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NORTHERN PROVINCE
NOORDELIKE PROVINSIE
XIFUNDZANKULU XA N'WALUNGU
PROFENSE YA LEBOA
VUNDU ḼA DEVHULA

Provincial Gazette
Provinsiale Koerant
Gazete ya Xifundzankulu
Kuranta ya Profense
Gazethe ya Vundu

(Registered as a newspaper) • (As 'n nuusblad geregistreer)
(Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisitšwe bjalo ka Kuranta)
(Yo redzhisṭariwa sa Nyusiphepha)

Selling price: Verkoopprys: Nxavo: Thekišo: Mutengo wa thengiso:	**R1,50**	Other countries: Buitelands: Ematikweni mambe: Naga tša kantle: Mańwe mashango:	**R1,95**

Vol. 3	**PIETERSBURG,** 29 NOVEMBER 1996 29 NOVEMBER 1996 29 HUKURI 1996 29 NOFEMERE 1996 29 ḼARA 1996	**No. 209**
Extraordinary **Ku katsa na Tigazete to *Hlawuleka* hinkwato**	**Go hlakantšhwa le Dikuranta *dišele***	**Buitengewoon** **Hu tshi katelwa na Gazethe dza *nyingo***

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 15 **29 November 1996**

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:—

No. 4 of 1996: Northern Province Casino and Gaming Act, 1996.

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NORTHERN PROVINCE CASINO AND GAMING ACT, 1996

To provide for control over casinos and gaming; and to provide for matters connected therewith

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(English text signed by the Premier)

(Assented to on 28 November 1996)

BE IT ENACTED by the Provincial Legislature of the Northern Province, as follows:—

Definitions

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

"Auditor-General" means the person appointed as Auditor-General in terms of section 191(2) of the Constitution;

"bingo hall" means the premises upon which the game of bingo is played under a bingo operator licence;

"Board" means the Northern Province Casino and Gaming Board established under section 2;

"casino" means the licensed premises upon which gaming is conducted under a casino licence;

"casino game" means any game played with cards, dice, gaming machines, gaming devices or any other device used to bring about the results of wager by determining win or loss for money, property, cheques, credit or anything of value (other than an opportunity to play a future game), including, without derogating from the generality of the fore-going, roulette, bingo, twenty-one, black-jack, chemin de fer and baccarat, but excluding any lottery;

"Chairperson" means a person appointed as Chairperson in terms of section 4;

"Chief Executive Officer" means the Chief Executive Officer appointed in terms of section 10(1)*(a)*;

"competent authority" means the responsible Member of the Board, as the case may be, by whom any function in terms of this Act is to be performed;

"Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

"Executive Council" means the Executive Council of the Northern Province;

"gambling" means wagering a stake on any activity of which the outcome is uncertain for the sake of a return and is the generic term encompassing all forms of gaming and wagering;

"gaming device" means any equipment or mechanical, electro-mechanical or electronic device, component or machine or gaming machine, used remotely or directly in connection with Casino game;

"gaming" means the playing of any casino game;

"gambling game" means any game, irrespective of whether or not the result thereof is determined by chance, played with playing cards, dice, gambling machines or gambling devices for money, property, cheques, credit or anything of value (other than an opportunity to play a further game), including, without derogating from the generality of the foregoing; roulette, bingo, twenty-one, black-jack, *chemin de fer* and baccarat; and excluding any lottery as defined in the national legislation on lotteries;

"Government" means the Northern Provincial Government;

"gaming machine" means any electronic or electro-mechanical device, contrivance or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator, or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or anything of value (other than an opportunity to play a further game);

"inspector" means an inspector appointed under section 65;

"licence" means a licence referred to in section 23;

"licensed premises" means that part or parts of any premises which have been licensed for the conducting of gambling authorised in terms of this Act;

"local authority" means any local government body as defined in section 1 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and any transitional council established under that Act which exercised local government functions to the exclusion of any such local government body;

"lottery" means a lottery as defined in national legislation on lotteries;

"opportunity to play a further game" means an opportunity which cannot be distributed or transferred to the person who has won such opportunity or to any other person, for any purpose other than to use such opportunity without any interruption to continue playing the type of game in respect of which the opportunity was won, but excludes an opportunity which cannot in any manner, whether directly or indirectly, be converted into money, property, cheques, credit or anything of value, or be so converted in terms of any scheme, arrangement, system, plan or device which the responsible Member may from time to time by notice in the *Provincial Gazette* declare not to be an opportunity to play a further game;

"political office-bearer" means a person as defined in section 190A of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), the members of Volkstaat Council and local governments; and an office-bearer of any political party;

"prescribed" means prescribed by regulation; and "prescribe" has a corresponding meaning;

"prize" means any movable or immovable property whether corporeal or incorporeal;

"Province" means the Northern Province as referred to in section 124 of the Constitution;

"Provincial Legislature" means the Legislature of the Northern Province as contemplated in section 125 of the Constitution;

"Republic" means the Republic of South Africa as referred to in section 1 of the Constitution;

"responsible Member" means the member of the Executive Council responsible for the administration of this Act;

"sporting event" means any legal event or contingency unless as otherwise prescribed;

"this Act" includes any regulation or rule made or issued thereunder.

CHAPTER 1

THE NORTHERN PROVINCE CASINO AND GAMING BOARD

Establishment of the Northern Province Casino and Gaming Board

2. There is hereby established a board to be known as the Northern Province Casino and Gaming Board which shall be a juristic person.

Powers and functions of the Board

3. (1) The Board shall—

(a) exercise such powers and perform such functions—

(i) assigned to it in terms of this Act;

(ii) assigned to it in terms of any other Act;

(b) advise the responsible Member or to furnish a report or recommendations to the responsible Member on any matter referred to the board by the responsible Member for consideration and arising from the application of this Act relating to the control over gambling in the Province.

(2) The Board may, with the approval of the responsible Member and if an act of any other province provide therefor, exercise such powers and perform such functions and duties in terms of such Act in respect of persons and matters in the said province as the Board may in terms of this Act exercise and perform in this Province.

(3) The Board may, notwithstanding anything to the contrary in any other act contained; pay a reward to any person who has furnished information relating to an alleged contravention of a provision of this Act.

Composition of the Board

4. (1) The members of the Board shall be appointed by the responsible Member in consultation with the Executive Council, and shall, subject to subsection 3, consist of—

(a) one member who is qualified to be admitted to practice as a legal practitioner in the Republic and has, for a cumulative period of at least five years after having so qualified, practised as a legal practitioner or performed service related to the application or administration of the law;

(b) one member who is qualified as a chartered accountant in the Republic and has for a cumulative period of at least five years after having so qualified, practised as a chartered accountant;

(c) one member who, in the opinion of the responsible Member, has knowledge of, and experience in the Tourism Industry;

(d) a person representing the Department of Economic Affairs and Tourism of the Province, designated by the responsible Member.

(e) a person representing the Department of Finance of the Province, designated by the Member of Executive Council responsible for Finance;

(f) not more than four members who shall have proven business acumen or knowledge of the gambling industry and who are suitable for appointment to the Board.

(2) The responsible Member shall appoint a member as the Chairperson, and another member as the Deputy Chairperson, of the Board.

(3) The Chief Executive Officer of the Board shall *ex officio* be a member of the Board.

(4) If the Chairperson is absent or is for any reason unable to act as Chairperson, the Deputy Chairperson shall perform the functions of the Chairperson.

Eligibility to be appointed as member of the Board

5. (1) A person shall not be appointed or remain a member of the Board—

(a) unless he or she—

(i) is a natural person;

(ii) is a citizen of the Republic and ordinarily resident therein; and is a fit and proper person;

(b) if he or she—

(i) has any direct or indirect interest in—

(aa) any gambling activity; or

(bb) any other business or enterprise, that may conflict with the proper performance of his or her duties as a member of the Board;

(ii) is a political office-bearer;

(iii) is a member of the Provincial House of Traditional Leaders or the Council of Traditional Leaders;

(iv) is a partner or associate of; or related within the first degree by affinity or consanguinity to a person contemplated in paragraphs *(b)*(i) or (ii);

(v) is an unrehabilitated insolvent;

(vi) has at any time been removed from an office of trust on account of misconduct;

(vii) has at any time been convicted, whether in the Republic or elsewhere—

(aa) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992); or any offence involving dishonesty;

(bb) of an offence under this Act or any other similar act; or

(viii) with the exception of a member of the Board contemplated in section 4(1)*(d)* and *(e)* is a public servant.

(2) *(a)* If any member of the Board during his or her term of office is disqualified in terms of subsection (1) or acquires, or whose family member acquires, an interest which is likely to be an interest as contemplated in subsection (1)*(b)*(i) he or she shall as soon as practicable after he or she has been disqualified or after the acquisition of such interest or after he or she has become aware of such information, in writing declare such information to the responsible Member.

(b) If the responsible member, after receiving the information from a member of the Board as contemplated in paragraph *(a)* is of the opinion that such member is disqualified in terms of subsection (1) to remain a member of the Board, he or she shall, subject to section 8(2), terminate the term of office of such member in terms of section 8(1)*(b)*.

Procedure of appointment of Board

6. (1) The members of the Board referred to in section 4(1)*(a), (b), (c)* and *(f)* shall not be appointed unless the responsible Member in respect of such members has invited interested parties through the media and by notice in the *Provincial Gazette* to nominate candidates, within 21 days of the invitation in the media and the publication of such notice, for consideration by the responsible Member: Provided that the invitation through the media shall include an invitation in at least one newspaper circulating in the Province.

(2) A person shall, prior to his or her appointment as member of the Board, submit to the responsible Member a written sworn or confirmed statement in which he or she declares his or her financial interests and whether or not he or she has any interests as contemplated in section 5(1)*(b)*(i) or (iii).

(3) *(a)* The member of the Board shall not be appointed unless the responsible Member has, at least 30 days prior to the appointment of the members of the Board and in the manner envisaged in subsection (1), published the names of all the persons nominated for appointment to the Board and the names of the persons he or she intends to appoint as members of the Board and the date on which such appointments are intended to be made.

(b) Any person who wishes to object to the appointment of any person to the Board, may, not later than 14 days before the date on which the appointment of the members of the Board is intended to be made, lodge with the responsible member in writing an objection stating the ground or grounds which, according to such a person, disqualifies the person to be appointed, from being appointed as a member to the Board.

Tenure of office

7. (1) A member of the Board shall, subject to section 8, hold office for such period, not exceeding three years, as the responsible Member may determine at the time of his or her appointment and a member of the Board, shall be eligible for reappointment at the termination of his or her term of office.

Termination of office and filling of vacancies

8. (1) The responsible Member shall after he or she has afforded a member the opportunity to state his or her case at any time terminate the term of office of any member if—

(a) there are good reasons for doing so in the best interest of the Board and the proper control and regulation of gambling;

(b) he or she is disqualified to remain a member of the Board in terms of section 5(1); or

(c) he or she has been absent for more than two consecutive meetings of the Board without the prior leave of the chairperson.

(2) If the responsible member terminates the office of a member of the Board under subsection (1), he or she shall disclose such termination by way of notice in the *Provincial Gazette* within 14 days after the date of such termination.

(3) The responsible Member shall, subject to sections 5, 6 and 7, fill a casual vacancy on the Board of such period, not exceeding three years, as the responsible Member may determine at the time of his or her appointment.

Remuneration and allowances of members of the Board

9. (1) Members of the Board or persons consulted or co-opted respectively in terms of sections 18 and 19 who are not in the full-time service of the State or the Province may, in respect of their services, be paid such remuneration and allowances from the funds of the Board as may be determined by the responsible Member after consultation with the Member of the Executive Council responsible for Finance.

(2) The remuneration and allowances of the members of the Board may differ according to the different offices held by them or the different functions performed by them.

Staff of Board

10. (1) The Board shall, in the exercise of its powers and the performance of its functions under this Act, be assisted by—

(a) subject to section 5(1)*(a)*(i) and (iii) and 5(1)*(b)*, a suitable qualified and experienced person as chief executive officer, appointed by the responsible Member after consultation with the Board or seconded in terms of subsection (3), for the purpose of assisting the Board in the performance of all financial, administrative and clerical responsibilities pertaining to the functions of the Board, and shall in respect thereof be accountable to the Board; and

(b) such staff, appointed by the Board or seconded in terms of subsection (3), as may be necessary to enable the Board to perform its functions: Provided that a person shall not be appointed by the Board in terms of this paragraph or remain a member of the staff of the Board if he or she is subject to any disqualification as contemplated in section 5(1)*(b)*.

(2) The persons appointed by the Board in terms of subsection (1) shall, from the funds of the Board, be paid such remuneration and allowances and shall receive such other employment benefits and be appointed on such terms and conditions and for such periods, as the Board may determine.

(3) The board may, in the exercise of its powers and the performance of its functions, at its request and after consultation with the Provincial Administration of the Province, be assisted by officers of the said Provincial Administration seconded to the services of the Board in terms of any law regulating such secondment.

(4) *(a)* Any power or function which the Board may exercise or perform in terms of this Act, with the exception of the powers and functions contemplated in sections 28, 29, 30, 33, 34, 36(2), 36(4), 36(5) and 37(5), may be delegated whether generally or specifically, to the Chief Executive Officer, a committee of the Board, or any other member of the staff of the Board.

(b) Any delegated power or function so exercised or performed shall be deemed to have been exercised or performed by the Board.

Transparency and confidentiality

11. (1) The Board shall, subject to subsection (2), function in a transparent and open manner.

(2) No member or staff of the Board, nor person contemplated in sections 18 and 19 or inspector shall, except on the order of a court of law, disclose—

(a) any document to information, or the identity of any person, which the Board has determined not to be open to public inspection or to be divulged as contemplated in section 27(2);

(b) any document or information, which has been furnished to the Board by any regulatory or law enforcement authority on condition of confidentiality.

Position of public trust

12. (1) In order to ensure the independence and integrity of the Board—

(a) a member of the Board or of the staff of the Board shall not—

(i) apart from any remuneration received by virtue of the office he or she holds, directly or indirectly receive anything of value from any person that may conflict or interfere with the proper performance of his or her functions or benefit in any manner from the office that he or she holds;

(ii) participate in any gambling in the Province provided that such a person may participate in such gambling if it is necessary for the performance of his or her functions under this Act;

(b) a member or former member of the Board shall not solicit or accept employment from a licensee or an applicant for a licence in terms of this Act within one year after the termination of the term of office of such a member of the Board without the prior approval of the Board;

(c) a member of the Board or of the staff of the Board shall, before commencing to excercise the functions of his or her office, take the oath or make the affirmation as determined by the responsible Member.

(2) The provisions of subsection 1*(a)* and *(b)* shall *mutatis mutandis* apply in respect of the responsible Member.

(3) *(a)* A member of the board shall not vote, attend or in any other manner participate in the proceedings at any meeting or hearing of the Board if, in relation to any matter before the Board—

(i) he or she or his or her immediate family member contemplated in section 5(1)*(b)*(iii), partner or business associate is a direct member or partner of, or has, a controlling interest or any financial or other interest in, the business of the applicant or any person who made representations in relation to the application of a licence; or

(ii) he or she has any interest which precludes him or her from performing his or her functions as a member of the Board in a fair, unbiased and proper manner.

(b) If at any stage during the course of any proceedings before the Board it appears that a member of the Board has or may have any interest contemplated in paragraph *(a)*—

(i) that member shall forthwith and fully disclose the nature of his or her interest and leave the meeting or hearing so as to enable the remaining members of the Board to discuss the matter and determine whether that member is precluded from participating in the proceedings at such meeting or hearing by reasons of a conflict of interest; and

(ii) such disclosure and the decision taken by the remaining members of the Board regarding such determination, shall be recorded in the minutes of the proceedings in question.

(c) If any member of the Board fails to disclose any interest contemplated in paragraph *(a)* or if, having such an interest, he or she attends or in any manner whatsoever participates in the proceedings at the meeting or hearing concerned the relevant proceedings shall be null and void: Provided that no decision in terms of this Act relating to the granting, amendment, renewal, transfer, suspension, revocation or withdrawal of a licence or registration, or the transfer of a licensed business to new premises, shall thereby be invalidated.

Funds of the Board

13. (1) The funds of the Board shall consist of—

(a) money appropriated by the Provincial Legislature for that purpose;

(b) any amounts payable to the Board in terms of this Act; and

(c) other money lawfully paid to the Board.

(2) The Board shall, in each financial year, at a time determined by the responsible Member, submit a statement of the estimated income and expenditure of the Board for the following financial year for his or her approval.

(3) The Board may, in any financial year submit supplementary statements of the estimated expenditure of the Board for that financial year to the responsible Member for his or her approval: Provided that such approval shall only be granted in consultation with the Member of the Executive Council responsible for Finance.

Accountability, audit and annual report

14. (1) The Chief Executive Officer shall—

(a) be charged with the responsibility of accounting for money received or paid out for or on account of the Board; and

(b) cause the necessary accounting and other related records to be kept.

(2) The records referred to in subsection (1)*(b)* shall be audited annually by the Auditor-General.

(3) The Board shall—

(a) report to the responsible Member at least once every year on its activities, and the responsible Member shall cause such report including the annual financial statements of the Board to be tabled promptly in the Provincial Legislature; and

(b) submit the report referred to in paragraph *(a)* to the appropriate national gambling authority established in terms of the national gambling legislation, under section 126(3) of the Constitution, within 14 days after it is submitted to the responsible Member.

Meetings of Board

15. (1) *(a)* The first meeting of the Board shall be held at a time and place determined by the Chairperson, and thereafter the Board shall meet at such time and places as the Board may from time to time determine for the expeditious conduct of its business: Provided that the Board shall meet at least three times a year.

(b) The Chairperson may, at any time on reasonable notice, convene an extraordinary meeting of the Board to be held at a time and place determined by him or her: Provided that no decision in terms of this Act relating to the granting, amendment, renewal, transfer, removal, suspension or revocation of a licence or certificate, shall be taken at an extraordinary meeting.

(2) The proceedings at a meeting of the Board shall, in so far as has not been prescribed, be determined by the Board.

(3) The quorum for a meeting of the Board shall be any six members of the Board.

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

(5) No decision of the Board shall be invalid merely by reason of a vacancy in the board or the fact that any person who is not entitled to sit as a member, sat as a member of the Board when the decision was taken: Provided that the decision was taken by the required majority of the members of the Board then present and entitled to sit as members of the Board.

(6) Any meeting of the Board convened for the purpose of—

(a) hearing representations or objections in relation to any application for a licence made in terms of this act, shall be accessible to the public: Provided that the Chairperson may in his or her discretion and if the Board is of the opinion that any person whose presence is not desirable at the meeting concerned, direct that such a person may not attend the meeting or shall leave the meeting; and

(b) deliberations with a view to making decisions and to voting thereon in respect of any matter at a meeting, shall take place in camera.

Committees of the Board

16. (1) The Board may from time to time appoint a committee to exercise the powers and perform the functions delegated to it by the Board.

(2) A committee shall consist of—

(a) such members of the Board as the Board may designate; or

(b) such members of the Board as the Board may designate and such other persons as the Board may co-opt in terms of section 19.

(3) The Board shall designate the chairperson of a committee.

(4) *(a)* A committee shall perform its functions and exercise its powers subject to the provisions of this Act and such directives of the Board as are not in conflict with such provisions.

(b) Any delegated power so exercised or delegated function so performed shall, subject to section 10(4)*(a)* be deemed to have been exercised or performed by the Board.

Minutes

17. (1) *(a)* Minutes of the proceedings referred to in section 15(6)*(a)* of every meeting of the Board shall be kept and be retained at the offices of the Board.

(b) Any person may obtain copies of the minutes contemplated in paragraph *(a)* or any part thereof against payment of the prescribed fees.

(2) *(a)* Separate minutes of the proceedings referred to in section 15(6)*(b)* of every meeting of the Board shall be kept and retained in like manner.

(b) The minutes contemplated in paragraph *(a)* or any document in which any advice, report or recommendation by the Board is contained, shall not be disclosed, except to—

(i) the responsible Member;

(ii) any person who requires it for the performance of his or her functions in terms of this Act, or;

(iii) any other person—

(aa) with the approval of the Board; or

(bb) in terms of an order of a competent court or under any law.

Consultation by Board

18. (1) The Board may consult any person, organisation or institution with regard to any matter deemed necessary by the Board to enable the Board to exercise its powers and perform its functions.

(2) The remuneration and allowances determined by the Board in terms of section 9(1), if any, and the terms and conditions of a person so consulted shall be contained in a written agreement entered into for that purpose between the Board and the person so consulted.

Co-option of persons

19. (1) If the Board is of the opinion that a particular person is able to assist the Board in the consideration of a particular matter, the Board may co-opt that person for such purpose.

(2) A person so co-opted shall not be entitled to vote at any meeting of the Board or committee of the Board.

(3) The provisions of section 18(2) shall *mutatis mutandis* apply in respect of a person so co-opted.

Enquiries by Board

20. (1) The Board may, subject to this section, conduct an enquiry into any matter falling within the scope of its functions.

(2) For the purpose of any enquiry in terms of subsection (1), the Board may, by written notice, summon any person who is or who may be affected by or is concerned in the consideration of a particular matter by the Board, to appear before the Board—

(a) to give evidence; or

(b) to produce any book, document or thing which is in his or her possession or under his or her control and which in the opinion of the Board relates or may relate to a matter to be considered thereat:

Provided that at any enquiry held by the Board, the person applying for a licence or the transfer or removals of a licence in terms of this Act, or any person objecting to the granting of such an application, or the person who is the subject of the enquiry, as the case may be, shall, if he or she so request, be entitled to appear before the Board and to call witnesses.

(3) A person who has received a notice in terms of subsection (2), shall personally appear before the Board on the date and time and place set out in the notice: Provided that if such a person is not legally competent to so appear before the Board, any person who by law is competent to act on his or her behalf or any person authorised thereto by the Board, may so appear on his or her behalf.

(4) The provisions of subsection (3) shall apply *mutatis mutandis* to any corporate body, organisation or institution.

(5) The Board may call and examine any person present at the enquiry, whether or not he or she has been summoned to attend an enquiry under subsection (2), and may inspect and retain for a reasonable period any book, document or thing, the production of which was required under that subsection.

(6) The Board may require from any person appearing before the Board at an enquiry in terms of subsection (1) to give his or her evidence on oath or affirmation, and member of the Board, presiding at the enquiry, may administer the oath or accept an affirmation from any such person.

(7) The law relating to privilege as applicable to a person subpoenaed to give evidence or to produce any book, document or thing before a court of law shall apply in relation to the examination of any such person or the production of any book, document or thing under subsection (2) or (5).

(8) Any person who appears before the Board at an enquiry, shall be entitled to be represented by his or her legal representative.

CHAPTER 2

LICENSING

National norms and standards

21. No licence shall be granted under this Act unless the Board takes cognisance of—

(a) the provisions of section 126(3) of the Constitution; and

(b) the recommendations, if any, made by the appropriate national gambling authority established in terms of national gambling legislation under section 126(3) of the Constitution.

Disqualification for licences in general

22. (1) A licence shall not be granted to any person, including a juristic person—

(a) unless the person—

(i) is fit and proper person;

(ii) is of good character and integrity and whose prior activities, reputation, habits and associations do not pose a threat to the public interest; and

(iii) is of good financial standing;

(b) if the person—

(i) is an unrehabilitated insolvent;

(ii) is a political office-bearer;

(iii) is related to the responsible member or a member of the Board within the first degree by affinity or consanguinity;

(iv) has in the Republic or elsewhere in the preceding 10 years been convicted of any offence, unless—

(aa) the Board is of the opinion that the offence was of such a nature that it does not imply that such a person is unsuitable to hold a licence; or

(bb) the conviction and sentence have been set aside by a competent court; or

(cc) such a person has received a grant of amnesty or free pardon for an offence which would otherwise have disqualified that person from holding a licence;

(v) is a minor on the date of the consideration of the application concerned or;

(vi) is in the employ of an official law enforcement agency, including the South African Police Services;

(vii) is the spouse of a person contemplated in subparagraphs (i), (ii), (iv) or (vi).

(c) unless the board is satisfied that—

(i) the state, any organisation with which the State is concerned, a political party or any official of a political party does not hold any financial interest in the gambling business of the applicant or the premises on which a casino is to be conducted: Provided that this subparagraph shall for a period of two years after the commencement of this Act not apply in respect of any financial interest held by the State or such organisation at the commencement of this Act;

(ii) the granting of such a licence will not bring into existence or aggravate any dominant and over concentrated market-share or any restrictive practices, acquisitions and monopoly situations as envisaged in the Maintenance and Promotion of Competitions Act, 1979 (Act No. 96 of 1979), in the gaming industry or branch thereof;

(iii) the granting of such licence will not result in the establishment of an unduly large gambling industry in the Province, having regard to the number of inhabitants of the Province and their financial means and the number of licences already granted in terms of this Act or any other law.

(2) If a person who in terms of subsection (1) is disqualified to hold a licence—

(a) has a direct or indirect financial interest of 5 per cent or more in a company, close corporation, partnership, trust or any other corporate body;

(b) is a beneficiary under a trust who receives or is entitled to more than 5 per cent of the proceeds or assets of the trust; or

(c) is a manager of a company, close corporation, trust, partnership or corporate body,

such company, close corporation, trust, partnership or corporate body shall also be disqualified to hold a licence: Provided that the applicant, prior to disqualification, be given a reasonable opportunity to rectify the disqualifying circumstances.

(3) In the application of subsection (1)*(b)*(iv), "preceding" means preceding the date of the application concerned.

Types of licence

23. (1) The Board may, subject to the provisions of this Act, grant the following licences in respect of gaming, namely—

(a) casino licences;

(b) gaming machine operator licences;

(c) gaming machine site licences;

(d) bingo operator licences;

(e) manufacturer, maintenance or supplier licences.

(2) Any licence referred to in subsection (1) shall be in writing.

(3) A licence grants to the holder thereof such rights and privileges and subjects him or her to such obligations and liabilities as may by virtue of this Act be regulated thereby or issue from the holding thereof.

(4) The maximum number of any kind of licences that may be granted by the Board, may be prescribed: Provided that the maximum number of casino licences that may be granted by the Board, shall at any given time be prescribed.

Applications

24. (1) Any person may apply for a licence referred to in section 23: Provided that—

(a) any person whose application has been refused on any ground referred to in section 22, or whose licence has been revoked on any ground referred to in section 36, may not reapply for a licence, within 12 months from the date of

such refusal or revocation, and any person who has a direct or indirect interest of 5 per cent or more in the business or premises of such applicant or licensee may not apply for a licence within 12 months from the date of such refusal or revocation, if such person was the direct or effective cause of such refusal or revocation; and

(b) any person whose application has been refused more than once on any ground referred to in section 22, or whose licence has been revoked more than once on any ground referred to in section 36, may not reapply for a licence within three years from the date of the latest refusal or revocation, and any person who has a direct or indirect interest of 5 per cent or more in the business or premises of such applicant or licensee, may not apply for a licence within three years from the date of the latest refusal or revocation, if such person was the direct or indirect or effective cause of such refusal or revocation.

(2) Any application for a licence shall—

(a) be lodged with the Chief Executive Officer in the prescribed form;

(b) be accompanied by—

(i) the approval or representations of the local authority within whose area the premises in respect of which the application is made, are or will be situated; and

(ii) certified copies of the prescribed notice published in the *Provincial Gazette* and a newspaper circulating in the area in which the premises where the gaming is to take place, are situated; and

(iii) such other documents and information determined by the Board.

(3) An applicant may in the application concerned identify any document or information included in the application which in the opinion of the applicant is confidential or should for any reason not be disclosed to the public, and show cause why the Board may determine that such document or information should not be open to public inspection.

(4) An application for a licence shall be considered by the Board and the Board may thereafter—

(a) refuse the application; or

(b) grant the application.

Application fees

25. Any person who submits an application to the Board under section 24, shall—

(a) on the submission of such an application, pay to the Board the prescribed fee; and

(b) be liable for and pay to the board all expenses incurred by the Board, if any, to conduct the investigations referred to in section 28: Provided that the Board may before or while conducting such investigations require from an applicant any security for the payment of such expenses.

Objections

26. (1) Any person who desires to object to any application made for any licence in terms of this Act, may, not later than 30 days after the publication in the *Provincial Gazette* and newspaper circulating in the Province of the relevant notice in accordance with section 24(2)*(b)*(ii), lodge with the Chief Executive Officer in writing an objection in the prescribed manner.

(2) The Chief Executive Officer shall forthwith notify the applicant and supply the applicant with a copy or details, as the case may be, of—

(a) any objections lodged with the Board in terms of subsection (1); and

(b) any matter or fact whatsoever which may, in the opinion of the Board, constitute a ground for an objection against the application of the applicant, and invite the applicant to reply such objection, if he or she chooses, within a period of 14 days, or such longer period as the Board may determine of the date of such notification.

(3) A person lodging any objection may show cause why the Board may determine under section 27(2)*(b)* that his or her identity should not be divulged.

Application and objection to be open to public inspection

27. (1) Any application, objections and response lodged in terms of section 24 and 26 shall, subject to subsection (2), be open to public inspection by interested persons during at a place determined by the Board and normal office hours of the Board for the prescribed period from the date of lodgement of the application as reflected in the notice referred to in section 24(2)*(b)*(ii) and the Board shall, at the request of any interested person, and on payment of such fees as may be prescribed, furnish him or her with a copy of, or extract from, any such application, representations, response or information.

(2) The Board may determine that—

(a) any document or information relating to the financial capacity of any person participating in an application, to the names of prospective employees or to the business plans of an applicant, shall not be open to public inspection, if such document or information can be separated from the remainder of application and is marked confidential; and

(b) the identity of any person who lodged an objection to an application, shall not be divulged to any other person.

[redacted]

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[redacted]

(a) particulars of any convictions recorded against the applicant or any person who will be involved in the business and in respect of whom the Board deems it necessary to obtain the police report;

(b) such matters as may be prescribed; and

(c) such other matters which ought, in the opinion of the South African Police Service, to be taken into consideration in respect of the application concerned.

(3) The report contemplated in subsection (2) shall be furnished to the Chief Executive Officer within one month of the date of request thereof.

Temporary licences in respect of incomplete premises

29. (1) If an application for a licence is granted by the Board in respect of premises not yet erected or premises requiring any structural alteration, addition or reconstruction so as to make them suitable for the purposes for which they will be used under the licence, the Board may, upon being furnished with the required forfeitable guarantee, issue a temporary licence to the applicant concerned, subject to the compliance, with such conditions or requirements referred to in the temporary licence, with regard to those premises as the Board may determine, within such period as may likewise be determined and referred to.

(2) The Board may, at any time after the issue of such a temporary licence, on application by the applicant concerned—

(a) extend the period determined under subsection (1);

(b) extend or further extend the period determined under subsection (1) or the period so determined and extended under paragraph *(a)* of this subsection, as the case may be, in respect of premises not yet erected at the time of the issue of the temporary licence, if the Board is satisfied that a substantial part of the premises has since been erected;

(c) extend or further extend the period determined under subsection (1) or the period so determined and extend under paragraph *(b)* of this subsection, as the case may be, in respect of premises not yet erected at the time of the issue of the temporary licence, if the Board is satisfied that a substantial part of the premises has since been erected.

(3) The period determined under subsection (1) or the period so determined and extended under subsection (2)*(a)*, as the case may be, shall not be longer than 24 months, and the period extended or further extended under subsection (2)*(b)*, as the case may be, shall not be longer than a further 12 months.

(4) When the Board is satisfied that the premises in respect of which a temporary licence has been granted under subsection (1), have been substantially completed in accordance with the plan thereof approved by the board, the conditions and requirements determined by the Board have been complied with and the premises are suitable for the purposes for which they will be used under the licence concerned, the Board shall issue the licence in accordance with section 24(4) to the applicant concerned.

(5) If the licence is not issued before the expiration of the period determined under subsection (1), extended under subsection (2)*(a)* or further extended under subsection (2)*(b)*, as the case may be, the temporary licence shall lapse, the application for the licence shall be deemed not to have been granted and the guarantee referred to in subsection (1) shall be forfeited.

(6) The provision of this Act shall, subject to subsection (1), *mutatis mutandis* apply to temporary licences, and in such application a reference in this Act to a licence shall, where applicable, also be construed as a reference to a temporary licence.

Casino licences

30. (1) No person may apply for a casino licence other than in response to a notice published in the *Provincial Gazette* and the newspaper circulating in the Province by the Board, after consultation with the responsible Member, inviting applications and which notice may—

(a) state the number of licences to be issued and the areas in which these casinos are to be situated;

(b) state development and other requirements;

(c) set the amount of the payment contemplated in section 55 or invite applicants to tender for such payments;

(d) state the evaluation criteria to be applied.

(2) The Board shall only grant a casino licence after consultation with the responsible Member, and if the Board is satisfied that the applicant—

(a) has appropriate knowledge or experience, or is able to acquire such knowledge or experience, to operate a casino;

(b) has consulted the local authority, any regional or traditional authority, or any other competent authority, if any, of the area where the casino will be or is situated;

(c) shall have and maintain sole and exclusive legal possession of the licensed premises; and

(d) has met all applicable requirements set by the Board.

(3) A casino licence shall authorise, subject to the provisions of this Act, the playing in or on the licensed premises specified in the licence, of such casino games specified in the licence.

Gaming machine operator licence

31. (1) No person may apply for a gaming machine operator licence other than in response to a notice published in the *Provincial Gazette* and a newspaper circulating in the Province by the Board, after consultation with the responsible Member, inviting applications and which notice may state the evaluation criteria to be applied and any other requirements.

(2) A gaming machine operator licence shall not be granted by the Board—

(a) unless the Board is satisfied that the applicant—

(i) has an appropriate knowledge and experience, or is able to acquire such knowledge and experience, to operate gaming machine; and

(ii) meets the prescribed requirements;

(b) for the operation of more than the prescribed number of gaming machine.

(3) A gaming machine operator licence shall authorise, subject to the provisions of this Act, the operation of any prescribed gaming or gaming machines specified in the licence, on the licensed premises of the holder of a gaming machine site licence, and for such purposes the holder of such a gaming machine operator licence may enter into an agreement with the holder of such a gaming machine site licence for the placement of such gaming machine on the premises concerned.

(4) The holder of a gaming machine operator licence shall link all the gaming machines in respect of which the licence has been granted, to an electronic monitoring system as contemplated in section 39.

(5) A gaming machine operator licence shall only be granted by the Board after consultation with the responsible Member.

Gaming machine site licence

32. (1) A gaming machine site licence shall not be granted by the Board—

(a) except to a person who meets the prescribed requirements;

(b) for the operation and keeping of more than five gaming machines for any one gaming machine site licence, except in special circumstances as determined by the Board in consultation with the responsible Member; and

(c) unless the Board is satisfied that the premises in respect of which the licence is to be granted shall not be primarily utilised for the operation of gaming machines.

(2) A gaming machine site shall authorise, subject to the provisions of this Act, the operation and keeping in or on the licensed premises specified in the licence, of any prescribed gaming machines or gaming machines specified in the licence: Provided that—

(a) the maximum charge for playing on any such gaming machine shall not exceed the prescribed amount;

(b) the prize in respect of any one game played by means of any such gaming machine shall not in the aggregate exceed in value the prescribed amount;

(c) there shall be displayed on any such gaming machine the value of the maximum prize prescribed under paragraph *(b)* which can be won by playing a game once by means of such a gaming machine.

Bingo operator licence

33. (1) A bingo operator licence shall not be granted by the Board, unless the Board is satisfied that the applicant meets the prescribed requirements.

(2) A bingo operator licence shall authorise, subject to the provisions of this Act, the playing in or on the licensed premises specified in the licence, of the game of bingo: Provided that the maximum charge for playing a game of bingo once shall be of a prescribed amount.

Manufacturer and supplier licences

34. (1) Any person desiring to operate, carry on or conduct any form of manufacturer, selling, distribution, import, marketing, maintenance or repair of any gaming device shall apply to the Board for the relevant licence.

(2) The holder of a casino licence, a gaming machine operator licence, gaming machine site licence or a bingo operator licence may, notwithstanding the provisions of subsection (1)—

(a) with the approval of the Board, dispose of by the sale in a manner approved by the Board, any or all of its gaming devices; and

(b) maintain or repair to the extent approved by the Board, any or all of its gaming devices.

(3) In the event of the death, insolvency, liquidation or the placing under judicial management of the licence holder referred to in subsection (2), or a declaration that such licence holder is incapable of handling his or her own affairs—

(a) the administration of the deceased or insolvent estate; and

(b) the judicial manager, curator or liquidator, may notwithstanding the provisions of subsection (1), dispose of by sale in the manner approved by the Board, any or all of the gaming devices of such licence holder.

(4) A manufacturer, maintenance or supplier licence shall not be granted by the Board, unless the Board is satisfied that applicant has appropriate knowledge and experience, or is able to acquire such knowledge and experience, to conduct business under the licence.

(5) The relevant manufacturer, maintenance or supplier licence shall authorise, subject to the provisions of this Act—

(a) the manufacturing, selling, distribution, import, marketing, maintenance or repair of the types and models of gaming devices which meet the requirements set and approved by the board; and

(b) the supply of gaming devices or service to licence holders.

Special licences

35. (1) Notwithstanding any other provisions of this Act, the Board may, on application in the manner determined by the Board, issue to any person, for specified dates, a special licence, subject to such conditions as the Board may determine.

(2) The provisions of sections 24 and 26 shall not apply in respect of an application contemplated in subsection (1).

Suspension or revocation of licence

36. (1) The Board may, at any time, suspend for such period as the Board may determine, or revoke from such date as the Board may determine, any licence, if—

(a) any information contained in any application made by the licence holder for the purpose of obtaining the granting, renewal, transfer or removal was at the time when the information was furnished, false in any material respect or was subject to any material omission with the intention to mislead the Board;

(b) the licence holder is in terms of section 22 disqualified from holding a licence;

(c) the licence holder, an employee of the licence holder or any other person acting on his or her behalf has failed to comply with any term or condition of the licence or any provision of this Act, or has not complied with such term, conditions or provision within 30 days, or such further period as the Board in writing may allow, after delivery of a written notice by the Board to the licence holder requiring such failure to be remedied;

(d) the licence holder has, without prior written consent of the Board, failed to carry on business under the licence for a period of at least three consecutive months;

(e) the licence holder fails to pay any amount prescribed in terms of this Act within the prescribed period;

(f) the licence holder fails to pay out forthwith any prize; legitimately won through any gambling conducted under the licence;

(g) the licence holder fails to comply with section 53(2); or

(h) the licence holder no longer complies with the prescribed requirements of the licence concerned.

(2) The Board may, at any time, revoke any order of suspension or revocation issued in terms of subsection (1) if the reason for such suspension have been remedied to the satisfaction of the Board.

(3) The Board shall inform the licence holder in writing of any suspension or revocation of the licence in terms of subsection (1).

(4) A casino licence and gaming machine operator licence shall only be suspended or revoked by the board after consultation with the responsible member.

(5) When licence is suspended or revoked in terms of subsection (1), no licence fee, or any portion thereof shall be refunded.

(6) Where the Board proposes to revoke a licence, the Board shall serve a written notice on the licensee stating—

(a) that the Board proposes to revoke the licence;

(b) the ground or grounds for revocation;

(c) that the licensee may within 30 days after the date of the written notice—

(i) make written representations about the matter to the Board; or

(ii) notify the board in writing of the intention of the licensee to make oral representations; and

(d) the effect of subsection (7).

(7) If, within the period mentioned in subsection (6)*(c)*, the Board receives neither written representations nor written notification of the intention of the licensee to make oral representations, the revocation shall take effect at the end of that period.

Transfer and removal of licence

37. (1) A licence granted under this Act shall, subject to this section, not—

(a) be transferable to another person; or

(b) be removable from the licensed premises concerned to other premises.

(2) If the holder of a licence—

(a) desires to transfer such licence to another person such licence holder and such other person shall, subject to sections 24 to 28, make a joint application to the Board for such transfer in the prescribed manner;

(b) desires to remove such licence from the licensed premises to any other premises, whether permanently or temporarily, such licence holder shall, subject to sections 24 to 28, make an application to the board for the removal of such licence in the prescribed manner.

(3) An application for a transfer or removal of the licence in terms of subsection (2) shall be considered by the Board and the Board may thereafter—

(a) refuse the application; or

(b) grant the application, conditionally or unconditionally.

(4) A licence shall not—

(a) be transferred to a person who is disqualified or otherwise incompetent in terms of this Act to hold the licence concerned;

(b) be removable from the licensed premises concerned to other premises unless the Board is satisfied that the other premises are or will on completion be suitable for the purposes for which they will be used under the licence.

(5) In the case of casino licence, gaming machine operator licence the Board shall only grant an application in terms of subsection (2) after consultation with the responsible Member.

(6) The provisions of sections 24 to 28 shall apply *mutatis mutandis* to an application in terms of this section.

CHAPTER 3

CONDITIONS

General conditions of licences

38. (1) The Board may in respect of any kind of licence prescribe such conditions to a licence as the Board considers appropriate, and may in particular include conditions—

(a) relating to the games that may be played;

(b) relating to the method of operation of any game;

(c) for the purpose of ensuring that the operation of any gaming accords with decency, dignity, good taste and honesty;

(d) requiring the keeping of books, accounts, records and other information relating to the operation of any gaming;

(e) requiring certain minimum standards in relation to the premises on which gaming is to take place;

(f) requiring the submission to the board of such reports and returns relating to the operation of gaming as the Board may from time to time require;

(g) relating to the days on which and hours during which gambling may be carried on;

(h) in the case of a casino licence, relating to the installation and maintenance of surveillance systems;

(i) relating to the provision by the licensee of a guarantee, as determined by the Board, for the liabilities of the licensee in relation to—

(i) gambling levies payable in terms of this Act; and

(ii) gambling debts payable by the licensee.

(2) The Board may, at any time, suspend, withdraw or amend any condition under subsection (1) by a notice delivered or tendered to the holder of a particular licence.

(3) Where the Board proposes to suspend, withdraw or amend any condition under subsection (2), the Board shall serve a written notice on the licensee stating—

(a) the proposal of the Board to suspend, withdraw or amend, as the case may be, any condition under subsection (1);

(b) that the licensee may, within 30 days after the date of the written notice—

(i) make written representations about the matter to the Board; or

(ii) notify the Board in writing of the intention of the licensee to make oral representations; and

(c) the effect of subsection (4).

(4) If, within the period mentioned in subsection (3)*(b)*, the Board receives neither written representations nor written notification of the intention of the licensee to make oral representations, such suspension, withdrawal or amedment of a condition, as the case may be, shall take effect at the end of that period.

(5) Any condition imposed under subsection (1), or suspended, withdrawn or amended under subsection (2) in respect of a casino licence or gaming machine operator licence—

(a) shall be effected after consultation with the responsible Member; and

(b) may not be effected retrospectively.

Electronic monitoring system for gaming machines

39. (1) The Board may, subject to section 30, in respect of a casino licence, a gaming machine operator licence and a gaming machine site licence, require any such licence holder to link any gaming device to a central electronic monitoring system for purposes of the monitoring and detecting of significant events associated with each gaming machine, including a system for continuous on-line real time recording, monitoring and control of any significant game play transactions as may be prescribed or determined by the Board.

(2) The Board may require from any licence holder referred to in subsection (1) or, on application, approve any other person to, on behalf of any such licence holder, conduct such electronic monitoring system subject to the requirements determined and conditions imposed by the Board.

(3) For purposes of this section, "electronic monitoring system" means any electronic or computer or communications system or device that is so designed that it may be used, or adapted, to send or receive data from gaming devices in relation to the security, accounting or operation of gaming machines.

Financial interests in business of licensee

40. (1) No person may hold or acquire an interest in a licence as agent or nominee for an undisclosed principal or beneficial owner.

(2) A licensee shall not permit any other person to procure any direct or indirect financial interest of five per cent or more in the business to which the licence relates, unless the Board has, granted consent that such a person may procure such an interest in that business.

(3) The Board shall not grant consent under subsection (1) where the person who is the subject of the application, is disqualified in terms of section 22 to hold a licence.

(4) The provisions of sections 24 to 28 shall, *mutatis mutandis* apply to a person who wishes to procure an interest as contemplated in subsection (2).

Suitability of third parties

41. (1) The Board may prohibit a licensee from contracting with any supplier for the purchase of goods or services or any lender until such time as such supplier or lender has applied for and been granted a certificate of suitability by the Board, in the manner determined by the Board.

(2) The provisions of section 28 shall, *mutatis mutandis* apply to an application contemplated in subsection (1).

Gaming devices

42. The holder of a casino licence, a bingo operator licence, a gaming machine operator licence or gaming machine site licence shall—

(a) not use or allow any game to be played on a gambling device other than a gambling device which—

(i) has been supplied by the holder of a manufacturer, maintenance or supplier licence;

(ii) is identical in all material aspects to a type and model that has been approved by the Board; and

(iii) has been registered with the Board as prescribed; and

(b) keep such records and information as may be determined by the Board in respect of each gaming device.

Books, accounts and records

43. The holder of a licence shall keep such books, accounts and records as may be prescribed, specified, in the licence and determined in the rules of the Board.

Control of entry to certain premises

44. (1) The holder of a licence (excluding a manufacturer, maintenance or supplier licence) or an employee of such a licence holder may—

(a) refuse to admit any person to the licensed premises;

(b) request any person who is the licensed premises, to leave the premises;

(c) request any police officer or inspector to remove or assist with the removal from the licensed premises any person contemplated in paragraph *(a)* or *(b)* or remove from the licensed premises any person who refuses or fails to comply with a request contemplated in paragraph *(a)* or *(b)*.

Advertisement

45. Subject to any regulations made under section 88, it shall be lawful to advertise any gaming which may lawfully be conducted under this Act.

Credit

46. The holder of a licence (excluding a manufacturer, maintenance or supplier licence), or an employee of such a licence holder, shall not extend any credit in any form to any person in connection with or for the purpose of gaming, except as prescribed by the Board.

Rules of certain games

47. (1) The holder of a casino licence shall in respect of any game for which no rules have been made by the board under section 87, make rules relating to the method of playing of such game: Provided that such rules shall be approved by the Board.

(2) All rules made in terms of section 87 and subsection (1) shall, at all times, be available where any such game is played and be produced to any player on demand.

Assistance to customers

48. The holder of a licence (excluding a manufacturer, maintenance or supplier licence) shall—

(a) at the request of any customer make available for examination a copy of the rules in respect of any particular gaming game; and

(b) display prominently within the licensed premises such advice or information regarding any gaming game as may be prescribed.

Duration of licence

49. (1) Any licence granted under section 24(4)*(b)* shall, subject to being renewed, be valid as from the date of the issue thereof until the date on which—

(a) the holder thereof abandons it in writing;

(b) it is revoked by the Board under section 36.

(2) Where a licence is suspended under section 36, the holder of such licence shall not exercise any right or privilege conferred by such licence during the period of suspension.

Licence fees

50. (1) There shall be charged and payable, in respect of any licence granted or renewed under this Act, the prescribed licence fees, which shall be in addition to any other amounts or levies payable under this Act.

(2) The licence fees prescribed in terms of subsection (1) may differ in relation to different types of licences.

(3) Any licence holder who fails to pay any licence fees referred to in subsection (1) on or before the date on which he or she becomes liable to pay such licence fees, shall, in addition to such licence fees pay the prescribed penalty: Provided that the amount of such penalty shall not exceed two times the amount of the licence fee applicable to the licence concerned.

Duty to display licence

51. A licence holder shall, at all times, prominently display his or her licence on the licensed premises.

Duty to produce licence or certificate

52. A holder of a licence or certificate issued by the Board, employee of such holder or a person acting on behalf of such holder shall, on demand of an inspector or police officer, produce the relevant licence or certificate.

Renewal of licences

53. (1) A licence shall, subject to the provisions of this Act, and the conditions under which it was granted, remain in force and shall on application by the licence holder be renewed by the Board annually on production of the licence for the preceding year and on payment of the licence fees provided for in section 50.

(2) An application for the renewal of a licence in terms of subsection (1) shall be in prescribed form and be submitted to the Board not later than 90 days prior to the date on which the licence becomes renewable.

Gambling levies

54. (1) *(a)* Over and above any value-added tax or other sales tax, if any, and income tax which may be payable in terms of any other act, every holder of a licence (except a manufacture maintenance, or supplier licence) shall be liable to, at such intervals as may be prescribed, pay a gambling levies which levies shall be calculated on such basis and at such rates as may be prescribed, and be payable in the manner and before the date as prescribed: Provided that different rates may be so prescribed in respect of different types of licences.

(2) Any payment of the gambling levies referred to in subsection (1) shall be accompanied by a return in the form determined by the Board.

(3) Notwithstanding anything to the contrary contained in any other act, there shall be no period of grace for the payment of the gambling levies referred to in subsection (1), and if such gambling is not paid on or before the prescribed date referred to in subsection (1), the licence may be suspended by the Board in terms of section 36 until the gambling levies and the penalties payable in terms of subsection (4), have been paid.

(4) Any licence holder who fails to pay the gambling levies on or before the date prescribed referred to in subsection (1), shall in addition to such gambling levies, pay for each or part of a day during which such licence holder is liable for the payment of the gambling levies, a penalty calculated at the prescribed rate of the outstanding amount: Provided that the total amount of such penalty shall not exceed two times the total amount of the gambling levies payable.

(5) Anything prescribed in terms of this section shall be prescribed in consultation with the Member of the Executive Council responsible for Finance.

(6) The gambling levies payable in terms of this section shall be collected by the Board on behalf of the prescribed beneficiaries.

Payment in respect of exclusivity

55. (1) The Board may, after consultation with the responsible Member, require as a condition for granting a casino licence for the first time, a one-time payment in consideration of guaranteeing to such licence holder exclusivity in respect of any determined type of gambling in a determined area and for any determined period of time: Provided that the Board may, after consultation with the responsible Member, and in the prescribed manner, extend such period of exclusivity against such further payment as may be tendered by such licence holder.

(2) Any payment in terms of subsection (1) shall be paid to the Board for benefit of the Provincial Revenue Fund, at the time and in the manner determined by the Board after consultation with the responsible Member.

CHAPTER 4

EMPLOYEES

Requirements for certain employees

56. (1) Subject to section 62, no person, otherwise than as determined by the Board, shall be employed in any business relating to gaming if such a person is not the holder of a certificate of approval issued in terms of section 58(5).

(2) The responsible Member may prescribe any occupation to be an occupation for purpose of subsection (1).

Application for certificate

57. (1) An application for a certificate of approval shall be made to the Chief Executive Officer in the prescribed form and shall be accompanied by—

(a) a complete set of fingerprints of the applicant taken in the prescribed manner;

(b) such documents, particulars or information as may be prescribed; and

(c) the prescribed application fees.

(2) The provisions of section 28 shall *mutatis mutandis* apply to an application contemplated in subsection (1).

Consideration of application

58. (1) The Board shall consider an application in terms of section 57 and shall have due regard to—

(a) the age, character, reputation and financial and employment background of the applicant;

(b) any offences for which the applicant has been convicted and of which dishonesty is an element; and

(c) any other matter which may be relevant to establish whether the applicant is a suitable person to be so employed.

(2) If the Board is satisfied that the applicant is a suitable person to be so employed, the Board shall grant the application subject to such conditions as the Board may determine.

(3) The Board shall not refuse an application without giving the applicant the opportunity of being heard or presenting evidence.

(4) If the Board refuses an application, the Chief Executive Officer shall forthwith notify the applicant of the refusal and the reasons by the Board for such decision.

(5) Where the Board grants an application in terms of subsection (2), the Chief Executive Officer shall issue to the applicant a certificate of approval in the prescribed form.

Register of employees

59. The Chief Executive Officer shall keep a register in which he or she shall enter the name and particulars of each person to whom a certificate of approval has been issued under section 58(5) or whose certificate has been suspended or withdrawn under section 61.

Duration of certificate

60. (1) A certificate of approval issued under section 58(5) shall be valid as from the date of the issue thereof until the date on which—

(a) the holder thereof, in writing and accompanied by the certificate, surrenders the certificate to the Chief Executive Officer;

(b) the certificate is withdrawn by the Board under section 61;

(c) the certificate lapses if the certificate was issued for a specific period.

(2) Where a certificate of approval is suspended under section 61, the holder of such certificate shall not be so employed during the period of suspension.

Suspension and withdrawal of certificate

61. (1) The Board may, subject to subsection (2), at any time suspend, for such period not exceeding six months, as the Board may determine or withdraw, from such date as the Board may determine, a certificate of approval, if—

(a) any information contained in his or her application for such certificate was at the time when the information was furnished, false in any material respect or was subject to any material omission;

(b) since the issue of the certificate, the holder of the certificate has been convicted of an offence under this Act or of any other offence reflecting on his or her suitability to be so employed;

(c) the holder of the certificate has acted in contravention of the provisions of section 63; or

(d) the Board is satisfied that the holder of the certificate is no longer a suitable person to be so employed.

(2) The Board shall not suspend or withdraw a certificate of approval, unless the holder thereof has, by notice of not less than 30 days, been given an opportunity of being heard by the Board and of presenting evidence: Provided that any certificate of approval may be suspended with immediate effect pending the outcome of the hearing contemplated in this subsection.

(3) The Board may, at any time revoke the suspension of a certificate of approval if the Board is satisfied that the reasons for which the suspension was imposed have been remedied and that it would be just to revoke the suspension.

Employment before issue of certificate

62. Notwithstanding the provisions of section 56, where an application for a certificate of approval has been made and the Board is of the opinion that—

(a) a decision in relation to the application may not be made for some time;

(b) the operation of the business in respect of which the licence concerned was granted will be seriously prejudiced or disadvantaged by the delay in the employment of the applicant; and

(c) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the business in respect of which the licence concerned was granted,

the Board may grant permission in writing to the applicant to be so employed before the determination of the application, subject to such terms, conditions and restrictions as the Board considers appropriate in a particular case.

Restrictions applicable to employees

63. No person who is required to hold a certificate of approval in terms of section 56(1), shall, in a casino or a bingo hall, as the case may be, with which he or she is associated—

(a) participate in or play any Casino game in the Republic: Provided that such a person may participate in such gaming if it is necessary for the performance of his or her functions as such an employee; or

(b) solicit any tip, gratuity, consideration, or other benefit from any player or customer in that casino or bingo hall, otherwise than as prescribed.

CHAPTER 5

POLICE OFFICER AND INSPECTORS

Powers of police to enter licensed premises

64. (1) Notwithstanding anything to the contrary contained in any other law, a police officer of or above the rank of captain may on reasonable grounds and when he or she deems it necessary, without a warrant enter a licensed premises for the purpose of—

(a) carrying out such investigations and of taking such steps as he or she may consider necessary for the prevention of an offence;

(b) the investigation of an offence;

(c) the investigation of the conduct of any person therein; and

(d) determining whether the conditions referred to in this Act are being complied with,

and may be accompanied and assisted in such investigations by a police officer below the rank of lieutenant.

(2) Any police officer entering a licensed premises under subsection (1) shall within 14 days of such entry submit a written report thereof to the Board.

Appointment of inspectors by the Board

65. (1) The Board may appoint any suitably qualified person as an inspector to perform, subject to the control and directions of the Board, any or all the functions assigned to an inspector in terms of section 66.

(2) Each inspector appointed under subsection (1) shall be furnished with a certificate signed by or on behalf of the board and stating that he or she has been appointed as an inspector: Provided that if his or her appointment as inspector is limited to any particular function or functions, his or her certificate shall state such limitation.

(3) Whenever an inspector appointed under subsection (1) performs a function under this Act in the presence of any person affected thereby, the inspector shall on demand by such person produce to him or her the certificate referred to in subsection (2).

Functions and powers of inspector

66. (1) An inspector may, for the purposes of this Act—

(a) without previous notice or a search warrant enter upon any licensed premises which are occupied or used for the purposes of gambling or any other premises on which it is reasonably suspected that—

(i) a casino or any other gambling activity is being conducted without the authority of a licence;

(ii) persons are being allowed to play or participate in any gambling activity; or

(iii) any gaming machine or any equipment, device, object, book, records, note or other document used or capable of being used in connection with the conducting of a casino or any other gambling activity by any person is kept; and

after having informed the person who is then in charge of the premises of the purpose of his or her visit, make such investigation and enquiry as he or she may think necessary;

(b) in any premises referred to in paragraph *(a)*—

(i) require the production of any licence or written permission or authorisation that any person is required to hold under this Act regulating gambling activities;

(ii) question or search any person who is on or in such premises and inspect any activities in connection with the conducting of any gambling activity; and

(iii) examine or inspect any gaming machine, equipment, device, object, book, record, note or other document referred to in paragraph *(a)* and make a copy thereof or extract therefrom;

(c) require from any person in charge of any premises referred to in paragraph *(a)*—

(i) to point out any equipment, device or object referred to in that paragraph which is in his or her possession or custody or under his or her control;

(ii) to produce for the purpose of examination or of making copies or extract, all books, records, notes or other documents referred to in that paragraph which are in his or her possession or custody or under his or her control;

(iii) to provide any information in connection with anything which has been pointed out or produced in terms of subparagraph (i) or (ii); and

(d) seize and remove any gaming machine, equipment, device, object, book, record, note or other document referred to in that paragraph which in his or her opinion may furnish proof of a contravention of any provision of this Act or leave it on the premises concerned after marking it for the purpose of identification.

(2) An inspector may, upon written authorisation by the attorney-general, inspector or make copies of any account of any person at any financial institution which account may, in the opinion of the attorney-general, afford evidence of the commission of an offence in terms of the provisions of this Act.

(3) An inspector may at any time deliver such summonses as the Board is authorised to issue in terms of this Act in accordance with the uniform rules of court.

(4) When performing any function in terms of subsection (1), an inspector may be accompanied by and avail himself or herself of the services of an assistant or interpreter or any police official.

(5) Nothing in this section shall preclude any inspector appointed and authorised in terms of a national gambling act to perform any of the above-mentioned functions and powers in the Province.

Resistance against entry

67. (1) A police official or inspector who has the power to enter any premises referred to in section 66(1) may use such force as may be reasonably necessary to overcome any resistance against such entry of a place including the breaking of any door or window: Provided that such police officer or inspector shall first audibly demand admission to the said premises and notify the purposes for which he or she seeks to enter the place.

(2) The proviso to subsection (1) shall not apply where the police official or inspector concerned is on reasonable grounds of the opinion that any article which is the subject of the investigation may be destroyed or disposed of if the provisions of the said proviso are complied with.

CHAPTER 6

FURNISHING FOR DECISIONS BY COMPETENT AUTHORITY

Reasons for decisions by competent authority

68. (1) A person who has made any application, objection or representations in terms of this Act and who feels aggrieved by any decision made by the competent authority in connection with the application, objection or representations, may make application to the competent authority that the competent authority furnish reasons for that decision.

(2) The competent authority shall, after receipt of the application, mentioned in subsection (1) within the prescribed time and in the prescribed manner, furnish its reasons for the decision concerned.

Grounds for review

69. The Supreme Court may, at the instance of a person who has made any application, objection or representations in terms of this Act and who feels aggrieved by a decision made by the competent authority in connection with that application, objection or representations, review such decision.

Powers on review

70. The court reviewing a decision of the competent authority in terms of section 69, shall, if it sets aside the decision, issue an order that the competent authority consider afresh the matter in respect of which the decision was made, unless, in its opinion, exceptional circumstances warrant another order.

Appeals to Supreme Court

71. (1) A person who has made any application, objection or representations in terms of this Act and who feels aggrieved by a decision on a question other than a question of fact made by the competent authority in connection with the application, objection or representations, may appeal to the Supreme Court against the decision.

(2) Such an appeal shall be noted and prosecuted as if it were an appeal against a judgement in a magistrate's court in civil proceedings.

(3) If the court, after considering the appeal, is satisfied that the competent authority has erred in the making of the decision concerned, the court may set aside that decision, and shall in setting aside the decision unless in its opinion exceptional circumstances warrant another order, issue an order that the competent authority consider afresh the matter in respect of which the decision was made.

CHAPTER 7

JUDICIAL AND RELATED MATTERS

Financial interests

72. A contract in terms of which a financial interest is procured in conflict with section 40(1) or (2), shall be void.

Relinquishing or forgoing of certain rights, privileges, obligations and liabilities

73. Unless this Act specifically or by necessary implication permits such a provision, a contract which contains a provision whereby a person purports to relinquish or forgo a right, privilege, obligation or liability in terms of this Act, shall be void irrespective of whether the contract was concluded before or after the commencement of this Act.

Service of process

74. In any judicial proceedings instituted against the competent authority, the service on the chairperson and at the office of the State Attorney, if it is the branch of that office that is situated in the area of jurisdiction of the court concerned, of any process or any document whereby proceedings are instituted, shall be sufficient service on the competent authority.

Intermediation of State Attorney

75. No steps shall be taken by the competent authority in any judicial proceedings contemplated in section 74, and no judicial proceedings shall be instituted by the competent authority, except with the intermediation of the State Attorney.

Costs

76. The costs incurred by the competent authority in connection with any judicial proceedings contemplated in section 74, shall, unless the court concerned orders the costs to be borne by the opposite party or by the competent authority *de bonis propriis,* be paid out of the Provincial Revenue Fund.

CHAPTER 8

GENERAL

Prohibition in respect of gambling

77. No person shall—

(a) gamble on the result of any event or contingency other than—

(i) a casino game;

(ii) a sporting event, with the holder of a licence who is authorised by such licence to gamble on the event or contingency concerned: Provided that this section shall not prevent a licence holder from accepting wagers from the public in accordance with the conditions of his or her licence;

(b) without the required licence be in possession of any gaming machine or permit any gambling activity at any place under his or her control or his or her charge;

(c) gamble at any place referred to in paragraph *(b)* or visit any such place with the object of gambling;

(d) accept any employment in any occupation contemplated in section 56 with any person who is not the holder of the required licence, without taking all reasonable precautions to establish the validity of the licence;

(e) employ, or offer employment to any person in an occupation contemplated in section 56, without being the holder of the requisite licence.

Improper use of the word "casino"

78. No person shall without the written consent of the Board trade or advertise a business under a name or title of which the word "casino" forms a part, unless he or she is the holder of a casino licence.

Prohibition of certain persons from entering licenced premises

79. (1) No person under the age of 18 years shall enter any licenced premises, and shall not partake in any gambling or handle or operate a gaming device.

(2) No licensee or employee of a licensee shall permit any person who is under the age of 18 years, and no parent or guardian of a person under the age of 18 years shall permit such person, to enter or remain in the licensed premises and shall not permit such person to partake in any gambling or handle or operate a gaming device.

(3) Where the court that has convicted a person of any offence is of the opinion that by reason of the nature of the offence or the circumstances under which it was committed, it is desirable in the interests of public order, public morals of fair play, that such person should not be permitted to enter any or specific licensed premises, the court may issue a written order prohibiting him or her from entering any such licensed premises specified in the order for a period to be stated in the order.

(4) Where a court makes an order under subsection (3) the Clerk of the Court shall submit a copy of the order to the Chief Executive Officer who shall cause a copy thereof to be delivered to the licensees of all licensed premises named in the order.

(5) The Board may, on such grounds as may be prescribed, prohibit any person from entering any licensed premises or partaking in any gambling.

Prohibition in respect of manufacturer, sale, distribution, import, marketing, altering and modification of gaming equipment and devices

80. No person shall—

(a) operate, manufacture, sell, distribute, import or market any cards, tokens dice, game or gambling device which is intended to be used in violation of any provision of this Act;

(b) alter, or otherwise modify any gambling or any associated equipment in a manner that—

(i) affects the result of a wager by determining win or loss; or

(ii) alters or affects the normal criteria of random selection which determines the outcome of a casino game;

(c) provide any person with information or a device to cheat in any casino game, knowing that the information so conveyed or the device so provided may be used to violate any provision of this Act.

Cheating and cheating devices

81. (1) No person shall—

(a) allow anyone to conduct, carry on or operate any cheating or cheating device;

(b) conduct, carry on or operate, deal or expose for play any casino game or games played with cards or through any mechanical device, or any combination of such games and devices, which have in any manner been marked or tempered with or placed in a condition or operated in a manner the result of which tends to deceive players or the public or tends to alter the normal random selection of criteria or the normal chance of the game which could determine or alter the result of such game; and

(c) make use of any counterfeit chip or token, or contravene the rules of any game or interferes in any way with any gaming device or any other device used for gambling with the intention of obtaining any pecuniary advantage, directly or indirectly, whether for himself or herself or any other person.

(2) For purposes of this section and section 80*(c)*, "cheating" or "cheat" means to alter the selection of criteria—

(a) which determine the result of a casino game;

(b) which determine the amount or frequency of payment in a casino game; or

(c) in terms of any scheme, arrangement, system or plan which the responsible Member may from time to time by notice in the *Provincial Gazette* so declare to be cheating.

Offences, penalties and forfeitures

82. (1) Any person who—

(a) contravenes or fails to comply with any provision of this Act or any regulation made under section 88 or rule made under section 87;

(b) makes any false statement in any application or return under this Act.

(c) contravenes any condition of a licence;

(d) on any licensed premises conducts any gambling or keeps any gaming device which is not prescribed under this Act or conducts any prescribed game otherwise than in accordance with the rules of such game;

(e) hinders or obstructs any police officer or inspector in the performance of his or her functions under this Act;

(f) gives an explanation or information to a police official or inspector which is false or misleading, knowing it to be false or misleading;

(g) falsely represents himself or herself to be an inspector;

(h) without the consent in writing of the inspector or police official concerned, removes from the place where it has been left by the inspector or police official, or tampers with, destroys or makes alterations to, anything seized by such inspector or police official in the performance of his or her functions;

(i) fails to comply with an order made under section 79(3) or knowingly permits such person to enter the licensed premises;

(j) having been summoned to give evidence at an enquiry under section 20(2) without sufficient cause fails to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the enquiry or until excused by the Board from further attendance, or to produce any book, document or thing in his or her possession or custody or under his or her control, which he or she has been summoned to produce;

(k) having been summoned under section 20(2) or called under section 20(3)—

(i) without sufficient cause refuses to take the oath or to make an affirmation as a witness after he or she has been directed by the member of the Board presiding at the enquiry to do so, or refuses to testify, or refuses or fails to answer fully and satisfactory to the best of his or her knowledge and belief any question lawfully put to him or her; or

(ii) after having taken the oath or having made an affirmation, gives false evidence before the Board at any enquiry on any matter, knowing such evidence to be false or not knowing or believing it to be true,

shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for, a period not exceeding 10 years or to both such fine and such imprisonment.

(2) If the holder of any licence or certificates issued by the Board, contravences or fails to comply with the provisions of this Act, the Board may, after conducting an enquiry contemplated in section 20, impose on such licensee or holder of certificate of any fine which a lower court, including the Regional Division established under the provisions of Magistrates' Courts Act, 1944 (Act No. 32 of 1944), could have imposed, and any failure to adhere to the sentence of the Board within such period as it may stipulate shall result in the immediate revocation of any licence or certificate issued by the Board to such person or persons: Provided that—

(a) if any proceedings have been instituted against a person in terms of this subsection, such persons may not in respect of such conduct be charged with an offence; and

(b) if a person has been charged with an offence for the contravention, proceedings in terms of this subsection shall not be instituted against such person in respect of the conduct which related to such criminal proceedings.

(3) In addition to any penalty contemplated in this section, all monies, documents, books and records, gaming equipment and gaming devices found in or at any place in contravention of section 77(1)*(b)*, shall be forfeited to Board.

Vicarious responsibility

83. (1) When the manager of the business to which a licence relates, or the agent or employee of the holder of a licence, does or omits to do any act which would be an offence in terms of this Act for the holder concerned to do or omit to do, that holder shall be deemed himself or herself to have done or omitted to do that act, unless he or she satisfies the court that—

(a) he or she neither connived at nor permitted the act or omission by the manager, agent or employee concerned;

(b) he or she took all reasonable steps to prevent the act or omission; and

(c) an act or omission, whether lawful or unlawful, of the nature charged on no condition and under no circumstances fell within the scope of the authority or employment of the manager, agent or employee concerned.

(2) For the purpose of subsection (1)*(b)*, the fact that a holder issued instructions whereby any act or ommission of that nature is prohibited shall not in itself be sufficient proof that he or she took all reasonable steps to prevent the act or omission.

Punitive gambling levies

84. (1) *(a)* Where a person is convicted in terms of section 77(1)*(b)*, the Board shall estimate the amount such person would, in the opinion of the Board, have been liable to pay as gambling levies in terms of section 54 had he or she been the holder of a licence, and the Board shall forthwith notify such person in writing of the amount so estimated.

(b) The amount contemplated in paragraph *(a)* shall be estimated in respect of a period of not more than three years calculated retrospectively from the date of conviction of the person concerned.

(c) The amount estimated in terms of paragraph *(a)* shall be paid by the person convicted in the manner prescribed in terms of section 54(1)*(a)* within 21 days from the date of the notice contemplated in that paragraph.

(d) The provisions of section 54(4) shall *mutatis mutandis* apply in respect of a person who is liable to pay gambling levies under this section.

Competency to impose penalties

85. Notwithstanding any law to the contrary, a magistrate shall have jurisdiction to impose any penalty prescribed by this Act.

Prohibition of activities in the Province in relation to gambling outside the Province

86. No person shall be exempted from liability under any provision of this Act in respect of any act or thing done or authorised or permitted by him to be done in the Province in connection with any gambling, merely by reason that the management, conduct or business of or concerning such gambling is in whole or part carried on at some place outside the Province.

Rules

87. (1) The Board may make rules, not inconsistent with the provisions of this Act, relating to the exercise of its powers and the performance of its functions, including—

(a) any matter pertaining to an application for a licence;

(b) the management and control of licensed premises and licence holder;

(c) rules for the conduct of any form of gambling.

(2) Not less than one month before any rule is made under this section, the Board shall cause the text thereof to be published in the *Provincial Gazette* together with a notice declaring its intention to make that rule and inviting interested persons to furnish any comments thereon or any representations which they wish to make in regard thereto, to the Board.

Regulations

88. (1) The responsible Member may, in consultation with the Board, by notice in the *Provincial Gazette* make regulations regarding—

(a) any matter pertaining to the Board;

(b) any matter pertaining to an application for a licence;

(c) the management and control of licensed premises;

(d) the take-out, commission or other charges which the holder of the licence may charge;

(e) the stakes for which any casino game may be played;

(f) the winning stakes payable in respect of animal races;

(g) the mediation of gambling disputes by the Board;

(h) any matter which in terms of this Act is required to or may be prescribed;

(i) in general, any matter in respect of which it is necessary or expedient to make regulations for achieving the objects of this Act.

(2) A regulation made under this section may for a contravention thereof or failure to comply therewith, prescribe a fine or imprisonment for a period not exceeding two years or both such fine or imprisonment.

(3) Different regulations may be made under this section in respect of different kinds of licences, licences of the same kind having different common characteristics, different categories of persons or different areas.

(4) Not less than one month before any regulation is made under this section, the responsible Member shall cause the text thereof to be published in the *Provincial Gazette* together with a notice declaring his or her intention to make that regulation and inviting interested persons to furnish any comments thereon or any representations which they may wish to make in regard thereto, to the responsible Member.

(5) The provisions of subsection (4) shall not apply in respect of—

(a) any regulation which, after the provision of that subsection have been complied with, has been amended by the responsible Member, in consequence of comments or representations received in pursuance of such compliance; or

(b) any regulation in respect of which the public interest required it to be made without delay.

Transitional provisions

89. (1) Any licence for the operation of a casino in the Province issued in terms of any act which is repealed by this Act, shall be deemed to have been issued in terms of this Act, after which the provisions of this Act shall apply in respect of such a licence.

(2) *(a)* Notwithstanding the repeal of any provision of any Ordinance by this Act, any application made by virtue of such a provision before the date of commencement of this Act and not disposed of on that date shall be continued with and deposed of as if that provision were not so repealed: Provided that the competent authority considering such application may in its discretion refer the application to the Board for disposal.

(b) Any licence or other authority granted in terms of Ordinance repealed by this Act and which is capable of being granted in terms of this Act shall be deemed to have been granted in terms of this Act, after which the provision of this Act shall apply in respect of such licences or authority.

(c) Any rule or regulation made under a provision of any Ordinance which is repealed by this Act and which may be made under section 87 or 88 of this Act, respectively, shall be deemed to have been made under this Act.

(d) Anything done in terms of a provision of any Ordinance which is repealed by this Act and which shall or may be done in terms of a provision of this Act shall be deemed to have been done in terms of the latter provision.

(3) All assets and liabilities which prior to the commencement of this Act vested in a Board established in terms of any Ordinance, repealed by this Act, shall as soon as is reasonably practicable after the commencement of this Act, be transferred to the Board to become the assets and liabilities of the Board.

(4) The responsible Member may exercise the powers and perform the functions of the Board, excluding the granting of any licence, until such time as the Board has been appointed.

Application of Law

90. The provisions of the Gambling Act, 1965 (Act No. 51 of 1965), shall not apply in the Province in relation to anything for which a licence or registration is required in terms of this Act.

Gaming debts enforceable

91. Any gaming debt lawfully incurred by a person after the commencement of this Act in the course of the playing of a legal gambling game shall, notwithstanding provisions of any law or the common law, be enforceable in a court of law.

Repeal of Act

92. The laws mentioned in the Schedule are hereby repealed or amended in so far as indicated in the third column thereof.

Short title and commencement

93. (1) This Act shall be called the Northern Province Casino and Gaming Act, 1996, and shall come into operation on a date fixed by the responsible Member by notice in the *Provincial Gazette.*

(2) Different dates may be so fixed in respect of different areas in the Province.

SCHEDULE

LAWS REPEALED OR AMENDED

Act No.	Title, No. and year of Act	Extent of repeal or amendment
Act No. 13 of 1980.....	Venda Casino Act, 1980 (Act No. 13 of 1980)	The repeal of the whole

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 15 **29 Hukuri 1996**

Laha ku tivisiwa leswaku Holobyenkulu u pfumerile Nawu lowu wu landzelaka lowu laha wu tivisiwaka leswaku wu ta tiviwa hi mani na mani:—

No. 4 wa 1996: Nawu wa Xifundzankulu xa N'walungu wa Tikhasino na ku Gembula, 1996.

KU LANDZELELANA KA SWIPHEMU

1. Tinhlamuselo.

KAVANYISA KA 1

Bodo ya Xifundzankulu xa N'walungu ya Tikhasino no Gembula

2. Ku simekiwa ka Bodo ya Xifundzankulu xa N'walungu ya Tikhasino no Gembula.
3. Matimba na Mintirho ya Bodo.
4. Mavumbiwele ya Bodo.
5. Ku va ni mfanelo yo thoriwa tani hi xirho xa Bodo.
6. Endlele ra mathoriwele eka Bodo.
7. Nkarhi wo khoma ntirho.
8. Ku herisiwa ka nkarhi wo khoma ntirho ni ku siviwa ka swivandla.
9. Miholo ni swengetelo swa Swirho swa Bodo.
10. Vatirhi va Bodo.
11. Ku tirhela erivaleni no hlayisiwa ka Xihundla.
12. Xiyimo xa Vutshembeki eka Vanhu.
13. Minkwama ya Bodo.
14. Vutihlamuleri, ku Odita na Xiviko xa Lembe.
15. Tinhlengeletano ta Bodo.
16. Tikomiti ta Bodo.
17. Makanelwa.
18. Ku lava switsundzuxo hi Bodo.
19. Ku langiwa ka vanhu hi Bodo.
20. Nkonaniso hi Bodo.

KAVANYISA KA 2

Ku nyika tilayisense

21. Swilaveko na Mimpimo ya Rixaka.
22. Ku ka ku nga enetisiwi swilaveko swa tilayisense hi ku angarhela.
23. Tinxaka ta tilayisense.
24. Swikombelo.
25. Tihakelelo ta swikombelo.
26. Swisolo.
27. Xikombelo ni xisolo swi fanele ku kota ku kamberiwa hi mani na mani.
28. Mindzavisiso ni swiviko swa maphorisa.
29. Tilayisense ta nkarhinyana hi tlhelo ra byako lebyi nga si hetisekaka.
30. Tilayisense ta Khasino.
31. Tilayisense to tirhisa muchini wo gembula.
32. Layisense ya xitandi xa muchini wo gembulela.
33. Layisense yo tirhisa tibingo.
34. Tilayisense ta muendli muhlayisi, kumbe muphakeri.
35. Tilayisense to hlawuleka.
36. Ku pfa ku yimisiwile kumbe ku herisiwa ka layisense.
37. Ku hundziseriwa kumbe ku susiwa ka tilayisense.

KAVANYISA KA 3

Swipimelo

38. Swipimelo swa tilayisense swo angarhela.
39. Sisiteme yo landzelerisa ya tielekitroniki ya michini yo gembula.
40. Ku khumbeka ka ta timali eka bindzu ra n'wini wa layisense.
41. Ku ringanela ka mintlawa ya Vunharhu.
42. Minchumu yo gembula.
43. Tibuku, Tiakhawunti ni tirhekhodo.
44. Ku lawula mangheniwele eka byako byo karhi.
45. Ku navetisa.
46. Khirediti.
47. Milawunyana ya mintlangu yo karhi.
48. Ku pfuna tikhasimende.
49. Ku leha ka nkarhi wa layisense.
50. Tihakelelo ta layisense.
51. Mfanelo yo kombeta layisense.

52. Mfanelo yo humesa layisense kumbe setifikheti.
53. Ku pfuxetiwa ka tilayisense.
54. Mindzuvo yo gembula.
55. Ku hakela hi tlhelo ra la nga yexe.

KAVANYISA KA 4

Vathoriwa

56. Swilaveko hi tlhelo ra vathoriwa van'wana.
57. Xikombelo xa setifikheti.
58. Ku kambisisiwa ka xikombelo.
59. Rhijistara ra vathoriwa.
60. Ku leha ka nkarhi wa setifikheti.
61. Ku pfa ku yimisiwile ni ku khanseriwa ka setifikheti.
62. Ku thola loko ku nga si nyikiwa setifikheti.
63. Swisivelo leswi tirhaka eka vathoriwa.

KAVANYISA KA 5

Phorisa na Vakamberi

64. Matimba ya Maphorisa yo nghena eka byako lebyi nga ni tilayisense.
65. Ku thoriwa ka vakamberi hi Bodo.
66. Mintirho na Matimba ya vakamberi.
67. Ku alela ku nghena.

KAVANYISA KA 6

Ku nyika tinhlamuselo, ku kambisisa nakambe na tiapili

68. Tinhlamuselo ta swiboho hi vulawuri lebyi faneleke.
69. Swivangelo swo kambisisa nakambe.
70. Matimba ehenhleni ko kambisisa nakambe.
71. Tiapili eka Khotonkulu.

KAVANYISA KA 7

Timhaka ta vuavanyisi na leti yelanaka na tona

72. Ku khumbeka hi tlhelo ra timali.
73. Ku tshika kumbe ku hambana na timfanelo tin'wana, swifundzho, swiboho ni swikweleti.
74. Ku yisiwa ka maphepha yo mangalela.
75. Vuyimeri bya Gqweta ra Tiko.
76. Tihakelelo.

KAVANYISA KA 8

Tin'wana ni tin'wana

77. Ku siveriwa hi tlhelo ro gembula.
78. Ku tirhisiwa hi ndlela leyi nga riki yona ka rito ra "khasino".
79. Ku siveriwa ka vanhu van'wana eka ku nghena eka byako lebyi nga na layisense.
80. Ku sivela hi tlhelo ra vumaki, ku xavisa, ku phakela, ku tunda, ku maketa, ku ncinca na ku hundzuluxiwa ka swingolongondzwana na minchumu, mintlangu ni minchumu yo pfuneta.
81. Ku xisa na minchumu yo xisa.
82. Milandzu, minxupulo na ku dyiwa hi ntava.
83. Vutihlamuleri bya Vuyimeri.
84. Mindzuvo yo gembula yo xupula.
85. Vuringaneri byo veka minxupulo.
86. Ku sivela eka migingiriko endzeni ka Xifundzankulu hi mayelana no gembula ehandle ka Xifundzankulu.
87. Milawunyana.
88. Swinawana.
89. Makungu ya nkarhinyana.
90. Ku tirhisiwa ka Nawu.
91. Swikweleti swo gembula swi nga londziwa.
92. Ku herisiwa ka Nawu.
93. Nhlokomhaka hi ku komisa no sungula ku tirha.

XEJULU

Milawu leyi herisiweke kumbe ku hundzuluxiwa.

"ntlangu wo gembula" swi vula ntlangu wihi ni wihi, swi nga ri na mhaka ku ri hambi vuyelo bya kona byi kumisisiwa hi nkateko, wu tlangiwaka hi tikhadi to tlanga hi tona, madayizi, michini yo gembula kumbe michumu yo gembula ya mali, nhundzu ticheke, khirediti kumbe xilo xihi ni xihi xa nkoka (xo ka xi nga ri nkarhi wo tlanga ntlangu ku yisa emahlweni) ku katsa na, handle ko hambuka eka ku angarhela ka leswo rhanga, ku katsa na rhowulete, bingo, twenty-one, black-jack, chemin de fer na baccarat, naswona ku nga katsiwi na lotari yihi ni yihi tani hilaha swi hlamuseriwaka eka Nawu wa Tilotari, 1995;

"nkarhi wo tlanga ntlangu ku yisa emahlweni" swi vula nkarhi lowu swi nga kotekiki ku aviwa kumbe ku hundziseriwa eka munhu loyi a nga wina nkarhi wo tano kumbe eka munhu wihi ni wihi un'wana hi tlhelo ra xikongomelo xihi ni xihi handle ko tirhisa nkarhi wo tano handle ko kavanyetiwa kwihi ni kwihi eka ku yisa emahlweni ku tlanga muxaka wa ntlangu hi tlhelo ra nkarhi lowu wu winiweke, naswona swi katsa na nkarhi lowu hindlela yihi ni yihi wu nga fanelangiki, hambi hi ku kongoma kumbe ku nga ri ku kongoma, ku va wu nga hundzuluxiwa wu va mali, rifuwo, kumbe ku hundzuluxiwa hi ku landza xikimi xihi ni xihi, malulamisiwele, sisiteme, pulani kumbe nchumu lowu Xirho lexi nga ni vutihlamuleri nkarhi ni nkarhi hi xitiviso eka Gazete ya Xifundzankulu xi nga ha tivisaka leswaku a hi nkarhi wo tlanga ntlangu ku yisa emahlweni;

"Oditara Jenerala" swi vula munhu loyi a nga thoriwa tani hi Oditara Jenerala hi ku landza xiyenge xa 191(2) xa Vumbiwa;

"Riphabliki" ri vula Riphabliki ra Afrika Dzonga tani hilaha ri vuriwaka eka xiyenge xa 1 xa Vumbiwa:

"sagwati' ri vula rifuwo rihi ni rihi leri rhurhisekaka kumbe leri ri nga rhurhisekiki hambi ri ri leri khomekaka kumbe leri nga khomekiki;

"veka" ri vula ku veka hi xinawana; naswona "veka" ri ni nhlamuselo leyi yelanaka;

"vulawuri bya ndhawu" swi vula vandla ra mfumo wa ndhawu rihi ni rihi tani hilaha swi hlamuseriweke eka xiyenge xa 1 xa Nawu wa Nkarhinyana wa Mfumo wa Ndhawu, 1993 (Nawu wa No. 209 wa 1993), ni huvo ya nkarhinyana leyi simekiweke hi ku landza Nawu walowo lowu wu tirheke mintirho ya mfumo wa ndhawu ku nga nghenisiwi na vandla ra mfumo rihi ni rihi ro tano;

"Vulawuri lebyi faneleke" swi vula xirho lexi nga ni vutihlamuleri kumbe Bodo, tani hilaha swi nga ha vaka hakona, lexi/leyi hi ku landza Nawu lowu, ntirho wihi ni wihi wu nga ha tirhiwaka;

"Vumbiwa" ri vula Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa No. 200 wa 1993);

"Xifundzankulu" ri vula xifundzankulu xa N'walungu tani hilaha swi vuriwaka hakona eka xiyenge xa 124 xa Vumbiwa;

"Xirho lexi nga ni vutihlamuleri" swi vula xirho xa Huvonkulu lexi nga ni vutihlamuleri eka mafambisele ya Nawu lowu.

KAVANYISA KA 1

BODO YA XIFUNDZANKULU XA N'WALUNGU YA KHASINO NO GEMBULA

Ku simekiwa ka Bodo ya Xifundzankulu xa N'walungu ya Tikhasino no Gembula

2. Ku simekiwa bodo leyi fanelaka ku tiviwa hi vito ra Bodo ya Xifundzankulu xa N'walungu ya Khasino no Gembula, leyi fanelaka ku va munhu hi xinawu.

Matimba ni mintirho ya Bodo

3. (1) Bodo yi fanele—

(a) ku tirhisa matimba yalawo ni ku tirha mintirho yaleyo—

(i) leyi nyikiweke yona hi ku landza Nawu lowu;

(ii) leyi nyikiweke yona hi ku landza Nawu wihi ni wihi wun'wana;

(b) ku tsundzuxa Xirho lexi nga ni vutihlamuleri kumbe ku nyiketa xiviko kumbe swibumabumelo eka Xirho lexi nga ni vutihlamuleri henhleni ka mhaka yihi ni yihi leyi yi rhumeriweke eka Bodo hi Xirho lexi nga ni vutihlamuleri leswaku yi kambisisiwa ni ku sukela eka ku tirhisiwa ka Nawu lowu hi tlhelo ra mafambisele ehenhla ka ku gembula eka Xifundzankulu.

(2) Bodo, hi mpfumelelo wa Xirho lexi nga ni vutihlamuleri ni loko nawu wa xifundzankulu xihi ni xihi xin'wana wu endla makungu ya swona, yi nga ha tirhisa matimba ni ku tirha mintirho yaleyo ni timfanelo hi ku landza nawu walowo mayelana na vanhu ni timhaka eka xifundzankulu lexi vuriwaka tani hilaha bodo hi ku landza Nawu lowu yi nga ha tirhisaka matimba ni ku tirha eka Xifundzankulu lexi.

(3) Bodo, hambileswi ku nga ni xihi ni xihi xin'wana lexi kanetaka eka nawu wihi ni wihi wun'wana lowu nga eka xona; ku nyika hakelo eka munhu wihi ni wihi loyi a nga nyika mahungu mayelana ni ku pumbiwa hi ku tlula makungu ya Nawu lowu.

Mavumbiwele ya Bodo

4. (1) Swirho swa Bodo swi fanela ku thoriwa hi Xirho lexi nga ni vutihlamuleri hi ku tsundzuxana na Huvonkulu, naswona hi ku landza xiyengenyana na Huvonkulu, naswona hi ku landza xiyengenyana xa 3, yi fanele ku vumbiwa hi—

(a) xirho xin'we lexi nga thwasa ni ku amukeriwa ku tirha tani hi mutirhi wa ta nawu e Riphabliki naswona, hi tlhelo ra nkarhi lowu hlengeletaneke lowu nga riki ehansi ka ntlhanu wa

malembe endzhaku ka ku thwasa koloko, xi tirheke tani hi mutirhi wa ta nawu kumbe xi endlile vutirheli lebyi yelanaka ni ku tirhisiwa kumbe mafambisele ya nawu;

(b) xirho xin'we lexi nga thwasa tani hi mutivatiakhawunti wo hlawuleka (chatered accountant) e Riphabliki naswona hi tlhelo ra nkarhi lowu hlengeletaneke lowu nga riki hansi ka ntlhanu wa malembe endzhaku ka ku thwasa koloko, xi tirheke tani hi mutivatiakhawunti wo hlawuleka;

(c) xirho xin'we lexi, hi mavonele ya Xirho lexi nga ni vutihlamuleri xi ni vutivi bya, ni ntokoto eka Bindzu ra Vupfhumba;

(d) munhu loyi a yimelaka Ndzawulo ya Timhaka ta Ikhonomi na Vupfhumba eka Xifundzankulu, loyi a vekiweke hi Xirho lexi nga ni vutihlamuleri;

(e) munhu loyi a yimelaka Ndzawulo ya Timali ya Xifundzankulu, loyi a vekiweke hi xirho xa Huvonkulu lexi nga ni vutihlamuleri bya Timali; na

(f) swirho leswi nga tluriki mune leswi nga fanela ku va ni vuswikoti bya bindzu lebyi kombisekaka kumbe vutivi bya bindzu ro gembula kumbe lava nga ringanela ku thoriwa eka Bodo.

(2) Xirho lexi nga ni vutihlamuleri xi fanela ku thola xirho tani hi mutshami wa xitulu, na xirho xin'wana tani hi Xandla xa mutshami wa xitulu, wa Bodo.

(3) Mutirhinkulu wa Makungu wa Bodo u fanela hi *ex officio* ku va xirho xa Bodo.

(4) Loko Mutshami wa xitulu a nga ri kona kumbe hi xivangelo xihi ni xihi a nga swi koti ku tirha tani hi Mutshami wa xitulu, Xandla xa Mutshami wa xitulu xi fanela ku tirha mintirho ya Mutshami wa xitulu.

Ku va ni mfanelo yo thoriwa tani hi xirho xa Bodo

5. (1) Munhu a nge thoriwi kumbe ku tshama a ri xirho xa Bodo—

(a) handlekaloko—

(i) a ri munhu hi ntumbuluko;

(ii) a ri muaka-tiko wa Riphabliki ni ku va hi ntolovelo a tshama kona naswona a ri munhu loyi a nga ringanela no fanela;

(b) loko—

(i) a ri ni ku khumbeka kwihi ni kwihi ko kongoma kumbe ko ka ku nga kongomi eka—

(aa) migingiriko yihi ni yihi yo gembula; kumbe

(bb) bindhu rihi ni rihi rin'wana kumbe eka ntirho wa bindzu lowu nga ha kavanyetanaka na ku endliwa ka timfanelo ta yena tani hi xirho xa Bodo;

(ii) a ri mukhomi wa ntirho wa tipolitiki;

(iii) a ri xirho xa Yindlu ya Varhangeri va Ndhavuko kumbe Huvo ya Varhangeri va Ndhavuko;

(iv) a ri mutirhisani kumbe ku tolovelana na, kumbe ku yelana exiyin'weni xo sungula eka vuxaka byo ta hi ku tekana kumbe vuxaka bya ngati eka munhu loyi a languteriwaka eka tindzimana ta *(b)*(i) kumbe (ii);

(v) a ri muchoni loyi a nga ha pfuxiwangiki;

(vi) a tshame enkarhini wihi ni wihi a humesiwa ehofisini ya ku tshembeka hikokwalaho ka matikhomele yo biha;

(vii) a tshama a voniwa nandzu enkarhini wihi na wihi, ku nga va eRiphabliki kumbe kun'wana—

(aa) wa ku yiva, vuxisi, ku foja kumbe ku tirhisa tsalwa ra vuxisi, ku hlambanya vunwa, nandzu lowu welaka eka Nawu wa Vubori, 1992 (Nawu wa 94 wa 1992), kumbe nandzu wihi ni wihi lowu khumbaka na nkalavutshembeki;

(bb) wa nandzu ehansi ka Nawu kumbe nawu wihi ni wihi wun'wana lowu fanaka; kumbe

(viii) handle ka xirho xa Bodo lexi languteriweke eka xiyenge xa 4(1)*(d)* na *(e);* a ri mutirhela-tiko.

(2) *(a)* Loko xirho xihi ni xihi xa Bodo enkarhini wa xona wo khoma ntirho xi nga heleriwa hi ku va ni mfanelo hi ku landza xiyengenyana xa (1) kumbe xi kuma, kumbe xirho xa ndyangu wa xona xi kuma ku khumbeka loku swi nga endlekaka ku ri na ku khumbeka tani hilaha swi languteriweke eka xiyengenyana xa (1)*(b)*(i) xi fanele hi ku hatlisa hilaha swi nga kotekaka endzhaku ka loko xi nga ha ri na mfanelo kumbe endzhaku ka ku kumiwa ka ku khumbeka koloko kumbe endzhaku ka loko xi tive mahungu yalawo hi ku tsala xi boxa mahungu yotano eka xirho lexi nga ni vutihlamuleri.

(b) Loko xirho lexi nga ni vutihlamuleri, endzhaku ka ku amukela mahungu ya xirho xa Bodo tani hilaha swi languteriweke hakona eka ndzimana ya *(a)* xi ri ni mavonele ya leswaku xirho xolexo xi nga ha vi na timfanelo hi ku landza xiyengenyana xa (1) ku tshama xi ri xirho xa Bodo, ku ya hi xiyenge xa 8(2), xi fanele ku herisa nkarhi wo tirha wa xirho xolexo hi ku landza xiyenge xa 8(1)*(b)*.

Endlele ra mathoriwele eka Bodo

6. (1) Swirho swa Bodo leswi vuriwaka eka xiyengenyana xa 4(1)*(a)*, *(b)*, *(c)* na *(f)* a swi fanelanga ku thoriwa handlekaloko xirho lexi nga ni vutihlamuleri hi tlhelo ra swirho swoleswo xi rhambile mintlawa leyi khumbekaka hi swihangalasa-mahungu ni hi xitiviso eka *Gazete ya Xifundzankulu* ku boxa vayimela-ku langwa, ka ha sele 21 wa masiku xirhambo xi hangalasiwile hi swihangalasa-mahungu ni ku humesiwa ka

xitiviso xo tano, leswaku ku kambisisiwa hi xirho lexi nga ni vutihlamuleri: Ku ri leswaku xirhambo lexi tirhisaka swihangalasa-mahungu xi fanela ku katsa na xirhambo eka nyuziphepha yin'we kumbe ku tlula leti hangalasiwaka eka Xifundzankulu.

(2) Munhu loko a nga si thoriwa tani hi xirho xa Bodo, u fanele ku nyiketa nhlamuselo leyi tsariweke yo hlambanyiwa kumbe yi tiyisisiweke eka Xirho lexi nga ni vutihlamuleri laha eka yona a paluxaka ku khumbeka ka xona eka swa timali ni leswaku xana u ni ku khumbeka kwihi ni kwihi tani hilaha swi languteriweke eka xiyenge xa 5(1)*(b)*(i) kumbe (iii).

(3) *(a)* Xirho xa Bodo a xi fanelanga ku thoriwa handlekaloko Xirho lexi nga ni vutihlamuleri, ka ha ri na kwalomu ka makume-nharhu wa masiku loko va nga si thoriwa tani hi swirho swa Bodo, ni hi mukhuva lowu languteriweke eka xiyengenyana xa (1), xi va xi hangalasile mavito ya vanhu hinkwavo lava langhiweke ku thoriwa eka Bodo ni mavito ya vanhu lava yena a lavaka ku va thola tani hi swirho swa Bodo ni siku leri ku thoriwa koloko ku fanelaka ku endliwa harona.

(b) Munhu wihi na wihi loyi a navelaka ku sola ku thoriwa ka munhu wihi na wihi eka Bodo, ku nga si hela masiku ya khume-mune ku nga si fika siku ra ku thoriwa ka swirho swa Bodo, a nga ha yisa eka xirho lexi nga ni vutihlamuleri hi ku tsala kunene xisolo a hlamusela xivangelo kumbe swivangelo leswi, ku ya hi munhu yaloye, swi endlaka leswaku munhu yaloye a nga eneti swilaveko swo va a thoriwa, ku suka eka ku thoriwa tani hi xirho xa Bodo.

Nkarhi wo khoma ntirho

7. Xirho xa Bodo ku ya hi xiyenge xa 8, xi fanela ku khoma ntirho wa nkarhi walowo, lowu wu nga tluriki malembe manharhu, tani hilaha Xirho lexi nga ni vutihlamuleri xi nga ha bohaka eka nkarhi wa ku thoriwa ka xona naswona xirho xa Bodo, xi na yona mfanelo yo va xi tlhela xi thoriwa eku heleni ka nkarhi wa xona wa ku khoma ntirho.

Ku herisiwa ka nkarhi wo khoma ntirho ni ku siviwa ka swivandla

8. (1) Xirho lexi nga ni vutihlamuleri endzhaku ko nyika xirho nkarhi wo veka mhaka ya xona hi nkarhi wihi ni wihi xi fanele ku herisa nkarhi wo khoma ntirho wa xirho xihi ni xihi loko—

(a) ku ri swivangelo swo twala swo endla tano ku endlela ku pfuna Bodo handle ko rhanga a kuma mpfumelelo eka mutshami wa xitulu;

(b) xi nga ha eneti ku tshama xiri xirho xa Bodo ku ya hi xiyengenyana xa 5(1); kumbe

(c) xi nga tivonakarisi eka tinhlangano to hundza timbirhi ta ku landzelelana ta Bodo handle ka mpfumelelo wa mutshami wa xitulu.

(2) Loko xirho lexi nga ni vutihlamuleri xi herisa nkarhi wo tirha wa va xirho xa Bodo ku ya hi xiyengenyana xa (1), u fanele ku boxa ku herisiwa koloko ka nkarhi wo tirha hi ndlela ya xitiviso eka *Gazete ya Xifundzankulu* ku nga si hela masiku ya 14 endzhaku ka siku ra ku herisiwa koloko.

(3) Xirho lexi nga ni vutihlamuleri, ku ya hi xiyenge xa 5, 6 na 7 xi fanela ku siva xivandla xa nkarhinyana eka Bodo xa nkarhi walowo, lowu wu nga tluriki malembe manharhu, tani hilaha Xirho lexi nga ni vutihlamuleri xi bohaka hakona hi nkarhi wa ku thoriwa ka xona.

Miholo ni swengetelo swa swirho swa Bodo

9. (1) Swirho swa Bodo kumbe vatsundzuxi kumbe vanhu lava langiweke hi ku landza xiyenge xa 18 na xa 19 hi ku landzelelana ka swona va nga riki eka vutirheri bya nkarhi hinkwawo eka Mfumo kumbe eka Xifundzankulu, hi tlhelo ra vutirheli bya vona, va nga ha hakeriwa miholo yo tano ni swengetelo ku suka eka nkwama wa Bodo tani hilaha swi nga ha bohiwaka hakona hi Xirho lexi nga ni vutihlamuleri bya Timali.

(2) Miholo ni swengetelo swa swirho swa Bodo swi nga ha hambana ku ya hi ku hambana ka mintirho leyi swi nga yi khoma kumbe mintirho yo hambana leyi yi tirhiwaka hi swona.

Vatirhi va Bodo

10. (1) Bodo, loko yi karhi yi tirhisa matimba ya yona ni ku tirha mintirho ya yona ku ya hi Nawu lowu, yi fanele ku pfuniwa hi—

(a) ku ya hi xiyenge xa 5(1)*(a)*(i) na (iii) na 5(1)*(b)*, munhu loyi a nga thwasa hi mfanelo ni ku va ni ntokoto tani hi mufambisinkulu wa makungu, loyi a thoriweke hi Xirho lexi nga ni vutihlamuleri endzhaku ko tsundzuxana ni Bodo kumbe ku tirha tani hi murhumiwa hi ku landza xiyengenyana xa (3), hi xikongomelo xo pfuna Bodo eka ku tirha vutihlamuleri hinkwabyo bya timali, mafambisele na vutihlamuleri bya vubalana mayelana na mintirho ya Bodo, naswona hi tlhelo ra sweswo u fanela ku va ni vutihlamuleri eka Bodo; na

(b) vatirhi vo tano, lava thoriweke hi Bodo kumbe lava tirhaka tani hi varhumiwa hi ku landza xiyengenyana xa (3), tani hilaha swi nga ha lavekaka ku endlela ku pfuneta Bodo ku tirha mintirho ya yona: Ku ri leswaku munhu a nga fanelanga ku thoriwa hi Bodo hi ku landza ndzimana leyi kumbe ku tshama a ri xirho xa vatirhi va Bodo loko a khumbiwa hi ku heleriwa hi timfanelo tihi ni tihi tani hilaha swi languteriweke eka xiyenge xa 5(1)*(b)*.

(2) Vanhu lava thoriwaka hi Bodo hi ku landza xiyengenyana xa (1) va fanela ku hakeriwa miholo na swengetelo swo tano ku huma eka nkwama wa Bodo naswona va fanela ku amukela swipfuno swin'wana swa vathoriwa ni ku thoriwa hi ku landza swiyimo na swipimelo swo tano na hi minkarhi yo tano, tani hilaha Bodo yi nga ha bohaka.

(3) Bodo, loko yi karhi yi tirhisa matimba ya yona ni ku tirha mintirho ya yona, hi xikombelo xa yona na swona endzhaku ka ku tsundzuxana na Vufambisi bya Xifundzankulu bya xifundzankulu lexi, yi nga ha pfuniwa hi vatirhelatiko va vufambisi bya Xifundzankulu lexi vuriwaka lebyi nga rhumeriwa eka vutirheri bya Bodo hi ku landza nawu wihi ni wihi lowu lawulaka ku rhumeriwa ka vatirhi koloko.

(4) *(a)* Matimba wahi ni wahi kumbe mintirho leswi Bodo yi nga ha swi tirhisaka kumbe ku swi endla hi ku landza Nawu lowu, ku nga katsiwa ni matimba ni mintirho leswi languteriweke eka swiyenge swa 28, 29, 30, 33, 34, 36(2), 36(4), 36(5) na 37(5), swi nga ha hundziseriwa (ku nga va hi ku angarhela kumbe emhakeni yo karhi) eka mufambisinkulu wa makungu, komiti ya Bodo, kumbe xirho xihi ni xihi xin'wana xa vatirhi va Bodo.

(b) Matimba wahi ni wahi kumbe mintirho leyi hundziseriweke leswi swi nga endliwa kumbe matimba lama hundziseriweke lawa ya tirhisiweke swi fanela ku tekiwa swi endliwile hi Bodo.

Ku tirhela erivaleni no hlayisiwa ka xihundla

11. (1) Bodo, hi ku ya hi xiyengenyana xa (2), yi fanela ku thirha hi mukhuva lowu vonakaka.

(2) Ku hava xirho xa Bodo kumbe xa vatirhi va Bodo, hambi munhu loyi a languteriweke eka swiyenge swa 18 na 19 naswona ku hava mukamberi loyi, handle ka hi xileriso xa khoto, a faneleke ku paluxa—

(a) tsalwa rihi ni rihi ra mahungu, kumbe vutitivisi bya munhu wihi ni wihi leswi Bodo yi nga boha ku ka swi nga kamberiwi hi mani na mani kumbe ku paluxiwa tani hilaha swi languteriweke eka xiyenge xa 27(2);

(b) tsalwa rihi ni rihi kumbe mahungu lawa ya nga nyikiwa Bodo hi vulawuri bya malandzeleriwele ya swinawana swihi ni swihi hi swipimelo swo hlayisa xihundla.

Xiyimo xa vutshembeki eka vanhu

12. (1) Ku endlela ku tiyisisa ntshunxeko na ku tshembeka ka Bodo—

(a) xirho xa Bodo kumbe xa vatirhi va Bodo a xi fanelanga—

(i) handle ka miholo yihi ni yihi leyi yi kumiwaka hi kokwalaho ka ntirho lowu a wu khomeke, hi ku kongoma ku ka ku nga ri hi ku kongoma, ku amukela xihi ni xihi xa nkoka xo huma eka munhu wihi na wihi leswi swi nga ha kwetlembetanaka kumbe ku nghenelela eka matirhele lamanene ya yena kumbe ku vuyeriwa hi mukhuva wihi ni wihi eka ntirho lowu a wu khomeke;

(ii) ku nghenela eka ku gembula kwihi ni kwihi eka Xifundzankulu loko ku ri leswaku munhu yaloye a nga ha nghenela eka ku gembula koloko loko swi fanerile eka ku tirha mintirho ya yena ku ya hi Nawu lowu;

(b) xirho kumbe khale ka xirho xa Bodo a xi fanelanga ku kombela kumbe ku amukela ntirho ku suka eka mukhomi wa layisense kumbe mukomberi wa layisense hi ku landza Nawu lowu ku nga si hela lembe rin'we endzhaku ka ku herisiwa ka ntirho wa xirho xo tano xa Bodo handle ko rhanga ku pfumeleriwa hi Bodo;

(c) xirho xa Bodo kumbe xa vatirhi va Bodo; loko xi nga si sungula ku endla mintirho ya xona ya hofisi, xi fanela ku hlambanya kumbe ku tiyisisa tani hilaha swi bohiweke hi Xirho lexi nga ni vutihlamuleri.

(2) Makungu ya swiyengenyana swa 1*(a)* na *(b)* swi fanela ku tirha *mutatis mutandis* hi tlhelo ra Xirho lexi nga ni vutihlamuleri.

(3) *(a)* Xirho xa Bodo a xi fanelanga ku vhota, ku va kona kumbe ku hoxa xandla hi mukhuva wihi ni wihi wun'wana eka makanelele ya nhlengeletano yihi ni yihi kumbe ku yingisela milandzu eka Bodo, loko hi tlhelo ra mhaka yihi ni yihi leyi nga emahlweni ka Bodo—

(i) yena kumbe xirho lexi nga kusuhi xa ndyangu wa yena lexi languteriweke eka xiyenge xa 5(1)*(b)*(iii), mutirhisani kumbe mutirhisani ebindzwini a ri xirho xa le kusuhi kumbe mutirhisani wa, kumbe u ni, ku khumbeka eka ku khumbeka, kwihi ni kwihi ka timali kumbe ku khumbeka kun'wana eka, bindzu ra mukomberi kumbe munhu wihi ni wihi la endlaka vuyimeri mayelana ni xikombelo xa layisense; kumbe

(ii) u ni ku khumbeka kwihi ni kwihi loku ku n'wi siveleka ku endla mintirho ya yena tani hi xirho xa Bodo hi ndlela yo lulama, yo ka yi nga voyameli etlhelo rin'we no va kahle.

(b) Loko eka xiyimo xihi ni xihi hi nkarhi wa makanelele wahi ni wahi emahlweni ka Bodo swi tikomba leswaku xirho xa Bodo xi na kumbe xi nga va ni ku khumbeka kwihi ni kwihi loku languteriweke eka ndzimana ya *(a)*—

(i) xirho xolexo xi fanele xikan'we-kan'we xi veka erivaleni muxaka wa ku khumbeka ka xona kutani xi suka eka nhlengeletano kumbe eka ku yingisela nandzu ku endlela leswaku swirho leswi salaka swa Bodo swi kanela mhaka ni ku boha loko xirho xexo xi siveriwa ku hoxa xandla eka makanelele eka nhlengeletano yo tano kumbe ku yingisela nandzu hi swivangelo swa ku kanetana ka ku khumbeka; ni

(ii) ku veka erivaleni ko tano ni xiboho lexi tekiwaka hi swirho leswi saleke swa Bodo hi mayelana ni xiboho xo tano, swi fanele ku rhekodiwa eka makanelwa ya mafambisele lawa ku vulavuriwaka hi wona.

(c) Loko xirho xihi ni xihi xa Bodo xo hluleka ku veka erivaleni ku khumbeka kwihi ni kwihi loku languteriweke hi mukhuva wihi na wihi eka ndzimana ya *(a)* kumbe loko, xi ri ni ku khumbeka ko tano, xi va kona kumbe hi mukhuva wihi ni wihi xi hoxa xandla eka makanelele eka nhlengeletano kumbe eka ku yingisela nandzu loku khumbekaka ka ku yingiseriwa ka nandzu loku fambelanaka a swi fanelanga ku tirha: Ku ri leswaku a ku na xiboho hi ku landza Nawu lowu mayelana ni ku nyika, ku hundzuluxa, ku pfuxeta, ku hundzisa, ku yimisa swa nkarhinyana, ku khansela kumbe ku tekeriwa layisense kumbe ku rhijistara, kumbe ku rhurhisiwa ka bindzu leri nga ni layisense ku ya eka byako byintshwa, hikwalaho a swi nga tirhi.

Minkwama ya Bodo

13. (1) Nkwama wa Bodo wu fanele ku vumbiwa hi—

(a) mali leyi averiwaka hi Mfumo wa Milawu wa Xifundzankulu hi xikongomelo xexo;

(b) mintsengo yihi ni yihi leyi hakeriwaka eka Bodo hi ku landza Nawu lowu; ni

(c) mali yin'wana leyi hi nawu yi hakeriwaka eka Bodo.

(2) Bodo eka lembe ra timali rin'wana ni rin'wana, hi nkarhi lowu nga bohiwa hi xirho lexi nga ni vutihlamuleri, yi fanela ku nyiketa xikombisa-tinkonta xa mpimanyeto wa swiamukelwa ni tihakelelo ta Bodo xa lembe ra timali leri landzelaka leswaku xi nyika mpfumelelo wa xona.

(3) Bodo, eka lembe ra timali rihi ni rihi yi nga ha nyiketa swikombisa-tinkonta swo tatisa swa mpimanyeto wa tihakelelo ta Bodo swa lembe ra timali rolero eka xirho lexi nga ni vutihlamuleri leswaku xi nyika mpfumelelo wa xona: Ku ri leswaku mpfumelelo wo tano wu fanele ku nyikiwa ntsena hi ku tsundzuxana na Xirho xa Huvonkulu lexi nga ni vutihlamuleri bya Timali.

Vutihlamuleri, ku odita na Xiviko xa Lembe

14. (1) Mufambisinkulu wa makungu u fanele—

(a) ku rhwexiwa vutihlamuleri bya mfanelo yo hlamusela hi mali leyi amukeriwaka kumbe yi hakeleriwaka Bodo kumbe hi ku yimela Bodo; na

(b) ku endla leswaku tirhekodo leti lavekaka to hlamusela na tin'wana leti yelanaka ti hlayisiwa.

(2) Tirhekodo leti vuriwaka eka xiyengenyana xa (1)*(b)* ti fanele ku oditiwa hi lembe hi Odita Jenerala.

(3) Bodo yi fanela—

(a) ku vika mintirho ya yona eka xirho lexi nga ni vutihlamuleri kan'we kumbe ku tlula lembe, na swona xirho lexi nga ni vutihlamuleri xi fanele ku endla leswaku xiviko xo tano ku katsa ni xikombisa-tinkonta xa lembe rin'wana ni rin'wana xa Bodo swi andlariwa hi ku hatlisa eka Mfumo wa Milawu wa Xifundzankulu; na

(b) ku nyiketa xiviko lexi xi vuriwaka eka ndzimana ya *(a)* eka vulawuri lebyi faneleke byo gembula bya rixaka lebyi tumbuluxiweke hi ku landza milawu ya rixaka yo gembula, ku ya hi xiyenge xa 126(3) xa Vumbiwa, ku nga si hela 14 wa masiku endzhaku ko xi nyiketa xirho lexi nga ni vutihlamuleri.

Tinhlengeletano ta Bodo

15. (1) *(a)* Nhlengeletano yo sungula ya Bodo yi fanele ku khomiwa hi nkarhi ni le ndhawini leyi bohiweke hi Mutshami wa xitulu, kutani endzhaku ka sweswo Bodo yi fanele ku hlangana hi minkarhi yo karhi ni le tindhawini tani hilaha Bodo yi nga ha bohaka nkarhi ni nkarhi ku endlela ku fambisa hi xihatla bindzu ra yona: Ku ri leswaku Bodo yi fanela ku khoma tinhlengeletano tinharhu kumbe ku tlula hi lembe.

(b) Mutshami wa xitulu eka nkarhi wihi ni wihi loko a nyike xitiviso lexi twalaka a nga ha vitana nhlengeletano yo hlawuleka ya Bodo ku va yi khomiwa hi nkarhi ni le ndhawini leyi bohiweke hi yena: Ku ri leswaku a ku na xiboho hi ku landza Nawu lowu lexi fambelanaka ni ku nyikiwa, ku hundzuluxiwa, ku pfuxetiwa, ku rhurhisiwa, ku susiwa, ku yimisiwa swa nkarhinyana kumbe ku khanseriwa ka layisense kumbe setifikheti, xi faneleke ku tekiwa eka nhlengeletano yo hlawuleka.

(2) Mafambisele eka nhlengeletano ya Bodo, eka leswi ya nga hlamuseriwangiki, ya fanele ku bohiwa hi Bodo.

(3) Khoramu ya nhlengeletano ya Bodo yi fanela ku va ntsevu wa swirho swa Bodo.

(4) Xiboho xa Bodo xi fanele ku tekiwa hi vunyingi bya tivhoti ta swirho leswi nga kona eka nhlengeletano ya Bodo.

(5) A ku na xiboho lexi nga tekiwaka xi nga tirhi ntsena hikwalaho ka xivandla lexi pfulekeke eka Bodo kumbe hi mhaka yo va munhu wihi ni wihi loyi a nga fanelangiki ku nghena nhlengeletano tani hi xirho xa Bodo a nghenile tani hi xirho xo tano xa Bodo loko ku tekiwa xiboho:

Ku ri leswaku xiboho xi amukeriwile hi vunyingi bya swirho swa Bodo leswi a swi ri kona ni ku va swi ri na mfanelo ya ku nghenela nhlengeletano tani hi swirho swa Bodo.

(6) Nhlengeletano yihi ni yihi ya Bodo leyi rhambiwaka hi xikongomelo xo—

(a) twa swirilo ni swisolo hi mayelana ni xikombelo xihi ni xihi xa layisense lexi endliwaka hi ku landza Nawu lowu, yi pfuleriwile eka mani na mani: Ku ri leswaku mutshami wa xitulu hi ku vona ka yena ni loko Bodo yi ri ni miehleketo ya leswaku munhu wihi ni wihi loyi vukona bya yena byi nga lavekiki eka nhlengeletano leyi khumbekaka a nga ha lerisaka leswaku munhu wo tano a nga ngheni nhlengeletano kumbe a fanela ku huma enhlengeletanwini; kutani

(b) Ku kanerisana hi xikongomelo xo endla swiboho ni ku vhota ehenhleni ka swona hi tlhelo ra mhaka yihi ni yihi eka nhlengeletano, swi fanele ku endliwa exihundleni.

Tikomiti ta Bodo

16. (1) Bodo, nkarhi na nkarhi, yi nga ha thola komiti ku tirhisa matimba ni ku tirha mintirho leyi hundziseriwaka eka yona hi Bodo.

(2) Komiti yi fanele ku vumbiwa hi—

(a) swirho swa Bodo tani hilaha Bodo yi nga ha vekaka hakona; kumbe

(b) swirho swa Bodo tani hilaha Bodo yi nga ha vekaka hakona na vanhu van'wana tani hilaha Bodo yi nga ha va langaka hi ku landza xiyenge xa 19.

(3) Bodo yi fanela ku veka mutshami wa xitulu wa komiti.

(4) *(a)* Komiti yi fanela ku tirha mintirho ya yona na ku tirhisa matimba ya yona ku ya hi makungu ya Nawu lowu na swiletelo swa Bodo tani hilaha swi nga kanetaniki na makungu yo tano.

(b) Matimba wahi na wahi lama tirhisiwaka kumbe mintirho leyi hundziseriweke swi fanele, ku ya hi xiyenge xa 10(4)*(a)* ku tekiwa tani hiloko swi endliwile kumbe ku tirhiwa hi Bodo.

Makanelwa

17. (1) *(a)* Makanelwa ya mafambisele lawa ya vuriwaka eka xiyenge xa 15(6) ya nhlengeletano yin'wana ni yin'wana ya bodo ya fenela ku hlayisiwa etihofisini ta Bodo.

(b) Munhu wihi ni wihi a nga ha kuma tikopi ta makanelwa lama languteriwaka eka ndzimana ya *(a)* kumbe xiphemu xihi ni xihi xa wona hi ku hakela tihakelelo leti vekiweke.

(2) *(a)* Makanelwa yo hambana ya mafambisele lama vuriwaku eka xiyenge xa 15(6)*(b)* ya nhlengeletano yin'wana ni yin'wana ya Bodo ya fanele ku hlayisiwa hi ndlela leyi fanaka.

(b) Makanelwa lama ya languteriwaka eka ndzimana ya *(a)* kumbe tsalwa rihi ni rihi leri eka rona xitsundzuxo xihi ni xihi, xiviko kumbe xibumabumelo xa Bodo swi nga kona, a ri fanelanga ku paluxiwa handle ka le ka—

(i) xirho lexi nga ni vutihlamuleri;

(ii) munhu wihi ni wihi loyi a xi lavaka ku endlela ku tirha mintirho ya yena hi ku landza Nawu lowu; na

(iii) munhu wihi ni wihi un'wana—

(aa) hi mpfumelelo wa Bodo; kumbe

(bb) hi ku landza xileriso xa khoto leyi faneleke kumbe hi ku ya hi nawu wihi ni wihi.

Ku lava switsundzuxo hi Bodo

18. (1) Bodo yi nga ha lava switsundzuxo eka munhu, nhlangano kumbe vandla mayelana na mhaka yihi ni yihi leyi yi tekiwaka yi fanerile hi bodo ku endlela ku va bodo yi kota ku tirhisa matimba ya yona ni ku tirha mintirho ya yona.

(2) Miholo ni swengetelo leswi vekiweke hi Bodo hi ku landza xiyenge xa 9(1); loko swi ri kona, ni swipimelo swa munhu loyi ku tsundzuxaniwaka na yena hi ndlela yaleyo swi fanele ku va endzeni ka ntwanano lowu tsariweke lowu wu ngheneriweke hi xikongomelo xolexo exikarhi ka Bodo na munhu loyi ku laviwaka switsundzuxo eka yena.

Ku langiwa ka vanhu hi Bodo

19. (1) Loko Bodo yi ri ni miehleketo ya leswaku munhu wo karhi a nga kota ku pfuna Bodo eka ku kambisisa mhaka yo karhi, Bodo yi nga ha langa munhu yaloye hi tlhelo ra xikongomelo xo tano.

(2) Munhu loyi a langiweke tano hi Bodo a nga na mfanelo yo vhota eka nhlengeletano yihi na yihi ya Bodo kumbe komiti ya Bodo.

(3) Makungu ya xiyenge xa 18(2) ya fanele ku tirha *mutatis mutandis* mayelana ni munhu la langiweke tano.

Nkonaniso hi Bodo

20. (1) Bodo ku ya hi xiyenge lexi, yi nga ha endla nkonaniso ehenhleni ka mhaka yihi ni yihi leyi welaka eka mintirho ya yona.

(2) Hi tlhelo ra xikongomelo xa nkonaniso wihi ni wihi hi ku landza xiyengenyana xa (1), Bodo hi xitiviso xo tsariwa, yi nga ha vitana munhu wihi ni wihi loyi a khumbekaka kumbe loyi a nga ha khumbekaka hi kumbe a khumbekaka eka ku kambisisa mhaka yo karhi hi Bodo, ku tivonakisa emahlweni ka Bodo—

(a) ku ta nyika vumbhoni; kumbe

(b) ku humesa buku yihi ni yihi, tsalwa kumbe xilo lexi xi nga emavokweni ya yena kumbe lexi a xi lawulaka naswona lexi hi ku vona ka Bodo xi yelanaka kumbe xi nga ha yelanaka na mhaka leyi yi lavaka ku kambisisiwa kwalaho:

Ku ri leswaku eka nkambisiso wihi ni wihi lowu khomiwaka hi Bodo, munhu loyi a endlaka xikombelo xa layisense kumbe ku hundziseriwa kumbe ku susiwa ka layisense hi ku landza Nawu lowu, kumbe munhu wihi ni wihi loyi a solaka ku nyikiwa ka xikombelo xo tano, kumbe munhu loyi a nga ku kambisisiweni, tani hilaha mhaka yi nga ha vaka yi yime hakona, u fanele, loko o kombela tano, ku va na yona mfanelo ku ta emahlweni ka Bodo ni ku vitana timbhoni.

(3) Munhu loyi a amukelaka xitiviso hi ku landza xiyengenyana xa (2) yena n'wini u fanela ku ta emahlweni ka Bodo hi siku ni nkarhi ni le ndhawini leswi tsariweke eka xitiviso:

Ku ri leswaku loko munhu wo tano a nga ri ni vuswikoti lebyi faneleke bya xinawu ku ta emahlweni ka Bodo, munhu wihi ni wihi loyi ku ya hi nawu a faneleke ku va a n'wi yimela kumbe munhu wihi ni wihi loyi a nyikiweke matimba ku endla tano hi Bodo, a nga ha ta ematshan'weni ya yena.

(4) Makungu ya xiyengenyana xa (3) ya fanela ku tirha *mutatis mutandis* eka ntlawa wihi na wihi lowu tirhisanaka, nhlangano kumbe vandla.

(5) Bodo yi nga ha vitana ni ku konanisa munhu wihi ni wihi loyi a nga kona eka nkonaniso hambi u vitaniwile ku ta eka nkonaniso ku ya hi xiyengenyana xa (2) kumbe e-e, naswona yi nga ha kambela ni ku hlayisa ku ringana nkarhi wo karhi buku yihi ni yihi, tsalwa kumbe xilo, leswi ku humesiwa ka swona a swi laviwa ku ya hi xiyengenyana xexo.

(6) Bodo yi nga ha lava eka munhu wihi ni wihi loyi a taka emahlweni ka Bodo eka nkonaniso hi ku landza xiyengenyana xa (1) ku nyika vumbhoni bya yena ehansi ka xihlambanyo kumbe xitiyisiso, naswona xirho xa Bodo, lexi fambisaka eka nkonaniso, xi nga ha tekisa xihlambanyo kumbe ku amukela xitiyisiso xo huma eka munhu wihi ni wihi wo tano.

(7) Nawu lowu yelanaka na swifundzho tani hilaha swi tirhaka hakona eka munhu loyi a samanisiweke ku ta nyika vumbhoni kumbe ku humesa buku, tsalwa kumbe xilo emahlweni ka khoto ya nawu, wu fanela ku tirha hi mayelana ni ku konanisiwa ka munhu wihi ni wihi wo tano kumbe ku humesa buku yihi ni yihi, tsalwa kumbe xilo ku ya hi xiyengenyana xa (2) kumbe (5).

(8) Munhu wihi ni wihi loyi a taka emahlweni ka Bodo eka nkonaniso, u na yona mfanelo ya ku yimeriwa hi muyimeri wa yena wa nawu.

KAVANYISA KA 2

KU NYIKA TILAYISENSE

Swilaveko na mimpimo ya rixaka

21. A ku na layisense leyi fanelaka ku nyikiwa ku ya hi Nawu lowu handlekaloko Bodo yi lemuka—

(a) makungu ya xiyenge xa 126(3) ya Vumbiwa; ni

(b) swibumabumelo, loko swi ri kona leswi endliweke hi vulawuri lebyi faneleke ka ku gembula bya rixaka lebyi tumbuluxiweke hi ku landza nawu wo gembula wa rixaka ku ya hi xiyenge xa 126(3) xa Vumbiwa.

Ku ka ku nga anetisiwi swilaveko swa tilayisense hi ku angarhela

22. (1) A ku fanelanga ku nyikiwa layisense eka munhu wihi ni wihi, ku katsa ni munhu hi xinawu—

(a) handlekaloko munhu yaloye—

(i) a ringanela no fanela;

(ii) a ri wa mahanyele lamanene ni ku tshembeka naswona loyi migingiriko ya yena yo rhanga, vutiveki, mahanyele ni lava a tihlanganisaka na vona swi nga riki nxungeto eka ku pfuneka ka tiko; na

(iii) munhu loyi a nga ni timali to nyawula;

(b) loko munhu yaloye—

(i) a ri muchoni loyi a nga ha pfukangiki;

(ii) a ri mukhomi wa ntirho wa tipolitiki;

(iii) a ri na vuxaka na xirho lexi nga ni vutihlamuleri kumbe xirho xa Bodo eka vuxaka bya xiyimo xo sungula hi ku tekelana kumbe hi ngati;

(iv) laha eRiphabliki kumbe kun'wana eka khume ra malembe lama hundzeke a voniwile nandzu wihi ni wihi, handlekaloko—

(aa) Bodo yi ri ni miehleketo ya leswaku nandzu a wu ri wa muxaka lowu nga siveriki leswaku munhu wo tano a va a nga fanelenga ku khoma layisense; kumbe

(bb) ku voniwa nandzu ni ku avanyisiwa ku baka-nyiwile hi khoto leyi faneleke; kumbe

(cc) munhu wo tano a kumile ndzivalelo wa mani na mani kumbe ndzivalelo wa mahala eka nandzu lowu a wu ta va wu endle leswaku munhu yaloye a nga ha eneti swilaveko swo va mukhomi wa layisense;

(v) a ha ri ntsongo hi siku ra ku kambisisiwa ka xiko-mbelo lexi khumbekaka; naswona

(vi) a va a thoriwile eka vandla ra ximfumo ro vonisisa ku landzeleriwa ka nawu, ku katsa na Vutirheri bya Maphorisa bya Afrika Dzonga;

(vii) a ri mutekani wa munhu tani hilaha swi languteriweke eka tindzimananyana ta (i), (ii), (iv) kumbe (vi);

(c) handlekaloko Bodo yi enerisiwa leswaku—

(i) mfumo, nhlangano wihi ni wihi lowu khumbanaka ni Mfumo, ntlawa wa tipolitiki kumbe mutirheli wihi ni wihi wa ntlawa wa tipolitiki loyi a nga hava ku khumbeka kwihi ni kwihi ka timali eka bindzu ro gembula ra mukomberi kumbe byako laha khasino yi nga ta fambisiwa kona: Ku ri leswaku ndzimananyana leyi yi fanele eka nkarhi wa malembe mambirhi endzhaku ka ku sungula ku tirha ka Nawu lowu a wu nga tirhi mayelana ni ku khumbeka kwihi ni kwihi ka timali loku Mfumo kumbe nhlangano wo karhi wu nga na kona eku sunguleni ku tirha ka Nawu lowu;

(ii) ku nyika layisense yo tano a swi nga tisi kumbe ku nyanyisa minkavelo ya le makete yihi ni yihi leyi lawulaka no talela ndhawu yi'nwe kumbe maendlele yo sivela wahi ni wahi, swikumiwa ni vukwanga ebindzwini tani hilaha swi languteriweke eka Nawu wa Vuhlayisi ni Ntlakuso wa Mphikizano, 1979 (Nawu wa No. 96 wa 1979), eka ntirho wa bindzu ro gembula kumbe eka rhavi ra wona;

(iii) ku nyika layisense yo tano a swi nga vangi ku tumbuluxiwa ka ntirho wa bindzu ro gembula lowukulu ku tlula mpimo eka Xifundzankulu, ku ri karhi ku languti-wa nhlayo ya vatshami va ndhawu eka Xifundzankulu ni swiyimo swa timali swa vona ni nhlayo ya tilayisense leti ana se ti nyikiweke hi ku landza Nawu lowu ni nawu wihi ni wihi wun'wana.

(2) Loko munhu loyi hi ku landza xiyengenyana xa (1) a nga ha riki ni mfanelo ku va ni layisense—

(a) a ri na ku khumbeka ka ta timali ko kongoma kumbe ko ka ku nga kongomi ka ntlhanu wa tiphesente kumbe ku tlula eka khamphani, nhlangano lowu pfalekeke, vutirhisani, thirasiti kumbe vandla rihi ni rihi ra ntirhisano;

(b) a ri muvuyeriwa eka thirasiti loyi a amukelaka kumbe a faneriwaka hi ku tlula ntlhanu wa tiphesente ta mbuyelo kumbe rifuwo ra thirasiti; kumbe

(c) a ri mulawuri wa khamphani, nhlangano lowu pfalekeke, thirasiti, vutirhisani, vandla ra ntirhisano,

khamphani yo tano, nhlangano wo pfaleka, thirasiti, vutirhisani kumbe vandla swi fanele ku ka swi nga vi na mpfumelelo wo va ni layisense: Ku ri leswaku mukomberi, a nga si aleriwa mfanelo, a nyikiwa nkarhi lowu ringaneke wo lulamisa leswi endlaka leswaku a nga vi na mfanelo.

(3) Eka ku tirhisa xiyengenyana xa (1)*(b)*(iv), "lama hundzeke" swi vula lama hundzeke ku sukela hi siku ra xikombelo lexi khumbekaka.

Tinxaka ta tilayisense

23. (1) Bodo, ku ya hi makungu ya Nawu lowu, yi nga ha nyika tilayisense leti landzelaka hi tlhelo ra ku gembula, ku nga—

(a) tilayisense ta tikhasino;

(b) tilayisense to tirhisa ta michini yo gembula;

(c) tilayisense ta tindhawu ta michini yo gembula;

(d) tilayisense to tirhisa tibingo;

(e) tilayisense ta muendli, muhlayisi kumbe muhangalasi.

(2) Layisense yihi ni yihi leyi vuriwaka eka xiyengenyana xa (1) yi fanele yi va yi tsariwile.

(3) Layisense yi nyika mukhomi wa yona timfanelo ni swifundzho swo karhi naswona yi n'wi rhwexa ku tiboha ni vutihlamuleri lebyi byi nga ha lawuriwaka hi Nawu lowu kumbe ku sukela eka ku khoma layisense yaleyo.

(4) Nhlayo ya maksimamu ya tilayisense ta muxaka wihi ni wihi leti nga ha nyikiwaka hi Bodo, yi nga ha vekiwa: Ku ri leswaku nhlayo ya maksimamu ya tilayisense ta khasino yi nga ha nyikiwaka hi Bodo, yi fanele hi nkarhi wihi ni wihi lowu vekiweke yi bohiwa.

Swikombelo

24. (1) Munhu wihi ni wihi a nga ha endla xikombelo xa layisense lexi vuriwaka eka xiyenge xa 23: Ku ri leswaku—

(a) munhu wihi ni wihi loyi xikombelo xa yena xi nga aleriwa hi xivangelo xihi ni xihi lexi vuriwaka eka xiyenge xa 22, kumbe loyi layisense ya yena yi nga herisiwa hi xivangelo xihi ni xihi lexi vuriwaka eka xiyenge xa 36, a nga he endli xikombelo xa layisense nakambe ku nga si hela tinh'weti ta 12 ku suka eka siku ra ku aleriwa kumbe ku herisiwa koloko, nakona munhu wihi ni wihi loyi a nga na ku khu beka ko kongoma kumbe ko ka ku nga kongomi ka ntlhanu wa tiphesente kumbe ku tlula eka bindzu kumbe ndhawu ya mukomberi wo tano kumbe mukhomi wa layisense, a nge endli xikombelo ku nga si hela tin'hweti ta 12 ku suka eka siku ra ku aleriwa koloko kumbe ku herisiwa, loko munhu yoloye a vile xivangelo xo kongoma kumbe xo ka xi nga ri xo kongoma eka ku aleriwa ko tano kumbe ku herisiwa; na

(b) munhu wihi ni wihi loyi xikombelo xa yena xi nga aleriwa ku tlula kan'we hi xivangelo xihi ni xihi lexi vuriwaka eka xiyenge xa 22, kumbe loyi layisense ya yena yi nga herisiwa ku tlula kan'we hi xivangelo xihi ni xihi lexi vuriwaka eka xiyenge xa 36, a nge he endli xikombelo ku nga si hela malembe manharhu ku sukela eka siku ra ku aleriwa ko hetelela kumbe ku herisiwa, naswona munhu wihi ni wihi loyi a nga ni ku khumbeka ko kongoma kumbe ko ka ku nga ri ko kongoma ka ntlhanu wa tiphesente kumbe ku tlula eka bindzu kumbe ndhawu ya mukomberi wo tano kumbe mukhomi wa layisense, a nge he endli xikombelo xa layisense ku nga si hela malembe manharhu ku sukela eka siku ra ku aleriwa ko hetelela kumbe ku herisiwa, loko-munhu yoloye a vile xivangelo xo kongoma kumbe xo ka xi ngari xo kongoma eka ku aleriwa ko tano kumbe ku herisiwa.

(2) Xikombelo xihi ni xihi xa layisense, xi fanele—

(a) ku endliwa eka Mufambisinkulu wa Makungu hi fomo leyi vekiweke;

(b) ku yisiwa swin'we ni—

(i) mpfumelo kumbe swibumabumelo swa mfumo wa ndhawu laha byako bya bindzu mayelana ni ndhawu leyi xikombelo xi endleriwaka yona, kumbe byi nga ta kumeka kona; na

(ii) tikopi to tiyisisiwa ta xitiviso lexi vekiweke xi hangalasiwa eka *Gazette ya Xifundzankulu* ni phepha-hungu leri rhendzelekaka eka ndhawu laha byako bya ku gembula byi nga ta va kona, byi kumekaka kona; na

(iii) matsalwa wahi ni wahi yan'wana ni mahungu lama bohiweke hi Bodo.

(3) Mukomberi eka xikombelo lexi khumbekaka a nga ha kombisa tsalwa rihi ni rihi kumbe mahungu lama katsiweke eka xikombelo lexi leswi hi mavonele ya mukomberi swi nga swa xihundla kumbe swi faneleke hi xivangelo xihi ni xihi leswaku swi nga paluxiwi eka mani na mani, ni ku kombisa leswaku hikwalaho ka yini Bodo yi nga ha boha leswaku tsalwa rolero kumbe mahungu a swi fanelanga ku pfuleriwa vanhu ku swi kambisisa.

(4) Xikombelo xa layisense xi fanele ku kambisisiwa hi Bodo kutani Bodo endzhaku ka sweswo yi nga ha—

(a) alela xikombelo; kumbe

(b) yi pfumelela xikombelo.

Tihakelelo ta swikombelo

25. Munhu wihi ni wihi loyi a nghenisaka xikombelo eka Bodo ku ya hi xiyenge xa 24, u fanele—

(a) eku nghenisiweni ka xikombelo xexo, ku hakela Bodo hakelelo leyi vekiweke; naswona

(b) u na vutihlamuleri byo hakela Bodo tihakelelo hinkwato leti Bodo yi veke na tona, loko ti ri kona, ku endla mindzavisiso leyi vuriwaka eka xiyenge xa 28: Ku ri leswaku Bodo, loko ku nga si endliwa mindzavisiso yaleyo, yi nga lava eka mukomberi switiyisiso swihi ni swihi hi tlhelo ra ku hakela tihakelelo teto.

26. (1) Munhu wihi ni wihi loyi a lavaka ku sola xikombelo xihi ni xihi lexi nga endliwa xa layisense yihi ni yihi hi ku landza Nawu lowu, ku nga si hundza 30 wa masiku endzhaku ka ku hangalasiwa eka *Gazete ya Xifundzankulu* ni phepha-hungu ka xitiviso lexi faneleke hi ku landza xiyenge xa 24(2)*(b)*(ii), a nga ha nghenisa xisolo eka Mufambisinkulu wa Makungu hi ku tsala xisolo hi maendlele lama vekiweke.

(2) Mufambisinkulu wa Makungu u fanele ku tivisa mukomberi xikan'wekan'we ni ku nyika mukomberi kopi kumbe vuxokoxoko, tani hilaha mhaka yi nga ha vaka hakona, hi—

(a) xisolo xihi ni xihi lexi endliweke eka Bodo hi ku landza xiyengenyana xa (1); ni

(b) mhaka yihi ni yihi kumbe ntiyiso wo karhi lowu, hi ku vona ka Bodo, wu nga ha vangaka xisolo ehenhleni ka xikombelo xa mukomberi, no rhamba mukomberi ku va a hlamula xisolo xo tano, loko a swi tsakerisa sweswo, ku nga si hela nkarhi wa masiku ya 14, kumbe nkarhi wo leha tani hilaha Bodo yi nga ha bohaka hakona hi siku ra ku tivisiwa ko tano.

(3) Munhu loyi a nghenisaka xisolo xihi ni xihi a nga ha komba xivangelo leswaku hikwalaho ka yini Bodo yi nga ha bohaka ku ya hi xiyenge xa 27(2)*(b)* leswaku a nga fanelanga a tiviwa.

Xikombelo ni xisolo swi fanele ku kota ku kamberiwa hi mani na mani

27. (1) Xikombelo xihi ni xihi, swisolo ni tinhlamulo leswi vekiwaka hi ku landza xiyenge xa 24 na 26 swi fanele, hi ku ya hi xiyengenyana xa (2), ku va swi pfuleriwa ku kamberiwa hi vanhu lava khumbekaka eka ndhawu leyi bohiweke hi Bodo ni minkarhi yo tirha ya Bodo eka nkarhi lowu vekiweke ku suka eka siku ra ku vekiwa ka xikombelo tani hilaha swi kombisiweke eka xitiviso lexi vuriwaka eka xiyenge xa 24(2)*(b)*(ii) naswona Bodo, hi ku komberiwa hi munhu wihi ni wihi loyi a khumbekaka, ni loko a hakerile tihakelelo to karhi leti vekiweke, yi fanele ku n'wi nyika kopi ya, kumbe ntshaho ku suka eka, xikombelo xihi ni xihi xo tano, swibumabumelo, nhlamulo kumbe mahungu.

(2) Bodo yi nga ha boha leswaku—

(a) tsalwa rihi ni rihi kumbe mahungu lawa ya fambelanaka na vuswikoti bya timali bya munhu wihi ni wihi loyi a hoxaka xandla eka xikombelo, hi mavito ya vatirhi lava languteriwaka kumbe eka makungu ya bindzu ya mukomberi a swi fanelangi ku pfuleriwa mani na mani leswaku swi kamberiwa, loko tsalwa ro tano kumbe mahungu ya nga hambanyiseka eka masalelwa ya xikombelo naswona swi kombisiwile leswaku i swa xihundla; naswona

(b) ku tiveka ka munhu wihi ni wihi loyi a ngheniseke xisolo eka xikombelo, a swi fanelanga ku boxiwa eka munhu wihi ni wihi un'wana.

Mindzavisiso ni Swiviko swa Maphorisa

28. (1) Ku endlela ku kota ku boha loko layisense yi nga nyikiwa eka mukomberi kumbe e-e, Bodo ku ya hi nawu wihi ni wihi wun'wana, yi nga ha hlengeleta mahungu tani hilaha yi nga ta vona swi fanerile hakona ku huma eka xihlovo xihi ni xihi kumbe munhu mayelana ni ku faneriwa ka mukomberi ku khoma layisense yo tano ku ya hi Nawu lowu ni vufaneri bya byako lebyi hi mayelana na byona xikombelo xi endliwaka.

(2) Mufambisinkulu wa Makungu, loko a amukela xikombelo mayelana ni layisense, a nga ha kombela xiviko eka Vutirheri bya Maphorisa bya Afrika Dzonga lexi vulaka—

(a) vuxokoxoko bya ku khomiwa lebyi rhekodiweke ehenhleni ka mukomberi kumbe munhu wihi ni wihi loyi a nga ta khumbeka eka bindzu ni hi mayelana ni loyi Bodo yi vonaka swi fanerile leswaku yi kuma xiviko xa maphorisa;

(b) timhaka to tano tani hilaha ti nga ha vekiwaka hakona; ni

(c) timhaka to tano tin'wana leti faneleke, hi mavonele ya Vutirheri bya Maphorisa bya Afrika Dzonga, ti nga tekiwaka ti ri ta nkoka mayelana ni xikombelo lexi khumbekaka.

(3) Xiviko lexi languteriwaka eka xiyengenyana xa (2) xi fanele ku yisiwa eka Mufambisinkulu wa Makungu ku nga si hela n'hweti yin'we endzhaku ka siku ra xikombelo xolexo.

Tilayisense ta nkarhinyana hi tlhelo ra byako lebyi nga si hetisekaka

29. (1) Loko xikombelo xa layisense xi pfumeleriwa hi Bodo hi tlhelo ra byako lebyi nga si akiwaka, kumbe byako lebyi lavaka ku cinciwa xivumbeko, ku engeteriwa kumbe ku akiwa hi vuntshwa ku endlela leswaku byi va lebyi nga fanela eka swikongomelo leswi byi nga ta tirhiseriwa swona ku ya hi layisense, Bodo endzhaku ko nyikiwa garantiya leyi lavekaka ya nkarhinyana, yi nga ha nyika layisense ya nkarhinyana, eka mukomberi loyi a khumbekaka, ku ya hi ku landzeleriwa ka swipimelo kumbe swilaveko leswi vuriweke elayisenseni ya nkarhinyana, mayelana ni byako lebyi Bodo yi nga ha byi bohaka, ku nga si hela nkarhi tani hilaha na wona wu nga ha bohiwaka no kongomisiwa hakona.

(2) Bodo, nkarhi wihi ni wihi endzhaku ka ku nyika layisense ya nkarhinyana yo tano, hi xikongomelo xa mukomberi loyi a khumbekaka, yi nga ha—

(a) engetela nkarhi lowu bohiweke ku ya hi xiyengenyana xa (1);

(b) engetela kumbe ku engetela nakambe nkarhi lowu bohiweke ku ya hi xiyengenyana xa (1) kumbe nkarhi lowu bohiweke tano ni ku engeteriwa ku ya hi ndzimana ya *(a)* ya xiyengenyana lexi, tani hilaha swi nga ha vaka hakona, hi tlhelo ra byako lebyi nga si akiwaka hi nkarhi wa ku nyikiwa ka layisense ya nkarhinyana, loko Bodo yi enerisiwa leswaku xiphemu lexikulu xa byako se xi vile xi akiwile.

(c) ku engetela kumbe ku engetela nakambe nkarhi lowu bohiweke ku ya hi xiyengenyana xa (1) kumbe nkarhi lowu bohiweke ni ku engetela ku ya hi ndzimana ya *(b)* ya xiyengenyana lexi, tani hilaha swi nga ha vaka hakona, hi tlhelo ra byako lebyi nga si akiwaka hi nkarhi wa ku nyikiwa ka layisense ya nkarhinyana, loko Bodo yi enerisiwa leswaku xiphemu lexikulu xa byako se xi vile xi akiwile.

(3) Nkarhi lowu nga bohiwa ku ya hi xiyengenyana xa (1) kumbe nkarhi lowu nga bohiwa tano ni ku engeteriwa ku ya hi xiyengenyana xa (2)*(a)*, tani hilaha swi nga ha vaka hakona, wu fanele wu nga tluli 24 wa tin'hweti, nakona nkarhi lowu engeteriweke kumbe ku engeteriwa nakambe ku ya hi xiyengenyana xa (2)*(b)*, tani hilaha swi nga ha vaka hakona, wu fanele ku va wu nga vi wo tlula tin'hweti ta 12 tin'wana.

(4) Loko Bodo yi enerisiwa leswaku byako lebyi hi tlhelo ra byona layisense ya nkarhinyana yi nyikiweke ku ya hi xiyengenyana xa (1), laha byi nga akiwa xiphemu xikulu ku ya hi pulani ya byona leyi amukeriweke hi Bodo, swipimelo ni swilaveko leswi bohiweke hi Bodo swi landzeleriwile ni byako byi fanerile hi tlhelo ra swikongomelo leswi byi nga ta swi tirhiseriwa swona ku ya hi layisense leyi khumbekaka, Bodo yi fanele ku nyika layisense hi ku landza xiyenge xa 24(4) eka mukomberi loyi a khumbekaka.

(5) Loko layisense yo ka yi nga nyikiwi ku nga si hela nkarhi lowu nga bohiwa ku ya hi xiyengenyana xa (1), lowu engeteriweke ku ya hi xiyengenyana xa (2)*(a)* kumbe wu engeteriweke nakambe ku ya hi xiyengenyana xa (2)*(b)*, tani hilaha swi nga ha vaka hakona, layisense ya nkarhinyana yi fanele ku landzeriwa hi nkarhi, kutani xikombelo xa layisense xi fanele ku tekiwa leswaku a xi pfumeleriwanga ni garantiya leyi vuriwaka eka xiyengenyana xa (1) yi fanele ku lova.

(6) Makungu ya Nawu lowu ku ya hi xiyengenyana xa (1), ya fenele ku tirha *mutatis mutandis* eka tilayisense ta nkarhinyana, nakona eka xikombelo xo tano eka Nawu lowu, laha ku vulavuriwaka hi layisense, laha swi tirhaka, naswona swi fanela ku tekiwa tani hiloko ku vuriwa na layisense ya nkarhinyana.

Tilayisense ta khasino

30. (1) A ku na munhu loyi a nga ta endla xikombelo xa layisense ya khasino handlekaloko a hlamula xitiviso hi Bodo lexi hangalasiweke hi *Gazete ya Xifundzankulu* ni phepha-hungu leri rhendzelekaka eka Xifundzankulu, endzhaku ko vulavurisana ni Xirho lexi nga ni vutihlamuleri, lexi rhambaka swikombelo naswona xitiviso xolexo xi nga ha—

(a) vulaka nhlayo ya tilayisense leyi nga ta nyikiwa ni tindhawu laha tikhasino leti ti nga ta va kona;

(b) vulaka nhluvuko ni swilaveko swin'wana;

(c) vekaka ntsengo wa tihakelelo leti languteriwaka eka xiyenge xa 55 kumbe ku rhamba vakomberi ku thendara eka tihakelelo teto;

(d) vekaka swilaveko swa swipima-nkoka leswi nga ta tirhisiwa.

(2) Bodo yi fanele ku nyika layisense ya khasino ntsena endzhaku ko tsundzuxana ni Xirho lexi nga ni vutihlamuleri, naswona loko Bodo yi enerisiwa leswaku mukomberi—

(a) u ni vutivi lebyi faneleke kumbe ntokoto, kumbe a nga kota ku fikelela vutivi byo tano kumbe ntokoto, ku tirhisa khasino;

(b) u tsundzuxanile ni vulawuri bya ndhawu, vulawuri bya rhijini byihi ni byihi byin'wana lebyi tirhaka, loko byi ri kona, bya ndhawu leyi khasino yi nga ta va kona kumbe yi nga kona;

(c) u fanele ku va ni vun'wini bya xinawu a ri yexe bya byako lebyi nga nyikiwa layisense; ni

(d) ku va a fikelela swilaveko hinkwaswo leswi tirhaka leswi vekiweke hi Bodo.

(3) Layisense ya khasino yi fanele ku pfumelela, ku ya hi makungu ya Nawu lowu, ku tlangiwa ka mintlangu yihi ni yihi leyi vekiweke kumbe leyi kombisiweke ebyakweni lebyi nga ni layisense, kumbe mintlangu ya khasino tani hilaha swi kombisiweke xiswona elayisenseni.

Tilayisense to tirhisa muchini wo gembula

31. (1) A ku na munhu loyi a faneleke ku endla xikombelo xa layisense yo tirhisa muchini wo gembula ehandle ko va a hlamula xitiviso hi Bodo lexi hangalasiweke eka *Gazete ya Xifundzankulu* ni phephahungu leri rhendzelekaka endzeni ka Xifundzankulu, endzhaku ka ku tsundzuxana ni Xirho lexi nga na vutihlamuleri, xi rhambaka swikombelo naswona lexi xitiviso xexo xi nga ta vula swihlawulekisi swo kambela leswi nga ta tirhisiwa ni swilaveko swihi ni swihi swin'wana.

(2) Layisense yo tirhisa muchini wo gembula a yi fanelangi ku nyikiwa hi Bodo—

(a) handlekaloko Bodo yi enetisiwa leswaku mukomberi—

(i) u ni vutivi lebyi faneleke ni ntokoto, kumbe a nga kota ku kuma vutivi byo tano kumbe ntokoto, ku tirhisa muchini wo gembula; kumbe

(ii) a fikelela swilaveko leswi vekiweke;

(b) ku tirhisa ku tlula nhlayo leyi vekiweke ya michini yo gembula.

(3) Layisense yo tirhisa muchini wo gembula yi fanele ku pfumelela, ku ya hi makungu ya Nawu lowu, ku tirhisiwa ka muchini kumbe michini yihi ni yihi leyi vekiweke yo gembula leyi hlamuseriweke eka layisense, eka byako lebyi nga ni layisense bya mukhomi wa layisense ya xitandi xa muchini wo gembula, naswona eka xikongomelo xo tano, mukhomi wa layisense ya muchini wo gembula wo tano a nga ha nghena eka ntwanano na mukhomi wa layisense ya xitandi xa muchini wo gembula yaleyo wa ku vekiwa ka muchini wo gembula wolowo eka byako lebyi khumbekaka.

(4) Mukhomi wa layisense yo tirhisa muchini wo gembula u fanele ku hlanganisa michini hinkwayo yo gembula hi tlhelo ra layisense leyi nga nyikiwa, eka tisisiteme to monitara ta elekitroniki tani hilaha swi languteriwaka eka xiyenge xa 39.

(5) Layisense yo tirhisa muchini wo gembula yi fanele ku nyikiwa ntsena hi Bodo endzhaku ko tsundzuxana ni Xirho lexi nga ni vutihlamuleri.

Layisense ya xitandi xa muchini wo gembula

32. (1) Layisense ya xitandi xa muchini wo gembula a yi fanelenga ku nyikiwa hi Bodo—

(a) handle ka le ka munhu loyi a enetaka swilaveko leswi swi vekiweke;

(b) hi tlhelo ra ku tirhisa ni ku hlayisa ku tlula ntlhanu wa michini yo gembula handle ka le ka matshamelo yo hlawuleka tani hilaha swi bohiweke hi Bodo hi ku tsundzuxana ni Xirho lexi nga ni vutihlamuleri; na

(c) handlekaloko Bodo yi enerisiwile leswaku byako hi tlhelo ra layisense leyi yi faneleke ku nyikiwa byi nga ta kala byi nga tirhiseriwi ngopfungopfu michini yo gembula eku sunguleni.

(2) Xitandi ya muchini wo gembula xi fanela ku pfumelela hi ku landza makungu ya Nawu lowu, ku tirhisiwa ni ku hlayisiwa endzeni kumbe ehenhla ka byako lebyi byi nga ni layisense lebyi byi kombisiweke elayisenseni, eka michini yo gembula yihi ni yihi leyi yi vekiweke kumbe michini yo gembula leyi yi kombisiweke elayisenseni: Ku ri leswaku—

(a) hakelelo ya maksimamu yo tlanga eka muchini wo gembula wihi ni wihi wo tano a yi fanelanga ku tlula ntsengo lowu wu vekiweke;

(b) sagwati hi tlhelo ra ntlangu wihi ni wihi wu'nwe lowu wu tlangiwaka hi ku tirhisa muchini wo gembula wihi ni wihi wo tano a ri fanelanga ku tlula hi nhlayoxikarhi nkoka wa ntsengo lowu wu vekiweke;

(c) ku fanele ku kombetiwa ehenhla ka muchini wo gembula wihi ni wihi wo tano nkoka wa sagwati wa maksimamu lowu wu vekiweke ku ya hi ndzimana ya *(b)* leri ri nga winiwaka hi ku tlanga ntlangu kan'we hi ku tirhisa muchini wo gembula wo tano;

Layisense yo tirhisa bingo

33. (1) Layisense yo tirhisa bingo a yi fanelanga ku nyikiwa hi Bodo, handle ka loko Bodo yi enerisiwile leswaku mukomberi u fikelela swilaveko leswi vekiweke.

(2) Layisense yo tirhisa bingo yi fanela ku pfumelela ku ya hi makungu ya Nawu lowu, ku tlangiwa endzeni kumbe ehenhla ka byako lebyi nga ni layisense lebyi nga kombisiwa eka layisense, ka ntlango wa bingo: Ku ri leswaku hakelelo ya maksimamu ya ntlangu yo tlanga ntlangu wa bingo kan'we yi fanele ku va ntsengo lowu vekiweke.

(b) u tsundzuxanile ni vulawuri bya ndhawu, vulawuri bya rhijini byihi ni byihi byin'wana lebyi tirhaka, loko byi ri kona, bya ndhawu leyi khasino yi nga ta va kona kumbe yi nga kona;

(c) u fanele ku va ni vun'wini bya xinawu a ri yexe bya byako lebyi nga nyikiwa layisense; ni

(d) ku va a fikelela swilaveko hinkwaswo leswi tirhaka leswi vekiweke hi Bodo.

(3) Layisense ya khasino yi fanele ku pfumelela, ku ya hi makungu ya Nawu lowu, ku tlangiwa ka mintlangu yihi ni yihi leyi vekiweke kumbe leyi kombisiweke ebyakweni lebyi nga ni layisense, kumbe mintlangu ya khasino tani hilaha swi kombisiweke xiswona elayisenseni.

Tilayisense to tirhisa muchini wo gembula

31. (1) A ku na munhu loyi a faneleke ku endla xikombelo xa layisense yo tirhisa muchini wo gembula ehandle ko va a hlamula xitiviso hi Bodo lexi hangalasiweke eka *Gazete ya Xifundzankulu* ni phephahungu leri rhendzelekaka endzeni ka Xifundzankulu, endzhaku ka ku tsundzuxana ni Xirho lexi nga na vutihlamuleri, xi rhambaka swikombelo naswona lexi xitiviso xexo xi nga ta vula swihlawulekisi swo kambela leswi nga ta tirhisiwa ni swilaveko swihi ni swihi swin'wana.

(2) Layisense yo tirhisa muchini wo gembula a yi fanelangi ku nyikiwa hi Bodo—

(a) handlekaloko Bodo yi enetisiwa leswaku mukomberi—

(i) u ni vutivi lebyi faneleke ni ntokoto, kumbe a nga kota ku kuma vutivi byo tano kumbe ntokoto, ku tirhisa muchini wo gembula; kumbe

(ii) a fikelela swilaveko leswi vekiweke;

(b) ku tirhisa ku tlula nhlayo leyi vekiweke ya michini yo gembula.

(3) Layisense yo tirhisa muchini wo gembula yi fanele ku pfumelela, ku ya hi makungu ya Nawu lowu, ku tirhisiwa ka muchini kumbe michini yihi ni yihi leyi vekiweke yo gembula leyi hlamuseriweke eka layisense, eka byako lebyi nga ni layisense bya mukhomi wa layisense ya xitandi xa muchini wo gembula, naswona eka xikongomelo xo tano, mukhomi wa layisense ya muchini wo gembula wo tano a nga ha nghena eka ntwanano na mukhomi wa layisense ya xitandi xa muchini wo gembula yaleyo wa ku vekiwa ka muchini wo gembula wolowo eka byako lebyi khumbekaka.

(4) Mukhomi wa layisense yo tirhisa muchini wo gembula u fanele ku hlanganisa michini hinkwayo yo gembula hi tlhelo ra layisense leyi nga nyikiwa, eka tisisiteme to monitara ta elekitroniki tani hilaha swi languteriwaka eka xiyenge xa 39.

(5) Layisense yo tirhisa muchini wo gembula yi fanele ku nyikiwa ntsena hi Bodo endzhaku ko tsundzuxana ni Xirho lexi nga ni vutihlamuleri.

Layisense ya xitandi xa muchini wo gembula

32. (1) Layisense ya xitandi xa muchini wo gembula a yi fanelenga ku nyikiwa hi Bodo—

(a) handle ka le ka munhu loyi a enetaka swilaveko leswi swi vekiweke;

(b) hi tlhelo ra ku tirhisa ni ku hlayisa ku tlula ntlhanu wa michini yo gembula handle ka le ka matshamelo yo hlawuleka tani hilaha swi bohiweke hi Bodo hi ku tsundzuxana ni Xirho lexi nga ni vutihlamuleri; na

(c) handlekaloko Bodo yi enerisiwile leswaku byako hi tlhelo ra layisense leyi yi faneleke ku nyikiwa byi nga ta kala byi nga tirhiseriwi ngopfungopfu michini yo gembula eku sunguleni.

(2) Xitandi ya muchini wo gembula xi fanela ku pfumelela hi ku landza makungu ya Nawu lowu, ku tirhisiwa ni ku hlayisiwa endzeni kumbe ehenhla ka byako lebyi byi nga ni layisense lebyi byi kombisiweke elayisenseni, eka michini yo gembula yihi ni yihi leyi yi vekiweke kumbe michini yo gembula leyi yi kombisiweke elayisenseni: Ku ri leswaku—

(a) hakelelo ya maksimamu yo tlanga eka muchini wo gembula wihi ni wihi wo tano a yi fanelanga ku tlula ntsengo lowu wu vekiweke;

(b) sagwati hi tlhelo ra ntlangu wihi ni wihi wu'nwe lowu wu tlangiwaka hi ku tirhisa muchini wo gembula wihi ni wihi wo tano a ri fanelanga ku tlula hi nhlayoxikarhi nkoka wa ntsengo lowu wu vekiweke;

(c) ku fanele ku kombetiwa ehenhla ka muchini wo gembula wihi ni wihi wo tano nkoka wa sagwati wa maksimamu lowu wu vekiweke ku ya hi ndzimana ya *(b)* leri ri nga winiwaka hi ku tlanga ntlangu kan'we hi ku tirhisa muchini wo gembula wo tano;

Layisense yo tirhisa bingo

33. (1) Layisense yo tirhisa bingo a yi fanelanga ku nyikiwa hi Bodo, handle ka loko Bodo yi enerisiwile leswaku mukomberi u fikelela swilaveko leswi vekiweke.

(2) Layisense yo tirhisa bingo yi fanela ku pfumelela ku ya hi makungu ya Nawu lowu, ku tlangiwa endzeni kumbe ehenhla ka byako lebyi nga ni layisense lebyi nga kombisiwa eka layisense, ka ntlango wa bingo: Ku ri leswaku hakelelo ya maksimamu ya ntlangu yo tlanga ntlangu wa bingo kan'we yi fanele ku va ntsengo lowu vekiweke.

Tilayisense ta muendli na muphakeri

34. (1) Munhu wihi ni wihi, loyi a navelaka ku tirhisa, ku yisa emahlweni kumbe ku fambisa muxaka wihi ni wihi wa nchumu wihi ni wihi wo gembula wo endla, ku xavisa, ku hangalasa, ku tunda, ku maketa, ku hlayisa kumbe ku lunghisa u fanele ku endla xikombelo eka Bodo leswaku a kuma layisense leyi faneleke.

(2) Mukhomi wa layisense ya Khasino, layisense yo tirhisa muchini wo gembula, layisense ya xitandi xa muchini wo gembula kumbe layisense yo tirhisa bingo, handle ko kanetana ni makungu ya xiyengenyana xa (1)—

(a) hi mpfumelelo wa Bodo, a nga ha endla swin'wana hi ku xavisa hi ndlela leyi yi nga pfumeleriwa hi Bodo, wihi ni wihi kumbe hi hinkwayo ya minchumu ya yona yo gembula; na

(b) ku hlayisa kumbe ku lunghisa hi ku pfumeleriwa hi Bodo eka nchumu wihi ni wihi wo gembula.

(3) Loko ku tshuka ku humelerile rifu, ku wa xitoko, ku vekiwa ehansi ka vulawuri bya xinawu ka mukhomi wa layisense loyi a vuriweke eka xiyengenyana xa (2) kumbe nhlamuselo ya leswaku mukhomi yaloye wa layisene a nga swi koti ku fambisa timhaka ta yena n'winyi—

(a) vulawuri bya ndzhaka ya mufi kumbe ndzhaka leyi yi weke xitoko; na

(b) mininjhere wa xinawu, mulanguteri kumbe muavanyiseri hambiloko ku ri ni makungu ya xiyengenyana xa (1), a nga ha endla swin'wana hi ku xavisa hi ndlela leyi pfumeleriweke hi Bodo, swihi ni swihi kumbe hinkwaswo swa switirhisiwa swo gembula swa mukhomi yaloye wa layisense.

(4) Layisense ya mumaki, muhlayisi kumbe muphakeri a yi fanelanga ku nyikiwa hi Bodo, handle ka loko Bodo yi enerisiwile leswaku mukomberi u na vutivi lebyi faneleke na ntokoto, kumbe a kota ku kuma vutivi na ntokoto walowo, ku fambisa bindzu ehansi ka layisense.

(5) Layisense leyi khumbekaka ya mumaki, muhlayisi kumbe muphakeri yi fanele ku nyika mpfumelelo, ku ya hi makungu ya Nawu lowu—

(a) ku makiwa/endliwa, ku xavisiwa, ku phakeriwa, ku tundiwa, ku maketiwa, ku hlayisiwa na ku lunghisiwa ka mixaka na timodele, ta switirhisiwa swo gembula leswi fikelelaka swilaveko leswi vekiweke na ku pfumeleriwa hi Bodo; na

(b) ku phakeriwa ka switirhisiwa swo gembula kumbe vutirheli eka vatameri/vakhomi va tilayisense.

Tilayisense to hlawuleka

35. (1) Hambiloko ku ri ni makungu wahi ni wahi man'wana ya Nawu lowu, Bodo, hi xikombelo hi mukhuva lowu bohiweke hi Bodo, yi nga ha nyika eka munhu wihi ni wihi, hi tlhelo ra masiku yo karhi, layisense yo hlawuleka, ku ya hi swipimelo tani hilaha Bodo yi nga ha swi bohaka.

(2) Makungu ya swiyenge swa 24 na 26 a ya fanelanga ku tirha hi tlhelo ra xikombelo lexi xi languteriwaka eka xiyengenyana xa (1).

Ku pfa ku yimisiwile kumbe ku herisiwa ka layisense

36. (1) Bodo, eka nkarhi wihi ni wihi, yi nga ha pfa yi yimisile ku fika nkarhi tani hilaha Bodo yi nga ha bohaka, kumbe ku herisa ku suka siku tani hilaha Bodo yi nga ha bohaka, layisense yihi ni yihi, loko—

(a) mahungu wahi ni wahi lawa ya nga eka xikombelo xihi ni xihi lexi endliweke hi mukhomi wa layisense hi xikongomelo xo kuma ku nyikiwa, ku pfuxeta, ku hundzisela kumbe ku susa hi nkarhi lowu mahungu ya nyikiweke, a ya ri vunwa hi tlhelo rihi ni rihi leri tiyeke kumbe a ya ya hi ku siyiwa/tshikiwa ka nchumu wihi ni wihi hi xikongomelo xo kanganyisa Bodo;

(b) mukhomi wa layisense hi ku landza xiyenge xa 22 a nga ha vi na mfanelo ya ku khoma/tamela layisense;

(c) mukhomi wa layisense, muthoriwa wa mukhomi wa layisense kumbe munhu wihi ni wihi un'wana loyi a khomeleke ematshan'wini ya yena a tsandzekile ku landzelela nkarhi wihi ni wihi kumbe xipimelo xa layisense kumbe kungu rihi ni rihi ra layisense kumbe kungu rihi ni rihi ra Nawu lowu, kumbe a nga landzelelanga nkarhi walowo, swipimelo kumbe kungu ku nga si hela 30 wa masiku kumbe nkarhi walowo wo yisa emahlweni wo tano tani hilaha Bodo hi ku tsala yi nga ha pfumelelaka, endzhaku ka ku rhumeriwa ka xitiviso lexi tsariweke hi Bodo xi ya eka mukhomi wa layisense yi lava leswaku ku tsandzeka koloko ku lulamisiwa;

(d) mukhomi wa layisense, handle ka ku pfumela loku rhangeke ku tsariwa ka Bodo, a tsandzekile ku ya emahlweni ni bindzu ehansi ka layisense eka nkarhi wa kwalomu ka tin'hweti tinharhu hi ku landzelelana;

(e) mukhomi wa layisense a tsandzeka ku hakela ntsengo wihi ni wihi lowu wu vekiweke hi ku landza Nawu lowu ku nga si hela nkarhi lowu wu vekiweke;

(f) mukhomi wa layisense a tsandzeka ku hakela xikan'wekan'we sangwati rihi ni rihi; leri hi nawu ri winiweke hi ku gembula kwihi ni kwihi loku endliweke ehansi ka layisense;

(g) mukhomi wa layisense a tsandzeka ku landzelela xiyenge xa 53(2); kumbe

(h) mukhomi wa layisense a nga ha landzeleri swilaveko leswi vekiweke swa layisense leyi yi khumbekaka.

(2) Bodo, nkarhi wihi ni wihi, yi nga ha herisa xileriso xihi ni xihi xo pfa ku yimisiwile kumbe ku herisiwa lexi nyikiweke hi ku landza xiyengenyana xa (1) loko nhlamuselo ya ku pfa ku yimisiwile ko tano ku lulamisiwile ku va ku enetisa Bodo.

(3) Bodo yi fanele ku tivisa mukhomi wa layisense hi ku tsala, hi ta ku pfa ku yimisiwile kwihi ni kwihi kumbe ku herisiwa ka layisense hi ku landza xiyengenyana xa (1).

(4) Layisense ya khasino na layisense ya mutirhisi wa muchini wo gembula yi fanele ku pfa yi yimisiwile kumbe ku herisiwa ntsena hi Bodo endzhaku ka ku kanerisana na Xirho lexi xi nga ni vutihlamuleri.

(5) Loko layisense yi pfe yi yimisiwile kumbe ku herisiwa ṭi ku landza xiyengenyana xa (1), ku hava mali ya layisense, kumbe xiphemu xihi ni xihi xa yona xi faneleke ku tlherisiwa.

(6) Laha Bodo yi ringanyetaka ku herisa layisense, Bodo yi fanele ku rhumela xitiviso lexi tsariweke eka mukhomi wa layisense lexi boxaka—

(a) leswaku Bodo yi ringanyeta ku herisa layisense;

(b) nhlamuselo kumbe tinhlamuselo ta ku herisa;

(c) leswaku mukhomi wa layisense ku nga si hela 30 wa masiku endzhaku ka siku ra xitiviso lexi tsariweke—

(i) a nga ha endla vuyimeri lebyi tsariweke hi ta mhaka leyi eka Bodo; kumbe

(ii) a nga ha tivisa Bodo hi ku tsala hi ta xikongomelo xa mukhomi wa layisense ku endla vuyimeri hi nomu; na

(d) ku tirha ka xiyengenyana xa (7).

(7) Loko, ku nga si hela nkarhi lowu wu vuriweke eka xiyengenyana xa 6*(c)*, Bodo yi nga amukeri vuyimeri lebyi tsariweke hambi ku ri xitiviso lexi tsariweke xa xikongomelo xa mukhomi wa layisense ku endla vuyimeri bya nomu, ku herisiwa ku fanele ku sungula ku tirha hi ku hela ka nkarhi walowo.

Ku hundziseriwa na ku susiwa ka layisense

37. (1) Layisense leyi nyikiweke hi ku landza Nawu lowu, ku ya hi xiyenge lexi, a yi fanelanga—

(a) ku hundziseriwa eka munhu un'wana; kumbe

(b) ku rhurhisiwa ku suka eka byako lebyi nga ni layisense lebyi byi khumbekaka ku ya eka byako byin'wana.

(2) Loko mukhomi wa layisense—

(a) a navela ku hundzisela layisense yaleyo ku ya eka munhu un'wana mukhomi wa layisense yaloye na munhu yaloye un'wana, ku ya hi swiyenge swa 24 ku fika 28, va fanele ku endla xikombelo lexi katsaneke xi ya eka Bodo ehenhla ka ku hundzisela koloko hi mukhuva lowu vekiweke;

(b) a navela ku rhurhisa layisense yaleyo ku suka eka byako lebyi nga ni layisense ku ya eka byako byihi ni byihi byin'wana, hambiloko byi ri bya nkarhi hinkwawo kumbe bya nkarhinyana, mukhomi yaloye wa layisense, ku ya hi swyenge swa 24 ku fika 28, u fanele ku endla xikombelo eka Bodo ku va ku rhurhisiwa layisense yaleyo hi mukhuva lowu vekiweke.

(3) Xikombelo xo hundzisela kumbe ku rhurhisiwa ka layisense hi ku landza xiyengenyana xa (2) xi fanele ku kambisisiwa hi Bodo naswona Bodo endzhaku ka sweswo yi nga ha—

(a) ala xikombelo; kumbe

(b) yi pfumelela xikombelo, ku ri ni swipimelo kumbe ku ri hava swipimelo.

(4) Layisense a yi fanelanga—

(a) ku hundziseriwa eka munhu loyi a nga riki na mfanelo kumbe hi ndlela yin'wana a nga riki na vuswikoti hi ku landza Nawu lowu ku khoma/tamela layisense leyi khumbekaka;

(b) ku rhurhisiwa ku suka eka byako lebyi nga ni layisense lebyi khumbekaka ku ya eka byako byin'wana handlekaloko Bodo yi enetisiwile leswaku byako lebyin'wana byi kumbe byi ta va loko byi herile ku va byi fanerile ehenhla ka swikongomelo leswi byi nga ta va byi tirhisiwa ehansi ka layisense.

(5) Hi tlhelo ra layisense ya khasino, layisense ya mutirhisi wa muchini wo gembula, Bodo yi fanele ku pfumelela ntsena xikombelo hi ku landza xiyengenyana xa (2) endzhaku ka ku tsundzuxana na Xirho lexi nga na vutihlamuleri.

(6) Makungu ya swiyenge swa 24 ku fika 28 swi fanele ku tirha *mutatis mutandis* eka xikombelo hi ku landza xiyenge lexi.

KAVANYISA KA 3

SWIPIMELO

Swipimelo swa tilayisense swo angarhela

38. (1) Bodo, hi tlhelo ra muxaka wihi ni wihi wa layisense, yi nga ha veka swipimelo swo karhi eka layisense tani hilaha Bodo yi vonaka swi fanerile, nakona ngopfungopfu swi nga ha katsa swipimelo—

(a) hi mayelana ni mintlangu leyi nga ha tlangiwaka;

(b) hi mayelana ni endlele ro tirhisa ntlangu wihi ni wihi;

(c) hi tlhelo ra xikongomelo xo tiyisisa leswaku ku tirhisiwa ka ku tlanga kwihi ni kwihi ku pfumelelana ni ku xiximeka, ndzhuti, ku tsakela lokunene ni ku tshembeka;

(d) hi ku laveka ka ku hlayisiwa ka tibuku, tiakhawuti, tirhekodo ni mahungu man'wana lama fambelanaka ni ku gemburiwa kwihi ni kwihi;

(e) hi ku laveka ka mimpimo ya minimamu yo karhi mayelana na byako lebyi ku gembula swi nga ta endleriwa kona;

(f) hi swa ku laveka ka ku nyiketiwa eka Bodo swiviko ni tinhlayo mayelana ni ku gemburiwa tani hilaha Bodo yi nga ha swi lavisaka xiswona hi nkarhi na nkarhi;

(g) hi mayelana na masiku lawa ni tiawara leti ku gembula ku nga endliwaka hatona;

(h) hi mayelana na layisense ya khasino, leyi yi yelanaka na ku nghenisiwa kumbe ku hlayisiwa ka mikhuva yo rindza (surveillance systems);

(i) hi mayelana na ku nyikiwa ka garantiya hi munyikiwa wa layisense, tani hilaha swi vekiweke hi Bodo, hi tlhelo ra milandzu ya munyikiwa wa layisense hi mayelana na—

(i) mindzuvo yo gembula leyi hakeriwaka hi ku landza Nawu lowu; na

(ii) swikweleti swo gembula leswi swi hakeriwaka hi mukhomi wa layisense.

(2) Bodo nkarhi wihi ni wihi yi nga ha pfa yi yimisile, ku herisa kumbe ku hundzuluxa xipimelo xihi ni xihi ehansi ka xiyengenyana xa (1) hi xitiviso lexi rhumeriwaka kumbe ku nyiketiwa mukhomi wa layisense yo karhi.

(3) Laha Bodo yi ringanyetaka ku pfa yi yimisile, ku herisa kumbe ku hundzuluxa xipimelo xihi ni xihi ehansi ka xiyengenyana xa (2), Bodo yi fanele ku rhumela xitiviso xo tsariwa eka loyi a nga ni layisense yi boxa—

(a) xiringanyeto xa Bodo xa ku pfa yi yimisile, ku herisa kumbe ku hundzuluxa tani hilaha mhaka yi nga ha vaka hakona, xipimelo xihi ni xihi ehansi ka xiyengenyana xa (1);

(b) leswaku mukhomi wa layisense, ku nga si hela 30 wa masiku endzhaku ka siku ra xitiviso lexi tsariweke, a nga ha—

(i) endla vuyimeri lebyi tsariweke hi ta mhaka leyi eka Bodo; kumbe

(ii) ku tivisa Bodo hi ku tsala hi ta xikongomelo xa loyi a nga ni layisense ku endla vuyimeri hi nomu; na

(c) ku tirha ka xiyengenyana xa (4).

(4) Loko, ku nga si hela nkarhi lowu wu vuriweke eka xiyengenyana xa (3)*(b)*, Bodo yi nga amukelanga vuyimeri lebyi byi tsariweke hambi xi ri xitiviso lexi xi tsariweke hi ta xikongomelo xa mukhomi wa layisense xa ku endla vuyimeri hi nomu, ku pfa ku yimisiwile koloko, ku herisiwa na ku hundzuluxiwa ka xipimelo, tani hilaha mhaka yi nga ha vaka hakona, ku fanele ku sungula ku tirha eku heleni ka nkarhi walowo.

(5) Xipimelo xihi ni xihi lexi vekiweke ehansi ka xiyengenyana xa (1), kumbe lexi pfeke xi yimisiwile, ku herisiwa kumbe ku hundzuluxiwa ehansi ka xiyengenyana xa (2) hi tlhelo ra layisense ya khasino kumbe layisense ya mutirhisi wa muchini wo gembula—

(a) xi fanele ku sungula ku tirha endzhaku ka ku tsundzuxana na Xirho lexi nga ni vutihlamuleri; naswona

(b) a xi nge tirheli ku sukela endzhaku.

Sisiteme yo landzelerisa ya tielekitroniki ya michini yo gembula

39. (1) Bodo ku ya hi xiyenge xa 30, hi tlhelo ra layisense ya khasino ni layisense ya muchini wo gembula na layisense ya xitandi xa muchini wo gembula, yi nga ha lava mukhomi wa layisense yo tano ku hlanganisa nchumu wo gembula wihi ni wihi ni sisiteme ya elekitroniki yo landzelerisa ya le xikarhi hi swikongomelo swo landzelerisa kumbe ku vona timhaka ta nkoka leti khomaneke ni muchini wo gembula wun'wana ni wun'wana, ku katsa ni sisiteme ya ku rhekoda ka nkarhi hinkwawo, ku landzelerisa ni ku lawula leswi endliwaka swa nkoka eka ntlangu lowu wu tlangiwaka tani hilaha swi nga ha vekiwaka kumbe ku bohiwa hi Bodo.

(2) Bodo yi nga ha lava leswaku mukhomi wa layisense loyi a vuriwaka eka xiyengenyana xa (1) kumbe loko a endla xikombelo, a pfumelela munhu wihi ni wihi un'wana ku fambisa sisiteme yoleyo ya elekitroniki yo landzelerisa hi ku yimela mukhomi wa layisense wihi ni wihi yaloye ku ya hi swilaveko leswi nga bohiwa ni swipimelo leswi nga vekiwa hi Bodo.

(3) Hi tlhelo ra swikongomelo swa xiyenge lexi "sisiteme yo landzelerisa ya elekitroniki" swi vula sisiteme yihi ni yihi ya elekitroniki kumbe ya khomphyuta kumbe ya vuhlanganisi kumbe nchumu lowu wu nga endleriwa leswaku wu nga tirhisiwa, kumbe ku endliwa ku rhumela kumbe ku amukela mahungu yo huma eka minchumu yo gembula mayelana ni vuhlayiseki, tiakhawunti ni ku tirhisiwa ka minchumu yo gembula.

Ku khumbeka ka ta timali eka bindzu ra n'wini wa layisense

40. (1) Ku hava munhu loyi a nga ha khomaka kumbe ku kuma ku vuyeriwa eka layisense tanihi muyimeri kumbe mulangiwa wa n'wini kumbe muvuyeriwa la nga vuriwangiki.

(2) N'wini wa layisense a nga fanelanga ku pfumelela munhu wihi ni wihi un'wana ku khumbeka ka ta timali hi ku kongoma kumbe ku nga ri hi ku kongoma ka ntlhanu wa tiphesente kumbe ku tlula eka bindzu leri layisense yi nga mayelana na rona, handlekaloko Bodo yi nyikile mpfumelelo leswaku munhu yaloye a nga ha kuma ku vuyeriwa koloko eka bindzu rero.

(3) Bodo a yi fanelanga ku nyika mpfumelelo ehansi ka xiyengenyana xa (1) laha munhu loyi a khumbiwaka hi xikombelo a nga riki na mfanelo hi ku landza xiyenge xa 22 ku va na layisense.

(4) Makungu ya swiyenge swa 24 ku fikela 28 swi fanela ku tirha *mutatis mutandis* eka munhu loyi a lavaka ku kuma ku vuyeriwa tani hilaha swi languteriweke eka xiyengenyana xa (2).

Ku ringanela ka mintlawa ya vunharhu

41. (1) Bodo yi nga ha alela n'wini wa layisense ku kontirakana na muphakeri wihi ni wihi ku fikela nkarhi lowu muphakeri kumbe mulombi a nga endla xikombelo no nyikiwa setifikheti ya vufaneri hi Bodo, hi ndlela leyi bohiweke hi Bodo.

(2) Makungu ya xiyenge xa 28 ya fanela ku tirha *mutatis mutandis* eka xikombelo lexi languteriweke eka xiyengenyana xa (1).

Minchumu yo gembula

42. Mukhomi wa layisense ya khasino, layisense yo tirhisa bingo, layisense yo tirhisa muchini wo gembula kumbe layisense ya xitandi xa muchini wo gembula—

(a) a nga fanelanga ku tirhisa kumbe ku pfumelela leswaku ntlangu wihi ni wihi wu tlangiwa eka nchumu wo gembula handle ka nchumu wo gembula lowu—

(i) wu nga phakeriwa hi mukhomi wa layisense ya muendli, muhlayisi kumbe muphakeri;

(ii) wu fanaka hi matlhelo hinkwawo no va wa muxaka kumbe modele lowu nga pfumeleriwa hi Bodo; naswona

(iii) wu nga rhijistariwa na Bodo tani hilaha swi vekiweke; naswona

(b) u fanela ku hlayisa tirhekodo ni mahungu tani hilaha swi nga ha vaka swi vekiwile hi tlhelo ra nchumu wo gembula wun'wana ni wun'wana.

Tibuku, tiakhawunti ni tirhekodo

43. Mukhomi wa layisense u fanele ku hlayisa tibuku, tiakhawunti ni tirhekodo tani hilaha swi nga ha vekiwaka kumbe ku kombisiwa eka layisense no bohiwa eka milawunyana ya Bodo.

Ku lawula mangheniwele eka byako byo karhi

44. (1) Mukhomi wa layisense (ku nga katsiwi layisense ya muendli, muhlayisi kumbe muphakeri) kumbe muthoriwa wa n'wini wa layisense yo tano a nga ha—

(a) ala ku nghenisa munhu wihi ni wihi eka byako lebyi nga ni layisense;

(b) kombela munhu wihi ni wihi loyi a nga eka xiphemu xihi ni xihi xa byako lebyi nga ni layisense, leswaku a suka endhawini yaleyo;

(c) kombela phorisa rihi ni rihi kumbe mukamberi ku susa kumbe ku pfuna ku susa eka byako lebyi nga ni layisense munhu wihi ni wihi loyi a languteriweke eka ndzimana ya *(a)* kumbe *(b)* kumbe ku susa eka byako lebyi nga ni layisense munhu wihi ni wihi loyi a alaka kumbe ku tsandzeka ku landzelela xikombelo lexi languteriwaka eka ndzimana ya *(a)* kumbe *(b)*.

Ku navetisa

45. Ku ya hi swinawana swihi ni swihi leswi endliweke ehansi ka xiyenge xa 88, swi fanele ku va enawini ku navetisa ku gembula kwihi ni kwihi loku nga endliwaka enawini ehansi ka Nawu lowu.

Xikweleti

46. Mukhomi wa layisense (ku nga katsiwi layisense ya muendli, muhlayisi kumbe muphakeri), kumbe muthoriwa wa mukhomi wa layisense yo tano, a nga fanelanga ku nyika xikweleti xihi ni xihi hi xivumbeko xihi ni xihi eka munhu wihi ni wihi mayelana ni kumbe hi xikongomelo xo gembula, handle ka loko ku ri hi ndlela leyi vekiweke hi Bodo.

Milawunyana ya mintlangu yo karhi

47. (1) Mukhomi wa layisense ya khasino, hi tlhelo ra ntlangu wihi ni wihi lowu ku nga riki na milawunyana leyi endliweke hi Bodo ehansi ka xiyenge xa 87, u fanele ku endla milawunyana leyi yelanaka ni tlangelo ra ntlangu wolowo: Ku ri leswaku milawunyana yo tano yi fanele ku pfumeleriwa hi Bodo.

(2) Milawunyana hinkwayo leyi endliweke hi ku landza xiyenge xa 87 na xiyengenyana xa (1) yi fanele ku tshama minkarhi hinkwayo yi kumeka laha ntlangu wihi na wihi wo tano wu tlangiwaka ni ku humesiwa eka mutlangi loko a yi lava.

Ku pfuna tikhasimende

48. Mukhomi wa layisense (ku nga katsiwi layisense ya muendli, muhlayisi kumbe muphakeri) u fanele—

(a) hi xikombelo xa khasimende a humesa kopi ya milawunyana yo gembula leswaku yi kamberiwa hi tlhelo ra ntlangu wo gembula wihi niwihi wo karhi; ni

(b) ku kombeta laha ku vonakaka kwala byakweni lebyi nga ni layisense switsundzuxo kumbe mahungu mayelana ni ntlangu wo gembula wihi ni wihi tani hilaha swi nga ha vekiwaka.

Ku leha ka nkarhi wa layisense

49. (1) Layisense yihi ni yihi leyi nyikiwaka ehansi ka xiyenge xa 24(4)*(b)* loko yi karhi yi pfuxetiwa, yi fanela ku tirha ku sukela siku leri yi nga humesiwa harona ku fikela siku leri ha rona—

(a) mukhomi wa yona a yi tshikaka hi ku tsala;

(b) yi herisiwaka hi Bodo ehansi ka xiyenge xa 36.

(2) Laha layisense yi nga pfa yi yimisiwile ehansi ka xiyenge xa 36, mukhomi wa layesense yoleyo a nga fanelanga ku tirhisa mfanelo yihi ni yihi kumbe xifundzho lexi nga nyikiwa hi layisense yoleyo hi nkarhi wa ku pfa yi yimisiwile.

Tihakelelo ta layisense

50. (1) Ku fanela ku laviwa no hakeriwa tihakelelo ta layisense leti vekiweke hi tlhelo ra layisense yihi ni yihi leyi nyikiwaka kumbe ku pfuxetiwa ehansi ka Nawu lowu, leti faneleke ku va to engetela eka mintsengo yihi ni yihi yin'wana kumbe mindzuvo yin'wana leyi hakeriwaka ehansi ka Nawu lowu.

(2) Tihakelelo ta tilayisense leti vekiweke hi ku landza xiyenge xa (1) ti nga ha hambana hi mayelana ni tinxaka to hambana ta tilayisense.

(3) Mukhomi wa layisense wihi ni wihi loyi a tsandzekaka ku hakela tihakelelo ta layisense leti vuriwaka eka xiyengenyana xa (1) hi siku leri a fanelaka ku hakela tihakelelo to tano ta layisense kumbe ri nga si fika, u fanele ku tlhandlekela eka tihakelelo to tano ta layisense a hakela nxupulo: Ku ri leswaku ntsengo wa nxupulo walowo a wu fanelanga ku tlula kambirhi ntsengo wa tihakelelo ta layisense le ti tirhaka eka layisense leyi yi khumbekaka.

Mfanelo yo kombeta layisense

51. Mukhomi wa layisense, minkarhi hinkwayo, u fanela ku kombeta layisense ya yena ebyakweni lebyi nga na layisense.

Mfanelo yo humesa layisense kumbe setifikheti

52. Mukhomi wa layisense kumbe setifikheti leyi nyikiweke hi Bodo, muthoriwa wa mukhomi wa layisense kumbe munhu loyi a tirhaka hi ku yimela mukhomi wa layisense kumbe munhu loyi a tirhaka hi ku yimela mukhomi yaloye, loko a komberiwa hi mukamberi kumbe phorisa, u fanela ku humesa layisense kumbe setifikheti leyi khumbekaka.

Ku pfuxetiwa ka tilayisense

53. (1) Layisense, ku ya hi makungu ya nawu lowu, ni swipimelo leswi yi nga nyikiwa ehansi ka swona, yi fanela ku tama ya ha ri eku tirheni naswona loko ku endiliwa xikombelo hi mukhomi wa layisense yi fanela ku pfuxetiwa hi Bodo lembe rin'wana ni rin'wana loko ku humesiwa layisense ya lembe leri hundzeke naswona loko ku hakeriwa tihakelelo ta layisense leti kunguhatiweke eka xiyenge xa 50.

(2) Xikombelo xa ku pfuxeta layisense hi ku landza xiyengenyana xa (1) xi fanela ku va hi fomo leyi vekiweke naswona xi fanele ku yisiwa eka Bodo ka ha sele masiku lawa ya nga riki hansi ka 90 ku fika eka siku leri ha rona layisense yi faneleke ku pfuxetiwa.

Mindzuvo yo gembula

54. (1) (a) Ku tlhandlekela ehenhleni ka xibalo xa nkoka wa minxavo kumbe xibalo xin'wana xa minxavo, loko xi ri kona, ni xibalo xa swiamukelwa lexi nga ha hakeriwaka hi ku landza nawu wihi ni wihi wun'wana, mukhomi wa layisense un'wana ni un'wana (ehandle ka layisense ya muendli muhlayisi kumbe, muphakeri) eka minkarhi yo karhi tani hilaha yi vekiweke hakona, u fanela ku boheka ku hakela mindzuvo yo gembula leyi mindzuvo ya kona yi fanelaka ku khakhuletiwa ku ya hi ni hi mpimo tani hilaha swi nga ha vekiwaka naswona, yi hakeriwa hi ndlela ni siku tani hilaha swi vekiweke: Ku ri leswaku ku nga ha vekiwa mimpimo yo hambana hi tlhelo ra minxaka yo hambana ya tilayisense.

(2) Hakelo yihi ni yihi ya mindzuvo yo gembula leyi vuriwaka eka xiyengenyana xa (1) yi fanele ku famba swin'we na tinhlayo hi xivumbeko lexi bohiweke hi Bodo.

(3) Hambiloko ku ri na xilo xihi ni xihi lexi kanetanaka lexi nga endzeni ka nawu wihi ni wihi wun'wana, a ku fanelanga ku va ni nkarhi wa ntwela-vusiwana eka ku hakela ka mindzuvo yo gembula leyi vuriwaka eka xiyengenyana xa (1), naswona loko ku gembula ku nga hakeriwanga hi siku leri vekiweke leri vuriwaka eka xiyengenyana xa (1) kumbe ri nga si fika, layisense leyi khumbekaka yi nga ha pfa yi yimisiwile hi Bodo hi ku landza xiyenge xa 36 ku kondza mindzuvo yo gembula ni minxupulo leyi hakeriwaka hi ku landza xiyengenyana xa (4), swi ta va swi hakeriwile.

(4) Mukhomi wa layisense wihi ni wihi la tsandzekaka ku hakela mindzuvo yo gembula hi siku leri vekiweke leri vuriwaka eka xiyengenyana xa (1) kumbe ri nga si fika, ku engetela eka mindzuvo yo gembula yo tano, u fanela ku hakela hi tlhelo ra siku rin'wana ni rin'wana kumbe xiphemu xa siku hi nkarhi lowu mukhomi yoloye wa layisense a bohekaka ku hakela mindzuvo yo gembula, nxupulo lowu khakhuletiwaka hi mpimo lowu vekiweke wa ntsengo lowu kolotiwaka: Ku ri leswaku ntsengo hinkwawo wa nxupulo wo tano a wu fanelanga ku tlula kambirhi ntsengo hinkwawo wa mindzuvo yo gembula leyi fanelaka ku hakeriwa.

(5) Xilo xihi ni xihi lexi vekiweke hi ku landza xiyenge lexi xi fanele ku va lexi vekiweke hi ku tsundzuxana na Xirho xa Huvonkula lexi nga na vutihlamuleri bya Timali.

(6) Mindzuvo yo gembula leyi hakeriwaka hi ku landza xiyenge lexi yi fanela ku hlengeletiwa hi Bodo hi ku yimela vavuyeriwa lava vekiweke.

Ku hakela hi tlhelo ra la nga yexe

55. (1) Bodo, endzhaku ka ku tsundzuxana na Xirho lexi nga na vutihlamuleri, yi nga ha kombela tanihi xipimelo xo nyika layisense ya khasino ro sungula, hakelo ya nkarhi wun'we yo garantiya eka mukhomi wa layisense yaloye ya la nga yexe hi tlhelo ra muxaka lowu bohiweke wihi ni wihi wa ku gembula endhawini leyi bohiweke na hi tlhelo ra nkarhi wihi ni wihi lowu bohiweke: Ku ri leswaku Bodo, endzhaku ka ku tsundzuxana na Xirho lexi nga na vutihlamuleri naswona hi ndlela leyi vekiweke yi nga ha engetela nkarhi wolowo wa vuyexe ehenhleni ka ku hakeriwa kun'wana loku nga ha endliwaka hi mukhomi wa layisense yoloye.

(2) Hakelo yihi ni yihi hi ku landza xiyengenyana xa (1) yi fanele ku hakeriwa eka Bodo ku va ya Nkwama wa Mali ya Tiko wa Xifundzankulu hi nkarhi ni hi maendlele lama bohiweke hi Bodo hi ku tsundzuxana na Xirho lexi nga na vutihlamuleri.

KAVANYISA KA 4

VATHORIWA

Swilaveko hi tlhelo ra vathoriwa van'wana

56. (1) Ku ya hi xiyenge xa 62, a ku na munhu handle ka hilaha swi bohiweke hi Bodo, a fanelaka ku thoriwa eka bindzu rihi ni rihi mayelana na ku gembula loko munhu yaloye a nga ri mukhomi wa setifikheti ya mpfumelelo leyi nyikiweke hi ku landza xiyenge xa 58(5).

(2) Xirho lexi nga na vutihlamuleri xi nga ha veka ntirho wihi ni wihi ku va ntirho hi tlhelo ra xikongomelo xa xiyengenyana xa (1).

Xikombelo xa setifikheti

57. (1) Xikombelo xa setifikheti ya mpfumelelo xi fanele ku endliwa eka Mufambisinkulu wa Makungu hi fomo leyi vekiweke naswona xi fanele ku yisiwa swin'we ni—

(a) sete leyi heleleke ya minkandziyiso ya tintiho leyi tekiweke hi maendlele lama vekiweke;

(b) matsalwa, vuxokoxoko ni mahungu tani hilaha swi nga ha vaka swi vekiwe hakona; ni

(c) tihakelelo to endla xikombelo leti vekiweke.

(2) Malunghiselo ya xiyenge 28 ya ta tirhisiwa *mutatis mutandis* eka xikombelo lexi vuriweke eka xiyengenyana (1).

Ku kambisisiwa ka xikombelo

58. (1) Bodo yi fanela ku kambisisa xikombelo hi ku landza xiyenge xa 57 naswona yi fanela ku tekela nhlokweni—

(a) vukhale, hanyelo, matikhomelo ni ntokoto wa timali na ntirho swa mukomberi.

(b) milandzu yihi ni yihi leyi mukomberi a nga tshama a voniwa nandzu ka yona naswona leyi yin'wana ya yona nkalavutshembeki a xi ri xivangelo; na

(c) mhaka yihi ni yihi yin'wana leyi nga ha yelanaka ni ku kumisisa loko mukomberi a ri munhu la ringaneke ku thoriwa tano.

(2) Loko Bodo yi enerisiwa leswaku mukomberi i munhu la ringaneke ku thoriwa tano, Bodo yi fanela ku pfumelela xikombelo, ku ya hi swipimelo leswi Bodo yi nga ha swi bohaka.

(3) Bodo a yi fanelanga ku alela xikombelo handle ko nyika mukomberi nkarhi wa leswaku a va na rito kumbe ku nyika vumbhoni.

(4) Loko Bodo yi alela xikombelo, Mufambisinkulu wa Makungu xikan'wekan'we, u fanela ku tivisa mukomberi hi xiboho xa Bodo ni tinhlamuselo leti nyikiweke hi Bodo hi tlhelo ra xiboho xexo.

(5) Laha Bodo yi pfumelelaka xikombelo hi ku landza xiyenge xa (2), Mufambisinkulu wa Makungu u fanela ku nyika mukomberi setifikheti ya mpfumelelo hi fomo leyi vekiweke.

Rhijistara ra vathoriwa

59. Mufambisinkulu wa Makungu u fanele ku hlayisa rhijistara laha a fanelaka ku nghenisa vito ni vuxokoxoko lebyi vekiweke bya munhu un'wana na un'wana loyi a nyikiwaka setifikheti ya mpfumelelo ehansi ka xiyenge xa 58(5) kumbe loyi setifikheti ya yena yi nga pfa yi yimisiwile kumbe ku khanseriwa ehansi ka xiyenge xa 61.

Ku leha ka nkarhi wa setifikheti

60. (1) Setifikheti ya mpfumelelo leyi nga humesiwa ehansi ka xiyenge xa 58(5) yi fanela ku tirha ku sukela siku ra ku humesiwa ka yona ku fika siku leri—

(a) mukhomi wa yona, hi ku tsala no fambisa swin'we na setifikheti, a nyiketaka setifikheti eka Mufambisinkulu wa Makungu;

(b) setifikheti yi khanseriwaka hi Bodo ehansi ka xiyenge xa 67;

(c) setifikheti yi hundzeriwa hi nkarhi loko setifikheti a yi nyikeriwe nkarhi wo karhi.

(2) Laha setifikheti ya mpfumelelo yi nga pfa yi yimisiwile ehansi ka xiyenge xa 61, mukhomi wa setifikheti yaleyo a nga fanelanga ku thoriwa tano enkarhini wa ku pfa a yimisiwile.

Ku pfa ku yimisiwile ni ku khanseriwa ka setifikheti

61. (1) Bodo, ku ya hi xiyengenyana xa (2), nkarhi wihi ni wihi yi nga ha pfa yi yimisile, ku ringana nkarhi lowu nga tluriki tin'hweti ta tsevu, tani hilaha Bodo yi nga ha bohaka kumbe ku khansela, ku sukela siku rero tani hilaha Bodo yi nga ha bohaka, setifikheti ya mpfumelelo, loko—

(a) mahungu wahi ni wahi lawa ya nga eka xikombelo xa yena xa setifikheti yaleyo, enkarhini lowu mahungu ya nga nyikiwa a ya ri vunwa hi tlhelo ra xilo xihi ni xihi lexi tsariweke kumbe hi tlhelo ra xihi ni xihi lexi tshikiweke;

(b) ku sukela eku humesiweni ka setifikheti, mukhomi wa setifikheti a voniwile nandzu ehansi ka Nawu lowu kumbe nandzu wihi ni wihi wun'wana lowu khumbaka vuringaneli bya yena byo va a thoriwa tano;

(c) mukhomi wa setifikheti a endlile leswi kanetanaka ni makungu ya xiyenge xa 63; ni

(d) mukhomi a eneriseka leswaku mukhomi wa setifikheti a nga ha ri munhu la ringaneke ku thoriwa tano.

(2) Bodo a yi nga pfi yi yimisile kumbe ku khansela setifikheti ya mpfumelelo, handlekaloko mukhomi wa yona, hi xitiviso lexi nga riki ehansi ka 30 wa masiku, a nyikiwa nkarhi wo va na rito eka Bodo ni ku nyika vumbhoni: Ku ri leswaku setifikheti yihi ni yihi yo pfumelela yi nga ha pfa yi yimisiwile xikan'wekan'we loko ka ha rindzeriwe ku va na rito loku languteriweke eka xiyengenyana lexi.

(3) Bodo, nkarhi wihi ni wihi yi nga ha herisa ku pfa ku yimisiwile ka setifikheti ya mpfumelelo loko Bodo yi eneriseka leswaku tinhlamuselo leti ku pfa ku yimisiwile ku vekiweke ehenhleni ka tona ti lulamisiwile ni leswaku swi ta va swi lulamile ku herisa ku pfa ku yimisiwile.

Ku thola loko ku nga si nyikiwa setifikheti

62. Handle ko kanetana ni makungu ya xiyenge xa 56, laha xikombelo xa setifikheti ya mpfumelelo xi endliweke naswona Bodo yi vonaka leswaku—

(a) xiboho hi mayelana ni xikombelo xi nga ka xi nga endliwi eka nkarhi wo lehanyana;

(b) ku tirha ka bindzu leri hi tlhelo ra rona layisense leyi khumbekaka yi nga nyikiwa ku ta onhela kumbe ku veka exiyin'weni xo biha hi ku hlwela eku thoriweni ka mukomberi; na

(c) ku sungula ku tirha ka ku thoriwa ka mukomberi a ku nga onheli vutshembeki na ku tirha ka bindzu leri hi tlhelo ra rona layisense leyi khumbekaka yi nga nyikiwa, Bodo yi nga ha nyika mpfumelelo wo tsariwa eka mukomberi ku va a thoriwa ku nga si bohiwa hi xikombelo, ku ya hi swiboho, swipimelo na swisivelo tani hilaha Bodo yi vonaka swi fanela eka mhaka yo karhi.

Swisivelo leswi tirhaka eka vathoriwa

63. Ku hava munhu loyi a laviwaka ku khoma setifikheti ya mpfumelelo hi ku landza xiyenge xa 52*(a)*, eka holo ya khasino kumbe ya bingo tani hilaha mhaka yi nga ha vaka hakona, kumbe leyi a tihlanganiseke na yona, a fanelaka—

(a) ku hoxa xandla eka kumbe ku tlanga ntlangu wihi ni wihi, wa khasino eRiphabliki: Ku ri leswaku munhu yaloye a nga ha hoxa xandla eku gembuleni koloko loko swi laveka eku endleni ka mintiro ya yena tanihi muthoriwa; kumbe

(b) ku kombela thipi yihi ni yihi, xinkhenso, hakelo kumbe vuyelo byin'wana byo huma eka mutlangi wihi ni wihi kumbe khasimende eka khasino yaleyo kumbe holo ya bingo ehandle ka hilaha swi vekiweke.

KAVANYISA KA 5

PHORISA NA VAKAMBERI

Matimba ya maphorisa yo enghena eka byako lebyi nga ni tilayisense

64. (1) Hambiloko ku ri ni nchumu wihi ni wihi lowu kanetanaka lowu wu nga eka nawu wihi ni wihi wun'wana, phorisa ra kumbe loyi a nga ehenhla ka xiyimo xa lefuthenente, hi tinhlamuselo leti ti twalaka naswona loko a vona swi fanerile, handle ka waranti a nga ha nghena eka byako lebyi nga ni layisense hi xikongomelo xa—

(a) ku endla mindzavisiso ku teka magoza tani hilaha a nga ha vonaka ya fanerile yo sivela ku tluriwa ka nawu;

(b) ndzavisiso wa ku tluriwa ka nawu;

(c) ndzavisiso wa matikhomele ya munhu wihi ni wihi loyi a nga endzeni ka byona; na

(d) ku kumisisa loko swipimelo leswi swi vuriweke eka Nawu lowu swi ri karhi swi landzeleriwa,

naswona a nga ha famba swin'we na ku pfumetiwa eka mindzavisiso yaleyo hi phorisa loyi a nga ehansi ka xiyimo ka lefithente.

(2) Phorisa rihi ni rihi leri ri nghenaka eka byako lebyi nga ni layisense ehansi ka xiyengenyana xa (1), ku nga se hela masiku ya khumemune ya ku enghena koloko yi nga ha nyiketa xiviko lexi tsariweke xa xona eka Bodo.

Ku thoriwa ka vakamberi hi Bodo

65. (1) Bodo yi nga ha thola munhu wihi ni wihi loyi a thwaseke hi mfanelo ku tirha, ku ya hi vulawuri na swiletelo swa Bodo, mintirho yihi ni yihi kumbe hinkwayo leyi nyiketiweke mukamberi hi ku landza xiyenge xa 66.

(2) Mukamberi un'wana ni un'wana loyi a thoriweke ehansi ka xiyengenyana xa (1) u fanele ku nyikiwa setifikheti leyi yi sayiniweke hi kumbe hi ku yimela Bodo naswona leyi yi vulaka leswaku u thoriwile tani hi mukamberi: Ku ri leswaku loko ku thoriwa ka yena tani hi mukamberi ku pimeriwile eka ntirho wihi ni wihi wo karhi kumbe mintirho, setifikheti ya yena yi fanele ku boxa ku pimiwa koloko.

(3) Nkarhi wihi ni wihi loko mukamberi a thoriwile ehansi ka xiyengenyana xa (1) a tirha ntirho ehansi ka Nawu lowu ku ri na munhu wihi ni wihi loyi a khumbekeke hi swona, mukamberi loko swi komberiwa hi munhu yaloye u fanele ku n'wi kombeta setifikheti leyi vuriwaka eka xiyengenyana xa (2).

Mintirho na matimba ya mukamberi

66. (1) Mukamberi, eka swikongomelo swa Nawu lowu—

(a) handle ka xitiviso lexi rhangeke xi nyikiwa kumbe waranti yo secha a nga ha nghena eka byako byihi ni byihi lebyi nga ni layisense lebyi tshamaka kumbe ku tirhisiwa eka swikongomelo swo gembula kumbe byako byihi ni byihi byin'wana lebyi eka byona swi talaka ku ehleketelela leswaku—

(i) khasino kumbe migingiriko yihi ni yihi yin'wana yo gembula yi le ku endliweni handle ka mpfumelelo wa layisense;

(ii) vanhu va le ku pfumeleriweni ku tlanga kumbe ku nghenelela eka migingiriko yihi ni yihi yo gembula;

(iii) muchini wihi ni wihi wo gembula kumbe swingolongondzwana swihi ni swihi, xitirho, nchumu, buku, tirhekhodo, noti kumbe tsalwa rin'wana leri tirhisiwaka kumbe ku kota ku va ri nga tirhisiwa hi mayelana no fambisiwa ka khasino kumbe migingiriko yihi ni yihi yin'wana yo gembula hi munhu wihi ni wihi yi hlayisiwile, naswona, endzhaku ka loko a tivisiwile munhu loyi enkarhini wolowo a nga mulanguteri wa byako bya xikongomelo xa rendzo ra yena, ku endla ndzavisiso na xivutiso leswi a nga ha anakanyaka swi fanerile;

(b) eka byako byihi ni byihi lebyi vuriweke eka ndzimana ya *(a)*—

(i) a nga ha lava ku humesiwa ka layisense yihi ni yihi kumbe mpfumelelo wo tsariwa kumbe mpfumelelo lowu munhu wihi ni wihi a lavekaka ku wu tamela ehansi ka Nawu lowu lawulaka migingiriko yo gembula;

(ii) a nga ha vutisa kumbe ku secha munhu wihi ni wihi loyi a nga ehenhla kumbe endzeni ka byako byolebyo naswona a kambela migingiriko yihi ni yihi hi mayelana na mafambisele ya migingiriko yihi ni yihi yo gembula; na

(iii) ku va a nga ha kambela kumbe ku vonisisa muchini wihi ni wihi wo gembula, swingolongondzwana, xitirhisiwa, nchumu, buku, rhekhodo, phepha, kumbe tsalwa rin'wana leri vuriwaka eka ndzimana ya *(a)* no endla kopi ya rona kumbe ntshaho lowu humaka eka rona;

(c) lava ku suka eka munhu wihi ni wihi loyi a fambisaka byako byihi ni byihi lebyi vuriwaka eka ndzimana ya *(a)*—

(i) ku komba swingolongondzwana swihi ni swihi, xitirhisiwa kumbe nchumu lowu vuriwaka eka ndzimana yaleyo leswi a nga na swona kumbe a swi hlayisaka kumbe leswi nga ehansi ka vulawuri bya yena;

(ii) ku humesa hi xikongomelo xo kamberiwa kumbe ku endla tikopi kumbe ntshaho, tibuku hinkwato, tinotsi kumbe matsalwa lawa ya vuriwaka eka ndzimana yaleyo leswi a nga na swona kumbe vuhlayisi kumbe ehansi ka vulawuri bya yena;

(iii) ku endla makungu ya mahungu wahi ni wahi mayelana ni nchumu wihi ni wihi lowu wu vekiweke hi kumbe ku humesiwa hi ku landza xiyengenyana xa (i) kumbe (ii) na

(d) ku teka na ku susa muchini wihi ni wihi wo gembula, swingolongondzwana, xitirhisiwa, nchumu, buku, rhekhodo, noti kumbe tsalwa rin'wana leri vuriwaka eka ndzimana yaleyo leri hi mavonele ya yena ri nga ha humesaka vutikombeti bya ku tlula makungu wahi ni wahi ya Nawu lowu kumbe ku tshika eka lebyi khumbekaka endzhaku ka ku funghiwa hi xikongomelo xa vutitivisi.

(2) Mukamberi, hi mpfumelelo lowu tsariweke hi gqweta jenerala, a nga ha kambela kumbe ku endla tikopi ta nkota/akhawunti yihi ni yihi ya munhu wihi ni wihi eka vandla ra timali rihi ni rihi leyi nkonta/akhawunti leyi hi mavonele ya gqweta jenerala, yi nga ha nyikaka vumbhoni bya khomixini bya nandzu hi ku landzà makungu ya Nawu lowu.

(3) Mukamberi nkarhi wihi ni wihi a nga ha yisa masamanisi yalawo tani hilaha Bodo yi pfumeleriweke ku ma nyika hi ku landza Nawu lowu hi ku landza milawunyana leyi yi fanaka ya khoto.

(4) Loko ku tirhiwa ntirho wihi ni wihi hi ku landza xiyengenyana xa (1), mukamberi a nga ha famba naswona a va a ri na mintirho ya mupfuneti kumbe toloki kumbe phorisa rihi na rihi.

(5) Ku hava nchumu eka xiyenge lexi xi faneleke ku sivela mukamberi wihi ni wihi loyi a thoriweke naswona a pfumeleriweke hi ku landza nawu wa rixaka wo gembula ku tirha mintirho yihi ni yihi leyi yi vuriweke laha henhla na matimba lawa ya nga eka Xifundzankulu.

Ku alela ku nghena

67. (1) Phorisa kumbe mukamberi loyi a nga ni matimba yo nghena eka byako byihi ni byihi lebyi vuriwaka eka xiyenge xa 66(1) a nga ha tirhisa matimba yalawo tani hilaha ya faneleke hi ndlela leyi twalaka ku hlula ku ala kwihi ni kwihi eka ku nghena koloko eka ndhawu ku katsa no tshova rivanti rihi ni rihi kumbe fasitere: Ku ri leswaku phorisa yaloye kumbe mukamberi u fanele ku rhanga a kombela ku nghena swi twakala eka byako lebyi vuriweke no tivisa swikongomelo leswi a swi lavaka ku va a nghena eka ndhawu.

(2) Kungu ra xipimelo ra xiyengenyana xa (1) a ri fanelanga ku tirha laha phorisa kumbe mukamberi loyi a khumbekaka ehenhla ka tinhlamuselo leti ti twalaka a nga ni mianakanyo ya leswaku tsalwa rihi ni rihi i nhlokomhaka ya ndzavisiso ri nga ha herisiwa kumbe ku endla swin'wana hi rona loko makungu ya kungu ra xipimelo leri vuriwaka ya landzeleriwa.

KAVANYISA KA 6

KU NYIKA TINHLAMUSELO HI TLHELO RA SWIBOHO

Tinhlamuselo ta swiboho hi vulawuri lebyi faneleke

68. (1) Munhu loyi a nga endla xikombelo xihi ni xihi, nkaneto kumbe xivilelo hi ku landza Nawu lowu naswona a titwaka a vilerisiwa hi xiboho xihi ni xihi xa nawu lexi endliweke hi vulawuri lebyi faneleke mayelana ni xikombelo, nkanelo kumbe xivilelo, a nga ha endla xikombelo eka vulawuri lebyi faneleke leswaku vulawuri lebyi faneleke byi nyika tinhlamuselo ta xiboho xexo.

(2) Vulawuri lebyi faneleke, endzhaku ka ku amukela xikombelo, lexi vuriwaka eka xiyengenyana xa (1) ku nga si hela nkarhi lowu vekiweke ni hi mukhuva lowu vekiweke byi fanela ku nyika tinhlamuselo ta byona ta xiboho lexi khumbekaka.

Swivangelo swo kambisisa nakambe

69. Khotonkulu, hi ku phikelela ka munhu la nga endla xikombelo xihi ni xihi, nkaneto kumbe xivilelo hi ku landza Nawu lowu naswona a titwaka a vilerisiwa hi xiboho lexi nga endliwa hi vulawuri lebyi faneleke mayelana ni xikombelo xexo, nkaneto kumbe xivilelo, yi nga ha kambisisa xiboho xexo nakambe.

Matimba ehenhleni ko kambisisa nakambe

70. Khoto leyi kambisisaka nakambe xiboho xa vulawuri lebyi faneleke hi ku landza xiyenge xa 69, loko yi herisa xiboho, yi nga ha nyika xileriso leswaku vulawuri lebyi faneleke byi kambisisa hi vuntshwa mhaka hi tlhelo leri hayona xiboho xi endliweke, handlekaloko hi mavonele ya yona, yimele ra timhaka ro susumeta leswaku xileriso xin'wana xi lerisiwa.

Tiapili eka Khotonkulu

71. (1) Munhu loyi a nga endla xikombelo xihi ni xihi, nkaneto kumbe xivilelo hi ku landza Nawu lowu naswona a titwaka a vilerisiwa hi xiboho handle ka xivutiso xa ntiyiso wa mhaka lexi endliwaka hi vulawuri lebyi faneleke mayelana ni xikombelo, nkaneto kumbe xivilelo, a nga ha apila eka Khotonkulu ehenhleni ka xiboho.

(2) Apili yo tano yi fanela ku nghenisiwa ni ku tirhiwa wonge a yi ri apili ehenhleni ka ku avanyisa ka khoto ya ka majistarata eka mafambisele ya milandzu ya mbangisano.

(3) Loko khoto, endzhaku ko kambisisa apili yi eneriseka leswaku vulawuri lebyi faneleke byi huhurile eku endleni ka xiboho xa byona, khoto yi nga ha herisa xiboho, naswona, eku herisiweni ka xiboho handlekaloko hi ku vona ka yona matshamele ya timhaka layo ka ya nga tolovelekangi ya sindzisa leswaku ku nyikiwa xin'wana xileriso, yi fanela ku humesa xileriso leswaku vulawuri lebyi faneleke byi kambisisa hi vuntshwa mhaka leyi hi tlhelo ra yona xiboho xi nga endliwa.

KAVANYISA KA 7

TIMHAKA TA VUAVANYISI NA LETI YELANAKA

Ku khumbeka hi tlhelo ra timali

72. Kontiraka leyi hi ku landza yona ku khumbeka ka timali ku kumekaka hi ku kanetana ni xiyenge xa 40(1) kumbe xa (2) a yi tirhi.

Ku tshika kumbe ku hambana na timfanelo tin'wana, swifundzho, swiboho ni swikweleti

73. Handlekaloko Nawu lowu hi xiviri kumbe hi nhlamuselo leyi ngo va rivaleni wu pfumelela kungu ro tano, kontiraka leyi nga ni kungu leri ha rona munhu a kombaka ku tshika kumbe ku hambana na mfanelo, xifundzho, xiboho kumbe swikweleti hi ku landza Nawu lowu, ri fanela ri nga tirhi swi nga ri na mhaka ku hambi kontiraka yi endliwile ku nga si sungula ku tirha Nawu lowu kumbe endzhaku ka swona.

Ku yisiwa ka maphepha yo mangalela

74. Eka mafambisele wahi ni wahi yo avanyisa lawa ya sunguriweke ehenhleni ka vulawuri lebyi faneleke, ku yisiwa eka mutshami wa xitulu ni le ka hofisi ya Gqweta ra Tiko loko ku ri, kumbe rhavi ra hofisi yaleyo loko yi ri, ri ri endhawini ya vulawuri bya khoto ya kona ka maphepha yo mangalela wahi ni wahi kumbe tsalwa rihi ni rihi leri ha rona maphepha yo mangalela ya sungulaka, ku fanela ku va ku yisa loku ringaneke eka vulawuri lebyi faneleke.

Vuyimeri bya Gqweta ra Tiko

75. A ku fanelanga ku va na magoza lawa ya tekiwaka hi vulawuri lebyi faneleke eka mafambisele wahi ni wahi ya vuavanyisi lawa ya languteriwaka eka xiyenge xa 74, naswona ku hava mafambisele ya vuavanyisi ya fanelaka ku sunguriwa hi vulawuri lebyi faneleke handle ka loko ku ri na vuyimeriwa bya Gqweta ra Tiko.

Tihakelelo

76. Tihakelelo leti nga hakeriwa hi vulawuri lebyi faneleke mayelana ni mafambisele wahi ni wahi ya vuavanyisi lawa ya languteriwaka eka xiyenge xa 74, handlekaloko khoto ya kona yo lerisa leswaku tihakelelo ti hakeriwa hi tlhelo lerin'wana ra vatengisani kumbe hi vulawuri lebyi faneleke *de bonis propriis,* ti fanela ku hakeriwa ti huma eka Nkwama wa Mali ya Tiko wa Xifundzankulu.

KAVANYISA KA 8

TIN'WANA NI TIN'WANA

Ku siveriwa hi tlhelo ro gembula

77. Ku hava munhu a faneleke—

(a) ku gembula ehenhla ka vuyelo bya nchumu wihi ni wihi wa ntiyiso kumbe lowu kanakanisaka handle ka—

(i) ntlangu wa khasino;

(ii) nchumu wa ntiyiso wa mintlangu, na mutameri wa layisense loyi a pfumeleriweke hi layisense yo tano ku gembula ehenhla ka nchumu wa ntiyiso kumbe wo kanakanisa lowu khumbekaka: Ku ri leswaku xiyenge lexi a xi fanelanga ku sirhelela mutameri wa layisense eka ku amukela vabeji lava nga mani na mani hi ku landza swipimelo swa layisense ya yena;

(b) handle ka layisense leyi lavekaka ku va na muchini wihi ni wihi wo gembula kumbe ku pfumelela gingiriko wihi ni wihi wo gembula endhawini yihi ni yihi leyi nga ehansi ka vulawuri bya yena kumbe ku fambisiwa hi yena;

(c) ku gembula endhawini yihi ni yihi leyi vuriwaka eka ndzimani ya *(b)* kumbe ku endzela ndhawu yihi ni yihi yo tano hi xikongomelo xo gembula;

(d) ku amukela ku thoriwa kwihi ni kwihi eka ntirho wihi ni wihi lowu languteriwaka eka xiyenge xa 56 na munhu wihi ni wihi loyi a nga riki mutameri wa layisense leyi lavekaka, handle ka ku teka swisirhelelo hinkwaswo leswi twalaka ku simeka ku tirha ka layisense;

(e) ku thola, kumbe ku nyika ntirho eka munhu wihi ni wihi loyi a nga entirhweni lowu languteriwaka eka xiyenge xa 56, loyi a nga riki mutameri wa layisense leyi lavekaka.

Ku tirhisa hi ndlela leyi nga riki yona ka rito ra "khasino"

78. Ku hava munhu a faneleke ku endla bindzu handle ka mpfumelelo lowu tsariweke wa Bodo kumbe ku vitanisa bindzu ehansi ka vito kumbe xiyimo lexi eka xona rito ra "khasino" ri vumbaka xiphemu, handle ka loko a ri mukhomi wa layisense ya khasino.

Ku siveriwa ka vanhu van'wana eka ku nghena eka byako lebyi nga na layisense

79. (1) Ku hava munhu loyi a nga ehansi ka vukhale bya malembe ya 18 a faneleke ku nghena eka byako lebyi nga na layisense byihi ni byihi, naswona a nga fanelanga ku nghenela ku gembula kwihi ni kwihi, kumbe ku khoma kumbe ku tirhisa muchini wihi ni wihi wo gembula.

(2) Ku hava n'wini wa layisense kumbe muthoriwa wa n'wini wa layisense a faneleke ku pfumelela munhu wihi ni wihi loyi a nga le hansi ka kumbe muhlayisi wa munhu loyi a nga le hansi ka vukhale lebyi tikombaka bya malemba ya 18 a faneleke ku pfumelela munhu yaloye, naswona a nga fanelanga ku pfumelela munhu yaloye a nghenela ku gembula kwihi ni kwihi kumbe ku khoma kumbe ku tirhisa muchini wo gembula.

(3) Laha khoto leyi voneke munhu nandzu wihi ni wihi yi anakanyaka leswaku hi nhlamuselo ya muxaka wa nandzu kumbe yimele ra timhaka leti ehansi ka tona wu endliweke swi lavekaka hi ku tsakela ka ku rhula ka tiko, mahanyele ya vanhu vo tirha hi mfanelo leswaku munhu yaloye a nga fanelanga ku pfumeleriwa ku nghena eka byako lebyi nga na layisense byihi na byihi kumbe byo karhi khoto yi nga ha nyika xileriso lexi tsariweke xo n'wi alela ku nghena eka byako lebyi nga na layisense byihi ni byihi byebyo lebyi kombisiweke eka xileriso hi tlhelo ra nkarhi lowu nga ta boxiwa eka xileriso.

(4) Laha khoto yi endlaka xileriso ehansi ka xiyengenyana xa (3) Mabalana wa Khoto u fanele ku nyiketa kopi ya xileriso eka mufambisinkulu wa makungu loyi a faneleke ku endla leswaku kopi ya kona yi rhumeriwa eka vini va tilayisense va byako lebyi nga na layisense hinkwabyo lebyi vuriweke eka xileriso.

(5) Bodo, ehenhla ka tinhlamuselo tani hilaha ti nga ha vekiwaka, yi nga ha sivela munhu wihi ni wihi eka ku nghena ebyakweni byihi ni byihi lebyi nga ni layisense kumbe loyi a nghenela eka ku gembula kwihi ni kwihi.

Ku sivela hi tlhelo ra mumaki, ku xavisa, ku phakela, ku tunda, ku maketa, ku ncinca na ku hundzuluxiwa ka swingolongondzwana na minchumu

80. Ku hava munhu a faneleke—

(a) ku tirhisa, ku maka, ku xavisa, ku phakela, ku tunda kumbe ku maketa makhadi wahi ni wahi, tithokeni, madayizi, nchumu wo gembula lowu wu endleriweke ku tirhisiwa eka ku tlula kungu rihi ni rihi ra Nawu lowu;

(b) ku ncinca kumbe hi ndlela yin'wana ku hundzula nchumu wo gembula wihi ni wihi kumbe xingolongondzwana xihi ni xihi lexi yelanaka hi ndlela leyi—

(i) xi kavanyetaka vuyelo bya mubeji hi ku boha ku wina kumbe ku hluleka; kumbe

(ii) xi ncincaka kumbe ku kavanyeta tindlela ta ntolovelo ta ku hlawula ka le na le loku bohaka vuyelo bya ntlangu wo gembula;

(c) nyikaka munhu wihi ni wihi mahungu kumbe nchumu wo xisa eka ntlangu wihi ni wihi wo gembula, a ri karhi a swi tiva leswaku mahungu lawa ya nikiweke tano kumbe nchumu lowu nyikiweke tano wu nga ha tirhisiwa ku tlula makungu wahi ni wahi ya Nawu lowu.

Ku xisa na minchumu yo xisa

81. (1) Ku hava munhu a faneleke—

(a) ku pfumelela munhu wihi ni wihi ku fambisa, ku yisa emahlweni kumbe ku tirhisa vuxisi byihi ni byihi kumbe nchumu wo xisa;

(b) ku fambisa, ku yisa emahlweni no tirhisa, ku tirhana kumbe ku paluxa eka ku tlanga khasino yihi ni yihi yo gembula kumbe mintlangu leyi yi tlangiwaka hi makhadi kumbe hi nchumu wihi ni wihi wa michini, kumbe ku katsakanyiwa kwihi ni kwihi ka mintlangu yaleyo na minchumu, leyi hi ndlela yihi ni yihi yi funghiweke kumbe ku ncinciwa, kumbe ku vekiwa eka xipimelo kumbe ku tirhisiwa hi ndlela leyi mbuyelo wa xona wu talaka ku xisa vatlangi kumbe mani na mani kumbe xi talaka ku hundzuluxa ku hlawula ka le na le ka ntolovelo ka tindlela kumbe ku ringeta ka ntolovelo ka ntlangu loku ku nga kotaka ku boha kumbe ku ncinca mbuyelo wa ntlangu wolowo; na

(c) ku tirhisa xiphemu kumbe thokeni yihi ni yihi ya vukanganyisi kumbe ku tlula milawu ya ntlangu wihi ni wihi kumbe ku nghenelelana na ndlela yihi ni yihi ya nchumu wo gembula wihi ni wihi kumbe nchumu wihi ni wihi wun'wana lowu tirhisiwaka hi tlhelo ro gembula hi xikongomelo xo kuma ku pfuneka ka timali, hi ku kongoma kumbe ku nga ri ku kongoma ku nga va hi tlhelo ra yena kumbe munhu wihi ni wihi wun'wana.

(2) Hi swikongomelo swa xiyenge lexi na xiyenge xa 80*(c)* "ku xisa" swi vula ku hundxuluxa nhlawulo wa nkhetekanyo lowu bohaka vuyelo bya ntlangu wa khasino—

(a) lowu bohaka vuyelo bya ntlangu wa khasino;

(b) lowu bohaka ntsengo kumbe mpimo wa hakelo eka ntlangu wa khasino; kumbe

(c) hi ku landza xikimi xihi ni xihi, ndzulamiso, sisiteme kumbe pulani leyi Xirho lexi nga na vutihlamuleri hi nkarhi na nkarhi xi nga ha tivisaka ku va ku ri ku xisa hi xitiviso eka *Gazete ya Xifundzankulu.*

Milandzu, minxupulo na ku dyiwa hi ntava

82. (1) Munhu wihi ni wihi loyi—

(a) a tlulaka kumbe ku tsandzeka ku landzelela kungu rihi ni rihi ra Nawu lowu kumbe xinawana xihi ni xihi lexi endliweke ehansi ka xiyenge xa 88 kumbe nawu lowu endliweke ehansi ka xiyenge xa 87;

(b) a nyikaka nhlamuselo yihi ni yihi ya mavunwa eka xikombelo xihi ni xihi kumbe tinhlayo ehansi ka Nawu lowu;

(c) a tlulaka xipimelo xihi ni xihi xa layisense;

(d) eka byako byihi ni byihi lebyi nga na layisense, a fambisaka ku gembula kwihi ni kwihi kumbe ku hlayisa nchumu wihi ni wihi wo gembula lowu nga vekiwangiki ehansi ka Nawu lowu kumbe a fambisaka ntlangu wihi ni wihi lowu vekiweke hi ndlela yin'wana handle ka hi ku landza milawunyana ya ntlangu wolowo;

(e) sivelaka kumbe ku rhalanganya phorisa kumbe mukamberi wihi ni wihi eku endleni ka mintirho ya yena;

(f) a nyikaka nhlamuselo kumbe mahungu eka phorisa kumbe mukamberi leswi nga mavunwa kumbe ku lahla, a ri karhi a swi tiva leswaku i mavunwa kumbe leswi lahlaka;

(g) a titivisaka hi vukanganyisi leswaku yena i mukamberi;

(h) handle ka mpfumelelo lowu tsariweke wa mukamberi kumbe phorisa loyi a khumbekaka, a susaka ku suka eka ndhawu laha wu siyiweke kona hi mukamberi kumbe phorisa, kumbe ku khomakhoma, ku onha kumbe ku endla mihundzuluxo, nchumu wihi ni wihi lowu wu tekiweke hi mukamberi kumbe phorisa yaloye eku tirheni ka mintirho ya yena;

(i) a tsandzekaka ku landzelela xileriso lexi endliweke ehansi ka xiyenge xa 79(3) kumbe a ri karhi a swi tiva a pfumelela munhu yaloye ku nghena ebyakweni lebyi nga na layisense;

(j) loko a samanisiwile ku nyika vumbhoni eka ndzavisiso ehansi ka xiyenge xa 20(2) handle ka xivangelo lexi ringaneke a tsandzeka ku va kona hi nkarhi na le ndhawini leyi boxiweke eka samanisi, kumbe ku ya emahlweni no va kona ku kondza loko ku fika mahetelelo ya ndzavisiso kumbe ku kondza loko a ntshuxiwile hi Bodo eka ku ya emahlweni no va kona kumbe ku humesa buku yihi ni yihi, tsalwa kumbe nchumu lowu a nga na wona kumbe lowu hlayisiwaka kumbe lowu nga ehansi ka vulawuri bya yena, lowu a samanisiweke ku wu humesa;

(k) a samanisiweke ehansi ka xiyenge xa 20(2) kumbe a vitaniweke ehansi ka xiyenge xa 20(3)—

(i) handle ka xivangelo lexi ringaneke a alaka ku endla xihlambanyo kumbe xitiyisiso tani hi mbhoni endzhaku ka loko a lerisiwile hi xirho xa Bodo lexi fambisaka eka ndzavisiso ku endla tano, kumbe a alaka ku nyika vumbhoni kumbe a alaka kumbe ku tsandzeka ku hlamula hi ku hetiseka na hi ndlela leyi enerisaka eka vutivi bya yena hinkwabyo na ku kholwa xivutiso xihi ni xihi lexi a vutisiweke xona hi nawu; kumbe

(ii) endzhaku ka loko a endlile xihlambanyo kumbe a endlile xitiviso, a nyikaka vumbhoni bya mavunwa emahlweni ka Bodo eka ndzavisiso wihi ni wihi ehenhla ka mhaka yihi ni yihi, a ri karhi a swi tiva leswaku vumbhoni byolebyo mavunwa kumbe a nga swi tivi kumbe ku byi kholwa byi ri ntiyiso,

u ni nandzu wo tlula nawu naswona loko o voniwa nandzu a nga langutana na ku hakela ndziho kumbe ku pfaleriwa ejele nkarhi lowu wu nga tluriki malembe ya khume kumbe havumbirhi ndziho wolowo na ku pfaleriwa ejele koloko.

(2) Loko mutameri wa layisense yihi ni yihi kumbe tisetifikheti leti nyikiwaka hi Bodo, a tlula kumbe ku tsandzeka ku landzelela makungu ya Nawu lowu, Bodo, endzhaku ka ku endla ndzavisiso lowu languteriwaka eka xinyenge xa 20, yi nga ha veka ehenhla ka mutameri wa layisense yaloye kumbe mutaneri wa setifikheti ndziho wihi ni wihi lowu khoto ya le hansi, ku katsana, Xiyenga xa Rhijini lexi simekiweke ehansi ka makungu ya Nawu wa Tikhoto ta Vamajistarata, 1944 (Nawu wa 32 wa 1994), a xi fanele xi wu vekile, naswona eka ku tsandzeka kwihi ni kwihi ku landzelela ku avanyisa ka bodo ku nga si hela nkarhi tani hilaha yi nga ha wu veka-ka swi fanele ku vanga ku khanseriwa xikan'wekan'we ka layisense yihi ni yihi kumbe setifikheti leyi nyikiweke hi bodo eka munhu yaloye kumbe vanhu: Ku ri leswaku—

(a) loko ku tengisa kwihi ni kwihi ku sunguriwile ehenhleni ka munhu hi ku landza xiyengenyana lexi, vanhu valavo, hi tlhelo na matikhomele yalawo va nga ka va nga ha hehliwi hi ku tlula nawu; naswona

(b) loko munhu a hehliwile hi nandzu wo tlula nawu, ku tengisa hi ku landza xiyengenyana lexi a ku fanelanga ku sunguri-wa ehenhleni ka munhu yaloye hi tlhelo ra matikhomele lawa ya yelanaka na ku tengisa ka vugevenga koloko.

(3) Ntlhandlakambirhi eka nxupulo wihi ni wihi lowu languteriweke eka xiyenge lexi timali hinkwato, matsalwa, tibuku na tirhekhodo, swingo-longondzwana swo gembula na switirho swo gembula leswi kumekaka endzeni ka kumbe eka ndhawu yihi ni yihi leyi tlulaka nawu wa xiyenge xa 77(1)*(b)*, swi fanele ku dyiwa hi ntava eka Bodo.

Vutihlamuleri bya Vuyimeri

83. (1) Loko mininjhere wa bindzu ra layisense leri yi yelanaka na rona, kumbe muyimeri kumbe muthoriwa wa mutameri wa layisense a endla kumbe ku tshika ku endla xiendlo xihi ni xihi ku nga ta va ku ri ku tlula nawu hi ku landza Nawu lowu hi tlhelo ra mutameri loyi a khumbe-kaka ku xi endla kumbe ku tshika ku xi endla, mutameri yaloye u fanela ku tekiwa yena n'wini a endlile kumbe ku tshika ku endla xiendlo xolexo, handlekaloko a enetisile khoto leswaku—

(a) a nga kalanga a ticopetisa kumbe ku pfumelela xiendlo kumbe ku tshikiwa hi mininjhere, muyimeri kumbe mutho-riwa loyi a khumbekaka;

(b) a tekile magoza hinkwawo lawa ya twalaka ku sivela xiendlo kumbe ku tshika; naswona

(c) xiendlo kumbe ku tshika, hambi swi le nawini kumbe swi nga ri enawini, xa muxaka lowu wu hehliwaka ku ri hava xipimelo naswona ku nga ri ehansi ka mayimele ya timhaka lawa ya weleke endzeni ka vulawuri kumbe ntirho wa mininjhere, muyimeri kumbe muthoriwa loyi a khumbekaka.

(2) Hi tlhelo ra xikongomelo xa xiyengenyana xa (1)*(b)* mhaka ya leswaku mutameri u nyikile swileriso leswi haswona xiendlo xihi ni xihi kumbe ku tshikiwa ka muxaka walowo ku siveriwaka, a xi fanelanga xona hi xoxe ku va xi ringanile ku va vumbhoni bya leswaku u tekile magoza hinkwawo lawa ya twalaka ku sivela xiendlo kumbe ku tshika.

Mindzuvo yo gembula yo xupula

84. (1) *(a)* Laha munhu loyi a voniwaka nandzu hi ku landza xiyenge xa 77(1)*(b)*, Bodo yi fanele ku pimanyeta ntsengo lowu munhu yaloye, hi mavonele ya Bodo, a ta fanela ku wu hakela tani hi ndzuvo wo gembula hi ku landza xiyenge xa 54 loko a a ri mutameri wa layisense, naswona Bodo yi fanele ku suka kwalaho ku tivisa munhu yaloye hi ku tsala hi ta ntsengo lowu pimanyetiweke tano.

(b) Ntsengo lowu languteriwaka eka ndzimana ya *(a)* wu fanele ku pimanyetiwa hi tlhelo ra nkarhi lowu nga tluriki malembe manharhu (3) lawa ya khakhuletiwaka ku tlhelela endzhaku ku suka eka siku ro voniwa nandzu ka munhu loyi a khumbekaka.

(c) Ntsengo lowu pimanyetiweke hi ku landza ndzimana ya *(a)* wu fanele ku hakeriwa hi munhu loyi a voniweke nandzu hi ndlela leyi vekiweke hi ku landza xiyenge xa 54(1)*(a)*, ku nga si hela 21 wa masiku ku sukela eka siku ra xitiviso lexi languteriwaka eka ndzimana yaleyo.

(e) Makungu ya xiyenge xa 54*(a)* ya fanele ku tirha *mutatis mutandis* hi tlhelo ra munhu loyi a faneleke ku hakela mindzuvo yo gembula ehansi ka xiyenge lexi.

Vuringaneri byo veka minxupulo

85. Hambiloko ku ri na swin'wana eka nawu wihi ni wihi swo hambana, majistarata u fanela ku va na matimba ya vulawuri yo veka nxupulo wihi ni wihi lowu vekiweke hi nawu lowu.

Ku sivela eka migingiriko endzeni ka Xifundzankulu hi mayelana no gembula ehandle ka Xifundzankulu

86. Ku hava munhu a faneleke ku ntshuxiwa eka ndzhwalo ehansi ka kungu rihi ni rihi ra Nawu lowu hi tlhelo ra xiendlo xihi ni xihi kumbe xilo lexi endliweke kumbe ku nyikiwa matimba kumbe ku pfumeleriwa hi yena leswaku xi endliwa eka Xifundzankulu hi mayelana na ku gembula kwihi ni kwihi, ntsena hi nhlamuselo ya leswaku mafambisele, matikhomele kumbe bindzu ra kumbe mayelana na ku gembula koloko hinkwako kumbe xiphemu xa kona ku yisiwa emahlweni endhawini yin'wana leyi nga ehandle ka Xifundzankulu.

Milawunyana

87. (1) Bodo yi nga ha endla milawunyana, leyi yi nga kanetaniki na makungu ya Nawu lowu, leyi yelanaka na ku tirhisa matimba ya yona na ku tirha mintirho ya yona, ku katsa na—

(a) mhaka yihi ni yihi leyi yelanaka na xikombelo xa layisense;

(b) mafambisele no lawula byako lebyi byi nga ni layisense;

(c) milawunyana yo fambisa ntlangu wihi ni wihi wo gembula.

(2) Ku nga si hela n'hweti yin'we ku nga si endliwa nawunyana wihi ni wihi ehansi ka xiyenge lexiya, Bodo yi fanele ku endla leswaku ndzima ya xona yi hangalasiwa eka *Gazete ya Xifundzankulu* kun'we na xitiviso lexi boxaka xikongomelo xa yona ku endla nawunyana walowo no rhamba vanhu lava swi tsakelaka ku nyiketa mehleketo yihi ni yihi ehenhla ka wona kumbe vuyimeri byihi ni byihi lebyi va byi navelaka ku byi endla hi tlhelo ra wona eka Bodo.

Swinawana

88. (1) Xirho lexi nga ni vutihlamuleri, hi ku tsundzuxana na Bodo, hi xitiviso eka *Gazete ya Xifundzankulu* xi nga ha endla swinawana mayelana na—

(a) mhaka yihi ni yihi mayelana na Bodo;

(b) mhaka yihi ni yihi mayelana na xikombelo xa layisense;

(c) mafambisele na ku lawuriwa ka byako lebyi nga ni layisense;

(d) ku humesiwa, tikhomixini, tihakelelo tin'wana leti kumbe mutameri wa layisense a nga ha ti hakerisaka;

(e) mibejo leyi hayona ntlangu wa khasino wihi ni wihi wu nga ha tlangiwaka;

(f) mibejo leyi winaka leyi hakeriwaka hi tlhelo ra mijaho ya swiharhi;

(g) ku lamula minkwetlembetano yo gembula hi Bodo;

(h) mhaka yihi ni yihi leyi hi ku landza Nawu lowu yi lavekaka kumbe yi nga ha vekiwaka;

(i) hi ku angarhela, mhaka yihi ni yihi leyi hi tlhelo ra yona xi ehleketaka yi fanerile kumbe ku laveka ku endlela swinawana swo fikelela swikongomelo swa Nawu lowu.

(2) Xinawana lexi endliweke ehansi ka xiyenge lexi hi tlhelo ra ku tluriwa ka xona kumbe ku tsandzeka ku xi landzelela xi nga ha veka ndziho kumbe ku pfaleriwa ejele nkarhi lowu wu nga tluriki malembe mambirhi (2) kumbe havumbirhi ndziho walowo na ku pfaleriwa koloko.

(3) Swinawana swo hambanahambana swi nga ha endliwa ehansi ka xiyenge lexi hi tlhelo ra mixaka yo hambana ya tilayisense, tilayisense ta muxaka wo fana leti nga na vuhlawuleki byin'we byo hambana, minkhetekanyo yo hambana, ya vanhu kumbe tindhawu to hambana.

(4) Ku nga si hela n'hweti yin'we ku nga si endliwa xinawana xihi ni xihi ehansi ka xiyenge lexi, Xirho lexi nga ni vutihlamuleri xi fanele ku endla leswaku ndzima ya xona yi hangalasiwa eka *Gazete ya Xifundzankulu* swin'we na xitiviso lexi boxaka xikongomelo xa xona xo endla xinawana no rhamba vanhu lava va swi tsakelaka ku nyiketa mehleketo yihi ni yihi ehenhla ka xona kumbe vuyimeri byihi ni byihi lebyi va nga ha navelaka ku byi endla hi tlhelo ra xona, xi ya eka xirho lexi nga ni vutihlamuleri.

(5) Makungu ya xiyengenyana xa (4) a ya fanelanga ku tirha hi tlhelo ra—

(a) xinawana xihi ni xihi lexi, endzhaku ka loko kungu ra xiyengenyana xexo ri landzeleriwile, ri hundzuluxiwile hi Xirho lexi nga ni vutihlamuleri, hi mbuyelo wa mehleketo kumbe vuyimeri lebyi amukeriweke hi ku landza ku landzeleriwa koloko; kumbe

(b) xinawana xihi ni xihi lexi hi tlhelo ra xona ku tsakela ka mani na mani ku xi lavaka ku va xi endliwa handle ka ku hlwerisiwa.

Makungu ya nkarhinyana

89. (1) Layisense yihi ni yihi hi tlhelo ra ku fambisiwa ka khasino eka Xifundzankulu leyi nyikiweke hi ku landza nawu wihi ni wihi lowu herisiweke hi Nawu lowu, yi fanele ku tekiwa yi nyikiwile hi ku landza Nawu lowu, laha endzhaku ka swona makungu ya Nawu lowu ya faneleke ku tirha hi tlhelo ra layisense yo tano.

(2) *(a)* Hambiloko ku ri na ku herisiwa ka kungu rihi ni rihi ra Nawu wa Xifundzankulu hi Nawu lowu, xikombelo xihi ni xihi lexi endliweke hi ku landza kungu ro tano ku nga si fika siku ro sungula ka Nawu lowu ku nga si endliwa leswi faneleke hi siku rolero xi fanele ku yisiwa emahlweni na ku endla leswi faneleke tani hiloko kungu rolero a ri nga herisiwanga tano: Ku ri leswaku vulawuri lebyi faneleke lebyi kambisisaka xikombelo xolexo, hi mavonele ya byona byi nga ha kongomisa xikombelo eka Bodo leswaku ku endliwa leswi faneleke.

(b) Layisense yihi ni yihi kumbe vulawuri byin'wana leyi/lebyi nyikiweke hi ku landza Nawu wa Xifundzankulu lowu herisiweke hi Nawu lowu naswona leyi kotaka ku nyikiwa hi ku landza Nawu lowu yi fanele ku tekiwa yi nyikiwile hi ku landza Nawu lowu, leyi endzhaku ka yona kungu ra Nawu ri fanele ku tirha hi tlhelo ra tilayisense toleto kumbe vulawuri.

(c) Nawunyana wihi ni wihi kumbe xinawana lexi endliweke ehansi ka kungu ra Nawu wihi ni wihi wa Xifundzankulu lowu wu herisiweke hi Nawu lowu naswona lowu nga ha endliwaka ehansi ka xiyenge xa 87 kumbe xa 88 xa Nawu lowu, hi ku landzelelana, wu fanele ku tekiwa wu endliwile ehansi ka Nawu lowu.

(d) Nchumu wihi ni wihi lowu wu endliwaka hi ku landza kungu ra Nawu wihi ni wihi wa Xifundzankulu lowu wu herisiweke hi Nawu lowu naswona lowu faneleke kumbe wu nga ha endliwaka hi ku landza kungu ra Nawu lowu wu fanele ku tekiwa ku va wu endliwile hi ku landza kungu leri landzelaka.

(3) Rifuwo hinkwaro na milandzu/swikweleti leswi loko ku nga si sungula ku tirha ka Nawu lowu a swi haverisiwile Bodo leyi simekiweke hi ku landza Nawu wihi ni wihi wa Xifundzankulu, lowu wu herisiweke hi Nawu lowu, xikan'we-kan'we hilaha swi kotekaka hi ndlela leyi twalaka endzhaku ka ku sungula ku tirha ka Nawu lowu swi fanele ku hundzi-seriwa/rhurhiseriwa eka Bodo ku va swi va rifuwo na milandzu/swikweleti swa bodo.

(4) Xirho lexi nga ni vutihlamuleri xi nga ha tirhisa matimba no endla mintirho ya bodo, ku nga katsiwi na ku nyika layisense yihi ni yihi, ku kondza ku fika nkarhi tani hilaha bodo yi nga ta va yi thoriwile.

Ku tirhisiwa ka nawu

90. Makungu ya Nawu wo Gembula, 1965 (Nawu wa 51 wa 1965), a ya fanelanga ku tirha eka Xifundzankulu hi mayelana na nchumu wihi ni wihi lowu eka wona layisense kumbe ku rhijistariwa swi lavekaka hi ku landza Nawu lowu.

Swikweleti swo gembula swi nga londziwa

91. Xikweleti xihi ni xihi xo gembula lexi xi endliweke hi nawu hi munhu endzhaku ka ku sungula ku tirha ka Nawu lowu loko ku karhi ku tlangiwa ntlangu wo gembula lowu nga nawini, hambiloko ku ri ni makungu ya nawu wihi ni wihi kumbe nawu wo tiveka, xi fanele ku va xi nga londziwa eka khoto ya nawu.

Ku herisiwa ka Milawu

92. Milawu leyi yi vuriwaka eka Xejulu ya Nawu lowu ya herisiwa kumbe ku hundzuluxiwa hi xiyenge lexi ku fika laha swi kombetiweke eka rixaxa ra vunharhu ra yona.

Nhlokomhaka hi ku komisa no sungula ku tirha

93. (1) Nawu lowu wu fanele ku vitaniwa Nawu wa Xifundzankulu xa N'walungu wa Tikhasino na ku Gembula, 1996, naswona wu fanele ku sungula ku tirha hi siku leri ri bohiweke hi Xirho lexi nga na vutihlamuleri hi xitiviso eka *Gazete ya Xifundzankulu.*

(2) Masiku yo hambana ya nga ha bohiwa hi tlhelo ra tindhawu to hambana eka Xifundzankulu.

XEJULU

Milawu Leyi Herisiweke Kumbe ku Hundzuluxiwa

Nomboro ya Nawu	Nhlokomhaka, Nomboro na Lembe ra Nawu	Laha wu herisiweke kumbe ku hundzu-luxiwa ku fika kona
Nawu wa 13 wa 1980	Nawu wa Venda wa Tikhasino, 1980 (Nawu wa 13 wa 1980)	Wu herisiwile hinkwawo

TSEBIŠO YA PROFENSE

KANTORO YA TONAKGOLO

No. 15 **29 Nofemere 1996**

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimoæo ka Kakarešo:—

No. 4 wa 1996: Malao kakanywa wa Profense ya Leboa wa Dikhasino le Bobapadi, 1996.

PEAKANYO YA DIKAROLO

1. Ditlhalošo.

KGAOLO 1

Boto ya Bobapadi le Khasino ya Profense ya Leboa

2. Tlhamo ya Boto ya Bobapadi ya Profense ya Leboa.
3. Maatla le Mešomo ya Boto.
4. Tlhamego ya Boto.
5. Boswanedi bja go bewa go ba leloko la Boto.
6. Tshepedišo ya peo ya Boto.
7. Paka ya ofisi.
8. Phedišo ya ofisi le tlatšo ya dikgoba.
9. Tefelo le diputseletšo tša maloko a Boto.
10. Badiredi ba Boto.
11. Ponagalo le Sephiri.
12. Maemo a tshepo ya setšhaba.
13. Matlotlo a Boto.
14. Boikarabelo, Tlhakišo le Pego ya Ngwaga.
15. Dikopano tša Boto.
16. Dikomiti tša Boto.
17. Metsotso.
18. Therišano ka Boto.
19. Go tsentšhwa ga Batho.
20. Dinyakišišo ka Boto.

KGAOLO 2

Go fa dilaesense

21. Dikelo le Ditekelelanyo tša setšhaba.
22. Tlhoka-maswanedi ya dilaesense ka kakaretšo.
23. Mehuta ya dilaesense.
24. Dikgopelo.
25. Ditefelo tša dikgopelo.
26. Dikganetšo.
27. Kgopelo le kganetšo di bulelwe tekolo ya setšhaba.
28. Dinyakišišo le dipego tša maphodisa.
29. Dilaesense tša lebakanyana malebana le meago ya go se fetšwe.
30. Dilaesense tša khasino.
31. Laesense ya modiriši wa motšhene wa bobapadi.
32. Dilaesense tša setsha sa motšhene wa bobapadi.
33. Dilaesense tša mošomiši wa Bingo.
34. Dilaesense tša badiri, tlhokomelo goba baneedi.
35. Dilaesense tše kgethegilego.
36. Phego goba kgomišo ya dilaesense.
37. Tšhuthišetšo le tlošo ya dilaesense.

KGAOLO 3

Mabaka

38. Mabaka-kakaretšo a dilaesense.
39. Peakanyo ya monithara wa mohlagase go metšhene ya bobapadi.
40. Ditswalo tša tšhelete ka go kgwebo ya mofiwa-laesense.
41. Boswanedi bja diphathi tša boraro.
42. Mekgwa ya Bobapadi.
43. Dipuku, Diakhaonte le direkhoto.
44. Taolo ya go tsena go mafelo a itšego.
45. Kwalakwatšo.
46. Krediti.
47. Melao ya dipapadi tse itšego.
48. Thušo go barekedi.
49. Paka ya laesense.
50. Ditefo tša laesense.
51. Tshwanelo ya go ntšha laesense.

52. Tshwanelo ya go hlagiša laesense goba sethifikeiti.
53. Mpshafatšo ya dilaesense.
54. Makgetho a tekomahlatse.
55. Tefelo mabapi le kgethollo.

KGAOLO 4

Badiredi

56. Dinyakwa bakeng sa badiredi ba itšego.
57. Kgopelo ya sethifikeiti.
58. Kakauyo ya kgopelo.
59. Rejistara ya badiredi.
60. Paka ya sethifikeiti.
61. Phego le kgomišo ya sethifikeiti.
62. Thwalo pele go fiwa sethifikeiti.
63. Dithibelo malebana le badiredi.

KGAOLO 5

Bahlankedi ba Maphodisa le Bahlahlobi

64. Maatla a maphodisa go tsena mafelong a a nago le dilaesense.
65. Peo ya bahlahlobi ke Boto.
66. Mediro le maatla a mohlahlobi.
67. Boitamolelo kgahlanong le go tsena.

KGAOLO 6

Go fiwa ga diphetho, dipoeletšo le boipiletšo

68. Mabaka bakeng sa diphetho ka pušo ye e nago le maatla.
69. Mabaka a tekolo.
70. Maatla a tekolo.
71. Boipeletšo go Kgorokgolo ya Tsheko.

KGAOLO 7

Ditaba tša semolao le tše amanago

72. Ditswalo tša Tšhelete.
73. Go tlogela goba go lesetšwa ga ditokelo, ditshwanelo, ditlemo le melato e itšego.
74. Tirelo ya tshepetšo.
75. Go tsena gare ga Ramelao wa Mmušo.
76. Ditshenyegelo.

KGAOLO 8

Kakaretšo

77. Thibelo mabapi le tekomahlatse.

78. Tšhomišo-mpe ya lentšu "khasino".

79. Thibelo ya batho ba itšego go tsena lefelong le le nago le laesense.

80. Thibelo mabapi le modiri, thekišo, kabo, ditšwantle, go bapatša, go fetola le phetolo ya ditlabakelo le didirišwa tša bobapadi.

81. Pateletšo le mekgwa ya pateletšo.

82. Dikotlo tša ditshenyo le ditobišo.

83. Boikarabelo bja tlhoka-boitemogelo.

84. Tefišo ya makgetho a tekomahlatse.

85. Maatla a go lefiša.

86. Thibelo go mediro mo go Profense ye e amanago le tekomahlatse kantle ga Profense.

87. Melao.

88. Melawana.

89. Dipeakanyetšo tša Phetišetšo.

90. Tšhomišo ya molao.

91. Dikoloto tša bobapadi tša go tiišetšwa.

92. Gofedišwa ga Molao.

93. Thaetlele e kopana le go thoma.

ŠETULE

Melao ya go fedišwa goba go fetošwa.

MOLAOKAKANYWA WA PROFENSE YA LEBOA WA DIKHASINO LE BOBAPADI, 1996

Go beakanyetša go laola dikhasino le bobapadi, le go beakanyetša ditaba tšeo di amanago le tšona tšeo

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(Phetolelo ya Seisemane e sa ennwe ke Tonakgolo)

(O dumeletšwe kan 28 Nofemre 1996)

GO BEWA MOLAO ke Lekgotla-Peamelao la Profense ya Leboa, ka fao go latelago:—

Ditlhaološo

1. Ka gare ga Molao wo, ntle le ge diteng di laetsă ka mokgwa o mongwe—

"Bobapadi" ke go re go bapalwa ga papadi ya khasino efe le efe;

"Boto" ke go re Boto ya Khasino le Bobapadi bja Profense ya Leboa yeo e hlamilwego ka fase ga karolo 2;

"holo ya bingo" ke go re meago yeo ka go yona papadi ya bingo e bapalelwago ka fase ga laesense ya modiriši wa bingo;

"kempola" ke go re go petša seteke godimo ga tiro yeo go yona poelo e se nago nnete mabapi le pušetšo gomme ke lereo-kakaretšo leo le aparetšago dibopego ka moka tša babapadi le go petša;

"khasino" ke go re meago ya go ba le dilaesense yeo ka go yona bobapadi bo dirwago ka fase ga laesense ya khasino;

"kgethela" ke go re go kgethelwa ka molawanna; gomme

"kgethela" e na le lereo leo le tswalanago;

"laesense" ke go re laesense yeo e šupetšwago ka go karolo 23;

"meago ya dilaesense" ke go re seripa sa goba diripa tša meago efe le efe yeo e filwego laesense go ka swara kempolo yeo e dumeletšwego ke Molao wo;

"Lekgotla-Phethišo" ke go re Lekgotla-Phethišo la Profense ya Leboa;

"Lekgotla-Peamelao la Profense" ke go re Lekgotla-Peamelao la Profense ya Leboa bjalo ka ge le bolelwa ka go karolo 125 ya Molaotheo;

"Leloko la boikarabelo" ke go re leloko la Lekgotla-Phethišo la boikarabelo go tshepedišo ya Molao wo;

"matengwa" ke go re matengwa bjalo ka ge go hlalošitšwe ka go Peamelao ya Molao wa setšhaba go Matengwa;

"Mmušo" ke go re Mmušo wa Profense ya Leboa;

"modulasetulo" ke go re motho yoo a beilwego go ba Modulasetulo go ya ka Karolo 4;

"Mohlakiši-Pharephare" ke go re motho yoo a beilwego go ba Mohlakiši-Pharephare go ya ka karolo 191(2) ya Molaotheo;

"Mohlahlobi" ke go re mohlahlobi yoo a beilwego ka fase ga karolo 65;

"Mohlankedi-Mophethišimogolo" ke go re Mohlankedi-Mophethiši-mogolo yo a beilwego go ya ka karolo 10(1)*(a);*

"mokgwa wa bobapadi" ke go re mokgwa wa setlabele, makheniki, mohlagase-makheniki, setho goba motšhene goba motšhene wa bobapadi, woo o šomišwago ka bokgole goba thwii mabapi le papadi ya Khasino;

"Molao wo" o akaretša melawana efe le efe goba molao o dirilwego goba o ntšhitšwego ka fase ga wona;

"Molaotheo" ke go re Molaotheo wa Repabliki ya Afrika Borwa, 1993 (Molao 200 wa 1993);

"Mongetla wa go bapala papadi ye nngwe" ke go re mongetla woo o ka se abaganyetšwego goba šutišetšwego go motho yoo a humanego mongetla wo goba go motho ofe le ofe yo mongwe, ka nepo efe le efe e sego go šomiša sona sebaka seo ntle le tšhitišo ya go tšwela pele go bapala mohuta wa papadi yeo mabapi le yona go humanwego mongetla, eupša go sa akaretšwe mongetla woo o ka se fetošetšwego ka mokgwa ofe le ofe, e ka ba thwii goba e sego thwii go tšhelete, thoto, ditšheke, mokitlana goba eng le eng ya bohlokwa, goba ge o fetošeditšwe ka tsela yeo go ya ka sekimi sefe le sefe, peakanyo, mokgwa, polane goba leano leo Leloko la boikarabelo le ka rego nako le nako ka tsebišo ka gare ga Kuranta ya Profense la o bega go ba e se mongetla wa go bapala papadi ye nngwe;

"Moswara-ofisi ya sepolitiki" ke go re motho yo a hlalošitšwego ke karolo 190A ya Molaotheo wa Afrika Borwa, 1993 (Molao 200 wa 1993), le maloko a Lekgotla la Volkstaat le mebušo-selegae; le moswara-ofisi wa phathi efe le efe ya sepolitiki;

"motšhene wa bobapadi" ke go re mokgwa wa elektroniki goba wa mohlagase-makheniki, go loga maano goba motšhene woo, ge o lokela tšhelete ya tshipi, seka goba selo sa go swana goba godimo ga tefelo ya kelohloko efe le efe, e lego gona go raloka goba go fa motho yoo tokelo goba go diriša motšhene wa go amogela tšhelete go sengwe le sengwe se bohlokwa (e sego mongetla wa go bapala papadi e nngwe);

"papadi ya Khasino" ke go re papadi efe le efe ya go bapalwa ka dikarata, ditaese, metšhene ya bobapadi, malea a bobapadi goba malea afe le afe ao a šomišwago go tliša dipoelo tša go petša go kgonthišiša go boelwa goba go lahlegelwa ga tšhelete, thoto, tšheke, mokitlana goba sengwe le sengwe se bohlokwa (e sego mongetla wa go bapala papadi e nngwe), go akaretšwa, ntle le nyenyefatšo ka kakaretšo ya tšeo di fetilego e lego rolete, bingo, twenty-one, chemin de fer, black-jack le bakarate;

"papadi ya kempolo" ke go re papadi efe le efe, go sa lebelelwe ge eba goba e se gore poelo ya yona e beakanywa ka manka, e ralokwa ka dikarata, ditaese, metšhene-kempolo goba mekgwa ya go kempola ya tšhelete, phahlo, ditšheke, mokitlana goba sengwe le sengwe se bohlokwa (e sego sebaka sa go bapala papadi go ya pele), go akaretšwa, ntle le go nyenyefatša ka kakaretšo ya tše di lego pele, rolete, bingo, twenty-one, black-jack, chemin de fer le bakarate; gomme go sa akaretšwe matengwa bjalo ka ge go hlalošwa ka go Molao wa Matengwa, 1995;

"profense" ke go re Profense ya Leboa bjalo ka ge e šupetšwa ka go karolo 124 ya Molaotheo;

"pušo-selegae" ke go re setho sa mmušo-selegae sefe le sefe bjalo ka ge se hlalošitšwe ka go Molao-Phetišetšo wa Mmušo-Selegae, 1993 (Molao 209 wa 1993), le Lekgotla-Phetišetšo lefe le lefe leo le hlamilwego ka fase ga Molao woo o phethagatšago mešomo ya mmušo-selegae go sa akaretšwe setho sa mmušo-selegae sefe le sefe seo;

"Repabliki" ke go re Repabliki ya Afrika Borwa bjalo ka ge e šupetšwa ka go karolo 1 ya Molaotheo;

"sefoka" ke go re phahlo ya go šutišega goba ya go se šutišege, e ka ba ya sebele goba e sego ya sebele;

"taolo ya maatla" ke go re Leloko la boikarabelo goba boto, go ya ka fao go ka bago ka gona, yeo ka lona mošomo ofe le ofe go ya ka Molao wo o ka phethagatšwago;

"tiragalo ya boraloki" ke go re tiragalo ya semolao efe le efe goba tiragalo-tlhokannete ka ntle le ge e ka kgethelwa ka tsela e nngwe.

KGAOLO 1

BOTO YA BOBAPADI LE KHASINO YA PROFENSE YA LEBOA

Tlhamo ya Boto ya Bobapadi ya Profense ya Leboa

2. Go hlongwa ga Boto yeo e tsebjago gore ke Boto ya Bopapadi ya Profense ya Leboa yeo e tlago go ba motho wa molao.

Maatla le Mešomo ya Boto

3. (1) Boto e tla—

(a) šomiša maatla ona ao le go phethagatša yona mešomo yeo—

(i) e abetšwego go ya ka Molao wo;

(ii) e abetšwego yona go ya ka Molao ofe le ofe o mongwe;

(b) eletša Leloko la boikarabelo goba go tliša pego goba ditigelo go Leloko la boikarabelo tabeng efe le efe ya go šupetšwa go Boto ke Leloko la boikarabelo gore e elwe hloko, gomme e etšwa go tirišo ya Molao wo o amanago le taolo ya go kempola ka gare ga Profense.

(2) Boto e ka, ka tumelelo ya Leloko la boikarabelo le ge molao wa Profense efe le efe e nngwe o beakanyetša ka tsela yeo, diriša ona maatla ao le go phethagatša mešomo yona yeo le mediro go ya ka molao wona woo mabapi le batho le ditaba ka gare ga profense yeo e bolelwago bjalo ka ge Boto e ka, go ya ka Molao wo, diriša le go phethagatša ka gare ga Profense ye.

(3) Boto e ka, ntle le se sengwe le se sengwe seo se fapanago le molao ofe le ofe o mongwe o lego gona, lefela tefelo-poetšo le molao ofe le ofe o mongwe o lego gona, lefela tefelo-poetšo go motho ofe le ofe yoo a filego tshedimošo ya go amana le tshela-molao yeo e bolelwago ya peakanyetšo ya Molao wo.

Tlhamego ya Boto

4. (1) Maloko a Boto a tla bewa ke Leloko la boikarabelo ka poledišano le Lekgotla-Phethišo ka taelo ya karolwana 3, gomme le tla bopša ka—

(a) leloko le tee leo le swanetšwego go amogelwa go ka itekela go ba ramelao ka gare ga Repabliki gomme a na le paka ya go kgoboketšwa ya mengwaga e mehlano ka morago ga maswanedi a mabjalo, a itekela go ba ramelao goba a phethagaditše tirelo yeo e amanago le tirišo goba taolo ya molao;

(b) leloko le tee la maswanedi a sebalamatlotlo ka gare ga Repabliki gomme a na le paka yeo e kgobokeditšwego ya mengwaga e mehlano gabotse ka morago ga ge a bile le maswanedi bjalo, a iteketše go ba sebalamatlotlo;

(c) leloko le tee leo ka kgopolong ya Leloko la go ikarabela, le tlago go ba le tsebo le boitemogelo ka go tša Intaseteri ya tša Boeti;

(d) motho yoo a emelago Kgoro ya Ditaba tsa Ekonomi le Boeti ya Profense, yoo a hlaotšwego ke Leloko la boikarabelo;

(e) motho yoo a emelago Kgoro ya Matlotlo ya Profense, a hlaotšwego ke Leloko la Lekgotla-Phethišo la go ikarabela go Matlotlo;

(f) maloko a sego ka godimo ga a mane ao a tlago go ba le boitemogelo bja kgwebo bjoo bo bonagalago goba tsebo ya intaseteri ya go kempola goba yoo a swanetšego go bewa ke Boto.

(2) Leloko la boikarabelo le tla bea leloko go ba Modulasetulo gomme le lengwe leloko go ba Motlatša-Modulasetulo wa Boto.

(3) Mohlankedi-Mophethišimogolo wa Boto o tla ba leloko la Boto *ex-officio*.

(4) Ge Modulasetulo a se gona goba ka lebaka lefe le lefe a sa kgone go šoma ka go ba Modulasetulo, Motlatša-Modulasetulo o tla šoma mešomo ya Modulasetulo.

Boswanedi bja go bewa go ba leloko la Boto

5. (1) Motho a ka se bewe goba a šala e le leloko la Boto—

(a) ntle le ge—

(i) e le motho wa tlhago;

(ii) e le modudi wa Repabliki gomme a dula ka mehla ka moo gare; gomme

(iii) e le motho yo a swanetšego wa go lokela;

(b) ge eba—

(i) o na le kgahlego ya thwii goba e sego ya thwii ka go—

(aa) tiro efe le efe ya go kempola; goba

(bb) kgwebo efe le efe e nngwe goba morero woo o kago thulana le phethagatšo ya mediro ya gagwe bjalo ka leloko la Boto;

(ii) e le moswara-ofisi ya sepolitiki;

(iii) e le leloko la Ngwako wa Profense wa Baetapele ba Setšo goba Lekgotla la Baetapele ba Setšo;

(iv) ke mokgotsi goba motswalle wa; goba ba tswalane ka kgato ya pele ya lenyalo goba madi go motho yoo a bolelwago ka gare ga ditemana *(b)*(i) goba (ii);

(v) ke motšhoni wa go se tsošološege;

(vi) a tlošitšwe ofising ya potego nako efe le efe ka lebaka la maitshwaro a mabe; goba

(vii) a swerwe nako efe le efe, e ka ba ka gare ga Repabliki goba kae le kae—

(aa) ka bohodu, bomenemene, bofora, go bolela ka tokumente ya bofora, kenomaaka, bosenyi ka fase ga Molao wa Tshenyo, 1992 (Molao 94 wa 1992), goba tshenyo efe le efe yeo e akaretšago tlhokapotego; goba

(bb) ka bosenyi ka fase ga molao wo goba molao o mongwe le o mongwe wa go swana le wona.

(2) *(a)* Ge leloko lefe le lefe la Boto nakong ya paka ya ofisi ya gagwe le amogilwe maswanedi go ya ka karolwana (1) goba a humana goba leloko la lapa la humana, tswala yeo e bonalago e le tswala yeo e kgaphintšwego ka go karolwana (1)*(b)*(i), a ka re ka pele ka fao go kgonagalago ka morago ga ge a amogilwe maswanedi goba ka morago ga ge a humane tswala yeo, goba ka morago ga go lemoga tshedimošo yeo, a bega ka go ngwala tshedimošo yona yeo go Leloko la boikarabelo.

(b) Ge leloko la boikarabelo, ka morago ga go amogela tshedimošo go leloko la Boto bjalo ka ge go bolelwa ka go temana *(a)* le na le kgopolo gore lona leloko leo le amogilwe maswanedi go ya ka karolwana (1) go šala e le leloko la Boto o tla, ka taolo ya karolo 8(2), la fediša paka ya ofisi ya lona leloko leo go ya ka karolo 8(1)*(b)*.

Tshepedišo ya peo ya Boto

6. (1) Maloko a Boto ao a šupeditšwego ka go karolo 4(1)*(a)*, *(b)*, *(c)*, le *(f)* a ka se kgethwe ntle le ge Leloko la boikarabelo mabapi le maloko ao a memile diphathi tše nago le kgahlego ka go e gaša ka tsebišo ka gare ga *Kuranta ya Profense* go hlaola bonkgetheng, gare ga matšatši a 21 a taletšo ka gare ga kgašo le phatlalatšo ya tsebišo yeo, gore e tsitsinkelwe ke Leloko la boikarabelo: Ge fela e le gore taletšo ka tsela ya kgašo e tla akaretša taletšo ka gare ga kuranta e tee gabotse e rarelago le Profense.

(2) Motho o tla, pele ga peo ya gagwe go ba leloko la Boto, tliša go Leloko la boikarabelo setatamente sa go enelwa goba go tiišetšwa ka fao a begago ditswala tša gagwe tša ditšhelete le ge eba o na le goba ga a na le ditswala bjalo ka ge go boletšwe ka go karolo 5(1)*(b)*(i) goba (iii).

(3) *(a)* Leloko la Boto le ka se bewe ntle le ge Leloko la boikarabelo le, gabotse matšatši a 30 pele ga peo ya maloko a Boto le ka mokgwa wo o bolelwago ka go karolwana (1), gatišitše maina a batho ka moka bao ba hlaoletšwego peo ya Boto le maina a batho bao a ikemišetšago go ba bea go ba maloko a Boto le tšatšikgwedi yeo ka yona dipeo go ikemišetšwago go di dira.

(b) Motho ofe le ofe yoo a ratago go ganetša peo ya motho ofe le ofe go Boto, a ka, e sego ka morago ga matšatši a 14 ao ka ona peo ya maloko a Boto go ikemišetšwago go e dira, dira kganetšo efe le efe go Leloko la boikarabelo ka go ngwala a laetša lebaka goba mabaka ao, go ya ka yena motho yoo, a amogago motho yoo maswanedi a go bewa, go beweng ga go ba leloko la Boto.

Paka ya ofisi

7. Leloko la Boto le tla, go ya ka karolo 8, swara ofisi paka yeo e sa fetego mengwaga e meraro, ka fao Leloko la boikarabelo le kago kgonthišiša ka nako ya peo ya gagwe gomme leloko la Boto, le tla ba le maswanedi a go bewa gape mafelelong a pakatirelo ya ofisi ya gagwe.

Phedišo ya ofisi le tlatšo ya dikgoba

8. (1) Leloko la boikarabelo le ka re ka morago ga ge le file leloko sebaka sa go bea taba ya gagwe ka nako efe le efe la fediša pakatirelo ya ofisi ya leloko lefe le lefe ge—

(a) go le mabaka a mabotse a go dira bjalo ka kgahlego e kaone ya Boto le taolo e botse le molao wa go kempola;

(b) a amogilwe go šala e le leloko la Boto go ya ka 5(1); goba

(c) a se a ba gona dikopanong tša Boto tša go feta tše pedi tša go hlomagana ntle le tumelelo ya go se be gona ya modulasetulo.

(2) Ge Leloko la boikarabelo le fediša ofisi ya leloko la Boto ka fase ga karolwana (1), le tla bipolla phedišo yona yeo ka tsela ya tsebišo ka gare ga *Kuranta ya Profense* magareng a matšatši a 14 ka morago ga tšatšikgwedi ya phedišo yona yeo.

(3) Leloko la boikarabelo le tla, ka taelo ya dikarolo 5, 6 le 7, tlatša sekgoba Botong ya paka yeo, go sa fetšwe mengwaga e meraro, go ya ka fao Leloko la boikarabelo le kago kgonthišiša ka nako ya pego ya gagwe.

Tefelo le diputseletšo tša maloko a Boto

9. (1) Maloko a Boto goba batho bao ba rerišanego goba ba tsentšwego ka go latelana go ya ka karolo 18 le 19 bao ba sa šomego ditirelo tša mmušo goba Profense ka nako ya go tlala ba ka, mabapi le ditirelo tša bona, lefelwa meputso le diputseletšo go tšwa ka sekhwameng sa Boto ka fao go ka kgonthišišago Leloko la boikarabelo ka morago ga poledišano le Leloko la boikarabelo la Matlotlo.

(2) Meputso le diputseletšo tša maloko a Boto di ka no fapana go ya ka diofisi tše fapanago tšeo di swerwego ke bona goba mešomo ya go fapana yeo e phethagatšwago ke bona.

Badiredi ba Boto

10. (1) Boto e tla, ka taolo ya ditaelo le taelo ya yona, phethagatšong ya mešomo ya yona le molao wo, thušwa ke—

(a) go ya ka karolo 5(1)*(a)*(i) le (iii) le 5(1)*(b)* ke motho wa maswanedi le boitemogelo ka go ba Mohlankedi Mophethiši-mogolo, yoo a beilwego ke Leloko la boikarabelo ka poledišano le Boto goba a tlatša go ya ka karolwana (3), ka nepo ya go thuša Boto go phethagatša maikarabelo ka moka a ditšhelete, taolo le a boklereke a amanago le mešomo ya Boto gomme e tla, mabapi le ona, ikarabela go Boto; gomme

(b) badiredi bao, ba beilwego ke Boto goba ba tlatša go ya ka karolwana (3), ka fao go kago swanela go kgontšha Boto go phethagatša mešomo ya yona: Ge fela e le gore motho a ka se bewe ke Boto go ya ka temana ye goba a šala e le leloko la badiredi ba Boto ge a na le tlhoka-maswanedi go ya ka fao go ukamilwego ka go karolo 5(1)*(b)*.

(2) Batho bao ba beilwego ke Boto go ya ka karolwana (1) ba tla lefelwa go tšwa sekhwameng sa Boto meputso le diputseletšo tšeo gomme ba tla amogela ditshwanelo tšona tše dingwe tšeo tša mošomo gomme ba bewa godimo ga dikwano le mabaka le dipaka tšeo go ya ka fao Boto e ka kgonthišišago ka gona.

(3) Boto e ka, go dirišweng ga maatla a yona le go phethagatšweng ga mešomo ya yona, ka kgopelo ya yona le ka morago ga poledišano le Taolo ya Profense, thušwa ke bahlankedi ba Taolo ya Profense yeo e bolelwago bao ba adimetšwego ditirelo tša Boto go ya ka molao ofe le ofe woo o laolago kadimo-tlatšo yeo.

(4) *(a)* Maatla le mošomo ofe le ofe woo Boto e kago o phethagatša goba go o šomiša go ya ka Molao wo, ntle le maatla le mešomo yeo e bolelwago ka gare ga 28, 29, 30, 33, 34, 36(2), 36(4), 36(5) le 37(5), o ka abelwa (e ka ba ka kakaretšo goba thwii) go Mohlankedi Mophethiši-mogolo, komiti ya Boto goba leloko lefe le lefe le lengwe la badiredi ba Boto.

(b) Maatla goba mošomo ofe le ofe woo o abilwego woo o dirišwago goba o phethagatšwago bjalo, o tla tšewa go ba o dirišitšwe goba a phethagaditšwe ke Boto.

Ponagalo le sephiri

11. (1) Boto e tla, ka taolo ya karolwana (2), šoma ka mokgwa wa go bonagala le go bulega.

(2) Ga go leloko la Boto goba la bašomedi ba Boto, goba motho yoo a boletšwego ka go dikarolo 18 le 19 e bile ga go mohlahlobi yoo a tlago, ntle le ka taelo ya molao, pepenetša—

(a) tokumente efe le efe ya tshedimošo, goba boitsebišo bja motho ofe le ofe, bjoo Boto e bo kgonthišitšego go ba bja go se bulelwe tlhahlobo ya setšhaba goba go phulwa bjalo ka ge go boletšwe ka go karolo 27(2);

(b) tokumente goba tshedimošo efe le efe yeo e filwego Boto ka semolao goba tšhišinyo ya molao efe le efe ka maemo a Sephiri.

Maemo a tshepo ya setšhaba

12. (1) Gore go tiišetšwe bolokologi le seriti sa Boto—

(a) leloko la Boto goba la badiredi ba Boto le ka se—

(i) ntle le moputso ofe le ofe woo o amogelwago ka maatla a ofisi yeo a e sweregó, thwii goba e sego thwii le amogela sengwe le sengwe se bohlokwa go motho ofe le ofe seo se ka thulanago goba tsenatsenanago le phethagatšo e botse ya mešomo goba kabelo ya gagwe ka mokgwa o mongwe le o mongwe go tšwa ofising yeo a e swarago;

(ii) tsenela go kempola gofe le gofe ka gare ga Profense ge fela e le gore yena motho yoo a ka tsenela go kempola fao ge go le bohlokwa go phethagatšo ya mešomo ka fase ga Molao wo;

(b) leloko goba leloko la pele la Boto le ka se kgopele goba amogele mošomo go montšhalaesense goba mokgopedi wa laesense go ya ka Molao wo, gare ga ngwaga o tee ka morago ga phedišo ya ofisi ya lona leloko leo la Boto, ntle le tumelelo ya Boto;

(c) leloko la Boto goba la badiredi ba Boto le tla, pele le thoma go phethagatša mešomo ya ofisi ya gagwe, tšea keno goba la dira tumelo bjalo ka ge Leloko la boikarabelo le beakantše.

(2) Dipeakanyetšo tša dirolwana 1*(a)* le *(b)* di tla šomišwa *mutatis mutandis* mabapi le Leloko la boikarabelo.

(3) *(a)* Leloko la Boto le ka se boute, tsenele, goba ka mokgwa ofe le ofe o mongwe la tšea seabe mo go ditshepedišo mo kopanong efe le efe goba theeletšong ya Boto ge, mabapi le taba efe le efe yeo e lego pele ga Boto—

(i) yena goba leloko la lapa la gagwe la kgauswi leo le bolelwago ka go karolo 5(1)*(b)*(iii), mogwera goba modirišani kgwebong le leloko thwii goba mogwera wa, goba a na le kgahlego ya taolo goba ya tšhelete efe le efe goba kgahlego efe le efe ka go kgwebo ya mokgopedi goba motho ofe le ofe yoo a dirilego dikemelo mabapi le kgopelo ya laesense; goba

(ii) a na le kgahlego yeo e mo thibelago go phethagatša mešomo ya gagwe bjalo ka leloko la Boto ka mokgwa o mokaone, wa go se kgetholle le botse.

(b) Ge maemong afe le afe pakeng ya ditshepedišo dife le dife pele ga Boto go bonala gore leloko la Boto le na le goba le ka ba le kgahlego yeo e bolelwago ka go temana *(a)*—

(i) leloko leo le tla re ka ponyaleihlo le botlalo la phula tlhago ya kgahlego ya gagwe gomme la tlogela kopano goba theeletšo bjalo gore go kgontšhwe maloko a šetšego a Boto go ahlaahla taba le go kgonthišiša ge eba leloko le thibelwa go tšea karolo ditshepedišong, kopanong goba theeletšong yeo ka lebaka la thulano ya kgahlego; gomme

(ii) yona kutullo yeo le sephetho seo se tšerwego ke maloko a Boto ao a šetšego mabapi le kgonthišišo, di tla tsentšhwa ka gare ga metsotso ya ditshepedišo tšeo di bolelwago.

(c) Ge leloko lefe le lefe la Boto le šitwa go utolla kgahlego efe le efe yeo e boletšwego ka mokgwa ofe le ofe ka go temana *(a)* goba, ge a na le kgahlego yona yeo, goba a tsenela goba ka mokgwa ofe le ofe a tšea karolo ka gare ga ditshepedišo tša kopano goba theeletšo yeo e amegago, ditshepedišo tšeo tša maleba di tla ba lefeela: Ge fela e le gore ga go sephetho go ya ka Molao wo, seo se amanago le go fiwa, phetošo, mpshafatšo, tšhuthišetšo, phego, phedišo goba kgomišo ya laesense goba ngwadišo, goba tšhuthišetšo ya kgwebo ya go fiwa laesense go meago e mefsa, se tlago go felelwa ke maatla.

Matlotlo a Boto

13. (1) Matlotlo a Boto a tla hlangwa ka—

(a) tšhelete yeo e lekanyeditšwego ke Lekgotla-Peamelao la Profense go nepo yeo;

(b) ditšhelete dife le dife tšeo di lefelwago Boto go ya ka Molao wo; le

(c) ditšhelete tše dingwe tšeo di lefetšwego semolao go Boto.

(2) Boto e tla, ka ngwagapuku ofe le ofe, ka nako yeo e ka beakanywago ke Leloko la boikarabelo, romela setatamente sa ditseno le ditshenyegelo tšeo di lekanyeditšwego tša Boto tša ngwagapuku o latelago, gore le se dumelele.

(3) Boto e ka romela ka ngwagapuku ofe le ofe ditatamente tša tlaletšo tša ditshenyegelo tše lekanyeditšwego tša Boto tša ngwagapuku woo go Leloko la boikarabelo gore a di dumelele: Ge fela e le gore tumelelo yeo e tla fiwa fela ka poledišano le Lekgotla-Phethišo la go ikarabela go matlotlo.

Boikarabelo, pego ya ngwaga le tlhakišo

14. (1) Mohlankedi Mophethiši-mogolo o tla—

(a) fiwa boikarabelo bja go arabela ditšhelete tša Mmušo tšeo di amogetšwego goba di lefetšwego goba ka lebaka la Boto; le

(b) hlola tšhupatlotlo tše bohlokwa le direkhoto tše tswalanego go ka lotwa.

(2) Direkhoto tšeo di šupetšwago ka go karolwana (1)*(b)* di tla hlakišwa ke Mohlakiši-Kakaretšo.

(3) Boto e tla—

(a) bega go Leloko la boikarabelo gabotse gotee ka ngwaga godimo ga mediro ya yona, gomme Leloko la boikarabelo le tla hlola gore pego yeo go akaretšwa le ditatamente tša ditšhelete tša ngwaga tša Boto di alwe tafoleng ka pele ka gare ga Lekgotla-Peamelao la Profense; gomme

(b) ya tliša pego yeo e šupeditšwego ka go temana *(a)* ya taolo ya go swanela ya kempolo ya setšhaba yeo e hlomilwego go ya ka Molao wa Kempolo ya Setšhaba, ka fase ga karolo 126(3) ya Molaotheo gare ga matšatši a 14 ka morago ga ge e rometšwe go Leloko la boikarabelo.

Dikopano tša Boto

15. (1) *(a)* Kopano ya mathomo ya Boto e tla swarwa ka nako le lefelong leo le tlago go beakanywa ke Modulasetulo, gomme ka morago ga fao Boto e tla kopana ka nako le mafelong ao a tlago go beakanywa nako le nako ke Boto tshepedišong e bohlokwa ya merero ya yona: Ge fela Boto e ka kopana gabotse gararo ka ngwaga.

(b) Modulasetulo a ka re nako efe le efe ka tsebišo ya maleba a bitša kopano yeo e sego ya ka mehla ya Boto go swarwa ka nako le lefelong leo le kago beakanywa ke yena: Ge fela e le gore ga go sephetho seo go ya ka Molao wo mabapi le go fiwa, phetošo, mpshafatšo, tšhuthišetšo, tlošo, phego goba kgomišo ya laesense goba sethifikeiti, se tlago go tšewa fao kopanong ya go se be ya ka mehla.

(2) Ditshepedišo dikopanong tša Boto di tla, go fihla fao di sa kgethelwago, kgonthišišwa ke Boto.

(3) Khoramo ya kopano ya Boto e tlo ba maloko a tshela a Boto.

(4) Sephetho sa Boto se tla tšewa ka bontši bja dibouto tša maloko ao a lego gona kopanong ya Boto.

(5) Ga go sephetho sa Boto seo se tlago go felelwa ke maatla fela ka lebaka la sekgoba ka gare ga Boto goba taba ya gore motho ofe le ofe yoo a sa swanelago go dula bjalo ka leloko, a dutše bjalo ka leloko la Boto ge sephetho se tšewa: Ge fela e le gore sephetho seo se tšerwe ka bontši bjo bo nyakegago bja maloko a Boto a go ba gona le go ba le maswanedi a go dula bjalo ka maloko a Boto.

(6) Kopano efe le efe ya Boto yeo e bileditšwego nepo ya—

(a) dikemelo tša go kwa goba dikganetšo tša go tswalana le kgopelo ya laesense yeo e dirilwego go ya ka molao wo, e tla fihlelelwa ke setšhaba: Ge fela e le gore modulasetulo a

ka re ka boikgethelo bja gagwe le ge Boto e na le mogopolo wa gore motho ofe le ofe yoo go ba gona ga gagwe go sa kganyogegego kopanong yeo e amegago, a laela gore motho yoo a ka se tsenele kopano yeo goba o tla tlogela kopano; le

(b) ditherišano ka tebelelo ya go tšea diphetho le go bouta gona fao mabapi le taba efe le efe kopanong, di tla diragatšwa ka morago ga mabati ao a tswaletšwego.

Dikomiti tša Boto

16. (1) Boto e ka re nako le nako ya bea komiti go phethagatša mešomo le go šomiša maatla ao e a filwego ke Boto.

(2) Komiti e tla hlangwa ka—

(a) maloko ao a Boto go ya ka fao Boto e ka hlaolago; goba

(b) maloko ona ao a Boto go ya ka fao Boto e ka hlaolago le batho ba tsentšhago go ya ka karolo 19.

(3) Boto e tla hlaola modulasetulo wa komiti.

(4) *(a)* Komiti e tla phethagatša mešomo ya yona le go diriša maatla a yona ka go laolwa ke dipeakanyetšo tša molao wo le ditaolo tšeo tša Boto ka ge di sa thulane le dipeakanyetšo tšona tšeo.

(b) Mošomo ofe le ofe woo o abetšwego ka tsela yeo go phethagatšwa goba maatla ao a abetšwego bjalo go dirišwa ka taolo ya 10(4)*(a)* o tla tšewa go ba o phethagaditšwe goba o dirišitšwe ke Boto.

Metsotso

17. (1) *(a)* Metsotso ya ditherišano tšeo di šupeditšwego ka go karolo 15(6)*(a)* ya kopano efe le efe ya Boto e tla bewa le go swarwa ofising ya Boto.

(b) Motho ofe le ofe a ka humana dikhopi tša metsotso yeo e boletšwego ka gare ga temana *(a)* goba seripa sefe le sefe sa yona kgahlanong le tefelo ya ditšhelete tšeo di beilwego.

(2) *(a)* Metsotso ya go pharologana ya ditherišano tša go šupetšwa ka go 15(6)*(b)* tša kopano efe le efe ya Boto e tla lotwa le go swarwa ka mokgwa wa go swana.

(b) Metsotso yeo e boletšwego ka go temana *(a)* goba tokumente efe le efe ka go yona keletšo efe le efe, pego, goba tigelo ka Boto e hwetšwago, e ka se ntšhetšwe nyanyeng ntle le go—

(i) leloko la boikarabelo;

(ii) motho ofe le ofe yoo a e nyakelago phethagatšo ya mešomo ya gagwe go ya ka Molao wo; le

(iii) motho ofe le ofe yo mongwe—

(aa) ka tumelelo ya Boto; goba

(bb) go ya ka taelo ya kgoro ya go ba maatla goba ka fase ga molao ofe le ofe.

Ditherišano ka Boto

18. (1) Boto e ka rerišana le motho, mokgahlo, goba institušene malebana le taba efe kapa efe yeo e tšewago go ba mohola ke Boto go kgontšha Boto go phethagatša mešomo ya yona.

(2) Meputso le diputseletšo tšeo di beakantšwego ke Boto go ya ka karolo 9(1), ge di le gona, le dipaka le maemo a motho yoo a boledišitšwego bjalo di tla ba gona ka gare ga kwano ya go ngwalwa yeo e tsenetšwego ka nepo yeo gare ga Boto le motho yoo a amegago.

Go tsentšhwa ga batho

19. (1) Ge Boto e na le kgopolo gore motho yo a itšego o kgona go thuša Boto ka tsitsinkelo ya taba e itšego, Boto e ka tsentšha motho yoo ka lebaka leo.

(2) Motho yo a tsentšhitšwego bjalo a ka se be le maswanedi a go bouta kopanong efe le efe ya Boto, goba komiti ya Boto.

(3) Dipeakanyetšo tša karolo 18(2) di šomišwa *mutatis mutandis* mabapi le motho yoo a tsentšwego.

Dinyakišišo ka Boto

20. (1) Boto e ka, ka go laolwa ke karolo ye, dira nyakišišo ya taba efe le efe yeo e welago ka gare ga sekgoba sa mešomo ya gagwe.

(2) Ka nepo ya nyakišišo go ya ka karolwana (1), Boto e ka, ka tsebišo ya go ngwalwa, biletša motho ofe le ofe yoo a goba a ka angwago ke goba a amega ka go tsitsinkelo ya taba ye itšego ka Boto, go tšwelela pele ga Boto—

(a) go fa bohlatse; goba

(b) go tšweletša puku efe le efe, tokumente goba selo seo se lego go yena goba ka fase ga taolo ya gagwe gomme ka kgopolo ya Boto se amana goba se ka amana le taba yeo e swanetšego go senkwa gona fao,

ge e le gore nyakišišong efe le efe yeo e swerwego ke motho yo a kgopela-go laesense goba tšhuthišetšo goba tlošo ya laesense go ya ka molao wo, goba motho ofe le ofe a gananago le go fiwa ga kgopelo yeo, motho yo e lego setho sa nyakišišo, go ya ka fao taba e lego ka gona o tla, ge a kgopela bjalo, ba le maswanedi go tšwelela pele ga Boto le go bitša dihlatse.

(3) Motho yoo a amogetšego tsebišo go ya ka karolwana (2), o tla tšwelela pele ga Boto ka boyena ka tšatšikgwedi le nako le lefelo leo le adilwego ka gare ga tsebišo: Ge e le gore motho yoo a se nago le maatla a semolao go ka tšwelela bjalo pele ga Boto, motho ofe le ofe yoo ka molao a nago le maatla a go ka dira legatong la gagwe goba motho ofe le ofe yoo a matlafaditšwego fao ke Boto, a ka tšwelela bjalo legatong la gagwe.

(4) Dipeakanyetšo tša karolwana (3) di tla šoma *mutatis mutandis* go setho sefe le sefe se tlemanego, mokgahlo goba institušene.

(5) Boto e ka bitša le go hlahloba motho ofe le ofe yoo a lego gona nyakišišong, e ka ba goba e ka se be a bileditšwe go tsenela nyakišišo ka fase ga karolwana (2), gomme e ka no hlahloba le go swara ka paka yeo e lego mahlong puku efe le efe, tokumente, goba selo, seo tšweletšo ya sona e bego e nyakega ka fase ga karolwana yeo.

(6) Boto e ka nyaka go motho yo mongwe yoo a tšwelelago pele ga Boto nyakišišong go ya ka karolwana (1) go fa bohlatse bja gagwe ka keno goba tumelo, gomme leloko la Boto, leo le sweregо setulo nyakišišong le ka laola keno goba go amogela tumelo go tšwa go motho ofe le ofe yo mongwe.

(7) Molao woo a amanago le ditokelo tša go šomišwa go motho yoo a bileditšwego go fa bohlatse goba go tšweletša puku efe le efe, tokumente goba selo pele ga kgoro ya molao o tla šomišwa ka go amana le tlhahlobo tša motho ofe le ofe goba tšweletšo ya puku efe le efe, tokumente goba selo ka fase ga karolwana (2) goba (5).

(8) Motho ofe le ofe yoo a tšwelelago pele ga Boto nyakišišong, o tla swanelwa ke go emelwa ke kemedi ya gagwe ya semolao.

KGAOLO 2

GO FA DILAESENSE

Dikelo le maemo a setšhaba

21. Ga go laesense yeo e tlago go fiwa ka fase ga Molao wo ntle le ge Boto e hlokometše—

(a) dipeakanyetšo tša karolo 126(3) ya Molaotheo;

(b) ditigelo tšeo, ge di le gona, di dirilwego ke taolo yeo e swanetšego ya kempolo ya setšhaba, yeo e hlomilwego go ya ka molao wa kempolo wa setšhaba ka fase ga karolo 126(3) ya Molaotheo.

Go hloka maswanedi a dilaesense ka kakaretšo

22. (1) Laesense e ka se fiwe motho ofe le ofe, go akaretšwa le motho wa molao—

(a) ntle le ge e le motho—

(i) wa go swanela le go lokela;

(ii) wa mekgwa e mebotse le seriti gomme ditiro tša gagwe tša pele, tlotlego, mekgwa le dikamano di sa hlole poifišo dikganyogong tša batho; gomme

(iii) wa go ba le maemo a mabotse a ditšhelete;

(b) ge motho e le—

(i) mowi yoo a sa tsošološwago;

(ii) moswara-ofisi ya sepolitiki;

(iii) yoo a tswalanago le leloko la boikarabelo goba leloko la Boto gare ga legato la pele la setswalle sa lenyalo goba legato la setswalle sa madi;

(iv) yoo ka gare ga Repabliki goba mo gongwe mengwageng ya pele e 10 a swerwe ka bosenyi, ntle le—

(aa) ge Boto e na le kgopelo gore bosenyi e be e le bja mohuta wa go se re gore motho yoo ga a swanela go swara laesense; goba

(bb) go swarwa le sekwebo di beetšwe ka thoko ke kgoro yeo e nago le maatla; goba

(cc) yena motho yoo ge a amogetše thušo ya tebalelo goba tebalelo ya mahala godimo ga tshenyo yeo e ka bego ka mokgwa o mongwe e hlokišitše motho yoo maswanedi a go swara laesense;

(v) ke yo monnyane ka tšatšikgwedi ya tshenko ya kgopelo yeo e angwago; goba

(vi) o mošomong wa boemedi bja phethagatšo ya molao le semmušo;

(vii) mogatša motho yoo a bolelwago ka gare ga ditemana (i), (ii), (iii), (iv) le (vi);

(c) ntle le ge Boto e kgotsofetše gore—

(i) mmušo, mokgahlo ofe le ofe woo Mmušo o amanago le wona, phathi ya dipolitiki goba mohlankedi ofe le ofe wa phathi ya dipolitiki ga a swara kgahlego efe le efe ya ditšhelete ka kgwebong ya kempolo ya mokgopedi goba meago yeo go yona khasino e swanetšego go bapalelwa: Ge fela e le gore temana ye e tla re paka ya mengwaga e mebedi ka morago ga go thoma ga molao wo ya se šomišwe mabapi le tswala ya tšhelete efe le efe yeo e swerwego ke Mmušo goba mokgahlo go thomeng ga Molao wo;

(ii) go fiwa ga laesense yona yeo go ka se tliše go ba gona goba go befiša mmaraka-šere ofe le ofe woo o oketšago le go fetiša goba ditiro, dikhumano le maemo a bogwebanoši bofe le bofe bjalo ka ge go laetšwa ka go Molao-Phadišano wa Tlhatlošo le Tlhokomelo, 1979 (Molao 96 wa 1979), ka go intaseteri ya bobapadi goba lekala la wona;

(iii) go fiwa ga laesense yona yeo go ka se tliše tlhomo ya intasetiri ya kempolo e kgolo yeo e sa lokago ka gare ga profense, go lebeletšwe palo ya badudi ba profense le maemo a bona a ditšhelete le palo ya dilaesense tšeo di šetšego di filwe go ya ka Molao wo goba molawana ofe le ofe o mongwe.

(2) Ge motho yoo go ya ka karolwana (1) a lahlegetšwe ke maswanedi a go swara laesense—

(a) a na le tswala ya tšhelete ya diphesente tše hlano tša thwii goba e sego tša thwii goba go fetiša ka gare ga khampani, koporasitswalelwa, kgwebišano, trasete goba setho se tlemanego sefe le sefe;

(b) e le mojalefa e mogolo ka fase ga trasete, yoo a amogelago goba a swanetšwego ke diphesente tše hlano tša ditšweletšwa goba thoto ya trasete; goba

(c) e le molaodi wa khampani, koporasi-tswalelwa, trasete, kgwebišano, setho-tlemanego; yona khampani yeo, koporasi-tswalelwa, trasete, kgwebišano, goba setho-tswalelwa di tla amogwa maswanedi a go swara laesense,

ge fela e le gore mokgopedi, pele ga tlhoka-maswanedi, a fiwa mongetla wa maleba wa go phošolla mabaka a tlhoka-maswanedi.

(3) Tšhomišong ya karolwana (1)*(b)*(iv) "eta pele" ke go re go eta pele tšatšikgwedi ya kgopelo yeo e amegago.

Mehuta ya dilaesense

23. (1) Boto e ka, ka go laolwa ke dipeakanyetšo tša Molao wo, fa dilaesense tše latelago mabapi le bobapadi, ke go re—

(a) dilaesense tša dikhasino;

(b) dilaesense tša motšhene wa bobapadi;

(c) dilaesense tša setsha sa motšhene wa bobapadi;

(d) dilaesense tša mosepediši wa bingo;

(e) dilaesense tša mohlami, motlhokomedi goba moneedi.

(2) Laesense efe le efe yeo e šupeditšwego ka go karolwana (1) e tlo ba ka go ngwalwa.

(3) Laesense e fa moswari wa yona ditokelo tšona tšeo le ditshwanelo gomme ya mo laolela go ditlamego le ditshwanelo bjalo ka ge go ya ka Molao wo di laolwa ke yona goba taba ya go tšwa go swarweng fao ga yona.

(4) Palokgolo ya mohuta ofe le ofe wa dilaesense tšeo di ka fiwago ke Boto, e ka kgethelwa: Ge fela e le gore palokgolo ya dilaesense tša khasino yeo e ka fiwago ke Boto, e tla kgethelwa nako efe le efe yeo e fiwago.

Dikgopelo

24. (1) Motho ofe le ofe a ka kgopela laesense yeo e šupetšwago ka go karolo 23: Ge fela e le gore—

(a) motho ofe le ofe yoo kgopelo ya gagwe e gannwe ka mabaka ao a šupetšwago ka go karolo 22, goba yoo laesense ya gagwe e gomišitšwe ka mabaka afe le afe a šupetšwago ka go karolo 36, a ka se kgopele laesense gape gare ga dikgwedi tše lesomepedi go tloga tšatšikgwedi ya yona kgano yeo goba kgomišo, gomme motho mang le mang yo a nago le tswala thwii goba e sego thwii ya diphesente tše hlano goba go fetiša kgwebong goba meagong ya mokgopedi yena yoo goba radilaesense a ka se kgopele laesense gare ga dikgwedi tše lesomepedi go tloga ka tšatšikgwedi ya yona kgano goba kgomišo yeo, ge motho yena yoo e be e le mohlodi wa maatla goba thwii; gomme

(b) motho ofe le ofe yoo kgopelo ya gagwe e gannwego go feta ga tee ka mabaka ao a šupetšwago ka go karolo 22, goba yoo laesense ya gagwe e gomišitšwego go feta gatee ka lebaka lefe le lefe leo le šupetšwago ka go karolo 36, a ka se kgopele gape laesense gare ga mengwaga e meraro go tloga go tšatšikgwedi ya kgano goba kgomišo ya morago-rago, gomme motho ofe le ofe yoo a nago le tswala ya tšhelete thwii goba e sego thwii goba go fetiša ka kgwebong goba meagong ya mokgopedi goba mong-laesense yeo, a ka se kgopele laesense gare ga mengwaga e meraro go tloga ka tšatšikgwedi ya kgano goba kgomišo ya morago-rago, ge yena motho yoo a be a le mohlodi wa maatla wa thwii goba e sego thwii wa kgano goba kgomišo yona yeo.

(2) Kgopelo efe le efe ya laesense e tla—

(a) dirwa go Mohlankedi-mophethišimogolo difomong tšeo di kgethetšwego;

(b) felegetšwa ke—

(i) tumelelo goba dikemelo tša pušo-selegae yeo ka gare ga tikologo ya yona yeo meago yeo mabapi le yona go dirwago kgopelo, e tlago go bewa; le

(ii) dikhopi tše hlatselago tša tsebišo yeo e kgethelwago e gatišitšwego ka gare ga *Kuranta ya Profense* le kuranta yeo e thethago ka gare ga tikologo yeo ka gare ga yona meago yeo go yona bobapadi bo hlolegago, e beilwego; le

(iii) ditokumente tšeo tše dingwe le tshedimošo yeo e kgonthišitšwego ke Boto.

(3) Mokgopedi a ka re ka gare ga kgopelo yeo e amegago a laetša tokumente efe le efe goba tshedimošo yeo e loketšwego ka gare ga kgopelo yeo go ya ka monagano wa mokgopedi e lego sephiri goba go ya ka lebaka lefe le lefe e sa swanelago go bipollelwa batho le go laetsa gore ke ka lebaka la eng Boto e ka kgonthišiša gore tokumente yona yeo goba tshedimošo ga ya swanela go bulelwa tekolo ya setšhaba.

(4) Kgopelo ya laesense e tla elwa hloko ke Boto gomme Boto ka morago ga fao e ka—

(a) gana kgopelo; goba

(b) dumelela kgopelo.

Ditefo tša kgopelo

25. Motho ofe le ofe yoo a romelago kgopelo go Boto ka fase ga karolo 24, o tla—

(a) godimo ga thomelo ya kgopelo yona yeo, lefela Boto tefo yeo e kgethetšwego; gomme

(b) tlamega le go lefela Boto ditshenyegelo ka moka tšeo di hlotšwego ke Boto, ge di le gona, go sepediša dinyakišišo tšeo di šupeditšwego ka go karolo 28: Ge e le gore Boto e ka re pele goba mola e sepediša dinyakišišo tšeo ya nyaka go mokgopedi tšhireletšo efe le efe ya tefelo ya ditshenyegelo tšona tšeo.

Dithulano

26. (1) Motho ofe le ofe yoo a nyakago go thulana le kgopelo efe le efe yeo e dirilwego mabapi le laesense go ya ka Molao wo a ka, e sego ka morago ga matšatši a 30 morago ga kgatišo ka gare ga *Kuranta ya Profense* le kuranta ya tsebišo ya maleba go ya ka karolo 24(2)*(b)*(ii), tliša thulano go Mohlankedi-Mophethišimogolo ka go ngwalwa ka mokgwa woo o kgethetšwego.

(2) Mohlankedi-Mophethišimogolo o tla tsebiša mokgopedi ka ponyaleihlo le go fa mokgopedi khopi goba diteng-tlalo, go ya ka fao taba e ka bago ka gona, ya—

(a) dithulano dife le dife tšeo di tlišitšwego go Boto go ya ka karolwana (1); le

(b) taba efe le efe goba ntlha efe le efe yeo e ka, ka mogopolo wa Boto, bopa motheo wa thulano kgahlanong le kgopelo ya mokgopedi, le go mema mokgopedi go araba thulano yeo ge a kgetha magareng a matšatši a 14 goba paka yeo e telele bjalo ka ge Boto e ka kgonthišiša tšatšikgwedi ya yona tsebišo yeo.

(3) Motho yoo a dirago thulano a ka laetša gore ke ka lebaka la eng Boto e ka kgonthišiša ka fase ga karolo 27(2)*(b)* gore taetšo ya gagwe e ka bipollwa.

Kgopelo le thulano go di bulela tekolo ya setšhaba

27. (1) Kgopelo efe le fe, dithulano le karabo tšeo di dirilwego go ya ka karolo 24 le 26 di tla, ka taolo ya karolwana (2), bulelwa tekolo ya setšhaba ke batho bao ba kgahlegago pakeng ya lefelo le le beakantšwego ke Boto le diiri tša ofisi tša maleba tša Boto tša paka yeo e kgethetšwego ya go tloga ka tšatšikgwedi ya tlišo ya kgopelo bjalo ka ge go laetšwa ka gare ga tsebišo yeo e šupetšwago ka gare ga karolo 24(2)*(b)*(ii) gomme Boto e tla, ka kgopelo ya motho ofe le ofe yoo a kgahlegago, le godimo ga tefelo ya tšona ditšhelete tšeo bjalo ka ge go ka kgethelwa, mo fa khopi ya, goba sentšhwa go, kgopelo efe le efe, dikemelo, karabo goba tshedimošo.

(2) Boto e ka beakanya gore—

(a) tokumente efe le efe goba tshedimošo yeo e amanago le maemo a ditšhelete a motho ofe le ofe yoo a tsenelago kgopelo, go maina a badiredi bao ba nago le bokamoso goba go dipolane tša kgwebo tša mokgopedi, di ka se bulelwe tekolo ya setšhaba, ge yona tokumente yeo goba tshedimošo e ka ntšhwa go lešaledi la kgopelo gomme e swailwe sephiri; gomme

(b) sešupo sa motho ofe le ofe yoo a tlišitšego thulano ya kgopelo, e ka se tšwetšwe nyanyeng ke motho ofe le ofe yo mongwe.

Dinyakišišao le dipego tša maphodisa

28. (1) Gore go kgonthišišwe ge e ba laesense e swanetše go fiwa goba go se fiwe mokgopedi, Boto e ka, go ya ka taolo ya molao ofe le ofe, kgoboketša tshedimošo yeo ge go bonala go le mohola go tšwa mothopong ofe le ofe goba go motho malebana le tshwanelo ya mokgopedi go swara laesense ka fase ga Molao wo, le tshwanelo ya meago yeo mabapi le yona mokgopedi a e dirilego.

(2) Mohlankedi-Mophethišimogolo a ka, godimo ga kamogelo ya kgopelo mabapi le laesense, kgopela Tirelo ya Maphodisa a Afrika Borwa pego yeo e laetšago—

(a) ditlhalošišo tša dikgwebo tšeo di ngwadilwego kgahlanong le mokgopedi goba motho ofe le ofe yoo a tlago go be a tsenatsene ka gare ga kgwebo gomme mabapi le yena Boto e humana go le bohlokwa go humana pego ya maphodisa;

(b) ditaba tšona tšeo di kago kgethelwa; le

(c) tšona ditaba tše dingwe tšeo di swanetšego, go ya ka kgopelo ya Tirelo ya Maphodisa a Afrika Borwa, di elwe hloko mabapi le kgopelo yeo e amegago.

(3) Pego yeo e bolelwago ka gare ga karolwana (2) e tla išwa go Mohlankedi-Mophethišimogolo gare ga kgwedi e tee ya tšatšikgwedi ya kgopelo ya yona.

Dilaesense tša lebakanyana malebana le meago yeo e sa felago

29. (1) Ge kgopelo ya laesense e amogelwa ke Boto malebana le meago yeo e sego ya agiwa, goba meago yeo e nyakago diphetošo tša sebopego, koketšo goba kagoleswa ya go šomišwa bjalo go dira gore di swanele dinepo tšeo di tlago šomišwa ka fase ga laesense, Boto e tla, ge e filwe tiišetšo ya tahlegelo, fa mokgopedi laesense ya lebakanyana, ka go laolwa ke kamanyo ya mabaka ao goba dinyakwa tšeo di šupeditšwego ka go laesense ya lebakanyana, malebana le meago yeo bjalo ka ge Boto e ka kgonthišiša, gare ga paka yeo bjalo ka ge go ka beakanywa bjalo le go šupetšwa.

(2) Boto e ka, ka nako efe le efe ka morago ga go ntšhiwa ga laesense yeo ya lebakanyana, godimo ga kgopelo ya mokgopedi yoo a amegago—

(a) katološa paka ya go kgonthišišwa ka fase ga karolwana (1);

(b) katološa goba katološa go ya pele paka ya go kgonthišišwa ka fase ga karolwana (1) goba, ka fao go kgonthišitšwego le go katološwa ka fase ga temana *(a)* ya karolwana ye, ka fao taba e ka bago ka gona mabapi le meago yeo e sa agiwago ka nako ya go ntšhiwa ga laesense ya lebakanyana, ge Boto e kgotšofetše gore seripa se segolo sa meago se agilwe;

(c) katološa goba katološa go ya pele paka ya go kgonthišišwa ka fase ga karolwana (1) goba paka ya go kgonthišišwa bjalo le go katološwa ka fase ga temana *(b)* ya karolwana ye, ka fao go ka bago ka gona, mabapi le meago yeo e sa agiwago ka nako ya go ntšhiwa ga laesense ya lebakanyana, ge Boto e kgotsofetše gore seripa se segolo sa meago se šetše se agilwe.

(3) Paka yeo e kgonthišišitšwego ka fase ga karolwana (1) goba paka yeo e beakantšwego bjalo le go katološwa ka fase ga karolwana (2)*(a)*, ka fao taba e ka bago ka gona, e ka se be e telele go feta dikgwedi tse 12.

(4) Ge Boto e kgotsofetše gore meago yeo mabapi le yona go filwego laesense ya lebakanyana fase ga karolwana (1), e feditšwe go ya ka polane ya yona yeo e dumeletšwego ke Boto, mabaka le dinyakwa tšeo di beakantšwego ke Boto go tswalanwe le tšona gomme meago e swanela dinepo tšeo di swanetšego go šomišetšwa ka fase ga laesense yeo e amegago, Boto e tla šomiša laesense go ya ka karolo 24(4) go mokgopedi yoo a amegago.

(5) Ge laesense e sa ntšhwa pele ga bofelo bja paka yeo e beakantšwego ka fase ga karolwana (1), yeo e katološitšwego ka fase ga karolwana (2)*(b)*, goba go katološwa go ya pele ka fase ga karolwana (2)*(b)*, ka fao taba e lego ka gona, laesense ya lebakanyana e tla phuhlama gomme kgopelo ya laesense e tla tšewa go be e se ya fiwa, gomme tiišetšo yeo e šupeditšwego ka go karolo (1) e tla lobiwa.

(6) Peakanyetšo ya Molao wo e tla re ka go laolwa ke karolwana (1), ya ama *mutatis mutandis* dilaesense tša lebakanyana, gomme ka gare ga kgopelo yeo tšhupetšo ka go Molao wo go laesense le yona e tla tšewa go ba tšhupetšo go laesense ya lebakanyana.

Dilaesense tša khasino

30. (1) Ga go motho yo a kago kgopela laesense ya khasino e se ka go araba tsebišo ya go gatišwa ka gare ga *Kuranta ya Profense* le kuranta ke Boto, ka morago ga go boledišana le Leloko la go ba le boikarabelo, go memiwa dikgopelo gomme tšeo tsebišo e kago—

(a) laetša palo ya dilaesense tšeo di ntšhiwago le ditikologo tšeo ka go tšona dikhasino di hlomilwego;

(b) laetša tlhabologo le dinyakwa tše dingwe;

(c) bea kgoboko ya tefelo yeo e bolelwago ka gare ga karolo 55 goba laetša bakgopedi go thentara ditefelo tšeo;

(d) laetša mekgwa ya kelo yeo e kago dirišwa.

(2) Boto e tla amogela feela laesense ya khasino ka morago go poledišano le Leloko la boikarabelo, gomme ge Boto e kgotsofetše gore mokgopedi—

(a) o na le tsebo ya maleba goba boitemogelo, goba o kgona go humana yona tsebo yeo goba boitemogelo, go šomiša khasino;

(b) o boledišane le pušo-selegae, pušo-tikologo goba pušo-setšo efe le efe, goba taolo ya go ba le maatla efe le efe e nngwe, ge e le gona, ya tikologo fao khasino e tlago goba e beilwe;

(c) o tla ba le go hlokomela go ba fao go feletšego ga semolao ka fao go sa akaretšego ga meago ya go ba le dilaesense; gomme

(d) o itswalantše le dinyakwa ka moka tšeo di beilwego ke Boto.

(3) Laesense ya khasino e tlo matlafatša, ka taolo ya dipeakanyetšo tša Molao wo, go bapala ka gare goba godimo ga meago ya go ba le dilaesense fao go laeditšwego ka gare ga laesense ya dipapadi tšona tšeo tša dikhasino di laeditšwego ka gare ga laesense.

Laesense ya tirišo ya motšhene wa bobapadi

31. (1) Ga go motho yo a kago kgopela laesense ya tirišo ya motšhene wa bobapadi ka ntle le go araba tsebišo ya go gatišwa ka gare ga *Kuranta ya Profense* le kuranta ya go rarela ka gare ga Profense ke Boto, ka morago ga poledišano le Leloko la boikarabelo, go memiwa dikgopelo tšeo tsebišo e kago laetša mekgwa ya kelo yeo e dirišwago le dinyakwa tšefe le tšefe tše dingwe.

(2) Laesense ya tirišo ya motšhene wa bobapadi e ka se fiwe ke Boto—

(a) ntle le ge Boto e kgotsofetše gore mokgopedi—

(i) o na le tsebo le boitemogelo bja maleba, goba o kgona go humana yona tsebo le boitemogelo bjoo, go šomiša motšhene wa bobapadi; le

(ii) go humana dinyakwa tšeo di kgethetšwego;

(b) tša go šomiša go fetiša palo yeo e kgethetšwego ya motšhene wa bobapadi.

(3) Laesense ya tirišo ya motšhene wa bobapadi e tla maatlafatša, ka taolo ya dipeakanyetšo tša Molao wo, tirišo ya bobapadi bjo bo kgethetšwego bofe le bofe goba motšhene wa bobapadi woo o laeditšwego ka gare ga laesense godimo ga meago ya go ba le laesense ya moswara-laesense ya setša sa motšhene wa bobapadi, gomme ka dinepo tša moswaralaesense wa laesense ya tirišo ya motšhene wa bobapadi a ka dira kwano le moswari wa laesense ya setsha sa motšhene wa bobapadi gore go bewe wona motšhene woo wa bobapadi godimo ga meago yeo e amegago.

(4) Moswara-laesense ya tirišo ya motšhene wa bobapadi o tla kopantša metšhene ya bobapadi ka moka mabapi le laesense yeo e filwego, le mokgwa wa go lekola wa mohlagase bjalo ka ge o bolelwa ka go karolo 39.

(5) Laesense ya tirišo ya motšhene wa bobapadi e tla fiwa fela ke Boto ka morago ga poledišano le Leloko la boikarabelo.

Laesense ya setsha sa motšhene wa bobapadi

32. (1) Laesense ya setsha sa motšhene wa bobapadi e ka se fiwe ke Boto—

(a) ntle le go motho yoo a nago le dinyakwa tšeo di kgethetšwego;

(b) tirišo le pabalelo ya go feta metšhene e mehlano ya bobapadi ya laesense efe le efe ya setsha sa motšhene wa bobapadi, ntle le mabakeng, ao a ikgethilego bjalo ka ge go kgonthišišwa ke Boto ka poledišano le Leloko leo le nago le boikarabelo; gomme

(c) ntle le ge Boto e kgotsofetše gore meago yeo mabapi le yona laesense e swanetšego go fiwa e ka se šomišwe kudu ka tirišo ya metšhene ya bobapadi.

(2) Laesense ya setsha sa motšhene wa bobapadi e tla matlafatša, ka taolo ya dipeakanyetšo tša Molao wo, tirišo le go botwa ka gare goba godimo ga meago yeo e nago le dilaesense tšeo di laeditšwego ka gare ga laesense, ga metšhene ya bobapadi yeo e kgethetšwego goba metšhene ya bobapadi yeo e laeditšwego ka gare ga laesense: Ge fela e le gore—

(a) tefo ya maksimamo wa go bapala yona metšhene ya bobapadi yeo e ka se fete kgoboko yeo e kgethetšwego;

(b) sefoka mabapi le papadi efe le efe yeo e ralokwago ka mokgwa wa motšhene woo wa bobapadi e ka se fete palomoka ya kgoboko yeo e kgethetšwego;

(c) go tla laetšwa godimo ga wona motšhene ofe le ofe woo wa bobapadi theko ya sefoka sa maksimamo seo se kgethetšwego ka fase ga temana *(b)* seo se ka thopiwago ka go bapala papadi gatee ka wona motšhene woo wa bobapadi.

Laesense ya mošomiši wa bingo

33. (1) Laesense ya mošomiši wa bingo e ka se fiwe ke Boto, ntle le ge Boto e kgotsofetše gore mokgopedi o fihlelela dinyakwa tšeo di šupetšwago ka gare ga karolo 29(1).

(2) Laesense ya mošomiši wa bingo e tla matlafatša ka, taolo ya dipeakanyetšo tša molao wo, go bapala ka gare goba godimo ga meago ya go ba le laesense goba seripa seo sa meago yeo bjalo ka ge go hlatholotšwe ka gare ga papadi ya bingo: Ge e le gore tefo ya maksimamo ya go raloka papadi ya bingo gotee e tlo ba ya kgoboko yeo e kgethetšwego.

Dilaesense tša badiri le baabedi

34. (1) Motho ofe le ofe, yoo a ratago go šomiša, tšwetša pele goba sepediša mokgwa ofe le ofe wa go hlama, thekišo, phatlalatšo, ditšwantle, papatšo, tlhokomelo, goba tokišo ya mokgwa ofe le ofe wa bobapadi o tla kgopela Boto laesense ya modiri le moabedi.

(2) Moswari wa laesense ya khasino, laesense ya mošomiši wa motšhene wa bobapadi, laesense ya setsha sa motšhene wa bobapadi goba laesense ya mošomiši wa bingo a ka, ntle le dipeakanyetšo tša karolo (1)—

(a) ka tumelelo ya Boto, fediša ka thekišo ka mokgwa wa go dumelelwa ke Boto, manka a bobapadi afe le afe goba ka moka; gomme

(b) hlokomela goba lokiša go ya bokgole bjoo o dumeletšwego ke Boto, efe le efe goba ka moka tša manka a bobapadi bja yona.

(3) Ka nako ya lehu, tlhahlamollo ya go wa, phedišo goba go bewa ka fase ga taolo ya semolao ya moswari wa laesense yoo a šupeditšwego ka go temana (2), goba pego ya gore moswari wa laesense yoo ga a kgone go swara ditaba tša gagwe—

(a) taolo ya bohwa bja mohu goba bja go wa; gomme

(b) molaodi wa semolao, mohlokomedi goba mofediši a ka, ka ntle le dipeakanyetšo tša karolwana (1), fediša ka thekišo ka mokgwa wa go dumelelwa ke Boto, efe le efe goba ka moka tša manka a bobapadi a moswari yoo wa laesense.

(4) Modiri, tlhokomelo goba laesense ya moabedi e ka se fiwe ke Boto, ntle le ge Boto e kgotsofetše gore mokgopedi o na le tsebo ya maleba le boitemogelo, goba o kgona go humana yona tsebo yeo le boitemogelo, go sepediša kgwebo ka fase ga laesense.

(5) Modiri wa maleba, tlhokomelo goba laesense ya moabedi e tla dumelela, go ya ka taolo ya dipeakanyetšo tša Molao wo—

(a) go dira, thekišo, phatlalatšo, ditšwantle, papatšo, tlhokomelo goba tokišo ya mehuta le mebotlolo ya manka a bobapadi yeo e fihlelelago dinyakwa tšeo di adilwego le go dumelelwa ke Boto; gomme

(b) kabo ya manka a bobapadi goba tirelo go moswari wa laesense.

Dilaesense tše kgethegilego

35. (1) Ntle le dipeakanyetšo dife le dife tša Molao wo, Boto e ka, ka kgopelo ka mokgwa woo o beakantšwego ke Boto, ntšhetša motho ofe le ofe, ka ditšatšikgwedi tše laeditšwego, laesense e kgethegilego, ka taolo ya mabaka ona ao bjalo ka ge Boto e ka kgonthišiša.

(2) Dipeakanyetšo tša dikarolo 24 le 26 di ka se šomišwe mabapi le kgopelo yeo e bolelwago ka gare ga karolwana (1).

Phego goba kgomišo ya laesense

36. (1) Boto e ka re nako efe le efe ya fega paka yeo Boto e kago e kgonthišiša goba ya gomiša go tloga ka yona tšatšikgwedi yeo bjalo ka ge Boto e ka beakanya, laesense efe le efe, ge—

(a) tshedimošo efe le efe e humanwago ka gare ga kgopelo yeo e dirilwego ke moswari wa laesense ka nepo ya go fiwa tumelelo, mpshafatšo, tšhuthišo goba tlošo ka nako yeo tshedimošo ya go fiwa ka yona, e be e le maaka bjang le bjang goba e be e le taolong ya tlogelo ya molaleng ka maikemišetšo a go ntšha Boto tseleng;

(b) Moswari wa laesense go ya ka karolo 22 o lahlegelwa ke maswanedi a go swara laesense;

(c) Moswari wa laesense, mošomedi wa moswari wa laesense goba motho ofe le ofe yoo a šomago legatong la gagwe a paletšwe ke go itswalanya le paka goba mabaka a laesense goba peakanyetšo efe le efe ya Molao wo, goba a sa itswalanya le paka goba mabaka goba peakanyetšo gare ga matšatši a masometharo, goba paka yeo go ya pele bjalo ka ge Boto ka go ngwala e ka dumelela, ka morago ga go tlišwa ga tsebišo ya go ngwalwa ke Boto go ya go Moswari wa laesense yoo a nyakago yona palelo yeo gore e alafiwe;

(d) Moswari wa laesense o, ntle le tumelo ya pele ya go ngwalwa ya Boto, paletšwe ke go tšwetša pele kgwebo ka fase ga laesense pakeng ya dikgwedi tše tharo gabotse tša go hlatlamana;

(e) Moswari wa laesense o šitwa go lefela kgoboko efe le efe yeo e kgethetšwego go ya ka Molao woo gare ga paka yeo e kgethetšwego;

(f) moswari wa laesense o šitwa go lefela ka potlako sefoka sefe le sefe seo se thopilwego ka tshwanelo ka kempolo efe le efe yeo e swerwego ka fase ga laesense;

(g) Moswari wa laesense o šitwa go itswalanya le karolo 53(2); goba

(h) moswari wa laesense ga a sa ikamanya le dinyakwa tšeo di kgethetšwego tša laesense yeo e amegago.

(2) Boto e ka, nako efe le efe, gomiša taelo efe le efe ya phego goba kgomišo yeo e ntšhitšwego go ya ka karolwana (1) ge lebaka la phego yeo le epetšwe sehlare ka fao go kgotsofatšago Boto.

(3) Boto e tla tsebiša moswari wa laesense ka go ngwalwa ga phego efe le efe goba kgomišo ya laesense go ya ka karolwana (1).

(4) Laesense ya khasino, laesense ya mošomiši wa motšhene wa bobapadi e ka fegwa fela goba go gomišwa ke Boto ka morago ga poledišano le Leloko la boikarabelo.

(5) Ge laesense e fegilwe goba e gomišitšwe go ya ka karolwana (1), ga go tšhelete ya laesense, goba seripa sa yona seo se tlago go bušetšwa.

(6) Fao Boto e šišinyago go gomiša laesense, Boto e tla fa tsebišo ya go ngwalwa go moswara-laesense go laetšwa—

(a) gore Boto e šišinya go gomiša laesense;

(b) lebaka goba mabaka a kgomišo;

(c) gore moswara-laesense a ka re gare ga matšatši a 30 ka morago ga tšatšikgwedi ya tsebišo ya go ngalwa—

(i) gwa dirwa dikemelo tša go ngwalwa ka ga taba go Boto;

(ii) tsebiša Boto ka go ngwala ka ga maikemišetšo a moswara-laesense a go dira dikemelo tša molomo; le

(d) maatla a karolwana (7).

(7) Ge, gare ga paka yeo e bolelwago ka go karolo (6)*(c)* Boto ya se amogele dikemelo tša go ngwalwa le ge e le tsebišo ya go ngwalwa ya maikemišetšo a moswara-laesense a go dira dikemelo tša molomo, kgomišo e tla dirwa mafelelo a yona paka yeo.

Tšhuthišo le tlošo ya laesense

37. (1) Laesense yeo e filwego ka fase ga Molao wo e ka se, ka taolo ya karolo ye—

(a) šuthišetšwe go motho yo mongwe; goba

(b) tlošwe go meago ya go ba le dilaesense yeo e amegago go ya meagong e mengwe.

(2) Ge moswari wa laesense—

(a) a rata go šuthišetša laesense go motho yo mongwe, yena moswari wa laesense yoo le yena motho yoo yo mongwe ba tla, ka taolo ya karolo 24 go ya go 28, dira kgopelo mohlakanelwa go Boto mabapi le tšhuthišo yeo ka mokgwa o kgethetšwego;

(b) a rata go tloša yona laesense yeo meagong ya go ba le dilaesense go ya go meago efe le efe e mengwe, e ka ba motšhaotšhele goba lebakanyana, yena moswara-laesense yoo o tla, ka taolo ya karolo 24 go ya go 28, dira kgopelo go Boto ya go tlošwa ga yona laesense yeo ka mokgwa o kgethetšwego.

(3) Kgopelo ya go šuthiša goba go tloša laesense go ya ka karolwana (2) e tla elwa hloko ke Boto gomme Boto ka morago ga fao e tla—

(a) gana kgopelo; goba

(b) dumelela kgopelo, ka mabaka goba go se mabaka.

(4) Laesense e ka se—

(a) šuthišetšwe go motho yo mongwe yoo a se nago maswanedi goba ka mokgwa o mongwe a se na le maatla go ya ka Molao wo a go swara laesense yeo e amegago;

(b) tlošwe go tloga meagong ya go ba le laesense go ya go meago e mengwe ntle le ge Boto e kgotsofala gore meago e mengwe yeo e goba go fetšweng ga yona e tla swanela mabaka ao e tlago go šomišetšwa yona ka fase ga laesense.

(5) Tabeng ya laesense ya khasino, laesense ya mošomiši wa motšhene wa bobapadi Boto e tla dumelela fela kgopelo go ya ka karolwana (2) ka morago ga poledišano le Leloko la boikarabelo.

(6) Dipeakanyetšo tša di karolo 24 go ya go 28 di tla šomišwa *mutatis mutandis* go kgopelo mabapi le karolo ye.

KGAOLO 3

MABAKA

Mabaka-kakaretšo a dilaesense

38. (1) Boto e ka re mabapi le mohuta ofe le ofe wa laesense ya bea mabaka ao godimo ga laesense bjalo ka ge Boto e bona a na le maleba, gomme kudu ya akaretša mabaka—

(a) a go tswalana le dipapadi tšeo di kago bapalwa;

(b) a go tswalana le mokgwa wa tshepedišo ya papadi efe le efe;

(c) a nepo ye go tiišetša gore tshepedišo ya dikwano tša bobapadi ka bothakga, seriti, tatso e lokilego le botshephegi;

(d) a nyaka go bolokwa ga dibuka, diakhaonte, direkhoto, le tshedimošo e nngwe yeo e tswalanago le tshepedišo ya bobapadi bofe le bofe;

(e) a nyaka maemo a mminimamo ao a itšego ao a tswalanago le meago yeo go yona bobapadi bo lemago tema;

(f) a nyakago tlišo go Boto ya dipego le dipušetšo tšeo di tswalanago le tshepedišo ya bobapadi ka fao Boto e ka nyakago nako le nako; le

(g) go tswalana le matšatši ao ka ona le diiri tšeo ka tšona go kempola go ka dirwago;

(h) tabeng ya khasino, go tswalana le tlhomo le tlhokomelo ya mekgwa ya kelohloko;

(i) go tswalana le peakanyetšo ya moswara-laesense wa tiišetšo, bjalo ka ge go kgonthišišwa ke Boto, ditshenyegelo tša moswara-laesense ka go tswalana le—

(i) makgetho a go kempola a lefelwago go ya ka Molao wo; le

(ii) dikoloto tša kempolo di lefelwago ke moswara-laesense.

(2) Boto e ka re nako efe le efe ya fega, gomiša goba fetoša lebaka lefe le lefe ka fase ga karolwana (1) ka tsebišo ya go tlišwa go moswari wa laesense e itšego.

(3) Fao Boto e šišinyago go fega, gomiša, goba fetoša lebaka lefe le lefe ka fase ga karolwana (2), Boto e tla fa tsebišo ya go ngwalwa go moswara-laesense e laetša—

(a) Tšhišinyo ya Boto go fega, gomiša goba fetoša, ka fao go ka bago ka gona, maemo afe le afe ka fase ga karolwana (1);

(b) gore moswara-laesense a ka, gare ga matšatši a 30 ka morago ga tšatšikgwedi ya tsebišo ya go ngwalwa—

(i) dira dikemelo tša go ngwalwa ka ga taba ya go ya Botong; goba

(ii) tsebiša Boto ka go ngwalwa ka ga maikemišetšo a moswara-laesense a go dira dikemelo tša molomo; le

(c) maatla a karolwana (4).

(4) Ge, gare ga paka yeo e boletšwego ka go karolwana (3)*(b)*, Boto e sa amogele dikemelo tša go ngwalwa le ge e le tsebišo ya go ngwalwa ya maikemišetšo a moswara-laesense a go dira dikemelo tša molomo, yona phego, kgomišo goba phetošo yeo ya mabaka, ka fao taba e ka bago ka gona, di tlo ba le maatla mafelelong a paka yeo.

(5) Maemo afe le afe ao a beelelwago ka fase ga karolwana (1), goba a fegilwego, gomišitšwego goba a fetošitšwego ka fase ga karolwana (2) mabapi le laesense ya khasino goba laesense ya mošomiši wa motšhene wa bobapadi—

(a) a tla phethagatšwa ka morago ga poledišano le Leloko la boikarabelo; gomme

(b) a ka se phethagatšwe go tšwa morago.

Peakanyo ya monithara wa mohlagase wa metšhene ya bobapadi

39. (1) Boto e ka, ka taolo ya karolo 30, mabapi le laesense ya khasino, laesense ya mošomiši wa motšhene wa bobapadi le laesense ya setsha sa motšhene wa bobapadi nyaka yena moswari wa laesense ofe le ofe go kopantšha manka a bobapadi afe le afe go peakanyo ya go monithara ya gare ya mohlagase ka dinepo tša go lekola le go nyakišiša ditiragalo tše bohlokwa tšeo di amanago le motšhene o mongwe le o mongwe wa bobapadi, go akaretšwa peakanyo ya nako ya go ya go ile ya nnete ya go rekhota, monithara le go laolwa ga ditshepedišo tša papadi e bohlokwa bjalo ka ge go kgethetšwe goba go kgonthišitšwe ke Boto.

(2) Boto e ka nyaka go tšwa go moswari wa laesense ofe le ofe yoo a šupetšwago ka go karolwana (1) goba, godimo ga kgopelo, ya dumelela motho ofe le ofe yo mongwe go, legatong la yena moswari wa laesense ofe le ofe yoo, sepediša yona peakanyo ya go monithara ya mohlagase, ka taolo ya dinyakwa tšeo di beakanywago le maemo ao a beilwego ke Boto.

(3) Ka dinepo tša karolo ye "peakanyo ya go monithara mohlagase" e ra tshepedišo efe le efe ya mohlagase, khomputha goba kopantšho goba mokgwa woo o beakantšwego bjalo gore o šomišwe goba o tšewe, go romela goba go amogela dintlha go tšwa go mekgwa ya bobapadi mabapi le tšhireletšo, pabalelo goba tšhomišo ya metšhene ya bobapadi.

Ditswala tša ditšhelete ka gare ga kgwebo ya moswara-laesense

40. (1) Ga go motho yoo a ka swarago goba a humanago tswala ka laesense bjalo ka moemedi goba mohlaolwa wa hlogo yeo e lego sephiri goba mong wa lefa.

(2) Moswara-laesense a ka se dumelele motho ofe le ofe yo mongwe go humana tswala ya tšhelete thwii goba e sego thwii ya diphesente tše hlano goba go fetiša ka gare ga kgwebo yeo laesense e tswalanago le yona, ntle le ge Boto e file tumelelo gore motho yena yoo a ka humana yona kgwebo yeo ka gare ga kgwebo yeo.

(3) Boto e ka se fe tumelelo ka fase ga karolwana (1) fao motho yoo e lego mong wa kgopelo, a lahlegelwa ka maswanedi go ya ka karolo 22 go swara laesense.

(4) Dipeakanyetšo tša di karolo 24 go ya go 28 di tla šomišwa *mutatis mutandis* go motho yoo a ratago go humana tswala bjalo ka ge go bolelwa ka gare ga karolwana (2).

Maswanedi a Diphathi tša Boraro

41. (1) Boto e ka thibela moswara-laesense go kontraka le moabedi ofe le ofe go reka diphahlo goba ditirelo goba moadimi ofe le ofe go fihlela yona nako yeo ya bjalo ka ge moabedi goba moadimi a kgopetše gomme a filwe sethifikeiti sa maswanedi a Boto, ka mokgwa wa go kgonthišišwa ke Boto.

(2) Dipeakanyetšo tša karolo 28 di tla šomišwa *mutatis mutandis* go kgopelo bjalo ka ge go bolelwa ka go karolwana (1).

Mekgwa ya bobapadi

42. (1) Moswari wa laesense ya khasino, laesense ya mošomiši wa bingo, laesense ya mošomiši wa motšhene wa bobapadi goba laesense ya saete ya motšhene wa bobapadi a ka—

(a) se šomiše goba a dumelela papadi efe kapa efe go ka bapalwa mo go mokgwa wa tekomahlatse e sego mokgwa wa tekomahlatse owe—

(i) o šetšego o filwe ke moswari wa laesense ya modiri, tlhokomelo goba mofi;

(ii) o swanago ka mešogofela le mohuta le mmotlolo wo o šetšego o dumeletšwe ke Boto; le

(iii) o šetšego o ngwadišitšwego le Boto ka mo go kgethetšwego;

(b) boloka direkhoto le pego ka mo go ka akanywago ke Boto mabapi le mokgwa wa bobapadi o mongwe le o mongwe.

Dipuku, diakhaonte le direkhoto

43. Moswari wa laesense o tla boloka dipuku, diakhaonte le direkhoto tšeo ka mo go tla bego go kgethetšwe goba go laeditšwe ka mo go laesense gomme go akantšwe ka mo melaong ya Boto.

Taolo ya go tsena go mafelo a itšego

44. (1) Moswari wa laesense (go sa akaretšwe laesense ya modiri, tlhokomelo le mofi) goba modiredi wa moswari wa laesense owe a ka—

(a) gana go dumelela motho ofe kapa ofe go mafelo a a nago le laesense;

(b) kgopela motho ofe kapa ofe yo a lego ka mo mafelong a a nago le laesense, go tloga mafelong ao;

(c) kgopela mohlankedi wa maphodisa goba mohlahlobi ofe kapa ofe go tloša goba go thuša go tloša mo mafelong a a nago le laesense motho ofe kapa ofe yo a boletšwego mo go temana *(a)* goba *(b)* goba go tloša mo mafelong a a nago le laesense motho ofe kapa ofe yo a ganago goba a palelwago ke go dumelelana le kgopelo ye e boletšwego mo go temana *(a)* goba *(b)*.

Kwalakwatšo

45. Ka taolo ya melawana efe kapa efe ye e dirilwego ka fase ga karolo 88, go tla dumelelwa ka molao go kwalakwatša bobapadi bofe kapa bofe bjoo bo kago sepetšwa semolao ka fase ga Molao wo.

Krediti

46. Moswari wa laesense (go sa akaretšwe laesense ya modiri, tlhokomelo goba mofi), goba modiredi wa moswari wa laesense yeo, a ka se fe krediti efe kapa efe ka sebopego sefe kapa sefe go motho ofe kapa ofe mabapi le goba bakeng sa tebanyo ya bobapadi, ka ntle le ka mo e kgethetšwego ke Boto.

Melao ya dipapadi tše itšego

47. (1) Moswari wa laesense ya khasino o tla, mabapi le papadi efe kapa efe yeo melao e sego ya dirwa ke Boto ka fase ga karolo 87, dira melao ye e amanago le mokgwa wa go bapala papadi yeo: Ge e le gore melao yeo e tla dumelelwa ke Boto.

(2) Melao ye e dirilwego go ya ka karolo 87 le karolwana (1) ka moka e tla ba gona ka dinako tšohle moo papadi yeo efe kapa efe e bapalwago gomme e fiwe moraloki ofe kapa ofe ge a nyaka.

Thušo go barekedi

48. Moswari wa laesense (go sa akaretšwe laesense ya modiri, tlhokomelo goba mofi) o tla—

(a) ka kgopelo ya morekedi ofe kapa ofe a hlagiša bakeng sa tlhahlobo kopi ya melao ya bobapadi mabapi le papadi ya tekomahlatse ye itšego efe kapa efe; gomme

(b) a bontšha ka mo go bonagalago ka mo mafelong a a nago le laesense temošo goba pego yeo malebane le papadi ya tekomahlatse efe kapa efe ka moo e kgethetšwego ka gona.

Paka ya laesense

49. (1) Laesense efe kapa efe ye e filwego ka fase go karolo 24(4)*(b)* e tla, ka taolo ya go dirwa lefsa gape, maatlafatša go tloga ka tšatšikgwedi ye e hlagišitšwego ka yona go fihla ka tšatšikgwedi yeo ka yona—

(a) moswari a e tlogelago ka go ngwala ka gona;

(b) e fedišwago ke Boto ka fase ga karolo 36.

(2) Moo laesense e emišitšwego ka fase ga karolo 36, moswari wa laesense yeo a ka se diriše tokelo goba tshwanelo ye e filwego laesense yeo mo nakong ya paka ya kemišo.

Ditefo tša laesense

50. (1) Di tla latofatšwa gomme tša lefelwa mabapi le laesense efe kapa efe ye e filwego goba ye e mpshafaditšwego ka fase ga Molao wa ditefo tša laesense tše di kgethetšwego, tšeo di tla go ba mo koketšong ya dikgoboko goba makgetho a mangwe afe kapa afe a a lefegago ka fase ga Molao wo.

(2) Ditefo tša laesense tše di kgethetšwego go ya ka karolwana (1) di ka fapana malebana le mehuta ya go fapanafapana ya dilaesense.

(3) Moswari wa laesense ofe kapa ofe yo a palelwago ke go lefa ditefo tša laesense tše di šupilwego mo go karolwana (1) ka goba pele ga tšatšikgwedi yeo e thomago go ba le maikarabelo a go lefa ditefo tša laesense tšeo, o tla re go koketšo ya ditefo tša laesense tšeo a lefa kotlo ye e kgethetšwego: Ge e le gore kgoboko ya kotlo yeo e ka se fete kgoboko ya tefo ya laesense malebana le laesense ye e angwago.

Tshwanelo ya go bontšha laesense

51. Moswari wa laesense, o tla re ka dinako tšohle a bontšha ka mo go bonagalago laesense ya gagwe mo go mafelo a a nago le laesense.

Tshwanelo ya go hlagiša laesense goba setifikeiti

52. Moswari wa laesense goba setifikeiti se se filwego ke Boto, modiredi wa moswari owe, goba motho yo a šomago bakeng sa moswari owe o tla, ka nyako ya mohlahlobi goba mohlankedi wa moswari owe, goba motho yo a šomago bakeng sa moswari owe o tla, ka nyako ya mohlahlobi goba mohlankedi wa maphodisa, hlagiša laesense goba setifikeiti se se lebanego.

Mpshafatšo ya dilaesense

53. (1) Laesense e tla, ka taolo ya peakanyetšo ya Molao wo, le ditlamo tše di filwego go ya ka moswari wa laesense ya mpshafatšwa ke Boto ngwaga wo o tlago gomme le go tefelo ya ditefo tša laesense tše di beakantšwego mo go karolo 50.

(2) Kgopelo bakeng sa go mpshafatšwa ga laesense go ya ka karolwana (1) e tla ba ka sebopego se se kgethetšwego gomme e tla išwa go Boto matšatši a sa fetego 90 pele ga tšatšikgwedi yeo ka yona laesense e thomago go mpshafatšwa.

Makgetho a tekomahlatse

54. (1) Mo go motšhelo wa tlhakantšhotheko ofe kapa ofe goba motšhelo wa thekišo o mongwe, ge o le gona, moswari wa laesense o mongwe le o mongwe (ka ntle le laesense ya modiri, tlhokomelo goba mofi) o tla ba le maikarabelo a go, mo mabakeng ao go tla bego go kgethetšwe, lefa makgetho a tekomahlatse moo makgetho a gona a tlago balwa ka motheo owe le ka ditekanyo tšeo a tla bego a kgethetšwe, gomme a tla lefelwa ka mokgwa gomme pele ga tšatšikgwedi ye e kgethetšwego: Ge e le gore ditekanyo tše fapafapanego di ka kgethelwa bjalo mabapi le mehuta ye e fapafapanego ya dilaesense.

(2) Tefelo efe kapa efe ya makgetho a tekomahlatse ye e šupilwego mo go karolwana (1) e tla sepetšwa mmogo le tefetšo ka sebopego se se akantšwego ke Boto.

(3) Le ga go le bjalo go se sengwe le se sengwe se se fapanago le se se lego ka gare ga molao o mongwe ofe kapa ofe, go ka se be le paka ya kwelobohloko bakeng sa tefelo ya makgetho a tekomahlatse a a šupilwego mo go karolwana (1), gomme ge makgetho a tekomahlatse a se a lefša ka goba pele ga tšatšikgwedi ye e kgethetšwego ye e šupilwego mo go karolwana (1), laesense e ka emišwa ke Boto go ya ka karolo 36 go fihla ge makgetho a tekomahlatse le dikotlo tše lefelwago go ya ka karolwana (f), di šetše di lefilwe.

(4) Moswari wa laesense ofe kapa ofe yo a palelwago ke go lefa makgetho a tekomahlatse ka goba pele ga tšatšikgwedi ye e kgethetšwego ye e šupilwego mo go karolwana (1), o tla re ka koketšo mo go makgetho a tekomahlatse, lefa bakeng sa letšatši goba seripa sa letšatši moo e lego gore moswari wa laesense o na le boikarabelo go tefelo ya makgetho a tekomahlatse, kotlo ye e badilwego ka tekanyo ye e kgethetšwego ya kgoboko ye e sa šaletšego: Ge e le gore palomoka ya kgoboko ya kotlo yeo e ka se fete gabedi palomoka ya kgoboko ya makgetho a tekomahlatse a a lefegago.

(5) Se sengwe le se sengwe se se kgethetšwego go ya ka karolo ye se tla kgethelwa ka therišano le Leloko la Lekgotla-Phethišo le le nago le boikarabelo go Matlotlo.

(6) Makgetho a tekomahlatse a lefegago go ya ka karolo ye a tla kgobokantšhwa ke Boto mo legatong la baholwa ba ba kgethetšwego.

Tefelo mabapi le kgethollo

55. (1) Boto e ka, ka morago ga therišano le Leloko le le nago le boikarabelo, nyaka e le maemo a go fa laesense ya khasino la mathomo, tefelo ya nako e tee ka kakanyo ya tiišetšo go moswari wa laesense owe kgethollo mabapi le mohuta wo o akantšwego ofe kapa ofe wa tekomahlatse mo go naga ye e akantšwego le bakeng sa paka ye e akantšwego ya nako: Ge e le gore Boto e ka, ka morago ga therišano le Leloko le le nago le boikarabelo, gomme ka mokgwa wo o kgethetšwego, oketša paka yeo ya kgethollo kgahlanong le tefelo ya pele yeo ka mo e ka fiwago ke moswari wa laesense owe.

(2) Tefelo efe kapa efe go ya ka karolwana (1) e tla lefša go Boto go thušo ya sekhwama sa Motšhelo wa Profense, ka nako le ka mokgwa wo o akantšwego ke Boto ka morago ga therišano le Leloko le le nago le boikarabelo.

KGAOLO 4

BADIREDI

Dinyakwa bakeng sa badiredi ba itšego

56. (1) Ka taolo ya karolo 62 ga go motho, ka mokgwa o mongwe ge e se ge e akaretšwa ke Boto, a tlago hirwa mo go kgwebo efe kapa efe ye e amanago le bobapadi ge motho owe e se moswari wa setifikeiti sa tumelelo se se filwego go ya ka karolo 58(5).

(2) Leloko le le nago le boikarabelo le ka kgethela modiro ofe kapa ofe go ba modiro bakeng sa tebanyo ya karolwana (1).

Kgopelo ya setifikeiti

57. (1) Kgopelo ya setifikeiti sa tumelelo e tla dirwa go Mohlankedi-Mophethišimogolo ka mo go fomo ye e kgethetšwego gomme e tla sepetšwa mmogo le—

(a) sete ye e feletšego ya dikgatišo tša menwana tša Mokgopedi di tšerwe ka mokgwa wo o kgethetšwego;

(b) ditokumente, ditlhalošišo goba pego yeo ka moo di kgethetšwego ka gona; le

(c) ditefo tša kgopelo tše di kgethetšwego.

(2) Dipeakanyetšo tša karolo 28 di tla šomišwa *mutatis mutandis* go kgopelo ye e boletšwego ka mo go karolwana (1).

Kakanyo ya kgopelo

58. (1) Boto e tla akanya kgopelo go ya ka karolo 57 gomme e tla lebelela—

(a) bogolo, semelo, boitshwaro le boithekgo bja tšhelete le mošomo wa mokgopedi;

(b) melato efe kapa efe yeo mokgopedi a šetšego a bonwe molato gomme moo go se tshepagale e leng seka; le

(c) taba e nngwe efe kapa efe yeo e kago ba ye e lebanego go tiiša ge mokgopedi e le motho yo a swanelago ke go tlo hirwa bjalo.

(2) Ge Boto e kgotsofetše gore mokgopedi ke motho yo a swanelago go tlo hirwa bjalo, Boto e tla fa kgopelo ka taolo ya ditlamo tšeo ka moo Boto e ka akanyago.

(3) Boto e ka se gane kgopelo ka ntle le go fa mokgopedi sebaka sa gore bohlatse bo theeletšwe goba bo hlagišwe.

(4) Ge Boto e gana kgopelo, Mohlankedi-Mophethišimogolo o tla re semeetseng a tsebiša mokgopedi ka ga kganetšo le mabaka a Boto bakeng sa sephetho seo.

(5) Moo Boto e fago kgopelo go ya ka karolwana (2), Mohlankedi-Mophethiši-mogolo o tla fa mokgopedi setifikeiti sa tumelelo ka sebopego se se kgethetšwego.

Rejistara ya badiredi

59. (1) Mohlankedi-Mophethišimogolo o tla swara rejistara yeo ka gare a tlago ngwala leina le ditlhalošišo tša motho o mongwe le o mongwe yoo setifikeiti sa tumelelo se šetšego se filwe ka fase ga karolo 58(5) goba yowe setifikeiti se šetšego se emišitšwe goba se phumotšwe ka fase ga karolo 61.

Paka ya setifikeiti

60. (1) Setifikeiti sa tumelelo se se filwego ka fase ga karolo 58(5) se tla ba sa makgonthe go tloga ka tšatšikgwedi ye se filwego ka yona go fihla ka tšatšikgwedi yeo ka yona—

(a) moswari ka gona, ka go ngwala gomme go felegetšwa ke setifikeiti, o tla neela setifikeiti go Mohlankedi-Mophethiši-mogolo;

(b) setifikeiti se phumotšwe ke Boto ka fase ga karolo 61;

(c) setifikeiti se sahlo se šoma ge setifikeiti se ile sa fiwa bakeng sa paka ye itšego.

(2) Moo setifikeiti sa tumelelo se emišitšwego ka fase ga karolo 61, moswari wa setifikeiti seo a ka se hirwe mo nakong ya paka ya kemišo.

Kemišo le phumolo ya setifikeiti

61. (1) Boto e ka, ka taolo ya karolwana (2), ka nako efe le efe, emiša go paka ye e sa fetego dikgwedi tše tshelela, ka moo Boto e kago akanya goba phumola, go tloga ka tšatšikgwedi yeo ka moo Boto e kago akanya, setifikeiti sa tumelelo, ge—

(a) pego efe kapa efe ye e lego ka gare ga kgopelo ya gagwe bakeng sa setifikeiti seo ka nako yeo pego e bego e hlagišwa, e be e le ya maaka ka mokgwa ofe kapa ofe wo o bonagalago goba e be e le ka fase ga tlogelo ka mokgwa ofe kapa ofe wo o bonagalago;

(b) go tloga ge go fiwa setifikeiti, moswari wa setifikeiti a šetše a bonwe molato wa bosenyi ka fase ga Molao wo goba wa bosenyi bjo bongwe bofe kapa bofe bjo bo šupago maswanedi a gagwe a go tlo hirwa bjalo;

(c) moswari wa setifikeiti a šomile ka go tshela molao wa dipeakanyetšo tša karolo 63; goba

(d) boto e kgotsofetše gore moswari wa setifikeiti ga e sa le motho yo a lebanego ke go tlo hirwa bjalo.

(2) Boto e ka se emiše goba phumola setifikeiti sa tumelelo, ka ntle le ge moswari ka gona a, ka tsebišo ye e sa fetego matšatši a 30, šetše a filwe sebaka sa go theeletšwa ke Boto le sa go hlagiša bohlatse: Ge e le gore setifikeiti sa tumelelo sefe kapa sefe se ka emišwa ka yona nako yeo go sa letetšwe dipoelo tša tsheko ye e boletšwego ka mo go karolwana ye.

(3) Boto e ka re nako efe kapa efe ya fediša kemišo ya setifikeiti sa tumelelo ge Boto e kgotsofetše gore mabaka ao a bego a hlagišitšwe a kemišo a šetše a lokišitšwe gomme e tla no ba go fediša kemišo fela.

Thwalo pele go fiwa setifikeiti

62. Le ga go le bjalo ka dipeakanyetšo tša karolo 56, moo kgopelo ya setifikeiti sa tumelelo e šetše e dirilwe gomme Boto e na le kgopolo ya gore—

(a) sephetho se se amanago le kgopelo se ka se dirwe lebakanyana;

(b) tshepetšo ya kgwebo mabapi le ka moo laesense ye e angwago e ile ya fiwa e tla ba ye e kgethollotšwego goba e sentšwego ke tiego mo go thwalo ya mokgopedi; gomme

(c) go thongwa ga modiro wa mokgopedi go ka se senye bothakga le tšhomišo ya makgonthe ya kgwebo mabapi le ka moo laesense ye e angwago e ilego ya fiwa,

Boto e ka fa tumelelo ka go ngwalela mokgopedi yo a tlogo hirwa pele go akanywa kgopelo, ka taolo ya dipeano, mabaka le dithibelo tšeo ka moo Boto e akanyago go swanetše mo go lebaka le itšego.

Dithibelo malebana le badiredi

63. Ga go motho yo a nyakwago go swara setifikeiti sa tumelelo go ya ka karolo 56(1), a tlago re ka mo khasinong goba ka holong ya bingo, ka moo go ka bago ka gona, le ka seo a tswalanago le sona—

(a) a tšea karolo mo go goba go bapala papadi ya khasino efe kapa efe ka mo go Repabliki: Ge e le gore motho owe a ka tšea karolo mo go papadi yeo ge go nyakega bakeng sa phetho ya mediro ya gagwe e le modiredi; goba

(b) a kgopela thipi, neo, kakanyo goba thušo, ye nngwe go tšwa go moraloki goba morekedi ka mo khasinong goba holong ya bingo yeo, ka mokgwa o mongwe e sego ka moo go kgethetšwego.

KGAOLO 5

BAHLANKEDI BA MAPHODISA LE BAHLAHLOBI

Maatla a maphodisa go tsena mafelong a a nago le laesense

64. (1) Le ga go le bjalo go se sengwe le se sengwe se se fapanago le se se lego ka gare ga molao o mongwe ofe kapa ofe, mohlankedi wa maphodisa wa goba ka godimo ga maemo a moleftenante a ka re ka mabaka a a lebanego le ge a bona go le bohlokwa, ka ntle le taelo a tsena mafelong a a nago le laesense bakeng sa tebanyo ya—

(a) go dira dinyakišišo tšeo le go tšea magato awe ka moo a kago akanya go le bohlokwa bakeng sa thibelo ya bosenyi;

(b) nyakišišo ya bosenyi;

(c) nyakišišo ya boitshwaro bja motho ofe kapa ofe ka mo gare; gomme

(d) go akanya ge ditlamo tše di šupilwego ka mo go Molao wo di a dumelwa,

gomme a ka felegetšwa le go thušwa mo dinyakišišong tšeo ke mohlankedi wa maphodisa wa ka fase ga maemo a moleftenante.

(2) Mohlankedi wa maphodisa ofe kapa ofe yo a tsenago mafelong a a nago le laesense ka fase ga karolwana (1) o tla re mo go matšatši a lesomenne a tseno yeo a iša pego ye e ngwadilwego go Boto ka gona.

Peo ya bahlahlobi ke Boto

65. (1) Boto e ka fa motho yo a kgonago yo a lebanego ofe kapa ofe go ba mohlahlobi go phetha, ka taolo le ditaetšo tša Boto, mešomo e mengwe le e mengwe goba ka moka ye e filwego mohlahlobi go ya ka karolo 66.

(2) Mohlahlobi o mongwe le o mongwe yo a filwego modiro ka fase ga karolwana (1) o tla fiwa setifikeiti se se saenilwego ke goba legatong la Boto gomme se bontšha gore o šetše a filwe modiro go ba mohlahlobi: Ge e le gore ge peo ya gagwe e le mohlahlobi e na le magomo a modiro goba mediro ye itšego efe kapa efe, setifikeiti sa gagwe se tla laetša magomo ao.

(3) Neng le neng ge mohlahlobi yo a filwego mošomo ka fase ga karolwana (1) a phetha modiro ka fase ga Molao wo mo motho yo a angwago ofe kapa ofe a lego gona moo, mohlahlobi o tla re ge motho owe a nyaka a hlagiša setifikeiti sa gagwe se se šupilwego mo go karolwana (2).

Mediro la maatla a mohlahlobi

66. (1) Mohlahlobi a ka, bakeng sa ditebanyo tša Molao wo—

(a) ka ntle le tsebišo ya pele goba taelo ya go setša a tsena mo go mafelo a a nago le laesense afe kapa afe ao a dulwago goba a šomišwago bakeng sa ditebanyo tša tekomahlatse goba mafelo a mangwe afe kapa afe ao go gonogwago ka mo go lebaneng gore—

(i) khasino goba tiro ya tekomahlatse ye nngwe efe kapa efe e a dirwa ka ntle le tumelelo ya laesense;

(ii) batho ba dumelelwa go bapala goba go tšea karolo mo go tiro ya tekomahlatse efe le efe; goba

(iii) motšhene wa bobapadi ofe kapa ofe goba ditlabakelo, sedirišwa, selo, puku, direkhoto, note goba tokumente enngwe efe kapa efe ye e šomišwago goba e kgonago go šomiša mabapi le tshepetšo ya khasino goba tiro ya tekomahlatse ye nngwe efe kapa efe ke motho ofe kapa ofe e bolokilwe, gomme,

ka morago ga go tsebiša motho yoo ka nako yeo a hlokometšego mafelo ao, ka tebanyo ya ketelo ya gagwe, o tla dira tshekatsheko le nyakišišo ka mo a gopolago go le bohlokwa;

(b) ka mo go mafelo a a šupilwego mo go temana *(a)*—

(i) nyaka tlhagišo ya laesense goba tumelelo ye e ngwadilwego goba tumelelo efe kapa efe yeo motho ofe kapa ofe a swanetšego go e swara ka fase go Molao wo ye e sepetšago ka molao ditiro tša tekomahlatse;

(ii) botšiša goba setša motho ofe kapa ofe yo a lego mo go goba ka mo mafelong ao gomme a hlahloba ditiro dife kapa dife mabapi le tshepetšo ya tiro ya tekomahlatse efe kapa efe; gomme

(iii) lekola goba hlahloba motšhene wa bobapadi, ditlabakelo, sedirišwa, setho, selo, puku, rekhoto, note, goba tokumente enngwe efe kapa efe ye e šupilwego mo go temana *(a)* gomme a dira kopi ka gona goba a ntša temana go tšwa moo;

(c) nyaka go tšwa go motho yo a hlokometšego mafelo afe le afe a a šupi-lwego mo go temana *(a)*—

(i) go laetša ditlabakelo, sedirišwa goba selo se se šupi-lwego mo go temana yeo seo a nago le sona goba a se bolokilego goba se se lego ka fase ga taolo ya gagwe;

(ii) go hlagiša bakeng sa tebanyo ya tlhahlobo goba ya go dira dikopi goba go ntšha ditemana, dipuku, direkhoto, dinote, goba ditokumente tše dingwe ka moka tše di šupilwego mo go temana yeo tšeo a nago le tšona mo go yena goba a di bolokile goba di le ka fase ga taolo ya gagwe;

(iii) go fa pego efe kapa efe mabapi le se sengwe seo se laeditšwego goba hlagišitšwego go ya ka temanyana (i) goba (ii); gomme

(d) a emiša goba a tloša motšhene wa bobapadi, ditlabakelo, sedirišwa, selo, puku, rekhoto, note goba tokumente ye nngwe efe kapa efe ye e šupilwego mo go temana yeo go ya ka kgopolo ya gagwe e ka fa bopaki bja tshelo ya molato ya peakanyetšo efe kapa efe ya Molao wo goba a e tlogela mo lefelong le le angwago ka morago ga go e swaya bakeng sa tebanyo ya tšhupo.

(2) Mohlahlobi a ka, mo go tumelelo ye e ngwadilwego ke ramolao-pharephare, hlahloba goba a dira dikopi tša akhaonte efe kapa efe ya motho ofe kapa ofe mo go institušene ya tšhelete efe le efe yeo akhaonte e ka, go ya ka kgopolo ya ramolao-pharephare, kgonago bohlatse bja khomišene ya bosenyi go ya ka dipeakanyetšo tša Molao wo.

(3) Mohlahlobi a ka re ka nako efe le efe a iša ditagafalo ka moo Boto e dumeletšego gore e fiwe go ya ka Molao wo ka tumelelano le melao ye e swanago ya kgorotsheko.

(4) Ge a phetha modiro ofe kapa ofe go ya ka karolwana (1), mohlahlobi a ka felegetšwa ke gomme a itšweletsa go dikamogetšo tša mothuši goba toloki goba mohlankedi wa maphodisa ofe kapa ofe.

(5) Ga go selo ka mo karolong ye se tlago thibela mohlahlobi ofe kapa ofe yo a filwego mošomo gomme a dumeletšwe go ya ka molao wa tekomahlatse wa setšhaba go phetha e mengwe le e mengwe ya mediro le maatla a a boletšwego ka mo godimo ka mo go Profense.

Boitamolelo kgahlanong le go tsena

67. (1) Mohlankedi wa maphodisa goba mohlahlobi yo a nago le maatla a go tsena lefelo lefe kapa lefe le le šupilwego mo go karolo 66(1) a šomiša maatla awe ka moo go nyakegago go fenya boitamolelo bofe kapa bofe kgahlonong le go tsena mowe go lefelo go akaretša le go pšhatlwa ga lebati goba lefesetere lefe le lefe: Ge e le gore mohlankedi wa maphodisa goba mohlahlobi o tla re pele a kwagatša go nyaka tseno go lefelo le le boletšwego gomme a tsebiša ditebanyo bakeng seo a nyakago go tsena mo lefelong.

(2) Peakanyetšo go karolwana (1) e ka se šomišwe moo mohlankedi wa maphodisa goba mohlahlobi yo a angwago mo go mabaka a a kwalago a kgopolo ya gore selo se sengwe le se sengwe seo e lego taolo ya nyakišišo se ka senya goba sa lahlwa ge dipeakanyetšo tša peakanyetšo ye e boletšwego di dumelelana.

KGAOLO 6

GO FA GA DIPHETHO KE PUŠO YE E NAGO LE MAATLA

Mabaka bakeng sa diphetho ka pušo ye e nago le maatla

68. (1) Motho yo a dirilego kgopelo, kgahlano, goba dikemelo dife kapa dife go ya ka Molao wo gomme a bona a kgopišitšwe ke sephetho sefe kapa sefe se se dirilwego ke pušo ye e nago le maatla malebana le kgopelo, kgahlano goba dikemelo, a ka dira kgopelo go pušo ye e nago le maatla gore pušo ye e nago le maatla yeo e fe mabaka bakeng sa phetho yeo.

(2) Pušo ye e nago le maatla e tla, ka morago ga kamogelo ya kgopelo, ye e boletšwego mo go karolwana (1) ka mo nakong ye e kgethetšwego gomme ka mokgwa wo o kgethetšwego, fa mabaka a yona bakeng sa phetho ye e angwago.

Mabaka a tekolo

69. Kgorokgolo ya Tsheko e ka, mo go lebaka la motho yo a dirilego kgopelo, kgahlano goba dikemelo dife kapa dife go ya ka Molao wo gomme a bona a kgopišitšwe ke phetho ye e dirilwego ke pušo ye e nago le maatla malebana le kgopelo, kgahlano goba dikemelo tšeo, lekola phetho yeo.

Maatla a tekolo

70. Kgorotsheko ye e lekolago phetho ya pušo ye e nago le maatla go ya ka karolo 69, ge e beela thoko phetho e tla fa taelo ya gore pušo ye e nago le maatla e akanye lefsa taba mabapi le seo phetho e bego e dirilwe, ka ntle le ge ka kgopolo ya yona, mabaka a itšego a dumelela taelo ye nngwe.

Boipiletšo go Kgorokgolo ya Tsheko

71. (1) Motho yo a dirilego kgopelo, kgahlano goba dikemelo dife kapa dife go ya ka Molao wo gomme a bona a kgopišitšwe ke phetho mo go taba e sego taba ya lebaka le le dirilwego ke pušo ye e nago le maatla malebana le kgopelo, kgahlano goba dikemelo, a ka dira boipiletšo go Kgorokgolo ya Tsheko kgahlanong le phetho.

(2) Boipiletšo bjoo bo tla elwa hloko gomme bja išwa tshekong o ka re e be e le boipiletšo kgahlanong le kahlolo ka mo kgorong ya magisetherata mo go ditshepedišo tša segae.

(3) Ge kgorotsheko, ka morago ga go akanya boipiletšo, e kgotsofetše gore pušo ye e nago le maatla e phošitše mo go direng ga phetho ye e angwago, kgorotsheko e ka beela thoko phetho yeo, gomme e tla re ge e beile thoko phetho, ka ntle ga gore ka mo go mabaka a itšego a kgopolo ya yona e tla fa taelo enngwe, e tla hlagiša taelo ya gore pušo ye e nago le maatla e akanye ka lefsa taba mabapi le seo phetho e ilego ya dirwa.

KGAOLO 7

DITABA TŠA SEMOLAO LE TŠE AMANAGO

Ditswalo tša ditšhelete

72. Kontraka go ya ka moo tswalo ya ditšhelete e hwetšwago e lego kgahlanong le karolo 40(1) goba (2) e tla ba ye e se nago selo.

Go tlogela goba go lesetšwa ga ditokelo, ditshwanelo, ditlemo le melato ye itšego

73. Ka ntle le ge Molao wo o dumela ka mo go itšego goba ka taetšo ye e swanelago peakanyetšo yeo, kontraka ye e nago le peakanyetšo moo motho a gopolago go tlogela goba go lesa tokelo, tshwanelo, tlemo goba molato go ya ka Molao wo, e tla ba ye e se nago selo ka ntle le goba le ge kontraka e ile ya phethwa pele goba ka morago ga go thongwa ga Molao wo.

Tirelo ya tshepetšo

74. Mo go ditshepedišo tša semolao dife kapa dife kgahlanong le pušo ye e nago le maatla, tirelo mo go modulasetulo le go ofisi ya Ramelao wa Mmušo ge e le gore ke lekala la ofisi leo le, beilwego mo go lefelo la maatlataolotoka a kgorotsheko ye e angwago, ya tshepetšo efe kapa efe goba tokumente efe kapa efe moo ditshepedišo di hlomilwego, di tla ba tirelo ye e lokilego mo go pušo ye e nago le maatla.

Go tsena gare ga Ramelao wa Mmušo

75. Ga go magato a a tlago tšewa ke pušo ye e nago le maatla mo go ditshepedišo tša semolao tše di boletšwego mo go karolo 74, gomme ga go ditshepedišo tša semolao tše di tlago hlongwa ke pušo ye e nago le maatla, ge e se ka go tsena gare ga Ramelao wa Mmušo.

Ditshenyegelo

76. Ditshenyegelo tše di hlagišitšwego ke pušo ye e nago le maatla mabapi le ditshepedišo tša semolao dife kapa dife tše di boletšwego mo go karolo 74 di tla, ka ntle le ge kgorotsheko ye e angwaga e ka laela ditshenyegelo go ba magetleng a batho ba ba fapanago goba ga pušo ye e nago le maatla e le *bonis propriis*, di lefše ke Sekhwama sa Ditseno tša Profense.

KGAOLO 8

KAKARETŠO

Thibelo mabapi le tekomahlatse

77. Ga go motho yo a tlago—

(a) lekamahlatse ka baka la tiragalo goba pelaetšo efe kapa efe ka ntle le—

(i) papadi ya khasino;

(ii) tiragalo ya tša dipapadi, le moswari wa laesense yo a dumeletšwego ke laesense yeo go tekomahlatse mo go tiragalo goba pelaetšo ye e angwago: Ge e le gore karolo ye e ka se thibele moswari wa laesense go amogela dipeelano go tšwa go setšhaba ka tumelelano le ditlamo tša laesense ya gagwe;

(b) ka ntle ga laesense ye e nyakegago a ba le motšhene wa bobapadi ofe kapa ofe goba a dumelela tiro ya tekomahlatse efe kapa efe mo go lefelo lefe kapa lefe ka fase ga taolo ya gagwe goba ye a e hlokometšego;

(c) lekamahlatse mo go lefelo lefe kapa lefe le le šupilwego mo go temana *(b)* goba a etela lefelo leo lefe kapa lefe ka nepo ya tekomahlatse.

(d) dumela peo efe kapa efe mo go bodulo bofe kapa bofe bjo bo boletšwego mo go karolo 56 le motho ofe kapa ofe yo e sego moswari wa laesense ye e nyakwago, ka ntle le go hlokomela ka mo go swanelago ka gohle go kgonthiša tiišetšo ya laesense;

(e) hira, goba a fa mošomo go motho ofe kapa ofe mo go bodulo bjo bo boletšwego mo go karolo 56, ka ntle le go ba moswari wa laesense ye e nyakwago.

Tšhomišo-mpe ya lentšu le "khasino"

78. Ga go motho yo a tlago re ka ntle ga tumelelo ye e ngwadilwego ya Boto a gweba goba a kwalakwatša kgwebo ka fase ga leina goba thaetlele yeo lentšu le "khasino" le bopago seripa, ka ntle le ge e le moswari wa laesense ya khasino.

Thibelo ya batho ba itšego go tsena lefelong le le nago le laesense

79. (1) Ga go motho wa ka fase ga bogolo bja mengwaga e 18 a tlago tsena mafelo a a nago le laesense afe kapa afe, gomme a ka se tšee karolo mo go tekomahlatse goba a swara goba a šomiša sedirišwa sa bobapadi sefe kapa sefe.

(2) Ga go mong wa laesense goba modiredi wa mong wa laesense a tlago dumelela motho ofe kapa ofe yo a lego ka fase ga bogolo bja mengwaga e 18, gomme ga go motswadi goba mohlokomedi wa motho yo ka fase ga bogolo bja mengwaga e 18 a tlago dumelela motho yoo, go tsena goba go šala ka gare ga mafelo a a nago le laesense gomme a ka se dumelele motho yoo go tšea karolo mo go tekomahlatse, go swara goba go šomiša sedirišwa sa bobapadi sefe kapa sefe.

(3) Moo kgorotsheko yeo e ahlotšego motho go molato ofe kapa ofe e akanya gore ka lebaka la mokgwa wa molato goba mabaka ao ka fase ga wona o dirilwego ke wo o ratwago mo go ditokelo tša taelo ya setšhaba, boitshwaro bja setšhaba bja tshepetšo ye e lokilego, gore motho owe a se dumelelwe go tsena mafelong a a nago le laesense afe kapa afe goba a itšego, kgorotsheko e ka hlagiša taelo ye e ngwadilwego ya go mo thibela go tsena ka mo mafelong a a nago le laesense ao a laeditšwego ka mo gare ga taelo go paka ye e tlago laetšwa mo go taelo.

(4) Moo kgorotsheko e dirago taelo ka fase ga karolwana (3) Mapalane wa Kgorotsheko o tla iša kopi ya taelo go Mohlankedi-Mophethišomogolo yo a tlago dira kopi ka gona go tlo išwa go beng ba dilaesense tša mafelo a a nago le laesense ka moka a a ngwadilwego mo go taelo.

(5) Boto e ka, ka mabaka ao ka moo a kgethetšwego ka gona, thibela motho ofe kapa ofe go tsena mafelong a a nago le laesense afe kapa afe goba a tšea karolo mo go tekomahlatse efe kapa efe.

Thibelo mabapi le modiri, thekišo, kabo, ditšwantle, go bapatša, go fetola le phetolo ya ditlabakelo le didirišwa tša bobapadi

80. Ga go motho yo a tlago—

(a) šomiša, dira, rekiša, abela, gwebiša goba a bapatša dikarata, ditaese tša ditšhupo, papadi goba sedirišwa sa bobapadi seo se ikemišeditšego go tlo šomišwa ka tshenyo ya peakanyetšo efe kapa efe ya Molao wo;

(b) fetola, goba a fetola ka mokgwa o mongwe sedirišwa sa tekomahlatse sefe kapa sefe goba ditlabakelo tše amanago dife kapa dife ka mokgwa wo e lego gore—

(i) di ama dipoelo tša peelano ka go akanya phenyo goba go se fenye; goba

(ii) di fetola goba di ama mokgwa wo o tlwaelegilego wa tlhaolo ka go se kgethe se se akanyago dipoelo tša papadi ya khasino;

(c) fa motho ofe kapa ofe ditaba goba sedirišwa go pata mo papadading ya khasino efe kapa efe, a tseba gore ditaba tše di boletšwego bjalo goba sedirišwa se se filwego bjalo se ka šomišwa go senya peakanyetšo efe kapa efe ya Molao wo.

Go pata le didirišwa tša go pata

81. (1) Ga go motho yo a tlago—

(a) dumelela o mongwe le o mongwe go sepetša, tšwetša pele goba go šomiša go pata goba sedirišwa sa go pata sefe kapa sefe;

(b) sepetša, tšwetša pele go šomiša, bapatša goba go tšwetša nyanyeng bakeng sa go bapala papadi goba dipapadi tša khasino dife kapa dife tše di bapalwago ka dikarata goba ka sedirišwa sa motšhene sefe kapa sefe, goba kopantšho ya dipapadi goba didirišwa tšeo, tšeo ka mokgwa ofe kapa ofe di šetšego di swailwe goba di swereswerwe goba di beilwe ka mokgwanyana goba di šomišitšwe ka tsela ye e lego gore dipoelo di foraforetša babapadi goba setšhaba goba di leka go fetola tlhaolo ya go se kgethe ye e tlwaelegilego ya papadi yeo e kago akanya goba fetola poelo ya papadi yeo; gomme

(c) šomiša tshipi goba sešupo sa kekišo sefe kapa sefe goba a tshela melao ya papadi efe kapa sefe goba a tsenatsena ka tsela e nngwe ka sedirišwa sa bobapadi sefe kapa sefe goba sedirišwa se sengwe sefe kapa sefe se se šomišwago go tekomahlatse ka maikemišetšo a go hwetša thušo ya tšhelete efe kapa efe, thwii goba e sego thwii, e le ya gagwe goba ya motho o mongwe ofe kapa ofe.

(2) Bakeng sa ditebanyo tša karolo ye le karolo 80*(c)* "go pata" goba "pata" ke go re go fetola tlhaolo ya maemo—

(a) ao a akanyago poelo ya papadi ya khasino;

(b) ao a akanyago kgoboko goba tlwaelo ya tefo mo go papadi ya khasino; goba

(c) go ya ka skimi, peakanyo, mokgwa goba maano ao Leloko le le nago le boikarabelo le ka re ka nako le nako ka tsebišo ka mo go *Kuranta ya Profense* la bega go re ke go pata bjalo.

Melato, dikotlo le ditobo

82. (1) Motho ofe kapa ofe yo—

(a) a tshelago goba a palelwago ke go dumelelana le peakanyetšo efe kapa efe ya Molao wo goba molawana ofe kapa efe wo o dirilwego ka fase ga karolo 88 goba molao wo o dirilwego ka fase ga karolo 87;

(b) a dirago pego ye e phošagetšego efe kapa efe mo go kgopelo goba poelo efe kapa efe ka fase ga Molao wo;

(c) a tshelago tlamo efe kapa efe ya laesense;

(d) a sepetšago mo mafelong a a nago le laesense papadi enngwe le enngwe goba a swara sedirišwa sa bobapadi sefe kapa sefe seo e sego se se kgethetšwego ka fase ga Molao wo goba a sepetša papadi ye e kgethetšwego efe kapa efe ka mokgwa o mongwe e sego malebana le melao ya papadi yeo;

(e) a thibelago goba a šitintšhago mohlankedi wa maphodisa goba mohlahlobi ofe kapa ofe go phetha mediro ya gagwe ka fase ga Molao wo;

(f) a fago tlhathollo goba pego go mohlankedi wa maphodisa goba mohlahlobi yeo e lego ya maaka goba ye e timetšago, a tseba gore ke ya maaka goba ye e timetšago;

(g) a itlhagišago ka bofora go ba mohlahlobi;

(h) ka ntle ga tumelelo ye e ngwadilwego ya mohlahlobi goba mohlankedi wa maphodisa yo a angwago, a tloša mo lefelong leo le tlogetšwego ke mohlahlobi goba mohlankedi wa maphodisa, goba a tshwenyana le, a senya goba a dira diphetogo go, se sengwe le se sengwe se se emišitšwego ke mohlahlobi goba mohlankedi wa maphodisa owe mo phetong ya mediro ya gagwe;

(i) a palelwago ke go latela taelo ye e dirilwego ka fase ga karolwana 79(3) goba a dumelela ka go tseba motho owe go tsena mo mafelong a a nago le laesense;

(j) a filwego tagafara ya go fa bohlatse go nyakišišo ka fase ga karolo 20(2) ka ntle ga lebaka le le kwalago a palelwa ke go ba gona ka nako le go lefelo le le laeditšwego mo go tagafara, goba go no ba gona go fihlela go phetho ya nyakišišo goba go fihlela ge e lokollwa ke Boto go se hlo a e ba gona, goba go hlagiša puku, tokumente goba selo sefe kapa sefe se se swerwego goba se se hlokometšwego ke yena goba ka fase ga taolo ya gagwe, tšeo a ilego a fiwa tagafara ya go di hlagiša;

(k) a šetšego a filwe tagafara ka fase ga karolo 20(2) goba a biditšwe ka fase ga karolo 20(3)—

(i) ka ntle le lebaka le le kwalago a gana go tšea keno goba a dira tiišetšo go ba hlatse ka morago ga ge a šetše a laetšwe ke leloko la Boto le laolago nyakišišo go dira bjalo, goba a gana goba a palelwa ke go araba ka botlalo gomme ka moo go kgotsofatšago go ya ka tsebo le tumelo ya makgonthe ya gagwe potšišo enngwe le enngwe ya semolao yeo a e botšišwago; goba

(ii) ka morago ga go tšea keno goba a šetše a dirile tiišetšo, a fa bohlatse bja maaka pele ga Boto ya nyakišišo efe kapa efe mo go taba efe le efe, a tseba bohlatse bjoo gore ke bja maaka goba a sa tsebe goba a sa dumele gore ke nnete,

o tla oba molato gomme a ahlolelwa go lefa faene goba go išwa kgolegong, paka ye e sa fetego mengwaga e lesome goba go lefa faene le go išwa kgolegong ka bobedi.

(2) Ge moswari wa laesense goba setifikeiti se se filwego ke Boto, a tshela molao goba a palelwa ke go dumelelana le dipeakanyetšo tša Molao wo, Boto e ka, morago ga go sepediša nyakišišo ye e boletšwego mo go karolo 20, lefiša mong wa laesense goba moswari wa setifikeiti owe faene efe kapa efe yeo kgorotsheko ya fasenyana, go akaretša, Karolo ya Phetogo ye e hlomilwego ka fase ga dipeakanyetšo tša Molao wa Kgorotsheko ya Maseterata, 1944 (Molao 32 wa 1994) a ka bego e šetše e lefišitšwe, gomme go palelwa gofe kapa gofe go dumela kahlolo ya Boto mo go paka yeo ka mo e tlago laetša e tla feletša ka khantshelo ya ka pelapela ya laesense goba setifikeiti sefe kapa sefe se se filwego ke Boto go motho goba batho bawe: Ge e le gore—

(a) ge ditshepedišo dife kapa dife di šetše di hlomilwe kgahlanong le motho go ya ka karolwana ye, batho bao ba ka se re mabapi le tshepedišo yeo ba bonwa molato; gomme

(b) ge motho a šetše a bonwe molato bakeng sa tshelo ya molao, ditshepedišo go ya ka karolwana ye di ka se hlongwe kgahlanong le motho owe mabapi le tshepedišo yeo e amanago le ditshepedišo tša bosenyi tšeo.

(3) Mo go koketšo go kotlo efe kapa efe ye e boletšwego mo go karolo ye, ditšhelete, ditokumente, dipuku le direkhoto, ditlakelo tša bobapadi le didirišwa tša bobapadi dife kapa dife tše di hweditšwego ka mo go goba go lefelo lefe kapa lefe ka go tshela molao wa karolo 77(2)*(b)*, di tla lobja ke Boto.

Boikaraelo bja tlhoka-boitemogelo

83. (1) Ge molaodi wa kgwebo yeo laesense e amanago le yona, goba morekišetši goba modiredi wa moswari wa laesense, a dira goba a sa dire tiro efe kapa efe ye e tla bago molato go ya ka Molao wo bakeng sa moswari yo a angwago go dira goba go se dire, moswari owe o tla tšewa go ba a dirile goba a se a dira tiro yeo, ka ntle ga ge a ka kgotsofatša kgorotsheko gore—

(a) ga se a rera go goba a dumelela tiro goba tlhokomologo ka molaodi, morekišetši goba modiredi yo a angwago;

(b) o tšere magato a a lebanego ka moka go thibela tiro goba tlhokomologo; gomme

(c) tiro goba tlhokomologo, e ka ba ya semolao goba ye e sego ya semolao, ya mokgwa wo o ahlotšwego e sego ka tlemo gomme e sego ka fase ga mabaka e wela ka gare ga morero wa pušo goba peo ya molaodi, morekišetši goba modiredi yo a angwago.

(2) Bakeng sa tebanyo ya karolowana (1)*(b)*, taba ya gore moswari o file ditaetšo moo ka gona tiro goba tlhokomologo ya mohuta owe e le ye e ganetšwago e ka se re ka boyona ya ba bohlatse bjo bo lokilego bja gore o tšere magato a a lebanego go thibela tiro goba tlhokomologo.

Tefišo ya makgetho a tekomahlatse

84. (1) *(a)* Moo motho a ahlotšwego go ya ka karolo 77(1)*(b)*, Boto e tla akanya kgoboko yeo motho owe a tlago, ka kgopolo ya Boto, a šetše a na le boikarabelo bja go e lefa e le makgetho a tekomahlatse go ya ka karolo 54 ge a kile a ba moswari wa laesense, gomme Boto e tla tsebiša semeetseng motho owe ka go mo ngwalela ka ga kgoboko ye e akentšwego bjalo.

(b) Kgoboko ye e boletšwego mo go temana *(a)* e tla akanywa mabapi le paka ye e sa fetego mengwaga e 3 e badilwe ka go boela morago go tloga ka tšatšikgwedi ya kahlolo ya motho yo a angwago.

(c) Kgoboko ye e akantšwego go ya ka temana *(a)* e tla lefša ke motho yo a ahlotšwego ka mokgwa wo o kgethetšwego go ya ka karolo 54(1)*(a)* mo go matšatši a 21 go tloga ka tšatšikgwedi ya tsebišo ye e boletšwego ka mo go temana yeo.

(d) Peakanyetšo ya karolo 54(4) e tla šomišwa *mutatis mutandis* mabapi le motho yoo a nago le boikarabelo bja go lefa makgetho a tekomahlatse ka fase ga karolo ye.

Maatla a go lefiša

85. Le ga go le bjalo molao ofe kapa ofe wo o fapanago, magiseterata o tla ba le maatlataolotoka a go lefiša kotlo efe kapa efe ka Molao wo.

Thibelo go mediro mo go Profense ye e amanago le tekomahlatse kantle ga Profense

86. Ga go motho yo a kago lokollwa go melato ka fase ga peakanyetšo efe kapa efe ya Molao wo mabapi le tiro goba selo sefe kapa sefe se se dirilwego goba se se maatlafaditšwego goba se dumeletšwe ke yena go tlo dirwa ka mo Profenseng mabapi le tekomahlatse goba kgwebo ya goba ye e amanago le tekomahlatse yeo ya dirwa ka botlalo goba seripa sa yona mo lefelong le lengwe kantle ga Profense.

Melao

87. (1) Boto e.ka dira melao, ye e kwanago le dipeakanyetšo tša Molao wo, go amana le tšhomišo ya maatla a yona le phetho ya mediro ya yona, e akaretša—

(a) taba efe kapa efe mabapi le kgopelo ya laesense;

(b) taolo le pušo ya mafelo a a nago le laesense;

(c) melao bakeng sa tshepedišo ya sebopego sefe kapa sefe sa tekomahlatse.

(2) E sego ka fase ga kgwedi e tee pele molao ofe kapa ofe o dirwa ka fase ga karolo yeo, Boto e tla dira gore ditaba di gatišwe ka tsebišo ye e begago maikemišetšo a yona a go dira molao woo gomme e laletša batho ba ba nago le kganyogo go tšweletša ditshwayotshwayo dife kapa dife ka gona goba dikemelo dife kapa dife tšeo ba ratago go di dira mabapi le seo, go Boto.

Melawana

88. (1) Leloko le le nago le boikarabelo le ka, ka morago ga therišano le Boto, ka tsebišo ka mo go *Kuranta ya Profense,* dira melawana malebana le—

(a) taba efe kapa efe mabapi le Boto;

(b) taba efe kapa efe mabapi le kgopelo ya laesense;

(c) taolo le pušo ya mafelo a a nago le laesense;

(d) dintšhwa, dikhomišene goba ditefišwa tše dingwe tšeo moswari wa laesense a kago di lefiša;

(e) Dikotsi bakeng sa seo papadi ya khasino efe kapa efe e kago bapalwa;

(f) Dikotsi tša go hlola tše di lefegago mabapi le mekato ya diphoofolo;

(g) Namolelo ya dingangišano tša tekomahlatse ka Boto;

(h) taba efe kapa efe yeo go ya ka Molao wo e le ye e nyakegago goba e ka ba ye e kgethetšwego;

(i) ka kakaretšo, taba efe kapa efe mabapi le gore ke ye e nyakegago goba e nago le thušo go dira melawana bakeng sa go phetha dinepo tša Molao wo.

(2) Molawana wo o dirilwego ka fase ga karolo ye bakeng sa tlolo ya molao ka gona goba go palelwa ke go latela ka fao, o ka laetša kotlo goba go išwa kgolegong paka ye e sa fetego mengwaga e 2 goba faene goba go išwa kgolegong ka bobedi.

(3) Melawana ye e fapanago e ka dirwa ka fase ga karolo ye mabapi le mehuta ye e fapanago ya dilaesense, dilaesense tša go fapanafapana, mafapha a a fapanego a batho goba mafelo a a fapanego.

(4) E sego ka fase ga kgwedi e tee pele ga ge molawana o dirilwe ka fase ga karolo ye, Leloko le le nago le boikarabelo le tla dira ditaba gore di gatišwe ka gona ka mo go *Kuranta ya Profense* gammogo le tsebišo ye e begago maikemišetšo a go dira molawana owe gomme le laletša batho ba ba nago le kganyogo go hlagiša ditshwayotshwayo dife kapa dife ka gona, goba dikemelo dife kapa dife tše ba ka bego ba rata go di dira malebana le sona seo, go Leloko le le nago le boikarabelo.

(5) Dipeakanyetšo tša karolwana (4) di ka se šomišwe mabapi le—

(a) molawana ofe kapa ofe owe, ka morago ga ge peakanyetšo ya molawana owe e šetše e latetšwe, o šetšego o fetošitšwe ke Leloko le le nago le boikarabelo, ka go latelana ga ditshwayotshwayo goba dikemelo tše di amogetšwego ka tšwetšo pele ya tumelelano yeo; goba

(b) molawana ofe kapa ofe mabapi le seo kganyogo ya setšhaba e nyakilego gore o dirwe ka ntle le tiego.

Dipeakanyetšo tša phetišetšo

89. (1) Laesense efe kapa efe pakeng ya tšhomišo ya khasino ka mo go Profense ye e filwego go ya ka molao ofe kapa ofe woo o fedišitšwego ke Molao wo, e tla akanywa go ba e šetše e hlagišitšwe go ya ka Molao wo, ka morago ga seo dipeakanyetšo tša Molao wo di tlago šoma mabapi le laesense ye.

(2) *(a)* Le ga go le bjalo go fedišwa ga peakanyetšo efe kapa efe ya Molawana ofe kapa ofe ke Molao wo, kgopelo efe kapa efe ye e dirilwego go ya ka peakanyetšo yeo pele ga tšatšikgwedi ya go thoma ga Molao wo gomme e se ya lahlwa ka tšatšikgwedi yeo e tla tšwetšwa pele gomme ya lahlwa o ka re peakanyetšo yeo ga se ya ka ya fedišwa: Ge e le gore pušo ye e nago le maatla ye e akanyago kgopelo yeo e ka re ka kgopolo ya yona ya šupetša kgopelo go Boto bakeng sa tahlo.

(b) Laesense efe kapa efe goba pušo ye nngwe ye e filwego go ya ka Molawana wo o fedišitšwego ke Molao wo gomme e kgonago go ka fiwa go ya ka Molao wo e tla tšewa go ba e šetše e filwe go ya ka Molao wo, ka morago ga ge peakanyetšo ya Molao wo e tlago šoma mabapi le dilaesense goba pušo yeo.

(c) Molao goba molawana ofe kapa ofe o dirilwego ka fase ga peakanyetšo ya Molawana owe o fedišitšwego ke Molao wo gomme owe o ka dirwago ka fase ga karolo 87 goba 88 ya Molao wo, ka tatelano, o tla tšewa go ba o šetše o dirilwe ka fase ga Molao wo.

(d) Se sengwe le se sengwe se se dirilwego go ya ka peakanyetšo ya Molawana ofe kapa ofe seo se fedišitšwego ke Molao wo gomme se tla goba se ka dirwa go ya ka peakanyetšo ya Molao wo se tla tšewa go ba se šetše se dirilwe go ya ka peakanyetšo ye e latelago.

(3) Letlotlo le melato yeo pele ga go thoma ga Molao wo e beilwego mo go Boto ye e hlomilwego go ya ka Molawana ofe kapa ofe, ye e feditšwego ke Molao wo, e tla re ge e no kgonega ka mo go lebanego ka morago ga go thoma ga Molao wo ya šuthišetšwa go Boto go tlo ba letlotlo le melato ya Boto.

(4) Leloko le le nago le boikarabelo le ka šomiša maatla gomme la phetha mediro ya Boto, go sa akaretše go fiwa ga laesense efe kapa efe, go fihla ka nako yeo Boto e tla bego e kgethilwe.

Tšhomišo ya Molao

90. Dipeakanyetšo tša Molao wa Tekomahlatse, 1965 (Molao 51 wa 1965), di ka se šome ka mo Profenseng tše di amanago le se sengwe le se sengwe bakeng seo laesense goba ngwadišo e nyakegago go ya ka Molao wo.

Dikoloto tša bobapadi tša go tiišetšwa

91. Sekoloto sa bobapadi sefe kapa sefe se se dirilwego ka semolao ke motho ka morago ga go thoma ga Molao wo go ya ka go bapala ga papadi ya tekomahlatse ya molao se tla, le ge go le bjalo, dipeakanyetšo tša molao ofe kapa ofe goba molao wo o tlwaelegilego, e tiišetšwe ka mo go kgorotsheko ya molao.

Go fedišwa ga Molao

92. Melao ye e boletšwego ka mo go Šetule e fedišitšwe goba e fetošitšwe fa ka moo go laeditšwego mo go kholomo ya boraro ka gona.

Thaetlele e kopana le go thoma

93. (1) Molao wo o tla bitšwa Molao wa Bobapadi le Khasino wa Profense ya Leboa, 1996, gomme o tla thoma go šoma ka tšatšikgwedi ye e beilwego ke Leloko le le nago le boikarabelo ka tsebišo ka mo go *Kuranta ya Profense.*

(2) Tšatšikgwedi tše fapanego di ka bewa mabapi le mafelo a a fapanego ka mo go Profense.

ŠETULE

MELAO YE E FEDIŠITŠWEGO GOBA FETOŠITŠWEGO

No. ya Molao	Thaetlele, No. le Ngwaga wa Molao	Bogolo bja phedišo goba phetošo
Molao wa 13 wa 1980	Molao wa Khasino ya Venda, 1980 (Malao wa 13 wa 1980)	Phedišo ka moka

NḌIVHADZO YA VUNDU

OFISI YA PREMIA

No. 15 **29 Ḽara 1996**

Hu khou ḓivhadzwa henefha uri Premia o tendela Mulayo u tevhelaho une wa khou andadziwa uri u divhiwe nga vhoṱhe:—

No. 4 wa 1996: Mulayotibe wa Khasino na u Tamba wa Vundu ḽa Devhula, 1996.

NZUDZANYO YA DZIKHETHEKANYO

1. Dziṱhaṋḓavhudzo.

NDIMA YA 1

Mulayotibe wa Khasino na U tamba wa Vundu ḽa Devhula

2. U Thomiwa ha Bodo ya U Tamba ya Vundu ḽa Devhula.
3. Maaṋḓa na Mishumo ya Bodo.
4. Mbumbo ya Bodo.
5. Pfanelo dza u khethwa sa Muraḓo wa Bodo.
6. Maitele a u Khetha Bodo.
7. Themo ya Ofisi.
8. U guma ha Ofisi na u ḓadzwa ha Zwikhala.
9. Malamba na Magavhelo a Miraḓo ya Bodo.
10. Tshiṱafu tsha Bodo.
11. U Vhonadza na Tshiphiri.
12. Maimo a u fulufhezea nga vhathu vhoṱhe.
13. Tshelede dza Bodo.
14. Vhuimeleli, Odithi na Muvhigo wa Ṅwaha.
15. Miṱangano ya Bodo.
16. Komiti dza Bodo.
17. Maambiwa.
18. Nyambedzano na Bodo.
19. U Khethiwa ha Vhathu.
20. Ṱhoḓisiso nga Bodo.

NDIMA YA 2

U Laisentsa

21. Ndayo na Zwilingano zwa Lushaka.
22. U sa tendelwa ha Laisentsi nga u angaredza.
23. Tshaka dza Laisentsi.
24. Khumbelo.
25. Tshelede dza Khumbelo.
26. Khanedzo.
27. Khumbelo na khanedzo dzi tea u vha khagala uri dzi tolwe nga vhathu.
28. Thodisiso na mivhigo ya mapholisa.
29. Laisentsi dza tshifhinganyana malugana na vhupo vhu songo khunyeledzwaho.
30. Laisentsi dza Khasino.
31. Laisentsi ya u shumisa mitshini ya u tamba.
32. Laisentsi dza fhethu ha mitshini ya u tamba.
33. Laisentsi ya u shumisa Bingo.
34. U Maga, u londota kana Mudisedzi wa Laisentsi.
35. Laisentsi dza sipeshele.
36. U imiswa kana u phumulwa ha Laisentsi.
37. U sudzuluswa na u tuswa ha Laisentsi.

NDIMA YA 3

Maimele

38. Maimele nyangaredzi a Laisentsi.
39. Sisteme ya Vhumonithari ha elektroni ha mitshini ya u gembula.
40. Muingokwawo wa gwama binduni la mufaralaisentsi.
41. U tea ha musizwawe (third party).
42. Ndila dza u gembula.
43. Dzibugu, mbalelano na dzirekhode.
44. Ndango ya u dzhena kha vhuṅwe vhupo.
45. Dzinyandadzo.
46. Khiredithi.
47. Ndayo dza miṅwe mitambo.
48. Thuso kha dzikhasitama.
49. Tshifhinga tsha Laisentsi.
50. Tshelede ya Laisentsi.

51. Ndivhanele dza u ṱana Ḽaisentsi.

52. Ndivhanele dza u bvisa Ḽaisentsi kana Ṱhanziela.

53. Mvusuludzo ya Ḽaisentsi.

54. Mithelo ya u tamba.

55. Mbadelo malugana na khethululo.

NDIMA YA 4

Vhashumeli

56. Ṱhoḓea dza vhaṅwe vhashumeli.

57. Khumbelo ya Ṱhanziela.

58. U sedzwa ha vhahumbeli.

59. U redzhisiṱariwa ha vhashumeli.

60. Tshifhinga tsha Ṱhanziela.

61. U imiswa ha u dzhiwa ha Ṱhanziela.

62. U tholwa hu sa athu u bviswa Ṱhanziela.

63. U thivhela hu no shuma kha vhashumeli.

NDIMA YA 5

Vhaofirisi vha Mapholisa na Vhaingameli

64. Maanḓa a Mapholisa kha u dzhena fhethu ho Ḽaisentseliwaho.

65. U tholwa ha Vhaingameli nga Bodo.

66. Mishumo na Maanḓa a Vhaingameli.

67. U hanelwa u dzhena.

NDIMA YA 6

U ṋea Vhuṱanzi, ṱhoḓisiso na Khaṱhulo

68. Zwiitisi zwa phetho nga vhulaedzwa vhu konaho.

69. Zwiitisi zwa tsedzuluso.

70. Maanḓa hu tshi sedzuluswa.

71. Khwelelo kha Khothe Khulwane.

NDIMA YA 7

Zwa Milayo na Mafhungo a elanaho na Zwenezwo

72. Dzangalelo ḽa zwa tshelede.
73. U litshedza kana u ṱutshela dziṅwe pfanelo, vhuṱalu, mishumo na milandu.
74. Tshumelo ya kuitele.
75. U dzhenelela ha Axennde wa Muvhuso.
76. Mitengo.

NDIMA YA 8

Nyangaredzo

77. Thivhelo malugana na u tamba.
78. Kushumisele ku si kwavhuḓi kha ipfi "khasino".
79. U thivhelwa ha vhaṅwe vhathu u dzhena vhuponi ho ḽaisentsiwaho.
80. Nyiledzo malugana na mumagi, vhuvhambadzi, vhupha ḓaladzi, vhuṱunḓi, zwishandukisi na zwishumiswa.
81. Zwifhuri na zwishumiswa zwifhuri.
82. Ndaṱiso ya vhukhakhi na tshinyalelo.
83. Vhuḓifhinduleli ha u shaya tshenzhemo.
84. Muthelo wa ndaṱiso dza u gembula.
85. Vhukoni ha u ta ndaṱiso.
86. Nyiledzo kha nyito Vunduni dzi elanaho na u gembula nnḓa ha Vundu.
87. Ndayo.
88. Dzindaulo.
89. Mbetshelo dza tshanduko.
90. Mashumiselwe a Mulayo.
91. Zwikolodo zwa u gembula zwi a kombetshedzea.
92. U Phumulwa ha Milayo.
93. Dzina ḽipfufhi na mathomo.

SHEDULU

Milayo yo thuthwaho kana u khwiniswa.

51. Ndivhanele dza u tana Laisentsi.

52. Ndivhanele dza u bvisa Laisentsi kana Thanziela.

53. Mvusuludzo ya Laisentsi.

54. Mithelo ya u tamba.

55. Mbadelo malugana na khethululo.

NDIMA YA 4

Vhashumeli

56. Thodea dza vhaṅwe vhashumeli.

57. Khumbelo ya Thanziela.

58. U sedzwa ha vhahumbeli.

59. U redzhisitariwa ha vhashumeli.

60. Tshifhinga tsha Thanziela.

61. U imiswa ha u dzhiwa ha Thanziela.

62. U tholwa hu sa athu u bviswa Thanziela.

63. U thivhela hu no shuma kha vhashumeli.

NDIMA YA 5

Vhaofirisi vha Mapholisa na Vhaingameli

64. Maanda a Mapholisa kha u dzhena fhethu ho laisentseliwaho.

65. U tholwa ha Vhaingameli nga Bodo.

66. Mishumo na Maanda a Vhaingameli.

67. U hanelwa u dzhena.

NDIMA YA 6

U ṅea Vhutanzi, thodisiso na Khathulo

68. Zwiitisi zwa phetho nga vhulaedzwa vhu konaho.

69. Zwiitisi zwa tsedzuluso.

70. Maanda hu tshi sedzuluswa.

71. Khwelelo kha Khothe Khulwane.

NDIMA YA 7

Zwa Milayo na Mafhungo a elanaho na Zwenezwo

72. Dzangalelo ḽa zwa tshelede.
73. U litshedza kana u ṱutshela dziṅwe pfanelo, vhuṱalu, mishumo na milandu.
74. Tshumelo ya kuitele.
75. U dzhenelela ha Axennde wa Muvhuso.
76. Mitengo.

NDIMA YA 8

Nyangaredzo

77. Thivhelo malugana na u tamba.
78. Kushumisele ku si kwavhuḓi kha ipfi "khasino".
79. U thivhelwa ha vhaṅwe vhathu u dzhena vhuponi ho ḽaisentsiwaho.
80. Nyiledzo malugana na mumagi, vhuvhambadzi, vhupha ḓaladzi, vhuṱunḓi, zwishandukisi na zwishumiswa.
81. Zwifhuri na zwishumiswa zwifhuri.
82. Ndaṱiso ya vhukhakhi na tshinyalelo.
83. Vhuḓifhinduleli ha u shaya tshenzhemo.
84. Muthelo wa ndaṱiso dza u gembula.
85. Vhukoni ha u ta ndaṱiso.
86. Nyiledzo kha nyito Vunduni dzi elanaho na u gembula nnḓa ha Vundu.
87. Ndayo.
88. Dzindaulo.
89. Mbetshelo dza tshanduko.
90. Mashumiselwe a Mulayo.
91. Zwikolodo zwa u gembula zwi a kombetshedzea.
92. U Phumulwa ha Milayo.
93. Dzina ḽipfufhi na mathomo.

SHEDULU

Milayo yo thuthwaho kana u khwiniswa.

MULAYOTIBE WA KHASINO NA U TAMBA WA VUNDU ḽA DEVHULA, 1996

U vhekanyela ndaulo ya dzikhasino na u tamba; na u vhekanyela mafhungo o livhanaho nazwo

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(Tshipiḓa tsha Tshiisimane tsho sainwaho nga Premia)

(Tsho ḓivhadzwa kha nga 28 Ḽara 1996)

HU KHOU VHEWA MULAYO nga vhusimamilayo ha Vundu ḽa Devhula, nga urali:—

Dziṱhaluso

1. Kha hoyu Mulayo nga nnḓa ha musi zwi no ambiwa zwi tshi sumba nga iṅwe ndila—

"Bodo" zwi amba Bodo ya Khasino na u Tamba ya Vundu ḽa Devhula ḽo thimiwaho fhasi ha khethekanyo 2;

"holo ya bingo" zwi amba vhupo vhune mutambo wa bingo wa tambiwa fhasi ha ḽaisentsi ya mutambisi wa bingo;

"hoyu Mulayo" u katela ndaulo kana ndayo dzo itwaho kana dzo bviswaho afha fhasi;

"khasino" zwi amba vhupo ho ḽaisentsiwaho vhune u tamba ha khou itwa khaho fhasi ha ḽaisentsi ya khasino;

"Khorotshitumbe" zwi amba Khorotshitumbe ya Vundu ḽa Devhula;

"ḽaisentsi" zwi amba ḽaisentsi yo bulwaho kha khethakanyo 23;

"Lothari" zwi amba lothari sa zwo ṱaluswaho kha Mulayo wa Lushaka wa Lothari;

"Maanḓa Apo" zwi amba tshiimiswa tsha muvhuso wapo tshifhio na tshifhio sa zwo ṱanḓavhudzwaho kha khethekanyo 1 ya Mulayo wa Muvhuso wa Pfukiso Wapo, 1993 (Mulayo No. 209 wa 1993), na khoro ya Pfukiso ifhio na ifhio yo thomiwaho fhasi ha uyu Mulayo u itaho mishumo ya Muvhuso Wapo hu tshi siedzwa itsho tshiimiswa tsha Muvhuso Wapo;

"mufaraofisi ya zwa politiki" zwi amba muthu o ṱaluswaho kha khethekanyo 190A ya Mulayotewa wa Riphabuliki ya Afrika Tshipembe, 1993 (Mulayo No. 200 wa 1993), na miraḓo ya Khantsele ya Volkstaat na mivhuso yapo na mufaraofisi wa ḽihoro ḽifhio na ḽifhio ḽa Polotiki;

"Mudzulatshidulo" zwi amba muthu o khethwaho sa Mudzulatshidulo hu tshi tevhedzwa khethekanyo 4;

"Mulayotewa" zwi amba Mulayotewa wa Riphabuliki ya Afrika Tshipembe, 1993 (Mulayo No. 200 wa 1993);

"Muofisiri Muhulwane wa Khorotshitumbe" zwi amba Muofisiri Muhulwane wa Khorotshitumbe o khethwaho hu tshi tevhedzwa khethekanyo 10(1)*(a)*;

"Muraḓo a re na vhuḓifhinduleli" zwi amba Muraḓo wa Khorotshitumbe a re na vhuḓifhinduleli ha u shumisa hoyu Mulayo;

"Mutambo wa Khasino" zwi amba mutambo ufhio na ufhio une wa tambiwa nga magaraṱa daisi, mitshini ya u tamba, zwishumisi zwa u tamba kana zwiṅwe zwishumisi zwi shumiswaho u ḓisa mvelelo dza u betsha nga u tou bindula kana tshiṅwe na tshiṅwe kana ndeme (nga nnḓa ha tshifhinga tsha u tamba miṅwe mitambo), hu tshi katelwa, hu sa fhungudzwi vhunzhi ha zwi kha ḓi bva u bulwaho, roulethe, bingo, thwenthi wani, buleke dzheke, chemin de fer na bakarathi, na u sa katela lothari;

"Mutambo wa u gembula" zwi amba mutambo ufhio na ufhio zwi sa londi uri ee kana hai mvelelo yawo yo sokou itea, wo tambiwa nga magaraṱa a u tamba, daisi, mitshini ya u gembula kana zwitambisi zwa u tambela tshelede, ndaka, tsheke, khiredithi kana tshithu tshifhio na tshifhio tsha mutengo (nga nnḓa ha tshifhinga tsha u tamba miṅwe mitambo), ho katelwa, hu sa fhungudzwi vhunzhi ha zwi kha ḓi bva u bulwaho, roulethe, bingo, thwenthi wani, buleke dzheke, chemin de fer na bakarathi, na u sa katela lothari ifhio na ifhio sa zwo ṱaluswaho kha Mulayo wa Lothari, 1995;

"Muṱolambalelano Muhulwane" zwi amba muthu o khethiwaho sa Muṱolambalelano Muhulwame hu tshi tevhedzwa khethekanyo 191(2) ya Mulayotewa;

"mutshini wa u tamba" zwi amba tshishumiswa tshifhio na tshifhio tsha elektroniki, tsho pulanwaho nga vhuronwane kana mutshini une arali wo dzheniswa ḽingwende tshifanyiso tsha ḽingwede kana tshiṅwe tshithu tsho raloho, kana arali ho itwa mbadelo ya vhuhulu vhufhio, wa kona u tamba kana u shuma, u tamba kana u shuma hune, kana nga ṅwambo wa vhukoni ha mushumisi kana u shuma zwi no sokou itea, kana u ṉea pfanelo muthu a khou tambaho kana u shumisa mutshini uri a wane kheshe kana tshiṅwe tshithu tsha mutengo (nga nnḓa ha tshifhinga tsha u tamba miṅwe mitambo);

"Muvhuso" zwi amba Muvhuso wa Vundu ḽa Devhula;

"Nyito ya u tamba" zwi amba nyito ifhio na ifhio i re mulayoni kana nzudzanyo nga nnḓa ha musi zwo randelwa;

"Riphabuliki" zwi amba Riphabuliki ya Afrika Tshipembe sa zwo leadzwaho kha khethekanyo 1 ya Mulayotewa;

"sipikiṱere" zwi amba sipikiṱere o vhewaho fhasi ha khethekanyo 65;

"tshifhinga thsa u tamba miṅwe mitambo" zwi amba tshifhinga tshine tshi nga si kovhee kana tsha sudzuluselwa kha muthu o winaho tshenetsho tshifhinga kana kha muṅwe-vho muthu ufhio na ufhio, kha iṅwe nḓivho ifhio na ifhio nga nnḓa ha u shumisa tshenetsho tshifhinga hu si na u thithiswa kha u ya phanḓa na u tamba lushaka lwa mutambo une malugana nawo tshifhinga tsha vha tsho winiwa, nahone wa katela tshifhinga tshine tshi si konee nga nḓila ifhio na ifhio thwii kana nga u tou mona, uri tshi shandululwe kha tshelede, ndaka, tsheke, khiredeithi kana tshiṅwe tshithu tsha mutengo, kana tsha ri u ralo u shandulwa, hu tshi tevhedzwa tshikimu tshifhio na tshifhio, mbekanyo sisteme, pulane kana tshishumiswa tshine Muraḓo a re na vhuḓifhinduleli tshifhinga nga tshifinga nga nḓivhadzo i re kha *Gazete ya Vundu* a nga bula uri a si tshifhinga tsha u tamba miṅwe mitambo;

"tshiphuga" zwi amba ndaka ifhio na ifhio i sudzuluseaho kana i sa sudzulusei i nga vha tshivhili kana hu si nga tshivhili;

"tshitambisi" zwi amba tshomedzo ifhio na ifhio ya mekheniki kana tshishumiswa tsha elektroniki, tshipiḓa kana mutshini kana mutshini wa u tamba, wo shumiswa nga kule kana thwii malugana na mutambo wa Khasino;

"u Gembula" zwi amba u betsha tshiteiki kha mutambo ufhio na ufhio une mvelelo a dzi na vhuṱanzi u itela mbuelo nahone ndi ipfi nyangaredzi ḽi katelaho dzoṱhe nḓila dza u tamba na u betsha;

"u randela" zwi amba u randela nga ndaulo, naho "u randela" hu na ṱhalutshedzo i anḓanaho;

"u tamba" zwi amba u tamba mutambo ufhio na ufhio wa Khasino;

"Vhulaedzwa vhu konaho" zwi amba Muraḓo a re na vhuḓifhinduleli kana bodo, nga hune zwa nga vha ngaho, nga ane a ḓo ita mushumo ufhio na ufhio hu tshi tevhedzwa hoyu Mulayo;

"Vhupo ho ḽaisentsiwaho" zwi amba itsho tshipiḓa kana zwipiḓa zwa vhupo vhufhio na vhufhio he ha ḽaisentsiwa u itela u gembula zwo tendelwa hu tshi tevhedzwa uyu Mulayo;

"Vhusimamilayo ha Vundu" zwi amba Vhusimamilayo ha Vundu ḽa Devhula sa zwo bulwaho kha khethekanyo 125 ya Mulayotewa;

"Vundu" zwi amba Vundu ḽa Devhula sa zwo laedzwaho kha khethekanyo 124 ya Mulayotewa;

NDIMA YA 1

BODO YA KHASINO NA U TAMBA YA VUNDU ḼA DEVHULA

U Thomiwa ha Bodo ya Khasino na U Tamba ya Vundu ḽa Devhula

2. Afha hu khou thomiwa Bodo i no ḍo ḓihwa nga u pfi Bodo ya Khasino na U Tamba ya Vundu ḽa Devhula ine ya ḍo vha Muthu wa Milayo.

Maanḓa na Mishumo ya Bodo

3. (1) Bodo i ḍo—

(a) shumisa ayo maanḓa na u ita iyo mishumo—

(i) ye ya ṋewa hu tshi tevhedzwa uyu Mulayo;

(ii) ye ya ṋewa hu tshi tevhedzwa muṅwe Mulayo ufhio na ufhio;

(b) eletshedza Muraḍo a re na vhuḓifhinduleli uri a ṋekedze muvhigo kana dzithemendelo nga ha mafhungo afhio na afhio o iswaho kha bodo nga Muraḍo a re na vhuḓifhinduleli uri a lavheleswe nahone zwi tshi bva kha u shumiswa ha uyu Mulayo kana zwi tshi yelana na ndango ya u tamba kha Vundu.

(2) Bodo i nga shumisa ayo maanḓa na u ita mishumo na nḓivhanele hu tshi tevhedzwa uyo mulayo malugana na vhathu na mafhungo kha Vundu ḽo bulwaho sa zwine Bodo ya nga shumisa na u ita kha ḽi Vundu hu tshi tevhedzwa uyu Mulayo, nga khwaṱhisedzo ya Muraḍo a re na vhuḓifhinduleli nahone arali mulayo wa Vundu ḽifhio u tshi nga vhekanyela zwenezwo.

(3) Bodo i nga, nga nnḓani ha tshiṅwe na tshiṅwe tshi fhambanaho ngomu ha muṅwe mulayo, badela malamba kha muthu we a ṋea vhuṱanzi vhu elanaho na uho u pfuka mbekanyelo dza uyu Mulayo.

Mbumbo ya Bodo

4. (1) Miraḍo ya Bodo i ḍo vhewa nga Muraḍo a re na vhuḓifhinduleli nga nyambedzano na Khorotshitumbe, na u ḍo, hu tshi tevhedzwa khethekanyo ṱhukhu 3, vhumbwa nga—

(a) muraḍo muthihi a re na ndalukano dza u ṱanganedzwa uri a shume sa axennde kha Riphabuliki, huno a vha tshifhingaguṱe tsha miṅwaha miṱanu zwayo murahu ha musi o no vha na ndalukano nga u ralo, a shuma sa axennde kana a ita tshumelo i yelanaho na u shumiswa kana u shumisa mulayo;

(b) murado muthihi ane a vha na ndalukano dza mudivhambalenalno o tanzielwaho kha Riphabuliki huno a vha kha tshifhingagute tsha minwaha mitanu zwayo murahu ha musi o no vha na ndalukano nga u ralo a shuma sa mudivhambalelano o tanzielwaho;

(c) murado muthihi, ane nga kuvhonele kwa Murado a re na vhudifhindulelei, a do vha a na thalukanyo ya, na tshenzhemo kha indastiri ya vhuendelamashango;

(d) muthu o imelaho Muhasho wa Ekonomi na Vhuendelamashango kha Vundu, o tiwaho nga Murado a re na Vhudifhinduleli;

(e) muthu o imelaho Muhasho wa Gwama wa Vundu o tiwaho nga Murado wa Khorotshitumbe a re na vhudifhinduleli ha zwa Gwama;

(f) mirado i sa fhiriho mina ane a do vha o vhonwa uri u na ndivho ya bindu kana ndivho ya indastiri ya u gembula kana vhane vha tewa nga u khethwa kha Bodo;

(2) Murado a re na vhudifhinduleli u do khetha Murado sa Mudzulatshidulo, na munwe murado sa Muthusamudzulatshiduolo, wa Bodo.

(3) Muofisiri Muhulwane wa Bodo u do vha *ex officio* murado wa Bodo.

(4) Arali Mudzulatshidulo a siho kana nga zwinwe zwiitisi a tshi kundelwa u shuma sa Mudzulatshidulo, Muthusamudzulatshidulo u do ita mishumo ya Mudzulatshidulo.

U khethea uri u vhewe sa murado wa Bodo

5. (1) Muthu ha nga do vhewa kana a dzula e murado wa Bodo—

(a) nga nnda ha musi e—

(i) muthu-muthu;

(ii) mudzulapo wa Riphabuliki nahone o sokou didzulela hone; huno o fanelwa na u vha muthu o teaho;

(b) arali ene—

(i) a re na dzangalelo thwii kana nga inwe ndila kha—

(aa) nyito ifhio na ifhio ya u gembula; kana

(bb) bindu linwe lifhio na lifhio kana mushumo une wa nga kudana na kushumele kwo teaho kwa mishumo yawe sa murado wa Bodo;

(ii) ndi mufara-ofisi wa politiki;

(iii) ndi murado wa Ndu ya Vharangaphanda vha Mvelele ya Vundu kana Khoro ya Vharangaphanda vha Mvelele;

(iv) ndi mufarakani kana muandanwana wa; kana u vha na vhushaka vhuimoni ha u thoma nga u malelana kana nga u bebwa na muthu o laedzwaho kha phara *(b)*(i) kana (ii);

(v) e mukundwandifo o kundwaho tshothe;

(vi) o vhuya nga tshifhinga tshifhio na tshifhio a tuswa ofisini ya vhufhulufhedzei nga ṅwambo wa vhukhakhi;

(vii) o vhuya nga tshifhinga tshifhio na tshifhio a wanwa mulandu, hu di nga kha Riphabuliki kana huṅwe-vho—

(aa) wa vhuvhava, vhukwila, vhuṅwalatswa kana u bveledza na u shumisa liṅwalo la vhuṅwalatswa, nganelamafhanza, vhukhakhi fhasi ha Mulayo wa Vhuada, 1992 (Mulayo No. 94 wa 1992), kana vhukhakhi vhufhio na vhufhio vhu kwamaho u sa fhulufhedzea; kana

(bb) wa vhukhakhi fhasi ha hoyu Mulayo kana muṅwe-vho mulayo wo raloho; kana

(viii) nga nnda ha musi murado wa Bodo o laedzwaho kha khethekanyo 4(1)*(d)* na *(e);* e mushumeli wa Muvhuso.

(2) *(a)* Arali murado ufhio na ufhio wa Bodo tshifhingani tsha theme yawe ya ofisi a pfi ha koni hu tshi tevhedzwa khethekanyothukhu (1) kana a wana, kana we murado wa muta wa hone a wana dzangalelo line la nga vha dzangalelo sa zwo sedzwaho kha khethekanyothukhu (1)*(b)*(i)(ii) ene nga u tavhanya nga afho hune zwa konea ngaho nga murahu ha musi o no pfi ha koni kana nga murahu ha u swikela kha dzangalelo lenelo, kana ene o no vha na nzhele na uhu vhutanzi u do bula eneo mafhungo kha Murado o livhanaho na zwenezwo nga luṅwalo.

(b) Arali murado a re na vhudifhinduleli, nga murahu ha u wana vhutanzi kha murado wa Bodo sa zwo laedzwaho kha phara *(a)* a na muhumbulo wauri uyo murado ha koni hu tshi tevhedzwa khethekanyo (1) a di dzula e murado wa Bodo, ene u do, hu tshi tevhedzwa khethekanyo 8(2), guma u vha kha ofisi ya uyo murado hu tshi tevhedzwa khethekanyo 8(1)*(b)*.

Kuitele kwa u vhea Bodo

6. (1) Mirado ya Bodo yo bulwaho kha khethekanyo 4(1)*(a)*, *(b)*, *(c)* na *(f)* a i nga do vhewa nga nnda ha musi Murado a re na vhudifhinduleli malugana na mafhungo o raloho a ramba zwigwada zwi re na dzangalelo nga nyandadzamafhungo nga ndivhadzo kha *Gazete ya Vundu*

a nanga vhonkhetheni hu songo fhela maḓuvha a 21 tshe thambo ya itwa kha nyanḓadzamafhungo na u anḓadzwa ha yeneyo nḓivhadzo uri i sedzwe nga Muraḓo o livhanaho nazwo: Tenda ha vha na uri thambo ya nyanḓadzamafhungo i ḓo katela thambo kha nyusiphepha nthihi zwayo i monaho kha Vundu.

(2) Phanḓa ha musi muthu a tshi vhewa sa muraḓo wa Bodo, u ḓo swikisa kha Muraḓo a re na vhuḓifhinduleli tshitatimnende tsho ṅwalwaho kana muano hune khatsho a bula madzangalelo awe a zwa tshelede na uri kana u na madzangalelo afhio na afhio ṱa zwo sedzwaho kha khethekanyo 5(1)*(b)*(i).

(3) *(a)* Muraḓo wa Bodo ha nga ḓo khethiwa nga nnḓa ha musi muraḓo a re na vhuḓifhinduleli o, maḓuvha a mahumi mararu fhedzi phanḓa ha u tholwa ha miraḓo ya Bodo nahone nga nḓila yo laedzwaho kha khethekanyoṱhukhu (1), anḓadza madzina a vhathu vhoṱhe vho nangiwaho kha khetho ya Bodo na madzina a vhathu vhane ene a lavhelela u vha khetha sa miraḓo ya Bodo na deithi ine u tholwa ha khou lavhelelwa u itwa ngayo.

(b) Muthu ufhio na ufhio ane a khou ṱoḓa u hanedza u vhewa ha muthu ufhio na ufhio kha Bodo, a nga, hu sa athu fhela maḓuvha a 14 phanḓa ha deithi ine u vhewa ha miraḓo ya Bodo ya khou lavhelelwa u itwa, i sa kha muraḓo a re na vhuḓifhinduleli nga a tou ṅwala khanedzo yawe a tshi khou bula zwiitisi, uya nga ha uyo muthu, a vhona uyo muthu ane a ṱoḓa u vhewa a songo tea, u vhewa sa muraḓo wa Bodo.

Theme ya ofisi

7. Muraḓo wa Bodo, hu tshi tevhedzwa khethekanyo 8, u ḓo fara ofisi tshifhinga tshenetsho, tshi sa fhiriho miṅwaha miraru nga afho hune Muraḓo a re na vhuḓifhinduleli a nga ta tshifhingani tsha u vhewa hawe, u ḓo vha na pfanelo dza u vhewa hafhu musi theme ya ofisi yawe yo guma.

U Guma ha Ofisi na u ḓadzwa ha Zwikhala

8. (1) Muraḓo a re na vhuḓifhinduleli u ḓo ri nga murahu ha musi o no ṋea muraḓo tshifhinga tsha u vhiga mbilahelo dzawe tshifhinga tshifhio na tshifhio a fhelisa theme ya ofisi ya muraḓo ufhio na ufhio arali—

(a) hu na zwiitisi zwi pfalaho zwa u ita nga uralo zwi kha dzangalelo ḽa Bodo na nḓualo yavhuḓi na ndango ya u gembula;

(b) o pfi ha koni a dzula e muraḓo wa Bodo hu tshi tevhedzwa khethekanyo 5(1); kana

(c) o fhidza miṱangano i fhiraho mivhili ya Bodo nga u tevhekana hu songo thoma u wanala thendelo kha mudzulaphanḓa.

(2) Arali murado a re na vhudifhinduleli a fhelisa ofisi ya murado wa Bodo fhasi kha khethekanyo thukhu (1), ene u do dzumbulula uho u fheliswa nga ndila ya ndivhadzo kha *Gazete ya Vundu* vhukatini ha maduvha a 14 murahu ha uho u fheliswa.

(3) Murado a fulufhedzeaho, hu tshi tevhedzwa khethekanyo 5, 6, na 7 u do dadza tshikhala tshine tsha nga sokou bvelela tshifhinga tshenetsho tshi sa fhiriho miṅwaha miraru nga afho hune Murado a fuludzeaho a nga ta tshifhingani tsha u vhewa hawe.

Malamba na Magavhelo a Murado ya Bodo

9. (1) Murado ya Bodo kana vhathu vho kwamiwaho kana vho nangiwaho hu tshi tevhedzwa khethekanyo 18 na 19 vhane vha si vhe kha tshumelo yo fhelelaho ya Muvhuso kana ya Vundu, vha nga badelwa malamba aneo na magavhelo malugana na mishumo yavho a tshi bva kha tshelede dza Bodo nga hune zwa nga tiwa nga Murado a fulufhedzeaho ho no itwa nyambedzano na Murado wa Khorotshitumbe a re na vhudifhinduleli kha Gwama.

(2) Malamba na magavhelo a murado ya Bodo a nga fhambana zwi tshi ya nga u fhambana ha ofisi dzo farwaho nga vhone kana mishumo yo fhambanaho i itwaho nga vhone.

Tshitafu tsha Bodo

10. (1) Bodo i do, kha u shumisa maanda ayo na u shumiwa ha mishumo yayo fhasi ha uyu Mulayo, i do thuswa nga—

(a) hu tshi tevhedzwa khethekanyo 5(1)*(a)*(i) na (iii) na 5(1)*(b)*, muthu o teaho a re na ndalukano na tshenzhemo sa muofisiri muhulwane wa mushumo, o vhewa nga murado a re na vhudifhinduleli hu na vhukwamani na Bodo kana o tou sekondiwa hu tshi tevhedzwa khethekanyo thukhu (3), u itela u thusa Bodo kha u ita yothe mishumo ya Gwama, zwa ndaulo na vhudifhinduleli ha vhuṅwali vhu yelanaho na mishumo ya Bodo, malugana na zwenezwo a do vha na vhudifhinduleli kha Bodo; na

(b) tshitafu tshenetsho, tsho vhewaho nga Bodo kana tsho sekondiwaho hu tshi tevhedzwa khethekanyo thukhu (3) nga hune zwa nga todea u ita uri Bodo i kone u ita mishumo yayo: Tenda ha vha na uri muthu ha nga do vhewa nga Bodo hu tshi tevhedzwa iyi phara kana u dzula e murado wa tshitafu tsha Bodo arali ene o tewa nga u thuthwa hufhio na hufhio sa zwo laedzwaho kha khethekanyo 5(1)*(b)*.

(2) Muthu o vhewaho nga Bodo hu tshi tevhedzwa khethekanyo thukhu (1) u do badelwa aneo malamba na magavhelo a tshi bva kha tshelede dza Bodo, nahone u do wana dzenedzo dziṅwe thakho dza mushumo na u vhewa nga maitele na maimele na zwifhinga zwenezwo nga afho hune Bodo ya nga ta.

(3) Bodo i nga, kana u shumisa maada ayo na u itwa ha mishumo yayo, nga khumbelo yayo nga murahu ha u kwamana na Ndaulo ya Vundu, thuswa nga vhaofisiri vha iyo Ndaulo ya Vundu vho sekondiwaho kha tshumelo ya Bodo hu tshi tevhedzwa mulayo ufhio na ufhio u laulaho uho u sekondiwa.

(b) Mushumo ufhio na ufhio wa u ruma wo itwaho nga u ralo kana maanda a u rumela o shumiswaho nga u ralo a do sedzwa sa o itwaho nga Bodo.

U Vhonadza na Tshiphiri

11. (1) Bodo i do, hu tshi tevhedzwa khethekanyo thukhu (2), shuma nga ndila i vhonadzaho na yo vuleaho.

(2) A huna Murado wa Bodo kana wa tshitafu tsha Bodo, kana muthu o laedzwaho kha khethekanyo 18 na 19 nahone a huna sipikitere ane, nga nndani ha nga ndaela ya Khothe ya Mulayo, a ambulula—

(a) liṅwalo la vhutanzi lifhio kana ndaula ya muthu ufhio na ufhio kana zwa phundiswa sa zwi leadzwaho kha khethekanyo 27(2);

(b) liṅwalo lifhio na lifhio kana vhutanzi, he ha newa Bodo nga maanda afhio na afhio a kombetshedzaho kana a laulaho mulayo nga maimele a tshiphiri.

Maimo a u fulufhedzea nga vhathu vhothe

12. (1) U itela u khwathisa vhudilangi na vhufhulufhedzei ha Bodo—

(a) murado wa Bodo kana wa Tshitafu tsha Bodo a u nga do—

(i) nga nnda ha malamba afhio na afhio ane a tanganedzwa nga maanda a ofisi ye a i fara, a tanganedza thwii kana nga ndila yo dzumbamaho tshithu tshiṅwe na tshiṅwe tsha ndeme u bva kha muthu ufhio na ufhio zwine zwa nga kudana kana u dzhenelelana na kushumele kwao kwa mushumo wawe kana u bindula nga maṅwe maitele afhio na afhio u bva kha ofisi ye a fara;

(ii) shele mulenzhe kha u gembula kha Vundu: Tenda uyu muthu a nga shela mulenzhe kha uho u gembula arali zwi zwa ndeme kha u ita mushumo fhasi ha uyu Mulayo;

(iii) murado kana murado wa kale wa Bodo a u nga do humbela kana u tanganedza mushumo kha mufaralaisentsi kana muhumbeli wa laisentshi hu tshi tevhedzwa uyu Mulayo tshifhingani tsha ṅwaha muthihi murahu ha u gumiswa ha ofisi ya onoyo murado wa Bodo, nga phanda ha u thoma u wana thendelo ya Bodo;

(b) murado wa Bodo kana wa tshitafu tsha Bodo, a sa athu thoma u shumisa maanda a ofisi yawe u do ita muano wo kana a ita khwathiso sa zwo tiwaho nga murado a re na vhudifhinduleli.

(2) Mbekanyelo dza khethekanyo thukhu 1*(a)* na *(b)* dzi do shuma *mutatis mutandis* malugana na Murado a re na vhudifhinduleli.

(3) *(a)* Murado wa Bodo ha nga do vouta, dzhenela kana nga inwe ndila ifhio na ifhio u shela mulenzhe kha zwiitwa mutanganoni ufhio na ufhio kana dzulo la Bodo arali, zwi elenaho na mafhungo afhio na afhio phanda ha Bodo—

(i) ene kana murado wa muta wawe wa tsini vho bulwaho kha khethekanyo 5(1)*(b)*(iii), murafakani kana nyandano ya bindu e murado thwii kana mufarakani wa, kana o vha, dzangalelo la u laula kana tshikwama tshifhio na tshifhio kana linwe dzangalelo kha, bindu la muhumbeli kana muthu ufhio na ufhio o itaho vhuimeleli malugana na muhumbeli wa laisentsi; kana

(ii) ene u na dzangalelo lifhio na lifhio li thivhelaho ene kha u ita mishumo yawe sa murado wa Bodo nga ndila i si ya vhudi, ya tshitalula nahone i songo daho.

(b) Aralia kha tshinwe tshiga tshifhingani tsha zwiitwa phanda ha Bodo ha vhonala uri murado wa Bodo u na kana a nga vha na dzangalelo lo bulwaho kha phara *(a)*—

(i) uri murado u do ri nga u bonya ha lito na nga vhudalo a bvisela khagala dzangalelo lawe a tutshela mutangano kana dzulo u itela uri mirado ya Bodo yo salaho i rere mafhungo na u ta uri kana uyo murado u khou thivhelwa u dzhenela zwiitwa kha uyo mutangano kana dzulo nga zwiitisi zwa khudano ya dzangelelo; na

(ii) uho u ambululwa na phetho yo dzhiiwaho nga mirado yo salaho malugana na uho u tiwa, zwi do rekhodiwa kha maambiwa a zwiitwa zwenezwo.

(c) Arali murado wa Bodo a kundelwa u ambulula dzangalelo lifhio na lifhio lo laedzwaho kha phara *(a)* kana arali, u vha na ilo dzangalelo, ene a dzhenela kana a shela mulenzhe nga ndila ifhio na ifhio kha zwiitwa mutanganoni kana dzulo lenelo zwiitwa zwenezwo zwi do dzhiiwa zwi si tshithu: Tenda ha vha uri a huna phetho hu tshi tevhedzwa uyu Mulayo u elanaho na u nea, khwinisa, vusuludza, fhirisa, imisa, thutha, kana u vhiswa ha laisetsi kana u redzhisitara, kana u sudzuluswa ha bindu lo laisentsiwaho u iswa kha vhunwe vhupo vhuswa a zwi nga do dzhiwa zwi zwa ndeme.

Tshelede dza Bodo

13. (1) Tshelede dza Bodo dzi ḓo vhumbwa nga—

(a) tshelede yo dzhiwaho nga Vhusimamilayo ha Vundu, u itela uyo muhumbulo;

(b) tshelede ifhio na ifhio i badelwaho kha Bodo hu tshi tevhedzwa uyu mulayo; na

(c) iṅwe tshelede yo badelwaho lwa mulayo kha Bodo.

(2) Bodo kha ṅwaha wa muvhalelano muṅwe na muṅwe nga tshifhinga tsho tiwaho nga Muraḓo a fulufhedzeaho, i ḓo swikisa tshitatimennde tsha mbuelo yo gaganywaho na zwibviswa zwa Bodo zwa ṅwaha wa muvhalelano u ḓaho uri a zwi tendele.

(3) Bodo kha ṅwaha wa muvhalelano ufhio na ufhio i nga swikisa zwitatimennde zwa u engedza zwa zwibviswa zwo gaganywaho zwa Bodo zwa ṅwaha wa muvhalelelano wonoyo kha Muraḓo a fulufhedzeaho uri a zwi tendele: Tenda ha vha na uri u tendela honoho a hu nga vhi hone nga nyambedzano na Muraḓo a re na vhuḓifhinduleli kha zwa Gwama.

Vhuimeli, Odithi na muvhigo wa ṅwaha

14. (1) Muofisi muhululwane wa mishumo u ḓo—

(a) hweswa vhuḓifhinduleli ha u imela tshelede yo ṱanganedzwaho kana yo badelwaho Bodo kana nga ṅwambo wa Bodo; na

(b) u itisa uri hu vhe na u vhalelana ho fanelaho na uri rekhode dzi yelanaho na zwenezwo dzi vhe hone.

(2) Rekhode dzo bulwaho kha khethekanyo ṱhukhu 91*(b)* dzi ḓo odithiwa nga Oditha Muhulwane.

(3) Bodo i ḓo—

(a) vhika kha Muraḓo a re na vhuḓifhinduleli luthihi zwalwo nga ṅwaha nga ha mishumo yayo, onoyo Muraḓo a re na vhuḓifhinduleli u fanela u vhona uri wonoyo muvhigo hu tshi katelwa na zwitatamennde zwa ṅwaha zwa Gwama zwa Bodo zwi dzheniswe kha Mutevhe wa Vhusimamilayo ha Vundu Nga u ṱavhanya; na

(b) u swikisa muvhigo wo ambiwaho kha Phara *(a)* kha maanḓa o teaho a u gembula a Lushaka o thomiwaho hu tshi tevhedzwa Mulayo wa u gembula wa Lukshaka, fhasi ha khethekanyo 126(3) ya Mulayotewa, hu sa athu fhela maḓuvha a 14 musi yo no ḓisedzwa kha Muraḓo a re na vhuḓifhinduleli.

Mitangano ya Bodo

15. (1) *(a)* Mutangano wa u thoma wa Bodo u do farwa nga tshifhinga na fhethu ho tiwaho nga Mudzulatshidulo, nahone nga murahu Bodo i do tangana nga itsho tshifhinga na afho fhethu sa zwine Bodo ya nga ta tshifhinga u itela u shuma mishumo yayo nga u tavhanya: Tenda Bodo i tshi do tangana luraru zwalwo nga ṅwaha.

(b) Mudzulatshidulo a nga ri tshifhinga tshiṅwe na tshiṅwe nga ndivhadzo i pfalaho a vhidza mutangano u si wa nga misi wa Bodo wa do farwa fhethu na tshifhinga zwo tiwaho nga ene: Tenda hu sa do vha na pfano hu tshi tevhedzwa uyu Mulayo i elanaho na u fha, khwinisa, vusuludzwa, fhirisa, bviswa, imiswa kana u thuthwa ha laisentsi kana Thanziela, ya do swikelwa kha mutangano u si wa nga misi.

(2) Zwiitwa mutanganoni wa Bodo zwi do, sa vhunga zwi sa athu randelwa, tiwa nga Bodo.

(3) Khoramu ya mutangano wa Bodo i do vha mirado mitanu na muthihi ifhio na ifhio ya Bodo.

(4) Mbofho ya Bodo i do dzhiiwa nga vhunzhi ha dzivouthu dza mirado i re hone mutanganoni wa Bodo.

(5) A huna mbofho ya Bodo ine ya sa do vha na ndeme nga tshiitisi fhedzi tsha uri hu na tshikhala kha Bodo kana uri muṅwe muthu a songo tewaho u dzula sa murado, o dzula sa murado wa Bodo musi mbofho i khou dzhiiwa:

Tenda ha vha uri mbofho yo dzhiiwa nga vhunzhi ha murado vhu todeaho ha Bodo he ha vha hone nahone vho tea u dzula sa murado ya Bodo.

(6) Mutangano ufhio na ufhio wa Bodo wo vhidzelwaho uri—

(a) hu pfiwe vhuimeleli kana khanedzo malugana na khumbelo ifhio na ifhio ya laisentsi yo itwaho hu tshi tevhedzwa uyu Mulayo, i do swikelela kha vhathu: Tenda Mudzulatshidulo a nga ri nga maanda awe nahone arali Bodo i na muhumbulo wa uri muthu ufhio na ufhio a re hone ha khou todiwa mutanganoni u kwameaho, sumbedza uri muthu uyo a songo dzhenela mutangano kana u do tutshela mutangano; na

(b) mahumbulwa hu na muhumbulo wa u dzhiya phetho na u vouta henefho malugana na mafhungo afhio na afhio mutanganoni, zwi do itea tshiphirini.

Komiti dza Bodo

16. (1) Bodo, tshifhinga tshiṅwe, i nga khetha komiti ya u ita mishumo ye ya i newa na u shumisa maanda o ambadzwaho Bodo.

(2) Komiti i itwa nga—

(a) yeneyo murado ya Bodo ya nga ita; kana

(b) yeneyo mirado ya Bodo ya nga ita na vhaṅwe vhathu vhane vha nga nangiwa nga Bodo hu tshi tevhedzwa khethekanyo 19.

(3) Bodo i fanela u ta mudzulaphanda wa komiti.

(4) *(a)* Komiti i fanela u ita mishumo yayo na u shumisa maanda ayo hu tshi tevhedzwa zwiitiwa zwa hoyu mulayo na ndaela dza Bodo dzine dza sa kudane na hezwi zwitiwa.

(b) Mushumo ufhio na ufhio wo itwaho nga ndaela kana maanda o shumiswaho zwo tendelwa zwi do dzhiwa hu tshi tevhedzwa khethekanyo 10(4)*(a)* zwo itwa nga Bodo.

Maambiwa

17. (1) *(a)* Maambiwa a kuitele kwo ambwaho kha khethekanyo 16(6)*(a)* a mutangano muṅwe na muṅwe a fanela u vhulungwa na u vhewa ofisini dza Bodo.

(b) Muthu ufhio na ufhio a nga di ṅewa kopi dza maambiwa o ambiwaho kha phara *(a)* kana tshipida tshifhio na tshifhio tsha hone o badela tshelede yo randelwaho.

(2) *(a)* Maambiwa a re thungo a kuitele kwo ambiwaho kha khethekanyo 15(6)*(b)* a mutangano muṅwe na muṅwe wa Bodo a fanela u vhulungwa na u vhewa nga ndila i fanaho.

(b) Maambiwa o ambiwaho kha phara *(a)* kana liṅwalo lifhio na lifhio line la vha na ngeletshedzo ifhio na ifhio, muvhigo kana themendelo ya Bodo, a lo ngo fanela u vhoniwa, nga nnda ha—

(i) murado a re na vhudifhinduleli;

(ii) muthu ufhio na ufhio ane a li todela u ita mishumo yawe hu tshi tevhedzwa hoyu Mulayo; kana

(iii) muṅwe muthu vho—

(aa) o wana thendelo ya Bodo; kana

(bb) hu tshi tevhedzwa ndaela ya khothe i no kona kana fhasi ha mulayo ufhio na ufhio.

Nyambedzano na Bodo

18. (1) Bodo i nga ita nyambedzano na muthu ufhio na ufhio, dzangano kana tshiimiswa nga ha mafhungo afhio na afhio ane a dzhiwa o tea nga Bodo u iteala Bodo i shumise maanda ayo na u ita mishumo yayo.

(2) Magavhelo na malamba zwo tiwaho nga Bodo hu tshi tevhedzwa khethekanyo 9(1), arali muthu uyo o kwamiwaho zwi tshi do wanala kha thendelo yo tou ṅwalwaho zwa tendelanwa u itela uyo muhumbulo vhukatini ha Bodo na muthu uyo o kwamiwaho.

U khethiwa ha vhathu

19. (1) Arali Bodo i tshi humbula uri muṅwe muthu a nga kona u thusa Bodo nga u lavhelesa zwiṅwe-vho, i nga khetha onoyo muthu uri a ite zwenezwo.

(2) Muthu o khethiwaho nga yeneyo ndila a nga si tendelwe u vouta mutanganoni ufhio na ufhio wa Bodo, kana kha komiti ya Bodo.

(3) Mbekanyelo dza khethekanyo 18(2) dzi do shuma *mutatis mutandis* malugana na uyo muthu o khethiwaho.

Thodisiso nga Bodo

20. (1) Bodo, hu tshi tevhedzwa hei khethekanyo, i nga ita thodisiso kha mafhungo afhio na afhio ane a wela fhasi ha mishumo yayo.

(2) U itela thodisiso ifhio na ifhio hu tshi tevhedzwa khethekanyo thukhu (1), Bodo, nga ndivhadzo yo tou ṅwalwaho, i nga vhidza muthu ufhio na ufhio ane a nga kwamiwa kha u lavheleswa ha zwiṅwe-vho nga Bodo, uri a de phanda ha Bodo—

(a) uri a nee vhutanzi; kana

(b) uri a bvise bugu ifhio na ifhio, liṅwalo kana tshithu tshine a vha natsho kana tshine tsha laulwa ngae nahone tshine, nga kuhumbulele kwa Bodo tsha nga vha tshi na vhushaka na zwine ya khou zwi lavhelesa:

Tenda kha thodisiso ifhio na ifhio ine ya itwa nga Bodo, muthu ane a khou ita khumbelo ya laisentsi kana phiriso kana u tuswa ha laisentsi hu tshi tevhedzwa uyu Mulayo, kana muthu ufhio na ufhio ane a khou hanedza u fhiwa ha iyo khumbelo, kana muthu ane a vha ene a khou itelwa thodisiso sa zwine zwa nga vha zwone, u do, arali ene a humbela, tewa nga u divhonadza phanda ha Bodo na u vhidza dzithanzi.

(3) Muthu o tanganedzaho ndivhadzo hu tshi tevhedzwa khethekanyo thukhu (2), u fanela u tou da phanda ha Bodo nga deithi na tsifhinga tsho tiwaho nga ndivhadzo nahone fhethu ho tiwaho:

Tenda hu uri hoyo muthu ha na ndivho ya zwa milayo ine ya nga ita uri a de phanda ha Bodo, muthu ufhio na ufhio ane a dzhiwa e na ndivho ya zwa milayo a nga di mu imela kana muthu ufhio na ufhio o tendelwaho nga Bodo a nga di mu imela.

(4) Mbekanyelo dza khethekanyo thukhu (3) dzi do shuma *mutatis mutandis* kha dzangano lifhio kana tshiimiswa.

(5) Bodo i nga di vhidza na u vhudzisesa muthu ufhio na ufhio a re hone kha thodiseso, a nga vha o vhidziwa kana a songo vhidziwa u da kha thodiseso i re fhasi ha khethekanyo thukhu (2), nahone i nga di tolela na u dzhia bugu ifhio na ifhio, liṅwalo kana tshithu tshifhinga tshi pfadzaho, arali ho pfi i bve fhasi ha yeneyo khethekanyo thukhu.

(6) Bodo i nga di humbela muthu ufhio na ufhio o daho phanda hayo kha thodisiso yo ambiwaho kha khethekanyo thukhu (1) uri a nee vhutanzi hawe o aniswa kana ho khwathisedzwa, na uri murado wa Bodo, o dzulaho phanda kha thodisiso a nga mu anisa kana a tanganedza khwathisedzo i no bva kha onoyo muthu.

(7) Mulayo une wa amba nga ha vhutalu vhune ha shumiswa kha muthu o vhidzwaho uri a nee vhutanzi kana a bvisa bugu ifhio na ifhio, linwalo kana tsithu phanda ha khothe ya mulayo u do shuma zwi tshi elana na u vhudziseswa ha onoyo muthu kana u bviswa ha bugu ifhio na ifhio, linwalo kana tshithu fhasi ha khethekanyo thukhu (2) kana (5).

(8) Muthu ufhio na ufhio ane a da phanda ha Bodo a tshi itela thodisiso, u na thendelo ya u imelwa nga muimeli wawe wa mulayo.

NDIMA YA 2

U LAISENTSA

Ndayo dza lushaka na zwilinganyo

21. A huna ine ya do tendelwa nga fhasi ha Mulayo uyu nga nda ha musi Bodo yo dzhia nzhele kha—

(a) mbekanyelo dza khethekanyo 126(3) dza Mulayotewa; na

(b) themendelo arali dzi hone, dzo itwaho nga vhulaedzwa ha u gembula ha lushaka ho teaho ho thomiwaho hu tshi tevhedzwa mulayo wa u gembula wa lushaka fhasi ha khethekanyo 126(3) ya Mulayotewa.

22. (1) Laisentsi a i nga do tendelwa kha muthu ufhio na ufhio ho katelwa na muthu a divhaho zwa milayo—

(a) nga nnda ha musi muthu—

(i) o tea na u vha mutho o fanelwaho;

(ii) e wa mikhwa ya vhudi na u fulufhedzea nahone we zwiito zwawe zwa kale, vhuvha, mikhwa na vhushaka zwi si dise tshushedzo kha dzangalelo la vhathu; na

(iii) u vha o imaho zwavhudi kha tshelede;

(b) arali muthu—

(i) o kundelwaho tshothe u lifha milandu yawe;

(ii) e mufaraofisi ya zwa politiki;

(iii) a na vhushaka na murado a re na vhudifhinduleli kana murado wa Bodo a re tsini-tsini nga nzeo kana tshibebano;

(iv) muthu a wana khangwelo na u farelana nga fhedzi kha vhukhakhi he nga inwe ndila ha vha hu tshi nga kundisa onoyo muthu u fara laisentsi;

(v) e mutuku nga deithi ya u sedza khumbelo i kwameaho kana;

(vi) e mushumoni wa zhendedzi li shumisaho mulayo lwa tshiofisi, ho katelwa Tshumelo dza Mapholisa a Afrika Tshipembe;

(vii) e mudzekani na muthu o humbulwaho kha phara thukhu (i) (ii) (iv) kana (vi);

(c) nga nnda na musi yo fushea uri—

(i) muvhuso, dzangano lifhio na lifhio line Muvhuso wa kwamea nga halo, lihoro la politiki kana muofisi ufhio na ufhio wa lihoro la politiki a li na dzangalelo la zwa tshelede kha bindu la u gembula la muhumbeli kana fhethu hune khasino ya tea u tshimbidzwa hone: Tenda ha vha na uri heyi phara a i nga shumi malugana na dzangalelo la tshelede lifhio na lifhio lo farwaho nga Muvhuso kana lenelo dzangalelo mathomoni a uyu Mulayo;

(ii) u tendelwa ha yeneyo laisentsi zwi sa itisi u vha hone kana u nanisa mukovhe wa makete wa bindelela;

(iii) u tendelwa ha yeneyo laisentsi a hu nga do bveledza u thomiwa ha indastrii ya u gembula yo hulaho lu songo daho kha Vundu ho sedzwa tshivhalo tsha vhathu vha Vundu na maimo avho a zwa tshelede na tshivhalo tsha dzilaisentsi dzo no tendelwaho hu tshi tevhedzwa uyu Mulayo kana mulayo munwe-vho ufhio na ufhio.

(2) Arali muthu ane hu tshi tevhedzwa khethekanyo thukhu (1) o landulwa u fara laisentsi—

(a) a vha na dzangalelo la zwa tshelede thwii kana nga inwe ndila la phesente thanu kana u fhira kha khamphani, koporasi yo khaulelwaho, vhufarakani, thirasiti kana tshinwe tshigwada-vho tsha tsho vhumbanaho;

(b) ndi muthakhiwa fhasi ha thirasiti ane a tanganedza kana a vha na pfanelo dza u fhira phesente thanu dza zwibveledzwa kana ndaka ya thirasiti; kana

(c) ndi mulangi wa khamphani, koporasi yo khaulelwaho, thirasiti, vhufarakani kana tshigwada tsho vhumbanaho,

khamphani, yeneyo, koporasi yo khaulelwaho, thirasiti, vhufarekani kana tshigwada tsho vhumbanaho a tshi nga do tendelwaho u fara laisentsi: Tenda ha vha na uri muhumbeli phanda ha u hanelwa a newe tshifhinga tshi divhaleaho tsha u lulamisa zwiitisi zwa u hanelwa.

(3) Kha u shumisa khethekanyo ṱhukhu (1)*(b)*(iv), "phanḓa ha" zwi amba phanḓa ha deithi ya yeneyo khumbelo.

Tshaka dza dziḽaisentsi

23. (1) Bodo, hu tshi tevhedzwa mbekanyelo dza uyu Mulayo i nga tendela ḽaisentsi dzi tevhelaho malugana na u gembula, sa—

(a) ḽaisentsi dza khasino;

(b) ḽaisentsi dza vhashumisi vha mitshini ya u gembula;

(c) ḽaisentsi dza vhupo ha mitshini ya u gembula;

(d) ḽaisentsi dza vhatshimbidzi vha bingo;

(e) ḽaisentsi dza vhamagi, vhalondoti kana vhaḓisedzi.

(2) Ḽaisentsi ifhio na ifhio yo bulwaho kha khethekanyo ṱhukhu (1) i ḓo vha nga luṅwalo.

(3) Ḽaisentsi i ṋea mufari wayo dzenedzo thendelo na vhuṱalu na u mu vhea fhasi ha dzenedzo khwalo na milandu dzine nga maanḓa a hoyu Mulayo dza laulwa ngawo kana dza bva kha u vha nayo.

(4) Tshivhalogumo tsha lushaka lufhio na lufhio lwa dziḽaisentsi dzine dza nga tendelwa nga Bodo dzi nga randelwa: Tenda ha vha na uri tshivhalogumo tsha dziḽaisentsi dzine dza nga tendelwa nga Bodo dzi randelwa tshifhinga tshifhio na tshifhio tsho bulwaho.

Khumbelo

24. Muthu ufhio na ufhio a nga humbela ḽaisentsi yo bulwaho kha khethekanyo 23: Tenda ha vha na uri—

(a) muthu ufhio na ufhio we khumbelo yawe ya hanelwa nga zwiitisi zwifhio na zwifhio zwo bulwaho kha khethekanyo 22, kana we ḽaisentsi yawe ya thuthwa nga zwiitisi zwifhio na zwifhio zwo bulwaho kha khethekanyo 36 vha si dovhe vha humbela ḽaisentsi hu sathu fhela miṅwedzu ya 12 u bva kha deithi ya khanelo yeneyo kana u thuthwa honoho na uri muthu a re na muingatewa thwii kana muingatewa zwawo wa phesenthe ṱhanu kana u fhira kha bindu kana vhupo ha muhumbeli kana mufara ḽaisentsi a si humbele ḽaisentsi hu sathu fhela miṅwedzi ya 12 u bva kha deithi ya khanelo yeneyo kana u thuthwa honoho arali onoyo muthu o vha tshivhangi thwii kana tshivhangi vhukuma tsha khanelo yeneyo kana uthuthwa honoho; na

(b) muthu ufhio we khumbelo yawe ya hanelwa u fhira luvhili nga zwiitisi zwifhio na zwifhio zwo bulwaho kha khethekanyo 22, kana we ḽaisentsi yawe ya thuthwa u fhirisa luthihi nga zwiitisi zwo bulwaho kha khethekanyo 36, a nga humbela hafhu ḽaisentsi kha miṅwaha miraru u bva kha deithi ya u landulwa ha zwenezwino kana u thuthwa, huno muthu ufhio na ufhio a re na dzangalelo thwii kana nga iṅwe ndila ḽa phesente thanu kana u fhira kha bindu kana vhupo ha onoyo muhumbeli kana ḽaisentsi, a nga si humbele ḽaisentsi kha miṅwaha miraru u bva kha deithi ya u landulwa ha zwenezwino kana u thuthwa, arali onoyo muthu o vha tshiitisi thwii kana nga iṅwe ndila kana tshi shumaho kha u landula honoho kana u thutha.

(2) Khumbelo ifhio na ifhio ya ḽaisentsi i ḓo—

(a) dzheniswa kha muofisi mulauli muhulwane nga fomo yo randelwaho;

(b) i ḓo fhelekedzwa nga—

(i) thendelo kana vhuimeli ha vhulaedzwa hapo vhune vhuponi haho ha itwa khumbelo malugana na fhethu, ha vha kana ha ḓo dzula hone; na

(ii) kopi dzo ṱanzielwaho dza ndivhadzo yo randelwaho dza anḓadzwa kha Gazete ya Vundu na nyusiphepha i monaho vhuponi vhune fhethu hune u gembula ha ḓo itwa ha vha hone; na

(iii) eneo maṅwe maṅwalo na vhuṱanzi ho tiwaho nga Bodo.

(3) Muhumbeli a nga faedza ḽiṅwalo ḽifhio na ḽifhio kha khumbelo i kwameaho kana vhuṱanzi ho katelwaho kha khumbelo vhune kha kuhumbulele kwa muhumbeli ha vha tshiphiri kana vhune nga kuhumbelele kufhio na kufhio ha si fanele u bviselwa vhathuni na u sumbedzisa tshiitisi uri ngani Bodo i tshi ta uri ngani ḽiṅwalo ḽeneḽo kana vhuṱanzi honoho ḽi sa vulelwi ṱholo ya vhathu.

(4) Khumbelo ya ḽaisentsi i ḓo sedzuluswa nga Bodo nahone Bodo nga murahu i nga—

(a) landula khumbelo; kana

(b) tendela khumbelo.

Tshelede ya u humbela

25. Muthu ufhio na ufhio ane a swikisa khumbelo kha Bodo fhasi ha khethekanyo 24, u ḓo—

(a) badela kha Bodo tshelede yo randelwaho musi o swikisa khumbelo yeneyo; nahone

(b) u ḓo livhanwa nga tshinyalelo yothe na u badela kha Bodo tshinyalelo yothe yo itwaho nga Bodo, arali i hone, ya u ita thodisiso dzo bulwaho kha khethekanyo 28: Tenda ha vha na uri Bodo i nga toda kha muhumbeli phanda kana musi i tshi khou ita dzenedzo thodisiso, tsireledzo ifhio na ifhio kha u badela tshinyalelo dzenedzo.

Khanedzo

26. (1) Muthu ufhio na ufhio ane a funa u handedza khumbelo ifhio na ifhio yo itelwaho laisentsi ifhio na ifhio hu tshi tevhedzwa Mulayo uyu a nga dzhenisa khanedzo yawe hu sathu fhela maḓuvha a 30 u bva u andadzwani kha Gazete ya Vundu na gurannda ha ndivhadzo yeneyo hu tshi tevhedzwa khethekanyo 24(2)*(b)*(ii) kha Muofisiri Muhulwane nga u tou ṅwala nga maitele o randelwaho.

(2) Muofisiri Muhulwane u ḓo mbo di divhadza muhumbeli na zwenezwo nahone u ḓo isedza muhumbeli Kopi kana zwidodombedzwa nga afho hune zwa vha ngaho nga ha—

(a) khanedzo dzifhio na dzifhio dzo dzheniswaho Bodoni hu tshi tevhedzwa Khethekanyo thukhu (1); na

(b) mafhungo afhio na afhio kana vhutanzi ho tou ita haniho vhune muhumbuloni wa Bodo ha nga ṋea khanedzo vhuimo ha u hanedza khumbelo ya muhumbeli na u ramba muhumbeli uri a fhindule khanedzo yeneyo arali a tshi dinangela u ralo hu sathu fhela maḓuvha a 14 kana tshenetsho tshifhinga tshilapfu nga afho hune Bodo ya nga ta ngaho ha deithi ya ndivhadzo yeneyo.

(3) Muthu a dzhenisaho khanedzo ifhio na ifhio a nga sumbedzisa tshiitisi uri ndi ngani Bodo nga fhasi ha khethekanyo 27(2)*(b)* i tshi nga ta uri vhufaedzwi hawe vhu si dzumbululwe.

Khumbelo na khanedzo zwi vulelwa tholo ya vhathu

27. (1) Khumbelo ifhio na ifhio, dzikhanedzo na phindulo dzo dzheniswaho nga fhasi ha khethekanyo 24 na 26, hu tshi tevhedzwa khethekanyo thukhu (2) dzi ḓo vulelwa tholo ya nnyi na nnyi nga vhathu vha re na dzangalelo nazwo fhethu ho tiwaho nga Bodo tshifhingani tsha iri dza mushumo dza Bodo lwa tshifhinga tsho randelwaho u bva kha deithi ya u dzheniswa ha khumbelo sa zwo sumbedziswaho zwone kha ndivhadzo yo bulwaho kha khethekanyo 24(2)*(b)*(ii) nahone Bodo hu tshi tevhedzwa khumbelo ya muthu ufhio na ufhio a re na dzangalelo nahone o badelaho yeneyo tshelede sa zwine ya nga vha yo randeliswa zwone i ḓo mu ṋea kopi ya kana zwituswa zwi bvaho kha yeneyo khumbelo ifhio na ifhio, zwiimeli, phindulo kana vhutanzi.

(2) Bodo i nga ta uri—

(a) liṅwalo lifhio na lifhio kana vhutanzi vhuelanaho na maanda a zwa tshelede a muthu ufhio na ufhio a shelaho mulenzhe kha Khumbelo, vhuelanaho na madzina a vhatholwa vhalindeli kana pulane dza bindu dza muhumbeli dzi si vulelwe tholo dza vhathu arali maṅwalo eneo a tshi nga khethululwa u pfi tshiphiri; na uri

(b) vhulaedzwa ha muthu ufhio na ufhio o dzhenisaho khanedzo ya khumbelo vhu sa do dzumbululelwa vhaṅwe vhathu.

Thodisiso na mivhigo ya mapholisa

28. (1) U itela u vhona uri nna laisentsi i nga si newe muhumbeli, Bodo hu tshi tevhedzwa mulayo ufhio na ufhio i nga kuvhanganya vhutanzi honoho nga hune ya vhona zwo tea kha tshiko tshifhio na tshifhio kana muthu ufhio na ufhio, vhuelanaho na vhufanelwi ha muhumbeli kha u fara yeneyo laisentsi nga fhasi ha uyu Mulayo na vhufanelwi ha vhupo he khumbelo ya itwa hone.

(2) Muofisiri muhulwane musi o tanganedza khumbelo i elanaho na laisentsi a nga humbela muvhigo wa Tshumelo ya Mapholisa a Afrika Tshipembe u bulaho—

(a) zwidodombedzwa zwa vhukhakhi ha vhugevhenga vhufhio na vhufhio ho rekhodiwaho ho livhanyiswa na muhumbeli kana muthu ufhio na ufhio ane a khou do dzhena kha zwa mabindu ane Bodo ya vhona zwo tea u wana muvhigo wa mapholisa malugana nae;

(b) eneo mafhungo ane a nga randelwa; na

(c) eneo maṅwe mafhungo ane muhumbuloni wa Tshumelo ya Mapholisa a Afrika Tshipembe a tea u dzhielwa nzhele malugana na khumbelo i dzangalelwaho.

(3) Muvhigo wo humbulelwaho kha khethekanyo thukhu (2) u do nekedzwa kha muofisiri muphethi muhulwane hu sathu fhela ṅwedzi muthihi u bva deithi ya khumbelo ya yeneyo.

Laisentsi dza tshifhinganyana malugana na vhupo vhu songo khunyeledzwaho

29. (1) Arali khumbelo ya laisentsi ya nekedzwa nga Bodo malugana na vhupo vhu sathu fhatwa kana vhupo vhu tataho tshandukiso ya zwifhato, nyengedzedzo kana vhufhatululi ha u itela uri zwi fanelane na mushumo une zwa do shumiselwa wone nga fhasi ha laisentsi, Bodo musi yo nekedzwa garantiya i sa thutheiho i nga bvisela muhumbeli a kwameaho laisentsi ya tshifhinganyana, hu tshi tevhedzwa vhutevhedzeli ha maitele eneo kana thodea dzo bulwaho kha laisentsi ya tshifhinganyana malugana na vhupo honoho vhune Bodo ya nga ta hu sathu fhela tshifhinga tshenetsho tshine nga ndila yeneyo tsha nga tiwa na u bulwa.

(2) Bodo tshifhinga tshifhio na tshifhio murahu ha u bviswa ha laisentsi ya tshifhinganyana yeneyo nga khumbelo ya muhumbeli i nga—

(a) engedzedza tshifhinga tsho tiwaho nga fhasi ha khethekanyo thukhu (1);

(b) engedzedza kana u engedzedza hafhu tshifhinga itsho nga fhasi ha khethekanyo thukhu (1) kana tshifhinga tsho tiwaho ngauralo tsha engedzedzwa nga fhasi ha phara (b) ya khethekanyothukhu iyi sa zwine zwa nga vha zwone malugana na vhupo he ha vha hu sathu fhatwa tshifhingani tsha u bviswa ha laisentsi ya tshifhinganyana arali Bodo i tshi fushea uri tshipida tshihulwane tsha vhupo u bva zwenezwo tsho no fhatiwa.

(3) Tshifhinga tsho tiwaho nga fhasi ha khethekanyo thukhu (1) kana tshifhinga tsho tiwaho ngauralo na u engedzedzwa nga fhasi ha khethekanyo thukhu (2)*(a)* sa zwine zwa nga vha zwone, a tshi nga lapfi tsha fhira minwedzi ya 24 na uri tshifhinga tsho engedzwaho kana tsho engedzwaho hafhu nga fhasi ha khethekanyo (2)*(b)* sa zwine zwa nga vha zwone a tshi nga lapfi tsha fhira minwedzi ya 12 hafhu.

(4) Musi Bodo yo fushea uri vhupo he malugana naho ha bviswa laisentsi ya tshifhinganyana nga hasi ha khethekanyo thukhu (1) ho vuledzwa (fhethu) hu tshi tevhedza pulane yaho yo tendelwaho nga Bodo, na uri maitele na thodea dzo tiwaho nga Bodo zwo tevhedzwa na hone zwo lugela mushumo une zwa do shumiselwa wone nga fhasi ha laisentsi yeneyo, i do bvisa laisentsi hu tshi tevhedzwa khethekanyo thukhu 24(4) kha muhumbeli a kwameaho.

(5) Arali laisentsi ya sa bviswa phanda ha u fhela ha tshifhinga tsho randelwaho nga fhasi ha khethekanyo thukhu (1), tsho engedzedzwaho nga fhasi ha khethekanyo thukhu (2)*(a)* kana tsho engedzwaho hafhu nga fhasi ha khethekanyo thukhu (2)*(b)* sa zwine zwa vha zwone, laisentsi ya tshifhinganyana i elanaho nazwo i do fhira lune khumbelo ya laisentsi ya do sedzwa sa i songo tendelwaho lune na garantia yo bulwaho kha khethekanyo thukhu (1) ya do thuthwa.

(6) Mbekanyelo ya uyu Mulayo hu tshi tevhedzwa khethekanyo thukhu (1) i do shumiswa *mutatis mutandis* kha laisentsi dza tshifhinganyana lune kha khumbelo dzenedzo mbuletshedzo kha Mulayo uyu i do pfeseswa-vho sa mbuletshedzo ya laisentsi ya tshifhinganyana.

Laisentsi dza Khasino

30. (1) A huna muthu a no do humbela laisentsi ya Khasino nga nnda fhedzi ha musi hu u fhindula ndivhadzo yo kandiswaho Gazeteni ya Vundu na gurannda nga Bodo, murahu ha vhuvhudzisi kha Murado a re na vhudifhinduleli a rambaho khumbelo nahone Ndivhadzo yeneyo ya do—

(a) bula tshivhalo tsha dzilaisentsi dzi no do bviswa na mivhundu ine idzo Khasino dza do imiswa khayo;

(b) bula mveledzo na zwiṅwe zwidodombedzwa;

(c) vhea ṱhanganyelo ya mbadelo yo humbulwaho kha khethekanyo 55 kana u ramba vhahumbeli uri vha thenda-rele mbadelo dzenedzo;

(d) bula zwiṱaluli zwa vhupimavhuḓi zwi no ḓo shumiswa.

(2) Bodo i ḓo tendela fhedzi ḽaisentsi ya Khasino murahu ha vhu-vhudzisi kha Muraḓo a re na vhuḓifhinduleli nahone arali Bodo i tshi fushea uri muhumbeli—

(a) u na ndivho yo linganelaho kana tshenzhemo kana u a kona u ḓiwanela yeneyo ndivho kana tshenzhemo ya u tshimbidza Khasino;

(b) o vhudzisesana na muvhuso wapo, muvhuso wa dzingu kana muvhuso wa sialala ufhio na ufhio kana muvhuso ufhio na ufhio muṅwe-vho u re na vhukoni arali u hone wa vhupo vhune Khasino ya ḓo kana he ya imiswa hone;

(c) u ḓo vha na vhuṋe lwa mulayo e ethe na u londola vhuṋe lwa mulayo ha vhupo ho ḽaisetselwaho; na

(d) o phetha ṱhoḓea dzoṱhe dzi shumiswaho dzo randelwaho nga Bodo.

(3) Hu tshi tevhedzwa mbekanyelo dza uyu Mulayo, Ḽaisentsi ya Khasino i ḓo tendela u tambela ngomu kana kha vhupo ho ḽaisentsiwaho ho bulwaho kha ḽaisentsi, ha yeneyo mitambo ya khasino yo bulwaho kha ḽaisentsi.

Ḽaisentsi ya mushumisa mutshini na u gembula

31. (1) A huna muthu ane a nga humbela ḽaisentsi ya mutshi-mbidza mutshini wa u gembula nga nnḓa fhedzi ha musi hu u fhindula ndivhadzo yo kandiswaho Gazeteni ya Vundu na guranndani ya mufhirise-lano Vunduni nga Bodo, murahu ha vhuvhudzisi kha Muraḓo a re na vhuḓifhinduleli a rambaho khumbelo nahone ndivhadzo yeneyo ya ḓo bula zwiṱaluli zwa vhupimavhuḓi zwi no ḓo shumiswa na ṱhoḓea dzifhio na dzifhio dziṅwe-vho.

(2) Ḽaisentsi ya mushumisa mutshini wa u gembula a i nga ḓo tendelwa nga Bodo—

(a) nga nnḓa fhedzi ha musi Bodo i tshi fushea uri muhu-mbeli—

(i) u na ndivho yo linganelaho na tshenzhemo kana u a kona u ḓiwanela yeneyo ndivho na tshenzhemo ya u shumisa mutshini wa u gembula; na uri

(ii) u phetha ṱhoḓea dzo randelwaho;

(b) lwa u shumiselwa mitshini ya u gembula i fhiraho tshivhalo tsha mitshini yo randelwaho.

(3) Hu tshi tevhedzwa mbekanyelo dza uyu Mulayo, mushumisi wa mutshini wa u gembula u ḓo tendela u shumiswa ha mitshini ifhio na ifhio yo randelwaho yo bulwaho kha ḽaisentsi vhuponi ho ḽaisentsiwaho ha mufara-ḽaisentsi ya vhupo ha mitshini ya u gembula lune lwa ndivho dzenedzo mufari wa ḽaisentsi yeneyo mutshimbidza mutshini wa u gembula a nga vhofha mulanga na mufara ḽaisentsi ya vhupo ha mtshini ya u gembula wa u vhewa ha yeneyo mitshini ya u gembula kha honoho vhupo vhu kwameaho.

(4) Mufari wa ḽaisentsi ya u tshimbidza mitshini wa u gembula u ḓo tanganya mitshini yothe ye ḽaisentsi ya tendelwa malugana nayo, na sisteme ya vhumonithari ya elekitironi yo elekanyiwaho kha khethekanyo 39.

(5) Ḽaisentsi mutshimbidza mutshini wa u gembula i ḓo tendelwa fhedzi nga Bodo nga murahu ha vhu vhudzisesani na Muraḓo a re na vhuḓifhinduleli.

Ḽaisentsi ya vhupo ha mitshini ya u gembula

32. (1) Ḽaisentsi ya vhupo ha mutshini wa u gembula a i nga ḓo tendelwa nga Bodo—

(a) nga nnḓa fhedzi ha muthu a phethaho ṱhoḓea dzo randelwaho;

(b) lwa u shumisa na u vhulunga mitshini ya u gembula i fhiraho miṱanu kha ḽaisentsi nthihi ya vhupo ha mitshini ya u gembula ifhio na ifhio nga nnḓa fhedzi ha zwiitisi zwa sipeshela sa zwo tiwaho nga Bodo hu na vhu vhudzisesani na Muraḓo a re na vhuḓifhinduleli; na

(c) nga nnḓa fhedzi ha musi Bodo i tshi fushea uri vhupo he ḽaisentsi ya tendelelwa hone a vhu nga ḓo shumiswa tshoṱhe kha u shumiswa ha mitshini.

(2) Vhupo ha mutshini wa u gembula vhu ḓo tendela, hu tshi tevhedzwa mbekanyelo dza uyu Mulayo, u shumiswa na u londolwa ngomu kana kha vhupo ho ḽaisentsiwaho ho bulwaho kha ḽaisentsi ha mitshini ifhio na ifhio ya u gembula yo randelwaho kana mitshini ya u gembula yo bulwaho kha ḽaisentsi: Tenda ha vha na uri—

(a) mbadelo gumo ya u gembula kha ufhio na ufhio wonoyo mutshini wa u gembula a i nga fhiri ṱhanganyelo yo randelwaho;

(b) pfufho malugana na u gembula luthihi hufhio na hufhio ho gembuliwaho nga wonoyo mutshini wa u gembula gumofuloni a i nga fhiri ṱhanganyelo yo randelwaho nga ndeme;

(c) hu ḓo ṱaniwa kha ufhio na ufhio wa mitshini yeneyo ya u gembula ndeme pfufho ya gumofulu yo randelwaho nga fhasi ha phara *(b)* ine ya nga winiwa nga u gembula luthihi nga wonoyo mutshini wa u gembula.

Laisentsi ya mutshimbidzi wa Bingo

33. (1) Laisentsi ya mutshimbidza bingo a i nga tendelwi nga Bodo nga nnda fhedzi ha musi Bodo i tshi fushea uri muhumbeli o phetha thodea dzo randelwaho;

(2) Laisentsi ya mutshimbidza bingo, hu tshi tevhedzwa mbekanyelo dza uyu Mulayo i do tendela u gembula ngomu kana vhuponi ho laisentsiwaho ho bulwaho kha laisentsi ha mugembulo wa bingo: Tenda ha vha na uri mbadelo gumo ya u gembula mugembulo wa bingo luthihi i do vha ya thanganyelo yo randelwaho.

Laisentsi dza vhamagi na vhadisedzi

34. (1) Muthu ufhio na ufhio a tamaho u shuma, u isa phanda kana u tshimbidza tshivhumbeo tshifhio na tshifhio tsha vhumagi, u rengisa, u phadaladza, u maketa, u londola kana u lugiswa ha tshithusedzi tshifhio na tshifhio tsha u gembula u do humbela Bodo laisentsi yo teaho.

(2) Mufari wa laisentsi ya Khasino, laisentsi ya mutshimbidzi wa mutshini wa u gembula laisentsi ya vhupo ha mutshini wa u gembula kana laisentsi ya mutshimbidza bingo hu sa tevhedzwi mbekanyelo dza khethekanyo thukhu (1)—

(a) nga thendelo ya Bodo a nga tuwisa nga thengiso nga maitele o tendelwaho nga Bodo tshifhio na tshifhio kana zwithusedzi zwothe zwa vhugembuli;

(b) a nga londola kana u lugisa u swikela kha zwi tendelwaho nga Bodo tshifhio na tshifhio kana zwithusedzi zwothe zwa vhugembuli.

(3) Tshiwoni tsha lufu, mufhalalo wa vhukundwandifho, mbeo nga fhasi ha ndangulo ya mulayo ya mufara-laisentsi o bulwaho kha khethekanyo thukhu (2) kana mulevho wa uri onoyo mufara-laisentsi ha koni u langa mafhungo awe—

(a) vhulanguli ha ndaka ya mufu kana ya mukundwandifho; na;

(b) mulanguli wa mulayo, mulavhelesi kana mufhaladzi hu sa tevhedzwi mbekanyelo dza khethekanyo thukhu (1) a nga sendedza kule nga thengiso nga maitele o tendelwaho nga Bodo zwishumiswa zwifhio na zwifhio kana zwothe zwa u gembula zwa onoyo mufara laisentsi.

(4) Laisentsi ya mumagi, mulondoli kana muisedzi a i nga tendelwi nga Bodo, nga nnda fhedzi ha musi Bodo yo difusha uri muhumbeli u na ndivho yo linganelaho na tshenzhemo kana u diwanela yeneyo ndivho na tshenzhemo uri a tshimbidze bindu nga fhasi ha laisentsi.

(5) Laisentsi i tshimbilelanaho na mumagi, mulondoli na muisedzi, hu tshi tevhedzwa mbekanyelo dza uyu mulayo i do tendela—

(a) u magiwa, u rengisa, u phadaladzwa, u tundwa, u maketa kana u lugiswa ha tshakatshaka na mimodolo ya zwileludzi zwa u gembula zwi phethaho thodea dzo tiwaho na u tendelwa nga Bodo; na

(b) u isedza zwileludzi zwa vhugembuli kana tshumelo kha vhafara laisentsi.

Laisentsi dza sipeshela

35. (1) Hu sa tevhedzwi dziṅwe mbekanyelo dzifhio na dzifhio dza uyu Mulayo, nga khumbelo nga maitele o tiwaho nga Bodo, Bodo i nga bvisela muthu ufhio na ufhio laisentsi ya sipeshela lwa deithi dzothe hu tshi tevhedzwa eneo maitele ane Bodo ya nga ta ngaho.

(2) Mbekanyelo dza dzikhethekanyo 24 na 26 a dzi nga shumiswi malugana na khumbelo dzo humbulelwaho kha khethekanyo thukhu (1).

U fhahewa na u phumulwa ha laisentsi

36. (1) Bodo tshifhinga tshiṅwe na tshiṅwe i nga fhahea lwa tshenetsho tshifhinga sa zwine Bodo ya nga ta, kana ya phumula u bva kha deithi ine Bodo ya nga ta, laisentsi ifhio na ifhio, arali—

(a) vhutanzi vhufhio na vhufhio ho faredzwaho kha khumbelo ifhio na ifhio yo itwaho nga mufara laisentsi hu tshi itelwa u wana thendelo, muvusuludzo, tsudzuluso kana u bviswa ho vha nga tshifhinga tshe vhutanzi ha newa ngatsho, vhu mazwifhi nga tshivhumbeo tshifhio na tshifhio kana ho vha na tsiedzo ya vhutanzi hu na muhumbulo wa u fhura Bodo;

(b) Mufara laisentsi hu tshi tevhedzwa khethekanyo 22 a si fanelwe nga u fara laisentsi;

(c) Mufara laisentsi, mutholwa wa mufara laisentsi kana mutholwa wa mufara laisentsi kana muthu muṅwe ufhio na ufhio a shumaho o imela ene o balelwa u tevhedza tshitiwa tshifhio na tshifhio kana nyimele ya laisentsi kana mbekanyelo ifhio na ifhio ya uyu Mulayo kana ho ngo tevhedza tshenetsho tshitiwa, dzinyimele kana mbekanyelo hu sathu fhela maduvha a mahumi mararu kana tshenetsho tsifhinga hafhu sa zwine Bodo nga u tou ṅwala ya nga tendela, murahu ha tswikiso ya ndivhadzo yo tou ṅwalwaho ya Bodo kha mufara laisentsi i tshi toda uri u balelwa honoho hu i laxwe;

(d) mufara laisentsi nga nnda ha thendelo thangeli yo tou ṅwalwaho ya Bodo a balelwa u isa phanda bindu nga fhasi ha laisentsi lwa tshifhinga tshi edanaho miṅwedzi miraru nga u tevhekana;

(e) mufara laisentsi a balelwa u badela thanganyelo ifhio na ifhio ya tshelede yo randelwaho hu tshi tevhedzwa hoyu Mulayo hu sathu fhela tshifhinga tsho randelwaho;

(f) mufara laisentsi a balelwa u badela na zwenezwo pfufho ifhio na ifhio yo winwaho lwa mulayo nga u gembula hufhio na hufhio ho tshimbidzwaho nga fhasi ha laisentsi;

(g) mufara laisentsi a balelwa u tevhedza khethekanyo 53(2); kana *(h)* ufara laisentsi a si tsha tevhedzana na thodea dzo randelwaho dza laisentsi i kwameaho.

(2) Bodo, tshifhinga tshifhio na tshifhio i nga phumula ndaela ifhio na ifhio ya phaheyo kana muphumulo wo bviswaho hu tshi tevhedzwa khethekano thukhu (1) arali zwivhangi zwa iyo phaheyo zwo ilaxwa lune Bodo ya fushea.

(3) Bodo i do divhadza mufara laisentsi nga u tou ṅwala nga ha phaheyo kana muphumlo wa laisentsi hu tshi tevhedzwa khethekanyo thukhu (1).

(4) Laisentsi ya Khasino na laisentsi ya mutshimbidza mutshini wa u gembula i do fhahewa fhedzi kana u phumulwa nga Bodo murahu ha u vhudzisesana na murado u re na vhudifhinduleli.

(5) Musi laisentsi i tshi fhahewa kana u phumulwa hu tshi tevhedzwa khethekanyo thukhu (1), a huna mbadelo kana tshipida tshifhio na tshifhio tshayo tshi no do lifhiwa.

(6) Afho hune Bodo ya humbula u phumula laisentsi, Bodo i do tshimbidza ndivhadzo yo tou ṅwalwaho nga ha laisentsi, i bulaho—

(a) uri Bodo i khou humbula u phumula laisentsi;

(b) tshivhangi kana zwivhangi zwa muphumulo;

(c) uri mulaisentsiwa hu sathu fhela maduvha a 30 murahu ha deithi ya ndivhadzo yo tou ṅwalwaho a nga—

(i) ita vhuimeleli ho tou ṅwalwaho nga ha mafhungo aya kha Bodo;

(ii) divhadza Bodo nga u tou ṅwala nga ha muhumbulo wa mulaisentsiwa kha u ita vhuimeleli ha mulomo; kana

(d) mveledzwa dza khethekanyo thukhu (7).

(7) Arali Bodo i si wane vhuimeleli ho tou ṅwalwaho naho i ndivhadzo yo tou ṅwalwaho ya muhumbulo wa mulaisentsiwa, u ita vhuimeleli ha mulomo hu sathu fhira tshifhinga tsho bulwaho kha khethekanyo thukhu (b)*(c)*, muphumulo u do bveledzwa mafheloni a tshifhinga tshenetsho.

U sudzuluswa na u bviswa ha laisentsi

37. (1) Laisentsi yo tendelwaho nga fhasi ha uyu Mulayo, hu tshi tevhedzwa khethekanyo iyi a i nga—

(a) do sudzulusela kha muṅwe muthu; kana

(b) do bvisea kha vhupo ho laisentsiwaho vhu kwameaho ya iswa kha vhuṅwe vhupo.

(2) Arali mufari wa laisentsi—

(a) a tama u sudzulusela yeneyo laisentsi kha muṅwe muthu onoyo mufara laisentsi na onoyo muṅwe muthu hu tshi tevhedzwa khethekanyo 23 u swika 28 u do ita khumbelo thanganelo kha Bodo ya u bviswa ha yeneyo laisentsi nga maitele o randelwaho.

(b) a tama u bvisa yeneyo laisentsi kha vhupo ho laisentsiwaho a tshi i isa kha vhupo vhuhwe vhufhio na vhufhio lwa tshothe kana lwa tshifhinganyana, onoyo mufara laisentsi hu tshi tevhedzwa khethekanyo 24 u swika 28 u do ita khumbelo kha Bodo ya u bviswa ha yeneyo laisentsi nga maitele o randelwaho.

(3) Khumbelo ya tsudzuluso kana u bviswa ha laisentsi hu tshi tevhedzwa khethekanyo thukhu (2) i do sedzuluswa nga Bodo nahone Bodo nga murahu i nga—

(a) hanela khumbelo; kana

(b) tendela khumbelo i na maimele kana i si na maimele.

(4) Laisentsi a i nga do—

(a) sudzulusela kha muthu a sa tewiho kana nga ihwe ndila a si na vhukoni hu tshi tevhedzwa hoyu Mulayo ha u fara laisentsi i kwameaho;

(b) bvisea kha vhupo ho laisentsiwaho vhu kwameaho ya iswa kha vhuhwe vhupo nga nnda fhedzi ha musi Bodo i tshi fushea uri uho vhupo vhuhwe ho kana musi ho fhela vhu do fanelwa nga mushumo une ha do shumiselwa wone.

(5) Malugana na laisentsi ya Khasino, laisentsi ya mutshumbidza mutshini wa u gembula, Bodo i do tendela fhedzi khumbelo hu tshi tevhedzwa khethekanyo thukhu (2) nga murahu ha vhuvhudzisesani na Murado a re na vhudifhinduleli.

(6) Mbekanyelo dza dzikhethekanyo 24 u swika 28 dzi do shumiswa *mutatis mutandis* kha khumbelo hu tshi tevhedzwa iyi khethekanyo.

NDIMA YA 3

MAIMELE

Maimele nyangaredzi a laisentsi

38. (1) Malugana na lushaka lufhio na lufhio lwa laisentsi Bodo i nga randela maimele eneo kha laisentsi nga hune Bodo ya vhona o tea lune nga vhudodombedzi a katela maimele—

(a) a elanaho na mitambo ine ya nga gembuliwa;

(b) a elanaho na maitele a kutshimbidzelwe a kugembulele kufhio na kufhio;

(c) a u itela u khwathisedza uri kutshimbidzelwe kwa kugembulele kufhio na kufhio ku anana na u thonifhea, tshirunzi, lutamo na vhufulufhedzei;

(d) a todaho vhufarabugu, mbalelano, rekhodo na vhuhwe vhutanzi vhu elanaho na matshimbidzelwe a kugembulele kufhio na kufhio;

(e) a todaho zwiṅwe zwilingano zwa gumotuku zwi elanaho na vhupo vhune ha do gembulelwa khaho;

(f) a todaho tswikiso kha Bodo ya mivhigo yeneyo na maritheni a elanaho na matshimbidzelwe a kugembulele nga hune Bodo ya do todisa ngaho tshifhinga nga tshifhinga;

(g) a elanaho na maduvha ane khao na awara (iri) dzine khadzo u gembulwa ha do itwa;

(h) malugana na laisentsi ya Khasino a elanaho na u dzheniswa na u londolwa ha sisteme dza vhulindi;

(i) a elanaho na mbekanyelo nga mulaisentsiwa ya garantiya sa yo tiwaho nga Bodo ya milandu ya mulaisentsiwa malugana na—

(i) mithelo ya u gembula i badelwaho hu tshi tevhedzwa Mulayo uyu; na

(ii) zwikolodo zwa u gembula zwi badelwaho nga mulasentsiwa.

(2) Bodo tshifhinga tshifhio na tshifhio i nga fhahea kana ya humisa kana ya shandukisa maitele afhio na afhio a re nga fhasi ha khethekanyo thuku (1) nga ndivhadzo yo isedzwaho kana yo nekedzwaho kha mufari wa laisentsi yeneyo.

(3) Afho hune Bodo ya dzinginya u fhahea, humisa kana u shandukisa maitele afhio na afhio fhasi ha khethekanyo thukhu (2) Bodo i do isedza ndivhadzo yo tou ṅwalwaho kha mulaisentsiwa i tshi bula—

(a) nzinginyo ya Bodo kha u fhahea, u humisa kana u khwinisa kuimele kufhio na kufhio nga fhasi ha khethekanyo thukhu (1); sa zwine zwa nga vha zwone;

(b) uri mulaisentsiwa hu sathu fhela maduvha a 30 nga murahu ha deithi ya ndivhadzo yo tou ṅwalwaho—

(i) a itea vhuimelelwi ho tou ṅwalwaho nga ha mafhungo kha Bodo; kana

(ii) a divhadze Bodo nga u tou ṅwala nga muhumbulo wa mulaisentsiwa kha u ita vhuimeleli ha orala; na

(c) mveledzwa dza khethekanyo thukhu (4).

(4) Arali tshifhingani tsho bulwaho kha khethekanyo thukhu (3)*(b)*, Bodo i sa wane vhuimeleli ho tou ṅwalwaho kana ndivhadzo yo tou ṅwalwaho ya muhumbulo wa mulaisentsiwa ya u ita vhurumeli ha mulomo, yeneyo phaheo, khumiso kana khwiniso ya kuimele sa zwine zwa vha zwone, i do bveledzwa mafheloni a tshenetsho tshifhinga.

(5) Kuimele kufhio na kufhio kwo vhewaho nga fhasi ha khethekanyo thukhu (1) kana kwo fhahewaho, humiswaho kana khwiniswaho nga fhasi ha khethekanyo thukhu (2) hu tshi tevhedzwa laisentsi ya Khasino kana laisentsi ya mutshimbidza mutshini wa u gembula—

(a) i do kwamea murahu ha vhuvhudzisesani na Murado a re na vhudifhinduleli; na uri

(b) a i nga do kwamea lwa u humiselwa murahu.

Sisteme ya Monithari ya elekitroniki ya Vundu

39. (1) Bodo, hu tshi tevhedzwa khethekanyo 30, malugana na laisentsi ya Khasino,laisentsi ya mutshimbidza mutshini wa u gembula i nga toda mufaralaisentsi ufhio na ufhio onoyo a tshi livhanyisa tshileludzi tsha u gembula tshifhio na tshifhio sisteme ya vhukati ya vhumonithari ha elekitroniki hu tshi itelwa vhumonithari na vhusetshulusi ha zwino zwihulwane vhu andanaho na mutshini muṅwe na muṅwe wa vhugembuli hu tshi katelwa na sisteme ya nyisaphanda kha laini ya u rekhodwa ha tshifhinga vhukuma, vhumonithari na ndango ya ndangulo ya vhugembuli vhuhulwane sa zwine ya nga randeliswa kana ya tiswa zwone nga Bodo.

(2) Bodo i nga toda kha mufaralaisentsi ufhio na ufhio o bulwaho kha khethekanyo thukhu (1) kana, nga khumbelo ya tendelwa o imelaho onoyo mufaralaisentsi ufhio na ufhio u tshimbidza yeneyo sisteme ya vhumonithari ha elekitroni hu tshi tevhedzwa thodea dzo tiwaho na maimele o tewaho nga Bodo.

(3) Hu tshi itelwa ndivho dza iyi khethekanyo "Sisteme ya vhumonithari ha elekitroni" zwi amba elekitroni kana khomphutha kana sisteme ya vhudavhidzani kana tshileludzi tshifhio na tshifhio tsho dzudzanywaho uri tshi nga shumiswa kana u dowedzwa u rumela kana u tanganedza vhutanzi vhu bvaho kha zwileludzi zwa vhugembuli zwi elanaho na vhutsireledzi, muvhalelano na mashumele a mitshini ya u gembula.

Muingokwawo wa zwa tshelede Binduni la Mulaisentsiwa

40. (1) A huna muthu ane a nga fara kana a wana muingokwawo kha laisentsi sa zhendedzi kana mukhethiwa wa mufarakani muvhandalali muhulwane kana vhune vhu re na thuso.

(2) Mulaisentsi ha nga tendeli muthu ufhio na ufhio muṅwevho uri a wane muingokwawo thwii kana muingokwawo u songo lulamaho wa tshelede wa phesenthe (mbalokadana) thanu kana u fhira kha bindu line laisentsi yo livhana nalo nga nnda fhedzi ha musi Bodo yo nea thendelo ya uri onoyo muthu a nga wana wonoyo muingokwawo kha bindu lenelo.

(3) Bodo a i nga nei thendelo nga fhasi ha khethekanyo thukhu (1) afho he muthu ane a vha thoho ya khumbelo hu tshi tevhedzwa khethekanyo 22 a si fanelwe nga u fara laisentsi.

(4) Mbekanyelo dza khethekanyo 24 kana 28 dzi do shumiswa, *mutatis mutandis* kha muthu ane a tama u wana muingokwawo sa zwe wa humbuliswa zwone kha kethekanyo thukhu (2).

Vhufanelwi ha zwigwada zwa vhuraru

41. (1) Bodo i nga thivhela mufaralaisentsi mukontiraka na mudisedzi ufhio na ufhio kha thengo ya thundu kana tshumelo kana muhadzimisi ufhio na ufhio u swikela tshenetsho tshifhinga tshe onoyo muisedzi kana muhadzimi a humbela tshone na u newa thanziela ya vhufanelwi nga Bodo nga maitele o tiwaho nga Bodo.

(2) Mbekanyelo dza khethekanyo 28 dzi ḓo shumiswa *mutatis mutandis* kha khumbelo yo humbulwaho kha khethekanyo thukhu (1).

Zwileludzi zwa vhugembuli

42. Mufari wa laisentsi ya Khasino, laisentsi ya mutshimbidza bingo, laisentsi ya mutshimbidza wa u gembula kana laisentsi ya fhethu ha mutshini wa u gembula—

(a) a nga shumisa kana u tendela mutambo ufhio na ufhio u khou tambelwa kha tshileludzini tsha vhugembuli nga nnḓa ha tshileludzi tsha vhugembuli tshi—

(i) tshe tsha ḓisedzwa nga mufaralaisentsi ya mumagi, vhulondoli kana vhuisedzi;

(ii) tshi fanaho kokotolo kha masia ofhe a tshivhumbeo na lushaka na modolo we wa tendelwa nga Bodo; nahone

(iii) tshe tsha redzhisitariwa na Bodo sa zwe zwa randeliswa zwone; nahone

(b) u ḓo vhulunga dzenedzo rekhodo na mafhungo sa zwine zwa nga tiswa zwone nga Bodo malugana na tshileludzi tsha vhugembuli tshiṅwe na tshiṅwe.

Dzibugu mbalelani na dzirekhodo

43. Mufaralaisentsi u ḓo vhulunga dzenedzo bugu, mbalelano na dzirekhodo sa zwine zwa nga vha zwo randeliswa, buliswa zwone kha laisentsi na u tiswa zwone ndayoni dza Bodo.

Ndangulo ya u dzhena kha vhuṅwe vhupo

44. (1) Mufaralaisentsi (hu tshi khethululwa laisentsi ya mumagi, mulondoli kana muisedzi) kana mutholwa wa mufaralaisentsi onoyo a nga—

(a) landula u tanganedza muthu ufhio na ufhio vhuponi ha laisentsi;

(b) humbela muthu ufhio na ufhio ane a vha vhuponi ho laisentsiwaho uri a tutshele vhupo;

(c) u humbela muofisiri ufhio na ufhio wa pholisa kana muingameli uri a tuse kana a thuse nga u tusa vhuponi ho laisentsiwaho muthu ufhio na ufhio o humbulelwaho kha phara *(a)* kana *(b)* kana u tusa vhuponi ho laisentsiwaho muthu ufhio na ufhio a hanaho kana a balelwaho u tevhedza khumbelo yo humbulelwaho kha *(a)* kana *(b)*.

Nyanḓadzo

45. Hu tsi tevhedzwa ndaulo dzifhio na dzifhio dzo itwaho nga fhasi ha khethekanyo 88, zwi ḓo vha zwi mulayoni u anḓadza vhugembuli vhufhio na vhufhio vhune ha nga tshimbidzwa lwa mulayo nga fhasi ha Mulayo uyu.

Khiredithi

46. Mufaraḽaisentsi (hu tshi khethululwa ḽaisentsi ya mumagi, mulondoli kana muisedzi) kana mutholwa wa mufaraḽaisentsi onoyo, ha nga engedzedzi khirediti ifhio na ifhio nga tshivhumbeo tshifhio na tshifhio kha muthu ufhio na ufhio malugana na kana hu tshi itelwa u gembula nga nnḓa fhedzi ha sa zwe zwa randeliswa zwone nga Bodo.

Ndayo dza miṅwe migembulo

47. (1) Malugana na migembulo ifhio na ifhio i songo itelwaho ndayo nga Bodo fhasi ha khethekyano 87, mufaraḽaisentsi u ḓo ita ndayo dzi elanaho na maitele a kutambele kwa migembulo yeneyo: Tenda ha vha na uri ndayo dzenedzo dzi ḓo tendelwa nga Bodo.

(2) Ndayo dzoṱhe dzo itwaho hu tshi tevhedzwa khethekanyo 87 na khethekanyo ṱhukhu (1) i ḓo wanala tshifhinga tshoṱhe afho hune mugembulo ufhio na ufhio wonoyo wa tambwa lune dza ḓo bviselwa mutambi ufhio na ufhio musi yo humbelwa.

Thuso kha dzikhasitama

48. Mufaraḽaisentsi (hu sa katelwi ḽaisentsi ya mumagi, mulondoli kana muisedzi) u ḓo—

(a) itisa nga khumbelo ya khasitama ifhio na ifhio uri hu wanale kopi ya ṱholo ya ndayo malugana na wonoyo mugembulo; na u

(b) ṱana zwi vhonalesaho vhuponi ho ḽaisentsiwaho yeneyo tsivhudzo kana vhuṱanzi vhu elanaho na mutambo wa u gembula sa zwine zwa nga randeliswa zwone.

Vhulapfu ha tshifhinga tsha ḽaisentsi

49. Ḽaisentsi ifhio na ifhio yo tendelwaho fhasi ha khethekanyo 24(4)*(b)* hu tshi tevhedzwa u vusuludzwa hayo i ḓo vha na ndeme u bva deithi ya u bviswa ngayo u swika deithi ine ngayo—

(a) mufari wayo a i landula nga luṅwalo;

(b) ya thuthwa nga Bodo nga fhasi ha khethkanyo 36.

(2) Afho he ḽaisentsi ya imiswa fhasi ha khethekanyo 36, mufari wa yeneyo ḽaisentsi ha nga shumisi pfanelo ifhio na ifhio kana vhuṱalu vhufhio na vhufhio ho hweswaho nga ḽaisentsi yeneyo tshifhingani tsha u imiswa.

Tshelede dza ḽaisentsi

50. (1) Hu ḓo tshatshiwa na u badeliswa malungana na ḽaisentsi ifhio na ifhio yo tendelwaho kana yo vusuludzwaho fhasi ha uyu Mulayo tshelede ya ḽaisentsi yo randelwaho, ine ya ḓo vha nyengedzo ya tshelede ifhio na ifhio iṅwe-vho kana mithelo i badelwaho fhasi ha uyu Mulayo.

(2) Tshelede ya ḽaisentsi yo randelwaho hu tshi tevhedzwa khethekanyo ṱhukhu (1) i nga fhambana malungana na tshaka dzo fhambanaho dza dziḽaisentsi.

(3) Mufaraḽaisentsi ufhio na ufhio a balelwaho u badela tshelede ya ḽaisentsi ifhio na ifhio yo bulwaho fhasi ha khethekanyo ṱhukhu (1) phanḓa kana nga deithi ine a tea u badela ngayo yeneyo tshelede ya ḽaisentsi, nṱha ha yeneyo thselede ya ḽaisentsi u ḓo badela na ndaṱiso yo randelwaho: Tenda ha vha na uri ṱhanganyelo ya ndaṱiso yeneyo a i fhiri ṱhanganyelo ya tshelede ya ḽaisentsi i shumuleaho ḽaisentsi yeneyo.

Pfanelo ya u ṱana ḽaisentsi kana ṱhanziela

52. Mufari wa ḽaisentsi kana ṱhanziela yo bviswaho nga Bodo, mutholwa wa onoyo mufari kana muthu o farelaho onoyo mufari nga mbilo ya mulavhelesi kana muofisiri wa mapholisa u ḓo bvisa ḽaisentsi yo teaho kana ṱhanziela.

Mvusuludzo ya ḽaisentsi

53. (1) Ḽaisentsi hu tshi tevhedzwa mbekanyelo ya uyu Mulayo na maitele e ya tendelwa nga fhasi hao i ḓo dzula i kha khombekhombe na uri nga khumbelo ya mufara ḽaisentsi i ḓo vusuludzwa nga Bodo ṅwaha nga ṅwaha musi ho ranga u bviswa ḽaisentsi ya ṅwaha wo fhelaho na mbadelo ya tshelede dzo vhekanyelwaho kha khethekanyo 50.

(2) Khumbelo ya mvusuludzo ya ḽaisentsi hu tshi tevhedzwa khethekanyo ṱhukhu (1) i ḓo swikiswa bodoni hu sathu fhira maḓuvha a 90 phanḓa ha deithi ine ngayo ḽaisentsi ya teya u vusuludzwa.

Mithelo ya Vhugembuli

54. (1) Nga nṱha ha muthelo wa nyengedza mutengo kana muthelo wa thengiso muṅwevho arali u hone, na muthelo wa mbuleo une wa nga badelwa hu tshi tevhedzwa mulayo muṅwe ufhio na ufhio, mufari wa ḽaisentsi muṅwe na muṅwe (nga nnḓa ha ḽaisentsi ya mumagi, mulondoli na muisedzi kha zwifhingatshikhala zwenezwo zwine zwa nga randeliswa zwone u ḓo tewa nga u badela mithelo ya mugembulo, ine yeneyo mithelo ya ḓo anganywa kha yeneyo thukho na nga yeneyo phimo sa zwine zwa nga randeliswa zwone nahone ya badelwa nga maitele nahone phanḓa ha deithi sa zwe randeliswa zwone: Tenda ha vha na uri phimo dzo fhambanaho dzi nga randelwa nga u tou ralo malugana na tshaka dzo fhambanaho dza dziḽaisentsi.

(2) Mbadelo ifhio na ifhio ya mithelo ya mugembulo yo bulwaho kha khethekanyo ṱhukhu (1) i ḓo fheletshedzwa nga mbika fomoni yo tiwaho nga Bodo.

(3) Hu sa tevhedzwi tshifhio na tshifhipo tsho fhambanaho na zwo faredzwaho kha muṅwe mulayo ufhio na ufhio, a hu nga vhi na tshifhinga tsha kha u badelwa ha mithelo ya vhugembuli yo bulwaho kha khethekanyo ṱhukhu (1) na uri arali mithelo yeneyo ya mugembulo i songo

badelwa nga deithi kana phanḓa ha deithi yo randelwaho yo bulwaho kha khethekanyo ṱhukhu (1) ḽaisentsi i nga imiswa nga Bodo hu tshi tevhedzwa khethekanyo 36 u swikela mithelo ya mugembulo na dzindaṱiso dzi badelwaho hu tshi tevhedzwa khethekanyo ṱhukhu (4) zwo badelwa.

(4) Mufaraḽaisentsi ufhio na ufhio a balelwaho u badela mithelo ya mugembulo nga kana phanḓa ha deithi yo randelwaho yo bulwaho kha khethekanyo ṱhukhu (1), nga ṋtha ha wonoyo muthelo wa mugembulo u ḓo badela ḓuvha liṅwe na liṅwe kana tshipida tsha ḓuvha le khaḽo onoyo mufaraḽaisentsi a tewa nga u badela muthelo wa mugembulo, ndaṱiso yo anganywaho nga phimo yo randelwaho ya ṱhanganyelo i sathu u badelwa: Tenda ha vha na uri ṱhanganyelo ya yeneyo ndaṱiso a i nga fhiri ṱhanganyelo gumo ya mithelo ya mugembulo i badelwaho kavhili.

(5) Tshifhio na tshifhio tsho randelwaho hu tshi tevhedzwa khethekanyo iyi tshi ḓo randelwa kha vhuvhudzisesani na Muraḓo wa Khoro mbusi a re na vhuḓifhinduleli ha zwa gwama.

(6) Mithelo ya mugembulo i badelwaho hu tshi tevhedzwa iyi khethekanyo i ḓo kuvhanganywa nga Bodo yo imela vhathakhiwa vho randelwaho.

Mbedelo malugana na khethululo

55. Bodo nga nyambedzano na Muraḓo a re na vhuḓifhinduleli i nga toḓa sa ṱhoḓea ya u tendela ḽaisentsi ya Khasino lwa mathomo, mbadelo khathihi vhusedzulusoni ha u garantela onoyo mufaraḽaisentsi khethululo malugana na lushaka lufhio na lufhio lwa mugembulo lwo tiwaho vhuponi ho tiwaho nahone lwa tshifhinga tshifhio na tshifhi tsho tiwaho: Tenda ha vha na uri Bodo murahu ha vhuvhudzisani na Muraḓo a re na vhuḓifhinduleli nahone nga maitele o randelwaho i nga lapfisa tshenetsho tshifhinga tsha khethululo hu si tshe na iṅwe mbadelo hafhu nga afho hune ha nga thendariwa ngaho nga onoyo mufara ḽaisentsi.

(2) Mbadelo ifhio na ifhio hu tshi tevhedzwa khethekanyo ṱhukhu (1) i ḓo badelwa kha Bodo hu tshi itelwa mbuelo ya Tshikwama tsha Mbuelo tsha Vundu, nga tshifhinga na maitele o tiwaho nga Bodo nyambedzanoni na muraḓo a re na vhuḓifhinduleli.

NDIMA YA 4

VHATHOLWA

Ṱhoḓea dza vhaṅwe vhatholowa

56. (1) Hu thsi tevhedzwa khethekanyo 62 a hu na muthu, nga nnḓa ha musi izwo zwo tiwa nga Bodo, vha ḓo tholwa kha bindu ḽifhio na ḽifhio ḽi elanaho na u tamba arali uyo muthu a si mufari wa ṱhanziela ya khwaṱhisedzo yo bviswasho hu tshi tevhedzwa khethekanyo 58(5).

(2) Muraḓo a re na vhuḓifihinduleli a nga randela mushumo ufhio na ufhio u vha mushumo u itela muhumbulo wa khethekanyo ṱhukhu (1).

Khumbelo ya ṱhanziela

57. (1) Khumbelo ya ṱhanziela ya thendelo i ḓo livishwa kha muofisi wa vhulangi muhulwane kha fomo yo randelwaho nahone i ḓo fhelekedzwa nga—

(a) sethe yo fhelelaho ya khanḓiso dza minwe ya muhumbeli dzo dzhiwaho nga nḓila yo randelwaho;

(b) maṅwalo eneo, zwidodombedzwa zwa mafhungo nga hune zwa nga randelwa; na

(c) mbadelo dza khumbelo dzo randelwaho.

(2) Mbekanyelo dza khethekanyo 28 dzi ḓo shuma *mutatis mutandis* kha khumbelo yo elekanyiwaho kha khethekanyo ṱhukhu (1).

U sedzwa ha vhahumbeli

58. (1) Bodo i ḓo sedza khumbelo hu tshi tevhedzwa khethekanyo 57 nahone i ḓo sedzesa—

(a) vhukale, nzulele, bvumo na vhuḓitiki ha muhumbeli siani ḽa mali na he a tholiwa;

(b) vhukhakhi vhufhio na vhifhio he muhumbeli a vhonwa mulandu a vhonala a sa fulufhedzei; na

(c) mafhungo maṅwe na maṅwe afhio na afhio ane a elana na u sumbedza arali muhumbeli e muthu o fanelaho u tholiwa.

(2) Arali Bodo yo fushea uri muhumbeli ndi muthu o fanelaho uri a nga tholiwa Bodo i ḓo tendela iyo khumbelo hu tshi tevhedzwa ayo maimela sa zwine Bodo ya nga ta.

(3) Bodo a i nga hani khumbelo i songo ṋea mhumbeli tshifinga tsha uri a pfiwe kana u swikisa vhuṱanzi.

(4) Arali Bodo ya hana khumbelo muofisi wa vhulangi muhulwane u ḓo mbo ḓo ḓivhadza muhumbeli nga ha uho a haniwa na mavhanga a ḓo ṋewa nga Bodo a tsheo yo raloho.

(5) Hune Bodo ya tendela khumbelo hu tshi tevhedzwa khethekanyo ṱhukhu (2), muofisi wa vhulangi muhulwane u ḓo ṋea muhumbeli ṱhanziela ya thendelo kha fomo yo randelwaho.

Redzhisiṱara ya vhatholwa

59. Muofisi wa vhulangi muhulwane u ḓo vha na redzhisṱara hune a ḓo ṅwala dzina na zwidodombedzwa zwo randelwaho zwa muthu muṅwe na muṅwe we a ṋewa ṱhanziela ya thendelo fhasi ha khethekanyo 58(5) kana ndi ṱhanziela ya nnyi yo imiswaho kana yo dzhiwa fhasi ha khethekanyo 61.

Tshifhinga tsha ṱhanziela

60. (1) Ṱhanziela ya thendelo yo bviswa fhasi ha khethekanyo 58(5) i ḓo vha na ndeme u bva nga deithi ye ya bviswa nga yo u swikela deithi ine—

(a) muṋe wayo, a swikisa iyo ṱhanziela ha muofisi wa vhulangi muhulwane, nga u tou ṅwala, zwa fheletshedzwa nga iyo ṱhanziela;

(b) ṱhanziela i dzhiwa nga Bodo fhasi ha khethekanyo 61;

(c) ṱhanziela i fhelelwa nga tshifhinga arali ṱhanziela yo bviswa lwa tshifhinga tsho tiwaho.

(2) Hune ṱhanziela ya thendelo ya imiswa fhasi ha khethekanyo 61, muṋe wa ṱhanziela yeneyo ha nga tholiwi tshifhingani tsha musi yo imiswa.

U imiswa na u dzhiwa ha ṱhanziela

61. (1) Bodo hu tshi tevhedzwa khethekanyo ṱhukhu (2) tshifhinga tshifhio na tshifhio i nga imisa ṱhanziela ya thendelo, u bva nga deithi ine ya nga tiwa nga Bodo, arali—

(a) mafhungo afhio a re ngomu ha khumbelo ya ṱhanziela yeneyo o vha nga tshifhinga tsha musi mafhungo a tshi ṋewa, a vha e si one kha zwifhio na zwifhio kana o ṱahedza zwifhio kana zwifhio;

(b) u bva tshee ha bviswa ṱhanziela, muṋe wa ṱhanziela a vha o vhonwa mulandu wa vhukhakhi fhasi ha Mulayo hoyu kana vhuṅwe vhukhakhi vhufhio na vhufhio vhune ha sumba u fanela hawe u tholiwa; na

(c) muṋe wa ṱhanziela o pfuka mbekanyelo dza khethekanyo 63; kana

(d) Bodo yo fushea uri muṋe wa ṱhanziela ha tsha vha mutho o fanelaho u tholiwa.

(2) Bodo a i nga ḓo imisa kana ya dzhia ṱhanziela ya thendelo, arali muṋe wayo, nga ndivhadzo i siho fhasi ha maḓuvha a 30, a songo ṋewa tshifhinga tsha u a pfiwe nga Bodo na u swikisa vhuṱanzi: Tenda iyo ṱhanziela ya thendelo ya nga imiswa u bva tshenetsho tshifhinga zwi tshi bva kha mvelele dza ḽo elekanyiwaho kha iyi khethekanyo ṱhukhu.

(3) Bodo tshifhinga tshifhio i nga ḓi humisa uho u imiswa ha ṱhanziela ya thendelo arali Bodo yo fushea uri mavhanga a u imiswa uho o fheliswa nahone zwa vhonala zwo fanela u humisa u imiswa uho.

U tholwa hu sa athu bviswa ṱhanziela

62. Nangwe hu na mbekanyelo dza khethekanyo ya 56 hune khumbelo ya ṱhanziela ya vha yo itwa nahone Bodo i tshi humbula uri—

(a) tsheo ine ya elana na khumbelo i nga si itiwe tshifhinganyana;

(b) ṱhanziela ya mushumo we yeneyo ṱhanziela ya vha yo ṋewa i nga si ite zwavhuḓi kana ha si vhe na mbuelo nga u lenga mushumoni wa muhumbeli; na

(c) u thoma ha mushumo wa muhumbeli a zwi nga mu tshinyeli u fulufhedzea na u shuma zwavhuḓi mushumoni he ḽaisentsi ya hone ya ṋewa, Bodo i nga ṋea muhumbeli thendelo nga u tou ṅwala uri a tholiwe hu sa uthu tiwa a khumbelo, hu tshi tevhedzwa maimele eneo na u thivhela nga hune Bodo ya vhona zwo fanela kha mafhungo eneo.

U thivhela hu no shuma kha vhatholwa

63. A hu na muthu ane a fanela u vha na ṱhanziela ya thendelo hu tshi tevhedzwa khethekanyo 56 (1) ane khasinoni kana holoni ya bingo, nga hune zwa nga vha ngaho—

(a) a longa tshanḓa kha uho u tamba arali zwo tea u itela u itwa ha mishumo yawe sa izwo uyo mutholi; kana

(b) a ṱanganedza thipi, maliguṱe, mahumbulwa, kana iṅwe mbuelo kha mutambi kana murengi henefho khasinoni kana holoni ya bingo, nga nnḓa ha musi zwo randelwa.

NDIMA YA 5

MUOFISIRI WA MAPHOLISA NA VHAINGAMELI

Maanḓa a pholisa a u dzhena vhuponi ho ḽaisentsiwaho

64. Nangwe tshiṅwe na tshiṅwe tshi fhambanaho na tshi re ngomu Mulayoni muṅwe ufhio na ufhio, muofisiri wa mapholisa wa kana a re nṱha ha vhuimo ha Ḽefuthenenthe a nga hu na zwiitisi zwi pfalaho nahone ene a tshi vhona zwo tea, a si na ḽiṅwalo ḽa u tendelwa a dzhena vhuponi ho ḽaisentsiwaho u itela—

(a) u ita idzo ṱhoḓisiso na u kanda uho vhukando sa zwine ene a nga vhona zwo tea u itela u thivhela vhukhakhi;

(b) u sedzulusa vhukhakhi;

(c) tsedzuluso ya vhuḓifari ha muthu ufhio na ufhio henefho ngomu; na

(d) u ta uri kana maimele o bulwaho kha uyu Mulayo a khou tevhedzwa.

(2) Muofisiri wa mapholisa a no khou dzhena vhuponi, ho ḽaisentsiwaho fhasi ha khethekanyo ṱhukhu (1) u ḓo ri vhukatini ha maḓuvha a fumi na maṋa a vho dzhena a ṋekedza muvhigo wo tou ṅwalwaho kha Bodo.

U tholwa ha Vhaingameli vha Bodo

65. (1) Bodo i nga thola muthu a re na ndalukano dzo teaho sa muingameli kha u ita, hu tshi tevhedzwa ndaulo na ndango dza Bodo, ifhio na ifhio kana yothe mishumo yo tetshelwaho muingameli hu tshi tevhedzwa khethekanyo 66.

(2) Muingameli muṅwe na muṅwe o tholwaho fhasi ha khethekanyo ṱhukhu (1) u ḓo ṋewa ṱhanziela yo sainwaho nga kana ho imelwa Bodo i tshi bula uri ene o tholwa sa muingameli: Tenda u tholwa hawe sa muingameli ho livhiswa kha mushumo muṅwe ufhio na ufhio, ṱhanziela yawe i ḓo sumba uho u livhiswa.

(3) Musi muingameli o tholiwaho fhasi ha khethekanyo (1) a tshi ita mushumo fhasi ha uyu Mulayo hu na muthu a kwameaho henefho, muingameli u ḓo ri arali hu na ṱhoḓea nga uyo muthu u ḓo mu bvisela ṱhanziela yo laedzwaho kha khethekanyo ṱhukhu (2).

Mishumo na maanḓa a Muingameli

66. (1) Muingameli nga, u itela ndivho ya uyu Mulayo—

(a) nga nnḓa ha ndivhadzo yo fhiraho kana liṅwalo la u setsha a nga dzhena vhuponi ho laisentsiwaho vhune ha khou shumiselwa u gembula kana vhuṅwe vhupo vhufhio na vhufhio vhune ha khou humbulelwa uri—

(i) Khasino kana nyito iṅwe ifhio na ifhio i khou itwa nga nndani ha maanḓa a laisentsi;

(ii) vhathu vha khou tendelwa u tamba kana u longa tshanḓa kha nyito dza u gembula; kana

(iii) mutshini ufhio na ufhio wa u tamba kana tshishumiswa tshifhio na tshifhio, ndila, tshithu, bugu, rekhode, ndivhadzo kana liṅwe liṅwalo lo shumiswaho kana zwi konaho u shumiswa malugana na u shumisa Khasino kana nyito ifhio na ifhio ya u gembula nga muthu ufhio na ufhio zwo vhewa, nahone, nga murahu ha musi ho no ḓivhadziwa muthu a re na vhuḓifhinduleli ha vhupo u itela muhumbulo wa madalo awe, u ita idzo tsedzuluso na ṱhoḓisiso sa zwine ene a nga vhona zwo tea;

(b) vhuponi vhufhio na vhufhio ho laedzwaho kha phara *(a)*—

(i) ha ṱoḓea u bviswa ha ṱhanziela ifhio na ifhio kana thendelo yo tou ṅwalwaho kana maanḓa ane muthu ufhio na ufhio a khou ṱoḓiwa u vha nao fhasi ha uyu Mulayo u laulaho nyito dza u gembula;

(ii) u vhudzisa kana u setsha muthu ufhio na ufhio ane a vha kha kana kha uho vhupo na u ṱola nyito dzifhio na dzifhio malugana na u itwa ha nyito ifhio na ifhio ya u gembula; na

(iii) u ṱola kana u ingamela mutshini ufhio na ufhio wa u tamba, tshishumiswa, mashumisele, tshithu, bugu, rekhode, liṅwalo kana liṅwe liṅwalo lo laedzwaho kha phara *(a)* ha itwa kopi kana tshipida henefho khalo;

(c) u toda u bva kha muthu ufhio na ufhio a re na vhudifhinduleli ha vhupo ho laedzwaho kha para *(a)*—

(i) u sumbedza tshishumiswa tshifhio na tshifhio, mashumisele kana tshithu tsho laedzwaho kha ila phara tshine a vha natsho kana fhasi ha mbulungo yawe kana fhasi ha ndaulo yawe;

(ii) u bvisa muhumbulo wa ndingo kana u ita dzikopi kana zwipida, bugu dzothe, rekhode, dzinoutu kana maṅwe maṅwalo o laedzwaho kha ila phara zwine a vha nazwo kana kha mbulungo yawe kana fhasi ha ndaulo yawe;

(iii) u bvisa vhuṱanzi vhufhio na vhufhio malugana na tshiṅwe na tshiṅwe tshe tsha bviselwa khagala kana u itwa hu tshi tevhedzwa phara ṱhukhu (i) kana (ii); na

(d) u dzhiya na u bvisa mutshini ufhio na ufhio wa u tamba, tshishumiswa, mashumisele, tshithu, bugu, rekhode, noutu kana liṅwe liṅwalo lo laedzwaho kha ila phara tshine uya nga muhumbulo wawe tsha nga ṋea vhuṱanzi ha u dzhenelelwa ha mbekanyelo dzifhio na dzifhio dza uyu Mulayo kana u zwi ṱutshela vhuponi vhu kwameaho musi zwo no itiwa u itela u faedza.

(2) Muingameli a nga, musi e na thendelo yo tou ṅwalwaho nga mulangavhatshutshisi, muingameli kana a ita dzikopi kha mbalelano ifhio na ifhio ya muthu ufhio na ufhio kha tshiko tshifhio na tshifhio tsha zwa gwama hune mbalelano ya nga, nga muhumbulo wa mulangavhatshutshisi, kana vhuṱanzi ha khomishinari vhukhakhi hu tshi tevhedzwa mbekanyelo dza uyu Mulayo.

(3) Muingameli a nga swikisa ndivhadzamulandu tshifhinga tshiṅwe na tshiṅwe sa zwine Bodo ya nga laedza u bviswa ha iyo ndivhadzamulandu hu tshi tevhedzwa uyu Mulayo zwi elana na ndaulo dzi fanaho dza iyi khothe.

(4) Musi hu tshi itwa mushumo ufhio na ufhio hu tshi tevhedzwa khethekanyo ṱhukhu (1), muingameli a nga fheletshedzwa nga na u vhonadza ene muṋe tshumelo dza muthusi kana ḓologi kana muofisi ufhio na ufhio wa mapholisa.

(5) A huna tshithu kha iyi khethekanyo tshine tsha ḓo thivhela muingameli ufhio na ufhio o tholwaho na u fhiwa maanda hu tshi tevhedzwa Mulayo wa u gembula wa Lushaka kha u ita mushumo ufhio na ufhio wa iyo yo bulwaho afho ntha na maanda kha Vundu.

U hanelela u dzhena

67. (1) Muofisiri wa mapholisa kana muingameli a re na maanḓa a u dzhena vhuponi vhufhio na vhufhio ho laedzwaho kha khethekanyo 66(1) a nga shumisa idzo nungo sa zwine zwa nga vhonala zwo tea kha u kunda u hanelela hufhio na hufhio ha uho u dzhena ha fhethu hu tshi katelwa na u kwasha vothi ḽifhio na ḽifhio kana fasitere: Tenda ha vha uri ilo pholisa kana muingameli u ḓo thoma zwi khou pfala a toḓa thendelo kha vhupo ho bulwaho na u ḓivhadza muhumbulo wa uri ndi ngani ene a tshi toḓa u dzhena uho vhupo.

(2) Mbekanyelo dza khethekanyo ṱhukhu (1) a dzi nga ḓo shuma hune muofisiri wa mapholisa kana muingameli a kwameaho nga zwiitisi zwi pfadzaho a na muhumbulo wa uri tshithu tshiṅwe na tshiṅwe tshine tsha vha tshiitwa tsha tsenguluso tshi nga tshinyadzwa kana tsha dzhiiwa arali mbekanyelo dza uyo mulayo dzi tshi khou imiswa ngadzo.

NDIMA YA 6

U FHIWA HA MIHUMBULO NGA MAANḒA A RE NA VHUKONI

Zwiitisi zwa phetho nga vhulaedzwa vhu konaho

68. (1) Muthu o itaho khumbelo ifhio na ifhio, khanedzo kana vhuimeleli hu tshi tevhedzwa uyu Mulayo nahone ane a pfa o vhaiswa nga phetho kha fhungo ḽa mulayo wo itwaho nga vhulaedzwa vhu konaho malugana na khumbelo, kha vhuimeleli vhu konaho uri vhuimeli vhu konaho vhu ṋee zwiitisi zwa iyo phetho.

(2) Vhulaedzwa vhu konaho ho no wana khumbelo yo bulwaho kha khethekanyo ṱhukhu (1), tshifhingani tsho randelwaho nahone nga maitele o randelwaho vhu ḓo ṋea zwiitisi zwaho zwa phetho yeneyo.

Zwiitisi zwa tsedzuluso

69. Khothe khulwane i nga; nga lutamo lwa muthu o itaho khumbelo, khanedzo kana vhuimeli hu tshi tevhedzwa uyu Mulayo nahone ane a pfa o vhaiswa nga phetho ya vhulaedzwa vhu konaho malugana na khumbelo, khanedzo kana vhuimeli i nga sedzulusa iyo phetho.

Maanḓa hu tshi sedzuluswa

70. Khothe ine ya khou sedzulusa phetho ya vhulaedzwa vhu konaho hu tshi tevhedzwa khethekanyo 69, arali ha vhetshelwa thungo phetho, ya bvisa ndaela ya uri vhulaedzwa vhu konaho vhu sedzuluse nga huswa mafhungo malugana na zwe phetho ya dzhielwa, nga nnḓa ha musi kha muhumbulo wayo, zwiṅwe zwiitisi zwi kombetshedza iṅwe ndaela.

Khwelelo kha Khothe khulwane

71. (1) Muthu o itaho khumbelo ifhio na ifhio, khanedzo kana vhuimeli hu tshi tevhedzwa uyu Mulayo nahone ane a pfa o vhaiswa nga phetho kha fhungo la Mulayo wo itwaho nga vhulaedzwa vhu konaho malugana na khumbelo, khanedzo kana vhuimeli a nga hwelela kha Khothe Khulwane a tshi landula pheto.

(2) Khwelelo yeneyo i do dzhielwa nzhele ya tshutshiswa zwa tou nga yo vha i khwelelo i landulaho khathulo khothe ya madzhisitarata kha kutshimbidzele kwa tsengo kwapo.

(3) Arali khothe yo no sedza khwelelo ya fushea uri vhulaedzwa vhu konaho ho khakha kha u ita phetho yeneyo khothe i nga vhetshela yeneyo phetho thungo, huno kha u vhetshela phetho thungo, nga nnda ha musi kha muhumbulo wayo, mahwe maimele a si a misi a tshi itisa inwe mbekanyo, vhu do bvisa ndaela uri vhulaedzwa vhu konaho vhu lavhelese nga huswa mafhungo e phetho ya itwa nga hao.

NDIMA YA 7

ZWA MILAYO NA MAFHUNGO A ELANAHO NA ZWENEZWO

Dzangalelo la zwa tshelede

72. Kontiraka ine hu tshi tevhedzwa yone ha wanala dzangalelo la zwa tshelede li kudanaho na khethekanyo 40(1) kana (2) i do vha lifhedzi.

U litshedza kha u tutshela pfanelo, mishumo na milandu

73. Nga nnda ha musi uyu Mulayo u tshi tendela zwo tou tiwaho kana nga muhumbulo wo fanelaho, mbekanyelo yeneyo, kontiraka ine ya vha na mbekanyelo hune muthu a vhonala u nga u litsha kana u tutshela pfanelo, vhutalu, mushumo kana mulandu hu tshi tevhedzwa uyu Mulayo, i do vha lifhedzi hu sa londwi uri kana kontiraka yo vha yo khunyeledzwa phanda kana murahu ha u thoma ha uyu Mulayo.

Tshumelo ya kuitele

74. Kha kuitele kufhio na kufhio kwa zwa milayo kwo thomiwaho malugana na vhulaedzwa vhu konaho, tshumelo ya Mudzulaphanda na ofisini ya Axennde la Muvhuso arali i hone, kana davhi la yeneyo ofisi i re vhuponi ha ndaulo ya yeneyo khothe, kana kuitele kufhio na kufhio kana linwalo liifhio na lifhio line ngalo kuitele kwa thomiwa, i do vha tshumelo yo edanaho kha vhulaedzwa vhu konaho.

U dzhenelela ha Axennde wa Muvhuso

75. A hu na maga ane a do dzhiwa nga vhulaedzwa vhu konaho kuitele kufhio na kufhio kwa zwa milayo kwo sedzwaho kha khethekanyo 74 nahone a huna kuitele kwa mulayo kune kwa do thomiwa nga vhulaedzwa vhu konaho nga nnda ha u dzhenelela ha Axennde wa Muvhuso.

Mitengo

76. Mitengo yo itwaho nga vhulaedzwa vhu konao malugana na kuitele kufhio na kufhio kwo sedzwaho kha khethekanyo 74 nga nnḓa ha musi khothe i tshi laedza uri mitengo i hwalwe nga tshigwadatshihanedzi kana nga vhulaedzwa vhu konaho *debonis propriis* zwi tshi bva kha Tshikwama tsha Mbuelo ya Vundu.

NDIMA YA 8

NYANGAREDZO

U thivhelwa malugana na u tamba

77. A huna muthu ane a ḓo—

(a) tamba kha mvelele dza tshiwo tshifhio na tshifhio kana vhukwamani nga nnḓa ha—

(i) mutambo wa Khasino;

(ii) tshiwo tsha mitambo, na mufari wa ḽaisentsi o tendelwaho nga iyo ḽaisentsi u gembula kha mutambo kana vhukwamani honoho: Tenda ha vha uri iyi khethekanyo a i nga ḓo thivhela mufari wa ḽaisentse kha u ṱanganedza vhabetshi vha tshi bva vhathuni zwi tshi elana na nyimelo dza ḽaisentsi yawe;

(b) nga nnḓa ha ḽaisentsi i ṱoḓeaho a vha na mutshini wa u tamba kana u tendela nyito ifhio na ifhio ya u gembula fhethu hufhio na hufhio fhasi ha ndaulo yawe;

(c) u gembula fhethu hufhio a hufhio ho laedzwaho kha phara (b) kana u dalela afho fhethu hufhio na hufhio a na muhumbulo wa u gembula;

(d) u tendela mushumo ufhio na ufhio kha vhupo vhufhio na vhufhio ho laedzwaho kha khethekanyo 56 na muthu ufhio na ufhio a si mufari wa ḽaisentsi i ṱoḓeaho, nga nnḓa ha u dzhiya oṱhe maga a tsireledzo a u thoma ḽaisentsi i ṱoḓiwaho.

Kushumisele ku si kwa vhuḓi kha "khasino"

78. A huna muthu ane nga nnḓa ha thendelo yo tou ṅwalwaho ya Bodo a vhambadza kana a anḓadza bindu fhasi ha dzina kana ṱhoho ine ipfi "Khasino" ḽa vhumba tshipiḓa, nga nnḓa ha musi ene e mufari wa ḽaisentsi ya khasino.

U thivhelwa ha vhaṅwe vhathu u dzhena vhuponi ho ḽaisentsiwaho

79. (1) a huna muthu a re na miṅwaha i re fhasi ha 18 ane a ḓo dzhena vhuponi vhufhio na vhufhio ho ḽaisentsiwaho, nahone ha nga ḓo shela mulenzhe kha u gembula hufhio na hufhio kana, kana u fara kana u shumisa mutshini wa u tamba.

(2) A huna mufaraḽaisentsi kana mutholi wa mufaraḽaisentsi ane a ḓo tendela muthu ufhio na ufhio ane a vha na vhukale vhu re fhasi ha miṅwaha ya 18, nahone a huna mubebi kana muundi wa muthu a re fhasi ha vhukale ha miṅwaha ya 18, ane a ḓo tendela muthu o raloho, a tshi dzhenela kana u vha hone kha vhupo ho ḽaisentsiwaho nahone ha nga tendeli muthu o raloho a tshi tamba kana u fara kana u shumisa zwishumiswa zwa u tamba.

(3) He khothe ya wana muthu mulandu wa vhukhakhi vhufhio na vhufhio ya vha ya muhumbulo wa uri nga ṅwambo wa nzulele ya vhukhakhi kana maimo e vhukhakhi ha itwa khao, ndi zwavhudi hu u itela dzangalelo ḽa vhudziki ha vhathu, vhudi ha vhathu ha matshilele kwao, uri muthu o raloho a songo tendelwa u dzhena vhuponi vhufhio na vhufhio ho ḽaisentsiwaho, khothe i nga bvisa ndaela ya luṅwalo ya u mu thivhela u dzhena vhuponi vhufhio na vhufhio ho ḽaisentsiwaho ho tiwaho kha ndaela kha tshifhinga tshi no bulwa kha ndaela.

(4) Hune khothe ya ita ndaela fhasi ha khethekanyo (3) mabalane wa khothe u ḓo swikisa kopi ya ndaela kha muofisi muhulwane wa mushumo ane a ḓo itisa uri i swikiswe kha vhafaraḽaisentsi vha vhuponi ho ḽaisentsiwaho ho bulwaho kha ndaela.

(5) Bodo i nga, nga izwo zwiitisi zwine zwa ḓo vha zwo laedzwa, thivhela muthu ufhio na ufhio kha u dzhena vhuponi ho ḽaisentsiwaho kana u shela mulenzhe kha u gembula hufhio na hufhio.

Nyiledzo malugana na mumagi, vhuvhambadzi, vhuphaḓaladzi, vhuṱundi, zwishandukisi na zwishumiswa

80. A huna muthu ane a ḓo—

(a) shumisa, maga, rengisa, phaḓaladza, tunḓa kana maketa garaṱa dzifhio na dzifhio, madaisi a mafanedza, mutambo, kana tshishumiswa tsha u gembula tshine tsha ṱoḓou shumiswa kha u pfuka mbekanyelo dzifhio na dzifhio dza Mulayo uyu;

(b) fhuṅgudza, kana u leludza tshishumiswa tshifhio na tshifhio tsha u gembula kana tshomedzo ifhio na ifhio i livhanyiswaho natsho nga maitele ane a—

(i) kwama mvelelo dza mubetshi nga u anganya u wina na ndozwo; kana

(ii) fhungudza kana kwama maitele a vhukuma a khethululo i sedzulusaho mvelelo dza mutambo wa Khasino;

(c) ṋea muthu ufhio mafhungo kana tshishumiswa tsha u fhura mutamboni ufhio na ufhio wa Khasino, a tshi ḓivha zwauri vhuṱanzi ho ṋekedzwaho tshi nga shumiswa u pfuka mbekanyelo ifhio na ifhio ya Mulayo uyu.

Zwifhuri na zwishumiswa zwifhuri

81. (1) A huna muthu ane—

(a) a ḓo tendela ufhio na ufhio u tshimbidza kana u hwala kana u shumisa tshifhuri kana tshishumiswa tshifhuri;

(b) a ḓo tshimbidza, kana hwala kana shumisa kana shuma nga kana fanela u tamba mutambo ufhio na ufhio wa khasino kana mitambo i tambiwaho nga magaraṱa kana nga kha tshishumiswa tsha mekhaniki, kana ṱhanganyelo ifhio na ifhio ya mitambo yeneyo na zwishumiswa zwenezwo zwe nga maitele zwa makiwa kana zwa shandukiswa kana zwa vhewa kha nyimele kana zwa shumiswa nga maitele ane mvelelo dzao dza itisa zwa u fhura vhatambi kana vhathu kana zwa itisa u fhungudza mananguludzele vhukuma a songo pulanelwaho a ndayo kana tshifhinga vhukuma tsha mutambo une wa nga sumbedzisa kana wa fhungudza mvelele dza mutambo onoyo; na

(c) na u shumisa tshithu tsha nyedziso tshifhio na tshifhio kana tshiga, kana u pfuka milayo ya mutambo ufhio na ufhio kana u dzhenelela nga iṅwe ṋdila na tshumiso dzifhio na dzifhio dza u tamba dziṅwe tshumiso dzifhio na dzifhio dzi shumiswaho kha u gembula hu na muhumbulo wa u wana zwivhuya zwi elanaho na masheleni, zwo livha kana zwi songo livha kana u itela ene muṋe kana muṅwe muthu.

(2) Hu tshi itelwa khethekanyo iyi na khethakanyo 80*(c)* "u fhura" kana "vhufhura" zwi amba u shandula mananguludzele a mavhonele—

(a) zwi taho mvelele dza mutambo wa khasino;

(b) zwi taho tshivhalo kana u elela ha mbadelo kha mutambo wa khasino;

(c) hu tshi tevhedzwa tshikimu tshifhio na tshifhio, nzudzanyo, sisteme kana pulane ine murado a re na vhuḓifhinduleli a nga ri tshifhinga tshiṅwe nga ṋḓivhadzo kha Gazete ya Vundu a zwi dzhiya hu u fhura.

Vhukhakhi, khaṱhulo na ndozwo

82. Muthu ufhio na ufhio ane—

(a) a pfuka kana a balelwa u tevhedza mbetshelo ifhio na ifhio ya uyu Mulayo kana ndayo iṅwe-vho yo itwaho nga fhasi ha khethekanyo 88 kana mulayo wo itwaho nga fhasi ha khethekanyo 87;

(b) ita tshitatamennde tsha mazwifhi kha khumbelo ifhio na ifhio kana rithene nga fhasi ha uyu Mulayo;

(c) a pfuka ṱhoḓea ifhio na ifhio ya ḽaisentsi;

(d) vhuponi vhufhio na vhufhio ho laisentsiwaho a tshimbidza u gembula hufhio na hufhio kana a vhulunga tshishumiswa tshifhio na tshifhio tsha u tamba tshi songo randelwaho nga fhasi ha uyu Mulayo kana a tshimbidza mutambo ufhio na ufhio wo randelwaho nga maṅwe maitele hu sa tevhedzwi milayo ya mutambo wonoyo;

(e) a thithisa kana a thivhela muofisiri ufhio na ufhio wa mapholisa kana muingameli kha u ita mishumo yawe fhasi ha uyu Mulayo;

(f) a ṋea ṱhalutshedzo kana vhuṱanzi kha muofisiri wa maṗholisa kana muingameli vhuṋe ha vha mazwifhi kana vhu xedzaho, a tshi zwi ḓivha uri ndi mazwifhi kana vhu xedzaho;

(g) u ḓivhiga lu si lwa vhukuma sa muingameli;

(h) nga nṋdani ha thendelo yo tou ṅwalwaho ya muingameli kana muofisiri wa mapholisa o teaho, a bvisa fhethu he tsha siiwa hone nga muingameli kana muofisiri wa mapholisa, kana u kwamana na, u tshinyadza, kana u ita dzitshanduko kha, tshiṅwe na tshiṅwe tsho dzhiiwaho nga muingameli kana muofisiri wa mapholisa kha u ita mishumo yawe;

(i) u kundelwa u tevhelela ndaela dzo itwaho fhasi ha khethekanyo 79(3) kana a tshi zwi ḓivha a tendela uyo muthu u dzhena vhuponi ho laisentsiwaho;

(j) musi o samanisiwa u ṋea vhuṱanzi ṱhoḓisesoni nga fhasi ha khethekanyo 20(2) hu si na zwiitisi zwi fushaho a balelwa u swika nga tshifhinga na fhethu ho bulwaho samanisiwa kana u dzhenela u swikela mafhedziseloni a ṱhoḓiseso kana u swika zwenezwo a tshi vhofhololwa nga Bodo uri a songo tsha dzhenela ṱhoḓiseso kana u bveledza bugu ifhio na ifhio, liṅwalo kana tshithu tshi re vhuṋeni hawe kana vhuundini hawe kana nga fhasi ha ndangulo yawe, ye ene a samanisiwa uri a i bvise;

(k) musi o samanisiwa nga fhasi ha khethekanyo 20(3)—

(i) hu si na zwiitisi zwi fushaho a hana u ita muano kana u ita thendelelo sa ṱhanzi murahu ha musi ene o laedzwa nga murado wa Bodo wo dzulelaho u ita zwenezwo kha ṱhoḓiseso kana a hana u ṱanziela kana a hana kana a balelwa u fhindula nga vhuḓalo nahone zwavhudi u ya nga afho hune ndivho yawe ya guma hone na vhukhwine ha fulufhelo lawe, mbudziso ifhio na ifhio ye a vhudziswa yone lwa Mulayo;

(ii) musi o ana muano kana musi o no ita thendelelo (khwaṱhisedzo) a vho ṋea vhuṱanzi ha u zwifha phanda ha Bodo kha ṱhoḓiseso ifhio na ifhio kha mafhungo afhio na afhio, a tshi zwi ḓivha zwauri honoho vhuṱanzi ndi mazwifhi kana a sa ḓivhi kana a tshi tenda uri zwi ngoho,

u ḓo vha na mulandu wa vhukhakhi nahone kha u haṱulwa u ḓo tewa nga faini kana u dzula dzhele lwa, tshifhinga tshi sa fhiriho miṅwaha ya fumi kana zwoṱhe iyo faini kana uho u dzula dzhele.

(2) Arali mufari wa ḽaisentsi ifhio na ifhio kana ṱhanziela yo bviswaho nga Bodo, a pfuka kana a kundelwa u ḓiimisa nga mbetshelo dza uyu Mulayo, Bodo i nga, nga murahu ha u ita ṱhoḓisiso yo laedzwaho kha khethekanyo 20, a vheya kha uyo mufara ḽaisentsi kana mufari wa ṱhanziela faini ifhio na ifhio ine khothe ya fhasi, hu tshi katelwa na khethekanyo ya Dzingu yo thomiwaho fhasi ha mbetshelo dza Mulayo wa Khothe ya Madzhisiṱaraṱa 1994 (Mulayo No. 32 wa 1994), u nga vha wo shumiswa, nahone u kundelwa hufhio na hufhio kha u nambatela tshigwevho tsha Bodo vhukatini ha itsho tshifhinga sa zwine i nga vheya zwi ḓo bveledza u khantselwa nga u ṱanganya ha ḽaisentsi ifhio na ifhio kana ṱhanziela yo bviswaho nga Bodo kha uyo muthu kana avho vhathu: Tenda uri—

(a) arali zwiitwa zwifhio na zwifhio zwo vhetshelwa muthu hu tshi tevhedzwa iyi khethekanyo ṱhukhu, uyo muthu ha nga ri hu tshi tevhedzwa uho vhuḓifari a nga si vhonwe mulandu wa vhukhakhi; na

(b) uri arali o vhonwa mulandu wa vhukhakhi nga u pfuka, zwiitwa hu tshi tevhedzwa iyi khethekanyo ṱhukhu a zwi nga ḓo itelwa uyo muthu malugana na nyito i elanaho na izwo zwiitwa zwa vhugevhenga.

Vhuḓifhinduleli vhu shayaho tshenzhemo

83. (1) Musi mulanguli wa bindu ḽine ḽa kwamiwa nga ḽaisentsi, kana zhendedzi kana mutholiwa wa mufari wa ḽaisentsi, a tshi kana a siedza u ita nyito ifhio na ifhio ine ya nga vha vhukhakhi hu tshi tevhedzwa uyu Mulayo a tshi itela mufari onoyo a tshi nga ita kana u siedza u ita iyo nyito, nga nnḓa ha musi ene a tshi nga fusha khothe uri—

(a) ene ho ngo ṱuṱuwedzwa kha kana u tendela iyo nyito kana tsiedzo nga mulanguli, zhendedzi kana mutholiwa onoyo;

(b) ene o dzhiya oṱhe maga a u thivhela nyito kana tsiedzo; na

(c) nyitio kana tsiedzo, kana lwa mulayo kana lu si lwa mulayo, ulwo lushaka lu ḓo vhonwa nga maimele nahone na nga nnḓa ha iṅwe ndila zwi sa weli kha mbonalo ya maanḓa kana u tholwa ha mulanguli, zhendedzi kana mutholiwa a kwameaho.

(2) U itela khethekanyo ṱhukhu (1)*(b)*, vhuṱanzi ha uri mufari wa ḽaisentsi o ṋea ndaela he nyito ifhio na ifhio kana tsiedzo ya ulwo lushaka i khou thivhelwa a zwi nga ḓo vha kha zwone zwi vhuṱanzi ha uri ene o dzhia maga o teaho a u thivhela iyo nyito kana tsiedzo.

Ndaṱiso ya lweṱolweṱo lwa u Gembula

84. (1) *(a)* Musi muthu o vhonwa mulandu hu tshi tevhedzwa khethekanyo 77(1)*(b)*, Bodo i ḓo anganya mutengo une uyo muthu a ḓo, u ya nga muhumbulo wa Bodo, tea u badela sa lweṱo-lweṱo lwa u gembula hu tshi tevhedzwa khethekanyo 54 arali ene e mufari wa ḽaisentsi, nahone Bodo i ḓo ri nga u ṱavhanya ya ḓivhadza uyo muthu nga u tou ṅwala mutengo wo anganywaho.

(b) Mutengo wo laedzwa kha phara *(a)* u ḓo anganyiwa zwi tshi elana na tshifhinga tshi sa fhiriho miṅwaha ya 3 i tshi vhalwa u bva murahu kha ḓuvha ḽe ha vhonwa mulandu onoyo muthu.

(c) Mutengo wo anganyiwaho hu tshi tevhedzwa phara *(a)* u ḓo badelwa nga muthu o vhonwaho mulandu nga iyo ndila yo randelwaho hu tshi tevhedzwa khethekanyo 54(1)*(a)* vhukatini ha maḓuvha a 21 u bva ḓuvha ḽa ndivhadzo yo laedzwaho kha iyo phara.

(d) Mbetshelo dza khethekanyo 54(4) dzi ḓo shuma *mutatis mutandis* malugana na muthu ane a tea u badela lweṱolweṱo lwa u lwa u gembula fhasi ha iyi khethekanyo.

Vhukoni vhu ta ndaṱiso

85. Nga nnḓa ha mulayo ufhio na ufhio u hanedzaho izwo, madzhisiṱirata u ḓo vha na maanḓa a re mulayoni a u ṋea ndaṱiso ifhio na ifhio yo randelwaho nga uyu Mulayo.

Nyiledzo kha nyito Vunduni dzi elanaho na u Gembula nnḓa ha Vundu

86. A huna muthu ane a ḓo vhofhololwa kha vhuḓifinduleli nga fhasi ha mbetshelo ifhio na ifhio ya uyu Mulayo malugana na nyito ifhio na ifhio kana tshithu tsho itwaho kana tsho laedzwaho kana tendelwaho nga ene uri tshi itwe Vunduni malugana na u gembula hufhio na hufhio nga tshiitisi fhedzi tsha uri ndangulo, vhuḓifari kana bindu ḽa kana zwi elanaho na matambele eneo nga vhuḓalo kana nga tshipiḓa zwi khou itwa huṅwe fhethu nga nnḓa ha Vundu.

Zwidayo

87. (1) Bodo i nga ita zwidayo zwi sa elaniho na mbetshelo dza uyu Mulayo, dzi elanaho na u shumiswa ha maanḓa ayo na u itwa ha mishumo yayo, hu tshi katelwa na—

(a) Mafhungo afhio na afhio a elanaho na khumbelo ya ḽaisentsi;

(b) Ndangulo na u langwa ha vhupo ho ḽaisentsiwaho;

(c) Zwidayo zwa u tambwa ha mutambo ufhio na ufhio wa u gembula.

(2) Hu sa athu fhela ṅwedzi muthihi phanḓa ha musi kudayo kufhio na kufhio kwo itwa fhasi ha iyi khethekanyo, Bodo i ḓo ita uri liṅwalo na zwenezwo li anḓadzwe kha Gazete ya Vundu khathihi na ndivhadzo i tshi vhiga ndivho yayo ya ita uri ukwo kudayo na u ramba vhathu vha re na dzangalelo u ṋea mihumbulo yavho kana vhuimeleli vhufhio na vhufhio vhune vha tama u ita malugana na zwenezwo, kha Bodo.

Dzindaulo

88. (1) Muraḓo a re na vhuḓifhinduleli murahu ha nyambedzano na Bodo nga ndivhadzo kha Gazete ya Vundu a nga ita dzindaulo dzi elanaho na—

(a) mafhungo afhio na afhio a elanaho na Bodo;

(b) mafhungo afhio na afhio a elanaho na khumbelo ya laisentsi;

(c) ndangulo na ndaulo ya vhupo ho laisentsiwaho;

(d) u bviswa, khomishini kana dziṅwe khathulo dzine dza nga hatula mufari wa laisentsi;

(e) fhethu hune mutambo ufhio na ufhio wa khasino wa nga tambiwa;

(f) pfufho dzo winiwaho dzi tea u badelwa malugana na mbambe dza zwipuka;

(g) u lamulwa ha dziphambano dza u gembula nga Bodo;

(h) mafhungo afhio na afhio ane u ya nga uyu Mulayo a khou toḓa kana a nga randelwa;

(i) nga u angaredza, mafhungo afhio na afhio ane u ya nga uri zwi na ndeme kana o dzhaya kha u ita dzindaulo u itela u swikela ndivho dza uyu Mulayo.

(2) Ndaulo yo itwaho fhasi ha iyi khethekanyo i nga ri u itela u fhambana honoho kana u kundelwa u ima na, u randela ndatiso kana u dzula dzhele lwa tshifhinga tshi sa fhiriho miṅwaha mivhili kana zwothe iyo faini na u dzula dzhele.

(3) Ndaulo dzo fhambanaho dzi nga itwa fhasi ha iyi khethekanyo malugana na laisentsi dzo fhambanaho, laisentsi dzi fanaho dzine dza vha na zwiitwa zwi elenaho, zwigwada zwo fhambanaho zwa vhathu kana vhupo ho fhambanaho.

(4) Hu sa athu fhela ṅwedzi muthuhi phanḓa ha musi ho itwa ndaulo ifhio na ifhio fhasi ha iyi khethekanyo, muraḓo a re na vhuḓifhinduleli u ḓo ita uri liṅwalo li anḓadziwe henefho kha Gazete ya Vundu khathihi na ndivhadzo i ṋeaho muhumbulo wawe wa u ita uri hu rambiwa vhathu vha re na dzangalelo u ḓa u ṋea mihumbulo kana vhuimeleli vhune vha nga tama u ita malugana na zwenezwo, kha muraḓo a re na vhuḓifhinduleli.

(5) Mbetshelo dza khethekanyo ṱhukhu (4) dzi ḓo shuma malugana na—

(a) ndaulo ifhio na ifhio ine, nga murahu ha mbetshelo dza iyo khethekanyo ṱhukhu dza vha dzo imiwa nadzo, dza vha dzo khwiniswa nga muraḓo a re na vhuḓifhinduleli, nga nṱhani ha mihumbulo kana vhuimeleli ho waniwaho hu tshi tevhedza uho u imiwa naho; kana

(b) ndaulo ifhio na ifhio ine malugana na dzangalelo ḽa nnyi na nnyi ya ṱoḓiwa uri i itwe hu si na u lenga.

Mbetshelo dza tshanduko

89. (1) Ḽaisentsi ifhio na ifhio ya u tshimbidza khasino kha Vundu yo bviswaho hu tshi tevhedzwa mulayo ufhio na ufhio wo thuthwaho nga uyu Mulayo, i ḓo dzhiwa sa yo bviswaho hu tshi tevhedzwa uyu Mulayo, nga murahu mbetshelo dza uyu Mulayo dzi ḓo shumiswa malugana na iyo ḽaisentsi.

(2) *(a)* Nga nnḓa ha u thuthwa ha mbetshelo dza Mulayo ufhio na ufhio wa Vundu nga uyu Mulayo, khumbelo ifhio na ifhio yo itwaho nga maanḓa a iyo mbetshelo phanḓa ha datumu ya mathomo a uyu Mulayo nahone i sa fhedzwe nga iyo datumu i ḓo bvelwa phanḓa nayo nahone ya fhedzwa ho dzhiwa uri idzo mbetshelo dzo vha dzi songo thuthwa: Tenda ha vha uri vhulaedzwa vhu konaho kha tsedzuluso ya iyo khumbelo i ḓo ri nga maanḓa ayo ya fhirisela iyo khumbelo kha Bodo uri i fhedziswe.

(b) Ḽaisentsi ifhio na ifhio kana maanḓa o ṉewaho hu tshi tevhedzwa Mulayo lwa Vundu wo thuthwaho nga uyu Mulayo nahone ine ya tewa nga u ṉewa hu tshi tevhedzwa uyu Mulayo i ḓo dzhiwa yo ṉewa hu tshi tevhedzwa uyu Mulayo, nga murahu mbetshelo dza uyu Mulayo dzi ḓo shuma malugana na iyo ḽaisentsi kana maanḓa.

(c) Ndaulo ifhio na ifhio kana ndayo yo itwaho fhasi ha mbetshelo dza Mulayo wa Vundu ufhio na ufhio wo thuthwaho nga uyu Mulayo nahone une wa nga itwa fhasi ha khethekanyo 87 kana 88 ya uyu Mulayo, khathihi, u ḓo dzhiwa wo itwa fhasi ha uyu Mulayo.

(d) Tshithu tshifhio na tshifhio tsho itwaho fhasi ha Mulayo wa Vundu ufhio na ufhio tsho thuthwaho nga uyu Mulayo nahone tshine tsha ḓo kana tshi nga itwa hu tshi tevhedzwa mbetshelo dzo bulwaho murahu.

(3) Yoṱhe ndaka na Milandu ye phanḓa ha mathomo a uyu Mulayo ya vha i kha Bodo yo thomiwaho hu tshi tevhedzwa Mulayo wa Vundu ufhio na ufhio, wo thuthwaho nga uyu Mulayo, i ḓo ri nga u ṱavhanya zwi tshi pfesesea na u konadzea nga murahu ha mathomo a uyu Mulayo ya fhiriselwa kha Bodo ya vha ndaka na milandu ya Bodo.

(4) Muraḓo a re na vhuḓifinduleli a nga shumisa maanḓa na u ita mishumo ya Bodo, hu sa katelwi u ṉea ha ḽaisentsi ifhio na ifhio, u swika itsho tshifinga tshine Bodo ya ḓo vha yo no khethiwa.

Mashumiselwe a Mulayo

90. Mbetshelo dza Mulayo wa u Gembula, 1965 (Mulayo No. 51 wa 1965), a dzi nga ḓo shumiswa kha Vundu zwi tshi elana na tshiṅwe na tshiṅwe hune ḽaisentsi kana u redzhisiṱara ha khou ṱoḓiwa hu tshi tevhedzwa uyu Mulayo.

Zwikolodo zwa matambele zwi a kombetshedzea

91. Tshikolodo tshifhio na tshifhio tsho itwaho nga muthu lwa mulayo murahu ha mathomo a uyu Mulayo, hu sa tevhedzwi mbetshelo dza Mulayo ufhio na ufhio kana mulayo wa vhoṱhe tshi ḓo kombetshedzea khotheni ya Mulayo.

U phumulwa ha Mulayo

92. Milayo yo bulwaho kha Shedulu afha i khou phumulwa kana u khwiniswa nga afho he ya sumbedzwa kha Kholomu ya vhuraru.

Dzina ḽipfufhi na mathomo

93. (1) Uyu Mulayo u ḓo pfi Mulayo wa Khasino na u Gembula wa Vundu ḽa Devhula wa 1996 nahone u ḓo thoma u shuma nga deithi yo vhewaho nga muraḓo a re na vhunḓifhinduleli nga nḓivhadzo kha Gazete ya Vundu.

(2) Deithi dzo fhambanaho dzi nga dzudzanywa nga u tou ralo malugana na mivhundu yo fhambanaho Vunduni.

SHEDULE

MILAYO YO PHUMULWAHO KANA YO KHWINISWAHO

Nomboro ya mulayo	Dzina, nomboro na ṅwaha wa mulayo	Vhuhulu na muphumulo kana khwiniso
Mulayo No. 13 wa 1980	Mulayo wa Khasino wa Venda, 1980 (Mulayo No. 13 wa 1980)	U phumulwa woṱhe

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 15 **29 November 1996**

Hierby word bekendgemaak dat die Premier die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 4 van 1996: Noordelike Provinsie Wet op Casino's en Dobbel, 1996.

INDELING VAN ARTIKELS

1. Woordomskrywing.

HOOFSTUK 1

Die Raad op Casino's en Dobbel van die Noordelike Provinsie

2. Instelling van die Raad op Casino's en Dobbel van die Noordelike Provinsie.
3. Bevoegdhede en werksaamhede van die Raad.
4. Samestelling van die Raad.
5. Kwalifisering vir aanstelling as lid van die Raad.
6. Prosedure van aanstelling van Raad.
7. Ampstermyn.
8. Beëindiging van ampstermyn en vul van vakatures.
9. Besoldiging en toelaes van lede van die Raad.
10. Personeel van die Raad.
11. Deursigtigheid en vertroulikheid.
12. Posisie van openbare vertroue.
13. Fondse van die Raad.
14. Rekenpligtigheid, oudit en jaarsverslag.
15. Vergaderings van die Raad.
16. Komitees van die Raad.
17. Notule.
18. Oorlegpleging deur Raad.
19. Koöptering van persone.
20. Ondersoeke deur die Raad.

HOOFSTUK 2

Lisensiëring

21. Nasionale norme en standaarde.
22. Diskwalifikasie vir lisensies in die algemeen.
23. Soorte lisensies.
24. Aansoeke.
25. Aansoekgelde.
26. Besware.
27. Aansoek en beswaar moet oop wees vir openbare insae.
28. Ondersoeke en polisieverslae.
29. Tydelike lisensies ten opsigte van onvoltooide persele.
30. Casinolisensies.
31. Dobbelmasjienoperateurlisensie.
32. Dobbelmasjienperseellisensie.
33. Bingo-operateurlisensie.
34. Vervaardigers- en verskafferslisensies.
35. Spesiale lisensies.
36. Opskorting of intrekking van lisensie.
37. Oordrag en oorplasing van lisensie.

HOOFSTUK 3

Voorwaardes

38. Algemene voorwaardes van lisensies.
39. Elektroniese moniteringstelsel vir dobbelmasjiene.
40. Finansiële belange in sake van lisensiehouer.
41. Geskiktheid van derde partye.
42. Dobbeltoestelle.
43. Boeke, rekeninge en rekords.
44. Beheer van toegang tot sekere persele.
45. Reklame.
46. Krediet.
47. Reëls van sekere spele.
48. Bystand aan klante.
49. Duur van lisensie.
50. Lisensiegelde.

51. Plig om lisensie te toon.

52. Plig om lisensie of sertifikaat te toon.

53. Hernuwing van lisensies.

54. Dobbelheffings.

55. Betaling ten opsigte van eksklusiwiteit.

HOOFSTUK 4

Werknemers

56. Vereistes vir sekere werknemers.

57. Aansoek om sertifikaat.

58. Oorweging van aansoek.

59. Register van werknemers.

60. Geldigheidsduur van sertifikaat.

61. Opskorting en intrekking van sertifikaat.

62. Indiensneming voor die uitreiking van 'n sertifikaat.

63. Beperkings van toepassing op werknemers.

HOOFSTUK 5

Polisiebeamptes en inspekteurs

64. Bevoegdheid van polisie om gelisensieerde perseel te betree.

65. Aanstelling van inspekteurs deur die Raad.

66. Werksaamhede en bevoegdhede van inspekteur.

67. Weerstand teen betreding.

HOOFSTUK 6

Verstrekking van redes, hersienings en appèlle

68. Redes vir beslissing deur bevoegde owerheid.

69. Gronde vir hersiening.

70. Bevoegdheid by hersiening.

71. Appèlle na Hooggeregshof.

HOOFSTUK 7

Geregtelike en verwante aangeleenthede

72. Finansiële belange.

73. Afsien of afstand doen van sekere regte, voorregte, verpligtinge en aanspreeklikhede.

74. Betekening van prosesstukke.

75. Bemiddeling van Staatsprokureur.

76. Koste.

HOOFSTUK 8

Algemeen

77. Verbod ten opsigte van dobbelary.

78. Onbehoorlike gebruik van die woord "casino".

79. Verbod van bepaalde persone om gelisensieerde perseel te betree.

80. Verbod ten opsigte van die vervaardiging, verkoop, verspreiding, invoer, bemarking, verandering en aanpas van dobbeltoerusting en -toestelle.

81. Kullery en kultoestelle.

82. Misdrywe, strawwe en verbeurings.

83. Middellike verantwoordelikheid.

84. Strafheffings vir dobbelary.

85. Bevoegdheid om boetes op te lê.

86. Verbod op aktiwiteite in die Provinsie met betrekking tot dobbelary buite die Provinsie.

87. Reëls.

88. Regulasies.

89. Oorgangsbepalings.

90. Toepassing van Wet.

91. Afdwingbaarheid van dobbelaryskuld.

92. Herroeping van Wette.

93. Kort titel en inwerkingtreding.

BYLAE

Wette herroep of gewysig.

NOORDELIKE PROVINSIE WET OP CASINO'S EN DOBBEL, 1996

(Engelse teks deur die Premier onderteken)

(Bekragtig op 28 November 1996)

Om voorsiening te maak vir beheer oor casino's en dobbel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Noordelike Provinsie, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

"bevoegde owerheid" die verantwoordelike Lid van die Raad, na gelang van die geval, deur wie 'n werksaamheid ingevolge hierdie Wet verrig moet word;

"bingosaal" die perseel waarin die spel bingo gespeel word kragtens 'n bingo-operateurlisensie;

"casino" die gelisensieerde perseel waarin dobbel kragtens 'n casinolisensie bedryf word;

"casinospel" enige spel wat gespeel word met speelkaarte, dobbelstene, dobbelmasjiene, dobbeltoestelle of enige ander toestel wat gebruik word om die resultate van weddenskappe teweeg te bring deur wen of verloor te bepaal vir geld, eiendom, tjeks, krediet of enigiets van waarde (uitgesonderd 'n geleentheid om nog 'n spel te speel), met inbegrip, sonder om afbreuk te doen aan die algemeenheid van die voorgaande, van roulette, bingo, twenty-one, black-jack, *chemin de fer* en baccarat, maar uitgesonderd 'n lotery;

"dobbelary" om 'n weddenskap aan te gaan oor enige aktiwiteit waarvan die uitkoms onseker is, ter wille van 'n opbrengs, en is dit die generiese term wat alle vorme van dobbel en weddery omvat;

"dobbeltoestel" enige toerusting of meganiese, elektromeganiese of elektroniese toestel, komponent of masjien of dobbelmasjien wat regstreeks of onregstreeks in verband met 'n casinospel gebruik word;

"dobbel" die speel van 'n casinospel;

"dobbelspel" enige spel, ongeag of die uitslag daarvan deur geluk bepaal word al dan nie, wat gespeel word met speelkaarte, dobbelstene, dobbelmasjiene of dobbeltoestelle vir geld, eiendom, tjeks, krediet of enigiets van waarde (uitgesonderd 'n geleentheid om nog 'n spel te speel), met inbegrip van, sonder om afbreuk te doen aan die algemeenheid van die voorgaande, roulette, bingo, twenty-one, black-jack, *chemin de fer* en baccarat, en uitgesonderd 'n lotery soos omskryf in nasionale wetgewing oor loterye;

"dobbelmasjien" 'n elektroniese of elektromeganiese toestel, apparaat of masjien wat, na die ingooi van 'n muntstuk, skyfie of soortgelyke voorwerp of na betaling van 'n teenprestasie beskikbaar is om te speel of gehanteer te word, en die speel of hantering waarvan, hetsy as gevolg van die vaardigheid van die operateur of die toepassing van die element van geluk, of albei, kontant of enigiets van waarde (uitgesonderd 'n geleentheid om nog 'n spel te speel) kan lewer of die persoon wat die masjien speel of hanteer, daarop geregtig kan maak om dit te ontvang;

"geleentheid om nog 'n spel te speel" 'n geleentheid wat nie aan die persoon wat sodanige geleentheid gewen het of enige ander persoon uitgekeer of oorgedra kan word nie vir enige ander doel as om sodanige geleentheid te gebruik om sonder onderbreking die tipe spel ten opsigte waarvan die geleentheid gewen is, verder te speel, maar uitgesonderd 'n geleentheid wat nie op enige wyse, hetsy regstreeks of onregstreeks, in geld, eiendom, tjeks, krediet of enigiets van waarde omgesit kan word nie of aldus omgesit kan word nie ingevolge 'n skema, reëling, stelsel, plan of toestel wat die verantwoordelike Lid van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* kan verklaar nie 'n geleentheid om nog 'n spel te speel te wees nie;

"gelisensieerde perseel" die deel of dele van 'n perseel wat gelisensieer is vir die bedryf van dobbelary wat kragtens hierdie Wet gemagtig is;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

"Hoof Uitvoerende Beampte" die Hoof Uitvoerende Beampte aangestel kragtens artikel 10(1)*(a);*

"inspekteur" 'n inspekteur aangestel kragtens artikel 65;

"lisensie" 'n lisensie bedoel in artikel 23;

"lotery" 'n lotery soos omskryf in nasionale wetgewing oor loterye;

"Ouditeur-generaal" die persoon as Ouditeur-generaal aangestel kragtens artikel 191(2) van die Grondwet;

"plaaslike owerheid" 'n plaaslike owerheid soos omskryf in artikel 1 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), en 'n oorgangsraad ingestel kragtens daardie Wet wat plaaslike regeringswerksaamhede uitgeoefen het tot uitsluiting van enige sodanige plaaslike regeringsliggaam;

"politieke ampsdraer" 'n persoon soos omskryf in artikel 190A van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), die lede van die Volkstaatraad en plaaslike regerings, en 'n ampsdraer van 'n politieke party;

"Provinsiale Wetgewer" die Wetgewer van die Noordelike Provinsie soos bedoel in artikel 125 van die Grondwet;

"Provinsie" die Noordelike Provinsie soos bedoel in artikel 124 van die Grondwet;

"prys" enige roerende of onroerende goed, hetsy liggaamlik of onliggaamlik;

"Raad" die Raad op Casino's en Dobbel van die Noordelike Provinsie ingestel by artikel 2;

"Regering" die Regering van die Noordelike Provinsie;

"Republiek" die Republiek van Suid-Afrika soos bedoel in artikel 1 van die Grondwet;

"sportgebeurtenis" enige wettige gebeurtenis of gebeurlikheid tensy soos andersins voorgeskryf;

"Uitvoerende Raad" die Uitvoerende Raad van die Noordelike Provinsie;

"verantwoordelike Lid" die Lid van die Uitvoerende Raad verantwoordelik vir die administrasie van hierdie Wet;

"voorgeskryf" voorgeskryf by regulasie, en het "voorskryf" 'n ooreenstemmende betekenis;

"Voorsitter" 'n persoon aangestel as Voorsitter ingevolge artikel 4;

"hierdie Wet" ook 'n regulasie of reël daarkragtens uitgevaardig of uitgereik.

HOOFSTUK 1

DIE RAAD OP CASINO'S EN DOBBEL VAN DIE NOORDELIKE PROVINSIE

Instelling van die Raad op Casino's en Dobbel van die Noordelike Provinsie

2. Hierby word 'n raad ingestel wat as die Raad op Casino's en Dobbel van die Noordelike Provinsie bekend staan en 'n regspersoon is.

Bevoegdhede en werksaamhede van die Raad

3. (1) Die Raad moet—

(a) die bevoegdhede uitoefen en die werksaamhede verrig wat—

(i) ingevolge hierdie Wet aan hom opgedra word;

(ii) ingevolge 'n ander wet aan hom opgedra word;

(b) die verantwoordelike Lid adviseer of voorsien van 'n verslag of aanbevelings oor enige aangeleentheid wat deur die verantwoordelike Lid na die Raad verwys is vir oorweging en voortspruit uit die toepassing van hierdie Wet of verband hou met die beheer oor dobbelary in die Provinsie.

(2) Die Raad kan, met die goedkeuring van die verantwoordelike Lid en indien 'n wet van 'n ander provinsie daarvoor voorsiening maak, sodanige bevoegdhede uitoefen en sodanige werksaamhede en pligte ingevolge sodanige wet verrig ten opsigte van persone en aangeleenthede in gemelde provinsie as wat die Raad ingevolge hierdie Wet in hierdie Provinsie kan uitoefen en verrig.

(3) Die Raad kan, ondanks andersluidende bepalings in enige ander wet, 'n beloning betaal aan 'n persoon wat inligting verskaf het betreffende 'n beweerde oortreding van 'n bepaling van hierdie Wet.

Samestelling van die Raad

4. (1) Die lede van die Raad word deur die verantwoordelike Lid aangestel in oorleg met die Uitvoerende Raad, en bestaan, behoudens subartikel (3), uit—

(a) een lid wat gekwalifiseer is om toegelaat te word om as 'n regspraktisyn in die Republiek te praktiseer en vir 'n kumulatiewe tydperk van ten minste vyf jaar nadat hy of sy aldus gekwalifiseer het, as 'n regspraktisyn gepraktiseer het of diens gelewer het met betrekking tot die toepassing of administrasie van die reg;

(b) een lid wat in die Republiek as 'n geoktrooieerde rekenmeester gekwalifiseer is en vir 'n kumulatiewe tydperk van ten minste vyf jaar nadat hy of sy aldus gekwalifiseer het, as 'n geoktrooieerde rekenmeester gepraktiseer het;

(c) een lid wat, na die mening van die verantwoordelike Lid, beskik oor kennis en ondervinding in die toerismebedryf;

(d) 'n beampte wat die Departement van Ekonomiese Sake en Toerisme van die Provinsie verteenwoordig, aangewys deur die verantwoordelike Lid;

(e) 'n persoon wat die Departement van Finansies van die Provinsie verteenwoordig, aangewys deur die Lid van die Uitvoerende Raad verantwoordelik vir Finansies;

(f) hoogstens vier lede wat bewese sakekundigheid of kennis van die dobbelarybedryf het en wat geskik is vir aanstelling in die Raad.

(2) Die verantwoordelike Lid stel 'n lid aan as die Voorsitter en nog 'n lid as die Ondervoorsitter van die Raad.

(3) Die Hoof Uitvoerende Beampte van die Raad is *ex officio* lid van die Raad.

(4) Wanneer die Voorsitter afwesig is of om enige rede nie in staat is om as Voorsitter op te tree nie, verrig die Ondervoorsitter die werksaamhede van die Voorsitter.

Kwalifisering vir aanstelling as lid van die Raad

5. (1) Niemand mag as 'n lid van die Raad aangestel word of 'n lid bly nie—

(a) tensy hy of sy—

(i) 'n natuurlike persoon is;

(ii) 'n burger van die Republiek is en normaalweg daarin woonagtig is, en 'n geskikte en gepaste persoon is;

(b) indien hy of sy—

(i) 'n regstreekse of onregstreekse belang het in—

(aa) enige dobbelary-aktiwiteit; of

(bb) 'n ander besigheid of onderneming wat kan bots met die behoorlike verrigting van sy of haar pligte as 'n lid van die Raad;

(ii) 'n politieke ampsdraer is;

(iii) 'n lid is van die Provinsiale Huis van Tradisionele Leiers of die Raad van Tradisionele Leiers;

(iv) 'n vennoot of genoot is van of binne die eerste graad deur aanverwantskap of bloedverwantskap verwant is aan 'n persoon bedoel in paragraaf *(b)*(i) of (ii);

(v) 'n ongerehabiliteerde insolvent is;

(vi) te eniger tyd uit 'n vertrouensamp ontslaan is as gevolg van wangedrag;

(vii) te eniger tyd, hetsy in die Republiek of elders, skuldig bevind is aan—

(aa) diefstal, bedrog, vervalsing of uitgifte van 'n vervalste stuk, meineed, 'n misdryf kragtens die Wet op Korrupsie, 1992 (Wet No. 94 van 1992), of 'n misdryf waarby oneerlikheid betrokke is; of

(bb) 'n misdryf ingevolge hierdie Wet of 'n ander soortgelyke wet; of

(viii) met uitsondering van 'n lid van die Raad in artikel 4(1)*(d)* en *(e)* bedoel, 'n staatsamptenaar is.

(2) *(a)* Indien 'n lid van die Raad tydens sy of haar ampstermyn gediskwalifiseer word ingevolge subartikel (1) of indien hy of sy, of sy of haar familielid, 'n belang verkry wat waarskynlik 'n belang is soos bedoel in subartikel (1)*(b)*(i), moet hy of sy so gou doenlik nadat hy of sy gediskwalifiseer is of na die verkryging van sodanige belang of nadat hy of sy van sulke inligting bewus geword het, sodanige inligting skriftelik aan die verantwoordelike Lid verklaar.

(b) Indien die verantwoordelike Lid, na ontvangs van die inligting van 'n lid van die Raad soos in paragraaf *(a)* bedoel, van mening is dat sodanige lid ingevolge subartikel (1) gediskwalifiseer is om 'n lid van die Raad te bly, moet hy of sy, behoudens artikel 8(2), die ampstermyn van sodanige lid kragtens artikel 8(1)*(b)* beëindig.

Prosedure van aanstelling van Raad

6. (1) Die lede van die Raad in artikel 4(1)*(a)*, *(b)*, *(c)* en *(f)* bedoel, mag nie aangestel word nie tensy die verantwoordelike Lid ten opsigte van sodanige lede belanghebbende partye deur die media en by kennisgewing in die *Provinsiale Koerant* gevra het om kandidate binne 21 dae na die uitnodiging in die media en die publikasie van sodanige kennisgewing, vir oorweging deur die verantwoordelike Lid te nomineer: Met dien verstande dat die uitnodiging in die media 'n uitnodiging in minstens een koerant wat in die Provinsie sirkuleer, moet insluit.

(2) 'n Persoon moet voor sy of haar aanstelling as lid van die Raad 'n skriftelike beëdigde of plegtige verklaring aan die verantwoordelike Lid voorlê waarin hy of sy sy of haar finansiële belange verklaar en verklaar of hy of sy enige belang het soos in artikel 5(1)*(b)*(i) of (iii) beoog.

(3) *(a)* 'n Lid van die Raad word nie aangestel nie tensy die verantwoordelike Lid minstens 30 dae voor die aanstelling van die lede van die Raad en op die wyse in subartikel (1) beoog, die name van al die persone wat vir aanstelling in die Raad genomineer is en die name van die persone wat hy of sy voornemens is om as lede van die Raad aan te stel en die datum waarop sodanige aanstellings gedoen staan te word, gepubliseer het.

(b) Iemand wat beswaar wil aanteken teen die aanstelling van enige persoon in die Raad, kan uiterlik 14 dae voor die datum waarop die aanstelling van die lede van die Raad gedoen staan te word, 'n beswaar skriftelik by die verantwoordelike Lid indien waarin die grond of gronde vermeld word wat volgens sodanige persoon die persoon wat aangestel staan te word, diskwalifiseer om as lid van die Raad aangestel te word.

Ampstermyn

7. 'n Lid van die Raad moet behoudens artikel 8 die amp beklee vir sodanige tydperk, wat nie drie jaar te bowe gaan nie, as wat die verantwoordelike Lid ten tyde van sy of haar aanstelling bepaal, en 'n lid van die Raad kan heraangestel word by die beëindiging van sy of haar ampstermyn.

Beëindiging van ampstermyn en vul van vakatures

8. (1) Die verantwoordelike Lid kan, nadat hy of sy 'n lid die geleentheid gebied het om sy of haar saak te stel, te eniger tyd die ampstermyn van 'n lid beëindig indien—

(a) daar goeie gronde bestaan om dit te doen in belang van die Raad en die behoorlike beheer en regulering van dobbelary;

(b) hy of sy ingevolge artikel 5(1) gediskwalifiseer word om 'n lid van die Raad te bly; of

(c) hy of sy sonder die toestemming vooraf van die Voorsitter van meer as twee agtereenvolgende vergaderings van die Raad afwesig was.

(2) Indien die verantwoordelike Lid die ampstermyn van 'n lid van die Raad ingevolge subartikel (1) beëindig, moet hy of sy sodanige beëindiging deur middel van 'n kennisgewing in die *Provinsiale Koerant* bekendmaak binne 14 dae na die datum van sodanige beëindiging.

(3) Die verantwoordelike Lid moet behoudens artikels 5, 6 en 7 'n toevallige vakature in die Raad van sodanige tydperk, wat nie drie jaar te bowe gaan nie, vul as wat die verantwoordelike Lid ten tyde van sy of haar aanstelling bepaal.

Besoldiging en toelaes van lede van die Raad

9. (1) Lede van die Raad of persone wat onderskeidelik ingevolge artikels 18 en 19 geraadpleeg of gekoöpteer word en wat nie in die voltydse diens van die Staat of die Provinsie is nie, kan ten opsigte van hulle dienste sodanige besoldiging en toelaes uit die fondse van die Raad betaal word as wat deur die verantwoordelike Lid bepaal word na oorleg met die Lid van die Uitvoerende Raad wat vir Finansies verantwoordelik is.

(2) Die besoldiging en toelaes van die lede van die Raad kan verskil ooreenkomstig die verskillende ampte wat hulle beklee of die verskillende werksaamhede wat hulle verrig.

Personeel van die Raad

10. (1) Die Raad word, by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede kragtens hierdie Wet, bygestaan deur—

(a) behoudens artikel 5(1)*(a)*(i) en (iii) en 5(1)*(b)*, 'n paslik gekwalifiseerde en ervare persoon as Hoof Uitvoerende Beampte, aangestel deur die verantwoordelike Lid na oorleg met die Raad of ingevolge subartikel (3) gesekondeer, om die Raad by te staan met die verrigting van alle finansiële, administratiewe en klerklike verantwoordelikhede met betrekking tot die werksaamhede van die Raad, en wat ten opsigte daarvan aan die Raad verantwoordelik is; en

(b) sodanige personeel, aangestel deur die Raad of ingevolge subartikel (3) gesekondeer, as wat nodig is om die Raad in staat te stel om sy werksaamhede te verrig: Met dien verstande dat 'n persoon nie ingevolge hierdie paragraaf deur die Raad aangestel word of 'n lid van die personeel van die Raad bly nie indien hy of sy onderworpe is aan 'n diskwalifikasie soos beoog in artikel 5(1)*(b)*.

(2) Die persone wat ingevolge subartikel (1) deur die Raad aangestel word, word uit die fondse van die Raad sodanige besoldiging en toelaes betaal en ontvang sodanige ander diensvoordele en word aangestel op sodanige bedinge en voorwaardes en vir sodanige tydperke as wat die Raad bepaal.

(3) Die Raad kan by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede, op sy versoek en na oorleg met die Provinsiale Administrasie van die Provinsie, bygestaan word deur beamptes van gemelde Provinsiale Administrasie wat na die diens van die Raad gesekondeer is ingevolge enige wet wat sodanige sekondering reël.

(4) *(a)* Enige werksaamheid of bevoegdheid wat die Raad ingevolge hierdie Wet kan verrig of uitoefen, met uitsondering van die bevoegdhede en werksaamhede bedoel in artikels 28, 29, 30, 33, 34, 36(2), 36(4), 36(5) en 37(5), kan gedelegeer word, hetsy in die algemeen of in 'n bepaalde geval, aan die Hoof Uitvoerende Beampte, 'n komitee van die Raad of enige ander lid van die personeel van die Raad.

(b) Enige gedelegeerde werksaamheid aldus verrig of gedelegeerde bevoegdheid aldus uitgeoefen, word geag deur die Raad verrig of uitgeoefen te wees.

Deursigtigheid en vertroulikheid

11. (1) Die Raad funksioneer op 'n deursigtige en oop wyse, behoudens subartikel (2).

(2) Geen lid of personeellid van die Raad, persoon bedoel in artikels 18 en 19 of inspekteur mag, uitgesonderd op bevel van 'n geregshof, die volgende openbaar maak nie:

(a) Enige dokument of inligting, of die identiteit van 'n persoon, wat die Raad bepaal het nie oop vir openbare insae is nie of nie openbaar gemaak mag word nie soos in artikel 27(2) bedoel;

(b) enige dokument of inligting wat deur enige regulerende of wetstoepassingsowerheid op voorwaarde van vertroulikheid aan die Raad verskaf is.

Posisie van openbare vertroue

12. (1) Ten einde die onafhanklikheid en integriteit van die Raad te verseker—

(a) mag 'n lid van die Raad of van die personeel van die Raad nie—

(i) afgesien van enige besoldiging ontvang uit hoofde van die amp wat hy of sy beklee, regstreeks of onregstreeks enigiets van waarde van enigiemand ontvang nie wat kan bots of inmeng met die behoorlike verrigting van sy of haar werksaamhede of pligte of op enige wyse voordeel trek uit die amp wat hy of sy beklee nie;

(ii) aan enige dobbelary in die Provinsie deelneem nie: Met dien verstande dat so 'n persoon aan sodanige dobbelary kan deelneem indien dit nodig is vir die verrigting van sy of haar werksaamhede ingevolge hierdie Wet;

(b) mag 'n lid of voormalige lid van die Raad nie, sonder die goedkeuring vooraf van die Raad, binne een jaar na die beëindiging van die ampstermyn van sodanige lid van die Raad aansoek doen om diens by 'n lisensiehouer of 'n aansoeker om 'n lisensie ingevolge hierdie Wet, of dit aanvaar nie;

(c) moet 'n lid van die Raad of van die personeel van die Raad voordat hy of sy begin om die werksaamhede van sy of haar amp te verrig, die eed of die plegtige verklaring aflê soos deur die verantwoordelike Lid bepaal.

(2) Die bepalings van subartikel (1)*(a)* en *(b)* is *mutatis mutandis* van toepassing ten opsigte van die verantwoordelike Lid.

(3) *(a)* 'n Lid van die Raad mag nie enige verrigtinge van enige vergadering of verhoor van die Raad bywoon of daarby stem of op enige ander manier daaraan deelneem nie indien, met betrekking tot enige aangeleentheid voor die Raad—

(i) hy of sy of haar onmiddellike familielid in artikel 5(1)*(b)*(iii) bedoel, vennoot of sakegenoot 'n regstreekse of onregstreekse lid of vennoot is van of 'n beherende belang of enige finansiële of ander belang het in die sake van die aansoeker of enige persoon wat vertoë rig met betrekking tot die aansoek om 'n lisensie nie; of

(ii) hy of sy enige belang het wat hom of haar verhinder om sy of haar werksaamhede as lid van die Raad op 'n regverdige, onbevoordeelde en behoorlike wyse te verrig nie.

(b) Indien dit in enige stadium in die loop van enige verrigtinge voor die Raad blyk dat 'n lid van die Raad 'n belang in paragraaf *(a)* bedoel het of kan hê—

(i) moet daardie lid die aard van sy of haar belang onverwyld en volledig openbaar en die vergadering of verhoor verlaat ten einde die oorblywende lede van die Raad in staat te stel om die aangeleentheid te bespreek en te bepaal of daardie lid uitgesluit is van deelname aan die verrigtinge by sodanige vergadering of verhoor op grond van 'n belangebotsing; en

(ii) word sodanige openbaring en die besluit geneem deur die oorblywende lede van die Raad oor sodanige bepaling aangeteken in die notule van die onderhawige verrigtinge.

(c) Indien 'n lid van die Raad in gebreke bly om 'n belang in paragraaf *(a)* beoog openbaar te maak of indien 'n lid wat so 'n belang het, die verrigtinge by die betrokke vergadering of verhoor bywoon of op enige wyse hoegenaamd daaraan deelneem, is die betrokke verrigtinge ongeldig: Met dien verstande dat geen besluit ingevolge hierdie Wet met betrekking tot die toestaan, wysiging, hernuwing, oordrag, opskorting, intrekking of terugtrekking van 'n lisensie of registrasie, of die oordrag van 'n gelisensieerde besigheid na 'n nuwe perseel, daardeur ongeldig word nie.

Fondse van die Raad

13. (1) Die fondse van die Raad bestaan uit—

(a) geld deur die Provinsiale Wetgewer bewillig;

(b) enige bedrae wat ingevolge hierdie Wet aan die Raad betaalbaar is; en

(c) ander geld wat regtens aan die Raad betaal word.

(2) Die Raad moet in elke boekjaar op 'n tyd deur die verantwoordelike Lid bepaal, 'n staat van die geraamde inkomste en uitgawes van die Raad vir die daaropvolgende boekjaar voorlê vir sy of haar goedkeuring.

(3) Die Raad kan in enige boekjaar aanvullende state van die geraamde uitgawes van die Raad vir daardie boekjaar aan die verantwoordelike Lid voorlê vir sy of haar goedkeuring: Met dien verstande dat sodanige goedkeuring net in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies verleen word.

Rekenpligtigheid, oudit en jaarverslag

14. (1) Die Hoof Uitvoerende Beampte is—

(a) belas met die verantwoordelikheid om rekenskap te gee van geld wat ontvang of uitbetaal is vir of ten behoewe van die Raad; en

(b) verplig om die nodige rekeningkundige en ander verwante rekords te laat hou.

(2) Die rekords in subartikel (1)*(b)* bedoel, moet jaarliks deur die Ouditeur-generaal geouditeer word.

(3) Die Raad moet—

(a) minstens een keer per jaar aan die verantwoordelike Lid verslag doen oor sy bedrywighede, en die verantwoordelike Lid moet sodanige verslag, insluitende die jaarlikse finansiële state van die Raad, onverwyld in die Provinsiale Wetgewer ter tafel laat lê; en

(b) die verslag in paragraaf *(a)* bedoel, binne 14 dae nadat dit aan die verantwoordelike Lid voorgelê is, voorlê aan die gepaste nasionale dobbelaryowerheid ingestel kragtens die nasionale dobbelarywetgewing ingevolge artikel 123(3) van die Grondwet.

Vergaderings van die Raad

15. (1) *(a)* Die eerste vergadering van die Raad word gehou op 'n tyd en plek wat die Voorsitter bepaal, en daarna vergader die Raad op sodanige tyd en plekke as wat die Raad van tyd tot tyd bepaal vir die spoedige afhandeling van sy sake: Met dien verstande dat die Raad minstens drie keer per jaar moet vergader.

(b) Die Voorsitter kan te eniger tyd met redelike kennis 'n buitengewone vergadering van die Raad belê wat gehou word op 'n tyd en plek wat hy of sy bepaal: Met dien verstande dat geen besluit ingevolge hierdie Wet met betrekking tot die toestaan, wysiging, hernuwing, oordrag, oorplasing, opskorting of intrekking van 'n lisensie of sertifikaat op 'n buitengewone vergadering geneem mag word nie.

(2) Die prosedure by 'n vergadering van die Raad word, in soverre dit nie voorgeskryf is nie, deur die Raad bepaal.

(3) Die kworum vir 'n vergadering van die Raad is enige ses lede van die Raad.

(4) 'n Besluit van die Raad word geneem deur 'n meerderheid van die stemme van die lede teenwoordig by 'n vergadering van die Raad.

(5) Geen besluit van die Raad is ongeldig bloot vanweë 'n vakature in die Raad of die feit dat 'n persoon wat nie daarop geregtig is om lid van die Raad te wees nie, 'n lid van die Raad was toe die besluit geneem is: Met dien verstande dat die besluit geneem is deur die vereiste meerderheid van die lede van die Raad wat toe teenwoordig en daarop geregtig was om lede van die Raad te wees.

(6) Enige vergadering van die Raad wat belê is vir die doel van—

(a) die aanhoor van vertoë of besware met betrekking tot 'n aansoek om 'n lisensie ingevolge hierdie Wet gedoen, moet oop wees vir die publiek: Met dien verstande dat die Voorsitter na sy of haar goeddunke en indien die Raad van mening is dat enige persoon se teenwoordigheid by die betrokke vergadering nie wenslik is nie, kan gelas dat sodanige persoon nie die vergadering mag bywoon nie of die vergadering moet verlaat; en

(b) beraadslaging met die oog op die neem van besluite en stemming daaroor ten opsigte van enige aangeleentheid by 'n vergadering, vind agter geslote deure plaas.

Komitees van die Raad

16. (1) Die Raad kan van tyd tot tyd 'n komitee aanstel om die bevoegdhede uit te oefen en die werksaamhede te verrig wat deur die Raad aan hom gedelegeer is.

(2) 'n Komitee moet bestaan uit—

(a) die lede van die Raad wat die Raad aanwys; of

(b) die lede van die Raad wat die Raad aanwys en die ander persone wat die Raad ingevolge artikel 19 koöpteer.

(3) Die Raad wys die voorsitter van 'n komitee aan.

(4) *(a)* 'n Komitee verrig sy werksaamhede en oefen sy bevoegdhede uit behoudens die bepalings van hierdie Wet en die opdragte van die Raad wat nie met sodanige bepalings strydig is nie.

(b) Enige gedelegeerde werksaamheid aldus verrig of gedelegeerde bevoegdheid aldus uitgeoefen, word geag deur die Raad verrig en uitgeoefen te wees, behoudens artikel 10(4)*(a)*.

Notule

17. (1) *(a)* 'n Notule van die verrigtinge in artikel 15(6)*(a)* bedoel van elke vergadering van die Raad word gehou en by die kantore van die Raad bewaar.

(b) Enigiemand kan afskrifte van die notule in paragraaf *(a)* beoog of enige deel daarvan teen betaling van die voorgeskrewe gelde verkry.

(2) *(a)* 'n Afsonderlike notule van die verrigtinge in artikel 15(6)*(b)* bedoel van elke vergadering van die Raad word insgelyks gehou en bewaar.

(b) Die notule in paragraaf *(a)* beoog of enige dokument waarin enige advies, verslag of aanbeveling deur die Raad vervat word, mag nie openbaar gemaak word nie, uitgesonderd aan—

(i) die verantwoordelike Lid;

(ii) enigiemand wat dit vir die verrigting van sy of haar werksaamhede ingevolge hierdie Wet benodig; en

(iii) enigiemand anders—

(aa) met die goedkeuring van die Raad; of

(bb) ingevolge 'n bevel van 'n bevoegde hof kragtens enige wet.

Oorlegpleging deur Raad

18. (1) Die Raad kan enige persoon, organisasie of instelling raadpleeg met betrekking tot enige aangeleentheid wat die Raad nodig ag om hom in staat te stel om sy bevoegdhede uit te oefen en sy werksaamhede te verrig.

(2) Die besoldiging en toelaes deur die Raad bepaal ingevolge artikel 9(1), indien wel, en die bedinge en voorwaardes van diens van iemand wat aldus geraadpleeg is, word vervat in 'n skriftelike ooreenkoms aangegaan vir daardie doel tussen die Raad en die persoon wat aldus geraadpleeg is.

Koöptering van persone

19. (1) Indien die Raad van mening is dat 'n bepaalde persoon die Raad kan bystaan met die oorweging van 'n bepaalde aangeleentheid, kan die Raad daardie persoon vir daardie doel koöpteer.

(2) 'n Persoon aldus gekoöpteer is nie daarop geregtig om by enige vergadering van die Raad of komitee van die Raad te stem nie.

(3) Die bepalings van artikel 18(2) is *mutatis mutandis* van toepassing ten opsigte van 'n persoon aldus gekoöpteer.

Ondersoeke deur die Raad

20. (1) Die Raad kan behoudens hierdie artikel ondersoek instel na enige aangeleentheid wat binne die bestek van sy werksaamhede val.

(2) Vir doeleindes van enige ondersoek ingevolge subartikel (1) kan die Raad deur skriftelike kennisgewing enigiemand dagvaar wat geraak word of geraak kan word deur of betrokke is by die oorweging van 'n bepaalde aangeleentheid deur voor die Raad te verskyn—

(a) om getuienis te lewer; of

(b) om enige boek, dokument of voorwerp te toon wat in sy of haar besit of onder sy of haar beheer is en wat na die mening van die Raad verband hou of verband kan hou met 'n aangeleentheid wat daar oorweeg gaan word:

Met dien verstande dat by enige ondersoek deur die Raad die persoon wat aansoek doen om 'n lisensie of die oordrag of oorplasing van 'n lisensie ingevolge hierdie Wet, of enige persoon wat teen die toestaan van so 'n aansoek beswaar maak, of die persoon wat die onderwerp van die ondersoek is, na gelang van die geval, indien hy of sy dit versoek, daarop geregtig is om voor die Raad te verskyn en getuies te roep.

(3) 'n Persoon wat 'n kennisgewing ingevolge subartikel (2) ontvang het, moet persoonlik voor die Raad verskyn op die datum en tyd en plek in die kennisgewing vermeld: Met dien verstande dat indien sodanige peroon nie handelingsbevoeg is om aldus voor die Raad te verskyn nie, enige persoon wat wetlik bevoeg is om namens hom of haar op te tree of enige persoon deur die Raad daartoe gemagtig, aldus namens hom of haar kan verksyn.

(4) die bepalings van subartikel (3) is *mutatis mutandis* van toepassing op enige regspersoon, organisasie of instelling.

(5) Die Raad kan enige persoon wat by die ondersoek teenwoordig is, oproep en ondervra, hetsy hy of sy gedagvaar is om 'n ondersoek kragtens subartikel (2) by te woon al dan nie, en kan enige boek, dokument of voorwerp waarvan die voorlegging kragtens daardie subartikel vereis word, ondersoek en vir 'n redelike tydperk behou.

(6) Die Raad kan van enige persoon wat voor die Raad verskyn by 'n ondersoek ingevolge subartikel (1), vereis om sy of haar getuienis onder eed of plegtige verklaring te lewer, en die lid van die Raad wat by die onderoek voorsit, kan die eed afneem of 'n plegtige verklaring van enige sodanige persoon aanvaar.

(7) Die wet betreffende privilegie soos van toepassing op 'n persoon wat gedagvaar is om getuienis te lewer of om enige boek, dokument of voorwerp aan 'n geregshof te toon, is van toepassing met betrekking tot die ondervraging van enige persoon of die toon van enige boek, dokument of voorwerp kragtens subartikel (2) of (5).

(8) Enigiemand wat voor die Raad by 'n ondersoek verskyn, is daarop geregtig om deur sy of haar regsverteenwoordiger verteenwoordig te word.

HOOFSTUK 2

LISENSIËRING

Nasionale norme en standaarde

21. Geen lisensie word kragtens hierdie Wet toegestaan nie, tensy die Raad ag slaan op—

(a) die bepalings van artikel 126(3) van die Grondwet; en

(b) die aanbevelings, as daar is, wat gedoen is deur die gepaste nasionale dobbelaryowerheid ingestel kragtens nasionale dobbelarywetgewing ingevolge artikel 126(3) van die Grondwet.

Diskwalifikasie vir lisensies in die algemeen

22. (1) 'n Lisensie word nie aan 'n persoon, insluitende 'n regspersoon, toegestaan nie—

(a) tensy die persoon—

(i) 'n geskikte en gepaste persoon is;

(ii) van goeie karakter en integriteit is en wie se vorige bedrywighede, reputasie, gewoontes en assosiasies nie 'n bedreiging vir openbare belang inhou nie; en

(iii) 'n persoon met 'n goeie finansiële rekord is;

(b) indien die persoon—

(i) 'n ongerehabiliteerde insolvent is;

(ii) 'n politieke ampsdraer is;

(iii) verwant is aan die verantwoordelike Lid of lid van die Raad in die eerste graad deur aanverwantskap of bloedverwantskap;

(iv) in die Republiek of elders in die voorafgaande 10 jaar skuldig bevind is aan 'n misdryf, tensy—

(aa) die Raad van mening is dat die misdryf van so 'n aard was dat dit nie impliseer dat die persoon ongeskik is om die lisensie te hou nie; of

(bb) die skuldigbevinding en vonnis deur 'n bevoegde hof tersyde gestel is; of

(cc) sodanige persoon amnestie of algehele kwytskelding ontvang het vir 'n misdryf wat daardie persoon andersins sou diskwalifiseer vir die hou van 'n lisensie;

(v) minderjarig is op die datum van die oorweging van die betrokke aansoek;

(vi) in diens is van 'n wetstoepassingsagentskap, insluitende die Suid-Afrikaanse Polisiediens;

(vii) die gade is van 'n persoon in subparagraaf (i), (ii), (iv) of (vi) beoog;

(c) tensy die Raad oortuig is dat—

(i) die staat, 'n organisasie waarby die staat betrokke is, 'n politieke party of enige beampte van 'n politieke party nie enige finansiële belang het by die dobbelarybesigheid van die aansoeker of die perseel waarop 'n casino gedryf staan te word nie: Met dien verstande

dat hierdie subparagraaf vir 'n tydperk van twee jaar na die inwerkingtreding van hierdie Wet nie van toepassing is nie ten opsigte van enige finansiële belang gehou deur die staat of sodanige organisasie by die inwerkingtreding van hierdie Wet;

(ii) die toestaan van sodanige lisensie nie 'n dominante en oorgekonsentreerde markaandeel of enige beperkende praktyke, verkrygings en monopoliesituasies soos beoog in die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979), in die dobbelarybedryf of 'n tak daarvan teweeg sal bring of sal vererger nie;

(iii) die toestaan van sodanige lisensie nie tot die vestiging van 'n oormatig groot dobbelarybedryf in die Provinsie sal lei nie, met inagneming van die aantal inwoners van die Provinsie en hulle finansiële middele en die aantal lisensies reeds toegestaan ingevolge hierdie Wet of enige ander wet.

(2) Indien 'n persoon wat ingevolge subartikel (1) gediskwalifiseer is om 'n lisensie te hou—

(a) 'n regstreekse of onregstreekse finansiële belang van 5 persent of meer in 'n maatskappy, beslote korporasie, vennootskap, trust of enige ander regspersoon het;

(b) 'n bevoordeelde kragtens 'n trust is wat meer as 5 persent van die opbrengs of bates van die trust ontvang of daarop geregtig is; of

(c) 'n bestuurder van 'n maatskappy, beslote korporasie, trust, vennootskap of regspersoon is,

is sodanige maatskappy, beslote korporasie, trust, vennootskap of regspersoon ook gediskwalifiseer om 'n lisensie te hou: Met dien verstande dat die aansoeker, voor diskwalifikasie, 'n redelike geleentheid gebied word om die diskwalifiserende omstandighede reg te stel.

(3) By die toepassing van subartikel (1)*(b)*(iv) beteken "voorafgaande" dit wat die datum van die betrokke aansoek voorafgaan.

Soorte lisensies

23. (1) Die Raad kan, behoudens die bepalings van hierdie Wet, die volgende lisensies ten opsigte van dobbel toestaan, naamlik—

(a) casinolisensies;

(b) dobbelmasjienoperateurlisensies;

(c) dobbelmasjienperseellisensies;

(d) bingo-operateurlisensies;

(e) vervaardigers-, instandhoudings- of verskafferslisensies.

(2) Enige lisensie in subartikel (1) bedoel, moet skriftelik wees.

(3) 'n Lisensie verleen aan die houer daarvan die regte en voorregte en onderwerp hom of haar aan die verpligtinge en aanspreeklikhede wat uit hoofde van hierdie Wet daardeur gereël word of uit die hou daarvan voortspruit.

(4) Die maksimum getal van enige soort lisensies wat die Raad mag toestaan, kan voorgeskryf word: Met dien verstande dat die maksimum getal casinolisensies wat die Raad mag toestaan, op enige gegewe tydstip voorgeskryf moet wees.

Aansoeke

24. (1) Enigiemand kan om 'n lisensie in artikel 23 bedoel aansoek doen: Met dien verstande dat—

(a) iemand wie se aansoek geweier is om enige rede in artikel 22 bedoel, of wie se lisensie ingetrek is om enige rede in artikel 36 bedoel, nie binne 12 maande na die datum van sodanige weiering of intrekking weer om 'n lisensie aansoek mag doen nie; en iemand wat 'n regstreekse of onregstreekse belang van 5 persent of meer in die besigheid of perseel van sodanige aansoeker of lisensiehouer het, mag nie binne 12 maande na die datum van sodanige weiering of intrekking om 'n lisensie aansoek doen nie indien sodanige persoon nie regstreekse of effektiewe oorsaak van sodanige weiering of intrekking was; en

(b) iemand wie se aansoek meer as een keer geweier is om enige rede in artikel 22 bedoel, of wie se lisensie meer as een keer ingetrek is om enige rede in artikel 36 bedoel, nie binne drie jaar na die datum van die jongste weiering of intrekking weer om 'n lisensie mag aansoek doen nie; en iemand wat 'n regsteekse of onregstreekse belang van 5 persent of meer in die besigheid of perseel van sodanige aansoeker of lisensiehouer het, mag nie binne drie jaar na die datum van die jongste weiering of intrekking om 'n lisensie aansoek doen nie indien sodanige persoon die regstreekse of effektiewe oorsaak van sodanige weiering of intrekking was.

(2) 'n Aansoek om 'n lisensie moet—

(a) op die voorgeskrewe wyse by die Hoof Uitvoerende Beampte ingedien word;

(b) vergesel gaan van—

(i) die goedkeuring of vertoë van die plaaslike owerheid in wie se gebied die perseel ten opsigte waarvan die aansoek gedoen word, geleë is of sal wees;

(ii) gewaarmerkte afskrifte van die voorgeskrewe kennisgewing gepubliseer in die *Provinsiale Koerant* en 'n koerant wat sirkuleer in die gebied waar die perseel waar die dobbel gaan plaasvind, geleë is; en

(iii) sodanige ander dokumente en inligting as wat die Raad bepaal.

(3) 'n Aansoeker kan in die betrokke aansoek enige dokument of inligting ingesluit by die aansoek identifiseer wat na die mening van die aansoeker vertroulik is of om enige rede nie aan die publiek openbaar gemaak mag word nie, en redes aanvoer waarom die Raad kan bepaal dat sodanige dokument of inligting nie aan die publiek ter insae beskikbaar gestel mag word nie.

(4) 'n Aansoek om 'n lisensie moet deur die Raad oorweeg word en die Raad kan daarna—

(a) die aansoek weier; of

(b) die aansoek toestaan.

Aansoekgelde

25. Enigiemand wat kragtens artikel 24 'n aansoek by die Raad indien—

(a) moet by die indiening van sodanige aansoek die voorgeskrewe gelde aan die Raad betaal; en

(b) is aanspreeklik vir en betaal aan die Raad alle uitgawes deur die Raad aangegaan, as daar is, om die ondersoek in artikel 28 bedoel in te stel: Met dien verstande dat die Raad voor of tydens die instel van sodanige ondersoek van 'n aansoeker sekuriteit vir die betaling van sodanige uitgawes kan verlang.

Besware

26. (1) Enigiemand wat teen 'n aansoek om 'n lisensie wat ingevolge hierdie Wet gedoen is, wil beswaar maak, kan hoogstens 30 dae na die publikasie van die tersaaklike kennisgewing ooreenkomstig artikel 24(2)*(b)*(ii) in die *Provinsiale Koerant* en 'n koerant wat in die Provinsie sirkuleer, 'n skriftelike beswaar op die voorgeskrewe wyse by die Hoof Uitvoerende Beampte indien.

(2) Die Hoof Uitvoerende Beampte moet onmiddellik aan die aansoeker kennis gee en hom voorsien van 'n afskrif of besonderhede, na gelang van die geval, van—

(a) enige beswaar wat ingevolge subartikel (1) by die Raad ingedien is; en

(b) enige aangeleentheid of feit hoegenaamd wat na die mening van die Raad gronde vir 'n beswaar teen die aansoek van die aansoeker kan uitmaak,

en die aansoeker uitnooi om binne 'n tydperk van 14 dae, of sodanige langer tydperk as wat die Raad bepaal, na die datum van sodanige kennisgewing op sodanige beswaar te reageer indien hy of sy dit wil doen.

(3) Iemand wat 'n beswaar indien, kan redes aanvoer waarom die Raad ingevolge artikel 27(2)*(b)* kan bepaal dat sy of haar identiteit nie openbaar gemaak mag word nie.

Aansoek en beswaar moet oop wees vir openbare insae

27. (1) Enige aansoek, beswaar en reaksie ingedien ingevolge artikels 24 en 26 moet, behoudens subartikel (2), oop wees vir openbare insae deur belanghebbende persone op 'n plek wat die Raad bepaal en gedurende normale kantoorure van die Raad vir die voorgeskrewe tydperk vanaf die datum van indiening van die aansoek soos blyk uit die kennisgewing bedoel in artikel 24(2)*(b)*(ii), en die Raad moet, op versoek van 'n belanghebbende persoon, en by betaling van sodanige gelde as wat voorgeskryf is, hom of haar voorsien van 'n afskrif van of uittreksel uit enige sodanige aansoek, vertoë, reaksie of inligting.

(2) Die Raad kan bepaal dat—

(a) enige dokument of inligting betreffende die finansiële vermoë van 'n persoon wat aan die aansoek deelneem, betreffende die name van voornemende werknemers of betreffende die sakeplanne van 'n aansoeker nie vir openbare insae oop is nie, indien sodanige dokument of inligting geskei kan word van die res van die aansoek en vertroulik gemerk is; en

(b) die identiteit van 'n persoon wat 'n beswaar teen 'n aansoek ingedien het, nie aan iemand anders bekend gemaak mag word nie.

Ondersoeke en Polisieverslae

28. (1) Ten einde te bepaal of 'n lisensie aan 'n aansoeker toegestaan moet word al dan nie, kan die Raad, behoudens enige ander wet, sodanige inligting as wat hy nodig ag, van enige bron of persoon insamel betreffende die geskiktheid van die aansoeker om sodanige lisensie kragtens hierdie Wet te hou en die geskiktheid van die perseel ten opsigte waarvan die aansoek gedoen is.

(2) Die Hoof Uitvoerende Beampte kan, by ontvangs van 'n aansoek betreffende 'n lisensie, vir die Suid-Afrikaanse Polisiediens 'n verslag vra waarin die volgende vermeld word:

(a) Besonderhede van enige veroordelings aangeteken teen die aansoeker of enige persoon wat by die besigheid betrokke sal wees en ten opsigte van wie die Raad dit nodig ag om die polisieverslag te verkry;

(b) sodanige aangeleenthede as wat voorgeskryf word; en

(c) sodanige ander aangeleenthede as wat, na die mening van die Suid-Afrikaanse Polisiediens, in ag geneem behoort te word ten opsigte van die betrokke aansoek.

(3) Die verslag beoog in subartikel (2) moet aan die Hoof Uitvoerende Beampte verskaf word binne een maand na die datum waarop dit aangevra is.

Tydelike lisensies ten opsigte van onvoltooide persele

29. (1) Indien 'n aansoek om 'n lisensie deur die Raad toegestaan word ten opsigte van 'n perseel wat nog nie opgerig is nie, of 'n perseel wat strukturele ombouing, aanbouing of rekonstruksie vereis ten einde dit geskik te maak vir die doeleindes waarvoor dit kragtens die lisensie gebruik sal word, kan die Raad by ontvangs van die nodige verbeurbare waarborg 'n tydelike lisensie aan die betrokke aansoeker uitreik, behoudens die nakoming van sodanige voorwaardes of vereistes in die tydelike lisensie bedoel, met betrekking tot daardie perseel as wat die Raad bepaal, binne die tydperk wat insgelyks bepaal en bedoel word.

(2) Die Raad kan te eniger tyd na die uitreiking van sodanige tydelike lisensie, op aansoek deur die betrokke aansoeker—

(a) die tydperk kragtens subartikel (1) bepaal, verleng;

(b) die tydperk kragtens subartikel (1) bepaal of die tydperk aldus bepaal en verleng kragtens paragraaf *(a)*, na gelang van die geval, verleng of verder verleng ten opsigte van 'n perseel wat ten tyde van die uitreiking van die tydelike lisensie nog nie opgerig is nie, indien die Raad daarvan oortuig is dat 'n beduidende deel van die perseel sedertdien opgerig is;

(c) die tydperk kragtens subartikel (1) bepaal of die tydperk aldus bepaal en verleng kragtens paragraaf *(b)*, na gelang van die geval, verleng of verder verleng ten opsigte van 'n perseel wat ten tyde van die uitreiking van die tydelike lisensie nog nie opgerig is nie, indien die Raad daarvan oortuig is dat 'n beduidende deel van die perseel sedertdien opgerig is.

(3) Die tydperk kragtens subartikel (1) bepaal of die tydperk aldus bepaal en verleng kragtens subartikel (2)(a), na gelang van die geval, mag nie 24 maande te bowe gaan nie, en die tydperk kragtens subartikel (2)*(b)* verleng of verder verleng, na gelang van die geval, mag nie 'n verdere 12 maande te bowe gaan nie.

(4) Wanneer die Raad daarvan oortuig is dat die perseel ten opsigte waarvan 'n tydelike lisensie kragtens subartikel (1) uitgereik is, wesenlik voltooi is ooreenkomstig die plan daarvan deur die Raad goedgekeur, daar voldoen is aan die voorwaardes en vereistes deur die Raad bepaal, en die perseel geskik is vir die doeleindes waarvoor dit kragtens die betrokke lisensie gebruik sal word, moet die Raad die lisensie ooreenkomstig artikel 24(4) aan die betrokke aansoeker uitreik.

(5) Indien die lisensie nie voor die verstryking van die tydperk kragtens subartikel (1) bepaal, verleng kragtens subartikel (2)*(a)* of verder verleng kragtens subartikel (2)*(b)*, na gelang van die geval, uitgereik word nie, verval die tydelike lisensie, word die aansoek om die lisensie geag nie toegestaan te gewees het nie en word die waarborg in subartikel (1) bedoel, verbeur.

(6) Die bepalings van hierdie Wet is behoudens subartikel (1) *mutatis mutandis* van toepassing op tydelike lisensies, en in so 'n aansoek word 'n verwysing na 'n lisensie in hierdie Wet ook uitgelê as 'n verwysing na 'n tydelike lisensie, waar van toepassing.

Casinolisensies

30. (1) Niemand mag om 'n casinolisensieaansoek doen nie behalwe in reaksie op 'n kennisgewing deur die Raad in die *Provinsiale Koerant* en 'n koerant wat in die Provinsie sirkuleer, gepubliseer na oorleg met die verantwoordelike Lid, waarin aansoeke aangevra word en welke kennisgewing—

(a) die getal lisensies wat uitgereik staan te word en die gebiede waarin daardie casino's geleë gaan wees, kan meld;

(b) ontwikkelings- en ander vereistes kan stel;

(c) die bedrag van die betaling bedoel in artikel 55 kan stel of aansoekers kan uitnooi om vir sulke betalings te tender;

(d) die evaluasiekriteria kan vermeld wat toegepas moet word.

(2) Die Raad kan 'n casinolisiensie slegs na oorleg met die verantwoordelike Lid toestaan, en indien die Raad daarvan oortuig is dat die aansoeker—

(a) gepaste kennis of ervaring het, of sulke kennis of ondervinding kan verkry, om 'n casino te bedryf;

(b) oorleg gepleeg het met die plaaslike owerheid, enige streek- of tradisionele owerheid of enige ander bevoegde owerheid, as daar is, van die gebied waar die casino geleë is of gaan wees;

(c) alleen- en uitsluitlike wetlike besit van die gelisensieerde perseel het en handhaaf; en

(d) voldoen het aan alle toepaslike vereistes deur die Raad gestel.

(3) 'n Casinolisensie magtig, behoudens die bepalings van hierdie Wet, die speel in of op die gelisensieerde perseel wat in die lisensie vermeld word, van sodanige casinospele as wat in die lisensie vermeld word.

ondanks die bepalings van subartikel (1), enige van of al die dobbeltoestelle van sodanige lisensiehouer vervreem deur verkoping op die wyse deur die Raad goedgekeur.

(4) 'n Vervaardigers-, instandhoudings- of verskafferslisensie word nie deur die Raad toegestaan nie tensy die Raad daarvan oortuig is dat die aansoeker beskik oor toepaslike kennis en ervaring, of sodanige kennis en ervaring kan verkry, om 'n besigheid kragtens die lisensie te bedryf.

(5) Die betrokke vervaardigers-, instandhoudings- of verskafferslisensie magtig, behoudens die bepalings van hierdie Wet—

(a) die vervaardiging, verkoop, verspreiding, invoer, bemarking, instandhouding of herstel van die tipes en modelle dobbeltoestelle wat voldoen aan die vereistes gestel en goedgekeur deur die Raad; en

(b) die verskaffing van dobbeltoestelle of -dienste aan lisensiehouers.

Spesiale lisensies

35. (1) Ondanks andersluiende bepalings van hierdie Wet kan die Raad, op aansoek op die wyse deur die Raad bepaal, aan enige persoon, vir vermelde datums, 'n spesiale lisensie uitreik behoudens sodanige voorwaardes as wat die Raad bepaal.

(2) Die bepalings van artikels 24 en 26 is nie van toepassing nie ten opsigte van 'n aansoek in subartikel (1) bedoel.

Opskorting of intrekking van lisensie

36. (1) Die Raad kan te eniger tyd enige lisensie opskort vir sodanige tydperk as wat die Raad bepaal, of intrek vanaf die datum wat die Raad bepaal, opskort of intrek indien—

(a) enige inligting vervat in 'n aansoek deur die lisensiehouer met die doel om die toestaan, hernuwing, oordrag of oorplasing te bekom, op die tydstip toe die inligting verskaf is, in enige wesenlike opsig vals was of enige wesenlike weglatings bevat het met die doel om die Raad te mislei;

(b) die lisensiehouer kragtens artikel 22 gediskwalifiseer word om 'n lisensie te hou;

(c) die lisensiehouer, 'n werknemer van die lisensiehouer of enige ander persoon wat namens hom of haar optree, versuim om te voldoen aan 'n beding of voorwaarde van die lisensie of 'n bepaling van hierdie Wet, of nie voldoen nie aan sodanige beding, voorwaarde of bepaling binne 30 dae, of sodanige verdere tydperk as wat die Raad skriftelik toelaat, na lewering aan die lisensiehouer van 'n skriftelike kennisgewing deur die Raad wat vereis dat sodanige versuim reggestel moet word;

(d) die lisensiehouer versuim het om, sonder skriftelike toestemming vooraf van die Raad, vir 'n tydperk van minstens drie opeenvolgende maande sake kragtens die lisensie te doen;

(e) die lisensiehouer versuim om 'n bedrag wat ingevolge hierdie Wet voorgeskryf is, binne die voorgeskrewe tydperk te betaal;

(f) die lisensiehouer versuim om onverwyld enige prys uit te betaal wat wettiglik gewen is deur middel van enige dobbelary kragtens die lisensie;

(g) die lisensiehouer versuim om aan artikel 53(2) te voldoen; of

(h) die lisensiehouer nie meer aan die voorgeskrewe vereistes van die betrokke lisensie voldoen nie.

(2) Die Raad kan te eniger tyd 'n bevel van opskorting of intrekking wat ingevolge subartikel (1) uitgereik is, intrek indien die redes vir sodanige opskorting of intrekking tot bevrediging van die Raad reggestel is.

(3) Die Raad stel die lisensiehouer skriftelik in kennis van enige opskorting of intrekking van die lisensie kragtens subartikel (1).

(4) 'n Casinolisensie en 'n dobbelmasjienoperateurlisensie word slegs na oorleg met die verantwoordelike Lid deur die Raad opgeskort of ingetrek.

(5) Wanneer 'n lisensie kragtens subartikel (1) opgeskort of ingetrek word, word geen lisensiegeld of enige gedeelte daarvan terugbetaal nie.

(6) Wanneer die Raad beoog om 'n lisensie in te trek, moet die Raad 'n skriftelike kennisgewing aan die lisensiehouer beteken waarin vermeld word—

(a) dat die Raad voornemens is om die lisensie in te trek;

(b) die rede of redes vir intrekking;

(c) dat die lisensiehouer binne 30 dae na die datum van die skriftelike kennisgewing—

(i) skriftelike vertoë oor die aangeleentheid aan die Raad kan rig;

(ii) die Raad skriftelik in kennis kan stel van die voorneme van die lisensiehouer om mondelinge vertoë te rig; en

(d) die uitwerking van subartikel (7).

(7) Indien, binne die tydperk genoem in subartikel (6)*(c)*, die Raad geen skriftelike vertoë of skriftelike kennisgewing van die voorneme van die lisensiehouer om mondelinge vertoë te rig ontvang het nie, tree die intrekking in werking aan die einde van daardie tydperk.

Oordrag en oorplasing van lisensie

37. (1) 'n Lisensie toegestaan ingevolge hierdie Wet is, behoudens hierdie artikel, nie—

(a) oordraagbaar aan 'n ander persoon nie; of

(b) oorplaasbaar vanaf die betrokke gelisensieerde perseel na 'n ander perseel nie.

(2) Indien die houer van 'n lisensie—

(a) sodanige lisensie aan 'n ander persoon wil oordra, moet sodanige lisensiehouer en sodanige ander persoon, behoudens artikels 24 tot 28, 'n gesamentlike aansoek op die voorgeskrewe wyse om sodanige oordrag aan die Raad rig;

(b) sodanige lisensie permanent of tydelik vanaf die gelisensieerde perseel na 'n ander perseel wil oorplaas, moet sodanige lisensiehouer, behoudens artikels 24 tot 28, 'n aansoek op die voorgeskrewe wyse aan die Raad rig vir die oorplasing van sodanige lisensie.

(3) 'n Aansoek om 'n oordrag of oorplasing van die lisensie ingevolge subartikel (2) moet deur die Raad oorweeg word en daarna kan die Raad—

(a) die aansoek weier; of

(b) die aansoek toestaan, voorwaardelik of onvoorwaardelik.

(4) 'n Lisensie—

(a) word nie oorgedra aan 'n persoon wat gediskwalifiseer is of andersins ingevolge hierdie Wet onbevoeg is om die betrokke lisensie te hou nie;

(b) is nie oorplaasbaar vanaf die betrokke gelisensieerde perseel na 'n ander perseel nie, tensy die Raad daarvan oortuig is dat die ander perseel geskik is of by voltooiing geskik sal wees vir die doel waarvoor dit kragtens die lisensie gebruik sal word.

(5) In die geval van 'n casinolisensie en 'n dobbelmasjienoperateurlisensie staan die Raad kragtens subartikel (2) 'n aansoek toe slegs na oorleg met die verantwoordelike Lid.

HOOFSTUK 3

VOORWAARDES

Algemene voorwaardes van lisensies

38. (1) Die Raad kan ten opsigte van enige soort lisensie sodanige voorwaardes vir 'n lisensie voorskryf as wat die Raad gepas ag, en kan in die besonder voorwaardes insluit—

(a) met betrekking tot die spele wat gespeel kan word;

(b) met betrekking tot die werkmetode van enige spel;

(c) met die doel om te verseker dat die bedryf van enige dobbel met betaamlikheid, waardigheid, goeie smaak en eerlikheid gepaard gaan;

(d) wat die byhou van boeke, rekeninge, rekords en ander inligting met betrekking tot die bedryf van enige dobbel vereis;

(e) wat sekere minimum standaarde vereis in verband met die perseel waarop die dobbel gaan plaasvind;

(f) wat die voorlegging aan die Raad vereis van die verslae en opgawes met betrekking tot die bedryf van dobbel wat die Raad van tyd tot tyd vereis;

(g) betreffende die dae waarop en die ure waartydens dobbel bedryf kan word;

(h) in die geval van 'n casinolisensie, betreffende die installering en instandhouding van bewakingstelsels; en

(i) betreffende die verskaffing deur die lisensiehouer van 'n waarborg, soos deur die Raad bepaal, vir die aanspreeklikhede van die lisensiehouer met betrekking tot—

(i) dobbelheffings betaalbaar ingevolge hierdie Wet; en

(ii) dobbelskuld betaalbaar deur die lisensiehouer.

(2) Die Raad kan te eniger tyd enige voorwaarde ingevolge subartikel (1) opskort, terugtrek of wysig by 'n kennisgewing wat aan die houer van 'n bepaalde lisensie gelewer of oorhandig word.

(3) Wanneer die Raad beoog om 'n voorwaarde kragtens subartikel (2) op te skort, terug te trek of te wysig, moet die Raad 'n skriftelike kennisgewing aan die lisensiehouer beteken waarin vermeld word—

(a) die Raad se voorstel om enige voorwaarde kragtens subartikel (1) op te skort, terug te trek of te wysig, na gelang van die geval;

(b) dat die lisensiehouer binne 30 dae na die datum van die skriftelike kennisgewing—

(i) skriftelike vertoë oor die aangeleentheid aan die Raad kan rig; of

(ii) die Raad skriftelik in kennis kan stel van die voorneme van die lisensiehouer om mondelinge vertoë te rig; en

(c) die uitwerking van subartikel (4).

(4) Indien, binne die tydperk genoem in subartikel (3)*(b)*, die Raad geen skriftelike vertoë of skriftelike kennisgewing van die voorneme van die lisensiehouer om mondelinge vertoë te rig ontvang het nie, tree sodanige opskorting, terugtrekking of wysiging van 'n voorwaarde, na gelang van die geval, in werking aan die einde van daardie tydperk.

(5) Enige voorwaarde gestel kragtens subartikel (1), of opgeskort, teruggetrek of gewysig kragtens subartikel (2) ten opsigte van 'n casinolisensie of dobbelmasjienoperateurlisensie—

(a) word in werking gestel na oorleg met die verantwoordelike Lid; en

(b) word nie terugwerkend in werking gestel nie.

Elektroniese moniteringstelsel vir dobbelmasjiene

39. (1) Die Raad kan, behoudens artikel 30, ten opsigte van 'n casinolisensie, 'n dobbelmasjienoperateurlisensie en 'n dobbelmasjienperseellisensie, van enige sodanige lisensiehouer vereis om enige dobbeltoestel aan 'n sentrale elektroniese moniteringstelsel te koppel met die doel om belangrike voorvalle wat met elke dobbeltoestel verband hou, te moniteer en op te spoor, met inbegrip van 'n stelsel vir deurlopende gekoppelde intydse opname, monitering en beheer van belangrike dobbelspeltransaksies soos wat deur die Raad voorgeskryf of bepaal word.

(2) Die Raad kan van enige lisensiehouer in subartikel (1) bedoel vereis of, op aansoek, enige ander persoon goedkeur om, namens enige sodanige lisensiehouer, sodanige elektroniese moniteringstelsel te bestuur behoudens die vereistes bepaal en voorwaardes gestel deur die Raad.

(3) Vir doeleindes van hierdie artikel beteken "elektroniese moniteringstelsel" enige elektroniese of rekenaar- of kommunikasiestelsel of -toestel wat so ontwerp is dat dit gebruik of aangepas kan word om data van dobbeltoestelle te stuur of te ontvang wat verband hou met die sekuriteit, boekhouding of werking van dobbeltoestelle.

Finansiële belange in besigheid van lisensiehouer

40. (1) Niemand mag 'n belang in 'n lisensie hou of verkry as agent of benoemde vir 'n onvermelde prinsipaal of bevoordeelde nie.

(2) 'n Lisensiehouer mag niemand anders toelaat om enige regstreekse of onregstreekse belang van vyf persent of meer te bekom in die besigheid waarmee die lisensie verband hou nie, tensy die Raad toestemming verleen dat so 'n persoon so 'n belang in daardie besigheid mag bekom.

(3) Die Raad mag nie kragtens subartikel (1) toestemming verleen waar die persoon wat die onderwerp van die aansoek is, ingevolge artikel 22 gediskwalifiseer is om 'n lisensie te hou nie.

(4) Die bepalings van artikel 24 of 28 is *mutatis mutandis* van toepassing op iemand wat 'n belang wil verkry soos in subartikel (2) bedoel.

Geskiktheid van derde partye

41. (1) Die Raad kan 'n lisensiehouer verbied om met 'n verskaffer vir die aankoop van goedere of dienste of met 'n uitlener te kontrakteer tot tyd en wyl sodanige verskaffer of lener aansoek gedoen het om 'n geskiktheidsertifikaat van die Raad en dit aan hom uitgereik is, op die wyse deur die Raad bepaal.

(2) Die bepalings van artikel 28 is *mutatis mutandis* van toepassing op 'n aansoek in subartikel (1) beoog.

Dobbeltoestelle

42. Die houer van 'n casinolisensie, 'n bingo-operateurlisensie, 'n dobbelmasjienoperateurlisensie of 'n dobbelmasjienperseellisensie—

(a) mag nie 'n dobbeltoestel gebtuik of toelaat dat enige spel op 'n dobbeltoestel gespeel word nie, behalwe op 'n dobbeltoestel wat—

(i) deur die houer van 'n vervaardigers-, instandhoudings- of verskafferslisensie verskaf is;

(ii) in alle wesenlike opsigte identies is aan 'n tipe en model wat deur die Raad goedgekeur is; en

(iii) by die Raad geregistreer is soos voorgeskryf; en

(b) moet sodanige rekords en inligting hou as wat die Raad bepaal ten opsigte van elke dobbeltoestel.

Boeke, rekeninge en rekords

43. Die houer van 'n lisensie moet sodanige boeke, rekeninge en rekords hou as wat in die lisensie voorgeskryf of vermeld word en in die reëls van die Raad bepaal word.

Beheer van toegang tot sekere persele

44. (1) Die houer van 'n lisensie, uitgesonderd 'n vervaardigers-, instandhoudings- of verskafferslisensie, of 'n werknemer van so 'n lisensiehouer kan—

(a) weier om enige persoon op die gelisensieerde perseel toe te laat;

(b) enige persoon wat in die gelisensieerde perseel is, versoek om die perseel te verlaat;

(c) enige polisiebeampte of inspekteur versoek om enige persoon beoog in paragraaf *(a)* of *(b)* van die gelisensieerde perseel af te verwyder of te help verwyder of om enige persoon wat weier of versuim om gehoor te gee aan 'n versoek beoog in paragraaf *(a)* of *(b)*, van die perseel te verwyder.

Reklame

45. Behoudens enige regulasies uitgevaardig kragtens artikel 88 is dit wettig om enige dobbel te adverteer wat wettig ingevolge hierdie Wet bedryf mag word.

Krediet

46. Die houer van 'n lisensie, uitgesonderd 'n vervaardigers-, instandhoudings- of verskafferslisensie, of 'n werknemer van so 'n lisensiehouer mag geen krediet in enige vorm aan enige persoon in verband met of vir die doel van dobbel verleen nie, uitgesonderd soos voorgeskryf deur die Raad.

Reëls van sekere spele

47. (1) Die houer van 'n casinolisensie moet ten opsigte van enige spel waarvoor daar geen reëls kragtens artikel 87 deur die Raad uitgevaardig is nie, reëls maak met betrekking tot die speelmetode van sodanige spel: Met dien verstande dat sodanige reëls deur die Raad goedgekeur word.

(2) Alle reëls wat kragtens artikel 87 en subartikel (1) uitgevaaridg is, moet te alle tye beskikbaar wees waar enige sodanige spel gespeel word en moet op versoek aan enige speler getoon word.

Bystand aan klante

48. Die houer van 'n lisensie, uitgesonderd 'n vervaardig-, instandhoudings- of verskafferslisensie, moet—

(a) op versoek van enige klant 'n afskrif van die reëls van dobbel ten opsigte van enige spesifieke dobbelspel ter insae beskikbaar stel; en

(b) binne die gelisensieerde perseel sodanige advies of inligting betreffende enige dobbelspel as wat voorgeskryf word, prominent vertoon.

Geldigheidsduur van lisensie

49. (1) Enige lisensie toegestaan kragtens artikel 24(4)*(b)* is, onderworpe aan hernuwing, geldig vanaf die datum van uitreiking daarvan tot die datum waarop—

(a) die houer daarvan skriftelik daarvan afstand doen; of

(b) dit kragtens artikel 36 deur die Raad ingetrek word.

(2) Indien 'n lisensie kragtens artikel 36 opgeskort word, mag die houer van sodanige lisensie geen reg of voorreg wat by sodanige lisensie verleen is, gedurende die tydperk van opskorting uitoefen nie.

Lisensiegelde

50. (1) Die voorgeskrewe lisensiegelde, bo en behalwe enige ander bedrae of heffings betaalbaar kragtens hierdie Wet, word gehef en is betaalbaar ten opsigte van enige lisensie toegestaan of hernu kragtens hierdie Wet.

(2) Die lisensiegelde voorgeskryf ingevolge subartikel (1) kan verskil met betrekking tot verskillende soorte lisensies.

(3) 'n Lisensiehouer wat versuim om enige lisensiegelde bedoel in subartikel (1) te betaal voor of op die datum waarop hy of sy aanspreeklik word om sodanige lisensiegelde te betaal, moet benewens sodanige lisensiegelde die voorgeskrewe boete betaal: Met dien verstande dat die bedrag van sodanige boete nie twee maal die bedrag van die lisensiegeld wat op die betrokke lisensie van toepassing is, te bowe mag gaan nie.

Plig om lisensie te toon

51. 'n Lisensiehouer moet sy of haar lisensie te alle tye op die gelisensieerde perseel vertoon.

Plig om lisensie of sertifikaat te toon

52. 'n Houer van 'n lisensie of sertifikaat deur die Raad uitgereik, 'n werknemer van sodanige houer of 'n persoon wat namens sodanige houer optree, moet op versoek van 'n inspekteur of polisiebeampte die betrokke lisensie of sertifikaat toon.

Hernuwing van lisensies

53. (1) 'n Lisensie bly van krag, behoudens die bepalings van hierdie Wet en die voorwaardes waarop dit toegestaan is, en moet jaarliks op versoek van die lisensiehouer deur die Raad hernu word by voorlegging van die lisensie vir die vorige jaar en by betaling van die lisensiegelde waarvoor in artikel 50 voorsiening gemaak word.

(2) 'n Aansoek vir die hernuwing van 'n lisensie kragtens subartikel (1) moet op die voorgeskrewe vorm wees en aan die Raad voorgelê word nie later nie as 90 dae voor die datum waarop die lisensie hernubaar word.

Dobbelheffings

54. (1) Bo en behalwe enige belasting op toegevoegde waarde of ander verkoopbelasting, as daar is, en inkomstebelasting wat ingevolge enige ander wet betaalbaar is, is elke houer van 'n lisensie, uitgesonder 'n vervaardigers-, instandhoudings- of verskafferslisensie, aanspreeklik om met sodanige tussenpose as wat voorgeskryf is, 'n dobbelheffing te betaal wat bereken word op sodanige grondslag en teen sodanige tariewe as wat voorgeskryf word: Met dien verstande dat verskillende tariewe aldus voorgeskryf kan word ten opsigte van verskillende soorte lisensies.

(2) Enige betaling van die dobbelheffing bedoel in subartikel (1) moet vergesel gaan van 'n opgawe in die vorm deur die Raad bepaal.

(3) Ondanks andersluidende bepalings vervat in enige ander wet, is daar geen respyttyd vir die betaling van die dobbelheffing bedoel in subartikel (1) nie, en indien sodanige dobbelheffing nie voor of op die voorgeskrewe datum bedoel in subartikel (1) betaal word nie, kan die betrokke lisensie ingevolge artikel 36 deur die Raad opgeskort word totdat die dobbelheffing en die boetes betaalbaar ingevolge subartikel (4) betaal is.

(4) 'n Lisensiehouer wat versuim om die dobbelheffing voor of op die voorgeskrewe datum bedoel in subartikel (1) te betaal, benewens sodanige dobbelheffing, vir elke dag of gedeelte van 'n dag waartydens sodanige lisensiehouer vir die betaling van die dobbelheffing aanspreeklik is, 'n boete bereken teen die voorgeskrewe tarief van die uitstaande bedrag: Met dien verstande dat die totale bedrag van sodanige boete nie twee maal die totale bedrag van die dobbelheffing wat betaalbaar is, te bowe mag gaan nie.

(5) Enigiets voorgeskryf kragtens hierdie artikel word voorgeskryf in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies.

(6) Die dobbelheffings betaalbaar ingevolge hierdie artikel word deur die Raad ingesamel ten behoewe van die voorgeskrewe bevoordeeldes.

Betaling ten opsigte van eksklusiwiteit

55. (1) Die Raad kan, na oorleg met die verantwoordelike Lid, as 'n voorwaarde vir die toestaan van 'n casinolisensie vir die eerste keer, 'n eenmalige betaling vereis met die oog daarop om vir daardie lisensiehouer eksklusiwiteit te waarborg ten opsigte van enige bepaalde tipe dobbelary in 'n bepaalde gebied en vir 'n bepaalde tydperk: Met dien verstande dat die Raad, na oorleg met die verantwoordelike Lid en op die voorgeskrewe wyse, sodanige tydperk van eksklusiwiteit kan verleng teen sodanige verdere betaling as wat sodanige lisensiehouer aanbied.

(2) 'n Betaling ingevolge subartikel (1) word aan die Raad gedoen ten bate van die Provinsiale Inkomstefonds, op die tyd en wyse bepaal deur die Raad na oorleg met die verantwoordelike Lid.

HOOFSTUK 4

WERKNEMERS

Vereistes vir sekere werknemers

56. (1) Behoudens artikel 62 mag geen persoon, uitgesonderd soos deur die Raad bepaal, in enige besigheid rakende dobbel in diens wees nie indien sodanige persoon nie die houer van 'n sertifikaat van goedkeuring uitgereik ingevolge artikel 58(5) is nie.

(2) Die verantwoordelike Lid kan enige beroep voorskryf as 'n beroep vir doeleindes van subartikel (1).

Aansoek om sertifikaat

57. (1) 'n Aansoek om 'n sertifikaat van goedkeuring moet op die voorgeskrewe wyse aan die Hoof Uitvoerende Beampte gerig word en moet vergesel gaan van—

(a) 'n volledige stel vingerafdrukke van die aansoeker wat op die voorgeskrewe wyse geneem is;

(b) sodanige dokumente, besonderhede of inligting as wat voorgeskryf is; en

(c) die voorgeskrewe aansoekgelde.

(2) Die bepalings van artikel 28 is *mutatis mutandis* van toepassing op 'n aansoek in subartikel (1) beoog.

Oorweging van aansoek

58. (1) Die Raad oorweeg 'n aansoek ingevolge artikel 57 en slaan deeglik ag op—

(a) die ouderdom, karakter, reputasie en finansiële en diensagtergrond van die aansoeker;

(b) enige oortredings waaraan die aansoeker skuldig bevind is en waarvan oneerlikheid 'n element is; en

(c) enige ander aangeleentheid wat tersaaklik kan wees om vas te stel of die aansoeker 'n geskikte persoon is om aldus in diens te neem.

(2) Indien die Raad daarvan oortuig is dat die aansoeker 'n geskikte persoon is om aldus in diens te neem, staan die Raad die aansoek toe onderworpe aan sodanige voorwaardes as wat die Raad bepaal.

(3) Die Raad weier nie 'n aansoek sonder om die aansoeker die geleentheid te bied om aangehoor te word of om getuienis voor te lê nie.

(4) Indien die Raad 'n aansoek weier, moet die Hoof Uitvoerende beampte die aansoeker onverwyld in kennis stel van die besluit van die Raad en van die redes van die Raad vir sodanige besluit.

(5) Waar die Raad 'n aansoek ingevolge subartikel (2) toestaan, reik die Hoof Uitvoerende Beampte 'n sertifikaat van goedkeuring op die voorgeskrewe wyse aan die aansoeker uit.

Register van werknemers

59. Die Hoof Uitvoerende Beampte hou 'n register waarin hy of sy die naam en voorgeskrewe besonderhede aanteken van elke persoon aan wie 'n sertifikaat van goedkeuring ingevolge artikel 58(5) uitgereik is of wie se sertifikaat ingevolge artikel 61 teruggetrek is.

Geldigheidsduur van sertifikaat

60. (1) 'n Sertifikaat van goedkeuring uitgereik ingevolge artikel 58(5), is geldig vanaf die datum van uitreiking daarvan tot die datum waarop—

(a) die houer daarvan, skriftelik en met insluiting van die sertifikaat, die sertifikaat aan die Hoof Uitvoerende Beampte terugbesorg;

(b) die sertifikaat deur die Raad teruggetrek word ingevolge artikel 61;

(c) die sertifikaat verstryk indien die sertifikaat vir 'n bepaalde tydperk uitgereik is.

(2) Waar 'n sertifikaat van goedkeuring ingevolge artikel 61 opgeskort word, mag die houer van sodanige sertifikaat nie gedurende die tydperk van opskorting aldus in diens wees nie.

Opskorting en terugtrekking van sertifikaat

61. (1) Die Raad kan, behoudens subartikel (2), te eniger tyd 'n sertifikaat van goedkeuring opskort vir sodanige tydperk as wat die Raad bepaal, wat nie ses maande te bowe gaan nie, of intrek vanaf 'n datum wat die Raad bepaal, indien—

(a) enige inligting vervat in sy of haar aansoek om sodanige sertifikaat te eniger tyd toe die ligting verskaf is, in enige wesenlike opsig vals was of enige wesenlike weglatings bevat het;

(b) die houer van die sertifikaat sedert die uitreiking van die sertifikaat skuldig bevind is aan 'n oortreding ingevolge hierdie Wet of aan enige ander oortreding wat sy of haar geskiktheid om aldus in diens te wees, raak;

(c) die houer van die sertifikaat in stryd met die bepalings van artikel 63 optree; of

(d) die Raad daarvan oortuig is dat die houer van die sertifikaat nie langer 'n geskikte persoon is om aldus in diens te wees nie.

(2) Die Raad mag nie 'n sertifikaat van goedkeuring opskort of intrek nie tensy die houer daarvan deur kennisgewing van minstens 30 dae 'n geleentheid gebied is om deur die Raad aangehoor te word en om getuienis aan te bied: Met dien verstande dat enige sertifikaat van goedkeuring met onmiddellike effek opgeskort kan word hangende die uitslag van die verhoor in hierdie subartikel bedoel.

(3) Die Raad kan te eniger tyd die opskorting van 'n sertifikaat van goedkeuring intrek indien die Raad daarvan oortuig is dat die redes waarom die opskorting ingestel is, reggestel is en dat dit regverdig sal wees om die opskorting in te trek.

Indiensneming voor die uitreiking van 'n sertifikaat

62. Ondanks die bepalings van artikel 56 kan die Raad, waar daar aansoek gedoen is om 'n sertifikaat van goedkeuring en die Raad van mening is dat—

(a) 'n besluit in verband met die aansoek vir 'n geruime tyd nie geneem kan word nie;

(b) die bedryf van die besigheid ten opsigte waarvan die betrokke lisensie toegestaan is, ernstig benadeel of geskaad sal word deur die vertraging met die indiensneming van die aansoeker; en

(c) die aanvang van die diens van die aansoeker nie die integriteit en behoorlike bedryf van die besigheid ten opsigte waarvan die betrokke lisensie toegestaan is, sal benadeel nie,

skriftelik aan die aansoeker toestemming verleen om aldus in diens geneem te word voor die vasstelling van die aansoek, behoudens sodanige bedinge, voorwaardes en beperkings as wat die Raad in 'n bepaalde geval geskik ag.

Beperkings van toepassing op werknemers

63. Geen persoon van wie vereis word om 'n sertifikaat van goedkeuring ingevolge artikel 56(1) te hou, mag in 'n casino- of bingosaal, na gelang van die geval, waarby hy of sy betrokke is—

(a) enige casinospel in die Republiek speel of daaraan deelneem nie: Met dien verstande dat so 'n persoon aan sodanige dobbel kan deelneem indien dit nodig is vir die verrigting van sy of haar werksaamhede as so 'n werknemer; of

(b) van enige speler of klant in daardie casino- of bingosaal enige fooitjie, beloning, teenprestasie of ander voordeel probeer verkry nie, behalwe soos voorgeskryf.

HOOFSTUK 5

POLISIEBEAMPTES EN INSPEKTEURS

Bevoegdhied van polisie om gelisensieerde perseel te betree

64. (1) Ondanks andersluidende bepalings vervat in enige ander wet, kan 'n polisiebeampte met die rang van kaptein of hoër op redelike gronde en wanneer hy of sy dit nodig ag, sonder 'n lasbrief 'n gelisensieerde perseel betree met die doel om—

(a) sodanige ondersoeke en stappe te doen as wat hy of sy nodig as ter voorkoming van 'n misdryf;

(b) 'n misdryf te ondersoek;

(c) die gedrag van enige persoon daarin te ondersoek; en

(d) vas te stel of die voorwaardes in hierdie Wet bedoel, nagekom word,

en in sodanige ondersoeke vergesel en bygestaan word deur 'n polisiebeampte met 'n rang laer as kaptein.

(2) 'n Polisiebeampte wat 'n gelisensieerde perseel ingevolge subartikel (1) betree, moet binne 14 dae na sodanige betreding 'n skriftelike verslag daarvoor aan die Raad voorlê.

Aanstelling van inspekteurs deur die Raad

65. (1) Die Raad kan enige geskik gekwalifiseerde persoon as inspekteur aanstel om, behoudens die beheer en lasgewings van die Raad, enige van of al die werksaamhede te verrig wat ingevolge artikel 66 aan 'n inspekteur opgedra word.

(2) Elke inspekteur ingevolge subartikel (1) aangestel, word voorsien van 'n sertifikaat geteken deur of namens die Raad waarin daar verklaar word dat hy of sy as inspekteur aangestel is: Met dien verstande dat indien sy of haar aanstelling as inspekteur beperk is tot enige bepaalde werksaamheid of werksaamhede, sy of haar sertifikaat sodanige beperking moet vermeld.

(3) Telkens wanner 'n inspekteur ingevolge subartikel (1) aangestel, enige werksaamheid kragtens hierdie Wet verrig in teenwoordigheid van enige persoon wat daardeur geraak word, moet die inspekteur die sertifikaat in subartikel (2) bedoel, op versoek van sodanige persoon aan hom of haar toon.

Werksaamhede en bevoegdhede van inspekteur

66. (1) 'n Inspekteur kan, vir doeleindes van hierdie Wet—

(a) sonder kennisgewing vooraf of 'n lasbrief vir deursoeking enige gelisensieerde perseel betree wat beset of gebruik word vir die doel van dobbelary of enige ander perseel waarop daar redelikerwys vermoed word dat—

(i) 'n casino of enige ander dobbelaryaktiwiteit bedryf word sonder die magtiging van 'n lisensie;

(ii) persone toegelaat word om enige dobbelaryaktiwiteit te speel of daaraan deel te neem; of

(iii) enige dobbelmasjien of enige toerusting, toestel, voorwerp, boek, rekords, nota of ander dokument wat gebruik word of kan word in verband met die bedryf van 'n casino of enige ander dobbelaryaktiwiteit deur enige persoon gehou word; en

nadat die persoon wat dan in beheer van die perseel is, in kennis gestel is van die doel van sy of haar besoek, sodanige ondersoek instel en navraag doen as wat hy of sy nodig ag;

(b) in enige perseel in paragraaf *(a)* bedoel—

(i) vereis dat enige lisensie of skriftelike toestemming of magtiging wat enige persoon ingevolge hierdie Wet moet hou wat dobbelaryaktiwiteite reël, getoon word;

(ii) enige persoon wat op of in sodanige perseel is, ondervra of deursoek en enige aktiwiteite in verband met die dryf van enige dobbelaryaktiwiteit ondersoek; en

(iii) enige dobbelmasjien, toerusting, toestel, voorwerp, boek, rekord, nota of ander dokument in paragraaf *(a)* bedoel ondersoek of insae daarin verkry en 'n afskrif daarvan of uittreksel daaruit maak;

(c) van enige persoon in beheer van enige perseel in paragraaf *(a)* bedoel vereis—

(i) om enige toerusting, toestel of voorwerp in daardie paragraaf bedoel, uit te wys wat in sy of haar besit of bewaring of onder sy of haar beheer is;

(ii) om vir die doel van ondersoek of vir die maak van afskrifte of uittreksels, alle boeke, rekords, notas of ander dokumente in daardie paragraaf bedoel wat in sy of haar besit of bewaring of onder sy of haar beheer is, te toon;

(iii) om enige inligting te verstrek in verband met enigiets wat ingevolge subparagraaf (i) of (ii) uitgewys of voorgelê is; en

(d) beslag lê op enige dobbelmasjien, toerusting, toestel, voorwerp, boek, rekord, nota of ander dokument in daardie paragraaf bedoel wat na sy of haar mening bewys kan lewer van 'n oortreding van enige bepaling van hierdie Wet, en dit verwyder, of dit op die betrokke perseel laat nadat hy of sy dit gemerk het met die oog op identifikasie.

(2) 'n Inspekteur kan, met skriftelike magtiging van die prokureur-generaal, insae verkry in en afskrifte maak van enige rekening van enige persoon by enige finansiële instelling, welke rekening na die mening van die prokureur-generaal bewyse bevat van die begaan van 'n misdryf ingevolge die bepalings van hierdie Wet.

(3) 'n Inspekteur kan te eniger tyd sodanige dagvaardings aflewer as wat die Raad gemagtig is om ingevolge hierdie Wet ooreenkomstig die eenvormige hofreëls uit te reik.

(4) Wanneer 'n inspekteur enige werksaamheid ingevolge subartikel (1) verrig, kan hy of sy vergesel word deur en gebruik maak van die dienste van 'n assistent of tolk of enige polisiebeampte.

(5) Niks in hierdie artikel vervat, verhinder enige inspekteur wat ingevolge 'n nasionale wet op dobbelary aangestel en gemagtig is, om enige van bogemelde werksaamhede en bevoegdhede in die Provinsie te verrig en uit te oefen nie.

Weerstand teen betreding

67. (1) 'n Polisiebeampte of inspekteur wat die bevoegdheid het om 'n perseel in artikel 66(1) bedoel te betree, kan sodanige geweld gebruik as wat redelikerwys nodig is om enige weerstand teen sodanige betreding van 'n plek te oorkom, met inbegrip van die breek van enige deur of venster: Met dien verstande dat sodanige polisiebeampte of inspekteur eers hoorbaar toegang tot gemelde perseel moet vereis en die doel bekend maak waarvoor hy of sy die plek wil betree.

(2) Die voorbehoudsbepaling by subartikel (1) is nie van toepassing nie waar die betrokke polisiebeampte of inspekteur op redelike gronde van mening is enige artikel wat die onderwerp van die ondersoek is, vernietig of weggedoen kan word indien die bepalings van gemelde voorbehoudsbepaling nagekom word.

HOOFSTUK 6

VERSTREKKING VAN REDES DEUR BEVOEGDE OWERHEID

Redes vir beslissings deur bevoegde owerheid

68. (1) Iemand wat ingevolge hierdie Wet enige aansoek gedoen, beswaar aangeteken of vertoë gerig het en wat gegrief voel deur 'n besluit geneem deur die bevoegde owerheid met betrekking tot die aansoek, beswaar of vertoë, kan by die bevoegde owerheid aansoek doen dat die bevoegde owerheid redes verstrek vir daardie besluit.

(2) Die bevoegde owerheid moet, na ontvangs van die aansoek in subartikel (1) bedoel, binne die voorgeskrewe tyd en op die voorgeskrewe wyse sy redes vir die betrokke besluit verstrek.

Gronde vir hersiening

69. Die Hooggeregshof kan, op versoek van iemand wat ingevolge hierdie Wet aansoek gedoen, beswaar aangeteken of vertoë gerig het en wat gegrief voel deur 'n besluit geneem deur die bevoegde owerheid met betrekking tot daardie aansoek, beswaar of vertoë, sodanige besluit hersien.

Bevoegdheid by hersiening

70. Die hof wat 'n besluit van die bevoegde owerheid ingevolge artikel 69 hersien, moet, indien hy die besluit tersyde stel, 'n bevel uitreik dat die bevoegde owerheid die aangeleentheid ten opsigte waarvan die besluit geneem is, opnuut oorweeg, tensy buitengewone omstandighede na sy mening 'n ander bevel regverdig.

Appèlle na Hooggeregshof

71. (1) 'n Persoon wat ingevolge hierdie Wet enige aansoek gedoen, beswaar aangeteken of vertoë gerig het en wat gegrief voel deur 'n besluit geneem deur die bevoegde owerheid oor 'n ander vraag as 'n feitevraag met betrekking tot sodanige aansoek, beswaar of vertoë, kan teen die besluit appelleer na die Hooggeregshof.

(2) Sodanige appèl moet aangeteken word en voortgesit word asof dit 'n appèl teen 'n uitspraak in 'n landdroshof in siviele verrigtinge is.

(3) Indien die hof, na oorweging van die appèl, daarvan oortuig is dat die bevoegde owerheid 'n mistasting begaan het by die neem van die betrokke besluit, kan die hof daardie besluit tersyde stel en moet hy by die tersyde stel van die besluit, tensy uitsonderlike omstandighede na sy mening 'n ander bevel regverdig, 'n bevel uitreik dat die bevoegde owerheid die aangeleentheid ten opsigte waarvan die besluit geneem is, opnuut moet oorweeg.

HOOFSTUK 7

GEREGTELIKE EN VERWANTE AANGELEENTHEDE

Finansiële belange

72. 'n Kontrak ingevolge waarvan 'n finansiële belang strydig met artikel 40(1) of (2) verkry word, is nietig.

Afsien of afstand doen van sekere regte, voorregte, verpligtinge en aanspreeklikhede

73. Tensy hierdie Wet spesifiek of by noodwendige implikasie so 'n bepaling toelaat, is 'n kontrak nietig wat 'n bepaling bevat waarby 'n persoon voorgee om af te sien of afstand te doen van 'n reg, voorreg, verpligting of aanspreeklikheid ingevolge hierdie Wet, ongeag of die kontrak voor of van die inwerkingtreding van hierdie Wet gesluit is.

Betekening van prosesstukke

74. In enige geregtelike stappe gedoen teen die bevoegde owerheid, is die betekening aan die voorsitter en by die kantoor van die Staatsprokureur, indien dit in die regsgebied van die betrokke hof geleë is, van enige prosesstuk of enige dokument waarby die stappe gedoen word, genoegsame betekening aan die bevoegde owerheid.

Bemiddeling van Staatsprokureur

75. Geen stappe word deur die bevoegde owerheid in enige geregtelike stappe beoog in artikel 74 gedoen nie, en geen geregtelike stappe word deur die bevoegde owerheid gedoen nie, behalwe deur bemiddeling van die Staatsprokureur.

Koste

76. Die koste aangegaan deur die bevoegde owerheid met betrekking tot enige geregtelike stappe beoog in artikel 74 moet, tensy die betrokke hof gelas dat die koste deur die teenparty of *de bonis propriis* deur die bevoegde owerheid betaal word, uit die Provinsiale Inkomstefonds betaal word.

HOOFSTUK 8

ALGEMEEN

Verbod ten opsigte van dobbelary

77. Niemand mag—

(a) dobbel oor die uitslag van enige gebeurtenis of gebeurlikheid nie, uitgesonderd—

(i) 'n casinospel;

(ii) 'n sportgebeurtenis, met die houer van 'n lisensie wat deur sodanige lisensie gemagtig is om te dobbel oor die betrokke gebeurtenis of gebeurlikheid: Met dien verstande dat hierdie artikel 'n lisensiehouer nie verhinder om weddenskappe van die publiek te aanvaar in ooreenstemming met die voorwaardes van sy of haar lisensie nie;

(b) sonder die vereiste lisensie in besit wees van enige dobbelmasjien of enige dobbelaryaktiwiteit toelaat op enige plek onder sy of haar beheer of sy of haar bewaring nie;

(c) op enige plek in paragraaf *(b)* bedoel dobbel of enige sodanige plek besoek met die doel om te dobbel nie;

(d) diens aanvaar in enige beroep bedoel in artikel 56 by enige persoon wat nie die houer van die vereiste lisensie is nie, sonder om alle redelike voorsorgmaatreëls te tref om die geldigheid van die lisensie te bepaal;

(e) enige persoon in diens neem of diens aanbied aan enige persoon in 'n beroep beoog in artikel 56, sonder om die houer van die vereiste lisensie te wees nie.

Onbehoorlike gebruik van die woord "casino"

78. Niemand mag sonder die skriftelike toestemming van die Raad handel dryf of 'n besigheid adverteer onder 'n naam of titel waarvan die woord "casino" deel uitmaak nie, tensy hy of sy die houer van 'n casinolisensie is.

Verbod dat bepaalde persone gelisensieerde perseel betree

79. (1) Niemand onder die ouderdom van 18 jaar mag 'n gelisensieerde perseel betree of deelneem aan enige dobbelary of 'n dobbelmasjien hanteer of bedryf nie.

(2) Geen lisensiehouer of werknemer van 'n lisensiehouer mag 'n persoon onder die ouderdom van 18 jaar toelaat, en geen ouer of voog van 'n persoon onder die ouderdom van 18 jaar mag sodanige persoon toelaat, om 'n gelisensieerde perseel te betree of daarin te bly nie en mag sodanige persoon toelaat om deel te neem aan dobbelary of om 'n dobbelmasjien te hanteer of te bedryf nie.

(3) Waar die hof wat 'n persoon skuldig bevind het aan enige misdryf, van mening is dat dit vanweë die aard van die misdryf of die omstandighede waaronder dit begaan is, in belang van openbare orde, openbare sedes van billikheid wenslik is dat sodanige persoon nie toegelaat moet word om enige of bepaalde gelisensieerde persele te betree nie, kan die hof 'n skriftelike bevel uitreik wat hom of haar verbied om enige sodanige gelisensieerde perseel in die bevel genoem, te betree vir 'n tydperk wat in die bevel genoem moet word.

(4) Waar 'n hof 'n bevel ingevolge subartikel (3) uitreik, moet die Klerk van die Hof 'n kopie van die bevel voorlê aan die Hoof Uitvoerende Beampte, wat moet toesien dat 'n kopie daarvan gelewer word aan die lisensiehouers van alle gelisensieerde persele genoem in daardie bevel.

(5) Die Raad kan, op sodanige gronde as wat voorgeskryf is, enige persoon belet om enige gelisensieerde perseel te betree of aan enige dobbelary deel te neem.

Verbod ten opsigte van die vervaardiging, verkoop, verspreiding, invoer, bemarking, verandering en aanpassing van dobbeltoerusting en -toestelle

80. Niemand mag—

(a) enige speelkaarte, skyfie, dobbelsteen, dobbelspel of dobbeltoestel wat bedoel is om gebruik te word in stryd met enige bepaling van hierdie Wet, bedryf, vervaardig, verkoop, versprei, invoer of bemark nie;

(b) enige dobbel- of verwante toerusting verander of andersins aanpas op 'n wyse wat—

(i) die uitslag van 'n weddenskap raak deur te bepaal of daar gewen of verloor word; of

(ii) die normale kriteria van ewekansige seleksie wat die resultaat van 'n casinospel bepaal, verander of raak nie;

(c) iemand voorsien van inligting of 'n toestel om in 'n casinospel te kul nie, wetende dat die inligting aldus verstrek of die toestel aldus verskaf, gebruik kan word om enige bepaling van hierdie Wet te skend.

Kullery en kultoestelle

81. (1) Niemand mag—

(a) iemand toelaat om enige kullery of kultoestel te beoefen, te bedryf of te gebruik nie;

(b) enige casinospel of spel met kaarte of met 'n meganiese toestel, of 'n kombinasie van sodanige spele of toestelle, wat op enige wyse gemerk is of waarmee daar gepeuter is of wat in 'n toestand gestel is of op 'n manier bedryf is waarvan die resultaat is om te neig om spelers of die publiek te mislei of om te neig om die normale ewekansige seleksie van kriteria of die normale kans van die spel te verander wat die uitslag van sodanige spel kan bepaal of verander, dryf, voortsit, bedryf, deel of vir spel blootlê nie;

(c) gebruik maak van enige vervalste speelmunt of skyfie, of die reëls van enige spel oortree of op enige manier met enige dobbeltoestel of enige ander toestel wat vir dobbelary gebruik word, inmeng nie met die doel om enige geldelike voordeel, regstreeks of onregstreeks, hetsy vir homself of haarself of enige ander persoon te verkry.

(2) Vir doeleindes van hierdie artikel en artikel 80*(c)* beteken "kul" en "kullery" die verandering van die seleksie van kriteria—

(a) wat die uitslag van 'n casinospel bepaal;

(b) wat die bedrag of frekwensie van betaling in 'n casinospel bepaal; of

(c) ingevolge enige skema, reëling, stelsel of plan wat die verantwoordelike Lid van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* tot kullery verklaar.

Misdrywe, strawwe en verbeurings

82. (1) Iemand wat—

(a) 'n bepaling van hierdie Wet of 'n regulasie kragtens artikel 88 of 'n reël kragtens artikel 87 uitgevaardig, oortree of versuim om daaraan te voldoen;

(b) 'n vals verklaring aflê in 'n aansoek of opgawe kragtens hierdie Wet;

(c) 'n lisensievoorwaarde oortree;

(d) op 'n gelisensieerde perseel enige dobbelary bedryf of 'n dobbeltoestel hou wat nie kragtens hierdie Wet voorgeskryf word nie of 'n voorgeskrewe spel bedryf anders as ooreenkomstig die reëls van sodanige spel;

(e) 'n polisiebeampte of inspekteur belemmer of dwarsboom in die verrigting van sy of haar werksaamhede kragens hierdie Wet;

(f) 'n verklaring of inligting aan 'n polisiebeampte of inspekteur gee wat vals of misleidend is, wetende dat dit vals of misleidend is;

(g) homself of haarself valslik uitgee as 'n inspekteur;

(h) sonder die skriftelike toestemming van die betrokke inspekteur of polisiebeampte enigiets waarop deur sodanige inspekteur of polisiebeampte in die loop van die verrigting van sy of haar werksaamhede beslag gelê is, verwyder van die plek waar dit deur die inspekteur of polisiebeampte gelaat is, of daarmee lol of dit vernietig of veranderinge daaraan aanbring;

(i) versuim om gehoor te gee aan 'n bevel kragtens artikel 79(3) uitgevaardig of wetend sodanige persoon toelaat om die gelisensieerde perseel te betree;

(j) na 'n dagvaardiging om getuienis te lewer by 'n ondersoek kragtens artikel 20(2), sonder voldoende rede versuim om te verskyn op die tyd en plek genoem in die dagvaarding, of teenwoordig te bly tot die afhandeling van die ondersoek of tot verskoning deur die Raad van verdere bywoning, of om enige boek, dokument of voorwerp in sy of haar besit of onder sy of haar toesig of beheer voor te lê wat hy of sy gedagvaar is om voor te lê;

(k) na 'n dagvaarding kragtens artikel 20(2) of oproep kragtens artikel 20(3)—

(i) sonder voldoende rede weier om die eed of plegtige verklaring af te lê as getuie nadat hy of sy gelas is om dit te doen deur die lid van die Raad wat by die ondersoek voorsit, of weier om te getuig, of weier of versuim om enige vraag wat wettig aan hom of haar gestel word, volledig en bevredigend na sy of haar beste wete en oortuiging te beantwoord; of

(ii) nadat die eed of die plegtige verklaring afgelê is, vals getuienis voor die Raad lewer tydens 'n ondersoek na enige aangeleentheid, wetende dat sodanige getuienis vals is of nie wetende of menende dat dit waar is nie,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of sowel sodanige boete as sodanige gevangenisstraf.

(2) Indien die houer van 'n lisensie of sertifikate uitgereik deur die Raad, die bepalings van hierdie Wet oortree of versuim om daaraan te voldoen, kan die Raad, na 'n ondersoek beoog in artikel 20, aan sodanige lisensiehouer of houer van 'n sertifikaat enige boete oplê wat 'n laer hof, met inbegrip van die streekafdeling ingestel kragtens die bepalings van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), sou kon oplê en

enige versuim om te hou by die vonnis van die Raad binne sodanige tydperk as wat hy bepaal, lei tot die onmiddellike intrekking van enige lisensie of sertifikaat uitgereik deur die Raad aan sodanige persoon of persone: Met dien verstande dat—

(a) indien enige geregtelike stappe ingevolge hierdie subartikel teen 'n persoon gedoen is, sodanige persoon nie ten opsigte van sodanige gedraf van 'n misdryf aangekla mag word nie; en

(b) indien iemand aangekla is van 'n misdryf vir die oortreding, geregtelike stappe ingevolge hierdie subartikel nie teen sodanige persoon gedoen mag word nie ten opsigte van die gedrag wat met sodanige strafregtelike stappe verband hou.

(3) Benewens enige straf in hierdie artikel beoog, word alle gelde, dokumente, boeke en rekords, dobbeltoerusting en dobbeltoestelle gevind in of op enige plek in stryd met artikel 77(1)*(b)*, aan die Raad verbeur.

Middellike verantwoordelikheid

83. (1) Wanneer die bestuurder van die besigheid waarmee 'n lisensie verband hou, of die agent of werknemer van die houer van 'n lisensie 'n handeling verrig of versuim om dit te verrig wat 'n misdryf ingevolge hierdie Wet sou wees as die betrokke houer dit te verrig of versuim om te verrig, word daardie houer geag daardie handeling self te verrig het of te versuim het om dit te verrig, tensy hy of sy die hof oortuig dat—

(a) hy of sy die handeling of versuim deur die betrokke bestuurder, agent of werknemer nie oogluikend of andersins toegelaat het nie;

(b) hy of sy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en

(c) 'n handeling of versuim, hetsy wettig of onwettig, van die onderhawige aard op geen voorwaarde en onder geen omstandighede binne die bestek van die gesag of diens van die betrokke bestuurder, agent of werknemer geval het nie.

(2) Vir die doel van subartikel (1)*(b)* is die feit dat 'n houer opdragte gegee het waarvolgens enige handeling of versuim van daardie aard verbied word, nie op sigself afdoende bewys dat hy of sy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

Strafheffings vir dobbelary

84. (1) Wannneer iemand skuldig bevind is ingevolge artikel 77(1)*(b)*, moet die Raad die bedrag raam wat sodanige persoon na die Raad se mening aanspreeklik sou wees om te betaal as dobbelheffings ingevolge artikel 54 indien hy of sy die houer van 'n lisensie was, en die Raad moet sodanige persoon onverwyld skriftelik in kennis stel van die bedrag aldus geraam.

(2) Die bedrag beoog in paragraaf *(a)* moet geraam word ten opsigte van 'n tydperk van hoogtens drie jaar bereken terugwerkend van die datum van skuldigbevinding van die betrokke persoon.

(3) Die bedrag geraam ingevolge paragraaf *(a)* moet deur die veroordeelde persoon betaal word op die wyse voorgeskryf ingevolge artikel 54(1)*(a)* binne 21 dae na die datum van die kennisgewing in daardie paragraaf bedoel.

(4) Die bepalings van artikel 54(4) is *mutatis mutandis* van toepassing ten opsigte van iemand wat aanspreeklik is vir die betaling van dobbelheffings ingevolge hierdie artikel.

Bevoegdheid om strawwe op te lê

85. Ondanks andersluidende wetsbepalings het 'n landdros die bevoegdheid om enige straf op te lê wat by hierdie Wet voorgeskryf word.

Verbod op aktiwiteite in die Provinsie met betrekking tot dobbelary buite die Provinsie

86. Niemand is vrygestel van aanspreeklikheid kragtens 'n bepaling van hierdie Wet ten opsigte van 'n handeling of ding gedoen of gemagtig of toegelaat deur hom of haar om in die Provinsie gedoen te word met betrekking tot dobbelary nie, bloot op grond daarvan dat die bestuur, bedryf of besigheid van of betreffende sodanige dobbelary in sy geheel of gedeeltelik uitgevoer word op 'n plek buite die Provinsie.

Reëls

87. (1) Die Raad kan reëls uitvaardig wat nie met die bepalings van hierdie Wet strydig is nie, rakende die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede, insluitende—

(a) enige aangeleentheid wat verband hou met 'n aansoek om 'n lisensie;

(b) die bestuur en beheer van gelisensieerde persele en lisensiehouers; en

(c) reëls vir die bedryf van enige vorm van dobbelary.

(2) Minstens een maand voordat enige reël ingevolge hierdie artikel uitgevaardig word, moet die Raad die teks daarvan laat publiseer in die *Provinsiale Koerant* tesame met 'n kennisgewing waarin sy voorneme om daardie reël uit te vaardig bekendgemaak word en belanghebbende persone uitgenooi word om kommentaar daarop of vertoë wat hulle in verband daarmee wil rig, aan die Raad te voor te lê.

Regulasies

88. (1) Die verantwoordelike Lid kan, in oorleg met die Raad, by kennisgewing in die *Provinsiale Koerant* regulasies uitvaardig rakende—

(a) enige aangeleentheid betreffende die Raad;

(b) enige aangeleentheid betreffende 'n aansoek om 'n lisensie;

(c) die bestuur en beheer van gelisensieerde persele;

(d) die aftrekkoste, kommissie of ander heffings wat die houer van die lisensie mag vra;

(e) die wedgeld waarvoor enige casinospel gespeel mag word;

(f) die wengeld betaalbaar ten opsigte van wedrenne van diere;

(g) die bemiddeling van dobbelarygeskille deur die Raad;

(h) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan of moet word;

(i) in die algemeen, enige aangeleentheid ten opsigte waarvan dit nodig of dienstig is om regulasies uit te vaardig ter verwesenliking van die oogmerke van hierdie Wet.

(2) 'n Regulasie uitgevaardig kragtens hierdie artikel kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, 'n boete of gevangenisstraf van hoogstens twee jaar of sowel sodanige boete as sodanige gevangenisstraf voorgeskryf.

(3) Verskillende regulasies kan kragtens hierdie artikel uitgevaardig word ten opsigte van verskillende soorte lisensies, lisensies van dieselfde soort met verskillende algemene eienskappe, verskillende kategorieë persone of verskillende gebiede.

(4) Minstens een maand voordat enige regulasie ingevolge hierdie artikel uitgevaardig word, moet die verantwoordelike Lid die teks daarvan in die *Provinsiale Koerant* laat publiseer tesame met 'n kennisgewing waarin sy of haar voorneme om daardie reël te vaardig bekendgemaak word en belanghebbende persone uitgenooi word om kommentaar daarop of vertoë wat hulle in verband daarmee wil rig, aan die verantwoordelike Lid voor te lê.

(5) Die bepalings van subartikel (4) is nie van toepassing nie ten opsigte van—

(a) enige regulasie wat, nadat die bepalings van daardie subartikel nagekom is, deur die verantwoordelike Lid gewysig is as gevolg van kommentaar of vertoë wat as gevolg van sodanige nakoming ontvang is;

(b) enige regulasie ten opsigte waarvan die openbare belang vereis het dat dit sonder versuim uitgevaardig word.

Oorgangsbepalings

89. (1) Enige lisensie vir die bedryf van 'n casino in die Provinsie uitgereik ingevolge enige wet wat by hierdie Wet herroep word, word geag uitgereik te wees ingevolge hierdie Wet, waarna die bepalings van hierdie Wet van toepassing is ten opsigte van sodanige lisensie.

(2) *(a)* Ondanks die herroeping van enige bepaling van enige ordonnansie by hierdie Wet moet daar met enige aansoek wat kragtens sodanige bepaling gedoen is voor die datum van inwerkingtreding van hierdie Wet en wat nie op daardie datum afgehandel is nie, voortgegaan word en moet dit afgehandel word asof daardie bepaling nie aldus herroep is nie: Met dien verstande dat die bevoegde owerheid wat sodanige aansoek oorweeg, na goeddunke die aansoek na die Raad kan verwys vir afhandeling.

(b) Enige lisensie of ander magtiging toegestaan of verleen kragtens 'n ordonnansie wat by hierdie Wet herroep word en wat ingevolge hierdie Wet toegestaan of verleen kan word, moet geag word ingevolge hierdie Wet toegestaan of verleen te wees, waarna die bepalings van hierdie Wet van toepassing is ten opsigte van sodanige lisensie of magtiging.

(c) Enige reël of regulasie uitgevaardig ingevolge enige Ordonnansie wat by hierdie Wet herroep word en wat ingevolge onderskeidelik artikel 87 of 88 van hierdie Wet uitgevaardig kan word, word geag ingevolge hierdie Wet uitgevaardig te wees.

(d) Enigiets gedoen ingevolge 'n bepaling van enige Ordonnansie wat by hierdie Wet herroep word en wat ingevolge 'n bepaling van hierdie Wet gedoen moet of kan word, word geag ingevolge laasgenoemde bepaling gedoen te wees.

(3) Alle bates en laste wat voor die inwerkingtreding van hierdie Wet berus het by 'n raad wat ingestel is ingevolge enige ordonnansie wat by hierdie Wet herroep word, word so gou redelik moontlik na die inwerkingtreding van hierdie Wet na die Raad oorgedra om die bates en laste van die Raad te word.

(4) Die verantwoordelike Lid kan die bevoegdhede en die werksaamhede van die Raad, uitgesonderd die toestaan van enige lisensie, uitoefen en verrig tot tyd en wyl die Raad aangestel is.

Toepassing van Wet

90. Die bepalings van die Dobbelwet, 1965 (Wet No. 51 van 1965), is nie in die Provinsie van toepassing nie met betrekking tot enigiets waarvoor 'n lisensie of registrasie ingevolge hierdie Wet vereis word.

Afdwingbaarheid van dobbelskuld

91. Enige dobbelskuld wat wettig aangegaan is deur 'n persoon na die inwerkingtreding van hierdie Wet in die loop van die speel van 'n wettige dobbelspel, is, ondanks die bepalings van enige wet of die gemenereg, afdwingbaar in 'n geregshof.

Herroeping van Wette

92. Die wette genoem in die Bylae word hierby herroep of gewysig in die mate aangedui in die derde kolom daarvan.

Kort titel en inwerkingtreding

93. (1) Hierdie Wet heet die Noordelike Provinsie se Wet op Casino's en Dobbel, 1996, en tree in werking op 'n datum wat die verantwoordelike Lid by proklamasie in die *Provinsiale Koerant* bepaal.

(2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende gebiede in die Provinsie.

BYLAE

WETTE HERROEP OF GEWYSIG

No. van Wet	Titel	In hoeverre herroep of gewysig
Wet No. 13 van 1980....	Venda Casino Act, 1980 (Act No. 13 of 1980)	Herroeping van die geheel

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel. (012) 323-9731 x 260
Also available at **The Provincial Administration: Northern Province,**
Private Bag X9483, Office of the Premier, 26 Bodenstein Street, Pietersburg, 0699. Tel. (0152) 295-3910
Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel. (012) 323-9731 x 260
Ook verkrygbaar by **Die Provinsiale Administrasie: Noordelike Provinsie,**
Privaat Sak X9483, Kantoor van die Premier, Bodensteinstraat 26, Pietersburg, 0699. Tel. (0152) 295-3910