodi yeMigaqo, esekwe ngokwemiqathango yecandelo 9 loMthetho weeRegistries zeDeeds. Ukulungiswa kwecandelo 54(2)(c)(i), kwisolotya le-15(a) loMthetho oYilwayo kuyafuneka kwaye kuhambelana nemigaqo yecandelo lesi-9 loMthetho weeRejistri zeMihlaba.

2.15.2 Kukho imfuneko yokuba ummeli webhodi abe nolwazi olusebenzayo kwimiba ephathelele kubhaliso lweyunithi zetayitile yecandelo kunye nokuvulwa kweerejista zetayitile yecandelo. Ukufakelwa kwecandelo 54(2)(c)(vii) njengoko kucetyiwe kwisolotya le-15(c) kujonge ukulungisa lo mba ngokubonelela ngokuqeshwa konobhala weencwadi zetayitile, usekela mbhalisi weencwadi zetayitile, okanye umncedisi wombhalisi weencwadi zetayitile. ulwazi oluyimfuneko olusebenzayo, njengelungu lebhodi. Esi sihlomelo sikwahambelana namagatya ecandelo le-9 loMthetho woBhaliso lweMihlaba.

2.15.3 Icandelo 54(2)(c)(i) loMthetho libhekisa kwiBhunga elinoLawulo oluPhezulu loMbutho woMthetho. ICandelo le-118 loMthetho wokuSebenza kwezoMthetho, ka-2014 (uMthetho onguNombolo 28 ka-2014) ("LPA"), liqalise ngomhla woku-1 kweyeNkanga yowama-2018. Icandelo lesi-4 le-LPA liseke iBhunga lezoMthetho loMzantsi Afrika elinjongo zalo zibandakanya ukukhuthaza nokukhusela. zomdla woluntu ngokunjalo nokulawula onke amagqwetha. ICandelo le-118 le-LPA libonelela ngokutolikwa kunye nokubhekisa kwimithetho ethile, ngokuxhomekeke kumalungiselelo e-LPA. ICandelo le-118(e) le-LPA likwabonelela ngokuba ukubhekisa kuMbutho woMthetho woMzantsi Afrika owenziwe kuwo nawuphi na umthetho otshitshisiweyo yi-LPA kufuneka kuthathwe njengokubhekisa kwiBhunga lezoMthetho loMzantsi Afrika. Nangona lo Mthetho ungatshitshiswanga yiLPA, imbekiselo yeBhunga loLawulo loMbutho wezoMthetho siye sayisusa kwiBhunga lezoMthetho laseMzantsi Afrika njengoko limiselwe kwiLPA.

2.15.4. Igatya 15(b) lijonge ukwenza izilungiso kwicandelo 54(2)(c) loMthetho ukususa imfuneko yokuba ibhodi iquke abantu ababini abanolwazi olulodwa ngeenkqubo zophuhliso lwetayitile yecandelo. Le mfuneko

ayiseyomfuneko njengoko uMthetho woLawulo lweZikim zeTayitile zeCandelo, ka-2011 (uMthetho 8 ka-2011) ngoku ulawula kwaye ulawula izikim zeencwadi zecandelo.

2.15.5. Imiqathango esebenzayo ekuqeshweni kwamalungu ebhodi kufuneka isebenze nasekuqeshweni kwamanye amalungu ebhodi. Ukufakelwa kwecandelo 54(9A) njengoko kucetyiwe kumagatya 15(d) linyathelo eliyimfuneko.

## **2.16 ISoloty 16**

Igatya le-16 lijonge ukubonelela ngokongezelelwa kwecandelo 55(2) ukuze kulungiselelwe iMimiselo eya kupapashwa kwiGazethi ubuncinane kwinyanga enye phambi komhla ochazwe kwisaziso esifanelekileyo njengomhla wokuqalisa kwayo.

## **2.17 ISoloty 17**

ISoloty 17 liqulathe isihloko esifutshane.

### **3. UCHAPHAZELEKO LWEZIMALI KURHULUMENTE Akukho nalunye.**

#### **AMASEBE/ AMAQUMRHU/ ABANTU EKUTHETHWE NABO**

Law Society of South Africa

South African Council for the Architectural Profession

South African Council for Professional and Technical Surveyors

Banking Association of South Africa

Institute of Estate Agents of South Africa

National Association of Managing Agents

### **5. IZICHAPHAZELEKO ZOMGAQO-SISEKO**

Akukho nasinye.

### **6. UCHAPHAZELEKO LONXIBELELWANO**

Iza kwenziwa liSebe lezoLimo, uBuyekezo loMhlaba noPhuhliso lwasemaPhandleni.



## **7. INKQUBO YEPALAMENTE**

- 7.1 IPalamente inegunya lowiso-mthetho lwesizwe kwaye inegunya lezomthetho lokuwisa uMthetho oYilwayo.
- 7.2 Kwityala likaTongane noMphathiswa wezoLimo neMicimbi yoMhlaba, 2010 (6) SA214 (CC), iNkundla yoMgaqo-siseko yagweba ngovavanyo oluza kusetyenziswa xa kuthekwa kuMthetho oYilwayo. INkundla yabamba kumhlathi wama-70 weso sigwebo, ukuba “uvavanyo lokufumanisa indlela uMthetho oYilwayo omakishwa ngayo kufuneka ube banzi kunolo lokumisela ukubanako ukwenza umthetho”. INkundla yafumanisa ukuba uvavanyo lokufaka amathegi lujolise kuwo onke amagatya oMthetho oYilwayo ukuze kumiselwe ubungakanani bokuchaphazela kakhulu imimandla yemisebenzi edweliswe kwiShedyuli yesi-4 yoMgaqo-siseko, kwaye ingekuko nokuba naziphi na izibonelelo zawo ezihambelana noko.
- 7.3 Siyithathele ingqalelo yonke imimiselo ekulo Mthetho uSayilwayo ngokweShedyuli yesi-4 neyesi-5 yoMgaqo-siseko, saza safumanisa ukuba injongo nesiphumo salo Mthetho uSayilwayo awusebenzi ngendlela ebambekayo ngayo nayiphi na imibandela edwelisiweyo kwiShedyuli yesi-4 okanye yesi-5. uMgaqo-siseko. Eyona njongo iphambili yalo Mthetho uSayilwayo kukubonelela ngemibandela emalunga nezihloko zamacandelo kunye nokubhaliswa kwazo.
- 7.4 Abacebisi boMthetho kaRhulumente kunye neSebe lezoLimo, uHlengahlengiso loMhlaba noPhuhliso lwasemaPhandleni banoluvo lokuba lo Mthetho uSayilwayo mawusingathwe ngokungqinelana nomgaqo-nkqubo osekwe licandelo 75 loMgaqo-siseko, ekubeni lo Mthetho uSayilwayo ungahambelani nemiqathango ethile. kwimiba edweliswe kwiShedyuli yesi-4 neyesi-5 yoMgaqo-siseko.
- 7.5 Abacebisi boMthetho kaRhulumente kunye neSebe lezoLimo, uHlengahlengiso loMhlaba noPhuhliso lwasemaPhandleni banoluvo lokuba akukho mfuneko yokuba lo Mthetho uSayilwayo udluliselwe kwiNdlu yeSizwe yeeNkokheli zeMveli ngokwecandelo 18(1)(a) leMveli. UMthetho weNkqubo-sikhokelo yobuNkokheli noLawulo, ka-2003 (uMthetho onguNombolo 41 ka-2003), njengoko ungaqulathanga amagatya aphaathelele kumthetho wesintu okanye amasiko oluntu lwemveli.