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INHOVISI LIKAMONGAMELI

Ino. 54

27 January 2014

Ngalokhu kwaziswa ukuthi uMongameli
usewuvumile loMthetho
nosewuzoshicilelwa umphakathi:—

**Ino. 44 Ka 2013: ngumthetho Wokwenza
Utshintsho KuMthetho WeNkampani
Eyibhanki YasePosini YoMzantsi Afrika
Ka, 2013**



37270



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INKCAZELO NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwiibrakethi ezisisikweri abonisa okukhutshiweyo kumthetho okhoyo.

_____ Amagama akrwelwe umgca ngaphantsi abonisa okufakelweyo kumthetho okhoyo.

(English text signed by the President)
(Assented to 23 January 2014)

UMTHETHO

Injongo kukwenza utshintsho kuMthetho Wenkampani Eyibhanki YasePosini YoMzantsi-Afrika ka-2010, ukuze kwenziwe utshintsho kwezo ndawo ezinokuchaphazela kakubi ukuzimela geqe kokusebenza kweOfisi Yeebhanki; kukususa nantoni na engavumelaniyo ne-Banks Act; nokulungiselela imicimbi ehlobene noku.

KWENZIWA UMTHETHO yiPalamente yeRiphablikhi yoMzantsi-Afrika ngale ndlela ilandelayo:—

Kwenziwa utshintsho kwisiqendu 1 soMthetho 9 ka-2010

1. Kwenziwa utshintsho kwisiqendu 1 soMthetho Wenkampani Eyibhanki YasePosini YoMzantsi-Afrika ka-2010 (uMthetho Nom. 9 ka-2010); (emva koku obizwe ngokuba nguMthetho ekwaqalwa ngawo), ngokuthi— 5

(a) ukuchazwa kwegama elithi “uMphathiswa” kuthatyathelw’ indawo kukuchazwa kwegama okulandelayo:

“**uMphathiswa**” nguMphathiswa **[uNxibelelwano]** ophathiswe unxibelelwano;”; nangokuthi 10

(b) kucinywe ukuchazwa kwamagama athi “UMgcini-zifayile Weebhanki”.

Kwenziwa utshintsho kwisiqendu 3 soMthetho 9 ka-2010

2. Kwenziwa utshintsho kwisiqendu 3 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendwana (2) kufakelwe isiqendwana esilandelayo:

“(2) Kungakhathaliseki ukuba sithini na isiqendu 32 se-Company’s Act **[nesiqendu 37 se-Banks Act]**, yakuba yenziwe umbutho iNkampani, iPos-Ofisi iza kuba kuphela kwelungu lomnini-sabelo weNkampani.”. 15

Kutshitshiswa isiqendu 4 soMthetho 9 ka-2010

3. Ngokwenjenje kutshitshiswa isiqendu 4 soMthetho ekwaqalwa ngawo.

Kutshitshiswa isiqendu 8 soMthetho 9 ka-2010

4. Ngokwenjenje kutshitshiswa isiqendu 8 soMthetho ekwaqalwa ngawo. 20

Kwenziwa utshintsho kwisiqendu 9 soMthetho 9 ka-2010

5. Kwenziwa utshintsho kwisiqendu 9 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi endaweni yesiqendwana (1) kufakelwe isiqendu esilandelayo: 5
- “(1) INkampani inamagunya okuyenza iyifezekise injongo eku-
thethwe ngayo kwisiqendu 2.”; nangokuthi
- (b) kucinywe isiqendwana (3).

Kwenziwa utshintsho kwisiqendu 13 soMthetho 9 ka-2010

6. Kwenziwa utshintsho kwisiqendu 13 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi endaweni yesiqendu (f) kwisiqendwana (1) kufakelwe isiqendu 10
- esilandelayo:
- “(f) wakhe washenxiswa esikhundleni sokuthenjwa nanini na kwixesha elingaphambili ngenxa yokuziphatha okubi; **[okanye]**”;
- (b) ngokuthi endaweni yesiqendu (g) kwisiqendwana (1) kufakelwe isiqendu 15
- esilandelayo:
- “(g) onomcimbi wemali ongqubana ngqo okanye ngokungathanga ngqo neshishini leNkampani; **okanye**”;
- (c) kongezwe isiqendu esilandelayo: 20
- “(h) akafanelekanga ukuba abe kwisikhundla sokuba lilungu leBhodi lenkampani eyibhanki njengoko kuxelwe kwi-*Banks Act*.”; nangokuthi
- (d) amazwi awandulela isiqendwana (i) kwisiqendwana (3)(a) athatyathelw’ 25
- indawo ngamazwi alandelayo:
- “Umntu okhethelwe ukuba amiselwe njengelungu leBhodi makathi, ngaphambi kokuba amiselwe **[kwaye esakucelwa nguMphathiswa]**, angenise kuMphathiswa inkcazelo ebhaliweyo equlethe—”

Kwenziwa utshintsho kwisiqendu 14 soMthetho 9 ka-2010

7. Kwenziwa utshintsho kwisiqendu 14 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi endaweni yesiqendu (a) no-(b) kwisiqendwana (1) kufakelwe iziqendu ezilandelayo: 30
- “(a) ngokwenza isaziso ubuncinane kumaphephandaba amabini athe-
ngiswa elizweni lonke nakuShicilelo-Mithetho, ameme abantu abanomdla, lingaphelanga ixesha eliqingqwe kuShicilelo-Mithetho nangendlela exelwe kulo, ukuba bangenise amagama abantu abaxelwe kwisiqendu 12(1)(a) **[abakufanelekelayo ukuba ngamalungu eBhodi eziko eliyibhanki njengoko kuxelwe kwi-*Banks Act*]**; nangokuthi 35
- (b) acele iPos-Ofisi ngencwadi [, **ekwenza oko ngokuvumelana noMgcini-zifayile weeBhanki,**] ukuba angenise amagama abantu abaxelwe kwisiqendu 12(1)(b) **[abangabantu abafanelekileyo ukuba babe ngamalungu eBhodi yeziko eliyibhanki, njengoko kuxelwe kwi-*Banks Act*]**.”; 40
- (b) emva kwisiqendwana (v) kwisiqendwana (4)(a) kufakelwe igama elithi “nangokuthi”
- (c) kwisiqendwana (4)(a) kongezwe isiqendwana esilandelayo: 45
- “(vi) amava omsebenzi wasebhankini.”; nangokuthi
- (d) kucinywe isiqendu (d) kwisiqendwana (4).

Kwenziwa utshintsho kwisiqendu 15 soMthetho 9 ka-2010

8. Kwenziwa utshintsho kwisiqendu 15 soMthetho ekwaqalwa ngawo ngokuthi—
- (a) emva kwisiqendu (d) kwisiqendwana (2) kongezwe igama elilandelayo: 50
- “**okanye**”; nangokuthi
- (b) kucinywe isiqendu (e) kwisiqendwana (2).

Kwenziwa utshintsho kwisiqendu 18 soMthetho 9 ka-2010

9. Kwenziwa utshintsho kwisiqendu 18 soMthetho ekwaqalwa ngawo ngokuthi kwisiqendu (a) kwisiqendwana (3) kufakelwe isiqendu esilandelayo:

“(a) makabe nemfundo okanye amava afanele imisebenzi yenkampani kwaye makakufanelekele ukuba sesikhundleni sokuba ligosa eliphezulu eliququzelelayo leziko eliyinkampani njengoko kuxelwe kwi-Banks Act;”.

Kwenziwa utshintsho kwisiqendu 25 soMthetho 9 ka-2010

10. Kwenziwa utshintsho kwisiqendu 25 soMthetho ekwaqalwa ngawo—

(a) ngokuthi endaweni yesiqendwana (1) kufakelwe isiqendwana esilandelayo: 10

“(1) [ngokuvumelana noMphathiswa weziMali] de ibe iNkampani ibhalisiwe njengeziko eliyibhanki ngokwe-Banks Act, uMphathiswa usenokuyalela iNkampani ukuba ithabathe naliphi na inyathelo elixelwe nguMphathiswa ukuba iNkampani—

(a) iphathwa ngendlela engeyiyo; 15

(b) ayiyenzi imisebenzi yayo ngempumelelo nangokutyibilikayo;

(c) yenze ngokungenabulungisa okanye ngendlela ecalulayo kumntu ebophelekileyo ukuba imenzele okuthile ngokwalo Mthetho; okanye

(d) ayikwenza okufunwa nguMthetho okanye okufunwa yinkqubo etshiwo ngulo Mthetho.”; nangokuthi 20

(b) endaweni yesiqendwana (3) kufakelwe isiqendwana esilandelayo:

“(3) Ukuba iNkampani ayiyilungisi imeko lingaphelanga ixesha elixeliweyo, uMphathiswa unokuthi [, ngokuvumelana noMphathiswa weziMali]— 25

(a) emva kokuba eyinikile iNkampani ithuba elaneleyo lokuba ibeke elayo icala; nangokuthi

(b) nasemva kokuba enike iNkampani ithuba lokuba ivakalise elayo izwi ngeziphakamiso ezenziweyo, uMphathiswa unokuthi afake amanye amalungu eBhodi kwangala ndlela awathi amiselwa ngayo amalungu amkileyo okanye, ukuba iimeko zifunisa oko amisele umntu ukuba abe ngumlawuli oza kuthabathela kuye umsebenzi weNkampani.”. 30

Kwenziwa utshintsho kwisiqendu 26 soMthetho 9 ka-2010

11. Kwenziwa utshintsho kuMthetho ekwaqalwa ngawo ngokuthi kucinywe isiqendwana (2) nese-(3). 35

Kufakelwa isiqendu 26A kuMthetho 9 ka-2010

12. Kufakelwa isiqendu esilandelayo kuMthetho ekwaqalwa ngawo emva kwisiqendu 26:

“Ukusetyenziswa kwe-Banks Act 40

26A. Xa kuthi kubekho ukungqubana phakathi koko kutshiwo yi-Banks Act nalo Mthetho, kusebenza oko kutshiwo yi-Banks Act.”.

Isiqendu 30 soMthetho 9 ka-2010 sithatyathelw’ indawo sesinye

13. Isiqendu esilandelayo sithabath’ indawo yesiqendu 30 soMthetho ekwaqalwa ngawo: 45

“Okuza kwenzeka logama

30. (1) Nangona isiqendu 31 sisitshitshisa isiqendu 51(1), (3) nese-(4), nesiqendu 52, 53, 55 nesama-58 se-Postal Services Act, de [ibe iNkampani ibhalisiwe njengebhanki njengoko kuxelwe kwisiqendu [4(2),] loo nto ebifudula iyiBhanki yase-Posini iyafuduswa njengoko kuxelwe kwisiqendu 50

7, iyaqhubeka isebenza ngaphandle kwesiphazamiso, ngokungathi ezi ziqendu azitshitshiswanga.

(2) Nakuphi na ukukhululwa kwimeko ezinkqamangelayo ngokweBanks Act okusebenza kwinto eyayisakuba yiBhanki yasePosini ngaphambi komhla wokufuduswa kwayo kuyaqhubeka kusebenza kwinkampani de ibe iNkampani ibhalisiwe njengeziko eliyibhanki ngokwe-Banks Act.”.

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Igama lawo elifutshane

14. Lo Mthetho ubizwa ngokuba nguMthetho Wokwenza Utshintsho KuMthetho WeNkampani Eyibhanki YasePosini YoMzantsi-Afrika, ka-2013.

