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THE PRESIDENCY

No. 17

9 January 2004

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

No. 53 of 2003: Broad-Based Black Economic Empowerment Act, 2003.

MOPRESIDENTE

No. 17

9 Januari 2004

Go itsisiwi fano gore MoPresidente o saenne Molao o o latelang o o phasalediwang kitso ya botlhe fano:—

No. 53 wa 2003: Molao wa Katoloso ya go Nonotsha Ikonomi ya Bantsho, 2003.



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(English text signed by the President.)
(Assented to 7 January 2004.)

ACT

To establish a legislative framework for the promotion of black economic empowerment; to empower the Minister to issue codes of good practice and to publish transformation charters; to establish the Black Economic Empowerment Advisory Council; and to provide for matters connected therewith.

PREAMBLE

WHEREAS under apartheid race was used to control access to South Africa's productive resources and access to skills;

WHEREAS South Africa's economy still excludes the vast majority of its people from ownership of productive assets and the possession of advanced skills;

WHEREAS South Africa's economy performs below its potential because of the low level of income earned and generated by the majority of its people;

AND WHEREAS, unless further steps are taken to increase the effective participation of the majority of South Africans in the economy, the stability and prosperity of the economy in the future may be undermined to the detriment of all South Africans, irrespective of race;

AND IN ORDER TO—

- promote the achievement of the constitutional right to equality, increase broad-based and effective participation of black people in the economy and promote a higher growth rate, increased employment and more equitable income distribution; and
- establish a national policy on broad-based black economic empowerment so as to promote the economic unity of the nation, protect the common market, and promote equal opportunity and equal access to government services,

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF ACT

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*(English text signed by the President.)
(Assented to 7 January 2004.)*

MOLAO

Go tlhoma letlhomeso la semolao go tsholetsa nonotsho ya ikonomi ya bantsho; go nonotsha Tona go golola dikhoutu tsa mekgwa ya go dira le go phasalatsa melawana ya phetogo; go tlhoma Khansele ya Bogakolodi ya Nonotsho ya Ikonomi ya Bantsho; le go tlamela ka merero e e tsamaelanang natso.

KETAPELE

LE MORORO ka fa tlase ga puso ya kgethololo lotso lo ne lo dirisiwa go laola go fitlhelela didiriswa tsa ntsho ya dikuno tsa Aferika Borwa le go fitlhelela bokgoni;

LE MORORO ikonomi ya Aferika Borwa e santse e kgaphela thoko matshutitshuti a batho ba yona gore ba se ke ba nna beng ba thoto e e ntshang dikuno le gore ba se ke ba nna le bokgoni bo bo tsweletseng pele;

LE MORORO ikonomi ya Aferika Borwa e santse e dira kwa tlase ga bokgoni jwa yona ka ntlha ya seelo se se kwa tlase sa letseno le le amogelwang le go tlholwa ke bontsi jwa batho ba yona;

MME LE MORORO, kwa ntle ga go tsewa dikgato tse di atolositsweng tsa go oketsa go tsaya karolo go go nonofileng ga bontsi jwa Ma-Aferika Borwa mo ikonoming, go tsepama ga maemo le go tswelela go atlega ga ikonomi mo isagweng go ka nyadiwa mo go tla lomeletsang Ma-Aferika Borwa otlhe, go sa kgathalesege lotso;

MME GORE GO—

- tsholetswe phitlhelelo ya ditshwanelo tsa molaotheo tsa go lekalekana, go oketsa katoloso le go tsaya karolo go go nonofileng ga batho bantsho mo ikonoming le go tsholetsa seelo se se kwa godimo sa palo ya kgolo, go oketsega ga ditiro le go aroganya letseno ka go lekalekana,
- go tlhoma pholisi ya bosetšhaba ya katoloso ya go nonotsha ikonomi ya bantsho gore go tsholetswe tshwaragano ya ikonomi ya bosetšhaba, go sireletsa mmara wa tlwaelo le go tsholetsa tekatekano ya ditšhono le ya botseno go ditirelo tsa puso,

GO TLHOMIWA MOLAO ke Palamente ya Repaboliki ya Aferika Borwa, ka mokgwa o o latelang:—

THULAGANYO YA MOLAO

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EMPOWERMENT ACT, 2003

10. Status of codes of good practice
11. Strategy for broad-based black economic empowerment
12. Transformation charters
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Definitions

1. In this Act, unless the context indicates otherwise—
 - “**black people**” is a generic term which means Africans, Coloureds and Indians; 10
 - “**broad-based black economic empowerment**” means the economic empowerment of all black people including women, workers, youth, people with disabilities and people living in rural areas through diverse but integrated socio-economic strategies that include, but are not limited to—
 - (a) increasing the number of black people that manage, own and control enterprises and productive assets; 15
 - (b) facilitating ownership and management of enterprises and productive assets by communities, workers, cooperatives and other collective enterprises;
 - (c) human resource and skills development;
 - (d) achieving equitable representation in all occupational categories and levels in the workforce; 20
 - (e) preferential procurement; and
 - (f) investment in enterprises that are owned or managed by black people;
 - “**Council**” means the Black Economic Empowerment Advisory Council established by section 4; 25
 - “**members**” means members of the Council;
 - “**Minister**” means the Minister of Trade and Industry;
 - “**organ of state**” means—
 - (a) a national or provincial department as defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999); 30
 - (b) a municipality as contemplated in the Constitution;
 - (c) Parliament;
 - (d) a provincial legislature; and
 - (e) a constitutional institution listed in Schedule 1 to the Public Finance Management Act, 1999 (Act No. 1 of 1999); 35
 - “**prescribe**” means prescribe by regulation;
 - “**public entity**” means a public entity listed in Schedule 2 or 3 to the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - “**strategy**” means a strategy for broad-based black economic empowerment issued in terms of section 11; and 40
 - “**this Act**” includes any code of good practice or regulation made under this Act.

Objectives of Act

2. The objectives of this Act are to facilitate broad-based black economic empowerment by—
 - (a) promoting economic transformation in order to enable meaningful participation of black people in the economy; 45
 - (b) achieving a substantial change in the racial composition of ownership and management structures and in the skilled occupations of existing and new enterprises;
 - (c) increasing the extent to which communities, workers, cooperatives and other collective enterprises own and manage existing and new enterprises and increasing their access to economic activities, infrastructure and skills training; 50

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10. Maemo a dikhoutu tsa go dira tshiamo
11. Togamaano mabapi le katoloso ya go nonotsha ikonomi ya bantsho
12. Ditšhata tsa phetogo
13. Ditirelo tsa go ema nokeng le go abela Khansele matlole
14. Melawana 5
15. Setlhogo se se khutshwane le tshimololo

Ditlhaloso

1. Mo Molaong o, kwa ntle ga fa diteng di tlhalosa ka mokgwa mongwe—
 - “**batho bantsho**” ke lereo le le akaretsang le le kayang Ma-Aferika, Ba-Mmala le Ma-India; 10
 - “**katoloso ya go nonotsha ikonomi ya bantsho**” e kaya nonotsho ya ikonomi ya batho bantsho botlhe go akarediwa basadi, badiri, baša, batho ba ba nang le bogole bongwe mmogo le bao ba nnang kwa magaeng ka tiriso ya ditogamaano tsa ikonomi le leago tse di tshwanologileng fela di golagane di akaretsa, mme di sa kganelwe go— 15
 - (a) oketsa palo ya batho bantsho ba ba tsamaisang, e le beng e bile ba laola dikgwebo le dithoto tse di ntshang dikuno;
 - (b) diragatsa le go tswetsa thuo le bolaodi jwa dikgwebo le dithoto tse di ntshang dikuno ke baagi, badiri, dikoporasi mmogo le dikgwebo tse dingwe tsa motlhakanelwa; 20
 - (c) didiriswa tsa setho le tlhabololo ya bokgoni;
 - (d) fitlhelela boemedi bo bo lekalekanang mo ditlhopheng tsa tiro le maemo a badiri;
 - (e) tshenkelo e e ratiwang bogolo; le
 - (f) go beeletsa mo dikgwebong tseo beng le balaodi ba tsona e leng batho bantsho; 25
 - “**Khansele**” e kaya Khansele ya Bogakolodi ya katoloso ya go nonotsha ikonomi ya bantsho e e tlhomilweng go ya ka karolo ya bo 4;
 - “**ditokololo**” di kaya ditokololo tsa Khansele;
 - “**Tona**” e kaya Tona ya kgwebisano le Madirelo; 30
 - “**setheo sa puso**” se kaya—
 - (a) lefapha la bosetšhaba kgotsa la porofense jaaka le tlhaloswa mo Molaong wa Bolaodi jwa Matlole a Bosetšhaba, wa 1999 (Molao 1 wa 1999);
 - (b) mmasepala jaaka go akanngwa mo Molaotheong;
 - (c) Palamente; 35
 - (d) lekgotlatheramolao la Porofense; le
 - (e) setheo sa semolao se se tlagisitsweng mo Lenaaneng 1 la Molao wa Bolaodi jwa Matlole a Bosetšhaba, wa 1999 (Molao 1 wa 1999);
 - “**go kaela**” go kaya go kaela ka molawana;
 - “**setheo sa bosetšhaba**” se kaya setheo sa bosetšhaba se se tlagisitsweng mo 40
 - Lenaaneng 2 kgotsa 3 la Molao wa Bolaodi jwa Matlole a Bosetšhaba, wa 1999 (Molao 1 wa 1999);
 - “**togamaano**” e kaya togamaana ya katoloso ya go nonotsha ikonomi ya bantsho e e rebotsweng go ya ka karolo 11; le
 - “**Molao o**” o akaretsa khoutu nngwe le nngwe ya go dira tshiamo kgotsa 45
 - molawana o o tlhamilweng ka fa tlase ga Molao o.

Maikaelelo a Molao

2. Maikaelelo a Molao o ke go bebofatsa katoloso ya go nonotsha ikonomi ya bantsho ka go—
 - (a) tsholetsa diphetogo tsa ikonomi go kgontsha batho bantsho go tsaya karolo go go nonofileng mo ikonoming; 50
 - (b) fitlhelela diphetogo ka botlalo mo go tlhameng lotso la bong le dithulaganyo tsa botsamaisi le ditiro tsa bokgoni tsa dikgwebo tse di leng teng le tse dintšha;
 - (c) oketsa selekano seo ka sona baagi, badiri, dikgwebo tse di kopanetsweng le dikoporasi e leng beng le batsamaisi ba dikgwebo tse di leng teng le tse 55
 - dintšha le go oketsa phitlhelelo ya tsona go ditiro tsa ikonomi, dithulaganyetso le katiso ya bokgoni;

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- (d) increasing the extent to which black women own and manage existing and new enterprises, and increasing their access to economic activities, infrastructure and skills training;
- (e) promoting investment programmes that lead to broad-based and meaningful participation in the economy by black people in order to achieve sustainable development and general prosperity; 5
- (f) empowering rural and local communities by enabling access to economic activities, land, infrastructure, ownership and skills; and
- (g) promoting access to finance for black economic empowerment.

Interpretation of Act

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3. Any person applying this Act must interpret its provisions so as—

- (a) to give effect to its objectives; and
- (b) to comply with the Constitution.

Establishment of Black Economic Empowerment Advisory Council

4. The Black Economic Empowerment Advisory Council is hereby established. 15

Functions of Council

5. The Council must—

- (a) advise government on black economic empowerment;
- (b) review progress in achieving black economic empowerment;
- (c) advise on draft codes of good practice which the Minister intends publishing for comment in terms of section 9(5); 20
- (d) advise on the development, amendment or replacement of the strategy referred to in section 11;
- (e) if requested to do so, advise on draft transformation charters; and
- (f) facilitate partnerships between organs of state and the private sector that will advance the objectives of this Act. 25

Composition of Council and appointment of members

6. (1) The Council consists of—

- (a) the President, who is the chairperson of the Council;
- (b) the Minister, with the Minister's Director-General as an alternate; 30
- (c) three other Cabinet Ministers, appointed by the President, with their respective Directors-General as alternates;
- (d) no fewer than 10 and no more than 15 other members appointed by the President.

(2) When appointing members in terms of subsection (1)(d), the President shall have regard to the need for the Council— 35

- (a) to have appropriate expertise;
- (b) to represent different relevant constituencies including trade unions, business, community-based organisations and academics.

(3) In appointing members in terms of subsection (1)(d), the President shall follow an appropriate consultative process. 40

(4) The President shall appoint a Cabinet Minister who is also a member of the Council to act as chairperson of the Council in the President's absence.

Constitution and rules of Council

7. (1) The Minister must establish a constitution for the Council. 45

(2) The Minister may amend the constitution of the Council from time to time, after consultation with the Council.

(3) The Council may, by resolution, and after consultation with the Minister, make rules to further regulate the proceedings of the Council.

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- (d) go oketsa selekano seo ka sona basadi ba batho bantsho e leng beng le balaodi ba dikwebo tseo di leng teng le tse dintšhwa, le go oketsa phitlheleo ya bona go ditiro tsa ikonomi, dithulaganyetso le katiso ya bokgoni;
- (e) tsholetsa mananeo a dipeeletso a a letlang katoloso le go tsaya karolo go go nonofileng mo ikonoming ga batho bantsho go kgontsha tlhabololo e e 5
tswelediwang le katlego ka kakaretso;
- (f) nonotsha baagi ba kwa magaeng le baagi ba tikologo ka go ba kgontsha go fitlhelela ditiro tsa ikonomi, lefatshe, dithulaganyetso, bong le bokgoni; le
- (g) tsholetsa phitlhelelo ya ditšhelete go nonotsha ikonomi ya bantsho.

Thanolo ya Molao

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3. Motho mongwe le mongwe yo o diragatsang Molao o o tshwanetse go ranola ditshiamelo tsa ona gore—

- (a) go nne le tiragatso mo maikaelelong a ona; le
- (b) go tsamaelana le Molaotheo.

Go tlhomiwa ga Khansele ya Bogakolodi ya katoloso ya go nonotsha ikonomi ya bantsho

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4. Ka se go thomilwe Khansele ya Bogakolodi ya Katoloso ya go Nonotsha Ikonomi ya Bantsho.

Ditiro tsa Khansele**5. Khansele e tshwanetsego—**

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- (a) eletsa puso mabapi le nonotsho ya ikonomi ya bantsho;
- (b) lekola tswelopele mabapi le go fitlhelela nonotsho ya ikonomi ya bantsho;
- (c) eletsa mabapi le tshitshinyo ya dikhoutu tsa go dira tshiamo tseo Tona a ikaelelang go di phalatsa gore setšhaba se tshwaele go ya ka karolo 9(5);
- (d) go eletsa mabapi le tlhabololo, phetolo kgotsa thefotso ya togamaano e e 25
kailweng mo karolong 11;
- (e) fa e kopilwe go dira jalo, go eletsa mabapi le ditšhata tsa phetogo tse di tshitshintsweng; le
- (f) go tseweletsa tirisanommogo fa gare ga ditheo tsa puso le ditheo tsa poraefete tseo di tla atlenegisang maikaelelo a Molao o. 30

Go tlhamiwa ga Khansele le go thapiwa ga ditokololo**6. (1) Khansele e dirwa ke—**

- (a) Moporesidente, yo e leng modulasetulo wa Khansele;
- (b) Tona, le Mokaedikakaretso wa Tona jaaka modulasetulo wa thefosano;
- (c) Ditona tsa Kabinete di le tharo, tseo di tlhophilweng ke Moporesidente, 35
mmogo le Bakaedikakaretso ba tsona jaaka ditokololo tsa thefosano;
- (d) Ditokololo tse dingwe tseo di seng ka fa tlase ga 10 e bile di sa fete 15, tseo di tlhophilweng ke Moporesidente.

(2) Fa a tlhophatse ditokololo go ya ka karolwana (1)(d), Moporesidente o tla sekegela ditlhokego tsa Khansele—

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- (a) gore ba nne le bokgoni bo bo maleba;
- (b) go emela dikarolwana tsotlhe tse di amegang go akarediwa diyunione, dikgwebo, mekgatlho ya baagi, le dirutegi.

(3) Fa a tlhoma ditokololo go ya ka karolwana (1)(d), Moporesidente o latela mokgwa o o maleba wa therisano.

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(4) Moporesidente o tla tlhoma Tona ya Kabinete eo e leng tokololo ya Khansele go nna modula wa nakwana wa Khansele fa Moporesidente a seyo.

Molaotheo le melawana ya Khansele**7. (1) Tona e tshwanetse go tlhama Molaotheo wa Khansele.**

(2) Tona e ka fetola Molaotheo wa Khansele nako nngwe le nngwe, morago ga go 50
rerisana le Khansele.

(3) Khansele e ka dira melawana e mengwe go laola ditiro tsa Khansele jaaka tharabololo morago ga go buisana le Tona.

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8. Council members will not be remunerated for their services, but will be reimbursed for expenses incurred by them in carrying out their duties, as determined by the Minister, with the concurrence of the Minister of Finance.

Codes of good practice

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9. (1) In order to promote the purposes of the Act, the Minister may by notice in the *Gazette* issue codes of good practice on black economic empowerment that may include—

- (a) the further interpretation and definition of broad-based black economic empowerment and the interpretation and definition of different categories of black empowerment entities; 10
 - (b) qualification criteria for preferential purposes for procurement and other economic activities;
 - (c) indicators to measure broad-based black economic empowerment;
 - (d) the weighting to be attached to broad-based black economic empowerment indicators referred to in paragraph (c); 15
 - (e) guidelines for stakeholders in the relevant sectors of the economy to draw up transformation charters for their sector; and
 - (f) any other matter necessary to achieve the objectives of this Act.
- (2) A strategy issued by the Minister in terms of section 11 must be taken into account in preparing any code of good practice. 20
- (3) A code of good practice issued in terms of subsection (1) may specify—
- (a) targets consistent with the objectives of this Act; and
 - (b) the period within which those targets must be achieved.
- (4) In order to promote the achievement of equality of women, as provided for in section 9(2) of the Constitution, a code of good practice issued in terms of subsection (1) and any targets specified in a code of good practice in terms of subsection (3), may distinguish between black men and black women. 25
- (5) The Minister must, before issuing, replacing or amending a code of good practice in terms of subsection (1)— 30
- (a) publish the draft code of good practice or amendment in the *Gazette* for public comment; and
 - (b) grant interested persons a period of at least 60 days to comment on the draft code of good practice or amendment, as the case may be.

Status of codes of good practice

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10. Every organ of state and public entity must take into account and, as far as is reasonably possible, apply any relevant code of good practice issued in terms of this Act in—

- (a) determining qualification criteria for the issuing of licences, concessions or other authorisations in terms of any law; 40
- (b) developing and implementing a preferential procurement policy;
- (c) determining qualification criteria for the sale of state-owned enterprises; and
- (d) developing criteria for entering into partnerships with the private sector.

Strategy for broad-based black economic empowerment

11. (1) The Minister—

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- (a) must issue a strategy for broad-based black economic empowerment;
 - (b) may change or replace a strategy issued in terms of this section.
- (2) A strategy in terms of this section must—
- (a) provide for an integrated co-ordinated and uniform approach to broad-based black economic empowerment by all organs of state, public entities, the private sector, non-governmental organisations, local communities and other stakeholders; 50

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Tefo le go duelelwa ga ditshenyegelo

8. Ditokololo tsa Khansele ga di kitla di duelelwa ditirelo tsa tsona, fela di tla phimolwa dikeledi mabapi le ditshenyegelo tseo di tseneng mo go tsona fa di diragatsa ditiro tsa tsona jaaka go kailwe ke Tona, gape ka thebolo ya Tona ya Matlole.

Dikhoutu tsa go dira tshiamo

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9. (1) Ka ntlha ya go tsholetsa maikaelelo a Molao, Tona a ka re ka kitsiso mo Lekwalodikgang la Puso a golola dikhoutu tsa go dira tshiamo go nonotsha ikonomi ya bantsho go go akaretsang—

- (a) thanolo le tlhaloso ya katoloso ya go nonotsha ikonomi ya bantsho le thanolo le tlhaloso ya ditlhophha tse di farologaneng tsa nonotsho ya bantsho; 10
- (b) mokgwa wa selekanyetso sa go abela ka maikaelelo a go fitlhelela tshenkelo le ditiro tse dingwe tsa merero ya ikonomi;
- (c) matshwao a go lekanyetsa katoloso ya go nonotsha ikonomi ya bantsho;
- (d) botlhokwa jo bo tshwanetseng go gokaganngwa le matshwao a katoloso ya go nonotsha ikonomi ya bantsho a a umakilweng mo temaneng ya (c); 15
- (e) mekgwa ya go dira ya ditlhophha tse di nang le seabe mo makaleng a a tshwanetseng a ikonomi gore a kgone go tlhama ditshata tsa phetogo tsa makala a tsona; le
- (f) morero mongwe le mongwe o o tlhokagalang go fitlhelela maikaelelo a Molao o. 20

(2) Togamaano e e rebotsweng ke Tona go ya ka Karolo 11 e tshwanelwa ke go tswa tsia fa go rulaganngwa molao ope wa go dira tshiamo.

(3) Khoutu ya go dira tshiamo e e golotsweng go tsamaelana le karolwana ya bo (1) e ka totobatsa—

- (a) dintlha tse di tlamameng le maikaelelo a Molao o; le 25
- (b) paka ya nako e dintlha tseo di tshwanetseng go fitlhelelwa mo go yona.

(4) Gore go tsholetswe phitlhelelo ya tekatekano ya basadi, jaaka go tlametswe ke karolwana 9(2) ya Molaotheo, khoutu ya go dira tshiamo e e rebotsweng go ya ka Karolwana (1) le ntlha nngwe le nngwe e e totobaditsweng mo khoutung ya go dira tshiamo mo karolwaneng (3), e ka farologanya basadi ba batho bantsho le banna ba batho bantsho. 30

(5) Tona o tshwanetse gore, pele a golola, a tsenya sengwe mo boemong jwa se sengwe kgotsa a tlhabolola khoutu ya go dira tshiamo mabapi le karolwana ya bo (1)—

- (a) a phasalatse tlhamo ya khoutu ya go dira tshiamo kgotsa tlhabololo mo Lokwalodikgang la Puso gore setšhaba se tshwaele ka ga yona; le 35
- (b) go abela batho ba ba nang le dikgatlhago paka ya nako ya bonnye matsatsi a le 60 go tshwaela mo tlamong ya khoutu wa go dira tshiamo kgotsa tlhabololo, go ya ka fa go tlhokafalang ka teng.

Maemo a dikhoutu tsa go dira tshiamo

10. Setheo sengwe le sengwe sa puso le sa botlhe se tshwanetse go tsaya tsia, go ya ka mo go tlhokegang, go dirisa khoutu nngwe le nngwe ya go dira tshiamo e e maleba le e e golotsweng go ya ka Molao o, mabapi le—

- (a) go sweetsa mabaka a a matshwanedi fa go ntshiwa dilaesense, dithebolelo kgotsa dithata dingwe mabapi le molao mongwe le mongwe;
- (b) go tlhabolola le go diragatsa pholisi ya tshenkelo e e tlhophilweng; 45
- (c) go tlhotlhomisa mokgwa wa go tshwanela go rekisa kgwebo ya puso; le
- (d) go tlhola mokgwa wa go tshwanela go tsena mo tisananommogong le ditheo tsa poraefete.

Togamaano mabapi le go nonotsha ya ikonomi ya bantsho

11. (1) Tona— 50

- (a) o tshwanetse go rebola togamaano ya go nonotsha ikonomi ya bantsho;
- (b) a ka fetola togamaano e e rebotsweng go ya ka karolo eno.

(2) Togamaano go ya ka karolwana eno, e tshwanetse go—

- (a) tlamela ka tlhagiso e e lotaganeng e golagane e bile e tshwana go nonotsha ikonomi ya bantsho ke ditheo tsothe tsa puso, ditheo tsa bosetšhaba, ditheo tsa poraefete, mekgatlho e e seng ya puso, baagi le botlhe ba ba nang le seabe; 55

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- (b) develop a plan for financing broad-based black economic empowerment;
- (c) provide a system for organs of state, public entities and other enterprises to prepare broad-based black economic empowerment plans and to report on compliance with those plans; and
- (d) be consistent with this Act. 5

Transformation charters

12. The Minister must publish in the *Gazette* for general information and promote a transformation charter for a particular sector of the economy, if the Minister is satisfied that the charter—

- (a) has been developed by major stakeholders in that sector; and 10
- (b) advances the objectives of this Act.

Support services and funding of Council

13. (1) The Department of Trade and Industry must provide the Council with the necessary support services and funding out of money appropriated by Parliament for that purpose. 15

(2) The funds referred to in subsection (1), must be utilised for—

- (a) the establishment and operating costs of the Council; and
- (b) the development and implementation of a communication plan on broad-based black economic empowerment.

Regulations 20

14. The Minister may make regulations with regard to any matter that it is necessary to prescribe in order to ensure the proper implementation of this Act.

Short title and commencement

15. This Act is called the Broad-Based Black Economic Empowerment Act, 2003, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*. 25

MOLAO WA KATOLOSO YA GO
NONOTSHA IKONOMI YA BANTSHO, 2003

Act No. 53, 2003

- (b) tlhola leano la go etleetsa ka matlole nonotsho ya ikonomi ya bantsho;
- (c) neelana ka tsela eo ka yona ditheo tsa puso, tsa bosetšhaba le dikgwebo tse dingwe di ka rulaganyang katoloso ya nonotsho ya ikonomi ya bantsho le go bega fa di dumalana le dithulaganyo tseo; le
- (d) go latela Molao o ka tlhomamo.

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Ditšhata tsa phetogo

12. Tona o tshwanetse go phasalatsa mo Lokwalodikgang la Puso tshedimosetso ya kakaretso le go tsholetsa tšhata ya diphetogo ya lekala le le rileng la merero ya ikonomi, fa Tono a kgotsofetse gore tšhata—

- (a) e tlhabolotswe ke ditlhopho tsa botlhokwa tse di nang le seabe mo lekaleng leo; le
- (b) go tswelletsa pele maikaelelo a Molao o.

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Ditirelo tsa go ema nokeng le go abela Khansele matlole

13. (1) Lefapha la Merero ya kgwebisano le Madirelo le tshwanetse go abela Khansele ditirelo tse di tshwanetseng tsa go e ema nokeng le matlole go tswa mo mading a a rebotsweng ke Palamente ka maikaelelo a.

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(2) Matlole a a umakilweng mo karolwaneng ya bo (1), a tshwanetse go dirisediwa—

- (a) go tlhomiwa le ditshenyegelo tsa go dira tsa Khansele; le
- (b) go tlhabolola le go diragadiwa ga lenaane la ditlhaeletsano tsa katoloso ya go nonotsha ikonomi ya bantsho.

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Melawana

14. Tona a ka nna a tlhama melawana mabapi le morero mongwe le mongwe o o matshwanedi go netefatsa go diragadiwa ga Molao o ka tshwanelo.

Setlhogo se se khutshwane le tshimololo

15. Molao o o bidiwa Molao wa Katoloso ya go Nonotsha Ikonomi ya Bantsho, 2003, mme o tla simolola go dira ka letlha le le tla swediwang ke Moporesidente ka kgoeletso mo Lokwalodikgang la Puso.

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