LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU ḼA LIMPOPO
IPHROVINSI YELIMPOPO

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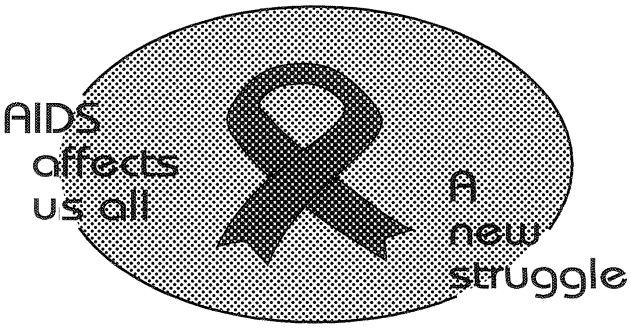

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PROCLAMATION

No. 4, 2014

LIMPOPO PROVINCIAL ADMINISTRATION
OFFICE OF THE PREMIER

COMMENCEMENT OF THE LIMPOPO GAMBLING ACT, 2013 (ACT NO.3 OF 2013)

In terms of section 96 of the Limpopo Gambling Act, 2013 (Act No. 3 of 2013), I Chupu Stanley Mathabatha hereby determine 1 September 2014 as the date on which the said Act comes into operation, except section 26(9)(b)(iii) and (iv), which will be brought into operation on a date still to be determined.

CHUPU STANLEY MATHABATHA
PREMIER: LIMPOPO

DATE: 11/08/2014

LIMPOPO PROVINCE

LIMPOPO GAMBLING ACT, 2013

[A03-2013]

LIMPOPO PROVINSIE

LIMPOPO DOBBELWET, 2013

[W03-2013]

PROFENSE YA LIMPOPO

MOLAO WA GO KEMPOLA WA LIMPOPO, 2013

[M03-2013]

VUNDU LA LIMPOPO

MULAYO WA U GEMBULA WA LIMPOPO, 2013

[M03-2013]

XIFUNDZANKULU XA LIMPOPO

NAWU WO GEMBULA WA LIMPOPO, 2013

[N03-2013]

IPHROVINSI YELIMPOPO

NGOMTHETHO WEZOKUGEMBULA WELIMPOPO, KA-2013

[N03-2013]

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ACT

To regulate the application for and consideration of licences for casinos, bingo, limited payout machine route operator, limited payout machine site operator, independent site operator, totalisator and bookmaker, race meetings and special events, manufacturing, maintaining and supplying gambling devices, key employees; to provide for restricted and prohibited gambling activities; to provide for law enforcement procedures; to retain the Limpopo Gambling Board; to repeal the Limpopo Gambling Act, 1996; and to provide for matters connected therewith.

BE IT ENACTED by the Limpopo Provincial Legislature as follows:–

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CHAPTER 1

1. Definitions

In this Act unless the context indicates otherwise —

"amusement game" means a game, other than bingo or a game similar to or derived from a game played in a casino or on a gambling machine, played with or by means of an amusement machine which, upon payment of money, a token or a similar object, is available to be played and which enables the player to win a prize; provided that such prize may not be in the form of cash, tokens, credit or any negotiable instrument, but must be limited to non-cash prizes with a market value not exceeding the amount determined by the Board;

"amusement machine" means a machine or device, other than a gambling device, on or by means of which an amusement game may be played;

"associate" means —

(a) an employer;

(b) a partner in terms of a partnership agreement;

(c) a co-shareholder of a private company contemplated in the Companies Act, 2008 (Act No. 71 of 2008);

(d) a co-member of a Close Corporation contemplated in the Close Corporations Act, 1984 (Act No. 69 of 1984); and

(e) a person to whom another person has granted, or from whom another person has received, a general power of attorney;

"bet or wager" means —

(a) being a player, staking money or anything of value on a fixed-odds bet, or an open bet, with a bookmaker on any contingency; or

(b) being a bookmaker when —

(i) accepting a stake of money or anything of value on a fixed-odd bet, or an open bet, from a player on any contingency;

(ii) staking money or anything of value on a fixed-odd bet, or an open bet, with another bookmaker on any contingency;

(c) staking or accepting a stake of money or anything of value with one or more other persons on any contingency; or

(d) expressly or implicitly undertaking, promising or agreeing to do as contemplated in paragraphs (a), (b) or (c);

"bingo" means a game, including a game played in whole or in part by electronic means—

(a) that is played for consideration, using cards or other devices (whether electronic or otherwise) –

(i) that are divided into spaces, each of which bears a different number, picture or symbol; or

(ii) with numbers, pictures or symbols arranged randomly such that each card or device contains a unique set of numbers, pictures or symbols;

(b) in which either–

(i) 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 to numbers, pictures or symbols appearing on the card or device as such series is called or displayed; or

(ii) an electronic or similar device generates and displays a series of numbers, pictures or symbols and then, on behalf of the players, matches each such number, picture or symbol to the numbers, pictures or symbols appearing on the electronic card or other similar device after such number picture or symbol is generated or displayed; and

(c) in which either–

(i) the player who is first to match all the spaces on the card or other similar device, or who matches a specified set of numbers, pictures or symbols on the card or device, wins a prize; or

(ii) the player on whose behalf the electronic or similar device referred to in paragraph (b)(ii) first matched all the spaces on the card or similar device, or matches a specified set of numbers, pictures and symbols on the electronic card or similar device, wins a prize or more than one prize;

or any other substantially similar game declared to be bingo in terms of section 49(6) of this Act;

"Board" means the Limpopo Gambling Board referred to in section 3 of this Act;

"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;

"bookmaker licence" means a licence issued in terms of section 55;

"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 are played or are available to be played;

(b) only limited payout machines are available to be played; or

(c) limited payout machines and bingo, but no other gambling game, are played or available to be played;

"casino operator licence" means a licence issued in terms of section 45;

"Chief Executive Officer" means the person appointed in terms of section 12;

"conduct" means to carry on the business, to control, to direct, to keep, to manage, to oversee or to own, and **"maintain"** has a corresponding meaning;

"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, regardless of its apparent or intrinsic value, or whether it is transferred directly or indirectly;

"contingency"' means an event or occurrence where the outcome is uncertain or unknown to a person until it happens;

"controlling interest" means the direct or indirect control of the business of the licence holder whether by virtue of shareholding, voting power, the power to appoint directors, or in any other manner and for the purposes of this Act, a person controls or is in a position to exercise control over any existing or prospective licence holder if —

(a) such person, either alone or with an associate, is in a position to —

(i) exercise control over such licence holder;

(ii) exercise direct or indirect control over a significant proportion of the operations of the licence holder;

(iii) veto any action taken by the board or directors of such licence holder or to appoint or secure or veto the appointment of at least half of the board of directors of such licence holder, or to give or exercise in any other manner, whether directly or indirectly, direction or restraint over any substantial issue affecting the management or affairs of the licence holder; or

(b) the existing or prospective licence holder or, where such licence holder is a company, more than fifty percent of the directors of such company, acts or is accustomed to act, or under a contract, arrangement or understanding,, whether formal or informal, is destined or expected to act, in accordance with the directions, instructions or wishes of, or in conjunction with such person and his or her associate acting together or, if such person is a company, the directors of the company;

"Criminal Procedure Act, 1977" means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

"designated area" in relation to —

(a) a site, means an area at that site in which a limited payout machine is authorised to be placed; and

(b) any other case, means an area within a licensed site where a gambling game is available to be played and includes an area designated as such by the Board in the conditions of licence issued by the Board;

"Executive Council" means the Executive Council of Limpopo;

"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;

"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

(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;

"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 an activity involving —

(a) placing or accepting a bet or wager;

(b) placing or accepting a totalisator bet; or

(c) making available for play, or playing bingo or a gambling game;

"gambling device" means equipment, software or any other thing that is used or at the time of its manufacture was designed to be used in connection with a gambling activity and includes, without limiting the generality thereof, any electromechanical or electronic device, component or machine or gambling machine, playing cards or dice, or any other equipment or thing which the Board may in terms of section 61(7) declare to be a gambling device;

"gambling game" means —

(a) a game that –

(i) is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a payout; and

(ii) the result might be determined by the skill of the player or the element of chance, or both; or

(b) a bet or wager placed in a casino in relation to an activity that meets the criteria in paragraph (a);

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

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

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

"independent site operator" means a site operator, who is not linked to a limited payout machine route operator and is licensed to own and operate limited payout machines on a single site and is responsible to maintain the machines, effect the collection of money and pay levies due to the Board;

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"inspector" means an inspector appointed in terms of section 81;

"licensed site" means specific premises that are named or described in a licence issued in terms of this Act;

"limited payout machine" means a gambling machine outside of a casino in respect of which the stakes and prizes are limited in terms of this Act and section 26 of the National Gambling Act, 2004 (Act No. 7 of 2004);

"limited payout machine route operator" means a company registered in terms of the Companies Act, 2008 (Act No.71 of 2008), which is —

(a) licensed to own and operate a limited payout machine;

(b) responsible for maintaining a limited payout machine; and

(c) responsible for effecting the collection of money and paying of levies in respect of a limited payout machine under its licence;

"limited payout machine site operator " means the licence holder who is entitled to keep limited payout machines owned by a route operator, on the site and to make them available to be played by members of the public;

"MEC" means the Member of the Executive Council responsible for gambling matters in the province;

"National Gambling Act, 2004" means the National Gambling Act, 2004 (Act No. 7 of 2004);

"national licence" means a licence issued in terms of section 38 of the National Gambling Act, 2004;

"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; 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;

"organ of state" has the meaning set out in section 239 of the Constitution of the Republic of South Africa, 1996;

"pay out" has the meaning contemplated in section 6 of the National Gambling Act, 2004;

"person" includes a partnership, association, trust or a juristic person established by or in terms of any law;

"playing-cards" means cards used for playing blackjack, poker or other card game, but excludes cards used in the playing of bingo or any casino game other than a card game;

"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;

(d) diplomatic representative of the Republic who is not a member of the public service;

(e) a member of a local, provincial or national house of traditional leaders; or

(f) an office-bearer of a political party at either the national, provincial or local government level;

"premises" includes land and any building, structure, vehicle, ship, boat, vessel, aircraft or container;

"prescribed" means prescribed by regulation in terms of this Act;

"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"public servant" means a person employed within an organ of state;

"race-meeting" means any gathering of persons attending an animal race, whether or not such race is run, if the date and place of such race have been made known by public advertisement or private invitation;

"race-meeting licence" means a licence referred to in section 58;

"regulation" means a regulation made in terms of section 85 of this Act;

"rules" means rules made by the Board in terms of section 86 of this Act;

"sporting event" means any ball game, race, including a race involving a vehicle or animal, or other athletic or sporting contest, competition or game, including a beauty contest, usually attended or viewed by the public;

"spouse" means a person's—

(a) partner in a marriage;

(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;

"temporary licence" means a licence issued in terms of section 37 of this Act;

"this Act" includes the regulations and the rules of the Board; and

"totalisator bet" means staking or accepting 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; or

(b) any scheme, form or system of betting, whether mechanically operated or not, that is operated on similar principles.

2. Objects of Act

The objects of this Act are to ensure that —

(a) gambling activities are effectively regulated and controlled to limit the potential socio-economic impact on the community;

(b) society and the economy are protected against over stimulation of the gambling industry; and

(c) the gambling industry contributes to the growth and development of tourism, employment opportunities and the economy of the province.

CHAPTER 2

LIMPOPO GAMBLING BOARD

3. Limpopo Gambling Board

The Limpopo Gambling Board, established in terms of the Limpopo Gambling Act, 1996 (Act No. 4 of 1996) is retained, subject to item 3 of Schedule 1 to this Act, notwithstanding the repeal of the Limpopo Gambling Act, 1996.

4. Functions and powers of Board

(1) The Board must —

(a) licence, regulate and control gambling in the province;

(b) promote awareness on responsible gambling; and

(c) manage risk and implement internal controls in the gambling industry.

(2)(a) The Board must, for each financial year, enter into a performance agreement with the MEC.

(b) The performance agreement must identify the objectives, performance measures, outputs and outcomes of the Board.

(3)(a) The Board may —

(i) invite applications for gambling licences;

(ii) grant, refuse, renew, amend, transfer, suspend or revoke licences;

(iii) impose, suspend, amend or revoke conditions of a licence;

(iv) acquire, hold, hire, let and alienate intellectual, movable and immovable property;

(v) enter into agreements;

(vi) participate in or conduct quasi-judicial and administrative proceedings;

(vii) conduct or cause to be conducted, hearings, investigations and enquiries with regard to any matter falling within the scope of its functions;

(viii) obtain information from licence holders and other persons;

(ix) impose penalties for a contravention of, or a failure to comply with, a provision of this Act by a licence holder, which may include fines or the suspension or imposition of conditions relating to a licence issued in terms of this Act;

(x) undertake or cause to be undertaken tests on gambling machines and gambling devices used or to be used for gambling activities for any of the purposes of this Act;

(xi) recover the costs of testing gambling machines or gambling devices from the owner or operator of such machines or devices, or from any person at whose instance such tests are undertaken;

(xii) determine norms and standards for gambling machines and gambling devices;

(xiii) by written notice, summon a person to appear at a hearing, enquiry or investigation or to produce a book, document or thing relating to such hearing, enquiry or investigation;

(xiv) establish field or branch offices;

(xv) consult with a person or use a consultant for a matter relevant to the performance of its functions, on such terms and conditions as the Board may determine; and

(xvi) exercise such powers assigned to the Board in terms of this Act or other relevant legislation.

(b) The Board must —

(i) open and maintain bank accounts;

(ii) make and enforce rules for conducting its proceedings and hearings;

(iii) receive, expend and generally administer funds;

(iv) determine, collect and administer monies payable in accordance with the provisions of this Act;

(v) make rules governing the licensing, conducting and operation of a gambling activity;

(vi) determine fees and charges in respect of investigations, enquiries and any other function performed by the Board;

(vii) ensure that commitments made by licence holders are carried out;

(viii) ensure that key employees are licensed;

(ix) perform the functions assigned to the Board in terms of this Act or other relevant legislation, and

(x) appoint the Chief Executive Officer.

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

5. Composition of Board

(1) The MEC must, in consultation with the Executive Council, appoint members of the Board.

(2) The Board must consist of 9 members, excluding the Chief Executive Officer who is an *ex officio* member of the Board with no voting powers.

(3) The Board appointed in terms of subsection (1), must consist of —

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

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

(c) a person representing the Department responsible for gambling matters in the province;

(d) a person representing the Department responsible for financial matters in the province;

(e) a person with proven business acumen and knowledge of the tourism industry;

(f) a person with knowledge and experience in the field of community welfare and socio-economic development;

(g) a person with qualifications and experience in the field of labour relations; and

(h) two persons with proven business acumen and experience in the gambling industry.

(4) The MEC must designate a Chairperson and Deputy Chairperson of the Board.

(5) In the absence of the Chairperson, the Deputy Chairperson must perform the functions of the Chairperson.

6. Qualification and disqualification for appointment to Board

(1) To be appointed as a member of the Board, a person must be —

(a) fit and proper to hold office;

(b) a natural person;

(c) a South African citizen who is ordinarily resident in the Republic; and

(d) of good financial standing.

(2) A person may not be appointed or remain a member of the Board if that person —

(a) has or acquires a direct or indirect interest in any gambling enterprise or business, which may result in a conflict with that member's professional interest as a member of the Board;

(b) has a family member, partner or associate with a direct or indirect interest in the gambling industry;

(c) is an unrehabilitated insolvent or becomes insolvent;

(d) is a political office bearer;

(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 unfit; or

(g) has at any time been convicted of an offence —

(i) involving dishonesty; or

(ii) under this Act or other gambling legislation.

(3) If a member becomes disqualified in terms of subsection (2) during that member's term of office, that member must, immediately in writing, disclose such disqualification to the MEC and the Board.

7. Appointment of Board members

(1) The MEC must publish a notice in two newspapers and use any other media, inviting applications from persons who comply with the provisions of sections 5 and 6.

(2) Applicants must, in response to the notice in terms of subsection (1), submit a comprehensive *curriculum vitae* containing-

(a) certified copies of all qualifications;

(b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the gambling industry in the province;

(c) a sworn affidavit declaring financial interests and whether the applicant has any interests contemplated in section 6(2) (a) and (b).

(3) The MEC may verify the credentials of an applicant.

(4) The MEC must, from the applications received and in consultation with the Executive Council, appoint suitable members to the Board.

(5) A member of the Board must, before assuming office, make an oath or solemn affirmation in the prescribed form.

8. Term of office

A member of the Board is appointed for a term of five years and may, subject to a successful performance review, be re-appointed for one additional term without following the procedure set out in section 7.

9. Resignation, removal from office and vacancies

(1) A member of the Board may resign by providing the MEC —

(a) two months written notice; or

(b) less than two months written notice, with the approval of the MEC.

(2) The MEC may, subject to subsection (3), remove a member of the Board —

(a) if that member—

(i) becomes disqualified in terms of section 6;

(ii) acted contrary to section 6(3);

(iii) fails to disclose an interest or fails to recuse himself or herself from a meeting as required by section 11;

(iv) fails to properly and professionally perform the functions of a member of the Board; or

(v) is absent for more than two consecutive meetings of the Board without the prior leave of the Chairperson; or

(b) for a reason which is just and fair.

(3) The MEC must, before removing a member of the Board from office, afford the member an opportunity to be heard.

(4) When the office of a member becomes vacant, the MEC must fill that vacancy in terms of the procedure provided for in section 7, within a reasonable time.

(5) A member appointed in terms of subsection (4), holds office for the unexpired portion of the vacating member's term of office.

(6) The MEC must, in the absence of a functional Board, perform the powers and functions of the Board, except the granting and revoking of licences referred to in section 23 (2) (a) – (o).

10. Remuneration and allowances of Board

(1) Members of the Board who are not in the full-time service of the State may, in respect of their services, be paid such remuneration and allowances from the funds of the Board as the MEC may determine in consultation with the Member of the Executive Council responsible for finance.

(2) Where a member of the Board in the full time employ of the State incurs expenses when performing that member's functions in terms of this Act, the Board must reimburse such member for such expenses from the funds of the Board.

(3) The remuneration and allowances of the members of the Board may vary according to their levels of expertise and the functions they perform on the Board.

11. Disclosure of interest

(1) A member of the Board may not —

(a) engage in an activity that may undermine the integrity of the Board;

(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 6(2) (a) and (b); or

(ii) that precludes that member from performing the duties of a member of the Board in a fair, unbiased and proper manner;

(c) vote at a 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 member's duties as a member of the Board; or

(e) divulge any information referred to in paragraph (d) to a third party, except as required as part of that member's official functions.

(2) 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 section (6)(2)(a) and (b), the member must —

(a) immediately and fully disclose the nature of that interest to the meeting; and

(b) recuse himself or herself from the meeting to allow the remaining members to discuss the matter and determine whether that member should be prohibited from participating in any further proceedings concerning the matter.

(3) A disclosure by a member in terms of subsection (2) and the decision by the Board in terms of subsection (2) (b), must be recorded in the minutes of the meeting.

(4) Proceedings of the Board and the decisions taken by the majority of the members present and entitled to participate in those decisions, are valid despite the fact that a member has failed to disclose an interest as required by subsection (2).

(5) If a member is disqualified in terms of section 6, the MEC must terminate the appointment of that member with immediate effect.

12. Chief Executive Officer

(1) The Board must appoint the Chief Executive Officer for a fixed-term, on a performance-based contract, for a period of five years.

(2) The Board may extend the appointment of the Chief Executive Officer for an additional period, not exceeding five years.

(3) The Chief Executive Officer is an employee of the Board and is —

(a) accountable to the Board; and

(b) responsible for the efficient and effective management of the Board and must perform the duties the Board assigns or delegates to the Chief Executive.

(4) The employment contract of the Chief Executive Officer must be in writing and must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act, 1999.

(5) The Board must review the Chief Executive Officer's performance agreement annually, within one month of the commencement of each financial year.

(6) The performance agreement concluded in terms of subsection (1) must include —

(a) measurable performance objectives and targets with stipulated timeframes;

(b) standards and procedures for evaluating performance and intervals for evaluation; and

(c) the consequences of substandard performance.

(7) When the Chief Executive Officer is absent or for any reason unable to perform his or her functions, or whenever there is a vacancy in the office of the chief executive officer, the Board must appoint another person to act as Chief Executive Officer during such absence or inability until a new Chief Executive Officer has been appointed in terms of subsection (1).

13. Powers and functions of Chief Executive Officer

In addition to the powers, functions and duties conferred upon, assigned or delegated to the Chief Executive Officer in terms of this Act or by the Board, the Chief Executive Officer must —

(a) assist the Board in performing all financial and administrative responsibilities pertaining to the functions of the Board;

(b) perform the functions of the Chief Executive Officer outlined in the performance agreement concluded with the Board in terms of section 12(1);

(c) subject to section 14(1) and (2), appoint and manage the staff of the Board;

(d) ensure that proper minutes are kept of meetings of the Board and committees of the Board;

(e) attend meetings of the Board as *ex officio* member of the Board;

(f) ensure that the Board complies with and performs in terms of all contractual agreements and policy requirements; and

(g) perform any other function that the Board assigns to the Chief Executive Officer.

14. Staff of Board

(1) The Board may, in performing its functions be assisted by suitably qualified and experienced staff, appointed by the Chief Executive Officer.

(2) The Chief Executive Officer must, in consultation with the Board, appoint the senior management staff.

(3) A staff member of the Board must, before assuming his or her duties, make an oath or solemn affirmation in the prescribed form.

(4) No person may be employed as a staff member of the Board, if such person —

(a) or any family member of such person has a direct or indirect interest or any financial or other such interest in any gambling activity; and

(b) has at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under this Act or the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) or any offence involving dishonesty.

(5) The Board must, from the funds of the Board, pay the staff of the Board such remuneration, allowances and other employment benefits as the Board may determine.

15. Transparency and confidentiality

(1) The Board must function in an open and transparent manner.

(2) A staff member or member of the Board may not, except on the order of a court of law or when authorised in terms of the Promotion of Access to Information Act, (Act No. 2 of 2000), disclose —

(a) any documentation or information, or the identity of a person which the Board has determined not to be open to public inspection or not to be divulged as contemplated in section 27(3); or

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

16. Position of public trust

(1) In order to ensure the independence and integrity of the Board, a member of the Board or staff member of the Board, may not —

(a) apart from any remuneration received by virtue of the office that person holds, directly or indirectly receive anything of value or benefit from any person, that may conflict or interfere with the proper performance of that person's functions ; or

(b) participate in any gambling or betting activity in the province except in the performance of his or her duties in terms of this Act.

(2) A member of the Board may not, for a period of one year after termination of such office, solicit or accept employment from a person licensed in terms of this Act.

(3) The provisions of subsection (1) and (2) apply to the MEC.

17. Funds of Board

The funds of the Board consist of —

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

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

(c) other monies lawfully paid to the Board.

18. Meetings of Board

(1) The Board must meet at least once every quarter in a financial year.

(2) The Chairperson of the Board —

(a) must determine the time and place of the first meeting of the Board and thereafter the Board may meet at such time and place as the Board may from time to time determine for the expeditious conducting of business; and

(b) may at any time on reasonable notice, convene an extraordinary meeting of the Board to be held at a time and place determined by the Chairperson.

(3) The Board may determine its own proceedings at meetings in so far as the proceedings have not been prescribed by this Act.

(4) The quorum for a meeting of the Board is five members of the Board.

(5) A decision of the Board is taken by a majority of the votes of the members present at a meeting of the Board.

(6) Where there is an equality of votes, the Chairperson has a casting vote in addition to the deliberative vote.

(7) Minutes of the proceedings of every meeting of the Board must be kept and be retained at the offices of the Board.

(8) A meeting of the Board convened for the purpose of —

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

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

19. Committees of Board

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

(2) A committee may consist of —

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

(b) such members of the Board as the Board may designate and such other persons as the Board may co-opt in terms of section 21.

(3) The Chairperson of the Board must designate the Chairperson of a committee.

(4) A committee must perform its functions and exercise its powers in terms of the provisions of this Act and directives of the Board.

(5) A power or function performed by a committee appointed by the Board in terms of subsection (1) is regarded to have been performed by the Board.

20. Consultation by Board

(1) The Board may consult any person, organisation or institution regarding a matter that is necessary to enable the Board to exercise its powers and perform its functions.

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

21. Co-opting persons

(1) The Board may co-opt an expert or other persons as may be necessary to assist the Board to consider a particular matter.

(2) A person co-opted in terms of subsection (1), may not vote at any meetings of the Board or a committee of the Board.

(3) The Board must determine the remuneration of a person co-opted in terms of subsection (1).

22. Enquiries by Board

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

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

(a) give evidence; or

(b) produce a book, document or thing which is in that person's possession or control and which, in the opinion of the Board, relates to or may relate to a matter to be considered by the Board.

(3) A person who has received a notice in terms of subsection (2) must personally appear before the Board on the date, time and place set out in the notice.

(4) The Board may call and examine any person present at the enquiry, whether or not that person has been summoned to attend an enquiry under subsection (2), and may

inspect and retain for a reasonable period, any book, document or thing that was required by the Board.

(5) The Board may require a person appearing before the Board at an enquiry in terms of subsection (1), to give evidence on oath or affirmation, and a member of the Board presiding at the enquiry may administer the oath or affirmation.

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

(7) A person who appears before the Board at an enquiry is entitled to be represented by a legal representative and to call witnesses.

CHAPTER 3

LICENSING

23. Types of licences

(1) The Board must issue a —

(a) provincial licence in the prescribed format; or

(b) national licence in the format prescribed in the National Gambling Act, 2004.

(2) The Board may issue the following provincial licences:

(a) casino operator licence;

(b) limited payout machine site operator licence;

(c) limited payout machine route operator licence;

(d) independent site operator licence;

(e) bingo operator licence;

(f) bingo site licence;

(g) totalisator operator licence;

(h) totalisator site licence;

(i) bookmaker licence;

(j) bookmaker site licence;

(k) race-meeting licence;

(l) manufacturer licence;

(m) maintenance licence;

(n) supplier licence;

(o) special event licence; and

(p) key employee licence.

24. Disqualification or restriction of licence

(1) This section does not apply to a key employee licence.

(2) An applicant for a licence must be of —

(a) good character and integrity; and

(b) good financial standing.

(3) No person may hold a licence, or a financial interest in the holder of a licence, if that person –

(a) is under the age of 18 years;

(b) is a public servant or political office bearer;

(c) is a judicial officer or employed within a court;

(d) is listed on the register of excluded persons;

(e) is a family member of a member of the Board;

(f) is an unrehabilitated insolvent;

(g) is declared by a competent court to be mentally unfit;

(h) has been removed from an office of trust, on account of misconduct relating to fraud or the misappropriation of money; or

(i) has, within 10 years preceding the date the application is lodged, been convicted in the Republic or elsewhere, of an offence —

(aa) involving theft, fraud, forgery or uttering a forged document or perjury;

(bb) involving computer or computer software crime;

(cc) under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No.12 of 2004);

(dd) under the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998);

(ee) under the Financial Intelligence Centre Act, 2001 (Act No.31 of 2001);

(ff) under the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004); or

(gg) under this Act or the National Gambling Act, 2004,

and has been sentenced to imprisonment without the option of a fine or to a fine exceeding the amount prescribed by the Minister in terms of section 50(2)(i) of the National Gambling Act, 2004, unless the person has received a grant of amnesty or free pardon for the offence.

(4) The Board must refuse to issue a licence to a person who is disqualified from holding an interest in a licence, licence holder, licensed site or other business to which a licence relates, in terms of subsection (3).

(5) The Board must refuse to issue a licence to an applicant if, after conducting the prescribed investigations, the Board has reason to believe that —

(a) the applicant;

(b) a person who has a controlling interest in the applicant;

(c) a person who holds a financial interest in the applicant; or

(d) a manager of the applicant's business,

is a family member, other than a brother or sister, of a person who is a member of the Board or is disqualified from holding an interest in a licence, licence holder or the business to which a licence relates.

25. Disqualification after licence issued

(1) This section does not apply to a key employee licence.

(2) When a person who holds a licence or an interest in a licence issued in terms of this Act, is disqualified in terms of section 24 after the licence was issued, that person must, in the prescribed format, advise the Board and where applicable, the licence holder of such disqualification.

(3) The Board may, when a person is disqualified in terms of subsection (2), and after considering the circumstances and the nature of the disqualification, determine that that person must dispose of the interest in the licence within a period of not more than three years.

26. Licence application procedure

(1) The Board must place a notice in the *gazette* and in two newspapers, requesting applications for the licence listed in the notice.

(2) The notice referred to subsection (1) must include information relating but not limited to –

(a) the type and number of licences available;

(b) the area to which the licence relates;

(c) the closing date for applications; and

(d) requirements that the Board deems necessary.

(3) An application for a licence in response to a notice referred to in subsection (1), must be lodged in the format required by the Board and must be accompanied by —

(a) specified documents;

(b) proof that the prescribed application fees were paid;

(c) proof that the notice was published in the *gazette* and in a newspaper as required in terms of subsection (4); and

(d) the approval or representation of the local authority in the area to which the licence relates.

(4) The applicant must, within fourteen days before lodging the application for a licence, publish a notice in —

(a) the *gazette*; and

(b) a newspaper circulating in the area where the site to which the licence relates is situated.

(5) The notice contemplated in subsection (4) must —

(a) indicate the type of licence applied for;

(b) the area to which the licence relates;

(c) indicate the duration of the licence;

(d) invite interested persons to —

(i) lodge their written representations and objections in relation thereto with the Board within one month from the date specified in such notice; and

(ii) indicate in any written representations whether or not they wish to make oral representations when the application is heard.

(6) A person who wishes to object to an application for a licence made in terms of this Act, may, no later than 30 days after the date specified in the notice published in terms of subsection (4), lodge an objection with the Board, in writing.

(7) The Board must, within seven days of receiving an objection, notify and supply the applicant with a copy or details of —

(a) an objection lodged with the Board in terms of subsection (6); or

(b) any other matter which in the opinion of the Board, may constitute grounds for an objection.

(8) The Board must invite the applicant to reply to the objections received in terms of subsection (6) within a period of 14 days or such longer period as the Board may determine.

(9) (a) The Board does not have to publish a notice referred to in subsection (1) for the following licences:

(i) manufacturer licence;

(ii) maintenance licence;

(iii) supplier licence;

(iv) special event licence; or

(v) key employee licence.

(b) An application for a licence referred to in subsection (9) (a), must be lodged in the format required by the Board and must be accompanied by —

(i) specified documents;

(ii) proof that the prescribed application fees were paid;

(iii) proof that the notice was published in the *gazette* and in a newspaper as required in terms of subsection (3); and

(iv) the approval or representation of the local authority in the area to which the licence relates.

(10) A person lodging an objection in terms of subsection (6) must provide reasons why the Board may not divulge that person's identity.

27. Application, representation and objection open to public inspection

(1) An application, representation, objection, response or further information lodged in terms of section 26 must, subject to subsection (3), be open to public inspection during the normal office hours of the Board for a period not less than 30 days.

(2) The Board must consider a request for information relating to an application, representation or response in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

(3) The Board may determine that —

(a) a document or information relating to the financial capacity of a person participating in an application, including —

(i) the names of prospective employees; or

(ii) business plans of an applicant,

or any other matter which is, in the opinion of the Board, of a confidential nature, must not be open to public inspection: Provided such document or

information can be separated from the remainder of the application and is marked confidential; and

(b) the identity of a person who lodged representations or objections in relation to an application may not be divulged to another person.

28. Investigation costs

(1) A person who submits an application to the Board in terms of section 26 is liable for and must pay to the Board all reasonable direct expenses incurred by the Board, if any, to conduct the investigations referred to in section 30.

(2) The Board may, before conducting the investigation referred to in section 30, require the applicant to pay an estimated cash deposit in respect of investigation costs.

(3) The Board may at any stage during the investigation of an application, require the applicant to pay such additional deposits in respect of investigation costs as may be necessary.

(4) Upon completion of its investigation, the Board must, upon request, supply the applicant with a detailed account of investigative costs incurred, and any balance standing to the credit of the account held on behalf of the applicant must be maintained in such account or refunded as the case may be.

(5) The Board may not finalise an application until all investigation costs have been paid in full.

29. Site inspection

(1) The Board may inspect the site to which the application relates.

(2) Where an inspector conducts the inspection, the inspector must furnish a report to the Board regarding the suitability of the site to which the application relates.

30. Probity report

(1) When considering an application for a licence or a certificate of suitability, the Board may request —

(a) additional information from the applicant;

(b) written authorisation from the applicant permitting the Board to procure information directly from third parties and authorising such third parties to provide that information; and

(c) a report from —

(i) any regulatory authority;

(ii) the Financial Intelligence Centre;

(iii) the National Director of Public Prosecutions; or

(iv) the South African Police Service.

(2) A report in terms of subsection (1) may include —

(a) 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, licence holder, licenced site or business to which the licence relates; or

(b) any other information which the entity referred to in subsection (1) (c) may regard as relevant to the application.

(3) For the purposes of a report contemplated in this section a member of the South African Police Service may require the applicant or person concerned to furnish such information and particulars including any finger-print or palm-print.

(4) The Board must submit a copy of every probity report conducted in terms of this Act to the National Gambling Board to be included in the national probity register.

31. Hearing of application

(1) The Board may, by notice in the *gazette* and in a newspaper circulating in the area to which the application relates, invite interested parties to a hearing in respect of the application.

(2) The notice in subsection (1) must reflect the date, time and a venue that is accessible to the public.

(3) The Board must at the hearing, afford the applicant and any other interested party the opportunity to make oral representations.

(4) A person making oral representations in terms of subsection (3) may be assisted by a person of his or her choice.

(5) The Board may adjourn and resume a hearing on such date, time and place as the Board may determine.

(6) The Chairperson of the Board may, if the presence of a particular person is not conducive to the good order or conduct of the hearing, direct that such person leaves the hearing.

32. Consideration of application

(1) Where an application does not meet the requirements of section 26, the Board may refer the application to the applicant, directing the applicant to supplement or remedy the defective application within 14 days.

(2) Where the applicant fails to comply with subsection (1), the Board may decline the application and notify the applicant in writing.

(3) When considering an application, the Board must take into account —

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

(b) any conviction of the applicant for an offence involving dishonesty.

(4) The Board must, after duly considering —

(a) the application;

(b) any representations made in relation to the application;

(c) the applicant's written response thereto;

(d) the site inspection report;

(e) the investigation report;

(f) the police report; or

(g) any other information or evidence tendered to the Board with regard to the application,

grant the application on such conditions as the Board may determine or refuse the application.

(5) The Board must, on the request of the applicant, furnish written reasons for the decision.

33. Economic and social development issues to be considered

(1) When considering an application for a licence, other than a key employee licence, the Board must consider —

(a) all commitments made by the applicant in relation to—

(i) black economic empowerment;

(ii) combating the incidence of addictive and compulsive gambling; and

(b) the potential socio-economic impact on the community of the proposed licence.

(2) The Board may impose reasonable and justifiable conditions on the licence to the extent necessary to address the matters referred to in subsection (1).

(3) At least once every year, after issuing a licence other than a key employee licence, the Board —

(a) must review the commitments made in terms of subsection (1) (a) and the achievements of the licence holder relating 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).

34. Competition issues to be considered

(1) When considering an application for a licence, other than a key employee licence, the Board must consider whether approving the licence is likely to substantially affect competition in the gambling industry generally, or in respect of the proposed activity within the province.

(2) After considering the matters contemplated in subsection (1), the Board 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.

(3) For the purposes of subsection (2) —

(a) **"market power"** has the meaning set out in section 1 of the Competitions Act, 1998 (Act No. 89 of 1998);

(b) **"public interest reasons"** include the reasons set out in section 12A (3) of the Competitions Act, 1998 (Act No.89 of 1998); and

(c) **"related person"** means a person —

(i) who has direct or indirect control of 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).

35. Licence conditions

(1) When the Board issues a provincial or national licence, the Board may issue the licence with or without conditions.

(2) A licence issued in terms of this Act, excluding a key employee licence, must specify the —

(a) identity of the licence holder;

(b) activities that the licence permits the licence holder to engage in, conduct or make available to the public;

(c) name or clear description of the premises at, in or from which the licence holder is permitted to operate; and

(d) duration of the licence.

(3) The Board may determine conditions in respect of any licence issued in terms of this Act, including conditions relating to —

(a) gambling activities that may be conducted or the forms of betting that may be allowed;

(b) the method of playing a gambling activity or the conducting of betting or racing;

(c) the rules of a gambling activity, betting or racing;

(d) the hours during which the business concerned may be conducted;

(e) the provision of a guarantee by the applicant in a form acceptable to the Board for the liabilities of the applicant relating to —

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

(ii) gambling debts payable by the applicant;

(f) the erection, alteration, addition or reconstruction of a licensed site;

(g) the location of sites;

(h) the location where gambling activities will be permitted on such sites; and

(i) matters that may be necessary to achieve the objects of this Act.

(4) The Board may only issue a licence —

(a) as a permanent licence;

(b) as a temporary licence, subject to the applicant fulfilling certain conditions within a specified period, with the intention that upon the fulfilment of those conditions, a permanent licence will be issued in substitution of the temporary licence; or

(c) subject to subsection (3), as a special event licence, which permits the licensed activity on specified dates only on a particular site determined in the licence.

(5) The Board may, where the risks relating to the settlement by the licence holder of any liability contemplated in subsection (3) (e) increases, require the licence holder to furnish guarantees other than or additional to the guarantee contemplated in that subsection.

(6) A licence is valid for a period determined by the Board.

36. Suspension or revocation of licence and amendment of licence conditions

(1) The Board may, subject to subsection (3) —

(a) amend a licence condition;

(b) suspend a licence for such period as the Board may determine; or

(c) revoke a licence from a date determined by the Board,

when —

(i) any information with regard to a licence, at the time the information was furnished, was false in any material respect or was subject to any material omission;

(ii) the licence holder is or becomes disqualified from holding a licence in terms of this Act;

(iii) the licence holder, an employee of the licence holder or any other person acting on the licence holder's behalf has failed to comply with a—

(aa) provision of this Act;

(bb) condition of a licence; or

(cc) written notice to remedy the non compliance of a condition within a specified period;

(iv) the licence holder has without the prior written consent of the Board, failed to carry on gambling activities for a period of thirty consecutive days;

(v) the licence holder fails to pay any monies due to the Board in terms of this Act within the prescribed period;

(vi) the licence holder fails to pay out a prize won in a gambling activity or winning bet;

(vii) the licence holder, in the opinion of the Board, conducts gambling activities or allows gambling activities to be conducted in a manner which is detrimental to the public health, safety, morals, good order or general welfare of the inhabitants of the province;

(viii) the licence holder or any person on the licence holder's behalf or employed by the licence holder uses a gambling device or permits the playing of any gambling activity on a gambling device —

(i) supplied by or acquired from a person not licensed in terms of section 57;

(ii) which does not comply with the prescribed norms and standards;

(ix) the licence holder employs a person contemplated in section 62 without the required licence;

(x) the licence holder, without the prior written consent of the Board, sells or alienates or ceases to operate any business in respect of any part of the licensed site; or

(xi) the licence holder wilfully or persistently uses or tolerates methods of operation the Board regards as unsuitable.

(2) The Board may reinstate a licence suspended under subsection (1) if the reason for suspension ceases to exist.

(3) The Board must by written notice, prior to suspending or revoking a licence or amending a licence condition, inform the licence holder of the reasons for such suspension, revocation or amendment and afford the licence holder the opportunity to submit written reasons within 14 days of receiving such notice, why the licence must not suspended or revoked or a licence condition amended.

(4)(a) Subject to paragraph (b), where the Board is of the opinion that the public interest requires that a licence or a licence condition must be suspended with immediate effect, the Board may suspend the licence or licence condition.

(b) Immediately after the Board suspends the licence or licence condition in terms of paragraph (a), the Board must apply the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

(c) If, after complying with paragraph (b), the Board is satisfied that revoking the licence may be justifiable, the Board must follow the procedure set out in subsection (3).

(5) During the period for which the licence is suspended, the licence holder may not permit, undertake, participate or engage in the activities which are suspended.

(6) The licence holder is not entitled to a refund of any monies paid when a licence is suspended or revoked.

(7) The licence holder whose licence has been suspended or revoked must deliver the licence to the Board within seven days of being notified thereof.

(8) For the purposes of this section "licence" includes a certificate of suitability referred to in section 43.

37. Temporary licence

(1) Where an application for a licence is granted, the Board may determine that a temporary licence be issued —

(a) where the site concerned requires alteration, addition, construction or reconstruction; or

(b) in any other circumstance where the issuing of a temporary licence is appropriate.

(2) The Board may issue a temporary licence to an applicant subject to the applicant complying, within the period specified in the temporary licence, with such conditions or requirements as the Board may determine.

(3) The Board may, on application by the temporary licence holder, at any time after the temporary licence has been issued, on good cause shown, extend the period to a term not exceeding 24 months.

(4) When the Board is satisfied, on application by the temporary licence holder, that the conditions and requirements of the temporary licence have been complied with, the Board must issue licence in substitution of the temporary licence concerned.

(5) If a licence is not issued as contemplated in subsection (4) before the expiration of the period specified in the temporary licence, the temporary licence lapses.

38. Site relocation

(1) The licence holder may, in the prescribed format, apply for the relocation, whether permanently or temporarily, of the gambling business concerned to another site.

(2) In the case of a licensed casino relocating to another site, the provisions of section 26 to 35 and section 44 of this Act applies.

(3) The Board may, subject to such conditions as the Board may determine, authorise an applicant contemplated in subsection (2), to conduct the business of the licence holder on the site, pending the outcome of the applicant's application for site relocation.

39. Death or disability

(1) When a licence holder or a person who holds an interest in a licence, dies or becomes disabled, the executor or curator of that person's estate or another person having an interest in such licence, may apply to the Board for the appropriate licence.

(2) The Board may, subject to such conditions as the Board may determine, authorise an applicant contemplated in subsection (1), to conduct the business of the licence holder, pending the outcome of the applicant's application for the licence.

40. Duty to display and produce licence

(1) A licence holder must at all times prominently display the licence on the licensed site.

(2) A licence holder, an employee of the licence holder or a person acting on behalf of the licence holder must, on demand by an inspector or police officer, produce the licence concerned.

41. Duty to pay fees and levies

(1) An applicant for a licence must pay to the Board —

(a) the prescribed licence application fees; and

(b) all other prescribed fees imposed by the Board; and

(c) fees for the recovery of all reasonable costs, including investigation costs, incurred by the Board in connection with the application.

(2) A licence holder must pay to the Board —

(a) the prescribed licence fees;

(b) the prescribed penalty for the late payment of fees, which penalty may not exceed twice the amount of the fee in respect of which the penalty is payable;

(c) the prescribed levies;

(d) the prescribed penalty on late payment of levies, which penalty may not exceed twice the amount of the levy in respect of which the penalty is payable; and

(e) all other prescribed fees or levies imposed by the Board.

(3) Licence fees may differ in relation to different types of licences.

42. Financial and controlling interest

(1) A person who, directly or indirectly, procures a controlling interest or a financial interest of five percent or more, or any lesser percentage as may be prescribed, in the business to which a licence relates, must within the period and manner determined by the Board, apply to the Board for consent to hold such interest.

(2) The provisions that apply to an applicant for a licence, applies to an application referred to in subsection (1).

(3) The Board must not grant consent to an application in terms of subsection (1) where the applicant is a disqualified person contemplated in section 24.

(4) Where the Board does not consent to an application in terms of subsection (1), the applicant concerned must within the period determined by the Board dispose of the interest in the licence.

(5) No person may procure an interest contemplated in subsection (1), as nominee or agent of or otherwise on behalf of any principal or beneficiary, if that person has not informed the licence holder concerned and the Board, in writing of the identity of such principal or beneficiary.

43. Certificate of suitability

(1) The MEC may, by notice in the *gazette,* list categories of persons that require a certificate of suitability.

(2) Where a licence holder requires goods or services from the categories of persons listed in the notice referred to in subsection (1), the licence holder must acquire those goods

or services from a person who holds a certificate of suitability to supply those goods or services.

(3) A person must apply to the Board for a certificate of suitability in the format and manner determined by the Board.

(4) The Board may enquire and obtain information from any person or source, including the South African Police Service, relating to the suitability of the applicant, in order for the Board to consider the application.

(5) The Board may, after providing the holder of a certificate of suitability the opportunity to make representations, suspend for a specified period or revoke a certificate of suitability, if —

(a) information in the application for such certificate was false in any material respect or was subject to a material omission;

(b) the holder of the certificate has failed to comply with or has contravened any term or condition of the certificate; or

(c) the Board is of the opinion that it is necessary and justifiable for the proper control of gambling.

44. Limitation of rights applicable to licence

Only a juristic person may be licenced —

(a) to operate a casino;

(b) as a limited payout machine route operator;

(c) as a manufacturer;

(d) as a totalisator; or

(e) as an independent site operator.

CHAPTER 4

CASINO LICENCE

45. Casino licence

(1) For the purpose of this Chapter —

"casino game" means a game, irrespective of whether or not the result thereof is determined by chance or a measure of skill, played with playing cards, dice, a gambling machine or any other device used to determine win or loss in the outcome of a money or other valuable consideration, and includes, without derogating from the generality of the foregoing, blackjack, chemin *de fer*, baccarat, bingo, keno, twenty-one, poker and roulette, or any other game whose rules closely resemble that of the foregoing.

(2) The Board may only issue a casino licence after consulting with the MEC and if the Board is satisfied that the applicant has —

(a) appropriate knowledge and experience or is able to acquire the necessary knowledge and experience to operate a casino;

(b) complied with all the requirements for the application as determined by the Board in terms of this Act;

(c) sole and exclusive legal possession of the licensed site; and

(d) access to sufficient capital resources which are adequate for operating the casino.

(3) A casino licence authorise, subject to conditions which the Board may impose, the conducting and playing of casino games at the site specified in the licence.

(4) The holder of a casino licence may not link any gambling machines to a wide area progressive jackpot without the prior written approval of the Board.

(5) The Board may, in respect of gambling machines linked to a wide area progressive jackpot referred to in subsection (4), enter into agreements with other regulatory agencies outside the province to ensure the proper control of such wide progressive jackpot.

46. Considerations for casino licence application

(1) When considering an application for a casino licence, the Board must consider the extent to which the —

(a) casino will enhance the environment and neighbourhood;

(b) casino will promote tourism in the area where the casino will be situated;

(c) casino will promote sustainable employment;

(d) applicant will provide training and skills to the employees of the casino;

(e) applicant will procure labour, goods and services from the area and the province in general for the construction of the casino;

(f) applicant intends to provide for participation in the ownership or profits of the casino by persons, or groups or categories of persons, previously disadvantaged by unfair discrimination; and

(g) applicant intends to contribute any facility, advantage or contribution for the benefit, use or enjoyment of the community at or near the site where the casino will be situated.

(2) The Board may consider any other factor which may affect the decision to grant such application or to attach a condition or requirement.

47. Display of information

The holder of a casino licence must —

(a) display within the licenced site, information regarding casino games as determined by the Board; and

(b) where a patron requests, make available for examination a copy of the rules determining the manner in which a casino game must be played.

48. Use of word "casino"

No person may trade or carry on business under the name or title where the word "casino" is used if that person is not the holder of a casino licence issued in terms of this Act.

CHAPTER 5

BINGO

49. Bingo licence and bingo site licence

(1) A bingo licence authorise, subject to the conditions the Board may impose, the playing of or permitting the playing of bingo in or on one or more licenced sites.

(2) No person, other than a casino licence holder, may keep a site where bingo is played or permit the playing of bingo without a bingo licence and a bingo site licence issued in terms of this Act.

(3) No person may, by electronic or similar method of linking to another site, provide for bingo to be played at such site, without a bingo licence and a bingo site licence issued in terms of this Act.

(4) The Board may in respect of the linking contemplated in subsection (3), enter into agreements with other regulatory agencies outside the province to ensure proper control of linked bingo games.

(5) The MEC may, on recommendation of the Board, by notice in the *gazette* declare that any particular game that is substantially similar to bingo is bingo.

CHAPTER 6

LIMITED PAYOUT MACHINE ROUTE OPERATOR LICENCE, LIMITED PAYOUT MACHINE SITE OPERATOR LICENCE AND INDEPENDANT SITE OPERATOR LICENCE

50. Limited payout machine route operator licence

(1) A limited payout machine route operator licence authorise, subject to conditions that the Board may impose, the operation of limited payout machines that comply with the prescribed requirements specified in the limited payout machine licence.

(2) The holder of a limited payout machine route operator licence must enter into an agreement with the holder of a limited payout machine site licence for the placement of gambling machines on the licenced site.

(3) The Board may only issue a limited payout machine route operator licence if the Board is satisfied that the applicant —

(a) has appropriate knowledge and experience or is able to acquire the necessary knowledge and experience to operate gambling machines; and

(b) has complied with all the requirements for the application as determined by the Board in terms of this Act and the National Gambling Act, 2004.

(4) The Board may only issue a limited payout machine route operator licence for the number of gambling machines prescribed by the National Gambling Act, 2004.

(5) The holder of a limited payout machine route operator licence must link all the gambling machines specified in the licence to an electronic monitoring system contemplated in section 60.

(6) No person may, without a limited payout machine route operator licence issued in terms of this Act, permit or engage in the business of operating limited payout machines.

51. Limited payout machine site operator licence

(1) A limited payout machine site operator licence authorise, subject to conditions that the Board may impose, the keeping and exposing for play, a specified number of limited payout machines that comply with prescribed requirements, in a designated area at the site specified in the licence.

(2)(a) Subject to paragraph (b), the Board may not issue a limited payout machine site operator licence for the operation and keeping of more than five limited payout machines.

(b) The Board may apply to the National Gambling Board to approve the operation of limited payout machines in excess of five machines and not more than 40: Provided that such application must be made in respect of every site for which limited payout machines in excess of five is sought.

(3) The Board may only issue a limited payout machine site operator licence if —

(a) the applicant has complied with all the requirements as determined by the Board in terms of this Act or the National Gambling Act, 2004; and

(b) satisfied that the site for which the licence is sought will not be primarily used for the operation of limited payout machines.

(4) The holder of a limited payout machine site licence must ensure that —

(a) the maximum charge for playing on any limited payout machine must not exceed the prescribed amount;

(b) the prize in respect of any one game played by means of any such limited payout machine may not in the aggregate exceed in value the amount prescribed in terms of the National Gambling Act, 2004;

(c) the value of the maximum prize, prescribed in terms of subparagraph (b), must be displayed on the limited payout machine, which prize may be won by playing a game once; and

(d) the limited payout machines are placed in an area to which a person under the age of 18 years has no access.

(5) No person may, without a limited payout machine site operator licence issued in terms of this Act, maintain a site at which limited payout machines are kept or exposed for play.

52. Independent site operator licence

(1) An independent site operator licence authorise, subject to any conditions which the Board may impose, the operation of not more than the maximum number of limited payout machines listed on the licence, on the site specified.

(2) The Board may only issue an independent site operator licence if —

(a) the applicant has complied with all the requirements for the application in terms of the notice referred to in section 26;

(b) the applicant has sufficient knowledge and experience or is able to acquire such knowledge and experience to operate limited payout machines; and

(c) satisfied that the site in respect of which the licence is to be granted will not be primarily used for the operation of limited payout machines.

(3) The holder of an independent site operator licence must link all the limited payout machines specified on the licence to an electronic monitoring system.

(4) The holder of an independent site operator licence must ensure that the —

(a) maximum charge for playing on a limited payout machine does not exceed the prescribed amount;

(b) prize in respect of any game played by means of a limited payout machine does not in the aggregate exceed in value the prescribed amount;

(c) return to players of a limited payout machine is not less that the prescribed percentage;

(d) value of the maximum prescribed prize which may be won by playing a game once on a limited payout machine, is displayed on that limited payout machine; and

(e) limited payout machines are placed in an area to which no person under the age of 18 years has access to.

(5) No person may, without an independent site operator licence issued in terms of this Act permit or engage in the business of operating limited payout machines specified in the licence.

CHAPTER 7

TOTALISATOR AND BOOKMAKER LICENCE

53. Totalisator operator licence

(1) No person may, without a totalisator operator licence issued in terms of this Act, operate or permit the operation of a totalisator or betting pools.

(2) A totalisator operator licence authorise, subject to conditions the Board may impose, the conducting of totalisator or betting pools in accordance to the rules determined by the Board.

(3) The MEC may prescribe requirements for a totalisator operator licence.

54. Totalisator site licence

(1) A totalisator licenced in terms of section 53, must have a totalisator site licence to accept stakes on the site specified on the licence.

(2) A totalisator site licence authorise, subject to conditions the Board may impose, the acceptance of stakes on the site specified in the licence.

55. Bookmaker licence

(1) No person may, without a bookmaker licence issued in terms of this Act, engage, directly or indirectly in the business of laying or taking bets with members of the public or other bookmakers.

(2) The bookmaker specified in the licence holds the bookmaker licence.

(3) A bookmaker licence authorise, subject to any conditions imposed by the Board, the conducting of the business of a bookmaker on the sites by laying and placing fixed odds and open bets, but not totalisator bets.

(4) The MEC may prescribe requirements for the operation of a bookmaker licence.

56. Bookmaker site licence

(1) A bookmaker licenced in terms of section 55, must have a bookmaker site licence for every site used by the bookmaker for the purpose of conducting the business of a bookmaker.

(2) A bookmaker site licence is applicable to the site specified in the licence.

CHAPTER 8

MANUFACTURER, MAINTENANCE AND SUPPLIER LICENCE

57. Manufacturer, maintenance or supplier licence

(1) A person who wishes to operate, carry on or conduct any form of manufacture, acquisition, selling, distribution, import, marketing, maintenance, assembly, alteration, renting, leasing, repair or supply of any gambling device, must apply, in the prescribed format, to the Board for a manufacturer, maintenance or supplier licence.

(2) The Board may only issue a manufacturer, maintenance or supplier licence to an applicant if the Board is satisfied that the applicant has appropriate knowledge and experience to hold such a licence.

(3) The manufacturer, maintenance or supplier licence authorise, subject to any conditions that the Board may impose, the —

(a) manufacture, selling, acquisition, distribution, import, marketing, maintenance, assembly, alteration, renting, leasing, repair or supply of gambling devices which meet the requirements set and approved by the Board; and

(b) supply of gambling devices or services to licence holders.

(4) No person may, without the applicable manufacturer, maintenance or supplier licence manufacture, sell, acquire, distribute, import, market, maintain, assemble, alter, rent, lease, repair or supply a gambling device.

CHAPTER 9

RACE MEETING AND SPECIAL EVENT LICENCE

58. Race meeting licence

(1) No person may, without a race meeting licence issued in terms of this Act, hold a race-meeting.

(2) A race meeting licence authorise, subject to subsection (4) and conditions which the Board may impose, the holding of a specified number of race meetings on a race course specified in the licence.

(3) The MEC may prescribe the requirements for the operation of a race meeting licence.

(4) A race meeting must be conducted in terms of the rules and regulations applicable to the particular race course where the meeting will be held.

(5) Only a bookmaker licenced in terms of section 55 of this Act may carry on business at a race meeting.

59. Special event licence

(1) The Board may, subject to subsection (2), on application in the manner determined by the Board, issue a special event licence to an applicant for specified dates.

(2) The Board may not issue a special event licence in respect of —

(a) a casino licence;

(b) a limited payout machine route operator licence;

(c) a limited payout machine site operator licence; or

(d) an independent limited payout machine site licence.

(3) The provisions of sections 27 and 31 do not apply to a special event licence.

CHAPTER 10

ELECTRONIC MONITORING SYSTEM, GAMBLING MACHINES AND GAMBLING DEVICES

60. Electronic monitoring system for gambling machines

(1) The Board must, where the required standards are met, approve and register an electronic, computer or communication system or device which is designed to send or receive data relating to the functioning of any machine or apparatus contemplated in subsection (2), as a monitoring system.

(2) Where the Board approves and registers a monitoring system, the Board must, in addition to other conditions of the registration, require that the licence holder link all gambling machines or gambling devices used on the licensed site to the monitoring system.

(3) No person may link any system or device which has not been registered by the Board as an electronic monitoring system contemplated in subsection (1).

61. Gambling machines and gambling devices

(1) Every gambling device and gambling machine must be registered with the Board, unless—

(a) it is of a category exempted in terms of section 19(3) of the National Gambling Act, 2004; or

(b) the gambling device or gambling machine enters the province by any means of transportation whilst in transit: Provided that the person in control of such gambling machine or gambling device must, whilst in the province, keep such

gambling device or gambling device in such a manner that it is not available to be played or operated by any person or be accessible to any member of the public whilst in the province and must comply with any regulation or rule that relate to the transportation of gambling machines or gambling devices.

(2) Subject to subsection (5), no person may, without being licensed by the Board, —

(*a*) keep, maintain, possess, manufacture, assemble, sell, distribute, import, acquire, market, rent or lease any gambling device or gambling machine other than playing-cards or dice; or

(*b*) alter or otherwise modify a gambling device or any associated equipment in a manner which alters or affects approved criteria of selection which determines the outcome of a gambling game or in any other manner alters or affects the result of a gambling game.

(3) The Board must ensure that gambling devices and gambling machines comply with the relevant norms and standards developed for the gambling industry.

(4) No person may alter or modify any software or hardware used in any gambling device or gambling machine in the operation of any gambling business without –

(a) holding the appropriate licence; and

(b) the Board's approval for such alteration or modification.

(5) A licence holder, any person whose licence has been suspended or revoked or the trustee, liquidator or judicial manager of such licence holder, may with the prior written approval of the Board and in the manner and subject to the conditions determined by the Board —

(a) dispose of a gambling device or gambling machine in a manner approved by the Board; or

(b) possess such gambling devices or gambling machines pending disposal or destruction thereof.

(6) A person referred to in subsection (5) may not —

(a) possess more gambling devices or gambling machines than the Board has approved;

(b) supply or lease a gambling device or gambling machine to, or repair or modify a gambling device or gambling machine for any person within the province who does not hold an appropriate licence.

(c) allow or permit any person to use any gambling device or gambling machine in his or her possession to gamble while such gambling device or gambling machine is not on appropriately licensed premises;

(d) repair or modify any gambling device or gambling machine which is required to be registered or licensed and is not so registered or licensed.

(7) The Board may by Notice in the *gazette*, declare equipment, software or any other thing that is used in connection with a gambling activity to be a gambling device.

CHAPTER 11

KEY EMPLOYEE LICENCE

62. Key employee licence

(1) The MEC may prescribe—

(a) certain categories of employees in the gambling industry as key employees;

(b) the application and licensing procedure for key employees;

(c) different fee structures for categories of key employees; and

(d) licence conditions for key employees.

(2) A key employee must be licensed by the Board.

(3) A licence holder may not employ a key employee or permit a key employee to engage in any work within the gambling industry, unless the key employee is licensed by the Board.

(4) A key employee licence is —

(a) not transferable to another person; and

(b) valid for the period indicated on the licence.

63. Disqualification

The Board may not issue a person with a key employee licence, if that person —

(a) is under the age of 18 years;

(b) is a public servant or political office bearer;

(c) is a judicial officer or employed within a court;

(d) is listed on the register of excluded persons in terms of section 14 of the National Gambling Act, 2004;

(e) is subject to an order of a competent court holding or declaring that person to be mentally unfit;

(f) has been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money; or

(g) has been convicted during the previous ten years, in the Republic or elsewhere, of —

(i) theft, fraud, forgery, uttering a forged document or perjury;

(ii) an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No.12 of 2004);

(iii) any computer or computer software related crime;

(iv) an offence in terms of the National Gambling Act, 2004 or this Act,

and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the amount prescribed in terms of section 49(1)(f) of the

National Gambling Act, 2004 unless the person has received a grant of amnesty or free pardon for the offence.

64. Temporary key employee licence

The Board may, pending the outcome of the probity investigation of the prospective key employee, issue a temporary key employee licence to a prospective key employee, if the Board is satisfied that the —

(a) business of the licence holder in the gambling industry will be seriously prejudiced or disadvantaged by a delay in employing the key employee; and

(b) employing the prospective key employee will not prejudice the integrity and proper operation of the licence holder's business.

65. Suspension or revocation

(1) The Board may, subject to subsection (2), suspend for a specified period not exceeding six months or revoke a key employee licence, when —

(a) information contained in the key employee's application was false in a material respect or there was a material omission in the application;

(b) the key employee becomes disqualified in terms of section 63;

(c) the key employee has contravened a provision of this Act or a condition of the licence; or

(d) the Board is reasonably of the opinion that the key employee is no longer suitable to hold a licence.

(2) The Board must give the key employee written notice of the Board's intention to suspend or revoke the key employee's licence and must provide the key employee the opportunity to be heard.

(3) The Board may, at any time uplift a suspension in terms of subsection (1), if the Board is satisfied that the reasons for the suspension have been remedied.

66. Restriction

No key employee licensed in terms of sections 62 or 64 may—

(a) participate in or play a gambling game offered by his or her employer, except when necessary for the performance of the key employee's functions; or

(b) solicit or accept any tip, gratuity, consideration or other benefit from a player or customer, otherwise than as determined by the Rules.

67. Key employee probity report

(1) When considering an application for a key employee licence, the Board may request—

(a) additional information from the applicant;

(b) written authorisation from the applicant permitting the Board to procure information directly from third parties and authorising such third parties to provide that information; and

(c) a report from —

(i) any regulatory authority;

(ii) the Financial Intelligence Centre;

(iii) the National Director of Public Prosecutions; or

(iv) the South African Police Service.

(2) A report in terms of subsection (1) may include —

(a) particulars of any convictions recorded against a person, to the extent that those particulars are relevant for the purpose of the Board determining whether that person is disqualified from holding a key employee licence; or

(b) any other information which an entity referred to in subsection (1) (c) may regard as relevant to the application.

(3) For the purposes of a report contemplated in subsection (1) a member of the South African Police Service may require the applicant or person concerned to furnish such information and particulars including any finger-print or palm-print.

(4) The Board must submit a copy of every probity report conducted in terms of this Act to the National Gambling Board to be included in the national probity register.

68. Register of key employees

The Board must keep a register, in the prescribed format, of all key employees licensed in terms of this Act.

CHAPTER 12

RESTRICTED AND PROHIBITED GAMBLING ACTIVITIES

69. Mandatory licensing

(1) No person may, without an appropriate licence issued in terms of this Act —

(a) conduct or permit the playing of any gambling game or conduct or permit any gambling in or on premises under that person's control, either directly or indirectly; or

(b) be involved, directly or indirectly, in the operation of a gambling business.

(2) No person may —

(a) participate, facilitate, promote or derive any benefit from a scheme, game of chance, a gambling game or betting unless that scheme, game of chance, gambling game or betting is licensed in terms of this Act;

(b) without the approval of the Board, have any direct or indirect financial interest of five percent or more, in a gambling business;

(c) without a licence or where applicable the approval of the Board, in any manner share in the profits of gambling; or

(d) conduct, permit or allow the playing of any gambling game at any premises under that person's control without the required licence.

70. Unlawful Gambling

No person may —

(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) participate in, conduct, organise, promote, devise or manage any scheme, plan, arrangement, system or game which depends directly, indirectly, partly or entirely on the staking of money on the random selection or drawing of numbers in games commonly known as fahfee or mochina or any other game similar to fahfee or machine and is known by any other name;

(c) permit any gambling machine or gambling device under that person's control to be used for the purposes of a gambling activity contemplated in paragraphs (a);

(d) maintain or operate any site, whether or not such site is licensed for the purpose of a gambling activity contemplated in paragraph (a); or

(e) permit any site under that person's control, whether or not such site is licensed, to be used for the purpose of a gambling activity contemplated in paragraph (a).

71. Contingencies

(1) No person may gamble on the result of a contingency, other than —

(a) a casino game;

(b) bingo;

(c) the operation of a gambling machine;

(d) a special event; or

(e) a sporting event.

(2) No person may gamble on a contingency contemplated in subsection (1) with a person other than a holder of a licence issued for such contingency.

72. Place of gambling

(1) Subject to subsection (2), no person may gamble at any place that is not a licensed site in terms of this Act.

(2) Gambling, by means of using a telephone or other mode of communication, by placing a bet on a contingency, occurs at the licensed site, if the licence holder accepts and records the bet at the licensed site.

73. Rules of gambling games or betting

(1) No person may play or bet on a gambling game which is not in accordance with the rules either determined or approved by the Board.

(2) The licence holder may, in respect of any gambling game or betting authorised by such licence for which no rules have been determined by the Board, make rules relating to the playing of such gambling game or the conducting of such betting and submit such rules to the Board for approval.

(3) The licence holder must, at the request of any player, make available for examination a copy of the approved rules of any gambling game or betting.

74. Cheating and cheating devices

(1) No person may —

(a) allow anyone to cheat or to operate any cheating device or provide any person with information or with a device to cheat in any gambling game or betting;

(b) conduct, allow or expose for play any gambling game played with playing-cards which have or with any gambling device which has been —

(i) marked;

(ii) tampered with;

(iii) placed in a condition or operated in a manner that tends to deceive the licence holder, the players or the public or alter the normal random chance of the gambling game, or to determine or alter the result of the gambling game;

(c) make use of any counterfeit chip, token or playing-cards;

(d) contravene the rules of a gambling game or interfere in any way with a gambling device or any other device used for gambling with the intention of obtaining any direct or indirect pecuniary advantage, whether personally or for another person;

(e) alter or misrepresent the outcome of a gambling game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;

(f) place, increase or decrease a bet or determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or aid anyone in acquiring such knowledge, for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome;

(g) cheat at any gambling game;

(h) claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from any gambling activity, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;

(i) place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet;

(j) reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet; or

(k) manipulate, with the intent to cheat, any component of a gambling device in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game or the amounts won or lost.

(2) For the purposes of sub-section (1), "cheating" also means—

(a) the alteration of the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game; and

(b) the use of any scheme, arrangement, system or plan which the MEC may from time to time by notice in the *gazette* declare to be cheating, and "cheat" has a corresponding meaning.

75. Protection of minors

(1) No person, under the age of 18 years, may —

(a) enter a designated area within a licensed site;

(b) operate a gambling machine or gambling device;

(c) conduct or make available a gambling activity;

(d) engage in gambling or a gambling activity other than an amusement game; or

(e) falsely claim to be 18 years or older, in order to —

(i) gain access to a designated area within licensed premises;

(ii) gain access to a gambling machine or gambling device; or

(iii) engage in, conduct or make available a gambling activity.

(2) A licence holder or a person in control of the licensed site or a gambling machine or gambling device may not permit a person under 18 years of age to —

(a) enter or remain in a designated area within licensed site;

(b) operate a gambling machine or gambling device;

(c) conduct or make available a gambling activity within such licensed site; or

(d) engage in a gambling activity, other than an amusement game, within such licensed site.

(3) A person referred to in subsection (2) must take reasonable measures to determine whether a person is under the age of 18 years.

76. Excluded persons

(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 to the Board in the prescribed manner and format at any time.

(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 person may apply to a court with competent jurisdiction for an order requiring the 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;

(d) a person who is subject to an order of a competent court holding that person to be mentally unfit; or

(e) any other person —

(i) to whom the applicant has a duty of care; and

(ii) whose behaviour manifests symptoms of addictive or compulsive gambling.

(4) If, in the circumstances of an application in terms of subsection (3), 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) An excluded person affected by an order in terms of subsection (4) may, at any time, apply to the court that made the order to set aside the order and the court may do so after considering the grounds for making the original order and any new evidence before the court.

(6) The court may set aside an order made in terms of subsection (3) if the court is satisfied that it is no longer reasonable and just to prevent that person from engaging in any gambling activity.

77. Restriction on credit

A licence holder may not extend credit in any form in the name of the licence holder or a third party to any person for the purposes of gambling.

78. Restriction on advertising

(1) No person may advertise or promote a gambling activity —

(a) in a false or misleading manner; or

(b) other than an amusement game, in a manner intended to target or attract minors.

(2) An advertisement for a gambling activity, gambling machine or gambling device or licensed site at which gambling activities are available, must —

(a) include a statement, in the prescribed format, warning against the dangers of addictive and compulsive gambling; and

(b) not include any element that directly or indirectly promotes or encourages the removal of a person from the register of excluded persons.

(3) An advertisement may not promote any gambling activity as being available to the public free of charge or at a discounted rate contrary to this Act, for the purpose of inducing gambling.

(4) The MEC may prescribe requirements for a gambling advertisement.

79. Restriction on gambling through agent

(1) No person may, whether or not for gain —

(a) act as an agent for a bookmaker licence holder for the purpose of betting on a sporting event or contingency; or

(b) act as an intermediary between the bookmaker licence holder and any other person for the purpose of betting on a sporting event or contingency.

(2) No person may, directly or indirectly, give or undertake to give to a person, money or other valuable consideration other than the amount of a wager won by such other person, to induce that person to bet on a sporting event or contingency.

80. Enforceability of gambling debt and forfeiture of unlawful winnings

(1) Despite any provision of the common law or any other law —

(a) and subject to paragraph (c), a debt incurred by a person in the course of a gambling activity that is licensed in terms of this Act or the National Gambling Act, 2004, is enforceable in law;

(b) a debt incurred by a person in the course of any gambling activity that is unlawful in terms of this Act or National Gambling Act, 2004 is not enforceable in law;

(c) a debt incurred in the course of a gambling activity —

(i) by a minor;

(ii) by an excluded person; or

(iii) as an informal bet,

is not enforceable in law.

(2) No person may 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.

(3) A person that is prevented from paying winnings referred to in subsection (2), must remit those winnings in terms of subsections 16 (3) and 16 (4) of the National Gambling Act, 2004.

CHAPTER 13

LAW ENFORCEMENT INSPECTORS AND COMPLIANCE INSPECTORS

81. Appointment of inspector

(1) The Chief Executive Officer must appoint a suitably qualified person as an inspector, to perform, subject to the control and directions of the Board, the functions assigned to a law enforcement inspector or compliance inspector in terms of sections 82 or 83.

(2)(a) The Chief Executive Officer must furnish an inspector appointed in terms of subsection (1) with a prescribed certificate of appointment.

(b) The certificate of appointment must indicate if the inspector is a law enforcement inspector or a compliance inspector.

(3) When an inspector performs a function in terms of this Act, the inspector must, on demand of a person affected by that inspector's functions, produce the certificate of appointment issued in terms of subsection (2).

(4) An inspector may not accept any donation, reward or other benefit from any person when performing a function and no person may give or offer such donation, reward or benefit to an inspector.

(5) The Minister of Justice may in terms of section 334 of the Criminal Procedure Act, 1977, by notice in the *gazette* declare inspectors to be peace officers and define their powers in such notice.

82. Functions and powers of compliance inspector

(1) For the purposes of this Act, a compliance inspector may at any time and without prior notice, enter upon a licensed site, and may—

(a) inspect or search any licensed site;

(b) view any gambling activity or operation and other activities associated with a casino, or other gambling activities, including the counting of money, chips, securities or any other item of value;

(c) view any recording of operations or activities referred to in paragraph (b);

(d) ascertain whether the operation of a casino or any gambling activity in other licensed sites are properly supervised and managed and whether the

provisions of this Act and the conditions attached to the licences are being complied with;

(e) request from the person in charge of the site to immediately produce—

(i) a licence or certificate required in terms of this Act;

(ii) a gambling device, chips, monies, books, accounts, records, documents; or

(iii) other objects capable of being used in connection with gambling;

(f) examine, inspect and test any gambling equipment or chips found in or upon such site which are used or suspected of being used in connection with gambling;

(g) examine and inspect any monies, book, account, record, financial statement, document and any other object found in or upon such site which is used or is suspected of being used in connection with gambling and make a copy of or take an extract from such item;

(h) question the licence holder or a person reasonably considered by the compliance inspector to be in charge of the site at the time, in connection with entries into books, accounts, records and documents or request information regarding any gambling device, chips or monies; and

(i) seize and remove, against the issue of a prescribed receipt, any gambling device, chips, monies, book, accounts record, document, computer or any other objects found in or upon the site which are used or are suspected of being used in connection with gambling and which in the opinion of the

compliance inspector may afford evidence of the commission of an offence in terms of this Act, or may be of assistance in the investigation of an alleged or suspected offence.

(2)(a) The compliance inspector may receive and investigate complaints from persons participating in gambling or patrons of licensed sites.

(b) The compliance inspector must furnish the Board with a report regarding complaints indicating any findings of the investigation and propose remedies to the Board.

(3) A compliance inspector may require a licence holder or his or her manager or any person associated with operating or managing a casino or licensed site, to appear before the compliance inspector at a time and place designated by the compliance inspector for the purpose of answering questions or supplying information which the compliance inspector considers necessary for the investigation.

(4) When anything is seized and removed in the manner contemplated in subsection (1) —

(a) the person from whose possession or charge such item is taken, must at any reasonable time and at that person's own expense, be permitted to make copies thereof or take extracts there from, under the supervision of the compliance inspector; and

(b) the items seized and removed may be retained for such period as the compliance inspector may require and where the items are required in any proceedings of the Board they may be retained until such proceedings have been finalised, where after the Board must determine whether such items should be returned, forfeited or disposed and the manner of disposal.

(5) When a compliance inspector has reason to believe that —

(a) a provision of this Act;

(b) the rules of the Board; or

(c) a condition of a licence,

has been contravened, the compliance inspector must investigate the matter and must furnish the Board with a report of the findings of such investigation.

(6) No person may —

(a) obstruct or hinder a compliance inspector in the performance of his or her functions or powers;

(b) when asked by a compliance inspector for an explanation or information relating to a matter within that person's knowledge, provide an explanation or information which is false or misleading, knowing it to be false or misleading; or

(c) falsely represent himself or herself to be a compliance inspector.

83. Functions and powers of law enforcement inspector

(1) A law enforcement inspector is a peace officer in terms of the Criminal Procedure Act, 1977 and has the —

(a) powers conferred upon a police official or a peace officer in terms of Chapter 2;

(b) power to arrest a person without a warrant in terms of section 40(1);

(c) powers conferred upon a peace officer under section 41(1);

(d) power to execute warrants of arrest in terms of section 44;

(e) power to issue a written notice in terms of section 56; and

(f) power to issue a written notice in terms of section 341,

of the Criminal Procedure Act, 1977

(2) In terms of the powers conferred in sub-section (1), a law enforcement inspector may enter and search any premises on which it is suspected that —

(a) a casino or any other gambling activity is being conducted without a licence; and

(b) unlawful gambling, as contemplated in section 70, is being conducted.

(3) No person may —

(a) obstruct or hinder a law enforcement inspector in the performance of his or her functions or powers;

(b) when asked by a law enforcement inspector for an explanation or information relating to a matter within that person's knowledge, provide an explanation or information which is false or misleading, knowing it to be false or misleading; or

(c) falsely represent himself or herself to be a law enforcement inspector.

84. Resistance against entry

(1) An inspector who may lawfully search any person or any premises or who may enter any premises, may use such force as may be reasonably necessary to overcome any

resistance against such search or against entry of the premises, including the breaking of any door or window of such premises: Provided that such inspector must first audibly demand admission to the premises and notify the purpose for which that inspector seeks to enter such premises.

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

CHAPTER 14

MISCELLANEOUS PROVISIONS

85. Regulations

(1) The MEC may by notice in the *gazette* make regulations regarding —

(a) any matter pertaining to the Board;

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

(c) the management and control of licensed sites;

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

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

(f) the management and control of horse racing;

(g) key employee licensing;

(h) gambling areas;

(i) fees and levies payable by applicants and licence holders;

(j) requirements for gambling advertisements;

(k) the specifications relating to gambling devices including chips and tokens;

(l) monitoring and surveillance systems and the operation thereof;

(m) the keeping of records;

(n) the number, distribution and location of limited payout machines;

(o) factors the Board must take into account in considering applications for licences;

(p) patron dispute resolution; and

(q) any matter necessary to achieve the objects of this Act.

(2) Regulations made in terms of subsection (1) may prescribe penalties for the contravention of or non-compliance with any specific provisions of the regulations, which may include an appropriate fine and imprisonment.

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

86. Rules of Board

(1) The Board may, in consultation with the MEC, and by notice in the *gazette* make rules not inconsistent with the provisions of this Act relating to the exercise of its powers and the performance of its functions, including—

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

(b) the management and control of licensed sites and gambling operations;

(c) rules for playing any gambling game, bingo or betting;

(d) internal control measures for licence holders;

(e) the books, accounts and records to be kept and furnished;

(f) any other matter pertaining to the functions of the Board; and

(g) any matter which, in terms of this Act is required or permitted to be determined.

(2) Rules in terms of subsection (1) may determine penalties for the contravention of or non-compliance with any specific provision of the Rules, which may include an appropriate fine.

87. Accountability, audit and reports

(1) The Board is the accounting authority and must ensure that its financial management, accounting and reporting are done in terms of the Public Finance Management Act, 1999.

(2) The Board may publish general information or statistics on gambling activities in the province.

88. Patron dispute resolution

A dispute regarding the payment of alleged winnings or any other patron dispute must be resolved in accordance with the prescribed procedure.

89. Reward for informers

Notwithstanding anything to the contrary in any other law, the Board may, from its funds, pay a reward in such amount as the Board may determine to any person who has furnished information leading to the conviction of a person for contravening a provision of this Act.

90. Vicarious responsibility

When the manager of the business to which the licence relates, or the agent or employee of the licence holder, performs or omits to perform any act which would be an offence in terms of this Act for the licence holder concerned to perform or omit to perform, that licence holder is deemed himself or herself to have performed or omitted to perform that act, unless he or she satisfies the court that—

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

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

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

91. Offences and penalties

(1) Any person who—

(a) carries on any activity for which a licence is required in terms of this Act, without such licence;

(b) makes a false statement in an application or process under this Act;

(c) on a licensed site, conducts a gambling activity or betting or keeps a gambling machine or gambling device which is not approved under this Act;

(d) hinders or obstructs a Member of the Board, inspector, authorised official or police officer whilst preventing or investigating an offence under this Act;

(e) falsely represents himself or herself to be an inspector or gives an explanation or information to a police officer or inspector which is false or misleading;

(f) permits an excluded person to enter the licensed site;

(g) having been summoned to give evidence at a hearing or an enquiry, without sufficient cause, fails to —

(i) attend such hearing, enquiry or investigation at the time and place specified in the summons;

(ii) remain in attendance until the conclusion of the hearing, enquiry or investigation at the time and place specified in the summons;

(iii) remain in attendance until the conclusion of the hearing, enquiry or investigation or until excused by the Board from further attendance;

(iv) produce any book, document or thing in his or her possession or custody or under his or her control, which he or she has been summoned to produce;

(h) having been summoned by the Board in terms of this Act, without sufficient cause, refuses to —

(i) take the oath or to make an affirmation as a witness after he or she has been directed by the Member of the Board presiding at the hearing, enquiry or investigation to do so;

(ii) testify or, subject to the law relating to privilege applicable to a person giving evidence or producing any book, document or thing before a court of law;

(iii) or fails to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her; or

(i) after having taken the oath or having made an affirmation, gives false evidence before the Board at a hearing, enquiry or investigation on any matter, knowing such evidence to be false;

commits an offence and is liable on conviction to a fine or imprisonment or to both such fine and imprisonment.

(2) A person who is, without an appropriate licence or not in accordance with the provisions of this Act, in possession of any —

(a) gambling device;

(b) gambling machine;

(c) reel tape designed for use in a gambling machine;

(d) device which would be a gambling machine but for the removal of any of its parts or the reprogramming thereof;

(e) device which is capable of electronically representing the reels used in a gambling machine;

(f) device which was manufactured as a gambling machine and which has been converted at any time so that is unable to pay out cash or tokens, whether such device enables a player to win a prize or not;

(g) computer software which enables a player to download any credits won on a gambling game to another computer or to an external data storage device;

(h) computer hardware which is primarily designed or constructed for use in the playing of games contemplated in subparagraph (f) on a computer; or

(i) document, book, record, contrivance or instrument or thing used for the purpose of or in connection with the commission of an offence under this Act,

commits an offence and is liable on conviction to a fine or imprisonment or to both such fine and imprisonment.

(3) A person who contravenes section 36(5), 40, 42(1), 42(4), 42(5), 43(2), 45(4), 47, 48, 49(2), 49(3), 49(5), 50(5), 50(6), 51(4), 51(5), 52(3), 52(4), 52(5), 53(1), 54(1), 55(1), 56(1), 57(4), 58(1), 58(5), 60(3), 61(1), 61(2), 61(4), 61(5), 61(6), 62(2), 62(3), 66, 69, 70, 71, 72(1), 73, 74, 75, 77, 78(1), 78(2), 78(3), 79, 80(2), 80(3), 81(4), 82(3), 82(6) or 83(3) commits an offence and is liable on conviction to a fine or imprisonment or to both such fine and imprisonment.

(4) All fines imposed in terms of this Act accrue to the Provincial Revenue Fund.

(5) Whenever a person is convicted of an offence in terms of this Act or pays an admission of guilt fine in respect thereof in terms of section 57 of the Criminal

Procedure Act, 1977, all costs for the transport or storage of any gambling machine or gambling device, equipment or other thing by means of which the offence was committed or which was used in the commission of the offence or which was found in the possession of the convicted person, and any testing thereof by the relevant authority, must in addition to any fine or penalty imposed, be paid by such person.

92. Forfeiture

A court may, upon convicting of a person for an offence in terms of this Act, declare to be forfeited to the Board—

(*a*) all monies, coins, cheques, bills or promissory notes or other documentation securing or evidencing an undertaking for the payment of money found in or on any unlicensed sites or on any person who was in or on such site;

(*b*) all books, lists, playing-cards, documents or other papers, or any instrument, machine or thing relating to or used or capable of being used in connection with gambling found in or on such site; and

(*c*) any immovable property, vehicle, vessel, aircraft, container or other article used in connection with the offence.

93. Delegation of power

(1) Subject to subsection (2), the Board may, in writing, delegate to a member, committee, employee of the Board or the CEO, a power, function or duty conferred, entrusted or imposed on the Board in terms of this Act, except the power to make a decision relating to the granting, amending or revoking of a licence.

(2) The Board may delegate to a committee of the Board the power to make a decision relating to the granting, amending or revoking of the following licences:

(a) limited payout machine site operation licence in terms of section 23(2) (b);

(b) totalisator site licence in terms of section 23(2) (h);

(c) special event licence in terms of section 23(2) (o); and

(d) key employee licence in terms of section 23(2) (p).

(3) The power to impose a fine may not be delegated, except to a committee of at least three members of the Board.

(4) The Chief Executive Officer may delegate any power or duty conferred or imposed upon the Chief Executive Officer by or under this Act to —

(i) any other employee of the Board with the appropriate knowledge and experience; or

(ii) any other person, after consulting the Board.

(5) Any person to whom a power has been delegated or who has been authorised to perform a duty under this section must exercise that power or perform that duty subject to the conditions the person who made the delegation or granted the authorisation considers appropriate.

(6) Any delegation of a power or authorisation to perform a duty in terms of this section —

(a) must be in writing;

(b) does not prevent the person who made the delegation or granted the authorisation from exercising that power or performing that duty himself or herself; and

(c) may at any time be withdrawn by that person.

(7) Anything done in the exercise or performance of a delegated power, duty or function is regarded to have been done by the Board or the Chief Executive Officer, as the case may be.

94. Involvement of state attorney

The Board may not institute judicial proceedings or take any steps in any judicial proceedings without involving the state attorney.

95. Repeal of laws

The Limpopo Province Gambling Act, 1996 (Act No. 4 of 1996) is hereby repealed.

96. Short title and commencement

(1) This Act is the Limpopo Gambling Act, 2013 and comes into operation on a date fixed by the Premier by proclamation in the *gazette*.

(2) Different dates may be so fixed in respect of different sections of this Act.

SCHEDULE 1

TRANSITIONAL PROVISIONS

1. Definitions

In this Schedule—

"effective date" means the date on which this Act, or any relevant provision thereof, comes into operation in terms of section 95; and

"previous Act" means the Limpopo Province Gambling Act, 1996 (Act No. 4 of 1996).

2. General preservation of rights, notices, duties and other instruments

(1) Any right, entitlement, privilege enjoyed by or obligation imposed on any person in terms of a provision of the previous Act, that had not been spent, fulfilled or run out immediately before the effective date, is considered to be a valid right, entitlement, privilege or obligation imposed on that person in terms of any comparable provision of this Act, as from the date that the right, entitlement, privilege or obligation first arose.

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

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

(4) An order given by the Board in terms of any provision of the previous Act that was in force immediately before the effective date continues to be in force subject to the provisions of this Act.

(5) A licence issued in terms of the previous Act and which is in force immediately before the effective date, subject to the payment of the fees and levies, is considered to be to be a licence issued in terms of this Act and continues in force, subject to the provisions of this Act.

(6) An application for a licence lodged in terms of the previous Act, must be dealt with in terms of the provisions of the previous Act, notwithstanding the commencement of this Act.

(7) A Peace Officer appointed in terms of section 334 of the Criminal Procedure Act, 1977 (Act No.51 of 1977) for the purposes of the previous Act, continues to be a Peace Officer for the purpose of this Act.

(8) Subordinate legislation issued in terms of the previous Act continues to be in force under corresponding provisions of this Act, until repealed.

(9) A certificate issued to an inspector in terms of the previous Act immediately before the effective date, continues to be valid as if the certificate was issued in terms of this Act, until it expires or is cancelled by the Board.

(10) Where an electronic, computer or communication system or device which is designed to send or receive data relating to the functioning of any machine or apparatus and

contemplated as a monitoring system is not registered with the Board, the licence holder must, within a period of 12 months of the effective date register such electronic monitoring system.

3. Limpopo Gambling Board and staff

(1) A member of the Board before the effective date continues to be a member of the Board, holding the same position until the expiry of the term to which that person was appointed in terms of the previous Act.

(2) A member of staff appointed under the previous Act before the effective date continues to hold that appointment in terms of this Act.

This is to certify that this Act has complied
With the Standing Rules and Orders of the
House and was thus adopted by the Honourable
House on this ...05..... Day of .12.....2013
Signed:..... Date:05.12.2014
SPEAKER OF THE LIMPOPO LEGISLATURE

PROKLAMASIE

No. 4, 2014

LIMPOPO PROVINSIALE ADMINISTRASIE
KANTOOR VAN DIE PREMIER

INWERKINGTREDING VAN DIE LIMPOPO DOBBELWET, 2013 (WET NR 3 VAN 2013)

Ingevolge artikel 96 van die Limpopo Dobbelwet, 2013 (Wet Nr. 3 van 2013), bepaal ek, Chupu Stanley Mathabatha hiermee dat 1 September 2014 die datum is waarop die bepaalde Wet in werking sal tree, behalwe artikel 26(9)(b)(iii) en (iv), wat in werking sal tree op 'n datum wat nog bepaal moet word.

CHUPU STANLEY MATHABATHA
PREMIER: LIMPOPO

DATUM:

Ingelewe bible deur die Premier goedgekeur
Datum.....

WET

Om die aansoek en oorweging van lisensies vir casinos, bingo, beperkte uitbetaling masjien operateur roete, beperkte uitbetaling masjien perseel operateur, onafhanklike perseel operateur,totalisator en beroepswedder, resies byeenkomste en spesiale gebeure,vervaardiging, instandhouding en verskaffing van dobbel aktiwiteite,sleutelwerknemers te reguleer; om voorsiening te maak vir beperkte en verbode doddel aktiwiteite; om voorsiening te maak vir prosedure tydens wetstoepassing; om die Limpopo Dobbelraad te behou; om die Limpopo Dobbelwet,1996 te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

WORD DEUR DIE die Limpopo Provinsiale Wetgewer soos volg bepaal:–

UITEENSETTING VAN AFDELINGS

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2. Oogmerke van die Wet

HOOFSTUK 2

LIMPOPO DOBBELRAAD

3. Limpopo Dobbelraad

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5. Samestelling van die Raad

6. Kwalifisering en diskwalifisering vir aanstelling tot die Raad

7. Aanstelling van Raadslede

8. Ampstermyn

9. Bedanking, verwydering van kantoor en vakature .

10. Besoldiging en toelae van die Raad

11. Verklaring van Belange

12. Hoof Uitvoerende Beampte

13. Magte en funksies van Hoof Uitvoerende Beampte

14. Personeel van die Raad

15. Deursigtigheid en vertroulikheid

16. Posisie oor openbare vertroue

17. Fondse van die Raad

18. Vergaderings van die Raad

19. Komitees van die Raad

20. Oorlegpleging deur die Raad

21. Koöptering persone

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LISENSIËRING

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24. Diskwalifisering of beperking van lisensie

25. Diskwalifisering na uitreiking van lisensie

26. Lisensie aansoek prosedure

27. Aansoek, verteenwoordiging en beswaar wat oop is vir publieke insae

28. Ondersoek fooie

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31. Verhoor van aansoek

32. Oorweging van aansoek

33. Ekonomiese en sosiale ontwikkelingsaangeleenthede wat oorweeg moet word

34. Mededingende aangeleenthede wat oorweeg moet word

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43. Sertifikaat van geskiktheid

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46. Oorwegings vir aansoek om casino lisensie

47. Tentoonstelling van inligting

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51. Beperkte uitbetaling masjien perseel operateur lisensie

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57. Vervaardiger, instandhouding en verskaffer lisensie

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SKEDULE 1

Oorgangsbepalings

HOOFSTUK 1

1. Omskrywings

In hierdie Wet, tensy dit uit die samehang anders blyk—

"vermaaklikheidspel" beteken 'n spel, anders as bingo of 'n spel gelykstaande of vloei uit 'n spel wat in 'n casino gespeel word of 'n dobbelmasjien wat gespeel word deur middel van 'n vermaaklikheidsmasjien na die betaling van geld of 'n aandenking of 'n gelykstaande objek wat beskikbaar is om te speel en wat die speler in staat stel om 'n prys te wen; met dien verstande dat so 'n prys nie in die vorm van kontant, aandenkings, krediet of enige onderhandelbare instrument mag wees nie, maar beperk moet wees tot nie-kontant pryse met 'n markwaarde wat nie die bedrag soos bepaal deur die Raad oorskry nie.

"vermaakmasjien" 'n masjien of toestel anders as 'n dobbeltoestel waarop of bewyse waarvan 'n vermaakspeletjie gespeel word;

"vennoot" beteken —

(a) 'n werkgewer;

(b) 'n vennoot ingevolge 'n vennootskapsooreenkoms;

(c) 'n mede-aandeelhouer van 'n private maatskappy soos bepaal deur die Wet op Maatskappye, 2008 (Wet Nr. 71 van 2008);

(d) 'n medelid van 'n Beslote Korporasie soos bepaal deur die Wet op Beslote Korporasies, 1984 (Wet Nr. 69 van 1984); en

(e) 'n persoon aan wie 'n ander persoon algemene volmagte toevertrou het, of van wie 'n ander persoon algemene volmagte ontvang het;

"wed of weddenskap" beteken—

(a) om 'n speler te wees, geld of enige iets waardevol op 'n vaste voordeel weddenskap te plaas, of 'n oop weddenskap met 'n beroepswedder of enige gebeurlikheid; of

(b) 'n beroepswedder te wees wanneer —

(i) aanvaarding van wedgeld of enige iets waardevol op 'n vaste voordeel weddenskap of 'n oop weddenskap met 'n speler op enige gebeurlikheid; of

(ii) wedgeld plaas of enige iets waardevol op 'n vaste voordeel weddenskap of 'n oop weddenskap met 'n ander beroepswedder op enige gebeurlikheid.

(c) weddenskap of aanvaarding van wedgeld of enige iets waardevol met een of meer persone op enige gebeurlikheid; of

(d) uitdruklik of onvoorwaardelik onderneem, belowe of instem om te handel ingevolge paragrawe (a), (b) of (c);

"bingo" beteken 'n spel, insluitend 'n spel wat volledig of gedeeltelik gespeel word by wyse van elektroniese meganisme—

(a) wat gespeel word vir oorweging,deur die gebruik van kaarte of ander toestelle (hetsy elektronies of anders) –

(i) wat verdeel is in spasies, waarvan elkeen 'n verskillende nommer , prentjie, of simbool het; of

(ii) met nommers, prentjies of simbole na willekeur gerangskik sodat elke kaart of toestel 'n unieke stel nommers, prentjies of simbole bevat;

(b) waarin of–

(i) 'n operateur of aankondiger 'n reeks nommers,prentjies of simbole na willekeur uitroep of ten toon stel in en die spelers elk van die nommers, prentjies of simbole pas namate die nommer,prentjie of simbool op die kaart of toestel verskyn soos wat die reeks uitgeroep of tentoon gestel word; of

(ii) 'n elektroniese of gelyke toestel 'n reeks nommers, prentjies of simbole genereer en dan namens die spelers elke nommer, prentjie of simbool pas met die nommers,prentjies of simbole wat op die elektroniese

kaart of ander soortgelyke toestel verskyn nadat sodanige nommer,prentjie of simbool genereer word of ten toon gestel word; en

(c) waartydens of–

(i) die speler wat eerste al die spasies op die kaarte of ander soorgelyke toestel pas of wat `n uiteengesite stel nommers,prentjies of simbole op die kaart of toestel ewenaar wen 'n prys; of

(ii) die speler namens wie die elektroniese of soortgelyke toestel verwys na in paragraaf (b)(ii) eerste al die spasies op die kaart of soortgelyke toestel of `n uiteengesite stel nommers,prentjies en simbole op die kaart of soortgelyke toestel pas wen 'n prys of meer as een prys;

of enige ander wesenlike soortgelyke speletjie beskou as bingo ingevolge artikel 49(6) van hierdie Wet;

"Raad" beteken die Limpopo Dobbelraad verwys na in artikel 3 van hierdie Wet;

"beroepswedder" beteken a persoon wat direk of indirek vaste voordeel weddenskappe aangaan met lede van die publiek of ander beroepswedders, of sodanige weddenskappe met ander beroepswedders aangaan;

" beroepswedder lisensie" beteken 'n lisensie uitgereik ingevolge artikel 55;

"casino" beteken persele waar dobbelspeletjies gespeel word, of beskikbaar is om gespeel te word, maar sluit nie persele in waar—

(a) slegs bingo en geen ander dobbelspeletjies gespeel word nie of beskikbaar is om gespeel te word nie;

(b) slegs masjiene met beperkte uitbetalings is beskikbaar om gespeel te word; of

(c) masjiene met beperkte uitbetalings en bingo, maar geen ander dobbelspeletjie word gespeel nie of is beskikbaar om gespeel te word nie;

"casino operateur lisensie" beteken 'n lisensie uitgereik ingevolge artikel 45;

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"Hoof Uitvoerende Beampte" beteken die persoon aangestel ingevolge artikel 12;

"optrede" beteken om met die besigheid voort te gaan, te beheer, te lei, te behou, te bestuur,toesig te hou oor of te besit en **"onderhou"** het 'n ooreenstemmende betekenis;

"oorweging" beteken —

(a) geld, koopware, eiendom, 'n tjek, 'n aandenking, 'n kaartjie, elektroniese kredietkaart, krediet, debiet of 'n elektroniese skyfie, of gelykstaande objek; of

(b) enige ander ding, besigheid, belofte, ooreenkoms of versekering, afgesien van die klaarblylike of werklike waarde, en of dit direk of indirek oorgeplaas word;

"toevalligheid"' beteken 'n gebeurtenis of gebeurlikheid waarvan die uitkomste onseker is aan `n persoon totdat dit gebeur;

"beheer van belange" beteken die direkte of indirekte beheer van die besigheid van die lisensiehouer of bywyse van aandeelhouding, stem magte, die magte om direkteurs aan te stel, of op enige ander wyse en vir die doelwitte van hierdie Wet, `n persoon is in beheer of is in `n posisie om beheer uit te oefen oor enige bestaande of toekomstige lisensiehouer as —

(a) sodanige persoon, hetsy alleen of met 'n vennoot, is in 'n posisie om —

(i) beheer uit te oefen oor sodanige lisensiehouer;

(ii) direkte of indirekte beheer oor `n betekenisvolle deel van die lisensiehouer se werksaamhede uit te oefen ;

(iii) verbied enige optrede geneem deur die raad of direkteure van sodanige lisensiehouer of verseker of verbied die aanstelling van ten minste die helfte van die raad of direkteure van sodanige lisensiehouer of om uitvoering te gee op enige wyse hetsy direkte of indirekte leiding of beperking oor enige wesenlike aangeleentheid wat die sake van die bestuur of die lisensiehouer affekteer.

(b) die bestaande of voorgenome lisensiehouer, of waar sodanige lisensiehouer 'n maatskappy is en meer as vyftig persent van die direkteurs optree of gewoonlik optree of ingevolge 'n kontrak, ooreenkoms of verstandhouding hetsy formeel of informeel, bestem is om op te tree volgens die rigting, instruksies of wense of in samewerking met sodanige persoon en hom of haar vennote wat saam optree indien sodanige persoon `n maatskappy is, die direkteure van die maatskappy.

"Wet op Kriminele Prosedure, 1977" beteken die Wet op Kriminele Prosedure, 1977 (Wet Nr. 51 van 1977);

"aangewese area" in verhouding tot —

(a) 'n perseel, beteken 'n area op daardie perseel waarin 'n masjien met beperkte uitbetalings gemagtig is om geplaas te word; en

(b) enige ander geval, beteken 'n area binne 'n gelisensieerde perseel waar 'n dobbelspeletjie beskikbaar is om gespeel te word en sluit in 'n area sodanig aangedui deur die Raad op voorwaarde van die lisensie wat uitgereik is deur die Raad;

"Uitvoerende Raad" beteken die Uitvoerende Raad van Limpopo;

"familielid" beteken 'n persoon —

(a) eggenote; of

(b) kind, ouer, broer of suster, ongeag of sodanige verhouding die gevolg is van geboorte, huwelik of aanneming;

"finansiële belange" beteken —

(a) 'n reg of geregtigheid om te deel in winste op aandele of inkomste;

(b) 'n saaklike reg met betrekking tot eiendom van 'n maatskappy, korporasie of besigheid;

(c) 'n saaklike reg of persoonlike reg op eiendom wat gebruik word deur 'n maatskappy, korporasie of besigheid; of

(d) 'n direkte of indirekte belang in die stemmingsaandele of stemregte verbonde aan aandele van 'n maatskappy of belange in 'n beslote korporasie;

"vaste voordeel weddenskap" beteken 'n weddenskap op een of meer toevallighede waartydens daar ooreengekom was op voordele tydens die plasing van die weddenskap;

"dobbel aktiwiteit" beteken 'n aktiwiteit wat insluit —

(a) plasing of aanvaarding van 'n weddenskap of 'n wed;

(b) plasing of aanvaarding van 'n totalisator weddenskap; of

(c) beskikbaar maak om te speel, of die speel van bingo of 'n dobbelspeletjie;

"dobbeltoestel" beteken toerusting, sagteware of enige ander ding wat gebruik word of tydens die vervaardiging bestem was om gebruik te word vir `n dobbel aktiwiteit en wat insluit sonder om die algemeenheid te beperk enige elektromeganiese of elektroniese toestel, komponent of masjien of dobbelmasjien, speelkaarte of dobbelsteentjie, of enige toerusting of ding wat die Raad ingevolge artikel 61(7) verklaar tot dobbeltoestel;

"dobbelspeletjie" beteken —

(a) `n speletjie wat –

(i) gespeel **word na betaling van enige oorweging met die geleentheid dat die persoon wat speel geregtig mag wees op of `n uitbetaling ontvang; en**

(ii) die uitslag mag bepaal word deur die vaardighede van die speler of die toevalligheids element of beide; of

(b) 'n wed of weddenskap plaas in 'n casino wat verband hou met 'n aktiwiteit wat voldoen aan die vereistes in paragraaf (a);

"dobbelmasjien" beteken enige meganiese, elektriese,video, elektroniese, elektromeganiese of ander toestel, uitvindsel,masjien met sagteware anders as 'n vermaaklikheid masjien,wat —

(a) ontwerp was om gespeel te word of beskikbaar is om gespeel te word of funksioneer tydens die betaling van 'n oorweging; en

(b) mag as gevolg van die spel of werking daarvan, die speler of operateur geregtig maak op 'n betaling of 'n uitbetaling doen aan die speler of operateur;

"onafhanklike perseel operateur" beteken 'n perseel operateur wat nie verbind is aan 'n roete operateur nie en gelisensieerd is om 'n masjien met beperkte uitbetalings te besit of bewerk op 'n enkele perseel en verantwoordelik is vir die instandhouding van die masjiene en die invordering van geld en die betaling van heffings aan die Raad.;

"inspekteur" beteken `n inspekteur aangestel ingevolge artikel 81;

"gelisensieërde perseel" beteken spesifieke persele wat in 'n lisensie genoem word soos uitgereik ingevolge hierdie Wet;

"masjien met beperkte uitbetalings" beteken 'n dobbelmasjien buite 'n casino waarvolgens die wedgeld of pryse beperk is ingevolge hierdie Wet en artikel 26 van die Wet op Nasionale Dobbelary, 2004 (Wet Nr. 7 van 2004);

"masjien met beperkte uitbetaling roete opearteur" beteken 'n maatskappy geregistreer ingevolge die Wet op Maatskappye, 2008 (Wet Nr.71 van 2008), wat —

(a) gelisensieërd is om 'n masjien met beperkte uitbetalings te besit of te bestuur;

(b) verantwoordelik is vir die instandhouding van `n masjien met beperkte uitbetalings; en

(c) verantwoordelik is vir die invordering van geld en die betaling van heffings in verband met 'n masjien met 'n beperkte uitbetaling soos gelisensieer;

"perseel operateur van masjien met beperkte uitbetaling " beteken die lisensie houer wat geregtig om masjiene met beperkte uitbetalings te besit deur 'n roete operateur op die perseel en hulle beskikbaar stel om gespeel te word deur lede van die publiek;

"LUR" beteken die Lid van die Uitvoerende Raad verantwoordelik vir dobbel aangeleenthede in die provinsie;

"Nasionale Dobbelwet, 2004" beteken die Nasionale Dobbelwet, 2004 (Wet Nr. 7 van 2004);

"nasionale lisensie" beteken 'n lisensie uitgereik ingevolge artikel 38 van die Nasionale Dobbelwet , 2004;

"oop weddenskap" beteken —

(a) 'n weddenskap,anders as 'n totalisator weddenskap, geplaas deur 'n beroepswedder op een of meer toevalligheid waarvolgens daar geen ooreenkoms was oor vaste voordeel weddenskappe nie, teen die tyd dat die weddenskap geplaas word; of

(b) 'n weddenskap waarvolgens die uitbetaling bepaal word na die uitkomste van die toevalligheid waarvolgens die weddenskap gemaak is met verwysing na dividende wat gegenereer word deur die totalisator;

"staatsorgaan" het die betekenis soos uiteengesit in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

"uitbetaling" het die betekenis soos uiteengesit in artikel 6 van die Nasionale Dobbelwet, 2004;

"persoon" sluit in 'n vennootskap, vereniging, trust of 'n regspersoon gestig deur of ingevolge enige wet;

"speelkaarte" beteken kaarte wat gebruik word vir die speel van blackjack, poker of ander kaartspeletjies, maar sluit nie kaarte in wat gebruik word vir die speel van bingo of enige casino speletjie anders as 'n kaartspel nie;

"politieke ampsdraer" beteken –

(a) 'n lid van die Nasionale Vergadering, die Nasionale Raad van Provinsies of die kabinet;

(b) 'n lid van 'n provinsiale wetgewer;

(c) 'n lid van 'n munisipale raad of plaaslike gesag;

(d) diplomatieke verteenwoordiger van die Republiek wat nie 'n lid is van die openbare diens nie;

(e) 'n lid van 'n plaaslike, provinsiale of nasionale huis van tradisionele leiers; of

(f) 'n ampsdraer van 'n politieke party op nasionale, provinsiale of plaaslike vlak;

"perseel" sluit in grond en enige gebou, struktuur, voertuig, skip, boot,vaartuig, vliegtuig of houer;

"voorgeskryf" beteken voorgeskryf deur regulasies ingevolge hierdie Wet;

"Openbare Finansiële Bestuurswet" beteken die Openbare Finansiële Bestuurswet, 1999 (Wet Nr. 1 van 1999);

"openbare amptenaar" beteken 'n persoon in diens geneem deur 'n staatsorgaan of in 'n hof,of 'n geregsdienaar;

"resies byeenkoms" beteken enige byeenkoms van mense wat 'n diere resies bywoon , afgesien of sodanige resies gehardloop word of nie, indien die datum en plek van sodanige resies gepubliseer was deur openbare advertensie of private uitnodiging;

"resies byeenkoms lisensie" beteken 'n lisensie verwys na in artikel 58;

"regulasie" beteken 'n regulasie ingestel ingevolge artikel 85 van hierdie Wet;

"reëls" beteken reëls ingestel deur die Raad ingevolge artikel 86 van hierdie Wet;

"sport gebeurtenis" beteken enige bal speletjie, wedloop, insluitend 'n wedloop wat 'n voertuig of dier of enige ander atletiese of sport kompetisie insluitend 'n babakompetisie wat gewoonlik bygewoon en aanskou deur die publiek;

"eggenote" beteken 'n persoon se—

(a) vennoot in 'n huwelik;

(b) vennoot in 'n gewone huwelik volgens inheemse wette of

(c) vennoot in 'n verhouding waarvolgens die partye betrokke saam woon op 'n wyse wat 'n huweliksvennootskap of gewoontereg uitbeeld;

"tydelike lisensie" beteken 'n lisensie uitgereik ingevolge artikel 37 van hierdie Wet;

"hierdie Wet" sluit in die regulasies en die reëls van die Raad; en

"totalisator weddenskap" beteken plasing of aanvaarding van geld of enige iets waardevol op die uitkomste van die gebeurtenis of kombinasie van gebeurtenisse by wyse van –

(a) 'n stelsel waarvolgens die totale bedrag gewed na aftrekkings soos deur die wet bepaal of deur ooreenkoms verdeel word onder die persone wat die wen weddenskappe gemaak het in verhouding tot die bedrag geplaas deur elkeen in verband met die wen weddenskap; of

(b) enige skema, vorm of stelsel van weddenskap of wed hetsy met 'n meganies werkswyse of nie wat op 'n soortgelyke beginselwerk.

2. Oogmerke van die Wet

Die oogmerke van hierdie Wet is om te verseker dat –

(a) dobbel aktiwiteite effektief gereguleer en beheer word ten einde die potensiële sosio-ekonomiese uitwerking op die gemeenskap te beperk;

(b) die samelewing en die ekonomie beskerm word teen oor stimulering van die dobbel industrie; en

(c) die dobbel industrie bydra tot die groei en ontwikkeling van toerisme, werksgeleenthede en die ekonomie van die provinsie.

HOOFSTUK 2

LIMPOPO DOBBELRAAD

3. Limpopo Dobbelraad

Die Limpopo Dobbelraad, gestig ingevolge die Limpopo Dobbelwet, 1996 (Wet Nr. 4 van 1996) word behou, onderhewig aan item 3 van Artikel 1 van hierdie Wet, desnieteenstaande die herroeping van die Limpopo Dobbelwet, 1996.

4. Funksies en magte van die Raad

(1) Die Raad moet —

(a) lisensies reguleer en dobbel in die provinsie beheer;

(b) bewusmaking van verantwoordelike dobbelary bevorder; en

(c) risiko bestuur en die implementering van interne beheer van die dobbel industrie.

(2)(a) Die Raad moet, vir elke finansiële jaar 'n vorderingsooreenkoms met die LUR onderteken.

(b) Die prestasie ooreenkoms moet die oogmerke, vorderingsmaatreëls, uitsette en uitkomste van die Raad identifiseer.

(3)(a) Die Raad mag —

(i) uitnodigings aanvra vir aansoeke om lisensies;

(ii) lisensies toestaan, weier, hernu, wysig, oorplaas, opskort of herroep;

(iii) voorwaardes van lisensies oplê, opskort, wysig, of herroep;

(iv) beweegbare en onbeweegbare eiendom bekom, besit, huur, verhuur.

(v) ooreenkomste aangaan;

(vi) deelneem aan of uitvoeirng gee aan kwasie geregtelike en administratiewe prosedure;

(vii) verhore, ondersoeke en navrae met betrekking tot enige aangeleentheid wat binne die raamwerk van hul funksies val uitvoer of laat uitvoer;

(viii) inligting vanaf lisensiehouers en ander persone bekom;

(ix) strafmaatreëls instel vir oortreding van of versuim om te voldoen aan, 'n bepaling van hierdie Wet deur 'n lisensiehouer, wat boetes insluit of die skorsing of afdwinging van bepalings wat verband hou met 'n lisensie uitgereik ingevolge hierdie Wet;

(x) toetse onderneem of laat onderneem op dobbelmsjiene en dobbeltoestelle wat gebruik word of gebruik gaan word vir dobbel aktiwiteite of vir enige van die oogmerke van hierdie Wet;

(xi) verhaling van die kostes vir die toetsing van dobbelmasjiene of dobbeltoestelle vanaf die eienaar of operateur van sodanige masjiene of toestelle of vanaf enige persoon deur wie se versoek sodanige toetse onderneem word;

(xii) norme en standaarde bepaal vir dobbelmasjiene en dobbeltoestelle;

(xiii) deur skriftelike kennisgewing 'n persoon dagvaar om te verskyn vir 'n verhoor,navrae of ondersoek of om 'n boek, dokument of enige iets wat verband hou met sodanige verhoor,navrae of ondersoek voor te lê;

(xiv) veld of takkantore oprig;

(xv) konsulteer met 'n persoon of gebruik te maak van 'n konsultant vir 'n aangeleentheid relevant vir die uitvoering van funksies op sodanige terme en voorwaardes soos deur die Raad bepaal; en

(xvi) uitoefening van sodanige magte toegeskryf aan die Raad ingevolge hierdie Wet of ander tersaaklike wetgewing.

(b) Die Raad moet —

(i) bank rekeninge open en onderhou;

(ii) reëls instel vir die uitvoering van verrigtinge en verhore;

(iii) ontvang,spandeer en die algemene administrasie van fondse;

(iv) bepaal, invorder en administrasie van geld wat betaalbaar is ingevolge die bepalings van hierdie Wet;

(v) reëls instel vir die beheer van lisensies, die toepassing en funksionering van `n dobbel aktiwiteit;

(vi) fooie en kostes bepaal in verband met ondersoeke, navrae en enige ander funksie deur die Raad verrig;

(vii) verseker dat ooreenkomste gemaak deur die lisensiehouers uitgevoer word;

(viii) verseker dat sleutelwerkers gelisensieër is;

(ix) uitvoering gee aan die funksies toevertrou aan die Raad ingevolge hierdie wet of ander tersaaklike wetgewing, en

(x) die Hoof Uitvoerende Beampte aanstel.

(4) Die Raad mag desnieteenstaande enige iets wat in kontras staan met enige ander Wet, 'n toekenning gee aan 'n persoon wat inligting verskaf het wat verband hou met 'n beweerde oortreding van 'n bepaling van hierdie Wet.

5. Samestelling van die Raad

(1) Die LUR moet in oorlegpleging met die Uitvoerende Raad lede van die raad aanstel.

(2) Die Raad moet bestaan uit 9 lede uitsluitend die Hoof Uitvoerende Beampte wat 'n *ex officio* lid is van die Raad met geen stem magte nie.

(3) Die Raad aangestel ingevolge subartikel (1), moet bestaan uit —

(a) `n gekwalifiseerde persoon wat praktiseer as 'n regspraktisyn in die Republiek en vir 'n aaneenlopende tydperk van ten minste vyf jaar na kwalifisering gepraktiseer as `n regspraktisyn of dienste verrig wat verband hou die toepassing of administrasie van die wet;

(b) 'n persoon wat gekwalifiseerd is as `n geooktrooieerde rekenmeester in die Republiek en het vir 'n aaneenlopende tydperk van ten minste vyf jaar na kwalifisering as geoktrooieerde rekenmeester gepraktiseer;

(c) 'n persoon wat die Departement verteenwoordig rakende doddel aangeleenthede in die provinsie;

(d) 'n persoon wat die Departement verteenwoordig rakende finansiële aangeleenthede in die provinsie;

(e) 'n persoon met 'n bewese besigheids insig en kennis van die toerisme industrie;

(f) 'n persoon met kennis en ondervinding op die gebied van gemeenskapswelsyn en sosio-ekonomiese ontwikkeling;

(g) 'n persoon met kwalifikasies en ondervinding op die gebied van arbeidsverhoudinge; en

(h) twee persone met bewese besigheids insig en ondervinding in die dobbel industrie.

(4) Die LUR moet 'n Voorsitter en Ondervoorsitter aanwys vir die Raad.

(5) In die afwesigheid van die Voorsitter moet die Ondervoorsitter die Voorsitter se funksies uitvoer.

6. Kwalifisering en diskwalifisering vir aanstelling op die Raad

(1) Om as lid van die Raad aangestel te word moet 'n persoon —

(a) geskik en gepas is vir die amp;

(b) 'n ongekunstelde persoon wees;

(c) 'n Suid –Afrikaanse burger wat 'n gewone inwoner van die Republiek is; en

(d) van goeie finansiele stand is.

(2) 'n Persoon mag nie op die Raad aangestel word of aanbly nie indien sodanige persoon —

(a) 'n direkte of indirekte belang of enige dobbel besigheid of besigheid het nie wat kan lei tot konflik van sodanige persoon se professionele belange as `n lid van die Raad nie;

(b) 'n familielid, vennoot of medepligtige met 'n direkte of indirekte belang in die dobbel industrie;

(c) 'n ongerehabiliteerde insolvent is of insolvent word nie;

(d) 'n politieke ampsdraer is;

(e) nog nooit voorheen as gevolg van wangedrag uit 'n amp van vertroue verwyder was nie;

(f) onderhewig is aan `n opdrag van `n bevoedgde hof dat sodanige persoon geestelik ongeskik is; of

(g) was tereniger tyd skuldig bevind aan `n oortreding wat —

(i) oneerlikheid insluit; of

(ii) ingevolge hierdie Wet of ander dobbel wetgewing.

(3) Indien 'n lid gediskwalifiseer word ingevolge subartikel (2) tydens sodanige lid se ampstermyn moet sodanige lid onmiddellik skriftelik die diskwalifisering openbaar aan die LUR en die Raad.

7. Aanstelling van Raadslede

(1) Die LUR moet 'n kennisgewing plaas in twee koerante en enige ander media gebruik om uitnodigings aan te vra vir aansoeke deur persone wat voldoen aan die bepalings van artikel 3.

(2) Aansoekers moet in antwoord op die kennisgewing ingevolge subartikel (1), 'n volledige *curriculum vitae wat die volgende bevat indien-*

(a) gesertifiseerde afskrifte van alle kwalifikasies;

(b) ondersteunende dokumente wat die aansoeker se kennis en ondervinding weerspieël wat sal bydra tot die regulering van die dobbel industrie in die provinsie;

(c) 'n beëdigde verklaring wat finansiële belange verklaar en of die aansoeker enige belange het soos uiteengesit in artikel 6(2) (a) en (b).

(3) Die LUR mag die aansoeker se getuigskrifte bevestig.

(4) Die LUR moet van die aansoeke wat ontvang is en in oorlegpleging met die Uitvoerende Raad geskikte lede op die Raad aanstel.

(5) 'n Lid van die Raad moet, voor diensaanvaarding 'n eed of 'n beëdigde verklaring aflê op die voorgeskrewe vorm.

8. Aanstellingstermyn

'n Lid van die Raad word aangestel vir 'n termyn van 5 jaar en mag onderhewig aan 'n suksesvolle prestasie oorsig heraangestel word vir een bykomende termyn sonder om die prosedure soos uiteengesit in artikel 7 na te kom.

9. Bedanking, verwydering van amp en vakature

(1) 'n Lid van die Raad mag bedank deur die LUR te voorsien van —

(a) 'n twee maande skriftelike kennisgewing; of

(b) minder as twee maande kennisgewing met die goedkeuring van die LUR.

(2) Die LUR mag onderhewig aan subartikel (3), 'n lid van die Raad verwyder —

(a) indien sodanige lid—

(i) gediskwalifiseer word ingevolge artikel 6;

(ii) handel in kontras met artikel 6(3);

(iii) nalaat om belange te openbaar of nalaat om homself of haarself te verskoon van 'n vergadering ingevolge artikel 11;

(iv) nalaat om die funksies as lid van die Raad behoorlik en professioneel uit te voer; of

(v) afwesig is by meer as twee agtereenvolgende vergaderings van die Raad sonder voortydige verlof van die Voorsitter; of

(b) vir 'n rede wat billik en regverdig is.

(3) Die LUR moet voordat `n lid van die Raad uit die posisie verwyder word die lid 'n geleentheid gun om verhoor te word.

(4) Indien die posisie van 'n lid vakant word moet die LUR binne 'n redelike tydperk. sodanige posisie vul ingevolge die prosedure soos uiteengesit in artikel 7,

(5) 'n Lid wat aangestel word ingevolge subartikel (4), behou die posisie vir die oorblywende tydperk van die uitgaande lid se ampstermyn.

(6) Die LUR moet in die afwesigheid van 'n funksionele Raad die funksies en magte van die Raad uitvoer behalwe die toestaan en herroeping van lisensies verwys na in artikel 23 (2) (a) – (o).

10. Besoldiging en toelae van die Raad

(1) Lede van die Raad wat nie voltyds in diens van die Staat is nie mag ingevolge hul dienslewering sodanig besoldig word en toelae ontvang vanuit die fondse van die Raad soos bepaal deur die LUR in oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir finansies.

(2) Indien 'n lid van die Raad wat voltyds in diens van die Staat is uitgawes aangaan in die uitvoering van die lid se funksies ingevolge hierdie Wet, moet die Raad sodanige lid vergoed vanuit die fondse van die Raad.

(3) Die vergoeding en toelae van lede van die Raad mag verskil volgens hulle ervaringsvlakke en die funksies wat hulle op die Raad vervul.

11. Verklaring van belange

(1) 'n Lid van die Raad mag nie —

(a) betrokke wees in enige aktiwiteit wat die integriteit van die Raad ondermyn nie;

(b) die verrigtinge tydens 'n vergadering van die Raad bywoon,deelneem aan en of beïnvloed met betrekking tot die aangeleentheid voor die Raad waarin sodanige lid 'n belang het —

(i) soos gestipuleer in artikel 6(2) (a) en (b); of

(ii) wat sodanige lid uitsluit om die pligte van 'n lid uit te voer op 'n regverdige,onpartydige en behoorlike wyse;

(c) om te stem tydens 'n vergadering van die Raad in verband met 'n aangeleentheid soos bepaal deur paragraaf (b);

(d) private gebruik maak van of voordeel trek uit enige vertroulike inligting wat bekom was in die uitvoering van sodanige lid se pligte as lid van die Raad; of

(e) enige inligting verwys na in paragraaf (d) openbaar maak aan `n derde party behalwe indien dit vereis word as deel van sodanige lid se amptelike funksies.

(2) Indien, en op enige tydstip dit blyk aan `n lid van die Raad dat 'n aangeleentheid voor die Raad 'n belang van sodanige lid behels verwys na in artikel (6)(2)(a) en (b), moet die lid —

(a) onmiddellik die volle omvang van die belange aan die vergadering bekend maak; en

(b) homself of haarself onttrek vanaf die vergadering om die oorblywende lede toe te laat om die aangeleentheid te bespreek en te bepaal of

sodanige lid verbied moet word tot deelname in enige verdere verrigtinge met betrekking tot die aangeleentheid.

(3) 'n Openbaarmaking deur 'n lid ingevolge subartikel (2) en die besluit deur die Raad ingevolge subartikel (2) (b), moet aangeteken word in die notules van die vergadering.

(4) Verrigtinge van die Raad en besluite geneem deur die oorgrote meerderheid van die lede teenwoordig wat gemagtig is om deel te neem aan sodanige besluite is geldig afgesien van die feit of die lid nagelaat het om 'n belang openbaar te maak ingevolge subartikel (2).

(5) Indien 'n lid gediskwalifiseer word ingevolge artikel 6, moet die LUR die aanstelling van sodange lid onmiddellik opskort.

12. Hoof Uitvoerende Beampte

(1) Die Raad moet die Hoof Uitvoerende Beampte aan stel vir 'n vaste termyn, op 'n prestasie kontrak basis vir 'n tydperk wat nie vyf jaar oorskry nie.

(2) Die Raad mag die mag die tydperk van 'n Hoof Uitvoerende Beampte verleng met 'n bykomende termyn wat nie vyf jaar oorskry nie.

(3) Die Hoof Uitvoerende Beampte is 'n werknemer van die Raad en is —

(a) aanspreeklik aan die Raad; en

(b) verantwoordelik vir die voldoende en effektiewe bestuur van die Raad en moet die pligte wat die Raad voorskryf of delegeer aan die Hoof Uitvoerende Beampte uitvoer.

(4) Die indiensnemingskontrak van die Hoof Uitvoerende Beampte moet skriftelik wees en moet op 'n gepaste vorm die bepalings van artikel 57 van die Openbare Finansiele Bestuurswet, 1999 insluit.

(5) Die Raad en die Uitvoerende Beampte moet hul prestasie ooreenkomste jaarliks binne een maand na aanvang van elke finansiële jaar hersien.

(6) Die prestasie ooreenkoms soos uiteengesit ingevolge subartikel (1) moet insluit —

(a) meetbare prestasie oogmerke en teikens met gestipuleerde tydgleuwe;

(b) standaarde en prosedure om prestasie te evalueer en intervalle vir evaluering; en

(c) die gevolge vir substandaard prestasie.

(7) Indien die Hoof Uitvoerende Beampte afwesig is of vir enige rede nie by magte is om hom of haar pligte uit te voer nie of indien daar 'n vakature bestaan in die kantoor van die Hoof Uitvoerende Beampte moet die Raad 'n ander persoon aanstel om waar te neem as hoof uitvoerende beampte tydens sodanige afwesigheid of onbekwaamheid totdat 'n nuwe Hoof Uitvoerende Beampte aangestel word ingevolge subartikel (1).

13. Magte en funksies van die Hoof Uitvoerende Beampte

In toevoeging tot die magte, funksies en pligte wat toegeken, opgedra of gedelegeer is aan die Hoof Uitvoerende Beampte deur die Raad, moet die Hoof Uitvoerende Beampte ook ingevolge hierdie Wet —

(a) die Raad ondersteun in die uitvoering van alle finansiële en administratiewe verantwoordelikhede wat verband hou met die funksies van die Raad;

(b) die funksies van die Hoof Uitvoerende Beampte uitvoer soos uiteengesit in die prestasie ooreenkoms wat gesluit was met die Raad ingevolge artikel 12(1);

(c) onderhewig aan subartikel 14(1) en (2), die personeel van die Raad aanstel en bestuur;

(d) voorsien dat behoorlike notules gehou word van die Raad en komitees se vergaderings.

(e) vergaderings van die Raad bywoon as *ex officio* lid;

(f) voorsien dat die Raad voldoen aan en handel ingevolge al die kontraktuele ooreenkomste en beleidsvereistes; en

(g) enige ander funksies wat die Raad aan die Hoof Uitvoerende Beampte opdra uitvoer.

14. Personeel van die Raad

(1) Die Raad mag in die uitvoering van sy funksies ondersteun word deur `n gepaste gekwalifiseerde en ervare personeel aangestel deur die Hoof Uitvoerende Beampte.

(2) Die Hoof Uitvoerende Beampte moet in oorlegpleging met die Raad die senior bestuur personeel aanstel.

(3) `n Personeellid van die Raad moet voor die aanvang van hom of haar pligte 'n eed of plegtige verklaring aflê op die voorgeskrewe vorm.

(4) Geen persoon mag indiens geneem word as 'n personeellid van die Raad indien sodanige persoon —

(a) of enige famileilid van sodanige persoon 'n direkte of indirekte belang of enige finansiële of ander soort belange in enige dobbel aktiwiteite het nie; en

(b) enige tyd skuldig bevind was hetsy in die Republiek of elders van diefstal, bedrog,vervalsing of 'n valse dokument in omloop bring, meineed, 'n oortreding ingevolge hierdie Wet of die Wet op die Voorkoming en Bekamping van Korrupte Aktiwiteite,2004 (Wet Nr. 12 van 2004) of enige oortreding wat oneerlikheid insluit.

(5) Die Raad moet vanuit die Raad se fondse die personeellede van die Raad besoldig en sodanige vergoeding, toelae en ander werknemer voordele soos deur die Raad bepaal.

15. Deursigtigheid en Vertroulikheid

(1) Die Raad moet op 'n oop en deursigtige manier funksioneer.

(2) 'n Personeellid of lid van die Raad mag nie, behalwe na 'n hofbevel van 'n geregshof of indien gemagtig deur die Raad ingevolge die Wet op die Bevordering en Toegang tot inligting (Wet Nr. 2 van 2000), openbaar maak —

(a) enige dokumentasie of inligting, of die identiteit van 'n persoon wat die Raad bepaal het nie openbaar gemaak mag word nie vir openbare inspeksie of nie openbaar gemaak mag word ingevolge artikel 27(3); of

(b) enige dokument of inligting wat aan die Raad verskaf was deur enige regulerende of wetstoepassende gesag op voorwaarde van vertroulikheid nie.

16. Posisie van openbare vertroue

(1) Ten einde die onafhanklikheid en integriteit van die Raad te verseker mag 'n lid van die Raad of 'n personeellid nie —

(a) afgesien van enige vergoeding wat 'n persoon ontvang as gevolg van 'n amp wat bekleë word mag `n persoon nie direk of indirek enige iets waardevol of voordeel trek uit enige persoon waar sodanige voordele inmeng met die voldoende uitvoering van sodanige persoon se funksies nie ; of

(b) deelneem aan enige dobbelweddenskap aktiwiteit in die provinsie nie, behalwe in die uitvoering van hom of haar pligte ingevolge hierdie Wet.

(2) 'n Lid van die Raad mag nie , na 'n tydperk van een jaar na opskorting van 'n amp, enige indiensneming versoek of aanvaar nie van 'n persoon gelisensieerd ingevolge hierdie Wet.

(3) Die bepalings van subartikel (1) en (2) geld vir die LUR.

17. Fondse van die Raad

Die fondse van die Raad moet bestaan uit —

(a) fondse begroot deur die Provinsiale Wetgewer vir daardie doel;

(b) enige bedrag betaalbaar aan die Raad ingevolge hierdie Wet; en

(c) ander geld regmatig betaal aan die Raad.

18. Vegaderings van die Raad

(1) Die Raad moet minste een keer per kwartaal vergader.

(2) Die Voorsitter van die Raad —

(a) moet die tyd en plek van die eerste vergadering van die Raad bepaal en daarna mag die Raad vergader op 'n tyd en plek soos van tyd tot tyd deur die Raad bepaal vir die spoedige afhandeling van sake; en

(b) mag op enige tydstip na redelike kennisgewing 'n buitengewone vergadering van die Raad belê op 'n tyd en plek soos deur die Voorsitter bepaal.

(3) Die Raad mag sy eie verrigtinge tydens vergaderings bepaal indien die verrigtinge nie voorgeskryf word deur hierdie Wet nie.

(4) Die Kworum vir 'n vergadering deur die Raad is vyf lede van die Raad.

(5) 'n Besluit van die Raad word geneem deur die meerderheid van die stemme van die lede wat teenwoordig is tydens die Raad se vergadering.

(6) Indien daar 'n gelyke aantal stemme is het die Voorsitter 'n beslissende stem in toevoeging tot gewone stem.

(7) Notules van die verrigtinge van elke vergadering van die Raad moet aangeteken word en by die Raad se kantoor gehou word.

(8) 'n Vergadering van die Raad kom byeen met die doel om —

(a) verhoor vertoë of besware in verband met die aansoek vir `n lisensie ingevolge hierdie Wet, moet toeganklik wees vir die publiek: Op voorwaarde dat die Voorsitter in hom of haar oordeel of indien die Raad van mening is dat enige persoon wie se teenwoordigheid nie wenslik is nie tydens die betrokke vergadering aandui dat so 'n persoon die vergadering moet verlaat; en

(b) oorlegpleging met die doel om `n besluit te neem en om daaroor te stem in verband met enige aangeleentheid tydens die vergadering moet in geheimhouding plaasvind.

19. Komitees van Raad

(1) Die Raad mag van tyd tot tyd 'n komitee aanstel om die magte en funksies daarvan uit te voer soos gedelegeer deur die Raad.

(2) 'n Komitee mag bestaan uit —

(a) lede van die Raad soos deur die Raad bepaal; of

(b) sodanige lede van die Raad soos deur die Raad bepaal en sodanige ander persone soos deur die Raad gekoöpteer ingevolge artikel 21.

(3) Die Voorsitter van die Raad moet die Voorsitter van die komitee aanwys.

(4) 'n Komitee moet sy funksies uitvoer en sy magte verrig ingevolge die bepalings van hierdie Wet en ander aanwysings deur die Raad.

(5) 'n Mag of funksie uitgevoer deur 'n komitee aangestel deur die Raad ingevolge subartikel (1) word beskou as uitgevoer deur die Raad.

20. Oorlegpleging deur die Raad

(1) Die Raad mag met enige persoon, organisasie, of instelling oorlegpleeg oor 'n aangeleentheid wat noodsaaklik is vir die Raad om sy magte en funksies uit te voer.

(2) Die besoldiging en toelae soos bepaal deur die Raad indien enige en ingevolge die voorwaardes van `n persoon geraadpleeg, moet vervat word in 'n skriftelike ooreenkoms aangegaan vir daardie doel tussen die Raad en sodanige persoon..

21. Gekoöpteerde persone

(1) Die Raad mag 'n kundige of ander persone koöpteer soos verlang om die Raad te ondersteun om `n spesifieke aangeleentheid te oorweeg..

(2) 'n Persoon gekoöpteer ingevolge subartikel (1), mag nie stem tydens vergaderings van die Raad of 'n komitee van die Raad nie.

(3) Die Raad moet die besoldiging van `n persoon gekoöpteer bepaal ingevolge subartikel (1).

22. Navrae deur die Raad

(1) Die Raad mag onderhewig aan hierdie afdeling 'n ondersoek las oor enige aangeleentheid wat binne die raamwerk van sy funksies val.

(2) Vir die doel van 'n ondersoek ingevolge subartikel (1), mag die Raad deur skriftelike kennisgewing 'n persoon dagvaar wat mag geaffekteer mag word deur of betrokke is by 'n oorweging van 'n spesifieke aangeleentheid om voor die Raad te verskyn om —

(a) bewys lewer van; of

(b) `n boek te toon, dokument of ding wat in daardie persoon se besit of beheer is en wat in die mening van die Raad verband hou met of mag verband hou met 'n aangeleentheid wat deur die Raad oorweeg moet word.

(3) 'n Persoon wat 'n kennisgewing ingevolge subartikel (2) ontvang het moet persoonlik voor die Raad verskyn op die datum, tyd en plek soos uiteengesit in die kennisgewing.

(4) Die Raad mag enige persoon teenwoordig inroep en ondervra tydens die ondersoek of sodanige persoon gedagvaar is of nie om die ondersoek by te woon ingevolge subartikel (2), en mag enige boek, dokument of ding ondersoek of behou soos vereis deur die Raad.

(5) Die Raad mag versoek dat persoon wat voor die Raad verskyn tydens `n onder soek ingevolge subartikel (1), bewys te lewer van 'n eed of plegtige verklaring en 'n lid van die Raad wat die voorsitter is tydens die ondersoek mag die eed of plegtige verklaring administreer.

(6) Die reg wat verband hou met voorregte soos van toepassing op 'n persoon wat gedagvaar is om bewyse van 'n boek, dokument of ding voor 'n geregshof te lê, is van toepassing op die ondersoek van enige persoon op die bewys van enige boek, dokument of ding ingevolge subartikel (2) of (5).

(7) 'n Persoon wat voor die Raad verskyn vir die ondersoek is geregtig om verteenwoordig te word deur 'n regsverteenwoordiger en ook om getuies in te roep.

HOOFSTUK 3

LISENSIÈRING

23. Soorte lisensies

(1) Die Raad moet `n —

(a) provinsiale lisensie in die voorgeskrewe formaat uitreik; of

(b) nasionale lisensie uitreik in die voorgeskrewe formaat van die Nasionale Dobbelwet, 2004.

(2) Die Raad mag die volgende provinsiale lisensies uitreik:

(a) casino operateur lisensie;

(b) beperkte uitbetaling masjien perseel operateur lisensie;

(c) beperkte uitbetaling masjien roete operateur lisensie;

(d) onafhanklke perseel operateur lisensie;

(e) bingo operateur lisensie;

(f) bingo perseel lisensie;

(g) totalisator operateur lisensie;

(h) totalisator perseel lisensie;

(i) Beroepswedder lisensie;

(j) beroepwedder perseel lisensie;

(k) vervaardiger lisensie;

(l) vervaardiger lisensie

(m) instandhoudingslisensie

(n) verskaffer lisensie

(o) spesiale gebeurtenis lisensie; en

(p) sleutelwerknemer lisensie.

24. Diskwalifisering of beperking van lisensie

(1) Hierdie afdeling geld nie vir 'n sleutelwerknemer lisensie nie.

(2) 'n Aansoek om 'n lisensie moet van —

(a) goeie karakter en integriteit wees; en

(b) goeie finansiële grondslag.

(3) Geen persoon mag 'n lisensie besit of 'n finansiële belang in die houer van 'n lisensie, indien die persoon –

(a) onder die ouderdom van 18 jaar is;

(b) 'n publieke amptenaar of politieke ampsdraer is;

(c) is 'n regtelike beampte of in diens van 'n hof;

(d) gelys is op die register van uitgeslote persone;

(e) 'n familielid is van 'n lid van die Raad

(f) 'n ongerehabiliteerde insolvent is

(g) of deur 'n bevoegde hof as verstandelik ongeskik verklaar is

(h) uit 'n amp van vertroue verwyder is op grond van wangedrag wat verband hou met bedrog of die wanbesteding van geld; of

(i) binne 10 jaar voor die aansoek datum aangekla en skuldig bevind is in die Republiek of elders,van 'n oortreding wat insluit —

(aa) betrokkenheid by diefstal, bedrog,vervalsing of bekendmaking van 'n vervalste dokument of meineed;

(bb) betrokkenheid by rekenaar of rekenaar sagteware misdaad;

(cc) bepalings ingevolge die Wet op die Voorkoming en Bekamping van Korrupte Aktiwiteite, 2004 (Wet Nr.12 van 2004);

(dd) bepalings ingevolge die Wet op die Voorkoming van Georganiseerde Misdaad, 1998 (Wet Nr. 121 van 1998);

(ee) bepalings ingevolge die Wet op die Sentrum vir Finansiële Intelligensie, 2001 (Wet Nr.31 van 2001);

(ff) bepalings ingevolge die Wet op die Beskerming van Grondwetlike Demokrasie teen Terroriste en Verwante Aktitwiteite, 2004 (Wet Nr.33 van 2004); of

(gg) ingevolge hierdie Wet of die Nasionale Dobbelwet, 2004,

en wat tronkstraf opgelê was sonder die opsie van'n boete of op `n boete wat die bedrag oorskry soos voorgeskryf deur die Minister ingevolge artikel 50(2)(i) van die Nasionale Dobbelwet, 2004, tensy die persoon `n vergunning van amnestie ontvang het of 'n ongedwonge vryspraak vir die oortreding.

(4) Die Raad moet weier om 'n lisensie uit te reik aan 'n persoon wat gediskwalifiseer is om `n belang in 'n lisensie te besit, lisensiehouer, gelisensieerde perseel of ander besigheid wat verband hou met 'n lisensie, ingevolge subartikel (3).

(5) Die Raad moet weier om 'n lisensie aan 'n persoon uit te reik indien die Raad nadat die voorgeskrewe ondersoek afgehandel is oortuig is dat —

(a) die aansoeker;

(b) 'n persoon wat beheer belange in die aansoekeraansoeker het;

(c) 'n persoon wat `n finansiële belang het in die aansoekeraansoeker; of

(d) 'n bestuurder van die aansoekeraansoeker se besigheid,

is 'n familielid anders as 'n broer of suster van 'n persoon wat 'n lid is van die Raad of wat gediskwalifiseer is om 'n belang te behou in 'n lisensie, lisensiehouer of die besigheid wat verband hou met die lisensie.

25. Diskwalifisering na uitreiking van lisensie

(1) Hierdie afdeling geld nie vir 'n sleutelwerknemer lisensie nie.

(2) Indien 'n persoon wat 'n lisensie besit of 'n belang het in 'n lisensie uitgereik ingevolge hierdie Wet, gediskwalifiseer word ingevolge artikel 24 nadat die lisensie uitgereik was moet sodanige persoon in 'n voorgeskrewe formaat die Raad inlig en ook waar toepaslik die lisensiehouer van sodanige diskwalifisering.

(3) Die Raad mag indien `n persoon gediskwalifiseer is ingevolge subartikel (2),en na oorweging van die omstandighede en die aard van die diskwalifisering bepaal dat sodanige persoon die belange in die lisensie moet van die hand sit binne 'n tydperk wat nie drie jaar mag oorskry nie.

26. Lisensie aansoek prosedure

(1) Die Raad moet 'n kennisgewing in die staatskoerant en in twee koerante plaas, om aansoeke aan te vra vir die lisensie vermeld in die kennisgewing

(2) Die kennisgewing verwys na in subartikel (1) moet inligting bevat maar nie beperk wees tot –

(a) die tipe en aantal lisensies beskikbaar;

(b) die area waarmee die lisensie verband hou;

(c) die sluitingsdatum vir aansoeke; en

(d) vereistes wat die Raad as noodsaaklik beskou.

(3) 'n Aansoek vir 'n lisensie in antwoord op 'n kennisgewing verwys na in subartikel (1), moet gedoen word in die formaat soos vereis deur die Raad en moet vergesel word van —

(a) uiteengesite dokumente;

(b) bewys dat die voorgeskrewe aansoekfooie betaal was;

(c) bewys dat die kennisgewing gepubliseer was in die staatskoerant en in 'n koerant ingevolge subartikel (4); en

(d) die goedkeuring of verteenwoordiging van die plaaslike gesag in die area waarmee die lisensie verband hou .

(4) Die aansoeker moet binne veertien dae voor die indiening van die aansoek om `n lisensie, `n kennisgewing publiseer in —

(a) die *staatskoerant;* en

(b) `n koerant wat in die area gesirkuleer word waar die perseel wat verband hou met die lisensie geleë is.

(5) Die kennisgewing ingevolge subartikel (4) moet —

(a) die tipe lisensie waarvoor aansoek gedoen word aandui;

(b) die area waarmee die lisensie verband hou;

(c) die duur van die lisensie aandui —

(d) nooi belangstellende persone om:

(i) hul skriftelike aanbieding en besware in verband daarmee by die Raad in te dien binne `n maand vanaf die datum gespesifiseer in sodanige kennisgewing;en

(ii) aandui in enige skriftelike aanbieding indien hulle mondelinge aanbiedings wil maak tydens die verhoor van die aansoek.

(6) 'n Persoon wat beswaar wil maak teen 'n aansoek om 'n lisensie ingevolge hierdie Wet mag, nie later as 30 dae na die datum gespesifiseer in die kennisgewing gepubliseer ingevolge subartikel (4), 'n skriftelike beswaar indien by die Raad.

(7) Die Raad moet binne sewe dae na ontvangs van die beswaar die aansoeker in kennis stel en voorsien van`n afskrif met die besonderhede van —

(a) enige beswaar ingedien by die Raad ingevolge subartikel (6); of

(b) enige ander aangeleentheid wat volgens die Raad se mening grondig is vir 'n beswaar.

(8) Die Raad moet die aansoeker die geleentheid gee om te antwoord op die besware wat ontvang was ingevolge subartikel (6) binne `n tydperk van 14 dae of sodanige tydperk soos bepaal deur die Raad.

(9) Die Raad hoef nie `n kennisgewing verwys na in subartikel (1) te plaas vir die volgende lisensies nie:

(i) vervaardiger lisensie;

(ii) instandhoudingslisensie;

(iii) verskaffer lisensie.

(iv) spesiale lisensie; o

(v) sleutelwerknemer lisensie

(b) 'n Aansoek vir 'n lisensie soos verwys na in subartikel (9)(a), moet gedoen word in die format soos vereis deur die Raad en moet vergesel word van:

(i) uiteengesitte dokumente

(ii) bewys dat die voorgeskrewe aansoekfooie betaal was;

(iii) bewys dat die kennisgewing gepubliseer was in die staatskoerant en in 'n koerant ingevolge subartikel (3); en

(iv) die goedkeuring of verteenwoordiging van die plaaslike gesag in die area waarmee die lisensie verband hou

(10) 'n Persoon wat `n beswaar indien ingevolge subartikel (6) moet redes verskaf waarom die Raad nie die persoon se identiteit openbaar mag maak nie.

27. Aansoek, aanbieding en beswaar oop vir openbare inspeksie

(1) `n Aansoek, aanbieding, beswaar, antwoord of verdere inligting ingedien ingevolge artikel 26 moet, onderhewig aan subartikel (3), oop wees vir openbare inspeksie tydens die gewone kantoor ure van die Raad vir `n tydperk nie minder as 30 dae.

(2) Die Raad moet 'n versoek om inligting wat verband hou met 'n aansoek, aanbieding en antwoord oorweeg ingevolge die Wet op die Bevordering van Toegang tot Inligting (Wet Nr. 2 van 2000).

(3) Die Raad mag bepaal dat —

(a) 'n dokument van inligting wat verband hou met die finansiële bekwaamheid van 'n persoon wat deelneem aan 'n aansoek, insluitend —

(i) die name van toekomstige werknemers; of

(ii) besigheidsplanne van die aansoeker,

of enige ander aangeleentheid wat volgens die Raad se mening van 'n vertroulike aard is en nie beskikbaar mag wees vir openbare inspeksie nie: Op voorwaarde dat sodanige dokument of inligting geskei kan word van die res van die aansoek en gemerk word as vertroulik; en

(b) die identiteit van 'n persoon wat aanbiedings maak van besware in verband met 'n aansoek mag nie aan 'n ander persoon openbaar gemaak word nie.

28. Ondersoek fooie

(1) 'n Persoon wat 'n aansoek indien by die Raad ingevolge artikel 26 is aanspreeklik vir en moet aan die Raad alle redelike direkte uitgawes wat deur die Raad aangegaan was betaal, indien enige om die ondersoek te doen verwys na in artikel 30.

(2) Die Raad mag voordat die ondersoek gedoen word verwys na in artikel 30, versoek dat die aansoeker 'n waarborg moet verskaf vir die betaling van die ondersoek fooie.

(3) Die Raad mag op enige stadium van die aansoek, die aansoeker vereis om sodanige bykomende depositos te betaal ten opsigte van ondersoek kostes as wat nodig mag wees.

(4) Na die voltooing van sy ondersoek, moet die Raad, op versoek, die aansoeker voorsien van 'n gedetailleerde rekening van ondersoek koste wat aangegaan was, en enige uitstaande balans tot die krediet van die rekening moet namens die aansoeker instand gehou word of uitbetaal word.

(5) Die Raad mag weie om die aansoek te finaliseer voordat al die ondersoek kostes ten volle betaal is.

29. Perseel inspeksie

(1) Die Raad mag die perseel wat verband hou met die aansoek ondersoek.

(2) Waar die inspekteur 'n ondersoek doen, moet die inspekteur 'n verslag by die Raad indien met betrekking tot die geskiktheid van die perseel wat verband hou met die aansoek.

30. Eerlikheidsverslag

(1) By die oorweging van 'n aansoek vir of 'n sertifikaat van geskiktheid mag die Raad —

(a) bykomende inligting versoek van die aansoeker;

(b) geskrewe magtiging van die aansoeker versoek wat an die Raad toestemming verleen om inligting direk vanaf derde partye te bekom en magtiging aan sodanige partye om daardie inligting te verskaf; en

(c) 'n verslag van —

(i) enige regulerende gesag;

(ii) die Finansiële Intelligensie Sentrum;

(iii) die Nasionale Direkteur van Openbare Vervolging; of

(iv) die Suid-Afrikaanse Polisiediens.

(2) 'n Verslag ingevolge subartikel (1) mag insluit —

(a) besonderhede van enige oortredings aangeteken teen 'n persoon op 'n wyse dat sodanige besonderhede toepaslik is om te bepaal of sodanige persoon gediskwalifiseer was om 'n belang te hê in 'n lisensie, lisensiehouer,lisensie perseel of besigheid wat verband hou met die lisensie; of

(b) enige ander inligting wat die entiteit verwys na in subartikel (1)(c) mag beskou as toepaslik vir die aansoek.

(3) Vir die doeleindes van 'n verslag beoog in hierdie artikel mag 'n lid van die Suid-Afrikaanse Polisiediens vereis dat die aansoeker of betrokke persoon sodanige inligting en besonderhede verskaf asook enige vingerafdrukke of handpalm afdrukke.

(4) Die Raad moet 'n afskrif van elke eerlikheidsverslag wat saamgestel was ingevolge hierdie Wet indien by die Nasionale Dobbelraad om ingesluit te word by die nasionale eerlikheidsregister.

31. Verhoor van aansoek

(1) Die Raad mag by wyse van kennisgewing in die staatskoerant en in 'n koerant wat in die area waarmee die aansoek verband hou gesirkuleer word belangstellende partye uitnooi na 'n verhoor in verband met die aansoek.

(2) Die kennisgewing in subartikel (1) moet die datum, tyd en 'n plek aandui wat toeganklik is vir die publiek.

(3) Die Raad moet tydens die verhoor, die aansoeker of belanghebbende party die geleentheid gee om mondelinge aanbiedings te maak.

(4) 'n Persoon wat mondelinge aanbiedings maak ingevolge subartikel (3) mag ondersteun word deur 'n persoon van hom of haar keuse.

(5) Die Raad mag 'n verhoor uitstel en hervat op 'n datum, tyd en plek soos bepaal deur die Raad.

(6) Die Voorsitter van die Raad mag indien die teenwoordigheid van 'n bepaalde persoon nie bevorderlik is vir die goeie verloop van die verhoor nie, versoek dat sodanige persoon die verhoor verlaat.

32. Oorweging van aansoek

(1) Indien 'n aansoek nie voldoen aan die vereistes ingevolge artikel 26 nie, mag die Raad die aansoek na die aansoeker terugverwys met 'n aanduiding dat die

aansoeker die foutiewe aansoek moet vervang of korrigeer en binne 14 dae terugstuur.

(2) Indien die aansoeker versuim om te voldoen aan subartikel (1), mag die Raad die aansoek afkeur en die aansoeker skriftelik daarvan in kennis stel.

(3) Tydens die oorweging van 'n aansoek, moet die Raad die volgende in ag neem —

(a) die ouderdom, karakter, reputasie, finansiële posisie, en werksgeskeidenis van die aansoeker; en

(b) enige skuldig bevinding van die aansoeker vir 'n oortreding wat oneerlikheid insluit.

(4) Die Raad moet na behoorlike oorweging —

(a) die aansoek;

(b) enige aanbiedings gemaak in verband met die aansoek;

(c) die aansoeker se skriftelike antwoord daarop;

(d) die perseel inspeksieverslag;

(e) die ondersoekverslag;

(f) die polisieverslag; of

(g) enige ander inligting of bewys voorgelê aan die Raad met betrekking tot die aansoek,

die aansoek toestaan op sodanige voorwaardes soos bepaal deur die Raad of die aansoek afkeur.

(5) Die Raad moet op versoek van die aansoeker skriftelike redes gee vir die besluit

33. Ekonomiese en maatskaplike aangeleenthede om te oorweeg

(1) By die oorweging van 'n lisensie, anders as 'n sleutelwerknemer lisensie, moet die Raad die volgende oorweeg —

(a) alle verpligtinge gemaak deur die aansoeker in verband met—

(i) swart ekonomiese bemagtiging;

(ii) bekamping van die gevalle van verslaafde en kompulsiewe dobbelary; en

(b) die potensiële sosio-ekonomiese uitwerking op die gemeenskap van die voorgestelde lisensie.

(2) Die Raad mag redelike en regverdige voorwaardes op die lisensie plaas tot 'n mate dit die aangeleenthede verwys na in subartikel (1) aanspreek.

(3) Die Raad moet ten minste een keer elke jaar nadat die lisensie anders as die sleutel werknemer lisensie uitgereik is —

(a) die toevertrouings gemaak ingevolge subartikel (1) (a) hersien en die prestasie van die lisensiehouer wat verband hou met die toevertrouings; en

(b) mag verder redelike en regverdige voorwaardes op die lisensie plaas tot 'n mate dit die aangeleenthede verwys na in subartikel (1) aanspreek.

34. Kompestisie aangeleenthede om te oorweeg

(1) By die oorweging van 'n aansoek om 'n lisensie, anders as 'n sleutelwerknemer lisensie moet die Raad oorweeg of goedkeuring van die lisensie die wesenlike invloed op kompetisie in die dobbel industrie oor die algeneem sal affekteer of in verband met die voorgestelde aktiwiteit in die provinsie.

(2) Na oorweging van die aangeleenthede ingevolge subartikel (1), moet die Raad die lisensie weier, tensy daar oorredende openbare belang is vir die goedkeuring daarvan indien dit wil voorkom asof goedkeuring van die aansoek die gevolg sal het dat die aansoeker alleen of in samewerking met 'n verwante persoon bemarkingsmagte sal bekom.

(3) Vir die doeleindes van subartikel (2) —

(a) **"mark magte"** het die betekenis soos uiteengesit in artikel 1 van die Kompetsiewet, 1998 (Wet Nr. 89 van 1998);

(b) **"redes vir openbare belang"** sluit redes in soos uiteengesit in artikel 12A (3) van die Kompetisiewet, 1998 (Wet Nr.89 van 1998); en

(c) **"verwante persoon"** beteken 'n persoon —

(i) wat 'n direkte of indirekte beheer oor die aansoeker het;

(ii) oor wie die aansoeker 'n direkte of indirekte beheer het; of

(iii) wat direk of indirek beheer word deur 'n persoon verwys na in subparagraaf (i).

35. Lisensie voorwaardes

(1) Indien die Raad 'n provinsiale of nasionale lisensie uitreik, mag die Raad die lisensie met of sonder voorwaardes uitreik.

(2) 'n Lisensie uitgereik ingevolge hierdie Wet, met uitsondering van 'n sleutel-werknemer lisensie, moet die volgende spesifiseer —

(a) identiteit van die lisensiehouer;

(b) aktiwiteite wat die lisensie die lisensiehouer toelaat om betrokke by te wees, aktiwiteite uit te voer of aan die publiek beskikbaar stel;

(c) naam of duidelike beskrywing van die perseel waarby, waarop en waarvan die lisensiehouer mag funksioneer; en

(d) duur van die lisensie.

(3) Die Raad mag voorwaardes bepaal met betrekking tot enige lisensie uitgereik ingevolge hierdie Wet, met inagname van voorwaardes wat verband hou met —

(a) dobbel aktiwiteite wat uitgevoer mag word of vorme van weddenskappe wat toegelaat mag word;

(b) die speel metode van die dobbel aktiwiteit of die uitvoer van die weddenskap of wedloop;

(c) die reëls van 'n dobbel aktiwiteit, weddenskap of wedloop;

(d) die ure waartydens die betrokke besigheid mag werksaam wees;

(e) die voorsiening van 'n waarborg deur die aansoeker op 'n vorm wat aanvaarbaar is vir die Raad vir die verantwoordelikhede van die aansoeker wat verband hou met —

(i) heffings betaalbaar ingevolge hierdie Wet; en

(ii) dobbelskuld betaalbaar deur die aansoeker;

(f) die oprigting,verandering, toevoeging of herkonstruksie van 'n gelisensieerde perseel;

(g) die ligging van die perseel;

(h) die ligging waar dobbel aktiwitiete toegelaat sal word op die perseel; en

(i) aangeleenthede wat noodsaaklik is vir die bereiking van hierdie Wet se oogmerke.

(4) Die Raad mag slegs 'n lisensie uitreik —

(a) as 'n permanente lisensie;

(b) as 'n tydelike lisensie, onderhewig daaraan dat die aansoeker aan sekere voorwaardes voldoen binne 'n spesifieke tydperk, met die bedoeling dat indien daar aan sodanige voorwaardes voldoen word 'n permanente lisensie uitgereik sal word wat die tydelike lisensie sal vervang; of

(c) onderhewig aan subartikel (3), as 'n spesiale gebeurtenis lisensie wat die gelisensieerde aktiwiteit op uiteengesite datums slegs op 'n uiteengesite perseel toelaat soos bepaal deur die lisensie.

(5)

(5) Die Raad mag waar die risiko bestaan in verband met die afbetaling van enige aanspreeklikheidvan die lisensiehouer ingevolge subartikel (3) (e) en verhogings inhou

vereis dat die lisensiehouer waarborge anders as die vervat in hierdie subartikel moet indien.

(6) 'n Lisensie is geldig vir 'n tydperk soos bepaal deur die Raad.

36. Wysiging, opskorting of herroeping van lisensie

(1) Die Raad mag onderhewig aan subartikel (3) —

(a) 'n lisensie voorwaardes wysig;

(b) 'n lisensie opskort vir 'n tydperk soos deur die Raad bepaal; of

(c) 'n lisensie herroep vanaf 'n datum soos bepaal deur die Raad,

indien —

(i) enige inligting met betrekking tot 'n lisensie, tydens die verskaffing van inligting in enige stoflike opsig vals was of onderhewig aan enige stoflike versuiming;

(ii) die lisensiehouer is of was gediskwalifiseer om 'n lisensie te besit ingevolge hierdie Wet;

(iii) die lisensiehouer, 'n werknemer van die lisensiehouer of enige ander persoon wat namens die lisensiehouer waarneem het versuim om te voldoen aan die—

(aa) bepalings van hierdie Wet;

(bb) voorwaardes van 'n lisensie; of

(cc) skriftelike kennisgewing van die nie-voldoening aan 'n voorwaarde en dit binne 'n spesifieke tydperk te korrigeer;

(iv) die lisensiehouer het voor die skriftelike instemming van die Raad versuim om dobbel aktiwiteite vir 'n tydperk van dertig agtereenvolgende dae uit te voer;

(v) die lisensiehouer versuim om enige geld verskuldig binne die voorgeskrewe tydperk aan die Raad te betaal ingevolge hierdie Wet;

(vi) die lisensiehouer nalaat om 'n prys uit te betaal in 'n dobbel aktiwiteit of 'n wen weddenskap;

(vii) die lisensiehouer in die opinie van die Raad, dobbel aktiwiteite uitvoer of dobbel aktiwiteite toelaat op 'n wyse wat nadelig is vir openbare gesondheid, veiligheid, morale, goeie gedrag,of algemene welsyn van die provinsiale inwoners.

(viii) die lisensiehouer of enige persoon wat namens die lisensiehouer of in diens van die lisensiehouer 'n dobbeltoestel gebruik of die toelating van die speel van enige dobbel aktiwiteit of dobbeltoestel —

(i) verskaf deur of verkry vanaf 'n persoon wat nie gelisensieerd is ingevolge artikel 57 nie;

(ii) wat nie voldoen aan die voorgeskrewe norme en standaarde;nie

(ix) die lisensiehouer iemand in diens neem ingevolge artikel 62 sonder die vereiste lisensie;

(x) die lisensiehouer sonder vooraf skriftelike toestemming van die Raad enige gedeelte van die gelisensieerde perseel verkoop,afrokkel of staak om te funksioneer; of

(xi) die lisensiehouer bereidwilliglik en aanhoudend metodes van funksionering toepas wat deur die Raad as ondoelmatig beskou word.

(2) Die Raad mag 'n lisensie wat ingevolge subartikel (1) opgeskort was, herinstel indien die rede vir die opskorting nie meer geldig is nie.

(3) Die Raad moet skriftelik voor die wysiging, opskorting, of herroeping van 'n lisensie die lisensiehouer in kennis stel van die redes vir sodanige wysiging, opskorting, of herroeping en aan die lisensiehouer 'n geleentheid gee om binne 14 dae redes te verskaf waarom die lisensie nie moet gewysiging, opgeskort, of herroep word nie.

(4)(a) Onderhewig aan paragraaf (b), waar die Raad van mening is dat dit in openbare belang is dat die lisensie met onmiddellike effek gewysig of opskort word mag die Raad die lisensie wysig of opskort.

(b) Die Raad moet onmiddellik nadat die lisensie gewysig of opgeskort was ingevolge paragraaf (a), die bepalings van die Wet op die Bevordering van Administratiewe geregtigheid, 2000 (Wet Nr. 3 van 2000) toepas.

(c) Indien na voldoening aan paragraaf (b), die Raad oortuig is dat die herroeping van die lisensie geregverdig is moet die Raad die prosedure soos uiteengesit in subartikel (3) volg (3).

(5) Tydens die opskortingstydperk van die lisensie mag die lisensiehouer nie toelaat dat, onderneem, deelneem of betrokke raak by die aktiwiteite wat opgeskort is nie.

(6) Die lisensiehouer is nie geregtig op 'n terugbetaling van enige geld betaalbaar tydens die opgeskorting of herroepping van die lisensie nie.

(7) Die lisensiehouer wie se lisensie opgeskort of herroep was moet die lisensie aan die Raad oorhandig binne sewe dae na kennisgewing daarvan.

(8) Vir die doeliendes van hierdie afdeling sluit "lisensie" toepaslike sertifikate in verwys na in artikel 43.

37. Tydelike lisensie

(1) Waar 'n aansoek om 'n lisensie toegestaan is mag die Raad bepaal dat 'n tydelike lisensie uitgereik word —

(a) waar die betrokke perseel veranderinge, toevoegings,konstruksie of herkonstruksie vereis; of

(b) in enige omstandighede waar die uitreiking van 'n tydelike lisensie geskik is.

(2) Die Raad mag 'n tydelike lisensie aan 'n aansoeker uitreik onderheiwg daaraan dat die aansoeker voldoen aan die voorwaardes van die vereistes soos deur die Raad bepaal binne die uiteengesit tydperk van die tydelike lisensie.

(3) Die Raad mag na 'n aansoek deur die tydelike lisensiehouer op enige tydstip of na die uitreiking van die tydelike lisensie die tydperk verleng na 'n termyn wat nie 24 maande oorskry nie op grond van geskikte beheer daarvan .

(4) Indien die Raad tevrede is na die aansoek deur die tydelike lisensiehouer dat voldoen was aan die voorwaardes en vereistes van die tydelike lisensie moet die Raad 'n lisensie as plaasvervanger vir die betrokke lisensie

(5) Indien 'n lisensie nie uitgereik word soos bepaal in subartikel (4) voor die verstryking van die spesifieke tydperk op die tydelike lisensie, sal die tydelike lisensie verval.

38. Perseel hervestiging

(1) Die lisensiehouer mag, in die voorgeskrewe formaat, aansoek doen om hervestiging, hetsy dit permanent of tydelik van aard is, van die betrokke dobbelary besigheid na 'n ander perseel.

(2) In die geval van 'n gelisensieerde casino wat verskuif na 'n ander perseel, sal die bepalings van artikel 26 tot 35 en artikel 44 waar die Wet van toepassing is.

(3) Die Raad kan, onderhewig aan sodanige voorwaardes as wat die Raad kan bepaal, magtig 'n aansoeker soos bepaal in subartikel (2), om beheer oor die besigheid van die lisensiehouer op die perseel uit te oefen, hangende die uitslagte van die aansoeker se aansoek om hervestiging na 'n perseel.

39. Dood of ongeskiktheid

(1) Wanneer 'n lisensiehouer of 'n persoon wat belange het in 'n lisensie, tot sterwe kom of ongeskik verklaar word, mag die uitvoeder of opsigter van die persoon se boedel/eiendom of 'n ander persoon wat belange het in sodanige lisensie aansoek doen aan die Raad vir 'n toepaslike lisensie.

(2) Die Raad kan, onderhewig aan sodanige voorwaardes soos die Raad bepaal, magtiging aan die aansoeker soos bepaal in subartikel (1), om die besigheid van die lisensiehouer uit te voer,hangende die uitslag van die aansoeker se aansoek om 'n lisensie.

40. Plig om lisensie te vertoon en te wys

(1) 'n Lisensiehouer moet ten alle tye opvallend/prominent vertoon word op die

gelisensieerde perseel.

(2) 'n Lisensiehouer, werknemer van 'n lisensiehouer of 'n persoon wat namens die lisensiehouer optree mag, op aanvraag van die inspekteur of polisiebeampte die betrokke lisensie voorlê.

41. Plig om fooie en heffings te betaal

(1) 'n Aansoeker om 'n lisensie moet die Raad betaal —

(a) vir die voorgeskrewe lisensie aansoek fooie; en

(b) vir alle ander voorgeskrewe gelde wat deur die Raad opgelê is; en

(c) geld vir die herstel van alle koste, insluitend koste na die ondersoek aangegaan in verband met die aansoek deur die Raad.

(2) 'n Lisensiehouer moet die Raad betaal vir —

(a) die voorgeskrewe lisensie koste;

(b) die voorgeskrewe boete vir laat betalings van fooie/koste, boetes mag nie die bedrag twee maal oorskry of die fooi/koste in verhouding met wat vir die boete betaalbaar is nie

(c) die voorgeskrewe heffings;

(d) die voorgeskrewe boete op laat betalings of heffings, die boete mag nie die bedrag van die heffing twee keer oorskry in verhouding met die boete wat betaalbaar is nie; en

(e) alle ander voorgeskrewe koste en boetes wat die Raad oplê.

(3) Lisensie koste mag verskil in verhouding tot verskillende soorte lisensies.

42. Finansiële en beheer belange

(1) 'n Persoon wat, direk of indirek, beheerbare belange verkry oor die finansiële belange of vyf persent of meer, of enige persentasie minder as die voorgeskrewe een, waarop 'n besigheid tot die lisensie betrekking het, moet binne die tydperk of wyse bepaal deur die Raad, aan die Raad aansoek doen om sodanige belange te hou.

(2) Die bepalings is van toepassing op die aansoeker vir 'n lisensie, dit is van toepassing op 'n aansoeker soos verwys na in subartikel (1).

(3) Die Raad kan, nie toestemming verleen aan 'n aansoek ingevolge subartikel (1) waar die aansoeker as 'n disgekwalifiseerde persoon beskou word volgens artikel 24.

(4) Waar die Raad nie toestemming verleen tot 'n aasoek ingevolge subartikel (1), moet die betrokke aansoeker binne die tydperk wat bepaal is deur die Raad ontslae raak van die belangstelling van die lisensie.

(5) Geen persoon mag aanspraak maak op die belange soos opgelê is in subartikel (1), as genomineerde of agent of andersins namens die hoofbegunstigde, indien die persoon nie die betrokke lisensiehouer en die Raad, skriftelik met die identiteit van sodanige hoofbegunstige verwitting nie.

43. Sertifikaat van geskiktheid

(1) Die LUR kan, deur kennisgewing in die staatskoerant, die kategoriëe van persone wat die sertifikaat van geskiktheid vereis lys.

(2) Waar die lisensiehouer goedere en dienste verlang van die kategoriëe persone wat gelys in die kennisgewing in subartikel (1) die lisensiehouer wat hierdie goedere en dienste moet ondersoek van 'n persoon wat die sertifikaat van geskiktheid besit om daardie goedere en dienste te lewer.

(3) 'n Persoon moet aansoek doen aan die Raad om die sertifikaat van geskiktheid in die formaat en wyse soos bepaal deur die Raad.

(4) Die Raad kan, navrae doen en inligting verkry vanaf 'n persoon of bron, insluitend die Suid- Afrikaanse Polisiediens, afhangend van die gepastheid van die aansoeker, sodat die Raad die aansoek kan oorweeg.

(5) Die Raad kan, na verskaffing van 'n sertifikaat van geskiktheid aan die houer om die geleentheid te bied om vertoë,op te skort vir 'n bepaalde tydperk of die sertifikaat van geskiktheid te herroep, indien —

(a) die inligting vir sodanige sertifikaat vervals is in enige wesenlike opsig of onderhewig aan 'n wesenlike weglating;

(b) die houer van die sertifikaat het versuim om te voldoen aan enige terme en voorwaardes van die sertifikaat; of

(c) die Raad is van die mening dat dit nodig en geregverdig is vir gepaste kontrole vir dobbel.

44. Beperkings op regte van toepassing op lisensie

Slegs 'n regsgeleerde mag gelisensieer word —

(a) om 'n casino te bedryf;

(b) as 'n beperkte uitbetaling masjien roete-operateur;

(c) as 'n vervaardiger;

(d) as 'n totalisator; of

(e) as 'n onafhankilike perseel operateur.

HOOFSTUK 4

CASINO LISENSIE

45. Casino lisensie

(1) Vir die doel van hierdie Hoostuk —

"casino speletjie" beteken 'n speletjie ongeag of die gevolg daarvan bepaal is deur te verander of die vaardigheid te meet, die speel van kaarte, dobbelstene, 'n dobbelmasjien of enige ander toestel wat gebruik word om wen of verloor te bepaal in die uitslag van die geld of enige ander waardevolle oorweging, en sluit in, sonder om afbreuk te doen aan die algemeenheid van die voorafgaande, blackjack, chemin *de fer*, baccarat, bingo, keno, twenty-one, poker en roulette,of enige ander speletjie wie se rëels lyk baie soos dié voorafgaande.

(2) Die Raad kan, slegs 'n casino lisensie uitreik na raadpleging met die LUR en indien die Raad tevrede is dat die aansoeker —

(a) geskikte kennis en ervaring het of geskik is om die nodige kennis en ervaring het om 'n casino te bedryf;

(b) voldoen aan alle vereistes vir die aansoek soos bepaal deur die Raad ingevolge die Wet;

(c) alleenreg en ekslusiewe wettige besit van gelisensiëerde perseel; en

(d) toegang het tot voldoende kapitaalbronne wat geskik is vir die bedryf van 'n casino.

(3) 'n Casino lisensie magtig, onderworpe aan voorwaardes wat die Raad kan oplê, die bedryf en die speel van casino speletjies op die uiteengesite gelisensieerde perseel.

(4) Die houer van 'n casino lisensie mag nie aan enige dobbelmasjien oor 'n wye gebied progressiewe jackpot gekoppel word sonder vooraf skriftelike goedkeuring deur die Raad nie.

(5) Die Raad kan, ten opsigte van dobbelmasjiene koppel aan 'n wye gebied progressiewe jackpot soos verwys in subartikel (4), ooreenkomstig met ander regulerende agentskappe buite die provinsie om 'n wye reeks progressiewe jackpot te verseker.

46. Oorwegings vir aansoek omcasino lisensie

(1) Wanneer 'n aansoek vir 'n casino lisensie oorweeg word, moet die Raad in ag neem die mate waarin —

(a) casino die omgewing en die buurt sal verbeter;

(b) casino toerisme in die omgewing waarin die casino gelëe is sal bevorder;

(c) casino volhoubare werksgeleenthede sal bevorder;

(d) aansoeker sal opleiding en vaardighede aan die die werknemers van die casino voorsien;

(e) aansoeker sal arbeid verkry, goedere en dienste in die gebied en provinsie en oor die algemeen vir die konstruksie van die casino;

(f) aansoeker poog om deelname in eienaarskap of winste van die casino deur persone,of groepe of kategoriëe van persone, wat voorheen benadeel was deur onregverdige diskriminasie; en

(g) die aansoeker se voornemens is om enige instelling, voordeel of bydrae te lewer, om dit te dra tot voordeel, gebruik of genot van die gemeenskap of naby die plek waar die casino gelëe is.

(2) Die Raad kan enige faktor oorweeg wat 'n invloed het op die besluitneming om sodanige aansoek goed te keur of om 'n voorwaarde of vereiste by te voeg.

47. Tentoonstelling van inligting

Die houer van 'n "casino" lisensie moet —

(a) inligting aangaande die casino speletjies soos bepaal deur die Raad op die gelisensieerde perseel vertoon; en

(b) waar 'n beskermheer versoek word, beskikbaar maak vir ondersoek 'n afskrif van die reëls wat bepaal waarin die casino speletjie gespeel moet word.

48. Gebruik van die woord "casino"

Geen persoon mag handeldryf of voortgaan met die besigheid onder die naam of titel waar die woord "casino" gebruik word as die persoon nie 'n houer van die "casino" lisensie nie uitgereik is ingevolge die "casino" Wet nie.

HOOFSTUK 5

BINGO LISENSIE

49. Bingo lisensie

(1) 'n Bingo lisensie magtig, onderhewig aan voorwaardes wat die Raad kan voorskryf, die speel of die toestaan van die speel van bingo op een of meer persele wat uiteengesit is in die lisensie.

(2) Geen persoon, anders as 'n casino lisensiehouer, mag 'n perseel waar bingo gespeel word hou of toelaat dat bingo gespeel word sonder 'n bingo lisensie wat ingevolge die Wet uigereik is nie.

(3) Geen persoon mag, deur elektroniese of enige metode wat dieselfde is of wat gekoppel is aan 'n ander perseel, voorsiening maak vir bingo om gespeel te word op daardie perseel, sonder 'n bingo lisensie wat uitgereik is ingevolge die Wet nie.

(4) Die Raad kan deur die koppeling metode soos bepaal in subartikel (3) om op te tree ooreenkomstig met ander regulerende agentskappe buite die provinsie om te verseker dat behoorlike beheer van bingo speletjies uitgeoefen word.

(5) Die LUR mag, op aanbevelings deur die Raad, deur kennisgewing in die staatskoerant verklaar dat enige spesifieke speletjie wat aansienlik dieselfde is soos bingo, bingo is.

HOOFSTUK 6

BEPERKTE UITBETALING MASJIEN ROETE OPERATEUR LISENSIE, BEPERKTE UITBETALING MASJIEN PERSEEL OPERATEUR LISENSIE EN ONAFHANKLIKE PERSEEL OPERATEUR LISENSIE

50. Beperkte uitbetaling masjien operateur lisensie

(1) 'n Beperkte uitbetaling masjien roete operateur lisensie magtig, onderhewig aan voorwaardes wat die Raad kan voorskryf, die werking van beperkte masjien uitbetalings wat voldoen aan die voorgeskrewe vereistes soos uiteengesit in die beperkte uitbetaling masjien lisensie.

(2) Die houer van 'n beperkte uitbetaal masjien roete operateur lisensie moet in 'n ooreenkoms met die houer van 'n beperkte uitbetaling masjien perseel lisensie gaan oor die plasing van dobbelmasjiene op die gelisensiëerde perseel.

(3) Die Raad kan slegs 'n beperkte uitbetaling masjien roete operateur lisensie uitreik indien die Raad tevrede is dat die aansoeker —

(a) beskik oor toepaslike inligting en ervaring of in staat wees om die nodige inligting en ervaring te verkry om dobbelmasjiene te bedryf; en

(b) voldoen aan die vereistes vir die aansoek soos bepaal deur die Raad ingevolge die Wet en die Nasionale Dobbelwet, 2004.

(4) Die Raad kan alleenlik 'n beperkte uitbetaling masjien roete operateur lisensie uitreik vir 'n aantal dobbelmasjiene soos voorgeskryf deur die Nasionale Dobbelwet, 2004.

(5) Die houer van 'n beperkte uitbetaling masjien roete operateur lisensie moet alle uiteengesite dobbelmasjiene koppel aan die elektroniese kontrolestelsel soos voorgeskryf is in artikel 60.

(6) Geen persoon mag, sonder dat 'n beperkte uitbetaling masjien roete operateur lisensie uitgereik is ingevolge hierdie Wet, toelaat of betrokke raak in besigheid van die bedryf van beperkte uitbetaling masjiene nie.

51. Beperkte uitbetaling masjiene perseel operateur lisensie

(1) 'n Beperkte uitbetaling masjien perseel operateur lisensie magtig, onderhewig aan voorwaardes wat Die Raad kan voorskryf, die hou en blootstelling van die speletjie, 'n beperkte aantal beperkte uitbetaling masjiene wat voldoen aan die voorgeskrewe vereistes, in 'n benoemde perseel wat deur die lisensie uiteengesit is.

(2)(a) Onderhewig aan paragraaf (b) kan die Raad nie 'n beperkte uitbetaling masjien perseel operateur lisensie uitreik vir die aanhou van meer as vyf beperkte uitbetaling masjiene nie.

(b) Die Raad kan aansoek doen aan die Nasionale Dobbel Raad om handel te dryf met vyf beperkte uitbetaling masjiene in oormaat en nie meer as 40: met dien verstande dat sodanige aansoeke gemaak word ten opsigte van elke perseel wat beperkte uitbetaling masjiene in oormaat van vyf soek.

(3) Die Raad kan alleenlik 'n beperkte uitbetaling masjien perseel operateur lisensie uitreik indien —

(a) die aansoeker al die vereistes nagekom het soos voorgeskryf is deur die Raad ingevolge die Wet of die Nasionale Dobbelwet, 2004; en

(b) tevrede is dat die perseel waarvoor die lisensie toegestaan is nie hoofsaaklik vir die gebruik van die werking van beperkte uitbetaling masjiene is nie.

(4) Die houer of 'n beperkte uitbetaling masjien perseel moet verseker dat —

(a) die maksimum koste vir die speletjie op enige beperkte uitbetaling masjien nie die voorgeskrewe bedrag oorskry nie;

(b) die prys ten opsigte van 'n speletjie wat gespeel word deur middel van 'n beperkte uitbetaling masjien mag nie in die totale waarde die voorgeskrewe bedrag ingevolge die Nasionale Dobbelwet, 2004 oorskry nie.

(c) die waarde van die maksimum prys, soos voorgeskryf ingevolge subparagraaf (b), mag vertoon word op die beperkte uitbetaling masjien, watter prys gewen kan word deur 'n enkele speletjie; en

(d) die beperkte uitbetaling masjien moet op 'n plek geplaas word waar 'n persoon onder die ouderdom van 18 nie toegang het nie.

(5) Geen persoon mag sonder 'n beperkte uitbetaling masjien perseel operateur lisensie wat uitgereik is ingevolge die Wet, handhaaf 'n perseel waarop die beperkte uitbetaling masjiene aangehou word en bloot gestel word vir speel.

52. Onafhanklike perseel operateur lisensie

(1) 'n Onafhanklike perseel operateur lisensie magtig, onderhewig aan enige voorwaardes wat die Raad kan oplê, die werking van nie meer as die aantal maksimum uitbetaling masjiene soos gelys op die lisensie, op die perseel spesifiseerd.

(2) Die Raad kan slegs 'n onafhanklike perseel operateur lisensie uitreik as—

(a) die aansoeker aan alle vereistes voldoen vir die aansoek ingevolge die kennisgewing soos verwys na in artikel 26;

(b) die aansoeker genoegsame kennis en ervaring verkry om beperkte uitbetaling masjiene te bedryf; en

(c) tevrede is dat die perseel ten opsigte waarvan die lisensie toegestaan is nie hoofsaaklik gebruik word vir die bedryf van beperkte uitbetaling masjiene nie.

(3) Die houer van 'n onafhankilike perseel operateur lisensie moet al die beperkte uitbetaling masjiene koppel soos uiteengesit op die lisensie na 'n elektroniese beheerstelsel.

(4) Die houer van 'n onafhanklike perseel operateur lisensie moet verseker dat —

(a) die maksimum koste vir 'n speletjie op beperkte uitbetaling masjiene nie die voorgeskrewe bedrag moet oorskry nie;

(b) die prys ten opsigte van enige speletjie wat gespeel word deur middel van 'n beperkte uitbetaal masjien mag nie in waarde die voorgeskrewe bedrag oorskry nie;

(c) die terugbetalingl aan spelers van 'n beperkte uitbetaal masjien moet nie minder as die voorgeskrewe persentasie is nie;

(d) die waarde van die voorgeskrewe prys wat gewen mag word deur 'n eenmalige speletjie op 'n beperkte uitbetaal masjien; en

(e) beperkte uitbetaling masjiene moet op 'n plek geplaas word waar geen persone onder die ouderdom van 18 toegang het nie.

(5) Geen persoon mag, sonder 'n onafhanklike perseel operateur lisensie wat uitgereik is ingevolge die Wet toegelaat word of betrokke raak in besigheid van die bedryf van operateur beperkte uitbetaling masjiene soos uiteengesit in die lisensie.

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HOOFSTUK 7

TOTALISATOR EN BEROEPSWEDDER LISENSIE

53. Totalisator operateur lisensie

(1) Geen persoon mag, sonder 'n totalisator operateur lisensie wat uitgereik is ingevolge die Wet, bedryf of toegelaat word in die bedryf van totalisator of weddery poele nie.

(2) 'n Totalisator operateur lisensie magtig, onderhewig aan voorwaardes wat die Raad kan oplê, die uitvoer van totalisator of weddery poele in ooreenstemming met die reëls wat die Raad bepaal.

(3) Die LUR mag vereistes vir 'n operateur lisensie voorskryf.

54. Totalisator perseel lisensie

(1) 'n Totalisator wat gelisensieer is ingevolge artikel 53, moet oor 'n totalisator perseel lisensie beskik in belang van die perseel soos op die lisensie vermeld.

(2) 'n Totalisator perseel lisensie magtig, onderhewig aan voorwaardes wat die Raad kan oplê, aanvaarding van die speletjie op die perseel soos op die lisensie vermeld.

55. Beroepswedder lisensie

(1) Geen persoon mag, sonder 'n beroepswedder lisensie wat uitgereik is ingevolge die Wet, direk of indirek, betrokke raak in sake van die hou of neem van wettenskappe met lede van die publiek of enige beroepswedders.

(2) Die beroepswedder soos vermeld in die lisensie hou die beroepswedder lisensie.

(3) 'n Beroepswedder lisensie magtig, onderhewig aan enige voorwaardes wat deur die Raad opgelê is, die bedryf van besigheid of 'n beroepswedder op die perseel deur die neerlê en plasing van vaste kanse en oop wettenskappe, maar nie totalisator wettenskappe nie.

(4) Die LUR mag die veistes voorskryf van die bedryf van die beroepswedder lisensie.

56. Beroepswedder perseel lisensie

(1) 'n Beroepswedder lisensieer ingevolge artikel 55, moet in besit wees van 'n beroepswedder lisensie vir elke perseel wat gebruik word deur die beroepswedder vir die bedryf van die besigheid as 'n beroepswedder.

(2) 'n Beroepswedder perseel lisensie is van toepassing op die perseel soos vermeld is op die lisensie.

HOOFSTUK 8

VERVAARDIGING, INSTANDHOUDING EN VERSKAFFER LISENSIE

57. Vervaardiging, instandhouding en verskaffer lisensie

(1) 'n Persoon wat wil bedryf, dra of op enige vorm van vervaardiging, verkryging, verkoop, verspreiding, invoer, bemarking, instandhouding, samestelling, verandering, huur, verhuur, herstel of verskaffing van enige dobbeltoestelle, moet aansoek doen, in die voorgeskrewe formaat, aan die Raad vir 'n vervaardiging, instandhouding en verskaffer lisensie.

(2) Die Raad kan alleenlik 'n vervaardiging, instandhouding of 'n verskaffer lisensie uitreik aan 'n aansoeker as die Raad tevrede is dat die aansoeker toepaslike kennis en ervaring het om so 'n lisensie te hou.

(3) Die vervaardiger, instandhouding en verskaffer lisensie magtig, onderhewig aan enige voorwaardes wat die Raad kan oplê, die —

(a) vervaardiging, verkoop, verkryging, verskaffing, invoer, bemarking, instandhouding, samestelling, verandering, huur, verhuring, herstel of verskaffing of dobbeltoestelle wat voldoen aan die veriestes wat gestel en deur die Raad goedgekeur is; en

(b) verskaffing van dobbeltoestelle of dienste aan lisensiehouers.

(4) Geen persoon mag, sonder die toepaslike vervaardiger, instandhouding of verskaffer lisensie vervaardig, verkoop, verkry, versprei, invoer, bemark, instandhou, vergader, verander,huur, verhuur, herstel of verskaf dobbeltoestelle nie.

HOOFSTUK 9

RESIES BYEENKOMS EN SPESIALE GEBEURTENIS LISENSIE

58. Resies byeenkoms lisensie

(1) Geen persoon mag, sonder 'n resies byeenkoms lisensie uitgereik ingevolge hierdie Wet, 'n resies byeenkoms hou nie.

(2) 'n Resies byeenkoms lisensie magtig, onderhewig aan subartikel (4) en voorwaardes wat die Raad kan oplê, die hou van 'n uiteengesite aantal resies byeenkomste op 'n renbaan in die lisensie vermeld.

(3) Die LUR mag die vereistes vir die werking van die resies byeenkoms lisensie voorskryf.

(4) 'n Resies byeenkoms moet gehou word binne die reëls en regulasies waar van toepassing op die bepaalde renbaan waar die byeenkoms gehou gaan word.

(5) 'n Beroepswedder lisensie mag alleenlik ingevolge artikel 55 van Wet besigheid sake doen op 'n resies byeenkoms.

59. Spesiale gebeurtenis lisensie

(1) Die Raad kan, onderhewig aan subartikel (2), op aansoek op die wyse soos deur die Raad bepaal, 'n spesiale gebeurtenis lisensie uitreik aan die aansoeker vir bepaalde datums.

(2) Die Raad kan nie 'n spesiale gebeurtenis lisensie uitreik ten opsigte van —

(a) 'n casino lisensie nie;

(b) 'n beperkte uitbetaal masjien roete operateur lisensie nie;

(c) 'n beperkte uitbetaal masjien operateur lisensie nie; of

(d) 'n onafhanklike beperkte uitbetaal masjien perseel lisensie nie.

(3) Die bepalings van artikels 27 en 31 is nie van toepassing op 'n spesiale gebeurtenis lisensie nie.

HOOFSTUK 10

ELETRONIESE MONITOR STELSEL,

DOBBELMASJIENE EN DOBBELTOESTELLE

60. Elektroniese monitor stelsel vir dobbelmasjiene

(1) Die Raad moet waar vereistes voldoen, 'n elektroniese, rekenaar of kommunikasie stelsel of toestel lisensieer wat onderwerp is om inligting te stuur of te ontvang met betrekking tot funksionering van enige masjien of apparaat goedkeur en regsitreer soos bepaal in subartikel (2), as 'n monitor/beheerstelsel.

(2) Waar die Raad registers en 'n monitoring stelsel lisensie goedkeur, moet die Raad, bykomend ander voorwaardes van die registrasie, veries dat die lisensiehouer alle dobbelmasjiene of dobbeltoestelle wat gebruik word op die gelisensieerde perseel koppel aan die monitor stelsel.

(3) Geen persoon mag enige stelsel of aparaat koppel wat nie deur die Raad geregistreer is as 'n elektroniese monitor stelsel soos bepaal in subafdeling (1).

61. Dobbelmasjiene en dobbeltoestelle

(1) Enige dobbeltoestelle en dobbelmasjien moet met die Raad geregistreer wees, behalwe—

(a) as dit van 'n kategorie vrygestel is ingevolge artikel 19(3) van die Nasionale Dobbelwet, 2004; of

(b) as die dobbeltoestel of dobbelmasjien die provinsie binne gaan deur middel van vervoer terwyl transito: met die verstande dat die persoon in beheer van die dobbelmasjien of dobbeltoestel moet wees, terwyl so 'n dobbeltoestel of dobbel diens nie beskikbaar is om gespeel te word deur enige persoon of toeganklik gemaak word vir enige lid van die publiek terwyl dit in die provinsie is en moet voldoen aan enige regulasie of rëel wat verband hou met die vervoer van dobbelmasjiene of dobbeltoestelle.

(2) Onderhewig aan subartikel (5), mag geen persoon, sonder om deur die Raad gelisensieer te wees, —

(*a*) hou, instandhou, besit, vervaardig, vergader, verkoop, versprei, vervoer, verkry, bemark, huur of verhuur van enige dobbel apparaat of dobbelmasjiene anders as speelkaarte en dobbelstene; of

(*b*) verander of anders gewysigde dobbel apparaat of enige verwante toerusting op 'n wyse wat verander of beïnvloed goedgekeurde kriteria van keuring wat die uitslag bepaal van 'n dobbelspeletjie of op enige ander wyse verander of beïnvloed die uitslag van die dobbelspeletjie.

(3) Die Raad moet verseker dat die dobbel apparaat en dobbelmasjiene voldoen aan die toepaslike norme en standaarde wat deur die dobbelbedryf ontwikkel is.

(4) Geen persoon mag verander of wysigings aanbring aan enige sagteware of hardeware wat gebruik word in enige dobbeltoestelle of dobbelmasjien in werking van enige dobbel besigheid sonder –

(a) die besit van 'n toepaslike lisensie; en

(b) die Raad se goedkeuring vir sodanige verandering en wysiging.

(5) 'n Lisensiehouer, enige persoon wie se lisensie opgeskort of ingetrek is of die trustee, likwidateur of 'n regtelike bestuurder van sodanige lisensiehouer, mag met vooraf skriftelike goedkeuring van die Raad en op die wyse en onderworpe aan die voorwaardes deur die Raad bepaal —

(a) beskik oor 'n dobbeltoestel of dobbelmasjien op 'n wyse soos goedgekeur is

deur die Raad; of

(b) die besit van sodanige dobbel apparaat of dobbelmasjiene hangende die verwydering of vernietiging daarvan.

(6) 'n Persoon waarna verwys word in subartikel (5) mag nie —

(a) meer dobbeltoestelle of dobbelmasjiene besit as wat die Raad goedgekeur het nie;

(b) 'n dobbeltoestel of dobbelmasjien verskaf of verhuur aan, of 'n dobbeltoestel of dobbelmasjien herstel of verander vir enige persoon in die provinsie wat nie in besit is van 'n toepaslike lisensie nie.

(c) toelaat en vergun dat enige persoon op enige dobbel apparaat of dobbelmasjien gebruik word wat in sy besit is om te dobbel terwyl sodanige dobbeltoestel of dobbelmasjien nie op toepaslike lisensieede perseel is nie;

(d) enige dobbeltoestelle of dobbelmasjiene herstel en verander wat nodig is om geregistreer of gelisensieer te word en wat nog nie geregistreer of gelisensieerd is nie.

(7) Die Raad kan by kennisgewing in die *staatskoerant*, toerusting verklaar, sagteware of enige ander ding wat gebruik word in verband met 'n dobbelaktiwiteit in 'n dobbel toestel.

HOOFSTUK 11

SLEUTELWERKNEMER LISENSIE

62. Sleutelwerknemer lisensie

(1) Die LUR mag voorskryf —

(a) dat sekere kategorieë werknemers in die dobbelbedryf sleutel werknemers is;

(b) die aansoek en lisensiering proses vir sleutel werknemers;

(c) verskillende fooi strukture vir kategorieë van sleutelwerknemers; en

(d) lisensie voorwaardes vir sleutelwerknemers.

(2) 'nSleutelwerknemer moet deur die Raad gelisensieerd wees.

(3) 'n'n Lisensiehouer mag nie 'n 'sleutelwerknemer in diens neem of toelaat om in enige werk betrokke te word in die dobbelbedryf, tensy die sleutelwerknemer gelisensieer is deur die Raad.

(4) 'n Sleutel lisensie is —

(a) nie oordragbaar na 'n ander persoon nie; en

(b) geldig vir die tydperk aangedui op die lisensie.

63. Diskwalifisering

Die Raad kan nie 'n sleutel lisensie uitreik aan 'n persoon, as die persoon —

(a) onder die ouderdom van 18 jaar is nie;

(b) 'n staatsamptenaar of politiek ampsdraer is nie;

(c) 'n regtelike persoon of in diens van 'n hof;

(d) gelys is op die register of uitgesluit persone ingevolge artikel 14 van die Nasionale Dobbelwet, 2004;

(e) is onderhewig aan 'n orde van 'n bevoegde hof of verklaar dat die persoon geestelik ongeskik is;

(f) is verwyder uit 'n kantoor van vertroue op grond van wangedrag met betrekking tot bedrog of wanbesteding van fondse; of

(g) is skuldig bevind gedurende die afgelope tien jaar, in die Republiek of elders, van —

(i) diefstal, bedrog, vervalsing, uitgifte van 'n vervalste dokument of meineed;

(ii) 'n oortreding onder die Voorkoming en Bestryding van Korrupte Bedrywighede, Wet 2004 (Wet Nr.12 van 2004);

(iii) enige rekenaar of rekenaar sagteware verwante misdaad;

(iv) 'n oortreding ingevolge die Nasionale Dobbelwet, 2004 van die Wet, en is gevonnis sonder die opsie van 'n boete, of met 'n boete wat

die bedrag oorskry ingevolge artikel 49(1)(f) van die Nasionale Dobbelwet, 2004 tensy die persoon 'n toekenning van amnestie of algehele kwytskelding vir die misdryf ontvang het.

64. Tydelike sleutelwerknemer lisensie

Die Raad kan, hangende die uitslag van die eerbaarheid ondersoek van die voornemende sleutelwerknemer, reik 'n tydelike sleutelwerknemer lisensie aan die voornemende sleutelwerknemer uit, indien die Raad oortuig is dat die —

(a) besigheid van die lisensiehouer in die dobbelbedryf sal ernstig benadeel word deur 'n vertraging in diens van die sleutelwerknemer; en

(b) indiens is van die voornemende sleutelwerknemer en sal nie die integriteit en behoorlike werking van die lisensiehouer besigheid benadeel nie.

65. Opskorting en herroeping

(1) Die Raad kan, onderhewig aan subartikel (2), opskort vir 'n bepaalde tydperk hoogstens ses maande of 'n sleutelwerknemer lisensie intrek, wanneer —

(a) inligting wat in die sleutelwerknemer's aansoek vervat is vals is in 'n wesenlike opsig of waar wesenlike weglating in die aansoek mag voorkom;

(b) die sleutelwerknemer aansoek word gediskwalifiseerd ingevolge artikel 63;

(c) die sleutelwerknemer het 'n bepaling oortree van die Wet of 'n voorwaarde van die lisensie; of

(d) die Raad is redelikerwys van die mening dat die sleutelwerknemer nie langer geskik is om in die besit van 'n lisensie te wees nie.

(2) Die Raad moet die sleutelwerknemer 'n skriftelike kennisgewing gee van wat die Raad beplan om die sleutelwerknemer lisensie op te skort en moet die sleutelwerknemer die geleentheid bied om gehoor te word.

(3) Die Raadmag, op enige tyd die skorsing ophef ingevolge subartikel (1), indien die Raad oortuig is dat die redes vir die skorsing reggestel is.

66. Beperking

Geen sleutelwerknemer lisensie ingevolge artikels 62 of 64 mag—

(a) deelneem aan of speel 'n dobbelspeletjie wat aangebied word deur sy of haar werknemer behalwe wanneer dit nodig is vir die vordering van die sleutelwerknemer's funksie; of

(b) oorweging of aanvaar enige fooi, graifikasie, of ander voordeel van die speler of kliënt, tensy anders soos die Reëls bepaal.

67. Sleutelwerknemer eerbiedsverslag

(1) Wanneer 'n aansoek vir 'n sleutelwerknemer lisensie oorweeg word, mag die Raad die volgende versoek—

(a) bykomende inligting van die aansoeker;

(b) skriftelike toestemming van die aansoeker aan die Raad om inligting direk van die derde party te verkry en magtiging aan sodanige derde party om die inligting te verskaf; en

(c) 'n verslag van —

(i) enige regulerende owerheid;

(ii) die Finansiële Intelligensiesentrum;

(iii) die Nasionale Direkteur van Openbare Vervolging; of

(iv) die Suid-Afrikaanse Polisiediens.

(2) 'n Verslag ingevolge subartikel (1) mag die volgende insluit —

(a) besonderhede van enige oortredings wat opgeteken is teen die persoon, tot 'n mate dat daardie besonderhede as toepaslik tot die Raad beskou word vir die

doel om te bepaal of die persoon gediskwalififiseerd is om die draer van 'n sleutelwerknemer lisensie te wees; of

(b) enige ander inligting wat 'n entiteit na verwys in subartikel (1)(c) mag beskou word as toepaslik vir die aansoek.

(3) Vir die doel van 'n verslag soos beraam in subartikel (1) 'n lid van die Suid – Afrikaanse Polisiediens mag die aansoeker of betrokke persoon versoek om sodanige inligting en besonderhede te verskaf insluitend enige vingerafdruk of palm afdruk.

(4) Die Raad moet 'n afskrif of enige eerbare verslag wat uitvoer is ingevolge die Wet aan die Nasionale Dobbelwet wat in die nasionale eerbare register ingesluit moet word.

68. Register van sleutelwerknemers

Die Raad moet 'n register hou, in die voorgeskrewe formaat, van alle sleutelwerknemers gelisensieer ingevolge die Wet.

HOOFSTUK 12

BEPERKTE EN VERBODE DOBBELAKTIWITEITE

69. Volmag lisensiëring

(1) geen persoon mag, sonder dat 'n geskikte lisensie uitgereik is ingevolge hierdie Wet –

(a) toelaat dat die speel van enige dobbelspeletjie of toelaat dat enige dobbelary op die perseel onder die beheer van daardie persoon hetsy direk of indirek plaas vind nie; of

(b) direk of indirek,betrokke wees in die bedryf van 'n dobbelbesigheid.

(2) Geen persoon mag —

(a) deelneem, fasiliteer,bevorder of enige voordeel put uit 'n skema, speletjie of kans, 'n dobbelspeletjies of weddenskap behalwe as daardie skema, speletjie of kans, dobbelspeletjies of weddenskap gelisensieerd ingevolge die Wet;

(b) sonder die goedkeuring van die Raad, direk of indirek finansiële belange of vyf persent of meer hê, in 'n dobbelbesigheid;

(c) sonder 'n lisensie of waar toepaslik die goedkeuring van die Raad, op enige wyse deel in die winste van dobbel; of

(d) uitvoer, of toelaat dat die speel van enige dobbelspeletjies op enige perseel onder die beheer van daardie persoon sonder die vereiste lisensie plaasvind nie.

70. ONREGMATIGE DOBBELARY

Geen persoon mag —

(a) betrek word in 'n gedrag of beskikbaar gestel word aan 'n dobbel-aktiwiteit as die uitslag van daardie aktiwiteit direk, indirek, gedeeltelik of geheel afhang van 'n gebeurlikheid wat verband hou met die gebeurtenis of aktiwiteit wat self in terme van enige wet onwettig is;

(b) deelneem aan, uitvoer ,organiseer, bevorder of bestuur enige skema, plan, ooreenkoms, stelsel of speletjie wat direk of indirek, gedeeltelik of heeltemal afhanklik is van staking van geld op die ewekansige seleksie of trekking van nommers in speletjies wat algemeen bekend staan Fahfee of monhina of

enige ander spel soortgelyk as fahfee of masjien en staan bekend as enige ander naam;

(c) toelaat dat enige dobbel masjien of dobbeltoestel onder die beheer is van sodanige persoon vir die doel van 'n dobbelaktiwitiet soos bepaal in paragraaf (a);

(d) enige plek in stand hou of bedryf,of sodanige perseel lisensieer vir die doel van 'n dobbelaktiwiteit soos bepaal in paragraaf (a); of

(e) toelaat dat enige perseel onder 'n persoon se beheer is of sodanige perseel gelisensieer is, om gebruik te word vir die doel van 'n dobbelaktiwiteit soos bepaal in paragraaf (a).

71. Gebeurtenisse en toevallighede

(1) Geen persoon mag dobbel oor die uitslag van enige gebeurtenisse en toevallighede, anders as —

(a) a casino spel;

(b) bingo;

(c) die werking van 'n dobbelmasjien;

(d) 'n spesiale geleentheid; of

(e) 'n sport geleentheid.

(2) Geen persoon mag dobbel op 'n gebeurtenis of gebeurlikheid in subafdeling (1) met 'n persoon anders as die houer van 'n lisensie wat uitgereik is vir sodanige geleentheid of gebeurlikheid.

72. Plek van dobbelary

(1) Onderhewig aan subartikel (2), mag geen persoon dobbel op enige plek wat nie beskou word as gelisensieerd ingevolge die Wet nie.

(2) Dobbel deur middel van die plaas van 'n telefoniese weddenskap op 'n sport geleentheid wat 'n gelisensieerde perseel plaasvind, indien die gelisensieerde houer aanvaar en die weddenskap op die gelisensieerde perseel aanteken.

73. Reëls vir dobbelspeletjies of weddenskap

(1) Geen persoon mag, 'n dobbelspeletjie speel of 'n weddenskap uitvoer anders as in ooreenstemming met die reëls wat deur die Raad bepaal word nie

(2) Die lisensiehouer mag, ten opsigte van enige dobbelspeletjie of weddenskap gemagtig word deur sodanige lisensie waarvoor geen reëls deur die Raad bepaal is nie,om reëls met betrekking tot die speel van 'n dobbelspeletjie te maak of die afneem van sodanige weddery en sodanige reëls aan die Raad voor te lê vir goedkeuring.

(3) Die lisensiehouer moet, op aanvraag van enige speler, 'n afskrif van die goedgekeurde reëls van enige dobbelspeletjie op weddery beskikbaar stel vir ondersoek.

74. Kullery en kultoestelle

(1) Geen persoon mag —

(a) toelaat dat enigiemand kul of enige kultoestel bedryf of enige persoon met inligting of met 'n toestel om te kul in 'n dobbelspeletjie of weddenskap;

(b) uitvoer, toelaat of blootstelling of speel met speelkaarte of met 'n dobbelspeletjie wat reeds —

(i) gemerk;

(ii) gepeuter;

(iii) geplaas is in 'n posisie of bedryf is op 'n wyse wat geneig is om die lisensiehouer te mislei, die spelers of publiek of die normale ewekansige kan van die dobbelspeletjie verander of om die resultaat van die dobbelspeletjie te verander;

(c) gebruik maak van enige vals skyfie , teken of speelkaarte;

(d) oortree die reëls van 'n dobbelspeletjie of inmenging op enige wyse met 'n dobbeltoestel of enige ander toestel wat gebruik word vir dobbel met die beplanning of verkryging van enige direkte of indirekte geldelike voordeel, hetsy persoonlik of vir 'n ander persoon;

(e) verander of verdraai die uitslag van 'n dobbelspeletjie of enige ander geleentheid waarop weddenskappe gemaak is nadat die uitslag bepaal is maar voordat dit aan die spelers openbaar is;

(f) plasing, vermeerdering of vermindering van 'n wedenskap of die verloop van spel bepaal na die verkryging van kennis, nie beskikbaar aan alle spelers, of die uitslag van die spel of enige gebeurtenis wat 'n invloed op die uitslag van die wedstryd mag hê of wat die onderwerp van die weddenskap of enige hulp in die verkryging van sodanige inligting verleen, vir die doel van plasing, vermeerdering of vermindering van 'n weddenskap of bepaal die verloop van voorwaardelike speletjie op so 'n geval of uitkoms;

(g) kul by enige dobbelspeletjie;

(h) eis, of te versamel, of te neem,of poog om te eis, geld of enigiets waardevol van enige dobbelaktiwiteit, wat van voorneme is om te bedrieg, sonder 'n verbintenis voorwaardelik daarop, of om te eis, of te versamel 'n bedrag groter as die bedrag wat gewen is;

(i) 'n weddenskap of verhoog 'n weddenskap na die verkryging van kennis van die uitslag van die speletjie of ander gebeurtenis wat onderwerp is aan die weddenskap;

(j) vermindering van die bedrag wat gewed is of kanselleer die weddenskap nadat inligting verkry is oor die uitslag van die spel of ander geleentheid wat onderhewig is aan die weddenskap; of

(k) manipuleer, met die doel om te kul, enige komponent van 'n dobbeltoestel op 'n wyse wat teenstrydig met die ontwerp en normale operasionele doel vir die komponent is, met die kennis dat manupilerende effekte die uitkoms van die speletjie of met die kennis van enige gebeurtenis wat die uitkoms van die speletjie affekteer of die bedrag wat gewen of verloor word.

(2) Vir die doel van subartikel (1), "kullery" beteken ook—

(a) die verandering van die keuse van die kriteria wat die uitslag van 'n dobbelspeletjie of die bedrag of frekwensie van die betaling in 'n dobbelspeletjie bepaal; en

(b) die gebruik van 'n skema, ooreenkoms, stelsel of plan wat die LUR van tyd tot tyd deur kennisgewing in die *staatskoerant* verklaar dat verneuk, en "kullery" 'n ooreenstemmende betekenis het.

75. Beskerming van minderjariges

(1) Geen persoon, onder die ouderdom van 18 , mag —

(a) toegang tot 'n aangewese gebied binne 'n gelisensieerde perseel het nie;

(b) 'n dobbelmasjien of dobbeltoestel bedryf nie;

(c) uitvoer van of stel 'n dobbelaktiwiteit beskikbaar;

(d) betrokke raak in dobbel of 'n dobbelaktiwiteit, anders as 'n vermaak spel; of

(e) valslik beweer om 18 jaar of ouer te wees, ten einde —

(i) toegang tot 'n aangewese gebied binne 'n gelisensieerde perseel te verkry;

(ii) toegang tot 'n dobbelmasjien of 'n dobbeltoestel verkry; of

(iii) betrokke raak in 'n gedrag of 'n dobbelaktiwiteit beskikbaar stel.

(2) 'n Lisensiehouer of 'n persoon wat in beheer is van 'n gelisensieerde perseel of 'n dobbelmasjien of 'n dobbeltoestel mag nie 'n persoon onder die ouderdom van 18 jaar toelaat om —

(a) 'n gelisensieerde perseel te betree nie;

(b) 'n dobbelmasjien of 'n dobbeltoestel te bedryf nie;

(c) uitvoering van of maak 'n dobbelaktiwiteit beskikbaar binne sodanige gelisensieerde perseel; of

(d) betrokke te raak in 'n dobbelaktiwiteit, anders as die vermaak spel, binne sodanige gelisensieerde perseel.

(3) 'n Persoon waarna verwys word in subafdeling (2) moet redelike stappe neem om te bepaal of 'n persoon onder die ouderdom van 18 jaar oud is.

76. Persone uitgesluit

(1) 'n Persoon wat verhinder wil word om betrokke te raak in enige dobbelaktiwiteite kan registreer as 'n uitgeslote persoon deur die indiening van 'n kennisgewing aan die Raad op 'n voorgeskrewe wyse en formaat te eniger tyd.

(2) 'n Persoon wat as 'n uitgeslote persoon geregistreer is ingevolge subartikel (1) mag 'n kennisgewing indien op die voorgeskrewe wyse en vorm om die registrasie te eniger tyd te kanseleer.

(3) 'n persoon mag aansoek doen vir die bevel wat die registrasie as 'n persoon uitgesluit is by 'n hof met 'n bevoegde jurisdiksie —

(a) 'n familielid of 'n aansoeker;

(b) 'n persoon op wie 'n aansoeker geheel of gedeeltelik ekonomies afhanklik is;

(c) 'n persoon vir wie die aansoeker geheel of gedeeltelik verantwoordelik is;

(d) 'n persoon wat onderhewig is aan 'n bevel van 'n bevoegde hof wat daardie persoon as geestelik onbevoegd beskou; of

(e) enige ander persoon —

(i) aan wie die aansoeker 'n plig het van sorg; en

(ii) wie se gedrag simptome van verslawendheid en kompulsiewe dobbel manifesteer.

(4) Indien, gedurende die omstandighede van 'n aansoek ingevolge subartikel (3), kan die hof van mening wees dat dit redelik is om die betrokke persoon van enige dobbelaktiwiteite te verhoed, die hof kan die registrasie van daardie persoon as 'n uitgeslote persoon beskou.

(5) 'n Uitgeslote persoon wat geraak word deur die orde ingevolge subartikel (4) mag, te eniger tyd, aansoek doen aan die hof om die bevel tersyde te stel en die hof kan dit doen na oorweging van die redes vir die maak van die oorspronklike orde en enige nuwe getuienis voor die hof.

(6) Die hof mag 'n bevel ter syde stel ingevolge subafdeling (3) indien die hof tevrede is dat dit nie meer skiklik is nie en om te verhoed dat daardie persoon enige dobbelaktiwiteite beoefen.

77. Beperking op krediet

'n Lisensiehouer mag nie krediet in enige vorm in die naam van 'n lisensiehouer of 'n derde persoon aan enige persoon vir die doel van dobbel verleng nie.

78. Beperking op advertering

(1) Geen persoon mag 'n dobbelaktiwiteit adverteer of bevorder —

(a) op 'n vals of misleidende wyse; of

(b) anders as 'n vermaak spel, op 'n wyse wat bedoel is om minderjariges te teiken of te lok.

(2) 'n Advertensie van 'n dobbelaktiwiteit, dobbelmasjien of dobbeltoestel of gelisensieerde perseel waarop dobbelaktiwiteite beskikbaar is, moet —

(a) 'n verklaring insluit, in die voorgeskrewe formaat, waarskuwing teen gevare van verslawende en kompulsiewe dobbelary; en

(b) nie enige element insluit wat direk of indirek bevorder of om die verwydering van 'n persoon van die register vir uitgeslote persone aan te moedig.

(3) 'n Advertensie mag nie enige dobbelaktiwiteit bevorder as gratis aan die publiek of teen korting wat teenstrydig is met die Wet, vir die doel om dobbel te beïnvloed.

(4) Die LUR mag die vereistes voorskryf vir 'n dobbel advertensie.

79. Dobbel beperking deur 'n agent

(1) Geen persoon kan, ongeag of dit vir wins is —

(a) optree as 'n agent van 'n beroepswedder lisensiehouer vir die doel van 'n weddenskap by 'n sportbyeenkoms; of

(b) optree as 'n tussenganger tussen die beroepwedder lisensiehouer en enige ander persoon vir die doel van weddenskappe by 'n sportbyeenkoms.

(2) Geen persoon kan, direk of indirek, gee of onderneem om aan 'n persoon geld of 'n ander waardevolle oorweging behalwe die bedrag te gee van sodanige ander persoon, daardie persoon oorreed om 'n weddenskap op 'n sportgebeurtenis te plaas nie.

80. Afdwingbaarheid van dobbel skuld en verbeuring van onregmatige wenpryse

(1) Ten spyte van enige bepaling van die gemenereg of enige ander wet —

(a) en onderhewig aan paragraaf (c), skuld wat aangegaan is deur 'n persoon met die verloop van 'n dobbelaktiwiteit wat gelisensieer is ingevolge die Wet of die Nasionale Wet, 2004, is regtens afdwingbaar;

(b) skuld wat aangegaan is deur 'n persoon in die loop van 'n dobbelaktiwiteit wat onwettig is ingevolge die Wet of Nasionale Dobbelwet, 2004 is nie regtens afdwingbaar nie;

(c) skuld wat aangegaan is in die loop van 'n dobbelaktiwiteit —

(i) deur 'n minderjarige; of

(ii) deur 'n uitgeslote persoon; of

(iii) as 'n informele verbintenis

is nie regtens afdwingbaar nie.

(2) Geen persoon kan wetend enige wenpryse van 'n dobbelaktiwiteit betaal aan —

(a) 'n minderjarige;

(b) 'n uitgeslote persoon; of

(c) enige ander persoon wat die wenpryse gewen het in 'n dobbelaktiwiteit wat onwettig is ingevolge die Wet.

(3) 'n Persoon wat verhoed word van die betaling van wenpryse soos verwys in subafdeling (2), moet die wenpryse ingevolge subafdelings 16(3) en 16(4) van die Nasionale Dobbelwet, 2004.

HOOFSTUK 13

WETSTOEPASSINGSINSPEKTEURS

EN

INSKIKLIKHEIDSINSPEKTEURS

81. Aanstelling van inspekteur

(1) Die Hoof Uitvoerende Beampte moet 'n geskikte gekwalifiseerde persoon aanstel as 'n inspekteur, om uit te voer, onderhewig aan die beheer en voorskrifte van die Raad, funksies toegeskryf aan 'n wetstoepassing en inskiklikheidsinspekteur ingevolge artikels 82 of 83.

(2)(a) Die Hoof Uitvoerende Beampte moet 'n aangestelde inspekteur voorsien van 'n voorgeskrewe sertifikaat van aanstelling, ingevolge subafdeling (1).

(b) Die sertifikaat van aanstelling moet aandui indien die inspekteur 'n wetstoepassing inspekteur of 'n nakoming inspekteur is.

(3) Wanneer die inspekteur 'n funksie verrig ingevolge die Wet, moet die inspekteur, op aanvraag van 'n persoon wat geraak word deur die inspekteur se funksies, die sertifikaat van aanstelling uitgereik ingevolge van subartike (2) voorlê.

(4) 'n Inspekteur mag nie enige skenking, beloning of enige voordeel van enige persoon anvaar tydens die uitvoering van 'n funksie en geen persoon mag so 'n donasie, beloning of voordeel aan 'n inspekteur gee nie.

(5) Die Minister van Justisie kan ingevolge artikel 334 van die Strafproseswet, 1977, deur middel van die kennisgewing in die *staatskoerant* inspekteurs as vredesbeamtptes verklaar en hulle magte in sodanige kennisgewing definieer.

82. Pligte en magte van 'n inskiklikheidsinspekteur

(1) Vir die doel van die Wet, kan 'n inskiklikheidinspekteur te eniger tyd en sonder kennisgewing 'n gelisensieerde perseel betree, en kan—

(a) enige gelisensieerde perseel inspekteer of ondersoek word;

(b) enige dobbelaktiwiteit of bedryf en ander aktiwiteite wat met 'n "casino" geassosieer kan word, of ander dobbelaktiwiteite, insluitend die tel van geld, skyfies, sekuriteite of enige ander item van waarde besigtig word;

(c) enige opname van bedrywighede en aktiwiteite waarna in paragraaf (b) verwys word besigtig word;

(d) vasstel of enige opname die werking van die casino-of-dobbel-aktiwiteit in 'n gelisensieerde perseel behoorlik onder toesig bestuur word en of die bepalings van hierdie Wet en die voorwaardes verbonde aan die lisensies nagekom word;

(e) die persoon versoek wat in beheer is van die perseel om onmiddelik die volgende te toon—

(i) 'n lisensie of sertifikaat wat vereis word ingevolge die Wet;

(ii)'n dobbeltoestel, skyfies, geld, boeke, rekeninge, rekords, dokumente; of

(iii) ander voorwerpe wat gebruik kan word in verband met dobbelary;

(f) ondersoek instel, inspeksie en toetsing van enige dobbel toerusting of skyfies wat in of op sodanige perseel gebruik word vir die vermoede of gebruik word in verband met dobbelary;

(g) ondersoek en inspekteur enige geld, boeke, rekeninge, rekord, finansiële state, dokument en enige ander voorwerp wat op sodanige perseel gekry word of op enige perseel gebruik word of vermoed word vir die gebruik in dobbelary en maak 'n afskrif van of neem 'n uittreksel van sodanige item;

(h) bevraagteken die lisensiehouer of 'n persoon of wat redelik beskou word deur die inskiklikheidsinspekteur as in beheer van die perseel gedurende daardie tyd, in verband met die inskrywing in boeke, rekeninge, rekords en dokumente of versoek van inligting rakende enige dobbel apparaat , skyfies of geld en

(i) beslag lê en verwyder teen die uitreiking van voorgeskrewe ontvangs, enige dobbeltoestel, skyfie, geld, boek, rekeninge rekord, dokument, rekenaar of enige ander voorwerpe in of op die perseel wat gebruik word in verband met dobbelary en wat na die mening van die inskiklikheidsinspekteur tot bewys kan strek van die pleging van 'n misdryf ingevolge hierdie Wet, of van hulp kan wees in die ondersoek van 'n beweerde of vermeende oortreding.

(2) (a) Die inskiklikheidsinspekteur kan klagtes ontvang en klagtes ondersoek van persone wat deelneem in dobbelary of die beskermheer of gelisensieerde persele.

(b) Die inskiklikheidsinspekteurs moet die Raad voorsien van 'n verslag rakende aangeduide klagtes wat enige bevindings van die ondersoek en middels aan die Raad voorstel.

(3) 'n Inskiklikheidsinspekteur kan 'n lisensiehouer of hom of haar bestuurder of enige persoon wat verband hou met die bedryf of bestuur van 'n casino of gelisensieerde perseel om voor die inskiklikheidsinspekteur te verskyn op 'n tyd en plek aangewys deur die inskiklikheidsinspekteur vir die doel van die antwoord van vrae of voorsiening van inligting wat die inskiklikheidsinspekteur van menig ag vir die ondersoek.

(4) Wanneer alles in beslag geneem is en verwyder word op 'n wyse soos voorgeneem is in subartikel (1) —

(a) 'n persoon uit wie se besit of beheer sodanige item geneem word, moet teen 'n redelike tyd en op die persoon se onkoste, of toegelaat word om afskrifte daar te maak of uittreksels daarvan, onder die toesig van die inskiklikheidsinspekteur; en

(b) die item waarop beslag gelê is en verwyder mag word moet behou word vir 'n tydperk soos die inskiklikheidsinspekteurs mag vereis en waar die items vereis word in die verrigtinge van die Raad tot dat sodanige verrigtinge afgehandel is, waarna die Raad moet bepaal of sulke items terugbesorg, verbeur of weggedoen moet word op die wyse tot beskikking.

(5) Wanneer 'n inskiklikheidsinspekteer rede het om te glo dat —

(a) 'n bepaling van die Wet

(b) die reëls van die Raad; of

(c) 'n voorwaarde van 'n lisensie,

oortree is, moet die inskiklikheidsinspekteur die saak ondersoek en moet die Raad voorsien word van 'n verslag van die bevindings van sodanige ondersoek.

(6) Geen persoon kan—

(a) die uitvoering van 'n inskiklikheidsinspekteur se funksie en magte belemmer of verhinder nie;

(b) wanneer gevra word deur die inskiklikheidsinspekteur vir 'n verduideliking of inligting met betrekking tot 'n aangeleentheid binne daardie persoon se kennis, 'n verduideliking of inligting wat vals en misleidend is voorsien, wetende dat dit vals en misleidend is; of

(c) hom of haarself valslik as 'n inskiklikheidsinspekteur voordoen.

83. Pligte en magte van 'n wetstoepassing inspekteur

(1) 'n Wetstoepassing inspekteur is 'n vredesbeampte ingevolge die Strafproseswet, 1977 en het die —

(a) magte wat aan 'n polisiebeampte of vredesbeampte toegeken is in gevolge Hoofstuk 2;

(b) magte om 'n persoon sonder 'n lasbrief inhegtenis te neem ingevolge artikel 40(1);

(c) magte wat aan 'n vredesbeampte verleen is ingevolge artikel 41(1);

(d) magte om lasbriewe vir inhegtenisneming uit te voer ingevolge artikel 44;

(e) magte om skriftelike kennisgewing uit te reik ingevolge artikel 56; en

(f) magte om skriftelike kennisgewing uit te reik ingevolge artikel 341,

Van die Strafproseswet, 1977

(2) ingevolge die magte wat toegeken word in subartikel (1), mag 'n wetstoepassing inspekteur enige perseel betree of deursoek waarop vermoed word dat

(a) 'n casino of enige dobbelaktiwiteit uitgevoer word sonder 'n lisensie; en

(b) onwettige dobbelary soos bepaal in artikel 70, uitgevoer is.

(3) Geen persoon kan —

(a) 'n wetstoepassing inspekteur in die uitvoering van sy of haar funksies of magte belemmer of verhinder nie;

(b) wanneer 'n wetstoepassing inspekteur gevra word vir 'n verduideliking of inligting met betrekking tot 'n aangeleentheid binne daardie persoon se wete, voorsien 'n verduideliking of kennis wat vals en misleidend is, wetend dat kennis vals en misleidend is; of

(c) homself of haarself valslik voorstel as 'n wetstoepassing

inspekteur nie.

84. Verset teen toetrede

(1) 'n Inspekteur wat wettiglik enige persoon of enige perseel ondersoek of enige perseel betree, kan geweld gebruik as redelikerwys nodig mag wees om enige weerstand te bowe te kom teen so 'n soektog of teen 'n betreding van 'n perseel, insluitend die breek van enige deur of venster van sodanige perseel: met dien verstande dat sodanige

inspekteur eers hoorbaar toegang vereis het tot die perseel en verwittigde doel waarvoor daardie inspekteur poog om sodanige perseel te betree.

(2) Die voorbehoudsbepaling subartikel (1) is nie van toepassing waar die betrokke inspekteur op redelike gronde van mening is dat enige artikel wat 'n voorwerp is van die soektog vernietig mag word as die voorsiening van genoemde voorbehoudsbepaling eers nagekom word

HOOFSTUK 14

VEELSYDIGE BEPALINGS

85. Regulasies

(1) Die LUR kan by kennisgewing in die staatskoerant regulasies uit vaardig ten opsigte van: —

(a) enige aangeleentheid rakende die Raad;

(b) enige aangeleentheid rakende die aansoek van 'n lisensie of registrasie;

(c) die bestuur en beheer van gelisensieerde persele;

(d) die take-out, kommisies of ander koste waarmee 'n lisensiehouer mag hef;

(e) die spel waarvoor enige dobbelspeletjie gespeel mag word

(f) die bestuur en beheer van perdewedrenne;

(g) sleutelwerknemer lisensie;

(h) dobbel areas;

(i) fooie en heffings betaalbaar deur die aansoeker en lisensiehouer;

(j) vereistes vir dobbel advertensies;

(k) die spesifikasies met betrekking tot dobbeltoestelle insluitend skyfies en tokens;

(l) beheer en toesig stelsel en die werking daarvan;

(m) die hou van rekords;

(n) die getal, verspreiding en ligging van beperkte uitbetaling masjiene

(o) faktore wat die Raad in ag moet neem voor die oorwegiging van aansoeke vir lisensies;

(p) beskermheer geskilbeslegting;en

(q) enige aangeleenthede om die oogmerke van die Wet te bereik.

(2) Regulasies maak ingevolge artikel (1) mag strawwe vir die oortreding voorskryf of geen-nakoming van spesifieke bepalings van regulasies wat 'n gepaste boete of tronkstraf insluit.

(3) Verskillende regulasies kan gemaak word kragtens die artikel ten opsigte van verskillende soorte lisensies, dieselfde lisensies met verskillende kenmerke, verskillende kategorieë persone of verskillende areas.

86. Reëls van Raad

(1) Die Raad kan, in oorleg met die LUR, en deur kennisgewing in die staatskoerant reëls maak wat nie teenstrydig is met die bepalings van die Wet wat betrekking het op die uitoefening van sy magte en bevordering van sy funksies, insluitend—

(a) enige aangeleentheid rakende die aansoek vir 'n lisensie of registrasie;

(b) die bestuur en beheer van gelisensieerde persele en dobbelbedrywighede;

(c) reëls vir die speel van enige dobbelspeletjie, bingo of weddenskappe;

(d) interne beheermaatreëls vir lisensiehouers;

(e) die boeke, rekeninge en rekords gehou en versterk moet word;

(f) enige ander aangeleentheid rakende die funksies van die Raad; en

(g) enige aangeleentheid wat ingevolge die Wet vereis of toegelaat word om te bepaal.

(2) Reëls ingevolge subafdeling (1) mag boetes voorskryf vir 'n oortreding of geen –

nakoming met spesifieke bepalings van die Reëls, wat 'n gepaste boete insluit.

87. Aanspreeklikheid, oudit en verslae

(1) Die Raad is die rekenpligtige gesag en moet verseker dat sy finansiële bestuur; boekhouding en verslae gedoen is ingevolge die Openbare Finasiële Wet, 1999.

(2) Die Raad kan algemene inligting of statistieke oor dobbelaktiwiteite in die provinsie publiseer.

88. Beskermheer dispuut resolusie

Waar 'n lisensiehouer weier om beweerde wenpryse aan 'n speler uit te betaal en die speler en die lisensiehouer nie in staat is om die dispuut op te los nie, moet die dispuut opgelos word ooreenstemmend die voorgeskrewe prosedure.

89. Toekennings aan informante

Nieteenstaande enigiets tot teendeel van enige wet, kan die Raad, uit sy fondse, 'n belonging van sodanige bedrag betaal soos die Raad bepaal aan enige persoon wat inligting verstrek wat kan lei tot die skuldig bevinding van 'n oortreding van 'n bepaling van die Wet.

90. Plaasvervangende verantwoordelikheid

(1) Wanneer 'n bestuurder van 'n besigheid waarop die lisensie betrekking het, of die agent of werknemer of lisensiehouer, doen of versuim om 'n handeling te doen wat 'n misdryf sou wees ingevolge die Wet vir die betrokke lisensiehouer, is die lisensiehouer geag om homself of haarself uit te laat om die handeling te doen, tensy hy of sy die hof oortuig dat—

(a) hy of sy oogluikend nie toegelaat word om die handeling te versuim deur die bestuurder, agent of betrokke werknemer;

(b) hy of sy redelike stappe geneem het om die handeling te voorkom of te versuim; en

(c) 'n handeling of 'n weglating, hetsy wettig of onwettig, van die aard wat gehef word op geen voorwaarde of onder geen omstandighede val binne die bestek van die gesag of diens van die bestuuder, agent of betrokke werknemer

91. Oortredings en strafmaatreëls

(1) Enige persoon wie—

(a) enige aktiwiteit dra waarvoor 'n lisensie verlang word ingevolge die Wet, sonder sodanige lisensie;

(b) 'n valse verklaring maak in 'n aansoek of proses onder die Wet;

(c) op 'n gelisensieerde perseel, 'n dobbelaktiwiteit of wedddenskap bedryf of 'n dobbelmasjien of 'n dobbel toestel aanhou wat nie goedgekeur is kragtens dieWet; (d) verhinder of belemmer 'n Lid van die Raad, inspekteur, gemagtigde amptenaar of polisie beampte tydens die voorkoming of ondersoek van 'n misbedryf kragtens hierdie Wet;

(e) hom of haar valslik aan 'n inspekteur voorstel of 'n verduideliking of inligting aan 'n polisie beampte gee of inspekteur wat vals en misleidend is;

(f) 'n uitgeslote persoon toelaat op 'n gelisensieerde perseel;

(g) gedagvaar is om getuienis af te lê by 'n verhoor of ondersoek sonder voldoende rede, versuim om —

(i) so 'n verhoor by te woon, navrae of ondersoek op die tyd en plek van die spesifieke dagvaarding;

(ii) teenwoordig te bly tot die sluiting van die verhoor,navrae of ondersoek op die tyd en plek soos in die dagvaarding vermeld;

(iii) teenwoordig te bly tot die sluiting van die verhoor, navrae of ondersoek of totdat dit verskoon is deur die Raad tot verdere bywoning;

(iv) toon enige boek,dokument of ding in hom of haar besit of bewaring of onder sy of haar beheer wat hy voor gedagvaar is om te toon;

(h) gedagvaar is deur die Raad ingevolge die Wet, sonder voldoende rede, weier om —

(i) 'n eed af te lê of 'n bevestiging te maak as 'n getuie nadat hy of sy aangewys is deur die Lid van die Raad by die verhoor, navraag of ondersoek om dit so te doen;

(ii) getuig of, ondeworpe aan die wet met betrekking tot die voorreg wat van toepassing is op die persoon wat getuienis lewer of die vertoning van 'n boek,dokument of ding voor die geregshof;

(iii) of om te versuim om 'n volledige en bevredigende antwoord te gee na die beste van sy of haar kennis en wete op enige vraag wettiglik aan hom of haar; of

(i) nadat die eed afgelê is of bevestiging gemaak is, valse getuienis aan die Raad gee by 'n verhoor, navraag of ondersoek oor enige aangeleentheid wetende dat sodanige getuienis vals is;

begaan 'n misdryf en is by skuldigvinding strafbaar met 'n boete of gevangenisstraf of beide sodanige boete en gevangenisstraf.

(2) 'n Persoon wat sonder 'n toepaslike lisensie of nie inooreenstemming met die bepaling van die Wet, in besit is van enige —

(a) dobbeltoestel;

(b) dobbelmasjien;

(c) katrol band wat ontwerp is in die gebruik van 'n dobbelmasjien;

(d) toestel wat 'n dobbelmasjien behoort te wees maar vir die verwydering van sy onderdele of herprogramering daarvan;

(e) toestel wat in staat is om elektronies teenwoordig te wees in katrol band wat gebruik word in die dobbelmasjien;

(f) 'n toestel wat vervaardig is as 'n dobbelmasjien en wat te eniger tyd omskep is sodat dit nie in staat is om kontant tokens te betaal of so 'n toestel in staat te stel vir 'n speler om 'n prys te wen.nie;

(g) rekenaar sagteware wat die speler in staat stel om enige krediete wat in 'n dobbelspeletjie gewen is na 'n ander rekenaar of eksterne data stoor toestel te laai;

(h) rekenaar hardeware wat hoofsaaklik ontwerp is vir die gebruik in die speel van speletjies wat bepaal is deur subparagraaf (f) op 'n rekenaar; of

(i) dokumente, boeke, rekord, versinsel of instrument of 'n ding wat gebruik word vir die doel of in verband met die pleging van 'n misdryf kragtens die Wet,

begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of beide sodanige boete of gevangenisstraf.

(3) 'n Persoon wat artikels 36(5), 40, 42(1), 42(4), 42(5),43(2),45(4),47,48,49(2),49(3);49(5), 50(5), 50(6), 51(4), 51(5), 52(3), 52(4), 52(5), 53(1), 54(1), 55(1), 56(1), 57(4), 58(1), 58(5), 60(3), 61(1),

61(2), 61(4), 61(5), 61(6), 62(2), 62(3), 66, 69, 70, 71, 72(1), 73, 74, 75, 77, 78(1), 78(2), 78(3), 79, 80(2), 80(3), 81(4), 82(3), 82(6) or 83(3) oortree begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of beide sodanige boete en gevangenisstraf.

(4) Alle boetes opgelê ingevolge hierdie Wet wat voortspruit van die Raad.

(5) Wanneer 'n persoon gestraf word vir 'n oortreding ingevolge die Wet of erkening van skuld betaal ingevolge artikel 57 van die Strafproseswet, 1977, alle koste vir vervoer of berging van enige dobbelmasjien of dobbeltoestel, toerusting of enige ander ding wat deur middel van die misbedryf gepleeg is of wat gebruik is in die pleging van die misdryf of wat in besit van die persoon wat skuldig bevind is te vinde was, en enige toetsing daarvan deur die Suid-Afrikaanse Buro vir Standaarde moet benewens enige boete of straf opgelê, betaal word deur sodanige persoon.

92. Verbeurings

'n Hof kan,by skuldigvinding van 'n persoon vir 'n misdryf verklaar om verbeur te word aan die Raad—

(*a*) alle geld, muntstukke, tjeks, rekeninge of belowende note of ander dokumentasie wat die verkryging of bewys van 'n besigheid vir die betaling van geld vind op enige ongelisensieerde perseel of enige persoon wat in of op die perseel was;

(*b*) alle boeke, lyste, speelkaarte, dokumente of ander papier, of enige instrument, masjien of ding met betrekking tot die gebruik in verband met dobbelary gevind is op sodanige perseel; en

(*c*) enige onbeweegbare eiendom, voertuie, vaartuig, vliegtuie, houer of ander artikel wat gebruik word in die oortreding.

93. Delegering van magte

(1) Onderhewig aan subartikel (2), die Raad mag,, skriftelik, delegeer aan 'n lid, komitee, werknemer van die Raad of die Uitvoerende Hoof, 'n bevoegdheid, funksies of plig toevertrou of oplê ingevolge die Wet, .behalwe die bevoegdheid om 'n besluit te maak met betrekking tot die toekenning, wysiging of herroeping van 'n lisensie.

(2) Die magte om 'n besluit te neem met betrekking tot 'n toekening van, oordrag van wysiging of herroeping van 'n lisensie, behalwe as 'n sleutelwerknemer lisensie, nie gedelegeer word nie.

(a) beperkte uitbetaling masjien perseel operateur lisensie ingevolge artike 23(2)(b);I

(b) totalisator perseel lisensie ingevolge artikel 23(2)(h);

(c) spesiale gebeurtenis lisensie ingevolge artikel 23(2)(o) en

(d) sleutelwerknemer lisensie ingevolge artikel 23(2)(p)

(3) Die mag om 'n boete op te lê kan nie gedelegeer word nie, behalwe aan 'n komitee van ten minste drie lede van die Raad.

(4) Die Hoof Uitvoerende Beampte kan, met die goedkeuring van die Raad, sy of haar magte, pligte of funksies delegeer, insluitend magte, pligte of funksie delegeer aan die hoof uitvoerende beampte deur die Raad, aan enige lid van die Raad of persoon in diens van die Raad.

(i) enige ander werknemer van die Raad met die toepaslike kennis en ondervinding; of

(ii) enige ander persoon, nadat na oorleg met die Raad

(5) Enige persoon aan wie 'n bevoegdheid verleen of wat gemagtig is om daardie plig uit te voer ingevolge hierdie artikel moet daardie bevoegdheid uitoefen of daardie plig uitvoer onderworpe aan die voorwaardes van die persoon wat die delegering gedoen of die magtiging verleen het as gepas ag

(6) 'n Afvaardiging onder die artikel mag te eniger tyd herroep of onttrek word.

(a) moet skriftelik wees;

(b) verhoed nie die persoon wat die delegering gedoen het of verleen magtiging vir die uitoefening van daardie bevoegheid of verrigting van daardie plig homself of haarself

(c) kan te eniger tyd deur daardie persoon ingetrek word.

(7) Enigiets wat gedoen is in die uitoefening of verrigting van die gedelegeerde bevoegdheid, plig of funksie moet beskou word as deur die Raad of Hoof Uitvoerende Beampte gedoen, na gelang wat die geval mag wees.

94. Betrokkenheid van staatsprokureur

Die Raad mag nie regtelike verrigtinge of enige stappe in enige regtelike verrigtinge neem sonder om die staatsprokureur te betrek.

95. Herroeping van wette

Die Limpopo Provinsie Dobbelwet, 1996 (Wet Nr. 4 van 1996) is hierby herroep.

96. Korttitel en inwerkingtreding

(1) Hierdie Wet is die Limpopo Dobbelwet, 2013 en tree inwerking op 'n datum wat vasgestel is deur die Premier deur die proklamasie in die staatskoerant.

(2) Verskillende datums kan ten opsigte van verskillende artikels in die Wet vasgestel word.

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SKEDULE 1

OORGANGSBEPALINGS

1. Definisies

In die Skedule—

"Intree datum" beteken die datum waarop die Wet, of enige relevante bepaling daarvan, wat in werking tree ingevolge artikel 95; en

"vorige Wet "beteken die Limpopo Provinsie Dobbelwet, 1996 (Wet Nr. 4 van 1996).

2. Algemene behoud op regte, kennisgewengs, pligte en ander instrumente

(1) 'n Reg, geregtigheid, voorreg wat geniet word of verpligting wat opgelê is aan enige persoon in terme van die bepaling van die vorige Wet, wat nie spandeer, vervul is of opraak onmiddelik voor die datum van intrede, word beskou as, geldige reg, voorreg of verpligting op die persoon wat ingevolge die Wet opgelê word, vanaf die datum dat die reg of verpligting die eerste keer ontstaan het.

(2) 'n Kennisgewing wat gegee is deur enige persoon aan 'n ander persoon ingevolge die bepaling van die vorige Wet is oorweeg om 'n kennisgewing te wees ingevolge enige vergelyke bepaling van die Wet, vanaf die datum dat die kennisgewing gegee is onder die vorige Wet.

(3) 'n Dokument wat, voor 'n datum van intrede, wat ooreenstemming met die vorige Wet bedien is, word beskou as bevredigend gedoen vir die doel van die Wet.

(4) 'n Bevel gegee deur die Raad ingevolge die bepalings van die vorige Wet wat van krag was onmiddelik voor die datum van intrede wat steeds van krag is onderhewig aan die bepaling van die Wet.

(5) 'n Lisensie uitgereik ingevolge die vorige Wet en wat onmiddelik van krag was voor die datum van intrede, onderhewig aan betalings, geld en heffings, word beskou as 'n lisensie ingevolge hierdie Wet en bly van krag, onderhewig aan die bepalings van die Wet.

(6) 'n Aansoek vir die lisensie ingedien ingevolge die Wet moet hanteer word ingevolge die bepalings van die vorige Wet, ondanks die inwerkingtreding van hierdie Wet.

(7) 'n Vredesbeampte wat aangestel is ingevolge artikel 334 van die Strafproseswet, 1977 (Wet Nr.51 van 1977) vir die doel van die vorige Wet, gaan voort om 'n Vredesbeampte te wees vir die doel van die Wet.

(8) Ondergeskikte wetgewing uitgereik ingevolge die vorige Wet gaan voort om van krag te wees onder die ooreenstemmende bepalings van die Wet, totdat dit herroep is.

(9) 'n Sertifikaat wat uitgereik is aan 'n inspekteur ingevolge die vorige Wet voor die datum van intrede, is steeds geldig asof die sertifikaat uitgereik is ingevolge die Wet, totdat dit verval of gekanselleer is deur die Raad.

(10) Wanneer 'n elektroniese, rekenaar of kommunikasie stelsel of toestel wat ontwerp is om inligting te stuur en te ontvang met betrekking tot die funksionering van enige masjien of apparaat en bedoel is as 'n beheerstelsel nie gelisensieer is deur die Raad,moet die

lisensiehouer, binne 'n tydperk van 12 maande van die intree datum sodanige beheerstelsel.lisensieer.

3. Limpopo Dobbel Raad en personeel

(1) 'n Lid van die Raad voor die datum van intrede is steeds 'n lid van die Raad, behou dieselfde posisie tot en met die verstryking van die termyn waarin daardie persoon aangestel is ingevolge die vorige Wet.

(2) 'n Lid van die personeel wat aangestel is onder die vorige Wet voor die datum van intrede behou steeds daardie aanstelling ingevolge die Wet.

This is to certify that this Act has complied With the Standing Rules and Orders of the House and was thus adopted by the Honourable House on this 05 Day of 12 2013

Signed: ..... Date: 05.12.2013

SPEAKER OF THE LIMPOPO LEGISLATURE

MMUŠO WA PROFENSE YA LIMPOPO
KANTORO YA TONAKGOLO

NOMORO YA TSEBIŠO . . . . . YA 2014

GO THONGWA GA MOLAO WA GO KEMPOLA WA LIMPOPO, 2013 (MOL NOMORO.3 WA 2013)

Go ya ka Karolo 96 ya Molao wa go Kempola wa Limpopo, 2013 (Mol Nomoro. 3 wa 2013), Nna, Chupu Stanley Mathabatha ke bea letšatši la 1 September 2014 bjalo ka letšatšikgwedi leo le beilwego gore Molao wo o tlo thoma go šoma, ka ntle ga karolo 26(9)(b)(iii) le (iv), yeo e tlatlego e thoma go šoma ka letšatšikgwedi leo le sa ilego go kgethwa.

_____

CHUPU STANLEY MATHABATHA
TONAKGOLO: LIMPOPO

LETŠATŠIKGWEDI:

Ofong tša Setshwaraphoko sa Porofinsia
Dikgoboko tša ...

MOLAO

Go lokiša lengwalo la kgopelo le go lebelelediša dilaesense tša dikhasino, pinko, tsela ya go šoma ka metšhene ya go lefela tšhelete ye e ripilwego, lefelo la go šomiša metšhene ya go lefela tšhelete yeo e ripilwego, lefelo la go šomiša metšhene la go ikema, sebaledi le sedirišwa sa go petša, dikopano tša mabelo le ditiragalo tša go ikgetha, go aga, go hlokomela le go fa di dirišwa tša go kempola, bašomedi ba bohlokwa; le go tliša mediro ya go kempola yeo e ganetšwago; go tliša ditshepedišo tša molao, go swara Boto ya go Kempola ya Limpopo, go ganetša Molao wa go Kempola wa Limpopo wa 1996, le go hlokomela ditaba tšeo di sepedišanago le tše.

BJALO KA GE E BEILWE KE Lekgotlatheramelao la Profense ya Limpopo ka mokgwa wo o latelago:–

PEAKANYO YA DIKAROLO

KGAOLO 1

MATSENO

1. Ditlhaloso

2. Morero wa Molao

KGAOLO 2

BOTO YA GO KEMPOLA YA LIMPOPO

3. Boto ya go Kempola ya Limpopo

4. Mešomo le Maatla a Boto

5. Tlhamo ya Boto

6. Go ba le maswanedi le go se be le maswanedi ge go thwalwa batho ba Boto

7. Go Thwalwa ga Maloko a Boto

8. Nako ya go ba Kantorong

9. Boitokollo Mošomong, go tlošwa kantorong le dikgoba tša mešomo

10. Ditefelo le diputseletšo tša Boto

11. Go bololla dikgahlego

12. Mohlankediphethiši

13. Maatla le mešomo ya Mohlankediphethiši

14. Bašomedi ba Boto

15. Ponagatšo tša sephiri

16. Seemo sa sekhwama sa setšhaba

17. Dikhwama tša Boto

18. Dikopano tša Boto

19. Dikomiti tša Boto

20. Ditherišano tša Boto

21. Go kgetha batho

22. Dinyakišišo ka Boto

KGAOLO 3

GO FANA KA LAESENSE

23. Mehuta ya dilaesense

24. Go paledišа goba go ganetša laesense

25. Go ganetša motho ka laesense ka morago ga ge laesense e ntšhitšwe

26. Tsela ya go dira kgopelo ya laesense

27. Go dira kgopelo, kemedi le kganetšo ya tekolo ke setšhaba

28. Ditšhelete tša go nyakišiša

29. Tlhahlobo ya lefelo

30. Pego ya maitshwaro a mabotse

31. Ditheetšo tša go dira kgopelo

32. Keleletšo ya lengwalo la kgopelo

33. Ditaba tša Ikonomi le tlhabollo ya leago tše di swanetšego go fiwa šedi

34. Ditaba phadišano tše di swanetšego go fiwa šedi

35. Seemo sa Laesense

36. Go fega goba go fediša laesense le tokišo ya seemo sa laesense

37. Laesense ya lebakanyana

38. Go khudušwa ga lefelo

39. Lehu goba bogolofadi

40. Tshwanelo ya go tšweletša le go hlagiša laesense

41. Tshwanelo ya go lefa ditefelo le dilebi

42. Matloto le taolo ya mašokotšo

43. Setifikeiti sa maleba

44. Phokotšo ya ditokelo malebana le laesense

KGAOLO 4
LAESENSE YA KHASINO

45. Laesense ya khasino

46. Dikeleletšo tša kgopelo ya laesense ya khasino

47. Go bontša tshedimošo

48. Tšhomišo ya lentšu le "khasino"

KGAOLO 5

PINKO

49. Laesense ya Pinko

KGAOLO 6

MOTŠHENEKILETŠO WA GO LEFELA WA LAESENSE YA TSELA YA TSHEPETŠO, MOTŠHENEKILETŠO WA GO LEFELA WA LAESENSE YA LEFELO LA TSHEPETŠO LE LAESENSE YA TSHEPETŠO YA LEFELO LA GO IKEMELA

50. Motšhenekiletšo wa go lefela laesense ya tsela ya tshepetšo

51. Laesense ya motšhene wa go lefela wa tsela ya tshepetšo

52. Lefelo la tshepedišo la laesense la go ikema

KGAOLO 7

MOTŠHENE WA GO LEFELA LAESENSE YA MOPETŠIŠI

53. Laesense ya tshepetšo ya motšhene wa go lefela

54. Laesense ya lefelo la motšhene wa go balela

55. Laesense ya mopetšiši

56. Laesense ya lefelo la mopetšiši

KGAOLO 8

GO BOPA DILO, GO BOLOKA LE GO FEPA KA LAESENSE

57. Go bopa, go lokiša le go aba laesense

KGAOLO 9

KOPANO YA MOKATO LE LAESENSE YA MOLETWANA WA GO IKGETHA

58. Laesense ya kopano ya go mokato

59. Laesense ya moletlwana wa go ikgetha

KGAOLO 10

MOKGWATSHEPETŠO WA SEMOHLAGASE WA GO HLOKOMELA METŠHENE YA GO KEMPOLA LE DITLABELO TŠA GO KEMPOLA

60. Mokgwa wa go lekola wa semohlagase wa metšhene ya go kempola

61. Metšhene ya go kempola le ditlabelo tša go kempola

KGAOLO 11
LAESENSE YA BAŠOMI BA BOHLOKWA

62. Lesense ya mošomitheo

63. Phego goba phedišo

64. Laesense ya mošomedi wa bohlokwa ya lebakanyana

65. Phego goba phedišo

66. Thibelo

67. Pego ya go tshepagala ya mošomedi yo bohlokwa

68. Retšistara ya bašomedi ba bohlokwa

KGAOLO 12
MEDIRWANA YA GO KEMPOLA YEO E THIBETŠWEGO LE YEO E ILEDITŠWEGO

69. Go fa laesense ka taelo

70. Go kempola ga go se be molaong

71. Dipatametšo

72. Lefelo la go kempola

73. Melao ya go kempola goba go petša

74. Go hlaelefetša le ditlabelo tša go hlalefetša

75. Tšhireletšo ya ba bannyane

76. Batho bao ba sa akaretšwago

77. Thibelo ya sekoloto

78. Thibelo go kwalakwatšo

79. Thibelo go kempola ka morekišetši

80. Kgapeletšo ya sekoloto sa go kempola le kotlo ya meputso ya ditšhelete tša go se be molaong

KGAOLO 13
BAHLAHLOBI BA GO TIIŠA MOLAO

LE
BAHLAHLOBI BA GO OBAMELA MELAO

81. Thwalo ya bahlahlobi

82. Mešomo le maatla a mohlahlobi wa go obamela melao

83. Mešomo le maatla a mohlahlobi wa go tiiša molao

84. Twantšho kgahlanong le go tsenela

KGAOLO 14

DITLHATHOLLO TŠA GO HLAKAHLAKANA

85. Melawana

86. Melao ya Boto

87. Tlhalošo semmušo, tlhakišo le dipego

88. Sephetho sa ngangišano ya bathekgi

89. Meputso ya ditshebi

90. Maikarabelo a go kwagala

91. Melato le dikotlo

92. Tahlegelo

93. Go abela maatla

94. Go akaretša ga ramolao wa semmušo

95. Phedišo ya melao

96. Thaetlele ye kopana le go thoma

ŠETULO 1

Dinyakwa tša bogareng

KGAOLO 1

1. Ditlhaloso

Ka ntle le ge dikagare di laetša ka mokgwa wo mongwe ka mo go Molao wo —

"papadi ya go ithabiša" e ra gore papadi, kantle ga pinko goba papadi yeo e swanago le goba yeo e tšerwego go papadi yeo e bapalwago ka khasinong goba motšheneng wa go kempola, e bapalwago ka, goba ka mokgwa wa motšhene wa go ithabiša woo o lego gore, ge o seno lefela tšhelete, thokene goba sa go swana le yona, e gona go ka bapalwa gape yeo e kgontšhago mmapadi go thopa sefoka, ge fela sefoka seo se se ka mokgwa wa tšhelete, dithokhene, sekoloto goba sedirišwa sefe goba sefe seo go ka boledišwanago ka sona, eupša se gomela go difoka tšeo e sego tša tšhelete ya boleng bja mmaraka bjoo bo kgethilwego ke Boto.

"motšhene wa go ithabiša" e ra gore motšhene goba sedirišwa, ka ntle ga sedirišwa sa go kempola, seo ka sona papadi ya go ithabiša e ka bapalwago.

"mogwera" mogwera e ra gore

(a) mongmošomo ;

(b) modirišani go ya ka tumelelano ya bodirišani;

(c) modirišani wa mongdišere wa khamphani ya phoraefete yeo e akantšwego ka go molao wa Dikhamphani wa 2008 (Molao wa 71 wa 2008);

(d) mošomimmogo wa Kgwebo yeo e akantšwego ka go Molao wa Kgwebo 1984 (Molao wa 69 wa 1984); wa Kgwebo, le

(e) motho yo e lego gore motho yo mongwe o mo file maatla a ramolao goba, motho yoo e lego gore motho yo mongwe o hweditše maatla a ramolao.

"go petša goba go iteka mahlatse" e ra go re

(a) ge o le mmapadi o petša ka tšhelete goba sesengwe le se sengwe sa bohlokwa ka go petša ka kgonagalo yeo e sa fetogego goba ka go petša go go bulegilego ka mopetšiši goba se sengwe le se sengwe sa tšhoganetšo; goba

(b) go ba mopetšiši ge —

(i) o amogela seripa sa tšhelete goba sengwe le sengwe sa bohlokwa ka go petša mo go sa fetogego, goba go petša ga go bulega, go tšwa go mmapadi nakong efe goba efe ya tšhoganetšo;

(ii) go petša ka tšhelete goba sengwe le sengwe sa bohlokwa go petšo yeo e sa fetogego, goba go petša mo go bulegilego, le mopetšiši e nngwe goba tšhoganetšo efe goba efe;

(c) go petša goba go amogela tšhelete ya go petša goba sengwe le sengwe sa bohlokwa le motho o tee goba ba ba ntši ka tšhoganetšo efe goba efe, goba

(d) go dumela ka gohle gore o tshepiša go dira bjalo ka ge go bontšhitšwe go ditemana tša (a), (b) goba (c)

"pinko" e ra gore papadi, go akaretšwa papadi yeo e bapalwago ka moka ga yona go ba seripa sa yona ka mokgwa wa seelektroniki

(a) yeo e bapalwago gore e lebelelwe, go šomišwa dikarata goba di didrišwa tše dingwe (go sa kgathale gore ke tša se-elektroniki goba ke tša mokgwa wo mongwe) –

(i) tšeo di arogantšwego ka dikgoba, tšeo e lego gore ye nngwe le ye nngwe e na le palo yeo e fapanego, seswantšho goba leswao goba;

(ii) ka dipalo, diswantšho goba maswao tšeo di šešerekantšhitšwego ka mokgwa woo e lego gore karata ye nngwe le ye nngwe goba sedirišwa se sengwe le se sengwe se be le dipalo tša moswananoši, diswantšho goba maswao,

(b) moo e lego gore

(i) modiriši goba motsebiši oa bitša goba a laetša tlhatlamano ya dipalo, diswantšho goba maswao ka go hlakahlakana gommme ba bapadi ba nyalantša dipalo, diswantšho goba maswao tšeo di bonagalago godimo ga dikarata goba sedirišwa sa go swana le tlhatlamano ge e bitšwa goba e bontšhwa; goba

(ii) sedirišwa sa elektroniki goba sa goswana le sona se ntša le go laetša dipalo go ya ka tlhatlamano, diswantšho goba maswao le gore

legatong la ba bapadi se bapetša palo ye bjalo, seswantšho goba leswao le dipalo, diswantšho le maswao tšeo di lego godimo ga karata ya elektroniki goba sedirišwa se sengwe sa go swana le yona ka morago ga ge palo yeo, seswantšho goba leswao se ntšhitšwe goba se bontšhitšwe, gape

(c) moo e lego gore-

(i) mmapadi yoo e lego wa mathomo go bapetša dikgoba ka moka godimo ga karata goba sedirišwa se sengwe se bjalo ka yona, goba yoo a bapetšago sehlopha sa dipalo, diswantšho goba maswao karateng goba sedirišweng o thopa sefoka; goba

(ii) mmapadi yoo legatong la gagwe sedirišwa sa elektroniki goba sa go swana le sona seo go boletšwego ka sona go temana ya (b)(ii) e bile wa mathomo go nyalanya le dikogoba tšeo di lego karateng, goba sedirišwa sa go swana le yona, goba ya nyalana le sehlopha sa dipalo tšeo di laeditšwego, diswantšho le maswao ao a lego godimo ga karata ya elektroniki goba sedirišwa se bjalo ka yona, o thopa sefoka goba difoka tša gofeta se tee

goba papadi efe goba efe yeo bjalo ka ge bontšhitswego goba pinko go ya ka karolo 49(6) ya Molao wo

"Boto" e ra gore Boto ya Limpopo ya go Kempola yeo go boletšwego ka yona go karolo 3 ya Molao wo

"mopetšiši" e ra gore motho yo a amegago thwii goba ka mokgwa o mongwe go bea gopetša ga go se fetoge goba gopetša go go bulegilego le setšhaba goba bapetšiši ba bangwe

"laesense ya mopetšiši" e ra gore laesense yeo e ntšhitšwego go ya ka karolo ya 55.

"Khasino" e ra gore meago yeo dipapadi tša go kempola di bapalwago go yona, eupša ga e akaretše meago yeo e lego gore

(a) ke pinko fela goba dipapadi tše dingwe tša go kempola di bapalwago goba di gona go ka bapalwa;

(b) ke metšhene ya go lefela go go lekanyeditšwego fela e le go gona go ka bapalwa:

(c) metšhene ya tefelo tše di lekanyeditšwego fela le pinko eupša ga gona papadi ye nngwe ya go kempola e ka bapalwago goba di gona go ka bapalwa;

"laesense ya go šomiša khasino" e ra gore laesense yeo e ntšhitšwego go ya ka karolo ya 45;

"Mohlankediphethiši" e ra gore motho yo a thwetšwego go ya ka karolo ya 12

"tshwaro" e ra gore go tšwetša kgwebo pele, go laola, go babalela, go lebelela, go ba goba mong, le " go lota" e swana le tlahloso yeo e filwego;

"keletšo" e ra gore -

(a) tšhelete, thekišo, thoto, tšheke, thokene, thekethe, mokitlana wa elektroniki, mokitlana, go kolotiša goba tšhipo ya elektroniki, sedirišwa se bjalo goba

(b) selo se sengwe le se sengwe, se ikemišeditšego, tshepiša, tumelelano, ntle le boleng bja sona, goba e ka fetišwa thwii goba aowa

"tšhoganetšo" e ra gore tiragalo moo elego gore dipoelo tša ntshe ga di tsebje go fihlela ge di diragala;

"taolo ya dikgahlego" e ra gore taolo thwii goba taolo yeo e sego ya twhii ya kgwebo ya monglaesense ka maatla a go ba le dišere, maatla a go kgetha, maatla a go thwala balaodi, go ba ka mokgwa ofe goba ofe le mabapi go direla le Molao wo, motho a ka laola goba o se emong sa go laola mang le mang yo e lego monglaesense goba bao ba sa tlogo ba le di laesense ge :-

(a) motho yo bjalo, a nnoši goba a na le mošomi ka yena, a le seemong go ka —

(i) laola monglaesense yoo;

(ii) laola tekanyetšo thwii goba ka mokgwa wo mongwe wa seabe sa mong wa monglaesense;

(iii) ganetša tiro efe goba efe e tšewago ke boto, goba balaodi ba monglaesense yoo, goba go thwala, goba go ganetša go thwala ga bonnyane bja seripa sa balaodi ba boto ba thwii goba ka mokgwa o mongwe, tsela goba kganetšo go ditaba tše bohlokwa tšeo di amago balaodi goba monglaesense yoo, goba

(b) monglaesense yo a lego gona goba yoo a na lego kholofelo ya go ba monglaesense goba moo elego gore monglaesense ke khamphani, diphesente tša go feta tše masomehlano tša balaodi ba khamphani ye bjalo, o emela goba o tle aetše go emela, goba ka tlase ga kontraka, peakanyo goba kwešišo, e le ya molao goba e se ya moalo, o swanetšwe goba o lebeletšwe go emela, go ya ka di tshepetšo, ditaelo goba ditumo tša, goba ge go ka hwetšwa motho yo bjalo yena le mošomi ka yena ba šoma mmogo, goba ge e le gore motho yo bjalo ke khamphani, balaodi ba khamphani;

"Molao wa Tshepidišo ya Bosenyi, 1977" e ra gore Molao wa Tshepedišo ya Bosenyi, 1977 (Molao wa 51 wa 1977);

"lefelo leo le kgethilwego" malebana le —

(a) lefelo, e ra gore lefelo leo moo e lego gore go dumeletšwe gore go bewe motšhene wa go lefa tšhelete yeo e lekaneditšwego, le

(b) tabeng ye nngwe, e ra gore sekgoba lefelong leo le na lego laesense moo e lego gore papadi ya go kempola e gona go ka bapalwa e bile re tsenyeletša lefelo leo le kgethetšwego seo ke Boto ge e le gore laesense e ntšhitšwe ke boto;

"Khantshele ya Khuduthamaga" e ra gore; Khantshele ya Khuduthamaga ya Limpopo;

"leloko la lapa" e ra gore

(a) molekane, goba

(b) ngwana, motswadi, goba kgaetšedi, le gore segwera seo e ka ba e le sa matswalo, lenyalo goba ngwana yo a rekilwego

"Dikgahlego go tša ditšhelete" e ra gore —

(a) tokelo goba tshwanelo ya go abelwa ditseka goba tšhelete;

(b) tokelo ya mmakgonthe ge go lebeletšwe thoto ya khamphani, khophareišene goba kgwebo;

(c) tokelo ya mmakgonthe goba ya motho ye e šomišwago ke khamphani, khophareišene goba kgwebo

(d) kgahlego ya thwii goba yeo e sego ya thwii go kgetho ya dišere, goba tokelo ya go kgetha tšeo di sepelelanago le dišere tša khamphani goba kgahlego go kgwebo;

"go petša go go sa fetogego" e ra gore go petša ga mokgwa wa go feta o tee tšeo di dumelelwago ka nako yeo go petšwago ka yona;

"modiro wa go kempola" e ra gore modiro woo o akaretšago —

(a) go petša goba go amogela go leka mahlatse;

(b) go petša goba go amogela go petša ka sebaledi; goba

(c) go iponagatša go bapala, goba go bala pinko goba papadi ya go kempola;

"sedirišwa sa go kempola" se ra gore **sedirišwa,** khomphutha goba sedirišwa sefe goba sefe seo e lego gore se diretšwe ditabeng tša malebana le mediro ya go kempola gomme e akaretša sedirišwa sefe goba sefe sa elektrone, goba motšhene, sa go bapala dikarata goba mataese, goba sedirišwa sefe goba sefe seo e elgo gore goya ka karolo 61(7) Boto e ka tsebiša gore ke sedirišwa sa go kempola;

"papadi ya go kempola" e ra gore —

(a) papadi yeo

(i) e bapalwago ka morago ga go lefela, ka lehutšo la gore motho yoo a bapalago a ka tla a hwetša setseka goba tefelo; le

(ii) dipoelo di ka tlišwa ke bokgoni bja mmapadi goba mahlatse goba tšona ka moka

(b) Go petša mo go diragalago khasinong mabapi le tiragalo yeo e kwanago le ditaba go temana ya (a);

"motšhene wa go kempola" e ra gore motšhene, wa go šomiša mohlagase, bitio, elektroniki, goba sedirišwa se sengwe sa motšhene goba ka ntle ga motšhene wa go ithabiša wo; —

(a) o diretšwego go bapalwa goba o gona go ka bapalwa goba go šomišwa ka morago ga go lefa tefelo ye itšego; le

(b) o ka rego ka lebaka la go bapalwa goba go šomišwa, o dumelelago mošomiši goba mmapadi tefelo, goba wa lefela mošomiši goba mmapodi;

"mošomiši wa lefelo yo a ikemego" e ra gore mošomiša lefelo yo a sego a kgokagana le mošomiša tsela e bile o na le laesense ya go šomiša le goba le metšhene ya ditefelo tšeo di fokoditšwego lefelong le tee gomme o rwele maikarabelo a go hlokomela le go lokiša metšhene a lebeletše taba ya go kgoboketša tšhelete le go lefela lekgetho ka nako go Boto;

"mohlahlobi" e ra gore mohlahlobi yo a kgethilwego go ya ka karolo 81;

"lefelo la laesense" e ra gore lefelo le itšego leo go boletšwego ka lona go ba go filwego leina la lona ge go ntšhiwa laesense go ya ka Molao wo;

"metšhene ya tefelo tšeo di fokoditšwego" e ra gore motšhene wa go kempola woo o sego ka khasinong woo e lego gore ditheko le ditefelo tša wona di fokoditšwe go ya ka Molao wo le karolo 26 ya Molao wa Bosetšhaba wa go Kempola, 2004 (Molao 7 wa 2004)

"tšhomišo ya motšhene wa tefelo ye e fokoditšwego" e ra gore khamphani yeo e ngwadišitšwego go ya ka Molao wa Dikhamphani, 2008 (Molao wa 71 wa 2008), wo e lego —

(a) go ba le laesense ya go ba le goba go šomiša motšhene wa tefelo yeo e fokoditšwego;

(b) maikarabelo a go hlokomela le go lokiša motšhene wa tefelo yeo e fokoditšwego; le

(c) maikarabelo go kgoboketšeng tšhelete le go lefa lekgetho go ya ka motšhene wa tefelo yeo e fokoditšwego ka tlase ga laesense ya wona.

"ya motšhene wa tefelo ye e fokoditšwego" e ra gore monglaesense yoo a loketšwego ke go ba le motšhene wa tefelo yeo e fokoditšwego yeo e lego ya tšhomišo ya motšhene, lefelong le go e dira gore e be gona go ka bapalwa ke maloko a setšhaba;

"Molekgotlaphethiši" e ra gore leloko la Khuduthamaga leo le rwelego maikarabelo ditabeng tša go kempola mo profenseng;

"Molao wa Setšhaba wa go Kempola, 2004" e ra gore Molao wa Setšhaba wa go Kempola, 2004 (Molao wa 7 wa 2004);

"laesense ya setšhaba" e ra gore laesense yeo e ntšhitšwego go ya karolo 38 ya Molao wa go Kempola wa Bosetšhaba, 2004;

"go petša mo go bulegilego" e ra gore —

(a) go petša ka ntle le sebaledi, e tšerwego ke mopetšiši mabakeng ao a fapanego moo e lego gore, ga gona ditiraglo tšeo di sa fetogego tšeo di dumeletšwego nakong ya ge go petšwa; goba

(b) go petša moo e lego gore tefelo e ya, le gore dipoelo tša tšhoganetšo yeo go petšitšwego ka yona e a tsebega, go lebeletšwe ditšhelete tšeo di kgobokeditšwego ke thothaliseitha;

"setho sa mmušo" ke yona yeo e hlalošitšwego go karolo 239 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996;

"tefelo" ke yona yeo e hlalositšwego go karolo 6 ya Molao wa Setšhaba wa go Kempola, 2004;

"motho" e akaretša bošomi-mmogo, kopano, trasete goba motho wa semolao yoo a hlomilwego ke goba go ya ka molao,

"dikarata tša go bapala" e ra dikarata tšeo di šomišwago ge go bapalwa *black jack,* phouka goba di papadi tše dingwe tša dikarata ka ntle ga papadi ya dikarata;

"mohlankedi wa sepolotiki" e ra gore –

(a) leloko la Ngwako wa Bosetšhaba, Lekgotlatheramelao la Diprofense goba Kabinete

(b) leloko la lekgotlatheramelao la diprofense;

(c) leloko la khantshele ya mmasepala goba baetapele ba selegae;

(d) moemedi wa setiplomate was Rephabliki yoo e sego leloko la bodiredi bja setšhaba;

(e) leloko la selegae, profense, goba ntlo ya bosetšhaba ya bogoši; goba

(f) mohlankedi wa ofisi ya mokgatlo wa dipolotiki legatong la naga ka moka, profense goba la selegae;

"Lefelo" e akaretša naga le moago o mongwe le o mongwe, sebopego, senamelwa, sekepe, seketswana, sefofane goba setšhelo/khontheina;

"e filwego" e ra gore go ya ka melao yeo e beilwe ke Molao wo;

"Molao wa Taolo ya Matlotlo a Setšhaba" e ra gore Molao wa Taolo ya Matlotlo a Setšhaba, 1999 (Molao wa 1 wa 1999);

"mošomedi wa setšhaba" e ra gore motho yoo a thwetšwego ka gare ga setho sa mmušo;

"kopano ya go šiašiana" e ra gore kopano efe goba efe ya batho bao ba lego go phadišano ya lebelo ya diphoofolo, re sa lebelela gore phadišano ye bjalo e ba gona,

ge letšatšikgwedi le lefelo la phadišano yeo le tsebišitšwe ka papatšo ya setšhaba goba taletšo ya ka sephiring;

"laesense ya kopano ya go šiašiana" e ra gore laesense yeo go boletšwego ka yona go karolo 58;

"tokišo" e ra gore tokišo yeo e dirilwego go ya ka karolo ya 85 ya Molao wo;

"melao" e ra gore melao yeo e dirilwego ke Boto go ya ka karolo ya 86 ya Molao wo;

"tiragalo ya dipapadi" e ra gore papadi efe goba efe ya kgwele, go šiašiana, re tsenyeletša go šiašiana ga sefatanaga, phoofolo, goba di papadi tše dingwe tša mabelo goba diphadišano tša dipapadi, re tsenyeletša phadišano ya bo masebotsana, tšeo gantši di lebelelwago ke setšhaba;

"molekane" e ra gore motho yoo e lego—

(a) molekane lenyalong;

(b) molekane lenyalong la setšo go ya ka melao ya setšo; goba

(c) molekane go segwera seo e lego gore batho bao ba dula mmogo ka mokgwa wa go swana le nyalo goba lenyalo la setšo;

"laesense ya lebakanyana" e ra gore laesense yeo e ntšhitšwego go ya ka karolo ya 37 ya Molao wo;

"Molao wo" e akaretša melao le melawana ya Boto; le

"go petša ka sebaledi e ra gore go amogela tšhelete goba sengwe le sengwe sa bohlokwa go ya ka dipolelo tša tiragalo goba ditiragalo ka go šomiša –

(a) mokgwa woo e lego gore tšhelete ka moka e hweditšwego, ka morago ga diphokotšo ya tumelelano goba ka semolao, e arolwa gare ga batho bao ba thopilego ka morago ga go petša go ya le gore yo mongwe le yo mogwe wa bona o ntšhitše bokae go ya le ka gopetša moo go thopilego

(b) morero ofe goba ofe, goba tshepedišo ya go petša, re sa kgathale gore e šomišwa ke motšhene goba aowa, yeo e sepetšwago ka melao ya go swana

2. Morero wa Molao

Merero ya Molao wo ke go netefatša gore—

(a) mediro ya go kempola e a laolwa le go lokišwa go fokotša kgonagalo ya gowa ga ikonomi setšhabeng

(b) setšhaba le ikonomi di šireleditšwe kgahlanong le go gakatšwa ga intasiteri ya go kempola; le

(c) intaseteri ya go kempola e thuša tabeng ya go godiša le go hlabolla intasteri ya tša boeti, dikgoba tša mešomo le ikonomi ya profense.

KGAOLO 2

BOTO YA GO KEMPOLA YA LIMPOPO

3. Boto ya go kempola ya Limpopo

Boto ya go kempola ya Limpopo e hlongwe go ya ka Molao wa go Kempola wa Limpopo, 1996 (Molao wa 4 wa 1996) e swerwe go ya ka go Ntlha ya 3 ya Šetule 1 ya Molao wo re sa lebale go fedišwa ga Molao wa go Kempola wa Limpopo, 1996.

4. Mešomo le maatla a Boto

(1) Boto e swanetšwe e —

(a) fe laesense, e lokiše, le go laola go kempola ka mo profenseng;

(b) e sedimoše batho ka go kempola ga goba le maikarabelo, le

(c) e laole go itsenya kotsing le go tsenya tirišong ditaolo tša ka gare ga intasteri ya go kempola.

(2)(a) Boto e swanetše e, tsenele tumelelano ya go šoma le Molekgotlaphethiši,

(b) Tumelelano ya go šoma e swanetše e laetše tebo, mekgwa ya go lekola go šoma, ditšweletšo le dipoelo tša Boto.

(3)(a) Boto e ka –

(i) laletša ba ba ratago go dira dikgopelo tša laesense ya go kempola;

(ii) e ka dumelela, ya gana, ya mpshafatša, ya lokiša, fetišetša, ya fega, goba ya fediša laesense;

(iii) gapeletša, fega, lokiša, goba ya lokiša seemo sa laesense;

(iv) tšea, swara, hiriša, le go ngala, dithoto tšeo di ka thuthwago, le tšeo di ka se thuthwego;

(v) tsenela ditumelelano;

(vi) kgatha tema go, goba go hlokomela tshepedišo tša go swara kopano ya go tšea magato

(vii) go swara goba go dira gore go swarwe, ditheetšo, dinyakišišo le di potšišo malebana le taba efe goba efe yeo e welago ka tlase ga sebaka sa mešomo ya sona;

(viii) hwetša tshedimošo go tšwa go beng laesense ba bangwe le batho ba bangwe;

(ix) go otla batho bao ba lego kgahlanong le, goba beng laesense ba palelwago ke go latela tšeo di lego ka gare ga Molao, tšeo di ka akaretšago ditefišo, go fegwa goba kgapeletšo ya mabaka ao a sepelelanago le Molao wo;

(x) go ka dirwa diteko go metšhene ya go kempola goba di didirišwa tša go kempola tšeo di tlo go šomišetšwa mediro ya go kempola go ya ka mehola ya Molao wo;

(xi) hwetša ditefelo tša go leka metšhene ya go kempola goba di dirišwa tša go kempola go tšwa go mong goba mošomiši wa metšhene goba di dirišwa tše bjalo, goba go tšwa go motho ofe le ofe yoo e lego gore di teko tše bjalo di direlwa ga gagwe;

(xii) laetša mekgwa le maemo a metšhene le di dirišwa tša go kempola;

(xiii) ka tsebišo ya go ngwalwa, biletša motho gore a tle a iponagatše go theetšo, nyakišišo goba a ntšhe puku, tokumente goba selo sa go sepelelana le theetšo goba, nyakišišo yeo.

(xiv) thoma diofisi tša lefelo goba lekala;

(xv) kopana le motho goba go šomiša moemedi go boledišana ka taba tšeo di lego malebana le go dira mešomo ya yona, go ya ka mabaka le melawana yeo e ka bewago ke boto; le.

(xvi) šomiša maatla ao a filwego Boto go ya ka Molao wo goba molao o mongwe wa maleba.

(b) Boto e swanetše e —

(i) bule le go hlokomela diakhaonte tša dipanka;

(ii) e dire le go swara melao ya go swara ditshepetšo le ditheetšo tša yona;

(iii) amogela, šomiša le go hlokomela ditšhelete ka kakaretšo;

(iv) laola, kgobokanya le go lebelela tshepedišo ya ditšhelete tšeo di lefilwego go ya ka tšeo di lego ka gare ga Molao;

(v) e dire melao yeo e laolago go ntšhiwa ga dilaesense, go swara le go dira mediro ya go kempola;

(vi) e laetše ditšhelete le di tefelo go ya ka dinyakišišo le mešomo ye mengwe yeo e dirwago ke Boto;

(vii) netefatša gore maikano ao a tšerwego ke beng dilaesense a a latelwa;

(viii) netefatša gore bašomedi ba bohlokwa ba a fiwa dilaesense;

(ix) dira mešomo yeo e filwego Boto go ya ka Molao wo goba melao ye mengwe ye bohlokwa

(x) thwala Mohlankediphethiši.

(4) Boto e ka, se be kgahlanong le tšeo di lego ka gare ga Molao ofe goba ofe, e lefele moputso go motho yoo a filego tshedimošo malebana le go tshelwa ga molao wo.

5. Tlhamo ya Boto

(1) Molekgotlaphethiši, ka morago ga go boledišana le Khantshele ya Khuduthamaga o swanetše a thwale maloko a Boto.

(2) Boto e swanetše e be le maloko a 9, re sa bale Mohlankediphethiši yoo e lego leloko la kemedi ya ofisi la Boto gomme le se nago maatla a go bouta.

(3) Boto yeo e kgethilwego go ya ka karolwana (1), e swanetše e be le —

(a) motho yoo a nago le maswanedi, e bile a amogetšwego go šoma bjalo ka mong molao mo Rephabliki gomme a ilego a šoma bjalo ka ramolao, goba a

šomile mešomo ya go sepelelana le semolao go ba a šomile mešomo ya go sepelelana le tshepedišo ya molao;

(b) motho yoo a bilego le maswanedi bjalo ka mahlankedimogolo wa tšhupaletlotlo ka mo go Rephabliki a be a kile a šoma mengwaga ye mehlano bjalo ka mohlankedimogolo wa tšhupaletlotlo;

(c) motho yoo a emelago Kgoro ye e rwelego Maikarabelo a tša go kempola mo profenseng;

(d) motho yoo a emelago Kgoro yeo e rwelego maikarabelo a ditšhelete mo profenseng;

(e) motho yo go na lego bohlatse bja gore o na le tsebo ye e tseneletšego ya kgwebo le intasteri ya tša boeti,

(f) motho yoo a na le go tsebo le boitemogelo ditabeng tša setšhaba tlhabollo ya ikonomi le ya leago;

(g) motho yo a na lego mangwalo le boitemogelo lefapheng la ditirelo tša bašomi

(h) batho ba babedi bao ba na go le bohlatse bja go tsebega kgwebo le boitemogelo intastering ya go kempola.

(4) Molekgotlaphethiši o swanetše a kgethe Modulasetulo le Motlatšamodulasetulo ba Boto.

(5) Ge e legore Modulasetulo ga a gona Motlatšamodulasetulo o swanetše a dire mošomo wa gagwe.

6. Go ba le maswanedi le go se be le maswanedi ge go thwalwa Boto

(1) Go re motho a kgethwe bjalo ka leloko la Boto, motho o swanetše a;

(a) a phelegile e bile a loketše go ka laola ofisi;

(b) motho wa go rata go šoma ka tlhago;

(c) modudi wa Afrika Borwa le Rephabliki; gape

(d) wa seemo sa mmakgonthe sa masheleng.

(2) Motho a ka seke a kgethwa goba a dula e le leloko la Boto yeo ge —

(a) a hweditše kgahlego go kgwebo ye ya go kempola, yeo e ka tla go ya tliša kgakgano dikgahlegong tša motho yoo tša seprofešenale le mo intasetering ya go kempola;

(b) a na le leloko la lapa, molekani goba mogwera yoo a na le go kgahlego mo intastering ya go kempola;

(c) a sa ka go a alafšwa mo ditabeng tša go šomiša tšhelete goba a paletšwe sa ruri;

(d) ke moomedi wa ofisi ya sepolotiki;

(e) o ile a tlošwa ofising ka go se itshware gabotse;

(f) kgorotshekelo e ile ya mmona a se a felela monaganong; goba

(g) o ile a swarwa ka molato woo a o dirilego—

(i) go tsenyeletša go se tshephege; goba

(ii) ka tlase ga Molao wo goba molao o mongwe wa go kempola.

(3) ge leloko le ka paledišwa go ya ka karolwana ya (2) nakong ya leloko leo ya goba ofising, leloko leo le swanetše le ngwale lengwalo ka pela la go tsebiša Molekgotlaphethiši ka go se be le maswanedi le Boto.

7. Go thwalwa ga maloko a Boto

(1) Molekgotlaphethiši o swanetše a phatlalatše tsebišo go dikuranta tše pedi, le go šomiša mekgwa ye mengwe ya go phatlalatša ditaba, go laletša bao ba latelago tšeo di lego go karolo 5 le 6.

(2) ba dira dikgopelo ba swanetše ba, arabe tsebišo go ya ka karolwana ya (1) ba tliše lengwalo la boitsebišo yeo e na lego-

(a) dikhophi ka moka tša mangwalo a thuto tšeo disetifailwego;

(b) ditokumente tša go tlaleletša tšeo di laetšago tsebo le bokgoni tšeo modira kgopelo a na lego tšona tšeo di ka tlišago go lokiša intasteri ya go kempola mo profenseng;

(c) afitafiti yeo go ikanngwego e laetša dikgahlego tša ditšhelete le go re e kaba modira kgopelo o na le dikgahlego tšeo di boletšwego go karolo ya 6(2)(a) le (b).

(3) Molekgotlaphethiši a ka netefatša mangwalo a mokgopedi.

(4) Molekgotlaphethiši o swanetše a re go tšwa go dikgopelo tšeo di hweditšwego gape a šomišana le Khantshele ya khuduthamaga, go thwala maloko a maleba a Boto.

(5) Leloko la Boto le swanetše le re pele le thoma mošomo a dire keno ka mokgwa woo o beilwego.

8. Nako ya ofisi

Leloko la Boto le thwalwa nako ye e ka bago mengwaga ye mehlano gomme go ya ka tebelelo-leswa ya mošomo wa gagwe a ka thwalwa gape nako ya mengwaga ye mehlano ka ntle le go latela tshepedišo yeo e bontšhitšwego go karolo ya 7.

9. Go rola modiro, go rakwa mošomong le dikgoba tša mešomo

(1) Leloko la Boto le ka rola modiro gomme a fe Molekgotlaphethiši tše di latelago—

(a) tsebišo ye e ngwadilwego ya dikgwedi tše pedi; goba

(b) tsebišo ya ka tlase ga dikgwedi tše pedi gomme e swanetše e dumelelwe ke Molekgotlaphethiši.

(2) Molekgotlaphethiši a ka latela karolwana ya (3), ya go raka leloko la Boto mošomong –

(a) ge e le gore leloko leo—

(i) le a diskhwalifaiwa go ya ka karolo ya 6;

(ii) o bile kgahlanong le karolo ya 6(3);

(iii) ga se a bololle dikgahlego goba o palelwa ke go thuša kopanong bjalo ka ge go nyakega go ya ka karolo 11;

(iv) o palelwa ke go dira mešomo ya leloko la Boto; goba

(v) ga a be gona kopanong tše pedi tša go latelana tša Boto kantle le go kgopela matšatši a go khutša go Boto goba Modulasetulo; goba

(b) ka lebaka leo e lego gore le a kwagala.

(3) Molekgotlaphethiši o swanetše a re pele a raka leloko la Boto ofising, a fe leloko sebaka sa gore a theetšwe.

(4) Ge sekgoba sa ofisi ya leloko se bulega, Molekgotlaphethiši o swanetše a thibe sekgoba seo go ya tshepedišo yeo e lego go karolo ya 7, ka nako ya maleba;

(5) Leloko leo le thwetšwego go ya ka karolwana ya (4), le tšwa le šoma lebaka la nako yeo leloko leo le rakilwego mošomong le tlabego le sepetše.

(6) Molekgotlaphethiši o swanetše a šomiše maatla le go dira mešo, ge Boto ye e šomago e segona, ka ntle ga go fa goba go fediša dilaesense goo go boletšwego ka gona go karolo 23 (2) (a) – (o).

10. Ditefelo le diputseletšo tša Boto

(1) Maloko a Boto ao a sa šomelego Mmušo go ya go ile, a kare goya ka moo ba šomilego ka gona, a ka lefelwa ditefelo le diputseletšo go tšwa go sekhwama sa Boto go ya le ka moo Molekgotlaphethiši a tla bego a kgaethile ka morago ga go boledišana le Maloko a Khuduthamaga bao ba rwelego maikarabelo a ditšhelete.

(2) Moo e lgeo gore leloko la Boto leo le šomelago Mmušo go ya go ile o ikgokela di tshenyegelo ge a dira mešomo ya leloko leo go ya ka Molao wo, Boto e swanetše e lefe leloko leo ka ditshenyegelo tšeo go tšwa go sekhwama sa Boto.

(3) Ditefelo le diputseletšo tša maloko a Boto di ka fapafapana go ya ka maemo a tsebo le bokgoni bja bona le mešomo yeo ba e dirago mo Botong.

11. Go bololla dikgahlego

(1) Leloko la Boto le ka seke la —

(a) a dire mediro yeo e tla išago serithi sa Boto fase.

(b) a tsenele, a tšeye karolo goba a hlohleletša ditshepedišo nakong ya kopano ya Boto, yeo e lego gore leloko leo le na le kgahlego go yona —

(i) bontšhitšwego go karolo 6(2) (a) le (b); goba

(ii) yeo e thibelago leloko leo go dira mešomo ya leloko la Boto ka mokgwa wo o lokilego, o sego wa sekama e bile ka mokgwa wa maleba.

(c) bouta kopanong ya Boto malebana le taba yeo e boletšwego go temana (b);

(d) a šomišetše dilo tša gagwe tša poraefete, goba a holega go tšwa go tshedimošo efe goba efe ya sephiri e hweditšwego ka lebaka la go dira mešomo ya leloko leo bjalo ka leloko la Boto; goba

(e) utulle tshedimošo efe goba efe yeo go boletšwego ka yona go temana ya (d) go motho yo mongwe ka ntle le ge e le maleba gore ke setho sa mošomo wa semmušo wa leloko leo.

(2) Ge go ka direga gore, leloko la Boto le lemoge gore taba yeo e lego pele ga Boto e lebagane le kgahlego ya leloko leo go boletšwego ka lona go karolo (6)(2)(a) le (b), leloko le swanetše le —

(a) ka bjako le bolele kopanong gore kgahlego ya lona ke ya mohuta mang , le gore

(b) a seke a tsenela kopano go dira gore maloko a mangwe ao a šetšego a boledišana ka taba le go bolela ge eba leloko leo le swanetše le ganetšwe go tšea karolo go tshepetšo tše dingwe malebana le taba ye.

(3) Go bololla ga leloko go ya ka karolwana (2) le sephetho sa Boto go ya ka karolwana (2) (b), go swanetše go ngwalwe go metsotso ya kopano.

(4) Ditshepedišo tša Boto le diphetho tšeo di tšerwego ke bontši bja maloko ao a lego gona e bile ba dumeletšwego go tšea karolo diphethong tšeo, ke tša maleba le ge e le gore leloko le ka be le paletšwe ke go bololla kgahlego go ya le ka moo go swanetšwego go ya ka karolwana(2).

(5) Ge leloko le ka ganetšwa go ya ka karolo 6, Molekgotlaphethiši o swanetše a fediše go thwalwa ga leloko leo le semeetseng.

12. Mohlankediphethiši

(1) Boto e swanetše e thwale Mohlankediphethiši nako yeo e beilwego, ka kontraka ya go ya ka gore o šoma bjang nako yeo e sa fetego mengwag ye mehlano.

(2) Boto e ka oketša go thwalwa ga Mohlankediphethiši ka nako ye itšego, yeo e sa fetego mengwaga ye mehlano.

(3) Mohlankediphethiši ke mošomedi wa Boto e bile o —

(a) rwele maikarabelo a Boto;le

(b) rwele maikarabelo a bolaodi bjo bo šomago gabotse bja Boto e bile e swanetše e dire mešomo yeo Boto e efago Mohlankediphethiši.

(4) Kontraka ya mošomo ya Mohlankediphethiši e swanetše e ba e ngwadilwe e ebile e swanetše e tsenyeletše foromo ya maleba ya go laetša goba gona ga karolo ya 57 ya Molao wa Taolo ya Matlotlo a Setšhaba, 1999.

(5) Boto e swanetše e lebelele leswa mošomo-tumelelelano wa Mohlankediphethiši ka ngwaga, ka kgwedi ya mathomo ya go thoma ga ngwaga o mongwe le o mongwe wa ditšhelete.

(6) Tumelelano ya go šoma yeo e dirilwego go ya ka karolwana (1) e swanetše e tsenyeletše —

(a) ditebo tša go šoma tšeo di ka metwago le ditebanyo tšeo di na le go nako ya maleba yeo e beilwego;

(b) mekgwa le ditshepedišo tša go akanyetša mokgwa wa go šoma le dinako tša go akanyetša; le

(c) ditlamorago tša mošomo wa go sekgahliše

(7) Ge Mohlankediphethiši a se gona mošomong goba ka mabaka itšego a palelwa ke go dira mošomo wa gagwe, goba go na le sekgoba ofisisng ya Mohlankediphethiši, Boto e swantšwe ke go thwala motho yo mongwe go šoma bjalo ka Mohlankediphethiši nakong ya ge Mohlankediphethiši a se gona mošomong go fihlela ge go thwalwa Mohlankediphethiši yo moswa go ya ka karolwana ya (1).

13. Maatla le mešomo ya Mohlankediphethiši

Go tlaleletša maatla le mešomo tšeo di filwego Mohlankediphethiši go ya ka Molao wo goba ke Boto, Mohlankediphethiši o swanetše a —

(a) thuše Boto go dira mešomo ya matlotlo le tshepedišo yeo e lego lenanegong la mešomo ya Boto;

(b) a dire mešomo ya Mohlankediphethiši yeo e bontšhišwego go tumelelano ya go šoma ye e dirilwego le Boto go ya ka karolo 12(1);

(c) go ya ka karolo 14(1) le (2), thwala le go laola bašomedi ba Boto,

(d) netefatše gore metsotso ya maleba e a ngwala ya dikopano tša Boto le dikomiti tša Boto;

(e) tsenela dikopano tša Boto bjalo ka leloko la mohlankedi wa kantoro ye nngwe la Boto;

(f) netefatša gore Boto e latela e bile e šoma ka melao ya ditumelelano ka moka le dinyakwa tša pholisi; le

(g) dira mošomo ofe goba ofe wo Boto e fago Mohlankediphethiši.

14. Bašomedi ba Boto

(1) Boto e ka re ge e dira mešomo ya yona, ya thušwa ke bašomedi bao ba nago le mangwalo a maleba e bile ba na le maswanedi le boitemogelo, bao ba thwetšwego ke Mohlankediphethiši.

(2) Mohlankediphethiši o swanetše a, a šomišana le Boto, a thwale bašomedi ba balaodi ba bagolo.

(3) Leloko la mošomedi wa Boto le swanetše le re pele le thoma ka mošomo a ikane ka mokgwa woo o beilwego.

(4) Ga go motho yoo a ka thwalwago bjalo ka leloko la bašomedi ba Boto ge e le gore motho yo o —

(a) ke wa leloko la lapa wa motho yoo o na le kgahlego ya thwii goba yeo e sego ya thwii go mokgwa ofe goba ofe wa go sepelelana le go kempola goba go šomiša tšhelete; goba

(b) o ile a swarwa nako ye nngwe mo Rephabliking goba nageng ye nngwe, ka bohodu, bomenetša, go fotšara, goba šomiša tokumente ya maaka, bosenyi ka tlase ga Molao wo goba Molao wa go Thibela le go Fediša Mediro ya Bosenyi, 2004 (Molao wa 12 wa 2004) goba bosenyi bofe goba bofe bjoo bo tsenyeletšago mediro ya go setshephagale.

(5) Boto e swanetše e re, go tšwa go ditšhelete tša Boto, lefele mošomedi wa Boto tšhelete yeo, diputseletšo le dikholego tše dingwe tša go šoma tšeo di ka bewago ke Boto.

15. Ponagatšo le tša sephiri

(1) Boto e swanete e šome ka mokgwa wo o bulegilego wa ponagatšo.

(2) Leloko la bašomedi goba leloko la boto le ka seke la, kantle le taelo ya kgorotsheko goba a dumelelwa go ya ka Molao wa Kgodišo ya Phihlelelo ya Tshedimošo (Molao wa 2 wa 2000), bololla —

(a) tokumente efe goba e fe goba tshedimošo, goba boitsebišo bja motho yoo Boto e ikemišeditšego gore e seke ya bulelwa setšhaba go e lekola goba e se ke ya bololwa go ya ka karolo 27(3); goba

(b) tokumente efe goba efe goba tshedimošo yeo e filwego Boto ke motho ofe goba ofe wa go lokiša goba mošomedi wa go sepediša molao mabakeng a ditaba tša sephiri tšeo di lego tokumenteng yeo.

16. Maemo mabapi le go tshepha setšhaba

(1) Go netefatša go ikemela le botshephegi bja Boto, leloko la Boto goba leloko la mošomedi wa Boto, ga se a swanelwa ke —

(a) ka ntle ga ditefelo tšeo motho a dihweditšego gotšwa ofising yeo a e šomelago, a hwetša selo sa bohlokwa goba a holega go tšwa go motho mang goba mang yoo a ka ba go kgahlanong le goba a tsena gare ga gore motho yoo a dire mešomo ya gagwe ka bokgwari

(b) kgatha tema medirong ya go kempola goba ya go petša mo profenseng ntle le ge a dira mediro ya gagwe go ya ka Molao wo.

(2) Leloko la Boto ga se la swanelwa gore nako ya go lekana le ngwaga ka morago ga go fediša ofisi yeo a amogele mošomo go tšwa go motho yoo a na go le laesense go ya ka Molao wo.

(3) Go ba gona ga karolwana (1) le (2) di a šoma le go Molekgotlaphethiši.

17. Dikhwama tša Boto

Dikhwama tša Boto di na le —

(a) ditšhelete tšeo di ntšhitšwego ke mmušo wa Lekgotlatheramelao la Profense go dira wona mošomo woo.

(b) tšhelete efe goba efe yeo e lefelwago Boto go ya ka Molao wo; le

(c) ditšhelete tše dingwe di lefetšwego Boto ka semolao.

18. Kopano ya Boto

(1) Boto e swanetše e kopane, bonnyane ga tee kotare ye nngwe le ye nngwe ngwageng o tee wa ditšhelete.

(2) Modulasetulo wa Boto —

(a) o swanetše a kgethe nako le lefelo mo Boto e tlogo kopanela gona ka morago ga fao Boto e tlo kopana ka nako yeo le lefelo bjale ka ge Boto e ka re nako le nako ya lebelela mašeleng ge go kopanwa ka kgwebo le,

(b) e ka re nako efe goba efe ka morago ga go fa tsebišo ya bitša kopano yeo e sego ya tlwaelega ya Boto yeo e tlo swarwago ka nako le lefelo leo le tlo bolelwago ke Modulasetulo

(3) Boto e ka ipeela tshepidišo tša yona dikopanong go ya le ka moo e lego gore ditshepidišo ga se tša bewa ke Molao wo.

(4) Khoramo ya kopano ya Boto ke maloko a Boto a mahlano.

(5) Sephetho sa Boto se tšewa ke bontši bja dibouto tša maloko ao a lego gona kopanong ya maloko a Boto.

(6) Moo go na lego go lekana ga dibouto, Modulasetulo o na le kgetho ya go rarollwa ke modulasetulo go tlaleletša kgetho ya modulasetulo bjalo ka leloko la Boto.

(7) Metsotso ya ditshepidišo tša kopano ye nngwe le ye nngwe ya Boto e swanetšwe e tšewe e beiwe ofising ya Boto.

(8) Kopano ya Boto yeo e biditšwego gore —

(a) go theetša goba go gana dikgopelo tša laesense di dirwe go ya ka Molao wo, di swanetše di fihlelelwe ke setšhaba. Ge e le gore Modulasetulo a ka, ge e le gore Boto e re motho yo mongwe le yo mongwe yoo e lego gore, goba gona ga gagwe ga go amogelege kopanong yeo e itšego a botše motho a tsenele kopano goba a sepele; gape

(b) dipoledišano ka tebelelo ya go tšea diphetho le go boutela taba ye nngwe le ye nngwe kopanong e swanetše e diragale sephiring.

19. Dikomiti tša Boto

(1) Boto e ka fela e kgetha komiti yeo e tlo go dira mošomo le go šomiša maatla ao di a filwego ke Boto.

(2) Komiti e ka ba le —

(a) maloko a Boto go ya le ka moo Boto e nyakago; goba

(b) maloko a Boto a ka kgetha batho bao Boto e ka ba thwalago go ya ka karolo 21.

(3) Modulasetulo wa Boto o swanetše a kgethe Modulasetulo wa komoti.

(4) Komiti e swanetše e dire mešomo ya yona le go šomiša maatla a yona go ya ka seo se filwego molaong wo le ditaelo tša Boto.

(5) Maatla goba mošomo woo o dirwago ke komiti yeo e kgethilwego ke Boto go ya ka karolwana (1) e tšewa bjalo ka yeo e dirilwego ke Boto.

20. Therišano ka Boto

(1) Boto e ka kopana le motho ofe goba ofe mokgatlo goba setheo go lebeletšwe taba yeo e lego bohlokwa go kgontšha Boto go šomiša maatla a yona le go dira mešomo ya yona.

(2) Ditefelo le diputseletšo tšeo di kgethilwego ke Boto ge di legona go ya melawana le seemo sa motho yoo a tlilego go rerišana di swanetše di be ka gare ga tumelelano yeo e ngwadilwego yeo e diretšwego lebaka leo gare ga Boto le motho yoo.

21. Go kgetha batho

(1) Boto e ka kgetha setsibi goba batho ba bangwe go ya le ka moo go nyakegago go thuša Boto go lebelela taba ye iitšego.

(2) Motho yo a kgethilwego go ya ka karolwana (1), a ka se boute dikopanong dife goba dife tša Boto goba Komiti ya Boto.

(3) Boto e swanetše e rerišane ka mogolo wa motho yoo a kgethilwego go ya ka karolwana (1).

22. Dinyakišišo ka Boto

(1) Boto e ka, go ya ka karolo ye, ya dira dinyakišišo tabeng ye nngwe le ye nngwe yeo e welago ka gare ga morero wa mošomo wa yona.

(2) Go direla nyakišišo go ya ka karolwana (1), Boto e ka ngwala tsebišo ya go sekiša motho yoo a ka bago a amilwe ke goba o tshwenyegile go tabeng ya go lebelelwa taba ye itšego go iponagatša pele ga Boto go —

(a) fa bohlatse; goba

(b) tšweletša puku, tokumente goba selo seo e lego gore ke sa motho yoo goba taolo yeo e lego gore goya ka kgopolo ya Boto e swana le goba e swana le taba yeo e tlogo lebelelwa ke Boto.

(3) Motho yoo a hweditšego tsebišo go ya ka karolwana ya (2) o swanetše a iponagatše pele ga Boto ka letšatšikgwedi, nako le lefelo leo le bontšhitšwego godimo ga tsebišo.

(4) Boto e ka bitša le go leka motho yo mongwe le yo mongwe a le go gona kua nyakišišong re sa lebelela gore motho yoo o laetšwe gore a tsenele nyakišio ka tlase ga karolwana (2), gape a ka hlahloba le go swara nakwana ye e bonalago, puku efe goba efe, tokumente, goba selo seo se kgopetšwego ke Boto.

(5) Boto e ka kgopela motho yoo a iponagatšago pele ga Boto dinyakišišong go ya ka karolwana (1), go fa bohlatse ka go ikana, ebile leloko la Boto leo le laolago dinyakišišo le ka laola boikano bjoo.

(6) Molao malebana le tokelo bjalo ka ge o lebane motho yoo a boditšwego go fa bohlatse goba a tšweletše puku goba tokumente goba selo pele ga kgorotshekelo ya molao e šoma mabapi le go nyakišiša motho yo mongwe le yo mongwe goba go tšweletšwa ga puku ye nngwe le ye nngwe, tokumente goba selo ka tlase ga karolwana (2) goba (5).

(7) Motho yoo a iponagatšago pele ga Boto nakong ya nyakišio o na le tokelo ya go ka ba le moemedi wa semolao le go bitša ditlhatse.

KGAOLO 3

GO NTŠHA LAESENSE

23. Mehuta ya dilaesense

(1) Boto e swanetše e ntšhe—

(a) laesense ya profense ka fomete yeo e beilwego, goba

(b) laesense ya naga ka fomete yeo e beilwego ka Molao wa go Kempola wa Bosetšhaba, 2004.

(2) Boto e ka ntšha dilaesense tše di latelago tša profense:

(a) laesense ya go ba le khasino;

(b) laesense ya goba le lefelo la go ba le metšhene ya go lefa tšhelete yeo e fokoditšwego;

(c) laesense ya goba le tsela ya metšhene yeo e lefago tšhelete yeo e fokoditšwego;

(d) laesense goba le lefelo la go ikema;

(e) laesense ya go ba le pinko;

(f) laesense ya go ba le lefelo la pinko;

(g) laesense ya go ba le sebaledi;

(h) laesense ya go ba le lefelo la sebaledi;

(i) laesense ya sedirišwa sa go petša;

(j) laesense ya lefelo la mopetšiši;

(k) laesense ya dikopano tša go šiašiana;

(l) laesense ya go hlama;

(m) laesense ya go lokiša;

(n) laesense ya go ntšha dilo tše itšego

(o) laesense ya ditiragalo tšeo di ikgethilego;

(p) laesense ya ya bašomedi ba bohlokwa ; le

24. Go ganetša goba go thibela laesense

(1) Karolo ye ga e akaretše le laesense ya mošomedi yo bohlokwa.

(2) Mokgopela laesense o swanete a be wa —

(a) semelo se sebotse le serithi; le

(b) goba motho yoo a le go seemong se sebotse sa mašeleng .

(3) Ga gona motho yo a ka ba go le laesense goba kgahlego go tša ditšhelete go monglaesense ge e le gore motho yoo o–

(a) ka tlase ga mengwag ye 18;

(b) ke mošomedi wa setšhaba goba mošomedi ofising ya sepolotiki;

(c) ke mošomi wa tša molao goba o šoma ka gare ga kgorotsheko;

(d) o gona lenanegong la batho bao ba sego ba akaretšwa ;

(e) ke leloko la lapa, ka ntle ga kgaetšedi ya motho yoo e lego leloko la Boto;

(f) ke motho wa dikoloto yoo a ka se sokollwego ;

(g) o bonwe ke kgorotshekelo ya maemo a godimo gore ga se a felela monaganong;

(h) o ile a tlošwa ofising ya trasete, mabakeng a maitshwaro malebana le bomenetša goba go šomiša ditšhelete bošaedi; goba

(i) o ile a swarwa mengwaga ye 10 pele ga letšatši-kgwedi la go dira kgopelo a be a ile a swarwa mo Rephabliking goba nageng tše dingwe ka bosenyi.

(aa) go akaretša bohodu, bomenetša, fotšari goba go tšweletša tokumente ya bofora;

(bb) go akaretšwa bosenyi mabapi le dikhomputha;

(cc) ka tlase ga Molao wa go Thibela le go Fediša Mediro ya Bosenyi, 2004 (Molao wa 12 wa 2004);

(dd) ka tlase ga Molao wa go Thibela Bosenyi ka Segongwana, 1998 (Molao wa 121 wa 1998);

(ee) ka tlase ga Molao wa Senthara ya Matlotlo a Bohlodi, 2001 (Molao wa 31 wa 2001);

(ff) ka tlase ga Molao wa Tšhireletšo ya Temokrasi ya Molaotheo kgahlanong le Botšhošetši le Mediro ye e sepelelanago nayo 2004 (Molao wa 33 wa 2004); goba

(gg) ka tlase ga Molao wo goba Molao wa Naga wa go Kempola, 2004,

(4) Boto e swanetše e gane go fa motho laesense yoo e le go gore o ganetšwa goba le kgahlego go laesense, mong laesense, lefelo leo le na lego laesense goba kgwebo tše dingwe tšeo di sepelelanago le laesense go ya ka karolwana (3).

(5) Boto e swanetše e gane go fa modirakgopelo laesense ge ele gore ka morago ga go dira dinyakišišo, Boto e na le mabaka go tshepa gore —

(a) modirakgopelo;

(b) motho yo a na go le kgahlego go modirakgopelo;

(c) motho yoo a swerego dikgahlego tša matlotlo go modirakgopelo

(d) molaodi wa kgwebo ya modirakgopelo,

Ke leloko la lapa, ka ntle ga kgaetšedi wa motho yoo e lego leoloko la Boto goba o ganetšwa goba le kgahlego go laesense, monglaesense, kgwebo yeo e sepelelanago le laesense.

25. Go ganetša motho ka laesense ka morago ga ge e ntšhitšwe

(1) Karolo ye ga e šome go laesense ya bašomedi ba bohlokwa.

(2) Motho yoo a swerego laesense goba kgahlego go laesense ye e ntšhitšwego go ya ka Molao wo, o ganedišwe go ya ka karolo 24, ka morago ga ge laesense e ntšhitšwe, motho yoo, o swanetše a re ka fomete yeo e hlamilwego, a fe Boto maele gomme moo go kgonegago le moswara laesense wa mangwalo ao a ganeditšwego.

(3) Boto e ka, ge motho a ganeditšwe go ya ka karolo (2), le ka morago ga go lebelela maemo le tlhago ya go go ganetšwa, a bolelela gore motho yoo o swanetše a tlogele kgahlego go laesense mo nakong yeo e sa fetego mengwaga ye meraro.

26. Tsela ya godira kgopelo ya laesense

1) Boto e swanetše e beye tsebišo ka gare ga kuranta ya mmušo le dikuranta tše pedi, go kgopela mangwalo a go dira dikgopelo tša laesense yeo e bontšhitšwego tsebišong.

(2) tsebišo yeo go boletšwego ka yona go karolwana (1) e swanetše e akaretše tshedimošo yeo e sepelelanago eupša e sego ya fokoletšwa fela go –

(a) mohuta le palo ya dilaesense yeo e lego gona;

(b) lefelo leo laesense e sepelelanago le lona;

(c) letšatšikgwedi la go tswalela dikgopelo;le

(d) dinyakwa tšeo Boto e bonago di le bohlokwa,

(3) lengwalo la kgopelo ya laesense e le go araba tsebišo yeo go boletšwego ka yona go karolwana (1), le swanetšwe le bopšwe fometeng yeo e nyakilwego ke Boto e bile le tle le —

(a) ditokumente tšeo di boletšwego;

(b) bohlatse bja gore ditefelo tša ditšhelete tša go dira kgopelo di lefilwe;

(c) bohlatse bja gore tsebišo e phatlaladitšwe go *kuranta ya mmušo* le ka dikuranteng bjale ka ge go nyakega go ya ka karolwana ya (5);le

(d) kamogelo goba kemedi ya boetapele bja selegae e lefelong leo laesense e lebanego nalo.

(4) Modirakgopelo o swanetše a re pele gofeta matšatši a mahlano pele a tsenya kgopelo ya laesense, a phatlalatše tsebišo go —

(a) *kuranta ya mmušo*; le

(b) kuranta ya moo lefelong leo e lego gore laesense e nyakelwa gona.

(5) Tsebišo yeo go boletšwego ka yona go karolwana (4) e swanetše e —

(a) laetše mehuta ya dilaesense yeo e kgopelwago;

(b) lefelo leo laesense e sepelelanago nalo;

(c) laetša nako ya laesense;

(d) laletša bao ba na lego kgahlego go —

(i) tliša dikgahlego tša bona le dikganetšo ka sengwalwa, malebana le Boto pele kgwedi e tee e fela go tloga ka letšati leo le beilwego tsebišong yeo;

(ii) ba laetše ka sengwalwa ge eba ba a nyaka goba ga ba nyake go dira taetšo ka go bolela ge kgopelo e theedišwe.

(6) Motho yoo a ratago go gana kgopelo ya laesense go ya ka Molao wo, a kadira bjalo pele go feta matšatši a 30 ka morago ga ge letšatšikgwedi leo le bontšhitšwego go tsebišo yeo e phatlaladitšwego go ya ka karolwana ya (4), a tliše kganetšo go Boto ka lengwalo.

(7) Boto e swanetše e, pele go feta matšatši a šupa e hweditše kganetšo, e tsebiše e be e fe modirakgopelo khophi ya ditaba ka botlalo tša:

(a) kganetšo yeo e beilwego le Boto go ya ka karolwana (6); goba

(b) taba efe goba efe yeo go ya ka Boto, e ka ba go mabaka a mabotse a kganetšo.

(8) Boto e swanetše e laletše modirakgopelo go iphetolela mabapi le dikganetšo tše di hweditšwego go ya ka karolwana (6) pele go feta matšatši a 14 goba nako ya go feta ye bjalo ka ge Boto e tla be e laetša.

(9) (a) Boto ga ya swanela go phatlalatša tsebišo ye go boletšwego ka yona go karolwana (1) ka mabaka ao a latelago:

(i) laesense ya mohlami

(ii) laesense ya go hlokomela/ lokiša

(iii) laesense ya go sapholaya

(iv) laesense ya ditiragalo tše ikgethilego

(v) laesense ya mošomedi yo bohlokwa

(b) Kgopelo ya laesense yeo go boletšweo ka yona go karolwana (9) (a), e swanetše e tlišwe ka fomete yeo e nyakwago ke Boto gommme e be e na le tše di latelago –

(i) ditokumente tše diitšego

(ii) bohlatse bja gore ditšhelete tšeo di laeditšwego di lefilwe;

(iii) bohlatse bja gore tsebišo e phatlaladitšwe kuranteng ya mmušo le kuranteng ye nngwe bjale ka ge go nyakega go ya ka karolwana (3); le

(iv) kamogelo goba kemedi ya balaodi ba selegae lefelong leo e lego gore laesense e malebana le lona.

(10) Motho yo a ratago go dira kganetšo go ya ka karolwana (6) o swanetše a fe mabaka gore ke ka lebaka laeng Boto e se ya swanela go ntša boitsebišo bja motho yoo.

27. Go dira kgopelo, kemedi le kganetšo ya tekolo ke setšhaba

(1) Go dira kgopelo, kemedi, kganetšo, karabo goba tshedimošo ya go tsenenelela go ya ka karolo 26 e swanetšego ya ka karolwana (3), e bulegele batho go lekola nakong tša mošomo tša Boto nako ye e sa fetego matšatsi a 30.

(2) Boto e swanetše e lebelediše kgopelo ya tshedimošo malebana le kgopelo, kemedi goba phetolo go ya ka molao wa go Godiša Phihlelelo ya Tshedimošo, 2000 (Mol Nomoro. 2 wa 2000)

(3) Boto e ka kgetha gore —

(a) tokumente goba tshedimošo malebana le maemo a ditšhelete a motho yoo a tšeago karolo go kgopelo; re akaretša; —

(i) maina a bao e ka tlago ya ba bašomedi ; goba

(ii) sethalo-kgwebo sa kgopelo,

goba taba ye nngwe yeo e lego kgopolong ya Boto, ya sephiri, e seke ya fiwa setšhaba go e lebelela: Ge e le gore tokumente goba tshedimošo yeo e ka aroganywa go tšwa go kgopelo yeo e bile e marakilwe gore ke sephiri; le

(b) boitsebišo bja motho yoo a tlišitšego kganetšo go ya ka kgopelo bo seke bja tsebišwa motho yo mongwe.

28. Ditšhelete tša dinyakišio

(1) Motho yoo a tlišago kgopelo go Boto go ya ka karolo (26) o rwele maikarabelo e bile o swanetše a lefele Boto ditšhelete ka moka tšeo di dirilego ke Boto ge di le gona, le go dira dinyakišišo tšeo go boletšwego ka tšona go karolo (30)

(2) Boto e ka re, pele e dira dinyakišišo tšeo go boletšwego ka tšona go karolwana 30, ya nyaka modirakgopelo go lefela tšhelete ya go beeletša yeo e akantšwego go tliša seo e tla ba go tšhireletšo go ditefelo tša ditšhelete tša go nyakišiša.

(3) Boto e ka no re legatong lefe goba lefe la go dira dinyakišišo tša kgopelo, ya kgopela modira-kgopelo go lefela ditšhelete tša peeletšo tša tlaleletšo mabapi le ditshenyagalelo tša mašeleng a go nyakišiša bjalo ka ge go nyakega.

(4) Ka morago ga go fetša go dira dinyakišišo, Boto e swanetše e re, go ya ka kgopelo, e fe modirakgopelo ditaba ka botlalo tša ditshenyagalelo tša dinyakišišo tšeo di dirilwego, le tšhelete ye e šetšego sekolotong sa akhaonte ye e swerwego legatong la modirakgopelo e swanetše e dule e le akhaonteng yeo goba e lefelwe gape go ya le ka mo seemo se tla bego se le ka gona.

(5) Boto e ka se re kgopelo e feleletše go fihlela ge ditshenyagalelo tša dinyakišišo ka moka di lefilwe ka botlalo.

29. Tlhahlobo ya lefelo

(1) Boto e ka hlahloba lefelo leo go dirilwego kgopelo go lona.

(2) Moo mohlahlobi a hlahlobago, mohlahlobi o swanetše a tliše pego go Boto malebana le gore lefelo leo go dirilwego kgopelo ka lona le lokile.

30. Pego ya maitshwaro a mabotse

(1) Ge go lebelelwa kgopelo ya laesense goba setifikeiti sa maleba, Boto e ka nyaka —

(a) tshedimošo ya go tlaleletša go tšwa go modirakgopelo;

(b) tumelelo yeo e ngwadilwego gotšwa go modirakgopelo ya gore Boto e ka nyaka tshedimošo ya tlaleletšo go tšwa go batho ba bangwe le go dumelela batho ba bangwe gofa Boto tshedimošo, le

(c) pego go tšwa go—

(i) pušo ya go lokiša;

(ii) Sentara ya Bohlodi ya Ditšhelete;

(iii) Molaodipharephare wa Ditshekišo tša Setšhaba; goba

(iv) Tirelo ya Maphodisa a Afrika Borwa.

(2) Pego go ya go karolwana (1) e ka tsenyeletša —

(a) ditlhalošišo tša go swarwa ga motho yoo, moo e elgo gore ditlhalošišo tšeo - di bohlokwa go thuša go tiiša gore motho yoo o loketšwe ke go swara laesense, monglaesense lefelo la laesense goba kgwebo yeo laesense e sepelelanago le yona, goba

(b) tshedimošo efe goba efe yeo go boletšwego ka yona go karolwana (1 (c) e ka bonwago e le maleba le kgopelo.

(3) Go direla mabaka a pego yeo e lebeletšwego ka go karolo ye, lelokola Diterelo tša Maphodisa a Africa Borwa a ka kgopela modira kgopelo go ba motho yoo a lebeletšwego go tliša tshedimošo yeo le dipampiri tše dingwe go tsenyeletšwa le dikgatišo tša menwana, goba tša seatla.

(4) Boto e swanetše e tliše khophi ya pego ye nngwe le ye nngwe ya goloka yeo e dirilwego go ya ka Molao wo go Boto ya Naga ya go Kempola, gore e tsenyeletšwe go retšistara ya naga ka moka ya badira go loka. .

31. Ditheetšo tša go dira dikgopelo

(1) Boto e ka laletša batho bao ba na lego kgahlego go tla ditheetšong go ya ka kgopelo, ka tsebišo ka gare ga kuranta ya mmušo le dikuranta tša tikologo tšeo badira dikgopelo ba ditsebago.

(2) Tsebišo go karolwana(1) e swanetše e laetše letšatšikgwedi, nako, le lefelo leo le ka fihlelelwago ke setšhaba.

(3) Boto e swanetše e fe badiradokgopelo le motho mang goba mang sebaka sa go bolela.

(4) Motho yo a a fiwago sebaka sa go bolela a ka thušwa ke motho yoo a kgethilwego ke yena go ya ka seo se lego go karolwana ya (3).

(5) Boto e ka phatlalatša goba ya thoma ditheetšo ka letšatšikgwedi, nako le lefelo leo le boletšwego ke Boto.

(6) Modulasetulo wa Boto a ka, kgopela motho gore a tloge ditheetšong, ge e legore goba gona ga motho yo mongwe ga go kgahle kgoro goba ga go sepelelane le tshepedišo ya ditheetšo.

32. Keleletšo ya lengwalo la kgopelo

(1) Moo e lego gore modirakgopelo ga a kgotsofatše dinyakwa tša karolo 26, Boto e swanetše e bušetše lengwalo la go dira kgopelo go mong wa lona, ba laela modira kgopelo go tlaleletša goba go lokiša kgopelo pele go feta matšatši a 14.

(2) Moo e lego gore kgopelo e palelwa ke go latela karolwana (1), Boto e ka gana kgopelo gomme ya tsebiša modirakgopelo ka lengwalo.

(3) Ge go lebelelwa kgopelo, Boto e swanetše e lebelele —

(a) mengwaga, semelo, maemo, seemo sa mašeleng le histori ya mošomo tša modira kgopelo le

(b) go swarwa ka tshenyo efe goba efe go go na lego go se tshephagale.

(4) Boto e swanetše e lebeledišiše —

(a) kgopelo;

(b) boemedi bofe goba bofe mabapi le kgopelo;

(c) lengwalo la go araba la modira kgopelo;

(d) pego ya tlhahlobo ya lefelo;

(e) pego ya nyakišišo;

(f) pego ya maphodisa, goba

(g) tshedimošo efe goba efe goba bohlatse bofe goba bofe bo ka tlišwago go Boto malebana le kgopelo,

(h) ntšha kgopelo ka maemo ao Boto e ka ganago goba ya dumela kgopelo.

(5) Boto e swanetše e ngwale lengwalo ge e kgopelwa ke modirakgopelo gomme ba fe mabaka a sephetho sa bona.

33. Ditaba tša ikonomi le tlhabollo ya selegae tšeo di swanetšwego go fiwa šedi

(1) Ge go lebelelwa kgopelo ya laesense, ka ntle ga laesense ya mošomedi yo bohlokwa, Boto e swanetše e lebelele —

(a) maitlamo ka moka ao a dirilwego ke mokgopela laesense malebana le —

(i) matlafatšo ya batho baso;

(ii) go fediša ditiragalo tša go kempola moo go sa laolegego le go kempola ntle le go ikgopola; le

(b) kgonagalo ya phetogo ya seemo sa ikonomi go setšhaba seo go šišinywago laesense.

(2) Boto e ka gapeletša mabaka a go kwala a seemo sa laesense go fihlela go bonwa bohlokwa bja go rarolla mathata ao go boletšwego ka wona go karolwana(1)

(3) Bonnyane, ga tee ka ngwaga, ka morago ga go ntšha laesense ka ntle ga laesense ya mošomedi yo bohlokwa, Boto —

(a) e swanetše e lebelele leswa maikano a o a dirilwego go ya ka karolwana ya (1) (a) le diphihlelelo tša mong laesense tšeo di sepelelanago le maikano ao; le

(b) a ka gapeletša maemo gape a mabaka a go kwala go laesense ka mokgwa wo e lego gore o bohlokwa go rarolla ditaba tšeo go boletšwego ka tšona go karolwana (1).

34. Ditaba tša phadišano tšeo di swanetšwego go fiwa šedi

(1) Ge go lebelelwa kgopelo ya laesense, goba ka ntle ga laesense ya mošomedi yo bohlokwa, Boto e swanetše e kgonthišiše gore go dumelela laesense go ka tla gwa

ama phadišano intasitering ya go kempola ka bopahara goba go ya le ka medirwana yeo e šišintšwego ka gare ga profense.

(2) Ka morago ga go lebelela ditaba tšeo di ukangwego go karolwana ya (1), Boto e swanetše e gane kgopelo ka ntle le ge e le gore go na le dikgahlego tša setšhaba tšeo di fetago mabaka a go e amogela, ge e le gore go amogela kgopelo go tlo fetša e le ga modira kgopelo a nnoši goba go kgahlanong le motho wa leloko, yoo a fihlelelago maatla a mmaraka.

(3) Go dira mohola wa karolwana (2) —

(a) **"maatla a mmaraka"** e hlalositšwe go karolo ya (1) ya Molao wa Diphadišano, 1998 (Molao wa 89 wa 1998);

(b) **"mabaka a kgahlego ya setšhaba"** a tsenyeletša mabaka ao a bontšhitšwego go karolo 12A (3) ya Molao wa Diphadišano, 1998 (Molao wa 89 wa 1998); le

(c) **"motho wa leloko"** e ra gore motho yoo —

(i) a na lego taolo ya thwii goba yeo e sego ya thwii ya kgopelo

(ii) yo e lego gore kgopelo e molaola thwii; goba

(iii) yoo a laolwago thwii goba ka mokgwa wo mongwe ke motho yoo go boletšwego ka yena go karolwana ya (i).

35. Seemo sa laesense

(1) Ge Boto e ntša laesense ya profense goba ya naga ka moka, Boto e ka ntša laesense e na le melawana yeo e beilwego goba e se gona.

(2) Laesense yeo e ntšhitšwego go ya ka Molao wo, go sa tsenyeletšwa laesense ya mošomedi yo bohlokwa, e swanetše e laetše —

(a) boitsebišo bja monglaesense;

(b) mediro yeo laesense e dumelelago monglaesense go e tsenela, maitshwaro, goba go ba gona setšhabeng;

(c) leina goba tlhaloso ya maleba ya lefelong leo mong-laesensthe a dumeletšwego go šoma go lona, le

(d) nako ya laesense.

(3) Boto e ka bolela seemo go ya ka laesense efe le efe yeo e ntšhitšwego go ya ka molao wo, re tsenyeletša seemo seo —

(a) mediro ya go kempola yeo e ka dirwago goba mekgwa ya go petša yeo e ka dumelelwago;

(b) mokgwa wa go bapala modiro wa go kempola goba go petša;

(c) melao ya mediro ya go kempola, go petša goba go šiašiana;

(d) di iri tšeo e lego gore modiro wo o itšego o ka dirwa;

(e) go fiwa ga karanti ke modirakgopelo ka mokgwa wo o amogelegago go Boto ka dikoloto tša modira kgopelo malebana le —

(i) metšhelo yeo e lefelwago go ya ka Molao wo

(ii) dikoloto tša go kempola tšeo di lefelwago ke modirakgopelo;

(f) go aga , go lokiša , go tlaleletša goba go aga leswa lefelo la laesense;

(g) go hwetša lefelo;

(h) go hwetša lefelo leo mediro ya go kempola e tlo go dumelelwa le

(i) ditaba tšeo di ka ba go bohlokwa go fihlelela ditebo tša Molao wo.

(4) Boto e ka ntšha laesense ge fela —

(a) bjalo ka laesense ya go ya go ile;

(b) bjalo ka ge e le laesense ya lebakanyana, e tla ya le gore modirakgopelo o sepelelana le maemo a itšego nakong ye e beilwego, ka maikemišetšo a gore ka morago ga ge a kgona go sepelelana le maemo ao, a ka fiwa laesense ya go ya go ile e sego ya lebakanyana.

(c) go ya ka karolwana(3), bjalo ka laesense ya ditiragalo tšeo diikgethilego, yeo e dumelelago tiragalo tša go ba le laesense tše diikgethilego matšatši le mafelong ao a kgethilwego tšeo di bontšhitšwego laesenseng.

(5) Boto e ka re moo e le go gore go nale kotsi, yeo e sepelelanago le go lefela sekoloto ka botlalo ke mong laesense go sekoloto sefe goba sefe seo go boletšwego ka sona go karolwana (3)(e) e oketše, e gapeletše mong laesense gore a tliše mangwalo a tlaleletšo ao go boletšwego ka wona go karolwana yeo.

(6) Laesense ke ya maleba nakong yeo e beilwego ke Boto.

36. Go fega goba go fediša laesense le tokišo ya seemo sa laesense.

(1) Go ya ka karolwana ya (3), Boto e ka —

(a) lokiša seemo sa laesenthse;

(b) fega laesense nako ye e beilwego ke Boto; goba

(c) fediša laesense go ya ka letšatšikgwedi leo leo le beilwego ke Boto,

Ge e le gore

(i) tshedimošo efe goba efe mabapi le laesense nako yeo tshedimošo e ntšhwa e be e le ya maaka goba go na le dilo tšeo di sego gona

(ii) monglaesense o ganetšwa go ba le laesense go ya ka Molao wo;

(iii) mong-laesensthe, mošomedi wa monglaesense goba motho mang goba mang yoo a ka emelago monglaesense ge a ka palelwa ke go latela —

(aa) Tšeo di lego go Molao wo;

(bb) seemo sa laesense; goba

(cc) lengwalo la go laetša go fediša go se dumelelane le molao nako ye iitšego,

(iv) monglaesense o paletšwe ke go tšwela pele ka go kempola tekano ya matšatši a masometharo a go latelana, gomme a se a ngwale lengwalo la go tsebiša Boto ;

(v) monglaesense o palelwa ke go lefela ditšhelete tša Boto go ya ka Molao wo nako yeo e beilwego;

(vi) monglaesense o palelwa ke go lefela moputso wo o thupilwego modirwaneng wa go kempola goba petšo yeo e thopilwego sefoka

(vii) monglaesense, go ya kgopolo ya Boto, o swara mediro ya go kempola goba a dumelela mediro ya go kempola gore e swarwe ka mokgwa woo o sego wa lokela maphelo a setšhaba, tšhireletšego, mekgwa, molao wa maleba goba maisthwaro a makaone ka kakaretšo a badudi ba profense,

(viii) monglaesense mang goba mang legatong la monglaesense a šomišago sedirišwa sa go kempola goba a dumelela go bapalwa ga modiro ofe goba ofe wa go kempola ka sedirišwa sa go kempola. —

(i) e tšerwego go tšwa go motho yo a senago laesense go ya ka karolo 57,

(ii) yeo e sa latelego mekgwa le maemo;

(ix) mong laesense o thwala motho yo go boletšwego ka yena go karolo 62 ka ntle ga go nyakwa ga laesense;

(x) mong laesense, ka ntle ga lengwalo go tšwa goBoto, a rekiše goba a tlogele, goba a eme go šoma kgwebong efe goba efe go ya ka lefelo leo le na lego laesense; goba

(xi) mong laesense o šomiša mekgwa ye itšego ya go šoma yeo Boto e bonago e se ya maleba.

(2) Boto e ka buša laesense yeo e fegilwego ka tlase ga karolwana ya (1) ge e le gore mabaka a go fegwa ga laesense a sa hlwe a le gona. .

(3) Boto e swanetše e tsebiše mong-laesensthe pele ka tsebišo yeo e ngwadilwego ka mabaka a go fetošwa, go fegwa goba go fedišwa ga laesense pele ga go fetoša, go fega goba go fediša laesense e fe monglaesense sebaka sa go tliša mabaka ao a ngwadilwego fase pele go feta matšatši a 14 a hweditše tokumente e bjalo, gore ke ka lebaka la eng laesense e se ya swanelwa ke go fetošwa, go fegwa goba go fedišwa

(4)(a) Go ya ka temana ya (b) moo e lego gore Boto e laetša go ka fetolwa goba go fegwa le semeetseng ga laesense ka lebaka la kgahlego ya setšhaba

(b) Ka morago ga gore Boto e fega laesense go ya ka temana ya (a) Boto e swanetše e šomiše tshedimošo go tšwa go Molao wa Tlhabollo ya Tshepedišo ya Toka wa, 2000(Molao wa3 wa 2000).

(c) Ge e le gore ka morago ga go dumelelana le temana ya (b) Boto e kgotsofalela go re go fediša laesense go lokile, Boto e swanetšwe ke go latela tsela yeo e laeditšwego go karolwana (3)..

(5) Mong-laesense ga a dumelelwa go kgathatema, goba go ba le seabe go medirwana yeo e fegilwego, nakong yeo e lego gore laesense e fegilwe

(6) Mong-laesense ga ana tokelo ya go bušetšwa tšhelete tšeo a di lefetšego ge laesense e fegwa goba e fedišwa.

(7) Mong-laesense yoo laesense ya gagwe e fegilwego goba e fedišitšwego o swanetše a tliše laesense go Boto pele go feta matšatši a šupa a tsebišitšwe ka phego.

(8) Go diretšwe karolo ye "Laesense" go ya ka morero wa karolo ye e akaretša setifikeiti sa maswanedi seo go boletšwego ka sona go karolo ya 43

37. Laesense ya lebakanyana

(1) Moo e lego gore kgopelo ya laesense e a fiwa, Boto e ka akanya gore laesense ya lebakanayan e ntšhiwe —

(a) moo e lego gore lefelo leo le lebeletšwego le nyaka go lokišwa, go oketšwa, go agwa go ba go aga leswa

(b) go maemo a mangwe moo e lego gore go ntšhiwa ga laesense ya lebakanyana go maleba.

(2) Boto e ka neela laesense ya lebakanyana go yo a dirago kgopelo ge fela, modirakgopelo a dumelelana le nakong yeo e bontšhitšwego go laesense ya lebakanynana, go ya le ka mabaka ao Boto e tla a beago.

(3) Boto e ka, nakong ya go dirwa kgopelo ke moswari wa laesense ya lebakanyana, nako ye nngwe le yenngwe morago ga gore gontšhiwe laesense ya lebakanyana, ka taetšo ya boitshwaro bjo bo botse, ya oketša nakong yeo e sa fetego dikgwedi tše 24.

(4) Ge Boto e kgotsofetše, ge moswari wa laesense ya lebakanyna a dira kgopelo, gore maemo le dinyakwa tša laesense ya lebakayana di latetetšwe, Boto e swanetše e ntšhe laesense sebakeng sa laesense ya lebakanyana.

5) Ge e ba laesense ga se ya ntšhiwa go ya ka fao go lebeletšwego go karolwana (4) pele ga nako yeo e bontšhitšwego go laesense ya lebakanyana, laesense ya lebakanyana e ka fela.

38. Go khudušwa ga lefelo

(1) Monglaesense a ka, dira kgopela ya go khuduša kgwebo ya gagwe ya go kempola lebakanyana goba sa ruri go ya ka fomete yeo e beilwego,

38. Lefelo la tšhutišo

(1) Mong laesense a ka dira kgopelo ya go šuta ka fomete ye e kgethilwego, e ka ba ya go ya ruri goba ya lebakanyana, ya kgwebo ya go kempola yeo e amegago go lefelo le lengwe.

(2) Mo go khasino ye e nago le laesense gomme e šutišetšwa go lefelo le lengwe, ditlhalošo tša karolo ya 26 go ya go ya 35 le karolo ya 44 ya Molao wo e a šomišwa.

(3) Boto e ka, go ya ka mabaka ao Boto e ka a laetšago le go dumelela mokgopedi ka ge go šetše go akantšwe ka go karolwana ya (2), go sepetša kgwebo ya mong laesense mo lefelong, go sa emetšwe dipoelo tša kgopelo ya mokgopedi ya lefelo la tšhutišo.

39. Lehu goba bogolofadi

(1) Ge mong laesense goba motho yoo a na go le kgahlego ka laesense, a ka hwa goba a golofala, moabalefa goba motlamedi wa bohwa bja motho yoo goba motho yo mongwe yoo a na go le kgahlego go laesense yeo, a ka dira kgopelo go Boto go hwetša laesense ya maleba.

(2) Boto e ka, go ya ka mabaka ao Boto e ka a kwanelago, dumelela mokgopedi ka ge go akantšwe ka go karolwana ya (1), go sepetša kgwebo ya mong laesense, go sa emetšwe dipoelo tša kgopelo ka mokgopedi wa laesense,

40. Tshwanelo ya go tšweletša le go hlagiša laesense

(1) Mong laesense o swanetše go tšweletša gabotse laesense ka mehla go lefelo la laesense.

(2) Mong laesense, mošomi wa mong laesense goba motho yoo a emetšego mong laesense legato, o swanetše go hlagiša laesense yeo ge e kgopelwa ke mohlahlobi goba lephodisa.

41. Tshwanelo ya go lefa ditefelo le dilebi

(1) Mokgopedi wa laesense o swanetše go lefela Boto —

(a) ditefelo tšeo di kgethetšwego tša kgopelo ya laesense; le

(b) ditefelo ka moka tše dingwe tše di nyakwago ke Boto; le

(c) ditefelo ka moka tša go tswalela ditsheyagalelo tše di kgonagalago, go akaretša le ditshenyagalelo tša dinyakišišo tše di dirilwego ke Boto.

(2) Mong laesense o swanetše go lefela Boto—

(a) ditefelo tše di kgethetšwego tša laesense;

(b) kotlo ye e kgethetšwego ya ditefelo tša tefo ya morago ga nako, go kotlo yeo e sa swanelago go feta gabedi bokaalo bja tefelo go sa kgathale gore ke kotlo e fe yeo e lefelwago;

(c) dilebi tšeo di kgethetšwego;

(d) kotlo yeo e kgethetšwego go tefelo ya morago ga nako ya dilebi, go kotlo yeo e sa swanelago go feta gabedi bokaalo bja lebi go sa kgathale gore ke kotlo e fe yeo e lefelwago; le

(e) ditefelo tše dingwe tšeo di kgethetšwego goba dilebi tše di nyakwago ke Boto.

(3) Ditefelo tša laesense di ka fapana go ya ka mehuta ya dilaesense.

42. Ditswalo tša ditšhelete le tša go laola

(1) Motho yoo a lebaganego ka botlalo goba gannyane le go nyaka tswalo ya taolo goba tswalo ya tšhelete ya diphesente tše tlhano goba go feta, goba phesente efe goba efe ya ka fase go ya ka fao e kgethetšwego, mo go kgwebo ye laesense e swanelago, e swanetše go ba mo lebakeng le mokgwa wo o kwanetšwego ke Boto, a dire kgopelo go Boto go fiwa tumelelo ya go kgatha tema.

(2) Ditlhalošo tše di šomišwago go mokgopedi wa laesense, di šomišwa le go kgopelo ye go boletšwego ka yona ka go karolwana ya (1).

(3) Boto ga e a swanela go fa tumelelo ya kgopelo go ya ka mabaka a karolwana (1) fao mokgopedi a ahloletšwego bošaedi go ya ka fao go akantšwego ka go karolo ya 24.

(4) Fao Boto e sa dumelelanego le kgopelo go ya ka karolwana ya (1), mokgopedi yoo a amegago o swanetše gore ka lebaka leo le kwanetšego ke Boto a fediše kgahlego go laesense.

(5) Ga go motho yoo a ka go nyaka kgahlego go ya ka fao go akantšwego ka go karolwana ya (1), bjalo ka mokgethwa goba morekišetši legatong la mojalefa, ge motho yoo a se a tsebiša mong laesense yoo a amegago le Boto ka go ngwala maina a mojalefa woo

43. Setefikeiti sa maleba

(1) Molekgotlaphethiši a ka fa lenaneo la mafapha a batho bao ba nyakago setefikeiti sa maleba ka tsebišo ka gare ga *kuranta ya mmušo.*

(2) Fao mong laesense a nyakago dithoto goba ditirelo go tšwa go mafapha a batho ao a filwego ka gare ga tsebišo ye go bolelwago ka yona go karolwana ya (1), mong laesense o swanetše go hwetša dithoto tšeo goba ditirelo tšeo go tšwa go motho yoo a swerego setefikeiti sa maleba go aba dithoto goba ditirelo tšeo.

(3) Motho o swanetše go dira kgopelo go Boto go humana setefikeiti sa maleba ka fomete le tsela yeo e kwanetšwego ke Boto.

(4) Boto e ka nyakišiša le go humana tshedimošo go motho yo mongwe le yo mongwe goba mothopo wo mongwe le wo mongwe, go akaretša le Maphodisa a Tirelo ya Afrika Borwa, malebana le mokgopedi, gore Boto e kgone go amogela kgopelo.

(5) Boto e ka, morago ga go fa mong setefikeiti sebaka sa go dira kalotaba, fega lebaka leo e itšego goba fediša setefikeiti sa tshwanelo, ge —

(a) tshedimošo ka gare ga kgopelo ya setefikeiti seo e be e le ya maaka ka dipampiri tše dingwe goba e be e le ye nngwe ya dimpapiri tšeo di swanetšego go tlošwa;

(b) Mong setefikeiti o paletšwe ke go fihlelela dinyakwa goba a tshetše dipeelano goba mabaka a setefekeiti;

(c) Boto e kwešiša gore go a nyakega, e bile go loketšwe ke taolo ya kgonthe ya go kempola.

44. Phokotšo ya ditokelo malebana le laesense

Motho yoo a kgethilwego semolao a ka abelwa laesense —

(a) go sepetša khasino,

(b) bjalo ka motšhenephokotšo wa tsela ya tshepetšo;

(c) bjalo ka motšweletši;

(d) bjalo ka motšhene wa go balela goba;

(e) bjalo ka mošomiši wa lefelo wa go ikema.

KGAOLO YA 4

LAESENSE YA KHASINO

45. Laesense ya khasino

(1) Go lebeletšwe Kgaolo ye —

"papadi ya khasino" e ra gore papadi, go sa kgathale gore dipoelo tša yona di tla ka mahlatse goba ka kelo ya bokgoni, di bapalwa ka dikarata tša go bapala, mataese, motšhene wa go kempola goba se setlabelo sengwe feela seo se šomišwago go laetša go fenya goba go hlolwa go tšhelete yeo e bowago goba se sengwe sa bohlokwa, gomme e akaretša ntle le go nyenyefatša go tšwa go kakaretšo ya fokoing, blakjeke, chemin der fer, bakharate, pinko, keno, masomepedi-tee, phouka le rolete goba papadi ye nngwe le ye nngwe yeo melao ya wona e nyakilego go swana kudu le ya fokoing.

(2) Boto le ka aba laesense ya khasino fela morago ga go rerišana le Molekgotlaphethiši gomme le Boto le kgotsofetše gore mokgopedi o na le —

(a) tsebo yeo e lebanego le maitemogelo goba o kgona go hwetša tsebo yeo e nyakegago le maitemogelo a go sepidiša khasino;

(b) o fihleletše ditshwanelo tša kgopelo go ya ka fao Boto le beilego ka gona go ya ka Molao wo;

(c) konokono ya semolao wa lefelo la laesense; le

(d) tumelelo go mothopo ya thuo yeo e lekanego go sepidiša khasino.

(3) Laesense ya khasino e dumelela go ya ka mabaka ao Boto le ka a beago, mo go tshepetšo le go bapala dipapadi tša khasino lefelong leo le bontšhiswego ka mo laesenseng.

(4) Mong laesense wa khasino a se ke a amanya motšhene wa go kempola le jekephoto ya go tšwela pele ya lefelo le legolo pele a humana tumelelo ka Boto.

(5) Boto le ka ba le kgwerano le barekišetši ba tshepetšo-semolao ba ka ntle ga profense go kgonthiša taolo ya kgonthe ya tšekepote ya kgatelopele ya go akaretša tikologo e kgolo. Go lebeletšwe metšhene ya go kempola yeo e amantšwego le tšekepote ya kgatelopele ya go akaretša tikologo e kgoloyeo go boletšwego ka yona ka go karolwana ya (4),

46. Dikakanyo go kgopelo ya laesense ya khasino

(1) Ge go akanywa kgopelo ya laesense ya khasino, Boto le swanetše go akanya go fihla fao e lego gore —

(a) khasino e tla godiša tikologo le mafelo a kgauswi;

(b) khasino e tla hlatloša tša boeti fao lefelong leo khasino e tla be go e beilwe gona;

(c) khasino e tla thuša ka thwalo ya mešomo ya go ya go ile;

(d) mokgopedi o tla aba thutelo le bokgoni go bašomi ba khasino;

(e) mokgopedi o tla nyaka modiro, dithoto le ditirelo go tloga lefelong leo le profense kakaretšo go kago ya khasino; le

(f) mokgopedi o ikemišetša go aba triišano mo go bong le dipoelo tša khasino ka batho goba dihlopha goba mafapha a batho bao ba bego ba hlwaotšwe ka tsela yeo e sa lokago; l

(g) mokgopedi o ikemišetša go thuša ka dinolofatši tše dingwe le tše dingwe, go hola goba thušo ya ga go hola, tšhomišo goba boithabišo bja setšhaba fao goba kgauswi le lefelo leo khasino e le go gona.

(2) Boto le ka akanya lebaka le lengwe leo le ka amago sephetho sa go fa kgopelo goba go bea peelano goba ditshwanelo

47. Go bontšha tshedimošo

Mong laesense ya khasino o swanetše go —

(a) go bontšha mo lefelong la laesense, tshedimošo mabapi le dipapadi tša khasino go ya ka fao di beilwego ke Boto; le

(b) ge moemedi a kgopela, ntšha khophi ya melao yeo e laetšago ka fao papadi ya khasino e swanetšego go bapalwa gore e lekolwe.

48. Tšhomišo ya leina "khasino"

Ga go motho yoo a ka go rekiša goba go dira kgwebo ka tlase ga leina goba hlogo fao lentšu "khasino"' le šomišitšwe ge motho yoo e se mong laesense ya khasino yeo e abilwego go ya ka Molao wo.

KGAOLO YA 5

PINKO

49. Laesense ya pinko le laesense ya lefelo la binko

(1) Laesense ya pinko, go ya ka mabaka ao boeto e ka a nyakago, go bapala goba go dumelela go bapalwa ga pinko go le tee goba mafelo a mangwe ao a nago le laesense.

(2) Ga go motho yoo ntle le mong laesense a ka ba go le lefelo fao pinko e bapalwago goba a dumelela go bapalwa pinko ntle ga kabo ya laesense ya pinko go ya ka Molao wo.

(3) Ga go motho yoo a ka fago gore pinko e bapalwe lefelong leo, ntle le laesense yeo e abilwego ya pinko go ya ka mabaka a Molao wo, ka tsela ya semohlagase.goba mokgwa wa go nyaka go swana wa go amanya le mafelo a mangwe..

(4) Boto e ka tsenela kgwerano le barekišetši ba semolao ba ka ntle ga profense go kgonthišiša taolo ye botse ya dipapadi tša pinko tšeo di amantšwego, go lebeletšwe kamano yeo e akantšwego ka go karolwana ya (3).

(5) Palo yeo e lefišwago go bapala pinko e se ke ya feta yeo e bontšhitšwego ka gare ga laesense ya pinko.

(6) Molekgotlaphethiši a ka tsebiša gore papadi ye nngwe le nngwe yeo e swanago kudu le pinko, ke pinko, ka tumelelo ya Boto, ka tsebišo ka gare ga *kuranta ya mmušo.*

KGAOLO YA 6

MOTŠHENEKILETŠO WA GO LEFELA WA LAESENSE YA TSELA YA TSHEPETŠO, MOTŠHENEKILETŠO WA GO LEFELA WA LAESENSE YA LEFELO LA TSHEPETŠO LE LAESENSE YA TSHEPETŠO YA LEFELO LA GO IKEMELA

50. Motšhenekiletšo wa go lefela wa laesense ya tsela ya tshepetšo

(1) Motšhenekiletšo wa go lefela wa laesense ya tsela ya tshepetšo o dumelela, go ya ka dipeelano tšeo Lekgotla la balodi le ka di beago, tshepedišo ya metšhenekiletšo yeo e fihlelelago dinyakwa tšeo di beilwego, tšeo di bontšhitšwego ka gare ga laesense ya metšhenekiletšo.

(2) Mong laesense ya motšhenekiletšo wa go lefela wa tsela ya tshepetšo o swanetše go tsenela kgwerano le mong laesense ya lefelo la motšhenekiletšo wa go lefela go bea metšhene ya go kempola go lefelo la laesense.

(3) Boto e ka aba fela laesense ya motšhenekiletšo wa go lefela wa tsela ya tshepetšo ge Boto le kgotsofetše gore mokgopedi —

(a) o na le tsebo ya maleba le maitemogelo goba o kgona go humana tsebo yeo e nyakegago le maitemogelo a go sepidiša motšhene ya go kempola; le

(b) o lokišitše ditshwanelo ka moka tša kgopelo ka ge di beilwe ke Boto go ya ka Molao wa go Kempola wa Bosetšhaba, 2004.

(4) Lekgotla la balodi le ka aba laesense ya motšhenekiletšo wa go lefela wa tsela ya tshepetšo go palo ya metšhene ya go kempola yeo e beilwego ke Molao wa go Kempola wa Bosetšhaba, 2004.

(5) Mong laesense ya motšhenekiletšo wa go lefela o swanetše go amanya metšhene ya go kempola ka moka le yeo e bontšhitšwego ka gare ga laesense go mokgwa wa semohlagase wa go hlokomela woo e akantšwego ka go karolo ya 60.

(6) Ga go motho yoo a ka dumelelago goba a swaragana le kgwebo ya go sepidiša motšhenekiletšo wa go lefela, ntle le laesense ya motšhenekiletšo wa go lefela ya tsela ya tshepetšo yeo e abilwego go ya ka Molao wo.

51. Laesense ya motšhenekiletšo wa go lefela wa tsela ya tshepetšo

(1) Laesense ya motšhenekiletšo wa go lefela wa tsela ya tshepetšo o dumelela, go ya ka mabaka tšeo Lekgotla la balodi le ka di beago, go swara le go utolla ga papadi, palo ye e šupilwego ya metšhenekiletšo ya go lefela tšeo di fihleletšego dinyakwa ka gare ga lefelo leo le abilwego go lefelo leo le bonthitšwego ka gare ga laesense.

(2)(a) go ya ka temana ya (b), Boto le ka aba laesense ya metšhenekiletšo go tshepetšo le go swara metšhenekiletšo ya go lefela ya go feta metšhenekiletšo ya go ye tlhano.

(b) Lekgotla la balodi le ka dira kgopelo go Molao wa go Kempola wa Bosetšhaba gore le dumelela tshepetšo ya metšhenekiletšo ya go lefela go feta metšhene ye metlhano le ya go se fete 40: ntle le ge kgopelo yeo e swanetšwe go dirwa go ya ka lefelo le lengwe le le lengwe fao e le go gore metšhenekiletšo ya go feta disote *t*še tlhano.

(3) Lekgotla la balodi le ka aba fela laesense ya motšhenekiletšo wa tsela ya tshepetšo

ge —

(a) mokgopedi o lokišitše ditshwanelo ka moka ka ge di beilwe ke Bote go ya ka Molao wa go Kempola wa Bosetšhaba, 2004; le

(b) go kgotsofaditšwe gore lefelo fao laesense e le go sote e tla se šomišwe go tshepedišo ya motšhenekiletšo wa go lefela.

(4) Mong laesense ya lefelo la motšhenekiletšo wa go lefela o swanetše go kgonthiša gore –

(a) tefišo ya maksimamo ya go bapala motšhenekiletšo wa go lefela wo mongwe le wo mongwe ga ya swanela go feta bokaalo bjoo bo beilwego;

(b) moputso go ya ka papadi ye nngwe le ye nngwe e tee yeo e bapalwago ka mokgwa woo motšhenekiletšo wa go lefela wo mongwe le wo mongwe o se fete ka palomokalelo, mohola wa bokaalo bjoo bo beilwego go ya ka Molao wa go Kempola wa bosetšhaba 2004;

(c) mohola wa maksimamo wa moputso, woo o beilwego go ya ka temana (b), e swanetšwe go bontšhwa mo go motšhenekiletšo wa go lefela, gore ke thopo efe yeo e ka fenywago ge go bapalwa papadi ga tee; le

(d) motšhenekiletšo wa go lefela e bewa mo lefelong leo motho wa ka tlase ga mengwaga ye 18 a se na go tumelelo.

(5) Ga go motho yoo ntle le laesense ya motšhenekiletšo wa go lefela yeo e abilwego go ya ka Molao wo, boloka lefelo leo metšhenekiletšo ya go lefela e a swara goba a utollwa gore go bapalwe.

52. Lefelo la tshepidišo la laesense la go ikemela

(1) Lefelo la tshepidišo la laesense la go ikema le dumelela tshepidišo ya go se fete nomoro ya maksimamo ya metšhenekiletšo ya go lefela yeo hlophilwego ka mo

laesenseng, mo lefelong leo le bontšhitšwego, go ya ka dipeelano tše dingwe le tše dingwe tšeo Boto ba ka di beago.

(2) Lekgotla la balodi le ka aba fela lefelo la tshepidišo ya go ikema ge —

(a) mokgopedi a lokišitše ditshwanelo tša kgopelo go ya ka tsebišo yeo go šupetšwago yona ka go karolo 26;

(b) mokgopedi o na le tsebo yeo e lekanego le maitemogelo goba o kgona go hwetša tsebo yeo le maitemogelo go sepetša motšhenekiletšo wa go balela; le

(c) le kgotsofetše gore lefelo leo laesense e ka go abelwa le ka se šomišwe kudu go tshepetšo ya motšhenekiletšo wa go balela.

(3) Mong laesense ya tshepetšo ya lefelo la go ikemela o swanetše go amanya metšhenekiletšo ka moka ya go lefela yeo e bontšhitšwego mo laesenseng go mokgwa wa hlokomela ya semohlagase.

(4) Mong laesense wa lefelo la tshepidišo la go ikema o swanetše go kgonthiša gore —

(a) maksimamo ya tefišo go bapala mo go motšhenekiletšo wa go lefela ga o fete bokaalo bjo bo beilwego;;

(b) moputso go ya ka papadi yeo e ralokilwego ka motšhenekiletšo, ka kakaretšo ga o fete moputso wa bokaalo bjoo bo beilwego;

(c) go boela go baraoki ba motšhenekiletšo wa go balela ga se tšhelete ye nnyane go phala phesente yeo e beilwego;

(d) mohola wa maksimamo wa thopo yeo e beilwego, yeo e ka fenywago ka go bapala papadi ga tee mo go motšhenekiletšo wa go lefela, e bontšhitšwe mo go motšhenekiletšo wa go lefela woo; le

(e) motšhenekiletšo wa go lefela e bewa mo lefelong leo motho wa ka tlase ga mengwaga ye 18 a se na go tumelelo.

(5) Ga go motho yoo a ka go dumelela goba go swaragana le kgwebo ya tshepetšo ya metšhene ya go lefela yeo e bontšhitšwego ka gare ga laesense, ntle le laesense ya tshepetšo ya lefelo la go ikema yeo e abilwego go ya ka Molao wo.

KGAOLO YA 7

MOTŠHENE WA GO LEFELA LE LAESENSE YA MOPETŠIŠI

53. Laesense ya tshepetšo ya motšhene wa go lefela

(1) Ga go motho yoo a ka go šomiša goba go dumelela tshepetšo ya motšhene wa go balela goba diphulu tsa go beta, ntle le laesense ya tshepetšo ya motšhene wa go blefela go ya ka Molao wo.

(2) Laesense ya tshepetšo ya motšhene wa go lefela e dumelela, go ya ka dipeelano tšeo Boto le ka di beago, tshepetšo ya motšhene wa go balela goba diphulu tša go beta go ya ka melao yeo e laeditšwego ke Boto.

(3) Molekgotlaphethiši a ka bea dinyakwa tša motšhene tshepetšo wa go balela.

54. Laesense ya lefelo la motšhene wa go balela

(1) Motšhene wa go balela wa laesense go ya ka karolo ya 53, o swanetše go ba le laesense ya lefelo la motšhene wa go balela go amogela diseteiki go lefelo leo le laeditšwego mo go laesense.

(2) Laesense ya lefelo la motšhene wa go balela e dumelela, go ya ka dipeelano tšeo Boto ba ka di beago, kamogelo ya diseteiki go lefelo leo le laeditšwego mo go laesense.

55. Laesense ya mopetšiši

(1) Ga go motho yoo, ntle le laesense ya mopetšiši yeo e abilwego go ya ka Molao wo, a swaragana ka gare ga kgwebo thwii goba ka go rarela ka go bea le go tšea dibete le maloko a setšhaba goba bapukumakara ba bangwe.

(2) mopetšiši yoo a bontšhitšwego ka gare ga laesense o swara laesense ya mopetšiši.

(3) Laesense ya mopetšiši e a dumelela, go ya ka dipeelano tšeo di beilwego ke Boto, go sepidiša kgwebo ya mopetšiši go mafelo ka go bea diotse tša go ya go ile le dibete tša go bulelwa, eupša e se go dibete tša motšhene wa go balela.

(4) Molekgotlaphethiši a ka bea dinyakwa go tshepetšo ya laesense ya mopetšiši.

56. Laesense ya lefelo la mopetšiši

(1) Mopetšiši ya laesense go ya ka karolo 55, e swanetše go ba le laesense ya lefelo la mopetšiši go lefelo le lengwe le le lengwe leo le šomišwago ke mopetšiši go sepidiša kgwebo ya mopetšiši.

(2) Laesense ya lefelo la mopetšiši amana le lefelo leo le bontšhitšwego ka gare ga laesense.

KGAOLO YA 8

GO BOPA DILO, GO BOLOKA LE GO FEPA KA LAESENSE

57. Go bopa, go lokiša le go aba laesesnse

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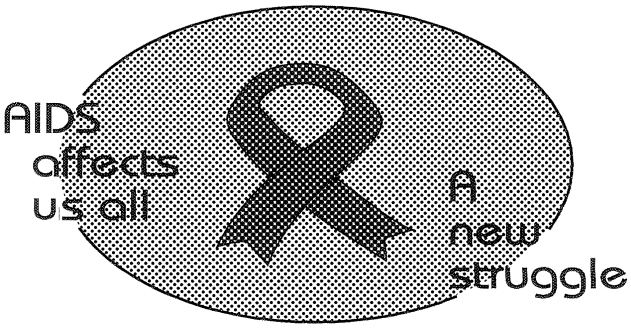

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PART 2 OF 3

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(1) Motho yoo a nyakago go sepetša, goba go šikara sebopego se sengwe le se sengwe sa go bopa dilo, thuo, go rekiša, kabo, go romela ntle, go bapatša, go boloka, go beakanya, go fetola, go hira, go lisa, go lokiša goba go fepa ka setlabelo se sengwe le se sengwe, o swanetše go dira kgopelo ka fomete yeo e kgethetšwego ke Boto go batšweletši, boloka le go fepa ka laesense.

(2) Boto e ka aba motho wa go bopa dilo, poloko goba motho wa go fa laesense go mokgopedi ge Boto le kgotsofetše gore mokgopedi o na le tsebo yeo e swanetšego le maitemogelo go ba le laesense yeo.

(3) Motho wa go bopa dilo, poloko goba motho wa go fa laesense o dumelelago ya ka dipeelano Lekgotla la balodi ba ka di beago, go —

(a) go bopa dilo, go rekiša, thuo, kabo, go romela ntle, go bapatša, go boloka, go beakanya, go fetola, go hira, go lisa, go lokiša goba go fepa ka ditlabelo tša go kempola tšeo di swanetšego go fihlelela dinyakwa le go dumelelwa ke Boto; le

(b) go fepa ka ditlabelo tša go kempola goba go iša tirelo go beng dilaesense.

(4) Ga go motho yoo, ntle le motho wa go bopa dilo yoo a dumeletšwego, boloka goba go fepa ka laesense, go rekiša, go aba, romela ntle, go bapatša, go boloka, go beakanya, go fetola, go hira, go lisa, go lokiša goba go fepa ka setlabelo sa go kempola.

KGAOLO YA 9

KOPANO YA MOKATO LE LAESENSE YA MOLETLWANA WA GO IKGETHA

58. Laesense ya kopano ya mokato

(1) Ga go motho yoo, ntle le laesense ya kopano ya mokato yeo e abilwego go ya ka Molao wo, a ka tsenelago kopano ya mokato.

(2) Laesense ya kopano ya mokato e dumelela go ya ka karolwana ya (4) le mabaka ao Boto e ka go di bea, go swara ga nomoro ye e itšego ya dikopano tša mokato mo go mokato yeo e bontšhitšwego ka gare ga laesense.

(3) Molekgotlaphethiši a ka bea dinyakwa go tshepetšo ya laesense ya kopano ya mokato.

(4) Kopano ya mokato e swanetšwe go sepetšwa go ya ka melao le melawana yeo e itšego fao kopano e tla go swarwa gona.

(5) Bookmaker ya laesense feela go ya ka karolo ya 55 ya Molao wo e ka dira kgwebo kopanong ya mokato.

59. Laesense ya moletlwana wa go ikgetha

(1) Lekgotla la balodi le ka aba laesense ya moletlwana wa go ikgetha go mokgopedi go matšatšikgwedi ao a bontšhitšwego, go ya ka karolwana (2), go kgopelo ka tsela yeo e akantšwego ke Lekgotla la balodi.

(2) Lekgotla la balodi ga le a swanela go aba laesense ya moletlwana wa go ikgetha go lebeletšwe —

(a) laesense ya khasino;

(b) laesense ya tsela ya tshepetšo ya motšhenekiletšo wa go lefela;

(c) laesense ya tshepetšo ya motšhenekiletšo wa go lefela; goba

(d) lefelo la laesense la motšhenekiletšo wa go lefela wa go ikema.

(3) Melawana ya dikarolo tša 27 le tša 31 ga di šomišwe go laesense ya moletlwana wa go ikgetha.

KGAOLO YA 10

MOKGWATSHEPETŠO WA SEMOHLAGASE WA GO HLOKOMELA METŠHENE YA GO KEMPOLA LE DITLABELO TŠA GO KEMPOLA

60. Mokgwa wa go lekola wa semohlagase wa metšhene ya go kempola

(1) Boto e swanetše gore fao maemo ao a nyakegago ge a fihleletšwe, e dumelele le go retšistara mokgwatshepetšo wa semohlagase, khomphuthara goba poledišano goba setlabelo seo se diretšwego go romela tshedimošonolofatšwa yeo e amanago le go šoma ga motšhene wo mongwe le wo mongwe goba dithuši tšeo di akantšwego ka go karolwanwa ya (2), bjalo ka mokgwa wa go hlokomela.

(2) Fao Boto e dumelelago le go retšistara mokgwatshepetšo wa go hlokomela, boto e swanetše, e tlaleletša mabaka a mangwe a go retšistara, e kgopele gore beng ldilaesense ba amanye metšhene ka moka ya go kempola goba ditlabelo tša go kempola tše di šomišwago go lefelo la laesense go mokgwatshepetšo wa go hlokomela.

(3) Ga motho yoo a ka go amanya mokgwa wo mongwe le wo mongwe goba setlabelo seo se sa abelwago laesense ke boto bjalo ka mokgwa wa semohlagase wa go hlokomela woo o akantšwego ka go karolwana ya (1).

61. Metšhene ya go kempola le ditlabelo tša go kempola

(1) Setlabelo se sengwe le se sengwe sa go kempola le motšhene wa go kempola se swanetšwe go ngwadišwa le Boto, ntle le ge —

(a) e le ya lefapha leo le tlogetšwego go ya ka karolo ya 19(3) ya Molao wa go Kempola wa Bosetšhaba, 2004; goba

(b) ditlalabelo tša go kempola goba motšhene ya go kempola di tsena ka profense ka mokgwa wa thoto e le leetong: ntle le ge motho yoo a laolago metšhene ya go kempola goba ditlabelo tša go kempola tšeo ge di sa le ka mo profenseng, o swanetše go di swara ka tsela yeo e le go gore ga di a swanelwa go bapadišwa goba go sepetšwa ke motho goba di kgone go fihlelelwa ke leloko la setšhaba di sa le ka gare ga profense gomme di swanetše go fihlelela melawana wo mongwe le wo mongwe goba molao woo o amanago le thoto metšhene ya go kempola goba ditlabelo tša go kempola.

(2) Go ya ka karolwana (5), ga go motho yoo ntle le go abelwa ke Boto laesense a ka go, —

(*a*) go swara, go boloka ; go rua, go bopa dilo, beakanya, go rekiša, go aba, go iša ka ntle, go hwetša, go bapatša, go hira goba go lisa setlabelo se sengwe le se sengwe sa go kempola goba motšhene wa go kempola ntle le dikarata tša go bapala le mataese; goba

(*b*) go fetola setlabelo sa go kempola goba setlabelo se sengwe le se sengwe seo se ka amanywago ka tsela yeo e fetolago goba e amago tsela ya go kgetha yeo e dumeletšwego gomme e akanya dipoelo tša papadi ya go kempola goba ka tsela ye nngwe yeo e fetolago goba e amago dipoelo tša papadi ya go kempola.

(3) Boto le swanenetše go kgonthiša gore ditlabelo tša go kempola le metšhene ya go kempola di mo molaong le mekgwa ya ditlwaelo le .boemo bjoo bo diretšwego intaseteri ya go kempola.

(4) go motho yoo a ka go fetola softwere goba hatewere tšeo di šomišwago ka gare ga ditlabelo tša go kempola goba motšhene wa go kempola mo tshepedišong ya kgwebo ntle le.–

(a) go swara laesense ya maleba; le

(b) tumelelo ya Boto go dira diphetogo tšeo.

(5) Mong laesense, motho yo mongwe le yo mongwe yoo a kgaotšwego goba a fegilwego, goba mohlapetši, molekwiteita goba molaodi wa bokgaolakgang, goba go fedišwa goba mohlokomedi wa trasete, mofediši wa kgwebo goba molaodi wa molao wa mong laesense, a ka re ka morago ga tumelelo yeo e ngwadilwego ya Boto le ka tsela le dipeelano tšeo di akantšwego ke Boto —

(a) go rekiša setlabelo sa go kempola goba motšhene wa go kempola ka tsela yeo e dumeletšwego ke Boto goba

(b) go ba le setlabelo sa go kempola seo goba motšhene wa go kempola go sa emetšwe thekišo goba phedišo ya sona.

(6) Motho yoo go šupetšwago ka go karolwana ya (5) ga a swanela go —

(a) go ba le ditlabelo tše ntši tša go kempola goba metšhene ya go kempola ntle le ge Boto le dumetše;

(b) go tliša goba go lisa setlabelo sa go kempola goba motšhene wa go kempola goba go lokiša le go fetola setlabelo sa go kempola goba motšhene wa go kempola go motho yo mongwe le yo mongwe ka gare ga profense, yoo a se na go laesense ya maleba.

(c) go dumelela motho yo mongwe le yo mongwe go šomiša setlabelo sa go kempola goba motšhene wa go kempola ka boyena go kempola mola setlabelo sa go kempola seo goba motšhene wa go kempola o se go meago yeo e tlogago e ena le laesense ya maleba;

(d) lokiša le go fetola setlabelo sa go kempola se sengwe le se sengwe goba motšhene wa go kempola woo o nyakago gore o ngwadišwa goba o abelwe laesense.

(7) Boto le ka tsebiša ka ditlabelo, *softwere* goba se sengwe le se sengwe seo se šomišwago go nyalelana le mešongwana ya go kempola go ba setlabelo sa go kempola, ka tsebišo, ka gare ga *kuranta ya mmušo.*

KGAOLO YA 11

LAESENSE YA BAŠOMI BA BOHLOKWA

62. Laesense ya mošomitheo

(1) Molekgotlaphethiši a ka kgetha —

(a) mafapha ao a itšego a bašomedi ka gare ga intaseteri ya go kempola bjalo ka bašomi ba bohlokwa;

(b) kgopelo le tshepetšo ya laesense ya bašomedi ba bohlokwa;

(c) tlhamo ya ditefelo tša go fapana go mafapha a bašomedi ba bohlokwa, le

(d) mabaka a laesense go bašomedi ba bohlokwa.

(2) Mošomedi wa bohlokwa o swanetšwe ke go abelwa laesense ke Boto.

(3) Mong laesense ga a swanela go thwala mošomedi wa bohlokwa goba a dumelela mošomedi wa bohlokwa a amega le mošomo ofe goba ofe le ka gare ga intaseteri ya go kempola, ntle le ge mošomedi wa bohlokwa a abetšwe laesense ke Boto.

(4) Laesense ya mošomedi wa bohlokwa —

(a) ga e fitišetšwe go motho yo mongwe; le

(b) e dumeletšwe go fihla go lebaka leo le laeditšwego godimo ga laesense.

63. Go paledišwa

Boto ga e a swanela go abela motho laesense ya mošomedi wa bohlokwa, ge motho yoo —

(a) a le ka tlase ga mengwaga ye 18;

(b) ke mošomedi wa mmušo goba mošomi wa mmušo goba moswaraofisi wa sepolotiki;

(c) ke rakantoro wa semolao goba o thwetšwe ke kgorotsheko

(d) o ngwadišitšwe mo go retšistara ya batho bao ba sa akaretšwago go ya ka karolo ya 14 ya Molao wa go Kempola wa Bosetšhaba, 2004;

(e) o lebeletšwe ka lebaka la kgorotsheko ya bokgoni goba go tsebagatša gore motho ga a itekanela monaganong;

(e) o tlošitšwe ka go ofisi ya theraste malebaa le boitshwarompe mabapi le boradia goba tšhomišompe ya ditšhelete; goba

(f) o bonwe molato mengwaga ye lesome ya go feta ka gare ga Rephabliki goba go gongwe, ka —

(i) bohodu, boradia,bofora, go bolelela tokumente ya maaka go ikana maaka pele ga molao;

(ii) molato wa ka tlase ga Molao wa Mešongwana ya Tšhireletšo le go Lwantšha Bomenetša (Prevention and Combating of Corrupt Activities Act), 2004 (Molao wa Nomoro ya 12 ya 2004);

(iii) khomphuthara ye nngwe le ye nngwe goba softewere ya khomphuthara ya go amanywa le bosenyi;

(iv) molato go ya ka Molao wa go Kempola wa Bosetšhaba, 2004 goba Molao wo,

gomme o ahloletšwe kgolegong ntle le go ka kegetha faene, goba faene ya go feta bokaalo bjoo bo kgethilwego go ya ka karolo 49(1)(f) ya Molao wa go Kempola wa Bosetšhaba, 2004 ntle le ge motho a filwe kgaogelo go swarelwa ga molato ntle le kotlo.

64. Laesense ya mošomedi wa bohlokwa ya lebakanyana

Boto e ka aba laesense ya mošomedi wa bohlokwa ya lebakanyana go mošomedi wa bohlokwa wo a ka thalwago, go sa emetšwe dipoelo tša nyakišišo ya go tsenelela ya mošomedi bohlokwa wo a ka thwalwago, ge Boto e kgotsofetše gore —

(a) kgwebo ya mong laesense ka go intaseteri ya go kempola e ks kgethollwa ka lebaka la go diega go thwala bašomedi ba bohlokwa; le

mošomitheo wo a ka thwalwago

(b) go thwala mošomedi wa bohlokwa wo a ka thwalwago go ka se timeletše nnete le tshepetšo ya maleba ya kgwebo ya mong laesense.

65. Phego goba phedišo

(1) Boto e ka fega lebaka le le laeditšwego la go se fete dikgwedi tše tshela goba go fediša laesense ya mošomedi, go ya ka karolwana ya (2), ge —

(a) tshedimošo ye e lego ka gare ga kgopelo ya mošomedi wa bohlokwa e fošagetše goba go bile le tlogelo ya dimpampiri tše dingwe ka gare ga kgopelo;

(b) mošomedi wa bohlokwao o a rakwa go ya ka karolo ya 63;

(c) mošomedi wa bohlokwa a se a latele go ya ka dinyakwa tša Molao wo goba ka mabaka a laesense; goba

(d) Boto e lebeletše gabotse gore mošomedi wa bohlokwa ga a sa swanelwa ke go ba le laesense.

(2) Boto e swanetše go fa mošomedi wa bohlokwa tsebišo ya go ngwalwa ya maikemišetšo a Boto go fega goba go fediša laesense ya mošomedi wa bohlokwa le go fa mošomedi wa bohlokwa sebaka sa go theeletšwa.

(3) Boto e ka, nako efe goba efe ya oketša lebaka la go fega laesense go ya ka karolwana ya (1), ge Boto e kgotsofetše gore mabaka a go fega ga laesense a filwe sephetho.

66. Thibelo

Ga go mošomedi wa bohlokwa yoo a abetšwego laesense go ya ka dikarolo tša 62 le tša 64 a ka go—

(a) kgatha tema goba go raloka papadi ya go kempola ya go laolwa ke mothwadi wa gagwe, ntle le ge go hlokega gore go bonwe ditiro mo go mešomo ya bašomedi ba bohlokwa; goba

(b) go kgopela goba go amogela mpho go ya tla ka mokgwa wa sepitša goba thušo ye nngwe go tšwa go moraloki goba moreki, goba ntle le go akantšwe go ya ka Melao.

67. Pego ya go tshephagala ya mošomedi wa bohlokwa

(1) Ge go tsitsinkelwa kgopelo ya laesense ya mošomedi wa bohlokwa, Boto e ka kgopela —

(a) tshedimošo ya tlaleletšo go tšwa go mokgopedi;

(b) tumelelo yeo e ngwadilwego go tšwa go mokgopedi gomme e dumelela Boto go nyaka tshedimošo go tšwa go motho wa boraro le go dumelela motho wa boraro go fa tshedimošo yeo; le

(c) pego go tšwa go —

(i) lekgotla la taolo efe goba efe;

(ii) Senthara ya tša Mahlale a Ditšhelete;

(iii) Molaodi wa Bosetšhaba wa Botšhisi bja Bosetšhaba; goba

(iv) Ditirilo tša Sephodisa sa Afika Borwa

(2) Pego go ya ka karolwana ya (1) e ka akaretša —

(a) dinyakwa tša bohlatse bofe goba bofe tše di rekhotilwego kgahlanong le motho, go fihla fao dinyakwa tšeo di sepelelana le maikemišetšo a Boto go phetha ge e ba motho o a phumelwa go ba mošomedi wa bohlokwa la laesense; goba

(b) tshedimošo ye nngwe le ye nngwe yeo e le go gore lefapha leo e go boletšwe ka lona ka go karolwana ya (1) (c) e ka akanywa go ba ya maleba mo go kgopelo.

(3) Mabapi le pego yeo e akantšwego ka go karolwana ya (1), leloko la Tirelo ya Sephodisa sa Afrika Borwa le ka nyaka gore mokgopedi goba motho yoo a amegago a fe tshedimošo le ditlhalošišo tša go ba le kgatišo ya monwana goba kgatišo ya legofi.

(4) Boto e swanetše go tliša khopi ya pego ye nngwe le ye nngwe ya go tshephega ye e dirilwego go y kaa Molao wo go Boto ya go Kempola ya Bosetšhaba gore e akaretšwe ka gare ga retšistara ya go tshephega ya bosetšhaba.

68. Retšistara ya bašomedi ba bohlokwa

Boto e swanetše go swara retšistara, ka fomete yeo e kgethilwego, ya bašomedi ba bohlokwa ka moka go ya ka Molao wo.

KGAOLO YA 12

MEDIRWANA YA GO KEMPOLA YEO E THIBETŠWEGO LE YEO E ILEDITŠWEGO

69. Go fa laesense ka taelo

(1) Ga go motho yoo ntle le laesense ya maleba yeo e filwego go ya ka Molao wo, a ka go —

(a) sepetša goba go dumelela go raloka ga papadi ye nngwe le ye nngwe ya go kempola ka gare goba mo meagong ka tlase ga taolo ya motho yoo, ka go dira ka botlalo goba ka go nnyane; goba

(b) go amega ka botlalo goba ka go nnyane; ka gare ga tshepetšo ya kgwebo ya go kempola.

(2) Ga go motho yoo a ka go —

(a) kgatha tema, nolofatša, hlatloša goba a hwetša thušo go tšwa go sekimo, papadi ya sewelo, papadi ya go kempola goba go beta ntle le ge sekimo seo, papadi ya sewelo goba go beta go na le laesense go ya ka Molao wo;

(b) ba le kgahlego ka botlalo goba ya go rnnyane ya ditšhelete ya diphesente tše tlhano goba go feta ka mo go kgwebo ya go kempola, ntle le tumelelo ya Boto, goba

(c) ntle le laesense goba fao go hlokegago tumelelo ya Boto, ka tsela ye nngwe a kgona go abelwa dipoelo tša go kempola; goba

(d) sepetša goba go dumelela go raloka ga papadi ye nngwe le ye nngwe ya go kempola mo meagong efe goba efe ka tlase ga taolo ya motho yoo ntle le laesense yeo e nyakegago.

70. GO KEMPOLA GA GO SE BE MOLAONG

Ga go motho yoo a ka go —

(a) go swaragana, sepetša goba go dira go ba gona ga modirwana wa go kempola ge dipoelo tša modirwana woo di ithekgile thwii, ka go rarela, ka go kgaoganya goba ka botlalo go seo se batametšego sa go amana le moletlwana goba modirwana woo ka bo wona o se go molaong go ya ka molao wo mongwe;

(b) go kgatha tema, sepetša, beakanya, hlatloša goba go laola sekimi sefe goba sefe, maano,peakanyo, tsela goba papadi yeo e ikemego ka botlao goba ga nnyane ka go steak tšhelete ka kgetho ya kua le kua goba ka dinomoro tša papadi tše di tsebegago bjalo ka fahfee goba mochina goba papadi efe goba efe yeo e nyakilego go swana le fahfee goba motšhene le go tsebega ka leina le lengwe goba le lengwe;

(c) go dumelela motšhene wa go kempola wo mongwe le wo mongwe go ba setlabelo sa go kempola ka tlase ga motho go šomiswa go mešongwana ya go kempola ka ge go akantšwe ka go tema ya (a); goba.

(c) go hlokomela le go sepetša lefelo le lengwe le le lengwe, go sa kgathale gore lefelo leo le abetšwe laesense go dira mešongwana ya go kempola ka ge go akantšwe ka go tema (a); goba

(d) go dumelela lefelo le lengwe le le lengwe ka tlase ga taolo ya motho yoo, go sa kgathale gore lefelo leo le abetšwe laesense goba ga le a abelwa, go šomišwa go mešongwana ya go kempola ka ge go akantšwewe ka go tema ya (a).

71. Dipatametšo

(1) Ga go motho yoo a ka go kempola ka dipoelo tša dipatametšo, ntle le—

(a) papadi ya khasino;

(b) pinko;

(c) tshepidišo ya motšhene wa go kempola;

(d) moletlwana wa go ikgetha; goba

(e) moletlwana wa dipapadi

(2) Ga go motho yoo a ka go kempola ks patametšo yeo e akantšwego ka go karolwana ya (1) le motho fela ntle le mong laesense yoo a abetšwego patametšo yeo.

72. Lefelo la go kempola

(1) Go ya ka karolwanaya (2), ga go motho yoo a ka go kempola go lefelo le lengwe le lengwe leo le se nago laesense go ya ka Molao wo.

(2) Go kempola ka go šomiša mogala goba mokgwa wo mongwe le wo mongwe wa poledišano, ka go petša ks patametšo, ye e diragalago go lefelo la laesense, ge mong laesense a dumela le go rekhota bete mo lefelong la laesense.

73. Melao ya papadi ya go kempola goba go petša

(1) Ga go motho yo a ka go petšago papadi ya go kempola yeo e sa sepelelanego le melao yeo e ka bago e tšerwe goba e dumeletšwe ke Boto.

(2) Mong laesense a ka dira melao yeo e amanago le go bapala ga dipapadi tšeo tša go kempola goba go sepetša go beta.le go fa Boto melao yeo gore ba e dumelele, ka kamano ya papadi ye nngwe le ye nngwe ya go kempola goba go beta ga go dumelelwa ke laesense yeo e le go gore ga go melao yeo e beilwego ke Boto.

(3) Mong laesense o swanetše gore ka kgopelo ya moraloki wo mongwe le wo mongwe, a dire gore dikhophi tša tlhahlobo tša melao yeo e dumeletšwego di be gona tša papadi ye nngwe le ye nngwe goba di be gona go beta.

74. Go hlalefetša le ditlabelo tša go hlalefetša

(1) Ga go motho yoo a ka go —

(a) dumelela motho a hlalefetša goba a sepidiša setlabelo sa go hlalefetša goba go fa motho ofe goba ofe tshedimošo goba ka setlabelo gore a hlalefetše go papadi ye nngwe le ye nngwe ya go kempola goba go beta;

(b) go sepetša, go dumelela le go tšweletša nyanyeng go bapala papadi ye nngwe le ye nngwe ya go kempola yeo e bapalwago ka dikarata tša go bapala tšeo di na go le goba ka setlabelo sa go kempola seo se šetšego se —

(i) swailwego;

(ii) dubadubilwego;

(iii) e beilwe mo maemong goba e sepetšwa ka tsela yeo e felago e lahletša mong laesense, babapadi goba setšhaba goba go fela o fetola sebaka sa tlwaelo sa papadi ya go kempola, goba go akanya goba go fetola dipoelo tša papadi ya go kempola;

(c) go šomiša tšhitswana ya bofora ye nngwe le ye nngwe, tokene goba dikarata tša go bapala;

(d) go tshela melao ya papadi ya go kempola goba go dubadubana ka tsela ye nngwe le setlabelo sa go kempola goba setlabelo se sengwe le se sengwe seo

se šomišwago go kempola ka maikemišetšo a go humana thušo sepitša goba ntle le go dira sephiri ka bowena go ba go direla motho yo mongwe;

(e) go fetola goba go bolela dipoelo tša maaka tša papadi ya go kempola goba meletlwana ye mengwe fao e le go gore diwatšase di dirilwe ka morago ga ge dipoelo di akantšwe eupša pele di tsebagatšwa go babapadi;

(f) bea, oketša goba go fokotša bete goba go akanya tsela ya go bapala ka morago ga go humana tsebo, yeo e se go gona go babapadi, ka dipoelo tša papadi goba moletlwana wo mongwe woo o amago dipoelo tša papadi goba e le go kokwane ya bete, goba e thuša yo mongwe le yo mongwe go humana tsebo yeo, ka maikemišetšo a go bea, oketša goba go fokotša bete goba go akanya tsela ya go bapala yeo e ithekgilego godimo ga moletlwana woo goba dipoelo;

(g) go hlalefetša mo go papadi ya go kempola;

(h) go baka, kgobokanya goba go tšea, goba go leka go baka, kgobokanya goba go tšea tšhelete goba se se sengwe le se sengwe sa bohlokwa ka goba go tšwa go modirwana wa go kempola, ka maikemišetšo a go radia, ntle le go ba o dirile a diwatšara tša go thuša, goba go baka, kgobokanya goba go tšea bokaalo bja go feta bokaalo bjoo bo fentšwego;

(i) bea, oketša goba go fokotša ka morago ga go humana tsebo ya dipoelo tša papadi goba moletlwana wo mongwe e le go kokwane ya bete;

(j) go fokotša bokaalo bja diwatšara goba go phumula bete ka morago ga go humana tsebo ya dipoelo tša papadi goba moletlwana wo mongwe e le go kokwane ya bete; goba

(k) go huetša, ka maikemišetšo a go hlalefetša, any component ye nngwe le ye nngwe ya setlabelo sa go kempola ka mokgwa wo o fapanang le maikemišetšo a tshepetšo ya go tlwaelega, yeo e diretšwego setho, ka tsebo ya gore khuetšo e ama dipoelo tša papadi goba ka tsebo ya moletlwana wo mongwe le wo mongwe woo o amago dipoelo tša papadi goba bokaalo bjoo bo fentšwego goba tšeo di lahlegetšwego.

(2) Go lebeletšwe karolwana ya (1), "go hlalefetša" le gona go ra gore—

(a) phetogo ya kgetho ya tsela yeo e akanywago dipoelo tša papadi ya go kempola goba bokaalo goba boipoeletšo ya tefišo ka go papadi ya go kempola; le

(b) tšhomišo ya sekimo, peakanyo, mokgwa goba leano leo Molekgotlaphethiši a tla re go nako le nako ka tsebišo ka gare ga *kuranta ya mmušo* a tsebiša go ba a hlalefetša, gomme "hlalefetša" e na le tlhalošo ya go swana.

75. Tšhireletšo ya ba bannyane

(1) Ga go motho wa ka tlase ga mengwaga ye 18, yoo a ka go —

(a) tsena lefelo leo le swailwego ka gare ga lefelo la laesense;

(b) go sepetša motšhene wa go kempola goba setlabelo sa go iteka mahlatse;

(c) sepetša goba go dira ga go ba gona ga modirwana wa go kempola;

(d) swaragana le go kempola goba modirwana wa go kempola ntle le papadi ya go bapadiša; goba

(e) go bolela maaka go ba le mengwaga ye 18 goba go feta, gore a tle a kgone go —

(i) humana tumelelo ya go tsena go lefelo leo le swailwego ka gare ga meago ya laesense;

(ii) humana tumelelo ya go ba go motšhene wa go kempola goba setlabelo sa go kempola; goba

(iii) swaragana, sepetša goba go dira go ba gona ga modirwana wa go kempola.

(2) Mong laesense goba motho yoo a na go le taolo ya lefelo la laesense goba motšhene wa go kempola goba setlabelo sa go kempola ga a swanela go dumelela motho wa ka tlase ga mengwaga ye 18 go —

(a) tsena goba go šala mo lefelong leo le swailwego ka gare ga lefelo la laesense;

(b) sepetša motšhene wa go kempola goba setlabelo sa go kempola;

(c) sepetša goba go dira go ba gona ga modirwana wa go kempola ka gare ga lefelo leo la laesense; goba

(d) go swaragana le modirwana wa go kempola, ntle le papadi ya go bapadiša, ka gare ga lefelo la laesense.

(3) Motho yoo a šupilwego ka go karolwana ya (2) o swanetše go tšea magato a go kwagala go akanya ge e ba motho o ka tlase ga mengwaga ye 18.

76. Batho bao ba sa akaretšwago

(1) Motho yoo a dumago go thibelwago go swaragana le medirwana efe goba efe ya go kempola a ka retšistara bjalo ka motho yoo a sa akaretšwago.ka go tliša tsebišo I go Boto ka mokgwa woo o beilwego le ka fomete nako ye nngwe le ye nngwe.

(2) motho yoo a ingwadišitšego bjalo ka motho yoo a sa akaretšwago go ya ka karolwana ya (1) a ka tliša tsebišo ka mokgwa woo o beilwego le popego go phumula boingwadišo bjoo nako ye nngwe le ye nngwe.

(3) Motho a ka dira kgopelo go kgorotshekotsheko ya bokgoni bja molao ka taelo ya go nyaka boingwadišo bjalo ka motho yoo a sa akaretšwago wa —

(a) leloko la lapa la mokgopedi;

(b) motho yoo mokgopedi a itshepetšego go yena boiphidišo ka botlalo goba karolo;

(c) motho yoo mokgopedi a na go le maikarabelo a boiphidišo ka botlalo goba karolo;

(d) motho yoo a lebanego ke taelo ya kgorotsheko ya bokgoni yeo e kwešišago motho yoo go se itekanele monaganong, goba

(e) motho yo mongwe le yo mongwe—

(i) go yoo mokgopedi a na go le mošomo wa go mo hlokomela; le go

(ii) maitshwaro a gagwe a laetšago dika tša bokgoba goba go kempola go feta tekano.

(4) Ge mabaka a kgopelo go ya ka karolwana ya (3), kgorotsheko e ka akanya ga botse go thibela motho yoo a amegago go ikamanya le modirwana wa go kempola,

kgorotsheko e ka laela boingwadišo bja motho yoo bjalo ka motho yoo a sa akaretšwago.

(5) Motho yoo a se go a akaretšwa gomme a angwa ke taelo go ya ka karolwana ya (4) a ka dira kgopelo, nako ye nngwe le ye nngwe gore taelo e beelwe ka thoko, le kgorotsheko e ka dira bjalo ka morago ga go akanya mabaka a go dira taelo ya mathomo le bohlatse bjo boswa pele ga kgorotsheko.

(6) Kgorotsheko e ka beela thoko taelo yeo e dirilwego go ya ka karolwana ya (3) ge kgorotsheko e kgotsofetše gore ga go sa le bohlokwa go thibela motho yoo go swaragana le modirwana wa go kempola.

77. Thibelo ya sekoloto

Mong laesense a se ke a godiša sekoloto ka leina la mong laesense goba motho wa boraro go motho yo mongwe ka maikemišetšo a go kempola.

78. Thibelo go kwalakwatšo

(1) Ga go motho yoo a a kago kwalakwatša goba go hlatloša modirwana wa go kempola —

(a) ka maaka goba ka tsela ya go lahletša; goba

(b) ntle le papadi ya go bapadiša, ka tsela yeo e ikemišeditšwego go lebanya goba go goketša ba bannyane.

(2) Kwalakwatšo ya modirwana wa go kempola, motšhene wa go kempola goba setlabelo sa go kempola goba lefelo leo le nago le laesesnse fao e lego gore medirwana ya go kempola e gona, e swanetše—

(a) go akaretša pego, ka fomete yeo e beilwego, lemoša kgahlanong le dikotsi tša bokgoba le go kempola go feta tekanyo; le

(b) go se akaretše elemente ye nngwe le ye nngwe yeo e hlatlošago ka botlalo goba gannyane goba e hlohleletšago go tloša ga motho ka go retšistara ya batho bao ba sa akaretšwago.

(3) Kwalakwatšo e ka se hlatloše modirwana wo mongwe le wo mongwe wa kwalakwatšo wo o ba go gona go setšhaba ntle le tefo goba tefišo goba ka kelo yeo e išitšwego tlase go fapana le Molao wo, ka maikemišetšo a go kempola.

(4) Molekgotlaphethiši a ka bea dinyakwa go kwalakwatšo ya go kempola.

79. Thibelo go kempola ka morekišetši

(1) Ga go motho yoo a ka go holega go sa kgathale gore —

(a) o šoma bjalo ka morekišetši wa mong laesense ya mopetšiši ka maikemišetšo a go beta ka moletlwana wa papadi; goba

(b) o šoma bjalo ka mmaditsela gare ga mong laesesnse ya mopetšiši le motho yo mongwe ka maikemišetšo a go beta ka moletlwana wa papadi.

(2) Ga go motho yo a ka go tšea goba ikemišetša go fa motho thwii goba ka go rarela, tšhelete goba se sengwe sa bohlokwa ntle le bokaalo bja watšara yeo e fentšwego ke motho yoo, go fenya motho yoo go beta go moletlwana wa dipapadi goba khonthitšentshi.

80. Kgapeletšo ya sekoloto sa go kempola le kotlo ya meputso ya ditšhelete tša go se be molaong

(1) Ntle le melawana ya molao wa go akaretša goba molao wo mongwe le wo mongwe —

(a) le go ya ka temana ya (c), a sekoloto seo se dirilwego ke motho ka nako ya modirwana wa go kempola woo o na go le laesense go ya ka Molao wo goba Molao wa go Kempola wa Bosetšhaba, 2004, is enforceable ka molao;

(b) a sekoloto seo se dirilwego ke motho ka nako ya modirwana wa go kempola woo o se go molaong go ya ka Molao wo goba National Gambling Act, 2004 ga se gapeletšwe ka molao;

(c) a sekoloto seo se dirilwego ka nako ya modirwana wa go kempola —

(i) ka motho yo monnyane

(ii) ka motho yoo a sa akaretšwago ;goba

(iii) bete ye e sego molaong,

ga e gapeletšwe ke molao.

(2) Ga motho yoo a ka go lefela meputso ye mengwe le ye mengwe ya tšhelete a tseba go tšwa go modirwana wa go kempola go —

(a) motho wo monnyane;

(b) motho yoo a sa akaretšwago; goba

(c) motho yo mongwe le yo mongwe yoo a fentšwego meputso ya tšhelete mo go modirwana wa go kempola wo o se go molaong go ya ka Molao wo.

(3) Motho yoo a thibelwago go lefela meputso ya tšhelete go ya ka karolwana ya (2), o swanetše go lesetša meputso yeo ya tšhelete go ya ka karolwana ya 16 (3) le 16 (4) ya Molao wa go Kempola wa Bosetšhaba, 2004.

KGAOLO YA 13

BAHLAHLOBI BA GO TIIŠA MOLAO

LE

BAHLAHLOBI BA GO OBAMELA MOLAO

81. Thwalo ya mohlahlobi

(1) Mohlankedimogolo o swanetše go thwala motho yoo a ithutetšego bjalo ka mohlahlobi go šoma, go ya ka taolo le ditaetšo tša Boto, mešomo yeo e lebantšwego go mohlahlobi wa go tiiša molao goba mohlahlobi wa o obamela molao go ya ka dikarolo tša 82 goba 83.

(2)(a) Mohlankedimogolo o swanetše go fa mohlahlobi yoo a thwetšwego go ya ka karolwana (1) ka setefikeiti seo se beilwego sa thwalo.

(b) Setefikeiti sa thwalo se swanetše go laetša ge e ba mohlahlobi ke mohlahlobi wa tiišo ya molao goba ke mohlahlobi wa go obamela molao.

(3) Ge mohlahlobi a dira mošomo go ya ka Molao wo, mohlahlobi o swanetše go ntša setefikeiti sa thwalo seo se abilwego go ya ka karolwana ya (2), ge motho yoo a angwago ke mešomo ya mohlahlobi yoo, a se nyaka.

(4) Mohlahlobi ga a swanela go amogela mpho; moputso goba thušo go tšwa go motho ge a šoma gomme ga go motho yoo a swanetšego go fa, go dira tšona dimpho, moputso goba go thuša mohlahlobi.

(5) Molekgotlaphethiši wa Toka a ka tsebiša bahlahlobi go ba borankantoro ba khutšo gomme a hlatholla maatla a bona ka gare ga tsebišo yeo go ya ka karolo ya 334 ya Molao wa Tshepetšo ya Bosenyi, 1977, ka tsebišo ka gare ga *kuranta ya mmušo*.

82. Mešomo le maatla a mohlahlobi wa go obamela molao

(1) Go lebeletšwe Molawo wo, mohlahlobi wa go obamela molao a ka tsena ka gare ga lefelo la laesense nako efe goba efe ntle le tsebišo, gomme a ka—

(a) hlahloba goba go phuruputša lefelo le lengwe le le lengwe la laesense;

(b) go bona mešongwana wa go kempola goba tshepidišo goba mešongwana ye mengwe yeo e nyalelanago le khasino, goba mešongwana ye mengwe ya go kempola go akaretša le go bala tšhelete, chips, batšhireletši or goba selo se sengwe le se sengwe sa go ba le mohola;

(c) go bona go rekhota go gongwe le go gongwe ga ditshepidišo goba mešongwana yeo e šupetšwago ka go temana (b);

(d) go nyakišiša ge aba tshepidišo ya khasino goba mošongwana wo mongwe le wo mongwe wa go kempola go mafelo a laesense a mangwe a hlokometšwe ka kgonthe le go laolwa le gore dinyakwa tša Molao wo le dipeelano tšeo di le go mo laesenseng di sepetšwa ka tshwanelo;

(e) go kgopela motho yoo a laolago lefelo go ntšha ka pela —

(i) laesense goba setefikeiti seo se nyakegago go ya ka Molao wo;

(ii) setlabelo sa go kempola, chips, ditšhelete, dipuku, diakhaonte ,direkhoto, ditokumente; goba

(iii) dilo tše dingwe tšeo di ka kgonago go šomišwa go kempola;

(f) go lekola, go hlahloba le go leka setlabelo se sengwe le se sengwe sa go kempola goba chips tšeo di humanwago lefelong leo tšeo di šomišwago goba di belaelwago go ba di šomišwa le go kempola;

(g) go lekola le go hlahloba ditšhelete, dipuku, diakhaonte, direkhoto, pego ya matlotlo, tokumente le se sengwe le se sengwe seo se humanwago ka gare go ba lefelong leo, yeo e šomišwago goba e belaelwago go ba e šomišwa go amana le go kempola le go dira khopi ya gona goba go tšea setsopolwa go tšwa go athikhele;

(h) go botšiša mong laesesnse goba motho yoo a akanywago ke mohlahlobi wa tshepidišo go ba molaodi wa lefelo ka nako yeo, mabapi le mohlahlobi wa go obamela molao go ba molaodi wa lefelo ka nako yeo, mabapi le ditsenywa ka gare ga dipuku, diakhaonte, direkhoto le ditokumente goba go nyaka tshedimošo mabapi le setlabelo se sengwe le se sengwe sa go kempola, chips goba ditšhelete; le

(i) tšweelwa le go tloša, kgahlanong le taba ya rasiti ye e beilwego, setlabelo se sengwe le se sengwe, chips, ditšhelete, dipuku, direkhoto tša diakhaonte, ditokumente, khomphuthara goba selo se sengwe le se sengwe seo se humanwago ka gare goba fao lefelong, tšeo di šomišwago goba di belaelwago goba di šomišwa gotee le go kempola gomme go ya ka mohlahlobi wa obamela molao di ka go fa bohlatse bja khomišene ya molato go ya ka Molao wo, goba o tla ba thuša go dinyakišišo tša molato woo e belaelwago.

(2)(a) Mohlahlobi wa go obamela molao a ka amogela goba go nyakišiša dingongorego go tšwa go batho bao ba tšeago karolo go kempola goba bathekgi ba mafelo a dilaesense.

(b) Mohlahlobi wa go obamela molao o swanetše go fa Boto pego mabapi le dingongorego tšeo di bontšhago dipoelo tša dinyakišišo le go akanya tharollo go Boto.

(3) Mohlahlobi wa go obamela molao a ka nyaka mong laesense goba molaodi wa gagwe goba motho yo mongwe yoo a amanago le go sepetša goba go laola khasino goba lefelo la laesense, go tšwelela pele ga mohlahlobi wa go obamela molao ka nako le lefelo leo le swailwego ke compliance inspector ka maikemišetšo a go araba dipotšišo goba go fa tshedimošo yeo compliance inspector a e akanywago go lebana dinyakišišo.

(4) Ge se sengwe le se sengwe se tšeerwe goba se tlošitšwe go ya ka tsela yeo e sekasekilwego ka go karolwana (1) —

(a) motho yoo dilo tša gagwe goba go laola itheme yeo e tšerwe, o swanetše gore nako ye e kwišišagalago le ka ditshenyagaleleo tša motho yoo, a dumelelwa go dira dikhophi goba go tšea ditsopolwa fao, ka tlase ga tlhokomelo ya mohlahlobi wa go abamela molao; le

(b) dilo tše di tšeerwego le go tlošwa di ka bušetšwa lebaka leo motlhahlobi wa compliance a ka nyakwago ka gona gomme fao dithoto di nyakwago go tshepedišo ye nngwe le ye nngwe ya Boto, di ka tlišwa go fihlela ditshepidišo tšeo di fedišwa, fao e le go gore Boto le swanetše go phetha gore dithoto tšeo di swanetše di bušetšwe, di lobjwe goba

(5) Ge mohlahlobi wa go obamela molao a na le lebaka go tshepa gore —

(a) ditlhathollo tša Molao wo;

(b) melao ya Boto; goba

(c) mabaka a laesense,

e setše e tshetšwe, mohlahlobi wa go obamele molao o swanetše go nyakišiša taba gomme a fe Boto pego ya dipoelo ya dinyakišišo tšeo.

(6) Ga go motho yoo a ka go —

(a) šitiša goba go thibela mohlahlobi wa go obamela molao ge a dira mošomo goba a tšweletša maatla a gagwe;

(b) ge o botšišwa ke mohlahlobi wa go obaela molao, hlalošo goba tshedimošo yeo e amanago le taba yeo e le go tsebo ya motho yoo, go fa tlhalošo goba tshedimošo ya maaka goba yeo e lahletšago;gomme o tseba gore e fošagetše goba e a lahletša; goba

(c) go ihlagiša ka bofora go ba mohlahlobi wa go tiiša molao.

83. Mešomo le maatla a mohlahlobi wa go tiiša molao

(1) Mohlahlobi wa o go tiiša molao ke rakantoro wa khutšo go ya ka Molao wa Tshepetšo ya Bosenyi , 1977 gomme o na le -

(b) maatla go golega motho ntle le lengwalo la tumelelo ya go swara.go ya ka karolo ya 40(1);

(c) maatla ao a filwego rakantoro wa khutšo ka tlase ga karolo 41(1);

(d) maatla go fa ka taelo ya go ntša mangwalo a tumelelo ya go swara .tša go golega go ya ka karolo ya 44;

(e) maatla go aba tsebišo yeo e ngwadilwego go ya ka karolo 56; le

(f) maatla go aba tsebišo yeo e ngwadilwego go ya ka karolo 341 ya Molao wa Tshepetšo ya bosenyit, 1977

(2) Go ya ka maatla ao a filwego ka go karolwana (1) mohlahlobi wa go tiiša molao a ka tsena goba go phuruputša moago wo mongwe le wo mongwe wo o belaelwago gore —

(a) Khasino goba go kempola goba mešongwana ya go kempola ye mengwe le ye mengwe e diragatšwa ntle le laesense; le

(b) go kempola ga go se be molaong , ka ge go akantšwe ka go karolo ya 70, e a diragatšwa.

(3) Ga go motho yoo a ka go —

(a) šitiša goba go thibela mohlahlobi wa go tiiša molao.ge a dira mešomo ya gagwe goba a šomiša maatla a gagwe;

(b) Ge o botšišwa ke mohlahlobi wa go tiiša molao go fa tlhalošo goba tshedimošo yeo e amanago le taba yeo e le go tsebo ya motho yoo, go fa hlalošo goba tshedimošo ya maaka; goba

(c) go ihlagiša ka bofora bjalo ka mohlahlobi wa go tiiša molao

84. **Twantšho kgahlanong le go tsena**

(1) Mohlahlobi yo mongwe le yo mongwe yoo a ka go phuruputša semolao, motho goba moago wo mongwe le wo mongwe goba a tsena ka gare ga moago wo mongwe le wo mongwe, a ka šomiša kgang ge go nyakega go fenya bothata bjo bo ka ba go gona go phuruputšo yeo goba go go tsena moagong, le go akaretša go roba lebati le lengwe le le lengwe goba lefasetere la moago woo. Ntle le ge mohlahlobi yoo a swanetše go nyaka ka kgoeletšo, tumelelo ya go tsena moagong gomme gwa tsebišwa maikemišetšo a motlhahlobi yoo a go nyaka go tsena fao moagong.

(2) Dipeelano ka go karolwana (1) a di šome fao mohlahlobi yoo a amegago a na le mabaka a go tia gore athikhele yeo e le go kokwane ya phuruputšo e ka senywa ge dinyakwa tša dipeelano tšeo go boletšwego ka tšona di fihleletšwe.

KGAOLO YA14

DITLHATOLLO TŠA GO HLAKAHLAKANA

85. Melawana

(1) Molekgotlaphethiši a ka dira melawana ka tsebišo ka gare ga *kuranta ya mmušo* mabapi le —

(a) taba ye nngwe le ye nngwe malebana le Boto;

(b) taba ye nngwe le ye nngwe malebana le kgopelo ya laesense goba boingwadišo;

(c) bolaodi le taolo ya mafelo a laesense;

(d) tšeo, tshwaetšo goba ditefišo tše dingwe tšeo mong laesense a ka di lefišago;

(e) diseteiki go papadi ye nngwe le ye nngwe ya go kempola e ka bapalwago;

(f) bolaodi le taolo ya mokato wa dipere;

(g) go fa mošomitheo laesense;

(h) mafelo a go kempola;

(i) ditefelo le dilebi tšeo di lefelwago ke bakgopedi le beng laesense;

(j) dinyakwa tša kwalakwatšo tša go kempola;

(k) dinyakwananyakwana tše di amanago le ditlabelo tša go kempola, go akaretša ditšhitswana le dithokene;

(l) go hlokomela le mekgwa ya sabilientshe le tshepidišo;

(n) palo, kabo le lefelo la metšhenekiletšo ya go lefela;

(o) mabaka ao Boto le swanetšego go a šetša ge go akanywa dikgopelo tša dilaesense;

(p) Sephetho sa ngangišano ya bathekgi; le

(q) taba ye nngwe le ye nngwe yeo e swanetšego gore go fihlelelwe maikemišetšo a Molawo wo.

(2) Melawana yeo e dirilwego go ya ka karolwana ya (1) e ka bea dikotlo go go tshela go se obamele ga melawana yeo me itšego ya tshepetšo ya melawana, yeo e ka akaretšago kotlo ya maleba le kgolego.

(3) Melawana ya go fapana e ka dirwa ka tlase ga karolo ye go lebeletšwe mehuta ya dilaesense ya go fapana, dilaesense tša mohuta wo tee eupša di na le

dipharologantšho tša go fapana, mafapha a go fapana a batho goba mafelo a go fapana.

86. Melao ya Boto

(1) Boto, ka poledišano le Molekgotlaphethiši ka tsebišo ya ka gare ga *kuranta ya mmušo,* le ka dira melao ntle le ya go swana le melawana ya Molao wo, go amana le go šomiša maatla le go bontšha mešomo ya wona, go akaretša le—

(a) taba ye nngwe le ye nngwe malebana le kgopelo ya laesense goba boingwadišo;

(b) bolaodi le taolo ya mafelo a laesense le tshepetšo ya go kempola;

(c) melao ya go bapala papadi ye nngwe le ye nngwe ya go kempola, pinko goba go beta;

(d) Mekgwa ya ka gare ya taolo go beng laesense;

(e) dipuku, diakhaonte, direkhoto tšeo di bolokwago le tšeo di abjago;

(f) taba ye nngwe le ye nngwe malebana le mešomo ya Boto; le

(g) taba ye nngwe le ye nngwe yeo go ya ka Molao wo e nyakwago goba e dumeletšwego ka akanywa.

(2) Melao go ya ka go karolwana ya (1) e ka akanya dikotlo go tshenyo ya se obamele ga melawana ya Melao, yeo e ka akaretšago kotlo ye e lebaganego le go phetha ka ga dikotlo

87. Tlhalošo semmušo, tlhakišo le dipego

(1) Boto ke bolaodi bja go hlaloša semmušo gomme le swanetše go kgonthišiša gore taolo ya matlotlo a lona, go hlaloša semmušo le go bega a dirwa go ya ka Molao wa Taolo ya Ditšhelete tša Bosetšhaba,1999.

(2) Boto le ka phatlalatša tshedimošo ya kakaretšo goba dipalopalo tša mešongwana ya go kempola ka gare ga profense.

88. Sephetho sa ngangišano ya bathekgi

Fao mong laesense a ganago go lefela tšhelete yeo e akanywago go ba moputso go mmapadi gomme mmapadi le mong laesense ba palelwa ke go rarolla ngangišano, ngangišano yeo swanetšwe go rarollwa go ya ka tshepidišo yeo e beilwego.

89. Meputso ya ditshebi

Ntle le seo se le go fapanang le molao o fe goba o fe, Boto le ka lefa moputso ka bokaalo bjoo Boto le ka o akanywago go motho yo mongwe le yo mongwe yoo a filego tshedimošo yeo e lebantšego go kahlolo ya motho yoo a tshelago molawana wa Molao wo.

90. Maikarabeloo a go kwagala

(1) Ge molaodi wa kgwebo yeo laesense e amegago, goba morekišetši goba mošomi wa mong laesense a tlogela go dira modiro woo e ka ba go molato go ya ka Molao wo gore mong laesense yoo a amegago go dira goba go tlogela, mong laesense yoo o itrile goba o tlogetše modiro, ntle le ge a ka kgotsofatša kgorotsheko gore —

(a) yena o kwanetše goba o dumeletšwe go dira goba go tlogela ke molaodi, morekitši goba mošomedi yoo a amegago;

(b) o tšere magato a go kwagala go thibela modiro goba go tlogela ; le

(c) modiro goba tlogelo, go sa kgathale gore e molaong goba ga e molaong, ya tsela yeo e amegago ntle le dipeelano le ntle le mabaka ao a akaretšwago go morero wa bathwadi ba molaodi, morekišetši goba mošomedi yoo a amegago.

(2) Go lebeletšwe karolwana ya (1) (b), lebaka la gore mong laesense o filwe ditaelo fao e le go gore modiro goba tlogelo ya mohuta woo e a ganetšwa gomme ka boyona ga se bohlatse bjoo bo feleletšego gore o tšere magato a go kwagala go thibela modiro goba tlogelo yeo.

91. Melato le dikotlo

(1) Motho yo mongwe le yo mongwe yoo—

(a) a dirago modirwana woo o nyakago laesense go ya ka Molao wo, ntle le laesense yeo;

(b) o tshela mabaka a laesense;

(c) a dirago bohlatse bja maaka ka gare ga kgopelo goba a dutše a dira kgopelo ka tlase ga Molao wo;

(d) mo lefelong la laesense, a sepetša modirwana wa go kempola goba a swere motšhene wa go kempola goba setlabelo sa go kempola seo se sa dumelelwago ka tlase ga Molao wo goba a sepetša modirwana wa go kempola goba go beta ntle le ge e amana le melao yeo e dumeletšwego ya go kempola goba go beta;

(e) go thibela goba go šitiša leloko la Boto, mohlahlobi, motho yoo a dumeletšwego semmušo goba lephodisa ge a thibela goba a nyakišiša molato ka tlase ga Molao wo;

(f) go ihlagiša ka bofora bjalo ka mohlahlobi goba go fa tlhalošo goba tshedimošo go lephodisa goba mohlahlobi, e le bofora goba seo se lahletšago;

(g) go dumelela motho yoo a sa akaretšwago go tsena go lefelo la laesense;

(h) go biletšwa go fa bohlatse tsekong goba go nyakišišo ya ntle le bohlatse bjo bo feleletšego; o palelwa ke go —

(i) go tsenela tsheko goba nyakišišo ka nako le go lefelo leo le bontšhitšwego ka gare ga disamone;

(ii) go tšwela pele go ba gona go fihla bofelong bja tsheko goba nyakišišo ka nako le go lefelo leo le bontšhitšwego ka gare ga disamone;

(iii) go tšwela pela go ba gona go fihlela bofelong bja tsheko goba nyakišišo goba go fihlela o lokolla ke Boto go tšwela pele ka go ba gona;

(iv) go tšweletša puku ye nngwe le ye nngwe, tokumente, goba selo seo se le go matsogong a gagwe goba ka tlase ga gagwe goba ka tlase ga taolo ya gagwe, yeo a ka be go a bileditšwe go e tšweletša;

(i) go ba o bileditšwe ke Boto go ya ka Molao wo, ntle le mabaka a go kwagala, o gana go —

(i) go tšea kano goba go dira tiišetšo bjalo ka hlatse morago ga ge a laetšwe ke leloko la Boto yoo a sepetšago tsheko, goba dinyakišišo go a sepetša modirwana wa go kempola goba a sepetša modirwana wa go kempola goba dira bjalo;

(ii) go hlatsela goba go ya ka molao wo o amanago le thušo yeo e lebanego motho yoo a fago bohlatse goba go tšweletša puku, tokumente goba selo pele ga kgorotsheko ya molao.

(iii) goba o palelwa ke go araba ka botlalo le go kgotsofatša gabotse ka tsebo le tumelo go potšišo yeo e botšišwago semolao.

(j) ka morago ga go tšea kano goba go ba a dirile tiišetšo, o fa bohlatse bja maaka pele ga Boto g hearing goba go dinyakišišiso tša taba ye nngwe le ye nngwe, go tsebega gore bohlatse bjoo ke bja maaka;

o dira molato gomme o swanetše ke kahlolo ya kotlo goba kgolego goba ka bobedi, kotlo le kgolego.

(2) Motho yoo a se nago laesense ya maleba goba e sa sepetšane le melawana ya Molao wo, a na le —

(a) setlabelo sa go kempola;

(b) motšhene wa go kempola;

(c) Theipi ya rili yeo e diretšwego go šomišwa ka gare ga motšhene ya go iteka mahlatse;

(d) setlabelo seo se ka ba go motšhene wa go kempola eupša ka tlošo ya dikarolwana eupša go e fometa gabedi;

(e) setlabelo seo se kgonago go emela dirili semohlagase tše di šomišwago ka gare ga motšhene wa go kempola;

(f) setlabelo seo se dirilwego bjalo ka motšhene wa go kempola gomme se fetoletšwe ka nako ye nngwe le ye nngwe gore se palelwe ke go lefela kheše goba ditokene, go sa kgathale gore setlabelo se kgontšha moraloki go fenya moputso goba go se fenye;

(g) softewere ya khomphuthara yeo e kgontšhago moraloki go fegolla dikrediti tše dingwe tšeo di fentšwego ka papadi ya go kempola go khomphuthara ye nngwe goba go setlabelo sa ka ntle sa polokelo ya tshedimošo;

(h) hatewere ya khomphuthara yeo motheo wa yona e diretšwego goba e agilwego go šomišwa go bapala dipapadi tšeo di akantšwego ka go temana (f) mo khomphuthareng; goba

(i) tokumente, puku, rekhoto, togomaano goba setlabelo goba selo se sengwe seo se šomišitšwego go lebeletšwe kamano mabapi le khomišene ya molato ka tlase ga Molao wo, o dira molato gomme o swanetše ke kahlolo ya kotlo goba kgolego goba ka bobedi bja kotlo le kgolego.

(3) Motho yoo a tshelago karolo ya 36(5), 40, 42(1), 42(4), 42(5), 43(2), 45(4), 47, 48, 49(2), 49(3), 49(5), 50(5), 50(6), 51(4), 51(5), 52(3), 52(4), 52(5), 53(1), 54(1), 55(1), 56(1), 57(4), 58(1), 58(5), 60(3), 61(1), 61(2), 61(4), 61(5), 61(6), 62(2), 62(3), 66, 69, 70, 71, 72(1), 73, 74, 75, 77, 78(1), 78(2), 78(3), 79, 80(2), 80(3), 81(4), 82(3), 82(6) goba 83(3) o dira molato gomme o swanetše ke kahlolo ya kotlo goba kgolego goba ka bobedi bja kotlo le kgolego.

(4) Dikotlo ka moka tšeo di bewago go ya ka Molao wo, e oketša go Boto.

(5) Ka nako ye nngwe le ye nngwe ge motho a ahlolwa ka molato go ya ka Molao wo goba a lefela go dumela go ba le molato go ya ka karolo 57 ya Molao wa Tshedpetšo ya Bosenyi, 1977, ditefelo ka moka tša thwalo goba polokelo ya motšhene wo

mongwe le wo mongwe wa go kempola goba setlabelo sa go kempola goba se sengwe seo ka mokgwa wa molato se dirilwego goba sa šomišwa go khomišene ya molato goba sa humanwa matsogong a motho yoo a ahlolwago, teko ye nngwe le ye nngwe ke ba the Meetlo ya Mokgatlo wa Afrika Borwa (South African Bureau of Standards), e swanetšwe go oketšwa go kotlo yeo e fiwago, e lefele ke motho yoo.

92. Tahlegelo

Kgorotsheko e ka re ge e ahlola motho ka molato go ya ka Molao wo, a tsebiša go ba e lahlegetšwe go Boto —

(*a*) ditšhelete ka moka, dikhoine, ditšheke, dikoloto goba dinote tša promisari goba ditokumente tše di šireletšago goba di fa go bohlatse bja tefelo ya tšhelete yeo e humanwago ka gare goba fao lefelong la go se be le laesense goba motho yo mongwe le yo mongwe yoo a be go a le ka gare goba fao lefelong;

(b) dipuku ka moka, mananeo, dikarata tša go bapala, ditokumente le dipampiri tše dingwe, motšhene goba selo sa go amana le goba sa go šomišwa goba sa go kgona go šomišwa le go kempola seo se humanwago ka gare goba fao lefelong leo; le

(*c*) thoto ye nngwe le ye nngwe yeo e ka šuthago, koloi, sekepe, sephatšamaru, polokelo goba se sengwe seo se ka šomišwago go amana le molato.

93. Go abela maatla

(1) Go ya ka karolo (2), e ka re, ka mokgwa wa go ngwala sengwalwa, fa leloko, komiti, mošomedi wa Boto goba CEO, maatla, mošomo goba modiro wo o filwego Boto go ya ka Molao wo, ka ntle le maatla a go tšea sephetho sa malebana le go go abela, go fetola, goba go khantshela laesense.

(2) Boto e ka fa komiti ya Boto maatla a go tšea sephetho malebana le go abela, go fetola goba go khantshela dilaesense tše di latelago:

(a) laesense ya lefelo la motšhene wa go lefa mo go fokoditšwego go ya ka karolo 23(2) (b):

(b) laesense ya lefelo la sebaledi go ya ka karolo(23) (2) (h):

(c) leasesense ya ditiragalo tše di ikgethilego go ya ka karolo(23) (o): le

(d) laesense ya bašomedi ba b ohlokwa go ya ka karolo23(2)(p).

(3) Maatla a go bea kotlo a se ke a fetišwa, ntle le go komiti ya maloko a mararo a Boto.

(4) Mohlankediphethiši a ka aba maatla a gagwe, mešomo, yeo a e filwego yona ka tlase ga Molao wo go-

(i) mošomedi ofe goba ofe wa Boto yo a na lego tsebo ya maleba le boitemogelo; goba

(II) motho ofe goba ofe ka morago ga go boledišana le Boto

(5) Motho ofe goba ofe yo a filwego maatla goba a dumeletšwego go dira mošomo ka tlase ga karolo ye o swanetše a šomiše maatla ao goba a dire mošomo woo go ya ka seemo seo yo a filego kemedi goba tumelelo a bonago go swanela.

(6) Kabelo ya maatla goba tumelelo ya go šoma efe goba efe ka tlase ga karolo ye;

(a) e swanetše e be ka mokgwa wa sengwalwa;

(b) ga e thibele motho yo a filego tumelelo goba a dirilego kemedi go šomiša maatla ao goba go dira mošomo woo ka boyena.

(c) e ntšhiwa nako efe goba efe ke yena motho yoo.

(7) Se sengwe le se sengwe seo se dirwago ka maatla ao a abetšwego, mošomo o tšewa gore o dirilwe ke Boto goba Mohlankedimogolo, ka ge go tla ba go le bjalo.

94. Go akaretša ga ramolao wa semmušo

Boto e ka se tsebiše ditshepedišo tša semolao goba go tšea magato afe goba afe ditshepedišong dife goba dife tša semolao ka ntle le go šoma le ramolao wa semmušo.

95. Phedišo ya melao

Molao wa Profense ya Limpopo wa go Kempola, 1996 (Molao Nomoro. 4 wa 1996) o a fedišwa.

96. Thaetlele ye kopana le go thoma

(1) Molao wo ke wa go Kempola wa Limpopo, 2013 gomme o thoma go šoma ka letšatšikgwedi leo le beilwego ke Tonakgolo ka tsebišo kuranteng.

(2) Matšatšikgwedi a kgwedi a go fapafapana a ka bewa go ya ka dikarolo tša go fapafapana tša Molao wo.

ŠETULO YA 1

TERANSIŠENE YA MELAWANA

1. Ditlhaloso

Ka gare ga Šetulo ye—

"letšatšikgwedi la go thoma" le ra gore letšatšikgwedi leo e le go gore Molawo wo, goba, melawana ye e swanetšego, e thoma go sepetšwa go ya ka karolo ya 95; le

"Molao wa go feta" o ra gore Limpopo Province Gambling Act, 1996 (Molao wa No. 4 wa 1996).

2. Poloko kakaretšo ya ditokelo, ditsebišo, mešomo le ditlabelo tše dingwe

(1) Tokelo ye nngwe le ye nngwe, maatla a toko, tokelo yeo e thabelwago goba tlamego yeo e bewago godimo ga motho yo mongwe le yo mongwe go ya ka melawana ya Molao wa go feta, yeo e sa šomišwago, phethagaditšwe goba ya fela ka pela pele ga letšatši la go thoma, e tšewa goba ya kgonthe, maatla a toko, tokelo goba tlamego ye e bewago godimo ga motho yoo go ya ka melawana yeo e bapetšwago ya Molao wo, go tloga letšatšikgwedi gore tokelo yeo, maatla a toko, tokelo goba tlamego e thomilego go ba gona.

(2) Tsebišo ye e filwego ke motho yo mongwe le yo mongwe go ya go motho yo mongwe go ya ka molawana wa Molao wa go feta e akanywa go ba tsebišo yeo e filwego go ya ka melawana yeo e bapetšwago ya Molao wo, go tloga letšatšikgwedi leo tsebišo e filwego ka tlase ga Molao wa go feta.

(3) Tokumente yeo, pele ga letšatšikgwedi la go thoma, yeo e filwego go ya ka Molao wa go feta e tšewa go ba e filwe ka go kgotsofatša go lebeletšwe Molao wo.

(4) Taelo yeo e filwego ke Boto go ya ka melawana ya Molao wa go feta woo o sa na go le maatla, ka pela pele ga letšatšikgwedi la go thoma le tšwela pele go ba le maatla go ya ka melawana ya Molao wo.

(5) Laesense yeo e abilwego go ya ka Molao wa go feta gomme e sa na le maatla, ka pela pele ga letšatšikgwedi la go thoma, go ya ka tefo ya tefelo le dilebi, e akanywa go ba laesense yeo e abilwego go ya ka Molao wo gomme e tšwela pele goba le maatla, go ya ka melawana ya Molao wo.

(6) Kgopelo ya laesense yeo e ipileditšwego go ya ka Molao wa go feta, e swanetšwe go šongwa go ya ka melawana tša Molao wa go feta, go sa lebalwe go thoma ga Molao wo.

(7) Rakantoro wa khutšo yoo a thwetšwego go ya ka karolo ya 334 ya Molao wa Tshepetšo ya Bosenyi, 1977 (Molao wa Nomoro ya 51 ya 1977) go lebeletšwe Molao wa go feta, o tšwela pele goba Rakantoro wa khutšo go lebeletšwe Molao wo.

(8) Molao wa go thekga woo o abilwego go ya ka Molao wa go feta o tšwela pele go ba le maatla ka tlase ga melawana ya go sepetšana le Molao wo, go fihlela o fedišwa.

(9) Setefikeiti seo se abilwego ke mohlahlobi go ya ka Molao wa go feta ka pela, pele ga letšatšikgwedi la go thoma, e tšwela pele go ba ya kgonthe, tšeo e ke go setefikeiti se abilwe go ya ka Molao, go fihlela se sa šoma goba se phumulwa ke Boto.

(10) Fao mokgwa goba setlabelo sa mohlagase, khomphuthara goba khominikheišene e diretšwego go romela goba go humana tshedimošo yeo e amanago le go šoma ga motšhene wo mongwe le wo mongwe goba diaparata gomme e akantšwe bjalo ka

mokgwa wa go hlokomela e sa abelwa laesense ke Boto, mong laesense o swanetše gore pele ga lebaka la dikgwedi 12 tša letšatšikgwedi la go thoma a be le laesense ya mokgwa wa go hlokomela semohlagase

3. Boto ya go kempola ya Limpopo le bašomišani

(1) Leloko la Boto, pele ga letšatšikgwedi la go thoma, le tšwela pele go ba leloko la Boto, le swere maemo ao le bego le dutše le a swere go fihlela bofelo bja kotara yeo motho yoo a thwetšwego ka yona go ya ka Molao wa go feta.

(2) Leloko la bašomišani leo le thwetšwego ka tlase ga Molao wa go feta pele ga letšatšikwedi la go thoma le tšwela pele go swara thwalo yeo go ya ka Molao wo.

This is to certify that this Act has compiled
With the Standing Rules and Orders of the
House and was thus adopted by the Honourable
House on this ...05..... Day of ..12.....2013
Signed:..... Date:..05..12..2013
SPEAKER OF THE LIMPOPO LEGISLATURE

NDAULO YA VUNḐU ḶA LIMPOPO

OFISI YA MULANGAVUNḐU

NḐIVHISO NO. . . 4 . . YA 2014

U THOMA U SHUMA HA MULAYO WA U GEMBUḶA WA LIMPOPO, 2013 (MULAYO NO. 3 WA 2013)

Hu tshi tevhelwa khethekanyo 96 ya Mulayo wa u Gembuḷa wa Limpopo, 2013 (Mulayo No. 3 wa 2013), Nṋe, Chupu Stanley Mathabatha afha ndi khou ta dzi 1 September 2014 sa ḓuvha ḷine Mulayo wo bulwaho wa ḓo thoma u shuma ngaḷo, nga nnḓa ha khethekanyo 26(9)(b)(iii) na (iv), ine ya ḓo thoma u shuma nga ḓuvha ḷi kha ḓi ḓo bulwa.

_____

CHUPU STANLEY MATHABATHA
MULANGAVUNḐU: LIMPOPO

DATUMU:

Ofisi ya Tshipfumbamano ya ndimisa nga Phirinsia
Dzithi.....

MULAYO

Wa u laula khumbelo ya na tsedzuluso ya laisentsi dza khasino, bingo, tshumiso ya mitshini ya mbadelo dzo kalwaho, tshumiso ya tshitentsi tshi re na mitshini ya mbadelo dzo kalwaho, tshumiso ya tshitentsi tsho diimisaho, fhethu ha u sumbedza mbadelo na mubadeli, mitangano ya mitatisano na zwinwe zwa sipeshala, u magiwa, u vhulungwa na u netshedzwa ha zwishumiswa zwa u gembula, vhashumi vhahulwane; u netshedzwa ha nyito dzo thivhelwaho na dzo iledzwaho dza zwa u gembula; u netshedzwa ha matshimbidzelwe a khwathisedzo ya zwa mulayo; u vhulungwa ha Bodo ya zwa u Gembula ya Limpopo; u Phumulwa ha Mulayo wa zwa u Gembula wa Limpopo, 1996; na u netshedza u itela mafhungo a tutshelanaho na zwenezwo.

AFHA HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo nga hu tevhelaho:–

NZUDZANYO DZA KHETHEKANYO

NDIMA YA 1

MBETSHELO THANGELI

1. Thandavhudzo

2. Ndivho dza Mulayo

NDIMA YA 2

BODO YA ZWA U GEMBULA YA LIMPOPO

3. Bodo ya zwa u Gembula ya Limpopo

4. Mishumo na maanda a Bodo

5. Mbumbo ya Bodo

6. Thendelo na u sa tendelwa u khethiwa kha Bodo

7. U khethiwa ha mirado ya Bodo

8. Tshifhinga tsha ofisi

9. U litsha mushumo, u bvisiwa kha zwikhala kana ofisi

10. Malamba na magavhelo a Bodo

11. U bvisela khagala madzangalelo

12. Muofisiri wa Khorotshitumbe

13. Maanda na mishumo zwa Muofisiri wa Khorotshitumbe

14. Tshitafu tsha Bodo

15. U vha khagala na zwa tshidzumbe

16. Tshiimo tsha tshikwama tsha tshitshavha

17. Masheleni a Bodo

18. Mitangano ya Bodo

19. Komiti dza Bodo

20. Vhukwamani nga Bodo

21. U dzheniswa ha vhathu

22. Mbudziso nga Bodo

NDIMA YA 3

U NETSHEDZWA HA LAISENTSI

23. Tshakha dza laisentsi

24. Nyiledzo kana u fheliswa ha laisentsi

25. U fheliswa ha laisentsi yo no bviswaho

26. Matshimbidzelwe a khumbelo ya laisentsi

27. Khumbelo, vhuimeleli na khanedzo yo vulelwaho u tolwa nga tshitshavha

28. Mbadelo ya tsedzuluso

29. U tolwa ha tshitentsi

30. Muvhigo wa vhufhulufhedzei

31. U thetsheleswa ha khumbelo

32. Tsedzuluso ya khumbelo

33. Mafhungo a kwamaho tsedzuluso ya mveledziso ya zwa ekonomi na matshilisano

34. Mafhungo a kwamaho tsedzuluso ya mutatisano

35. Tshiimo tsha laisentsi

36. Nyimiso kana u fheliswa ha laisentsi na khwiniso ya nyimele ya laisentsi

37. Laisentsi ya tshifhinganyana

38. U pfuluswa ha tshitentsi

39. Lufu kana vhuholefhali

40. Thodea ya u divhadza na u sumbedza laisentsi

41. Thodea ya u badela lwetolweto na mitendelo

42. Madzangalelo a zwa ndango na masheleni

43. Thanziela ya u tendelwa

44. Phungudzo ya pfanelo dza u shumiswa ha laisentsi.

NDIMA YA 4

LAISENTSI YA KHASINO

45. Laisentsi ya khasino

46. Tsedzuluso ya khumbelo ya laisentsi ya khasino

47. U taniwa ha mafhungo

48. Tshumiso ya ipfi “khasino”

NDIMA YA 5

LAISENTSI YA BINGO

49. Laisentsi ya bingo na ya tshitentsi

NDIMA YA 6

LAISENTSI YA TSHUMISO YA MUTSHINI WA MBADELO DZO KALWAHO, LAISENTSI YA TSHUMISO YA TSHITENTSI TSHA MUTSHINI WA MBADELO DZO KALWAHO NA LAISENTSI YA TSHUMISO YA TSHITENTSI TSHO DIIMISAHO NGA TSHOTHE

50. Laisentsi ya tshumiso ya mutshini wa mbadelo dzo kalwaho

51. Laisentsi ya tshitentsi tsha tshumiso ya mutshini wa mbadelo dzo kalwaho

52. Laisentsi ya tshumiso ya tshitentsi tsho diimisaho nga tshothe

NDIMA YA 7

LAISENTSI YA MUBADELISI NA MUTSHINI WA U BETSHA

53. Laisentsi ya mutshini wa u betsha

54. Laisentsi ya tshitentsi tsha u betsha

55. Laisentsi ya mubadelisi wa u betsha

56. Laisentsi ya tshitentsi tsha mubetshisi

NDIMA YA 8

LAISENTSI YA MUMAGI, MUVHULUNGI NA MUNETSHEDZI

57. Laisentsi ya mumagi, muvhulungi na munetshedzi

NDIMA YA 9

LAISENTSI YA MITATISANO NA MITAMBO YA SIPESHALA

58. Laisentsi ya mitatisanoni

59. Laisentsi ya mitambo ya sipeshala

NDIMA YA 10

SISITEME I LANGAHO ZWA ELEKITHIRONIKI,

MITSHINI YA U GEMBULA

NA

ZWISHUMISWA ZWA U GEMBULA

60. Sisiteme i langaho zwa mitshini ya elekithironiki ya u gembula

61. Mitshini ya u gembula na zwishumiswa zwa u gembula

NDIMA YA 11

LAISENTSI YA VHASHUMI VHA NDEME

62. Laisentsi ya vhashumi vha ndeme

63. U sa tendelwa

64. Laisentsi ya tshifhinganyana ya vhashumi vha ndeme

65. U imiswa kana u fheliswa

66. Nyiledzo

67. Muvhigo wa vhufhulufhedzei wa vhashumi vha ndeme

68. Redzhisitara ya vhashumi vha ndeme

NDIMA YA 12

NYITO DZA ZWA U GEMBULA DZO ILEDZWAHO NA U THIVHELWA

69. U newa laisentsi hu re mulayoni

70. U Gembula hu siho mulayoni

71. Zwithu zwi bvelelaho na zwi sa bveleli

72. Fhethu ha u gembula

73. Ndayo dza u betsha kana dza u gembula

74. Vhufhura na zwishumiswa zwa vhufhura

75. Tsireldzo ya vha si na maanda

76. Vhathu vha so ngo katelwaho

77. Nyiledzo kha zwikolodo

78. Nyiledzo kha u andadza

79. Nyiledzo ya u gembula nga kha zhendedzi

80. Ndivhelelo ya zwikolodo zwa u gembula na u dzhiwa ha zwo winwaho zwi siho mulayoni

NDIMA YA 13

ZWIPIKITERE ZWA THEVHEDZELO

NA

KHOMBETSHEDZO YA MULAYO

81. U tholwa ha zwipikitere

82. Mishumo na maanda a zwipikitere zwa thevhedzelo

83. Mishumo na maanda a zwipikitere zwi kombetshedzaho thevhedzelo ya milayo.

84. U hanela u dzhena

NDIMA YA 14

MBETSHELO DZA ZWITHU ZWI SA PFESEI

85. Ndaulo

86. Ndayo dza Bodo

87. Vhudifhinduleli, u tolwa na mivhigo

88. Makumedzwa a khanedza mutikedza vhashai

89. Malamba a tsevhi

90. Vhudifhinduleli ha zwo tshenzhelwaho

91. Vhukhakhi na ndatiso

92. U xelelwa

93. U hwesa maanda

94. U phumulwa ha milayo

95. Dzina lipfufhi na mathomo**SHEDULU 1**

Mbetshelo dza u pfukhisela

NDIMA YA 1

1. Thandavhudzo

Kha uyu Mulayo nga nnda ha musi zwi re ngomu zwi tshi amba zwinwe vho —

"mutambo wa u mvumvusa" zwi amba mutambo, nga nnda ha bingo kana mutambo u fanaho na kana u bvaho kha mutambo wo tambiwaho kha khasino kana kha mutshini wa u gembula, wo tambiwaho nga kana nga ndila ya mutshini wa u dimvumvusa une, musi wo badela tshelede, tshithu tsho imelaho tshelede kana tshi fanaho natsho, tsha nga wanala uri tshi tambiwe ngatsho nahone une wa itisa uri hu mutambi a wine tshithu; tenda ha vha hu uri tshenetsho tsho winwaho tsha si vhe nga tshiimo tsha tshelede ya kheshe, tsho imelaho tshelede, tshikolodo kana tshishumiswa tshifhio na tshifhio tshi tendelaniwaho khatsho,

fhedzi tshi tea u vha tshi si tsha mutengo wa khetshe u re kha makete u sa fhiraho mutengo wo tiwaho nga Bodo;

"mutshini wa u dimvumvusa" zwi amba mutshini kana tshishumiswa tshine tsha si vhe tsha u gembula, kha kana nga ndila ine mutambo wa u dimvumvusa wa nga shumiswa;

"mushumisani" zwi amba —

(a) mutholi;

(b) mushumisani hu tshi tevhedzwa thendelano ya vhushumisani;

(c) muledzani wa khamphani ya phuraivethe o bulwaho kha Mulayo wa Khamphani, 2008 (Mulayo No. 71 wa 2008);

(d) murado mushumisani wa Koporasi yo Tanganelanwaho yo bulwaho kha Mulayo wa Vhutanganelani, 1984 (Mulayo No. 69 wa 1984); na

(e) muthu ane munwe muthu a vha o mu tendela, kana ane u bva khae munwe muthu a vha o tanganedza, maanda nyangaredzi a ramulayo;

"mubetshi" zwi amba —

(a) u vha mutambi, u badelwa tshelede ya u betsha kana tshinwe tshithu tsha ndeme kha zwithu zwo betshwaho, kana u betsha hu so ngo dzumbamaho, kha mubetshisi kha nyimele ifhio na ifhio yo dzumbamaho kana i so ngo dzumbamaho; kana

(b) u vha mubetshisi musi —

(i) u tshi tanganedza tshelede yo winwaho kha u betsha kana tshinwe tshithu tsha ndeme kha tshelede yo tiwaho ya u betsha, kana u betsha hu so ngo dzumbamaho, u bva kha mutambi kha nyimele ifhio na ifhio ine ya nga vha hone kana i si vhe hone;

(ii) tshelede ya u betsha kana tshithu tshinwe na tshinwe tsha ndeme kha tshelede ya u betsha yo tiwaho, kana u betsha hu so ngo dzumbamaho, na mubetshisi kha nyimele ifhio na ifhio ine ya nga vha hone kana i si vhe hone;

(c) u wina kana u tanganedza tshelede ya u betsha kana tshinwe tshithu tshifhio na tshifhio tsha ndeme nga muthu muthihi kana vhanwe vhathu vhanzhi kha nyimele ifhio na ifhio ine ya nga vha hone kana i si vhe hone; kana

(d) tsheo i re khagala kana i so ngo dzumbamaho, i fhulufhedzisaho kana i tendelaho u ita sa zwo bulwaho kha phara dza (a), (b) kana (c);

"bingo" zwi amba mutambo, zwi tshi katela na mutambo wothe wo tambiwaho nga tshipida kana nga ndila ya elekithironiki —

(a) u tambiwaho nga tsedzuluso, hu tshi khou shumiswa magarata kana zwinwe zwishumiswa (zwi nga vha zwa elekithironiki kana zwa inwe ndila) –

(i) zwine zwa khethekanywa nga zwikhala, zwine tshinwe na tshinwe tsha vha tshi na nomboro yo fhambanaho na inwe, tshifanyiso kana tshiga zwo fhambanaho; kana

(ii) zwi na nomboro, zwifanyiso kana zwiga zwo dzudzanywaho nga ndila yo fhambanaho hune garata inwe na inwe kana tshishumiswa tsha vha na tshigwada tsha nomboro dzo diimisaho, zwifanyiso kana zwiga;

(b) hune khazwo ha vha hu na uri –

(i) mushumisi kana mudivhadzi a vhidzelela kana a tana nomboro dzo fhambanaho, zwifanyiso kana zwiga nga ndila yo tanganaho nahone vhatambi vha fanyisa nomboro yeneyo, tshifanyiso kana tshiga kha nomboro, zwifanyiso kana zwiga zwo bvelelaho kha garata kana tshishumiswa u ya nga hune thevhekano yeneyo ya vhidzwa kana u taniwa ngaho; kana

(ii) elekithironiki kana tshishumiswa tshi fanaho tshi bveledza kana u tana nomboro, zwifanyiso kana zwiga zwo fhambanaho nahone henefho, ho imelwa vhatambi, zwa fana na yeneyo nomboro, tshifanyiso, tshiga zwi re kha nomboro, zwifanyiso kana zwiga zwi vhonalaho kha garata ya elekithironiki kana tshinwe tshishumiswa tshi fanaho nga murahu ha musi yeneyo nomboro, tshifanyiso kana tshiga zwo bveledzwa kana u taniwa; na

(c) hune khazwo ha vha hu na uri –

(i) mutambi a thomaho u fanyisa zwikhala zwothe zwi re kha garata kana tshinwe tshishumiswa tshi fanaho, kana o fanyanyisa sethe ya nomboro dzo bulwaho, tshifanyiso kana zwiga kha garata kana tshishumiswa, u vha o wina mutengo; kana

(ii) mutambi ane elekithoriniki yawe kana tshishumiswa tsho bulwaho kha phara (b)(ii) tsha vha tsho fanyanyisa zwikhala zwothe kha garata kana tshishumiswa tshi fanaho, kana a fanyanyisa sethe dza nomboro dzo bulwaho, zwifanyiso kana zwiga kha garata ya elekithironiki kana tshinwe tshishumiswa tshi fanaho, u wina mutengo kana mitengo i fhiraho muthihi;

kana, mutengo munwe ufhio na ufhio u fanaho wo bulwaho u vha wa bingo hu tshi tevhedzwa khethekanyo 49(6) ya uyu Mulayo;

"Bodo" zwi amba Bodo ya zwa u Gembula ya Limpopo yo bulwaho kha khethekanyo 3 ya uyu Mulayo;

"mubetshisi" zwi amba muthu a dzhiaho mvelelo dza dzibere lwo livhaho kana lu so ngo livhaho a dzudzanya mabetshele kana u vula ha u betsha na mirado vha tshitshavha kana vhanwe vhabetshisi, kana a dzhia honoho u betsha na vhanwe vhabetshisi;

"laisentsi ya mubetshisi" zwi amba laisentsi yo bviswaho hu tsi tevhedzwa khethekanyo 55;

"khasino" zwi amba zwifhato hune ha itwa hone mutambo wa zwa u gembula, kana hune ha vha na zwa u gembula, fhedzi zwi sa kateli zwifhato zwine khazwo—

(a) ha tambelwa khazwo zwa bingo hu si hunwe u gembula kana zwi re hone zwa u gembula;

(b) mitshini i badelaho mbadelo dzo kaliwaho fhedzi i re hone ya u gembula; kana

(c) mitshini i badelaho mbadelo dzo kaliwaho na bingo, fhedzi hu si na munwe mutambo wa u gembula, u no khou tambiwa kana u re hone wa u gembula;

"laisentsi ya u shumiswa ha khasino" zwi amba laisentsi yo bviswaho hu tsi tevhedzwa khethekanyo 45;

"Muofisiri wa Khorotshitumbe" zwi amba muthu o khethiwaho hu tshi tevhedzwa khethekanyo 12;

"mashumisele" zwi amba u ita mushumo, u langa, u laedza, u vhulunga, u langula, u lavhelesa kana u vha mune, na **"u vhulunga"** zwi na thalutshedzo dzi tutshelanaho;

"u sedzuluswa" zwi amba —

(a) tshelede, thundu, ndaka, tsheke, thokene, thikithi, khiredithi ya elekithironiki, khiredithi, debithi kana tshipida tsha elekithironiki, kana tshithu tshi fanaho na tshenetsho; kana

(b) tshithu tshinwe tshifhio na tshifhio, u shumiswa, mafhulufhedziso, thendelano kana khwathisedzo, hu so ngo sedzwa ndeme u pfesesea kana u sa pfesesea, kana zwi a pfukhiselea lwo livhaho kana lu so ngo livhaho;

"zwi sa divhei"' zwi amba tshithu zwine muthu a nga si kone u zwi divha kana a si vhe na vhutanzi u swikela zwi tshi bvelela;

"madzangalelo a ndango" zwi amba u langa lwo livhaho kana lu so ngo livhaho ha bindu la mufari wa laisentsi zwine zwi nga vha nga ndila ya u tou shumisana, maanda a u vouta, maanda a u nanga vhalanguli, kana nga inwe ndila vho nahone hu na ndivho dza uyu Mulayo, muthu u a langa kana u kha tshiimo tsha u langa kha mufari wa ufhio na ufhio wa laisentsi a re hone kana ane a kha di do vha hone arali:

(a) onoyo muthu, a nga vha e ethe kana e na vhashumisani, a kha tshiimo tshine —

(i) a shumisa ndango kha onoyo mufari wa laisentsi;

(ii) a langa lwo livhaho kana lu so ngo livhaho kha tshipida tshi vhonalaho tsha kushumele kwa mufari wa laisentsi;

(iii) vha na maanda a u hanedza nyito ifhio na ifhio yo dzhiwaho bodo kana vhalanguli vha onoyo mufari wa laisentsi kana u nanga kana u vhulungwa kana u vha na maanda a hanedzana na u nangiwa zwitukusa ha hafu ya vhalanguli vha bodo vha onoyo mufari laisentsi, kana a nea kana u shumiswa nga inwe vho ndila, zwi nga ndila yo livhaho kana i so ngo livhaho, sia kana u sa dzhenelela kha

mafhungo afhio na afhio a re hone a kwamaho ndangulo kana mafhungo a mufari laisentsi; kana

(b) mufara laisentsi a re hone kana a no do vha hone kana, hune onoyo mufari laisentsi a vha khamphani, vhalanguli vha phesenthe dzi fhiraho mahumi matanu dza yeneyo khamphani, nyito kana zwi fhasi ha khonthiraka, nzudzanyo kana u pfesesa, hu sa sedzwi zwo tea kana a zwo ngo tea na, u lavhelelwa uri zwi nga tshiimo de kana zwi tutshelana nga ndilade kana ndaela kana mihumbulo ya, kana zwi tutshelana na onoyo muthu tsivhudzo kana kuhumbulele kwa, kana zwi tshimbilelanaho na onoyo muthu kana vhashumisani nae kana, arali onoyo muthu e khamphani, kana vhalanguli vha khamphani;

"Mulayo wa Matshimbidzelwe a zwa Vhugevhenga, 1977" zwi amba Mulayo wa Matshimbidzelwe a zwa Vhugevhenga, 1977 (Mulayo No. 51 wa 1977);

"vhupo ho tiwaho" zwi tutshelanaho na —

(a) tshitentsi, zwi amba fhethu kha tshenetsho tshitentsi hune mutshini wa mbadelo dzo kalwaho wa tendelwa u vha hone; na

(b) hunwe fhethu hufhio na hufhio, zwi amba fhethu hufhio na hufhio hune ha vha kha tshitentsi tshi re na laisentsi hu itwaho zwa u gembula nahone zwi katela fhethu ho tiwaho ngauralo nga Bodo ho sedzwa nyimele dza laisentsi yo bviswaho nga Bodo;

"Khorotshitumbe" zwi amba Khorotshitumbe ya Limpopo;

"murado wa muta" zwi amba murado a re —

(a) mufarisi/mufumakadzi; kana

(b) nwana wawe, mubebi, mukomana/ murathu kana khaladzi, hu sa sedzwi uri vhushaka honoho ndi ha u bebwa nae, u mala kana vhuundi;

"madzangalelo a zwa masheleni" zwi amba —

(a) pfanelo kana u vha na pfanelo ya u kovhana mbuelo lwetolweto;

(b) pfanelo ya ngoho malugana na ndaka ya khamphani, vhutanganelani kana bindu;

(c) pfanelo ya ngoho kana pfanelo ya vhune kha ndaka yo shumiswaho nga khamphani, vhutanganelani kana bindu; kana

(d) dzangalelo lo livhaho kana na li so ngo livhaho kha u voutela zwi kovhiwaho, kana pfanelo dza u vouta zwi tutshelanaho na mukovho wa khamphani kana dzangalelo la kha vhutanganelani;

"u betsha ho tiwaho" zwi amba u betsha huthihi kana hu fhiraho huthihi hune ha nga bvelela kana hu sa bvelela ho tendelaniwa khaho nga tshifhinga tshenetsho tsha u betsha;

"nyito dza u gembula" zwi amba nyito dzi katelaho —

(a) u betsha kana u tanganedza zwa u betsha;

(b) u betsha kana u tanganedza tshelede ya u betsha kana thanganyelo i sumbedzwaho nga mutshini wa u betsha; kana

(c) u vha hone kha mutambo, kana u tamba bingo kana mutambo wa u gembula;

"tshishumiswa tsha u gembula" zwi amba tshishumiswa, khomphyutha kana tshinwe tshithu tshine tsha shumiswa kana nga tshifhinga tsha u magiwa hatsho tsha vha tsho itelwa u shumiswa malugana na nyito dza u gembula nahone zwi tshi katela, hu si na phungudzo ya nyangaredzi henefho, elekithiromekhenikhala kana tshishumiswa tsha elekithironiki tshifhio na tshifhio, tshivhumbiwa kana mutshini kana mutshini wa u gembula, magarata a u gembula kana daisi, kana

tshishumiswa tshinwe tshifhio na tshifhio kana tshithu tshine Bodo i nga ri hu tshi tevhedzwa khethekanyo 61(7) ya nga ta u vha tshishumiswa tsha u gembula;

"mutambo wa u gembula" zwi amba —

(a) mutambo une –

(i) wa tambiwa nga u tou badela hu na tsedzuluso ifhio na ifhio, hu na khonadzeo ya uri muthu a tambaho uyo mutambo a nga di wina kana u vha muthu o tendelwaho u vha o winaho; nahone

(ii) mvelelo dzi nga tiwa nga zwikili zwa mutambo kana khonadzeo ya u wina, kana zwothe; kana

(b) u betsha ho itwaho kha khazino hu tutshelanaho na nyito dzi tutshelanaho na zwo sumbedziswaho kha phara (a);

"mutshini wa u gembula" zwi amba mutshini ufhio na ufhio, wa elekithiriki, video, wa elekithironiki kana tshinwe tshishumiswa, tsha athifishiala, mutshini, kana khomphyutha, zwi sa kateli mutshini wa u dimvumvusa, tshine—

(a) tsha vha tsho itelwa u tambiwa kana tshi re hone u itela u tambiwa kana u shumisea nga u tou panga tshelede yo sedzuluswaho; nahone

(b) tshi nga ri, nga nthani ha u tamba kana u tshi shumisa, tsha ita uri mutambi kana mushumisi a badelwe, kana ha iswa mbadelo dza u wina kha mutambi kana mushumisi wa mutshini;

"mushumisi wa tshitentsi tsho diimisaho" zwi amba mushumisi wa tshitentsi tsho diimisaho, a so ngo di tumanyaho na munwe mushumisi nahone o tendelwaho u vha na u shumisa mitshini ya u badela ho kaliwaho kha tshitentsi tshithihi nahone e na vhudifhinduleli ha u vha na mitshini, u ita uri hu vhe na u kuvhanganywa ha tshelede na u badela lwetolweto kha Bodo;

"tshipikitere" zwi amba tshipikitere o nangiwaho hu tshi tevhedzwa khethekanyo 81;

"laisentsi ya tshitentsi" zwi amba fhethu ho bulwaho ha sipeshala kana ho talutshedzwaho kha laisentsi yo bviswaho hu tshi tevhedzwa uyu Mulayo;

"mutshini wa mbadelo dzo kaliwaho" zwi amba mutshini wa u gembula nga nnda ha khasino une zwo winwaho na mutengo zwa vha zwo kaliwa hu tshi tevhedzwa uyu Mulayo na khethekanyo 26 zwa Mulayo wa u Gembula wa Lushaka, 2004 (Mulayo No. 7 wa 2004);

"mushumisi wa mutshini wa mbadelo dzo kaliwaho" zwi amba khamphani yo redzhisitariwaho hu tshi tevhedzwa Mulayo wa Dzikhamphani, 2008 (Mulayo No.71 wa 2008), ane a vha —

(a) o tendelwa u vha na u shumisa mutshini wa mbadelo dzo kaliwaho;

(b) na vhudifhinduleli ha u vha na mutshini wa mbadelo dzo kaliwaho; na

(c) na vhudifhinduleli ha u ita uri hu kuvhanganywe tshelede na u badela lwetolweto malugana na laisentsi ya mutshini wonoyo wa mbadelo dzo kaliwaho u re fhasi ha laisentsi yawo;

"mushumisi wa tshitentsi tsha mutshini wa mbadelo dzo kaliwaho" zwi amba mufari wa laisentsi ane a vha na thendelo ya u vha na vhune ha tshumiso ya mutshini wa mbadelo dzo kaliwaho kha tshitentsi, nahone a vhona uri iyo mitshini i shumiswa nga mirado vha tshitshavha;

"Murado wa Khorotshitumbe" zwi amba Murado wa Khorotshitumbe a re na vhudifhinduleli ha mafhungo a zwa u gembula kha vundu;

"Mulayo wa u Gembula wa Lushaka, 2004" zwi amba Mulayo wa u Gembula wa Lushaka, 2004 (Mulayo No. 7 wa 2004);

"laisentsi ya lushaka" zwi amba laisentsi yo bviswaho hu tshi tevhedzwa khethekanyo 38 ya Mulayo wa u Gembula wa Lushaka, 2004;

"u betsha hu re khagala" zwi amba –

(a) u betsha, hu sa katelwi mutshini wa u betsha, wo dzhiaho vhuimo nga mubadeli kha zwiimo zwi fhiraho tshithihi, hune hu sa vhe na zwikhala zwo tou tendelaniwa khazwo nga tshifhinga tsha u betsha; kana

(b) u betsha malugana hune u badelwa zwa tiwa nga murahu ha mvelelo dza zwo tambwaho hune khazwo u wina honoho ha vha ho no vha hone, ho sedzwa uri zwi kovhiwaho ndi zwingafhani u bva kha mutshini wa u betsha;

"tshiimiswa tsha muvhuso" i na thalutshedzo yo sumbedziswaho kha khethekanyo 239 ya Ndayotewa ya Riphabuliki ya Afrika Tshipembe, 1996;

"mbadelo" i na thalutshedzo yo bulwaho kha khethekanyo 6 ya Mulayo wa zwa u Gembula wa Lushaka, 2004;

"muthu" zwi katela vhushumisani, dzangano, tshikwama kana muthu wa zwa milayo o vhewaho nga kana hu tshi tevhedzwa mulayo ufhio na ufhio;

"magarata a u tamba" zwi amba magarata a u tamba a shumiswaho u tamba buleke jeke, phokara kana mutambo munwe wa magarata, fhedzi zwi sa kateli na magarata a shumiswaho kha u tamba bingo kana mutambo ufhio na ufhio wa khasino nga nnda ha mutambo u si wa magarata;

"mufara ofisi wa politiki" zwi amba –

(a) murado wa Guvhangano la Lushaka, Khoro ya Lushaka ya Mavundu kana Khabinethe;

(b) murado wa vhusimamilayo ha vundu;

(c) murado wa khoro ya masipala kana vhulaedzwa hapo;

(d) muimeleli wa dzidipilomati wa Riphabuliki ane a si vhe mushumela vhapo;

(e) murado wapo, wa vundu kana wa nndu ya lushaka; kana

(f) mufara ofisi wa lihoro la politiki, a nga vha kha muvhuso wapo, wa lushaka kana wa vundu;

"zwifhato" zwi katela mavu na tshifhato tshifhio na tshifhio, tshiimiswa, tshiendedzi, tshikepe, gungwa, ngalavha, bufho kana tshifaredzi;

"zwo randelwaho" zwi amba zwo sumbedziswaho nga ndaulo hu tshi tevhedzwa uyu Mulayo;

"Mulayo wa Ndangulo ya zwa Masheleni a Tshitshavha" zwi amba Mulayo wa Ndangulo ya zwa Masheleni a Tshitshavha, 1999 (Mulayo No. 1 wa 1999);

"mushumela vhapo" zwi amba muthu o tholwaho kha tshiimiswa tsha muvhuso;

"mutangano wa mutatisano" zwi amba mutangano ufhio na ufhio wa vhathu vha dzhenelelaho kha zwa mutatisano wa dziphukha, hu nga vha hu na mutatisano u re hone, arali datumu na fhethu zwa onoyo mutatisano zwo divhadzwa nga nyandadzo ya tshitshavha kana thambo ya phuraivethe;

"laisentsi ya mutangano wa mutatisano" zwi amba laisentsi yo bulwaho kha khethekanyo 58;

"ndaulo" zwi amba ndaulo yo itwaho hu tshi tevhedzwa khethekanyo 85 ya uyu Mulayo;

"ndayo" zwi amba ndayo dzo itwaho nga Bodo hu tshi tevhedzwa khethekanyo 86 ya uyu Mulayo;

"nyito dza zwa mutambo" zwi amba mutambo ufhio na ufhio wa bola, mutatisano, zwi tshi katela na mutatisano wa dzigoloi kana wa dziphukha, kana munwe mugidimo kana mutatisano wa zwa mutambo, mutatisano kana mutambo,

zwi tsi katela na zwa vhonyalunako, zwine kanzhi zwa dzhenelwa kana u talelwa nga tshitshavha;

"mufarisi" zwi amba muthu a re —

(a) mufarisi nga u malwa;

(b) mufarisi nga kha mbingano ya tshirema hu tshi tevhelwa milayo ya tshirema; kana

(c) mufarisi vha dzulaho vhothe nga ndila ya u malana nga tshirema;

"laisentsi ya tshifhinganyana" zwi amba laisentsi ya tshifhinganyana yo bviswaho hu tshi tevhedzwa khethekanyo 37 ya uyu Mulayo;

"uyu Mulayo" zwi katela ndaulo na ndayo dza Bodo; nahone

"tshishumiswa tshi tanganedzaho tshelede ya u betsha" zwi amba u betsha kana u tanganedza tshelede kana tshinwe tshithu tsha ndeme nga murahu ha mvelelo kana nyito dzothe nga ndila ya –

(a) sisiteme ine thanganyelo ya tshelede yo betshwaho, nga murahu ha u tuswa ho netshedzwaho nga mulayo kana nga thendelano, zwa kovhelwa vhathu vho winaho kha u betsha zwi tshi ya ngauri munwe na munwe wavho o betsha nga vhugai; kana

(b) tshikimu tshifhio na tshifhio, maitele kana sisiteme ya u betsha, hu nga vha nga ndila ya u betsha nga kha mutshini kana hu si wone, hune maitele a hone a shuma nga ndila i fanaho.

2. Ndivho dza Mulayo

Ndivho dza uyu Mulayo ndi u vhona zwauri —

(a) nyito dza u gembula dzi khou laulwa zwavhudi na u langa u itela u fhungudza masiandaitwa a zwa ekonomi kha vhadzulapo;

(b) vhadzulapo na ekonomi zwo tsireledzwa kha uri hu si vhe na u tutuwedzeswa ha zwa indasistiri ya zwa u gembula; nahone

(c) indasitiri ya zwa u gembula i khou shela mulenzhe kha nyaluwo na mveledziso ya zwa vhuendelamashango, zwikhala zwa mishumo na zwa ekonomi kha vundu.

NDIMA YA 2

BODO YA U GEMBULA YA LIMPOPO

3. Bodo ya u Gembula ya Limpopo

Bodo ya u Gembula ya Limpopo, yo thomiwa hu tshi tevhedzwa Mulayo wa u Gembula wa Limpopo, 1996 (Mulayo No. 4 wa 1996) a i khou shandukiswa, hu tshi tevhelwa tshitenwa 3 tsha Shedulu 1 kha uyu Mulayo, zwi sa kwami u phumulwa ha Mulayo wa u Gembula wa Limpopo, 1996.

4. Maanda na mishumo ya Bodo

(1) Bodo i tea u —

(a) nea laisentsi, laula na u langa zwa u gembula kha vundu;

(b) phuromota ndivho nga ha u gembula hu re na vhudifhinduleli; na

(c) langula masiandaitwa na u thomiwa ha ndango ya nga ngomu kha indasitiri ya u gembula.

(2)(a) Bodo i tea, kha nwaha munwe na munwe wa muvhalelano, u dzhena kha thendelano ya mashumisele na Murado wa Khorotshitumbe.

(b) Thendelano ya mashumisele i tea u sumbedzisa ndivho, maga a mashumele, zwibveledzwa na mvelelo ya Bodo.

(3)(a) Bodo i nga —

(i) tutuwedza uri hu vhe na khumbelo dza laisentsi dza u gembula;

(ii) netshedza, hana, u vusuludza, u khwinisa, u pfukhisela, u imisa kana u phumula laisentsi;

(iii) hwesa, imisa, khwinisa kana u phumula nyimele dza laisentsi;

(iv) toda, fara, hira, dzhenisa na u vhetshela thungo muhumbulo, ndaka i sudzuluseaho na i sa sudzulusei;

(v) dzhena kha thendelano;

(vi) dzhenelela kha kana ya ita uri hu vhe na u dzhenelela zwituku ha mulayo na matshimbidzelwe a vhulauli;

(vii) dzhenelela kha kana u ita uri hu vhe na u tshimbidzwa ha, vhupfiwa, tsedzuluso na zwa u vhudziswa malugana na mafhungo afhio na afhio a welaho kha tshipida tsha mishumo yayo;

(viii) wana vhutanzi u bva kha mufari laisentsi na vhanwe vhathu;

(ix) hwesa ndatiso ya u pfukhiwa ha, kana u kundelwa u tevhedzelana na mbetshelo ya uyu Mulayo nga mufari laisentsi, zwine zwi nga katela na ndatiso kana u imiswa kana u hweswa nyimele dzi tutshelanaho na laisentsi yo bviswaho hu tshi tevhedzwa uyu Mulayo;

(x) dzhia maga kana u vhona uri hu vhe na ndingo dzi itwaho dza zwishumiswa zwi shumiswaho na mitshini ya u gembula kana zwine zwa do shumiswa kha nyito dza u gembula hu u itela ndivho dzifhio na dzifhio dza uyu Mulayo;

(xi) wana murahu mbadelo dza u lingwa ha mitshini ya u gembula kana zwishumiswa zwa u gembula u bva kha mune kana mushumisi yeneyo mitshini kana zwishumiswa, kana u bva kha muthu ufhio na ufhio ane khae dzenedzo ndingo dza itwa;

(xii) ta mikhwa na zwitandadi zwa mitshini ya u gembula na zwishumiswa zwa u gembula;

(xiii) nga ndivhadzo ya u tou nwala, a laedza muthu uri a divhonadze kha vhupfiwa, thoduluso kana tsedzuluso kana uri a bvise bugu, linwalo kana tshinwe tshithu tshi tutshelanaho na honoho vhupfiwa, thoduluso kana tsedzuluso;

(xiv) thoma hunwe fhethu kana madavhi a dziofisi;

(xv) kwamana na muthu kana u shumisa mudivhi kha mafhungo a tutshelanaho na kushumele kwa mishumo yayo, zwi tshi ya nga maitele na dzenedzo nyimele sa zwine Bodo ya nga ta; na

(xvi) shumisa aneo maanda o hweswaho Bodo hu tshi tevhedzwa uyu Mulayo kana munwe mulayo wo teaho.

(b) Bodo i tea u —

(i) vula na u vhulunga akhaunthu dza bannga;

(ii) vhea na u kombetshedza thevhedzelo dza ndaulo dza matshimbidzelwe na vhupfiwa hayo;

(iii) tanganedza, u shumisa na u laula masheleni ayo nga lwo fhelelaho;

(iv) ta, u kuvhanganywa na u laula masheleni a badelwaho hu tshi tevhelwa mbetshelo dza uyu Mulayo;

(v) vhea ndaulo dza u laula u netshedzwa ha laisentsi, matshimbidzelwe na kushumele kwa nyito dza zwa u gembula;

(vi) ta mitendelo na mutengo malugana na tsedzuluso, thoduluso kathihi na munwe mushumo ufhio na ufhio u shumiwaho nga Bodo;

(vii) vhona zwauri vhudiimiseli vhu itwaho nga vhafara laisentsi vhu khou tevhedzwa;

(viii) vhona zwauri vhashumi vha ndeme vha khou newa laisentsi;

(ix) shuma mishumo yo hweswaho kha Bodo hu tshi tevhedzwa uyu Mulayo kana minwe milayo yo teaho, na

(x) vhea Muofisiri Muhulwane wa Khorotshitumbe.

(4) Bodo i nga, zwi sa kwami tshinwe tshithu tshi fhambanaho na zwo bulwaho kha munwe Mulayo ufhio na ufhio, badela pfufho kha muthu we a netshedza vhutanzi vhu tutshelanaho na u humbulelwa ha u pfuka mbetshelo ya uyu Mulayo.

5. Mbumbo ya Bodo

(1) Murado wa Khorotshitumbe u tea, hu na vhukwamani na Khorotshitumbe, vhea mirado vha Bodo.

(2) Bodo i tea u vhumbwa nga mirado vha 9, hu sa katelwi na Muofisiri Muhulwane wa Khorotshitumbe ane a vha tshipida tsha murado wa Bodo hone a si na maanda a u vouta.

(3) Bodo yo vhewaho hu tshi tevhedzwa khethekanyothukhu (1), i tea u vhumbiwa nga —

(a) muthu a re na vhukoni nahone o tendelwaho uri a shume sa ramulayo kha Riphabuliki nahone e na, nga murahu ha minwaha matanu nga murahu ha

u phasa nga u tou ralo, o shuma shuma sa mushumi wa zwa mulayo kana o ita tshumelo dzi tutshelanaho na tshumiso kana ndaulo ya zwa mulayo;

(b) muthu a re na vhukoni ha zwa vhutshata-akhaunthu kha Riphabuliki nahone o vhuya a shuma lwa minwaha mitanu kha mushumo wa vhutshata akhaunthu nga murahu ha u phasa zwenezwo;

(c) muthu a imelaho Muhasho u re na vhudifhinduleli kha zwa mafhungo a gembula kha vundu;

(d) muthu a imelaho Muhasho u re na vhudifhinduleli kha zwa mafhungo a zwa masheleni kha vundu;

(e) muthu a re na tshenzhemo i divheaho ya zwa mabindu na ndivho ya indasitiri ya zwa vhuendelamashango;

(f) muthu a re na ndivho na tshenzhemo siani la ndondola vhathu na mveledziso ya zwa matshilisano;

(g) muthu a re na ndalukano na tshenzhemo siani la zwa mafhungo a vhuledzani mishumoni; na

(h) vhathu vhavhili vha re na ndivho ya zwa mabindu na tshenzhemo i divheaho kha indasitiri ya zwa u gembula.

(4) Murado wa Khorotshitumbe u tea u nanga Mudzulatshidulo na Mufarisamudzulatshidulo vha Bodo.

(5) Musi Mudzulatshidulo a si ho, Mufarisamudzulatshidulo u fanela u shuma mishumo ya Mudzulatshidulo.

6. U tendelwa na u sa tendelwa kha u vhewa kha Bodo

(1) Uri muthu a nangiwe u vha murado wa Bodo, muthu u tea u —

(a) vha o tea nahone e na thodea dzo teaho dza u fara ofisi;

(b) vha muthu kwae;

(c) vha e Mudzulapo wa Afrika Tshipembe nahone nga ndila yo teaho kha Riphabuliki;

(d) wa u di pfa kha zwa masheleni.

(2) Muthu a nga si nangiwe kana u dzula e murado wa Bodo arali onoyo muthu —

(a) e na kana u vha na madzangalelo lwo livhaho kana lu so ngo livhaho kha vhubindudzi vhufhio na vhufhio ha u gembula, zwine zwi nga swikisa kha uri hu vhe na dziphambano dza zwa madzangalelo a phurofesheni ya onoyo muthu sa murado wa Bodo;

(b) e na murado wa muta, mufarisi kana mushumisani a re na dzangalelo lo livhaho kana li so ngo livhaho kha zwa indasitiri ya zwa u gembula;

(c) a si tsha kona u vhuedzedzea kha u mbwandamela hawe kha zwikolodo kana o mbwandamela kha zwikolodo;

(d) e mufara ofisi wa zwa politiki;

(e) o vhuya a vha, kana u bviswa kha ofisi ya tshikwama tsha masheleni nga nthani ha u sa fulufhedzea;

(f) e na ndaela i bvaho khothe yo mu hweswaho mulandu wa u sa vha muthu a so ngo fhelelaho maluvhilini; kana

(g) nga tshinwe tshifhinga tshifhio na tshifhio o vhuya a farelwa mulandu wa vhukhakhi —

(i) vhu tutshelanaho na u sa fulufhedzea; kana

(ii) fhasi ha uyu mulayo kana Mulayo kana munwe mulayo wa zwa u gembula.

(3) Arali murado a hanelwa hu tshi tevhedzwa khethekanyothukhu (2) nga tshifhinga tshawe tsha ofisi, onoyo murado u tea, nga u tavhanya nga u tou nwala, u bvisela khagala honoho u hanelwa kha Murado wa Khorotshitumbe na kha Bodo.

7. U nangiwa ha mirado vha Bodo

(1) Murado wa Khorotshitumbe u tea u gandisa ndivhadzo kha bammbiri mbili na u shumisa vhanwe vhoramafhungo vhafhio na vhafhio, uri vha rambe vhanwe vhathu kha u ita khumbelo dza vhathu vho tevhedzelanaho na mbetshelo dza khethekanyo 3.

(2) Vhahumbeli vha tea, kha u fhindula ndivhadzo hu tshi tevhedzwa khethekanyothukhu (1), u netshedza kharikhulamu vitae yo dodombedzwaho ine ya vha na zwi tevhelaho -

(a) kopi dzo khwathisedzwaho dza thanziela dzavho dzothe;

(b) manwalo a tikedzaho na u sumbedza zwauri tshenzhemo na ndivho zwa muhumbeli zwine zwa do swikisa kha u laulwa ha indasitiri ya zwa u gembula kha vundu;

(c) vhutanzi ho khwathisedzwaho vhu sumbedzisaho zwa madzangalelo a zwa masheleni na zwauri muhumbeli a nga vha e na manwe madzangalelo afhio na afhio a so ngo bulwaho kha khethekanyo 6(2) (a) na (b).

(3) Murado wa Khorotshitumbe a nga sedzulusa vhungoho ho netshedzwaho nga muhumbeli.

(4) Murado wa Khorotshitumbe u tea, u bva kha khumbelo dzo tanganedziwaho nahone e na vhukwamani na Khorotshitumbe, nanga mirado vho teaho kha Bodo.

(5) Murado wa Bodo u tea, phanda ha u shuma ofisini, u ita muano kana khwathisedzo nga ndila yo randelwaho.

8. Tshifhinga tsha ofisi

Murado wa Bodo u nangiwa lwa tshifhinga tsha minwaha mitanu nahone a nga, ho sedzwa mashumele awe o bvelelaho, nga kha di nangiwa hafhu lwa tshinwe tshikhala tshithihi hu so ngo sedzwa matshimbidzelwe o sumbedziswaho kha khethekanyo 7.

9. U litsha, u bva ofisini na zwikhala zwa mishumo

(1) Murado wa Bodo a nga litsha mushumo nga u netshedza Murado wa Khorotshitumbe —

(a) ndivhadzo ya u tou nwala ya minwedzi mivhili; kana

(b) ndivhadzo ya u tou nwala ya minwedzi ya fhasi ha mivhili, hu na thendelo ya Murado wa Khorotshitumbe.

(2) Murado wa Khorotshitumbe a nga, hu tshi tevhelwa khethekanyothukhu (3), bvisa murado wa Bodo —

(a) arali onoyo murado —

(i) a sa tsha tendelwa hu tshi tevhedzwa khethekanyo 6;

(ii) o shuma nga ndila i fhambanaho na khethekanyo 6(3);

(iii) a kundelwa u bvisela khagala dzangalelo kana a kundelwa u dibvisa ene mune kha mutangano sa zwe zwa sumbedziswa kha khethekanyo 11;

(iv) a kundelwa lwa tshiphurofesheni nahone lwo teaho u shuma mishumo ya murado wa Bodo; kana

(v) a vha a siho kha mitangano i tevhekanaho i fhiraho mivhili hu si na duvha la livi lo netshedzwaho kha Mudzulatshidulo; kana

(b) hu muhumbulo u pfadzaho nahone wa ngoho.

(3) Murado wa Khorotshitumbe u tea, phanda ha u pandela murado wa Bodo ofisini, u nea tshifhinga murado uri a bvise vhupfiwa hawe.

(4) Musi ofisi ya murado i na tshikhala, Murado wa Khorotshitumbe u tea u dadza tshenetsho tshikhala hu tshi tevhedzwa matshimbidzelwe o netshedzwaho kha khethekanyo 7, vhukati ha tshifhinga tshi sa fhedziho mbilu.

(5) Murado o nangiwaho hu tshi tevhedzwa khethekanyothukhu (4), u vha ofisini lwa tshifhinga tshe muthu we a vha e ofisini a vha o salelwa ngatsho.

(6) Murado wa Khorotshitumbe u tea, musi Bodo i si khou shuma, u vha na maanda na u shuma mishumo ya Bodo, nga nnda ha u netshedza na u fhelisa laisentsi dzo bulwaho kha khethekanyo 23 (2) (a) – (o).

10. Malamba na magavhelo a Bodo

(1) Mirado vha Bodo vhane vha si vhe kha zwikhala zwa tshumelo ya tshothe ya Muvhuso vha nga, malugana na mishumo yavho, badelwa aneyo malamba na magavhelo u bva kha tshikwama tsha Bodo sa zwine Murado wa Khorotshitumbe

a nga ta hu na vhukwamani na Murado wa Khorotshitumbe ane a vha na vhudifhinduleli ha zwa gwama.

(2) Musi murado ane a vha kha mushumo wa tshothe wa Muvhuso e na thodea ya u badela kha u shuma mishumo yawe hu tshi tevhedzwa uyu Mulayo, Bodo i tea u badela murahu onoyo murado kha zwenezwo zwe a zwi badelela u bva kha tshikwama tsha Bodo.

(3) Malamba na magavhelo zwa mirado vha Bodo zwi nga fhambana u ya nga maimo a vhukoni havho na mishumo ine vha i shuma kha Bodo.

11. U bvisela khagala madzangalelo

(1) Murado wa Bodo a nga si —

(a) didzhenise kha nyito dzine dzi nga tshinya vhuvha ha Bodo;

(b) dzhenele, dzhenelela kha kana a tutuwedza matshimbidzelwe nga tshifhinga tsha mutangano wa Bodo arali, zwi tshi tutshelana na mafhungo a kwamaho Bodo, onoyo murado e na dzangalelo —

(i) sa zwo bulwaho kha khethekanyo 6(2) (a) na (b); kana

(ii) zwine zwa thivhela uyo murado kha u shuma mishumo ya murado wa Bodo nga ndila yo teaho, i sa dzhiyi sia nahone nga maitele kwao;

(c) voute kha mutangano wa Bodo zwi tshi tutshelana na mafhungo o sumbedziswaho kha phara (b);

(d) shumise lwa phuraivethe, kana u bindula u bva kha, mafhungo afhio na afhio a tshidzumbe o wanalaho nga nthani ha u shumiwa ha mishumo ya onoyo murado sa murado wa Bodo; kana

(e) a bvise vhunwe vhutanzi vhufhio na vhufhio ha tshidzumbe ho bulwaho kha phara (d) kha muthu wa vhararu, nga nnda ha musi hu na thodea sa tshipida tsha mishumo ya tshiofisi ya onoyo murado.

(2) Arali, nga tshifhinga tshifhio na tshifhio, zwa wanala kha murado wa Bodo zwauri mafhungo ane a vha kha Bodo a kwama dzangalelo la onoyo murado o bulwaho kha khethekanyo (6)(2)(a) na (b), murado u tea —

(a) uri nga u tavhanya nahone nga lwo fhelelaho a bvisele khagala tshivhumbeo tsha lenelo dzangalelo kha mutangano; na

(b) u dibvisa kha mutangano hu u itela uri vhanwe mirado vho salaho vha ambe nga ha mafhungo na u tshea arali onoyo murado a tshi do tea thivhelwa u dzhenela kha manwe matshimbidzelwe afhio na afhio a tevhelaho a kwamaho aneo mafhungo.

(3) U bvisela khagala nga murado hu tshi tevhedzwa khethekanyothukhu (2) na tsheo nga Bodo hu tshi tevhedzwa khethekanyothukhu (2) (b), zwi tea u rekhodiwa kha maambiwa a mutangano.

(4) Matshimbidzelwe a Bodo na tsheo dzi dzhiwaho nga vhunzhi ha mirado vha re hone nahone vho tendelwaho u dzhenela kha dzenedzo tsheo, zwi mulayoni hu so ngo sedzwa mafhungo a uri murado o kundelwa u bvisela khagala dzangalelo sa zwine zwa todiswa zwone nga khethekanyothukhu (2).

(5) Arali murado a thivhelwa hu tshi tevhedzwa khethekanyo 6, Murado wa Khorotshitumbe u tea u fheliswa u tholwa ha onoyo murado nga u tavhanya.

12. Muofisiri wa Khorotshitumbe

(1) Bodo i tea u thola Muofisiri Muhulwane wa Khorotshitumbe lwa tshifhinga tsho tiwaho, nga kha khonthiraka i sedzaho mashumele, lwa tshifhinga tshi sa fhiraho minwaha mitanu.

(2) Bodo i nga kha kha di thola hafhu Muofisiri wa Khorotshitumbe lwa tshifhinga tshinwe tsho engedzwaho.

(3) Muofisiri Muhulwane wa Khorotshitumbe ndi mushumeli wa Bodo nahone u —

(a) na vhudifhinduleli kha Bodo; na

(b) na vhudifhinduleli ha u vhona zwauri hu vhe na ndangulo i bvelelaho nahone i sa gumi ya Bodo na u shuma mishumo ye Bodo ya netshedza kana vhurumelwa kha Bodo ha Muofisiri Muhulwane.

(4) Mushumo wa khonthiraka wa Muofisiri Muhulwane wa Khorotshitumbe u tea u vha nga ndila ya u tou nwalwa nahone u tea u katela kha fomo yo teaho zwo netshedzwaho kha khethekanyo 57 ya Mulayo wa Ndangulo ya Gwama la Vhathu, 1999.

(5) Bodo na Muofisiri wa Khorotshitumbe vha tea u sedzulusa thendelano yavho ya mashumele nga nwaha, vhukati ha nwedzi muthihi wa u thoma ha nwaha munwe na munwe wa nwaha wa muvhalelano.

(6) Thendelano ya mashumele yo itwaho hu tshi tevhedzwa khethekanyothukhu (1) i tea u katela —

(a) mvelelo na ndivho dza maga a kushumele ho sedzwa zwifhinga zwo vhewaho;

(b) zwitandadi na matshimbidzelwe a u kala kushumele kathihi na zwifhinga zwa u kala; na

(c) mvelelo dza zwitandadi zwituku zwa kushumele.

(7) Musi Muofisiri Muhulwane e siho kana nga munwe muhumbulo vho ufhio na ufhio a sa koni u shuma mishumo yawe, kana musi hu na tshikhala ofisini ya muofisiri muhulwane wa Khorotshitumbe, Bodo i tea u vhea munwe muthu uri a

imele Muofisiri Muhulwane nga tshenetsho tshifhinga tsha u sa vha ofisini kana u kundelwa hawe u swika hu tshi vhewa Muofisiri Muhulwane wa Khorotshitumbe muswa hu tshi tevhedzwa khethekanyothukhu (1).

13. Maanda na mishumo zwa Muofisiri Muhulwane wa Khorotshitumbe

Ntha ha maanda, mishumo na ndivhanelo dzo hweswaho, netshedzwaho kana u rumelwa kha Muofisiri Muhulwane wa Khorotshitumbe hu tshi tevhedzwa uyu Mulayo kana nga Bodo, Muofisiri Muhulwane wa Khorotshitumbe u tea —

(a) u thusa Bodo kha u vha na vhudifhinduleli ha zwothe zwa ndaulo na zwa masheleni zwi tutshelanaho na mishumo ya Bodo;

(b) u shuma mishumo ya Muofisiri Muhulwane wa Khorotshitumbe yo sumbedziswaho kha thendelano ya kushumele yo dzudzanywaho na Bodo hu tshi tevhedzwa khethekanyo 12(1);

(c) ho sedzwa khethekanyo 14(1) na (2), thola na u langa tshitafu tsha Bodo;

(d) u vhona zwauri maambiwa o teaho a mitangano wa Bodo na komiti zwo vhulungea;

(e) u dzhenela mitangano ya Bodo sa murado mudadzisi wa Bodo;

(f) vhona zwauri Bodo i khou tevhedzela na u shuma mashumele hu tshi tevhedzelwa thendelano dzothe dza khonthiraka na thodea dza pholisi; na

(g) u shuma mushumo munwe ufhio na ufhio une Bodo ya u netshedza Muofisiri Muhulwane wa Khorotshitumbe.

14. Tshitafu tsha Bodo

(1) Bodo i nga, thuswa nga tshitafu tshi re na tshenzhemo nahone tshi na ndalukano dzo teaho, tsho nangiwaho nga Muofisiri wa Muhulwane wa Khorotshitumbe, kha u shuma mishumo yayo.

(2) Muofisiri Muhulwane wa Khorotshitumbe u tea, e na vhukwamani na Bodo, u nga nanga tshitafu tsha vhalanguli vhahulwane.

(3) Murado wa tshitafu wa Bodo u tea, phanda ha musi a tshi thoma mushumo wawe, u ana kana u ita khwathisedzo kha fomo yo randelwaho.

(4) A hu na muthu a no do tholwa sa murado wa tshitafu tsha Bodo, arali onoyo muthu —

(a) kana murado wa muta ufhio na ufhio wa onoyo muthu e na dzangalelo lo livhaho kana li so ngo livhaho kana li dzangalelo lifhio na lifhio la zwa masheleni kana lenelo linwe dzangalelo kha nyito ifhio na ifhio ya zwa u gembula; na

(b) nga tshifhinga tshifhio na tshifhio o vhuya a farwa, hu nga vha kha Riphabuliki ya Afrika Tshipembe kana hunwe vho, o farelwa u tswa, vhufhura, vhugevhenga kana u ambelela manwalo o fhurelwaho, u amba vhutanzi ha u zwifha khothe, vhukhakhi fhasi ha uyu Mulayo kana Mulayo wa Nyito dza Nyiledzo na Thivhelo ya Vhuada, 2004 (Mulayo No 12 wa 2004) kana vhukhakhi vhufhio na vhufhio vhu kwamaho u sa fulufhedzea.

(5) Bodo i tea u, badela tshitafu tsha Bodo aneyo malamba, magavhelo na dzinwe mbuelo dza zwa mushumo u bva kha tshikwama tsha Bodo sa zwine Bodo ya nga ta.

15. Tshidzumbe na u vha khagala

(1) Bodo i tea u shuma nga maitele a so ngo dzumbamaho nahone i khagala.

(2) Murado wa tshitafu kana murado wa Bodo a nga si, nga nnda ha musi khothe ya zwa mulayo yo laedza kana zwo tendelwa hu tshi tevhedzwa Mulayo wa Thendelo ya Tswikelelo ya Mafhungo, (Mulayo No. 2 wa 2000), bvisele nnda —

(a) mafhungo kana linwalo lifhio na lifhio, kana vhuvha ha muthu we Bodo ya ta uri a si divhiwe nga tshitshavha kana vhutanzi hawe vhu sa divhiwe sa zwo sumbedziswaho kha khethekanyo 27(3); kana

(b) mafhungo kana linwalo lifhio na lifhio lo swikiswaho kha Bodo nga ndaulo ifhio na ifhio kana vhulaedzwa ha khombetshedzo ya zwa mulayo hu tshi itelwa tshidzumbe.

16. Tshiimo tsha tshikwama tsha tshitshavha

(1) Hu u itela u vhona zwauri hu vhe na tshirunzi na u diimisa ha Bodo, murado wa Bodo kana murado wa tshitafu tsha Bodo, a nga si —

(a) nga nnda ha malamba afhio na afhio a tanganedziwaho nga nthani ha ofisi ine onoyo muthu a vha khayo, lwo livha kana lu so ngo livha a tanganedza tshinwe tshithu tsha ndeme kana mbuelo u bva kha muthu ufhio na ufhio, zwine zwi nga swikisa kha khudano kana zwa dzhenelela kha matshimbidzelwe kwao a mishumo ya onoyo muthu; kana

(b) dzhenele nyito dzifhio na dzifhio dza u gembula kana u betsha kha vundu nga nnda ha musi a tshi khou shuma mishumo yawe hu tshi tevhedzwa uyu Mulayo.

(2) Murado wa Bodo a nga si, lwa tshifhinga tsha nwaha muthihi nga murahu ha u bva kha yeneyo ofisini, dzudzanye kana u tanganedza mushumo u bva kha muthu a re na laisentsi hu tshi tevhedzwa uyu Mulayo.

(3) Mbetshelo dza khethekanyothukhu (1) na (2) dzi shuma kha Murado wa Khorotshitumbe.

17. Masheleni a Bodo

Masheleni a Bodo o vhumbiwa nga —

(a) tshelede yo kovhiwaho nga Vhusimamilayo ha Vundu hu itela yeneyo ndivho;

(b) mitengo ifhio na ifhio yo badelwaho kha Bodo hu tshi tevhedzwa uyu Mulayo; na

(c) dzinwe tshelede dzo badelwaho lu re mulayoni kha Bodo.

18. Mitangano ya Bodo

(1) Bodo i tea u tangana zwitukusa kotara inwe na inwe kha nwaha wa muvhalelano.

(2) Mudzulatshidulo wa Bodo —

(a) u tea u ta fhethu na tshifhinga zwa mutangano wa u thoma wa Bodo nahone nga murahu ha zwenezwo Bodo i nga tangana henefho fhethu na tshifhinga sa zwine Bodo ya nga vhona zwo tea tshifhinga tshothe hu u itela u shuma mishumo yayo hu si na u tambisa tshifhinga tsha mushumo; na

(b) a nga ri tshifhinga tshinwe na tshinwe nga kha ndivhadzo yo teaho, a ramba mutangano u so ngo lavhelelwaho wa Bodo uri u farwe fhethu na tshifhinga zwo tiwaho nga Mudzulatshidulo.

(3) Bodo i nga ta matshimbidzelwe ayo kha mitangano zwi tshi ya nga uri matshimbidzelwe haathu u sumbedziswa nga uyu Mulayo.

(4) Khoramu ya mutangano wa Bodo i na mirado vhatanu vha Bodo.

(5) Tsheo ya Bodo i dzhiwa vhunzhi ha voutu dza mirado vha re hone kha mutangano wa Bodo.

(6) Hune voutu dza vha dzo wa mafhuri, Mudzulatshidulo u na maanda a u vhalulula voutu ho sedzwa voutu dzo itwaho.

(7) Miminethe ya maambiwa a mutangano munwe na munwe wa Bodo a tea u vhulungwa na u dzudzanywa kha ofisi dza Bodo.

(8) Mutangano wa Bodo wo rambiwaho hu u itela ndivho dza —

(a) maambiwa a vhuimeleli kana khanedzo zwi tshi tutshelana na khumbelo ya laisentsi yo itwaho hu tshi tevhedzwa uyu Mulayo, u tea u swikelelea nga tshitshavha: Tenda ha vha hu uri Mudzulatshidulo a nga ri nga kuhumbulele kwawe kana arali Bodo i kha muhumbulo wa uri muthu ufhio na ufhio ane u vha hone hawe ha vha hu sa todei kha mutangano wo bulwaho, a laedza uri onoyo muthu a sa dzhenele mutangano kana u tea u bva kha mutangano; na

(b) u amba nga ndila ine ya nga ita uri hu vhe na tsheo na u voutiwa henefho malugana na mafhungo afhio na afhio a mutangano, zwi tea u vha hone nga u tou fodiwa.

19. Komiti dza Bodo

(1) Bodo i nga nanga komiti tshifhinga tshinwe na tshinwe ine ya shumisa maanda na u shuma mishumo ye ya hweswa nga Bodo.

(2) Komiti i nga vhumbiwa nga —

(a) vhenevho mirado vha Bodo sa zwine Bodo ya nga vhona zwo tea; kana

(b) vhenevho mirado vha Bodo sa zwine Bodo ya nga ta na vhenevho vhanwe vhathu sa zwine Bodo ya nga zwi tanganedza hu tshi tevhedzwa khethekanyo 21.

(3) Mudzulatshidulo wa Bodo u tea u nanga Mudzulatshidulo wa komiti.

(4) Komiti i tea u shuma mishumo yayo na u shumisa maanda ayo hu tshi tevhedzwa mbetshelo dza uyu Mulayo na u laedzwa nga Bodo.

(5) Maanda kana mushumo u shumiwaho nga komiti yo nangiwaho nga Bodo hu tshi tevhedzwa khethekanyothukhu (1) i dzhiwa sa mishumo yo shumiswaho nga Bodo.

20. Vhukwamani nga Bodo

(1) Bodo i nga kwama muthu ufhio na ufhio, dzangano kana tshiimiswa malugana na mafhungo o teaho hu u itela uri Bodo i shumise maanda ayo na u shuma mishumo yayo.

(2) Malamba na magavhelo zwo tiwaho nga Bodo, arali zwi hone, kathihi na maitele na nyimele zwa muthu o kwamiwaho nga u ralo zwi tea u vha hone kha thendelo ya u tou nwalwa yo itwaho ho sedzwa yeneyo ndivho vhukati ha Bodo na onoyo muthu.

21. U dzheniswa ha vhathu

(1) Bodo i nga dzhenisa mudivhi kana vhanwe vhathu sa zwine Bodo ya nga vhona zwo tea u itela u i thusa kha u sedzuluswa ha manwe mafhungo.

(2) Muthu a dzheniswaho hu tshi tevhedzwa khethekanyothukhu (1), a nga si voute kha mitangano ifhio na ifhio ya Bodo kana komiti ya Bodo..

(3) Bodo i tea u ta Malamba a muthu o dzheniswaho hu tshi tevhedzwa khethekanyothukhu (1).

22. Tsedzuluso nga Bodo

(1) Bodo i nga, ho sedzwa iyi khethekanyo, ita tsedzuluso kha mafhungo afhio na afhio a welaho kha tshikoupu tsha mishumo yayo.

(2) U itela ndivho ya tsedzuluso hu tshi tevhedzwa khethekanyothukhu (1), Bodo i nga, nga ndivhadzo ya u tou nwala, ya hwelela muthu ane a nga kwamea nga kana e na vhutumani na tsedzuluso kha manwe mafhungo uri a divhonadze phanda ha Bodo hu u itela uri —

(a) a nee vhutanzi; kana

(b) a bvise bugu, linwalo kana tshithu tshine a vha natsho kana u tshi langa nahone tshine, u ya nga khumbulo ya Bodo, tsha tutshelana na kana tshi tutshelanaho na mafhungo a no do sedzuluswa nga Bodo.

(3) Muthu o tanganedzaho ndivhadzo hu tshi tevhedzwa khethekanyothukhu (2) u tea u divhonadza phanda ha Bodo nga datumu, tshifhinga na fhethu zwo sumbedziswaho kha ndivhadzo.

(4) Bodo i nga vhidza na vhudzisa muthu ufhio na ufhio a re hone kha tsedzuluso hu sa sedzwi uri uyo muthu o hwelelwa na kana ho ngo hwelelwa uri a dzhenele tsedzuluso fhasi ha khethekanyothukhu (2), nahone i nga tola na u vhulunga lwa tshifhinga tsho teaho, bugu ifhio na ifhio, linwalo kana tshithu tshe tsha todiwa nga Bodo.

(5) Bodo i nga toda uri muthu a divhonadze phanda ha Bodo nga tshifhinga tsha tsedzuluso hu tshi tevhedzwa khethekanyothukhu (1), u itela u netshedza vhutanzi nga muano kana khwathisedzo, nahone murado wa Bodo a no khou tshimbidza tsedzuluso a nga tshimbidza muano kana khwathisedzo.

(6) Mulayo u tutshelanaho na pfanelo dza sipeshala sa zwine wa shumisa zwone kha muthu o hwelelwaho u netshedza vhutanzi kana u netshedza bugu ifhio na ifhio, linwalo kana tshithu phanda ha khothe ya mulayo, zwi shuma u tutshelana na vhudziswa ha onoyo muthu ufhio na ufhio kana u netshedzwa ha bugu ifhio an ifhio, linwalo kana tshithu fhasi ha khethekanyothukhu (2) kana (5).

(7) Muthu a divhonadzaho phanda ha Bodo kha tsedzuluso u na pfanelo dza u imelelwa nga muimeleli wa zwa mulayo na u vhidza thanzi. .

NDIMA YA 3

U NETSHEDZWA HA LAISENTSI

23. Tshaka dza laisentsi

(1) Bodo i tea u bvisa —

(a) laisentsi ya vundu nga ndila yo sumbedziswaho; kana

(b) laisentsi ya lushaka nga ndila yo sumbedziswaho kha Mulayo wa u Gembula wa Lushaka, 2004.

(2) Bodo i nga bvisa laisentsi dza vundu dzi tevhelaho:

(a) laisentsi ya u shumisa khasino;

(b) laisentsi ya tshumiso ya tshitentsi tsha mitshini ya mbadelo dzo kaliwaho;

(c) laisentsi tshumiso ya tshitentsi tsha mitshini ya ndila dzo kalwaho;

(d) laisentsi ya tshumiso ya tshitentsi tsho diimisaho;

(e) laisentsi ya u shumiswa ha bingo;

(f) laisentsi ya tshitentsi tsha bingo;

(g) laisentsi ya u shumiswa ha u betsha;

(h) laisentsi ya tshitentsi tsha u betsha;

(i) laisentsi ya u betsha;

(j) laisentsi ya mitangano ya mitatisano;

(k) laisentsi ya mumagi;

(l) laisentsi ya muvhulungi;

(m) laisentsi ya u rengisela;

(n) laisentsi ya sisisteme ya u lavhelesazwa elekithironiki;

(o) laisentsi ya zwithu zwa sipeshala; na

(p) laisentsi ya vhashumi vha ndeme.

24. U imiswa kana Nyiledzo ya laisentsi

(1) Khethekanyo iyi a i shumi kha laisentsi ya mushumi wa ndeme.

(2) Muhumbeli wa laisentsi u tea u vha —

(a) na tshiimo na vhudifari havhudi; na

(b) ndivho yavhudi ya zwa masheleni.

(3) A hu na muthu o tendelwaho u vha na laisentsi, kana madzangalelo a zwa masheleni kha mufari wa laisentsi, arali onoyo muthu –

(a) e fhasi ha minwaha ya 18;

(b) e mushumela vhapo kana mufari ofisi wa politiki;

(c) e muthu o nwalwaho kha redzhisitara ya vhathu vho khethelwaho thungo;

(d) e murado wa muta, nga nnda ha khaladzi kana mukomana, wa muthu ane a vha murado wa Bodo;

(e) e muthu wa zwikolodo zwi sa tsha konaho u badelea;

(f) o tiwa nga khothe yo teaho u vha muthu a re na vhuholefhali ha muhumbulo;

(g) o bviswa kha ofisi nga u sa fulufhedzea, nga nthani ha mikhwa mivhi i tutshelanaho na vhufhura kana u sa kona u fara zwavhudi masheleni; kana

(h) vhukati ha minwaha ya fumi phanda ha datumu ya musi khumbelo i tshi itwa, o wanwa mulandu kha Riphabuliki kana hunwe vho, ya u vha na mulandu wa vhukhakhi —

(i) o ri vhukati ha min2waha ya 10 phanda ha u itwa ha khumbelo a wanala e na mulandu wa vhukhakhi hunwe fhethu kana kha Riphabuliki -

(aa) vhu katelaho u tswa, vhufhura, vhugevhenga kana u amba vhutanzi ha u zwifha wo ditika nga manwalo kana u amba vhutanzi ha u zwifha khothe;

(bb) vhu katelaho khomphyutha kana vhugevhenga ha zwa khomphyutha;

(cc) fhasi ha Mulayo wa Nyito dza Nyiledzo na Thivhelo ya zwa Vhuada, 2004 (Mulayo No.12 wa 2004);

(dd) fhasi ha Mulayo wa Nyiledzo na Thivhelo ya zwa Vhugevhenga ho tou Dzudzanywaho, 1998 (Mulayo No. 121 wa 1998);

(ee) fhasi ha Mulayo wa Senthara ya Vhusevhi ha zwa Masheleni, 2001 (Mulayo No.31 wa 2001);

(ff) fhasi ha Mulayo wa Nyito dzi Tutshelanaho na Tsireledzo ya Ndayotewa ya Demokirasi kha zwa Vhutherorisi, 2004 (Mulayo No.33 wa 2004); kana

(gg) fhasi ha uyu Mulayo kana Mulayo wa zwa u Gembula wa Lushaka, 2004,

na u vha o no valelwa dzhele hu si na khonadzeo ya ndatiso kana ndatiso i tshi fhira mutengo wo randelwaho nga Minisita hu tshi tevhedzwa khethekanyo 50(2)(i) ya Mulayo wa u Gembula wa Lushaka, 2004, nga nnda ha musi muthu o netshedzwa khangwelo kana u hangwelwa ha mahala kha vhukhakhi.

(4) Bodo i tea u hana u bvisa laisentsi kha muthu o hanelwaho u vha na dzangalelo la laisentsi, mufara laisentsi, tshitentsi tshi re na laisentsi kana linwe bindu line khalo ya sumbedzisa, hu tshi tevhedzwa khethekanyothukhu (3).

(5) Bodo i tea u hana u netshedza laisentsi kha muhumbeli arali, nga murahu ha u ita tsedzuluso dzo randelwaho, Bodo ya vha na muhumbulo wa u tenda uri —

(a) muhumbeli;

(b) muthu ane a vha na ndango ya dzangalelo kha muhumbeli;

(c) muthu a re na dzangalelo la zwa masheleni kha muhumbeli; kana

(d) mulanguli wa bindu la muhumbeli,

ndi murado wa muta, nga nnda ha khaladzi kana mukomana, wa muthu ane a vha murado wa Bodo kana a so ngo tendelwa u vha na dzangalelo kha laisentsi, mufari laisentsi kana bindu line laisentsi ya vha i tshi khou li sumbedzisa.

25. U sa tendelwa nga murahu ha musi laisentsi yo no netshedzwa

(1) Iyi khethekanyo a i shumi kha laisentsi ya mushumi wa ndeme.

(2) Musi muthu e na laisentsi kana e na dzangalelo la laisentsi o dzhielwa yeneyo laisentsi nga murahu ha u netshedzwa hayo hu tshi tevhedzwa khethekanyo 24 nga murahu ha musi laisentsi yo no netshedzwa, onoyo muthu u tea uri nga ndila

yo randelwaho, a eletshedze Bodo nahone hu re na khonadzeo, mufari wa laisentsi nga ha honoho u imiswa.

(3) Bodo, nga murahu ha musi muthu o imiswa hu tshi tevhedzwa khethekanyothukhu (2), nahone nga murahu ha u sedzuluswa nyimele na zwine u imiswa ha nga vha ho swika khaho, ya ta zwauri onoyo muthu a fheliswe dzangalelo la laisentsi vhukati ha tshifhinga tshi sa fhiraho minwaha miraru..

26. Matshimbidzelwe a khumbelo ya laisentsi

(1) Bodo i tea u ita ndivhadzo kha gazethe na kha bammbiri mbili dza *gazette*, i tshi humbela vhahumbeli uri vha ite khumbelo dza laisentsi dzo bulwaho kha ndivhadzo.

(2) Ndivhadzo yo bulwaho kha khethekanyothukhu (1) i tea u katela mafhungo a tutshelanaho na fhedzi a sa kwami fhedzi zwa −

(a) lushaka na nomboro dza laisentsi dzi re hone;

(b) fhethu hune laisentsi ya bula;

(c) datumu ya u vala ya khumbelo dza laisentsi; na

(d) thodea dzine Bodo ya vhona dzo fanela.

(3) Khumbelo ya laisentsi malugana na ndivhadzo yo bulwaho kha khethekanyothukhu (1), i tea u itwa nga ndila ine Bodo ya ta nahone i tea u fheletshedzwa nga —

(a) manwalo o bulwaho;

(b) vhutanzi ha uri tshelede ya u ita khumbelo yo bulwaho yo badelwa;

(c) vhutanzi ha uri ndivhadzo yo gandiswa kha gazethe na kha bammbiri sa zwine zwa todea hu tshi tevhedzwa khethekanyothukhu (5); na

(d) u tendelwa kana vhuimeleli ha vhulaedzwa hapo kha vhupo vhune laisentsi ya bula.

(4) Muhumbeli u tea, phanda ha maduvha a 14 a u ita khumbelo ya laisentsi, u gandisa ndivhadzo kha —

(a) *gazethe*; na

(b) bammbiri i vhalwaho kha vhupo vhune laisentsi ya tshitentsi ya vha yo itelwa hone.

(5) Ndivhadzo yo sumbedziswaho kha khethekanyothukhu (5) i tea u —

(a) sumbedzisa lushaka lwa laisentsi yo humbelwaho;

(b) sumbedzisa fhethu hune laisentsi ya do shuma hone;

(c) sumbedza uri laisentsi i do vha ya tshifhinga tshingafhani

(d) ramba vhathu vha re na dzangalelo uri vha —

(i) bvise vhupfiwa havho nga u tou nwala na khanedzo zwi tutshelanaho na zwenezwo kha Bodo vhukati ha nwedzi muthihi u bva nga datumu yo bulwaho kha ndivhadzo; na

(ii) zwi sumbedzise nga ndila ifhio na ifhio ya u tou nwala uri vhone vha khou toda u disa vhupfiwa havho nga u tou amba na musi khumbelo i tshi thetsheleswa.

(6) Muthu a todaho u hanedzana na khumbelo yo itwaho ya laisentsi hu tshi tevhedzwa uyu Mulayo, a nga disa khanedzo ya u tou nwala kha Bodo, hu saathu fhela maduvha a 30 nga murahu ha musi datumu yo bulwaho kha ndivhadzo i tshi gandiswa hu tshi tevhedzwa khethekanyothukhu (5).

(7) Bodo i tea uri, vhukati ha maduvha a sumbe a u tanganedza khanedzo, i divhadze na u dovha ya netshedza muhumbeli kopi kana zwidodombedzwa zwa –

(a) khanedzo yo netshedzwaho kha Bodo hu tshi tevhedzwa khethekanyothukhu (7); kana

(b) mafhungo manwe afhio na afhio ane u ya nga khumbelo ya Bodo, a nga vha na thuthuwedzo ya khanedzo.

(8) Bodo i tea u ramba muhumbeli uri a fhindule khanedzo dzo tanganedzwaho hu tshi tevhedzwa khethekanyothukhu (6) vhukati ha tshifhinga tsha maduvha a 14 kana tshenetsho tshifhinga tshilapfu tshine Bodo ya nga ta.

(9) (a) Bodo a yo ngo tou tea u andadza ndivhadzo yo bulwaho kha khethekanyothukhu (1) hu u itela laisentsi dzi tevhelaho:

(a) laisentsi ya limaga;

(b) laisentsi ya u vhulunga;

(c) laisentsi ya vhanetshedzi.

(d) laisentsi ya zwithu zwa sipeshala; kana

(e) laisentsi ya mushumi wa ndeme.

(b) Khumbelo ya laisentsi yo bulwaho kha khethekanyothukhu (9) (a), i tea u netshedzwa nga ndila i todeaho nga Bodo nahone i tea u fheletshedzwa nga -

(i) manwalo o bulwaho

(ii) vhutanzi ha uri khumbelo yo netshedzwaho yo badelelwa;

(iii) vhutanzi ha uri ndivhadzo yo gandiswa kha gazethe na kha gurannda sa thodea hu tsi tevhedzwa khethekanyothukhu (3); na

(iii) thendelo kana vhuimeleli u bva kha vhulaedzwa hapo fhethu hune laisentsi ya tutshelana naho.

(10) Muthu a itaho khanedzo hu tshi tevhedzwa khethekanyothukhu (6) u tea u nea mihumbulo ya uri ndi ngani Bodo i so ngo tea u bvisela khagala uri onoyo muthu ndi nnyi.

27. Khumbelo, vhuimeleli na khanedzo yo vulelwaho u tolwa nga tshitshavha

(1) Khumbelo, vhuimeleli, khanedzo, phindulo kana mafhungo hafhu o diswaho hu tshi tevhedzwa khethekanyo 26 a tea, ho sedzwa khethekanyothukhu (3), u tolwa zwi khagala nga tshitshavha nga tshifhinga tsha awara dza Bodo lwa tshifhinga tshi siho fhasi ha maduvha a 30.

(2) Bodo i tea u sedzulusa khumbelo ya mafhungo a tutshelanaho na khumbelo, vhuimeleli kana phindulo hu tshi tevhedzwa Mulayo wa Mveledziso na Tswikelelo ya Mafhungo, 2000 (Mulayo No. 2 wa 2000).

(3) Bodo i nga ta zwauri —

(a) linwalo kana mafhungo a tutshelanaho na ndivho ya zwa masheleni ya muthu a dzhenelelaho kha zwa khumbelo, zwi tshi katela na —

(i) madzina a lavhelelwaho a vhashumi; kana

(ii) pulane dza bindu dza muhumbeli,

kana mafhungo manwe afhio na afhio ane, nga kha khumbulo ya Bodo, a vha e a tshidzumbe, ho ngo tea u tolwa nga tshitshavha: Tenda ha vha hu

uri lenelo linwalo kana mafhungo a nga si tanganyiswa na khumbelo dzo salaho nahone a na luswayo lwa u sumbedza u vha a tshidzumbe; na

(b) dzina la muthu o humbelaho vhuimeleli kana khanedzo zwi tutshelanaho na khumbelo ha nga do divhadzwa kha munwe muthu.

28. Mbadelo dza tsedzuluso

(1) Muthu a netshedzwaho khumbelo kha Bodo hu tshi tevhedzwa khethekanyo 26 u na vhudifhinduleli nahone u tea u badela kha Bodo tshelede yo linganaho ye Bodo ya i shumisa, arali i hone, ya u ita tsedzuluso yo bulwaho kha khethekanyo 30.

(2) Bodo i nga, phanda ha u ita tsedzuluso yo bulwaho kha khethekanyo 30, toda uri muhumbeli a netshedze tshelede ya tshelede ya tsedzuluso.

(3) Bodo i nga ri tshifhinga tshinwe na tshinwe tsha tsedzuluso ya khumbelo, ya toda uri muhumbeli a badele yeneyo depositi ndadzisi malugana na mbadelo dza tsedzuluso sa zwine ya vhona zwo tea.

(4) Nga murahu ha u khunyeledza tsedzuluso, Bodo i nga, nga kha khumbelo, netshedza muhumbeli zwidodombedzwa zwa masheleni o badelelwaho, zwi tshi katela na masheleni a saathu badelwa kha akhaunthu ya muhumbeli na uri o salaho ndi vhungana na uri a do vhulungwa kha akhaunthu kana u vhuiselwa murahu sa zwine zwa nga vha.

(5) Bodo i nga si khunyeledze khumbelo u swika masheleni othe a thoduluso a tshi badelwa yothe.

29. U tolwa ha tshitentsi

(1) Bodo i nga tola tshitentsi tshine muhumbeli a vha a tshi khou amba tshone.

(2) Hune tshipikitere a ita tsedzuluso, tshipikitere u tea u dovha a netshedza muvhigo kha Bodo malugana na khonadzeo ya tshitentsi tshine khumbelo ya vha yo livhiswa khatsho.

30. Muvhigo wa vhufhulufhedzei

(1) Musi hu tshi sedzuluswa khumbelo ya laisentsi kana thanziela ya khonadzeo Bodo i nga humbela —

(a) vhutanzi vhudadzisi u bva kha muhumbeli;

(b) thendelo yo tou nwalwaho u bva kha muhumbeli i tendelaho Bodo uri i wane vhutanzi lwo livhaho u bva kha tshigwada tsha vhararu na u tendela tshenetsho tshigwada tsha vhuraru uri tshi netshedze honoho vhutanzi; na

(c) u vhiga u bva kha —

(i) vhulaedzwa ha vhulanguli vhufhio na vhufhio;

(ii) Senthara ya zwa Tholi ya zwa Masheleni;

(iii) Mulangi Muhulwane wa Lushaka wa Thoduluso dza Tshitshavha; kana

(iv) Tshumelo ya Tshipholisa ya Afrika Tshipembe.

(2) Muvhigo hu tshi tevhedzwa khethekanyothukhu (1) u nga katela —

(a) zwidodombedzwa zwa u wanwa mulandu hufhio na hufhio zwo rekhodiwaho zwi hanedzanaho na muthu, u swikela hune zwenezwo zwidodombedzwa zwa vha zwo tea hu u itela ndivho dza u ta uri uyo muthu u a bviswa na kha u vha na dzangalelo la u vha na laisentsi, mufara laisentsi, tshitentsi tshi re na laisentsi kana bindu line laisentsi ya vha i tshi khou sumbedzisa; kana

(b) vhutanzi vhunwe vhufhio na vhufhio vhune tshiimiswa tsho bulwaho kha khethekanyothukhu (1)(c) tsha nga vhu dzhia ho tea kha khumbelo.

(3) U itela ndivho dza muvhigo wo bulwaho kha iyi khethekanyo murado wa Tshumelo ya Tshipholisa tsha Afrika Tshipembe a nga toda uri muhumbeli kana muthu a kwameaho a netshedze honoho vhutanzi na zwidodombedzwa zwi tshi katela na khandiso ifhio na ifhio ya munwe kana ya tshanda..

(4) Bodo i tea u netshedza muvhigo wa kopi ya vhufulufhedzei vhunwe na vhunwe ho itwaho hu tshi tevhedzwa uyu Mulayo kha Bodo ya zwa u Gembula ya Lushaka uri i dzheniswe kha redzhisitara ya vhufulufhedzei ha lushaka.

31. U thetsheleswa ha khumbelo

(1) Bodo i nga, nga ndivhadzo kha gazethe kathihi na kha bammbiri i rengiswaho kha honoho vhupo hune khumbelo ya sumbedzisa, ramba zwigwada zwi re na dzangalelo kha vhupfiwa malugana na khumbelo.

(2) Ndivhadzo i re kha khethekanyothukhu (1) i tea u sumbedzisa tshifhinga na fhethu hune ha kona u swikelelea kha tshitshavha.

(3) Bodo i tea uri kha vhupfiwa, i fhe tshifhinga muhumbeli na tshinwe tshigwada tshifhio na tshifhio tshine tsha vha na dzangalelo uri vha ambe vhudipfi havho.

(4) Muthu ane a amba vhudipfi hawe hu tshi tevhedzwa khethekanyothukhu (3) a nga thuswa nga muthu ane ene mune a tou mu nanga.

(5) Bodo i nga vala na u vula vhupfiwa nga yeneyo datumu, tshifhinga na fhethu sa zwine Bodo ya nga ta.

(6) Mudzulatshidulo wa Bodo a nga, arali u vha hone ha munwe muthu hu tshi itisa uri tshiimo tshi dzudzanyee kana u thetsheleswa ha vhupfiwa, laedza onoyo muthu uri a tutshele u vha kha vhupo ha vhupfiwa.

32. U tendelwa ha khumbelo

(1) Hune khumbelo i sa swikelele thodea dza khethekanyo 26, Bodo i nga pfukisela khumbelo kha muhumbeli, i tshi khou laedza muhumbeli uri a tikedze kana a khakhulule vhukhakhi vhu re kha khumbelo hu saathu fhela maduvha a 14.

(2) Hune muhumbeli a kundelwa u tevhedzelana na khethekanyothukhu (1), Bodo i nga hana khumbelo nahone ya divhadza muhumbeli nga u tou nwala.

(3) Musi hu tshi sedzuluswa khumbelo, Bodo i tea u dzhiela ntha —

(a) minwaha, kutshilele, vhuvha, tshiimo tsha zwa masheleni na divhazwakale ya muhumbeli; na

(b) u vhonwa mulandu hufhio na hufhio ha muhumbeli ha vhukhakhi vhu kwamaho u sa fulufhedzea.

(4) Bodo i tea, nga murahu ha u sedzuluswa ho fhelelaho ha —

(a) khumbelo;

(b) vhuimeleli vhufhio na vhufhio ho itwaho zwi tutshelanaho na khumbelo;

(c) phindulo ya muhumbeli yo tou nwalwaho henefho;

(d) muvhigo wa u tolwa ha tshitentsi;

(e) muvhigo wa tsedzuluso;

(f) muvhigo wa mapholisa; kana

(g) mafhungo manwe afhio na afhio kana vhutanzi ho netshedzwaho kha Bodo malugana na khumbelo,

u tendela khumbelo ho sedzwa dzenedzo nyimele sa zwine Bodo ya nga ta kana ya hanela khumbelo.

(5) Bodo i tea, nga kha khumbelo ya muhumbeli, u netshedza muhumbulo wo tou nwalwaho wa u dzhia tsheo.

33. Mafhungo a mveledziso ya zwa matshilisano na ekonomi ane a tea u sedzuluswa

(1) Musi hu tshi sedzuluswa khumbelo ya laisentsi, nga nnda ha laisentsi ya mushumi wa ndeme, Bodo i tea u sedzulusa —

(a) vhudiimiseli hothe ho itwaho nga muhumbeli kana likumedzwa la u pfukhisela zwi tutshelanaho na —

(i) u mandafhadzwa ha ekonomi ha vharema;

(ii) u iledzwa ha zwiito zwa u didzhenisa kha zwa u gembula lwo kalulaho na u sa tsha kona u litsha; na

(b) khonadzeo ya masiandaitwa a zwa ekonomi na matshilisano kha vhadzulapo ha laisentsi yo humbelwaho.

(2) Bodo i nga dzhia maga o teaho na nyimele dzi sa solei kha laisentsi nahone o teaho uri i lulamise mafhungo o bulwaho kha khethekanyothukhu (1).

(3) Zwitukusa kha nwaha munwe na munwe, nga murahu ha u netshedzwa ha laisentsi nga nnda ha laisentsi ya mushumi wa ndeme Bodo —

(a) i tea u vusuludza vhudiimiseli ho bulwaho hu tshi tevhedzwa khethekanyothukhu (1) (a) na tswikelelo dza mufari wa laisentsi zwi tutshelanaho na honoho vhudiimiseli; nahone

(b) dzhia hafhu maga kana nyimele dzo teaho nahone dzi pfalaho nga ha laisentsi nahone u swikela kha tshiimo tshine ha tandululwa mafhungo o bulwaho kha khethekanyothukhu (1).

34. Mafhungo a mitatisano a teaho u sedzuluswa

(1) Musi hu tshi sedzuluswa khumbelo ya laisentsi, nga nnda ha laisentsi ya mushumi wa ndeme, Bodo i tea u sedzulusa zwauri u tendelwa ha laisentsi hu nga si swikise kha u kwamea ha mutatisano kha indasitiri ya zwa u gembula nga u angaredza, kana malugana na nyito dzo dzudzanywaho kha vundu.

(2) Nga murahu ha u sedzuluswa ha mafhungo o bulwaho kha khethekanyothukhu (1), Bodo i tea u sa tanganedza khumbelo nga nnda ha musi hu na muhumbulo wa madzangalelo o khwathaho u bvaho kha vhathu wa u tendelwa ha laisentsi, arali zwa wanala zwauri u tendelwa hayo zwi do swikisa kha uri muhumbeli e ethe kana o tangana na muthu a kwameaho, vha wane maanda a zwa makete.

(3) U itela ndivho dza khethekanyothukhu (2) —

(a) **"maanda a zwa mimaraga"** i na thalutshedzo yo bulwaho kha khethekanyo 1 ya Mulayo wa zwa Mitatisano, 1998 (Mulayo No. 89 ya 1998);

(b) **"mihumbulo ya madzangalelo a tshitshavha"** zwi katela na mihumbulo yo bulwaho kha khethekanyo 12A (3) ya Mulayo wa zwa Mitatisano, 1998 (Mulayo No.89 wa 1998); na

(c) **"vhushaka ha muthu"** zwi amba muthu —

(i) ane a langa muhumbeli lwo livha kana lu so ngo livhaho;

(ii) ane khae muhumbeli a vha na ndango yo livhaho kana i so ngo livhaho; kana

(iii) a langwaho lwo livhaho kana lu so ngo livhaho nga muthu o bulwaho kha phara thukhu ya (i).

35. Nyimele dza laisentsi

(1) Musi Bodo i tshi netshedza laisentsi ya vundu kana ya lushaka, Bodo i nga bvisa yeneyo laisentsi hu na nyimele kana hu si na nyimele.

(2) Laisentsi i netshedzwaho hu tshi tevhedzwa uyu Mulayo, zwi sa kateli laisentsi ya mushumi wa ndeme, i tea u talusa —

(a) uri mufari wa laisentsi ndi nnyi;

(b) nyito dzi tendelwaho u itwa nga mufari wa laisentsi, u shuma kana u netshedza kha tshitshavha;

(c) dzina kana thalutshedzo i pfalaho ya tshifhato tshine khatsho, ngomu hatsho kana u bva khatsho mufari wa laisentsi a vha o tendelwa u tshi shumisa; na

(d) tshifhinga tsha laisentsi.

(3) Bodo i nga ta nyimele malugana na laisentsi ifhio na ifhio yo netshedzwaho hu tshi tevhedzwa uyu Mulayo, hu tshi katelwa na nyimele dzi tutshelanaho na —

(a) nyito dza u gembula dzine dzi nga itwa kana maitele a u betsha ane a nga tendelwa;

(b) matambelwe a nyito dza u gembula kana kutshimbidzelwe kwa u betsha kana kwa mutatisano;

(c) milayo ya nyito dza u gembula, u betsha kana mitatisano;

(d) awara dza u shuma dza bindu lo bulwaho;

(e) mbetshelo dza mafhulufhedziso nga muhumbeli nga ndila i tanganedzeaho i tanganedzeaho nga Bodo hu u itela vhudifhinduleli ha muhumbeli zwi tutshelanaho na —

(i) lwetolweto lu badelwaho hu tshi tevhedzwa uyu Mulayo; na

(ii) zwikolodo zwa u gembula zwi badelwaho nga muhumbeli;

(f) u fhatiwa, u shandukisa, nyengedzedzo kana u fhatululwa kha tshitentsi tshi re na laisentsi;

(g) fhethu ha zwitentsi;

(h) fhethu hune nyito dza u gembula dza do tendelwa kha zwenezwo zwitentsi; na

(i) mafhungo ane a nga vha a ndeme kha u swikela ndivho dza uyu Mulayo.

(4) Bodo i nga netshedza fhedzi laisentsi —

(a) sa laisentsi ya tshothe;

(b) sa laisentsi ya tshifhinganyana, hu tshi tevhelwa uri muhumbeli u khou tevhedzela dzinwe nyimele vhukati ha tshifhinga tsho bulwaho, hu na muhumbulo wa uri musi ho tevhedzelwa dzenedzo nyimele, hu do konaha u netshedzwa laisentsi ya tshothe ine ya imela laisentsi ya tshifhinyana; kana

(c) hu tshi tevhedzwa khethekanyothukhu (3), sa laisentsi ya zwithu zwi iteaho zwa sipeshala, zwi tendelaho nyito dzo tendelwaho kha datumu dzo bulwaho fhedzi kha tshinwe tshitentsi tsho bulwaho tsho sumbedziswaho kha laisentsi.

(5) Bodo i nga, hune ha vha na masiandaitwa a tutshelanaho na nzudzanyo nga mufari wa laisentsi a re na vhudifhinduleli ho bulwaho kha khethekanyothukhu (3) (e) ya engedza, ya humbela mufari wa laisentsi uri a netshedze mafhulufhedziso nga nnda ha kana zwi dadzisaho kha fhulufhedziso lo sumbedziswaho kha yeneyo khethekanyothukhu.

(6) Laisentsi i shuma lwa tshifhinga tshi tiwaho nga Bodo.

36. U fhelisa kana u imiswa ha laisentsi na khwiniso ya nyimele dza laisentsi

(1) Bodo i nga, ho sedzwa khethekanyothukhu (3) —

(a) khwinisa nyimele ya laisentsi;

(b) imisa laisentsi lwa tshifhinga tshenetsho tshine Bodo ya nga ta; kana

(c) humisa laisentsi u bva nga datumu yo tiwaho nga Bodo,

musi —

(i) mafhungo afhio na afhio malugana na laisentsi, nga tshifhinga tshe laisentsi ya netshedzwa, o vha e si a ngoho nga tshivhumbeo tshifhio na tshifhio kana o vha hone hu na mafhungo afhio na afhio o bviswaho;

(ii) mune wa laisentsi u kana u dzhielwa laisentsi hu tshi tevhedzwa uyu Mulayo;

(iii) mune wa laisentsi, mushumi wa mune wa laisentsi kana muthu munwe ufhio na ufhio o imelaho mune wa laisentsi o kundelwa u tevhedzelana na —

(aa) mbetshelo dza uyu Mulayo;

(bb) nyimele ya laisentsi; kana

(cc) ndivhadzo yo tou nwalwaho ya u lulamisa u sa tevhedzelana na nyimele kha tshifhinga tsho bulwaho;

(iv) mune wa laisentsi o ri hu so ngo vha na thendelo yo tou nwalwaho ya Bodo, a kundelwa u ita nyito dza zwa u gembula lwa maduvha a tevhekanaho a swikaho a furaru.;

(v) mune wa laisentsi o kundelwa u badela tshelede dzifhio na dzifhio dzi kolodwaho kha Bodo hu tshi tevhedzwa uyu Mulayo vhukati ha tshifhinga tsho sumbedziswaho;

(vi) mune wa laisentsi o kundelwa u badela mutengo wo winwaho kha nyito dza u gembula kana zwo winwaho kha u betsha;

(vii) mufari wa laisentsi, nga kha khumbelo ya Bodo, a khou ita zwa nyito dza u gembula kana u tendela nyito dza u gembula uri dzi vhe hone nga ndila ine ya vhaisa kha mutakalo wa tshitshavha, mbulungeo, mikhwa, matshilele avhudi kana ndondolo ya vhadzulapo nga u angaredza kha vundu;

(viii) mune laisentsi kana muthu ufhio na ufhio o imelaho mufari laisentsi kana o tholwaho nga mufaralaisentsi u shumisa tshiimiswa tsha u gembula kana a tendela u shumiswa ha mutshini ufhio na ufhio wa nyito dza u gembula kha tshishumiswa tsha u gembula —

(i) tsho netshedzwaho nga kana tsho wanalaho u bva kha muthu a si na laisentsi hu tshi tevhedzwa khethekanyo 57;

(ii) tshi sa tutshelani na zwitandadi na maitele o randelwaho;

(ix) mune wa laisentsi a tholaho muthu o bulwaho kha khethekanyo 62 hu si na laisentsi yo tendelwaho;

(x) mune laisentsi, hu so ngo vha na thendelo yo tou nwalwaho ya Bodo, a rengisa kana u sa tendela kana a imisa u shuma ha bindu lifhio na lifhio malugana na tshipida tshifhio na tshifhio tsha tshitentsi tshi re na laisentsi; kana

(xi) mune wa laisentsi nga lutamo lwawe kana a isa phanda na u shumisa kana a tendela maitele a u shumisa ane Bodo ya a dzhia a so ngo tendelwa.

(2) Bodo i nga vhuyedzedza laisentsi yo imiswaho fhasi ha khethekanyothukhu (1) arali muhumbulo wa u i imisa wa fhela.

(3) Bodo i tea uri nga ndivhadzo ya u tou nwala, phanda ha u khwinisa, u imisa kana u humisa nyimele ya laisentsi, i divhadze mufari wa laisentsi nga ha onoyo muhumbulo wa u khwinisa, u imisa kana u phumulwa na u nea mufari wa laisentsi tshikhala tsha uri a muhumbulo wa u tou nwala hu saathu fhela maduvha a 14 a u tanganedzwa ha yeneyo ndivhadzo, uri ndi ngani laisentsi i sa tei u khwiniswa, u imiswa kana u phumulwa.

(4) (a) Hu tshi tevhedzwa phara (b), hune Bodo ya vha na muhumbulo wa uri zwi kha dzangalelo la tshitshavha uri laisentsi kana nyimele ya laisentsi i tea u imiswa nga u tavhanya, Bodo i nga imisa laisentsi kana nyimele ya laisentsi.

(b) Nga u tavhanya nga murahu ha murahu ha musi Bodo yo imisa laisentsi kana nyimele ya laisentsi hu tshi tevhedzwa phara (a), Bodo i tea u shumisa mbetshelo ya Mulayo wa Ndaulo ya Mveledziso ya zwa Vhulamukanyi, 2000 (Mulayo No. 3 wa 2000).

(c) Arali, nga murahu ha u tevhedzelana na zwa phara (b), Bodo ya pfa i tshi fushea zwauri u Phumulwa ha laisentsi zwi do vha zwi mulayoni, Bodo i tea u tevhedzela matshimbidzelwe o sumbedziswaho kha khethekanyothukhu (3).

(5) Nga tshifhinga tsha musi laisentsi yo imiswa, mufari wa laisentsi a nga si tendela, u dzhenela kana u didzhenisa kha nyito dza zwo imiswaho.

(6) Mufari wa laisentsi ho ngo tendelwa u vhuiselwa tshelede ifhio na ifhio murahu musi laisentsi yo imiswa kana u phumulwa.

(7) Mufari wa laisentsi yo imiswaho kana yo phumulwaho u tea u netshedza laisentsi kha Bodo vhukati ha maduvha a sumbe a u divhadzwa henefho.

(8) U itela ndivho dza iyi khethekanyo "laisentsi" zwi katela thanziela ya khonadzeo yo bulwaho kha khethekanyo 43.

37. Laisentsi ya tshifhinganyana

(1) Hune khumbelo ya laisentsi ya netshedzwa, Bodo i nga kha di dzhia tsheo ya uri hu netshedzwe laisentsi ya tshifhinganyana —

(a) hune tshitentsi tsho bulwaho tsha vha tshi khou toda tshandukiso, nyengedzo, u fhatiwa kana u fhatululwa; kana

(b) kha nyimele inwe ifhio na ifhio he u netshedzwa ha laisentsi ya tshifhinganyana ha vha ho tea.

(2) Bodo i nga netshedza laisentsi ya tshifhinganyana kha muhumbeli ho sedzwa uri muhumbeli o tevhedzela, vhukati ha tshifhinga tsho bulwaho laisentsi ya tshifhinganyana, dzenedzo nyimele kana thodea sa zwine Bodo ya nga ta.

(3) Bodo i nga, kha khumbelo nga mufari wa laisentsi ya tshifhinganyana, tshifhinga tshifhio na tshifhio nga murahu ha musi laisentsi ya tshifhinganyana yo no netshedzwa, ho sedzwa vhudifari havhudi, engedza tshifhinga lwa minwedzi i sa fhiriho ya (24).

(4) Musi Bodo i tshi fushea, nga ha khumbelo ya mufari wa laisentsi ya tshifhinganyana, zwauri ho tevhedzelwa nyimele na thodea dza laisentsi ya

tshifhinganyana dzo tevhedzwa, Bodo i tea u netshedza laisentsi yo imelaho laisentsi ya tshifhinganyana.

(5) Arali laisentsi ya sa netshedzwa sa zwo sumbedziswaho kha khethekanyothukhu (4), phanda ha magumo a tshifhinga tsho bulwaho tsha laisentsi tshifhinganyana, laisentsi ya tshifhinganyana i fhelelwa nga mushumo.

38. U pfuluswa ha tshitentsi

(1) Mune wa laisentsi a nga, nga ndila yo randelwaho, ita khumbelo ya u pfuluwa, lwa tshifhinganyana kana lwa tshothe, u bva kha tshitentsi tsha u gembula tsho bulwaho u ya kha tshinwe tshitentsi.

(2) Hune ha vha hu uri khasino i re na laisentsi i tshi khou pfulutshela kha tshinwe tshitentsi, mbetshelo dza khethekanyo 26 u swika kha ya 35 na khethekanyo 44 zwa uyu Mulayo zwi tea u shuma.

(3) Bodo i nga ri hu tshi tevhedzwa dzenedzo nyimele sa zwine Bodo ya nga ta, ya tendela muhumbeli o bulwaho kha khethekanyothukhu (2), uri a shumise bindu la mune wa laisentsi kha tshitentsi, zwi tshi ya nga mvelelo dza muhumbeli wa khumbelo ya u pfuluswa ha tshitentsi.

39. Lufu kana vhuholefhali

(1) Musi mune wa laisentsi kana muthu a re na dzangalelo kha laisentsi a tshi fa kana a holefhala, muimeli kana muthogomeli wa ndaka ya onoyo muthu kana munwe muthu a re na dzangalelo kha laisentsi yeneyo, a nga ita khumbelo kha Bodo ya laisentsi yo teaho.

(2) Bodo i nga, ho sedzwa dzenedzo nyimele sa zwine Bodo ya nga ta, tendela muhumbeli o bulwaho kha khethekanyothukhu (1), u shumiswa bindu la mufari wa laisentsi, ho sedzwa mvelelo dza muhumbeli wa khumbelo ya laisentsi.

40. Mushumo wa u sumbedza na u bvisa laisentsi

(1) Mune wa laisentsi u tea uri tshifhinga tshothe a dzule o vhea khagala laisentsi kha tshitentsi tshi re na laisentsi.

(2) Mune wa laisentsi, mushumi wa mufari wa laisentsi kana muthu o imelaho mufari wa laisentsi u tea, musi zwi tshi todea nga tshipikitere kana muofisiri wa Tshipholisa, a u bvise laisentsi i no khou vhudziswa.

41. Mushumo wa u badela mitendelo na lwetolweto

(1) Muhumbeli wa laisentsi u tea u badela kha Bodo —

(a) mitendelo ya khumbelo ya laisentsi yo randelwaho; na

(b) mitendelo minwe yothe yo randelwaho nga Bodo; na

(c) mitendelo ya u wana murahu mbadelo dzothe, hu tshi katelwa na mbadelo dza tsedzuluso dzo badelwaho nga Bodo malugana na khumbelo

(2) Mune wa laisentsi u tea u badela kha Bodo —

(a) mitendelo ya laisentsi yo randelwaho;

(b) ndatiso dzo randelwaho dza mbadelo dzi badelelwaho u lenga, hune henefho i si fhire kavhili mutengo wa mitendelo ya ndatiso i badelwaho.

(c) lwetolweto lwo randelwaho;

(d) ndatiso yo randelwaho ya mbadelo ya lwetolweto yo lengaho, hune henefho ndatiso i si fhire kavhili mutengo wa lwetolweto malugana na ndatiso i badelwaho; na

(e) mitendelo minwe yothe yo randelwaho kana lwetolweto lwo sumbedziswaho nga Bodo.

3. Mitendelo ya laisentsi i nga fhambana zwi tshi ya nga tshaka dzo fhambanaho dza laisentsi.

42. Madzangalelo a u langa na a zwa masheleni

(1) Muthu ane, lwo livha kana lu so ngo livha, a vha na madzangalelo a u langa kana a zwa masheleni zwi swikaho phesenthe thanu kana u fhira, kana phesenthe ifhio na ifhio i re fhasi sa zwine zwi nga randelwa, kha bindu line la khou sumbedziswa nga laisentsi, u tea uri vhukati ha tshifhinga na nga maitele o tiwaho nga Bodo, u ita khumbelo ya u tendelwa kha Bodo ya u tendelwa u vha na aneo madzangalelo.

(2) Mbetshelo dzi shumaho kha muhumbeli u itela laisentsi, dzi shuma fhedzi kha khumbelo yo bulwaho kha khethekanyothukhu ya (1).

(3) Bodo a yo ngo tea u netshedza thendelo ya khumbelo hu tshi tevhedzwa khethekanyothukhu (1) hune muhumbeli a vha muthu we khumbelo yawe ya fheliswa sa zwo sumbedziswaho kha khethekanyo 24.

(4) Hune Bodo ya si tendela khumbelo hu tshi tevhedzwa khethekanyothukhu (1), muhumbeli a kwameaho u tea uri vhukati ha tshifhinga tsho tiwaho nga Bodo a bvise ayo madzangalelo kha laisentsi..

(5) A hu na muthu ane a nga vha na madzangalelo o bulwaho kha khethekanyothukhu (1), sa nkhetheni kana zhendedzi la kana nga inwe ndila o imela muthu ufhio na ufhio ane a vha muvhuelwa, arali onoyo muthu a saathu

divhadza mufari wa laisentsi a kwameaho na Bodo, nga u tou nwala a tshi sumbedzisa vhune ha onoyo muthu muhulwane kana wa muvhuelwa.

43. Thanziela ya pfanelo

(1) Murado wa Khorotshitumbe, nga ndivhadzo kha gazethe, a nga ita mutevhe wa vhathu vha todaho thanziela dza pfanelo.

(2) Hune mufari wa laisentsi a toda thundu kana tshumelo u bva kha tshigwada tsha vhathu vho nwalwaho kha ndivhadzo yo bulwaho kha khethekanyothukhu (1), mune wa laisentsi u tea u toda dzenedzo thundu kana tshumelo u bva kha muthu ane a vha na thanziela ya pfanelo ya u disa dzenedzo thundu kana tshumelo.

(3) Muthu u tea u ita khumbelo kha Bodo ya thanziela ya pfanelo nga ndila na nga maitele o tiwaho nga Bodo.

(4) Bodo i nga humbela na u wana vhutanzi u bva kha muthu ufhio na ufhio kana tshiko, hu tshi katelwa na vha Tshumelo ya Tshipholisa ya Afrika Tshipembe, vhu tutshelanaho na pfanelo ya muhumbeli, hu u itela uri Bodo i sedzulusa khumbelo.

(5) Bodo i nga, nga murahu ha u netshedza mufari wa thanziela ya pfanelo tshikhala tsha u diimelela, u imisa lwa tshifhinga tsho bulwaho kana u phumula thanziela ya pfanelo, arali —

(5) Arali laisentsi ya sa bviswa sa zwe zwa sedzuluswa kha khethekanyothukhu (4) hu saathu swika duvha la u guma u shuma lo bulwaho kha laisentsi ya tshifhinganyana, laisentsi iyo ya tshifhinganyana i do fheliswa.

38. U pfuluswa ha fhethu

(1) Mune wa laisentsi a nga, u ya nga ndila yo netshedzwaho, ita khumbelo ya u pfuluwa, hu nga vha lwa tshifhinganyana kana lwa tshothe, ha bindu la u gembula li kwameaho li tshi ya hunwe fhethu.

(2) Hu musi khasino i re na laisentsi i tshi pfuluselwa hunwe fhethu, mbetshelo dza khethekanyo 26 u swika 35 na khethekanyo 44 dza Mulayo uyu dzi a shuma.

(3) Bodo i nga, u ya nga ndaulo idzo sa zwine Bodo ya nga wana zwone, tendela muiti wa khumbelo o sedzuluswaho kha khethekanyothukhu (2), uri a tshimbidze bindu la mune wa laisentsi fhethu afho, hu tshe ho imelwa mvelelo dza mune wa khumbelo ya u pfuluswa ha fhethu.

39. Lufu kana vhuholefhali

(1) Musi mune wa laisentsi kana muthu a re na mukovhe kha laisentsi, a lovha kana a holefhala, ramilayo kana muthogomeli wa ndaka ya muthu uyo kana munwe muthu a re na mukovhe kha laisentsi iyo, a nga ita khumbelo kha Bodo u itela u wana laisentsi ya vhukuma.

(2) Bodo i nga, zwi tshi ya nga ndaulo sa zwine Bodo ya nga zwi dzhiisa zwone, tendela muiti wa khumbelo o sedzuluswaho kha khethekanyothukhu (1), uri a tshimbidze bindu la mune wa laisentsi, ho imelwa mvelelo dza muiti wa khumbelo kha u pfuluswa ha fhethu.

40. Vhudifhinduleli kha u tana na u bvisa laisentsi

(1) Mune wa laisentsi u tea u dzhiela ntha uri tshifhinga tshothe a dzulele u tana laisentsi yawe fhethu ho tendelwaho sa ha u vhea laisentsi.

(2) Mune wa laisentsi, mushumi wa mune wa laisentsi kana muthu o farelaho mune wa laisentsi u tea uri, hu nga u kombetshedzwa nga tshipikitere kana muofisiri wa tshipholisa, a bvise laisentsi iyo yo bulwaho.

41. Vhudifhinduleli kha u badela tshelede na lweto-lweto

(1) Muiti wa khumbelo ya laisentsi u tea u badela Bodo —

(a) tshelede yo netshedzwaho kha u ita khumbelo ya laisentsi; na

(b) dzinwe tshelede dzo netshedzwaho uri dzi bviswe nga Bodo; na

(c) tshelede ya u wanwa murahu ha mbadelo dzothe, hu tshi katelwa mbadelo dza tsenguluso, dzo diswaho nga Bodo zwi tshi kwama khumbelo.

(2) Mune wa laisentsi u tea u badela Bodo —

(a) tshelede yo netshedzwaho ya laisentsi;

(b) milifho yo netshedzwaho kha u lenga u badela tshelede, hune milifho iyo ya sa tee u fhira kavhili tshelede ho sedzwa u kona u swikela tshelede dza mulifho;

(c) lwetolweto lwo netshedzwaho;

(d) milifho yo netshedzwaho kha u lenga u badela lwetolweto, hune milifho iyo ya si tee u fhira kavhili lwetolweto ho sedzwa u konadzea u swikela mbadelo idzo; na

(e) dzinwe tshelede kana lwetolweto zwo netshedzwaho nga Bodo.

(3) tshelede dza laisentsi dzi nga fhambana zwi tshi ya nga tshaka dzo fhambanaho dza dzilaisentsi.

42. Zwi kwamaho masheleni na u langwa ha mukovhe

(1) Muthu ane, zwo livhana thwii kana u sa livhana, a tshimbidza u langwa ha mukovhe kana mukovhe wa zwa masheleni u swikaho phesenthe thanu kana u fhira, kana phesenthe dzinwe-vho dza fhasi sa zwo netshedzwaho, kha zwa bindu hune zwa elana na zwa laisentsi, u tea uri nga fhasi ha tshifhinga na ndila yo sedzuluswaho nga Bodo, a ite khumbelo kha Bodo ya thendelo ya u fara mukovhe uyo.

(2) Mbetshelo dzi shumaho kha muiti wa khumbelo ya laisentsi, dzi a shuma na kha khumbelo yo sumbedzwaho kha khethekanyothukhu (1).

(3) Bodo a i tei u netshedza thendelo ya khumbelo hu tshi tevhedzwa khethekanyothukhu (1) hune muiti wa khumbelo a vha muthu o bviswaho sa zwo tandavhudzwaho kha khethekanyo 24.

(4) Hune Bodo ya sa khou tendelana na khumbelo hu tshi tevhedzwa khethekanyothukhu (1), muiti wa khumbelo a kwameaho hu nga fhasi ha tshifhinga tsho vhewaho nga Bodo a dzudzanyulule mukovhe u re kha laisentsi.

(5) A hu na muthu ane a nga tshimbidza mukovhe sa zwo tandavhudzwaho kha khethekanyothukhu (1), sa o tiwaho kana muambeli wa kana nga inwe ndila kana munwe na munwe a re nga fhasi sa mune wa laisentsi kana a no do vhuelwa, arali muthu uyo a songo divhadza mune wa laisentsi a kwameaho na Bodo, nga u tou nwala ndaula mune wa laisentsi kana uyo a no do vhuelwa.

43. Thanziela ya u vha o fanelaho

(1) Murado wa Khorotshitumbe a nga, nga ndivhadzo kha gazete, tevhetshedza zwigwada zwa vhathu vha todaho thanziela ya u vha o fanelaho.

(2) Hune mune wa laisentsi a toda thundu kana tshumelo u bva kha zwigwada zwa vhathu vho tevhetshedzwaho kha ndivhadzo yo sumbedzwaho kha khethekanyothukhu (1), mune wa laisentsi u tea u toda thundu idzo na tshumelo u bva kha muthu a re na thanziela ya u vha o fanelaho u itela u netshedza thundu na tshumelo idzo.

(3) Muthu u tea u ita khumbelo kha Bodo u itela u wana thanziela ya u vha o fanelaho u ya nga nzulele na ndila yo sumbedzwaho nga Bodo.

(4) Bodo i nga toda na u wana mafhungo u bva kha tshiko kana muthu munwe na munwe, hu tshi katelwa Tshumelo ya Tshipholisa ya Afrika Tshipembe, zwi tshi tutshelana na u fanela ha muiti wa khumbelo, u itela uri Bodo i kone u sedzulusa khumbelo.

(5) Bodo i nga, nga murahu ha u netshedza mune wa thanziela ya u vha o fanelaho tshikhala tsha u netshedza mafhungo awe, imisa lwa tshikhala tsho bulwaho kana u khantsela thanziela ya u vha o fanelaho, arali —

(a) mafhungo a re kha khumbelo ya thanziela iyo o vha a si one kha zwo ambwaho kana ho vha na u sa dzheniswa ha manwe mafhungo;

(b) mune wa thanziela o kundelwa u tevhedza kana o pfuka milayo yo tiwaho ya thanziela; kana

(c) musi Bodo i na muhumbulo wa uri ndi zwa ndeme nahone zwo fanela hu tshi vha na u langwa havhudi ha u gembula.

44. Phimo ya pfanelo zwi tshi tutshelana na laisentsi

Ndi muthu o tendelwaho lwa milayo fhedzi ane a nga fhiwa laisentsi —

(a) ya u ita zwa khasino;

(b) sa khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani;

(c) sa mubveledzi;

(d) sa tshishumiswa tshi sumbedzaho mbalo ya dzibethe na tshelede i no khou shumiswa kha mutambo; kana

(e) sa mune wa laisentsi ane mitshini yawe ya sa langwe nga khamphani.

NDIMA YA 4

LAISENTSI YA KHASINO

45. Laisentsi ya khasino

(1) Muhumbulo muhulwane wa Ndima iyi —

"mutambo wa khasino" zwi amba mutambo, hu sa sedzwi uri mvelelo dzo bulwaho dzo sedzuluswa zwo sokou tou khakhisa kana nga u kalwa ha zwikili, nga u tambwa ha magarata, madaizi, mutshini wa u gembula kana tshishumiswa tshifhio na tshifhio tsho shumiswaho kha u sedzulusa u fhenya kana u fhenywa kha mvelelo dza tshelede kana u sedzuluswa hunwe ha ndeme, nahone hune ha katela, hu si na u sasaladza lwa u angaredza blackjack, chemin *de fer*, baccarat, bingo, keno, twenty-one, poker and roulette, dzo fhiraho, kana minwe mitambo ine milayo yayo ya imela tshothe iyo yo fhiraho.

(2) Bodo i nga bvisa fhedzi laisentsi ya khasino nga murahu ha u vhudzisa Murado wa Khorotshitumbe nahone arali Bodo i tshi khou fushea ngauri muiti wa khumbelo u —

(a) na tshenzhemo na ndivho zwo teaho kana u a kona u wana tshenzhemo na ndivho zwo teaho kha u vha na khasino;

(b) a tevhedza thodea dzothe dza u ita khumbelo sa zwo sedzuluswaho nga Bodo hu tshi tevhedzwa Mulayo uyu;

(c) ethe nahone u na vhune ho khetheaho lwa mulayo kha u vha na laisentsi ya fhethu; na

(d) na u swikelela zwiko zwa tshelede zwi fushaho zwo teaho kha u tshimbidza khasino.

(3) U laedzwa ha laisentsi ya khasino, zwi tshi ya nga milayo ye Bodo ya i vhea, u tamba na u itwa ha mitambo ya khasino fhethu ho bulwaho kha laisentsi.

(4) Mune wa laisentsi ya khasino ha tei u tumanya mutshini ufhio na ufhio wa u gembula na pfufho i dovhololaho tshifhinga tshilapfu nga nnda ha u thoma ha wanala thendelo yo tou nwalwaho kha Bodo.

(5) Bodo i, ho sedzwa mitshini ya u gembula yo tumanywaho na pfufho i dovhololaho tshifhinga tshilapfu sa zwo pfukiswaho kha khethekanyothukhu (4), nga dzhena kha thendelano na zwinwe zwiimiswa zwa u langa zwi re nnda ha vundu hu u itela uri hu vhe na ndangulo yo fhelelaho ya pfufho iyo i dovhololaho lwa tshifhinga tshilapfu.

46. Tsedzuluso dza khumbelo dza laisentsi ya khasino

(1) Musi hu tshi sedzuluswa khumbelo ya laisentsi ya khasino, Bodo i tea lavhelesa vhuhulwane vhune —

(a) khasino ya do khwathisa vhudzulatsini na mupo;

(b) khasino ya do tutuwedza vhuendelamashango hune khasino ya do fhatwa;

(c) khasino i do tutuwedza mishumo ya tshifhinga tshihulwane;

(d) muhumbeli wa laisentsi u do netshedza zwikili na vhugudisi kha vhashumi vha khasino;

(e) muhumbeli wa laisentsi u do tshimbidza mushumo, thundu na tshumelo u bva fhethu khathihi na vundu nga u angaredza u itela u fhatwa ha khasino;

(f) muhumbeli u khou toda u netshedza u di dzhenisa kha mbuelo kana zwa vhune ha khasino nga vhathu, kana zwigwada kana zwigwada zwa vhathu, vhe vha vha vha sa vhuelwi zwi tshi bva kha khethano nga lukanda; kana

(g) muhumbeli u khou toda u tea u netshedza tshishumiswa tshinwe na tshinwe, lwa mbuelo kana u netshedza hu u itela u vhuelwa, u shumisa kana vhudimvumvusi ha tshitshavha kha kana tsini na fhethu hune khasino ya do fhatwa hone.

(2) Bodo i nga sedzulusa zwivhangi zwinwe na zwinwe zwine zwa nga tutuwedza tsheo ya u fha khumbelo iyo kana u vhea thodea kana mulayo.

47. U tanwa ha mafhungo

Mune wa laisentsi ya khasino u tea —

(a) u tana hu fhasi ha fhethu hu re na laisentsi, mafhungo a tshimbilelanaho na mitambo ya khasino sa zwo sumbedziswaho nga Bodo; nahone

(b) musi khasitama ya nga humbela, a vhee khophi ya milayo uri i vhonale i sumbedzisaho ndila ine mutambo wa khasino wa tea u tambwa ngayo.

48. U shumiswa ha ipfi "khasino"

A hu na muthu ane a nga vhambadza kana u ita zwa bisimusi nga fhasi ha thoho kana dzina hune ipfi "khasino" la shumiswa arali muthu uyo a si mune wa laisentsi ya khasino yo bviswaho hu tshi tevhedzwa Mulayo uyu.

NDIMA YA 5

LAISENTSI YA BINGO

49. Laisentsi ya Bingo Nna laisentsi ya tshitentsi tsha bingo

(1) U laedzwa ha laisentsi ya bingo, zwi tshi ya nga milayo ye Bodo ya i vhea, u tambiwa ha kana u tendela u tambiwa ha bingo kha kana fhethu hunwe kana hunzhi ho bulwaho kha laisentsi.

(2) A hu na muthu, nga nnda ha mune wa laisentsi ya bingo, ane a tendelwa u litsha fhethu hune bingo ya tambelwa hone kana u tendela u tambwa ha bingo a si na laisentsi ya bingo yo bviswaho hu tshi tevhedzwa Mulayo uyu.

(3) A hu na muthu ane, nga elekithironiki kana ndila dzi fanaho dza u tumanya fhethu hunwe, a nga tendela uri bingo i tambelwe fhethu afho, a si na laisentsi ya bingo yo bviswaho hu tshi tevhedzwa Mulayo uyu.

(4) Bodo, zwi tshi kwama u tumanya ho tandavhudzwaho kha khethekanyothukhu (3), i nga dzhena kha thendelano na zwinwe zwiimiswa zwa ndangulo zwi re nnda ha vundu hu u itela uri hu vhe na ndangulo yavhudi ya mitambo ya bingo yo tumanywaho.

(5) Murado wa Khorotshitumbe a, nga kha themendelo ya Bodo, nga ndivhadzo kha *gazethe* divhadza uri mutambo munwe na munwe u fanaho tshothe na bingo ndi bingo.

NDIMA YA 6

LAISENTSI YA KHAMPHANI YO NWALISWAHO HU TSHI TEVHEDZWA MULAYO WA KHAMPHANI, MUNE WA LAISENTSI A RE NA MITSHINI I LANGWAHO NGA KHAMPHANI NA MUNE WA LAISENTSI O DIIMISAHO

50. Laisentsi ya khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani

(1) U laedzwa ha laisentsi ya khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani, zwi tshi ya nga milayo ine Bodo ya nga i vhea, u shumiswa ha mitshini ya u gembula i re nnda ha khasino ine ya tevhedza thodea dzo netshedzwaho zwa sumbedzisa kha laisentsi ya mitshini i re nga nnda ha khasino.

(2) Mune wa laisentsi ya khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani u tea u dzhena kha thendelano na mune wa laisentsi ya u gembula a re na mitshini i langwaho nga khamphani u itela vhea mitshini ya u gembula fhethu hu re na laisentsi.

(3) Bodo i bvisa fhedzi laisentsi ya mune wa khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani arali Bodo i tshi khou fushea ngauri muiti wa khumbelo —

(a) a vha na tshenzhemo na ndivho yo lungamaho kana a nga kona u wana tshenzhemo na ndivho yo lungamaho kha u shumisa mutshini wa u gembula; na

(b) o tevhedza thodea dzothe dza u ita khumbelo sa zwe zwa sumbedziswa nga Bodo hu tshi tevhedzwa Mulayo uyu na Mulayo wa u Gembula wa Lushaka, 2004.

(4) Bodo i nga bvisa fhedzi laisentsi ya khampani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani kha mbalo ya mitshini ya u gembula yo netshedzwaho nga Mulayo wa u Gembula wa Lushaka, 2004.

(5) Mune wa laisentsi ya khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani u tea u tumanya mitshini yothe ya u gembula yo bulwaho nga laisentsi kha sisiteme ya u monithara ya elekithironiki yo tandavhudzwaho kha khethekanyo 60.

(6) A hu na muthu ane, a si vhe na laisentsi ya khamphani hu tshi tevhedzwa Mulayo wa Khamphani a nga bvisa hu tshi tevhedzwa Mulayo uyu, tendela kana u ita zwa bisimusi ya mitshini ya u gembula i re nnda ha khasino.

51. Laisentsi ya khamphani i re na mitshini ya u gembula i langwaho nga khamphani

(1) U tendelwa ha laisentsi ya khamphani i re na mitshini ya u gembula i langwaho nga khamphani, ho sedzwa milayo ine Bodo ya nga i vhea, kha u i vhea kana uri i shumiswe, mbalo yo bulwaho ya mitshini ya u gembula i re nnda ha khasino nahone i tevhedzaho thodea dzo netshedzwaho, kha fhethu ho khethwaho kha tshitentsi tsho bulwaho kha laisentsi.

(2)(a) U ya nga phara (b), Bodo i nga si bvise laisentsi ya muthu a langaho mitshini ya u gembula i langwaho nga khamphani hu u itela u shumisa na u vhea mitshini i swikaho mitanu i re nnda ha khasino.

(b) Bodo i nga ita khumbelo kha Bodo ya u Gembula ya Lushaka uri i tendele u shumiswa ha mitshini ya mbadelo dzi kalwaho i padaho mitanu nahone i sa fhiri 40: Tenda ha vha hu uri yeneyo khumbelo yo itwa ho sedzwa uri fhethu hunwe na hunwe hune mitshini i re nnda ha khasino i padaho mitanu i khou todea.

(3) Bodo i nga bvisa fhedzi laisentsi ya muthu a re na mitshini i langwaho nga khamphani musi—

(a) arali muiti wa khumbelo o tevhedza todea dzothe sa zwe zwa sumbedziswa nga Bodo hu tshi tevhedzwa Mulayo uyu kana Mulayo wa u Gembula wa Lushaka, 2004; nahone

(b) arali i tshi khou fushea ngauri fhethu hune laisentsi ya khou todea hone a hu nga do shumiselwa u tambisa mitshini i re nnda ha khasino.

(4) Mune wa laisentsi ya u vha na mitshini i langwaho nga khamphani u tea u vhona uri –

(a) gumofulu la tshelede ya u tamba mutshini munwe na munwe u re nnda ha khasino a li tei u fhira tshelede yo netshedzwaho;

(b) mutengo zwi tshi kwama mutambo munwe na munwe muthihi une wa nga tambiwaho kha mutshini wa u gembula u re nnda ha khasino musi ho sedzwa thanganyelo lwa ndeme a u tei u fhira tshelede yo netshedzwaho hu tshi tevhedzwa Mulayo wa u Gembula wa Lushaka, 2004;

(c) ndeme ya gumofulu la mutengo wa nthesa, yo netshedzwaho hu tshi tevhedzwa pharagirafuthukhu (b), i tea u tanwa kha mutshini wa u gembula u re nnda ha khasino, une u mutengo wa hone wa wanwa nga u tamba mutambo luthihi fhedzi; nahone

(d) mitshini i re nnda ha khasino i vhewa fhethu hune muthu a re nga fhasi ha minwaha ya 18 a si tendelwe u dzhena.

(5) A hu na muthu ane, arali a si na laisentsi ya u vha na mitshini ya u gembula i langwaho nga khamphani a nga bvisa hu tshi tevhedzwa Mulayo uyu, lavhelesa fhethu hune mitshini ya u gembula i re nnda ha khasino ya vha yo vhewa hone kana yo vhetshelwa u tambwa.

52. Laisentsi ya muthu o diimisaho

(1) U laedzwa ha laisentsi ya muthu o diimisaho, zwi tshi kwama milayo ine Bodo ya nga i vhea, u shumiswa ha mitshini ya u gembula i re nnda ha khasino ine gumofulu layo la si fhire mbalo ya mitshini ya u gembula yo bulwaho kha laisentsi, o pimiwaho ya u badela i sa fhiriho mbalo yo sumbedziswaho kha laisentsi, fhethu ho bulwaho .

(2) Bodo i nga bvisa fhedzi laisentsi ya muthu o diimisaho arali —

(a) muiti wa khumbelo o tevhedza thodea dzothe dza u ita khumbelo hu tshi tevhedzwa ndivhadzo yo livhiswaho kha khethekanyo 26;

(b) muiti wa khumbelo e na tshenzhemo na ndivho zwi fushaho kana a tshi nga kona u wana tshenzhemo na ndivho izwo zwa u shumisa mitshini ya u gembula i re nnda ha khasino; nahone

(c) a tshi khou fushea ngauri fhethu hune laisentsi ya khou netshedzwa a hu nga do shumiselwa u tambelwa mitshini i re nnda ha khasino.

(3) Mune wa laisentsi o diimisaho nga ethe u tea u tumanya mitshini yothe ya u gembula i re nnda ha khasino yo bulwaho kha laisentsi kha sisiteme ya u monithara ya elekithironiki.

(4) Mune wa laisentsi o diimisaho nga ethe u tea u vhona uri —

(a) gumofulu la tshelede ya ntha i badelwaho kha u tamba hu re nnda ha khasino a li fhiri tshelede yo netshedzwaho;

(b) tshelede zwi tshi kwama mutambo munwe na munwe u re nnda ha khasino a i tei u ndeme ya thanganyelo ya tshelede netshedzwaho;

(c) mbuelo kha vhatambi vha mutshini wa u gembula u re nnda ha khasino a dzi fhasi ha phesenthe dza netshedzwaho;

(d) ndeme ya gumofulu la tshelede ya ntha yo netshedzwaho line la nga wanwa nga u tamba mutambo luthihi fhedzi kha mutshini wa u gembula u re nnda ha khasino, li tambiwa kha mutshini uyo u re nnda ha khasino; nahone

(e) mitshini ya u gembula i re nnda ha khasino i vhewa fhethu hune muthu wa minwaha i re nga fhasi ha 18 a si kone u dzhena.

(5) A hu na muthu ane, arali a si na laisentsi ya u gembula o diimisaho nga ethe musi hu tshi tevhedzwa Mulayo uyu a nga tendela kana u di dzhenisa kha bisimusi ya u shumisa mitshini ya u gembula i re nnda ha khasino yo bulwaho kha laisentsi.

NDIMA YA 7

LAISENTSI YA MUBETSHISI NA YA MUTSHINI WA TSUMBA ZWO BETSHWAHO

53. Laisentsi ya mubetshisi na ya mutshini wa tsumba zwo betshwaho

(1) A hu na muthu ane, a si na laisentsi ya mutshini u sumbedzaho zwo betshwaho yo netshedzwaho hu tshi tevhedzwa Mulayo uyu, a nga shumisa kana u tendela u tambiwa ha mutshini u sumbedzaho zwo betshwaho kana phulu dza u betsha.

(2) Laisentsi ya u shumiswa ha mutshini wa u betsha i tendela, hu sedzwa nyimele dzine Bodo ya nga dzi vhea, u shumiswa ha mutshini u sumbedzwaho zwo betshwaho kana zwo winwaho kha u betsha hu tshi tevhelwa milayo tiwaho nga nga Bodo.

(3) Murado wa Khorotshitumbe a nga netshedza thodea dza laisentsi ya mutshini u sumbedzaho dzibet na tshelede.

54. Laisentsi ya fhethu hu re na mutshini u sumbedzaho dzibethe na tshelede

(1) Mutshini u sumbedzaho bethe na tshelede musi hu tshi tevhedzwa khethekanyo 53, u tea u vha na laisentsi ya fhethu hawo u itela u tanganedza mitambo fhethu ho bulwaho kha laisentsi.

(2) U laedzwa ha laisentsi ya mutshini u sumbedzaho bethe na tshelede, hu tshi tevhedzwa milayo ine Bodo ya nga i vhea, u tanganedzwa ha mitambo fhethu ho bulwaho kha laisentsi.

55. Laisentsi ya muthu a dzudzanyaho dzibethe na tshelede

(1) A hu na muthu ane, arali a si na laisentsi ya muthu a dzudzanyaho dzibet na tshelede hu tshi tevhedzwa Mulayo uyu, a nga didzhenisa, thwii kana nga inwe ndila kha zwa bisimusi ya u vhea kana u dzhia dzibethe na mirado ya tshitshavha kana vhanwe vhathu vha u dzudzanya dzibethe na tshelede.

(2) Muthu o bulwaho a dzudzanyaho bethe na tshelede kha laisentsi ndi ene a no vha na laisentsi ya muthu a dzudzanyaho bethe na tshelede.

(3) Thendelo ya laisentsi ya muthu a nwalaho na u badela mutshini, ho sedzwa nyimele inwe na inwe yo vhewaho nga Bodo, u itwa ha bisimusi nga muthu a nwalaho na u badelisa tshelede fhethu nga u dzudza kana u vhea dziodds na bethe zwi tutshelanaho na nomboro dzinwe na dzinwe kathihi na tshelede.

(4) Murado wa Khorotshitumbe a nga netshedza thodea dza u shumisa laisentsi ya muthu a dzudzanyaho bethe na tshelede.

56. Laisentsi ya fhethu ha muthu a dzudzanyaho bethe na tshelede

(1) Muthu a dzudzanyaho bethe na tshelede hu tshi tevhedzwa khethekanyo 55, u tea u vha na laisentsi ya fhethu ha mutshini wa u dzudzanya bethe na tshelede

kha fhethu hunwe na hunwe hu shumiswaho nga muthu a dzudzanyaho bethe na tshelede u itela u tshimbidza bindu la muthu a dzudzanyaho dzibethe na tshelede.

(2) Laisentsi ya fhethu ha muthu a dzudzanyaho bethe na tshelede i tea u vha fhethu ho bulwaho kha laisentsi.

NDIMA 8

MUBVELEDZI, NDONDOLO NA LAISENTSI YA MUDISEDZI

57. Mubveledzi, ndondolo na laisentsi ya mudisedzi

(1) Muthu a tamaho u ita, isa phanda kana u thoma ndila inwe na inwe ya u bveledza, u swikelela, u rengisa, u kovhekanya, u tunda, u vhambadza, u londola, guvhangano, shandukisa, u renta, u hirisa, u lugisa na ndisedzo ya tshishumiswa tshinwe na tshinwe tsha u gembula, u tea u ita khumbelo, nga ndila yo netshedzwaho, kha Bodo u itela mubveledzi, u londola kana laisentsi ya zwidisedzwa.

(2) Bodo i nga bvisa fhedzi laisentsi ya mubveledzi, mulondoli kana laisentsi ya mudisedzi kha muiti wa khumbelo arali Bodo i tshi nga vha yo fushea ngauri muiti wa khumbelo u na tshenzhemo na ndivho ya u vha na laisentsi iyo.

(3) U laedzwa ha laisentsi ya u bveledza, londola kana u mudisedzi, ho sedzwa nyimele inwe na inwe ine Bodo ya nga i vhea, —

(a) u bveledza, rengisa, u swikelela, u kovhanya, u tunda, u vhambadza, u londola, guvhangano, u shandukisa, u renta, u hirisa, u lugisa kana u iswa

ha zwishumiswa zwa u gembula zwi swikelela thodea dzo vhewaho nahone dzo tendelwaho nga Bodo; na

(b) nyisedzo ya zwishumiswa zwa u gembula kana tshumelo kha vhane vha laisentsi.

(4) A hu na muthu ane a nga, arali a si na zwo teaho kha u bveledza, u londola kana u bveledza laisentsi ya u disedza, rengisa, u wana, kovhekanya, u tunda, u vhambadza, u londola, u kuvhanganya, u shandukisa, u renta, u hirisa, u lugisa kana u isa tshishumiswa tsha u gembula.

NDIMA 9

MUTANGANO WA MBAMBE NA LAISENTSI YA TSHIPENTSHELA KHA MUSHUMO WA DUVHA

58. Laisentsi ya mutangano wa mbambe

(1) A hu na muthu ane, arali a si na laisentsi ya mutangano wa mbambe yo bviswaho hu tshi tevhedzwa Mulayo uyu, a nga fara mutangano wa mbambe.

(2) U laedzwa ha laisentsi ya mutangano wa mbambe, u ya nga khethekanyothukhu (4) na ndaulo dzine Bodo ya nga i vhea, u farwa ha tshivhalo tsha mitangano ya mbambe yo bulwaho kha mudavhi wa mbambe wo bulwaho kha laisentsi.

(3) Murado wa Khorotshitumbe a nga netshedza thodea dza kushumele kwa laisentsi ya mutangano wa mbambe.

(4) Mutangano wa mbambe u tea u farwa hu tshi tevhedzwa milayo na ndaulo zwo lugelaho mudavhi wa mbambe wonoyo hune mutangano wa do farelwa hone.

(5) Ndi mudzudzanyi wa dzibethe na tshelede ane a fhiwa laisentsi musi hu tshi tevhedzwa khethekanyo 55 ya Mulayo uyu ane a nga ita zwa bindu kha mutangano wa mbambe.

59. Laisentsi ya Sipeshala kha mushumo wa duvha

(1) Bodo i nga, u ya nga khethekanyothukhu (2), nga kha khumbelo nga ndila yo sedzuluswaho nga Bodo, bvisa laisentsi ya tshipentshela kha mushumo wa duvha ya o itaho khumbelo lwa maduvha o bulwaho .

(2) Bodo i nga si bvise laisentsi ya tshipentshela kha mushumo wa duvha zwi tshi ya nga —

(a) laisentsi ya khasino;

(b) laisentsi ya khamphani yo nwaliswaho hu tshi tevhedzwa Mulayo wa Khamphani;

(c) mune wa laisentsi a re na mitshini i langwaho nga khamphani; kana

(d) laisentsi ya muthu o diimisaho a re na mitshini i siho kha khasino.

(3) Mbetshelo dza khethekanyo 27 na 31 a dzi shumi sa laisentsi ya tshipentshela

NDIMA 10

SISITEME YA U MONITHARA YA ELEKITHIRONIKI, MITSHINI YA U GEMBULA NA ZWISHUMISWA ZWA U GEMBULA

60. Sisiteme ya u monithara ya elekithoroniki kha mitshini ya u gembula

(1) Bodo i tea uri hune maimo a todeaho a swikelelwa, i nee laisentsi elekithironiki, khompyutha kana sisiteme ya vhudavhidzani kana tshishumiswa tsho itelwaho u rumela kana u tanganedza mafhungo a tutshelanaho na u shuma ha mutshini munwe na munwe kana tshishumiswa tsho sedzuluswaho kha khethekanyothukhu (2), sa sisiteme ya u monithara.

(2) Hune Bodo ya nea laisentsi sisiteme ya u monithara, Bodo i tea uri, hu na u engedzedzwa ha dzinwe ndaulo dza laisentsi, i toda uri mune wa laisentsi a tumanye mitshini yothe ya u gembula kana zwishumiswa zwa u gembula zwi shumiswaho fhethu hu re na laisentsi kha sisiteme ya u monithara.

(3) A hu na muthu ane a tea u tumanya tshishumiswa kana sisiteme ifhio na ifhio tshi songo fhiwaho laisentsi nga Bodo sa sisiteme ya u monithara ya elekithironiki sa zwo sedzuluswaho kha khethekanyothukhu (1).

61. Mitshini ya u gembula na zwishumiswa zwa u gembula

(1) Tshishumiswa tshinwe na tshinwe tsha u gembula na mutshini munwe na munwe wa u gembula zwi tea u vha zwo nwalisa kha Bodo, nga nnda ha musi—

(a) zwi tshi wela kha tshigwada tshi songo dzheniswaho hu tshi tevhedzwa khethekanyo 19(3) Mulayo wa u Gembula wa Lushaka, 2004; kana

(b) tshishumiswa tsha u gembula kana mutshini wa u gembula wo dzhena kha vundu nga ndila ifhio na ifhio ya u endedzwa: Nga nnda ha musi muthu a re ndango ya mutshini wa u gembula kana tshishumiswa tsha u gembula itsho tsha u gembula u tea uri, musi a kha vundu, a dzudze mutshini uyo wa

u gembula kana tshishumiswa tsha u gembula nga ndila ine u nga si tambee kana u shumisea nga muthu ufhio na ufhio kana u swikelelea nga murado ufhio na ufhio wa tshitshavha musi u kha vundu nahone u tea u tevhedza ndaulo ifhio na ifhio kana mulayo u tshimbilelanaho na u endedzwa ha mitshini ya u gembula kana zwishumiswa zwa u gembula.

(2) U ya nga khethekanyothukhu (5), a huna ane, arali a so ngo wana laisentsi u bva kha Bodo, a nga —

(*a*) dzudza, londola, vha na vhune, bveledza, u kuvhanganya, u rengisa, kovhanya, tunda, u wana, vhambadza, renta, kana u hirisa tshishumiswa tshinwe na tshinwe tsha u gembula kana mutshini wa u gembula nga nnda ha magarata kana madaizi; kana

(*b*) u shandukisa kana u khwinisa nga inwe ndila tshishumiswa tsha u gembula kana tshishumiswa tshi tutshelanaho natsho nga ndila ine ya shandukisa kana u kwama maitele o tendelwaho ya u khetha ane a laula mvelelo dza mutambo wa u gembula kana nga ndila ifhio na ifhio zwa shandukisa kana u kwama mvelelo dza mutambo wa u gembula.

(3) Bodo i tea u vhona uri mutshini wa u gembula na mitshini ya u gembula zwi khou tevhedza milayo na maga zwo thomiwaho u itela indasitiri ya u gembula.

(4) A hu na muthu ane a tea u shandukisa kana u khwinisa mbekanyamushumo khompyutha dzi shumiswaho kha tshishumiswa tshifhio na tshifhio kana mutshini wa u gembula kha u itwa ha bindu la u gembula a –

(a) songo fara laisentsi yo teaho; na

(b) thendelo ya Bodo kha u shandukisa uho kana u khwinisa.

(5) Mune wa laisentsi, muthu munwe na munwe ane laisentsi yawe ya vha yo imiswa kana u iledzwa kana mulangi, o nangwaho musi khamphani yo wa, mulanguli wa zwa mulayo wa mune wa laisentsi, a nga, ho thoma u wana

thendelo yo tou nwalwaho u bva kha Bodo nahone nga ndila ngeno zwi tshi ya nga milayo yo sedzuluswaho nga Bodo —

(a) u dzudzanyululwa ha tshishumiswa tsha u gembula kana mutshini wa u gembula nga ndila yo tendelwaho nga Bodo; kana

(b) u vha na vhune ha izwo zwishumiswa zwa u gembula kana mutshini wa u gembula ho imelwa u bviswa kana u pwashekanywa ha izwo zwo bulwaho.

(6) Muthu o bulwaho kha khethekanyo (5) a nga si —

(a) vhe na zwishumiswa zwa u gembula kana mitshini ya u gembula u fhirasa zwe Bodo ya tendela zwone;

(b) ise kana u hadzimisa tshishumiswa tsha u gembula kha, kana u lugisa kana u khwinisa tshishumiswa tsha u gembula mutshini wa u gembula kha muthu ufhio na ufhio a re kha vundu ane nahone a sa vhe na laisentsi yo fanelaho.

(c) tendele muthu ufhio na ufhio kha u shumisa tshishumiswa tsha u gembula tshifhio na tshifhio kana mutshini wa u gembula nga fhasi ha ndango yawe kha u gembula ngeno hu uri tshishumiswa tsha u gembula itsho kana mutshini wa u gembula a u ho kha zwifhato zwone zwo teaho zwi re na laisentsi;

(d) lugise kana u khwinifhadza tshishumiswa tsha u gembula kana mutshini wa u gembula une u khou todea uri u nwaliswe kana u wane laisentsi ngeno u songo nwaliswa kana u vha na laisentsi.

(7) Nga Ndivhadzo kha gazete, Bodo i nga divhadza tshishumiswa, phurogireme kana tshithu tshinwe na tshinwe tshi shumiswaho tsho tumanywaho na mutambo wa u gembula sa tshishumiswa tsha u gembula.

NDIMA 11

LAISENTSI YA MUSHUMI WA NDEME

62. Laisentsi ya mushumi wa ndeme

(1) Murado wa Khorotshitumbe a nga netshedza—

(a) zwinwe zwigwada zwa vhashumi kha indasitiri ya u gembula sa vhashumi vha ndeme;

(b) matshimbidzelwe kha u wana laisentsi na ndila ya u ita khumbelo kha vhashumi vha ndeme.

(c) zwivhumbeo zwa tshelede dzo fhambanaho dza zwigwada zwa vhashumi vha ndeme; na

(d) milayo ya laisentsi ya vhashumi vha ndeme.

(2) Mushumi wa ndeme u tea u newa laisentsi nga Bodo.

(3) Mune wa laisentsi ha tei u thola mushumi wa ndeme kana u tendela mushumi wa ndeme kha u ita munwe mishumo ngomu ha indasitiri ya u gembula, nga nnda ha musi mushumi wa ndeme o fhiwa laisentsi nga Bodo.

(4) Laisentsi ya mushumi wa ndeme a i —

(a) pfukiselwi kha munwe muthu; nahone

(b) i shuma u guma nga tshifhinga tsho sumbedzwaho kha laisentsi.

63. U sa tendelwa

Bodo i nga si nee muthu laisentsi ya u vha vhashumi wa ndeme, arali muthu uyo —

(a) e nga fhasi ha minwaha ya 18;

(b) e mushumeli wa muvhuso kana mufara ofisi ya zwa politiki;

(c) dzina lawe li kha mutevhe wa redzhisitara ya vhathu vho siwaho nnda hu tshi tevhedzwa khethekanyo 14 ya Mulayo wa u Gembula wa Lushaka, 2004;

(d) a tshi kwamanywa na ndaela ya khothe i re na vhukoni ha u fara kana u divhadza uri muthu uyo ha ngo fhelela muhumbuloni;

(e) o vhuya a bviswa kha ofisi ya tshiimiswa nga mulandu wa vhudifari vhu si havhudi zwi tshi elana na vhufhura kana u sa shumiswa zwavhudi ha tshelede; kana

(f) o vhuya a farwa kha minwaha ya fumi yo fhiraho, kha Riphabuliki kana hunwe fhethu, o farelwa

(i) u tswa, vhufhura ha tshelede, u kopela, u dadza linwalo la vhufhura kana u amba mazwifhi nga fhasi ha muano;

(ii) vhukhakhi vhu re nga fhasi ha Mulayo wa u Lwa na u Thivhela Mishumo ya Vhuyada, 2004 (Mulayo No.12 wa 2004);

(iii) vhugevhenga vhunwe na vhunwe vhu tutshelanaho na zwa khompyutha kana mbekanyamushumo dza khompyutha;

(iv) vhukhakhi vhune hu tshi tevhedzwa Mulayo wa u Gembula wa Lushaka, 2004 kana Mulayo uyu, nahone kana o newa tshigwevho tsha u dzula dzhele hu si na mulifho, kana mulifho u fhiraho

tshelede yo netshedzwaho hu tshi tevhedzwa khethekanyo 49(1)(f) ya Mulayo wa u Gembula wa Lushaka, 2004, nga nnda ha musi muthu uyo o wana khangwelo kana paroli ya mahala kha vhukhakhi ha mulandu wawe.

64. Laisentsi ya tshifhinganyana ya mushumi wa ndeme

Bodo i nga, musi hu tshe ho imelwa mvelelo dza thodisiso ya u luga ha muthu a no khou ya u vha mushumi wa ndeme, bvisa laisentsi ya tshifhinganyana ya muthu a khou ya u vha mushumi wa ndeme, arali Bodo i tshi khou fushea ngauri —

(a) bindu la mune wa laisentsi kha indasitiri ya u gembula nga vha na masiandaitwa a si avhudi kana la vha kha vhuimo hu si havhudi zwo bva kha tshilengo tsha u thola mushumi wa ndeme; nahone

(b) u thola muthu a no khou ya u vha mushumi wa ndeme a nga si dodze matope vhungoho na u shuma zwavhudi ha bindu la mune wa laisentsi.

65. U imiswa kana u humiselwa murahu

(1) Bodo i nga, u ya nga khethekanyothukhu (2), imisa lwa tshikhala tsho bulwaho tshi sa fhiri minwedzi ya rathi kana ya humisela murahu laisentsi ya mushumi wa ndeme, musi —

(a) mafhungo a re kha khumbelo ya mushumi wa ndeme o vha e mazwifhi kha zwo netshedzwaho kana ho vha na mafhungo a songo dzheniswaho;

(b) mushumi wa ndeme a tshi nga hanelwa hu tshi tevhedzwa khethekanyo 63;

(c) mushumi wa ndeme o pfuka mbetshelo ya Mulayo uyu kana milayo ya laisentsi; kana

(d) Bodo i tshi khou fushea nga muhumbulo wa uri mushumi wa ndeme ha ngo tsha tea u vha na laisentsi.

(2) Bodo i tea u nea mushumi wa ndeme ndivhadzo yo tou nwalwaho nga ha muhumbulo wa Bodo wa u mu imisa kana u humisela murahu laisentsi ya mushumi wa ndeme nahone i tea u netshedza mushumi wa ndeme tshikhala tsha uri a ambe.

(3) Bodo i nga, fhahulula tshifhinga tshinwe na tshinwe u imiswa hawe hu tshi tevhedzwa khethekanyothukhu (1), arali Bodo i tshi khou fushea nga mihumbulo yo netshedzwaho nga ha u imiswa lwa tshifhinga nyana ha laisentsi arali ho vha na ndila ya u divhuedza.

66. Nyiledzo

A hu na mushumi wa ndeme a re na laisentsi hu tshi tevhedzwa khethekanyo 62 kana 64 a nga —

(a) dzhenelela kha kana u tamba mutambo wa u gembula kha mutshini musi o netshedzwa nga mutholi wawe, nga nnda ha musi arali a tshi khou ita minwe ya mishumo yawe sa mushumi wa ndeme; kana;

(b) u humbela tshelede ya thiphi kana u tanganedza tshelede ya u putiswa, ya u liliswa kana dzinwe mbuelo u bva kha muthu a no khou tamba kana khasitama, kana zwi si zwo vhewaho nga Milayo.

67. Muvhigo wa vhufulufhedzei nga mushumi wa ndeme

(1) Musi hu tshi khou sedzuluswa khumbelo ya laisentsi ya mushumi wa ndeme, Bodo i nga humbela —

(a) manwe mafhungo ha u bva kha muiti wa khumbelo;

(b) thendelo yo tou nwalwaho u bva kha muiti wa khumbelo hu u tendela Bodo kha u wana mafhungo thwii u bva kha muiti wa khumbelo na u tendela uyo muthu uri a netshedze mafhungo ayo; na

(c) muvhigo u bvaho kha —

(i) vhulaedzwa vhunwe na vhunwe ha ndaulo;

(ii) Senthara ya Vhusevhi kha zwa Masheleni;

(iii) Mulangi wa Lushaka wa Vhutshutshisi ha Muvhuso; kana

(iv) Tshumelo ya Mapholisa ya Afrika Tshipembe.

(2) Muvhigo hu tshi tevhedzwa khethekanyothukhu (1) u nga katela —

(a) zwidodombedzwa zwa u farwa hunwe na hunwe zwo rekhodiwaho nga ha muthu, u swika hune izwo zwidodombedzwa zwa tutshelana na mushumo wa Bodo u itela u sedzulusa arali muthu uyo a tshi nga litshiswa kha u wana laisentsi ya mushumi wa ndeme; kana

(b) manwe mafhungo ane tshiimiswa tsho livhiswaho kha khethekanyothukhu (1) (c) tsha nga zwi dzhia sa zwo lugelaho khumbelo.

(3) U itela mishumo ya muvhigo wo tandavhudzwaho kha khethekanyothukhu (1) murado wa Tshumelo ya Mapholisa ya Afrika Tshipembe a nga toda uri muiti wa khumbelo kana muthu a kwameaho uri a bvise mafhungo uho na zwidodombedzwa hu tshi katelwa u gandiswa ha gunwe kana tshanda.

(4) Bodo i tea u isa khophi inwe na inwe ya muvhigo wa vhungoho kha zwo iteaho hu tshi tevhedzwa Mulayo uyu kha Bodo ya u Gembula ya Lushaka u itela uri u dzheniswe kha redzhisitara ya vhungoho ha lushaka.

68. Redzhisitara ya vhashumi vha ndeme

Bodo i tea u dzudza redzhisitara, nga ndila yo netshedzwaho, ya vhashumi vhothe vha re na laisentsi ya u fara khii hu tshi tevhedzwa Mulayo uyu.

NDIMA 12

MITAMBO YA U GEMBULA I SA TENDELWI NAHONE YO ILEDZWAHO

69. Laisentsi ya khombe-khombe

(1) A hu na muthu ane, nga nnda ha musi a laisentsi yo teaho yo bviswaho nga Mulayo uyu —

(a) a nga tshimbidza kana u tendela u tambiwa ha mutambo wa u gembula ufhio na ufhio kana u tshimbidza kana u tendela mutambo wa u gembula ufhio na ufhio munwe na munwe wa u gembula ngomu kana kha zwifhato zwi re nga fhasi ha ndango ya muthu uyo, hu tshi nga vha thwii kana nga inwe ndila; kana

(b) a di dzhenisa, thwii kana nga inwe ndila, kha mafhungo a bisimusi ya u gembula.

(2) A hu na muthu ane —

(a) a nga dzhenelela, tshimbidza, tutuwedza kana u wana mbuelo u bva kha tshikimu, mutambo wa u tou edzisa, mutambo wa u gembula kana u betha

nga nnda ha musi tshikimu itsho, mutambo wa u edzisa, mutambo wa u gembula kana u betsha uho hu na laisentsi hu tshi tevhedzwa Mulayo uyu;

(b) nga nnda ha thendelo ya Bodo, a nga vha na minwe mikovhe ya zwa masheleni thwii kana nga inwe ndila i fhiraho phesenthe thanu kana u fhira, kha bindu la u gembula;

(c) nga nnda ha u vha na laisentsi kana musi zwo fanela a tshi nga vha e na thendelo yo teaho i bvaho kha Bodo, nga ndila ifhio na ifhio a nga kovhekanywa mbuelo dza u gembula; kana

(d) a tshimbidza, tendela u tambwa ha mutambo wa u gembula ufhio na ufhio kha zwifhato zwifhio na zwifhio zwi re nga fhasi ha ndango yawe ho songo rangwa ha wanala laisentsi yo teaho.

70. U Gembula hu siho mulayoni

A hu na muthu ane —

(a) a nga dzidzhenisa kha, u tshimbidza kana u ita uri hu vhe na mitambo ya u gembula arali mvelelo dza mutambo uyo dzo disendeka thwii, nga inwe ndila, nyana kana tshothe kha khonadzeo i elanaho na mutambo kana mushumo une nga wone une a u ho mulayoni hu tshi tevhedzwa mulayo ufhio na ufhio;

(b) tendela mutshini wa u gembula ufhio na ufhio kana kana tshishumiswa tshifhio na tshifhio tsha u gembula tshi re nga fhasi ha ndango ya uyo muthu uri tshi shumiswe kha u itela mutambo wa u gembula wo tandavhudzwaho kha pharagirafu (a);

(c) londola kana u shumisa fhethu hunwe na hunwe, hu nga vha hu na laisentsi kana hu si na sa fhethu ha mitambo ya u gembula yo tandavhudzwaho kha pharagirafu (a); kana

(d) tendela fhethu hunwe na hunwe hune ha vha nga fhasi ha ndango ya ya muthu uyo, hu nga vha hu na laisentsi kana hu si na, uri hu shumiswe u itela mitambo ya u gembula sa yo tandavhudzwaho kha pharagirafu (a).

(e) tendela tshitentsi tshinwe na tshinwe tshi re fhasi ha ndango ya onoyo muthu hu sa sedzwi u vha na laisentsi u tshi shumisa kha ndivho dza u gembula zwo sumbedziswaho kha phara (a)

71. Mitambo na zwithu zwi songo lavhelelwaho

(1) A hu na muthu ane a tea u gembula nga murahu ha mutambo ufhio na ufhio wo iteaho kana zwi songo lavhelelwaho, u fhirisa —

(a) mutambo wa khasino;

(b) bingo;

(c) u shumiswa ha mutshini wa u gembula;

(d) mishumo ya tshipentshela; kana

(e) mushumo wa zwa mitambo.

(2) A hu na muthu ane a tea u gembula kha mutambo kana kha zwithu zwi songo lavhelelwa sa zwo tandavhudzwaho kha khethekanyothukhu (1) e na munwe muthu nga nnda ha mune wa laisentsi yo bviselwaho mutambo uyo kana zwithu zwi songo lavhelelwa.

72. Fhethu ha u gembula

(1) Zwi tshi kwama khethekanyothukhu (2), a hu na muthu ane a nga gembula fhethu hunwe na hunwe hu si fhethu hu re na laisentsi ya u gembula hu tshi tevhedzwa Mulayo uyu.

(2) U gembula nga ndila ya u vhea bet ya lutingo kha mushumo wa zwa mitambo iyo zwi bvelela fhethu hu re na laisentsi, musi mune wa laisentsi a tshi tanganedza na u rekhoda dzibethe fhethu afho hu re na laisentsi.

73. Milayo ya mitambo ya u gembula na u betsha

(1) A hu na muthu ane a nga tamba mutambo wa u gembula kana u betsha arali zwi sa tutshelani na milayo ine ya nga vha yo sedzuluswa kana u tanganedzwa nga Bodo.

(2) Mune wa laisentsi a nga, ho sedzwa mutambo munwe na munwe wa u gembula kana u betha ho themendelwaho nga laisentsi iyo hune a hu na mulayo wo sedzuluswaho nga Bodo, a nga sika milayo i tutshelanaho na u tambwa ha uyo mutambo wa u gembula kana u thomiwa ha u betsha na u isa milayo iyo kha Bodo u itela thendelo.

(3) Mune wa laisentsi u tea uri, nga kha khumbelo ya mutambi munwe na munwe, a vhe hone u itela u lingulula khophi ya milayo yo tendelwaho ya mutambo munwe na munwe wa u gembula kana u betsha.

74. U fhurela na zwishumiswa zwa u fhurela

(1) A hu na muthu ane —

(a) a tea u tendela munwe uri a fhurele kana u shumisa tshishumiswa tshifhio na tshifhio tsha u fhurela kana a netshedza muthu munwe na munwe

mafhungo kana tshishumiswa hu u itela u fhura kha mutambo ufhio na ufhio wa u gembula kana u betsha;

(b) a nga tamba, tendela kana u tana mutambo munwe na munwe wa u gembula u tambwaho nga magarata a re na kana nga tshishumiswa tsha u gembula tsho —

(i) swaiwaho;

(ii) silingwa;

(iii) tsho vhewa nga ndila ine kana tshi shumiswa nga ndila ine tshi fhedza tshi tshi sasaladzisa mune wa laisentsi, vhatambi kana tshitshavha kana u shandukisa khonadzeo ya u monolodza yo doweleaho wa mutambo wa u gembula, kana u dzudzanya kana u shandukisa mvelelo dza mutambo wa u gembula;

(c) a nga shumisa tshipida tsha tshinwe na tshinwe tsha kholekhole, thokheni kana magarata;

(d) a nga pfuka milayo ya mutambo wa u gembula kana u dzhenelela nga ndila inwe na inwe kha tshishumiswa tsha u gembula kana tshinwe tshishumiswa tshi shumiswaho kha u gembula hu na muhumbulo wa u wana khonadzeo ya zwa masheleni thwii kana hu nga inwe ndila, zwi tshi nga vha nga ene mune muthu kana nga munwe muthu;

(e) a shandukisa kana u sa talutshedza nga ndila yone mvelelo dza mutambo wa u gembula kana minwe mitambo hune u betha ho itwa nga murahu ha musi mvelelo dzo divhadzwa fhedzi phanda ha musi dzi tshi divhadzwa vhatambi;

(f) a nga vhea, engedza kana u fhungudza u betsha kana u sedzulusa kutshimbilele kwa mutambo nga murahu ha u wana ndivho, i siho kha vhatambi vhothe, ya mvelelo dza mutambo kana munwe mushumo u

kwamaho mvelelo dza mutambo une wa vha ndivho ya u betsha, kana u thusa munwe na munwe kha u wana ndivho, hu u itela u vhea, engedza kana u fhungudza u betsha kana u sedzulusa kutshimbilele kwa u tamba sa tshigwada kha mushumo uyo kana mvelelo;

(g) a nga fhurela kha mutambo munwe na munwe wa gembula;

(h) a nga ita mbilo, kuvhanganya kana u dzhia, kana u lingedza u vhila, kuvhanganya kana u dzhia, tshelede kana tshinwe na tshinwe tsha ndeme kha kana u bva kha mutambo wa u gembula, hu na muhumbulo wa vhufhura ha tshelede, hu songo thoma ha vha na u betha nga iwe mune, kana u vhila, kuvhanganya kana u dzhia tshelede i fhiraho iyo yo winiwaho;

(i) a nga vhea kana u engedza bethe nga murahu ha u wana ndivho dza mvelelo dza mutambo kana munwe mutambo une u tutshelana na u betha;

(j) a nga fhungudza tshelede yo bethiwaho ngayo kana u thutha bethe nga murahu ha u wana ndivho dza mvelelo dza mutambo kana munwe mutambo une wa tutshelana na u betha; kana

(k) u tutuwedza, muhumbulo muhulwane u wa vhufhura, tshipida tshinwe na tshinwe tshi re tshishumiswa tsha u gembula nga ndila yo fhambanaho na mushumo wo doweleaho sa wa tshithu tshenetsho, hu na ndivho yauri u tutuwedza uho u kwama mvelelo dza mutambo kana hu na ndivho ya mutambo ufhio na ufhio u kwamaho mvelelo dza mutambo kana tshelede yo winiwaho kana u lozwiwa.

(2) U itela mishumo ya khethekanyothukhu (1), "u fhurela" zwi dovha hafhu zwa amba—

(a) u shandukisa u nanguludzwa ha maitele ane a talusa mvelelo dza mutambo wa u gembula kana mbalo kana u dzulela u badelwa kha mutambo wa u gembula; na

(b) u shumiswa ha tshikimu, nzudzanyo, sisiteme kana pulane ine Murado wa Khorotshitumbe nga kha ndivhadzo kha gazete tshifhinga tshothe a nga divhadza uri ndi u fhurela, nahone, "u fhurela" hu na zwine ha amba zwi tshimbilelanaho nazwo.

75. Tsireledzo ya vhana

(1) A hu na muthu, a re nga fhasi ha minwaha ya 18, ane a nga —

(a) dzhena fhethu ho khethelwaho u vha fhethu hu re na laisentsi;

(b) shumisa mutshini wa u gembula kana tshishumiswa tsha u gembula;

(c) fara kana u disa mutambo wa u gembula;

(d) didzhenisa kha zwa u gembula kana mutambo wa u gembula u fhirisa mutambo wa u dimvumvusa; kana

(e) a zwifha nga u vhila uri minwaha yawe i pada 18 kana u fhira, hu u itela u —

(i) kona u swikelela u dzhena fhethu ho khethelwaho uri ndi tshifhato tshi re na laisentsi;

(ii) kona u swikelela u dzhena kha mutshini wa u gembula kana tshishumiswa tsha u gembula; kana

(iii) u didzhenisa, fara kana u vhea mitambo ya u gembula.

(2) Mune wa laisentsi kana muthu a langaho fhethu hu re na laisentsi kana mutshini wa u gembula kana tshishumiswa tsha u gembula ha tei u tendela muthu a re nga fhasi ha minwaha ya 18 u —

(a) dzhena kana u vha e fhethu ho khethelwaho u vha fhethu hu re na laisentsi;

(b) shumisa mutshini wa u gembula kana tshishumiswa tsha u gembula;

(c) fara kana u vhea mutambo wa u gembula fhethu afho hu re na laisentsi; kana

(d) didzhenisa kha mitambo ya u gembula, nga nnda ha u itela mutambo wa u dimvumvusa, ngomu ha afho hu re na laisentsi.

(3) Muthu uyo o bulwaho afho kha khethekanyothukhu (2) u tea u dzhia maga o fanelaho u itela u vhona uri nga ngoho muthu u na minwaha ya fhasi ha 18.

76. Vhathu vho siwaho nnda

(1) Muthu a tamaho u thivhelwa kha u didzhenisa kha mutambo munwe na munwe wa u gembula a nga redzhisitara sa muthu a siiwaho nnda nga u swikisa ndivhadzo ya izwo kha Bodo nga ndila na kuitele kwo randelwaho tshifhinga tshinwe na tshinwe.

(2) Muthu o redzhisitariwaho sa muthu o siwaho nnda hu tshi tevhedzwa khethekanyothukhu (1) a nga swikisa ndivhadzo nga ndila yo netshedzwaho na kuitele arali a tshi toda u khantsela uho u redzhisitariwa tshifhinga tshinwe na tshinwe.

(3) Muthu a nga ita khumbelo kha khothe ya zwa mulayo i divheaho a tshi khou itela ndaela i todaho uri a redzhisitariwa sa muthu o siwaho nnda sa —

(a) murado wa muta wa muiti wa khumbelo;

(b) muthu ane sa muiti wa khumbelo a sa vhe o diimisa kha zwa masheleni lwa tshothe kana sa zwezwo;

(c) muthu ane muiti wa khumbelo a vha o hwala vhudifhinduleli lwa tshothe kana sa zwezwo;

(d) muthu ane u tumanywa na ndaela ya khothe i divheaho kha lauri muthu uyo ha ngo fhelela muhumbuloni; kana

(e) munwe muthu zwawe —

(i) ane muiti wa khumbelo o hwala vhudifhinduleli ha u mu thogomela; nahone

(ii) ane vhudifari hawe vhu zwi sumbedza khagala uri ndi muthu a re na tsumbo dza u vha muthu a tshilaho nga zwidzidzivhadzi kana u na dzema la u gembula.

(4) Arali, nga kha nyimele ya muiti wa khumbelo hu tshi tevhedzwa khethekanyothukhu (3), khothe i tshi nga vhona zwo tea nahone i tshi toda u thivhela muthu uyo a kwameaho kha u didzhenisa kha mitambo ifhio na ifhio ya u gembula, khothe i nga nea ndaela ya uri u redzhisitariwa ha muthu uyo hu dzhiwe sa ha muthu o siiwaho nnda.

(5) Muthu o siiwaho nnda zwo bva kha ndaela hu tshi tevhedzwa khethekanyothukhu (4) a nga, tshifhinga tshinwe na tshinwe, ita khumbelo kha khothe yo itaho ndaela iyo uri i thudzele kule ndaela nahone khothe i nga ita izwo nga murahu ha musi uyo mutheo wa u ita iyo ndaela ya u thoma na manwe mafhungo maswa phanda ha khothe.

(6) Khothe i nga thudzela kule ndaela yo itwaho hu tshi tevhedzwa khethekanyothukhu (3) arali khothe i tshi khou fushea ngauri a zwi tsha amba tshithu nahone zwo tea u thivhela muthu uyo kha u didzhenisa kha mutambo munwe na munwe wa u gembula.

77. Nyiledzo ya u ita tshikolodo

Mune wa laisentsi ha tei u engedza tshikolodo nga ndila ifhio na ifhio nga dzina la mune wa laisentsi kana kha munwe muthu muhumbulo u wa u gembula.

78. Nyiledzo ya u ita khunguwedzo

(1) A hu na muthu ane a tea u ita khunguwedzo kana u tutuwedza mutambo wa u gembula —

(a) nga ndila i si yone kana ya u xedza; kana

(b) nga nnda ha mutambo wa u dimvumvusa, nga ndila yo livhiswaho kana u kunga vhana.

(2) Khunguwedzo ya mutambo wa u gembula, mutshini wa u gembula kana tshishumiswa tsha u gembula kana fhethu hu re na laisentsi nahone hune mitambo ya u gembula ya wanala hone, i tea u —

(a) katela tshitatamennde, nga ndila yo netshedzwaho, khaidzo kha khombo ya u itesa kana dzema la u gembula; na

(b) sa dzheniswa tshipida tshifhio na tshifhio tshine tsha tutuwedza thwii kana nga inwe ndila kana u tutuwedza u bviswa ha muthu u bva kha redzhisitara ya vhathu vho bviswaho.

(3) Khunguwedzo i nga si tutuwedze mutambo munwe na munwe wa u gembula sa zwine zwa wanala kha vhathu mahala kana nga kha luafhulelo lwa fhasisa zwi sa tutshelani na Mulayo uyu, nga nthani ha muhumbulo wa u kunga vhathu.

(4) Murado wa Khorotshitumbe a nga fha thodea dza khunguwedzo ya u gembula.

79. Nyiledzo ya u gembula nga kha mazhendedzi

(1) A hu na muthu ane, lwa mbuelo kana hu si na u vhuelwa —

(a) a nga shuma sa zhendedzi la muthu a re mune wa laisentsi ya u nwala na u badela kha mutshini muhumbulo u wa u betsha nga duvha la mitambo; kana

(b) a nga shuma sa muambeli vhukati ha mune wa laisentsi ya u nwala na u badela kha mutshini na munwe muthu muhumbulo u wa u betsha nga duvha la mitambo.

(2) A hu na muthu ane a nga, zwo livha kana zwi so ngo livha, nea kana u thoma u nea muthu, tshelede kana u tsedzuluso ya zwinwe zwithu zwa ndeme u fhirisa tshelede ya u tamba yo winiwaho nga uyo muthu, u kunga muthu uyo uri a bethe nga duvha la mitambo.

80. U kombetshedzwa u badela tshikolodo tsha u gembula na u imiswa ha u wina hu si ho mulayoni

(1) Nga nnda ha mbetshelo ya mulayo wo doweleaho kana munwe mulayo —

(a) u ya nga pharagirafu (c), tshikolodo tsho itwaho nga muthu e kha mutambo wa u gembula hu re na laisentsi musi hu tshi tevhedzwa Mulayo uyu kana Mulayo wa u Gembula wa Lushaka, 2004, tshi a kombetshedzwa u badelwa u ya nga mulayo;

(b) tshikolodo tsho itwaho nga muthu e kha mutambo wa u gembula hu si ho mulayoni musi hu tshi tevhedzwa Mulayo uyu kana Mulayo wa u Gembula ha Lushaka, 2004 a tshi kombetshedzwi u badelwa u ya nga mulayo;

(c) tshikolodo tsho itwaho kha mutambo wa u gembula —

(i) nga muthu mutuku

(ii) nga muthu o siiwaho nnda; kana

(iii) u betsha hu siho mulayoni a hu kombetshedzi u badela zwi tshi ya nga mulayo.

(2) A hu na muthu ane nga khole a tea u badela o winaho kha mutambo wa u gembula kha —

(a) muthu mutuku;

(b) muthu o siiwaho nnda; kana

(c) munwe muthu zwawe o winaho afho kha mutshini wa u gembula u siho mulayoni hu tshi tevhedzwa uyu Mulayo.

(3) Muthu ane a khou thivhelwa u badela u wina ane a khou ambiwa afho kha khethekanyothukhu (2), u tea u rumela uho u wina hu tshi tevhedzwa khethekanyothukhu 16 (3) na 16 (4) ya Mulayo wa u Gembula wa Lushaka, 2004.

NDIMA YA 13

VHAINGAMELI VHA ZWA MULAYO

NA

VHAINGAMELI VHA SEDZAHO U TEVHEDZWA HA MULAYO

81. U tiwa ha muingameli

(1) Muofisiri Muhulwane wa Khorotshitumbe u tea u nanga muthu o teaho nahone ane a vha na ndalukano sa ene muingameli, kha u ita mushumo, zwi tutshelana na masia na ndaulo ya Bodo, mishumo yo netshedzwaho muingameli wa zwa mulayo kana muingameli a sedzanaho na u tevhedzwa khethekanyo 82 kana 83.

(2) (a) Muofisiri Muhulwane wa Khorotshitumbe u tea u netshedza muingameli o teaho hu tshi tevhedzwa khethekanyothukhu (1) nga thanziela yo netshedzwaho hu u sumbedza u tiwa.

(b) Thanziela ya u tholwa i tea u sumbedza arali muingameli e muingameli wa zwa mulayo kana muingameli a sedzaho u tevhedzwa ha mulayo.

(3) Musi muingameli a tshi ita mushumo hu tshi tevhedzwa Mulayo uyu, muingameli u tea u, nga thodea ya khamphani yo kwameaho nga mishumo ya muingameli uyo, u tea u bvisa thanziela ya u tholwa yo bviswaho hu tshi tevhedzwa khethekanyothukhu (2).

(4) Muingameli a nga si tanganedze ndiliso, mphomali kana dzinwe mbuelo u bva kha ufhio na ufhio musi a tshi khou ita mushumo nahone a huna muthu ane a nga netshedza kana u fha iyo ndiliso, mphomali kana mbuelo kha muingameli.

(5) Minisita wa Vhulamukanyi a nga musi hu tshi tevhedzwa khethekanyo 334 ya Mulayo wa Matshimbidzelwe a Vhugevhenga, 1977, nga kha ndivhadzo kha gazete a divhadza vhaingameli uri vha vhe vhaofisiri vha tshipholisa na u talutshedza maanda avho kha ndivhadzo iyo.

82. Maanda na mishumo ya muofisiri a sedzaho u sa pfukwa ha mulayo

(1) U itela mushumo wa Mulayo uyu, muingameli a sedzaho u tevhedzwa ha mulayo tshifhinga tshinwe na tshinwe a songo thoma a nea ndivhadzo, a nga dzhena fhethu hu re na laisentsi, nahone a nga—

(a) tola kana a setsha fhethu afho hu re na laisentsi;

(b) lavhelesa mutambo munwe na munwe wa u gembula kana kushumele kana minwe mitambo i tutshelanaho na khasino, kana minwe mitambo ya khasino, hu tshi katelwa u vhalwa ha tshelede, dzichips, tsireledzo kana tshinwe tshithu tsha ndeme;

(c) lavhelesa u rekhodiwa hunwe na hunwe ha kushumele kana mitambo yo bulwaho kha pharagirafu (b);

(d) u sedza arali kushumele kwa khasino kana mushumo munwe na munwe wa u gembula hunwe fhethu hu re na laisentsi hu khou tshimbidzwa na u langiwa zwavhudi nahone mbetshelo dza Mulayo uyu na nyimele dzi tumanywaho na laisentsi dzi khou tevhedzwa;

(e) khumbelo i bvaho kha muthu o hwalaho vhudifhinduleli ha fhethu yauri nga u tavhanya a bvise—

(i) laisentsi kana thanziela i todeaho hu tshi tevhedzwa Mulayo uyu;

(ii) tshishumiswa tsha u gembula, chips, tshelede, bugu, dziakhaunthu, rekhodo, manwalo; kana

(iii) zwishumiswa zwinwe zwo lugelaho u shumiswa kha u tumanywa na u gembula;

(f) tole, sedza na u edzisa tshishumiswa tshinwe na tshinwe tsha u gembula kana dzichips dzo wanalaho kana nga kha fhethu afho hu shumiswaho kana hu tshi khou humbulelwa kha u vha ho tumanywa na u gembula;

(g) tola na u sedza tshelede, bugu, akhaunthu, rekhodo, tshitatamennde tsha tshelede, linwalwa na tshithu tshinwe na tshinwe tsho wanalaho kana nga kha fhethu afho hu shumiswaho kana hu tshi khou humbulelwa kha u vha ho tumanywa na u gembula na u ita khophi yatsho kana ha tou bviswa tshipida tsha tshithu tshenetsho;

(h) vhudzisa mune wa laisentsi kana muthu ane a dzhiwa sa o teaho kha nga muingameli a sedzaho hu tshi pfukwa mulayo uri a vhe ene a langaho fhethu nga tshifhinga itsho, zwi tshi kwama u dzheniswa kha bugu, akhaunthu, rekhodo na manwalo kana mafhungo a kwamaho tshishumiswa tshinwe na tshinwe, chips kana tshelede; na

(i) u dzhia na u bvisa, zwi sa tutshelanaho na mafhungo a rasithi yo netshedzwaho, tshishumiswa tshinwe na tshinwe tsha u gembula, chips, tshelede, bugu, rekhodo dza akhaunthu, linwalwa, khompyutha kana zwishumiswa zwinwe na zwinwe zwo wanalaho henefho kana nga kha fhethu hu shumiswaho kana hu humbulelwaho kha u shumiswa zwi tshi kwama u gembula nahone hune nga kha muhumbulo wa muingameli wa u

sa pfukwa ha mulayo a nga wana mafhungo ha khomishini ya vhukhakhi hu tshi tevhedzwa Mulayo uyu, kana ha vha thuso kha tsedzuluso ya vhukhakhi ho itwaho kana hu no khou humbulelwa.

(2)(a) Muingameli wa u sedza u sa pfukwa ha mulayo a nga wana nahone a todisisa mbilaelo u bva kha vhathu vha dzhenelelaho kha zwa u gembula kana vhalambedzi vha fhethu hu re na laisentsi.

(b) Muingameli wa mbilaelo u tea u netshedza Bodo muvhigo vhu kwamaho mbilaelo dzi sumbedzaho mawanwa manwe na manwe tsedzuluso na u netshedza dzilafho kha Bodo.

(3) Muingameli wa u pfukwa ha mulayo a nga toda mune wa laisentsi kana mulanguli wawe kana muthu munwe na munwe a kwamanyiswaho na u tshimbidzwa kana u langa khasino kana fhethu hu re na laisentsi, uri a divhonadze phanda ha muingameli wa u pfukwa ha mulayo nga tshifhinga na fhethu ho nangwaho nga muingameli wa u pfukwa ha mulayo hu u itela u fhindula mbudziso kana u netshedza mafhungo vhune muingameli wa u pfukwa ha mulayo a vhu dzhia hu ha ndeme kha u itela tsedzuluso.

(4) Musi tshinwe na tshinwe tshi tshi dzhiwa na u bviswa nga ndila yo sumbedziswaho kha khethekanyothukhu (1) —

(a) muthu ane ndi ene munwe wa zwo dzhiiwaho kana a langa zwithu izwo, u tea uri nga tshifhinga tshi sa fhedzi mbilu nahone a tshi khou shumisa tshelede yawe, a tendelwe u ita dzikhophi kana a dzhie zwinwe zwipida u bva afho, hu nga fhasi ha u lavheleswa nga muingameli wa u pfukwa ha mulayo; nahone

(b) zwithu zwo dzhiiwaho na u bviswa zwi nga vhewa lwa tshifhinga tshi todwaho nga muingameli wa u pfukwa ha mulayo nahone hune izwo zwishumiswa zwa todwa kha matshimbidzelwe afhio na afhio a Bodo zwi nga vhewa u swika u matshimbidzelwe ayo a tshi fhelela, hune nga murahu

Bodo i tea u sedza uri zwishumiswa izwo zwi nga vhuiswa, iledzwa kana u dzudzanywa nahone nga ndila ya kudzudzanyele kwone.

(5) Musi muingameli wa u pfukwa ha mulayo e na zwi mu swikisaho kha u tenda uri —

(a) mbetshelo ya Mulayo uyu;

(b) ndayo dza Bodo; kana

(c) nyimele dza laisentsi,

dzo pfukwa, muingameli wa u pfukwa ha mulayo u tea u ita tsedzuluso ya mafhungo nahone u tea u fha Bodo mawanwa a muvhigo wa tsedzuluso idzo.

(6) A hu na muthu ane a nga —

(a) thivhela kana u khakhisa muingameli wa u pfukwa ha mulayo kha u itwa ha mishumo kana maanda awe;

(b) musi muingameli wa u pfukwa ha mulayo o humbela thalutshedzo kana mafhungo a tutshelanaho na mafhungo ane muthu uyo a a divha, afho thalutshedzo kana mafhungo ane a si vhe a vhukuma kana a no xedza, ngeno a tshi zwi divha uri ndi mazwifhi kana mafhungo ayo ndi a u xedza; kana

(c) u di amba mazwifhi u tshi di ita sa muingameli wa u pfukwa ha mulayo.

83. Maanda na mishumo ya muingameli wa zwa mulayo

(1) Muingameli wa zwa mulayo ndi muofisiri wa zwa tshipholisa hu tshi tevhedzwa Mulayo wa Matshimbidzelwe a zwa Vhugevhenga, 1977 nahone u na —

(a) maanda o hweswaho muofisiri wa tshipholisa kana muofisiri wa zwa tshipholisa hu tshi tevhedzwa Ndima 2;

(b) maanda a u fara muthu hu si na thendelo ya u fara hu tshi tevhedzwa khethekanyo 40(1);

(c) maanda o hweswaho muofisiri wa tshipholisa nga fhasi ha khethekanyo 41(1);

(d) maanda a u shumana na manwalo a u fara hu tshi tevhedzwa khethekanyo 44;

(e) maanda a u bvisa ndivhadzo yo tou nwalwaho hu tshi tevhedzwa khethekanyo 56; na

(f) maanda a u bvisa ndivhadzo yo tou nwalwaho hu tshi tevhedzwa khethekanyo 341, na Mulayo wa Matshimbidzelwe a Vhugevhenga, 1977

(2) Hu tshi tevhedzwa maanda o hweswaho kha khethekanyothukhu (1), muingameli wa u pfukwa ha mulayo a nga dzhena na u setsha zwifhato zwinwe na zwinwe hune zwa khou humbulelea uri —

(a) khasino kana mutambo munwe na munwe wa u gembula u khou tshimbidzwa hu si na laisentsi; nahone;

(b) u gembula hu si ho mulayoni, sa zwe zwa sedzuluswa zwone kha khethekanyo 70, hu khou itwa.

(3) A hu na muthu ane a nga —

(a) khakhisa kana u thivhela muingameli wa mulayo musi a tshi khou ita mushumo kana maanda awe;

(b) musi muingameli wa u pfukwa ha mulayo o humbela thalutshedzo kana mafhungo a elanaho na mafhungo ane muthu uyo a a divha, a fha

thalutshedzo kana mafhungo ane ha si vhe a vhukuma kana a xedzaho, ngeno a tshi zwi divha uri ndi mazwifhi kana a a xedza; kana

(c) u di amba mazwifhi u tshi di ita sa muingameli wa u pfukwa ha mulayo.

84. U thivhela u dzhena

(1) Muingameli a nga setsha muthu munwe na munwe nga fhasi ha mulayo kana a dzhena zwifhato zwinwe na zwinwe, a nga shumisa maanda ayo arali a tshi vhona zwo tea u fhenya u hanedzana na u setsha, hu katelaho u vundwa ha vothi kana fasitere la tshifhato itsho: Nnda ha musi muingameli a tshi nga thoma a humbela thendelo kha tshifhato na u divhadza muhumbulo muhulwane wa u toda u dzhena kha zwifhato izwo.

(2) Ndaulo i re kha khethekanyothukhu (1) a i shumi hune muingameli a kwameaho a themba kuhumbulele kwawe kha lauri zwi re kha tshitenwa tshinwe na tshinwe tsha u setsha zwi nga tshinyadzwa kana u thuthwa arali ho thoma ha vha na u kuvhanganywa ha mbetshelo ya ndaulo yo bulwaho.

NDIMA 14

MBETSHELO DZO FHAMBANAHO

85. Ndaulo

(1) Murado wa Khorotshitumbe nga ndivhadzo kha gazete a nga sika ndaulo zwi tshi kwama —

(a) mafhungo manwe na manwe a tshimbilelanaho na Bodo;

(b) mafhungo manwe na manwe a tshimbilelanaho na khumbelo ya laisentsi kana u nwalisa;

(c) ndangulo na ndango ya fhethu hu re na laisentsi;

(d) u bviswa, khomishini kana dzinwe mbadelo dzine mune wa laisentsi a nga dzi toda;

(e) tshelede ya mutatisano ine mutambo munwe na munwe wa u gembula ya nga tambelwa;

(f) Ndangulo na ndaulo ya mbambe ya dzibere;

(g) zwa laisentsi ya mushumi wa ndeme;

(h) fhethu ha u gembula;

(i) tshelede na muthelo u no badelwa nga vhaiti vha khumbelo na vhane vha laisentsi;

(j) thodea dza khunguwedzo ya u gembula;

(k) zwidodombedzwa zwi tshi kwama zwishumiswa zwa u gembula hu tshi katelwa dzichips na dzithokene;

(l) u monithara, sisiteme ya surveillance na mashumele a zwo bulwaho;

(m) u vhewa ha rekhodo;

(n) tshivhalo, u kovhekanya na fhethu hu re na mitshini i re nnda ha casino;

(o) zwithu zwine Bodo ya tea u zwi dzhiela nzhele musi i tshi sedzulusa khumbelo ya laisentsi;

(p) musi mune wa laisentsi a sa tendelani na tsheo; na

(q) mafhungo manwe na manwe o teaho kha u bveledzisa ndivho ya Mulayo uyu.

(2) Ndaulo dzo itwaho hu tshi tevhedzwa khethekanyothukhu (1) dzi nga netshedza mulifho kha u pfukwa ha kana u sa tevhedzela mbetshelo ifhio na ifhio yo bulwaho ya ndaulo, ine ya nga katela mulifho kana u gwevhiwa zwo fanelaho.

(3) Ndaulo dzo fhambanaho dzi nga itwa nga fhasi ha khethekanyo iyi ho sedzwa tshaka nnzhi dza laisentsi, laisentsi dza lushaka luthihi dzo tou fhambana vhunzani khadzo, zwigwada zwo fhambanaho zwa vhathu kana fhethu ho fhambanaho.

86. Ndayo ya Bodo

(1) Bodo i nga, ho vha na vhukwamani na Murado wa Khorotshitumbe, nahone na nga ndivhadzo kha gazette, ya sika milayo i sa tutshelani na mbetshelo dza Mulayo uyu zwi tshi elana na u shumiswa ha maanda ayo na mashumele a mishumo yayo, hu tshi katelwa—

(a) mafhungo manwe na manwe a tshimbilelanaho na khumbelo ya laisentsi kana u nwalisa;

(b) ndangulo na ndaulo ya fhethu hu re na laisentsi na mafhungo a u gembula;

(c) milayo ya u tamba mutambo munwe na munwe wa u gembula, bingo na u betha;

(d) maga a ndaulo ya ngomu kha vhane vha laisentsi;

(e) dzibugu, akhaunthu na rekhodo dzi teaho u vhulungwa na u iswa;

(f) mafhungo manwe na manwe a tshimbilelanaho na mishumo ya Bodo; na

(g) mafhungo manwe na manwe ane, hu tshi tevhedzwa Mulayo uyu a todea kana u tendelwa uri a sedzuluswe.

(2) Ndayo hu tshi tevhedzwa khethekanyothukhu (1) i nga laula mulifho wa u pfukwa ha kana u sa tevhedzwa ha mbetshelo ifhio na ifhio yo bulwaho ya Milayo, ine ya nga katela mulifho wo fanelaho.

87. Vhudifhinduleli, u tolwa na mivhigo

(1) Bodo ndi yone vhulaedzwa vhu na vhudifhinduleli nahone i tea u vhona uri ndangulo yayo ya zwa masheleni, u vha na vhudifhinduleli na u vhiga zwi khou itwa hu tshi tevhedzwa Mulayo wa Ndangulo ya Masheleni a Vhathu, 1999.

(2) Bodo i nga andadza mbalombalo kana mafhungo nyangaredzi nga ha mitambo ya u gembula kha vundu.

88. Khanedzano ya tsheo nga mulambedzi

Hune mune wa laisentsi a hana u badela tshelede yo winiwaho kha mutambi na uri mune wa laisentsi na mutambi vha si swikelele kha u tandulula dziphambano, dziphambano idzo dzi tea u tandululwa u ya nga matshimbidzelwe o netshedzwaho.

89. Malamba a tsevhi

Nga nnda ha zwinwe zwi sa tshimbilelani na mulayo, Bodo i nga, zwi tshi bva kha tshikwama tshayo, badela u ya nga tshelede ine Bodo ya nga i toda kha muthu munwe na munwe o bvisaho mafhungo a livhisaho kha u farwa ha muthu o pfukaho mbetshelo ya Mulayo uyu.

90. Vhudifhinduleli vhu shushaho

(1) Musi mulanguli wa bindu ane laisentsi ya khou amba nga halo, kana vhaimeli kana mushumi wa mune wa laisentsi, a tshi nga ita mushumo kana a litsha u ita mushumo munwe na munwe zwine zwa nga vha vhukhakhi hu tshi tevhedzwa Mulayo uyu kha mune wa laisentsi a kwameaho kana a litsha u zwi ita, mune wa

laisentsi o di hatula ene mune kha uri a zwi ite kana u sa zwi ita, nga nnda ha musi a tshi nga fusha khothe nga u amba uri—

(a) ha ngo luka maano kha kana u tendela mishumo iyo kana u sa itwa hazwo nga mulanguli, zhendedzi kana mushumi a kwameaho;

(b) o dzhia maga o teaho kha u thivhela zwiito izwo kana u zwi litshisa; na

(c) u ita kana u bviswa, zwo vha mulayoni kana hai, kha u badeliswa hu songo sedzwa nyimele nahone hu si nga fhasi ha nyimele i welaho nga fhasi ha mashumele a maanda kana mushumo wa mulanguli, zhendedzi kana mushumi a kwameaho.

91. Vhukhakhi na ndatiso

(1) Muthu munwe na munwe ane—

(a) o fara mushumo munwe na munwe une ha todea laisentsi hu tshi tevhedzwa Mulayo uyu, hu si na laisentsi iyo;

(b) a netshedza tshitatamennde tsha mazwifhi musi u tshi ita khumbelo kana matshimbidzelwe nga fhasi ha u

yu Mulayo;

(c) netshedza zwitatamennde zwi si zwone kha khumbelo kana kha kutshimbidzelwe kwa zwithu nga fhasi ha Mulayo uyu;

(d) a thivhela kana a khakhisa Murado wa Bodo, muingameli, muofisiri wa tshipholisa musi a tshi toda u thivhela kana u ita thoduluso ya vhukhakhi fhasi ha uyu Mulayo;

(e) u amba mazwifhi kha uri u muingameli kana a fha thalutshedzo kana mafhungo kha muofisiri wa mapholisa kana muingameli ane a si vhe a vhukuma nahone ane a xedza;

(f) tendela kana u sa tendela muthu kha u ri a dzhene fhethu hu re na laisentsi;

(g) musi o vhidzwa uri a nee mafhungo kha dzulo la u thetshelesa kana la tsedzuluso, hu si na zwithu zwa ndeme zwo, mu kundisaho —

(i) u dzhenelela u thetsheleswa uho, tsedzuluso idzo kana thodisiso idzo nga tshifhinga na fhethu ho bulwaho kha linwalo la u vhidzwa;

(ii) u dzulela u ya u thetshelesa u swikela u thetshelesa hu tshi fhela, tsedzuluso kana thodisiso nga tshifhinga na fhethu ho bulwaho kha linwalo la u vhidzwa;

(iii) u dzulela u ya u thetshelesa u swikela u thetshelesa hu tshi fhela, tsedzuluso kana thodisiso u swikela a tshi vhofhololwa nga Bodo kha u isa phanda na u dzhenelela;

(iv) u bvisa bugu inwe na inwe, linwalo kana tshithu tshawe kana tshe a tshi vhulunga kana tshi re nga fhasi ha ndangulo yawe, tshine o humbelwa uri a tshi bvise;

(h) musi o divhadzwa nga Bodo hu tshi tevhedzwa Mulayo uyu, hu si na zwa ndeme zwo mu thivhelaho, a hana u —

(i) ita muano kana u divhofha sa thanzi nga murahu ha musi o divhadzwa nga Murado wa Bodo a tshimbidzaho u thetshelesa uho, tsedzuluso kana thodisiso uri a ite ngauralo;

(ii) nea mafhungo kana, u ya nga mulayo u tshimbilelanaho na pfanelo dzo teaho muthu a neaho mafhungo kana u bvisa bugu, linwalo kana tshinwe tshithu phanda ha khothe ya mulayo;

(iii) kana u kundelwa u fhindula lwo fhelelaho nahone zwi fushaho u ya nga ndivho yawe lwa vhukuma na zwine a tenda khazwo kha mbudziso inwe na inwe ye a vhudziswa; kana

(i) nga murahu ha musi o dzhia muano kana o tenda u do amba ngoho, a fhedza a netshedza mafhungo a si a ngoho phanda ha Bodo kha u thetshelesa uho, tsedzuluso kana thodisiso kha mafhungo ayo, a tshi divha uri mafhungo ayo ndi mazwifhi; u ita vhukhakhi nahone a vha o tewa nga u gwevhiwa nga mulifho kana u dzula dzhele kana vhuvhili ha izwo zwi re mulifho na u dzula dzhele.

U na mulandu wa vhukhakhi nahone o fanelwa nga u badela kana u valelwa dzhele kana zwothe yeneyo ndatiso na u valelwa.

(2) Muthu ane a vha, a si na laisentsi yo fanelaho kana i sa tutshelanaho na mbetshelo dza Mulayo uyu, a wanala e na —

(a) tshishumiswa tshinwe na tshinwe tsha u gembula;

(b) mutshini wa u gembula;

(c) rolo ya theiphi yo itelwaho u shumiswa kha mutshini wa u gembula;

(d) tshishumiswa tshine tsha nga vha mutshini wa u gembula fhedzi tshine tsho bviswa zwinwe zwa zwipida zwatsho kana tsho dzudzanyululwaho nga huswa;

(e) tshishumiswa tsho itelwaho u sumbedza rolo lwa elekithironikhala i shumiswaho kha mutshini wa u gembula;

(f) tshishumiswa tsho itwaho sa mutshini wa u gembula nahone tshi shandukiselwaho tshifhinga tshinwe na tshinwe kha uri tshi si tsha kona u badela tshelede kana thokeni, hone tshi tshi nga konisa uri mutambi a wine tshelede kana hai;

(g) phurogireme ya khompyutha i tendelaho mutambi kha uri a bvise tshelede yo winiwaho kha mutshini wa u gembula u ya kha inwe khompyutha kana kha tshishumiswa tsha u dzudza mafhungo tshi re nnda;

(h) mutshini wa khompyutha une zwihuluhulu wo itelwa kana wo fhatelwa u shumiswa kha u tamba mitambo sa zwo sumbedzwaho kha pharagirafuthukhu (f) kha khompyutha; kana

(i) linwalo, bugu, rekhodo, tshishumiswa kana thulusi kana tshithu tshi shumiselwaho mushumo wa kana tshi tumanywaho na vhukhakhi vhu re nga fhasi ha Mulayo uyu,

(3) Muthu a pfukaho zwitenwa zwi re kha khethekanyo 36(5), 40, 42(1), 42(4), 42(5), 43(2), 45(4), 47, 48, 49(2), 49(3), 49(5), 50(5), 50(6), 51(4), 51(5), 52(3), 52(4), 52(5), 53(1), 54(1), 55(1), 56(1), 57(4), 58(1), 58(5), 60(3), 61(1), 61(2), 61(4), 61(5), 61(6), 62(2), 62(3), 66, 69, 70, 71, 72(1), 73, 74, 75, 77, 78(1), 78(2), 78(3), 79, 80(2), 80(3), 81(4), 82(3), 82(6) kana 83(3) u vha o ita vhukhakhi nahone u vha o livhana na mulandu wa mulifho kana u dzula dzhele kana zwothe zwi re mulifho na u dzula dzhele.

(4) Ndifhiso dzothe dzo kombetshedzwaho hu tshi tevhedzwa Mulayo uyu dzi engedzwa kha Tshikwama tsha Mbuelo ya Vundu

(5) Musi muthu o wanala vhukhakhi hu tshi tevhedzwa Mulayo uyu kana a badela mulifho wa thenda mulandu u ya nga zwo bulwaho hu tshi tevhedzwa khethekanyo 57 ya Mulayo wa Matshimbidzelwe a zwa Vhugevhenga, 1977, mbadelo dzothe dza u endedzwa kana u vhewa ha mutshini munwe na munwe wa u gembula kana tshishumiswa tsha u gembula, thulusi kana tshinwe tshithu nga ndila ye vhukhakhi ha itwa ngaho kana tshe tsha shumiswa kha u tshimbidza vhukhakhi kana tshe tsha wanala tshi na muthu o wanalaho mulandu, kana u lingwa kha zwenezwo nga vha Tshiimiswa tsha Milayo ya Maimo tsha Afrika Tshipembe, tshi tea uri musi hu tshi engedzwa mulifho kana mulifho wo bviswaho, i badelwe nga muthu uyo.

92. U dzhiululwa

Khothe i nga, nga murahu ha u wana muthu mulandu hu tshi tevhedzwa Mulayo uyu, divhadza u dzhiululwa nga Bodo ha—

(*a*) tshelede yothe, masetha, zwitatamennde zwa u badela kana notsi dza zwo langanwaho u badelwa kana manwalo a u sumbedza tsireledzo kana u sumbedza mafhungo a u badelwa ha tshelede yo wanalaho kha kana fhethu hunwe na hunwe hu si na laisentsi kana kha muthu munwe na munwe we a vha e kha kana e fhethu afho;

(*b*) bugu dzothe, mitevhe, magarata, manwalo kana manwe mabammbiri, kana thulusi inwe na inwe, mutshini kana tshinwe tshithu tsha kana tshi shumiswaho kana tsho itelwaho u shumiswa zwi tutshelanaho na u gembula hu wanalaho kha kana fhethu afho; na

(*c*) ndaka inwe na inwe i sa sudzuluswi, tshiendedzi, vesele, bufho, khontheina kana tshinwe tshithu tshi shumiswaho zwi tutshelanaho na vhukhakhi.

93. U netshedza maanda

(1) Hu tshi tevhelwa khethekanyothukhu Bodo i nga hwesa maanda kha murado nga u tou nwala, komiti, mushumi wa kha Bodo kana Muofisiri Muhulwane wa zwa Masheleni, maanda mushumo kana ndivhanelo zwo hweswaho kha Bodo hu tsi tevhedzwa Mulayo uyu, nga nnda ha maanda a u dzhia tsheo i tutshelanaho na netshedza, u khwinisa kana u fhelisa laisentsi.

(2) Bodo i nga hwesa maanda kha Komiti ya Bodo a uri i dzhie tsheo zwi tshi tutshelana na u netshedza, u khwinisa kana u fhelisa laisentsi dzi tevhelaho:

(a) laisentsi ya tshumiso ya fhethu ha mitshini ya mbadelo dzo kalwaho hu tshi tevhedzwa khethekanyo 23 (2) (b);

(b) laisentsi ya fhethu ha mitshini ya mbadelo hu tshi tevhedzwa khethekanyo 23 92) (h);

(c) laisentsi dza sipeshala hu tsi tevhedzwa khethekanyo 23 (2) o); na

(d) laisentsi ya vhashumi vha ndeme hu tshi tevhedzwa khethekanyo 23 (2) (p)

(3) Maanda a u netshedza tshelede ya ndatiso ha laedzwi, nga nnda ha kha komiti ya mirado i swikaho miraru ya kha Bodo.

(4) Muofisiri Muhulwane wa Khorotshitumbe a nga hwesa maanda manwe na manwe kana maanda e a hweswa kana o netshedzwahop kha Muofisiri Muh8lwane wa Khorotshitumbe nga kana fhasi ha uyu Mulayo kha –

(i) mushumi munwe ufhio na ufhio wa ane a vha na ndivho kana tshenzhemo; kana

(ii) muthu munwe ufhio na ufhio, nga murahu ha u kwamana na Bodio.

5. Muthu munwe na munwe ane a vha o hweswa maanda kana o tendelwaho u shuma mushumo fhasi ha iyi khethekanyo u tea u shumisa aneyo maanda kana u shuma wonoyo mushumo hu tshi tevhelwa zwenezwo zwine muthu o mu hweswaho maanda kana o mu tendelaho u shuma a vhona zwo tea.

(6) U hweswa maanda hunwe na hunwe kana u tendelwa u shuma mushumo hu tsi tevhedzwa iyi khethekanyo –

(a) hu tea u itwa nga u tou nwala;

(b) a vhu thivheli muthu o hwesaho kana o tendelaho u itwa ha izwo zwithu uri a shumise aneyo maanda kana a shume wonoyo mushumo ene mune; na

(c) zwi nga humiswa tshifhinga tshinwe na tshinwe nga onoyo muthu.

(7) Zwinwe na zwinwe zwine zwa nga itwa musi hu tshi khou shumiswa kana u netshedzwa maanda, ndivhanelo kana mushumo zwi dzhiwa sa zwo itwaho nga Bodo kana Muofisiri Muhulwane wa Khorotshitumbe, sa zwine zwa nga dzhiiswa zwone.

94. U didzhenisa ha vhoramilayo vha muvhuso

Bodo i nga si dzhie maga a zwa mulayo kana ya dzhia maga manwe na manwe a zwa mulayo i so ngo kwama vhoramilayo.

95. U phumulwa ha milayo

Mulayo wa u Gembula wa Vundu la Limpopo, 1996 (Mulayo No. 4 wa 1996) afha u khou phumulwa.

96. Dzina lipfufhi namathomo

(1) Mulayo uyu ndi Mulayo wa u Gembula wa Limpopo, 2013 nahone u khou thoma u shuma nga datumu yo dzudzanywaho nga Premia kha mulevho nga gazethe.

(2) Datumu dzo fhambanaho na dzone dzi nga dzudzanywa ho sedzwa khethekanyo dzo fhambanaho dza Mulayo uyu.

SHEDULU 1

MBETSHELO PFUKELI

1. Thandavhudzo

Kha Shedulu iyi —

"datumu ya u thoma u shuma" zwi amba datumu ye Mulayo uyu, kana inwe mbetshelo i tutshelanaho yo bulwaho afho ntha, ya thoma u shuma hu tshi tevhedzwa khethekanyo 95; na

"Mulayo wo fhiraho" zwi amba Mulayo wa u Gembula wa Vundu wa Limpopo, 1996 (Mulayo No. 4 wa 1996).

2. U vhulunga nyangaredzi ha pfanelo, ndivhadzo, ndivhanelo na zwinwe zwishumiswa

(1) Pfanelo inwe na inwe, maanda, u diphina nga ndugelo nga kana vhudifhinduleli ho hweswaho kha nnyi na nnyi hu tshi tevhedzwa mbetshelo ya Mulayo uyo wo fhiraho, u songo shumiswaho, fushaho kana wo bviswaho nga u tavhanya hu saathu swika duvha la u thoma u shuma, u dzhiwa sa pfanelo dza vhukuma, ndugelo, vhugala kana u vha na vhudifhinduleli ho hweswaho kha muthu uyo hu tshi tevhedzwa mbetshelo ifhio na ifhio i vhambedzwaho kha Mulayo uyu, u tou bva duvha le pfanelo, ndugelo, vhugala kana vhudifhinduleli ha thoma ngalo.

(2) Ndivhadzo yo netshedzwaho nga muthu ufhio na ufhio kha munwe hu tshi tevhedzwa mbetshelo ifhio na ifhio ya Mulayo wo fhiraho i dzhiwa sa ndivhadzo yo diswaho hu tshi tevhedzwa mbetshelo ifhio na ifhio i vhambedzwaho ya Mulayo uyu, u bva datumu ye ndivhadzo iyo ya netshedzwa nga fhasi ha Mulayo uyu.

3) Linwalo line, hu saathu swika datumu yalo ya u thoma u shuma, la vha lo netshedzwa zwi tshimbilelanaho na Mulayo wo fhiraho li dzhiwa sa lo netshedzwaho lu fushaho hu u itela Mulayo uyu.

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(4) Ndaela yo netshedzwaho nga Bodo hu tshi tevhedzwa mbetshelo inwe na inwe ya Mulayo wo fhiraho we wa vha u tshi khou shuma na zwenezwo musi datumu ya u thoma u shuma i tshi swika u isa phanda na u shuma zwi tshi ya nga mbetshelo dza Mulayo uyu.

(5) Laisentsi yo bviswaho hu tshi tevhedzwa Mulayo wo fhiraho nahone une wo thoma u shuma na zwenezwo nga murahu ha duvha la u thoma hawo u shuma, zwi tshi ya nga mbadelo dza tshelede na mithelo, i dzhiwa sa laisentsi yo bviswaho hu tshi tevhedzwa Mulayo uyu na u isa phanda na u shuma, ho sedzwa mbetshelo dza Mulayo uyu.

(6) Khumbelo ya laisentsi yo diswaho hu tshi tevhedzwa Mulayo uyu, i tea u shumaniwa nayo hu tshi tevhedzwa mbetshelo dza Mulayo wo fhiraho, nga nnda ha u thoma u shuma ha Mulayo uyu.

(7) Muofisiri wa Tshipholisa o tiwaho hu tshi tevhedzwa khethekanyo 334 ya Mulayo wa Matshimbidzelwe a Vhugevhenga, 1977 (Mulayo No.51 wa 1977) u itela Mulayo wo fhiraho, u isa phanda na u vha Muofisiri wa Tshipholisa u itela Mulayo uyu.

(8) Mulayo wa u thusedza wo bviswaho hu tshi tevhedzwa Mulayo wo fhiraho u isa phanda na u shuma nga fhasi ha mbetshelo dzi tshimbilelanaho dza Mulayo uyu, u swika u tshi phumulwa.

(9) Thanziela yo bviswaho kha muingameli hu tshi tevhedzwa Mulayo wo fhiraho na zwenezwo hu saathu swika datumu ya u thoma u shuma, i dzula i ya vhukuma sa thanziela yo bviswaho hu tshi tevhedzwa Mulayo uyu, u swika i tshi fhelelwa nga mushumo kana ya imiswa nga Bodo.

(10) Hune sisiteme ya elekithironiki, khomphyutha kana vhudavhidzano kana tshishumiswa zwo itelwaho u pfukhisa kana u tanganedza mafhungo a tutshelanaho na kushumele kwa mutshini kana tshishumiswa tshinwe na tshinwe na u dzhiiwa sa sisiteme ya u monithara i so ngo wanaho laisentsi u bva kha vha

Bodo, mune wa laisentsi u tea u, hu saathu fhela tshikhala tsha minwedzi ya 12 u bva duvha le laisentsi iyo ya sisteme iyo ya u monithara ya elekithironiki ya thoma u shuma, a wane laisentsi yayo.

3. Bodo ya u Gembula ya Limpopo na tshitafu

(1) Murado wa Bodo u isa phanda na u vha murado u bva kha datumu ye a tiwa, o di fara honoho vhuimo hawe huthihi u swika duvha la u fhela ha themo hune muthu uyo a vha o tetshelwa hone hu tshi tevhedzwa Mulayo wo fhiraho.

(2) Murado wa tshitafu o tiwaho fhasi ha Mulayo wo fhiraho phanda ha datumu ya u thoma ha uyu Mulayo u isa phanda na vhuimo uho hawe he a tetshelwa hu tshi tevhedzwa Mulayo uyu.

This is to certify that this Act has complied
With the Standing Rules and Orders of the
House and was duly adopted by the Honourable
House on this 05 Day of 12 2013

Signed: ..... Date: 05/12/2013
SPEAKER OF THE LIMPOPO LEGISLATURE

VULAWURI BYA XIFUNDZANKULU XA LIMPOPO
HOFISI YA PHIRIMIYA

XITIVISO XA NO. .4. . XA 2014

KU SUNGULA KU TIRHA KA NAWU WA SWO GEMBULA WA LIMPOPO, 2013 (NAWU NO.3 WA 2013)

Hi ku landza xiyenge xa 96 xa Nawu wa Swo Gembula wa Limpopo, 2013 (Nawu No. 3 wa 2013), mina Chupu Stanley Mathabatha ndzi tivisa siku ra 1 September 2014 tanihi siku leri Nawu lowu vuriweke wu sungulaka ku tirha, ehandle ka xiyenge xa 26(9)(b)(iii) na (iv), lexi nga ta sungula ku tirha hi siku leri nga ta boxiwa.

CHUPU STANLEY MATHABATHA
PHIRIMIYA: LIMPOPO

SIKU:

Xipheemu xa Mugwati xi xayiwile ni Pulimbiya
hi siku ra.....

NAWU

Ku lawula swikombelo swo hlela tilayisense ta tikhasino, bingo, michini leyi hakelaka mali leyi pimiweke ya khamphani yo lawula michini, michini leyi hakelaka mali leyi pimiweke ya mulawuri wa sayiti , mulawuri wa sayiti wa letlhelo, khompyutara ya swo beja na mubejisi, mijaho na tinhlengeletano ta nkoka, vumaki, ku hlayisa no phakela switirhisiwa swo gembula, vatirhinkulu; ku komba hilaha migingiriko yo gembula yi yirisiwaka hakona; ku endla leswaku maendlelo ya landzeleriwa; ku hlayisa Huvo ya Swo Gembula ya Limpopo; ku herisa Nawu wa Swo Gembula wa Limpopo, 1996; no languta timhaka leti yelanaka na swilo swa muxaka lowu.

WU VEKIWA TANIHI NAWU hi Limpopo Mfumo wa Milawu wa Xifundzankulu xa Limpopo hi ndlela leyi landzelaka:–

MALONGOLEXELE YA SWIYENGE

KAVANYISA KA 1

SWIPIMELO SWA MASUNGULO

1. Tinhlamuselo

2. Swikongomelo swa Nawu

KAVANYISA KA 2

HUVO YA SWO GEMBULA YA LIMPOPO

3. Huvo ya Swo Gembula ya Limpopo

4. Mitirho na matimba ya Huvo

5. Mavumbelo ya Huvo

6. Mfanelo no yirisiwa ku thoriwa eka Huvo

7. Matholelele ya swirho swa Huvo

8. Nkarhi wo tirha

9. Ku tshika ntirho, ku susiwa entirhweni na swivandla swa mitirho

10. Tihakelo na swikoxo swa Huvo

11. Ku boxa mitsakelo

12. Mufambisinkulu

13. Matimba na mitirho swa Mufambisinkulu

14. Vatirhi va Huvo

15. Ku humesela swilo erivaleni na swihundla

16. Mhaka yo tshembeka

17. Mikwama ya Huvo

18. Tinhlengeletano ta Huvo

19. Tikomiti ta Huvo

20. Vutihlanganisi na Huvo

21. Ku engetela vanhu van'wana

22. Mikonaniso ya Huvo

KAVANYISA KA 3

TILAYISENSE

23. Tinxaka ta tilayisense

24. Ku yirisiwa kumbe ku aleriwa ka layisense

25. Ku yirisiwa endzhaku kaloko layisense yi humesiwile

26. Maendlele ya xikombelo xa layisense

27. Xikombelo, vuyimeri na no alela leswi pfumeleriweke nkambelo hi vanhu

28. Tihakelo ta vulavisisi

29. Ku kambela ndhawu

30. Xiyimo lexinene

31. Nhlengeletano mayelana na xikombelo

32. Nhlelo wa xikombelo

33. Swilo swa nhluvukiso wa ikhonomi na wa vanhu leswi nga hleriwa

34. Swilo swa mphikizano leswi nga ta hleriwa

35. Swipimelo swa layisense

36. Ku cinca, ku yimisanyana kumbe ku tlherisela layisense endzhaku

37. Layisense ya nkarhinyana

38. Ku cinca sayiti

39. Ku hundza emisaveni kumbe vulema

40. Mfanelo yo kombisa no humesa layisense

41. Mfanelo yo humesa tihakelo na tilevhi

42. Ntsakelo wa swa timali na wo lawula

43. Xitifikheti xa mfanelo

44. Mpimo wa timfanelo leti tirhaka eka layisense

KAVANYISA KA 4

LAYISENSE YA KHASINO

45. Layisense ya khasino

46. Nhlelo wa xikombelo xa layisense ya khasino

47. Nkombiso wa mahungu

48. Matirhiselo ya rito "khasino"

KAVANYISA KA 5

BINGO

49. Layisense ya Bingo na layisense ya ndhawu ya bingo

KAVANYISA KA 6

MUCHINI LOWU HAKELAKA MALI LEYI PIMIWEKE, KHAMPHANI YO LAWULA LAYISENSE YA MICHINI, MUCHINI LOWU HAKELAKA MALI LEYI PIMIWEKE MULAWURI WA SAYITI LAYISENSE NA MULAWURI WA LAYISENSE YA SAYITI WA LE TLHELO

50. Muchini lowu hakelaka mali leyi pimiweke ya khamphani yo lawula michini layisense

51. Muchini lowu hakelaka mali leyi pimiweke ya mulawuri wa sayiti layisense

52. Layisense ya ku lawula sayiti leri tiyimeleke

KAVANYISA KA 7

KHOMPYUTARA YA SWO BEJA NA LAYISENSE YA MUBEJISI

53. Layisense ya mulawuri wa khompyutara ya swo beja

54. Layisense ya sayiti ra khompyutara ya swo beja

55. Layisense ya mubejisi

56. Layisense ya sayiti ra mubejisi

KAVANYISA KA 8

LAYISENSE YA VUMAKI, MAHLAYISELO NA VUPHAKERI

57. Layisense ya vumaki, mahlayiselo na vuphakeri

KAVANYISA KA 9

LAYISENSE YA MIJAHO YA TIHANCI NA YA TIMHANGU TA NKOKA

58. Layisense ya mijaho ya tihanci

59. Layisense ya timhangu ta nkoka

KAVANYISA KA 10

SISITEME YO HLELA YA XIILEKITIRONIKI YA MUCHINI WO GEMBULA, MUCHINI WO GEMBULA
NA
SWITIRHISIWA SWO GEMBULA

60. Sisiteme yo hlela ya xiilekitironiki ya muchini wo gembula

61. Muchini wo gembula na switirhisiwa swo gembula

KAVANYISA KA 11
LAYISENSE YA MUTIRHINKULU

62. Layisense ya mutirhinkulu

63. Ku yirisiwa

64. Layisense ya nkarhinyana ya mutirhinkulu

65. Ku yimisanyana kumbe ku thlerisela endzhaku

66. Swipimelo

67. Xiyimo lexinene xa mutirhinkulu

68. Rhejisitara ra mutirhinkulu

KAVANYISA KA 12
MIGINGIRIKO YO GEMBULA LEYI PIMIWEKE NO TSIMBISIWA

69. Tilayisense leti bohaka

70. Magembulele yo ka ya nga ri enawini

71. Timhangu kumbe timhangu leti hlamuseriweke

72. Tindhawu to gembula

73. Milawu ya ntlangu wo gembula kumbe ku beja

74. Vuxisi na switirhisiwa swa vuxisi

75. Ku sirhelela vana lavantsongo

76. Vanhu lava nga bakanyeriwa etlhelo

77. Swipimelo swa khirediti

78. Swipimelo swo navetisa

79. Swipimelo swo gembula hi ajenti

80. Nsindziso wo hakela xikweleti xo gembula no teka masagwadi lama ri ki enawini

KAVANYISA KA 13

VAKAMBERI VO TSHIKELELA SWA NAWU NA VAKAMBERI VO LANDZELERISA

81. Ku thoriwa ka mukamberi

82. Mitirho na matimba swa mukamberi wo landzelerisa

83. Mitirho na matimba swa mukamberi wo tshikelela nawu

84. Ku aleriwa ku nghena

KAVANYISA KA 14

SWIPIMELO SWIN'WANA NA SWIN'WANA

85. Swinawana

86. Milawu ya Huvo

87. Vutihlamuleri, oditi na swiviko

88. Maololoxele ya swiphiqo na mubeji

89. Tihakelo ta vaviki

90. Vutihlamuleri byo ka byi nga kongomi bya xinawu

91. Milandzu na mixupulo

92. Vuphangi

93. Ku haverisiwa matimba

94. Ntirho wa qhwetha ra mfumo

95. Ku herisiwa ka milawu

96. Nhlokomhaka yo koma no sungula ku tirha

XEDYULU XA 1

Swipimelo swa nkarhinyana

KAVANYISA KA 1

1. Tinhlamuselo

Eka Nawu, ehandle kaloko vundzeni byi hlamusela hi yin'wana ndlela —

"ntlangu wo hungasa" swi vula ntlangu wihi kumbe wihi, ehandle ka bingo kumbe ntlangu wun'wana wo fana na yona kumbe ntlangu wo tlangiwa eka khasino kumbe eka muchini wo gembula, lowu tlangiwaka eka muchini wo hungasa, lowu, loko ku amukeriwe mali, thokeni kumbe swin'wana swo fana na yona, wu tlangiwaka naswona wu pfumelelaka mutlangi ku kuma sagwadi; ntsena loko sagwadi leri ri nga kumeki hi ndlela ya khexe, tithokeni, khirediti kumbe xitirhisiwa xihi kumbe xihi lexi ku twananiweke haxona, kambe ku fanele ku nga ri tihakelo ta khexe, leti nkoka wa tona wa nxavo wu nga hundziki ntsengo lowu vekiwe hi Huvo;

"muchini wo hungasa " swi vula a muchini kumbe xitirhisiwa, ehandle ka xitirhisiwa xo gembula, kumbe muchini lowu ntlangu wo hungasa wu nga tlangiwaka eka wona;

"mutirhikuloni" swi vula —

(a) muthori;

(b) phatinara hi ku landza ntwanano wa tiphatinara;

(c) mutamerikuloni wa tixere ta khamphani ya phurayivhete hilaha swi hlamuseriweke hakona eka Nawu wa Tikhamphani, 2008 (Nawu No. 71 wa 2008);

(d) xirhokuloni xa Bindzu Lerintsongo hilaha ri hlamuseriweke hakona eka Nawu wa Mabindzu Lamantsongo, 1984 (Nawu No. 69 wa 1984); na

(e) munhu loyi a nyikiweke hi munhu un'wana, kumbe laha munhu un'wana a amukeleke, papila ra qhweta hi ku angarha;

"ku beja kumbe ku weja" swi vula —

(a) ku va mutlangi, ku tirhisa mali kumbe nchumu wihi kumbe wihi wa nkoka hi ndlela yo beja, kumbe eka mubejo wa un'wana na un'wana, na mubejisi eka xiyimo xihi kumbe xihi; kumbe

(b) ku va mubejisi loko —

(i) ku amukela mali kumbe nchumu wihi kumbe wihi wa nkoka eka mubejo wa mali yo karhi leyi vekiweke, eka mubejo wihi kumbe wihi, eka mutlangi eka xiyimo xihi kumbe xihi;

(ii) ku veka mali kumbe nchumu wihi kumbe wihi wa nkoka on a mubejo wa mali yo karhi leyi vekiweke, eka mubejo wihi kumbe wihi, na mubejisi un'wana eka xiyimo xihi kumbe xihi;

(c) ku veka kumbe ku amukela mali kumbe nchumu wihi kumbe wihi wa nkoka swa munhu un'we kumbe vanhu vo tala eka xiyimo xihi kumbe xihi; kumbe

(d) hi ndlela yo kongoma a pfumela ku endla kumbe a tshembisa ku endla hilaha swi hlamuseriweke hakona eka tindzimana ta (a), (b) kumbe (c);

"bingo" swi vula ntlangu, ku katsa ntlangu lowu tlangiwaka hinkwawo kumbe xiphemu xa wona hi ndlela ya ilekithironiki swi vula —

(a) ntlangu lowu tlangiwaka nhi ku hakela mali, hi ku tirhisa makhadi kumbe switirho swin'wana (swa ilekithironiki kumbe hi ndlela yin'wana) –

(i) lama aviweke hi swivandla swo hambana, leri rin'wana na rin'wana ri nga na nomboro yo hambana, xifaniso kumbe mfungho; kumbe

(ii) hi tinomboro, swifaniso kumbe mifungho leswi longoloxiweke hi ndlela yihi kumbe yihi kumbe xitirhisiwa lexi nga na sete ya tinomboro to hambana, swifaniso kumbe mifungho;

(b) laha–

(i) mutirhisi kumbe mutivisi a vitanaka kumbe ku kombisa tinomboro to hambana, swifaniso kumbe mifungho hi ndlela yihi kumbe yihi naswona vatlangi va phetanisa tinomboro leti, xifaniso kumbe mfungho na tinomboro, swifaniso kumbe mifungho leswi nga eka

khadi kumbe xitirhisiwa loko nongonoko wolowo wu vitaniwa kumbe ku kombisiwa; kumbe

(ii) xitirhisiwa xa ilekitironiki kumbe xitirhisiwa xo fana na xona lexi humesaka tinomboro to hambanahambana, swifaniso kumbe mifungho naswona, hi ku yimela vatlangi, xi pimanyisaka tinomboro, xifaniso kumbe mfungho na tinomboro, swifaniso kumbe mifungho leyi nga eka khadi ra ilekithironiki kumbe xitirhisiwa xin'wana xo fana na rona endzhaku kaloko nomboro leyi, xifaniso kumbe mfungho swi endliwa kumbe ku kombisiwa; naswona

(c) loko–

(i) mutlangi wo sungula ku yelanisa swivangwa hinkwaswo eka khadi kumbe xitirhisiwa xin'wana xo fana na rona, kumbe loyi a yelanisaka nhlayo yo karhi ya makhadi lama vekiweke, swifaniso kumbe mifungho kumbe xitirhisiwa, u kuma sagwadi; kumbe

(ii) kumbe mutlangi loyi a yimeriweke hi xitirhisiwa xa ilekithironiki kumbe kumbe xitirhisiwa xo fana na rona hilaha swi hlamuseriweke eka ndzimana ya (b)(ii) a pimanyisaka swivandla hinkwaswo eka khadi kumbe xitirhisiwa xo fana na rona, kumbe ku pimanyisa nhlayo yo karhi ya makhadi lama vekiweke, swifaniso na mifungho eka khadi ra ilekithironiki kumbe xitirhisiwa xo fana na rona, u kuma sagwadi kumbe sagwadi ro tlula rin'we;

Kumbe ntlangu wihi kumbe wihi lowu tekiwaka wu ri bingo hi ku landza xiyenge xa 49(6) xa Nawu lowu;

"Huvo" swi vula Huvo ya Swo Gembula ya Limpopo leswi hlamuseriweke eka xiyenge xa 3 xa Nawu lowu;

"mubejisi" swi vula munhu loyi hi ndlela yo kongoma kumbe ndlela yo ka yi nga kongomi a vekaka mibejo yo kongoma kumbe yo ka yi nga kongomi na vanhu kumbe kumbe na vabejisi van'wana, kumbe ku endla mibejo yaleyo na vabejisi van'wana;

"layisense ya mubejisi" swi vula layisense leyi humesiweke hi ku landza xiyenge xa 55;

"khasino" swi vula tindhawu leti ku gemburiwaka eka tona, kumbe ku nga gemburiwaka eka tona, kambe a swi katsi tindhawu leti —

(a) ku tlangiwaka bingo ntsena ku nga ri mitlangu yo gembula yin'wana leyi faneleke ku tlangiwa;

(b) ku na michini leyi hakelaka mali yo karhi ntsena yi nga tirhisiwaka ku tlanga; kumbe;

(c) ku na michini leyi hakelaka mali yo karhi ntsena na bingo, ku nga ri mitlangu yo gembula yin'wana leyi faneleke ku tlangiwa;

"layisense ya mutirhisi wa khasino" swi vula a layisense leyi humesiweke hi ku landza xiyenge xa 45;

"Mufambisinkulu" swi vula munhu loyi a thoriweke hi ku landza xiyenge xa 12;

"ku fambisa" swi vula ku lawula bindzu, ku lerisa, ku letela, ku hlayisa kumbe ku va n'wini wa rona, naswona rito ra **"hlayisa"** ri na nhlamuselo yo fana na sweswo.

"ku hakela" swi vula —

(a) mali, swixavisiwa, nhundzu, cheke, thokeni, thikithi, khirediti ya ilekithironiki, khirediti, debiti kumbe xitirhisiwa xa ilekithironiki, kumbe nchumu wo fana na xona; kumbe

(b) nchumu wihi kumbe wihi wun'wana, xiboho, xitshembiso kumbe ntwanano, hambi wa nkoka wihi kumbe wihi, kumbe ku hundzisela hi ndlela yo kongoma kumbe yo ka yi nga kongomi;

"mhaka yihi kumbe yihi"' swi vula mhaka kumbe xiendlo laha mbuyelo wu nga tivekiki ku kondza loko swi humelela;

"ntsakelo wo lawula" swi vula ndlela yo kongoma kumbe yo ka yi nga kongomi yo lawula bindzu ra n'wini wa layisense ku nga va hi ndlela yo avelana tixere, matimba yo vhota, matimba yo hlawula valawuri, kumbe hi ndlela yihi na yihi yin'wana mayelana na Nawu lowu, munhu u lawula kumbe u le ka xiyimo xo lawula n'wini wa layisense wa sweswi kumbe wa nkarhi lowu taka —

(a) munhu yaloye, a ri yexe kumbe a ri na mutirhikulobyei, u le ka xiyimo xo —

(i) lawula n'wini wa layisense;

(ii) lawula hi ndlela yo kongoma kumbe yo ka yi nga kongomi xiphemu xa nkoka xa matirhele ya n'wini wa layisense;

(iii) alela xiendlo xihi kumbe xihi lexi tekiweke hi Huvo kumbe hi valawuri va n'wini wa layisense kumbe ku hlawula kumbe ku kuma kumbe ku alela ku thoriwa ka hafu ya valawuri va Huvo va valawuri va n'wini wa layisense, kumbe ku nyika kumbe ku lawula hi ndlela yihi kumbe yihi, yo kongoma kumbe yo ka yi nga kongomi, ku letela kumbe ku alela mhaka yihi kumbe yihi leyi khumbaka mafambisele kumbe timhaka ta n'wini wa layisense; kumbe

(b) n'wini wa layisense wa sweswi kumbe wa nkarhi lowu taka, laha n'wini wa layisense ku nga khamphani, ku hundza makumentlhanu wa valawuri va khamphani yaleyo, va tirha hi ku landza Nawu, kumbe ehansi ka kontraka, ntwanano kumbe matwisisele yo karhi, ya ximfumo kumbe yo ka ya nga ri ya ximfumo, naswona u languteriwile ku endla hi ku leteriwa hi swileriso, kumbe hi ku tirhisana na munhu wo karhi, kumbe a tirhisana swin'we na mutirhikulobye, loko munhu yaloye a ri khamphani, kumbe valawuri va khamphani;

"Nawu wa Matengele ya Timhaka ta Vugevenga, 1977" swi vula the Nawu wa Matengele ya Timhaka ta Vugevenga, 1977 (Nawu No. 51 wa 1977);

"ndhawu leyi funghiweke" mayelana na —

(a) sayiti, swi vula ndhawu eka sayiti rolero laha ku nga vekiwa muchini lowu pfumeleriweke ku endla tihakelo to karhi; naswona

(b) eka mhaka yihi kumbe yihi yin'wana, swi vula ndhawu leyi nga eka sayiti ra layisense laha ntlangu wo gembula wu tlangeriwaka kona naswona yi katsa ndhawu leyi funghiweke hi Huvo hi ku landza swipimelo swa layisense leswi humesiweke by Huvo;

"Huvonkulu" swi vula the Huvonkulu ya Limpopo;

"xirho xa ndyangu" swi vula —

(a) mutekani; kumbe

(b) n'wana, mutswari, buti kumbe sesi, hambi vuxaka lebyi byi ta hindlela yo tswala, ya vukati kumbe yo wundla;

"ntsakelo wa swa timali" swi vula —

(a) mfanelo yo va na xiave eka mimbuyelo;

(b) mfanelo ya ntiyiso mayelana na nhundzu ya khamphani, khoporexini kumbe bindzu;

(c) mfanelo ya ntiyiso kumbe ya munhu mayelana na nhundzu leyi tirhisiwaka hi khamphani, khoporexini kumbe bindzu; kumbe

(d) ntsakelo wo kongoma kumbe wo ka wu nga kongomi wa tixere to vhota, kumbe timfanelo to vhota leswi fambelanaka na tixere ta khamphani kumbe ntsakelo eka Bindzu Lerintsongo;

"ntsengo wa mubejo wa mubeji" swi vula mubejo eka swiendleo swo beja swo hambana laha ku twananiwaka hi tindlela to beja eku sunguleni ka mubejo;

"Nghingiriko wo gembula" swi vula nghingiriko wa —

(a) ku veka kumbe ku amukela mubejo kumbe weja;

(b) ku veka kumbe ku amukela mubejo wa khompyutara ya swo beja ; kumbe

(c) ku tirhisela ku tlanga, kumbe ku tlanga bingo kumbe ntlangu wo gembula;

"xitirhisiwa xo gembula" swi vula xitirho, sofutiwere kumbe nchumu wihi kumbe wihi lowu hi nkarhi lowu wu endliweke ha wona a wu endleriwa nghingiriko wo gembula naswona swi katsa, ehandle ka nhlamuselo hi ku angarha, xitirho xihi kumbe xihi xa ilekitiromekhenikhali kumbe xa ilekitironiki, xiphemu kumbe muchini kumbe muchini wo gembula, makhadi yo tlanga kumbe dayizi, kumbe xitirho xihi kumbe xihi xin'wana kumbe nchumu lowu Huvo, hi ku landza xiyenge xa 61(7), yi nga vulaka leswaku i xitirhisiwa xo gembula;

"ntlangu wo gembula" swi vula —

(a) ntlangu lowu –

(i) tlangiwaka hi matwisisele ya leswaku kun a trihakelo leti nga ta endliwa, hi xikongomelo xa leswaku munhu loyi a tlangaka u na mfanelo kumbe ku hakeriwa; naswona

(ii) mbuyelo wu leteriwaka hi vuswikoti bya mutlangi kumbe nkateko, kumbe swi ri swimbirhi; kumbe

(b) mubejo kumbe weja leswi endliwaka eka khasino mayelana na nghingiriko lowu fikelelaka xihlawulekisi xa ndzimana ya (a);

"muchini wo gembula" swi vula xitirho xa mekhenikhali, ilekithirikhali, vhidiyo, ilekithironiki, ilekithiromekhenikhali kumbe xin'wana, xitirhisiwa, muchini kumbe sofutiwere, ehandle ka muchini wo hungasa, lowu—

(a) endliweke hi xikongomelo xo tlangiwa kumbe wu kona ku tirhiseriwa ku tlanga kumbe ku tirhisiwa xi xikongomelo xo hakela hi ndlela yihi kumbe yihi; naswona

(b) hikwalaho ko va wu tirhisiwa, mutlangi kumbe mutirhisi u fanele ku hakeriwa;

"mulawuri wa sayiti wa le tlhelo" swi vula a mulawuri wa sayiti , loyi a nga ri kin a vuxaka na khamphani yo lawula michini naswona u pfumeleriwe ku va na layisense leyi tirhaka eka muchini lowu hakelaka mali yo karhi eka sayiti rin'we, naswona u na vutihlamuleri byo hlayisa muchini no hlengeleta mali no hakela tilevhi eka Huvo;

"mukamberi" swi vula mukamberi loyi a thoriweke hi ku landza xiyenge xa 81;

"sayiti ra layisense " swi vula tindhawu to karhi leti boxiweke leti hlamuseriweke eka layisense humesiweke hi ku landza Nawu lowu;

"muchini lowu hakelaka mali leyi pimiweke " swi vula muchini wo gembula lowu nga ehandle ka khasino laha mibejo na masagwadi swi nga pimiwa hi ku landza Nawu lowu na xiyenge xa 26 of Nawu wa Swo Gembula wa Tiko, 2004 (Nawu No. 7 wa 2004);

"muchini lowu hakelaka mali leyi pimiweke khamphani yo lawula michini" swi vula khamphani leyi tsarisiweke hi ku landza Nawu wa Tikhamphani, 2008 (Nawu No.71 wa 2008), leyi —

(a) leyi lawulaka kumbe ku tirhisa muchini lowu hakelaka mali leyi pimiweke ;

(b) vutihlamuleri byo hlayisa muchini wa tihakelo leti pimiweke; na

(c) vutihlamuleri byo hlengeleta mali no hakela tilevhi mayelana na tihakelo leti pimiweke ehansi ka layisense yaleyo;

"mulawuri wa sayiti wa muchini wa tihakelo leti pimiweke" swi vula n'wini wa layisense loyi a nga na mfanelo yo hlayisa michini ya khamphani yo lawula michini, eka sayiti no vona leswaku ya kumeka ku tirhisiwa hi vanhu ku tlanga eka yona;

"MEC" swi vula Xirho xa Huvonkulu lexi nga na vutihlamuleri eka timhaka to gembula eka xifundzankulu;

"Nawu wa Swo Gembula wa Tiko, 2004" swi vula Nawu wa Swo Gembula wa Tiko, 2004 (Nawu No. 7 wa 2004);

"layisense ya rixaka" swi vula a layisense humsiweke hi ku landza xiyenge xa 38 xa Nawu wa Swo Gembula wa Tiko, 2004;

"mubejo wa mani" swi vula —

(a) mubejo, ehandle ka mubejo wa khompyutara ya swo beja , lowu endliwaka hi mubejisi eka mhangu yin'we kumbe to tala, laha a ku nga ri ntsengo wa mubejo lowu ku twananiweke ha wona hi nkarhi wo beja; kumbe

(b) mubejo mayelana na tihakelo ti tiviwaka endzhaku ka mbuyelo wa mhangu ya mubejo lowu tivekaka, mayelana na tihakelo leti kumiweke hi khompyutara ya swo beja ;

"xiyenge xa mfumo" nhlamuselo ya yona yi kumeka eka xiyenge xa 239 xa Vumbiwa ra Riphabiliki ra Afrika Dzonga, 1996;

"hakelo" nhlamuselo ya yona yi kumeka eka xiyenge xa 6 of Nawu wa Swo Gembula wa Tiko, 2004;

"munhu" swi katsa ntirhisano, nhlangano, thirasiti kumbe munhu wa atifixali loyi a tumbuluxiweke hi ku landza nawu lowu kumbe wihi kumbe wihi;

"makhadi yo tlanga" swi vula makhadi lama tirhiseriwaka ku tlanga blackjack, poker kumbe ntlangu wun'wana wa makhadi, ehandle ka makhadi lama tirhiseriwaka ku tlanga bingo kumbe ntlangu wihi kumbe wihi eka khasino ehandle ka ntlangu wa makhadi;

"n'watipolitiki" swi vula –

(a) xirho xa Huvo ya Rixaka, Huvo ya Rixaka ya Swifundzankulu kumbe Khabinete;

(b) xirho xa a Mfumo wa Milawu wa Xifundzankulu;

(c) xirho xa Huvo ya vamasipalakumbe vulawuri bya muganga;

(d) muyimeri wa matiko wa Riphabiliki loyi a nga ri ki mutirhelamfumo;

(e) xirho xa yindlu ya rixaka ya varhangeri va ndhavuko ya muganga kumbe ya xifundzankulu; kumbe

(f) n'watipolitiki wa vandla ra tipolitiki eka xiyenge xa mfumo wa rixaka, wa swifundzankulu kumbe wa miganga;

"tindhawu" ti katsa misava na muako wihi kumbe wihi, movha, xikepe, byatso, xihahampfhuka kumbe khonteyinara;

"nhlamuselo" swi vula nhlamuselo ya xinawana hi ku landza Nawu lowu;

"Nawu wa Malawulele ya Timali ta Tiko" swi vula Nawu wa Malawulele ya Timali ta Tiko, 1999 (Nawu No. 1 wa 1999);

"mutirhelamfumo" swi vula munhu loyi a thoriweke eka xiyenge xa mfumo kumbe ekhoto, kumbe muofisiri wa swanawu;

"ntlangu wa mujaho" swi vula nhlengeletano wa vanhu lava taka eka mujaho wa swifuwo, hambi mujaho lowu wu ri wo hungasa kumbe wu nga ri wo hungasa, laha mujaho wolowo wu tsutsumiwa kumbe wu nga btsutsumiwi eka masiku na ndhawu ya

mujaho lowu swi tivisiwile eka xinavetiso xa mani na mani kumbe eka xirhambo xa phurayivhete;

"layisense ya ntlangu wa mujaho" swi vula layisense leyi hlamuseriweke eka xiyenge xa 58;

"xinawana" swi vula xinawana lexi endliweke hi ku landza xiyenge xa 85 xa Nawu lowu;

"milawu" swi vula milawu made by Huvo hi ku landza xiyenge xa 86 xa Nawu lowu;

"mhangu ya mitlangu" swi vula ntlangu wihi kumbe wihi wa bolo, rivilo, ku katsa mujaho wa timhova kumbe wa swihari, kumbe mphikizano wun'wana wo tsutsuma kumbe wa swipotso, mphikizano kumbe ntlangu, kumbe mphikizano wa va'wambhuri lowu ngheneriwaka kumbe ku voniwa hi vanhu hi ku angarha;

"mutekani" swi vula —

(a) phatinara eka swa vukati;

(b) phatinara eka ntwanano wa xintu hi ku landza nawu wa ndhavuko; kumbe

(c) phatinara eka vuxaka laha vanhu va tshamaka swin'we hindlela ya vukati kumbe ya ntwanano wa xintu;

"layisense ya nkarhinyana" swi vula a layisense humesiweke hi ku landza xiyenge xa 37 xa Nawu lowu;

"Nawu lowu" wu katsa swinawana na milawu ya Huvo; na

"mubejo wa khompyutara ya swo beja " swi vula ku teka kumbe ku amukela mali kumbe nchumu wihi kumbe wihi wa nkoka mayelana na mbuyelo wa mhaka yo karhi kumbe nhlanganelo wa timhaka hi ndlela ya –

(a) sisiteme leyi ku bejiweke ntsengo hinkwawo, endzhaku ka mikoko leyi nga eka nawu kumbe hi ntwanano, lowu averiwaka vanhu lava nga beja ivi va hlula, hi ku landza ntsengo lowu un'wana na un'wana a wu ngheniseke eka mubejo wo hlula; kumbe

(b) xikimi xihi kumbe xihi, ndlela kumbe sisiteme yo beja, yo lawula hi muchini kumbe ku nga ri muchini, leyi tirhisiwaka hi ku landza maendlelo yalamo.

2. Swikongomelo swa Nawu

Swikongomelo swa Nawu lowu i ku vona leswaku —

(a) migingiriko yo gembula ya lawuriwa no vekeriwa swipimelo leswaku yi nga vi na nkucetelo eka mahanyelo ya vanhu etikweni;

(b) rixaka na ikhonomi swi fanele ku sirheleriwa eka matirhiselo yo tlula mpimo ya bindzu ro gembula; naswona

(c) bindzu ro gembula ri tisa ndlandlamuko eka swa vupfhumba, swivangwa swa mitirho na ikhonomi ya xifundzankulu.

KAVANYISA KA 2

HUVO YA SWO GEMBULA YA LIMPOPO

3. Huvo ya Swo Gembula ya Limpopo

Huvo ya Swo Gembula ya Limpopo, leyi tumbuluxiweke hi ku landza Nawu wa Swo Gembula wa Limpopo, 1996 (Nawu No. 4 wa 1996) yi ya emahlweni, hi ku landza ayitheme ya 3 ya Xedyulu xa 1 eka Nawu lowu, ehandle ko herisiwa ka Nawu wa Swo Gembula wa Limpopo, 1996.

4. Mitirho na matimba ya Huvo

(1) Huvo yi fanele yi —

(a) nyika tilayisense, yi veka milawu no lawula swo gembula eka xifundzankulu;

(b) endla switiviso swa magembulelo ya vutihlamuleri; no

(c) lawula makhombo no tirhisa tindlela to lawula ta yona ku lawula bindzu ro gembula.

(2)(a) Eka lembeximali rin'wana na rin'wana, Huvo yi fanele yi nghena eka ntwanano wa matirhelo na MEC.

(b) Ntwanano wa matirhelo wu fanele wu komba swikongomelo, mipimo ya matirhelo, migingiriko na mimbuyelo ya Huvo.

(3)(a) Huvo yi nga —

(i) rhamba swikombelo swa tilayisense to gembula;

(ii) nyika, alela, pfuxeta, cinca , hundzisela, yimisanyana kumbe ku tlherisela endzhaku tilayisense;

(iii) veka, yimisanyana , cinca kumbe ku tlherisela endzhaku swipimelo swa layisense;

(iv) ku kuma, ku hlayisa no hirisa nhundzu ya swivumbiwa swa miehleketo, swo fambafambisiwa na swo ka swi nga fambafambisiwi;

(v) nghena eka mitwanano;

(vi) nghenelela kumbe ku haverisiwa matimba ya xinawu eka timhaka ta mafambisele;

(vii) endla kumbe ku endla leswaku swi endleka, nhlangano yo yingisela mavonele, vulavisisi na swivutiso mayelana na mhaka yihi kumbe yihi leyi welaka eka migingiriko ya yona;

(viii) kuma mahungu eka n'wini wa layisense na vanhu van'wana;

(ix) veka mixupulo mayelana na ku tluriwa, kumbe ku tsandzeka ku landzelela xipimelo xa Nawu by a n'wini wa layisense, leswi nga katsaka miriho kumbe ku yimisiwanyana kumbe ku vekiwa ka swipimelo mayelana na layisense humesiweke hi ku landza Nawu lowu;

(x) Endla swikambelo eka michini yo gembula na switirhisiwa swo gembula leswi tirhaka kumbe swi nga ta tirhisiwa eka migingiriko yo gembula eka swikongomelo swihi kumbe swihi swa Nawu lowu;

(xi) Kuma tihakelo ta swikambelo swa michini yo gembula kumbe switirhisiwa swo gembula n'wini kumbe mutirhisi wa michini kumbe switirhisiwa swoleswo, kumbe eka munhu wihi kumbe wihi loyi a endleriwaka swikambelo swoleswo;

(xii) ku veka milawu na swipimelo swa michini yo gembula na switirhisiwa swo gembula;

(xiii) hi xitiviso xo tsariwa, lerisa munhu ku tivonakarisa eka nhlangano wo yingisela mavonele, nkonaniso kumbe ndzavisiso kumbe ku humesa buku, dokhumente kumbe nchumu mayelana na nhlangano yo yingisela mavonele, nkonaniso kumbe ndzavisiso;

(xiv) tumbuluxa marhavi eka tindhawu to hambanahambana;

(xv) tihlanganisa na munhu kumbe ku tirhisa muhlanganisi eka mhaka ya mayelanana matirhele ya yona, hi ku landza swipimelo leswi nga vekiwaka hi Huvo; no

(xvi) tirhisa matimba lama nyikiweke Huvo hi ku landza Nawu lowu kumbe nawu wun'wana lowu nga fanela.

(b) Huvo yi fanele —

(i) yi pfula no hlayisa tiakhawunti ta bangi;

(ii) endla no tirhisa milawu mayelana na mihlangano yo yingisela mavonele;

(iii) amukela, tirhisa no lawula timali;

(iv) veka, hlengeleta no lawula timali leti hakeriwaka hi ku landza swipimelo swa Nawu lowu;

(v) veka milawu leyi lawulaka timhaka ta tilayisense, leyi lawulaka no fambisa nghingiriko wo gembula;

(vi) veka timali na tihakelo mayelana mindzavisiso, swivutiso na mitirho yin'wana mayelana na mitirho ya Huvo;

(vii) ku vona leswaku vini va tilayisense va endla leswi va tiboheke eka swona;

(viii) vona leswaku vatirhinkulu va na tilayisense;

(ix) endla mitirho ya Huvo hi ku landza Nawu lowu kumbe nawu wihi kumbe wihi lowu nga fanela,na

(x) thola Mufambisinkulu.

(4) Huvo, ehandle ko kanetana na swin'wana leswi nga eka nawu wihi kumbe wihi wun'wana, yi nga hakela munhu loyi a tisaka mahungu mayelana na ku tluriwa ka xipimelo xa Nawu.

5. Mavumbelo ya Huvo

(1) MEC, hi ku tihlanganisa na Huvonkulu, u fanele a thola swirho swa Huvo.

(2) Huvo yi fanele yi va na swirho swa 9, ehandle ka Mufambisinkulu loyi a nga xirho xa *ex officio* xa Huvo lexi nga ri ki na mfanelo yo vhota.

(3) Huvo leyi thoriweke hi ku landza xiyengentsongo xa (1), yi fanele yi va na —

(a) munhu loyi a nga dyondza no amukeriwa tanihi munhu wo tirha hi swa nawu eka Riphabiliki naswona a ri na malembe ya ntlhanu a tokotile, a tirhile tanihi munhu wa swa nawu kumbe ku endla vukorhokeri byo fambelana na tirhisa nawu;

(b) munhu loyi a nga dyondzela ku va khatati akhawutente eka Riphabiliki naswona loyi a tirheke malembe ya ntlhanu tanihi khatati akhawutente;

(c) munhu loyi a yimeleke Ndzawulo eka timhaka to gembula eka xifundzankulu;

(d) munhu loyi a yimeleke Ndzawulo loyi a nga na vutihlamuleri bya swatimali eka xifundzankulu;

(e) munhu loyi a tivaka swa mabindzu na swa bindzu ra vupfhumba;

(f) munhu loyi a nga na vutivi na ntokoto eka timhaka ta vaakatiko na nhluvuko wa vanhu na ikhonomi;

(g) munhu loyi a nga na tidyondzo na ntokoto eka timhaka ta vatirhi; na

(h) vanhu vambirhi lava nga na ntokoto eka swa mabindzu na ntokoto eka bindzu ro gembula.

(4) MEC u fanele a hlawula Mutshamaxitulu na Museketeri wa Mutshamaxitulu wa Huvo.

(5) Loko Mutshamaxitulu a nga ri kona, Museketeri wa Mutshamaxitulu u fanele a tirha mitirho ya Mutshamaxitulu.

6. Mfanelo no yirisiwa ku thoriwa eka Huvo

(1) Ku thoriwa ku va xirho xa Huvo, munhu u fanele a —

(a) hanyile kahle ku thoriwa eka xiyimo lexi;

(b) a munhu wa ntumbuluko;

(c) Muakatiko wa Afrika-Dzonga loyi a tshama ka kwala ka Riphabiliki; naswona a ri

(d) eka xiyimo xa kahle mayelana na swa timali.

(2) Munhu a nge thoriwi kumbe ku tshama a ri xirho xa Huvo loko munhu yaloye a —

(a) u na ntsakelo wo kongoma kumbe wo ka wu nga kongomi eka bindzu ra swo gembula kumbe bindzu, leswi nga tisaka nkwetlembetano exikarhi ka leswi na xiyimo xa yena tanihi xirho xa Huvo;

(b) a nga na xirho xa ndyangu, phatinara kumbe mutirhikulobye loyi a nga na ntsakelo wo kongoma kumbe wo ka wu nga kongomi eka bindzu ra swo gembula;

(c) a ri munhu loyi a tshamaka eswikweletini a tlhela a tsandzeka ku huma eka swona;

(d) i n'watipolitiki;

(e) u tshama a susiwa exitulwini hikwalaho ka matikhomelo yo ka ya nga amukeleki;

(f) hi ku landza xiboho xa khoto leyi nga na vuswikoti byo karhi, u tekiwa a nga ringanelangi emiehleketweni; kumbe

(g) u tshama a voniwa nandzu hikwalaho ka nandzu wo karhi —

(i) wa vukanganyisi; kumbe

(ii) ehansi ka Nawu lowu kumbe milawu yin'wana ya swo gembula.

(3) loko xirho xi yirisiwa hi ku landza xiyengentsongo xa (2) hi nkarhi lowu xirho xolexo xi nga thoriwa ha wona, xi fanele hi ku hatlisa hi ndlela yo tsala, xi tivisa MEC na Huvo mayelana na ku yirisiwa koloko.

7. Matholelele ya swirho swa Huvo

(1) MEC u fanele ku kandziyisa xitiviso eka maphephahungu mambirhi no tirhisa timidiya tin'wana, a kombela swikombelo eka vanhu lava fikelelaka swipimelo swa xiyenge xa 3.

(2) Mukomberi, hi ku hlamula xitiviso lexi humesiweke hi ku landza xiyengentsongo xa (1), u fanele ku rhumela *curriculum vitae* leyi nga na-

(a) tikhopi leti nga sethifayiwa ta tidyondzo hinkwato;

(b) tidokhumente to seketela leti kombisaka vutivi na ntokoto wa mukomberi leswi nga ta pfuna eka ku lawula bindzu ro gembula eka xifundzankulu;

(c) afidavhiti leyi kombaka xiyimo xa swa timali na loko mukomberi a ri na mitsakelo yin'wana leyi hlamuseriweke eka xiyenge xa 6(2) (a) na (b).

(3) MEC u fanele a tiyisisa swa tidyondzo ta mukomberi.

(4) Endzhaku ko amukela swikombelo naswona endzhaku ko vulavurisana na Huvonkulu, MEC u fanele ku thola swirho leswi nga fanela eka Huvo.

(5) Loko xirho xa Huvo xi nga se sungula ku tirha, xi fanele xi hlambanyisiwa eka fomo leyi boxiweke.

8. Nkarhi wo tirha

Xirho xa Huvo xi thoriwa theme ya malembe ya ntlhanu naswona endzhaku ka nhlelo wa matirhelo ya kahle, xi nga thoriwa nakambe theme yo engetela ehendle ko landzelela maendlele lama hlamuseriweke eka xiyenge xa 7.

9. Ku tshika ntirho, ku susiwa entirhweni na swivandla swa mitirho

(1) Xirho xa Huvo xi nga tshika ntirho hi ku nyika MEC —

(a) xitiviso xo tsariwa xa tinhweti timbirhi; kumbe

(b) xitiviso xo tsariwa xa lehansi ka tinhweti timbirhi, hi mpfumelelo wa MEC.

(2) MEC, hi ku landza xiyengentsongo xa (3), a nga susa xirho xa Huvo —

(a) loko xirho xolexo —

(i) xi yirisiwa hi ku landza xiyenge xa 6;

(ii) xi endle leswi hambanaka na xiyenge xa 6 (3);

(iii) tsandzeka ku boxa ntsakelo wa xona kumbe ku tsandzeka ku huma eka nhlengeletano hilaha swi languteriweke hakona eka xiyenge xa 11;

(iv) xi tsandzeka ku endla mitirho ya xona ya xiphurofexinali tanihi xirho xa Huvo; kumbe

(v) xi nga vi kona eka tihlengeletano timbirhi hi ku landzelelana ehandle ko tivisa mutshamaxitulu; kumbe

(b) kumbe hikwalaho ka xivangelo lexi khomekaka kumbe ku twala.

(3) Loko MEC a nga se susa xirho xa Huvo eka ntirho wa xona, u ta xi nyika nkarhi wo hlamusela swivangelo swa xona.

(4) Loko xivandla xa xirho xi pfuleka, MEC u fanele a tata xivandla xolexo hi ku landza maendlelo lama boxiweke eka xiyenge xa 7, eka nkarhi lowu nga fanela.

(5) Xirho lexi thoriweke hi ku landza xiyengentsongo xa (4), xi ta tirha eka xiphemu lexi nga sala xa nkarhi wo tirha wa xirho lexi nga susiwa.

(6) Loko ku nga ri na Huvo leyi tirhaka, MEC u fanele a tirha no haverisiwa matimba ya Huvo, ehandle ka yo nyika no tlherisela endzhaku tilayisense hilaha swi hlamuseriweke hakona eka xiyenge xa 23 (2) (a) – (o).

10. Tihakelo na swikoxo swa Huvo

(1) Swirho swa Huvo, leswi nga ri ki vatirhelamfumo va nkarhi hinkwawo, swi nga hakeriwa vukorhokeri bya swona bya tihakelo na swikoxo ku suka eka Mikwama ya Huvo hilaha MEC a nga bohaka hakona na Xirho xa Huvonkulu lexi tirhaka hi swatimali.

(2) Loko xirho xa Huvo xi ri mutirhelamfumo wa nkarhi hinkwawo ivi xi tirhisa mali hi nkarhi lowu xi endlaka migingiriko ya xona ya vixirho hi ku landza Nawu lowu, Huvo yi fanele ku hakela xirho lexi mali ya kona yi suka eka Mikwama ya Huvo.

(3) Tihakelo na swikoxo swa swirho swa Huvo swi ta hambana ku ya hi swiyimo swa swona na vuswikoti na mitirho leyi swi yi endlelaka Huvo.

11. Ku boxa mitsakelo

(1) Xirho xa Huvo xi nge —

(a) ngheneleli eka nghingiriko lowu nga ta susa ndzhuti wa Huvo;

(b) ngheneleli, ku va na xiave kumbe ku kucetela mafambiselo ya nhlengeletano ya Huvo, mayelana na mhaka leyi andlariweke eka Huvo, loko xirho xolexo xi ri ni ku vuyeriwa ko karhi hilaha swi —

(i) hlamuseriweke eka xiyenge xa 6(2) (a) na (b); kumbe

(ii) leswi sivelaka xirho xolexo ku endla mitirho ya xona ya vuxirho bya Huvo hi ndlela leyi nga fanela no amukeleka;

(c) hlawula eka nhlengeletano ya Huvo mayelana na mhaka leyi hlamuseriweke eka ndzimana ya (b);

(d) ku tirhisa mahungu ya xihundla lama xi ma kumeke loko xi endla migingiriko ya xona tanihi xirho xa Huvo; kumbe

(e) ku paluxa mahungu yahi kumbe yahi, hilaha swi hlamuseriuweke hakona eka ndzimana ya (d), eka ntlawa wa vunharhu, ehandle ka lama khumbaka ntirho wa xona wa ximfumo.

(2) Loko, hi nkarhi wihi kumbe wihi, swi tikomba eka xirho xa Huvo leswaku mhaka leyi nga emahlweni ka Huvo yi khumba ntsakelo wa xirho xolexo, hilaha swi hlamuseriweke eka xiyenge xa (6)(2)(a) na (b), xirho xi fanele xi —

(a) fanele hi ku hatlisa xi boxa muxaka wa ntsakelo wa xona eka nhlengeletano; naswona

(b) xi huma eka nhlengeletano leswaku swirho leswi nga sala swi kota ku vulavula hi mhaka yaleyo no teka xiboho xa leswaku xirho xolexo xi nga pfumeleriwa ku nghenelela ema mivulavulo mayelana na mhaka yoleyo.

(3) Leswi boxiweke hi xirho hi ku landza xiyengentsongo xa (2) na xiboho xa Huvo xa xiyengentsongo xa (2) (b), swi fanele swi rhekodiwa eka makanelwa ya nhlengeletano.

(4) Leswi nhlengeletano yi fambisiweke xiswona na swiboho leswi tekiweke hi vunyingi bya swirho leswi a swi ri eka nhlengeletano, swi na nkoka hambiloko xirho xi tsandzekile ku boxa ntsakelo wa xona hi ku landza xiyengentsongo xa (2).

(5) Loko xirho xi yirisiwa hi ku landza xiyenge xa 6, MEC u fanele hi xihatla a herisa ku thoriwa ka xirho xolexo.

12. Mufambisinkulu

(1) Huvo yi fanele ku thola Mufambisinkulu hi ku landza nkarhi wo karhi lowu pimiweke, hi kontraka yo landza matirhelo, eka malembe lama nga hundziki ntlhanu.

(2) Huvo yi nga thola nakambe Mufambisinkulu theme yin'wana yin'we yo engetela.

(3) Mufambisinkulu i muthori wa Huvo naswona —

(a) u na vutihlamuleri eka Huvo; naswona

(b) u na vutihlamuleri bya mafambiselo na malawulele ya kahle ya Huvo naswona u fanele ku endla mitirho leyi Huvo yi yi nyikaka Mufambisinkulu.

(4) Kontiraka yo thoriwa ka Mufambisinkulu yi fanele yi ri hi ku tsala naswona yi fanele yi katsiwa eka swipimelo swa xiyenge xa 57 swa Nawu wa Malawulele ya Timali ta Tiko, 1999.

(5) Huvo na Mufambisinkulu va fanele va pfuxeta ntwananano wa matirhelo ya vona lembe rin'wana na rin'wana, nhweti endzhaku ko sungula ka lembeximali rin'wana na rin'wana.

(6) Ntwanano wa matirhele lowu fikeleriweke hi ku landza xiyengentsongo xa (1) wu fanele wu katsa —

(a) swikongomelo swa matirhele lama pimiwaka eka mikarhi leyi vekiweke;

(b) mipimo na maendlele yo hlela matirhelo na mikarhi yo hlela; na

(c) tihakelo ta matirhele lama nga enetisiki.

(7) Loko Mufambisinkulu a nga ri kona hikwalaho ka xivangelo xihi kumbe xihi kumbe a tsandzeka ku tirha mitirho ya yena, kumbe loko ku ri na xivangwa eka hofisi ya Mufambisinkulu, Huvo yi fanele ku thola munhu un'wana ku tirha tanihi Mufambisinkulu loko a nga ri kona kumbe a tsandzeka ku va kona ku kondza loko ku thoriwa Mufambisinkulu un'wana hi ku landza xiyengentsongo xa (1).

13. Matimba na mitirho ya Mufambisinkulu

Ku engetela eka matimba na mitirho leyi a haverisiweke no nyikiwa Mufambisinkulu hi ku landza Nawu lowu kumbe hi Huvo, Mufambisinkulu u fanele a —

(a) pfuna Huvo ku endla mitirho hinkwayto mayelana na swa timali na swa vufambisi swa mitirho ya Huvo;

(b) endla mitirho ya Mufambisinkulu hilaha yi hlamuseriweke hakona eka ntwanano wa matirhele na Huvo hi ku landza xiyenge xa 12 (1);

(c) hi ku landza swiyenge swa 14(1) na (2), u thola no lawula vatirhi va Huvo;

(d) vona leswaku ku hlayisiwa makanelwa ya tinhlengeletano ta Huvo na tikomiti ta Huvo;

(e) nghenela tinhlengeletano tanihi xirho xa Huvo xa *ex officio*;

(f) vona leswaku Huvo yi landzelela no endla swilaveko hinkwaswo swa mitwanano ya tikotraka na ya tipholisi; naswona

(g) u endla ntirho wihi kumbe wihi lowu Huvo yi wu nyikaka Mufambisinkulu.

14. Vatirhi va Huvo

(1) Loko Huvo yi endla mitirho ya yona yi nga pfuniwa hi vatirhi lava nga tokota lava thoriweke hi Mufambisinkulu.

(2) Mufambisinkulu, hi ku burisana na Huvo, u ta thola vatirhi va xiyimo xa lehenhla.

(3) Loko mutirhi wa Huvo a nga se sungula ntirho, u fanele a tiboha kumbe ku hlambanya eka fomo leyi boxiweke.

(4) Ku hava munhu loyi a faneleke ku thoriwa tanihi hi mutirhi wa Huvo, loko munhu yaloye —

(a) kumbe xirho xa ndyangu xihi kumbe xihi xa munhu yaloye xi vuyeriwa hi ndlela yo kongoma kumbe yo ka yi nga kongomi eka nghingiriko wihi kume wihi wo gembula; naswona

(b) a tshama a voniwa nandzu, laha eka Riphabiliki kumbe kun'wana, wa vukhamba, vukanganyisi, vuxisi hi ku tsala kumbe ku tirhisa dokhumente ya vuxisi, leswi swi nga nandzu ehansi ka Nawu lowu kumbe eka Nawu wo Sivela no Lwisa Migingiriko ya Vungungundzwana , 2004 (Nawu No. 12 wa 2004) kumbe nandzu wihi kumbe wihi mayelana na vukanganyisi.

(5) Huvo, hi ku lawuriwa hi nkwama wa yona, yi fanele ku hakela vatirhi va Huvo miholo, swingetelo na mimbuyelo yin'wana ya vatirhi hilaha Huvo yi nga swi bohaka hakona.

15. Ku humesela swilo erivaleni na swihundla

(1) Matirhelo ya Huvo ya fanele ya va erivaleni mikarhi hinkwayo.

(2) Mutirhi kumbe xirho xa Huvo, ehandle kaloko ku ri xileriso xa khoto kumbe loko va lerisiwile ku endla tano hi ku landza the Nawu wo Lawula ku Hangalasiwa ka Mahungu, (Nawu No. 2 wa 2000), a va fanelangi va humesa —

(a) dokhumente yihi kumbe yihi kumbe mahungu, kumbe ku tiviwa ka munhu wo karhi leswi Huvo yi tekeke xiboxo xa leswaku swi nga kamberiwi hi vanhu kumbe ku boxiwa hilaha swi hlamuseriweke hakona eka xiyenge xa 27(3); kumbe

(b) dokhumente yihi kumbe yihi kumbe mahungu leswi rhumeriweke eka Huvo hi nhlangano wihi kumbe wihi wa xinawu hi matwisisele ya leswaku i swilo swa xihundla.

16. Mhaka yo tshembeka

(1) Ku endlela leswaku matirhele ya Huvo ya va lama ya amukelekaka, xirho xa Huvo kumbe mutirhi wa Huvo, a xi fanelangi xi —

(a) fanelangi xi amukela mali yihi kumbe yihi ehandle ka leyi xi yi kumaka tanihi xirho xa Huvo, hi ndlela yo kongoma kumbe yo ka yi nga kongomi, xi amukela nchumu wihi kumbe wihi wa nkoka wo suka eka munhu wo karhi, leswi nga ta tisa nkwetlembetano na matirhelo ya xona eka Huvo; kumbe

(b) ku nghenelela eka nghingiriko wihi kumbe wihi wo gembula kumbe wo beja eka xifundzankulu ehandle kaloko a ri ku endleni ka mitirho ya yena hi ku landza Nawu lowu.

(2) Endzhaku ko tshika ntirho wa xona, Xirho xa Huvo, a xi fanelangi eka lembe rin'we ro tshika ntirho xi kombela kumbe ku amukela ntirho eka munhu loyi a nga nyikiwa layensense hi ku landza Nawu lowu.

(3) Swipimelo swa xiyengentsongo xa (1) na (2) swi tirha eka MEC.

17. Mikwama ya Huvo

Mikwama ya Huvo yi vumbiwa hi —

(a) timali leti averiweke hi Mfumo wa Milawu wa Xifundzankulu hi xikongomelo xolexo;

(b) mitsengo yihi kumbe yihi leyi hakeriwaka Huvo hi ku landza Nawu lowu; na

(c) timali tin'wana leti hakeriwaka Huvo hi ndlela ya xinawu.

18. Tinhlengeletano ta Huvo

(1) Huvo yi fanele ku hlangana kan'we hi kotara eka lembeximali rin'wana na rin'wana.

(2) Mutshamaxitulu wa Huvo —

(a) u fanele ku boxa nkarhi na ndhawu laha nhlengeletano yo sungula yi nga ta khomeriwa kona hi hovu ivi endzhaku Huvo yi ta hlangana hi nkarhi na le ka ndhawu leyi ku nga ta pfumeleriwana ha yona nkarhi na nkarhi leswaku timhaka leti tirhiwaka ti hela hi xihatla; naswona

(b) a nga nyika xitiviso xo amukeleka nkarhi wihi kumbe wihi mayelana na nhlengeletano ya xihatla leyi nga ta khomeriwa eka ndhawu na hi nkarhi lowu boxiweke hi Mutshamaxitulu.

(3) Huvo yi nga teka xiboho xa mafambiselo ya tinhlengeletano ta yona loko ku nga ri na mafambesele lama hlamuseriweke eka Nawu lowu.

(4) Khoramu ya nhlengeletano ya Huvo i swirho swa ntlhanu swa Huvo.

(5) Xiboho xa Huvo xi tekiwa hi vunyingi bya tivhoti ta swirho leswi nga eka nhlengeletano ya Huvo.

(6) Laha tivhoti ti ringanaka, mutshamaxitulu a nga ha vhota na yena tanihi vhoti yo engetela.

(7) Makanelwa ya mafambiselo ya nhlengeletano yin'wana na yin'wana ya Huvo ya fanele ku hlayisiwa eka tihofisi ta Huvo.

(8) Nhlengeletano ya Huvo leyi vitaniweke hi xikongomelo xo —

(a) yingisela vuyimeri kumbe mikaneto mayelana na xikombelo xa layisense leyi endliweke hi ku landza Nawu lowu, yi fanele ku ngheneriwa hi vaakatiko: Loko hi ku vona ka mutshamaxitulu kumbe hi ku vona ka Huvo, munhu wihi kumbe wihi loyi a nga ri kin a mfanelo y ova kona eka nhlengeletano yaleyo, a nga fanelangi ku yi nghenela kumbe u fanele a huma eka yona; naswona

(b) mikanelo hinkwayo laha ku nga ta tekiwa swiboho ku tlhela ku vhotiwa mayelana na mhaka yihi kumbe yihi eka nhlengeletano, swi endleriwa *exihundleni.*

19. Tikomiti ta Huvo

(1) Nkarhi na nkarhi Huvo yi nga simeka komiti leyi nga ta tirhisa matimba na mitirho leyi haverisiweke yona hi Huvo.

(2) Komiti yi vumbiwa hi —

(a) swirho swoleswo swa Huvo leswi hlawuriweke hi Huvo; kumbe

(b) swirho swoleswo swa Huvo leswi hlawuriweke hi Huvo kumbe vanhu van'wana lava nga engeteriwaka eka komiti hi ku landza xiyenge xa 21.

(3) Mutshamaxitulu wa Huvo u fanele ku thola mutshamaxitulu wa komiti.

(4) Komiti yi fanele ku tirha mitirho ya yona hi ku landza swipimelo swa Nawu lowu na swileriso swa Huvo.

(5) Mitirho leyi endliwaka hi komiti leyi hlawuriweke hi Huvo hi ku landza xiyengentsongo xa (1) yi tekiwa yi endliwile hi Huvo.

20. Vutihlanganisi na Huvo

(1) Huvo yi nga tihlanganisa na munhu wihi kumbe wihi, kumbe nhlangano wihi kumbe wihi mayelana na mhaka ya nkoka leyi nga ta endla leswaku Huvo yi tirhisa matimba ya yona no endla mitirho ya yona.

(2) Tihakelo na swiengetelo leswi vekiweke hi Huvo, loko swi ri kona, na swipimelo swa munhu loyi ku tihlanganisiwaka na yena, swi fanele swi ri eka ntwanano wo tsariwa lowu endliweke hi xikongomelo xolexo exikarhi ka Huvo na munhu yaloye.

21. Ku engetela vanhu van'wana

(1) Huvo yi nga kombela n'wavutivi kumbe vanhu van'wana lava nga lavekaka ku yi pfuna ku hlela mhaka yo karhi.

(2) Munhu loyi a komberiweke hi ku landza xiyengentsongo xa (1), a nga fanelangi ku vhota eka tinhlengeletano ta Huvo kumbe eka komiti of Huvo.

(3) Huvo yi fanele yi teka xiboho xa leswaku yi ta hakerisa ku yini munhu loyi a komberiweke hi ku landza xiyengentsongo xa (1).

22. Mikonaniso ya Huvo

(1) Huvo, hi ku leteriwa hi xiyenge lexi, yi nga endla nkonaniso eka mhaka yihi kumbe yihi leyi fambelanaka na matirhelo ya yona.

(2) Xi xikongomilo xa nkonaniso naswona hi ku landza xiyengentsongo xa (1), Huvo, hi ku tirisa xitiviso xo tsariwa, yi nga kombela munhu loyi a khumbekaka hi xiboho xa mhka leyi hleriwaka hi Huvo, ku tivonakarisa emahlweni ka yona —

(a) ku nyika vumbhoni; kumbe

(b) ku humesa buku, dokhumente kumbe nchumu lowu nga emavokweni kumbe eka vulawuri bya munhu yalole, leswi, hi ku vona ka Huvo, swi fambelanaka kumbe swi nga fambelanaka na mhaka leyi kambisisiwaka hi Huvo.

(3) Munhu loyi a kumeke xitiviso hi ku landza xiyengentsongo xa (2) u fanele a humelela emahlweni ka Huvo hayexe hi siku, nkarhi na ndhawu leswi boxiweke eka xitiviso.

(4) Huvo yi nga vitana no kambela munhu wihi kumbe wihi loyi a nga eka nkonaniso, hambi munhu yaloye a komberiwile kumbe a nga komberiwangi ku ta eka nkonaniso hi ku landza xiyengentsongo xa (2), naswona yi nga kambela no khoma eka nkarhi wo karhi lowu vekiweke, buku yihi kumbe yihi, dokhumente kumbe nchumu lowu a wu laviwa hi Huvo.

(5) Huvo yi nga kombela munhu loyi a teke eka nkonaniso wa Huvo hi ku landza xiyengentsongo xa (1), ku nyika vumbhoni hi ndlela yo hlambanya, naswona xirho xa Huvo lexi rhangeleke nkonaniso xi nga va muhlambanyisi.

(6) Nawu mayelana na lunghele leri tirhaka eka munhu loyi a komberiweke ku ta nyika vumbhoni kumbe ku tisa buku yihi kumbe yihi, dokhumente kumbe nchumu wo karhi emahlweni ka Huvo ya xinawu, wu tirha eka nkambelo wa munhu yaloye kumbe wa

ku humesiwa ka buku yihi kumbe yihi, dokhumente kumbe nchumu wo karhi ehansi ka xiyengentsongo xa (2) kumbe (5).

(7) Munhu loyi a teke emahlweni ka nkonaniso wa Huvo u na mfanelo yo va na vuyimeri bya xinawu hambi ku ri ku vitana timbhoni.

KAVANYISA KA 3

TILAYISENSE

23. Tinxaka ta tilayisense

(1) Huvo yi fanele ku humesa —

(a) layisense xifundzankulu ya nkarhinyana hi ndlela leyi boxiweke; kumbe

(b) layisense ya rixaka hi ndlela leyi boxiweke eka Nawu wo Gembula wa Tiko, 2004.

(2) Huvo yi nga humesa tilayisense ta xifundzankulu leti landzelaka:

(a) layisense ya mulawuri wa khasino;

(b) layisense ya muchini wa tihakelo leti pimiweke ta muchini wa mulawuri wa sayiti;

(c) layisense ya muchini wa tihakelo leti pimiweke ta khamphani yo lawula michini;

(d) layisense ya mulawuri wa sayiti wa letlhelo;

(e) layisense ya mulawuri wa bingo;

(f) layisense ya sayiti ra bingo;

(g) layisense ya mulawuri wa khompyutara ya swo beja;

(h) layisense ya sayiti ra khompyutara ya swo beja;

(i) layisense ya mubejisi;

(j) layisense ya ntlangu wa mujaho;

(k) layisense yo tumbuluxa;

(l) layisense yo hlayisa;

(m) layisense ya muphakeri;

(n) layisense yo hlela swilo swa ilekithironiki;

(o) layisense ya timhangu to hlawuleka; na

(p) layisense ya mutirhinkulu.

24. Ku yirisiwa kumbe ku aleriwa ka layisense

(1) Xiyenge lexi a xi tirhi eka layisense ya mutirhinkulu.

(2) Mukomberi wa layisense u fanele a ri —

(a) na vumunhu na matikhomele lamanene; naswona

(b) a ri eka xiyimo xa kahle eka swa timali.

(3) Ku hava munhu loyi a nga va ka na layisenese, kumbe ntsakelo wa swa timali eka mukhomi wa layisense, loko munhu yaloye –

(a) a ri ehansi ka malembe ya 18;

(b) i mutirhelamfumo kumbe n'watipolitiki;

(c) i muofisiri wa swa nawu kumbe u thoriwile ekhoto;

(d) u longoloxiwile eka rhijisitara ra vanhu lava nga bakanyeriwa etlhelo;

(e) i xirho xa ndyangu wa xirho xa Huvo;

(f) i munhu wo tshama a ri eswikweletini;

(g) i munhu loyi Huvo ya xinawu yi nga teka xiboho xa leswaku a nga tshamisekangi emiehleketweni;

(h) u susiwile eka xiyimo xo tshembeka, hikwalaho ka matikhomele yo ka ya nga amukeleki mayelana na vukanganyisi kumbe matirhisele ya vusopfa ya mali; kumbe;

(i) ku nga se hundza malembe ya 10 xikombelo lexi xi nga se tisiwa, a voniwile nandzu eka Riphabiliki kumbe kun'wana, wu nga nandzu wa —

(aa) vukhamba, vukanganyisi, vuxisi hi ku tsala kumbe ku tirhisa dokhumente ya vuxisi kumbe vuxisi;

(bb) swa tikhumpyutara kumbe switirhisiwa swa tikhompyutara;

(cc) ehansi ka Nawu wo Sivela no Lwisa Migingiriko ya Vungungundzwana, 2004 (Nawu No.12 wa 2004);

(dd) ehansi ka Nawu wo Sivela Vugevenga lebyi Lulamisiweke, 1998 (Nawu No. 121 wa 1998);

(ee) ehansi ka Nawu wa Senthara ya Vuhlori ya Swa Timali, 2001 (Nawu No.31 wa 2001);

(ff) ehansi ka Nawu wo Sirhelela Demokhirasi ya Vumbiwa Mihlaselo ya Vutherositi na Yin'wana yo fana na yona, 2004 (Nawu No.33 wa 2004); kumbe

(gg) ehansi ka Nawu lowu kumbe Nawu wa Swo Gembula wa Tiko, 2004,

naswona u gweviwile ku tshama ekhotsweni ehandle ko rihisiwa kumbe a rihisiwa mali leyi nga ehenhla ka ntsengo lowu Holobye a wu vekeke hi ku landza xiyenge xa 50(2)(i) of Nawu wa Swo Gembula wa Tiko, 2004, ehandle kaloko munhu yaloye a kumile ndzivalelo hikwalaho ka nandzu wolowo.

(4) Huvo yi fanele yi ala ku nyika layisense eka munhu loyi a yirisiweke ku va na layisense, n'wini wa layisense, sayiti ra layisense kumbe bindzu rin'wana leri fambelanaka na layisense, hi ku landza xiyengentsongo xa (3).

(5) Huvo yi fanele yi ala ku nyika mukomberi layisense, loko endzhaku ko endla vulavisisi lebyi nga fanela, Huvo yi tshemba leswaku —

(a) mukomberi;

(b) munhu loyi a nga na ntsakelo wo lawula mukomberi;

(c) munhu loyi a nga na ntsakelo wa swa timali eka mukomberi; kumbe

(d) mulawuri wa bindzu ra mukomberi,

A ri xirho xa ndyangu, ehandle ka buti kumbe sesi, wa munhu loyi a nga xirho xa Huvo kumbe a nga pfumeleriwiki ku va na ntsakelo wo karhi eka layisense, n'wini wa layisense kumbe bindzu leri khumbaka layisense.

25. Ku yirisiwa endzhaku kaloko layisense leyi humesiweke

(1) Xiyenge lexi a xi tirhi eka layisense ya mutirhinkulu.

(2) Loko munhu a ri na layisense kumbe ntsakelo wo karhi eka layisense leyi humesiweke hi ku landza Nawu lowu, a yirisiwa hi ku landza xiyenge xa 24 endzhaku kaloko layisense yi humesiwile, munhu yaloya u fanela a tivisa Huvo a

tirhisa fomo leyi boxiweke, naswona laha swi lavekaka, a tivisa n'wini wa layisense mayelana na ku yirisiwa loku.

(3) Loko munhu a yirisiwile hi ku landza xiyengentsongo xa (2), naswona endzhaku ko hlela swiyimo na muxaka wo yirisiwa loku, Huvo yi nga endla leswaku munhu yaloye a tsimbisiwa timfanelo ta layisense malembe yo ringana manharhu.

26. Maendlele ya xikombelo xa layisense

(1) Huvo yi fanele yi humesa xitiviso eka *gazete* na le ka tinyuziphepha timbirhi, yi kombela swikombelo mayelana na layisense leyi longoloxiweke eka xitiviso lexi.

(2) Xitiviso lexi vuriwaka eka kandziyisa xitiviso eka xiyengentsongo xa (1) xi fanele xi katsa mahungu mayelana na, kambe xi nga pimi –

(a) muxaka na nhlayo wa tilayisense leti nga kona;

(b) ndhawu leyi layisense yi nga ta tirha kona;

(c) siku ro hetelela ro amukela swikombelo; na

(d) swilaveko leswi Huvo yi vonaka swi fanerile.

(3) Xikombelo xa layisense lexi tisiwaka hi ku landza xitiviso hilaha swi hlamuseriweke hakona eka xiyengentsongo xa (1), xi fanele xi rhumeriwa hi ndlela leyi Huvo yi swi languteleke hakona naswona xi fanele xi katsa —

(a) tidokhumente leti boxiweke;

(b) vumbhoni bya leswaku tihakelo ta xikombelo lexi hlamuseriweke ti endliwile;

(c) vumbhoni bya leswaku xitiviso xi kandziyisiwile eka *gazete* na le ka maphephahungu hilaha swi hlamuseriweke hakona hi ku landza xiyengentsongo xa (4); na

(d) mpfumelelo kumbe vuyimeri bya vulawuri wa muganga eka ndhawu leyi khumbaka layisense.

(4) Eka masiku ya khumemune mukomberi a nga se endla xikombelo xa layisense, u fanele a kandziyisa xitiviso eka —

(a) *gazete*; na

(b) nyuziphepha leyi hangalasiwaka emugangeni laha sayiti leri layisense yi endleriweleka rona ri nga kona.

(5) Xitiviso lexi nga eka xiyengentsongo xa (4) xi fanele xi —

(a) komba muxaka wa layisense leyi komberiwaka;

(b) ndhawu leyi layisense yi kombeleriwaka yona;

(c) kombisa nkarhi wa ku tirha ka layisense;

(d) kombela vanhu lava khumbekaka ku —

(i) endla vuyimeri byo tsariwa na mikaneto na Huvo eka nhweti ku suka siku leri boxiweke eka xitiviso xolexo; naswona

(ii) kombisa eka vuyimeri byihi kumbe byihi byo tsariwa loko va navela ku endla vuyimeri bya nomo loko xikombelo xi hleriwa.

(6) Munhu loyi a navelaka ku kaneta xikombelo xa layisense lexi endliweke hi ku landza Nawu lowu, ku nga se hundza masiku ya 30 endzhaku ka siku leri boxiweke eka xitiviso lexi kandziyisiweke hi ku landza xiyengentsongo xa (4), a nga rhumela nkaneto wa yena eka Huvo, hi ndlela yo tsala.

(7) Endzhaku ka masiku ya nkombo yo amukela mikaneto, Huvo yi fanele yi xitivisa no nyika mukomberi khopi kumbe vuxokoxoko bya —

(a) nkaneto lowu rhumeriweke eka Huvo hi ku landza xiyengentsongo xa (7); kumbe

(b) mhaka yihi kumbe yihi yin'wana leyi, hi ku vona ka Huvo, yi nga tisaka swivangelo swa nkaneto.

(8) Huvo yi ta kombela mukomberi ku hlamula eka mikaneto leyi amukeriweke hi ku landza xiyengentsongo xa (6) eka masiku ya 14 kumbe eka nkarhi lowu nga pimiwaka hi Huvo.

(9) (a) A swi bohi leswaku Huvo yi kandziyisa xitiviso mayelana na xiyengentsongo xa (1) eka tilayisense leti landzelaka:

(i) layisense ya mutumbuluxi;

(ii) layisense yo hlayisa;

(iii) layisense yo phakela;

(iv) layisense ya timhangu to hlawuleka; kumbe

(v) layisense ya mutirhinkulu.

(b) Xikombelo xa layisense leyi boxiweke eka xiyengentsongo xa (9) (a), yi fanele ku rhumeriwa hi xivumbeko lexi languteriweke hi Huvo naswona yi fanele yi ta na leswi landzelaka:

(i) tidokhumente leti boxiweke;

(ii) vumbhoni bya leswaku tihakelo ta xikombelo lexi hlamuseriweke ti endliwile;

(iii) vumbhoni bya leswaku xitiviso xi kandziyisiwile eka *gazete* na le ka maphephahungu hilaha swi hlamuseriweke hakona hi ku landza xiyengentsongo xa (3); na

(d) mpfumelelo kumbe vuyimeri bya vulawuri wa muganga eka ndhawu leyi khumbaka layisense.

(10) Munhu loyi a tisaka nkaneto hi ku landza xiyengentsongo xa (6) u fanele a nyika swivangelo swo hikwalaho ka yini Huvo yi nga boxi vito ra yena.

27. Xikombelo, vuyimeri na no alela leswi pfumeleriweke nkambelo hi vanhu

(1) Xikombelo, vuyimeri, alelo, nhlamulo kumbe mahungu man'wana lama tisiweke ku landza xiyenge xa 26, swi fanele, hi ku landza xiyengentsongo xa (3), swi fanele swi kamberiwa hi mani na mani hi nkarhi wa tiawara ta ntirho ta Huvo hi nkarhi lowu vekiweke hi Huvo.

(2) Huvo yi fanele yi hlela xikombelo xa mahungu mayelana na xikombelo, vuyimeri kumbe nhlamuloi hi ku landza the Nawu wo Lawula ku Hangalasiwa ka Mahungu 2000 (Nawu No. 2 wa 2000).

(3) Huvo yi fanele ku teka xiboho mayelana na —

(a) dokhumente kumbe mahungu mayelana na xiyimo xa swa timali xa munhu loyi a endlaka xikombelo, ku katsa —

(i) mavito ya vanhu lava nga ta thoriwa; kumbe

(ii) makungu ya bindzu ya mukomberi,

kumbe mhaka yihi kumbe yihi leyi, hi ku vona ka Huvo, ya xihundla, yi nga fanelangiki ku tiviwa hi vanhu: Loko dokhumente yaleyo kumbe mahungu lama nga swi nga hambanisiwa na xiphemu lexi nga sala xa xikombelo naswona swi kombisiwa leswaku i swa xihundla; naswona

(b) vito ra munhu loyi a endleke vuyimeri kumbe mikaneto mayelana na xikombelo a ri fanelangi ku tivisiwa munhu un'wana.

28. Tihakelo ta vulavisisi

(1) Munhu loyi a tisaka xikombelo eka Huvo hi ku landza xiyenge xa 26 u fanela a hakela Huvo mali hinkwayo leyi Huvo yi yi tirhiseke, loko yi ri kona, eka ku endla vulavisisi hilaha swi hlamuseriweke hakona eka xiyenge xa 30.

(2) Huvo, yi nga se endla ndzavisiso lowu hlamuseriweke eka xiyenge xa 30, yi ta kombela mukomberi ku tisa nsirhelelo wa tihakelo ta vulavisisi.

(3) Eka nkarhi wihi kumbe wihi wa nkambisisso wa xikombelo, Huvo yi nga kombela mukomberi ku tidipoziti to engetela mayelana na tihakelo ta vulavisisi leti lavekaka.

(4) Endzhaku ka vulavisisi, Huvo, hi ku landza xikombelo, yi fanele ku nyika mukomberi vuxokoxoko bya tihakelo ta vulavisisi leti veke kona naswona nsalo lowu nga eka akhawunti wu ta hlayisiwa kona wu tlheriseriwa eka mukomberi.

(5) Huvo yi nge hetisi xikombelo loko tihakelo ta vulavisisi ti nga hakeriwangi hi ntalo.

29. Ku kambela ndhawu

(1) Huvo yi nga kambela sayiti leri xikombelo xi khumbaka rona.

(2) Loko mukamberi a endla nkambelo, mukamberi u fanele a tisa xiviko eka Huvo lexi kombaka leswaku sayiti rolero ri nga tirhisiwa mayelana na xikombelo.

30. Xiyimo lexinene

(1) Loko Huvo yi hlela xikombelo xa layisense, kumbe xitifikheti xa mfanelo, Huvo yi nga kombela —

(a) mahungu yo engetela yo suka eka mukomberi;

(b) mpfumelelo wo tsariwa wa mukomberi lowu a pfumelelaka Huvo ku kuma mahungu ya yena eka mitlawa ya vunharhu no pfumelela mitlawa ya vunharhu leyi ku tisa mahungu yalawo; na

(c) xiviko xo suka eka —

(i) nhlangano wihi kumbe wihi lowu lawulaka;

(ii) Senthara ya Vuhlori bya Swatimali;

(iii) Mulawuri wa Tiko wa Vutshunxisi; kumbe

(iv) Vukorhokeri bya Maphorisa ya Afrika-Dzonga.

(2) Xiviko hi ku landza xiyengentsongo xa (1) xi nga katsa —

(a) vuxokoxoko byihi kumbe byihi bya munhu lebyi nga kona, ku fika laha vuxokoxoko byolebyo byi nga na nkoka eka ku tiva loko munhu yaloye a nga ri na mfanelo yo va na layisense, ku va n'wini wa layisense, sayiti ra layisense kumbe bindzu leri khumbaka layisense layisense; kumbe

(b) mahungu man'wana na man'wana lama nhlangano, hi ku landza xiyengentsongo xa (1)(c), wu nga ma tekaka ya fambelana na xikombelo.

(3) Hi ku landza xikongomelo xa xiviko lexi hlamuseriweke eka xiyenge lexi, xirho xa the Vukorhokeri bya Maphorisa ya Afrika-Dzonga xi nga kombela mukomberi kumbe munhu loyi a khumbekaka ku tisa mahungu na vuxokoxoko leswi katsaka nkandziyiso wa tintiho na nkandziyiso wa xandla.

(4) Huvo yi fanele ku rhumela khopi ya xiyimo lexinene xin'wana na xin'wana hi ku landza Nawu lowu eka Huvo ya Swo Gembula ya Tiko leswaku yi katsiwa eka rhijistara ya xiyimo lexinene xa munhu.

31. Nhlengeletano mayelana na xikombelo

(1) Huvo, hi ku tirhisa xitiviso eka *gazete* na le ka nyuziphepha leyi hangalasiwaka eka muganga lowu khumbaka xikombelo lexi endliweke, yi fanele ku rhamba mitlawa leyi ku ta eka nhlengeletano ya xikombelo lexi.

(2) Xitiviso lexi nga eka xiyengentsongo xa (1) xi fanele xi komba siku, nkarhi na ndhawu leyi fikelekaka hi vanhu.

(3) Eka nhlengeletano, Huvo yi ta nyika mukomberi kumbe ntlawa wihi kumbe wihi lowu khumbekaka nkarhi wo hlamusela vuyimeri hi nomo.

(4) Munhu loyi a endlaka vuyimeri bya nomo, hi ku landza xiyengentsongo xa (3), a nga pfuniwa hi munhu loyi a n'wi lavaka.

(5) Huvo yi nga khumula kumbe ku yisa nhlengeletano emahlweni hi siku, nkarhi na ndhawu leyi nga hlawuriwaka hi Huvo.

(6) Mutshamaxitulu wa Huvo, loko a vona leswaku vukona bya munhu wo karhi byi ta kavanyeta mafambisele lamanene ya nhlengeletano, a nga kombela munhu yaloye ku huma.

32. Nhlelo wa xikombelo

(1) Loko xikombelo xi nga fikeleli swi laveko swa xiyenge xa 26, Huvo yi ta tlherisela xikombelo eka mukomberi, yi kombela mukomberi ku tatisa kumbe ku lulamisa xikombelo lexi nga hoxeka eka masiku ya 14.

(2) Laha mukomberi a tsandzekaka ku landzelela xiyengentsongo xa (1), Huvo yi nga ala xikombelo no tivisa mukomberi hi ku tsala.

(3) Loko yi hlela xikombelo, Huvo yi fanele ku languta —

(a) malembe, vumunhu, xiyimo xa timali na matimu ya swotirha ya mukomberi; na

(b) ku voniwa nandzu ka mukomberi mayelana na timhaka ta vukanganyisi.

(4) Huvo yi fanele yi hlela —

(a) xikombelo;

(b) vuyimeri byihi kumbe byihi mayelana na xikombelo;

(c) nhlamulo yo tsariwa ya mukomberi;

(d) xiviko xo kambela ndhawu;

(e) xiviko xa vulavisisi;

(f) xiviko xa maphorisa; kumbe

(g) mahungu mahi kumbe mahi man'wana kumbe vumbhoni lebyi tisiweke eka Huvo mayelana na xikombelo, nyika xikombelo hi swipimelo swo karhi leswi nga vekiwaka hi Huvo kumbe ku alela xikombelo.

(5) Hi ku landza xikombelo xa mukomberi, Huvo yi fanele yi nyika swivangelo swo tsariwa mayelana na xiboho xa yona.

33. Swilo swa nhluvukiso wa ikhonomi na wa vanhu leswi nga ta hleriwa

(1) Loko Huvo yi hlela xikombelo xa layisense, ehandle ka layisense ya mutirhinkulu, Huvo yi fanele ku —

(a) swiboho hinkwaswo leswi tekiweke hi mukomberi mayelana na —

(i) ku haverisa ikhonomi eka vantima;

(ii) ku lwisa timhaka ta magembulelo yo tlula mpimo; na

(b) leswi nga humelelaka eka vanhu na ikhonomi ya muganga mayelana na layisense leyi bumabumeriwaka.

(2) Huvo yi nga veka swipimelo leswi amukelekaka eka layisense ku languta timhaka leti hlamuseriweke eka xiyengentsongo xa (1).

(3) Kan'we hi lembe, endzhaku ko humesa layisense ehandle ka layisense ya mutirhinkulu, Huvo —

(a) ku pfuxeta ku tinyiketela loku endliweke hi ku landza xiyengentsongo xa (1) (a) na mimbuyelo leyi fikeleriweke hi n'wini wa layisense mayelana na ku tinyiketela loku; na

(b) ku nga tlhela ku vekiwa swipimelo swin'wana eka layisense ku fikelela timhaka leti hlamuseriweke eka xiyengentsongo xa (1).

34. Swilo swa mphikizano leswi nga ta hleriwa

(1) Loko ku hleriwa xikombelo xa layisense, ehandle ka layisense ya mutirhinkulu, Huvo yi fanele ku kamba loko ku pfumeleriwa ka layisense leyi swi ta tisa mphikizano eka bindzu ro gembula hi ku angarha, kumbe hi mayelana na nghingiriko lowu bumabumeriwaka eka xifundzankulu.

(2) Endzhaku ko hlela timhaka leti hlamuseriweke eka xiyengentsongo xa (1), Huvo yi fanele ku alela xikombelo ehandle kaloko ku ri na swivangelo swin'wana swa vanhu swo yi pfumelela, loko swi tikomba onge ku pfumelela xikombelo swi ta endla leswaku mukomberi a ri yexe kumbe na xaka ra yena, va kuma matimba ya timakete.

(3) Hi ku landza swikongomelo swa xiyengentsongo xa (2) —

(a) **"matimba ya timakete"** nhlamuselo leyi kombisiweke eka xiyenge xa 1 xa Nawu wa Miphikizano, 1998 (Nawu No. 89 wa 1998);

(b) **"swivangelo swa ntsakelo wa vanhu"** swi katsa swivangelo leswi kombisiweke eka xiyenge xa 12A (3) xa Nawu wa Miphikizano, 1998 (Nawu No.89 wa 1998); na

(c) **"xaka ra munhu"** swi vula munhu loyi —

(i) a nga na vulawuri byo kongoma kumbe byo ka byi nga kongomi bya mukomberi;

(ii) loyi mukomberi a nga na vulawuri byo kongoma kumbe byo ka byi nga kongomi eka yena; kumbe

(iii) loyi a lawuriwaka hi ndlela yo kongoma kumbe yo ka yi nga kongomi hi munhu wo karhi hilaha swi hlamuseriweke eka ndzimanantsongo ya (i).

35. Swipimelo swa layisense

(1) Loko Huvo yi humesa layisense ya xifundzankulu kumbe ya tiko, Huvo yi nga humesa layisense yaleyo yi ri na swipimelo kumbe yi nga ri na swona.

(2) Layisense leyi humesiweke hi ku landza Nawu lowu, ehandle ka layisense ya mutirhinkulu, yi fanele ku komba —

(a) vito ra n'wini wa layisense;

(b) migingiriko leyi pfumelelaka n'wini wa layisense ku yi endla kumbe ku yi hundzisela eka vanhu;

(c) vito kumbe nhlamuselo hi ntalo ya tindhawu leti n'wini wa layisense a nga ta ti tirhisa ku endla migingiriko ya yena; na

(d) nkarhi lowu vekeriweke layisense.

(3) Huvo yi nga veka swipimelo mayelana na layisense yihi kumbe yihi leyi humesiweke hi ku landza Nawu lowu, ku katsa swipimelo mayelana na —

(a) migingiriko yo gembula leyi nga endliwaka kumbe tindlela to beja leti nga pfumeleriwaka;

(b) ndlela yo tlanga eka nghingiriko wo gembula kumbe ntlangu wo beja kumbe mujaho wa tihanci;

(c) milawu ya nghingiriko wo gembula, ku beja kumbe mujaho wa tihanci;

(d) tiawara leti bindzu rolero ri tirhaka ha tona;

(e) ku tisiwa ka garanti hi mukomberi hi ndlela leyi amukelekaka eka Huvo ya swikweleti swa mukomberi mayelana na —

(i) tilevhi leti hakeriwaka hi ku landza Nawu lowu; na

(ii) swikweleti swo gembula leswi hakeriwaka mukomberi;

(f) ku tumbuluxa, ku cinca, ku engetela no tumbuluxa nakambe sayiti ra layisense;

(g) ndhawu ya sayiti;

(h) ndhawu laha migingiriko yo gembula yi pfumeleriweke kona yo kota masayiti; na

(i) timhaka ta nkoka eka ku fikelela swikongomelo swa Nawu lowu.

(4) Huvo yi ta humesa ntsena layisense —

(a) tanihi layisense ya nkarhi hinkwawo;

(b) layisense ya nkarhinyana, loko hi ku landza the mukomberi a fikelela swilaveko swo karhi eka nkarhi lowu boxiweke, hi xikongomelo xo fikelela

swilaveko swoleswo, layisense ya nkarhi hinkwawo yi nga humesiwa yi siva layisense ya nkarhinyana; kumbe

(c) hi ku landza xiyengentsongo xa (3), tanihi layisense ya swilo swo karhi swo hlawuleka, leyi pfumelelaka migingiriko yo karhi hi masiku yo karhi naswona eka ndhawu yo karhi leswi boxiweke eka layisense.

(5) Huvo, loko yi vona leswaku makhombo mayelana na tihakelo ta n'wini wa layisense mayelana na swikweleti ta tlakuka, hilaha swi hlamuseriweke hakona eka xiyengentsongo xa (3) (e), yi nga kombela n'wini wa layisense ku tisa tigaranti tin'wana ku engetela eka garanti leyi hlamuseriweke eka xiyengentsongo lexi.

(6) Layisense yi tirha ntsena eka nkarhi lowu pimiweke hi Huvo.

36. Ku cinca, ku yimisanyana kumbe ku tlherisela endzhaku layisense

(1) Huvo, hi ku landza xiyengentsongo xa (3) yi nga —

(a) cinca a layisense;

(b) yimisanyana a layisense eka nkarhi lowu pimiweke hi Huvo; kumbe

(c) tlherisela endzhaku layisense ku suka eka siku leri vekiweke hi Huvo,

loko —

(i) mahungu mahi kumbe mahi mayelana na layisense, hi nkarhi lowu mahungu ya nga rhumeriwa, a ya hoxekile hi ndlela yihi kumbe yihi naswona a ku ri na leswi kayivelaka eka wona;

(ii) n'wini wa layisense wa yirisiwa kumbe a nga yirisiwa ku va na layisense hi ku landza Nawu lowu;

(iii) n'wini wa layisense, mutirhi wa n'wini wa layisense kumbe munhu un'wana loyi a yimeleke n'wini wa layisense a tsandzekeke ku landzela—

(aa) xipimelo xa Nawu;

(bb) xipimelo xa layisense; kumbe

(cc) xitiviso xo tsariwa xo lulamisa ku tsandzeka ku fikelela xipimelo eka nkarhi lowu vekiweke;

(iv) n'wini wa layisense, ehandle ka mpfumelelo wa masungulo wo tsariwa wa Huvo, a tsandzeka ku endla migingiriko yo gembula eka masiku ya makumenharhu hi ku landzelelana;

(v) n'wini wa layisense a tsandzeka ku hakela timali leti laviwaka hi Huvo hi ku landza Nawu lowu eka nkarhi lowu hlamuseriweke;

(vi) n'wini wa layisense a tsandzeka ku hakela sagwadi leri kumiweke eka nghingiriko wo gembula kumbe eka mubejo lowu humeleleke;

(vii) n'wini wa layisense, hi ku vona ka Huvo, a endla migingiriko yo gembula kumbe a pfumelela migingiriko yo gembula ku endliwa hindlela leyi nga na khombo eka rihanyu ra vanhu, vuhlayiseki, matikhomele, maendlele lamanene kumbe vumunhu bya vaakatiko va xifundzankulu;

(viii) n'wini wa layisense kumbe munhu un'wana loyi a yimelaka n'wini wa layisense kumbe loyi a thoriweke hi n'wini wa layisense a tirhisa

xitirhisiwa xo gembula kumbe a pfumelela ku tlangiwa ka nghingiriko wihi kumbe wihi wo gembula eka xitirhisiwa xo gembula —

(i) lexi tisiweke kumbe ku kumiwa eka munhu loyi a nga ri ki na layisense hi ku landza xiyenge xa 57;

(ii) lexi nga fambelaniki na milawu na swipimelo leswi vekiweke;

(ix) n'wini wa layisense u thola munhu hi ku landza xiyenge xa 62 a nga ri na layisense leyi lavekaka;

(x) n'wini wa layisense, ehandle ka mpfumelelo wa masungulo wo tsariwa wa Huvo, sa xavisa kumbe ku hundzisela bindzu eka munhu un'wana kumbe ku tshika ku tirhisa bindzu eka xiphemu xihi kumbe xihi xa sayiti ra layisense; kumbe

(xi) n'wini wa layisense hi swikongomelo swa yena a ya emahlweni a tirhisa bindzu hi tindlela leti nga amukelekiki eka Huvo.

(2) Huvo yi nga pfuxeta nakambe layisense yimisanyana hi ku landza xiyengentsongo xa (1) loko swivangelo swo yi yimisanyana swi nga ha ri kona.

(3) Loko Huvo yi nga se cinca, ku yimisanyana kumbe ku tlherisela layisense endzhaku, yi fanele yi tirhisa xitiviso xo tsariwa ku tivisa n'wini wa layisense swivangelo swo cinca, ku yimisanyana no tlherisela endhaku layisense no nyika n'wini wa layisense nkarhi wo angula hi ndlela yo tsala eka masiku ya 14 endzhaku ko kuma xitiviso, leswaku hikwalaho ka yini layisense yi fanele yi nga cinciwi, ku yimisiwanyana kumbe ku tlheriseriwa endzhaku.

(4)(a) Hi ku landza ndzimana ya (b), loko Huvo yi vona leswaku swa fanela ku xiya nkhumbeko wa vanhu, Huvo yi nga cinca kumbe ku yimisanyana hi xihatla.

(b) Endzhaku kaloko Huvo yi cincile kumbe ku yimisanyana layisense hi ku landza ndzimana ya (a), Huvo yi fanele ku tirhisa swipimelo swa Nawu wa Ntlakuso na Vufambisi bya swa Vululami, 2000 (Nawu No. 3 wa 2000).

(c) Loko Huvo yi landzelerile ndzimana ya (b), naswona yi enetisiwile leswaku swa fanela ku tlherisela layisense endzhaku, Huvo yi fanele ku landzelela mafambisele lama hlamuseriweke eka xiyengentsongo xa (3).

(5) Hi nkarhi lowu layisense yi nga yimisiwanyana, n'wini wa layisense a nga fanelangi ku pfumelela kumbe ku endla migingiriko leyi nga yimisiwanyana.

(6) N'wini wa layisense a nga na mfanelo yo tlheriseriwa mali yihi kumbe yihi leyi hakeriweke loko layisense yi yimisiwilenyana kumbe ku tlheriseriwa endzhaku.

(7) Nwini wa layisense loyi layisense ya yena yi yimisiwekenyana kumbe ku tlheriseriwa endzhaku u fanele ku rhumela layisense eka Huvo eka masiku ya nkombo endzhaku ko kuma xitiviso.

(8) Mayelana na leswi xiyenge xa "layisense" xi katsa xitifikheti xa mfanelo hilaha xi hlamuseriweke eka xiyenge xa 43.

37. Layisense ya nkarhinyana

(1) Laha swi faneleke leswaku layisense yi nyikiwa, Huvo yi nga boha leswaku layisense ya xinkarhani yi humesiwa —

(a) loko sayiti leri khumbhekaka ri fanele ri cinciwa, engeteriwa, akiwa kumbe ku tlhela ri akiwa; kumbe

(b) eka xiyimo xihi ni xihi laha ku humesiwa ka layisense ya xinkarhani swi fanerile.

(2) Huvo yi nga humesa layisense ya xinkarhani eka mukomberi wa xikombelo hi ku ya hi ku mukomberi wa xikombelo wa fanela, hi nkarhi lwu pimiweke eka layisense ya xinkarhani, na makungu swo tano kumbe swilaveko tani hileswi Huvo yi nga bohaka.

(3) Huvo yi nga ku ya hi n'wini wa layisense ya xinkarhani yi humesiwile, hi xivangelo xo twakala, a nga engetela nkarhi eka theme lowu wu nga hundzeki 24 wa tin'weti.

(4) Loko Huvo yi enetisekile hi xikombelo xa n'wini wa layisense ya xinkarhani, ni leswaku makungu na swilaveko swa layisense ya xinkarhani swi landzeleriwile, Huvo yi fanele yi humesa layisense hi pfala layisense ya xinkarhani leyi khumbhekaka.

(5) Loko layisense yi nga humesiwangi tanihi leswi swi vuriweke eka xiyengentsongo xa (4) kumbe ku nga si hundza nkarhi lowu vekiweke lowu vuriweke eka layisense ya xinkarhani, layisense ya xinkarhani yi yima ku tirha.

38. Ku cinca sayiti

(1) N'wini wa layisense hi ku ya hi fomati leyi vekiweke, a nga endla xikombelo xa ku ncinca ndhawu swa nkarhi hinkwawo kumbe swa xinkarhani, ku nga va ku ri swa nkarhi hinkwawo kumbe swa xinkarhani eka bindzu ra ku gembula leri khumbekaka ku ya eka sayiti rin'wani.

(2) Eka mhangu leyi khasino leyi nga ni layisense yi rhurhela eka sayiti yin'wani, makungu ya xiyenge xa 26 to 35 na ya xiyenge xa 44 Nawu lowu ya ta tirha.

(3) Huvo hi ku ya hi makungu leswi Huvo yi nga swi bohaka, va pasisa mukomberi wa xikombelo tani hileswi swi boxiweke tani hileswi swi boxiweke eka xiyengentsongo(2), ku fambisa bindzu ra n'wini wa layisense esayitini, loko va ha yimele mbuyelo wa mukomberi wa xikombelo kumbe ku rhurhela eka sayiti rin'wani.

39. Ku hundza emisaveni kumbe vulema

(1) Loko n'wini wa layisense kumbe munhu loyi a nga ni ntsakelo a nga lova kumbe a vaviseka, mufambisi kumbe muhlayisi wa rifa ra munhu yaloye kumbe munhu wun'wani loyi a nga ni ntsakelo wa layisense yo tano a nga endla xikombelo eka Huvo kumbe layisense leyi enetisaka.

(2) Huvo yi fanele hi ku ya hi swipimelo swo tano tanihileswi Huvo yi nga bohaka pasisa mukomberi wa xikombelo tani hileswi swi boxiweke eka xiyengentsongo xa (1), ku endla bindzu ra n'wini wa layisense hi ku yimela mbuyelo wa xikombelo xa mukomberi wa xikombelo kumbe layisense .

40. Mfanelo yo kombisa no humesa layisense

(1) N'wini wa layisense u fanele hi minkarhi hinkwayo a kombisa layisense eka sayiti leri nga ni layisense.

(2) N'wini wa layisense, mutirhi wa n'wini wa layisense kumbe a munhu a tirhaka hi ku yimela n'wini wa layisense u fanela hi ku lerisiwa hi mukamberi kumbe phorisa a humesa layisense leyi khumbhekaka.

41. Mfanelo yo humesa tihakelo na tilevhi

(1) Mukomberi wa xikombelo kumbe layisense u fanele a hakela eka Huvo —

(a) mali leyi yi hlawuriweke ya ku endla xikombelo xa layisense; na

(b) mali yin'wani leyi yi hlawuriweke ya ku endla xikombelo xa layisense leyi vekiweke hi Huvo; na

(c) timali kumbe ku kumiwa ka mali leyi tirhisiweke, ku katsa mali ya ku lavisisa leyi tirhisiweke hi Huvo mayelana ni xikombelo.

(2) N'wini wa xikombelo u fanele a hakela eka Huvo —

(a) mali ya layisense leyi vekiweke;

(b) xigwevo lexi vekiweke kumbe ku hlwela ku hakela mali, laha xigwevo xa kona xi nga fanelangiki xi hundza ntsengo wa mali hi kambirhi hi ku landza ndlela leyi xigwevo xi nga hakeriwaka;

(c) tilevhi leti halwuriweke;

(d) xigwevo lexi vekiweke kumbe ku hlwela ku hakela mali, laha xigwevo xa kona xi nga fanelangiki xi hundza ntsengo wa mali hi ka mbirhi hi ku landza ndlela leyi xigwevo xi nga hakeriwaka; na

(e) tilevhi tin'wani hinkwato leti vekiweke hi Huvo.

(3) Mali ya layisense yi nga hambana hi ku ya hi ku hambana ka mixaka ya tilayisense.

42. Ntsakelo wa swa timali na wo lawula

(1) Munhu loyi hi ku kongoma kumbi a nga kongomisi a lawula ntsakelo kumbe ntsakelo wa timali wa tiphensente ta ntlhanu kumbe ku tlula, kumbe tiphensente ta le hansi tanihileswi swi hlawuriweke eka bindzu leri fambisanaka na layisense, ri fanele hi nkarhi na hi ndlela leyi bohiweke hi Huvo, va endla xikombelo eka Huvo kumbe ku kombisa ku va va ri ni ntsakelo.

(2) Makungu lawa ya tirhaka eka mukomberi wa xikombelo kumbe layisense, ya tirha eka xikombelo lexi ku kongomisiweke eka xona eka xiyengentsongo(1).

(3) Huvo yi nga nyiki mpfumelelo eka xikombelo hi ku landza xiyengentsongo xa (1) laha the mukomberi wa xikombelo i munhu loyi a nga fikelelangiki swipimelo tani hileswi swi boxiweke eka xiyenge xa 24.

(4) Laha Huvo yi nga nyikiki mpfumelelo eka xikombelo hi ku landza xiyengentsongo xa (1), mukomberi wa xikombelo u fanele hi nkarhi lowu wu bohiweke hi Huvo a tirhani ni ntsakelo wa layisense .

(5) A ku ni munhu wihi ni wihi loyi a nga xavaka ntswalo tani hileswi swi boxiweke eka xiyengentsongo xa (1), tani hileswi muhlawuriwa kumbe ejente kumbe wun'wani hi ku yimela xirho nkulu kumbe muamukeri loko ku ri ku munhu yaloye a nga tivisangi n'wini wa layisense loyi a khumbhekaka na Huvo, hi ku tsala a tivisa xirhonkulu kumbe muamukeri.

43. Xitifikheti xa mfanelo

(1) Xirho xa Huvonkulu hi xitiviso eka Gazete a nga longoloxa mintlawa ya vanhu lava fanelaka ku van a xitifikheti xa mfanelo.

(2) Laha n'wini wa layisense a lava nhundzu kumbe vukorhokeri ku suka eka mintlawa ya vanhu lexi longoloxiweke eka xitiviso lexi kongomisiweke eka xiyengentsongoxa (1), n'wini wa layisense u fanele a kuma tinhundzu teto kumbe vokorhokeri ku suka eka munhuloyi anga ni xitifikheti xa mfanelo wa ku hangalasa tinhundzu teto kumbe vukorhokeri.

(3) Munhu u fanele a endla xikombelo eka Huvo kumbe xitifikheti xa mfanelo hi fomati na ndlela leyi bohiwaka hi Huvo.

(4) Huvo yi nga vutisa na ku kuma mahungu ku suka eka munhu wihi ni wihi kumbe eka ndhawu yo karhi ku katsa Vukorhokeri bya Xiphorisa bya Afrika Dzonga, mayelana na mfanelo ya mukomberi wa xikombelo, leswaku Huvo yi amukela xikombelo.

(5) Huvo endzhaku ka ku nyika n'wini wa setifikheti xa mfanelo nkarhi wa ku nyika vuyimeri, a yimisiwa nkarhi wo karhi lowu vuriwaka va yimisa ku tirha ka xitifikheti xa mfanelo, loko —

(a) mahungu eka xikombelo ya xitifikheti xo tano xi ri xa mavun'wa eka ku ya hi nhundzu kumbe ku va ku onhiwile matheriyali;

(b) n'wini wa xitifikheti a tsandzekile ku landzelala kumbe a hambanile na makungu yahi ni yahi kumbe xiyimo xa xitifikheti; kumbe

(c) Huvo yi ni mavonelo ya leswaku swi ni nkoka na ku tlhela yi swi yimela leswaku ku fanele ku va ni vulawuri bya kahle bya ku gembula.

44. Mpimo wa timfanelo leti tirhaka eka layisense

I munhu loyi a nga enawini ntsena loyi a nga kumaka layisense ya —

(a) ku fambisa khasino;

(b) ku ya hi tihakelo leti pimiweke a nga va ka mulawuri wa michini yo beja;

(c) tanihi hi mutumbuluxi/muaki;

(d) tanihi muhlayeli wa mali ya va wini; kumbe

(e) tanihi mufambisi wa sayiti loyi a ti yimeleke.

KAVANYISA KA 4

LAYISENSE YA KHASINO

45. Layisense ya Khasino

(1) Hi xikongomelo xa Kavanyisa loku —

"ntlangu wa le khasino" ri vula ntlangu, ku nga ri hi ku ya hi ku, kumbe hi mbuyelo wu bohiwa hi ku ya hi xikili, ku tlanga makariti, madayizi, muchini wo gembula kumbe xitirhisiwa xihi ni xihi lexi tirhisiwaka ku boha ku wina kumbe ku lahlekeriwa hi mbuyelo wa mali kumbe mikambisiso yin'wani ni yin'wani leyi nga ni nkoka, na ku katsa, ku nga tekeriwi ehansi ku angarhela ka foregoing yisa emahlweni ka blackjack, chemin *de fer*, baccarat, bingo, deno, twenty-one, poker na roulette, kumbe mitlangu yin'wani leyi milawu yi nga kombiseki ku fana swinene eka foregoing.

(2) Huvo yinga humesa ntsena layisense ya khasino endzhaku kaloko yi ti hlanganisile ni Xirho xa Huvonkulu na Huvo va entiseka leswaku mukomberi wa xikombelo u —

(a) vutivi lebyi faneleke kumbe ntokoto kumbe u kota ku kuma vutivi lebyi faneleke na ntokoto wa ku fambisa khasino;

(b) a landzelerile swilaveko kumbe xikombelo tanihi leswi swi bohiweke hi Huvo hi ku landza Nawu lowu;

(c) ku va ni ku vun'wini a ri yexe kumbe bya xinawu byo hlawuleka bya sayiti leri nga ni layisense; na

(d) ku kuma mali leyi ringanaka leyi fanelaka kumbe ku fambisa khasino.

(3) Layisense ya khasino ya pasisiwa hi ku ya swipimelo leswi Huvo yi nga swi bohaka, ku fambisele na ku tlanga ka mitlangu ya khasino eka sayiti leyi hlamuseriweke eka layisense.

(4) N'wini of a layisense ya khasino a nge hlanganisi michini yo gembula leyi tirhisiwaka eka ndhawu yo jekipoto leyikulu leyi yi hundziseriweke emahlweni ku nga ri na mpfumelelo wo tsariwa wo sungula wo huma eka Huvo.

(5) Huvo, hi ku ya hi michini yo gembula leyi tirhisiwaka eka ndhawu yo anama ya jekipoto leyi yi hundziseriweke emahlweni leyi kongomisiweke eka xiyengentsongo xa (4), yi nga nghena eka mitwanano na mihlangano leyi nga kona ehandle ka xifundzankulu ku vona leswaku ku ni vulawuri bya kahle bya jekipoto leyikulu leyi yi hundziseriweke emahlweni.

46. Nhlelo wa xikombelo xa layisense ya khasino

(1) Loko ku karhi ku tekeriwa xikombelo enhlokweni kumbe layisense ya khasino, Huvo yi fanele yi kambisisa xiyimo lexi —

(a) khasino yi nga antswisaka mbangu na ndhawu vuakelani;

(b) khasino yi ta tlakusa vumpfhumba eka ndhawu leyi khasino yi nga ta va eka yona;

(c) khasino yi ta endla leswaku ku va ni mintirho leyi yi yisaka emahlweni;

(d) mukomberi wa xikombelo u ta nyika vuleteri na swikili eka mutirhi wa le khasino;

(e) mukomberi wa xikombelo u ta hakela vatirhi, tinhundzu na vukorhokeri eka ndhawu yaleyo na xifundzankulu hi ku angarhela kumbe ku akiwa ka khasino;

(f) mukomberi wa xikombelo u ni kungu ra ku nyika kumbe ku hoxa xandla eka vun'wini kumbe mbuyelo wa khasino hi munhu, kumbe mintlawa, kumbe mintlawa ya vanhu leyi a yi xaniseka khale hikokwalaho ka xihlawuhlawu; na

(g) mukomberi wa xikombelo u ni kungu ra ku hoxa xandla eka gingiriko wihi ni wihi, ku vuyeriwa kumbe ku nyikela kumbe mbuyelo ku tiphina ka tiko e kumbe ekusuhi ni sayiti leyi khasino yi nga ta va eka yona.

(2) Huvo yi tekela emahlweni mhaka yihi ni yihi kumbe leyi yi nga khumbaka xiboho xa ku pfumelela xikombelo xo tano kumbe lexi fambisanaka na xipimelo kumbe xilavelo.

47. Nkombiso wa mahungu

N'wini wa layisense ya khasino —

(a) ku kombisa sayiti ya layisense, mahungu mayelana na mitlangu ya khasino tani hi leswi swi bohiwe hi Huvo; na

(b) loko mutirhi a endla xikombelo, a endla leswaku ku kumeka khopi ya xikambelo xa milawu leyi bohaka ndlela leyi mitlangu ya khasino yi fanelaka ku tlangisiwa xiswona.

48. Ku tirhisiwa ka rito "khasino"

A ku ni munhu loyi anga xaviseriwka kumbe ku yisa emahlweni bindzu ehansi ka vito kumbe nhlokomhaka leyi ku nga rito "khasino" ri tirhisiwa loko munhu yaloye a nga ri n'wini wa layisense ya khasino yi humesiwa Nawu lowu.

KAVANYISA KA 5

BINGO

49. Layisense ya Bingo

(1) Layisense ya Bingo leyi pasisiweke hi ku landza swipimelo swa Huvo yi nga lerisa eka matlangele, kumbe ku tlanga ka kumbe ku pfumelela ku tlangiwa ka bingo eka kumbe ma sayiti lama ya nga kombisiwa eka layisense.

(2) A ku ni munhu, ehandle ka n'wini wa layisense ya khasino, a nga hlayisaka sayiti leri ku tlangeriwaka Bingo kumbe a pfumelela ku tlangiwa ka bingo ku nga humesiwangi layisense ya bingo ni ku landza Nawu lowu.

(3) A ku ni munhu loyi hi xilekitironiki kumbe ndlela yin'wana yo fana na yona wa ku hlanganisa ni sayiti rin'wani a nga pfumelaka leswaku bingo yi tlangiwa eka sayiti lero ku nga humesiwangi layisense ya bingo hi ku landza Nawu lowu.

(4) Huvo, hi ku landza ku hlanganisiwa tani hileswi swi boxiweke eka xiyengentsongo xa (3), yi nga nghena eka mintwanano na minhlangani leyi nga kona ehandle ka xifundzankulu ku vona leswaku ku ni vulawuri bya kahle mitlangu ya bingo leyi hlanganisiweke.

(5) Xirho xa Huvonkulu, hi xibumabumelo xa Huvo, na hi xitiviso eka Gazete, xi nga boxa ntlangu wun'wani na wun'wani lowu wu yelanaka swinene na bingo leswaku i bingo.

KAVANYISA KA 6

MUCHINI LOWU HAKELAKA MALI LEYI PIMIWEKE KHAMPHANI YO LAWULA LAYISENSE YA MUCHINI, MUCHINI LOWU HAKELAKA MALI LEYI PIMIWEKE YA MULAWURI WA LAYISENSE YA SAYITI NA LAYISENSE YA KU LAWULA SAYITI LERI RI TI YIMELEKE

50. Muchini lowu hakelaka mali leyi pimiweke khamphani yo lawula layisense ya muchini

(1) Layisense ya maluwuri wa muchini wo beja lowu pimiweke tihakelo yi pfumeleriwa hi ku ya hi swipimelo leswi Huvo yi nga swi vekaka, ku tirha ka michini leyi pimiweke tihakelo leyi landzelelaka swipimelo leswi swi hlamuseriweke eka layisense ya michini leyi pimiweke tihakelo.

(2) N'wini of layisense ya maluwuri wa muchini wo beja lowu pimiweke tihakelo u fanele a nghena eka ntwanano ni n'wini wa layisense ya michini leyi pimiweke tihakelo leswaku ku vekiwa michini yo gembula eka sayiti ya layisense.

(3) Huvo yi nga humesa ntsena layisense ya muluwuri wa muchini wo beja lowu pimiweke tihakelo loko Huvo yi enetiseka leswaku mukomberi wa xikombelo —

(a) u ni vutivi na ntokoto lowu enetisaka kumbe u kota kuma vutivi na ntokoto lowu lavekaka ku tirhisa michini yo gembula; naswona

(b) u fikelerile hinkwaswo swilaveko swa xikombelo tanihi hileswi swi bohiweke hi Huvo hi ku landza Nawu lowu na Nawu wo Gembula wa Rixaka na Nawu wo Gembula wa Rixaka, 2004.

(4) Huvo yi nga humesa layisense ya maluwuri wa muchini wo beja lowu pimiweke tihakelo ku ya hi nhlayo ya michini yo gembula leyi hlawuriweke hi Nawu wo Gembula wa Rixaka, 2004.

(5) N'wini of layisense ya maluwuri wa muchini wo beja lowu pimiweke tihakelo u fanele a hlanganisa michini yo gembula leyi kombisiweke eka layisense leswaku yi kamberiwa hi sisiteme ya xilekitironiki tani hileswi swi boxiweke eka xiyenge xa 60.

(6) A ku ni munhu loyi loko ku nga humesiwangi layisense ya maluwuri wa muchini wo beja lowu pimiweke hi ku landza Nawu lowu, a nga pfumeleriwaka kumbe ku nghenela bindzu leri tirhaka eka michini leyi nga ni tihakelo leti pimiweke.

51. Muchini lowu hakelaka mali leyi pimiweke ya mulawuri wa layisense ya sayiti

(1) Layisense ya mulawuri wo muchini wo hakela mali leyi pimiweke ku pfumeleriwa, hi ku ya hi swipimelo leswi Huva yi nga swi vekaka, ku hlayisa na ku humesela ehandle leswaku swi tlangisiwa, nhlayo leyi yi vekiweke ya michini yo hakela le pimiweke leyi fambisanaka na swilaveko leswi hlamuseriweke eka ndhawu leyi bohiweke eka sayiti leri kombisiweke eka layisense .

(2)(a) Hi ku ya ndzimana ya (b), Huvo yi nga ka yi nga humesi layisense ya mulawuri wa muchini wo hakela mali leyi pimiweke leswaku yi tirhisiwa na ku hlayisiwa ka michini yo hakela yo ka yi nga tluli ntlhanu.

(b) Huvo yi nga tirhisa Huvo yo Gembula ya Rixaka ku pasisa tirhele ra michini yo hakela leyi saleke eka ntlahanu wa michini naswona yi nga tluli 40: Handlekaloko ku ri leswaku xikombelo xo tano xi fanele xi endliwa hi ku landza sayiti rin'wani na rin'wani la michi yo hakela leyi pimiweke leyi saleke, ntlhanu wa yona yi kumekile.

(3) Huvo yi nga humesa ntsena layisense ya mulawuri wa muchini wo hakela mali leyi pimiweke loko—

(a) mukomberi wa xikombelo u fikelerile hinkwaswo kumbe xikombelo tanihi hileswi swi bohiweke hi Huvo hi ku landza Nawu lowu na Nawu wo Gembula wa Rixaka, 2004 naswona.

(b) enetisekile leswaku sayiti leri layisense yi laveriwaka rona a ri nge tirhisiwi kumbe ku tirhisiwa ka michini yo hakela mali leyi pimiweke.

(4) N'wini wa layisense sayiti ra muchini wo hakela mali leyi pimiweke u fanele a vona leswaku —

(a) chaji leyi vekiweke ya ku tlanga muchini wihi ni wihi wo hakela mali leyi pimiweke wu nga tluli ntsengo wa mali leyi vekiweke;

(b) pureyisi hi ku landza ntlangu wihi ni wihi lowu tlangiweke hi muchini wo tano wo hakela mali leyi pimiweke yi nga ka yi nga hundzi ntsengo wa mali leyi hlawuriweke hi ku landza the Nawu wo Gembula wa Rixaka, 2004;

(c) ntsengo wa pureyisi leyi hlawuriweke hi ku landza ndzimananyana ya (b) wu fanele wo kombisiwa eka muchini wo hakela mali leyi pimiweke, lowu pureyisi yi nga winiwaka hi ku tlanga ntlangu kan'we; naswona

(d) michini yo hakela mali leyi pimiweke yi vekiwa eka ndhawu leyi munhu loyi a a nga ehansi ka malembe ya 18 a nge koti ku nghena.

(5) A ku ni munhu loyi a nga ri ki ni layisense ya mulawuri wa sayiti leri pimiweke leyi humesiwaka hi ku landza this Nawu, a nga hlayisaka sayiti leri michini yo hakela mali leyi pimiweke yi vekiwaka kona kumbe ku humesiwa leswaku ti tlangisiwa.

52. Layisense ya ku lawula sayiti leri ri tiyimeleke

(1) Layisense ya mulawuri loyi a tiyimeleke hi ku ya hi swipimelo swihi ni swihi swa Huvo wa Mulawuri wa layisense ya sayiti loyi a tiyimeleke pfumelela ku ya hi swipimelo swihi ni swihi leswi Huvo yi nga swi vekaka, ku tirha nomboro leyi yi nga tluleki nomboro leyi vekiweke ya michini yo hakela leyi longoloxiweke eka layisense, eka swilaveko swa sayiti.

(2) Huvo yi nga humesa ntsena layisense ya mulawuri wa sayiti loyi a tiyimeleke loko—

(a) the mukomberi wa xikombelo a fikelerile na swilaveko hinkwaswo swa ku endla xikombelo hi ku landza xitiviso lexi ku kongomisiweke eka xona eka xiyenge xa 26;

(b) mukomberi wa xikombelo u ni vutivi na ntokoto lowu enetisaka kumbe u kota kuma vutivi na ntokoto lowu lavekaka ku tirhisa michini yo hakela mali leyi pimiweke;

(c) wa enetiseka leswaku sayiti leri ku faneriwaka ku kuma layisense a ri nge tirhisiwi ku tirhisa michini yo hakela mali leyi pimiweke.

(3) N'wini wa mulawuri wa layisense ya sayiti loyi a tiyimeleke u fanele a hlanganisa michini hinkwayo yo hakela mali leyi pimiweke leyi kombisiweke eka layisense na sisiteme ya ku kambela hi xilekitironiki.

(4) N'wini wa layisense ya mulawuri loyi a tiyimeleke u fanele a vona leswaku—

(a) chaji leyi vekiweke ya ku tlanga muchini wihi ni wihi wo hakela mali leyi pimiweke wu nga tluli ntsengo wa mali leyi vekiweke;

(b) pureyisi hi ku landza ntlangu wihi ni wihi lowu tlangiweke hi muchini wo hakela mali leyi pimiweke tano wo hakela mali leyi pimiweke yi nga ka yi nga hundzi ntsengo wa mali leyi hlawuriweke;

(c) tlherisela eka vatlangisi va muchini wo hakela mali leyi pimiweke a yi hundzi tiphesente leti vekiweke;

(d) ntsengo wa pureyisi leyi hlawuriweke lowu wu nga winiwaka hi ku tlanga ntlangu kan'we eka muchini wo hakela mali leyi yi pimiweke, wu fanele wu kombisiwa eka muchini wo hakela mali leyi pimiweke; naswona

(e) michini ya tihakelo leti pimiweke yi vekiwa eka ndhawu leyi munhu loyi a nga ehansi ka malembe ya 18 a nga koteki ku nghena.

(5) A ku ni munhu loyi a nga ri ki ni layisense ya mulawuri wa layisense ya sayiti loyi a tiyimeleke hi ku landza Nawu lowu a nga pfumelelaka kumbe ku ti nghenisaka eka bindzu ra ku tirhisa michini ya ku hakele leyi pimiweke leyi kombisiwaka eka layisense.

KAVANYISA KA 7

KHOMPYUTA YA SWO BEJA NA LAYISENSE YA MUBEJISI

53. Layisense ya mulawuri wa khompyutara ya swo beja

(1) A ku ni munhu a nga ri ki ni layisense ya muchini wo hlanganisa leyi humesiweke hi ku landza Nawu lowu, ya tirha kumbe ku pfumelela ku tirha ka muchini wo hlanganisa kumbe tindhawu to bejela eka tona.

(2) Layisense ya muchini wo hlanganisa wu nga pfumelela, hi ku ya hi swipimelo swa Huvo veka matirhisele ya muchini wo hlanganisa kumbe ndhawu yo bejela eka yona hi ku landza milawu leyi bohiweke hi Huvo.

(3) Xirho xa Huvonkulu xi nga hlamusela swilaveko swa layisense ya muchini wo hlanganisa.

54. Layisense ya sayiti ra khompyutara ya swo beja

(1) Muchini wo hlanganisa hi ku landza xiyenge xa 53, wu fanele wu va ni layisense ya sayiti muchini wo hlanganisa ku amukela switeki eka sayiti leri vuriweke eka layisense

(2) Layisense ya sayiti muchini wo hlanganisa yo pfumelela, hi ku ya hi swipimelo swa Huvo yi nga lerisa, ku amukela switeki eka sayiti leri vuriweke eka layisense.

55. Layisense ya mubejisi

(1) A ku ni munhu loyi a nga ri ki na layisense ya mubejisi leyi humesiweke hi ku landza Nawu lowu, nghena eka bindzu hi ku kongoma na ku nga kongomi ra ku endla na ku teka mubejo ka swirho swa tiko kumbe vabejisi van'wani.

(2) The mubejisi loyi a vuriweke eka layisense u ni layisense ya mubejisi.

(3) Layisense ya mubejisi yi pfumelela, hi kua ya hi xiyimo lexi vrkiweke hi Huvo, ku endla bindzu ra mubejisieka ma sayiti hi ku endla na ku endla ntsengo wa mubejo na mibejo yo vonaka, kambe ku nga ri mibejo ya muchini wo hlanganisa.

(4) Xirho xa Huvonkulu xi nga endla hlamusela swilaveko swa ku tirhisiwa ka layisense ya mubejisi.

56. Layisense ya sayiti ya mubejisi

(1) Layisense ya mubejisi hi ku landza xiyenge xa 55, layisense ya sayiti ya mubejisi eka sayiti yin'wani na yin'wani leyi tirhisiwaka hi mubejisi hi xikongomelo xa ku endla bindzu ra mukomberi wa tibuku.

(2) Layisense ya sayiti ya mubejisi yi ta tirha eka sayiti leri kombisiweke eka layisense.

KAVANYISA KA 8

VUMAKI, MAHLAYISELO KUMBE VUPHAKERI.

57. Layisense ya vumaki, mahlayiselo kumbe vuphakeri.

(1) Munhu loyi a navelaka ku tirhisa, ku ya emahlweni a kumbe a endla swin'wani swa tumbuluxa, kuma, xavisa, hangalasa, xava ehandle, ncinca, ku rhenta, lomba, lungisa kumbe ku xavisa xitirhisiwa xihi ni xihi xo gembula, swi fanele swi tirha hi fomati leyi hlawuriweke eka Huvo ya layisense vumaki, mahlayiselo kumbe vuphakeri.

(2) Huvo yi nga humesa layisense vumaki, mahlayiselo kumbe vuphakeri eka mukomberi wa xikombelo loko Huvo yi enetiseka leswaku mukomberi wa xikombelo u ni vutivi na ntokoto wa ku va ni layisense yo tano.

(3) Layisense vumaki, mahlayiselo kumbe vuphakeri a pfumelela, ku ya hi swipimelo swa Huvo yi nga lerisa ku—

(a) tumbuluxa, xavisa, kuma, hangalasa, xava ehandle, ku maketa, ku hlayisa, aka, ncinca, ku rhenta, lomba, lungisa kumbe ku xavisa xitirhisiwa xihi ni xihi xo gembula lexi fikelelaka swilaveko leswi swi vekiweke hi Huvo; na

(b) xavisa switirhisiwa swo gembula kumbe vukorhokeri eka vinyi va ti layisense.

(4) A ku ni munhu loyi a nga ri ki ni layisense ya vumaki, mahlayiselo kumbe vuphakeri a anga ta tumbuluxa, xavisa, kuma, hangalasa, xava ehandle, ku maketa, ku hlayisa, aka, ncinca, ku rhenta, lomba, lungisa kumbe ku xavisa xitirhisiwa xihi ni xihi xo gembula.

KAVANYISA KA 9

NHLENGELETANO YA MUJAHO WA TIHANCI NA LAYISENSE YA NTLANGU WO HLAWULEKA

58. Layisense ya mujaho wa tihanci

(1) A ku ni munhu loyi a nga ri ki na layisense ya nhlengeletani ya mujaho leyi humesiweke hi ku landza Nawu lowu, khoma nhlengeletani ya mujaho.

(2) Layisense ya nhlengeletani ya mujaho yi nga pfumelela hi ku landza xiyenge nyana xa (4) na swipimelo leswi Huvo yi nga swi vekaka, ku khomiwa ka tinhlengeletani ta mujaho leti vuriweke eka nhlayo ya tinhlengeletani ta mujaho eka khoso ya rheyisi leyi kombisiwaka eka layisense.

(3) Xirho xa Huvonkulu xi nga nyika swilaveko swa ku tirhisa layisense ya nhlengeletani ya mujaho.

(4) Nhlengeletani ya mujaho yi fanele yi fambisiwa hi ku landza milawu na swinawana leswi tirhaka eka khoso ya mujaho yo karhi laha nhlengeletani yi nga ta khomisa kona.

(5) Layisense ya muendli wa tibuku hi ku landza xiyenge xa 55 of Nawu lowu hi yona ntsena yi nga kotisaka ku endla bindzu eka nhlengeletani ya mujaho.

59. Layisense ya ntlangu wo hlawuleka

(1) Huvo hi ku landza xiyengenyana xa (2), eka ku tirha loku ku bohiweke hi Huvo, yi nga humesa layisense ya nhlengelatani yo hlawuleka eka muendli wa xikombelo hi masiku lama ya kombisiweke.

(2) Huvo yi nge humesi layisense ya nhlengeletani yo hlawuleka hi ku landza —

(a) a layisense ya khasino;

(b) layisense ya mulawuri wa michini wa ku hakela mali leyi pimiweke;

(c) layisense ya mulawuri wa sayiti ra muchini wa ku hakela mali leyi pimiweke; na

(d) layisense ya sayiti ra muchini wa ku hakela mali leyi pimiweke.

(3) Makungu ya swiyenge swa 27 na 31 a swi tirhi eka layisense ya nhlengeletani yo hlawuleka.

KAVANYISA KA 10

SISITEME YO HLELA YA XILEKITIRONIKI YA MUCHINI WO GEMBULA, MUCHINI WO GEMBULA NA SWITIRHISIWA SWO GEMBULA

60. Sisiteme yo hlela ya xilekitironiki ya muchini wo gembula

(1) Huvo yi fanele laha switandadi swi fikeleriwaka, va pasisa na ku layisensa hi xilekitironiki, khompyuta kumbe sisteme ya mahungu kumbe xitirhisiwa lexi endleriweke ku rhumela datara mayelana na ku tirha ka muchini wihi ni wihi kumbe aparatasi tani hileswi swi boxiweke eka xiyenge-ntsongo xa (2), tanihi sisiteme yo kambela.

(2) Laha Huvo yi nyikaka layisense ya sisteme ya ku kambela, Huvo yi fanela hi ku engetela eka swipimelo swa ti layisense yi lava leswaku n'winyi wa layisense a hlanganisa michini yo gembula hinkwayo kumbe switirhisiwa swo gembula leswi tirhisiwaka eka sayiti leri nga ni layisense ya sisteme yo kambela.

(3) A ku ni munhu loyi a nga hlanganisaka sisiteme yihi ni yihi kumbe xitirhisiwa lexi xi nga ri ki ni layisense yo suka eka Huvo tanihi hi sisiteme ya ku kambela hi xilekitironiki tani hileswi swi boxiweke eka xiyenge-ntsongo xa (1).

61. Muchini wo gembula na switirhisiwa swo gembula

(1) Xitirhiso xo gembula xin'wani na xin'wani na muchini wo gembula swi fanele swi rhejistariwa hi Huvo, handle kaloko —

(a) swi ri swa ntlawa lowu pfumeleriwaka hi ku landza xiyenge xa 19(3) of the Nawu wo Gembula wa Rixaka, 2004; kumbe

(b) xitirhisiwa xo gembula kumbe muchini wo gembula wu nghena eka xifundzankulu hi ndlela ya swo famba loko va nghenisa: Handle kaloko munhu loyi a nga eku lawuleni muchini wo tano wo gembula kumbe xitirhisiwa xo gembula loko xiri eka xifundzandzakulu, u fanele a hlayisa xitirhisiwa xo gembula kumbe muchini wo gembula hi ndlela leyi xi nga kumekeki ku va xi tlangisiwa kumbe ku tirhisiwa hi munhu wihi ni wihi wa tiko loko xi ri eka xifundzankulu naswona u fanele a landzelela swinawana swihi ni swihi kumbe nawu lowu fambisanaka na ku tleketliwa ka michini yo gembula kumbe switirhisiwa swo gembula.

(2) Hi ku ya hi xiyenge-ntsongo xa (5), a ku ni munhu loyi a nga layisensiwangiki hi Huvo, —

(*a*) a nga ta veka, hlayisa, vun'winyi, vumaki, aka, xavisa, hangalasa, xava ehandle, kuma, maketa, renta kumbe ku lombisa xitirhisiwa xihi ni xihi kumbe muchini wo gembula ku nga ri ku tlanga tikhadi kumbe madayizi; kumbe

(*b*) ku ncinca kumbe ku lunghisa xitirhisiwa xo gembula kumbe xitirho xin'wana lexi fambisanaka na xona hi ndlela leyi yi ncincaka kumbe ku khumbha endlelo ra ku hlawula leri bohaka mbuyelo wa ntlangu wa ku gembula kumbe ndlela yihi ni yihi leyi ncincaka kumbe ku khumbha mbuyelo wa ntlangu wa ku gembula.

(3) Huvo yi fanele yi vona leswaku xitirhisiwa xa ku gembula na michini ya ku gembula swi landzelela milawu na switandandi leswi swi fanelaka leswi tumbuluxeriweke bindzu ra ku gembula.

(4) A ku ni munhu loyi a nga ncincaka sofutiwere kumbe hadiwere yihi ni yihi leyi tirhisiwaka eka xitirhisiwa xo gembula kumbe muchini wo gembula eka ka ku endla bindzu rihi ni rihi ku ri hava–

(a) layisense leyi fanelaka; na

(b) Mpfumelelo wa Huvo kumbe ku ncinca ko tano kumbe ku lulamisa.

(5) N'winyi wa layisense, munhu wihi ni wihi loyi layisense yi nga yimisiwa ku tirha kumbe yi nga herisiwa kumbe n'winyi, n'okisiwa kumbe vufambisi wa xinawu wa n'winyi wa layisense yo tano, hi ku ya hi mpfumelelo wa tsariwa wa Huvo a nga na hi ndlela leyi na ku ya hi swipimelo leswi bohiweke hi Huvo —

(a) cukumeta xitirhisiwa xo gembula kumbe muchini wo gembula hi ndlela leyi yi bohiweke hi Huvo; kumbe

(b) va n'winyi wa xitirhisiwa xo gembula kumbe muchini wo gembula hi ku yimela ku cukumetiwa kumbe ku onhiwa ka swona.

(6) Munhu loyi ku kongomisiweke eka yena eka xiyenge-ntsongo xa (5) a nge —

(a) vi n'winyi wa switirhisiwa swo gembula kumbe michini yo gembula ku tlula leyi pfumeleriweke hi Huvo;

(b) hangalasi kumbe ku lombisa switirhisiwa swo gembula kumbe michini yo gembula ku lunghisa kumbe ku lulamisa xitirhisiwa xo gembula kumbe muchini wo gembula wa munhu wihi ni wihi loyi a nga eka xifundzankulu loyi a nga ri ki ni layisesne leyi faneleke.

(c) pfumelela kumbe ku tshiketa munhu wihi ni wihi a tirhisa xitirhisiwa xo gembula kumbe muchini wo gembula eka yena kumbe eka leswi a nga ni swona a gembula la xitirhisiwa xo gembula kumbe muchini wo gembula a wu le ka ndhawu leyi yi nga ni layisense ya kahle;

(d) ku lunghisa kumbe ku lulamisa xitirhisa xihi ni xihi xo gembula kumbe muchini wo gembula lowu wu fanelaka wu rhejistariwa kumbe wu va ni layisense naswona a wu rhejistariwangi ku va ni layisense.

(7) Huvo eka *Gazete* yi nga, boha xitirhisiwa, sofutiwere kumbe xilo xihi ni xihi xin'wani lexi tirhisiwaka mayelana ni migingiriko yo gembula hi xitirhisiwa xo gembula.

KAVANYISA KA 11

LAYISENSE YA MUTIRHINKULU

62. Layisense ya mutirhinkulu

(1) Xirho xa Huvonkulu xi nga hlawula—

(a) mintlawa yo karhi ya vatirhi eka bindzu ra ku gembula tanihi mutirhinkulu;

(b) ku tirhisiwa na endlelo ra ku nyika layisense ra mutirhinkulu;

(c) mintlawa yo hambana ya ku hakela ya mutirhinkulu; na

(d) swipimelo swa layisense swa mutirhinkulu.

(2) Mutirhinkulu u fanele a nyikiwa layisense hi Huvo.

(3) N'winyi wa layisense a nge tholi mutirhinkulu kumbe pfumelela mutirhinkulu nghenela ntirho wihi ni wihi eka bindzu ro gembula, handle kaloko mutirhinkulu a nyikiwe layisense hi Huvo.

(4) Layisense ya Mutirhinkulu yi —

(a) nge hundziseriwi eka munhu wun'wani; naswona

(b) tirha hi nkarhi lowu wu kombisiweke eka layisense .

63. Ku yirisiwa

Huvo yi nge nyiki munhu layisense ya mutirhinkulu , loko munhu yaloye —

(a) a ri ehansi ka malembe ya 18;

(b) tirhela mfumo kumbe eka hofisi ya polotiki;

(c) A tirha na nawu kumbe a thoriwile ekhoto;

(d) a longoloxiwile eka nongonoko wa vanhu lava humesiwaka hi ku landza xiyenge xa 14 xa Nawu wo Gembula wa Rixaka, 2004;

(e) hi ku landza xileriso xa khoto leyi tshembhekaka kumbe munhu loye a voniwa a nga ringanelangi emiehleketweni;

(f) a susiwa eka hofisi yo tshembheka hikwalaho ka matikhomelo yo ka ya nga ri kahle mayelana na vugevenga bya swa timali kumbe matirhiselo yo ka ya nga ri kahle ya mali; kumbe

(g) a khomiwile eka malembe ya khume lama ya hundzeke, laha eka Rhiphabliki kumbe ku n'wani, hi —

(i) vukhamba, vugevenga bya swa timali, fojara, ku humesa tsalwa leri fojariwaka kumbe ku vulavula mavun'wa ekhoto;

(ii) nandzu lowu wu nge ehansi ka Nawu wa ku Herisa na ku Sivela Migingiriko ya Vukungundwani, 2004 (Nawu wa No.12 wa 2004);

(iii) khompyuta yihi ni yihi kumbe ya vugevenga lebyi fambisanaka na sofutiwere ya khompyuta;

(iv) nandzu hi ku landza the Nawu wo Gembula wa Rixaka, 2004 kumbe Nawu lowu,

naswona u gweviwile ku tshama ejele ku nga ri na fayini, kumbe fayini leyi tlulaka mali leyi yi vuriweke hi ku landza xiyenge xa 49(1)(f) xa Nawu wo Gembula wa Rixaka, 2004 handlekaloko munhu a kumile tintswalo ta ku ntshuxiwa kumbe a rivaleriwa nandzu lowu a wu endleke.

64. Layisense ya nkarhinyana ya mutirhinkulu

Huvo hi ku ya hi mbuyelo lowu va wu yimeleke wa ndzavisiso wa lavisisa mutirhinkulu wa mundzuku, yi nga humeswa layisense ya nkarhinyana eka mutirhinkulu wa mundzuku loko Huvo yi enetisekile leswaku —

(a) bindzu ra n'winyi wa layisense eka bindzu ra ku gembula wu ta soriwa kumbe va kavanyetiwa hi ku hlwela ka ku thoriwa ka mutirhinkulu; naswona

(b) ku thoriwa ka mutirhinkulu wa mundzuku a nge siveli ku tshembheka na ku tirha kahle ka bindzu ra n'winyi wa layisense.

65. Ku yimisiwanyana kumbe ku tlheriseriwa endzhaku

(1) Huvo, hi ku ya hi xiyengenyana xa (2), yi nga yimisanyana layisense ya mutirhinkulu hi nkarhi lowu vuriweke lowu nga hundzeki ntsevu wa tinhweti kumbe ku yi tlherisela endzhaku loko —

(a) mahungu lama ya kumiweke eka xikombelo xa mutirhinkulu ya ri ya mavun'wa hi matheriyali, ku kumeka leswaku a ku ri ni ku tluriwa ka matheriyali eka xikombelo;

(b) mutirhinkulu u ta humesiwa hi ku landza xiyenge xa 63;

(c) mutirhinkulu u tlula nawu hi ku ya hi makungu ya Nawu kumbe xipimelo xa layisense; kumbe

(d) Huvo yi ri ni vonelo ro twisiseka ra leswaku mutirhinkulu a nga ha fanelangi ku va ni layisense.

(2) Huvo yi fanele yi nyika mutirhinkulu xitiviso xo tsariwa xa xikongomelo xa Huvo xa ku yimisanyana kumbe ku tlherisela endzhaku layisense ya mutirhinkulu naswona va fanele va nyika mutirhinkulu nkarhi wa ku yingiseriwa.

(3) Huvo hi nkarhi wun'wani na wun'wani yi nga tlakusa ku yimisiwanyana ka mutirhinkulu hi ku landza xiyengenyana xa (1), loko Huvo yi enetisekile leswaku swivangelo swa ku yimisiwanyana swi lulamisiwile.

66. Nkariso

A ku ni mutirhinkulu loyi a nga ni layisense hi ku landza xiyenge xa 62 kumbe 64 a nga—

(a) hoxaka xandla eka kumbe ku tlanga ntlangu wa ku gembula lowu nyikiwaka hi muthori , handle kaloko swi ri ni nkoka leswaku ku tirhiwa mintirho ya mutirhinkulu; kumbe

(b) ku kuma kumbe ku amukela thipi yihi ni yihi, hakelo, ku tekeriwa enhlokweni kumbe benefiti yin'wani yo suka eka mutlangi kumbe muxavi, kumbexani ku tlula leswi Milawu yi swi bohaka.

67. Xiviko xa ntiyiso xa mutirhinkulu

(1) Loko va ri karhi va langutisisa xikombelo xa layisense ya mutirhinkulu, Huvo yi nga kombela—

(a) mahungu yo engetela eka muendli wa xikombelo;

(b) mpfumelelo wo tsariwa ku suka eka muendli wa xikombelo lowu wu nga ta pfumelela Huvo ku kuma mahungu ku suka eka munhu wa vunharhu na ku pfumelela vanhu valavo ku humesa mahungu; na

(c) xiviko xo suka eka —

(i) vulawuri byihi ni byihi lebyi fambisaka;

(ii) Sentara ya swa Vutlharhi bya swa Timali;

(iii) Mufambisi wa Rixaka wa ku Khomiwa ka Vanhu; kumbe

(iv) Vukorhokeri bya Xiphorisa bya Afrika Dzonga.

(2) Xiviko hi ku landza xiyengenyana xa (1) xi nga katsa—

(a) makungu ya ku khomiwa loku rhekhodiweke ehenhleni ka munhu yaloye, ku fikela loko swilaveko leswi lavekaka hi xikongomelo xa Huvo xa ku boha leswaku munhu yaloye a nge vi na pfumelelo wa ku va ni layisense ya mutirhinkulu; kumbe

(b) mahungu wahi ni wahi lawa bindzu ri kongomisiweke eka xiyengenyana xa (1) (c) ya nga va ka lawa ya faneleke eka xikombelo.

(3) Hi swikongomelo swa xiviko tanihi leswi swi vuriweke eka xiyengenyana xa (1), xirho xa Vukorhokeri bya Xiphorisa bya Afrika Dzonga xi nga lava leswaku muendli wa xikombelo kumbe munhu loyi a khumbhekaka leswaku a va nyika mahungu yo tano na swilaveko ku katsa xigandlu xa tintiho kumbe xigandlu xa xandla.

(4) Huvo yi fanele yi humesa khopi yin'wani ni yin'wani ya xiviko xa kahle leyi yi fambisiweke hi ku landza Nawu lowu eka Huvo yo Gembula ya Rixaka, yi fanele yi katsiwa eka xiviko xa ntiyiso xa rixaka.

68. Rhejistara ya vutirhinkulu

Huvo yi fanele yi va ni rhejistara leri nga hi fomati leyi hlawuriweke ya vatirhinkulu lava va nga ni layisense hi ku landza Nawu lowu.

KAVANYISA KA 12

MIGINGIRIKO YO GEMBULA LEYI PIMIWEKE NO TSHIMBISIWA

69. Tilayisense leti bohaka

(1) A ku ni munhu loyi a nga ri ki ni layisense ya kahle leyi nyikiweke hi Huvo hi ku landza Nawu lowu —

(a) fambisa kumbe ku pfumelela ku tlangiwa ka ntlangu wa ku gembula kumbe ku fambisa kumbe ku pfumelela ku gembula kun'wani na kun'wani eka ndhawu leyi nga hansi ka mulawuri yaloye, hi ku kongoma kumbe ku nga kongomi; kumbe

(b) ku hoxa xandla hi ku kongoma kumbe kunga kongomi eka ku tirha ka bindzu ro gembula.

(2) A ku ni munhu loyi a nga ta—

(a) hoxa xandla, fambisa, tlakusa kumbe ku kuma mbuyelo wihi ni wihi ku huma eka xikimi, ntlangu wa ku chansa, ntlangu wa ku gembula kumbe milawu ya ku beja handle kaloko xikimi xexo kumbe ntlangu wa ku chansa, ntlangu wa ku gembula kumbe ku beja swi na layisense hi ku landza Nawu lowu;

(b) nga hava mpfumelelo wa Huvo, a va na ntswalo wa mali wa tiphensente ta ntlhanu kumbe ku tlula wo kongoma na wo ka wu nga kongomi eka bindzu ra ku gembula;

(c) ku ri hava layisense kumbe laha mpfumelelo wa Huvo wu tirhaka eka mhaka yihi ni yihi a xera mbuyelo wa ku gembula; kumbe

(d) fambisa, phemita kumbe ku pfumelela ntlangu wo gembula wihi ni wihi ehansi ka ndhawu ehansi ka vulawuri bya munhu yaloye ku nga ri na layisense leyi lavekaka.

70. Magembulele yo ka ya nga ri enawini

A ku ni munhu loyi a nga ta —

(a) nghenela, fambisa kumbe a endla leswaku kuva ni migingiriko yo gembula loko mbuyelo wa migingiriko yaleyo wu ya hi ku kongoma kumbe ku nga kongomi eka xiphemu xo karhi kumbe ntirho hinkwawo wu yelana na mhangu kumbe migingiriko leyi yona yi nga ri ki enawini hi ku landza nawu wihi ni wihi;

(b) Hoxa xandla eka. Fambisa, lulamisa, tlakusa, ku endla kumbe ku fambisa xikimi xihi ni xihi, pulana, lulamisa sisiteme kumbe ntlangu lowu hi ku kongoma kumbe ku nga kongomi eka xiphemu xo karhi kumbe ntirho hinkwawo eka ku kuma mali eka ka ku hlawula ko karhi kumbe langha tinomboro eka mintlangu leyi yi tiviwaka tanihi fahfee kumbe mochina kumbe ntlangu wihi ni wihi wun'wani lowu fanaka na fahfee kumbe muchini naswona wu tiviwa hi vito rihi ni rihi rin'wani;

(c) pfumelela ku muchini wo gembula kumbe xitirhisiwa xo gembula xihi ni xihi ehansi ka vulawuri bya munhu yaloye byi ta tirhisiwa hi xikongomelo xa migingiriko yo gembula tani hileswi swi boxiweke eka ndzimana ya (a);

(d) hlayisa kumbe ku tirha eka sayiti yihi ni yihi, hambi kumbe sayiti ro tano ri ni layisense hi xikongomelo xa migingiriko yo gembula tani hileswi swi boxiweke eka ndzimana ya (a); kumbe

(e) pfumelela sayiti yihi ni yihi leyi nga ehansi ka vulawuri bya munhu yaloye, hambi kumbe sayiti ro tano ri ni layisense hi xikongomelo xa migingiriko yo gembula tani hileswi swi boxiweke eka ndzimana ya (a).

71. Mitlangu kumbe mitlangu leyi hlawuriweke

(1) A ku ni munhu a nga gembulaka hi mbuyelo wa ntlangu wihi ni wihi kumbe ntirho, ku nga ri —

(a) ntlangu wa khasino;

(b) bingo;

(c) ku tirhisiwa ka muchini wo gembula;

(d) ntlangu yo hlawuleka; kumbe

(e) ntlangu ya swipotso.

(2) A ku ni munhu loyi a nga gembulaka eka ntlangu kumbe ntirho tani hileswi swi boxiweke eka xiyenge-ntsongo xa (1) hi munhu wun'wani handle ka n'winyi wa layisense leyi humeseriweke eka xiyimo xo tano kumbe ntirho.

72. Tindhawu to gembula

(1) Hi ku ya xiyenge-ntsongo xa (2), a ku ni munhu loyi a nga gembulaka eka ndhawu yihi ni yihi leyi yi nga riki sayiti leri nga ni layisense hi ku landza Nawu lowu.

(2) Ku gembula hi endla mubejo hi riqingho eka xiyimo lexi ku nga ni ntlangu wa swipotso eka sayiti leri nga ni layisense, loko n'winyi wa layisense a pfumela na tirhekhodo to beja eka sayiti leri nga ni layisense.

73. Milawu ya ntlangu wo gembula kumbe ku beja

(1) A ku na munhu loyi ana tlangaka kumbe ku beja eka ntlangu wa ku gembula loko swi nga fambisani ni milawu leyi bohiweke kumbe ku pfumeleriwa hi Huvo.

(2) N'winyi wa layisense hi ku ya hi ntlangu wihi ni wihi wa ku gembula kumbe ku beja loku ku pfumeleriwaka hi layisense yo tano leyi ku nga riki ni milawu leyi yi bohiweke hi

huvo, ku endla milawu mayelana na ku tlanga ntlangu wo gembula wo tano kumbe ku fambisa mubejo wo tano na ku yisa milawu yo tano eka Huvo leswaku va yi pasisa.

(3) N'winyi wa layisense hi xikongomelo xa mutlangi wihi ni wihi a nga endla leswaku ku kamberiwa khopi leyi pasisiweke ya milawu eka ntlangu wihi ni wihi wa ku gembula kumbe ku beja.

74. Vuxisi na switirhisiwa swa vuxisi

(1) A ku ni munhu loyi a nga—

(a) pfumelela munhu wun'wani leswaku a endla vuxisi kumbe ku tirhisa xitirhisiwa xin'wani xa vuxisi kumbe ku nyika munhu wihi ni wihi mahungu kumbe xitirhisiwa xa vuxisi kumbe ku beja;

(b) fambisa, pfumelela kumbe ku humesela ehandle ku tlanga ntlangu wihi ni wihi lowu wu tlangiwaka hi tikhadi to tlanga ha tona leti ti nga kumbe xitirhisiwa xin'wani na xin'wani xo gembula lexi xi nga —

(i) makiwa;

(ii) kavanyetiwa;

(iii) vekiwa eka xiyimo kumbe ku tirhisiwa hi ndlela leyi yi xisaka n'winyi wa layisense, vatlangi kumbe vanhu kumbe ku ncinca chansi ya hlangana leyi tolovelekeke ya ntlangu wa ku gembula, kumbe ku boha kumbe ku ncinca mbuyelo wa ntalngu wa ku gembula;

(c) tirhisa chipi yihi ni yihi ya mavun'wa, tokeni kumbe tikhadi to tlanga ha tona;

(d) a nga landzeleli milawu ya ntlangu wa ku gembula kumbe ku nghenelela hi ndlela yin'wani switirhisiwa swo gembula kumbe switirhisiwa swin'wani leswi tirhisiwaka ku gembula hi xikongomelo xa ku kuma ku vuyeriwa ko kongoma nu ku nga kongomi, ku nga va ku ri ku tivuyerisa ha yexe kumbe munhu wun'wani;

(e) ku ncinca kumbe ku nyika mbuyelo wo ka wu nga ri wona wa ntlangu wa ku gembula eka xiyimo lexi ti wejara tiendliweke endzhaku kaloko mbuyelo wu bohiwile wu nga se byeriwa vatlangi;

(f) veka, ngetela kumbe hunguta mubejo kumbe ku boha ndlela ya matlangelo endzhaku kaloko va kume vutivi, lebyi nga riki kona eka vatlangi, bya mbuyelo wa ntlangu kumbe ku ya hi mubejo, kumbe ku pfuna munhu wun'wani na wun'wani ku kuma vutivi byo tano, hi xikongomelo xa ku veka, ku ngetela kumbe ku hunguta mubejo kumbe ku boha matlangelo eka mhangu yaleyo kumbe mbuyelo;

(g) vuxisi eka ntlangu wihi ni wihi wa ku gembula;

(h) kleyima, rhwala kumbe ku teka, kumbe ku ringeta ku kleyima, rhwala kumbe ku teka mali kumbe xin'wani ni xin'wani lexi nga ni nkoka eka migingiriko yin'wami yo gembula hi xikongomelo xa ku endla vuxisi ku nga endliwangi wejara kwalaho kumbe ku kleyima, kuma kumbe ku teka mali yo tala ku tlula leyi u yi wineke.

(i) veka kumbe ku engetela mubejo endzhaku kaloko va kumile vutivi bya mbuyelo wa ntlangu kumbe mhangu leyi yi yaka hi mubejo;

(j) hunguta mali leyi vekiweke/bejiweke kumbe ku herisa mubejo endzhaku kaloko va kumile vutivi bya mbuyelo wa ntlangu kumbe mhangu leyi yi yaka hi mubejo; kumbe

(k) xisetela, hi xikongomelo xa xa ku xisa, xilo xihi ni xihi xa xitirhisiwa xo gembula hi ndlea leyi yi hambanaka na xikongomelo xa ku tirhisiwa ka ximfumo kumbe xitirho hi vutivi bya leswaku vuxisi byi ta khumbha mbuyelo wa ntlangu kumbe hi vutivi bya mhangu yihi ni yihi leyi khumbhaka mbuyelo wa ntlangu kumbe mintsengo leyi winiweke kumbe leyi lahlekeke.

(2) Hi xikongomelo xa xiyengenyana xa (1), "vuxisi" ri vula—

(a) ku ncinciwa ka endlelo ra ku hlawula leri bohaka mbuyelo wa ntlangu wa ku gembula kumbe ntsengo kumbe ndlela ya tihakelo eka ntlangu wa ku gembula; na;

(b) ku tirhisiwa ka xikimi xihi ni xihi, lulamisele, sisiteme kumbe pulani leyi Xirho xa Huvonkulu nkarhi ni nkarhi hi xitiviso eka Gazete xi nga boxa ku va ku ri vuxisi, naswona "vuxisi" byi ni nhlamuselo yo fambelana.

75. Ku sirheleriwa ka vanhu lavantsongo

(1) A ku ni munhu loyi a nga ehansi ka malembe ya 18 a nga ta —

(a) nghena eka ndhawu leyi bohiweke eka sayiti leri nga ni layisense;

(b) tirhisa muchini wo gembula kumbe xitirhisiwa xo gembula;

(c) fambisa kumbe ku endla leswaku ku va ni migingiriko yo gembula;

(d) nghenela ku gembula kumbe migingiriko yo gembula ku nga ri ntlangu wa ku ti tsakisa; kumbe

(e) a vula mavun'wa ya leswaku u ni malembe ya 18 kumbe ku tlula, leswaku a —

(i) a pfumeleriwa ku nghena eka ndhawu leyi bohiweke eka sayiti leri nga ni layisense;

(ii) a pfumeleriwa ku tirhisa muchini wo gembula kumbe xitirhisiwa xo gembula;

(iii) a nghenelela eka ku fambisa kumbe ku endla leswaku ku va ni migingiriko yo gembula;

(2) N'winyi wa layisense kumbe munhu loyi a lawulaka sayiti leri nga ni layisense kumbe muchini wo gembula kumbe xitirhisiwa xo gembula a nge pfumeleli munhu loyi a nge ehansi ka malembe ya 18 ku —

(a) nghena kumbe ku tshama eka ndhawu leyi hlawuriweke eka sayiti leri nga ni layisense;

(b) tirhisa muchini wo gembula kumbe xitirhisiwa xo gembula;

(c) fambisa kumbe ku endla migingiriko yo gembula yi va kona eka sayiti ro tano leri nga ni layisense; kumbe

(d) nghenela migingiriko ya ku gembula, ku nga ri mintlangu yin'wani yo ti tsakisa eka sayiti ro tano leri nga ni layisense.

(3) Munhu loyi a kongomisiweke eka xiyenge-ntsongo xa (2) u fanele a teka magoza yo twisiseka ku boha ku vona leswaku munhu u le ehansi ka malembe ya 18.

76. Vanhu lava nga bakanyeriwaka etlhelo

(1) Munhu loyi a tsakelaka ku sirheleriwa eka ku nghenela migingiriko yihi ni yihi yo gembula a nga rhejistara tanihi munhu loyi a bakanyeriwaka etlhelo hi ku yisa xitiviso eka Huvo hi ndlela leyi leyi hlawuriweke kumbe fomati nkarhi wihi ni wihi.

(2) Munhu loyi a rhejistariweke tanihi munhu loyi a bakanyeriwaka etlhelo hi ku landza xiyenge-ntsongo xa (1) a nga yisa xitiviso hi ndlela leyi hlawuriweke na fomo ya ku sula ntsariso nkarhi wihi ni wihi.

(3) Munhu a nga endla xikombelo ekhoto leyi ringaneleke hi xinawu xileriso lexi lavaka ku rhejistara munhu tanihi munhu loyi a bakanyeriweke etlhelo wa —

(a) xirho xa ndyangu wa muendli wa xikombelo;

(b) munhu loyi muendli wa xikombelo a kumaka mali eka yena hi ku helela kumbe xiphemunyana;

(c) munhu loyi muendli wa xikombelo a nga ni vutihlamuleri hi swa timali hi ku helela kumbe xiphemunyana;

(d) munhu loyi hi ku ya hi xileriso xa khoto leyi ringaneleke xi vonaka a nga hanyangi kahle emiehleketweni; kumbe

(e) munhu wihi ni wihi wun'wani —

(i) loyi muendli wa xikombelo a nga ni ntirho wa ku hlayisa; na

(ii) loyi hanyelo ra yena ri kombisaka swiendlo swa ku a tshama a karhi gembula kumbe ku gembula hi ndlela yo ka yi nga ri kahle.

(4) Loko eka swiyimo swin'wani swa xikombelo hi ku landza xiyenge-ntsongo (3), khoto yi nga vona swi fanerile na ku sirhelela munhu loyi a khumbekaka ku nghenela

migingiriko yo gembula, khoto yi nga lerisa ku rhejistara munhu tanihi munhu loyi a bakanyeriwaka etlhelo.

(5) Munhu loyi a bakanyeriwaka etlhelo loyi a khumbhaka hi xileriso hi ku landza xiyenge-ntsongo xa (4) nkarhi ni nkarhi a nga endla xikombelo eka khoto leyi xi endleke xiboho xa ku vekela etlhelo, naswona khoto yi nga endla tano endzhaku kaloko va langutile xiyimo xa ku endla xiboho xa ntiyiso na vumbhoni byihi ni byihi byintshwa emahlweni ka khoto.

(6) Khoto yi nga vekela etlhelo xileriso lexi xi endliweke hi ku landza xiyenge-ntsongo xa (3) loko khoto yi enetiseka leswaku a swa ha ri ni nkoka na ku sivela munhu yaloye ku va a nghenela migingiriko yo gembula.

77. Swipimelo swa khirediti

N'winyi wa layisense a nge engeteli khirediti eka xiyimo xihi ni xihi hi vito ra n'winyi wa layisense kumbe munhu wa vunharhu eka munhu wihi ni wihi hi swikongomelo swa ku gembula.

78. Swipimelo swo navetisa

(1) A ku ni munhu loyi a nga navetisaka kumbe ku tlakusa migingiriko yo gembula —

(a) hi ndlela yo ka yi nga ri kahle kumbe yo huma ndleleni; kumbe

(b) handle ka tlangu wa ku hlekisa, hi ndlela leyi yi lavaka ku kuma kumbe ku vitanisa vanhu lava ntsongo.

(2) Xinavetiso xa migingiriko yo gembula, muchini wo gembula kumbe switirhisiwa swo gembula kumbe sayiti leri nga ni layisense leyi migingiriko yo gembula yi nga kona, yi fanele yi —

(a) katsa xitatimende lexi xi nga hi fomati leyi hlawuriweke, lexi ktsundzuxaka eka tinghozi ra ku tshama u ri karhi u gembula na magembulele yo biha; na

(b) nga katsi xiphemu xihi ni xihi lexi xi tlakusaka hi ku kongoma na ku nga kongomi kumbe xi hlohlotela ku susiwa ka munhu eka rhejistara ra vanhu lava bakanyeriwaka etlhelo.

(3) Xinavetiso a xi nge tlakusi migingiriko yihi ni yihi yo gembula lexi vulaka leswaku i swa mahala eka vanhu kumbe ntsengo wu ta hungutiwa swi hambana na Nawu lowu hi xikongomelo xo yenga vanhu leswaku va gembula.

(4) Xirho xa Huvonkulu xi nga hlamusela swilaveko swa xinavetiso xo gembula.

79. Swipimelo/nkariso wo gembula hi ku tirhisa ejenti

(1) A ku ni munhu a nga ta kumbe a endla a nga lavi ku vuyeriwa —

(a) A endla onge i ejenti ya munhu loyi a nga ni layisense ya muendli wa tibuku hi xikongomelo xa ku beja eka ntlangu wo beja; kumbe

(b) A endla onge i muololoxi exikarhi nwinyi wa layisense ya muendli wa tibuku na wihi ni wihi wun'wani hi xikongomelo xa ku beja eka ntlangu wo beja.

(2) A ku ni munhu loyi hi ku kongoma kumbe ku nga kongomi a nga ti bohaka ku nyika munhu mali kumbe swin'wani swa nkoka ku tlula mali leyi yi bohiweke ku winiwa hi munhu wo tano, ku sindzisa munhu ku beja eka ntlangu wo beja.

80. Nsindziso wo hakela xikweleti xo gembula no teka masagwadi lama ya nga ri ki-enawini

(1) Handle ka makungu wahi ni wahi ya nawu lowu tirhaka kumbe nawu wihi ni wihi wun'wani —

(a) na ku ya hi ndzimana ya (c), xikweleti lexi xi endliweke hi munhu loyi a endlaka migingiriko yo gembula loku layisesewe ke hi ku landza Nawu lowu kumbe the Nawu wo Gembula wa Rixaka, 2004, wa sindzisiwa hi xinawu;

(b) xikweleti lexi xi endliweke hi migingiriko yo ka yi nga ri enawini ya ku gembula loku hi ku landza Nawu Gembula wa Rixaka, 2004, a nga sindzisiwi hi xinawu;

(c) xikweleti lexi xi endliweke hi migingiriko yo gembula —

(i) hi n'wana lontsongo;

(ii) hi munhu loyi a nga pfumeleriweki; kumbe

(iii) tanihi mubeji wo ka wu nga ri enawini,

anga sindzisiwi hi hi nawu.

(2) A ku ni munhu loyi a nga hakelaka masagwadi yahi ni yahi ya migingiriko yo gembula ya —

(a) n'wana lontsongo;

(b) munhu loyi a nga pfumeleriweki; kumbe

(c) munhu wihi ni wihi wun'wana loyi a wineke eka gingiriko wo gembula loku ku nga ri ki enawini hi ku landza Nawu lowu.

(3) Munhu loyi a siveriwaka ku hakela masagwadi lama ya kongomisiweke eka xiyenge-ntsongo xa (2), va fanele va rhumela masagwadi hi ku landza xinge-ntsongo xa 16(3) na 16 (4) swa Nawu wo Gembula wa Rixaka, 2004. **KAVANYISA KA 13**

MUKAMBERI WA KU TSHIKELELA SWA NAWU

NA

MUKAMBERI VO LANDZELERISA

81. Ku thoriwa ka mukamberi

(1) Mufambisinkulu u fanele a thola munhu loyi a ringaneleke ku va mukamberi, ku tirha, hi ku ya hi vulawuri na swileriso swa Huvo, mintirho leyi nyikiwaka mukamberi wa ku tshikelela nawu kumbe mukamberi wo landzelerisa hi ku landza xiyenge xa 82 kumbe 83.

(2)(a) Mufambisinkulu a nyika mukamberi loyi a thoriweke hi ku landza xiyenge-ntsongo xa (1) hi xitifikheti leyi hlawuriweke xa ku thoriwa.

(b) Xitifikheti xa ku thoriwa xi fanele yi kombisa loko mukamberi a ri mukamberi wa ku tshikelela nawu kumbe a mukamberi wo landzelerisa.

(3) Loko mukamberi a endla ntirho hi ku landza Nawu lowu, mukamberi u fanele a lava munhu loyi a khumbhiwaka hi mintirho ya mukamberi, a humesa sethifikheti ya ku thoriwa hi ku landza xiyenge-ntsongo (2).

(4) Mukamberi a nga fanelangi ku amukela minyinkelo kumbe ndziriso wihi ni wihi ku suka eka munhu wihi ni wihi loko a ri karhi a tirha ntirho, naswona a ku ni munhu loyi a nga nyikaka kumbe ku nyika nyikelo wo tano, ndziriso kumbe benefiti eka mukamberi.

(5) Holobyenkulu wa Vululami hi ku landza xiyenge xa 334 of the Nawu wa Matengelo ya Milandzu ya Vugevenga, 1977, hi xitiviso eka *Gazette* a nga boxa mukamberi ku va mutirhi wa ku tisa ku rhula na ku hlamusela matimba ya vakamberi eka xitiviso xolexo.

82. Mintirho na matimba ya mukamberi wo landzelerisa

(1) Ku ya hi swikongomelo swa Nawu lowu mukamberi wo landzelerisa hi nkarhi wihi ni wihi naswona ku nga sungulangi ku tivisiwa, a nga nghena eka sayiti leyi nga ni layisense na naswona a nga—

(a) kambela kumbe secha sayiti rihi ni rihi leri nga ni layisense;

(b) languta migingiriko yihi ni yihi yo gembula, migingiriko kumbe tirhiselo na migingiriko leyi fambelanaka na khasino, kumbe migingiriko yin'wani yo gembula, ku katsa ku hlayela mali, tichipi, vuhlayiseki kumbe ayitheme yihi ni yihi leyi yi nga ni nkoka;

(c) languta ku rhekhodiwa kwihi ni kwihi ka matirhelo kumbe migingiriko leyi ku kongomisiweke eka yona eka ndzimana ya (b);

(d) a tiyisisa leswaku matirhiselo ya khasino kumbe migingiriko yihi ni yihi eka sayiti yin'wani leri nga ni layisense ri nyikiwa vukamberi bya kahle na mafambiselo ya kahle na loko makungu swa Nawu lowu na makungu swi ri kona eka layisense leyi landzeleriwa;

(e) xikombelo xo huma eka munhu loyi a nga ni vutihlamuleri bya sayiti xikan'we kan'we a humesa —

(i) layisense kumbe xitifikheti lexi lavekaka hi ku landza Nawu lowu;

(ii) muchini wo gembula, tichipi, timali, tibuku, tikonta, tirhekhodo, matsalwa; kumbe

(iii) kumbe switirhisiwa swin'wani leswi nga tirhisiwaka mayelana ni ku gembula;

(f) kambisisa, kambela na ku ringeta switirhisiwa swihi ni swihi swa ku gembula kumbe tichipi leti kumekaka endzeni kumbe eka sayiti ro tano leri tirhisiwaka kumbe leri hleketeleriwaka ku va ri tirhisiswa mayelana ni ku gembula;

(g) kambisisa na ku kambela timali tihi ni tihi, tibuku, tinkota, rhekhodo, switatimende swa timali, matsalwa kumbe xilo xin'wani leti kumekaka endzeni kumbe eka sayiti ro tano leri tirhisiwaka kumbe leri hleketeleriwaka ku va ri tirhisiswa mayelana ni ku gembula na ku endla khopi kumbe teka xo karhi ku suka eka ayitheme yo tano;

(h) vutisa nwinyi wa layisense kumbe munhu loyi a voniwaka hi mukamberi wo landzelerisa ku va yena a langutisaka sayiti hi nkarhi wolowo, mayelana ni ku nghenisiwa etibukwini, tikonta, tirhekhodo and matsalwa kumbe ku kombela mahungu mayelana ni xitirhisiwa xihi ni xihi xo gembula, tichipi kumbe timali; na

(i) kuma na ku susa, eka ku humesa xilipi lexi hlawuriwaka, xitirhisiwa xo gembula ha xona, tichipi, timali, tibuku, tinkota leti rhekhodiweke, matsalwa, khompyuta kumbe xilo xin'wani na xin'wani lexi kumekaka endzeni kumbe eka sayiti ro tano leri tirhisiwaka kumbe leri hleketeleriwaka ku va ri tirhisisiwa mayelana ni ku gembula ku ya hi mukamberi wo landzelerisa a nga nyikiwa vumbhoni bya ku endliwa ka nandzu Nawu lowu, kumbe wu nga pfuneta eka nkambisiso wa nandzu lowu vuriwaka kumbe hleketeleriwaka.

(2)(a) Mukamberi wo landzelerisa a nga amukela na ku lavisisa swivilelo swo suka eka munhu wa ku gembula kumbe vatirhi va le ka sayiti leri nga ni layisense.

(b) Mukamberi wo landzelerisa u fanele a tsala xiviko mayelana ni swivilelo leyi nga ta kombisa mbuyelo wa vulavisisi na ku kunguhata swiboho swo ololoxa eka Huvo.

(3) Mukamberi wo landzelerisa a nga kombela n'winyi wa layisense kumbe mufambisi kumbe munhu wihi ni wihi loyi a tirhinaka kumbe ku fambisa khasino kumbe sayiti leri nga ni layisense, ku yima emahlweni ka mukamberi wo landzelerisa hi nkarhi na ndhawu leyi bohiweke mukamberi wo landzelerisa kumbe hi xikongomelo xa ku hlamula swivutiso kumbe ku va nyika mahungu lawa mukamberi wo landzelerisa a ya vonaka ya ri na nkoka kumbe ku lavisisa.

(4) Loko swin'wani swi tekiwile kumbe ku susiwa hi ndlela leyi vuriweke eka xiyenge-ntsongo xa (1) —

(a) munhu loyi nhundzu kumbe loyi a chajeriwaka tiayitheme teto, u fanele hi nkarhi wa yena hi ku tirha ka mali ya munhu yaloye, a pfumeleriwa ku endla tikhopi kumbe a teka swin'wani ehansi ka vulanguteri bya mukamberi wo landzelerisa; na

(b) tiayitheme leti tekiwaka na ku susiwa ti nga hlayisiwa hi nkarhi lowu mukamberi wo landzelerisa a nga swi lavisaka xiswona eka nhlengeletani ya Huvo, ti nga hlayisiwa ku fikela mafambiselo ya fika emakumu, endzhaku ka sweswo huvo yi ta boha ku tiayitheme to tano ti fanele ti tlherisiwa, lahlekeriwa kumbe ku cukumetiwa na ndlela yo swi cukumeta.

(5) Loko mukamberi wo landzelerisa a ri ni xivangelo xa ku tshembha leswaku —

(a) makungu swa Nawu lowu;

(b) milawu ya Huvo; kumbe

(c) xiyimo xa layisense ,

swi tluriwile, mukamberi wo landzelerisa u fanele a lavisisa mhaka leyi na ku tsalela Huvo xiviko mbuyelo wa ndzavisiso walowo.

(6) A ku na munhu loyi anga —

(a) sivelaka kumbe ku kavanyeta mukamberi wo landzelerisa eka ku endla mintirho ya yena kumbe matimba ya yena;

(b) loko va vutisiwa hi mukamberi wa ku landzelerisa kumbe nhlamuselo kumbe mahungu lama ya yelanaka na mhaka leyi yi munhu yaloye a yi tivaka, a nyika hlamuselo kumbe mahungu lawa ya nga ya mavun'wa kumbe ya humesa endleleni a karhi a tiva leswaku i mawun'wa kumbe ya hume endleni; kumbe

(c) a ti tiendla mukamberi wo landzelerisa.

83. Mintirho na matimba ya mukamberi wo landzelerisa nawu

(1) mukamberi wa ku landzelerisa nawu i mukamberi wa ku rhula hi ku landza Nawu wa Maenelelo ya Vugevenga 1977 naswona wu nyika —

(a) matimba lama ya nyikiwaka mutirhi wa xiphkumbeisa ku mutirhi wa ku rhula hi ku landza Kavanyisa ka 2;

(b) matimba ya ku khoma munhu ku nga ri na waranti hi ku landza xiyenge xa 40(1);

(c) matimba lama nyikiweke mutirhi wa ku tisa ku rhula under xiyenge xa 41(1);

(d) matimba ya ku humesa tiwaranti ya ku khoma hi ku landza xiyenge xa 44;

(e) matimba ya ku humesa xitiviso xo tsariwa hi ku landza xiyenge xa 56; and

(f) matimba ya ku humesa xitiviso xo tsariwa hi ku landza xiyenge xa 341,

xa Nawu wa Matengelo ya Milandzu ya Vugevenga, 1977

(2) Hi ku landza matimba lama ya nyikiweke eka xiyengenyana xa (1), a mukamberi wa ku landzelerisa nawu a nga nghena a secha ndhawu yihi ni yi leyi a yi hleketelelaka leswaku—

(a) khasino kumbe migingiriko yin'wani yo gembula leyi endliweke ku nga ri na layisense; na

(b) ku gembula loku ku nga riki enawini tanihi leswi swi vuriweke eka xiyenge xa 70, ku ri karhi ku endliwa.

(3) A ku na munhu loyi anga —

(a) sivelaka kumbe ku kavanyeta mukamberi wa ku landzelerisa nawu eka ku endla mintirho kumbe matimba ya yena;

(b) loko va vutisiwa hi mukamberi wa ku landzelerisa nawu leswaku va hlamusela kumbe mahungu lama ya yelanaka na mhaka leyi yi munhu yaloye a yi tivaka, a nyika hlamuselo kumbe mahungu lawa ya nga ya mavun'wa kumbe ya humesa endleleni a karhi a tiva leswaku i mavun'wa kumbe ya hume endleni; kumbe

(c) a ti tiendla mukamberi wa ku tshikelela nawu wa mavun'wa.

84. Ku aleriwa ku nghena

(1) Mukamberi loyi a nga sechaka munhu wihi ni wihi swi ri enawini kumbe ndhawu yihi ni yihi kumbe loyi a nghenaka eka ndhawu yaleyo, a nga tirhisa matimba lama ya fanelaka ku herisa ku aleriwa ku secha ko tano kumbe ku nghena eka ndhawu yaleyo, leswi katsaka ku tshoviwa ka rivanti kumbe fasitere eka ndhawu yaleyo: Handle kaloko mukamberi wo tano a fanele a lava mpfumeleleo wa ku nghena eka ndhawu yaleyo na ku tivisa xikongomelo xa leswi mukamberi a lavaka ku swi secha eka ndhawu yaleyo.

(2) makungu eka xiyenge-ntsongo xa (1) a ya tirhi loko mukamberi loyi a khumbhekaka a ri eka xiyimo xo twisiseka xa mavonelo ya leswaku tsalwa rin'wani ni rin'wani leri ri fanelaka ku sechiwa ri fanele ri herisiwa kumbe ku tirhiwa loko makungu swa makungu lama ya vuriwaka swi landzeleriwile.

KAVANYISA KA 14

MAKUNGU YA SWIN'WANI NA SWIN'WANI

85. Swinawana

(1) Xirho xa Huvonkulu hi xitiviso eka *Gazzete* a nga endla swinawana mayelana na—

(a) mhaka yihi ni yihi leyi khumbhaka Huvo;

(b) mhaka yihi ni yihi leyi yi fambisanaka na ku endla xikombelo xa layisense kumbe ku tsarisa;

(c) mafambisele na malawulele ya masayiti lama ya nga ni layisense;

(d) mali leyi humesiweka muchinini, tikhomixini kumbe tichaji tin'wani leyi n'winyi wa layisense a nga ti chajaka;

(e) mpimo wa ntlangu wun'wani na wun'wani wa ku gembula wu nga tlangiwa;

(f) vufambisi na vulawuri bya mujaho wa tihanci;

(g) mutirhinkulu wa tilayisense;

(h) tindhawu to gembulela;

(i) tihakelo na swibalo leswi hakeriwaka hi muendli wa xikombelo na vinyi va tilayisense;

(j) swilaveko swa swinavetiso swa ku gembula;

(k) swilaveko mayelana na michini yo gembula ku katsa tichipi na tithokene

(l) tisisiteme ta ku kambela na ku rindza na matirhele ya tona;

(n) nomboro, ku hangalasa na tindhawu leti pimiweke ta michini ya ku hakela;

(o) swiyimo leswi Huvo yi faneleke yi swi tekela enhlokweni loko va languta swikombelo swa tilayisense;

(p) maololoxelo ya swiphiqo swa mubeji; na

(q) mhaka yihi ni yihi leyi nga ni nkoka ku fikelela swikongomelo leswi.

(2) Swinawana leswi swi endliweke hi ku landza xiyenge-ntsongo xa (1) swi nga hlamusela swigwevo swa ku tlula nawu kumbe swigwevo swa ku tlula nawu kumbe ku nga landzeleli makungu yo karhi ya swinawana leswi swi nga katsaka fayini yo twisiseka kumbe ku xigwevo.

(3) Swinawana swo hambana swi nga endliwa ehansi ka xiyenge lexi hi ku landza minxaka yo hambana ya tilayisense, tilayisense leti fanaka kambe ti ri ni swilaveko swo hambana, mintlawa ya vanhu yo hambana kumbe tindhawu to hambana.

86. Milawu ya Huvo

(1) Huvo hi ku tihlanganisa na Xirho xa Huvonkulu, na hi xitiviso eka *gazette*, yi nga milawu leyi nga hambaniki na makungu swa nawu lowu mayelana na ku tirhisa matimba ya yona na ku endla mintirho ya yona ku katsa—

(a) mhaka yihi ni yihi leyi fambisana na ku endla xikombelo xa layisense kumbe ku tsarisa;

(b) vufambisi na ku lawula masayiti lama ya nga ni layisense na migingiriko ya ku gembula;

(c) milawu ya ku tlanga ntlangu wa ku gembula, bingo kumbe ku beja;

(d) malawulele ya le ndzeni ya vakhomi va tilayisense;

(e) tibuku, tinkota na tirhekhodo leti fanelaka ti hlayisiwa na ku tatiwa;

(f) mhaka yihi ni yihi yin'wani leyi yi yelanaka na mintirho ya Huvo; na

(g) mhaka yihi ni yihi leyi hi ku landza Nawu yi lavekaka kumbe yi pfumeleriwaka ku bohiwa.

(2) Milawu hi ku landza xiyenge-ntsongo xa (1) yi nga boha swigwevo loko ku tluriwile nawu kumbe ku nga landzeleriwangi makungu yahi ni yahi yan'wani ya Milawu, leyi yi nga katsaka fayini yo twisisek**87. Vutihlamuleri, oditi na swiviko**

(1) Huvo hi yona vulawuri lebyi nga ni vutihlamuleri naswona yi fanele yi vona leswaku vulawuri bya timali, swa tinkota na ku vika swi endliwa hi ku landza Nawu wa Malawulele ya Timali, 1999.

(2) Huvo yi nga humesa makungu hi ku angarhela kumbe tinhlayo ta migingiriko ya ku gembula eka xifundzankulu.

88. Maololoxelo ya swiphiqo swa mubeji

Laha n'winyi wa layisense a alaka ku hakela mali leyi winiweke eka mutlangi, naswona mutlangi a nga swi koti ku ololoxa xiphiqo, xiphiqo xi fanele xi ololoxiwa hi ku landza endlelo leri hlamuseriweke.

89. Tihakelo ta vaviki

Hambi kuri ni swin'wani leswi swi hambanaka ni nawu wihi ni wihi wun'wani, Huvo ku suka eka nkwama wa yona yi nga boha leswaku munhu wihi ni wihi loyi a va nyikeke mahungu lawa ya nga ta endla loyi a tluleke makungu swa Nawu a khomiwa.

90. Vutihlamuleri byo ka byi nga kongomi bya xinawu

(1) Loko mulawuri wa bindzu loyi layisense yi khumbhaka yena, kumbe ejente kumbe mutirhi wa n'winyi wa layisense, a endla kumbe tlula ku tirhisa Nawu wihi ni wihi swi ta voniwa ku ri nandzu hi ku landza Nawu lowu eka n'winyi wa layisense loyi a khumbhekaka ku kumbe loyi a tluleke nawu, nwinyi wa layisense yaleyo u ta ti vona a a tlurile Nawu walowo, handlekaloko a nyika vumbhoni ekhoto leswaku—

(a) yena a nga tlulanga leswi swi nga pfumeleriweki hi Nawu kumbe ku tlula Nawu hi mufambisi, ajente kumbe mutirhi loyi a khumbhekaka;

(b) u fanele a teka magoza yo twisiseka ku sirhelela nawu kumbe ku tlula Nawu; na

(c) Xiendlo kumbe ku tlula nawu, hambi swi ri enawini kumbe swi nga ri enawini, ku ya hi xiyimo lexi wu chajiweke ku nga ri eka xiyimo xo karhi na ku va wu wela eka xikopu xa vulawuri kumbe entirhweni wa vulawuri, ejente kumbe mutirhi loyi a khumbhekaka.

(2)

91. Milandzu na Swigwevo

(1) Munhu wihi ni wihi loyi a —

(a) endlaka migingiriko yihi ni yihi leyi yi lavaka layisense hi ku landza nawu lowu a ri hava layisense yo tano;

(

(b) a endla switatimende swa mavun'wa eka xikombelo kumbe phurosese leyi nga hansi ka Nawu lowu;

(c) eka sayiti leri ri nga ni layisense, a endla migingiriko ya ku gembula kumbe ku beja kumbe teka muchini wo gembula kumbe xo gembula ha xona leswi swi nga pfumeleriweke ehansi ka Nawu lowu;

(d) sivela kumbe ku kavanyeta Xirho xa Huvo, mukamberi, mutirhi loyi a pfumeleriwaka kumbe mutirhi wa xiphorisa loko ku karhi ku sirheleriwa kumbe ku lavisisa nandzu ehansi ka Nawu lowu;

(e) vuyimeri bya mavunwa bya ku tivula mukamberi kumbe ku nyika nhlamuselo kumbe mahungu ya mavun'wa eka phorisa kumbe mukamberi lawa ya humesaka endleleni;

(f) ku pfumelela munhu loyi anga fanelangiki ku nghena eka sayiti leri layisesiweke;

(g) ku va a samoniwa ku nyika vumbhoni eka nhlangano wo yingisela mavonelo kumbe konaniso, ku nga ri ni xivangelo xa ku twakala a tsandzeka ku —

(i) nghenela nhlangano wo yingisela vumbhoni, konaniso kumbe ndzavisiso eka nkarhi na ndhawu leyi vuriweke eka masamanisi;

(ii) a tshama a karhi a nghenela ku fikela ku hetisiwa ka nhlangano wo yingisela mavonelo, konaniso kumbe ndzavisiso hi nkarhi na ndhawu leyi vuriweke eka masamanisi;

(iii) a tshama a karhi a nghenela ku fikela ku hetisiwa ka hlangano wo yingisela mavonelo, konaniso kumbe ndzavisiso kumbe a pfumeleriwa hi Huvo leswaku a nga ha ngheneli minhlangano ya ku yisa emahlweni;

(iv) humesa buku, tsalwa kumbe xin'wani lexi a nga ni xona kumbe a nga n'winyi kumbe lexi nga ehansi ka vulawuri bya yena, lexi a samoniwaka leswaku a xi humesa;

(h) ku va a samoniwile hi Huvo hi ku landza Nawu lowu, ku nga ri na xivangelo lexi enetisaka, a ala ku —

(i) endla xihlambanyiso kumbe ku endla xitiyisiso tanihi mbhoni endzhaku kaloko a lerisiwile hi Xirho xa Huvo loyi a fambisaska nhlangano wo yingisela mavonelo, konaniso kumbe ndzavisiso ku endla tano;

(ii) nyika vumbhoni kumbe, ku ya hi nawu lowu yelanaka na mfanelo leyi tirhaka eka munhu loyi a nyikaka vumbhoni kumbe humesaka buku, tsalwa kumbe xin'wani emahlweni ka khoto ya nawu;

(iii) kumbe a tsandzeka ku hlamula hi ku hetiseka na ku enetisa ku ya hi vutivi ku tshembha ka yena hinkwako eka xivutiso xihi ni xihi xa le nawini lexi a vutisiwaka xona; kumbe

(i) endzhaku kaloko a endlile xihlambanyiso kumbe endzhaku kaloko a endlile xitiyisiso, a nyika vumbhoni bya mavun'wa emahlweni ka Huvo eka

nhlengeletano yo yingisela mavonelo, konaniso kumbe ndzavisiso eka mhaka yihi ni yihi, a karhi a swi tiva leswaku vumbhoni byebyo i bya mavun'wa;

A endla nandzu, u fanele a nyikiwa fayini kumbe ku gweviwa kumbe ha vumbirhi ka swona, fayini na ku gweviwa..

(2) Munhu loyi a nga ri ki na layisense leyi faneleke kumbe leyi nga fambisaneki na makungu ya Nawu lowu, a nga ni xihi ni xihi xo fana —

(a) xitirhisiwa xo gembula;

(b) michini wo gembula;

(c) theyipi ya rhili leyi akeriweke ku tirhisiwa eka michini yo gembula;

(d) xitirhisiwa lexi xi nga ta va michini wo gembula kambe xi va xa ku susa swiphemu swin'wani swa yona kumbe ku tlhela va xi phurogirema;

(e) xitirhisiwa xi tirhiseka hi xilekitironiki xi yimela tirhili leti ti tirhisiwaka eka muchini wa ku gembula;

(f) xitirhisiwa lexi xi tumbuluxiweke tanihi muchini wo gembula naswona lexi xi nga ncinciwaka nkarhi wun'wani na wun'wani leswaku xi nga koti ku hakela mali kumbe tithokeni, hambiloko xitirhisiwa xo tani xi kotisa mutlangi ku wina pureyisi kumbe a nga wini;

(g) muchini wa sofutiwere ya khompyuta leyi yi kotisaka mutlangi ku humesa tikhirediti tihi ni tihi leti a ti wineke eka ntlangu wa ku gembula eka khompyuta yin'wani kumbe eka xitirhisiwa xo hlayisa xa le handle;

(h) muchini wa hadiwere lowu wu akeriweke kumbe ku endleriweke ku tirhisiwa eka ku tlanga mintlangu tanihi leswi swi vuriweke eka ndzimana-ntsongo ya (f) eka khompyuta; kumbe

(i) tsalwa, buku, rhekhodo, muchini kumbe xitirhisiwa kumbe xin'wani lexi tirhisiwaka hi xikongomelo lexi kumbe hi mayelana na ku endliwa ka nandzu ehansi ka Nawu lowu, a endla nandzu na swona,

u fanele a nyikiwa fayini kumbe ku gweviwa kumbe ha vumbirhi ka swona, fayini na ku gweviwa.

(3) Munhu loyi a hambana na leswi vuriwaka hi xiyenge xa 36(5), 40, 42(1), 42(4), 42(5), 43(2), 45(4), 47, 48, 49(2), 49(3), 49(5), 50(5), 50(6), 51(4), 51(5), 52(3), 52(4), 52(5), 53(1), 54(1), 55(1), 56(1), 57(4), 58(1), 58(5), 60(3), 61(1), 61(2), 61(4), 61(5), 61(6), 62(2), 62(3), 66, 69, 70, 71, 72(1), 73, 74, 75, 77, 78(1), 78(2), 78(3), 79, 80(2), 80(3), 81(4), 82(3), 82(6) kumbe 83(3) u tava a endlile nandzu naswona u ringanela ku va a fayiniwa kumbe ku khomiwa kumbexa ni a nga fayiniwa a tlhela a gweviwa.

(4) Tifayini hinkwato leti nyikiweke eka Nawu lowu ti ta hakeriwa eka Nkwama wa Timali ta Swibalo wa Xifundzankulu.

(5) Loko munhu a khomeriwile nandzu wo karhi hi ku landza Nawu lowu kumbe a hakela mali ya fayini ya ku amukela nandzu hi ku landza xiyenge xa 57 xa Nawu Mafambisele ya Swa Vugevenga, 1977, tihakelo hinkwato ta swo famba kumbe xihlayiselo xa michini yihi ni yihi yo gembula kumbe xitirhisiwa xo gembula, switiho kumbe swin'wani lexi nandzu wo endliweke xi ri karhi xi tirhisiwa kumbe lexi nga tirhisiwa loko ku

endliwa nandzu kumbe lexi xi nga kumiwa xi ri na munhu loyi a khomiweke, na ku va xi kamberiwa hi vulawuri lebyi fanelaka swi fanele swi engeteriwa eka fayini kumbe eka xigwevo lexi nyikiweke, swi hakeriwa eka munhu yaloye.

92. Ku lahlekeriwa

Khoto, loko munhu a khomeriwile ku tlula nawu hi ku landza Nawu lowu, yi nga boxa leswaku swi suriwile hi Huvo—

(*a*) timali hinkwato, tikhoyini, ticheke, tibili, tinotsi to tshembhisa kumbe matsalwa yan'wani lawa ya sirhelelaka kumbe ku kombisa vumbhoni bya tihakelo leti endliweke leyi kumiweke kumbe masayiti wahi ni wahi lawa ya nga ri kin a layisense kumbe munhu wihi ni wihi loyi ari kumbe a nga eka sayiti ro tano;

(*b*) tibuku hinkwato, milongoloko, tikhadi to huhwa hi tona, matsalwa kumbe maphepha man'wani, kumbe switirhisiwa swin'wani, michini kumbe swin'wani mayelana na swona, ku tirhisiwa kumbe swi nga kota ku tirhisiwa mayelana na ku gembula loku ku kumekaka e kumbe eka sayiti ro tano; na

(*c*) nhundzu yin'wani na yin'wani leyi nga sukeki, movha, vhesele, xihaha-mpfhuka-phatsa, khoteyina kumbe xitirho xin'wani na xin'wani lexi tirhisiweke mayelana na nandzu walowo.

93. Ku haverixiwa matimba

(1) Hi ku landza xiyenge-ntsongo xa (2), Huvo hi ku tsala yi nga eka xirho, komiti, muthoriwa wa Huvo, kumbe Mufambisinkulu, yi nga havexerisa matimba, ntirho kumbe lowu a nyikiweke wona, ku tshembhiwa eka wona kumbe ku nyikiwa hi ku bohiwa hi ku landza Huvo, handle ka matimba ya ku endla xiboho mayelana na ku nyika, hundzuluxa kumbe ku ku tlherisela endzhaku layisense.

(2) Huvo yi nga nyika matimba eka komiti ya Huvo ya ku teka xiboho mayelana na ku nyikiwa, ku hundzuluxa kumbe ku tlherisela endzhaku tilayisense leti landzelaka:

(a) layisense ya muchini wa tihakelo leti pimiweke ta muchini wa mulawuri wa sayiti hi ku landza xiyenge xa 23(2) (h);

(b) layisense ya sayiti ya khumpyuta ya swo beja hi ku landza xiyenge xa 23(2)(o); na

(c) layisense ya timhangu to hlawuleka; hi ku landza xiyenge xa 23(2) (o) na

(d) layisense ya mutirhinkulu hi ku landza xiyenge xa 23(2) (p).

(3) Matimba ya ku nyika fayini ya nge nyikiwi, handle ka le ka komiti ya vanhu va ku ringana vanharhu.

(4) Murhangerinkulu a nga nyika matimba wahi ni wahi kumbe mintirho leyi nga nyikiwa kumbe ku haveriwa Murhangerinkulu hi kumbe ehansi ka Nawu lowu-

(i) mutirhi wihi ni wihi wun'wani wa Huvo loyi a nga ni vutivi ni ntokoto lowu faneleke; kumbe

(ii) munhu wihi ni wihi loko va ti hlanganisile ni Huvo

(5) Munhu wihi ni wihi loyi a nga havaxeriwa matimba kumbe loyi a nga pfumeleriwa ku endla ntirho ehansi ka xiyenge lexi u fanele a tirhisa matimba yalawo kumbe a endla ntirho walowo hi ku landza swiyimo swa munhu loyi a havaxeleke matimba kumbe ku nyikiwa mpfumelelo lowu wu voniwaka wu fanerile.

(6) Ku havaxeriwa matimba kumbe ku pfumeleriwa ku tirha ntirho hi ku landza xiyenge lexi-

(a) ku fanele ku tsariwile

(b) swi nga siveli munhu loyi a havaxeriweke matimba kumbe a nyikiweke mpfumelelo wa ku tirhisa matimba kumbe ku endla ntirho hi yexe; na

(c) ya nga ho tshikiwa hi munhu yaloye.

(7) Xin'wani na xin'wani lexi xi endliwaka hi ku tirhisa kumbe ku endla hi matimba lawa a havaxerisiwaka wona, ntirho kumbe migingiriko swi voniwa ku va swi endliwile hi Huvo kumbe Murhangerinkulu, tanihi leswi xiyimo xi nga va ka xiswona.

94. Ku hoxa xandla ka qhweta ra mfumo

Huvo yi nge simeki mafambisele ya xinawu kumbe ku tka magoza wahi ni wahi va nga katsangi qhweta ra mfumo.

95. Ku herisiwa ha milawu

Nawu wa ku Gembula wa Xifundzankulu xa Limpopo, 1996 (Nawu wa No. 4 wa 1996) wa herisiwa.

96. Nhlokomhaka hi ku komisa na ku sungula ku tirha

(1) Nawu lowu wu ta vuriwa Nawu wo Gembula wa Limpopo, 2013, naswona wu ta sungula ku tirha hi siku leri bohiweke hi Holobyenkulu hi xitivisa-nawu eka *Gazette*.

(2) masiku yo hambana ya nga bohiwa hi ku landza swiyenge swo hambana swa Nawu lowu.

XEDYULU YA 1

MAKUNGU YA XINKARHANI

1. Tinhlamuselo

Eka Xedulu leyi—

"siku ro sungula" ri vula siku leri nawu lowu kumbe makungu yan'wani lawa ya fambelanaka ni wona ya sungula ku tirha hi ku landza xiyenge xa 95; na

"Nawu wa khale" ri vula nawu wa ku Gembula wa Xifundzankulu xa Limpopo wa 1996 (Nawu wa No. 4 wa 1996).

2. Ku hlayisiwa ka timfanelo hi ku angarhela, switiviso, mintirho na switirhisiwa swin'wani

(1) Lunghelo rihi ni rihi, vun'winyi, mfanelo leti va ti phinaka hi tona kumbe xiboho lexi tshikeleriwaka ehenhla ka munhu wihi ni wihi hi ku landza makungu ya Nawu wa khale, leti ti nga tirhisiwangiki, fikeleriwa kumbe ti hela xikan'we ku nga si fika siku ra ku sungula ku tirha, ti ta voniwa tanihi timfanelo leti nga kona, vun'winyi, mfanelo kumbe xiboho lexi tshikeleriwaka eka munhu yaloye hi ku landza makungu leswi pimiweke swa Nawu lowu, ku sukela siku leri mfanelo, vun'winyi na mfanelo kumbe xiboho swi sunguleke ku va kona.

(2) Xitiviso lexi nyikiweke hi munhu wihi ni wihi hi ku landza makungu wahi ni wahi ya Nawu wa khale xi voniwa tanihi xitiviso lexi nyikiweke hi ku landza makungu wahi ni wahi lawa fanaka na leswi swi nga eka Nawu lowu, ku sukela eka siku leri xitiviso xi endliweke ehansi ka Nawu wa khale.

(3) Ku nga si fika siku ro sungula, tsalwa leri ri humesiweke hi ku landza Nawu wa khale ri ta voniwa humesiwile swi fanerile hi xikongomelo xa Nawu lowu.

(4) Xiboho lexi nyikiweke Huvo hi ku landza makungu yahi ni yahi ya Nawu wa khale wu ta va wu ri karhi wu tirha ku nga se fika siku ro sungula wu ta ya emahlweni wu tirha hi ku landza makungu ya Nawu lowu.

(5) Layisense leyi humesiwaka hi ku landza Nawu wa khale naswona wu ri karhi wu tirha xikan'we ku nga si fika ro sungula ku tirha, hi ku ya hi tihakelo na tilevhi yi voniwa tanihi layisense leyi humesiweke hi ku landza Nawu lowu na ku tlhela wu tirha hi ku ya hi makungu swa Nawu lowu.

(6) Xikombelo ya layisense xi nghenisiwile hi ku landza Nawu wa khale, xi fanele xi tirhiwa hi ku landza makungu ya Nawu wa khale, ku nga rivaliwi ku sungula ka ku tirha ka Nawu lowu.

(7) Muofisiri wa ku rhula loyi a ithoriweke hi ku landza xiyenge xa 334 xa Nawu wa Mafambisele ya swa Vugevenga, 1977 (Nawu wa No.51 wa 1977) hi xikongonelo xa Nawu wa khale, u ta ya emahlweni a va Muofisiri wa ku Rhula hi xikongomelo xa Nawu lowu.

(8) Milawu leyi humesiweke ehansi ka Nawu wa khale wu ya emahlweni wu tirha ehansi ka makungu leswi fambisanaka swa Nawu lowu ku fikela loko wu herisiwa.

(9) Xitifikheti leyi humeseriweke mukamberi hi ku landza makungu swa Nawu wa khale xikan'we ku nga si fika siku ra ku sungual, xi ta ya emahlweni xi tirha onge xi humesiwile hi ku landza Nawu lowu ku fikela loko xi nga ha tirhi kumbe xi suriwa hi Huvo.

(10) Laha sisiteme ya elekitironiki, khoompyuta kumbe vuhlanganisi kumbe xitirhisi lexi xi endleriweke ku rhumela kumbe ku amukela mahungu mayelana na ku tirha ka muchini kumbe xitirhiso xihi ni xihi na ku va xi vuriwa sisteme ya ku kambela leyi yi nga ri kin a layisense ya Huvo, n'winyi wa layisense, ku nga si hela tinhweti ta 12 ku fikela siku ro sungula ku tirhisa sisiteme yaleyo ya ku kambela.

3. Huvo yo Gembula na xitafu ya Limpopo

(1) Xirho xa Huvo loko ku nga si fika siku ra ku sungula u ya emahlweni a va xirho xa Huvo, a va a ri eka xiyimo xexo ku fikela theme yi hela leyi munhu a thoriweke eka yona hi ku landza Nawu wa khale.

(2) Xirho xa xitafu lexi xi thoriweke ehansi ka Nawu wa khale ku nga si fika nkarhi wa ku sungula xi ya emahlweni xi tshama eka poso yaleyo hi ku landza Nawu lowu.

This is to certify that this Act has complied With the Standing Rules and Orders of the House and was duly adopted by the Honourable House on this 05 Day of 12 2013

Signed: ..... Date: 05.12.2013

SPEAKER OF THE LIMPOPO LEGISLATURE

UMBUSO WEPHROVINSI YELIMPOPO
I-OFISI LAKANDUNAKULU

ISIMEMEZELO SESI- . . 4 . . SAKA-2014

UKUTHOMA UKUSEBENZA KOMTHETHO WEZOKUGEMBULA WELIMPOPO, WAKA-2013 (UMTHETHO WESI-3 WAKA-2013)

Ukuya ngokwesigaba 96 somThetho wezokuGembula weLimpopo, waka-2013 (umThetho Wesi-3 waka-2013, mina uChupu Stanley Mathabatha ngalokhu ngibeka ilanga lamhlazi- 1 September 2014 njengelanga ekuthoma ukusebenza ngalo umThetho otjhiwoko, ngaphandle kwesigaba 26(9)(b)(iii) ne-(iv), esizokuthoma ukusebenza ngelanga elisazokubekwa.

CHUPU STANLEY MATHABATHA
UNDUNAKULU: WELIMPOPO

ILANGA:

UMTHETHO

Kulawula ukwenziwa nokutjhejwa kweembawo zamalayisense wamakhasino, webhingo, welungelo lomnikazi wemitjhini yokugembula eqintelweko, womnikazi wendawo yokubeka imitjhini yokugembula eqintelweko, yomnikazi wendawo yokubeka imitjhini ozijameleko, umtjhini wokubheja nokubhadela nombhejisi, imijarho nezehlakalo ezikhethekileko, ukwenza, ukugcina ebujameni obuhle nokunikela ngeensetjenziswa zokugembula, abasebenzi beenkhundla eziphezulu; ukuqalelela imisebenzi eqintelweko nekhandelweko yokugembula; ukunikela ngeenkambiso zokugandelelwa kokusebenza komthetho; ukugcina iBhodi yezokuGembula yeLimpopo; ukusula umThetho wezokuGembula weLimpopo we-1996 kanye nokuqalelela iindaba ezithintana nalokhu.

WENZIWE UMTHETHO siBethamthetho seLimpopo ngendlela elandelako:–

UKUHLELWA KWEENGABA

ISAHLUKO 1

IINJAMISO ZOKWAZISA

1. Iinhlathululo
2. Iminqopho yomThetho

ISAHLUKO 2
IBHODI YEZOKUGEMBULA YELIMPOPO

3. IBhodi yezokuGembula yeLimpopo

4. Imisebenzi namandla weBhodi

5. Ukubumbeka kweBhodi

6. Ukufaneleka nokungafaneleki ukukhethelwa iBhodi

7. Ukukhethwa kwamalunga weBhodi

8. Isikhathi sokuba se-ofisini

9. Ukulisa isikhundla, ukususwa nge-ofisini neenkhala

10. Ukurholelwa neembonelelo zamalunga weBhodi

11. Ukuvezwa kwekareko

12. U-*Chief Executive Officer*

13. Amandla nemisebenzi yaka-*Chief Executive Officer*

14. Abasebenzi beBhodi

15. Ukwenzela izinto emkhanyweni nangefihlo

16. Ubujamo bokuthembeka emphakathini

17. Iimali zeBhodi

18. Imihlangano yeBhodi

19. AmaKomidi weBhodi

20. Ukubonisana kweBhodi

21. Ukumenyelwa ukuba malunga kwabantu

22. Amaphenyo weBhodi

ISAHLUKO 3
UKUKHUTJHWA KWAMALAYISENSE

23. Imihlobo yamalayisense

24. Ukungakafaneleki namkha ukuqintelwa kwelayisense
25. Ukungakafaneleki ngemva kokukhutjhwa kwelayisense
26. Ikambiso yokufaka isibawo selayisense
27. Ukwenziwa kwesibawo, ukwenziwa kwesitatimende nokuphikisa okuvulelwe ukuhlolwa mphakathi
28. Iimali zokuphenya
29. Ukuhlolwa kweendawo
30. Umbiko wokuthembeka
31. Ukulalelwa kwesibawo
32. Ukutjhejwa kwesibawo
33. Iindaba zomnotho nokuthuthukiswa kwezokuhlalisana okufanele zitjhejwe
34. Iindaba zokuphalisana okufanele zitjhejwe
35. Imibandela yamalayisense
36. Ukutjhugululwa, ukujanyiswa namkha ukusulwa kwelayisense
37. Ilayisense yesikhatjhana
38. Ukufudukela kwelinye ibala
39. Ukuhlongakala nanyana ukukhubazeka
40. Umsebenzi wokubonisa nokukhupha ilayisense
41. Umsebenzi wokubhadala iimbadalo kanye nemithelo
42. Ilungelo lokuhlomula eezuzweni nelokulawula
43. Isitifikedi sokufaneleka
44. Ukukhawuliswa kwamalungelo aphathelene nelayisense

ISAHLUKO 4

ILAYISENSE YEKHASINO

45. Ilayisense yekhasino

46. Izinto eziqalwa lokha nakwenziwa isibawo selayisense yekhasino

47. Ukuboniswa kwelwazi .

48. Ukusetjenziswa kwegama elithi "ikhasino"

ISAHLUKO 5

ILAYISENSE YEBHINGO

49. Ilayisense yebhingo

ISIGABA 6

ILAYISENSE YEKHAMPHANI ENEMITJHINI YOKUGEMBULA EKHUPHA IMALI EQINTELWEKO, ILAYISENSE YELUNGELO LOKUGCINA IMITJHINI YOKUGEMBULA EKHUPHA IMALI EQINTELWEKO KANYE NELAYISENSE YELUNGELO ELIZIJAMELEKO LOKUSEBENZISA IBALA ELILODWA ELINEMITJHINI YOKUGEMBULA EKHUPHA IMALI EQINTELWEKO.

50. Ilayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko

51. Ilayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko

52. Ilayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini

ISAHLUKO 7

ILAYISENSE YOKUBA NOMTJHINI WOKUBHEJA NOKUBHADALA KANYE NOKUBA MBHEJISI

53. Ilayisense yokusebenzisa umtjhini wokubheja nokubhadala

54. Ilayisense yebala lomtjhini wokubheja nokubhadala

55. Ilayisense yokuba mbhejisi

56. Ilayisense yebala lokuba mbhejisi

ISAHLUKO 8

ILAYISENSE YOKUBA MKHIQIZI, MTJHEJI NOMTHENGISI

57. Ilayisense yokuba mkhiqizi, mtjheji nomthengisi

ISAHLUKO 9

ILAYISENSE YOKUBANJWA KWEMIHLANGANO YEMIJARHO NEMISEBENZI EKHETHEKILEKO

58. Ilayisense yokubanjwa kwemihlangano yemijarho

59. Ilayisense yemisebenzi ekhethekileko

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IRHERHO LOKUTJHEJA ELIBU-ELEKTHRONIKI, IMITJHINI YOKUGEMBULA NEENSETJENZISWA ZOKUGEMBULA

60. Irherho lokutjheja elibu-elekthroniki lemitjhini yokugembula

61. Imitjhini yokugembula neensetjenziswa zokugembula

ISAHLUKO 11

ILAYISENSE YESISEBENZI ESIQAKATHEKILEKO

62. Ilayisense yesisebenzi esiqakathekileko

63. Ukungafaneleki

64. Ilayisense yesikhatjhana yeensebenzi eziqakathekileko

65. Ukujanyiswa nanyana ukwesulwa

66. Ukubekelwa imikhawulo

67. Umbiko wokuthembeka kwesisebenzi esiqakathekileko

68. Irejista yeensebenzi eziqakathekileko

ISAHLUKO 12

IMISEBENZI YOKUGEMBULA EBEKELWE IMIKHAWULO NENGAKAVUNYELWA

69. Ukunikelwa ilayisense okukatelelwa mthetho

70. Ukugembula ngokungasisemthethweni

71. Imisebenzi neensetjenziswa

72. Indawo yokugembula

73. Imithetho yemidlalo yokugembula nanyana yokubheja

74. Ukukhohlisa neensetjenziswa zokukhohlisa

75. Ukuvikelwa kwabantwana

76. Abantu abatjhiywe ngaphandle

77. Ukubekelwa imikhawulo malungana nesikolodo

78. Ukubekelwa imikhawulo malungana nokukhangisa

79. Ukubekelwa umkhawulo malungana nokugembula ngokusebenzisa umsebenzeli

.80. Ukukatelelwa ukusebenza kwesikolodo sokugembula kanye nokulahlekelwa ngilokho okuthunjwe ngokungasi semthethweni

ISAHLUKO 13

ABAHLOLI ABAKATELELA UKUSEBENZA KOMTHETHO

KANYE

NABAHLOLI BOKUTHOBELA

81. Ukuqatjhwa komhloli

82. Imisebenzi namandla womhloli wokuthobela

83. Imisebenzi namandla womhloli okatelela ukusebenza komthetho

84. Ukwalelwa ukungena

ISAHLUKO 14

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85. Imithetjhwana

86. Imithetho yeBhodi

87. Ukuziphendulela, i-odithi nemibiko

88. Ukurarululwa kwemibango yamakhastama

89. Umtlomelo wabavezilwazi

90. Isibopho sokulemuka ngokubukela, ngokulalela nokufunda

91. Imilandu neenhlawulo

92. Ukulahlekelwa.

93. Ukudluliswa kwamandla

94. Ukubandakanywa kwe-athoni yombuso

95. Ukupheliswa kwemithetho

96. Isihloko esifitjhani nokuthoma ukusebenza

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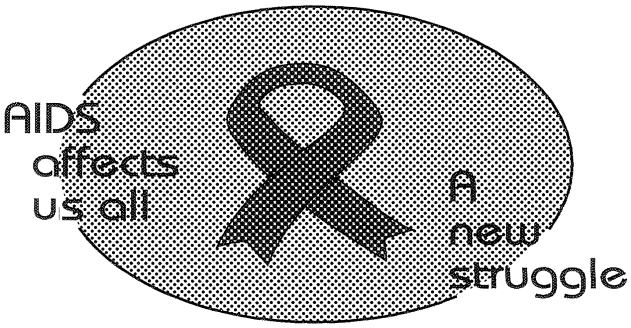

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PART 3 OF 3

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ITJHEJULI 1

linjamiso zetjhuguluko

ISAHLUKO 1

1. linhlathululo

KilomThetho ngaphandle kwalokha ubujamo butjho ngenye indlela —

"umdlalo wokuzithabisa" utjho umdlalo, ngaphandle kwebhingo namkha umdlalo ofanako namkha osuselwe emdlalweni wekhasino namkha emtjhinini wokugembula, odlalwa ngomtjhini wokuzithabisa, lapho nasele kubhadelwe imali, ithokheni namkha into efanako, iyatholakala bona kudlalwe begodu nekghonakalisa umdlali ukuthumba unongorwana; kuye ngokuthi unongorwana loyo angabi yimali, amathokheni, isikolodo namkha enye nenye into okungakhulunyiswana ngayo, kodwana kufuze iphelele enongorwaneni okungasuye wemali wenani lemakethe elingadluli inani eliquntwe yiBhodi;

"umtjhini wokuzithabisa" utjho umtjhini namkha isisetjenziswa, ngaphandle kwesisetjenziswa sokugembula, ngaso okudlalwa umdlalo wokuzithabisa;

"umkhambisani" utjho —

(a) umqatjhi;

(b) umlingani ngokuya kwesivumelwano sokusebenzisana;

(c) umbambisani ngokwesabelo sekhamphani yangeqadi otjhiwo emThethweni wezamaKhamphani we-2008 (umThetho weNomboro 71 we-2008);

(d) olilunga nawe le-*Close Corporation* okukhulunywe ngayo emThethweni wezama-*Close Corporation*, we-1984 (umThetho weNomboro 69 we-1984); kanye

(e) nomuntu onikelwe ngomunye namkha ofumene ukusuka komunye umuntu, amandla wangokomthetho wokujamela omunye umuntu;

"ukubheja" kutjho —

(a) ukuba mdlali, ukufaka imali namkha enye nenye into enenani elikhulu ekubhejeni okubekelwe safuthi imbhadelo namkha ekubhejeni okuvulekileko nombhejisi kwesinye nesinye isehlakalo sangomuso; namkha okhunye nokhunye;

(b) ukuba mbhejisi lokha —

(i) wamukela isamba semali namkha enye nenye into enenani elihle ekubhejeni kwembhadelo ebekiweko namkha ukubheja okuvulekileko, ebuya emdlalini kwesinye nesinye isehlakalo esingeze saqinisekiswa;

(ii) ukufaka imali namkha enye nenye into enenani elihle ekubhejeni kwembhadelo ebekiweko namkha ukubheja okuvulekileko nomunye umbhejisi kwesinye nesinye isehlakalo esingeze saqinisekiswa;

(c) ukufaka imali namkha ukwamukela isamba semali namkha enye nenye into enenani elihle emuntwini munye namkha abanengi kwesinye nesinye isehlakalo esingeze saqinisekiswa; namkha

(d) ngokucacileko namkha ngokungakacaci ukuzibophelela, ukuthembisa namkha ukuvuma ukwenza okutjhiwo eendimeni (a), (b) namkha (c);

"ibhingo" itjhi umdlalo, kufaka umdlalo odlalwa ngokupheleleko namkha ngesiquntu ngokwe-elektroniki —

(a) odlalelwa imbhadelo, ngokusebenzisa amakhadi namkha ezinye iinsetjenziswa (kungaqalwa ukobana ngeze-elektroniki namkha njani) −

(i) ezihlukaniswa zibe ziinkhala lapho esinye nesinye sinenomboro ehlukileko, isithombe namkha itshwayo; namkha

(ii) ezineenomboro, iinthombe namkha amatshwayo ahlelwe ngokungakahleleki kuhle ukwenzela bona elinye nelinye ikhadi namkha isisetjenziswa sibe nesethi ehlukileko yeenomboro, amatshwayo namkha iinthombe;

(b) kiwo lapho−

(i) umsebenzisi namkha ummemezeli angabiza namkha atjengise imilandelande yeenomboro, iinthombe namkha amatshwayo ngokungakahleleki begodu abadlali bamadanisa enye nenye inomboro enjalo esekhadini namkha esisetjenzisweni njengombana umlandelande namkha isisetjenziswa esinjalo sibizwa namkha sitjengiswa; namkha

(ii) isisetjenziswa se-elektroniki namkha esifanako esenza nesitjengisa umlandelande weenomboro, iinthombe namkha amatshwayo, ukwenzela abadlali, simadanisa enye nenye inomboro, isithombe namkha itshwayo neenomboro, iinthombe namkha amatshwayo asekhadini le-elektroniki namkha esisetjenzisweni esifanako ngemva kobana isithombe namkha itshwayo elinjalo lenziwe namkha litjengiswe; begodu

(c) kiwo lapho–

(i) nanyana ngimuphi umdlali wokuthoma ozakumadanisa zoke iinkhala ezisekhadini namkha esisetjenzisweni esifanako namkha omadanisa isethi ethileko yeenomboro, iinthombe namkha amatshwayo asekhadini namkha esisetjenzisweni uthumba unongorwana; namkha

(ii) umdlali ngokwenzelwa isisetjenziswa se-elektroniki namkha okukhulunywe ngaso endimeni (b)(ii) ngewokuthoma ukumadanisa zoke iinkhala ezisekhadini namkha esisetjenzisweni esifanako, namkha omadanisa isethi etjhiwoko yeenomboro, iinthombe namatshwayo esisetjenzisweni se-elektroniki namkha esisetjenzisweni esifanako, uthumba unongorwana namkha unongorwana odlula munye;

namkha omunye umdlalo ofana khulu othathwa bona uyibhingo ngokuya kwesigaba 49(6) somThetho;

"iBhodi" itjho iBhodi yezokugembula yeLimpopo okukhulunywa ngayo esigabeni 3 salomThetho;

"umbhejisi" utjho umuntu bunqopha namkha ingasi bunqopha obeka iimbhadelo zokubheja ezibekiweko namkha ukubheja okuvulekileko namalunga womphakathi namkha abanye ababhejisi namkha othatha ukubhejisa okunjalo nabanye ababhejisi;

"ilayisense yombhejisi" itjho ilayisense ekhutjhwe ngokuya kwesigaba 55;

"ikhasino" itjho indawo lapho kubanjelwa khona imidlalo yokugembula namkha kunemidlalo engadlalwa kodwana engafaki iindawo khona —

(a) okudlalelwa kizo kuphela ibhingo begodu kunganeminye imidlalo yokugembula edlalwako namkha ekhona bona ingadlalwa;

(b) enemitjhini yokubhadela eqintelweko etholakala bona idlalwe; namkha

(c) eqintelwe emitjhinini yokubhadela nebhingo kodwana ingasi omunye umdlalo wokugembula odlalwako namkha otholakala bona udlalwe;

"ilayisense yomnikazi wemitjhini yokubheja" itjho ilayisense ekhutjhwe ngokuya kwesigaba 45;

"u-*Chief Executive Officer*" utjho umuntu oqatjhwe ngokuya kwesigaba 12;

"ukwenza" kutjho ukuraga ibhizinisi, ukulawula, ukunqophisa, ukugcina, ukuphatha, ukutjheja namkha ukuba mnikazi, begodu **"ukugcina"** kunehlathululo ekhambelanako;

"imbhadelo" itjho —

(a) imali, ipahla ethengiswako, ipahla, itjhege, ithokheni, ithikithi, isikolodo se-elektroniki, isikolodo, idebhithi namkha itjhipu ye-elektroniki, namkha into efanako; namkha

(b) enye nenye into, ukuzibophelela, isithembiso, isivumelwano namkha isiqinisekiso kungaqalwa inani layo elibonakalako namkha elifihlekileko namkha ukobana idluliswa bunqopha namkha ingasi bunqopha;

"isehlakalo esingeze saqinisekiswa"' sitjho isehlakalo namkha isenzo lapho umphumela ungeze waqinisekiswa namkha ungaziwa emuntwini bekufike lapho senzeka khona;

"ikareko yokulawula" itjho ilawulo labunqopha namkha elingasi bunqopha lebhizinisi lomnikazi welayisense kungaqalwa ngokuba mnikazi wesabelo, amandla wokuvowuda,

amandla wokukhetha abanqophisi namkha ngenye nenye indlela ukwenzela ukufezekisa iminqopho yalomThetho, umuntu ulawula namkha usebujameni bokusebenzisa ukulawula phezu komunye nomunye ongaba mnikazi welayisense nayikuthi —

(a) umuntu onjalo, kungaqalwa bona uyedwa namkha unomsebenzisani, usebujameni —

(i) bokulawula umnikazi welayisense onjalo;

(ii) bokusebenzisa bunqopha namkha ingasi bunqopha ilawulo phezu kwesiquntu esiqakathekileko semisebenzi yomnikazi welayisense;

(iii) bokuphikisa ngokomthetho elinye nelinye igadango elithethwe yibhodi namkha banqophisi bomnikazi welayisense enjalo namkha lokuphikisa namkha lokufumana ukukhethwa ubuncani bakhona kwesiquntu sabanqophisi beBhodi yomnikazi welayisense enjalo namkha ukunikela namkha ukusebenzisa ngenye nenye indlela, kungaba bunqopha namkha ingasi bunqopha, ukunqophisa namkha ukuzibamba phezu kwenye nenye indaba ekulu ethinta ukuphatha namkha iindaba zomnikazi welayisense.

(b) umnikazi welayisense wanjesi namkha ongaba ngewangomuso namkha lapho umnikazi welayisense enjalo ayikhamphani, ukudlula amaphesente amatjhumi amahlanu wabanqophisi bekhamphani enjalo, wenza namkha ujayele ukwenza namkha ngaphasi kwekontraga, ukuhlela namkha ukuzwisisa, kungaba ngokuhlelekileko namkha ngokungakahleleki, ulindelwe namkha uzakuthatha igadango ngokuya kwemilayo namkha iimfiso zomuntu onjalo namkha ngokubambisana nomuntu onjalo namkha umsebenzisani wakhe ngokuhlanganyela namkha nayikuthi umuntu onjalo yikhamphani, banqophisi bekhamphani;

"UmThetho weKambiso yezokuPhathwa kwemiLandu yobuLelesi we-1997" utjho umThetho weKambiso yezokuPhathwa kwemiLandu yobuLelesi we-1997 (umThetho weNomboro 51 we-1977);

"indawo ebekiweko" mayelana —

(a) nesayithi, itjho indawo esayithini lelo lapho kugunyazwe bona kubekwe umtjhini wokugembula wokubhadela okuqintelweko; begodu

(b) obunye nobunye ubujamo butjho indawo ngaphakathi kwesayithi enelayisense lapho umdlalo wokugembula utholakala khona bona ungadlalwa begodu ifaka indawo ekhethelwe lokho yiBhodi ebujameni belayisense obukhutjhwe yiBhodi;

"umKhandlu oPhetheko" utjho umKhandlu oPhetheko weLimpopo;

"ilunga lomndeni" litjho umuntu —

(a) othethene nomuntu; namkha

(b) umntwana, umbelethi, umfo namkha udadwabo kungaqalwa ukobana itjhebiswano labo ngelokubeletha, umtjhado namkha uku-adoptha;

"ikareko yezeemali" itjho —

(a) ilungelo namkha ukufaneleka sisabelo enzuzweni namkha engenisweni;

(b) ilungelo lamambala epahleni yekhamphani, ikoporasi namkha ibhizinisi;

(c) ilungelo lamambala namkha lobuntu epahleni esetjenziswa yikhamphani, yikoporasi namkha libhizinisi; namkha

(d) ikareko yabunqopha namkha engasi yabunqopha ezabelweni zokuvowuda namkha emalungelweni wokuvowuda akhambisana nezabelo zekhamphani namkha ikareko ku-*close corporation*;

"ukubheja kwembhadelo ebekiweko" kutjho ukubheja kwesehlakalo sinye namkha ezinengi lapho kuvunyelwana ngembhadelo ngesikhathi kubhejwa;

"umsebenzi wokugembula" utjho umsebenzi ofaka —

(a) ukubeka namkha ukwamukela ukubheja;

(b) ukubeka namkha ukwamukela ukubheja ngesisetjenziswa sokubheja; namkha

(c) ukwenza kube nomdlalo namkha ukudlala ibhingo namkha umdlalo wokugembula;

"umtjhini wokugembula" utjho umtjhini, ihlelo lekhompyutha namkha enye into esetjenziswako namkha ngesikhathi sokwenziwa kwayo ebeyenzelwe ukusetjenziswa ngokukhambisana nomsebenzi wokugembula begodu ifaka kodwana ingaqinteli ukwenziwa kwakho, omunye nomunye umtjhini onesisetjenziswa se-elektroniki namkha isisetjenziswa se-elektroniki, ingcenye namkha umtjhini namkha umtjhini wokugembula, amakhadi wokudlala namkha idayisi namkha esinye nesinye isisetjenziswa namkha into iBhodi ngokuya kwesigaba 61(7) engayithatha njengesisetjenziswa sokugembula;

"umdlalo wokugembula" utjho —

(a) umdlalo –

(i) odlalwa ngemva kokubhadelwa kwenye nenye imbhadelo, ngethuba lokobana umuntu odlala umdlalo angafumana namkha uzakufumana imbhadelo; begodu

(ii) umphumela wawo ongaquntwa likghono lomdlali namkha lithuba, namkha kokubili; namkha

(b) ukubheja okwenziwa ekhasino mayelana nomsebenzi ohlangabezana nendlela yokwenza esendimeni (a);

"umtjhini wokugembula" utjho esinye nesinye isisetjenziswa esimtjhini, segezi, sevidiyo, se-elektroniki, somtjhini we-elektroniki namkha esinye nesinye isisetjenziswa esingasi ngesokuhlakanipha, umtjhini namkha ihlelo lekhompyutha, ngaphandle komtjhini wokuzithabisa —

(a) owenzelwe bona udlalwe namkha uyatholakala bona ungadlalwa namkha usetjenziswe ngemva kokubhadelwa kwembhadelo;

(b) ngebanga lokudlala namkha lokuwusebenzisa ungabhadela umdlali namkha umnikazi namkha wethule imbhadelo kumdlali namkha kumnikazi womtjhini;

"umnikazi ozijameleko wendawo yokubeka imitjhini yokugembula" utjho umnikazi wendawo yokubeka imitjhini yokugembula, ongahlanganiko nomnikazi wemitjhini yokugembula begodu nonelayisense yokuba mnikazi nokusebenzisa imitjhini yembhadelo eqintelweko endaweni yinye begodu nosebenza ukugcina imitjhini isebujameni obuhle, obuthelela imali nobhadela imithelo eBhodini;

"umhloli" utjho umhloli oqatjhwe ngokuya kwesigaba 81;

"indawo enikelwe ilayisense" itjho indawo ethileko engathiywa namkha ihlathululwe elayisenseni ekhutjhwe ngokuya kwalomThetho;

"umtjhini wembhadelo eqintelweko" utjho umtjhini wokugembula ngaphandle kwekhasino ngawo imali nabonongorwana baqintelwe ngokuya kwalomThetho kanye nesigaba 26 somThetho wesiTjhaba wezokuGembula we-2004 (umThetho weNomboro 7 we-2004);

"umnikazi wemitjhini yokugembula yembhadelo eqintelweko" utjho ikhamphani etloliswe ngokuya komThetho wezamaKhamphani we-2008 (umThetho weNomboro 71 we-2008), —

(a) enikelwe ilayisense bona ibe mnikazi begodu isebenzise umtjhini wembhadelo eqintelweko;

(b) esebenza ukugcina ebujameni obuhle imitjhini yembhadelo eqintelweko;

kanye

(c) nokuzibophelela ekubuthelelweni kuhle kwemali nokubhadela imithelo mayelana nomtjhini wembhadelo eqintelweko ngaphasi kwelayisense yayo;

"umnikazi wendawo yomtjhini wembhadelo eqintelweko" utjho umnikazi welayisense onelungelo lokuba nemitjhini yembhadelo eqintelweko yomnikazi wemitjhini, endaweni kanye nokwenza itholakale ukobana izokudlalwa malunga womphakathi;

"uSomkhandlu" utjho iLunga lomKhandlu oPhetheko eliqalene neendaba zokugembula ephrovinsini;

"umThetho wesiTjhaba wezokuGembula we-2004" utjho umThetho wesiTjhaba wezokuGembula we-2004 (umThetho weNomboro 7 we-2004);

"ilayisense yesitjhaba" itjho ilayisense ekhutjhwe ngokuya kwesigaba 38 somThetho wesiTjhaba wezokuGembula we-2004;

"ukubheja okuvulekileko" kutjho —

(a) ukubheja, ngaphandle kokubheja ngokusebenzisa isisetjenziswa sokubheja, okuthethwe mbhejisi esehlakalweni sinye namkha ezinengi, lapho kunganakubheja okubekelwe imbhadelo okuvunyelenwe ngakho ngesikhathi kubhejwa; namkha

(b) ukubheja mayelana nakho imbhadelo iquntwa ngemva komphumela wesehlakalo esingeze saqinisekiswa lapho ukubheja okunjalo kwenziwe kwaziwa ngokuqala imbhadelo eyenziwe sisetjenziswa sokubheja;

"umuntu" ufaka isebenziswano, ihlangano, ithrasti namkha ikhamphani enamandla wangokomthetho ehlonywe ngokuya komunye nomunye umthetho;

"amakhadi wokudlala" atjho amakhadi asetjenziselwa ukudlala i-*blackjack*, i-*poker* namkha umdlalo wamakhadi, kodwana kungafaki amakhadi wokudlala ibhingo namkha omunye nomunye umdlalo wekhasino ngaphandle komdlalo wamakhadi;

"isiphathiswa se-ofisi lezepolotiki" sitjho –

(a) ilunga leKundla ePhezulu yePalamende, lomKhandlu wesiTjhaba

wezamaPhrovinsi namkha leKhabhinethi;

(b) iLunga lesiBethamthetho sephrovinsi;

(c) ilunga lomkhandlu kamasipala namkha lombuso wendawo;

(d) umjameli wezobuzenda beRiphabhligi ongasilo ilunga lezabasebenzi bombuso;

(e) iLunga leNdlu yabaRholi beNdabuko yeKhaya, yePhrovinsi namkha yesiTjhaba; namkha

(f) umphathi we-ofisi lehlangano yezepolotiki ezingeni lesitjhaba, lephrovinsi namkha lendawo;

"indawo" ifaka inarha kanye nomunye nomunye umakhiwo, isakhiwo, ikoloyi, isikepe, isiketjana, isiphaphamtjhini namkha isimumathi;

"okubekiweko" kutjho okubekwe mthetjhwana ngokuya kwalomThetho;

"umThetho wezokuPhathwa kweeMali zomBuso" utjho umThetho wezokuPhathwa kweeMali zomBuso we-1999 (umThetho weNomboro 1 we-1999);

"isisebenzi sombuso" sitjho umuntu oqatjhwe ngaphakathi kombuso namkha ngaphakathi kwekhotho namkha isiphathiswa sezobulungiswa;

"umjarho" utjho umbuthano wabantu abakhambele umjarho weenlwana, kungaqalwa ukobana umjarho loyo uyagijinywa namkha njani, nayikuthi ilanga nendawo yomgijimo onjalo lazisiwe ngomkhangiso womphakathi namkha ngesimemo sangeqadi;

"ilayisense yomjarho" itjho ilayisense okukhulunywe ngayo esigabeni 58;

"umthetjhwana" utjho umthetjhwana owenziwe ngokuya kwesigaba 85 salomThetho;

"imithetho" itjho imithetho eyenziwe yiBhodi ngokuya kwesigaba 86 salomThetho;

"isehlakalo sezemidlalo" sitjho omunye nomunye umdlalo webholo, umjarho, kufaka umjarho ofaka ikoloyi namkha isilwana namkha elinye iphaliswano lokugijima namkha lezemidlalo, iphaliswano namkha umdlalo, kufaka iphaliswano labonomhlekhabo, elivamise ukukhanjelwa namkha libonwe mphakathi;

"othethene naye" kutjho umuntu —

(a) omlingani emtjhadweni;

(b) omlingani emtjhadweni wesintu ngokuya komthetho wendabuko; namkha

(c) umlingani etjhebiswaneni lapho abathintekako bahlala ndawonye ngendlela efana netjhebiswano lomtjhado namkha umtjhado wesintu;

"ilayisense yesikhatjhana" itjho ilayisense ekhutjhwe ngokuya kwesigaba 37 salomThetho;

"lomThetho" ufaka imithetjhwana nemithetjhwana yeBhodi; begodu

"ukubheja ngesisetjenziswa sokubheja" kutjho ukubeka imali namkha ukwamukela imali namkha enye nenye into enenani elihle emphumeleni wesehlakalo namkha ihlanganisela yezehlakalo ngokusebenzisa –

(a) irherho lapho isamba soke semali ebekiweko, ngemva kokudoswa kweemfanelo ezifunwa mthetho namkha sivumelwano, ihlukaniswa hlangana nabantu abenze ukubheja okuthumbileko ngokwesiquntu semali ebekwe ngomunye nomunye wabo mayelana nokubheja okuthumbileko; namkha

(b) elinye nelinye ihlelo, umhlobo namkha irherho lokubheja, kungaqalwa ukobana lisebenza ngomtjhini namkha njani, elisetjenziswa ngeenkambisolawulo ezifanako.

Iminqopho yomThetho kuqinisekisa bona —

(a) imisebenzi yokugembula ilawulwa ngokomthetho kuhle begodu iyalawulwa ukuqintela ikghonakalo yomphumela omumbi kwezonomotho wezokuhlalisana emphakathini;

(c) ibubulo lezokugembula lifaka isandla ekukhuleni netuthukweni yezokuvakatjha, emathubeni wezemisebenzi kanye nemnothweni wephrovinsi.

ISAHLUKO 2

IBHODI YEZOKUGEMBULA YELIMPOPO

3. IBhodi yezokuGembula yeLimpopo

IBhodi yezokuGembula yeLimpopo ehlonywe ngokuya komThetho wezokuGembula weLimpopo we-1996 (umThetho weNomboro 4 we-1996) iyagcinwa, kuyame e-ayithemini 3 yeTjhejuli 1 yalomThetho, nangaphandle kokusulwa komThetho wezokuGembula weLimpopo we-1996.

4. Imisebenzi namandla weBhodi

(1) IBhodi kufuze —

(a) inikele ngamalayisense, ilawule ngomthetho beyilawule ukugembula ngaphakathi kwephrovinsi;

(b) ikhuphule ukwazi ngokugembula okuhle; begodu

(c) ilawule iingozi begodu ifezakalise amaqintelo wangaphakathi ebubulweni lezokugembula.

(2)(a) IBhodi kufuze, komunye nomunye unyaka weemali, yenze isivumelwano sokusebenza noSomkhandlu.

(b) Isivumelwano sokusebenza kufuze sifanise iminqopho, amagadango wokusebenza nemiphumela yeBhodi.

(3)(a) IBhodi —

(i) ingamema iimbawo zamalayisense wokugembula;

(ii) inganikela, ingala, ingavuselela, ingadlulisa, ingatjhugulula, ingajamisa namkha isule amalayisense;

(iii) ingabeka, ijamise, itjhugulule namkha isule ubujamo belayisense;

(iv) ingathenga, ibambe, iqatjhe, iqatjhise beyidlulise ubunikazi bepahla yokutlama, etjhidako nengatjhidiko;

(v) ingangena esivumelwaneni;

(vi) ingangena namkha yenze iinkambiso kancani okungezomthetho nezokuphatha;

(vii) ingabamba namkha ibangele bona kubanjwe, ukulalela, amaphenyo nefunisiso mayelana nenye nenye indaba ewela ngaphasi komsebenzi wayo;

(viii) ingafumana ilwazi kubanikazi bamalayisense kanye nakwabanye abantu;

(ix) ingabeka ihlawulo ngokuphulwa namkha ukubhalelwa kukhambisana nesijamiso salomThetho mnikazi welayisense, okufaka ihlawulo namkha ukujanyiswa namkha ukubekwa kobujamo obukhambelana nelayisense ekhutjhwe ngokuya kwalomThetho;

(x) ingenza namkha ibangele bona kwenziwe ukuhlolwa kwemitjhini yokugembula neensetjenziswa zokugembula ezisetjenziswe namkha ezizakusetjenziselwa imisebenzi yokugembula ukwenzela ukufezakalisa iminqopho yalomThetho;

(xi) ingabuyisa iindlela zokuhlola imitjhini yokugembula namkha iinsetjenziswa zokugembula ukusuka kumnikazi namkha umsebenzisi wemitjhini namkha iinsetjenziswa ezinjalo namkha ukusuka komunye nomunye umuntu ngokuya kokugandelela kwakhe kubanjwe ukuhlola;

(xii) ingaqunta amazinga nobujamo bemitjhini yokugembula kanye neensetjenziswa zokugembula;

(xiii) ngesaziso esitloliweko, ingasamona umuntu bona azokuvela ekulaleleni, ephenyweni namkha efunisisweni namkha ukuveza incwadi, umtlolo namkha into ephathelene nokulalela okunjalo, iphenyo namkha ifunisiso;

(xiv) ingahloma ama-ofisi wendawo namkha wamagatja;

(xv) ingabonisana nomuntu namkha isebenzise umsebenzisani endabeni ekhambelana nokwenziwa kwemisebenzi yayo ebujameni nemibandeleni enjalo engaquntwa yiBhodi; begodu

bhanka;

(ii) yenze beyigandelele ukusebenza komthetho wokubanjwa kweenkambiso nokulalela;

(iii) yamukele, isebenzise begodu ngokujayelekileko iphathe iimali;

(iv) iqunte, ibuthelele beyiphathe iimali ezibhadelwa ngokuya kweenjamiso zalomThetho;

(v) yenze imithetho elawula ukukhutjhwa kwamalayisense, ukwenziwa nokusebenza komsebenzi wokugembula;

(vi) iqunte iimbhadelo namatjhaji mayelana namaphenyo, ifunisiso kanye nomunye nomunye umsebenzi owenziwa yiBhodi;

(vii) iqinisekise bonyana iimbopho ezenziwe banikazi bamalayisense ziyaphunyeleliswa;

(viii) iqinisekise bona abasebenzi abaqakathekileko banikelwa amalayisense;

(ix) yenze imisebenzi enikelwe iBhodi ngokuya kwalomThetho namkha komthetho okhona; begodu

(x) iqatjhe u-*Chief Executive Officer*.

(4) IBhodi, ngaphandle kwenye nenye into ephikisako ekomunye nomunye umThetho, ingabhadela isibonelelo emuntwini onikele ngelwazi eliphathelene nesolo yokwephulwa kwesijamiso salomThetho.

5. Ukubumbeka kweBhodi

(1) USomkhandlu kufuze, ngokubonisana nomKhandlu oPhetheko, akhethe amalunga weBhodi.

(2) IBhodi kufuze ibunjwe malunga ali-9, kungafaki u-*Chief Executive Officer* olilunga *ngokuya kwesikhundla* elinganamandla wokuvowuda.

(3) IBhodi ekhonjwe ngokuya kwesigatjana (1), kufuze ibunjwe —

(a) mumuntu ofaneleka nowamukelwe njengesisebenzi sezomthetho ngaphakathi kweRiphabhligi begodu, esikhathini esilamanako, ubuncani bakhona seminyaka emihlanu ngemva kokufumana ukufaneleka, osebenze namkha wenza imisebenzi ekhambelana nokusetjenziswa namkha ukuphathwa komthetho;

(b) umuntu onokufaneleka njenge-*chartered accountant* ngaphakathi kweRiphabhligi begodu esikhathini seminyaka elamanako, ubuncani bakhona emihlanu, ngemva kokufumana ukufaneleka okunjalo wasebenza njenge-*chartered accountant*;

(c) umuntu ojamele umNyango ophathelene neendaba zokugembula ephrovinsini;

(d) umuntu ojamele umNyango *ophathelene neendaba zeemali ephrovinsini;*

(e) umuntu onekghono elinobanakalako nelwazi lezebhizinisi ebubulweni lezokuvakatjha;

(f) umuntu onelwazi nelemuko ezikweni lezehlalakuhle yomphakathi kanye nekuthuthukisweni kwezokuhlalisana nomnotho;

(g) umuntu onokufaneleka nelemuko ezikweni letjhebiswano lezabasebenzi kanye

(h) nabantu ababili abanekghono elibonakalako lezebhizinisi kanye nelemuko ebubulweni lezokugembula.

(4) USomkhandlu kufuze akhethe uSihlalo neSekela lakaSihlalo weBhodi.

(5) NakunganaSihlalo, iSekela lakaSihlalo kufuze lenze imisebenzi yakaSihlalo.

6. Ukufaneleka nokungafaneleki ukukhethelwa ukuba seBhodini

(1) Ukwenzela ukobana ukhethelwe ukuba lilunga leBhodi, umuntu kufuze —

(a) aphile kuhle nangefanelo ukwenzela bona akwazi ukuba se-ofisini;

(b) abe mumuntu wemvelo;

(c) abe sisakhamuzi seSewula Afrika esimhlali weRiphabhligi; begodu

(d) abe nobujamo obuhle ngakwezeemali.

(2) Umuntu angeze akhethelwa ukuba lilunga namkha ahlale alilunga leBhodi nayikuthi —

(a) uba nekareko yabunqopha namkha engasi ngeyabunqopha kwelinye nelinye ibhizinisi lokugembula, okungaba nomphumela wokurarana kwekareko yakhe yesiphrofetjhinali njengelunga leBhodi;

(b) unelunga lomndeni, umlingani namkha umkhambisani onekareko yabunqopha namkha engasi bunqopha ebubulweni lezokugembula;

(c) akakabuyiselwa ebujameni bangaphambilini ngebanga lokutjhona namkha uyatjhona;

(d) mphathi wesikhundla sezepolotiki;

(e) wakhe wasuswa e-ofisini elifuna ukuthembeka ngebanga lokungaziphathi kuhle;

(f) usalawulwa mlayo wekhotho enegunya emthatha njengomuntu ogula ngokomkhumbulo; namkha

(g) ngesinye nesinye isikhathi ufunyenwe anomlandu wokwephula umthetho —

(i) ofaka ukungathembeki; namkha

(ii) ngaphasi kwalomThetho namkha omunye umthetho wezokugembula.

(3) Nayikuthi ilunga liba ngelingasafaneleki ukuba lilunga ngokuya kwesigatjana (2) ngesikhathi salo sokuba se-ofisini, ilunga kufuze, msinyana ngomtlolo, liveze ukungasafaneleki kwalo kuSomkhandlu neBhodini.

7. Ukukhethwa kwamalunga weBhodi

(1) USomkhandlu kufuze akhuphe isaziso emaphephandabeni amabili begodu asebenzise elinye nelinye iziko leendaba ukumema iimbawo ebantwini abakhambisana neenjamiso zesigaba 3.

(2) Ababawi kufuze, nabaphendula isaziso ngokuya kwesigatjana (1), balethe i-*curriculum vitae* ezeleko-

(a) enamakhophi aqinisekisiweko wazo zoke iimfanelo;

(b) enemitlolo esekelako etjengisa ilwazi lombawi nelemuko elizakuba nesandla ekulawulweni kwebubulo lezokugembula ephrovinsini;

(c) incwadi yesifungo eveza iinkareko zezeemali nokobana kghani umbawi unazo na ezinye iinkareko okukhulunywa ngazo esigabeni 6(2) (a) no (b).

(3) USomkhandlu angaqinisekisa ipumelelo yombawi.

(4) USomkhandlu kufuze, kizo zoke iimbawo ezifunyenweko begodu nangokubonisana nomKhandlu oPhetheko, akhethe amalunga afaneleko weBhodi.

(5) Ilunga leBhodi kufuze, ngaphambi kokuthoma ngomsebenzi lenze isitatimende sokuthembeka namkha isifungo eforomini elibekiweko.

8. Isikhathi sokuba nge-ofisini

Ilunga leBhodi likhethelwa isikhathi sokuba nge-ofisini iminyaka emihlanu begodu, ngokuya kokubuyekeza okube yipumelelo, lingakhethelwa esinye isikhathi sonyaka munye ngaphandle kokulandela ikambiso ebekwe esigabeni 7.

9. Ukulisa isikhundla, ukususwa nge-ofisini neenkhala

(1) Ilunga leBhodi lingalisa isikhundla ngokunikela uSomkhandlu —

(a) isaziso seenyanga ezimbili; namkha

(b) isaziso seenyanga ezingaphasi kwezimbili, ngokuvuma kwakaSomkhandlu.

(2) USomkhandlu, ngokuyama esigatjaneni (3), angasusa ilunga leBhodi —

(a) nayikuthi ilunga —

(i) liba ngelingasafanelekanga ngokuya kwesigaba 6;

(ii) lisebenza ngokuphikisana nesigaba 6(3);

(iii) lihluleka kuveza ikareko namkha lihluleka ukuzitsomula emhlanganweni njengokufuna kwesigaba 11;

(iv) lihluleka ngefanelo nangesiphrofetjhinali ukwenza imisebenzi yelunga leBhodi; namkha

(b) ngebanga elilungileko nelihle.

(3) USomkhandlu kufuze, ngaphambi kokususa ilunga leBhodi nge-ofisini, anikele ilunga ithuba lokulalelwa.

(4) Lokha i-ofisi lelunga naliba nesikhala, uSomkhandlu kufuze azalise isikhala ngokuya kwekambiso enikelwe esigabeni 7, kungapheli isikhathi esizwakalako.

(5) Ilunga elikhethwe ngokuya kwesigatjana (4), liba nge-ofisini isikhathi esiseleko selunga eliphumako sokuba nge-ofisini.

(6) USomkhandlu kufuze, nakunganaBhodi esebenzako, enze imisebenzi namandla weBhodi, ngaphandle kokunikela nokusula amalayisense okukhulunywe ngawo esigabeni 23 (2) (a) – (o).

10. Ukurholelwa neembonelelo zamalunga weBhodi

(1) Amalunga weBhodi angasebenzi isikhathi soke embusweni, mayelana nemisebenzi yawo, angabhadelwa umrholo neembonelo ezinjalo eemalini zeBhodi njengombana uSomkhandlu azakuqunta ngokubonisana neLunga lomKhandlu oPhetheko eliqalene nezeemali.

(2) Lapho ilunga leBhodi elisebenza isikhathi esizeleko emBusweni lisebenzisa imali yalo lokha nalenza imisebenzi yelunga ngokuya kwalomThetho, iBhodi kufuze ilibuyisele imali yalo ilunga ngeendleko ezinjalo ukususka eemalini zeBhodi.

(3) Ukurholelwa nokubonelelwa kwamalunga weBhodi kungahluka ngokuya kwamazinga welemuko nemisebenzi ayenza eBhodini.

11. Ukuvezwa kwekareko

(1) Ilunga leBhodi alikavunyelwa —

(a) ukwenza umsebenzi ongenzela phasi isithunzi seBhodi;

(b) ukukhambela, ukuzibandakanya namkha ukufaka ummoya iinkambiso ngesikhathi somhlangano weBhodi nayikuthi, ngokuphathelene nendaba engaphambi kweBhodi, ilunga linekareko —

(i) okukhulunywe ngayo esigabeni 6(2) (a) kanye (b); namkha

(c) ukuvowuda emhlanganweni weBhodi mayelana nendaba okukhulunywe ngayo endimeni (b);

(d) ukusebenzisa ngemsitheleni namkha ukuzizuzisa ngelinye nelinye ilwazi eliyifihlo elifunyenwe ngebanga lokwenza imisebenzi yelunga lelo njengelunga leBhodi; namkha

(e) ukuveza elinye nelinye ilwazi okukhulunywe ngalo endimeni (d) emuntwini wesithathu ngaphandle kwalokha kufuneka njalo njengengcenye yemisebenzi yangokomthetho yelunga lelo.

(2) Nayikuthi, kwesinye nesinye isikhathi, kuyenzeka elungeni leBhodi bonyana indaba ephambi kweBhodi ithinta ikareko yelunga lelo okukhulunywe ngalo esigabeni (6)(2)(a) kanye no (b), ilunga kufuze —

(a) khonokho liveze ngokuzeleko ubunjalo bekareko emhlanganweni; begodu

(b) lizitsomule emhlanganweni ukuvumela amalunga aseleko ukubonisana ngendaba nokuqunta ukobana ingabe ilunga kufanele likhandelwe ekuzibandakanyeni kwezinye zeenkambiso eziphathelene nendaba leyo.

(3) Ukuveza kwelinye nelinye ilunga ngokuya kwesigatjana (2) kanye nesiqunto seBhodi ngokuya kwesigatjana (2) (b), kufuze kurekhodwe emizuzwini yomhlangano.

(4) linkambiso zeBhodi kanye neenqunto ezithethwe linengi lamalunga abekakhona nafanelwe kukuzibandakanya kilezonqunto, ziyasebenza nanyana ilunga lihlulekile kuveza ikareko yalo njengombana kufuna isigatjana (2).

(5) Nayikuthi ilunga limukwa ukufaneleka ngokuya kwesigaba 6, uSomkhandlu kufuze aphelise ukukhethwa kwalo khonokho.

(1) lBhodi kufuze iqatjhe u-*Chief Executive Officer* isikhathi esithileko, ngekontraga eya ngokusebenza kuhle, isikhathi esiminyaka engadluli emihlanu.

(2) lBhodi ingangezelela ukuqatjhwa kuka-*Chief Executive Officer* isikhathi esingezelelweko, esingeqi eminyakeni emihlanu.

(3) U-*Chief Executive Officer* msebenzi weBhodi begodu —

(a) uziphendulela eBhodini; begodu

(b) unokuziphendulela ngokusebenza kuhle nokuphathwa ngefanelo kweBhodi begodu kufuze enze imisebenzi ayinikelwa namkha ayithunywa yiBhodi.

(4) Ikontraga yokuqatjhwa kwaka-*Chief Executive Officer* kufuze ibe ngetloliweko begodu kufuze ifake ngendlela efaneleko iinjamiso zesigaba 57 zomThetho wezokuPhathwa kweeMali zomBuso, we-1999.

(5) IBhodi no-*Chief Executive Officer* kufuze bavuselele isivumelwano sabo sokusebenza njalo ngonyaka, kungakapheli inyanga yinye yokuthoma komunye nomunye unyaka weemali.

(6) Isivumelwano sokusebenza esiphethwe ngokuya kwesigatjana (1) kufuze sifake —

(b) amazinga neenkambiso zokulinganisa ukusebenza kanye neenkhathi zokulinganisa; kanye

(c) nemiphumela yokusebenza okungaphasi ngezinga.

(7) Lokha u-*Chief Executive Officer* nakangekho namkha ngebanga elinye nelinye elizwakalako angakghoni ukwenza imisebenzi yakhe nanyana lokha nakunesikhala nge-ofisini laka-*Chief Executive Officer*, iBhodi kufuze ikhethe omunye umuntu ozakusebenza njengo-*Chief Executive Officer* ngesikhathi leso sokungabikhona namkha sokungakghoni ukusebenza bekufike lapho u-*Chief Executive Officer* omutjha aqatjhwa ngokuya kwesigatjana (1).

13. Amandla nemisebenzi yaka-*Chief Executive Officer*

Ukungezelela emandleni, imisebenzi nemisebenzana enikelwe, edluliselwe namkha ethweswe u-*Chief Executive Officer* ngokuya kwalomThetho namkha yiBhodi, u-*Chief Executive Officer* kufuze —

(a) asize iBhodi ekwenzeni yoke imisebenzi yayo yezeemali nezokuphatha ephathelene nemisebenzi yeBhodi;

(b) enze imisebenzi yaka-*Chief Executive Officer* ebekwe esivumelwaneni sokusebenza esenziwe neBhodi ngokuya kwesigaba 12(1);

(c) ngokuya kwesigaba 14(1) no (2), aqatjhe begodu aphathe abasebenzi

(d) aqinisekise bona imizuzu yamambala yemihlangano namakomidi weBhodi iyagcinwa;

(e) akhambele imihlangano yeBhodi njengelunga leBhodi ngokwesikhundla;

(f) aqinisekise bona iBhodi ikhambisana beyisebenza ngokuya kweemvumelwano zekontraga kanye neemfuno zomthethomgomo; begodu

(g) enze eminye imisebenzi ayinikelwa yiBhodi.

14. Abasebenzi beBhodi

(1) IBhodi, ekwenzeni imisebenzi yayo, ingasizwa basebenzi abawufundeleko umsebenzi nabanelemuko, abaqatjhwe ngu-*Chief Executive Officer.*

(2) U-*Chief Executive Officer* kufuze, ngokubonisana neBhodi, aqatjhe abasebenzi beenkhundla eziphezulu.

(3) Umsebenzi weBhodi kufuze, ngaphambi kokuthoma ukusebenza, enze isifungo namkha isiqinisekiso esinesithunzi eforomini elibekiweko.

(4) Akunamuntu ozakuqatjhwa njengomsebenzi weBhodi nayikuthi umuntu loyo —

(a) namkha ilunga lomndeni wakhe linekareko yabunqopha namkha engasi ngeyabunqopha namkha enye nenye ikareko yezeemali namkha enye komunye nomunye umsebenzi wokugembula; begodu

(b) kwesinye nesinye isikhathi wakhe wafunyanwa anomlandu; kungaba ngaphakathi kweRiphabhligi namkha lapho okhunye, wokweba, ikohlakalo, wokukhanda ngokungasi semthethweni, namkha wokufunyanwa anemali engasi ngeyambala, ukufungela amala, isenzo sokwephula umthetho ngaphasi kwalomThetho namkha wokuKhandelwa nokwAlelwa kwemiSebenzi yeKohlakalo we-2004 (umThetho weNomboro 12 we-2004) namkha esinye isenzo sokwephula umthetho esifaka ukungathembeki.

(5) IBhodi kufuze, ukusuka eemalini zayo, ibhadele abasebenzi bayo umrholo, iimbonelelo neminye imivuzo iBhodi engayiqunta.

(2) Umsebenzi namkha ilunga leBhodi, ngaphandle komlayo wekhotho namkha lokha naligunyazwe ngokuya komThetho wokuKhutjhulwa kokuFikelela iLwazi we-2000, (umThetho weNomboro 2 we-2000), angeze laveza —

(a) omunye nomunye umtlolo namkha ilwazi namkha ukwaziwa komuntu iBhodi equnte bona kungeze kwavulelwa ukuhlolwa mphakathi namkha ukobana kungeze kwavezwa njengombana kutjhiwo esigabeni 27(3); namkha

(b) omunye nomunye umtlolo namkha ilwazi elinikelwe iBhodi ngesinye isikhungo sokulawula namkha sokugandelela ukusebenza komthetho ngebanga lefihlo.

16. Ubujamo bokuthembeka emphakathini

(1) Nakuzakuqinisekiswa ukuzijamela nesithunzi seBhodi, ilunga namkha umsebenzi weBhodi, angeze —

(a) ngaphandle komrholo awufumana ngebanga lokubamba isikhundla se-ofisi, bunqopha namkha ingasi bunqopha afumana enye nenye into enenani namkha inzuzo ebuya emuntwini omunye nomunye, engaphikisana namkha ithikameze ukwenziwa kwemisebenzi yamambala yomuntu loyo; namkha

(b) azibandakanye kwesinye nesinye isenzo sokugembula namkha isenzo sokubheja ephrovinsini ngaphandle kwalokha nakenza imisebenzi yakhe ngokuya kwalomThetho.

(2) Ilunga leBhodi angeze, isikhathi sonyaka munye ngemva kokupheliswa kwesikhathi salo sokuba nge-ofisini, lifune namkha lamukele ukuqatjhwa emuntwini onikelwe ilayisense ngokuya kwalomThetho.

(3) linjamiso zesigatjana (1) no (2) zisebenza kuSomkhandlu.

ela lomnqopho;

(b) ngenye nenye imali ebhadelwa eBhodini ngokuya kwalomThetho; kanye

(c) nezinye iimali ezibhadelwa ngokomthetho eBhodini.

18. Imihlangano yeBhodi

(1) IBhodi kufuze ihlangane ubuncani bakhona kanye ngekota enyakeni weemali.

(2) USihlalo we Bhodi —

(a) kufuze aqunte isikhathi nendawo yomhlangano wokuthoma weBhodi begodu ngemva kwalapho iBhodi ingahlangana ngesikhathi nendaweni iBhodi ngokukhamba kwesikhathi engayiqunta ukwenzela ukwenza kwayo kuhle umsebenzi wayo; begodu

(b) ngesinye nesinye isikhathi ngesaziso esizwakalako, angabiza umhlangano ongakajayeleki weBhodi ozakubanjwa ngesikhathi nendaweni ezakuquntwa nguSihlalo.

(4) Ikhoramu yomhlangano weBhodi malunga amahlanu weBhodi.

(5) Isiqunto seBhodi sithathwa ngenengi lamavowudu malunga akhona emhlanganweni weBhodi.

(6) Lapho kunokulingana kwamavowudu, uSihlalo unevowudu lokuquntа ukungezelela kwelijayelekileko.

(7) Imizuzu yeenkambiso zomunye nomunye umhlangano weBhodi kufuze igcinwe beyibekwe ema-ofisini weBhodi.

(8) Umhlangano weBhodi obizelwa umnqopho —

(a) wokulalela izethulo namkha ukuphikisa mayelana nesibawo selayisense esenziwe ngokuya kwalomThetho, kufuze ufikelelwe mphakathi: Ngaphandle kwalokha uSihlalo ngokuqunta kwakhe namkha iBhodi inombono wokobana omunye nomunye umuntu ukubakhona kwakhe kungafuneki emhlanganweni loyo, ingalaya bona umuntu onjalo angakhambeli umhlangano namkha awutjhiye; begodu

(b) ukukhulumisana ngombono wokuthatha iinqunto nokuvowuda mayelana nendaba emhlanganweni, kufuze kwenzeke ngokusebenzisa ikhamera.

(1) IBhodi inganande ikhetha ikomidi ukwenzela ukusebenzisa amandla kanye nokwenza imisebenzi yayo edluliselwe kiyo yiBhodi.

(2) Ikomidi ingabunjwa —

(a) malunga anjalo weBhodi njengombana kuzakutjho iBhodi; namkha

(b) malunga anjalo weBhodi njengombana iBhodi ingatjho kanye nabanye abantu iBhodi engabakhethela ukuba malunga weKomidi ngokuya kwesigaba 21.

(3) USihlalo weBhodi kufuze akhethe uSihlalo wekomidi.

(4) Ikomidi kufuze yenze imisebenzi yayo begodu isebenzise amandla wayo ngokuya kweenjamiso zalomThetho kanye nemilayo yeBhodi.

(5) Amandla namkha umsebenzi owenziwa yikomidi ekhonjwe yiBhodi ngokuya kwesigatjana (1) athathwa njengowenziwe yiBhodi.

20. Ukubonisana kweBhodi

(1) IBhodi ingabonisana nomunye nomunye umuntu, ihlangano namkha isikhungo mayelana nendaba etlhogekako ukukghonakalisa iBhodi ukusebenzisa amandla wayo kanye nokwenza imisebenzi yayo.

(2) Umrholo nemivuzo equntwe yiBhodi, nayikhona, kanye nobujamo nemibandela kufuze butholakale esivumelwaneni esitloliweko esenzelwe umnqopho loyo phakathi kweBhodi nomuntu loyo.

21. Ukumenyelwa ukuba malunga kwabantu

(1) IBhodi ingamemela isikhundla isazi namkha umuntu kuye ngokutlhogeka ukuzokusiza iBhodi ukutjheja kuhle indaba ethileko.

(2) Umuntu okhethelwe ukuba lilunga ngokuya kwesigatjana (1), angeze avowuda komunye nomunye wemihlangano yeBhodi namkha yekomidi yeBhodi.

(3) IBhodi kufuze iqunte umrholo womuntu omenyelwe ukuba lilunga ngokuya kwesigatjana (1).

22. Amaphenyo weBhodi

(1) IBhodi, ngokulawulwa sigaba lesi, ingabamba iphenyo ngenye nenye indaba ewela ngaphasi kwemisebenzi yayo.

(2) Ukwenzela umnqopho wephenyo ngokuya kwesigatjana (1), iBhodi, ngesaziso esitloliweko, ingasamona umuntu othintwe namkha otshwenyeka ekutjhejweni kwendaba ethileko bona azokuvela ngaphambi kwayo —

(a) ukuzokunikela ngobufakazi; namkha

(b) aveze incwadi, umtlolo namkha into ayiphetheko namkha ayilawulako begodu ngokuya kombono weBhodi ephathelene namkha engaphathelana nendaba etjhejwa yiBhodi.

(3) Umuntu ofumene isaziso ngokuya kwesigatjana (2) kufuze ngokwakhe avele ngaphambi kweBhodi ngelanga, isikhathi nendawo etjhiwo esazisweni.

(4) IBhodi ingabiza beyihlole omunye nomunye umuntu ephenyweni, kungaqalwa ukobana umuntu loyo usamoniwe na ukukhambela iphenyo ngaphasi kwesigatjana (2), begodu ingahlola beyigcine isikhathi esibonakalako enye nenye incwadi, umtlolo namkha into ebeyifunwa yiBhodi.

(5) IBhodi ingafuna umuntu ovela phambi kwayo ephenyweni ngokuya kwesigatjana (1), bona anikele ngobufakazi ngokufunga ngesiqinisekiso begodu ilunga leBhodi elongamele iphenyo lingaphatha isifungo namkha isiqinisekiso.

(6) Umthetho ophathelene nelungelo elikhethekileko elisebenza emuntwini osamonwe bona azokunikela ngobufakazi namkha azokuveza enye nenye incwadi, umtlolo namkha into phambi kwekhotho yezomthetho, usebenza mayelana nokuhlolisiswa komuntu onjalo

namkha ukukhutjhwa kwenye nenye incwadi, umtlolo namkha into ngaphasi kwesigatjana (2) namkha (5).

(7) Umuntu ovela ngaphambi kweBhodi ephenyweni ufanelwe kujanyelwa mjameli wezomthetho kanye nokubiza abofakazi.

ISAHLUKO 3

UKUKHUTJHWA KWAMALAYISENSE

23 Imihlobo yamalayisense

(1) IBhodi kufanele ikhuphe---

(a) ilayisense yephrovinsi ngendlela etjhiwoko; namkha

(b) ilayisense yesitjhaba ngendlela etjhiwo mThetho wesiTjhaba wezokuGembula we-2004.

(2) IBhodi ingakhupha amalayisense wephrovinsi alandelako:

(a) ilayisense yomnikazi wekhasino;

(b) ilayisense eqintelweko yendawo yomnikazi wemitjhini yokubhadela;

(c) ilayisense eqintelweko yendlela yomnikazi wemitjhini yokubhadela;

(d) ilayisense yomnikazi wendawo ozijameleko;

(e) ilayisense yomnikazi webhingo;

(f) ilayisense yendawo yebhingo;

(g) ilayisense yomnikazi womtjhini wokubhejisa;

(h) ilayisense yendawo yesisetjenziswa sokubhejisa;

(i) ilayisense yombhejisi;

(j) ilayisense yendawo yombhejisi

(k) ilayisense yomjarho;

(l) ilayisense yomenzi

(m) ilayisense yokugcina ubujamo obuhle;

(n) ilayisense yomnikeli

(o) ilayisense yezehlakalo ezikhethekileko; kanye

(p) nelayisense yabasebenzi abaseenkhundleni eziphezulu.

24. Ukungakafaneleki namkha ukuqintelwa kwelayisense

(1) Isigaba lesi asisebenzi elayisenseni yabasebenzi abaseenkhundleni eziphezulu.

(2) Umbawi welayisense kufuze —

(a) abe ngoziphatha kuhle nonesithunzi; begodu

(b) ajame kuhle ngakwezeemali.

(3) Akunamuntu ongaba nelayisense, namkha ikareko yezeemali kumnikazi welayisense, nayikuthi umuntu loyo –

(a) ungaphasi kweminyaka eli-18 ubudala;

(c) urhenyiswe erejisteni yabantu abangakavunyelwa;

(d) lilunga lomndeni, ngaphandle komfowabo namkha udadwabo womuntu olilunga leBhodi;

(e) ngotjhonileko ongakhenge abuyiselwe ebujameni bangaphambilini;

(f) uthathwa yikhotho enegunya njengongakaphili kuhle ngokwengqondo;

(g) ukhutjhwe nge-ofisini elifuna ukuthembeka, ngebanga lokungaziphathi kuhle okukhambelana nokweba namkha ukungasebenzisi kuhle iimali; namkha

(h) eminyakeni eli-10 ngaphambi kwelanga lokwenziwa kwesibawo ufunyenwe anomlandu, ngaphakathi kweRiphabhligi namkha kwenye indawo, wokwephula umthetho —

(aa) obandakanya ukweba, ikohlakalo, ukukhanda umtlolo namkha wokukhanda ngokungasi semthethweni, namkha ukufungela amala;

(bb) obandakanya ubulelesi obenziwa ngekhompyutha namkha ngamahlelo wekhompyutha;

(cc) ngaphasi komThetho wokuKhandelwa nokwAlelwa kwemiSebenzi yeKohlakalo we-2004 (umThetho weNomboro 12 we-2004);

(dd) ngaphasi komThetho wokuKhandelwa kobuLelesi obuHleliweko we-1998 (umThetho weNomboro 121 we-1998);

(ff) ngaphasi komThetho wokuVikelwa kweDemokhrasi yomThethosisekelo kwezobuPhekula kanye nemiSebenzini eKhambelanako we-2004 (umThetho weNomboro 33 we-2004); namkha

(gg) ngaphasi kwalomThetho namkha komThetho wesiTjhaba wezokuGembula we-2004,

begodu nogwetjelwe ukudosa ejele ngaphandle kokukhetha ukubhadela ihlawulo namkha ihlawulo yemali engadluli imali ebekwe nguNgqongqotjhe ngokuya kwesigaba 50(2)(i) somThetho wesiTjhaba wezokuGembula we-2004, ngaphandle kwalokha umuntu lo nakafumene ukulitjalelwa namkha ukulitjalelwa kwasimahla ngebanga lomlandu.

(4) IBhodi kufuze yale ukunikela umuntu ongakafaneleki ilayisense ekuthini abe nekareko elayisenseni, kumnikazi welayisense, endaweni enelayisense namkha emabhizinisini lapho ilayisense ikhambelanako, ngokuya kwesigatjana (3).

(5) IBhodi kufuze yale ukunikela ngelayisense kumbawi nayikuthi, ngemva kokwenza amaphenyo abekiweko, iBhodi inebanga lokukholwa bonyana —

(b) umuntu onekareko yokulawula kumbawi;

(c) umuntu onekareko yezeemali kumbawi; namkha

(d) umphathi webhizinisi lombawi,

lilunga lomndeni, ngaphandle komfowabo namkha udadwabo, womuntu olilunga leBhodi namkha akakafaneleki ekubeni abe nekareko elayisenseni, kumnikazi welayisense namkha ebhizinisini ilayisense ephathelene nayo.

25. Ukungakafaneleki ngemva kokukhutjhwa kwelayisense

(1) Isigaba lesi asisebenzi elayisenseni yomsebenzi osesikhundleni esiphezulu.

(2) Lokha umuntu nakanelayisense namkha ikareko elayisenseni ekhutjhwe ngokuya kwalomThetho, amukwa ukufaneleka ngokuya kwesigaba 24 ngemva kokukhutjhwa kwelayisense, umuntu loyo kufuze, ngendlela ebekiweko, ayelelise iBhodi begodu lapho kufaneleko, umnikazi welayisense ngokumukwa ukufaneleka okunjalo.

(3) IBhodi, lokha umuntu nakamukwa ukufaneleka ngokuya kwesigatjana (2), begodu ngemva kokutjheja ubujamo kanye nobunjalo bokumukwa ukufaneleka, ingaqunta bonyana umuntu kufuze alise ikareko elayisenseni kungakapheli isikhathi esingadluli iminyaka emithathu.

26. Ikambiso yokwenziwa kwelayisense

(1) IBhodi kufuze ifake isaziso egazedini kanye nemaphephandabeni amabili, ibawe iimbawo zelayisense erhenyiswe esazisweni.

(2) Isaziso okukhulunywe ngaso esigatjaneni (1) kufuze sifake ilwazi eliphathelene kodwana lingapheleli –

(a) emhlobeni nesibalweni samalayisense akhona;

(b) endaweni ilayisense ephathelene nayo;

(c) elangeni lokuvala leembawo; kanye

(d) neemfunweni iBhodi ezibona zifanele.

(3) Isibawo selayisense sokuphendula isaziso okukhulunywe ngaso esigatjaneni (1), kufuze senziwe ngendlela efunwa yiBhodi begodu kufuze siphekelelwe —

(a) mitlolo etjhiwoko;

(b) bufakazi bokobana iimali ezitjhiwoko zibhadelwe;

(c) bufakazi bonyana isaziso sikhutjhiwe egazedini kanye nephephandabeni njengombana kufuneka ngokuya kwesigatjana (5); kanye

(d) nemvumo namkha ukujanyelwa kombuso wendawo endaweni lapho ilayisense iphathelene nayo.

(4) Umbawi kufuze, kungakapheli amalanga alitjhumi nane, ngaphambi kokufakwa kwesibawo selayisense, aveze isaziso —

(a) egazedini; kanye

(b) nephephandabeni elithengiswa kileyondawo lapho indawana ephathelene nelayisense ikhona.

(5) Isaziso okukhulunywe ngaso esigatjaneni (4) kufuze —

(a) sitjengise umhlobo welayisense owenzelwa isibawo;

(b) sitjengise indawo ephathelene nelayisense;

(c) sitjengise ubude besikhathi selayisense

(d) simeme abantu abanekareko bonyana —

(i) benze iintatimende nokuphikisa okuphathelene nalokhu eBhodini kungakapheli inyanga ukusuka ngelanga elitjhiwo esazisweni esinjalo; begodu

(ii) sitjengise ezinye nezinye iintatimende ezitloliweko zokobana bafuna ukuzenza ngomlomo namkha ingasi ngomlomo lokha nakulalelwa isibawo.

(6) Umuntu ofisa ukuphikisa isibawo selayisense esenziwe ngokuya kwalomThetho, kungakapheli amalanga ama-30 ngemva kwelanga elitjhiwo esazisweni esivezwe ngokuya kwesigatjana (4), angenza ukuphikisa eBhodini ngomtlolo.

(7) IBhodi kufuze, kungakapheli amalanga alikhomba ngemva kokufumana ukuphikisa, yazise beyinikele umbawi ikhophi namkha imininingwana —

(a) yokuphikisa okwenziwe eBhodini ngokuya kwesigatjana (7); namkha

(b) yenye nenye indaba ngokubona kweBhodi engabumba amabanga wokuphikisa.

(8) IBhodi kufuze imeme umbawi bona azokuphendula ukuphikiswa lokho okufunyenwe ngokuya kwesigatjana (6) kungakapheli amalanga ali-14 namkha esikhathini esizakuquntwa yiBhodi.

(9)

(a) IBhodi akukateleleki bona ikhuphe isaziso okukhulunywe ngaso esigatjaneni (1) emalayisenseni alandelako:

(i) ilayisense yomenzi;

(ii) ilayisense yokugcina ebujameni obuhle;

(iii) ilayisense yomnikeli;

(iv) ilayisense ekhethekileko; namkha

(v) layisense yomsebenzi osesikhundleni esiphezulu.

(b) Isibawo selayisense sokuphendula isaziso okukhulunywe ngaso esigatjaneni (9) (a), kufuze senziwe ngendlela efunwa yiBhodi begodu kufuze siphekelelwe —

(i) mitlolo etjhiwoko;

(ii) bufakazi bokobana iimali ezitjhiwoko zibhadelwe;

(iii) bufakazi bonyana isaziso sikhutjhiwe egazedini kanye nephephandabeni njengombana kufuneka ngokuya kwesigatjana (5); kanye

(iv) nemvumo namkha ukujanyelwa kombuso wendawo

(10) Umuntu ofaka ukuphikisa ngokuya kwesigatjana (6) kufuze anikele ngamabanga eBhodini ukobana kungani angafuni ukuvezwa.

27. Ukwenziwa kwesibawo, ukwenziwa kwesitatimende nokuphikisa okuvulelwe ukuhlolwa mphakathi

(1) Isibawo, ukwenza isitatimende, ukuphikisa, ipendulo namkha ukufuna ilwazi elinabileko okwenziwe ngokuya kwesigaba 26 kufuze, ngokuya kwesigatjana (3), kuvulelwe ukuhlolwa mphakathi ngesikhathi sokusebenza seBhodi esikhathini esizwakalako esiquntwe yiBhodi.

(2) IBhodi kufuze itjheje isibawo selwazi eliphathelene nesibawo, isitatimende namkha ipendulo ngokuya komThetho wokuKhutjhulwa kokuFikelela iLwazi we-2000 (umThetho weNomboro 2 we-2000).

(3) IBhodi ingaqunta bonyana —

(a) umtlolo namkha ilwazi eliphathelene nekghono lezeemali lomuntu ozibandakanya esibaweni, ufake —

(i) amagama wabantu abangahle babe basebenzi; namkha

(ii) amahlelo webhizinisi wombawi,

namkha enye nenye indaba ngombono weBhodi, eyifihlo, okufuze ingavulelwa ukuhlolwa mphakathi: Kuye ngokuthi umtlolo namkha ilwazi elinjalo lingahlukaniswa esibaweni soke begodu limeregwe njengeliyifihlo; begodu

(b) ukwaziwa komuntu owenze iintatimende namkha ukuphikisa mayelana nesibawo angeze kwavezelwa omunye umuntu.

28. limali zokuphenya

(1) Umuntu oletha isibawo eBhodini ngokuya kwesigaba 26 kufuze abhadele zoke iindleko zeBhodi, nazikhona, ezibangelwe kubamba amaphenyo okukhulunywe ngawo esigabeni 30.

(2) IBhodi, ngaphambi kokubamba iphenyo okukhulunywe ngalo esigabeni 30, ingafuna bonyana umbawi anikele ngesiqinisekiso sokubhadelwa kweemali zephenyo.

(3) Kesinye nesinye isikahthi sephenyo lesibawo selayisense, iBhodi ingabawa umbawi welayisense bona angezelele imbadelo emayelana neendleko zokuphenya.

(4) Ngemva kokuphethwa kwephenyo, IBhodi ngemva kokuthola isibawo, kufanele inikele umbawi layisense i-akhawundi yeendleko eziphelelelo zephephenyo, begodu nakunemali eseleko yombawi layisense, kufanele igcinwe e-akhawundini yakhe nofana abuyiselwe yona.

(5) Ibhodi ayisiqedeleli isibawo kungakabhadelwa iindleko zokuphenya ngokuzeleko.

29. Ukuhlolwa kweendawo

(1) IBhodi ingahlola indawo ephathelene nesibawo.

(2) Lapho umhloli abamba iphenyo, umhloli kufuze anikele ngombiko eBhodini mayelana nokufaneleka kwendawo ephathelene nesibawo.

30. Umbiko wokugunyaza ngokomthetho

(1) Lokha nayitjheja isibawo selayisense namkha isitifikethi sokufaneleka, iBhodi ingabawa —

(a) ilwazi lokungezelela kumbawi;

(b) isigunyaziso esitloliweko esibuya kumbawi esivumela iBhodi ukufumana ilwazi bunqopha komunye umuntu othintekako kanye nokugunyaza labo abathintekako ukunikela ngelwazi lelo; kanye

(c) nombiko obuya —

(i) komunye nomunye olawulako;

(ii) ku-*Financial Intelligence Centre*;

(iii) kumNqophisi wesiTjhaba wezokuTjhutjhiswa komPhakathi; namkha

(iv) emaPholiseni weSewula Afrika.

(2) Umbiko ngokuya kwesigatjana (1) ungafaka —

(a) imininingwana yokhunye nokhunye ukufunyanwa umlandu okurekhodwe emuntwini ukufika lapho imininingwana leyo ifanele iminqopho yokuqunta ukobana umuntu loyo uthathwa njengongakafaneleki ekubeni nekareko elayisenseni, emnikazini welayisense, endaweni enikelwe ilayisense namkha ebhizinisini eliphathelene nelayisense; namkha

(b) elinye nelinye ilwazi ihlangano okukhulunywe ngayo esigatjaneni (1)(c) engalithatha njengelifanelene nesibawo.

(3) Ukwenzela iminqopho yombiko okukhulunywe ngawo kilesisigaba ilunga lesiPholisa seSewula Afrika lingafuna umbawi namkha umuntu othintekako bona anikele ngelwazi elinjalo kanye nemininingwana kufaka igadangiso lemino namkha igadangiso lepama.

(4) IBhodi kufuze ilethe woke amakhophi wombiko wokugunyazwa ngokomthetho owenziwe ngokuya kwalomThetho eBhodini yesiTjhaba yezokuGembula bona ufakwe erejisteni yesitjhaba yokugunyazwa.

31. Ukulalelwa kwesibawo

(1) IBhodi, ngesaziso egazedini kanye nephephandabeni elithengiswa endaweni ephathelene nesibawo, ingamema abanekareko bona beze ekulalelweni kwesibawo.

(2) Isaziso esisesigatjaneni (1) kufuze sitjengise ilanga, isikhathi nendawo engafikelelwa mphakathi.

(3) IBhodi kufuze ekulaleleni, inikele umbawi nomunye onekareko ithuba lokwenza iintatimende.

(4) Umuntu owenza isitatimende ngomlomo ngokuya kwesigatjana (3) angasizwa mumuntu amkhethako.

(5) IBhodi ingajanyiswa beyithome ngelanga elinjalo, isikhathi nendawo engaquntwa yiBhodi.

(6) Usihlalo weBhodi, nayikuthi ukubakhona komuntu othileko kungathikameza ukulalelwa, angalaya umuntu loyo bona aphume ekulalelweni.

32. Ukutjhejwa kwesibawo

(1) Lapho isibawo singakhambisani neemfuneko zesigaba 26, iBhodi kufuze ibuyisele isibawo kumbawi, ngokulaya umbawi bona angezelele namkha alungise isibawo sokuzivikela kungakapheli amalanga ali-14.

(2) Lapho umbawi ahluleka kukhambisana nesigatjana (1), iBhodi ingala isibawo begodu yazise umbawo ngomtlolo.

(3) Lokha nakutjhejwa isibawo, iBhodi kufuze itjheje —

(a) iminyaka yobudala, ubunjalo, isithunzi, iindaba zeemali nomlando wokuqatjhwa wombawi; kanye

(b) nokhunye nokhunye ukufunyanwa unomlandu kombawi esenzweni sokwephula umthetho esifaka ukungathembeki.

(4) IBhodi kufuze, ngemva kokutjheja ngokuzeleko —

(a) isibawo;

(b) esinye nesinye isitatimende esenziwe mayelana nesibawo;

(c) ipendulo etloliweko yombawi kilokhu;

(d) umbiko wokuhlolwa kwendawo;

(e) umbiko wephenyo;

(f) umbiko wamapholisa; namkha

(g) elinye nelinye ilwazi namkha ubufakazi obethulwe eBhodini mayelana nesibawo,

ivume isibawo ebujameni obunjalo kuye ngokuqunta namkha yale isibawo yiBhodi.

(5) IBhodi kufuze, ngokwesibawo sombawi, inikele ngamabanga atloliweko wokuthathwa kwesiqunto.

33. Iindaba zomnotho nokuthuthukiswa kwezokuhlalisana okufanele zitjhejwe

(1) Lokha nakutjhejwa isibawo selayisense, ngaphandle kwelayisense yomsebenzi osesikhundleni esiphezulu, iBhodi kufuze itjheje —

(a) koke ukuzibophelela okwenziwe mbawi namkha mdlulisi ohlongozwako mayelana —

(i) nokunikelwa amandla ngakwezomnotho;

(ii) nokukhandelwa kwesehlakalo sokuthembela nokudoswa kugembula; kanye

(b) nekghono lomphumela wezomnotho wokuhlalisana welayisense ehlongozwako.

(2) IBhodi ingabeka ubujamo obuzwakalako nobufaneleko elayisenseni ukufika ebujameni obufaneleko ukulungisa iindaba okukhulunywe ngazo esigatjaneni (1).

(3) Ubuncani bakhona kanye unyaka nonyaka ngemva kokukhupha ilayisense ngaphandle kwelayisense yomsebenzi osesikhundleni esiphezulu, iBhodi —

(a) kufuze ibuyekeze ukuzibophelela okwenziwe ngokuya kwesigatjana (1)(a) kanye nepumelelo yomnikazi welayisense kilokho kuzibophelela.

(b) ingabeka obunye ubujamo obuzwakalako nobuhlukileko nobufaneleko belayisense ukufika lapho kutlhogeka ukulungisa iindaba eziphathelene nesigatjana (1).

34. Iindaba zokuphalisana okufanele zitjhejwe

(1) Lokha nakutjhejwa isibawo selayisense ngaphandle kwelayisense yomsebenzi osesikhundleni esiphezulu, iBhodi kufuze iqale ukobana ukuvuma ilayisense angeze kwathinta kumbi iphaliswano ebubulweni lezokugembula ngokujayelekileko namkha mayelana nomsebenzi ohlongozwako ngaphakathi kwephrovinsi.

(2) Ngemva kokutjheja iindaba okukhulunywe ngazo esigatjaneni (1), iBhodi kufuze yale isibawo ngaphandle kwalokha kunamabanga azwakalako wekareko yomphakathi wokusivuma, nayikuthi kubonakala ngathi ukuvuma isibawo kuzakuba nomphumela wokuthi umbawi ayedwa namkha ngokubambisana nomuntu ohlobeneko, afikelele amandla wemakethe.

(3) Ukwenzela iminqopho yesigatjana (2) —

(a) **"amandla wemakethe"** anehlathululo ebekwe esigabeni 1 somThetho wezokuPhalisana we-1998 (umThetho weNomboro 89 we-1998);

(b) **"amabanga wekareko yomphakathi"** afaka amabanga abekwe esigabeni 12A (3) somThetho wezokuPhalisana we-1998 (umThetho weNomboro.89 we-1998); begodu

(c) **"umuntu ohlobeneko"** utjho umuntu —

(i) onelawulo labunqopha namkha elingasi bunqopha kumbawi;

(ii) umbawi onelawulo labunqopha namkha elingasi bunqopha phezu kwakhe; namkha

(iii) bunqopha namkha ingasi bunqopha olawulwa mumuntu otjhiwo endinyaneni (i).

35. Imibandela yamalayisense

(1) Lokha iBhodi nayikhupha ilayisense yephrovinsi namkha yesitjhaba, iBhodi ingakhupha ilayisense ngaphandle namkha ngemibandela.

(2) Ilayisense ekhutjhwe ngokuya kwalomThetho, kungafaki ilayisense yomsebenzi osesikhundleni esiphezulu, kufuze itjho —

(a) ukwaziwa komnikazi welayisense;

(b) imisebenzi evunyelwe yilayisense umnikazi welayisense okufanele ayenze, ayibambe namkha ayenze ibekhona emphakathini;

(c) itjho namkha icacise ihlathululo yendawo kiyo, ngaphakathi kwayo namkha ukusuka kiyo umnikazi welayisense azakusebenzela khona; kanye

(d) nesikhathi sokusebenza kwelayisense.

(3) IBhodi ingaqunta imibandela mayelana nelayisense ekhutjhwe ngokuya kwalomThetho, kufaka ubujamo obuphathelene —

(a) nemisebenzi yokugembula engenziwa namkha imihlobo yokubheja engavunyelwa;

(b) indlela yokudlala umsebenzi wokugembula namkha yokubamba ukubhejisa namkha umgijimo;

(c) imithetho yomsebenzi wokugembula, wokubheja namkha womgijimo;

(d) ama-awara okuzakwenziwa ngawo ibhizinisi elithintekako;

(e) ukunikelwa kwesiqinisekiso mbawi ngeforomo elamukelwa yiBhodi eenkolodweni zombawi eziphathelene —

(i) nemithelo ebhadelwa ngokuya kwalomThetho; kanye

(ii) neenkolodo zokugembula ezibhadelwa mbawi;

(f) ukuhlonywa, ukutjhugululwa, ukungezelelwa namkha ukwakhiwa butjha kwendawo enikelwe ilayisense;

(g) ukutholakala kweendawo;

(h) indawo lapho imisebenzi yokugembula izakuvunyelwa khona eendaweni

ezinjalo; kanye

(i) neendaba ezingatlhogeka ukufikelela iminqopho yalomThetho.

(4) IBhodi ingakhupha kuphela ilayisense —

(a) njengelayisense yasafuthi;

(b) njengelayisense yesikhatjhana, kuye ngokuthi umbawi uyayizalisa na imibandela ngesikhathi esitjhiwoko, ngehloso yokuthi ngemva kokuzaliswa kwemibandela leyo, ilayisense kanomphela izakukhutjhwa ukujamiselela ilayisense yesikhatjhana; namkha

(c) ngokuyama esigatjaneni (3), njengelayisense yesehlakalo esikhethekileko, evumela umsebenzi ngamalanga atjhiwoko kuphela endaweni ethileko equntwe elayisenseni.

(5) IBhodi, lapho iingozi eziphathelene nokubhadelwa kwesinye nesinye isikolodo mnikazi welayisense okukhulunye ngaso esigatjaneni (3) (e) zanda; ingafuna bona umnikazi welayisense ayinikele isiqinisekiso ngaphandle namkha ukungezelela isiqinisekiso okukhulunywe ngaso esigatjaneni leso.

(6) Ilayisense isebenza isikhathi esibekwe yiBhodi.

36. Ukutjhugululwa, ukujanyiswa namkha ukusulwa kwelayisense

(1) IBhodi, ngokuya kwesigatjana (3) —

(a) ingatjhugulula ilayisense;

(b) ingajamisa ilayisense isikhathi esingaquntwa yiBhodi; namkha

(c) ingasula ilayisense ukusuka ngelanga eliquntwe yiBhodi,

lokha —

(i) elinye nelinye ilwazi elimayelana nelayisense, ngesikhathi ilwazi linikelwa, belimamala ngenye nenye indlela namkha laliyame ekutjhiyweni ngaphandle kwento;

(ii) umnikazi welayisense amukwa ukufaneleka ekubeni nelayisense ngokuya kwalomThetho;

(iii) umnikazi welayisense, umsebenzi womnikazi welayisense namkha omunye nomunye umuntu obambele umnikazi welayisense ahluleke kukhambisana —

(aa) nesijamiso salomThetho;

(bb) nombandela welayisense; namkha

(cc) nesaziso esitloliweko sokulungisa ukungakhambisani nombandela esikhathini esitjhiwoko;

(iv) umnikazi welayisense ngaphandle kwemvumo etloliweko yeBhodi, ahlulekile kubamba imisebenzi yokugembula isikhathi esimalanga amatjhumi amathathu alandelanako;

(v) umnikazi welayisense ahluleka kubhadela iimali ezikolodwa iBhodi ngokuya kwalomThetho esikhathini esibekiweko;

(vi) umnikazi welayisense ahluleka kubhadela unongorwana othunjwe esenzweni sokugembula namkha sokubheja okuthumbileko;

(vii) umnikazi welayisense, ngombono weBhodi, abamba izenzo zokugembula namkha avumela bona kwenziwe izenzo zokugembula ngendlela engasi yihle emaphilweni womphakathi, ukuphepha, ukuziphatha okuhle, ihlelo elihle namkha zehlalakuhle mazombe zabahlali bephrovinsi.

(viii) umnikazi welayisense namkha omunye umuntu ngokwenzela umnikazi welayisense namkha oqatjhwe mnikazi welayisense nakasebenzisa isisetjenziswa sokugembula namkha avumela ukudlalwa komunye nomunye umsebenzi wokugembula esisetjenzisweni sokugembula —

(i) esinikelwe namkha esithengwe emuntwini onganayo ilayisense ngokuya kwesigaba 57;

(ii) esingakhambisani nobujamo namazinga abekiweko;

(ix) umnikazi welayisense aqatjha umuntu okukhulunywe ngaye esigabeni 62 ngaphandle kwelayisense efunekako:

(x) umnikazi welayisense, ngaphandle kwemvumo yangaphambilini etloliweko yeBhodi, athengisa namkha alahlekelwa namkha alisa ukwenza ibhizinisi mayelana nengcenye yendawo enikelwe ilayisense;

(xi) umnikazi welayisense ngokuzithandela namkha asebenzisa njalo namkha abekezelela iindlela zokusebenza iBhodi ezithatha njengezingakafaneli;

(2) IBhodi ingabuyisela ilayisense ebeyijanyiswe ngaphasi kwesigatjana (1) nayikuthi ibanga lokujanyiswa kwayo liyaphela.

(3) IBhodi kufuze ngesaziso esitloliweko, ngaphambi kokutjhugulula, ukujamisa namkha ukusula ilayisense, yazise umnikazi welayisense ngamabanga wokutjhugululwa, ukujanyiswa namkha ukusulwa okunjalo begodu inikele umnikazi welayisense ithuba lokuletha amabanga atloliweko kungakapheli amalanga ali-14 ngemva kokufunyanwa kwesaziso esinjalo, ukobana kungani ilayisense kufuze itjhugululwe, ijanyiswe namkha isulwe.

(4) (a) Ngokuya kwendima (b), lapho iBhodi inombono wokobana kusekarekweni yomphakathi bonyana ilayisense kufuze itjhugululwe namkha ijanyiswe khonokho, iBhodi ingatjhugulula namkha ijamise ilayisense.

(b) Msinyana ngemva kobana iBhodi itjhugulule namkha ijamise ilayisense ngokuya kwendima (a), iBhodi kufuze isebenzise iinjamiso zomThetho wokuKhutjhulwa koBulungiswa bezokuPhatha we-2000 (umThetho weNomboro 3 we-2000).

(c) Nayikuthi, ngemva kokukhambisana nendima (b), iBhodi iyaneliswa bonyana ukusula ilayisense kungazwakala, iBhodi kufuze ilandele ikambiso ebekwe esigatjaneni (3).

(5) Ngesikhathi okujanyiswe ngaso ilayisense, umnikazi welayisense angeze avumela, enze, azibandakanye namkha abambe imisebenzi ejanyisiweko.

(6) Umnikazi welayisense akakavunyelwa ukufumana imbuyiselo emalini ebhadelwe lokha ilayisense nayijanyiswako namkha isulwako.

(7) Umnikazi welayisense ilayisense yakhe ejanyisiweko namkha esuliweko kufuze alethe ilayisense eBhodini kungakapheli amalanga alikhomba ngemva kobana azisiwe.

(8) Ukwenzela iminqopho yesigaba lesi "ilayisense" ifaka isitifikethi sokufaneleka okukhulunywe ngaso esigabeni 43.

37. Ilayisense yesikhatjhana

(1) Lapho nakuvunywa isibawo selayisense, iBhodi ingaqunta bonyana ilayisense yesikhatjhana ikhutjhwe —

(a) lapho indawo ethintekako ifuna ukutjhugululwa, ukungezelelwa, ukwakhiwa namkha ukwakhiwa butjha; namkha

(b) kobunye nobunye ubujamo lapho ukukhutjhwa kwelayisense yesikhatjhana kufanele.

(2) IBhodi ingakhupha ilayisense yesikhatjhana iyinikele umbawi kuye ngokuthi umbawi ukhambisana nobujamo, esikhathini esitjhiwo elayisenseni yesikhatjhana ngobujamo obunjalo namkha iimfuneko ezingaquntwa yiBhodi.

(3) IBhodi, ngokuya kwesibawo somnikazi welayisense, kwesinye nesinye isikhathi ngemva kokukhutjhwa kwelayisense yesikhatjhana, ngehloso ehle etjhiwoko, inganabisa isikhathi sifike esingadluli iinyanga ezima-24.

(4) Lokha iBhodi nayaneliswako, ngokwesibawo somnikazi welayisense yesikhatjhana, bonyana ubujamo neemfuneko zelayisense yesikhatjhana kukhanjisenwe nazo, iBhodi kufuze ikhuphe ilayisense ukujamiselela ilayisense yesikhatjhana ethintekako.

(5) Nayikuthi ilayisense ayikhutjhwa njengombana kutjhiwo esigatjaneni (4) ngaphambi kokuphela kwesikhathi esitjhiwo elayisenseni yesikhatjhana, ilayisense yesikhatjhana iyaphela.

38. Ukufudukela kwelinye ibala

(1) Umphathilayisense, ngokusebenzisa ifomede ejanyisiweko, angenza isibawo sokufudusela ibhizinisi yokugembula ekukhulunywa ngayo kwelinye ibala, kungaba kwasafuthi nanyana kwesikhatjhana.

(2) Lokha nangabe yikhasino enelayisense efuduselwa kwelinye ibala, iinjamiso zesigaba sama-26 ukuya ema-35 kanye nesigaba sama-44 somThetho lo ziyasebenza.

(3) Ngokulawulwa mibandela engabekwa yiBhodi, iBhodi ingagunyaza umbawi ocatjangwe esigatjaneni (2), bonyana asebenzise ibhizinisi yomphathilayisense webalelo, lokha nakusalindelwe umphumela wesibawo sombawi sokufudukela kwelinye ibala.

39. Ukuhlongakala nanyana ukukhubazeka

(1) Lokha nangabe umphathilayisense nanyana umuntu onelungelo elisemthethweni lelayisense, uyahlongakala nanyana uyakhubazeka, umabimafa nanyana umtlhogomeli wamafa womuntu loyo nanyana omunye umuntu onelungelo elisemthethweni lelayisense leyo, angenza isibawo selayisense efaneleko eBhodini.

(2) Ngokulawulwa mibandela engabekwa yiBhodi, iBhodi ingagunyaza umbawi ocatjangwe esigatjaneni (1), bonyana asebenzise ibhizinisi yomphathilayisense, lokha nakusalindelwe umphumela wesibawo selayisense esenziwe mbawi.

40. Umsebenzi wokubonisa nokukhupha ilayisense

(1) Umphathilayisense kufuze bonyana ngaso soke isikhathi abonise ngokusepepeneneni ilayisensakhe ebaleni elinelayisense.

(2) Umphathilayisense, isisebenzi somphathilayisense nanyana umuntu ojamele umphathilayisense kufuze akhuphe ilayisense leyo, lokha nangabe ifunwa mhloli nanyana siphathiswa samapholisa.

41. Umsebenzi wokubhadala iimbadalo kanye nemithelo

(1) Umbawi welayisense kufuze abhadale iBhodi —

(a) iimbadalo zelayisense ezijanyisiweko; kanye

(b) nazo zoke ezinye iimbadalo ezibekwe yiBhodi; kanye

(c) neembadalo zokubuyisa zoke iindleko, kufaka hlangana iindleko zephenyo, ezenziwe yiBhodi malungana nesibawo.

(2) Umphathilayisense kufuze abhadale iBhodi —

(a) iimbadalo zelayisense ezijanyisiweko;

(b) ihlawulo ejanyisiweko yokubhadala iimbadalo ngemva kwesikhathi, begodu ihlawulo leyo akukafaneli bonyana idlule kabili inani lembadalo ekubhadalwa malungana nayo ihlawulo leyo;

(c) imithelo ejanyisiweko;

(d) ihlawulo ejanyisiweko yokubhadala imithelo ngemva kwesikhathi, begodu ihlawulo leyo akukafaneli bonyana idlule kabili inani lomthelo ekubhadalwa malungana nawo ihlawulo leyo; kanye

(e) nazo zoke ezinye iimbadalo nanyana imithelo ebekwe yiBhodi.

(3) Iimbadalo zingahluka ukuya ngokwemihlobo eyahlukeneko yamalayisense.

42. Ilungelo lokuhlomula eezuzweni nelokulawula

(1) Umuntu ofumana, ngokunqophileko nanyana ngokungakanqophi, ilungelo lokulawula elimaphesende amahlanu nanyana angaphezulu, namkha nanyana ngiliphi iphesentheji elingaphasi ngendlela ekungajanyiswa ngayo ebhizinisini ekhambelana nelayisense leyo, kufuze bonyana enze isibawo semvumo yokufumana ilungelo elinjalo ngaphakathi kwesikhathi nendlela ebekwe yiBhodi.

(2) Iinjamiso ezisebenza kumbawi welayisense, ziyasebenza nesibaweni ekuqaliswe kiso esigatjaneni (1).

(3) IBhodi akukafaneli bonyana ivumele isibawo ukuya ngokwesigatjana (1) lokha nangabe umbawi umumuntu omukwe ilungelo elicatjangwe esigabeni 24.

(4) Lokha nangabe iBhodi ayisivumeli isibawo ukuya ngokwesigatjana (1), umbawi ekukhulunywa ngaye kufuze ahlukane nelungelo lelayisense leyo ngaphakathi kwesikhathi esibekwe yiBhodi.

(5) Akunamuntu ekufuze afumane ilungelo elicatjangwe esigatjaneni (1), njengomuntu ophakanyisiweko nanyana njengomsebezeli nanyana njengomuntu ojamele namkha ngisiphi isikhulu nanyana umdlalifa, lokha nangabe umuntu loyo azange azise umphathilayisense nanyana iBhodi, ngokutlola phasi bonyana ngubani isikhulweso nanyana umdlalifa loyo.

43. Isitifikedi sokufaneleka

(1) Ngokukhupha isaziso egazedeni, uSomkhandlu angarhela imikhakha yabantu abadinga isitifikedi sokufaneleka.

(2) Lokha nangabe umphathilayisense udinga iimpahla nanyana imisebenzi yabantu bemikhakha erhelwe esazisweni ekuqaliswe kiso esigatjaneni (1), umphathilayisense kufuze afumane iimpahlezo nanyana imisebenzi leyo emntwini onesitifikedi sokufaneleka ukuthengisa iimpahla nanyana imisebenzi.

(3) Umuntu kufuze enze isibawo sokufaneleka eBhodini ukuya ngokwefomede nangendlela ebekwe yiBhodi.

(4) IBhodi ingabuza begodu ifumane ilwazi eliphathelene nokufaneleka kombawi kinanyana ngimuphi umuntu nanyana umthombo ukwenzela bonyana iBhodi ikwazi ukutjheja isibaweso, kufaka hlangana iPhiko lemiSebenzi yamaPholisa eSewula Afrika.

(5) IBhodi ingajamisa isitifikedi sokufaneleka isikhathi esibekiweko nanyana isesule ngemva kobana inikele umphathi wesitifikedi sokufaneleka ithuba lokufaka isitatimende seenghonghoyilo, lokha nangabe —

(a) ilwazi lesibawo sesitifikedeso belimamala ngananyana ngiyiphi indlela eqakathekileko nanyana litjhiye okhunye okuqakathekileko;

(b) umphathi wesitifikedi ubhalelwe kukhambisana namkha uphule nanyana ngiwuphi umbandela nanyana isijamiso sesitifikedi; nanyana

(c) iBhodi inombono wokobana lokho kunesidingo begodu kuvumelekile malungana nokulawulwa kokugembula ngendlela efaneleko.

44. Ukukhawuliswa kwamalungelo aphathelene nelayisense

Mumuntu osisazimthetho kwaphela onganikelwa ilayisense —

(a) yokusebenzisa ikhasino;

(b) yokuba yikhamphani enemitjhini yokugembula ekhupha imali eqintelweko;

(c) yokuba mkhiqizi;

(d) yokuba nomtjhini wokubheja nokubhadala; nanyana

(e) yokuba nelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko.

ISAHLUKO 4

ILAYISENSE YEKHASINO

45. Ilayisense yekhasino

(1) Ukuya ngokomnqopho wesAhlukwesi —

"umdlalo wekhasino" kutjhiwo umdlalo, ngaphandle kokuqala bonyana umphumela wawo ujanyiswe ukuya ngokwethuba nanyana ngokwekghono elithileko, odlalwa ngamakarada wokudlala, ngamadayisi, ngomtjhini wokugembula namkha ngananyana ngisiphi isisetjenziswa esisetjenziselwa ukuthumba nanyana ukuloba imali nanyana ukuthumba okhunye okunesizo, begodu kufaka hlangana, ngaphandle kokweqisa amehlo lokho okujayelekileko esele kuhlathululiwe, ibhlekijeke, itjheminideferi, ibhakharati, ibhingo, ideno, ithwentiwani, umdlalo wamakarada kanye nomdlalo wevilo nebholo, namkha omunye

nomunye umdlalo onemithetho ekhambelana khudlwana neyomdlalo ohlathululwe ngaphambili.

(2) IBhodi ingakhupha ilayisense yekhasino kwaphela ngemva kokubonisana noSomkhandlu begodu lokha nangabe iBhodi iyaneliswa ngokuthi umbawi —

(a) unelwazi nelemuko elifaneleko nanyana uyakghona ukufumana ilwazi nelemuko elifunekako lokusebenzisa ikhasino;

(b) ukhambisene nazo zoke iimfuneko zesibawo ezibekwe yiBhodi ukuya ngokomThetho lo;

(c) unebala elinelayisense ebiza yena yedwa begodu elisemthethweni; begodu

(d) uyakghona ukufumana imithombo eyaneleko yokusebenzisa ikhasino.

(3) Ilayisense yekhasino igunyaza, ngokulawulwa mibandela engabekwa yiBhodi, ukuphathwa nokudlalwa kwemidlalo yekhasino ebaleni ekunqotjhiswe kilo elayisenseni.

(4) Akukafaneli bonyana umphathi welayisense yekhasino ahlanganise nanyana ngiyiphi imitjhini yokugembula nemitjhinithungelelwano ehlaliswe endaweni ebanzi begodu ekhupha inani elifanako lemali ethunjwako ngaphandle kokufumana imvumo etlolwe phasi eBhodini.

(5) Malungana nemitjhini yokugembula ehlanganiswe nemitjhinithungelelwano ehlaliswe endaweni ebanzi begodu ekhupha inani eliphezulu lemali ethunjwako ekuqaliswe kiyo esigatjaneni (4), iBhodi ingenza iimvumelwano namanye ama-ejensi alawulako angaphandle kwephrovinsi ukuqinisekisa ukulawulwa ngendlela efaneleko kwemitjhinithungelelwano enjalo ekhupha inani eliphezulu lemali ethunjwako.

46. Izinto eziqalwa lokha nakwenziwa isibawo selayisense yekhasino

(1) Lokha nakutjhejwa isibawo selayisense yekhasino, iBhodi kufuze itjheje izinga —

(a) ikhasino leyo ezakwazi ukuthuthukisa ngalo ibhoduluko kanye neendawo eyakhelene nazo;

(b) ikhasino leyo ezakwazi ukukhuphula ngalo zamavakatjho endaweni ekwakhiwe kiyo ikhasino;

(c) ikhasino leyo ezakwazi ukukhuphula ngalo ukuqatjhwa okuragela phambili;

(d) umbawi loyo azakwazi ukunikela ngalo iinsebenzi zekhasino ibandulo namakghono;

(e) umbawi loyo azakwazi ngalo ukufumana iinsebenzi, iimpahla kanye nemisebenzi endaweni leyo kanye nephrovinsini loke malungana nokwakhiwa kwekhasino;

(f) umbawi anqophe ngalo ukubandakanya ebunikazini nanyana eenzunzweni zekhasino abanye abantu nanyana iinqhema nanyana imikhakha yabantu ebegade idinywe amathuba ngaphambilini ngenca yokubandlululwa ngendlela engakalungi; begodu

(g) umbawi anqophe ngalo ukunikela ngesisetjenziswa, ngesizo nanyana ngomnikelo ozakwazi ukuhlomulisa, ukusetjenziswa nanyana ukuthabisa umphakathi osebalenelo nanyana oseduze kwebala ekuzokwakhiwa kilo ikhasino leyo.

(2) IBhodi ingatjheja nanyana ngisiphi esinye isehlakalo esingaba nomthelela esiquntweni sokunikela isibawo esinjalo nanyana sokubeka umbandela nanyana ifuneko.

47. Ukuboniswa kwelwazi

Umphathi welayisense yekhasino kufuze —

(a) abonise ilwazi lemidlalo yekhasino ngaphakathi kwebala elinelayisense njengombana kujanyiswe yiBhodi; begodu

(b) kufuze bonyana aveze ikhophi yemithetho ehlathulula indlela ekufuze kudlalwe ngayo umdlalo wekhasino lokha nangabe ikhastama liyayikhombela.

48. Ukusetjenziswa kwegama elithi "ikhasino"

Akunamuntu ovunyelwe ukurhweba nanyana ukuragela phambili ngebhizinisi ngaphasi kwebizo nanyana kwesihloko ekusetjenziswe kiso igama elithi "ikhasino" lokha nangabe umuntu loyo akasimphathi welayisense yekhasino ekhutjhwe ukuya ngokomThetho lo.

ISAHLUKO 5

ILAYISENSE YEBHINGO

49. Ilayisense yebhingo

(1) Ilayisense yebhingo igunyaza, ngokulawulwa mibandela engabekwa yiBhodi, ukudlala nanyana ukuvunyelwa ukudlala ibhingo ngaphakathi nanyana phezu kwebala elilodwa nanyana angaphezulu ekunqotjhiswe kiwo elayisenseni.

(2) Akunamuntu ovunyelwe ukugcina ibala lapho kudlalelwa khona ibhingo nanyana avumele ukudlalwa kwebhingo ngaphandle kwelayisense yebhingo ekhutjhwe ukuya ngokomThetho lo.

(3) Akunamuntu ovunyelwe, ngendlela esebenzisa i-elekthroniki nanyana ngendlela efana nayo yokuhlanganisa nelinye ibala, ukwenza isibonelelo sokudlala ibhingo ebalenelo, ngaphandle kwelayisense yebhingo ekhutjhwe ukuya ngokomThetho lo.

(4) Malungana nokuhlanganisa okucatjangwe esigatjaneni (3), iBhodi ingenza iimvumelwano namanye ama-ejensi alawulako angaphandle kwephrovinsi ukuqinisekisa bonyana imidlalo yebhingo ehlanganisiweko ilawulwa ngefanelo.

(5) Ngokulandela isiphakamiso seBhodi, uSomkhandlu angamemezela ngokwenza isaziso egazedeni bonyana nanyana ngiwuphi umdlalo othileko ofana khudlwana nebhingo uyibhingo.

ISIGABA 6

ILAYISENSE YEKHAMPHANI ENEMITJHINI YOKUGEMBULA EKHUPHA IMALI EQINTELWEKO, ILAYISENSE YELUNGELO LOKUGCINA IMITJHINI YOKUGEMBULA EKHUPHA IMALI EQINTELWEKO KANYE NELAYISENSE YELUNGELO ELIZIJAMELEKO LOKUSEBENZISA IBALA ELILODWA ELINEMITJHINI YOKUGEMBULA EKHUPHA IMALI EQINTELWEKO.

50. Ilayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko

(1) Ilayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko igunyaza, ngokulawulwa mibandela engabekwa yiBhodi, ukusetjenziswa kwemitjhini yokugembula ekhupha imali eqintelweko okukhambisana neemfuneko ezijanyisiweko ekunqotjhiswe kizo elayisenseni yemitjhini yokugembula ekhupha imali eqintelweko.

(2) Umphathi welayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko kufuze enze isivumelwano sokubeka imitjhini yokugembula endaweni enelayisense nomphathi welayisense yebala lokugcina imitjhini ekhupha imali eqintelweko.

(3) IBhodi ingakhupha ilayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko kwaphela lokha nangabe iBhodi iyaneliswa bonyana umbawi —

(a) unelwazi nelemuko elifaneleko nanyana uyakghona ukufumana ilwazi nelemuko elidingekako lokusebenzisa imitjhini yokugembula; begodu

(b) ukhambisene nazo zoke iimfuneko zesibawo ezibekwe yiBhodi ukuya ngokomThetho lo kanye nomThetho wokuGembula weNarha, ka-2004.

(4) IBhodi ingakhupha ilayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko kwaphela malungana nenani lemitjhini yokugembula ejanyiswe mThetho wokuGembula weNarha, ka-2004.

(5) Umphathi welayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko kufuze ahlanganise yoke imitjhini yokugembula ekuqaliswe kiyo elayisenseni nerherho lokutjheja elibu-elekthroniki elicatjangwe esigabeni 60.

(6) Akunamuntu ovunyelwe ukuzibandakanya ebhizinisini yokusebenzisa imitjhini yokugembula ekhupha imali eqintelweko ngaphandle kwelayisense yekhamphani enemitjhini yokugembula ekhupha imali eqintelweko ekhutjhwe ukuya ngokomThetho lo.

51. Ilayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko

(1) Ilayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko igunyaza, ngokulawulwa mibandela engabekwa yiBhodi, ukugcinwa nokuvezwa epepeneneni kwenani elibekiweko lemitjhini yokugembula ekhupha imali eqintelweko ekhambisana neemfuneko ezijanyisiweko, endaweni ekhonjiweko esebaleni ekuqaliswe kilo elayisenseni.

(2)(a) Ngokulawulwa yindima (b), iBhodi angeze yakhupha ilayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko malungana nokusetjenziswa kanye nokugcinwa kwemitjhini yokugembula ekhupha imali eqintelweko engaphezu kwemihlanu.

(b) IBhodi ingenza isibawo eBhodini yokuGembula yeNarha bonyana ivumele ukusetjenziswa kwemitjhini yokugembula ekhupha imali eqintelweko engaphezu kwemitjhini emihlanu begodu engadluli kwema-40: Lokha nangabe isibaweso sizokwenziwa malungana nebala elinye nelinye elibawelwa imitjhini yokugembula ekhupha imali eqintelweko engaphezu kwemihlanu.

(3) IBhodi ingakhupha ilayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko lokha nangabe —

(a) umbawi ukhambisene nazo zoke iimfuneko zesibawo ezibekwe yiBhodi ukuya ngokomThetho lo nanyana nomThetho wokuGembula weNarha, ka-2004; begodu

(b) iyaneliswa bonyana ibala elenzelwa isibawo selayisense angeze lasetjenziselwa khulukhulu imitjhini yokugembula ekhupha imali eqintelweko.

(4) Umphathi welayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko kufuze aqinisekise bonyana —

(a) inani elikhulu lemali yokudlala kinanyana ngiwuphi umtjhini wokugembula okhupha imali eqintelweko alidluli enanini elijanyisiweko;

(b) inzuzo yananyana ngiwuphi umdlalo owodwa odlalwa ngananyana ngiwuphi umtjhini onjalo wokugembula okhupha imali eqintelweko nasele ihlanganiswe yoke ayibi ngaphezu kobungako benani elijanyiswe ukuya ngokomThetho wokuGembula weNarha, ka-2004;

(c) ubungako benzuzo ekulu, ejanyiswe ukuya ngokwendinyana (b), buboniswe emtjhinini wokugembula okhupha imali eqintelweko, ekuyinzuzo engathunjwa ngokudlala umdlalo kanye kwaphela; begodu

(d) imitjhini yokugembula ekhupha imali eqintelweko ibekwe endaweni lapho umuntu oneminyaka engaphasi kweli-18 angeze akghona ukungena kiyo.

(5) Akunamuntu ovunyelwe ukugcina ibala lokugcina nanyana lokuveza ngokusepepeneneni bonyana kudlalelwe kilo imitjhini yokugembula ekhupha imali eqintelweko ngaphandle

kwelayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko ekhutjhwe ukuya ngokomThetho lo.

52. Ilayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko

(1) Ilayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko igunyaza, ngokulawulwa nginanyana ngiyiphi imibandela engabekwa yiBhodi, ukusetjenziswa kwenani lemitjhini yokugembula ekhupha imali eqintelweko elingadluli ebunengini oburhelwe elayisenseni, ebaleni ekunqotjhiswe kilo.

(2) IBhodi ingakhupha ilayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko kwaphela lokha nangabe —

(a) umbawi ukhambisene nazo zoke iimfuneko zesibawo ukuya ngokwesaziso ekuqaliswe kiso esigabeni 26;

(b) umbawi unelwazi nelemuko elaneleko nanyana uyakghona ukufumana ilwazi nelemuko elinjalo lokusebenzisa imitjhini yokugembula ekhupha imali eqintelweko; begodu

(c) iyaneliswa bonyana ibala ekufuze likhutjhelwe ilayisense isibawo selayisense angeze lasetjenziselwa khulukhulu imitjhini yokugembula ekhupha imali eqintelweko.

(3) Umphathi welayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko kufuze ahlanganise yoke imitjhini yokugembula

ekhupha imali eqintelweko ekunqotjhiswe kiyo elayisenseni nerherho lokutjheja elibu-elekthroniki.

(4) Umphathi welayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko kufuze aqinisekise bonyana —

(a) inani elikhulu lemali yokudlala emtjhinini wokugembula okhupha imali eqintelweko alidluli enanini elijanyisiweko;

(b) inzuzo yananyana ngiwuphi umdlalo odlalwa ngomtjhini wokugembula okhupha imali eqintelweko nasele ihlanganiswe yoke ayibi ngaphezu kobungako benani elijanyisiweko;

(c) inzuzo yabadlali bomtjhini wokugembula okhupha imali eqintelweko ayibi ngaphasi kwephesentheji elijanyisiweko;

(d) ubungako benzuzo ekulu ejanyisiweko engathunjwa ngokudlala umdlalo kanye kwaphela emtjhinini wokugembula okhupha imali eqintelweko, buboniswe emtjhinini lowo; begodu

(e) imitjhini yokugembula ekhupha imali eqintelweko ibekwe endaweni lapho umuntu oneminyaka engaphasi kweli-18 angeze akghona ukungena kiyo.

(5) Akunamuntu onelungelo lokuvumela nanyana lokuzibandakanya ebhizinisini yokusebenzisa imitjhini yokugembula ekhupha imali eqintelweko ekunqotjhiswe kiyo elayisenseni ngaphandle kwelayisense yelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko ekhutjhwe ukuya ngokomThetho lo.

ISAHLUKO 7

ILAYISENSE YOKUBA NOMTJHINI WOKUBHEJA NOKUBHADALA KANYE NOKUBA MBHEJISI

53. Ilayisense yokusebenzisa umtjhini wokubheja nokubhadala

(1) Akunamuntu ovunyelwe ukusebenzisa nanyana ukunikela imvumo yokusetjenziswa komtjhini wokubheja nokubhadala nanyana kweemali zokubheja ngaphandle kwelayisense yokusebenzisa umtjhini wokubheja nokubhadala ekhutjhwe ukuya ngokomThetho lo.

(2) Ilayisense yokusebenzisa umtjhini wokubheja nokubhadala igunyaza, ngokulawulwa mibandela engabekwa yiBhodi, ukusetjenziswa komtjhini wokubheja nokubhadala nanyana kweemali zokubheja ngokukhambisana nemithetho ebekwe yiBhodi.

(3) USomkhandlu angajamisa iimfuneko zelayisense yokusebenzisa umtjhini wokubheja nokubhadala.

54. Ilayisense yebala lomtjhini wokubheja nokubhadala

(1) Umtjhini wokubheja nokubhadala okhutjhelwe ilayisense ukuya ngokwesigaba 53 kufuze ube nelayisense yebala lomtjhini wokubheja nokubhadala eyamukela imibhejo ebaleni ekunqotjhiswe kilo elayisenseni.

(2) Ilayisense yebala lomtjhini wokubheja nokubhadala igunyaza, ngokulawulwa mibandela engabekwa yiBhodi, ukwamukelwa kweemali zokubheja ebaleni ekunqotjhiswe kilo elayisenseni.

55. Ilayisense yokuba mbhejisi

(1) Akunamuntu ovunyelwe ukuzibandakanya, ngokunqophileko nanyana ngokungakanqophi, ebhizinisini yokubheja nanyana yokwamukela imibhejo emalungeni womphakathi nanyana kwabanye ababhejisi ngaphandle kwelayisense yokuba mbhejisi ekhutjhwe ukuya ngokomThetho lo.

(2) Umbhejisi ekunqotjhiswe kuye elayisenseni unelayisense yokuba mbhejisi.

(3) Ilayisense yokuba mbhejisi igunyaza, ngokulawulwa nginanyana ngiwuphi umbandela obekwe yiBhodi, ukuphathwa kwebhizinisi yokuba mbhejisi emabaleni ngokubheja nokubeka iimbadalo ezingatjhugulukiko kanye nemibhejo evulekileko, kodwana ingasi imibhejo yomtjhini wokubheja nokubhadala.

(4) USomkhandlu angajamisa iimfuneko zokusetjenziswa kwelayisense yokuba mbhejisi.

56. Ilayisense yebala lokuba mbhejisi

(1) Umbhejisi okhutjhelwe ilayisense ukuya ngokwesigaba 55 kufuze abe nelayisense yebala lokuba mbhejisi malungana nanyana ngiliphi ibala elisetjenziswa mbhejisi ngomnqopho wokuphatha ibhizinisi yokuba mbhejisi.

(2) Ilayisense yebala lokuba mbhejisi isetjenziselwa ibala ekunqotjhiswe kilo elayisenseni.

ISAHLUKO 8

ILAYISENSE YOKUBA MKHIQIZI, MTJHEJI NOMTHENGISI

57. Ilayisense yokuba mkhiqizi, mtjheji nomthengisi

(1) Umuntu ofisa ukusebenzisa, ukuragela phambili nanyana ukuphatha nanyana ngiwuphi umhlobo wokukhiqiza, wokuthola, wokuthengisa, wokusabalalisa, wokungenisa enarheni, wokumaraga, wokutjheja, wokuhlanganisa, wokutjhugulula, wokuqatjha, wokuqatjhisa, wokulungisa nanyana wokuthengisa nanyana ngisiphi isisetjenziswa sokugembula, kufuze enze isibawo efomedeni ejanyisiweko, eBhodini yamalayisense wokuba mkhiqizi, mtjheji nomthengisi.

(2) IBhodi ingakhuphela umbawi ilayisense yokuba mkhiqizi, mtjheji nomthengisi kwaphela lokha nangabe iBhodi iyaneliswa bonyana umbawi unelwazi nelemuko elifaneleko lokuphatha ilayisense enjalo.

(3) Ilayisense yokuba mkhiqizi, mtjheji nomthengisi igunyaza, ngokulawulwa nginanyana ngiyiphi imibandela engabekwa yiBhodi, —

(a) ukukhiqizwa, ukutholwa, ukuthengiswa,ukusabalaliswa, ukungeniswa enarheni, ukumaragwa, ukutjhejwa, ukuhlanganiswa, ukutjhugululwa, ukuqatjhwa, ukuqatjhiswa, ukulungiswa nanyana ukuthengiswa kwananyana ngiziphi iinsetjenziswa zokugembula ezihlangabezana neemfuneko ezibekwe begodu zavunywa yiBhodi; kanye

(b) nokuthengiswa kweensetjenziswa nanyana kwemisebenzi yokugembula kubaphathilayisense.

(4) Akunamuntu ovunyelwe ukukhiqiza, ukuthengisa, ukuthola, ukusabalalisa, ukungenisa enarheni, ukumaraga, ukutjheja, ukuhlanganisa, ukutjhugulula, ukuqatjha, ukuqatjhisa, ukulungisa nanyana ukuthengisa nanyana ngisiphi isisetjenziswa sokugembula ngaphandle kwelayisense efaneleko yokuba mkhiqizi, mtjheji nomthengisi.

ISAHLUKO 9

ILAYISENSE YOKUBANJWA KWEMIHLANGANO YEMIJARHO NEMISEBENZI EKHETHEKILEKO

58. Ilayisense yokubanjwa kwemihlangano yemijarho

(1) Akunamuntu ovunyelwe ukubamba umhlangano wemijarho ngaphandle kwelayisense yokubanjwa kwemihlangano yemijarho ekhutjhwe ukuya ngokomThetho lo.

(2) Ilayisense yokubanjwa kwemihlangano yemijarho igunyaza, ngokulawulwa sigatjana (4) nemibandela engabekwa yiBhodi, ukubanjwa kwenani elinqophisiweko lemihlangano yemijarho endaweni yemijarho ekunqotjhiswe kiyo elayisenseni.

(3) USomkhandlu angajamisa iimfuneko zokusebenzisa ilayisense yokubanjwa kwemihlangano yemijarho.

(4) Umhlangano wemijarho kufuze ubanjwe ukuya ngokwemithetho nemithetjhwana esetjenziswa malungana nendawo ethileko yemijarho ekuzokubanjelwa kiyo umhlangano.

(5) Mbhejisi okhutjhelwe ilayisense ukuya ngokwesigaba 55 kwaphela ongaragela phambili nokwenza ibhizinisi emhlanganweni wemijarho.

59. Ilayisense yemisebenzi ekhethekileko

(1) IBhodi ingakhuphela umbawi ilayisense yemisebenzi ekhethekileko yamalanga anqophisiweko, ngokulawulwa sigatjana (2), ngemva kobana enze isibawo ngendlela ebekwe yiBhodi.

(2) IBhodi angeze yakhupha ilayisense yemisebenzi ekhethekileko malungana —

(a) nelayisense yekhasino;

(b) nelayisense yokuba yikhamphani enemitjhini wokugembula ekhupha imali eqintelweko;

(c) nelayisense yelungelo lokugcina imitjhini yokugembula ekhupha imali eqintelweko; nanyana

(d) nelayisense yokuba nelungelo elizijameleko lokusebenzisa ibala elilodwa elinemitjhini yokugembula ekhupha imali eqintelweko.

(3) linjamiso zesigaba 27 no-31 azisebenzi malungana nelayisense yemisebenzi ekhethekileko.

ISAHLUKO 10

IRHERHO LOKUTJHEJA ELIBU-ELEKTHRONIKI, IMITJHINI YOKUGEMBULA NEENSETJENZISWA ZOKUGEMBULA

60. Irherho lokutjheja elibu-elekthroniki lemitjhini yokugembula

(1) Ngokulawulwa yiTjhejuli 1, i-Ayithemu 2 (10), iBhodi kufuze lapho kuhlangabezanwa khona namazinga afunekako, ikhuphe ilayisense malungana nerherho nanyana nesisetjenziswa esibu-elekthroniki, somtjhiningqondo nanyana sokuthintana esitlanyelwe ukuthumela nanyana ukwamukela idatha ephathelene nokusebenza kwananyana ngiwuphi umtjhini nanyana isisetjenziswa esicatjangwe esigatjaneni (2), njengerherho lokutjheja.

(2) Lokha nangabe iBhodi ikhupha ilayisense malungana nerherho lokutjheja, iBhodi kufuze ngaphezu kweminye imibandela yelayisense, yenze ifuneko yokobana umphathilayisense ahlanganise yoke imitjhini yokugembula nanyana iinsetjenziswa zokugembula ezisetjenziswa ebaleni nerherho lokutjheja.

(3) Akunamuntu ovunyelwe ukuhlanganisa nanyana ngiliphi irherho nanyana isisetjenziswa esingakakhutjhelwa ilayisense yiBhodi njengerherho lokutjheja elibu-elekthroniki elicatjangwe esigatjaneni (1).

61. Imitjhini yokugembula neensetjenziswa zokugembula

(1) Nanyana ngisiphi isisetjenziswa sokugembula nomtjhini wokugembula kufuze zirejistwe eBhodini, ngaphandle kwalokha—

(a) nasiwela ngaphasi komkhakha oliswa ukuya ngokwesigaba 19(3) somThetho wokuGembula weNarha, ka-2004; nanyana

(b) isisetjenziswa sokugembula nanyana umtjhini wokugembula ungena ephrovinsini nganyana ngokusetjenziswa kwananyana ngiyiphi indlela yokuthutha lokha nawuthuthwako: Nangabe umuntu olawula umtjhini wokugembula nanyana isisetjenziswa sokugembula esinjalo uzakukghona, lokha nasisese ngaphakathi kwephrovinsi, ukugcina umtjhini wokugembula nanyana isisetjenziswa sokugembula esinjalo ngendlela engazokwenza bonyana nanyana ngimuphi umuntu akwazi ukusithola nanyana ukusisebenzisa nanyana sifunyanwe nginanyana ngiliphi ilunga lomphakathi lokha nasisese ngaphakathi kwephrovinsi begodu kufuze akhambisane nanyana ngiwuphi umthetjhwana nanyana umthetho ophathelene nokuthuthwa kwemitjhini yokugembula nanyana kweensetjenziswa zokugembula.

(2) Ngokulawulwa sigatjana (5), akunamuntu, ngaphandle kokunikelwa ilayisense yiBhodi, ovunyelwe, —

(*a*) ukugcina, ukutjheja, ukuba mnikazi, ukukhiqiza, ukuhlanganisa, ukuthengisa, ukusabalalisa, ukungenisa enarheni, ukuthola, ukumaraga, ukuqatjha nanyana ukuqatjhisa nanyana ngisiphi isisetjenziswa sokugembula nanyana umtjhini wokugembula ngaphandle kwamakarada wokugembula nanyana amadayisi; namkha

(*b*) ukutjhugulula nanyana ukwenza ngcono isisetjenziswa sokugembula nanyana ngisiphi isisetjenziswa esikhambisanako ngendlela etjhugulula nanyana enomthelela eenlinganisweni zesiqunto ezivunyiweko zokukhetha okuphathelene

nomphumela womdlalo wokugembula nanyana ngananyana ngiyiphi indlela etjhugulula nanyana enomthelela emphumeleni womdlalo wokugembula.

(3) IBhodi kufuze iqinisekise bonyana iinsetjenziswa zokugembula kanye nemitjhini yokugembula ikhambisana neendlelakambiso kanye namazinga afaneleko atlhanyelwe ibubulo lezokugembula.

(4) Akunamuntu ovunyelwe ukutjhugulula nanyana ukwenza ngcono nanyana ngiliphi ilingaphakathimtjhiningqondo nanyana ilingaphandlemtjhiningqondo elisetjenziswa kinanyana ngisiphi isisetjenziswa sokugembula nanyana umtjhini wokugembula ekusebenziseni nanyana ngiyiphi ibhizinisi yokugembula ngaphandle –

(a) kokuphatha ilayisense elifaneleko; begodu

(b) kwemvumo yeBhodi ephathelene nokutjhugululwa nanyana nokwenziwa ngcono okunjalo.

(5) Umphathilayisense, nanyana omunye nomunye umuntu onelayisense ejanyisiweko nanyana esuliweko nanyana umbambeliimali, umvalibhizinisi nanyana umphathi wezobulungiswa womphathilayisense onjalo, ngokuvunyelwa ntangi yiBhodi ngokutloliweko begodu nangokulawulwa mibandela ebekwe yiBhodi —

(a) angathengisa isisetjenziswa sokugembula nanyana umtjhini wokugembula ngendlela evunywe yiBhodi; begodu

(b) angalawula iinsetjenziswa zokugembula nanyana imitjhini yokugembula ukufikela lapho ithengiswa nanyana itjhabalaliswa khona.

(6) Umuntu ekuqaliswe kuye esigatjaneni (5) akakavunyelwa —

(a) ukulawula iinsetjenziswa zokugembula nanyana imitjhini yokugembula engaphezu kwaleyo evunywe yiBhodi;

(b) ukuthengisa nanyana ukuqatjhisa isisetjenziswa sokugembula nanyana umtjhini wokugembula, nanyana ukulungisa nanyana ukwenza ngcono isisetjenziswa sokugembula nanyana umtjhini wokugembula wananyana ngimuphi umuntu ongaphakathi kwephrovinsi onganalayisense efaneleko.

(c) ukuvumela nanyana ngimuphi umuntu bonyana agembule ngesisetjenziswa sokugembula nanyana ngomtjhini wokugembula ongaphasi kwelawulo lakhe lokha nangabe isisetjenziswa sokugembula nanyana umtjhini wokugembula onjalo awukho emaqabazini akhutjhelwe ilayisense ngendlela efaneleko;

(d) ukulungisa nanyana ukwenza ngcono nanyana ngisiphi isisetjenziswa sokugembula nanyana umtjhini wokugembula ekufuneka bonyana urejistwe nanyana ukhutjhelwe ilayisense begodu ngokunjalo ongakarejistwa nanyana ongakakhutjhelwa ilayisense.

(7) IBhodi ingamemezela isisetjenziswa, ilingaphakathimtjhiningqondo nanyana ngikuphi okhunye okusetjenziswa malungana nomsebenzi wokugembula njengesisetjenziswa sokugembula, ngokukhupha isAziso egazedeni.

ISAHLUKO 11

ILAYISENSE YESISEBENZI ESIQAKATHEKILEKO

62. Ilayisense yesisebenzi esiqakathekileko

(1) USomkhandlu angajamisa—

(a) imikhakha ethileko yeensebenzi zebubulo lokugembula njengeensebenzi eziqakathekileko;

(b) ikambiso yokwenza iimbawo neyokukhupha amalayisense yeensebenzi eziqakathekileko;

(c) izakhiwo ezahlukeneko zeembadalo zemikhakha yeensebenzi eziqakathekileko; begodu

(d) imibandela yamalayisense yeensebenzi eziqakathekileko.

(2) Isisebenzi esiqakathekileko kufuze sikhutjhelwe ilayisense yiBhodi.

(3) Umphathilayisense akakavunyelwa ukuqatjha isisebenzi esiqakathekileko nanyana ukuvumela isisebenzi esiqakathekileko bonyana sizibandakanye kinanyana ngiwuphi umsebenzi otholakala ngaphakathi kwebubulo lokugembula, ngaphandle kwalokha nangabe isisebenzi esiqakathekileko sikhutjhelwe ilayisense yiBhodi.

(4) Ilayisense yesisebenzi esiqakathekileko —

(a) ayidluliselwa komunye umuntu; begodu

(b) isebenza ngokusemthethweni isikhathi esikhonjiswe elayisenseni.

63. Ukungafaneleki

Akukavumeleki bonyana iBhodi inikele umuntu ilayisense yesisebenzi esiqakathekileko, lokha nangabe umuntu loyo —

(a) ungaphasi kweminyaka eli-18;

(b) usisebenzi sombuso nanyana umphathisikhundla wezepolotiki;

(c) usisazimthetho nofana uqatjhwe yikhotho;

(d) urhelwe erejisteni yabantu abatjhiywe ngaphandle ukuya ngokwesigaba 14 somThetho wokuGembula weNarha, ka-2004;

(e) ukuya ngokomlayo wekhotho egunyaziweko uthathwa nanyana umenyezelwe njengomuntu ongakaphili kuhle engqondweni;

(f) ususiwe esikhundleni sokuthembeka ngenca yokuziphatha kumbi okuphathelene nobukhwabanisi nanyana nokusetjenziswa kumbi kweemali; nanyana

(g) ukhe wathweswa umlandu eminyakeni elitjhumi edlulileko, eRiphabliki nanyana kwenye inarha, malungana —

(i) nokweba, nokukhwabanisa, nokwenza imifuziselo ekhohlisako, nokwenza umtlolo okhohlisako nanyana nokufungela amanga;

(ii) nomlandu owela ngaphasi komThetho wokuKhandelwa nokuVikelwa kwezEnzo zobuKhohlakali, ka-2004 (umThetho Nomboro 12 ka-2004);

(iii) nanyana ngibuphi ubulelesi obuphathelene nomtjhiningqondo nanyana nelingaphakathimtjhiningqondo;

(iv) nomlandu ukuya ngokomThetho wokuGembula weNarha, ka-2004 nanyana ngokomThetho lo, begodu ukhe wathweswa isigwebo sokudosa ejele ngaphandle kokunikelwa ilungelo lokukhupha ihlawulo, nanyana ukhe wathweswa isigwebo sokukhupha ihlawulo engaphezu kwemali ejanyiswe ukuya ngokwesigaba 49(1)(f) somThetho wokuGembula weNarha, ka-2004 ngaphandle kwalokha nangabe umuntu loyo ufumene ukulitjalelwa nanyana ukucolelwa kwasimahla malungana nomlandu lowo.

64. Ilayisense yesikhatjhana yeensebenzi eziqakathekileko

Ngemva kokufumana umphumela wephenyo lokuthembeka okupheleleko elimalungana nesisebenzi ekungenzeka sibe ngesiqakathekileko, iBhodi inganikela isisebenzi ekungenzeka sibe ngesiqakathekileko ilayisense yesikhatjhana, lokha nangabe iBhodi iyaneliswa bonyana —

(a) ibhizinisi yomphathilayisense ebubulweni lokugembula izokukhinyabezeka nanyana ithinteke kumbi khulu ngenca yokuriyada ekuqatjheni isisebenzi esiqakathekileko; begodu

(b) isisebenzi ekungenzeka sibe ngesiqakathekileko angeze sakhinyabeza ukuthembeka nokusebenza ngendlela efaneleko kwebhizinisi yomphathilayisense.

65. Ukujanyiswa nanyana ukwesulwa

(1) Ngokulawulwa sigatjana (2), iBhodi ingajamisa nanyana yesule ilayisense yesisebenzi esiqakathekileko isikhathi esibekiweko esingadluli eenyangeni ezisithandathu, lokha nangabe —

(a) ilwazi elimumethwe sibawo sesisebenzi esiqakathekileko begade singasiliqiniso ngendlela engaba nomthelela nanyana kube nelwazi elitjhiywe ngendlela engaba nomthelela esibaweneso;

(b) isisebenzi esiqakathekileko sibhalelwa kulungela ukuya ngokwesigaba 63;

(c) isisebenzi esiqakathekileko saphule isijamiso somThetho lo nanyana umbandela welayisense; nanyana

(d) iBhodi inombono ozwakalako wokobana isisebenzi esiqakathekileko asisanandlela esilungele ngayo ukuphatha ilayisense.

(2) IBhodi kufuze inikele isisebenzi esiqakathekileko isaziso esitloliweko malungana nomnqopho weBhodi wokujamisa nanyana wokwesula ilayisense yesisebenzi esiqakathekileko begodu kufuze inikele isisebenzi esiqakathekileko ithuba lokulalelwa.

(3) Nanyana ngisiphi isikhathi, iBhodi ingenyula ukujanyiswa ukuya ngokwesigatjana (1), lokha nagabe iBhodi iyaneliswa bonyana iinzathu zokwenyulwa zilungisiwe.

66. Ukubekelwa imikhawulo

Akunasisebenzi esiqakathekileko esinikelwe ilayisense ukuya ngokwesigatjana 62 nanyana 64 esivunyelwe—

(a) ukuhlanganyela nanyana ukudlala umdlalo wokugembula womqatjhi waso, ngaphandle kwalokha nangabe ufuneka malungana nokwenziwa kwemisebenzi yesisebenzi esiqakathekileko; nanyana

(b) ukubawa nanyana ngiyiphi imadlana yokuthokozelwa ukusizwa, isihlomuliso sokuthokozelwa ukusizwa, isibonelelo nanyana enye inzuzo kumdlali nanyana ekhastameni, ngaphandle kwalokho okutjhiwo miThetho.

67. Umbiko wokuthembeka kwesisebenzi esiqakathekileko

(1) Lokha nangabe kutjhejwa isibawo sesisebenzi esiqakathekileko, iBhodi ingakhombela—

(a) ilwazi elingeziweko kumbawi;

(b) igunya elitloliweko lombawi elivumela iBhodi ukuthola ilwazi ngokunqophileko kwabanye abantu ababandakanyekako begodu eligunyaza abanye abantwabo ababandakanyekako ukuyinikela ilwazelo; begodu

(c) umbiko —

(i) kinanyana ngiliphi iphiko elilawulako;

(ii) kuSentha yezobuHloli beeMali;

(iii) kumNqophisi weNarha wezokuTjhutjhiswa komPhakathi; nanyana

(iv) ePhikweni lemiSebenzi yamaPholisa eSewula Afrika.

(2) Umbiko wesigatjana (1) ungafaka hlangana —

(a) imininingwana yokuthweswa imilandu okwenziwe malungana nomuntu, begodu kutjhejwe nokobana imininingwana leyo ifanele ukusetjenziswa njengesiqunto sokobana umuntu loyo akakalungeli ukuba mnikazi welayisense yesisebenzi esiqakathekileko nanyana njani; namkha

(b) nanyana ngiliphi elinye ilwazi elingathathwa njengelilungele isibaweso liziko elizijameleko ekuqaliswe kilo esigatjaneni (1) (c).

(3) Malungana neminqopho yombiko ocatjangwe esigatjaneni (1) ilunga lePhiko lemiSebenzi yamaPholisa eSewula Afrika lingafuna bonyana umbawi nanyana umuntu ophatheleneko anikele ngelwazi nangemininingwana enjalo efaka hlangana ukugadangiswa kwemino nanyana ukugadangiswa kwentende yesandla.

(4) IBhodi kufuze yethule ikhophi yombiko omunye nomunye wokuthembeka owenziwe ukuya ngomThetho lo eBhodini yokuGembula yeNarha ukwenzela bonyana ukwazi ukufakwa erejisteni yokuthembeka yenarha.

68. Irejista yeensebenzi eziqakathekileko

IBhodi kufuze igcine irejista, efomedeni ejanyisiweko, yazo zoke iinsebenzi eziqakathekileko ezinikelwe ilayisense ukuya ngokomThetho lo.

ISAHLUKO 12

IMISEBENZI YOKUGEMBULA EBEKELWE IMIKHAWULO NENGAKAVUNYELWA

69. Ukunikelwa ilayisense okukatelelwa mthetho

(1) Akunamuntu, ngaphandle kwelayisense efaneleko ekhutjhwe ukuya ngokomThetho lo, ovunyelwe —

(a) ukulawula nanyana ukuvumela ukudlalwa kwananyana ngiwuphi umdlalo wokugembula namkha ukulawula nanyana ukuvumela ukudlalwa kwananyana ngiwuphi umdlalo wokugembula ngaphakathi namkha phezu kwamaqabazi angaphasi kwelawulo lomuntu loyo, kungaba ngokunqophileko nanyana ngokungakanqophi; nanyana

(b) ukuzibandakanya, ngokunqophileko nanyana ngokungakanqophi, ekusebenziseni ibhizinisi yokugembula.

(2) Akunamuntu ovunyelwe —

(a) ukuhlanganyela, ukukghonakalisa, ukukhulisa nanyana ukufumana nanyana ngiyiphi inzuzo esikimini, emdlalweni wamathuba, emdlalweni wokugembula nanyana ekubhejeni ngaphandle kwalokha nangabe isikimeso, umdlalo wamathuba lowo, umdlalo wokugembula lowo nanyana ukubhejokho kukhutjhelwe ilayisense ukuya ngokomThetho lo;

(b) ngaphandle kwemvumo yeBhodi, ukuba nanyana ngiyiphi inzuzo yemali emaphesende amahlanu nanyana angaphezulu ngokunqophileko nanyana ngokungakanqophi, ebhizinisini yokugembula;

(c) ngaphandle kwelayisense nanyana lapho kufanele khona ngaphandle kwemvumo yeBhodi, ngananyana ngiyiphi indlela ukufumana isabelo eenzuzweni zokugembula; nanyana

(d) ukulawula, ukuvumela ukudlalwa kwananyana ngiwuphi umdlalo wokugembula kinanyana ngiwaphi amaqabazi angaphasi kwelawulo lomuntu loyo ngaphandle kwelayisense efunekako.

70. Ukugembula Ngokungasisemthethweni

Akunamuntu ovunyelwe —

(a) ukuzibandakanya, ukulawula nanyana ukwenza bonyana kube khona umdlalo nangabe umphumela womdlalo lowo uyame ngokunqophileko nanyana ngokungakanqophi, ngokungakapheleli nanyana ngokupheleleko phezu

kwesisetjenziswa sesehlakalo nanyana somsebenzi ongasisemthethweni wona ngokwawo ukuya ngananyana ngiwuphi umthetho;

(b) ukuhlanganyela, ukulawula, ukwazisa,ukwenzisa nofana aphathe esinye nesinye isikimu, ihlelo, ilungiselelo, irherho nofana umdlalo oyame ngokunqophileko, ngokungakanqophi, kancani nofana khulu ekubhejeni ngemali ngokungakhethi nofana ukutsonyulwa kweenomboro emidlalweni eyaziwa njengefafi nofana umtjhayina nofana omunye umdlalo ofana nefafi nomtjhayina begodu waziwa ngelinye igama elingakatjhiwo lapha;

(c) ukuvumela nanyana ngiwuphi umtjhini wokugembula nanyana isisetjenziswa sokugembula esingaphasi kwelawulo lomuntu loyo bonyana sisetjenziswe malungana neminqopho yomsebenzi wokugembula ocatjangwe endimeni (a);

(d) ukutjheja nanyana ukusebenzisa nanyana ngiliphi ibala, kungaba nanyana kungabi libala elikhutjhelwe ilayisense malungana nomnqopho womsebenzi wokugembula ocatjangwe endimeni (a); nanyana

(e) ukuvumela nanyana ngiliphi ibala elingaphasi kwelawulo lomuntu loyo, kungaba nanyana kungabi libala elikhutjhelwe ilayisense, bonyana lisetjenziswe malungana nomnqopho womsebenzi wokugembula ocatjangwe endimeni (a).

71. Imisebenzi neensetjenziswa

(1) Akunamuntu ovunyelwe ukugembulela inzuzo ngokusebenzisa umsebenzi nanyana isisetjenziswa esithileko, ngaphandle —

(a) komdlalo wekhasino;

(b) kwebhingo;

(c) kokusebenzisa umtjhini wokugembula;

(d) umsebenzi okhethekileko; nanyana

(e) umsebenzi wezemidlalo.

(2) Akunamuntu ovunyelwe ukugembula ngesehlakalo nanyana ngesisetjenziswa esicatjangwe esigatjaneni (1) nomuntu ongasuye umphathi welayisense ekhutjhwe malungana nesehlakalweso nanyana nesisetjenzisweso.

72. Indawo yokugembula

(1) Ngokulawulwa sigatjana (2), akunamuntu ovunyelwe ukugembulela kinanyana ngiyiphi indawo engasilo ibala elinelayisense ukuya ngokomThetho lo.

(2) Ukugembula ngokubheja ngomtatoesehlakalweni sezemidlalo kwenzeka ebaleni elinelayisense, lokha nangabe umphathilayisense wamukela begodu arekhode umbhejo ebaleni elinelayisense.

73. Imithetho yemidlalo yokugembula nanyana yokubheja

(1) Akukavumeleki bonyana kudlalwe umdlalo wokugembula, nanyana kubhejwe, nganyana ngiyiphi indlela ngaphandle kokukhambisana nemithetho ebekwe yiBhodi.

(2) Kuvumelekile bonyana umphathilayisense, malungana nanyana ngiwuphi umdlalo wokugembula nanyana ukubheja okugunyazwe yilayisense leyo engakabekelwa imithetho yiBhodi, enze imithetho ephathelene nokudlalwa komdlalo wokugembula onjalo nanyana ophathelene nokubheja okunjalo bese wethula imithetho enjalo eBhodini bonyana iphasiswe.

(3) Umphathilayisense kufuze, ngokukhonjelwa nginanyana ngimuphi umdlali, enze bonyana kutholakale ikhophi engahlolwa yemithetho ephasisweko yananyana ngiwuphi umdlalo wokugembula nanyana ukubheja.

74. Ukukhohlisa neensetjenziswa zokukhohlisa

(1) Akunamuntu ovunyelwe —

(a) ukuvumela nanyana ngubani bonyana akhohlise nanyana asebenzise nginanyana ngisiphi isisetjenziswa sokukhohlisa nanyana anikele nanyana ngimuphi umuntu ilwazi nanyana isisetjenziswa sokukhohlisa kinanyana ngiwuphi umdlalo wokugembula nanyana ukubheja;

(b) ukulawula, ukuvumela nanyana ukuveza ngomnqopho wokobana kudlalwe nanyana ngiwuphi umdlalo wokugembula odlalwa ngamakarada wokudlala nanyana odlalwa ngananyana ngisiphi isisetjenziswa sokugembula —

(i) esitshwayiweko;

(ii) esithintathintwe ngokungasisemthethweni;

(iii) esibekwe ebujameni nanyana esisetjenziswa ngendlela enqophe ukukhohlisa umphathilayisense, abadlali nanyana umphakathi nanyana ukutjhugulula ithuba elijayelekileko elingakhethiko lomdlalo wokugembula, nanyana ukuqunta nanyana ukutjhugulula umphumela womdlalo wokugembula;

(c) ukusebenzisa nanyana ngisiphi isijamelimali ekungasiso samambala, isijamelimali esirondo nanyana amakarada wokudlala;

(d) ukwaphula imithetho yomdlalo wokugembula nanyana ukucabhela ngananyana ngiyiphi indlela esisetjenzisweni sokugembula namkha kinanyana ngisiphi esinye isisetjenziswa esisetjenziselwa ukugembula ngomnqopho wokuthola nanyana ngiyiphi inzuzo yemali enqophileko nanyana engakanqophi, kungaba kuzitholela wena ngokwakho nanyana kutholela omunye umuntu;

(e) ukutjhugulula nanyana ukuhlathulula ngokungasiliqiniso umphumela womdlalo wokugembula nanyana esinye isehlakalo ekwenziwe kiso imibhejo ngemva kokukhutjhwa komphumela kodwana ngaphambi kobana waziswe abadlali;

(f) ukubheja, ukungezelela nanyana ukuphungula umbhejo nanyana ukujamisa indlela yokudlala ngemva kokufumana ilwazi, elingaziwa ngibo boke abadlali, elimalungana nomphumela womdlalo nanyana esinye nesinye isehlakalo esinomthelela phezu komphumela womdlalo nanyana esingunobangela wombhejo, nanyana esisiza nanyana ngubani ekufumaneni ilwazi elinjalo, ngomnqopho wokubheja, wokungezelela nanyana wokuphungula umbhejo nanyana wokujamisa indlela yokudlala eyame phezu kwesehlakalweso nanyana komphumela lowo;

(g) ukukhohlisa kinanyana ngiwuphi umdlalo wokugembula;

(h) ukutleyima, ukubuthelela nanyana ukuthatha, nanyana ukulinga ukutleyima, ukubuthelela nanyana ukuthatha, imali namkha nanyana ngikuphi okuqakathekileko emdlalweni wokugembula, ngomnqopho wokukhwabanisa, ngaphandle kokwenza umbhejo ophathelene nalokho, nanyana ukutleyima, ukubuthelela nanyana ukuthatha inani lemali elingaphezu kwenani elithunjiweko;

(i) ukubheja nanyana ukungezelela umbhejo ngemva kokufumana ilwazi lomphumela womdlalo nanyana esinye isehlakalo esingunobangela wombhejo;

(j) ukuphungula inani lombhejo nanyana ukwesula umbhejo ngemva kokufumana ilwazi lomphumela womdlalo nanyana wesinye isehlakalo esingunobangela wombhejo; nanyana

(k) ukulawula, ngomnqopho wokukhohlisa, nanyana ngiyiphi ingcenye yesisetjenziswa sokudlala ngendlela engakhambisani nomnqopho otlanyiwekonojayelekileko wokusetjenziswa kwengcenye leyo, ngokwazi bonyana ukulawulokho kunomthelela emphumeleni womdlalo nanyana emananini wemali athunjiweko nanyana alobiweko.

(2) Malungana neminqopho yesigatjana (1), begodu "ukukhohlisa" kutjho—

(a) ukutjhugululwa kokukhethwa kweenlinganiso zesiqunto ezivunyiweko ezijamisa umphumela womdlalo wokugembula nanyana inani nanyana ukubuyeleleka kwembadalo emdlalweni wokugembula; begodu

(b) ukusetjenziswa kwananyana ngiliphi ihlelo, amalungiselelo, irherho nanyana umtlamo okungamenyezelwa nguSomkhandlu ngeenkhathi ezithileko ngokukhupha isaziso egazedeni njengokukhohlisako, begodu igama elithi "khohlisa" linehlathululo ekhambelanako.

75. Ukuvikelwa kwabantwana

(1) Akunamuntu, ongaphasi kweminyaka eli-18, ovunyelwe —

(a) ukungena endaweni ekhonjiweko engaphakathi kwebala elinelayisense;

(b) ukusebenzisa umtjhini wokugembula nanyana isisetjenziswa sokugembula;

(c) ukulawula nanyana ukwenza bonyana kutholakale umsebenzi wokugembula;

(d) ukuzibandakanya ekugembuleni nanyana emsebenzini wokugembula ngaphandle komdlalo wokususa isizungu; nanyana

(e) ukutleyima ngokungasiliqiniso bonyana uneminyaka eli-18 nanyana engaphezulu, ukwenzela bonyana akwazi —

(i) ukungena endaweni ekhonjiweko engaphakathi kwamaqabazi anelayisense;

(ii) ukusebenzisa umtjhini wokugembula nanyana isisetjenziswa sokugembula; nanyana

(iii) ukuzibandakanya, ukulawula nanyana ukwenza bonyana kutholakale umsebenzi wokugembula.

(2) Umphathilayisense nanyana umuntu olawula ibala elinelayisense nanyana umtjhini wokugembula nanyana isisetjenziswa sokugembula akakavunyelwa ukuvumela umuntu ongaphasi kweminyaka eli-18 bonyana —

(a) angene nanyana atholakale asendaweni ekhonjiweko engaphakathi kwebala elinelayisense;

(b) asebenzise umtjhini wokugembula nanyana isisetjenziswa sokugembula;

(c) alawule nanyana enze bonyana kutholakale umsebenzi wokugembula ngaphakathi kwebala elinjalo elinelayisense; nanyana

(d) azibandakanye emsebenzini wokugembula, ngaphandle kwalokha nangabe mdlalo wokususa isizungu, ongaphakathi kwebala elinjalo elinelayisense.

(3) Umuntu ekuqaliswe kuye esigatjaneni (2) kufuze athathe amagadango azwakalako ukuthola bonyana umuntu loyo ungaphasi kweminyaka eli-18 nanyana njani.

76. Abantu abatjhiywe ngaphandle

(1) Umuntu ofisa ukukhandelwa ekuzibandakanyeni kinanyana ngiwuphi umsebenzi wokugembula angarejista njengomuntu otjhiywe ngaphandle ngokwethula isaziso malungana nalokho eBhodini ngokusebenzisa indlela nefomede ejanyisiweko isikhathi esinye nesinye.

(2) Umuntu orejiste njengomuntu otjhiywe ngaphandle ukuya ngokwesigatjana (1) uvunyelwe ukwethula isaziso ngokusebenzisa indlela neforomo elijanyisiweko ukwesula ukurejistokho nanyana ngasiphi isikhathi.

(3) Umuntu angenza isibawo ekhotho enegunya yokukhupha umlayo bonyana arejistwe njengomuntu otjhiywe ngaphandle —

(a) welunga lomndeni wombawi;

(b) womuntu umbawi ayame kuye ngokupheleleko nanyana ngokungakapheleli malungana nezomnotho;

(c) womuntu umbawi anesibopho esipheleleko nanyana esingakapheleli sokumsiza malungana nezomnotho;

(d) womuntu ngokulawulwa mlayo wekhotho enegunya othatha umuntu loyo njengomuntu ongakaphili kuhle ngokwengqondo; nanyana

(e) omunye nomunye umuntu —

(i) otlhogonyelwa mbawi; begodu

(ii) ukuziphatha kwakhe okuveza amatshwayo wokungasakghoni ukuphila ngaphandle kokugembula nanyana wokugembula ngendlela engalawulekiko.

(4) Lokha nangabe, ebujameni besibawo ukuya ngokwesigatjana (3), ikhotho ibona bonyana kuyezwakala begodu kulungile ukukhandela umuntu ophatheleneko ekuzibandakanyeni kinanyana ngiwuphi umsebenzi wokugembula, ikhotho ingalaya bonyana kurejistwe komuntu loyo njengomuntu otjhiywe ngaphandle.

(5) Umuntu otjhiywe ngaphandle othintwa mlayo ukuya ngokwesigatjana (4) kuvumelekile bonyana, kinanyana ngisiphi isikhathi, angenza isibawo ekhotho ekhuphe umlayo lowo bonyana ibekele umlayo lowo ngeqadi begodu ikhotho ingenza njalo ngemva kobana itjheje iinzathu zokukhupha umlayo wokuthoma begodu nanyana ngibuphi ubufakazi obutjha obethulwe phambi kwekhotho.

(6) Ikhotho ingabekela ngeqadi umlayo okhutjhwe ukuya ngokwesigatjana (3) lokha nangabe ikhotho iyaneliswa bonyana akusanasizathu esizwakalako nesilungileko sokukhandela umuntu loyo ekuzibandakanyeni kinanyana ngiwuphi umsebenzi wokugembula.

77. Ukubekelwa imikhawulo malungana nesikolodo

Akukavumeleki bonyana umphathilayisense agabhulise nanyana ngimuphi umuntu ngeminqopho yokugembula ngokusebenzisa ibizo lomphathilayisense nanyana lomuntu wesithathu obandakanyeka ngokungakanqophi esivumelwaneni.

78. Ukubekelwa imikhawulo malungana nokukhangisa

(1) Akunamuntu ovunyelwe ukukhangisa nanyana ukwazisa umdlalo wokugembula —

(a) ngendlela engasiliqiniso nanyana ekhohlisako; nanyana

(b) ngaphandle komdlalo wokususa isizungu, ngendlela ekunqotjhwe ngayo ukuqothela nanyana ukudosa abantwana ngokomthetho.

(2) Isikhangiso somdlalo wokugembula, somtjhini wokugembula nanyana sesisetjenziswa sokugembula nanyana sebala elinelayisense ekutholakala kilo imidlalo yokugembula, kufuze —

(a) lifake hlangana isitatimende, esitlolwe ngokwefomede ejanyisiweko, esiyelelisa ngeengozi zokungasakghoni ukuphila ngaphandle kokugembula nanyana zokugembula ngendlela engalawulekiko; begodu

(b) lingafaki hlangana nanyana ngiliphi itshwayo elithuthukisa nanyana eligcugcuzela ngokunqophileko nanyana ngokungakanqophi ukususwa komuntu kurejista yabantu abatjhiywe ngaphandle.

(3) Akukavumeleki bonyana isikhangiso sikhuphule nanyana ngiwuphi umdlalo wokugembula njengalowo otholakala simahla emphakathini nanyana otholakala ngesilinganiso esinesaphulelo ngokungakhambisani nomThetho lo, ngomnqopho wokudosa abantu bonyana bagembule.

(4) USomkhandlu angajamisa iimfuneko zesikhangiso sokugembula.

79. Ukubekelwa umkhawulo malungana nokugembula ngokusebenzisa umsebenzeli

(1) Akunamuntu ovunyelwe, kungaba malungana nenzuzo nanyana awa —

(a) ukusebenza njengomsebenzeli womphathilayisense wendawo yababhejisi ngomnqopho wokubheja esehlakalweni somdlalo; nanyana

(b) ukusebenza njengomlamuli phakathi komphathilayisense wendawo yababhejisi kanye nanyana ngimuphi omunye umuntu ngomnqopho wokubheja esehlakalweni somdlalo.

(2) Akunamuntu ovunyelwe, ngokunqophileko nanyana ngokungakanqophi, ukunikela nanyana ukuzibophelela ekunikeleni umuntu imali nanyana okhunye okuthathwa njengokuligugu ngaphandle kwenani lemali yombhejo elithunjwe mumuntu loyo, ngomnqopho wokudosa umuntu loyo bonyana abheje esehlakalweni somdlalo.

80. Ukukatelelwa ukusebenza kwesikolodo sokugembula kanye nokulahlekelwa ngilokho okuthunjwe ngokungasi semthethweni

(1) Nangaphandle kwananyana ngisiphi isijamiso somthetho wezobulungiswa namkha nanyana ngiwuphi omunye umthetho —

(a) begodu ngokulawulwa yindima (c), isikolodo esenziwa mumuntu lokha nakenza umsebenzi wokugembula okhutjhelwe ilayisense ukuya ngokomThetho lo

nanyana ukuya ngokomThetho wokuGembula weNarha, ka-2004, singakatelelwa ukusebenza ngokusemthethweni;

(b) isikolodo esenziwa mumuntu lokha nakenza nanyana ngiwuphi umsebenzi wokugembula ongasi semthethweni ukuya ngokomThetho lo nanyana ukuya ngokomThetho wokuGembula weNarha, ka-2004 angeze sakatelelwa ukusebenza ngokusemthethweni;

(c) isikolodo esenzeke lokha nakwenziwa umsebenzi wokugembula —

(i) mntwana ngokomthetho angeze sakatelelwa ukusebenza ngokusemthethweni;

(ii) mumuntu otjhiywe ngaphandle; nofana

(iii) ukubheja ngokungasi semthethweni angeze kwakatelelwa ukusebenza ngokusemthethweni.

(2) Akunamuntu ovunyelwe ukubhadala ngokwazi nanyana ngiziphi iimali ezithunjwe emdlalweni wokugembula —

(a) emntwaneni ngokomthetho;

(b) emntwini otjhiywe ngaphandle; nanyana

(c) kinanyana ngimuphi omunye umuntu othumbe iimalezo emdlalweni wokugembula ongasi semthethweni ukuya ngokomThetho lo.

(3) Umuntu okhandelwa ukubhadala iimali ezithunjweko ekuqaliswe kizo esigatjaneni (2), kufuze athumele iimali ezithunjiweko emuva ngokuya kwesigatjana 16 (3) nesigatjana 16 (4) somThetho wokuGembula wesiTjhaba, ka-2004.

ISAHLUKO 13

ABAHLOLI ABAKATELELA UKUSEBENZA KOMTHETHO KANYE NABAHLOLI BOKUTHOBELA

81. Ukuqatjhwa komhloli

(1) IsiPhathiswa esiKhulu esiPhetheko kufuze siqatjhe umuntu oneemfanelofundo ezilingeneko njengomhloli bonyana enze, ngokukhambisana nelawulo kanye namalayelo weBhodi, imisebenzi enikelwe umhloli okatelela ukusebenza komthetho nanyana umhloli wokuthobela ukuya ngokwesigatjana 82 nanyana 83.

(2)(a) IsiPhathiswa esiKhulu esiPhetheko kufuze sinikele umhloli oqatjhwe ukuya ngokwesigatjana (1) isitifikedi sokuqatjhwa esijanyisiweko.

(b) Isitifikedi sokuqatjhwa kufuze sikhombise bonyana umhloli loyo umhloli okatelela ukusebenza komthetho nanyana umhloli wokuthobela.

(3) Lokha umhloli nakenza umsebenzi ukuya ngokomThetho lo, begodu imisebenzakhe inomthelela emntwini othileko ofuna bonyana umhloli loyo aveze isitifikedi sakhe, umhloli loyo kufuze aveze isitifikedi sokuqatjhwa esikhutjhwe ukuya ngokwesigatjana (2).

(4) Akukavunyelwa bonyana umhloli amukele nanyana ngiwuphi umnikelo, umtlomelo nanyana enye inzuzo kinanyana ngimuphi umuntu lokha nakenza umsebenzakhe begodu akunamuntu ovunyelwe ukunikela nanyana ukupha umhloli umnikelo, umtlomelo nanyana inzuzo enjalo.

(5) UNgqongqotjhe wezoBulungiswa uvunyelwe, ukuya ngokwesigaba 334 somThetho weKambiso yamaCala wobuLelesi, ka-1977, ngokukhupha isaziso egazedeni, ukumemezela abahloli njengeemphathiswa zokuthula begodu nokuhlathulula amandlabo esazisweneso.

82. Imisebenzi namandla womhloli wokuthobela

(1) Ngokukhambisana neminqopho yomThetho lo, kuvumelekile bonyana umhloli wokuthobela angangena ngaphakathi kwebala elinelayisense isikhathi esinye nesinye ngaphandle kokukhupha isaziso ngaphambili, begodu kuvumelekile bonyana—

(a) angahlola nanyana angasetjha nanyana ngiliphi ibala elinelayisense;

(b) angaqala nanyana ngiwuphi umdlalo wokugembula nanyana ukusebenza kanye nanyana ngiyiphi eminye imisebenzi ekhambelana nekhasino, nanyana eminye imisebenzi yokugembula efaka hlangana ukubalwa kwemali, iinjamelimali, abonogada namkha nanyana ngiyiphi enye i-ayithemu eligugu;

(c) angaqala nanyana ngikuphi ukurekhodwa kkokusebenza nanyana kwemisebenzi ekuqaliswe kiyo endimeni (b);

(d) angaqinisekisa bonyana ukusebenza kwekhasino nanyana komsebenzi wokugembula kwamanye amabala anelayisense kutlhogonyelwa begodu kulawulwa ngefanelo nanyana njani, begodu angaqinisekisa bonyana iinjamiso zomThetho lo kanye nemibandela ekhambisana namalayisense iyathotjelwa nanyana njani;

(e) angakhombela umuntu ophethe ibala bonyana aveze msinyana—

(i) ilayisense nanyana isitifikedi esifuneka ukuya ngokomThetho lo;

(ii) isisetjenziswa sokugembula, iinjamelimali, iimali, iincwadi, ama-akhawundi, amarekhodi, imitlolo; nanyana

(iii) ezinye izinto ezingasetjenziselwa ukugembula;

(f) angahlolisisa, angahlola begodu ahlahlube nanyana ngiyiphi ipahla yokugembula nanyana iinjamelimali ezifunyanwa ngaphakathi nanyana phezu kwebala elinjalo ezisetjenziselwa ukugembula;

(g) angahlolisisa nanyana ahlole nanyana ngiziphi iimali, incwadi, i-akhawundi, irekhodi, isitatimende seemali, umtlolo namkha nanyana ngikuphi okhunye ekutholakala ngaphakathi nanyana phezu kwebala elinjalo ekusetjenziselwa ukugembula bese wenza ikhophi yento leyo nanyana athathe ivezo le-ayithemu enjalo;

(h) angabuza umphathilayisense nanyana umuntu othathwa ngendlela ezwakalako mhloli wokuthobela njengomuntu ophethe ibalelo khatheso, malungana nelwazi elifakwe eencwadini, nama-akhawundi, namarekhodi kanye nemitlolo nanyana

angakhombela iolwazi malungana nanyana ngisiphi isisetjenziswa sokugembula, iinjamelimali nanyana iimali; begodu

(i) angathatha begodu asuse nanyana ngisiphi isisetjenziswa, iinjamelimali, iimali, incwadi, irekhodi lama-akhawundi, umtlolo, umtjhiningqondo nanyana ngiziphi ezinye izinto ezingakakhutjhelwa irasidi ejanyisiweko ezitholakala ngaphakathi nanyana phezu kwebala ezisetjenziselwa nanyana ekucatjangwa bonyana zisetjenziselwa ukugembula, begodu ekuzizinto, ngokombono womhloli wokuthobela, ezinganikela ubufakazi bokwenziwa komlando ukuya ngokomThetho lo, nanyana ekuzizinto ezingasiza lokha nakwenziwa iphenyo malungana nomlandu ocatjangwako nanyana orhononelwako.

(2)(a) Kuvumelekile bonyana umhloli wokuthobela amukele begodu aphenye ngeenghonghoyilo zabantu abahlanganyela ekugembuleni nanyana zamakhastama wamabala anelayisense.

(b) Umhloli wokuthobela kufuze bonyana anikele iBhodi umbiko ophathelene neenghonghoyilo ezikhombisa nanyana ngikuphi okufunyenwe ephenyweni begodu aphakamise iinsombululo eBhodini.

(3) Umhloli wokuthobela angafuna bonyana umphathilayisense nanyana umphathi wakhe namkha nanyana ngimuphi umuntu okhambisana nokusebenzisa nanyana nokuphatha ikhasino nanyana ibala elinelayisense bonyana avele phambi komhloli wokuthobela ngesikhathi nendawo ekhethwe mhloli wokuthobela ngomnqopho wokuphendula imibuzo nanyana wokunikela ngelwazi ekucatjangwa bonyana lingadingeka lokha umhloli wokuthobela nakenza iphenyo lakhe.

(4) Lokha nangabe kunento ethathwa nanyana esuswa ngendlela ecatjangwe esigatjaneni (1) –

(a) umuntu omnikazi nanyana omphathi othathelwa i-ayithemu enjalo kufuze kinanyana ngisiphi isikhathi esizwakalako begodu ngokusebenzisa iindleko zakhe, avunyelwe ukwenza amakhophi we-ayithemu leyo nanyana ukuthatha imigadangiswano wayo, ngokubekwa ilihlo mhloli wokuthobela; begodu

(b) ama-ayithemu athethweko nanyana asusiweko angagcinwa isikhathi esithileko esingabekwa mhloli wokuthobela begodu lokha nangabe ama-ayithemu lawo afuneka kinanyana ngiyiphi ikambiso yeBhodi, ama-ayithemu lawo angagcinwa ukufikela lokha nakuphela ikambiso enjalo, begodu ngemva kwalokho, iBhodi kufuze itjho bonyana ama-ayithemu lawo kufanele abuyiselwe emuva, adliwe nanyana athengiswe begodu kufuze itjho nendlela yokuwathengisa.

(5) Lokha nangabe umhloli wokuthobela unesizathu esimenza bonyana akholwe bonyana —

(a) isijamiso somThetho lo;

(b) imithetho yeBhodi; nanyana

(c) umbandela welayisense,

wephuliwe, umhloli wokuthobela kufuze aphenye indaba leyo begodu kufuze anikele iBhodi umbiko walokho okufunyenwe ephenyenwelo.

(6) Akunamuntu ovunyelwe —

(a) ukuliya nanyana ukuvimbela umhloli wokuthobela ekwenzeni imisebenzakhe nanyana ekuphumeleliseni lokho okusemandlenakhe;

(b) ukunikela ihlathululo nanyana ilwazi elingasiliqiniso nanyana elidukisako, asazi bonyana limamala nanyana liyadukisa, lokha nangabe ukhonjelwa mhloli wokuthobela bonyana amnikele ihlathululo nanyana ilwazi eliphathelene nendaba eyaziwa mumuntu loyo; nanyana

(c) ukuzibiza ngokungasiliqiniso ngokuthi umhloli wokuthobela.

83. Imisebenzi namandla womhloli okatelela ukusebenza komthetho

(1) Umhloli okatelela ukusebenza komthetho usiphathiswa sezokuthula ukuya ngokomThetho weKambiso yamaCala wobuLelesi, ka-1977 begodu —

(a) unamandla athweswe isikhulu samapholisa nanyana isiphathiswa sezokuthula ukuya ngokwesAhluko 2;

(b) amandla wokubopha umuntu ngaphandle kwencwadi yemvumo ukuya ngokwesigaba 40(1);

(c) amandla athweswe isiphathiswa sezokuthula ngaphasi kwesigaba 41(1);

(d) amandla wokwenza okutjhiwo yiwaranti yokubopha ukuya ngokwesigaba 44;

(e) amandla wokukhupha isaziso esitloliweko ukuya ngokwesigaba 56; begodu

(f) unamandla wokukhupha isaziso ukuya ngokwesigaba 341,

somThetho weKambiso yamaCala wobuLelesi, ka-1977

(2) Ukuya ngokwamandla anikelwe isigatjana (1), kuvumelekile bonyana umhloli okatelela ukusebenza komthetho angene begodu setjhe nanyana ngiwaphi amaqabazi ekurhononelwa bonyana —

(a) kiwo kunekhasino namkha nanyana ngiwuphi omunye umsebenzi wokugembula owenziwa ngaphandle kwelayisense; begodu

(b) kiwo kunokugembula okungasi semthethweni, njengombana kucatjangwe esigabeni 70, okwenziwako.

(3) Akunamuntu ovunyelwe —

(a) ukuliya nanyana ukuvimbela umhloli okatelela ukusebenza komthetho ekwenzeni umsebenzakhe nanyana ekuphumeleliseni lokho okusemandlenakhe;

(b) ukunikela ihlathululo nanyana ilwazi elingasiliqiniso nanyana elidukisako, asazi bonyana limamala nanyana liyadukisa, lokha nangabe ukhonjelwa mhloli okatelela ukusebenza komthetho bonyana amnikele ihlathululo nanyana ilwazi eliphathelene nendaba eyaziwa mumuntu loyo; nanyana

(c) ukuzibiza ngokungasiliqiniso ngokuthi umhloli okatelela ukusebenza komthetho.

84. Ukwalelwa ukungena

(1) Umhloli ongasetjha ngokusemthethweni nanyana ngimuphi umuntu nanyana amaqabazi namkha ongangena ngaphakathi kwanyana ngiwaphi amaqabazi, uvunyelwe bonyana angasebenzisa amandla anjalo lokha nangabe kunesidingo esizwakalako ukuqeda ukwalelwa okumalungana nokusetjhokho nanyana ukungena emaqabazini lawo, kufaka

hlangana ukwaphulwa kwananyana ngiwuphi umnyango nanyana ifesidere lamaqabazi lawo: Nangabe umhloli loyo uthoma ngokubawa ukungena emaqabazini lawo ngokukhuluma azwakale begodu ngokwazisa njengomhloli umnqophakhe wokungena emaqabazini lawo.

(2) Umbandela wesigatjana (1) awusebenzi lokha nangabe umhloli ophatheleneko uneenzathu ezizwakalako zokobana kunepahla esisusa sokusetjha engoniwa nanyana ithengiswe lokha nangabe kuthonywa ngokuthobela iinjamiso zombandela otjhwiweko.

ISAHLUKO 14

IINJAMISO EZIVANGENEKO

85. Imithetjhwana

(1) Ngokukhupha isaziso egazedeni, uSomkhandlu angenza imithetjhwana ephathelene —

(a) nanyana ngiyiphi indaba emalungana neBhodi;

(b) nanyana ngiyiphi indaba emalungana nesibawo selayisense nanyana sokurejista;

(c) nokuphathwa kanye nokulawulwa kwamabala anelayisense;

(d) neembadelo zokuthumba, zenzuzo nanyana ezinye iimbadelo ezingabizwa mphathilayisense;

(e) neemali zokubheja ekungadlalwa ngazo nanyana ngiwuphi umdlalo wokugembula;

(f) nokuphathwa nokulawulwa komjarho weempera;

(g) nokukhutjhelwa iinsebenzi eziqakathekileko ilayisense;

(h) neendawo zokugembula;

(i) neembadelo kanye nemithelo ebhadalwa babawi nabaphathilayisense;

(j) neemfuneko zeenkhangiso zokugembula;

(k) neenhlathululo eziphathelene neesetjenziswa zokugembula ezifaka hlangana iinjamelimali ezingasizo zamambala kanye neenjamelimali ezirondo;

(l) namarherho wokutjheja nokuqala ngelihlo elibukhali kanye nokusetjenziswa kwawo;

(m) nokubulungwa kwamarekhodi;

(n) nenani, nokwabiwa kanye nendawo ekubekwe kiyo imitjhini ekhupha imali eqintelweko;

(o) namaphuzu ekufuze atjhejwe yiBhodi lokha nayicabangisisa ngeembawo zamalayisense;

(p) nokurarululwa kwemibango yamakhastama; begodu

(q) nanyana ngiyiphi indaba edingeka malungana nokuphumelelisa iminqopho yomThetho lo.

(2) Imithetjhwana eyenziwa ukuya ngokwesigatjana (1) ingajamisa iinhlawulo zokwaphula nanyana zokungathobeli nanyana ngiziphi iinjamiso ezinqophileko zemithetjhwana, ezingafaka hlangana ukuhlawuliswa imali nanyana ukudosa ejele.

(3) Kungenziwa imithetjhwana eyahlukeneko ngaphasi kwesigabesi malungana nemihlobo eyahlukeneko yamalayisense, amalayisense afanako kodwana anemikghwa ehlukileko, imikhakha eyahlukeneko yabantu nanyana iindawo ezihlukileko.

86. Imithetho yeBhodi

(1) Kuvumelekile bonyana iBhodi, ngemva kokubonisana noSomkhandlu, nangokukhupha isaziso egazedeni, yenze imithetho ekhambelana neenjamiso zomThetho lo emalungana nokusetjenziswa kwamandlayo kanye nokwenziwa kwemisebenzayo, kufaka hlangana—

(a) nanyana ngiyiphi indaba ephathelene nesibawo selayisense nanyana sokurejista;

(b) ukuphathwa kanye nokulawulwa kwamabala anelayisense kanye nokusebenza kokugembula;

(c) imithetho yokudlala nanyana ngiwuphi umdlalo wokugembula, ibhingo nanyana ukubheja;

(d) amagadango wangaphakathi wabaphathilayisense;

(e) iincwadi, ama-akhawundi namarekhodi ekufuze abulungwe begodu asetjenziswe;

(f) nanyana ngiyiphi indaba ephathelene nemisebenzi yeBhodi; begodu

(g) nanyana ngiyiphi indaba ekudingeka nanyana ekuvunyelwe bonyana kuthathwe isiqunto ngayo ukuya ngokomThetho lo.

(2) Ukuya ngokwesigatjana (1) imithetho ingabeka iinhlawulo ezimalungana nokwaphulwa nanyana nokungathotjelwa kwananyana ngisiphi isijamiso esinqophileko somThetho, ezingafaka hlangana ukuhlawuliswa imali ngendlela efaneleko.

87. Ukuziphendulela, i-odithi nemibiko

(1) IBhodi ilibandla eliphetheko begodu kufuze iqinisekise bonyana ukulawulwa kweemali zayo, ukusebenza kweencwadi zeemali kanye nokubika kwenziwa ukuya ngokomThetho wokuLawulwa kweeMali zomBuso, ka-1999.

(2) IBhodi ingakhupha ilwazi elivamileko nanyana iimbalobalo ezimalungana nemisebenzi yokugembula ephrovinsini.

88. Ukurarululwa kwemibango yamakhastama

Lokha nangabe umphathilayisense uyala ukubhadala umdlali iimali ekuthiwa uzithumbile begodu umphathilayisense kanye nomdlali babhalelwa kurarulula umbango, umbango lowo kufuze bonyana urarululwe ngokukhambisana nekambiso ejanyisiweko.

89. Umtlomelo wabavezilwazi

Ngaphandle kokuqala okungakhambelaniko kinanyana ngiwuphi omunye umthetho, kuvumelekile bonyana iBhodi isebenzise iimali zayo ukubhadala inani elithileko iBhodi engalibeka emntwini omunye umuntu oyinikele ilwazi elirholele ekuthwesweni umlandu komuntu owaphule isijamiso somThetho lo.

90. Isibopho sokulemuka ngokubukela, ngokulalela nokufunda

Lokha nangabe umphathi webhizinisi ekhambelana nelayisense, nanyana umsebenzeli nanyana isisebenzi somphathilayisense, senza nanyana asenzi nanyana ngisiphi isenzo esingaba mlandu ukuya ngokomThetho lo kumphathilayisense ophatheleneko wokwenza nanyana wokungenzi, umphathilayisense loyo ngokwakhe uthathwa njengomuntu owenze nanyana ongakenzi isenzweso, ngaphandle kwalokha nangabe wanelisa ikhotho bonyana—

(a) azange eqise amehlo ukwenziwa nanyana ukungenziwa kwesenzo somphathi, somsebenzeli nanyana sesisebenzi esiphatheleneko;

(b) uthethe woke amagadango azwakalako ukukhandela ukwenziwa nanyana ukungenziwa kwesenzweso; begodu

(c) ukwenziwa nanyana ukungenziwa kwesenzo, esisemthethweni nanyana esingasisemthethweni, bekungaweli ngaphasi kwegunya nanyana komsebenzi womphathi, womsebenzeli nanyana wesisebenzi esiphatheleneko.

91. Imilandu neenhlawulo

(1) Nanyana ngimuphi umuntu—

(a) oragela phambili nokwenza nanyana ngiwuphi umsebenzi ekufuneka ilayisense malungana nawo ukuya ngokomThetho lo, ngaphandle kwelayisense enjalo;

(b) owenza isitatimende esimamala esibaweni sakhe nanyana ekambisweni ngaphasi komThetho lo;

(c) olawula umsebenzi wokugembula nanyana wokubheja nanyana obulunga umtjhini wokugembula nanyana isisetjenziswa sokugembula esingakavunyelwa ukuya ngokomThetho lo, endaweni evezwe yilayisense.

(d) ovimbela nanyana oliya iLunga leBhodi, umhloli, isikhulu esigunyaziweko nanyana isiphathiswa samapholisa lokha nasikhandela nanyana siphenya ngomlandu ngaphasi komThetho lo; ;

(e) ozibiza ngokungasiliqiniso ngokuthi umhloli nanyana onikela isiphathiswa nanyana umhloli ihlathululo nanyana ilwazi elimamala nanyana elidukisako; ;

(f) ovumela umuntu otjhiywe ngaphandle bonyana angene ebaleni elinelayisense;

(g) othi lokha nakabizwe bonyana azokwethula ubufakazi ekulalelweni nanyana ephenyweni elithileko, ngaphandle kweenzathu ezaneleko, abhalelwe —

(i) kukhambela ukulalelokho, iphenywelo nanyana iphenyisiswelo esikhathini nendaweni ekuqaliswe kiyo edarhfarini leyo;

(ii) kuhlala ukufikela ekupheleni kokulalelwa, kwephenyo nanyana kwephenyisiso esikhathini nendaweni ekuqaliswe kiyo edarhfarini;

(iii) kuhlala ukufikela ekupheleni kokulalelwa, kwephenyo nanyana kwephenyisiso nanyana ukufikela lokha nakadedelwa yiBhodi bonyana angahlala angaseza;

(iv) kuveza nanyana ngiyiphi incwadi, umtlolo nanyana into anayo nanyana ayelusileko nanyana ayilawulako, adarhfarelwe ukuyiveza;

(h) othi lokha nakadarhfarwe yiBhodi ukuya ngokomThetho lo, ngaphandle kweenzathu ezaneleko, abhalelwe —

(i) kufunga nanyana kuvuma ukuba ngufakazi ngemva kobana alaywe liLunga leBhodi elengamele ukulalelwa, iphenyo nanyana iphenyisiso bonyana enze njalo;

(ii) kuqinisekisa nanyana, ngokulawulwa mthetho ophathelene nelungelo elikhetrhekileko elisetjenziswa emntwini onikela ubufakazi nanyana oveza nanyana ngiyiphi incwadi, umtlolo nanyana into phambi kwekhotho yomthetho;

(iii) nanyana abhalelwe kuphendula ngokupheleleko nangendlela eyanelisako, ngokwazi nangokukholwa kwakhe, nanyana ngiwuphi umbuzo wangokomthetho abuzwa wona; nanyana

(i) othi ngemva kobana enze isifungo nanyana ngemva kobana avumile, athule ubufakazi obumamala phambi kweBhodi lokha nakunokulalelwa, nakunephenyo nanyana iphenyisiso lananyana ngiyiphi indaba, ngokwazi bonyana ubufakazobo bumamala;

weqa umthetho begodu lokha nakangalahlwa licala angahlawuliswa imali nanyana avalelwe ejele nanyana angahlawuliswa imali leyo begodu avalelwe ejele.

(2) Umuntu onganalayisense efaneleko nanyana ukuya ngokweenjamiso zomThetho lo otholakala nanyana —

(a) ngisiphi isisetjenziswa sokugembula;

(b) ngiwuphi umtjhini wokugembula;

(c) ngiyiphi itheyibhu engutolitji etlanyelwe ukusetjenziswa emtjhinini wokugembula;

(d) ngisiphi isisetjenziswa ebegade singaba mtjhini wokugembula kodwana esisetjenziselwa ukuthaka nanyana ngiziphi iingcenye zaso nanyana ukuhlelwa ngobutjha;

(e) ngisiphi isisetjenziswa esikghona ukujamela abotolitji abasetjenziswa emtjhinini wokugembula ngendlela ebu-elekthroniki;

(f) ngisiphi isisetjenziswa esakhiqizwa njengomtjhini wokugembula begodu satjhugululwa esikhathini esithileko ukwenzela bonyana singasakghona ukubhadala imali eyikhetjhi nanyana iinjamelimali ezirondo, kungaba sisetjenziswa esenza bonyana umdlali akghone ukuthumba umtlomelo nanyana awa;

(g) ngiliphi ilingaphakathimtjhiningqondo elenza bonyana umdlali akghone ukutjhidisela nanyana ngiwaphi amakhredithi athunjwe emtjhinini wokugembula komunye umtjhiningqondo nanyana kwesinye isisetjenziswa sokubulunga idatha;

(h) ngiliphi ilingaphandlemtjhiningqondo khulukhulu elitlanyelwe nanyana elakhelwe ukusetjenziswa ekudlaleni imidlalo ecatjangwe endinyaneni (f) ngomtjhiningqondo; nanyana

(i) ngiwuphi umtlolo, incwadi, irekhodi, isisetjenziswa nanyana ithulusi nanyana into esetjenziswa ngomnqopho nanyana malungana nokwenza isenzo esiphambene nomthetho ngaphasi komThetho lo,

weqa umthetho begodu lokha nakangalahlwa licala angahlawuliswa imali nanyana avalelwe ejele nanyana angahlawuliswa imali leyo begodu avalelwe ejele.

(3) Umuntu owaphula isigaba 36(5), 40, 42(1), 42(4), 42(5), 43(2), 45(4), 47, 48, 49(2), 49(3), 49(5), 50(5), 50(6), 51(4), 51(5), 52(3), 52(4), 52(5), 53(1), 54(1), 55(1), 56(1), 57(4), 58(1), 58(5), 60(3), 61(1), 61(2), 61(4), 61(5), 61(6), 62(2), 62(3), 66, 69, 70, 71, 72(1), 73, 74, 75, 77, 78(1), 78(2), 78(3), 79, 80(2), 80(3), 81(4), 82(3), 82(6) nanyana 83(3) weqa umthetho begodu lokha nakangalahlwa licala angahlawuliswa imali nanyana avalelwe ejele nanyana angahlawuliswa imali leyo begodu avalelwe ejele.

(4) Zoke iinhlawulo ezibekwe ukuya ngokomThetho lo zamukelwa yiBhodi.

(5) Lokha nangabe umuntu uthweswa umlandu malungana nesenzo esiphambene nomthetho ukuya ngokomThetho lo nanyana ubhadala ihlawulo yokuvuma umlandu malungana nesenzweso ukuya ngokwesigaba 57 somThetho weKambiso yamaCala, ka-1977, zoke iindleko zokuthuthwa nanyana zokubulungwa kwananyana ngiwuphi umtjhini wokugembula nanyana isisetjenziswa sokugembula, ipahla nanyana enye into esetjenziswe lokha nakwenziwa umlandu lowo nanyana etholakale emntwini othweswe umlandu, begodu nanyana ngikuphi ukuhlolwa kwayo ngebePhiko leBhiyuro yamaZinga eSewula Afrika, kufuze ngaphezu kwananyana ngiyiphi ihlawulo nanyana isijeziso esibekiweko, zibhadalwe mumuntu loyo.

92. Ukulahlekelwa

Ngemva kobana ikhotho ithwese umuntu umlandu wokwenza isenzo esiphambene nomthetho ukuya ngokomThetho lo, ikhotho ingamemezela njengokudliwe yiBhodi—

(*a*) zoke iimali, iinhlamvu zemali, amatjhege, amabhili, nanyana imitlolo yesithembiso sokubhadala iimali ezithileko nanyana omunye umtlolo ovikela

nanyana ofakazela isenzo sokubhadala imali otholakala ngaphakathi nanyana phezu kwananyana ngiwaphi amabala anganalayisense nanyana emntwini ebegade angaphakathi nanyana aphezu kwebala elinjalo;

(*b*) zoke iincwadi, amarhelo, amakarada wokudlala, imitlolo nanyana amanye amaphepha, nanyana ithulusi, umtjhini nanyana into ekhambelana nanyana esetjenziselwa nanyana engasetjenziswa malungana nokugembula etholakala ngaphakathi nanyana phezu kwebalelo; begodu

(*c*) nanyana ngiyiphi ipahla engatjhidisekiko, ikoloyi, isikebhe, isikhwelommoya, isimumathi nanyana enye into esetjenziswe malungana nokwenza isenzo esiphambene nomthetho.

93. Ukudluliswa kwamandla

(1) IBhodi, ngokulawulwa ziinjamiso zesigatjana (2), kuvumelekile bonyana ngokutloliweko, ingadlulisela elungeni, ekomidini nanyana esisebenzini seBhodi nofana esiPhathisweni esiKhulu esiPhetheko, amandla, umsebenzi othweswe nanyana onikelwe nanyana obekelwe iBhodi ngokuya ngokomThetho lo, ngaphandle kwamandla wokuthatha iinqunto eziphathelene nokunikela, ukutjhugulula nofana ukuphelisa ilayisense.

(2) IBhodi ingadlulisela ekomidini yeBhodi amandla wokuthatha isiqunto malungana nokunikelwa,, ukutjhugululwa nanyana ukupheliswa kwamalayisense alandelako:

(a) ilayisense eqintelweko yomnikazi wendawo wemitjhini yokubhadala ngokuya kwesigatjana 23(2)b;

(b) ilayisense yendawo yesisetjenziswa sokubhejisa ngokuya kwesigatjana 23(2)(h);

(c) ilayisense yezehlakalo ezikhethekileko ngokuya kwesigatjana 23(2)(o); kanye

(d) ilayisense yabasebenzi abasenkhundleni eziphezulu ngokuya kwesigatjana 23(2)(p)

(3) Amandla wokubeka ihlawulo akakafaneli bonyana adluliselwe komunye, ngaphandle kwekomidi ubuncani bakhona enamalunga amathathu weBhodi.

(4) IsiPhathiswa esiKhulu esiPhetheko singadlulisa amanye namanye amandla nofana umsebensi obekwe phezu kwaso ngokomThetho lo—

(i) kesinye nesinye isisebenzi seBhodi esinelwazi nelemuko elifaneleko; nofana

(ii) omunye nomunye umuntu ngemva kokuthintana neBhodi.

(5) Omunye nomunye umuntu onikelwe amandla nofana onikelwe igunya lokwenza umsebenzi ngaphasi kwalesi isigaba kufanele asebenzise amandla lawo nofana enze umsebenzi loyo ngokuya ngokwemibandela yomuntu loyo omdlulisele amandla nofana omnikele igunya ayibona ifanele.

(6) Okhunye nokhunye ukudluliswa kwamandla nofana ukunikela igunya ngokwesigaba lesi kufanele—

(a) kutlolwe phasi;

(b) kungakhandeli umuntu odlulisele amandla komunye nofana onikele igunya bona angakghoni ukwenza umsebenzi loyo ngokwakhe; begodu

(c) amandla nofana igunya elinikelwe umuntu loyo lingarhoqiswa mumuntu omnikeleko kesinye nesinye isikhathi

(7) Nanyana ngikuphi okwenziwa ngomnqopho wokudluliswa kwamandla nanyana komsebenzi kuthathwa njengokwenziwe yiBhodi nanyana siPhathiswa esiKhulu esiPhetheko, kuzakuya ngobujamo.

94 Ukubandakanywa kwe-athoni yombuso

IBhodi angeze yathoma ikambiso nofana ithathe amagadango womthetho ngaphandle kokufakahlanga i-athoni yombuso.

95. Ukupheliswa kwemithetho

UmThetho wezokuGembula wePhrovinsi yeLimpopo, ka-1996 (umThetho Nomboro 4 ka-1996) ngalokhu uyapheliswa.

96. Isihloko esifitjhani nokuthoma ukusebenza

(1) UmThetho lo mThetho wezokuGembula weLimpopo, ka-2012 begodu uthoma ukusebenza ngelanga elibekwe nguNdunakulu ngokuwumemezela egazedeni.

(2) Amalanga ahlukeneko angabekwa malungana neengaba ezihlukileko zomThetho lo.

ITJHEJULI 1

IINJAMISO ZETJHUGULUKO

1. linhlathululo

Etjhejulini le—

"ilanga lokuthoma ukusebenza" kutjhiwo ilanga lokuthoma ukusebenza komThetho lo nanyana esinye nesinye isijamiso sesigabesi ukuya ngokwesigaba 95; begodu

"umThetho wangaphambili" kutjhiwo umThetho wezokuGembula wePhrovinsi yeLimpopo, ka-1996 (umThetho Nomboro 4 ka-1996).

2. Ukubulungwa okuvamileko kwamalungelo, kwezaziso, kwemisebenzi namanye amathulusi

(1) Nanyana ngiliphi ilungelo lamambala, ilungelo elidlulisiweko, ilungelo elikhethekileko elihlomulisa nanyana isibopho esithweswe nanyana ngubani ukuya ngokwesijamiso somThetho wangaphambili, elingakasetjenziswa, elingakenziwa nanyana elingakaqedwa msinyana ngaphambi kwelanga lokuthoma ukusebenza, lithathwa njengelungelo lamambala, njengelungelo elidlulisiweko, njengelungelo elikhethekileko nanyana elinamandla ngokomthetho nanyana njengesibopho esithweswe umuntu loyo ukuya ngesijamiso esinye nesinye esimadanisekako somThetho lo, ukusukela ngelanga ekwathoma ngalo ilungelo lamambala, ilungelo elidlulisiweko, ilungelo elikhethekileko nanyana isibopheso.

(2) Isaziso sananyana ngimuphi umuntu esinikelwa omunye umuntu ukuya ngokwesijamiso esinye nesinye somThetho wangaphambili sithathwa njengesaziso anikelwe sona ukuya ngokwesijamiso esimadanisekako somThetho lo, ukuthoma ngelanga anikelwa ngalo isaziso ngaphasi komThetho wangaphambili.

(3) Umtlolo okhutjhwe ukuya ngokomThetho wangaphambili, ngaphambi kwelanga lokuthoma ukusebenza, uthathwa njengokhutjhwe ngendlela eyanelisako malungana neminqopho yomThetho lo.

(4) Umlayo okhutjhwa yiBhodi ukuya ngokwesijamiso esinye nesinye somThetho wangaphambili ebegade usebenza msinyana ngaphambi kwelanga lokuthoma ukusebenza uragela phambili ngokusebenza ngokulawulwa ziinjamiso zomThetho lo.

(5) Ilayisense ekhutjhwe ukuya ngomThetho wangaphambili begodu esebenza msinyana ngaphambi kwelanga lokuthoma ukusebenza, ngokulawulwa kubhadalwa kweembadalo kanye nemithelo, ithathwa njengelayisense ekhutjhwe ukuya ngokomThetho lo begodu iragela phambili, ngokulawulwa ziinjamiso zomThetho lo.

(6) Isibawo selayisense esifakwe ukuya ngokomThetho wangaphambili kufuze sisetjenzwe ukuya ngokweenjamiso zomThetho wangaphambili, ngokunganaki ukuthoma ukusebenza komThetho lo.

(7) IsiPhathiswa sezokuThula esikhethwe ukuya ngokwesigaba 334 somThetho weKambiso yamaCala, ka-1977 (umThetho Nomboro 51 ka-1977) malungana neminqopho yomThetho wangaphambili, siragela phambili nokuba siPhathiswa sezokuThula malungana nomnqopho womThetho lo.

(8) Umthetho osekelako okhutjhwe ukuya ngokomThetho wangaphambili uragela phambili nokusebenza ngaphasi kweenjamiso ezikhambelanako zomThetho lo, ukufikela lapho upheliswa khona.

(9) Isitifikedi esikhutjhelwe umhloli ukuya ngokomThetho wangaphambili msinyana ngaphambi kwelanga lokuthoma ukusebenza, uragela phambili nokuba namandla ngokomthetho kwangathi isitifikedeso sikhutjhwe ukuya ngokomThetho lo, ukufikela lapho siphelelwa sikhathi sokusebenza nanyana sesulwa khona yiBhodi.

(10) Lokha nangabe irherho nanyana isisetjenziswa esibu-elekthroniki, somtjhiningqondo nanyana sokuthintana esitlanyelwe ukuthumela nanyana ukwamukela idatha ephathelene nokusebenza kwananyana ngiwuphi umtjhini nanyana i-apharathasi begodu esicatjangwe njengerherho lokutjheja asinalayisense yeBhodi, umphathilayisense kufuze, esikhathini esiziinyanga ezili-12 zelanga lokuthoma ukusebenza, afumane ilayisense malungana nerherho elinjalo lokutjheja ngendlela ebu-elekthroniki.

3. IBhodi yezokuGembula yeLimpopo nestafu

(1) Ilunga leBhodi ngaphambi kwelanga lokuthoma ukusebenza liragela phambili nokuba lilunga leBhodi, ngokubamba isikhundla esifanako ukufikela ekupheleni kwethemu umuntu loyo akhethelwa yona ukuya ngokomThetho wangaphambili.

(2) Ilunga lestafu elikhethwe ngaphasi komThetho wangaphambili ngaphambi kwelanga lokuthoma ukusebenza liragela phambili nokusebenza umsebenzi loyo ukuya ngokomThetho lo.

This is to certify that this Act has compiled
With the Standing Rules and Orders of the
House and was duly adopted by the Honourable
House on this ....05..... Day of 12.....2013
Signed:..... Date: 05.12.2013
SPEAKER OF THE LIMPOPO LEGISLATURE

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