Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette **No. 10991** *Regulasiekoerant*

Vol. 652 **4 October / Oktober 2019** **No. 42740**

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 42740

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
Agriculture, Forestry and Fisheries, Department of/ Landbou, Bosbou en Visserye, Departement van			
R. 1283	Agricultural Product Standards Act (119/1990): Regulations regarding the classification, packing and marking of processed meat products intended for sale in the Republic of South Africa	42740	12
Justice and Constitutional Development, Department of/ Justisie en Staatkundige Ontwikkeling, Departement van			
R. 1284	Promotion of Access to Information Act (2/2000) and Promotion of Administrative Justice Act (3/2000): Rules of Procedure for Application to Court in terms of the Act and Administrative Review Rules	42740	34
R. 1285	Promotion of National Unity and Reconciliation Act (34/1995): Amendment of Regulations Relating to Assistance to Victims in respect of Higher Education and Training	42740	48
R. 1286	Promotion of National Unity and Reconciliation Act (34/1995): Amendmnt of Regulations Relating to Assistance to Victims in Respect of Basic Education	42740	55
Labour, Department of/ Arbeid, Departement van			
R. 1287	Labour Relations Act, 1995: Registration of a Trade Union	42740	58
R. 1288	Labour Relations Act, 1995: Correction Notice: Bargaining Council for the Civil Engineering Industry: Extension of Wage and Task Grade Collective Agreement to non-parties	42740	59
South African Revenue Service/ Suid-Afrikaanse Inkomstediens			
R. 1289	Customs and Excise Act, 1964: Amendment of Schedule No. 2 (No. 2/1/387)	42740	61
R. 1289	Doeane- en Aksynswet, 1964: Wysiging van Bylae No. 2 (No. 2/1/387)	42740	63
R. 1290	Customs and Excise Act, 1964: Amendment of Rules (DAR 188)	42740	65

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1284 **04 OCTOBER 2019**

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 RULES OF PROCEDURE FOR APPLICATION TO COURT IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

The Rules Board for Courts of Law has under section 79 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), with the approval of the Minister of Justice and Correctional Services, made the rules in the schedule.

SCHEDULE

1. Definitions

In these rules -

(a) any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned; and

(b) any word or expression to which a meaning has been assigned in the rules governing the procedures of the court in which an application in terms of these rules is brought, shall bear the meaning so assigned, and unless the context otherwise indicates -

"Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

"High Court Rules" means the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa;

"Magistrates' Courts Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa.

2. Procedure in an application to court in terms of the Act

(1) The procedure prescribed in these rules must be followed in all applications contemplated in section 78 of the Act.

(2) Save as otherwise provided for in these rules, the rules governing the procedures in the court to which an application contemplated in section 78 of the Act is brought shall apply.

(3) An application contemplated in section 78 of the Act must be brought within 180 days from the date of the applicable event in sections 78(2) and (3): Provided that the court may condone non-compliance with the 180 day period within which to bring such application, where the interests of justice so require.

3. Applications

(1) An application contemplated in section 78 of the Act must be -

(a) brought in accordance with, and be governed by –

(i) rule 6 of the High Court Rules, when brought in the High Court; or

(ii) rule 55 of the Magistrates' Courts Rules, when brought in a Magistrate's Court; and

(b) served on –

(i) the information officer of a public body; or

(ii) the head of a private body, as the case may be,

and on the requester and any known third parties, where applicable.

(2) The affidavit in support of an application contemplated in section 78 must state whether the internal appeal procedure contemplated in section 74 of the Act is applicable.

(3) If the internal appeal procedure contemplated in section 74 of the Act is applicable, the affidavit must –

(a) state whether such internal appeal procedure has been exhausted; and

(b) provide particulars of the manner in which and date upon which the internal appeal procedure was exhausted and, if not, the reasons for failing to exhaust such procedure.

(4) Upon receipt of the application the information officer of a public body or head of a private body must provide a copy of the application, under cover of a written notice, to all other parties affected by the application who have not been cited therein.

4. *Ex Parte* Representations

(1) Unless directed otherwise by the court *ex parte* representations contemplated in section 80(3)(a) of the Act must be made under oath or affirmation of the truth thereof in writing, and where applicable, supported by documentary proof.

(2) The court receiving the representations referred to in subrule (1) may order that appropriate steps be taken to bring the representations to the attention of the other parties to the application.

5. Repeal of rules

The Promotion of Access to Information Rules published under Government Notice No. R. 965 of 9 October 2009 are hereby repealed.

6. Short title

These rules shall be called the Promotion of Access to Information Rules.

7. Commencement

These rules come into operation on **4 November 2019**.

I-*PROMOTION OF ACCESS TO INFORMATION ACT* 2 KA-2000

IMIGAQO EMAKUQHUTYWE NGAYO XA KUSENZIWA ISICELO ENKUNDLENI NGOKWE-*PROMOTION OF ACCESS TO INFORMATION ACT* 2 KA-2000

Ngokugunyazwa sisiqendu 79 se*Promotion of Access to Information Act* 2 ka-2000, nangemvume yoMphathiswa Wobulungisa Nophuhliso LoMgaqo-siseko, iBhodi Yemigaqo Yeenkundla Zomthetho iqulunqe le migaqo ekwiSihlomelo.

ISIHLOMELO

1. Ukuchazwa kwamagama

Kule migaqo—

(a) naliphi na igama okanye ibinzana elinikwe intsingiselo kulo Mthetho liza kuba naloo ntsingiselo elinikwe yona; kwaye

(b) naliphi na igama okanye ibinzana elinikwe intsingiselo kwimigaqo elawula indlela emakuqhutywe ngayo enkundleni kuze kwenziwe isicelo ngokwale migaqo, liza kuba naloo ntsingiselo elinikwe yona, kuze kuthi ke ngaphandle kokuba okunye okubhaliweyo kubonisa ngenye indlela—

"uMthetho" kube yi*Promotion of Access to Information Act* 2 ka-2000);

"iMigaqo YeNkundla Ephakamileyo" yiMigaqo Elawula Ukuqhutywa Kwamatyala KumaCandelo Aliqela Amaphondo EeNkundla Eziphakamileyo;

"iMigaqo YeeNkundla ZeeMantyi" yiMigaqo Elawula Ukuqhutywa Kwamatyala KwiiNkundla ZeeMantyi ZoMzantsi-Afrika.

2. Indlela emakuqhutywe ngayo xa kusenziwa isicelo ngokwalo Mthetho

(1) Indlela emakuqhutywe ngayo exelwe kule migaqo mayilandelwe kuzo zonke izicelo ezixelwe kwisiqendu 78 salo Mthetho.

(2) Ngaphandle kokuba kuyalelwe ngenye indlela kule migaqo, kuza kusebenza imigaqo elawula ukuqhutywa kwamatyala ekwenziwa kuwo isicelo esixelwe kwisiqendu 78.

(3) Isicelo esixelwe kwisiqendu 78 salo Mthetho masenziwe zingekapheli iintsuku ezili-180 ukususela kumhla wesiganeko esenzekileyo ngokwesiqendu 78(2) nesesi-(3), kodwa ke inkundla inokuthi ikubethe ngoyaba ukungagcinwa komqathango weentsuku ezili-180, ukuba ukwenziwa kobulungisa kufunisa ukuba ubethwe ngoyaba.

3. Izicelo

(1) Isicelo esixelwe kwisiqendu 78 salo Mthetho—

(a) masenziwe kwaye silawulwe—

(i) nguMgaqo 6 weMigaqo Yeenkundla Eziphakamileyo, ukuba siziswa kwiNkundla Ephakamileyo; okanye

(ii) nguMgaqo 55 weMigaqo YeeNkundla ZeeMantyi, ukuba siziswa kwiNkundla yeMantyi; size

(b) sinikwe—

(i) igosa lengcombolo lequmrhu likarhulumente; okanye

(ii) intloko yequmrhu elizimeleyo,

sinikwe nomenzi-sicelo kwakunye nabanye abantu abaziwayo ukuba bakho.

(2) Inkcazelo ebhaliweyo yafungelwa ehambisana nesicelo esixelwe kwisiqendu 78 mayixele ukuba iyasebenza kusini na inkqubo yokubhena yangaphakathi exelwe kwisiqendu 74 salo Mthetho.

(3) Ukuba iyasebenza inkqubo yokubhena yangaphakathi exelwe kwisiqendu 74 salo Mthetho, inkcazelo ebhaliweyo yafungelwa—

(a) mayixele ukuba isetyenziswe yonke kusini na loo nkqubo yokubhena yangaphakathi; kwaye

(b) mayinike iinkcukacha zokuba loo nkqubo yokubhena yangaphakathi isetyenziswe yonke njani, nangawuphi umhla, kuze kuthi ukuba akwenziwanga njalo, inike izizathu zokuba ibe ayisetyenziswanga yonke.

(4) Lisakusifumana isicelo, igosa lengcombolo lequmrhu likarhulumente okanye intloko lequmrhu elizimeleyo malinike bonke abanye abachatshazelwayo sisicelo abangakhankanywanga, libanike ikopi yesicelo ehambisana nesaziso esibhaliweyo.

4. Ukuzithethelela kwizicelo ezingenamntu omakaphendule

(1) Ngaphandle kokuba kuyalelwe ngenye indlela yinkundla, ukuzithethelela kwizicelo ezingenamntu omakaphendule okuxelwe kwisiqendu 80(3)*(a)* salo Mthetho makwenziwe phantsi kwesifungo okanye phantsi kwesibhambathiso sokutheth' inyaniso esibhaliweyo, kuze kwiimeko ekufanelekileyo kuzo, kuxhaswe bubungqina obungamaxwebhu.

(2) Inkundla eyamkela ukuzithethelela ekuthethwe ngako kumgaqwana (1) inokuyalela ukuba kuthatyathwe amanyathelo afanelekileyo okwenza ukuba nabanye ababandakanyekileyo kwisicelo bazi ngako.

5. Ukutshitshiswa kwemigaqo

Imigaqo ye*Promotion of Access to Information* eyapapashwa kwiSihlokomiso SikaRhulumente esinguNombolo R. 965 sikaOktobha 9, 2009, iyatshitshiswa.

6. Igama layo

Le migaqo iza kubizwa ngokuba yiMigaqo ye*Promotion of Access to Information*.

7. Ukuqalisa kwayo ukusebenza

Le migaqo iqalisa ukusebenza ngo-**4 Novemba 2019**.

PROMOTION OF ADMINISTRATIVE JUSTICE ACT, 2000
ADMINISTRATIVE REVIEW RULES

The Rules Board for Courts of Law has under section 7 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

Definitions

1. In these rules any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates: -

"applicant" means a person, whether natural or juristic, who institutes proceedings for judicial review in terms of these rules;

"days" means court days;

"High Court Rules" means the Uniform Rules of the High Court;

"Magistrates' Courts Rules" means the Rules Regulating the Conduct of Proceedings of the Magistrates' Courts of South Africa;

"the Act" means the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

"the Promotion of Access to Information Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Application to High Court where no record, or incomplete record, has been furnished

2. (1) An application for judicial review in terms of the Act that is instituted in the High Court, in circumstances where no record or only part of the record has been furnished, shall be brought in terms of rule 6 or 53 of the High Court Rules, at the election of the applicant, as the case may be.

(2) Where an application is brought in terms of rule 53 of the High Court Rules –

(a) it shall, despite rule 53(1) of the High Court Rules, not be necessary when the application for judicial review is directed at a decision of a tribunal or board, to cite the chairperson of such tribunal or board as a respondent;

(b) the record to be produced in terms of rule 53(1)*(b)* of the High Court Rules shall include all documents and reports, and any other material in whatever form, which were before the administrator at the time of the making of the decision in question: Provided that where any document, report or other material has already been furnished by the administrator to the applicant, whether in terms of the Promotion of Access to Information Act or otherwise, it will be sufficient for any such document, report or material to be identified by the administrator in a schedule in such a way that it is readily identifiable; and

(c) the application shall otherwise proceed in terms of rule 53 of the High Court Rules, with the relevant High Court Rules applying to the application to the same extent as in any application proceedings brought in terms of that rule.

(3) Where an application has been brought in terms of rule 6 of the High Court Rules –

(a) the applicant shall make any portion of the record of proceedings with which it may previously have been furnished by the administrator available to every respondent who opposes the application within 10 days of receipt of a notice of opposition from such respondent, and the time allowed by rule 6 of the High Court Rules for a respondent to deliver an answering affidavit shall be reckoned from the date on which the record of proceedings is provided to such respondent; and

(b) the application shall otherwise proceed in terms of rule 6 of the High Court Rules, with the relevant High Court Rules applying to the application to the same extent as in any application proceedings brought in terms of that rule.

Applications to High Court where record has been furnished

3. (1) An application for judicial review in terms of the Act which is instituted in the High Court, in circumstances where the administrator has already provided the applicant with the record of the proceedings sought to be reviewed or set aside, whether in terms of the Promotion of Access to Information Act or otherwise, shall be brought in terms of rule 6 of the High Court Rules: Provided that where there is reason for the applicant to believe that the full record of proceedings may not have been provided by the administrator, the applicant may proceed in terms of rule 53 of the High Court Rules, at its election, but shall indicate in its founding affidavit why there is reason to believe that the full record has not been provided.

(2) Where an application is brought in terms of rule 6 of the High Court Rules –

(a) the applicant shall make the record of proceedings with which it was previously furnished by the administrator available to every respondent who opposes the

application within 10 days of receipt of a notice of opposition from such respondent, and the time allowed by rule 6 of the High Court Rules for a respondent to deliver an answering affidavit shall be reckoned from the date on which the record of proceedings is provided to such respondent; and

(b) the application shall otherwise proceed in terms of rule 6 of the High Court Rules, with the relevant High Court Rules applying to the application to the same extent as in any application proceedings brought in terms of that rule.

(3) Where an application is brought under rule 53 of the High Court Rules in terms of the proviso to sub-rule (1), rule 2(2) shall apply to that application.

Application to Magistrates' Court

4. (1) An application for judicial review brought in terms of the Act before a Magistrates' Court having jurisdiction in terms of the Act –

(a) may be brought in accordance with the procedure set out in rule 53 of the High Court Rules or in terms of rule 55 of the Magistrates' Courts Rules if no record or an incomplete record has been furnished by the administrator; and

(b) shall be brought in terms of rule 55 of the Magistrates' Courts Rules, in the event of the record already having been furnished by the administrator: Provided that where there is reason for the applicant to believe that the full record of proceedings may not have been provided by the administrator, the applicant may proceed in accordance with the procedure set out in rule 53 of the High Court Rules, at its election, but shall indicate in its founding affidavit why there is reason to believe that the full record has not been provided.

(2) When an application is brought in accordance with the procedure set out in rule 53 of the High Court Rules, whether in terms of paragraph *(a)* of subrule (1) or the proviso to paragraph *(b)* of subrule (1) –

(a) rule 2(2)*(a)* and *(b)* shall apply;

(b) the application shall otherwise proceed in accordance with the procedure set out in rule 53 of the High Court Rules; and

(c) except to the extent indicated in paragraphs *(a)* and *(b)*, the Magistrates' Courts Rules shall apply to the application to the same extent as in any application brought in the Magistrates' Court.

(3) When an application is brought in terms of rule 55 of the Magistrates' Courts Rules, whether in terms of rule 4(1)*(a)* or *(b)* –

(a) rule 2(3)(a) shall apply, but the reference in that rule to rule 6 of the High Court Rules shall be regarded as a reference to rule 55 of the Magistrates' Courts Rules; and

(b) the application shall otherwise proceed in terms of rule 55 of the Magistrates' Courts Rules, with the relevant Magistrates' Courts Rules applying to the application to the same extent as in any application proceedings brought in terms of that rule.

Condonation

5. Where an application for judicial review is brought in terms of rule 2, 3 or 4, a court has the same powers of condonation in respect of those rules as a court would have under the High Court Rules or the Magistrates' Courts Rules, as the case may be.

Repeal

6. The Rules of Procedure for Judicial Review of Administrative Action, promulgated by Government Notice No. R. 966 of 9 October 2009, are hereby repealed.

Title and commencement

7. These Rules are called the Administrative Review Rules, 2019, and come into operation on **4 November 2019**.

I-*PROMOTION OF ADMINISTRATIVE JUSTICE ACT* KA-2000
IMIGAQO YOKUQWALASELWA NGOKUTSHA KWESIGQIBO ESENZIWEYO

Ngokugunyazwa sisiqendu 7 se*Promotion of Administrative Action Justice Act* 3 ka-2000, nangemvume yoMphathiswa Wobulungisa Neenkonzo Zolungiso-zimilo, iBhodi Yemigaqo Yeenkundla Zomthetho iqulunqe imigaqo ekwiSihlomelo.

ISIHLOMELO

Ukuchazwa kwamagama

1. Kule migaqo, naliphi na igama okanye ibinzana elinikwe intsingiselo kulo Mthetho liya kuba naloo ntsingiselo, kwaye ngaphandle kokuba okunye okubhaliweyo kubonisa ngenye indlela—

"umenzi-sicelo" ngumntu, enoba ngumntu omnye okanye yinkampani, oqalis' inyathelo lomthetho lokuba kuqwalaselwe ngokutsha isigqibo esenziweyo ngokwale migaqo;

"iintsuku" ziintsuku esebenza ngazo inkundla;

"iMigaqo YeNkundla Ephakamileyo" yiMigaqo Efanayo Yokusebenza KweeNkundla Eziphakamileyo;

"iMigaqo Yokusebenza KweeNkundla zeeMantyi" yiMigaqo Elawula Ukusingathwa Kwamatyala KwiiNkundla ZeeMantyi ZoMzantsi-Afrika;

"lo Mthetho" yi*Promotion of Administrative Justice Act* 3 ka-2000;

"i*Promotion of Access to Information Act*" yi*Promotion of Access to Information Act* 2 ka-2000.

Ukwenz' isicelo kwiNkundla Ephakamileyo apho kunganikwanga rekhodi ephelelelyo, okanye kunikwe irekhodi engaphelelanga

2. (1) Isicelo sokuqwalaselwa ngokutsha kwesigqibo ngokwalo Mthetho xa sifakwe kwiNkundla Ephakamileyo, kwimeko apho kungekho rekhodi inikiweyo okanye kunikwe irekhodi engaphelelanga, eso sicelo masingeniswe ngokoMgaqo 6 okanye ngokoMgaqo 53 weMigaqo YeNkundla Ephakamileyo, kukhethe umenzi-sicelo.

(2) Xa kusenziwa isicelo ngokoMgaqo 53 weMigaqo YeNkundla Ephakamileyo—

(a) kungakhathaliseki ukuba uthini na uMgaqo 53(1) weMigaqo YeNkundla Ephakamileyo, xa isicelo sokuqwalaselwa ngokutsha kwesigqibo kusesesigqibo sabachopheli-matyala okanye sebhodi, akuyi kuba yimfuneko ukumquka kumaxwebhu usihlalo wabo bachopheli-matyala okanye waloo bhodi njengomntu omakaphendule;

(b) irekhodi emayivezwe ngokoMgaqo 53(1) weMigaqo YeeNkundla Eziphakamileyo mayiquke onke amaxwebhu neengxelo, kunye nayo nayiphi na enye ingcombolo nokuba iluhlobo luni, eyayiphambi komlawuli ngexesha lokwenziwa kweso sigqibo, kodwa ke, xa naluphi na uxwebhu okanye ingxelo okanye ingcombolo sele eyidlulisele umlawuli kumenzi-sicelo, kungakhathaliseki ukuba ukwenze oko ngokwe*Promotion of Access to Information Act* okanye ngenye indlela, kuya kuba kokwaneleyo ngolo xwebhu okanye ingxelo okanye ingcombolo ukuba yalathwe kwisihlomelo ngendlela eyenza ukuba iqondakale lula; kwaye

(c) isicelo siza kuqhubeka ngokoMgaqo 53 weMigaqo YeeNkundla Eziphakamileyo, ize iMigaqo yeeNkundla Eziphakamileyo echaphazelekayo isebenze kweso sicelo ngendlela efanayo naleyo yesicelo esenziwa ngokwalo mgaqo.

(3) Xa isicelo sisenziwa ngokoMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo—

(a) umenzi-sicelo makathi nayiphi na inxalenye yerekhodi yokuqhutywa kwetyala ayinikwe ngumlawuli kwixesha elingaphambili ayenze ifumaneke kummangalelwa ngamnye osichasayo isicelo, zingekapheli iintsuku ezili-10 esifumene isaziso esivela kuloo mmangalelwa sokusichasa isicelo; liya kuthi ke ixesha elivunyelwa nguMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo lokuba ummangalelwa athumele inkcazelo ebhaliweyo yafungelwa libalwe ukususela kumhla ummangalelwa ayinikwa ngawo irekhodi yokuqhutywa kwetyala; kwaye

(b) isicelo masiqhubeke ngokoMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo, ize iMigaqo YeeNkundla Eziphakamileyo echaphazelekayo isebenze kweso sicelo ngendlela efanayo naleyo yesicelo esenziwa ngokwalo mgaqo.

Ukwenz' isicelo kwiNkundla Ephakamileyo xa irekhodi ikhutshiwe

3. (1) Isicelo sokuqwalaselwa ngokutsha kwesigqibo ngokwalo Mthetho esifakwa kwiNkundla Ephakamileyo, kwimeko apo umlawuli sele emnikile umenzi-sicelo irekhodi yokuqhutywa kwetyala afuna ukuba iqwalaselwe ngokutsha okanye ikhatywe, kungakhathaliseki ukuba ufuna kwenziwe oko ngokwe*Promotion of Access*

to Information Act okanye ngenye indlela, masenziwe ngokoMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo, kodwa ke, xa umenzi-sicelo enesizathu sokukholelwa ukuba kunokwenzeka ukuba umlawuli akayikhuphanga irekhodi epheleleyo yokuqhutywa kwetyala, umenzi-sicelo unokuthi aqhubeke ngokoMgaqo 53 weMigaqo YeeNkundla Eziphakamileyo, ukuba ufuna ngolo hlobo, kodwa makaxele kwinkcazelo yakhe yokuqala ebhaliweyo yafungelwa ukuba kungani ekholelwa ukuba ayikhutshwanga irekhodi epheleleyo.

(2) Xa isicelo sisenziwa ngokoMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo—

(a) umenzi-sicelo makathi irekhodi yokuqhutywa kwetyala ayinikwe ngumlawuli kwixesha elingaphambili ayenze ifumaneke kummangalelwa ngamnye osichasayo isicelo, zingekapheli iintsuku ezili-10 esifumene isaziso esivela kuloo mmangalelwa sokusichasa isicelo; liya kuthi ke ixesha elivunyelwa nguMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo lokuba ummangalelwa athumele inkcazelo ebhaliweyo yafungelwa libalwe ukususela kumhla ummangalelwa ayinikwa ngawo irekhodi yokuqhutywa kwetyala; kwaye

(b) isicelo masiqhubeke ngokoMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo, ize iMigaqo YeeNkundla Eziphakamileyo echaphazelekayo isebenze kweso sicelo ngendlela efanayo naleyo yesicelo esenziwa ngokwalo mgaqo.

(3) Xa isicelo sisenziwa ngokoMgaqo 53 weMigaqo YeeNkundla Eziphakamileyo ngokomqathango okumgaqwana (1), kuya kusebenza uMgaqo 2(2) kweso sicelo.

Isicelo esiya kwiNkundla yeMantyi

4. (1) Isicelo sokuqwalaselwa ngokutsha kwesigqibo esenziwe ngokwalo Mthetho phambi kweNkundla yeMantyi enegunya lokusichophela ngokwalo Mthetho—

(a) sinokwenziwa ngokwenkqubo echazwe kuMgaqo 53 weMigaqo YeeNkundla Eziphakamileyo okanye ngokoMgaqo 55 weMigaqo YeeNkundla ZeeMantyi ukuba akukhutshwa rekhodi ngumlawuli okanye ukhuphe irekhodi engaphelelanga; kwaye

(b) masenziwe ngokoMgaqo 55 weMigaqo YeeNkundla ZeeMantyi, ukuba irekhodi sele ikhutshiwe ngumlawuli, kodwa ke, xa umenzi-sicelo enesizathu sokukholelwa ukuba kunokwenzeka ukuba irekhodi epheleleyo yokuqhutywa kwetyala ayikhutshwanga ngumlawuli, umenzi-sicelo unokuthi aqhubeke ngokwenkqubo exelwe kuMgaqo 53 weMigaqo YeeNkundla Eziphakamileyo, xa efuna ngolo hlobo, kodwa makaxele kwinkcazelo yakhe ebhaliweyo yafungelwa eyeyokuqala isizathu sokukholelwa ukuba ayikhutshwanga irekhodi epheleleyo.

(2) Xa isicelo sisenziwa ngokwenkqubo exelwe kumGaqo 53 weMigaqo YeeNkundla Eziphakamileyo, enoba kungokwesiqendu *(a)* somgaqwana (1) okanye ngokomqathango wesiqendu *(b)* somgaqwana (1) —

(a) kuza kusebenza uMgaqo 2(2)*(a)* no-*(b)*;
(b) isicelo siza kuqhubeka ngokwenkqubo exelwe kuMgaqo 53 weMigaqo YeeNkundla Eziphakamileyo; kwaye
(c) ngaphandle koko kuxelwe kwisiqendu *(a)* no-*(b)*, iMigaqo YeeNkundla ZeeMantyi iza kusebenza kwisicelo ngokufanayo nakwesinye isicelo esenziwa kwiNkundla yeMantyi.

(3) Xa isicelo sisenziwa ngokoMgaqo 55 weMigaqo YeeNkundla ZeeMantyi, kungakhathaliseki ukuba senziwa ngokoMgaqo 4(1)*(a)* okanye *(b)*—

(a) kuza kusebenza uMgaqo 2(3), kodwa kuloo mgaqo xa kuthethwa ngoMgaqo 6 weMigaqo YeeNkundla Eziphakamileyo kuza kuthathwa ngokuthi kuthethwa ngoMgaqo 55 weMigaqo YeeNkundla ZeeMantyi; kwaye
(b) isicelo siza kuqhubeka ngokoMgaqo 55 weMigaqo YeeNkundla ZeeMantyi, kusebenze iMigaqo YeeNkundla ZeeMantyi echaphazelekayo njengakuso nasiphi na esinye isicelo esenziwe ngokwaloo mgaqo.

Ukukubetha ngoyaba ukungagcinwa kwemigaqo

5. Xa isicelo sokuqwalaselwa ngokutsha kwesigqibo sisenziwa ngokoMgaqo 2, 3 okanye 4, inkundla inamagunya okukubetha ngoyaba ukungagcinwa kwemigaqo ngendlela ebiya kuba nawo loo magunya ngokweMigaqo YeeNkundla Eziphakamileyo okanye ngokweMigaqo YeeNkundla ZeeMantyi.

Ukutshitshiswa kwemigaqo

6. Imigaqo Yokuqwalaselwa Ngokutsha Kwesigqibo eyayipapashwe kwiSihlokomiso SikaRhulumente esinguNombolo R. 966 sikaOktobha 9, 2009, iyatshitshiswa.

Igama layo nokuqalisa kwayo ukusebenza

7. Le Migaqo ibizwa ngokuba yiMigaqo Yokuqwalaselwa Ngokutsha Kwesigqibo ka-2019, kwaye iqalisa ukusebenza ngomhla ka-4 Novemba 2019.