

Limpopo, South Africa

Limpopo Business Registration Act, 2003

Act 5 of 2003

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Limpopo South Africa

Limpopo Business Registration Act, 2003

Act 5 of 2003

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Assented to on 22 January 2004

Commenced on 1 April 2015 by Limpopo Business Registration Act, 2003: Commencement

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and includes any amendments published up to 5 April 2024.]*

(English text signed by the Premier)

ACT

**To provide for law regarding the registration and carrying on of businesses in the Province;
establishment of the Limpopo Directorate of Business Registration and Business Registration Centres;
and to provide for matters incidental thereto.**

BE IT ENACTED by the Provincial Legislature of Limpopo as follows:—

1. Definitions

In this Act unless the context otherwise indicates—

“**business**” means the selling, leasing, hiring out, repairing, servicing or rendering of, or other dealing in, goods or services, or the provision of any facilities, as a commercial activity of a continuing nature, and includes acting as a commercial agent or a commission agent;

“**business premises**” in relation to a business, means the premises upon which or from where the business is to be carried on;

“**Business Registration Centre**” means any municipality designated as a Business Registration Centre in terms of [section 6](#);

“**carry on business**” includes the opening or keeping open of any premises for such purpose;

“**certificate holder**” means a person or juristic person which is the holder of a certificate of a registered business issued in terms of [section 10](#);

“**Department**” means the department responsible for the administration of this Act;

“**employee**” means a person or persons employed by or working for any employer and receiving or entitled to receive any remuneration, and any other person who assists in the carrying on or conducting of the business of any employer;

“**inspector**” means an inspector appointed in terms of [section 8](#);

“**MEC**” means the Member of the Executive Council responsible for the Department;

“**municipality**” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 ([Act No. 117 of 1998](#));

“**premises**” includes land, any vehicle, conveyance, ship, boat, aircraft or any building or structure;

“**prescribed**” means prescribed by regulation;

“**registration**” means the registration of a business in terms of [section 10](#);

“**regulation**” means regulations made by the MEC under [section 15](#);

“**sell**” includes preparing, processing, storing, offering or displaying for sale;

“**South African citizen**” means a South African citizen in terms of the South African Citizenship Act, 1995 ([Act No. 88 of 1995](#)); and

“**this Act**” includes any regulation or notice made or issued under this Act.

2. Purpose of Act

The purpose of this Act is to—

- (a) assign the power to register businesses to local government;
- (b) introduce in the Province a prompt, simplified method of business registration;
- (c) improve the corporate relations between provincial government, local government and the business sector;
- (d) empower those previously disadvantaged through creating prompt, simplified and inexpensive access to economic activities;
- (e) create a database which will serve as a research tool; and
- (f) promote trading activity in the Province.

3. Assignment of functions

- (1) The MEC may in terms of the provisions of section 126 of the [Constitution of the Republic of South Africa, 1996](#) ([Act No. 108 of 1996](#)) by way of an agreement with the Municipal Council assign the function of business registration to municipalities.
- (2) The agreement referred to in subsection (1) may provide for sufficient funding and capacity building initiatives as may be needed for the performance of the assigned functions.
- (3) A municipality may in terms of a by-law control-
 - (a) undertakings that sell food to the public; and
 - (b) street traders.

4. Establishment of Directorate of Business Registration

- (1) There is hereby established in the Department a directorate to be known as the Limpopo Directorate of Business Registration.
- (2) Subject to the laws governing the public service, the MEC may appoint—
 - (a) a person as the Business Regulator who must head the Limpopo Directorate of Business Registration;
 - (b) one or more persons to assist with the performance of the functions of the Limpopo Directorate of Business Registration, subject to the control and directions of the Business Regulator.
- (3) The Business Regulator may, in performing his or her duties under this Act, be assisted by any person or body whose service is obtained by him or her for the purposes of a particular function.

5. Powers and functions of Limpopo Directorate of Business Registration

- (1) The Limpopo Directorate of Business Registration must—
 - (a) be responsible for the establishment of Business Registration Centres in the Province;
 - (b) advise the MEC on any matter—
 - (i) referred to by a Business Registration Centre for consideration and arising from the application of this Act;
 - (ii) relating to the facilitation of the advancement, upliftment and economic empowerment of persons or groups or categories of persons who were previously disadvantaged, to participate in the economic mainstream; and
 - (iii) that may facilitate the resolution of any dispute which may arise between the respective Business Registration Centres regarding the regulation and control of businesses,
 - (c) consider appeals against decisions made by the Business Registration Centres;
 - (d) monitor the functioning of the Business Registration Centres;
 - (e) keep and maintain a register of all businesses registered in terms of this Act and any other records as may be prescribed; and
 - (f) exercise any other power or duty conferred upon it in terms of this Act.
- (2) When a municipality which has been established as a Business Registration Centre in terms of subsection (1), cannot or does not fulfill an obligation in terms of this Act, the Limpopo Directorate of Business Registration may intervene by taking appropriate steps to ensure fulfillment of the obligations in terms of this Act.

6. Establishment of Business Registration Centre

- (1) The MEC may in consultation with the Member of the Executive Council responsible for local government, by notice in the *Gazette* designate a municipality as a Business Registration Centre, to undertake from a date specified in the notice the registering of business in the area concerned.
- (2) The MEC may at any time, after consultation with the Member of the Executive Council responsible for local government, amend or withdraw a notice under subsection (1) by notice in the *Gazette*.

7. Powers and duties of Business Registration Centre

A Business Registration Centre must—

- (a) consider applications for the registration of businesses in terms of this Act and may issue a business registration certificate;
- (b) consider any representations made by a person applying for the registration of a business;
- (c) make such inquiries, as it may consider necessary with regard to the registration of the business;
- (d) appoint inspectors to perform the functions under [section 9](#); and
- (e) at any time withdraw, suspend or cancel the registration, after granting the certificate holder a reasonable opportunity to be heard.

8. Appointment of inspectors

- (1) The Business Registration Centre shall in consultation with the Business Regulator appoint suitable persons as inspectors, to perform, subject to the control and directions of the Business Registration Centre, any or all of the functions assigned to an inspector.
- (2) An inspector must be furnished with a certificate signed by the Business Regulator of the Limpopo Directorate of Business Registration, stating-
 - (a) that the person has been appointed as an inspector of the Business Registration Centre concerned; and
 - (b) the area of jurisdiction of such an inspector.
- (3) When an inspector appointed in terms of subsection (1) performs functions under this Act in the presence of any person affected thereby, the inspector shall on demand by such person produce the certificate of appointment.

9. Functions and powers of inspectors

- (1) An inspector may-
 - (a) enter upon any business premises which the inspector reasonably suspects is carrying on or conducting business which must be a registered business in terms of this Act;
 - (b) require the person in charge of such business to produce a business registration certificate, and
 - (c) question any person on the premises and conduct an inspection in connection with any business activity on the premises.
- (2) An inspector shall be entitled to issue an admission of guilt fine or a written notice to appear in court, to a person who fails to produce a business registration certificate in terms of subsection (1).

10. Registration of business

- (1) A person who wishes to carry on or conduct business shall on the prescribed form apply to a Business Registration Centre within the area in which the business is to be conducted, for the registration of such business.
- (2) If the application is successful, the applicant must be issued with a business registration certificate, which will serve as proof of registration to carry on business in terms of this Act.
- (3) Where a business is carried on at more than one premises, a separate certificate is required for each premises.
- (4) No business shall be registered unless the person applying for registration of the business has —
 - (a) complied with the requirements of any law relating to the Town Planning Scheme of the area in which the business is to be conducted;
 - (b) in the case where a business is to be conducted in a rural area or a less formal settlement area, complied with the procedural requirements for the acquisition of business sites in that area;
 - (c) paid a minimum fee required for registration as prescribed by the MEC in the *Gazette* from time to time; and
 - (d) complied with any other condition which the Business Registration Centre deems necessary for such registration.

- (5) A business registration certificate issued under subsection (2) shall be valid for a period of 12 months from the date of issue, provided that the certificate holder—
 - (a) must renew the certificate by payment of an annual renewal fee, as determined by the MEC from time to time, by notice in the *Gazette*; and
 - (b) be issued with a receipt, which shall be proof of renewal of such certificate.
- (6) A business registration certificate which has not been renewed in terms of subsection (5), may on application by the certificate holder be extended by the Business Registration Centre for a period not exceeding 90 days, provided that such application is made prior to the expiry of the business registration certificate.
- (7) If the application for the registration of business is refused or the registration of a business is made subject to any condition, the Business Registration Centre must as soon as is practicable in writing—
 - (a) notify the applicant of the decision; and
 - (b) provide the applicant with the reasons for such decision.
- (8) A certificate holder shall not be entitled to a refund of any fees paid in respect of a certificate that has been withdrawn, suspended or cancelled.

11. Appeals against decision of Business Registration Centre

- (1) A person aggrieved by a decision of the Business Registration Centre must within thirty days from the date of being notified of such decision, appeal to the Limpopo Directorate of Business Registration.
- (2) The Limpopo Directorate of Business Registration must inquire into and consider the matter and may confirm, vary, or set aside the decision of the Business Registration Centre or make any other decision it may consider just.
- (3) The decision of the Limpopo Directorate of Business Registration is final.

12. Disqualification from registering business

The following persons are disqualified from registering a business described in this Act:

- (a) a person declared by a court of law to be of unsound mind;
- (b) a non-South African citizen who does not have permission to conduct business in the Republic.

13. Prohibition on conducting or carrying on business without registration

No person shall carry on or conduct business in the Province, unless such a person—

- (a) has registered the business in terms of [section 10](#) and a business registration certificate has been issued entitling that person to conduct such a business; and
- (b) is able to produce the business registration certificate as proof of registration of such business.

14. Penal provisions

A person who contravenes a provision of this Act is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

15. Regulations

- (1) The MEC may, after consultation with the Limpopo Directorate of Business Registration, make regulations relating to the—
 - (a) composition of any Business Registration Centre;
 - (b) format for the application forms;
 - (c) issuing of duplicate certificates of registration;
 - (d) appointment of inspectors, their powers, duties and functions;
 - (e) disposal of any goods, receptacle, vehicle or movable structure removed or impounded;
 - (f) liability of any person for expenses incurred in connection with such removal, impoundment and disposal; and
 - (g) promotion of the objects of this Act.
- (2) The MEC may, in consultation with the Member of the Executive Council responsible for local government and the Limpopo Directorate of Business Registration, make regulations prescribing the different fee structures for Business Registration Centres in the province.

16. Repeal of existing legislation

The laws mentioned in the Schedule are hereby repealed to the extent indicated in the second column of the Schedule.

17. Transitional arrangements

- (1) At the commencement of this Act all existing business registration certificates or licences issued in terms of any law repealed by [section 16](#) are deemed to be business registration certificates issued in terms of this Act and are valid for a period of 12 months after the commencement of this Act.
- (2) A person conducting or carrying on a business under this Act must register that business within a period of 12 months after the commencement of this Act.

18. Short title

This Act is called the Limpopo Business Registration Act, 2003 and comes into operation on a date to be fixed by the Premier by Proclamation in the *Gazette*.

Schedule
Acts repealed by this Act

Name of Act	Extent of repeal
Lebowa Business and Trading Undertakings Act, 1977 (Act No. 6 of 1977)	The whole
Gazankulu Business and Trading Undertakings Act, 1979 (Act No. 9 of 1979)	The whole
Venda Business and Trading Undertakings Act, 1984 (Act No. 10 of 1984)	The whole
Northern Province Businesses Act, 1998 (Act No. 4 of 1998)	The whole