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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

NO. 616

26 APRIL 2019

**LANGUAGE POLICY OF THE DEPARTMENT OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, acting under section 4(1) read with Regulation 3(3) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012), hereby publish the Language Policy for the Department of Justice and Constitutional Development as set out in the accompanying Schedule for public information. This Language Policy excludes the language usage in court proceedings which will be addressed through separate legislation.

It is further made known that this Policy will be implemented incrementally with effect from 1 August 2019 taking into consideration the resource implications arising therefrom.

Inquiries regarding this policy and its implementation may be made at the Department's national office, its regional office in each province or at the nearest Magistrate's Court.

**TM MASUTHA, MP (ADV)****MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

# **POLICY ON THE USE OF OFFICIAL LANGUAGES IN THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

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## 1. DEFINITIONS

In this Policy, unless the context indicates otherwise—

**"Act"** means the Use of Official Languages Act, 2012 (Act No. 12 of 2012);

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Department"** means the Department of Justice and Constitutional Development;

**"Director-General"** means the Director-General of the Department of Justice and Constitutional Development;

**"interpreting"** means the act of transposing an utterance from a source language to a target language in spoken or signed form, with **"interpret"** having a corresponding meaning;

**"language of record"** means the official language selected for common use in the Department and throughout government;

**"Minister"** means the Cabinet member responsible for the administration of justice;

**"official language"** means a language in terms of section 6(1) of the Constitution;

**"Pan South African Language Board"** means the Language Board established in terms of section 2 of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);

**"service points"** means points of customer service administered by the Department and the Office of the Chief Justice, which excludes court proceedings and court processes;

**"South African Sign Language"** means a language that uses a system of manual, facial and other body movements as means of communication; and

**"translation"** means the act of transposing a written, spoken or signed text from a source language to a target language, with **"translate"** having a corresponding meaning.

## 2. PURPOSE

- 2.1 The purpose of this Policy is to determine the use of official languages in the Department, and provide for their promotion, regulation and monitoring in the Department.

## 3. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

### 3.1 Constitution of the Republic of South Africa, 1996

The relevant sections provide as follows:

- 3.1.1 Section 6(1) to (4): "(1) The official languages of the Republic are Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- (2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.
- (3)(a) The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.
- (b) Municipalities must take into account the language usage and preferences of their residents.
- (4) The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably."
- 3.1.2 Section 9(3) to (5): "(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair."

- 3.1.3 Section 10: "Everyone has inherent dignity and the right to have their dignity respected and protected."
- 3.1.4 Section 30: "Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights."
- 3.1.5 Section 31(1) to (2): "(1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community—
- (a) to enjoy their culture, practise their religion and use their language; and
  - (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.
- (2) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights."

### 3.2 **Use of Official Languages Act, 2012 (Act No. 12 of 2012)**

The relevant sections provide as follows:

- 3.2.1 Section 4(1) to (4): "(1) Every national department, national public entity and national public enterprise must adopt a language policy regarding its use of official languages for government purposes within 18 months of the commencement of this Act or such further period as the Minister may prescribe, provided that such prescribed period may not exceed six months.
- (2) A language policy adopted in terms of subsection (1) must—
- (a) comply with the provisions of section 6(3)(a) of the Constitution;
  - (b) identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;
  - (c) stipulate how official languages will be used, amongst other things, in effectively communicating with the public, official notices, government publications and inter- and intra-government communications;
  - (d) describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is—
    - (i) not an official language contemplated in paragraph (b); or
    - (ii) South African Sign Language.
  - (e) describe how members of the public can access the language policy;

- (f) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise;
  - (g) provide for any other matter that the Minister may prescribe; and
  - (h) be published in the *Gazette* as soon as reasonably practicable, but within 90 days of its adoption.
- (3) In identifying at least three official languages as contemplated in subsection (2)(b), every national department, national public entity and national public enterprise must take into account its obligation to take practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status in accordance with section 6(2) of the Constitution.
- (4) Every national department, national public entity and national public enterprise must—
- (a) ensure that a copy of its language policy is available on request to members of the public at all its offices; and
  - (b) display at all its offices a summary of its language policy in such manner and place that it can be read by the public."

3.2.2 Section 7: "Every national department, national public entity and national public enterprise must—

- (a) establish a language unit; and
- (b) ensure that the language unit is provided with human resources, administrative resources and other resources necessary for its effective functioning."

3.3 **Use of Official Languages Regulations, 2013** (in terms of section 13 of the Use of Official Languages Act, 2012)

3.4 **Promotion of Access to Information Act, 2000** (Act No. 2 of 2000)

The relevant section provides as follows:

3.4.1 Section 31: "A requester whose request for access to a record of a public body has been granted must, if the record—

- (a) exists in the language that the requester prefers, be given access in that language; or
- (b) does not exist in the language so preferred or the requester has no preference or has not indicated a preference, be given access in any language the record exists in."

#### **4. OBJECTIVES OF POLICY**

4.1 This Policy seeks to—

- 4.1.1 give effect to section 4(1) of the Act, a legislative measure contemplated in section 6(4) of the Constitution;
- 4.1.2 promote the equitable use of all 11 official languages;
- 4.1.3 regulate and monitor the use of official languages in the Department;
- 4.1.4 facilitate equitable access to the services offered by the Department;
- 4.1.5 to promote good language management in the Department for efficient public service administration and service delivery;
- 4.1.6 maintain effective communication in the Department and facilitate access to services, resources, programmes, information and knowledge for all South Africans; and
- 4.1.7 redress the linguistic inequalities of the past, which resulted in the underdevelopment of indigenous African languages and discrimination against speakers of such languages.

#### **5. GUIDING PRINCIPLES AND VALUES**

As this Policy seeks to give effect to section 4(1) of the Act, it is based on the following guiding principles:

- 5.1 Usage, practicality, expense, regional circumstances, the balance of the needs and preferences of the population (as a whole and in the province concerned); the imperative to take practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status; the provision that all official languages must enjoy parity of esteem and must be treated equitably.
- 5.2 Recognition that English is understood across the country, and has become a general language of use nationally and internationally.
- 5.3 Prevalence of language use at service points and on service sites.
- 5.4 Acknowledgement that Afrikaans<sup>1</sup> is an indigenous language that enjoys popularity in the country, except in the Mpumalanga and Limpopo provinces. It had official status in the past, is still an official language in terms of the Constitution, and is a second language in many communities.
  - 5.4.1 The demographics of the country in terms of human settlement caused by apartheid policies and the establishment of ethnic-based self-governing states prior to 1994. This is

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<sup>1</sup> Afrikaans is the third most common language in South Africa. It is spoken by 13,5% of the population or 6 855 082 people, mainly coloured and white South Africans, according to the SA Census 2011. The language has its roots in 17th-century Dutch with influences from English, Malay, German, Portuguese, French and some African languages.



reflected in the Mpumalanga province, which incorporates the former self-governing territory, the KwaNdebele homeland, which had isiNdebele as official language. As the Ndebele community is largely concentrated in Mpumalanga, it is recommended that, despite isiZulu being the most spoken language in the province, isiNdebele should be selected as an official language for use in the province. IsiNdebele is the least spoken language in all other provinces, and failure to select it for Mpumalanga would result in its exclusion from official government use, and substantively diminish its status as official language.

## **6. NATURE OF SERVICES PROVIDED BY DEPARTMENT**

6.1 The Department's mandate is to provide for the effective and efficient administration of justice and the promotion of constitutional development through the implementation of legislation and programmes that seek to advance and sustain constitutionalism and the rule of law.

## **7. SCOPE OF POLICY**

7.1 This Policy applies to all personnel of the Department and all services offered by the Department at its offices and service points.

## **8. USE OF OFFICIAL LANGUAGES FOR GOVERNMENT PURPOSES**

8.1 The Department having considered the language demographics report published in Census 2011 by the Statistician-General in terms of the Statistics Act, 1999 (Act No. 6 of 1999), and taking into account the guiding principles and values in paragraph 5 above, as contemplated in section 4 of the Act, determines the use of official languages as indicated below, subject to the availability of resources.

8.2 It is determined that English is the language of record for the Department.

8.3 It is further determined that in the national office the following languages are selected for official use:

8.3.1 English;

8.3.2 Sesotho;

8.3.3 Afrikaans; and

8.3.4 isiZulu.

## 9. USE OF OFFICIAL LANGUAGES BY THE DEPARTMENT IN THE VARIOUS PROVINCES IN COMMUNICATING WITH THE PUBLIC

9.1 The official languages selected for use in the regional offices are indicated in the table below:

Use of official languages in provinces/regions		
No.	Region	Selected Languages
9.1.1	Eastern Cape	English, isiXhosa, Afrikaans and Sesotho
9.1.2	Free State	English, Sesotho, Afrikaans and isiXhosa
9.1.3	Gauteng	English, isiZulu, Afrikaans and Sesotho
9.1.4	KwaZulu-Natal	English, isiZulu, isiXhosa and Afrikaans
9.1.5	Mpumalanga	English, Siswati, Xitsonga and isiNdebele
9.1.6	Northern Cape	English, Afrikaans, Setswana and isiXhosa
9.1.7	Limpopo	English, Sepedi, Xitsonga and Tshivenda
9.1.8	North West	English, Setswana, Afrikaans and Sesotho
9.1.9	Western Cape	English, Afrikaans, isiXhosa and Sesotho

9.2 All public information signs and signage identifying facilities and services may be displayed/published in line with the determination above.

9.3 The Department's reports, documents, records and transcripts may be published in line with the determination above.

## 10. HEARINGS AND OTHER OFFICIAL PROCEEDINGS

10.1 Hearings and other official proceedings may be conducted in English where a party to the hearing or proceedings does not understand any of the official languages selected for that area.

10.2 Where all parties understand any of the selected official languages, other than English, the hearing or proceedings may be conducted in that language.

10.3 Where all parties understand any of the official languages, other than those selected for that area, the hearing or proceedings may be conducted in that official language.

10.4 In the event of a review or appeal of the hearing or other official proceedings conducted in terms of paragraph 10.2 and 10.3 above, the Department shall make available the said record in English if required/necessary to do so.

**11. COMMUNICATION WITH MEMBERS OF THE PUBLIC WHOSE LANGUAGE OF CHOICE IS NOT ONE OF THE SELECTED LANGUAGES**

11.1 The Department may communicate with members of the public whose language of choice is not one of the selected languages in English or one of the official languages selected for the province.

11.2 In the event that members of the public do not understand any of the languages selected for the province, the Department may communicate with those members of public in any of the official languages they choose.

11.3 The Department and its regional offices may, where necessary, provide the services of an interpreter or translator in order to communicate with members of the public.

11.4 The Department may make the services of an interpreter available on the day such services are required and may obtain the services of a translator within 30 calendar days from the date such services have been requested.

11.5 Where members of the public require interpreting to enable them to communicate with the Department, a request for such service must be submitted in writing to the Department 14 days before such communication takes place.

**12. COMMUNICATION WITH MEMBERS OF THE PUBLIC WHOSE LANGUAGE OF CHOICE IS SOUTH AFRICAN SIGN LANGUAGE**

12.1 The Department may communicate with members of the public whose language of choice is South African Sign Language through the provision of a sign language interpreter.

12.2 The Department may provide a sign language interpreter within 14 days from the date of request.

12.3 The Department may make a copy of this Policy available in Braille and audio at its national office and regional offices.

12.4 The Department may, where necessary, provide South African Sign Language interpreting services.

### **13. ACTS AND REGULATIONS**

- 13.1 The publication of Acts and Regulations is regulated by Rule 220 of the Joint Rules of Parliament<sup>2</sup>.
- 13.2 The Department may, in order to promote the use and development of all official languages, especially the previously marginalised indigenous languages, endeavour to introduce its Bills and Regulations in Parliament in any of the official languages and translate them into any of those languages.

### **14. LANGUAGE OF COURT PROCEEDINGS**

- 14.1 The use of official languages in court, including court interpretation services, court processes, court documents and recording of court proceedings, shall be regulated, consistent with section 171<sup>3</sup> of the Constitution, by the Rules of Court or any other applicable legislation.

### **15. ESTABLISHMENT OF LANGUAGE UNIT**

- 15.1 The Department shall establish a language unit, as contemplated in section 7 of the Act, and ensure that the language unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.
- 15.2 The language unit shall perform functions as contemplated in section 8 of the Act and any other function as may be determined.
- 15.3 The language unit shall prepare reports, as contemplated in section 9 of the Act, for the purposes of reporting to the Minister responsible for language matters and to the Pan South African Language Board.

### **16. PUBLICATION OF POLICY**

- 16.1 The Policy shall be published in line with the determination made in paragraph 8 and 9 above.
- 16.2 The Policy shall be available on the Department's website (<https://www.justice.gov.za>) and a weblink shall be provided on the website for easy access.

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<sup>2</sup> Rule 220 of the Joint Rules of Parliament provides that "(1) A Bill introduced in either the Assembly or the Council must be in one of the official languages. The Bill in the language in which it is introduced will be the official text for purposes of parliamentary proceedings. (2) The official text of the Bill must be translated into at least one of the other official languages and the translation must be received by Parliament at least three days before the formal consideration of the Bill by the House in which it was introduced."

<sup>3</sup> Section 171 of the Constitution provides that "All courts function in terms of national legislation, and their rules and procedures must be provided for in terms of national legislation."

16.3 The Policy may be made available in hard copy at the Department's national office and regional offices.

16.4 The Department shall publish this Policy in the *Gazette* as soon as practicable, but within 90 days of its adoption.

## 17. COMPLAINTS MECHANISM

17.1 Any person who is dissatisfied with a decision of the Department regarding its use of official languages may lodge an official complaint addressed to the Director-General: Department of Justice and Constitutional Development.

17.2 A complaint shall be submitted by any of the following methods:

17.2.1 Registered post: **The Director-General**  
**c/o Deputy Director-General: Court Services**  
Department of Justice and Constitutional Development  
Private Bag X81  
Pretoria  
0001; or

17.2.2 Physical delivery: **The Director-General**  
**c/o Deputy Director-General: Court Services**  
Department of Justice and Constitutional Development  
SALU Building  
316 Andries\* Street (Cnr Thabo Sehume & Francis Baard Streets)  
Pretoria  
0001; or  
*\*Andries Street was renamed Thabo Sehume Street and Schoeman Street was renamed Francis Baard Street by the Tshwane Metro Council in March 2012.*

17.2.3 Fax: 086 653 2933

17.3 The complaint must—

17.3.1 be in writing;

17.3.2 be lodged within three months of the complaint arising;

17.3.3 be in the official language that the complainant prefers;

17.3.4 state the name, address and contact information of the person lodging the complaint;

17.3.5 provide a full and detailed description of the complaint; and

- 17.3.6 contain any additional information that may be requested or needed to consider the complaint.
- 17.4 The Director-General shall—
- 17.4.1 consider the complaint and make a decision, no later than three months after the complaint was lodged;
- 17.4.2 inform the complainant in writing of the decision; and
- 17.4.3 advise the complainant about steps that may be taken if the complainant is dissatisfied with the decision.
- 17.5 A complainant who is dissatisfied with the decision contemplated in paragraph 17.4.2 may lodge an appeal to the Minister.
- 17.5.1 The appeal must—
- (a) be in writing;
  - (b) be lodged within one month of the decision contemplated in paragraph 17.4.2;
  - (c) state the name, address and contact information of the person lodging the appeal; and
  - (d) provide a full and detailed description of the appeal.
- 17.6 The Minister shall—
- 17.6.1 consider the appeal and make a decision, no later than three months after the appeal was lodged;
- 17.6.2 inform the appellant in writing of the decision; and
- 17.6.3 advise the appellant about steps that may be taken if the appellant is not satisfied with the decision.
- 18. FINANCIAL IMPLICATIONS OF THE POLICY**
- 18.1 The Department and its various units shall make budgetary provision for the implementation of this Policy, e.g. for the development of language skills of management and staff.
- 19. POLICY REVIEW**
- 19.1 This Policy may be reviewed as needed, but shall be reviewed five years from its adoption and thereafter every five years from any review.



**the doj & cd**

Department:  
Justice and Constitutional Development  
**REPUBLIC OF SOUTH AFRICA**

**INQUBOMGOMO YOKUSETSHENZISWA KWEZILIMI  
EZISEMTHETHWENI EMNYANGO WEZOBULUNGISWA  
NOKUTHUTHUKISWA KOMTHETHOSISEKELO**

ITHEBULA LOKUQUKETHWE		IKHASI
1.	IZINCAZELO	3
2.	INHLOSO	4
3.	UHLAKA LOMTHETHOSISEKELO NEQOQOMTETHO	4 - 6
4.	IZINHLO ZENQUBOMGOMO NGOKUSETSHENZISWA KWEZILIMI EZISEMTHETHWENI	6 - 7
5.	IMIGOMO/AMAGUGU AQONDISAYO	7
6.	UHLOBO LWEZINSIZAKALO EZIHLINZEKWA NGUMNYANGO	8
7.	UBUKHULU BENQUBOMGOMO	8
8.	UKUSETSHENZISWA KO(KWEZI)LIMI OLU(EZI)SEMTHETHWENI ULU(UZI)SEBENZISELA IZINHLOSO ZIKAHULUMENI	8
9.	UKUSETSHENZISWA KWEZILIMI EZISEMTHETHWENI NGUMNYANGO EZIFUNDAZWENI EZAHLUKENE EKUXHUMANENI NOMPHEKATHI	9
10.	UKULALELWA KWAMACALA NEZINYE IZINKAMBISO EZISEMTHETHWENI	10
11.	UKUXHUMANA NAMALUNGU OMPHEKATHI ASEBENZISA ULIMI OKUNGELONA ULIMI OLUKULEZO EZIKHETHIWE	10
12.	UKUXHUMANA NAMALUNGU OMPHEKATHI ASEBENZISA ULIMI LWEZANDLA	11
13.	IMITHETO NEZIMISO	11
14.	ULIMI EZINKAMBISWENI ZENKANTOLO	
15.	UKUSUNGULWA KOPHIKO LWEZILIMI	12
16.	UKUSHICILELWA KWENQUBOMGOMO	12
17.	INKAMBISO YEZIKHALAZO	12
18.	IMITHELELA YEZEZIMALI YENQUBOMGOMO	14
19.	UKUBUYEKEZWA KWENQUBOMGOMO	14



**IZINCAZELO**

Kule nqubomgomo, ngaphandle uma ingqikithi ikhomba okuhlukile -

**"uMthetho"** usho uMthetho Wokusetshenziswa Kwezilimi Ezisemthethweni wonyaka we-2012 (uMthetho we-12 wonyaka we-2012);

**"uMthethosisekelo"** usho uMthethosisekelo waseRiphabhlikhi YaseNingizimi Afrika wonyaka we-1996 (uMthethosisekelo);

**"uMnyango"** usho uMnyango Wezobulungiswa kanye Nokuthuthukiswa Komthethosisekelo;

**"uMqondisi-Jikelele"** usho uMqondisi-Jikelele woMnyango Wezobulungiswa Nokuthuthukiswa Komthethosisekelo;

**"uKuhumusha"**, kusho isenzo sokudlulisa inkulamo isukala olimini olungumthombo iya kolunye ulimi oluqondiwe olunguhlobo olukhulunywayo noma olukhinjiswayo, **"nomhumushi"** onencazelelo efanayo;

**"Ukutolika ulimi"** kusho inqubo lapho utoliki etolika khona esuka olimini olulodwa eya kolunye kanye nokubuyela emuva, ngokuvamile evame ngendlela yokukhuluma emuva kokuba sekuqede omunye. Lokhu kungabandakanya ukutolikwa kolimi lwezandla;

**"uLimi Lokurekhoda"** lusho ulimi olusemthethweni olukhethelwe ukusetshenziswa okuvamile eMnyangweni kanye nakuhulumeni wonkana;

**"uNgqongqoshe"** usho ilungu leKhabhinethi elibhekele ukuphathwa kobulungiswa;

**"uLimi olusemthethweni"** lusho ulimi olusemthethweni ngokwesahluko sesi-6(1) soMthethosisekelo;

**"iZindawo zosizo"** zisho izindawo zokusizwa kwamakhasimende okunikwa nguMnyango kanye neHhovisi leJaji Elikhulu, elingafaki phakathi izinqubo zenkantolo kanye nanoma iziphi izinqubo zenkantolo;

**"uLimi lwezandla lwaseNingizimu Afrika"** lusho ulimi olusebenzisa uhlelo lokunyakaziswa kwezandla, kobuso, kanye nokunye komzimba njengendlela yokuxhumana;

**"uKuhumusha"** kusho ukuguqulelwa kombhalo ovela kolunye ulimi uya kolunye ulimi.

**"iBhodi Lezimi laseNingizimu Afrika"** lisho iBhodi elasungulwa ngokwesahluko sesi-2 soMthetho weBhodi Lezezilimi LaseNingizimu Afrika lonyaka we-1995 (uMthetho wama-59 wonyaka we-1995).

## 1. INHLOSO

- 1.1 Inhloso yalo mgomo ukuhlinzekela ukuchazwa kokusetshenziswa kwezilimi ezisemthethweni nokukhuthazwa, ukulawulwa nokuqashelwa kokusetshenziswa kwazo emnyangweni.

## 2. UHLAKA LOMTHETHOSISEKELO NEQOQOMTETHO

### 2.1 UMthethosisekelo waseRiphabhliki yaseNingizimu Afrika wonyaka we-1996.

- 2.1.1 Izingxenye ezifanele yilezi futhi zihlinzeka ngale ndlela elandelayo:

Isahluko sesi-6(1) Izilimi ezisemthethweni zaseRiphabhulikhi yi-Sepedi, i-Sesotho, i-Setwana, iSiSwati, i-Tshivenda, i-Xitsonga, isiBhunu, isiNgesi, isiNdebele, isiXhosa nesiZulu.

- (2) Ukwazisa ukusetshenziswa obekuphela ngokomlando kwezilimi zabantu bakithi kanye nezinga lezilimi zendabuko zabantu bakithi, umbuso ufanele uthathe izinyathelo ezibonakalayo nezisebenzayo zokukhuphula izinga futhi nokuthukisa ukusetshenziswa kwalezi zilimi.

- (3) (a) Uhulumeni kazwelonke kanye nohulumeni bezifundazwe bangasebenzisa nanoma yiziphi izilimi ezithile ezisemthethweni bezisebenzisela izinhloso zikahulumeni, bebheka ukusetshenziswa, ukusebenziseka, izindleko, izimo zesifunda kanye nokulingana kwezidingo kanye nokuthandwa umphakathi wonke noma esifundazweni esithintekayo; kodwa uhulumeni kazwelonke kanye nohulumeni wesifundazwe ngamunye ufanele asebenzise okungenani izilimi ezimbili ezisemthethweni.

- (b) Omasipala bafanele bacabangele ukusetshenziswa kolimi kanye nokuthanda kwabakhe kuye.

- (4) Uhulumeni kazwelonke kanye nohulumeni bezifundazwe, ngezinyathelo zomthetho nezinye izinyathelo, ufanele alawule futhi aqaphe ukusetshenziswa kwazo izilimi ezisemthethweni. Ngaphandle kokuphazamisa ekuhlinzekeni kwesahlukwana sesi-(2), zonke izilimi ezisemthethweni zifanele zijabulele ubuhle bokuhlonishwa ngokulingana futhi zifanele ziphathwe ngokulinganayo.

- 2.1.1 Isahluko sesi-9(3) uMbuso awunyelwe ukubandlulula ngokungafanele ngokuqondile noma ngokungaqondile ngokumelene nanoma ubani ngesizathu esisodwa noma eziningi, kubandakanya ubuhlanga, ubulili, ucansi, ukukhulelwa, isimo somshado, ubuhlanga noma imvelaphi yomphakathi, ibala, ubuhlobo bobulili, iminyaka yobudala, ukukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi nokuzalwa.

- (4) Akekho umuntu ovunyelwe ukubandlulula ngokuqondile noma ngokungaqondile ngokumelene nanoma ubani ngesizathu esidodwa noma eziningi ngokwesahlukwana sesi-(3). Iqoqomthetho likazwelonke

lifanele lenziwe umthetho ukuze kuvinjwe noma kunqandwe ukubandlulula okungafanele.

- (5) Ukubandlulula ngesizathu esisodwa noma eziningi ezibekwe ohlwini kusahlukwana sesi-(3) akulungile ngaphandle uma kutholakala ukuthi kungukubandlulula okulungile.

2.1.2 Isahluko se-10 Bonke abantubaunesithunzi esijulile kanye nelungelo lokuba kuhlonishwe futhi kuvikelwe isithunzi sabo.

2.1.3 Isahluko sama-30 Wonke umuntu unelungelo lokusebenzisa ulimi futhi nelokuhlanganyela empilweni yamasiko azikhethele yona, kodwa akekho umuntu ovunyelwe ukusebenzisa la malungelo ngendlela engavumelani nanoma yimuphi umbandela kaSomqulu Wamalungelo.

2.1.4 Isahluko sama-31(1) Abantu bomphakathini wamasiko, wezenkolo noma wezilimi angeke benqatshelwe ilungelo, namanye amalungu alowo mphakathi—

- (a) lokujabulela isiko lawo, ukuqhuba inkolo yawo nokusebenzisa ulimi lwawo; kanye
- (b) nelokwakha, ukujoyina nokugcina izinhlangano zamasiko, zenkolo nezilimi nezinye izinhloko zomphakathi.

- (2) Amalungelo esesahlukwaneni so-(1) awavunyelwe ukusetshenziswa ngendlela engahambisani nanoma yimuphi umbandela kaSomqulu Wamalungelo.

## 2.2 **UMthetho Wokusetshenziswa Kwezilimi Ezisemthethweni wonyaka we-2012 (uMthetho we-12 wonyaka we-2012);**

2.2.1 Izingxenye ezifanele yilezi futhi zihlinzeka ngale ndlela elandelayo:

2.2.2 Isahluko se-4(1) Yonke iminyango kazwelonke, izinhlangano zikazwelonke kanye namabhizinisi kahulumeni kazwelonke afanele amukele inqubomgomo yezilimi mayelana nokusetshenziswa kwazo izilimi ezisemthethweni zisetshenziselwa izinhloso zikahulumeni kungakapheli izinyanga eziyi-18 zokuqala kwalo Mthetho noma kwesikhathi esengeziwe njengoba uNgqongqoshe angase asinikeze, ngaphandle uma leso sikhathi esinqunyiwe singadluli izinyanga eziyisithupha.

- (2) Inqubomgomo yezilimi emukelwe ngokwesahlukwana (1) ifanele—

- (a) ihloniphe imibandela yesahluko sesi-6(3)(a) soMthethosisekelo.
- (b) iphawule okungenani izilimi ezintathu ezisemthethweni umnyango kazwelonke, inhlangano kahulumeni kazwelonke noma ibhizinisi likahulumeni kazwelonke elizozisebenzisa lizisebenzisele izinhloso zikahulumeni;
- (c) ichaze ukuthi izilimi ezisemthethweni zizosetshenziswa kanjani, phakathi kwezinye izinto, ekuxhumaneni ngempulelelo nomphakathi,

kwizaziso ezisemthethweni, kokushicilelwe kukahulumeni kanye nasekuxhumaneni okuphakathi kohulumeni.

- (d) ichaze indlela umnyango kazwelonke, inhlango kahulumeni kazwelonke noma ibhizinisi likahulumeni kazwelonke elizoxhumana ngayo namalungu omphakathi olimi lwawo-
    - (i) akulona ulimi olusemthethweni olulindelwe esigabeni (b); noma
    - (ii) ulimi lwezandla lwaseNingizimu Afrika.
  - (e) ichaze ukuthi amalungu omphakathi angakwazi ukufinyelela kanjani kwinqubomgomo yezilimi;
  - (f) ihlinzeke ngezinqubo zokukhalaza ukuze amalungu omphakathi afake izikhalazo mayelana nokusetshenziswa kwezilimi ezisemthethweni ngumnyango kazwelonke, inhlango kahulumeni kazwelonke noma ibhizinisi likahulumeni kazwelonke;
  - (g) ihlinzekele nanoma yiluphi olunye udaba uNgqongqoshe angalumisa; futhi
  - (h) ishicilelwe kuGazethi ngokushesha njengoba kungenzeka, kepha kungakapheli izinsuku zokwamukelwa kwayo.
- (3) Ekuphawuleni okungenani izilimi ezintathu ezisemthethweni njengoba kulindelwe esahlukwaneni sesi-(2)(b), yonke iminyango kazwelonke, izinhlango zikahulumeni kazwelonke kanye namabhizinisi kahulumeni kazwelonke afanele abheke isibopho sawo sokuthatha izinyathelo ezibonakalayo nezisebenzayo zokuthuthukisa isimo nokukhuthaza ukusetshenziswa kwezilimi zendabuko zokusetshenziswa okuphelayo kanye nesimo esinciphile ngokomlando ngokuhambelana nesahluko sesi-6(2) soMthethosisekelo.
- (4) Wonke umnyango kazwelonke, inhlango kahulumeni kazwelonke noma ibhizinisi likahulumeni kazwelonke lifanele-
- (a) liqinisekisa ukuthi ikhophi yenqubomgomo yezilimi iyatholakala ngesicelo samalungu omphakathi kuwo wonke amahhovisi alo; futhi
  - (b) libeke obala inqubomgomo yezilimi yalo kuwo wonke amahhovisi alo ngendlela nendawo yokuthi ingafundwa ngumphakathi.

2.2.3 Isahluko sesi-7 Wonke umnyango kazwelonke, inhlango kahulumeni kazwelonke noma ibhizinisi likahulumeni kazwelonke lifanele-

- (a) lisungule uphiko lwezilimi; futhi
- (b) liqinisekise ukuthi uphiko lwezilimi luhlinzekwe ngabasebenzi, ngezinsiza zokuphatha kanye nezinye izinsiza ezidingekayo ukuze lisebenze ngempumelelo.

- 2.3 **IZimiso Zokusetshenziswa Kwezilimi Ezisemthethweni zonyaka we-2013** (ngokwesahluko se-13 soMthetho Wokusetshenziswa Kwezilimi Ezisemthethweni wonyaka we-2012)
- 2.4 **UMthetho Wokukhuthazwa Ukufinyeleleka Kolwazi wonyaka we-2000** (uMthetho wesi-2 wonyaka we-2000)
- 2.4.1 Izingxenye ezifanele yilezi futhi zihlinzeka ngale ndlela elandelayo:
- 2.4.2 Isahluko sama-31 Umfakisiselo osicelo sakhe sokufinyeleleka kwirekhodi lomgwamanda kahulumeni sivunyiwe ufanele, uma irekhodi—
- (a) likhona ngolimi oluthandwa umfakisiselo, anikezwe ukufinyeleleka kulo ngalolo limi; noma,
- (b) lingatholakali ngolimi oluthandwayo noma umfakisiselo aluthandayo noma olushiwo njengoluthandwayo, anikezwe ukufinyeleleka nganoma yiluphi ulimi irekhodi elitholakala ngalo.

### **3. IZINHLOSO ZENQUBOMGOMO NGOKUSETSHENZISWA KWEZILIMI EZISEMTHETHWENI**

- 3.1 Le nqubomgomo ifuna ukufezekisa izinhloso ezilandelayo:
- 3.1.1 ukwenza kusebenze isahlukwana sesi-4(1) soMthetho, isinyathelo somthetho esilindelwe esahlukweni sesi-6(4) soMthethosisekelo;
- 3.1.2 Ukukhuthazwa kokusetshenziswa okulinganayo kwezilimi ezisemthethweni eziyi-11;
- 3.1.3 Ukulawula nokuqapha ukusetshenziswa kwezilimi ezisemthethweni emnyangweni;
- 3.1.4 Ukugqugquzela ukufinyeleleka okulinganayo kuzinsizakalo ezinikezwa uMnyango;
- 3.1.5 Ukukhuthaza ukuphathwa kolimi okuhle eMnyangweni ukuze kube nokuphathwa okuhle kwezinsizakalo zikahulumeni kanye nokwethulwa kwezinsizakalo;
- 3.1.6 Ukuxhumana ngempumelelo eMnyangweni kanye nokufinyeleleka ezinsizakalweni, kuzinsiza, kuzinhlelo, olwazini labo bonke abantu baseNingizimu Afrika; futhi
- 3.1.7 Nokulungisa ukungalingani kwezilimi kwesikhathi esidlule okwaholela ekungathuthukini kwezilimi zendabuko zase-Afrika kanye nokucwaswa kwabakhuluma lezo zilimi.

### **4. IMIGOMO/AMAGUGU AQONDISAYO**

- 4.1 Le nqubomgomo iphinde ihlose ukwenza kusebenze isahluko sesi-4(1) soMthetho, isekelwe kule migomo eqondisayo: Ukusetshenziswa, ukusebenziseka, izindleko, izimo zesifunda, ukulinganiswa kwezidingo kanye nokuthandwa abantu (njengokuphelele kukonke futhi esifundazweni esithintekayo); kunesidingo sokuthatha izinyathelo ezibonakalayo nezinhle zokuphakamisa izinga nokuthuthukisa ukusetshenziswa kwezilimi zendabuko zokusebenzisa okuphelayo ngokomlando kanye nesimo; ukuthi zonke izilimi ezisemthethweni zifanele zijabulele ubuhle bokuhlonishwa futhi zifanele ziphathwe ngokulinganayo.

- 4.2 Ukuqaphela ukuthi isiNgisi siqondwa ezweni lonke futhi siwulimi olujwayelekile olusetshenziswa kuzwelonke kanye nakwamanye amazwe omhlaba.
- 4.3 Ukwanda kokusetshenziswa kolimi ezindaweni nakuziza zosizo;
- 4.4 Ukuvuma ukuthi isiBhunu siwulimi lwendabuko futhi sijabulela ukusetshenziswa okudumile kuleli zwe ngaphandle kwasesifundazweni saseMpumalanga nesaseLimpopo. Siye sajabulela ukuba semthethweni esikhathini esedlule futhi sisakuthokozela kuMthethosisekelo, futhi sesibe ulimi lwesibili emiphakathini eminingi.<sup>1</sup>
- 4.4.1 Izibalo zabantu zomlando zezwe ngokuphathelene nokuhlala kwabantu okwabangelwa izinqubomgomo zobandlululo kanye nokwakhiwa kobuzwe okusekelwe kuziziwe ezizibusayo ngaphambi konyaka we-1994. Lokhu kubonakala ikakhulukazi esifundazweni saseMpumalanga esifaka phakathi izwe lakudala lakwaNdebele lapho isiNdebele sabe siwulimi olusemthethweni lezwe elizibusayo. Ngakho-ke kuphakanyiswa ukuthi yize isiZulu sikhulunywa kakhulu kunesiNdebele kuleso sifundazwe; isiNdebele sifanele sibonwe njengolimi olusetshenziswayo olusemthethweni kuleyo ndawo njengoba uMphakathi wamaNdebele ungekho mningi kwenye indawo ezweni lonke kodwa eMpumalanga kuphela. Ulimi lwesiNdebele yilona ulimi olukhulunywa kancane kuzo zonke ezinye izifundazwe ngaphandle kwasesifundazweni saseMpumalanga futhi ngakho-ke ukuhluleka ukusazisa kuleso sifundazwe kuzoholela ekushiyweni ngaphandle kwalolo limi ekusetshenzisweni kukahulumeni okusemthethweni futhi kunciphise kakhulu ukuba semthethweni kwalo.

## 5. UHLOBO LWEZINSIZAKALO EZIHLINZEKWA NGUMNYANGO

- 5.1 Isibopho soMnyango ukuhlinzekela ukuphathwa ngendlela eyimpumelelo nefanele kobulungiswa kanye nokukhuthaza ukuthuthukiswa komthethosisekelo ngokusebenzisa iqoqomthetho nezinhlelo ezifuna ukuqhubekisa nokugcina ubumthethosisekelo kanye nokubusa komthetho.

## 6. UBUKHULU BENQUBOMGOMO

- 6.1 Le nqubomgomo isebenza kubo bonke abasebenzi boMnyango kanye nakuzo zonke izinsizakalo ezinikezwa uMnyango kuwo onke amahhovisi awo nakuzindawo zokusizwa zawo.

## 7. UKUSETSHENZISWA KO(KWEZI)LIMI OLU(EZI)SEMTHETHWENI ZISETSHENZISELWA IZINHLOSO ZOMNYANGO

<sup>1</sup> IsiBhunu singulimi lwesithathu ngokwejwayeleka kakhulu eNingizimu Afrika. Sikhulunywa ngama-13.5% abantu, noma ngabantu abayi-6 855 082 – ikakhulukazi "amakhuladi" kanye nabantu bamhlophe baseNingizimu Afrika, ngokuhambisana noKubalwa Kwabantu kwaseNingizimu Afrika konyaka we-2011. Lolu limi lususelwa kwisiDashu Sekhulunyaka le-17, linomthelela ovela kwisiNgisi, kwi-Malay, kusiJalimane, kusiPhuthukezi, kusiFrentshi, kanye nakwezinye izilimi zase-Afrika.

- 7.1 UMnyango usubheke umbiko oshicilelwe wezibalo zabantu zolimi, kuBalobantu lonyaka we-2011, nguSozibalo Jikelele ngokoMthetho Wezibalo wonyaka we-1999 (uMthetho we-1999): kanye nokubheka imigomo namagugu aqondisayo akusigaba sesi-5, ngenhla, futhi njengoba kulindelwe kusahluko sesi-4 soMthetho unquma ukusebenza kwezilimi ezisemthethweni okungezansi, kuye ngokuthokala kwezinsiza.
- 7.2 Kunqunywa ukuthi isiNgisi siwulimi lokubhala phansi loMnyango.
- 7.3 Kuphinde kunqunywe ukuthi esimweni seHhovisi Likazwelonke izilimi ezilandelayo zizokhethwa zikhethelwe ukusebenza okusemthethweni:
- 7.3.1 IsiNgisi;
- 7.3.2 I-Sesotho;
- 7.3.3 IsiBhunu; kanye
- 7.3.4 nesiZulu.

**8. UKUSETSHENZISWA KWEZILIMI EZISEMTHETHWENI NGUMNYANGO EZIFUNDAZWENI (KUZIFUNDA) EZAHLUKENE EKUXHUMANENI NOMPHEKATHI**

8.1 Esimweni saMahhovisi Ezifunda izilimi ezisethethweni ezikhethiwe zibekwe ethebulini elingezansi:

<b>Ukusetshenziswa Kwezilimi Ezisemthethweni Kuzifunda</b>		
<b>Inombolo</b>	<b>Isifunda</b>	<b>Izilimi Ezisethethwayo</b>
8.1.1	EMpumalanga Kapa	IsiNgisi, isiXhosa, isiBhunu kanye ne-Sesotho
8.1.2	EFreyistata	IsiNgisi, i-Sesotho, isiBhunu kanye nesiXhosa
8.1.3	EGauteng	IsiNgisi, isiZulu, isiBhunu kanye ne-Sesotho
8.1.4	KwaZulu-Natali	IsiNgisi, isiZulu, isiXhosa kanye nesiBhunu
8.1.5	EMpumalanga	IsiNgisi, isiSwati, i-Xitsonga kanye nesiNdebele
8.1.6	ENyakatho Kapa	IsiNgisi, isiBhunu, i-Setswana kanye nesiXhosa
8.1.7	ELimpopo	IsiNgisi, i-Sepedi, i-Xitsonga kanye ne-Tshivenda
8.1.8	ENyakatho-Ntshonalanga	IsiNgisi, i-Setswana, isiBhunu kanye ne-Sesotho
8.1.9	ENTshonalanga Kapa	IsiNgisi, isiBhunu, isiXhosa kanye ne-Sesotho

8.2 Zonke izimpawu zolwazi lukahulumeni, izimpawu zokuphawula izakhiwo nezinsizakalo zingabekwa obala/zishicilelwe ngokuhambelana nokunqunywe, ngenhla.

8.3 Imibiko yoMnyango, imibhalo, amarekhodi kanye nokubhalwe kususelwa kokulalelwe kuzoshicilelwa ngokuhambelana nokunqunywe, ngenhla.



**9. UKULALELWA KWAMACALA NEZINYE IZINKAMBISO EZISEMTHETHWENI**

- 9.1 Ukulalelwa kwamacala kanye nezinye izinqubo ezisemthethweni zizoqutshwa ngesiNgisi lapho ingxenye yokulalelwa kwamacala/yezinqubo ingaqondi nanoma iluphi ulimi lwendabuko olukhethiwe olusemthethweni lwaleyo ndawo.
- 9.2 Lapho zonke izingxenye ziqonda nanoma iluphi ulimi olusemthethweni olukhethiwe ngaphandle kwesiNgisi, izinqubo zingaqhutshwa ngalolo limi.
- 9.3 Lapho zonke izingxenye ziqonda nanoma iluphi ulimi olusemthethweni ngaphandle kwalelo olukhethiwe lwaleyo ndawo, ukulalelwa kwamacala noma izinqubo zingaqhutshwa ngolunye lwezilimi ezimthethweni oluqondwayo.
- 9.4 Esimweni sokubuyekwezwa/ukukhalaza kokulalelwa kwacala/kwezinye izinqubo ezisemthethweni kungeziwa ngokwesigaba se-10.2 nese-10.3 ngenhla, uMnyango uzokwenza ukuba irekhodi elishiwo litholakale ngesiNgisi uma kudingeka ukuba kwenziwe kanjalo.

**10. UKUXHUMANA NAMALUNGU OMPHAKATHI ASEBENZISA ULIMI OKUNGELONA ULIMI OLUKULEZO EZIKHETHIWE**

- 10.1 UMnyango ungaxhumana ngesiNgisi namalungu omphakathi olimi azikhethile lona okungelona olunye lezilimi ezikhethiwe noma olunye lezilimi ezisemthethweni ezikhethwe yilesi siFundazwe.
- 10.2 Esimweni lapho amalungu omphakathi engaqondi nanoma iluphi ulimi olukhethelwe isiFundazwe uMnyango ungaxhumana namalungu omphakathi nganoma iluphi olunye ulimi olusemthethweni amalungu omphakathi athintekayo alukhethile.
- 10.3 UMnyango kanye namahhovisi esifunda awo lapho kunesidingo ungahlinzeka usizo lokuhumusha noma lokutolika ukuze kuxhunywane namalungu omphakathi.
- 10.4 UMnyango uzokwenza ukuthi kutholakale izinsizakalo zikatolika ngalolo suku ezidingeka ngalo futhi ungenza ukuba kutholakale usizo lomhumushi kungakapheli izinsuku ezingama-30 kusukela ngosuku usizo olucelwe ngalo.
- 10.5 Lapho amalungu omphakathi edinga usizo lomhumushi ukuze akwazi ukuxhumana noMnyango, isicelo sosizo olunjengalolu sifanele sifakwe kuMnyango ngokubhaliwe ezinsukwini ezi-14 ngaphambi kokuba ukuxhumana okunjengaloku kwenzeke.

**11. UKUXHUMANA NAMALUNGU OMPHAKATHI ASEBENZISA ULIMI LWEZANDLA**

- 11.1 UMnyango ungaxhumana namalungu ophakathi olimi lawo alukhethile kuwulimi lwezandla lwaseNingizimu Afrika ngokusebenzisa utoliki wolimi lwezandla.
- 11.2 UMnyango ungahlinzeka utoliki wolimi lwezandla kungakapheli izinsuku eziyi-14 kusukela ngosuku usizo olucelwe ngalo.
- 11.3 UMnyango ungenza ikhophi yale nqubomgomo itholakale ngeBhreyili nangoMsindo eMahhovisi Kazwelonke Nawezipfunda.
- 11.4 UMnyango, lapho kudingeka, ungahlinzeka usizo lotolika wolimi lwezandla lwaseNingizimu Afrika.

**12. IMITHETO NEZIMISO**

- 12.1 Ukushicilelwa koMthetho Nezimiso kulawulwa nguMthetho wama-220 weMithetho Ehlangene Yephalamende.<sup>2</sup>
- 12.2 UMnyango ungayala ukukhuthazwa kokusetshenziswa nokuthuthukiswa kwezilimi ezisemthethweni, ikakhulukazi izilimi ezazishiywe ngaphandle phambilini, uzame ngamandla ukuthi imithethozivivinywa nezimiso zawo zethulwa ePhalamende nganoma iluphi ulimi olusemthethweni, futhi ihunyushwe nganoma iluphi kulezo zilimi.

**13. ULIMI EZINKAMBISWENI ZENKANTOLO**

- 13.1 Ukusetshenziswa kwezilimi ezisemthethweni enkantolo kubandakanya usizo lokutolika enkantolo, izinqubo zenkantolo, imibhalo nokurekhodwa kwezinqubo zenkantolo kuzolawulwa, ngokuhambelana nesahluko se-171 soMthethosisekelo, ngemithetho yenkantolo noma nganoma yiliphi iqoqomthetho elisetshenziswayo.<sup>3</sup>

<sup>2</sup> Umthetho wama-220 weMithetho Ehlangene Yephalamende uhlinzeka ukuthi (1) uMthethosivivinywa owethulwa esiGungwini noma eMkhahlwini ufanele wethulwe ngolunye lezilimi ezisemthethweni. UMthethosivivinywa ongolimi olwethulwe ngalo uzoba umbhalo osemthethweni ukwenzela izinhloso zezinqubo zephalamende.

(2) Umbhalo osemthethweni womthethosivivinywa ufanele ube okungenani ngolunye lezilimi ezisemthethweni futhi ukhunyushwa kufanele kutholwe yiPhalamende okungenani kusenezinsuku ezintathu ngaphambili kokuba umthethosivivinywa ucutshungulwe ngokusemthethweni yiNdlu lapho wethulwe khona.

<sup>3</sup> Isahluko se-171 soMthethosisekelo sihlizeka ukuthi "Yonke imisebenzi Yezinkantolo ngokweqoqomthetho likazwelonke, futhi imithetho yazo nezinkambiso zazo zizohlizelwa ngokweqoqomthetho likazwelonke."

**14. UKUSUNGULWA KOPHIKO LWEZILIMI**

- 14.1 UMnyango uzosungula uphiko lezilimi, olulindelwe kusahluko sesi-7 soMthetho, futhi uqinisekise ukuthi uphiko lwezilimi luhlinzekwe ngabasebenzi, ngezinsiza zokuphatha kanye nezinye izinsiza ezidingekayo ukuze lisebenze ngempumelelo.
- 14.2 UPhiko lwezilimi luzokwenza umsebenzi walo njengoba lulindelwe kwisahluko sama-27 soMthetho kanye nanoma imuphi omunye umsebenzi njengoba ungaqunywa.
- 14.3 UPhiko lwezilimi luzokwenza imibiko elindelwe kwisahluko se-9 soMthetho ukwenzela izinhloso zokubika kuNgqongqoshe obheke imidanti yezilimi kanye nakwiBhodi Yezilimi YaseNingizimu Afrika.

**15. UKUSHICILELWA KWENQUBOMGOMO**

- 15.1 Inqubomgomo izoshicilelwa ngokuhambelana nezinqumo ezenziwe kusigaba sesi-8 neses-9 ngenhla.
- 15.2 Inqubomgomo izoshicilelwa kuwebhusayithi yoMnyango: (<https://www.justice.gov.za>) futhi ilinki ye-web izonikezwa kuwebhusayithi ukuze ifinyeleleke kalula.
- 15.3 Inqubomgomo ingenziwa ukuba itholakale ngekhophi yephepha eMahhovisi Kazwelonke Naweziphondo.
- 15.4 UMnyango uzoshicilela le nqubomgomo kuGazethi Kahulumeni ngokushesha njengoba kungenzeka, kepha kungakapheli izinsuku ezingama-90 zokwamukelwa kwayo.

**16. INKAMBISO YEZIKHALAZO**

- 16.1 Nanoma imuphi umuntu onganelisekile ngesinqumo soMnyango maqondana nokusetshenziswa kwezilimi ezisemthethweni angafaka isikhalazo esisemthethweni esibhekiswe kuMqondisi-Jikelele: uMnyango Wezobulungiswa Nokuthuthukiswa Komthethosisekelo.
- 16.2 Isikhalazo sizofakwa ngalezi zindlela ezilandelayo:
- 16.2.1 IPosi elibhaliswayo: **UMqondisi-Jikelele**  
**c/o USeKela Mqondisi-Jikelele: Izinsizo Zenkantolo**  
UMnyango Wezobulungiswa kanye Nokuthuthukiswa  
Komthethosisekelo  
Private Bag X81  
Pretoria  
0001; or
- 16.2.2 Ukulethwa ngesandla: **UMqondisi-Jikelele**  
**c/o USeKela Mqondisi-Jikelele: Izinsizo Zenkantolo**

UMnyango Wezobulungiswa Kanye Nokuthuthukiswa  
 Komthethosisekelo  
 SALU Building  
 316 Andries\* Street (C/o Thabo Sehume & Francis Baard Streets)  
 Pretoria  
 0001; or

\* Andries Street ophinde waqanjwa ngo-Thabo Sehume Street kanye no-Schoeman Street ophinde waqanjwa u-Francis Baard Street nguMkhandlu wase-Tshwane ngoMashi 2012.

16.2.3 Ifeksi: 086 653 2933

16.3 Isikhalazo sifanele silandele okulandelayo:

16.3.1 sibe esibhalwe phansi;

16.3.2 sifakwe zingakapheli izinyanga ezintathu (3) zesikhalazo esivelayo.

16.3.3 sibe ngolimi olusemthethweni oluthandwa ngumfakisikhalazo;

16.3.4 sisho igama, ikheli kanye neminingwane yokuxhumana yomuntu ofaka isikhalazo;

16.3.5 sinikeze incazelo ephelele nelandayo yesikhalazo, futhi

16.3.6 siqukathe nanoma iluphi olunye ulwazi olungadingeka ukuze kucutshungulwe isikhalazo, noma olungahle lucelwe.

16.4 UMqondisi-Jikelele ufanele:

16.4.1 acubungule isikhalazo futhi athathe isinqumo, kungakedluli izinyanga ezintathu (3) ngemuva kokuba kufakwe isikhalazo futhi

16.4.2 azise umfakisikhalazo ngokubhalwe phansi ngesinqumo; futhi

16.4.3 eluleke umfakisikhalazo ngazo zonke izinyathelo ezidingeka ukuba zithathwe uma umfakisikhalazo enganelisekile ngesinqumo.

16.5 Uma umfakisikhalazo enganelisekile ngesinqumo esilindelwe kusigaba se-16.4.2, angafaka isikhalazo ngesinqumo kuNgqongqoshe,

16.5.1 Isikhalazo ngesinqumo sifanele

(a) sibe esibhalwe phansi;

(b) sifakwe kungakapheli inyanga e-1 yesinqumo esilindelwe kusigaba se-16.4.2;

(c) sisho igama, ikheli kanye neminingwane yokuxhumana yomuntu ofaka isikhalazo ngesinqumo; futhi

(d) sinikeze incazelo ephelele nelandayo yokukhalaza ngesinqumo.

16.6 UNgqogqoshe ufanele:

- 16.6.1 acubungule isikhalazo ngesinqumo futhi athathe isinqumo, kungakedluli izinyanga ezintathu (3) ngemuva kokuba kufakwe isikhalazo ngesinqumo; futhi
- 16.6.2 azise ofake isikhazo ngokubhalwe phansi ngesinqumo; futhi
- 16.6.3 eluleke ofake isikhalazo ngazo zonke izinyathelo ezidingeka ukuba zithathwe uma ofake isikhalazo enganelisekile ngesinqumo.

**17. IMITHELELA YEZEZIMALI YENQUBOMGOMO**

- 17.1 UMnyango kanye naMagatsha awo ahlukeno uzokwenza umbandela wesabelozimali ukuze kuqaliswe ukusebenza kwale nqubomgomo, isib. ukuthuthukiswa kwamakhono olimi abaphathi nabasebenzi, njll.

**18. UKUBUYEKEZWA KWENQUBOMGOMO**

- 18.1 Le nqubomgomo ingabuyekezwa ngokwezidingo, kodwa izobuyekezwa eminyakeni e-5 kusukela ekwamukelweni kwaso, futhi ngemuva kwalokho njalo eminyakeni emihlanu ngemuva kokuba ibikade ibuyekeziwe.