

UMTSETFO WEBANTFU LABAKHUBATEKILE, 2018

Inombolo Yemtsetfo. 16, wa 2018



MINE

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**MSWATI III
INKHOSI YASESWATINI**

28 Inhlaba 2018

LOMTSETFO

Umtsetfo loletsa kuvikeleka kwemalungelo nenhlalakahle yebantfu labakhubatekile nekubuka tigateko letingavela.

USHAYWE yiNkhosi kanye ne Phalamende yaseSwatini.

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Sihloko nekucala kusebenta kwalomtsetfo

1. (1) Lomtsetfo ungabitwa ngekutsi Ngumtsetfo Webantfu Labakhubatekile wa 2018

(2) Lomtsetfo utawucala kusebenta ngelusuku lolutawubekwa yiNdvuna yeLitiko ngesatiso ku *Gazethi*, iNdvuna ingabeka tinsuku letahlukahlukene tekucala kusebenta kweticephu talomtsetfo.

Kuchazwa kwemagama

2. Kulomtsetfo, ngaphandle nangabe lolokucuketfwe kudzinga –

“Kuchumana” kufaka ekhatsi, tilwimi, imibhalo, *iBraille*, kukhuluma ngenzimba, tinhlavu letinkhulu, kukhombisa, kufinyelela kutekuchumana letahlukahlukene letinjengalokubhaliwe, lokulalelwako, lulwimi loluvakalako, tinkhulumo mphikiswano netindlela letehlukene, lokufaka ekhatsi kutfolakala kwelwati netindlela tekuchumana ngetebuchwephesha.

“Umtsetfo sisekelo” usho umtsetfo sisekelo waseswatini No. 001 wa 2005;

“Libandla” lisho Libandla Lesive lekweluleka lebantfu labakhubatekile lelisukunyiswe ngaphasi kwesigaba sesitsatfu salomtsetfo.

“Umcondzisi” usho umholi welihhovisi lelibekwe ngekulandzela sigaba seli-19 salomtsetfo.

“Likhadi lekukhubateka” lisho likhadi leliniketwe ngekulandzela sigaba sema-24 salomtsetfo.

“Sikhwama” sisho sikhwama sesive sebantfu labakhubatekile lesisukunyiswe ngaphasi kwesigaba sema-46 salomtsetfo.

“Hulumende” usho Hulumende waseSwatini.

“Kutimela” kusho umcondvo logcizelela kutsi bantfu labakhubatekile banemalungelo ekulawula timphilo tabo ngekwenza tincumo letitawenta bakhone kuhlanyela ngalokuphelele kutotonkhe tingoni temmango

“Lulwimi” lufaka ekhatsi lolukhulunywako nelwetandla, lwetandla lwemaSwati naletinye tinhlobo tetilwimi letingaphimiseli

“iNdvuna” isho iNdvuna yelitiko lelibuke tindzaba tebantfu labakhubatekile;

“Bantfu labakhubatekile” bafaka ekhatsi labo labanekukhubateka losekutsetse sikhatsi lesidze emtimbeni, engcondvweni noma kuphatamiseka kwemizwa le ngekutsintsana netimo letehlukene letingaphatamisa kuHlanganyela ngekulingana nalabanye emmangweni.

“Kumisa” kusho lokumiswe ngalemitsetfo leshayiwe lengaphasi Kwalomtsetfo

“labaniketa lusito lwemphilo labatimele” kusho labo indzawo yalabaniketa lusito lwetemphilo labatimele ngaphasi kwesigaba sema-33.

“tinhlangothi letimele” kusho noma ngabe ngubani noma tinhlangothi tetinkapane letibhalisiwe noma letingakabhaliswa ngaphandle kwaletisebentisana naHulumende noma tinhlangothi taHulumende kodvwa tingafaki ekhatsi tinhlangothi letingekho ngaphasi kwaHulumende.

“Kwemukeleka lokufanele” kusho kwenta lushintjo, kulungisa lokufanele nalokudzingekile kungabi ngumtfwalo longakadzingeki, lapho kunesidzingo khona, kwenteke siciniseko kutsi bantfu labakhubatekile imphilo nenhlalakahle yabo iyafana neyalabo labangakakhubateki.

“libhuku” lisho libhuku lebantfu labakhubatekile, tinhlangothi netindzawo letitinikele letingaphasi kwesigaba sema-20.

“Mabhalane” usho Mabhalane noma Lisekela laMabhalane webantfu labakhubatekile, tinhlangothi letitinikele netindzawo, lobekwe ngaphasi kwesigaba sema-20.

“kubuyisela esimeni” kusho indlela lehlose kubuyisela bantfu labakhubatekile esimeni sabo semphilo emtimbeni, engcondvweni, kutehlalakahle, kutemakhono nekutsi bangenele ngalokuphelele kuto tonkhe tinhlangothi tekuphila.

“lihhovisi” lisho lihhovisi lelisukunyiswe ngekulandzela sigaba seli-17.

“lokulungela wonkhewonkhe” kusho kwakha imikhicito, tindzawo, tinhlelo nelusito lokungasetjentiswa nguwonkhewonkhe ngelizinga lelisetulu, ngaphandle kwesidzingo sekutsi kwentiwe kulungele simo lesitsite noma kwakhiwe ngendlela lekhethsekile nalokutawufaka ekhatsi tinsita temacembu ebantfu labatsite labakhubatekile lapho kunesidzingo khona.

INCENYE YESIBILI

LIBANDLA LESIVE LEKWELULEKA LEBANTFU LABAKHUBATEKILE

Kusukunyiswa kweLibandla lesive lekweluleka Lebantfu Labakhubatekile

3. (1) Kusukunyiswa libandla lelitawatiwa ngekutsi Libandla Lesive Lekweluleka Lebantfu labakhubatekile.
- (2) Lelibandla, ngekulandzela Lomtsetfo litawutimela lingalawulwa ngumuntfu, lokufaka ekhatsi noma ngabe nguliphi libandla Lelakhiwe Ngemtsetfo, Libandla Lekweluleka, Hulumende noma ngabe nguyiphi inhlangotho lisenta imisebenti yalo.

Imigomo yaleLibandla

4. Imigomo yaleLibandla -
 - (a) litawenta ncono simo senhlalo nemnotfo kubobabe nabomake, emantfombatana nebefana labakhubatekile;
 - (b) kwenta siciniseko kutsi bantfu labakhubatekile banematfuba lalinganako kufinyelela kutemfundvo, temphilo nalolunye lusito kutotonkhe tigaba.
 - (c) kwenta siciniseko kutsi bantfu labakhubatekile bayafinyelela kutotonkhe takhiwo nemabhilidi.
 - (d) Kukhutsata kuhlanganiswa nekwenta siciniseko kutsi tonkhe tindzawo tiniketa lusito kubantfu labakhubatekile ngendlela lefanako nakulabanye ngaphandle lapho kunesidzingeke khona.
 - (e) Kucinisekisa kutsi inchubomgomo ite imitselela lemibi etimeni tebantfu labakhubatekile ikakhulu bantfu labasetimeni letibucayi.

Emalunga aleLibandla

5. (1) leLibandla litawuba nemalunga langendluli kulayimfica (9), munye utawuba nguSihlalo lotawubekwa yiNdvuna lebuke tindzaba talabakhubatekile, litawufaka ekhatsi bantfu labanelwati lolujulile noma labatinakile tindzaba letiphatselene nebantfu labakhubatekile.
- (2) Indvuna itawushicilela ngesatso ku *Gazethi* emabito emalunga alelibandla lelibekwe ngaphasi kwesigatjana sekucala, lusuku lwekucala kusebenta neminyaka labatayihlala ehhovisi.
- (3) Lamalunga aleLibandla angabhadalwa imali leyawushiwo yiNdvuna ngekubonisana neNdvuna yeteMafa.

- (4) Lilunga laleLibandla lelibekwe ngesigaba sekucala –
- (a) litawuba sehhovisi sikhatsi lesingenci eminyakeni lemitsatfu;
 - (b) lingavumeleka kubuyela emahlandla langendluli kulamabili kulandzelana; futsi
 - (c) lingahocisa ngekuniketa satiso lesibhaliwe senyanga yinye lesiya eNdvuneni

Kuyekeliswa kwelilunga

6. Indvuna ingaliyekelisa lilunga leLibandla uma ngabe -
- (a) Kutiphatsa kwelilunga, kungaba ngulokuphatselene nemsebenti walo wekuba Lilunga lalelibandla noma lokungenani kube kutsi ucekele phansi leLibandla;
 - (b) leLilunga lilahlwe licala;
 - (i) Lekukhwabanisa, kungetsembeki noma kungatiphatsi kahle emmangweni;
 - (ii) Ngaphasi kwemtsetfo lophatselene nenkhohlakalo; noma
 - (iii) Noma nguliphi lelingajeziseka ngesigwebo sekuvalelwa;
 - (c) Lilunga selenganywa tikweledi (ngekusho kwemtsetfo); noma
 - (d) lelo lunga liphathamisekile engcondvweni noma alisakhoni kwenta umsebenti weLibandla

Kuphela kwebulunga

7. Lilunga leLibandla lelibekwe ngaphasi kwesigaba sesitsatfu liphelelwa bulunga uma -
- (a) Lelo lunga lilove emihlanganweni lemitsatfu ngekulandzelana ngaphandle kwemvume yaSihlalo;
 - (b) Lelilunga liyayekeliswa;
 - (c) Lilunga liyafa; noma
 - (d) Lelo lunga libeka phansi sikhundla ngekubhalela iNdvuna satiso senyanga yinye.

Imihlangano yeLibandla

8. (1) leLibandla litawuhlangana lokungenani emahlandla lamane ngemnyaka kwenta imisebenti yalo, ngesikhatsi nendzawo letawunconywa nguSihlalo.
- (2) Umhlangano welibandla ungaba khona uma emalunga lakhona afika kulamatsatfu (3) kufaka ekhatsi Sihlalo futsi tincumo telibandla tiyawuba ngekuvumelana kwelinyenti.
- (3) Sihlalo uyawuhola yonkhe imihlangano.
- (4) Uma Sihlalo angakhoni, ngetizatfu letitsite kuhola imihlangano yeLibandla Lesive Lekweluleka, umhlanganano uyawukhetsa lilunga leliyawuba nguSihlalo.
- (5) Lelibandla lingamema nome ngabe ngubani kungenela noma ngabe ngumuphi umhlangano noma tingcogco teLibandla ngenhloso yekuleluleka nganoma ngabe nguyiphi indzaba ledzingidvwako, kepha loyo muntfu angeke avumeleke kuvota kuloyo mhlangano.
- (6) Kunoma ngabe ngumuphi umhlangano weLibandla, Sihlalo lohola umhlangano uyawuba nelivoti njengalamanye emalunga, nangabe emavoti alingana, Sihlalo uyawuba nelivoti lelihlukanisako.
- (7) Umuntfu lomenyiwe ngaphasi kwesigatjana sesihlanu (5) angabhadalwa imali ngekuncoma kweNdvuna yeLitiko.
- (8) Ngekulandzela lomtsetfo, Libandla lingancoma tindlela talo tekucondzisa nekuchuba imihlangano nemisebenti yalo.

- (p) Kucondzisa, kusekela, kuchumanisa nekulandzelela imisebenti yetindzawo letakhelwe kunakekela bantfu labakhubatekile;
- (q) Kwetfula tinhlelo letitawenta bantfu labakhubatekile bafinyelele baphindze bente tinhlelo letitawenta bafinyelele ekutfoleni lwati netekuchumana;
- (r) Kwenta naleminywe imisebenti labaniketwe yiNdvuna kute Lomtsetfo usebente kahle; futsi
- (s) Kwenta konkhe lokunye noma tintfo letingadzingeka kusentiwa yonkhe lemisebenti lengetulu.

Emandla eLibandla

10. Lelibandla Lesive Lekweluleka lingasebentisa lamandla lalandzelako-
- (a) egameni laHulumende, lingemukela imphahla noma umhlaba netakhiwo ngekubonisana neNdvuna yeLitiko kanye neNdvuna yeLitiko leteMafa;
 - (b) lincoma kucashwa kwetisebenti ngekusebentisa indlela yelinani lelifanele kuniketwe bantfu labakhubatekile ematfuba lafanele njengalokudzingekile kwenta umsebenti waleLibandla.
 - (c) kungenela nekwenza ngalokucondzile noma ngalomunye umuntfu logunyatiwe kuleso sikhundla, tonkhe tivumelwano kuye ngesidzingo kuze kwenteke imisebenti kanye nekusebentisa emandla eLibandla;
 - (d) kuphenya kunyatseleka lokuhlelekile kwemalungelo ebantfu labakhubatekile;
 - (e) kungenelela tinchubo letifaka ekhatsi tinsolo tekunyatseleka kwemalungelo ebantfu labakhubatekile letisatekwa entinkantolo ngekuvunyelwa yinkantolo;
 - (f) kusebenta tikhalo letivela kaningi letihambisana nekutsi bantfu labakhubatekile bangakhoni kutfola emalungelo abo ngalokuphelele
 - (g) kweluleka Hulumende lapho kutfolakala kutsi noma ngumuphi umtsetfo, inchubomgomo noma inchubo ngalokucondzile nangalokungakacondzi lebandlulula noma inyatsela emalungelo ebantfu labakhubatekile, kutsatfwe tinyatselo kusebenta tinsolo tekubandlulula nekunyatsela emalungelo;
 - (h) kuncoma kuvulwa kwemabhuku (*current*), ekonga timali kunobe nguliphi libhange nome emabhange ngenjongo letsite;
 - (i) kuphenywa kusetjentiswa kwemaphakelo etimali kuyengesidzingo ekwenteni imisebenti yalo;
 - (j) egameni laHulumende, kwemukela timali, tiphiwo letingafaka ekhatsi imphahla noma umhlaba netakhiwo letibuya eveni laseSwatini nangaphandle kwenta umsebenti walelibandla.
 - (k) kwakha imitsetfo lephatselene nekuphatfwa kwetindzaba talelibandla; liphindze
 - (l) ngalokutayekekile lente tintfo letidzingekile kuze likhone kwenta umsebenti walo kahle.

Emandla eNdvuna

11. Indvuna ingacondzisa ngenchubomgomo kuleLibandla kubonisa Libandla lisenta umsebenti walo kuye ngekubona kweNdvuna kutsi kuyadzingeka eveni

Emakomidi eLibandla

12. (1) Libandla lingasukumisa emakomidi ngekubona kudzingekile ekwenteni umsebenti walo nekusebentisa emandla;
- (2) Likomidi lelisukunyiswe phasi kwesigatjana sekucala
- (a) Litawuholwa ngunoma nguliphi lilunga lelibandla;
 - (b) Litawulandzela inchubo ngekulandzela loko lokushiwo liBandla
 - (c) Lingatakhela yalo inchubo yekusebenta
- (3) Emalunga alamakomidi lasukunyiswe ngaphasi kwesigatjana sekucala angakhetfwa kumalunga aleliBandla noma kulabanye bantfu ngekubona kweliBandla
- (4) Ngaphandle kwemalunga alelikomidi lakhetfwe emalungeni aleliBandla, umuntfu lokhetfwe njenge lilunga lalelikomidi utawubhadalwa ngekubonisana kweNdvuna neliBandla
- (5) Lilunga lelikomidi litawuba sehovisi sikhatsi lesivela encwadzini yekubekwa kwalo futsi livumelekile kutsi lingaphindze libekwe.
- (6) Lilunga lelikomidi, noma kunini, lingahocisa bulunga ngekubhalela Sihlalo welikomidi satiso senyanga yinye.
- (7) Libandla, noma ngusiphi sikhatsi, lingayekelisa noma ligucule kuma kwelikomidi
- (8) Likomidi lingawubamba umhlangano walo ngesikhatsi nenzawo leyawubekwa nguSihlalo walo
- (9) Likomidi lingamema noma ngubani emhlanganweni walo ngenhloso yekuleluleka kunoma nguluphi ludzaba loludzingidvako, kodvake lowo muntfu angeke abe nelilungelo lekuvota kulowo mhlangano.
- (10) Umuntfu lomenywe ngaphasi kwesigatjana semfica (9) utawubhadalwa imali njengekubekwa yiNdvuna ngekubonisana neLibandla.

Kwendlulisela emandla nemisebenti

13. (1) Libandla lingendlulisela ngaphasi kwemibandzela nemikhawulo noma ngabe nguyiphi imisebenti yalo nemandla ngaphandle kwemandla ekwenta imitsetfo nchubo ngaphasi kwesigaba sema-49, ku -
- (a) Sihlalo weLibandla;
 - (b) Noma nguliphi lilunga leLibandla lelibekiwe ngaphasi kwesigaba sesitsatfu;
 - (c) Likomidi lelisukunyiswe ngaphasi kwesigaba seli-12
 - (d) Mabhalane weLibandla;
- (2) Umuntfu noma Libandla leliniketwe imisebenti ne mandla liyawuhambisana nemibandzela nemikhawulo lebekwe nguleLibandla nato tonkhe tidzingo, tinchubo netindzaba letiphakanyiswe nguleLibandla.
- (3) Umsebenti noma emandla lendlulisiwe ngaphasi kwalesigaba kutawentiwa egameni noma esikhundleni seLibandla
- (4) Emandla landlulisiwe kulesigaba ngeke avimbe Libandla kutsi lente umsebenti lona matfupha noma ngabe ngunini kulesikhatsi lapho lendlulisele khona lamandla

Lokubhekeke kuHulumende nakulabanye

14. (1) Konkhe lokungumsebenti nesibopho saHulumende ngaphasi kwalomtsetfo kuyawuba ngekuchubekisa inchubomgomo wakhe lophatselene nebantfu labakhubatekile, futsi kuyawentiwa –

- (a) ngekunaka noma kubuka kubakhona kwetimali netisebenti kanye naletinye tingoni; kanye
- (b) nekuhambisana neMtsetfo sisekelo kanye naleminyane imitsetfo yeLive lehambisana nalona

Kusebentisana neLibandla

15. Onkhe amatiko aHulumende, tinhlangothi, tinhlangothi, tinhlangothi letititmele ne tinhlangothi letingekho ngaphasi kwaHulumende tiyawu –
- (a) bambisana tiphindze tisite Libandla ekwenteni imisebenti yalo ngaphasi kwaloMtsetfo;
 - (b) nakisisa inchubomgomo yeLive neluhlelo lweLive lwekusenbenta lwaHulumende lokuphatselene nebantfu labakhubatekile; futsi
 - (c) batsatse tinyatselo, tento letifanele ngendlela leniketive ngaphasi kwanoma ngumuphi umtsetfo lotsintsa bantfu labakhubatekile.

Kuletsa Imibiko

16. (1) leLibandla lingafuna amatiko aHulumende, tinhlangothi taHulumende noma tinhlangothi kutshi –
- a) tiletse imibiko ngetinyatselo ne tento lekumele tintsatfwe ngibo ngecutfobela loMtsetfo ngetikhatsi letitsite letitawubekwa Libandla; kanye
 - (b) nekuniketa tinchazelo nangabe Libandla lingenetiseki noma lingaculiseki ngenchubekela phambili ngetinyatselo ne tento letitsetfwe.
- (2) Amatiko aHulumende lafanele, tinhlangothi taHulumende noma tinhlangothi lekukhulunywa ngato esigatjaneni sekucala tiyawuletsa imibiko legcwele ngenchubekela phambili, ngetinyatselo ne tento letitsetfwe ngabo, futsi lemibiko iyawuletfwa kuze kufike ekugcineni.

INCENYE YESITFATFU

LIHHOVISI LELIBANDLA

Kusukunyiswa kwalelihhovisi

17. Kusukunyiswa lihhovisi leLibandla lelitawubuka kusebenta tindzaba talelibandla, inchubomgomo, luhlelo lweLive lekusebenta, netincumo telibandla, nekwenza imisebenti lelinikwe nguleLibandla

Imisebenti yeLihhovisi

18. Lihhovisi litawuchumanisa liphindze lente tinhlelo telive letifaka tinhlangothi letahlukahlukene kukhutsata nekuvikela emalungelo ebantfu labakhubatekile ikakhulu, litawu -
- (a) luleka Libandla ngemitamo netinhlelo tekukhutsata nekuvikela emalungelo ebantfu labakhubatekile
 - (b) ncoma inchubomgomo lephelele yalabakhubatekile
 - (c) chumanisa netinhlangano taHulumende na letingekho ngaphasi kwahulumende ngetinhlelo tekuphatsa nekuhlela tinsita;

- (d) sungula kwakhiwa nekutfufukisa tingoni tekwenta ncono nekusebenta luhlelo lwelive laseSwatini leliphatselene nekukhubateka;
- (e) kulandzelela nekuhlatiya imininingwane yetikhatsi letitsite lephatselene nekukhubateka, netenhlalo-nemnotfo ngesimo sebantfu labakhubatekile eveni;
- (f) kulandzelela nekuhlola luhlelo lwelive laseSwatini leliphatselene nekukhubateka
- (g) kwakha nekusebenta emasu ekuniketa lwati nekufundzisa ngalokuphelele, Luhlelo lwelive laseSwatini leliphatselene nekukhubateka; neku
- (h) kuniketa lusito ngetebuchwephesha, ngetetimali, nekuhleleka etinhlangothini taHulumende kutfutukisa tinhlelo nemisebenti lemikhulu lephatselene nebantfu labakhubatekile.

Kubekwa kweMcondzisi naletinye tisebenti

19. (1) Indvuna yeLitiko iyawubeka uMcondzisi ngekubonisana neLibandla ngaphasi kwemigomo nemibandzela wetisebenti tembuso.
- (2) Umcondzisi utawuba
- (a) ngumholi welihhovisi
 - (b) mabhalane weliBandla
 - (c) utawubuka kusebenta nekuhleleka kweLibandla nelihhovisi
 - (d) utawubika ku Mabhalane Lomkhulu welitiko leliphatselene netindzaba tebantfu labakhubatekile
- (3) Ngenhloso yekwenta imisebenti yalo, leLihhovisi, ngaphasi kwalomtsetfo liyawuba netisebenti tembuso

INCENYE YESINE

**KUBHALISWA KWEBANTFU LABAKHUBATEKILE, TINHLANGANO
NETINDZAWO LETITINIKELE**

Kusukunywisa kwelihhovisi laMabhalane

20. (1) Kusukunywisa lihhovisi lekubhalisa bantfu labakhubatekile, tinhlangothini netindzawo letitinikele, letiyoba yincenye yalelihhovisi.
- (2) Lelihhovisi liyawuholwa ngu Mabhalane welihhovisi lebantfu labakhubatekile, tinhlangothini netindzawo letitinikele ngekunconywa Libandla.
- (3) Mabhalane welihhovisi utawusekelwa lisekela laMabhalane welihhovisi.
- (4) Kutawuba naletinye tisebenti kulelihhovisi letitawusita lelihhovisi laMabhalane welihhovisi lebantfu labakhubatekile, tinhlangothini netindzawo letitinikele etifundzeni

- (5) Lesisebenti lesisita Mabhalane sitawuhola lihhovisi laMabhalane webantfu labakhubatekile, tinhlango netindzawo letitnikele etifundzeni.
- (6) Mabhalane utawuba ngaphasi kweMcondzisi, alawule aphindze engamele tonkhe tindzaba letiphatselene nekubhaliswa kwebantfu labakhubatekile ngaphasi kwalomtsetfo.
- (7) Lisekela laMabhalane nalosita Mabhalane batawuba ngaphasi kwebuholi baMabhalane.
- (8) Mabhalane utawuba nemandla ekwenta imisebenti laniketwe yona ngulomtsetfo, uma angekho, lamandla nemisebenti itawentiwa lisekela lakhe.
- (9) Ngekucondziswa, kulawulwa nekwengamelwa nguMabhalane, lisekela laMabhalane lingasebentisa onkhe emandla nemisebenti leniketwe Mabhalane ngaphasi kwaloMtsetfo.
- (10) Ngekucondziswa, kulawulwa nekwengamelwa Lisekela laMabhalane, losita Mabhalane angalekelela liSekela laMabhalane asebentisa emandla eliSekela laMabhalane, nekwenza imisebenti leniketwe liSekela laMabhalane

Libhuku lekubhalisa bantfu labakhubatekile, tinhlango netindzawo letitnikele

21. (1) Mabhalane utawusukumisa, agcine aphindze anake ngendlela lebekiwe Libhuku lekubhalisa bantfu labakhubatekile, tinhlango netindzawo letitnikele.
- (2) iNdvuna yelitiko ingakha imitsetfo nchubo yekucina nekunakekela leliBhuku.

Sicelo sekubhalisa ebhukwini njengemuntfu lokhubatekile

22. (1) Sicelo sekubhalisa njengemuntfu lokhubatekile nekuniketwa likhadi lebantfu labakhubatekile sitawufakwa ehhovisini laMabhalane welihhovisi lebantfu labakhubatekile.
- (2) iNdvuna yelitiko ingakha imitsetfo nchubo yekubhalisa bantfu labakhubatekile nato tonkhe tigateko letingavela
- (3) Ngaphandle kwekucekela phasi sigatjana sesibili, lomtsetfo nchubo ungamisa –
 - (a) inchubo lekufanele ilandzelwe nakufakwa sicelo sekubhalisa;
 - (b) indlela lekungafakwa ngayo sicelo;
 - (c) kutsi ngubani longabhaliswa njengemuntfu lokhubatekile futsi ngubani longeke abhaliswe njengemuntfu lokhubatekile;
 - (d) indlela yekuniketa nekukhansela likhadi lebantfu labakhubatekile;
 - (e) kutsi leLibhuku lingavusetelwa kanjani ngekwenza tingucuko kuleminingwane yebantfu labakhubatekile.
 - (f) indlela umuntfu layekela ngayo kuba ngumuntfu lokhubatekile; kanye
 - (g) nendlela yekubhalisa kuleLibhuku

Emandla aMabhalane ekucela timphepha noma imininingwane letawudzingeka

23. (1) Mabhalane ngekubuka sicelo lesentiwe ngaphasi kwesigaba sema-22, angacela lofake sicelo kutsi avete leminywe imininingwane ngesikhatsi lesitawubekwa nguye.
- (2) Uma lofake sicelo ehluleka kuveta imininingwane lefunekako kulesikhatsi lesibekiwe noma ngalesinye sikhatsi lesengetwe nguMabhalane, lesicelo sitawutsatfwa ngekuti sihocisiwe ngaphandle kwekubandlulula, bese kubhekeka kutsi afake lesisha.

Kubhalisa nekwala kubhalisa

24. (1) Uma sesibuketiwe sicelo ngaphasi kwesigaba sema-22 neminingwane leyengetiwe seyivetiwe ngekwesigaba sema-23, Mabhalane utawu –
- (a) Bhalisa lowo muntfu njenge ngumuntfu lokhubatekile uma Mabhalane asanetisekile kutsi vele lowo muntfu ukhubatekile; noma
 - (b) Angavumi kubhalisa umuntfu njengemuntfu lokhubatekile uma anesiciniseko sekutsi lomuntfu akakhubateki.
- (2) Umuntfu lonesikhalo ngalesincumo saMabhalane ngaphasi kwesigatjana sekucala (1) (b), angendlulisela sikhalo sakhe eNdvuneni yelitiko, letawutsatsa sincumo angakengci emalanga langema-60, lesi sincumo siyawuba sijubo sekucina.

Kuniketa Likhadi lebantfu labakhubatekile

25. (1) Mabhalane utawuniketa umuntfu lobhaliswe njengemuntfu lokhubatekile likhadi lebantfu labakhubatekile.
- (2) Likhadi lebantfu labakhubatekile lelikhishwe ngaphasi kwesigatjana sekucala (1), ngaphandle nalikhanselwe, lingaba bufakazi lobuphelele kutsi lowo muntfu ubhalisiwe ngalokugcele njengemuntfu lokhubatekile
- (3) Lelikhadi lelinikwa bantfu lababhaliswe njengebantfu labakhubatekile liyabuyiselwa kuMabhalane uma lowo muntfu angasesuye lokhubatekile.

Kubhalisa kwetinhlangano netinzawo letinikele

26. (1) Tinhlangano noma indzawo letinikele ayikavumeleki kutsi inikete lusito lwanome nguluphi luhlobo itisebentela yona noma ngalenywe inhlangano ngaphandle nangabe leyo nhlangano noma indzawo letinikele ibhalisiwe ngaphasi kwalo Mtsetfo.
- (2) Nomakunjalo kulokushiwo esigatjaneni sekucala, inhlangano noma indzawo letinikele ngelilanga lelendvulela lusuku lolubekiwe, lebeyisebenta noma inika lolosito, itawubhalisa tingakapheli tinyanga letintsatfu.
- (3) Indvuna yelitiko ingakha uMtsetfo nchubo ngekubhaliswa kwetinhlangano noma tindzawo letinikele letiniketa lusito kubantfu labakhubatekile naletinye tigateko letingavela.
- (4) Ngaphandle kwekucekela phasi kwesigatjana sesitsatfu, lemitsetfo nchubo ingamisa:
- (a) inchubo lefanele ilandzelwe nakwentiwa sicelo sekubhalisa;
 - (b) indlela lekumele lesicelo sentiwe ngayo;
 - (c) Luhlobo lwetinhlangano netinzawo letinikele letingabhaliswa kutsi tiniketa lusito kubantfu labakhubatekile
 - (d) Kutsi lelibhuku lingabuketwa njani kutowenta lushintjo kumininingwane yetinhlangano netinzawo letinikele letiniketa lusito kubantfu labakhubatekile
 - (e) kutsi tinhlangano noma tindzawo letinikele letiniketa lusito kubantfu labakhubatekile tingasuswa njani eluhleni lwetinhlangano netinzawo letiniketa lusito kubantfu labakhubatekile; kanye
 - (f) nendlela yekubhalisa kulelibhuku.

Kufaka sicelo sekubhalisa tinhlango netinzawo letinikele

27. (1) Sicelo sekubhalisa njenge nhlango noma indzawo letinikele leniketa lusito kubantfu labakhubatekile ngaphasi kwalomtsetfo siyawufakwa kuMabhalane ngalendlela lemisiwe.
(2) Ngekwemukela sicelo lesentiwe ngaphasi kwesigatjana sekucala, Mabhalane emvakwekubuka lusito lolulefwa nguleyo nhlango letinikele, utawuvumela kubhalisa leyo nhlango aphindze akhiphe sitifiketi sekubhaliswa kwayo ngekubona kwakhe.
(3) iNdvuna yelitiko ingakha imitsetfo nchubo yekubhalisa tinhlango letinikele tebantfu labakhubatekile netigameko letingavela.

INCENYE YESIHLANU

KUHLOLA NEKUPHENYA

Emandla aleLibandla kugunyata nome ngusiphi sisebenti imvume yekungena nekuhlola takhiwo

28. (1) Libandla lapho libona khona sidzingo, lingagunyata sisebenti kungena ahlole ngatotonkhe tikhatsi letemukelekile takhiwo tetinzawo letinikele leniketa lusito kubantfu labakhubatekile.
(2) Sisebenti lesiniketwe emagunya ngaphasi kwalesigaba sitawubitwa ngekutsi “sisebenti lesigunyatiwe”

Emandla ekuhlola nekuphenya

29. Sisebenti lesigunyatiwe singa-
- (a) ngena sihlole takhiwo tenhlango letinikele leniketa lusito kubantfu labakhubatekile;
 - (b) ngena sihlole noma ngabe nguyiphi indzawo lapho khona sikholelwa kutsi lenhlango letinikele ayikabhaliswa ngaphasi kwalomtsetfo kuniketa lusito kubantfu labakhubatekile.
 - (c) kuhlola noma kwenta ticashunwa kunoma ngabe nguyiphi incwadzi, emabhuku, noma imibhalo legcinwe nguleyo nhlango
 - (d) kubutisisa noma ngubani lokuleyo ndzawo ngenhloso yekutfo kutsi ticephu taLomtsetfo tiyalandzelwa.

INCENYE YESITFUPHA

**KUKHUTSATA NEKUTFUTFUKISA LIZINGA LEMPHILO NENHLALAKAHLE
YEBANTFU LABAKHUBATEKILE**

Kufinyelela ekutfoleni lusito

30. (1) Bantfu labakhubatekile banelilungelo lekutfola lusito nekunakeka ngekulingana nalabanye nekunakwa ikakhulu kulolonkhe luhlobo lwetehlakalo etimeni letibucayi naletiphutfumako lokufaka ekhatsi timphi naletinye tinhlekelele.
- (2) Hulumende utawutsatsa tonkhe tinyatselo kucinisekisa kutsi bantfu labakhubatekile bane lilungelo lekutfola lusito lwetemtsetfo nendlela yekuphatsa kulolonkhe luhlobo lwetehlakalo netimo letibucayi naletiphutfumako

Kufinyelela etakhiweni tesive, tinsita, lusito kanye netakhiwo

31. (1) Bantfu labakhubatekile banelilungelo lekufinyelela nekusebentisa, tindzawo tesive, tinsita, Lusito kanye netakhiwo tesive letivulekele wonkhe wonkhe ngalokulinganako nalabanye, ngaphandle kwekuvela kwetim letingaba yingoti kubantfu labakhubatekile.
- (2) Ngekulanzela sigatjana sekucala (1), Hulumende nebanikati tindzawo tesive, tinsita, lusito kanye netakhiwo tesive, batawenta siciniseko baphindze batsatse tinyatselo letingito kutsi letindzawo tilungela wonkhe wonkhe.

Kufinyelela etincoleni tekutfutsa sive

32. (1) Bantfu labakhubatekile banelilungelo lekufinyelela nekusebentisa tincola letitfutsa sive, tinsita nelusito loluniketwa sive ngalokulinganako nalabanye.
- (2) Ngekulanzela sigatjana sekucala (1), hulumende nebanikati betincola letitfutsa sive, tinsita nelusito loluniketwa sive, batawenta siciniseko baphindze batsatse tinyatselo letingito kutsi letincola, tinsita nelusito kulungela wonkhe wonkhe.

Kufinyelela kutemphilo

33. (1) Bantfu labakhubatekile banelilungelo lekusitakala ngetemphilo ngekulingana nalabanye.
- (2) Libandla, tinhlangotsi letitimele netinhlango letingekho ngaphasi kwaHulumende tiyawutsatsa tindlela letifanele kucinisekisa kutsi bantfu labakhubatekile bayafinyelela elusitweni lwetemphilo, lokufaka ekhatsi kubuyiselwa esimeni lokuphatselene nemphilo nalokutinakako tindzaba tebulili.
- (3) Hulumende netinhlango letitimele letiniketa lusito lwetemphilo, batawenta siciniseko kutsi bantfu labakhubatekile bayalutfofolo lusito loludzingekile lwetemphilo lolufaka ekhatsi naku lokulanzelako –
- (a) kuvikela kuchukeka kwekukhubateka, kugoma, kondliwa kwemtimba, kuvikeleka nekugcineka kwemvelo kanye nekwelulekwa ngelufuto; kanye ne
- (b) kusheshe kubonakale kukhubaketa nekutfolakala kwelusito masinyane kute kuvinjelwe kukhubateka nekulashwa ngesizafu sekubuyisela esimeni.
- (4) Hulumende ngekutsatsa tinyatselo tekuvikela kuchubeka kwetigameko tekukhubateka, a -
- (a) ngenta noma asukumise luphenyo nelucwaningo lolutawubuka sisusa sekukhubateka; futsi
- (b) ngasekela ngetimali noma asukumise imikhankaso yekufundzisa nekusabalalisa lwati ngetimbangela tekukhubateka netindlela tekuvikela letingatsatfwa ngekuhlanteka netemphilo.

- (5) Tinhlangothi letitimele netinhlangothi letingekho ngaphasi kwaHulumende letigcina bantfu labakhubatekile tiyawucasha bocwephesha lababuke, kululamisa kwekukhuluma, kululamisa lokubonakalako nekulamisa ngekwengcondvo noma sisebenti setemphilo le iNdvuna yelitiko iyawubona kufanele ngekubuka tonkhe tidzingo nekukhona kwaleyo ndzawo letimele, kubakhona kwelusito naletinye tinsita.
- (6) Ngekulandzela sigatjana sesihlanu (5) inhlangothi letimele –
- (a) lebhaliwe ngaphasi kwaloMtsetfo itawuletsa kulelibandla linani lebalulamisi labalulamisa ngalokubonakalako nangekwengcondvo netisebenti tetemphilo esikhatsini lesitinyanga letisitfupha kucalile kusebenta loMtsetfo; noma
- (b) Bafake sicelo sekubhaliswa ngaphasi kweMtsetfo, ungakacali kusebenta loMtsetfo batawuletsa kuleLibandla linani lebalulamisi labalulamisa ngalokubonakalako nangekwengcondvo netisebenti tetemphilo leticashiwe.
- (7) Noma kunjalo, ngekwesigatjana sesihlanu (5), iNdvuna ingavumela tinhlangothi letitimele noma tinhlangothi letingekho ngaphasi kwaHulumende ekuniketeni lusito kubantfu labakhubatekile ngekubona kwayo, kutsi kube netisebenti tetemphilo kuyo, kepha ingavumela kutsi bete ngetikhatsi letibekiwe kuletotinhlangano letitimele.

Kufinyelela kutemfundvo

34. (1) Bantfu labakhubatekile angeke bashiyeke noma bavinjelwe ekutseni batfole imfundvo yawonkhe wonkhe ngenca yekukhubateka kwabo, nebantfwana labakhubatekile angeke bashiyeke noma bavinjelwe kungena kuto tonkhe tigaba tekufundza, kusukela esigabeni lesiphasi kuya kulesisetulu, kufaka ekhatsi imfundvo yetidzingo letehlukile, kodwa baphatseke ngendlela lefananako nebantfu noma bantfwana labangakakhubateki lokufaka ekhatsi kuceceshwa ngemakhono nemfundvo lechubekako.
- (2) Kute bantfu nebantfwana labakhubatekile bakhone kutfole imfundvo, Hulumende kanye netindzawo temfundvo letitimele kumele kutsi kube nesimo lesivumako kutsi bangafundza lesitawufaka ekhatsi takhiwo, tinsita netinsitakufundzisa, tindlela tekufundzisa, luhlelo lwekufundzisa, kuhlolwa, kuphotfulwa naletinye tindlela letisekela letidzingo letehlukene tebantfu noma bantfwana labakhubatekile.
- (3) Hulumende kanye netindzawo temfundvo letitimele kutawutsatsa tinyatselo netindlela letifanele kwenta siciniseko kutsi bantfu nebantfwana labakhubatekile bafundza emakhono ekuphila nekutfufukisa tenhlalo kute bakhone kufundza ngalokuphelele nangalokulinganako lokufaka ekhatsi naku lokulandzelako nalokunye lokungakabalwa-
- (a) kwenta kufundza ngemibhalo walabangaboni lofundvwa ngetandla (braille), naletinye tindlela tekuchumana tebantfu labakhubatekile nekufundziswa emakhono kutihambela;
- (b) kusebentisa kufundvwa kweLulwimi LwemaSwati lwetandla nekukhutsata kulati lolulwimi lwalabantfu labakhubateke ngekungeva etindlebeni
- (c) Kucinisekisa kutsi imfundvo yebantfu labakhubatekile, ikakhulu bantfwana, labangaboni, labangeva, labangeva futsi bangaboni, labane *Autism*(Autistic), noma bantfu belibala yetfulwa ngelulwimi lolufanele loyo muntfu, nasetindzaweni letindlondlobalisa kutfutfuka kutemfundvo nakutenhlalakahle.

Kufinyelela kutemisebenti

35. (1) Bantfu labakhubatekile bayawuba nelilungelo lekucashwa ngalokulinganako nalabangakakhubateki.
- (2) Umcashi uyawuvikela emalungelo ebantfu labakhubatekile ngalokulinganako nalabo labangakakhubateki, nasetindzaweni tekusebenta letikahle naletivumako, kufaka ekhatsi ematfuba lalinganako neliholo lelilinganako lemsebenti lofanako, netindzawo tekusebentela letiphephile naletihlantekile, bavikeleke ekuhlukubetekeni kanye nekulungiswa kwetikhalo.
- (3) Umcashi uyawukhutsata kucashwa kwebantfu labakhubatekile ngekubuyeketa emakhono abo, ngekuniketa tindzawo letikahle tekusebentela, asebentise tindlela letingito tekucasha.
- (4) Hulumende ngenhloso yekukhutsata kucashwa kwebantfu labakhubatekile etinhlangothini tesive naletitimele, uyawukwakha tinchubo mgomo atsatsa netinyatselo letifanele letingafaka ekhatsi tihlelo letivumelana nalomgomo.
- (5) Hulumende uyawukhutsata ematfuba etekuceceshwa kwebantfu labakhubatekile etindzaweni temisebenti, kanye nematfuba ekutisebenta, temabhizinisi, tinhlangothi telubanjiswano nekwakha ematfuba ekusebentela emakhaya.
- (6) Ngenhloso yalesigaba, “umcashi” ufaka ekhatsi Hulumende.

Kufinyelela elwatini, kutekuchumana netebuchwephesha

36. (1) Bantfu labakhubatekile bayawuba nelilungelo lekutfola lwati, tekuchumana kanye netebuchwephesha ngalokulinganako nalabo labangakakhubateki.
- (2) Hulumende nalabo labaniketa lwati, tekuchumana netebuchwephesha ngenhloso yekutsi bantfu labakhubatekile bafinyelele, batawuniketa lwati, tekuchumana kanye netebuchwephesha ngetindlela letilungele kanye netebuchwephesha letilungele tihlobo letehlukene tekukhubateka ngesikhatsi lesifanele ngaphandle kwekungetwa kwetindleko.
- (3) Hulumende netinhlangothi letitimele bayawuvumela baphindze bente kutsi kubelula kusetjentiswa kwelulwimi lwetandla lwesiSwati, umbhalo walabakhubateke ngekungaboni lofundvwa ngetandla “ibralle”, naletinye tindlela tekuchumana tebantfu labakhubatekile letisemtsetfweni.

Kufinyelela kutemasiko

37. (1) Bantfu labakhubatekile banelilungelo lekufinyelela kutemasiko ngalokulinganako nalabo labangakakhubateki.
- (2) Bantfu labakhubatekile bayawuba nelilungelo lekufinyelela -
- (a) etintfweni temasiko ngetindlela letilungele;
- (b) etinhlelweni tamabona kudze, emafilimini, emidlalweni yaseshashalazini nakuleminye imigidvo yemasiko ngetindlela letilungele; futsi
- (c) Etindzaweni temigidvo yemasiko noma tinsita letifaka ekhatsi tindzawo temidlalo yaseshashalazini, emsamo, kubobhayisikobho, emtapeni welwati nelusito kutekuvakasha, nalapho kufinyeleleka khona, etindzaweni tesikhumbuto kanye naleto letimcoka temasiko elive.
- (d) Lelibandla litawutsatsa tinyatselo letifanele kuvetela bantfu labakhubatekile ematfuba ekutfufuka nekusebentisa emakhono abo ekucamba nebuhlalani, kungabi ngekutfufukisa bona kuphela kodvwa kutfutukise nemmango.

(4) Bantfu labakhubatekile bayawuba nelilungelo ngalokulinganako nalabo labangakakhubateki lekunakeka nekweekeleka kwemasiko netilwimi tabo lokufaka ekhatsi lulwimi lwetandla lwesiSwati nenchubo yalabakhubateke ngekungeva.

Kufinyelela kutekutijabulisa, kungcebeleka netemidlalo

38. (1) Bantfu labakhubatekile banelilungelo lekungenela tekutijabulisa, tekungcebeleka netemidlalo ngalokulinganako nalabo labangaka khubateki, ngaphandle kwekubafaka engotini.

(2) Libandla liyawutsatsa tinyatselo letifanele kukhutsata nekugcugcutela kuhlanyela kwebantfu labakhubatekile kutemidlalo kutotonkhe tigaba ngalokuphelele.

(3) Libandla liyawucinisekisa kutsi bantfu labakhubatekile bane –

(a) litfuba lekuhlela, kutfutukisa nekuhlanyela emidlalweni kanye netekungcebeleka lecondzene nalabakhubatekile, kukhutsate kuvetwa kwematfuba ngalokulinganako kucecesha lokungiko netinsita letifanele nalabo labangakakhubateki.

(b) kufinyelela etindzaweni temidlalo, tekungcebeleka kanye netekuvakasha

(c) kufinyelela ngalokulinganako nalabanye bantfwana labangakakhubateki ekuhlanyeleni ekudlaleni, kutekutijabulisa nekungcebeleka nakutemidlalo lokufaka ekhatsi naleminyane imidlalo lesetikolweni; futsi

(d) kufinyelela ekutfoleni lusito kulabo labahlela tekungcebeleka, tekutijabulisa, temidlalo kanye netekuvakasha.

INCENYE YESIKHOMBISA KUSITWA KUTIPHILISA NEKULULANYISWA

Kusitwa kutiphilisa nekululanyiswa

39. Libandla, labaniketa lusito lwetempilo labatimele netinhlango letingekho ngaphasi kwahulumende tiyawu –

(a) tsatsa tinyatselo letisebentako naletifanele kwelekelela bantfu labakhubatekile kutsi bakhone kutimela ngalokusimeme, kutotonkhe tinhlangoletsi tempilo letifaka ekhatsi umtimba, tengcondvo, tenhlalo netemakhono nekuhlanyela kutotonkhe tinhlangoletsi tekuphila.

(b) hlela, tacinise tiphindze tilungise tibuyisele esimeni ngalokuphelele tonkhe tinhlelo nelusito, ikakhulu etinhlangoletsinini tetempilo, tetemfundvo, tenhlalakahle ngendlela letawenta kutsi lolusito naletinhlelo tisheshe tisukunyiswe ngekubuka luhlolo lolubuka tinhlangoletsi tonkhe tetidzingo nemakhono.

(c) kukhutsata kutfolakala, lwati, kusebentisa kwetinsita netebucwephesha letakhelwe bantfu labakhubatekile basalulanyiswa babuyiselwa esimeni.

(d) kukhutsata nekucinisa tinhlelo letisemangweni nasemakhaya tekululamisa nekubuyisela esimeni kuniketa tinhlelo tekucala letisisekelo, kululamisa nekubuyisela esimeni, kuceceshwa kwebantfu labakhubatekile emimangweni yabo ngekuhlanyela lokubonakalako.

Lusito lwasekhaya, lwasenzaweni yekugcinwa nasemangweni

40. Libandla, tinhlangotsi letitimele netinhlangano letingekho ngaphasi kwahulumende tiyawutsatsa tinyatselo letifanele kukhutsata nekuniketa lusito lolwehlukahlukene lwasekhaya, lwasenzaweni yekugcinwa nasemangweni kuvimbela kubandlululeka kwebantfu labakhubatekile emangweni.

INCENYE YESIPHOHLONGO

KUVIKELEKA KWEBANTFU LABAKHUBATEKILE NGALOKUTIYETILE

Kuvikeleka lokungenamkhawulo kanye neluhlelo lwekusekela kutenhlalakahle

41. (1) Hulumente uyawuniketa kuvikeleka lokudzingekile lokungenamkhawulo kanye neluhlelo lwekusekela kutenhlalakahle lokufaka ekhatsi kwenta siciniseko sekutsi inhhlalakahle yebantfu labakhubateke ngalokutiyetile akutsikabeteke emvakwekufa kwebatali noma labo bebabanakekela kute kutsi labo labakhubateke ngalokutiyetile baphile imphilo lesezingeni lelincono.
- (2) Noma ngabe nguyiphi inhlangano lengekho ngaphasi kwahulumende lehlose kuniketa noma leniketa indzawo yelusito kubantfu labakhubateke ngalokutiyetile noma banakekeli bebantfu labakhubateke ngalokutiyetile bangafaka sicelo sekutfole lusito lwekuniketa loko kunakekela ebandleni ngendlela lebekiwe.
- (3) Libandla uma lenetiseka kutsi lesicelo salenhlangano lengekho ngaphasi kwahulumende noma banakekeli ngaphasi kwalesigatjana sesi-2 kumele semukelwe baniketwe lolusito lolufanele ngekugunyatwa yiNdvuna yelitiko letemafa.

Inchazelo yebantfu labakhubateke ngalokutiyetile

42. Ngenhloso yalencenye, “umuntfu lokhubateke ngalokutiyetile” ngumuntfu lonekukhubateka kunye noma lokunyenti loncike kulabanye ekutfoleni lusito lwemalanga onkhe.

INCENYE YEMFICA

EMACALA NEBULUNGISWA

Emacala lentiwa bantfu

43. (1) Umuntfu lo-
- (a) fihla umuntfu lokhubatekile ngenhloso noma lowehluleka kwenta sicelo sekubhalisa umuntfu lonekukhuba sigaba sema-22;
 - (b) hluleka kuniketa timphendvulo noma lwati loluhambisana nanoma ngitiphi tidzingo letibekwe kuloyo muntfu ngaphasi kwaloyo Mtsetfo;
 - (c) niketa sitatimende lesingemanga ngemabomu etimphendvulweni noma lwati loluniketwe nguloyo muntfu;

- (d) shiya ngenhloso ludzaba etimphendvulweni noma lwati lolwatiwa nguloyo muntfu;
- (e) wala noma avimbe noma ngabe ngusiphi sisebenti lesisemagunyeni ekusebentiseni noma ngumaphi emandla laniketwe loyo muntfu ngaphasi kwesigaba sema-29
- (f) phula ticephu talomtsetfo noma imitsetfonchubo leyentiwe ngaphasi kwalomtsetfo wenta bucala, futsi nakalahlwa licala utawubhekeka kutsi abhadale inhlawulo lengengci etinkhulungwaneni letili- E10 000.00(tinkhulungwane letilishumi lemalangeni) noma ahlale ejele sikhatsi lesingengci eminyakeni lemine noma kokubili.

Bucala lobentiwa tinhlango tebantfu

44. (1) Uma kukhona licala leentiwe tinhlango tebantfu ngaphasi kwalomtsetfo-

- (a) lapho lenhlango yebantfu iyinkapane, wonkhe umcondzisi, mabhalane nesisebenti saleyo nkapane bente bucala labalahla kufanele bakhokhe inhlawulo lengengci ku-E20 000.00 noma bagcunyekwe ejele sikhatsi lesingengci iminyaka lesiphohlongo noma kokubili.
 - (b) lapho letinhlango tebantfu kuyifema noma inhlango isela, lonkhe lilunga lalefema lenta bucala nalimulahla kufanele akhokhe inhlawulo lengengci ku E50 000.00 (tinkhulungwane letingemashumi lasihlanu temalangeni) noma agcunyekwe ejele sikhatsi lesingengci iminyaka lengema-20 noma kokubili.
- (2) Tinhlango tebantfu lekukhulunywe ngato ngaphasi kwesigatjana sekucala (1) (a) na (b) akabenti bucala ngaphasi kwalomtsetfo, nangabe loyo muntfu anebufakazi kutsi lobucala benteka ngaphandle kwekwati kwakhe, loyo muntfu wente yonkhe imetamo kuvikela kwenteka kwalobucala.

Bulungiswa bekwepulwa kwencenye yesitfupha, yesikhombisa neyesiphohlongo

45. (1) Lapho khona kunekwepulwa kweticephu tencenye yesitfupha, yesikhombisa neyesiphohlongo yalomtsetfo, noma ngabe ngubani lotsintsekako kulokwepulwa kwalomtsetfo noma libandla egameni laloyo muntfu angafaka sicelo selusito noma sebulungiswa eNkantolo Lenkhulu.
- (2) Sonkhe sicelo ngaphasi kwesigatjana sekucala (1) sitawentiwa eNkantolo Lenkhulu ngekulandzela inchubo lebhawwe phasi ngemitsetfo leyentiwe ngaphasi kwesigaba seli-142 Semtsetfo Sisekelo.
- (3) Inkantolo Lenkhulu iyawuba nemandla ekuniketa lusito noma icondzise ngekubona kwayo lokulungele leso simo selicala.

INCENYE YELISHUMI

LOKUPHATSELENE NETIMALI

Sikhwama Sesive Sebantfu Labakhubatekile

46. (1) kutawusungulwa sikhwama lesitawubitwa ngekutsi Sikhwama Sesive Sebantfu Labakhubatekile.
- (2) Kutawufakwa kulesikhwama-

- (a) tonkhe timali letingabiwa/letingaphakelwa yiPhalamende sikhatsi ngesikhatsi tekusetjentiswa ngulelibandla;
- (b) tonkhe timali letingamukelwa ngulelibandla ngekusitwa, ngekwabelwa, ngekuphiwa noma ngekucela kunoma ngabo ngubani kulelive laseSwatini, nangabe lolusito lubuya ngaphandle kwalelive kuyawudzingeka invume yeNdvuna yeTemafa.
- (c) tonkhe leto timali letingemukelwa nguleLibandla egameni lahulumende.
- (d) tonkhe leto timali letingadzingeka kuniketwa bantfu labakhubatekile.
- (e) tonkhe leto timali kuniketa noma kwelekelela etindlekweni tetinsita nelusito;
- (f) tonkhe timali letitawubhadala bantfu labakhubatekile labete lenye indlela yekwakha imali lokufaka ekhatsi-
 - (i) bantfu labakhubateke ngalokutiyetile nalabangeke bakhone kucecesheka ngetemakhono;
 - (ii) bantfu labakhulile labakhubatekile; ne
 - (iii) batali, bantfu labahlala nalabanakekela bantfwana nebantfu labakhubatekile futsi labangakhoni kufuna umsebenti ngenca yalokukhubateka noma labete tindlela tekutiphilisa.

(3) Kulesikhwama kuyawubhadalwa-

- (a) tonkhe timali kuye ngesidzingo sekubhadala tonkhe tindleko letentiwe ngulelibandla lisenta umsebenti walo lisebentisa emandla alo ngaphasi kwaLomtsetfo.
- (b) tonkhe timali letiyawunconywa Libandla kubhadala umuntfu noma tinhlango nekuncoma umsebenti lomuhle lowentiwe nguloyo muntfu noma inhlango ekutfufukiseni lizinga lebantfu labakhubatekile; tonkhe leto timali letidzingekile kutsi tikhishwe kulesikhwama ngaLomtsetfo noma ngaphasi kwaLomtsetfo.

Kucwaningwa kwemabhuku netimali

47. (1) Libandla liyawukwenta kutsi kugcineke kahle emabhuku etimali letingenile naletisebentile, timphahla netikweleti nato tonkhe timali letisetjentiselwe leLibandla.
- (2) Umnyaka timali welibandla uyawuba sikhatsi lesicala nakucala kusebenta kwaLomtsetfo ugcine mhla tingema-31 Indlovulenkulu emva kwaloko kuyawuba sikhatsi lesingaba tinyanga letili-12 (lishumi nakubili) kugcine mhla tingema-31 Indlovulenkulu njalo ngemnyaka.
- (3) Emabhuku etimali alelibandla ayawucwaningwa nguMcwani Mabhuku Lomkhulu wahulumende noma umcwani mabhuku lotimele ngekugunyatwa yiNdvuna.

INCENYE YELISHUMI NAKUNYE

LOKUNYE LOKUBUYA KULETINYE TINDZAWO

Kuvikeleka etigabeni tekuboshwa, nakuletinye tinchubo temtsetfo

48. (1) Kute sinyatselo semtsetfo, kushushiswa noma letinye tinchubo letitawuba khona noma letitawuletfwa noma tisukunyiswe noma tigcinwe kunome ngabe nguyiphi inkantolo timelane
- (a) naHulumende;
 - (b) neNdvuna yembuso
 - (c) neLibandla

(d) nanoma ngabe nguliphi lilunga lelibandla noma nguliphi lilunga lelikomidi lelibandla; noma

(e) ngabe ngumuphi umuntfu lomelele Libandla ngekwemtsetfo

mayelana nanome ngabe ngusiphi sento, kunganaki noma liphutsa lelentiwe noma lokungakentiwa nguloyo muntfu ngenhloso asenta umsebenti wakhe ngaphasi kwaloMtsetfo.

Emandla ekwenta imitsetfo nchubo

49. Indvuna ingayenta imitsetfo nchubo kwenta siciniseko kutsi leticephu taLomtsetfo letisho noma ngabe yini ledzingeka kutsi imiswe noma ngabe nguyiphi injongo kute kutsi Lomtsetfo usebente kamelula.

Emandla alelibandla ekwenta imitsetfo

50. (1) Lelibandla lingayenta leyo mitsetfo ngendlela lelibona kufanele macondzana noma ngabe nguluphi ludzaba lolutsintsana noma loluchumana noma lokungenteka kulokusebenta, kusebentisa emandla labaniketwe wona ekwenteni lomsebenti.

(2) Wonkhe umtsetfo lowentiwe Libandla uyawuphasiswa yiNdvuna futsi nesatiso salokuvuma siyawushicilelwa kugazethi.

Kuveta kutsintseka/kuphatseka kulokutsite

51. (1) Lapho lilunga leLibandla litsintseka, nganomenguyiphi indlela, kunome ngabe nguluphi ludzaba loluphatselene nalo lushayisana nemisebenti yalo njengelilunga leLibandla eludzabeni loludzingidvwa Libandla, ngemuva kwekwati kutsintseka kwalelilunga kuloludzaba, lidalule kutsintseka kwalo kuleLibandla.

(2) Lelilunga lekukhulunywa ngalo kulesigatjana sekucala (1) salesigaba, lingaba yincenye yaletu tinkhulumo, kodvwa angeke livumeleke kutsi livote kulolo ludzaba.

(3) kutidalula kwelilunga ngekulanzela sigatjana sekucala (1) salesigaba, kuyawubhalwa kumaminitisi alowo mhlango weLibandla.

Lusito kutekucwaninga njalo njalo

52. Libandla ngekuvunyelwa yiNdvuna, linganika lusito lwetetimali noma lolunye lusito lolufanele njengekubona kwalo, kubantfu labenta lucwaningo, naleminywe imisebenti ledzingekile nalenezuzo egameni laleLibandla, lephatselene nekusebenta kwalo ngaphasi kwaloMtsetfo.

Ticephu letilungiselela kushaywa kwalomtsetfo

53. (1) Tonkhe tento netintfo letentiwe egameni lahulumende noma Libandla ngekulungiselela noma kalangatelela kushaywa kwaloMtsetfo lokuhambisana netinhloso netinjongo taloMtsetfo, netindleko letibekhona letiphatselene naleto tento nome tintfo, tiyawutsatfwa ngekutsi tigunyatwe nguloMtsetfo.

(2) Onkhe emalungelo netibopho letitfolakele ngetento nome tintfo lekukhulunywe ngato esigatjaneni sekucala (1) lokufaka ekhatsi tindleko letibekhona letiphatselene naleto tento nome tintfo nakucala kusebenta loMtsetfo kuyawutsatfwa njengemalungelo netibopho taHulumende noma leLibandla.