

**IKHOWUDI YEQAKAMBA YONYAKA WAMA-2000
EPHINDWE YAYILWA (USHICILELO LWESI-5 LUKA 2013)**

INTSHAYELELO

Umdlalo weqakamba ulawulwe ngothotho lweMithetho, ngaphezu kweminyaka engama-250. Le Mithetho ixhomekeke ekubeni yongezwe okanye ilungiswe ngokucetyiswa ngabasemagunyeni elulawulweni ngelo xesha. Oko yasekwayo iMarylebone Cricket Club (MCC) ngowe-1787, yaba negunya lokuxhuzula imikhala nokuseka imithetho kumdlalo weqakamba nazo zonke izihlomelo ezilandelayo. Ikwanelungelo ngokusemthethweni lokupapasha, lokusasaza nelokubhala imithetho eHlabathini.

Imithetho yeQakamba esisiseko ithe yamangalisa ekudlalweni kweqakamba ngaphezu kweminyaka engama-250. Kucingwa ukuba esona sizathu sale nto kukuba abadlali beqakamba ngokwesithethe balungisiwe kwaye badlala ngoMoya woMdlalo nangokweMithetho.

Ngonyaka wama-2000 iMCC yahlaziya ze yayibhala ngokutsha iMithetho, ibhalela iMileniyam entsha. Kule Khowudi indlela entsha yokwenza izinto engundoqo yayikukwaziswa koMoya weQakamba njengeNtshayelelo eMithethweni. Ekubeni kwixesha elidlulileyo kwakucingelwa ukuba uMoya ekungelula ukuwuqonda woMdlalo uyaqondwa kwaye wamkelwa ngabo bonke abantu ababandakanyekayo. I-MCC yabona kulungile ukuba izibeke zicace ezinye izikhokhelo ngamazwi, nto leyo inceda ukugcina umdlalo ungafani nomnye kunye nokuwonwabela kungafani. Ezinye iinjongo yayikukukhupha iiNowuthsi, ukuquka onke amanqaku nokuwasusa kwiMithetho, apho kuyimfuneko izinto ezithetha izinto ezininzi zisuswe ukuze ookhapteni, abadlali noo-amphaya baqhube nokonwabela umdlalo nokuba badlala kowuphi na umgangatho. IMCC icebisene ngokubanzi nawo onke aMazwe angaMalungu aZeleyo eBhunga leQakamba kuMazwe eHlabathi, iBhunga eliLawulayo lomdlalo. Yayikhona ingcebiso esondeleyo noMbutho woo-amphaya nababhali-sikora beQakamba. IQela kwakhona leza noo-amphaya nabadlali abavela kwihlabathi jikelele.

Le nguqulelo intsha, yeMithetho yeQakamba (iKhowudi yama-2000, iSongezelelo5 – 2013) iquka izihlomelo ezininzi eziyimfuneko ukusukela kumava nokusetyenziswa kweKhowudi kwihlabathi jikelele ukusukela ngeyeDwarha, 2000.

Imihla ebalulekileyo kwimbali yeMithetho yile ilandelayo:

1700 IQakamba yamkelwa ngokusesikweni.

1744 IKhowudi ekhawulezileyo eyaziwayo yenziwa “ziZikhakhamela naManene” asebenzisa i-Artillery Ground eLondon.

1755 Imithetho yahlaziywa “ngamaQela amaNinzi eQakamba, ngakumbi iStar neGarter ePall Mall”.

1774 Uhlaziyo olungaphaya lwenziwa “yiKomiti, ziZikhakhamela naManene aseKent, eHampshire, eSurrey, eSussex, eMiddlesex naseLondon eStar naseGarter”.

1786 Kwathathwa isigqibo ngohlaziyo olungaphaya liqela elifana neZikhakhamela naManene aseKent, eHampshire, eSurrey, eSussex, eMiddlesex naseLondon.

1788 IKhowudi yokuqala yeMithetho yeMCC yamkelwa ngomhla wama-30 kuCanzibe.

1835 IKhowudi entsha yeMithetho yavunywa yiKomiti ye-MCC ngomhla we-19 kuCanzibe.

- 1884 Emva kokuthethana namaqela eqakamba kwilizwe ngokubanzi kwafakelwa izinto ezibalulekileyo ezitshintshiweyo kwinguqulelo entsha eyamkelwa kwiNtlanganiso kaJenerali weMCC eKhethekileyo ngomhla wama-21 kaTshazimpuzi.
- 1947 IHowudi yeMithetho entsha yamkelwa kwiNtlanganiso eYodwa kaJenerali ye-MCC ngomhla we-7 kuCanzibe. Utshintsho olungundoqo lwalujongiswe ekufezekiseni ingcaciso nesicwangciso esingcono seMithetho nendlela etolikwa ngayo. Le nto kananjalo yayingakhupheli ngaphandle izinto ezitshintshiweyo ezicacileyo ezazenzelwe ukubonelela banzi kakhulu ngendlela yokuphatha umdlalo, njengoko kufunwa ziimeko ezahluke kakhulu kwindlela iQakamba yayidlalwa ngayo
- 1979 Emva koshicilelo lwesihlanu lweHowudi ka-1947, uhlaziyo olungaphaya lwaqalwa ngo-1974 ngenjongo yokususa izinto ezithile ezingaqhelekanga. Ukudibanisa iZihlomelo ezahlukeneyo namaNqaku nokufumana ingcaciso ebanzi nelula. IHowudi entsha yeMithetho yamkelwa kwiNtlanganiso eYodwa kaJenerali ye-MCC ngomhla wama-21 kweyeNkanga.
- 1992 Kwenziwa ushicilelo lwesibini oluquka zonke izihlomelo ezamkelwayo ngexesha leminyaka elishumi elinesibini yokungenelela
- 2000 IHowudi entsha yeMithetho ebandakanya iNtshayelelo echaza uMoya weQakamba yamkelwa ngomhla we-3 kuCanzibe 2000.

Imibuzo emininzi ngeMithetho esebenza ngokulinganayo kwiqakamba yamanina nakwiqakamba yamadoda ithunyelwa kwi-MCC ukuze ithathe izigqibo minyaka le. I-MCC njengoMlondolazi weMithetho owamkelweyo isoloko ilungiselelwa ukuphendula imibuzo ize inike inkcazo kwiimeko ezithile eziza kulungela ukuqondwa.

- (a) Kwimeko yeligi okanye ukhuphiswano lweqakamba umbuzo kunyanzelekile uvele kwikomiti enoxanduva lokuququzelela iligi okanye ukhuphiswano. Kwezinye iimeko imibuzo imele kukuphenjelelwa ligosa elimele iqela okanye umbutho ka-amphaya egameni lekomiti yakhe okanye intloko eyindoda okanye ebhinqileyo elawula iqakamba yesikolo.
- (b) I-MCC inelungelo lokungayiphenduli imibuzo eyithatha njengengamkelekanga.
- (c) Uphando malungayanyaniswa nangayiphi na indlela nokubheja.

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1kweyeDwarha 2013

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IMITHETHO YEQAKAMBA INTSHAYELELO – UMOYA WEQAKAMBA

Iqakamba ngumdlalo ofana wodwa, kangangokuba kufuneka udlalwe hayi kuphela ngokweMithetho yawo kodwa nangokoMoya woMdlalo. Nayiphi na into ekubonakala iphatha kakubi lo moya yenza umonakalo emdlalweni buqu. Uxanduva olukhulu ukuqinisekisa umoya wokudlala ngokungenamkhethe luxhomekeke kookhapteni.

1. Kukho iMithetho emibini elubeka ngokupheleleyo kukhapteni uxanduva lwendlela eliziphatha ngayo iqela.

Uxanduva lookhapteni

Ngalo lonke ixesha ookhapteni bathwele uxanduva lokuqinisekisa ukuba umdlalo uqhutywa ngoMoya woMdlalo nangokweMithetho yawo.

Indlela yokuziphatha kwabadlali

Ukuba kukho umdlali ongayithobeliyo imiyalelo ka-amphaya, okanye obonisa inkcaso, okanye oziphatha ngendlela nje enokurhuqisa igama lomdlalo eludakeni, u-amphaya lowo eso senzo makuqale asixele komnye u-amphaya nakukhapteni womdlali lowo, abe sele emnika umyalelo ngenyathelo amakalithabathe.

2. Umdlalo omhle / umdlalo onefeya

NgokweMithetho elawula umdlalo, ngoo-amphaya bodwa abanokuwugweba ngokuba mhle okanye awunafeya umdlalo.

Oo-amphaya bangangenelela nangaliphi na ixesha kwaye luxanduva lukakhapteni ukuthatha inyathelo elithile xa kuyimfuneko.

3. Oo-amphaya banegunya lokungenelela kwiimeko ezizezi:

- Ukuchitha ixesha
- Ukonakaliswa kwepitshi
- Ukugibisela ibhola ngendlela ebeka omnye umdlali engozini
- Ukuphazamisana nobume bebhola
- Nayiphi na enye into abayibona njengengenafeya

4. UMoya woMdlalo ubandakanya INTLONIPHO:

- Kwicala ojongene nalo
- kukhapteni wakho neqela
- Indima yoo-amphaya
- Umdlalo neempawu zentsulungeko ngokwesithethe sawo

5. Kuchasene noMoya woMdlalo:

- Ukuphikisana nesigqibo sika-amphaya ngamazwi, ngezenzo okanye ngokusebenzisa amalungu omzimba
- Ukubhekisa amazwi amabi ebantwini odlala nabo okanye ku-amphaya
- Ukungena kwizenzo zobuqhetseba okanye ezinye ezikumila kunjalo, umzekelo:
 - (a) ukukhala usazi ukuba umqhokri akakhutshwanga
 - (b) ukusondela ku-amphaya womdlalo unomsindo xa usenza isikhalo
 - (c) ukufuna ukuphazamisa abantu odlala nabo ngeentetho okanye ngokubaphazamisa ngokuqhwaba okanye ngokwenza ingxolo engafanelekanga ngokwenza ngathi unomdla okanye ukhuthaza icala lakho.

6. Ubundlobongela

Akukho naluphi na uhlobo lobundlobongela olwamkelekileyo ebaleni.

7. Abadlali

Ookhapteni bekunye noo-amphaya basisikhokelo kwindlela yokuziphatha emdlalweni weqakamba. Umdlali ngamnye kulindeleke ukuba alandele ekhondweni, enze eyakhe indima.

Abadlali, oo-amphaya nababhali-skora emdlalweni weqakamba bangasiso nasiphi isini yaye iMithetho isebenza ngokulingana kuzo zombini ezi ndidi zabantu. Ukusetyenziswa kwezimelabizo ezibonisa isini sesiduna kwitekisi yonke kokwexesha nje elifutshane. Ngaphandle kwalapho kuye kwacaciswa ngqo, onke amalungiselelo oMthetho mawafundwe kusaziwa ukuba abhekisa ebantwini ababhinqileyo nasezintombini ngokulinganayo nasemadodeni nasemakhwenkweni.

UMTHETHO 1 ABADLALI

1. Inani labadlali

Umdlalo udlalwa phakathi kwamacala amabini, icala ngalinye linabadlali abalishumi elinanye, ze omnye kubo abe ngukhapteni.

Ngokwesivumelwano, umdlalo ungadlalwa ngamacala anabadlali abambalwa okanye abangaphezulu kwabalishumi elinanye kodwa abadlali abasebaleni ababikho ngaphezu kweshumi elinanye nangaliphi na ixesha.

2. Ukutyunjwa kwabadlali

Ukhapteni ngamnye utyumba abadlali bakhe ngokubhalela komnye woo-amphaya phambi kokuba kutoswe. Emva kokuba kutosiwe alutshintshwa uluhlu lwabadlali esele kuvunyelenwe ngabo nookhapteni ngaphandle kwesivumelwano nokhapteni weqela ekudlalwa nalo.

3. Ukhapteni

Ukuba kuyenzeka nangaliphi na ixesha ukuba ukhapteni angafumaneki, isekela lakhe liya kungena ezihlangwini zakhe.

- (a) Ukuba ukhapteni akafumaneki ngexesha ekufuneka kutoswe ngalo, isekela-khapteni malithathe uxanduva lokutyumba abadlali, ukuba loo nto ibingekenzeki, ngokunjalo lijongane nayo netosi leyo. Jonga u-2 ngasentla apha noMthetho 12.4 (Itosi)
- (b) Nangaliphi na ixesha emva kotyumbo lwabadlali, ngumdlali onyuliweyo kuphela onokuba lisekela enze yonke imisebenzi eyimfuneko ayigqibe athathe noxanduva lwekhapteni njengoko kubhaliwe kule Mithetho.

4. Uxanduva lookhapteni

Ookhapteni ngalo lonke ixesha banoxanduva lokuqinisekisa ukuba umdlalo uqhutywa ngomoya nesithethe somdlalo nangokweMithetho elawulayo. Jonga iNtshayelelo, uMoya weQakamba noMthetho 42.1 (Umdlalo onefeya nongenafeya, uxanduva lookhapteni).

UMTHETHO 2 AMALALELA NABABALEKELI; UMQHOKRI OPHUMAYO OKANYE IIFILDA EPHUMAYO; UMQHOKRI OXHOMAYO; UMQHOKRI OQALA AMANGENO

1. Amalalela nababalekeli

- (a) Ukuba oo-amphaya bayaneliseka ukuba umdlali otyunjiweyo wenzakale okanye uyagula emva kotyumbo lwabadlali, kufuneka bamvumele loo mdlali ukuba:
 - (i) abe nelalela eliza kungena endaweni yakhe ebaleni;
 - (ii) abe nomntu oza kumbalekela xa ilixesha lakhe lokuqhokra.Nawuphi na umonzakalo okanye isigulo esenzeka nangaliphi na ixesha emva kotyumbo lwabadlali de kube sekupheleni komdlalo uya kwamkeleka kungajongwa ukuba umdlalo uyaqhuba na okanye awuqhubi.
- (b) Oo-amphaya kuza kufuneka ukuba bazithathele izigqibo ngokwabo zokuvumela izizathu ezipheleleyo ezamkelekileyo hayi ngemithetho, ilalela lingene endaweni yomdlali otyunjiweyo ekuqaleni komdlalo okanye nangeliphi na ixesha kwakuba yimfuneko.
- (c) Umdlali onqwenela ukutshintsha ihempe yakhe, iibhutsi njalo-njalo, uyaphuma ebaleni aye kwenza oko. Akuyi kuvunywa ukuba kungene umntu endaweni yakhe.

2. Ukwalelwa kwelalela

Ukhapteni welinye icala akanalungelo lakumalela umdlali otyunjwe njengelalela ebaleni, engenalo nelokwala indawo akhonjwe ukuba afildishe kuyo loo mdlali. Nangona kunjalo, alivumelekanga ilalela ukuba libe ngunozinti. Jonga ku-3 ngezantsi.

3. Izithintelo kwindima yamalalela

Ilalela alisayi kuvunyelwa ukuba liqhokre, libhowule okanye libe ngunozinti. Qaphela kwakhona uMthetho 1.3 (b) (UKhapteni).

4. Umdlali obekhe wanelalela

Loo mdlali utyunjiweyo unelungelo lokuba aqhokre, abhowule okanye afilde nangona ebenelalela.

5. Ifilda engekho okanye ephumayo ebaleni

Ukuba ifilda ayingeni neqela layo ebaleni kwasekuqaleni komdlalo okanye ngelinye ixesha emva kokuba umdlalo uqalile okanye iphuma ishiye ibala kusadlalwa,

- (a) kufuneka ukuba u-amphaya aziswe ngesizathu sokungabikho kwayo;
- (b) loo mdlali akanakusuka emva koko angene nje ebaleni kudlalwa ngaphandle kwemvume ka-amphaya. Jonga u-6 ngezantsi. U-amphaya kufuneka anike imvume engalibazisanga kwakubakho umtyhi wokwenjalo;
- (c) ukuba umdlali akekho imizuzu eli-15 nangaphezulu kudlalwa, akasayi kuvunyelwa ukuba abhowule emva koko, ngokwemihlathana (i), (ii) okanye (iii) ngezantsi, ade abe usebaleni ubuncinane kangangeliya xesha ebengekho ngalo emdlalweni;
 - (i) ukungabikho okanye isohlwayo asinikwayo umdlali ngenxa yokuba engekho sebaleni asiweleli kusuku olulandelayo lomdlalo omtsha,
 - (ii) ukuba ngamangeno alandelelanayo okanye umdlalo unikezelwe, icala elifildisha amangeno amabini alandelelanayo, esi sithintelo siza kuxhomekeka ku-(i) ngentla, siqhubeke njengesiyimfuneko kumangeno esibini, kodwa akuyi kuqhutywa naso kumangeno amatsha,
 - (iii) ixesha elilahlekileyo ngenxa yekhefu ebelingacwangciswa emdlalweni malibalwe njengexesha lasebaleni kuyo nayiphi na ifilda engena xa kuphinda kuqaliswa umdlalo emva kwelo khefu. Jonga uMthetho 15.1 (Ikhefu).

6. Umdlali obuya ngaphandle kwemvume

Ukuba umdlali ungene ebaleni ngokuchasene no-5(b) ngentla aze athintane nebholo edlalwayo,

- (a) loo bhola ngoko nangoko ifile yaye u-amphaya uya kukhupha isohlwayo semitsi emi-5 ingene kwicala eliqhokrayo. Ukongeza, imitsi ebethwe ngabaqhokri iza kubalwa kunye nomtsi oqhubayo ukuba sebebalekile ukwenzeka kwaloo mpazamo. Ibhola ayizi kubalelwa kwi-owuva;
- (b) u-amphaya uya kuxelela omnye u-amphaya, ukhapteni wecala elifildishayo, abaqhokri, ze kwangoko azise nokhapteni wecala eliqhokrayo ngesizathu sokwenza oko;
- (c) oo-amphaya bedibene baya kusixela isehlo kubaLawuli becala elifildishayo ngoko nangoko emva komdlalo, nakulo naliphi iQumrhu eliLawulayo elijongene nomdlalo welo xesha, ze lona lithathe inyathelo elifanelekileyo ngokhapteni nomdlali ochaphazelekayo.

7. Umbalekeli

Umdlali ongena ebaleni eze kubalekela umdlali oqhokrayo, ukuba ikho indlela, kufuneka abe ebekhe wangena waqhokra naye kuloo mangeno. Umbalekeli kufuneka anxibe isinxibo sokuzikhusela esifana neso sinxitywe ngumqhokri ambalekelayo yaye naye kufuneka abe nophini lwakhe.

8. Ukwaphulwa kweMithetho ngumqhokri onombalekeli

- (a) Umbalekeli womqhokri naye ulawulwa yiMithetho yomdlalo. Uthathwa njengomqhokri ngaphandle kwaxa kukho izinto ezithile ezizodwa ajongana nazo yena njengombalekeli womnye. Jonga umhlathi 7 ngasentla noMthetho 29.2 (Ongumhlaba womqhokri).
- (b) Umqhokri onombalekeli uya kohlwaywa ukuba umbalekeli wakhe uthe wophula nawuphi na kwiMithetho yomdlalo ngokungathi nguye buqu owenze loo nto yohlwayelwayo. Lilonke, uyaphuma ukuba umbalekeli wakhe ukhutshiwe ngokwemiqathango yoMthetho 37 okanye (Ukuphazamisa umdlalo) okanye 38 (Ukukhutshwa ngokuranwa).
- (c) Xa umqhokri onombalekeli inguye oqhokrayo, ulawulwa yiMithetho yomdlalo yaye uya kohlwaywa ukuba uyaphule. Ukuba umqhokri uye washiywa yibhola zaza izinti zakhe zabethwa zachithwa, ukutsho oko ukhutshiwe, amalungiselelo awodwa aku-(d) no-(e) ngezantsi ayasebenza kuye njengomqhokri onombalekeli.
- (d) Ngaphandle kokuba zonke iimeko eziku-(e) ngezantsi ziyasebenza, ukuba umqhokri onombalekeli ungaphandle kumhlaba wakhe xa uthinti ekupheleni konozinti esiwiswa yifilda, engachaphazelekanga u-(b) ngasentla nangaphandle kwendawo akuyo umntu ongaqhokriyo nombalekeli, uza kukhutshwa. Nangona kunjalo, iMithetho 38.2(a) no-38.2(b)(i) (Umqhokri ongakhutshwanga) mayisebenze.
- (e) Ukuba umqhokri onombalekeli ungaphandle kumhlaba wakhe ukuwa kukathinti okweli cala akulo unozinti, kungekho filda ibe negalelo ekuweni kwakhe uthinti lowo yaye nombalekeli wakhe esemhlabeni wakhe, engenayo nantshukumo iza ngakwibhowula ekhuqhokreni kwakhe ibhola:
 - (i) Akazi kuphuma ukuba kuthiwe yiNobholi
 - (ii) Uyastampishwa ukuba asiyoNobholi. Kule meko, nangona kunjalo, kusetyenziswa uMthetho 39.3(a) (Akastampishwanga).
- (f) Ukuba umqhokri onombalekeli ukhutshwe ngokwaku-(d) okanye (e) ngentla, imitsi ebalekwe ngumbalekeli wakhe nomnye umqhokri phambi kokuba izinti ziwe ayisayi kubalwa. Nangona kunjalo, imitsi ebethelwa isohlwayo salo naliphi na icala iya kuhlala imi yona. Funda uMthetho 18.6 (Imitsi enikwa ngenxa yezohlwayo). Umqhokri ongaqhokriyo uza kubuyela kwindawo ebe kuyo kuqala.
- (g) Xa umqhokri onombalekeli ingenguye oqhokrayo ngelo xesha
 - (i) noxa enombalekeli usephantsi kolawulo loMthetho 37 (Ukuphazamisa umdlalo) kodwa yena abe ekhutshiwe;
 - (ii) uma endaweni akhonjiswe yona ngu-amphaya okwelinye icala lomqhokri ukuze angaphazamisani nomdlalo;
 - (iii) izohlwayo eziwiswayo zezakhe, engachaphazelekanga u-(i) ngentla xa enokwenza nasiphi na isenzo esibalwa ngokuba ngumdlalo ongenafeya.

9. Umqhokri oxhoma

Umqhokri angaxhoma nanini na kumangeno xa ibhola ifile. Oo-amphaya phambi kokuba bawukhulule uqhube umdlalo baya kwaziswa ngesizathu esikhokelele ekubeni umqhokri axhome.

- (a) Ukuba umqhokri uyaxhoma ngenxa yokungaziva mnandi, umenzakalo okanye nayo nayiphi na enye into engenakunqandeka, unelungelo lokuba aphinde awangene loo

mangeno kodwa phantsi kwemiqathango eku-(c) ngezantsi. Ukuba ngenxa yaso nasiphi na isizathu akayenzi loo nto, amangeno akhe aya kubhalwa ngolu hlobo ‘Umdlali uxhomile – akaphumanga’.

- (b) Ukuba umqhokri uxhoma ngesizathu esingesiso eso sichazwe ku-(a) ngentla, angaphinda angene ebaleni aqhube namangeno akhe kuphela xa evuma ukhapteni welinye icala. Ukuba ngasizathu simbi akangeni aqhube namangeno akhe, kufuneka kubhalwe ngolu hlobo ‘Uxhomile – uphumile’.
- (c) Ukuba emva kokuxhoma umqhokri ubuyela kumangeno akhe, loo nto yenzeka kuphela ekuweni kukathinti okanye xa omnye umqhokri exhoma.

10. Ukuqala kwamangeno omqhokri

Umqhokri uya kuthathwe njengowaqalileyo amangeno akhe akubeka umcondo wakhe ebaleni, ukuba akuthiwanga uphelelwe lixesha, ngaphandle kwaxa kuqala umdlalo. Amangeno abaqhokri abavulayo nalawo omqhokri omtsha ongenayo nangaliphi na elinye ixesha xa kuqalwa umdlalo emva kokuchazwa kwexesha aqalisa kwakuba kukhutshwe umyalelo wokuqalisa ukudlala.

UMTHETHO 3 OO-AMPHAYA

1. Ukukhethwa nobukho

Phambi komdlalo, kunyulwa oo-amphaya ababini, omnye kwicala ngalinye, ukulawula umdlalo njengoko kuyimfuneko ngokweMithetho, ngokungena mkhethe. Oo-amphaya kuza kufuneka babekho ebaleni kwaye bazichaze kwabaseluLawulweni lwebala ubuncinane kwimizuzu engama-45 phambi kwexesha lokuqala komdlalo.

2. Ukutshintshwa koo-amphaya

U-amphaya akatshintshwa umdlalo usaqhuba ngaphandle kokuba kukho imeko enyanzelisayo enjengokwenzakala okanye ukugula. Ukuba kufuneka kungene omnye u-amphaya, lowo uthatha indawo yakhe uya kuba ngu-amphaya kweli cala lomqhokri kuphela ngaphandle kokuba ookhapteni bayavumelana ukuba athathe uxanduva olupheleleyo lokuba ngu-amphaya.

3. Isivumelwano nookhapteni

Phambi kokuba kutoswe oo-amphaya baza kuqwalasela oku kulandelayo

- (a) ukufumana ulwazi oluyinyani nolululo ngeeyure zokudlala baze bavumelane nookhapteni
 - (i) ngeebhola eziza kusetyenziswa ngexesha lomdlalo. Jonga uMthetho 5 (Ibhola);
 - (ii) ngamaxesha nobude bamaxesha ekhefu lokutya namaxesha ekhefu lokufumana iziselo. Jonga uMthetho 15 (Ikhefu);
 - (iii) ngebhawundri yebala lokudlala ekudlalelwa kulo nokunye okunoba yibhawundri. Jonga uMthetho 19 (Ibhawundri);
 - (iv) ngazo naziphi na ezinye iimeko ezizodwa ezichaphazela umdlalo.
- (b) ukwazisa ababhali-skora ngezivumelwano eziku-(ii), (iii) no (iv) ngasentla.

4. Ukwazisa ookhapteni nababhali-skora

Phambi kokutosa oo-amphaya kuza kufuneka ukuba bavumelane bona, baze bazise ookhapteni bobabini nababhali-skora bobabini malunga nokuba

- (i) yeyiphi iwotshi, nento engenye, eza kusetyenziswa ukujonga ixesha;
- (ii) kwanokuba ikhona na imiqobo ekhoyo phakathi ebaleni lokudlala ekufuneka ithathwe njengebhawundri. Jonga uMthetho 19 (Ibhawundri).

5. Oothinti, iikhrisi neebhawundri

Phambi kwetosi nangeli xesha usaqhuba umdlalo oo-amphaya kufuneka bazanelise ukuba:

- (a) izinti zimi kakuhle na apha epitshini - Jonga uMthetho (8) (Oothinti)
- (b) iikhrisi zimakwe kakuhle na. - Jonga uMthetho 9 (Ukubhowula, iikhrisi).
- (c) ibhawundri ihambelana neemfuno zoMthetho 19.1 (ibhawundri) noMthetho 19.2 (Ukuchaza ibhawundri – ukuphawula ibhawundri).

6. Indlela yokuphatha umdlalo nezixhobo

Phambi kwetosi nangexesha lomdlalo oo-amphaya kuza kufuneka bazanelise ukuba

- (a) umdlalo uhamba ngqo ngokweMithetho;
- (b) izixhobo zomdlalo ziyahambelana noku kulandelayo:
 - (i) uMthetho 5 (Ibhola),
 - (ii) imbonakalo yangaphandle ngokoMthetho 6 (Uphini) neSihlomelo E,
 - (iii) uMthetho 8.2 (Ubungakanani bezitampu) noMthetho 8.3 (Iibheyile) okanye, ukuba kufanelekile, uMthetho 8.4 (Iqakamba labancinci);
- (c) (i) akukho mdlali makasebenzise izixhobo ezingezizo ezo zivumelekileyo. Jonga iSihlomelo D. Qaphela nangakumbi indlela ekutolikwe ngayo 'ihelmethi ',
 - (ii) iiglavu zikanozinti mazibe zezo zimiselwe ngokoMthetho 40.2 (Iiglavu).

7. Umdlalo onefeya nongenafeya

Ngoo-amphaya kuphela abanokuthatha isigqibo malunga nokuba umdlalo unefeya okanye awunafeya.

8. Ukulungela umdlalo

- (a) Ngoo-amphaya bodwa abathatha isigqibo malunga nemeko yebala, imozulu okanye ukukhanya okanye iimeko ezikhethekileyo ezizezinye ezibonisa ukuba kuyingozi okanye akufanelekile ukuba umdlalo uqhube.
Iimeko ezo mazingathathwa ngokuba zinobungozi okanye azifanelekile nje ngenxa yokuba zingathandwa.
- (b) Iimeko mazithathwe njengezinobungozi ukuba ngenyani kukho umngcipheko kukhuseleko lwakhe nawuphi na umdlali okanye u-amphaya.
- (c) Iimeko mazithathwe njengezingafanelekanga ukuba, nangona zingabeki bani engozini, ayizi kulunga into yokuba umdlalo uqhube.

9. Ukumiswa komdlalo kwiimeko ezinobungozi nezingafanelekanga

- (a) Rhoqo kuthethwa ngebala kubandakanywa nepitshi. Jonga uMthetho 7.1 (Ipitshi).
- (b) Ukuba nangaliphi na ixesha oo-amphaya bedibene bayavumelana ukuba iimeko zebala, imozulu okanye ukukhanya okanye naziphi na iimeko zinobungozi okanye azifanelekanga, kufuneka ngoko nangoko bawumise umdlalo okanye bangavumi ukuba uphinde uqale umdlalo.
- (c) Xa kumiswe umdlalo luxanduva loo-amphaya ukubeka esweni iimeko ezo bezikhokelele ekubeni umiswe. Kufuneka bamane beqhuba uhlobo rhoqo, bengakhatshwa mdlali okanye magosa. Isigqibo abasithathayo makube bevumelene ukuba iimeko azisenabungozi okanye zinokunyamezeleka, kufuneka bababizele ebaleni abadlali uqhube umdlalo.

10. Indawo zoo-amphaya

U-amphaya ngamnye makame kwindawo aza kubona kakuhle kuyo nantoni na enokufuna isigqibo sakhe.

Kuxhomekeka koku kungasentla, u-amphaya omi kwicala ekubhowulwa kulo makame ngohlobo lokuba angaphazamisani nebhowula kananjalo angaphazamisani nokubona komqhokri.

U-amphaya okwicala lomqhokri usengakhetha ukuma kwicala elingasemva (on-side) endaweni yecala elingaphambili (off-side) ukuba uyixelele ikhapteni yecala elifildayo, umqhokri kwakunye nomnye u-amphaya ngenjongo yakhe yokwenza oko.

11. Ukutshintsha amacala koo-amphaya

Oo-amphaya mabatshintshe amacala emva kokuba icala ngalinye ligqibe amangeno okuqala. Jonga uMthetho 12.3 (Amangeno agqityiweyo)

12. Ukucebisana koo-amphaya

Zonke imbambano ziza kuqinisekiswa ngoo-amphaya. Oo-amphaya baza kucebisana xa kuyimfuneko. Jonga noMthetho 27.6 (Ukucebisana koo-amphaya)

13. Ukwazisa oo-amphaya

Kuyo yonke iMithetho naphi na apho oo-amphaya kufuneka befumane ulwazi kookhapteni okanye kwabanye abadlali, kwanele ukuba u-amphaya omnye abe nolo lwazi lufanelekileyo ukuze akwazi ukwazisa omnye u-amphaya.

14. Imiqondiso

(a) Kusetyenziswa le miqondiso ilandelayo ngoo-amphaya:

(i) Imiqondiso eyenziwa ngexesha kudlalwayo

Ibhola efileyo - ngokuthoba iingalo uzinqumleze kabini-kathathu.

INobholi - ngokolula ingalo inqamleze.

Ukhutshiwe - ngokuphakamisa umnwe wokukhomba phezu kwentloko. (Ukuba akaphumanga, u-amphaya uza kukhwaza (Akaphumanga.)

IWayidi - ngokolula zombini iingalo zinqamleze.

(ii) Yonke le miqondiso, u-amphaya okwicala elibhowulayo, uya kuyiphindela ababhali-scora isakuba ifile ibhola.

(iii) Imiqondiso edweliswe ngezantsi mayenziwe kubabhali-skora kuphela xa ibhola ifile.

Ibhawundri 4 - ukolulela ingalo ecaleni ze uyigobele esifubeni kabini-kathathu.

Ibhawundri 6 - ngokuphakamisa iingalo zombini phezu kwentloko (impondo zephela).

Ibhayi - ngokuphakamisa ingalo isandla esivulekile phezu kwentloko.

Ukuqala kweyure yokugqibela - ngokwalatha kwisihlahla esiphakanyisiweyo ngesinye isandla

Isohlwayo esiyimitsi emi-5 ephiwa icala eliqhokrayo - ngokumbambazela igxalaba ngesinye isandla.

Isohlwayo esiyimitsi emi-5 ephiwa icala elifildishiyo - ngokubeka isandla esinye eligxeni kwelinye icala

Ilegbhayi - ubamba idolu elinyusiweyo ngesandla.

Ibhola entsha - ukuphakamisa ibhola phezulu.

Ukurhoxiswa kwesigqibo - kuchukunyiswa amagxa omabini, igxalaba ngalinye ngesandla selinye icala.

Umtsi omfutshane - ukugobela ingalo egxalabeni layo ulubambe ngeentupha.

Yonke le miqondiso kufuneka yenziwe ngu-amphaya okwicala ekubhowulwa kulo ngaphandle kweyomtsi omfutshane, wona oboniswa ngu-amphaya okwicala ekwenzeke kulo umtsi omfutshane, nangona kunjalo u-amphaya okwicala ekubhowulwa kulo nguye onoxanduva lokubonisa umqondiso womtsi omfutshane kubabhali-skora nokubazisa ngenani lemitsi emayibhalwe phantsi.

- (b) U-amphaya uza kulinda de umqondiso ngamnye kubabhali-skora uvunywe phambi kokuvumela umdlalo ukuba uqhubeke.

15. Ukuchaneka kweskora

Ingecebiso phakathi koo-amphaya nababhali-skora ibalulekile apho kukho amanqaku athandabuzekayo. Oo-amphaya kumdlalo uphela baza kuzanelisa ngokulungiswa kwenani lemitsi ebaliweyo, oothinti abawileyo kuze apho kufanelekileyo inani lee-owuva ezibhowuliweyo. Baza kuvumelana ngezi zinto nababhali-skora ubuncinane rhoqo ngekhefu ngaphandle kwekhefu leziselo nasekupheleni komdlalo. Jonga iMithetho 4.2 (Ukuchaneka kwezikora), 21.8 (Ukuchaneka kweziphumo) no- 21.10 (Iziphumo azinakutshintshwa).

UMTHETHO 4 ABABHALI-SKORA

1. Ukukhethwa kwababhali-skora

Makufunyanwe ababhali-skora ababini ukubhala phantsi yonke imitsi eyenziweyo, zonke iiwikethi eziwileyo kunye nee-owuva ezibhowuliweyo, ukuba kuyimfuneko.

2. Ukuchaneka kwesikora

Ababhali-skora mabajonge rhoqo amanqaku ukuqinisekisa ukuba iirekhodi zabo ziyangqinelana. Kufuneka bavumelane noo-amphaya ubuncinane kwikhefu ngalinye ngaphandle kwangekhefu leziselo, ze kuthi ekupheleni komdlalo baqwalasele imitsi eyenziweyo, iiwikethi eziwileyo, apho kufaneleke khona, bajonge nenani lee-owuva ezibhowuliweyo. Jonga uMthetho 3.15 (Ukuchaneka kwesikora)

3. Ukuthathela ingqalelo imiqondiso

Ababhali-skora kufuneka bayamkele yonke imiyalelo nemiqondiso abayinikwa ngoo-amphaya. Kufuneka ngoko nangoko baqondise ukuba bayawuvuma umqondiso ngamnye owahlukileyo.

UMTHETHO 5 IBHOLA

1. Ubunzima nobukhulu

Ibhola entsha akufuneki ukuba ibe nobunzima obungaphantsi kwee-awunsi ezi- $5\frac{1}{2}$ /155.9 g, okanye ngaphezulu kwee-awunsi ezi- $5\frac{3}{4}$ /163 g, kwaye kufuneka ingabikho ngaphantsi kwe- $8\frac{13}{16}$ kwi-/22.4 cm, ingabikho ngaphezulu kwe-9 kwi-/22.9 cm.

2. Ukwamkelwa nokulawulwa kweebhola

- (a) Zonke iibhola eziza kusetyenziswa emdlalweni mazamkelwe ngoo-amphaya nookhapteni, zibe phantsi kweliso loo-amphaya phambi kwetosi kwaye zibe selulawulweni lwabo de umdlalo uphele.
- (b) U-amphaya makayithathe ibhola esetyenziswayo ibe kuye ekuweni kwewikethi nganye, ekuqaleni kwalo naliphi na ikhefu nakulo naluphi na uphazamiseko lomdlalo.

3. Ibhola entsha

Ngaphandle kokuba isivumelwano esichasene noku besenziwe ngaphambi komdlalo, namphi na ukhapteni anganyanzelisa ukufumana ibhola entsha qho xa kuqala amangeno.

4. **Ibhola entsha kumdlalo oza kuthatha usuku olunye**

Kumdlalo othatha ngaphezu kosuku, ukhapteni wecala elifildishayo anganyanzelisa ukufumana ibhola entsha xa inani lee-owuva, engazibalanga ezinye ii-owuva ezisecaleni ezibhowuliweyo ngebhola **endala**, lilingana okanye lilikhulu kunenani lee-owuva ekufuneka zidlalwe. IBhodi eLawula iqakamba echaphazelekayo elizweni iza kugqiba ngenani lee-owuva eziza kubhowulwa kuloo mdlalo. Eli nani alizi kuba ngaphantsi kwee-owuva ezingama-75.

U-amphaya makaxelele omnye u-amphaya aze enze umqondiso kubaqhokri nakubabhali-skora xa kusetyenziswa ibhola entsha emdlalweni.

5. **Ibhola elahlekileyo okanye engawulungelanga umdlalo**

Ukuba ngexesha lomdlalo ibhola ayikwazi kufumaneka okanye ibuyiselwe okanye oo-amphaya bangqinelana ukuba ayikulungelanga ukuba ingasetyenziswa njengesiqhelo emdlalweni, oo-amphaya mabasebenzise enye endaweni yayo, engcono kunaleyo igugileyo. Xa kuza kutshintshwa ibhola, u-amphaya makaxelele abaqhokri nokhapteni wecala elifildishayo.

6. **Imigqaliselo**

Imigqaliselo njengoko ichaziwe ku-1 ngentla isebenza kwiqakamba yamadoda kuphela. Le migqaliselo ilandelayo isebenza

(i) kwiqakamba yamanina

Ubunzima: ukusuka kwii-awunsi ezi-4¹⁵/16 /140 g ukuya kwii-awunsi ezi-5⁵/16 ii-awunsi ezi-151 g

Isekhamfrensi: ukusuka 8¼ ku-/21.0 cm ukuya ku-8⁷/8 ku-/22.5 cm

(ii) Iqakamba yabancinci – abangaphantsi kweminyaka eli-13

Ubunzima: ukusuka kwii-awunsi ezi-4¹¹/16/133 g ukuya kwii-awunsi ezi-5¹/16144 g

Isekhamfrensi: ukusuka 8¹/16 ku /20.5 cm ukuya ku-8¹¹/16 ku-/22.0 cm

UMTHETHO 6 UPHINI

1. Uphini

Uphini luneendawo ezimbini, isiphatho sophini nebhuleyidi.

2. Imilinganiselo

Onke amalungiselelo kwicandelo 3 ukuya kwicandelo 6 ngezantsi axhomekeke kwimilinganiselo echazwe kwiSihlomelo E.

3. Isiphatho

(a) Esinye isiphelo sesiphatho sifakwe kwibleyidi yophini. Indawo yesiphatho engaphandle kwibleyidi yophini ibizwa ngokuba ngumntla webhuleyidi yophini. Yile ndawo inde ithe ngqo yokubamba uphini. Indawo eshiyekileyo yomphini yile ndawo ingezantsi isetyenziselwa ukudibanisa ibleyidi nomphini. Asiyonxalenye yebleyidi, kodwa kuphela xa kusingiswe kumhlathi 5 nomhlathi 6 ngezantsi, ibleyidi mayithathwe ngokuba ibandakanya namazantsi omphini apho kufanelekileyo.

(b) Isiphatho masenziwe ikakhulu ngekheyini nangomthi, uncanyathiselwe apho kuyimfuneko uze ubotshwe ngentambo apha ngakule ndawo ingentla.

- (c) Ukuba u-7 ngezantsi akophulwa, indawo engentla ingagqunywa ngezinto ezenza umphezulu onamaqoqo. Isigqubuthelo esinjalo senzela nje ukongeza kwaye asiyonxalenye yophini. Kodwa ke qaphela u-8 ngezantsi.
- (d) Kungachaphazelekanga u-4(c) no-5 ngezantsi, zombini, intambo ebophileyo nesigqubuthelo esenza amaqoqo zinokugqithela ngaphaya kwendawo ezidibana kuyo indawo engentla nengezantsi ukugquma inxalenye yamagxa njengoko kuchaziwe kwiSihlomelo E.

4. Ibleyidi

- (a) Ibleyidi yenza uphini lonke ngaphandle kwendawo esuka esiphathweni njengoko kuchaziwe ngentla. Ibleyidi inobuso, umqolo, incam, amacala namagxa. Jonga iSihlomelo E.
- (b) Ibleyidi mayenziwe kuphela ngomthi.
- (c) Akukho nto ingabekwa phezu kwayo okanye ifakwe kwibleyidi okanye kwindawo engezantsi yophini ngaphandle kwekuvunyelwene ngayo ku-3(d) ngentla no-5 no-6 ngezantsi, zonke zidityaniswe ngesincamathelisi esingengakanani kuphela esisetyenziswa ukudibanisa ezi zinto okanye ukudibanisa uphini nebleyidi.

5. Ukugquma ibleyidi

Uphini naluphu na lunganawo umbhalo woshishino kwibleyidi. Uphini olukuDidi A nolukuDidi B lungangabinaso isigqubuthelo kwibleyidi ngaphandle kwale ivunyiweyo iku-6 ngezantsi. Uphini olukuDidi C lunganalo ilaphu eligqume ibleyidi.

Makuthathelwe ingqalelo ukuba isigqubuthelo siyayongeza ibleyidi kwaye asiyonxalenye yophini. Nangona kunjalo qaphela u-8 ngezantsi.

6. Ukukhuselwa nokulungiswa kophini

Ukuba u-4 ngentla okanye u-7 ngezantsi ayophulwanga

(a) ukulungiselela:

(i) ukukhusela kubuso, emacaleni nasemagxeni ebleyidi

okanye (ii) ukulungiswa kwebleyidi emva kokonakaliswa kwento eyenziwe ngayo engomelelanga, okanye ngexesha ibifakwa kwibleyidi okanye emva koko, ingabekwa kwezi ndawo. Naziphi na izinto ekwenziwa ngazo azinakugqithiselwa kwezinye iindawo eziyinxalenye yomva webleyidi ngaphandle kwakwimeko ka-(ii) ngentla kwaye kuphela xa isetyenziswa njengesigqubuthelo sokusonga rhoqo ukugquma indawo eyonakeleyo.

(b) imathiriyeli eqinileyo inokufakwa kwibleyidi ukuyilungisa emva komonakalo kunomphezulu owonakeleyo. Ngaphezu koko, umonakalo kuDidi B no-C, izinto ekwenziwe ngazo zinokufakwa kwincam nasemacaleni okanye ngasemacaleni zinxuse ubuso bebleyidi.

Ngumthi kuphela imathiriyeli evunyelwe ukuba ifakwe nezincamathelisi ezifunekayo ezincinci.

(c) ukuthintela umonakalo kwincam, imathiriyeli ingabekwa phezu kwebleyidi kodwa ingagqitheli kwenye indawo yobuso, umva okanye amacala ebleyidi.

(d) ubuso bophini bungathanjiswa ukubomeleza ukunqanda ukungenwa bubumanzi nokuthintela **amabala endalo amosha ubuhle** okanye amabala endalo amosha ubuhle kwinkangeleko yomthi. Ukonga ngenjongo yokunika inkangeleko efanayo ngokugquma amabala endalo amosha ubuhle, unyango olunjalo kunyanzelekile ukuba lungatshintshi umbala wemathiriyeli yebleyidi.

Nayo nayiphi na imathiriyeli ekubhekiswa kuyo ku-(a), (b), (c) okanye-(d) ngentla ziyongezwa kwibleyidi kwaye aziyonxalenye yophini. Nangona kunjalo qaphela u-8 ngezantsi.

7. Umonakalo ebholeni

- (a) Ukwenzela nayiphi na indawo yophini egqunyiweyo okanye engagqunywanga, ukomelela kwenye imathiriyeli nendlela ovakala ngayo umphezulu esandleni apho ke ayizi kuba ngathi enye okanye zombini ziza kwenza umonakalo ongamkelekanga ebholeni.
- (b) Nayiphi na imathiriyeli ebekwe nakuyo nayiphi na indawo ngayo nayiphi na injongo ephinini kufuneka ingenzi monakalo ongamkelekanga ebholeni.
- (c) Ngokweenjongo zoMthetho, umonakalo ongamkelekanga uba mbi kakhulu kunokuguga nokukrazuka okwenziwa yibhola ebetha umphezulu wophini ongagqunywanga webleyidi.

8. Ukuthintana nebhola

Kule Mithetho,

- (a) ukukhankanya uphini kuthetha ukuba uphini lubanjwe sisandla somqhokri okanye iglavu inxitywe esandleni sakhe, ngaphandle kokuba kuthethwa enye into.
- (b) ukudibana kwebhola nento
esenokuba (i) luphini buqu
okanye (ii) isandla somqhokri sibambe uphini
okanye (iii) nayiphi na indawo yeglavu enxitywe sisandla somqhokri obambe uphini
okanye (iv) nayiphi na imathiriyeli evunyiweyo phantsi ko-3, 5 okanye u- 6 ngentla zithathwa njengebhola ebetha okanye ethinta uphini okanye ebethwa luphini.

UMTHETHO 7 IPITSHI

1. INdawo yepitshi

Ipitshi yindawo ebuxande ebaleni ebukhulu bayo buziyadi ezingama-22 /20.12 m ubude no-10 ft/3.05 m ububanzi. Emacaleni isenokwenziwa ziikhristi ezikumacala omabini umgca omnye kwimigca ekungagqithwayo kuyo xa kubhowulwa ibhola udibanise iisenta zezitampu ezibini phakathi, zinxusane ize ibe yi-5 ft/1.52 m ukusuka kuyo. Jonga uMthetho 8.1 (Ububanzi nokuipitsha) noMthetho 9.2 (Ikhristi yokubhowula).

2. Ukulungela kwepitshi umdlalo

Ngoo-amphaya kuphela abanokuthatha isigqibo malunga nokuba ipitshi ikulungele na ukuba kungadlalwa kuyo. Jonga uMthetho 3.8 (Ukulungela umdlalo) noMthetho 3.9 (Ukumiswa komdlalo kwiimeko ezinobungozi nezingamkelekanga)

3. Ukhetho namalungiselelo

Phambi komdlalo, oo-amphaya banoxanduva lokukhetha nokulungisa ipitshi. Ngexesha lomdlalo oo-amphaya baqwalasela ukusetyenziswa kwayo nokulungiswa kwayo.

4. Ukutshintsha ipitshi

Ipitshi mayingatshintshwa ngexesha lomdlalo ngaphandle kokuba oo-amphaya bathathe isigqibo sokuba inobungozi okanye ayamkelekanga ukuba umdlalo uqhube kuyo, kwaye loo nto mayenzeke kuphela ngesivumelwano sookhapteni bobabini.

5. Ipitshi eyimethi

Ukuba kusetyenziswa ipitshi eyimethi, loo to yexeshana iza kusetyenziswa njengengca kufuneka ihambelane nale milinganiselo ilandelayo.

Ubude – ubuncinane bube yi-58 ft/17.68 m

Ububanzi – ubuncinane bube yi-6 ft/1.83 m

Jonga uMthetho 10.8 (Iipitshi eyimethi).

UMTHETHO 8 OOTHINTI

1. Ububanzi nokupitsha

Iseti ezimbini zezinti mazimelane, zibe kwindawo efanelekileyo, zijongane kwaye zinxusane kungama ongama-22 yards/20.12 m phakathi kweesenta zezitampu ezibini eziphakathi. Iseti nganye iza kuba ngu- 9 ku/22.86 cm ububanzi kwaye iza kuba nezitampu ezithathu zomthi ezineebheyili ezimbini zomthi ngaphezulu. Jonga iSihlomelo A.

2. Ubungakanani bezitampu

Iintloko zezitampu mazibe zii-intshi ezingama-28/71.1 cm umphakamo phezu komhlaba kwaye mazimile ngqukuva ngaphandle kwemingxunya yeebheyili. Inxalenye yesitampu phezu komhlaba mayime okwesilinda ngaphandle komntla ongqukuva, sibe necala elisisangqa ledayamitha engekho ngaphantsi ko- $1\frac{3}{8}$ ku-/3.49 cm ingabikho nangaphezulu ko- $1\frac{1}{2}$ ku-/3.81 cm. Jonga iSihlomelo A.

3. Iibheyili

(a) Iibheyili, xa zikwiindawo zazo phezu kwezitampu,

(i) aziyi kuba ngaphezu ko- $\frac{1}{2}$ ku-/1.27 cm ngaphezulu,

(ii) kufuneka zingene nje gingci phakathi kwezitampu zingadanga zanyanzelwa.

(b) Iibheyili nganye kufuneka ihambe ngokwale miqathango ilandelayo. Jonga iSihlomelo A.

Ubude bubonke $4\frac{5}{16}$ ku-/10.95 cm

Ubude bebhareli $2\frac{1}{8}$ ku-/5.40 cm

Ispigothi esidana $1\frac{3}{8}$ ku-/3.49 cm

Ispigothi esifutshane $13/16$ ku-/2.06 cm

4. Iqakamba yabancinci

Kwiqakamba yabancinci kusebenza kwale nkcazo inye yezinti, kuxhomekeke ukuba kusetyenziswa le milinganiselo ilandelayo.

Ububanzi 8 ku-/20.32 cm

Ipitshi yabangaphantsi kwe-13 21 iiyadi/19.20 m

Ipitshi yabangaphantsi kwe-11 20 iiyadi/18.29 m

Ipitshi yabangaphantsi kwe-9 18 iiyadi/16.46 m

Umphakamo ukusuka endaweni yokudlala 27 ku-/68.58 cm

Isitampu ngasinye

Idayamitha ingabi ngaphantsi ko- $1\frac{1}{4}$ ku-/3.18 cm

kwaye ingabi ngaphezu ko- $1\frac{3}{8}$ ku-/3.49 cm

Ibheyili nganye

Iphelele $3\frac{13}{16}$ ku-/9.68 cm

Ibhareli $1\frac{13}{16}$ ku-/4.60 cm

Ispigothi esidana $1\frac{1}{4}$ ku-/3.18 cm

Ispigothi esifutshane $\frac{3}{4}$ ku-/1.91 cm

5. Ukuchithwa kweebheyili

Oo-amphaya bangathatha isigqibo sokuba zikhutshwe iibheyili xa bebona kuyimfuneko. Ukuba ke bayavumelana, iibheyili aziyi kusetyenziswa macala omabini epitshi. Usetyenziso lweebheyili malubuyiselwe zakube iimeko zivuma. Jonga uMthetho 28.4 (Ukususwa kweebheyili).

UMTHETHO 9 UKUBHOWULA, IKHRISI YOKUHLABA NERITHEN-KHRISI

1. Iikhrisi

Iikhrisi yokubhola, ikhrisi yokuhlaba neerithen-khrisi maziphawulwe mhlophe, njengoko kuchaziwe ku- 2, 3 naku- 4 ngezantsi, kwisiphelo ngasinye sepitshi. Jonga iSihlomelo B.

2. Iikhrisi yokubhola

Iikhrisi yokubhowula, nesekupheleni emva kophawu lwekhrisi, mayibe ngumgca onqumla kwisenta yezitampu ezithathu ekugqibeleni. Mawube yi- 8 ft 8 ku/2.64 m ubude, ube nezitampu phakathi.

3. Iikhrisi yokuhlaba

Iikhrisi yokuhlaba, nesekupheleni emva kophawu lwekhrisi, mayibe ngaphambili ize inxuse ikhrisi yokubhowula, mawube yi-4 ft/1.22 m ukusuka kuwo. Iikhrisi yokuhlaba mayiphawulwe ubuncinane ibe yi-6 ft/1.83 m kumacala omabini umgca ekungagqithwa kuwo xa kubhowulwa odibanisa isenta yezitampu ezibini eziphakathi kwaye mawuthathwe njengongaqingqwanga ubude bawo.

4. Irithen-khrisi

Irithen-khrisi, nebasekugqibeleni komphakathi wophawu lwekhrisi, mayibe yi-engile engama-90 degrees kwikhrisi yokuhlaba kungama oyi-f 4 ft 4 ku/1.32 m kumacala omabini omgca ekungagqithwa kuwo xa kubhowulwa odibanisa iisenta zezitampu ezibini eziphakathi. Irithen-khrisi mayiphawulwe ukusuka kwikhrisi yokuhlaba ubuncinane bube yi-8 ft/2.44 m emva kwayo kwaye mawuthathwe njengongaqingqwanga ubude bawo.

UMTHETHO 10 UKULUNGISWA NOKULONDOLOZWA KWENDAWO YOKUDLALELA

1. Ukugangatha ipitshi

Ipitshi ayingagangathwa kusadlalwa ngaphandle kwakwimiqathango emiselwe ku-(a) naku-(b) ngezantsi.

(a) Ixesha nezihlandlo zokugangatha

Ngexesha lomdlalo ipitshi ingagangathwa ngokwesicelo sikakhapteni wecala eliqhokrayo, ngexesha elingagqithanga kwimizuzu engaphezu kwesi-7 phambi kokuqala kwamangeno, ngaphandle kwamangeno okuqala omdlalo naphambi kokuqala komdlalo ngamnye olandelayo. Jonga u-(d) ngezantsi.

(b) Ukugangatha emva kokulibaziseka kokuqala komdlalo

Ngaphazu kokugangatha oluvunyiweyo ngasentla, ukuba emva kwetosi naphambi kwamangeno okuqala omdlalo ukuqala komdlalo kulibazisekile, ukhapteni wecala eliqhokrayo angacela ukuba ipitshi igangathwe kwimizuzu engekho ngaphezu kwesi-7. Nangona kunjalo ukuba oo-amphaya bedibene bayavumelana ukuba ukulibaziseka akunafuthe libonakalayo kwimeko yepitshi, mabasikhabe isicelo sokugangathwa kwepitshi esinjalo.

(c) Ukukhetha isixhobo sokugangatha

Ukuba bangaphezulu kwesinye oogangatha abafumanekayo, ukhapteni wecala eliqhokrayo uza kukhetha ukuba ngowuphi oza kusetyenziswa.

(d) Ixesha elivumelekileyo lokugangatha

Ukungangatha okuvunyelweyo (ubuninzi yimizuzu esi-7) phambi kokuba umdlalo uqale nangeyiphi na imini uza kuqalwa kungadlulanga imizuzu engaphezu kwama-30 phambi kokuba ixesha elibekelwe umdlalo okanye kuphinde kubekwe ixesha lomdlalo ukuze uqale. Ukhapteni wecala eliqhokrayo angakumisa ukuqala koko kugangatha kude kube yimizuzu engekho ngaphantsi kwe-10 phambi kokuba ixesha elibekelwe umdlalo okanye kuphinde kubekwe ixesha lomdlalo ukuba ufuna njalo.

(e) Ukungoneli kwexesha lokugqiba ukugangatha

Ukuba xa ukhapteni esazisa ukuvalwa kwamangeno okanye ukulahlekelwa ngamangeno okanye enyanzelisa iqela eliwe ngaphantsi kwemitsi ebilindelekile kwiqela elidlala nalo, alanelanga ixesha lokuba ipitshi igangathwe imizuzu e-7, okanye ukuba alonelanga ixesha nangaso nasiphi na isizathu, nangona kunjalo ukhapteni wecala eliqhokrayo makavunyelwe azikhethela ixesha lokugangatha. Ixesha elilibazisekileyo ebekumelwe ukuqalwa ngalo amangeno ngenxa yeso sizathu kuza kufuneka likhutshwe kwixesha eliqhelekileyo lokudlala.

2. Ukususa izinto ezimdaka kwipitshi

(a) Ipitshi mayicocwe kususwe nantoni na emdaka

- (i) phambi kokuba kuqale umdlalo wosuku. Oku kuza kuba semva kokuba kugqityiwe ukucheba ingca naphambi kwakho nakuphi na ukugangatha, kungabi ngaphambi kwemizuzu engama-30 kungabisemva kwemizuzu eli-10 phambi kwexesha okanye ixesha ekuza kuphinde kuqalwe ngalo umdlalo.
- (ii) phakathi kwamangeno. Oku makwenzeke phambi kokugangatha ukuba kukho enye yazo eza kwenzeka.
- (iii) kulo lonke ikhefu lesidlo.

(b) Ukususwa kwezinto ezimdaka ku-(a) ngentla kuza kwenziwa ngokutshayela, ngaphandle kwalapho oo-amphaya beyithatha njengenobungozi kumphezulu wepitshi. Kule meko izinto ezimdaka kunyanzelekile ukuba zisuswe kulaa ndawo ngesandla, kungatshayelwa.

(c) Ukongeza ku-(a) ngentla, izinto ezimdaka zinokususwa ngesandla epitshini kungatshayelwa phambi kokucheba ingca naxa nokuba ngowuphi u-amphaya ebona kuyimfuneko.

3. Ukucheba ingca

(a) Uxanduva lokucheba ingca

Konke ukuchetywa kwengca okwenzekayo phambi komdlalo iza kuba luxanduva labalawuli bebala.

Konke ukuchetywa kwengca okulandelayo kuza kwenziwa phantsi kweliso loo-amphaya.

(b) Ipitshi nobubanzi bebala

Ukwenzela amacala omabini, iimeko zebala kumdlalo uphela kuza kufuneka zibe bufana kangangoko,

- (i) ipitshi
- (ii) ububanzi bebala

kufuneka ichetywe ngosuku ngalunye lomdlalo xa kulindelwe ukuba umdlalo uqhube ukuba iimeko zebala nemozulu ziyavuma.

Ukuba ngenxa yezizathu zeemeko zebala okanye imozulu ukuchetywa kwengca kububanzi bebala akwenzeki, abalawuli bebala mabachazele ookhapteni noo-amphaya ngenkqubo eza kusetyenziswa ukucheba ingca ngexesha lomdlalo.

(c) Ixesha lokucheba ingca

- (i) Ukucheba ingca epitshini nangalo naluphi na usuku kuza kugqitywa ingaphelanga imizuzu engama-30 phambi kwexesha lomdlalo okanye eliphinde lalungiselelwa ukuba umdlalo uqale ngaloo mini, kungekatshayelwa phambi kokugangatha. Ukuba kuyimfuneko, izinto ezimdaka ngaphandle kokutshayela zingasuswa ngesandla ebaleni phambi kokucheba ingca. Jonga u-2(c) ngentla.
- (ii) Ukuchetywa kwengca kububanzi bebala nangalo naluphi na usuku kuza makugqitywe ingaphelanga imizuzu eli-15 phambi kwexesha elibekelwe umdlalo okanye eliphinde labekwa ukuba umdlalo uqale ngaloo mini.

4. Ukunkcenkceshela ipitshi

Ipitshi mayingankcenkceshelwa ngexesha lomdlalo.

5. Ukuphawulwa ngokutsha kweekhrisi

Ikhristi maziphawulwe ngokutsh nanini na u-amphaya ekubona kuyimfuneko oko.

6. Ukulungiswa kwezigingqi ezenziwa ziinyawo

Oo-amphaya mabaqinisekise ukuba izigingqi ezenziwa ziibhowula nabaqhokri ziyacocwa kwaye zomiswe nanini na xa kuyimfuneko ukuze kudlaleke.

Kwimidlalo edlalwa ngaphezu kosuku olunye, oo-amphaya ukuba kuyimfuneko baza kuvumela ukuphinda kuditywe izigingqi zeenyawo ezenziwe ziibhowula xa zibhowula okanye basebenzisa izinto zokudiba ezikhawulezayo.

7. Ukudiba izigingqi ezenziwa ziibhowula nokulungiswa kwepitshi

Ngexesha lomdlalo oo-amphaya mabavumele ukuditywa kwezigingqi zeenyawo zeebhowula, ngokusebenzisa umququ, kodwa kuqinisekise ukuba akukho monakalo wenzekayo epitshini kwanokuba uMthetho-42 (Umdlalo onefeya nongenafeya) awaphulwa.

8. Ipitshi ezinemethi

Yonke le migqaliselo ingasentla, ukususela ku-1 ukuya ku-7, iyasebenza nakwiipitshi ezinemethi.

UMTHETHO 11 UKUGQUNYWA KWEPITSHI

1. Phambi komdlalo

Ukusetyenziswa kwezigqubuthelo phambi komdlalo luxanduva lwabalawuli bebala kwaye kungaquka ukugqunywa kwepitshi iphela ukuba kuyimfuneko.

Kodwa kunjalo, abalawuli bebala mabavumele uncedo olufanelekileyo kookhapteni ukuhlola ipitshi phambi kokuphakanyiswa kwamagama abadlali babo noo-amphaya ukwenza imisebenzi yabo njengoko ibhaliwe kuMithetho-3 (Oo-amphaya), 7 (Ibala), 8 (Oothinti), 9 (Ukubhowula, ikhrisi yokuhlaba nerithen-khrisi) no- 10 (Ukulungiswa nokulondolozwa kwendawo yokudlalela).

2. Ngexesha lomdlalo

Ipitshi ayizikugqunywa yonke ngexesha lomdlalo ngaphandle kokuba kutsho imithetho okanye isivumelwano phambi kokuba kutoswe.

3. Ukugquma indawo ebaleka ibhowula

Nanini na xa kunokwenzeka, indawo ebaleka ibhowula iza kugqunywa kwimozulu engentle ukuze igcinwe yomile. Ngaphandle kokuba kukho isivumelwano sokugqunywa ngokupheleleyo phantsi ko-2 ngentla kwezigqubuthelo, loo nto ithi ukusetyenziswa akuzi kugqithela ngaphaya kwe-5 ft/1.52 m phambi kwekhristi yokubhola.

4. Ukususwa kwezigqubuthelo

- (a) Ukuba emva kwetosi ipitshi igqunywe ebusuku, izigqubuthelo ziza kususwa kusasa kwangethuba ngemini nganye ekulindleke ukuba kudlalwe ngayo.
- (b) Ukuba izigqubuthelo zisetyenzisiwe ngexesha lasemini njengezikhuseleli kwimozulu engentle okanye imozulu engentle imisa ukususwa kwezigqubuthelo zasebusuku, mazisuswe ngokukhawuleza nje ukuba iimeko zivume.

UMTHETHO 12 AMANGENO

1. Inani lamangeno

- (a) Umdlalo ngamnye unamangeno amanye okanye amangeno amabini kwicala ngalinye ngokwesivumelwano ekufikelelwe kuso phambi komdlalo.
- (b) Kusengavunyelwana ukuba amangeno mawacuthwe abe nee-owuva ezilinani elithile okanye maziqhube ixesha elithile. Ukuba kuthathwe nasiphi na kwezo zigqibo:
 - (i) kumdlalo onamangeno amanye kuya kusetyenziswa isivumelwano esifanayo kumangeno omabini.
 - (ii) kumdlalo onamangeno amabini izivumelwano ezifanayo ziya kusebenza kwezi meko:

kumangeno okuqala ecala ngalinye; okanye

kuamangeno esibini ecala ngalinye; okanye kumangeno amabini ecala ngalinye.

Kwimidlalo yamangeno amanye namangeno amabini isivumelwano kunyanzelekile ukuba sibandakanye nendlela ekuza kubalwa ze sikhutshwe ngayo isiphumo xa ngaba akusetyenziswa namnye kule mithetho, uMthetho 21.1 (Impumelelo – umdlalo onamangeno amabini) okanye uMthetho 21.2 (Impumelelo – umdlalo onamangeno amanye).

2. Amangeno atshintshanayo

Kumdlalo onamangeno amabini icala ngalinye liya kutshintshana ngamangeno alo ngaphandle kwakwiimeko ezikuMthetho 13 (Amangeno alandelelanayo) okanye uMthetho 14.2 (Ukunikezela ngamangeno).

3. Amangeno agqityiweyo

Amangeno ecala aza kuthathwa njengagqityiweyo ukuba:

- (a) iqela likhutshwe lonke

okanye (b) ekuweni kwewikethi okanye ekuxhomeni komqhokri kube kusekho iibhola ezishiyekileyo ukuba zibhowulwe kodwa kungekho mqhokri wumbi useleyo ukuba aqhokre

okanye (c) ukhapteni uyawavala loo mangeno

okanye (d) ukhapteni uyanikezela okanye uyaphisa ngaloo mangeno;

okanye (e) kwimeko yokuba kungabikho sivumelwano phantsi ko-1(b) ngasentla,

mhlawumbi (i) ii-owuva ezibekiweyo zibhowulwe zonke
okanye (ii) ixesha elibekelwe umdlalo liphelile.

4. Itosi

Ookhapteni baza kutosa ukukhetha amangeno, ebaleni lomdlalo nasemehlweni omnye okanye wabo bobabini oo-amphaya, kungekho ngaphantsi kwemizuzu engama-30 phambi kokuqala komdlalo, okanye kwimizuzu eli-15 phambi kwexesha elibekelwe umdlalo ukuba uqale. Nangona kunjalo, qaphela amalungiselelo oMthetho 1.3 (Ukhapteni).

5. Ukwaziswa kwesigqibo

Nje ukuba itosi igqitywe, ukhapteni wecala eliphumelele itosi makazise ukhapteni welinye icala noo-amphaya ngesigqibo sakhe sokuba uza kuqala aqhokre okanye afildishe na. Bakuba bexelelwe, isigqibo asisayi kube sitshintshwe.

UMTHETHO 13 AMANGENO ALANDELELANAYO

1. Xa ukhokela kumangeno okuqala

- (a) Kumdlalo omangeno mabini weentsuku ezi-5 nangaphezulu, icala eliqhokra kuqala nelikhokelayo ubuncinane ngemitsi engama-200 lisenokukhetha ukuba elinye icala malilandele amangeno alo;
- (b) Kwale ndlela inye yokukhetha ingasetyenziswa kweminye imidlalo enamangeno amabini adlalwa ngexesha elifutshane, libe ubuncinane likhokela ngale mitsi ilandelayo:
 - (i) imitsi eli-150 kumdlalo weentsuku ezintathu okanye ezine;
 - (ii) imitsi eli-100 kumdlalo ontsuku-mbini ;
 - (iii) imitsi engama-75 kumdlalo wosuku olunye.

2. Isaziso

Ukhapteni makazise ukhapteni welinye icala noo-amphaya ngesigqibo sakhe. Apha kuya kusebenza uMthetho 10.1(e) (Ukungoneli kwexesha lokugqiba ukugangatha).

3. Usuku lokuqala lomdlalo olungadlalwanga

Ukuba akudlalwanga ngosuku lokuqala, yaye umdlalo lo ufanele ukudlalwa iintsuku ezingaphezulu kolunye, u-1 ngentla uza kusebenza kuxhomekeke kwinani leentsuku eziseleyo kwezo bekumele ukuba umdlalo udlalwa zona. Ngenxa yesi sizathu, usuku oqalisa ngalo umdlalo lubalwa njengosuku olupheleleyo nokuba uqale ngaliphi na ixesha umdlalo Umdlalo uya kuthathwa njengokuba uqalile ukuba uphumile umyalelo othi mawuqale yaye ne-owuva yokuqala iqalile. Jonga uMthetho 22.2 (I-owuva).

UMTHETHO 14 UKUVALA AMANGENO NOKUNIKEZELA

1. Ixesha lokubhengeza

Ukhapteni wecala eliqhokrayo nangaliphi na ixesha eqhuba amangeno, xa kukho ibhola efileyo, angabhengeza ukuba amangeno ecala lakhe uyawavala.

2. Ukunikezela ngamangeno

Ukhapteni anganikezela nawaphi na amangeno ecala lakhe nangalo naliphi na ixesha phambi kokuqala kwamangeno. Amangeno anikezelweyo athathwa njengamangeno agqityiweyo.

3. Isaziso

Ukhapteni uya kwazisa ukhapteni wecala abadlala nalo noo-amphaya ngesigqibo sakhe sokunikezela ngomdlalo. Kwesi sithuba kusebenza uMthetho 10.1(e) (Ukungoneli kwexesha lokugqiba ukugangatha).

UMTHETHO 15 IKHEFU

1. Ikhefu

Oku kulandelayo kuza kuthathwa njengekhefu.

- (i) Ixesha eliphakathi kokuvalwa komdlalo ngosuku olunye nokuqala komdlalo wosuku olulandelayo.
- (ii) Ikhefu phakathi kwamangeno.
- (iii) Ikhefu lezidlo.
- (iv) Ikhefu leziselo.
- (v) Naliphi na ikhefu ekuvunyelwene ngalo.

Onke la maxesha makathathwe njengekhefu elimiselweyo ngenxa yoMthetho 2.5 (Ifilda engekhooyo okanye ephumayo).

2. Isivumelwano ngekhefu

- (a) Phambi kwetosi
 - (i) iiyure zomdlalo mazimiselwe.
 - (ii) ngaphandle kwezifana nezi ku-(b) ngezantsi ixesha nobude bekhefu lesidlo kuza kuvunyelwana ngalo.
 - (iii) ixesha nobude balo naliphi na ikhefu phantsi ko-1(v) ngentla makuvunyelwane ngalo.
- (b) Akukho xesha lingqalileyo kumdlalo wosuku olunye ekufuneka kuvunyelwane ngalo ngekhefu leziphungo. Ukusuka apho kungavunyelwana ukuba eli khefu lithathwe phakathi kwamangeno.
- (c) Ikhefu leziselo alinakuthathwa ngeyure yokugqibela yomdlalo njengoko kuchaziwe kuMthetho 16.6 (Iyure yokugqibela yomdlalo – inani lee-owuva). Kuxhomekeke kulo mqathango, ookhapteni noo-amphaya mabavumele eli xesha lekhefu ukuba ngaba liphambi kwetosi nangemini elandelayo kungadlulanga imizuzu elishumi phambi kokuba ixesha lomdlalo liqale.

Jonga uMthetho 3.3 (Isivumelwano nookhapteni).

3. Ubude bexesha lekhefu

- (a) Ikhefu lesidlo sasemini okanye iziphungo mayibe lixesha ekuvunyelwene ngalo phantsi ko-2(a) ngentla lithathwe kwixesha elimisiweyo phambi kwekhefu de kuqhutyelwe phambili nomdlalo xa kuphinda kuqaliswa ukudlala emva kwekhefu.
- (b) Ikhefu phakathi kwamangeno mayibe yimizuzu eli-10 ukusuka ekuvalweni kwamangeno de kuqhutyelwe phambili nomdlalo ukuqala amangeno alandelayo, ngaphandle kwezi meko zikumhlathi 4, 6 no-7 ngezantsi.

4. Ukungavunyelwa kwekhefu phakathi kwamangeno

Ukongeza kumalungiselelo aku-6 naku-7 ngezantsi,

- (a) ukuba amangeno aphela kushiyeke imizuzu eli-10 okanye engaphantsi phambi kwexesha ekuvunyelwene ngalo ukuvala umdlalo nangalo naluphi na usuku, akuzi kubakho mdlalo kwakhona ngaloo mini. Akukho lutshintsho malwenziwe kwixesha lokuqala umdlalo kusuku olulandelayo ngenxa yalaa mizuzu eli-10 yekhefu phakathi kwamangeno.

- (b) ukuba ukhapteni wazisa ukuvalwa kwamangeno ngexesha lophazamiseko ngemizuzu engaphezu kweli-10, akukho xesha malilungelalaniswe ukuqala umdlalo kwakhona ngenxa yekhefu eliphakathi kwamangeno eliza kuthathwa. Makusebenze UMthetho 10.1(e) (Ukungoneli kwexesha ukugqiba ukugangatha).
- (c) ukuba ukhapteni wazisa ukuvalwa kwamangeno ngexesha lekhefu elingelilo eleziselo, ikhefu kufuneka kuvunyelwane ngobude bexesha lalo kwaye lithathwe ngokuba liquka ikhefu lemezuzu eli-10 phakathi kwamangeno. Makusebenze uMthetho 10.1(e) (Ukungoneli kwexesha lokugqiba ukugangatha).

5. Ukutshintsha ixesha lekhefu ebekuvunyelwene ngalo

Ukuba nangaliphi na ixesha ngexesha lomdlalo, isenokuba ixesha lokudlala lilahleke ngenxa yeemeko ezingentle zebala, imozulu okanye ukukhanya okanye kwiimeko ezingezinye, okanye abadlali ekufuneka balishiye ibala ngaphandle kwekhefu elibekelwe lona, ixesha lekhefu lesidlo sasemini okanye lokuphunga lingatshintshwa ukuba oo-amphaya bobabini nookhapteni bobabini bayavuma ukuba iimfuno eziku-3 ngentla no- 6, 7, 8 no- 9(c) ngezantsi azophulwa.

6. Ukutshintsha ixesha lesidlo sasemini ebekuvunyelwene ngalo

- (a) Ukuba amangeno ayaphela xa kushiyeke imizuzu eli-10 nangaphantsi phambi kwexesha ebekuvunyelwene ngalo lesidlo sasemini, makuthathwe ikhefu ngoko nangoko. Kufuneka ubude balo kube kokuvunyelwene ngako kwaye buthathwe njengokuquka imizuzu eli-10 yekhefu phakathi kwamangeno.
- (b) Ukuba ngenxa yeemeko ezingentle zebala, imozulu okanye ukukhanya okanye iimeko ezingezinye, ukumiswa kwenzeka xa imizuzu elishumi okanye ngaphantsi ishiyekile phambi kwexesha ekuvunyelwene ngalo lesidlo sasemini, engachaphazelekanga u-5 ngentla, ikhefu malithathwe ngoko nangoko. Kufuneka ubude balo kube kuvunyelwene ngabo. Umdlalo uza kuqala ekupheleni kweli khefu okanye ngokukhawuleza kangangoko kunokwenzeka zakube iimeko zivuma.
- (c) Ukuba abadlali banento ebangela ukuba bashiye ibala nangaso nasiphi na isizathu xa kushiyeke ngaphezu kwemizuzu eli-10 phambi kwexesha ekuvunyelwene ngalo lesidlo sasemini, ngaphandle kokuba oo-amphaya nookhapteni bedibene bayavuma ukuyitshintsha, isidlo sasemini masithathwe ngexesha ekuvunyelwene ngalo.

7. Ukutshintsha ixesha lekhefu leziphungo ebekuvunyelwene ngalo

- (a) (i) Ukuba amangeno aphele xa imizuzu ingama-30 okanye ngaphantsi eshiyekileyo phambi kwexesha ekuvunyelwene ngalo lokuphunga, ikhefu malithathwe ngoko nangoko. Kufuneka kuvunyelwane ngobude balo kwaye kuthathwe ngokuquka imizuzu eli-10 yekhefu phakathi kwamangeno.
- (ii) Ukuba xa kushiyeke imizuzu engama-30 phambi kwexesha ekuvunyelwene ngalo lokuphunga, ikhefu phakathi kwamangeno sele liqhuba, umdlalo mawuqale ekupheleni kwekhefu lemezuzu eli-10 ukuba iimeko ziyavuma.
- (b) (i) Ukuba ngenxa yeemeko ezingentle zebala, imozulu okanye ukukhanya okanye kwiimeko ezinomahluko, ukumiswa kuyenzeka xa kushiyeke imizuzu engama-30 okanye ngaphantsi phambi kwexesha ekuvunyelwene ngalo lokuphunga, ngoko ngaphandle okanye nasiphi na isivumelwano sokutshintsha ixesha lokuphunga njengoko kuvunyiwe ku-5 ngentla

okanye ookhapteni bagqibe ekubeni lingabikho ikhefu lokuphunga njengoko kuvunyiwe ku- 10 ngezantsi ikhefu malithathwe ngokukhawuleza. Ubude bekhefu kube kokuvunyelwene ngabo. Umdlalo mawuqale ekupheleni kwekhefu okanye ngokukhawuleza emva nje, ukuba iimeko zivume.

- (ii) Ukuba ukumisa umdlalo sele kuqhubeka xa kushiyeke imizuzu engama-30 phambi kwexesha ekuvunyelwene ngalo lokuphunga, u-5 ngentla uza kusebenza.

8. Ixesha leziphungo – xa sele kuwe iiwikethi ezili-9

Xa iziwiwikethi ezili-9 esele ziwile kube kushiyeke imizuzu emi-2 ngaphambi kwexesha leziphungo ebekuvunyelwene ngalo,

okanye iiwikethi yesithoba iwa kwimizuzu emibini eseleyo, okanye nangaliphi na elinye ixesha elisondele elokubholwa kwebhola yokugqibela ye-owuva ukuba kubethe ixesha lekhefu leziphungo,

engachaphazelekanga amalungiselelo oMthetho 16.5(b) (Ukuphela kwe-owuva), akuzi kuphungwa de kuphele i-owuva leyo isabhowulwayo imizuzu engama-30 emva kwexesha leziphungo ebekuvunyelwene ngalo ngaphandle kokuba abadlali banesizathu sokuba baphume ebaleni okanye amangeno agqitywe phambi kwexesha.

Amalungiselelo eli icandelo loMthetho amisela ukuba ukuxhoma komqhokri akuyi kubalwa ngokuba kuwe iiwikethi.

9. Ikhefu leziselo

- (a) Ukuba nangaluphi na usuku ookhapteni bayavuma ukuba kuza kubakho ikhefu leziselo, ukukhetha ukuthatha iziselo ezinjalo makufumaneka nakweliphi na icala. Ikhefu ngalinye maligcinwe lilifutshane kangangoko kwaye lingagqithi kwimizuzu emi-5.
- (b) Ngaphandle kokuba njengoko kuvunyiwe ku-10 ngezantsi ookhapteni bayavuma ukugqiba ukuba lingabikho, ikhefu leziselo malithathwe ekupheleni kwe-owuva eqhubayo xa ixesha ekuvunyelwene ngalo kufikwa kulo. Ukuba kodwa kunjalo uthinti uyawa okanye umqhokri uthatha umhlala-phantsi kwimizuzu nje emi-5 yexesha ekuvunyelwene ngalo, iziselo mazithathwe ngokukhawuleza.
Alukho olunye utshintsho omaluvunywe kwixesha leziselo ngaphandle kokubhalwe ku-
- (c) ngezantsi.
- (c) Ukuba amangeno ayaphela okanye abadlali kufuneka bashiye ibala lomdlalo nangaso nasiphi na isizathu kwimizuzu engama-30 yexesha ekuvunyelwene ngalo lekhefu leziselo, oo-amphaya nookhapteni bedibene bangaphinda baluhlenga-hlengise ixesha lekhefu leziselo kwiseshini leyo.

10. Isivumelwano ngokungalithathi ikhefu

Nangaliphi na ixesha uqhuba umdlalo ookhapteni bangavumelana ngokungalithathi ikhefu leziphungo okanye lezinye iziselo. Oo-amphaya mabaxelelwe ngesi sigqibo.

Xa umdlalo uqhuba, umqhokri okwiwikethi ngelo xesha angathi egameni lekhefu yakhe enze isivumelwano sokuba bangalithathi ikhefu leziselo kuloo seshini.

11. Ukwaziswa kwababhali-skora

Oo-amphaya mabaqinisekise ukuba ababhali-skora bayaziswa ngazo zonke izivumelwano ngeeyure zomdlalo nekhefu nangotshintsho olwenziweyo ngokuhambelana nalo Mthetho.

UMTHETHO 16 UKUQALA NOKUPHELA KOMDLALO

1. Ukuqala komdlalo

U-amphaya okwicala lebhawula nguye okhombisa ukuba umdlalo uyaqala naxa kuza kuthathwa ikhefu okanye kukho nto ithile iphazamisayo ngexa kudlalwa.

2. Ukumiswa kwexesha

U-amphaya okwicala lebhawula uya kuthi ibhola ifile ekumisweni komdlalo phambi kwalo naliphi na ikhefu okanye uphazamiseko nasekupheleni komdlalo. Jonga uMthetho 23.3 (Ukumiswa kwe-owuva nexesha) noMthetho 27 (Isikhalo).

3. Ukususwa kweebheyili

Wakuphela umdlalo, iibheyili mazisuswe kwiiwikethi zombini.

4. Ukuqala i-owuva entsha

I-owuva entsha iqalwa nanini na ngexesha lomdlalo ngaphandle kokuba kuza kuthathwa ikhefu ngokwaku-5 ngezantsi, ukuba, ehamba ngesantya esiqhelekileyo, —u-amphaya ufika kwisikhundla sakhe emva kwezinti kwicala lebhawula phambi kwexesha ekuvunyelwene ngalo ngekhefu elilandelayo okanye xa kufikelelwe ekusongweni komdlalo.

5. Ukuphela kwe-owuva

Ngaphandle kwasekupheleni komdlalo,

(a) ukuba kufikelelwe kwixesha lekhefu lomdlalo ebekuvunyelwene ngalo ngexesha le-owuva, i-owuva iza kugqitywa phambi kokuya kwikhefu ngaphandle kokuba kwenzeka okuchazwe ku-(b) ngezantsi

(b) xa sekusele ngaphantsi kwemizuzu emi-2 libethe ixesha ekuvunyelwene ngalo lekhefu elilandelayo, ikhefu liya kuthathwa ngoko nangoko ukuba:

(i) umqhokri ukhutshiwe okanye uxhomile;

okanye (ii) abadlali banikwe ixesha lokuba bakhe baphume ebaleni

nokuba le nto yenzeka ngexesha le-owuva okanye ekupheleni kwayo. Ngaphandle kwaxa sekusekupheleni kwamangeno, ukuba i-owuva iye yaphazamiseka iya kugqityezelwa xa uphinda uqaliswa umdlalo.

6. Iyure yokugqibela yomdlalo- inani lee-owuva

Xa kushiyeke iyure enye yexesha lokudlala umdlalo ngokweeyure ebekuvunyelwene ngazo zomdlalo, i-owuva eqhubayo mayigqitywe. I-owuva elandelayo mayibe yeyokuqala yee-owuva ezingama-20 ubuncinane ekufuneka zibhowuliwe, ukuba akufikelelwa kwisiphumo kwangethuba kwanokuba akukho khefu okanye siphazamiso kumdlalo.

U-amphaya okwicala elibhowulayo makachaze xa kuqala ezi-owuva zingama-20 kubadlali nakubabhali-skora. Emva koko ixesha lomdlalo lakubizwa njengeyure yokugqibela, nokuba lide kangakanani na ixesha elo.

7. Iyure yokugqibela yomdlalo - uphazamiseko lomdlalo

Ukuba kukho uphazamiseko kumdlalo ngeyure yokugqibela yomdlalo, ubuncinane benani lee-owuva emazibhowulwe malithotywe ukusuka kuma-20 ngale ndlela ilandelayo:

(a) Ixesha elilahleke ngenxa yophazamiseko libalwa ukusukela ekumisweni kwexesha de ibe lixesha lokuphinda kuqalwe njengoko kugqityiwe ngoo-amphaya.

(b) Makuxhuzulwe i-owuva enye ngemizuzu emi-3 yexesha elilahlekileyo.

(c) Kwimeko apho kukho isiphazamiso ngaphezu kwesihlandlo esinye esinjalo, imizuzu elahlekileyo ayizuchazwa yonke; ukubala kwenziwa ngesehlo sophazamiseko ngasinye.

(d) Ukuba kwiyure enye yexesha lomdlalo elishiyekileyo isiphazamiso sele siqhuba

(i) kuphela lixesha elilahlekileyo kulo mzuzu emalibalwe

- (ii) i-owuva eqhubayo ukuqala kwesiphazamiso mayigqitywe xa kuphinda kuqalwa kwaye mayingabalwa kwezi owuva eziseza kuqengqwa.
- (e) Ukuba kubekho uphazamiseko ekuqaleni kweyure yokugqibela kusadlalwa i-owuva, i-owuva leyo mayigqityezelwe kusuku olulandelayo. Ezo owuva, zizizigaba ezibini zinjalo, zibalwa njenge-owuva enye xa sele ziphinde zadlalwa.

8. Iyure yokugqibela yomdlalo - ikhefu phakathi kwamangeno

Ukuba amangeno ayaphela ukuze kuqale amatsha kwiyure yokugqibela, ikhefu liyaqala ukuphela kwamangeno kwaye kufuneka liphele emva kwemizuzu eli-10.

- (a) Ukuba eli khefu sele liqhuba ekuqaleni kweyure yokugqibela, kufuneka kubalwe ngokwale ndlela ichazwe ku-7 ngentla ukuba zingaphi na ii-owuva eziseleyo.
- (b) Ukuba amangeno aphela emva kokuba iyure yokugqibela iqalile, kubalwa kabini njengoko kuchaziwe ku-(c) no-(d) ngezantsi. Elona nani likhulu lisisiphumo kwakube kubaliwe malithathwe njengelona nani lincinci lee-owuva eziza kubhowulwa kumangeno amatsha.
- (c) Ubalo ngokwee-owuva eziseleyo:
 - (i) Ekusongweni kwamangeno, makubalwe inani lee-owuva eziseza kubhowulwa ezizezona zimbalelwa kwiyure yokugqibela.
 - (ii) Ukuba eli ayilonani lisisambuku malinyuselwe kwinqanaba elipheleleyo elilandelayo.
 - (iii) Ii-ova ezintathu, ukulungiselela ikhefu, mazitsalwe kwinqanaba elisisiphumo ukufumanisa inani lee-ova eziseza kubhowula.
- (d) Ubalo ngokwexesha eliseleyo:
 - (i) Ekupheleni kwamangeno, ixesha elishiyekileyo de ibe lixesha ekuvunyelwene ngalo ekuvalweni komdlalo maliqatshelwe;
 - (ii) Imizuzu eli-10 yekhefu mayitsalwe kweli xesha ukufumanisa elishiyekileyo lomdlalo.
 - (iii) Ukubala kwenziwa nge-owuva enye qho xa kugqitywa imizuzu emi-3 eshiyekileyo yomdlalo nenge i-owuva ukuba kusekho imizuzu eshiyekileyo kuleya mi-3.

9. Ukuqokunjelwa komdlalo

Umdlalo ugqityiwe

- (a) nje ukuba kufikelelwe kwisiphumo njengoko kuchaziwe kumacandelo 1, 2, 3, 4 okanye 5(a) oMthetho 21 (Iziphumo);
- (b) nje ukuba zombini
 - (i) ii-owuva eziseleyo kwiyure yokugqibela zigqitywe
 - ze (ii) kufikelelwe kwixesha ekuvunyelwene ngalo ukuvala umdlalo, ngaphandle kokuba kufikelelwe kwisiphumo ngaphambi kwexesha;
- (c) kwimeko yesivumelwano phantsi koMthetho 12.1(b) (Inani lamangeno), nje ukuba amangeno okugqibela agqitywe njengoko kuchaziwe kuMthetho 12.3(e) (Amangeno agqityiweyo);
- (d) ukuba, ungaqokunjelwanga umdlalo, enokuba kuku-(a) okanye ku-(b) okanye ku-(c) ngasentla, abadlali bashiye ibala ngeemeko ezingentle zebala, imozulu okanye ukukhanya okanye iimeko ezinomahluko kwaye kungabikho mdlalo kubonakala ukuba ungaqhuba.

10. Ukugqitywa kwe-owuva yokugqibela yomdlalo

I-owuva esaqhubayo ukuvalwa komdlalo ngomhla wokugqibela mayigqitywe ngaphandle kokuba

isenokuba (i) kufikelelwe kwisiphumo

okanye (ii) abadlali banesizathu sokushiya ibala. Kule meko akuzi kubakho kuqalwa komdlalo ngaphandle kweemeko zoMthetho 21.9 (Iimpazamo ekubhaleni amanqaku) kwaye nomdlalo ube sele usekupheleni.

11. Ibhawula engakwaziyo ukugqiba i-owuva ngeyure yokugqibela

Ukuba nangaso nasiphi na isizathu ibhawula ayikwazi ukugqiba i-owuva ngeyure yokugqibela, kusebenza uMthetho 22.8 (Ibhawula engakwaziyo ukubhawula okanye emiswe ingekapheli i-owuva). Ukwahlulwa kwaloo owuva makubale njenge-owuva enye yelona nani liphantsi liza kubhowulwa.

UMTHETHO 17 UKUZILOLONGA EBALeni

1. Ukuzilolonga epitshini, ebaleni okanye esikwereni

- (a) Akuzi kubakho naluphi na uhlobo lokuzilolonga nangalo naliphi na ixesha, nangalo naluphi na usuku epitshini okanye nokuba kukwimicu emibini enxuseneyo imelane nepitshi macala omabini, nganye ilingana nepitshi.
- (b) Akuzi kubakhona naluphi na uhlobo lokuzilolonga nakuyo nayiphi na indawo, nangalo naluphi na ixesha, nangalo naluphi na usuku lomdlalo ngaphandle kokuqala komdlalo ngaloo mini okanye emva kokuvala umdlalo ngolo suku. Ukuzilolonga phambi kokuqala komdlalo
 - (i) makungaqhubi emva kwemizuzu engama-30 phambi kwexesha elibekelwe umdlalo okanye ixesha eliza kuphinde libekelwe ukuqala umdlalo ngaloo mini.
 - (ii) kungavunyelwa, ukuba oo-amphaya bakubona oko kunokumosha isikwere.

2. Ukuzilolonga ebaleni

Lonke uhlobo lokuzilolonga luyavunyelwa ebaleni phambi kokuqala komdlalo wosuku nangalo naluphi na usuku okanye emva kokuvala umdlalo nangalo naluphi na usuku okanye ngexesha lesidlo sasemimi nekhefu lokuphunga

okanye phakathi kwamangeno,

ukuba oo-amphaya bayoneliseka ukuba oko kuzilolonga akuzi kwenza umonakalo omkhulu kwimeko yobubanzi bebala jikelele.

Oko kuzilolonga makungaqhubi emva kwemizuzu emihlanu phambi kwexesha elibekelwe umdlalo okanye nalo naliphi na ixesha elibekelwe ukuba umdlalo uphinde uqale.

3 Ukuzilolonga ebaleni phakathi kwexesha lokuqhuba komdlalo nelomiswa komdlalo

- (a) Izithintelo eziku-(b), (c) no-(d) ngezantsi mazisebenze hayi kuphela phakathi kokuqhutywa nokumiswa kwexesha kodwa nangexesha lekhefu leziselo okanye nangawo nawuphi na umcimbi xa ixesha likhwaziwe kodwa abadlali bahlale ebaleni lomdlalo.
- (b) Akukho bhola inokusetyenziswa kwibala lomdlalo ngaphandle kwebhola yomdlalo.
- (c) Akuzi kubakho kubhowula okanye kuqhokra okanye ukuzilolonga ngokuqhokra ebaleni jikelele. Kodwa kunjalo, ukubhowulela ibhola kumdlali ebaleni usebenzisa ingalo kuphela nangona indlela yokuzilolonga ingenakuthathwa njengokuzilolongela ukubhowula.
- (d) Zonke iindlela zokuzilolonga zivumelekile ebaleni nokuba kusekuweni kukathinti okanye ngexesha lamanye amathuba omdlalo ukwenza ngokusemthethweni ukuba ngaba
 - (i) ngabadlali abafildayo kuphela njengoko kuchaziwe kwiSihlomelo D abathatha inxaxheba ekuzilolongeni okunjalo

- (ii) u-amphaya uyoneliseka ukuba ayizi kuchasana nomthetho, isenokuba nguMthetho 42.3 (Ibhola yomdlalo – ukutshintshwa kwayo) okanye uMthetho 42.9 (Ukuchitha ixesha kwecala elifildayo).

4. Ukuziqhelanisa

Ibhowula ivumelekile ukuba izilolonge, izolule, iziqhelanisa, izivavanya kodwa phantsi kweliso lika-amphaya oza kuqinisekisa ukuba ayiwophuli uMthetho 42.9 (Ukuchitha ixesha kwecala elifildayo) okanye uMthetho 42.13 (Umdlali owonakalisa ipitshi).

5 Izohlwayo ngenxa yokophula umthetho

Zonke iindlela zokuzilolonga zixhomekeke kuMthetho 42.3 (Ibhola yomdlalo – ukutshintshwa kwayo), uMthetho 42.9 (Ukuchitha ixesha kwecala elifildayo) noMthetho 42.13 (Umdlali owonakalisa ipitshi). Ukongeza, ukuba kukho ukuchasana nomthetho kwawo nawaphi na amalungiselelo aku-1, 2, okanye 3 ngentla, ezi zohlwayo zilandelayo ziza kusebenza. Ukuba ulwaphlo-mthetho lwenziwa

(a) yifilda, akumelanga ivunyelwe ukuba ibhowule emva kokwaphula umthetho de noko ibe iphelile iyure enye

okanye kube bekukho mizuzu engama-30 yexesha lomdlalo ukusukela ekwaphulweni komthetho, nokuba yeyiphi eyenzeka kuqala.

Ukuba ulwaphulo-mthetho lwenziwa yibhowula ngexesha le-owuva, akumelanga ukuba ivunyelwe ukuba igqibe kwaloo owuva. Mayigqitywe yenye ibhowula nekufuneka kube kanti khange aqalise ukubhowula kwi-owuva edlulileyo nebi ngazu kubhowula nakwesiphi na isigaba se-owuva elandeleyo.

(b) ngumqhokri,

(i) okokuqala, u-amphaya makalumkise umdlali ukuba ukuzilolonga akuvunyelwa ze azise nomnye u-amphaya, ukhapteni wecala elifildayo, ze ngokukhawuleza azise ukhapteni wecala eliqhokrayo ngesizathu selo nyathelo. Esi silumkiso masisebenze kuwo onke amangeno asele eza kuqala okanye asele eqhuba. U-amphaya makazise umqhokri ngamnye ongenayo.

(ii) ukuba ngexesha lamangeno kukho nakuphi na ukuqhuba ukwaphula umthetho nguye nawuphi na umqhokri, u-amphaya makanike isohlwayo semitsi emi-5 kwicala elifildayo. U-amphaya makazise omnye u-amphaya, ukhapteni wecala elifildayo, ze ngokukhawuleza azise ukhapteni wecala eliqhokrayo.

UMTHETHO 18 UKWENZA IMITSI

1. Umtsi

Isikora sibalwa ngemitsi. Umtsi ubalwa ngolu hlobo:

- (a) qho abaqhokri behlaba okanye bencula kwelinye icala yakube ibhola iqhokriwe;
(b) xa kubethwe ibhawundri. Jonga uMthetho 19 (Iibhawundri).
(c) xa kunikwe izohlwayo zemitsi. Jonga ku-6 ngezantsi.
(d) xa kuthiwe ibhola **ilahlekile**. Jonga uMthetho 20 (Ibhola elahlekileyo).

2. Imitsi engabaliyo

Ngaphandle kwamalungiselelo aku-1 naweminye iMithetho, ukubalwa kwemitsi okanye ukukhutshwa kwezohlwayo kuqhutywa ngokwamalungiselelo emithetho echaphazelekayo, ngokunjalo nawemitsi engabalwayo nokungakhutshwa kwezohlwayo.

3. Imitsi emifutshane

- (a) Umntsi kuthiwa mfutshane ukuba umqhokri akakwazi ukufika emgceni ukwenza omnye umntsi.
- (b) Nangona umntsi omfutshane uwenza mfutshane olandelayo, lowo wokuqala noxa kusithiwa ngumntsi omfutshane nje ubalwa njengomntsi ophelileyo. Umqhokri obaleka umntsi wakhe wokuqala encothuka kwikhrisi yakhe angaphinda akwenze oko ngaphandle kwesohlwayo.

4. Imitsi emifutshane eyenziwa ngaphandle kwenjongo

Ngaphandle kweemeko eziku-5 ngezantsi,

- (a) ukuba omnye wabaqhokri ubaleka umntsi omfutshane, u-amphaya ochaphazelekayo, ngaphandle kokuba kubethwe ibhawundri, makakhwaze anike nomqondiso womntsi omfutshane yakuba ibhola ifile kwaye lowo mntsi mawungabalwa.
- (b) ukuba emva kokuba omnye wabaqhokri okanye bobabini benze imitsi emifutshane, kubethwe ibhawundri, u-amphaya ochaphazelekayo akayi kuwubala umntsi omfutshane obalekiweyo yaye akayi kubonisa mqondiso womntsi omfutshane.
- (c) ukuba bobabini abaqhokri babaleka umntsi omfutshane ngexesha elinye, loo mntsi ubalwa njengomntsi omnye omfutshane.
- (d) ukuba mibini nangaphezulu imitsi emifutshane, ngokuka-(b) no-(c) ngentla, imitsi enjalo yonke ayisayi kubalwa.

Ukuba kubalekwe imitsi emifutshane emibini nangaphezulu, u-amphaya makazise ababhali-sikora ngenani lemitsi emayibhalwe phantsi.

5. Imitsi eyenziwa mifutshane ngabom

- (a) Engachaphazelekanga u- 4 ngentla, ukuba omnye woo-amphaya uthatha ngokuba omnye umqhokri okanye bobabini babaleke imitsi emifutshane ngamabom kwicala lakhe, u-amphaya ochaphazelekayo makazise omnye u-amphaya ukuba ibhola ayibali nokuba kwenzeke ntoni. U-amphaya wecala elibhowulayo aze ke ngoko
 - (i) alumkise bobabini abaqhokri ukuba isenzo eso asinafeya kwaye abonise ukuba esi sisilumkiso sokuqala nesokugqibela. Esi silumkiso siza kusebenza kuwo onke amangeno. U-amphaya akazi kwazisa umqhokri ongenayo ngamnye.
 - (ii) nokuba umqhokri ukhutshiwe okanye akakhutshwanga, mayingavunyelwa yonke imitsi kwicala eliqhokrayo kwixesha abhowule ngalo ngaphandle kwayo nayiphi na imitsi enikwe izohlwayo.
 - (iii) abuyisele abaqhokri kumacala ebebeqale kuwo
 - (iv) azise ukhapteni wecala elifildayo, ze ngokukhawuleza azise ukhapteni wecala eliqhokrayo asazi isizathu seso senzo.
 - (v) azise ababhali-manqaku ngenani lemitsi emalibhalwe phantsi.
- (b) Ukuba ikhona into engaphaya efanele ukuba yaziwe ngomntsi omfutshane wangabom kulo mangeno, u-amphaya ochaphazelekayo makazise omnye u-amphaya xa ibhola ifile ngokuba kwenzeke ntoni nenkqubo elandelwayo ku-(a) (ii), (iii) no-(iv) ngentla iza kuphindwa. Ukongeza, u-amphaya wecala elibhowulayo
 - (i) makanike isohlwayo semitsi emi-5 kwicala elifildayo
 - (ii) makazise ababhali-sikora ngenani lemitsi eza kubhalwa phantsi
 - (iii) ekunye nomnye u-amphaya benze ingxelo ngeshlo eso ngokukhawuleza emva komdlalo kubaLawuli becala eliqhokrayo nakuyo nayiphi na iBhodi eLawulayo enoxanduva lomdlalo, nekufuneka bathathe inyathelo elifanelekilyo ngakukhapteni nomdlali okanye abadlali abachaphazelekayo.

6. Imitsi enikwe ngenxa yezohlwayo

Makunikwe imitsi ngezohlwayo phantsi ko-5 ngentla, neMithetho 2.6 (Ukubuyela komdlali ngaphandle kwemvume), 17.5 (izohlwayo zokophula umthetho), 24 (iNobholi), 25 (iWayidi), 41.2 (Ukufilda), 41.3 (Iihelmethi zecala elifildayo) no-42 (Umdlalo onefeya nomdlalo ongenafeya). Qaphela, nangona kunjalo, unyino kuniko lwezohlwayo zemitsi kwiMithetho 26 (Ibhayi nelegbhayi), 34 (Ukubetha ibhola kabini) no-41.3 (Iihelmethi zecala elifildayo) no-41.4 (Ukunganikwa kwemitsi yezizohlwayo).

7. Amanqaku anikwa ngemitsi yebhawundri

Makunikwe amanqaku ngemitsi eyibhawundri phantsi koMthetho 19 (Iibhawundri).

8. Amanqaku anikwa ngebhola elahlekileyo

Makunikwe amanqaku xa ibhola ichazwe njengealahlekileyo phantsi koMthetho 20 (Ibhola elahlekileyo).

9. Imitsi eskorwa xa kukhutshwa umqhokri

Xa umqhokri ekhutshwa, nayiphi na imitsi ezizohlwayo enikwa neliphi na icala iyema. Akukho mitsi ingeminye inikwa icala eliqhokrayo ngaphandle koku kulandelayo: Ukuba umqhokri

- (a) ukhutshelwe ukuphazamisa umdlalo, icala eliqhokrayo nalo malifumane imitsi egqitywe phambi kolwaphulo-mthetho.

Kodwa ukuba isiphazamiso sithintele ukubanjwa kwekhetshi, akukho mitsi mayinikwe ngaphandle kwezohlwayo emazibalwe.

- (b) ukhutshwa ngokuranwa, icala eliqhokrayo nalo libala imitsi egqitywe phambi kokuwiswa kothinti.

Kodwa kunjalo, ukuba umqhokri onombalekeli ukhutshiwe phantsi koMthetho 2.8(d), imitsi egqitywe ngumbalekeli nomnye umqhokri mayingavunyelwa.

10. Imitsi ebalwa xa ibhola isifa ngaphandle kokuwa kothinti

Xa ibhola isiba yefileyo ngaso nasiphi na isizathu ngaphandle kokuwa kukathinti okanye ichazwe njengefileyo ngu-amphaya, ngaphandle kokuba kukho ulungiselelo olungolunye eMithethweni

- (a) nayiphi na imitsi yezohlwayo ezinikwayo nakulo naliphi na icala mayibalwe. Nangona kunjalo makuqatshelwe amalungiselelo weMithetho 26.3 (Iilegibhayi) no-41.4 (Ukunganikwa kwezohlwayo).

- (b) ngaphezu koko icala eliqhokrayo malinikwe

(i) yonke imitsi egqityiweyo ngabaqhokri phambi kwesihlo okanye ubhengezo kwaye (ii) umtsi oqhubayo ukuba abaqhokri sele bephambene ngokubaleka ekuqaleni kwesihlo okanye umemezo. Nangona kunjalo makuqatshelwe amalungiselelo oMthetho 42.5(f) (Ukuphazamisa ngenjongo okanye ukuthintela umqhokri ngabom).

11. Ukubuyela komqhokri kwicala ebeqale kulo

- (a) Xa umqhokri ekhutshwa, umqhokri ongaphumanga ubuyela kwicala lakhe ebeqale kulo

(i) ukuba umqhokri yena buqu ukhutshiwe ngokweemeko zoMthetho 2.8(d) (Ukwaphulwa kweMithetho ngumqhokri onombalekeli).

(ii) kwaye ngaphandle kwakwezi meko zintathu

Ukuranwa ngaphandle kwaku-(i) ngentla

Ikhethi

Ukuphazamisa umdlalo,
Ngendlela zonke ezizezinye zokukhutshwa.

- (b) Ngaphandle kwesekuweni kothinti, abaqhokri babuyela kumacala abo ebebeqale kuwo, kuphela kwiimeko
- (i) zebhawundri
 - (ii) ukungavunywa komtsi ngaso nasiphi na isizathu
 - (iii) isigqibo sabaqhokri kuthinti sokwenza njalo, phantsi koMthetho 42.5(g), (Ukuphazamisa ngenjongo okanye ukuthintela umqhokri ngabom)

12. Ukubuyela komqhokri kuthinti ebemshiyile

- (a) Xa umqhokri ekhutshwe ngekhethi, ukuphazamisa umdlalo okanye ngokuranwa ngaphandle kwaphantsi koMthetho 2.8, umqhokri ongaphumanga ubuyela kuthinti ebewushiyile kodwa ukuba umqhokri ebengekanqumlezi ekuqaleni kwesehlo esenza ukuba akhutshwe
- (b) Ngaphandle kwakwiimeko ezibhalwe ku-11(b) ngentla, ukuba ngelixa umtsi uqhuba ibhola ibichazwe njengebhola efileyo ngu-amphaya okanye ibe yefileyo ngaso nasiphi na isizathu ngaphandle kokukhutshwa komqhokri, abaqhokri mababuyela koothinti ebebebashiyile kodwa kuphela ukuba bebengekaphambani ngokubaleka xa ibhola ibisiba yefileyo.

UMTHETHO 19 IIBHAWUNDRI

1. Ibhawundri yebala

- (a) Phambi kwetosi oo-amphaya mabavumelane nookhapteni bobabini ngebhawundri. Ibhawundri kufuneka, ukuba kuyenzeka, iphawulwe ngobude bayo bonke.
- (b) Makuvunyelwane ngebhawundri ukuze isikrini sokuncedisa ukubona ibhola singabikho ngeneno kwebhawundri.
- (c) Umqobo okanye umntu phakathi ebaleni lokudlala ezo nto mazingathathwa njengebhawundri ngaphandle kokuba kugqitywe ngolo hlobo ngoo-amphaya phambi kwetosi. Jonga uMthetho 3.4 (Ukwazisa ookhapteni nababhali-sikora).

2. Ukuchaza ibhawundri- ukuphawula ibhawundri

- (a) Apho kunokwenzeka khona ibhawundri mayiphawulwe ngomgca omhlophe okanye intambo emacaleni omhlaba.
- (b) Ukuba ibhawundri iphawulwe ngomgca omhlophe,
- (i) isiphelo esingaphakathi komgca iza kuba yibhawundri.
 - (ii) iflegi, ipali, okanye ibhodi esetyenziselwa ukuqaphela indawo yomgca ophawulweyo emhlabeni mayibekwe ngaphandle kwesiphelo sebhawundri kwaye mayingathathwa yona okanye iphawule ibhawundri njengechaza okanye ephawula ibhawundri. Nangona kunjalo makuqatshelwe amalungiselelo aku-(c) ngezantsi.
- (c) Ukuba into eyomeleleyo isetyenziselwe ukuphawula ibhawundri, kufuneka ibe nesiphelo okanye umgca oza kuphawula isiphelo sebhawundri.
- (i) Intambo, kuquka into efananayo, eligophe, elele emhlabeni, isiphelo sebhawundri masibe ngumgca owenziwe ziindawo ezingaphakathi zentambo ngokobude bayo.
 - (ii) Uthango, kuquka nantoni na efana nalo, esemhlabeni, isiphelo sebhawundri mayibe sisiqalo sothango.
- (d) Ukuba isiphelo sebhawundri asichazwanga njengaku-(b) okanye (c) ngentla oo-amphaya nookhapteni kunyanzelekile bavumelane phambi kokutosa ukuba ngowuphi umgca omawube sisiphelo sebhawundri. Xa kungekho nto kuphawulwe ngayo ibonakalayo

kwindawo yomda, isiphelo sebhawundri mayibe ngumgca osemhlabeni ekungagqithwayo kuwo xa kubhowulwayo odibanisa iindawo ezimbini eziphawulweyo zesiphelo sebhawundri.

- (e) Ukuba into eyomeleleyo esetyenzisiweyo ukuphawula ibhawundri iyaphazanyiswa, ngaso nasiphi na isizathu ngexesha lomdlalo, mayibuyiselwe kwindawo yayo yangaphambili nje ukuba ibhola ife. Kungenjalo:
 - (i) inxalenye yothango okanye enye into yokuphawula engene kwibala lomdlalo mayisuswe nje ukuba ibhola ife;
 - (ii) umgca apho isiqalo sothango okanye into ekuphawulwe ngayo kuqala ime khona iza kuchaza isiphelo somda.

3. Ukubetha ibhawundri

- (a) Ibhawundri iskorwa ze u-amphaya omi kweli cala lebhawula enze umqondiso ngeli xesha ibhola isadlalwayo. Ibhawundri ibalwa ze iqondiswe licala lika-amphaya obhowulayo nanini na xa ibhola ngendlela abona ngayo idlala,
 - (i) ukufika kwebhola ebhawundrini okanye ewe ngaphaya kwebhawundri,
 - (ii) ifilida irhece ibhola, irheca ibhawundri okanye emzimba wayo inxalenye yawo ingaphaya kwebhawundri,
 - (iii) ibhola, ethe yawela ibhawundri emoyeni, ebanjwa kuqala yifilda engazifeziyo iimeko ezichazwe ku-4(i) ngezantsi.
- (b) Amabinzana athi 'ithinte ibhawundri', 'ukuthinta ibhawundri' athetha ukuba ithinte:
 - (i) isiphelo sebhawundri njengoko kuchaziwe ku-2 ngentla
 - okanye (ii) nawuphi na umntu okanye umqobo ophakathi ebaleni lokudlala ochazwe njengebhawundri ngoo-amphaya phambi kwetosi.
- (c) Ibinzana 'ukuwa ngaphaya kwebhawundri' kuthetha ukuba ithinte
 - (i) nayiphi na inxalenye yomgca okanye into eyomeleleyo ephawula ibhawundri ngaphandle kwesiphelo sebhawundri
 - okanye (ii) iwe ngaphaya kwesiphelo sebhawundri
 - okanye (iii) nayiphi na into ephezu komhlaba ngaphaya kwesiphelo sebhawundri.

4. Ibhola ngaphaya kwebhawundri

Emveni kokuba inqumleze ibhawundri emoyeni, ibhola ingalikhethshi, kuxhomekeke kumalungiselelo oMthetho 32, okanye efildishiweyo, ngaphandle kokuba

- (i) ibhola iqala ithintwe yifilda, ingawanga ngeneno kwebhawundri, onxalenye yomzimba wayo ungeneno kwebhawundri okanye othe ukubamba kwakhe ibhola wabe umzimba wakhe wonke ungeneno kwebhawundri.
Nayiphi na ifilda elandela leyo ayichatshazelwa ngulo mqathango.
- (ii) asiyo bhola ingeyiyo nefilda ethintana nebhola, okanye iwe ngaphaya kwebhawundri ngalo naliphi na ixesha lekhethshi okanye lokufilda.

Ukukhetsha okanye ukufilda, kuqala xa ibhola ithintana okokuqala nefilda ze kuphele xa umdlali ofildayo efumana ulawulo olupheleleyo lwebhola kwintshukumo yakhe.

5. Imitsi evunywayo ukuba yibhawundri

- (a) Phambi kwetosi oo-amphaya bavumelana nookhapteni bobabini ngemitsi emayivunywe ukuba yibhawundri. Ukugqiba ngezivumelwano oo-amphaya nookhapteni bakhokelwa sisimo sebala ngelo xesha.
- (b) Ngaphandle kokuba kuvunyelwene ngendlela eyahlukileyo phantsi ko-(a) ngentla, izivumelwano ngebhawundri mazibe yimitsi emi-6 ukuba ibhola ebethwe ngophini ipitsha ngaphaya kwebhawundri, kungenjalo ke ibe yimitsi mi-4. Oku makuchazwe

njengeBhawundri 6 neBhawundri 4 ngokwahluka kwazo, nangona inani lemitsi elinikwayo ingangabi ngu-6 okanye u-4 ukuba ezinye izivumelwano kuvunyelwene ngazo phantsi ko-

(a) ngentla.

Ezi zivumelwano ziya kusebenza nangona ibhola sele ike yathintana nefilda. Jonga u-(c) ngezantsi.

(c) Ibhawundri 6 ibalwa kuphela ukuba ibhola ibethwe ngophini yaya kuwa ngaphaya kwebhawundri. Ibhola ithathwa njengepitshe ngaphaya kwebhawundri nangona ingekapitshwa, ukuba

(i) ibanjwe ngaphakathi kwibhawundri kodwa ibe inxalenye yomzimba walo mntu ingaphaya kwebhawundri xa ebamba ibhola okanye awe ngaphaya kwebhawundri xa ebamba ibhola okanye, emva kokuyibamba athinte ibhawundri okanye inxalenye yomzimba wakhe ibe ngaphaya kwebhawundri ngexesha ebambe ibhola engekagqibi ukubamba iketshi. Jonga uMthetho 32 (Ikhethi),

ii) uthitana nebhola phantsi kwemiqathango-3(a)(iii) ngentla.

(d) Inqaku lazo zonke iibhawundri ezifunyenwe phantsi ko-3 ngentla, nalapho kusenokuba ibhola ayikhangwe ibethwe luphini okanye ayipitshanga ngaphaya kwebhawundri njengoko kuchaziwe ngentla, iza kuba yibhawundri 4, kuquka imiqathango ephantsi ko-3(a)(iii) xa ibhola ipitshe ngeneno kwebhawundri ngaphambi kokuba idibane nefilda.

6. Imitsi esikoriweyo

Xa kubethwe ibhawundri,

(a) nayiphi na imitsi yezohlwayo enikwa neliphi na icala iyabalwa.

(b) icala eliqhokrayo ngaphandle kwemiqathango eku-7 ngezantsi malinikwe ngokongeza nayiphi na enkulu

(i) kunesibonelelo sebhawundri

(ii) kunemitsi egqitywe ngabaqhokri bedibene nemitsi eqhubayo ukuba sele benqumle ekuqaleni komda iyabalwa.

(c) Xa imitsi ku-(ii) ngentla igqitha isivumelwano ngebhawundri kufuneka bafake ibhawundri ngenjongo yoMthetho 18.12 (Ukubuyela komqhokri ewikethini abeyishiyile).

7. Ukujula ugqithise okanye isenzo sangabom sefilda

Ukuba ibhawundri yenzeka ngenxa yokujula ngokugqithisileyo okanye ngesenzo sangabom sefilda, imitsi efunyanwayo mayibe

(i) yimitsi yezohlwayo enikwa nakweliphi na icala

kunye (ii) nokuvunyelwa kwebhawundri

kunye (iii) nemitsi egqitywe ngabaqhokri kunye nomtsi oqhubayo ukuba bebesele bephambene ngokubaleka ekuqaleni kokujulwa okanye kwesenzo

Makusebenze uMthetho 18.12(b) (Ukubuyela komqhokri kuthinti abemshiyile) ukusukela ekuqaleni kokujulwa okanye kwesenzo.

UMTHETHO 20 IBHOLA ELAHLEKILEYO

1. Ukukhwaza kwefilda ibhola elahlekileyo

Ukuba ibhola emdlalweni ayifumaneki, nawuphi na umdlali ofildayo angamemeza ibhola elahlekileyo. Ngaloo ndlela ibhola iba yefileyo. Jonga uMthetho 23.1 (Ibhola efileyo).

Makusebenze uMthetho 18.12(b) (Ukubuyela komqhokri kuthinti abemshiyile).

2. Ukutshintsha ibhola

Oo-amphaya mabasebenzise enye ibhola ekumgangatho omnye naleyo ibisetyenziswa ngaphambi kokuba ilahleke. Jonga uMthetho 5.5 (Ibhola elahlekileyo okanye engawulungelanga umdlalo).

3. Imitsi eyenziweyo

(a) Nayiphi na imitsi yezohlwayo enikwa naliphi na icala iyabalwa.

(b) Icala eliqhokrayo malongezwe

isenokuba (i) yimitsi egqityiweyo ngabaqhokri kunye nomtsi oqhubayo ukuba sele bephambene ngokubaleka ekulahlekeni kwebhola,

okanye (ii) imitsi emithandathu (6), nokuba yeyiphi enkulu.

Ezi mazinikwe umqhokri ukuba ibhola ibethiwe luphini kungenjalo ibe yitotali yeeBhayi, yeeLegibhayi, iiNobholi okanye iiWayidi ngokohlobo okungalo.

UMTHETHO 21 IZIPHUMO

1. Ukuphumelela – umdlalo onamangeno amabini

Icala elifumene imitsi engaphezulu kunefunyenwe kumangeno amabini agqityiweyo kulawo wecala ebelidlala nalo liyawuphumelela umdlalo. Jonga uMthetho 12.3 (Amangeno agqityiweyo). Qaphela no-6 ngezantsi.

2. Ukuphumelela – umdlalo onamangeno amanye

Icala elifumene imitsi engaphezulu kwemitsi iyonke yecala elidlala nalo, kumangeno alo, elo cala liwuphumelele umdlalo. Jonga uMthetho 12.3 (Amangeno agqityiweyo). Qaphela no- 6 ngezantsi.

3. Ukunikezela ngomdlalo ngoo-amphaya

Kungachaphazelekanga nasinye isivumelwano phantsi koMthetho 12.1(b) (Inani lamangeno),

(a) icala malibe lilahlekelwa ngumdlalo

isenokuba (i) kukwamkela ukoyiswa

okanye (ii) ukwala ukudlala kwelinye ical nangona kuyalelwe njalo ngoo-amphaya ze oo-amphaya bawunike elinye icala umdlalo.

(b) ukuba u-amphaya isenzo sakhe nawuphi na umdlali okanye abadlali usithatha njengesinokudala ukwala ukudlala kwalo naliphi na icala. Loo nto ithi oo-amphaya mabafumanise ulwazi oluyinyani ngonobangela wesenzo eso. Ukuba ke bedibene kunye bathatha isigqibo sokuba esi senzo asenzi ukuba kwaliwe ukudlala lelinye icala, kufuneka bazise ukhapteni welo cala. Ukuba ukhapteni uyaqhuba nesenzo eso, u-amphaya makanike umdlalo ngokuka-(a) ngentla.

(c) ukuba oko kuku-(b) ngentla kwenzeka emva kokuba umdlalo uqalile kwaye akwenzi ukwala ukudlala,

(i) ixesha lomdlalo elilahlekileyo malibalwe ukusuka ekuqaleni kwesenzo de umdlalo uphinde uqale, kuxhomekeke kuMthetho 15.5 (Ukutshintsha ixesha lekhefu ebekuvunyelwene ngalo).

(ii) ixesha lokuvala umdlalo ngaloo mini malandiswe ngobu bude bexesha, kuxhomekeke kuMthetho 3.9 (Ukumiswa komdlalo kwiimeko ezinobungozi okanye ezingafanelekanga).

(iii) ukuba kufanelekile akukho zi-owuva mazitsalwe ngeyure yokugqibela yomdlalo kuphela ngenxa yeli xesha.

4. Imidlalo apho kukho isivumelwano phantsi koMthetho 12.1(b)

Nakuwuphi na umdlalo apho kukho isivumelwano phantsi koMthetho 12.1(b) (Inani lamangeno), ukuba iziphumo azimiselwanga kwenye yeendlela ezixelwe apha ngasentla kumhlathi 1, 2 no-3, iziphumo mazandlalwe kweso sivumelwano.

5. Yonke eminye imidlalo – IThayi okanye iDro

(a) Ithayi

Isiphumo somdlalo yithayi xa amanqaku elingana ekupheleni komdlalo, kodwa lakuba icala eliqhokre mva liwagqibile amangeno alo.

(b) IDro

Umdlalo ogqitywe njengoko kucaciswe kuMthetho 16.9 (Ukugqitywa komdlalo) ngaphandle kokumiselwa nakweziphi na iindlela ezichazwe ku-(a) ngasentla okanye ku-1, 2 no-3, ubala njengeDro.

6. Inqaku lokuphumelela okanye ii-ekstra

- (a) Ukuba isiphumo sifikelelwe njengoko kucacisiwe ku-1, 2, 3, 4 no-5 (a) ngasentla, umdlalo uphelile. Emva koko ayikho enye into emayenzeke ngaphandle kwekuMthetho 42.17(b) (Imitsi ezizohlwayo) mayithathwe njengenxenye yawo. Qwalasela u-9 ngezantsi.
- (b) Icala eliqhokre mva lakufumana amanqaku awoneleyo okuphumelela ukuba amanqaku alo apheleleyo onele ngaphandle kokubandakanya amanqaku agqitywe ngumqhokri phambi kokugqityezelwa kwekhetshi, okanye ukuphazanyiswa kwekhetshi apho umqhokri anokukhutshwa.
- (c) Ukuba kufunyenwe inqaku lebhawundri phambi kokuba umqhokri agqibe amanqaku awoneleyo okuphumelela umdlalo, onke la manqaku afunyenwe kwibhawundri afakelwa kwitotali yamanqaku ecala eliqhokrayo, ze afunyenwe ngophini afakelwe kumanqaku omdlali oqhokrayo.

7. Ukuchazwa kweziphumo

Ukuba iqela eliqhokre mva liwuphumelele umdlalo ngaphandle kokuphuncukana neewikhethi zalo zonke, iziphumo zichazwa njengeziphunyelelweyo ngokwenani leewikhethi ezingekawi emdlalweni.

Ukuba akufunyanwanga amanqaku angaphezulu kulawo afunyenwe lelo qela liphikisayo, iqela eliqhokre mva liphulukene nazo zonke iiwikhethi zalo, kodwa ngenxa yezohlwayo zemitsi emi-5 itotali yamanqaku yenza ukuba onele ukuphumelela, iqela elo malichazwe njengeliphumelele ngemitsi yezohlwayo.

Ukuba icala elifilda mva liyaphumelela, iqela elo malichazwe njengeliphumelele ngemitsi.

Ukuba umdlalo ugqitywe licala elivumayo ukuba libethiwe okanye elingafuni kudlala, iziphumo zichazwa njengoMdlalo ekuVunyelweneyo ngawo okanye uMdlalo ekuNikiswe ngawo, kulo meko iyakube iyiyo.

8. Ukuchaneka kweziphumo

Nasiphi na isigqibo sokuchaneka kwamanqaku luxanduva loo-amphaya. Jonga kuMthetho 3.15 (Ukuchaneka kwamanqaku).

9. Iimpazamo ekubhaleni amanqaku

Ukuba emva kokuba abadlali noo-amphaya belishiyile ibala kuba bekholelwa ukuba umdlalo ugqityiwe, ze oo-amphaya bafumanise ukuba ikhona impazamo eyenzekileyo echaphazela iziphumo, kuxhomekek ku-10 ngezantsi, bakwamkela le nkqubo ilandelayo:

- (a) Ukuba kuthe xa abadlali beshiya ibala, labe icala eliqhokrayo lingawagqibanga amangeno alo kwaye

nokuba (i) Inani lee-owuva eliza kugityiselwa kwiyure yokugqibela okanye kuloo mangeno aligqitywanga

okanye (ii) Ixesha lokuvalwa komdlalo ekuvunyelwene ngalo okanye ekupheleni kwamangeno akufikelelwanga kulo,

kwaye, ngaphandle kokuba elinye icala liyavuma ukoyiswa, oo-amphaya mabayalele ukuba umdlalo uqale.

Ngaphandle kokuba kukhawulezwe kwafikelelwa kwisiphumo, umdlalo mawuqhube, ukuba iimeko ziyavuma, lide inani lee-owuva ezimiselweyo ligqitywe nokuba kufikelelwe kwixesha lokuvala umdlalo okanye ixesha elabelwe amangeno liphelelwe njengelichanekileyo. Inani lee-owuva nexesha elishiyekileyo mazithathwe njengoko bebeyalelwe ukuba bamelwe kukuba bawugqibe umdlalo. Akukho ngqalelo yaxesha mayithathwe phakathi kwala mzuzu nokuphinda kuqaliswe nomdlalo.

(b) Ukuba ngeli xesha lomiso-mdlalo, ii-owuva zigqityiwe, akukho xesha lakudlala lishiyekileyo, okanye ukuba eli cala liqhokra mva liwagqibile amangeno alo, oo-amphaya mabakhawuleze bazise ookhapteni bamacala omabini ngokubaluleka kwezilungiso kumanqaku nakwiziphumo.

10. Ukungabi nakutshintshwa kweziphumo

Bakuba oo-amphaya bevumelene ngamanqaku, ukuchaneka kwamanqaku ekuququnjelweni komdlalo – jonga kuMthetho 3.15 (Ukuchaneka kwamanqaku) naku-4.2 (Ukuchaneka kwamanqaku) iziphumo emva koko azinakutshintsha.

UMTHETHO 22 – I-OWUVA

1. Inani leebhola

Makubhowulwe iibhola ezi-6 kwicala ngalinye ekubhowulelwa kulo.

2. Ukuqala kwe-owuva

I -owuva iqala nokuqala komtsi webhowula, ukuba ayinamtsi, nokuqala ukukhupha ibhola kulo owuva.

3. Ukuba semthethweni kweebhola

(a) Ibhola mayingabali njengeny eebhola ezi-6 ze-owuva ngaphandle kokuba ikhutshiwe esandleni, nangona ngokoMthetho 42.15 (Ibhowula izama ukukhupha ongaqhokriyo phambi kokukhupha ibhola) umqhokri kusenokwenzeka akhutshwe okanye kwenzeke siganeko simbi ibhola ingekakhutshwa esandleni.

(b) Ibhola ekhutshwa yibhowula ayiyikubala njengeny eebhola ezi-6 ze-owuva

(i) Ukuba ichazwe ngokuba ifile, okanye ithathwe njengefileyo, okanye iza kuthathwa njengefileyo phambi kokuba umqhokri afumane ithuba lokuyidlala. Jonga kuMthetho 23.6. (ibhola efileyo, ibhola ebala njengeye-owuva)

(ii) Ukuba ibizwa njengefileyo kwimeko yoMthetho 23.4(b)(vi) (U-amphaya wenza umqondiso obonisa ibhola efileyo). Qwalasela amalungiselelo awodwa oMthetho 23.4(b)(v).

(iii) Ukuba yiNobholi. Jonga uMthetho 24 (INobholi)

(iv) Ukuba yiWayidi. Jonga kuMthetho 25 (IWayidi)

(v) Xa isohlwayo semitsi e-5 sinikezelwa kwicala labaqhokrayo phantsi kwawo nowuphi na kule Mithetho 2.6 (Ukubuya komdlali ngaphandle kwemvume), 41.2

(Ukufilda), 42.4 (Ukuzama ukuphazamisa nokuthintela umqhokri ngabom), okanye 42.5 (Ukuphazamisana nokutintela umqhokri ngabom).

- (c) Naziphi na iibhola ezikhutshwayo ezingezizo ezi ziku-(a) no-(b) apha ngasentla zinokuthathwa njengeebhola ezisemthethweni. Zezo zisemthethweni kuphela iibhola ezibalwa kwiibhola ezi-6 ze-owuva.

4. Ukukhwazwa kwe-owuva

Xa iibhola ezi-6 ezisemthethweni zibhowuliwe ze ibhola ife, u-amphaya makayiphelise i-owuva ngaphambi kokushiya izinti. Jonga kuMthetho 23.3 (Ukupheliswa kwe-owuva okanye kwexesha).

5. Ukuphazama kuka-amphaya ukubala

- (a) Ukuba u-amphaya akalibalanga kakuhle inani leebhola ezibalayo, loo owuva iyema.

- (b) Ukuba uthe engabalisanga u-amphaya wavumela ukuba i-owuva igqithe kwiibhola ezi-6, u-amphaya usenokulandelisa ngokuphelisa i-owuva nanjengoko iba yefileyo emva kokuba ikhutshiwe, nokuba oko kukhutshwa kwebhola akukho mthethweni.

6. Ukutshintsha amacala kwebhowula

Ibhowula ingawatshintsha-tshintsha nakangaphi na amacala kodwa kuqinisekiswa ukuba ayibhowuli ii-owuva ezimbini ezilandelelanayo okanye ayithi ikule owuva itshintshe ibe kuleya kumangeno ngamanye.

7. Ukugqitywa kwe-owuva

- (a) Ngaphandle kwasekugqibeleni kwamangeno, ibhowula mayibhowule iyigqibe i-owuva ngaphandle kokuba inengxaki yempilo okanye iyarhoxiswa phantsi kweminye yeMithetho elawulayo.
- (b) Ukuba ngasizathu sithile, esingaphandle kwaxa kugqitywe amangeno, i-owuva ishiywa ingagqitywanga ukuqala kwekhefu okanye kwesiphazamiso, iya kugqityezelwa xa kuphindwa umdlalo.

8. Ibhowula engenakubhowula okanye emiswe ingekapheli i-owuva

Ukuba ibhowula ngasizathu sithile yenzakele iseza kubhowula ibhola yokuqala ye-owuva okanye irhoxisiwe, u-amphaya makathi loo bhola ifile. Enye ibhowula mayigqibezele kwakwelo cala ibibhowula kulo loo bhowula isarhoxisiweyo kodwa ingabhowuli ii-owuva ezingaphezu kwezimbini zilandelelana.

UMTHETHO 23 IBHOLA EFILEYO

1. Ibhola ifile

- (a) Ibhola iba yefileyo xa
- (i) iphelela kwizandla zikanozinti okanye zebhowula;
 - (ii) kufunyenwe ibhawundri. Jonga kuMthetho 19.3 (Ibhawundri ebethiweyo);
 - (iii) umqhokri uyakhutshwa. Ibhola ayibali ngalo mzuzu kwenzeka isiganeko esibangela akhutshwe;
 - (iv) nokuba idlaliwe okanye ayidlalwangwa iba semgibeni wokuba phakathi kwephini nomqhokri okanye phakathi kwezinto azinxibileyo nezixhobo;
 - (v) nokuba idlaliwe okanye ayidlalwanga, iwela ezimpahleni okanye kwizixhobo zomqhokri okanye ezimpahleni ku-amphaya;

- (vi) iwela kwihelmethi yefilda;
 - (vii) kukho imitsi esisohlwayo phantsi koMthetho 2.6 (Umdlali obuyela ngaphandle kwemvume) okanye 41.2 (Ukufilda). Ibhola ayibali njengekwi-owuva.
 - (viii) kukho ulwaphulo loMthetho 41.3 (Iihelimethi zabadlali abakwicala elifildayo);
 - (ix) ibhola ichazwa njengelahlekileyo. Jonga kuMthetho 20 (Ibhola elahlekileyo);
 - (x) umdlalo uyagqitywa nakweyiphi na indlela echazwe kuMthetho 16.9 (Ukugqitywa komdlalo).
- (b) Ibhola mayithathwe njengefileyo kwakuba kucacile ku-amphaya okwicala ekubhowulelwa kulo ukuba icala elifildayo nabaqhokri bobabini kwizinti abayithathi njengebhola edlalwayo.

2. Ibhola egqibileyo

Enokuba ibhola igqibile na akanye isadlala lowo ihlala ingumba ka-amphaya ukuba athathe isigqibo.

3. Ukupheliswa kwe-owuva okanye kwexesha

Makungabikho kupheliswa kwe-owuva (jonga uMthetho 22.4), okanye kwexesha (jonga uMthetho 16.2) kwenziwayo de ibhola ife, enokuba kuphantsi ko-1 phaya ngasentla okanye phantsi ko-4 ngezantsi.

4. U-amphaya ukhwaza ze abonise ibhola efileyo

- (a) Xa ibhola kusithiwa ifile phantsi ko-1 ngasentla, u-amphaya okweli cala ikulo ibhowula angathi yiBhola efileyo leyo ukuba kubalulekile ukuba azise abanye abadlali.
- (b) U-amphaya usenokuthi ibhola ifile ukuba
 - (i) ungenelela xa kudlalwa umdlalo ongenafeya
 - (ii) ingozi emasikizi yenzeke kumdlali okanye ku-amphaya
 - (iii) ushiya indawo aqhele ukuma kuyo ayocetyiswa
 - (iv) ibheyili enye okanye zombini ziwiswe kwizinti phambi kokuba umqhokri afumane ithuba lokudlala ibhola
 - (v) umqhokri akakulungelanga ukukhutshwa kwebhola ze yakuba ibhola ikhutshiwe akenza nzame yakuyidlala. Ngaphandle kokuba u-amphaya wanelisekile ukuba umqhokri ubenesizathu esanelisayo sokuba angakulungiseleli ukudlala, ibhola ayiyikubala njengenye ye-owuva
 - (vi) umqhokri uphazanyiswe yingxolo okanye yintshukumo okanye yiyo nayiphi na into ngeli xesha alungiselela ukufumana ibhola. Le nto yenzeka nokuba uhlobo lophazamiseko lukwalapha emdlalweni okanye ngaphandle

Qaphela u-(vii) ngezantsi. Ibhola ayibali njengenye ye-owuva.

- (vii) kukho ukuzama ukuphazamisa ngabom phantsi koMthetho 42.4 (Ukuzama ukuphazamisa umqhokri ngamabom) okanye 42.5 (Ukuphazanyiswa okanye ukuthintelwa komqhokri ngamabom). Ibhola ayiyikubalwa njengenye ye-owuva
- (viii) ibhowula iphuncule ibhola ngempazamo phambi kokuba ayikhuphe
- (ix) ibhola akhange iphume esandleni sebhawula ngesizathu sokuzama ukukhupha lo ungengomqhokri phantsi koMthetho 42.15 (Ibhowula izama ukukhupha umqhokri ongaqhokriyo ingekayibhowuli ibhola)
- (x) kufuneka enze oko phantsi kweminye iMithetho ngaphandle kwale ingasentla.

5. Ukuyeka kwebhola ukuba yefileyo

Ibhola iyayeka ukuba yefileyo xa idlalwa ze ibhowula iqalise ukubaleka okanye, ukuba ayibaleki, iqalisa ukulungiselela ukubhowula.

6. Ibhola efileyo; ibhola ebala njengenye ye-owuva

- (a) Xa ibhola sele ikhutshiwe kuthiwa ifile okanye ithathwa njengefileyo, njengale iku-(b) ngezantsi,
- (i) ayisayi kubala ukuba umqhokri akakhange abe nathuba lakuyidlala,
 - (ii) iya kuba yibhola evunywe ngokusemthethweni ukuba umqhokri ube nethuba lokuyidlala, ngaphandle kokuba ikhwazwe njengebhola engavumelekanga okanye iwayidi, ngaphandle kokuba iimeko zika-4(b)(vi) ngasentla neMithetho 2.6 (Ifilda ibuyela ebaleni ngaphandle kwemvume), 41.2 (Ukucholwa kwebhola ebaleni), 42.4 (Inzame yokuphazamisa umqhokri ngabom) no-42.5 (Ukuphazanyiswa nokuthintelwa komqhokri ngabom).
- (b) Ku 4(b)(v) ngasentla, ibhola ayibali kwi-owuva xa kufikelelwe kwiimeko zombini zokungazanywa kokudlalwa kwebhola nokuba nesizathu esanelisayo sokungazilungiseleli ukudlala. Okanye ke ukukhutshwa kwebhola makuthathwe njengokusesikweni.

UMTHETHO 24 INOBHOLI

1. Indlela yokubhowula

- (a) U-amphaya makafumanise ukuba ingaba ibhowula ijonge ukubhowula ngesandla sasekunene okanye ngesasekhohlo, kwanokuba iza kubhowula ekhohlo okanye ekunene, ze axelele umqhokri.
- Akulunganga ukuba ibhowula ingamxeleli u-amphaya ngokutshintsha indlela eza kukhupha ngayo ibhola. Kungenjalo u-amphaya makakhwaze enze nophawu lweNobholi.
- (b) Akuvumelekanga ukuba ibhowula ibhowulele kumphakamo ogaphantsi kowegxalaba layo(ibhola ekhutshwa ngaphantsi) ngaphandle kokuba kubekho isivumelwano esikhethekileyo phambi kokuqala komdlalo.

2. Ukubhowula ngefeya – ingalo

Ukuze ibhowula kube ibhowula kakuhle okanye ngefeya kufuneka ibhola ingajulwa nje. Jonga ku-3 apha ngezantsi.

Nangona iluxanduva lokuqala luka-amphaya okwicala lomqhokri ukuba aqwalasele indlela elungileyo yokukhutshwa kwebhola, akukho nto inqanda u-amphaya omi kwicala lebhhowula kulo mthetho ukukhwaza enze uphawu lwebhola efileyo ukuba ufumanisa ukuba loo bhola ijulwe ngendlela engeyiyo.

- (a) Ukuba ngokoluvo luka-amphaya, ibhola sele igityiselwe, uya kukhwaza anike uphawu lokuba ayivumelekanga lo bhola kwaye xa ibhola ifile uyakwazisa omnye u-amphaya isizathu sokuba akhwaze.
- U-amphaya okwicala lebhhowula
- (i) ulumkisa ibhowula leyo. Esi silumkiso sihlala de kugqitywe amangeno.
 - (ii) uxelela ikhapteni yeqela elikwicala elifildayo ngesizathu sesi senzo
 - (iii) uxelela umqhokri osezintini ngokuqhubekileyo.
- (b) Ukuba emva kwesi silumkiso, u-amphaya uyiqwalasele le nto kula mangeno, ze ibhowula yabhowula, inkqubo ebekwe ku-(a) ngasentla mayiphindwe, kusalathwa kwibhowula leyo ukuba sisilumkiso sokugqibela.
- Esi silumkiso sisebenza de kuphele amangeno.

- (c) Ukuba u-amphaya uphawula ukuba, kwakulo mangeno manye, kwala bhowula inye ibhowula kwangolwa hlobo lungafunekiyo, makakhwaze ephawula ukuba ibhola leyo yiNobholi ze yakuba ibhola ifile azise omnye u-amphaya isizathu sokuba ukhwaze. U-amphaya omi kwicala evela ngakulo ibhowula
- (i) kufuneka ayalele ikhapteni yeqela elifildayo ukuba iyimise ibhowula ngoko nangoko. Ukuba kuyenzeka, i-owuva mayigqityezelwe yenye ibhowula ebisele ibhowulile kwi-owuva engaphambili okanye eseza kubhowula kwelandelayo. Ibhawula mayikhutshwe ingaphindi idlale kulo mangeno
- (ii) kufuneka axelele umqhokri osezintini ngoko nangoko isenzeka, nekapteni yeqela eliqhokrayo ngokwenzekileyo.
- (d) Oo-amphaya mabachazele iQoqo loLawulo eliPhezulu lecala elifildayo neSigqeba soLawulo lomdlalo esi senzeka ngoko nangoko emva komdlalo. Ngabo abaya kuthatha amanyathelo ngakukhapteni weqela elo nakwibhowula leyo.

3. Inkcazo yokubhowula ngefeya - ingalo

Ibhola ebhowulwe kakuhle ijongwa engalweni ekukhutshweni kwebhola, ngokuthi ingalo yebhowula igotywe imelane negxalaba xa iyijikela ukukhupha ibhola, ingqiniba mayingolulwa tse de ibhola iphume esandleni. Le ngcaciso ayikuthinteli ukujika isihlahla kwebhowula xa ikhupha ibhola.

4. Ukugibisela kwebhowula kwicala lomqhokri phambi kokubhowula ibhola

Ukuba ibhowula igibisela ibhola kwicala lomqhokri phambi kokungena kwindawo ekhuphela kuyo ibhola, u-amphaya makakhwaze ephawula ukuba ibhola yiNobholi. Jonga kuMthetho 42.16 (Ukuba komqhokri umtsi). Nangona kunjalo, inkqubo exelwe ku-2 ngasentla yokulumkisa, yokuxela, esisilumkiso sokugqibela, elinyathelo ngakwibhowula neyingxelo ayisebenzi.

5. Ukubhowula ngefeya - iinyawo

Ukuze ukukhutshwa kwebhola kube kokufanelekileyo ngokwasezinyaweni kwindawo yokukhupha ibhola

- (a) Unyawo olubekwe ngasemva lwebhowula malime ngqo lingakrobi nakancinci kwindawo elungele ukukhutshwa kwebhola;
- (b) Unyawo olubekwe ngaphambili lwebhowula inxalenye yalo, nokuba libekwe bhaxa okanye liphakanyisiwe
- (i) kwakwicala elinye lasekupheleni komgca odibanisa izitampu ezibini phakathi njengoko lichaziwe kwikhrisi yokubuyela ku-(a) ngasentla
- (ii) nasemva kwekhrisi yokubhowula.

Ukuba u-amphaya okwicala esuka ngakulo ibhowula akanelisekanga ukuba ifeziwe le miqathango mithathu, makakhwaze enze nophawu lokuba ibhola yiNobholi.

6. Ukuwisa izinti kwebhowula xa ikhupha ibhola

Nomphi na u-amphaya makakhwaze enze uphawu lokuba ibhola yiNobholi ukuba, akwenziwanga nzame zokukhupha umqhokri ongaqhokriyo phantsi koMthetho 42.15, ibhowula iwisa izinti nanini na emva kokuba ibhola idlaliwe naphambi kokugqiba inyathelo elide emva kokukhupha ibhola ngokugxanya. Jonga kwiSihlomelo D. Kusebenza uMthetho 23.4 (b) (viii), 23.4 (b)(ix) no-10 ngezantsi.

7. Ukubhampa kwebhola izihlandlo ezingaphezu kwezibini okanye ukuqengqeleka ebaleni

U-amphaya makakhwaze enze uphawu lweNobholi xa ibhola ayithatha njengekhutshiweyo ingakhange ithintane nophini okanye nomqhokri,

(i) isenokubhampa ngaphezu kwesibini

(ii) okanye iqengqeleke ebaleni phambi kokuba ifike kwikhrisi yokubhowula.

8. Ibhola ephelela phambi kwezinti zomqhokri

Ukuba ibhola ekhutshwe yibhowula iphelela phambi kwezinti zomqhokri, ingakhange ithintane nophini okanye umqhokri, u-amphaya makakhwaze ngoko nangoko enze uphawu lokuba ibhola yoNobholi.

9. Ukukhwazwa kweNobholi kulwaphulo lweminye iMithetho

Ukongeza koku kungentla, makukhwazwe kwaye kwenziwe uphawu lweNobholi njengoko kufunwa kule Mithetho ilandelayo

UMthetho 40.3 - Indawo kanozinti

UMthetho 41.5 - Ukucuthwa kweefilda ezisemacaleni

UMthetho 41.6 - Ukungangeni kweefilda epitshini

UMthetho 42.6 - Ukubhowula okunobungozi nokungenafeya

UMthetho 42.7 - Ukubhowula okunobungozi nokungenafeya – intshukumo ka-amphaya

UMthetho 42.8 - Ukubhowulwa kweebhola eziphezulu ngabom

10. Ukurhoxiswa kokukhwazwa kweNobholi

U-amphaya makakurhoxise ukukhwaza iNobholi kwakhe xa ibhola ingakhange iphume kwisandla sebhawula nangasiphi na isizathu.

11. Ukubhukuqa kweNobholi iWayidi

Ukukhwazwa kweNobholi kuyakubhukuqa ukukhwazwa kweWayidi nanini na. Jonga imithetho 25.1 (Ukugqiba ngeWayidi) no-25.3 (Ukukhwazwa nokwenza uphawu lweWayidi).

12. Ibhola engafanga

Ibhola ayibi yefileyo ngokukhwazwa kweNobholi.

13. Isohlwayo seNobholi

Kunikwa isohlwayo somtsi omnye ngoko nangoko kwakukhwazwa iNobholi. Ngaphandle kokuba ukhwazo lurhoxiswe, isohlwayo sakuma simi nokuba umqhokri ukhutshiwe. Siba sisongezo nakweyiphi na eminye imitsi esele eqhokriwe, nakwesiphi na isivumelwano ngebhawundri nakweminye ke imitsi enikezelwe ngesohlwayo.

14. Imitsi edalwa yiNobholi - indlela ebalwa ngayo

Umtsi omnye wesohlwayo mawunikwe njesongezo seNobholi. Ukuba eminye imitsi yesohlwayo inikezelwe nakuliphi na icala, makabalwe ngokoMthetho 42.17 (Imitsi yezohlwayo). Nayiphi na imitsi egqityezelwe ngumqhokri okanye efumaneke kwibhawundri inikezelwa kumqhokri ukuba ibhola ithintane nophini, kungenjalo nayo mayibalwe njengesongezo seNobholi.

Ngaphandle kwaso nasiphi na isohlwayo esiyimitsi emi-5, yonke imitsi efumaneke ngenxa yeNobholi, enokuba zizongezelelo zeNobholi okanye zinikwe umqhokri, mayixhuzulwe kwibhowula.

15. Ukungabali kweNobholi

Ibhola eyiNobholi mayingabalwa njengeye-owuva. Jonga kuMthetho 22.3 (Uqinisekiso lweebhola).

16. Ukuphuma ngeNobholi

Xa sekukhwazwe iNobholi, akukho mqhokri makaphume phantsi kwawo nawuphi na uMthetho ngaphandle ko-33(Ukubanjwa kwebhola), 34 (Ukubetha ibhola kabini), 37 (Ukuphazamisa ukudlala), 38 (Ukuranwa).

UMTHETHO 25 IWAYIDI

1. Ukugqiba ngeWayidi

- (a) Ukuba ibhowula iyabhowula, kungeyiyo iNobholi, u-amphaya makayithathe ngokuba yiWayidi, ukuba ngokwenkazelo eku-(b) ngezantsi, ngokoluvo lwakhe ibhola ihambele kude kunomqhokri ngokuhola yena eme endaweni efanelekileyo.
- (b) Ibhola iya kuthathwa ngokuba yiWayidi ngaphandle kokuba ikumgama owaneleyo ukuba umqhokri abe nakho ukuyibetha ngophini ngokwendlela eqhelekileyo yokubetha ibhola kwiqakamba.

2. Ibhola engeyoWayidi

U-amphaya makangathi yiWayidi ibhola

- (a) ukuba umqhokri, kwiintshukumo zakhe, uthe
 - (i) wabangela ukuba ibhola imdlule njengeWayidi, njengoko kuchaziwe ku-1(b) ngasentla okanye
 - (ii) wasondela ibhola ngokwaneleyo ukuba abenakho ukuyibetha ngokwendlela eqhelekileyo yokubetha ibhola kwiqakamba
- (b) ukuba ibhola ithintene nophini okanye umqhokri.

3. Ukukhwazwa nokuphawula iWayidi

- (a) Ukuba u-amphaya ugwebe ngelokuba ibhola yiWayidi makakhwaze enze uphawu ngoko nangoko ibhola igqitha izinti zomqhokri. Nangona kunjalo, mayithathwe ngokuba yiWayidi ukusukela kwasekukhutshweni kwayo, nangona ingenakukhwazwa njengeWayidi de idlule kwizinti zomqhokri.
- (b) U-amphaya makakurhoxise ukukhwaza iWayidi ukuba kubekho ukuthintana kwebhola nophini lomqhokri okanye umqhokri ubuqu.
- (c) U-amphaya makakurhoxise ukukhwaza iWayidi ukuba ibhola yiNobholi. Jonga kuMthetho 24.11 (Ukubhukuqa kweNobholi iWayidi)

4. Ibhola engafanga

Ibhola ayifi ukuba ikhwazwe njengeWayidi.

5. Isohlwayo seWayidi

Makunikwe isohlwayo somtsi o-1 ngoko nangoko kwakukhwazwa iWayidi. Ngaphandle kokuba oko kukhwazwa kurhoxisiwe (jonga ku-3(b) naku-(c) ngasentla, esi sohlwayo sakuhlala nokuba umqhokri ukhutshiwe kwaye sakongeza kwimitsi efunyenweyo, nakusiphi na isivumelwano ngebhawundri kwakunye nakuyiphi na imitsi efunyenwe ngezohlwayo.

6. Imitsi edalwe yiWayidi – indlela ebalwa ngayo

Yonke imitsi egqitywe ngumqhokri okanye efumaneke ngebhawundri, kunye nesohlwayo sebhola eyiWayidi, mazibalwe njengeebhola eziziiWayidi. Ngaphandle kwemitsi emi-5 yesohlwayo, yonke imitsi efumaneke ngebhola eyiWayidi mayixhuzulwe kwibhowula.

7. Ukungabalwa kweWayidi

I-Wayidi mayingabalwa njengenyee-owuva. Jonga uMthetho 22.3 (Uqinisekiso lweebhola).

8. Ukukhutshwa ngeWayidi

Xa kukhwazwe iWayidi, nawuphi na umqhokri uyaphuma phantsi kwawo nawuphi uMthetho ngaphandle kowama-35 (Ukubethwa kwezinti), 37 (Ukuphazamisa umdlalo), 38 (Ukuranwa) okanye 39 (Ukusitantshwa).

UMTHETHO 26

IBHAYI NELEGBHAYI

1. IBhayi

Ukuba ibhola ikhutshwe yibhowula, ingeyiyo iNobholi okanye iWayidi, idlula umqhokri ingakhange ithintane nophini lomqhokri okanye yena buqu, nawuphi na umtsi owenziwe ngumqhokri ngokubhowulelwa, ngokubetha ibhawundri inikwa njengeBhayi kwicala eliqhokrayo.

2. Iilegbhayi

- (a) Ukuba ibhola ekhutshwe yibhowula iqale yabetha kumqhokri, imitsi mayinikwe kuphela xa u-amphaya enelisekile ukuba umqhokri
 - (i) uzamile ukudlala ibhola ngophini lwakhe
 - okanye (ii) uzamile ukuphepha ibhola ingambethi.
- (b) Ukuba u-amphaya wanelisekile ukuba enye yezi meko zifezekisiwe, imitsi ifakwa ngolu hlobo lulandelayo
 - (i) Ukuba khange kubekho nalunye uthintwano nophini lomqhokri, okanye umqhokri buqu, okanye uthintwano nophini lomqhokri ngempazamo okanye naye buqu, imitsi ebethwe ngumqhokri okanye ibhawundri mayinikwe umqhokri xa kukho ukuthintana nophini okanye inikwe icala eliqhokrayo njengoko kuchaziwe ku-(c) ngezantsi.
 - (ii) Ukuba umqhokri uthi ngokuzithandela abethe ibhola kabini ngokusemthethweni, makusebenze iMithetho 34.3 (Ukubethwa kaninzi kwebhola ngokusemthethweni) noMthetho 34.4 (Imitsi eyenziwe ngokubethwa kaninzi kwebhola ngokusemthethweni).
- (c) Imitsi eku-(b) (i) ngasentla ngaphandle kwaxa inikwe umqhokri, kufuneka
 - (i) ukuba ibhola asiyoNobholi, inikwe njengeLegbhay.
 - (ii) ukuba kukhwazwe iNobholi, mayinikwe njengesohlwayo seNobholi, njengee-ekstra zeNobholi.

3. Ukunganikwa kweLegbhay

Ukuba kwiimeko ezichazwe ku-2(a) ngasentla u-amphaya uthatha ukuba akukho namnye wemiqathango (i) no-(ii) efeziweyo, iiLegbhay azisayi kunikwa. Icala eliqhokrayo malinganikwa mitsi ngaphandle komtsi omnye osisohlwayo seNobholi, ukuba ukhona. Ngaphezu koko, akukho zohlwayo mazinikwe icala eliqhokrayo ekukhutshweni kwebhola leyo. Makulandelwe le nkqubo ilandelayo

- (a) Ukuba akukho mtsi uzanyiweyo nangona ibhola iyibhawundri, u-amphaya makakhwaze okanye abonise ukuba yibhola eFileyo leyo, ze angayivumi ibhawundri leyo.
- (b) Ukuba kuzanyiwe ukwenza imitsi kwanokuba
 - (i) akukho namnye wabaqhokri ukhutshiweyo kwaye ibhola ayibi yibhola efileyo nangasiphi na isizathu, u-amphaya makakhwaze abonise ibhola eFileyo nje ukuba

- kugqitywe umtsi omnye okanye ibhola ifika ebhawundrini. Umtsi okanye ibhawundri mayingavunywa. Abaqhokri mababuyele ngokweendawo zabo
- (ii) phambi kokuba umtsi ugqitywe okanye ibhola ifike ebhawundrini, umqhokri ukhutshiwe, okanye ibhola iba yefileyo nangasiphi na isizathu, onke amalungiselelo omthetho mawasebenze, ngaphandle kokuba akukho mitsi okanye zohlwayo mazinikwe icala eliqhokrayo, ngaphandle kwesohlwayo seNobholi ukuba sikhona.

UMTHETHO 27 ISIKHALO

1. U-amphaya makangamkhuphi umqhokri ngaphandle kwesikhalo

Akukho amphaya makakhuphe mqhokri, nangona engaphuma phantsi kweMithetho, ngaphandle kwesikhalo sefilda. Oku akuthinteli ukuba umqhokri oziqondayo ukuba umele kuphuma phantsi kweMithetho ukuba ashiye izinti ngaphandle kokwenziwa kwesikhalo. Nangona kunjalo, makuqatshelwe amalungiselelo achazwe ku-7 ngezantsi.

2. Ukukhutshwa komqhokri

Umqhokri uyakhutshwa ukuba

- (a) uyalelwe ukuba aphume mgu-amphaya okanye (b) ungaphandle phantsi kwayo nayiphi na iMithetho, ashiye izinti njengoko kuchaziwe ku-1 ngasentla.

3. Amaxesha okwenza isikhalo

Ukuze isikhalo sibe sesivakalayo, masenziwe phambi kokuba ibhowula iqalise ukubalekela ukukhupha ibhola okanye, ukuba ayikabaleki, iqalise intshukumo yokukhupha ibhola elandelayo, kwaye kuthe ngaphambi kweXesha yakhwazwa. Ukukhwazwa kwe-owuva kuza kuqala elandelayo akuphelisi sibheni esele senziwe ngaphambili, ukuba iXesha alikakhwazwa. Jonga kwiMithetho 16.2 (Ukukhwazwa kwexesha) no-22.2 (Ukuqala kwe-owuva).

4. Isikhalo “How’s That?”

Isikhalo “How’s That?” siquka zonke iindlela zokukhutshwa.

5. Ukuphendula kwisikhalo

U-amphaya okwicala lomqhokri makaphendule zonke izikhalo ezenziwa ngokweMithetho 35 (Ukubetha uthinti), 39 (Ukusitantshwa) okanye 38 (Ukukhutshwa ngokuranwa), xa isenzeka le nto kwicala likanozinti. U-amphaya okwicala elibhowulayo makaphendule zonke izikhalo. Xa isikhalo sele senziwe, u-amphaya ngamnye makaphendule nakweyiphi na into eyehlayo ngokwamagunya akhe.

Xa umqhokri kungathiwanga makaphume, omnye woo-amphaya bomdlalo makaphendule isikhalo, esenziwe ngokomqathango 3 ngasentla, ukuba sikwinto engaphaya okanye kulawulo lwakhe.

6. Ukucebisana koo-amphaya

U-amphaya ngamnye makaphendule isikhalo kwizinto ezingqamene nolawulo olusemagunyeni akhe. Ukuba u-amphaya uyathandabuza ngayo nayiphi na into, omnye u-amphaya obe kwindawo engcono yokuyibona, makacebisane nengcaphephe ngale nto akwazi ukwenza isigqibo. Ukuba emva kokucebisana kusekho intandabuzo, isigqibo iya kuba sesokuba akaphumi lowo mdlali.

7. Ukushiya komqhokri izinti zakhe engaqondanga

U-amphaya makangenelele ukuba wonelisekile ukuba umqhokri akakhutshwanga koko ushiye izinti zakhe engaqondanga. U-amphaya ongenelelayo makakhwaze ebonisa ibhola eFileyo ukukhusela amanyathelo anokuthathwa licala elifildayo ze abuyisele umqhokri endaweni yakhe.

8. Ukurhoxiswa kwesikhalo

Ikhapteni yecala elifildayo mayisirhoxise isikhalo yakufumana ukuhoywa ngu-amphaya esiwela kulawulo lwamagunya akhe isikhalo eso. Makenze njalo phambi kokuba umqhokri ophumayo alishiye ibala ekudlalelwa kulo. Ukuba inkxalabo leyo ithathelwe ingqalelo, u-amphaya ochaphazelekayo, ukuba kuyangena oko, uyasirhoxisa isigqibo sakhe ze abuyisele umqhokri endaweni yakhe.

9. Isigqibo sika-amphaya

U-amphaya angasiguqula isigqibo sakhe kuxhomekeka ukuba loo nguqu uyenza ngokukhawuleza. Akuba u-amphaya esenzile isigqibo sakhe asijiki, sesokugqibela.

UMTHETHO 28 UKUWA KUKATHINTI

1. Ukuwiswa kukathinti

- (a) Uthinti uba uwisiwe ukuba iibheyili ziwe ngokupheleleyo kwizitampu, okanye izitampu zibethwe ze saa,
- (i) yibhola,
- okanye (ii) luphini lomqhokri ukuba uliphethe okanye nayeyiphi na indawo kuphini lwakhe, okanye (iii) kungachaphazelekanga amalungiselelo omthetho 6.8 (a), awiswe luphini lomqhokri xa lisiwa ukuba uluphuncule, okanye nayeyiphi na indawo yophini lwakhe eye yaphuncuka,
- okanye (iv) ngumqhokri okanye nayeyiphi na indawo esezimpahleni okanye isixhobo esiye saphuncuka kuye,
- okanye (v) yifilda ngesandla okanye ngengalo, ukuba ibhola isesandleni okanye ezandleni ezisetyenziswayo, okanye kwisandla sale ngalo isetyenziswayo.
- (b) Ukuphazanyiswa kwebheyili, enokuba yinto yexeshana na okanye nto yimbi, oko akuthethi ukususwa kwazo ngokupheleleyo phezu kwezitampu, kodwa ukuba iibheyili xa zisiwa ziwela phakathi kwezitampu zombini oko makuthathwe ngokuba zisuke ngokupheleleyo.

2. Ukuwa kwebheyili enye

Ukuba ibheyili enye isukile, oko makube sisizathu esonelisayo sokuwa kothinti, ze kusele kususwa leyo ishiyekileyo okanye ibethwe okanye kubhonculwe nesiphi na kwizitampu ezithathu, nangaziphi na iindlela ezichazwa ku-1 ngasentla.

3. Ukumisa uthinti ngokutsha

Ukuba uthinti waphukile okanye uwisiwe ngeli xesha kudlalwayo, u-amphaya makangawulungisi de ibe ibhola ifile. Jonga kuMthetho 23 (Ibhola efileyo). Nayiphi na ifilda njengokuba ibhola idlala,

- (i) isenokubeka enye ibheyile, okanye zonke, phezu kwezitampu,
- (ii) isenophinda ibuyisele esinye isitampu okanye zonke apho uthinti uma khona kakade.

4. Ukususwa kwebheyili

Ukuba oo-amphaya bavumelene ngokususwa kweebheyili ngokoMthetho 8.5 (Ukuchithwa kweebheyili), kuxhomekeke kwingqwalasela yoo-amphaya ukuthatha isigqibo ukuba izinti mazibekwe phantsi.

- (a) Emva kwesigqibo sokudlala ngaphandle kweebheyili, uthinti uba uwile ukuba u-amphaya ochaphazelekayo uyaneliseka ukuba uthinti ubethiwe yibhola, luphini lomqhokri, ngumqhokri buqu okanye yinxalenye yempahla yakhe okanye izixhobo njengoko kuchaziwe ku-1 (a) (ii), (iii) okanye (iv) ngasentla, okanye yifilda njengoko kuchazwe ku-1(a) (v) ngasentla.
- (b) Ukuba uthinti sele aphulwe okanye ewisiwe, u-(a) ngasentla makasetyenziswe kwizitampu ezisephantsi. Nayiphi na ifilda inokuzibuyisela izitampu, ngokwemiqathango eku-3 ngasentla, ukuze ukubekho ithuba lokuwisa uthinti.

UMTHETHO 29 UKUBANGAPHANDLE KOMQHOKRI EMHLABENI WAKHE

1. Xa engaphandle emhlabeni wakhe

- (a) Umqhokri uthathwa njengongekho mhlabeni wakhe de uphini lwakhe okanye indawo ethile kumzimba wakhe ibe semhlabeni osemva kwekhrisi yokubhowula.
- (b) Engachaphazelekanga u-(a) ngasentla, ukuba umqhokri obalekayo, sele ebeke indawana yonyawo lwakhe emva kwekhrisi yokubhowula, uyaqhuba abalekele ukuya kuthinti okwelinye icala, nayiphi na into aphulukana nayo emva koko ekukuwa okanye ukuthintana nophini lwakhe ngeli xesha abalekayo akuthathwa ngokuba kukungabikho mhlabeni wakhe.

2. Ngowuphi umhlaba womqhokri

- (a) Ukuba umqhokri omnye usemhlabeni
 - (i) ngumhlaba wakhe
 - (ii) ihlala ingumhlaba wakhe nokuba ungenelelwe ngomnye umqhokri mva.
- (b) Ukuba bakumhlaba omnye bobabini abaqhokri ze omnye wabo wakhawuleza wawushiya, kwakwenzeka oku kuku-(a) (i) ngasentla.
- (c) Ukuba akukho mqhokri kwenye yemihlaba yabo, umhlaba ngamnye ngowakhe nowuphi na umqhokri okufutshane kuwo, okanye, ukuba abaqhokri bakumhlaba olinganayo, ngowomqhokri obe kufutshane kuqala phambi kokba babe sendaweni elinganayo.
- (d) Ukuba umhlaba ngowomqhokri omnye, ngaphandle kokuba kukho umqhokri obalekayo, omnye umhlaba kwelinye icala asingowakhe ngowomnye umqhokri nokuba ukweyiphi indawo.
- (e) Xa umqhokri onombalekeli inguye oqhokrayo, umhlaba wakhe usoloko ukweli cala linonozinti. Nangona kunjalo u-(a), (b), (c) no(d) ngasentla bayasebenza, kodwa kulo ubalekayo umqhokri nakulo ungaqhokriyo ngalo mzuzu ukulungiselela ukuba umhlaba ube nomntu nokuba ngumqhokri obalekayo okanye lo ungabalekiyo njengokuba kunjalo.

3. Indawo yomqhokri ongaqhokriyo

Umqhokri ongaqhokriyo xa eme kwicala lebhowula, makamelane nothinti okwicala ibhola ekhutshwayo ivela kulo, ngaphandle kokuba ufumene imvume yokwenza ngakumbi ku-amphaya.

UMTHETHO 30 UKUBHOWULWA

1. Ukukhutshwa ngokubhowulwa

- (a) Umqhokri obetha ibhola ukhutshelwa ngaphandle xa uthinti wakhe ebethwe wawa yibhowula, ibe ingeyiyo ibhola eyiNobholi, enokuba ibhola iqale yathintana nophini lwakhe okanye naye buqu.
- (b) Engachaphazelekanga u-(a) ngasentla, umqhokri akayi kukhutshwa ngokubhowulwa ukuba ngaphambi kokubetha uthinti ibhola ithintene nomnye umdlali okanye u-amphaya. Nangona kunjalo ke, oko kuxhomekeka kwiMithetho 37 (Ukuphazamisa umdlalo), 38 (Ukuranwa) 39 (Ukusitantshwa).

2. Ukongama kokubhowulwa

Umqhokri ukhutshwa ngokuBhowulwa ukuba uthinti uwiswe njengoko kuchaziwe ku-1 ngasentla, nangona isigqibo esichasa ukukhutshwa kwakhe ngandlela yimbi sisenokuthethelelwa.

UMTHETHO 31 UKUPHELELWA LIXESHA

1. Ukukhutshwa ngokuphelelwa lixesha

- (a) Emva kokuwa kothinti okanye ukuyeka komqhokri, umqhokri ozothatha indawo kufuneka, ngaphandle kokuba umdlalo uphelile, abe selungele ukugada endaweni yomlingani wakhe okanye ukufumana ibhola elandelayo kwimizuzu emi-3 ekhutshiwe okanye eyekile ugxa wakhe. Ukuba akufezekiswanga oku, umqhokri ongenayo uyaphuma, ukhutshwa ngokuphelelwa lixesha.
- (b) Kwimeko yokuba kwenziwe kade kungekho mqhokri ode aze kuthinti, u-amphaya makasebenzise inkqubo yoMthetho 21.3 (Ukunikezelwa komdlalo ngoo-amphaya). Ngenxa yesizathu salo mthetho, makuqaliswe ukuthatha amanyathelo nje ukuphela kwemizuzu emi-3 ekusingiswe kuyo ngasentla apha.

2. Ukungafumani khredithi kwebhowula

Ibhowula ayifumani khredithi ngothinti.

UMTHETHO 32 IKHETSHI

1. Ukukhutshwa ngekhethshi

Umqhokri ukhutshwa ngekhethshi ukuba ibhola ekhutshwe yibhowula, ingeyiyo ibhola eyiNobholi, ithintana nophini lwakhe ingakhange iqale ithintane nayo nayiphi na ifilda, ize ibhola leyo igangwe yifilda njengekhethshi elicacileyo, njengoko kuchaziwe ku-3 ngezantsi, ngaphambi kokuba iwe phantsi.

2. Ukongama kwekhethshi

Ukuba oku kungasentla kufezekisiwe kwaye umqhokri akakhutshwanga ngokuBhowulwa, ngaloo ndlela uba ukhutshwe ngeKhetshi, nangona isigqibo ngakomnye umqhokri ngendlela engeneyo yokukhutshwa sithetheleleka.

3. Ikhethshi elicacileyo

Ukunikezela oko kwisihlo ngasinye

enokuba (i) nangaliphi na ixesha ibhola

okanye (ii) kungexesha lokubamba ikhetshi njengoko kuxeliwe kuMthetho 19.4, nayiphi na ifilda eya kudibana nebholi, njengoko kuchaziwe kuMthetho 19.3 (b), ukuchukumisa ibhawundri okanye ukuwa ngaphaya kwebhawundri, ikhetshi malithathwe njengelifanelekileyo ukuba

- (a) ibhola igangxeke kumzimba wefilda okanye ngempazamo yabambeka ezimpahleni, okanye kwizikhuseli zikanozinti. Nangona kunjalo ayilunganga into yokuba ibhola igangxeke kwihelmethi yefilda,
- (b) ibhola ayiwanga phantsi nangona isandla ebesiganga ikhetshi siphantsi,
- (c) ifilda iganga ibhola emva kokuba ibethwe kaninzi ngumqhokri ngokusemthethweni, kodwa kuphela xa ingakhange iwe phantsi oko ibibethiwe,
- (d) ifilda iganga ibhola emva kokuthintana no-amphaya, nenye ifilda okanye nomnye umqhokri,
Kambe ke asilokhetshi lifanelekileyo ukuba nanini na libethwe luphini naphambi kokuba ikhetshi ligqitywe ibhola ibambeke kwihelmethi yefilda.
- (e) ifilda iganga ibhola emva kokuba iqabele ibhawundri iphezulu, ukuba emva kokubethwa luphini, umntu wokuqala ukuthintana nebhola yifilda, ingakhange ithintane okanye iwe ngapha kwebhawundri, ibe inxalenye yomzimba wakhe ingeneno kwebhawundri okanye ondawo yakhe ukugqibela ukunyathela phantsi ngaphambi kokubamba ibhola ibi ngeneno kwebhawundri .
Nayiphi na ifilda ephele ithintana nebhola ayibandakanywa sesi sithintelo. Jonga uMthetho 19.4 (Ibhola engapha kwebhawundri)
- (f) ibhola igangwa ngenxa yesithintelo ebhawundrini ingamelanga ukuba iyotsho ebhawundrini ngokuka-amphaya phambi kwetosi.

4. Ifilda engaphaya kwebhawundri

Makungenziwa khetshi kwaye makunikwe iBhawundri 6 emva kokuba kubethwe ibhola ngophini, ifilda

- (i) inendawo yomzimba wayo uthintene okanye ongapha kwebhawundri xa iganga ibhola, okanye emva kokuyiganga ilandele ngokuthintana ibhawundri okanye iwe ngaphaya kwebhawundri ibhola ikuyo, phambi kokugqitywa kwelo khetshi njengoko kuxeliwe kuMthetho 32 (Ikhethshi).
- ii) iganga ibhola emva kokuba iqabele ibhawundri emoyeni ingafezekiswanga imiqathango eku-3(e) ngasentla.

Jonga kuMthetho 19.3 (Ukunikwa kwebhawundri) no-19.5 (Imitsi evunyelwayo ngebhawundri).

5. Ukungafunyanwa kwemitsi

Ukuba lo uqhokrayo ukhutshwa ngeKhetshi, imitsi yalo bhola ibe likhetshi ngaphambi kokuba ikhetshi ligqitywe ayibalwa kodwa neyiphi na imitsi yesohlwayo enikwe neliphi na icala iya kuhlala. Umthetho 18.12 (Ukubuyela komqhokri kuthinti ebemshiyile) mayisebenze kwangoko nje ukugqitywa kwekhetshi.

UMTHETHO 33 UKUKHUTSHWA NGOKUBAMBA IBHOLA

1. Ukubhutyuza ibhola

Umqhokri ukhutshwa ngokubamba ibhola ukuba, ngaphandle kweemeko eziku-2 ngezantsi, xa edlala ibhola ekhutshwe yibhowula, ze wayibetha ngesandla esingabambanga phini ngabom. Oku kusebenza nokuba yiNobholi na kwanokuba ibethwe okokuqala okanye kwesibini na ibhola kwanezilandelayo.

Ukudlala ibhola kubandakanya ukudlala nokuqhokra ibhola kaninzi ukukhusela uthinti.

2. Ukungakhutshwa ngokuChola ibhola

Engachaphazelekanga u-1 ngasentla

- (a) umqhokri akakhutshwa ngokuBamba ibhola ukuba ukubetha ibhola ngesandla esingabambanga phini ukwenzele ukukhusela ingozi.

(b) umqhokri akakhutshwa ngokuBamba ibhola kodwa uya kuthatha uxanduva ngokuPhazamisa umdlalo ukuba ubethe ngesandla esingaphethanga phini

- (i) ngaphandle kukoba uthintela ingozi, njengoko kungqinwa ngokusemthethweni okanye ukukhusela ikhetshi. Jonga kuMthetho 37.3. (Ukuphazamisa ibhola ingabanjwa)
- (ii) ngaphandle kokuba uthintela ingozi emva kokuba egqibile ukudlala ibhola njengoko kucacisiwe ku-1 ngasentla
- (iii) nanini na ibhola idlalwa kubuyiselwa ibhola nakweyiphi na ifilda ngaphandle kwengqwalasela yefilda. Jonga kuMthetho 37.4 (Ukubuyiselwa kwebhola kwifilda)

3. Ifilda ayifumani khredithi

Ifilda ayifumani khredithi ngewikethi

UMTHETHO 34 UKUBETHA IBHOLA KABINI

1. Ukukhutshwa ngokubetha ibhola kabini

(a) Umqhokri uyakhutshwa ngokuBatha ibhola kabini ukuba, kuthe ibhola isadlalwa, yabetha naphi na kuye okanye ibethwe luphini lakhe ze, phambi kokuba ibhola ithintwe yifilda, aphinde ayibethe ngophini ngabom okanye ngesiqu sakhe, ngaphandle kwesandla esingabambanga phini, ngaphandle kwesizathu sokukhusela uthinti wakhe. Jonga ku-3 apha ngezantsi neMithetho 33 (Ukukhutshwa ngokuchola ibhola) no- 37 (Ukuphazamisa umdlalo).

(b) Ngenxa yesizathu salo mthetho 'ukuqhokra' okanye 'qhokra' makubandakanye ukuthintana nomntu oqhokrayo.

2. Ukungakhutshwa ngokubetha ibhola kabini

Engachaphazelekanga u-1 (a) ngasentla, umqhokri akakhutshwa phantsi kwalo Mthetho ukuba

- (i) uqhokre ibhola okwesibini izihlandlo zilandelelana ukubuyisela ibhola nakweyiphi na ifilda. Qaphela amalungiselelo kuMthetho 37. 4 (Ukubuyisela kwifilda).
- (ii) uqhokra ibhola ngabom emva kokuba ithintene nefilda. Nangona kunjalo, qaphela amalungiselelo oMthetho 37.1 (Ukukhutshwa ngokuphazamisa umdlalo)

3. Ukuqhokrwa kwebhola kaninzi ngokusemthethweni

Kuphela ukukhusela uthinti naphambi kokuba ibhola seyichukunyiswe yifilda, umqhokri angayiqhokra okwesibini ibhola ngokusemthethweni ngephini lakhe, okanye nangaliphi na ilungu lomzimba wakhe ngaphandle kwesandla esingabambanga phini.

Engachaphazelekanga la malungiselelo, umqhokri akanakuyithintela ibhola ingabanjwa ngokuyibetha kaninzi kuba ekhusela uthinti. Jonga uMthetho 37.3 (Ukuthintela ikhetshi).

4. Imitsi efunyenwe ngebhola ebethwe kaninzi ngokusemthethweni

Xa ibhola ibethwe kaninzi ngokusemthethweni, njengoko kuvunyiwe ku-3 ngasentla, luqhokro lokuqala kuphela emaluqwalaselwe ukufumanisa imitsi emayibalwe.

(a) Ukuba kuqhokro lokuqala u-amphaya wanelisekile ukuba:

(i) ibhola iqale yabethwa luphini

okanye (ii) umqhokri uzame ukubetha ibhola ngophini lwakhe

okanye (iii) umqhokri uzame ukuphepha angabethwa yibhola

icala eliqhokrayo alizi kubonelelwa ngamitsi kodwa nayiphi na imitsi akhoyo eze

ngesohlwayo iyahlala, ngaphandle nje kokuba asinikwa isohlwayo phantsi koMthetho 41.3 (Iihelmethi zecala elifildayo).

- (b) Ukuba u-amphaya ufumanisa ukuba kuqhokro lokuqala imiqathango eku-(a) ayizaliswanga, akukho mitsi okanye sohlwayo sikhredithwa kwicala eliqhokrayo ngaphandle kwesohlwayo somtsi omnye sebhola eyiNobholi, ukuba sikhona.

5. Ukungavunyelwa kwemitsi yebhola ebethwe kaninzi ngokusemthethweni – inyathelo lika-amphaya

- (a) Ukuba akukho mtsi uzanyiweyo kodwa ibhola ifikile kwibhawundri, u-amphaya makakhwaze aphawule ngebhola eFileyo kwaye angayivumi ibhawundri.
- (b) Ukuba abaqhokri bayabaleka, ze
- (i) omnye wabaqhokri akhutshwe ze ibhola ingafi ngasizathu sithile, u-amphaya makakhwaze aphawule ngebhola eFileyo kwangoko nje kugqitywa umtsi okanye ibhola ifika ebhawundrini. Umtsi okanye ibhawundri mayingavunywa. Abaqhokri mabaphindele kwiindawo abaqhokrela kuzo.
 - (ii) umqhokri akhutshwe okanye nangasiphi na isizathu esingesinye ibhola iyafa ungekagqitywa umtsi okanye ifika ebhawundrini, onke amalungiselelo eMithetho makasetyenziswe, into nje engumahluko kukuba icala eliqhokrayo malingakhredithwa ngemitsi, ngaphandle kwezohlwayo ezivunyelwe kumhlathi 4(a) okanye 4(b) ngasentla.

6. Ukungafumani khredithi kwebhowula

Ibhowula ayifumani khredithi ngothinti.

UMTHETHO 35 UKUBETHA UTHINTI

1. Ukukhutshwa ngokubethwa kothinti

- (a) Umqhokri uba ukhutshiwe ngokuBethwa kothinti, emva kokuba ibhowula ikhuphe ibhola ikwindawo efanelekileyo nangelixa kudlalwa, ze uthinti awiswe luphini lomqhokri okanye ngumzimba wakhe njengoko kuchaziwe kuMthetho 28.1 (a)(i), (ii), (iii) no-(iv) (Ukuwa kukathinti)
- enokuba (i) kungelixa lamanyathelo akhe okulungiselela ukufumana ibhola, okanye (ii) elungiselela ukusuka ukwenza umtsi wakhe wokuqala kwangoko emva kokudlala ibhola,
- okanye (iii) ukuba wenze inzame yokudlala ibhola, elungiselela ukusuka ukwenza umtsi wakhe wokuqaku, kuxhomekeka ukuba ingaba ngokoluvo luka-amphaya oko kwenzeke zisuka nje emva kokuba ebenethuba lokudlala ibhola,
- okanye (iv) eyibetha okwesibini nangaphezulu ngokusemthethweni ukukhusela uthinti ngokoMthetho 34.3 (Ukubethwa kwebhola kaninzi ngokusemthethweni)
- (b) Ukuba umqhokri uwise uthinti wakhe nangayiphi na enye yezi dlela zichazwe kumthetho 28.1 (a) (ii) naku-(iii) (Ukuwisa kothinti) phambi kokuba ibhowula ingene kwindawo yayo yokukhupha ibhola, omnye woo-amphaya makakhwaze anike uphawu lwebhola eFileyo.

2. Ukungakhutshwa ngokuwa kothinti

Ngokungachasenanga no-1 ngasentla, umqhokri akaphumi phantsi kwalo mthetho ukuba uthinti wakhe uwise nangayiphi na indlela echazwe ku-1 ngasentla ukuba

- (a) kwenzeka sele egqibe nayiphi na intshukumo yokufumana ibhola, ngaphandle kwaku-1(a)(ii), (iii) no-(iv) apha ngasentla
- (b) kwenzeka ebaleka, ngaphandle kokulungiselela ukwenza umtsi wakhe wokuqala.
- (c) kwenzeka ezama ukuphepha ukuba angaranwa okanye asitantshwe

- (d) kwenzeka ezama ukuphepha angabethwa nanini na
- (e) ibhowula emva kokungena kwindawo yayo ayiyikhuphi ibhola. Kule meko nawuphi na u-amphaya makakhwaze ngokukhawuleza aphawule ibhola eFileyo. Jonga kuMthetho 23.4 (Ukukhwaza nokuphawula ibhola eFileleyo kuka-amphaya)
- (f) ibhola yiNobholi.

UMTHETHO 36 UKUSITHA UTHINTI

1. Ukukhutshwa ngeLBW

Umqhokri oqhokrayo ukhutshwa ngeLBW phantsi kwezi meko zingezantsi.

- (a) Ibhowula ikhupha ibhola, ibe ingeyiyo iNobholi
- ze (b) ibhola, ukuba ayiphazanyiswanga epitshini, iphitsha kungca ophakathi koothinti okanye ecaleni kathinti womqhokri oqhokrayo
- ze (c) ibhola, ingakhange ithintane nophini lomqhokri kuqala, umqhokri ayiphazamise ibhola, isenokuba kuxa ipitsha okanye emva kokuba iphitshile, nangaliphi na ilungu lomzimba wakhe
- ze (d) indawo ebetheke kuyo, enokuba ingentla kwiibheyili na,
 - nokuba (i) iphakathi koothinti
 - okanye (ii) umqhokri akenzanga zinzame zinyanisekileyo zokubetha ibhola ngophini lwakhe, ekusenokuba kuphakathi koothinti okanye ngapha komgca wokusitampa
- ze (e) kodwa ngokuphazamisa ibhola, ibe ibiza kubetha uthinti.

2. Ukuphazanyiswa kwebhola

- (a) Kumanqaku okuhlola (c), (d) naku-(e) ku-1 apha ngasentla, sisiphazamiso sokuqala kuphela emasithathelwe ingqalelo.
- (b) Kwinqaku lokuhlola (e) ku-1 ngasentla, makuthathwe ngokuba ukuhamba kwebhola phambi kokuba iphazanyiswe ngekuqhubile emva kokuba iphazanyisiwe, enokuba ibhola ngeyilande ngokuphitsha okanye akunjalo na.

3. Ukuphuma komqhokri kuthinti

Ukuphuma komqhokri kuthinti womqhokri oqhokrayo kubonwa kwindlela ame ngayo xa ibhola ikhutshwa ukuba idlalwe. Jonga iSihlomelo D.

UMTHETHO 37 UKUPHAZAMISA UMDLALO

1. Ukukhutshwa ngokuphazamisa umdlalo

Namphi na umqhokri ukhutshwa ngokuPhazamisa umdlalo ukuba uthi ngabom azame ukuphazamise icala elifildayo ngokuthetha okanye ngesenzo. Kambe ke, ingeko kuphela koko, mayithathwe njengesiphazamiso, kwaye namphi na umqhokri uya kukhutshwa ngokuPhazamisa umdlalo ukuba uthi ngelixa ibhola idlalwa nasemva kokuba umqhokri oqhokrayo egqibile ukudlala ibhola, njengoko kuchaziwe kuMthetho 33.1, uthi abethe ibhola ngabomu

- (i) ngesandla esingabambanga phini, ngaphandle kokuba le nto uyenza kuba efuna ukuzikhusela engozini. Jonga uMthetho 33.2 (Ukungakhutshwa ngokuBamba ibhola)
- (ii) nangaliphi na ilungu lakhe lomzimba okanye ngophini lakhe. Jonga noMthetho 34 (Ukubetha ibhola kabini)

2. Ukuphazamisa ngempazamo

Kukomnye woo-amphaya ukugqiba ukuba ingaba uphazamiso olo lolwangabomu na okanye akunjalo. Ukuba unentandabuzo makangqubane intloko nomnye u-amphaya.

3. Ukuphazamisa ibhola ingabanjwa

Umqhokri oqhokrayo okanye adlala naye uyaphuma ukuba uthe waphazamisa ngabomu ngokuthintela ukubanjwa kwekhetshi. Oku makusebenze nokuba uphazamiso lubangelwe ngumqhokri oqhokrayo ekhusela ngokusemthethweni uthinti wakhe phantsi kolungiselelo loMthetho 34.3 (Ukubethwa kwebhola kaninzi ngokusemthethweni).

4. Ukubuyiselwa kwebhola kwifilda

Nowuphi na umqhokri ukhutshwa ngokuPhazamisa umdlalo ukuba, nanini na ibhola idlalwa nangaphandle kokuqatshelwa yifilda, usebenzise uphini lwakhe okanye naliphi na ilungu lomzimba wakhe, kuquka isandla esingabambanga phini, ukubuyisela ibhola kwifilda.

5. Imitsi eyenziweyo

Xa omnye wabaqhokri ekhutshwe ngokuPhazamisa umdlalo,

- (a) ngaphandle kokuba olo thintelo lukhusela ikhetshi lingenzeki, imitsi egqitywe ngumqhokri phambi kokona iyabalwa, kwakunye nayiphi na imitsi enikezelwe ngesohlwayo nakweliphi na icala. Jonga kuMthetho 18.6 (Imitsi enikezelwe ngenxa yesohlwayo) no-18.9 (Imitsi eyenziwa ngokukhutshwa komqhokri).
- (b) Ukuba uphazamiso lukhusela ukungenziwa kwekhetshi, imitsi agqitywe ngumqhokri mayingabhalwa kodwa nasiphi na isohlwayo ebesinikwe naliphi na icala masihlale.

6. Ukungafumani khredithi kwebhowula

Ibhowula ayifumani khredithi ngothinti.

UMTHETHO 38 UKUKHUTSHWA NGOKURANWA

1. Ukukhutshwa ngokuranwa

- (a) Nawuphina umqhokri ukhutshwa ngokuRanwa, ngaphandle kwakoku kuku-2 ngezantsi, ukuba nangaliphi na ixesha ibhola isadlalwa,
 - (i) ungaphandle komhlaba wakhe
 - ze (ii) uthinti wakhe uwisiwe ngokubethwa yifilda.
- (b) Makusebenze u-(a) ngasentla nokuba kukhwazwe iNobholi na, ngaphandle kweemeko ezichazwe ku-2(b) (ii) ngezantsi, kwanokuba akukho mitsi izanyuweyo.

2. Umqhokri akakhutshwa ngokuRanwa

Engachaphazelekanga u-1 ngasentla

- (a) Umqhokri akakhutshwa ngokuRanwa ukuba
 - (i) ebesele efikile emhlabeni wakhe ze waphuma kuba ebaleka ingozi, xa kubethwa uthinti.
Qaphela namalungiselelo akuMthetho 29.1(b) (Xa engaphandle emhlabeni wakhe)
 - (ii) ibhola ayichukunyiswa yifilda, emva kokuba ibhowula isendaweni yayo yokubhowula, phambi kokuba uthinti uwiswe
 - (iii) ibhola edlalwe ngumqhokri oqhokrayo, okanye eze kuye, ithi iqhokre ngqo kwihelmethi yefilda, ingakhange ibe nako nakuphi na ukungqubana naye okanye nenye yeefilda, ibetheka ibuyele ngqo kuthinti. Nangona kunjalo, ibhola ihlala idlala kwaye nomphi na kubaqhokri angakhutshwa ngokuRanwa kwiimeko ezichazwe ku-1 ngasentla ukuba uthinti uwile.

- (b) Umqhokri obetha ibhola akakhutshwa ngokuRanwa,
(i) ukuba ukhutshwe ngokusitantshwa. Jonga uMthetho 2.8 (e) (ii)(Ukwaphulwa kwemithetho ngumqhokri onombalekeli) naku-39.1 (b) (Ukusitantshwa).

3. Umqhokri ophumayo

Umqhokri ophumayo kwiimeko eziphantsi komhlathi 1 ngasentla ngulo ukulo mhlaba ukwicala elinohinti owileyo. Jonga kuMthetho 2.8 (Ukwaphulwa kwemithetho ngumqhokri onombalekeli) noMthetho 29.2 (Ngowuphi umhlaba womqhokri).

4. Imitsi eyenziweyo

Ukuba nawuphi na umqhokri ukhutshwe ngokuRanwa, umtsi obalekiweyo xa kubethwe uthinti wawa akabhalwa, kodwa imitsi ebisele yenziwe ngumqhokri lowo iyahlala kwakunye nemitsi eyenziwe kwizohlwayo enikwe neliphi na icala. Jonga uMthetho 18.6 (Imitsi anikezelwe ngezohlwayo) noMthetho 18.9 (Imitsi eyenziwe ngokukhutshwa komqhokri).

Ukuba umqhokri onombalekeli ukukhutshwa ngokuRanwa, imitsi egqitywe ngumbalekeli lowo nangomnye umqhokri ngaphambi kokuwa kothinti ayibhalwa, kodwa yonke imitsi yezohlwayo nakweliphi na icala iyahlala. Jonga kuMthetho 2.8 (Ukwaphulwa kwemithetho ngumqhokri onombalekeli).

5. Ukungafumani khredithi kwebhowula

Ibhowula ayifumani khredithi ngalo thinti

UMTHETHOL 39 UKUSITANTSHWA

1. Ukukhutshwa ngokustantshwa

(a) Umqhokri oqhokrayo ukhutshwa ngokustantshwa, ngaphandle kwaku-3 ngezantsi, ukuba-

(i) akubhowulwanga iNobholi

kwaye (ii) ungaphandle kumhlaba wakhe, ngaphandle kwaku-3 (a) ngezantsi

kwaye (iii) khange aqalise ukuzama ukubaleka

xa (iv) uthinti wakhe ewiswe ngokufanelekileyo ngunozinti kungakhange kungenelele enye ibhowula. Nangona kunjalo qaphela uMthetho 2.8 (c) (Ukwaphulwa kwemithetho ngumqhokri onombalekeli) noMthetho 40.3 (Indawo yokuma kanozinti).

(b) Umqhokri oqhokrayo ukhutshwa ngokusitantshwa ukuba zonke iimeko eziku-(a) ngasentla ziyonelisa, nangona isigqibo sokuRanwa sithetheleleka.

2. Ukugqampa kwebhola ebetheke kunozinti

(a) Ukuba uthinti uwiswe yibhola, makuthathwe ngokuba uwiswe ngunozinti ukuba ibhola,

(i) ibetha kunozinti okanye kwesinye sezixhobo azinxibileyo ngaphandle kwehelmethi, ze igqampe iye kubetha uthinti

okanye (ii) ikhatyelwe okanye igityiselwe kwizitampu ngunozinti.

(b) Ukuba ibhola ichukumise ihelmethi kanozinti, ibhola isadlala kodwa umqhokri akakhutshwa ngokuSitantshwa. Nangona kunjalo, usenokuRanwa kwezi meko ukuba kuthe kwakho uthintwano phakathi kwebhola kwakunye nayo nayiphi na ifilda. Nangona kunjalo qaphela u-3 ngezantsi.

3. Ukungakhutshwa ngokuSitantshwa

(a) Engachaphazelekanga u-1 ngasentla, umqhokri akayi kuSitantshwa ukuba ushiye umhlaba wakhe ukubaleka ingozi.

- (b) Ukuba umqhokri oqhokrayo akakhutshwanga ngokuSitantshwa, ngaphandle kweemeko zeminye yeMithetho 2.8(e)(i) okanye 38.2(b)(ii), ukhutshwa ngokuRanwa ukuba kwenziwa ngokwemiqathango yoMthetho 38 (Ukukhutshwa ngokuRanwa)

UMTHETHO 40 UNOZINTI

1. Izixhobo zokuzikhusela

Unozinti nguye yedwa ifilda evumelekileyo ukunxiba iiglavu nezikhuseli zemilenze. Akuba enze njalo, ezi zinto zithathwa njengamalungu omzimba akhe ukulungiselela isizathu esichazwe kuMthetho 41.2 (Ukufildwa kwebhola). Ukuba izezenzo nendawo ame kuyo ku-amphaya zibonakala njengezimenza angabinako ukwenza umsebenzi wakhe njengonozinti, uyaphulukana nelungelo lokuthathwa njengonozinti ngenxa yoMthetho 32.3 (Ikhethi elamkelekileyo), 39 (Ukustantshwa), 41.1 (Izixhobo zokuzikhusela), 41.5 (Unyino kwifilda ezisebaleni), 41.6 (Ukungangeni kweefilda kwipitshi).

2. Iiglavu

Ukuba kuvumelekile phantsi kuka-1 apha ngasentla, unozinti unxiba iiglavu, engayahluliyo iminwe ngaphandle kobhontsi ukwenzela ukuxhasa.

Ukuba kusetyenziswe uqukumbelo-

(a) kuba yintwana yemathiriyeli engatwezekiyo, nangona isenokuba yimathiriyeli yokuhombisa, ayiyi komelezwa ngokuthungela enye imathiriyeli.

(b) umphezulu woqukumbelo

(i) mawungaphumeli ngaphaya komgca ongenelela phezulu ekuqaleni komnwe ukuya kutsho phezulu kubhontsi.

(ii) uyaqina xa isandla esineglavu sinobhontsi owolulekileyo.

Jonga kwiSihlomelo C.

3. Indawo kanozinti

Unozinti uma isigxina emva kwezinti ekupheleni komgca wokuqhokra– nje ukuba ibhola idlalwa de

(a) ibhola ekhutshwe yibhowula

ibe (i) ithintana nophini okanye umqhokri oqhokrayo

okanye (ii) idlule izinti ekupheleni kwicala lomqhokri

okanye (b) umqhokri oqhokrayo abe uqalisa ukubaleka.

Kwimeko apho unozinti athe waphazamisana nalo Mthetho, u-amphaya okwicala lomqhokri oqhokrayo kwangoko uya kukhwaza ephawula iNobholi nje emva kokuba ikhutshiwe ibhola.

4. Intshukumo kanozinti

Akulunganga ukuba unozinti ame ngasemva enze intshukumo ephazamisa izinti emva kokuba ibhola ikhululelwe ukudlalwa naphambi kokuba ibhola ifike kumqhokri oqhokrayo. Kwimeko yentshukumo engafanelekanga eyenziwa ngunozinti omnye woo-amphaya makakhwaze ephawula ibhola eFileyo.

Ayisayi kuthathwa njengentshukumo engafanelekanga ukuba unozinti ubhekele ngaphambili umganyana kwibhola ekhutshwe ngokucothayo.

5. Imiqathango kwizenzo zikanozinti

Ukuba, ngokoluvo lomnye woo-amphaya, unozinti uphazamisana nelungelo lomqhokri lokudlala ibhola nokukhusela izinti zakhe, makusetyenziswe uMthetho 23.4(b)(vi) (Ukukhwaza kuka-amphaya ephawula ibhola eFileyo).

Ukuba omnye woo-amphaya ubona ukuba olu phazamiso lukanozinti lolwangabom, makusetyenziswe uMthetho 42.4 (Ukuphazamisa umqhokri ngabom).

6. Ukuphazanyiswa kukanozinti ngumqhokri

Ukuba uthe ekudlaleni kwakhe ibhola okanye ekukhuseleni kwakhe izinti ngokusemthethweni waphazamisa unozinti, akakhutshwa ngaphandle kwanjengoko kumisiwe nguMthetho 37.3 (Ukuphazamisa ibhola ingabanjwa).

Umthetho 41 IFILDA

1. Izixhobo zokuzikhusela

Akukho filda ivumelekileyo ukuba inxibe iiglavu okanye izikhuseli zemilenze ngaphandle konozinti. Ngaphezu koko izikhuseli zezandla okanye zeminwe zinganxitywa kuphela ngemvume yoo-amphaya.

2. Ukufilda ibhola

Ifilda ingayichola ibhola nangaliphi na ilungu lomzimba, kodwa ukuba, ngelixa ibhola isadlalwa, uyichola ngandlela yimbi

(a) ibhola mayibe yefileyo ngoko nangoko

kwaye (b) u-amphaya kufuneka

(i) anike imitsi emi-5 esisohlwayo iqela eliqhokrayo

(ii) isohlwayo seNobholi neWayidi zihlala zimi. Ngaphezu koko, amanqaku asele ebethwe ngabaqhokri anikwa iqela eliqhokrayo, kunye nomtsi oqhutywayo ukuba umqhokri ebesewelile ngelixa lesenzo esingafanelekanga

(iii) axelele omnye u-amphaya nekhapteni yeqela elifildayo ngesizathu sokwenza oko

(iv) axelele umqhokri ngoko nangoko, nekhapteni yeqela eliqhokrayo ngokwenzekileyo.

(c) Ibhola mayingabalwa njengenywe ye-owuva.

(d) Oo-amphaya mabakhawuleze bachaze okwenzekileyo kwiqumrhu eliphezulu leqela elifildayo nakweliphi na iqela leqhumrhu elilawulayo elijongene nomdlalo, lona liya kuthatha amanyathelo afanelekileyo ngakwikhapteni yeqela nakumdlali okanye abadlali ababandakanyekayo.

3. Ihelmethi zeqela elifildayo

Ihelmethi xa ingasetyenziswa yifilda, inokubekwa phantsi emva konozinti ingqamene nezitampu.

Ukuba ihelmethi yeqela elifildayo ibekwe phantsi kwakule ndawo kudlalwa kuyo, ize ibethwe yibhola, loo bhola iya kuba yefileyo, ngaphandle kwakwiimeko zoMthetho 34 (Ukubethwa kwebhola kabini), imitsi emi-5 esisohlwayo iya kunikwa iqela eliqhokrayo, ukongeza kwesa sohlwayo seNobholi okanye seWayidi ukuba kunakho ukwenzeka.

Imitsi eyongezelelweyo ebethwe ngumqhokri phambi kokuba ibhola iyobetha ihelmethi iya kusikorwa, kunye naleyo isadlalwayo ukuba umqhokri sele eyigqithile indawo ibibethe ihelmethi. Jonga uMthetho 18.10 (Imitsi esikorwa xa ibhola ifile ngaphandle kokuwa kwezinti).

Ukuba kusebenza imiqathango ekuMthetho 34, akukho imitsi mi-5 yesohlwayo okanye nayiphi na imitsi emayinikwe umqhokri. Jonga kumthetho 34.4 (Imitsi esikorwayo kwibhola ebethwe kaninzi ngokusemthethweni).

4. Ukunganikwa kwemitsi yesohlwayo

Engachaphazelekanga u-2 no-3 ngentla, ukuba kukhutshwa ibhola yibhowula, ze ibhola iqale ibethe kumntu lo uqhokrayo, ukuba ngokoluvo luka-amphaya, umqhokri,

(i) uzame ukudlala ibhola ngophini

okanye (ii) uzame ukuphepha angabethwa yibhola, akukho mitsi mi-5 yesohlwayo mayinikwe kwaye akukho mitsi okanye zohlwayo mazinikwe iqela eliqhokrayo ngaphandle kokuba kufakwa isohlwayo seNobholi, ukuba kufanelekile.

Ukuba kubeko imitsi ezanywayo, u-amphaya uya kulandela umgaqo obekwe kuMthetho 26.3 (Ukunganikwa kwelegibhayi).

5. Ukunyunyina kweefilda phakathi

Ngelixa ibhowula ikhupha ibhola akuvumelekanga kubekho iifilda ezingaphezu kwezimbini, ngaphandle kukanozinti, emva kwekhrisi yokuqhokra ngaphakathi. Ifilda iya kuthathwa njengasemva kwekhrisi yokuqhokra ngaphandle kokuba isuqu sayo, phantsi okanye emoyeni, singaphambi kwalo mgca.

Xa uthe waphulwa lo mthetho yiyo nayiphi na ifilda, u-amphaya okwicala lomqhokri makakhwaze aphawule iNobholi.

6. Ifilda azingeni kwipitshi

Ngexesha ibhola idlalwa, de idibane nophini lomqhokri okanye nomqhokri ubuqu, okanye igqithe uphini lomqhokri, akukho filda, ngaphandle kwebhowula, emayibeke naliphi na ilungu layo lingene kwipitshi.

Kwimeko yokwaphulwa kwalo mthetho yiyo nayiphi na ifilda ngaphandle konozinti, u-amphaya okwicala lebhawula makakhwaze aphawule iNobholi ngoko nangoko emva kokuba ibhola ikhutshiwe. Nangona kunjalo qaphela uMthetho 40.3 (Indawo yokuma unozinti).

7. Intshukumo zefilda

Nayiphi na intshukumo ebalulekileyo eyenziwa nayeyiphi na ifilda emva kokuba ibhola idlaliwe, naphambi kokuba ibhola ifike kumqhokri oqhokrayo, ayifanelekanga. Kwimeko yentshukumo engafanelekanga, nawuphina u-amphaya uya kukhwaza ephawula ibhola eFileyo. Qaphela namalungiselelo oMthetho 42.4 (Ukuzama ukuphazamisa umqhokri ngabom).

8. Inkcazo ngentshukumo ethathelwa ingqalelo

(a) Kwiifilda ezisondeleyo, nasiphi na isenzo, ngaphandle kokulunga-lungisa indlela yokuma, ngokunxulumene nomqhokri sithathelwa ingqalelo.

(b) Ngaphandle kwepitshi, iifilda zivumelekile ukuya ngakumqhokri oqhokrayo okanye kwizinti zomqhokri, ukuba u-5 ngasentla akophulwanga. Nayiphi na into ngaphandle kwentshukumo encinane ngapha komgca okanye kude nomqhokri ithathelwa ingqalelo.

(c) Ngokusingise kwimiqathango yentshukumo kanozinti jonga uMthetho 40.4 (Intshukumo kanozinti).

UMTHETHO 42 UMDLALO ONEFEYA NONGENAFEYA

1. Umdlalo onefeya nongenafeya – uxanduva lookhapteni

Uxanduva lulele kwiikhaputeni zamaqela ukuqinisekisa ukuba umdlalo uqhutywa ngomoya nangesiko lawo, njengoko kuchaziwe kwiNtshayelelo – Umoya weQakamba, njengoko kunjalo nakwimithetho.

2. Umdlalo onefeya nongenafeya – uxanduva loo-amphaya

Oo-amphaya ngabona bagwebi bajonga ukuba umdlalo mhle okanye mbi kusini na. Ukuba omnye wabo ubone isenzo, esingabandakanywayo ngumthetho, njengesingenafeya kufuneka angenelele ngaphandle kwesikhalo, kwaye, ukuba ibhola isadlalwa, makakhwaze aphawule ibhola eFileyo ze asebenzise inkqubo eku-18 apha ngezantsi. Kungenjalo oo-amphaya mabangangeneleli kwinkqubela-phambili yomdlalo ngaphandle kwesikhalo njengoko uMthetho ufinisa njalo.

3. Ibhola yomdlalo – ukutshintsha isimo sayo

(a) Nayiphi na ifilda

- (i) isenokupolisha ibhola kuxhomekeka ukuba akukho nto ingekho sikweni isetyenziswayo kwanokuba oko kupolisha akuchithi xesha
- (ii) isenokususa udaka ebholeni phantsi kweliso lika-amphaya
- (iii) isenokusula ibhola emanzi ngelaphu elomileyo.

(b) Akufanelekanga ukuba nabani na ahlikihle ibhola phantsi nangasiphi na isizathu, aphazamise nawuphi na umthungo okanye umphandle webhola, esebenzise into efakelwayo, okanye enze nayiphi na intshukumo eza kujika isimo sebhola ngaphandle kokuba ivunyelwe ku-(a) apha ngasentla.

(c) Oo-amphaya mabayihlole rhoqo ibhola.

(d) Ukuba oo-amphaya bobabini bayavumelana ukuba isimo sokuguga kwebhola singaphaya kwesiqhelo sokusetyenziswa kwayo, mabakuthathe oko njengokuchasene nalo Mthetho. Kufuneka

- (i) bayitshintshe ibhola leyo. Kufuneka ibe ngoo-amphaya abagqiba ukuba makuze enye ibhola. Kufuneka, ngokoluvo lwabo, kube kanti yekwisimo esifana nesaleyo ibisetyenziswa kuqala phambi kokuba ibe yengafanelekanga.

Ngaphezu koko, u-amphaya okwicala lebhawula kufuneka

- (ii) anike imitsi emi yesohlwayo icala eliqhokrayo
- (iii) axelele abaqhokri ukuba ibhola itshintshile
- (iv) axelele ukhapteni weqela elifildayo isizathu sokwenziwa koku ukuba ibi kukungamkeleki kwebhola
- (v) axelele ikhapteni yeqela eliqhokrayo ngoko nangoko isenzeka loo nto
- (vi) ekunye nomnye u-amphaya axelele iqumru eliphezulu leqela elifildayo kunye nebhodi elawula umdlalo ngesiganeko sokwenzekileyo ngoko nangoko emva komdlalo, ngabo abaya kuthatha inyathelo elifanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela neqela elibandakanyekayo.

(e) Ukuba bobabini oo-amphaya bavumelana ukuba kubekho nayiphi na imizekelo engeminye kumangeno apho imeko yebhola ibi yengafanelekanga kunemeko ebifumaneka iyiyo, kufuneka

- (i) bayiphinde inkqubo eku-(d)(i), (ii) neku(iii) ngasentla.

Ngaphezu koko, u-amphaya okwicala lebhawula kufuneka

- (ii) axelele ikhapteni yeqela elifildayo ngesizathu esibangela kwenziwe okwenziweyo ayiyalele ukuba imise ibhowula ebikhupha ibhola leyo. Ibhawula emisiwyo ayi vunyelwa ukuba iphinde ibhowule kuloo mangeno.

Ukuba kuyenzeka, i-owuva iya kugqityezelwa yenye ibhowula, engakhange ibhowule kwi-owuva engaphambili, engazi kuvunyelwa ibe negalelo lokubhowula kwi-owuva elandelayo

- (iii) axelele ikhapteni yeqela eliqhokrayo ngoko nangoko ngokwenzekileyo.

- (iv) ekunye nomnye u-amphaya anike ingxelo yesehlo eso kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakukhapteni nakwiqela elo libandakanyekayo.

4. Ukuzama ukuphazamisa umqhokri ngabom

Akulunganga ukuba nayiphi na ifilda izame ukuphazamisa umqhokri ngabom ngeli xesha alungiselela ukufumana ibhola.

- (a) Ukuba omnye woo-amphaya eso senzo sebhawula usithatha njengesizama ukuphazamisa, kwasekuqaleni makakhwaze ephawula ibhola eFileyo ngoko nangoko axelele nomnye u-amphaya ngesizathu sokukhwaza. U-amphaya okwicala lebhawula kufuneka
- (i) alumkisa ukhapteni wecala elifildayo ukuba isenzo asilunganga kwaye ambonise ukuba eso sisilumkiso sesokuqala nesokugqibela
 - (ii) axelele umqhokri ngokwenzekileyo.

Akukho mqhokri umele kukhutshwa ngaloo bhola. Loo bhola ayisayi kubalwa kuloo owuva.

- (b) Ukuba kusekho enye inzame yokuphazima yangabom kwakula mangeno eyenziwa yifilda, makulandelwe amanyathelo angesiso isilumkiso abekwe ku-(a) ngasentla. Ngaphezu koko, u-amphaya okwicala lebhawula kufuneka
- (i) anike imitsi emi-5 yesohlwayo kwicala eliqhokrayo
 - (ii) axelele ikhapteni yeqela elibhowulayo kwangoko nekhapteni yeqela eliqhokrayo ngesizathu seso senzo
 - (iii) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni neqela elo libandakanyekayo.

5. Ukuphazanyiswa okanye ukuthintelwa komqhokri ngabom

Ukongeza ku- 4 ngasentla, akulunganga ukuba nayiphi na ifilda ukuba izame ngabom, ngokuthetha okanye ngesenzo, ukuphazamisa okanye ukuthintela umqhokri emva kokuba umqhokri oqhokrayo efumene ibhola.

- (a) Kukomnye woo-amphaya ukugqiba ukuba isiphazamiso okanye isithintelo sesangabom kusini na.
- (b) Ukuba u-amphaya ubona ukuba ifilda izame ukuphazamisa okanye ukuthintela, makakhwaze aphawule ibhola eFileyo kwangoko ze axelele omnye u-amphaya ngesizathu soko.
- (c) Akukho mqhokri makakhutshwe kuloo bhola.
- Ukongeza
- (d) U-amphaya okwicala lebhawula kufuneka
- (i) anike imitsi emi-5 yesohlwayo kwicala eliqhokrayo
 - (ii) axelele ikhapteni yeqela elibhowulayo kwangoko nekhapteni yeqela eliqhokrayo ngesizathu seso senzo.
- (e) Ibhola ayibalwa kuloo owuva.
- (f) Imitsi eyenziwe ngumqhokri phambi kokuba one iyabalwa, kunye nalawo awafumene ngesohlwayo selinye icala. Ngaphezu koko, umtsi obalekwayo makabalwe nokuba umqhokri ebesele ewelile okanye engakaweli ekuqaleni kokona.
- (g) Abaqhokri mabagqibe ukuba ngowuphi kubo omakaqale aqhokre.

- (h) Bekunye oo-amphaya mabanike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelikeyo kwisenzo esinje ukuba athathwa njengafanelekileyo ngakukhapteni neqela elo libandakanyekayo.

6. Ukubhowula ngokuyingozi nangokungenafeya

(a) Ukubhowula iibhola ezikhawulezayo ezipitshwa kufutshane

- (i) Kuyingozi kwaye akulunganga ukubhowula iibhola ezikhawulezayo ezipitshwa kufutshane ukuba u-amphaya okwicala lebhowula ukuthatha oko ngokuphinda-phindwayo kuthathelwa ingqalelo nobude, ukuphakama kunye necala abathanda ukwenza kulo ingozi ebonakalayo kumqhokri nokuba unxibe izixhobo zokuzikhusela. Isakhono somqhokri esifanelekileyo sakuqwalaselwa.
- (ii) Nayiphi na ibhola ekhutshiweyo ethe, emva kokupitsha, yadlula okanye ibinokudlula phezu kwentloko yomqhokri ome nkqo kwikhrisi yokuqhokra, nangona ingabanga nabungozi, mayibandakanywe kwindlela yokubhowula ephantsi ko-(i) ngasentla, ngaxeshanye xa u-amphaya ebona ukuba kubhowulwe ibhola ekhawulezayo epitshwa kufutshane enobungozi nengalunganga uya kwenza isigqibo. U-amphaya makakhwaze aphawule iNobholi ngebhola nganye enjalo ekhutshiweyo.

(b) Ukubhowula iibhola ezipitshwa phezulu

- (i) Nakuphi na ukukhutshwa kwebhola, ngaphandle kwekhutshwe ngokucotha, edlula okanye ebinokudlula ngaphezu komphakamo omela kwisinqe somqhokri eme nkqo kwikhrisi yokuqhokra kuthathwa ngokuba kuyingozi kwaye akulunganga, nokuba inako okanye ayinako na ukubetha yonzakalise umqhokri.
- (ii) Ibhola ebhowulwe yayecothayo edlula okanye enokudlula ngaphezu kokuphakama kwegxalaba lomqhokri eme nkqo kwikhrisi yokuqhokra, ithathwa njengenobungozi nengalunganga, nokuba inako okanye ayinako na ukubetha yonzakalise umqhokri.

7. Ukubhowula ngokuyingozi nangokungenafeya – inyathelo lika-amphaya

- (a) U-amphaya wecala elibhowulayo ugqiba phantsi kuka-6(a) ngasentla ukuba ukubhowulwa kwebhola ekhawulezayo epitshwa kufutshane kuyingozi kwaye akulunganga kusini na, okanye, ngaphandle komhlathi 8 ngezantsi, kukho amaxa okubhowula ngokuyingoza nangokungalunganga njengoko kuchaziwe ku-6(b) ngasentla, kufuneka akhwaze aphawule iNobholi. Xa ibhola ifile, makalumkise ibhowula, axelele omnye u-amphaya, ikhapteni yecala elifildayo kunye nomqhokri ngokwenzekileyo. Esi silumkiso masisebenze kuloo mangeno aqhutywayo.
- (b) Ukuba kukho okunye ukubhowula okunobungozi nokungafanelekanga okwenziwe kwayiloo bhowula inye kulo mangeno, u-amphaya kufuneka ayiphinde le nkqubo ingasentla ze abonise ibhowula ukuba sisilumkiso sokugqibela eso.
Esi silumkiso masisebenze kuloo mangeno aqhutywayo.
- (c) Ukuba isenzo eso siphindiwe kwayilaa bhowula inye kwakuloo mangeno, u-amphaya makakhwaze anike nophawu lweNobholi, kwaye
- (i) xa ibhola ifile, makayalele ukhapteni ukuba ayimise loo bhowula kwangoko, axelele omnye u-amphaya isizathu soko.
Ibhowula ayuvunyelwa iphinde ibhowule kuloo mangeno.
Ukuba kuyenzeka, i-owuva mayigqityezelwe yenye ibhowula, engakhange ibhowule kwi-owuva egqithileyo isenokuvunyelwa ibhowule kwi-owuva elandelayo.
Ngaphezu koko kufuneka
- (ii) axelele umqhokri ngoko nangoko ngokwenzekileyo, nekhapteni yecala eliqhokrayo

- (iii) ekunye nomnye u-amphaya anike ingxelo ekwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni neqela elibandakanyekayo.

8. Ukubhowula iibhola ezipitshwa phezulu ngabom

Ukuba u-amphaya ubona ukuba ibhowula ithe yabhowula ibhola epitshwa phezulu ngabom, ebonwa njengenobungozi nengalunganga njengoko kuchaziwe ku- 6(b) ngasentla, makakhuphe isilumkiso esichazwe ku-7 ngasentla. U-amphaya kufuneka

- (a) (i) akhwaze aphawule iNobholi
- (ii) xa ibhola ifile makaxelele ikhapteni yeqela elifildayo imise ibhowula. Ibhowula ayiyi kuvunyelwa iphinde ibhowule kulo mangeno. Ukuba kuyenzeka, i-owuva mayigqityezelwe yenye ibhowula, engakhange ibhowule kwi-owuva egqithileyo nengazuvunyelwa ibhowule kwi-owuva elandelayo.
- (iii) axelele omnye u-amphaya ngesizathu sokuba enjenjalo;
- (b) axelele umqhokri ngoko nangoko ngokwenzekileyo, nekhapteni yecala eliqhokrayo;
- (c) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela nebhawula ebandakanyekayo.

9. Ukumoshwa kwexesha licala elifildayo

Akulunganga ukuba nayiphi na ifilda imoshe ixesha

- (a) Ukuba omnye woo-amphaya ubona ukuba inkqubela-phambili ye-owuva ayihambeli ndawo, okanye kumoshwa ixesha ngandlela ithile yikhapteni yecala elifildayo okanye yiyo nayiphi na ifilda, okokuqala loo a-amphaya uxhalabileyo kufuneka
 - (i) ukuba ibhola iyadlalwa, akhwaze aphawule ibhola eFileyo
 - (ii) axelele omnye u-amphaya ngokwenzekileyo.

- (b) U-amphaya okwicala lebhawula kufuneka

(i) alumkise ikhapteni yecala elifildayo, embonisa ukuba eso sisilumkiso sokuqala nesokugqibela

- (ii) axelele umqhokri ngoko nangoko ngokwenzekileyo.

- (c) Ukuba omnye woo-amphaya ubona ukuba kukho okunye ukumoshwa kwexesha yifilda kuloo mangeno, kufuneka

- (i) ukuba ibhola iyadlalwa akhwaze aphawule ibhola eFileyo
- (ii) axelele omnye u-amphaya ngokwenzekileyo.

U-amphaya okwicala lefilda kufuneka

- (iii) ukuba ukumoshwa kwexesha akukho ngexesha le-owuva, anike imitsi emi-5 yesohlwayo kwicala eliqhokrayo axelele nekhapteni yecala elifildayo ngesizathu sokube enjenjalo.

okanye, ukuba ukumoshwa kwexesha kwenzeka ngexesha le-owuva, ayalele ikhapteni yeqela elifildayo iyimise ibhowula. Ibhawula ayisayi kuvunyelwa ukuba iphinde ibhowule kuloo mangeno.

Ukuba kuyenzeka, i-owuva mayigqityezelwe yenye ibhowula, engakhange ibhowule kwi-owuva egqithileyo nengazuvunyelwa ibhowule kwi-owuva elandelayo.

- (iv) axelele umqhokri ngoko nangoko ngokwenzekileyo nekhapteni yecala eliqhokrayo

- (v) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakukhapteni weqelaneqela elo libandakanyekayo.

10. Ukumosha ixesha komqhokri

Akulunganga ukuba umqhokri amoshe ixesha. Kwiimeko eziqhelekileyo, umqhokri kufanele asoloko elungele ukuqhokra ibhola xa ibhowula ilungele ukukhupha ibhola.

- (a) Xa athe nawuphi na umqhokri wamosha ixesha ngokusilela ukuthobela imigaqo, okanye nangayiphi na indlela, kufuneka kulandelwe le nkqubo ilandelayo. Okokuqala, kusenokuba phambi kokuba ibhowula iqale ukubalekela ukukhupha ibhola okanye xa ibhola isiba yefileyo, njengoko kufanelekile, u-amphaya kufuneka

(i) alumkise abaqhokri bobabini kwaye abonise ukuba eso sisilumkiso sokuqala nesokugqibela. Isilumkiso eso siya kusebenza kuloo mangeno ephela. U-amphaya makalumkise umqhokri ngamnye ongenayo.

(ii) axelele omnye u-amphaya ngokwenzekileyo

- (iii) axelele ikhapteni yecala elifildayo, ze ngokukhawuleza kangangoko kunokwenzeka, axelele ikhapteni yecala eliqhokrayo ngokwenzekileyo.

- (b) Ukuba kukho okunye ukumoshwa kwexesha ngumqhokri kuloo mangeno, u-amphaya kufuneka, ngexesha elifanelekileyo ngelixa ibhola ifile

(i) anike imitsi emi-5 yesohlwayo kwicala eliqhokrayo

(ii) axelele omnye u-amphaya ngokwenzekileyo

- (iii) axelele omnye umqhokri ngoko nangoko ngokwenzekileyo, nekhapteni yecala elibhowulayo nekhapteni yecala eliqhokrayo ngento eyenzekileyo

- (iv) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela nabadlali abo babandakanyekayo.

11. Ukonakaliswa kwepitshi – indawo emayikhuselwe

- (a) Kubalulekile ukuba bonke abadlali bakuphephe ukonakalisa ipitshi ngokungakhathali. Umdlali uya kuthathwa ngokuba wenza umonakalo obunokuphepeka ukuba omnye woo-amphaya ubona ukuba ubukho bakhe kwipitshi akufanelakanga.

Asibobulungisa ukonakalisa ipitshi ngabomu.

- (b) Umhlaba wepitshi, noza kuchazwa ‘njengendawo ekhuselweyo’, ichazwa njengendawo ekummandla omile buxande odityaniswa yimigca efanayo enxuseneyo ukuya kwikhrisi yokuqhokra nokumgama ongangeenyawo ezi-5/ 1.52 m kumphambili wecala ngalinye, emacaleni ekupheleni imigca edibana embindini wezitampu ezibini eziphakathi, umgca ngamnye ufana nomnye kwaye ulunyawo olu 1/30.48 cm ukusuka kuyo.

12. Ukubaleka kwebhowula kwindawo ekhuselweyo emva kokubhowula

- (a) Ibhola iya kube iwaphule lo Mthetho ukuba ibaleka endaweni ekhuselweyo, nokuba kusemva kokuba igqiba kukhupha ibhola okanye ayiphumelelanga ukuyibhowula loo bhola, emva kokuba egqibile ukuzilungiselela ukukhupha ibhola. Jonga ku-11 apha ngasentla, uMthetho 23.4(viii) (Ukukhwaza kuka-amphaya ephawula ibhola eFileyo) neSihlomelo D.

- (b) Ukuba njengoko kuchaziwe ku-(a) ngasentla, ibhowula yaphula umthetho okokuqala naxa ibhola isiba yefileyo, u-amphaya kufuneka
 - (i) alumkise ibhowula ze azise omnye u-amphaya ngokwenzekileyo.
Esi silumkiso siya kusebenza kumangeno lawo ephela.
 - (ii) axelele ikhapteni yecala elifildayo nomqhokri ngokwenzekileyo.
- (c) Ukuba kwakuloo mangeno, kwlaa bhowula inye yaphula umthetho kwakhona, u-amphaya makaphinde la nkqubo ingasentla ebonisa ukuba eso sisilumkiso sokugqibela.
Esi silumkiso siya kusebenza kumangeno lawo ephela.
- (d) Ukuba kwakuloo mangeno, kwalaa bhowula inye yaphula umthetho okwesithathu, u-amphaya kufuneka
 - (i) ayalele ukhapteni weqela elifildayo ukuba ayimise ibhowula. Ibhawula ayuvunyelwa iphinde ibhowule kulo mangeno.

Ukuba kuyenzeka, i-owuva mayigqityezelwe yenye ibhowula, engakhange ibhowule kwi-owuva egqithileyo nengazuvunyelwa ibhowule kwi-owuva elandelayo

- (ii) axelele omnye u-amphaya ngesizathu sokuba enenjalo
- (iii) axelele umqhokri ze, ngokukhuwuleza kangangoko kunokwenzeka, axelele ikhapteni yecala eliqhokrayo ngokwenzekileyo.
- (iv) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela nebhawula leyo ibandakanyekayo.

13. Ukonakaliswa kwepitshi yifilda

- (a) Ukuba kukho ifilda edala umonakalo obunokuphepheka, ngaphandle kokuba kuchaziwe ku-12(a) ngasentla, okokuqala u-amphaya xa ebona olu lwaphulo, xa ibhola ifile, makaxelele omnye u-amphaya. U-amphaya okwicala lebhawula kufuneka
 - (i) alumkise ukhapteni weqela elifildayo, embonisa ukuba eso sisilumkiso sokuqala nesokugqibela. Esi silumkiso siya kusebenza kumangeno lawo ephela.
 - (ii) axelele umqhokri kwangoko ngokwenzekileyo.
- (b) Ukuba kuloo mangeno, kukho umonakalo obunokuphetshwa owenziwe kwipitshi, yiyo nayiphi na ibhowula, u-amphaya xa ebona olu lwaphulo-mthetho, yakuba ifile ibhola, makaxelele omnye u-amphaya. U-amphaya okwicala lebhawula ngoko kufuneka
 - (i) anike imitsi emi-5 yesohlwayo kwicala eliqhokrayo.
Ngaphezu koko kufuneka
 - (ii) axelele ikhapteni yecala elifildayo ngento eyenzekileyo
 - (iii) axelele umqhokri nekhapteni yecala eliqhokrayo ngoko nangoko ngokwenzekileyo
 - (iv) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela nabadlali abo babandakanyekayo.

14. Ukonakaliswa kwepitshi ngumqhokri

- (a) Ukuba omnye wabaqhokri udale umonakalo kwipitshi obunokuthinteleka, okokuqala u-amphaya obona olu lwaphulo-mthetho, yakuba ifile ibhola, makaxelele omnye u-amphaya ngesenzo eso. U-amphaya okwicala elibhowulayo kufuneka
 - (i) alumkise abaqhokri bobabini ngesenzo esingalunganga abonise ukuba eso sisilumkiso sokuqala nesokugqibela. Esi silumkiso siya kusebenza kumangeno lawo ephela. U-amphaya makaxelele umqhokri ngamnye ongenayo.

- (ii) axelele ikhapteni yeqela elifildayo ze, ngoko nangoko, axelele ikhapteni yecala eliqhokrayo ngokwenzekileyo.
- (b) Ukuba kukho olunye olonakaliso lwepitshi obelunokuthintelwa olwenziwe nguye nawuphi na umqhokri kwakuloo manganano manye, u-amphaya obona olo lwaphulo-mthetho, yakuba ifile ibhola, makaxelele omnye u-amphaya. U-amphaya okwicala elibhowulayo kufuneka
 - (i) angayivumeli yonke imitsi kwicala eliqhokrayo ngaphandle kwesohlwayo seNobholi okanye iWayidi, ukuba ikhona
 - (ii) anike imitsi emi-5 yesohlwayo kwicala elifildayo
 - (iii) abuyisele abaqhokri kwiindawo ebebekuzo
 - (iv) axelele ikhapteni yecala elifildayo ze, ngokukhawuleza kangangoko kunokwenzeka, axelele ikhapteni yecala eliqhokrayo ngokwenzekileyo.
- (c) Oo-amphaya bobabini mabanike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela nabadlali abo babandakanyekayo.

15. Ukuzama kwebhowula ukukhupha umqhokri ongaqhokriyo ngokumrana ingekabhowuli

Ibhowula ivumelekile, ukuba phambi kokuba ingene kwindawo yayo yokukhupha ibhola, izame ukumkhupha ngokumrana umqhokri ongaqhokriyo. Nokuba loo nzame ibe nempumelelo okanye ayiphumelelanga, lo bhola ayiyi kubalwa kulo owuva.

Ukuba ibhowula ayibanga nampumelelo ukumkhupha umqhokri, u-amphaya makakhwaze ephawula ibhola eFileyo ngokukhawuleza kangangoko kunokwenzeka.

16. Ukuba umtsi komqhokri

Akulunganga ukuba umqhokri azame ukuba umtsi xa ibhowula ibalekela ukukhupha ibhola. Ngaphandle kokuba ibhowula izama ukukhupha omnye wabaqhokri - jonga ku-15 ngasentla nakumthetho 24.4 (Ukugibisela kwebhowula ibhola kwicala lomqhokri ngaphambi kokukhupha ibhola) u-amphaya kufuneka

- (i) akhwaze ephawula ngebhola eFileyo nje ukuba abaqhokri baphambane ngokubaleka.
- (ii) axelele omnye u-amphaya ngokwenzekileyo
- (iii) abuyisele abaqhokri kwiindawo ebebekuzo
- (iv) anike imitsi emi-5 yesohlwayo kwicala elifildayo
- (v) axelele abaqhokri, ikhapteni yecala elifildayo ze, ngokukhawuleza kangangoko kunokwenzeka, axelele ikhapteni yecala eliqhokrayo ngokwenzekileyo.
- (vi) ekunye nomnye u-amphaya anike ingxelo kwiqumrhu eliphezulu leqela elifildayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje kuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela nabadlali abo babandakanyekayo.

17. Imitsi yesohlwayo

- (a) Xa kunikwa imitsi yesohlwayo kwelinye icala, yakuba ifile ibhola u-amphaya makaphawule loo mitsi yesohlwayo kubabhali-sikora. Jonga kuMthetho 3.14 (Imiqondiso)

- (b) Engachaphazelekanga amalungiselelo oMthetho 21.6 (Udumo kwimpumelelo okanye izongezelelo), imitsi yesohlwayo inikezelwa kwimeko nganye apho uMthetho ufuna inikezelwe.
- Qaphela, nangona kunjalo, izithintelo zokunika imitsi yesohlwayo, kuMthetho 26.3 (Ukunganikwa kwelegbhayi), 34.4 (imitsi eskorwe ngebhola ebethwe kaninzi ngokusemthethweni) noMthetho 41.4 (Ukunganikwa kwemitsi yezohlwayo) mazisetyenziswe.
- (c) Xa kunikezelwe imitsi yesohlwayo emi-5 kwicala eliqhokrayo phantsi kweMithetho 2.6 (Umdlali obuyela ngaphandle kwemvume), 41.2 (Ukufildwa kwebhola), 41.3 (Iihelmethi zeqela elifildayo) okanye phantsi kuka-3, 4, 5, 9, okanye u-13 ngasentla
- (i) mayinikwe njengezongezelelo zesohlwayo ze idityaniswe nakweyiphi na imitsi yesohlwayo
 - (ii) mayinikwe xa ibhola ifile noxa ingazuthathwa njengebalekiweyo nakweliphi na eliza kulandela ukukhupha ibhola, yongezwe nakweyiphi na imitsi ebalekiweyo kwiibhola ebezikhutshwa
 - (iii) abaqhokri mabangawatshintshi amacala ngenxa yemitsi emi-5 yesohlwayo kuphela.
- (d) Xa kunikwa imitsi emi-5 yesohlwayo kwicala elifildayo, phantsi koMthetho 18.5(b) (Imitsi emifutshane yangabom) okanye phantsi ko-10, 14, okanye u-16 ngasentla, mayongezwe njengezongezelelo zesohlwayo kwisiphumo semitsi yaba basandula kugqibezela amangeno abo. Ukuba icala elifildayo aliwagqibanga amangeno, imitsi emi-5 yesohlwayo mayongezwe kwisikoro samangeno alandelayo.

18. Indlela yokuziphatha komdlali

Ukuba kubekho naluphi na ulwaphulo loMoya woMdlalo

Ise nokuba kwimeko yesenzo esingafanelekanga esingekhoyo kwimithetho,

phantsi ko-2 ngasentla okanye kukungafezi komdlali ukuthobela imiqathango ka-amphaya

okanye ngokugxeka isigqibo sika-amphaya ngokuthetha

okanye ngesenzo

okanye ngokubonisa ukwala

okanye ngokuziphatha ngendlela ehlazisa umdlalo,

u-amphaya ochaphazelekayo ngelo xesha makaxelele omnye u-amphaya ngale meko ngoko nangoko.

Oo-amphaya bobabini kufuneka

- (i) baxelele ikhapteni yeqela ngokwenzekileyo, bayalele abaphezulu bathathe inyathelo
- (ii) balumkise ngesiphoso eso, bamxelele ukuba siza kuchazwa kwabasemagunyeni
- (iii) banike ingxelo kwiqumrhu eliphezulu leqela elichaphazelekayo nakwibhodi elawula umdlalo ngoko nangoko emva komdlalo, ngabo abaya kuthatha amanyathelo afanelekileyo kwisenzo esinje ukuba oko kuthathwa njengokufanelekileyo ngakwikhapteni yeqela okanye kumdlali nakubadlali, ukuba kuyimfuneko, nakwiqela elichaphazelekayo.

Izihlomelo A, B, no-C ziidayagramu ezingaguqukiyo kuhlelo olukhoyo

ISIHLOMELO D

INKCAZELO NENGCACISO YESIGAMA OKANYE AMABINZANA ANGACHAZWANGA KOLU XWEBHU

Itosi yenzelwa ukuba icala likhethe amangeno

Phambi kwetosi lilo naliphi na ixesha eliphambi kokutosa ngale mini kulindeleke ukuba umdlalo uqale okanye kwimeko yomdlalo wemini enye, ngale mini umdlalo uqala ngayo.

Phambi komdlalo lilo naliphi na ixesha phambi kwetosi, elinganyinelwanga kusuku lokutosa

Ngexesha lomdlalo lilo naliphi na ixesha emva kokutosa de ube umdlalo ugqityiwe, nokuba umdlalo uyaqhuba okanye awuqhubi.

Indlela yokuphatha umdlalo ibandakanya nasiphi na isenzo esinxulumene nomdlalo nangaliphi na ixesha losuku lomdlalo.

Izixhobo zomdlalo luphini, ibhola, izitampu neebheyile.

Ibala lokudlala yindawo engaphakathi kwemida.

Isikwere yindawo elungiselelwe ngokukodwa apho kwakhelwe khona ipitshi yomdlalo.

Ibala gabalala yindawo yebala lokudlala ephakathi kwesikwere nokuphela komda.

Isiphelo sangaphakathi sisiphelo secala elikufuphi nothinti.

Ngasemva ngokunxulumene nezitampu nekhristi kukwicala elithe qelele kwizitampu nakwikhristi kwelinye icala lesiphelo sepitshi.

Indawo apho umqhokri ema khona ukufumana ibhola ekhutshwa yibhowula kuthiwa **licala elisekupheleni lomqhokri** ngalo mzuzu kwenzeka ngawo oko, ngokungaxhomekanga kukuba ufudukela phi na umqhokri, isisiqingatha sendawo yokudlala, esinye isiqingatha **sesecala lebhowula**. Icala lomqhokri kukwathiwa **licala likanozinti**, kwiimeko apho indawo yomqhokri ngokunxulumene nezinti ekupheleni ibandakanyeka.

Phambi komgca wezinti zomqhokri yindawo elibala lokudlala phambi komgca ongenelela umphambili wezitampu kwicala lomqhokri, lo mgca uthathwa njengowandiswe kumacala omabini ukuya kumda.

Emva kwezinti yindawo elibala lokudlala emva komgca ongenelela umphambili wezitampu kwicala lomqhokri, lo mgca uthathwa njengowandiswe kumacala omabini ukuya kumda.

Emva konozinti kusemva kwezinti kwicala lomqhokri njengoko kucaciswe ngasentla, isemgconi neseti yezitampu zozibini kudana nezitampu kunozinti.

Umhlaba womqhokri – ekupheleni kwamacala omabini epitshi, indawo yonke ekudlalwa kuyo emva kwekhristi ekugqibeleni yeyomqhokri.

Original end sisiphelo apho umqhokri ebeme khona ngokuya ibhola ibikhutshelwa ukuba idlaliwe.

Uthinti oshiyiweyo zizinti ekupheleni apho umqhokri ebeme khona ukuqala kwaloo mtsi wenziwayo.

Ukungabikho kwindawo efanelekileyo/ ukuba kwindawo efanelekileyo – jonga kwisazobe ngezantsi

Isazobe apha sibonisa ukungabikho nokubakho endaweni efanelekileyo yokudlala – asitshintshwanga kwesi songezelelo

Ukubhowula ekhohlo/ukubhowula ekunene – Ukuba ibhowula ibaleka phakathi kwezinti nekhristi yomqhokri, izinti zikwicala elinye nale ngalo ibhowula ngayo, ekhohlo. Ukuba ikhristi yomqhokri ikwicala elinye nengalo le ibhowula ngayo, ibhowula ekunene.

U-amphaya – apho ingcaciso **ka-amphaya** isetyenziswe khona ngendlela esetyenziswa ngayo, isoloko ithetha ‘u-amphaya okwicala lebhawula’ nangona le nkcazelo ngamanye amaxesha isetyenziselwa ukugxininisa nokucacisa. Kwangaxeshanye ke kubhekiswa **koo-amphaya** bobabini. Igama u-amphaya negama oo-amphaya ngamagama esiqhelo. Yona inkcazelo ezeleyo ibonisa ukuba ngowuphi kanye ekubhekiswa kuye.

Oo-amphaya bobabini bayavumelana ngesigqibo ngeshlo apho oo-amphaya kufuneka benze isigqibo kunye bengaxhomekekanga kubadlali

Icala elifildayo licala elichola okanye eliganga okanye elibamba ibhola njengokuba umdlalo uqhuba, nokuba umdlalo awuqhubi.

Ilungu lecala elifildayo ngomnye wabadlali abonyulwe yikhapteni yecala elifildayo, okanye nawuphi na onikwe igunya lokuthatha indawo yaloo mdlali wonyuliweyo.

Ifilda ngomnye wabadlali abali-11 okanye wabadlali abambalwa oncedisana nabanye kusenziwa umsebenzi wokuchola nokuganga nokubamba ibhola ebaleni. Le nkcazo ibandakanya ibhowula nonozinti kwanabanye abadlali abonyulwe ngokusemthethweni ukuba babe sebaleni, kunye nabadlali abathatha indawo zabadlali abonyulwe bengekho ngokusemthethweni. Iyamkhupha umdlali owonyulwe waza akabikho ebaleni xa kudlalwa, okanye ongakhange afumane mvume yakubuya ku-amphaya.

Umdlali ofildayo osashiye imida yebala okwethutyana ngenxa yokuba esaye kuzinceda akakhutshwanga emdlalweni, ngenxa yezizathu zoMthetho 2.5 (Ukungabikho kwefilda okanye ukushiya ibala) uthathwa ngosashiye ibala.

Ukujija xa ukhupha ibhola yintshukumo yengalo yebhowula xa ikhupha ibhola.

Ukugxanya xa ukhupha ibhola kukugxanya xa ukhupha ibhola ejijwayo, nokuba ibhola ikhululwe okanye ayikhululwanga. Kuqala xa unyawo lwangasemva lwebhowula lusima ngokugxanya, iphele xa unyawo lwebhowula lwangaphambili lusima kwangokwa kugxanya. Kukuphinda ugxanye emva kokugqitywa kokukhutshwa kwebhola xa unyawo olulandelayo lusima, ukutsho oko xa unyawo lwangasemva lokukhupha ibhola ngokugxanya luphinda lusima.

Ibhola iqhokriwe/ qhokra ibhola ngaphandle kokuba ichazwa ngenye indlela ecacileyo, ithetha ‘ibhola iqhokriwa luphini’/ ‘qhokra ibhola ngophini’.

Jula nqo/qhokra nqo ngamabinzana afanayo athetha ‘ngaphandle kokudibana nayo neyiphi na ifilda’ kodwa singakukhupheli ecaleni ukubetha phantsi.

Ukungavunyelwa kwemitsi/ ukungasikorwa. Umntsi omawungavunyelwa ungafanelekanga ngokoMthetho. Awuhlalywa nje kuphela, kodwa abaqhokri babuyiselwe kwiindawo zabo. Umntsi omawungafakwa asikuko ukuba awukho mthethweni, koko ngulowo ungathathelwa ngqalelo nguMthetho njengomntsi ofanelekileyo. Uthathwa njengongekhoyo, ukuze ke umbuzo wokuhlalywa kwawo ungaveli. Akunaso hlwayo ngaphezu kokuphulukana nomntsi lowo.

Isixhobo sokuzikhusela ngaphandle - yiyo nantoni na esisivatho sokunxityelwa ukuzikhusela. Ukulungiselela umqhokri, izinto ezivumelekileyo, ihelmethi, izikhuseli zangaphandle zemilenze (iiphedzi zokuqhokra), iiglavu, nezikhuseli zeengqiniba ukuba zivelile. Ukulungiselela ifilda, yihelmethi qha evumelekileyo, ngaphandle kwemeko kanozinti, apha kuye kuvumeleke iiphedzi zikanozinti neeglavu.

Ihelmethi - ngumnqwazi owenziwe ngemathiriyeli eyomeleleyo kwaye ilungiselelwe ukukhusela intloko, ubuso okanye zombini.

Isinxibo – yiyo nantoni na enxitywe ngumdlali, kubandakanya izinto ezizindondo, amaso, ezibizwa njengezixhobo zokuzikhusela zangaphandle, zithathwa njengempahla, nangona asenokuba unxibe nezinye izinto zokuzikhusela ezingabonakaliyo. Uphini oluphethwe ngumqhokri aluyonxalenye yale nkcazelo yempahla.

Uphini – ezi zinto zilandelayo zithathwa njengenxenye yophini.

– Uphini ngokwalo luphelele

– iglavu iphelele (okanye iiglavu) enxitywa esandleni (okanye ezandleni) esibambe uphini,

- isandla esibambe uphini ukuba umqhokri akanxibanga glavu kweso sandla okanye kwezo zandla.

Isandla- kumqhokri nakunozinti sibandakanya isandla ngokwaso kunye neglavu yonke esesandla.

Ukubambeka kwisandla somqhokri. Uthintwano phakathi kwesandla somqhokri, okanye iglavu ayinxibileyo, kwakunye nayiphi na indawo yophini oko kuthetha uphini oluphethwe ngesandleni.

Izixhobo – izixhobo zomqhokri luphin njengoko kuxeliwe ngasentla, kunye nasiphi na isixhobo sangaphandle asinxibileyo.

Izixhobo zebhowula zizo naziphi na izixhobo zokuzikhusela ngaphandle ezinxibileyo.

Umntu – umntu ngumdlali buqu (igazi nenyama) kunye nasiphi na isinxibo okanye izixhobo zokumkhusela azinxibileyo, ngaphandle kwemeko yomqhokri, uphini lwakhe.

Isandla, enokuba sineglavu okanye asinayo, esingabambanga phini, yinxalenye yomqhokri buqu.

Akukho mpahla okanye yesixhobo iyeyomdlali buqu, ngaphandle kokuba incanyathiselwe kuye.

Kumqhokri iglavu esesandla kodwa engayinxibanga yinxalenye yakhe.

Kwifilda, into eyimpahla okanye isixhobo asiphetheyo esandleni okanye ezandleni zakhe asiyonxalenye yakhe.

ISIHLOMELO E – UPHINI: UMTHETHO 6

Yonke imithetho engqinayo ikumacandelo omthetho 6

Iindidi zophini – Iintlobo A, B no-C ziindidi zophino ezihambiselana nomthetho 6, kubandakanya icandelo 1 ukuya kwicandelo 8. Iindidi zophini ezingafikeleliyo kule migangatho mithathu azithathwa njengezisemthethweni. Uphini olukuDidi A lungasetyenziswa nakweliphi na inqanaba. Uphini olukuDidi B okanye kuDidi C nezinye iindidi ezikumgangatho okanye kwimigangatho ephantsi angasetyenziswa kuphela ngokuvunywa liQumrhu elilawula iqakamba kwelo lizwe libandakanyekayo.

Ibleyidi yophini – Ubuso bebleyidi yophini yeyona ndawo yokuqhokra. Umva ngumphezulu okwelinye icala.

Amagxa, amacala nencam zezona zinto zingaphandle zishiyekileyo, zisahlula ubuso nomva.

Amagxa, elinye kweli cala lokubamba, akweli cala lebleyidi yophini phakathi kwendawo yokuqala yokungena ebanjwayo nebleyidi eqala ifike kububanzi bayo.

Incam ngumphandle omelene namagxa kwaye zithathwa njengezihambelanayo.

Amacala, icala ngalinye lebleyidi yophini, ngalinye kwicala ngalinye, kubude bebleyidi yophini, phakathi kwencam namagxa.

Izincamatheliso – Zonke, izincamatheliso zivumelekile xa kubaluleke ukuba zisetyenziswe kodwa zibe mbalwa.

Imathiriyeli ekwisiphatho – yinxalenye yophini, izinto ngaphandle kwekheyini, umthi okanye umtya ziyathintelwa kwishumi ngalinye loDidi A nodidi B nakwisihlanu ngasinye soDidi C. Izinto ezinjalo mazingabikho ngaphezu ko-3.25 ku/ 8.26 yesentimitha kule ndawo isezantsi yokubamba uphini.

Ukubotshwa nokukhuselwa kwesiphatho – Ukuvunyelwa kokuqhubeka kokudityaniswa kwecala elingasentla necala alingezantsi kule ndawo yokubamba kuthintelwa kakhulu, nge-2.5 intshi/ 6.35 ukubopha ngomtya u-2.75 intshi /6.99 ukukhusela isiphatho.

Ubude nobubanzi

- (a) Ubude bophini buphelele, xa eli cala lingezantsi lendawo yokubamba lifakelwe, lingabikho ngaphezulu kwama-38 ee-intshi/ 96.5 yeesentimitha.
- (b) Ububanzi bephini mabungagqithi ku-4.25 intshi/10.8 yeesentimitha kobona bubanzi bayo.
- (c) Ukuvunyelwa kwezikhuselo, izinto zokulungisa, nezikhuseli zencam, kungadlulwa kumlinganiselo omiselweyo, mhlawumbi nezongezelelo kulo mlinganiselo ungasentla.

Ubude besiphatho– Ngaphandle kophini elingu-6 ubukhulu nangaphantsi, indawo yokubamba mayingadluli kuma-52 eepesenti yobude bubonke bophini.

Ukukhusela ibleyidi yophini – Ilaphu elikhuselayo elivunyelwayo kuphina olukuhlobo C malibe kumlinganiselo ongadluliyo ku 0.012 ku/0.3 mm phambi kolungiso oluku-6.6(d).

Ukukhusela nokulungiswa kwebleyidi – Izinto ezivunyelwa ku 6.6(a) mazingadluli ku-0.04/1mm.

Ku-6.6(a)(ii), ukulungiswa kwezinto makungatsalelwa kubude bophini kune-0.79 ku/2cm kwicala ngalinye ngaphaya kwezithintelo zendawo eyonakeleyo. Apho isetyenziswa njengesidibanisi esiqhubekayo, nakuphi ukuphumela akuyi kudlula umlinganiselo 0.04 kwi /1mm bobukhulu bubonke.

Ku-6.6(d), ukusetyenziswa kwezinto ezingaqinanga, ezithi zakoma zenze umphandle owome ngaphezu ko-0.004 ku/0.1 mm ukuqina okungavumelekanga.

Izinto ezifakwa kwincam nasemacaleni – Umthi osetyenzisiweyo mawungadluli ku-0.3 ku/0.89 ukuqina.

Into efakelwe kwincam mayingagqithi ngaphezu ko-2.5 ku/ 6.35cm ukuya kutsho kwincam yophini.

Ukukhusela incam – Ubukhulu bomlinganiselo ovunyelwayo kwizinto zokukhusela ngu-0.12 ku/3mm.

Izaziso ngokuqatshelweyo – Ezi zinto zichaziweyo mazingadluli ku-0.008 ku/0.2mm ngokutyeba. Ngasemva kwibleyidi mazingathathi ngaphezulu kwama-50% kubuqu bephini. Ebusweni bebleyidi, mazinyanzelwe zonele kwi-top 9 in /22.86cm, kulinganiselwe ukusuka emazantsi omqoqo.

