REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN LANGUAGE PRACTITIONERS' COUNCIL ACT

IRIPHABHULIKI YASENINGIZIMU AFRIKA

UMTHETHO WOMKHYANDLU WABASEBENZI ABASEBENZA NGOLIMI ENINGIZIMU AFRIKA

No 8, 2014

ACT

To provide for the establishment of the South African Language Practitioners' Council; to provide for the objects, powers, duties and functions of the Council; to determine the manner in which the Council is to be managed, governed, staffed and financed; to regulate the training of language practitioners; to provide for control of the accreditation and registration of language practitioners; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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CHAPTER 1

DEFINITIONS AND APPLICATION

Definitions

1. In this Act, unless the context otherwise indicates—

"accreditation" means the certification, usually for a particular period of time, in respect of individuals, as having the capacity to fulfill a language function as prescribed in the quality assurance system set up by the South African Language Practitioners' Council in terms of this Act;

"Board" means the Board of the Council appointed in terms of section 6;

"chief executive officer" means the chief executive officer appointed in terms of section 16;

"Council" means the South African Language Practitioners' Council established in terms of section 3;

"Council for Higher Education" means the independent statutory body responsible for advising the Minister on all higher education policy issues, and for quality assurance;

"Department" means the Department in the National Government responsible for language matters;

"interpreter" means a person who transposes an utterance from a source language to a target language in spoken or signed form;

"interpreting" means the act of transposing an utterance from a source language to a target language in spoken or signed form;

"language practitioner" means a paid occupation which involves the work that is done by language practitioners including, but not limited to translators, interpreters, language planners, terminologists, lexicographers, text editors and any other person conducting language related work, registered as such under this Act;

"language profession" means work related to such fields as language editing, translation, terminology, lexicography, or any other work related to language;

"lexicographer" means a person who engages in the practice of compiling dictionaries;

"lexicography" means the practice of compiling dictionaries;

"member" means a member of the Board of the Council;

"Minister" means the Minister responsible for language matters;

"Parliament" means the National Assembly and the National Council of Provinces referred to in section 42 of the Constitution of the Republic of South Africa, 1996;

"prescribe" means prescribe by regulation under this Act and;

"prescribed" has a corresponding meaning;

"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"qualification" means a duly accredited degree, diploma or certificate awarded after examination by a registered training institution to a person's proficiency in a particular subject;

"**register"**, when used as a noun, means a register kept in accordance with the provisions of this Act, and when used in relation to any class or a member of any class of persons in respect of which a register is kept, means the register kept for that class;

"registrar" means the person responsible for registration of language practitioners and appointed by the chief executive officer in terms of section 19;

"registration" means the act of registering, after compliance with the accreditation process prescribed by the Council;

"regulation" means any regulation made under this Act;

"rule" means any rule made under this Act;

"South African Qualifications Authority" means the South African Qualifications Authority contemplated in Chapter 4 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

ISAHLUKO 1

IZINCAZELO

Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi ibeka ngenye indlela—

"ukugunyaza" kuchaza ukukhishwa kwesitifiketi, ngokujwayelekile esikhishelwa isikhathi esithile, kubantu, abanolwazi lokusebenza ngolimi njengoba kunqunyiwe ohlelweni oluqikelela amazinga olusungulwe uMkhandlu waba-Sebenzi abaSebenza ngoLimi eNingizimu Afrika ngokwemigomo yalo Mthetho;

"iBhodi" lichaza iBhodi loMkhandlu eliqokwe ngokwemigomo yesigaba sesi-5;

"umphathi omkhulu" uchaza umphathi omkhulu oqokwe ngokwemigomo yesigaba se-15;

"uMkhandlu" uchaza uMkhandlu wabaSebenzi abaSebenza ngoLimi eNingizimu Afrika ngokwemigomo yesigaba sesi-2;

"uMkhandlu wezeMfundo Ephakeme" uchaza igatsha lomthetho elizimele elibhekele ukululeka uNgqongqoshe ngazo zonke izindaba zenqubomgomo yemfundo ephakeme;

"uMnyango" uchaza uMnyango kuHulumeni kaZwelonke obhekele izindaba zolimi;

"utolika" uchaza umuntu oguqula okuphinyisiwe kusukela kolunye ulimi kuya kolunye ulimi noma kokusayindiwe;

"ukutolika" kuchaza isenzo sokuguqula okuphinyisiwe kusukela kolunye ulimi kuya kolunye ulimi noma kokusayindiwe;

"umsebenzi osebenza ngolimi" uchaza umsebenzi okhokhelwayo ophathelene nomsebenzi owenziwa umsebenzi osebenza ngolimi kubandakanya, abahumushi, otolika, abahleli bolimi, abaqambi bamagama, ababhali bezichazamazwi, abahleli bemibhalo nabanye abantu abenza umsebenzi ohambisana nolwimi, abakubhalisele lokho ngaphansi kwalo Mthetho;

"umsebenzi ofundelwe wezilimi" uchaza umsebenzi ohambisana nomkhakha wokuhlela ulimi, ukuhumusha, ukutolika, ukuqamba amagama, ukubhala izichazamazwi, noma nomunye umsebenzi ohambisana nolimi;

"umbhali wezichazamazwi" uchaza umuntu obhala izichazamazwi;

"ukubhala izichazamazwi" kuchaza ukubhala izichazamazwi;

"ilungu" lichaza ilungu leBhodi loMkhandlu;

"iPhalamende" lichaza isiGungu sikaZwelonke noMkhandlu kaZwelonke weziFundazwe ovezwe esigabeni sama-42 soMthethosisekelo waseRiphabhuliki yaseNingizimu Afrika, we-1996;

"uNgqongqoshe" uchaza uNgqongqoshe obhekele izindaba zolimi;

"ukunquma" kuchazwa okunqunywe ngezimiso zomthetho ngaphansi kwalo Mthetho futhi;

"okunyunyiwe" kunencazelo efanayo neyokunquma;

"i-*Public Finance Management Act*" ichaza i-*Public Finance Management Act, 1999 (Act No. 1 of 1999)*;

"iziqu" zichaza idigri egunyaziwe, idiploma noma isitifiketi esiklonyeliswa ngemuva kokuhlolwa isikhungo sokuqeqesha esibhalisiwe siklomelisa umuntu onolwazi esifundweni esithile;

"irejista" uma isetshenziswa njengebizo, ichaza irejista egcinwe ngokulandela imibandela yalo Mthetho, futhi uma isetshenziswa emkhakheni noma kwilungu lanoma omuphi umkhakha wabantu lapho kugcinwa khona irejista, ichaza irejista egcinelwe lowo mkhakha;

"unobhala" uchaza umuntu obhekele ukubhalisa abasebenzi abasebenza ngolimi futhi oqokwe ngumphathi omkhulu ngokwemigomo yesigaba sesi-18;

"ukubhalisa" kuchaza ukubhalisa, ngemuva kokulandela uhlelo lokugunyazwa olunqunywe uMkhandlu;

"izimiso zomthetho" zichaza izimiso zomthetho ezimiswe ngaphansi kwalo Mthetho;

"umthetho" uchaza noma omuphi umthetho ongaphansi kwalo Mthetho;

"uMkhandlu weziQu waseNingizimu Afrika" uchaza uMkhandlu weziQu waseNingizimu Afrika ovezwe eSahlukweni sesi-4 se-*National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

"terminologist" means a person who collects terms and related terminological data from technical text, conducts research on the meaning of terms, and manipulates the data by using and applying terminological methods and principles to comply with the needs of particular target users;

"terminology" means the technical vocabulary of a particular subject field or domain, characterised by the restricted and standardised meaning of the terms as the linguistic designations of the specialised concepts of the particular subject field or domain;

"text editor" means a person who effects corrections of language and style in written texts, or recorded signed texts;

"this Act" includes the regulations and rules made under this Act;

"translation" means the act of transposing a written, spoken or signed text from a source language to a target language; and

"translator" means a person who transposes a written, spoken or signed text from a source language to a target language.

Application of Act

2. This Act applies to all language practitioners within the Republic of South Africa.

CHAPTER 2

SOUTH AFRICAN LANGUAGE PRACTITIONERS' COUNCIL

Establishment of South African Language Practitioners' Council

3. (1) There is hereby established a juristic person for the protection and promotion of language practice in the Republic to be known as the South African Language Practitioners' Council.

(2) The Council is a National Public Entity subject to the Public Finance Management Act.

Objects of Council

4. The objects of the Council are to—

(a) promote and protect the language practice in the Republic;

(b) scrutinise particulars of people intending to register;

(c) register people who are registrable by the Council;

(d) accredit people who are accreditable by the Council;

(e) develop, implement, revise and amend a code of conduct relating to the conduct of registered language practitioners;

(f) protect language practitioners' professional interests;

(g) protect the members of the public who make use of services provided by language practitioners;

(h) regulate the provision of language service to members of the public;

(i) provide and encourage the provision of opportunities for persons, especially from indigenous communities, to enter and participate in the language practice in the Republic;

(j) contribute to an enabling environment for job creation in the language practice in the Republic; and

(k) advise the Minister on matters affecting the language profession.

Functions of Council

5. (1) The Council must—

(a) administer funds appropriated by an Act of Parliament;

(b) initiate and administer funding from sources other than that appropriated by an Act of Parliament;

"umqambimagama" uchaza umuntu oqoqa amagama namagama ahambisanayo emibhalweni yezobuchwepheshe, wenza ucwaningo ukuthola incazelo yamagama, futhi aguquguqule imininingwane ngokusebenzisa izindlela nemigomo yokuqamba amagama ukuhambisana nezidingo zabantu abathile;

"amagama" achaza amagama ezobuchwepheshe omkhakha othile noma ohlaka oluthile, anencazelo ebekelwe imikhawulo futhi anencazelo esezingeni elithile ngokomkhakha wolimi kulowo mkhakha noma ohlakeni oluthile kwezobuchwepheshe;

"umhleli wemibhalo" uchaza umuntu olungisa ulimi nendlela okubhalwe ngayo emibhalweni ebhaliwe;

"lo Mthetho" ubandakanya izimiso zomthetho nemithetho eshaywe ngaphansi kwalo Mthetho;

"ukuhumusha" kuchaza ukuguqula umbhalo noma inkulumo ukususela kolunye ulimi ngokubhaliwe noma kokukhulunyiwe noma kokushiwo; futhi

"umhumushi" uchaza umuntu oguqula umbhalo ewususela kolunye ulimi ewuyisa kolunye ulimi ngokubhaliwe, noma okukhulunyiwe noma kukushiwo.

Ukusebenza koMthetho

2. Lo Mthethosivivinywa usebenza kubasebenzi bonke abasebenza ngolimi eRiphabhuliki yaseNingizimu Afrika.

ISAHLUKO 2

UMKHANDLU WABASEBENZI ABASEBENZA NGOLIMI ENINGIZIMU AFRIKA

Ukusungulwa koMkhandlu wabaSebenzi abaSebenza ngoLimi eNingizimu Afrika mokusebenza koMthetho

3. (1) Ngakho-ke sekusungulwe igatsha elizovikela futhi likhuthaze ukusetshenziswa kolimi eRiphabhuliki elizobizwa ngokuthi uMkhandlu wabaSebenzi abaSebenza ngoLimi eNingizimu Afrika.

(2) Lo Mkhandu uyiGatsha likaHulumeni kaZwelonke ngokwe-*Public Finance Management Act*.

Izinjongo zoMkhandlu

4. Izinjongo zoMkhandlu uku—

(a) khuthaza nokuvikela ukusetshenziswa kolimi eRiphabhuliki;

(b) hlaziya imininingwane yabantu abafisa ukubhalisa;

(c) ukubhalisa abantu okufanele babhaliswe uMkhandlu;

(d) gunyaza abantu okufanele bagunyazwe uMkhandlu;

(e) thuthukisa, sebenzisa, buyekeza nokuchibiyela inqubo yokuziphatha ehlobene nendlela yokuziphatha kubasebenzi abasebenza ngolimi;

(f) vikela izidingo zabasebenzi abakufundele ukusebenza ngolimi;

(g) vikela amalungu omphakathi asebenzisa usizo oluphakelwa abasebenzi abasebenza ngolimi;

(h) lawula ukuhlinzekela ngosizo lwezolimi kumalungu omphakathi;

(i) hlinzekela nokukhuthaza ukunikeza abantu amathuba, ikakhulukazi imiphakathi yendabuko, ukuba bangene futhi babambe iqhaza emisebenzini yezilimi eRiphabhuliki;

(j) bamba iqhaza ngokusiza uhulumeni ukudala amathuba emisebenzi emisebenzini yolimi eRiphabhuliki; kanye

(k) nokululeka uNgqongqoshe ezindabeni ezithinta umkhakha wezilimi.

Imisebenzi yoMkhandlu

5. (1) UMkhandlu kufanele—

(a) ulawule imali eyabiwe ngoMthetho wePhalamende;

(b) uqale futhi ulawule imali evela kweminye imithombo okungeyona leyo eyabiwe ePhalamende;

(c) consult and liaise with—

(i) the South African Qualifications Authority in respect of the establishment of an Education and Training Quality Assurance in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

(ii) the Department in respect of language matters;

(iii) the Council for Higher Education, in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), in respect of specific training courses or programmes;

(iv) the National Skills Authority established in terms of the Skills Development Act, 1998 (Act No. 97 of 1998), in respect of skills development; and

(v) organised language professional bodies;

(d) promote liaison among language practitioners;

(e) promote liaison and coordination in the field of training and accreditation pertaining to language professionalisation, both in the Republic and elsewhere, and to promote the standards of such training in the Republic;

(f) analyse and prioritise education and training needs in the language profession and make recommendations on the provision of such education and training;

(g) recognise accreditation of voluntary associations that are in the language profession;

(h) levy and recover fees from registered persons;

(i) grant, refuse, ratify and withdraw accreditation;

(j) determine strategic policy, and make decisions in terms thereof, with regard to the Council and the registered professions, for matters such as finance, education, registration, accreditation, ethics and standards of professional conduct, disciplinary procedure, scope of the professions, professional matters and maintenance and development of professional competence;

(k) coordinate the activities of the Council established in terms of this Act;

(l) propose levels of competency testing and qualifications;

(m) monitor and audit achievements in terms of those prescribed standards and qualifications without itself being the provider of education and training;

(n) keep a record of registered language practitioners;

(o) devise a manner of application for registration and consider applications for registration;

(p) develop and implement the national system of registration for professional language practitioners;

(q) develop and implement a framework for the accreditation of language practitioners at all levels;

(r) develop, implement, enforce and revise the professional code of conduct governing the conduct of all registered language practitioners;

(s) perform any other developmental function relating to the provision of language services that may be required by the Minister;

(t) perform any other function aimed at the development of language professionals;

(u) perform any other function necessary to attain the objectives of this Act; and

(v) develop, implement, enforce and review the code of conduct of all registered and accredited language professionals.

(2) The Council may advise the Minister on—

(a) accreditation and competency levels in the language profession to improve the provision and the quality of services rendered by language practitioners, through adequate education and training;

(b) standards, competency testing and accreditation in the language profession;

(c) relevant international standards; and

(d) any matter falling within the scope of this Act.

(3) In order to promote uniformity and cooperation by all organs of state on matters relating to the language practice, the Council must—

(a) at least twice a year, convene meetings between organs of state that have an interest in any matter related to the language practice;

(b) act as a link between organs of state and stakeholders in the language practice in the Republic; and

(c) uxhumane futhi uxoxisane—

(i) noMkhandlu weziQu waseNingizimu Afrika mayelana nokusungula i-*Education and Training Quality Assurance* ngokwemigomo ye-*National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

(ii) noMnyango mayelana nezindaba ezithinta ulimi;

(iii) noMkhandlu wezeMfundo Ephakeme, ngokwemigomo ye-*National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, mayelana ngemikhakha noma izinhlelo zokuqeqesha;

(iv) noMkhandlu weziQu kaZwelonke osungulwe ngokwemigomo ye-*Skills Development Act, 1998 (Act No. 97 of 1998)*, mayelana nokuthuthukisa amakhono; kanye

(v) nemikhandlu esemthethweni yezilimi ehleliwe.

(d) ukhuthaze ukuxoxisana kubasebenzi bezilimi;

(e) ukhuthaze futhi uhlele emkhakheni wokuqeqesha nokugunyaza okuhambisana nomsebenzi ofundelwe wezolimi, ofundelwe eRiphabhuliki nakwezinye izindawo, futhi ukhuthaze amazinga afana nokuqeqesha eRiphabhuliki;

(f) uhlaziye futhi ubeke phambili izidingo zezemfundo nokuqeqesha emsebenzini ofundelwe wezilimi futhi uphakamise izincomo ngombandela wezemfundo nokuqeqesha;

(g) ugunyaze izinhlangano ezisebenza ngaphandle kwenzuzo emsebenzini ofundelwe wezilimi;

(h) uthwese futhi ukhokhise imali abantu ababhalisile;

(i) wamukele, unqabe, ulungise futhi uhoxise ukugunyazwa;

(j) unqume isu lenqubomgomo, futhi uthathe izinqumo ngokwaleyo migomo, ezindabeni ezifana nezezimali, ezemfundo, ukubhalisa, ukugunyaza, inkambiso namazinga endlela yokuziphatha emsebenzini ofundelwe, inqubo yokuqondisa izigwegwe, umsebenzi womkhakha ofundelwe, izindaba zomsebenzi ofundelwe, ukugcina nokuthuthukisa ulwazi emsebenzini ofundelwe;

(k) uhlele imisebenzi yoMkhandlu osungulwe ngokwemigomo yalo Mthetho;

(l) uphakamise amazinga ukuhlola ulwazi neziqu;

(m) uqaphe futhi uhlaziye okuklonyelisiwe ngokwemigomo yalawo mazinga anqunyiwe neziqu ngaphandle kokuba ingxenye yabaphakela ngezemfundo nokuqeqesha;

(n) ugcine irekhodi labasebenzi abakufundele ukusebenza ngolimi;

(o) usungule indlela yokufaka isicelo sokubhalisa nokucubungula izicelo zokubhalisa;

(p) usungule futhi usebenzise uhlelo lukazwelonke lokubhalisa abasebenzi abakufundele ukusebenza ngolimi

(q) usungule futhi usebenzise uhlaka lokugunyaza abasebenzi abasebenza ngolimi emazingeni wonke;

(r) uthuthukise, usebenzise, ubophezele futhi usungule inqubo yokuziphatha elawula indlela yokuziphatha kubasebenzi abafundele umsebenzi wolimi;

(s) uqhube omunye umsebenzi wokuthuthukisa okuhambisana nombandela wosizo lwezolimi ongafunwa uNgqongqoshe;

(t) uqhube omunye umsebenzi okuhloswe ngawo ukuthuthukisa abasebenza ngolimi abakufundele;

(u) uqhube eminye imisebenzi efanele ukuzuza izinjongo zalo Mthetho; kanye

(v) ukuthuthukisa, ukusebenzisa, ukubophezela kanye nokubuyekeza inqubo yokuziphatha kubasebenzi bonkeabenza umsebenzi ofundelwe ababhalisiwe nabagunyaziwe.

(2) UMkhandlu ungaluleka uNgqongqoshe mayelana—

(a) nokugunyaza namazinga olwazi emsebenzini wolimi ofundelwe ukuze kuphuculwe izinga nokuhlinzekela ngosizo lwabasebenzi abasebenza ngolimi, ngezemfundo nangokuqeqesha okufanele;

(b) namazinga, ukuhlola ulwazi nokugunyaza umsebenzi ofundelwe wezolimi;

(c) amazinga asemqoka omhlaba jikelele; kanye

(d) nezinye izindaba eziwela emsebenzini walo Mthetho.

(3) Ukuze kukhuthazwe indlela efanayo nokusebenzisana kuzona zonke izinhlaka zombuso ezindabeni ezithinta imisebenzi yezilimi, uMkhandlu kufanele—

(a) okungenani kabili ngonyaka, ubambe imihlangano ephakathi kwamagatsha ombuso anentshisekelo ezindabeni ezihambisana nemisebenzi yezilimi;

(b) usebenze njengomxhumanisi phakathi kwamagatsha ombuso nalabo abaqondene nezindaba zemisebenzi yezilimi eRiphabhuliki; futhi

(c) liaise and interact with an organisation, structure or body that has an interest in a matter related to the language practice.

(4) The Council may enter into agreements with any person with expert knowledge in a particular field so as to assist or advise the Council in connection with any matter relating to its objects, powers, duties and functions in terms of this Act.

CHAPTER 3

BOARD OF COUNCIL

Composition and dissolution of Board

6. (1) The Board consists of—

(a) at least eight, but not more than 12, members appointed by the Minister; and

(b) the chief executive officer as contemplated in section 16(5).

(2) The members must be fit and proper persons to serve the best interests of the Republic, collectively possessing—

(a) appropriate knowledge, experience and skills in the language practice, or

(b) the following skills and expertise:

(i) Legal skills, experience and qualifications;

(ii) public finance management skills, experience and qualifications;

(iii) audit and risk management skills, experience and qualifications; and

(iv) communication skills, experience and qualifications.

(3) In appointing the members contemplated in subsection (1), the Minister must ensure—

(a) that historical imbalances are addressed; and

(b) that a balance of interests is maintained between persons representing—

(i) Umalusi;

(ii) the Council for Higher Education;

(iii) the Pan South African Language Board;

(iv) the South African Qualifications Authority; and

(v) stakeholders in the language practice.

(4) The Minister must, in consultation with the Board designate—

(a) one of the members as the chairperson of the Board; and

(b) one of the members as the deputy chairperson of the Board.

(5) The Minister must, by notice in the *Gazette* and at least two national newspapers, invite any interested party within the Republic to nominate candidates for appointment to the Board.

(6) The invitation for nominations must specify—

(a) the nomination procedure;

(b) the requirements for nominations; and

(c) the closing date for the nominations.

(7) The Minister must consider all nominations submitted in response to the notice, and may appoint a selection panel consisting of senior departmental officials, including language practitioners, to review all the nominations and make recommendations to the Minister on the nominees.

(8) The Minister must, within 90 days after the appointment of members in terms of subsection (1), inform the Cabinet and Parliament of the names of the appointed members, including the term of their appointment.

(9) The Minister must cause the names of the persons appointed to the Board to be published in the *Gazette* and in at least two national newspapers, immediately after such persons have been notified, in writing, of their appointment to the Board.

(10) This section applies, with the necessary changes, to the filling of a vacancy on the Board.

(11) The Minister may dissolve the Board if he or she considers the Board to be disfunctional upon giving it a reasonable opportunity to make written representation on why it should not be dissolved.

(c) uxoxisane futhi uxhumane nezinhlangano, isakhiwo noma negatsha elinentshisekelo odabeni oluthinta umsebenzi wezilimi.

(4) UMkhandlu ungenza isivumelwano nomuntu onolwazi lwezobungoti emkhakheni othile ukuze asize noma aluleke uMkhandlu mayelana nodaba oluthinta izinjongo zawo, amandla, izibophezelo nemisebenzi ngokwemigomo yalo Mthetho.

ISAHLUKO 3

IBHODI YOMKHANDLU

Ukwakheka nokuchithwa kweBhodi

6. (1) Ibhodi lakhiwe—

(a) amalungu asukela kwayisishiyagalombili, kodwa angadlulile kwayishumi nambili, aqokwe uNgqongqoshe; futhi

(b) umphathi omkhulu ovezwe esigabeni se-15(5).

(2) Amalungu kufanele kube abantu abafanele ukusebenzela eRiphabhuliki, uma behlanganiswa babe—

(a) nolwazi olufanele, ulwazi lomsebenzi namakhono emkhakheni wezilimi noma

(b) babe nalawa makhono nolwazi olulandelayo—

(i) Amakhono kwezomnotho, ulwazi lomsebenzi neziqu;

(ii) amakhono ukuphathwa kwezimali zikahulumeni, ulwazi lomsebenzi neziqu;

(iii) amakhono okucwaninga amabhuku nawokungamela ingozi, ulwazi lomsebenzi neziqu; futhi

(iv) namakhono ezokuxhumana, ulwazi lomsebenzi neziqu.

(3) Uma kuqokwa amalungu avezwe esigatshaneni soku-(1), uNgqongqoshe kufanele aqikelele ukuthi—

(a) lubhekiwe udaba lokungalingani phambilini; futhi

(b) azishayisani izifiso phakathi kwabantu abamele—

(i) uMnyango wezeMfundo eyisiSekelo;

(ii) uMkhandlu wezeMfundo Ephakeme;

(iii) iBhodi leziLimi zaseNingizimu Afrika;

(iv) uMkhandlu weziQu waseNingizimu Afrika;

(v) nabaqondene nomkhakha womsebenzi wezilimi ezifundelwe.

(4) UNgqongqoshe kufanele ngokuxoxisana neBhodi aqoke—

(a) ilungu elilodwa libe usihlalo weBhodi; kanye

(b) nelinye ilungu elizoba iphini likasihlalo weBhodi.

(5) UNgqongqoshe kufanele asebenzise isaziso kuSomqulu futhi okungenani nakumaphephandaba amabili kazwelonke, ukumema inhlangano enentshisekelo eseRiphabhuliki ukuba iphakamise abantu abazoqokelwa iBhodi.

(6) Isicelo sokuphakamisa amagama abantu kufanele siveze—

(a) inqubo yokuphakamisa amagama abantu;

(b) izimfanelo zokuphakamisa amagama abantu; kanye

(c) nosuku lokugcina lokuphakamisa amagama abantu.

(7) UNgqongqoshe kufanele abheke wonke amagama abantu abaphakanyisiwe athunyelwe ngokulandela isaziso, futhi angaqoka ithimba elizohlunga alakhiwe abasebenzi abaphezulu bomnyango kanye nabasebenzi abasebenza ngolimi abazobuyekeza wonke amagama abantu aphakanyisiwe futhi lenze nezincomo kuNgqongqoshe ngalabo abaphakanyisiwe.

(8) UNgqongqoshe kufanele, zingakapheli izinyanga ezimbili ngemuva kokuqokwa kwamalungu ngokwemigomo yesigatshana soku-(1), azise iKhabhinethi nePhalamende amagama amalungu aqokiwe kubalwa nesikhathi aqokelwe sona.

(9) UNgqongqoshe kufanele aqikelele ukushicilelwa kwamagama abantu abaqokelwe iBhodi ukuba ashicilelwe kuSomqulu futhi okungenani kumaphephandaba amabili kazwelonke aseRiphabhuliki, ngemuva kokuba labo bantu sebazisiwe, ngoncwadi, mayelana nokuqokelwa kwabo iBhodi.

(10) Lesi sigaba sisebenza, nezinguquko ezifanele, zokugcwalisa izikhala zeBhadi.

(11) UNgqongqoshe angachitha iBhodi uma ebona ukuthi alisasebenzi uma eselithumelele noma walinika ithuba elanele lokwethula izethulo zokuthi kungani kufanele lichithwe.

Disqualification from membership of Board

7. A person is disqualified from being appointed to the Board or from remaining a member if he or she—

(a) is or becomes an unrehabilitated insolvent;

(b) is or has been declared by a competent court to be of unsound mind;

(c) is directly or indirectly interested in a contract with the Council and fails to declare his or her interest and the nature thereof in the manner required by this Act;

(d) is a person under curatorship;

(e) has at any time been removed from an office of trust on account of misconduct involving theft or fraud;

(f) has been convicted and sentenced to a term of imprisonment without the option of a fine, except that the Minister may, upon receipt of an affidavit disclosing full details of an offence by a person nominated for appointment, condone a conviction in a manner that is consistent with section 106(1)(e) of the Constitution of the Republic of South Africa, 1996: Provided that a disqualification in terms of this subsection ends five years after the sentence has been completed; or

(g) fails to disclose an interest in accordance with section 8 or attended or participated in the proceedings of the Board while having an interest contemplated in the said section.

Declaration of financial or other interests of members

8. (1) A person who has been nominated to serve on the Board in terms of section 6(6) must, within 10 days of being nominated, submit a written declaration to the Minister of all direct or indirect interests in a company and of other business interests.

(2) A failure by the nominee to disclose financial and other interests in terms of subsection (1) disqualifies such nominee in terms of section 7 from being appointed to the Board.

(3) A member must, upon assuming office and at the beginning of every financial year of the Council, submit a written declaration of his or her direct or indirect interest in a company or other business interest.

(4) Where a member acquires an interest in a company, or other business interest, at any time during his or her tenure as a member of the Board, he or she must, within 10 days of the date of the acquisition of such an interest, submit a written declaration to the Minister of such an interest.

(5) Failure on the part of a member to disclose his or her interest as contemplated in subsections (3) and (4), constitutes justifiable reason for the termination of appointment of such member in terms of section 10(2).

(6) The Minister must keep an updated register of the interests of members disclosed in terms of this section.

Term of office and re-appointment of members

9. The persons appointed to the Board—

(a) holds office for a period of five years or such lesser period as the Minister may determine; and

(b) are, subject to section 6, eligible for re-appointment at the expiry of such period: Provided that no person may be re-appointed after having served on the Board for a continuous period of 10 years.

Vacancies, suspension, removal and resignation from office of members

10. (1) A member must vacate office if he or she becomes subject to a disqualification contemplated in section 7.

(2) The Minister must, after having afforded a member the opportunity to state his or her case, at any time suspend, or terminate the term of office of such member if, in his or her opinion, there are justifiable and cogent reasons for doing so.

(3) A member must vacate office if he or she is absent, without a leave of absence

Abangafanele ukuba amalungu eBhodi

7. Umuntu akufanele aqokelwe iBhodi noma aqhubeke nokuba ilungu uma—

(a) emenyezelwe inkantolo njengohluleka ukukhokha izikweleti;

(b) emenyezelwe noma wamenyezelwa inkantolo njengomuntu ongaphili kahle ngokomqondo;

(c) enetshisekelo eqondile noma ngenye indlela kwinkontileka noMkhandlu futhi ehluleka ukudalula inzuzo yalokho ngendlela efanele ngokwalo Mthetho;

(d) engumuntu onganyelwe ngomunye;

(e) wake wasuswa esikhundleni sokungamela ngoba engaziphethe ngendlela efanele ebandakanya ukuntshontsha nokukhwabanisa;

(f) wake walahlwa icala futhi wagwetshwa ukuboshwa wanganikwa ithuba lokukhokha inhlawulo, ngaphandle uma uNgqongqoshe, uma ethola incwadi efungelwe edalula imininingwane egcwele ngalelo cala kulowo muntu igama lakhe eliphakanyisiwe ukuba aqokwe, walixolela lelo cala elamlahla ngendlela ehambisana nesigaba se-106(1)*(e)* soMthethosisekelo waseRiphabhuliki yaseNingizimu Afrika, 1996: Inqobo nje uma ukungafaneli kwakhe ukuqokwa njengelungu ngokwemigomo yalesi sigatshana kuzophela eminyakeni emihlanu ngemuva kokuphothula isigwebo; noma

(g) ehluleka ukudalula inzuzo ngokulandela isigaba sesi-8 noma ethamele noma ebe ingxenye yokuqhutshwa ibhodi ebe enenzuzo evezwe kulesi sigaba.

Ukudalula imali noma enye inzuzo yamalungu

8. (1) Umuntu okuphakanyiswe igama lakhe ukuba asebenze njengelungu leBhodi ngokwemigomo yesigaba sesi-5(6) kufanele, zingakapheli izinsuku eziyi-10 kuphakanyiswe igama lakhe, athumele isiqinisekiso esibhaliwe kuNgqongqoshe senzuzo ayitholayo noma ayithola ngenye indlela enkampanini nenye inzuzo kwamanye amabhizinisi.

(2) Uma umuntu okuphakanyiswe igama lakhe ehluleka ukudalula imali nenye inzuzo ngokwemigomo yesigatshana soku-(1) ngeke asaqokwa njengelungu leBhodi ngokwemigomo yesigaba sesi-6.

(3) Ilungu uma seliqala ukusebenza futhi uma kuqala unyaka wezimali eMkhandlwini, kufanele lithumele isiqinisekiso esibhaliwe mayelana nenzuzo eliyithola noma eliyithola ngenye indlela enkampanini noma kwamanye amabhizinisi.

(4) Esimweni lapho ilungu lithola inzuzo enkampanini, noma kwelinye ibhizinisi, ngesikhathi liseyilungu leBhodi, lelo lungu kufanele, zingakapheli izinsuku ezili-10 lithole leyo nzuzo, lithumele isiqinisekiso esibhaliwe kuNgqongqoshe mayelana naleyo nzuzo.

(5) Uma ilungu lihluleka ukudalula inzuzo njengoba kuveziwe esigatshaneni sesi-(3) nesesi-(4), lokhu kuyisizathu esanele sokumisa ukuqokwa kwalelo lungu ngokwemigomo yesigaba sesi-10(2).

(6) UNgqongqoshe kufanele agcine irejista entsha yezinzuzo zamalungu ezidalulwe ngokwemigomo yalesi sigaba.

Isikhathi sokusebenza nokuqokwa kabusha kwamalungu

9. Umuntu oqokwe njengelungu leBhodi—

(a) usebenza isikhathi esiyiminyaka emihlanu noma esingaphansi kwaleso esinganqunywa uNgqongqoshe; futhi

(b) ulandela isigaba sesi-6, sokuba angaphinda aqokwe uma leso sikhathi sesiphelile: Inqobo nje uma engekho umuntu ozophinda aqokwe futhi uma abe yilungu leBhodi izikhathi zilandelana iminyaka eyi-10.

Izikhala zomsebenzi, ukumiswa, ukususwa nokusula esikhundleni kwamalungu

10. (1) Ilungu kufanele lishiye isikhundla uma selingafanele ukuba ilungu ngokwesigaba sesi-7.

(2) Uma uNgqongqoshe esenikeze ilungu ithuba lokuveza olwalo uhlangothi, noma nini kufanele amise, noma asuse esikhundleni lelo lungu uma, ngokubona kwakhe, kunezizathu ezizwakalayo futhi ezinobulungiswa zokuba enze lokho.

(3) Ilungu kufanele lishiye esikhundleni uma lingakwazanga ukuthamela imihlangano yeBhodi emibili ngokulandelana futhi libe lasithola isaziso esabe siqondiswe

having first been granted by the Board, from two consecutive meetings of the Board for which reasonable notice was given to that member personally or by post.

(4) A member may resign from office by giving not less than 30 days written notice to the Minister: Provided that the Minister may waive the resignation notice period.

(5) Whenever a vacancy occurs in the Board, the Minister must, subject to section 6, appoint a person to fill such vacancy for the unexpired portion of the period of office of the member in whose place such person is appointed.

(6) In the event that the Minister exercises his or her powers in terms of subsection (2), he or she may, notwithstanding the procedure for the appointment of the members of the Board set out in section 6, subject to sections 6(2) and 6(3), appoint persons to serve as members of the Board on an interim basis: Provided that—

(a) the persons appointed in terms of this subsection may not remain on the Board for a period of more than 90 days from the date of their appointment; and

(b) the Minister must, subject to section 6, appoint the members of the Board within 90 days of the appointment contemplated in this subsection.

Meetings and procedures at meetings of Board

11. (1) The first meeting of the Board must be held on a date and at a time and venue determined by the Minister, whereafter all future meetings must be as determined by the chairperson.

(2) The quorum for a meeting of the Board is a majority of the members.

(3) The proceedings at a meeting of the Board must, subject to the provisions of this section, be determined by the chairperson including the right to decide that a matter under discussion may be withdrawn before it is put to the vote.

(4) The chairperson must preside at all meetings of the Board: Provided that in his or her absence the deputy chairperson must preside and in the event that neither the chairperson nor the deputy chairperson are present at a meeting of the Board, the members then present must elect, among themselves, a person to act as chairperson for the duration of that particular meeting.

(5) A decision of the Board must be taken by a majority of the votes of the members present at a meeting.

(6) In the event of an equality of votes on a matter, the chairperson has a casting vote in addition to his or her deliberative vote.

(7) The Board must keep minutes of its proceedings and decisions.

(8) No decision of the Board is invalid merely by reason of a vacancy in the Board: Provided that the decision is taken by the required majority of the members then present and entitled to sit as members.

(9) The Board may, by resolution, make rules to further regulate its proceedings.

(10) The Board may, in its discretion, allow members of the public to attend any meeting of the Board.

Recusal of member from meetings and proceedings of Board

12. (1) A member of the Board must recuse himself or herself from a matter being investigated, considered or voted upon by the Board if one or more of the following occur:

(a) If he or she has a direct or indirect interest in the matter; or

(b) if there is a possibility that a direct or indirect interest in the matter might arise.

(2) If at any stage during the course of proceedings before the Board it appears that a member who is present at that meeting has or may have an interest contemplated in subsection (1), such member must forthwith disclose the nature of his or her interest and leave the meeting.

(3) A disclosure made in terms of subsection (2) must be recorded in the minutes of the meeting in question.

(4) If it subsequently emerges that the Board took a decision on a matter in respect of which a member has failed to disclose an interest contemplated in subsection (1), such decision by the Board is invalid.

kulona ngqo noma ngeposi futhi lingayitholanga imvume yeBhodi yokuba lingayithameli.

(4) Ilungu kufanele lisule esikhundleni ngokunikeza uNgqongqoshe isaziso esibhaliwe esiyizinsuku ezisukela kwezingama-30. Inqobo nje uma uNgqongqoshe engeke abophezele isikhathi sesaziso sokusula esikhundleni.

(5) Uma kuvela isikhala somsebenzi kuBhodi, uNgqongqoshe kufanele, ngokwesigaba sesi-6, aqoke umuntu ozovala leso sikhala kuleso sikhathi esisasele kuleso sikhundla selungu okuzoqokwa kusona umuntu.

(6) Uma uNgqongqoshe esebenzisa amandla akhe ngokwemigomo yesigatshana sesi-(2), nakuba kunenqubo elandelwayo yokuqoka amalungu eBhodi evezwe esigabeni sesi-6, ngokwesigaba sesi-6(2) nesesi-6(3), angaqoka abantu ukuba basebenze njengamalungu eBhodi okwesikhashana: Inqobo nje uma—

(a) abantu abaqokiwe ngokwemigomo yalesi sigatshana bengeke baqhubeke babe amalungu isikhathi esingaphezulu kwezinsuku ezingama-90 kusukela ngosuku abaphinda baqokwa ngalo; futhi

(b) Ngokwesigaba sesi-6, uNgqongqoshe kufanele aqoke amalungu eBhodi zingakapheli izinsuku ezingama-90 beqokiwe njengoba kuveziwe kulesi sigatshana.

Imihlangano nenqubo yemihlangano yeBhodi

11. (1) Umhlangano wokuqala webhodi kufanele ubanjwe ngosuku, ngesikhathi futhi endaweni ezonqunywa uNgqongqoshe, ngemuva kwalokho yonke imihlangano elandelayo kufanele inqunywe usihlalo.

(2) Inani labantu abangaqala umhlangano weBhodi inani lamalungu amaningi akhona.

(3) Okuqhubekayo emhlanganweni weBhodi, ngokwemibandela yalesi sigaba, kufanele kunqunywe usihlalo kubandakanya nelungelo lokunquma ngodaba olusadingidwa okufanele luhoxiswe ngaphambi kokuba kunqunywe ngalo.

(4) Usihlalo kufanele angamele yonke imihlangano yeBhodi: Inqobo nje uma engekho iphini likasihlalo kufanele liwungamele futhi uma engekho usihlalo nephini likasihlalo lingekho emhlanganweni webhodi, amalungu akhona kufanele aqoke, kumalungu akhona, umuntu ozoba usihlalo kulowo mhlangano.

(5) Isinqumo seBhodi kufanele sithathwe ngamavoti amaningi amalungu akhona emhlanganweni.

(6) Uma amavoti elingana kulolo daba, usihlalo uzoba nevoti elingunqamulajuqu ukwengeza kulelo voti lakhe abelifakile.

(7) IBhodi kufanele libhale amaminithi okuqhutshuyo nangezinqumo.

(8) Asikho isinqumo seBhodi esizothathwa njengesingasebenzi ngoba kunesikhala kuBhodi: Inqobo nje uma leso sinqumo sithathwe inani elifanele lamalungu amaningi akhona futhi anelungelo lokuthamela njengamalungu.

(9) IBhodi lingathatha isinqumo, sokushaya imithetho ezolawula futhi okuqhutshwayo.

(10) IBhodi lingavumela amalungu omphakathi ukuba athamele umhlangano weBhodi, ngendlela iBhodi elinganquma ngayo.

Ukuhoxa ukuthamela imihlangano nokuqhutshwa iBhodi

12. (1) Ilungu kufanele lihoxe odabeni oluphenywayo, oludingidwayo noma oluzovotelwa iBhodi uma kuvela lokhu okulandelayo—

(a) Linentshisekelo eqondene ngqo noma ngenye indlela odabeni; noma

(b) Uma kungenzeka ukuthi kube nentshisekelo eqondene ngqo noma engaba khona ngenye indlela engase ibe khona.

(2) Noma nini ngesikhathi kukhona okuqhutshwa iBhodi kuvela ukuthi ilungu elithamele umhlangano linentshisekelo noma lingaba nentshisekelo evezwe esigatshaneni soku-(), lelo lungu ngaphandle kokupholisa amaseko kufanele lidalule umsuka waleyo ntshisekelo bese lishaya umhlangano.

(3) Okudaluliwe ngokwemigomo yesigatshana soku-(3) kufanele kubhalwe kumaminithi alowo mhlangano.

(4) Emva kwalokho uma kuvela ukuthi iBhodi lithathe isinqumo odabeni ilungu elihlulekile ukudalula okuvezwe esigatshaneni soku-(1), leso sinqumo esithathwe iBhodi asisebenzi.

(5) For the purposes of this section ''indirect interest'' includes, but is not limited to, an interest held by a member's—

(a) business partner, associate or employer, other than the State;

(b) spouse, partner in a customary marriage or other marriage, or a person with whom such member cohabits or lives as though they are married; or

(c) child, parent or sibling.

Remuneration of members

13. (1) *(a)* Subject to subsection (2)*(a)*, a member may be paid from the funds of the Council such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance.

(b) A member who receives remuneration, allowances or other benefits by virtue of his or her post or employment in—

(i) the National Government;

(ii) a provincial government;

(iii) a municipality; or

(iv) a corporation, body or institution in which the national or a provincial government has a controlling interest,

and who continues to receive such remuneration, allowances or other benefits while serving as a member, may only receive remuneration and allowances referred to in paragraph *(a)* to the extent required to place such member in the financial position he or she would have been were it not for such post or employment.

(2) *(a)* A member and a person who has been coopted to the Board may, in respect of his or her functions as a member or coopted member, receive reimbursement from the funds of the Council for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Board.

(b) The Minister must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and travelling expenses contemplated in paragraph *(a)*.

Establishment of committees to assist Board

14. (1) The Board may establish committees consisting of one or more of its members to—

(a) assist the Board in the performance of the functions of the Council contemplated in section 5; or

(b) enquire or conduct research into a matter falling within the mandate of the Board in terms of this Act.

(2) When establishing a committee contemplated in subsection (1), the Board must—

(a) determine the terms of reference of such committee including, but not limited to, whether or not such committee ceases to exist once it has completed the task or tasks assigned to it by the Board;

(b) appoint a chairperson of such committee who must be a member; and

(c) determine whether or not such committee may co-opt persons who are not members and, if so, on what terms and conditions.

(3) The Board may, at any time, terminate the existence of a committee or any mandate given to a committee, irrespective of whether or not such committee has completed the task or tasks assigned to it by the Board.

(4) *(a)* The chief executive officer may attend and take part in, but may not vote at, a meeting of the committee.

(b) A member of staff of the Council may, on invitation by the relevant committee, attend a meeting of that committee.

Co-opting of persons to, or committees of, Board

15. (1) The Board may, if it is of the opinion that a particular person is able to assist it in regard to its functions and powers, co-opt such person for that purpose.

(2) A person co-opted in terms of subsection (1) is not entitled to vote at a meeting of the Board or a committee of the Board.

(3) A person co-opted in terms of subsection (1) may be paid such remuneration and allowances out of the funds of the Council as may be determined by the Board in consultation with the Minister of Finance.

(5) Ngokwalesi sigaba ‘‘intshisekelo engaqondile ngqo’’ ibandakanya, intshisekelo yelungu eqhamuka—

(a) kumlingani walo kwezamabhizinisi, elisebenzisana naye noma umqashi, ongeyena uMbuso;

(b) umlingani, umlingani emshadweni wesintu noma kolunye uhlobo lomshado, noma umuntu ohlala nalelo lungu noma ohlala nalo njengabantu abashadile; noma

(c) ingane, umzali elizalwa nabo.

Iholo lamalungu

13. (1) *(a)* Ngokwesigatshana soku-(1)*(a)*, ilungu lingaholelwa ngesikhwama soMkhandlu lowo mholo nezibonelelo ezinganqunywa uNgqongqoshe ngokuxoxisana noNgqongqoshe weziMali.

(b) Ilungu elithole umholo, izibonelelo ngokwesikhundla salo noma ngoba liqashiwe—

(i) uHulumeni kaZwelonke;

(ii) uhulumeni wesifundazwe;

(iii) umasipala; noma

(iv) inhlangano, igatsha noma isikhungo esilawulwa uhulumeni kazwelonke noma wesifundazwe, futhi eqhubekayo ukuthola umholo, izobonelelo noma enye inzuzo ngesikhathi esasebenza njengelungu, kufanele athole kuphela umholo nezibonelelo ezivezwe endimeni *(a)* ngendlela efanele ukubeka lelo lungu esimweni sezimali ebelizoba kusona uma belingasitholanga leso sikhundla noma belingaqashwanga.

(2) *(a)* Ilungu nomuntu oqokwe ukuba ilungu leBhodi, mayelana nemisebenzi yakhe aqokelwe yona njengelungu, angakhokhelwa ngesikhwama soMkhandlu izindleko ezidalwe ukuthamela umhlangano weBhodi.

(b) UNgqongqoshe kufanele anqume inqubo, kubandakanya nezinyathelo zokulawula, noma zokusingatha, ukuphatha kanye nokucubungula izicelo zokukhokhela izindleko zokuphila nezokuhamba ezivezwe endimeni *(a)*.

Ukusungulwa kwamakomidi eBhodi

14. (1) IBhodi lingasungula amakomidi amalungu noma namalungu alo—

(a) ukusiza iBhodi ukuqhuba imisebenzi yoMkhandlu evezwe esigabeni sesi-4; noma

(b) ukuphenya uma kuqhutshwa ucwaningo odabeni oluwela ngaphansi kwegunya leBhodi ngokwemigomo yalo Mthetho.

(2) Uma kusungulwa ikomidi elivezwe esigatshaneni soku-(1), iBhodi kufanele—

(a) linqume umsebenzi walelo komidi kubandakanya, nokunquma ukuthi ngabe lelo komidi lizoyeka ukusebenza uma seliphothule umsebenzi elidutshelwe wona noma umsebenzi elinqunyelwe wona iBhodi;

(b) liqoke usihlalo walelo komidi okufanele abe ilungu; futhi

(c) linqume ukuthi ngabe lelo komidi lingabaqoka abantu abangewona amalungu, uma kunjalo, emiphi imigomo nemibandela ezolandelwa.

(3) Noma nini, iBhodi lingasusa ikomidi noma igunya elithweswe ikomidi, ikomidi uma seliphothule noma lingakawuphothuli umsebenzi elidutshelwe wona iBhodi.

(4) *(a)* Umphathi omkhulu angathamela futhi abe ingxenye yomhlangano wekomidi, kodwa akufanele avote.

(b) Ilungu labasebenzi boMkhandlu uma limenywa ikomidi eliqondene, lingathamela umhlangano walelo komidi.

Ukuqoka amalungu ekomidi noma eBhodi

15. (1) Uma iBhodi ibona ukuthi umuntu othile uyakwazi ukuyisiza emisebenzini yayo nangamandla ayo, lingaqoka lowo muntu ukuba alisize.

(2) Umuntu oqokiwe ngokwemigomo yesigatshana soku-(1) akanalo ilungelo lokuvota emhlanganweni weBhodi noma wekomidi yeBhodi.

(3) Umuntu oqokiwe ngokwemigomo yesigatshana soku-(1) angaholelwa umholo nezibonelelo ngesikhwama soMkhandlu ngendlela enganqunywa iBhodi ngokuxoxisana noNgqongqoshe wezeziMali.

CHAPTER 4

CHIEF EXECUTIVE OFFICER AND STAFF OF COUNCIL

Appointment of chief executive officer

16. (1) The Board must, in consultation with the Minister, appoint a suitably qualified, skilled and experienced person as the chief executive officer.

(2) *(a)* The chief executive officer is appointed for a period not exceeding five years.

(b) The chief executive officer may be re-appointed for one additional term of office not exceeding five years.

(3) *(a)* The appointment of the chief executive officer is subject to the conclusion of a written performance agreement entered into between that person and the Board.

(b) The Board and the chief executive officer may, in writing and by agreement, amend the performance agreement.

(4) For purposes of the declaration of financial or other interests, the provisions of section 8 apply with the necessary changes to the chief executive officer, except that the chief executive officer must declare his or her interests to the Board.

(5) The chief executive officer is an *ex officio* member but does not have the right to vote at its meetings.

Functions of chief executive officer

17. (1) The chief executive officer is responsible for—

(a) the administrative, strategic and financial management of the Council in accordance with the Public Finance Management Act and the direction of the Board;

(b) in consultation with the Board, the appointment of members of staff of the Council contemplated in section 19(1);

(c) in consultation with the Board, the determination of a code of conduct, applicable to the chief executive officer , all staff of the Council and justiciable for purposes of disciplinary proceedings, to ensure—

(i) compliance with applicable legislation, including this Act;

(ii) the effective, efficient and economical use of the Council's funds and resources;

(iii) the promotion and maintenance of a high standard of professional conduct;

(iv) the prevention of conflicts of interest;

(v) the protection of confidential information held by the Council; and

(vi) professional, honest, impartial, fair, ethical and equitable service;

(d) the maintenance of discipline over the staff appointed in terms of paragraph *(b)* and is, for those purposes, accountable to the Board;

(e) the keeping and maintenance of the register of interests declared by members of staff of the Council; and

(f) ensuring compliance by the Board with the provisions of the Public Finance Management Act and other applicable legislation.

(2) If the chief executive officer is unable to perform his or her functions, the Board must, in writing, and in consultation with the Minister, appoint an acting chief executive officer until the chief executive officer is able to resume those functions or until a new appointment is made in terms of this Act.

(3) If there is no Board, the Minister must appoint the Chief Executive Officer of the Council in an acting capacity for a specified period: Provided that no person may act for more than 365 days.

Resignation and removal from office of chief executive officer

18. (1) The chief executive officer vacates office—

(a) when, in the case of resignation, the resignation takes effect;

(b) when, in terms of the company laws of the Republic, the person holding that office has become disqualified to serve as director of a company; and

(c) upon having been removed from office in terms of subsection (2).

(2) The Board may, in consultation with the Minister, terminate the employment of the chief executive officer in accordance with applicable employment and labour laws of the Republic.

ISAHLUKO 4

UMPHATHI OMKHULU NABASEBENZI BOMKHANDLU

Ukuqoka umphathi omkhulu

16. (1) IBhodi ngokuxoxisana noNgqongqoshe, kufanele liqoke umuntu oneziqu ezifanele, amakhono nolwazi lomsebenzi ukuba abe ngumphathi omkhulu.

(2) *(a)* Umphathi omkhulu uqokwa isikhathi esingadlulile iminyaka emihlanu.

(b) Umphathi omkhulu angaphinda aqokwe omunye umkhawulo ongadlulile eminyakeni emihlanu.

(3) *(a)* Uma kuqokwa umphathi omkhulu kubandakanywa nesivumelwano esibhaliwe sokuqapha indlela aqhuba ngayo umsebenzi esiphakathi kwakhe neBhodi.

(b) IBhodi nomphathi omkhulu bangachibiyela isivumelwano sokuqapha indlela umphathi aqhuba ngayo ngokubhala incwadi futhi nangokuvumelana.

(4) Uma kudalulwa imali noma enye inzuzo, imibandela yesigaba sesi-7 isebenza nezinguquko ezifanele kumphathi omkhulu, ngaphandle nje kokuthi umphathi omkhulu kufanele adalule inzuzo yakhe kuBhodi.

(5) Umphathi omkhulu uyilungu kodwa akanalo ilungelo lokuvota.

Imisebenzi yomphathi omkhulu

17. (1) Umphathi omkhulu ubhekele—

(a) ukusingatha, ukungamela amasu nezimali zoMkhandlu ngokulandela i-*Public Finance Management Act* nomyalelo weBhodi;

(b) ukuqoka amalungu nabasebenzi boMkhandlu abavezwe esigabeni se-19(1), ngokuxoxisana neBhodi;

(c) ukunquma inkambiso yokuziphatha efanele ngenjongo yokuqondisa izigwegwe, ezolandelwa umphathi omkhulu, abasebenzi bonke boMkhandlu, ngokuxoxisana neBhodi, ukuqikelela—

(i) ukulandelwa kwemithetho esebenzayo, kubandakanya nalo Mthetho;

(ii) ukusebenzisa imali yoMkhandlu ngendlela efanele, ewusizo futhi nokonga;

(iii) ukukhuthaza nokugcina amazinga aphezulu enqubo yokuziphatha;

(iv) ukunqanda ukungquzulana kwezifiso;

(v) ukuvikela imininingwane eyimfihlo egcinwe uMkhandlu; kanye

(vi) nosizo olufanele oluqotho, olungachemile, olungenzeleli, olunenkambiso futhi olufanayo;

(d) ukugcina ukuqoqeka kwabasebenzi abaqokiwe ngokwemigomo yendima *(b)* futhi ngaleyo njongo baqondane neBhodi;

(e) ukugcina nokunakekela irejista yezinzuzo ezidalulwe amalungu asebenzela uMkhandlu; kanye

(f) nokuqikelela ukuthi iBhodi ilandela imibandela ye-*Public Finance Management Act* nomunye umthetho osebenzayo.

(2) Uma umphathi omkhulu engakwazi ukuqhuba imisebenzi yakhe, iBhodi kufanele, libhale incwadi, lixoxisane noNgqongqoshe, ngokuqoka ibamba likamphathi omkhulu kuze kube umphathi omkhulu uyakwazi ukuqhubeka nemisebenzi noma kuze kuqokwe umphathi omusha ngokwemigomo yalo Mthetho.

(3) Uma iBhodi lingekho, uNgqongqoshe kufanele aqoke uMphathi oMkhulu woMkhandlu ukuba abe ibamba isikhathi esinqunyiwe: Inqobo nje uma lowo muntu engeke abambe isikhathi esiyizinyanga ezidlulile kweziyi-365.

Ukusula nokukhishwa esikhundleni komphathi omkhulu

18. (1) Umphathi omkhulu ushiya isikhundla—

(a) uma esula esikhundleni;

(b) ngokwemigomo yemithetho yezinkampani yaseRiphabhuliki, uma umuntu osesikhundleni esengafanele ukusebenza njengomqondisi wenkampani; futhi

(c) uma esusiwe esikhundleni ngokwemigomo yesigatshana sesi-(2).

(2) IBhodi lingamisa ukuqashwa komphathi omkhulu ngokulandela imithetho esebenzayo yokuqashwa nemithetho yabasebenzi baseRiphabhuliki, ngokuxoxisana noNgqongqoshe.

Staff of Council

19. (1) The chief executive officer must, subject to subsection (2), appoint the registrar and staff of the Council as may be reasonably necessary—

(a) to assist him or her in fulfilling his or her functions in terms of this Act; and

(b) to assist the Council with the work incidental to the performance by the Board of its functions.

(2) The Board must, subject to section 23(4), determine a human resources policy for staff of the Council, including the chief executive officer.

(3) For purposes of the declaration of financial or other interests, and subject to section 17(1)*(e)*, section 8(3), (4) and (5), apply with the necessary changes to staff of the Council.

(4) The chief executive officer must keep an updated register of the interests of staff of the Council disclosed in terms of subsection (3).

(5) The Council may utilise the services of persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

CHAPTER 5

CODE OF CONDUCT FOR LANGUAGE PRACTITIONERS AND POLICY DIRECTIVES

Code of conduct for language practitioners

20. (1) The Minister must, by notice in the *Gazette* and in at least two national newspapers and in consultation with the Board, determine a code of conduct for language practitioners.

(2) The code of conduct determined in terms of subsection (1) takes effect upon the publication of the notice referred to in subsection (1).

(3) The Minister may, by notice in the *Gazette* and in at least two national newspapers and in consultation with the Board, amend, substitute or withdraw such a code of conduct.

(4) *(a)* The Minister may set strategic guidelines for the pursuit of the Council's objectives and may issue policy directives to the Board.

(b) The Minister may withdraw or amend any strategic guideline or policy directive issued in terms of paragraph *(a)*.

CHAPTER 6

ACCREDITATION BY COUNCIL

Application for accreditation

21. (1) A person seeking accreditation must apply in accordance with the procedures prescribed by the Council.

(2) The Council must—

(a) evaluate every application for accreditation in accordance with its procedures;

(b) issue a certificate of accreditation to applicants that meet required criteria, specifying conditions applicable to the accreditation.

(3) The Council may formulate and make publicly available rules consistent with the provisions of this Act on any matter necessary or expedient for the administration of this Act including—

(a) the form and procedure for applications for accreditation;

(b) the fees applicable to different categories of accreditation;

(c) the fees for training or other projects undertaken; and

(d) the proper use within the Republic of the name, accreditation logo or accreditation symbol of the Council.

(4) The Minister may prescribe standards, procedures and related matters for the Council to follow in assessing whether an applicant for accreditation meets the requirements of this section.

(5) The Council is the only institution which may accredit language practitioners.

Abasebenzi boMkhandlu

19. (1) Ngokwesigatshana sesi-(2), umphathi omkhulu kufanele, aqoke unobhala nabasebenzi boMkhandlu ngendlela efanele—

(a) ukumsiza ukuqhuba imisebenzi yakhe ngokwemigomo yalo Mthetho; futhi

(b) ukusiza uMkhandlu ngomsebenzi ohambisana nokuqhuba imisebenzi ye-Bhodi.

(2) Ngokwesigaba sama-23(4), iBhodi kufanele linqume inqubo yezinsiza zabasebenzi boMkhandlu, kubandakanya nomphathi omkhulu.

(3) Uma kudalulwa imali noma enye inzuzo, futhi ngokulandela isigaba se-17(1)*(e)*, isigaba sesi-8(3), (4) nesesi-(5), zisebenza nezinguquko ezifanele kubasebenzi nase-Mkhandlwini.

(4) Umphathi omkhulu kufanele afake imininingwane emisha kurejista mayelana nenzuzo edalulwe abasebenzi boMkhandlu ngokwemigomo yesigatshana sesi-(3).

(5) UMkhandlu ungasebenzisa usizo lwabantu abaphakanyisiwe noma abadluliselwe kuhulumeni ngokulandela imibandela ye-*Public Service Act, 1994 (Proclamation No. 103 of 1994)*.

ISAHLUKO 5

INQUBO YOKUZIPHATHA KWABASEBENZI ABASEBENZA NGOLIMI NEMIYALELO YENQUBOMGOMO

Inqubo yokuziphatha kwabasebenzi abasebenza ngolimi

20. (1) UNgqongqoshe kufanele asebenzise isaziso kuSomqulu futhi nakumaphephandaba amabili kazwelonke, futhi ngokuxoxisana neBhodi, anqume inqubo yokuziphatha kwabasebnzi abasebenza ngolimi.

(2) Inqubo yokuziphatha enqunywe ngokwemigomo yendima *(a)* iqala ukusebenza uma sekushicilelwe isaziso esivezwe esigatshaneni soku-(1).

(3) UNgqongqoshe, angasebenzisa isaziso kuSomqulu futhi namaphephandaba amabili kazwelonke ngokuxoxisana neBhodi, angachibiyela, ashintshe noma ahoxise leyo nqubo yokuziphatha.

(4) *(a)* UNgqongqoshe anganquma umhlahlandlela wamasu ukufeza izinjongo zoMkhandlu futhi angakhipha umyalelo wenqubomgomo eBhodini.

(b) UNgqongqoshe angahoxisa noma achibiyele umhlahlandlela wamasu noma umyalelo wenqubomgomo okhishwe ngokwemigomo yesigatshana soku-(1).

ISAHLUKO 6

UKUGUNYAZWA UMKHANDLU

Izicelo zokugunyazwa

21. (1) Umuntu ofisa ukugunyazwa kufanele afake isicelo ngokulandela inqubo enqunywe uMkhandlu njengoba inqunyiwe.

(2) UMkhandlu kufanele—

(a) uhlole zonke izicelo zokugunyazwa ngokulandela inqubo; futhi

(b) ukhiphe isitifiketi sokugunyaza ofake isicelo esihambisana nezimfanelo ezidingekayo, ikakhulukazi imibandela esebenzayo yokugunyaza.

(3) UMkhandlu ungasungula futhi lisize umphakathi ukuthola imithetho ehambisana nemibandela yalo Mthetho ngodaba olufanele noma oludingekayo ukuze kusingathwe lo Mthetho kubandakanya—

(a) indlela nenqubo yokufaka izicelo zokugunyazwa;

(b) imali ekhokhelwa imikhakha ehlukene yokugunyazwa;

(c) imali yokuqeqesha noma yeminye imisebenzi eyenziwe; futhi

(d) nokusetshenziswa ngendlela efanele eRiphabhuliki igama, uphawu legatsha eligunyazayo noma umfanekiso wokugunyaza woMkhandlu.

(4) UNgqongqoshe anganquma amazinga, inqubo nezindaba ezihlobene ezizolandelwa uMkhandlu uma uhlola ukuthi ngabe ofake isicelo uyahlangabezane nezimfanelo zalesi sigaba.

(5) Lo Mkhundlu iwona kuphela ozogunyaza abasebenzi abasebenza ngolimi.

Accreditation certificates

22. (1) An accreditation certificate issued in terms of section 21(2)*(b)* must be signed by the chief executive officer or a person with delegated authority to do so in terms of section 38(3).

(2) The Council may accept a certified copy of an accreditation certificate issued in terms of subsection (1) as being a true copy of the certificate.

(3) In any legal proceedings, a document that purports to be a certificate issued in terms of subsection (1) or a copy of such certificate certified in terms of subsection (2) is upon its production evidence of the facts contained therein.

CHAPTER 7

FUNDING AND FINANCIAL MANAGEMENT OF COUNCIL

Funds of Council

23. (1) The funds of the Council consist of—

(a) money appropriated by Parliament;

(b) interest on investments of the Council;

(c) assessment fees;

(d) annual fees on accredited and registered language practitioners; and

(e) income lawfully derived from any other source.

(2) The Council must utilise its funds—

(a) for the payment of remuneration, allowances and subsistence and travelling expenses of the members, the chief executive officer and the members of staff of the Council; and

(b) to cover costs in connection with—

(i) the day to day operation and administration of the Council; and

(ii) the performance of the duties and functions of the Council and the exercise of its powers in terms of this Act.

(3) The chief executive officer must with the concurrence of the Board—

(a) open an account in the name of the Council with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and

(b) deposit therein all money received in terms of subsection (1).

(4) The Board must, in consultation with the Minister, determine the remuneration, conditions of service and the pension or retirement benefits of the chief executive officer and staff of the Council.

(5) The Council may invest monies deposited into its account which are not required for immediate use: Provided that the Board must take reasonable steps to ensure that the investment is not of a speculative nature.

(6) The Council may not borrow money or issue guarantees, indemnities or securities or enter into any other transactions that bind it, unless such borrowing, guarantee, indemnity, security or other transaction is authorised in terms of this Act and not in conflict with the Public Finance Management Act.

Financial management

24. (1) The chief executive officer must cause full and proper books of account and all the necessary records in relation thereto to be kept.

(2) The chief executive officer must ensure that the Council's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance Management Act.

(3) The chief executive officer must, within 90 days before the end of each financial year, submit to the Board for approval—

(a) a business plan for the Council, containing measurable objectives and the other information contemplated in section 25(3)*(b)* and *(c)*; and

(b) a statement of the estimated income and expenditure of the Council, in respect of the following three financial years.

(4) In a financial year, the chief executive officer may submit to the Board for approval adjusted or supplementary statements of the estimated income and expenditure of the Council for that financial year.

Isitifiketi sokugunyazwa

22. (1) Isitifiketi sokugunyazwa esikhishwe ngokwemigomo yesigaba-20(2)*(b)* kufanele sisayinwe umphathi omkhulu noma umuntu ogunyaziwe ukwenza lokho ngokwemigomo yesigaba sama-38(3).

(2) UMkhandlu ungamukela ikhophi yesitifiketi sokugunyazwa enesigxivizo ekhishwe ngokwemigomo yesigatshana soku-(1) njengekhophi efanele yesitifiketi.

(3) Uma kuthathwa izinyathelo zomthetho, umqulu ongathekisa isitifiketi esikhishwe ngokwemigomo yesigatshana soku-(1) noma ikhophi yaleso sitifiketi ngokwemigomo yesigatshana sesi-(2) ungubufakazi kwalokho okuqukethwe kuwona.

ISAHLUKO 7

IMALI NOKUPHATHWA KWEZIMALI ZOMKHANDLU

Imali yoMkhandlu

23. (1) Imali yoMkhandlu ihlanganisa—

(a) imali eyabiwe iphalamende;

(b) inzuzo yemali etshaliwe yoMkhandlu;

(c) imali yezivivinyo;

(d) imali yonyaka uma sekugunyazwe kwabhaliswa abasebenzi abasebenza ngolimi; kanye

(e) nenye imali esemthethweni evela kweminye imithombo.

(2) UMkhandlu kufanele usebenzise isikhwama sawo—

(a) ukuholela, izibonelelo nemali yokuziphilisa nokuhamba kwamalungu, umphathi omkhulu nabasebenzi boMkhandlu; kanye

(b) nokukhokha izindleko ezihambisana—

(i) nomsebenzi nokuphatha kwansuku zonke eMkhandlwini; kanye

(ii) nokuqhuba imisebenzi nezibophezelo zoMkhandlu nokusebenzisa amandla awo ngokwemigomo yalo Mthetho.

(3) Umphathi omkhulu kufanele axoxisane neBhodi ngoku—

(a) vula i-akhawunti egameni loMkhandlu ezovulwa nesikhungo esibhaliswe njengebhange ngokwemigomo ye-*Banks Act, 1990 (Act No. 94 of 1990)*; futhi

(b) adiphozithe kuyona yonke imali etholakele ngokwemigomo yesigatshana soku-(1).

(4) IBhodi ngokuxoxisana noNgqongqoshe, kufanele, inqume umholo, imibandela yokusebenza nempesheni noma inzuzo yomhlala phansi yomphathi omkhulu nabasebenzi boMkhandlu.

(5) UMkhandlu ungatshala imali efakwe ku-akhawunti yayo engeke isheshe isetshenziswe: Inqobo nje uma iBhodi izothatha izinyathelo ezifanele ukuqikelela ukuthi imali etshaliwe ayitshaliwe okwesikhashana.

(6) UMkhandlu akufanele uboleke imali noma ukhiphe iziqinisekiso, imbuyiselo noma izibambiso noma okunye okuzowubophezela, ngaphandle uma ukubolekisa, imbuyiselo, iziqiniseko, izibambiso noma okunye kugunyaziwe ngokwemigomo yalo Mthetho futhi kungashayisani ne-*Public Finance Management Act*.

Ukuphathwa kwezimali

24. (1) Umphathi omkhulu kufanele enze amabhuku agcwele futhi afanele e-akhawunti nawo wonke amarekhodi adingekayo ahambisana nokugcinwa kwayo.

(2) Umphathi omkhulu kufanele aqikelele ukuthi isabelomali soMkhandlu, uhlelo lwebhizinisi, imibiko yonyaka nezitatimende zemali ezicutshunguliwe kuyalungiswa futhi kuyathunyelwa ngokulandela i-*Public Finance Management Act*.

(3) Umphathi omkhulu kufanele, zingakapheli izinyanga ezintathu ngaphambi kokuphela konyaka wezimali, athumele kuBhodi ukuze ligunyaze—

(a) uhlelo lwebhizinisi loMkhandlu, olunezinjongo neminye imininingwane evezwe esigabeni sama-25(3)*(b)* no-*(c)*; kanye

(b) nesitatimende sesilinganiso semali enganayo nezindleko zoMkhandlu, kweminyeka yezimali emithathu ezayo.

(4) Kunoma omuphi unyaka wezimali, umphathi omkhulu angathumela ebhodini ukuze ligunyaze isitatimende esesishintshiwe noma esihambisana nesilinganiso semali yoMkhandlu engenayo kulowo nyaka wezimali.

(5) The Council may not enter into any financial commitment beyond its approved budget and its accumulated reserves.

(6) The chief executive officer may with the approval of the Board, invest any unexpended portion of its funds with the Corporation for Public Deposits established in terms of section 3 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or other institution categorised or listed from time to time by the National Treasury as a Category ''A1'' financial institution or establish reserve funds and deposit therein such amounts as the Board approves.

Audit and annual report

25. (1) The Auditor-General must audit the financial statements of the Council.

(2) *(a)* The Board must table a report on the activities of the Council during a financial year in Parliament within 150 days after the end of that financial year.

(b) The Board must, within 150 days after the report has been tabled, brief Parliament on the annual report.

(3) The report must—

(a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;

(b) state the extent to which the Council has achieved or advanced its objects referred to in section 4 and the measurable objectives as set out in its business plan as contemplated in section 24(3)*(a)* during the financial year concerned; and

(c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators as set out in that business plan.

CHAPTER 8

KEEPING OF REGISTERS, REMOVAL AND RESTORATION TO REGISTER AND ANCILLARY MATTERS

Keeping of registers

26. (1) The registrar must keep registers—

(a) in which he or she enters the names of accredited language practitioners;

(b) in which he or she, on instruction of the Council, enters the name, physical address, qualifications, date of initial registration and other particulars, determined by the Council, of the person so registered;

(c) from which he or she must remove the names of deceased registered persons or other persons whose names must be removed in the prescribed manner; and

(d) in which he or she must update, from time to time, the relevant particulars of the person so registered.

(2) The registrar must keep the registers correctly and in accordance with the provisions of this Act.

(3) Every registered person who changes his or her address must notify the registrar in writing within 90 days after such change.

(4) *(a)* No qualification or accreditation must be entered in the register unless the registrar is satisfied that the person claiming to possess such qualification or experience is entitled thereto and has duly so demonstrated in the accreditation process conducted by the Council.

(b) An entry which is proved to the satisfaction of the Council to have been made in error or through misrepresentation or in circumstances not authorised by this Act may be removed from the register.

(c) A record of the reason for such removal must be made in the register.

(d) The person in respect of whose entry such removal has been made must be notified thereof.

Removal of name from, and restoration to, register

27. (1) The Council must direct the registrar to remove from the register the name of a person—

(a) who has died;

(5) UMkhandlu akufanele uzibophezele emalini engaphezulu kwesabelomali esigunyaziwe nenzalo yaso.

(6) Umphathi omkhulu uma egunyazwa iBhodi, angatshala ingxenye esele yemali ne-*Corporation for Public Deposits* esungulwe ngokwemigomo yesigaba sesi-2 se-*Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984)*, noma nesinye isikhungo esisemkhakheni noma esisohlwini lwesiKhwama seziMali zoMbuso oHlwini "A1" lwezikhungo zemali noma usungule isikhwama sokugcina imali kusona leso samba esigunyazwe iBhodi ngokuhamba kwesikhathi.

Ukucwaningwa kwamabhuku nombiko wonyaka

25. (1) UMcwaningimabhuku-Jikelele kufanele acwaninge izitatimende zemali yoMkhandlu.

(2) *(a)* IBhodi kufanele yethule umbiko ngokuqhutshwa uMkhandlu ngesikhathi sonyaka wezimali ePhalamende zingakapheli izinyanga ezinhlanu ngemuva kokuphela kwalowo nyaka wezimali.

(b) IBhodi kufanele, zingakapheli izinyanga ezinhlanu ngemuva kokwethula umbiko, lazise iPhalamende ngombiko wonyaka.

(3) Umbiko kufanele—

(a) ubandakanye ibhalansi shithi nestatimende semali engenayo nezindleko ezigunyazwe uMcwaningimabhuku-Jikelele;

(b) uveze indlela uMkhandlu ozuze ngayo noma odlondlobalise ngayo izinjongo ezivezwe esigabeni sesi-3 nezinjongo ezingalinganiswa ezivezwe ohlelweni lwebhizinisi njengoba kuveziwe esigabeni sama-24(3)*(a)* ngalowo nyaka wezimali; futhi

(c) ube nendlela efanele umnotho oqhuba ngayo, inqubekela phambili nosizo lokusebenzisa izinsiza kanye nokuqhathanisa izinkomba zohlelo nalokho okuqhuthwayo okuvezwe ohlelweni lwebhizinisi.

ISAHLUKO 8

UKUGCINA IREJISTA, UKUSUSA NOKUGCINA IREGISTA NEZINDABA EZIHAMBISANA NAYO

Ukugcina irejista

26. (1) Unobhala kufanele agcine amarejista—

(a) lapho ebhala khona amagama abasebenzi abasebenza ngolimi abagunyaziwe;

(b) lapho, uma ethola umyalelo eMkhandlwini, ebhala khona igama, ikheli, iziqu, usuku lokubhalisa neminye imininingwane, enqunywe uMkhandlu, ngalowo muntu obhalisayo;

(c) lapho kufanele asuse amagama abantu ababhalisiwe asebedlulile emhlabeni noma abanye abantu okufanela amagama abo akhishwe ngendlela enqunyiwe; futhi

(d) nalapho kufanele afake imininingwane emisha, ngokuhamba kwesikhathi, imininingwane esemqoka yomuntu obhalisiwe.

(2) Unobhala kufanele agcine amarejista ngendlela efanele futhi ngokulandela imibandela yalo Mthetho.

(3) Wonke umuntu obhalisiwe oshintsha ikheli lakhe kufanele abhale incwadi azise unobhala zingakapheli izinsuku ezingama-90 ngemuva kwaloko shintsho.

(4) *(a)* Azikho iziqu noma ukugunyazwa okuzobhalwa kurejista ngaphandle uma unobhala egculiseka ukuthi lowo muntu othi unalezo ziqu noma ulwazi lomsebenzi unakho futhi ubonisile ohlelweni lokugunyazwa obeluqhutshwa uMkhandlu.

(b) Okubhaliwe okungagculisi uMkhandlu okunephutha noma okungelona iqiniso noma ezimweni ezingagunyaziwe ngalo Mthetho kungasuswa kurejista.

(c) Irekhodi lokususa lokho kufanele lenziwe kurejista.

(d) Umuntu okususwe okuthile egameni lakhe kufanele aziswe ngalokho.

Ukususa igama, nokuligcina, kurejista

27. (1) UMkhandlu ungakhipha umyalelo wokuba kususwe igama lomuntu kurejista—

(a) osedlulile emhlabeni;

(b) who has been absent from the Republic for a continuous period of more than three years immediately preceding such removal;

(c) who has failed to notify the registrar of his present address within a period of 90 days as from the date of an enquiry sent by the registrar by certified mail to the address appearing in the register in respect of such person;

(d) who has requested that his or her name be removed from the register, in which case such person may be required to lodge with the registrar an affidavit to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him or her;

(e) who has failed to pay to the Council, within 90 days as from the date on which it became due for payment, any annual fee prescribed;

(f) whose name has been removed from the register, record or roll of a university, college, society or other body from which that person received the qualification by virtue of the holding whereof he or she was registered; or

(g) who has been registered in error or through fraud.

(2) The registrar must give notice of removal of a person's name by registered mail addressed to such person at the address of such person as it appears in the register.

(3) From the date on which the notice contemplated in subsection (2) was given—

(a) any registration certificate issued in terms of this Act to the person concerned is considered to have been cancelled; and

(b) a person whose name has been removed from the register must cease to practise the profession and is precluded from performing any act which he or she in his or her capacity as a registered person, was entitled to perform, until such time as his or her name is restored to the register.

(4) If, from the documents submitted to him or her, it appears to a judge, or it is brought to his or her notice in any other manner that the person to whom the documents relate is a person registered under this Act or if the said person is declared a mentally ill person in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002), the judge concerned may direct that a copy of the order declaring such person a mentally ill person be transmitted to the registrar and the registrar must, on receipt of the said copy, remove the name of the person concerned from the register.

(5) The registrar must restore the name of a person which in terms of this section has been removed from the register if the person concerned—

(a) applies on the prescribed form for such restoration to the registrar;

(b) pays the prescribed fee in respect of such restoration;

(c) in the case where a person's name has been removed from the register in terms of subsection (4), submit proof to the satisfaction of the Council of his or her discharge in terms of the provisions of the Mental Health Care Act, 2002, from the institution at which he or she has been detained;

(d) pays an annual fee which was not paid and an additional fee as may be decided upon; and

(e) complies with such other requirements as the Council may determine.

Effect of suspension or removal from register

28. A person who has been suspended or whose name has been removed from the register is disqualified from carrying on his or her profession as a registered language practitioner and his or her registration certificate is considered to have been cancelled until the period of suspension has expired or until his or her name has been restored to the register by the Council.

Right to appeal

29. (1) A person who is aggrieved by a decision of the Council may within 90 days of the decision, appeal to the Minister in the prescribed manner prior to instituting legal proceedings to review such a decision.

(2) A notice of the appeal must be given within 90 days from the date on which such decision was given or when such decision came to his or her knowledge.

Custody and publication of registers

30. (1) The registers must be kept at the offices of the Council.

(2) The registrar must, at intervals determined by the Council and according to the instructions of the Council, cause to be printed copies of the registers or supplementary

(b) obengekho eRiphabhuliki iminyaka edlulile kwemithathu ilandelana ukuba asuswe;

(c) ohlulekile ukwazisa unobhala ngekheli lakhe elisha zingakapheli izinyanga ezintathu kusukela ngosuku okwathunyelwa ngalo lokho kuthunyelwa unobhala ngencwadi ebhalisiwe ekhelini elivela kurejista yalowo muntu;

(d) ocelile ukuba igama lakhe lisuswe kurejista, esimweni esinjalo lowo muntu angacelwa ukuba athumele i-afidavithi echazayo ukuthi azikho izinyathelo zokuqondisa izigwegwe noma zobulelesi ezisaqhutshwa noma okungase zithathelwe lowo muntu;

(e) ohlulekile ukukhokhela uMkhandlu, zingakapheli izinsuku ezingama-90 kusukela ngosuku okwakufanele akhokhe ngalo, imali yonyaka enqunyiwe;

(f) okususwe igama lakhe kurejista, kumarekhodi noma emqulwini wenyuvesi, ikolishi, inhlangano noma elinye igatsha lowo muntu athola khona lezo ziqu ngoba wayefunda khona; noma

(g) okunephutha noma nokukhwabanisa ngokubhaliswa kwakhe.

(2) Unobhala kufanele akhiphe isaziso sokususa igama lomuntu athumele incwadi ebhalisiwe ekhelini elivela kurejista iqondiswe kulowo muntu.

(3) Kusukela ngosuku okwakhishwa ngalo isaziso esivezwe esigatshaneni sesi-(2)—

(a) isitifiketi sokubhalisa esinikezwe umuntu ofanele ngokwemigomo yalo Mthetho kuzothathwa ngokuthi sahoxiswa; futhi

(b) umuntu okususwe igama lakhe kurejista kufanele ayeke ukusebenza futhi akavunyelwe ukuqhuba lowo msebenzi awubhalisa, kuze kubuyiselwe igama lakhe kurejista.

(4) Uma, emiqulwini athunyelwe yona, ijaji libona, noma livezelwa ngenye indlela ukuthi leyo miqulu ihambisana nomuntu obhaliswe ngaphansi kwalo Mthetho noma uma lowo muntu emenyezelwe ukuthi ugula ngekhanda ngokwemigomo ye-*Mental Health Care Act, 2002 (Act 17 of 2002)*, lelo jaji lingakhipha umyalelo wokunquma ukuba lowo muntu ugula ngekhanda ukuba uthunyelwe kunobhala futhi unobhala kufanele, uma esethole leyo khophi, asuse igama lalowo muntu kurejista.

(5) Unobhala kufanele agcine igama lomuntu obhalisile ngokwemigomo yalesi sigaba uma lowo muntu—

(a) efaka isicelo ngendlela enqunyiwe sokuba kugcinwe igama lakhe kurejista;

(b) ekhokha imali enqunyiwe yokuba kugcinwe igama lakhe;

(c) uma kususwe igama lomuntu kurejista ngokwemigomo yesigatshana sesi-(4), athumele ubufakazi obuzogculisa uMkhandlu ngokususwa kwakhe ngokwemigomo yemibandela ye-*Mental Health Care Act, 2002 (Act No. 17 of 2002)*, kuleso sikhungo akade egcinwe ngaphansi kwaso;

(d) ekhokha yonke imali yonyaka ebingakhokhiwe futhi wakhokha nezinye izindleko ezinganqunywa; futhi

(e) elandela ezinye izimfanelo ezinganqunywa uMkhandlu.

Umthelela wokumiswa noma wokususwa kurejista

28. Umuntu omisiwe noma igama lakhe elisusiwe kurejista akavunyelwe ukuqhuba umsebenzi wakhe awubhalisele wokusebenza njengomuntu osebenza ngolimi futhi isitifiketi sakhe sokubhalisa sithathwa ngokuthi sihoxisiwe kuze kuphele isikhathi sokuhoxiswa kwaso noma uMkhandlu uze ubuyisele igama lakhe kurejista.

Ilungelo lokufaka isicelo sokubuyekeza

29. (1) Umuntu ongagculisekile ngesinqumo soMkhandlu ingakapheli izinyanga ezintathu kukhishwe isinqumo, angafaka isicelo sokubuyekeza kuNgqongqoshe ngendlela enqunyiwe ngaphambi kokuba acele inkantolo ukuba ibuyekeze leso siqumo.

(2) Isaziso sesicelo sokubuyekeza kufanele sithunyelwe zingakapheli izinsuku ezingama-90 kusukela ngosuku okwakhishwa ngalo isinqumo noma azi ngalo mayelana naleso sinqumo.

Ukugcinwa nokushicilelwa kwamarejista

30. (1) Amarejista kufanele agcinwe emahhovisi oMkhandlu.

(2) Unobhala kufanele, ngesikhathi esinqunywe uMkhandlu futhi ngokulandela imiyalelo yoMkhandlu, agaye amakhophi amarejista noma uhlu oluhambisana nawo

lists showing all alterations, removals, additions, revisions and deletions effected since the last publication of the complete registers.

Register as proof

31. (1) *(a)* A copy of the last published issue of a register or supplementary list purporting to be printed and published on the authority of the Council is *prima facie* proof in all legal proceedings of the facts therein recorded.

(b) The absence of the name of a person from such copy is proof, unless there is credible evidence to the contrary, that such person is not registered according to the provisions of this Act.

(2) For the purposes of subsection (1) a certified extract or a certificate contemplated in section 32(3) bearing a date subsequent to the date of publication of the register or supplementary list contemplated in subsection (1) is ''credible evidence to the contrary''.

(3) If the registrar issues a certificate dated later than the date of publication of the register or supplementary list contemplated in subsection (1) to the effect that a language practitioner's name has been removed from the register since the date of publication of the register or supplementary list and has not been restored thereto, that certificate is proof, in the absence of credible evidence to the contrary, that such person is not registered in terms of the provision of this Act.

(4) A certificate of registration is proof of registration for a period of one year only and thereafter an annual practising certificate, issued upon payment of the prescribed annual fee and upon submission of such information as may be required by the Council to enable it to keep accurate statistics on human resources in the language field, is proof of registration in the absence of credible evidence to the contrary.

Issue of duplicate registration certificate, certificate of status, extract from register or certificate by registrar

32. (1) If the registrar is satisfied—

(a) on proof submitted by the registered person concerned that a registration certificate has been destroyed; or

(b) by virtue of an affidavit submitted by the registered person concerned, that a registration certificate has been lost,

the registrar may issue a duplicate registration certificate to that person upon payment of the prescribed fee.

(2) The registrar may, upon payment of the prescribed fee, issue to any registered person a certificate of status containing particulars relating to such person's registration as well as a statement to the effect that the said person is not disqualified from practising his or her profession and that no disciplinary steps are pending against him or her in terms of this Act.

(3) The registrar may issue a certified extract from the register or a certificate under his or her hand to a person upon payment of the prescribed fee.

(4) A certificate may be issued subject to certain conditions imposed by the Council and such conditions must be indicated on the certificate.

Qualifications and experience prescribed for registration

33. (1) The Minister may, on the recommendation of the Council, prescribe the minimum qualifications to be obtained by virtue of examinations conducted by a tertiary institution or other examining authority in the Republic.

(2) A holder of a qualification contemplated in subsection (1), obtained separately or conjointly with another qualification, or a person with relevant experience is eligible for registration in terms of this Act if he or she has before or in connection with or after the acquisition of the qualification in question, or other relevant experience, complied with the prescribed conditions or requirements.

Levying of annual fees on accredited and registered persons

34. (1) The Minister may, on the recommendation of the Council and by notice in the *Gazette* and in at least two national newspapers, authorise the Council to prescribe a fee to be paid annually to the Council by the registered persons concerned: Provided that in

oluveza izinguquko, okususiwe, okungenziwanga, okubuyekeziwe noma okusuliwe okwenziwe selokhu kwashicilelwa okokugcina amarejista agcwele.

Ubufakazi berejista

31. (1) *(a)* Ikhophi yerejista yokugcina eshicilelwe noma uhlu oluhambisana nayo okufanele kugaywe futhi kushicilelwe ngokulandela umyalelo woMkhandlu kuwubufakazi ezinyathelweni zomthetho kwalokho okubhalwe kuyona.

(b) Ukungabi khona kwegama lomuntu kuleyo khophi kuwubufakazi, bokuthi lowo muntu akabhalisile ngokwemibandela yalo Mthetho, ngaphandle uma kunobufakazi obuzwakalayo obuphikisa lokhu.

(2) Ngokwesigatshana soku-(1) ikhophi egxiviziwe noma isitifiketi esivezwe esigabeni sama-24(3) esiveza usuku olulandela usuku lokushicilelwa kwerejista noma uhla oluhambisana nayo oluvezwe esigatshaneni soku-(1) ‘‘siwubufakazi obumsulwa obuphikisa lokhu’’.

(3) Uma unobhala ekhipha isitifiketi esiveza usuku oludala kunosuku lokushicilelwa kwerejista noma uhlu oluhambisana nayo oluvezwe esigatshaneni soku-(1) oluveza ukuthi igama lomsebenzi osebenza ngolimi lisusiwe kurejisa kusukela ngosuku lokushicilelwa kwerejista noma lohlu oluhambisana nayo lisagciniwe kuyona, leso sitifiketi siwubufakazi, uma bungekho ubufakazi obuphikisayo, bokuthi lowo muntu ungumuntu obhalisile ngokwemigomo yalo Mthetho.

(4) Isitifiketi sokubhalisa siwubufakazi bokubhalisa unyaka owodwa kuphela ngemuva kwalokhu uma sekukhokhwe imali yonyaka enqunyiwe futhi uma sekuthunyelwe leyo minininingwane enganqunywa uMkhandlu ukuze ugcine izibalo ezifanele zamakhono abantu emkahkheni wolimi, kungubufakazi bokubhalisa uma bungekho ubufakazi obuphathekayo obuphikisana nalokhu.

Ukukhishwa kwesinye isitifiketi, izinga lesitifiketi, ikhophi unobhala ayithathela kurejista noma esitifiketini

32. (1) Uma unobhala egculisekile—

(a) ngobufakazi athunyelwe bona umuntu obhalisile oqondene bokuthi isitifiketi sokubhalisa sishatshalalisiwe; noma

(b) nge-afidavithi ethunyelwe ilowo muntu obhalisile, yokuthi isitifiketi sokubhalisa silahlekile,

unobhala angakhiphela lowo muntu esinye isitifiketi uma esekhokhe imali enqunyiwe.

(2) Unobhala, uma sekukhokhwe imali enqunyiwe, angakhiphela umuntu obhalisile isitifiketi esiqukethe iminininingwane yezinga ehambisana nokubhalisa kwalowo muntu nesitatimende esichaza ukuthi lowo muntu akanqatshelwe ukuqhuba umsebenzi wakhe awufundele nokuthi azikho izinyathelo zokuqondiswa kwezigwegwe ezisaqhutshwa ngalowo muntu ngokwemigomo yalo Mthetho.

(3) Unobhala angakhiphela noma ubani ikhophi egxiviziwe ethathelwe kurejista noma esitifiketini ngaphansi kwengalo yakhe uma sekukhokhwe imali enqunyiwe.

(4) Isitifiketi singakhishwa ngokulandela imibandela ethile ethweswe uMkhandlu futhi le mibandela kufanele ivezwe esitifiketini.

Iziqu nolwazi lomsebenzi okunqunyiwe ukuba kubhaliswe

33. (1) Ngokulandela izincomo zoMkhandlu, uNgqongqoshe, anganquma iziqu ezitholwe ngokuhlolwa okwenziwe isikhungo semfundo ephakeme noma omunye umkhandlu wemfundo ephakeme eRiphabhuliki.

(2) Umuntu oneziqu ezivezwe esigatshaneni soku-(1), azithole ngokuhlukene noma ndawonye nezinye iziqu, angabhaliswa ngokwemigomo yalo Mthetho uma phambilini noma mayelana nokutholla noma ngemuva kokuthola lezo ziqu, noma olwazi lomsebenzi oluqondene, walandela imibandela noma izimfanelo ezinqunyiwe.

Ukuthweswa kwezindleko zonyaka uma kugunyazwa futhi kubhaliswa abantu

34. (1) Ngokulandela izincomo ezenziwe uMkhandlu futhi nangesimemezelo kuSomqulu kanye nakumaphephandaba amabili kazwelonke, uNgqongqoshe angagunyaza uMkhandlu ukuba unqume imali ezokhokhelwa uMkhandlu njalo ngonyaka ngabantu ababhalisile abaqondene: Inqobo nje uma kunqunywe le mali uMkhandlu uhlukanisa abantu ngokuthi bake babhalisa phambilini noma ngemuva kosuku

prescribing such fee the Council may differentiate between persons according to whether they have been registered before or after a date specified in the notice and may vary such fee according to whether it is paid before or after a specific date.

(2) If a person liable to pay an annual fee prescribed in terms of subsection (1) fails or refuses to pay such fee within the period specified in the notice in question, the Council may institute legal proceedings.

(3) If a person's name has been removed from the register, it shall be a condition precedent for the restoration of his or her name to the register that he or she pays the outstanding annual fee.

(4) The Council may, by resolution, exempt for an indefinite or definite period a registered person specified in the resolution from payment of an annual fee prescribed in terms of subsection (1).

CHAPTER 9

GENERAL PROVISIONS

Security of confidential information held by Council

35. (1) Subject to the Constitution of the Republic of South Africa, 1996, and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and other relevant legislation no person may disclose information submitted to the Council in connection with an application or instruction, unless—

(a) he or she is ordered to do so by a court of law; or

(b) the person who made such application or give such instruction consents thereto in writing.

(2) No person may disclose information kept in the register contemplated in sections 8, 16(4) and 19(4), unless such disclosure is—

(a) in terms of a law that compels or authorises such disclosure;

(b) materially necessary for the proper functioning of the Council; or

(c) made for purposes of monitoring, evaluating, investigating or considering activity relating to the Council, or a member of staff of the Council.

(3) Where a disclosure contemplated in subsection (2) is to be made, the person concerned must be informed thereof timeously.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence.

Dissolution of Council

36. The Council may only be dissolved in terms of an Act of Parliament.

Use of name of Council

37. (1) No person may, without the prior written authorisation of the Council, represent or make use of the name, acronym, logos, designs or material used or owned by the Council.

(2) No person may falsely claim to be acting on behalf of the Council.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence.

Delegations

38. (1) The Minister may delegate to the Board—

(a) any power conferred on the Minister by this Act, except the power to make regulations referred to in section 41; or

(b) any duty imposed on the Minister by this Act, except any duty regarding the appointment, and termination of office, of the members of the Board contemplated in sections 6(1)*(a)*, 7 and 10(2).

(2) The Board may, by a special resolution, delegate to the chief executive officer or staff member of the Council, any power or duty conferred or imposed on the Board by this Act.

(3) The chief executive officer may delegate to a member of staff of the Council any power or duty conferred or imposed on the chief executive officer by this Act, except the power or duty as accounting officer of the Council.

oluvezwe kwisaziso futhi le mali kungahluka ukuthi ikhokhwa ngaphambili noma ngemuva kosuku oluthile.

(2) Uma umuntu kufanele akhokhe imali yonyaka enqunyiwe ngokwemigomo yesigatshana soku-(1) ahluleke noma anqabe ukukhokha leyo mali esikhathini esiveziwe kuleso saziso, uMkhandlu ungaqala izinyathelo zomthetho.

(3) Uma igama lomuntu likhishiwe kurejista, kufanele kube umbandela ongumhlahlandlela wokugcina igama lakhe kurejista wokuba akhokhe imali yonyaka engakakhokhwa.

(4) UMkhandlu, ngesinqumo, ungakhiphela eceleni isikhathi esinqunyiwe noma esinganqunyiwe kubantu ababhalisile esivezwe esinqunyweni sokuba bakhokhe imali yonyaka enqunywe ngemigomo yesigatshana soku-(1).

ISAHLUKO 9

IMIBANDELA EJWAYELEKILE

Ukuvikeleka kwemininingwane eyimfihlo egcinwe uMkhandlu

35. (1) NgokoMthethisisekelo waseRiphabhuliki yaseNingizimu Afrika, 1996, ne-*Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)*, neminye imthetho eqondene akekho umuntu okufanele adalule imininingwane ethunyelwe uMkhandlu emayelana nesicelo noma imiyalelo, ngaphandle uma—

(a) eceliwe inkantolo ukuba enze lokho; noma

(b) umuntu ofake leso sicelo noma okhipha leyo miyalelo evumelana nalokho ngencwadi.

(2) Akekho umuntu okufanele adalule imininingwane egcinwe kurejista evezwe esigabeni sesi-8, 16(4) nese-18(4), ngaphandle uma ukuyidalula—

(a) ngokwemigomo yomunye umthetho kuphoqelela noma kugunyaza ukuba idalulwe;

(b) kufanele ukuze umkhandlu usebenze ngendlela efanele; noma

(c) kwenzelwe ukuqapha, ukuhlola, ukuphenya noma ukucubungula umsebenzi ohambisana noMkhandlu, noma nelinye ilungu labasebenzi boMkhandlu.

(3) Uma ukudalula okuvezwe esigatshaneni sesi-(2), umuntu othintekayo kufanele aziswe ngalokho kusenesikhathi.

(4) Umuntu ophula isigatshana noku-(1), (2) noma sesi-(3) unecala.

Ukuchithwa koMkhandlu

36. UMkhandlu ungachithwa ngokwemigomo yoMthetho wePhalamende.

Ukusebenzisa igama loMkhandlu

37. (1) Akekho umuntu, ongenayo imvume ebhalwe uMkhandlu, ongamela noma asebenzise igama, umbhalo ofingqiwe, umfanekiso, isakhiwo noma izinto ezisetshenziswa noma zoMkhandlu.

(2) Akekho umuntu okufanele aqambe amanga athi usebenzela uMkhandlu.

(3) Umuntu owaphula isigatshana soku-(1) noma sesi-(2) unecala.

Ukudlulisa amandla

38. (1) UNgqongqoshe angadlulisela kuBhodi—

(a) amandla athweswe kuNgqongqoshe ngalo Mthetho, ngaphandle kwamandla okumisa izimiso zomthetho ezivezwe esigabeni sama-40; noma

(b) umsebenzi othweswe uNgqongqoshe ngalo Mthetho, ngaphandle komsebenzi ophathelene nokuqasha, nokumisa umsebenzi, wamalungu eBhodi ovezwe esigabeni sesi-6(1)*(a)*, 7 nese-10(2).

(2) Ngesinqumo esikhethekile, iBhodi, ingadlulisela amandla kumphathi omkhulu noma kumalungu abasebenzi boMkhandlu, amandla noma isibophezelo esinikeziwe noma esithweswe iBhodi ngalo Mthetho.

(3) Umphathi omkhulu angadlulisa amandla kunoma eliphi ilungu labasebenzi boMkhandlu amandla noma isibophezelo esithweswe noma esinikezwe umphathi omkhulu ngalo Mthetho, ngaphandle kwamandla noma isibophezelo somengameli woMkhandlu.

(4) Any power or duty delegated in terms of subsection (1), (2) or (3) must be exercised or performed subject to such conditions as the person or body that made the delegation considers necessary.

(5) A delegation referred to in subsection (1), (2) or (3)—

(a) must be in writing;

(b) does not prohibit the person or body that made the delegation from exercising that power or performing that duty; and

(c) may be withdrawn or amended in writing by that person or body.

Offences

39. (1) A member, a member of staff, an adviser, agent or any other person employed or acting on behalf of the Council is guilty of an offence if he or she directly or indirectly accepts a bribe or receives unauthorised fee or reward from any person in connection with anything done or offered by the Council.

(2) A person is guilty of an offence if he or she, in respect of or in connection with anything done or offered by the Council, bribes or attempts to bribe or in a corrupt manner influences or attempts to influence a member, a member of staff, an adviser, agent or any other person employed by, or acting on behalf of, the Council.

(3) A person is guilty of an offence if he or she falsely claims that he or she is authorised to charge or collect fees, donations or contributions on behalf of, or by direction of the Council.

(4) A person is guilty of an offence if he or she does professional work of a language practitioner without being in possession of a valid accreditation or registered certificate for the period in question.

Penalties

40. A person convicted of an offence in terms of this Act is liable to a fine or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Regulations

41. The Minister may, in consultation with the Board, other relevant institution and by notice in the *Gazette*, make regulations regarding—

(a) the training of language practitioners;

(b) control over the accreditation and registration of language practitioners; or

(c) in general, any ancillary or incidental matter that is necessary to prescribe for the proper implementation or administration of this Act.

Transitional provisions

42. (1) For a period, not exceeding two years from date of coming into operation of this Act, the Council may recognise—

(a) any person admitted and enrolled by a division of the High Court as a sworn translator in accordance with Rule 59 of the High Court Rules as a language practitioner for the purposes of this Act; and

(b) accreditation granted by voluntary or other associations prior to the establishment of the Council provided that the Council may conduct a competency test whenever it deems this necessary.

(2) No person or business other than the Council may regulate, register or accredit a language practitioner after the period contemplated in subsection (1) has expired.

Short title and commencement

43. This Act is called the South African Language Practitioners' Council Act, 2014, and comes into operation on a date fixed by the President by proclamation in the *Gazette.*

(4) Amandla noma umsebenzi okudluliselwe ngokwemigomo yesigatshana soku-(1), (2) noma sesi-(3) kufanele kusetshenziswe noma kuqhutshwe ngokulandela leyo mibandela lowo muntu noma igatsha elidlulisele lawo mandla elibona ifanele.

(5) Ukudlulisa amandla okuvezwe esigatshaneni soku-(1), (2) noma sesi-(3)—

(a) kufanele kubhalwe phansi;

(b) akuvimbeli umuntu noma igatsha elidlulisele lawo mandla ukusebenzisa lawo mandla noma ukuqhuba leyo misebenzi; futhi

(c) noma nini kungahoxiswa noma kuchitshiyelwe ngencwadi ebhalwe ilowo muntu noma ilelo gatsha.

Amacala

39. (1) Ilungu, ilungu labasebenzi, umeluleki, isithunywa noma omunye umuntu oqashiwe noma obambile eMkhandlwini unecala uma amukela ngqo noma ngenye indlela ukugwaza noma ethola imali engagunyaziwe noma umklomelo kumuntu oxhumene nokwenziwayo noma okukhishwa uMkhandlu.

(2) Umuntu unecala, uma kokuxhumene noma okukhishwa uMkhandlu, egwaza noma ezama ukugwaza noma eyenga ngenkohlakalo noma ezama ukuyenga ngenkohlakalo ilungu, umsebenzi, umeluleki, isithunywa noma omunye umuntu oqashiwe, noma obambile eMkhandlwini.

(3) Umuntu unecala uma eqamba amanga ngokuthi ugunyaziwe ukukhokhisa noma ukuthatha imali, umnikelo ngokomyalelo woMkhandlu.

(4) Umuntu osebenza umsebenzi ofundelwe wolimi ongagunyaziwe noma ongenaso isitifiketi esibhalisiwe saleso sikhathi unecala.

Izigwebo

40. Umuntu olahlwe icala ngokwemigomo yalo Mthetho uzokhokha inhlawulo noma aboshwe isikhathi esingadlulile eminyakeni emihlanu noma abhekane nakho kokubili inhlawulo futhi aboshwe.

Izimiso zomthetho

41. UNgqongqoshe ngokuxoxisana neBhodi kanye nezikhungo eziqondene futhi ngokusebenzisa isaziso kuSomqulu, angamisa izimiso zomthetho eziphathelene—

(a) nokuqeqesha abasebenzi abasebenza ngolimi;

(b) ukulawula ukugunyazwa nokubhaliswa kwabasebenzi abasebenza ngolimi; noma

(c) ngokujwayelekile, udaba oluhambisana noma olungaphansi kodaba olufanele lunqunywe ukuze kusetshenziswe lo Mthetho ngendlela efanele.

Imibandela yesikhashana

42. (1) Kusukela esikhathini, esingadlulile eminyakeni emibili kusukela ngosuku lo Mthetho ozoqala ngalo ukusebenza, uMkhandlu ungabheka—

(a) umuntu oqashiwe noma owamukelwe uhlaka lweNkantolo ePhakeme njengomhumushi ogunyaziwe ngokulandela uMthetho wama-59 weMithetho yeNkantolo ePhakeme njengomsebenzi osebenza ngolimi ngokwalo Mthetho; futhi

(b) ukugunyazwa okwamukelwe noma ezinye izinhalngano ngaphambi kokuba kusungulwe uMkhandlu inqobo nje uma uMkhandlu ungaqhuba isivivinyo esifanele uma ubona kunesidingo.

(2) Akekho umuntu noma ibhizinisi okungelona loMkhandlu elingalawula, libhalise noma ligunyaze abasebenzi abasebenza ngolimi ngemuva kokuphela kwesikhathi esivezwe esigatshaneni soku-(1).

Isihloko esifingqiwe nokuqala ukusebenza koMthetho

43. Lo Mthetho ubizwa ngokuthi uMthetho woMkhandlu wabaSebenzi abaSebenza ngoLimi eNingizimu Afrika, wezi-2014, futhi uzoqala ukusebenza ngosuku olunqunywe uMongameli ngesimemezelo kuSomqulu.