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No. 26670

THE PRESIDENCY

No. 960

12 August 2004

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

No. 7 of 2004: National Gambling Act, 2004.

HOFISI YA PRESIDENTE

No. 960

12 August 2004

Hi mi tivisa leswaku Presidente u amukerile nawu lowu wu phablixiweke ku andzisa vutivi bya n'wina:—

No. 7 of 2004: Nawu wa Vugemburi wa Tiko, 2004.



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*(English text signed by the President.)
(Assented to 6 August 2004.)*

ACT

To provide for the co-ordination of concurrent national and provincial legislative competence over matters relating to casinos, racing, gambling and wagering, and to provide for the continued regulation of those matters; for that purpose to establish certain uniform norms and standards applicable to national and provincial regulation and licensing of certain gambling activities; to provide for the creation of additional uniform norms and standards applicable throughout the Republic; to retain the National Gambling Board; to establish the National Gambling Policy Council; to repeal the National Gambling Act, 1996; and to provide for matters incidental thereto.

PREAMBLE

CONSIDERING that the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), establishes that casinos, racing, gambling and wagering are matters of concurrent national and provincial legislative competence;

It is desirable to co-ordinate activities relating to the exercise of that concurrent competence within the national and provincial spheres of government;

It is desirable to establish certain uniform norms and standards, which will safeguard people participating in gambling and their communities against the adverse effect of gambling, applying generally throughout the Republic with regard to casinos, racing, gambling and wagering, so that—

- * gambling activities are effectively regulated, licenced, controlled and policed;
- * members of the public who participate in any licenced gambling activity are protected;
- * society and the economy are protected against over-stimulation of the latent demand for gambling; and
- * the licensing of gambling activities is transparent, fair and equitable;

It is expedient to establish certain national institutions, and to recognise the establishment of provincial institutions, which together will determine and administer national gambling policy in a co-operative, coherent and efficient manner.

*(English text signed by the President.)
(Assented to 6 August 2004.)*

NAWU

Ku aka matimba ya vutilawuri eka mavumbele ya milawu ya swa tikhasino, mijaho, vugemburi ni vubeji etikweni ni le ka swifundzankulu hi ndlela ya ntirhisano ni hi ndlela yo fana; ku endla leswaku ku va ni swiletelo ni swipimelo leswi nga ta tirhisiwa etikweni ni le ka swifundzankulu eku nyikeni ka mimpfumelelo ni le ku vumbeni ka milawu leyi nga ta tirhisiwa eka yin'wana ya migingiriko ya vugemburi; ku pfuna eku vumbeni ni le ku engeteleni ka milawu leyi nga ta tirhisiwa hi ndlela yo fana eka Riphabliki hinkwaro; ku tiyisa leswaku Huvo ya Vugemburi ya tiko yi tiya yi va kona; ku tumbuluxa Vandla ra Matirhele ra Vugemburi etikweni; ku herisa Nawu wa Vugemburi wa Tiko wa 1996; ni ku vona leswaku timhaka hinkwato leti khumbhaka swa vugemburi ta ngenisiwa.

MAENGHENELO

Loko hi anakanya leswaku Vumbiwa ra Afrika Dzonga, 1996 (Nawu wa No. 108 wa 1996), ri vula leswaku tikhasino, mijaho, vugemburi ni vubeji i timhaka leti tiko hinkwaro kun'we na swifundzankulu swi nga ni matimba ya vutilawuri eka tona.

Swa laveka ku va ku vumbiwa ntirhisano mayelana ni mintirho leyi fambelanaka ni matimba ya vutilawuri eka tinhlangu ti mfumo ta tiko na swifundzankulu.

Na kambe swi ta saseka ku va hi simeka vuleteri ni mimpimo yo fana leyi yi nga ta tirhisiwa yi angarhela hinkwako laha Riphabliki hi mayelana ni tikhasino, mujaho, vugemburi, ni vubeji, ku endlela leswaku—

- * Mintlango ya vugemburi yi fananisiwa no languteriwa
- * Vanhu va tiko lava va ngenelaka mintlango ya vugemburi leyi yi nga ni mpfumelelo, va sirhelewiwa;
- * Vaakatiko ni vuhlayisi bya rifuwo ra tiko (*economy*) swi sirheleriwa eka vunyanyuki byo tlula mpimo bya vugemburi; naswona
- * Ntirho wo nyika mpfumelelo eka vugingiriki bya vugemburi wu va erivaleni, ku nga vi ni xihlawu-hlawu wu ringanisiwa.

Swa fanela ku nghwetla ku vumbiwa tihuvo to karhi ta tiko, ni ku vona leswaku ku simekiwa tihuvo leti eka swifundzankulu, ku va tona ti nga ta tirhisana ti vona leswaku ti vumba ni ku fambisa tirhelo ra tiko ra vugemburi hi ntwanano, ntirhisano ni vuswikoti.

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

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CHAPTER 1

INTERPRETATION AND APPLICATION

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| “ amusement game ” means a game that has a restricted prize, and that may be regulated and licensed in terms of provincial law contemplated in section 47; | |
| “ amusement machine ” means a machine or device on which an amusement game may be played and that may be regulated and licensed in terms of provincial law contemplated in section 47; | 25 |
| “ associate ” means— | |
| (a) an employer; | |
| (b) a co-shareholder of a private company contemplated in section 20 of the Companies Act, 1973 (Act No. 61 of 1973); | |
| (c) a co-member of a Close Corporation contemplated in section 2 of the Close Corporations Act, 1984 (Act No. 69 of 1984); and | 30 |
| (d) a person to whom one has granted or from whom one has received a general power of attorney; | |
| “ bingo ” means a game, including a game played in whole or in part by electronic means— | 35 |
| (a) that is played for consideration, using cards or other devices— | |
| (i) that are divided into spaces each of which bears a different number, picture or symbol; and | |
| (ii) with numbers, pictures or symbols arranged randomly such that each card or similar device contains a unique set of numbers, pictures or symbols; | 40 |
| (b) in which an operator or announcer calls or displays a series of numbers, pictures or symbols in random order and the players match each such number, picture or symbol on the card or device as it is called or displayed; and | |
| (c) in which the player who is first to match all the spaces on the card or device, or who matches a specified set of numbers, pictures or symbols on the card or device, wins a prize, | 45 |

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Xeju

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Ku veka nawu wa nkarhinyana

1. Nhlamuselo
2. Vuhlayiseki bya milawu, leswi ku faneleke, mintirho, switiviso, ni switirhisiwa swin'wana
3. Swilaveko swa (Leswi laviwaka) hi mfumo 10
4. Huvo ya Vugemburi ya tiko
5. Mimpfumelelo ya tiko
6. Ku vumbiwa ka tirhelo ra ntirhisano ra vugemburi ni milawu
7. Ntsengo wa mimpfumelelo(*tilayisense*) wa nkarhinyana lowu pimeriweke tikhasino 15
8. Vasiveriwa

KAVANYISA 1

NHLAMUSELO NI MATIRHISELO

Tinhlamuselo ta marito

1. Eka Nawu lowu handle ka loko xiyimo xi hlamusela swin'wana— 20

“ntlangu wo titsakisa” swi ta vula ntlangu lowu wu nga pimeriwa ntsengo wa le hansi, naswona wu nga lawuriwa wu tlhela wu nyikiwa mpfumelelo hi swa milawu ya xifundzankulu leyi nga ta boxiwa eka xiyenge lexi xa ha taka xa 47;

“muchini wo titsakisa” swi vula muchini kumbe nchumu wo karhi wo tlanga wo titsakisa hi wona wu nga lawuriwa wu tlhela wu nyikiwa mpfumelelo hi swa milawu ya xifundzankulu leyi nga ta boxiwa eka xiyenge lexi xa ha taka xa 47; 25

“bingo” swi vula ntlango, kasi wona wu nga va wo tirhisa hi ku hetiseka xielekitironiki kumbe ku va xiphemu ntsena lexi nga xielekitironiki—

 - (a) wu nga tlangiwa hi makarata kumbe tindlela tin'wana
 - (i) leti ti nga aviwa hi swiphemu leswi swi nga ni tinomboro, swifaniso kumbe mimfungho; ni 30
 - (ii) tinomboro, swifaniso kumbe mimfungho leyi vekiweke ntsena ku endlela leswaku karata rin'wana ni rin'wana kumbe tindlela tin'wana ti va ni tinomboro, swifaniso, mimfungho ya kona yi fana yi ri yoxe;
 - (b) laha mufambisi kumbe muhuweleri u vita kumbe a aneka nongoloko wa tinomboro, swifaniso kumbe mimfungho hi ndlela yo kala yi nga pimiwanga, kutani vatlangi va fananisa tinomboro, swifaniso kumbe mimfungho yaleyo eka makarata loko swi ri karhi ku huweleriwa kumbe ku anekiwa; ni 35
 - (c) laha mutlangi loyi a nga ta rhanga ku fananisa swivandlana eka makarata kumbe minchumu, kumbe loyi a a kotaka ku fananisa nongoloko wa tinomboro, swifaniso kumbe mimfungho leyi yi nga eka makarata kumbe minchumu u ta hlula a kuma sagwata, kumbe xin'wana xo yelana swinene hi ntikelo lexi xi nga hlawuriwa ku va xi va bingo hi ku yelana ni xiyenge xa 6(4); 40 45

“huvo” swi vula Huvo ya Vugemburi ya Tiko (National gambling Board) leyi yi hlayisiwaka yi tlhela yi vumbiwa hi Xiyenge B xa ndzimana ya 4;

“mubejisi” swi vula munhu loyi a bejaka a kongomile kumbe hi ndlela yin'wana kumbe a beja ni vanhu kumbe van'wana vabejisi, kumbe yena a beja eka van'wana vabejisi; 50

“khabinete” swi vula swirho swa Huvo-Nkulu ya Tiko leyi nga boxiwa eka xiyenge xa 91 xa Vumbiwa;

“muchini wo humesa mali” swi vula muchini lowu wu humesaka mali hi woxe kumbe un'wana nchumu lowu wu nyikaka n'wini, loyi a nga ni mpfumelelo kumbe n'wini wa karata ro humesa mali; 55

or any other substantially similar game declared to be bingo in terms of section 6(4);

“board” means the National Gambling Board retained and constituted by Part B of Chapter 4;

“bookmaker” means a person who directly or indirectly lays fixed-odds bets or open bets with members of the public or other bookmakers, or takes such bets with other bookmakers; 5

“Cabinet” means the body of the National Executive referred to in section 91 of the Constitution;

“cash dispensing machine” means an automatic teller machine or any similar device that dispenses cash to approved account holders or card holders; 10

“casino” means premises where gambling games are played, or are available to be played, but does not include premises in which—

- (a) only bingo and no other gambling game is played or available to be played;
- (b) only limited pay-out machines are available to be played; 15
- (c) limited pay-out machines are available to be played and bingo, but no other gambling game is played or available to be played; or
- (d) only social gambling is conducted in terms of a temporary license or provincial law;

“Chief Executive Officer” means the person appointed by the board in terms of section 73(1)(a); 20

“consideration” means—

- (a) money, merchandise, property, a cheque, a token, a ticket, electronic credit, credit, debit or an electronic chip, or similar object; or
 - (b) any other thing, undertaking, promise, agreement or assurance, 25
- regardless of its apparent or intrinsic value, or whether it is transferred directly or indirectly;

“contingency” means an event or occurrence of which the outcome is uncertain or unknown to any person until it happens;

“Council” means the National Gambling Policy Council established by section 61; 30

“designated area”—

- (a) when used in relation to a site, means an area at that site in which any limited pay-out machine is authorised to be placed; and
- (b) when used in any other case, means an area within licensed premises where any gambling game is available to be played; 35

“discounted price” means a price charged by a licensee for any goods or services that is significantly below the prevailing fair market price for similar goods or services provided in the ordinary course of business by persons who are not licensees in terms of this Act or provincial law; 40

“electronic agent” has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

“employment licence” means a license permitting a person to work in the gambling industry within the Republic;

“excluded person” means a person who has been registered as such in terms of section 14 in order to be prevented from engaging in any gambling activity; 45

“family member” means a person’s—

- (a) spouse; or
- (b) child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption; 50

“financial interest” means—

- (a) a right or entitlement to share in profits or revenue;
- (b) a real right in respect of property of a company, corporation or business;
- (c) a real or personal right in property used by a company, corporation or business; or 55
- (d) a direct or indirect interest in the voting shares, or voting rights attached to shares, of a company or an interest in a close corporation;

- “khasino”** swi vula xivandla lomu ku tlangiwaka kona mintlangu yo gembula, kumbe yi kumekaka kona leswaku yi ta tlangiwa, kambe a yi katsi swivandla lomu—
- (a) ku kumekaka bingo ntsena ku nga tlangiwi mintlangu yin’wana yo gembula kumbe min’wana mintlangu yo gembula 5
- (b) naswona yi hakela mintsengo yo pimiwa
- (c) Michini leyi pimeriweke tihakelo yi kona na bingo, kambe mintlangu yin’wana ya vugemburi a yi pfumeleriwanga naswona a yi fanelanga ku va kona
- (d) Mpfumelelo wa xinkarhana wu amukela vugemburi byo hungasa ntsena. 10
- “murhangeri-nkulu”** swi vula munhu loyi a nga thoriwa hi huvo hi ku landzelela xileriso xa 73(1)(a);
- “nxavo”** swi vula
- (a) mali, swixavisiwa, nhundzu/swilo, cheke, xikombiso, thikithi, xuma lexi ngheneke xa elekitroniki, xuma lexi nga kona, xikweleti kumbe xipetlu(*chip*) xa elekitroniki, kumbe nchumu wo fana; kumbe 15
- (b) nchumu un’wana ni un’wana, ku endla xitshembiso, ntwanano kumbe xihlambanyiso, handle ko languta ntikelo, kumbe swi hundziseriwa hi ndlela leyi yi kongmeke, kumbe hi ti ndlela tin’wana
- “xiyimo xo kala xi nga tiveki”** swi vula mhaka leyi nga humelelaka kambe ku ri 20
- hava loyi a tivaka lexi xi nga ta humelela
- “Vandla”** swi vula Tirhelo ra Vugemburi ra Tiko leri ri nga endliwa hi xiyenge xa
- “xivandla lexi xi hlawuriweke”**
- (a) loko rito leri ri tirhisiwa ku vula xivandla, swi vula ndhawu eka xivandla xexo lomu ku pfumeleriwaka michini yo hakela mali leyi yi pimiweke. 25
- (b) loko rito leri ri tirhisiwa hi ndlela yihi kumbe yihi, swi vula ndhawu leyi yi nga ni mpfumelelo wo beja kumbe ku gembula.
- “nxavo lowu tshoviweke”** swi vula ntsengo lowu wu vitaniwaka hi mutirhisi wa mpfumelelo ku xavisa swilo kumbe vutirheri hi ntsengo wa le hansi ngopfu ka ntsengo lowu vitaneriwaka swilo swo tano kumbe vutirheri lebyi nyikiwaka hi 30
- vanhu lava va nga ri ki na mpfumelelo hi ku landza swileriso swa Nawu kumbe naw wa swifundzankulu.
- “xiyimeri xa elekitroniki”** xi ni nhlamuselo leyi yi nga nyikiwa eka xiyenge 1 xa Nawu wa Mbulavurisano ni mafambiselo ya mahungu hi Xielektroniki, Nawu wa 2002 (Nawu wa No. 25 wa 2002) 35
- “mpfumelelo wo tirha”** swi vula mpfumelelo lowu wu nyikiwaka munhu ku va a tirha eka bindzu ra vugemburi laha Afrika Dzonga
- “Musiveriwa”** swi vula munhu loyi a nga tsarisiwa eka xiyenge 14 leswaku a siveriwa ku nghena eka mintlango ya vugemburi.
- “wa ndyangu”** swi vulaka munhu loyi a nga— 40
- (a) Nghamu; kumbe
- (b) N’wana, mutswari, buti, sesi, vuxaka byebyo byi nga ha huma eka ku velekiwa, vukati kumbe ku hlayisiwa;
- “ku va ni xiavo eka swa timali”** swi vula—
- (a) Ku lulameriwa kumbe ku va ni mfanelo wo averiwa mbuyelo(*mbhindzulo*) kumbe mali; 45
- (b) Mfanelo wa ntiyiso mayelana ni swilo swa khamphani, ntlawa lowu hlanganeke ku endla bindzu rin’we kumbe bindzu;
- (c) Mfanelo wa ntiyiso mayelana ni swilo swa khamphani, ntlawa lowu hlanganeke ku endla bindzu rin’we kumbe bindzu; 50
- (d) Ku khumbheka loku ku kongomeke kumbe ko kala ku nga kongomangi ko ngenela nhlawulo wa xiavo(*shares*), kumbe mfanelo wo hlawula eka xiavo, xa bindzu kumbe ku khumbheka eka ra bindzu ra ntirhisano (“close corporation”)
- “Nawu wa ndhawu ya vukamberi bya xihundla hi swa xiyimo xa swa Timali (Financial Intelligence Centre Act)”** swi vula Nawu wa ndhawu ya vukamberi bya xihundla hi swa xiyimo xa swa Timali, 2001 (Nawu no. 38 wa 2001), ni swinawana leswi swi nga vumbiwa hi ku landzelela Nawu;
- “mubejo wo tiya kambe mbuyelo wu nga tiveki(fixed-odd bet)”**- swi vula, vubeji lebyi byi nga riki bya thothalizatara, byi endliwa eka mubejisi hi ku twanana 60
- hi swiyimo swo hlayanyana

“Financial Intelligence Centre Act” means the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001), and the regulations made in terms of that Act;

“fixed-odds bet” means a bet on one or more contingencies in which odds are agreed at the time the bet is placed;

“gambling activity” means any activity described as such in section 3; 5

“gambling device” means equipment or any other thing that is used, or at the time of its manufacture was designed to be used, in determining the result of a gambling activity;

“gambling game” means any activity described as such in section 5;

“gambling industry” includes any matter regulated in terms of this Act, but does not include a regulatory authority; 10

“gambling machine” means any mechanical, electrical, video, electronic, electro-mechanical or other device, contrivance, machine or software, other than an amusement machine, that—

(a) is available to be played or operated upon payment of a consideration; and 15

(b) may, as a result of playing or operating it, entitle the player or operator to a pay-out, or deliver a pay-out to the player or operator;

“informal bet” means a bet, wager, undertaking, promise or agreement contemplated in section 4, between or among two or more persons, if—

(a) none of the parties involved is a bookmaker or derives a significant portion of their livelihood from gambling; and 20

(b) no person is paid a fee or derives any gain, other than winning the bet itself, from the activity;

“interactive game” means a gambling game played or available to be played through the mechanism of an electronic agent accessed over the Internet other than a game that can be accessed for play only in licensed premises, and only if the licensee of any such premises is authorised to make such a game available for play; 25

“interactive provider” means a person licensed to make an interactive game available to be played;

“Internet” has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002); 30

“inspector” means a person appointed in terms of section 76;

“license” includes to register, approve or certify, in terms of any applicable provincial law;

“licensed” when used in relation to— 35

(a) a person, means to be in lawful possession of a valid licence, registration card or certificate issued to that person in terms of this Act or provincial law; or

(b) a gambling activity, means that a valid licence has been issued, in terms of this Act or provincial legislation, to a licensee permitting the licensee to engage in or conduct that activity, or make that activity available for other persons to engage in it; 40

“licensed premises” means specific premises that are named or described in a licence issued in terms of this Act or applicable provincial law;

“limited pay-out machine” means a gambling machine with a restricted prize, described in section 26; 45

“manufacturer, supplier or maintenance provider” means a person whose business is to import, manufacture, sell, lease, make available, distribute, maintain or repair a gambling device;

“Minister” means the member of Cabinet responsible for the administration of this Act; 50

“minor” means a person under the age of 18 years;

“national licence” means a license issued in terms of this Act;

“open bet” means—

(a) a bet, other than a totalisator bet, taken by a bookmaker on one or more contingencies, in which no fixed-odds are agreed at the time the bet is placed; 55
or

(b) a bet in respect of which the payout is determined after the outcome of the contingency on which such a bet is struck became known, with reference to dividends generated by a totalisator;

“Mintlango wa vugemburi” swi vula ntlango lowu wu nga hlamuseriwa hi ndlela yaleyo eka xiyenge 3;

“nchumu wo gembula” swi vula nchumu kumbe xin'wana ni xin'wana lexi xi tirhisiwaka, kumbe lexi xi nga endliwa hi nkarhi walowo ku va xi tirhisiwa ku nyika mbuyelo wa ntlango wa vugemburi.

“Ntlango wa vugemburi” swi vula ntlango lowu wu nga hlamuseriwa hi ndlela yaleyo eka xiyenge 5;

“Mabindzu ya Vugemburi” swi katsa hinkwaswo leswi pimiwaka hi Nawu lowu, kambe swi nga ngenisi vulawuri lebyi pimaka.

“muchini wo gembula” swi vula—

(a) Muchini wa thothalizatara; kumbe

(b) Nchumu wihi na wihi wa mekhanikala, wa gezi, vidiyo, wa gezi, mekhanikala-gezi kumbe nchumu, nchumu wuntshwa wo endliwa, muchini kumbe swoolova (*software*), swi nga katsi muchini wo titsakisa, lowu—

(i) Wu tshamaka wu yimele ku tlangiwa loko wu kala wu ngenisiwa mali leyi nga pimiwa ku va wu tlanga; naswona

(ii) Hikwalaho ko tlangiwa wu nga hakela mutlangi ntsengo wa mali kumbe wu humesa ntsengo wa mali wu nyika mutlangi wa wona.

“Vulawuri bya mijaho ya tihanci” swi vula ntlawa kumbe nhlango lowu wu nga riki vandla ra vulawuri, lowu wu lawulaka ntlangu wa mijaho wa mahanci eka swivandla leswi swi nga nyikiwa mpfumelelo hi vulawuri bya mpfumelelo bya xifundzankulu;

“mubejo wa ntwanano wo ka wu nga ri wa ximfumo (informal bet)” Ntlango wa n'wangulano swi vula ntlango wa vugemburi lowu wu tlangiwaka kumbe wu kumeka hi ku tlangiwa hi xielekironiki eka Internet.

“muxavisi wa mintlango ya n'wangulana” swi vula munhu loyi a nga ni mpfumelelo wa ku xavisela mintlangu ya n'wangulano eka vanhu.

“Internet” rito leri ri hlamuseriwe eka xiyenge 1 xa Nawu wa Ntsalelano ni Mfambelano wa 2002 (Nawu Nomboro 25 wa 2002) (Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

“mukamberi” swi vula munhu loyi a thoriweke hi ku landzela swileriso swa xiyenge xa 76;

“mpfumelelo” swi katsa ntsariso, ku amukela ni ku tiyisa, hi ku landzela milawu leyi yi tirhisiwaka ya xifundzankulu

“Ku pfumeleriwa” loko ri tirhisiwa eka—

(a) Munhu, swi vula ku va ni mpfumelelo lowu tirhisekaka lowu nga enawini, karata ra ntsariso kumbe xitifiketi lexi nyikiwaka munhu hi ku landzelela swileriso swa Nawu kumbe milawu ya xifundzankulu; kumbe

(b) Ntlango wa vugemburi, swi vula leswaku mpfumelelo lowu tirhaka wu nyikiwile hi ku landzela Nawu kumbe milawu ya xifundzankulu, naswona wu nyikiwa mpfumeleriwa ku va a fambisa mintlangu ya vugemburi, kumbe endla leswaku vanhu van'wana va gembula.

“Vundhawu lebyi byi pfumeleriweke” swi vula xivandla lexi hlawuriweke xi tlhela xi hlamuseriwa eka mpfumelelo lowu nyikiwaka hi ku landzelela Nawu kumbe milawu leyi yi pimeriweke xifundzankulu;

“muchini lowu pimeriweke hakelo” swi vula muchini lowu wu nga ni hakelo leyi yi pimiweke, yi tlhela yi hlamuseriwa eka xiyenge 26;

“muendli, muxavisi, mulunghisi” swi vula munhu loyi ku nga ntirho wa yena ku xava emuse, kuendla, ku xavisa, ku lombisa, ku pfumelela leswaku swi tirhisiwa, ku fikisa evanhwini, ku lulamisa kumbe ku lunghisa nchumu wo gembula.

“Holobye” swi vula xirho xa Khabinete lexi xi nga mulanguteri wa Nawu lowu;

“muondliwa” swi vula munhu loyi a nga ni malembe lawa ya nga ehansi ka 18

“mpfumelelo wa tiko” swi vula mpfumelelo lowu wu nyikiwaka hi ku landzelela swileriso swa Nawu lowu;

“mubejo lowu nga pfuleka” swi vula mubejo, lowu nga ri ki mubejo wa thothalizatara, wu amukeriwaka hi mubejisi ku beja xiyimo xin'we kumbe ku tlula xin'we, laha ku nga endliwiki ntwanano hi xiyimo xo tiya hi nkarhi wo beja;

“xitirhisiwa xa mfumo” xi ni nhlamuselo leyi nyikiweke eka xiyenge xa 239 xa Vumbiwa;

“munhu” swi katsa vutirhisani, nhlango, ntshembho (trust), kumbe munhu wa nawu, kumbe hi ku landzela nawu wihi ni wihi

“xirho lexi nga ni xitulu lexi yimelaka ntlawa wa xipolitiki” swi vula—

- “organ of state”** has the meaning set out in section 239 of the Constitution;
- “partner”** means a person with whom one has entered into a partnership agreement with the intention of making a profit;
- “person”** includes a partnership, association, trust, or a juristic person established by or in terms of any law; 5
- “political office bearer”** means—
- (a) a member of the National Assembly, the National Council of Provinces or the Cabinet;
 - (b) a member of a provincial legislature;
 - (c) a member of a municipal council or local authority; 10
 - (d) a diplomatic representative of the Republic who is not a member of the public service;
 - (e) a member of a house, or council of traditional leaders; or
 - (f) a national or provincial office bearer of a political party;
- “premises”** includes land and any building, structure, vehicle, ship, boat, vessel, aircraft or container; 15
- “prescribed”** means prescribed by regulation in terms of this Act;
- “prohibited practice”** has the meaning assigned to it in the Competition Act, 1998 (Act No. 89 of 1998);
- “provincial law”** means an Act of a provincial legislature concerning the regulation of casinos, gambling, racing or wagering and includes subordinate legislation made in terms of such Act; 20
- “provincial licence”** means a licence issued by a provincial licensing authority in terms of applicable provincial laws;
- “provincial licensing authority”** means a body established by provincial laws to regulate casinos, racing, gambling or wagering; 25
- “public servant”** means a person employed within an organ of state or within a court, or a judicial officer;
- “register of excluded persons”** means the register required to be maintained by the board in terms of section 14; 30
- “regulatory authority”** means the board or a provincial licensing authority;
- “restricted gambling activity”** means a gambling activity other than social gambling or an informal bet;
- “route operator”** means a person who is licensed as such in terms of applicable provincial laws contemplated in section 18; 35
- “site”** means premises licensed in terms of applicable provincial law for the placement of one or more limited pay-out gambling machines contemplated in section 18;
- “site operator”** means a person who is licensed to operate a site in terms of applicable provincial laws contemplated in section 18; 40
- “social gambling”** has the meaning, if any, set out in applicable provincial laws;
- “South African Bureau of Standards”** means the entity of that name established in terms of section 2(1) of the Standards Act, 1993 (Act No. 29 of 1993);
- “spouse”** means a person’s—
- (a) partner in a marriage; 45
 - (b) partner in a customary union according to indigenous law; or
 - (c) partner in a relationship in which the parties live together in a manner resembling a marital partnership or customary union;
- “testing agent”** means a person licensed in terms of this Act to test and calibrate gambling machines or gambling devices; and 50
- “this Act”** includes the schedule and regulations.

Application of Act

2. This Act does not apply to an activity that is regulated in terms of the Lotteries Act, 1997 (Act No. 57 of 1997).

- (a) Xirho xa Nhlengeletano ya Tiko, Vandla ra swifundzankulu swa tiko hinkwaro kumbe Khabinete
- (b) Xirho xa mfumo wa xifundzankulu
- (c) Xirho xa vandla ra ka masipala kumbe vulawuri bya ndhawu
- (d) Muyimeri wa swa vuxaka ni matiko mambe wa Riphabliki loyi a nga ri ki 5
mutirhela-mfumo
- (e) Xirho xa yindlu kumbe vandla ra tihosi
- (f) Xirho lexi xi nga ni xitulu eka vandla ra tiko kumbe ra xifundzankulu xa swa tipolitiki
- “swivandla”** swi katsa miako, swivumbeko, mimovha, swikepe, swikwekwetsu, 10
swirhalo, swihahampfhuka kumbe swo rhwala.
- “swileriso”** swivula leswi lerisiweke hi Nawu
- “swendlo leswi siveriwaka”** swi ni nhlamuselo leyi nga nyikiwa eka Nawu wa Mphikizano wa 1998 (Nawu wa No.89 wa 1998);
- “Nawu wa xifundzankulu”** swi vula Nawu wa xifundzankulu lowu khumbanaka 15
ni milawu ya tikhasino, mijaho, vubeji, leswi swi katsa milawu leyintsongo ya swileriso swa Nawu walowo;
- “vulawuri bya mpfumelelo bya xifundzankulu”** swi vula ntlawa lowu wu vumbiweke hi milawu ya xifundzankulu ku risa tikhasino, mijaho, vugemburi ni vubeji. 20
- “mutirhela- mfumo”** swi vula munhu loyi a tirhelaka mfumo kumbe a tirha ehubyeni, kumbe mutirheri wa nawu
- “ntsariso wa vasiveriwa”** swi vula ntsariso lowu wu faneleke ku hlayisiwa hi huvo hi ku landzela xiyenge 14;
- “vulawuri bya mpfumelelo”** swi vula huvo kumbe vulawuri bya mpfumele bya 25
xifundzankulu;
- “mintlangu ya vugemburi leyi yi pimiweke”** swi vula mintlangu ya ku gembula swi nga katsi vugemburi byo hungasa kumbe vugemburi bya ntsena byi nga pimeriwanga milawu;
- “murhumiwa”** swi vula munhu loyi a nga ni pfumelelo lowu pimiweke hi milawu 30
ya xifundzankulu yi andlariwile eka xiyenge 18;
- “xivandla”** swi vula xivandla lexi xi nga ni mpfumelelo hi ku landza milawu ya xifundzankulu, leyi pimaka michini yo hakela mimpimo yo karhi hi ku landzela leswi boxiweke eka xiyenge 18;
- “n’wini wa xivandla”** swi vula munhu loyi anga nyikiwawo tirha eka xivandla hi 35
ku landzelela milawu leyi yi tirhisiwaka hi xifundzankulu yi anekiwile eka xiyenge xa 18;
- “vugemburi byo hungasa”** swi vula , loko wi ri kona , swi ta hlamuseriwa eka milawu ya xifundzankulu;
- “Huvo ya Afrika Dzonga ya Mimpimo”** swi vula nchumu lowu wu nga thyiwa 40
hi ku landzela xiyenge xa 2(1) xa Nawu wa Mimpimo wa 1993(Nawu no.29 wa 1993);
- “nghamu”** swi vula munhu loyi—
- (a) mi nga swin’we hi vukati
- (b) mi nga swin’we hi ku tekana naswona mi landzelelela milawu ya xintu 45
- (c) mi nga swinwe hi vunghana lebyi mi ngo tshama swin’we swa ngi mo va nuna na nsanti hi vukati bya ntolovelu kumbe bya xintu;
- “muyimeri wo kambela”** swi vula munhu loyi a nga ni mpfumelelo hi matimba ya Nawu lowu ku kambela no endla swiringeto swa tirhele ra michini yo gembula kumbe minchumu yo gembula; 50
- “murhumiwa wo kambela”** swi vula munhu loyi a nga nyikiwa mpfumelelo hi ku landzelela Nawu ku va a kambela leswaku mimpimo ya michini yo gembula ni minchumu yin’wana yo gembula swi pima kahle; naswona
- “Nawu lowu”** wu katsa tixejulu na swinawana.

Tirhisele ra Nawu

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2. Nawu lowu a wu tirhisiwi eka gingiriko lowu lawuriwaka hi Nawu wa Tilotari, 1997 (Nawu wa No. 57 wa 1997).

CHAPTER 2

NATIONAL GAMBLING POLICY

*Part A**Gambling activities***Gambling activities generally** 5

3. An activity is a gambling activity if it involves—
- (a) placing or accepting a bet or wager in terms of section 4(1);
 - (b) placing or accepting a totalisator bet, in terms of section 4(2); or
 - (c) making available for play, or playing—
 - (i) bingo or another gambling game in terms of section 5; or 10
 - (ii) an amusement game, to the extent that applicable provincial laws require such games to be licensed.

Bets and wagers

4. (1) A person places or accepts a bet or wager when that person—
- (a) being a player, stakes money or anything of value on a fixed-odds bet, or an open bet, with a bookmaker on any contingency; or 15
 - (b) being a bookmaker—
 - (i) accepts a stake of money or anything of value on a fixed-odds bet, or an open bet, from a player on any contingency; or
 - (ii) stakes money or anything of value on a fixed-odds bet, or an open bet, with another bookmaker on any contingency; 20
 - (c) stakes or accepts a stake of money or anything of value with one or more other persons on any contingency; or
 - (d) expressly or implicitly undertakes, promises or agrees to do anything contemplated in paragraph (a), (b) or (c). 25
- (2) A person places or accepts a totalisator bet when that person stakes money or anything of value on the outcome of an event or combination of events by means of—
- (a) a system in which the total amount staked, after deductions provided for by law or by agreement, is divided among the persons who made winning bets in proportion to the amount staked by each of them in respect of a winning bet; 30
 - or
 - (b) any scheme, form or system of betting, whether mechanically operated or not, that is operated on similar principles.

Gambling games

5. (1) An activity is a gambling game if— 35
- (a) it meets the following criteria:

KAVANYISA 2**TIRHELO RA VUGEMBURI RA TIKO****XIYENGE A****MINTLANGU YO GEMBULA****Mintlangu yo gembula hi ku angarhela**

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3. Ntlangu wu hundzuka ntlangu wa vugemburi loko—

- (a) Ku beja kumbe ku amukela mubejo kumbe mali yo beja hi ku landzelela xiyenge 4(1);
- (b) Ku tlanga kumbe ku pfumela ku beja thothalizatara, hi ku landzela swileriso swa 4(2); kumbe 10
- (c) Ku lulamisela leswaku ku tlangiwa, kumbe ku tlangiwa—
 - (i) Bingo kumbe ntlangu un'wana wo gembula hi ku landzela swiletelo swa xiyenge 5; kumbe
 - (ii) Ntlangu wo titsakisa, ku ya hilaha milawu ya xifundzankulu xalexo yi pfumelelaka mintlangu yaleyo. 15

Mibejo ni nxavo wo tlanga kumbe ku huhwa hi wona**4. (1) Munhu u beja kumbe a amukela mubejo loko a—**

- (a) a ri mutlangi, a ngenisa mali kumbe mubejo wo tiya (wo kala wu nga ncinci) “fixed odd”, kumbe mubejo wo pfuleka (open bet) ni mubejisi kumbe mubejo wo kala wu nga tiveki; kumbe 20
- (b) loko u ri mubejisi—
 - (i) u amukela ntsengo wa mali kumbe nchumu wa ntsengo wo karhi a beja mubejo wo tiya, kumbe mubejo wo pfuleka, wu huma eka mutlangi wu beja xiyimo xo kala xi nga tiveki; a kombela mubejisi leswaku a tlanga mubejo wo tiya kumbe mubejo wo pfuleka hi mali kumbe nchumu wa ntikelo 25
 - (ii) U ngenisa mali kumbe nchumu wa ntikelo a tlanga mubejo wo tiya, wo pfuleka ni mubejisi eka xiendleko xo kala xi nga tiveki;
- (c) U ngenisa ntsengo kumbe a amukela ntsengo wa mali kumbe nchumu wa ntikelo swi huma eka munhu kumbe vanhu va tlanga eka xiyimo xo kala xi nga tiveki 30
- (d) A pfumela kumbe ku tshembisa hi ku vula kumbe hi maendlelo ku endla xin'wana ni xin'wana xa leswi swi boxiweke eka ndzimana (a), (b), kumbe (c).

(2) Munhu a nga beja kumbe ku amukela thothalayizara loko a—

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- (a) A tlanga, a ngenisa mali kumbe nchumu wa ntikelo eka xiendleko lexi xi nga ta humelela kumbe nhlangoano wa swiendleko hi ku—
 - (i) Tlanga ntlango lowu mali yi nga ngenisiwa ku va yi beja, endzhaku ka loko va winile mali ku ta humesiwa leyi yi faneleke ku huma hi nawu, kutani un'wana ni un'wana wa va beji a kuma ntsengo wa yena ku ya hi leswi anga tlanga hi swona. 40
 - (ii) Ntlangu wihi na wihi hambi i wa muchini kumbe wu nga ri wa muchini ku ta tirhisa milawu yo fana; kumbe
- (b) Loko u ri mubejisi—
 - (i) A amukela ntsengo wa mali kumbe nchumu un'wana wa ntikelo eka leswi swi nga ta humelela eka xiendleko kumbe swiendleko hi mintlangu leyi yi nga hlaluseriwa eka ndzimana (a); kumbe 45
 - (ii) A ngenisa ntsengo wa mali kumbe nchumu un'wana wa ntikelo a tlanga eka mubejisi a beja leswi swi nga ta humelela eka xiendleko kumbe swiendleko hi mintlangu leyi yi nga hlaluseriwa eka ndzimana (a). 50

Mintlangu ya vugemburi**5. (1) Ntlangu wu hundzuka ntlangu wa vugemburi loko—**

- (a) loko wu fikelela swipimanyeto leswi swi landzelaka:

- (i) it is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a pay-out; and
- (ii) the result might be determined by the skill of the player, the element of chance, or both; or
- (b) it is a bet or wager in terms of section 4(1), that is placed in a casino in relation to an activity that meets the criteria in paragraph (a).
- (2) Despite subsection (1), for all purposes of this Act, none of the following activities is a gambling game:
 - (a) A bet or wager in terms of section 4(1), other than a bet or wager contemplated in subsection (1)(b).
 - (b) a totalisator bet in terms of section 4(2); or
 - (c) an amusement game.

Pay-out and opportunity to play further game

- 6. (1) Subject to subsection (2), a pay-out is any money, merchandise, property, a cheque, credit, electronic credit, a debit, a token, a ticket or anything else of value won by a player—
 - (a) whether as a result of the skill of the player or operator, the application of the element of chance, or both; and
 - (b) regardless how the pay-out is made.
- (2) Neither of the following is a pay-out:
 - (a) An opportunity to play a further game; or
 - (b) a prize given to a participant or team of participants in a sporting event in respect of the participant's or team's performance in that event.
- (3) The result of a gambling game—
 - (a) is an opportunity to play a further game if the player is afforded the opportunity to continue without interruption playing the type of game—
 - (i) in respect of which the opportunity was won; and
 - (ii) on the machine on which the opportunity was won; but
 - (b) is not an opportunity to play a further game if the opportunity can in any manner, whether directly or indirectly, be—
 - (i) distributed or transferred to the person who has won such an opportunity or to any other person, or
 - (ii) converted into money, property, a cheque, credit or any other thing of value; or
 - (iii) converted in terms of any scheme, arrangement, system, plan or device prescribed in terms of subsection (4).
- (4) The Minister may by regulation made in accordance with section 87 declare—
 - (a) that any scheme, arrangement, system or plan is not an opportunity to play a further game; or
 - (b) that any particular game that is substantially similar to bingo, as described in section 1, is bingo.

Part B

Prohibited gambling, restricted activities and status of gambling debt

Gambling in relation to illegal activities unlawful

- 7. Despite any other law, a person must not—
 - (a) engage in, conduct or make available a gambling activity if the outcome of that activity depends directly, indirectly, partly or entirely on a contingency related to an event or activity that is itself unlawful in terms of any law;
 - (b) permit any gambling machine or device under the person's control to be used for the purposes of a gambling activity contemplated in paragraph (a);
 - (c) maintain or operate any premises, whether or not such premises are licensed premises, for the purposes of a gambling activity contemplated in paragraph (a); or

- (i) wu tlangiwa hi ku xaviwa ko karhi, naswona hi ku pimaryeta leswaku mutlangi a nga ha kuma, kumbe a nyikiwa hakelo; naswona
- (ii) ku humelela ku nga vangiwa hi vukoti bya mutlangi, ku vhumba-vhumbela leswi nga humelelaka, kumbe ha vumbirhi bya swilo leswi, kumbe 5
- (b) i ku beja kumbe mubejo hi ku landzelela xiphemu 4 (1), lowu wu kumekaka ekhasino naswona wu landzelela ntlango swiletelo swa ndzimana (a).
- (2) Ni hambi ka xiyenge-ntsongo, (1), hi ku ya hi swikongomelo swa Nawu lowu, mintlangu hinkwayo leyi yi landzelaka a hi mitlangu ya vugemberi: 10
- (a) Vubeji kumbe mubejo hi ku ya hi swiletelo swa xipheu 4(1), handle ka vubeji kumbe mubejo lowu anakanyiweke eka xiphemu-ntsongo (1)(b).
- (b) Mubejo wa thothalizeyitara hi ku landzelela swiletelo swa xiphemu4(2); kumbe
- (c) Ntlangu wa ku titsakisa.

Hakelo ni nkama wo ya emahlweni ni ntlangu

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- 6. (1) Hi ku landzelela xiyenge-ntsongo (2) hakelo ku nga va mali yihi na yihi, swixavisiwa, nhundzu, cheke, xuma, xuma lexi ngeneka hi xielekitironiki, xikweleti, xikombiso (*token*), thikiti, kumbe nchumu wa ntikelo wu kumiwe hi mutlangi—
- (a) hambi ku hlula ku kumeki hikwalaho ka vutshila bya mutlangi kumbe mubejisi, kumbe ku ringeta, kumbe hi vumbirhi bya leswi swi nga vuriwa 20
- (b) swi nga khathaleki leswi mali yi hakerisiwaka xiswona
- (2) Laha hi vumbirhi i bya leswi a hi hakelo:
 - (a) Nkama wo ya emahlweni ni ntlangu un'wana; kumbe
 - (b) Sagwata leri ri nyikiwaka kumbe xitlamo xa vatlangi eka swa mintlangu hikwalaho ka matlangelo ya vona eka ntlangu walowo. 25
- (3) Hakelo wa ntlango wa vugemburi—
 - (a) I nkama wo va mutlangi a nyikiwa ntlangu un'wana a ya emahlweni a tlanga a nga karhatiwi na swona a tlanga ntlangu—
 - (i) Laha a kuma hakelo yo tlanga na kambe, naswona
 - (ii) Eka muchini lowu a nga kuma hakelo leyi eka wona; kambe 30
 - (b) A hi nkama wo kuma ntlango nakambe, loko ku ri leswaku, hi ndlela leyi yi kongomeke kumbe leyi yi nga kongomangiki, swi ta endla wonge nkama wu—
 - (i) Yi nyikiwa kumbe yi hundziseriwa eka munhu loyi a nga kuma hakelo ya nkarhi kumbe eka munhu un'wana ni un'wana, kumbe 35
 - (ii) Yi hundzuriwa mali , xanchumu, cheke, mali leyi ngenaka kumbe nchumu un'wana wa nkoka; kumbe
 - (iii) Kumbe yi hundzuriwa xikimu, ntwanano, maendlelo yo karhi, kumbe kungu leri ri pfumeleriwa hi xiphemu-ntsongo xa (4).
- (4) Holobye wa swikota ku nyika xileriso hi ku landzelela nawu wa xiyenge 87 40 leswaku—
 - (a) Xikumu xihhi na xihhi, ntwanano, maendlelo kumbe kungu a hi ndlela yo tlanga nakambe ; kumbe
 - (b) Ntlango un'wana ni un'wana lowu wu yelanaka swinene na bingo, hilaha swi hlamuseriweke eka xiyenge 1, i bingo. 45

XIYENGE XA B

Vugemburi lebyi arisiwaka, mintlangu leyi pimiweke ni manyikelo ya swikweleti

Vugemburi lebyi byi nga ri ki enawini

- 7. Ni hambi kuri ni nawu un'wana munhu a nga fanelanga ku—
- (a) Ngenela , kumbe ku endla leswaku ku va ni mintlangu ya vugemburi leyi nga 50 ta endla leswaku leyi yi nga tiviwiki naswona yi nga pfumeleriwi hi nawu;
- (b) Pfumelela muchini wo gembula lowu kumbe nchumu lowu wu tirhisiwaka eka mintlangu yo gembula leyi yi nga boxiwa eka ndzimana (a);
- (c) Ku hlayisa kumbe ku tirhisa xivandla , hambi xi ri ni mpfumelelo kumbe xi ri hava ku endla vugemburi lebyi byi nga boxiwa eka ndzimana (a); kumbe 55

- (d) permit any premises under the person's control, whether or not such premises are licensed premises, to be used for the purposes of a gambling activity contemplated in paragraph (a).

Unlicensed gambling activities unlawful

8. Despite any other law, a person must not engage in, conduct or make available a gambling activity except— 5

- (a) a licensed gambling activity;
- (b) social gambling that is licensed or otherwise permitted in terms of any applicable provincial law; or
- (c) an informal bet, unless, in the circumstances, there are valid grounds to conclude that any of the parties to the bet intended to establish an enforceable contractual relationship when they staked, or accepted the stake of, money on that contingency. 10

Unlicensed dealing in machines and devices unlawful

9. (1) Despite any other law, a person must not— 15

- (a) import, manufacture, supply, sell, lease, make available, possess, store or alter a gambling machine or gambling device, or transport or maintain such a machine or device except to the extent contemplated in section 23(4), unless that person is authorised to do so in terms of this Act or applicable provincial law; 20
- (b) possess or make available for play a gambling machine or gambling device for use in a gambling activity unless registered ownership or possession of the machine or device has been transferred to that person in terms of section 23(6).

(2) The Minister, by regulation made in accordance with section 87, may prescribe categories of gambling machines or gambling devices that are exempt from the application of subsection (1). 25

Unlicensed use of premises unlawful

10. (1) Despite any other law, a person must not—

- (a) maintain or operate any premises for the purposes of a restricted gambling activity, unless that gambling activity in, on or from those premises has been authorised in terms of a licence under this Act or applicable provincial laws; 30
- (b) permit any premises under that person's control to be used for the purposes of a restricted gambling activity, unless that gambling activity in, on or from those premises has been authorised in terms of a licence under this Act or applicable provincial law; or 35
- (c) permit an individual in or on any premises under that person's control to engage in a restricted gambling activity, unless that gambling activity in, on or from those premises has been authorised in terms of a licence under this Act or applicable provincial law. 40

(2) A person must notify a provincial licensing authority and the board, if the person—

- (a) owns, maintains, operates or has control over any premises, or any gambling machine or device; and
- (b) believes, or has reason to believe, that those premises, or that gambling machine or device, is being, or has been, used without that person's permission for any purpose that is unlawful in terms of this section or section 7, 8 or 9. 45

Unauthorised interactive gaming unlawful

11. A person must not engage in or make available an interactive game except as authorised in terms of this Act or any other national law. 50

- (d) Ku pfumelela munhu loyi a nga ni matimba eka xivandla a hlayisa kumbe ku tirhisa xivandla, hambi xi ri ni mpfumelelo kumbe xi ri hava ku endla vugemburi lebyi byi nga boxiwa eka ndzimana (a)

Mintlangu leyi yi kalaka mpfumelelo naswona yi nga ri ki nawini

8. Ni hambi kuri ni nawu un'wana, munhu a nga fanelanga ku va a gemburisa kumbe ku pfumelela mintlangu ya vugemburi handle ko va— 5

- (a) A ri ni mpfumelelo wa mintlangu yo gembula; 5
 (b) Vugemburi byo hungasa lebyi byi nga ni mpfumelelo kumbe lebyi byi pfumeleriwaka hi ku landzelela milawu leyi vekiweke hi xifundzankulu-nkulu; kumbe 10
 (c) Vubeji ntsena handle ka loko ku ri ni mhaka yo twakala ku va lava va bejaku va endla xiboho va tlhela va amukela ntsengo wa mali kumbe nchumu walowo va bejaka hi wona.

Michini ni minchumu leyi pfumalaka mpfumelelo naswona yi nga ri ki nawini

9. (1) Ni hambi kuri ni nawu u'nwana, munhu a nga fanelanga— 15

- (a) Ku xaviwa eka matiko mambe, ku endliwa, ku hundziseriwa, ku xavisiwa, ku lombiwa, ku voniwa leswaku swa kumeki, ku hlayisakuncica muchini wo gembula kumbe kumbe nchumu handle ka ndlela leyi yi anakanyiweke eka xiphemu xa 23(4), handle ka loko munhu yaloye a ri ni mpfumelelo wo endla tano hi ku landza Nawu kumbe nawu lowu wu tirhisiwaka hi xifundza-nkulu; kumbe 20
 (b) A pfumelela kumbe va na michini ni minchumu yo gembula a endlela ku yi tirhisela mintlangu yo gembula, Handle ka loko a ri ni mpfumelelo wo endla sweswo, hi ku landzelela swileriso swa Nawu kumbe milawu ya xifundzankulu. 25

(2) Holobye, hi ku landza nawu lowu nga endleriwa xiphemu xa 87, a simeka milawu ya michini ya vugemburi kumbe minchumu ya vugemburi leyi nga ntshuxeka eka ku tirhisiwa ka xiyengenyana xi (1).

Ku tirhisa tindhawu to kala mpfumelelo naswona swi nga ri enawini

10. (1) Ni hambi kuri ni nawu u'nwana, munhu a nga fanelanga— 30

- (a) Ku hlayisa kumbe ni ku tirhisa xivandla ku tlanga swa vugemburi lebyi pimiweke handle ka ku va vugemburi byebyo byi nyikiwe mpfumelelo hi ku pima milawu ya Nawu lowu kumbe milawu ya xifundzankulu; 35
 (b) Ku nyika mpfumelelo eka munhu loyi a nga ni xivandla lexi a nga ni matimba eka xona ku va xi tirhisiwa ku tlanga swa vugemburi lebyi pimiweke handle ka ku va vugemburi byebyo byi nyikiwe mpfumelelo hi ku pima milawu ya Nawu lowu, kumbe milawu ya xifundzankulu-nkulu; 40
 (c) Ku nyika mpfumelelo eka munhu loyi a nga eka xivandla naswona a ri ni matimba yo xi fuma ku va xi tirhisiwa ku tlanga swa vugemburi lebyi pimiweke handle ka ku va vugemburi byebyo byi nyikiwe mpfumelelo hi ku pima milawu ya Nawu lowu, kumbe milawu ya xifundzankulu. 45

(2) Munhu u fanele ku tivisa Vaavi va mpfumelelo va xifundzankulu ni huvo, loko swiri leswaku yaloye—

- (a) I n'wini, mulanguteri, mutirhisi, kumbe a ri yena a nga ni matimba ya xivandla, kumbe, michini ni minchumu yo gembula; naswona 45
 (b) A tshemba, kumbe a ri ni lexi xi n'wendlaka a ehleketa leswaku xivandla xexo kumbe michini ni minchumu yaleyo, swi tirhisiwa handle ko va swi kuma mpfumelelo naswona swi nga ri enawini hi ku landzelela xiyenge lexi kumbe swiyenge swa 7, 8, kumbe 9.

Ku gembula hi mintlangu ya n'wangulano swi nga ri na mpfumelelo naswona swi nga ri enawini 50

11. Munhu a nga fanelanga ku va nyika mpfumelelo wo va ku tlangiwa mintlangu ya angulano handle ko va a nyikiwa mpfumelelo hi Nawu kumbe milawu yin'wana ya tiko.

Protection of minors

- 12.** (1) A minor must not—
- (a) enter a designated area within any licensed premises;
 - (b) operate a gambling machine or gambling device;
 - (c) conduct or make available a gambling activity; 5
 - (d) engage in social gambling or a gambling activity other than an amusement game; or
 - (e) falsely claim to be 18 years of age or over, in order to—
 - (i) gain access to a designated area within licensed premises;
 - (ii) gain access to a gambling machine or gambling device; or 10
 - (iii) engage in, conduct or make available a gambling activity.
- (2) A person must not falsely claim that a minor is 18 years of age or over, in order for that minor to—
- (a) gain access to a designated area within licensed premises;
 - (b) gain access to a gambling machine or gambling device; or 15
 - (c) engage in, conduct or make available a gambling activity.
- (3) A licensee, licensed employee, or a person in control of licensed premises or a gambling machine or gambling device must not knowingly permit a minor to—
- (a) enter or remain in a designated area within such licensed premises;
 - (b) operate that gambling machine or gambling device; 20
 - (c) conduct or make available a gambling activity within such licensed premises; or
 - (d) engage in social gambling or a gambling activity, other than an amusement game, within such licensed premises.
- (4) A person referred to in subsection (3) must take reasonable measures to determine 25 accurately whether or not a person is a minor, before permitting that person to do any thing contemplated in subsection (3)(a) to (d).

Restrictions on granting credit to gamblers

- 13.** A person licensed to make any gambling activity available to the public must not extend credit contrary to this Act, in the name of the licensee or a third party, to any 30 person for the purposes of gambling.

Excluded persons

- 14.** (1) A person who wishes to be prevented from engaging in any gambling activity may register as an excluded person by submitting a notice to that effect in the prescribed manner and form at any time. 35
- (2) A person who registered as an excluded person in terms of subsection (1) may submit a notice in the prescribed manner and form to cancel that registration at any time.
- (3) A notice filed in terms of subsection (1) or (2) takes effect on a date determined in accordance with the regulations.
- (4) A person may apply to a court of competent jurisdiction for an order requiring the 40 registration as an excluded person of—
- (a) a family member of the applicant;
 - (b) a person on whom the applicant is economically dependent in whole or in part;
 - (c) a person for whom the applicant is economically responsible in whole or in part; 45
 - (d) a person who is subject to an order of a competent court holding that person to be mentally deranged; or
 - (e) any other person—

Ku sirhelela lavantsongo/vaondliwa

- 12.** (1) Vaondliwa a va fanelanga ku va—
- (a) a nghena eka xivandla lexi xi hlawuriweke naswona xi ri ni mpfumelelo;
 - (b) a tlanga eka muchini kumbe nchumu wo gembula;
 - (c) a tlangisa van'wana vatlangi kumbe a va pfumelela ku va va tlanga mintlangu leyi yi pimiweke kumbe eka mintlangu leyi nyikiweke mpfumelelo wa vuhungasi; 5
 - (d) a tlanga mintlangu ya vuhungasi kumbe mintlangu ya vugemburi leyi yi pimiweke, u pfumeleriwa ntsena mintlangu ya ku titsakisa; kumbe
 - (e) a hemba a vula leswaku u ni malembe ya 18 a endlela ku va a— 10
 - (i) a kota ku nghena eka xivatla lexi a nga pfumeleriwiki hikuva xi hlawuriwile naswona xi ri ni mpfumelelo;
 - (ii) a kota ku fikelela muchini kumbe nchumu wo gembula; kumbe
 - (iii) a tlanga mintlangu ya vuhungasi kumbe mintlangu ya vugemburi leyi yi pimiweke, u pfumeleriwa ntsena mintlangu ya ku titsakisa; 15
- (2) Munhu a nga vi hemba aku muondliwa u ni malembe ya 18 kumbe ku tlurisa a endlela leswaku muondliwa yaloye a ta—
- (a) kota ku nghena eka xivatla lexi a nga pfumeleriwiki hikuva xi hlawuriwile naswona xi ri ni mpfumelelo;
 - (b) kota ku fikelela muchini kumbe nchumu wo gembula; kumbe 20
 - (c) a tlanga mintlangu ya vuhungasi kumbe mintlangu ya vugemburi leyi yi pimiweke, u pfumeleriwa ntsena mintlangu ya ku titsakisa.
- (3) Munhu loyi a nga ni mpfumelelo, mutirhi loyi na yena a nga ni mpfumelelo, kumbe loyi a nga ni ndhawu leyi yi nga ni mpfumelelo kumbe muchini kumbe nchumu wo gembula, a nga fanelanga a ri karhi a swi tiva ku pfumelela muondliwa ku va a— 25
- (a) nghena kumbe ku tshama eka xivandla lexi xi hlawuriweke xi ri mpfumelelo;
 - (b) a tlanga eka muchini kumbe nchumu wo gembula;
 - (c) a tlanga kumbe a pfumelela leswaku ntlangu lowu hlawuriweke, kumbe ntlangu lowu wu pimeriweke ku va ntlangu wa vuhungasi eka xivandla lexi xi nga ni mpfumelelo; kumbe 30
 - (d) a tlanga ntlangu wo hungasa kumbe tlangu lowu hlawuriweke, wu nga ri ntlangu wa ku titsakisa, eka ndhawu leyi hlawuriweke.
- (4) Munhu loyi ku vuriwaka yena eka xiyenge-ntsongo xa (3)(a) ku ya fika eka (d).

Milawu leyi sivelaka ku nyika xikweleti/lomba ni ku nyika ntshovo eka vugemburi

- 13.** Munhu loyi a nga na layisense yo endla gingirike wihi na wihi wa vugemburi eka vanhu va tiko a nga fanelanga ku engetela xikweleti lexi kanetanaka na Nawu lowu, hi vito ra loyi a nga nyikiwa layisense kumbe munhu wa vunharhu, eka munhu wihi na wihi hinkwalaho ka swikongomelo swa vugemburi. 35

Vanhu lava va siveriwaka

- 14.** (1) Munhu loyi a navelaka ku siveriwa ku nghenela swa vugemburi a nga titsarisa ku va a va munhu loyi a siveriwaka hi ku nghenisa xitiviso hi ndlela ni xivumbeko lexi xi pimiweke eka nkarhi un'wana ni un'wana. 40
- (2) Munhu loyi a nga tsarisa ku va munhu loyi a siveriwaka hi ku landza nawu wa xiphemu-ntsongo (1) a nga nghenisa xitiviso hi ndlela ni xivumbeko lexi pimiweke a ncinca ntsariso eka nkarhi un'wana ni un'wana. 45
- (3) Xitiviso lexi xi nghenisiweke hi ku landza xiphemu-ntsongo (1) kumbe (2) xi ta sungula ku eka siku leri ri nga vekiwa hi ku landza milawu.
- (4) Munhu a nga nghenisa xikombelo eka huvo leyi yi nga ni vuswikoti a kombela leswaku ku tsarisiwa lava va siveriwaka va ri—
- (a) xirho xa ndyangu wa mukombeleriwa; 50
 - (b) munhu loyi a hanyaka hi xiphemu kumbe a tshembeke mali ya mukombeleriwa
 - (c) munhu loyi a hlaysaka mukombeleriwa hi ku hetiseka kumbe swa xiphemu ntsena.
 - (d) loko ku ri hi leswaku munhu u tekiwa a ri loyi a nga pfukangiki enhlokweni hi huvo leyi nga ni vulawuri(wa penga); kumbe 55
 - (e) munhu un'wana ni un'wana loyi—

- (i) to whom the applicant has a duty of care; and
- (ii) whose behaviour manifests symptoms of addictive or compulsive gambling.

(5) If, in the circumstances of an application in terms of subsection (4), the court considers it reasonable and just to prevent the person concerned from engaging in any gambling activity, the court may order the registration of that person as an excluded person. 5

(6) An excluded person affected by an order in terms of subsection (5) may apply to the court that made the order at any time to set aside the order, and the court may do so if, after considering the grounds for making the original order and any new evidence before it, the court is satisfied that it is no longer reasonable and just to prevent that person from engaging in any gambling activity. 10

(7) The board must—

- (a) establish and maintain a national register of excluded persons in the prescribed manner and form; and 15
- (b) make the information in the register continuously available to—
 - (i) each provincial licensing authority; and
 - (ii) every person who is licensed to make a gambling activity available to the public.

(8) The board may not charge a fee for registering a person as an excluded person. 20

(9) The Minister, by regulation made in accordance with section 87, may prescribe—

- (a) forms, standards and procedures for the registration of persons on, and cancellation of registrants from, the register of excluded persons;
- (b) fees for services in connection with the maintenance and access to the register of excluded persons, other than the registration of excluded persons; or 25
- (c) standards to be employed by licensees in giving effect to subsections (10) and (11).

(10) A licensee, licensed employee, or person in control of licensed premises or a gambling machine or gambling device, must not knowingly permit an excluded person to— 30

- (a) enter or remain in a designated area within those premises;
- (b) operate that gambling machine or gambling device;
- (c) conduct or make available a restricted gambling activity, or an activity licensed as social gambling, within those premises; or
- (d) engage in social gambling or a restricted gambling activity within those premises. 35

(11) A person referred to in subsection (10)—

- (a) must take the prescribed measures to determine accurately whether or not a person is an excluded person, before permitting that person to do anything contemplated in subsection (10)(a) to (d); and 40
- (b) is not liable under this Act or any other civil or criminal law for admitting an excluded person provided the licensee has taken the prescribed measures.

(12) Every licensee authorised to make a gambling activity available to the public must—

- (a) make available at all of its licensed premises— 45
 - (i) the prescribed form to be used by a person wishing to register as an excluded person in terms of subsection (1); and
 - (ii) a directory of local recognised counselling, treatment or education services addressing the problems of compulsive and addictive gambling; and 50
- (b) prominently post a notice advertising the availability of those materials, in the prescribed manner and form, at every entry to those premises.

- (i) a nga ni mfanelo yo hlayisa mukombeleriwa
 - (ii) a vonaka leswaku mukombeleriwa a nga kotu ku tikhoma/tilawula kumbe a hundzeleta eka swa vugemburi.
- (5) Loko, swi ya hi ku landzelela swileriso swa xiyenge-ntsongo (4), huvo yi vona swi fanerile ku va yi sivela mukombeleriwa ku va a ngenela swa vugemburi, huvo yi nga lerisa leswaku mukombeleriwa a siveriwa. 5
- (6) Musiveriwa loyi a khumbiweke hi xileriso xa huvo hi ku landzelela swileriso swa xiyenge-ntsongo (5), a nga ngenisa xa yena xikombelo eka huvo leyi yi nga simeka xileriso a sivela ndzeriso, kutani huvo yi nga endla sweswo loko yi tlhela yi langutisisa leswi nga vangela xileriso xo sungula ni ku languta vumbhoni lebyintshwa lebyi ngeneneke, yi kuma leswaku a swa ha fanelanga ku alela musiveriwa ku ngenela mintlangu ya vugemburi. 10
- (7) Huvo ya vugemburi yi fanele—
- (a) yi fanele ku lulamisa ni ku hlayisa ntsariso wa vasiveriwa hi ndlela leyi yi pimiweke; naswona 15
 - (b) mahungu lawa ya nga eka ntsariso ya fanele eka nkarhi hinkwawo ya kumeka loko ya laviwa—
 - (i) mavandla hinkwawo ya mpfumelelo ya swifundza-nkulu.
 - (ii) munhu un'wana ni un'wana loyi a nga ni mpfumelelo wo fikisa misingiriko leyi yi nga kona ya vugemburi eka vaakatiko. 20
- (8) Huvo a yi fanelanga ku hakerisa munhu loyi a tsarisaka ku va musiveriwa.
- (9) Holobye a nga lerisa hi ku landzelela nawu wa xiyenge 87, a nga veka nawu—
- (a) Ku va ni tifomo, swiletelo ni maendlelo yo tsarisa vanhu ni yo susa ntsariso wa vatsarisiwa vo siveriwa.
 - (b) leswaku ku va ni ntsengo wo hlayisa ni ku fikelela ntsariso wa vasiveriwa kambe ntsengo lowu wu nga katsi ku tsarisiwa ka vasiveriwa; 25
 - (c) Swiletelo swi fanele ku va swi tirhisiwa hi lava va nga ni mapapila ya mpfumelelo hi ku endla leswi va nyika xiphemu-ntsongo xa (10) na (11) matimba yo va xi tirhisiwa.
- (10) Mupfumeleriwa (mutameri wa mpfumelelo), mutirhi loyi a pfumeleriwa, kumbe munhu loyi a nga ni matimba yo lawula ndhawu leyi yi nga ni mpfumelelo kumbe muchini wo gembula kumbe nchumu wo gembula a nga vi a ri karhi a swi tiva swinene, a pfumela musiveriwa ku va a— 30
- (a) nghena eka xivandla lexi xi hlawuriweke naswona xi ri ni mpfumelelo;
 - (b) tlanga eka muchini kumbe nchumu wo gembula; 35
 - (c) tlangisa van'wana vatlangi kumbe a va pfumelela ku va va tlanga mintlangu leyi yi pimiweke kumbe eka mintlangu leyi nyikiweke mpfumelelo wa vuhungasi eka ndhawu yaleyo;
 - (d) a tlanga mintlangu ya vuhungasi kumbe mintlangu ya vugemburi leyi yi pimiweke eka ndhawu yaleyo 40
- (11) Munhu loyi a hluseriweke eka xiyenge-ntsongo xa (10)—
- (a) u fanele hi vukheta a kambisisa loko ku ri leswaku munhu yaloye i musiveriwa kumbe a hi yena a nga se n'wi pfumelela ku endla minchumu leyi vuriweke eka xiyenge-ntsongo(10)(a) ku ya fika eka (d) naswona
 - (b) hi ku landzelela Nawu lowu mupfumeleriwa a nge kumeki a tshove no tlula nawu loko ku ri leswaku a landzelele swiletelo leswi swi nga pimiwa. 45
- (12) Mupfumeleriwa loyi a nga ni mpfumeleo wo fikisa mintlango yo gembula eka vanhu u fanele ku—
- (a) a hundzisela eka tindhawu ta yena hinkwato—
 - (i) fomo ya ndzeriso leyi yi nga tirhisiwaka ku tsarisa hinkwawo vasiveriwa hi ku landzelela swileriso swa xiyenge-ntsongo (1); naswona 50
 - (ii) nongoloko wa lava va amukeriwaka va ri valeteri (*counsellor*), va tshunguri kumbe vadyondzisi lava va tirhaka hi swiphiko swa ku gembula ku tlurisa kumbe ku tsandzeka ku ti lawula eka swa vugemburi; ni 55
 - (b) ku aneka erivaleni xitiviso xo navetisa leswaku matsalwa ya lomu hinkwaswo swi kumekaka kona ya kona, leswi u ta swi endla hi ku landzelela vuleteri lebyi pimiweke ni hi xiyimo xa kona.

Restrictions on advertising and promotion of gambling activities and granting of discounts

15. (1) A person must not advertise or promote—
- (a) any gambling activity—
 - (i) in a false or misleading manner; or 5
 - (ii) that is unlawful in terms of this Act or applicable provincial law; or
 - (b) a gambling activity, other than an amusement game, in a manner intended to target or attract minors.
- (2) Any advertisement of a gambling machine or device, a gambling activity, or licensed premises at which gambling activities are available— 10
- (a) must include a statement, in the prescribed manner and form, warning against the dangers of addictive and compulsive gambling; and
 - (b) must not include any element that directly or indirectly promotes or encourages the removal of a person from the register of excluded persons.
- (3) A person must not advertise or promote any gambling or related activity as being available to the public free of charge or at a discounted rate contrary to this Act, as an inducement for gambling. 15
- (4) The Minister may by regulation in accordance with section 87 exempt any specific type of advertising or advertising media from the application of this section if the Minister is satisfied that the advertising is not targeted to the general public. 20

Enforceability of gambling debts and forfeiture of unlawful winnings

16. (1) Despite any provision of the common law, or any other law other than this Act—
- (a) a debt incurred by a person, other than an excluded person, subject to paragraph (d)(ii), or a minor, in the course of a gambling activity that is licensed in terms of this Act or provincial law, is enforceable in law; 25
 - (b) a debt incurred by a person other than an excluded person, subject to paragraph (d)(ii), or a minor, in the course of a gambling activity that is lawful but not required to be licensed, in terms of this Act or provincial law, is enforceable in law only to the extent that it is enforceable in terms of the common law or another law; 30
 - (c) a debt incurred by a person in the course of any gambling activity that is unlawful in terms of this Act or applicable provincial law is not enforceable in law;
 - (d) a debt incurred in the course of a gambling activity— 35
 - (i) by a minor is not enforceable in law; or
 - (ii) by an excluded person is not enforceable in law, unless that excluded person gained access to that gambling activity by fraudulently claiming to be a different person; and
 - (e) an informal bet is not enforceable in law. 40
- (2) A person must not knowingly pay any winnings from a gambling activity to—
- (a) a minor;
 - (b) an excluded person; or
 - (c) any other person who won those winnings in a gambling activity that is unlawful in terms of this Act. 45
- (3) Any person who is prevented from paying winnings referred to in subsection (2) must remit those winnings to the board in the prescribed manner and form, to be held by the board in trust, pending a decision in terms of subsection (4).

Swipimelo eka swinavetisi no tlakusa xiyimo xa migingiriko yo gembula ni ku nyika mintshovo

- 15. (1)** Munhu a nga navetisi kumbe ku yisa emahlweni—
- (a) ntlangu wihi ni wihi—
 - (i) Hi ndlela ya vuxisi kumbe yo lahleleka; kumbe 5
 - (ii) Hi ndlela leyi yi nga ri ki enawini hi ku landzelela swileriso swa Nawu kumbe milawu leyi yi pimeriweke xifundzankulu
 - (b) Ntlangu wa vugemburi, handle ka ntlangu wa ku ti tsakisa, hi ndlela leyi yi ringetaka ku koka vana;
- (2)** Ku navetisa muchini wa vugemburi kumbe nchumu, ntlangu wa vugemburi, 10 kumbe xivandla xa vugemburi lexi xi nga ni mpfumelelo—
- (a) ku fanele ku vani marito, naswona hi ndlela leyi yi pimiweke, yo tsundzuxa leswaku vugemburi lebyi byi tlurisaka mpimo wo kala ku tikhoma swi ni nghozi; naswona
 - (b) swi nga va ngenisa hambi ku nga yini lexi nga vangaka kumbe ku kucetela 15 ku va munhu la siveriwaka a susiwa eka ntsariso wa vanhu lava va siveriwaka.
- (3)** Ku nga vi na munhu loyi a navetisaka kumbe ku tlakusa vugemburi kumbe swo yelana ni sweswo hi ku vula leswaku swi kumeke mahala kumbe hi nxavo lowu nga yisiwa chansi, swi ta va swi kanetana ni nawu lowu swi voniwa ku ri ku pfurhetela swa vugemburi. 20
- (4)** Holobye hi ku landza xinawana xa xiyenge xa 87 a nga pfumelela xinavetisi xo karhi kumbe nhlango wa mahungu ya swinavetisi ku endla swinavetisi no endla xikombelo eka xiyenge lexi loko Holobye a eneterisiwile leswaku xinavetisi a xi kongomisiwi eka vanhu hi ku angarhela.

Ku siveriwa ku teka swikweleti swo gembula ni ku tekeriwa mintsengo yo kala yi 25 nga kumiwanga (*winiwanga*) hi ndlela leyi yi nga enawini.

- 16. (1)** Hambi leswi ku nga nyikiwa nawu wa ntolovelolo, kumbe un'wana ni un'wana handle ka lowu Nawu—
- (a) Xikweleti lexi munhu a xi tekaka, handle ka lexi xi nga tekiwa hi musiveriwa, hi ku landzelela ndzimana ya (d)(ii), kumbe muondliwa, hi nkarhi wa 30 vugingiriki byo gembulan eka xivandla lexi xi nga ni mpfumelelo hi ku landzelela Nawu wa kumbe milawu ya xifundzankulu-nkulu, ya londziwa hi nawu;
 - (b) Kasi xikweleti lexi xi endliwaka hi munhu loyi a nga ri ki musiveriwa, hi ku landzelela ndzimana ya (d)(ii), kumbe muondliwa, hi nkarhi wa vugemburi 35 lebyi byi nga enawini kambe swi nga bohi ku va byi kuma mpfumelelo, hi ku landzelela Nawu kumbe nawu wa xifundzankulu, yi nga londziwa hi ku landza nawu, naswona swi londzeka hi ku landza xileriso xa nawu lowu tolovelekeke kumbe nawu un'wana;
 - (c) Xikweleti lexi xi endliwaka hi munhu hi nkarhi wo gembula naswona swi nga 40 ri enawini hi xileriso xa nawu kumbe hi ku landza nawu wa xifundzankulu-nkulu a wu nge londzeki hi ku landza nawu.
 - (d) Nanzu lowu wu endliwaka hi nkarhi wa vugemburi—
 - (i) Hi muondliwa hi nkarhi wa vugemburi a wu londzeki hi ku landza nawu; 45 kumbe
 - (ii) Hi munhu loyi a nga musiveriwa, handle ka loko musiveriwa a nghene eka ndhawu ya vugemburi hi vuxisi a ti vula un'wana ; naswona
 - (e) Mubejo lowu wu ngo endliwa ntsena wu nga ri enawini a wu londzeki hi ku landza nawu.
- (2)** Munhu a nga fanelanga ku hakela mbuyelo lowu nga kumeka hi vugemburi a ri 50 karhi a swi tiva eka—
- (a) muondliwa
 - (b) musiveriwa
 - (c) eka munhu wihi ni wihi loyi a nga kuma mbuyelo lowu nga wa vugemburi 55 lebyi byi nga ri ki enawini.
- (3)** Munhu un'wana loyi a siveriwaka ku hakela mbuyelo lowu vuriwa eka xiyenge-ntsongo (2) u fanele ku hundzisa mbuyelo walowo eka huvo hi ndlela leyi yi nga pimiwa , yi ta hlalisiwa hi huvo eka thirasiti, ku fikela loko xiboho xi tekiwa hi ku landza xileriso xa xiyenge-ntsongo xa (4).

(4) Upon receiving any winnings under subsection (3), the board must investigate the circumstances of the relevant gambling activity, and either—

- (a) deliver the winnings to the person who won them, if the board is satisfied that the gambling activity was lawful, and the winner was not a minor or excluded person at the time of the activity; or
- (b) apply to the High Court for an order declaring the winnings forfeit to the State.

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Part C

Gambling premises

Standards for gambling premises

17. (1) No person may place or operate a cash dispensing machine contrary to this Act— 10

- (a) within a designated area; or
- (b) within a prescribed distance from such a designated area.

(2) Every licensee operating licensed premises at which a gambling activity is conducted must post a notice, in the prescribed manner and form, warning of the dangers of compulsive and addictive gambling. 15

(3) A person licensed to engage in, conduct, or make available licensed activities in, on or from particular licensed premises must comply with prescribed standards for the design, use and maintenance of such licensed premises in which gambling activities may take place. 20

Sites

18. (1) A provincial licensing authority may—

- (a) license a person as a site operator to operate limited pay-out machines in or on specific named premises; and
- (b) determine the hours of operation for that site which may be the same as, different from or outside the normal hours of operation of the primary business conducted at that site. 25

(2) The operation of limited pay-out machines must be incidental to and not be the primary business conducted in any premises licensed as a site, if that site falls within an incidental use category determined by the Minister in terms of section 26(1)(b). 30

(3) A site operator may be linked to a particular route operator or may be independent, if provided for in terms of applicable provincial laws.

(4) A site operator who is linked to a route operator may—

- (a) keep limited pay-out machines owned by the route operator on the site; and
- (b) make those machines available to be played by members of the public. 35

(5) An independent site operator has the same rights, powers and duties as—

- (a) a route operator in terms of section 26; and
- (b) a site operator in terms of subsection (4)(b).

(6) Only a juristic person may be licensed to own or operate more than five limited pay-out machines as an independent site operator. 40

(7) A licensed site operator or independent site operator must—

- (a) prominently display at the entrance to the designated area—
 - (i) the licence issued to that operator;
 - (ii) a copy of the licence issued to the relevant route operator, if applicable; and

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- (b) maintain adequate control and supervision of all limited pay-out machines at the site during the licensed hours of operation.

(4) Endzhaku ka ku kuma mbuyelo hi ku landzela xiyenge-ntsongo xa (3), huvo yi fanele ku endla ndzavisiso wa vugemburi lebyi nga endliwa, kutani yi—

- (a) hundzisela mbuyelo eka munhu loyi anga wu kuma, loko huma yi tsakile hi vumbhoni bya leswaku vugemburi a byi ri enawini, naswona muvuyeriwa a nga ri muondliwa kumbe musiveriwa hi nkari wa vugingiriki; kumbe 5
- (b) ku ngenisiwa xikombelo eka Huvo ya le Henhla ya Nawu ku komberiwa leswaku xuma lexi xi dyiwa hi mfumo.

XIYENGE XA C

Xivandla xo gembulela

Mimpimo ya swivandla swo gembulela

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17. (1) Ku nga vi na un'we loyi a vekaka kumbe ku pfumelela vutirhisi bya muchini wa bangi yo nyika mali hi ndlela leyi arisiweke hi Nawu—

(a) Eka ndzhawu leyi yi pimiweke; kumbe

(b) Eka mpfhuka lowu wu pimiweke hi ku suka eka ndzhawu liya yi pimiwa

(2) A ku na munhu loyi a pfumeleriwa ku veka muchini wo humesa mali eka xivandla lexi xi nga ni mpfumelelo 15

(3) Un'wana ni un'wana mutameri wa mpfumelelo loyi a tirhisaka xivandla lexi xi nga ni mpfumelelo wa vugingiriki bya vugemburi u fanele ku va a pfala xivandla xexo tiawara ta 6 to helela eka nkarhi wa 24 wa ti awara nkarhi ni nkarhi.

(4) Un'wana ni un'wana mutameri wa mpfumelelo loyi a tirhisaka xivandla lexi xi nga ni mpfumelelo wa vugingiriki bya vugemburi u fanele ku va, a hayeka xitiviso, hi ndlela ni xiyimo lexi xi pimiweke, a tsundzuxa hi ka ngozi yo gembulan ku tlurisa mpimo ni ku tsandzeka ku ti tshimbisa ku gembula. 20

(5) Munhu loyi a nga ni mpfumelelo wo endla, kumbe ku nyika mpfumelelo waa vugemburi eka xivandla lexi nga ni mpfumelelokumbe ehandle ka xona, u fanele ku landzelela milawu ya kona ya malulamiselo, matirhiselo ni mahlayiselo a xivandla xexo xa mpfumelelo. 25

Swivandla

18. (1) Vandla ra mpfumelelo ra xifundzankulu ri nga swi kota ku—

(a) Nyika munhu mpfumelelo wo va mutirhisi wa xivandla xa michini leyi pimeriweke tihakelo eka swivandla swo karhi leswi swi hlawuriweke; naswona 30

(b) Pima minkarhi ni tiawara leti ku nga ta tirhisiwa ha tona swivandla, minkarhi leyi hlawuriweke yi nga fana kumbe yi hambana ni minkarhi ya ntlovelo ya ndhawu ya mbindzu leri swi vandal swi nga eka rona. 35

(1) Vutirhisi bya michini ya tihakelo leti pimiweke a yi fanelanga ku va rona bindzu ra ndhawu leyi yi nga ni mpfumelelo, yi fanela ku va xiwelo (*incidental*) ntsena; naswona ndhawu leyi yi nga tirhisiwa yi ri ya xiwelo loko holobye a nyikile mpfumelelo wa leswaku ndhawu yaleyo yi nga va xivandla xa xiwelo hi ku landzela xileriso xa 26(1)(b). 40

(2) Mutirhisi wa xivandla wa swi kota ku hlangana ni mutirhisi wa ndlela wo karhi kumbe mutirhisa-yexe (independent operator), loko leswi swi pfumeleriwa hi nawu wa xifundzankulu

(3) mutirhisi wa xivandla loyi a nga hlanganisiwa ni mutirhisiwa ndlela wa swi kota ku— 45

(a) ku hlayisa ya tihakelo leti ti pimiweke eka leyi n'wini wa yona ku nga mutirhisi wa ndlela eka xivandla xa yena

(b) ku pfumelela vanhu va tlanga eka leyi

(4) Mutirhisa-yexe wa xivandla swi n'wi lulamerile ku va a va ni timfanelo, matimba ni mintirho yo fana ni ya— 50

(a) Mutirhisiwa ndlela hi ku landza xileriso xa xiyenge 26; na

(b) Mutirhisiwa xivandla hi ku landza xileriso xa xiyenge (4)(b)

Part D***Registration and certification of machines and devices*****Gambling machines or gambling devices**

19. (1) Every gambling machine or gambling device must be registered in accordance with this Act unless it is of a category exempted in terms of subsection (3). 5
- (2) Every gambling machine or gambling device made available for play by the public in the Republic of South Africa must be certified in accordance with the requirements of this Act as complying with the relevant standards for such a device, as determined in terms of the Standards Act, 1993 (Act No. 29 of 1993).
- (3) The Minister, by regulation made in accordance with section 87, may exempt 10 categories of gambling machines or gambling devices from the application of any or all of the provisions of this Part.

Identification of gambling machines and devices

20. (1) A manufacturer must keep a record in the prescribed manner and form of every gambling machine or gambling device that the manufacturer acquires, manufactures, 15 sells or otherwise distributes.
- (2) A manufacturer of a gambling machine or gambling device manufactured in, or imported into, the Republic must incorporate into the design of that machine or device a mechanism that permanently identifies—
- (a) the name of the manufacturer; 20
 - (b) a unique serial number of the machine or device; and
 - (c) the date of manufacture of the machine or device.
- (3) A person must not remove, alter, disfigure, obscure or destroy an identification mechanism that is required in terms of this section.

National register of gambling machines and devices 25

21. (1) The board must—
- (a) establish and maintain, in the prescribed manner and form, a national registry of every gambling machine or gambling device manufactured within or imported into the Republic;
 - (b) assign a permanent and unique registration number for each such machine or 30 device, which number is co-related to—
 - (i) the name of the manufacturer or importer of that machine or device;
 - (ii) the date of manufacture of that machine or device; and
 - (iii) the unique serial number assigned to that machine or device by the 35 manufacturer;
 - (c) for each such machine or device, record the name, licence number and other prescribed particulars of—
 - (i) the registered owner; and
 - (ii) any other person who has leased that machine or device, or to whom 40 registered possession of the machine or device has been transferred; and
 - (d) provide the information in its registry under this section to all the provincial licensing authorities in the prescribed manner and form.
- (2) If a gambling machine is networked with other machines or systems of machines, each machine in that network is deemed to be a separate gambling machine for the 45 purpose of this Act.

Gambling machines and devices to be registered

22. (1) A person who imports a gambling machine or gambling device into the Republic, or who manufactures such a machine or device within the Republic, must register that machine or device by providing the information required in terms of section 20(2) in the prescribed manner and form to the board. 50
- (2) The board must not register a gambling machine or gambling device unless that type of machine or device has been certified in accordance with the requirements of this

*Xiyenge xa D**Ntsariso ni ntiyisiso wa michini ni minchumu***Michini yo gembula ni minchumu yo gembula**

19. (1) Muchini ni nchumu un'wana ni un'wana wo gembula swi fanele ku tsarisiwa no tiyisisiwa ku ya hi Nawu lowu. 5

(2) Muchini wun'wana ni wun'wana wo gembula kumbe nchumu wa vugemburi lowu nga nyikiwa leswaku wu tirhisiwa eka ku tlanga hi vanhu va tiko aRiphabliki Ra Afrika Dzonga wu fanela ku bumabumeriwa hi ku landza swilaveko swa Nawu lowu tani hi ku landzelela swa mimpimo ya swilaveko leswi yelanaka eka nchumu wo tano, tani hi laha swi bohiweke ha kona hi ku ya hi Nawu wa Mimpimo, 1993 (Nawu wa No. 29 wa 1993). 10

(3) Holoby, hi ku landza milawu leyi nga vumbiwa eka xiyenge 87, wa swi kota ku nyika mpfumelelo wa michini yo gembula kumbe minchumu yo gembula eka vukomberi kumbe swin'wana swa xiphemu lexi.

Nkumisiso (identification) wa michini ni minchumu yo gembula 15

20. (1) Mumaki u fanele ku hlayisa matsalwa ya muchini wun'wana ni wun'wana wo gembula ni nchumu uin'wana ni un'wana wo gembula lowu a wu makaka, xavaka no xavisa ku ya hilaha swi vekiweke hakona eka Nawu.

(2) Mumaki wa muchini kumbe nchumu wo gembula wa laha Riphabliki u fanele ku fungha muchini kumbe nchumu wolowo ku va swi kota ku kombeta 20

(a) mumaki;

(b) nomboro ya ndzandzeleriso ya nchumu wolowo; ni

(c) siku ro makiwa ra nchumu wolowo.

(3) Munhu a nga fanelanga ku thunya, cinca kumbe ku onha mfungho lowu lavekaka ku ya hi xiyenge lexi. 25

Ntsariso wa rixaka ra michini ni minchumu yo gembula

21. (1) Huvo yi fanele—

(a) ku hlayisa ntsariso wa michini ni minchumu hinkwayo yo gembula leyi makiweke laha eka Riphabliki ni leyi tisiwaka yi huma ematikweni ya le handle; 30

(b) ku nyika nomboro ya ntsariso eka muchini ni nchumu un'wana ni un'wana lowu fambelanaka ni—

(i) vito ra mumaki wa muchini kumbe nchumu wolowo;

(ii) siku ro makiwa ra muchini kumbe nchumu wolowo; ni

(iii) nomboro ya muchini kumbe ndzandzeleriso leyi nyikiweke hi mumaki; 35

(c) ku tsarisa vito, nomboro ya mpfumelelo wa muchini kumbe nchumu wo gembula un'wana ni un'wana ni vuxokoxoko bya—

(i) n'winyi wa nchumu la tsarisiweke; ni

(ii) munhu wihi kumbe wihi la lombiseke muchini kumbe nchumu walowo, kumbe loyi muchini kumbe nchumu walowo wu hundziseriweke eka yena ku ya hi ntsariso; ni 40

(d) ku haxa mahungu lawa eka vulawuri bya mpfumelelo bya swifundzankulu hi ndlela leyi swi faneleke ha yona ku ya hi nawu.

(2) Loko muchini wo karhi wo gembula wu longoloxiwile hi xielekthroniki (networked) ni yin'wana michini, muchini wun'wana ni wun'wana eka matirhelo yalawo hinkwawo wu tekiwa wu ri muchini lowu tiyimelaka wu ri woxe ku ya hi Nawu lowu. 45

Michini ni minchumu yo gembula swi fanele ku tsarisiwa

22. (1) Munhu la xavaka muchini kumbe nchumu wo gembula ehandle ka Riphabliki kumbe la makaka muchini kumbe nchumu wo gembula laha Riphabliki u fanele ku tsarisa michini kumbe minchumu leyi ku ya hilaha swi kombisiweke hakona eka xiyenge xa 20(2). 50

(2) Huvo a yi fanelanga ku tsarisa muchini kumbe nchumu wo gembula ku kondza nchumu wolowo wu tiyisisiwa leswaku wu fikelerile swilaveko swa Nawu lowu ni ku

Act as complying with the relevant standards for such a machine or device, as determined in terms of the Standards Act, 1993 (Act No. 29 of 1993).

(3) The person who registers a machine or device in accordance with subsection (1) is deemed to be the registered owner of that machine or device, subject to any transfer of registered ownership in terms of this Part.

(4) The registered owner of a gambling machine or gambling device must ensure that the possession, use, maintenance and certification of that machine or device complies with this Act, subject to any registered transfer of possession in terms of this Part.

Transfer of registered ownership or possession

23. (1) A person who proposes to transfer registered ownership of a gambling machine or gambling device to another person must apply in the prescribed manner and form to a provincial licensing authority for approval to transfer registered ownership of that machine or device.

(2) Subject to subsections (3) and (4), a person who proposes to lease, or transfer possession of a gambling machine or gambling device to another person, while retaining legal title to that machine or device, must apply in the prescribed manner and form to a provincial licensing authority for approval to lease or transfer possession of that machine or device.

(3) A registered owner of a gambling machine or gambling device who repossesses that machine or device from a lessee or other person to whom possession had been transferred in terms of this section is not required to apply for approval in terms of this section, but must notify the licensing authority who approved the lease or transfer of possession that the machine or device has been repossessed.

(4) A person is not required to apply for approval in terms of this section before transferring a gambling machine or gambling device to another person solely for purpose of—

- (a) transporting it from one place to another; or
- (b) performing essential maintenance work on, or repairing, that gambling machine or device.

(5) An application in terms of subsection (1) or (2)—

- (a) for a transfer or lease to a person who has a provincial licence, must be made to the provincial licensing authority that issued that licence; or
- (b) for a transfer to a person who has a national licence, must be made to the provincial licensing authority of the province in which the proposed transferee intends to locate or use that gambling machine or device.

(6) A provincial licensing authority may approve a transfer of ownership, a lease or transfer of possession of a gambling machine or gambling device only if—

- (a) the proposed transferor is the registered owner of that machine or device;
- (b) the machine or device has been certified in terms of this Act and the certification has not expired; and
- (c) the proposed transferee—

- (i) holds a valid licence of a manufacturer, supplier or maintenance provider permitting that person to possess that category of gambling machine or gambling device, or has concurrently applied for such a licence;
- (ii) holds a valid licence, issued by the applicable licensing authority in terms of a provincial law to engage in or conduct gambling or to make available gambling activities that include the operation of that category of gambling machine or gambling device, or has concurrently applied for such a licence; or
- (iii) is otherwise authorised to possess that category of prescribed gambling machine or device in terms of a provincial licence, or applicable provincial law.

(7) A provincial licensing authority—

- (a) may approve a lease, a transfer of ownership or possession of a gambling machine or gambling device concurrently with the issuing of a licence to the transferee;
- (b) must not refuse a lease or a transfer of ownership or possession of a gambling machine or gambling device on any grounds other than those set out in subsection (6); and
- (c) must advise the board in the prescribed manner and form when it has—

landzelela swipimelo leswi vekiweke eka Nawu wa Swipimelo wa 1993, (Nawu wa No. 29 wa 1993).

(3) Munhu la tsarisaka michini kumbe nchumu kumbe muchini hi ku landzelela xiyengentsongo xa (1) u ta va yena n'winyi wa michini kumbe nchumu lowu, ku kondza ku cinciwa ntsariso wa vun'winyi.

(4) N'winyi wa muchini kumbe nchumu la tsariseke u fanele ku vonisisa leswaku nhlayiso ni ntiyisiso wa muchini kumbe nchumu wolowo swi endlile hi ku landzelela Nawu lowu, ku kondza ku cinciwa ntsariso wa vun'winyi.

Ku cinciwa ka ntsariso wa vun'winyi

23. (1) Munhu la lavaka ku cinca ntsariso wa vun'winyi bya muchini kumbe nchumu wo gembula u fanele ku endla xikombelo xa muxaka lowu eka vulawuri bya mpfumelelo bya xifundzankulu hi ndlela leyi faneleke.

(2) Hi ku ya hi swiyengentsongo swa (3) na (4), munhu la tsakelaka ku lombisa kumbe ku xavisela un'wana muchini kumbe nchumu wo gembula u fanele ku endla xikombelo eka vulawuri bya mpfumelelo bya xifundzankulu hi ndlela leyi swi faneleke hayona.

(3) N'winyi wa muchini kumbe nchumu wo gembula la tsarisiweke loyi a lombile un'wana nchumu lowu a nga tlhela a wu teka nakambe loko a swi tsakela handle ko endla xikombelo hi vuntshwa eka vulawuri bya mpfumelelo bya xifundzankulu. Kambe u fanele ku tsalela vulawuri lebyi nyikeke mpfumelelo wolowo ku byi tivisa leswaku muchini kumbe nchumu wolowo wu tlheriseriwile eka n'winyi wa wona xidzi.

(4) Munhu a nga languteriwi ku endla xikombelo xo hundzisa muchini kumbe muchini kumbe nchumu wo gembula eka munhu un'wana loko ku ri hi xikongomelo xo—

(a) fambisa muchini kumbe nchumu lowu ku suka endzhawini yo karhi ku ya eka yin'wana; kumbe

(b) ya lunghisisa kumbe ku kamberisa muchini kumbe nchumu wolowo.

(5) Xikombelo lexi kombisiweke eka xiyengentsongo xa (1) kumbe (2)—

(a) xo hundzisa kumbe ku lombisa muchini kumbe nchumu eka munhu la nga ni mpfumelelo lowu nyikiweke eka xifundzankulu, xi fanele ku kongomisiwa eka vulawuri bya mpfumelelo bya xifundzankulu lexi nyikeke mpfumelelo wolowo; kumbe

(b) xo hundzisa muchini kumbe nchumu eka munhu la nga ni mpfumelelo lowu nyikiweke hi mfumo wa rixaka, xi fanele ku kongomisiwa eka vulawuri bya mpfumelelo bya xifundzankulu lexi muchini kumbe nchumu lowu wu ngata va wu tirhiseriwa kona.

(6) Vulawuri bya mpfumelelo bya xifundzankulu byi ta pfumelela ntsena ku hundziseriwa ka vun'winyi bya muchini kumbe nchumu wo gembula loko—

(a) muhundziseri a ri yena n'winyi wa muchini kumbe nchumu lowu hundziseriwaka eka un'wana;

(b) muchini kumbe nchumu wolowo wu hundziseriwaka wu tiyisisiwile ku ya hi Nawu lowu naswona nkarhi wa ntiyisiso wu nga si hundza; ni

(c) loko muhundziseriwa—

(i) a ri ni mpfumelelo wa mumaki, muxavisi kumbe muhlayisi la pfumelelaka munhu loyi ku kuma muchini kumbe nchumu lowu kumbe loko se a endlile xikombelo xa mpfumelelo hi yexe;

(ii) a ri ni mpfumelelo lowu nyikiweke hi vulawuri lebyi faneleke hi ku landzelela nawu wa xifundzankulu wo nghenelela eka migingiriko ya vugemburi kumbe ku tirhisa muchini wa muxaka wolowo, kumbe loko se a endlile xikombelo xa mpfumelelo wa muxaka lowu; kumbe

(iii) a nyikiwile mpfumelelo wo tirhisa muchini kumbe nchumu wo gembula ku ya hi nawu wa xifundzankulu.

(7) Vulawuri bya mpfumelelo bya xifundzankulu—

(a) byi nga nyika mpfumelelo wo lombisa, hundzisa eka un'wana kumbe ku kuma muchini kumbe nchumu wo gembula hi nkarhi wun'we lowu byi nyikaka muhundziseriwa mpfumelelo ha wona;

(b) a byi fanelanga ku ala ku nyika mpfumelelo eka munhu wihi kumbe wihi wo lombisa kumbe ku hundzisa muchini kumbe nchumu wo gembula eka un'wana, handle ka loko ku ri hi xivangelo xa leswi longoloxiweke eka xiyengentsongo xa (6) ntsena; naswona

(c) byi fanele ku tsundzuxa huvo hi ndlela leyi swi faneleke hayona loko

- (i) approved a lease or a transfer of ownership or possession of a gambling machine or gambling device; or
- (ii) been notified of the repossession of a prescribed gambling machine or device by a registered owner.

Criteria for issuing testing agent licence

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24. A person may be licensed as a testing agent only if the provincial licensing authority considering the application has determined that the applicant meets the requirements of this Act, and—

- (a) satisfies the minimum norms and standards for testing agents prescribed in terms of this Act; 10
- (b) is currently accredited for technical competency by the South African National Accreditation System, in terms of ISO / IEC 17025 and ISO 9000;
- (c) is able to conduct tests and perform calibrations to ensure compliance with standards established by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993); 15
- (d) is able to conduct tests and perform calibrations in an objective and impartial manner; and
- (e) is independent of—
 - (i) any other licensee in the gambling industry;
 - (ii) any regulatory authority; and 20
 - (iii) the South African Bureau of Standards.

Calibration and certification of gambling machines or gambling devices

25. (1) When called upon to test a gambling machine or gambling device in terms of this Part, a licensed testing agent must—

- (a) test that gambling machine or device for compliance with the applicable standard; 25
- (b) record all test results; and
- (c) issue a report of the test results to—
 - (i) the person requesting the certification;
 - (ii) the applicable provincial licensing authority; 30
 - (iii) the board; and
 - (iv) the South African Bureau of Standards.

(2) Upon receiving a test report in terms of this section, the South African Bureau of Standards must analyse the test results relative to the standards referred to in section 24(c), and applicable standards for the machine or device concerned, and if the machine or device complies with the applicable standards, issue a letter of certification in respect of the machine or device to— 35

- (a) the person requesting the certification;
- (b) the applicable provincial licensing authority; and
- (c) the board. 40

(3) A contravention of subsection (1) is a breach of licence, subject to administrative sanctions in terms of this Act, or applicable provincial law.

Limited pay-out machines

26. (1) Cognisant of the potentially detrimental socio-economic impact of a proliferation of limited pay-out machines, the Minister must regulate the limited pay-out machine industry in accordance with this section. 45

(2) The Minister, by regulation made in accordance with section 87, must—

- (a) establish a program for the gradual introduction of limited pay-out machines in the Republic, in clearly defined and delineated phases;
- (b) establish a mechanism for ongoing socio-economic impact assessment of the use of limited pay-out machines in the Republic; 50

- (i) byi nyikile mpfumelelo wo lombisa kumbe wo cinca vun'winyi bya muchini kumbe nchumu wo gembula; kumbe
- (ii) byi tivisiwile hi ku tlheriseriwa ka muchini kumbe nchumu wo gembula eka n'winyi wa xona la tsarisiweke.

Swipimelo swo nyika mpfumelelo wo kambela

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24. Munhu a nga nyikiwa mpfumelelo wo kambela ntsena loko vulawuri bya mpfumelelo bya xifundzankulu byo kuma leswaku mukomberi u fikelela swilaveko leswi vekiweke eka Nawu lowu ni—

- (a) loko munhu yoloye a fikelela swipimelo leswi vekiweke eka Nawu lowu swa vakamberi ; 10
- (b) loko munhu yoloye a pasisiwile ku va ni vuswikoti bya xithekiniki hi Sisiteme ya Vupasisi ya Rixaka ya Afrika Dzonga, hi ku ya hilaha swi vekisiweke xiswona eka ISO/IEC 17025 na ISO 9000;
- (c) loko a kota ku endla swikambelo ni ku kota ku tiyisisa hi mfanelo leswaku swipimelo leswi vekiweke hi Huvo ya Swipimelo ya Afrika Dzonga (South African Bureau of Standards) hi ku landzelela Nawu wa Swipimelo wa 1993(Nawu wa No. 29 wa 1993) swi fikeleriweke; 15
- (d) loko a kota ku endla swikambelo leswi hi ndlela ya ntiyiso handle ko voyamela etlhelu; ni
- (e) loko a nga ri ni vuxaka kumbe ntirhisano ni swintsanana ni 20
 - (i) mutirhisi wihi kumbe wihi wa mpfumelelo eka vatrigheli va vugemburi;
 - (ii) vulawuri bya mpfumelelo byihi kumbe byihi; ni
 - (iii) Huvo ya Swipimelo ya Afrika Dzonga.

Nkambelo ni ntiyisiso wa michini ni switirho swo gembula

25. (1) Loko munhu a vitaniwile ku ta kambela muchini kumbe nchumu wo gembula ku ya hi xiyenge lexi, mukamberi la nga ni mpfumelelo u fanele— 25

- (a) ku kambela muchini kumbe nchumu wo gembula loko xi ri lexi fikelelaka swilaveko leswi vekiweke;
- (b) ku rhekhoda mbuyelo hinkwawo wa nkambelo; ni
- (c) ku nyika xiviko xa nkambelo eka— 30
 - (i) munhu la kombeleke leswaku ku endliwa ntiyisiso lowu;
 - (ii) vulawuri bya mpfumelelo bya xifundzankulu lebyi khumbhekaka;
 - (iii) huvo; ni
 - (iv) Huvo ya Swipimelo ya Afrika Dzonga.

(2) Eku amukeleni ka xiviko xa nkambelo, Huvo ya Swipimelo ya Afrika Dzonga yi fanele ku xopaxopa mbuyelo wa nkambelo hi ku wu pimanisa ni swipimelo leswi vekiweke eka xiyenge xa 24(c), ni swipimelo leswi vekiweke leswi faneleke ku fikeleriwa hi xitirho lexi kamberiwake. Loko ko kumeka leswaku swipimelo hinkwaswo leswi vekiweke swi fikeleriweke, ku ta nyikiwa papila ra ntiyisiso ehenhla ka muchini kumbe nchumu wolexo lowu nga ta nyikiwa— 40

- (a) munhu la endleke xikombelo xa ntiyisiso;
- (b) vulawuri bya mpfumelelo bya xifundzankulu lexi khumbhekaka; ni
- (c) huvo.

(3) Ku tlula swileriso leswi nga eka xiyengentsongo xa (1), I ku tshova ntwanano wa mpfumelelo, leswi nga faneriwa hi ku xupuriwa hilaha swi vekiweke hakona eka Nawu owu, kumbe nawu wa xifundzankulu. 45

Mpimo wa michini yo hakela (winisa) mali

26. (1) Hikwalaho ko tiva vuonhi lebyi vangiwa eka mahanyelo ya swa rifuwo ra vanhu hi michini yo hakela leyi tataka tiko, Holobyu u fanele ku va pima michini ya bindzu leri, hi ku ya hi xiphemu lexi. 50

(2) Holobyu, hi ku landzelela swinawana leswi nga eka xiyenge xa 87, u fanele—

- (a) a nga endla nongonoko eka nhlayo ya michini yo winisa mali leyi nga tirhisiwaka laha Riphabliki, naswona hi tindlela leti nga erivaleni, hi ku landzelela magoza yo karhi;
- (b) ku kuma ndlela yo tshama ku ri karhi ku antswisiwa xiyimo xa mahanyelo ya swa rifuwo exikarhi ka vanhu no pima leswi michini leyi pimiweke yi antswisaka swona xiyimo laha Riphabliki 55

- (c) establish criteria which, on the basis of the assessments contemplated in paragraph (b), must be satisfied before the commencement of each successive phase of the program to introduce limited pay-out machines in the Republic;
- (d) prescribe a limit on the maximum number of licensed limited pay-out machines that may be introduced in each phase— 5
 - (i) within the Republic;
 - (ii) within any particular province; and
 - (iii) at any one site, and may prescribe different site maximums applicable in different circumstances;
- (e) after consulting the Board, determine the circumstances in which a site may be licensed, and for that purpose, may establish different categories of sites, and different requirements with respect to each such category; and 10
- (f) prescribe a limit on the maximum—
 - (i) aggregate stake permitted to commence and complete a limited pay-out gambling game; 15
 - (ii) single pay-outs allowed from a limited pay-out machine; and
 - (iii) aggregate pay-out in respect of each game played.
- (3) In addition to the requirements of subsection (2), the Minister, by regulation made in accordance with section 87, may prescribe minimum standards concerning applications for licences with regard to limited pay-out gambling machines, including— 20
 - (a) standard information to be required from applicants;
 - (b) minimum evaluation criteria to be applied by licensing authorities;
 - (c) evaluation procedures to be followed by licensing authorities;
 - (d) compliance standards for limited pay-out machines, including the maximum number of single game cycles over a particular period of time; 25
 - (e) the methods by which a prize won on a limited pay-out machine may be paid;
 - (f) any essential or defining elements of a limited pay-out gambling game;
 - (g) the procedures that constitute the start and end of a single game on a limited pay-out machine;
 - (h) the accounting standards that must be met, and accounting records that must be kept, by route operators, site operators and independent site operators; 30
 - (i) minimum information to be provided by licensees concerning the sourcing, distribution, movements, conversions and disposal of limited pay-out machines; or
 - (j) measures to limit the potentially negative socio-economic consequences of access to gambling opportunities, including public notices at licensed premises. 35
- (4) A person must not—
 - (a) distribute a limited pay-out machine to a site operator or independent site operator, or allow such a machine to be made available for play unless that machine has been registered in accordance with this Part; or 40
 - (b) move a limited pay-out machine from one site to another without the prior approval of, and subject to monitoring and control by, the provincial licensing authority that registered that machine.
- (5) A route operator— 45
 - (a) must not make available for play—
 - (i) more limited pay-out machines than the maximum number for which the operator is licensed; or
 - (ii) on any particular site, more limited pay-out machines than that site is licensed to accommodate; 50
 - (b) must maintain the limited pay-out machines owned and operated by that route operator; and
 - (c) must collect money from those machines and pay any applicable provincial taxes or levies in respect of those machines.
- (6) In any province, provincial law may provide for a smaller number of limited pay-out machines to be licensed— 55
 - (a) in that province, than the number prescribed by the Minister in terms of subsection (2)(d)(ii); or
 - (b) at any one site in that province, than the number prescribed by the Minister in terms of subsection (2)(d)(iii). 60

- (c) ku kumiwa swiletelo, leswi nga ta vumbiwa hi ku landza vukambisisi lebyi nga kunguhatiwa eka ndzimana ya (b), swiletelo leswi swi fanele ku va swi endliwa ntangha lowu landzelaka nongonokowonghenisa michini yo hakela, wu nga se sunguriwa laha Riphabliki;
- (d) a nga veka mpimo wa mimpfumelelo ya michini yo hakela eka ntangha yin'wana ni yin'wana— 5
- (i) laha eRiphabliki;
 - (ii) eka xifundzankulu xo karhi; ni
 - (iii) eka ndzhawu yo karhi, naswona a nga lerisa nhlayo ya michini leyi ku ya hi ku hambana ka tindzhawu; 10
- (e) endzhaku ka ku burisana ni Huvo, ku nga langutisiwa leswi swi nga vangaka leswaku xivandla xi nyikiwa mpfumelelo, ku hundza ni kwalaho ku nga langutisiwa mahambanelo ya swivandla, ni swilaveko ku ya mintlawe leyi yi nga aviwa ya swivandla; naswona
- (f) ku pimiwa ntsengo lowu wu nga fanelangiki ku va wu hundziwa— 15
- (i) masungulele ni mahetisele ya ntlangu eka michini leyi yo winisa;
 - (ii) mali leyi nga winisiwaka hi nkarhi wu ri wun'we hi michini yo winisa mali; ni
 - (iii) ntsengo wa mali leyi nga winisiwaka eka ntlangu wu ri wun'we;
- (3) Ku engetela eka swilaveko swa xiphemu-ntsongo xa (2), Holoby e hi ku landzelela milawu leyi yi endlweke eka xiphemu xa 87, a nga veka swilaveko leswi swi faneleke ku fikeriwa loko munhu a navela ku ngenisa xikombelo xo nyikiwa mpfumelelo wo tirhisa michini ya hakelo yo pimiwaya ntlangu wa vugemburi, ku tlhela ku ngeteriwa—
- (a) swilaveko swo fana ni leswi nga ta laveka eka vakomberi va mpfumelelo hinkwavo; 25
 - (b) swilaveko swa mpimo lowu nga ta tirhisiwa hi lava va nga ta nyika mpfumelelo
 - (c) tindlela to mpimo leti ti nga ta landzeleriwa hi vanyiki va mpfumelelo
 - (d) swilaveko leswi swi nga ta fanela ku va swi fikeriwa swa lava lavaka michini yo hakela leyi yi pimeriweke tihakelo, ku katsa ni ntsengo wa mintlangu leyi nga ta hakela hi nkarhi lowu wu pimiweke; 30
 - (e) ndlela ya mahakelelo lama nga ta tirhisiwa ku hakela malileyi winiweke eka muchini;
 - (f) mhaka yihi kumbe yihi yo pfuna ku hlamusela matlangele eka michini yo winisa mali; 35
 - (g) maendlele lama hlamuselaka masungulo ni mahetelele ya ntlangu wun'we eka muchini;
 - (h) swipimelo swa vutihlamuleri leswi faneleke ku fikeleriwa ni vutihlamuleri eka tirhekhodo leti faneleke ku hlayisiwa hi vatirhi hi ku hambana ka vona;
 - (i) mpimo wa mahungu lama nga nyikiwaka hi vatirhisi va mpfumelelo mayelana ni mahangalasele, mafambisele ni maxavisele ya michini yo winisa mali. 40
 - (j) Tindlela to sivela vonhi lebyi byi nga vangiwa hi rifuwo ra vanhu hikuva va kota ku fikela vugemburi, ni ku va va vona switiviso leswi swi nga aleriwa vaakatiko eka tindzhawu leti. 45
- (3) mufambisi wa matirhisele ya muchini—
- (a) a nga fanelanga—
 - (i) ku tirhisa michini yo tlula nhlayo leyi a nga ni mpfumelelo wo tirhisa yona; kumbe
 - (ii) ku tirhisa michini yo hlaya eka ndzhawu yo karhi ku tlula nhlayo leyi a nyikiweke mpfumelelo wo tirhisa yona eka ndzhawu yoleyo; 50
 - (b) u fanele ku hlayisa michini yo ringana mpfumelelo lowu a nga na wona; naswona
 - (c) u fanele ku hlengela mali eka michini yoleyo ku hakela xibalo lexi faneleke eka xifundzankulu hilaha swi faneleke hakona. 55
- (4) Eka xifundzankulu xo karhi, nawu wa xifundzankulu wu nga pfumelela nhlayo ya le hansi ya michini yo winisa mali—
- (a) ku tlula; nhlayo leyi pfumeleriweke hi Holoby e hi ku ya hi xiyengentsongo xa (2)(d)(ii); kumbe
 - (b) eka ndzhawu yo karhi ku tlula nhlayo leyi pfumeleriweke hi Holoby e hi ku ya hi xiyengentsongo xa (2)(d)(iii). 60

National central electronic monitoring system

27. (1) The board must establish and maintain a national central electronic monitoring system capable of—

- (a) detecting and monitoring significant events associated with any limited pay-out machine that is made available for play in the Republic; and 5
- (b) analysing and reporting that data in accordance with the prescribed requirements.

(2) The board may contract with any person to supply any or all of the products or services required to fulfil its obligations in terms of subsection (1), but any such contractor must not be a person who, or firm that, is disqualified as a licensee in terms of section 50. 10

(3) The Minister may, in consultation with the Council and by regulation made in accordance with section 87, prescribe—

- (a) standards for—
 - (i) the operation of the national electronic monitoring system; and 15
 - (ii) the collection and analysis of data through that system;
- (b) the frequency and nature of reports to be produced by the board in respect of the operation of the system; and
- (c) other matters related to the functioning of the national central electronic monitoring system. 20

(4) Every limited pay-out machine that is made available for play must be electronically linked to the national central electronic monitoring system, and the licensee of that machine must pay the prescribed monitoring fees in relation to that machine.

(5) The national central electronic monitoring system must allow— 25

- (a) the provincial licensing authority of each province access to all data on the system that originated in that province, without charge by the board; and
- (b) the licensee of each limited pay-out machine linked to the system access to prescribed data on the system that originated from that machine.

(6) A contravention of subsection (4) is a breach of licence, subject to administrative sanctions in terms of this Act or the applicable provincial law. 30

Part E***Licensing of persons employed in gambling industry*****Gambling industry employees to be licensed**

28. (1) A person must not engage in any work within the gambling industry in terms of this Act or applicable provincial law unless that person has a valid— 35

- (a) national employment licence permitting that work; or
- (b) provincial employment licence permitting that work issued by the provincial licensing authority in the province in which the person proposes to work, or works. 40

(2) A licensee must not employ a person, or permit an existing employee to engage in any work within the gambling industry unless that employee has satisfied the requirements of subsection (1).

(3) An employer of a person who is licensed in terms of this section must within the prescribed time disclose to the applicable licensing authority any prescribed information that concerns a licensed employee or agent of the employer. 45

(4) The Minister may, by regulation made in accordance with section 87, determine any specific category of work to be subject to the requirements of this section.

Conditions of employment licensing

29. A licence granted, and the license certificate issued, to a person in terms of section 28 is not transferable to another person. 50

Sisiteme yo rindza ya xielekthroniki ya le xikarhi ya rixaka

27. (1) Huvo yi fanele ku vumba sisiteme yo rindza ya xielekthroniki ya le xikarhi ya rixaka leyi nga ta—
- (a) rindza mingingiriko hinkwayo leyi endliwaka hi michini yo winisa mali eka Riphabliki hinkwayo; ni 5
 - (b) xopaxopa no vika mahungu(*data*) hi ku tirhisa tindlela leti faneleke hi ku ya hi Nawu lowu.
- (2) Huvo yi nga thola munhu wihi kumbe wihi ku nyika mintirho leyi yi faneleke ku yi hetisisa ku ya hi xiyengentsongo xa (1), kambe muthoriwa yoloye a nga fanelanga ku va la aleriweke ku nyikiwa mpfumelelo ku ya hi xiyenge xa 50. 10
- (3) Hi ku ya hi xiyenge xa 87, Holobye hi ku burisana ni Vandla a nga lerisa—
- (a) swipimelo mayelana ni—
 - (i) matirhele ya sisiteme yo rindza ya xielekthroniki ya rixaka; ni
 - (ii) mahlengeletelo xikan'we ni maxopaxopele ya mahungu lama hlengetiweke(*data*) hi ku tirhisa sisiteme leyi; 15
 - (b) muxaka ni minkarhi leyi swiviko hi huvo swa matirhele ya sisiteme leyi swi faneleke ku humesiwa hi yona; ni
 - (c) tin'wana timhaka leti fambelanaka ni matirhele ya sisiteme leyi.
- (4) Muchini wihi kumbe wihi lowu nga ku tirheni wu fanele ku va wu hlanganisiwile ni sisiteme leyi ya xielekthroniki yo rindza ya rixaka, naswona mpfumelelo wa muchini wolowo wu fanele ku hakela tihakelo leti vekiweke ta ku langutisisa ku ya hi muchini wa kona. 20
- (5) Matirhelo ndhawu ya tiko yo rindza ya xiiletroniki ya fanele ya pfumelela—
- (a) Vulawuri bya mpfumelelo bya xifundzankulu lebyi nyikaka mpfumelelo wa xifundzankulu xin'wana ni xin'wana va fikelela darata hinkwayo eka matirhele lawa ya humaka eka xifundzankulu xexo, ku nga ri ni tihakelo eka huvo; na 25
 - (b) Mpumelelo wa muchini wun'wana ni wun'wana wo hakela wu hlanganisiwa na matirhele yo fikelela eka darata leyi vekiweke eka matirhele lama sukaka eka muchini wolowo. 30
- (6) Ku tshova nawu wa xiyenge xa (4) i ku ku tshova ka mpfumelelo, ku ya hi mafambiselo ya Nawu kumbe nawu lowu vekiweke wa xifundzankulu.

Xiyenge xa E***Ku nyika mpfumelelo eka vatirheli va vugemburi*****Vathoriwa va swa mintirho ya vugemburi lava nga ta pfumeleriwa 35**

28. (1) Munhu a nga fanelanga ku nghenelela eka swa mintirho ya vugemburi ku ya hi Nawu lowu kumbe nawu lowu tirhisiwaka hi swifundza handle ka loko munhu yaloye ari na— (a) mpfumelelo wa rixaka wa ntirho lowu n'wi pfumelelaka ntirho wolowo; kumbe (b) mpfumelelo wa xifundzankulu wo ntirho lowu pfumelelaka leswaku ntirho lowu humaka eka vulawuri bya ku nyika mpfumelelo eka xifundzankulu lexi munhu a lavaka ku tirhela kona. 40
- (2) Mpumeleriwa a nga fanelanga ku thola munhu, kumbe ku pfumelela muthoriwa ku nghenelela eka swa vatirheli va vugemburi handle ka loko muthoriwa yaloye a enerisile swilaveko swa xiyenge-ntsongo xa (1)
- (3) Muthori wa munhu loyi a nga na mpfumelelo ku ya hi xiyenge lexi u fanele a paluxa mhaka leyi leyi khumbhaka muthoriwa kumbe muyimeri wa muthori loyi a a nga na mpfumelelo eka vulawuri bya ku nyika mpfumelelo eka nkarhi lowu vekiweke. 45
- (4) Holobye, ku ya hi nawu lowu nga eka xiyenge xa 87, anga kumisisa nkhetekanyo wo karhi wa ntirho ku ya hi swilaveko swa xiyenge lexi.

Swipimelo mintirho ya mpfumelelo 50

29. Mpumelelo, ni xitifiketi xa mpfumelelo leswi nyikiweke munhu ku ya hi xiyenge 28 a wu hundziseriwi eka munhu un'wana.

CHAPTER 3**JURISDICTION AND LICENSING*****Part A******Jurisdiction*****Jurisdiction of provincial licensing authorities** 5

30. (1) Each provincial licensing authority has exclusive jurisdiction within its province, to the extent provided in provincial law, to—

- (a) investigate and consider applications for, and issue—
 - (i) provincial licences in respect of casinos, racing, gambling or wagering, other than for an activity or purpose for which a national licence is required in terms of this Act; and 10
 - (ii) subject to Part B of this Chapter, national licences for any activity or purpose for which a national licence is required or optional in terms of this Act;
- (b) conduct inspections to ensure compliance with— 15
 - (i) this Act;
 - (ii) applicable provincial law; and
 - (iii) the conditions of—
 - (aa) national licences, subject to sections 33 and 34; or
 - (bb) provincial licences issued by it; 20
- (c) impose on licensees administrative sanctions in accordance with this Act or applicable provincial law; and
- (d) issue offence notices in respect of offences in terms of this Act or applicable provincial law.

(2) Each provincial licensing authority has jurisdiction within its province to the extent provided in provincial law to— 25

- (a) monitor the functions of each gambling machine that is required to be connected to the national central electronic monitoring system in terms of section 27; and
- (b) ensure compliance with, conduct investigations and issue offence notices under the Financial Intelligence Centre Act to the extent required by that legislation, in so far as it applies to the gambling industry. 30

Responsibilities of provincial licensing authorities

31. (1) Within its jurisdiction, each provincial licensing authority is responsible—

- (a) to ensure— 35
 - (i) that unlawful activities related to casinos, racing, gambling and wagering and unlicensed gambling activities are prevented or detected and prosecuted;
 - (ii) that undertakings made by licensees holding a provincial licence issued by it are carried out; 40
 - (iii) that undertakings made by national licensees are carried out to the extent that those licensees are operating within that province;
 - (iv) that employees within the gambling industry are licensed to the extent required by this Act or applicable provincial law;
 - (v) that each gambling machine or gambling device being used, or made available for use, by a licensee is registered and certified in terms of this Act; and 45
 - (vi) complete and timely collection and remittance of taxes, levies and fees;
- (b) to inspect premises within the relevant province—
 - (i) that are operated in terms of a provincial licence issued by that licensing authority; 50
 - (ii) that are operated in terms of a national licence; or

KAVANYISA KA 3**MPFUMELELO WO TIRHA ENDHAWINI YO KARHI***Xiyenge xa A**Vulawuri byo karhi***Vulawuri bya mpfumelelo wa swifundza**

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30. (1) Vulawuri bya mpfumelelo bya xifundzankulu byi tirha hi nawu wa xifundzankulu xexo ku—

- (a) lavisisa, ku langutisa na ku nyika swikombelo—
 - (i) mimpfumelelo ya swifundza hi swa tikhasino, mujaho, vugemburi, handle ka migingiriko kumbe swikongomelo leswi mpfumelelo wa rixaka wu lavelaka swona ku ya hi Nawu lowu; na 10
 - (ii) ku ya hi nawu wa Xiyenge xa B eka Kavanyisa loku, mimpfumelelo ya rixaka ya migingiriko yin'wana ni yin'wana kumbe xikongomelo lexi mpfumelelo wa rixaka wu xi lavaka kumbe lowu bohaka ku ya hi Nawu lowu; 15
 - (b) Endla vulavisisi ku vona ku landzeleriwa ka—
 - (i) Nawu lowu;
 - (ii) nawu wa ku ya hi xifundzankulu; na
 - (iii) swiyimo swa—
 - (aa) mimpfumelelo ya rixaka, ku ya hi xiyenge xa 33 na 34; kumbe 20
 - (bb) mimpfumelelo ya xifundzankulu leyi nyikiweke;
 - (c) ku veka xikhirho xa mimpfumelelo ku ya hi Nawu lowu kumbe nawu wa ku ya hi xifundzankulu; na
 - (d) ku kandziyisa switiviso swa mindzhukano ku ya hi Nawu lowu kumbe nawu wa swifundza. 25
- (2) Vulawuri bya mpfumelelo bya xifundzankulu xin'wana ni xin'wana byi na malawulele ya ndhawu ya xifundzankulu—
- (a) Langutisisa mintirho ya muchini wun'wana ni wun'wana wo gembula lowu faneleke wu hlanganisiwa na matirhele ya vulangutisisi ya le xikarhi ku ya hi xiyenge xa 27; na 30
 - (b) Ku vona leswaku milawu ya landzeleriwa, ku endla vulavisisi na ku kandziyisa switsundzuxo swa mindzhukano ehansi ka Nawu wa Senthara ya swa Vuhlori bya swa Timali ehansi ka nawu, na hi laha swi tirhaka ha kona eka vatirheli va vugemburi.

Mintirho ya vulawuri bya mpfumelelo bya xifundzankulu

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31. (1) Vulawuri bya mpfumelelo bya xifundzankulu eka ndzhawu ya xona byi tirha ku—

- (a) vona leswaku—
 - (i) migingiriko leyi nga fambelaniki ni swa tikhasino, mijaho na ku gembula loku nga riki enawini swa siveriwa, swi kumisisiwa na ku khomiwa; 40
 - (ii) leswaku mintirho leyi endliwaka hi mimpfumelelo leyi khomeke mimpfumelelo ya swifundza ya humelela;
 - (iii) leswaku mintirho leyi endliwaka hi mimpfumelelo ya rixaka yi famba kahle ku fikelela eka mimpfumelelo ya leyo yi tirhaka eka xifundzankulu xexo 45
 - (iv) Leswaku vathoriwa eka vatirheli va vugemburi va na mpfumelelo wa ku fikelela Nawu lowu kumbe nawu lowu tirhaka eka xifundzankulu xexo;
 - (v) Leswaku muchini wun'wana ni wun'wana wa ku gembula kumbe minchumu yo gembula ya tirhisiwa, kumbe yi fikeleriwa ku tirhisiwa hi mimpfumelelo leyi tsariseke na ku kuma switifikhethi ku ya hi nawu lowu; na 50
 - (vi) Ku hlengeleta na ku hakela swibalo na timali hi ku hetiseka hi nkarhi
- (b) ku kambela tindzawu eka xifundzankulu lexi faneleke—
 - (i) leswi tirhaka ku ya hi mpfumelelo lowu nyikiweke eka xifundzankulu hi vulawuri bya kona; 55
 - (ii) leswaku ti tirha hi ku landzelela mpfumelelo wa rixaka; kumbe

- (iii) in or on which any activity takes place that is permitted in terms of—
 - (aa) a provincial licence issued by that licensing authority;
 - (bb) applicable provincial law, without being licensed; or
 - (cc) a national licence;
 - (c) to inspect gambling machines or gambling devices used for any activity that is permitted in terms of— 5
 - (i) a provincial licence issued by that licensing authority; or
 - (ii) a national licence to the extent that the licensee is operating within that province;
 - (d) to enforce this Act and applicable provincial law in respect of— 10
 - (i) premises, activities or prescribed devices—
 - (aa) licensed by that licensing authority; or
 - (bb) within the jurisdiction of that licensing authority; and
 - (ii) offences in terms of this Act or applicable provincial law;
 - (e) to supervise and enforce compliance by licensees with the obligations of accountable institutions in terms of the Financial Intelligence Centre Act, to 15
 the extent required by that law, in so far as it applies to the gambling industry;
 - (f) to review licences and the activities of licensees in accordance with this Act and applicable provincial law; and
 - (g) to suspend or revoke any— 20
 - (i) provincial licence issued by that licensing authority; or
 - (ii) national licence—
 - (aa) for a cause arising within that province; or
 - (bb) otherwise, as set out in section 43(1)(a) and (b).
- (2) Subject to any requirements set out in applicable provincial law, a provincial 25
 licensing authority may, by agreement with the board or with another provincial
 licensing authority, delegate to the board or to that other provincial licensing authority
 any power or duty that is to be exercised or performed by the provincial licensing
 authority in terms of this Act or applicable provincial law, in the manner contemplated
 in section 238 of the Constitution. 30

Jurisdiction of board

32. In accordance with this Act and subject to the direction of the Council provided for in Chapter 4, the board may exercise the powers and perform the duties assigned to it in terms of this Act.

Responsibilities of board

- 33.** The board is responsible to—
- (a) evaluate—
 - (i) the issuing of national licences by provincial licensing authorities; and
 - (ii) the compliance monitoring of licensees by provincial licensing authorities; 40
 - (b) conduct oversight evaluations of the performance of provincial licensing authorities in the manner envisaged in section 34, so as to ensure that the national norms and standards established by this Act are applied uniformly and consistently throughout the Republic; and
 - (c) assist provincial licensing authorities to ensure that unlicensed gambling 45
 activities are detected in the manner envisaged in section 66(2) and (3),
 as provided for in Part B of this Chapter.

Oversight function of board

34. (1) The board must ensure that its functions and those of the Chief Executive Officer set out in this section are exercised in a manner consistent with the requirements 50
 of section 41(1)(e), (g) and (h) of the Constitution.

- (iii) laha kumbe hi laha migingiriko yo karhi leyi humelelaka yi pfumeleriwele ku ya hi nawu wa—
 (aa) mpfumelelo hi vulawuri bya mpfumelelo byebyo
 (bb) nawu lowu tirhaka eka xifundzankulu xexo wu nga riki na mpfumelelo, kumbe 5
 (cc) mpfumelelo wa rixaka
- (c) Ku kambela michini yo gembula na switirhisiwa swo gembula leswi tirhisiwaka eka migingiriko leyi pfumeleriweke ku ya hi—
 (i) mpfumelelo wa xifundzankulu lowu nyikiweke hi valawuri va mpfumelelo 10
 (ii) mpfumelelo wa rixaka ku ya hi laha mpfumelelo wo tirhisiwaka eka xifundzankulu xexo
- (d) Ku bohisa Nawu lowu ni hi laha wu tirhisiwaka eka xifundzankulu ku ya hi—
 (i) ndhzawu, migingiriko na minchumu leyi lavekaka— 15
 (aa) nyikiweke hi vulawuri byebyo
 (bb) endhawini ya vulawuri byo karhi bya mpfumelelo, na
 (ii) mindzhukano ku ya hi Nawu lowu kumbe nawu lowu tirhisiwaka eka xifundzankulu.
- (e) Ku vona leswaku va pfumeleriwa ku landzelela milawu ya minhlangano leyi nga ni vutihlamuleri ku ya hi Nawu wa Senthara ya Vunhlori bya Timali, hi ku landza nawu lowu faneleke eka swa vatirheli va vugemburi; 20
- (f) Ku langutisisa mimpfumelelo ku ya hi Nawu lowu ni ku ya hi milawu ya xifundzankulu; na
- (g) Ku yimisa nkarhinyana ka—
 (i) mpfumelelo wa xifundzankulu lowu nyikiweke hi vulawuri byo karhi bya mpfumelelo 25
 (ii) mpfumelelo wa rixaka
 (aa) leswi nga humelelaka eka xifundzankulu xexo; kumbe
 (bb) hi laha swi nyikiweke eka xiyenge xa 43(1)(a) na (b)
- (2) ku ya hi swilaveko leswi vuriweke eka milawu leyi tirhaka eka swifundza, vulawuri bya mpfumelelo bya xifundzankulu, hi ku pfumelelana ni vulawuri bya swifundza swin'wana byi nga ha rhumela huvo kumbe vulawuri bya mpfumelelo matimba yaku nyiketa mpfumelelo ku ya hi Nawu lowu kumbe nawu lowu tirhaka eka xifundzankulu, hi ndlela leyi swi vikiweke ha kona eka xiyenge xa 238 xa Vumbiwa. 30

Vulawuri bya huvo

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32. Hi ku ya hi Nawu lowu na hi ku landzelela tindlela leti vuriweke eka Kavanyisa ka 4, huvo yi nga tirhisa matimba ni ku tirha mintirho leyi nyikiweke kuya hi Nawu lowu.

Mintirho ya huvo

33. Huvo yi langutanile ni ku tirha ku—

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- (a) kambisisa—
 (i) ku nyikiwa ka mpfumelelo hi vulawuri bya mpfumelelo bya xifundzankulu; na
 (ii) ku landzelela vulangutisisi bya mpfumelelo hi vulawuri bya mpfumelelo bya xifundzankulu 45
- (b) ku endla vulavisisi bya matirhele ya vulawuri bya mpfumelelo bya xifundzankulu hi ndlela leyi swi languteriweke ha kona eka xiyenge xa 34, ku vona leswaku mikhuva na mimpimo ya rixaka leyi tumbuluxiweke eka Nawu lowu ya landzeleriwa ni ku tirha hi ku ringana etikweni hinkwaro; na
- (c) ku pfuna vulawuri bya mpfumelelo bya xifundzankulu ku vona leswaku migingiriko ya vugemburi yi famba hi ndlela leyi swi languteriweke ha kona eka xiyenge xa 66(2) na (3), hi laha swi nyikiweke eka Xiyenge xa B xa Kavanyisa loku. 50

Mintirho ya vulawuri ya huvo

34. (1) huvo yi fanele yi vona leswaku mintirho ya yona ni ya Murhangeri-Nkulu leyi vuriweke eka xiyenge lexi ya landzeleriwa hi ndlela leyi fambelanaka ni ya xiyenge xa 41(1)(e), (g) na (h) ya Vumbiwa. 55

(2) The board may direct the Chief Executive Officer to carry out an oversight evaluation of the exercise by a provincial licensing authority of its responsibilities and functions in terms of this Act.

(3) Before conducting an evaluation in terms of subsection (2), the Chief Executive Officer must notify the relevant provincial licensing authority, in writing, of— 5

- (a) a direction given by the board; and
- (b) generally, the scope and methodology of the proposed evaluation.

(4) The Chief Executive Officer must—

- (a) provide a copy of an evaluation report to the relevant provincial licensing authority; and 10
- (b) invite the provincial licensing authority to submit a written response in respect of that evaluation within the prescribed time.

(5) If, as a result of an evaluation conducted in terms of subsection (2), the Chief Executive Officer has reason to believe that a provincial licensing authority has failed to comply with any provision of this Act, the Chief Executive Officer— 15

- (a) may issue a deficiency report to the provincial licensing authority setting out any matters in respect of which the authority has failed to comply with any provision of this Act; and
- (b) must at the same time invite the provincial licensing authority to propose a basis for an agreement that would ensure compliance with all applicable 20 provisions of this Act.

(6) If an agreement contemplated in subsection (5)(b) is reached between the provincial licensing authority and the board, the Chief Executive Officer must monitor progress achieved in terms of that agreement, and—

- (i) report to the board at intervals determined by it; and 25
- (ii) issue a further deficiency report and invitation contemplated in subsection (5), if the provincial licensing authority significantly fails to meet any of its commitments in terms of that agreement.

(7) A provincial licensing authority may request the board to set aside all or part of a deficiency report issued by the Chief Executive Officer in terms of subsection (5) or (6). 30

(8) The board may refer the matter to the Council for consideration in terms of section 62(2)(c), if—

- (a) a provincial licensing authority does not respond to a deficiency report issued by the Chief Executive Officer in terms of subsection (5) or (6);
- (b) the provincial licensing authority and the board fail to reach an agreement 35 contemplated in either subsection; or
- (c) the provincial licensing authority is persistently in default in terms of that agreement.

Information sharing

35. (1) A provincial licensing authority must keep a register of each person to whom it grants a national licence, or a provincial licence, including— 40

- (a) the activities permitted under each such licence;
- (b) the address of any premises in, on or from which licensed activities may be engaged in, conducted or made available under licences issued by it; and
- (c) the name and identifying information of each person who is known to hold 5% 45 or more of the total financial interest in a licensee.

(2) Each provincial licensing authority must report to the board, at the prescribed intervals, on the prescribed information kept by that licensing authority in terms of subsection (1).

(3) The board must submit upon request to a provincial licensing authority any 50 prescribed information reported to it in terms of subsection (2).

(4) A regulatory authority must, on request from another regulatory authority, provide a copy of all prescribed information in its possession concerning a licensee, registrant or applicant for a licence.

(2) Huvo yi nga nyika xileriso eka Murhangeri-Nkulu ku endla mintirho ya vulavisisi byo hluleka ku lemuka migingiriko ya vulawuri bya mpfumelelo bya xifundzankulu eka mintirho ya vona ku ya hi Nawu lowu.

(3) Loko ku nga se sungula nkambisiso ku ya hi xiyenge-ntsongo xa (2), Murhangeri-Nkulu u fanele ku tivisa vulawuri bya mfumelelo bya xifundzankulu xexo hi ku va tsalela hi— 5

(a) swileriso swo huma eka huvo

(b) ku angarhela, matirhele ya vukambisiso lebyi lavaka ku endliwa.

(4) Murhangeri-Nkulu u fanele a—

(a) nyika khopi ya xiviko xa nkambisiso eka vulawuri bya mpfumelelo bya xifundzankulu; na 10

(b) kombela valawuri va mpfumelelo va xifundzankulu ku nyika nhlamulo ya nkambisiso hi nkarhi lowu vekiweke.

(5) Loko hi kwalaho ka mbuyelo wa vulavisisi kuya hi xiyenge-ntsongo xa (2), Murhangeri-Nkulu a va ni mavonele ya leswaku vulawuri bya mpfumelelo byi hlulekile ku landzelela swilaveko xa Nawu lowu, Murhangeri-Nkulu a nga— 15

(a) humesa xiviko xo komba nkayivelo eka vulawuri bya mpfumelelo bya xifundzankulu a komba hi laha va nga tsandzeka ku landzelela swilaveko swa Nawu lowu; na

(b) eka nkarhi wolowo a rhamba vulawuri bya mpfumelelo bya xifundzankulu ku ta ni ntwanano wa masungulo lowu nga ta endla leswaku swilaveko swa Nawu swi landzeleriwa 20

(6) Loko nawu lowu vuriweke eka xiyenge-ntsongo xa (5)(b) wu fikeleriwa hi valawuri va mpfumelelo va xifundzankulu na huvo, Murhangeri-Nkulu u fanele a langutisisa ku humelela ka ntwanano lowu, na 25

(i) ku vika eka huvo hi minkarhi leyi vikiweke; na

(ii) ku humesa xiviko xa nkayivelo na xirhambo lexi vuriweke eka xiyenge-ntsongo xa (5), loko vulawuri bya xifundzankulu byi tsandzeka ku landzelela swiboho ku ya hi ntwanano wolowo.

(7) vulawuri bya mpfumelelo bya xifundzankulu byi nga kombela huvo ku veka etlhelo xiviko xa nkayivelo lexi humesiweke hi Murhangeri-Nkulu ku ya hi xiyenge-ntsongo xa (5) kumbe (6) 30

(8) Huvo yi nga hundzisela mhaka leyi eka vandla ku kuma mavonele ku ya hi xiyenge xa 62(2)(c), loko—

(a) vulawuri bya mpfumelelo bya xifundzankulu byi nga nyiki nhlamulo eka xiviko lexi humesiweke hi Murhangeri-Nkulu ku ya hi xiyenge-ntsongo xa (5) kumbe (6)(b) vulawuri bya mpfumelelo bya xifundzankulu na huvo va nga fikelela ntwanano ku ya hi laha swi vikiweke eka xiyenge-ntsongo ha xin'we; kumbe 35

(c) vulawuri bya mpfumelelo bya xifundzankulu byi honisa ku hakela ku ya hi ntwanano wolowo. 40

Ku avelana mahungu

35. (1) Vulawuri bya mpfumelelo bya xifundzankulu byi fanele ku hlayisa ntsariso wa munhu un'wana ni un'wana loyi va nga n'wi nyika mpfumelelo wa rixaka, kumbe wa xifundzankulu, ku katsa— 45

(a) migingiriko leyi pfumeleriweke eka mpfumelelo wun'wana ni wun'wana;

(b) lulamisa leswi pfumeleriweke ku ya hi laha migingiriko yi nga ta va kona, ni ku va yi va kona; na

(c) vito ni mahungu yo tivisa ya munhu un'wana ni un'wana loyi a nga na 5% kumbe ku tlula ya nhlayo ya timali eka lava nga ni mpfumelelo. 50

(2) Vulawuri byin'wana ni byi n'wana bya xifundzankulu byi fanele ku vika eka huvo eka nkarhi lowu vekiweke hi mahungu lawa ya nga khomiwa hi vulawuri ku ya hi xiyenge-ntsongo xa (1)

(3) Huvo yi fanele yi humesa mahungu loko yi komberiwele hi vulawuri bya mpfumelelo ku ya hi xiyenge-ntsongo xa (2) 55

(4) Vulawuri bya vufambisi byi fanele byi nyika vulawuri byin'wana khopi ya mahungu lawa yi nga na wona ya lava nga ni mpfumelelo, ntsariso kumbe xikombelo xa mpfumelelo.

Conflicting exercise of concurrent jurisdiction

36. (1) The Council may, as contemplated in section 41(2) of the Constitution, facilitate the settlement of any dispute between the board and one or more provincial licensing authorities concerning the powers and duties to be exercised and performed by them relating to casinos, racing, gambling and wagering. 5

(2) If this Act requires several provincial licensing authorities to perform a particular duty within their respective provinces, and—

(a) within a particular province, no provincial licensing authority has been established; or

(b) the Council concludes that the provincial licensing authority within a particular province is unable to perform that function effectively, 10

the Council may make a recommendation to the Minister advising that steps be taken pursuant to section 100 of the Constitution to ensure the fulfilment of that statutory obligation.

Part B

15

National licences**Authority of national licence**

37. (1) A national licence issued in terms of this Act applies throughout the Republic and authorises the licensee to conduct, engage in, or make available the licensed activities at any place within the Republic. 20

(2) It is a condition of every national licence that the licensee must comply with every applicable provision of—

(a) this Act;

(b) the Financial Intelligence Centre Act; and

(c) applicable provincial law within any province in which the licensee conducts, engages in, or makes available the licensed activities. 25

Applicants for national licence

38. (1) An applicant must apply to a provincial licensing authority for a national licence as a testing agent, to test and calibrate gambling machines or gambling devices.

(2) An applicant may apply to a provincial licensing authority for either a provincial licence in terms of applicable provincial law or a national licence, if the applicant seeks— 30

(a) a licence as a manufacturer, supplier or maintenance provider; or

(b) to work within the gambling industry, to the extent required in terms of section 28. 35

(3) An applicant for a national licence must apply in the prescribed manner and form, and pay the prescribed application fee, to the provincial licensing authority within the province in which—

(a) the applicant ordinarily resides, or in which the applicant intends to take up employment under the licence, if the applicant is an individual; or 40

(b) the applicant's principal place of business is or will be located, in any other case.

Authority to issue national licence

39. A provincial licensing authority may issue a national licence to an applicant who meets the requirements of this Act. 45

National licence procedures

40. (1) Upon receiving an application for a national licence, a provincial licensing authority must—

(a) notify each other regulatory authority of the application;

Maendlelo ya nkwetlembetano eka vulawuri

36. (1) Vandla, tani hi laha swi vuriweke eka xiyenge xa 41(2) xa Vumbiwa ri nga fambisa ku ololoxa minkwetlembetano exikarhi ka huvo ni vulawuri bya mpfumelelo bya swifundza mayelana ni ku nyikiwa ka matimba eka migingiriko yo fambelana ni swa tikhasino, mujaho ni ku gembula. 5

(2) Loko nawu lava leswaku vulawuri byo hlaya bya swifundza byi tirhana ni mintirho yo karhi eka xifundzankulu xexo, na—

- (a) eka xifundzankulu xexo ku nga se tumbuluxiwa vulawuri bya mpfumelelo bya xifundzankulu; kumbe
- (b) vandla ri boha leswaku vulawuri bya mpfumelelo bya xifundzankulu xo karhi byi tsandzeka ku endla mintirho yo karhi hi ku hetiseka, vumbiwa ri nga tsundzuxa Holobye ku teka magoza yo karhi ku ya hi xiyenge xa 100 xa Vumbiwa ku fikelela swilaveko swo karhi. 10

Xiyenge xa B**Mimpfumelelo ya rixaka**

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Matimba ya mpfumelelo wa rixaka

37. (1) Mpumelelo wa rixaka lowu humesiweke ku ya hi Nawu lowu eRiphabliki ni ku lawula matikhomele eka mpfumelelo, wu nghenelela ni ku vona leswaku migingiriko ya mpfumelelo yi va kona eRiphabliki.

(2) I xipimelo xa mpfumelelo wa tiko leswaku loyi a nga ni mpfumelelo a landzelela swilaveko swa— 20

- (a) Nawu lowu
- (b) Nawu wa Senthara ya Vuhlori bya Timali; na
- (c) nawu lowu tirhaka hi xifundzankulu eka swifundza hinkwaswo laha lava nga ni mpfumelelo va nghenelelaka ni ku endla leswaku migingiriko ya mpfumelelo yi va kona. 25

Vakomberi va mpfumelelo wa rixaka

38. (1) Mukomberi u fanele a yisa xikombelo eka vulawuri bya mpfumelelo bya xifundzankulu ku kuma mpfumelelo wa rixaka loko mukomberi a lava mpfumelelo wo— 30

- (a) muyimeri wo kambela, ku kambela ni lulamisa michini yo gembula kumbe minchumu yo gembula; kumbe
- (b) ku tirha hi vulawuri bya mujaho wa tihanci.

(2) Mukomberi a nga yisa xikombelo eka vulawuri bya mpfumelelo bya xifundzankulu ku ku ya hi nawu lowu tirhaka eka xifundzankulu kumbe mpfumelelo wa rixaka, loko mukomberi a lava wo— 35

- (a) mpfumelelo wo va mumaki, munyikeri kumbe mulunghisi
- (b) ku tirha eka vatirheli va vugemburi, hi laha swi lavekaka eka xiyenge xa 28

(3) Mukomberi wa mpfumelelo u fanele a endla xikombelo hi ndlela leyi swi vekiweke ha kona ni tihakelo ta xikombelo, a swi rhumela eka vulawuri bya mpfumelelo eka xifundzankulu xexo laha— 40

- (a) mukomberi la tshamaka kona, kumbe laha a lavaka ku tirhela kona hi mpfumelelo wa yena, loko a endla xikombelo a ri yexe; kumbe
- (b) laha mukomberi a nga ta tirhela kona kumbe laha bindzu ri nga ta va kona, sweswo sweswo. 45

Vulawuri byo nyika mpfumelelo

39. Vulawuri bya mpfumelelo bya xifundzankulu byi nga nyika mpfumelelo wa rixaka eka mukomberi loyi a fikelelaka swilaveko swa Nawu lowu.

Maendlelo ya mpfumelelo wa rixaka

40. (1) Loko va vulawuri bya mpfumelelo bya xifundzankulu va kuma xikombelo xa mpfumelelo wa rixaka va fanale va— 50

- (a) tivisana na vulawuri lebyin'wana bya mukomberi;

- (b) conduct the investigations prescribed by this Act with respect to probity, technical competence, industry competitiveness or any other prescribed matters; and
 - (c) conduct any prescribed hearings or other proceedings in respect of the application. 5
- (2) After completing the prescribed investigations, hearings or other proceedings required in terms of subsection (1), a provincial licensing authority may—
- (a) notify the applicant in writing that it refuses to grant the licence applied for; or
 - (b) notify the applicant and each other regulatory authority in the prescribed manner that it proposes to issue the licence as applied for, and specify any conditions of the proposed licence. 10
- (3) A provincial licensing authority that has received a notice in terms of subsection (2)(b) may request the Chief Executive Officer to conduct an oversight evaluation contemplated in section 42.

Review of refusal to issue national licence

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41. An applicant who has been refused a licence in terms of section 40(2)(a) may request a review of that decision by the High Court.

Review of proposal to issue national licence

42. (1) After receiving a notice from a provincial licensing authority that it proposes to issue a national licence, the Chief Executive Officer— 20
- (a) must direct an inspector to conduct an oversight evaluation of the application, investigative report and recommendations of the provincial licensing authority, if two or more provincial licensing authorities have so requested in terms of section 40(3); or
 - (b) in any other case, may direct an inspector to conduct such an oversight evaluation, if there are good grounds to believe that the requirements of this Act have not been satisfied. 25
- (2) If a direction is given for an oversight evaluation, the Chief Executive Officer must issue a notice of intent to evaluate the proposed licence in the prescribed form to— 30
- (i) the applicant;
 - (ii) the provincial licensing authority; and
 - (iii) any provincial licensing authority that made a request for the oversight evaluation, in terms of subsection (1)(a).
- (3) After conducting an oversight evaluation in terms of subsection (1), the Chief Executive Officer may— 35
- (a) without referring the application to the board, advise the provincial licensing authority in the prescribed manner that there are no objections to the issue of the national licence as proposed;
 - (b) request that the provincial licensing authority consider— 40
 - (i) imposing particular or additional conditions before issuing the licence; or
 - (ii) altering any proposed conditions before issuing the licence; or
 - (c) issue a deficiency report to the provincial licensing authority— 45
 - (i) requesting the provincial licensing authority to consider the application afresh; and
 - (ii) setting out any matters in respect of which the authority failed to comply with national norms and standards for consideration of the application.
- (4) A provincial licensing authority may issue the licence as proposed by it, if the Chief Executive Officer—
- (a) has not issued a notice of intent to evaluate in terms of subsection (2), or a notice in terms of subsection (3), within 20 days after receiving notice of the proposed licence; or 50
 - (b) issues a notice in terms of subsection (3)(a).
- (5) If the Chief Executive Officer issues a request in terms of subsection (3)(b), the provincial licensing authority may— 55

- (b) endla vulavisisi ku ya hi Nawu lowu ku kambela vuswikoti bya xithekiniki, vutivi bya mintirho ku ya hi swilaveko swa mhaka leyi; na
- (c) endla ntshamo lowu lavekaka ni mafambisele ku ya hi xikombelo xexo.
- (2) Loko vulavisisi, ntshamo ni mafambisele yan'wana swi herile ku ya hi xiyenge-ntsongo xa (1), vulawuri bya xifundzankulu byi nga— 5
- (a) tivisa mukomberi hi ku n'wi tsalela leswaku bya n'wi pfumelela kumbe ku n'wi alela eka xikombelo xa yena xa mpfumelelo
- (b) tivisa mukomberi kumbe vulawuri byin'wana leswaku yi tsakela ku n'wi nyika mpfumelelo lowu a kombeleke wona, ni ku komba swipimelo swa mpfumelelo wolowo. 10
- (3) Vulawuri bya mpfumelelo bya xifundzankulu lebyi kumeke xitiviso ku ya hi xiyenge-ntsongo xa (2)(b) xi nga kombela Murhangeri-Nkulu ku kambisisa vulawuri ku ya hi laha swi vekiweke eka xiyenge xa 42.

Vulangutisisi eka ku alela ku nyikiwa ka mpfumelelo wa rixaka

- 41. Mukomberi loyi a aleriwaka mpfumelelo ku ya hi xiyenge xa 40(2)(a) a nga kombela leswaku ku langutisisiwa xiboho eKhoto ya le Henhla. 15

Vulangutisisi eka xikombelo xo nyika mpfumelelo wa rixaka

- 42. (1) Loko xitiviso xo huma eka vulawuri bya mpfumelelo bya xifundzankulu byi kumekile bya ku langutisisiwa ka xikombelo xa mpfumelelo wa rixaka, Murhangeri-Nkulu— 20
- (a) u fanele ku rhumela mukamberi ku ya kambela loko ku ri na leswi va nga hluleka ku swi lemuka eka xikombelo, kambisisa xiviko na swibumabumelo swa vulawuri bya mpfumelelo bya xifundzankulu, loko vulawuri bya swifundza swimbirhi kumbe ku tlula byi komberile tano ku ya hi xiyenge xa 40(3); kumbe 25
- (b) Hi hala thlelo ku nga rhumeriwa mukamberi ku langutisisa loko ku nga ri na vulawuri eka xikombelo xa vona, loko ku ri ni vumbhoni bya leswaku swilaveko swa Nawu lowu a swi fikeleriwangi.
- (2) Loko swileriso swa vulawuri swi nyikiwa, Murhangeri-Nkulu u fanele a humesa xitiviso xa ku lava ku kambisisa xikombelo eka fomo leyi vekiweke eka— 30
- (i) mukomberi
- (ii) vulawuri bya mpfumelelo bya xifundzankulu
- (iii) vulawuri bya mpfumelelo bya xifundzankulu lebyi nga endla xikombelo xa vulawuri eka xikombelo, ku ya hi xiyenge-ntsongo xa (1)(a)
- (3) Loko vulavisisi bya vulawuri byi herile kuya hi xiyenge-ntsongo xa (1), Murhangeri-Nkulu a nga— 35
- (a) tsundzuxa valawuri va mpfumelelo va xifundzankulu hambi loko a nga hundziselang xikombelo eka huvo hi mavonele ya leswaku a ku na xirhalanganyi xo sivela ku nyikiwa ka mpfumelelo wa rixaka hi laha a swi komberiwile ha kona; 40
- (b) kombela vulawuri bya xifundzankulu ku langutisisa—
 - (i) ku veka swipimelo va nga se nyika mpfumelelo kumbe
 - (ii) ku ncinca swipimelo leswi a swi ri kona va nga se nyika mpfumelelo
- (c) nyika vulawuri bya xifundzankulu xiviko xa nkayivelo
 - (i) komberiwa leswaku vulawuri bya xifundzankulu byi langutisisa xikombelo hi vuntshwa; 45
 - (ii) veka erivaleni timhaka leti vulawuri bya xifundzankulu byi tsandzekeke ku ti fikelela hi ku ya hi mikhuva ni mimpimo leyi faneleke ku langutisisiwa eka xikombelo.
- (4) Vulawuri bya mpfumelelo bya xifundzankulu byi nga nyika mpfumelelo hi laha yi komberiweke, loko Murhangeri-Nkulu— 50
- (a) a nga se humesa xitiviso xa xikongomelo xa ku kambisisa ku ya hi xiyenge-ntsongo xa (2), kumbe xitiviso ku ya hi xiyenge-ntsongo xa (3), ku nga si hela masiku ya 20 ya ku kuma xitiviso xa xikombelo xa mpfumelelo; kumbe 55
- (b) humesa xitiviso ku ya hi xiyenge-ntsongo xa (3)(a).
- (5) Loko Mufambisi Nkulu a nga se humesa xikombelo ku ya hi xiyenge-ntsongo xa (3)(b), vulawuri bya mpfumelelo bya xifundzankulu byi nga—

- (a) issue the licence with the altered conditions as requested by the Chief Executive Officer; or
- (b) request the board to set aside the request of the Chief Executive Officer, and permit the issuing of the licence as initially proposed.
- (6) If the Chief Executive Officer issues a deficiency report in terms of subsection (3)(c), the provincial licensing authority must either— 5
 - (a) consider the application afresh; or
 - (b) request the board to set aside the deficiency report and permit the issuing of the licence as initially proposed.
- (7) If a matter is referred to the board in terms of subsection (5) or (6), the board 10 may—
 - (a) confirm the request or deficiency report of the Chief Executive Officer;
 - (b) set aside all or part of the request or the deficiency report; or
 - (c) permit the issuing of the licence with or without conditions.

Suspension and revocation of national licence

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43. (1) A provincial licensing authority may, with the prior concurrence of the board, suspend or revoke a national licence as if that licence were a provincial licence issued by that licensing authority, if—

- (a) the licence was obtained by a materially false or misleading representation;
- (b) the licensee has become disqualified to hold a licence in terms of section 49 or 20 50; or
- (c) within that province—
 - (i) the licensee has violated this Act, or applicable provincial law;
 - (ii) the licensee has contravened or failed to comply with an obligation of accountable institutions in terms of the Financial Intelligence Centre Act 25 in so far as it applies to the gambling industry;
 - (iii) the licensee or any person managing or directing the licensee has contravened or failed to comply with a provision of Chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998);
 - (iv) the licensee has contravened a condition of the licence; or 30
 - (v) the licensee has failed to discharge financial commitments for the licensee's operations.

(2) A provincial licensing authority must immediately advise each other provincial licensing authority of a suspension or revocation of a national licence.

Part C

35

Provincial licences

Licensing by provinces to comply with national norms and standards

44. (1) When considering an application for a provincial licence or a national licence, a provincial licensing authority must comply with the licensing standards set out in this Act. 40

(2) It is a condition of every provincial licence that the licensee must comply with every applicable provision of this Act.

Maximum numbers of casino licences

45. (1) The Minister, by regulation made in accordance with section 87, and after considering the criteria set out in this section, may prescribe a maximum number of 45 casino licences that may be granted in the Republic, and in each province.

(2) Before making a regulation contemplated in subsection (1), the Minister may consult the Competition Commission, and must consider, amongst other things, the following criteria:

- (a) humesa mpfumelelo lowu nga ni swipimelo leswi nga cinciwa hi laha swi nga komberiwa hi Mufambisi Nkulu; kumbe
- (b) kombela huvo ku veka etlhelo xikombelo xa Murhangeri-Nkulu, na ku nyika mpfumelelo hi laha a swi vuriwe emasungulweni.
- (6) Loko Murhangeri-Nkulu a humesa xiviko xa nkayivelo ku ya hi xiyenge-ntsongo xa (3)(c), vulawuri bya mpfumelelo bya xifundzankulu byi nga ha— 5
 - (a) langutisisa xikombelo hi vuntshwa; kumbe
 - (b) kombela huvo ku veka xiviko xa nkayivelo na ku nyika mpfumelelo hi laha swi komberiwa emasungulweni.
- (7) Loko mhaka yi hundziseriwa eka huvo ku ya hi xiyenge-ntsongo xa (5) kumbe (6), huvo yi nga— 10
 - (a) tiyisisa xikombelo kumbe xiviko xa nkayivelo xa Murhangeri-Nkulu;
 - (b) veka etlhelo xiphemu hinkwaxo, xiphemu xa xikombelo kumbe xiviko xa nkayivelo
 - (c) ku nyika mpfumelelo kuri kumbe ku nga ri na swipimelo 15

Ku yimisiwa kumbe ku herisiwa ka mpfumelelo wa rixaka

- 43.** (1) Vulawuri bya mpfumelelo bya xifundzankulu byi nga yimisa kumbe ku herisa nkarhinyana mpfumelelo wa rixaka handle ka ku pfumelelana ni huvo, ku tani hi loko mpfumelelo a wu nyikiwile hi valawuri va mpfumelelo, loko
- (a) mpfumelelo wu kumiwile hi vuxisi ni mahungu lawa ya nga riki erivaleni 20
 - (b) mupfumeleriwa a tekeriwa mpfumelelo ku ya hi xiyenge xa 49 kumbe50; kumbe
 - (c) kwala xifundzeni
 - (i) mupfumeleriwa a nga wu landzelelanga Nawu lowu, kumbe nawu wa xifundzankulu; 25
 - (ii) mupfumeleriwa u hluleke ku landzelela milawu ya minhlango leyi nga ni vutihlamuleri ku ya hi Nawu wa Senthara ya Vunhlori bya Timali ku ya hi laha swi tirhaka ha kona eka vatirheli va vugemburi;
 - (iii) mupfumeleriwa kumbe munhu un'wana loyi a fambisaka mupfumeleriwa u hluleke ku landzelela swipimelo swa Kavanyisa ka 2 kumbe 3 swa Nawu wa ku Sivela Vugevenga bya Kungu, wa 1998 (Nawu 121 wa 1998); 30
 - (iv) mupfumeleriwa u tshovile nawu wa mpfumelelo; kumbe
 - (v) mupfumeleriwa u hlulekile ku fikelela swiboho swa timali ta vufambisi bya mpfumelelo. 35
- (2) Vulawuri bya mpfumelelo bya xifundzankulu byi fanele ku tsundzuxana ni vulawuri bya mpfumelelo bya xifundzankulu hi nkarhi hi ku yimisiwa kumbe ku herisiwa ka mpfumelelo wa rixaka.

Xiyenge xa C

Mpfumelelo wa xifundzankulu

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Ku nyikiwa ka mpfumelelo hi swifundza ku fanele ku landzelela maendlelo ni mimpimo ya rixaka

- 44.** (1) Loko ku nyikiwa xikombelo xa mpfumelelo xa xifundzankulu kumbe xa rixaka, vulawuri bya mpfumelelo bya xifundzankulu byi fanele ku landzelela mimpimo leyi nyikiweke eka Nawu lowu. 45
- (2) I swipimelo swa xifundzankulu xin'wana ni xin'wana leswaku mupfumeleriwa a landzelela leswi nyikiweke eka Nawu lowu.

Nhlayo ya le henhla ya mimpfumelelo ya tikhasino

- 45.** (1) Holobye, hi ku landzelela milawu leyi nga ka xiphemu 87, naswona endzhaku ka ku amukela swiletelo leswi pimiweke eka xiphemu xexo, a nga veka xileriso xa leswaku ku va ni ntsengo wo karhi lowu nga hundziwiki wa mimpfumelelo ya tikhasino laha Riphabliki, ni le ka swifundzankulu hinkwaswo. 50
- (2) Loko ku nga se vekiwa milawu leyi vuriweke eka xiyenge xa 87, Holobye a nga lava switsundzuxo eka Khomixini ya Mphikizano, na ku langutisisa maendlelo lama landzelaka: 55

- (a) The number and geographic distribution of—
 - (i) existing licensed casinos and interactive providers operating within the Republic, and the duration of the licences under which they operate; and
 - (ii) additional casino licences available in terms of the maximum numbers then in force; and
- (b) whether it is desirable to alter the maximum numbers of casino licences, in the Republic as a whole, or within any particular province or provinces, in order to—
 - (i) address the incidence and social consequences of compulsive and addictive gambling;
 - (ii) promote black economic empowerment; or
 - (iii) promote—
 - (aa) new entrants to the gambling industry;
 - (bb) job creation within the gambling industry;
 - (cc) diversity of ownership within the gambling industry;
 - (dd) efficiency of operation of the gambling industry; or
 - (ee) competition within the gambling industry.

(3) If the Minister establishes a maximum number of casino licences, in the Republic as a whole or within a particular province, that is lower than the number of licensed casinos then operating in the Republic or that province, the licensed casinos then operating may continue to operate, subject to the conditions of their respective licences, but no additional licences may be granted in the Republic or the particular province, as the case may be, until the number of operating casinos is lower than the prescribed maximum number of casino licences.

Limitation of rights applicable to licence

46. (1) Subject to subsection (2), only a juristic person may be licensed—
- (a) to operate a casino;
 - (b) as a route operator;
 - (c) as a manufacturer;
 - (d) as a testing agent;
 - (e) as a totalisator operator; or
 - (f) under any other category of licence, to the extent that applicable provincial law so requires.

(2) Applicable provincial law may require a licensee contemplated in subsection (1) to be a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973).

Amusement games and machines

47. (1) A provincial law may permit the provincial licensing authority to license and regulate—
- (a) amusement machines, subject to the requirements of subsection (2); and
 - (b) amusement games, subject to the requirements of subsection (3) and any regulations promulgated in terms of subsection (4).
- (2) An amusement machine must not be derived or converted from a gambling machine of the type ordinarily found in a casino.
- (3) An amusement game must not—
- (a) be similar to, or derived from, a gambling game other than bingo;
 - (b) offer a cash prize or a combination of a cash prize with any other prize; or
 - (c) offer a prize that exceeds the prescribed maximum value for such games.
- (4) The Minister may, by regulation made in accordance with section 87, prescribe the maximum value of the prize, and the type of prizes, that may be offered for an amusement game.

- (a) Nhlayo ni vuhangalasi bya tindhawu ta—
- (i) tikhasino leti nga ni mpfumelelo na vanyiki va vuhlanganisi lava tirhelaka eRiphabliki, na nkarhi lowu va faneleke va tirha eka wona; na
 - (ii) mpfumelelo wo engetela lowu nga kona ku ya hi nhlayo ya le henhla leyi tirhisiwaka; na
- (b) Ioko swi laveka ku cinca nhlayo ya le henhla ya mpfumelelo wa khasino, eRiphabliki hinkwaro, kumbe eka xifundzankulu xo karhi kumbe swifundza, leswaku
- (i) ku lulamisa makhombo ya mbuyelo wa vuboheki ni vuhlonga bya vugemburi
 - (ii) ku hluvukisa vuhaverisi bya matimba ya swa rifuwo ra tiko eka vantima; kumbe
 - (iii) ku hluvukisa—
 - (aa) ku lulamisa lava ha ngenelaka swa vutirheli bya vugemburi;
 - (bb) ku vanga mintirho eka vutirheli bya vugemburi;
 - (cc) vun'winyi byo hambanana eka vutirheli bya vugemburi;
 - (dd) matirhelo lamanene eka vutirheli bya vugemburi; kumbe
 - (ee) mphikizano eka vutirheli bya vugemburi.
- (3) Loko Holobye a tumbuluxa nhlayo ya le henhla ya mpfumelelo wa khasino eRiphabliki hinkwaro kumbe eka xifundzankulu xo karhi, leyi nga yi ntsongo eka tikhasino leti nga ni mpfumelelo leti tirhaka laha Tikweni, kumbe eswifundzeni, tikhasino teto ti nga ya emahlweni ti tirha ku ya hi mpfumelelo wa tona, kambe a ku nga vi na mpfumelelo lowu nga ha nyikiwaka Riphabliki rero kumbe xifundzankulu xexo ku fikela laha nhlayo ya lehenhla ya tikhasino leti lavekaka yi fikeleriwa.

Swipimelo swa timfanelo ta mpfumelelo

46. (1) Ku ya hi xiyenge-ntsongo xa (2), mpfumelelo wu ta nyikiwa ntsena munhu loyi a pfumeleriweke hi nawu—
- (a) ku tirha swa khasino;
 - (b) mufambisi wa matirhiselo;
 - (c) tani hi muendli;
 - (d) tani hi muyimeri wa vakamberi;
 - (e) tani hi mutirhi wa swa nhlayo; kumbe
 - (f) ehansi ka khetekanyo wa mpfumelelo, hi laha swi lavekaka ha kona eka nawu wa xifundzankulu
- (2) Nawu lowu tirhaka eka xifundzankulu wu ga lava mupfumeleriwa loyi a vuriweke eka xiyenge-ntsongo xa (1) ku va na tsarisile ku ya hi Nawu wa Khamphani, 1973 (Nawu 61 wa 1973).

Mintlangu na michini yo titsakisa

47. (1) Nawu wa xifundzankulu wu nga pfumelela leswaku vulawuri bya mpfumelelo bya xifundzankulu wu nyika mpfumelelo ni vulawuri—
- (a) michini ya ku titsakisa, ku ya hi swilaveko swa xiyenge-ntsongo xa (2); na
 - (b) mintlangu ya ku titsakisa, ku ya hi swilaveko swa xiyenge-ntsongo xa (3) na vulawuri lebyi nyikiweke ku ya hi xiyenge xa (4)
- (2) Muchini wa ku titsakisa awu fanelanga wu hundzuriwa wa ku gembula lowu kumekaka eka tikhasino.
- (3) Muchini wa ku titsakisa awu fanelanga wu—
- (a) fana kumbe wu hundzuluxiwile ku suka eka muchini wo gembula handle ka wo hungasa;
 - (b) ku nyika tihakelo ta mali kumbe nhlengelo wa mali na swin'wana; kumbe
 - (c) nyika tihakelo leti tlulaka nkoka wa leri henhla lowu vakeriweke mintlangu yaleyo.
- (4) Holobye, ku ya hi nawu wa xiyenge xa 87, u veka nkoka wa le henhla wa tihakelo na muxaka wa tihakelo leti nga nyikiwaka eka mintlangu yo titsakisa.

Part D***Licensing norms and standards*****Licence criteria, categories and conditions**

48. (1) A national licence or a provincial licence must specify— 5
- (a) the identity of the licensee;
 - (b) the activities that the licence permits the licensee to engage in, conduct or make available to the public; and
 - (c) other than an employment licence, the premises at, in or from which the licensee is permitted to operate.
- (2) A provincial licensing authority issuing a national licence or a provincial licence may issue it only as— 10
- (a) a permanent licence;
 - (b) a temporary licence, subject to the fulfilment of certain conditions within a specified period, with the intention that upon fulfilment of those conditions, a permanent licence will be issued in substitution of the temporary licence; 15
 - (c) a provisional or other interim licence provided for in applicable provincial law; or
 - (d) subject to subsection (3), a special event licence which permits the licensed activity on specified dates only in a particular location set out in the licence.
- (3) A special event licence may not be issued in respect of the operation of a casino or a gambling machine. 20
- (4) A provincial licensing authority issuing a national licence must issue a licence certificate in the prescribed form to the licensee.
- (5) A provincial licensing authority issuing a national licence or a provincial licence— 25
- (a) may issue it with or without conditions; and
 - (b) must set out in the licence certificate—
 - (i) the duration of the licence;
 - (ii) the specific activities permitted in terms of the licence or a reference to the applicable law that describes such activities; and 30
 - (iii) the name or description of the specific premises in, on or from which the licensed activity may take place, unless it is an employment licence.

Disqualifications for employment licences

49. (1) A person must not hold an employment licence issued in terms of this Act or applicable provincial law, if that person— 35
- (a) is under the age of 18 years;
 - (b) is a public servant or political office bearer;
 - (c) is listed on the register of excluded persons;
 - (d) is subject to an order of a competent court holding that person to be mentally unfit or deranged; 40
 - (e) has ever been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money; or
 - (f) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), or an offence in terms of this Act or applicable provincial law, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the prescribed amount, unless the person has received a grant of amnesty or free pardon for the offence. 45
- (2) A licensing authority may not issue an employment licence to a person if the applicant falls within any of the enumerated disqualifications set out in subsection (1). 50
- (3) An employment licence issued in terms of this Act is deemed to have been cancelled if the licensee becomes disqualified in terms of subsection (1) at any time after the licence was granted.

*Xiyenge xa D**Swipimelo ni maendlelo ya ku nyika mpfumelelo***Endlelo, nkhetekanyo ni swipimelo swa mpfumelelo**

48. (1) Mpfumelelo wa rixaka kumbe wa xifundzankulu wu fanele ku vula— 5
- (a) vutitivisi bya mumpfumeleriwa;
 - (b) migingiriko leyi mpfumelelo wu yi pfumelelaka ku vas yi va kona eka vaaki; na
 - (c) ehandle ka mpfumelelo wo tirha, mumpfumeleriwa anga pfumeleriwa ku tirhela kona;
- (2) Vulawuri bya mpfumelelo bya xifundzankulu lebyi nyikaka mpfumelelo wa rixaka kumbe wa xifundzankulu byi nga yi nyika ntsena— 10
- (a) tani hi mpfumelelo wa nkarhi hinkwawo
 - (b) mpfumelelo wa nkarhinyana, loko ku hetisiwile swipimelo hi nkarhi lowu vekiweke, hi xikongomelo xa leswaku loko ku fikeleriwile swikongomelo sweswo ku ta nyikiwa mpfumelelo wa nkarhi hinkwawo ku pfala lowu wa nkarhinyana; 15
 - (c) mpfumelelo wa nkarhinyana wu ta nyikiwa hi ku landzelela nawu wa xifundzankulu; kumbe
 - (d) ku ya hi xiyenge-ntsongo xa (3), mpfumelelo wa ntlango wo hlawuleka lowu pfumelelaka migingiriko leyi pfumeleriweke hi masiku lawa ya vuriweke ntsena eka ndhawu yo karhi leyi nga pfumeleriwa. 20
- (3) Mpfumelelo wa ntlango wo hlawuleka yi nga aleriwa hi ku ya hi matirhele ya khasino kumbe muchini wo gembula.
- (4) Vulawuri bya xifundzankulu lebyi nyikaka mpfumelelo wa rixaka byi fanele byi nyika xitifiketi eka fomo leyi nga pfumeleriwa. 25
- (5) Vulawuri bya mpfumelelo bya xifundzankulu lebyi nyikaka mpfumelelo wa rixaka kumbe wa xifundzankulu—
- (a) byi nga yi nyika kuri kumbe ku nga ri na swipimelo; na
 - (b) ku vula eka xitifiketi xa mpfumelelo— 30
 - (i) nkarhi lowu nyikiweke mpfumelelo;
 - (ii) migingiriko yo hlawuleka leyi pfumeleriweke ku ya hi mpfumelelo kumbe ku landzelela nawu wa matirhelo lowu hlamuseriweke eka migingiriko yaleyo; na
 - (iii) vito kumbe nhlamuselo ya mpfumelelo wo hlawuleka laha migingiriko yi nga ta humelela kona, handle ka loko kuri eka mintirho ya mpfumelelo. 35

Ku susiwa ka mpfumelelo wa matirhele

49. (1) Munhu a nga fanelanga ku va ni mpfumelelo wa ntirho lowu nyikiweke ku ya hi Nawu lowu kumbe lowu tirhaka eka xifundzankulu, loko munhu wa kona— 40
- (a) a ri ehansi ka malembe ya 18
 - (b) I mutirhela mfumo kumbe n'watipolitiki;
 - (c) U longoloxiwile eka ntsariso wa vanhu lava hlawuriweke;
 - (d) U le hansi ka nawu lowu wa khoto lowu vulaka leswaku a nga kahle emiehleketweni;
 - (e) U tshame a susiwa ehofisini hikwalaho ka matikhomele yo biha mayelana ni swa vuxisi kumbe ku tirhisa mali hi vusopfa; kumbe 45
 - (f) U tshame a khomiwa eka malembe ya khume lama nga hundza, eRiphabliki kumbe kun'wana hi vukhamba, vuxisi, na ku tirhisa tsalwa ra vuxisi, vukanganyisi ehansi ka Nawu wa Vukanganyisi, wa 1992 (Nawu 94 wa 1992), kumbe vubihi ku ya hi Nawu lowu kumbe nawu lowu tirhisiwaka eka xifundzankulu, a thlela a gweviwa ku nga ri ni ndzihiso, kumbe ndzihiso wo tlula mali leyi vekiweke handle ka loko munhu yaloye a kuma ndzivalalelo. 50
- (2) Vulawuri bya mpfumelelo a byi nga nyiki mpfumelelo wa ntirho eka munhu loko mukombera a wela eka vanhu lava susiweke lava nga vuriwa eka xiyenge-ntsongo xa (1). 55
- (3) Mpfumelelo ya mutirhisi leyi nyikiweke kuya hi Nawu lowu wu langutiwa kuva wu herisiwile loko wi susiwa ku ya hi xiyenge-ntsongo xa(1) eka nkarhi wun'wana ni wun'wana laha a ku nyikiwe mpfumelelo.

Disqualifications and restrictions for other licenses

50. (1) This section does not apply to an employment license.

(2) A person must not hold a licence issued in terms of this Act, or comparable provincial law, or any of the total financial interest in the licensee of such a licence, if that person—

- (a) is under the age of 18 years;
- (b) is a public servant or political office bearer;
- (c) is listed on the register of excluded persons;
- (d) is a family member, other than a brother or sister, of a person who is a member or employee of a regulatory authority exercising oversight over that licensee;
- (e) is an unrehabilitated insolvent;
- (f) is not a fit and proper person to be involved in the business concerned;
- (g) is subject to an order of a competent court holding that person to be mentally unfit or deranged;
- (h) has ever been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money; or
- (i) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), or an offence in terms of this Act or applicable provincial law, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the prescribed amount, unless the person has received a grant of amnesty or free pardon for the offence.

(3) A provincial licensing authority must refuse to issue a licence to a person who is disqualified from holding an interest in a licence, licensee, licensed premises, or the business to which a licence relates, in terms of subsection (1), or applicable provincial law.

(4) A provincial licensing authority must refuse to issue a licence to an applicant if, after conducting the prescribed investigations, the licensing authority has reason to believe that the applicant, any person who has a controlling interest in the applicant, any person who holds any of the total financial interest in the applicant, or any manager of the business concerned is—

- (a) a family member, other than a brother or sister, of a person who is a member of that licensing authority; or
- (b) disqualified from holding an interest in a licence, licensee, or the business to which a licence relates, in terms of subsection (1).

Disqualification after licence issued

51. (1) This section does not apply to an employment licence.

(2) If a person who holds a licence, or an interest in a licensee, becomes disqualified in terms of section 50(2), or relevant provincial law, after the licence was issued—

- (a) that person must advise the licensee and the licensing authority in the prescribed manner and form; and
- (b) if that person—
 - (i) holds an interest in the licensee, that person must dispose of that interest within a period of not more than 3 years, determined by the licensing authority after considering the circumstances, and the nature of the disqualification; or

Ku susiwa kumbe ku aleriwa ka mimpfumelelo leyin'wana

50. (1) Xiyenge lexi a xi tirhi eka mpfumelelo wa ku tirhisa.

(2) Munhu a nga fanelanga ku nyikiwa mpfumelelo ku ya hi Nawu lowu, kumbe nawu wa xifundzankulu, kumbe ku kuma xiavo xa yin'wana ni yin'wana eka mutirhisi wa mpfumelelo loko munhu yoloye a—

- (a) ri ehansi ka 18 wa malembe;
- (b) ri mutirhela mfumo kumbe a khome xivandla xo karhi eka hofisi ya swa tipolitiki;
- (c) kumeka eka ntsariso wa vanhu lava nga pfumeleriwiki;
- (d) ri xaka ra xirho ehandle ha buti kumbe sesi kumbe mutirhi wa le ka vulawuri lebyi lawulaka manyikiwele ya munhu yoloye ya layisense/mpfumelelo;
- (e) ri mukoloti
- (f) ri munhu la tsaneke ni ku ka a nga faneriwanga hi ku nghenelela eka mafambisele ya bindzu ra muxaka lowu;
- (g) nyikiwile xileriso xa khoto mayelana ni leswaku a nga hanyanga kahle emiehleketweni;
- (h) tshukile eka nkarhi wun'wana a tshikisiwile ntirho lowu lavaka munhu la tshembhekeke hikwalaho ka vukungundzwani kumbe matirhisele yo ka ya nga ri nawini ya timali; kumbe
- (i) vile a khomiwa eka khume ra malembe lama nga hundza, laha eka Riphabliki kumbe kun'wana hikwalaho ka vukhamba, vukungundzwani kumbe ku tlula nawu wa Vukungundzwani wa 1992, (Nawu wa No. 94 wa 1992), kumbe ku onha kwihi kumbe kwihi ehansi ka nawu wa Xifundzankulu ku kondza a khomiwa ehandle ko pfumeleriwa ku hakela fayini yo karhi, kumbe ku chajiwa fayini yo tlula ntsengo wo karhi, handle ka loko munhu yoloye a lo kuma ku rivaleriwa eka vuonhi byolebyo.

(3) Vulawuri bya Mpumelelo bya Xifundzankulu a byi fanelanga ku nyika mpfumelelo eka munhu la nga faneriwangiki hi ku va ni xiavo eka mpfumelelo, mutirhisi wa mpfumelelo, ndhawu leyi nyikiweke mpfumelelo, kumbe bindzu leri nga nyikiwa mpfumelelo hi ku ya hi xiyengentsongo xa (1), kumbe nawu wa xifundzankulu.

(4) Vulawuri bya Mpumelelo bya Xifundzankulu byi fanele ku ala ku nyika mpfumelelo eka mukomberi wihi kumbe wihi loko endzhaku ko endla vulavisisi lebyi faneleke ko kumeka leswaku mukomberi yoloye, mulawuri wa mukomberi, munhu la nga ni xiave xo tlula yin'wana ni yin'wana eka mukomberi kumbe mufambisi wa bindzu rihi kumbe rihi—

- (a) I xaka ra loyi a nga xirho ehandle ka buti kumbe sesi xa vulawuri bya mpfumelelo; kumbe
- (b) A nga faneriwanga hi ku va ni xiave eka mpfumelelo, mutirhisi wa mpfumelelo, kumbe bindzu leri nyikiweke mpfumelelo hi ku ya hi xiyengentsongo xa (1).

Ku tlhela u tekeriwa mpfumelelo endzhaku ko nyikiwa wona

51. (1) Xiyenge lexi a xi katsi mpfumelelo wa ntirho.

(2) Loko munhu loyi se a nga ni mpfumelelo, kumbe xiavo eka mpfumelelo o kumeka a nga ha fanerwi hi ku va ni mpfumelelo ku ya hi leswi longoloxiweke eka xiyenge xa 50(2), kumbe nawu wa xifundzankulu lowu faneleke, endzhaku ka loko mpfumelelo se wu nyikiwile—

- (a) munhu yoloye u fanele ku tivisa mutirhisi wa mpfumelelo ni vulawuri bya mpfumelelo hi ku landzelela tindlela ni maendlele leswi vekiweke; naswona
- (b) loko munhu yoloye—
 - (i) a ri ni xiavo xo karhi eka mutirhisi wa mpfumelelo, munhu loyi u fanele ku tihambanisa xikan'we-kan'we ni xiave lexi ku nga si hundza malembe manharhu, lama vekiweke hi vulawuri bya mpfumelelo endzhaku ka loko va xiyisisile hi vundzeni mayimele ya timhaka ni muxaka wa xivangelo xo va a nga ha faneriwanga hi ku va ni mpfumelelo; kumbe

- (ii) is a manager of the business concerned, the licensing authority may impose reasonable conditions on the continuation of the licence with the object of ensuring continuing compliance with the principles of this Act.

Acquisition of interest by disqualified person

- 52.** (1) This section does not apply to an employment licence. 5
- (2) If a person who is disqualified in terms of section 50(2) acquires a licence, or any of the total financial interest in a licensee, that person must, within a period of not more than three years, as determined by the licensing authority after considering the circumstances and the nature of the disqualification, dispose of that licence or all their financial interest in that licensee, as the case may be. 10

Part E

Additional norms and standards concerning non-employment licences

Economic and social development issues to be considered

- 53.** (1) When considering an application for a licence, other than an employment licence, or when considering an application for the transfer of a licence, a provincial licensing authority— 15
- (a) must consider the commitments, if any, made by the applicant or proposed transferee in relation to—
 - (i) black economic empowerment; or
 - (ii) combating the incidence of addictive and compulsive gambling; 20
 - (b) must consider the potential socio-economic impact on the community of the proposed licence; and
 - (c) may impose reasonable and justifiable conditions on the licence to the extent necessary to address the matters referred to in paragraphs (a) and (b).
- (2) At least once every year after the issuance of a licence other than an employment licence, the provincial licensing authority that issued that licence— 25
- (a) must review the commitments considered in terms of subsection (1)(a) and the achievements of the licensee in relation to those commitments; and
 - (b) may impose further or different reasonable and justifiable conditions on the licence to the extent necessary to address the matters referred to in subsection (1)(a) and (b). 30

Competition issues to be considered

- 54.** (1) When considering an application for a licence, other than an employment licence, or when considering an application for the transfer of a licence, a provincial licensing authority must consider whether approving the application is likely to substantially affect competition in the gambling industry generally, or in respect of the proposed activity— 35
- (a) within that province, in the case of a provincial licence; or
 - (b) within the Republic, in the case of a national licence.
- (2) After considering the matters contemplated in subsection (1), the provincial licensing authority must refuse the application unless there are overriding public interest reasons for approving it, if it appears that approving the application would result in the applicant, alone or in conjunction with a related person, achieving market power. 40
- (3) For the purposes of subsection (2)—
- “market power” has the meaning set out in section 1 of the Competition Act, 1998 (Act No. 89 of 1998); 45

- (ii) a ri mufambisi wa bindzu leri khumbhekaka, vulawuri bya mpfumelelo byi nga ha veka swipimelo swo karhi ehenhla ka ku tama ka ha tirhisiwa mpfumelelo lowu hi ndlela yo vanga leswaku ku va ni ku landzeleriwa ka leswi vekiweke eka Nawu lowu.

Ku kuma xiavo hi munhu la nga faneriwangiki hi ku nyikiwa mpfumelelo

5

52. (1) Xiyenge lexi a xi katsi mpfumelelo wa ntirho.

(2) Loko a ri munhu loyi a nga pfumeleriwangiki hi ku ya hi nawu wa xiyenge xa 50(2) a kuma layisense, kumbe ntswalo wihi na wihi wa ntsengo wa mali eka loyi a nga na layisense munhu yoloye u fanela, ku va loko ku nga si hundza nkarhi wa malembe manharhu, tani hi laha swi bohiwaka hi mfumo lowu nyikaka tilayisense wu endlaka ha 10 kona ka ku kambisisa swiyimo na matshamelo ya vusiveri, ku a cukumetiwa layisense yo tano kumbe ntswalo hinkwawo wa timali ta vona eka loyi a nga nyikiwa layisense, tani hi laha mhaka yi nga va yi yime ha kona.

Xiyenge xa E

Swipimelo swo engetela mayelana ni mpfumelelo wo ka wu nga ri wa ntirho

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Timhaka ta ximunhu ni ta xiekhono mi kumbe rifuwo ra tiko leti faneleke ku langutisisiwa

53. (1) Eku xiyisiseni ka swikombelo swa mpfumelelo handle ka swa mpfumelelo wa ntirho, kumbe swikombelo swo hundzisela mpfumelelo eka un'wana, vulawuri bya mpfumelelo bya xifundzankulu— 20

(a) byi fanele ku langutisa vutinyiketi loko byi ri kona, bya mukomberi kumbe loyi mpfumelelo wu lavaka ku hundziseriwa eka yena mayelana ni—

- (i) vuhaverisi bya matimba ya swa ikhonomi eka vantima; kumbe
(ii) ku herisa hinkwaswo leswi vangiwa hi vuhlonga byo gembula.

(b) byi nga veka swipimelo swo karhi ehenhla ka mpfumelelo lowu nyikiwaka 25 leswi nga ta tirhana ni timhaka leti kombisiweke eka tindzimana ta (a) ni (b).

(2) Nkarhi hinkwawo loko ku fika siku leri mpfumelelo wu nyikiweke ha rona, vulawuri bya mpfumelelo bya xifundzankulu lebyi nyikeke mpfumelelo wolowo—

(a) byi fanele ku pfuxeta vutinyiketi lebyi kombisiweke ku ya hi xiyengentsongo xa (1) (a) ni ku kambisisa ku humelela ka mutirhisi wa mpfumelelo mayelana 30 ni vutinyiketi lebyi; ni

(b) ku veka swipimelo swo karhi ehenhla ka mpfumelelo lowu nyikiwaka, leswi nga ta tirhana ni timhaka leti kombisiweke eka xiyengentsongo xa (1) (a)(b).

Timhaka leti fambelanaka ni mphikizano eka ndhawu ya ntirho leti faneleke ku kambisisiwa

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54. (1) Eku kambisiseni ka swikombelo leswi endlwaka swa mpfumelelo ehandle ka leswi swa ntirho, kumbe eku kambisiseni ka swikombelo leswi swo hundzisela mpfumelelo eka un'wana, vulawuri bya mpfumelelo bya xifundzankulu byi fanele ku lavisisa loko mbabva ku nyikiwa ka mpfumelelo wo karhi a ku nga vi ni nkucetelo wo biha eka indhastri ya vugemburi hi ku angarha,— 40

(a) eka xifundzankulu loko ku ri mpfumelelo wa le ka xifundzankulu; kumbe

(b) eka Riphabliki hi ku angarha loko ku ri mpfumelelo wa tiko hinkwaro.

(2) Endzhaku ko kambisisa hi vundzeni timhaka hinkwato leti kombisiweke eka xiyengentsongo xa (1), vulawuri bya mpfumelelo bya xifundzankulu byi fanele ku bakanyela etihelo xikombelo loko byi kuma leswaku ku nyika mpfumelelo wa 45 xikombelo xexo swi ta nyika matimba ya makete eka mukomberi a ri swakwe kumbe ni maxaka ya yena handle ka loko ko va ni swivangelo swa nkoka leswi khumbhaka vanhu hi ku angarha swa le tlhelo leswi nga bohaka leswaku mpfumelelo wu nyikiwa,

(3) Eka xiyengentsongo xa (2)—

matimba ya makete swi vula leswi hlamuseriweke eka Nawu wa Mphikizano, 1988 50 (Nawu wa No. 89 wa 1998); swivangelo leswi khumbhaka vanhu swi katsa swivangelo

“public interest reasons” include the reasons set out in section 12A (3) of the Competition Act, 1998; and

“a related person” means a person—

- (i) who has direct or indirect control over the applicant;
- (ii) over whom the applicant has direct or indirect control; or
- (iii) who is directly or indirectly controlled by a person referred to in subparagraph (i) or (ii).

State interests

55. (1) In this section—

“financial interest” does not include the right to assess or collect a tax, levy or fee; and

“public body” means the state, an organ of state, or any organisation in which the state has a financial interest.

(2) Subject to item 3 of Schedule and subsection (3), a public body must not hold any financial interest in any—

- (a) gambling licence, gambling activity or premises used for a gambling activity; or
- (b) person who directly or indirectly, holds a gambling licence, operates a gambling activity or owns or occupies premises used for a gambling activity.

(3) A public body may—

- (a) directly or indirectly hold a financial interest in premises used for a gambling activity if it holds that interest in terms of an acceptable arrangement described in subsection (4);
- (b) be a party to an acceptable arrangement as described in subsection (5) between the public body and any other person in terms of which the public body undertakes to develop or maintain facilities or supply anything to the other person—
 - (i) in the proximity of premises used for a gambling activity; or
 - (ii) intended to provide socio-economic, infrastructure, or other support necessary for, or ancillary to, such premises or gambling activities; or
- (c) directly or indirectly hold an interest created or acquired in the course of giving effect to an acceptable arrangement contemplated in paragraph (b).

(4) An arrangement referred to in subsection (3)(a) is acceptable if—

- (a) it is an arm’s-length commercial transaction; and
- (b) any payment in terms of the arrangement to the public body is not directly or indirectly determined by reference to the turnover of, or profit from, the gambling activity.

(5) An arrangement referred to in subsection (3)(b) or (c) is acceptable if any payment in terms of the arrangement to the public body is not directly or indirectly determined by reference to the turnover of, or profit from, the gambling activity.

Licence requirements, acquisitions and transfers

56. A licensing authority—

- (a) must refuse to issue a licence if the licensing authority considers that—
 - (i) the proposed activity would be inconsistent with this Act or applicable provincial law; or
 - (ii) the use of the proposed premises for the proposed activity would be contrary to existing zoning laws or rights; and
- (b) may refuse to issue a licence if the provincial licensing authority considers that the proposed site—
 - (i) is an unsuitable location for the proposed activity, having regard to this Act and applicable provincial law; or
 - (ii) does not satisfy the requirements in terms of section 17.

leswi longoloxiweke eka xiyenge xa 12A (3) xa Nawu wa Mphikizano, 1998; na xaka swi vula munhu—

- (i) la nga ni vulawuri hambi ku nga ri hi ndlela yo kongoma eka muendli wa xikombelo;
- (ii) loyi muendli wa xikombelo a nga ni vulawuri ehenhla ka yena hambi ku nga ri hi ndlela yo kongoma; kumbe
- (iii) munhu wihi kumbe wihi la lawuriwaka hi munhu la kombisiweke eka xiyengentsongo xa (i) kumbe (ii).

Xiavo xa Mfumo

55. (1) Eka xiyenge lexi— 10
“xiavo xa swa timali” a xi katsi mfanelo yo asesa kumbe ku hlengeleta xibalo, naswona

“nhlangano wa tiko” swi vula mfumo, xirho xa mfumo, kumbe nhlangano wihi ni wihi lowu mfumo wu nga ni xiavo xo karhi hi tlhelo ra swa timali.

(2) Hi ku ya hi Nhlokomhaka ya 3 ya Xedului ni xiyengentsongo xa (3), nhlangano wa tiko a wu fanelanga ku va ni xiavo eka— 15

- (a) mpfumelelo wo gembula, migingiriko ya vugemburi kumbe ndhawu leyi tirhiseriwaka ku gembula; kumbe
- (b) munhu la nga ni mpfumelelo wo gembula hambi ku nga ri hi ku kongoma, la fambisaka migingiriko yo gembula kumbe la nga ni ndhawu leyi tirhiseriwaka ku gembula. 20

(3) Nhlangano wa tiko wu nga—

- (a) va ni xiavo xa mali hambi ku nga ri hi ku kongoma eka ndhawu leyi tirhiseriwaka ku gembula loko mbabva ku landzeleriwele milawu hinkwayo leyi longoloxiweke eka xiyengentsongo xa (4); 25
- (b) nghena eka ntwanano lowu pfumeleriweke lowu hlamuseriweke eka xiyengentsongo xa (5) exikarhi ka nhlangano ni munhu wihi kumbe wihi laha nhlangano wu nga ta tiyimisela ku hlukisa kumbe ku hlayisa switirho swo karhi kumbe ku nyika minchumu yo karhi eka munhu loyi—
 - (i) eka ndhawu leyi yi tirhiseriwaka ku gembula; kumbe 30
 - (ii) ku endleriwa ku pfuneta hi tlhelo ra swa vumunhu kumbe hi ku nyika nseketelo lowu faneleke eka ndhawu yoleyo ku endleriwaka kona mintirho ya vugemburi; kumbe

- (c) kwalomu eku vumbeni ka ntwanano lowu kombisiweke eka ndzimana ya (b), nhlangano wu nga ha kuma xiavo xo karhi. 35

(4) Ntwanano lowu kombisiweke eka xiyengentsongo xa (3)(a) wa pfumeleleka loko—

- (a) Hakelo leyi endleriwaka nhlangano ku ri leyo tala swinene; ni
- (b) Loko hakelo yihi kumbe yihi mayelana ni ntwanano leyi endleriwaka nhlangano yi nga hakeriwi ku ya hi mali leyi bindzuriweke hi mintirho yo gembula. 40

(5) Ntwanano lowu kombisiweke eka xiyengentsongo xa (3)(b) kumbe (c) wa pfumeleleka ntsena loko hakelo leyi endliwaka eka nhlangano ku ya hi ntwanano lowu endliweke yi nga hakeriwi ku ya hi mali leyi bindzuriweke hi mintirho yo gembula.

Swilaveko, makumele ni mahundzisele ku ya eka un’wana (transfers) ya mpfumelelo 45

56. Vulawuri bya mpfumelelo—

- (a) a byi fanelanga ku nyika mpfumelelo loko byi vona leswaku—
 - (i) migingiriko leyi lavaka ku endliwa a yi nga fambelani ni Nawu lowu kumbe nawu wa le ka xifundzankulu; kumbe 50
 - (ii) ku tirhisiwa ka ndhawu leyi kunguhatiweke ku ta kanetana ni milawu ya vundhawu leyi vekiweke kumbe timfanelo to karhi, naswona
- (b) byi nga bakanyela xikombelo etlhelo loko byi kuma leswaku ndhawu leyi kunguhatiweke ku tirhisiwa—
 - (i) a yi amukeleki ku va yi nga tirhiseriwa swa vugemburi ku ya hi Nawu lowu ni milawu leyi vekiweke ya xifundzankulu; kumbe 55
 - (ii) yi nga fikeleli swipimelo leswi vekiweke eka xiyenge xa 17.

Part F***Licence investigations, decisions, transfer and surrender*****External probity reports**

57. (1) When considering an application for a licence, an application for an employment licence or a request to transfer a licence, a provincial licensing authority may request— 5

- (a) additional information from the applicant;
- (b) written authorisation from the applicant permitting the licensing authority to procure information directly from third parties and authorising such third parties to provide that information; or 10
- (c) a report from—
 - (i) any other regulatory authority;
 - (ii) the Financial Intelligence Centre;
 - (iii) the National Director of Public Prosecutions; or
 - (iv) the South African Police Service. 15

(2) A report requested in terms of subsection (1) may include particulars of any convictions recorded against a person, to the extent that those particulars are relevant for the purpose of determining whether that person is disqualified from holding an interest in a licence, licensee, licensed premises, or the business to which a licence relates, in terms of this Act or applicable provincial law. 20

(3) Each provincial licensing authority must submit to the board a copy of every probity report it prepares in terms of this Act or provincial law, and the board must compile all such reports into a national probity register in the prescribed manner and form.

Decisions

58. After considering an application for a licence, an application to transfer ownership or possession of a gambling machine or gambling device, or a request to transfer an interest in a licence, licensee, licensed premises, or the business to which a licence relates, a provincial licensing authority must either—

- (a) grant the licence, or approve the transfer, as the case may be with or without conditions; or 30
- (b) issue a written refusal to the applicant, with reasons for the decision.

Licence transfers

59. (1) This section does not apply to employment licences.

(2) A person who acquires the business to which a licence relates, or acquires a controlling interest in a licensee, must apply to the relevant provincial licensing authority for a transfer of that licence or approval of that acquisition, as the case may be. 35

(3) A provincial licensing authority must not grant a transfer of a licence or approval of that acquisition, as the case may be if, after conducting the prescribed investigations, the licensing authority has reason to believe that, as a result of that transfer or acquisition, a person who is disqualified in terms of section 50(2) or relevant provincial law would directly or indirectly hold any of the total financial interest in the licensee or the business to which the licence relates. 40

Surrender of licence

60. (1) A licensee may surrender a licence by written notice given to the provincial licensing authority that issued the licence. 45

(2) The surrender takes effect—

*Xiyenge xa F***Mindzavisiso, swiboho, ku hundziseriwa eka un'wana ni ku tlherisela mpfumelelo****Swiviko swa vumbhoni swa le handle**

57. (1) Eku kambisiseni ka xikombelo xa mpfumelelo, xikombelo xa mpfumelelo wa ntirho kumbe xikombelo xo hundzisela mpfumelelo eka un'wana munhu vulawuri bya mpfumelelo byi nga kombela— 5

- (a) mahungu yo engetela eka mukomberi;
- (b) mpfumelelo hi ku tsala kunene wa mukomberi ku pfumelela vulawuri ku kumisisa mahungu eka swiyenge swa le handle hi mukomberi ni ku nyika mpfumelelo eka swiyenge swa muxaka lowu ku nyika vulawuri mahungu wolawo; kumbe 10
- (c) xiviko xo huma eka—
 - (i) vulawuri byihi kumbe byihi byin'wana;
 - (ii) Senthara ya Ndzavisiso wa le hansa wa swa Timali;
 - (iii) Muchuchisi-nkulu wa tiko; kumbe 15
 - (iv) Mintirho ya Vuphorisa ya Afrika Dzonga.

(2) Xiviko lexi nga ta kombeniwa eka xiyengentsongo xa (1) xi nga katsa mahungu mayelana ni tirhekhodo ta swigwevo leswi mukombera a nga tshama a swi kuma lawa ya nga ta pfuna ku kumisisa loko mukombera a faneriwile hi ku nyikiwa mpfumelelo ku ya hi Nawu lowu kumbe milawu leyi vekiweke ya xifundzankulu. 20

(3) Vulawuri byin'wana ni byin'wana bya mpfumelelo bya xifundzankulu byi fanele ku yisa eka huvo khopi ya xiviko xa vumbhoni xa le handle xin'wana ni xin'wana lexi byi xi lulamiseke ku ya hi Nawu lowu kumbe nawu wa xifundzankulu, kutani huvo yi fanele ku longoloxa swiviko hinkwaswo eka rhijistara ra swiviko swa vumbhoni ra tiko ku ya hilaha swi faneleke ku longolokisiwa xiswona hi nawu. 25

Swiboho

58. Endzhaku ko kambisisa xikombelo xa mpfumelelo, xikombelo xo hundzisela vun'winyi bya mpfumelelo kumbe muchini hambi ku ri xin'wana xitirho xa ku gembula, kumbe xikombelo xo hundzisela xiave eka mpfumelelo, mutirhisi wa mpfumelelo, ndhawu leyi nyiweke mpfumelelo, kumbe bindzu leri nyikiweke mpfumelelo, vulawuri bya mpfumelelo bya xifundzankulu byi nga endla swinwana swa leswi landzelaka— 30

- (a) nyika mpfumelelo, kumbe ku pfumelela ku hundziseriwa ka mpfumelelo hi ku veka swipimelo swo karhi kumbe handle ko veka swipimelo; kumbe
- (b) ku alela xikombelo hi ku tsala kunene laha ku kombisiwaka swivangelo swo va xikombelo xi nga pasisiwanga. 35

Ku hundzisela mpfumelelo eka un'wana

59. (1) Xiyenge lexi a xi katsi mpfumelelo wa ntirho.

(2) Munhu la tekaka bindzu leri a ri nyikiwile mpfumelelo, kumbe la kumaka xiave xa vulawuri eka mutirhisi wa mpfumelelo, u fanele ku endla xikombelo eka vulawuri bya mpfumelelo bya xifundzankulu lexi khumbhekaka ku hundzisela mpfumelelo ku amukeriwa ka leswi swi kumekeke kumbe xiyimo xalexo. 40

(3) Vulawuri bya mpfumelelo bya xifundzankulu a byi fanelanga ku nyika mpfumelelo kumbe xiyimo xa nkarhi walowo loko endzhaku ko endla ndzavisiso wa xikombelo byo kuma leswaku mukombera a nga faneriwanga hi ku nyikiwa kumbe ku kumeka mpfumelelo ku ya hi leswi longoloxiweke eka xiyenge xa 50(2) kumbe ku ya hi nawu lowu vekiweke wa xifundzankulu kumbe loko mukombera loyi a nga faneriwangiki hi ku nyikiwa mpfumelelo a ta kuma hambi ku nga ri hi ku kongoma xiave xa yinwana ni yin'wana kumbe ku tlula eka mutirhisi wa mpfumelelo kumbe eka bindzu leri mpfumelelo wu kombelirwaka rona. 45

Ku tlherisela mpfumelelo endzhaku (surrender of licence)

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60. (1) Mutirhisi wa mpfumelelo a nga tlherisela mpfumelelo hi ku tsala xitiviso a xi rhumela eka vulawuri bya mpfumelelo bya xifundza lebyi nyikeke mpfumelelo wolowo.

(2) Ku tlherisela loku ka mpfumelelo endzhaku ku ta sungula ku tirha—

- (a) 3 months after the notice is given; or
- (b) on a date stated in the notice.

CHAPTER 4

NATIONAL STRUCTURES

Part A

5

National Gambling Policy Council

Establishment of National Gambling Policy Council

- 61.** (1) The National Gambling Policy Council is established by this Act.
- (2) The Council consists of—
- (a) the following regular members— 10
 - (i) the Minister; and
 - (ii) from each province, the Member of the Executive Council responsible for casinos, racing, gambling and wagering in that province; and
 - (b) the following supplementary non-voting members— 15
 - (i) the chairperson of the National Gambling Board; and
 - (ii) from each province, the chairperson of the provincial licensing authority.
- (3) The Minister is the chairperson of the Council.

Functions of National Gambling Policy Council

- 62.** (1) The Council is a body in which the national government and the provincial governments consult on— 20
- (a) the determination and establishment of national gambling policy;
 - (b) gambling laws, including the promotion of uniform national and provincial laws in respect of gambling norms and standards;
 - (c) any matter concerning gambling within the national or provincial sphere of government; 25
 - (d) any matter concerning the management or monitoring of gambling in the Republic or in any specific province or provinces;
 - (e) the resolution of any dispute that may arise among provincial licensing authorities, or between a provincial licensing authority and the board, regarding the regulation and control of gambling activities; and 30
 - (f) other matters that may be referred to it by a member of the Council.
- (2) The Council—
- (a) may provide oversight and direction to the board in the exercise of its powers and the performance of its duties;
 - (b) may refer any matter within its authority to the board or any provincial licensing authority, with a request for a report or recommendation; and 35
 - (c) may make a finding that a provincial licensing authority has failed to comply with this Act and, if it does so, may direct that provincial licensing authority to enter into an agreement with the board in respect of the steps to be taken by the provincial licensing authority to ensure compliance with this Act. 40

Council meetings

- 63.** (1) The Minister may convene a meeting of the Council at any time, but must convene at least two meetings in each financial year.
- (2) The Minister may designate any meeting of the Council to be a meeting of all members, or only of regular members, but must designate at least one meeting in each financial year to be a meeting of all members. 45

- (a) endhaku ka tin'hweti tinharhu xitiviso xi endliwile; kumbe
- (b) hi siku leri xitiviso xi tsariweke ha rona.

KAVANYISA KA 4

MINHLANGANO YA TIKO

Xiyenge xa A

5

Vandla ra Tirhelo (Pholisi) ra Vugemburi bya Tiko

Ku vumbiwa ka Vandla ra Pholisi ra Vugemburi bya Tiko

61. (1) Vandla ra Pholisi ra Vugemburi ra Tiko ri vumbiwile hi Nawu lowu.
- (2) Vandla ri vumbiwile hi—
- (a) swirho leswi landzelaka— 10
 - (i) Holobye; ni
 - (ii) Xirho xin'we eka xifundzankulu xin'wana ni xin'wana xa Huvo-nkulu ya xifundzankulu leyi tirhanaka ni swa tikhasino, mujaho, vugemburi ni vubeji ; ni
 - (b) swirho leswi landzelaka swo tatisa leswi nga riki ni mfanelo yo vhota— 15
 - (i) mutshami wa xitulu wa Huvo ya Vugemburi ya Tiko; ni
 - (ii) mutshami wa xitulu wa vulawuri bya mpfumelelo bya xifundzankulu wa xifundza xin'wana ni xin'wana.
- (3) Holobye i mutshami wa xitulu wa Vandla.

Mintirho ya Vandla ra Tirhelo ra Vugemburi ra Tiko

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62. (1) Vandla i nhlango lowu mimfumo ya rixaka ni xifundza swi kumaka ku pfuniwa eka wona mayelana ni—
- (a) mavumbelo ya tirhelo ra vugemburi ra tiko;
 - (b) milawu ya vugemburi, ku katsa ni ku tlakusiwa ka ku vumbiwa ka milawu ni swipimelo leswi fanaka swa rixaka ni swa swifundza; 25
 - (c) timhaka tihi kumbe tihi ta swa vugemburi eka mfumo wa rixaka ni swifundza;
 - (d) timhaka tihi kumbe tihi leti fambelanaka ni mafambiselo kumbe makambelele ya vugemburi eka Riphabliki kumbe eka xifundzankulu xo karhi kumbe swo karhi;
 - (e) maahlulele ya mintlimbo leyi nga tshukaka yi vile kona exikarhi ka vulawuri bya mpfumelelo bya swifundza, kumbe exikarhi ka vulawuri bya mpfumelelo bya xifundzankulu ni huvo, mayelana ni malawulele ya migingiriko ya swa vugemburi; xikan'we ni 30
 - (f) tin'wana timhaka leti nga yisiwaka hi swirho swa Vandla.
- (2) Vandla— 35
- (a) ri nga nyika swiletelo eka huvo mayelana ni matirhele ya huvo ni matimba lawa huvo yi nga na wona;
 - (b) ri nga rhumela mhaka yihi kumbe yihi eka huvo kumbe vulawuri bya mpfumelelo bya xifundzankulu byihi kumbe byihi, laha yi kombelaka xiviko kumbe swibumabumelo swo karhi; ni ku 40
 - (c) endla xiboho xa leswaku vulawuri bya mpfumelelo bya xifundzankulu xo karhi byi tlurile Nawu lowu, laha yi nga ta lerisa vulawuri bya xifundza xolexo ku nghena eka ntwanano na rona mayelana ni magoza lama nga ta tekiwa ku lulamisa xihoxo lexi.

Tinhlengeletano ta Vandla

45

63. (1) Holobye a nga rhamba nhlengeletano ya vandla nkarhi wun'wana ni wun'wana kambe u fanele ku rhamba tinhlengeletano timbirhi eka lembe-ximali rin'wana ni rin'wana.
- (2) Holobye a nga rhamba swirho hinkwaswo eka nhlengeletano yin'wana ni yin'wana kumbe a rhamba ntsena swirho swa vandla swa nkarhi hinkwawo, kambe u boheka ku rhamba nhlengeletano yin'we laha ku nga ta vitaniwa swirho hinkwaswo swa vandla hi lembe. 50

(3) At a meeting of the Council to which supplementary members are called a supplementary member may be represented by an alternate, chosen by that supplementary member from among the other board members of the applicable regulatory authority.

(4) As a body through which the national and provincial spheres of government seek to co-operate with one another in mutual trust and in good faith, the Council must attempt to reach its decisions by consensus. 5

(5) If the Council is unable to reach a consensual decision in any matter before it, the Council may resolve the matter by formal vote on a motion.

(6) A motion in terms of subsection (5) passes only if it is supported by— 10

(a) the Minister; and

(b) at least 5 of the other regular members of the Council.

(7) Subject to subsections (2) to (6), the Council may establish Rules of Procedure for its own proceedings.

Part B

15

National Gambling Board

Continuation of National Gambling Board

64. (1) The National Gambling Board, as established by the National Gambling Act, 1996 (Act No. 33 of 1996), is retained under this Act, subject to Item 3 of the Schedule.

(2) The board is a juristic person. 20

Objects and functions of board

65. (1) The board has the following powers and duties to be exercised and performed in accordance with this Act:

(a) Monitoring and investigating, when necessary, the issuing of national licences by provincial licensing authorities for compliance with this Act in accordance with sections 40 to 43; 25

(b) investigating, monitoring and evaluating compliance with this Act by provincial licensing authorities, entering into agreements with those authorities in respect of steps to be taken to correct any deficiencies, and making recommendations to the Council in relation to such matters, in accordance with sections 33 and 34; 30

(c) establishing and maintaining—

(i) the national register of excluded persons, in accordance with section 14; 35

(ii) the national central electronic monitoring system, in accordance with section 27;

(iii) the national register of gambling machines and devices, in accordance with section 21;

(iv) a central registry of information contemplated in section 35; and

(v) the national probity register in terms of section 57;

(d) monitoring socio-economic patterns of gambling activity within the Republic and in particular must research and identify factors relating to, and patterns, causes, and consequences of— 40

(i) the socio-economic impact of gambling; and

(ii) addictive or compulsive gambling;

(e) carrying out the responsibilities set out in section 33; and 45

(f) exercising any other powers and performing any other duties assigned to it in terms of this Act.

(2) The board may—

(a) advise the Council on the maximum number of any kind of licences relating to casinos, racing, gambling and wagering that should be awarded in the Republic or in any particular province; 50

(3) Eka nhlengeletano ya vandla laha ku rhambiweke swirho hinkwaswo ni leswi swo engetela, xirho xo engetela xi nga ha siviwa hi xin'wana xirho lexi nga ta hlawuriwa hi xirho lexi ngata tsandzeka ku va kona enhlengéletanini exikarhi ka swirho swa huvo ya vulawuri leyi khumbhekaka.

(4) Tani hi nhlengano lowu swiyenge swa mfumo wa rixaka ni wa swifundza swi faneleke ku tirhisana na wona, Vandla ri fanele ku ringeta hi tindlela hinkwato ku fikelela swiboho hi ndlela ya mfumelelano. 5

(5) Loko Vandla ro tsandzeka ku fikelela swiboho hi ndlela ya mpfumelelano eka mhaka yihi kumbe yihi, Vandla ri nga tirhisa maendelele ya nhlawulo ehenhla ka kungu ro karhi ku kota ku fikelela ntwanano. 10

(6) Kungu ku ya hi xiyengentsongo xa (5) ri pasa ntsena loko ri seketeriwa hi—

(a) Holobye; ni

(b) Ntlhanu wa swirho swa nkarhi hinkwawo swa Vandla.

(7) Hi ku ya hi swiyengentsongo swa (2) ku fikela (6), Vandla ri nga tivumbela Milawu ya Mafambisele ku fambisa tinhlengéletano ta rona. 15

Xiyenge xa b

Huvo ya Vugemburi ya Tiko

Ku yisa emahlweni ka Huvo ya Vugemburi ya Tiko

64. (1) Huvo ya Vugemburi ya Tiko, tani hilaha yi tumbuluxiweke ha kona hi Nawu wa Vugemburi wa Tiko wa 199, (Nawu wa No. 33 wa 1996), yi ta tama ya ha ri kona hi ku ya hi xiyenge xa 4 xa Xedulu. 20

(2) Huvo yi tiyimela hi yoxe.

Swikongomelo ni mintirho ya huvo

65. (1) Huvo yi ni matimba ni mintirho leswi landzelaka leswi faneleke ku tirhiwa ku ya hi Nawu lowu: 25

(a) Ku lavisisa no kambela laha swi faneleke, manyikele ya mimpfumelelo ya rixaka hi vulawuri bya mimpfumelelo bya swifundza ku vona loko ku landzeleriwele Nawu lowu hi ku landzelela leswi kombisiweke eka swiyenge swa 40 ku fikela eka 43;

(b) Ku kambela ku landzeleriwa ka Nawu lowu hi vulawuri bya mimpfumelelo bya swifundza, ku ngenela mintwanano ni vulawuri lebyi mayelana ni magoza lama faneleke ku tekiwa ku lulamisa swihoxo, ni ku nyika swibumabumelo eka Vandla mayelana ni timhaka ta muxaka lowu, hi ku landzelela leswi kombisiweke eka swiyenge swa 33 na 34; 30

(c) Ku vumba no hlayisa— 35

(i) Ntsariso wa nongonoko wa mavito ya vanhu lava nga faneriwangiki hi ku nyikiwa mpfumelelo ku ya hi xiyenge xa 14

(ii) sisiteme yo kambela ya xielektroniki ya tiko ku ya hi xiyenge xa 27;

(iii) ntsariso wa rixaka ra michini hinkwayo ya vugemburi ku ya hi leswi kombisiweke eka xiyenge xa 21; 40

(iv) ntsariso wo tsarisa mahungu ya tiko ku ya hi leswi kombisiweke eka xiyenge xa 35; ni

(v) ntsariso wa vumbhoni bya vakomberi ra rixaka hi ku ya hi xiyenge xa 57;

(d) Ku landzelerisa eka ku lawula tiphateni ta ikhonomi ya rixaka ni swivangelo eka gingiriko wa vugembuni eRiphablike naswona ku fanela ku endliwa vulavisisi no komba swivangelo swa mayelana na tiphateni, ni vuyelo bya swivangelo swa— 45

(i) swivangelo eka ikhonomi ya rixaka eka vugemburi; ni

(ii) vugemburi bya ntoloveloni ni bya vuhlongha;

(e) ku endla mintirho hinkwayo leyi longoloxiweke eka xiyenge xa 33; ni 50

(f) ku endla mintirho hinkwayo leyi faneleke ku ya Nawu lowu.

(2) Huvo yi nga—

(a) tsundzuxa Vandla mayelana ni nhlayo ya tikhasino, mujaho, vugemburi ni mubejo leyi nga fanelangiki ku tluriwa eka Riphabliki hinkwayo kumbe eka xifundzankulunkulu xo karhi; 55

- (b) advise the Council on matters of national policy relating to casinos, racing, gambling and wagering and on the determination of national norms and standards regarding any matter in terms of this Act that should apply generally throughout the Republic;
 - (c) recommend to the Council changes to bring about uniformity in the laws of the various provinces in relation to casinos, racing, gambling and wagering; 5
 - (d) advise the Council, through the Minister, in respect of any matter referred to it by the Council;
 - (e) monitor market share and market conduct in the gambling industry and refer any concerns regarding market share or possible prohibited practices to the Competition Commission in terms of the Competition Act, 1998 (Act No. 89 of 1998); and 10
 - (f) provide a broad-based public education programme about the risks and socio-economic impact of gambling.
- (3) The board may liaise with any foreign or international authorities having any objects similar to the objects of the board. 15
- (4) In exercising its powers and performing its duties set out in this Act, the board—
- (a) must comply with directions issued to it by the Council relating to casinos, racing, gambling and wagering;
 - (b) may have regard to international developments in the field of casinos, racing, gambling and wagering; and 20
 - (c) may consult any person, organisation or institution with regard to any matter deemed necessary by the board.

Relations with provincial licensing authorities

66. (1) At the request of the relevant Member of the Executive Council of a province, or the provincial licensing authority, the board— 25
- (a) may engage with that authority in co-operative activities of research, publication, education, staff development and training; and
 - (b) in consultation with the Minister, may— 30
 - (i) engage with that authority in staff exchanges or secondments; or
 - (ii) provide technical assistance or expertise to that authority.
- (2) At the request of the Member of the Executive Council or provincial licensing authority, the board may engage with that authority in co-operative activities to detect and suppress illegal gambling activities if there are good grounds to believe that those activities may be occurring across provincial boundaries. 35
- (3) At the direction of the Council, the board must engage with any relevant provincial licensing authority in co-operative activities to detect and suppress illegal gambling activities occurring—
- (a) across provincial boundaries; or
 - (b) entirely within a particular province, if, in the opinion of the Council, the provincial licensing authority is unable to suppress that activity on its own. 40
- (4) The board may liaise with provincial licensing authorities on matters of common interest.
- (5) The board may request any provincial licensing authority to submit any report or information related to the activities of that licensing authority to the board. 45

Composition of board

67. (1) The board consists of—
- (a) the following members appointed by the Minister for a term of no more than five years, as determined by the Minister at the time of appointment: 50
 - (i) a Chairperson and a Deputy Chairperson; and
 - (ii) not more than three other members, each of whom, in the opinion of the Minister, has applicable knowledge or experience in matters connected with the objects of the board; and
 - (b) four other members, of whom one each is designated by the— 55
 - (i) Minister;
 - (ii) Minister of Finance;

- (b) tsundzuxa Vandla mayelana ni timhaka ta tirhelo ra tikhasino, mujaho, vugembulu na vubeji xikan'we ni mavumbele ya swipimelo mayelana ni mhaka yihi kumbe yihi eka Nawu lowu leswi nga ta tirhisiwa eka Riphabliki hinkwayo;
- (c) ku nyika swibumabumelo eka swifundzankulu mayelana ni ku vumba 5
tipholisi leti fanaka mayelana ni tikhasino, vugemburi, mujaho ni vubeji;
- (d) ku tsundzuxa Vandla hi ku burisana na Holobye, ehenhla ka mhaka yihi kumbe yihi leyi yi nga yisiwaka eka huvo hi Vandla;
- (e) ku kambela swiavo ta makete ni matirhele ya timakete eka vubindzurisi bya vugemburi ni ku rhumela swiphiqo hinkwaswo mayelana ni swiavo ta makete 10
eka Khomixini ya Mphikisano hi ku landzelela leswi kombisiweke eka Nawu wa Mphikisano, 1998 (Nawu wa No. 89 wa 1998); ni
- (f) ku nyika nongonoko wa dyondzo yo enta na anama hi nghozi ni ku onha loku ku vangiwaka hi vugemburi eka mahanyelo ni rifuwo ra vaakatiko.
- (3) Huvo yi nga ha tihlanganisa ni minhlango ya matiko ya le handle leyi yi nga ni 15
mintirho leyi fambelanaka ni ya Huvo.
- (4) Eku tirhiseni ka matimba ya yona no endla mintirho ya yona leyi kombisiweke laha eka Nawu lowu, Huvo—
- (a) yi fanele ku landzelela swiletelo leswi nyikiweke hi Vandla mayelana ni tikhasino, mujaho, vugemburi ni vubeji; 20
- (b) yi nga ha xiyisisa nhluvuko lowu veke kona ematikweni ya le handle eka xiyenge xa tikhasino, vugemburi, mujaho ni vubeji; ni
- (c) ku tihlanganisa ni munhu wihi kumbe wihi kumbe nhlangano wihi kumbe wihi lowu huvo yi vonaka swi fanerile ku tihlanganisa na wona.

Vuxaka ni vulawuri bya mpfumelelo bya xifundzankulu 25

66. (1) Hi ku landzelela xikombelo xa Xirho xa Vandla-nkulu ya xifundzankulu kumbe vulawuri bya mpfumelelo bya xifundzankulu, huvo—
- (a) yi nga tirhisana ni vulawuri byebyo eka migingiriko ya ndzavisiso, vukandziyisi, ku hlukukisiwa ka vatirhi ni ndzetelo; ni
- (b) hi ku burisana ni Holobye yi nga— 30
- (i) vanga ku cinca-cinca eka vatirhi ni le ka vuthori.
- (ii) Pfuna hi tlhelo ra swa vuthekiniki kumbe hi vuswikoti byo karhi eka vulawuri.
- (2) Hi ku landza xikombelo xa mfumo wa milawu wa xifundzankulu, Xirho xa Huvo-nkulu kumbe vulawuri bya mpfumelelo bya xifundzankulu ni huvo swi nga 35
burisana ni vulawuri byolebyo hi tindlela to pfuna ku herisa vugemburi lebyi nga riki enawini eka xifundzankulu lexi khumbhekaka.
- (3) Hi ku landzelela xileriso xa Vandla, huvo yi fanele ku nghenelela eka migingiriko yo lwa ni ku herisa vugemburi lebyi nga riki enawini lebyi humelelaka—
- (a) ehandle ka mindzelekano ya swifundzankulu; kumbe 40
- (b) eka xifundzankulu xo karhi loko hi ku vona ka Vandla swi tika eka Vandla ku lwisana ni migingiriko yoleyo hi yoxe.
- (4) Huvo yi nga burisana ni vulawuri bya swifundzankulu hi timhaka ta nkoka leti khumbhaka minhlango ha mimbirhi.
- (5) Huvo yi nga kombela vulawuri byihi kumbe byihi bya xifundzankulu ku tisa 45
xiviko xo karhi kumbe mahungu mayelana ni migingiriko ya vulawuri eka huvo.

Xivumbeko xa Huvo

67. (1) Huvo yi vumbiwa hi—
- (a) swirho leswi landzelaka leswi thoriwaka hi Holobye ku ringana malembe yo ka ya nga tluli ntlanu, tani hilaha Holobye a nga ta swi vekisa xiswona eku 50
tholeni ka yena:
- (i) Mutshami wa xitulu ni museketeri wa yena; ni
- (ii) Swirho swin'wana swo ka swi nga tluli swinharhu, leswi xin'wana ni xin'wana xa swona xi nga ni vutivi byo karhi mayelana ni mintirho ya huvo; ni 55
- (b) swin'wana swirho swa mune, leswi xin'wana ni xin'wana xa swona xi nga ta thoriwa hi—
- (i) Holobye
- (ii) Holobye wa Timali

- (iii) Minister of Safety and Security; and
 - (iv) Minister of Social Development,
- respectively, to serve until substituted by that Minister who designated that member.
- (2) To be eligible for appointment or designation as a member of the board, and to continue to hold that office, a person must— 5
- (a) be a fit and proper person;
 - (b) not be subject to any disqualification set out in subsection (3); and
 - (c) have submitted to the Minister a written declaration stating that—
 - (i) the person is not disqualified in terms of subsection (3); and
 - (ii) the person does not have any interests referred to in subsection (3)(c). 10
- (3) A person may not be a member of the board if that person— 10
- (a) is a political office bearer;
 - (b) is listed in the register of excluded persons by order of a court;
 - (c) personally or through a spouse, partner or associate—
 - (i) has or acquires a direct or indirect financial interest in a licence issued in terms of this Act, or in premises used for an activity that must be licensed in terms of this Act; or 15
 - (ii) has or acquires an interest in a business or enterprise that may conflict or interfere with the proper performance of the duties of a member of the board; 20
 - (d) is an unrehabilitated insolvent, or becomes insolvent and the insolvency results in the sequestration of his or her estate;
 - (e) has ever been, or is, removed from an office of trust on account of misconduct;
 - (f) is subject to an order of a competent court holding that person to be mentally deranged; 25
 - (g) within the previous ten years has been, or is, convicted in the Republic or elsewhere of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), an offence under Chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), an offence under the Financial Intelligence Centre Act, or an offence involving dishonesty; or 30
 - (h) has been convicted of any other offence committed after the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), took effect, and sentenced to imprisonment without the option of a fine.
- (4) The Chief Executive Officer is an ex officio member of the board, but may not vote at meetings of the board. 35
- (5) For the purpose of subsection (3)(c), a financial interest does not include an indirect interest held in any fund or investment if the person contemplated in that subsection has no control over the investment decisions of that fund or investment.

Conflicting interests 40

- 68.** (1) A member of the board must promptly inform the Minister in writing after acquiring an interest that is, or is likely to become, an interest contemplated in section 67(3)(c)(ii).
- (2) A member of the board must not—
- (a) engage in any activity that may undermine the integrity of the board; 45
 - (b) attend, participate in or influence the proceedings during a meeting of the board, if, in relation to the matter before the board, that member has an interest—
 - (i) contemplated in section 67(3)(c)(ii); or
 - (ii) that precludes the member from performing the duties of a member of the board in a fair, unbiased and proper manner; 50
 - (c) vote at any meeting of the board in connection with a matter contemplated in paragraph (b);
 - (d) make private use of, or profit from, any confidential information obtained as a result of performing that person's duties as a member of the board; or 55

(iii) Holobye wa Nhlayiseko ni Nsirhelelo; ni

(iv) Holobye wa Nhluvukiso wa Vanhu

hinkwavo va ta tirha ku kondza va siviwa hi Holobye loyi a va tholeke.

(2) Ku va munhu a kota ku hlawuriwa tani hi xirho xa Huvo ni ku va a tama a ha tirha ehofisini ya huvo u fanele— 5

(a) a ri munhu la tiyeleke a nga vabyiku;

(b) a nga vi a ri munhu la nga fanelangiki ku ya hi xiyengentsongo xa (3); ni

(c) ku va a tsalerile Holobye tsalwa ro tiboha leswaku—

(i) a hi munhu la nga faneriwangiki ku ya hi xiyengentsongo xa (3); naswona 10

(ii) munhu loyi a nga ni xiavo xo karhi hi ku ya hi leswi kombisiweke eka xiyengentsongo xa (3)(c).

(3) Munhu a nga pfumeleriwi ku va xirho xa huvo loko—

(a) a tirha ehofisini ya swa tipolitiki;

(b) vito ra yena ri longoloxiwile eka ntsariso ra lava nga faneriwangiki hi ku nyikiwa mpfumelelo hi nawu wa huvo; 15

(c) yena hi yexe kumbe nuna/nsati wa yena kumbe xaka—

(i) a ri ni xiavo eka mpfumelelo lowu nyikiweke ku ya hi Nawu lowu, kumbe eka ndhawu leyi tirhiseriwaka migingiriko leyi faneleke ku nyikiwa mpfumelelo ku yahi Nawu lowu; kumbe 20

(ii) a ri ni xiavo eka bindzu leri nga vangaka nkavanyeto eka mintirho ya yena tani hi xirho xa huvo;

(d) a ri mukoloti lonkulu kumbe a kolota ku fika laha nhundzu ya yena yi xavisiwaka.

(e) a tshame a tshikisiwa ntirho hikwalaho ko tlula nawu entirhweni wa yena; 25

(f) a nyikiwile xileriso hi khoto lexi kombisaka leswaku a nga lulamanga swinene emiehleketweni;

(g) a vile a khomiwa eka khume ra malembe lama nga hundza, laha eka Riphabliki kumbe kun'wana hikwalaho ka vukhamba, vukungundzwani kumbe ku tlula nawu wa Vukungundzwani wa 1992, (Nawu wa No. 94 wa 1992), kumbe ku onha kwihi kumbe kwihi ehansi ka nawu wa Xifundzankulu ku kondza a khomiwa ehandle ko pfumeleriwa ku hakela fayini yo karhi, kumbe ku chajiwa fayini yo tlula ntsengo wo karhi, handle ka loko munhu yoloye a lo kuma ku rivaleriwa eka vuonhi byolebyo; kumbe 30

(h) a tshame a voniwa nandzu hi leswi a swi endleke endzhaku ka loko Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa No. 200 wa 1993), ri sungurile ku tirhisiwa, laha a gweviweke hi ku pfaleriwa ekhotsweni handle ko byeriwa ku hakela mali yo karhi. 35

(4) Murhangerinkulu i xirho xa le handle xa huvo, kambe a nga pfumeleriwi ku vhota eka tinhlangeletani ta huvo. 40

(5) Eka xiyenge xa (3)(c), xiave xa swa timali a xi katsi xiavo lexi nga kongomiki lexi munhu a nga vaka na xona eka mbekiso kumbe nkwama wo karhi loko munhu yoloye a vuriwaka eka xiyengentsongo lexi a nga ri ni vulawuri ehenhla ka swiboho leswi nga tekiwaka leswi khumbhaka mbekiso kumbe nkwama wolowo.

Maendlele lama vangaka nkwetlembetano

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68. (1) Xirho xa huvo xi fanele ku tivisa Holobye hi ku tsala kunene endzhaku ko kuma xiavo, hileswaku ni loko o tshuka a lavile ku kuma xiave ku ya hi laha swi kombisiweke hakona eka xiyenge xa 67(3)(c)(ii).

(2) Xirho xa huvo a xi fanelanga ku—

(a) ngenenelela eka migingiriko leyi nga ta endla leswaku huvo yi nga tshembheki hi ku hetiseka; 50

(b) ngenela kumbe ku kucetela nhlangeletano ya huvo loko ku ri karhi ku kaneriwa mhaka leyi xirho xi nga na xiave eka yona—

(i) tani hilaha swi kombisiweke hakona eka xiyenge xa 67(3)(c)(ii); kumbe

(iii) leswi nga endlaka leswaku xirho xi nga ha tirhi ntirho wa xona hi ku tshembheka loku hetisekeke ku nga ri ni ku voyamela etihelo. 55

(c) nhlawulo eka nhlangeletano yihi kumbe yihi ya huvo leyi khumbhaka timhaka leti kombisiweke eka ndzimana ya (b);

(d) bindzula hi mintirho leyi xirho xi yi endlaka leyi xi bohaka ku yi endla tani hi xirho xa huvo; kumbe 60

- (e) divulge any information referred to in paragraph (d) to any third party, except as required as part of that person's official functions as a member of the board.
- (3) If, at any time, it appears to a member of the board that a matter before the board concerns an interest of that member referred to in subsection (2)(b), the member must—
- (a) immediately and fully disclose the nature of that interest to the meeting; and 5
 - (b) withdraw from the meeting to allow the remaining members to discuss the matter and determine whether the member should be prohibited from participating in any further proceedings concerning that matter.
- (4) A disclosure by a member in terms of subsection (3)(a) and the decision by the board in terms of subsection (3)(b) must be expressly recorded in the minutes of the meeting at which the disclosure is made. 10
- (5) Proceedings of the board, and any decisions taken by a majority of the members present and entitled to participate in those decisions, are valid despite the fact that—
- (a) a member failed to disclose an interest as required by subsection (3); or
 - (b) a member who had such an interest attended those proceedings, participated in them in any way, or directly or indirectly influenced those proceedings. 15

Resignation, removal from office, and vacancies

69. (1) A member may resign from the board by giving to the Minister—
- (a) one month written notice; or
 - (b) less than one month written notice, with the approval of the Minister. 20
- (2) The Minister may, after taking the steps required by subsection (3), remove a member of the board, if that member has—
- (a) become disqualified in terms of section 67(2) or (3);
 - (b) acted contrary to section 68(2);
 - (c) failed to disclose an interest or withdraw from a meeting as required by section 68(3); or 25
 - (d) neglected to properly perform the functions of his or her office.
- (3) Before removing a person from office in terms of subsection (2), the Minister must afford the person an opportunity to be heard.
- (4) Upon the expiry of an appointed member's first term of office, the member may be re-appointed to a further term, subject to section 67. 30
- (5) A person may not be appointed to serve for more than two terms as a member of the board.

Meetings of board

70. (1) The chairperson may determine the date, time and place for the first meeting of the board, and the chairperson in consultation with the board may determine the date, time and place for each subsequent meeting. 35
- (2) The chairperson in consultation with the board may determine procedure at meetings of the board, after due consideration of the principles of openness and transparency. 40
- (3) A majority of the members of the board is a quorum for a meeting of the board.
- (4) The board must attempt to reach its decisions by consensus.
- (5) If the board is unable to reach a consensual decision in any matter before it, the board may resolve the matter by simple majority vote on a motion.
- (6) Subject to subsections (4) and (5), the board may establish rules for its own proceedings. 45
- (7) A decision taken at a meeting of the board, or an act performed under the authority of such a decision, is valid despite—

- (e) boxa mahungu lama kombisiweke eka ndzimana ya (d) eka munhu wihi kumbe wihi wa vunharhu, handle ka loko swi boha eku endleni ka ntirho wa yena tani hi xirho xa huvo.
- (3) Loko xirho xo tshuka xi kumile leswaku mhaka leyi kaneriwaka eka nhlengeletano yi khumbha leswi kombisiweke eka xiyengentsongo xa (2)(b), xirho xi fane ku— 5
- (a) hatla xi boxa enhlengeleranini vundzeni bya mhaka leyi ni hi ndlela leyi xi khumbhekaka ha yona;
- (b) ku kombela ku tshunxiwa enhlengeleranini leswaku swirho leswin'wana swi sala swi kanela mhaka leyi ni ku endla xiboho xa loko xirho lexi xi fanele ku pfumeleriwa ku va kona eka nhlengeletano yoleyo kumbe e-e. 10
- (4) Leswi nga ta boxiwa hi xirho ku ya hi xiyengentsongo xa (3)(a) ni xiboho lexi nga ta tekiwa hi nhlengelerano ehenhla ka mhaka leyi swi fanele ku tsariwa eka makanelwa ya nhlengelerano yoleyo.
- (5) Maendlele ni swiboho leswi nga ta tekiwa hi nhlalo ya le henhla ya swirho leswi nga ta va swi ri kona enhlengeleranini yoleyo swi ta tekiwa swi ri swa nkoka hambi — 15
- (a) loko xirho xi nga boxangi timhaka ta xiave xa xona tani hilaha swi faneleke hakona ku ya hi xiyengentsongo xa (3); kumbe
- (b) xirho lexi khumbhekaka hi mhaka leyi xi lo ngenela nhlengelerano yoleyo xi tlhela xi ngenelela ni le ku kaneriwani ka mhaka leyi. 20

Ku tshika ntirho, ku tshikisiwa ntirho ni matholele

69. (1) Xirho xi nga tshika ntirho hi ku tsalela Holoby—
- (a) xitiviso xa n'hweti; kumbe
- (b) hambi swi nga endli n'hweti loko Holoby o pfumela.
- (2) Endzhaku ko landzelela magoza lama vekiweke eka xiyengentsongo xa (3), Holoby a nga tshikisa xirho ntirho loko xirho xexo— 25
- (a) xo kumeka leswaku a xi faneriwanga hi ku va xirho ku ya hi xiyenge xa 67(2) kumbe (3);
- (b) xo tlula milawu leyi vekiweke eka xiyenge xa 68(2);
- (c) xo ka xi nga boxi xiavo lexi xi nga na xona kumbe ku kombela ku tshunxiwa eka ku ngenela nhlengelerano ku ya hilaha swi kombisiweke ha kona eka xiyenge xa 68(3); kumbe 30
- (d) xo honisa ku tirha ntirho wa xona hi ku hetiseka.
- (3) Loko Holoby a nga si tshikisa xirho ntirho, u fanele ku xi nyika n karhi wo ta tivulavulela. 35
- (4) Endzhaku ko hela ka nkarhi lowu xirho xi hlawuriweke ku tirha wona, xi nga ha tlhela xi thoriwa nakambe hi ku landzelela leswi kombisiweke eka xiyenge xa 67.
- (5) Munhu a nga ka a nga thoriwi ku tirha ku tlula titheme timbirhi tani hi xirho xa huvo.

Tinhlegetano ta huvo

70. (1) Mutshami wa xitulu a nga hlalula siku, nkarhi ni ndhawu ya nhlengelerano ya huvo yo sungula, endzhaku ka swona mutshami wa xitulu a nga burisana ni swirho leswin'wana mayelana ni masiku, minkarhi ni tindhawu swa tinhlengelerano leti nga ta landzela.
- (2) Mutshami wa xitulu hi ku burisana ni huvo a nga vumba maendlele lama nga ta tirhisiwa eka tinhlengelerano ta huvo endzhaku ko kambisisa hi vundzeni, milawu ya nkala-vutumbelelani. 45
- (3) Nhlalo ya le henhla ya swirho swa huvo swi vumba khoramu ya nhlengelerano ya huvo.
- (4) Huvo yi fanele ku ringeta ku fikelela ntwanano eka swiboho swa yona hi ndlela ya mpfumelelano. 50
- (5) Lko huvo yi tsandzeka ku fikelela ntwanano ehenhla ka mhaka yo karhi, ku nga tirhisiwa maendlele yo vhoti ehenhla ka kungu ro karhi.
- (6) Hi ku ya hi swiyengentsongo swa (4) na (5), huvo yi nga tivumbela milawu ya mafambisele ya tinhlengelerano ta yona. 55
- (8) Xiboho lexi tekiwaka eka nhlengelerano ya huvo kumbe mhaka yo karhi leyi nga endlwaka hi ku landzelela xiboho lexi tekiweke enhlengeleranini swi tekiwa swi ri swa nkoka swinene hambi—

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- (a) a vacancy on the board at the time the decision was taken; or
- (b) the fact that a person who was not a member sat as a member at the time when the decision was taken.

Committees of board

71. (1) The board may from time to time appoint one or more committees to perform any duties and exercise any powers delegated to it by the board. 5

(2) A committee may comprise only persons who are members of the board, except to the extent required to comply with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The board— 10

- (a) may designate any number of its members to sit on a committee;
- (b) must designate which member will chair the committee; and
- (c) may issue directives to the committee but any such directives must be consistent with this Act.

(4) A committee must perform its duties and exercise its powers subject to the provisions of this Act and any directives issued by the board in terms of subsection (3)(c). 15

(5) A decision of a committee taken in the performance of a duty or exercise of a power delegated to it is a decision of the board, subject to ratification by the board.

Remuneration and allowances of members of board and committees 20

72. (1) The Minister may, with the concurrence of the Minister of Finance, determine the remuneration and allowances of any member of the board, or of a committee, who is not in the full-time service of the State.

(2) The remuneration and allowances of the persons referred to in subsection (1) may differ according to the different offices held by them or the different duties performed by them. 25

Staff of board and remuneration

73. (1) The board—

- (a) in consultation with the Minister, must appoint a suitably qualified and experienced person as Chief Executive Officer who— 30

- (i) subject to the direction and control of the board, is responsible for all financial administrative responsibilities pertaining to the functions of the board; and

- (ii) is accountable to the board; and

- (b) may appoint any other staff as may be necessary to enable the board to perform its duties. 35

(2) Sections 67(2) and (3) and section 68, read with the changes required by the context, apply to the Chief Executive Officer and each staff member to be appointed in terms of this Act.

(3) The board, in consultation with the Minister, may determine the remuneration, allowances, employment benefits and other terms and conditions of appointment of a person appointed in terms of subsection (1). 40

(4) Subject to the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the board may delegate to any member of the staff any power or duty that the board may exercise or perform in terms of this Act. 45

Finances

74. (1) The board is financed from—

- (a) money appropriated by Parliament for the board;
- (b) any fees payable to the board in terms of this Act;
- (c) income derived by the board from its investment and deposit of surplus money in terms of subsection (6); and 50
- (d) other money accruing to the board from any source.

(2) The financial year of the board is the period from 1 April in any year to 31 March in the following year.

(3) Each year, at a time determined by the Minister, the board must submit to the Minister a statement of the board's estimated income and expenditure, and requested appropriation from Parliament, in respect of the next ensuing financial year. 55

- (a) loko a ku ri ni xirho lexi kayivelaka (lexi nga si thoriwaka) eku tekiweni ka xiboho xolexo; kumbe
- (b) loko munhu loyi a nga ri xirho a tshamile tani hi xirho enhlengéletanini loko xiboho xolexo xi tekiwa.

Tikomiti ta huvo

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71. (1) Huvo yi nga vumba tikomiti nkarhi wun'wana ni wun'wana loko ku ri ni ntirho lowu huvo yi lavaka leswaku wu endliwa.

(2) Tikomiti leti ti ta vumbiwa ntsena hi swirho swa huvo, handle ka loko swi fika laha ku faneleke ku tirhisiwa Nawu wa Matirhisele ya Timali ta Tiko, 1999(Nawu wa No. 1 wa 1999)

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(3) Huvo—

- (a) yi nga hlawula nhlayo yin'wana ni yin'wana ya swirho ku vumba komiti;
- (b) yi fanele ku hlawula xirho lexi nga ta va mutshami wa xitulu wa komiti;
- (c) yi nga nyika swiletelo eka komiti kambe swiletelo hinkwaswo swi fanele ku landzelela Nawu lowu.

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(4) Komiti yi fanele ku tirha mintirho ya yona hinkwayo hi ku landzelela Nawu lowu ni ku landzelela swileriso leswi nyikiwaka hi huvo hi ku ya hi xiyengentsongo xa (3)(c).

(5) Xiboho lexi tekiwaka hi komiti eku tirheni ntirho wa yona i xiboho xa huvo naswona xi nga ha cinciwa hi huvo loko swi fanerile.

Miholo ni swengetelo swa swirho swa tihuvo ni swihubyana

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72. (1) Holobye hi ku pfumelelana ni Holobye wa timali a nga boxa mali leyi nga hakeriwaka kumbe muholo ni swengetelo swa xirho xihi kumbe xihi xa huvo kumbe xa komiti lexi nga riki mutirhela mfumo wa nkarhi hinkwawo.

(2) Tihakelo ni swengetelo swi nga hambana ku ya hi xiyimo lexi xirho xi thoriweke eka xona ni muxaka wa ntirho lowu xirho xi wu tirhaka.

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Vatirhi va huvo ni muholo

73. (1) Huvo—

- (a) hi ku pfumelelana na Holobye yi fanele ku thola munhu la nga ni vuswikoti tani hi Murhangerinkulu loyi—

(i) hi ku leteriwa hi huvo a nga ta lawula matirhisele ya timali eka huvo; ni

(ii) ku va ni vutihlamuleri eka huvo; naswona

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- (b) yi nga tlhela yi thola un'wana mutirhi la nga ta pfuna hi tlhelo ra mafambisele ya swilo eka huvo loko swi fanerile.

(2) Swiyenge swa 67(2) na (3) na xiyenge xa 68 swi katsa nakambe Murhangerinkulu ni mutirhi la nga ta thoriwa ku pfuneta hi ta mafambisele ya mintirho ya huvo hi ku ya hi Nawu lowu.

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(3) Huvo hi ku pfumelelana na Holobye yi nga boxa muholo, swengetelo, swipfuno swa le ntirhweni ni yin'wana milawu ya le ntirhweni ya vathoriwa lava nga ta thoriwa ku ya hi xiyengentsongo xa (1).

(4) Hi ku ya hi Nawu wa Matirhisele ya Timali ta Tiko, 1999 (Nawu wa No. 1 wa 1999), huvo yi nga nyika ntirho eka mutirhi wihi kumbe wihi lowu wu faneleke wu endliwa hi huvo hi ku ya hi Nawu lowu.

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Timali

74. (1) Huvo yi pfuniwa hi timali hi—

- (a) mali leyi nyikiwaka huvo hi palamende;
- (b) mali leyi hakeriwaka eka huvo ku ya hi Nawu lowu;
- (c) mali ya ntswalo lowu kumekaka eka mbekiso lowu endliwaka hi huvo hi ku ya hi xiyengentsongo xa (6); ni
- (d) yin'wana mali leyi yaka eka huvo leyi humaka kun'wana ni kun'wana.

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(2) Lembe ximali ra huvo ri sungula hi ti 1 ta Dzivamusoko ku fikela ti 31 ta Nyenyankulu eka lembe leri landzelaka.

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(3) Lembe na lembe eka nkarhi lowu wu vekiweke hi Holobye, huvo yi boheka ku nyiketa Holobye xikombisa-tinkota xa huvo xa muholo lowu pimanyetiweke na xa matirhisiwelo ya mali, leyi komberiweke yi huma ePalamende, hi ku landza lembe ximali ra lembe leri taka.

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(4) The board must open and maintain an account in the name of the board with a registered bank or other registered financial institution in the Republic and—

- (a) any money received by the board must be deposited to that account; and
- (b) every payment on behalf of the board must be made from that account.

(5) Cheques drawn on the account of the board must be signed on its behalf by two persons authorised for that purpose by resolution of the board. 5

(6) The board may invest or deposit money of the board that is not immediately required for contingencies or to meet current expenditures—

- (a) on a call or short-term fixed deposit with any registered bank or financial institution in the Republic; or 10
- (b) in an investment account with the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984).

Accountability, audits and reports

75. (1) The board is responsible to— 15

- (a) account for State and other money received by, or paid for or on account of, the board; and
- (b) cause the necessary accounting and related records to be kept, in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The records referred to in subsection (1)(b) must be audited by the Auditor-General. 20

(3) The board must report to the Minister at least once every year on its activities.

(4) As soon as practicable after receiving a report referred to in subsection (3), the Minister must—

- (a) transmit a copy of the report to the Premier of each province; and 25
- (b) table it in Parliament.

CHAPTER 5

ENFORCEMENT AND OFFENCES

National inspectorate

76. (1) The board— 30

- (a) may appoint any suitably qualified person as an inspector and assign the inspector to monitor, investigate or evaluate any matter on behalf of the board, subject to the control and direction of the board; and
- (b) must provide each inspector with a certificate signed on behalf of the board and stating— 35
 - (i) that the inspector has been appointed under this Act; and
 - (ii) any limitation on the authority of that inspector.

(2) An inspector performing a function under this Act must show his or her certificate of appointment to any affected person who demands to see it.

(3) For the purpose of this Act or any other national or provincial law in respect of gambling and associated activities, an inspector is deemed to have been appointed a peace officer for the purposes of the relevant sections of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). 40

Powers and duties of inspector

77. (1) An inspector may attend at the offices of any provincial licensing authority for the purpose of carrying out any activity contemplated in section 33 or 34. 45

(4) Huvo yi fanale ku pfula nkota ya bangi no yi hlayisa hi vito ra huvo na bangi leyi tsarisiweke kumbe nhlango wa swa timali lowu tsarisiweke laha Riphabliki no—

(a) mali yin'wana na yin'wana leyi amukeleke hi huvo yi fanele ku ngenisiwa eka nkota leyi; no

(b) tihakelo hinkwato leti endliwaku hi ku yimela huvo ti ta endliwa ti huma eka nkota leyi. 5

(5) Ticheke to hakela to huma eka nkota ya huvo ti fanele ku sayiniwa hi ku yimela huvo hi vanhu vambirhi lava nyikiweke vulawuri bya ntirho wa lowo hi ku landza xiboho xa huvo.

(6) huvo yi nga ha vekisa kumbe ku ngenisa mali ya huvo leyi yi nga ta ka yi nga laveki hi xihatla ku pfuna eka xiyimo xo ka xi nga languteriwanga kumbe ku hakela swikweleti swa sweswi— 10

(a) mali leyi ngenisiweke eka nkota hi xikadyananyana na bangi kumbe nhlango leyi/lowu tsarisiweke laha eka Riphabliki; kumbe

(b) kumbe ku yi ngenisa eka nkota ya vuvekisi na nhlango wa vuhlayiselo bya Vanhu bya rifuwo (Corporation for Public Deposits) lowu sunguriweke hi ku landza xiyenge 2 xa Nawu wa Vuhlayiselo bya Vanhu bya Rifuwo(Corporation for Public Deposits, 1984 (Nawu wa 46 wa 1984) 15

Vutihlamuleri, ku kambela tinkota na swiviko

75. (1) Huvo yi na vutihlamuleri byo— 20

(a) Nyika nhlamuselo hi mayelano na timali to huma eka Mfumo na mali leyi amukeriweke hi, kumbe leyi yi hakeriweke eka; kumbe hi swin'wana swa huvo

(b) Ku nyika nhlamuselo leyi faneleke kumbe no veka matsalwa lama ya fambelanaku na swona hi ku landza Nawu wa Mafambiselo ya Timali ta Tiko/ Vanhu (Nawu wo 1 wa 1999) 2. Matsalwa lama ya khumbhiweke eka xiyenge xa le hansi (1)(b) ya fanele ya kambisiwa hi Mukamba-Tinkota wo Angarhela. 25

(3) Huvo yi fanele ku nyika xiviko eka Holobye hambi ko va kan'we hi lembe eka misingiriko ya yona

(4) Loko swi nga koteka hi xihatla endzhaku ka loko Holobye a amukerile xiviko lexi khumbhiweke eka xiyenge xa le hansi xa (3), Holobye u boheka— 30

(a) Ku hundzisa papilla ra xiviko lexi eka Vahubyankulu va swifundzankulu hinkwaswo; no

(b) Nyika xiviko lexi ePalamende

KAVANYISA KA 5

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Vukamberi bya Tiko

76. (1) Huvo—

(a) yi nga ha thola munhu loyi a thwaseke hi ku enerisa tani hi mukamberi no n'wi nyika ntirho wo xopela, lavisisa no kambela swilo hinkwaswo no yimela huvo, munhu ya loye u ta fambisiwa hi swileriswo swa huvo; no 40

(b) Huvo yi ta nyika mukamberi wun'wana na wun'wana xitifiketi lexi sayiniweke hi ku yimela huvo lexi hlumaseleka—

(i) mukamberi u thoriwile ehansi ka Nawu lowu; no

(ii) kombisa laha vulawuri bya mukamberi byi helelaku kona

(2) Mukamberi loyi a tirhaku ntirho lowu nga ehansi ka Nawu lowu u boheka ku kombisa xitifiketi xa ku thoriwa ka yena eka munhu wihi kumbe wihi loyi a khumbekaka loko munhu ya loye a koxa ku kombisiwa xona 45

(3) Hi ku landza xikongomelo xa Nawu lowu kumbe nawu wihi na wihi wa tiko kumbe xifundzankulu wa swa vugemburi kumbe swin'wana swo yelana na swona, mukamberi u tekiwa tani hi mulamuri hi ku landza swikongomelo leswi khumbhekaka swa swiyenge swa Nawu wa Mafambiselo ya swa Vugevenga wa 1977 (Nawu 51 wa 1977) 50

Matimba na mintirho ya mukamberi

77. (1) Mukamberi a nga ha ya eka hofisi yihi na yihi ya xifundzankulu leyi yi nga na vulawuri byo nyika mpfumelelo wa vugemburi ku endlela ku hetisisa xikongomelo xa misingiriko lexi kunguhatiweke eka xiyenge 33 kumbe 34. 55

(2) Without prior notice, an inspector in the company of an inspector appointed in terms of provincial law, may—

- (a) enter any licensed premises, or other premises in which licensed activities are engaged in, conducted or made available, or in which records of any of those activities are prepared or maintained; 5
- (b) enter any unlicensed premises in, on or from which it is suspected—
 - (i) that any gambling activity is being engaged in, conducted or made available; or
 - (ii) that any gambling machine or any equipment, device, object, book, record, note, recording or other document used or capable of being used in connection with the conducting of a casino or any other gambling activity may be found; 10
- (c) in any premises referred to in paragraph (a) or (b)—
 - (i) conduct any enquiry that the inspector believes to be necessary, after having informed the person who appears to be in charge of the premises of the purpose of the inspector's visit; 15
 - (ii) require the person in control of such premises to produce any licence or written permission or authorisation required under this Act or any provincial law;
 - (iii) question any person who is on or in those premises; 20
 - (iv) examine any prescribed gambling equipment, device, object, book, record, note, recording or other document in, about, upon or around the premises referred to in paragraph (a) or (b); and
 - (v) seize and remove from those premises, and impound—
 - (aa) any such equipment for the purposes of examination and inspection; 25
 - or
 - (bb) any book, record, ledger, game device, cash box and its contents, counting room or its equipment or gambling operations;
- (d) require any person who appears to be in charge of any premises referred to in paragraph (a) or (b)— 30
 - (i) to point out any equipment, device or object referred to in those paragraphs that the person has possession or custody of, or control over;
 - (ii) to produce for the purpose of examination or of making copies or extracts, any book, record, note, recording or other document referred to in paragraph (a) or (b) that the person has possession or custody of, or control over; and 35
 - (iii) to provide any information in connection with anything that has been pointed out or produced in terms of subparagraph (i) or (ii).

(3) Without prior notice, an inspector may do any thing contemplated in subsection (2) for the purpose of carrying out the responsibilities of the board in terms of section 65(1)(a) or (b). 40

(4) When performing a duty in terms of subsection (2) or (3), an inspector may be accompanied and assisted by an assistant, interpreter or a police official.

(5) An inspector may request and receive information, materials and any other data from any licensee or applicant for a licence or registration under this Act, subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). 45

Breach of confidence

78. (1) It is an offence to disclose any confidential information concerning the affairs of any person obtained—

- (a) in carrying out any function in terms of this Act; or 50
- (b) as a result of making an application or participating in any proceedings in terms of this Act.

(2) Ku nga rhangangi ku nyikiwa xitiviso, mukamberi loyi a fambaka na mukamberi loyi a thoriweke hi ku landza nawu wa xifundzankulu, a nga ha—

- (a) nghena tindhawu tihi na tihi leti nga na mpfumelelo, kumbe leti ta ha lavaku mpfumelelo wo gembula, kumbe laha swilo swa vugemburi swi pfumeleriwaka, kumbe laha matsalwa ya swa vugemburi ya lulamisiweke no hlayisiwa 5
 - (b) nghena eka tindhawu hinkwato leti nga riki na mpfumelelo, laha ku nga na ku ehleketeleriwa ka—
 - (i) leswaku vugemburi bya mihlovohlovo byi le ku endlekeni no va kona;
 - (ii) leswaku muchini wo gembula, kumbe swilo swin'wana, michumu yo hambana-hambana, buku, matsalwa na swilo swin'wana leswi swi nga ha tirhisiwaku eka khasino kumbe swilo swin'wana swa vugemburi swi nga ha kumekaku; 10
 - (c) eka tindhawu leti hlayiweke eka xivulwa (a) kumbe (b)
 - (i) ku vutisa hinkwaswo leswi mukamberi a tshembhaka leswaku swi fanerile, endzhaku ka loko a rhangile hi ku tivisa munhu loyi a langutekaku tani hi mufambisi wa ndhawu ya leyo mayelano na rendzo ra mukamberi 15
 - (ii) koxa leswaku mufambisi wa ndhawu a humesa mpfumelelo wihi kumbe wihi kumbe mpfumelelo lowu tsariweke kumbe vulawuri lebyi lavekaka ehansi ka Nawu lowu kumbe ehansi ka nawu wa xifundzankulu; 20
 - (iii) ku vutisa munhu wun'wana na wun'wana loyi a nga eka ndhawu ya leyo;
 - (iv) kambelo wa swingolongondwani hinkwaswo swo gembula hi swona tani hi buku, matsalwa na swin'wana na swin'wana leswi kumekaku endhawini ya leyo hi ku landza leswi vuriweke eka xiga (a) kumbe (b); no teka 25
 - (v) vutla no susa ku suka endhawini ya leyo, no khwakhwayisa—
 - (aa) swingolongondwani swihi ni swihi hi kungu ro xiyisisisa no kambela; kumbe
 - (bb) buku yihi na yihi, tsalwa, lejera, muchini wo tlanga hi wona, bokisi ra mali na hinkwaswo leswi swi nga endzeni ka rona, kamara yo hlayela mali eka yona kumbe nhundzu ya yona kumbe swilo swa vugemburi; 30
 - (d) lava munhu loyi a tikombaka a ri yena mufambisi wa ndhawu leyi vuriweke eka Xivulwa (a) kumbe (b)— 35
 - (i) ku kombeta swilo hinkwaswo leswi vuriweke eka swivulwa (a) na (b) leswi munhu yaloye a nga na swona kumbe leswi a swi pfaleleke, kumbe leswi swi nga ehansi ka vufambisi bya yena;
 - (ii) ku humesa swilo leswaku swi kamberiwa kumbe ku endla kandziyiso wa matsalwa, buku yihi na yihi, tsalwa, tinotsi na swilo hinkwaswo leswi vuriweke eka xivulwa (a) kumbe (b) leswi munhu yaloye a nga na swona kumbe leswi a swi pfaleleke, kumbe leswi swi nga ehansi ka vufambisi bya yena; no 40
 - (iii) nyika vuxokoxoko hinkwabyo mayelanu na swilo hinkwaswo leswi humeseriweke erivaleni hi ku landza xiyengenyana (i) kumbe (ii) 45
- (3) Ku nga rhangangi ku nyikiwa xitiviso, mukamberi a nga endla swin'wana na swin'wana leswi kunguhatiweke xiyenge xa le hansi (2) hi xikongomelo xo hetisisa vutihlamuleri bya huvo hi ku landza xiyenge 65(1)(a) kumbe (b)
- (4) Loko a endla ntirho hi ku landza xiyenge xa le hansi (2) kumbe (3), mukamberi a nga ha famba na mupfuni, toloki, na phorisa. 50
- (5) Mukamberi a nga ha kombela no amukela mahungu, matsalwa kumbe vuxokoxoko byi n'wana eka munhu loyi a nga na mpfumelelo kumbe mukamberi wa mpfumelelo kumbe ntsariso ehansi ka Nawu lowu, hi ku landza swipimelo swa Nawu wo Yisa Emahlweni ku Kuma Vuxokoko, 2000 (Promotion of Access to Information Act, 2000 (Nawu.2 wa 2000)). 55

Ku boxa xihundla (Ku tlula nawu wa swa xihundla)

78. (1) I nandzu ku boxa xihundla xa mahungu wahi na wahi mayelana na swilo swa munhu wihi kumbe wihi loyi a kumekeke

- (a) eku endleni ka ntirho wihi na wihi hi ku landza Nawu lowu; kumbe
- (b) hinkwalaho ko ngenisa xikombelo kumbe ku hoxa voko eka swihi kumbe swihi hi ku landza Nawu lowu. 60

(2) Subsection (1) does not apply to information disclosed—

- (a) for the purposes of the proper administration or enforcement of this Act;
- (b) for the purposes of the administration of justice; or
- (c) at the request of an inspector or other person entitled to receive the information.

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Obstructing administration of Act

79. It is an offence to oppose, obstruct or unduly influence any person who is exercising a power or performing a duty delegated to, conferred upon or imposed on that person by this Act.

Self-incrimination

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80. (1) A person questioned by an inspector in terms of this Act is not obliged to answer any question if the answer is self-incriminating.

(2) No self-incriminating answer given or statement made to a person exercising any power in terms of this Act is admissible as evidence against the person who gave the answer or made the statement in any criminal proceedings, except in criminal proceedings for perjury or in which that person is tried for an offence contemplated in this section, and then only to the extent that the answer or statement is relevant to prove the offence charged.

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Failure to comply with Act

81. In addition to any other provision in this Act, a person commits an offence who— 20

- (a) does anything calculated to improperly influence the board concerning any matter connected with an investigation;
- (b) does anything in connection with an investigation that would have been contempt of court if the proceedings had occurred in a court of law;
- (c) knowingly provides false information to the board; 25
- (d) wilfully interrupts any proceedings or misbehaves in the place where a hearing is being conducted;
- (e) falsely claims to be—
 - (i) an inspector;
 - (ii) a regulatory authority; or 30
 - (iii) a person authorised to act on behalf of a regulatory authority; or
- (f) refuses or fails to comply to the best of his or her ability with any request of an inspector under section 77.

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Offences and breach of licence condition

82. (1) It is an offence to contravene sections 7 to 20, 22(1) and (4), 23(1), (2) and (3), 25(1), 26(2) and (3) and 28 of this Act. 35

(2) If a person appears to have committed an offence under this Act in circumstances that are also a substantially similar offence under applicable provincial law, the person may be prosecuted for the offence under this Act, or for the substantially similar offence under the applicable provincial law, but not for both. 40

(3) The commission of an offence under this Act by a licensee is a breach of a condition of the licence.

Penalties

83. (1) Any person convicted of an offence in terms of this Act is liable to a fine not exceeding R10 000 000, or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment. 45

- (2) Xiyenge xa le hansi (1) a xi khumbheki eka mayelana na mahungu lama boxiweke
- (a) hi xikongomelo xa malawulelo lamanene kumbe ku tshikelela Nawu lowu;
 - (b) hi xikongomelo xa mafambiselo ya vululami; kumbe
 - (c) hi xikombelo lexi endlwiweke hi mukamberi kumbe munhu wun'wana loyi a nga na matimba yo amukela mahungu ya lama

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Ku sivela malawulelo ya Nawu

79. I nandzu ku sihalala, sivela kumbe ku kucetela munhu wihi na wihi hi ndlela yo ka yi nga fanelanga loyi a endlaku matimba kumbe ku tirha ntirho lowu a rhumiweke wona kumbe a nyikiweke wona kumbe ku tshikeleriwa wona hi Nawu lowu.

Ku ti pumba hi vugevenga

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80. (1) Munhu wun'wana na wun'wana loyi a vutisiwaku swivutiso hi mukamberi hi ku landza Nawu lowu a nga boheki ku hlamula xivutiso xihi kumbe xihi loko a vona leswaku nhlamulo ya kona yi nga endla leswaku a ti pumba hi vugevenga

(2) A ku na nhlamulo na yin'we leyi endleke leswaku munhu a ti pumba hi vugevenga loko a nyika vuxokoxoko eka munhu loyi a nyikiweke matimba hi ku landza Nawu lowu yi nga tirhisiwa tani hi vumbhoni lebyi nga khotsaku munhu yaloye a nyikeke nhlamulo kumbe vuxokoxoko eka nandzu wa vugevenga, ehandle ka nandzu wa vugevenga wa mavunwa kumbe laha munhu yaloye a sengisiwaku hi nandzu lowu nga kungu ra xiyenge lexi, naswona ntsena loko nhlamulo kumbe vuxokoxoko byi khumbhana kumbe ku kombisa vuxaka na nandzu lowu mnhu yaloye a sengiseriwaku wona.

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Ku tsandzeka ku tirhisana ni Nawu

81. Hi ku engetela eka swipimelo swihi ni swihi eka Nawu lowu, munhu a tlula nawu loyi—

- (a) a lukaku manu yo huma endleleni yo kucetela huvo mayelana na mhaka ya vulavisisi
- (b) a endlaku swin'wana mayelana na vulavisisi leswi swi tsan'waku huvo loko mhaka ya leyo a yi lo yisiwa chubiyeni ya milawu
- (c) Loko munhu a nyika huvo vuxokoxoko bya mavunwa hi vomu
- (d) Ku nghenelela hi vomu kumbe ku tikhoma hi ndlela yo biha loko mhaka yihi kumbe yihi yi ri karhi yi tengiwa
- (e) Ku hamba hi leswaku—
 - (i) i mukamberi
 - (ii) vulawuri byo vumba swinawani
 - (iii) munhu u nyikiwile matimba yo tirha hi ku yimela matimba ya nawu; kumbe
- (f) ku sihalala kumbe ku tsandzeka ku landzelela hi vuswikoti hinkwabyo bya yena, xikombelo xihi na xihi xa mukamberi ehansi ka xiyenge 77.

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Milandzu no tlula swiboho swa mpfumelelo

82. (1) I nandzu ku tlula xipimelo xihi na xihi xa Nawu lowu.

(2) loko munhu a vonakala ongeti u endlile nandzu ehansi ka Nawu lowu loko ku langutisisiwa swilo hi vuenti leswi swi nga ku tlula nawu ehansi ka milawu leyi kumekaku eka xifundhankulu xolexo, munhu yaloye a nga ha chuchisiwa eka nandzu walowo ehansi ka Nawu lowu, kumbe eka nandzu lowu yelanaku na lowu ehansi ka milawu leyi yi nga kona ya xifundhankulu, kambe ku nga ri eka milandzu hi mimbirhi ka yona.

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(3) Ku endla nandzu ehansi ka Nawu lowu hi munhu loyi a nga na mpfumelelo i ku tlula xiboho xa mpfumelelo.

Nxupulo/Xigwevo

83. (1) Munhu wun'wana na wun'wan loyi a kumiwaku a ri na nandzu hi ku landza Nawu lowu u ta rihisiwa mali leyi yi nga tluleki R10 000 000 kumbe a rhumeriwa ekhotseni ku ringana nkarhi lowu wu nga tluleki malembe ya 10, kumbe a rihisiwa a tlhela a rhumeriwa ekhotsweni.

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(2) A licensee found to be in breach of a condition of a licence is liable to an administrative penalty not exceeding 10% of the annual turnover of the licensee.

Magistrate's court jurisdiction to impose penalties

84. Despite anything to the contrary contained in any other law, a magistrate's court has jurisdiction to—

- (c) impose any penalty for an offence or breach of a licence condition in terms of this Act; or
- (d) make an order contemplated in section 14.

Serving documents

85. Unless otherwise provided in this Act, a notice, order or other document that, in terms of this Act, must be served on or given to a person, is properly served or given when it has been either—

- (a) delivered to that person;
- (b) sent to that person by fax;
- (c) sent by registered post to that person's last known address; or
- (d) published in the *Gazette*.

Proof of facts

86. (1) In any criminal proceedings in terms of this Act, if it is proved that a false statement, entry or record or false information appears in or on a book, document, plan, drawing or computer storage medium, in the absence of evidence to the contrary, the person who kept that item is presumed to have made the statement, entry or record or stored the information.

(2) A statement, entry or record, or information, in or on any book, document, plan, drawing or computer storage medium is admissible in evidence as an admission of the facts in or on it by the person who appears to have made, entered, recorded or stored it unless there is evidence to the contrary that the person did not make, enter, record or store it.

CHAPTER 6

GENERAL PROVISIONS

Regulations

87. (1) The Minister may make regulations regarding—

- (a) any forms required to be used for the purposes of this Act;
- (b) the maximum number of any kind of licence, relating to gambling to be granted in the Republic or in each province, subject to section 45;
- (c) the determination of norms and standards that will apply generally throughout the Republic relating to any matter in terms of this Act;
- (d) the exercise by the board of its monitoring, investigative and evaluation functions in terms of sections 33 and 34;
- (e) the periods, manner and form, and content of information to be provided in terms of section 35;
- (f) minimum standards for the design, use and maintenance of premises that are, or are intended to be, licensed premises, which minimum standards must include—
 - (i) provisions to guard against the over-stimulation of gambling; and
 - (ii) provisions to protect minors from exposure to gambling activities; and
- (g) matters contemplated in section 13, 15 or 17, any other matters to be prescribed in terms of this Act, and in general, any incidental matter that may

(2) Munhu loyi a nga na mpfumelelo loyi a kumekaku a thurile xiboho xa mpfumelelo, munhu yaloye u faneriwa hi nxupulo wa vulawuri lowu nga tluleki 10% wa mali leyi a yi kumaku hi lembe.

Matimba ya huvo ya majisitarata yo xupula/ ku nyika xigwevo

84. Hambi ku ri ni swin'wana leswi swi kanetaka leswi nga eka nawu un'wana, huvo 5
ya ka majisitarata yi ni matimba ya nawu wo—

- (c) ku xupula loko ku ri ni nandzu kumbe ku tluriwa ka milawu ya mpfumelelo hi ku ya hi Nawu lowu, naswona
- (d) ku nyika xileriso hi ku landzelela nkunguhato wa xiyenge 14.

Ku rhumeriwa ka mapapila

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85. Ehandle ka loko swi nyiketiwiile hi ndlela yin'wana eka Nawu lowu, xitiviso, xileriso kumbe phepha ro karhi, hi ku landza Nawu lowu, ri boheka ku rhumeriwa kumbe ku nyiketiwa munhu, ri rhumeriwiile kumbe ku nyiketiwa kahle loko—

- (a) ri yisiwiile eka munhu yaloye
- (b) ri rhumeriwiile hi fekisi 15
- (c) ri rhumeriwiile hi eka adirese yo hetelela ya munhu yaloye hi papila leri tsarisiweke;
- (d) ri humesiwiile eka phephahungu ra mfumo

Vumbhoni bya mhaka

86. (1) Eka nandzu wihi na wihi wa vugevenga hi ku landza Nawu lowu, loko swo 20
humeseriwa erivaleni leswaku mhaka ya mavunwa, ku ngenisiwa ka tsalwa ra mahungu ya mavunwa ebukwini, tsalwa, pulani, mpfampfarhuto/xifaniso kumbe mahungu lama hlayisiweke eka khompyutara, loko kuri hava vumbhoni byo kombisa ku kaneta eka leswi, munhu loyi a kumekaku na chumu walowo u ta tekiwa tani hi yena a nyikeke hungu leri, a ngeniseke tsalwa lero kumbe ku hlayisa hungu leri 25
ekhompyutareni.

(2) Hungu, tsalwa leri ngenisiweke, kumbe hungu, eka buku yihi na yihi, tsalwa, pulani mpfampfarhuto/xifaniso kumbe mahungu lama hlayisiweke eka khompyutara, swa amukeriwa eka vumbhoni tani hi ku amukela ka timhaka hi munhu loyi a langutekaku tani hi yena a nga ngenisa, tsarisa kumbe ku hlayisa ehandle ka loko 30
vumbhoni byi nga kombisa leswaku munhu yaloye a nga endlanga, ngenisanga, tsarisa kumbe ku hlayisa minchumu yaleyo.

KAVANYISA KA 6

Masimekiwele ya Hinkwaswo Swinawana

87. (1) Holobye a nga ha vumba swinawana mayelana— 35

- (a) na tifomo leti faneleke ku tirhisiwa eka makungu ya Nawu lowu;
- (b) nhlayo ya maksimamu ya mpfumelelo wihi na wihi, mayelana na vugemburi leyi faneleke ku nyiketiwa endzeni ka Riphabliki kumbe eka xifundzankulu xihi na xihi, hi ku landza xiyenge 45;
- (c) makunguhatelo ya maendlelo na mimpimo leyi yi nga ta tirhisiwa hinkwako 40
laha Riphabliki mayelana na mhaka yihi na yihi hi landza Nawu lowu;
- (d) matirhiselo ya huvo ya mintirho ya vuxoperi, vulavisisi na vukamberi hi ku landza swiyenge 33 na 34;
- (e) nkarhi, matirhelo na maendlelo, na vundzeni bya mahungu lama faneleke ku nyiketiwa hi ku landza xiyenge 35; 45
- (f) mimpimo ya le hansi ya mapulanelo, matirhiselo na mahlayiselo ya tindhawu leti kunguhateriweke ku nyikiwa mpfumelelo laha mimpimo ya le hansi yi nga ta katsa—
 - (i) swipimelo swo sivela ku ntlhotlha ku naverisa ku kulu ko gembula; na
 - (ii) swipimelo swo sirhelela vana lavantsongo ku va vona mingingiriko ya 50
vugemburi; ni
- (g) Leswi swi nga kunguhatiwa eka xiyenge 13, 15 kumbe 17, mhaka yihi na yihi leyi yi nga ta lerisiwa hi ku landza Nawu, naswona hi ku angarhela, mhaka

- be considered necessary or expedient to prescribe in order to achieve the objects of this Act.
- (2) After consulting the Council the Minister may make regulations concerning—
- (a) norms and standards for the manner and nature of the regulation and control of—
 - (i) casinos, racing, gambling and wagering activities in general; or
 - (ii) any specific such activity;
 - (b) the regulation of betting across provincial boundaries;
 - (c) the types of games that may not be played in a casino;
 - (d) the control and restriction of bingo or any similar game; and
 - (e) minimum standards in respect of licensing procedures by provincial licensing authorities, including—
 - (i) the granting, issuing, suspension, withdrawal, reviewing and amendment of gambling licences;
 - (ii) procedures for the consideration of applications, including the investigations that must be conducted and the circumstances under which hearings in respect of licence applications must be conducted;
 - (iii) the criteria to be complied with before any licence is granted in terms of this Act or applicable provincial law;
 - (iv) the nature and manner of the auditing of the businesses of licensees and the documents and records which they must keep and submit to the relevant licensing authority; and
 - (v) the types, minimum standards and qualities of gambling equipment that may be used by any licensee.
- (3) The Minister may make regulations determining, in respect of applications for national licences under this Act—
- (a) the manner and form in which applications for licences are to be submitted;
 - (b) the fees payable, and the manner of payment, in respect of various types of licences, including fees in respect of—
 - (i) applications,
 - (ii) probity investigations; or
 - (iii) licences;
 - (c) procedures for the consideration of applications, including the investigations that must be conducted and the circumstances under which hearings in respect of licence applications must be conducted;
 - (d) the period of duration of a licence and the procedures and fees for the renewal of licences;
 - (e) conditions that may be attached to a licence, in terms of section 48(5); and
 - (f) conditions and requirements for the transfer of a licence, or an interest in a licence.
- (4) Before making any regulations in terms of this Act, other than regulations contemplated in subsection (1)(a) and (d), the Minister—
- (a) must—
 - (i) consult the Council, and
 - (ii) publish the proposed regulations for comment for a minimum of 45 days; and
 - (b) may consult the board and provincial licensing authorities.

Repeal of laws

88. This Act repeals the National Gambling Act, 1996 (Act No. 33 of 1996).

yihi na yihi leyi yi nga langutekaku yi fanerile ku bohiwa ku endlela ku fikelela swikongomelo swa Nawu lowu.

(2) Endzhaku ko ti hlanganisa na Vandla, Holobye a nga ha vumba swinawana mayelana na—

- (a) Maendlelo ya ntlovelo na mimpimo ya maendlelo na ntumbuluko wo vumba swinawana na mafambiselo ya—
 - (i) Tikhasino, mijaho, vugemburi na migingiriko ya mibhejo hi ku angarhela; kumbe
 - (ii) migingiriko hinkwayo hi ku kongoma ya vugemburi
- (b) Ku vekiwa ka swinawana swa vubheji eka mindzilekano hinkwayo ya swifundzankulu 10
- (c) Mintlangu leyi yi nga aleriwaku ku tlangiwa ekhasino
- (d) Ku fambisiwa no aleriwa ka ntlangu wo fana na “bingo” kumbe ntlangu lowu wu yelanaku na wona; ni
- (e) Mimpimo ya le hansi hi ku landza maendlelo yo nyika mpfumelelo hi vulawuri byo nyika mpfumelelo bya xifundzankulu, ku katsa na—
 - (i) ku nyikiwa, humesiwa, ku yimisiwa xinkarhana, ku herisiwa, ku kambisisa no lulamisa mimpfumelelo ya vugemburi
 - (ii) maendlelo yo xiyaxiya swikombelo, ku katsa na mindzavisiso leyi yi faneleke ku endlwa na matshamelo ehansi ka leswi mbhurusano mayelana na swikombelo swa ku nyikiwa ka mpfumelelo swi faneleke swi endlisiwa xi swona 20
 - (iii) tindlela leti ku faneleke ku tirhisiwa tona loko mpfumelelo wu nga se nyiketiwa hi ku landza Nawu lowu kumbe nawu lowu wu kumekaku eka xifundzankulu 25
 - (iv) ntumbuluko na ndlela ya makambekelelo ya mabindzu ya vanhu lava nga na mimpfumelelo na matsalwa na leswi rhikodiweke leswi va faneleke ku swi hlayisa no ngenisa eka vulawuri lebyi khumbhekaku bya mimpfumelelo; na
 - (v) mihlovo, mimpimo ya le hansi na minkoka ya swilo swo gembula hi swona leswi swi nga tirhisiwaku hi munhu wun’wana na wun’wana loyi a nga na mpfumelelo. 30

(3) Holobye a nga ha vumba swinawana leswi bohaku, mayelana na swikombelo swa mimpfumelelo ya tiko ehansi ka Nawu lowu—

- (a) matirhelo na maendlelo lama swikombelo swa mimpfumelelo swi faneleke ku ngenisiwa hi ndlela ya kona 35
- (b) timali leti faneleke ku hakeriwa, ndlela ya mahakelelo, hi ku landza tindlela to hambana ta mimpfumelelo, ku katsa na timali hi ku landza—
 - (i) swikombelo.
 - (ii) mindzavisiso ya vutshembheki; kumbe 40
 - (iii) mimpfumelelo
- (c) maendlelo yo xiyaxiya swikombelo, ku katsa na mindzavisiso leyi yi faneleke ku endlwa na matshamelo ehansi ka leswi mbhurusano mayelana na swikombelo swa ku nyikiwa ka mpfumelelo swi faneleke swi endlisiwa xi swona 45
- (d) Nkarhi lowu mpfumelelo wu nga ta tirha hi wona na maendlelo na timali leti nga ta hakeriwa eku pfuxeteni ka mimpfumelelo
- (e) Swiboho leswi swi nga ta ngenisiwa eka mpfumelelo, hi ku landza xiyenge 48(5); no
- (f) Swiboho na swilaveko swa mahundzisele ya mpfumelelo kumbe ku navela eku kumeni ka mpfumelelo 50

(4) Loko ku nga se ngenisiwa xinawana hi ku landza Nawu lowu, ehandle ka swinawana leswi kungahatiweke eka xiyenge xa le hansi xa (1) (a) na (d), Holobye—

- (a) u boheka
 - (i) ku tihlanganisa na Vandla 55
 - (ii) ku hangalasa swinawana leswi gangisiwaku ku kuma makanelwa eka nkarhi wo ringana masiku ya 45; ni
 - (iii) tihlanganisa na huvo na vulawuri bya mimpfumelelo ya swifundzankulu

Ku herisiwa ka milawu

88. Nawu lowu wu herisa Nawu wa Vugemburi wa Tiko, 1996 (Nawu wa Nomboro.33 wa 1996). 60

Short title and commencement

89. This Act is called the National Gambling Act, 2004, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Nhlokomhaka hi ku komisa na siku ro sungula ku tirha

89. Nawu lowu wu vuriwa Nawu wa Vugemburi wa Tiko, 2004, naswona wu ta sungula ku tirha hi siku leri nga ta tivisiara hi Presidente eka Gazete ya Mfumo.

SCHEDULE**TRANSITIONAL PROVISIONS****Definition****1. (1) In this Schedule—**

- “effective date” means the date on which this Act, or any relevant provision of it, came into operation in terms of section 89; 5
 “previous Act” means the National Gambling Act, 1996 (Act No. 33 of 1996).

(2) A reference in this Schedule—

- (a) to a section by number, is a reference to the corresponding section of— 10
 (i) the previous Act, if the number is followed by the words “of the previous Act”; or
 (ii) this Act, in any other case.
 (b) to an item or a sub-item by number is a reference to the corresponding item or sub-item of this Schedule.

General preservation of regulations, rights, duties, notices and other instruments 15

2. (1) Despite the repeal of the previous Act, Regulation No. R 1425 promulgated under section 17 of the previous Act on 21 December 2000 continues in force as if it had been promulgated in terms of section 87, with the following exceptions:

- (a) The definition of “site” in Regulation 1 is repealed; and
 (b) Regulations 4, 8, 10, 11, 12, 16, 28, 29, 39, 40, 41(1), 42, 62, 63 and 64 are 20 repealed.

(2) A licence that had been issued in terms of applicable provincial law by a provincial licensing authority, and in force immediately before the effective date, continues in force, subject to the provisions of this Act, and applicable provincial law.

(3) In respect of a licence contemplated in sub-item (2)— 25

- (a) regulations made in terms of section 87(1)(f) do not apply until the first anniversary of the date on which such regulations are promulgated; and
 (b) section 46 does not apply until the third anniversary of the effective date.

(4) Any other right or entitlement enjoyed by, or obligation imposed on, any person in terms of any provision of the previous Act, that had not been spent or fulfilled 30 immediately before the effective date must be considered to be a valid right or entitlement of, or obligation imposed on, that person in terms of any comparable provision of this Act, as from the date that the right, entitlement or obligation first arose, subject to the provisions of this Act.

(5) A notice given by any person to another person in terms of any provision of the previous Act must be considered as notice given in terms of any comparable provision of this Act, as from the date that the notice was given under the previous Act. 35

(6) A document that, before the effective date, had been served in accordance with the previous Act must be regarded as having been satisfactorily served for the purposes of this Act. 40

(7) An order given by an inspector, in terms of any provision of the previous Act, and in effect immediately before the effective date, continues in effect, subject to the provisions of this Act.

XEJULU

MILAWU YA HUNDZISELO

Nhlamuselo

1. (1) Eka xejulu leyi—

“siku ro sungula” swi vula siku leri Nawu lowu kumbe milawu yin’wana leyi 5
khumbhekaku hi Nawu lowu, swi sunguleke ku tirha hi rona hi ku landza xiyenge
89;

“Nawu lowu hundzeke” swi vula Nawu wa Vugemburi wa Tiko, 1996 (Nawu wa
Nomboro.33 wa 1996).

(2) Xiyelaniso eka Xedulu leyi—

(a) eka xiyenge hi nomboro, i xiyelaniso eka leswi fambelanaku na xiyenge xa— 10

(i) Nawu lowu hundzeke, loko nomboro yi landzeriwa hi marito “ya Nawu
lowu hundzeke”; kumbe

(ii) Nawu lowu, kwihi na kwihi

(b) eka chumu kumbe eka nchumu lowu nga ehansi ka nchumu lowu 15
yelanisiweke hi mfambelano wa nchumu wa lowo kumbe chumu lowu nga
hansi ka lowu yelanisiwaku wa Xedulu leyi

Ku hlaysiwa hinkwako ka swinawana, timfanelo, mintirho, switiviso na swipfuno swin’wana

2. (1) Hambiswi Nawu lowu hundzeke wu herisiweke, Xinawana Nomboro. R 20
1425 lexi pasisiweke ehansi ka xiyenge 17 xa Nawu lowu hundzeke hi ti 21
N’wendzambhala 2000 xa ha ya emahlweni no tirha tani hi laha xi pasisiweke hi ku
landza xiyenge 87, na swilo leswi landzelaku:

(a) Nhlamuselo ya “ndhawu” eka Xinawana 1 yi herisiwile; no

(b) Swinawana 4, 8, 10, 11, 12, 16, 28, 29, 39, 40, 41(1), 42, 62, 63, na 64 swi 25
herisiwile

(2) Mpfunelole lowu humesiweke hi ku landza nawu lowu kumekaku eka
xifundzankulu hi vulawuri bya xifundzankulu bya mpfunelole, no va na matimba hi
xihatla ku nga se fika siku ro va Nawu wu sungula ku tirha hi rona, ku ya emahlweni no
tirha, hi ku landza swipimelo swa Nawu lowu, na milawu leyi kumekaku ya 30
xifundzankulu

(3) Ku ya hi mpfunelole lowu nga kunguhatiwa eka xiphemu (2)—

(a) milawu leyi yi nga endlwa hi ku landzelela xiyenge 87(1)(f) a yi nga bohi ku
kondza loko ku hela lembe ku tlhela ku fika siku leri kungasunguriwa hi rona
endzhaku ka lembe; naswona 35

(b) Xiyenge xa 46 a xi tirhisiwi ku fika eka ku hela ka lembe ra vunharhu hi siku
leri ku nga sunguriwa hi rona.

(4) Mfanelo yihi ni yihi kumbe mpfunelole lowu nyikiweke hi, kumbe xiboho lexi
nyiketweke ehnhla, ka munhu wihi ni wihi hi ku ya hi matimba ya mawu wihi ni wihi
wa Nawu wa nkarhi lowu nga hundza, lowu nga tirhisiwangiki kumbe ku wu hetisisa 40
xikaniwekan’we loko siku ro wu tirhisa ri nga si fika wu fanele ku tekiwa tani hi mfanelo
lowu heleleke kumbe xiboho xo va, kumbe yi ri mfanelo leyi haverisiweke ehnhla, ka
munhu yoleye hi ku ya hi matimba ya mpimanyiso wa endlele ra Nawu lowu, ku sukela
eka siku leri mfanelo yoleyo, xiboho kumbe matimba ya nga tumbaluxiwa ro sungula
ha kona, leswi endlwaka ntsena hi swiyenge swa Nawu lowu. 45

(5) Xitiviso lexi nyikiwaka hi munhu wihi ni wihi hi ku ya hi xiyenge xihhi ni xihhi xa
Nawu wa ukarhi lowu nga kunetza xi fanela ku tekiwa tani hi xitiviso lexi nga nyikiwa
hi ku ya hi matimba ya xiyenge xihhi ni xihhi xa mpimanyiso xa Nawu lowu, ku sukela eka
siku leri xitiviso xi nga nyikiwa ehausi ka Nawu wa nkarhi lowu nga hundza.

(6) Tsalwa leri nga nyikwa ku nga si fika siku ro sungula ku tirha ri nyikinile hi ku 50
landza nawu lowu wa nkarhi lowu nga hundza nasurona swi fanela ku tekiwa tani hi
vunyiketi lebyi enerisaka hikwalaho ka swikongomelo swa Nawu lowu.

(7) Papila leri, rhumeriweke hi mukamberi loko siku ro sungula ku tirha ka Nawu ri
nge se fika, ri rhumeriwile hi ku landza Nawu lowu hundzeke ri boheka ku tekiwa tani
hi hi loko ri rhumeriwile hi ku enerisa hi ku landza swikongomelo swa Nawu lowu. 55

National Gambling Board

3. (1) A person who was a member of the board immediately before the effective date—
- (a) ceases to be a member of the board upon the coming into operation of this Act, if that person is not entitled to be a member of the board in terms of section 67; 5
and
 - (b) otherwise, continues to be a member of the board, holding the same position the person held immediately before the effective date, until the expiry of the term to which the person was appointed in terms of the previous Act.
- (2) A person who held an appointment as an inspector under the previous Act 10 immediately before the effective date is an inspector in terms of this Act as of the effective date, subject to further direction of the board.
- (3) An inspector's certificate issued in terms of the previous Act and valid immediately before the effective date continues to be valid as a certificate of appointment as an inspector, as if it had been issued in terms of this Act, until it expires 15 or is cancelled by the board.

National licences

4. (1) A person who, immediately before the effective date, held a licence of a type that, in terms of this Act, is required to be issued as a national licence, may apply to the provincial licensing authority that issued the licence for conversion of that licence, and 20 the provincial licensing authority must issue a national licence in substitution for the former licence, on substantially similar terms and conditions.
- (2) A person who, immediately before the effective date, held a licence of a type that, in terms of this Act, is not required to be issued as a national licence, but may be so issued, may apply within 6 months after the effective date to the provincial licensing 25 authority that issued the licence for conversion of that licence, and the provincial licensing authority must issue a national licence in substitution for the former licence, on substantially similar terms and conditions.

Development of interactive gambling policy and law

5. (1) The board must establish a committee to consider and report on national policy 30 to regulate interactive gambling within the Republic, and may include with its report any draft national law that the committee may consider advisable.
- (2) Despite section 71(2), the committee constituted in terms of this item may include—
- (a) representatives of provincial licensing authorities; and 35
 - (b) other persons, whether or not those persons are members of the board.
- (3) Section 71(3) and (4) apply to the committee constituted in terms of this item.
- (4) The committee constituted in terms of this item must report jointly to the board and the Council within one year after the effective date.
- (5) Within two years after the effective date, the Minister, after considering the report 40 of the committee and any recommendations of the board or the Council, must introduce legislation in Parliament to regulate interactive gambling within the Republic.

Transitional maximum numbers of casino licences

6. Despite the repeal of the previous Act section 13(1)(j) of that Act, except the words that follow subparagraph 13(1)(j)(ix), remains in force until the Minister first makes a 45 regulation determining a maximum number of casino licences, as contemplated in section 45 of this Act.

Huvo ya Vugemburi ya Tiko

3. (1) Munhu loyi a ri xirho xa huvo hi xihatla ku nga se fika siku ro sungula ntirho—
- (a) Vuxirho bya kwe eka huvo bya hela loko ku sungula Nawu lowu, loko munhu yaloye a nga ri na mpfumelelo wo va xirho xa huvo hi ku landza xiyenge 67; no
 - (b) Handle ka sweswo u ya emahlweni no va xirho xa huvo, no va eka xiyimo lexi a ri eka xona loko siku ro sungula ka nawu ri nge se fika, ku fikela loko nkarhi lowu vikiweke wu hela lowu munhu a tholeriwe wona hi ku landza Nawu lowu hundzeke
- (2) Munhu loyi a thoriwile tani hi mukamberi hi ku landza Nawu lowu hundzeke loko ku nga se fika siku ro sungula ra Nawu lowuntshwa u ta va mukamberi hi ku landza Nawu lowu ku sukela hi siku ro sungula ra wona, hi ku landza swileriso leswintshwa swa huvo

Mimpfumelelo ya Tiko

4. (1) Munhu loyi, loko ku nga se fika siku ro sungula, a ri na mpfumelelo lowu hi ku landza Nawu lowu, wu fanelaku ku humesiwa tani hi mpfumelelo wa tiko, a nga ha ngenisa xikombelo eka vulawuri byo nyika mpfumelelo bya xifundzankulu lebyi humeseke mpfumelelo wa lowo ku endlela ku hundzuluxa mpfumelelo wa lowo nakona vulawuri byo nyika mpfumelelo byi boheka ku humesa mpfumelelo wa tiko ku endlela ku pfala mpfumelelo wo sungula, hi ku landza swilaveko na swiboho leswi fanaku na swa nawu lowu hundzeke.
- (2) Munhu loyi, loko ku nga se fika siku ro sungula, a ri na mpfumelelo lowu hi ku landza Nawu lowu, a wu fanelanga ku humesiwa tani hi mpfumelelo wa tiko, kambe wu nga ha humesiwa hi ndlela ya leyo, a nga ha ngenisa xikombelo exikarhi ka tin'hweti ta ntsevu endzhaku ka siku ro sungula eka vulawuri byo nyika mpfumelelo bya xifundzankulu lebyi humeseke mpfumelelo walowo ku endlela ku hundzuluxa mpfumelelo walowo nakona vulawuri byo nyika mpfumelelo byi boheka ku humesa mpfumelelo wa tiko ku endlela ku pfala mpfumelelo wo sungula, hi ku landza swilaveko na swiboho leswi fanaku na swa nawu lowu hundzeke.

Nhluvukiso wa nawu wa mafambisele na nawu wa vugemburi byo tirhisana

5. (1) Huvo yi boheka ku simeka xihubiyana ku xiyaxiya no nyika xiviko eka nawu wa mafambisele ya tiko eka ku endla xinawana mayelana na vugemburi byo tirhisana laha ndzeni ka Riphabliki, naswona yi nga ha katsa eka xiviko xa yona mpfampfarhuto wa nawu wa tiko lowu xihubiyana xi nga ha vonaku wu fanerile
- (2) Ehandle ka xiyenge 71(2), xihubiyana xi vumbiwile hi ku landza nchumu lowu naswona swi nga ha katsa—
- (a) vayimeri va vulawuri byo nyika mpfumelelo bya xifundzankulu
 - (b) vanhu van'wana, hambi loko vanhu va lavo va ri swirho swa huvo kumbe va nga ri swirho
- (3) Xiyenge 71(3) na (4) swi tirha eka xihubiyana lexi vumbiweke hi ku landza nchumu lowu.
- (4) Xihubiyana lexi vumbiweke hi ku landza nchumu lowu xi boheka ku nyika xiviko hi ku katsakanya eka huvo na Vandla endzhaku ka lembe ku sungurile nawu lowuntshwa.
- (5) Emalembeni mambirhi endzhaku ka siku leri nawu wu sunguleke hi rona, Holobye, endzhaku ko langutisisa xiviko xa xihubiyana na swibumabumelo swa huvo kumbe Vandla, u boheka ku ngenisa nawu ePalamende wo lawula vugemburi byo tirhisana laha ndzeni ka Riphabliki.

Nhlayo ya hundzisele ya le henhla ya tilayisense ta tikhasino

6. Hambi leswi Nawu lowu hundzeke wu suriweke— Xiyenge 13(1)(j) wa Nawu wa lowo, ehandle ka marito lama landzelaku xiga xa le hansi (13)(1)(j)(ix), xi ta tshamisa sweswo ku fikela laha Holobye a nga ta sungula a endla xinawana xo boha nhlayo hinkwayo ya mimpfumelelo ya tikhasino, tani hi loko swi kunguhatiwile eka xiyenge 45 xa Nawu lowu.

Excluded persons

7. Despite the coming into operation of section 14—

- (a) subsections (1) to (6) of that section remain inoperative until a date declared by the Minister by notice in the *Gazette* after the board has established the national register of excluded persons as required by section 14(7); and 5
- (b) subsections (10) to (12) of that section remain inoperative—
 - (i) with respect to any gambling activity other than the use of limited pay-out machines, until the date declared in terms of paragraph (a); or
 - (ii) with respect to the use of limited pay-out machines, until a date declared by the Minister by notice in the *Gazette* after the board advises the 10 Minister that reasonable and effective means exist to preclude the use of such a machine by an excluded person.

Regulations

8. On the effective date, and for a period of 90 days after the effective date, the Minister may make any regulation contemplated in the Act without meeting the 15 procedural requirements set out in section 87 or elsewhere in this Act, provided the Minister has published such proposed regulations in the *Gazette* for comment for at least 45 days.

Vanhu lava nga ngenisiwangiki**7. Hambi leswi xiyenge 14 xi nga ta sungula ku tirha—**

- (a) xiyenge xa le hansi (1) ku fika (6) xa xiyenge xa lexo xi ta tshama xi nga ri ku tirheni ku fikela laha siku leri vekiweke hi Holobyе hi xitiviso xa Gazete ya Mfumo endzhaku ka loko huvo yi sungurile rijisitara ra tiko ra vanhu lava nga ngenisiwangiku tani hi loko swi laveka hi xiyenge 14(7); na 5
- (b) swiyenge swa le hansi (10) ku fika (12) swi ta tshama swi nga ri eku tirheni—
 - (i) ku landza migingiriko yo karhi ya vugemburi ehandle ko tirhisiwa ka michini leyi nga talangiku yo hakela, ku fikela laha siku leri vekeke hi Holobyе hi ku landza xivulwa (a); kumbe 10
 - (ii) hi ku landza ku tirhisiwa ka michini leyi nga talangiku yo hakela, ku fikela siku leri vekiweke hi Holobyе hi xitiviso eka Gazete ya Mfumo endzhaku ka loko huvo yi nyikile Holobyе switsundzuxo swa leswaku tindlela ta vutlhari ta kahle ti kona to alela ku tirhisiwa ka muchini walowo hi munhu loyi a nga pfumeleriwangiku. 15

Milawu

8. Hi siku leri nawu lowu wu sungulaka, naswona ku va ku nyikiwe nkarhi wa masiku ya 90 endzhaku ka ku va siku leri ri fikile, Holobyе a nga swi kota ku endla xiboho eka Nawu lowu handle ko va a landzelela timfanelo leti landzeleriwaka hi nawu lowu wu nga eka xiphemu xa 87 kumbe eka tindzhawu tin'wana ta Nawu lowu, kambe Holobyе u nyikiwa ntsena masiku ya 45 ku va a hangalasa milawu leyi kunguhatiweke eka Gazete leswaku vanhu va kota ku boxa miehleketo ya vona. 20

