UMNYANGO WEZEMPILO KUZWELONKE

UMTHETHO KAZWELONKE WEZEMPILO, 2003

IMITHETHONQUBO YEZINQUBO EZIMAYELANA NOKUSEBENZA KWEHHOVISI LEMIGOMO YOKUTHOBELA YEZEMPILO KANYE NOKUPHATHWA KWEZIKHALAZO YI-OMBUD

UNgqongqoshe wezeMpilo emva kokuxhumana neHhovisi, wenze imithethonqubo equkethwe oHlelweni olungezansi, ngokwesigaba 90(1) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003).

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ISAHLUKO 1

IZINCAZELO, INHLOSO KANYE NOKUSEBENZA

1. Izincazelo nokutolikwa

(1) Kulemithethonqubo, ngaphandle uma umongo usho okunye, igama noma umusho onikwe incazelo eMthethweni, unencazelo efanayo, futhi -

"uhlobo lwesikhungo sezempilo" kusho uhlobo olubhalwe esigabeni 35 soMthetho;

"isitifiketi sokuthobela" kusho isitifiketi okukhulunywa ngaso kumthethonqubo 18(2), okhishelwe isikhungo sezempilo sikhishwa yiHhovisi;

"isaziso sokuthobela" kusho isaziso okukhulunywa ngaso kumthethonqubo 21(1), ekhishelwe isikhungo sezempilo sikhishwa umhloli;

"uhlelo lokuxwayisa maduze" kusho uhlelo lokugada oluqoqa ulwazi ngezigameko zabasebenzisi ezidinga ukungenelela kwesikhungo sezempilo, iHhovisi noma isiphathimandla esifanele;

"inhloko yesikhungo sezempilo" kusho umnikazi kanye nomsebenzisi wesikhungo sezempilo njengoba kushiwo esigabeni 88(a) soMthetho;

"usizo lokunakekelwa lwezempilo" kubandakanya lonke usizo olumayelana nokuxilongwa kanye nokwelashwa kwesifo, noma ukugqugquzelwa, ukunakekelwa kanye nokubuyiselwa kwesimo sempilo yomuntu kubandakanya ezempilo kumuntu nokungezona ezomuntu okuhlinzekwa yizikhungo zezempilo zikahulumeni nezizimele;

"**ukuhlola**" kusho ukuvakashela izindawo zezikhungo zezempilo ngenhloso yokuqoqa ulwazi nobufakazi ukuze kuhlolwe ukuthobela noma kuphenywe ngokuphulwa kwesivumelwano sezinkambiso nemigomo ebekiwe;

"umuntu" kusho umuntu womthetho, ngaphandle uma umongo usho okunye;

"umuntu ophethe" kusho umuntu oqashwe njengomuntu ophethe isikhungo sezempilo, ngokomthethonqubo 6(1);

"isiphathimandla esifanele" kusho umnyango wezempilo esifundazweni, umasipala, noma inhloko yesikhungo sezempilo noma abaphathi abakhulu beqembu lesibhedlela esizimele;

"ukuzihlola" kusho ulwazi olutholakala emva kokuhlola okwenziwa yisikhungo sezempilo ngokusebenzisa ithuluzi noma uhlaka lokusebenza olushicilelwe yiHhovisi manje namanje;

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"ukuphula isivumelwano" kusho ukwephula izinqubo okuholele ekutheni umsebenzisi alahlekelwe ukusebenza kwengxenye ethile noma ashone ngokungeyona indalo;

"ubungozi obukhulu" kusho ubungozi obungaba nomthelela omkhulu omubi kwezempilo zomphakathi noma ongaholela ekushoneni noma ekulahlekelweni ukusebenza kwengxenye ethile;

"uMthetho" kusho uMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wonyaka wango-2003)

"usuku lokusebenza" kusho noma yiluphi usuku ngaphandle komgqibelo, iSonto noma usuku lweholide.

2. Inhloso yeMithethonqubo

Inhloso yaleMithethonqubo ukubeka izinkambiso nezinqubo zokuqoqa ulwazi esikhungweni sezempilo yihhovisi, ukuvunywa okusemthethweni kwesikhungo sezempilo, ukuhlola, ukubhekana nokungathobeli umthetho kwesikhungo sezempilo ngezinkambiso nemigomo ebekiwe, kanye nezinkambiso nezinqubo zokubhekwa, ukuhlola kanye nokukhishwa kwezikhalazo ezimayelana nokungathobeli umthetho ngezinkambiso nemigomo ebekwe yi-Ombud.

3. Isikophu nokusebenza

(1) Le mithethonqubo isebenza kuzinhlobo zezikhungo zezempilo okukhulunywe ngazo esigabeni 35 soMthetho, kuya ngesigatshana (2).

(2) Yize umthethonqubo ongaphansi komkhulu (1), ngaphandle kweSahluko 7, le mithethonqubo izosebenza kuphela ngokohlobo lwesikhungo sezempilo uma izinkambiso nemigomo yohlobo lolo lwesikhungo sezempilo sesibekwe nguNgqongqoshe.

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ISAHLUKO 2

UKUQOQA ULWAZI KANYE NOKUQOKA KOMUNTU OPHETHE

4. Ukuqoqwa noma ukucelwa kolwazi

(1) Zonke izikhungo zezempilo nabasebenzisi ihhovisi eliding ukuthi bahlinzeke ngolwazi olumayelana nezinkambiso nemigomo ebekiwe, ngokwesigaba 79(2)(b) soMthetho, kumele bakwenze lokhu mhla ka-31 kuNdasa wonyaka ngamunye.

(2) Isicelo solwazi esikhungweni sezempilo, okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sibe ku-Form 1 bese sibandakanya okungenani lolu lwazi olulandelayo:

(a) Igama lesikhungo sezempilo;

(b) Isimo sezomthetho;

(c) Ikheli lendawo;

(d) Imininingwane yokuxhumana, kubandakanya imininingwane yocingo, i-imeyli, nesizindalwazi;

(e) Amagama kanye nemininingwane yokuxhumana yomuntu ophethe;

(f) Uhlobo lwesikhungo sezempilo;

(g) isifunda sezempilo isikhungo sezempilo esingena ngaphansi kwaso;

(h) usizo oluhlinzekwayo;

(i) Izinsuku nezikhathi zokusebenza;

(j) Imiphumela yokuzihlola kwakamuva ngokuhambisana nezinkambiso nemigomo ebekiwe.

(3) IHhovisi lingashicilela isicelo solwazi, okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu (2), kumqulu kahulumeni noma kusizindalwazi salo somphakathi.

(4) Isicelo solwazi esiphuma kubasebenzisi, okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sihambisane nemininingwane yolwazi oludingekayo kanye nendlela okumele lolu lwazi luthunyelwe ngayo.

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(5) Noma yiluphi ulwazi olungadingwa yihhovisi lesikhungo sezempilo noma abasebenzisi, ngokwesigaba 79(2)(b) soMthetho, lungathunyelwa ngekhompyutha.

(6) Uma umuntu ophethe, okukhulunywa ngaye kumthethonqubo 6(1), ehluleka ukuhlinzeka ihhovisi ngolwazi oludingekayo esikhathini esibekiwe, ihhovisi kumele lidlulisele udaba kunhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma umnyango wezempilo kamasipala noma inhloko yesikhungo sezempilo, okungenzeka, ukuze kungenelelwe.

(7) Ngokuhloswe umthethonqubo ongaphansi komkhulu (2) **"isimo somthetho"** kusho isimo sesikhungo sezempilo ngokomthetho, noma ngabe yinkampani ezimele noma ekahulumeni, ezibambisene, isikhwama esisisiwe, inkampani yomuntu oyedwa, izinkampani ezisebenza ngokubambisana noma nanoma yiluphi uhlobo olwaziwa ngumthetho.

5. Izinkomba zobungozi

(1) Ngokwesigaba 79(1)(d) soMthetho, ihhovisi kumele liqaphe liphinde libonise isikhungo sezempilo kulokhu okulandelayo-

(a) Izinkomba zobungozi ngokohlobo lwesikhungo sezempilo;

(b) Indlela yokukala nokubala izinkomba zobungozi;

(c) Izinga lokuqoqa izinkomba zobungozi; kanye

(d) nokubikela ihhovisi ngezinkomba ezinjalo.

(2) IHhovisi kumele lisebenzise ulwazi okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu (1)-

(a) lihlonze izinkomba zobungozi obukhulu ezingeni nasekuphepheni, izigameko ezimbi kanye nezifo ezihlobene nokunakekelwa kwezempilo njengengxenye yohlelo lokuxwayisa maduzane bese sibika ukuphulwa kwezinkambiso nemigomo kuNgqongqoshe ngaphandle kokulibaziseka; noma

(b) sinquma uma kunesidingo sokuhlola njengoba kushiwo kumthethonqubo 14 noma 15, njengoba kungaba njalo.

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6. Ukuqokwa komuntu ophethe

(1) Ihhovisi kumele licele inhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma umnyango wezempilo komasipala noma inhloko yesikhungo sezempilo ukuthi siqoke ukuba umuntu ophethe isikhungo sezempilo kube umuntu usesikhundleni esiphezulu, ozobhekana nazo zonke izindaba eziphathelene nezinkambiso nemigomo ebekiwe.

(2) Ukuqashwa komuntu ozophatha, okukhulunywa ngakho kumthethonqubo ongaphansi komkhulu (1), kumele kubhalwe phansi futhi kusayindwe yinhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma umnyango wezempilo komasipala noma inhloko yesikhungo sezempilo noma amanxusa abo.

(3) IHhovisi kumele ligcine uhla lwemininingwane yabantu abaphethe, kanti nanoma yiziphi izinuquko noma ushintsho kumininingwane yomuntu ophethe kumele ithunyelwe yilowo muntu eHhovisi ezinsukwini ezingama-20 zokusebenza lwenzekile lolo shintsho.

7. Imisebenzi yomuntu ophethe

(1) Umuntu ophethe njengoba kushiwo kumthethonqubo 6(2) kumele-

- *(a)* ahlinzeke ihhovisi noma i-Ombud ngolwazi oludingekayo ukuze akwazi ukwenza umsebenzi wakhe, njengoba kungaba njalo, ngokoMthetho;
- *(b)* ahlinzeke usizokumhloli ekulungiseleleni nangesikhathi kuhlolwa ngokusho kwesigaba 82(1) soMthetho;
- *(c)* athole bese eyasho ukuthi usitholile isaziso ngokuthobela ngokusho kwesigaba 82A soMthetho nomthethonqubo 13;
- *(d)* ahlinzeke usizo ku-Ombud ngesikhathi sokuhlola ngokusho kwesigaba 81A(1) soMthetho;
- *(e)* abheke bese ephendula noma yimuphi umbiko ophuma ehhovisi omayelana nokuthobela kwesikhungo sezempilo ngezinkambiso nemigomo ebekiwe bese esebenzisa izindlela zokulungisa ngezikhathi ezibekiwe;
- *(f)* abe nomkhuba wokuthobela izinkambiso nemigomo ebekiwe esikhungweni sezempilo;
- *(g)* asungule bese esebenzisa izinhlelo ezizothuthukisa ukuthobela umthetho kwabasebenzi bezempilo abasebenzela isikhungo sezempilo;

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(h) akhiphe ulwazi oluhlinzekwe yihhovisi luye kubasebenzi bezempilo abasebenzela isikhungo sezempilo;

(i) agcine irekhodi lakamuva lokuhlola okwenziwe yihhovisi noma uphenyo olwenziwe yi-Ombud, aphinde

(j) ahlinzeke ngosizo ehhovisi noma ku-Ombud kuzo zonke izindaba ezimayelana nezinkambiso nemigomo ebekiwe.

(2) Umuntu ophethe angathumela abanye abantu ngokubhala phansi ukuthi benze eminye yemisebenzi ebekelwe yena, okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1), kungaba umuntu osesikhundleni esiphezulu esikhungweni sezempilo.

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ISAHLUKO 3

INSPECTORS AND INSPECTIONS ABAHLOLI NOKUHLOLA

8. Ukuqashwa kwabahloli

(1) Umphathi Omkhulu kumele anike umuntu oqashelwe ukuba umhloli ngokwesigaba 80(2) soMthetho isitifiketi sokuqashwa njengomhloli, ngokuhambisana nesigaba 80(3) soMthetho, uma umuntu eluqede ngempumelelo uhlelo lokuqeqeshwa oluphasiswa yihhovisi.

(2) Isitifiketi sokuqashwa njengomhloli, okukhulunywa ngaso kumthethonqubo ongaphansi komhkulu (1), kumele sibe kufomu OHSC 2, futhi sibandakanye, okungenani, lolu lwazi olulandelayo:

(a) Igama nesibongo somhloli;
(b) Inombolo ehlukile yokumhlonza ehlinzekwa yihhovisi;
(c) Usuku esikhishwe ngalo;
(d) ikheli nemininingwane yokuxhumana yeHhovisi;
(e) Isiginisha yoMphathi Omkhulu; kanye
(f) Nefomu elicacile lokuzazisa.

9. Amakhono nesipiliyoni sabahloli

(1) Umhloli oqashwe ngokwesigaba 80(2) soMthetho kumele-

(a) umsebenzi wezempilo okufundele obhaliswe noMkhandlu woNgoti bezeMpilo eNingizimu Afrika i- *Health Professionals Council of South Africa*, uMkhandlu wabaHlengikazi eNingizimu Afrika i-*South Africa Nursing Council*, noma uMkhandlu wezamaKhemisi eNingizimu Afrika i- South Africa Pharmacy Council, okukhulunywa ngayo encazelweni **"yomkhandlu wongoti bezempilo osemthethweni"** esigabeni 1 soMthetho;

(b) azigcine ebhalisiwe nomkhandlu wongoti bezempilo osemthethweni ofanele okukhulunywa ngawo esigabeni (a), isikhathi aqashwe ngaso njengomhloli; futhi

(c) abe nesipiliyoni ekulethweni kwezidingo ezibhedlela noma ezindaweni zokunakekelwa kwezempilo emphakathini noma emkhakheni ozimele.

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10. Indlela yokuziphatha yabahloli

(1) UMphathi Omkhulu kumele asungule aphinde aphoqelele indlela yokuziphatha yabahloli abaqokwe ngokwesigaba 80(2) soMthetho.

(2) IHhovisi kumele lishicilele indlela yokuziphatha yabahloli kumqulu kahulumeni ezinyangeni ezi-3 ekumenyezelweni kwalemithethonqubo.

(3) Ikhophi yendlela yokuziphatha yabahloli okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1), kumele usayindwe yibo bonke abahloli ngaphambi kokuthi baqale ukusebenza.

11. Amaphepha asemthethweni omuntu ohlinzeka ngosizo

(1) Uma umhloli ephelezelwa umuntu okumele amsize ekuhloleni, njengoba kushiwo esigabeni 82(2) soMthetho, uMphathi Omkhulu kumele anike lowo muntu amaphepha asemthethweni.

(2) Amaphepha asemthethweni okukhulunywa ngawo kumthethonqubo ongaphansi komkhulu (1) kumele abandakanye, okungenani, lolu lwazi olulandelayo:

(a) Igama nesibongo somuntu ohlinzeka ngosizo;
(b) Inombolo ehlukile yokumhlonza;
(c) Usuku esikhishwe ngalo;
(d) Imininingwane yokuxhumana yehhovisi;
(e) Isiginisha yoMphathi Omkhulu; kanye
(f) nefomu elicacile lokuzazisa.

12. Indlela, izinqubo nohlelo lokuhlola

(1) IBhodi kumele liphasise indlela yokuhlola yonyaka ukuqondisa imisebenzi yokuhlola yeHhovisi.

(2) Indlela yokuhlola yonyaka okukhulunywa ngayo kumthethonqubo ongaphansi komhkulu (1), kumele ushicilelwe emqulwini kahulumeni, ubandakanye, okungenani, lokhu okulandelayo:

(a) Indlela yokubeka eqhulwini, ukuhlela nokuhlola; kanye

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(b) nezinsizakusebenza nezindleko zokusetshenziswa kwendlela yokuhlola.

(3) IHhovisi kumele libe nebhuku elinezinqubo zokuhlola kanye namathuluzi okuhlola ukuqinisekisa ukuthi ukuhlolwa kwenziwa ngendlela engaguquki, efanelekile, elinganayo nesobala.

(4) Umhloli kumele alungise uhlelo lokuhlola, olubeka ngokucacile indlela azohlola ngayo isikhungo ngasinye sezempilo okumele sihlolwe.

(5) uhlelo lokuhlola okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu (4) kumele ufakwe eSazisweni sokuhlola okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu 13

13. Isaziso sesikhungo sezempilo sokuhlola

(1) Ngaphambi kokuthi kuqalwe ukuhlola okubhalwe esigabeni 82 soMthetho, umhloli kumele akhiohe isaziso sokuhlola isikhungo sezempilo.

(2) sokuhlola okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele ube yifomu 3, bese ubandakanya, okungenani, lolu lwazi olulandelayo:

(a) Inhloso yokuhlola;

(b) Usuku lokuhlola;

(c) Isikhathi esilinganisiwe;

(d) Uhlelo lokuhlola okukhulunywa ngalo kumthethonqubo ongaphansi komkhulu 12(4);

(e) Isibalo sabasebenzi okulindeleke ukuthi babe yingxenye yokuhlola;

(f) Imininingwane yokuxhumana yomhloli okunguye obhekele ukuhlola kanye;

(g) nezibophezelo zesikhungo sezempilo.

(3) Isaziso sokuhlola okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sisayindwe uMphathi Omkhulu noma inxusa/isithunywa sakhe.

(4) Ngaphezu komthethonnqubo ongaphansi komkhulu (1), iHHovisi, uma linesizathu sokukholelwa ukuthi ukuthobela okunezidingo sokwazisa okukhulunywe ngaso kumthethonqubo ongaphansi komkhulu (1) kungase kuphazamise ukuphepha komsebenzisi noma izinga lokunakekelwa, lingenza ukuhlolwa okungamenyezelwe esikhungweni sezempilo.

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14. Inqubo yokuhlola

(1) Uma efika emagcekeni esikhungo sezempilo, umhloli kumele azazise kumuntu ophethe ngokuveza -

(a) isaziso sokuhlola, okukhulunywa ngaso kumthethonqubo 13(1);
(b) isitifiketi sokuqashwa njengomhloli, esikhishwe ngokwesigaba 80(3) soMthetho; kanye
(c) Imvume yokungena nokusesha ekhishwe ngokwesigaba 84(5) soMthetho.

(2) Ngesikhathi sokuhlola, isikhungo sezempilo kumele senze kutholakale abasebenzi, izinsizakusebenza kanye nendawo okudingekayo ukuze abahloli bezoqeda ukuhlola kwabo ngesikhathi nangokushesha.

(3) Umhloli angambuza noma yimuphi umsebenzisi, ohlalayo, umsebenzi wezempilo noma yinoma yimuphi umuntu osemagcekeni esikhungo sezempilo, ngolwazi oluphathelene nokuhlola, noma acele umuntu ophethe akhiphe amaphepha athile, amarekhodi noma izinto zokuhlola.

(4) Umuntu ophethe angahlinzeka umhloli ngolwazi olufanele, amaphepha, amarrekhodi, noma izinto ukuze zibhekwe ngesikhathi sokuhlola.

(5) Ezinsukwini ezingama-20 zokusebenza emva kokuqedwa kokuhlola, umhloli angahlinzeka umuntu ophethe ngemiphumela yakutholile ebhalwe phansi.

(6) Imiphumela yakutholile kumele-
(a) kuhlonze okuyizona zindawo ezingahambisani/ezingathobeli izinkambiso nemigomo ebekiwe;
(b) kuveze imiphumela yokungathobeli, okubhalwe esigabeni 82A(2) naku(4) soMthetho;
(c) kuveze izinyathelo okumele zithathwe ukuze kuthotshelwe kanye nezikhathi okumele kulungiswe ngazo.

(7) Umhloli kumele ahlinzeke umuntu ophethe izinsuku ezingaphansi kwezingama-20 zokusebenza zokuthi aphendule kulokhu okuyimiphumela evelile ngokubhala phansi.

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(8) Ezinsukwini ezingama-20 emva kokuthola impendulo eshiwo kumthethonqubo ongaphansi komkhulu 7, umhloli kumele ayibheke leyo mpendulo bese ekhipha umbiko wokugcina awunike umuntu ophethe.

(9) Emva kokukhishwa kombiko wokugcina oshiwo kumthethonqubo ongaphansi komkhulu 8, umhloli -

(a) angaphakamisa ehhovisi ukuthi likhiphe isitifiketi sesikhungo sezempilo, ngokwesigaba somthethonqubo 18(2); noma

(b) kumele akhiphe isaziso sokuthobela esikhungweni sezempilo, ngokwesigaba 82A(1) soMthetho, uma kukhona izinkambiso nemigomo yokuthobela engalandelwanga.

15. Okunye ukuhlola

(1) Umhloli, noma ingasiphi isikhathi, ngokwesigaba 82(1) soMthetho, angenza okunye ukuhlola, inqobo nje uma enazo izizathu zokukholelwa ukuthi -

(a) lokhu kuhlola kuyadingeka ukuze kutholakale ukuthi ukungathobeli sekulungisiwe esikhungweni sezempilo;

(b) isikhungo sezempilo siphula uMthetho noma noma yimiphi eminye imithethonqubo efanele;

(c) kukhona ukwephulwa kwezinkambiso nemigomo, uma kubhekwa ezinkombeni zobungozi; noma

(d) Imiphumela ye-Ombud iveza ukuthi ukuqhubeka nosizo oluhlinzekiwe esikhungweni sezempilo kungadala ubungozi obukhulu kubasebenzisi noma abasebenzi bezempilo.

(2) Ukuhlinzekela komthethonqubo ongaphansi komkhulu (1) noma (4) komthethonqubo 13 usebenza, noshintsho olufanele, ekuhlolweni okushiwo kulomthethonqubo.

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ISAHLUKO 4

UKUHLOLWA KWESIKHUNGO SEZEMPILO

16. Ulwazi ngendlela yokuhlola

(1) Ihhovisi emasontweni ama-2 okuqala konyakamali, lingasiza inhloko yomnyango wezempilo kuzwelonke noma esifundazweni, kumphathi kamasipala noma uma kuyisikhungo sezempilo esizimele, inhloko yesikhungo sezempilo, noma iqembu labaphathi abakhulu lezibhedlela ezizimele, ngendlela yalo yokuhlola.

(2) Ngokuhloswe yisivumelwano/imvume okukhulunywe ngayo kumthethonqubo ongaphansi komkhulu (1), ihhovisi lingathumela isu lokuhlola onyaka enhlokweni yomnyango wezempilo kuzwelonke noma esifundazweni, kumphathi kamasipala noma inhloko yesikhungo, noma iqembu lezibhedlela ezizimele okuqukethe ulwazi ngendlela okuhlolwa ngayo.

17. Imvume yokungena, yokuhlola nokusesha

(1) Umhloli ngokwesigaba 82(1) soMthetho, angangena esikhungweni sezempilo, noma ingasiphi isikhathi, ukuze enze ukuhlola njengokusho kwesigaba 82(1) soMthetho.

(2) Uma ingatholakali imvume yokungena niseshe amagceke ngenhloso yokuhlola, ihhovisi kumele lifake isicelo semvume ngokwesigaba 84(1) soMthetho.

(3) Isicelo semvume kumele sibandakanye, okungenani, lolu lwazi olulandelayo -

(a) igama nekheli lesikhungo sezemplo okumele sihlolwe; uma kwenzeka indawo noma izindawo zesikhungo sezempilo lapho imvume iqondene nazo;

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(b) izidingo zomthetho ezengamele ukuhlola;

(c) izizathu nokugqugquzela ukuhlola; kanye

(d) nemiphumela yakamuva yokuhlola, uma isikhungo sike sahlolwa phambilini.

(4) Ngokwesigaba 84(3) soMthetho, umhloli angafaka imibuzo noma yimuphi umsebenzisi, ohlalayo, umsebenzi wezempilo noma namuphi umuntu osemagcekeni esikhungo sezempilo, inqobo nje uma-

(a) emchazelile umsebenzisi, ohlalayo noma namuphi umuntu ngamalungelo akhe, kubandakanya amalungelo abo okuthula bangasho lutho noma basho okungase kubacindezele; futhi

(b) ethole -

(i) imvume ebhaliwe ephuma kumsebenzisi, ohlalayo noma namuphi umuntu osemagcekeni ngokumfaka imibuzo noma ukuqoshwa kwenkulumongxoxo; noma

(ii) imvume ngomlomo ephuma kumsebenzisi, ohlalayo noma namuphi umuntu osemagcekeni ngokumfaka imibuzo noma ukuqoshwa kwenkulumongxoxo, kukhona ofakazi.

(5) Phezu komthethonqubo ongaphansi komkhulu (1), umhloli angangena aseshe amagceke ngaphandle kwemvume ngokwesigaba 86(b) soMthetho, uma sikhona isizathu sokukholwa ukuthi, uma kufakwa isicelo sayo, imvume yokungena nokusesha ingakhishwa nokuthi ukulibaziseka kokuthola imvume kungabulala inhloso yemvume.

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ISAHLUKO 5

UKUVUNYWA OKUSEMTHETHWENI

18. Ukuvunywa okusemthethweni kwesikhungo sezempilo

(1) Ihhovisi kumele ezinsukwini ezi-5 zokusebenza emva kokuthola izincomo zokuvunywa ngokusemthethweni kwesikhungo sezempilo okukhulunywa ngakho kumthethonqubo 14(9)(a) nokuvuselelwa kokuvunywa okusemthethweni okukhulunywa ngakho kumthethonqubo 19(1) , iHhovisi kumele lihlinzeke isikhungo sezempilo elihlangabezana nazo zonke izidingo ngesitifiketi sokuthobela.

(2) Isitifiketi sokuthobela okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele-

(a) sisayindwe uMphathi Omkhulu bese sibekwa lapho umphakathi uzosibona khona esikhungweni sezempilo siphinde sifakwe kusizindalwazi somphakathi; futhi

(b) kumele sibe kufomu 4, siphinde , okungenani sibe nalolu lwazi olulandelayo:

(i) igama nekheli lendawo yesikhungo sezempilo;

(ii) uhlobo lwesikhungo sezempilo;

(iii) ikheli lokuthumela ngezinqubo zezomthetho nezaziso, uma lihlukile kwelendawo;

(iv) usuku okwagcinwa ngalo ukuhlola;

(v) usuku lokuphelelwa yisikhathi kwesitifiketi.

19. Ukuvuselelwa nokwelulwa kokuvunywa okusemthethweni

(1) Isikhungo sezempilo kumele, esikhathini esingadlulile ezinyangeni eziyisithupha ngaphambi kokuphelelwa yisikhathi kwesitifiketi sokuthobela okukhulunywa ngaso kumthethonqubo 18(1), sithumele isicelo sokuvuselela isitifiketi ehhovisi.

(2) Isicelo sokuvuselela isitifiketi sokuthobela kumele sibe sefomini 6, bese sibandakanya ukuzihlola konyaka kwesikhungo sezempilo kokuhambisana nezinkambiso nemigomo ebekiwe kanye nezinhlelo zakamuva zokuthuthukisa izinga.

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(3) Ukuvuselelwa kwesitifiketi sokuthobela kumele kuye ngokuthi zithini iziphakamiso ngesitifiketi okukhulunywa ngaso kumthethonqubo 14(9)(a), kanjalo nokuthobela kwesikhungo sezempilo nezidingo ezikumthethonqubo ongaphansi komkhulu (2).

(4) Ihhovisi lingelula isimo sesitifiketi sesikhungo sezempilo esifake isicelo sokuvuselela ngokwesigaba somthethonqubo ongaphansi komkhulu 19(1) isikhathi esingekho ngaphezu konyaka owodwa kusukela ngosuku lokuphelelwa yisikhathi, ukuze kunike ihhovisi ithuba lokuhlela nokwenza ukuhlola ngenhloso yokuvuselela isitifiketi.

20. Ukumiswa kokuvunywa okusemthethweni

(1) Isitifiketi sokuthobela esikhishwa ngokomthethonqubo 18(2), siba semthethweni isikhathi esingekho ngaphezulu kweminyaka emine, ngaphandle uma sengeziwe isikhathi njengokusho komthethonqubo 19(4).

(2) Phezu komthethonqubo ongaphansi komkhulu (1), isaziso sokuthobela okukhulunywa ngaso kumthethonqubo 21(1), uyakumisa ukuba semthethweni kwesitifiketi sokuthobeka okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kuze kube ukuthi imibandela ekusaziso sokuthobela iyalandelwa yonke.

(3) IHhovisi kumele, ezinsukwini eziyi-15 zokusebenza zokuqinisekiswa kokugcwaliseka kwemibandela yokuthobela okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (2), liphinde liqinisekise isimo sesikhungo sezempilo sokuthobela.

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ISAHLUKO 6

ISAZISO SOKUTHOBELA, UKUSETSHENZISWA KOMTHETHO NOKUDLULISWA KWAMACALA

21. Isaziso sokuthobela esikhungweni sezempilo

(1) Umhloli kumele-

(a) emva kokukhipha umbiko, anike umuntu ophethe isaziso sokuthobela ngokwesigaba 82A(1) soMthetho, uma izinkambiso nemigomo ebekiwe ingalandeliwe, noma

(b) noma ingasiphi isikhathi ngesikhathi sokuhlola, anike umuntu ophethe isaziso sokuthobela ngokwesigaba 82A(1) soMthetho, uma kukhona izizathu ezibambekayo zokukholelwa ukuthi isikhungo sezempilo noma ingxenye yaso inobungozi empilweni yomphakathi noma kubasebenzisi bezempilo.

(2) Isaziso sokuthobela okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), kumele sibe kufomu 7, bese liqukatha lonke ulwazi oluvezwe esigabeni 82A(2) soMthetho.

(3) Umuntu ophethe kumele, esikhathini esibekwe kusaziso sokuthobela, ahlinzeke umhloli ngohlelo lokuthuthukisa izinga lokusebenza esikhungweni sezempilo -

(a) izinto ezizokwenziwa ukuze kufinyelelwe ekuthobeleni umthetho; kanye

(b) nesikhathi okuzokwenzeka ngaso lokhu.

(4) Uma isikhungo sezempilo singakwazi ukulandela isaziso sokuthobela esikhishwe ngokwesigaba 82A(1) soMthetho, ihhovisi lingase lichithe noma yisiphi isigwebo esisohlwini olusesigabeni 82A(4) soMthetho.

22. Ukusetshenziswa komthetho wokuthobela

(1) IHhovisi kumele lisungule inqubomgomo yokusetshenziswa komthetho ebeka indlela ihhovisi eliyisebenzisayo ukuphoqelela ukuthobela.

(2) UMphathi Omkhulu kumele ashicilele inqubomgomo yokusetshenziswa komthetho okukhulunywa ngayo kumthethonqubo ongaphansi komkhulu (1) kanye nanoma ikuphi

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okudinga ukuchitshiyelwa emva kwalokho, kusomqulu kahulumeni, ezinsukwini zokusebenza ezingu-25 emva kokuphasiswa yiBhodi.

(3) Ukuphoqeelewa kokusetshenziswa komthetho kumele kwenziwe ngendlela eqhubekayo, emva kokubheka lokhu okulandelayo, mayelana nesikhungo sezempilo:

(a) uhlobo nokuba bukhulu bokungathobeli izinkambiso nemigomo ebekiwe kanye nemiphumela elandela lapho;

(b) umlando wokuthobela umthetho wesikhungo sezempilo;

(c) izikhathi zokwenzeka kwamacala mayelana nezinkambiso nemigomo ebekiwe;

(d) noma imaphi amacala enziwe yisikhungo sezempilo ngowesigaba 89(1)(a) kuya ku(c) woMthetho; kanye

(e) nezinto zokuzikhalela noma ezihluphayo.

23. Isexwayiso esibhaliwe

(1) Ihhovisi linganika umuntu ophethe isexwayiso esibhaliwe, ngokwesigaba 82A(2)(a) soMthetho, ngokuhluleka ukulandela isaziso sokuthobela okukhulunywa ngaso kumthethonqubo 21(1)(a).

(2) Isexwayiso esibhaliwe esinikwa umuntu ophethe okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1) kumele ube sefomini 8, bese libandakanya okungenani lolu lwazi olulandelayo-

(a) Igama lomuntu esibhekiswe kuye kanye nosuku;

(b) isikhungo sezempilo isexwayiso esibhekiswe kuso,

(c) izinkambiso nemigomo ebekiwe engalandelwanga;

(d) uhlobo nobunzulu /ubukhulu bokungathotshelwa komthetho;

(e) imizamo eyenziwe isikhungo sezempilo ukulungisa ukungathotshelwa komthetho; kanye

(f) nezinyathelo esezithathwe yiHhovisi ukuqinisekisa ukuthotshelwa komthetho.

24. Isicelo sempendulo

(1) Uma iHhovisi linika umuntu ophethe isexwayiso esibhaliwe, kumele licele impendulo ebhaliwe kulowo muntu ophethe isikhungo sezempilo ngokwesigaba 82A(4)(b) soMthetho, bese sibeka isikhathi okumele isikhungo sezempilo siphendule ngaso siphinde sibeke nemiphumela yokungaphenduli.

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(2) Umuntu ophethe kumele avume ukuthi isexwayiso esibhaliwe usitholile lesi okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), akubhale phansi lokho.

(3) Uma umuntu ophethe isikhungo sezempilo ehluleka ukuphendula isicelo sempendulo okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1), noma enikeza impendulo engagculisi, iHhovisi lingase-

(a) lenze isiphakamiso kuziphathimandla ezifanele zokungenziwa okufanele, ngokwesigaba 82A(4)(c) soMthetho;

(b) libize umhlangano wokuqondiswa kwezigwegwe ukuze ubheke ukuchithwa kwesitifiketi sokuthobela noma ukubizwa kwenhlawulo, ngokwesigaba 82A(4)(d) kanye no-82A(4)(e) soMthetho, ngokulandelana; noma

(c) lidlulisele udaba eMkhandlwini wokuShushisa kuZwelonke ukuze kushushiswe ubugebengu, ngokwesigaba 82A(4)(f) soMthetho.

25. Ukuqapha izincomo kuziphathimandla ezifanele

Uma isiphakamiso/isincomo senziwa kuziphathimandla ezifanele ngokomthethonqubo 24(3)(a), iHhovisi kumele liqaphe liphinde libike kuNgqongqoshe ngokuqalisa ukusebenza okushiwo kuziphakamiso ezensiwe yiziphathimandla ezifanele.

26. Umhlangano osemthethweni

(1) Ngaphambi kokuchitha isitifiketi sokuthobela noma ukugagula inhlawulo, iHhovisi kumele lazise isikhungo sezempilo ngenhloso yalo yokuchitha isitifiketi sokuthobela noma yokugagula inhlawulo, noma ikuphi okusebenzayo, bese libiza umhlangano ukuze lizonika umnyango wezempilo ithuba lokuziphendulela, ngaphambi kokuthathwa kwesinqumo esingujuqu.

(2) UMphathi Omkhulu kumele aqoke umuntu ofanele ukuba ngusihlalo womhlangano ohlelwe ngokomthethonqubo ongaphansi komkhulu (1).

(3) Umuntu okukhulunywa ngaye kumthethonqubo ongaphansi komkhulu (2) angaqasha abantu abangaphezulu kwaba-2 abanamakhono obuchwepheshe kulokhu okufanele njengabasizi uma kunesidingo.

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(4) Usihlalo womhlangano kumele ahlinzeke ngesaziso esibhaliwe ihhovisi kanye nesikhungo sezempilo izinsuku okungenani eziyi-10 zokusebenza ukulungiselela umhlangano futhi -

(a) angase acele ukuziphendulela okubhaliwe macala omabili ukuthi kuthunyelwe kuye ezinsukwini ezi-5 zokusebenza ngaphambi kosuku lomhlangano;

(b) angase avumele ukuthi amacala omabili ethule ubufakazi ngomlomo noma omunye umuntu onentshisekelo, uma efake isicelo sokwenza njalo, mayelana nalolu daba.

(5) Isaziso somhlangano okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1) kumele sibe sefomini 8, futhi libandakanye okungenani lolu lwazi olulandelayo:

(a) isikhathi kanye nendawo okuzobanjelwa kuyo umhlangano;

(b) isihloko sodaba umhlangano omayelana naso;

(c) amalungelo ngokomthetho abantu abathintekayo kanye nokuthi bangawasebenzisa kanjani;

(d) amaphepha afunekayo, amarekhodi, noma izinto, uma kukhona, kanye

(e) nemiphumela yokuhluleka ukuzothamela umhlangano.

(6) Inqubo yokuqhutshwa komhlangano ebhalwe kumthethonqubo ongaphansi komkhulu (1) kumele ihlonzwe ngumuntu onguSihlalo womhlangano.

(7) Umhlangano wokulalelwa kodaba -

(a) kumele uqhutshwe ngendlela esheshayo futhi uhambisane nezimiso zobulungiswa; ubekwe kuMthetho i-Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

(b) ungaqhutshwa ngokungekho emthethweni kakhulu, kuhambisane nesigaba (a); futhi

(c) kumele umphakathi ukwazi ukuwuthamela, kodwa umuntu ongusihlalo kulowo mhlangano angabashiya ngaphandle abantu bomphakathi, noma abantu abathile noma amaqembu athile abantu, ekuthameleni izinqubo zomhlangano-

(i) uma ubufakazi obuzokwethulwa buwulwazi oluyimfihlo, kodwa kungukuthi ulwazi angeke lukwazi ukuvikeleka;

(ii) uma ukuqhutshwa komhlangano okufanele kubudinga; noma

(iii) Ngesinye isizathu esamukelekile lokho kuzomukelwa ezinqubweni zaseNkantolo

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(8) Ekupheleni komhlangano, umuntu ongusihlalo engenza isincomo ehhovisi lokuchitha noma lokungachithi isitifiketi sokuthobela kwesikhungo sezempilo, noma ukugagula inhlawulo, njengoba kungaba njalo, kodwa hhayi kokubili.

(9) Ihhovisi kumele, ezinsukwini eziyi-10 zokusebenza emva komhlangano, lithathe isinqumo bese lihlinzeka isikhungo sezempilo ngezizathu ezibhalwe phansi ngesinqumo esibi/esingenza igama elibi.

(10) Ngokuhloswe yilomthethonqubo **"umuntu ofanele"** kusho umuntu onolwazi oluningi kanye nesipiliyoni ekuphathweni komthetho nezinkambiso kanye nemigomo yesikhungo sezempilo kanjalo nemithetho ejwayelekile kanye nemithethonqubo esebenza emkhakheni wezikhungo zezempilo.

27. Ukuchithwa kwesitifiketi kanye nezincomo eziya kuNgqongqoshe

(1) Uma isikhungo sezempilo sihluleka ukulandela isaziso sokuthobela okukhulunywa ngaso kumthethonqubo 21(1)(b), iHhovisi lingase, emva kokulandela umthethonqubo 26(1), lichithe isitifiketi sokuthobela sesikhungo sezempilo bese senza isincomo kuNgqongqoshe sokuthi isikhungo sezempilo sivalwe okwesikhashana noma sivalwe unomphelo noma ingxenye yaso enobungozi ezimpilweni zomphakathi noma empilweni yabasebenzisi, ngokwesigaba 82A(4)(d) soMthetho.

(2) Isincomo esiya kuNgqongqoshe ngokomthethonqubo ongaphansi komkhulu (1) kumele sibhalwe phansi futhi sibandakanye lolu lwazi olulandelayo:
- *(a)* imininingwane yokungathobeli umthetho;
- *(b)* uhlobo nobukhulu bobungozi obungatholwa umphakathi noma abasebenzisi,
- *(c)* isikhathi sokungathobeli;
- *(d)* imiphumela yokuqhubeka nokungathobeli umthetho;
- *(e)* inkomba yengxenye noma izingxenye yesikhungo sezempilo okumele zivalwe, kanye
- *(f)* nolunye ulwazi oluqondene nalokhu.

(3) Ngaphambi kokusebenzisa amandla akhe ngokomthethonqubo ongaphansi komkhulu (1), uNgqongqoshe kumele alandele i- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

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28. Inhlawulo

(1) Ngaphambi kokugagula inhlawulo ngokwesigaba 82A(4)(e) soMthetho, nasemva kokulandela umthethonqubo ongaphansi komkhulu 26(1), iHhovisi lingase lihlinzeke isikhungo sezempilo ngethuba lokuthumela isicelo sozwelo.

(2) Inhlawulo ebhalwe esigabeni 82A(4)(e) soMthetho akumele idlule le ebekwe nguNgqongqoshe.

(3) Ekuhlonzeni inhlawulo efanele, iHhovisi kumele libheke lokhu-

(a) uhlobo nobukhulu bokungathobeli umthetho;

(b) imizamo eyenziwe isikhungo sezempilo ukusombulula sokungathobeli umthetho;

(c) noma yiziphi izicelo zozwelo ezilethwe yisikhungo sezempilo; kanye

(d) nomthelela wenhlawulo kwezezimali zesikhungo sezempilo.

(4) Uma inhlawulo ikhishwe ngokwesigaba 82A(4)(e) soMthetho isikhungo sezempilo kumele, ezinsukwini ezingama-20 zokusebenza siphumile isinqumo, sikhokhe leyo nhlawulo ku-akhawunti efanele okukhulunywe ngayo kumthethonqubo ongaphansi komkhulu (5).

(5) IHhovisi kumele lisungule liphinde ligcine i-akhawunti eseceleni okuzokhokhelwa kuyo izinhlawulo ngokuhlinzekelwa nguMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho nombolo 1 wangonyaka ka-1999).

29. Ukudluliselwa kwamacala kuPhiko lezokuShushisa kuZwelonke i-*National Prosecuting Authority*

(1) Phezu komthethonqubo 23, iHhovisi lingase, noma ingasiphi isikhathi, lidlulisele icala kuPhiko lezokuShushisa kuZwelonke ukuze lishushiswe njengobugebengu, ngokwesigaba 82A(4)(f) soMthetho, uma kunokuhluleka ukulandela isaziso sokuthobela esikhishwe ngokoMthetho sibhekwe salingana necala lobugebengu ngokwesigaba 89(1) soMthetho.

(2) Ngokuhloswe umthethonqubo ongaphansi komkhulu (1), iHhovisi kumele lilungise liphinde linikezele bonke ubufakazi obufanele kumshushisi wesikhungo sezempilo kuPhiko lezokuShushisa kuZwelonke.

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30. Ukudluliswa kwamacala ngesinqumo sehhovisi noma i-Ombud

(1) Isicelo sokudlulisela icala kuNgqongqoshe ngokwesigaba 88A(1) soMthetho kumele sifakwe ngesaziso esibhaliwe.

(2) Isaziso okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (1) ongenhla kumele ube sefomini 9, futhi kumele sibhale izizathu zokufaka isiceo sokudlulisa icala kanye nolwazi olwanele noma amaphepha eseka isicelo sakho sokudlulisa icala.

(3) Inkundla yamacala yesikhashana ebhalwe kusigaba 88A(2) soMthetho kumele ihlonze imithetho nezinqubo okuzoqhutshwa ngazo izinqubo zayo.

(4) Izinqubo zenkundla yamacala kumele umphakathi ukwazi ukuwuthamela, kodwa umuntu ongusihlalo wenkundla yamacala angabashiya ngaphandle abantu bomphakathi, noma abantu abathile noma amaqembu athile abantu, ekuthameleni izinqubo zomhlangano-

(a) uma ubufakazi obuzokwethulwa buwulwazi oluyimfihlo, kodwa kungukuthi ulwazi angeke lukwazi ukuvikeleka;

(b) uma ukuqhutshwa komhlangano okufanele kubudinga; noma

(c) ngesinye isizathu esizwakalayo lokho kuzomukelwa ezinqubweni zaseNkantolo

31. Ukushicilelwa kwemibiko nezinqumo zenkundla yamacala

(1) IHhovisi kumele-

(a) ezinsukwini ezingu-25 zokusebenza likhiphe isinqume, lishicilele isinqumo senkundla yamacala yesikhashana kusomqulu kahulumeni nakusizindalwazi somphakathi;

(b) njalo ezinyangeni eziyisithupha lishicilele kusizindalwazi salo noma kunoma yiyiphi inkundla yokwazisa umbiko okhuluma ngalokhu-

(i) ukuhlola okwenziwe kanye negama nendawo yesikhungo;

(ii) izitifiketi zokuthobela ezikhishiwe ezinegama nendawo yesikhungo;

(iii) imihlangano yokulalelwa kwamacala ebanjiwe ibe negama nendawo yesikhungo kanye nomphumela;

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(iv) izincomo ezenziwe kuziphathimandla ezifanele ngokwesigaba 79(1)(e); kanye

(v) nezikhalazo ezifikile zasonjululwa yi-Ombud, ngokwezinhlelo

(c) njalo ngonyaka, lishicilele kusizindalwazi salo noma kunoma yiyiphi inkundla yokwazisa umbiko okhuluma ngalokhu

(i) ibeke isimo sokuthobela sazo zonke izikhungo zezempilo; kanye

(ii) sifinqe isibala kanye nohlobo lwezaziso zokuthobela ezikhishiwe.

ISAHLUKO 7

UKUPHATHWA KWEZIKHALAZO NOPHENYO

32. Ubani ongafaka isikhalazo

(1) Noma ubani angasifaka isikhalazo ku-Ombud, ngokwesigaba 81A(1) soMthetho, uma isikhungo sezempilo sephula noma yiziphi izinkambiso nemigomo ebekiwe.

(2) Noma yimuphi umuntu, umnakekeli noma omelet umuntu owahlinzekwa ngosizo lwezempilo, angasifaka isikhalazo ku-Ombud.

(3) Isikhalazo singabhekwa yi-Ombud yize noma umuntu ofanele okukhulunywa ngaye kumthethonqubo ongaphansi komkhulu (2), uma-

(a) umuntu eshona futhi, uma umuntu esaphila, wasifaka isikhalazo ngalolo daba oluthile noma;

(b) Umuntu efake isikhalazo wase eyashona ngaphambi kokuthi isikhalazo sibhekwe sifike emaphethelweni.

(4) Uma umthethonqubo ongaphansi komkhulu (3)(a) usebenza, isikhalazo singenziwa egameni lomuntu.

(5) Uma umthethonqubo ongaphansi komkhulu (3)(b) usebenza, i-Ombud ingase, ngesicelo esenziwe omunye umuntu, imvumele lowo muntu angene endaweni yalowo ofake isikhalazo.

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(6) Uma isikhalazo sasifakwe ngokomthethonqubo ongaphansi komkhulu (2) ommele umuntu owayehlinzekwe ngosizo lwezempilo, ngaphandle kwezimo ezibhalwe kumthethonqubo ongaphansi komkhulu (3), i-Ombud ingacela umuntu owayehlinzekwe ngosizo lwezempilo aqinisekise ukuthi nguye ngempela ofake isicelo.

33. Usifaka kanjani isikhalazo

(1) Isikhalazo ku-Ombud singafakwa -

(a) ngomlomo, kubandakanya ukushaya ucingo; noma

(b) Ngokubhala, kubandakanya ukuthumela i-imeyli noma ngezinye izindlela zekhompyutha.

(2) Uma isikhalazo sifakwe ngomlomo, i-Ombud kumele-

(a) siqophe isikhalazo; futhi

(b) Sicele umuntu ofake isikhalazo aqinisekise ukuthi okuqoshiwe kuyikho.

(3) I-Ombud kumele inike umuntu ofaka isikhalazo usizo olufanele mayelana nokufaka isikhalazo, iphinde yenze okudinga ukwenziwa ukuqinisekisa ukufinyeleleka kwe-Ombud ngabasebenzisi bosizo lwezempilo kanye nabanye abantu abathintekayo.

(4) Isikhalazo kumele siqukathe ulwazi olwanele mayelana nesikhalazo nalowo ofaka isikhalazo, kubandakanya ubufakazi noma izizathu zokufaka isikhalazo, kanye neminye imininingwane engase idingwe yi-Ombud ukuze ibhekane nesikhalazo.

34. Ukuvuma isikhalazo nesicelo solwazi olwengeziwe

(1) I-Ombud kumele ivume ukuthi isikhalazo isitholile emahoreni angama-48 okufakwa kwesikhalazo ngendlela eyiyo.

(2) I-Ombud ingase icele olunye ulwazi kulowo ofaka isikhalazo, okumele luhlinzekwe esikhathini esibhalwe esicelweni.

(3) I-Ombud ingase ingasibheki isikhalazo, noma iqhubeke nokubheka isikhalazo, kuze kube ukuthi umuntu ofake isikhalazo usilandelile isicelo njengoba kukumthethonqubo ongaphansi komkhulu (2), ngendlela umuntu ofake isikhalazo azokwazi ukusilandela ngayo leso sicelo.

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(4) Ukungalandeli okushiwo yisicelo kwalowo ofake isikhalazo kungenza ukuthi kuthathwe isinqumo sokuthi kungabe kusaqhutshekwa nesikhalazo.

35. Ukuhlungwa kwezikhalazo

(1) Inhloso yokuhlungwa kwezikhalazo ukuthola nokucwaninga ulwazi oluhambisana nesikhalazo bese kunqunywa ukuthi yiyiphi indlela efanele okungaqhutshekwa ngayo ngalesi sikhalazo.

(2) Ukuhlungwa kungenziwa ngendlela ayibona ifanele u-Ombud, kubandakanya–

(a) ukucubungula ulwazi oluhlinzekwe yilowo ofaka isikhalazo;

(b) ukucubungula ulwazi olutholwe ngokomthethonqubo 34(2) kulowo ofaka isikhalazo;

(c) ukubheka izethulo ezitholwe ngokomthethonqubo 36(1) kulowo ofake isikhalazo noma isikhungo sezempilo esifanele noma namuphi omunye umuntu noma isikhungo;

(d) ukuxhumana nalowo ofake isikhalazo noma isikhungo sezempilo esifanele; noma

(e) Ukuxoxisana nanoma yimuphi umuntu noma isikhungo onolwazi lobuchwepheshe olufanele mayelana nodaba lwesikhalazo.

36. Izethulo mayelana nezikhalazo

(1) I-Ombud inganika isaziso lowo ofaka isikhalazo noma isikhungo sezempilo esifanele, ecela ukuba bathumele izethulo mayelana neisikhalazo, okumele zifike ku-Ombud ngesikhathi esibekiwe.

(2) Isikhathi okumele izethulo zifike ngaso kumele sibe esikahle, kodwa akumele sibe ngaphezu kwezinsuku eziyi-20 zokusebenza kusukela ngosuku lwesaziso.

(3) I-Ombud kumele abheke isethulo ngasinye esitholwe esikhathini okukhulunywe ngaso kumthethonqubo 36(1).

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37. Isikhathi sokuqeda ukuhlunga

(1) I-Ombud kumele iqede ukuhlunga ezinsukwini eziyi-15 zokusebenza emva kokufakwa kwesikhalazo noma emva kokuthola ulwazi olwengeziwe ngokomthethonqubo 34(2).

(2) I-Ombud ingasengeza isikhathi sokuhlunga isikhalazo ngesikhathi esingaba izinsuku ezingu-15 zokusebenza uma kunesidingo ngenxa -

(a) yobukhulu noma ubunzima besikhalazo; noma

(b) Isikhathi esithathiwe ukuthola ulwazi olwengeziwe ngokomthethonqubo 34(2) noma izethulo ngokomthethonqubo 36(1).

38. Isinqumo emva kokuhlungwa

Emva kokuqeda ukuhlunga, i-Ombud kumele-

(a) yenze isinqumo ngokuthi-

(i) siphenye isikhalazo;

(ii) sidlulisele isikhalazo kwezinye iziphathimandla zomthetho noma elinye ibhodi noma isikhungo esifanele; noma

(iii) sithathe ezinye izinyathelo ngesikhalazo; siphinde

(b) sinike lowo ofake isikhalazo kanye nesikhungo sezempilo esifanele isaziso sezinqumo.

39. Ukusebenzisana nezinye izikhungo

I-Ombud kumele ixoxisane iphinde isebenzisane nezinye izikhungo zikahulumeni ezenza imisebenzi efana noma enomthelela, emisebenzini ye-Ombud.

40. Ukudluliselwa kwamacala esuka kwezinye izikhungo nomphakathi

Uma i-Ombud seyazi ngodaba oluthile, ngaphandle kwesikhalazo esisemthethweni, ngokudluliselwa lusuka-

(a) esikhungweni sezempilo;

(b) ezinye iziphathimandla zomthetho noma elinye ibhodi noma isikhungo esifanele, kubandakanya iHhovisi; noma

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(*c*) noma yingayiphi enye indlela bese inquma ukubhekana nodaba, i-Ombud ingase, ngokuvumelana nomuntu ofanele, ibhekane nodaba sengathi yiyo isikhalazo bese kuthi umuntu abe yilowo ofake isikhalazo

41. Isinqumo sokungaqhubeki nesikhalazo

(1) Noma yingasiphi iskhathi, i-Ombud inganquma ukungaqhubeki nesikhalazo uma i-Ombud ithola ukuthi-

(*a*) lowo ofaka isikhalazo -

(i) asinangqondo, angeke siphumelele, siwubala noma asenziwe ngokwezinjongo ezinhle;

(ii) asizwakali kahle noma asinaso isiqa;

(iii) sibhekwa esinye isikhungo esifanele ngendlela egculisayo;

(iv) i-Ombud noma isikhungo esifanele isisisombulule noma isiqede ngendlela efanele; kanye

(v) phezu kwemizamo eyenziwe yi-Ombud noma isikhungo esifanele, angeke sikwazi ukusombululeka; noma

(*b*) lowo ofake isikhalazo-

(i) uhlulekile, ngaphandle kwesizathu esizwakalayo, -—

(*aa*) ukusebenzisana ne-Ombud ngendlela egculisayo ukuze basombulule isikhalazo; kanye

(*bb*) Ukulandela isicelo esenziwe yi-Ombud ngolwazi olwengeziwe, ubufakazi noma izethulo ezidingwa yi-Ombud ukuze ibhekane kahle nesikhalazo.

(2) I-Ombud ingase inqume ukungaqhubeki nodaba uma-—

(a) isikhalazo sihoxisiwe;

(*b*) udaba okukhalazwa ngalo lwavela, kanti lowo ofaka isikhalazo uyalwazi lolo daba, okungenani eminyakeni emi-2 eyedlule ngaphambi kokuthi kwenziwe isikhalazo; noma

(*c*) Lowo ofaka isikahlazo, noma omunye umuntu othintekayo eshona bese i-Ombud ibona ukuthi asikho isidingo sokuqhubeka nesikhalazo.

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42. Ukuphenywa kwesikhalazo

Inqubo yokuqhuba uphenyo izoba yileyo i-Ombud eyibona ifanele ngokwesimo secala, futhi ikakhulu, engabuza ngalokhu, uma esibona isidingo futhi kumele ihambisane nemithethonqubo efanele.

43. Isaziso esiya kusikhungo sezempilo esiphenywayo

I-Ombud kumele yazise isikhungo sezempilo esifanele mayelana nophenyo, ngaphambi noma uma seluqalile uphenyo.

44. Imibiko ngenqubekela phambili

I-Ombud kumele, njalo ngezinyanga ezimbili, inike isaziso ngenqubekela phambili yophenyo -

(a) kusikhungo sezempilo esiphenywayo; kanye

(b) nalowo ofake isikhalazo

45. Isikhathi sokuqeda uphenyo

(1) I-Ombud kumele iqede uphenyo okukhulunywa ngalo kumthethonqubo 42 esikhathini esiyizinyanga eziyi-6, ngaphandle uma sengeziwe ngokomthethonqubo ongaphansi komkhulu (2), emva kwesinqumo sokwenza uphenyo.

(2) I-Ombud ingase iselule isikhathi sokuqeda uphenyo uma i-Ombud ibona kanjalo, emva kokubheka zonke izimo, kubandakanya ubungako kanye nobunzima bodaba oluphenywayo, akukho lula ukuqeda kahle uphenyo ngesikhathi esingumnqamula juqu.

(3) Isikhathi sokuqeda uphenyo singengezwa izikhathi ezingaphezulu kwesisodwa, kodwa ngaso sonke isikhathi sengezwa asingabi ngaphezu kwezinyanga ezi-3, inqobo uma isikhathi sophenyo singadluli iminyaka emi-2.

46. Irejista yophenyo

(1) I-Ombud kumele igcine irejista, kusizindalwazi se-Ombud umphakathi ozokwazi ukungena kuso, yalo lonke uphenyo.

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(2) Irejista kumele ibe nohlu lwalwezi zindaba ezilandelayo ngophenyo ngalunye-

(a) uhlobo lwenkambiso nomgomo okuphuliwe;

(b) uhlobo lodaba oluphenywayo;

(c) usuku okwanqunywa ngalo ukuthi kwenziwe uphenyo;;

(d) usuku lwamanje lokuqedela uphenyo;

(e) isimo samanje ngophenyo; kanye

(f) nesizathu sokwengeza isikhathi sophenyo.

(3) Irejista kumele ingalufaki ulwazi oluhlonza noma olubeka lowo ofake isikhalazo, isikhungo sezempilo noma umuntu owayehlinzekwa yisikhungo sezempilo ngosizo ebungozini,.

47. Umbiko oya kuNgqongqoshe

(1) Uma uphenyo lungaqediwe eminyakeni emi-2 emva kokuthathwa kwesinqumo sokuthi lwenziwe, i-Ombud kumele inike uNgqongqoshe isaziso esibhalwe-—

(a) imininingwane yodaba oluphenywayo; kanye

(b) nezizathu zokuthi kungani uphenyo lungakapheli.

(2) UNgqongqoshe angenza isinqumo mayelana nodaba, kubandakanya isinqumo -

(a) sokuluvala udaba;

(b) sokulula uphenyo ngesikhathi esithile; noma

(c) sokudlulisela udaba kuziphathimandla ngokomthetho, ibhodi noma isikhungo

48. Isaziso sesinqumo emva kokuphenya isikhalazo kanye nombiko wophenyo

Ezinsukwini eziyi-10 emva kokuqeda uphenyo, i-Ombud kumele yazise lowo ofake isikhalazo kanye nesikhungo sezempilo ngemiphumela kanye nezincomo.

(a) ukwazisa lowo ofaka isikhalazo kanye nesikhungo sezempilo ngomphumela kanye nezincomo, ngokuhambisana nesigaba 81A(11) soMthetho; siphinde

(b) sithumele umbiko oqukethe imiphumela kanye nezincomo zoMphathi Omkhulu, ngokuhambisana neSigaba 81A(9) soMthetho, ukuze kuthathwe izinyathelo ezifanele.

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49. Ukudliliswa kwecala nemibiko isuka kwesinye isiphathimandla somthetho noma elinye ibhodi noma isikhungo esifanele

(1) Uma udlilisela udaba, i-Ombud kumele inike isiphathimandla, ibhodi noma isikhungo esifanele lonke ulwazi oluhambisana nalolu daba i-Ombud enalo, kubandakanya, imininingwane yesikhalazo, lowo ofaka isikhalazo kanye nesikhungo sezempilo esifanele.

(2) Iziphathimandla zomthetho noma ibhodi noma isikhungo esifanele okudluliselwe kuso udaba kumele sihlinzeke i-Ombud

(a) ngemibiko mayelana nenqubekela phambili ngodaba ngezikhathi ezifanele;

(b) ezinsukwini ezingama-25 zokusebenza emva kokuqeda uphenyo, ngombiko obhaliwe wemiphumela yalokhu okwenziwe mayelana nalolo daba.

(3) Ngokuhloswe umthethonqubo ongaphansi komkhulu **"isiphathimandla ngokomthetho"** kusho noma yisiphi isiphathimandla esisungulwe umthetho noma ngaphansi komthetho wesifundazwe noma kazwelonke.

50. Ubumfihlo bolwazi

(1) Ulwazi olutholwe yi-Ombud noma abasebenzi bakhona ngokwesigaba 81(3)(c) soMthetho ngenxa noma ngenhloso yophenyo kumele lungakhishwa kumuntu wesithathu, ngaphandle ngezinhloso zokuphenya kanye nanoma yimuphi umbiko owenziwe ngalo.

(2) Isikhungo sezempilo singase, ngokubhala isaziso esichaza ukuthi kungani ulwazi luyimfihlo, sifake isicelo sokuthi ulwazi lube yimfihlo.

(3) I-Ombud kumele, ezinsukwini eziyi-10 zokusebenza emva kokuthola isaziso okukhulunywa ngaso kumthethonqubo ongaphansi komkhulu (2), sihlonze ukuthi ulwazi luyimfihlo noma cha, kanti uma i-Ombud ithola ukuthi ulwazi luyimfihlo, lenze isinqumo esifanele mayelana nokuthola lolo lwazi.

(4) Isikhungo sezempilo singase, ezinsukwini eziyi-10 zokusebenza emva kokuthola okutholwe yi-Ombud ngokomthethonqubo ongaphansi komkhulu (3), sifake isicelo sokudluliselwa kwecala ngalokhu okutholiwe noma ngesinqumo esishiwo kumthethonqubo ongaphansi komkhulu (3), kuNgqongqoshe ngokwesigaba 88A soMthetho.

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ISAHLUKO 8

UKUHLINZEKELWA OKUJWAYELEKILE

51. Amafomu abekiwe

(1) Amafomu abekiwe ukusetshenziselwa leMithethonqubo abekwe kuSithasiselo saleMithethonqubo.

(2) Noma yiliphi ifomu okumele noma elingase lithunyelwe yisikhungo sezempilo noma umsebenzisi eHhovisi ngokwalemithethonqubo lingathunyelwa ngekhompyutha.

52. Isihloko esifishane kanye nokuqala

Imithethonqubo ibizwa ngeMithethonqubo yeNqubo emayelana nokusebenza kweHhovisi lokuThobela imigomo yezempilo kanye neBhodi lalo, bese isebenza ekushicilelweni kumqulu kahulumeni.

DR A MOTSOALEDI, MP

MINISTER OF HEALTH

DATE: 30/8/2016

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ISITHASISELO

AMAFOMU ABEKIWE

Inombolo yefomu.	Inombolo yesigaba	Inombolo Yomthethonqubo	Incazelo
OHSC 1		4(2)	Ulwazi ngesikhungo sezempilo
OHSC 2	80(3)	8(2)	Isitifiketi sokuqokwa njengomhloli
OHSC 3		13(2)	Isaziso sokuhlola esikhungweni sezempilo
OHSC4		18(1)	Isitifiketi sokuthobela
OHSC 5	79(1)*(c)*	19(2)	Isicelo sokuvuselela isitifiketi/imvume
OHSC 6	82A(1)	21(2)	Isaziso sokuthobela ezikhungweni zezempilo
OHSC 7	82A(4)*(a)*	23(2)	Isexwayiso esibhaliwe
OHSC 8		26(5)	Isaziso somhlangano
OHSC 9	88A	30(2)	Isazio sokudluliswa kwecala

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OHSC 1

ULWAZI NGESIKHUNGO SEZEMPILO

Zonke izikhungo zezempilo kanye nabasebenzisi ihhovisi elidinga bahlinzeke ngolwazi mayelana nezinkambiso nemigomo ebekiwe, ngokwesigaba 79(2)(b) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), kumele benze lokho mhla zingama-31 kuNdasa wonyaka nonyaka. Uma umuntu ophethe, okukhulunywa ngaye kumthethonqubo 6(1), ehluleka ukuhlinzeka ihhovisi ngolwazi oludingekayo esikhathini esibekiwe, iHhovisi kumele lidlulisele udaba kunhloko yomnyango wezempilo kuzwelonke noma esifundazweni noma kunhloko yomnyango wezempilo kumasipala noma kunhloko yesikhungo sezempilo, lokho okungaba yikho, ukuze ingenelele ngokwenqubomgomo nezinqubo zokungenelela zeziphathimandla ezifanele.

Igama lesikhungo sezempilo	
Isimo kwezomthetho	
Imininingwane yesiphathimandla esifanele (kunhloko yomnyango wezempilo kuzwelonke noma esifundazweni, kunhloko yesikhungo sezempilo noma iqembu lezibhedlela esizimele)	
Ikheli lendawo lapho isikhungo sezempilo sikhona	
Ukuxhumanisa nge-GPS – imigqa ekhombisa ukuthi indawo ikuphi (*latitude and longitude*)	
Imininingwane yokuxhumana yesikhungo sezempilo kubandakanya Inombolo yocingo Ikheli le-imeyli imininingwane yesizindalwazi	
Igama lomuntu ophethe	
Imininingwane yokuxhummana yomuntu ophethe	
Uhlobo lwesikhungo sezempilo (ngokwenqubomgomo yokuPhathwa kweziBhedlela zikaHulumeni eshicilelwe kumqulu kahulumeni nombolo 34522 wamhla 12 kuNcwaba wangonyaka ka-2011);	
Isifunda sezempilo isikhungo sezempilo esingaphansi kwaso;	
Usizo olutholakalayo kubandakanya inani lemibhede ngosizo noma inani lamagumbi okuhlolela	
Izikhathi zokusebenza Igumbi leziguli ezilaliswayo	

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Igumbi leziguli eziphumayo Igumbi lezimo eziphuthumayo Ikhemisi	
Umnyango wezindaba zabasebenzi. Inani labasebenzi ngohlobo lwabo: Ongoti kwezokunakekelwa kwezempilo Abaphathi Abaphathi besikhungo Usizo lokweseka umtholampilo/isibhedlela	
Imiphumela yokuzihlola makubhekwa izinkambiso nemigomo ebekiwe	
UMphathi Omkhulu (Isiginisha)	Usuku _________________

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OHSC 2

ISITIFIKETI SOKUQOKWA NJENGOMHLOLI

Lesi sitifiketi sokuqokwa njengomhloli weHhovisi lokuThobela Imigomo yezeMpilo sikhishwa ngokweSigaba 80(2) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), kanye neMithethonqubo 8 yeMithethonqubo yeziNquobo emayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kwezikhalazo yi-Ombud.

Igama nesibongo ______________________ ______________________ Inombolo ye-OHSC: ____________	*(isithombe)*	Usuku esikhishwe ngalo ____________________ Usuku esiphelelwa ngalo ______________________
UMphathi Omkhulu *(Isiginisha)*	Inombolo yokuxhumana ne-OHSC ________________________	Ikheli le-OHSC ____________________

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OHSC 3

ISAZISO SOKUHLOLA

Inhloso yokuhlola *NgokoMthethonqubo 13 weMithethonqubo yeziNqubo mayelana nokuSebenza eHhovisi lokuThobela Imigomo yezeMpilo kanye nokuPhathwa kwezikhalazo yi-Ombud, umhloli kumele anike isikhungo sezempilo isaziso sokuhlola uma ezoqala ukuhlola okushiwo kusigaba 82 soMthetho. Lokhu kuhlola kumele kwenziwe ukuze abahloli abasemthethweni beHhovisi lokuThobela Imigomo yezeMpilo ukuze baqaphe izinga lokuthobela izinkambiso nemigomo elawulayo ukuze kubhekwe izinga lekhwalithi lokunakekelwa kwezempilo njengoba uyalelwe nguMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003) ("uMthetho") kanye neMithethonqubo eyamenyezelwa nguNgqongqoshe wezeMpilo eluleka iHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kwezikhalazo yi-Ombud.* ***Imisebenzi/izibophezelo zesikhungo sezempilo*** *Imisebenzi/izibophezelo zesikhugo sezempilo ngeisikhathi kwenziwa lokhu ukuqinisekisa ukuthi abasebenzi, izinsizakusebenza kanye nendawo yokusebenzela iyamvumela umhloli ukuthi akwazi ukuqeda ukuhlola ngesikhathi nangendlela esheshayo.*
Amandla abahloli *Ngokwesigaba 82(1) soMthetho, umhloli angangena nakunoma yisiphi isikhungo sezempilo ngesikhathi esifanele, enze lokhu-* *(a) ahlole isikhungo sezempilo, njengoba kungaba njalo, ukuze aqinisekise ukuthobela noMthetho;* *(b) afake imibuzo noma ubani akholelwa ukuthi angaba nolwazi oluhambisana nokuhlola;* *(c) acele umuntu ophethe isikhungo sezempilo akhiphe, ukuze kuhlolwe noma ngenhloso yokuthola amakhophi noma okunye okungaba lapho kulawo maphepha, kubandakanya irekhodi lezempilo okushiwo esiGabeni 15 soMthetho, okumele lowo muntu awagcine ngokomthetho.* *(d) athathe isampula yanoma yini noma izithombe ezihambisana nokuhlolwa.*

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Imvume yokuhlola NOMA imvume yokungena (cacisa)	
Usuku lokuhlola	
Isikhathi esilinganiselwe ukuhlola	
Usuku lokubika nokuphawula	
Inani labasebenzi abagunyaziwe abayingxenye yokuhlola	
Imininingwane yokuxhumana yomhloli obhekele ukuhlola	

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Imisebenzi/izibophezelo zesikhungo sezempilo	
uMphathi omkhulu (*Isiginisha*)	Usuku __________________

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OHSC 4

ISITIFIKETI SOKUTHOBELA

Lesi sitifiketi sokuthobela sikhishwa yiHhovisi lokuThobela Imigomo yezeMpilo ngokweSigaba 82 (7) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003)kanye noMthethonqubo 18(1) weMithethonqubo yeNqubo mayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kweziKhalazo yi-Ombud (iMithethonqubo)

Isitifiketi sokuThobela sihlala sisemthethweni isikhathi esingekho ngaphezulu kweminyaka emi-4 ngaphambi kokufika kwesikhathi sokufaka isicelo sokuvuselelwa kwaso, kodwa-ke, iHhovisi lingase, ngokoMthethonqubo 15(1) weMithethonqubo yeNqubo okukhulunywe ngayo ngenhla yenza okunye ukuhlola noma ngasiphi isikhathi ekholelwa ukuthi isikhungo siyehluleka ukulandela lokhu okuhlinzekelwa uMthetho.

Igama lesikhungo sezempilo esinesitifiketi sokuthobela	
Uhlobo lwesikhungo sezempilo	
Ikheli lendawo	
Ikheli losizo ngezinqubo zezomthetho nezaziso, (uma lingafani nekheli lendawo)	
Usuku lokuhlola	
uMphathi Omkhulu (*isiginisha*)	Usuku lwesitifiketi Usuku lokuphelelwa yisikhathi kwesitifiketi

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OHSC 5

ISICELO SOKUVUSELELWA NOMA SOKWELULWA KWEMVUME NGOKOMTHETHO/ISITIFIKETI

NgokweSigaba 82 (7) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003)kanye noMthethonqubo 19 weMithethonqubo yeNqubo mayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuphathwa kweziKhalazo yi-Ombud (iMithethonqubo), isicelo sokuvuselelwa kwesitifiketi kumele sithunyelwe eHhovisi, esikhathini esingaphansi kwezinyanga eziyisithupha ngaphambi kokuphelelwa yisikhathi sesitifiketi sokuthobela. Lesi sitifiketi sokuvuselela emva kokuhlola njengoba kushiwo kumthethonqubo 14, uhlinzekela ukuthi iHhovisi lingaselula isikhathi sesitifiketi kuze kube unyaka o-1 kusalinde ukuhlolwa.

Igama lesikhungo sezempilo esifaka isicelo sokwelulwa kwesitifiketi	
Ikheli	
Igama lomuntu ophethe	
Usuku lokugcina lokuhlola	
Usuku lokukhishwa kwesitifiketi	
Usuku lokuphelelwa yisikhathi sesitifiketi	
Inombolo yesitifiketi	
Umuntu ophethe isikhungo sezempilo *(Isiginisha)*	Usuku ______________________________
Okunanyathiselwayo 1. Umbiko wakamuva osanda kuthunyelwa 2. Imibiko yezinyanga eziyi-6 zezinkomba zobungozi 3. Imibiko yonyaka yokuhlola kusukela ngesikhathi sokugcina sokuhlola 4. uhlelo lwakamuva lokuthuthukisa izinga	

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OHSC 6

ISAZISO SOKUTHOBELA

Isaziso sokuthobela sinikwa umuntu ophethe isikhungo sezempilo ngokwesigaba 82A (1) soMthetho wezeMpilo kuZwelonke, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), ("uMthetho") kanye neMithethonqubo 21(1) weMithethonqubo yeNqubo esikhishwe ngokoMthetho mayelana nokuSebenza kweHhovisi leMigomo yokuThobela yezeMpilo kanye nokuPhathwa kweziKhalazo yi-Ombud (imithethonqubo, uma isikhungo sezempilo uma sihlolwa sitholakale ukuthi asithobeli izinkambiso nemigomo ebekiwe eMthethweni.

Izijeziso ezingakhishwa yiHhovisi lokuThobela Imigomo yezeMpilo uma kwenzeka kuqhutshekwa nokungathobeli nangokweSigaba 82A(4) soMthetho ukwenza lokhu:

a) ukukhipha isexwayiso esibhaliwe sokuthobela esikhathini esibekiwe ngendlela ebekiwe;

b) sidinge impendulo ebhaliwe ephuma esikhungweni sezempilo mayelana nokuqhubeka nokungathobeli;

c) sihambise izincomo kuziphathimandla ezifanele ngokungenziwa okufanele, kubandakanya ukubanjwa kwemihlangano yokuqondiswa kwezigwegwe kulowo muntu obhekelene nokungathobeli noma oqhubeke nokungathobeli;

d) ichithe isitifiketi sokuthobela bese enza izincomo kuNgqongqoshe zokuthi kuvalwe isikhungo sezempilo isikhashana noma unomphelo noma ingxenye yaso enobungozi obukhulu kwezempilo zomphakathi noma kubasebenzisi bosizo lwezempilo;

e) ijezise lowo muntu ngenhlawulo ehlonzwe nguNgqongqoshe kumqulu kahulumeni manje namanje; noma

f) adlulisele udaba Ophikweni lwezokuShushisa kuZwelonke ukuze ashushiswe.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Igama lomutnu ophethe	
Imininingwane yokuxhumana yomuntu ophethe	
Amaphuzu kanye nesimo sokuthobela	
Izidingo zokokulungisa okumele kwenziwe	
Igama lomuntu oku-OHSC okuzothunyelwa	

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kuye amaphepha	
Izithasiselo 1. izinkambiso nemigomo ebekiwe engalandelwanga; 2. imininingwane yohlobo nobukhulu bokungathobeli; 3. Izinyathelo okumele zithathwe kanye nesikhathi okumele lezi zinyathelo zithathwe ngaso	

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OHSC 7

ISEXWAYISO ESIBHALIWE

IHhovisi lokuThotshelwa kweMigomo yezeMpilo linganika umuntu ophethe isexwayiso esibhaliwe, ngokwesigaba 82A(4)(a) soMthetho kaZwelonke wezeMpilo, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), ("uMthetho") noMthethonqubo 23 (1) kanye no(2) weMithethonqubo yeziNqubo mayelana nokuSebenza kweHhovisi lokuThobela Imigomo yezeMpilo kanye nokuPhathwa kwezikhalazo yi-Ombud (iMithethonqubo, yokuhluleka ukuthobela esikhishwe ngokweSigaba 82A soMthetho kanye noMthethonqubo 21(1) seMithethonqubo.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Iomuntu ophethe	
Imininingwane yokuxhumana yomuntu ophethe	
Izithatsiselo Izinkambiso nemigomo ebekiwe engalandelwanga 1. Uhlobo nobukhulu bokungathotshelwa komthetho 3. Imizamo eyenziwe yisikhungo sezempilo ukulungisa ukungathobeli umthetho	
Izinyathelo ezithathwe yihhovisi ukuphoqelela ukuthobela umthetho.	
Usuku okumele aphendule ngalo ngesexwayiso esibhaliwe	
Igama nekheli lokuthumelela impendulo	

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OHSC 8

ISAZISO SOMHLANGANO OHLELIWE/OSEMTHETHWENI

Ngaphambi kokuchitha isitifiketi sokuthobela noma ukugagula inhlawulo ngokweSigaba 82A(4) soMthetho kaZwelonke wezeMpilo, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), ("uMthetho"), iHhovisi kumele, ngokoMthethonqubo 25 weMithethonqubo zeziNqubo mayelana nokuSebenza kweHhovisi lokuthobela Imigomo yezeMpilo kanye nokuPhathwa kweziKhalazo yi-Ombud ("iMithethonqubo") lazise isikhungo sezempilo ngenhloso yalo yokuchitha isitifiketi sokuthobela noma yokugagula inhlawulo, noma ikuphi okusebenzayo, bese libiza umhlangano ukuze lizonika isikhungo sezempilo ithuba lokuziphendulela, ngaphambi kokuthathwa kwesinqumo esingujuqu.

Igama lesikhungo sezempilo	
Ikheli lesikhungo sezempilo	
Igama lomuntu ophethe	
Ulwazi lokuxhumana lomuntu ophethe	
Igama lesiphathimandla esifanele	
Ulwazi lokuxhumana lesiphathimandla esifanele	
Usuku, isikhathi kanye nendawo okuzobanjelwa kuyo umhlangano	
Igama nesikhundla sikasihlalo womhlangano	
Isihloko okukhulunywa ngaso emhlanganweni	
Amaphepha afunekayo, amarekhodi, noma izinto	
Usuku lokuthumela lokhu okungenhla	
Izithasiselo: 1. izinkambiso nemigomo ebekiwe okungahanjiswananga ngayo 2. isimo nobubanzi bokungathobeli 3. Izinto ezenziwe isikhungo sezempilo ukulungisa ukungathobeli 4. Izinyathelo ezithathwe yiHhovisi ukuze liqinisekise ukuthobela	

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OHSC 9

ISAZISO SOKUDLULISA ISIKHALAZO

Ngokwesigaba 88A soMthetho kaZwelonke wezeMpilo, 2003 (uMthetho nombolo 61 wangonyaka ka-2003), noma yimuphi umuntu ongaphathekile kahle ngenxa yesinqumo sehhovisi noma nanoma yimiphi imiphumela kanye neziphakamiso ze-Ombud mayelana nodaba olulawulwa yilo Mthetho, noma umuntu obambele omunye egameni lakhe, engakwazi, ezinsukwini ezingama-30 zokwazi ngaleso sinqumo, afake isicelo sokudluliswa kwecala noNgqongqoshe, okumele aqoke isigungu sesikhashana esizimele okuyibo okumele isicelo esifikile sithunyelwe khona.

Igama lesikhungo	
Ikheli lesikhungo	
Igama lomuntu ofaka isicelo	
Imininingwane yokuxhumana yomuntu ofake isicelo sokudlulisa	
Isinqumo, umphumela noma isiphakamiso, ngesicelo sokudlulisa isikhalazo	
Usuku lwaleyo miphumela, isicelo sokudluliswa noma okuphakanyisiwe	
Izizathu zokufaka isicelo sokudluliswa	
Esithasiselweni Noma yimaphi amaphephaa ukumelwa okuhambisanayo nokudluliswa kwecala	

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