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ISIFUNDAZWE SAKWAZULU-NATALI

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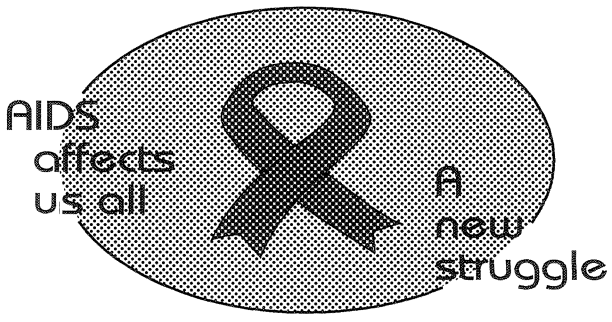
No. 1401

We all have the power to prevent AIDS



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GENERAL NOTICE—ALGEMENE KENNISGEWING—ISAZISO SIKAWONKE-WONKE

No. 25 **6 July 2015**

KWAZULU-NATAL GAMING AND BETTING AMEMNDMENT BILL, 2015

Notice in terms of Rule 194 of the Standing Rules of the KwaZulu-Natal Legislature

Notice is hereby given in terms of Rule 194 of the Standing Rules of the Provincial Legislature that the KwaZulu-Natal Gaming and Betting Amendment Bill, 2015 as set out hereunder, has been introduced into the aforesaid Legislature and will be considered by the Finance Portfolio Committee. The public and other interested groups are invited to submit representations on the said Bill, which representations must be addressed to:

Attention: Mr S Chili
The Secretary
KwaZulu-Natal Legislature
Private Bag X 9112
PIETERMARITZBURG
3200

Email: chili@kznlegislature.gov.za

so as to reach her not later than15 days from the date of publication.

N NAIDOO
Secretary to the KwaZulu-Natal Legislature

KWAZULU-NATAL
GAMING AND BETTING AMENDMENT BILL, 2015

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the KwaZulu-Natal Gaming and Betting Act, 2010, so as to effect textual amendments; to insert new definitions and new provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Amendment of section 1 of Act 8 of 2010

1. Section 1 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), hereinafter referred to as the principal Act, is hereby amended –

(a) by the substitution for the definition of "bingo" of the following definition:

"**"bingo"** means a game,**[organised as a group activity, in which multiple players compete against each other, including a game]**whether played in whole or in part by electronic means, traditional means,or otherwise –

(a) **[that is played]** for consideration, using cards or other devices, including devices that depict cards –

(i) that are divided into spaces, each of which bears a different number, picture or symbol; and

(ii) **[with]**such numbers, pictures or symbols being arranged randomly **[such]**so that each card or **[similar]** device contains a unique set of numbers, pictures or symbols;

(b) in which **[an operator or announcer calls or displays]** a series of numbers, pictures or symbols are called or displayed in random order and **[the players match each such number, picture or symbol]**such numbers, pictures or symbols are matched on the card or device as **[it is]**they are called or displayed; and

(c) in which the player **[who]**whose card or device is the first to **[match]** have all the spaces **[on the card or device]**matched thereon, or **[who matches]**on whose card or device a specified set of numbers,

pictures or symbols **[on the card or device]**are matched, wins a prize or prizes,

or any other substantially similar game declared to be bingo in accordance with section 6(4)(b) of the National Gambling Act, 2004 (Act No. 7 of 2004);";

(b) by the insertion after the definition of "bingo licence" of the following definition:

""**bingo seat"**means a gaming position in a bingo hall that is not a gaming position linked to an electronic bingo terminal;";

(c) the substitution for the definition of "bookmaker" of the following definition:

""**bookmaker"** means a person **[who is]** licensed in terms of section 94, to accept offers or stakes in the process of transacting bets on horse races, sports, sporting events or any other events or contingencies, or on a combination of such horse races, sports, sporting events, other events or contingencies;";

(d) by the insertion after the definition of "committee" of the following definitions:

""**compulsory specification"**means a compulsory specification as defined in section 1 of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);

"**conformity assessment"**means a conformity assessment as defined in section 1 of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);

"**conformity assessment services provider"** means a person that undertakes conformity assessments on behalf of the National Regulator for Compulsory Specifications, in terms of an agreement entered into by such person and the National Regulator for Compulsory Specifications;";

(e) by the substitution for the definition of "corporate body" of the following definition:

""**corporate body"**means a company registered in terms of the Companies Act **[1973]** 2008 (Act No. **[61]**71 of **[1973]**2008), a partnership, **[or which was formed in pursuance of the Regulation of Racing and Betting Ordinance, 1957 (Ordinance No. 28 of 1957),]** or a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984);";

(f)by the substitution for the definition of "financial interest" of the following

definition:

""**financial interest"** means –

(a) a right or entitlement to share in profits or revenue;

(b) a real right in respect of property of a company, corporation or business;

(c) a real or personal right in property used by a company, corporation or business; or

(d) a direct or indirect interest in the voting shares, or voting rights attached to shares, of a company or an interest in a close corporation;and

(e) does not include –

(i) an indirect interest held in any fund or investment, if the person holding that interest has no control over the investment decisions made in respect of that fund or investment; or

(ii) any entitlement to revenue accruing to a person pursuant to a contract for the supply of goods or services to a licensee or registrant;";

(g) by the insertion after the definition of "gaming machine" of the following definition:

""**gaming position**"means –

(a) a gaming machine designed for use by a single natural person;

(b) a component of a gaming machine which is designed for use by more than one natural person, and which facilitates participation in gaming by a single natural person;

(c) a component of gaming equipment which facilitates participation in gaming by a single natural person; or

(d) a seat or standing space in licensed premises, which facilitates participation in gaming by a single natural person;";

(h) by the insertion after the definition of "gaming position" of the following definition:

""**harness racing horse race"** means a horse race in which only standardbred horses may compete, at a trot or pace, either ridden under saddle by a natural person, or driven by a driver aboard a sulky which is pulled by the horse: Provided that a horse race in which any other breed of horse competes at a gallop, a trot or a pace, at a racecourse operated by a licenced harness racing racecourse operator, is deemed to be a harness racing horse race, for the purposes of this Act;";

(i) by the deletion of the definition of "Horse Racing and Betting Transformation

Fund";

(j) by the substitution for the definition of "independent site operator" of the following definition:

""**Independent site operator**" means a site operator**[who]**that is not linked to a route operator and that is licensed to **[own and]** operate limited payout machines on a **[single]** site **[and is responsible for maintaining the machines, effecting the collection of money and paying the applicable taxes and levies]**;";

(k) by the insertion after the definition of "inspector" of the following definition:

""**letter of authority certificate**" means a certificate issued by the National Regulator for Compulsory Specifications, as contemplated in section 5(2)(f) of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), which permits commodities or products to be sold or services to be supplied;";

(l) by the deletion of the definition of "National Horseracing Authority";

(m) by the insertion after the definition of "National Gambling Act" of the following definition:

""**NRCS**" means the National Regulator for Compulsory Specifications of South Africa established by section 3(1) of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);";

(n) by the substitution for the definition of "person" of the following definition:

""**person**" means a natural **[or juristic]**person**[,a group of such persons]** or a corporate body, unless the context indicates a contrary intention;";

(o) by the substitution for the definition of "publish" of the following definition:

""**publish**" includes, unless the context indicates a contrary intention, to exhibit, circulate, announce or cause to be exhibited or circulated or announced in any manner whatsoever;";

(p) by the substitution for the definition of "racecourse operator" of the following definition:

""**racecourse operator**" means a corporate body licensed in terms of section 89 **[to hold race meetings at one or more racecourses]**and is a term which refers to the three types of racecourse operator contemplated in section 89(1) of this Act, being –

(a) the exclusive right racecourse operator as contemplated in section 89(1)(a);

(b) the standardbred racecourse operatoras contemplated in section 89(1)(b); and

(c) the harness racing racecourse operatoras contemplated in section 89(1)(c);";

(q) by the substitution for the definition of "registrant" of the following definition:

""**registrant**" means a person **[who]**that holds a valid registration certificate or temporary registration certificate issued in terms of this Act;";

(r)by the substitution for the definition of "route operator" of the following definition:

""**route operator**" means a person **[who]**that is licensed in terms of this Act to provide limited payout machines to site operators and to conduct any other prescribed activities;";

(s) bythe insertion after the definition of "SABS" of the following definition:

""**SANS**" means a South African National Standard approved by the South African Bureau of Standards in accordance with the Standards Act, 2008 (Act No. 8 of 2008);";

(t) by the substitution for the definition of "site operator" of the following definition:

""**site operator**" means a person **[who]**that is authorised to keep and operate limited payout machines **[on his or her premises]** in terms of a licence issued in accordance with this Act;";

(u) bythe insertion after the definition of "sports bet" of the following definitions:

""**standardbred horse**" means a horse descended from the horse known as Rysdyk's Hambletonian, which was foaled in 1849 in the United States of America and which is considered to be the foundation sire of the breed;";

""**standardbred horse race**" means a harness racing horse race, other thana harness racing horse race in which only standardbred horses may compete, ridden by a natural person, at a gallop, a trot or a pace: Provided that a horse race in which any other breed of horse competes at a gallop, a trot or a pace, at a racecourse operated by a licenced standardbred racecourse operator, is deemed to be a standardbred horserace, for the purposes of this Act;";

""**sulky**" means, when used as a noun, a two-wheeled cart, with a single seat for the driver, which is pulled by a standardbred horse in a harness racing horse race;";

(v) bythe insertion after the definition of "this Act" of the following definitions:

""**thoroughbred horse"** means a horse descended from one of three horses known as the Byerley Turk, the Darley Arabian and the Godolphin Arabian;";

""**thoroughbred horse race"** means a horse race in which only a thoroughbred horse, ridden by a natural person, may compete;";

(w) bythe insertion after the definition of "totalisator" of the following definition:

""**totalisator agency"**means totalisator premises from which a totalisator agent operates an agency of a totalisator, in terms of an agreement between a totalisator licensee and such totalisator agent;";

(x) by the substitution for the definition of "totalisator agent" of the following definition:

""**totalisator agent"** means a person **[who]**that is appointed, under contractual terms which do not constitute a contract of employment and in terms of section 111(1)(b)(ii), by a totalisator licensee, to operate an agency of **[the relevant]**that totalisator licensee;";and

(y) by the insertion after the definition of "totalisator premises" of the following definition:

""**Transformation Fund"** means the fund established in terms of section 137 of this Act."

Amendment of section 6 of Act 8 of 2010

2. Section 6 of the principal Act is hereby amended –

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) promote opportunities for **[historically disadvantaged]** persons contemplated in the definition of "broad-based black economic empowerment", as contained in the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003),to participate in the **[horse racing and betting industries]**gambling industry of the Province in the capacity of **[any of the persons required to be licensed or registered in terms of section 89, 94, 103, 110 or 111]**licensees or registrants under this Act;";

(b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) increase the ownership stakes of **[historically disadvantaged]** persons contemplated in the definition of "broad-based black economic empowerment", as contained in the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003),in the **[horse racing and betting industries]**gambling industry of the Province;";

(c) by the deletion of subsection (2);

(d) by the substitution for subsection (3) of the following subsection:

"(3) The responsible Member of the Executive Council may issue directives to the Board relating to the objects of the Board contemplated in **[subsection]**paragraphs**[(1)]**(c), (d), (e) and (f) of subsection (1).";and

(e) by the insertion after subsection (3) of the following subsection:

"(4) The responsible Member of the Executive Council may issue directives to the Board in respect of –

(a) any actual or intended gambling-related policy change emanating from the national level of government;

(b) any actual or intended gambling-related policy change emanating from the Executive Council or the Department,

in order to modify, suspend or stop any project or court action.".

Amendment of section 7 of Act 8 of 2010

3. Section 7 of the principal Act is hereby amended –

(a) by the substitution for paragraph (q) of subsection (2) of the following paragraph:

"(q) authorise, with or without conditions, or refuse an application made as prescribed, by a person licensed in terms of section **[89,]** 94 or 110, **[in accordance with section 121,]** to temporarily undertake betting transactions, for a fixed period, at **[the]**any venue in the Province**[of a sporting or other event]**;"; and

(b) by the substitution for subparagraph (iii) of paragraph (g) of subsection (3) of the following subparagraph:

"(iii) all gaming equipment or each gaming machine or limited payout machine being used, or made available for use, by a licensee,**[is registered and certified in terms of the National Gambling Act]**conforms with

anapplicable compulsory specification and has been registered by the Board against the issue of a valid letter of authority certificate.".

Amendment of section 8 of Act 8 of 2010

4. Section 8 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) The responsible Member of the Executive Council **[may]** must appoint **[an official]**one or more officialswithin the Department responsible for gaming and betting matters generally, and for matters specifically relating to the Board, as his or her **[representative]**representatives on the Board and who –

(a) must facilitate liaison between the responsible Member of the Executive Council and the Board;

(b) must report to the responsible Member of the Executive Council from time to time regarding matters which are considered relevant;**[and]**

(c) may attend meetings of the Board and participate in discussions, but **[does]**who do not have the right to vote when a decision of the Board is being taken; and

(d) must monitor the Board's performance."

Amendment of section 9 of Act 8 of 2010

5. Section 9 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) he or she is, at the time of the appointment**[, or during the preceding 12 months was]** –

(i) a person **[contemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); or]**who is employed by –

(aa) an "organ of state", as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

(bb) a "public entity" as defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(cc) a political party;

(dd) any provincial Legislature; or

(ee)the National Legislature; or

(ii) a person who isa political office bearer.".

Amendment of section 10 of Act 8 of 2010

6. Section 10 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) an affidavit by the nominee wherein the nominee affirms that he or she is not disqualified in terms of section 9**[: Provided that if the nominee has been convicted of an offence contemplated in section 9(1)(j), such nominee must furnish an affidavit wherein he or she discloses full details of any conviction and affirms that he or she is not disqualified in terms of any of the other provisions of section 9]**.".

Amendment of section 13 of Act 8 of 2010

7. Section 13 of the principal Act is hereby deleted and replaced with the following section:

"Term of office and reappointment

13.(1) The persons appointed to the Boardhold office for a term of three years and are, subject to section 9, eligible for reappointment at the expiration of such term: Provided that no person may be reappointed after having served on the Board for two terms.

(2) When a person is appointed to fill a vacancy on the Board for the remainder of a three year term, such period of service on the Board is not regarded as a term for the purposes of determining eligibility for re-appointment.

(3) Notwithstanding subsection (1), upon the expiry of a term of office and in the event that a new Board has not been appointed, the existing members must continue to hold office until a new Board is appointed: Provided that this extension must not exceed 90 days."

Amendment of section 24 of Act 8 of 2010

8. Section 24 of the principal Act is hereby amended bythe insertion after subsection (2)

of the following subsection:

"(3) In any circumstances in which the Board is unable torenew licences and certificates of registration, or todeal with contraventions of the Act or the rules, the Chief Executive Officer must, upon receipt of written confirmation from the responsible Member of the Executive Council, and for a maximum period of 90 days–

(a) assume and exercise the full powers, functions and duties of the Board, as contemplated in the Act, in relation to the renewal of licences and certificates of registration; and

(b) assume and exercise the powers of the Board contemplated in sections 7(1)(k), 7(1)(l), 7(2)(f) and 7(2)(g): Provided that the Chief Executive Officer must first appoint an independent legal practitioner to preside, together with the Chief Executive Officer, over any enquiries conducted in terms of paragraphs (a) and (b).".

Insertion of section 30A in Act 8 of 2010

9.The following section is hereby inserted in the principal Act after section 30 –

"**Conditions of licence**

30A.(1) The Board may, after first affording the licence holder or registrant an opportunity to make representations, impose conditions which are–

(a) clear and unambiguous;

(b) objectively measurable; and

(c) reasonably achievable,

upon the issue of any licence or certificate of registration, or upon the renewal of anylicence or certificate of registration: Provided that a condition of licence,or a condition of a certificate of registration, which is imposed when renewal is due, may not have the effect of being a precondition for the renewal of such licence or certificate of registration.

(2)A licensee or registrant may, at any time, apply to the Board for any conditionto be amended, substituted or rescinded, whereupon the Board may grant orrefuse theapplication: Provided that in all cases in which the amendment,substitution or rescinding of any condition attached to a licence has the potential toaffect the attainment orpromotion of the Board's objects in terms of section 6 of this Act, the Board may amend, substitute or rescind such condition, only inconsultation with the responsible

Member of the Executive Council.

(3)Where the application has been granted, the Chief Executive Officer must ensure that the amendment, substitution or rescission is endorsed on the licence orregistration certificate.

(4) In addition to –

(a) the specific powers of the Board to impose conditions of licence or registration, as provided for elsewhere in this Act; and

(b) specific compulsory conditions of licence or registration, as provided for elsewhere in this Act,

the Board may impose the types of conditions of licence listed in subsection (5).

(5) Subject to subsection (4) and notwithstanding the Board's general powers to impose non-specific conditions of licence or registration, the Board may only impose conditions of licence or registration which do not conflict with any provision of this Act, or with any national legislation and which relate to –

(a) the objects of the Board in terms of section 6;

(b) any terms, conditions, directive or determination issued or made by the responsible Member of the Executive Council in terms of sections 6, 47, 89 and 137; or

(c) sanctions imposed by the Board on a licensee or registrant, in circumstances in which the Board has found such licensee or registrant to have contravened this Act.

(6) The Board must impose a condition upon every licence, which condition states that the licence must lapse and may not be renewed, should the licensee fail to begin operating a gambling business in terms of such licence, within 24 months of such licence having first been issued to the licensee.

(7) Notwithstanding subsection (2), the compulsory condition contemplated in subsection (6) may not be amended by the Board.".

Amendment of section 32 of Act 8 of 2010

10. Section 32 of the principal Act is hereby amended by the substitution for paragraph (a) ofsubsection (1) of the following paragraph:

"(a) isa person who is –

(i) **[a personcontemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), or charged with any decision-making or criminal enforcement function pertaining to gambling or the regulation thereof; or]**employed by –

(aa) an "organ of state", as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

(bb) a "public entity" as defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(cc) a political party;

(dd) any provincial Legislature; or

(ee) the National Legislature;

(ii) a political office bearer; or

(iii) a member of an accounting authority of a public entityas defined in section 1 and contemplated in section 49 of the the Public Finance Management Act, 1999 (Act No. 1 of 1999).".

Insertion of section 32A in Act 8 of 2010

11. The following section is hereby inserted in the principal Act after section 32 –

"**Duration of registration of employees**

32A.(1) This section applies to all natural persons who are employees of licensees or registrants and who are required to be registered by the Board in terms of any provision of this Act or the Regulations.

(2) An employee registration certificate, unless cancelled by the Board, is valid for a period of at least 36 months following the date of issue.

(3) Following the 36 month period contemplated in subsection (2), a registration certificate is valid for a further period, ending on the last day of the registered employee's birth month, following the next anniversary of the registered employee's birthday, unless it is renewed in terms of subsection (4).

(4) Application for the renewal of a registration certificate issued to an employee in terms of this Act must be made in the manner prescribed by the Board and must be accompanied by the relevant fee specified in Schedule 2.".

Amendment of section 40 of Act 8 of 2010

12. Section 40 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (g) of subsection (1) of the following subparagraph:

"(ii) does not comply in all material respects with **[a national norm or standard]**an applicable compulsory specification or with a norm or standard determined by the Board; or".

Amendment of section 43 of Act 8 of 2010

13. Section 43 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) A licensee or a registrant that is not an employee of a licensee or registrant may, at any time, make application to the Board for **[his or her]**such licence or certificate of registration to be transferred to another person and, in such event, the provisions of sections 30, 31, 32, 33, 34, 35, 36, 37 and 38 apply, with the necessary changes."; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) When an application is granted, the Chief Executive Officer must **[cause the name of the licensee to be altered appropriately on the licence]**issue a licence or certificate of registration, as the case may be, to the new holder of such licence or certificate of registration.".

Insertion of section 43A in Act 8 of 2010

14. The following section is hereby inserted in the principal Act after section 43 –

"**Financial interests**

43A.(1) The Board must, periodically and systematically, ensure that persons acquiring a financial interest in a licensee or registrant are not disqualified from holding such interest, by virtue of section 32 of this Act.

(2) It is an offence for a licensee or a registrant to fail to disclose to the Board the details of any acquisition by any person of a financial interest of five percent or more in such licensee or registrant, once 30 days have passed since the licensee or registrant has established the occurrence of such an acquisition, or would reasonably have been expected to have established the occurrence of such an acquisition: Provided that a public company, having listed securities that are traded on any exchange, is only required to establish the occurrence of, and report on, such acquisitions every six months following the issue of the licence or certificate of registration to such public company.

(3) Where a licensee or registrant is a public company having listed securities that are traded on any exchange, in addition to the notification contemplated in subsection (2), such licensee or registrant must simultaneously submit an updated securities register to the Board.

(4) The acquirer of any financial interest in a licensee or registrant,or in a holding company of such licensee or registrant, is required to disclose to the Board the details of such acquisition, within 60 days of the occurrence of such acquisition, in the manner prescribed by the Board.

(5) The acquirer of a financial interest in a licensee or registrant of five percent or more of the business to which the licence or registration relates, must make application for authority to retain such financial interest, by following the procedures and requirements contemplated in sections 32, 33, 34, 35, 36, 37 and 38, which will apply to the application, with the necessary changes.

(6) When the Board suspects, on reasonable and objective grounds, that an acquirer of a financial interest in a licensee or registrant of less than five percent of the business to which the licence or registration relates may be disqualified, in terms of section 32, from retaining such financial interest, such acquirer may be required by the Board to make application for authority to retain such financial interest, by following the procedures and requirements contemplated in sections 32, 33, 34, 35, 36, 37 and 38, which will apply to the application, with the necessary changes.

(7) The holding company of any subsidiary licenced or registered under this Act is bound by the requirements of subsections (2) and (3), as if such holding company was itself licenced or registered under this Act and any such holding company that fails to comply with these provisions commits an offence: Provided that the Board must not issue a licence or certificate of registration to a wholly-owned subsidiary of another juristic person.

(8)A wholly-owned subsidiary of another juristic person, which on the date that this section is promulgated, is still licenced or registered under this Act, must make an application to the Board, no later than 120 days after promulgation of this section,in terms of section 43 of this Act, for authority to transfer such licence or certificate of registration to its holding company, failing which such licence or certificate of registration will lapse.

(9) For the purposes of this section –

"exchange", when used as a noun, means exchange as defined in section 1 of the Financial Markets Act (Act No. 19 of 2012);

"holding company" means holding company as defined in section 1 of the Companies Act, 2008 (Act No. 71 of 2008);

"listed securities"means listed securities as defined in section 1 of the Financial Markets Act (Act No. 19 of 2012);

"public company"means a public company as contemplated in section 8of the Companies Act, 2008 (Act No. 71 of 2008);

"securities"means securities as defined in section 1 of the Financial Markets Act (Act No. 19 of 2012);

"securities register"means a securities register as defined in section 1 of the Companies Act, 2008 (Act No. 71 of 2008);

"subsidiary"means subsidiary as defined in section 1 of the Companies Act, 2008 (Act No. 71 of 2008); and

"**wholly-owned subsidiary of another juristic person**" has the meaning contemplated in section 3(1)(b)of the Companies Act, 2008 (Act No. 71 of 2008)."

Amendment of section 44 of Act 8 of 2010

15. Section 44 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) A licensee, or a registrant that is not an employee of a licensee or a registrant,may, at any time, make application for the approval of the relocation**[removal]**, whether permanently or temporarily, of **[his or her]**the business operations of such licensee or registrant,from the premises specified in the licence or certificate of registration, to other premises."; and

(b) by the insertion after subsection (3) of the following new subsections:

"(4) The Board must prescribe the procedures to be followed in making application for an approval contemplated in subsection (1).

(5) An application contemplated in subsection (1) must be accompanied by the fee prescribed in Schedule 2.".

Amendment of section 47 of Act 8 of 2010

16. Section 47 of the principal Act is hereby amended –

(a) by the substitution for subsection (2) of the following subsection:

"(2) The responsible Member of the Executive Council must, when issuing a directive in terms of subsection (1), do so in consultation with the Executive Council and after consultation with the Board**[, the Portfolio Committee and any portfolio committee appointed by the Provincial Legislature which is responsible for the oversight of departments administering matters involving tourism and economic affairs]**."; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) The responsible Member of the Executive Council may, in consultation with the Executive Council and after consultation with the Board**[, the portfolio committees referred to in subsection (2)]** and any holder of a

casino licence issued in terms of section 51 **[who]**that will be affected by the responsible Member of the Executive Council's decision in terms of this subsection, vary or withdraw any directive issued in terms of this section.".

Amendment of section 53 of Act 8 of 2010

17. Section 53 of the principal Act is hereby amended by the deletion of subsections (4) and (5).

Repeal of section 54 of Act 8 of 2010

18. Section 54 of the principal Act is hereby deleted.

Amendment of section 55 of Act 8 of 2010

19. Section 55 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) No person may keep premises where gaming machines, electronic bingo terminals or limited payout machines are played unless **[he or she]**such person is in possession of **[a]**an appropriate valid **[casino]** licence**[, independent site operator licence or site operator licence]**issued in terms of this Act."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) No person may **[**–

(a) make gaming machines or limited payout machines available for use in any licensed premises;

(b) undertake the regular maintenance or repair, replacement or upgrading of gaming machines or limited payout machines in such premises;]exercise the rights of or **[(c)]** conduct any **[other]** prescribed activities of a **[route operator, unless he or she is in possession of a casino licence, route operator licence, site operator licence or independent site operator]**licensee, unless such person holds an appropriate licence issued in terms of this Act.".

Amendment of section 57 of Act 8 of 2010

20. Section 57 of the principal Act is hereby amended by the deletion of subsections (4) and (5).

Amendment of section 59 of Act 8 of 2010

21. Section 59 of the principal Act is hereby amended by the substitution for paragraph (a) of thefollowing paragraph:

"(a) is of a type and model that does not conform with**[a national norm or standard]**an applicable compulsory specificationor where there is no **[national norm or standard]**applicable compulsory specification, **[does not conform with]** a norm **[and]**or standard determined by the Boardin its rules;".

Amendment of section 62 of Act 8 of 2010

22. Section 62 of the principal Act is hereby amended –

(a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) **[standards and]** requirements in relation to the gaming equipment placed, used and operated in a bingo hall;"; and

(b) by the deletion of subsections (4) and (5).

Amendment of section 69 of Act 8 of 2010

23. Section 69 of the principal Act is hereby amended –

(a) by the deletion of the word "or" after paragraph (c);

(b) by the insertion of the word "or" after paragraph (d); and

(c) by the insertion after paragraph (d) of the following new paragraph:

"(e) the registration becomes due for renewal in terms of section 32A.".

Amendment of section 73 of Act 8 of 2010

24. Section 73 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) all direct expenses incurred by the Board in respect of any investigations

undertaken by it in terms of sections 35 and 37, including the costs incurred in respect of the time spent by employees of the Board while conducting the investigation where these appear as a tariff in Schedule 2: Provided that the Board may require an applicant to lodge with it such security, as it may determine, before conducting any investigation contemplated in the said sections.".

Amendment of section 77 of Act 8 of 2010

25. Section 77 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) All persons licensed in terms of this Act must**[, subject to section 129,]** pay the taxes imposed in terms of the KwaZulu-Natal Gaming and Betting Tax Act, 2010(Act No. 9 of 2010), into the Provincial Revenue Fund, in the manner prescribed and at the same time, must lodge a tax return with both the Board and the Provincial Treasury, in the manner prescribed.*"*; and

(b) by the insertion after subsection (2) of the following new subsections:

"(3) The Provincial Treasury must effect any required distribution of a portion of the taxes received, as prescribed by the KwaZulu-Natal Gaming and Betting Tax Act, 2010(Act No. 9 of 2010), no later than 20 days after the end of every calendar month.

(4) The Board must provide the responsible Member of the Executive Council with a detailed report regarding the taxes received and distributed by the Provincial Treasury, in the manner prescribed, no later than 25 days after the end of every calendar month.

(5) Taxes become due at the end of every tax period and every licensee must pay taxes due no later than10 days after the end of every tax period.

(6) For the purposes of this section, "tax period" means a calendar month.".

Amendment of section 78 of Act 8 of 2010

26. Section 78 of the principal Act is hereby amended by the substitution for section 78 of the followingsection:

"**Penalty for late payment**

78.(1) On failure to pay any fee or tax or part thereof by the due date, the licence of the person concerned is deemed to be immediately suspended until such time as the fee, tax or levy is paid, together with the prescribed penalty interest.

(2) When a licence is suspended in terms of this section, the activity authorised by the licence must **[also be suspended]**cease: Provided that cessation of the said activity may only be enforced by the Board 24 hours after a licensee or registrant has been notified by the Board, in writing, of the failure to pay and such licensee or registrant has, thereafter, failed to pay the fee, tax or levy, together with the prescribed penalty interest, prior to the expiry of the 24 hour period.

(3) The prescribed penalty interest must be paid to the Provincial Revenue Fund.".

Amendment of section 89 of Act 8 of 2010

27. Section 89 of the principal Act is hereby deleted and replaced with the following section–

"**Racecourse operator's licence**

89.(1) A corporate body may make application to the Board, in the manner prescribed by the Board, to be issued with one or more of the following types of racecourse operator licences –

(a) an exclusive right racecourse operator licence, which authorises the holder of such licence to hold race meetings of thoroughbred horse races on one or more courses specified in the licence and to acquire a totalisator licence, which would in turn authorise thetotalisator licenseeto conduct a totalisator on a thoroughbred horse race, on a sporting event, or on an approved other event or contingency;

(b) a standardbred racecourse operator licence, which authorises the holder of such licence to hold race meetings of standardbred horse races on one or more courses specified in the licence and to acquire a totalisator licence, which would in turn authorise the totalisator licensee to conduct a totalisator on a standardbred horse race, only; or

(c) a harness racing racecourse operator licence, which authorises the holder of such licence to hold race meetings of harness racing horse races

on one or more courses specified in the licence and to acquire a totalisator licence, which would in turn authorise the totalisator licensee to conduct a totalisator on a harness racing horse race, only.

(2) The responsible Member of the Executive Council must issue directives to the Board relating to –

(a) a single exclusive right racecourse operator licence to be issued in the Province;

(b) the period for which such licence will be valid, which must be of at least 15 years' duration;

(c) the protection of the existing horseracing infrastructure in the Province; and

(d) the conditions under which such licence will be issued, including, amongst others, the fee in respect of an exclusive right racecourse operator licence, requirements for horseracing infrastructure development or maintenance, or corporate social investment projects.

(3) The responsible Member of the Executive Council must, when issuing a directive in terms of subsection (2), do so in consultation with the Executive Council and after consultation with the Board.

(4) The responsible Member of the Executive Council may, in consultation with the Executive Council and after consultation with the Board and the exclusive right racecourse operator licensee, vary or withdraw any directive issued in terms of subsection (2).

(5) Subsections (1), (2), (3) and (4) of this section come into effect on a day determined by the responsible Member of the Executive Council and published by way of a Notice in the *Gazette*.

(6) All holders of a racecourse operator licence issued before the coming into operation of this section, must make application for a licence contemplated in subsection (1), no later than six months following the effective date contemplated in subsection (5).

(7) The licences of all holders of a racecourse operator licence issued before the coming into operation of this section remain valid until either the day upon which the Board makes its final decision on an application made in terms of subsection (1), or the period contemplated in subsection (6) has elapsed prior to the relevant licensee having made an application contemplated in subsection (1), or the period contemplated in subsection 6 has elapsed prior to the relevant licensee having made an application contemplated in subsection (1), whichever date falls earliest.

(8) An application contemplated in subsection (1) must be accompanied by the applicant's memorandum of incorporation or association agreement, as well as the fees prescribed in Schedule 2, which fees are payable to the Board.

(9) A racecourse operator licence must not be issued–

(a) unless the Board is satisfied that due provision will be made for the conduct and control of horse racing and betting on the said racecourse or racecourses in a manner which will facilitate the realisation of the objects of the Board contemplated in section 6(1)(a), (c), (d), (e) and (f); and

(b) if, subject to section 133, any director, member or shareholder with an interest, including a financial interest, of five percent or more in the corporate body, is or becomes subject to a disqualification contemplated in section 32.

(10) A licence issued in terms of subsection (1) must, as a minimum requirement, specify –

(a) the identity of the licensee;

(b) the horseracing activities that the licence permits the licensee to engage in, conduct or make available to the public;

(c) the racecourses at or from which the licensee is permitted to operate; and

(d) the duration of the licence.

(11) A racecourse operator must, within three months of having been issued with a racecourse operator licence, submit the rules according to which such racecourse operator intends to conduct horse races, to the Board, for approval, and must furthermore submit any proposed amendments to existing approved rules, to the Board, for approval, prior to the implementation of such proposed amendments.

(12) The Board may cancel or suspend, for a specified period, a racecourse operator's licence if any of the operator's office holders or employees have contravened, or are on reasonable grounds suspected of, having contravened this Act, the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010), the Regulations, or the conditions of such licence.

(13) The Board may grant a non-transferable right to a bookmaker to operate a bookmaking business from any single racecourse specified in a racecourse operator's licence, subject to the consent of the relevant racecourse operator, which consent may not be unreasonably withheld.

(14) A racecourse operator must annually, not later than six months after the end of its financial year, provide the Board with a copy of the audited financial statement of such racecourse operator, in respect of the activities of such racecourse operator for the financial year in question: Provided that the Board may, on application to it by a racecourse operator, extend the period by no more than six months.".

Repeal of section 90 of Act 8 of 2010

28. Section 90 of the principal Act is hereby deleted.

Amendment of section 91 of Act 8 of 2010

29. Section 91 of the principal Act is hereby amended by the substitution for subsection (1) of the followingsubsection:

"(1) Unless renewed in terms of subsection (2), the licence issued in terms of section 89(1) expires on the thirty-first day of **[December]**March of the financial year of the Board in respect of which **[it]**suchlicence was issued or renewed: Provided that, for the purposes of this section, the financial year of the Board is the period 1 April to 31 March.".

Amendment of section 94 of Act 8 of 2010

30. Section 94 of the principal Act is hereby amended –

(a) by the substitution for subsection (4) of the following subsection:

"(4) A bookmaker's licence may be issued to a single natural person, to two or more natural persons who operate the business in terms of a partnership agreement, or to a single corporate body."; and

(b) by the substitution for subsection (7) of the following subsection:

"(7) Unless cancelled earlier in terms of section 99, a bookmaker's licence expires on the thirty-first day of **[December]**March of the financial year of the Board**[for]**in respect of which **[it]**such licence was issued **[but may be]**or renewed,**[in the manner prescribed by the Board, from year to year in the discretion of the Boardand]** on payment of the licence renewal fee prescribed in Schedule 2: Provided that, for the purposes of this section, the financial year of the Board is the period 1 April to 31 March.".

Repeal of section 97 of Act 8 of 2010

31. Section 97 of the principal Act is hereby deleted.

Repeal of section 98 of Act 8 of 2010

32. Section 98 of the principal Act is hereby deleted.

Repeal of section 106 of Act 8 of 2010

33. Section 106 of the principal Act is hereby deleted.

Amendment of section 110 of Act 8 of 2010

34. Section 110 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Board may, on application in the manner determined by it, issue a licence, with or without conditions, to –

(a) **[a]**an exclusive right racecourse operator, as contemplated in section 89(1)(a) of the Act, to conduct a totalisator on a thoroughbredhorse race, sporting event or another event or contingency; and

(b) a **[person other than a]**standardbredracecourse operator, as contemplated in section 89(1)(b) of the Act, to conduct a totalisator on a **[sporting event or other event or contingency,which licence may be issued conditionally or unconditionally.]**standardbred horse race, only; and

(c) a harness racing racecourse operator, as contemplated in section 89(1)(c) of the Act, to conduct a totalisator on a harness racing horse race, only."; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) A totalisator licence, unless cancelled earlier in terms of section 112, expires on the thirty-first day of **[December]**March of the financial year of the Board**[for]**in respect of which **[it]**such licence was issued **[but may be]**or renewed, **[in the manner prescribed by the Board, from year to year in the discretion of the Board and on]**but is renewable upon application made in the manner prescribed and uponpayment of the licence renewal fee prescribed in Schedule 2.".

Amendment of section 111 of Act 8 of 2010

35. Section 111 ofthe principal Act is hereby amended by the insertion after subsection (5) of the following new subsection:

"(6) A person is required to be registered as a totalisator manager if he or she –

(a) individually, or as part of a group, formulates operational policy;

(b) exercises direct control over the activities authorised by the totalisator licence;

(c) prepares prescribed tax returns or statements;

(d) has the authority to grant credit to a bettor; or

(e) has the authority to deal with bettor disputes or complaints.".

Amendment of section 119 of Act 8 of 2010

36. Section 119 of the principal Act is hereby amended by the substitution for paragraph (c) of the following subparagraph:

"(c) at such other venue authorised in terms of section 121 **[or as provided in the Board's rules]**.".

Amendment of section 120 of Act 8 of 2010

37. Section 120 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A person licensed in terms of section 94 or 110 must obtain the Board's approval for all licencedpremises **[to be usedfor theoperation of a bookmaking business, totalisator, totalisator branch or totalisator agency, as the case may be, which approval may be granted with or without conditions]**.".

Amendment of section 121 of Act 8 of 2010

38. Section 121 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A person licensed in terms of section 94 or 110 may make application to the Board, in the manner determined by the Board, for authority to **[undertake betting transactions]**temporarily transact bets, for a fixed period, at any venue, in addition to the licenced premises, which application the Board may refuse or grant, with or without conditions.".

Amendment of section 123 of Act 8 of 2010

39. Section 123 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) A person licensed in terms of section 94 or 110 may not utilise for the purpose of recording bets and betting transactions, any computerised record keeping system or any amendment to an approved computerised record keeping system, unless such system or amendment thereto**[has been approved by the Board and certified by the SABS]**conforms with an applicable compulsory specification and the Board has separately approved and registered such computerised record keeping system, or amendment thereto, against a letter of authority certificate, or,where there is no applicable compulsory specification, such computerised record keeping system conforms with a norm or standard for computerised record keeping systems, as determined by the Board.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) Any person **[who]**that wishes to develop, manufacture or amend a computerised record keeping system, or supply a computerised record keeping system **[or any amendment to an approved computerised record keeping system]** to a person licensed in terms of **[this]** section 94 or 110, must apply to the Board, in the manner prescribed by the Board, for approval and registration of such system or amendment thereto and such application must be accompanied by the relevant application and investigation fees prescribed in Schedule 2, which fees are payable to the Board.";

(c) by the substitution for subsection (3) of the following subsection:

"(3) The Board may –

(a) approve, conditionally or unconditionally, or reject a computerised record keeping system or an amendment thereto; or

(b) refer an application back to the manufacturer or supplier thereof for the submission of further information.";

(d) by the substitution for subsection (4) of the following subsection:

"(4) The Board may require a person licensed in terms of section 94 or 110 to **[connect to]**establish electronic communications between such monitoring system as the Board may determine and the approved computerised record keeping system utilised by such person."; and

(e) by the insertion after subsection (4) of the following subsections:

"(5) The Board must maintain an up-to-date register, which must be accessible, by electronic means, to every licenced bookmaker.

(6) The register contemplated in subsection (5) must specify, in respect of each computerised record keeping system approved by the Board –

(a) the identifying number of the currently approved version; and

(b) the date of approval of such version.".

Amendment of section 124 of Act 8 of 2010

40. Section 124 of the principal Act is herebyamended by the substitution for section 124 of the following section:

"**Betting with bookmaker, manager and totalisator**

124. Any person, other than a person appointed as an inspector in terms of section 81 or a member or employee of the Board, who is 18 years of age or older may bet with a bookmaker, manager, totalisator licensee, totalisator operator, totalisator manager or totalisator agent on any horse race, sporting event or any other event or contingency: Provided that such bets are transacted in terms of this Act and provided further that regardless of the location of the bettor when the bet is transacted, the bet is deemed to have been transacted at the licensed premises of the relevant bookmaker, manager, totalisator licensee, totalisator operator, totalisator manager or totalisator agent.".

Amendment of section 125 of Act 8 of 2010

41. Section 125 of the principal Act is hereby amended by the substitution for section 125 of thefollowing section:

"**Vicarious responsibility**

125.A totalisator licensee or bookmaker, in relation to the activities authorised by the relevant licence, is vicariously responsible for the acts and omissions of the employees of such totalisator licensee or bookmaker.".

Amendment of section 128 of Act 8 of 2010

42. Section 128 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A bookmaking business must deduct from the amount won by a bettor, exclusive of the amount staked by the bettor, the taxes and deductions determined in terms of the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010), and must pay such monies **[to]**into**[Board]**Provincial Revenue Fund in accordance with the provisions of section **[129]**77.".

Amendment of section 129 of Act 8 of 2010

43. Section 129 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) Every bookmaker must, within 10 days after the end of every month –

(a) pay **[to]**into**[Board]**Provincial Revenue Fund,all monies that

were deducted from bettors in terms of section 128(1) **[and]**as well as the betting taxes and deductions determined in terms of the KwaZulu-Natal Gaming and Betting Act, 2010; and

(b) lodge, in accordance with section 77,**[with]** the **[Board]** tax returns in the form determined in terms of section 7(2)(k).”; and

(b) by the deletion of subsection (3).

Amendment of section 131 of Act 8 0f 2010

44. Section 131 of the principal Act is hereby amended by the substitution for section 131 of the following section:

“**Totalisator operator’s returns and payment of taxes and deductions**

131. Every totalisator licensee must**[, within 10 days after the end of every month,]** lodge, in accordance with section 77, **[with the Board]** a taxreturn in the form prescribed in terms of section 7(2)(k) and, at the same time, pay **[to]**into**the[Board]**Provincial Revenue Fund**[in the manner prescribed or determined by the Board,]** the relevant taxes, according to the information contained in the relevant taxreturn.”.

Repeal of section 132 of Act 8 of 2010

45. Section 132 of the principal Act is hereby deleted.

Amendment of section 134 of Act 8 0f 2010

46. Section 134 of the principal Act is hereby amended by the substitution for section 134 of the following section:

“**Costs of investigation**

134. Where the Board undertakes an investigation to determine the suitability of an applicant for the granting of any licence, registration or authority required under Chapter 13, 14, 15 or 16, or for approval of a computerised record keeping system, the applicant must pay to the Board the amount calculated by the Board to be the **[actual]** cost to the Board of undertaking such investigation including the costs incurred in respect of the time spent by employees of the Board while conducting the investigation where these appear as a tariff in Schedule 2.”.

Amendment of section 137 of Act 8 of 2010

47. Section 137 of the principal Act is hereby amended–

(a) by the substitution for subsection (1) of the following subsection:

"**[Horse Racing and Betting] Transformation Fund**

137.(1) There is hereby established a fund to be known as the **[Horse Racing and Betting]** Transformation Fund.";

(b)by the substitution for subsection (2) of the following subsection:

"(2) Any funds intended for the development of sport and held in trust by the committee established in terms of section 21A of the Regulation of Racing and Betting Ordinance, 1957 (Ordinance No. 28 of 1957), must, on the day on which this Act comes into operation, be paid into the **[Horse Racing and Betting]** Transformation Fund established under this section.";

(c) by the substitution for subsection (3) of the following subsection:

"(3) The responsible Member of the Executive Council may, out of monies appropriated by the Provincial Legislature for that purpose and subject to such terms and conditions as he or she may impose, make grants to the **[Horse Racing and Betting]** Transformation Fund.";

(d) by the substitution for subsection (4) of the following subsection:

"(4) The assets of the **[Horse Racing and Betting]** Transformation Fund must, subject to the prior approval of the responsible Member of the Executive Council, be utilized for the purposes of realising the objects of the Board contemplated in section 6(1)(c), (d) and (e).";

(e) by the substitution for subsection (5) of the following subsection:

"(5) The Board must open and maintain a separate banking or savings account at a banking institution in the Province and must deposit therein all monies accruing to the **[Horse Racing and Betting]** Transformation Fund from any source.";

(f) by the substitution for subsection (6) of the following subsection:

"(6) The interest on monies deposited in terms of subsections (3) and (4) must accrue to the **[Horse Racing and Betting]** Transformation Fund.";

(g) by the substitution for subsection (7) of the following subsection:

"(7) The Board must keep separate and proper accounting records in respect of the **[Horse Racing and Betting]** Transformation Fund, containing

particulars of any money or interest on money received and any money paid.";

(h) by the substitution for subsection (8) of the following subsection:

"(8) No amount standing to the credit of the **[Horse Racing and Betting]** Transformation Fund forms part of the assets of the Board or may be attached on behalf of a creditor or creditors of the Board."; and

(i) by the substitution for subsection (9) of the following subsection:

"(9) The accounting and other related records of the **[Horse Racing and Betting]** Transformation Fund must, at the expense of the Board, be audited by the Auditor-General.".

Amendment of section 146 of Act 8 of 2010

48. Section 146 of the principal Act is hereby amended –

(a) by the substitution for paragraph (s) of the following paragraph:

"(s) the regulation and control of amusement machines, as contemplated in the National Gambling Act; **[and]**";

(b) by the substitution for paragraph (t) of the following paragraph:

"(t) any other matter which is necessary in order to give effect to the objects and purposes of this Act and the KwaZulu-Natal Gaming and Betting Tax Act, 2010(Act No. 9 of 2010)**[.]**;"; and

(c) by the insertion after paragraph (t) of the following paragraphs:

"(u) the maximum number of any type of licence that may be issued by the Board; and

(v) limitations on the proximity of any one type of gaming or betting outlet to any other type of gaming or betting outlet.".

Short title

49. This Act is called the KwaZulu-Natal Gaming and Betting Amendment Act, 2015.

MEMORANDUM
ON THE OBJECTS
OF THE
KWAZULU-NATAL GAMING AND BETTING AMENDMENT BILL, 2015

1. BACKGROUND

The main motivation for amending the recently promulgated KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010) (hereinafter referred to as "the principal Act"), is to rectify or strengthen areas of the Act around which current litigation revolves, or regarding which the threat of litigation exists. The main threats stem from the bingo provisions in the Act and from competing interpretations of the provisions of the Act, which deal with the acquisition of a financial interest in a gambling licensee.

There are numerous other proposed amendments relating to neither the acquisition of an interest in a licensee nor to bingo which, however, are also contained in the Bill. A substantial proportion of these proposals stem from the KwaZulu-Natal Gaming and Betting Board (hereinafter referred to as "the Board"), many originating from the Chief Directorate: Gaming and Betting and still others have been requested by the gambling industry and by the Member of the Executive Council responsible for Finance.

2. CLAUSE BY CLAUSE EXPLANATION

In summary, the Bill provides as follows –

Clause 1: Amendment of section 1 of the principal Act

Amendments to the definition of "bingo" and to other bingo-related definitions are proposed, the intention being to shore up the bingo provisions against the threat of litigation against the bingo industry (and against the Board and the responsible Member of the Executive Council).

The definition of "Horse Racing and Betting Transformation Fund" is deleted and a new definition of "Transformation Fund" is inserted. These amendments are linked to the amendments made to section 137, which currently deals with the "Horse Racing and Betting Transformation Fund".

A number of new definitions have been inserted in order to bring the provisions of the Act, in respect of the system of compulsory standards (SABS standards) applicable to gaming equipment, into harmony with national legislation dealing with

compulsory standards (the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

A number of definitions which imply that the "person" being referred to is only a "natural person" have been amended so as to clarify that both legal and natural persons are being referred to through use of the word "person".

Due to the fact that other forms of horseracing (such as harness racing) are becoming established in the Province, definitions need to be amended and/or added, so as to distinguish between thoroughbred horseracing, standardbred horseracing and harness racing.

Similarly, amendment is made to the definition of "racecourse operator", so as to facilitate distinguishing between –

(a) the exclusive right racecourse operator;
(b) the standardbred racecourse operator; and
(c) the harness racing racecourse operator.

This is, in turn, linked to the type of totalisator licence that each type of racecourse operator can hold.

The definition of "totalisator agent" is amended and the definition of "totalisator agency" has been added, in order to improve the clarity of the provisions in the Act, seeking to regulate totalisators.

Clause 2: Amendment of section 6 of the principal Act

Clause 2 of the Bill seeks to amend section 6 of the principal Act so as to change the impact on and application of the section to the horse racing and betting industries only, to a broader impact on and application of the section to the gambling industry of the Province. Secondly, the definition of "broad-based black economic empowerment", as contained in the Broad Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003), is cited in order to align the transformation goals of the Act with that national piece of legislation. Thirdly, purely technical amendments are made to section 6(3), and lastly, a new subsection (4) is added, the purpose of which is to substantially broaden the powers of the

responsible Member of the Executive Council to issue directives to the Board.

Clause 3: Amendment of section 7 of the principal Act

Clause 3 of the Bill seeks to amend section 7(2)(q) of the principal Act so as to potentially allow bookmakers and totalisator operators to temporarily conduct their operations from any venue other than their approved premises (i.e. conduct their operations simultaneously from both premises). Currently they are only allowed (subject to Board approval) to temporarily operate from the venue of a sporting or other event (in addition to their approved premises). It must be emphasised that if a bookmaker or totalisator operator wishes to conduct their operations from any venue other than their approved premises, they may only do this if their application to the Board to do so is approved.

Clause 3 of the Bill also seeks to amend section 7(3)(g)(iii) of the principal Act so as to align it with the terminology used in the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

Clause 4: Amendment of section 8 of the principal Act

Section 8 of the principal Act deals with the composition of the Board and currently allows the responsible Member of the Executive Council to appoint an official from within the department for, *inter alia*, the purpose of liaising with the Board.Clause 4 of the Bill seeks to amend section 8 of the principal Act so as to –

(a) require the responsible Member of the Executive Council to appoint one or more officials from within the Department, plus their alternates; and

(b) add the purpose of monitoring the Board to the existing list of purposes for which the appointment should be made.

Clause 5: Amendment of section 9 of the principal Act

Section 9 of the principal Act deals with disqualification from being appointed to the Board. Clause 5 of the Bill seeks to amend section 9 of the principal Act so as to extend the disqualifications to persons who, at the time of the appointment, or during the preceding 12 months, were an employee of –

(a) an organ of state;

(b) a public entity;

(c) a political party;

(d) any provincial legislature; or

(e) the National Legislature.

Clause 6: Amendment of section 10 of the principal Act

Clause 6 of the Bill seeks to amend section 10 of the principal Act so as to remove reference to the making of an affidavit by a nominee for appointment to the Board, in terms of which the nominee must disclose full details of any conviction. This is because the responsible Member of the Executive Council, in terms of the Act, no longer has the power to appoint a nominee in certain circumstances, despite the nominee being otherwise disqualified.

Clause 7: Amendment of section 13 of the principal Act

Section 13 of the principal Act is substituted and provides that all members of the Board whose term of office has expired, must continue to hold office until either a new Board has been appointed, or a maximum period of 90 days following the expiration of the three year period of office has elapsed, whichever period is the shorter.

Clause 8: Amendment of section 24 of the principal Act

Subclause (3) is added to section 24 of the principal Act so as to require the Chief Executive Officer of the Board to assume certain powers and functions, in circumstances in which the Board is unable to renew licences and certificates of registration, or to deal with contraventions of the Act or the rules and to appoint an independent legal practitioner when dealing with certain issues.

Clause 9: Insertion of section 30A in the principal Act

Clause 9 of the Bill seeks to add section 30A to the principal Act, so as to limit and further clarify the extent of the powers of the Board when it imposes conditions of licence.

Clause 10: Amendment of section 32 of the principal Act

Section 32 deals with disqualifications for a licence or registration. Clause 10 of the Bill seeks to amend section 32 of the principal Act so as to extend the disqualifications to persons who, at the time of the appointment, or during the preceding 12 months, were an employee of an "organ of state", a "public entity", a

political party, any provincial Legislature or the National Legislature.

Clause 11: Insertion of section 32A in the principal Act

Clause 11 of the Bill seeks to insert section 32A to the principal Act, so as to deal with the duration of registration of natural person employees. Currently, employee registrations do not require annual renewal but the new clauses provide for renewal every three years following the date of issue.

Clause 12: Amendment of section 40 of the principal Act

Clause 12 of the Bill seeks to amend section 40 of the principal Act so as to align the terminology used with the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

Clause 13: Amendment of section 43 of the principal Act

Clause 13 of the Bill seeks to amend section 43 of the principal Act so as to clarify that licensees or registrants that are natural person employees of gambling operators may not transfer such licence or registration to another natural person.

Clause 13 also seeks to amend subsection (3) of the principal Act so as to improve the clarity of meaning.

Clause 14: Insertion of section 43A in the principal Act

Clause 14 of the Bill seeks to insert section 43A as replacement for section 54 of the principal Act and deals with a person acquiring a financial interest in a licensee or registrant. Current litigation revolves around the interpretation of section 54. Section 54 is located in the chapter on casinos, which implies that it applies only to casinos. Consequently, the provision is being relocated to a chapter of the Act which applies to all licensees and registrants.

The provision is regarded, in general, as inadequate and impractical in its current form. A crucial feature of the new provision is the ban on the licensing of wholly-owned subsidiaries of another juristic person. The section presently does not allow the Board to pierce the corporate veil, because holding companies are not licensed and are therefore not subject to the Board's authority in terms of the Act.

Clause 15: Amendment of section 44 of the principal Act

Clause 15 of the Bill seeks to amend section 44(1) of the principal Act so as to include reference to registrants and to improve clarity of meaning.

Clause 15 of the Bill also seeks to insert subclauses (4) and (5) in the principal Act, so as to empower the Board to prescribe the procedures to be followed in making application for an approval of the relocation of the business operations of a licensee or registrant from one set of premises to another and to provide for the levying of a fee for such applications.

Clause 16: Amendment of section 47 of the principal Act

Clause 16 of the Bill seeks to amend section 47 of the principal Act so as to remove the need for the responsible Member of the Executive Council to consult any of the Portfolio Committees of the KwaZulu-Natal Legislature, when making directives for casinos.

Clause 17: Amendment of section 53 of the principal Act

Clause 17 of the Bill seeks to amend section 53 of the principal Act so as to delete subsections (4) and (5). These provisions deal with the amendment, substitution or rescinding of conditions of a casino licence. The provisions are superfluous, because the amendment, substitution or rescinding of conditions of all kinds of licences are dealt with in Chapter 5 of the principal Act, which deals with licensing and registration.

Clause 18: Repeal of section 54 of the principal Act

Section 54 deals with the acquisition of a controlling interest or a financial interest in a casino licensee and clause 43A of the Bill seeks to amend section 54 of the principal Act by its substitution. Clause 43A applies to all licensees and registrants.

Clause 19: Amendment of section 55 of the principal Act

Clause 19 of the Bill seeks to amend section 55(1) of the principal Act so as to include reference to "electronic bingo terminals", and other insertions and deletions, improving the clarity of the provision regarding what it is meant to include and regulate.

Clause 19 of the Bill also seeks to amend section 55(2) of the principal Act so as to simplify it and consequently improve the clarity of meaning.

Clause 20: Amendment of section 57 of the principal Act

Clause 20 of the Bill seeks to amend section 57 of the principal Act by deleting subsections (4) and (5) of the principal Act as they are superfluous. Due to the proposed amendments to section 30 of the Act, which deal with conditions of licence in a general manner, the amended section 57 is applicable to all licence types.

Clause 21: Amendment of section 59 of the principal Act

Clause 21 of the Bill seeks to amend section 59(a) of the principal Act so as to align it with the terminology of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

Clause 22: Amendment of section 62 of the principal Act

Clause 22 of the Bill seeks to amend section 62(1)(d) of the principal Act by the removal of the words "standards and", so as to align it with the provisions of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

Clause 22 of the Bill also seeks to amend section 62 of the principal Act by deleting subsections (4) and (5). These provisions are superfluous, because the amendment, substitution or rescinding of conditions of all kinds of licences are dealt with in Chapter 5 of this Act, which deals with licensing and registration.

Clause 23: Amendment of section 69 of the principal Act

Clause 23 of the Bill seeks to amend section 69 of the principal Act by the insertion after subparagraph (d) of a new subparagraph (e), which states "the registration becomes due for renewal in terms of section 32A." The effect of this is that while, currently, the duration of registration of certain employees is essentially indefinite, barring certain circumstances arising, the proposed new section 32A limits the registration period for such employees to between 36 and 48 months, depending on the date upon which the anniversary of the employee's birthday falls.

Clause 24: Amendment of section 73 of the principal Act

Clause 24 of the Bill seeks to amend section 73 of the principal Act so as to provide that the Board will be allowed to include costs incurred in respect of time spent by employees of the Board, while conducting an investigation into an applicant, as contemplated in terms of sections 35 and 37 of the principal Act.

Clause 25: Amendment of section 77 of the principal Act

Clause 25 of the Bill seeks to amend section 77(1) of the principal Act so as to require that all gambling operators pay tax into an account of the Board, as opposed to the current situation, in which some gambling operators are required to pay tax directly into the Provincial Revenue Fund.

Clause 25 of the Bill also seeks to amend section 77 of the principal Act by the insertion of subclause (3). Subclause (3) requires that the Board distributesa portion of the taxes received, as prescribed, and that the Board must then pay the balance of the taxes into the Provincial Revenue Fund, no later than 20 days after the end of every calendar month.

Clause 25 of the Bill also seeks to amend section 77 of the principal Act by the insertion of subclause (4), which requires the Board to provide both the Provincial Treasury and the responsible Member of the Executive Council with a detailed report regarding the taxes received and distributed by the Board. Lastly, two new subsections (5) and (6) are added, for the purpose of providing for a uniform due date for the payment of gambling taxes.

Clause 26: Amendment of section 78 of the principal Act

Clause 26 of the Bill seeks to amend section 78 of the principal Act, *inter alia*, by the addition of a proviso which essentially has the effect that a licensee is given notice before a suspension of a licence for the failure to pay a fee, tax or levy is enforced, whereas at present a suspension of licence for the failure to pay a fee, tax or levy is meant to take immediate effect. Furthermore, it is now clarified that penalty interest (not an administrative penalty), must be paid on taxes not paid timeously or in full.

Clause 27: Amendment of section 89 of the principal Act

Clause 27 of the Bill seeks to amend section 89 of the principal Act by substituting

it in its entirety and makes far-reaching changes to the existing legislation, as regards racecourse operators and the kinds of totalisator licences that they may hold. Three new subtypes of racecourse operator licence are created as follows –

(a) an exclusive right racecourse operator licence;

(b) a standardbred racecourse operator licence; and

(c) a harness racing racecourse operator licence.

Clause 28: Repeal of section 90 of the principal Act

Clause 28 of the Bill seeks to amend section 90 of the principal Act (which deals with the procurement of an interest in a racecourse operator) so as to avoid an internal conflict because the proposed new section 43A comprehensively deals with the procurement of a financial interest in all licensees and registrants.

Clause 29: Amendment of section 91 of principal Act

Clause 29 of the Bill seeks to amend section 91 of the principal Act so as to align the licence renewal period for racecourse operators with that of other types of licences.

Clause 30: Amendment of section 94 of principal Act

Clause 30 of the Bill seeks to amend section 94 of the principal Act so as to clarify the types of persons that may hold a bookmaker's licence and secondly, to align the licence renewal period for bookmakers with that of other types of licences.

Clause 31: Deletion of section 97 of principal Act

Clause 97 of the Bill is deleted in order to resolve potential internal conflicts with other provisions of the Act, which also deal with the change in ownership of a licence, because these provisions deal with change in ownership in a manner intended to apply to all licence types.

Clause 32: Deletion of section 98 of principal Act

Clause 98 of the Bill is deleted in order to resolve potential internal conflicts with other provisions of the Act which also deal with the change of directors of a company that owns a licence, because these provisions deal with such changes in a manner intended to apply to all licence types.

Clause 33: Deletion of section 106 of principal Act

Clause 106 of the Bill is deleted in order to resolve potential internal conflicts with other provisions of the Act, which also deal with the registration of persons, where other provisions in the Act deal with registrations in a manner intended to apply to all registration types.

Clause 34: Amendment of section 110 of principal Act

Clause 34 of the Bill seeks to amend section 110 of the principal Act so as to align it with the amended section 89, in order that limitations on the things that totalisator operator licensees can transact bets upon, correspond with each new subtype of licensed racecourse operator mentioned in the amended section 89.

Clause 35: Amendment of section 111 of principal Act

Clause 35 of the Bill seeks to amend section 111 of the principal Act so as to afford the Board additional powers in dealing with the appointment and registration of totalisator operators, totalisator managers and totalisator agents, in alignment with the Board's existing powers in relation to bookmakers' managers.

Clause 36: Amendment of section 119 of principal Act

Clause 36 of the Bill seeks to amend paragraph (c) of section 119 of the principal Act so as to remove the power of the Board to make rules regarding the premises at which bookmakers and totalisators may transact bets.

Clause 37: Amendment of section 120 of principal Act

Clause 37 of the Bill seeks to amend section 120 of the principal Act so as to both improve clarity and avoid potential internal conflicts with the proposed amendments to section 44, which deal with relocation of the business operations of a licensee or registrant from one set of premises to another in a manner intended to apply to all licence and registration types.

Clause 38: Amendment of section 121 of principal Act

Clause 38 of the Bill seeks to amend section 121 of the principal Act so as to avoid potential internal conflicts with the proposed amendments to section 44, which deal with relocation of the business operations of a licensee or registrant (including a temporary relocation) from one set of premises to another in a manner intended to

apply to all licence and registration types.

Clause 39: Amendment of section 123 of principal Act

Clause 39 of the Bill seeks to amend subsection (1) of section 123 so as to align it with the terminology used in the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008). Subsections (2), (3) and (4) of section 123 are amended in order to improve clarity of understanding of these provisions.

A new subsection (5) is inserted in order to clarify that an approved version of a computerised record-keeping system does not cease to be an approved version of a computerised record-keeping system, when a new version of such system is developed and approved. The new provision also serves to place a requirement upon the Board to maintain an up-to-date register of all approved computerised record-keeping systems, including each approved version of an approved computerised record-keeping system.

Clause 40: Amendment of section 124 of principal Act

Clause 40 of the Bill seeks to amend section 124 of the principal Act by the addition of a proviso which clarifies that regardless of the location of the bettor when a bet is transacted, the bet is deemed to have been transacted at the licensed premises of the relevant licensee or registrant.

Clause 41: Amendment of section 125 of principal Act

Clause 41 of the Bill seeks to amend section 125 of the principal Act so as to limit the vicarious responsibility of a totalisator licensee or bookmaker, for the acts and omissions of the employees of such totalisator licensee or bookmaker, to acts and omissions related to the activities authorised by the relevant licence.

Clause 42: Amendment of section 128 of principal Act

Clause 42 of the Bill seeks to amend section 128 of the principal Act so as to change a cross-reference from section 129 to section 77, an amendment which is consequential upon the amendments made to sections 77 and 129.

Clause 43: Amendment of section 129 of principal Act

Clause 43 of the Bill seeks to amend section 129 of the principal Act, so as to align

it with the amended section 77, because both deal with taxation and the distribution thereof.

Clause 44: Amendment of section 131 of principal Act

Clause 44 of the Bill seeks to amend section 131 of the principal Act, so as to align it with the amended section 77, because both deal with the matter of to which organisation taxes and tax returns must be paid and lodged, respectively.

Clause 45: Deletion of section 132 of principal Act

Section 132 of the Act is deleted so as to avoid conflicts with the amended sections 77, 128, 129 and 131.

Clause 46: Amendment of section 134 of principal Act

Clause 46 of the Bill seeks to amend section 134 of the principal Act so as to provide that the Board will be allowed to include costs incurred in respect of time spent by employees of the Board, while conducting an investigation into an applicant for the granting of any licence, registration or authority required under Chapter 13, 14, 15 or 16, or for the approval of a computerised record-keeping system.

Clause 47: Amendment of section 137 of principal Act

Clause 47 of the Bill seeks to amend section 137 of the principal Act so as to replace the term "Horse Racing and Betting Transformation Fund", wherever it appears in the section, with the phrase "Transformation Fund". These amendments are linked to the amendments made to the definitions, that is, the definition of "Horse Racing and Betting Transformation Fund" is deleted and a new definition of "Transformation Fund" is inserted.

Clause 48: Amendment of section 146 of principal Act

Clause 48 of the Bill seeks to amend section 146 of the principal Act so as to extend the powers of the responsible Member of the Executive Council to make regulations regarding certain aspects.

Clause 49: Short title

Clause 49 contains the short title of the amendment Act.

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

No undue organisational and personnel implications are foreseen.

4. FINANCIAL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

No undue financial implications are foreseen.

5. DEPARTMENTS/ BODIES/ PERSONS CONSULTED

The Bill has been drafted in consultation with –

5.1 The KwaZulu-Natal Gaming and Betting Board; and

5.2 The KwaZulu-Natal gambling industry.

6. CONTACT PERSONS

6.1 KwaZulu-Natal Treasury

Name:	Mr NS Mutheiwana
Position:	General Manager: Gaming and Betting
Telephone:	(033) 395 2640
Fax:	(033) 342 4913
Cellular:	082 562 8070
e-mail:	ndanduleni.mutheiwana@kzntreasury.gov.za

6.2 KwaZulu-Natal Treasury

Name:	Mr BR Wilkinson
Position:	Deputy Manager: Gaming and Betting
Telephone:	(033) 395 2849
Fax:	(033) 342 4913
Cellular:	082 853 6774
e-mail:	barry.wilkinson@kzntreasury.gov.za

No. 25 **6 Julie 2015**

KWAZULU-NATAL WYSIGINGSWETSONTWERP OP DOBBELARY EN WEDDERY, 2015

Kennisgewing ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer

Kennsigewing geskied hiermee ooreenkomstig Reël 194 van die Staande Reëls van die
KwaZulu-Natal Wetgewer dat die Kwazulu-Natal Wysigingswetsontwerp op Dobbelary en Weddery, 2015 soos hieronder uiteengesit, by die voorgemelde Wetgewer ingedien is en deur die Portfoliokomitee oor Finansies oorweeg sal word. Die publiek en ander belanghebbende groepe word uitgenooi om vertoë oor die vermelde wetsontwerp in te dien, welke vertoë gerig moet word aan:

Aandag: Mnr. S Chili
Die Sekretaris
KwaZulu-Natal Legislature
Privaatsak X 9112
PIETERMARITZBURG
3200

Email: chili@kznlegislature.gov.za

Vertoë moet haar nie later as 15 dae vanaf die datum van hierdie publikasie bereik nie.

N NAIDOO
Sekretaris van die KwaZulu-Natal Wetgewer

KWAZULU-NATAL
WYSIGINGSWETSONTWERP OP DOBBELARY EN WEDDERY, 2015

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde wat in vetdruk en vierkantige hakies is, dui uitlatings uit bestaande wetsbepalinge aan

_____ Woorde onderstreep deur 'n soliede lyn dui byvoegings tot bestaande wetsbepalinge aan

WETSONTWERP

Om die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010, te wysig, om sodoende tekstuele wysigings te bewerkstellig; om nuwe omskrywings en nuwe bepalings in te voeg; en om vir aangeleenthede wat daarmee verband hou voorsiening te maak.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal bepaal:-

Wysiging van artikel 1 van Wet 8 van 2010

1. Artikel 1 van die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010 (Wet No. 8 van 2010), hierna verwys na as die Hoofwet, word hiermee gewysig –

(a) deur die invoeging na die omskrywing van "**ander gebeurtenis of gebeurlikheid**" van:

""**assessering van nakoming**" assessering van nakoming soos omskryf in artikel 1 van die Wet op Die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008);

"assessering van nakoming diensverskaffer" 'n persoon wat nakomingsassesserings onderneem namens die Nasionale Reguleerder vir Verpligte Spesifikasies, ingevolge 'n ooreenkoms aangegaan deur sodanige persoon en die Nasionale Reguleerder vir Verpligte Spesifikasies;";

(b) deur die vervanging van die omskrywing van "beroepswedder" deur die volgende omskrywing:

""**beroepswedder**" 'n persoon **[wat]** ingevolge artikel 94 gelisensieer **[is]** om aanbiedinge of wedgeld te aanvaar by die proses van die aangaan van weddenskappe op perdewedrenne, sport, sportgebeurtenisse of enige ander gebeurtenisse of gebeurlikhede, of op 'n kombinasie van sodanige

perdewedrenne, sport, sportgebeurtenisse, ander gebeurtenisse of gebeurlikhede;";

(c) deur die vervanging van die omskrywing van "bingo" deur die volgende omskrywing:

""**bingo"** 'n spel,**[wat as 'n groepsaktiwiteit gereël word, waarin verskeie spelers teen mekaar wedywer, met inbegrip van 'n spel wat]** hetsy volkome, of gedeeltelik gespeel volgens elektroniese metodes, tradisionele metodes of andersins –

(a) vir vergoeding **[gespeel word]**, deur kaarte of ander toestelle te gebruik, ingesluit toestelle wat kaartevoorstel –

(i) wat in ruimtes verdeel word wat elk oor 'n ander nommer, prentjie of simbool beskik; en

(ii) **[met]** sodanige nommers, prentjies of simbole wat willekeurig gerangskik is sodat elke kaart of **[soortgelyke]** toestel 'n unieke stel nommers, prentjies of simbole bevat;

(b) waartydens **['n operateur of aankondiger]** 'n reeks nommers, prentjies of simbole in 'n willekeurige volgorde uitgeroep of vertoon word en **[die spelerselke sodanige nommer, prentjie of simbool]** sodanige nommers, prentjies of simbole vergelyk word op die kaart of toestel **[vir ooreenstemming vergelyk terwyl]** soos dit uitgeroep of vertoon word; en

(c) waartydens die speler wie se **[ruimtesop die]** kaart of toestel die eerste is waarop al die ruimtes ooreenstem, of op wie se kaart of toestel 'n spesifieke stel nommers, prentjies of simbole **[op die kaart of toestel]** ooreenstem, 'n prys of pryse wen,

of enige ander soortgelyke spel wat as bingo verklaar is in ooreenstemming met artikel 6(4)(b) van die Nasionale Dobbelwet, 2004 (Wet No. 7 van 2004);";

(d) deur die invoeging na die omskrywing van "bingolisensie" van die volgende omskrywing:

""**bingositplek"** beteken een dobbelposisie in 'n bingosaal, wat nie 'n dobbelposisie is nie, verbind aan 'n elektroniese bingoterminaal;";

(e) deur die invoeging na die omskrywing van "dobbeljurisdiksie" van die volgende omskrywing:

""**dobbelposisie"** beteken –

(a) 'n dobbelmasjien ontwerp vir gebruik deur 'n enkel natuurlike persoon;

(b) 'n dobbelmasjienkomponent ontwerp vir gebruik deur meer as een natuurlike persoon, wat deelname aan dobbel deur 'n enkel natuurlike persoon fasiliteer;

(c) 'n dobbeltoerustingskomponent wat deelname aan dobbel deur 'n enkel natuurlike persoon fasiliteer; of

(d) 'n sit- of staanplek op 'n gelisensieerde perseel wat deelname aan dobbel deur 'n enkel natuurlike persoon fasiliteer;";

(f) deur die vervanging van die omskrywing van "finansiële belang" deur die volgende omskrywing:

""**finansiële belang"** beteken –

(a) 'n reg of aanspraak om in winste of inkomste te deel;

(b) 'n saaklike reg ten opsigte van eiendom van 'n maatskappy, korporasie of besigheid;

(c) 'n saaklike of persoonlike reg in eiendom wat deur 'n maatskappy, korporasie of besigheid gebruik word; of

(d) 'n regstreekse of onregstreekse belang in die stemdraende aandele, of stemreg gekoppel aan aandele, van 'n maatskappy, of 'n belang in 'n beslote korporasie; en

(e) sluit nie in nie –

(i) 'n onregstreekse belang gehou in enige fonds of belegging, indien die persoon wat daardie belang hou geen beheer het oor die beleggingsbesluite, ten opsigte van daardie fonds of belegging, wat gemaak word nie; of

(ii) enige aanspraak op inkomste opgeloop tot 'n persoon ingevolge 'n kontrak vir die verskaffing van goedere of dienste aan 'n lisensiehouer of geregistreerde;";

(g) deur die vervanging van die omskrywing van "geregistreerde" deur die volgende omskrywing:

""**geregistreerde"** 'n persoon wat 'n geldige registrasiesertifikaat of tydelike registrasiesertifikaat hou wat ingevolge hierdie Wet uitgereik is;";

(h) deur die vervanging van die omskrywing van "korporatiewe liggaam" deur die volgende omskrywing:

""**korporatiewe liggaam"** 'n maatskappy wat ingevolge die Maatskappywet, **[1973]** 2008 (Wet No. **[61]** 71 van **[1973]** 2008), geregistreer is, 'n vennootskap**[, of wat ingevolge die Ordonnansie op die Regulering van Wedrenne en Weddery, 1957 (Ordonnansie No. 28 van 1957) tot stand gekom het, of 'n beslote korporasie wat ingevolge die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984) geregistreer is]**;";

(i) deur die invoeging na die omskrywing van "lisensiehouer" van die volgende omskrywing:

""**magtigingsbrief-sertifikaat"** 'n sertifikaat uitgereik deur die Nasionale Reguleerder vir Verpligte Spesifikasies, soos bedoel in artikel 5(2)(f) van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008), wat toelaat dat handelsware en produkte verkoop word of dienste verskaf word;";

(j) deur die skrapping van die omskrywing van "Nasionale Perdewedrenowerheid";

(k) deur die invoeging na die omskrywing van "magtigingsbrief-sertifikaat" van die volgende omskrywing:

""**NRVS"** die Nasionale Reguleerder vir Verpligte Spesifikasies van Suid-Afrika ingestel deur artikel 3(1) van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008);";

(l) deur die vervanging van die omskrywing van "onafhanklike perseeloperateur" deur die volgende omskrywing:

""**onafhanklike perseeloperateur"** 'n perseeloperateur wat nie aan 'n roete-operateur gekoppel is nie en wat gelisensieer is om beperkte uitbetaalmasjiene op 'n **[enkel]**perseel te **[besiten]** bedryf **[enverantwoordelik is vir instandhouding van die masjiene, insameling van gelde en betaling van die toepaslike belasting en heffings]** ;";

(m) deur die skrapping van die omskrywing "Perdewedren- en Weddenskaptransformasiefonds";

(n) deur die vervanging van die omskrywing van "perseeloperateur" deur die volgende omskrywing:

""**perseeloperateur"** 'n persoon wat gemagtig is om beperkte uitbetaalmasjiene **[op sy of haar perseel]** aan te hou en te bedryf ingevolge 'n lisensie wat ooreenkomstig hierdie Wet uitgereik is;";

(o) deur die vervanging van die omskrywing van "persoon" deur die volgende omskrywing:

""**persoon"** 'n natuurlike **[of regs]** persoon **[, 'n groep van sodanige persone]** of 'n korporatiewe liggaam, tensy die samehang 'n ander bedoeling aandui;";

(p) deur die vervanging van die omskrywing van "publiseer" deur die volgende omskrywing:

""**publiseer"** ook, tensy die samehang 'n teenstrydige bedoeling aandui, om te vertoon, te sirkuleer, aan te kondig of te laat vertoon of sirkuleer of aankondig op enige wyse hoegenaamd;";

(q) deur die vervanging van die omskrywing van "renbaanoperateur" deur die volgende omskrywing:

""**renbaanoperateur"** 'n korporatiewe liggaam wat ingevolge artikel 89

gelisensieer is **[om wedrenbyeenkomste by een of meer renbane te hou]** en is 'n term wat verwys na die drie tipes renbaanoperateurs bedoel in artikel 89(1) van die Wet, synde –

(a) die operateur van 'n eksklusiewe reg-renbaan soos bedoel in artikel 89(1)(a);

(b) die operateur van 'n standaardgeteelde renbaan soos bedoel in artikel 89(1)9(b); en

(c) die operateur van 'n tuigwedren-renbaan soos bedoel in artikel 89(1)(c);";

(r) deur die vervanging van die omskrywing van "roete-operateur" deur die volgende omskrywing:

""**roete-operateur**" 'n persoon wat ingevolge hierdie Wet gelisensieer is om beperkte uitbetaalmasjiene aan perseeloperateurs te verskaf en om ander voorgeskrewe aktiwiteite te onderneem;";

(s) deur die invoeging na die omskrywing van "SABS" van die volgende omskrywing:

""**SANS**" 'n Suid-Afrikaanse Nasionale Standaard goedgekeur deur die Suid-Afrikaanse Buro vir Standaarde in ooreenstemming met die Standaardewet, 2008 (Wet No. 8 van 2008);";

(t) deur die invoeging na die omskrywing van "sportweddenskap" van die volgende omskrywings:

""**standaardgeteelde perd**" 'n perd wat 'n afstammeling is van die perd bekend as Rysdyk's Hambletonian, wat in 1849 in die Verenigde State van Amerika gevul is en wat beskou word as die stamvader-dekhings van die ras;";

""**standaardgeteelde perdewedren**" 'n tuigwedren-perdewedren, anders as 'n tuigwedren-perdewedren waarin slegs standaardgeteelde perde kan meeding, gery deur 'n natuurlike persoon, teen 'n galop, 'n drafstap of 'n pas: Met dien verstande dat 'n perdewedren waarin enige ander perderas meeding teen 'n galop, 'n drafstap of 'n pas by 'n renbaan wat bedryf word deur 'n gelisensieerde operateur van 'n standaardgeteelde renbaan, beskou word as 'n standaardgeteelde perdewedren vir die doeleindes van hierdie Wet;";

""**sulky**" wanneer gebruik word as 'n selfstandige naamwoord, 'n tweewielkarretjie, met 'n enkel sitplek vir die drywer, wat getrek word deur 'n standaardgeteelde perd in 'n tuig-perdewedren;";

(u) deur die vervanging van die omskrywing van "totalisatoragent" deur die volgende omskrywing:

""**totalisatoragent"** 'n persoon wat kragtens kontraktuele bepalings wat nie 'n indiensnemingskontrak uitmaak nie en, ingevolge artikel 111(1)(b)(ii), deur 'n totalisatorlisensiehouer aangestel word om 'n agentskap van **[die betrokke]** daardie totalisatorlisensiehouer**[te bestuur en]** te bedryf;";

(v) deur die invoeging na die omskrywing van "totalisatoragent" van die volgende omskrywing:

""**totalisatoragentskap"** totalisatorperseel vanwaar 'n totalisatoragent 'n agentskap van 'n totalisator bedryf, ingevolge 'n ooreenkoms tussen 'n totalisatorgelisensieerde en sodanige totalisatoragent;";

(w) deur die invoeging na die omskrywing van **"totalisatorperseel"** van die volgende omskrywing:

""**Transformasiefonds"** die fonds ingestel ingevolge artikel 137 van die Wet;";

(x) deur die invoeging na die omskrywing van "totalisatorperseel" van die volgende omskrywing:

""**tuigwedren-perdewedren"** 'n perdewedren waaraan slegs standaardgeteelde perde kan deelneem, op 'n drafstap of pas, hetsy gery onder die saal deur 'n natuurlike persoon, of gedryf deur 'n drywer op 'n "sulky" wat deur die perd getrek word: Met dien verstande dat 'n perdewedren waarin enige ander perderas meeding op 'n galop, drafstap, of pas, by 'n renbaan bedryf deur 'n gelisensieerde tuigwedren-perdewedren-renbaanoperateur, beskou word as 'n tuigwedren-perdewedren vir die doeleindes van hierdie Wet;";

(y) deur die skrapping van die omskrywing van "Perdewedren- en Weddenskaptransformasiefonds"; en

(z) deur die invoeging na die omskrywing van "vergoeding" van die volgende omskrywings:

""**verpligte spesifikasie"** 'n verpligte spesifikasie soos omskryf in artikel 1 van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008);";

""**volbloedperd"** 'n perd wat afstam van een van die drie perde wat bekendstaan as die Byerley Turk, die Darley Arabian en die Godolphin Arabian;";

""**volbloedperdewedren"** 'n perdewedren waarin slegs 'n volbloedperd, gery deur 'n natuurlike persoon, mag meeding;".

Wysiging van artikel 6 van Wet 8 van 2010

2. Artikel 6 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (c) van subartikel (1) deur die volgende paragraaf:

"(c) geleenthede te bevorder vir **[voorheen benadeelde]** persone bedoel in die omskrywing van "breedgebaseerde swart ekonomiese bemagtiging", soos vervat in die Wet op die Breedgebaseerde Swart Ekonomiese Bemagtiging, 2003 (Wet No. 53 van 2003), om deel te neem in die **[perdewedren- en weddenskapbedryf]** dobbelbedryf van die Provinsie in die hoedanigheid van **[enige van die persone vereis om gelisensieer of geregistreer te word ingevolge artikel 89, 94, 103, 110 of 111]** lisensiehouers of geregistreerdes, kragtens die Wet;";

(b) deur die vervanging van paragraaf (d) van subartikel (1) deur die volgende paragraaf:

"(d) die eienaarsbelang van **[voorheen benadeelde]** persone bedoel in die omskrywing van "breedgebaseerde swart ekonomiese bemagtiging", soos vervat in die Wet op die Breedgebaseerde Swart Ekonomiese Bemagtiging, 2003 in die **[perdewedren- en weddenskapbedryf]** dobbelbedryf van die Provinsie te verhoog;";

(c) deur die skrapping van subartikel (2); en

(d) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Die verantwoordelike Lid van die Uitvoerende Raad kan opdrag gee aan die Raad met betrekking tot die oogmerke van die Raad bedoel in **[subartikel]** paragrawe**[(1)]** (c), (d), (e) en (f) van subartikel (1)."; en

(e) deur die invoeging na subartikel (3) van die volgende subartikel:

"(4) Die verantwoordelike Lid van die Uitvoerende Raad kan bevele met betrekking tot die volgende aangeleenthede aan die Raad rig ten opsigte van –

(a) enige werklike of beoogde dobbelverwante beleidsverandering afkomstig vanaf die nasionale regeringsvlak;

(b) enige werklike of beoogde dobbelverwante beleidsverandering afkomstig vanaf die Uitvoerende Raad of die Departement,

ten einde enige projek of hofaksie te wysig, ophef of staak.".

Wysiging van artikel 7 van Wet 8 van 2010

3. Artikel 7 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (q) van subartikel (2) deur die volgende paragraaf:

"(q) 'n persoon wat kragtens artikel **[89,]** 94 of 110 gelisensieer is, **[ingevolge artikel 121]** magtig, met of sonder voorwaardes, of 'n aansoek, gemaak soos voorgeskryf, om tydelik wedtransaksies vir 'n vasgestelde tydperk by **[die]** enige plek in die Provinsie**[van 'n sport- of ander gebeurtenis]** te onderneem, weier;"; en

(b) deur die vervanging van subparagraaf (iii) van paragraaf (g) van subartikel (3) deur die volgende paragraaf:

"(iii) alle casinodobbeltoerusting of elke casinodobbelmasjien of beperkte uitbetaalmasjien wat gebruik word, of vir gebruik beskikbaar gestel word, deur **[middel van]** 'n lisensiehouer**[geregistreer en gesertifiseer is ingevolge die Nasionale Dobbelwet]** voldoen aan 'n toepaslike verpligte spesifikasie en deur die Raad geregistreer is by die uitreiking van 'n geldige magtigingsbrief-sertifikaat.".

Wysiging van artikel 8 van Wet 8 van 2010

4. Artikel 8 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) Die verantwoordelike Lid van die Uitvoerende Raad **[kan]** moet**['n amptenaar]**een of meer amptenare binne**[van]**die Departement verantwoordelik vir dobbelary- en wedderyaangeleenthede in die algemeen en vir aangeleenthede wat uitdruklik betrekking het op die Raad, as sy of haar **[verteenwoordiger]**verteenwoordigers op die Raad aanstel wat –

(a) skakeling tussen die verantwoordelike Lid van die Uitvoerende Raad en die Raad moet fasiliteer;

(b) van tyd tot tyd aan die verantwoordelike Lid van die Uitvoerende Raad moet rapporteer oor aangeleenthede wat hy of sy as toepaslik beskou;

(c) vergaderings van die Raad mag bywoon en aan besprekings deelneem, maar wie nie oor stemreg beskik wanneer die Raad 'n besluit neem nie **[.]**; en

(d) die Raad se werkverrigting moet monitor."

Wysiging van artikel 9 van Wet 8 van 2010

5. Artikel 9 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (c) van subartikel (1) deur die volgende paragraaf:

"(c) hy of sy, ten tye van die**[tydens]** aanstelling,**[of gedurende die voorafgaande twaalf maande]** –

(i) 'n persoon is**[bedoel in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994) is of was]** wat in diens geneem is deur –

(aa) 'n "staatsorgaan", soos omskryf in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

(bb) 'n "openbare entiteit" soos omskryf in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

(cc) 'n politieke party;

(dd) enige provinsiale Wetgewer; of

(ee) die Nasionale Wetgewer; of

(ii) 'n persoon wat 'n amptelike ampsbekleër is **[of was]**;";

Wysiging van artikel 10 van Wet 8 van 2010

6. Artikel 10 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (b) van subartikel (3) deur die volgende paragraaf:

"(b) 'n beëdigde verklaring deur die benoemde waarin die benoemde bevestig dat hy of sy nie ingevolge artikel 9 onbevoeg is nie**[: Met dien verstande dat indien die benoemde weens 'n misdryf skuldig bevind is soos bedoel in artikel 9(1)(j), sodanige benoemde 'n beëdigde verklaring moet voorsien waarin hy of sy volle besonderhede van enige skuldigbevinding bekend moet maak en bevestig dat hy of sy nie ingevolge enige ander van die bepalings van artikel 9 onbevoeg is nie]**.".

Wysiging van artikel 13 van Wet van 2010

7. Artikel 13 van die Hoofwet word hiermee geskrap en met die volgende artikel vervang:

"**Ampstermyn en heraanstelling**

13.(1) Die persone wat in die Raad aangestel is beklee hul amp vir 'n tydperk van drie jaar en is, behoudens artikel 9, herverkiesbaar by verstryking van sodanige termyn: Met dien verstande dat geen persoon heraangestel kan word nadat 'n tydperk van twee ampstermyne op die Raad gedien is nie.

(2) Wanneer 'n persoon aangestel word om 'n vakature op die Raad vir die oorblywende tydperk van 'n termyn van drie jaar te vul, word sodanige dienstydperk op die Raad nie beskou as 'n termyn, vir die doeleindes van die bepaling van bevoegdheid vir heraanstelling, nie.

(3) Nieteenstaande subartikel (1), by die verstryking van 'n ampstermyn, en sou dit gebeur dat 'n nuwe Raad nog nie aangestel is nie, moet die bestaande lede voortgaan

om hul amp te beklee totdat 'n nuwe Raad aangestel is: Met dien verstande dat hierdie verlenging nie 90 dae moet oorskry nie."

Wysiging van artikel 24 van Wet 8 van 2010

8. Artikel 24 van die Hoofwet word hiermee gewysig deur die invoeging na subartikel (2) van die volgende nuwe subartikel:

"(3) Onder enige omstandighede waarin die Raad nie in staat is om lisensies en registrasiesertifikate te hernu, of om oortredings van die Wet of die reëls te hanteer nie, moet die Hoof- Uitvoerende Beampte, by ontvangs van skriftelike bevestiging vanaf die verantwoordelike Lid van die Uitvoerende Raad, en vir 'n tydperk van hoogstens 90 dae –

(a) die volle bevoegdhede, werksaamhede en pligte van die Raad met betrekking tot die hernuwing van lisensies en registrasiesertifikate, uitvoer en aanvaar soos bedoel in die Wet; en

(b) die bevoegdhede van die Raad aanvaar en uitoefen, soos bedoel in artikels 7(1)(k), 7(1)(l), 7(2)(f) en 7(2)(g): Met dien verstande dat die Hoof- Uitvoerende Beampte eers 'n onafhanklike regspraktisyn aanstel om saam met die Hoof-Uitvoerende Beampte voor te sit by enige navrae wat gemaak word ingevolge paragrawe (a) en (b).".

Invoeging van artikel 30A in Wet 8 van 2010

9. Die volgende artikel word hiermee in die Hoofwet ingevoeg na artikel 30 –

"**Lisensievoorwaardes**

30A. (1) Die Raad mag, nadat die lisensiehouer of geregistreerde eers 'n geleentheid gegun is om vertoë te rig, voorwaardes oplê wat –

(a) duidelik en ondubbelsinnig;

(b) objektief meetbaar; en

(c) redelik haalbaar,

is by die uitreiking van enige lisensie of registrasiesertifikaat, of by die hernuwing van enige lisensie of registrasiesertifikaat: Met dien verstande dat 'n lisensievoorwaarde of 'n voorwaarde vir 'n registrasiesertifikaat, wat opgelê word wanneer hernuwing betaalbaar is, nie die gevolg kan hê as 'n voorvereiste vir die hernuwing van sodanige lisensie of registrasiesertifikaat nie.

(2) 'n Lisensiehouer of geregistreerde mag, te eniger tyd, by die Raad aansoek doen

om enige voorwaarde te wysig, vervang of herroep, waarop die Raad die aansoek kan toestaan of weier: Met dien verstande dat, in alle gevalle waar die wysiging, vervanging of herroeping van enige voorwaarde verbonde aan 'n lisensie die potensiaal het om die verwesenliking of bevordering van die Raad se oogmerke, ingevolge artikel 6 van die Wet, te raak mag die Raad sodanige voorwaarde wysig, vervang of herroep slegs in oorleg met die verantwoordelike Lid van die Uitvoerende Raad.

(3) Waar die aansoek toegestaan is, moet die Hoof- Uitvoerende Beampte verseker dat die wysiging, vervanging of herroeping op die lisensie of registrasiesertifikaat bekragtig word.

(4) Benewens –

(a) die bepaalde bevoegdhede van die Raad om lisensie- of registrasievoorwaardes op te lê, soos voorsien word elders in hierdie Wet; en

(b) bepaalde verpligte lisensie- of registrasievoorwaardes, soos elders in hierdie Wet voorsien,

mag die Raad die tipes lisensievoorwaardes soos gelys in subartikel (5) oplê.

(5) Behoudens subartikel (4) en ondanks die Raad se algemene bevoegdheid om onbepaalde lisensie- of registrasievoorwaardes op te lê, mag die Raad slegs lisensie- of registrasievoorwaardes oplê wat nie teenstrydig is met enige bepaling van hierdie Wet, of met enige nasionale wetgewing nie, en wat betrekking het op –

(a) die oogmerke van die Raad ingevolge artikel 6;

(b) enige bepalings, voorwaardes, opdrag of bepaling uitgereik of gemaak deur die verantwoordelike Lid van die Uitvoerende Raad ingevolge artikels 6, 47, 89 en 137; of

(c) strafbepalings op 'n lisensiehouer of geregistreerde, deur die Raad opgelê onder omstandighede waar die Raad bevind het sodanige lisensiehouer of geregistreerde hierdie Wet oortree het.

(6) Die Raad moet 'n voorwaarde op elke lisensie oplê en sodanige voorwaarde moet verklaar dat die lisensie moet verval en nie hernu kan word nie, sou die lisensiehouer versuim om met die bedryf van 'n wedderybesigheid ingevolge sodanige lisensie te begin, binne 24 maande vanaf sodanige lisensie vir die eerste keer aan die lisensiehouer uitgereik is.

(7) Nieteenstaande subartikel (2), mag die verpligte voorwaarde bedoel in subartikel (6) nie deur die Raad gewysig word nie.".

Wysiging van artikel 32 van Wet 8 van 2010

10. Artikel 32 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (a) van subartikel (1) deur die volgende paragraaf:

"(a) is 'n persoon wat –

(i) **['n persoon bedoel in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994) is of aangekla is van enige besluitnemings- of krimineel afdwingbare funksie wat met dobbelary of die regulering daarvan verband hou;]** in diens is van –

(aa) 'n "staatsorgaan", soos omskryf in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

(bb) 'n "openbare entiteit" soos omskryf in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

(cc) 'n politieke party;

(dd) enige provinsiale Wetgewer; of

(ee) die Nasionale Wetgewer; en

(ii) 'n politieke ampsdraer is; of

(iii) 'n lid van 'n rekenpligtige owerheid van 'n openbare entiteit soos omskryf in artikel 1 en bedoel in artikel 49 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);".

Invoeging van artikel 32A in Wet 8 van 2010

11. Die volgende artikel word hiermee ingevoeg in die Hoofwet na artikel 32 –

"**Duur van werknemersregistrasie**

32A.(1) Hierdie artikel is van toepassing op alle natuurlike persone wat werknemers is van lisensiehouers of geregistreerdes en van wie vereis word om geregistreer te word by die Raad ingevolge enige bepaling van hierdie Wet of die Regulasies.

(2) 'n Werknemersregistrasiesertifikaat, tensy deur die Raad gekanselleer, is geldig vir 'n tydperk van minstens 36 maande vanaf die uitreikingsdatum.

(3) Na aanleiding van die 36 maande tydperk, bedoel in subartikel (2), is 'n registrasiesertifikaat geldig vir 'n verdere tydperk wat eindig op die laaste dag van die

geregistreerde werknemer se geboortemaand, wat volg op die volgende herdenking van die geregistreerde werknemer se verjaarsdag, tensy dit hernu word ingevolge subartikel (4).

(4) Aansoek om die hernuwing van 'n registrasiesertifikaat wat uitgereik is aan 'n werknemer ingevolge hierdie Wet moet gemaak word op die voorgeskrewe wyse van die Raad en moet vergesel gaan van die tersaaklike fooi gespesifiseer in Bylae 2.".

Wysiging van artikel 40 van Wet 8 van 2010

12. Artikel 40 van die Hoofwet word hiermee gewysig deur die vervanging van subparagraaf (ii) van paragraaf (g) van subartikel (1) deur die volgende subparagraaf:

"(ii) nie in alle belangrike aspekte voldoen aan **['n nasionale norm of standaard]** 'n toepaslike verpligte spesifikasie of aan 'n norm of standaard wat deur die Raad bepaal word nie; of."

Wysiging van artikel 43 van Wet 8 van 2010

13. Artikel 43 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Lisensiehouer of 'n geregistreerde wat nie 'n werknemer van 'n lisensiehouer of geregistreerde is nie,kan te eniger tyd by die Raad aansoek doen om **[sy of haar]** sodanige lisensie of registrasiesertifikaat na iemand anders te laat oordra en in so 'n geval is die bepalings van artikels 30, 31, 32, 33, 34, 35, 36, 37 en 38 met die nodige veranderinge van toepassing."; en

(b) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Indien 'n aansoek toegestaan word, moet die Hoof- Uitvoerende Beampte **[die naam van die lisensiehouer toepaslik op die lisensie laat verander]** 'n lisensie of registrasiesertifikaat uitreik, na gelang van die geval, aan die nuwe lisensiehouer van sodanige lisensie of registrasiesertifikaat.".

Invoeging van artikel 43A in Wet 8 van 2010

14. Die volgende artikel word hiermee ingevoeg in die Hoofwet na artikel 43 –

"**Finansiële belange**

43A.(1) Die Raad moet, van tyd tot tyd en stelselmatig, verseker dat persone wat 'n finansiële belang in 'n lisensiehouer of geregistreerde bekom nie onbevoeg verklaar

word om sodanige belang te hou nie, uit hoofde van artikel 32 van hierdie Wet.

(2) 'n Lisensiehouer of geregistreerde begaan 'n misdryf wanneer daar versuim word om die besonderhede van enige verkryging van 'n finansiële belang van vyf persent of meer in sodanige lisensiehouer of geregistreerde deur enige persoon aan die Raad bekend te maak, sodra 30 dae verloop het sedert die lisensiehouer of geregistreerde bevestig het dat sodanige verkryging plaasgevind het, of daar redelikerwys verwag sou word dat sodanige verkryging bevestig sou word: Met dien verstande dat van 'n openbare maatskappy vereis word, nadat sekuriteite wat op enige beurs verhandel word op die noteringslys geplaas is, om binne slegs elke ses maande, wat volg op die uitreiking van die lisensie of registrasiesertifikaat, te bevestig dat sodanige verkryging plaasvind het, en verslag lewer op, sodanige verkryging.

(3) Waar 'n lisensiehouer of geregistreerde 'n openbare maatskappy is en sekuriteite, wat op enige beurs verhandel word, op die noteringslys geplaas het, bybehorend tot die kennisgewing bedoel in subartikel (2), moet sodanige lisensiehouer of geregistreerde tegelykertyd 'n opgedateerde sekuriteiteregister aan die Raad voorlê.

(4) Daar word van die verkryger van enige finansiële belang in 'n lisensiehouer of geregistreerde, of in 'n beheermaatskappy van sodanige lisensiehouer of geregistreerde, vereis word om die besonderhede van sodanige verkryging aan die Raad bekend te maak binne 60 dae nadat sodanige verkryging plaasgevind het en op die voorgeskrewe wyse van die Raad.

(5) Die verkryger van 'n finansiële belang van vyf persent of meer in 'n lisensiehouer of geregistreerde van die besigheid waarop die lisensie of registrasie betrekking het, moet aansoek doen om magtiging ten einde sodanige finansiële belang te behou deur die prosedures en vereistes, bedoel in artikels 32, 33, 34, 35, 36, 37 en 38, te volg wat van toepassing sal wees op die aansoek, met die nodige veranderinge.

(6) Wanneer die Raad vermoed, op redelike en objektiewe gronde, dat 'n verkryger van 'n finansiële belang van minder as vyf persent in 'n lisensiehouer of geregistreerde van die besigheid waarop die lisensie of registrasie betrekking het, kan die verkryger ingevolge artikel 32 onbevoeg verklaar word om sodanige finansiële belang te behou en die Raad kan van sodanige verkryger vereis om aansoek te doen om magtiging ten einde sodanige finansiële belang te behou deur die prosedures en vereistes, bedoel in artikels 32, 33, 34, 35, 36, 37 en 38, te volg wat van toepassing sal wees op die

aansoek, met die nodige veranderinge.

(7) Die beheermaatskappy van enige filiaal wat gelisensieerd of geregistreer is kragtens hierdie Wet word verplig deur die vereistes van subartikels (2) en (3) asof sodanige beheermaatskappy op sigself gelisensieer of geregistreer is kragtens hierdie Wet en enige sodanige beheermaatskappy wat versuim om aan hierdie bepalings te voldoen is skuldig aan 'n misdryf: Met dien verstande dat die Raad nie 'n lisensie of registrasie moet uitreik aan 'n volle filiaal of 'n ander regspersoon nie.

(8) 'n Volle filiaal of ander regspersoon, wat op die datum waarop hierdie artikel gepromulgeer is, is steeds gelisensieer of geregistreer kragtens hierdie Wet, en moet ingevolge artikel 43 van hierdie Wet aansoek doen by die Raad om magtiging vir die oordrag van sodanige lisensie of registrasiesertifikaat aan sy beheermaatskappy, nie later nie as 120 dae na promulgering van hierdie artikel. Versuim daarvan sal lei tot die verval van sodanige lisensie of registrasiesertifikaat.

(9) Vir die doeleindes van hierdie artikel beteken –

""**aandelebeurs**", wanneer gebruik as 'n selfstandige naamwoord, aandelebeurs soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

"**beheermaatskappy**" beheermaatskappy soos omskryf in artikel 1 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

"**filiaal**" filiaal soos omskryf in artikel 1 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

"**genoteerde sekuriteite**" sekuriteite op die noteerlys geplaas, soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

"**openbare maatskappy**" openbare maatskappy soos bedoel in artikel 8 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

"**sekuriteite**" sekuriteite soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

"**sekuriteiteregister**" 'n sekuriteiteregister soos omskryf in artikel 1 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

"**volle filiaal of ander regspersoon**" dra die betekenis bedoel in artikel 3(1)(b) van die Maatskappywet, 2008 (Wet No. 71 van 2008);".

Wysiging van artikel 44 van Wet 8 van 2010

15. Artikel 44 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Lisensiehouer, of geregistreerde wat nie 'n werknemer van 'n lisensiehouer of geregistreerde is nie, kan te eniger tyd aansoek doen om goedkeuring vir die hervestiging **[verskuiwing]**, hetsy permanent of tydelik, van **[sy of haar]** die [besigheid]sakebedrywighede van sodanige lisensiehouer of geregistreerde, van die perseel wat in die lisensie of registrasiesertifikaat vermeld word, na 'n ander perseel."; en

(b) deur die invoeging na subartikel (3) van die volgende nuwe subartikels:

"(4) Die Raad moet prosedures voorskryf wat gevolg moet word by die aansoek doen om goedkeuring, soos bedoel in subartikel (1).

(5) 'n Aansoek, soos bedoel in subartikel (1), moet vergesel gaan van die voorgeskrewe fooi in Bylae 2.".

Wysiging van artikel 47 van Wet 8 van 2010

16. Artikel 47 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Die verantwoordelike Lid van die Uitvoerende Raad moet, wanneer 'n opdrag uitgereik word ingevolge subartikel (1), dit doen in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad **[, die Portefeuljekomitee en enige portefeuljekomitee wat deur die Provinsiale Wetgewer aangestel is wat verantwoordelik is vir toesig oor departemente wat aangeleenthede administreer wat toerisme en ekonomiese aangeleenthede behels]**."; en

(b) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Die verantwoordelike Lid van die Uitvoerende Raad kan, in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad **[, die portefeuljekomitees vermeld in subartikel (2)]** en enige houer van 'n casinolisensie uitgereik ingevolge artikel 51, wat geraak sal word deur die verantwoordelike Lid van die Uitvoerende Raad se besluit ingevolge hierdie

subartikel, 'n opdrag wat ingevolge hierdie artikel uitgereik word, wysig of herroep.".

Wysiging van artikel 53 van Wet 8 van 2010

17. Artikel 53 van die Hoofwet word hiermee gewysig deur die skrapping van subartikels (4) en (5).

Herroeping van artikel 54 van Wet 8 van 2010

18. Artikel 54 van die Hoofwet word hiermee geskrap.

Wysiging van artikel 55 van Wet 8 van 2010

19. Artikel 55 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Geen persoon mag 'n perseel in stand hou waar casinodobbelmasjiene, elektroniese bingoterminale of beperkte uitbetaalmasjienegespeel word nie, tensy **[hy of sy]**sodanige persoon in besit is van 'n toepaslike geldige **[casino]** lisensie, **[bingolisensie, onafhanklike perseeloperateurslisensie of 'n perseeloperateurslisensie]** uitgereik ingevolge hierdie Wet."; en

(b) deur die vervanging van subartikel 2 deur die volgende subartikel:

"(2) Geen persoon mag **[**–

(a) casinodobbelmasjiene of beperkte uitbetaalmasjiene beskikbaar stel vir gebruik in enige gelisensieerde perseel nie;

(b) die gereelde instandhouding of die herstel, vervanging of opknapping van 'n casinodobbelmasjien of beperkte uitbetaalmasjiene in sodanige perseel onderneem nie;en] die regte uitoefen van, of **[(c)]** enige **[ander]** voorgeskrewe aktiwiteite van 'n **[roete-operateur bedryf nie, tensy hy of sy in besit is van 'n casinolisensie, roete-operateurslisensie, perseeloperateurslisensie of onafhanklike perseeloperateurslisensie]** lisensiehouer bedryf nie, tensy sodanige persoon in besit is van 'n toepaslike lisensie uitgereik ingevolge hierdie Wet.".

Wysiging van artikel 57 van Wet 8 van 2010

20. Artikel 57 van die Hoofwet word hiermee gewysig deur die skrapping van subartikels (4) en (5).

Wysiging van artikel 59 van Wet 8 van 2010

21. Artikel 59 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (a) deur die volgende paragraaf:

"(a) van 'n tipe en model is wat nie voldoen aan **['n nasionale norm of standaard]** 'n toepaslike verpligte spesifikasie nie of, indien daar geen **[nasionale norm of standaard]**toepaslike verpligte spesifikasie is nie, **[nie voldoen aan]** 'n norm **[en]** of standaard wat deur die Raad in sy reëls bepaal is;".

Wysiging van artikel 62 van Wet 8 van 2010

22. Artikel 62 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (d) van subartikel (1) deur die volgende paragraaf:

"(d) **[standaarde en]** vereistes met betrekking tot die casinodobbeltoerusting wat in 'n bingosaal geplaas, gebruik en bedryf word;"; en

(b) deur die skrapping van subartikels (4) en (5).".

Wysiging van artikel 69 van Wet 8 van 2010

23. Artikel 69 van die Hoofwet word hiermee gewysig –

(a) deur die invoeging van die woord "of" na paragraaf (d); en

(b) deur die invoeging na paragraaf (d) van die volgende nuwe paragraaf:

"(e) die hernuwing van registrasie word betaalbaar ingevolge artikel 32A.".

Wysiging van artikel 73 van Wet 8 van 2010

24. Artikel 73 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (b) deur die volgende paragraaf:

"(b) alle regstreekse uitgawes betaal wat die Raad aangegaan het ten opsigte van enige ondersoeke wat hy ingevolge artikel 35 en artikel 37, ingesluit die kostes aangegaan ten opsigte van die tyd gespandeer deur werknemers van die Raad terwyl ondersoek ingestel word waar die kostes verskyn as 'n tarief in Bylae 2, onderneem het: Met dien verstande dat die Raad 'n aansoeker kan aansê om sodanige sekuriteit

by hom te deponeer wat hy bepaal voordat enige ondersoek bedoel in voornoemde artikel onderneem word.".

Wysiging van artikel 77 van Wet 8 van 2010

25. Artikel 77 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Alle persone wat gelisensieer is ingevolge hierdie Wet moet **[, kragtens artikel 129,]** die belasting aan die Provinsiale Inkomstefonds betaal wat opgelê is ingevolge die KwaZulu-Natal Belastingwet op Dobbelary en Weddery, 2010 (Wet No. 9 van 2010)**[.]** ,op die voorgeskrewe wyse en, terselfdertyd, 'n belastingopgawe indien by beide die Raad en die Provinsiale Tesourie, op die voorgeskrewe wyse."; en

(b) deur die invoeging na subartikel (2) van die volgende nuwe subartikels:

"(3) Die Provinsiale Tesourie moet enige vereiste verspreiding van 'n gedeelte van die belasting ontvang teweegbring, soos voorgeskryf deur die KwaZulu-Natal Belastingwet op Dobbelary en Weddery, 2010 (Wet No. 9 van 2010), nie later nie as 20 dae na die einde van elke kalendermaand.

(4) Die Raad moet die verantwoordelike Lid van die Uitvoerende Raad, op die voorgeskrewe wyse, voorsien van 'n breedvoerige verslag insake die belasting ontvang en versprei deur die Provinsiale Tesourie, nie later nie as 25 dae na die einde van elke kalendermaand.".

(5) Belasting word betaalbaar aan die einde van elke belastingtydperk en elke lisensiehouer moet belasting wat verskuldig is betaal, nie later nie as 'n tydperk van hoogstens 10 dae nie, na die einde van elke belastingtydperk.

(6) Vir die doeleindes van hierdie artikel beteken "belastingtydperk" 'n kalendermaand.".

Wysiging van artikel 78 van Wet 8 van 2010

26. Artikel 78 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 78 deur die volgende subartikels:

"**Straf vir laat betaling**

78.(1) By versuim om enige geld, belasting of heffing of deel daarvan op die vervaldatum te betaal, word die lisensie van die betrokke persoon geag onmiddellik

opgeskort te wees totdat die geld, belasting of heffing betaal word, tesame met die voorgeskrewe boeterente.

(2) Indien 'n lisensie ingevolge hierdie artikel opgeskort word, word die aktiwiteit wat deur die lisensie gemagtig word, **[ook opgeskort]**gestaak: Met dien verstande dat staking van die vermelde aktiwiteit slegs deur die Raad afdwingbaar is 24 uur nadat 'n lisensiehouer of geregistreerde skriftelik deur die Raad in kennis gestel is van die versuim om te betaal en sodanige lisensiehouer of geregistreerde het, daarna, versuim om die fooi, belasting of heffing te betaal, tesame met die voorgeskrewe boeterente, voor die verstryking van die 24-uur tydperk.

(3) Die voorgeskrewe renteboete moet in die Provinsiale Inkomstefonds gestort word.".

Wysiging van artikel 89 van Wet 8 van 2010

27. Artikel 89 van die Hoofwet word hiermee geskrap en vervang met die volgende artikel –

"**Renbaanoperateurslisensie**

89.(1) 'n Korporatiewe liggaam kan by die Raad op die voorgeskrewe wyse aansoek doen om die uitreiking van een of meer van die volgende tipes renbaanoperateurslisensies –

(a) 'n eksklusiewe reg-renbaanoperateurslisensie, wat die houer van sodanige lisensie magtig om wedrenbyeenkomste vir volbloedperde op een of meer renbane, gespesifiseer in die lisensie, te hou en om 'n totalisatorlisensie te verkry wat, beurtelings, die totalisatorlisensiehouer magtig om 'n totalisator op 'n volbloedperdewedren by 'n sportgebeurtenis of by 'n ander goedgekeurde gebeurtenis of gebeurlikheid te bedryf;

(b) 'n standaardgeteelde renbaanoperateurslisensie, wat die houer van sodanige lisensie magtig om standaardgeteelde perdewedrenbyeenkomste op een of meer bane gespesifiseer in die lisensie te hou en om 'n totalisatorlisensie te verkry wat, beurtelings, die totalisatorlisensiehouer magtig om 'n totalisator op slegs 'n standaardgeteelde perdewedren te bedryf; of

(c) 'n tuigwedren-perderenbaanoperateurslisensie, wat die houer van sodanige lisensie magtig om tuigwedren-perdewedrenbyeenkomste op een of meer bane, gespesifiseer in die lisensie, te hou en om 'n totalisatorlisensie te verkry wat, beurtelings, die totalisatorlisensiehouer magtig om 'n totalisator op slegs 'n tuigwedren-perdewedren te bedryf.

(2) Die verantwoordelike Lid van die Uitvoerende Raad moet opdragte uitreik aan die Raad met betrekking tot –

(a) 'n enkel eksklusiewe reg renbaanoperateurslisensie om uitgereik te word in die Provinsie;
(b) die tydperk van geldigheid vir sodanige lisensie wat minstens 15 jaar moet duur;
(c) die beskerming van die bestaande perdewedren-infrastruktuur in die Provinsie; en
(d) die voorwaardes waarop sodanige lisensie uitgereik sal word ingesluit, onder andere, die fooi ten opsigte van 'n eksklusiewe reg renbaanoperateurslisensie, vereistes vir die ontwikkeling of instandhouding van perdewedren-infrastruktuur of korporatiewe sosiale beleggingsprojekte.

(3) Die verantwoordelike Lid van die Uitvoerende Raad moet, wanneer 'n opdrag uitgereik word ingevolge subartikel (2), so doen in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad.

(4) Die verantwoordelike Lid van die Uitvoerende Raad kan, in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad en die eksklusiewe reg renbaan-operateurslisensiehouer, enige opdrag wat uitgereik is ingevolge subartikel (2) wysig of terugtrek.
(5) Subartikels (1), (2), (3) en (4) van hierdie artikel sal in werking tree op 'n dag bepaal deur die verantwoordelike Lid van die Uitvoerende Raad en gepubliseer word by wyse van 'n Kennisgewing in die *Koerant*.

(6) Alle houers van 'n renbaanoperateurslisensie wat uitgereik is voor die inwerkingtreding van hierdie artikel moet, nie later as ses maande na die datum van inwerkingtreding bedoel in subartikel (5) nie, aansoek doen om 'n lisensie soos bedoel in subartikel (1).

(7) Die lisensies van alle renbaanoperateurslisensiehouers wat uitgereik is voor die inwerkingtreding van hierdie artikel bly geldig tot óf die dag waarop die Raad sy finale beslissing gemaak het oor 'n aansoek gedoen ingevolge subartikel (1), òf die tydperk bedoel in subartikel (6) het verval voor die betrokke lisensiehouer aansoek gedoen het, soos bedoel in subartikel (1), watter datum ook al die vroegste is.

(8) 'n Aansoek bedoel in subartikel (1) moet vergesel gaan van 'n aansoeker se akte van oprigting of samewerkingsooreenkoms, asook die fooie soos voorgeskryf in Bylae 2 wat betaalbaar is aan die Raad.

(9) 'n Renbaanoperateurslisensie moet nie uitgereik word nie –

(a) tensy die Raad tevrede is dat behoorlike voorsiening gemaak sal word vir die gedrag en beheer van perdewedrenne en weddery op die vermelde renbaan of renbane op 'n wyse wat die verwesenliking van die oogmerke van die Raad, bedoel in artikel 6(1)(a), (c), (d), (e) en (f), sal fasiliteer; en

(b) indien, behoudens artikel 133, enige direkteur, lid of aandeelhouer met 'n belang, ingesluit 'n finansiële belang, van vyf persent of meer in die korporatiewe liggaam is, of word, onderwerp aan 'n onbevoegdheid soos bedoel in artikel 32.

(10) 'n Lisensie uitgereik ingevolge subartikel (1) moet, as 'n minimum vereiste –

(a) die identiteit van die lisensiehouer;

(b) die perdewedrenaktiwiteite waarby die lisensiehouer betrokke kan wees, kan bedryf of aan die publiek beskikbaar kan stel, soos toegelaat deur die lisensie;

(c) die renbane waar, of vanwaar, die lisensiehouer toegelaat word om in bedryf te wees; en

(d) die duur van die lisensie,

spesifiseer.

(11) 'n Renbaanoperateur moet, binne drie maande nadat 'n renbaanoperateurslisensie aan hom of haar uitgereik is, die reëls ingevolge waarvan sodanige renbaanoperateur van voorneme is om perdewedrenne te bedryf, voorlê aan die Raad vir goedkeuring en moet verder enige voorgenome wysigings aan bestaande goedgekeurde reëls aan die Raad voorlê vir goedkeuring voor die implementering van sodanige voorgenome wysigings.

(12) Die Raad kan 'n renbaanoperateurslisensie kanselleer of opskort vir 'n bepaalde tydperk indien enige ampsdraers of werknemers van die operateur, op redelike gronde, verdink word daarvan dat hulle hierdie Wet, die KwaZulu-Natal Belastingwet op Dobbelary en Weddery, 2010 (Wet No. 9 van 2010), die Regulasies of die voorwaardes van sodanige lisensie oortree het.

(13) Die Raad kan 'n nie-oordraagbare reg aan 'n beroepswedder toestaan vir die bedryf van 'n beroepsweddery vanaf enige enkel renbaan gespesifiseer in 'n renbaanoperateurslisensie, onderworpe aan die toesteming van die betrokke renbaanoperateur. Die toestemming mag nie op 'n onredelike wyse weerhou word nie.

(14) 'n Renbaanoperateur moet jaarliks, en nie later nie as ses maande na die einde van die finansiële jaar, 'n afskrif van die geouditeerde finansiële verslae van sodanige renbaanoperateur, ten opsigte van die aktiwiteite van sodanige renbaanoperateur vir die tersaaklike finansiële jaar, aan die Raad voorlê. Die verslae moet geouditeerde finansiële verslae en verspreidings, soos verwys na in artikel 132(b), afsonderlik geïdentifiseer, tesame met die uitgawes wat betrekking het daarop, insluit: Met dien verstande dat die Raad, by aansoek daarvoor deur die renbaanoperateur, die tydperk kan verleng vir nie meer as ses maande nie.

Herroeping van artikel 90 van Wet 8 van 2010

28. Artikel 90 van die Hoofwet word hiermee herroep.

Wysiging van artikel 91 van Wet 8 van 2010

29. Artikel 91 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Tensy dit ingevolge subartikel (2) hernuwe word, verstryk die lisensie wat ingevolge artikel 89(1) uitgereik is, op die een-en-dertigste dag van **[Desember]** Maart van die finansiële jaar van die Raad ten opsigte waarvan **[dit]** sodanige lisensie uitgereik of hernuwe is: Met dien verstande dat, vir die doeleindes van hierdie artikel, die finansiële jaar van die Raad duur vir die tydperk van 1 April tot 31 Maart.".

Wysiging van artikel 94 van Wet 8 van 2010

30. Artikel 94 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) 'n Beroepswedderslisensie kan uitgereik word aan 'n enkel natuurlike persoon, aan twee of meer natuurlike persone wat die besigheid bedryf ingevolge 'n vennootskapsooreenkoms, of 'n enkel korporatiewe liggaam."; en

(b) deur die vervanging van subartikel (7) deur die volgende subartikel:

"(7) Tensy dit vroeër ingevolge artikel 99 gekanselleer is, verstryk 'n beroepswedderslisensie op die een-en-dertigste dag van **[Desember]**Maart van die finansiële jaar van die Raadten opsigte**[waarvoor]**waarvan**[dit]**sodanige lisensie uitgereik of hernu is, **[maar kan van jaar tot jaar na goeddunke van die Raad op die voorgeskrewe wyse hernuwe worden]** by betaling van die lisensiegeld soos voorgeskryf in bylae 2**[.]**: Met dien verstande dat, vir die doeleindes van hierdie artikel, die finansiële jaar van die Raad duur vir die tydperk van 1 April tot 31 Maart.".

Herroeping van artikel 97 van Wet 8 van 2010

31. Artikel 97 van die Hoofwet word hiermee herroep.

Herroeping van artikel 98 van Wet 8 van 2010

32. Artikel 98 van die Hoofwet word hiermee herroep.

Herroeping van artikel 106 van Wet 8 van 2010

33. Artikel 106 van die Hoofwet word hiermee herroep.

Wysiging van artikel 110 van Wet 8 van 2010

34. Artikel 110 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Die Raad kan by aansoek en op die wyse wat hy bepaal, 'n lisensie uitreik, met of sonder voorwaardes, aan –

(a) 'n eksklusiewe reg renbaanoperateur, soos bedoel in artikel 89(1)(a) van die Wet, om 'n totalisator op 'n volbloedperdewedren, 'n sportgebeurtenis of 'n ander gebeurtenis of gebeurlikheid te bedryf; en

(b) 'n **[ander persoon as 'n]** standaardgeteelde renbaanoperateur soos bedoel in artikel 89(1)(a) van die Wet om 'n totalisator op **['n sportgebeurtenis of ander gebeurtenis of gebeurlikheid]** slegs 'n standaardgeteelde perdewedren te bedryf **[, welke lisensie voorwaardelik of onvoorwaardelik uitgereik kan word.]**; en

(c) a tuigwedren-renbaanoperateur, soos bedoel in artikel 89(1)(c) van die Wet, om 'n totalisator op slegs 'n tuigwedren-perdewedren te bedryf."; en

(b) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) Tensy dit ingevolge artikel 112 vroeër gekanselleer is, verval 'n totalisatorlisensie op die een-en-dertigste dag van **[Desember]** Maart van die finansiële jaar van die Raadten opsigte waarvoor **[dit]** sodanige lisensie uitgereik of hernu is, maar **[kan op die voorgeskrewe wyse van jaar tot jaar na goeddunke van die Raad]** is hernubaar by aansoek op die voorgeskrewe wyse en by betaling van die **[totalisator]** lisensiegeld voorgeskryf in **[b]**Bylae 2 **[hernuweword]**.

Wysiging van artikel 111 van Wet 8 van 2010

35. Artikel 111 van die Hoofwet word hiermee gewysig deur die invoeging na subartikel (5) van die volgende nuwe subartikel:

"(6) Daar word van 'n persoon vereis om te registreer as 'n totalisatorbestuurder indien hy of sy –

(a) individueel, of as deel van 'n groep, bedryfsbeleide formuleer;

(b) regstreeks beheer uitoefen oor die aktiwiteite wat deur die totalisatorlisensie gemagtig is;

(c) voorgeskrewe belastingopgawes of verslae voorberei;

(d) die gesag het om krediet aan 'n wedder toe te staan; of

(e) die gesag het om dispute en klagtes van wedders te hanteer.".

Wysiging van artikel 119 van Wet 8 van 2010

36. Artikel 119 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (c) deur die volgende paragraaf:

"(c) op sodanige ander plek wat ingevolge artikel 121 gemagtig word.".

Wysiging van artikel 120 van Wet 8 van 2010

37. Artikel 120 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n **[Lisensiehouer]**Persoon wat gelisensieerd is ingevolge artikel 94 of 110 moet die Raad se goedkeuring verkry vir alle gelisensiëerde persele **[wat gebruik gaan word vir die bedryf van 'n beroepswedderbesigheid, totalisator, totalisatortak of totalisatoragentskap, na gelang van die geval, welke goedkeuring met of sonder voorwaardes goedgestaan kan word]**.".

Wysiging van artikel 121 van Wet 8 van 2010

38. Artikel 121 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Persoon **[wat]** wat ingevolge artikel 94 of 110 gelisensieer is, kan by die Raad aansoek doen, op die wyse wat die Raad bepaal, om magtiging om tydelik wedtransaksies, vir 'n vasgestelde tyd, by enige plek aan te gaan **[te onderneem]**, bykomend tot die gelisensiëerde perseel, welke aansoek die Raad van die hand kan wys met of sonder voorwaardes kan toestaan.".

Wysiging van artikel 123 van Wet 8 van 2010

39. Artikel 123 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Persoon wat ingevolge artikel 94 of 110 gelisensieer is, mag nie, met die doel om weddenskappe en wedtransaksies op te teken, enige gerekenariseerde boekhoustelsel of enige verandering aan 'n goedgekeurde gerekenariseerde boekhoustelsel gebruik nie, tensy sodanige stelsel of verandering daaraan**[deur die Raad goedgekeur en deur die SABS gesertifiseer is.]**ooreenstem met 'n toepaslike verpligte spesifikasie en die Raad het sodanige gerekenariseerde boekhoustelsel, of wysiging daaraan, met 'n magtigingsbrief-sertifikaat, afsonderlik goedgekeur. Waar daar geen toepaslike verpligte spesifikasie is nie, moet sodanige boekhoustelsel ooreenstem met 'n norm of standaard vir gerekenariseerde boekhoustelsels, soos bepaal deur die Raad.";

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Enige persoon wat 'n gerekenariseerde boekhoustelsel **[of enige verandering aan 'n goedgekeurde gerekenariseerde boekhoustelsel]** wil ontwikkel, vervaardig of wysig, of aan 'n persoon wat ingevolge artikel 94 of 110 gelisensieer is, 'n gerekenariseerde boekhoustelsel wil verskaf, moet by die Raad op die wyse deur die Raad voorgeskryf, aansoek doen om goedkeuring en registrasie van sodanige stelsel of verandering daaraan, en sodanige aansoek moet vergesel gaan van die betrokke aansoek- en ondersoekgeld wat in **[b]**Bylae 2 voorgeskryf word, welke gelde aan die Raad betaalbaar is.";

(c) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Die Raad kan –

(a) 'n gerekenariseerde boekhoustelsel of verandering daaraan voorwaardelik of onvoorwaardelik goedkeur of **[dit]**verwerp; of

(b) 'n aansoek na die vervaardiger of verskaffer daarvan terugverwys vir die indiening van verdere inligting.";

(d) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) Die Raad kan vereis dat 'n persoon wat gelisensieer is kragtens artikel 94 of 110 elektroniese kommunikasie daarstel tussen sodanige moniteringstelsel **[as wat]**soos die Raad kan bepaal, en die goedgekeurde gerekenariseerde boekhoustelsel wat gebruik word deur sodanige persoon.**[moet koppel]**"; en

(e) deur die invoeging na subartikel (4) van die volgende subartikels:

"(5) Die Raad moet 'n opgedateerde register byhou wat toeganklik moet wees, deur elektroniesie middele, vir elke houer van 'n beroepswedderslisensie.

(6) Die register bedoel in subartikel (5) moet, ten opsigte van elke gerekenariseerde boekhoustelsel goedgekeur deur die Raad –

(a) die identifikasienommer van die teenswoordige goedgekeurde weergawe; en

(b) die datum van goedkeuring van sodanige weergawe,

spesifiseer.".

Wysiging van artikel 124 van Wet 8 van 2010

40. Artikel 124 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 124 deur die volgende artikel:

"**Weddenskappe met beroepswedder, bestuurder en totalisator**

124. Enige persoon, behalwe 'n persoon wat as 'n inspekteur kragtens artikel 81 aangestel is of 'n lid of werknemer van die Raad, wat 18 jaar of ouer is, kan weddenskappe met 'n beroepswedder, bestuurder, totalisatorlisensiehouer, totalisatoroperateur, totalisatorbestuurder of totalisatoragent aangaan op enige perdewedren, sportgebeurtenis of ander gebeurtenis of gebeurlikheid: Met dien verstande dat sodanige weddenskappe ingevolge hierdie Wet aangegaan word en met dien verstande verder dat ongeag die ligging van die wedder wanneer die wed aangegaan word, die wed beskou word as aangegaan op die gelisensieerde perseel van die tersaaklike beroepswedder, bestuurder, totalisatorlisensiehouer, totalisatoroperateur, totalisatorbestuurder of totalisatoragent.".

Wysiging van artikel 125 van Wet 8 van 2010

41. Artikel 125 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 125 deur die volgende artikel:

"**Middellike verantwoordelikheid**

125. 'n Totalisatorlisensiehouer of beroepswedder, met betrekking tot die aktiwiteite gemagtig deur die betrokke lisensie, is middellik verantwoordelik vir die doen en late van die werknemers van sodanige totalisatorlisensiehouer of beroepswedder.".

Wysiging van artikel 128 van Wet 8 van 2010

42. Artikel 128 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Beroepsweddersonderneming moet van die bedrag wat 'n wedder wen,

uitgesonderd die bedrag wat deur die wedder gewaag is, die belasting en aftrekkings soos bepaal in die KwaZulu-Natal Belastingwet op Dobbelary en Weddery, 2010, (Wet No. 9 van 2010), aftrek en sodanige gelde **[aan]** in die **[Raad]** Provinsiale Inkomstefonds, ooreenkomstig die bepalings van artikel **[129]**77,inbetaal.".

Wysiging van artikel 129 van Wet 8 van 2010

43. Artikel 129 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Elke beroepswedder moet binne 10 dae na die einde van elke maand –

(a) alle gelde wat ingevolge artikel 128(1) van wedders afgetrek is, **[asook]** sowel as die belasting op weddery en aftrekkings soos bepaal ingevolge die KwaZulu-Natal Belastingswet op Dobbelary en Weddery, 2010, **[aan]** in die **[Raad]** Provinsiale Inkomstefonds inbetaal; en

(b) **[by]** die **[Raad]** die belastingopgawes indien, in ooreenstemming met artikel 77 in die vorm wat ingevolge artikel 7(2)(k) bepaal word.; en

(b) deur die skrapping van subartikel (3).".

Wysiging van artikel 131 van Wet 8 van 2010

44. Artikel 131 van die Hoofwet word hiermee gewysig deur die vervanging vir artikel 131 deur die volgende artikel:

"**Totalisatoroperateur se opgawes en betaling van belasting en aftrekkings**

131. Elke totalisatorlisensiehouer moet **[binne 10 dae na die einde van elke maandby die Raad]** 'n belastingopgawe, in ooreenstemming met artikel 77, in die vorm wat ingevolge artikel 7(2)(k) voorgeskryf word, indien en moet terselfdertyd **[aan]**in die **[Raad]**Provinsiale Inkomstefonds, **[op die wyse wat deur die Raad voorgeskryf of bepaal word,]** die betrokke aftrekkings volgens die inligting vervat in die betrokke belastingopgawe, inbetaal.".

Herroeping van artikel 132 van Wet 8 van 2010

45. Artikel 132 van die Hoofwet word hiermee herroep.

Wysiging van artikel 134 van Wet 8 van 2010

46. Artikel 134 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 134

deur die volgende artikel:

"**Koste van ondersoek**

134. Indien die Raad 'n ondersoek onderneem om die geskiktheid te bepaal van 'n ondersoeker met betrekking tot die toestaan van enige lisensie, registrasie of magtiging wat kragtens hoofstuk 13, 14, 15 of 16 vereis word, of vir die goedkeuring van 'n gerekenariseerde boekhoustelsel, moet die Raad die aansoeker aansê om aan die Raad die bedrag te betaal wat deur die Raad bereken word vir die **[werklike]** koste vir die Raad ten opsigte van sodanige ondersoek **[is]**, ingesluit die kostes wat aangegaan word ten opsigte van tyd wat deur werknemers van die Raad gespandeer word tydens die uitvoer van die ondersoek waar dit voorkom as 'n tarief in Bylae 2.".

Wysiging van artikel 137 van Wet 8 van 2010

47. Artikel 137 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

[Perdewedren- en Weddenskaptransformasiefonds] Transformasiefonds

"**137.**(1) Daar word hierby 'n fonds, wat as die **[Perdewedren- en Weddenskaptransformasiefonds]**Transformasiefonds bekend sal staan, ingestel.";

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Enige fondse wat bestem is vir die ontwikkeling van sport en wat in trust gehou word deur die komitee bedoel in artikel 21A van die Ordonnansie op die Regulering van Wedrenne en Weddery, 1957 (Ordonnansie No. 28 van 1957), moet op die dag waarop hierdie Wet in werking tree, in die **[Perdewedren- en Weddenskaptransformasiefonds]**Transformasiefonds, wat kragtens hierdie artikel ingestel word, gestort word.";

(c) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Die verantwoordelike Lid van die Uitvoerende Raad kan uit gelde wat deur die Provinsiale Wetgewer vir hierdie doel bewillig word en behoudens sodanige voorwaardes wat hy of sy oplê, toekennings aan die **[Perdewedren- en Weddenskaptransformasiefonds]**Transformasiefonds doen.";

(d) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) Die bates van die **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds moet, behoudens die voorafgaande goedkeuring van die verantwoordelike Lid van die Uitvoerende Raad, gebruik word vir die doeleindes van die verwesenliking van die oogmerke van die Raad bedoel in artikel 6(1)(c), (d) en (e).";

(e) deur die vervanging van subartikel (5) deur die volgende subartikel:

"(5) Die Raad moet 'n afsonderlike bank- of spaarrekening by 'n bankinstelling of bouvereniging in KwaZulu-Natal open en in stand hou en alle gelde wat aan die **[Perdewedren- en Weddenskaptransformasiefonds]**Transformasiefonds uit enige bron toeval, daarin deponeer.";

(f) deur die vervanging van subartikel (6) deur die volgende subartikel:

"(6) Die rente op gelde wat ingevolge subartikel (3) en (4) gedeponeer word, val aan die **[Perdewedren- en Weddenskaptransfonds]**Transformasiefonds toe.";

(g) deur die vervanging van subartikel (7) deur die volgende subartikel:

"(7) Die Raad moet afsonderlike en behoorlike rekenkundige rekords hou ten opsigte van **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds wat besonderhede bevat van enige gelde of rente op gelde ontvang en enige gelde betaal.";

(h) deur die vervanging van subartikel (8) deur die volgende subartikel:

"(8) Geen bedrag wat tot die krediet van die **[Perdewedren- en Weddenskaptransformasiefonds]**Transformasiefonds staan, mag beskou word as 'n deel uit te maak van die bates van die Raad nie en mag ook nie namens 'n krediteur of krediteure van die Raad beslag op gelê word nie."; en

(i) deur die vervanging van subartikel (9) deur die volgende subartikel:

"(9) Die rekenkundige en ander verbandhoudende rekords van die **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds moet op koste van die Raad deur die Ouditeur-generaal geouditeer word.".

Wysiging van artikel 146 van Wet 8 van 2010

48. Artikel 146 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (s) deur die volgende paragraaf:

"(s) die regulering van en beheer oor vermaaklikheidsmasjiene, soos bedoel in die **[op]** Nasionale Dobbelwet; **[en]**";

(b) deur die vervanging van paragraaf (t) deur die volgende paragraaf:

"(t) enige ander aangeleentheid wat nodig is vir die verwesenliking van die oogmerke en doelwitte van die KwaZulu-Natal Belastingwet op Dobbelary en Weddery, 2010 (Wet No. 9 van 2010) **[.]**;"; en

(c) deur die invoeging na paragraaf (t) van die volgende paragraaf:

"(u) die maksimum getal van enige lisensietipe wat deur die Raad uitgereik kan word; en

(v) beperkings op die nabyheid van enige tipe dobbelary en weddery afsetpunt

aan enige ander tipe dobbelary en weddery afsetpunt.".

Kort titel

49. Hierdie Wet word die KwaZulu-Natal Wysigingswet op Dobbelary en Weddery, 2015, genoem.

MEMORANDUM
OOR DIE OOGMERKE
VAN DIE
KWAZULU-NATAL WYSIGINGSWETSONTWERP OP DOBBELARY EN WEDDERY, 2015

1. AGTERGROND

Die hoofmotivering vir wysiging van die onlangs gepromulgeerde KwaZulu-Natal Wet op Dobbelary en Weddery, 2010 (Wet No. 8 van 2010) (hierna verwys na as "die Wet"), is om die gedeeltes van die Wet, wat die spilpunt is van huidige regsgedinge, reg te stel of te versterk, of ten opsigte waarvan die bedreiging van regsgedinge bestaan. Die hoofbedreigings spruit voort uit die bingobepalings in die Wet en uit teenstrydige interpretasies van die bepalings van die Wet wat handel oor die verkryging van 'n finansiële belang in 'n dobbellisensiehouer.

Daar is verskeie ander voorgestelde wysigings met betrekking tot nóg die verkryging van 'n belang in 'n lisensiehouer nóg bingo wat, nietemin, ook in die Wetsontwerp vervat is. 'n Beduidende proporsie van hierdie voorstelle spruit voort uit die KwaZulu-Natal Dobbelary en Wedderyraad (hierna verwys na as "die Raad"), talle met hul oorsprong in die Hoofdirektoraat: Dobbelary en Weddery, en steeds word ander versoek deur die dobbelarybedryf en deur die Lid van die Uitvoerende Raad verantwoordelik vir Finansies.

2. KLOUSULE VIR KLOUSULE VERDUIDELIKING

Ter opsomming, maak die Wysigingswetsontwerp voorsiening soos volg –

Klousule 1: Wysiging van artikel 1 van die Hoofwet

Wysigings aan die omskrywing van "bingo" en aan ander bingo-verwante omskrywings word voorgestel. Die doel is om die bingobepalings te versterk teen die bedreiging van

regsgedinge ingestel teen die bingobedryf (en teen die Raad en die verantwoordelike Lid van die Uitvoerende Raad).

Die omskrywing van "Perdewedren- en Weddenskaptransformasiefonds" word geskrap en 'n nuwe omskrywing van "Transformasiefonds" word ingevoeg. Hierdie wysigings is gekoppel aan die wysigings gemaak aan artikel 137 wat teenswoordig handel oor die "Perdewedren- en Weddenskaptransformasiefonds".

'n Aantal nuwe omskrywings is ingevoeg ten einde die bepalings van die Wet, ten opsigte van die stelsel van verpligte standaarde (SABS standaarde) van toepassing te maak op dobbeltoerusting, te harmoniseer met Nasionale wetgewing wat handel oor verpligte standaarde (die Wet op Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008)).

'n Aantal omskrywings wat impliseer dat die "persoon" waarna verwys word slegs 'n "natuurlike persoon" is, is gewysig ten einde dit duidelik te maak dat daar na beide regs- en natuurlike persone verwys word deur die gebruik van die woord "persoon".

As gevolg van die feit dat ander vorms van perdewedrenne (soos tuigwedrenne) besig is om gevestig te raak in die Provinsie, moet omskrywings gewysig en/of bygevoeg word ten einde onderskeid te tref tussen volbloedperdewedrenne, standaardgeteelde perdewedrenne en tuigwedrenne.

Eweneens is wysiging gemaak aan die omskrywing van "renbaanoperateur" ten einde onderskeid te bewerkstellig tussen –

(a) die operateur van 'n eksklusiewe reg-renbaan;
(b) die operateur van 'n standaardgeteelde renbaan; en
(c) die operateur van 'n tuigwedrenbaan.

Dit is beurtelings gekoppel aan die tipe totalisatorlisensie wat elke tipe renbaanoperateur kan hou.

Die omskrywing "totalisatoragent" is gewysig en die omskrywing van "totalisatoragentskap" bygevoeg met die verbetering van die duidelikheid van die bepalings in die Wet, wat poog om totalisators te reguleer, ten doel.

Klousule 2: Wysiging van artikel 6 van die Hoofwet

Klousule 2 van die Wetsontwerp beoog die wysiging van artikel 6 van die Hoofwet ten einde die impak op, en die toepassing van, slegs die artikel oor die perdewedren- en wedderybedryf te verander na 'n breër impak op, en toepassing van, die artikel oor die dobbelarybedryf van die Provinsie. Tweedens word die omskrywing van "breedgebaseerde swart ekonomiese bemagtiging", soos vervat in die Wet op Breedgebaseerde Swart Ekonomiese Bemagtiging, 2003 (Wet No. 53 van 2003), vermeld ten einde die transformasiedoelwitte van die Wet in ooreenstemming te bring met daardie nasionale wetgewing. Derdens word suiwer tegniese wysigings aan artikel 6(3) gemaak en laastens word 'n nuwe subartikel (4) ingevoeg met die doel om die bevoegdhede van die verantwoordelike Lid van die Uitvoerende Raad wesenlik uit te brei ten einde opdragte aan die Raad uit te reik.

Klousule 3: Wysiging van artikel 7 van die Hoofwet

Klousule 3 van die Wetsontwerp beoog om artikel 7(2)(q) van die Hoofwet te wysig ten einde beroepswedders en totalisatoroperateurs moontlik toe te laat om hul werksaamhede tydelik te bedryf vanaf enige plek anders as hul goedgekeurde perseel (i.e. hul sake tegelykertyd vanaf twee persele te bedryf). Huidiglik word hulle slegs toegelaat (behoudens goedkeuring deur die Raad) om hul werksaamhede tydelik te bedryf vanaf die plek van 'n sport- of ander gebeurtenis (bykomend tot hul goedgekeurde persele). Dit moet beklemtoon word dat indien 'n beroepswedder of totalisatoroperateur verlang om hul sake vanaf 'n ander perseel as hul goedgekeurde persele te bedryf, kan hulle dit slegs doen indien hul aansoek aan die Raad om so te doen goedgekeur is.

Klousule 3 van die Wetsontwerp beoog ook die wysiging van artikel 7(3)(g)(iii) van die Hoofwet ten einde dit in ooreenstemming te bring met die terminologie soos gebruik in die Wet op Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008).

Klousule 4: Wysiging van artikel 8 van die Hoofwet

Artikel 8 van die Hoofwet handel oor die samestelling van die Raad en stel teenswoordig die verantwoordelike Lid van die Uitvoerende Raad in staat om 'n amptenaar vanuit die departement aan te stel vir, *inter alia*, die doel van skakeling met die Raad. Klousule 4 van die Wetsontwerp beoog die wysiging van artikel 8 van die Hoofwet ten einde –

(a) van die verantwoordelike Lid van die Uitvoerende Raad te vereis om een of meer amptenare vanuit die Departement, ingesluit hul alternatiewe; en

(b) die doel van monitering van die Raad by te voeg tot die bestaande lys van doelwitte waarvoor die aanstelling gemaak behoort te word.

Klousule 5: Wysiging van artikel 9 van die Hoofwet

Artikel 9 van die Hoofwet handel met die onbevoegdheid vir aanstelling op die Raad. Klousule 5 van die Hoofwet beoog die wysiging van artikel 9 van die Hoofwet ten einde die onbevoegdhede uit te brei om persone wat, ten tye van die aanstelling, of tydens die voorafgaande 12 maande, 'n werknemers was van –

(a) 'n staatsorgaan;

(b) 'n openbare entiteit;

(c) 'n politieke party;

(d) enige provinsiale Wetgewer; of

(e) die Nasionale Wetgewer.

Klousule 6: Wysiging van artikel 10 van die Hoofwet

Klousule 6 van die Hoofwet beoog die wysiging van artikel 10 van die Hoofwet ten einde verwysing na die aflê van 'n beëdigde verklaring deur 'n benoemde vir aanstelling tot die Raad te verwyder, ingevolge waarvan die benoemde volle besonderhede van enige skuldigbevinding moet verskaf. Die rede hiervoor is dat, ingevolge die Wet, die verantwoordelike Lid van die Uitvoerende Raad nie meer oor die bevoegdheid beskik om 'n benoemde aan te stel onder sekere omstandighede nie, ten spyte daarvan dat die benoemde andersins onbevoeg is.

Klousule 7: Wysiging van artikel 13 van die Hoofwet

Artikel 13 van die Hoofwet word vervang en maak voorsiening dat alle lede van die Raad wie se ampstermyn verstryk het, moet voortgaan in hul amp totdat óf 'n nuwe Raad aangestel is, óf 'n tydperk van hoogstens 90 dae wat volg op die verstryking van die ampstermyn van drie jaar, watter tydperk ookal die kortste is.

Klousule 8: Wysiging van artikel 24 van die Hoofwet

Subklousule (3) word in artikel 24 van die Hoofwet ingevoeg ten einde van die Hoof-Uitvoerende Beampte van die Raad te vereis om sekere bevoegdhede en werksaamhede te aanvaar onder omstandighede waaronder die Raad nie in staat is om lisensies en registrasiesertifikate te hernu nie, of om met oortredings van die Wet of die reëls te handel.

Klousule 9: Invoeging van artikel 30A by die Hoofwet

Klousule 9 van die Wetsontwep beoog die invoeging van artikel 30A tot die Hoofwet ten einde die omvang van die bevoegdhede van die Raad, wanneer hy lisensievoorwaardes oplê, te beperk en verder te verduidelik.

Klousule 10: Wysiging van artikel 32 van die Hoofwet

Artikel 32 handel oor die onbevoegdhede vir 'n lisensie of registrasie. Klousule 9 van die Wetsontwerp beoog die wysiging van artikel 32 van die Hoofwet ten einde die onbevoegdhede uit te brei tot persone wat, ten tye van die aanstelling, of tydens die voorafgaande 12 maande, 'n werknemer van 'n staatsorgaan, 'n openbare entiteit, 'n politieke party, enige provinsiale Wetgewer of die Nasionale Wetgewer was.

Klousule 11: Invoeging van artikel 32A by die Hoofwet

Klousule 11 van die Wetsontwerp beoog die invoeging van artikel 32A by die Hoofwet ten einde tehandel met die duur van registrasie van natuurlike persoon werknemers. Teenswoordig vereis werknemerregistrasies nie jaarlikse hernuwing nie, maar die nuwe klousules maak voorsiening vir hernuwing elke drie jaar wat volg op die datum van uitreiking.

Klousule 12: Wysiging van artikel 40 van die Hoofwet

Klousule 12 van die Wetsontwerp beoog die wysiging van artikel 40 van die Hoofwet ten einde dit in ooreenstemming te bring met die terminologie gebruik in die Wet op Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008), gebruik word.

Klousule 13: Wysiging van artikel 43 van die Hoofwet

Klousule 13 van die Wetsontwerp beoog die wysiging van artikel 43 van die Hoofwet ten einde dit duidelik te maak dat gelisensieerdes of geregistreerdes, wat natuurlike persoon-werknemers van dobbeloperateurs is, nie sodanige lisensie of registrasie aan 'n ander natuurlike persoon kan oordra nie.

Klousule 13 beoog ook die wysiging van subartikel (3) van die Hoofwet met verbetering van die duidelikheid van die betekenis ten doel.

Klousule 14: Invoeging van artikel 43A by die Hoofwet

Klousule 14 beoog die invoeging van artikel 43A as vervanging vir artikel 54 van die Hoofwet wat handel oor 'n persoon wat 'n finansiële belang in 'n lisensiehouer of geregistreerde bekom. Die interpretasie van artikel 54 is die spilpunt van huidige

regsgedinge. Artikel 54 word aangetref in die hoofstuk oor casino's, wat impliseer dat dit slegs op casinos van toepassing is. Gevolglik word die bepaling verskuif na 'n hoofstuk van die Wet wat van toepassing is op alle lisensiehouers en geregistreerdes.

Die bepaling, in sy huidige vorm, word in die algemeen beskou as onvoldoende en onprakties. 'n Betekenisvolle aspek van die nuwe bepaling is die verbod op die lisensiëring van filiale wat ten volle besit word deur 'n ander regspersoon. Hierdie artikel laat die Raad huidiglik nie toe om die korporatiewe sluier te lig nie, aangesien beheermaatskappye nie gelisensieer is nie en derhalwe, ingevolge die Wet, nie onderworpe is aan die gesag van die Raad nie.

Klousule 15: Wysiging van artikel 44 van die Hoofwet

Artikel 15 van die Wetsontwerp beoog die wysiging van artikel 44(1) van die Hoofwet ten einde verwysing na geregistreerdes in te sluit, met verbetering van die duidelikheid van die betekenis ten doel.

Klousule 15 van die Wetsontwerp beoog die invoeging van subklousules (4) en (5) in die Hoofwet ten einde die Raad te bemagtig om die prosedures wat gevolg moet word wanneer aansoek gedoen word om goedkeuring vir die hervestiging van die sakebedrywighede van 'n lisensiehouer of geregistreerde, vanaf een stel persele na 'n ander, voor te skryf, en om voorsiening te maak vir die heffing van 'n fooi vir sodanige aansoeke.

Klousule 16: Wysiging van artikel 47 van die Hoofwet

Klousule 16 van die Wetsontwerp beoog die wysiging van artikel 47 van die Hoofwet sodat dit onnodig is vir die verantwoordelike Lid van die Uitvoerende Raad om enige Portefeuljekomitee van die KwaZulu-Natal Wetgewer te raadpleeg wanneer opdragte vir casino's saamgestel word.

Klousule 17: Wysiging van artikel 53 van die Hoofwet

Clause 17 van die Wetsontwerp beoog die wysiging van artikel 53 van die Hoofwet ten einde subartikels (4) en (5) te skrap. Hierdie bepalings handel oor die wysiging, vervanging of herroeping van voorwaardes vir 'n casinolisensie. Die bepalings is oorbodig omrede die wysiging, vervanging of herroeping van voorwaardes vir alle lisensietipes hanteer word in Hoofstuk 5 van die Hoofwet, wat handel oor lisensiëring en registrasie.

Klousule 18: Herroeping van artikel 54 van die Hoofwet

Artikel 54 handel oor die verkryging van 'n beherende belang of 'n finansiële belang in 'n casinolisensiehouer en klousule 43A van die Wetsontwerp beoog die wysiging van artikel 54 van die Hoofwet deur sy vervanging. Klousule 43A is van toepassing op alle lisensiehouers en geregistreerdes.

Klousule 19: Wysiging van artikel 55 van die Hoofwet

Klousule 19 van die Wetsontwerp beoog die wysiging van artikel 55(1) van die Hoofwet deur die insluiting van verwysing na "elektroniese bingoterminale" en ander invoegings en skrappings ten einde dit duideliker te maak wat die bepaling bedoel is om in te sluit en te reguleer.

Klousule 19 van die Wetsontwerp beoog ook die wysiging van artikel 55(2) van die Hoofwet ten einde dit te vereenvoudig en gevolglik die duidelikheid van die betekenis te verbeter.

Klousule 20: Wysiging van artikel 57 van die Hoofwet

Klousule 20 van die Wetsontwerp wysig artikel 57 van die Hoofwet deur die skrapping van subartikels (4) en (5), aangesien hulle oorbodig is. Weens die voorgestelde wysigings van artikel 30 van die Wet, wat handel oor lisensievoorwaardes in die algemeen, is die gewysigde artikel 57 van toepassing op alle lisensietipes.

Klousule 21: Wysiging van artikel 59 van die Hoofwet

Klousule 21 van die Wetsontwerp beoog die wysiging van artikel 59(a) van die Hoofwet ten einde dit in ooreenstemming te bring met die terminologie gebruik in die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008).

Klousule 22: Wysiging van artikel 62 van die Hoofwet

Klousule 22 van die Wetsontwerp beoog die wysiging van artikel 62(1)(d) van die Hoofwet deur die skrapping van die woorde "standaarde en", ten einde dit in ooreenstemming te bring met die bepalings van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008).

Klousule 22 van die Wetsontwerp beoog ook die wysiging van artikel 62 van die Hoofwet deur die skrapping van subartikels (4) en (5). Hierdie bepalings is oorbodig

omrede die wysiging, vervanging of herroeping van voorwaardes vir alle lisensietipes hanteer word in Hoofstuk 5 van die Hoofwet, wat handel oor lisensiëring en registrasie.

Klousule 23: Wysiging van artikel 69 van die Hoofwet

Klousule 23 van die Wetsontwerp beoog die wysiging van artikel 69 van die Hoofwet deur die invoeging na subparagraaf (d) van 'n nuwe subparagraaf (e), wat verklaar dat "die registrasie se hernuwing word betaalbaar ingevolge artikel 32A." Die uitwerking hiervan is dat terwyl die duur van sekere werknemers se registrasie teenswoordig hoofsaaklik onbepaald is, met uitsondering van die ontstaan van sekere omstandighede, beperk die voorgestelde nuwe artikel 32A die registrasietydperk vir sodanige werknemers tot tussen 36 tot 48 maande, afhangend van die datum waarop die herdenking van die werknemer se verjaarsdag val.

Klousule 24: Wysiging van artikel 73 van die Hoofwet

Klousule 24 van die Wetsontwerp beoog die wysiging van artikel 73 van die Hoofwet ten einde te voorsien dat die Raad die reg toegestaan sal word vir die insluiting van kostes aangegaan ten opsigte van tyd wat deur die werknemers van die Raad gespandeer is aan 'n ondersoek ingestel op 'n aansoeker, soos beoog ingevolge artikels 35 en 37 van die Hoofwet.

Klousule 25: Wysiging van artikel 77 van die Hoofwet

Klousule 25 van die Wetsontwerp beoog die wysiging van artikel 77(1) van die Hoofwet ten einde te vereis dat alle dobbeloperateurs belasting in 'n rekening van die Raad betaal, in teenstelling met die huidige situasie waarby daar van sommige dobbeloperateurs vereis word om belasting direk aan die Provinsiale Inkomstefonds te betaal.

Klousule 25 van die Wetsontwerp beoog ook die wysiging van artikel 77 van die Hoofwet deur die invoeging van subartikel (3). Subartikel (3) vereis dat die Raad 'n gedeelte van die belasting wat ontvang word versprei, soos voorgeskryf, en dat die Raad dan die balans van die belasting aan die Provinsiale Inkomstefonds oorbetaal, nie later as 20 dae na die einde van elke kalendermaand nie.

Klousule 25 van die Wetsontwerp beoog ook die wysiging van artikel 77 van die Hoofwet deur die invoeging van subartikel (4), wat van die Raad vereis om aan beide die Provinsiale Tesourie en die verantwoordelike Lid van die Uitvoerende Raad 'n breedvoerige verslag betreffende die belasting wat ontvang en versprei is deur die

Raad te voorsien. Laastens, twee nuwe subartikels (5) en (6) word ingevoeg, vir die doeleinde van 'n eenvormige sperdatum vir die betaling van dobbelbelasting.

Klousule 26: Wysiging van artikel 78 van die Hoofwet

Klousule 26 van die Wetsontwerp beoog die wysiging van artikel 78 van die Hoofwet, *inter alia*, deur die invoeging van 'n voorbehoudsbepaling wat hoofsaaklik die uitwerking het dat 'n lisensiehouer kennis gegee word voordat die opskorting van 'n lisensie opgelê word as gevolg van versuim van betaling van 'n fooi, belasting of heffing, terwyl die bedoeling teenswoordig is dat die opskorting van 'n lisensie vir die versuim van betaling van 'n fooi, belasting of heffing onmiddelik van krag moet wees. Verder word dit nou duidelik gestel dat rente op 'n boete (nie 'n administratiewe boete nie) betaal moet word op belasting wat nie betyds of ten volle betaal is nie.

Klousule 27: Wysiging van artikel 89 van die Hoofwet

Klousule 27 van die Wetsontwerp beoog die wysiging van artikel 89 van die Hoofwet deur dit in geheel te vervang en verreikende veranderings aan die bestaande wetgewing, soos van toepassing op renbaanoperateurs en die tipes totalisatorlisensies wat hulle mag hou, te maak. Drie nuwe subtipes van renbaanoperateurslisensies is soos volg geskep –

(a) die operateur van 'n eksklusiewe reg-renbaanlisensie;

(b) die operateur van 'n standaardgeteelde renbaanlisensie; en

(c) die operateur van 'n tuigwedren-baanlisensie.

Klousule 28: Herroeping van artikel 90

Klousule 28 van die Wetsontwerp beoog die wysiging van artikel 90 van die Hoofwet (wat handel oor die verkryging van 'n belang in 'n renbaanoperateur) ten einde interne konflik te vermy omrede die voorgestelde nuwe artikel 43A breedvoerig handel oor die verkryging van 'n finansiële belang in alle lisensiehouers en geregistreerdes.

Klousule 29: Wysiging van artikel 91 van die Hoofwet

Klousule 29 van die Wetsontwerp beoog die wysiging van artikel 91 van die Hoofwet ten einde die lisensiehernuwingstydperk vir renbaanoperateurs in ooreenstemming te bring met die van ander lisensietipes.

Klousule 30: Wysiging van artikel 94 van die Hoofwet

Klousule 30 van die Wetsontwerp beoog die wysiging van artikel 94 van die Hoofwet ten einde die tipes persone wat 'n beroepsweddenslisensie mag hou te verduidelik en

om die lisensiehernuwingstydperk vir beroepswedders in ooreenstemming te bring met die van ander lisensietipes.

Klousule 31: Skrapping van artikel 97

Klousule 97 van die Wetsontwerp word geskrap ten einde potensiële interne konflikte met ander bepalings van die Wet, wat ook handel oor verandering in die eienaarskap van 'n lisensie, op te los omrede hierdie bepalings handel oor verandering van eienaarskap op 'n wyse bedoel om van toepassing te wees op alle lisensietipes.

Klousule 32: Skrapping van artikel 98 van die Hoofwet

Klousule 98 van die Wetsontwerp word geskrap ten einde potensiële interne konflikte tussen ander bepalings van die Wet wat ook handel oor verandering in direkteure van 'n maatskappy wat 'n lisensie besit, op te los, omrede hierdie bepalings sodanige veranderinge hanteer op 'n wyse bedoel om van toepassing te wees op alle lisensietipes.

Klousule 33: Skrapping van artikel 106 van die Hoofwet

Klousule 106 van die Wetsontwerp word geskrap ten einde potensiële interne konflikte met ander bepalings van die Wet, wat ook die registrasie van persone hanteer, waar ander bepalings in die Wet registrasies hanteer op 'n wyse bedoel om van toepassing te wees op alle registrasietipes, op te los.

Klousule 34: Wysiging van artikel 110 van die Hoofwet

Klousule 34 van die Wetsontwerp beoog die wysiging van artikel 110 van die Hoofwet ten einde dit in ooreenstemming te bring met die gewysigde artikel 89 sodat beperkings op die dinge waarop lisensiehouers van totalisatoroperateurs weddenskapstransaksies kan aangaan ooreenstem met elke nuwe subtipe gelisensieerde renbaanoperateur soos vermeld in die gewysigde artikel 89.

Klousule 35: Wysiging van artikel 111 van die Hoofwet

Klousule 35 van die Wetsontwerp beoog die wysiging van artikel 111 ten einde bykomende bevoegdhede aan die Raad te verleen vir die hantering van die aanstelling en registrasie van totalisatoroperateurs, totalisatorbestuurders en totalisatoragente, in ooreenstemming met die Raad se bestaande bevoegdhede met betrekking tot beroepsweddersbestuurders.

Klousule 36: Wysiging van artikel 119 van die Hoofwet

Klousule 36 van die Wetsontwerp beoog die wysiging van paragraaf (c) van artikel 119 van die Hoofwet vir die verwydering van die bevoegdheid van die Raad om reëls te maak betreffende die perseel waarop beroepswedders en totalisators weddenskapstransaksies mag aangaan.

Klousule 37: Wysiging van artikel 120 van Hoofwet

Klousule 37 van die Wetsontwerp beoog die wysiging van artikel 120 ten einde beide duidelikheid te verbeter asook potensiële interne konflikte tussen die voorgestelde wysigings van artikel 44, wat handel oor die hervestiging van die sakebedrywighede van 'n lisensiehouer of registreerde vanaf een stel persele na 'n ander, op 'n wyse bedoel om van toepassing te wees op alle lisensie- en registrasietipes, te vermy.

Klousule 38: Wysiging van artikel 121 van die Hoofwet

Klousule 38 van die Wetsontwerp beoog die wysiging van artikel 121 van die Hoofwet ten einde potensiële konflikte tussen die voorgestelde wysigings van artikel 44, wat handel oor die hervestiging van die sakebedrywighede van 'n lisensiehouer of geregistreerde (ingesluit 'n tydelike hervestiging), vanaf een stel persele na ander, op 'n wyse bedoel om van toepassing te wees op alle lisensie- en registrasietipes, te vermy.

Klousule 39: Wysiging van artikel 123 van die Hoofwet

Klousule 39 van die Wetsontwerp beoog die wysiging van subartikel (1) van artikel 123 ten einde dit in ooreenstemming te bring met die terminologie gebruik in die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008). Subartikels (2), (3) en (4) van artikel 123 word gewysig met verbetering van die duidelikheid van hierdie bepalings se betekenis ten doel.

'n Nuwe subartikel (5) word ingevoeg ten einde dit duidelik te stel dat 'n goedgekeurde weergawe van 'n gerekenariseerde rekordhoudingstelsel nie ophou om 'n goedgekeurde weergawe van 'n gerekenariseerde rekordhoudingstelsel te wees wanneer wanneer 'n nuwe weergawe van sodanige stelsel ontwikkel en goedgekeur word nie. Die nuwe bepaling het ook ten doel om 'n vereiste op die Raad te plaas om 'n opgedateerde register van all goedgekeurde gerekenariseerde rekordhoudingstelsels in stand te hou, ingesluit elke goedgekeurde weergawe van 'n goedgekeurde gerekenariseerde rekordhoudingstelsel.

Klousule 40: Wysiging van artikel 124 van Hoofwet

Klousule 40 van die Wetsontwerp beoog die wysiging van artikel 124 deur die invoeging van 'n voorbehoudsbepaling wat verduidelik dat, ongeag die plek waar die wedder is wanneer 'n weddenskapstransaksie aangegaan word, die weddenskapstransaksie beskou word as aangegaan op die gelisensieerde perseel van die tersaaklike gelisensieerde of geregistreerde.

Klousule 41: Wysiging van artikel 125 van Hoofwet

Klousule 41 van die Wetsontwerp beoog die wysiging van artikel 125 van die Hoofwet vir die beperking van die middellike verantwoordelikheid van 'n totalisatorlisensiehouer of beroepswedder vir die handelinge en weglatings van die werknemers van sodanige totalisatorlisensiehouer of beroepswedder tot handelinge en weglatings verwant aan die aktiwiteite bemagtig deur die betrokke lisensie.

Klousule 42: Wysiging van artikel 128 van die Hoofwet

Klousule 42 van die Wetsontwerp beoog die wysiging van artikel 128 van die Hoofwet vir die verandering van 'n kruisverwysing van artikel 129 na artikel 77, 'n wysiging wat voortvloeiend is uit die wysigings gemaak aan artikels 77 en 129.

Klousule 43: Wysiging van artikel 129 van die Hoofwet

Klousule 43 van die Wetsontwerp beoog die wysiging van artikel 129 van die Hoofwet ten einde dit in ooreenstemming te bring met die gewysigde artikel 77 aangesien altwee handel oor belasting en die verspreiding daarvan.

Klousule 44: Wysiging van artikel 131 van die Hoofwet

Klousule 44 van die Wetsontwerp beoog die wysiging van artikel 131 van die Hoofwet ten einde dit in ooreenstemming te bring met die gewysigde artikel 77 aangesien altwee handel oor die aangeleentheid van watter organisasie belasting en belastingopgawes, onderskeidelik, aan betaal, en by ingedien, moet word.

Klousule 45: Skrapping van artikel 132 van die Hoofwet

Artikel 132 van die Wet word geskrap ten einde botsings met die gewysigde artikels 77, 128, 129 en 131 te vermy.

Klousule 46: Wysiging van artikel 134 van die Hoofwet

Klousule 46 van die Wetsontwerp beoog die wysiging van artikel 134 van die Hoofwet ten einde voorsiening te maak dat die Raad toegelaat sal word om kostes in te sluit wat aangegaan word ten opsigte van tyd wat deur die werknemers van die Raad gespandeer word tydens die uitvoer van 'n ondersoek op 'n aansoeker vir die toestaan

van enige lisensie, registrasie of gesag wat vereis word ingevolge Hoofstuk 13, 14, 15 of 16, of vir die goedkeuring van 'n gerekenariseerde rekordhoudingstelsel.

Klousule 47: Wysiging van artikel 137 van die Hoofwet

Klousule 47 van die Wetsontwerp beoog die wysiging van artikel 137 deur die vervanging van die term "**Perdewedren- en Weddenskaptransformasiefonds**", waar ook al dit voorkom in die artikel, met die woord "**Transformasiefonds**". Hierdie wysigings is gekoppel aan die wysigings wat aan die omskrywings gemaak is, met ander woorde, die omskrywing van "Perdewedren- en Weddenskaptransformasiefonds" word geskrap en 'n nuwe omskrywing van "Transformasiefonds" word ingevoeg.

Klousule 48: Wysiging van artikel 146 van Hoofwet

Klousule 48 van die Wetsontwerp beoog die wysiging van artikel 146 van die Hoofwet vir die uitbreiding van die bevoegdhede van die verantwoordelike Lid van die Uitvoerende Raad om regulasies betreffende sekere aspekte te maak.

Klousule 49: Kort titel

Klousule 49 bevat die kort titel van die wysigingswet.

3. ORGANISATORIESE EN PERSONEELIMPLIKASIES VIR PROVINSIALE REGERING

Geen onbehoorlike organisatoriese en personeelimplikasies word voorsien nie.

4. FINANSIËLE IMPLIKASIES VIR PROVINSIALE REGERING

Geen onbehoorlike finansiële implikasies word voorsien nie.

5. DEPARTEMENTE/ LIGGAME/ PERSONE GERAADPLEEG

Die Wetsontwerp is opgestel in oorlegpleging met –

5.1 Die KwaZulu-Natal Raad op Dobbelary en Weddery; en

5.2 Die KwaZulu-Natal Dobbelarybedryf.

6. KONTAKPERSONE

6.1 KwaZulu-Natal Tesourie

Naam:	Mnr NS Mutheiwana
Posisie:	Algemene Bestuurder: Dobbelary en Weddery
Telefoon:	(033) 395 2640
Faksnommer:	(033) 342 4913
Selfoonnommer:	082 562 8070
e-pos:	ndanduleni.mutheiwana@kzntreasury.gov.za

6.2 KwaZulu-Natal Tesourie

Naam:	Mnr BR Wilkinson
Posisie:	Adjunkbestuurder: Dobbelary en Weddery
Telefoon:	(033) 395 2849
Faksnommer:	(033) 342 4913
Selfoonnommer:	082 853 6774
e-pos:	barry.wilkinson@kzntreasury.gov.za

No. 25 **6 kuNtulikazi 2015**

UMTHETHOSIVIVINYO WOKUCHIBIYELA UMTHETHOWEMIDLALO WEZEMIDLALO YEMALI NOKUBHEJA WAKWAZULU-NATALI, 2015

Isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho saKwaZulu-Natali

Ngalokhu kunikezwa isaziso ngokuhambisana noMthetho 194 weMithetho EmileyoyeSishayamthetho sesiFundazwe maqondana nokuthi Umthethosivivinyo wokuChibiyela uMthetho wezeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2015, njengoba uchazwe ngezansi, sewethuliwe eSishayamthethweni esibalulwe ngenhla futhi uzocutshungulwa yiKomidi Lesishayamthetho Lezezimali. Umphakathi kanye nabanye abanentshisekelo bayamenywa ukuba balethe izethulo ezimayelana nalo Mthethosivivinyo, okumele ziqondiswe ku -:

Mnu. S Chili
UNobhala
ISishayamthetho saKwaZulu-Natali
Isikhwama Seposi X 9112
Pietermaritzburg
3200

Email: chili@kznlegislature.gov.za

ukuze zifinyelele kuye zingakapheli izinsuku eziyi-15 kusukela ngosuku okushicilelwe ngalo lesi saziso

N NAIDOO
UNobhala weSishayamthetho saKwaZulu-Natali

UMTHETHOSIVIVINYO
WOKUCHIBIYELA UMTHETHO WEMIDLALO YEMALI NOKUBHEJA WAKWAZULU-NATALI, 2015

IZINCAZELO EZEJWAYELEKILE:

[ ] Amagama abhalwe ngokugqamile kubakaki abayizikwele akhombisa okususiwe emthethweni okhona

_____ Amagama adwetsheiwe ngomugqa ohlangene akhombisa okufakiwe emthethweni okhona

UMTHETHOSIVIVINYO

Wokuchibiyela uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010, ukuze kuchitshiyelwe umbhalo; wokufaka izincazelo nezinhlinzeko ezintsha; nokuhlinzekela okunye okuphathelene nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

Ukuchitshiyelwa kwesigaba 1 soMthetho 8 ka 2010

1. Ngalokhu kuchitshiyelwa isigaba 1 soMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 8 ka 2010), ngemuva kwalokhu ozobizwa ngoMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sencazelo yegama "ibhingo" le ncazelo elandelayo:

""**ibhingo**" kushiwo umdlalo,**[ohlelwe njengento eyenziwa iqoqo labantu, lapho abadlali abaningi beqhudelana khona, kubandakanya umdlalo]**okungaba uwonke, noma ingxenye yawo idlalwa ngemishini kagesi, noma ngenye indlela –

(a) **[odlalwa]** ngokuthi kusetshenziswe amakhadi noma ezinye isigqebhezana zokudlala, kubandakanya izigqebhezana ezimele amakhadi –

(i) ahlukaniswe ngezikhala ezinezinombolo, ezinezithombe noma ezinezimpawu ezahlukene; futhi

(ii) **[anezinombolo]** lezozinombolo, **[anezithombe]**lezo zithombe noma

[anezimpawu]lezo zimpawu ezihlelwe ngendlela exovekile ukuze ikhadi ngalinye noma isigqebhezana sokudlala sibe nezinombolo, nezithombe noma nezimpawu zaso sodwa;

(b)lapho **[umqhubi noma omemezelayo ebiza noma eveza]**kuvezwa noma kubizwa izinombolo, izithombe noma izimpawu eziningi ngendlela exovekile bese **[abadlali beqhathanisa lezo zinombolo, lezo zithombe noma lezo zimpawu]** lezo zinombolo, lezo zithombe, lezo zimpawu ziqhathaniswa ngendlela efanele

ekhadini noma

esigqebhezaneni sokudlala njengoba zibiziwe noma ziveziwe; futhi

(c) lapho umdlali **[oba owokuqala]** okhadi lakhe noma osigqebhezana sakhe sokudlala siba ngesokuqala ukugondana nazo zonke izikhala, noma **[oqondanisa]** okhadi lakhe noma osigqebhezana sakhe sokudlala sigondana nezinombolo ezithile, nezithombe ezithile noma nezimpawu ezithile **[ekhadini noma esigqebhezaneni sokudlala]**, uthola umklomelo noma imiklomelo,

nanoma imuphi omunye umdlalo odlalwayo omenyezelwa njengomdlalo webhingo ngokuhambisana nesigaba 6(4)(b) soMthetho wezokuGembula kaZwelonke, 2004 (uMthetho No. 7 ka 2004);";

(b) ngokuthi kufakwe ngemuva kwencazelo yegama "ilayisensi yebhingo" le ncazelo elandelayo:

""**isihlalo sebhingo**" kushiwo indawo eyodwa yokuhlala egumbini lebhingo;";

(c) ngokuthi kufakwe esikhundleni sencazelo yegama "ubhuki" le ncazelo elandelayo:

""**ubhuki**" kushiwo umuntu **[onikezwe]** ilayisensi ngokwesigaba 94, yokwamukela okukhishwayo noma iziteki ngenhloso yokubhejisa emjahweni wamahhashi, kwezemidlalo, emcimbini wezemidlalo nakunoma imuphi umcimbi noma umbuthano noma kwinhlanganisela yaleyo mijaho yamahhashi, yemidlalo, yemicimbi yezemidlalo noma yeminye imicimbi noma imibuthano;";

(d) ngokuthi kufakwe ngemuva kwencazelo yegama "ikomidi" le ncazelo elandelayo:

""**amazinga ayimpoqo**" kushiwo amazinga ayimpoqo njengoba kuchazwe esigabeni 1 soMthetho woHlaka oluLawula amaZinga ayiMpoqo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008);

"**ukuhlola ukuhambisana namazinga ayimpoqo**"kushiwo ukuhlola ukuhambisana namazinga ayimpoqo njengoba kuchazwe esigabeni 1 soMthetho woHlaka oluLawula amaZinga ayiMpoqo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008);

"**ohlinzeka ngemisebenzi yokuhlola ukuhambisana namazinga ayimpoqo**" kushiwo umuntu owenza umsebenzi wokuhlola ukuhambisana namazinga ayimpoqo egameni loHlaka oluLawula amaZinga ayiMpoqo lukaZwelonke, ngokwesivumelwano okungenwe kusona phakathi kwalowo muntu noHlaka oluLawula amaZinga ayiMpoqo lukaZwelonke;";

(e) ngokuthi kufakwe esikhundleni sencazelo yegama "inkampani" le ncazelo elandelayo:

""**inkampani**" kushiwo inkampani ebhaliswe ngokoMthetho weziNkampani, **[1973]**2008 (uMthetho No. **[61]**71 ka **[1973]**2008), noma ibhizinisi lababambisene**[, noma eyasungulwa ngokuhambisana ne-Odinensi yokuLawula ezemiJaho yamaHhashi, 1957 (i-Odinensi No. 28 ka 1957), noma inkampani ezimele ebhaliswe ngokoMthetho weziNkampani eziziMele, 1984 (uMthetho No. 69 ka 1984)]**;";

(f)ngokuthi kufakwe esikhundleni sencazelo "ukuhlomula ngokwezezimali" le ncazelo elandelayo:

""**ukuhlomula ngokwezezimali**" kushiwo –

(a) ilungelo noma igunya lokwabelana inzuzo noma imali engenayo;

(b) ilungelo lobunikazi maqondana nempahla yenkampani noma yebhizinisi;

(c) ilungelo lobunikazi noma elithinta umuntu ngqo emphahleni esetshenziswa inkampani noma ibhizinisi;

(d) ukuhlomula ngqo noma ngandlela thile kumasheya ahambisana nelungelo lokuvota, noma emalungelweni okuvota ahambisana namasheya, enkampani noma ebhizinisini; kodwa

(e) akubandakanyi –

(i) ukuhlomula ngandlela thile kunoma isiphi isikhwama noma ezimalini ezitshaliwe, uma umuntu ohlomulayo kulokho engenalo igunya oluLawula izingumo ezithathiwe mayelana naleso sikhwama noma nalokho kutshalwa kwezimali;

(ii) nanoma iliphi igunya emalini engenayo egongelelekayo kumuntu ngemuva kokungena esivumelwaneni sokuhlinzeka impahla noma imisebenzi kumuntu onelayisensi noma kumuntu obhalisiwe;";

(g) ngokuthi kufakwe ngemuva kwencazelo yegama "umshini wokudlala" le ncazelo elandelayo:

""**indawo yokudlala**"kushiwo –

(a) umshini wokudlala owakhelwe ukusetshenziswa umuntu oyedwa kuphela;

(b) ingxenye yomshini wokudlala owakhelwe ukusetshenziswa abantu abangaphezu koyedwa, kodwa ekwazi ukufaka umuntu oyedwa kuphela ukuba adlale;

(c) ingxenye yomshini wokudlala evumela kuphela ukuba kudlale umuntu oyedwa; noma

(d) isihlalo noma indawo yokuma ezakhiweni ezinelayisensi, evumela kuphela ukuba kudlale umuntu oyedwa;";

(h) ngokuthi kufakwe ngemuva kwencazelo yegama "umshini wokudlala" le ncazelo elandelayo:

""**umjaho wamahhashi adonsa izingola**" kushiwo umjaho wamahhashi lapho amahhashi omtelebhelo engancintisana, etelebhela, egitshelwe umuntu ehleli esihlalweni sehhashi, noma eghutshwa umshayeli wenggukumbane edonswa ihhashi;";

(i) ngokuthi kwesulwe incazelo yegama "**[isiKhwamasokuGuqula ezeMijaho yamaHhashi nezokuBheja]**";

(j) ngokuthi kufakwe esikhundleni sencazelo yegama "umqhubi wendawo ozimele" le ncazelo elandelayo:

""**umqhubi wendawo ozimele**"kushiwo umqhubi wendawo ongahlangene nomqhubi womzila futhi onelayisensi **[yobunikazi]** yokuqhuba imishini yokudlala ekhokha isamba esithile endaweni **[eyodwa futhi obhekele ukunakekela imishini, ukuqoqa izimali ezidlaliwe nokukhokha intela nezinye izimali ezikhokhwayo]**;";

(k) ngokuthi kufakwe ngemuva kwencazelo yegama "umhloli" le ncazelo elandelayo:

""**isitifiketi sencwadi yemvume**" kushiwo isitifiketi esikhishwe uHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, njengoba kuhlongozwe esigabeni 5(2)(f) soMthetho woHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008), esigunyaza impahla noma imikhigizo ukuba idayiswe noma ihlinzekwe;";

(l) ngokuthi kususwe incazelo yegama "uMaziphathe wezemiJaho yamaHhashi kaZwelonke";

(m) ngokuthi kufakwe ngemuva kwencazelo yegama "uMaziphathe wezemiJaho yamaHhashi kaZwelonke" le ncazelo elandelayo:

""**i-NRCS**"kushiwo uHlaka oluLawula amaZinga ayiMpogo lukaZwelonke olusungulwe ngokwesigaba 3(1) soMthetho woHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008);";

(n) ngokuthi kufakwe esikhundleni sencazelo yegama "umuntu" le ncazelo elandelayo:

""**umuntu**" kushiwo umuntu qobo **[noma ngokomthetho,iqoqo labantu]** noma inkampani, ngaphandle uma ingqikithi isho okwehlukile;";

(o) ngokuthi kufakwe esikhundleni sencazelo yegama "ukushicilela" le ncazelo

elandelayo:

""**ukushicilela"** kubandakanya, ngaphandle uma inggikithi isho okwehlukile, ukukhangisa, ukusabalalisa, ukumemezela noma ukwenza ukuthi kukhangiswe noma kusatshalaliswe noma kumenyezelwe nganoma iyiphi indlela;";

(p) ngokuthi kufakwe esikhundleni sencazelo yamagama "umqhubi wenkundla yemijaho" le ncazelo elandelayo:

""**umqhubi wenkundla yemijaho"** kushiwo umgwamanda ogunyazwe ngokwesigaba 89 **[ukubamba imihlangano yemijaho enkundleni yomjaho eyodwa noma ezinkundleni zemijaho ezingaphezu kweyodwa]** futhi igama elichaza izinhlobo ezintathu zabaqhubi bezinkundla zemijaho ezihlongozwe esigabeni 89(1) salo Mthetho, –

(a) okungumqhubi wenkundla yemijaho onelungelo elingadluliseleki niengoba kuhlongozwe esigatshaneni 89(1)(a);

(b) okungumqhubi wenkundla yemijaho yamahhashiadonsa izingola; kanye

(c) nomqhubi wenkundla yemijaho yamahhashi omjaho;";

(q) ngokuthi kufakwe esikhundleni sencazelo yegama "obhalisiwe" le ncazelo elandelayo:

""**obhalisiwe"** kushiwo umuntu onesitifiketi esisemthethweni sokubhaliswa noma onesitifiketi sesikhashana sokubhaliswa esikhishwe ngokwalo Mthetho;";

(r) ngokuthi kufakwe esikhundleni sencazelo yegama "umqhubi womzila" le ncazelo elandelayo:

""**umqhubi womzila"** kushiwo umuntu othole ilayisensi ngokwalo Mthetho ukuze ahlinzeke imishini yokudlala ekhokha isamba esithile kubaqhubi bezindawo nokuqhuba eminye imisebenzi enqunyiwe;";

(s) ngokuthi kufakwe ngemuva kwencazelo yegama "SABS" le ncazelo elandelayo:

""**i-SANS"** kushiwo iZinga likaZwelonke eNingizimu Afrika eligunyazwe uPhiko olubhekele amaZinga eMpahla lwaseNingizimu Afrika ngokuhambisana noMthetho wamaZinga eMpahla ka 2008;";

"**uMthetho weZabelo**" kushiwo uMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004);";

(t) ngokuthi kufakwe esikhundleni sencazelo yegama "umqhubi wendawo" le ncazelo elandelayo:

""**umqhubi wendawo**" kushiwo umuntu ogunyazwe ukugcina nokuqhuba imishini yokudlala ekhokha isamba esithile **[ezakhiweni zakhe]**

ngokwelayisensi ekhishwe ngokuhambisana nalo Mthetho;";

(u) ngokuthi kufakwe ngemuva kwencazelo yegama "ukubhejela imidlalo" lencazelo elandelayo:

"**"ihhashi lomtelebhelo"** kushiwo ihhashi eliyinzalo yehhashi elaziwa nge-Rysdyk's Hambletonian, elazalwa ngonyaka ka we-1849 e-United States of America futhi elithathwa njengomnyombo oviduna walolu hlobo lwamahhashi;";

"**"umjaho wamahhashi omtelebhelo"** kushiwo umjaho wamahhashi lapho amahhashi omtelebhelo engancintisana khona, egitshelwe umuntu, egalobha noma etelebhela; Kuncike ekutheni umjaho wamahhashi lapho wonke amanye amahhashi encintisana ngokugalobha noma ngokutelebhela, enkundleni yomjaho elawulwa umqhubi wenkundla yemijaho yamahhashi omtelebhelo, uthathwa ngokuthi umjaho wamahhashi omtelebhelo, ngokwenhloso yalo Mthetho;";

"**"ingola"** kushiwo, uma isetshenziswa njengebizo, inggukumbane, enesihlalo esisodwa somshayeli, edonswa ihhashi lomtelebhelo emjahweni wamahhashi adonsa izingola;";

(v) ngokuthi kufakwe ngemuva kwencazelo yegama "lo Mthetho" le ncazelo elandelayo:

"**"ihhashi lomjaho"** kushiwo ihhashi lomjaho eliyinzalo yelilodwa lalamahhashi amathathu aziwa njenge-Byerley Turk, i-Darley Arabian kanye ne-Godolphin Arabian;";

"**"umjaho wamahhashi omjaho"** kushiwo umjaho wamahhashi lapho kungancintisana khona amahhashi omjaho kuphela, agitshelwe umuntu;";

(w) ngokuthi kufakwe ngemuva kwencazelo yegama "umqhubi wethotho" le ncazelo elandelayo:

"**"i-ejensi yomqhubi wethotho"** kushiwo izakhiwo zomqhubi wethotho lapho i-ejenti yomqhubi wethotho iqhubela khona i-ejensi yomqhubi wethotho, ngokwesivumelwano phakathi komqhubi wethotho naleyo ejenti yomqhubi wethotho;";

(x) ngokuthi kufakwe esikhundleni sencazelo yegama "i-ejenti yomqhubi wethotho" le ncazelo elandelayo:

"**"i-ejenti yomqhubi wethotho"** kushiwo umuntu oqokiwe, ngokwenkontileka kodwa okungesiyona inkontileka yokuqashwa nangokwesigaba 111(1)(b)(ii), umqhubi wethotho onelayisensi, ukuba aqhube i-ejensi yalowo mqhubi wethotho onelayisensi;";

(y) nangokuthi kufakwe ngemuva kwencazelo yegama "**izakhiwo zomqhubi**

wethotho" le ncazelo elandelayo:

"**"isiKhwama soGuquko"** kushiwo isikhwama esisungulwe ngokwesigaba 137 soMthetho."

Ukuchitshiyelwa kwesigaba 6 soMthetho 8 ka 2010

2. Ngalokhu kuchitshiyelwa isigaba 6 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (c) yesigatshana (1) le ndima elandelayo:

"(c) ukugqugquzela amathuba abantu ababencishwe amathuba phambiliniabahlongozwe kwincazelo ye-"broad-based black economic empowerment", njengoba igukethwe kwi-Broad-Based Black Economic Empowerment Act, 2003 (uMthetho No. 53 ka 2003), ukuba babambe iqhaza **[emjahweni wamahhashi nasembonini yezokubheja]**emboniniyezokubheja yesiFundazwe**[njenganoma yibaphi abantu okudingeka ukuba anikezwe ilayisensi noma abhaliswe ngokwesigaba 89, 94, 103, 110 noma111]**njengabanikazi bamalayisensi kanye nababhalise ngaphansi kwalo Mthetho;";

(b) nangokuthi kufakwe esikhundleni sendima (d) yesigatshana (1) le ndima elandelayo:

"(d) ukukhulisa inani lobunikazi beziteki labantu ababencishwe amathuba phambiliniabahlongozwe kwincazelo ye-"broad-based black economic empowerment",njengoba igukethwe kwi-Broad-Based Black Economic Empowerment Act, 2003 (uMthetho No. 53 ka 2003),**[emijahweni yamahhashi kanye nasembonini yezokubheja]** embonini yezokubheja yesiFundazwe;";

(c) ngokususa isigatshana (2);

(d) nangokuthi kufakwe esikhundleni sesigatshana (3)lesi sigatshana esilandelayo:

"(3) lLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja linganikeza iBhodi imiyalelo ephathelene nezinjongo zeBhodi ezihlongozwe **[esigatshaneni]** ezindimeni **[(1)]**(c), (d), (e) no (f) zesigatshana (1).".

(e) ngokufaka ngemuva kwesigatshana (3) lesi sigatshana elandelayo:

"(4) lLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBhejalinganika iBhodi imiyalelo mayelana –

(a) mayelana nanoma iluphi uguquko kwingubomgomo ephathelene nokugembula oselukhona noma oluhlongozwayo oluvela kuhulumeni kazwelonke;

(b) mayelana nanoma iluphi uguguko kwingubomgomo ephathelene nokugembula oselukhona noma oluhlongozwayo oluvela eMkhandlwini oPhethe noma eMnyangweni,

ukuze kushintshwe, kuhoxiswe noma kumiswe noma imuphi umklamo noma isinyathelo somthetho.".

Ukuchitshiyelwa kwesigaba 7 soMthetho 8 ka 2010

3.Ngalokhu kuchitshiyelwa isigaba 7 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (q) yesigatshana (2) le ndima elandelayo:

"(q) ukugunyaza, ngemibandela noma ngaphandle kwemibandela, noma ukuchitha isicelo esenziwe ngendlela engunyiwe, umuntu onelayisensi ngokwesigaba **[89,]** 94 noma 110, **[ngokuhambisana nesigaba 121,]** ukuba abheje okwesikhashana, isikhathi esinqunyiwe, kunoma iyiphi indawo esiFundazweni**[yemicimbi yezemidlalo noma yeminye imicimbi]**;";

(b) nangokuthi kufakwe esikhundleni sendinyana (iii) yendima (g) yesigatshana (3) le ndinyana elandelayo:

"(iii) yonke impahla yemidlalo yemali noma umshini ngamunye wokudlala noma umshini okhokha isamba esithile osetshenziswayo, noma owethulwa umnikazi welayisensi ukuba usetshenziswe,**[ubhalisiwe futhi unesitifiketi ngokoMthetho wezokuGembula waseNingizimu Afrika]**uyahlangabezana namazinga ayimpoqo futhi ubhalisiwe iBhodi ngokuthi ukhishelwe isitifiketi sencwadi yemvume esisemthethweni.".

Ukuchitshiyelwa kwesigaba 8 soMthetho 8 ka 2010

4. Isigaba 8 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja **[lingaqoka]**kumele liqoke isiphathimandla eMnyangweni esibhekele izindaba zemidlalo yemali nokubheja, kanye nezindaba eziqondene nggo neBhodi, njengomuntu ozoliimela –

(a) okumele aqinisekise ukuxhumana phakathi kweLungu loMkhandlu oPhethe elibhekele ezeziMali kanye neBhodi;

(b) okumele abike kwiLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja njalo mayelana nezindaba ezithathwa njengezisemqoka; **[futhi]**

(c) ongethamela imihlangano yeBhodi futhi abambe iqhaza ezingxoxweni,

kodwa ongenalo ilungelo lokuvota uma kuthathwa isinqumo seBhodi; futhi

(d) okumele agaphe ukusebenza kweBhodi."

Ukuchitshiyelwa kwesigaba 9 soMthetho 8 ka 2010

5.Ngalokhu kuchitshiyelwa isigaba 9 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (c) yesigatshana (1) le ndima elandelayo:

"(c) ngesikhathi eqokwa**[, noma ezinyangeni eziyi-12 ezedlule ubewumuntu]** –

(i) uwumuntu **[ohlongozwe esigabeni 8(1) soMthetho wemiSebenzi kaHulumeni, 1994 (iSimemezelo No. 103 sika 1994);noma]**ogashwe –

(aa) "uhlaka lukahulumeni" njengoba kuhlongozwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

(bb) "ibhizinisi likahulumeni" njengoba kuchazwe eMthethweni wezokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No.1 ka 1999);

(cc) igembu lezombusazwe;

(dd) inoma isiphi isiShayamthetho sesifundazwe; noma

(ee) isiShayamthetho sikaZwelonke; noma

(ii) uwumuntu onesikhundla kwezepolitiki.".

Ukuchitshiyelwa kwesigaba 10 soMthetho 8 ka 2010

6. Ngalokhu kuchitshiyelwa isigaba 10 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (b) yesigatshana (3) le ndima elandelayo –

(b)incwadi efungelwe ngophakanyisiwe lapho ophakanyisiwe enika khona isiqinisekiso esifungelwe sokuthi akahoxisiwe ngokwesigaba 9**[: Kuncike ekutheni uma ophakanyisiwe eke walahlwa yicala ngokwephula umthetho ohlongozwe esigabeni 9(1)(j), lowo ophakanyisiwe kumele ahlinzeke incwadi efungelwe edalula imininingwane ephelele mayelana nokulahlwa kwakhe yicala futhi anikeze isiqinisekiso esifungelwesokuthi akahoxisiwe ngokwanoma iziphi ezinye izinhlinzeko zesigaba 9]**;"

Ukuchitshiyelwa kwesigaba 13 soMthetho 8 ka 2010

7. Isigaba 13 soMthetho omkhulu ngalokhu siyasuswa bese kuthi esikhundleni saso kufakwe lesi sigaba esilandelayo:

"Isikhathi sokuqokelwa esikhundleni nokuqokelwa elinye ihlandla

13.(1) Abantu abagokelwe kwiBhodi baba sezikhundleni isikhathi esiyiminyaka emithathu futhi, kuncike esigabeni 9, bangaphinde bagokelwe elinye ihlandla uma kuphela leso sikhathi: Kuncike ekutheni akekho umuntu ongaphinde agokelwe elinye ihlandla uma esegokelwe amahlandla amabili kwiBhodi.

(2) Uma umuntu egokelwe ukuqcwalisa isikhala kwiBhodi isikhathi esisele eminyakeni emithathu, leso sikhathi asithathwa njengehlandla ngokwezinhloso zokunquma ukufaneleka ukugokelwa elinye ihlandla.

(3) Naphezu kokushiwo kwisigatshana (1), uma kuphela isikhathi sokugokelwa esikhundleni noma uma iBhodi entsha ingakagokwa, amalungu akhona kumele aqhubeke asebenze kuze kugokwe iBhodi entsha: Kuncike ekutheni lokho kwelulwa kwesikhathi akumele kwege ezinsukwini ezingama-90."

Ukuchitshiyelwa kwesigaba 24 soMthetho 8 ka 2010

8. Ngalokhu kuchitshiyelwa isigaba 24 soMthetho omkhulu ngokuthi kufakwe ngemuva kwesigatshana (2) lesi sigatshana esilandelayo:

"(3) Kunoma iziphi izimo lapho iBhodi ingakwazi ukuvuselela amalayisensi kanye nezitifiketi zokubhaliswa, noma ukubhekana nokwephulwa koMthetho noma kwemithetho, isiKhulu esiPhezulu kumele –

(a) sisebenzise amandla aso, senze imisebenzi namajoka eBhodi ngokugcwele, njengoba kuhlongozwe eMthethweni, magondana nokuvuselelwa kwamalayisensi kanye nezitifiketi zokubhaliswa; futhi

(b) sisebenzise amandla eBhodi njengoba kuhlongozwe ezigabeni 7(1)(k), 7(1)(l) nesigaba 7(2)(g): Kuncike ekutheni isiKhulu esiPhezulu kumele sigale sigoke isazi somthetho esizimele esizokwengamela, sisebenzisana nesiKhulu esiPhezulu, noma iluphi uphenyo olwenziwayo ngokwezindima (a) no (b)."

Ukufakwa kwesigaba 30AeMthethweni 8 ka 2010

9. Ngalokhu kufakwa lesi sigaba esilandelayo eMthethweni omkhulu ngemuva kwesigaba 30 –

"Imibandela yelayisensi

30A.(1) IBhodi, ngemuva kokunikeza umnikazi welayisensi noma umuntu obhalisiwe ithuba lokwenza izethulo, ingabeka imibandela –

(a) ecacile nezwakalayo;

(b) elinganisekayo; futhi

(c) efezekayo,

uma ikhipha noma iyiphi ilayisensi noma isitifiketi sokubhaliswa, noma uma ivuselela noma iyiphi ilayisensi noma isitifiketi sokubhaliswa: Kuncike ekutheni umbandela welayisensi, noma wesitifiketi sokubhaliswa, obekwe uma kuvuselelwa, angeke ube nomthelela wokuba umbandela ngaphambi kokuvuselelwa kwaleyo layisensi noma kwaleso sitifiketi sokubhaliswa.

(2) Umnikazi welayisensi noma umuntu obhalisiwe angafaka isicelo noma inini kwiBhodi sokuthi kuchitshiyelwe, kushintshwe noma kuhoxiswe noma imuphi umbandela, kanti iBhodi ingasamukela noma isichithe leso sicelo: Kuncike ekutheni uma kwenzeka ukuthi ukuchitshiyelwa, ukushintshwa noma ukuhoxiswa kwanoma imuphi umbandela ohambisana nelayisensi kungaphazamisa ukufezekiswa nokuggugguzelwa kwezinhloso zeBhodi ngokwesigaba 6 soMthetho, iBhodi ingachibiyela, ingashintsha noma ingahoxisa lowo mbandela, umaisibonisene neLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja.

(3) Uma isicelo sesigunyaziwe, isiKhulu esiPhezulu kumele sigunyaze ukufakwa kwaleso sichibiyelo, kwalolo shintsho noma kwalokho kuhoxiswa kwilayisensi noma esitifiketini sokubhaliswa.

(4) Ngaphezu –

(a) kwamandla athile eBhodi okubeka imibandela yelayisensi noma yokubhaliswa, njengoba kuhlinzekelwe kwenye indawo kulo Mthetho;

(b) kwemibandela ephoqayo yelayisensi noma yokubhaliswa, njengoba kuhlinzekelwe kwenye indawo kulo Mthetho,

iBhodi ingabeka izinhlobo zemibandela yelayisensi ebalulwe esigatshaneni (5).

(5) Kuncike esigatshaneni (4) nangale kwamandla ajwayelekile eBhodi okubeka imibandela engaqondile ngqo yelayisensi noma yokubhaliswa, iBhodi ingabeka imibandela engaphikisani nanoma iyiphi inhlinzeko yoMthetho, nanoma imuphi omunye umthetho kazwelonke nophathelene –

(a) nezinhloso zeBhodi ngokwesigaba 6;

(b) nanoma imiphi imigomo, imibandela, umyalelo noma isingumo esikhishwe noma esenziwe iLungu loMkhandlu oPhetheelibhekele iMidlalo yeMali nokuBheja ngokwesigaba 6, 47, 89 no 137; kanye

(c) nezigwebo iBhodi engazinika umnikazi welayisensi noma umuntu

obhalisiwe, ezimweni lapho iBhodi ithole ukuthi umnikazi welayisensi noma umuntu obhalisiwe wephule lo Mthetho.

(6) IBhodi kumele ibeke umbandela kuwo wonke amalayisensi amakhasino, abaghubi bezindawo, abaghubi bezindawo abazimele, abaghubi bemizila, amabhingo, amathotho kanye nawobhuki, lowo mbandela ocacisa ukuthi ilayisensi kumele iphelelwe isikhathi futhi ingavuseleleki, uma umnikazi welayisensi ehluleka ukuqala ibhizinisilokugembula ngokwaleyo layisensi, ezinyangeni ezingama-24 enikwe leyo layisensi.

(7) Naphezu kokushiwo esigatshaneni (2), umbandela ophoqayo ohlongozwe esigatshaneni (6) angeke uchitshiyelwe iBhodi."

Ukuchitshiyelwa kwesigaba 32 soMthetho 8 ka 2010

10. Ngalokhu kuchitshiyelwa isigaba 32 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (a) yesigatshana (1) le ndima elandelayo:

"(a) uwumuntu –

(i) **[ohlongozwe esigabeni 8(1) soMthetho wemiSebenzi kaHulumeni, 1994 (iSimemezelo No. 103 sika 1994), noma unikezwe amandla okuthatha izinqumo noma ijoka lokuqapha ubugebengu mayelana nokugembula noma nokulawulwa kwakho;noma]**oqashwe –

(aa) "uhlaka lukahulumeni" njengoba kuhlongozwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

(bb) "ibhizinisi likahulumeni" njengoba kuchazwe eMthethweni wezokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No.1 ka 1999);

(cc) igembu lezombusazwe;

(dd) inoma isiphi isiShayamthetho sesifundazwe; noma

(ee) isiShayamthetho sikaZwelonke; noma

(ii) onesikhundla ngokwezepolitiki; noma

(iii) oyilungu lomgwamanda onesibopho sokubikawebhizinisi likahulumeni njengoba lichazwe esigabeni 1 futhi lihlongozwe esigabeni 49 soMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999).

Ukufakwa kwesigaba 32A eMthethweni 8 ka 2010

11. Ngalokhu kufakwa lesi sigaba esilandelayo emthethweni okhona ngemuva kwesigaba 32 –

"**Isikhathi sokubhaliswa kwabasebenzi**

32A.(1) Lesi sigaba sisebenza kubo bonke abantu qobo abaqashwe abanikazi bamalayisensi noma abantu ababhalisiwe futhi okudingeka ukuthi babhaliswe iBhodi ngokwanoma iyiphi inhlinzeko yalo Mthetho noma yeMithethonqubo.

(2)Isitifiketi sokubhaliswa komsebenzi, ngaphandle uma sisulwa iBhodi, sisebenza isikhathi okungenani esiyizinyanga ezingama-36 kusukela osukwini esikhishwe ngalo.

(3) Uma sekuphele izinyanga ezingama-36 ezihlonqozwe esigatshaneni (1), isitifiketi sokubhaliswa siyaqhubeka nokusebenza isikhathi esithile, kuze kushaye usuku lokuqcina lwenyanga azalwa ngayo umsebenzi obhalisiwe, ngemuva kosuku lokuzalwa olulandelayo lomsebenzi obhalisiwe.

(4) Isicelo sokuvuselelwa kwesitifiketi sokubhaliswaesinikwe umsebenzi ngokwalesi sigaba kumele senziwe ngendlela enqunywe iBhodi futhi sihambisane nemali ebalulwe oHlelweni 2.".

Ukuchitshiyelwa kwesigaba 40 soMthetho 8 ka 2010

12. Ngalokhu kuchitshiyelwa isigaba 40 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendinyana (ii) yendima (g) yesigatshana (1) le ndinyana elandelayo:

"(ii) ongahlangabezani ngandlela zonke **[namazinga namaqophelo kazwelonke]**namazinga ayimpoqo abekiwe noma namazinga namaqophelo anqunywe iBhodi; noma".

Ukuchitshiyelwa kwesigaba 43 soMthetho 8 ka 2010

13. Ngalokhu kuchitshiyelwa isigaba 43 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umnikazi welayisensi noma umuntu obhalisiwe ongeyena umsebenzi womuntu onelayisensi noma womuntu obhalisiwe, noma nini angafaka isicelo kwiBhodi sokuthi leyo layisensi **[yakhe]** noma leso sitifiketi sokubhaliswa sidluliselwe komunye umuntu futhi, uma kuba njalo, kuyosebenza izinhlinzeko zezigaba 30, 31, 32, 33, 34, 35, 36, 37 no 38 nezinguquko ezidingekayo.";

(b) nangokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) Uma isicelo sigunyaziwe, isiKhulu esiPhezulu kumele **[sishintshe igama lomnikazi welayisensi ngendlela efanele kwilayisensi]**sinike umnikazi omusha welayisensi noma wesitifiketi sokubhaliswa ilayisensi noma isitifiketi sokubhaliswa niengoba kungaba njalo.".

Ukufakwa kwesigaba 43A eMthethweni 8 ka 2010

14. Ngalokhu kufakwa lesi sigaba esilandelayo eMthethweni omkhulu ngemuva kwesigaba 43 –

"Ukuhlomula ngokwezezimali

43A.(1) IBhodi kumele ngezikhathi ezithile nangohlelo oluthile iginisekise ukuthi abantu abahlomulayo ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe akubona abantu abangakufanele lokho kuhlomula, ngokwesigaba 32 saloMthetho.

(2) Kuyicala kumnikazi welayisensi noma kumuntu obhalisiwe ukwehluleka ukudalula kwiBhodi imininingwane yanoma ikuphi ukuhlomula ngokwezezimali kwanoma imuphi umuntu ngamaphesenti ayisihlanu noma ngaphezulu kulowo mnikazi welayisensi noma lowo muntu obhalisiwe, uma sekwedlule izinsuku ezingama-30 lowo mnikazi welayisensi noma lowo muntu obhalisiwe etholile ukuthi kunalokho kuhlomula, noma okulindeleke ukuthi ngabe wazile ngalokho kuhlomula: Kuncike ekutheni inkampani enezabelo ehweba ngazo kunoma iziphi izimakethe, kudingeka ukuthi ithole ngalokho kuhlomula bese ibika ngakho, njalo ngemuva kwezinyanga eziyisithupha uma sekukhishwe ilayisensi noma isitifiketi sokubhaliswa saleyo nkampani.

(3) Uma umnikazi welayisensi noma umuntu obhalisiwe kuyinkampani ebhalise izabelo zayo ehweba ngazo kunoma iziphi izimakethe, ngaphezu kwesaziso esihlongozwe kwisigatshana (3), lowo mnikazi welayisensi noma lowo muntu obhalisiwe kumele kanye nalokho athumele kwiBhodi irejista yalezo zabelo evuselelwe.

(4) Ogala ukuhlomula ngokwezezimali ngqo kumnikazi welayisensi noma kumuntu obhalisiwe, kudingeka ukuba adalulekwiBhodi imininingwane yalokho kuhlomula, ezinsukwini ezingama-60 kugale lokho kuhlomula, ngendlela engunywe iBhodi.

(5) Ohlomulayo ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe ngamaphesenti ayisihlanu noma ngaphezulu ebhizinisini lomnikazi welayisensi noma lomuntu obhalisiwe, kumele afake isicelo sokugunyazwa ukuqhubeka nalokho kuhlomula, ngokulandela izinqubo kanye nezidingo ezihlongozwe eziqabeni 32, 33, 34, 35, 36, 37 no 38, eziyosebenza esicelweni, nezinguguko ezidingekayo.

(6) Uma iBhodi isola, ngezizathu ezizwakalayo nezifanele, ukuthi ohlomulayo ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe, uhlomula ngamaphesenti angaphansi kwayisihlanu ebhizinisini lomnikazi welayisensi noma lobhalisiwe, angenqatshelwa, ngokwesiqaba 32, ukuba aqhubeke nalokho kuhlomula ngokwezezimali, lowo muntu angacelwa iBhodi ukuba afake isicelo sokugunyazwa ukuba aqhubeke nokuhlomula ngokwezezimali, ngokulandela izinqubo nezidingo ezihlongozwe esiqabeni 32, 33, 34, 35, 36, 37 no 38, eziyosebenza esicelweni, nezinguguko ezidingekayo.

(7)Inkampani elawula noma iyiphi enye inkampanienelayisensi noma ebhaliswe ngaphansi kwalo Mthetho ibophezelwe izinhlinzekozeziqatshana (2) no (3), senqathi leyo nkampani elawula enye inkampani yona ugobo inelayisensi noma ibhaliswe ngaphansi kwalo Mthetho futhi noma iyiphi inkampani elawula enye inkampani ehluleka ukuhambisana nalezi zinhlinzeko yephula umthetho: Kuncike ekutheni iBhodi akumele inikeze inkampani elawulalwa omunye umuntu ngokomthetho ilayisensi noma isitifiketi sokubhaliswa.

(8) Inkampani elawulwa ngokuqcwele omunye umuntu ngokomthetho, ngosuku okumenyezelwe ngalo lesi siqaba, esenelayisensi noma esabhaliswe ngaphansi kwalo Mthetho, kumele ifake isicelo kwiBhodi, zingakapheli izinsuku eziyi-120 kumenyezelwe lesi siqaba, ngokwesiqaba 43 salo Mthetho, segunya lokudlulisela leyo layisensi noma leso sitifiketi sokubhaliswa enkampanini eyilawulayo, uma ingakwenzanga lokho, leso sitifiketi noma lokho kubhalisa angeke kusasebenza.

(9) Ngokwezinhloso zalesi siqaba –

"**izimakethe**" uma leli gama lisetshenziswa njengebizo, kushiwo izimakethe njengoba kuchazwe esiqabeni 1 soMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004);

"**inkampani elawula enye inkampani**" kushiwo inkampani elawula enye inkampani njengoba kuchazwe esiqabeni 1 soMthetho weziNkampani, 2008

(uMthetho No. 71 ka 2008);

"izabelo ezibhalisiwe" kushiwo izabelo ezibhalisiwe njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004(uMthetho No. 36 ka 2004);

"inkampani" kushiwo noma iyiphi inkampani njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004(uMthetho No. 36 ka 2004);

"izabelo" kushiwo izabelo njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004); kanti
"irejista yezabelo" kushiwo irejista yezabelo njengoba kuchazwe esigabeni 1 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008).".

"inkampani elawulwayo" kushiwo inkampani elawulwayo njengoba kuchazwe esigabeni 1 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);

"inkampani elawulwa ngokugcwele omunye umuntu ngokomthetho" inencazelo ehlongozwe esigabeni 3(1)(b) soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008)."

Ukuchitshiyelwa kwesigaba 44 soMthetho 8 ka 2010

15. Ngalokhu kuchitshiyelwa isigaba 44 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umnikazi welayisensi noma umuntu obhalisiwe, noma nini, angafaka isicelo sokugunyazwa ukushintsha**[ukususa]**, okungaba okwesikhashana noma unomphelo, indawo yokusebenza yebhizinisi **[lakhe]**lomnikazi welayisensi noma lobhalisiwe, lisuka ezakhiweni ezibhalwe kwilayisensi noma esitifiketini sokubhaliswa liyiswa kwezinye izakhiwo.";

(b) nangokuthi kufakwe ngemuva kwesigatshana (3) lesi sigatshana esisha esilandelayo:

"(4) IBhodi kumele ingume ingubo okumele ilandelwe uma kwenziwa isicelo sokugunyazwa esihlongozwe kwisigatshana (1).

(5) Isicelo esihlongozwe kwisigatshana (1) kumele sihambisane nemali ekhokhwayo engunywe oHlelweni 2.".

Ukuchitshiyelwa kwesigaba 47 soMthetho 8 ka 2010

16. Ngalokhu kuchitshiyelwa isigaba 53 soMthetho omkhulu –

(a) ngokufaka esikhundleni sesigatshana (2) lesi sigaba esilandelayo:

"(2) ILungu loMkhandlu oPhethe kumele, uma likhipha umyalelo ngokwesigatshana (1), lenze njalo ngokubonisana noMkhandlu oPhethe nangemuva kokubonisana neBhodi**[; iKomidi lemiSebenzi nanoma iliphi ikomidi lemisebenzi eliqokwe isiShayamthetho sesiFundazwe esinesibopho sokuphatha iminyango ebhekelele izindaba ezibandakanya ezokuvakasha kanye nezomnotho]**.";

(b) nangokufaka esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) ILungu loMkhandlu oPhetheelibhekele iMidlalo yeMali nokuBheja, ngokubonisana noMkhandlu oPhethe nangemuva kokubonisana neBhodi**[, ikomidi lemisebenzi okukhulunywe ngalo esigatshaneni (2)]** nanoma imuphi umnikazi welayisensi yekhasino ekhishwe ngokwesigaba 51 oyothikanyezwa isinqumo seLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ngokwalesi sigaba, lingaguqula noma lihoxise noma imuphi umyalelo okhishiwe ngakwalesi sigaba.".

Ukuchitshiyelwa kwesigaba 53 soMthetho 8 ka 2010

17. Ngalokhu kuchitshiyelwa isigaba 53 soMthetho omkhulu ngokuthi kususwe izigatshana (4) no (5).

Ukuchithwa kwesigaba 54 soMthetho 8 ka 2010

18. Ngalokhu kususwa isigaba 54 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 55 soMthetho 8 ka 2010

19. Ngalokhu kuchitshiyelwa isigaba 55 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Akekho umuntu ongaba nezakhiwo lapho kudlalwa khona imishini yokudlala, amatheminali kagesi okudlala ibhingo noma imishini ekhokha isamba esinqunyiwe ngaphandle uma lowo muntu onelayisensi esemthethweni**[yekhasino, enelayisensi yomqhubi wendawo ozimele**

noma enelayisensi yomqhubi wendawo] ekhishwe ngokwalo Mthetho."; futhi

(b) nangokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

"(2) Akekho umuntu **[–**

(a) ongafaka imishini yokudlala noma imishini ekhokha isamba esithile ezakhiweni ezinelayisensi ukuze idlalwe;

(b) ongalungisa noma ongakhanda, ashintshe noma aphucule imishini yokudlala noma imishini ekhokha isamba esithile kuleso sakhiwo;]ongasebenzisa amalungelo noma

[(c)] enze noma imiphi **[eminye]** imisebenzi enqunyiwe **[yomqhubi womzila, ngaphandle uma lowo muntu enelayisensi yekhasino, enelayisensi yomqhubi wendawo noma enelayisensi yomqhubi wendawo ozimele]**yomnikazi welayisensi, ngaphandle uma lowo muntu enelayisensi esemthethweni ekhishwe ngokwalo Mthetho.".

Ukuchitshiyelwa kwesigaba 57 soMthetho 8 ka 2010

20. Ngalokhu kuchitshiyelwa isigaba 57 soMthetho omkhulu ngokuthi kususwe izigatshana (4) no (5).

Ukuchitshiyelwa kwesigaba 59 soMthetho 8 ka 2010

21. Ngalokhu kuchitshiyelwa isigaba 59 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (a) le ndima elandelayo:

"(a) wakhiwe noma uwuhlobo olungahambisani **[namazinga noma namaqophelo kazwelonke]**namazinga ayimpoqo asebenzayo noma, uma kungekho **[mazinga noma maqophelo kazwelonke]**mazinga ayimpoqo asebenzayo, ungahlangabezani namazinga **[kanye]** noma namaqophelo anqunywe iBhodi emithethweni yayo,".

Ukuchitshiyelwa kwesigaba 62 soMthetho 8 ka 2010

22. Ngalokhu kuchitshiyelwa isigaba 62 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (d) yesigatshana (1) le ndima elandelayo:

"(d) **[amazinga kanye]** izidingo eziphathelene nempahla yemidlalo yemali ebekwe, esetshenziswa futhi eqhutshwa egumbini lebhingo;";

(c) nangokususwa kwezigatshana (4) no (5).

Ukuchitshiyelwa kwesigaba 69 soMthetho 8 ka 2010

23. Ngalokhu kuchitshiyelwa isigaba 69 soMthetho omkhulu –

(a) ngokuthi kususwe igama "noma" ngemuva kwendima (c);

(b) ngokuthi kufakwe igama "noma" ngemuva kwendima (d);

(c) nangokuthi kufakwe ngemuva kwendima (d) le ndima entsha elandelayo:

"(e) ukubhaliswa kudingeka ukuthi kuvuselelwe ngokwesigaba 32A.".

Ukuchitshiyelwa kwesigaba 73 soMthetho 8 ka 2010

24. Ngalokhu kuchitshiyelwa isigaba 73 soMthetho omkhulu siyachitshiyelwa ngokuthi kufakwe esikhundleni sendima (b) le ndima elandelayo:

"(b) zonke izindleko iBhodi engene kuzona maqondana nanoma ikuphi ukuphenya ekwenze ngokwezigaba 35 no 37, kubandakanya izindleko engene kuzo maqondana nesikhathi esichithwe abasebenzi beBhodi benza uphenyo lapho zivela khona njengenkokhelo emile oHlelweni 2: Kuncike ekutheni iBhodi ingadinga umfakisicelo ukuthi ayinike isibambiso, njengoba inganquma, ngaphambi kokwenza noma iluphi uphenyo okuhlongozwe ezigabeni ezibaluliwe.".

Ukuchitshiyelwa kwesigaba 77 soMthetho 8 ka 2010

25. Ngalokhu kuchitshiyelwa isigaba 77 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Bonke abantu abanamalayisensi ngokwalo Mthetho kumele **[kuncike esigabeni 129,]** bakhokhe izintela ezinqunyiwe ngokoMthetho weNtela yemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010(uMthetho No. 9 ka 2010),esiKhwameni seNgeniso sesiFundazwe,ngendlela enqunyiwe nangesikhathi esifanayo, kumele bahambise izincwadi zentela kwiBhodi ngendlela enqunyiwe.";

(b) nangokuthi kufakwe esikhundleni sesigatshana (2) lezi zigatshana ezilandelayo:

"(3) UMnyango woMgcinimafa kumele ukhokhise zonke izimali zentela ezitholakele, njengoba kunqunywe eMthethweni weNtela yemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 9 ka 2010), zingakapheli izinsuku ezingama-20 kuphele inyanga ngayinye.

(4) IBhodi kumele ihlinzeke iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ngombiko ochaza kabanzi mayelana nentela etholakele

nekhishwe iHhovisi loMgcinimafa lesiFundazwe ngendlela enqunyiwe, zingakapheli izinsuku ezingama-20 kuphele inyanga ngayinye.".

(5) Intela kumele ikhokhwe njalo ekupheleni kwesikhathi esinqunyelwe ukhokhwa kwentela futhi bonke abanikazi bamalayisensi kumele bakhokhe intela enqunyiwe ezinsukwini eziyi-10 kuphele isikhathi esinqunyelwe ukukhokhwa kwentela.

(6) Ngokwezinhloso zalesi sigaba, "isikhathi esinqunyelwe ukukhokhwa kwentela" kushiwo sikhathi esingangenyanga.".

Ukuchitshiyelwa kwesigaba 78 soMthetho 8 ka 2010

26. Ngalokhu kuchitshiyelwa isigaba 78 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

"(1) Uma umuntu onelayisensi ehluleka ukukhokha noma iyiphi imali noma intela noma ingxenye yayo ngosuku okumele akhokhe ngalo, ilayisensi yakhe kuyothathwa ngokuthi ihoxiswe ngaleso sikhathi kuze kube ukhokha leyo mali noma leyo ntela, kanye nenhlawulo enqunyiwe esinenzalo.

(2) Uma ilayisensi imisiwe ngokwalesi sigaba, imisebenzi egunyazwa ilayisensi **[nayo kumele imiswe]**kumele ingaqhubeki: Kuncike ekutheni ukumiswa kwaleyo misebenzi kungenziwa kuphela iBhodi, emahoreni angama-24 ngemuva kokuba iBhodi yazise umnikazi welayisensi noma umuntu obhalisiwe, ngencwadi, ngemuva kwalokho, wehluleka ukukhokha imali, intela noma ilevi, kanjalo nenhlawulo enqunyiwe esinenzalo, engakapheli amahora angama-24.

(3) Inhlawulo enqunyiwe esinenzalo kumele ikhokhwe esiKhwameni seNgeniso sesiFundazwe.".

Ukuchitshiyelwa kwesigaba 89 soMthetho 8 ka 2010

27. Ngalokhu kususwa isigaba 89 soMthetho omkhulu bese kuthi esikhundleni saso kufakwe lesi sigaba esilandelayo–

"**Ilayisensi yomqhubi wenkundla yamahhashi**

89.(1) Inkampaniingafaka isicelo kwiBhodi, ngendlela enqunywe iBhodi, sokuthola ilayisensi noma amalayisensi alezi zinhlobo ezilandelayo zamalayisensi abaqhubi bezinkundla zemijaho:

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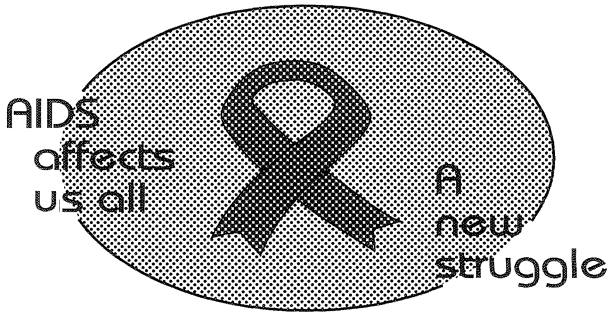
No. 1401

We all have the power to prevent AIDS



AIDS
HELPLINE
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DEPARTMENT OF HEALTH

Prevention is the cure

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PART 2 OF 2

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(a) ilayisensi yomqhubi wenkundla yemijaho yamahhashi onelungelo elingadluliseleki, egunyaza umnikazi waleyo layisensi ukuthola ilayisensi yethotho, eyogunyaza umnikazi welayisensi yokuqhuba umjaho wamahhashi omjaho, emcimbini wezemidlalo noma komunye umqubho;

(b)ilayisensi yomqhubi wenkundla yemijaho yamahhashi omtelebhelo, egunyaza lowo mnikazi welayisensi ukubamba imihlangano yemijaho yamahhashi omtelebhelo enkundleni eyodwa noma ngaphezulu ezibalulwe lwilayisensi nokuthola ilayisensi yethotho, eyomqunyaza umnikazi welayisensi yethotho ukuqhuba ithotho emjahweni wamahhashi omtelebhelo kuphela; noma

(c) ilayisensi yomqhubi wenkundla yemijaho yamahhashiadonsa izingola, egunyaza umnikazi waleyo layisensiukubamba imihlangano yemijaho yamahhashi adonsa izingola enkundleni eyodwa noma ngaphezulu ezibalulwe lwilayisensi nokuthola ilayisensi yethotho, eyogunyaza umnikazi welayisensi yethotho ukuqhuba ithotho emjahweni wamahhashi adonsa izingola kuphela.

(2) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja kumele linike iBhodi umyalelo ophathelene –

(a) nelayisensi yomqhubi wenkundla yemijaho yamahhashi enelungelo elingadluliseleki eyodwa eyokhishwa esiFundazweni;

(b) nesikhathi sokusebenza kwaleyo layisensi kuyoba iminyaka eyishumi nanhlanu (15);

(c) nokuvikeleka kwenqqalasizinda yemijaho yamahhashi akhona esifundazweni;

(d) nokukhishwa kwemigomo leyo layisensi esebenza ngaphansi kwayo, kubandakanya phakathi kokunye, imali ephathelene nelayisensi yomqhubi wenkundla yemijaho yamahhashionelungelo elingadluliseki, nokudingekayo ukuthuthukiswa, nokulungiswa kwenqqalasizinda yomjaho wamahhashi nemiklamo yokutshalwa kwezimali amabhizinisi kwinqqalasizinda yomjaho wamahhashi.

(3) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja kumele, uma likhipha umyalelo ngokwesigatshana (2), libonisane noMkhandlu oPhethe nangemuva kokubonisana neBhodi.

(4) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja, lingabonisana

noMkhandlu oPhethe futhi ngemuva kokubonisana neBhodi nomnikazi welayisensi yomqhubi wenkundla yamahhashi omjaho, lingaguqula noma lingahoxisa noma imuphi umyalelo okhishwe ngokwesigatshana (2).

(5) Izigatshana (1), (2), (3) no (4) salesi sigaba ziyoqala ukusebenza ngosuku oluyonqunywa iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja futhi washicilelwa ngeSaziso kwiGazethi.

(6) Bonke abanikazi bamalayisensi abaqhubi ezinkundla zemijaho yamahhashi akhishwe ngaphambi kokuqala kokusebenza kwalesi sigaba, kumele bafake isicelo selayisensi ehlongozwe esigatshaneni (1), zingakapheli izinyanga eziyi-6 ngemuva kosuku oluhlongozwe kwisigatshana (5).

(7) Amalayisensi abanikazi bamalayisensi abaqhubi bezinkundla zemijaho yamahhashi akhishwe ngaphambi kokuqala kokusebenza kwalesi sigaba ayaqhubeka asebenze kuze kube iBhodi ithatha isinqumo ngesicelo esifakwe ngokwesigatshana (1), noma kuze kuphele isikhathi esihlongozwe esigatshaneni (6) ngaphambi kokuthi umnikazi welayisensi afake isicelo esihlongozwe esigatshaneni (1), kuncike ekutheni iluphi usuku olufika kuqala.

(8) Isicelo esihlongozwe esigatshaneni (1) kumele sihambisane nesivumelwano sokuba inkampani ngokomthetho kanjalo nezimali ezinqunywe oHlelweni 2, lezo zimali okumele zikhokhwe kwiBhodi.

(9) Ilayisensi yomqhubi wenkundla yemijaho yamahhashi angeke ikhishwe –

(a) ngaphandle uma iBhodi iqculisekile ukuthi kuyokwenziwa inhlinzeko yokuqhutshwa nokulawulwa komjaho wamahhashi kanye nokubheja enkundleni noma ezinkundleni ezibaluliwe ngendlela ezoqinisekisa ukufezwa kwezinhloso zeBhodi ezihlongozwe esigabeni (6)(1)(a), (c), (d), (e) no (f); futhi

(b) uma, kuncike esigabeni 133, noma imuphi umgondisi, ilungu noma umuntu onamasheya, kubandakanya ukuhlomula ngokwezezimali, angamaphesenti amahlanu noma ngaphezulu enkampanini eba ngongafanelekile noma engasafanelekile njengoba kuhlongozwe esigabeni 32.

(10) Ilayisensi ekhishwe ngokwesigatshana (1) kumele, njengesidingo esingala ibalule –

(a) okuhlonza umnikazi elayisensi;
(b) okuphathelene nemijaho yamahhashi ilayisensi evumela umnikazi welayisensi angakwenza noma angakuhlinzeka umphakathi;
(c) izinkundla zemijaho yamahhashi umnikazi welayisensi avumelekile ukuzisebenzisa; kanye
(d) nokuthi ilayisensi iphelelwa nini isikhathi.

(11) Umqhubi wenkundla yemijaho kumele, ezinyangeni ezintathu ethole ilayisensi yomqhubi wenkundla yemijaho yamahhashi, alethe imithetho leyo nkundla yamahhashi ehlose ukuqhuba ngayo imijaho yamahhashi, kwiBhodi, ukuze iyigunyaze, futhi kumele aphinde alethe noma iziphi izichibiyelo ezihlongozwayo zemithetho egunyaziwe esebenzayo, kwiBhodi, ukuze iyigunyaze, ngaphambi kokuqala kokusebenza kwalezo zichibiyelo ezihlongozwayo.

(12) IBhodi ingesula noma ihoxise, isikhathi esibekiwe, ilayisensi yomqhubi wenkundla yemijaho wamahhashi uma omunye wabasebenzi bomqhubi bephule, noma ngezizathu ezizwakalayo kunezinsolo, zokwephula lo Mthetho, uMthetho weNtela yemiDlalo yeMali nokuBheja, 2010 (uMthetho No. 9 ka 2010), imithethonqubo, noma imigomo yaleyo layisensi.

(13) IBhodi inganika ubhuki ilungelo elingenakudluliselwa lokuqhuba ibhizinisi lobubhuki kunoma iyiphi inkundla yomjaho wamahhashi eyodwa ebalulwe kwilayisensi yomqhubi wenkundla yemijaho yamahhashi, kuncike kwimvume yomqhubi wenkundla yemijaho yamahhashi othintekayo, leyo mvume okungeke yagodlwa ngaphandle kwesizathu esizwakalayo.

(14) Umqhubi wenkundla yemijaho yamahhashi kumele njalo ngonyaka, zingakapheli izinyanga eziyisithupha kuphele unyaka wezimali, ahlinzeke iBhodi ngekhophi yesitatimende sezimali esicwaningiwe saleyo nkundla yomjaho wamahhashi, esimaqondana nokusebenza kwalowo mqhubi wenkundla yemijaho yamahhashi salowo nyaka, lapho izitatimende zezimali nokwabiwa kwezimali ezihlongozwe 132(b) zihlonzwa ngokwehlukana kanjalonezimali ezisetshenziswe: Kuncike ekutheni iBhodi, uma umqhubi wenkundla yemijaho yamahhashi efaka isicelo, ingelula isikhathi ngezinyanga ezingegile kweziyisithupha."

Ukuchithwa kwesigaba 90 soMthetho 8 ka 2010

28. Ngalokhu kususwa isigaba 90 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 91 soMthetho 8 ka 2010

29. Ngalokhu kuchitshiyelwa isigaba 91 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Ngaphandle uma ivuselelwe ngokwesigatshana (2), ilayisensi ekhishwe ngokwesigaba 89(1) iphelelwa isikhathi mhla zingama-31 **[kuZibandlela]**kuNdasa wonyaka wezimali weBhodi ngalowo nyaka ekhishwe noma evuselelwe ngawo: Kuncike ekutheni ngokwezinhloso zalesi sigaba, unyaka wezimali weBhodi ugala mhla lu-1 kuMbasa uphele mhla zingama-31 kuNdasa.".

Ukuchitshiyelwa kwesigaba 94 soMthetho 8 ka 2010

30. Ngalokhu kuchitshiyelwa isigaba 94 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Ilayisensi kabhuki ingakhishelwa umuntu oyedwa, abantu ababili noma ngaphezulu abasebenza ebhizinisini ngesivumelwano sokusebenzisana, noma inkampani eyodwa.";

(b) nangokuthi kufakwe esikhundleni sesigatshana (7) lesi sigatshana esilandelayo:

"(7) Ngaphandle uma seyivele yesuliwe ngokwesigaba 99, ilayisensi kabhuki iphelelwa isikhathi mhla zingama-31 **[kuZibandlela]** kuNdasawonyaka wezimali weBhodi ekhishwe **[kodwa ingavuselelwa]**noma evuselelwe ngawo, **[ngendlela enqunywe iBhodi, unyaka nonyaka ngokubona kweBhodi]** uma sekukhokhweizimali zokuvuselelwa kwelayisensi ezinqunywe oHlelweni 2: Kuncike ekutheni, ngokwezinhloso zalesi sigaba, unyaka wezimali weBhodi ugala mhla lu-1 kuMbasa uphele mhla zingama-30 kuNdasa.".

Ukuchithwa kwesigaba 97 soMthetho 8 ka 2010

31. Ngalokhu kususwa isigaba 97 soMthetho omkhulu.

Ukuchithwa kwesigaba 98 soMthetho 8 ka 2010

32. Ngalokhu kususwa isigaba 98 soMthetho omkhulu.

Ukuchithwa kwesigaba 106 soMthetho 8 ka 2010

33. Ngalokhu kususwa isigaba 106 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 110 soMthetho 8 ka 2010

34. Ngalokhu kuchitshiyelwa isigaba 110 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) IBhodi, uma kufakwa isicelo ngendlela eyinqumile, ingakhipha ilayisensi, enemibandela noma engenamibandela iyinikeze –

(a) **[a]** umqhubi wenkundla yemijaho yamahhashi onelungelo elingadluliseleki, njengoba kuhlongozwe esigabeni 89(1)(a) soMthetho, ukuqhuba ithotho emjahweni wamahhashi, emcimbini wezemidlalo noma komunye umcimbi; **[kanye]**

(b) **[umuntu ngaphandle komqhubi]** umqhubi wenkundla yemijaho yamahhashi omtelebhelo, njengoba kuhlongozwe esigabeni 89(1)(b) soMthetho,ukuqhuba ithotho **[emcimbini wezemidlalo noma komunye umcimbi,leyo layisensi ingakhishwa ngaphansi kwemibandela ethile noma ngaphandle kwemibandela]**emjahweni wamahhashi omtelebhelo, kuphela; kanye

(c) nomqhubi wenkundla yemijaho yamahhashi adonsa izingola, njengoba kuhlongozwe esigabeni 89(1)(c) soMthetho, ukuqhuba ithotho emjahweni wamahhashi adonsa izingola kuphela.";

(b) nangokufaka esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Ilayisensi yomqhubi wethotho, ngaphandle uma yesulwe ingakaphelelwa isikhathi ngokwesigaba 112, iphelelwa isikhathi ngosuku lwamashumi amathathu nanye **[kuZibandlela]** kuNdasa wonyaka wezimaliweBhodi leyo layisensi eyakhishwa **[ilayisensi]**noma eyavuselelwa ngawo, **[ngendlela enqunywe iBhodi, unyaka nonyaka ngokubona kweBhodi]** kodwa enokuvuselelwa uma kufakwa isicelo ngendlela enqunyiwe nanomakukhokhwa imali yokuvuselela ilayisensi enqunywe oHlelweni 2.".

Ukuchitshiyelwa kwesigaba 111 soMthetho 8 ka 2010

35. Ngalokhu kuchitshiyelwa isigaba 111 ngokuthi kufakwe ngemuva kwesigatshana 5 lesi sigatshana esilandelayo:

"(6) Umuntu kudingeka ukuthi abhaliswe njengemenenja yethotho uma –

(a) yena ngokwakhe, noma njengengxenye yegembu, esungula ingubomgomo yokusebenza;

(b) elawula nggo yonke imisebenzi egunyazwe ilayisensi yethotho;

(c) elungisa amabhuku entela nezitatimende zentela;

(d) enegunya lokuvulela umuntu obhejayo isikweletu;

(e) enegunya lokuxazulula ukungaboni ngaso linye nokubhekana nezikhalo zabantu ababhejayo."

Ukuchitshiyelwa kwesigaba 119 soMthetho 8 ka 2010

36. Ngalokhu kuchitshiyelwa isigaba 119 ngokuthi kufakwe ngemuva kwendima (c) le ndima elandelayo:

"(c) kuleyo ndawo egunyazwe ngokwesigaba 121 **[noma njengoba kuhlinzekwe emithethweni yeBhodi]**.".

Ukuchitshiyelwa kwesigaba 120 soMthetho 8 ka 2010

37. Ngalokhu kuchitshiyelwa isigaba 120 ngokuthi kufakwe ngemuva kwesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umuntu onikezwe ilayisensi ngokwesigaba 94 noma 110 kumele athole imvume yeBhodi yazo zonke izakhiwo ezinelayisensi**[ezizosetshenziselwa ukuqhuba ibhizinisi lobubhuki, lethotho, legatsha lethotho noma le-ejensi yethotho, njengoba kungaba njalo, leyo mvume engakhishwa ngaphansi kwemibandela ethile noma ngaphandle kwemibandela]**.".

Ukuchitshiyelwa kwesigaba 121 soMthetho 8 ka 2010

38. Ngalokhu kuchitshiyelwa isigaba 121 ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umuntu onikezwe ilayisensi ngokwesigaba 94 noma 110 kumele athole imvume yeBhodi, ngendlela enqunywe iBhodi, yegunya **[lokuqhuba ibhizinisi lokubheja]**lokuqhuba ibhizinisi lokubheja okwesikhashana, isikhathi esinqunyiwe, kunoma iyiphi indawo, ngaphezu kwezakhiwo ezivunywe iBhodi ngokwesigaba 120, leso sicelo iBhodi engasichitha noma ikhiphe imvume ngaphansi kwemibandela

ethile noma ngaphandle kwemibandela."

Ukuchitshiyelwa kwesigaba 123 soMthetho 8 ka 2010

39. Ngalokhu kuchitshiyelwa isigaba 123 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umuntu onelayisensi ngokwesigaba 94 noma 110 angeke asebenzise ngenhloso yokuqopha ukubheja nemininingwane ephathelene nokubheja, noma iluphi uhlelo lwekhompyutha lokugcina amarekhodi nanoma iluphi uhlelo lwekhompyutha lokugcina amarekhodi oluchitshiyelwe, ngaphandle uma lolo hlelo noma ukuchitshiyelwa kwalo **[kugunyazwe iBhodi futhi kwaqinisekiswa yi-SABS]**kuhambisana namazinga ayimpoqo abekiwe futhi iBhodi igunyaze futhi yabhalisa lolo hlelo lwekhompyutha lokugcina amarekhodi, noma ukuchitshiyelwa kwalo, ngesitifiketi sokugunyazwa, noma uma kungekho mazinga ayimpoqo abekiwe, lolo hlelo lwekhompyutha lokugcina amarekhodi luhlangabezana namazinga namaqophelo ezinhlelo zekhompyutha zokugcinwa kwamarekhodi, njengoba kungume iBhodi.";

(b) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

"(2) Noma imuphi umuntu ofisa ukuqala, ukwakha noma ukuchibiyela uhlelo lwekhompyutha lokugcina amarekhodi, noma ukuhlinzeka uhlelo lwekhompyutha lokugcina amarekhodi **[noma ukuchibiyela uhlelo lwekhompyutha lokugcina amarekhodi olugunyaziwe]** lomuntu onelayisensi ngokwesigaba 94 noma 110, kumele afake isicelo kwiBhodi, ngendlela enqunywe iBhodi, sokuthi kugunyazwe futhi kubhaliswe lolo hlelo noma ukuchitshiyelwa kwalo futhi leso sicelo kumele sihambisane nezimali ezikhokhwayo zesicelo nezophenyo ezinqunywe oHlelweni 2, okuyizimali ezikhokhwa kwiBhodi.";

(c) ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) IBhodi –

(a) ingagunyaza, ngemibandela noma ngaphandle kwemibandela, noma ichithe uhlelo lwekhompyutha lokugcina amarekhodi noma ukuchitshiyelwa kwalo; noma

(b) ingabuyisela emuva isicelo kumkhiqizi noma kumhlinzeki walo ukuze alethe eminye imininingwane.";

(d) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) IBhodi ingacela umuntu onelayisensi ngokwesigaba 94 noma 110 **[ukuba axhume]**ukuba axhumanise ngogesi lolo hlelo lokuqapha njengoba iBhodi

inganquma nohlelo lwekhompyutha lokugcina amarekhodi olugunyaziwe alusebenzisayo lowo muntu.";

(e) nangokuthi kufakwe ngemuva kwesigatshana (4) lesi sigatshana esilandelayo:

"(5) IBhodi kumele igcine irejista evuselelwe, okumele itholakale kalula ngemishini kagesi kubona bonke obhuki abanamalayisensi.

(6) Irekhodi okukhulunywe ngalo esigatshaneni (5), mayelana nohlelo lwekhompyutha lokugcina amarekhodi nohlobo ngalunye lohlelo lwekhompyutha lokugcina amarekhodi olugunyazwe iBhodi –

(a) inombolo ehlonza uhlobo ngalunye olugunyaziwe lohlelo lwekhompyutha lokugcina amarekhodi; kanye

(b) nosuku okwagunyazwa ngalo lolo hlobo.".

Ukuchitshiyelwa kwesigaba 124 soMthetho 8 ka 2010

40. Ngalokhu kuchitshiyelwa isigaba 124 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigaba 124 lesi sigaba esilandelayo:

"Ukubheja kubhuki, kwimenenja kanye nasethotho

124. Noma imuphi umuntu, ngaphandle komuntu oqokwe njengomhloli ngokwesigaba 81noma njengelungu leBhodi, oneminyaka eyi-18 noma ngaphezulu angabhejela kubhuki, kwimenenja, kumnikazi welayisensi yethotho, kumqhubi wethotho, kwimenenja yethotho noma kwi-ejenti yethotho noma imuphi umjaho wamahhashi, umcimbi wezemidlalo nanoma imuphi omunye umcimbi noma umgubho: Kuncike ekutheni lokho kubheja kwenziwa ngokwalo Mthetho futhikuncike ekutheni akukhathalekile ukuthi umuntu obhejayo ukuphi ngesikhathi ebheja,kuthathwa ngokuthi ubheje ezakhiweni zikabhuki, zemenenja, zomnikazi welayisensiyethotho, zomqhubi wethotho, zemenenja yethotho noma ze-ejenti yethotho.".

Ukuchitshiyelwa kwesigaba 125 soMthetho 8 ka 2010

41. Ngalokhu kuchitshiyelwa isigaba 125 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigaba 125 lesi sigaba esilandelayo:

"**Ijoka lokuphendula ngezenzo zabasebenzi**

125. Umnikazi welayisensi yethotho noma ubhuki, mayelana nemisebenzi egunyazwe ilayisensi yakhe, unelinye ijoka eliseceleni lokuphendula ngezenzo

namaphutha abasebenzi balowo mnikazi welayisensi yethotho noma balowobhuki.".

Ukuchitshiyelwa kwesigaba 128 soMthetho 8 ka 2010

42. Ngalokhu kuchitshiyelwa isigaba 128 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Ibhizinisi lobubhuki kumele libambe emalini ewinwe umuntu obhejayo, ngale kwemali eyisiteki ewinwe umuntu obhejayo, intela nezimali ezibanjwayo ezinqunywe ngokoMthetho weNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 9 ka 2010), futhi kumele likhokhe lezo zimali **[kwiBhodi]**esiKhwameni seNgeniso sesiFundazwengokuhambisana nezinhlinzeko zesigaba **[129]**77.".

Ukuchitshiyelwa kwesigaba 129 soMthetho 8 ka 2010

43. Ngalokhu kuchitshiyelwa isigaba 128 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) bonke obhuki kumele, ezinsukwini eziyi-10 kuphele inyanga ngayinye –

(a) Bakhokhe**[kwiBhodi]** esiKhwameni seNgeniso sesiFindazwe, zonke izimali

ezabanjwa kubantu ababheja ngokwesigaba 128(1) **[kanye]** kanjalo nezintela zokubheja ezinqunywe ngokoMthetho wemiDlalo yeMali nokuBheja, 2010; futhi

(b) balethe, ngokuhambisana nesigaba 77, **[kwiBhodi]** izitatimende zentela ngendlela enqunywe ngokwesigaba 7(2)(k).";

(b) nangokusulwa kwesigatshana (3).

Ukuchitshiyelwa kwesigaba 131 soMthetho 8 ka 2010

44. Ngalokhu kuchitshiyelwa isigaba 131 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana 131 lesi sigatshana esilandelayo:

"Izitatimende zezimali zomqhubi wethotho nokukhokhwa kwentela nezimali ezibanjwayo

131. Bonke abanikazi bamalayisensi amathotho kumele **[ezinsukwini eziyi-10 kuphele inyanga ngayinye,]** balethe, ngokuhambisana nesigaba 77, **[kwiBhodi]** izitatimende zentela ngendlela enqunywe ngokwesigaba 7(2)(k) futhi, ngaso leso sikhathi bakhokhe **[kwiBhodi]** esiKhwameni seNgeniso sesiFindazwe **[ngendlela enqunywe iBhodi]** zonke izintela, ngokwemininingwane equkethwe kuleso

sitatimende sentela."

Ukuchithwa kwesigaba 132 soMthetho 8 ka 2010

45. Ngalokhu kususwa isigaba 132 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 134 soMthetho 8 ka 2010

46. Ngalokhu kuchitshiyelwa isigaba 134 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana 134 lesi sigatshana esilandelayo:

"Izindleko zophenyo

134. UmaiBhodi yenza uphenyo lokuhlola ukufaneleka komfakisicelo ezomnika ilayisensi, ezombhalisa noma ezomnika imvume edigekayo ngaphansi kweZahluko 13, 14, 15 noma 16, noma imvume yohlelolwekhompyutha lokugcina amarekhodi, umfakisicelo kumele akhokhe kwiBhodi isamba esibalwe iBhodi **[okuyisonasona]** njengezindleko zeBhodi zokwenza lolo phenyokubandakanya nezindleko ezimayelana nesikhathi esichithwe abasebenzi beBhodi ngesikhathi benza uphenyo lapho lezo zimali zivela njengezimali ezimisiwe oHlelweni 2.".

Ukuchitshiyelwa kwesigaba 137 soMthetho 8 ka 2010

47. Ngalokhu kuchitshiyelwa isigaba 137 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"[Isikhwama sokuGuqula ezeMijaho yamaHhashi nezokuBheja] IsiKhwama soGuquko

137.(1) Ngalokhu kusungulwa isikhwama esizokwaziwa ngokuthi **[isiKhwama sokuGuqula ezeMijaho yamaHhashi nezokuBheja]**IsiKhwama soGuquko.";

(b) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

"(2) Noma iziphi izimali ezihlose ukuthuthukisa umdlalo futhi nezenganyelwe ikomidi elisungulwe ngokwesigaba 21A se-Odinensi yokuLawulaiMijaho nokuBheja, 1957 (i-Odinensi No. 28 ka 1957), kumele, ngosuku lokuqalisa kwalo Mthetho, zikhokhwe **[esiKhwameni sokuGuqula ezeMijaho yamaHhashi nezokuBheja]**esiKhwameni soGuqukoesisungulwe ngaphansi kwalesi sigaba.";

(c) ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja, ezimalini ezabiwe yisiShayamthetho sesiFundazwe ngaleyo nhloso futhi

kuncike kuleyo migomo nakuleyo mibandela njengoba linganquma, linganikela**[esiKhwameni sokuGuqula ezeMijaho yamaHhashi nezokuBheja]** esiKhwameni soGuquko.";

(d) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Izimpahla **[zesiKhwamasokuGuqula ezeMijaho yamaHhashi nezokuBheja]**zesiKhwama soGuqukokumele, kuncike kwimvumeyeLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ukuthi zisetshenziswe ngezinhloso zokufeza izinjongo zeBhodi ezihlongozwe esigabeni 6(1)(c), (d) no (e).";

(e) ngokuthi kufakwe esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:

"(5) IBhodi kumele ivule futhi igcine ibhuku eliseceleni lasebhange noma i-akhawunti yokulondoloza imali ebhange esiFundazweni futhi kumele ifake zonke izimali eziqongelelwe**[esiKhwamenisokuGuqula ezeMijaho yamaHhashi nezokuBheja]** esiKhwameni soGuqukoezivela nakweminye imithombo.";

(f) ngokuthi kufakwe esikhundleni sesigatshana (6) lesi sigatshana esilandelayo:

"(6) Inzalo yezimali ezifakwe ebhange ngokwesigatshana (3) no (4) kumele ziqongelelwe **[esiKhwameni sokuGuqula ezeMijaho yamaHhashi nezokuBheja]**esiKhwameni soGuquko.";

(g) ngokuthi kufakwe esikhundleni sesigatshana (7) lesi sigatshana esilandelayo:

"(7) IBhodi kumele igcine ngokuhlukana wonke amarekhodi afanele ezimali **[zesiKhwamasokuGuqula ezeMijaho yamaHhashi nezokuBheja]**zesiKhwama soGuquko, aqukethe imininingwane yazo zonke izimali noma inzuzo yemali etholakelekanye nezimali ezikhokhiwe.";

(h) ngokuthi kufakwe esikhundleni sesigatshana (8) lesi sigatshana esilandelayo:

"(8) Ayikho imali ekweletwayo **[esiKhwameni sokuGuqula ezeMijaho yamaHhashi nezokuBheja]** esiKhwameni soGuqukoeyoba yingxenye yezimpahla zeBhodi noma eyothathwa egameni lomuntu okweleta noma labantu abakweleta iBhodi."; kanye

(i) nangokuthi kufakwe esikhundleni sesigatshana (9) lesi sigatshana esilandelayo:

"(9) Amarekhodi ezimali neminye imininingwane ephathelene **[nesiKhwama sokuGuqula ezeMijaho yamaHhashi nezokuBheja]**nesiKhwama soGuquko, kumele acwaningwe uMcwaningimabhuku Jikelele ngezindleko zeBhodi.".

Ukuchitshiyelwa kwesigaba 146 soMthetho 8 ka 2010

48. Ngalokhu kuchitshiyelwa isigaba 146 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (s) le ndima elandelayo:

"(s) ukulawulwa kwemishini yemidlalo, njengoba kuhlongozwe eMthethweni wokuGembula kaZwelonke; **[kanye]**

(b) ngokuthi kufakwe esikhundleni sendima (t) le ndima elandelayo:

"(t) noma iluphi olunye udaba olubalulekile ukuze kuqaliswe izinhloso nezinjongo zalo Mthetho kanye noMthetho weNtela yemiDlalo yeMali nokuBheja, 2010 (uMthetho No. 9 ka 2010)[.];

(c) ngokuthi kufakwe ngemuva kwendima (t) lezi zindima ezilandelayo:

"(u) isibalo esiphezulu sanoma iluphi uhlobo lwelayisensi engakhishwa iBhodi;

(v) nanoma imiphi imikhawulo mayelana nebanga phakathi kohlobo oluthile lwendawo yemidlalo yemali noma yokubheja nanoma iluphi olunye uhlobo lwendawo yemidlalo yemali noma yokubheja.".

Isihloko esifingqiwe

49. Lo Mthetho ubizwa ngoMthethosichibiyelowemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2015.

IMEMORANDAMU
NGEZINHLOSO
ZOMTHETHOSIVIVINYO WOKUCHIBIYELA UMTHETHO WEZEMIDLALO YEMALI NOKUBHEJA WAKWAZULU-NATALI, 2015

1. ISENDLALELO

Isizathu esinqala sokuchibiyela uMthethó wezeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010 osanda kushicilelwa (ngemuva kwalokhu ozobizwa "ngoMthetho", ukulungisa noma ukuqinisa izingxenye ezithile zoMthetho okuyizona eziholele ekutheni kube nokudonsisana ezinkantolo, noma ezingaholela ekutheni kube nokudonsisana ezinkantolo. Izingqinamba zisukela kwizinhlinzeko zebhingo eMthethweni nasekuhunyushweni kwezinhlinzeko zoMthetho ezikhuluma ngokuhlomula ngokwezezimali kumnikazi welayisensi yokugembula.

Ngale kwalokho, ziningi izichibiyelo ezihlongozwekulo Mthethosivivinyo eziphathelene nokuhlomula ngokwezezimali kumnikazi welayisensi noma webhingo. Ingxenye enkulu yalokhu okuhlongozwayo isuselwa kwiBhodi lezeMidlalo yeMali nokuBheja laKwaZulu-Natali (ngemuva kwalokhu ozobizwa "ngeBhodi"), kanti okunye kuvela oPhikweni loMqondisi oMkhulu: lwezeMidlalo yeMali nokuBheja kanti kunokunye okucelwe imboni yezokugembula nayiLungu loMkhandlu oPhethe elibhekele ezeziMali.

2. UKUCHAZWA KWESIGABA SOMTHETHO NGASINYE

Kafishane nje, uMthethosivivinyo wokuchibiyela uhlinzeka kanje –

Isigaba soMthetho 1: Ukuchitshiyelwa kwesigaba 1 soMthetho omkhulu

Sihlongoza ukuchitshiyelwa kwencazelo "yebhingo" nezinye izincazelo eziphathelene nebhingo, ngenhloso yokuqinisa izinhlinzeko ezingaholela ekutheni kube nokudonsisana ezinkantolo (neziphikisana neBhodi kanye neLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja).

Sisusa incazelo "yesiKhwama sezeMijaho yamaHhashi nezokuBheja" kufakwe incazelo entsha "yesiKhwama soGuquko". Lezi zichibiyelo zihambisana nokuchitshiyelwa kwesigaba 137, njengamanje esikhuluma "ngesiKhwama soGuquko".

Sifaka izincazelo eziningi ezintsha ukuze izinhlinzeko zoMthetho, mayelana nohlelo oluphathelene nohlelo lokuhlolwa kwamazingaayimpoqo (amazinga akwa-SABS)

olusetshenziswa uma kuhloiwa impahla yokudlala, zihambisane nomthetho kazwelonke ophathelene namazinga ayimpoqo (uMthetho woHlaka oluLawula amaZinga ayiMpoqo kaZwelonke, 2008).

Sichibiyela izincazelo eziningi ezihlose ukucacisa ukuthi "umuntu" kushiwo "umuntu qobo", kokubili umuntu ngokomthetho noma umuntu qobo kuqonde "umuntu".

Ngenxa yokuthi ezinye izinhlobo zemijaho yamahhashi (njengomjaho wamahhashi adonsa izinqola), usuyasimama esiFundazweni, kudingeka ukuthi izincazelo zichitshiyelwe futhi/noma zifakwe ukuze kube nomehluko phakathi komjaho womtelebhelo kanye nomjaho wamahhashi adonsa izinqola.

Ngokunjalo, kwenziwe izichibiyelo kwincazelo "yomqhubi wethotho", ukuze kube nomehluko phakathi –

(a) komqhubi wenkundla yemijaho yamahhashi onelungelo elingadluliseleki;
(b) komqhubi wenkundla yemijaho yamahhashi omtelebhelo; kanye
(c) nomqhubi wenkundla yemijaho yamahhashi adonsa izinqola.

Lokhu kuhambisana nohlobo lweyayisensi yethotho umqhubi wenkundla yomjaho wamahhashi angaba nayo.

Sichibiyelaincazelo "ye-ejenti yethotho" nencazelo "ye-ejensi yethotho" ifakiwe ukuze kucaciswe kangcono ngezinhlinzeko ezihlose ukulawula abaqhubi bamathotho eMthethweni.

Isigaba soMthetho 2: Ukuchitshiyelwa kwesigaba 6 soMthetho omkhulu

Isigaba soMthetho 2 soMthethosivivinyo sihlose ukuchibiyela isigaba 6 soMthetho omkhulu ukuze kuguqulweumthelela okhona kanye nokusetshenziswa kwesigaba esikhuluma ngezimboni zemijahoyamahhashi nezokubheja,ukuba sibe nomthelela omkhulu esigabeni esikhuluma ngemboni yezokugembula esiFundazweni nasekusetshenzisweni kwaso.Okwesibili, incazelo "ye-broad-based black economic empowerment", njengoba iqukethwe kwi-Broad Based Black Economic Empowerment Act, 2003 (uMthetho No. 53 ka 2003), icashuniwe ukuze izinjongo zoguquko zoMthetho zihambisane nezomthetho kazwelonke. Okwesithathu, izichibiyelo ezenziwe esigatshaneni 6(3), okukugcina, kwengezwe isigatshana (4) esisha, onhloso yaso kuwukwengeza amandla eLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja okunika iBhodi imiyalelo.

Isigaba soMthetho 3: Ukuchitshiyelwa kwesigaba 7 soMthetho omkhulu

Isigaba soMthetho 3 soMthethosivivinyo sihlose ukuchibiyela isigaba 7(2)(q) soMthetho omkhulu ukunikeza obhuki nabaqhubi bamathotho imvume yesikhashana yokuqhuba imisebenzi yabo kunoma iziphi izakhiwo ngaphandle kwezakhiwo zabo ezisemthethweni (okungukuthi bangaqhuba imisebenzi yabo ezakhiweni ezimbili kanyekanye). Njengamanje bavumeleke ukuba basebenzele okwesikhashana ezinkundleni zemidlalo noma kweminye imicimbi (ngaphezu kwasezakhiweni zabo ezinemvume). Kumele kugcizelelwe ukuthi uma ubhuki noma umqhubi wethotho efisa ukuqhuba imisebenzi yakhe kunoma iziphi izakhiwo okungezona lezi anemvume yokuzisebenzisa, lokho bangakwenza uma imvume yabo yokwenzwe njalo isigunyaziwe iBhodi.

Isigaba soMthetho 3 soMthethosivivinyo sihlose ukuchibiyela isigaba 7(3)(g)(iii) soMthetho omkhulu ukuze sihambisane namagama asetshenziswe eMthethweni woHlaka oluLawula amaZinga ayiMpoqo kaZwelonke, 2008 (uMthetho No. 5 ka 2008).

Isigaba soMthetho 4: Ukuchitshiyelwa kwesigaba 8 soMthetho omkhulu

Isigaba 8 soMthetho omkhulu sikhuluma ngokubunjwa kweBhodi futhi okwamanje sivumela iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ukuthi liqoke umsebenzi womnyango, ngenhloso yokuxhumana neBhodi phakathi kokunye. Isigaba soMthetho 4 soMthethosivivinyo sihlose ukuchibiyela isigaba 8 soMthetho omkhulu ukuze –

(a) iLungu loMkhandlu oPhethe elibhekeleiMidlalo yeMali nokuBheja liqoke umsebenzi womnyango oyedwa nomangaphezulu, kanye nabazosiza uma bengekho;

(b) nokwengeza umsebenzi wokuqapha iBhodi ohlwini lwezinhloso okumele lowo muntu aqokelwe zona.

Isigaba soMthetho 5: Ukuchitshiyelwa kwesigaba 9 soMthetho omkhulu

Isigaba 9 soMthetho omkhulu sikhuluma ngokungafaneleki ukuqokelwa kwiBhodi. Isigaba soMthetho 5 soMthethosivivinyo sihlose ukuchibiyela isigaba 9 soMthetho omkhulu ukuze abantu bacaciselwe ukuthi abafanelekile uma, ngesikhathi beqashwa noma ezinyangeni eziyi-12 ezedlule, babeqashwe –

(a) uhlaka lukahulumeni;

(b) inkampani kahulumeni;

(c) iqembu lezombusazwe;

(d) inoma isiphi isiShayamthetho sesiFundazwe; noma

(e) isiShayamthetho sikaZwelonke.

Isigaba soMthetho 6: Ukuchitshiyelwa kwesigaba 10 soMthetho omkhulu

Isigaba soMthetho 6 soMthethosivivinyo sihlose ukuchibiyela isigaba 10 soMthetho omkhuluukuze kususwe inhlinzeko yokwenziwa kwencwadi efungelwe ngophakanyiselwe ukuba aqokelwe kwiBhodi, lapho ophakanyisiwe kumele adalule yonke imininingwane yanoma ikuphi ukulahlwa icala. Ngenxa yokuthi iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja, ngokoMthetho, alisenawo amandla okuqoka ophakanyisiwe ezimweni ezithile, ngaphandle kokuthi ophakanyisiwe akafanelekile.

Isigaba soMthetho 7: Ukuchitshiyelwa kwesigaba 13 soMthetho omkhulu

Isigaba 13 soMthetho omkhulu siyashintshwa futhi sihlinzekela ukuthi wonke amalungu eBhodi isikhathi sawo sokuqokwa esesiphelile, kumele aqhubeke nokusebenza kuze kuqokwe iBhodi entsha, noma isikhathi esingeqile ezinsukwini ezingama-90 kuphele iminyaka emithathu abeqokelwe yona, kuyosetshenziswa leso sikhathi okuyisona esifishane.

Isigaba soMthetho 8: Ukuchitshiyelwa kwesigaba 24 soMthetho omkhulu

Isigatshana soMthetho (3) sengeziwe esigabeni 24 soMthetho omkhulu ukuze isiKhulu esiPhezulu seBhodi sisebenzise amandla athile futhi senze imsebenzi ethile, lapho iBhodi ingakwazi ukuvuselela amalayisensi nezitifiketi zokubhaliswa, noma ukubhekana nokwephulwa koMthetho noma kwemithetho nokuqoka isazi somthetho esizimele uma sibhekene nezindaba ezithile.

Isigaba soMthetho 9: Ukufakwa kwesigaba 30A eMthethweni omkhulu

Isigaba soMthetho 9 soMthethosivivinyo sihlose ukwengeza isigaba 30A soMthetho omkhuluukuze silawule futhi siphinde sicacise amandla eBhodi uma ibeka imibandela yelayisensi.

Isigaba soMthetho 10: Ukuchitshiyelwa kwesigaba 32 soMthetho omkhulu

Isigaba 32 sikhuluma ngokungafaneleki ukunikezwa ilayisensi noma ukubhaliswa. Isigaba soMthetho 9 soMthethosivivinyo sihlose ukuchibiyela isigaba 32 soMthetho omkhuluukuze abantu bacaciselwe ukuthi abafanelekile uma, ngesikhathi beqashwa noma ezinyangeni eziyi-12 ezedlule, babeqashwe"uhlaka lukahulumeni", "ibhizinisilikahulumeni", iqembu lezombusazwe, inoma isiphi isiShayamthetho sesiFundazwe nomaisiShayamthetho sikaZwelonke.

Isigaba soMthetho 11: Ukufakwa kwesigaba 32A eMthethweni omkhulu

Isigaba soMthetho 11 soMthethosivivinyo sihlose ukufaka isigaba 32A eMthethweni omkhulu, ukuze sibhekane nesikhathi sokubhaliswa kwabasebenzi bomuntu qobo.

Njengamanje ukubhaliswa kwabasebenzi akudingi ukuvuselelwa njalo ngonyaka, kodwa izigaba zomthetho ezintsha zihlinzekela ngokuvuselelwa njalo eminyakeni emithathu, kusukela osukwini esikhishwe ngalo.

Isigaba soMthetho 12: Ukuchitshiyelwa kwesigaba 40soMthetho omkhulu

Isigaba soMthetho 12 soMthethosivivinyo sihlose ukuchibiyela isigaba 40 soMthetho omkhulu ukuze uhambisane namagama asetshenzisiwe eMthethweni woHlaka oluLawula amaZinga ayiMpoqo kaZwelonke, 2008 (uMthetho No. 5 ka 2008).

Isigaba soMthetho 13: Ukuchitshiyelwa kwesigaba 43soMthetho omkhulu

Isigaba soMthetho 13 soMthethosivivinyo sihlose ukuchibiyela isigaba 43 soMthetho omkhulu ukuze sicaciseukuthi abanikazi bamalayisensi noma abantu ababhalisiwe abangabasebenzi qobo babaqhubi bezindawo zokugembula, angeke badlulisela leyo layisensi noma lokho kubhaliswa komunye umuntu. Isigaba soMthetho 13 sihlose ukuchibiyela isigatshana (3) soMthetho omkhulu ukuze sicacise kangcono incazelo.

Isigaba soMthetho 14: Ukufakwa kwesigaba 43A eMthethweni omkhulu

Isigaba soMthetho 14 soMthethosivivinyo sihlose ukufaka isigaba 43A esikhundleni sesigaba 54 soMthetho omkhulu futhisikhuluma ngabantu abahlomula ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe.Ukudonsisana okukhonanjengamanjekumayelananokuhunyushwa kwesigaba 54. Isigaba 54 sikwisahluko esikhuluma ngamakhasino, okusho ukuthi sisebenza kumakhasino kuphela. Yingakho inhlinzeko iyofakwa kwisahluko soMthetho esiphathelene nabo bonke abanikazi bamalayisensi kanye nabantu ababhalisiwe.

Inhlinzeko iphinde ithathwe, ngokujwayelekile, njengenganele futhi nengasebenzi ngendlela ebekwe ngayo njengamanje. Okuqaphelekayo ngenhlinzeko entsha ukwenqatshelwa kwamalayisensi ezinkampani ezilawulwa ngokugcwele omunye umuntu ngokomthetho. Okwamanje isigaba asiyivumeli iBhodi ukwenze njalo ngoba izinkampani ezilawula ezinye azinawo amalayisensi futhi ngenxa yalokho azilawulwa iBhodi ngokoMthetho.

Isigaba soMthetho 15: Ukuchitshiyelwa kwesigaba 44 soMthetho omkhulu

Isigaba soMthetho 15soMthethosivivinyo sihlose ukuchibiyela isigaba 44(1) soMthetho omkhulu ukuze sibandakanye abantu ababhalisiwe futhi sicacise kangcono incazelo.

Isigaba soMthetho 15soMthethosivivinyo sihlose ukuchibiyela izigaba (4) no (5) zoMthetho omkhulu ukuze zinike iBhodi amandla okunquma ngenqubo okumele ilandelwe uma

kufakwa isicelo sokugunyaza ukushintsha indawo yokusebenza yebhizinisi lomnikazi welayisensi noma lobhalisiwe, lisuka ezakhiweni ezibhalwe kwilayisensi liyiswa kwenye indawo nokuhlinzekela imali yelevi ekhokhwayo uma kufakwa lezo zicelo.

Isigaba soMthetho 16: Ukuchitshiyelwa kwesigaba 47soMthetho omkhulu

Isigaba soMthetho 16soMthethosivivinyo sihlose ukuchibiyela isigaba 47 soMthetho omkhulu ukuze singabibikho isidingo sokuthi iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja libonisane nanoma iliphi iKomidi leMisebenzi lesiShayamthetho sesiFundazwe, uma likhipha imiyalelo yamakhasino.

Isigaba soMthetho 17: Ukuchitshiyelwa kwesigaba 53 soMthetho omkhulu

Isigaba soMthetho 17soMthethosivivinyo sihlose ukuchibiyela isigaba 53soMthetho omkhulu ukuze kususwe izigatshana (4) no (5). Lezi zinhlinzeko zikhuluma ngokuchitshiyelwa, ngokushintshwa nangokuhoxiswa kwemibandela yamalayisensi ekhasino. Lezi izinhlinzeko azinasidingo, ngoba ukuchitshiyelwa, ukushintshwa noma ukuhoxiswa kwemibandela yazo zonke izinhlobo zamalayisensi kukhulunywe ngakho kwiSahluko 5 soMthethoomkhulu esiphathelene nokukhishwa kwamalayisensi kanye nokubhalisa.

Isigaba soMthetho 18: Ukuchithwa kwesigaba 54soMthetho omkhulu

Isigaba 54 sikhuluma ngokulawula nokuhlomula ngokwezezimali komnikazi welayisensi yekhasino kanti isigaba soMthetho 43A soMthethosiviviyo sihlose ukuchibiyela isigaba 54 soMthetho omkhulungokufakwa esikhundleni saso. Isigaba soMthetho 43A sisebenza kubo bonke abanikazi bamalayisensi kanye nabantu ababhalisiwe.

Isigaba soMthetho 19: Ukuchitshiyelwa kwesigaba 55soMthetho omkhulu

Isigaba soMthetho 19soMthethosivivinyo sihlose ukuchibiyela isigaba 55(1) soMthetho omkhuluukuze kufakwe igama elithi “amatheminali kagesi okudlala ibhingo” kanye nokunye okufakwe nokususiwe, inhlinzekoizwakale kangcono mayelana nalokho okumele kubandakanywe futhi kulawulwe.

Isigaba soMthetho 19 soMthethosivivinyo sihlose ukuchibiyela isigaba 55(2) soMthetho omkhulu sichitshiyelelwe ukuchaza kangcono futhi sicacise incazelo.

Isigaba soMthetho 20: Ukuchitshiyelwa kwesigaba 57soMthetho omkhulu

Isigaba soMthetho 20 soMthethosivivinyo sihlose ukuchibiyela isigaba 57 soMthetho omkhulu ngokususa izigatshana (4) no (5) zoMthetho omkhulu njengoba zingenasidingo. Ngenxa yokuchitshiyelwa kwesigaba 30 soMthetho okuhlongozwayo, esikhuluma ngemibandela yelayisensi ejwayelekile,isigaba 57 esichitshiyelwe sisebenza kuzo zonke

izinhlobo zamalayisensi.

Isigaba soMthetho 21: Ukuchitshiyelwa kwesigaba 59soMthetho omkhulu

Isigaba soMthetho 21 soMthethosivivinyo sihlose ukuchibiyela isigaba 59(a) soMthetho omkhulu ukuze sihambisane nezincazelo zoMthethowoHlaka oluLawula amaZinga ayiMpoqo kaZwelonke, 2008 (uMthetho No. 5 ka 2008).

Isigaba somthetho 22: Ukuchitshiyelwa kwesigaba 62soMthetho omkhulu

Isigaba soMthetho 22 soMthethosivivinyo sihlose ukuchibiyela isigaba 62(1)(d) soMthetho omkhulu ngokususa amagama "amazinga kanye", ukuze ihambisane nezinhlinzeko zoMthetho woHlaka oluLawula amaZinga ayiMpoqo kaZwelonke, 2008 (uMthetho No. 5 ka 2008).

Isigaba soMthetho 22 soMthethosivivinyo sihlose ukuchibiyela isigaba 62 soMthetho omkhulu ngokususa izigatshana (4) no (5).Lezi zinhlinzeko azinasidingo, ngoba ukuchitshiyelwa, nokushintshwa kanye nokuhoxiswa kwemibandela yazo zonke izinhlobo zamalayisensi okukhulunywe ngakho kwiSahluko 5 saloMthetho, eziphathelene nokukhishwa kwamalayisensi kanye nokubhalisa.

Isigaba soMthetho 23: Ukuchitshiyelwa kwesigaba 69 soMthetho omkhulu

Isigaba soMthetho 23 soMthethosivivinyo sihlose ukuchibiyela isigaba 69 soMthetho omkhulu ngokuthi kufakwe ngemuva kwendinyana (d) indinyana (e) entsha, ebeka ukuthi "ukubhaliswa kudingeka kuvuselelwe ngokwesigaba 32A". Lokhu kubaluleke ngokuthi njengamanje, isikhathi esibekelwe ukubhaliswa kwabasebenzi abathile asinamkhawulo, okuthiyaizimo ezithile eziqhamukayo, isigaba 32A esisha esihlongozwayo, sinquma isikhathi esibekelwe ukubhaliswa kwalabo basebenzi okuyizinyanga ezingama-36 kanye nezinyanga ezingama-48, kuncike osukwini umuntu obhalisiwe aqala ngalo ukusebenza.

Isigaba soMthetho 24: Ukuchitshiyelwa kwesigaba 73 soMthetho omkhulu

Isigaba soMthetho 24 soMthethosivivinyo sihlose ukuchibiyela isigaba 73 soMthetho omkhulu ukuze kuhlinzekelwe ukuthi iBhodi iyovunyelwa ukubandakanya izindleko engene kuzona mayelana nesikhathi esichithwe abasebenzi beBhodi bephenya ngomfakisicelo, njengoba kuhlongoziwe ngokwezigaba 35 no 37 zoMthetho omkhulu.

Isigaba soMthetho 25: Ukuchitshiyelwa kwesigaba 77 soMthetho omkhulu

Isigaba soMthetho 25 soMthethosivivinyo sihlose ukuchibiyela isigaba 77(1) soMthetho omkhulu ukuze kuphoqwe bonke abanamalayisensi ukuthi bakhokhe intela kwi-akhawunti

yeBhodi, kunokuthi abanye abaqhubi bebhizinisi lokugembula kudingeka ukuthi bakhokhe intelaesiKhwameni seNgeniso sesiFundazwe njengoba kwenzeka manje.

Isigaba soMthetho 25soMthethosivivinyo sihlose ukuchibiyela isigaba 77 soMthetho omkhulu ngokufaka isigatshana soMthetho (3). Isigatshana soMthetho (3) sinquma ukuthi iHhovisi loMgcinimafalesiFundazwe kumele labe ingxenye yezintela ezitholakele, njengoba kunqunyiwe, nokuthi iBhodi kumele ikhokhe izintela ezisele esiKhwameni seNgeniso sesiFundazwe, ezinsukwini ezingama-20 kuphele inyanga ngayinye.

Isigaba soMthetho 25soMthethosivivinyo sihlose ukuchibiyela isigaba 77 soMthetho omkhulu ngokufaka isigatshana soMthetho (4)esinquma ukuthi iBhodi kumele ihlinzeke iHhovisi loMgcinimafa lesiFundazwe kanjalo neLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ngombiko ochaza kabanzi mayelana nentela etholakele kanye neyabiwe iBhodi. Okokugcina, kwengezwe izigatshana (5) no (6) ezintsha ngenhloso yokuhlinzeka usuku olulodwa lokukhokhwa kwezintela zokugembula.

Isigaba somthetho 26: Ukuchitshiyelwa kwesigaba 78 soMthetho omkhulu

Isigaba soMthetho 26soMthethosivivinyo sihlose ukuchibiyela isigaba 78 soMthetho omkhulu ngokwengeza, phakathi kokunye, inhlinzeko enomthelela omkhulu ekutheni umnikazi welayisensi aqale anikezwe isaziso ngaphambi kokuba kumiswe ilayisensi ngenxa yokwehluleka ukukhokha imali, intela noma ilevi enqunyiwe kanti, njengamanje, ukumiswa kwelayisensi ngenxa yokwehluleka ukukhokha imali, intela noma ilevi kumele kwenziwe ngokushesha. Phezu kwalokho, manje sekucacisiwe ukuthi inzalo yenhlawulo (hhayi inhlawulo yemisebenzi yasehhovisi ejwayelekile) kumele ikhokhwe kwintela engakhokhwanga ngesikhathi noma ngokugcwele.

Isigaba somthetho 27: Ukuchitshiyelwa kwesigaba 89 soMthetho omkhulu

Isigaba soMthetho 27soMthethosivivinyo sihlose ukuchibiyela isigaba 89 soMthetho omkhulu ngokusishintsha sonke futhi okwenza uguquko olukhulu emthethweni okhona, mayelana nabaqhubi bezinkundla zemijaho yamahhashi kanye nezinhlobo zamalayisensi amathotho abangaba nawo. Izinhlobo ezintathu ezintsha zamalayisensi abaqhubi bezinkundla zemijaho yamahhashi zisungulwe kanje –

(a) ilayisensi yomqhubi wenkundla yemijaho yamahhashi onelungelo elingadluliseleki;

(b) ilayisensi yomqhubi wenkundla yemijaho yamahhashi omtelebhelo;

(c) ilayisensi yomqhubi wenkundla yemijaho yamahhashiadonsa izinqola.

Isigaba somthetho 28: Ukuchithwa kwesigaba 90 soMthetho omkhulu

Isigaba soMthetho 28soMthethosivivinyo sihlose ukuchibiyela isigaba 90 soMthetho omkhulu (esikhuluma ngokuhlomula kumnikazi welayisensi yomqhubi wenkundla yemijaho) ukuze kugwenywe ukushayisana kwangaphakathi, ngoba isigaba 43A sikhuluma kabanzi ngokuhlomula ngokwezezimali kubo bonke abanikazi bamalayisensi nabantu ababhalisiwe.

Isigaba somthetho 29: Ukuchitshiyelwa kwesigaba 91 soMthetho omkhulu

Isigaba soMthetho 29soMthethosivivinyo sihlose ukuchibiyela isigaba 91soMthetho omkhulu ukuze isikhathi sokuvuselelwa kwamalayisensi abaqhubi bezinkundla zemijaho sihambisane nesezinye izinhlobo zamalayisensi.

Isigaba somthetho 30: Ukuchitshiyelwa kwesigaba 94 soMthetho omkhulu

Isigaba soMthetho 30soMthethosivivinyo sihlose ukuchibiyela isigaba 94 soMthetho omkhuluukuze sicaciseizinhlobo zabantu abangaba namalayisensi obhuki kanti, okwesibili, ukuze isikhathi sokuvuselelwa kwamalayisensi obhukisihambisane nesezinye izinhlobo zamalayisensi.

Isigaba somthetho 31: Ukususwa kwesigaba 97 soMthetho omkhulu

Isigaba soMthetho 97 soMthethosivivinyosisusiwe ukuze kungabi nokushayisanakwangaphakathi nezinye izinhlinzeko zoMthetho, ezikhuluma ngokushintshwa kobunikazi belayisensi, ngoba lezi zinhlinzeko zikhuluma ngokushintshwa kobunikazi okuhloswe ukuthi kusebenze kuzo zonke izinhlobo zamalayisensi.

Isigaba somthetho 32: Ukususwa kwesigaba 98soMthetho omkhulu

Isigaba soMthetho 98soMthethosivivinyo sisusiwe ukuze kungabi nokushayisanakwangaphakathi ngezinye izinhlinzeko zoMthetho ezikhuluma ngokushintshwa kwabaqondisi benkampani enelayisensi, ngoba lezi zinhlinzeko zikhuluma ngalolo shintsho okuhloswe ukuba lusebenze kuzo zonke izinhlobo zamalayisensi.

Isigaba somthetho 33: Ukususwa kwesigaba 106soMthetho omkhulu

Isigaba soMthetho 106 soMthethosivivinyo sisusiweukuze kungabi nokushayisana nezinye izinhlinzeko zoMthetho, ezikhuluma ngokubhaliswa kwabantu, ngoba lezi zinhlinzeko zikhuluma ngokubhaliswa ngendlela okuhloswe ukuba isebenze kuzo zonke izinhlobo zokubhaliswa.

Isigaba somthetho 34: Ukuchitshiyelwa kwesigaba 110 soMthetho omkhulu

Isigaba soMthetho 34soMthethosivivinyo sihlose ukuchibiyela isigaba 110 soMthetho

omkhulu ukuze sihambisane nesigaba 89 esichitshiyelwe, ukuze imikhawulo ezintweni umnikazi welayisensi yomqhubi wethotho angazibhejisela ihambisane nohlobo lomqhubi wenkundla yemijaho yamahhashi olubalulwe esigabeni 89 esichitshiyelwe.

Isigaba somthetho 35: Ukuchitshiyelwa kwesigaba 111 soMthetho omkhulu

Isigaba soMthetho 35soMthethosivivinyo sihlose ukuchibiyela isigaba 111 soMthetho omkhulu ukunika iBhodi amandla engeziwe okuqoka nokubhalisa abaqhubi bamathotho, izimenenja zamathotho kanye nama-ejenti amathotho, ngokuhambisana namandla anikezwe iBhodi mayelana nezimenenja zobhuki.

Isigaba somthetho 36: Ukuchitshiyelwa kwesigaba 119 soMthetho omkhulu

Isigaba soMthetho 36soMthethosivivinyo sihlose ukuchibiyela indima (c) yesigaba 119 soMthetho omkhulu ukuze iBhodi iphucwe amandla okushaya imithetho mayelana nezakhiwo lapho obhuki nabaqhubi bamathotho bengabhejisa khona.

Isigaba somthetho 37: Ukuchitshiyelwa kwesigaba 120 soMthetho omkhulu

Isigaba soMthetho 37soMthethosivivinyo sihlose ukuchibiyela isigaba 120 soMthetho omkhulu ukugwema ukushayisana kwangaphakathiokungaba khona ngezichibiyelo ezihlongozwe esigabeni 44, ezikhuluma ngokushintsha indawo yokusebenza yebhizinisi lomnikazi welayisensi noma lobhalisiwe, lisuka ezakhiweni ezibhalwe kwilayisensi liyiswa kwezinye izakhiwo, ngendlela okuhloswe ukuthi isebenze kuzo zonke izinhlobo zamalayisensi kanye nezokubhaliswa.

Isigaba somthetho 38: Ukuchitshiyelwa kwesigaba 121 soMthetho omkhulu

Isigaba soMthetho 38soMthethosivivinyo sihlose ukuchibiyela isigaba 121 soMthetho omkhulu ukugwema ukushayisana kwangaphakathiokungaba khona ngezichibiyelo ezihlongozwe esigabeni 44, esikhuluma ngokushintsha indawo yokusebenza yebhizinisi lomnikazi welayisensi noma lobhalisiwe, lisuka ezakhiweni ezibhalwe kwilayisensi liyiswa kwezinye izakhiwo (kubandakanya ukushintshela ezakhiweni ezizosetshenziswa okwesikhashana), ngendlela okuhloswe ukuba isebenze kuzo zonke izinhlobo zamalayisensi kanye nezokubhaliswa.

Isigaba somthetho 39: Ukuchitshiyelwa kwesigaba 123 soMthetho omkhulu

Isigaba soMthetho 39soMthethosivivinyo sihlose ukuchibiyela isigatshana(1) sesigaba 123 ukuze sihambisane namagama asetshenziswe eMthethweni woHlaka oluLawula amaZinga ayiMpoqo kaZwelonke, 2008 (uMthetho No.5 ka 2008).Izigatshana (2), (3) no (4) zesigaba 123 zichitshiyelwe ukuze zicacise kangcono lezi zinhlinzeko.

Kufakwe isigatshana (5) esisha, ukuze kucaciswe ukuthi uhlelo oluganyaziwelokugcina amarekhodi kwikhompyutha aluyeki ukuba ngolugunyaziwe, uma kusungulwa futhi kugunyazwauhlelo olusha. Inhlinzeko entsha ikwenza kube isidingo ukugcina irejista evuselelwe yazo zonke izinhlelo zekhompyutha zokugcina amarekhodi ezigunyaziwe, kubandakanya nohlobo ngalunye lwekhompyutha lokugcina amarekhodi olugunyaziwe.

Isigaba somthetho 40: Ukuchitshiyelwa kwesigaba 124 soMthetho omkhulu

Isigaba soMthetho 40soMthethosivivinyo sihlose ukuchibiyela isigaba 124 soMthetho omkhulu ngokwengeza inhlinzeko ecacisa ukuthi, akukhathaleki ukuthi umuntu obhejayo ubekuphi ngesikhathi ebheja, lokho kubheja kuthathwa ngokuthi kwenziwe ezakhiweni zomuntu onelayisensi noma obhalisiwe.

Isigaba somthetho 41: Ukuchitshiyelwa kwesigaba 125 soMthetho omkhulu

Isigaba soMthetho 41soMthethosivivinyo sihlose ukuchibiyela isigaba 125 soMthetho omkhulu ukulawula ijoka lokuphendula ngezenzo zabasebenzi babanikazi bamalayisensi noma bobhuki, ngezenzo namaphutha abasebenzi balabobanikazi bamalayisensi noma balabo bhuki, mayelana nemisebenzi egunyazwe kuleyo layisensi.

Isigaba somthetho 42: Ukuchitshiyelwa kwesigaba 128soMthetho omkhulu

Isigaba soMthetho 42soMthethosivivinyo sihlose ukuchibiyela isigaba 128 soMthetho omkhulu ukuze kuguqulweokucashunwe esigabeni 129 kube ngokucashunwe esigabeni 77, okuyisona sizathu esiholele ekuchitshiyelweni kwesigaba 77 nesigaba 129.

Isigaba somthetho 43: Ukuchitshiyelwa kwesigaba 129soMthetho omkhulu

Isigaba soMthetho 43 soMthethosivivinyo sihlose ukuchibiyela isigaba 129 soMthetho omkhulu ukuze sihambisane nesigaba 77 esichitshiyelwe ngoba zombili zikhuluma ngentela nokwabiwa kwayo.

Isigaba somthetho 44: Ukuchitshiyelwa kwesigaba 131soMthetho omkhulu

Isigaba soMthetho 44soMthethosivivinyo sihlose ukuchibiyela isigaba 131 soMthetho omkhulu ukuze sihambisane nesigaba 77 esichitshiyelwe, zombili zikhuluma ngodaba lokuthi izintela zezinhlangano kanye nezitatimende zentela kumele zikhokhwe futhi zilethwe, ngokuhlukana.

Isigaba somthetho 45: Ukususwa kwesigaba 132soMthetho omkhulu

Isigaba soMthetho 45soMthethosivivinyo sisusiwe ukugwema ukushayisana kwezigaba 77, 128, 129 no 131 ezichitshiyelwe.

Isigaba somthetho 46: Ukuchitshiyelwa kwesigaba 134 soMthetho omkhulu

Isigaba soMthetho 46 soMthethosivivinyo sihlose ukuchibiyela isigaba 134 soMthetho omkhulu ukuze kuhlinzekelwe ukuthi iBhodi iyovunyelwa ukubandakanya izimali zezindleko engene kuzo mayelana nesikhathi esichithwe abasebenzi bayo, ngesikhathi benza uphenyo ngomfakisicelo ofake isicelo sanoma iyiphi ilayisensi, ukubhaliswa noma igunya elidingekayo ngokweSahluko 13, 14, 15 noma 16, noma semvume yohlelo lwekhompyutha lokugcina amarekhodi.

Isigaba somthetho 47: Ukuchitshiyelwa kwesigaba 137 soMthetho omkhulu

Isigaba soMthetho 47 soMthethosivivinyo sihlose ukuchibiyela isigaba 137 soMthetho omkhulu ukuze esikhundlenisegama "isiKhwama sokuGuqula ezeMijaho yamaHhashi nezokuBheja", yonke indawo lapho sivela khona esigabeni, kufakwe igama "isiKhwama soGuquko". Lezi zichibiyelo zihambisana nezichibiyelo ezenziwe kwizincazelo,incazelo "yesiKhwama sokuGuqula ezeMijaho yamaHhashi nezokuBheja" isusiwe kwafakwa incazelo entsha "yesiKhwama soGuquko".

Isigaba somthetho 48: Ukuchitshiyelwa kwesigaba 146 soMthetho omkhulu

Isigaba soMthetho 48 soMthethosivivinyo sihlose ukuchibiyela isigaba 146 soMthetho omkhulu ukuze iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokubBeja linikwe amandla okwenza imithethonqubo mayelana nezindaba ezithile.

Isigaba somthetho 49: Isihloko esifingqiwe

Isigaba somthetho 49 siqukethe isihloko esifingqiwe soMthethosichibiyelo.

3. IZINGQINAMBA KWEZOKUPHATHA KANYE NEZABASEBENZI KUHULUMENI WESIFUNDAZWE

Akukho zingqinamba kwezokuphatha nezabasebenzi ezilindelekile.

4. IZIMALI EZIZODINGEKA KUHULUMENI WESIFUNDAZWE

Akukho zimali ezizodingeka ezilindelekile.

5. IMINYANGO/IMIGWAMANDA OKUXHUNYANWE NAYO

UMthethosivivinyo ulotshwe ngokuxhumana –

5.1 neBhodi yeMidlalo yeMali nokuBheja yaKwaZulu-Natali; kanye

5.2 neMboni yezokuGembula yaKwaZulu-Natali.

6. OKUNGAXHUNYANWA NABO

6.1 Ehhovisi loMgcinimafa laKwaZulu-Natali

Igama:	Mnu. NS Mutheiwana
Isikhundla:	UMqondisi oMkhulu: woPhiko lwemiDlalo yeMali nokuBheja
Ucingo:	(033) 395 2640
Ifeksi:	(033) 342 4913
Iselula:	082 562 8070
I-imeyli:	ndanduleni.mutheiwana@kzntreasury.gov.za

6.2 Ehhovisi loMgcinimafa laKwaZulu-Natali

Igama:	Mnu. BR Wilkinson
Isikhundla:	ISekela loMqondisi: woPhiko lwemiDlalo yeMali nokuBheja
Ucingo:	(033) 395 2849
Ifeksi:	(033) 342 4913
Iselula:	082 853 6774
I-imeyli:	barry.wilkinson@kzntreasury.gov.za

IMPORTANT

Information

from Government Printing Works

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