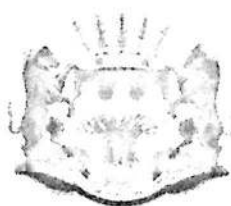


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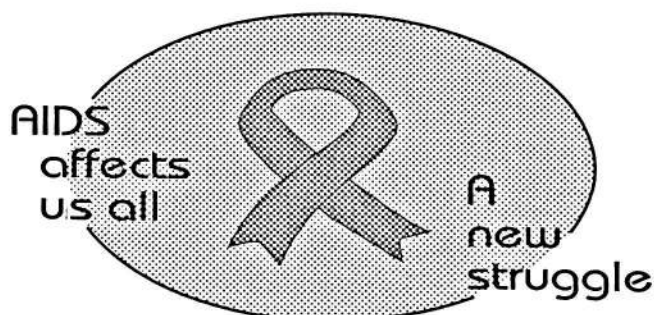
PIETERSBURG,

**Vol. 11
Extraordinary
Ku katsa na Tigazete to
Hlawuleka hinkwato**

13 FEBRUARY 2004
13 FEBRUARIE 2004
13 NYENYENYANA 2004
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PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 2

13 February 2004

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

No. 5 of 2003: Limpopo Business Registration Act, 2003.

ACT

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

*(English text signed by the Premier)
(Assented to on 22-01-2004)*

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

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

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

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

“**Business Registration Centre**” means any municipality designated as a Business Registration Centre in terms of section 6;

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

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

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

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

“**inspector**” means an inspector appointed in terms of section 8;

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

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

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

“prescribed” means prescribed by regulation;

“registration” means the registration of a business in terms of section 10;

“regulation” means regulations made by the MEC under section 15;

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

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

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

2. Purpose of Act.—The purpose of this Act is to —

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

3. Assignment of functions.—(1) The MEC may in terms of the provisions of section 126 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) by way of an agreement with the Municipal Council assign the function of business registration to municipalities.

(2) The agreement referred to in subsection (1) may provide for sufficient funding and capacity building initiatives as may be needed for the performance of the assigned functions.

(3) A municipality may in terms of a by-law control-

- (a) undertakings that sell food to the public; and
- (b) street traders.

4. Establishment of Directorate of Business Registration.—(1) There is hereby established in the Department a directorate to be known as the Limpopo Directorate of Business Registration.

(2) Subject to the laws governing the public service, the MEC may appoint—

- (a) a person as the Business Regulator who must head the Limpopo Directorate of Business Registration;

- (b) one or more persons to assist with the performance of the functions of the Limpopo Directorate of Business Registration, subject to the control and directions of the Business Regulator.

(3) The Business Regulator may, in performing his or her duties under this Act, be assisted by any person or body whose service is obtained by him or her for the purposes of a particular function.

5. Powers and functions of Limpopo Directorate of Business Registration.—(1) The Limpopo Directorate of Business Registration must —

- (a) be responsible for the establishment of Business Registration Centres in the Province;
- (b) advise the MEC on any matter—
 - (i) referred to by a Business Registration Centre for consideration and arising from the application of this Act;
 - (ii) relating to the facilitation of the advancement, upliftment and economic empowerment of persons or groups or categories of persons who were previously disadvantaged, to participate in the economic mainstream; and
 - (iii) that may facilitate the resolution of any dispute which may arise between the respective Business Registration Centres regarding the regulation and control of businesses,
- (c) consider appeals against decisions made by the Business Registration Centres;
- (d) monitor the functioning of the Business Registration Centres;
- (e) keep and maintain a register of all businesses registered in terms of this Act and any other records as may be prescribed; and
- (f) exercise any other power or duty conferred upon it in terms of this Act.

(2) When a municipality which has been established as a Business Registration Centre in terms of subsection (1), cannot or does not fulfill an obligation in terms of this Act, the Limpopo Directorate of Business Registration may intervene by taking appropriate steps to ensure fulfillment of the obligations in terms of this Act.

6. Establishment of Business Registration Centre.—(1) The MEC may in consultation with the Member of the Executive Council responsible for local government, by notice in the *Gazette* designate a municipality as a Business Registration Centre, to undertake from a date specified in the notice the registering of business in the area concerned.

(2) The MEC may at any time, after consultation with the Member of the Executive Council responsible for local government, amend or withdraw a notice under subsection (1) by notice in the *Gazette*.

7. Powers and duties of Business Registration Centre.—A Business Registration Centre must —

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

8. Appointment of Inspectors.—(1) The Business Registration Centre shall in consultation with the Business Regulator appoint suitable persons as inspectors, to perform, subject to the control and directions of the Business Registration Centre, any or all of the functions assigned to an inspector.

(2) An inspector must be furnished with a certificate signed by the Business Regulator of the Limpopo Directorate of Business Registration, stating—

- (a) that the person has been appointed as an inspector of the Business Registration Centre concerned; and
- (b) the area of jurisdiction of such an inspector.

(3) When an inspector appointed in terms of subsection (1) performs functions under this Act in the presence of any person affected thereby, the inspector shall on demand by such person produce the certificate of appointment.

9. Functions and powers of Inspectors.—(1) An inspector may—

- (a) enter upon any business premises which the inspector reasonably suspects is carrying on or conducting business which must be a registered business in terms of this Act;
- (b) require the person in charge of such business to produce a business registration certificate, and

- (c) question any person on the premises and conduct an inspection in connection with any business activity on the premises.

(2) An inspector shall be entitled to issue an admission of guilt fine or a written notice to appear in court, to a person who fails to produce a business registration certificate in terms of subsection (1).

10. Registration of business.—(1) A person who wishes to carry on or conduct business shall on the prescribed form apply to a Business Registration Centre within the area in which the business is to be conducted, for the registration of such business.

(2) If the application is successful, the applicant must be issued with a business registration certificate, which will serve as proof of registration to carry on business in terms of this Act.

(3) Where a business is carried on at more than one premises, a separate certificate is required for each premises.

(4) No business shall be registered unless the person applying for registration of the business has —

- (a) complied with the requirements of any law relating to the Town Planning Scheme of the area in which the business is to be conducted;
- (b) in the case where a business is to be conducted in a rural area or a less formal settlement area, complied with the procedural requirements for the acquisition of business sites in that area;
- (c) paid a minimum fee required for registration as prescribed by the MEC in the *Gazette* from time to time; and
- (d) complied with any other condition which the Business Registration Centre deems necessary for such registration.

(5) A business registration certificate issued under subsection (2) shall be valid for a period of 12 months from the date of issue, provided that the certificate holder —

- (a) must renew the certificate by payment of an annual renewal fee, as determined by the MEC from time to time, by notice in the *Gazette*; and
- (b) be issued with a receipt, which shall be proof of renewal of such certificate.

(6) A business registration certificate which has not been renewed in terms of subsection (5), may on application by the certificate holder be extended by the

Business Registration Centre for a period not exceeding 90 days, provided that such application is made prior to the expiry of the business registration certificate.

(7) If the application for the registration of business is refused or the registration of a business is made subject to any condition, the Business Registration Centre must as soon as is practicable in writing-

- (a) notify the applicant of the decision; and
- (b) provide the applicant with the reasons for such decision.

(8) A certificate holder shall not be entitled to a refund of any fees paid in respect of a certificate that has been withdrawn, suspended or cancelled.

11. Appeals against decision of Business Registration Centre.—(1) A person aggrieved by a decision of the Business Registration Centre must within thirty days from the date of being notified of such decision, appeal to the Limpopo Directorate of Business Registration.

(2) The Limpopo Directorate of Business Registration must inquire into and consider the matter and may confirm, vary, or set aside the decision of the Business Registration Centre or make any other decision it may consider just.

(3) The decision of the Limpopo Directorate of Business Registration is final.

12. Disqualification from registering business.—The following persons are disqualified from registering a business described in this Act:

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

13. Prohibition on conducting or carrying on business without registration.—No person shall carry on or conduct business in the Province, unless such a person —

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

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

15. Regulations.—(1) The MEC may, after consultation with the Limpopo Directorate of Business Registration, make regulations relating to the —

- (a) composition of any Business Registration Centre;
- (b) format for the application forms;
- (c) issuing of duplicate certificates of registration;
- (d) appointment of inspectors, their powers, duties and functions;
- (e) disposal of any goods, receptacle, vehicle or movable structure removed or impounded;
- (f) liability of any person for expenses incurred in connection with such removal, impoundment and disposal; and
- (g) promotion of the objects of this Act.

(2) The MEC may, in consultation with the Member of the Executive Council responsible for local government and the Limpopo Directorate of Business Registration, make regulations prescribing the different fee structures for Business Registration Centres in the province.

16. Repeal of existing legislation.—The laws mentioned in the Schedule are hereby repealed to the extent indicated in the second column of the Schedule.

17. Transitional arrangements.—(1) At the commencement of this Act all existing business registration certificates or licences issued in terms of any law repealed by section 16 are deemed to be business registration certificates issued in terms of this Act and are valid for a period of 12 months after the commencement of this Act.

(2) A person conducting or carrying on a business under this Act must register that business within a period of 12 months after the commencement of this Act.

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

LIMPOPO BUSINESS REGISTRATION ACT, 2003

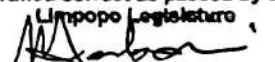
Act No. 5 of 2003

SCHEDULE**Acts repealed by this Act.**

NAME OF ACT	EXTENT OF REPEAL
Lebowa Business and Trading Undertakings Act, 1977 (Act No. 6 of 1977)	The whole
Gazankulu Business and Trading Undertakings Act, 1979 (Act No. 9 of 1979)	The whole
Venda Business and Trading Undertakings Act, 1984 (Act No.10 of 1984)	The whole
Northern Province Businesses Act, 1998 (Act No. 4 of 1998)	The whole

Certified correct as passed by the

Limpopo Legislature


Secretary of the Legislature

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 2

13 Februarie 2004

Hierby word bekendgemaak dat die Premier van die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 5 of 2003: Limpopo Wet op Besigheidsregistrasie, 2003

WET

Ten einde voorsiening te maak vir wetgewing aangaande die registrasie en die bedryf van besigheid; die stigting van die Direktoraat van Besigheidsregistrasie en Besigheidsregistrasiesentrums; en om voorsiening te maak vir verbandhoudende aangeleenthede.

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 22-01-2004)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van Limpopo soos volg:-

1. **Woordomskrywing** In hierdie Wet tensy dit uit die samehang anders blyk, beteken-

“**bedryf van besigheid**” ook die opening of oophouding van enige persele vir sodanige doeleindes;

“**besigheid**” die verkoop, huur, verhuur, herstel, die diens of verskaffing van of handeldryf in goedere of dienste, of die verskaffing van enige fasiliteite as ‘n kommersiële optrede van deurlopende aard, en sluit die optrede as ‘n kommersiële agent of ‘n kommissieagent in;

“**besigheidspersel**” ten opsigte van ‘n besigheid, die perseel waarop, of van waar die besigheid bedryf word;

“**besigheidsregistrasiesentrum**” enige munisipaliteit wat ingevolge artikel 6 as ‘n Besigheidsregistrasiesentrum aangewys is;

“**Departement**” die departement wat vir die administrasie van hierdie Wet verantwoordelik is;

“**hierdie Wet**” ook die insluiting van enige regulasie of kennisgewing gemaak, of uitgereik onder hierdie Wet;

“inspekteur” ’n inspekteur wat ingevolge artikel 8 aangestel is;

“LUR” die Lid van die Uitvoerende Raad wat vir die Departement verantwoordelik is;

“munisipaliteit” ’n munisipaliteit wat tot stand gekom het kragtens die Plaaslikeregering: Wet op Munisipalestrukture, 1998 (Wetnr 117 van 1998);

“perseel” insluitend grond, enige voertuig, vervoermiddel, skip, boot, lugvaartuig of enige gebou of struktuur;

“registrasie” die registrasie van ’n besigheid kragtens artikel 10;

“regulasie” regulasies deur die LUR ingevolge artikel 15 gemaak;

“sertifikaathouer” ’n persoon of regspersoon wat die houer is van ’n sertifikaat van ’n geregistreerde besigheid wat kragtens artikel 10 uitgereik is;

“Suid-Afrikaanse burger” ’n Suid-Afrikaanse burger ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1995 (Wetnr 88 van 1995);

“verkoop” ook die voorbereiding, prosessering, stoor, aanbod of uitstal vir verkope;

“voorgeskrewe” soos deur regulasie voorgeskryf; en

“werknemer” ’n persoon of persone wat deur enige werkgever in diens geneem is, of vir hom werk en wat enige besoldiging ontvang of daarop geregtig is, en enige ander persoon wat hulp verleen met die uitvoer of bedryf van die besigheid van enige werkgever.

2. Die Doel van hierdie Wet. – Die doel van hierdie Wet is om –

- (a) die bevoegdheid om besighede te registreer aan plaaslikeregering oor te dra;
- (b) in die Provinsie 'n stiptelike, vereenvoudigde wyse van besigheidsregistrasie daar te stel;
- (c) die korporatiewe verhoudings tussen die provinsialeregering, plaaslikeregering en die besigheidsektor te verbeter;
- (d) die voorheen benadeelde persone te bemagtig deur die skep van stiptelike, vereenvoudigde en goedkoop toegang tot ekonomiese bedrywighede;
- (e) 'n databasis te skep om as 'n navorsingsmiddel gebruik te word; en
- (f) handeldryf in die Provinsie te bevorder.

3. Die Toedeling van aktiwiteite/funksies. – (1) Die LUR kan ingevolge die voorwaardes van artikel 126 van die Republiek van Suid-Afrika, 1996 (Wetnr 108 van 1996) deur oorlegpleging met die Munisipaleraad, die funksies/aktiwiteite om besighede te registreer aan die munisipaliteite toedeel.

- (2) Die ooreenkoms waarna verwys word in subartikel (1) kan voorsiening maak vir voldoende fondse en die inisiatiewe om kapasiteit te bou soos benodig vir die uitvoer van die toebedeelde funksies/aktiwiteite.
- (3) 'n Munisipaliteit kan ingevolge 'n verordening beheer hê oor –
 - (a) ondernemings wat voedsel aan die publiek verkoop; en
 - (b) straathandelaars.

4. Stigting van die Direktoraat van Besigheidsregistrasie. – (1) Daar word hiermee in die Departement, 'n Direktoraat van Besigheidsregistrasie gestig wat bekend sal staan as die Limpopo Direktoraat van Besigheidsregistrasie.

(2) Die LUR, onderworpe aan die wette wat die staatsdiens beheer:

- (a) kan 'n persoon aanstel as die Besigheidsreguleerder wat aan die hoof van die Limpopo Direktoraat van Besigheidsregistrasie sal staan;
- (b) mag een of meer persone aanstel om hulp te verleen met die uitvoering van die funksies van die Limpopo Direktoraat van Besigheidsregistrasie, onderworpe aan die beheer en riglyne van die Besigheidsreguleerder.

(3) Die Besigheidsreguleerder kan, in die uitvoering van sy of haar pligte onder hierdie Wet, deur enige persoon of liggaam/instelling bygestaan word wie se dienste hy of sy vir die doeleindes van 'n bepaalde funksie bekom het.

5. Bevoegdhede, aktiwiteite/funksies van die Limpopo Direktoraat van Besigheidsregistrasie – (1) Die Limpopo Direktoraat van Besigheidsregistrasie sal –

- (a) verantwoordelik wees vir die stigting van Besigheidsregistrasiesentrums in die Provinsie;
- (b) die LUR met raad bedien aangaande enige aangeleentheid-

- (i) wat deur 'n Besigheidsregistrasiesentrum vir oorweging verwys is en wat as gevolg van die toepassing van hierdie Wet ontstaan het;
 - (ii) wat verwant is aan die fasilitering van die bevordering, opheffing en ekonomiese bemagtiging van persone of groepe of kategorieë van persone wat voorheen benadeel is om deelname te hê aan die ekonomiese hoofstroom; en
 - (iii) wat behulpsaam mag wees in die oplossing van enige dispuut wat tussen die onderskeie Besigheidsregistrasiesentrums as gevolg van die regulering en beheer van besighede, mag ontstaan,
- (c) appèlle teen besluite van die Besigheidsregistrasiesentrums oorweeg;
 - (d) die funksionering van Besigheidsregistrasiesentrums monitor;
 - (e) 'n register hou en behou van alle besighede wat ingevolge hierdie Wet geregistreer is en alle ander rekords wat voorgeskryf mag wees; en
 - (f) enige bevoegdheid of verpligting uitoefen soos wat dit ingevolge hierdie Wet opgelê is.
- (2) 'n Munisipaliteit wat as 'n Besigheidsregistrasiesentrum daargestel is kragtens subartikel (1), wat nie in staat is nie, of versuim om 'n verpligting ingevolge hierdie Wet na te kom, kan die Limpopo Direkoraat van Besigheidsregistrasie tussenbeide tree deur die geskikte optrede te neem om te verseker dat die verpligtinge kragtens hierdie Wet, nagekom word.

6. Stigting van Besigheidsregistrasiesentrums – (1) Die LUR kan in oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir Plaaslikeregering, deur kennisgewing in die Staatskoerant 'n munisipaliteit aanwys as 'n

Besigheidsregistrasiesentrum, om vanaf 'n datum soos in die kennisgewing gespesifiseer, die lisensiëring van besighede in die gebied te onderneem.

(2) Die LUR mag te enige tyd, na oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir Plaaslikeregering, 'n kennisgewing onder subartikel (1) deur kennisgewing in die *Staatskoerant*, wysig of terugtrek.

7. Die Bevoegdhede en pligte van Besigheidsregistrasiesentrums. – 'n Besigheidsregistrasiesentrum sal –

- (a) aansoeke vir die registrasie van besighede ingevolge hierdie Wet oorweeg en 'n besigheidsregistrasiesertifikaat uitreik;
- (b) enige verstoë oorweeg wat deur 'n persoon gerig word wat vir die registrasie van 'n besigheid aansoek doen;
- (c) sodanige navrae doen as wat dit nodig ag ten opsigte van die registrasie van die besigheid;
- (d) inspekteurs aanstel om die funksies uit te voer wat in artikel 9 vervat word; en
- (e) die registrasie te enige tyd terugtrek, opskort of kanselleer, nadat die sertifikaathouer 'n redelike geleentheid om aangehoor te word, gebied is.

8. Aanstelling van Inspekteurs – (1) Die Besigheidsregistrasiesentrum sal in oorleg met die Besigheidsreguleerder geskikte persone as inspekteurs aanstel om, onderworpe aan die beheer en aanwysings van die Besigheidsregistrasiesentrum, enige of al die funksies uit te voer wat aan die inspekteur toegewys is.

- (2) 'n Inspekteur sal 'n sertifikaat ontvang wat deur die

Besigheidsreguleerder van die Direkoraat van Besigheidsregistrasie onderteken is wat dit stel-

(a) dat die persoon as 'n inspekteur van die betrokke Besigheidsregistrasiesentrum aangestel is; en

(b) die gebied van jurisdiksie van sodanige inspekteur.

(3) Wanneer 'n inspekteur wat ingevolge subartikel (1) aangestel is funksies ingevolge hierdie Wet uitoefen in die teenwoordigheid van enige persoon wat daardeur geraak word, moet die inspekteur wanneer dit deur sodanige persoon versoek word die aanstellingssertifikaat toon.

9. Funksies en bevoegdhede van Inspekteurs – (1) 'n Inspekteur kan-

(a) enige besigheidsperseel betree wat die inspekteur redelikerwys vermoed besigheid doen, of bedryf wat ingevolge hierdie Wet geregistreer moet wees;

(b) van die persoon in beheer van sodanige besigheid vereis om 'n besigheidsregistrasiesertifikaat te toon;

(c) enige persoon op die perseel ondervra en 'n inspeksie in verband met enige besigheidsaktiwiteit op die perseel uitoefen.

(2) 'n Inspekteur is daarop geregtig om 'n boete van skulderkenning of 'n skriftelike kennisgewing om in die hof te verskyn uit te reik aan 'n persoon wat nalaat om 'n besigheidsregistrasiesertifikaat ingevolge subartikel (1) te toon.

10. Registrasie van besigheid. – (1) 'n Persoon wat besigheid wil doen of bedryf moet op die voorgeskrewe vorm aansoek doen by 'n Besigheidsregistrasiesentrum binne die gebied waar die besigheid bedryf sal word vir die registrasie van sodanige besigheid.

- (2) Indien die aansoek suksesvol is, sal 'n sertifikaat aan die aansoeker uitgereik word, wat as bewys sal dien van registrasie om besigheid ingevolge hierdie Wet, te mag doen.
- (3) Waar 'n besigheid vanaf meer as een perseel bedryf word, word 'n afsonderlike sertifikaat vir elkeen van die persele benodig.
- (4) Geen besigheid sal geregistreer word tensy die persoon wat vir die registrasie van die besigheid aansoek doen –
 - (a) voldoen aan die vereistes van enige wet ten opsigte van die Dorpsbelanningskema van die gebied waarin die besigheid bedryf gaan word;
 - (b) in 'n geval waar die besigheid in 'n landelike omgewing of minder formele nedersettingsgebied bedryf gaan word, moet aan die prosedure-vereistes vir die verkryging van besigheidspersle in sodanige gebied, voldoen word;
 - (c) 'n minimum bedrag soos vereis vir registrasie soos van tyd tot tyd voorgeskryf deur die LUR in die Staatskoerant, betaal het nie; en
 - (d) voldoen aan enige ander vereistes wat die Besigheidsregistrasiesentrum as nodig ag vir sodanige registrasie nie.

- (5) 'n Besigheidsregistrasiesertifikaat uitgereik onder subartikel (2) sal vir 'n tydperk van 12 maande vanaf die datum van uitreiking, geldig wees, op voorwaarde dat die houer van die sertifikaat –
- (a) die sertifikaat hernu, deur betaling van 'n jaarlikse hernuwingsfooï soos van tyd tot tyd bepaal word deur die LUR, deur middel van kennisgewing in die Staatskoerant; en
 - (b) uitgereik is met 'n kwitansie wat dien as bewys van hernuwing, of sodanige sertifikaat.
- (6) 'n Besigheidsregistrasiesertifikaat wat nie ingevolge subartikel (5) hernu is nie, kan deur die aansoek van die sertifikaathouer verleng word deur die Besigheidregistrasiesentrum vir 'n tydperk van nie langer as 90 dae nie, op voorwaarde dat sodanige aansoek gemaak is voordat die besigheidsertifikaat verstryk het.
- (7) Indien die aansoek om die registrasie van die besigheid geweier is, of die registrasie van 'n besigheid onderhewig is aan enige voorwaarde, moet die Besigheidsregistrasiesentrum skriftelik en so gou as wat dit prakties moontlik is –
- (a) die aansoeker in kennis stel van die besluit; en
 - (b) die redes vir sodanige besluit aan die aansoeker verskaf.
- (8) Die houer van 'n sertifikaat sal nie geregtig wees op die terugbetaling van enige geld wat betaal is vir 'n sertifikaat wat teruggetrek, opgeskort of gekanselleer is nie.

11. Appèlle teen die besluite van 'n Besigheidsregistrasiesentrum. –(1) 'n Persoon gekrenk deur 'n besluit van die Besigheidsregistrasiesentrum, kan binne dertig dae vanaf die datum van die kennisgewing van sodanige besluit, tot die Limpopo Direkoraat van Besigheidsregistrasie appelleer.

(2) Die Limpopo Direkoraat van Besigheidsregistrasie sal ondersoek instel en die aangeleentheid oorweeg en kan die besluit van die Besigheidsregistrasiesentrum bevestig, wysig, of ter syde stel, of enige ander geregverdigde besluit neem.

(3) Die besluit van die Limpopo Direkoraat van Besigheidsregistrasie is finaal.

12. Diskwalifikasie om 'n besigheid te registreer. – Die volgende mense is gediskwalifiseer om aansoek te doen vir die registrasie van 'n besigheid soos dit in hierdie Wet beskryf is –

- (a) 'n geestesversteurde persoon;
- (b) nie 'n Suid-Afrikaanse burger is nie en wie nie toestemming he tom 'n besigheid in die Republiek te bedryf nie.

13. Die Verbod op die uitvoer of bedryf van 'n besigheid sonder registrasie. - Geen persoon mag 'n besigheid bedryf of uitvoer in die Provinsie nie, tensy sodanige persoon –

- (a) die besigheid geregistreer het ingevolge artikel en dat 'n besigheidsregistrasiesertifikaat uitgereik is om sodanige persoon te magtig om sodanige besigheid te bedryf; en

- (b) in die vermoë is om 'n besigheidsregistrasiesertifikaat voor te lê as bewys dat sodanige besigheid geregistreer is.

14. **Strafregtelike voorwaardes.** – 'n Persoon wat die voorwaardes van hierdie Wet oortree sal skuldig wees aan 'n misdryf en met skuldigbevinding onderhewig wees aan 'n boete, of tronkstraf van nie meer as 'n tydperk van 6 maande nie, of onderhewig wees aan beide sodanige boete en tronkstraf.

15. **Regulasies.** – (1) Die LUR kan, na oorlegpleging met die Limpopo Direkoraat van Besigheidsregistrasie, regulasies uitvaardig met betrekking tot –

- (a) die samestelling van enige instansie wat aangestel is as 'n Besigheidsregistrasiesentrum;
- (b) die uiteensetting/formaat van die aansoekvorms;
- (c) die uitreiking van duplikaatsertifikate van registrasie;
- (d) die aanstelling van inspekteurs, hul bevoegdhede, pligte en aktiwiteite;
- (e) die ontslae raak van enige goedere, houers, voertuig of roerende struktuur wat verwyder en geskut is;
- (f) die onderhewigheid van enige persoon aan die onkoste aangegaan in verband met sodanige verwydering, skut en ontslae raak van; en
- (g) die bevordering van die oogmerke van hierdie Wet.

- (2) Die LUR kan in oorlegpleging met die Lid van die Uitvoerenderaad verantwoordelik vir plaaslikeregering en die Limpopo Direkoraat van

Besigheidsregistrasie, regulasies maak wat die verskillende betaalstrukture voorskryf vir Besigheidsregistrasiesentrums in die Provinsie.

16. Herroeping van bestaande wetgewing. ---Die wette gemeld in die Bylae is hiermee herroep in die mate soos aangedui in die tweede kolom van die Bylae.

17. Oorgangsmatreëls. - (1) Met die aanvang van hierdie Wet, sal alle bestaande besigheidsregistrasiesertifikate of lisensies wat uitgereik is kragtens enige herroepde wet deur artikel 16, beskou word as besigheidregistrasiesertifikate uitgereik kragtens hierdie Wet en is geldig vir 'n tydperk van 12 maande na die aanvang van hierdie Wet.

(2) 'n Persoon wat 'n besigheid bedryf onder hierdie Wet moet daardie besigheid registreer binne 'n tydperk van 12 maande na die aanvang van hierdie Wet.

18. Kort titel. Hierdie Wet sal die Limpopo Wet op Besigheidsregistrasie, 2003 heet en sal in werking tree op 'n datum soos aangekondig deur die Premier in die *Staatskoerant*.

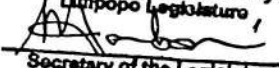
LIMPOPO WET OP BESIGHEIDSREGISTRASIE, 2003

Wet No. 5 van 2003

BYLAE

Wette herroep deur hierdie Wet.

NAAM VAN DIE WET	DIE MATE VAN HERROEPING
Lebowa Wet op Besigheid en Handeldryf, 1977 (Wetnr 6 van 1977)	Algeheel
Gazankulu Wet op Besigheid en Handeldryf, 1979 (Wetnr 9 van 1979)	Algeheel
Venda Wet op Besigheid en Handeldryf, 1984 (Wetnr 10 van 1984)	Algeheel
Die Noordelike Provinsie Wet op Besighede, 1996 (Wetnr 4 van 1998)	Algeheel

Certified correct as passed by the
Limpopo Legislature

Secretary of the Legislature

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 2

13 February 2004

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimošetšo ya Kakaretšo:—

No. 5 of 2003: Molao wa ngwadišo ya dikgwebo wa Limpopo

MOLAO

Go beakanyetša molao mabapi le ngwadišo le tshepetšo ya dikgw Profenseng; tlhomo ya Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo Ngwadišo ya Dikgwebo; le go beakanyetša mabaka a go amana le tše.

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 22-01-2004)*

GO BEWA MOLAO ke Lekgotlapeamelao la Profense ya Limpopo ka mo

1. **Ditlhalošo** – Ka mo Molaong wo ka ntle le ge go laetšwa ka tsela ye

“boingwadišo” e ra boingwadišo bja dikgwebo go ka ka karolo 10;

“go sepetša kgwebo” e akaretša go bulwa le go phela go butšwe mabala bulela morero wo;

“kgethetšwego” e ra kgethetšwego ke molawana;

“Kgoro” e ra kgoro ye e hlokometshego taolo ya Molao wo;

“kgwebo” e ra go papatšo, go adimiša, go hiriša, go tsošološa go lokiša tirelo ga, goba tsela ye nngwe ya kgwebišano ka, diphahlo goba ditirelo, go ditlabela dife goba dife, bjalo ka modiro wa kgwebo wa tsela ya go se kga akaretša go šoma bjalo ka lekalatirelo la kgwebo goba lekalatirelo ya go tsen

“Lefelo la Ngwadišo ya Dikgwebo” e ra masepala ofe goba ofe wo o hlac ka Lefelo la Ngwadišo ya Dikgwebo go ya ka karolo 6;

“mabala” e akaretša naga, senamelwa, koloi, sekepe, seketswana goba se sefe goba moago goba sebopego se sengwe le se sengwe;

“mabala a kgwebo” go sepelelana le kgwebo, e ra mabala ao go ona go ona kgwebo e tlilego go sepetšwa gona;

“masepala” e šupa masepala wo o hlamilwego go ya ka Molao wa Mabasepala, 1998 (Molao 117 wa 1998);

“MEC” e ra Leloko la Lekgotlaphethiši leo le hlokometshego Kgoro;

“modudi wa Afrika Borwa” e ra modudi wa Afrika Borwa go ya ka MoE wa Afrika Borwa, 1995 (Molao 88 wa 1995);

“mohlahlobi” e ra mohlahlobi yo a bewago go ya ka karolo 8;

“Molao wo” e akaretša molawana wo mongwe le wo mongwe goba dirwago goba e ntšhwago ka fase ga Molao wo;

“molawana” e ra melawana yeo e dirilwego ke MEC ka fase ga karolo 15;

“mošomi” e ra motho goba batho bao ba thwetšwego ke goba ba šomelago mongmošomo yo mongwe le yo mongwe gomme ba hwetša goba ba lebanwe ke go hwetša tefelo efe le efe, le motho ofe yo mongwe le yo mongwe yo a thušago go rekiša ka goba go sepetša kgwebo ya mongmošomo yo mongwe le yo mongwe;

“moswarasethifikheiti” e ra motho goba motho ka molao yo e lego moswarasethifikheiti sa kgwebo yeo e ingwadišitšego seo se ntšhitšwego go ya ka karolo 10; le

“rekiša” e akaretša go beakanya, go phutha, go boloka, go aba goba go bea pepeneneng ga dithekišo.

2. Nepo ya Molao

Nepo ya Molao wo ke go –

- (a) fa maatla a go ngwadiša dikgwebo go mmušo-selegae;
- (b) hlagiša ka go Profense mokgwa wo mokaone, wo bonolo wa ngwadišo ya kgwebo;
- (c) kaonafatša dikamano tša tšhomišano magareng ga mmušo wa profense, mmušo-selegae le lekala la kgwebo;
- (d) matlafatša bao ba ilego ba hlokofatšwa nakong ya pele ka go hlola phihlelelo ye kaone ye e nolofaditšwego, le gona ya maleba go mediro ya ekonomi;
- (e) hlama bobolokelo bja tshedimošo bjo bo tla šomago bjalo ka setlabelwa sa dinyakišišo; le
- (f) go godiša mediro ya kgwebo ka go Profense.

3. Kabo ya mešomo

- (1) MEC a ka, go ya ka dipeakanyetšo tša karolo 126 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996), ka tsela ya kwano le Khansele ya Masepala, abela mošomo wa ngwadišo wa dikgwebo go mebasepala.
- (2) Kwano ye go bolelwago ka yona go karolwana (1) e ka beakanyetša kabo ya mašeleng a go bonagala le maitekelo a matlafatšo bjalo ka ge di ka nyakega go phethagatša mešomo yeo e abetšwego.
- (3) Masepala o ka go ya ka seka-molawana laola-
 - (a) dikgwebo tše di rekišago dijo go setšhaba; le
 - (b) bakgwebi ba mebileng.

4. Tlhommo ya Bolaodi bja Ngwadišo ya Dikgwebo

- (1) Ka go realo go hlongwa ka go Kgoro bolaodi bjo bo tla tsebegago ka Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo.
- (2) Go ya ka melao yeo e laolago tirelo ya setšhaba, MEC a ka bea –
 - (a) motho bjalo ka Molaodi wa Dikgwebo yo a swanetšego go eta pele Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo;
 - (b) motho o tee goba go feta go thuša phethagatšong ya mešomo ya Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo, go ya ka taolo le ditaelo tša Molaodi wa Dikgwebo.
- (3) Molaodi wa Dikgwebo a ka, go phethagatšeng mešomo ya gagwe ka fase ga Molao wo, thušwa ke motho yo mongwe le yo mongwe goba lekala leo mošomo wa lona o tšewago ke yena ka dinepo tša mošomo wo o itšego.

5. Maatla le mešomo ya Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo

- (1) Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo bo swanetše go –
 - (a) hlokomela go hlongwa ga Mafelo a Ngwadišo ya Dikgwebo ka go Profense;
 - (b) eletša MEC ka morero o mongwe le o mongwe-
 - (i) wo o lebišwago go wona ke Lefelo la Ngwadišo ya Dikgwebo go tsinkelwa le gona o tšweletšwa ke tirišo ya Molao wo;
 - (ii) ye e amanago le nlofatšo ya tšwetšopele, kgodišo le matlafatšo ya ekonomi ya batho goba dihlopha goba magoro a batho bao ba hlokofaditšwego nakong ya pele, go kgatha tema go lefapheng la ekonomi; le
 - (iii) wo o ka nlofatšago kwano ka diphapano dife le dife tšeo di ka tšwelelago magareng Mafelo a Ngwadišo ya Dikgwebo a go fapana malebana le melawana le taolo ya dikgwebo,
 - (c) lebelela boipiletšo kgahlanong le diphetho tšeo di tšerwego ke Mafelo a Ngwadišo ya Dikgwebo;
 - (d) ukamela mešomo ya Mafelo a Ngwadišo ya Dikgwebo;
 - (e) swara le go boloka retšisetara ya dikgwebo ka moka tšeo di ngwadišitšwego go ya ka Molao wo le direktoto tše dingwe bjalo ka ge go ka laetšwa; le

- (f) diriša maatla afe goba afe goba mošomo wo o filwego go ya ka Molao wo.
- (2) Ge masepala wo o hlamilwego bjalo ka Lefelo la Ngwadišo ya Dikgwebo go ya ka karolwana (1), o ka se goba o sa phethagatše ditlamego tša ona go ya ka Molao wo, Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo bo ka tsena ka bogare ka go tšea magato a maleba go netefatša phethagatšo ya ditlamego go ya ka Molao wo.

6. Tlhommo ya Lefelo la Ngwadišo ya Dikgwebo

- (1) MEC a ka, ka therišano le Leloko la Lekgotlaphethišo leo le hlokometšego Mmušo-Selegae le Kago ya Mengwako, ka tsebišo ka go *Kuranta*, hlaola pušo-selegae bjalo ka Lefelo la Ngwadišo ya Dikgwebo, go dira go tloga ka tšatšikgwedi yeo e laeditšwego ka go tsebišo go aba dilaesentshe mo mafelong ao a amegago.
- (2) MEC a ka nako efe le efe, morago ga go rerišana le Leloko la Lekgotlaphethišo leo le lebeletšego Mmušo-Selegae le Kago ya Mengwako, fetola goba go gomiša tsebišo ka fase ga karolwana (1) ka tsebišo ka gare ga *Kuranta*.

7. Maatla le mešomo ya Lefelo la Boingwadišo bja Dikgwebo

Lefelo la Ngwadišo ya Dikgwebo le swanetše go –

- (a) lebelela ge e ba dikgopelo tša boingwadišo bja dikgwebo go ya ka Molao wo le go ntšha sethifikheiti sa boingwadišo;
- (b) lebelela boemedi bofe le bofe bjoo bo dirilwego ke motho go a kgopelago go ngwadiša kgwebo;
- (c) go dira dinyakišišo, ka ge le la bona go le maleba mabapi le boingwadišo bja dikgwebo;
- (d) bea bahlahlobi go phethagatša mešomo ya ka fase ga karolo 9; le
- (e) nako efe le efe go gomiša, fega goba go phumola boingwadišo, morago ga go fa moswarasethifikheiti sebaka sa go kwagala sa go ipobola.

8. Peo ya Bahlahlobi

- (1) Lefelo la Ngwadišo ya Dikgwebo le tla ka go rerišana le Molaodi wa Dikgwebo bea batho ba maswanedi bjalo ka bahlahlodi, go phethagatša, go ya ka taolo le ditaello tsa Lefelo la Ngwadišo ya Dikgwebo, mešomo e mengwe le e mengwe yeo e filwego mohlalobi.

- (2) Mohlahlobi o swanetše go fiwa sethifikheiti seo se saennwego ke Molaodi wa Dikgwebo wa Bolaodi bja Ngwadišo ya Dikgwebo bja Limpopo, seo se laetšago –
- (a) gore motho yo o beilwe bjalo ka mohlahlobi wa Lefelo la Ngwadišo ya Dikgwebo; le
- (b) lefelo la maatlataolo la mohlahlobi yoo.
- (3) Ge mohlahlobi yo e beilwego go ya ka karolwana (1) e phethagatša mešomo ya gagwe ka fase ga Molao wo, go na le motho yo mongwe yo a angwago ke se, mohlahlobi o tla bontšha ge motho yoo a ka nyaka, sethifikheiti sa peo.

9. Mešomo le maatla a Bahlahlobi

- (1) Mohlahlobi a ka
- (a) tsena mo mabaleng afe le afe ao mohlahlobi a gononago gore a go rekišwa goba a sepetša kgwebo yeo e swanetšego go ba kgwebo yeo e ingwadišitšego go ya ka Molao wo;
- (b) nyaka gore motho yo a hlokometšego kgwebo yeo go ntšha sethifikheiti sa boingwadišo, le
- (c) go botšiša motho yo mongwe le yo mongwe mo mabaleng le go dira tlhahlobo malebana le modiro ofe le ofe wa kgwebo mo mabaleng.
- (2) Mohlahlobi o tla swanelwa ke go ntšha faene ya kamogelo ya molato goba tsebišo ya go ngwalwa go tšwelela go kgorotsheko, go motho yo a palelwago ke go hlagiša sethifikheiti sa tshepetšo ya kgwebo go ya ka karolwana (1).

10. Ngwadišo ya kgwebo.---(1) Motho yo a nyakago go rekiša goba go sepetša kgwebo o tla kgopela foromo yeo e kgethilwego mo go Lefelo la Ngwadišo ya Dikgwebo mo tikologong yeo kgwebo e swanetšego go sepetšwa gona, go ngwadiša kgwebo yeo.

- (1) Ge kgopelo e phomeletše, mokgopedi a ka fiwa sethifikheiti sa boingwadišo bja kgwebo, seo se tla šomago bjalo ka bohlatse bja boingwadišo go sepetša kgwebo go ya ka Molao wo.
- (2) Mo kgwebo e sepetšwago mafelong a go feta le tee, sethifikheiti se sengwe se a nyakega go lebala le lengwe le le lengwe.
- (3) Ga go kgwebo yeo e ngwadišwago ka ntle ga ge motho yo a kgopelago ngwadišo ya kgwebo a na le-
- (a) go fihlelela dinyakwa tša molao ofe le ofe wo o amanago le Sekema sa Peakanyo ya Toropo ya tikologo seo kgwebo e swanetšego go sepetšwa;

- (b) moo kgwebo e swanetšego go go sepetšwa mo nagamagaeng goba mo tikologong ya bodulo yeo e sa beakanywago, a fihlelele dinyakwa tša tshepetšo tša khwetšo ya setsha sa kgwebo mo tikologong yeo;
 - (c) a lefetše tšhelete ye nnyane yeo e nyakegago ya ngwadišo yeo e kgethetšwego ke MEC ka go *Kuranta* nako le nako; le
 - (d) obamela ye nngwe le ye nngwe ya mabaka ao Lefelo la Ngwadišo ya Dikgwebo le bonago go le maleba go ngwadišo yeo.
- (4) Sethifikheiti sa boingwadišo bja dikgwebo seo se ntšhitšwego ka fase ga karolwana (2) se tla ba sa kgonthe paka ya dikgwedi tše 12 go tloga ka tsatšikgwedi yeo se ntšhitšwego, ge e le gore moswarasethifikheiti-
- (a) o swanetše go mpshafatša ka tefo ya tšhelete ya ngwaga ya mpshafatšo, bjalo ka ge e beilwe ke MEC nako le nako, ka tsebišo ka go *Kuranta*; le
 - (b) go fiwa rasiti, yeo e tla go ba bohlatse bja mpshafatšo ya sethifikheiti seo.
- (5) Ge kgopelo ya ngwadišo ya kgwebo e ganwa goba ngwadišo ya kgwebo e dirwa go ya ka mabaka a mangwe, Lefelo la Ngwadišo ya Kgwebo le swanetše ka pela ka moo go ka kgonegago ka go ngwala-
- (a) go tsebiša mokgopedi ka sephetho; le
 - (b) go fa mokgopedi mabaka a sephetho seo.
- (6) Ge e le gore kgopelo ya boingwadišo bja kgwebo e dirilwe goba go beilwe mabaka a mangwe, Lefelo la Boingwadišo bja Dikgwebo le swanetše gore e sa le ka pela le ngwale ka go –
- (a) lemoša mokgopedi ka ga sephetho, le
 - (b) fana ka mabaka go mokgopedi bakeng sa sephetho se se bjalo.
- (7) Moswarasethifikheiti ga a swanelwa ke go hwetša morago tšhelete yeo a e lefetšego sethifikheiti seo se gomišitšwego, fegilwego goba se phumotšwego.

11. Boipiletšo kgahlanong le Lefelo la Ngwadišo ya Dikgwebo

- (1) Motho yo mongwe le yo mongwe yo a tshwentšwego ke sephetho sa Lefelo la Ngwadišo ya Dikgwebo a ka, mo matšatšing a masometharo go tloga ka tsatšikgwedi ya go tsebiša ka sephetho se, ipiletša go Bolao-ji bja Ngwadišo ya Dikgwebo.

- (2) Taolo ya Ngwadišo ya Dikgwebo e tla nyakišiša le go lebelela taba le go netefatša, fapana goba go bea ka thoko sephetho sa lefelo la Ngwadišo ya Dikgwebo goba go fa sephetho se sengwe seo e ka bonago se le maleba.
- (3) Sephetho sa Taolo ya Ngwadišo ya Dikgwebo se tla ba sa mafelelo.

12. Go se dumelelwe go ngwadiša kgwebo

Batho ba ba latelago ga ba dumelelwa go kgopela go dira ngwadišo ya kgwebo bjoo bo hlalošwago mo Molaong wo-

- (a) motho yo a bonwego a sa itekanela monaganong ke kgoro;
- (b) e sego modudi wa Afrika Borwa, ka ntle ga ge a dumeletšwego go ya ka Molao wa Taolo ya Batšwantle, 1991 (Molao 96 wa 1991).

13. Thibelo ya go rekiša goba go sepetša kgwebo ka ntle ga ngwadišo

Ga go motho yo a tla go rekiša goba go sepetša kgwebo ka mo Profenseng, ka ntle ga ge motho yoo:

- (a) a ngwadišitše kgwebo ya gagwe go ya ka karolo 10 le sethifikheiti se ntšhitšwe seo se mo dumelelago motho yoo go sepetša kgwebo yeo; gomme
- (b) a kgona go ntšha sethifikheiti bjalo ka bohlatse bja ngwadišo ya kgwebo yeo.

14. Dipeakanyetšo tša kotlo

Motho yo a tshelago dipeakanyetšo tše dingwe le tše dingwe tša Molao wo o tla bonwa molato le go lebanwa morago ga kahlolo ke faene goba go golegwa lebaka leo le sa fetego dikgwedi tše tshelaga goba faene le kgolego yeo.

15. Melawana . —(1) MEC a ka, morago ga go rerišana le Bolaodi bja Ngwadišo ya Dikgwebo, dira melawana ye e amanago le-

- (a) go hlangwa ga lekala le lengwe le le lengwe leo le beilwego bjalo ka lefelo la ngwadišo;
- (b) mohuta wa diforomo tša kgopelo;
- (c) go ntšhwa ga dithifikheiti tša ngwadišo tša go kopišwa.
- (d) peo ya bahlahlobi, maatla, mešomo le mediro ya bona;

- (e) phedišo ya diphahlo, dibjana, dinamelwa goba sebopego sa go šuthiša tšeo di tlošitšwego goba di swerwego;
- (f) tebano ya motho yo mongwe le yo mongwe ya ditshenyegelo tšeo di dirilwego malebana le go tlošwa, go swarwa le phedišo; le
- (g) go godišwa ga dinepo tša Molao wo.

(2) MEC ka go rerišana le lelokophethiši leo le rwelego maikarabelo a pušoselegae le Taolo ya Lefelo la Boingwadišo la Limpopo, o tla dira melao malebana le ditefo tša makala a go fapana bakeng sa Mafelo a Boingwadišo bja Dikgwebo ka profenseng.

16. Phedišo ya melawana ye e lego gona

Melao yeo e laeditšwego ka go Šetule ka go realo e a fedišwa go fihla bokgole bjoo bo laeditšwego ka go kholomo ya Šetule ya bobedi.

17. **Dipeakanyetšo tša nakwana.** ---Go thomeng ga Molao wo dithifikheithi ka moka tša dikgwebo tše di lego gona goba dilaesense tše di ntšhitšwego go ya ka molao ofe kappa ofe woo o phumotšwego ke karolo 16 di bonwa bjalo ka dithifikheithi tšeo di filwego go ya ka Molao wo gomme di sa šoma go fihlela kgwedi tše 12 morago ga gore Molao wo o thome.

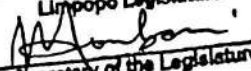
- (1) (12) Motho yo a bapatšago ka tlase ga Molao wo o swanetše go ngwadiša kgwebo yeo pele ga nako yeo e ka bago dikgwedi tše 12 morago ga go thomiša ka Molao wo.

18. **Thaetlele ye kopana** -Molao wo o tla bitšwa Molao wa Ngwadišo ya Dikgwebo wa Limpopo, 2003 gomme o tla thoma go šoma ka tšatšikgwedi yeo e tlogo tsebišwa ke Tonakgolo ka gare ga *Kuranta*.

ŠETULE

MELAO YEO E PHUMOTŠWEGO KE MOLAO WO

LEINA LA MOLAO	BOGOLO BJA PHUMOLO
Molao wa Kgwebo wa Lebowa le Kgwebišano wa 1979 (Molao 6 wa 1977)	Ka moka
Molao wa Kgwebo wa Gazankulu le Kgwebišano wa 1979 (Molao 6 wa 1977)	Ka moka
Molao wa Kgwebo wa Venda le Kgwebišano wa 1979 (Molao 10 wa 1984)	Ka moka
Molao wa Profense ya Lebowa wa Kgwebo wa 1998(Molao 4 wa 1998)	

Certified correct as passed by the
Limpopo Legislature

Secretary of the Legislature

NdIVHADZO YA VUNDU

OFISI YA PREMIA

No. 2

13 February 2004

Hu khou divhadzwa henefha uri Premia o tendela Mulayo u tevhelaho une wa khou anladziwa uri u divhiwe nga vhothe:—

No. 5 wa 2003: Mulayo wa u redzhisitara bindu wa Limpopo

MULAYO

Wa u vhetshela u itela mulayo wa u redzhistara na u bvela phanda na u ita mabindu kha Vundu; u thomiwa ha Vhulanguli ha u Redzhistara Bindu ha Limpopo na Senthara dza u Redzhistara Bindu; na u vhetshela u itela mafhungo a tutshelelanaho na zwenezwo.

*(Tshipiḁa tsha Tshiisimane tsho sainwaho nga Premia)
(Tsho ḁivhadzwa kha nga la 22-01-2004)*

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo nga u rali:—

1. **Dzithandavhudzo.**— Kha uyu Mulayo nga nḁa ha musi zwi re ngomu zwi tshi sumbedzisa nga inwe nḁila -

“bindu” zwi amba u rengiswa, u hirisa, u hira, u lugisa, u sevisa kana u netshedza inwe tshumelo kha, ndaka kana tshumelo, kana nḁisedzo ya zwishumiswa zwifhio na zwifhio sa nyito ya makwevho ya nyimele i bvelaho phanda, na u shuma sa zhendedzi la makwevho kana sa zhendedzi la u khomishina;

“mudzulapo wa Afrika Tshipembe” zwi amba mudzulapo wa Afrika Tshipembe hu tshi tevhedzwa Mulayo wa Vhudzulapo wa Afrika Tshipembe, 1995 (Mulayo No. 88 wa 1995);

“mufari wa thanziela” zwi amba muthu kana tshiimiswa tshi re mulayoni tshine tsha vha mufari wa thanziela ya bindu lo redzhistariwaho yo bviswaho hu tshi tevhedzwa khethékanyo 10;

“Muhasho” zwi amba muhasho u re na vhuḁifhinduleli ha ndaulo ya uyu Mulayo;

“Murado wa Khorotshitumbe” zwi amba Murado wa Khorotshitumbe a re na vhuḁifhinduleli ha Muhasho;

“Masipala” zwi amba masipala o thomiwaho hu tshi tevhedzwa Muvhuso Wapo: Mulayo wa Zwivhumbeo zwa Masipala, 1998 (Mulayo No. 117 wa 1998);

“mushumeli” zwi amba vhathu kana muthu o tholiwaho nga kana a shumelaho mutholi ufhio na ufhio nahone a tshi wana malamba kana o tewa nga u wana malamba afhio na afhio, na muthu muniwe ufhio na ufhio ane a thusa kha u bveledza kana u tshimbidza bindu la mutholi ufhio na ufhio;

“ndaulo” zwi amba ndaulo dzo itwaho nga Murado wa Khorotshitumbe fhasi ha Khethékanyo 15;

“randelwa” zwi amba u randelwa nga ndaulo;

“rengisa” zwi katela u dzudzanya, vhekanya, vhulunga, netshedza kana u tana u itela u rengisa;

“Senthara ya u Redzhistara Bindu” zwi amba masipala wo vhewaho sa Senthara ya u Redzhistara Bindu hu tshi tevhedzwa khethekanyo 6;

“tshipikitere” zwi amba tshipikitere o vhewa hu tshi tevhedzwa khethekanyo 8;

“u bveledza bindu” zwi katela u vula kana u dzula ho vula ha vhupo vhufhio na vhufhio u itela ndivho yeneyo;

“u redzhistara” zwi amba u redzhistara ha bindu hu tshi tevhedzwa Khethekanyo 10;

“uyu Mulayo” zwi katela ndaulo ifhio na ifhio kana ndivhadzo yo itwaho kana u bviswa fhasi ha uyu Mulayo.

“vhupo” zwi katela mavu, tshiendedzi tshifhio na tshifhio, nyendedzo, tshikepe ngalavha, bupo kana tshifhato tshifhio na tshifhio kana mbumbo;

“vhupo ha bindu” zwi tshi elana na bindu, zwi amba vhupo vhune khaho kana vhune u bva khaho bindu la do bveledzwa khaho;

“zwiliwa” zwi amba zwiliwa sa zwo tandavhudzwaho kha khethekanyo 1 ya Mulayo wa Zwithivhelazwitshili, Zwinakisi na Zwiliwa, 1972 (Mulayo No. 54 wa 1972);

2. Ndivho ya Mulayo.—Ndivho ya uyu Mulayo ndi u —

- (a) hwesa maanda a u redzhisitara bindu kha muvhuso wapo;
- (b) thoma kha Vundu maitele a u t avhanyedza nahone a sa kondi a u redzhisitara bindu;
- (c) khwinisa vushaka-pfananyi vhukati ha muvhuso wa vundu, muvhuso wapo na tshigwada tsha vhubindudzi;
- (d) nea maanda avho vhe vhavha vho khethululwa zwila kale nga kha u ita tswikel;elo ya u t avhanya nahone i sa kondiho kha nyito dza ekonomi;
- (e) ita dathabeisi ine ya do shuma sa tshishumiswa tsha tsedzuluso na;
- (f) khwinisa nyito dza mbambadzo kha Vundu.

3. U avhelwa ha mishumo.—(1) Murado wa Khorombusi a nga ri hu tshi tevhedzwa mbetshelo dza khethekanyo 126 ya Mulayotewa wa Riphabuliki ya Afurika Tshipembe, 1996 (Mulayo No. 108 wa 1996) nga kha thendelano na Khoro ya Masipala a avhela mishumo wa u redzhisitara bindu kha vhomasipala.

(2) Thendelano yo laedzwaho kha khethekanyot hukhu (1) i nga vhetshela u itela ndambedzo ya masheleni o linganaho na ndingedzo dza u tutuwedzavhukoni sa zwine zwa nga todea u itela u shumiwa ha mishumo yo avhelwaho.

(3) Masipala a nga laula hu tshi tevhedzwa milayo yapo-

- (a) vhashumisi vha rengiselaho zwiliwa vhathu; na
- (b) hvavhambadzi vha zwitaratani.

4. U thomiwa ha Vhulanguli ha u Redzhistara Bindu.—(1) Afha hu khou thomiwa, vhulanguli kha Muhasho vhune ha do divhiwa ngauri Vhulanguli ha u Redzhistara Bindu ha Limpopo.

(2) Hu tshi tevhedzwa milayo i langaho tshumelo ya vhathu, Muraḁo wa Khorotshitumbe a nga vhea —

- (a) muthu sa Mulangula Bindu ane a ranga phanda Vhulanguli ha u Redzhistara Bindu ha Limpopo;
- (b) muthu muthihi kana vhanzhi u itela u thusa kha u ita mishumo ya Vhulanguli ha u Redzhistara Bindu ha Limpopo hu tshi tevhedzwa ndango na ndaela dza Mulangula Bindu.

(3) Mulangula Bindu a nga, kha u ita mishumo yawe fhasi ha uyu Mulayo, thusedzwa nga muthu ufhiio na ufhiio kana tshivhili tshine tshumelo yatsho ya waniwa ngaye u itela ndivho dza mishumo wonoyo.

5. Maanda, ndivhanele na mishumo ya Vhulanguli ha u Redzhistara Bindu ha Limpopo.—(1) Mulanguli wa u Redzhistara Bindu wa Limpopo u do-

- (a) Vha na vhudifhinduleli ha u thomiwa ha Senthara dza u Redzhistara Bindu kha Vundu;
- (b) eletshedza Muraḁo wa Khorotshitumbe kha fhungo lifhiio na lifhiio-
 - (i) lo laedzwaho nga Senthara ya u Redzhistara Bindu u itela u sedzuluswa nahone li bvaho kha u shumiswa ha uyu Mulayo;
 - (ii) li elanaho na u leludzwa ha nyaluso, u gonyiswa na u nea maanda a ekonomi kha vhathu kana zwigwada kana khethekanyo dza vhathu vhe vha vha vho tsikeledzea kale, kha u shelamulenzhe kha lutsinga luhulwane lwa ekonomi; na
 - (iii) line li nga leludza thandululo ya phambano ifhiio na ifhiio ine ya nga bvelela vhukati ha Senthara dza u Redzhistara Bindu dzenedzo malugana na ndaulo na ndango ya mabindu,
- (c) sedzulusa dzikhatululo dzi hanedzanaho na tsheo dzo itwaho nga Senthara dza u Redzhistara Bindu;
- (d) lavhelesa kushumele kwa Senthara dza u Redzhistara Bindu;
- (e) vhulunga na u londota redzhistara ya mabindu othe o redzhistaraho hu tshi tevhedzwa uyu Mulayo na rekhodo dziñwe dzifhiio na dzifhiio sa zwine zwa nga randelwa; na
- (f) u shumisa maanda mañwe afhiio na afhiio kana ndivhanele yo hwesaho khaye hu tshi tevhedzwa uyu Mulayo.

(2) Arali Masipala o thomiwaho sa Senthara ya u Redzhistara Bindu hu

tshi tevhedzwa khethekanyot hukhu (1), a tshi kundelwa u ita mushumo hu tshi tevhedzwa uyu Mulayo, Mulanguli wa u Redzhisitara Bindu wa Limpopo a nga dzhenelela nga u dzhiya vhukando ho teaho u vhona uri hu khou shumiwa mushumo hu tshi tevhedzwa uyu Mulayo.

6. **U thomiwa ha Senthara dza u Redzhisitara Bindu.**—(1) Muraḁo wa Khorotshitumbe a nga ri e na vhukwamani na Muraḁo wa Khorotshitumbe a re na vhuḁifhinduleli ha Muvhuso Wapo na Dzinndu, nga ndivhadzo kha *Gazethe* a ḁivhadza vhulaedzwa hapo sa Senthara ya u Redzhisitara Bindu, u shuma u bva nga datumu yo bulwaho kha ndivhadzo u newa ṱhanziela ha mabindu vhuponi vhu kwameaho.

(2) Muraḁo wa Khorotshitumbe a nga ri tshifhinga tshiṱwe na tshiṱwe, hu na vhukwamani na Muraḁo wa Khorotshitumbe a re na vhuḁifhinduleli ha muvhuso wapo, a khwinisa kana u humisa ndivhadzo fhasi ha khethekanyot hukhu (1) nga ndivhadzo kha *Gazethe*.

7. **Maanda na mishumo ya Senthara ya u Redzhisitara Bindu.**—Senthara ya u Redzhisitara Bindu i tea u —

- (a) sedzulusa khumbelo ya u redzhisitara bindu hu tshi tevhedzwa uyu Mulayo nahone hu nga bvisa ṱhanziela ya u redzhisitarisa bindu;
- (b) sedzulusa vhuimeleli vhufhio na vhufhio ho itwaho nga muthu a khou itaho khumbelo ya u redzhisitariwa ha bindu;
- (c) ita dzenedzoṱhoduluso, sa zwine zwa nga vha zwo fanela malugana na u redzhisitariwa ha bindu;
- (d) vhea zwipikitere uri vha shume mishumo fhasi ha khethekanyo 9; na
- (e) zwauri tshifhinga tshiṱwe na tshiṱwe a humisa, imisa kana u fhelisa u redzhisitariwa, nga murahu ha u nea mufari wa ṱhanziela tshifhinga tshavhuḁi tsha u thetshelesiwa.

8. **U vhewa ha Zwipikitere.**—(1) Senthara ya u Redzhisitara Bindu i ḁo ri hu na vhukwamani na Vhulanga Bindu ya vhea vhathu vho teaho uri vha shume sa zwipikitere, hu tshi tevhelwa ndango na masia a Senthara ya u Redzhisitara Bindu, mishumo miṱwe kana yoṱhe yo avhelwaho tshipikitere.

(2) Tshipikitere u tea u netshedzwa ṱhanziela yo sainiwaho nga Vhulanga Bindu ha Vhulangi ha u Redzhisitara Bindu ha Limpopo, vhu sumbedzisaho-

- (a) zwauri muthu o vhewa sa tshipikitere tsha Senthara ya u Redzhisitara Bindu i kwameaho; na
- (b) ha vhupo vhu re mulayoni ha onoyo tshipikitere

(3) Musi tshipikitere o vhwaho hu tshi tevhedzwa khethekanyothukhu (1) a tshi shuma mishumo fhasi ha uyu Mulayo hu na muthu ufho na ufho a kwameaho heneho, tshipikitere u do ri nga khumbelo nga onoyo muthu a bvisa thanziela ya u vhwahawe.

9. Mishumo na Maanda a Zwiipikitere. —(1) Tshipikitere a nga —

- (a) dzhena kha vhupo vhuwe na vhuwe ha bindu vhune ene nga lwo fanelaho a humbulela uri vhu khou bvedza kana u ita bindu line la fanela u vha bindu lo redzhisitariwaho hu tshi tevhedzwa uyu Mulayo;
- (b) humbela uri muthu a re na vhudifhinduleli ha ilo bindu a bvisa thanziela ya u redzhisitara bindu, na
- (c) u vhudzisa muthu muwe na muwe ane a vha kha vhupo ha bindu na u ita tholo malugana na nyito ya bindu lifho na lifho kha vhupo ha bindu.

(2) Tshipikitere u do vha na maanda a u bvisa ndatso ya thendamulandu kana ndivhadzo ya u tou nwa ya u divhonadza kotho, kha muthu ane a kundelwa u bvisa thanziela ya u redzhisitara bindu hu tshi tevhedzwa khethekanyothukhu (1).

10. U Redzhisitara Bindu. —(1) Muthu ane a toda u bvedza kana u ita bindu u do ita khumbelo kha fomo yo randelwaho kha Senthara ya u Redzhisitara Bindu kha vhupo vhune bindu la toda u itwa hone, u itela u redzhisitariwa ha lenelo bindu.

(2) Arali khumbelo ya tangedziwa, muhumbeli u tea u netshedzwa thanziela ya u redzhisitara bindu ine ya do shuma sa vutanzi ha u redzhisitara u itela bindu hu tshi tevhedzwa uyu Mulayo.

(3) Hune bindu la vha li tshi khou itiwa fhethu ha bindu hu fhiraho huthihi, hu todea uri hu vhe na thanziela dzo fhambanaho kha bindu liwe na liwe.

(4) A hu na bindu line la do redzhisitariwa nga nda ha musu muthu ane a khou ita khumbelo ya u redzhisitara bindu o —

- (a) a tshi tendelana na todea dza mulayo ufho na ufho u tutshelanaho na Tshikimu tsha Vhupulane ha Dorobo ha fhethu hune bindu la khou ya u itiwa.
- (b) hune bindu la khou do bvedzwa kha vhupo ha mahayani kana vhupo ha u dzula hu so ngo bvedzwaho, a tendelana na todea lu re mulayoni u itela u waniwa ha fhethu ha bindu kha honoho vhupo;

- (c) badela gumotuku la tshelede i todiwaho sa zwo randelwaho nga Murado wa Khorotshitumbe kha *Gazethe* tshifhinga tshothe; nahone
- (d) tendelana na nyimele dziñwe dzifhio na dzifhio dzine Senthara ya u Redzhisitara Bindu ya vhona dzo fanela u itela honoho u redzhisitara.
- (5) Thaziela ya u redzhisitara bindu yo bviswaho fhasi ha khethekanyo-tshukhu (2) i do shuma lwa tshifhinga tsha minwedzi ya 12 u bva kha datumu ya u bviswa, tenda ha vha hu uri mufari wa thanziela —
- (a) a tshi tea u vusuludza thanziela nga u badela tshelede ya u vusuludza ya niwaha nga niwaha, sa zwo tiwaho nga Murado wa Khorotshitumbe u bva tshifhinga na tshifhinga, nga ndivhadzo kha *Gazethe*; na
- (b) a tshi netshedzwa rasiti ine ya do vha vhuṭanzi ha u vusuludza yeneyo thanziela.
- (6) Thanziela ya u redzhisitara bindu i sa athu u vusuludzwa hu tshi tevhedzwa khethekanyotshukhu (5), i nga ri nga kha khumbelo nga mufari wa thanziela ya engedziwa nga Senthara ya u Redzhisitara Bindu lwa tshifhinga tshi sa fhiriho maduvha a 90, tenda ha vha hu uri yeneyo khumbelo i khou itwa phanda ha u fhela ha thanziela ya u redzhisitara bindu.
- (7) Arali khumbelo ya u redzhisitara bindu ya haniwa kana u redzhisitariwa ha bindu ha itwa hu tshi tevhelwa nyimele ifhio na ifhio, Senthara ya u Redzhisitara Bindu i tea uri nga u tsvhanya nga hune zwa konadzea nga u tou niwala ya —
- (a) divhadza muhumbeli nga ha tsheo, na
- (b) netshedza muhumbeli zwiitisi nga ha u dzhiwa ha yeneyo tsheo.
- (8) Mufari wa thanziela ha nga do tea nga u humiselwa murahu ha tshelede ifhio na ifhio yo badelwaho malugana na thanziela ye ya humiswa, fheliswa kana u phumulwa.

11. Khathululo ya tsheo ya Senthara ya u Redzhisitara Bindu.— (1) Muthu o vhaisiwaho nga tsheo ya Senthara ya u Redzhisitara Bindu u tea uri hu sa athu fhela maduvha a mahumi mararu u bva kha datumu ya u divhadziwa ha yeneyo tsheo, a ita khathululo kha Vhulanguli ha u Redzhisitara Bindu ha Limpopo.

(2) Vhulanguli ha u Redzhisitara Bindu ha Limpopo vhu tea u vhudzisesa na u sedzulusa mafhungo nahone vhu nga khwatḥisedza, u fhambana, kana u

vhetshele thungo tsheo ya Senthara ya u Redzhisitara Bindu kana u ita tsheo dziñwe dzifhio na dzifhio dza fhethu ha u Redzhisitara Bindu kana u ita tsheo dziñwe dzifhio na dzifhio dzine ha nga vhona dzo tea.

(3) Tsheo ya Vhulanguli ha u Redzhisitara Bindu ha Limpopo ndi ya u fhedza.

12. U iledzwa kha u redzisitara bindu.— Vhathu vha tevhelaho vho iledzwa kha u redzhisitara bindu ho randelwaho kha uyu Mulayo-

- (a) muthu ane u ya nga mulayo wa khothe a vha a so ngo takalaho thohoni;
- (b) mudzulapo a si wa Afrika Tshipembe ane a si vhe na thendelo ya u ita bindu kha Riphabuliki

13. Nyiledzo kha u itwa ha bindu kana u bveledzisa bindu nga nnda ha u redzhisitariwa- A hu na muthu ane a do bveledza kana u ita bindu kha Vundu, nga nnda ha musi onoyo muthu —

- (a) o redzhisitarisa bindu hu tshi tevhedzwa khethekanyo 10 na thanziela yo bvisiwaho i tshi tendela onoyo muthu u ita lenelo bindu; na
- (b) a tshi kona u bvisa thanziela sa vhubanzi ha u redzhisitariwa ha lenelo bindu.

14. Mbetshelelo dza ndatiso.— Muthu ane a pfuka mbetshelelo ya uyu Mulayo u do vha na mulandu wa vhukhaki nahone u do tewa nga u badela faini kana u dzula dzhele lwa tshifhinga tshi sa fhirihlo minwedzi ya rathi, kana zwothe yeneyo faini na u dzula dzhele.

15. Dzindaulo.—(1) Murado wa Khorotshitumbe a nga ri nga murahu ha u kwamana na Vhulanguli ha u Redzhisitara Bindu ha Limpopo, a ita ndaulo dzi elanaho na-

- (a) mbumbo ya ifhio na ifhio ya Senthara ya u Redzhisitara Bindu;
- (b) maitele a fomo dza khumbelo;
- (c) u bvisiwa ha kopi dza mukokotolo dza thanziela dza u redzhisitara;
- (d) u vhewa ha zwipikitere, maanda avho, ndivhanele na mishumo;
- (e) u dzhiwa ha thundu dzifhio na dzifhio, tshifaredzi, tshiendi kana tshivhumbwa tshi hwaleaho tsha bvisiwa na u valeliwa;

- (f) khwalo ya muthu ufho na ufho ya zwibviswa zwo vhangiwaho malugana na honoho u bvisiwa, u valelwa na u dzhiwa; na
- (g) mveledziso ya ndivho dza uyu Mulayo.

(2) Murado wa Khorotshitumbe a nga ri hu na vhukwamani na Murado wa Khoru a re na vhudifhinduleli ha muvhuso wapo na Vhulanguli ha u Redzhisitara Bindu ha Limpopo, a ita ndaulo a tshi sumbedzisa phambano ya zwivhumbeo zwa mbadelo ya Senthara ya u Redzhisitara Bindu kha vundu.

16. U phumulwa ha mulayo u re hone.—Milayo yo bulwaho kha Shedulu afha i khou phumuliwa u swika kha vhuhulu ho sumbedziswa kha kholomu ya vuvhili ya Shedulu.

17. Nzudzanyo dza pfukiselo.—(1) Mulayo uyu u tshi thoma u shuma, thanziela dzothe dzi re hone dza u redzhisitara bindu kana thendelo dzo bviswaho hu tshi tevhedzwa mulayo ufho na ufho wo phumulwaho nga khethekanyo 16 dzi do dzhiwa sa thanziela dza u redzhisitara bindu dzo bviswaho hu tshi tevhedzwa uyu Mulayo nahone dzi shuma lwa tshifhinga tsha minwedzi ya 12 nga murahu ha u thoma ha uyu Mulayo.

(2) Muthu a itaho kana a bveledzaho bindu fhasi ha uyu Mulayo u tea u redzhisitara lenelo bindu vhukati ha tshifhinga tsha minwedzi ya 12 nga murahu ha u thoma u shuma ha uyu Mulayo.

18. Dzina lipfufhi.—Uyu Mulayo u vhidzwa u pfi Mulayo wa u Redzhisitara Bindu wa Limpopo, 2003 nahone u do thoma u shuma nga datumu ine ya do divhadzwa nga Premia kha *Gazethe*.

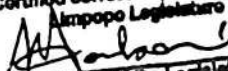
SHEDULU

Milayo yo phumulwaho nga uyu Mulayo

DZINA LA MULAYO

VHUHULU HA U PHUMULWA

Mulayo wa Nyito dza Mbambadzo na Bindu wa Lebowakgomo, 1977 (Mulayo No.6 wa 1977)	Wothe
Mulayo wa Nyito dza Mbambadzo na Bindu wa Gazankulu, 1979 (Mulayo No. 9 wa 1979)	Wothe
Mulayo wa Nyito dza Mbambadzo na Bindu wa Venda, 1984 (Mulayo No. 10 wa 1984)	Wothe
Mulayo wa Bindu wa Vundu la Devhula, 1998 (Mulayo No. 4 wa 1998)	Wothe

Certified correct as passed by the
Limpopo Legislature

Secretary of the Legislature

XITIVISO XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 2

13 February 2004

Ku tivisiwa leswaku Holobyenkulu u pfumerile Nawu lowu wu ladzelaka lowu laha wu tivisiwaka leswaku wu ta tiviwa hi mani na mani:—

No. 5 wa 2003: Nawu wa ntsariso wa bindzu wa Limpopo

NAWU

Wo endla makungu ya nawu wa mayelana na ku tsarisiwa na ku endla mabindzu eka Xifundzankulu, ku simekiwa ka Hofisinkulu ya Ntsariso wa Mabindzu ya Limpopo na Tindhawu ta le Xikarhi ta Ntsariso wa Bindzu; na ku endla makungu ya timbaka tin'wana leti ti yelanaka na tona.

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 22-01-2004)*

Mfumo wa Milawu wa Xifundzankulu xa Limpopo WU VEKA NAWUMBISI hi ndlela leyi yi landzelaka:

1. **Tinhlamuselo**—Eka Nawu lowu handle ka loko nhlamuselo yi komba swin'wana—

"bindzu" ri vula, vuxavisi, ku lombisa, ku qachisa, ku lunghisa, ku korhokela na ku endla mintirho ya kumbe ku tirhana na swin'wana, nhundzu kumbe vukorhokeri, kumbe ku nyika swiolovisi swihi ni swihi, tani hi migingiriko ya mabindzu ya ntumbuluko yo yisa emahlweni, ni ku katsa ku tirha tani hi muyimeri wa mabindzu wo khomela kumbe muyimeri loyi a nga thoriwa;

"ku endla bindzu" swi katsa ku pfuriwa kumbe ku tshama ku pfuriwile ka miako yihi ni yihi hi xikongomelo xo tano;

"masipala" ri vula masipala lowu simekiwike hi ku landza Mfumo wa Ndhawu: Nawu wa Swivumbeko swa Vamasipala, 1998 (Nawu wa 117 wa 1998);

"miako" ri katsa misava, xo famba xihi ni xihi xo fambisa, xikepe, xikwekwetsu xihaha-mpfhuka kumbe muoko wihi ni wihi kumbe xivumbeko;

"Muakatiko wa Afrika Dzonga" swi vula muakatiko wa Afrika Dzonga hi ku landza Nawu wa Vuakatiko wa Afrika Dzonga, 1995 (Nawu wa 88 wa 1995);

"mukamberi" ri vula mukamberi loyi a nga thoriwa hi ku landza xiyenge xa 8;

"mukhomi wa setifikheti" swi vula munhu kumbe munhu loyi a nga mukhomi wa setifikheti xa bindzu leri ri nga tsarisiwa leri ri nga nyikiwa hi ku landza xiyenge xa 10;

"muthoriwa" ri vula munhu kumbe vanhu lava va nga thoriwa hi kumbe va tirhela muthori wihi ni wihi naswona va kuma kumbe ku ringanela ku kuma muholo wihi ni wihi, na munhu wihi ni wihi loyi a pfunetaka eka ku endla kumbe ku fambisa bindzu ra muthori wihi ni wihi;

“Nawu lowu” swi katsa na xinawana xihi ni xihi kumbe xitiviso lexi xi nga endliwa kumbe ku nyikiwa ehansi ka Nawu lowu;

“ndhawu ya bindzu” mayelana na bindzu, swi vula muako laha kumbe ku suka laha bindzu ri endleriwaka kona;

“Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu” swi vula masipala wihi ni wihi lowu nga vekiwa tanihi Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu hi ku landza xiyenge xa 6;

“Ndzawulo” ri vula ndzawulo leyi yi nga ni vutihlamuleri eka vulawuri bya Nawu lowu;

“ntsariso” ri vula ku tsarisiwa ka bindzu hi ku landza Xiyenge xa 10;

“vekiweke” ri vula vekiweke hi xinawana;

“xavisa” ri katsa ku lulamisa, ku endla, ku hlayisa, ku nyiketa kumbe ku veka erivaleni leswaku swi ta xavisiwa;

“xinawana” ri vula swinawana leswi endliweke hi Xirho xa Huvonkulu ehansi ka xiyenge xa 15;

“Xirho xa Huvonkulu” swi vula Xirho xa Huvonkulu loyi a nga ni vutihlamuleri eka Ndzawulo;

2. **Xikongomelo xa Nawu - Xikongomelo xa Nawu i ku-**

- (a) nyika matimba yo rhijistara mabindzu eka mfumo wa ndhawu
- (b) tisa ku hatlisisa eka Xifundzankulu, ku olovisa maendlele ya marhijistarele ya bindzu
- (c) antswisa vuxaka byo hlangana exikarhi ka mfumo wa xifundzankulu, mfumo wa miganga na xiphemu xa mabindzu
- (d) ku nyika matimba eka lava khale a va tshikeleriwele hi ku endla ku hatlisisa, olovisana na ku hunguta ku durheriwa eka ku fikelela migingiriko ya ikhonomi;
- (e) ku tumbuluxa databesi leyi nga ta tirha hi xitirhi xa ndzavisiso; na
- (f) tlakusa migingiriko ya bindzu eka Xifundzankulu.

3. **Ku nyikiwa ka mintirho.-** (1) Xirho xa Huvonkulu xi nga ha, hi ku landza makungu ya xiyenge xa 126 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996) hi ndlela ya ntwanano na Huvo ya Masipal, a nyika ntirho wa ku rhijistara bindzu eka vamasipala.

(2) Ntwanano lowu vuriwaka eka xiyengenyana xa (1) wu nga endla makungu ya ku nyika timali to ringana na ku sungula ku aka vutivi tanihi laha swi nga ha lavekaka eka ku tirha mintirho leyi nyikiweke.

(3) Masipala a nga ha, hi ku landza vulawuri bya xinawana xa doropa-

- (a) lawula ku xaviseriwa ka vanhu swakudya; na
- (b) vaxavisi va le patwini.

4. Ku simekiwa ka Hofisi ya Ntsariso wa Bindzu—(1) Ku simekiwa eka Ndzawulo, hofisi leyi yi nga tiveka tani hi Hofisi ya Ntsariso wa Bindzu ya Limpopo.

(2) Ku ya hi milawu leyi yi fumaka vukorhokeri bya mani na mani, Xirho xa Huvonkulu a nga ha thola—

(a) munhu tani hi Mulawuri wa Bindzu loyi a nga ta rhangela Hofisi ya Ntsariso wa Bindzu;

(b) munhu un'we kumbe ku tlula ku pfuneta hi ku tirha mintirho ya Hofisi ya Ntsariso wa Bindzu ya Limpopo, ku ya hi vulawuri na swileriso swa Mulawuri wa Bindzu.

(3) Mulawuri wa Bindzu a nga ha, eku tirheni ka mintirho ya yena ehansi ka Nawu lowu, pfuniwa hi munhu wihi ni wihi kumbe vandla leri mintirho ya rona yi kumiwaka hi yena hi swikongomelo swa ntirho wo karhi.

5. Matimba, na mintirho ya Hofisi ya Ntsariso wa Bindzu ya Limpopo—(1) Hofisi ya Ntsariso wa Bindzu ya Limpopo yi fanele—

(a) ku va ni vutihlamuleri eka ku simekiwa ka Tindhawu ta Ntsariso wa Bindzu eka Xifundzankulu;

(b) ku tsundzuxa Xirho xa Huvonkulu hi mhaka yihi ni yihi—

(i) leyi yi nga hundziseriwa hi Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu leswaku yi ta kambisisiwa naswona yi ri karhi yi suka eka matirhiselo ya Nawu lowu;

(ii) mayelana na ku olovisa ku antswisiwa, ku tlakusiwa na ku nyika matimba ya ikhonomi ya vanhu kumbe mintlawu kumbe mikhetekanyo ya vanhu lava a va pfumala khale, ku hoxa xandla eka nkholuko wa ikhonomi; na

(iii) leyi yi nga ha olovisaka ku lulamisiwa ka ntlambo wihi ni wihi lowu wu nga ha vaka kona exikarhi ka Tindhawu ta le Xikarhi ta Ntsariso wa Bindzu mayelana na malawulele na mafambisele ya mabindzu,

(c) ku kambisisa tiaphili mayelana na swiboho leswi swi nga endliwa hi Tindhawu ta le Xikarhi ta Ntsariso;

(d) ku veka tihlo eka mintirho ya Tindhawu ta le Xikarhi ta Ntsariso wa Bindzu;

(e) ku khoma na ku hlayisa rhijistara ra mabindzu hinkwawo lawa ya nga tsarisiwa hi ku landza Nawu lowu na matsalwa waha ni waha yan'wana tani hilaha ya nga ha vekiwaka hakona; na

(f) ku tirhisa matimba waha ni waha kumbe mfanelo leyi yi vekiweke hi ku landza Nawu lowu.

(2) Loko masipala lowu wu nga simekiwa tani hi Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu hi ku landza xiyengenyana xa (1), wu nga koti kumbe wu nga hetisisi xilaveko hi ku landza Nawu lowu, Hofisi ya Ntsariso wa Bindzu ya Limpopo yi nga ha nghenelela hi ku teka magoza lawa ya nga fanela ku vonisisa ku hetiseka ka swilaveko hi ku landza Nawu lowu.

6. Ku simekiwa ka Tindhawu ta le Xikarhi ta Ntsariso wa Bindzu—(1) Xirho xa Huvonkulu a nga ha, hi ku tihlanganisa na Xirho xa Huvonkulu loyi a nga ni vutihlamuleri eka Mfumo wa Ndhawu na Tindlu, hi xitiviso eka *Gazete*, veka vulawuri bya ndhawu tani hi Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu, ku sungula ku tirhisa ku sukela siku leri ri nga kombisiwa eka xitiviso, layisense ya bindzu endhawini leyi yi khumbekaka.

(2) Xirho xa Huvonkulu a nga ha, nkarhi wihi ni wihi, endzhaku ka ku tihlanganisa na Xirho xa Huvonkulu loyi a nga ni vutihlamuleri eka Mfumo wa Ndhawu na Tindlu, hundzuluxa kumbe ku khansela xitiviso ehansi ka xiyengenyana xa (1) hi xitiviso eka *Gazete*.

7. Matimba na timfanelo swa Ndhawu le Xikarhi ya Ntsariso wa Bindzu—Ndhawu ya Ntsariso wa Bindzu yi fanele—

(a) ku kambisisa swikombelo swa ntsariso wa bindzu hi ku landza Nawu lowu na ku nyika setifikheti ya ntsariso;

(b) ku kambisisa swivilelo swihi ni swihi leswi swi nga endliwa hi munhu loyi a endlaka xikombelo xa ntsariso wa bindzu;

(c) ku vutisa swivutiso swo tano, tani hilaha yi nga ha vonaka swi fanerile hi mayelana na ntsariso wa bindzu;

(d) ku hlawula vakamberi ku tirha mintirho ehansi ka xiyenge xa 9; na

(e) ku kutsula hi nkarhi wihi ni wihi, yimisanyana kumbe ku khansela ntsariso endzhaku ka ku nyika mukhomi wa setifikheti nkarhi wo twiwa.

8. Ku thoriwa ka Vakamberi—(1) Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu yi fanele, hi ku tsundzuxana na Mulawuri wa Bindzu, thola vanhu lava ringaneleke tanihi vakamberi, ku tirha, ku ya hi vulawuri na swileriso swa Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu, mintirho yihi ni yihi kumbe hinkwayo leyi yi nga nyikiwa eka mukamberi.

(2) Mukamberi u fanele ku nyikiwa setifikheti leyi yi nga sayiniwa hi Mulawuri wa Hofisi ya Ntsariso wa Bindzu ya Limpopo, leyi yi kombisaka—

- (a) leswaku munhu yoloye u thoriwile tani hi mukamberi wa Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu leyi yi khumbhekaka; na
- (b) ndhawu ya xinawu ya mukamberi wo tano.

(3) Loko mukamberi loyi a nga thoriwa hi ku landza xiyengenyana xa (1) a tirha mintirho ehansi ka Nawu lowu laha ku nga na munhu wihi ni wihi loyi a khumbhekaka, mukamberi u fanele hi ku koxa ka munhu wo tano ku kombisa setifikheti yo thoriwa.

9. Mintirho na matimba ya Vakamberi—(1) Mukamberi a nga ha—

- (a) nghena eka ndhawu yihi ni yihi ya bindzu laha mukamberi yoloye a ehleketelaka kahle leswaku ku tirhiwa kumbe ku endliwa bindzu leri ri faneleke ku va bindzu leri ri nga tsarisiwa hi ku landza Nawu lowu;
- (b) lava munhu loyi a langutelaka bindzu ro tano ku kombisa setifikheti ya ntsariso wa bindzu, na
- (c) vutisisa munhu wihi ni wihi eka muako wolowo na ku endla vukamberi hi mayelana na migingiriko yihi ni yihi ya bindzu eka muako wolowo.

(2) Mukamberi u na mfanelo yo nyika ndziho wo amukela nandzu kumbe xitiviso xo tsariwa ku va kona ekhoto, eka munhu loyi a tsandzekaka ku humesa setifikheti ya ntsariso wa bindzu hi ku landza xiyengenyana xa (1).

10. Ntsariso wa Bindzu—(1) Munhu loyi a navelaka ku yisa emahlweni kumbe ku endla bindzu u fanele, hi endlele leri ri nga vekiwa, ku endla xikombelo eka Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu endhawini laha bindzu ri nga ta endleriwa kona, ku endlela ku tsarisa bindzu ro tano.

(2) Loko xikombelo xi humelela, mukamberi u fanele ku nyikiwa setifikheti ya ntsariso wa bindzu, leyi yi nga ta tirha tani hi vumbhoni bya ntsariso wo yisa emahlweni bindzu hi ku landza Nawu lowu.

(3) Laha bindzu ri yisiwaka emahlweni emiakweni yo tlula wun'we, setifikheti ya le tlhelo ya laveka eka muako wun'wana ni wun'wana.

(4) A ku na bindzu leri ri faneleke ku tsarisiwa loko munhu loyi a ri tsarisaka a nga —

- (a) landzeleri swilaveko swa nawu wihi ni wihi mayelana na Xikimi xa Vupulana bya Doroba ra ndhawu laha bindzu ra kona ri nga ta endleriwa kona;

- (b) hi tlhelo ra laha bindzu ri faneleke ku endliwa ematiko-xikaya kumbe eka ndhawu yo ka yi nga si hluvuka ngopfu, landzi swilaveko swa maendlele ya makumele ya ndhawu ya bindzu endhawini yoleyo;
- (c) si hakela ntsengo wa le hansi lowu wu lavekaka eka ntsariso tani hilaha swi vekiweke hakona nkarhi ni nkarhi hi Xirho xa Huvokulu eka *Gazete* ; na
- (d) landzi swipimelo swihi ni swihi swin'wana leswi Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu yi vonaka swi fanerile eka ntsariso wo tano.

(5) Setifikheti ya ntsariso wa bindzu leyi yi nyikiwaka ehansi ka xiyengenyana xa (2) yi fanele ku tirha ku ringana 12 wa tin'wheti ku sukela siku leri yi nyikiwaka ha rona, ku ri leswaku mukhomi wa setifikheti—

- (a) u fanele nkarhi na nkarhi ku pfuxeta hi ku hakela ntsengo wa lembe wo pfuxeta, tani hilaha swi nga bohiwa hi Xirho xa Huvonkulu hi xitiviso eka *Gazete*,
- (b) u nyikiwa rhasiti, leyi yi nga ta tirha tani hi vumbhoni bya mpfunxeto wa setifikheti yo tano.

(6) Setifikheti ya ntsariso wa bindzu leyi yi nga pfuxetiwangiki hi ku landza xiyengenyana xa (5), yi nga ha, hi xikombelo hi mukhomi wa setifikheti, ndlandlamukisiwa hi Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu ku ringana nkarhi lowu wu nga hundziki 90 wa masiku, ku ri hileswaku xikombelo xo tano xi endliwa ku nga si fika ku hela ka setifikheti ya ntsariso wa bindzu.

(7) Loko xikombelo xa ntsariso wa bindzu xi ariwa kumbe ntsariso wa bindzu wu endliwa ku ya hi xipimelo xihi ni xihi, Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu yi fanele, hi xihatla lexi xi kotekaka ku—

- (a) tivisa muendli wa xikombelo hi xiboho; na
- (b) ku nyika muendli wa xikombelo swivangelo swa xiboho xo tano.

(8) Mukhomi wa setifikheti a nge tlheriseriwi mali ya tihakelo hi tlhelo ra setifikheti leyi yi nga kutsuriwa, yimisawanyana kumbe ku khanseriwa.

11. Tlaphili ta swiboho swa Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu—(1) Munhu loyi a vilerisiwaka hi xiboho xa Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu a nga ha, ku nga si hela makumenharhu wa masiku ku sukela siku leri a nga tivisiwa hi xiboho xo tano, endla aphili eka Hofisi ya Ntsariso wa Bindzu ya Limpopo.

(2) Hofisi ya Ntsariso wa Bindzu ya Limpopo yi ta lavisisa na ku amukela

mhaka naswona yi nga ha tiyisisa, hambana kumbe ku veka etlhelo xiboho xa Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu kumbe ku nyika xiboho xin'wana lexi yi nga ha vonaka xi fanerile.

(3) Xiboho xa Hofisi ya Ntsariso wa Bindzu xi fanele ku va xona xo hetelela.

12. Ku ka munhu a nga enetisi ku tsarisela bindzu— Vanhu lava va landzelaka a va enetisi kuva va endla xikombelo xo tsarisa bindzu leri ri nga hlamuseriwa eka Nawu lowu—

- (a) Munhu loyi a nga hlambanyiwa hi khoto ya nawu ku va a nga ri kahle emiehleketweni
- (b) muaka-tiko wo ka a nga ri wa Afrika Dzonga loyi a nga riki na mpfumelelo wo fambisa bindzu eka Riphabliki.

13. Ku sivela ku endla kumbe ku yisa emahlweni bindzu handle ka ntsariso— A ku na munhu loyi a faneleke ku yisa emahlweni kumbe ku endla bindzu eka Xifundzankulu handle kaloko munhu wo tano a:

- (a) tsarisile bindzu hi ku landza xiyenge xa 10 naswona setifikheti yi nyikiwile ku pfumelela munhu yoloye ku endla bindzu ro tano; na
- (b) kota ku humesa setifikheti tani hi vumbhoni bya ntsariso wa bindzu ro tano.

14. Makungu ya nxupulo— Munhu la tlulaka makungu ya Nawu lowu u fanele ku va ni nandzu na ku va ni ndhwalo wo hakela ndziho kumbe ku khomiwa ku ringana nkarhi wo ka wu nga hundzi tsevu wa tin'wheti, kumbe ha swimbirhi ndziho na ku khomiwa ko tano.

15. Swinawana—(1) Xirho xa Huvonkulu a nga ha, endzhaku ko tihlanganisa na Hofisi ya Ntsariso wa Bindzu ya Limpopo, endla swinawana mayelana na—

- (a) xivumbeko xa Ndhawu ya le Xikarhi ya Ntsariso wa Bindzu;
- (b) xivumbeko xa tifomo to endla xikombelo;
- (c) ku nyikiwa ka tikhopi ta tisetifikheti xa ntsariso;
- (d) ku thoriwa ka vakamberi, matimba ya vona, timfanelo na mintirho;
- (e) ku tirhaniwa na tinhundzu tihi ni tihi, tindhawu to amukelela, movha kumbe xivumbeko xo suseka lexi xi nga susiwa na ku tekiwa;

(f) ndzhwalo wa munhu wihi ni wihi wa tihakelelo leti ti vangekeke hi mayelana na ku susiwa, ku tekiwa na ku tirhaniwa ko tano; na

(g) ku tlakusiwa ka swikongomelo swa Nawu lowu.

(2) Xirho xa Huvonkulu a nga ha, hi ku tihlanganisa na Xirho xa Huvonkulu loyi a nga ni vutihlamuleri eka mfumo wa ndhawu na Hofisi ya Ntsariso wa Bindzu ya Limpopo, endla swinawana leswi swi lawulaka swivumbeko swa tihakelo to hambanahambana swa Tindhawu ta le Xikarhi ta Ntsariso wa Bindzu eka xifundzankulu.

16. Ku herisiwa ka milawu leyi yi nga kona.- Milawu leyi nga vuriwa eka Xedulu ya herisiwa ku fika eka xiyimo lexi nga kombisiwa eka rixaxa ra vumbirhi ra Xedulu.

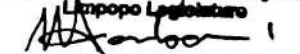
17. Vululamisi bya nkarhinyana—(1)Eku sunguleni ka ku tirha ka Nawu lowu tisetifikheti hinkwato ta ntsariso wa bindzu leti ti nga kona kumbe tilayisense leti ti nga nyikiwa hi ku landza nawu wihi ni wihi lowu wu nga herisiwa hi xiyenge xa 16 ti ta tekiwa tani hi tisetifikheti ta ntsariso wa bindzu leti ti nga nyikiwa hi ku landza Nawu lowu naswona ti le nawini nkarhi wo ringana 12 wa tin'wheti endzhaku ka ku sungula ku tirha ka Nawu lowu.

(2) Munhu loyi a fambisaka kumbe ku yisa emahlweni bindzu ehansi ka Nawu lowu u fanele ku tsarisa bindzu rero ku nga si hela 12 wa tin'wheti endzhaku ka ku sungula ku tirha ka Nawu lowu.

18. Nhlokomhaka hi ku komisa.- Nawu lowu wu vitaniwa Nawu wa Ntsariso wa Bindzu wa Limpopo, 2003 naswona wu fanele ku sungula ku tirha hi siku leri ri nga ta tivisiwa hi Holobyenkulu hi Xitivisanawu eka *Gazete*.

XEDULU**Milawu leyi herisiweke hi Nawu lowu****VITO RA NAWU****XIYIMO LEXI WU HERISIWEKE
KU FIKA EKA XONA**

Nawu wa Bindzu na ku Fambisa Bindzu wa Lebowa, 1977 (Nawu wa 6 wa 1977)	Hinkwawo
Nawu wa Bindzu na ku Fambisa Bindzu wa Gazankulu, 1979 (Nawu wa 9 wa 1979)	Hinkwawo
Nawu wa Bindzu na ku Fambisa Bindzu wa Venda, 1984 (Nawu wa 10 wa 1984)	Hinkwawo
Nawu wa Mabindzu wa Xifundzankulu xa N'walungu, 1998 (Nawu wa 4 wa 1998)	Hinkwawo

Certified correct as passed by the
Limpopo Legislature
Secretary of the Legislature

