

(Umtsetfo lolawulako 2)

TIMO LETISISEKELO TEMTSETFO WEKUCASHA, 1997

SIFINYETO LEKUMELE SIGCINWE NGUMCASHI NGEKWESIGABA 30

Loku lokulandzelako sifinyeto semiyalo yetigaba letibaluleke kakhulu teTimo letiSisekelo teMtsetfo wekuCasha, 1997, njengobe uguculiwe.

1. KUSETJENTISWA KWEMTSETFO: SIGABA 3

LoMtsetfo usebenta kubo bonkhe basebenti nebacashi ngaphandle kwemalunga eMbufto weTekuvikela waVelonkhe, neLuphiko lweTemachinga lwaVelonkhe, Luphiko lweTemfihlo lweNingizimu Afrika, nemavolontiya langakhokholwa lasebentela tinhlango letisitako.

Timo letisisekelo tekucasha leticuketfwe nguMtsetfo tenta incenye yenkotileka yekucashwa kwebasebenti lefakwe kuMtsetfo. Lokunye, kodvwa hhayi konkhe, timo tekucasha tingehlukana ngekwehlukana kwetivumelwano tebantfu nobe telicembu macondzana netimiso teMtsetfo. (buka sigaba 7 ngaphasi).

2. KULAWULA KWESIKHATSI SEKUSEBENTA: SAHLUKO SESIBILI

2.1 Kusetjentiswa

Lesahluko asisebenta kubasenti labasetikhundleni letisetulu, basebenti labatsengisako labahambako futsi labasebenta emahora langaphasi kulangu-24 ngenyanga.

2.2 Emahora ekusebenta lasemtsetfweni: Sigaba 2

Akekho umcashi lotawuphocenelele nobe avumele sisebenti kwekutsi sisebente emahora lengca lawa lalandzelako:

- (a) emahora lengca langu-45 ngeliviki;
- (b) emahora layimfica nobe nguliphi lilanga uma ngabe sisebenti sisebenta emalanga lasihlanu nobe lamancane kunaloko ngeviki; nobe ke
- (c) emahora lasiphohlongo nobe ngaliphi lilanga uma ngabe sisebenti sisebenta emalanga lengca kulasihlanu ngeliviki.

2.3 Kusebenta sikhatsi lesengetiwe: Sigaba 10

2.3.1 Umcashi kufanele angaphoceli futsi angavumeli sisebenti sente loku lokulandzelako:

- (a) sisebenti sisebente sikhatsi lesengetiwe ngaphandle uma ngabe sisebenti sivumelane nemcashi;

(b) kusebenta kwengce loku lokulandzelako:

- (i) emahora lematsatfu esikhatsi lesengetiwe ngelilanga; nobe ke
- (ii) emahora lalishumi esikhatsi lesengetiwe ngeliviki.

2.3.2 Sivumelwano angeke sidzinge nobe sivumele kutsi sisebenti sisebente emahora langetulu kwelishumi nakubili nanobe nguliphi lusuku.

2.3.3 Sivumelwano selinyenti ngesikhatsi sekusebenta sikhatsi lesingetiwe singangetelwa kumahora langu-15 ngeliviki kuye etinyangeni letimbili kunobe ngusiphi sikhatsi setinyanga letilishumi nakubili.

2.3.4 Sisebenti lesisebenta sikhatsi lesengetiwe kufanele siholelwe ngalokuphindwe kayi-1.5 kubala kususelwa emuholweni wakhe nobe-ke sikhetsa kutsatsa lilanga.

2.4 Liviki lekusebenta lelifinyetiwe: Sigaba 11

2.4.1 Sisebenti singavumelana nemcashu ngalokubhalwe phasi kwekutsi sitawusebenta emahora langu-12 ngelilanga nobe ngaphandle kwekutfola imali yesikhatsi lesengetiwe.

2.4.2 Lesivumelwano lesi asiphocelwa nobe asivumeli kwekutsi sisebenti sisebente ngaletindlela letilandzelako:

- (a) ngetulu kwemahora langu-45 evikini;
- (b) ngetulu kwemahora lalishumi esikhatsi lesengetiwe nobe ngaliphi liviki;
- (c) ngetulu kwemalanga lasihlanu nobe ngaliphi liviki.

2.5 Kubalwa kwemahora emsebenti: Sigaba 12

2.5.1 Sivumelwano sebantfu labanyenti singavumela kwekutsi emahora abalwe ngemuva kwesikhatsi lesingange tinyanga letine.

2.5.2 Sisebenti lesiphocelwa sivumelwano sebantfu labanyenti lesinjena ngeke sikhone kusebenta ngendlela lelandzelako:

- (a) emahora langu-45 ngeliviki, ngesikhatsi lekuvunyelwane ngaso;
- (b) emahora lengca kulasihlanu esikhatsini lesengetiwe ngeliviki; kute kuphele sikhatsi lekuvunyelwane ngaso.

2.6 Tikhatsi tekudla: Sigaba 14

2.6.1 Sisebenti kufanele sibe nesikhatsi sekudla imizuzu lengu-60 ngemva kwekusebenta emahora lasihlanu.

2.6.2 Sivumelwano lesibhaliwe:

- (a) singehlisa sikhatsi sekudla siye kumizuzu lengu-30;
- (b) singenta kutsi kungabi khona sikhatsi sekudla kubasebenti labasebenta sikhatsi lesingaphasi kwemahora lasifupha ngalilanga.

2.7 Sikhatsi sekuphumula ngelilanga nobe ngeliviki: Sigaba 15

Sisebenti kufanele sitfole sikhatsi lesingangemahora langu-12 lalandzelanako ngelilanga nobe emahora langu-36 lalandzelanako ngeliviki, nasekubalwa neLisontfo, ngaphandle uma ngabe sisebenti sente sivumelwano lesitsite nemcash.

2.8 Umholo wekusebenta ngeMasontfo: Sigaba 16

2.8.1 Sisebenti lesisebenta ngasikhatsi ngeLisontfo kumele siholelwe imali lephindvwe kabili.

2.8.2 Sisebenti lesisebenta njalo ngeLisontfo kumele siholelwe imali lephindvwe kayi-15 emholweni waso.

2.8.3 Kungavunyelwana kutsi sisebenti sitsatse lilanga uma ngabe sisebente ngeLisontfo.

2.9 Kusebenta ebusuku: Sigaba 17

2.9.1 Basebenti labasebenta ebusuku emkhatsini kwa-18:00 na-06:00 kumele bancesheteliswe ngekukhokhelwa sibonelelo nobe ngekunciphisa emahora esikhatsi sekusebenta nekwekuhamba kumele kube khona.

2.9.2 Basebenti lebasebenta njalo kusukela nga-23:00 futsi nangaphambi kwa-06:00 ngelilanga lelindzelako kumele batiswe:-
(a) ngetingoti temphilo nekuphepha; futsi
(b) nangelilungelo lekuhlolwa ngetemphilo.

2.10 Emaholide esive: Sigaba 18

2.10.1 Basebenti kumele bakhokhelwe liholo labo leletayelekile kunobe nguliphi liholide leliwela ngaphasi kwelilanga lekusebenta.

2.10.2 Kusebenta ngehohide lesive kungentiwa ngemuva kwekuvumelana nemcash futsi liholo libe nguleliphindvwe kabili.

2.10.3 Lihohide lesive langantjintjiswa ngalelinye lilanga ngakuvumelana.

3. ILIFU: SAHLUKO SESITSATFU

3.2 Kusetjentiswa

Lesahluko lesikhuluma ngelifu asisebenti kumuntfu losebenta emahora langaphasi kulangu-24 ngenyanga futsi nelifu leniketwe ngekwecisa imvume yelifu ngaphasi kwasahluko.

3.2 Ilifu yemnyaka: Sigaba 20 & 21

- 3.2.1 Tisebenti kufanele tibe nelifu emalanga langu-21 lalandzelanako ngemnyaka, nobe ngesivumelwano, lilanga linye ngemuva kwemalanga langu-17 lasetjentiwe nobe lihora linye ngemuva kwemahora langu-17 lasetjentiwe.
- 3.2.2 Ilifu kufanele iniketwe kungakendluli tinyanga letisitfupha emva kwekuphela kwesikhatsi selifu yemnyaka.
- 3.2.3 Umcashi akavumeleki kwekutsi aholele sisebenti entele kwekutsi sisebenti singangatsatsi ilifu, ngaphandle uma ngabe sisebenti sesiyayekeliswa kusebenta.

3.3 Ilifu yekugula: Sigaba 22 - 24

- 3.3.1 Sisebenti sinemalungelo elifu yekugula lengemaviki lasitfupha lakhokhelwako etinyangeni letingu-36.
- 3.3.2 Etinyangeni tekucala letisitfupha, sisebenti sivumelekile kwekutsi sitsatse lilanga linye lelifu yekugula lekhokhelwako ngemuva kwemalanga langu-26 lasetjentiwe.
- 3.3.3 Umcashi unelilungelo lekutsi acele incwadzi yadokotela lenebufakazi bekugula ngaphambi kwekuholela sisebenti uma ngabe silove emalanga lamabili lalandzelanako nobe-ke uma sisebenti sihlala silova njalo nje.

3.4 Ilifu yekuyawubeleka: Sigaba 25 & 26

- 3.4.1 Sisebenti lesitetfwele sinelilungelo lekutfola emalanga ekuphumula langaba tinyanga letine letilandzelanako.
- 3.4.2 Sisebenti lesitetfwele nobe lesesikhulisa umntfwana asikavumeleki kusebenta umsebenti longabangela kwekutsi sibe sengotini umntfwana abe sengotini.

3.5 Ilifu yekunakekela tinkinga temindeni: Sigaba 27

- 3.5.1 Tisebenti lesicashwe ngalokugcwele tinelilungelo lekutfola emalanga lamatsatfu ngemnyaka ekutsi tinakekele tinkinga temindeni tato, ngekucela, uma kubelekwe umntfwana wesisebenti nobe agula, nobe esahlakalweni sekushona kwemlingani wesisebenti, nobe umtali, umtali welusiso, mkhulu nobe gogo, umntfwana, umntfwana welusiso, umtukulu nobe umnakabo.
- 3.5.2 Umcashi angadzinga bufakazi lobuvakalako.

4. IMINININGWANO YEKUCASHA KANYE NEKUHOLELA TISEBENTI: SAHLUKO SESINE

4.1 Kusetjentiswa

Lesahluko asisebenti kumuntfu losebenta emahora emahora langaphasi kwa-24 ngenyanga.

4.2 Imininingwano lebhalwe phasi yekucasha: Sigaba 29

4.2.1 Umcashi kufanele anikete sisebenti lemininingwano lelandzelako ngalokubhalwe phasi ngaphambi kwekucala kusebenta:

- (a) ligama leliphelile kanye nelikheli lemcashi;
- (b) ligama nesikhundla sesisebenti nobe kuchaza ngalokufishane ngemsebenti;
- (c) tindzawo letahlukene tekubentela;
- (d) lilanga lekucashwa;
- (e) emahora ekusebenta kanye nemalanga ekusebenta lavumelekile;
- (f) imali letawuholwa kanye nendlela yekuyibala;
- (g) linain lekusebenta lekusebenta sikhatsi lesengetiwe;
- (h) lokunye lokukhokhelwako;
- (i) nobe nguyiphi inkhokhelo yekubonga nelinani lakhona;
- (j) sikhatsi lesibekiwe sekuholela;
- (k) kwephulelwa umholo;
- (l) kwatisa ngekutsatsa ilifu;
- (m) sikhatsi sesatiso nobe sikhatsi senkontileka;
- (n) imniningwano ngelibandla nobe ngesincumo sencenye letsite lekungiyona inakekela tidzingo temcashi;
- (o) sikhatsi lesisetjentwe kulenye indzawo lesingabalelwa esikhatsini sekusebenta kwakhe kwamanje;
- (p) luhla lwanobe nguyiphi imiculu leyyincenye yenkontileka, lubonise indzawo lapho kungatfolakala khona lemiculu.

4.2.2 Imininingwano kumele ibukeyetwe uma tivumelwano tekucasha tigucuka.

4.3 Kwatisa tisebenti ngemalungelo: Sigaba 30

Sitatimende semalungelo esisebenti kufanele sikhonjiswe emsebentini ngetilimi letisemtsetfweni letisetjentiswako.

4.4 Kugcinwa kwemabhuku: Sigaba 31

Wonkhe umcashi kufanele agcine emabhuku lacuketse lomniningwano lolandzelako:

- (a) ligama lesisebenti nesikhundla;
- (b) sikhatsi lesisetjentiwe;
- (c) imali leholeliwe;
- (d) lusuku lwekutsalwa uma ngabe sisebenti singaphasi kweminyaka lengu-18; kanye
- (e) nalokunye lokungabonakala kusidzingo kwekutsi kubhalwe phasi.

4.5 Umningwano mayelana nemholo: Sigaba 33

Lomningwano lolandzelako kumele ubhalwe phasi uma sisebenti sikhokhelwa:

- (a) libito nelikheli lemcash;
- (b) libito nesikhundla sesisebenti;
- (c) sikhatsi lesikhokhelwako;
- (d) imali lekhokhelwako;
- (e) imali lekhokhiwe;
- (f) imali lekungiyona lekhokhiwe;
- (g) uma kufanelekile ekubalweni kwemholo wesisebenti-
 - (i) linani lemholo wesisebenti nelinani lesikhatsi lesengetiwe;
 - (ii) sibalo semahora latayelekile newesikhatsi lesingetiwe lasetjentwe ngeikhatsi semholo;
 - (iii) sibalo semahora lasetjentiwe ngeLisontfo nobe ngeliholide lesive; futsi
 - (iv) uma sivumelwano sesikhatsi sekusebenta lesilingene siphetsiwe, sibalo lesiphelele semahora latayelekile newesikhatsi lesengetiwe lasetjentwe ngesikhatsi sekulinganiswa.

4.6 Kukhishwa kwemali naletinye tento mayelana nemholo: Tigaba 34 na-34A

4.6.1 Umcashi angeke akhokhe umholo wesisebenti ngaphandle kwekutsi-

4.6.1.1 Sisebenti siyavuma ngekubhala ngalokukhokhwa kwesikweleti lesitsite:

4.6.1.2 Kukhokhwa kwemali kwentiwa ngekulandzela sivumelwano selinyenti, ngeamtsetfo, ngesicelo senkantolo nobe ngekuniketwa imvumo.

4.6.2 Kukhokhwa kwemali ngenca yetintfo letiphulwe nobe lukulahlwe sisebenti kungentiwa kuphela ngekuvumelana futsi emva kwekutsi umcash alandzela letinchubo letikahle.

4.6.2.1 Bacashi kumele bakhokhele timali lebatikhokhile nemicombelelo yetikhwama tenzuzo esikhwameni kungakendluli tinsuku letisikhombisa.

4.7 Kubalwa kwemiholo: Sigaba 35

4.7.1 Imiholo ibalwa ngasibalo semahora lasetjentiwe;

4.7.2 Umholo wenyanga yinye kufanele ube ngulophindwe kane nencenye yinye kuletintsatfu ($4\frac{1}{3}$) emholweni weliviki.

4.7.3 Uma ngabe umholo ubalwa ngaleny indlela ngaphandle kwesikhatsi, nobe uma umholo ushintjashintja kakhulu etikhatsini letinyenti, nobe nguliphi luholo kumele libalwe kususela-

(a) emavikini langu-13 lasetjentiwe; nobe

(b) Uma acashwe sikhatsi lesifishane, kusukela kuleso sikhatsi.

4.7.4 Bacashi netisebenti kumele batsintse ishejuli leshicelelwe kuGazethi yaHulumende kuncuma kutsi ngabe sigaba lesitsite semholo senta eincenye yeliholo lesisebenti ngenhloso yetibalo letentiwe kuloMtsetfo.

5. KUPHELISWA KWEMSEBENTI: SAHLUKO SESIHLANU

5.1 Kusetjentiswa

Lesahluko asisebenti kumuntfu losebentela umcashu wakhe emahora langaphasi kulangu-24 ngenyanga.

5.2 Satiso sekupheliswa kwemsebenti: Sigaba 37

5.2.1 Inkontileka yekucasha ingapheliswa uma ngabe satiso siniketwe ngetulu-

- (a) kweliviki linye, uma ngabe sisebenti sisebente tinyanga letisitfupha nobe ngaphasi;
- (b) kwemaviki lamabili, uma ngabe sisebenti sisebente tinyanga letindlula kuletisitfupha kodwa hhayi ngetulu kwemnyaka;
- (c) kwemaviki lamane, uma ngabe sisebenti sisebente umnyaka nobe ngetulu, nobe sisebenta lipulazi nobe sisebenti sasemakhishini lesisebente ngetulu kwetinyanga letisitfupha.

5.2.2 Sivumelwano selinyenti singafinyeta sikhatsi sesatiso semaviki lamane kumaviki langetulu kwalamabili.

5.2.3 Satiso kufanele siniketwe sisebenti ngalokubhalwe phasi ngaphandle uma ngabe sisebenti singakafundzi.

5.2.4 Satiso sekupheliswa kwemsebenti lokwentiwa ngumcashu ngekulandzela uMtsetfo akuvimbeli sisebenti kutsi sihlabe ngebulungiswa bekucoshwa ngekulandzela uMtsetfo webuDlelwano bemiTemisebenti, 1995 nobe ngumuphi umtsetfo.

5.3 Umholo wekucoshwa emsebentini: Sigaba 41

Sisebenti lesicoshiwe ngetidzingo tekusebenta nobe inkontileka yakhe ipheliswa ngekwesigaba 38 seMtsetfo wekuPheliswa kwemsebenti, 1936 ufaneleke kutfolo imali yeliviki linye kuyo yonkhe iminyaka layisebentile.

5.4 Sitifiketi sekusebenta: Sigaba 42

Uma ngabe sisebenti siyayekeliswa kusebenta kufanele siniketive sitifiketi semsebenti lesisho kutsi usebente sikhatsi lesingakanani.

6. KUNGAVUMELEKI KWEKUCASHA KWEBANTFWANA KANYE NEKUSEBENTISA NGENKANI: TIGABA 43 - 48.

- 6.1 Kulicala kucasha umntfwana longaphasi kweminyaka lengu-15 budzala.
- 6.2 Bantfwana labangaphasi kweminyaka lengu-18 akukavumeleki kutsi bacashelwe umsebenti longetulu kweminyaka yabo nobe longabafaka engotini.
- 6.3 Kubangela, kufuna ngenkani nobe kufuna kusebentisa ngenkani kulicala.

7. KWEHLUKANA KWETIMO LETISISEKELO TEKUCASHA: TIGABA 49 - 50

- 7.1 Sivumelwano selinyenti lesiphethwe ngumkhandlu wetincumo singavala nobe sikhipe nobe ngusiphi simo lesisisekelo sekucasha ngaphandle kwaloku lokulandzelako:
 - (a) umsebenti wekuhlela sikhatsi sekusebenta mayelana nemphilo nekuphepha kwetisebenti kanye netikhatsi tekubukana netinkinga temndeni (Sigaba 7, 9 & 13).
 - (b) kwehlisa kuvikeleka kwetisebenti letisebenta ebusuku (Sigaba 17(3) & (4));
 - (c) kwehlisa ilifu yemnyaka ibe ngaphasi kwemaviki lamabili (Sigaba 20);
 - (d) kwehlisa lilungelo lelfu yekuyawubeleka (Sigaba 25);
 - (e) kwehlisa lilungelo lelfu yekugula levumelekile (Sigaba 22 24); kanye
 - (f) nekungavumeleki kwekusebenta kwemntfwana nekusebentisa ngenkani (Sigaba 48).
- 7.2 Tivumelwano telinyenti netivumelwano tebantfu tingavala kuphela nobe tikhipe timo letisisekelo sekucasha ngendlela levunyelwe nguMtsetfo nobe sincumo sesikhungo (S.49).
- 7.3 INdvuna yeliTiko leTembisebenti ingenta sincumo lesingehluka nobe singafaki simo lesisisekelo sekucasha. Loku kungentiwa futsi ngumcashi nobe inhlango yebacashi ngekucela invume (Sigaba 50)
- 7.4 Sincumo kungenteka singaniketwa ngaphandle kwekutsi inhlango yetisebenti lemele tisebenti iyivumele ingucuko nobe itfole litfuba lekubonana neNdvuna. Ikhophi yanobe ngusiphi sincumo ikhonjiswe emsebentini futsi kumele kwentiwa siciniseko sekutsi tisebenti tiyayitfole (Sigaba 50).

8 TINCUMO TESIKHUNGO: SIGABA 51

Tincumo tesikhungo tingentiwa kutsi kubekwe timo letisisekelo tebasebenti esikhungweni nobe endzaweni.

9 KULANDZELELA, KUPHOCELELA NETINCUBO TEMTSETFO: SIGABA 63-81

- 9.1 Bahloli betemisebenti kungumsebenti wabo kutsi baluleke bacashi kanye netisebenti ngemalungelo kanye netibopho tabo ngekulandzela uMtsetfo wetekucasha. Benta luhlolo, baphenye ngetikhalo futsi bangabuta bantfu,

bahlole, bente emakhophi baphindze batsatse imibhalo kanye naleminywe imiculu (Sigaba 64-66).

9.2 Umhloli wetemisebenti anganika umcashi incwadzi yekutsi alandzele umtsetfo ngekulandzela uMtsetfo. Umcashi angasifaka sikhalo sakhe ngencwadzi kuMcondzisi Jikelele weliTiko leTemisebenti, lotawutsi natifola tikhalo, bese wenta siciniseko, ngalokubhaliwe wenta lushintjo ngekulungisa tikhalo nobe abeke eceleni lomyalo. Umcashi unelilungelo lekudlulisela lekutsatsa tinyatselo licala liye eNkantolo yetekuCash (Sigaba 68 - 81).

9.3 Tisebenti angeke tibandlululwe ngekwenta emalungelo ato ngekulandzela uMtsetfo (Sigaba 78 - 81).

10. KUCABANGA KUTSI YINI SISEBENTI: SIGABA 83A

10.1 Umuntfu losebentela, nobe loniketela ngetinsita, kulomunye umuntfu ucatjangelwa kutsi angaba sisebenti uma-

- (a) indlela nobe emahora lawasebentako ayalawulwa nobe ayacondziswa;
- (b) indlela nobe emahora lawasebentako ayalawulwa nobe ayacondziswa;
- (c) enta incenye yehlangano yemcashi;
- (d) asebentele lomunye umuntfu lokungenani emahora lalingana langu-40 etinyangeni letine letindlulile;
- (e) abuke kulomunye umuntfu ngekwemnotfo;
- (f) aniketwe ngulomuntfu tintfo tekusebenta; nobe
- (g) asebentela kuphela nobe entela umuntfu munye umsebenti.

10.2 Uma ngabe linye kulamaphuzu likhona, lomuntfu kucatjangwa kutsi uyasebenta umcashi-ke kumele akhiphe bufakazi bekutsi akasebenti

11. JIKELELE

Kulicala kwenta loku-

- (a) kuvimbela nobe kuzama kuyenga umuntfu lowenta umsebenti lotsite ngekulandzela uMtsetfo (Sigaba 78 - 81)
- (b) kutfola nobe kuzama kutfola umculu lohicelilwe ngekukhwabanisa, ngekucamba emanga nobe ngokuveta umculu longemanga nobe lokhwabanisiwe;
- (c) kutenta umhloli wetemisebenti nobe kuzama kutenta umuntfu lowenta umsebenti ngekulandzela uMtsetfo;
- (d) kwala nobe kwehluleka kuphendvula umbuto losemtsetfweni lobutwa ngumhloli wetekucasha nobe ke lomunye umuntfu lowenta umsebenti ngekulandzela uMtsetfo;
- (e) kwala nobe kwehluleka kulandzela sicelo lesisemtsetfweni, nobe incwadzi lesemtsetfweni, lebekwe ngumhloli wetemisebenti nobe lomunye umuntfu ngekulandzela uMtsetfo;

(f) kuphazamisa nobe kuvimbela umhloli wetemisebenti nobe lomunye umuntfu lowenta umsebenti ngekulandzela uMtsetfo (Sigaba -92).