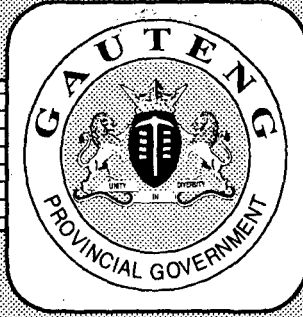


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GAUTENG**



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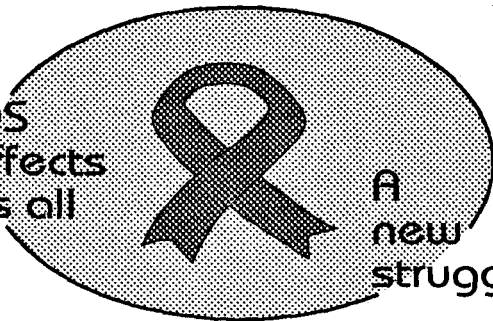
Vol. 8

PRETORIA, 17 OCTOBER 2002
OKTOBER

No. 354

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH



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GENERAL NOTICE

NOTICE 2876 OF 2002

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF THE GAUTENG LIQUOR BILL 2002

Notice is hereby given that the Member of the Executive Council for Finance and Economic Affairs intends to introduce the Gauteng Liquor Bill 2002 in the Gauteng Legislature as published in this Extraordinary Gazette.

Any person or organization wishing to comment on this proposed Legislation may lodge written comments or representations on or before **Thursday, 07 November 2002** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Mr Tiragalo Mogale)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5452
Fax No: (011) 498-5719

B I L L

To provide for the control over the sale and supply of liquor; to establish the Gauteng Liquor Board, local committees and a Liquor Trade Association; to regulate applications for licences and to provide for public notification and participation, to regulate the granting of licences in respect of different kinds of licences; to prohibit the sale of liquor to certain categories of people; to provide for general matters such as enforcement procedures; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows: -

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CHAPTER 1

Definitions.

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

"bar" means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of liquor and shall include any counter or barrier across which drink is or can be served to the public;

"beer" means the drink manufactured by the fermentation of a mash of malt, with or without cereals, flavoured with hops, or ale, stout or any other drink manufactured as or sold under the name of beer, ale or stout, if it contains more than one per cent by volume of alcohol, but does not include sorghum beer;

"Board" means the Gauteng Liquor Board established in terms of this Act;

"chairperson" means the chairperson of the Board, and also the deputy chairperson of a Board, or his or her alternate, when he or she is acting as chairperson;

"controlling interest" in relation to any business or undertaking, means any interest of whatever nature enabling the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the business or undertaking and **"control"** has a corresponding meaning;

"dance hall" means a place or institution engaged in formal dancing, dancing instruction and training;

"Department" means a department of the Provincial Government responsible for Economic Affairs;

"exempted person" means a person who has under sections 123 and 124 been exempted from the provisions and application of this Act;

"financial interest" means any such interest acquired in a business and directly or indirectly related to the fortunes, including the turn-over, of the business, but does not include such an interest which is not a controlling interest acquired in a public company, a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), or a financial institution registered under the law regarding financial institutions;

"gaming premises" means a casino, bingo hall, betting hall, tattersalls or other premises licensed in terms of the Gauteng Gambling Act, No 4 of 1995 or its successor or any relevant gaming and gambling legislation;

"grant" with regard to a licence or permit means the approval of an application by the Board prior to issue of the licence or permit;

"Head of Department" means the head of the department of the Provincial Government responsible for Economic Affairs;

"hotel" means premises, wherein or whereon the business of supplying lodging and meals for a reward is or is intended to be conducted, and includes a motel, inn, bed and breakfast, caravan and camping park, farmhouse, guest house, a lodge, boatel boat and a house boat;

"inspector" means an inspector appointed in terms of this Act;

"intoxicated and intoxicated condition" each mean the condition a person is in when his or her capabilities are so impaired by liquor that he or she is likely to cause injury to himself or herself or be a danger or nuisance or disturbance to others;

"issue", with regard to a licence or permit, includes the delivery or dispatch of the licence to the person to whom it has been granted or to his or her agent;

"licence" means a licence issued in terms of this Act;

"licensee" means a person or corporation named as a licensee in a licence or permit, including a person to whom a licence has been transferred;

"licensed premises" means premises in respect of which a licence has been issued and includes any building or other place attached to such premises;

"liquor" means a product of fermentation or distillation of grains, fruits or other agricultural products and includes synthetic ethyl alcohol and includes beer or sorghum beer, but does not include methylated spirit or medicine which is subject to registration by virtue of a resolution published in terms of section 14 (2) of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);

"local committee" a committee of the Board established for each area of a municipality in Gauteng, that is, a Metropolitan Council or District Council or as contemplated in section 155 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"manufacturer" means a person who produces liquor for sale;

"meeting" means a meeting of the Board or local committee and includes a hearing convened by the Board or local committee;

"member" means a member of the Board;

"Member of the Executive Council" means the Member of the Executive Council of the province responsible Economic Affairs;

"methylated spirit" means spirit denatured in accordance with any law on the denaturation or methylation of spirit or any other denatured, medicated, perfumed or otherwise treated spirit declared to be methylated spirit under any other law;

"micro-manufacturer" means a producer of liquor who in a calendar year does not produce more than the prescribed volume;

"minor" means a person under the age of twenty-one (21) years;

"night club licence" means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor for consumption on the licensed premises and to provide for dancing and musical entertainment;

"off-consumption licence" means a license entitling the licensee to sell liquor for consumption only away from the licensed premises and **"off-consumption"** has a corresponding meaning;

"on-consumption licence" means a license entitling the licensee to sell liquor for consumption only on the licensed premises and **"on-consumption"** has a corresponding meaning;

"permit" means a catering or occasional permit issued in terms of this Act;

"pool club" means a place where members of a club or an organised league play for competition and for social purposes darts, pool, snooker and other similar games;

"Province" means the Gauteng Province;

"premises" includes a place or building or part of a building on any premises and a vehicle or vessel, unless the contrary intention appears from the context;

"prescribe" means prescribe by regulation;

"pub" means a place where liquor is sold for consumption together with snacks or light meals;

"public place" means any place to which the public have access as a right or by invitation, expressed or implied, and includes a vehicle in a public place;

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

"restaurant" means a premises at which meals are regularly supplied to guests;

"restricted part" means a bar on any licensed premises in respect of which an on-consumption licence has been issued, in which liquor is served over a counter and which does not form an integral part of a room where ordinary meals are taken continuously on a daily basis, and also any other part of such licensed premises which is to be treated as such in terms of any condition which has been imposed under this Act;

"sell" includes exchange or keep, offer, display, deliver, supply or dispose of for sale, or authorize, direct or allow a sale;

"sorghum beer" means liquor generally known as sorghum beer and commonly manufactured from grain sorghum, millet or other grain;

"sports club" means a club the main object of which is the promotion of any outdoor pass time, sport, game or recreation amongst its members;

"supply", with regard to any liquor, means to place a person in possession or control of the liquor for consumption;

"table wine" means wine containing not more than 14 per cent by volume of alcohol;

"tavern" means a place whose main business is the supply of liquor, food and various forms of entertainment;

"theatre" means premises at which dramatic performances, plays, concerts or films are regularly presented or shown to the public; and

"this Act" includes regulations made in terms hereof.

CHAPTER 2

Establishment of the Board

2. There is hereby established a juristic person to be known as the Gauteng Liquor Board

Powers and functions of Board

3. (1) The Board shall receive applications referred to in section 21 from the local committees and after the considering such applications, refuse or grant the application concerned;

(2) The Board may, after the consideration by it of any other matter contemplated in this Act,—

- (a) suspend for an indefinite time or for such period as it may determine or withdraw from such date as it may determine, a licence which is the subject of a report, complaint or objection concerned, or any right or privilege which is attached thereto;

- (b) declare the licence concerned to be subject to such conditions or further conditions as it may in its discretion impose;
 - (c) rescind the suspension of the licence concerned or of any right or privilege which is attached thereto, with immediate effect or from such date as it may determine, subject to such conditions as it may in its discretion impose; or
 - (d) take any such other steps as it may think fit;
- (3) The Board may advise the Member of the Executive Council or furnish a report or recommendation to the Member of the Executive Council on any matter referred to the Board by the Member of the Executive Council for consideration and arising from the application of this Act or relating to the control over or distribution of liquor.
- (4) The Board shall perform such other functions as may be assigned to it in terms of this Act.
- (5) The Board may, with the concurrence of the Member of the Executive Council, establish a fund to be administered by it in addressing negative social effects of liquor consumption in the Province.
- (6) The fund referred to in subsection (5) shall be dispensed by the Board on application by the affected parties or communities or as prescribed.

Constitution of the Board

4. (1) The Board shall consist of not less than six (6) and not more than nine (9) members, being fit and proper persons, appointed by the Member of the Executive Council, as follows:
- (a) one or more persons admitted as Attorney or Advocate with at least five years experience in the legal profession or administration of justice;
 - (b) one or more representatives of the Department responsible for the administration the Act;
 - (c) one or more persons appointed by reason of his or her knowledge in the field of welfare or socio-economic development or social services; and
 - (d) one or more persons appointed by reason of his or her knowledge or experience in the liquor industry and not actively involved therein nor having a financial interest, whether direct or indirect.
- (2) Members of the Board may be appointed from officials in the employ of the State
- (3) The Member of Executive Council shall appoint a member of the Board as the Chairperson, and another member as the Deputy-Chairperson of the Board.

- (4) No person shall be appointed as a member of the Board if such person-
- (a) is not a citizen of the Republic resident in the Province;
 - (b) is an unrehabilitated insolvent;
 - (c) is subject to an order of a court declaring such person to be mentally ill or disordered;
 - (d) has at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering of a forged document, perjury, an offence under this Act or the Corruption Act, No 94 of 1992, or any offence involving dishonesty;
 - (e) has at any time been removed from an office of trust on account of misconduct; or
 - (f) has a direct or indirect financial interest in any liquor business or is a spouse of such a person.

Terms of Office and Remuneration of Members

5. (1) A member shall be appointed for a term not exceeding five (5) years and shall be eligible for reappointment at the lapse of the initial term.

(2) A member of the Board shall be paid such remuneration and allowances out of the funds of the Board as the Member of Executive Council may determine.

Recusal of a Member with Conflicting Interests

6. (1) A member of the Board shall not vote, attend or in any other manner participate in the proceedings at any meeting or hearing of the Board if, in relation to any matter before the Board—

- (a) he or she or his or her family member, partner or business associate is a director, member or partner of, or has a controlling interest or any financial or other interests in, the business of the applicant for a licence, registration, certification, grading or any other right or privilege to be granted by the Board; or
- (b) he or she has any interest which precludes him or her from performing his or her functions as a member of the Board in a fair, unbiased and proper manner; or

(2) If at any stage during the course of any proceedings before the Board it appears that a member has or may have any interests contemplated in subsection (1) —

- (a) that member shall forthwith and fully disclose the nature of his or her interest and leave the meeting or hearing so as to enable the remaining members to discuss the

- matter and determine whether that member is precluded from participating in the proceedings at such meeting or hearing by reasons of a conflict of interest; and
- (b) such disclosure and the decision taken by the remaining members regarding such determination, shall be recorded in the minutes of the proceedings in question.

Vacating of Office by Members of the Board

7. (1) A Member of the Board shall vacate his or her office if he or she—
- (a) becomes subject to a disqualification contemplated in section 4(4);
 - (b) has been absent from more than two consecutive meetings of the Board without leave of the Chairperson; or
 - (c) fails to disclose any interest contemplated in section 6(1).
- (2) The Member of the Executive Council may, after giving the member concerned an opportunity to be heard, terminate the membership of any member of the Board on good cause shown.

Meetings and Decisions of Board

8. (1) The first meeting of the Board shall be held at a time and place determined by the Chairperson, and thereafter the Board shall meet at such times and places as it may from time to time determine for the expeditious conduct of its business.

(2) The Chairperson may at any time on notice convene an extraordinary meeting of the Board to be held at a time and place determined by him or her.

(3) No decision in terms of this Act relating to the granting, amendment, renewal transfer, suspension or revocation of a licence shall be taken at an extraordinary meeting.

(4) The quorum for a meeting of the Board shall be a majority of its members.

(5) If both the Chairperson and Deputy Chairperson are absent from any meeting of the Board, the members present shall from among themselves elect a person to preside at such meeting.

(6) Each member present shall have one vote on any matter before the Board and, in the event of an equality of votes, the Chairperson shall have, in addition to a deliberative vote, a casting vote.

(7) No decision taken by or act performed under the delegation of the Board shall be invalid by reason only of a vacancy on the Board or, the fact that a member failed to disclose an interest as contemplated in section 6(1), or

the fact that any person not entitled to sit as a member of the Authority sat as such a member at the time when the decision was taken or the act was delegated, if the decision was taken or the act was delegated by the majority of the members of the Board who were present at the time and entitled to sit as members.

(8) Subject to the other provisions of this section, the Chairperson shall determine the procedure at the meeting.

(9) The Chairperson may, if he or she is satisfied that any person contemplated in section 10 (1) or (4) whose presence is required at the meeting, has been duly notified or summonsed to be present at the meeting but is not present at the meeting, direct that the meeting be held in the absence of that person

(10) A decision of the Board shall be taken by a majority of votes of the members present at a meeting.

Minutes of the Board

9. (1) Minutes of the proceedings of the Board shall be taken and be retained at the offices of the Board.

(2) Any person may obtain copies of the minutes contemplated in paragraph (a) or of any part thereof against payment of the prescribed fees.

Notices and summonses

10. (1) The Chairperson may cause any person who is or may be affected by or is concerned in the consideration of a particular matter by the Board, to be notified in the prescribed manner to be present at any meeting, with notice to him or her of the date, time and place of the meeting at which his or her presence is required and the relevant matter to be considered.

(2) A person who has received a notice in terms of subsection (1), shall personally appear before the Board on the date and at the time and place set out in the notice and may be represented by a person of his or her choice .

(3) The Chairperson may cause the designated police officer or inspector who has submitted a report contemplated in this Act to be notified of the meeting at which the report will be considered.

(4) The Chairperson may cause any person to be summonsed in the prescribed manner to be present at any meeting to—

(a) give evidence; or

(b) produce any document or any other thing which is in his or her possession or custody or under his or her control and which in the opinion of the Chairperson relates or may relate to a matter to be considered, with notice to him or her of the date, time and place of the meeting at which his or her presence is required.

(5) Any person present at a meeting, whether or not he or she has been notified or summonsed in terms of section 10 (1) or (4) or any provision of this Act to be present at the meeting, may—

- (a) be called upon by the Chairperson to give evidence; or
- (b) be ordered by the Chairperson to produce to the Board any document or any other thing, which is in his or her possession or custody or under his or her control, and be questioned by the Board.

(6) The Board may inspect, and retain for such period as is reasonable in its discretion, any document or any other thing produced to it.

(7) If the Board thinks it necessary, the Chairperson may require of any person called upon in terms of subsection (4) (a) to give evidence or ordered in terms of subsection (5) (b) to produce to the Board any document or any other thing, that he or she give evidence under oath or after the making of an affirmation.

(8) The Chairperson or a person designated by him or her for this purpose shall administer the oath or affirmation.

(9) A person appearing before the Board to give evidence or to produce any document or any other thing shall be entitled to any privilege to which a person appearing in criminal proceedings before the High Court is entitled.

(10) The Board may, in considering any application, of its own accord take cognisance of any matter which in its opinion may be a ground for an objection to the granting of the application.

(11) The Chairperson shall inform the applicant concerned of the matter contemplated in subsection (10) and shall, if the applicant so requests, postpone the consideration of the application for such period as the Chairperson may think fit so as to afford the applicant the opportunity of stating his or her case in connection therewith.

Accessibility of meetings

11. (1) Subject to subsections (2) and (3), any meeting of the Board shall be accessible to the public.

(2) The Chairperson may direct that any person, whose presence is in his or her opinion not desirable at the relevant meeting, may not attend the meeting or shall leave the meeting.

(3) The deliberations and voting on any matter at a meeting shall take place behind closed doors.

Staff of the Board

12. (1) The Board shall in the performance of its functions be assisted by a secretary, officers and employees placed at the disposal of the Board under the provisions of the Public Service Act, No 103 of 1994.

(2) The secretary shall become an ex officio member of the Board and shall have no voting rights.

Committees to Assist the Board

13. (1) (a) The Board may appoint at least two of its members and the secretary as an Executive Committee of the Board which shall have the power to perform such functions of the Board during the periods between meetings of the Board, subject to paragraphs (b), (c), and any other directions of the Board.

(b) Except in so far as the Board may direct otherwise, the Executive Committee shall not have the power to set aside or amend any decision of the Board.

(c) Any act performed or decision taken by the Executive Committee shall be of force and effect except in so far as is set aside or amended by the Board at its next meeting.

(2) (a) The Board may appoint one or more committees to inquire into any matter referred to it by the Board and to report on that matter to the Board.

(b) Such a committee shall consist of so many members of the Board or so many other persons, or so many members and other persons, as the Board may deem necessary and the Board may from time to time dissolve or reconstitute such a committee.

(3) Board shall appoint a member as the chairperson of such a committee.

(4) A member of a committee contemplated in (2)(a), shall receive such remuneration and allowance from the funds of the Board as it, after consultation with the Member of the Executive Council, may determine.

Expert and other assistance

14. (1) The Board may appoint such experts or other persons as it may deem necessary with a view to assisting it in the exercise and performance of its powers, functions and duties.

(2) The terms, conditions, remuneration and allowance applicable to any expert or person appointed under subsection (1), and the work to be performed or services to be rendered shall be determined by the Board with the concurrence of the Member of the Executive Council, and be contained in a

written agreement entered into for that purpose between the Board and the expert or person concerned.

(3) The experts or other persons appointed under subsection (1) will not be entitled to vote on any decision taken by the Board.

Delegations

15. (1) The Board may, with the approval of the Member of the Executive Council and subject to the provisions of this section, delegate its powers, functions and duties to any member of the Board or any committee of the Board, on such terms as the Board may determine.

(2) A delegation under this section may at any time be revoked or withdrawn.

(3) Any thing done in the exercise or performance of a delegated power, function or duty shall be deemed to have been done by the Board, as the case may be.

Funds of the Board

16. (1) The funds of the Board shall consist of —

- (a) money appropriated by the Provincial Legislature; and
- (b) money accruing to the Board from any other source approved by the Member of the Executive Council, including fees paid in terms of this Act.

(2) The Board shall, for the purposes of appropriations contemplated in subsection (1)(a), submit to the Member of the Executive Council such estimates of expenditure and other inputs in respect of budget matters, including a business plan, as the Member of the Executive or the Provincial Treasury may require.

Accounting Responsibility

17. The accounting responsibilities of the Board shall be as prescribed in the Public Finance Management Act, 1999 (Act No. 1 of 1999).

Annual Report

18. The annual reports and financial statements of the Board shall be prepared and submitted as required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

Establishment of local committees of the Board

19. There is hereby established local committees of the Board in each of the areas of the municipalities in the Province, known as Metropolitan Councils and District Councils.

Constitution of the local committee

20. (1) Each local committee shall consist of not less than five (5) members and not more than seven (7), being fit and proper persons, appointed by the Member of the Executive Council, as follows:

- (a) one or more persons admitted as Attorney or Advocate with at least five years experience in the legal profession or administration of justice;
- (b) a representative of the Local Government Municipality or Council, being a senior employee experienced in or in charge of town or city planning or similar function;
- (c) a representative of the Local Government Municipality or Council, being a senior employee experienced in or in charge of Local Economic Development or similar function;
- (d) one or more appointed from the community in the area of the local committee appointed by reason of his or her knowledge in the field of welfare or socio-economic development or social services; and
- (e) a secretary seconded to the local committee.

(2) No person shall be appointed as a member of the local committee if such person-

- (a) is not a citizen of the Republic resident in the Province;
- (b) is an unrehabilitated insolvent;
- (c) is subject to an order of a court declaring such person to be mentally ill or disordered;
- (d) has at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering, perjury, an offence under this Act or the Corruption Act, No 94 of 1992, or any offence involving dishonesty;
- (e) has at any time been removed from an office of trust on account of misconduct; or
- (f) has a direct or indirect financial interest in any liquor business or is a spouse of such a person.

(3) The Member of the Executive Council shall appoint one member of the local committee as a Chairperson and another as Deputy-Chairperson.

Powers and functions of local committee

21. (1) The local committee shall consider all applications for licences, transfer of licences, amendment of conditions and any other application in terms

of this Act within twenty-one (21) days of receipt or such longer period as may be determined by the secretary of the Board in the event of objections lodged against the granting of a particular licence.

(2) The local committee shall make recommendations in respect of all applications and submit them to the Board immediately after consideration of the applications.

(3) The local committee may advise the Board or furnish a report or recommendation to the Board on any matter referred to it by the Board for consideration and arising from the application of this Act or relating to the control over or the distribution of liquor.

(4) The local committee shall perform such other functions as may be assigned to it in terms of this Act.

General Provisions relating to local committees

22. The provisions of sections 5 to 12 of Chapter 2 similarly apply to the local committees with the necessary changes.

CHAPTER 3

APPLICATIONS FOR LICENCES

Applications

23. (1) Every application for a new licence shall be made to the relevant local committee of the district or metropolitan area in which the licence is sought, in the prescribed form by lodgement with the secretary of the local committee and shall provide or be accompanied by—

- (a) a detailed written motivation in support of the licence applied for;
- (b) a detailed sketch plan of the premises showing the rooms, services, buildings, construction material and other pertinent information;
- (c) a detailed written description of the premises to which the application relates, together with colour photographs of the external and internal features of the premises;
- (d) a report of an inspector and reports of any inspection required by any law or by-law;
- (e) proof of publication of notices in the newspaper in terms of section 24;

- (f) a certificate of suitability on the person of the applicant and the application issued by South African Police Services or other law enforcement agency;
- (g) the full business address and location of the premises to which the application relates, identity number or registration number of the applicant, residential address or address of registered office of the applicant;
- (h) proof of affiliation to an association referred to in section 38; and
- (i) proof of payment of the prescribed fee.

(2) For purposes of considering a licence under subsection (1), the local committee may cause an inspection to be made of the premises to which the application relates and any other investigation the local committee thinks necessary.

(3) Where an application for a licence has been refused by the Board, no new application may be made in respect of the same premises within a period of one (1) year from the date of refusal, except by special leave granted at the discretion of the Board.

(4) Applications for tavern, pool club, pub, liquor store and night club liquor licences shall also be accompanied by unequivocal approval by the relevant department of the relevant metropolitan or district council, in addition to any zoning or planning or environmental laws requirements.

Notice of application

24. (1) Every applicant shall give notice of an application by publication in no less than two newspapers circulating in the area in which the premises are situated, in the prescribed manner, and in the Provincial Gazette.

(2) The notice of application shall be made within seven (7) days prior to lodgement of the application.

(3) Notice of the application shall include the full names of the applicant, intended trading name, identity number or registration number of the applicant, full address and location of the premises, the type of licence applied for, names and nature of educational institutions and places of worship within a radius of one (1) kilometre from the premises.

(4) The notice contemplated in subsection (1) shall invite interested persons to lodge any objections in terms of section 25.

Objections

25. (1) Any person may lodge an objection to the granting of a licence in terms of this Act, in the prescribed manner, with the local committee and the applicant within twenty-one (21) days from date of publication of a notice referred to in section 24.

(2) The objection shall fully state the reasons thereof and contain the full names of the person or institution objecting, together with the full address and contact details and be accompanied by any supporting documentation.

Response by the applicant to objections

26. The applicant shall, within a period of seven (7) days of receipt of the objection, lodge his or her written response, if any, to the objections lodged in terms of section 25 by submitting a copy thereof to both the local committee and the persons who lodged the objections.

Hearing of applications

27. (1) The local committee or the Board may convene a hearing to consider any application and objections to the application in question, on such date, time and place as shall be determined by it.

(2) All interested persons, including the applicant and any person who has lodged an objection to an application, shall be afforded an opportunity to be heard and may be represented by a person of their choice.

(3) A hearing may be adjourned and resumed on such date and at such time and place as the local committee or the Board may determine.

Kinds of licences

28. (1) The following licences may be granted for the sale and supply of liquor—

- (a) for consumption on the licensed premises concerned—
 - (i) hotel liquor licences;
 - (ii) restaurant liquor licences;
 - (iii) theatre liquor licences;
 - (iv) club liquor licences;
 - (v) night club liquor licences;
 - (vi) gaming liquor licences;
 - (vii) sports ground liquor licences;
 - (viii) pub liquor licences;
 - (ix) dance hall liquor licences;
 - (x) tavern liquor licences; and
 - (xi) pool club liquor licences; and
- (b) for consumption off the licensed premises concerned—
 - (i) wholesale liquor licences;
 - (ii) liquor store licences;
 - (iii) grocers' wine licences; and
 - (iv) micro-manufacturer liquor licence; and
- (c) for consumption on and off the licensed premises—
 - (i) sorghum beer licences;

Content of licences.

29. (1) A licence grants to the licensee such rights and privileges and subjects him or her to such obligations and liabilities as may by virtue of this Act be regulated thereby or issue from the holding thereof.

(2) A licence indicates proof of payment of fees.

Consideration of applications for licences

30. (1) An application for a licence shall be considered by the local committee and referred to the Board with recommendations whereafter the Board shall consider the application, and it may—

- (a) refuse the application; or
- (b) grant the application.

(2) The Board shall not grant an application for any licence, unless, amongst others—

- (a) the premises are or will, on completion, be suitable for the purposes for which they will be used under the licence;
- (b) in the case of premises situated within a radius of five-hundred (500) metres in the vicinity of a place of worship, educational institution, similar licensed premises, public transport facility or in a residential area, or such further distance as the Board may determined or as may be prescribed from time to time, the Board is satisfied that, except in the case of tavern, pool club, liquor store sorghum beer, pub and night club licence, the business concerned will be carried on in a manner that would not constitute a nuisance or disturbance;
- (c) the applicant concerned is of good character and is otherwise fit to be the holder of the licence;
- (d) the granting of the licence is in the public interest;
- (e) the possibility does not exist that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof; or
- (f) the premises, accommodation, equipment and facilities in respect of which the licence is to be issued are, or will be, if the applicant is licenced, in compliance with this Act and regulations.

Applications for catering or occasional permits

31. (1) An application for a catering or occasional permit shall be considered by Board via the local committee, and the Board may grant or refuse the application concerned.

(2) The Board shall not grant a catering or occasional permit under subsection (1) unless the applicant can show exceptional circumstances warrant the granting of the catering or occasional permit for a period not longer than seven (7) consecutive days.

(3) A catering or occasional permit shall also be granted on application by the secretary, manager, principal, director or designated senior office-bearer of a bona fide exhibition, sports club, sports ground, cultural or welfare organisation, educational institution, race or sports meeting.

(4) The Board shall be satisfied that the distribution or sale of liquor is not the principal business of the applicant, but incidental to the occasion held by the applicant.

(5) The Board shall approve the plan of the premises and may specifically exclude the sale of liquor on certain places on the premises and may determine the kind of liquor to be sold.

Death or incapability of an applicant

32. If a person who has made an application for a licence dies, becomes insolvent, is placed under judicial management or is declared incapable of handling his or her own affairs on or before the date on which the application is considered—

- (a) the administrator of the deceased or insolvent estate, judicial manager or curator concerned or, if such an administrator, manager or curator has not yet been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorized thereto by a competent authority, shall, subject to the law regarding deceased estates, insolvency, judicial management or mental health, have all such rights as the applicant would have had if he or she had not died, become insolvent, been placed under judicial management or been declared so incapable; and
- (b) the Board may, subject to this Act and the said law, in its discretion consider the application and grant the licence in favour of such an administrator, manager, curator or person or refuse the application.

ISSUE OF LICENCES AND PERMITS

Licences and permits

33. (1) After the Board has granted an application in terms of this Act, it shall, subject to section 35, issue the licence through the local committee to the applicant to sell the kind of liquor provided for in this Act in respect of the kind of licence concerned, or, in the case of a catering or occasional permit, the kind of liquor determined by the Board and specific places on the premises which have been excluded by the Board in terms of section 31(5).

(2) The Board may at any time after the issue of a licence or permit in terms of subsection (1) or section 37, by a notice delivered to the licensee concerned—

- (a) declare the licence or permit to be subject to such conditions or further conditions set out in the notice it may in its discretion impose; or
- (b) suspend, withdraw or amend any condition or declaration imposed or made in terms of this Act.

Duplicate licences

34. (1) The Board may at any time after the issue of a licence under section 33 issue a duplicate licence to the licensee on payment of the prescribed fee and on proof of the destruction or loss of the original licence.

(2) A licence issued under subsection (1), shall be subject to the same conditions set out in the original licence.

Incomplete premises

35. (1) If an application for a licence (excluding a catering or occasional permit) is granted by the Board in respect of premises not yet erected, or premises requiring any structural alteration, addition or reconstruction to be effected so as to make them suitable for the purposes for which they will be used under the licence, the Board shall issue a notice to the applicant concerned in which he or she shall be ordered to comply with such conditions or requirements, referred to in the notice, with regard to those premises as the Board may determine, within such period as may likewise be determined.

(2) The Board may at any time after the issue of such a notice, on application by the applicant concerned—

- (a) withdraw or amend any condition or requirement determined under subsection (1);
- (b) extend the period determined under subsection (1); or
- (c) approve an amended plan in respect of the premises.

(3) The period determined under subsection (1), shall not be longer than twelve 12 months.

(4) When the Board is satisfied that the premises in respect of which a notice has been issued in terms of subsection (1), have been completed

in accordance with the plan thereof approved by the Board, the conditions and requirements determined by the Board have been complied with and the premises are suitable for the purposes for which they will be used under the licence concerned, it shall issue the licence in accordance with section 37.

(5) If the licence is not issued before the expiration of the period determined under subsection (1), or extended under subsection (2)(b), the notice concerned shall lapse and the application for the licence shall be deemed not to have been granted.

(6) If an applicant to whom a notice has been issued under subsection (1) dies, becomes insolvent, is placed under judicial management or is declared incapable of handling his or her own affairs—

- (a) the administrator of the deceased or insolvent estate, judicial manager or curator concerned or, if such an administrator, manager or curator has not yet been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorized thereto by the Board, shall, subject to the law regarding deceased estates, insolvency, judicial management or mental health, have all such rights as that applicant would have had if he or she had not died, become insolvent, been placed under judicial management or been declared so incapable; and
- (b) the administrator, manager, curator or person contemplated in paragraph (a) of this subsection may do anything that he or she may by virtue of the notice be required to do so as to satisfy the Board as to the matters contemplated in subsection (4).

Disqualification and other incompetence

36. A licence shall not be issued nor transferred to a person who is disqualified or otherwise incompetent in terms of this Act to hold the licence concerned.

CHAPTER 4**GENERAL CONDITIONS FOR LICENCES****Conditions for licences and permits**

37. (1) A licence or permit provided for in this Act shall not be granted to any person who—

- (a) has in the Republic or elsewhere in the preceding 10 years been convicted and sentenced for any offence to imprisonment without the option of a fine, unless the Board is of the opinion that the offence was of such a nature that it does not imply that such a person is unsuitable to hold the licence or unless the sentence has been set aside by a court or such a person has received a grant of amnesty or a free pardon;
- (b) has in the preceding 10 years been convicted of an offence in terms of this Act, the Liquor Act, 1989 (Act No 27 of 1989) or any similar law applicable prior hereto, and was convicted and sentenced to a fine of not less than R200 or to imprisonment without the option of a fine or both imprisonment and fine unless the conviction and sentence has been set aside by a court or such a person has received a grant of amnesty or a free pardon in respect of any one of the sentences or the fine has been remitted;
- (c) is an unrehabilitated insolvent;
- (d) is a minor on the date of the consideration of the application concerned;
- (e) is the spouse of a person contemplated in paragraph (a), (b) or (c);
- (f) is a producer or the agent of a producer;
- (g) is a manufacturer of beer, other than a micro-manufacturer or the agent of such person;
- (h) is a person who has a financial interest in the business of a producer or a manufacturer of beer, or the agent of such a person;
- (i) is a company in which shareholders having a financial interest in the business of a producer or a manufacturer of beer, together hold a controlling interest, or the agent of such a company; or
- (j) is a company in which a company contemplated in paragraph (j) holds a controlling interest, or the agent of such a company.

(2) If a person who is in terms of subsection (1) disqualified to hold a licence—

- (a) has a controlling interest in a company, close corporation or trust;
- (b) is a partner in a partnership; or
- (c) is the main beneficiary under a trust,

a licence shall also not be granted to that company, corporation, partnership or trust.

(3) A licence issued in terms of this Act shall be subject to such conditions set out in the licence as the Board may in its discretion impose.

(4) A licensee shall, as a condition of a licence issued in terms of this Act, permit and enable the inspection and a search of licensed premises at all reasonable times by an inspector.

(5) The license shall at all times be kept on the licensed premises, be displayed on a conspicuous place on the premises and be produced on demand by a person authorized thereto by this Act or any law.

Liquor Trade Association

38. (1) There is established an Association of Liquor Traders in the Province to be known as the Liquor Trade Association.

(2) (a) All other associations active in the liquor trade must affiliate to the Liquor Trade Association.

(b) All licensees and applicants for licences who are not members of associations referred to in paragraph (a) must be members of the Liquor Trade Association.

(3) The Member of the Executive Council may prescribe a Minimum Standard Constitution for the Liquor Trade Association.

(4) An Association referred to in subsection (1) may have branches in metropolitan councils or district councils.

(5) The Association shall promote an organised trade in liquor within the province, diligence amongst its members and affiliates, compliance with all laws and policies relating to the regulation of liquor and responsible consumption of liquor.

(6) The Association shall, as soon as practicable after the close of the financial year but not later than three months, submit to the Member of the Executive Council an annual report on its activities during the preceding financial year.

Financial and controlling interests

39. (1) Subject to the provisions of section 37, a producer, a manufacturer of beer or a person who has a controlling interest in a company, partnership or close corporation which is a producer or a manufacturer of beer, shall not without the consent of the Member of the Executive Council, be permitted on application and on such conditions as he or she may think fit, to directly or indirectly procure a financial interest in the business to which a licence referred to in section 28 relates.

(2) The holder of a licence contemplated in subsection (1) or a person who has a controlling interest in a company, partnership or close

corporation which is a licensee, shall not without the consent of the Member of the Executive Council, be permitted on application and on such conditions as he or she may think fit, to directly or indirectly procure a financial interest in the business of a producer or a manufacturer of beer.

(3) A licensee shall not permit any other person to procure a financial or controlling interest in the business to which the licence relates, unless the Board has, on application by the licensee, as prescribed, granted consent that such a person may procure such an interest in that business.

(4) The Member of the Executive Council shall not grant consent under subsection (1)—

- (a) in the case of a business to which a club liquor licence relates;
- (b) where the person who is the subject of the application, is disqualified in terms of this Act or other laws to hold a licence; or
- (c) if its opinion the possibility exists that the granting of the application may cause a harmful monopolistic situation to arise or be aggravated in the liquor trade or a branch thereof.

Management

40. (1) A person other than a natural person shall not conduct any business under a licence unless a natural person who permanently resides in the Republic and who is not disqualified in terms of this Act a licence is appointed by him or her in the prescribed manner to manage and be responsible for its business.

(2) A natural person who is a licensee may in the prescribed manner appoint another natural person who permanently resides in the Republic and who is not disqualified in terms of this Act to hold a licence, to manage and be responsible for the business to which the first-mentioned licence relates.

- (3) (a) A person managing and responsible for a business to which a licence relates, shall be subject to the same obligations and liabilities as the licensee concerned.
- (b) Where an offence under this Act or the regulations is committed by a juristic person, a person managing and responsible for a business to which a licence relates, shall be guilty of the same offence as the juristic person and be jointly and severally liable to the penalty prescribed for the offence.
- (c) Nothing in this subsection relieves the juristic person or the person who commits the offence from liability therefore nor releases the licensee from any obligation or liability to which he or she is subject in law.

Nature of premises

41. (1) Subject to section 91 and without derogating from section 42, a licensee shall not conduct his or her business under the licence on premises on which any other business, including a business to which any other licence relates, or any trade or occupation is carried on or pursued.

(2) Two or more premises under the same roof shall for the purposes of subsection (1) be deemed to be one if those premises are not completely separated from each other by a wall in which there is no door, window or other aperture.

(3) The public area of on-consumption premises shall not be less than the prescribed size, unless the Board, on the recommendation of the local committee, determines otherwise.

(4) The total floor area of off-consumption premises shall not be less than the prescribed size, unless the Board, on the recommendation of the local committee, determines otherwise.

(5) Premises shall at all times comply with all laws, metropolitan or district council by-laws and regulations, including health and smoking laws.

Nature of business

42. (1) Notwithstanding any law to the contrary—

(a) the holder of an on-consumption licence may also sell or supply newspapers, light refreshments and smokers' requisites on the licensed premises, or conduct such other business thereon as the Board, on application, when granting the licence concerned may, on application, at any time thereafter, approve subject to such conditions as the Board may think fit; and

(b) the holder of a liquor store licence referred to in section 28 may also sell or supply mineral waters, other drinks, tobacco, cigars, cigarettes, matches, cooler bags and such other articles as the Board may authorised

Alterations to and extension of licensed premises

43. (1) A licensee shall not effect any structural alteration, addition or reconstruction of or to the licensed premises or extend the licensed premises, except with the consent of the Board, granted on application by him or her, as prescribed and on such conditions as the Board may think fit.

Place for sale of liquor

44. (1) A licensee shall not sell liquor at any place other than the licensed premises.

(2) The Board may, on application by the holder of an on-consumption licence, grant consent to that holder, on such conditions as the Board may think fit and for such period as the it may determine, to carry on his or her business on only a part of the licensed premises.

Employees

45. (1) A licensee shall not—

- (a) in or in connection with the sale or supply of liquor; or
- (b) during the times when he or she may sell or supply liquor, in any restricted part (if any) of the licensed premises,

employ any person—

- (i) who is a minor; or
- (ii) who to his or her knowledge has within the preceding two years been convicted of a contravention of any law governing the sale of liquor and has been sentenced therefore to imprisonment without the option of a fine or a fine or both imprisonment and a fine.

(2) Subsection (1) shall not apply—

- (a) to any person of or above the age of 18 years who is undergoing or has undergone training in catering services, and who is employed on the premises of the licensee to whom he or she is duly apprenticed in any capacity in connection with the management of the business to which the licence relates; or
- (b) to a member of the family of the licensee or of the manager of the business, who is above the age of 18 years, to which the licence relates.

Minors

46. A licensee shall not sell or supply liquor on the licensed premises to a minor nor allow such a person who is not a person contemplated in section 45 (2), to be in any restricted part (if any) of those premises.

Intoxicated persons

47. (1) A licensee shall refuse to admit to the licensed premises or any part thereof, or sell or supply liquor to an intoxicated person and shall have such person removed from the licensed premises or any part thereof.

(2) A licensee may request any police officer to remove or assist in removing from the licensed premises any person contemplated in subsection (1).

Records

48. (1) The holder of a licence shall keep the prescribed records in the prescribed manner.

(2) The Board may at any time by a notice delivered to the licensee—

- (a) direct that licensee to keep such additional records as may be determined in the notice, in such manner as may likewise be determined; or
- (b) withdraw or amend any direction contemplated in paragraph (a).

Furnishing of information and documents

49. A licensee shall, at the request of the Board, furnish such information and documents in connection with the licensed premises (including a description and plan thereof), the business to which the licence relates or that licensee's interests in the liquor trade or a branch thereof as the Board may require.

Quality of liquor

50. A licensee shall not sell or supply any illegal or counterfeit liquor.

SPECIAL CONDITIONS APPLICABLE TO ON-CONSUMPTION LICENCES

Overall conditions

Place for consumption of liquor

51. (1) The holder of an on-consumption licence shall ensure that liquor sold thereunder be consumed on the licensed premises only.

(2) Notwithstanding any provision of this Act, the holder of an on-consumption licence may remain open for purposes stated in the licence from 21h00 of the afternoon of December 31 until 02h00 in the morning of January 1, unless otherwise prescribed.

Hotel liquor licences

Nature of business

52. (1) The holder of a hotel liquor licence shall at all times maintain on the licensed premises a bona fide hotel at which accommodation and meals are regularly supplied to guests.

(2) A record of all lodgers shall be kept on the licensed premises at all times.

Times of business

53. The holder of a hotel liquor licence may, notwithstanding any law to the contrary, on any day during the prescribed times, sell liquor on the licensed premises to a lodger or guest for consumption by the lodger or guest in the hotel room or to any person taking a meal purchased on those premises and consuming the liquor at or immediately before or after the meal.

*Restaurant liquor licence***Nature of business**

54. The holder of a restaurant liquor licence shall at all times maintain on the licensed premises a bona fide restaurant at which meals are regularly supplied to guests.

Times of business

55. The holder of a restaurant liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times, only to a person taking an ordinary meal purchased on the licensed premises and consuming the liquor at or immediately before or after the meal.

*Theatre liquor licences***Nature of business**

56. (1) The holder of a theatre liquor licence shall at all times maintain on the licensed premises a bona fide theatre at which dramatic performances, plays, concerts or films are regularly presented or shown to the public.

(2) The holder of such a licence shall not sell or supply liquor at or immediately before or after a particular presentation or show to a person who has not been granted access to that presentation or show.

Times of business

57. The holder of a theatre liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

*Club liquor licences***Nature of business**

58. (1) A club liquor licence shall not be granted except to a club in respect of which the Board is satisfied that it is a bona fide club and that, according to the constitution or rules thereof—

- (a) the club consists of at least fifteen 15 ordinary members;
- (b) its management is elected by its members and regularly holds meetings of which proper minutes are kept;
- (c) only its members (including bona fide reciprocity members) are permitted to pay for facilities, liquor or refreshments supplied on the premises of the club;
- (d) in so far as the use of its facilities by guests (excluding family members) of its members is permitted by those rules, the number of guests of any member may not on any occasion exceed the number so permitted;
- (e) proper records, including a register of members, are kept;
- (f) members pay an annual subscription fee; and
- (g) no profit from the sale of liquor by the club accrues to any individual.

(2) The holder of a club liquor licence shall at all times maintain on the licensed premises a bona fide club in respect of which the requirements of this Act are being complied with.

Times of business

59. The holder of a club liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

Records

60. The holder of a club liquor licence shall not sell or supply liquor to a member of the club for consumption by that member's guest unless that member has entered his or her name and the name and address of that guest clearly and indelibly in the applicable records (if any) which that holder is required to keep by virtue of this Act.

Tavern liquor licences

Nature of business

61. (1) The holder of a tavern licence shall at all times ensure that the licensed premises is separate from any other dwelling, especially a residential dwelling or if attached to any dwelling, it shall be separated by means of walls and securable doors.

(2) The licensee shall at all times provide food and various forms of entertainment, of high or acceptable standards, on the licensed premises.

Times of business

62. The holder of a tavern liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

Pool club liquor licences

Nature of business

63. The holder of a pool club licence shall maintain on the licensed premises a bona fide pool club providing games defined in this Act.

Times of business

64. (1) The holder of a pool club liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

Dance hall liquor licences

Nature of business

65. The holder of a dance hall liquor licence shall conduct on the licensed premises the business as defined in this Act.

Times of business

66. The holder of a dance hall liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

Nightclub liquor licences

Nature of premises

67. (1) The holder of a nightclub liquor licence shall maintain on the licensed premises facilities, which include the provision of light meals, dancing and entertainment.

(2) The licensee shall at all times, including at the time of application of a licence, be a member of a Liquor Trade Association contemplated in section 38, unless the Board determines otherwise.

Times of business

68. The holder of a night club liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times to a person visiting the nightclub and consuming the liquor on the premises.

Pub liquor licences

Nature of business

69. The holder of a pub liquor licence shall at all times ensure that liquor is sold and consumed on the premises together with the provision of snacks or light meals.

Times of business

70. The holder of a pub liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

Gaming Premises liquor licences

Nature of business

71. (1) The holder of a gaming premises liquor licence shall supply all kinds of liquor for consumption on the licensed premises.

(2) The holder of a gaming premises liquor licence shall conduct a lawful gaming business, including betting, on the licensed premises.

Times of Business

72. The holder of a gaming premises liquor licence may, notwithstanding any law to the contrary, sell or supply liquor on any day during the prescribed times.

Sorghum beer licences

Nature of business

73. (1) The holder of a sorghum beer licence referred to in this Act shall only sell sorghum beer for consumption on the licensed premises or off the licensed premises.

(2) The holder of a sorghum beer licence referred to in this Act may, with the approval of the Board and on the recommendation of the local committee concerned, conduct other business on the licensed premises where the licensee only supplies sorghum beer for off-consumption.

(3) The holder of a sorghum beer licence who supplies sorghum beer for consumption on the licensed premises shall provide some form of entertainment, together with ordinary meals.

Times of Business

74. The holder of as sorghum beer liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times.

*Catering or occasional permit***Nature of business**

75. The holder of a catering or occasional permit, which has been granted in respect of any premises, shall ensure that liquor provided to members or guests at the event is for on-consumption only.

Times of business

76. The holder of a catering or occasional permit may, notwithstanding any law to the contrary, sell or supply liquor on any day during the prescribed times.

*Sports club liquor licences***Nature of business**

77. The holder of a sports club liquor licence shall at all times maintain on the premises a bona fide sports club on which public sports meetings are regularly held.

Times of business

78. (1) The holder of a sports club liquor licence may, notwithstanding any law to the contrary, sell liquor on any day during the prescribed times on which public sports meetings are held on the sports ground concerned.

SPECIAL CONDITIONS APPLICABLE TO OFF-CONSUMPTION LICENCES**Overall conditions****Place for consumption of liquor**

79. (1) Subject to subsection (2), the holder of every off-consumption licence shall ensure that no liquor be consumed on the licensed premises.

(2) The holder of a wholesale liquor licence, micro-manufacturer's licence or liquor store licence shall ensure that liquor supplied in terms of an approval granted in terms of this Act, be only consumed in the place for such supply determined under the applicable section.

Delivery of liquor

80. (1) The holder of an off-consumption licence shall not—

(a) deliver any liquor from or by any vehicle or other receptacle or induce any person to do so, unless, before the despatch of the liquor, that liquor was ordered and an invoice, in the prescribed form if any form is prescribed, was made out in respect of the order, the original of which shall be retained on the premises from which the liquor is despatched;

(b) convey liquor for delivery in any vehicle or other receptacle unless he or she retains a copy of the invoice, contemplated in paragraph (a), in respect of that liquor in that vehicle or receptacle; or

(c) deliver liquor to an address not given in that invoice.

(2) Subsection (1) shall not apply to the delivery of liquor in the ordinary course of business to the holder of a licence or an exempted person.

*Wholesale liquor licences***Nature of business**

81. (1) The holder of a wholesale liquor licence shall not sell or supply liquor to a person who is not the holder of a licence or an exempted person.

(2) Subsection (1) of this section shall not apply to the supply of liquor for the purpose of section 83.

Times of business

82. The holder of a wholesale liquor licence may, notwithstanding any law to the contrary, sell or deliver liquor on any day during the prescribed times.

Supply of liquor for on-consumption

83. (1) An approval may, on application, be granted by the Board when granting a wholesale liquor licence or at any time after a wholesale liquor licence was issued to the holder of such wholesale liquor licence to supply his or her liquor free of charge in such place on the licensed premises, to be set apart for that purpose, as the Board may determine, to—

- (a) a *bona fide* visitor to those premises;
- (b) a *bona fide* guest; or
- (c) subject to section 125 (1)(g), a person employed in connection with the carrying on of the business to which the licence relates, for consumption in that place, except a minor employee contemplated in section 45(2).

(2) The Board may issue such approval subject to conditions set out in the approval as the Board may in its discretion impose.

(3) The Board may at any time after the issue of such approval, by a notice delivered or to the holder of the licence concerned—

- (a) declare the approval to be subject to such conditions or further conditions set out in the notice as in its discretion impose;
- (b) withdraw or amend any condition or declaration imposed or made by the Board under this section;
- (c) on application, redetermine the place contemplated in subsection (1); or
- (d) withdraw any approval granted under subsection (1).

Micro-manufacturer's licences

Nature of business

84. (1) Micro manufacturers shall be prescribed and a micro-manufacturer's licence shall not be granted except to a person who engages in the manufacturing of any other prescribed fermented beverage.

(2) Subject to subsection (4), the holder of a micro-manufacturer's licence shall not sell or supply liquor to a person who is not the holder of a licence or an exempted person.

(3) Subsection (2) of this section shall not apply to the sale of liquor for the purpose of section 89.

(4) An approval may, on application, be granted by the Board when granting a micro-manufacturer's licence or at any time after such a licence was issued to the licensee to sell liquor to persons referred to in subsection (2),

subject to such conditions set out in the approval as it may in its discretion impose.

(5) The Board may at any time after the issue of such approval, by a notice delivered to the holder of the licence concerned—

- (a) declare the approval to be subject to conditions or further conditions set out in the notice as it may in its discretion impose; or
- (b) withdraw or amend any condition or declaration imposed or made by it under this section.

Times of business

85. The holder of a micro-manufacturer's licence may, notwithstanding any law to the contrary sell or deliver liquor on any day during the prescribed times.

Supply of liquor for on-consumption

86. (1) An approval may, on application, be granted by the Board when granting a micro-manufacturer's licence to supply any liquor free of charge in such place on the licensed premises to be set apart for that purpose, as the Board may determine, to—

- (a) a *bona fide* visitor to those premises;
- (b) a *bona fide* guest; or
- (c) subject to section 125 (1) (g), a person employed in with the carrying on of the business to which the licence relates, for consumption in that place, except a minor employee contemplated in section 45(2),

for consumption in that place.

(2) The Board may issue such approval subject to conditions set out in the approval as it may in its discretion impose.

(3) The Board may at any time after the issue of the approval, by a notice delivered to the holder of the licence concerned—

- (a) declare the approval to be subject to such conditions or further conditions set out in the notice as it may in its discretion impose;
- (b) withdraw or amend any condition or declaration imposed or made by the Board under this section;
- (c) on application, redetermine the place contemplated in subsection (1); or
- (d) withdraw any approval granted under subsection (1).

Liquor store licences

Capacity and condition of receptacles

87. The holder of a liquor store licence shall not sell liquor in a receptacle, which is not properly and securely sealed and shall not sell liquor other than beer in a receptacle, which has a capacity of more than five litres.

Times of business

88. The holder of a liquor store licence may, notwithstanding any law to the contrary, sell or supply liquor on any day during the prescribed times.

Supply of liquor for on-consumption

89. (1) An approval may, on application, be granted by the Board when granting a liquor store licence to supply liquor free of charge to a prospective client for consumption, solely for the purpose of tasting, in such place on the licensed premises, to be set apart for that purpose, as the Board may determine.

(2) The Board may issue such an approval subject to such conditions set out in the approval as it may in its discretion impose.

(3) The Board may at any time after the issue of such approval, by a notice, delivered to the holder of the licence concerned—

- (a) declare the approval to be subject to such conditions or further conditions set out in the notice as he or she may in his or her discretion impose;
- (b) withdraw or amend any condition or declaration imposed or made by it under this section;
- (c) on application, redetermine the place contemplated in subsection (1); or
- (d) withdraw any approval granted under subsection (1).

Grocers' wine licences

Nature of premises

90. The holder of a grocer's wine licence shall at all times carry on the business of a grocer on the licensed premises.

Kind of liquor

91. The holder of a grocer's wine licence shall not sell liquor other than table wine.

Capacity and condition of receptacles

92. The holder of a grocer's wine licence shall not sell liquor in a receptacle which has a capacity of more than five litres and which is not properly and securely sealed.

Times of business

93. The holder of a grocer's wine licence may, notwithstanding any law to the contrary, sell or supply liquor on any day during the prescribed times.

VALIDITY OF LICENCES AND PERMITS

Commencement of licences and permits

94. A licence or permit which has been issued, shall be valid from the date of payment of the prescribed fee.

Renewal of licences

95. Every licence shall be renewed annually on 31 December by payment of an annual prescribed fee.

Lapse of licences and permits

- 96.** (1) A licence shall lapse—
- (a) on a date on which the licensee abandons it in writing; or
 - (b) on 1 January of the year in respect of which the applicable prescribed fees under section 95 are not paid on or before 31 December of the preceding year; or
 - (c) on a date otherwise determined by the Board.
- (2) A permit shall lapse on a date set by the Board on granting the permit.

Restoration of lapsed licences

97. The validity of a licence which has lapsed, and the rights, privileges, obligations and liabilities which were attached thereto immediately before the date on which it lapsed, shall be restored from the date of payment of, where the licence has lapsed under the circumstances contemplated in section 96, the prescribed fee—

- (a) plus a surcharge of 50% if paid on or before 31 January; or
- (b) plus a surcharge of 100% if paid on or before 28 February, of the preceding year in respect of which those fees should have been paid;

Sale of liquor after lapse or suspension of licences

98. The holder of a licence which has lapsed or has been suspended may, within a period of 30 days after the date on which it has lapsed or the suspension thereof has commenced, through a licensed auctioneer sell by public auction, held on the licensed premises concerned or the premises of that auctioneer, any liquor which was on those premises on that date.

Fees not refundable

99. The fact that a licence has lapsed or has been suspended or has again become valid shall not entitle the person who was or is the holder thereof, as the case may be, to a refund of any prescribed fees, or any part thereof, already paid in connection with the licence concerned.

TRANSFER OF LICENCES AND PERMITS

Non-transferability of permits

100. A permit issued in terms of this Act shall not be transferable to another person.

Applications for transfer of a licence

101. (1) A licensee may at any time make application for the transfer thereof to another person, the prospective holder.

(2) The application in subsection (1) shall be made to the local committee on payment of the prescribed fee and in the prescribed manner.

(3) The application shall be accompanied by a certificate of suitability on the person of the transferee issued by South African Police Services or other law enforcement agency and such other details as may be prescribed.

(4) The Board shall consider each application for the transfer of a licence and may refuse or grant the application.

(5) The Board shall not grant such an application—

(a) unless the prospective holder concerned—

(i) is of good character and is otherwise fit and proper to be issued a licence in terms of this Act; and

(ii) is not disqualified in terms of this Act; or

(b) if the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof.

(6) Upon granting an application for the transfer of a licence the Board shall issue a to the transferee who then becomes the licensee, with all rights and obligations of a licensee in terms of this Act.

(7) The provisions of section 32 shall also apply in respect of prospective licence holders.

CHAPTER 5

ENFORCEMENT AND JUDICIAL PROCEEDINGS

SANCTIONS BY THE BOARD

Investigation by the Inspectorate

102. (1) Members of the inspectorate appointed in terms of section 105 may establish and investigate any suspected or reported failure to comply with or a contravention of any term or condition of a licence or permit or a provision of this Act.

(2) The Inspectorate may summons any person who may be able to give information concerning the subject of the investigation or who is believed to have in his or her possession, custody or control any book, document or thing which has or might have a bearing on the subject to appear before it at a time and place specified in the summons to be questioned or to produce such book, document or thing.

(3) The Inspectorate may retain for examination, for such period as is reasonable in its discretion any book, document or thing produced.

Inquiry by the Board

103. (1) The Board shall convene an inquiry for purposes of section 102.

(2) The provisions of sections 10 and 11 shall apply in respect of proceedings in terms hereof.

(3) The licensee shall be afforded an opportunity to be heard at such hearing and may be assisted by any person of his or her choice.

(4) The Board shall keep a record of the proceedings of the hearing.

(5) Notwithstanding any provision herein, the Board may, at any time before or during the investigation or hearing, suspend the licence concerned subject to any conditions it may deem necessary, if there is reason to believe that the non-compliance or contravention in question is of such a nature that public interest requires the licence to be suspended without delay.

Sanctions by the Board

104. (1) The Board may suspend for a specified period or revoke a licence if—

- (a) any information in the application for such a licence is or was false in any material respect or subject to a material omission;
- (b) the licensee or any person or manager in control of the business of the licensee has been convicted of an offence in terms of this Act;
- (c) the licensee or any person or manager in control of the business of the licensee has become the subject of a disqualification in terms of section 35 of this Act; or
- (d) the licensee fails to pay a fine contemplated by the Board in subsection (2).

(2) The Board may impose on the licensee a fine not exceeding R 200 000 – 00 or suspend for a specified period or revoke a licence if the licensee has failed to comply with or contravened any term or condition of a licence or permit or a provision of this Act.

(3) An order by the Board in terms of subsection (2) shall have the effect of a civil judgement.

INSPECTIONS

Appointment of inspectors

105. (1) Subject to any other law, the Member of the Executive Council or a person designated by him or her shall appoint inspectors who will be an inspectorate.

(2) An appointment in terms of subsection (1) may be general or specific.

(3) An inspector shall be a public servant and shall be accountable to the Head of Department.

(4) A certificate of appointment in the prescribed form issued by the Member of the Executive Council, certifying that a person has been appointed an inspector, shall be *prima facie* proof of the appointment.

(5) The MEC may prescribe the criteria and procedure for appointment of inspectors.

Powers and duties of inspectors

106. (1) An inspection shall be conducted by an inspector at the premises in respect of every new application for a liquor licence.

(2) An inspector may conduct an inspection and monitor and enforce compliance with this Act and any other law which authorises him or her to conduct an inspection or monitor and enforce compliance of any liquor related matter.

(3) Subject to sections 107 and 108 and any other law, an inspector who conducts an inspection may—

- (a) question any person present on any land or premises in respect of any matter which may be relevant to the inspection;
 - (b) question any person whom the inspector believes may have information relevant to the inspection;
 - (c) inspect any document that a person is required to maintain in terms of this Act or any other law or which may be relevant to any liquor related inspection;
 - (d) copy any document referred to in paragraphs (c), or if necessary, remove the document in order to copy it;
 - (e) take samples of any substance that is relevant to the work or inspection;
 - (f) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any land or premises; and
 - (g) do all things necessary for conducting the inspection.
- (4) An inspector who removes anything other than a substance contemplated in subsection (3)(e) from land or premises being inspected, shall—
- (a) issue a receipt for it to the owner or person in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.

Entry with warrant

107. (1) An inspector may enter any land or premises if a magistrate has issued a warrant in accordance with subsection (2) to enter or inspect the land or premises, and the warrant is still valid.

(2) A magistrate may issue a warrant to enter and inspect any land or premises, if, from information in writing on oath, the Magistrate has reason to believe that—

- (a) it is necessary to obtain information, in the interest of the public, that cannot be obtained without entering the land or those premises; or
- (b) there is non-compliance with this Act.

(3) A warrant in terms of subsection (2) may be issued at any time and shall specifically—

- (a) identify the land or premises that may be entered and inspected; and
 - (b) authorise the inspector to enter and inspect the land or premises and to do anything contemplated in sections 108, 109 and 110.
- (4) A warrant in terms of subsection (2) is valid until—
- (a) it is executed;
 - (b) it is cancelled by the magistrate who issued it or, if that magistrate is not available, by another magistrate;
 - (c) the purpose for which it was issued has lapsed; or
 - (d) 90 days have passed since the date it was issued.
- (5) Before entering a premises and commencing any inspection, an inspector who carries out a warrant shall—
- (a) if the owner of or a person apparently in control of the land or premises is present—
 - (i) identify himself or herself and explain his or her authority to that person and furnish proof of his or her designation; and
 - (ii) hand a copy of the warrant to that person named in it; or
 - (ii) if the owner or person apparently in control of the land or premises is absent or refuses to accept a copy, attach a copy of the warrant to the land or premises in a prominent and visible place.

Entry without warrant

108. (1) An inspector who does not have a warrant in his or her possession may enter and inspect—

- (a) any land or premises with the consent of the owner or person apparently in control of the land or those premises; or
- (b) any land or premises, except residential land or premises in respect of which a licence or permit has not been issued, on a routine bases—
 - (i) no more than six times during a 12 month period; or
 - (ii) more frequently than contemplated in subparagraph (i), if permitted by any law for the purposes of an inspection.

(2) In addition to the entry permitted in terms of subsection (1), an inspector may enter any land or premises without a warrant—

- (a) if authorised to do so by any other law; or
- (b) in respect of which there is an outstanding non-compliance notice issued in terms of section 113, for the

purpose of determining whether that notice has been complied with.

(3) Before commencing an inspection on any land or premises in terms of this section, an inspector shall identify himself or herself and explain his or her authority and furnish proof of his or her designation to the person apparently in control of the land or premises or the person who gave permission to enter.

(4) An entry and inspection without a warrant shall be carried out only during prescribed normal hours of business.

Use of force

109. (1) An inspector executing a warrant in terms of section 107 may overcome any resistance to entry or inspection by using the force that is reasonably required, including breaking a lock, door or window of the land or premises to be entered.

(2) Before using force, the person executing the warrant shall audibly demand admission and shall announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with any object or document that is the object of the inspection.

(3) Subject to any other law or in the case of an emergency, force may not be used to effect an entry or conduct an inspection in terms of section 108.

Inspector may be accompanied

110. A member of the South African Police Service, Metro Police, South African National Defence Force or any law enforcement agency may accompany an inspector during an inspection, or any other person reasonably required to assist in conducting the inspection, or all of them.

Duty to produce documents

111. Any person, who is in possession of any document relevant to an inspection, shall produce it at the request of the inspector.

Duty to answer questions and assist inspector

112. (1) Any person who is questioned by an inspector in terms of this Act shall first be informed of his or her constitutional rights before any questioning commences and any voluntary answer thereafter by that person shall be truthful and to the best of his or her ability.

(2) An answer or explanation given to an inspector may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge relating to—

- (a) the administration or taking of an oath;
- (b) the making of false statements; or
- (c) the failure to answer a lawful question fully and satisfactorily.

(6) An owner or occupier of any land or premises shall provide any facility and assistance that is reasonably required by an inspector to perform his or her functions effectively.

Non-compliance notices

113. (1) An inspector who is of the opinion that any provision of this Act has not been complied with, may, subject to subsection (2), issue a non-compliance notice in the prescribed form to the owner or person apparently in control of the relevant land or premises.

(2) A non-compliance notice contemplated in subsection (1) shall set out—

- (a) the provision that has allegedly not been complied with;
- (b) details of the nature and extent of the alleged non-compliance;
- (c) any steps that are required to be taken and the period within which those steps shall be taken; and
- (d) any penalty that may be imposed in terms of section 131 in the event of non-compliance with those steps.

(3) A non-compliance notice contemplated in subsection (1) shall remain in force until an inspector issues a compliance certificate contemplated in subsection (4) in respect of that notice and shall be submitted to the Board.

(4) An inspector who is satisfied that the owner or person apparently in control of any land or premises has satisfied the terms of a non-compliance notice may issue a compliance certificate to indicate that compliance and inform the board.

Closing of licensed and other premises

114. (1) An inspector or a member of the Board may, if he or she is of the opinion that a strike or lock-out or public disturbance, disorder, riot or public violence is occurring or threatening at or near any licensed premises or any premises on or place in which liquor may be sold without a licence, in such manner as may appear to him or her in the circumstances of the case to be the most effective, order the licensee or the person concerned, as the case may be, or the manager or agent of the person, to close the premises or place concerned during the times or for the periods that the inspector or member may deem fit.

(2) A licensee or his or her manager or agent, shall, on receipt of an order given under subsection (1), forthwith comply therewith and if he or she fails to do so, the person who has given the order may take the steps and use or cause to be used the force that he or she may deem necessary to close the premises or place concerned.

(3) Any order given under subsection (1), may at any time be withdrawn by the person who gave such an order.

Reports on applications

115. (1) An inspector shall—

- (a) in respect of every application made in terms of this Act, make a report to the local committee and the Board on such matters as may be prescribed or which ought, in the opinion of that inspector, to be taken into consideration in respect of the application concerned; and
- (b) at the request of the local committee or the Board, furnish such information or further information in connection with any matter to the local committee or the Board as may be requested from him or her.

Reports on certain licensees and premises

116. (1) A inspector shall, as soon as possible submit to the Board a report—

- (a) on any failure by the licensee to discharge an obligation which is attached to the licence or permit concerned;
- (b) if such a licensee becomes disqualified or otherwise incompetent in terms of this Act to hold the licence or permit concerned;
- (c) if he or she is of the opinion that alterations or repairs ought to be effected to any licensed premises to which a licence relates; or
- (d) on any other matter which in the opinion of that officer ought to be brought to the notice of the Board.

Reports on certain convictions

117. When the holder of a licence or a person who has been appointed in terms of this Act to manage and be responsible for a business under a licence has been convicted of an offence in terms of either this Act or any other law or the common law and is convicted and sentenced therefore to a fine or to imprisonment without the option of a fine or both imprisonment and fine, the

South African Police Services shall submit to the Board a report on the conviction and the circumstances of the offence.

SEIZURE AND FORFEITURE

Seizure

118. (1) A police officer or inspector may seize any item, including liquor if he or she reasonably suspects that the item—

- (a) will afford evidence of a contravention of any term or condition of a licence or permit or a provision of this Act or an offence under this Act;
- (b) was used or is being used in connection with the contravention of any term or condition of a licence or permit or a provision of this Act or an offence under this Act; and
- (c) unless seized, is likely to be used or continued to be used in the contravention of any term or condition of a licence or permit or a provision of this Act or an offence under this Act;

(2) A person seizing anything will issue, to the person from whom the item is seized, a receipt of the item seized and explain the reasons for the seizure to the said person.

(3) The item seized shall, where practically possible, be preserved until the Board or a court of law has determined the matter.

Forfeiture

119. (1) Anything seized in terms of this Act shall, in relation to a licensee or licensed premises, be forfeited to the Board on conclusion of the determination by the Board or court of law.

(2) Anything seized in terms of this Act shall, otherwise than in subsection (1), be immediately forfeited to the Board.

(3) The Member of the Executive Council may prescribe how the Board may deal with forfeited items.

CHAPTER 6

COSTS

Costs incurred by Board or local committee

120. All reasonable costs incurred by the Board, a local committee or any State Department, in the inspection of premises in respect of any application or investigation or other incidental matter, in terms of this Act may be recovered from an applicant for a licence or a licensee.

CHAPTER 7

PROHIBITED AND CONTROLLED LIQUIDS

Prohibited concoctions and drinks

121. (1) No person shall manufacture, have in his or her possession or custody or under his or her control or consume or sell, supply or give to any person—

- (a) any concoction manufactured by the fermentation of treacle, sugar or other substances, by whatever name they are known;
- (b) any concoction which, though called by another name is similar or substantially similar to any of the concoctions referred to in paragraph (a);
- (c) any concoction manufactured by the fermentation of any substance the consumption of which would, in the opinion of the Member of the Executive Council, be prejudicial to the health and well-being of the population of the Province, and specified by him or her by a notice in the *Provincial Gazette*; or
- (d) any drink manufactured by the distillation of any concoction referred to in paragraph (a), (b), or (c).

(2) The Member of the Executive Council may at any time by a like notice withdraw or amend any notice issued under subsection (1)(c).

Methylated spirit

122. (1) The Member of the Executive Council may make regulations regarding—

- (a) the regulation and restriction of the importation, transshipment, conveyance, transmission, keeping, sale, supply or use of methylated spirit;
- (b) the categories of person who may sell methylated spirit;

- (c) the keeping of records or other documents in respect of any dealing in methylated spirit, the form and manner in which the records or other documents shall be kept and the particulars to be entered therein;
- (d) the custody and retention of records or other documents contemplated in paragraph (c);
- (e) the denaturation, odourisation, colouring and rendering im potable of methylated spirit sold or kept for sale, and the manner in which this shall be done;
- (f) the quantities of methylated spirit which may be sold on any occasion to any person and the receptacles in which it shall be sold; and
- (g) the prohibition or restriction of the purchase or possession of methylated spirit, including the granting of permits for the purchase or possession thereof.

(2) A regulation made under this section may for a contravention thereof or failure to comply therewith prescribe a penalty which shall not exceed imprisonment for a period of six months.

(3) Different regulations may be made under this section in respect of different categories of persons or different areas.

CHAPTER 8

EXEMPTIONS

Exemptions by declaration of the Board

123. (1) The Board may, on application and if circumstances so warrant, declare that this Act, excluding such provisions as it may determine, shall not apply to the sale, by a person named in the declaration, of liquor—

- (a) on premises occupied, controlled or maintained by a department or organ of State;
- (b) to employees of the institution concerned referred to in this subsection and their bona fide guests, for consumption on those premises;
- (c) on behalf of the principal of an educational institution in a restaurant used for the training of persons in catering services on premises occupied, controlled or maintained by the institution concerned, for consumption in that restaurant;

- (d) if that person is a bona fide museum and is licensed as a special customs and excise warehouse in terms of Item 810.20.10 of Schedule 8 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);
- (e) if that person is a collector of wine and that liquor consists of his or her collection of wine or any part thereof; or
- (f) if that person is a licensed auctioneer acting on behalf of a *bona fide* cultural or welfare organisation, an educational institution, an insurer or a person contemplated in section 124 (1) (b).

(2) A declaration issued under subsection (1) shall be subject to such conditions set out therein as the Board may in its discretion impose.

(3) The Board may at any time after the issue of a declaration under subsection (1) by a notice delivered to the person named in the declaration concerned—

- (a) impose such conditions or further conditions as may be set out in the notice, to which the notice shall be subject;
- (b) withdraw or amend any condition imposed by it under this section; or
- (c) withdraw or amend the declaration.

Exemption from the provisions of Act

124. (1) This Act shall not apply to—

- (a) an officer as defined in section 1 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in the performance of his or her functions as such;
- (b) a sheriff or deputy sheriff or any other officer acting in terms of an order of a court, judge or magistrate, in the performance of his or her functions as such;
- (c) a person selling liquor under the authority of the Minister of Defence—
 - (i) to members of the South African National Defence Force on the premises of a trading institution contemplated in section 149 of the Defence Act, 1957 (Act No. 44 of 1957), for consumption off those premises;
 - (ii) to such members and their bona fide guests on the premises of a club or mess so contemplated, for consumption on those premises; or
 - (iii) in connection with a base, camp, station or ship for any part of the South African National Defence Force;
- (d) a person selling liquor under the authority of the Minister concerned on premises under the control of the South

- African Police Service, the Department of Correctional Services or the National Intelligence Service, to members of the institution concerned and their *bona fide* guests;
- (e) the convenor of a bona fide wine-tasting function, with regard to the sale of wine in quantities of less than 200 millilitres at that function lasting not more than two hours, for consumption at the function;
 - (f) a person, with regard to the sale of any spirituous or distilled perfumery or medicated spirit, which perfumery or spirit is not methylated spirit; or
 - (g) the manufacturer of sweets containing more than two per cent by mass of alcohol and manufactured in the Republic, with regard to the sale of those sweets to the holder of a licence or an exempted person.

CHAPTER 9

OFFENCES AND PENALTIES

Offences in general

125. It is an offence for any person to—

- (a) sell any liquor otherwise than under a licence or permit issued in terms of this Act or an exemption granted under section 123 or 124;
- (b) be intoxicated, violent or disorderly on any premises, whether licensed or not, on which liquor may by virtue of this Act be sold;
- (c) be intoxicated in or on or near any public place, including but not limited to any road, street, lane, thoroughfare, square, park, market, shop, warehouse or public garage, etc;
- (d) consume liquor in or on or near any public place, including a motor vehicle driven on a public road or parked in a public place;
- (e) introduce, possess or consume any liquor on a sports ground, or any part thereof, to which the public has or is granted access, except on any licensed premises situated on the sports ground concerned;
- (f) falsely represent himself or herself or any other person to belong or not to belong to a category of persons in order to persuade the licensee, or his or her agent or employee, to sell

- or supply liquor to him or her or that other person which may by virtue of this Act not be sold or supplied to a person who does not belong or belongs to that category;
- (g) supply liquor to a person in his or her employ as wages or remuneration or as a supplement therefore;
 - (h) manufacture, distribute or sell liquor if not permitted to so in terms of this Act;
 - (i) manufacture, distribute or sell any prohibited concoction or drink;
 - (j) sell or supply any illegal or counterfeit liquor; or
 - (k) contravene any provision of this Act.

Offences regarding information

126. It is an offence to submit or provide any information which is false or misleading or any false document or document which purports to be but is not a true copy of an original document in relation to any application, objection, representations, reply to any objection or representations or complaint or request in terms of this Act.

Offences regarding meetings of Board

127. It is an offence to—

- (a) fail to appear before the Board on the date and at the time and place set out in any notice or summons;
- (b) appear before the Board but without the leave of the Chairperson fail to remain in attendance at the meeting concerned until the conclusion thereof;
- (c) refuse to give evidence or produce any document or book, having been called upon by the Chairperson or the Board to give evidence;
- (d) refuse to take the oath or make the affirmation, having required by the Chairperson or the Board to give evidence under oath or after the making of an affirmation; or
- (e) wilfully interrupt the proceedings at a meeting of the Board or wilfully hinder or obstruct the Board or any member thereof in the performance of his or her functions at the meeting.

Offences regarding inspectors and police officers

128. It is an offence for any person to—

- (a) falsely hold himself or herself out to be or impersonate an inspector or police officer;

- (b) refuse or fail to answer a question which an inspector or police officer has in the exercise of his or her powers put to him or her or to make a statement to an inspector or police officer which is false or misleading in any respect;
- (c) refuse or fail to comply with any lawful demand, order or requirement of an inspector or police officer;
- (d) hinder, obstruct or interfere with an inspector or police officer in the exercise of his or her powers;
- (e) refuse to grant an inspector access to land or premises to which the inspector is duly authorised to have access;
- (f) fail to comply with a compliance notice issued in terms of this Act;
- (g) act contrary to a warrant issued in terms of this Act; or
- (h) fail or refuse to provide an inspector with a document or information that the person is required to provide under this Act.

Offences regarding liquor trade

129. It is an offence for any person to enter into or negotiate an agreement or business arrangement prohibited by or contemplated in section 37, unless otherwise approved by the Member of the Executive Council.

Offences by licensees in general

130. It is an offence by a licensee to—

- (a) fail or refuse to comply with any condition of a licence or contravene any provision of this Act;
- (b) keep the licensed premises open for the sale, supply or consumption of liquor or sell or supply any liquor at a time when the sale of liquor is not permitted in terms of the licence and this Act;
- (c) sell or supply liquor in a place where the sale or supply of liquor is not permitted in terms of the licence;
- (d) fail to keep any record which he or she is by virtue of this Act required to keep, or keep such a record in an inadequate or improper manner;
- (e) fail or refuse to comply with any notice issued in terms of this Act or any direction or order of the Board;
- (f) allow drunkenness or licentious conduct on the licensed premises;
- (g) sell or supply liquor to an intoxicated person or a minor;
- (h) allow the licensed premises to be used as a brothel or to be frequented by persons who are regarded as prostitutes;

- (i) allow any person to perform an offensive, indecent or obscene act on any part of the licensed premises access;
- (j) in respect of an off-consumption licence, open or allow to be opened on the licensed premises any receptacle containing liquor sold by him or her; or

Penalties

131. Any person who is guilty of an offence in terms of this Act, shall on conviction be liable to a fine not exceeding R100 000 - 00 or to imprisonment for a period of exceeding ten (10) years or both such fine and imprisonment.

EVIDENTIAL AND PROCEDURAL MATTERS

Proof of sale of liquor

132. Evidence in any criminal proceedings that any person who is not a licensee—

- (a) had on or near his or her premises any signboard or notice purporting that he or she holds a licence;
- (b) was in occupation or control of premises fitted out with a bar or similar place containing bottles, casks or other receptacles so displayed as to induce a reasonable suspicion that liquor was sold thereon;
- (c) had on his or her premises more liquor than was reasonably required for his or her personal use and for the use of any person residing thereon; or
- (d) bought or procured or had in his or her possession or custody or under his or her control more liquor than was reasonably necessary for consumption by himself or herself, his or her family or his or her bona fide employees or guests,

shall be *prima facie* proof of the sale of liquor by the first-mentioned person.

Proof that person belongs to particular category

133. (1) If it is alleged in any prosecution for an offence in terms of this Act that any person is under a particular age or belongs to any other particular category, evidence that the person concerned is apparently under that age or that he or she is regarded as belonging to that other category or by his or her appearance belongs thereto, as the case may be, shall be *prima facie* proof of that fact.

(2) If in addition the court is satisfied from personal observation that that person is apparently under the age or by his or her appearance belongs

to that other category, it shall announce and record that fact, but that announcement and recording shall not prevent the accused from proving that that person, although having the appearance of, is not in fact, a person under that age or belonging to that other category, as the case may be.

Proof of licences and certain conditions

134. A document which purports to be a copy of a licence shall on its mere production in any judicial proceedings be prima facie proof of the licence, and any condition recorded thereon shall, unless the contrary is proved, be deemed to be a condition imposed under this Act in respect of the licence.

Presumption of sale from nature of transactions

135. If it is alleged in any prosecution for an offence in terms of this Act that an unlawful sale of liquor took place, a sale of liquor shall be presumed to have taken place unless the contrary is proven, that money passed, that a transaction in the nature of a sale actually took place.

Presumption regarding prohibited concoctions and drinks

136. If it is proved in any prosecution for an offence in terms of section 125 (1)(i) that the accused manufactured, had in his or her possession or custody or under his or her control, or consumed or sold, supplied or gave to any person liquid which had or has the appearance of a concoction or drink referred to in section 121 (1) and in the charge, it shall be presumed, unless the contrary is proved, that the liquid was or is that concoction or drink.

CHAPTER 10

MISCELLANEOUS MATTERS

Copies of records and other documents

137. The Board shall, on application and against payment of the prescribed fees, furnish to any interested person copies of any licence and the conditions thereto or of any application which is being kept or retained by it.

Condonation of defective applications

138. The Board may, when dealing with or considering the application, condone any defect if it is of the opinion that there has been substantial compliance with this Act and that the condonation is not likely to prejudice any person.

Regulations

- 139. (1)** The Member of the Executive Council may make regulations regarding—
- (a) the applications made in terms of this Act and objections or representations in relation thereto;
 - (b) the form in which and the manner in which any application, objection, representations or complaint in terms of this Act is or are to be made;
 - (c) the documents which are to be lodged in support of any application in terms of this Act, and the form in which and the manner in which those documents are to be lodged;
 - (d) the lodging of replies to any objection or representations in terms of this Act;
 - (e) the maximum number of licences of or in which any person may be the holder or may have any interest;
 - (f) the furnishing of any information for the purpose of any record or other document required to be kept by virtue of this Act;
 - (g) the retention and destruction of any record or other document required to be kept or retained by virtue of this Act;
 - (h) the payment of fees in respect of any application made in terms of this Act;
 - (i) the payment of fees in respect of the issue of any licence, including the period within which such fees are to be paid;
 - (j) the payment of fees in respect of the transfer of any licence, including the period within which such fees are to be paid;
 - (k) the payment of annual licence fees in respect of any licence;
 - (l) the payment of annual licence fees in respect of any licence;
 - (m) the form of licences, declarations, notices, summonses, consents, appointments, directions, determinations, approvals, authorities and other documents in terms of this Act;
 - (n) any matter which in terms of this Act is required or permitted to be prescribed; and

(o) in general, any matter in respect of which he or she thinks it necessary or expedient to make regulations for achieving the objects of this Act.

(2) A regulation made under this section may for a contravention thereof or failure to comply therewith, prescribe a penalty which shall not exceed a fine of R10 000 or imprisonment for a period of twelve (12) months or both such 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 common characteristics, different categories of persons or different areas.

TRANSITIONAL PROVISIONS

Continuation of certain pending matters

140. (1) Any application made before the date of commencement of this Act and not disposed of on that date, shall be continued and disposed of as if that law still applies.

(2) In the application of subsection (1) of section 12 of the Interpretation Act, 1957 (Act No. 33 of 1957), a reference to the Board in a law referred to in subsection (1) shall be construed as a reference to the Board as constituted in terms of this Act.

Validity of licences

141. Licences issued under the Liquor Act, No 27 of 1989 shall continue to be of force and effect until they lapse or the licensee contravenes a provision of this Act.

Short title and commencement

142. (1) This Act is called the Gauteng Liquor Act, 2002 and comes into operation on a date fixed by the Premier by proclamation in the Provincial Gazette.

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

MEMORANDUM IN TERMS OF RULE 132 ON GAUTENG LIQUOR BILL, 2002**(i) Introduction and reasons for the Bill**

The Gauteng Liquor Bill, 2002 ("the Bill") is intended to provide a framework for the regulation of the sale and supply of liquor in Gauteng in a comprehensive manner. It is intended to control the sale and supply of liquor through the establishment of the Gauteng Liquor Board ("the Board") and local committees of the Board which process all applications for liquor licences through as process of public participation. The Bill also provides for the establishment of a Liquor Trade Association, which is an umbrella body to which all existing associations and applicants and licensees who are not members of existing associations must belong. The Bill seeks to regulate the granting of licences in respect of different kinds of licences and addresses general matters such as the regulation of micro-manufacturers, the prohibition of the sale of liquor to certain categories of persons, enforcement procedures, etc.

(ii) Environmental implications of the Bill

None.

(iii) Financial implications of the Bill

To provide amongst others, application and licence fees.

(v) A clause-by-clause explanation of the content of the Bill

- | | |
|-----------|--|
| Clause 1: | Provides for definitions used in the Bill. |
| Clause 2: | Establishes the Gauteng Liquor Board. |
| Clause 3: | Prescribes the powers and functions of the Board. |
| Clause 4: | Prescribes the constitution of the Board. |
| Clause 5: | Provides for the terms of office and remuneration of members of the Board. |

- Clause 6: Prescribes the recusal of a Member with conflicting interest in relation to any matter before the Board.
- Clause 7: Prescribes the circumstances in which a member of the Board must vacate office.
- Clause 8: Provides for procedure of meetings and decisions of the Board.
- Clause 9: Provides for the retention of the minutes of meetings of the Board and accessibility thereof.
- Clause 10: Provides for the Chairperson of the Board to summon any person who is or may be affected by or is concerned in the consideration of a particular matter by the Board and to order such persons to avail all documents pertinent to the matter.
- Clause 11: Provides that Board meetings shall be accessible to the Public.
- Clause 12: Provides for staff of the Board and the appointment of an ex officio secretary.
- Clause 13: Provides for the establishment of committees to assist the Board.
- Clause 14: Provides for the appointment of experts to assist the Board.
- Clause 15: Provides for delegation of powers by the Board to members or any committee established by the Board.
- Clause 16: Prescribes the source of the funds of the Board.
- Clause 17: Prescribes that the accounting responsibilities shall be in accordance with the Public Finance Management Act, 1999 (Act No.1 of 1999).
- Clause 18: Prescribes that the annual reports and financial statements are to be submitted as required by the Public Finance Management Act, 1999 (Act No.1 of 1999)

- Clause 19: Establishes local committees of the Board in each of the Local Government municipalities or councils in the Province.
- Clause 20: Prescribes the constitution of the local committees.
- Clause 21: Prescribes the powers and functions of the Local committees.
- Clause 22: Provides that the provisions of clauses 5 – 12 also apply to local committees.
- Clause 23: Prescribes the procedure for application of licences.
- Clause 24: Prescribes the procedure for public notification of every application.
- Clause 25: Provides for the right to and procedure to lodge of objections to the local committees.
- Clause 26: Provides for the right to and procedure for response by applicant to objections.
- Clause 27: Provides for the hearing of applications and objections to the applications.
- Clause 28: Prescribes the different kinds of licences that may be granted by the Board.
- Clause 29: Prescribes the content of licences
- Clause 30: Prescribes the procedure for consideration of licence applications by the Board.
- Clause 31: Provides for applications for catering or occasional permits and prescribes the criteria for granting thereof.
- Clause 32: Provides for the handling of applications where the applicant has died or is legally incapable of handling his or her own affairs.
- Clause 33: Prescribes the procedure for issuing of licences and permits and provides a discretion to the Board to impose conditions.

- Clause 34: Provides for the issuing of duplicate licences in the event of loss or destruction of the original.
- Clause 35: Provides for the consideration of licences in respect of incomplete premises.
- Clause 36: Prohibits the issuing and transfer of licences to persons disqualified under the Bill.
- Clause 37 Prescribes conditions for licences and permits.
- Clause 38 Establishes a Liquor Trade Association to which all existing associations and licences and applicants who are not members of existing associations must affiliate.
- Clause 39 Prescribes limitations on applicants with financial and controlling interests in the manufacture and production of beer.
- Clause 40 Prescribes criteria for the management of the business to which a licence relates.
- Clause 41 Prescribes the nature of the premises to which the licence relates.
- Clause 42 Prescribes the items other than liquor that may be sold on the business to which the licence relates.
- Clause 43 Prescribes conditions for the extension of licenced premises
- Clause 44 Prescribes the place for the sale of liquor.
- Clause 45 Prescribes criteria for employees of the business to which the licence relates.
- Clause 46 Prohibits the sale of liquor to minors
- Clause 47 Prohibits the sale of liquor to intoxicated persons.
- Clause 48 Prescribes the keeping of records by the licensee.

- Clause 49 Prescribes the furnishing of information and records by the licensee at the request of the Board.
- Clause 50 Prohibits the sale of illegal or counterfeit liquor
- Clauses 51-78 Prescribe special conditions applicable to on-consumption licences relating to nature and times of businesses. The on-consumption licences include the following kinds of licences:
- Hotel liquor licences;
 - Restaurant liquor licences;
 - Theatre liquor licences;
 - Club liquor licences;
 - Tavern liquor licences;
 - Pool club liquor licences;
 - Dance hall liquor licences;
 - Nightclub liquor licences;
 - Pub liquor licences;
 - Gaming Premises liquor licences;
 - Sorghum beer licences;
 - Catering and occasional permits; and
 - Sports club liquor licences.
- Clauses 79-93 Prescribe special conditions applicable to off - consumption licences relating to the delivery of liquor, nature and times of business, the supply of liquor, the capacity and condition of receptacles and the kind of liquor. The off-consumption licences include the following kinds of licences:
- Wholesale liquor licences;
 - Micro-manufacturer's licences;
 - Liquor store licences; and
 - Grocers' wine licences.
- Clause 94 Prescribes the date from which a licence becomes valid.
- Clause 95 Prescribes the date of renewal of licences
- Clause 96 Prescribes conditions under which licences lapse
- Clause 97 Provides for the restoration of lapsed licences
- Clause 98 Prescribes the conditions for the sale of liquor on licensed premises when a licence has lapsed or been suspended

- Clause 99 Provides for the non-refundability of fees in the event of a lapsed licence
- Clause 100 Prohibits the transfer of permits
- Clause 101 Provides for the application for transfer of licences and prescribes criteria therefore.
- Clause 102 Provides for investigation by the Inspectorate of contravention of any term or condition of a licence or permit.
- Clause 103: Provides for the Board to convene an inquiry pursuant to an investigation .
- Clause 104 Prescribes sanctions that the Board may impose.
- Clause 105 Provides for the appointment of inspectors.
- Clause 106 Prescribes the powers and duties of inspectors.
- Clause 107 Prescribes the criteria and procedure for the entry of land or premises by an inspector with a warrant.
- Clause 108 Prescribes the circumstances and procedure for entry of land or premises by an inspector without a warrant.
- Clause 109 Provides for inspectors to use force in certain circumstances when executing a warrant.
- Clause 110 Provides for inspectors to be accompanied by law enforcement agencies to conduct an inspection.
- Clause 111 Prescribes the production of documents upon request of an inspector.
- Clause 112 Places a duty to answer questions and assist an inspector in the performance of his/her functions
- Clause 113 Empowers an inspector to issue non-compliance notices for contravention of provisions of the Bill.

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- Clause 114 Empowers an inspector or member of the Board to temporarily close licenced premises under certain circumstances
- Clause 115 Imposes a duty on an inspector to make reports to the local committee and the Board on all applications.
- Clause 116 Imposes a duty on an inspector upon discovering non-compliance with the Bill to report it to the Board.
- Clause 117 Imposes a duty on the South African Police Service to report any conviction on certain types of offences of a licensee to the Board.
- Clause 118 Prescribes circumstances in which a police officer or inspector may seize any item including liquor to afford evidence of a contravention of any term.
- Clause 119 Provides for the forfeiture of seized items
- Clause 120 Provides for the recovery of costs incurred by the Board from an applicant.
- Clause 121 Prohibits the manufacture of certain liquor related products.
- Clause 122 Prescribes the power of the Member of the Executive Council to make regulations regarding methylated spirit.
- Clause 123 Provides for the application and criteria for exemption from the Bill or certain provisions of the Bill.
- Clause 124 Stipulates persons and categories of persons who are exempted from the provisions of the Bill.
- Clause 125 Prescribes general offences under the Bill.
- Clause 126 Prescribes offences regarding information.
- Clause 127 Prescribes offences regarding meetings of the Board.
- Clause 128 Prescribes offences regarding inspectors and police officers.

- Clause 129 Prescribes offences regarding the liquor trade.
- Clause 130 Prescribes offences by licensees in general.
- Clause 131 Prescribes penalties for offences.
- Clause 132 Prescribes an evidentiary presumption of proof of the sale of liquor
- Clause 133 Prescribes an evidentiary presumption of proof that a person is of a particular age or belongs to a particular category of persons.
- Clause 134 Prescribes an evidentiary presumption of documentary proof of a licence.
- Clause 135 Prescribes an evidentiary presumption of proof of a transaction in the nature of a sale.
- Clause 136 Prescribes an evidentiary presumption of proof regarding prohibited concoctions and drinks.
- Clause 137 Provides for any person to apply to the Board to furnish copies of any licence. And conditions attached to a licence.
- Clause 138 Gives the Board the power to condone any defect in an application.
- Clause 139 Provides for regulations the Member of the Executive Council may make under the Bill.
- Clauses 140-141 Provides for transitional matters
- Clause 142 Provides for the short title and commencement of the Bill and provides that different provisions of the Bill may be brought into effect at different times.

WETSONTWERP

Om voorsiening te maak vir die beheer oor en verskaffing van drank; om die Gauteng Drankraad in te stel, plaaslike komitees en 'n Drankhandel Vereniging; om aansoeke om lisensies te reguleer en om voorsiening te maak vir openbare kennisgewing en deelname, om die verlening van lisensies ten opsigte van verskillende soorte lisensies te reguleer; om die verkoop van drank aan sekere kategorieë van mense te verbied; om voorsiening te maak vir algemene sake soos afdwingingsprosedures; en om voorsiening te maak vir sake wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van Gauteng, as volg:-

SAMESTELLING VAN DIE WET

HOOFSTUK 1

INLEIDENDE BEPALINGE

1. Definisies

HOOFSTUK 2

DIE DRANKRAAD

2. Instelling van die Raad
3. Bevoegdhede en pligte van die Raad
4. Samestelling van die Raad
5. Diensvoorwaardes en Besoldiging van Lede
6. Onttrekking van 'n lid met botsende belange
7. Ampsontruiming deur lede van die Raad
8. Vergaderings en besluite van die Raad
9. Notules van die Raad
10. Kennisgewings en dagvaardings
11. Toeganklikheid van vergaderings
12. Personeel van die Raad
13. Komitees om die Raad by te staan
14. Deskundige - en ander bystand
15. Afvaardigings
16. Fondse van die Raad
17. Rekenpligtige verantwoordelikheid

18. Jaarverslag
19. Instelling van plaaslike komitees van die Raad
20. Samestelling van die plaaslike komitee
21. Bevoegdheid en Pligte van die plaaslike komitee
22. Algemene Bepalings met betrekking tot plaaslike komitees

HOOFSTUK 3

AANSOEKE OM LISENSIES

23. Aansoeke
24. Kennisgewing van aansoek
25. Besware
26. Reaksie van die aansoeker op besware
27. Aanhoor van aansoeke
28. Soorte lisensies
29. Inhoud van lisensies
30. Oorweging van aansoeke om lisensies
31. Aansoeke om spysenierings- of geleentheidspermitte
32. Dood of onbekwaamheid van 'n aansoeker

UITREIKING VAN LISENSIES EN PERMITTE

33. Lisensies en permitte
34. Vervanging van lisensies
35. Onvoltooide persele
36. Diskwalifikasie en ander onbevoegdheid

HOOFSTUK 4

ALGEMENE VOORWAARDES VIR LISENSIES

37. Voorwaardes vir lisensies en permitte
38. Drankhandel Vereniging
39. Geldelike en beherende belang
40. Bestuur
41. Aard van persele
42. Aard van besigheid
43. Veranderings aan en aanbreiding van gelisensieerde persele
44. Plek vir verkoop van drank
45. Werknemers
46. Minderjariges
47. Beskonke persone
48. Aantekeninge
49. Verstrekking van inligting en dokumente
50. Kwaliteit van drank

**SPEZIALE VOORWAARDES VAN TOEPASSING OP
BINNEVERBRUIKLISENSIES****Algehele Voorwaardes**

51. Plek vir verbruik van drank

Hoteldranklisensies

52. Aard van besigheid
53. Besigheidstye

Restaurantdranklisensies

54. Aard van besigheid
55. Besigheidstye

Teaterdranklisensies

56. Aard van besigheid
57. Besigheidstye

Klubdranklisensies

58. Aard van besigheid
59. Besigheidstye
60. Aantekeninge

Tavernedranklisensies

61. Aard van besigheid
62. Besigheidstye

Potspelklublisensie

63. Aard van besigheid
64. Besigheidstye

Danssaaldranklisensies

65. Aard van besigheid
66. Besigheidstye

Nagklubdranklisensies

67. Aard van besigheid
68. Besigheidstye

Kroegdranklisensies

- 69. Aard van besigheid
- 70. Besigheidstye

Dobbelperseeldranklisensies

- 71. Aard van besigheid
- 72. Besigheidstye

Sorghumbierlisensies

- 73. Aard van besigheid
- 74. Besigheidstye

Spysenierings- of Geleentheidspermit

- 75. Aard van besigheid
- 76. Besigheidstye

Sportklubdranklisensies

- 77. Aard van besigheid
- 78. Besigheidstye

SPESIALE VOORWAARDES VAN TOEPASSING OP BUITEVERBRUIKLISENSIES

Algehele voorwaardes

- 79. Plek vir verbruik van drank
- 80. Aflewering van drank

Groothandelaarsdranklisensies

- 81. Aard van besigheid
- 82. Besigheidstye
- 83. Verskaffing van drank vir binneverbruik

Mikrovervaardigerslisensies

- 84. Aard van besigheid
- 85. Besigheidstye
- 86. Verskaffing van drank vir binneverbruik

Drankwinkellisensies

- 87. Inhoudsmaat en toestand van houers
- 88. Besigheidstye
- 89. Verskaffing van drank vir binneverbruik

Kruidenierswynlisensies

90. Aard van besigheid
91. Dranksoort
92. Inhoudsmaat en toestand van houers
93. Besigheidstye

GELDIGHEID VAN LISENSIES EN PERMITTE

94. Inwerkingtreding van lisensies en permitte
95. Hernuwing van lisensies
96. Verval van lisensies en permitte
97. Herstel van vervalle lisensies
98. Verkoop van drank na verval of opskorting van lisensies
99. Gelde nie terugbetaalbaar nie

OORDRAG VAN LISENSIES EN PERMITTE

100. Nie-oordraagbaarheid van permitte
101. Aansoeke om oordrag van 'n lisensie

HOOFSTUK 5

TOEPASSING EN GEREGTELIKE STAPPE

SANKSIES DEUR DIE RAAD

102. Ondersoek deur die Inspektoraat
103. Navraag deur die Raad
104. Sanksies deur die Raad

INSPEKSIES

105. Aanstelling van inspekteurs
106. Bevoegdhede en pligte van inspekteurs
107. Betreding met lasbrief
108. Betreding sonder lasbrief
109. Gebruik van geweld
110. Inspekteur mag vergesel word
111. Plig om stukke voor te lê
112. Plig om vrae te beantwoord en inspekteur by te staan
113. Nie-nakomingskennisgewings
114. Sluiting van gelisensieerde en ander persele
115. Verslae oor aansoeke
116. Verslae oor sekere lisensiehouers en persele
117. Verslae oor sekere skuldigbevindings

BESLAGLEGGING EN VERBEURDVERKLARING

- 118. Beslaglegging
- 119. Verbeurdverklaring

HOOFSTUK 6

KOSTE

- 120. Onkoste deur die Raad of Plaaslike Komitee aangegaan

HOOFSTUK 7

VERBODE EN BEHEERDE VLOEISTOWWE

- 121. Verbode brouesels en drankke
- 122. Brandspiritus

HOOFSTUK 8

VRYSTELLINGS

- 123. Vrystellings deur deklarasie van die Raad
- 124. Vrystelling van die bepalings van die Wet

HOOFSTUK 9

MISDRYWE EN STRAWWE

- 125. Misdrywe in die algemeen
- 126. Misdrywe rakende inligting
- 127. Misdrywe rakende vergaderings van die Raad
- 128. Misdrywe rakende inspekteurs en polisiebeamptes
- 129. Misdrywe rakende drankhandel
- 130. Misdrywe deur lisensiehouers in die algemeen
- 131. Strawwe

BEWYS- EN PROSESREGTELIKE AANGELEENTHEDE

- 132. Bewys van verkoop van drank
- 133. Bewys dat persoon tot besondere kategorie behoort
- 134. Bewys van lisensies en sekere voorwaardes
- 135. Vermoede van verkoop uit aard van transaksies
- 136. Vermoede rakende verbode brouesels en drankke

HOOFSTUK 10

DIVERSE AANGELEENTHEDE

- 137. Afskrifte van aantekeninge en ander dokumente
- 138. Kondonering van gebrekkige aansoeke
- 139. Regulasies

OORGANGSBEPALINGS

- 140. Voortsetting van sekere hangende aangeleenthede
- 141. Geldigheid van lisensies
- 142. Kort titel en inwerkingtreding

HOOFSTUK 1

Definisies.

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

“kroeg” enige oop kroeg of enige deel van gelisensieerde persele uitsluitlik of hoofsaaklik gebruik vir die verkoop en verbruik van drank en sluit in enige toonbank of afskorting waarvoor drank aan die publiek bedien word of kan word;

“bier” die drank vervaardig deur die gisting van 'n moutpap, met of sonder graan, waaraan deur hops smaak gegee is, of aal, swartbier of enige ander drank wat as of onder die naam bier, aal of swartbier vervaardig of verkoop word, indien dit meer as een persent volgens volume alkohol bevat, maar nie ook sorghumbier nie;

“Raad” die Gauteng Drankraad ingestel ingevolge hierdie Wet;

“voorsitter” die voorsitter van die Raad, en ook die ondervoorsitter van 'n Raad, of sy of haar plaasvervanger, wanneer hy of sy as voorsitter waarneem;

“beherende belang” met betrekking tot enige besigheid of onderneming, enige belang van watter aard wat die houer daarvan in staat stel om, direk of indirek, enige beheer hoegenaamd uit te oefen oor die aktiwiteite of bates van die besigheid of onderneming en **“beheer”** het 'n ooreenstemmende betekenis;

“dansaal” 'n plek of instelling betrokke by formele dans, dansinstruksie en -opleiding;

“Departement” 'n departement van die Provinsiale Regering verantwoordelik vir Ekonomiese Aangeleenthede;

“vrygestelde persoon” iemand wat onder artikels 123 en 124 vrygestel is van die bepalinge en toepassing van hierdie Wet;

“geldelike belang” enige sodanige belang wat in 'n besigheid verkry is en regstreeks of onregstreeks verband hou met die winsgewendheid, met inbegrip van die omset, van die besigheid, maar nie ook so 'n belang wat nie 'n beherende belang

is wat verkry is in 'n openbare maatskappy, 'n koöperatiewe vereniging soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet Nr. 47 van 1970), of 'n finansiële instelling wat kragtens die reg rakende finansiële instellings geregistreer is nie;

“dobbelpersele” 'n casino, bingosaal, wedderysaal, tattersalls of ander persele wat gelisensieer is ingevolge die Gauteng Dobbeltwet, Nr 4 van 1995 of die opvolger of enige ter sake dienende weddery en dobbelary wetgewing;

“verleen” met betrekking tot 'n lisensie of permit die goedkeuring van 'n aansoek deur die Raad voor uitreiking van die lisensie of permit;

“Hoof van Departement” die hoof van die departement van die Provinsiale Regering verantwoordelik vir Ekonomiese Aangeleenthede;

“hotel” 'n perseel, waarin of waarop die besigheid van die verskaffing van losies en maaltye teen vergoeding bedryf word of bedoel word om bedryf te word, en sluit 'n motel, herberg, bed en ontbyt, karavaan- en kampeerpark, plaashuis, gastehuis, 'n losieshuis, skeepshotel en 'n skeepshuis in;

“inspekteur” 'n inspekteur wat ingevolge hierdie Wet aangestel is;

“beskonke en beskonke toestand” elk die toestand waarin iemand is wanneer sy of haar vermoëns sodanig deur drank aangetas is dat hy of sy hom- of haarself waarskynlik gaan beseer of 'n gevaar inhou of 'n oorlas of stoornis wees vir andere;

“lewer”, met betrekking tot 'n lisensie, ook die aflewering of versending van die lisensie aan die persoon aan wie dit verleen is of aan sy of haar verteenwoordiger;

“lisensie” 'n lisensie verleen ingevolge hierdie Wet;

“lisensiehouer” 'n persoon of korporasie benoem as 'n lisensiehouer in 'n lisensie of permit, met inbegrip van iemand aan wie 'n lisensie oorgedra is;

“gelisensieerde perseel” 'n perseel ten opsigte waarvan 'n lisensie uitgereik is en sluit in enige gebou of ander plek wat aan sodanige perseel vas is;

“drank” 'n produk van fermentasie of distillering van grane, vrugte of ander landbouprodukte en sluit sintetiese etielalkohol in en sluit bier of sorghumbier in, maar sluit nie brandspiritus of medisyne in nie wat onderhewig is aan registrasie uit hoofde van 'n besluit wat gepubliseer is ingevolge artikel 14(2) van die Medisyne en Verwante Substansies Beheerwet, 1975 (Wet Nr. 101 van 1965);

“plaaslike komitee” 'n komitee van die Raad ingestel vir elke area van 'n munisipaliteit in Gauteng, dit is, 'n Metropolitaanse Raad of Distriksraad of soos beoog in artikel 155 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet Nr. 108 van 1996);

“vervaardiger” iemand wat drank vir verkoop produseer;

“vergadering” ‘n vergadering van die Raad of plaaslike komitee en sluit ‘n verhoor saamgeroep deur die Raad of plaaslike komitee in;

“lid” ‘n lid van die Raad;

“Lid van die Uitvoerende Raad” die Lid van die Uitvoerende Raad van die provinsie verantwoordelik vir Ekonomiese Aangeleenthede;

“brandspiritus” spiritus gedenatureer ooreenkomstig enige wet oor die denaturering of metilisering van spiritus of enige ander gedenatureerde , geneeskundig toebereide, geparfumeerde of andersins behandelde spiritus wat onder enige ander wet tot brandspiritus verklaar is;

“mikrovervaardiger” ‘n produseerder van drank wat in ‘n kalenderjaar nie meer as die voorgeskrewe volume produseer nie;

“minderjarige” iemand onder die ouderdom van een-en-twintig (21) jaar;

“nagklublisensie” ‘n lisensie wat, onderhewig aan hierdie Wet en die voorwaardes van die lisensie, die houer magtig om drank te verkoop vir verbruik op die gelisensieerde perseel en om dans en musikale vermaak te verskaf;

“buiteverbruiklisensie” ‘n lisensie wat die lisensiehouer geregtig maak om drank te verkoop uitsluitlik vir verbruik weg van die gelisensieerde perseel en

“buiteverbruik” het ‘n ooreenstemmende betekenis;

“binneverbruiklisensie” ‘n lisensie wat die lisensiehouer geregtig maak om drank te verkoop uitsluitlik vir verbruik op die gelisensieerde perseel en **“binneverbruik”** het ‘n ooreenstemmende betekenis;

“permit” ‘n spysenierings- of geleentheidspermit uitgereik ingevolge hierdie Wet;

“potspelklub” ‘n plek waar lede van ‘n klub of ‘n georganiseerde liga vir kompetisie veerpyltjies, potspel, snoeker en ander sootgelyke speletjies speel;

“Provinsie” die Gauteng Provinsie;

“perseel” ook ‘n plek of gebou of deel van ‘n gebou op enige perseel en ‘n voertuig of vaartuig, tensy anders deur die konteks bepaal;

“voorskryf” by regulasie voorskryf;

“kroeg” ‘n plek waar drank verkoop word vir verbruik saam met versnapering of ligte maaltye;

“openbare plek” enige plek waartoe die publiek toegang het as ‘n reg of deur uitnodiging, uitdruklik of geïmpliseer, en sluit in ‘n voertuig in ‘n openbare plek;

“regulasie” ‘n regulasie ingevolge hierdie Wet gemaak;

“restaurant” ‘n perseel waar maaltye gereeld aan gaste verskaf word;

“beperkte deel” ‘n kroeg op enige gelisensieerde perseel ten opsigte waarvan ‘n binneverbruiklisensie uitgereik is, waarin drank oor ‘n toonbank bedien word en wat nie ‘n integrerende deel uitmaak van ‘n vertrek waar gewone maaltye deurlopend op ‘n daaglikse grondslag genuttig word nie, en ook enige ander deel van sodanige gelisensieerde perseel wat as sodanig behandel moet word ingevolge enige voorwaarde wat ingevolge hierdie Wet opgelê is;

“verkoop” ook verruil of aanhou, aanbied, uitstal, aflewer, verskaf of van die hand sit vir verkoop, of ‘n verkoop magtig, gelas of toelaat;

“sorghumbier” die drank algemeen bekend as sorghumbier en gewoonlik vervaardig van graansorghum, giers of ander graan;

“sportklub” ‘n klub waarvan die hoofdoel die bevordering van enige buitemuurse tydverdryf, sport, spel of ontspanning onder sy lede is;

“verskaf”, met betrekking tot enige drank, om iemand in besit of beheer van die drank vir verbruik te stel;

“tafelwyn” wyn wat nie meer as 14 persent volgens volume alkohol bevat nie;

“taverne” ‘n plek waarvan die hoofbesigheid die voorsiening van drank, voedsel en verskeie vorme van vermaak is;

“teater” ‘n perseel waar toneelopvoerings, toneelstukke, konserte of rolprente gereeld vir die publiek aangebied of vertoon word; en

“hierdie Wet” sluit regulasies in wat ingevolge hiervan gemaak is.

HOOFSTUK 2

Instelling van die Raad

2. Daar word hiermee 'n regs persoon ingestel bekend as Die Gauteng Drankraad

Bevoegdhede en pligte van die Raad

3. (1) Die Raad ontvang aansoeke waarna in artikel 21 verwys word van plaaslike komitees en staan na oorweging van sodanige aansoeke, die betrokke aansoek toe of weier dit;
- (2) Die Raad kan, na die oorweging deur hom van enige ander aangeleentheid beoog in hierdie Wet, -
- (a) 'n lisensie wat die onderwerp is van 'n betrokke verslag, klagte of beswaar, opskort vir 'n onbepaalde tyd of vir sodanige periode as wat hy mag bepaal of intrek vanaf sodanige datum as wat hy mag bepaal, of enige reg of voorreg wat hieraan verbonde is;
 - (b) verklaar dat die betrokke lisensie onderhewig is aan sodanige voorwaardes of verdere voorwaardes as wat hy na sy goeë dunde mag oplê;
 - (c) die opskorting van die betrokke lisensie ophef of van enige reg of voorreg wat daaraan verbonde is, met onmiddellike uitwerking of vanaf sodanige datum as wat hy mag bepaal, onderworpe aan sodanige voorwaardes as wat hy na sy goeë dunde mag oplê; of
 - (d) enige ander stappe doen wat hy mag goeë vind;
- (3) Die Raad kan die Lid van die Uitvoerende Raad adviseer of 'n verslag of aanbeveling aan die Lid van die Uitvoerende Raad verstrek oor enige aangeleentheid wat na die Raad verwys is deur die Lid van die Uitvoerende Raad vir oorweging en voortspruitend uit die toepassing van hierdie Wet of in verband met die beheer oor of verspreiding van drank.
- (4) Die Raad verrig sodanige ander werksaamhede as wat ingevolge hierdie Wet aan hom opgedra word.
- (5) Die Raad kan, met die instemming van die Lid van die Uitvoerende Raad, 'n fonds stig wat deur hom bestuur word om negatiewe sosiale nagevolge van drankverbruik in die Provinsie aan te spreek.
- (6) Die fonds vermeld in subartikel (5) moet uitgedeel word deur die Raad op aansoek deur die aangetaste partye of gemeenskappe of soos voorgeskryf.

Samestelling van die Raad

4. (1) Die Raad bestaan uit nie minder nie as ses (6) en nie meer nie as nege (9) lede, geskikte en behoorlike persone, soos volg aangestel deur die Lid van die Uitvoerende Raad:

- (a) een of meer persone toegelaat as Prokureur of Advokaat met ten minste vyf jaar ervaring in die regsberoep of regspleging;
 - (b) een of meer verteenwoordigers van die Departement verantwoordelik vir die toepassing van die Wet;
 - (c) een of meer persone aangestel op grond van sy of haar kennis in die veld van welsyn of sosio-ekonomiese ontwikkeling of maatskaplike dienste; en
 - (d) een of meer persone aangestel op grond van sy of haar kennis of ervaring in die drankbedryf en nie aktief daarby betrokke nie of met 'n geldelike belang daarin nie, hetsy direk of indirek.
- (2) Lede van die Raad aangestel word vanuit amptenare in diens van die Staat.
- (3) Die Lid van die Uitvoerende Raad stel 'n lid van die Raad aan as die Voorsitter, en 'n ander lid as die Ondervoorsitter van die Raad.
- (4) Geen persoon word aangestel as 'n lid van die Raad nie indien sodanige persoon -
- (a) nie 'n burger van die Republiek is wat in die Provinsie woonagtig is nie;
 - (b) 'n ongerehabiliteerde insolvent is;
 - (c) onderhewig is aan 'n hofbevel wat verklaar dat sodanige persoon geestelik siek of versteurd is;
 - (d) te eniger tyd skuldig bevind is, hetsy binne die Republiek of elders, aan diefstal, bedrog, vervalsing of die uitgee van 'n vervalste dokument, meened, 'n oortreding ingevolge hierdie Wet of die Korrupsie Wet, Nr 94 van 1992, of enige oortreding waarby oneerlikheid betrokke is;
 - (e) te eniger tyd uit 'n vertrouensamp ontslaan is op grond van wangedrag; of
 - (f) 'n direkte of indirekte geldelike belang het in enige drankbesigheid of die eggenoot is van sodanige persoon.

Diensvoorwaardes en Besoldiging van Lede

5. (1) 'n Lid word aangestel vir 'n termyn nie langer as vyf (5) jaar nie en kom in aanmerking vir heraanstelling by die verstryking van die aanvanklike termyn.

(2) 'n Lid van die Raad word sodanige besoldiging en toelae betaal uit die fondse van die Raad as wat die Lid van die Uitvoerende Raad mag bepaal.

Onttrekking van 'n Lid met Botsende Belange

6. (1) 'n Lid van die Raad stem nie by enige vergadering of verhoor van die Raad, woon dit by of neem op enige ander wyse aan die verrigtinge deel nie indien, met betrekking tot enige aangeleentheid voor die Raad-

- (a) hy of sy of sy of haar familielid, vennoot of sakevennoot 'n direkteur, lid of vennoot is van, of 'n beherende aandeel het of ander belange in, die besigheid van die aansoeker om 'n lisensie, registrasie, sertifisering, gradering of om enige reg of voorreg deur die Raad verleen; of
- (b) hy of sy enige belang het wat hom of haar verhinder om sy of haar werksaamhede as 'n lid van die Raad te verrig op 'n regverdige, ewewigtige en behoorlike wyse; of

(2) Indien te eniger tyd gedurende die verloop van enige verrigtinge voor die Raad dit blyk dat 'n lid enige belange beoog in subartikel (1) het of mag hê-

- (a) moet daardie lid die aard van sy of haar belang onverwyld en breedvoerig bekend maak en die vergadering of verhoor verlaat ten einde die oorblywende lede in staat te stel om die aangeleentheid te bespreek en te bepaal of daardie lid verhinder is van deelname aan die verrigtinge van sodanige vergadering of verhoor op grond van 'n botsing van belange; en
- (b) sodanige onthulling en die besluit geneem deur die oorblywende lede rakende sodanige bepaling, opgeteken word in die notule van die betrokke verrigtinge.

Ampsontruiming deur lede van die Raad

7. (1) 'n Lid van die Raad moet sy of haar amp ontruim indien hy of sy-

- (a) onderworpe raak aan 'n diskwalifikasie beoog in artikel 4(4);
- (b) afwesig was van meer as twee opeenvolgende vergaderings van die Raad sonder verlof van die Voorsitter; of
- (c) by gebreke bly om enige belang beoog in artikel 6(1) bekend te maak.

(2) Die Lid van die Uitvoerende Raad kan, nadat die betrokke lid 'n geleentheid tot 'n verhoor gegun is, die lidmaatskap van enige lid van die Raad beëindig indien goeie gronde aangevoer word.

Vergaderings en Besluite van die Raad

8. (1) Die eerste vergadering van die Raad word gehou op 'n tyd en plek deur die Voorsitter bepaal en daarna moet die Raad vergader op sodanige tye en plekke as wat hy van tyd tot tyd mag bepaal vir die bestuur van sy sake met bekwame spoed.

(2) Die Voorsitter te eniger tyd, met kennisgewing, 'n buitengewone vergadering van die Raad belê op 'n tyd en plek deur hom of haar bepaal.

(3) Geen besluit ingevolge hierdie Wet met betrekking tot die toestaan, wysiging, hernuwing, oordrag, opskorting of herroeping van 'n lisensie moet tydens 'n buitengewone vergadering geneem word nie.

(4) Die kworum vir 'n vergadering van die Raad moet 'n meerderheid van sy lede wees.

(5) Indien beide die Voorsitter en Ondervoorsitter afwesig is van enige vergadering van die Raad, moet die teenwoordige lede vanuit eie geleedere iemand verkies om by sodanige vergadering voor te sit.

(6) Elke teenwoordige lid moet een stem hê oor enige aangeleentheid voor die Raad en, in geval van 'n staking van stemme, moet die Voorsitter, bykomend tot 'n beraadslagende stem, 'n beslissende stem hê.

(7) Geen besluit geneem deur of handeling uitgevoer kragtens die delegasie van die Raad is ongeldig op grond van slegs 'n vakature op die Raad nie of, die feit dat 'n lid by gebreke gebly het om 'n belang bekend te maak soos beoog in artikel 6(1), of die feit dat enigiemand wat nie geregtig daarop is om te dien as 'n lid van die Gesag nie wel gesit het as sodanige lid ten tye van die neem van die besluit of die delegasie van die wet, indien die besluit geneem is of die wet gedelegeer is deur die meerderheid van die lede van die Raad wat op daardie tydstip teenwoordig was en geregtig was om as lede te dien.

(8) Behoudens die ander bepalings van hierdie artikel, bepaal die Voorsitter die prosedure by die vergadering.

(9) Die Voorsitter kan, indien hy of sy oortuig is dat enigiemand beoog in artikel 10 (1) of (4) wie se teenwoordigheid by die vergadering vereis word, behoorlik in kennis gestel of gedagvaar is om by die vergadering teenwoordig te wees maar nie by die vergadering teenwoordig is nie, gelas dat die vergadering in die afwesigheid van daardie persoon gehou word.

(10) 'n Besluit van die Raad word geneem deur 'n meerderheid van stemme van die lede teenwoordig by 'n vergadering.

Notules van die Raad

9. (1) Notule word van die verrigtinge van die Raad gehou en by die kantore van die Raad behou.

(2) Enigiemand kan afskrifte van die notule beoog in paragraaf (a) of enige deel daarvan verkry teen betaling van die voorgeskrewe gelde.

Kennisgewings en dagvaardings

10. (1) Die Voorsitter kan enigiemand wat geraak word of geraak mag word deur of betrokke is by die oorweging van 'n besondere aangeleentheid deur die Raad, op die voorgeskrewe wyse laat kennis gee om teenwoordig te wees by enige vergadering, met kennisgewing aan hom of haar van die datum, tyd en plek van die vergadering waarby sy of haar teenwoordigheid vereis word en die ter sake dienende aangeleentheid wat daarby oorweeg sal word.

(2) Iemand wat 'n kennisgewing ingevolge subartikel (1) ontvang het, moet op die datum en tyd en by die plek in die kennisgewing uiteengesit persoonlik voor die Raad verskyn en verteenwoordig word deur iemand van sy of haar keuse.

(3) Die Voorsitter kan die aangewese polisiebeampte of inspekteur wat 'n verslag beoog in hierdie Wet voorgelê het, laat kennis gee van die vergadering waarby die verslag oorweeg sal word.

(4) Die Voorsitter kan enigiemand op die voorgeskrewe wyse laat dagvaar om by enige vergadering teenwoordig te wees om-

(a) getuienis af te lê; of

(b) enige dokument of enigiets anders voor te lê wat in sy of haar besit of bewaring of onder sy of haar beheer is en wat na die oordeel van die Voorsitter betrekking het of kan hê op 'n aangeleentheid wat daarby oorweeg sal word, met kennisgewing aan hom of haar van die datum, tyd en plek van die vergadering waarby sy of haar teenwoordigheid vereis word.

(5) Enigiemand wat by 'n vergadering teenwoordig is, hetsy hy of sy ingevolge artikel 10(1) of (4) of enige bepaling van hierdie Wet in kennis gestel of gedagvaar is om by die vergadering teenwoordig te wees al dan nie, kan-

(a) deur die Voorsitter opgeroep word om getuienis af te lê; of

(b) deur die Voorsitter beveel word om enige dokument of enigiets anders wat in sy of haar besit of bewaring of onder sy of haar beheer is aan die Raad voor te lê, en deur die Raad ondervra te word.

(6) Die Raad kan enige dokument of enige iets anders wat aan hom voorgelê word, inspekteer, en behou vir die tydperk wat hy goedvind.

(7) Indien die Raad dit nodig ag, kan die Voorsitter van enigiemand wat ingevolge subartikel 4(a) opgeroep is om getuienis af te lê of ingevolge subartikel 5(b) beveel is om enige dokument of enige iets anders aan die Raad voor te lê, vereis dat hy of sy getuienis onder eed of na die doen van 'n bevestiging aflê.

(8) Die Voorsitter of iemand wat hy of sy vir hierdie doel aanwys moet die eed of bevestiging afneem.

(9) Iemand wat voor die Raad verskyn om getuienis af te lê of

om enige dokument of enigiets anders voor te lê, is geregtig op enige privilegie waarop iemand wat in strafregtelike verrigtinge voor die Hooggeregshof verskyn, geregtig is.

(10) Die Raad kan, by oorweging van enige aansoek, uit eie beweging kennis neem van enige aangeleentheid wat na sy oordeel 'n grond vir 'n beswaar teen die toestaan van die aansoek kan wees.

(11) Die Voorsitter moet die betrokke aansoeker inlig oor die aangeleentheid in subartikel (10) beoog en moet, indien die aansoeker dit versoek, die oorweging van die aansoek uitstel vir die tydperk wat die Voorsitter goeuvind ten einde die aansoeker die geleentheid te bied om sy of haar saak in verband daarmee te stel.

Toeganklikheid van vergaderings

11. (1) Behoudens subartikels (2) en (3), is enige vergadering van die Raad toeganklik vir die publiek.

(2) Die Voorsitter kan gelas dat enigiemand wie se teenwoordigheid by die betrokke vergadering na sy of haar oordeel nie wenslik is nie, nie die vergadering mag bywoon nie of die vergadering moet verlaat.

(3) Die beraadslagings en stemming oor enige aangeleentheid by 'n vergadering geskied agter geslote deure.

Personeel van die Raad

12. (1) Die Raad word in die verrigting van sy werksaamhede bygestaan deur 'n sekretaris, beamptes en werknemers wat ter beskikking van die Raad gestel word kragtens die bepalings van die Staatsdienswet, Nr 103 van 1994.

(2) Die sekretaris moet 'n ex officio-lid van die Raad word en het nie stemreg nie.

Komitees om die Raad by te staan

13. (1) (a) Die Raad kan ten minste twee van sy lede sowel as die sekretaris aanstel as 'n Uitvoerende Komitee van die Raad met bevoegdheid om sodanige werksaamhede van die Raad te verrig tydens die tydperke tussen vergaderings van die Raad, behoudens paragrawe (b), (c), en enige ander voorskrifte van die Raad.
- (b) Buiten in soverre die Raad anders bepaal, moet die Uitvoerende Komitee nie die bevoegdheid hê om enige besluit van die Raad tersyde te stel of te wysig nie.
- (c) Enige handeling uitgevoer of besluit geneem deur die Uitvoerende Komitee moet van krag wees behalwe in

- soverre dit tersyde gestel of gewysig word deur die Raad by sy volgende vergadering.
- (2) (a) Die Raad een of meer komitees instel om ondersoek in te stel na enige aangeleentheid wat deur die Raad verwys word en aan die Raad verslag doen oor daardie aangeleentheid.
- (b) Sodanige komitee moet bestaan uit soveel lede van die Raad of soveel ander persone, of soveel lede en ander persone, as wat die Raad nodig mag ag en die Raad van tyd tot tyd sodanige komitee ontbind of hersaamstel.
- (3) Die Raad moet 'n lid aanstel as voorsitter van sodanige komitee.
- (4) 'n Lid van 'n komitee beoog in (2)(a), ontvang sodanige besoldiging en toelae uit die fondse van die Raad as wat hy, na oorlegpleging met die Lid van die Uitvoerende Raad mag bepaal.

Deskundige en ander bystand

14. (1) Die Raad sodanige deskundiges of ander persone aanstel as wat hy mag nodig ag, met die doel om hom by te staan in die uitoefening van sy bevoegdhede en die verrigting van sy bevoegdhede, werksaamhede en verpligtinge.

(2) Die bepaling, voorwaardes, besoldiging en toelaag van toepassing op enige deskundige of persoon aangestel kragtens subartikel (1), en die werk wat verrig of dienste wat gelewer moet word, word deur die Raad bepaal met die instemming van die Lid van die Uitvoerende Raad, en word vervat in 'n skriftelike ooreenkoms wat vir daardie doel aangegaan is tussen die Raad en die betrokke deskundige of persoon.

(3) Die deskundiges of ander persone aangestel kragtens subartikel (1) is nie daarop geregtig om te stem oor enige besluit deur die Raad geneem nie.

Afvaardigings

15. (1) Die Raad, met die goedkeuring van die Lid van die Uitvoerende Raad en behoudens die bepalinge van hierdie artikel, sy bevoegdhede, werksaamhede en verpligtinge deleger aan enige lid van die Raad of enige komitee van die Raad, op sodanige voorwaardes as wat die Raad mag bepaal.

(2) 'n Afvaardiging kragtens hierdie artikel kan te eniger tyd herroep of onttrek word.

(3) Enigiets wat gedoen word in die uitvoering of verrigting van 'n gedelegeerde bevoegdheid, funksie of verpligting word beskou asof deur die Raad verrig, wat ook al die geval mag wees.

Fondse van die Raad

16. (1) Die fondse van die Raad bestaan uit-
- (a) geld bewillig deur die Provinsiale Wetgewer; en
 - (b) geld wat aan die Raad toeval vanaf enige bron goedgekeur deur die Lid van die Uitvoerende Raad, insluitende gelde betaal ingevolge hierdie Wet.
- (2) Die Raad moet, vir die doeleindes van bewilligings beoog in subartikel (1)(a), aan die Lid van die Uitvoerende Raad sodanige beramings voorlê van uitgawes en ander insette met betrekking tot begrotingsaangeleenthede, insluitende 'n besigheidsplan, as wat die Lid van die Dagbestuur of die Provinsiale Tesourie mag vereis.

Rekenpligtige Verantwoordelikheid

17. Die rekenpligtige verantwoordelikhede van die Raad is soos voorgeskryf in die Openbare Finansies Bestuurswet, 1999 (Wet Nr. 1 van 1999).

Jaarverslag

18. Die jaarverslae en finansiële state van die Raad moet voorberei en voorgelê word soos vereis deur die Openbare Finansies Bestuurswet, 1999 (Wet Nr. 1 van 1999).

Instelling van plaaslike komitees van die Raad

19. Daar word hiermee ingestel plaaslike komitees van die Raad in elkeen van die gebiede van die munisipaliteite in die Provinsie, bekend as Metropolitaanse rade en Distriksrade.

Samestelling van die plaaslike komitee

20. (1) Elke plaaslike komitee moet bestaan uit nie minder nie as vyf (5) lede en nie meer nie as sewe (7), geskikte en behoorlike persone, soos volg aangestel deur die Lid van die Uitvoerende Raad:
- (a) een of meer persone toegelaat as Prokureur of Advokaat met ten minste vyf jaar ervaring in die regsberoep of regspleging;
 - (b) 'n verteenwoordiger van die Plaaslike Regering se Munisipaliteit of Raad, 'n senior werknemer synde ervare in of in bevel van dorps- of stadsbeplanning of 'n soortgelyke funksie;
 - (c) 'n verteenwoordiger van die Plaaslike Regering se Munisipaliteit of Raad, 'n senior werknemer synde

- ervare in of in bevel van Plaaslike Ekonomiese Ontwikkeling of 'n soortgelyke funksie;
- (d) een of meer aangestel vanuit die gemeenskap in die gebied van die plaaslike komitee aangestel op grond van sy of haar kennis in die veld van welsyn of sosio-ekonomiese ontwikkeling of maatskaplike dienste; en
- (e) 'n sekretaris wat na die plaaslike komitee gesecondeer is.
- (2) Niemand moet aangestel word as 'n lid van die plaaslike komitee nie indien sodanige persoon-
- (a) nie 'n burger van die Republiek is wat in die Provinsie woonagtig is nie;
- (b) 'n ongerehabiliteerde insolvent is;
- (c) onderhewig is aan 'n hofbevel wat verklaar dat sodanige persoon geestelik siek of versteurd is;
- (d) te eniger tyd skuldig bevind is, hetsy binne die Republiek of elders, aan diefstal, bedrog, vervalsing of die uitgee van 'n vervalste dokument, meened, 'n oortreding kragtens hierdie Wet of die Korrupsie Wet, Nr 94 van 1992, of enige oortreding waarby oneerlikheid betrokke is;
- (e) te enige tyd ontslaan is uit 'n vertrouensamp op grond van wangedrag; of
- (f) 'n direkte of indirekte geldelike belang het in enige drankbesigheid of die eggenoot is van sodanige persoon.
- (3) Die Lid van die Uitvoerende Raad moet een lid van die plaaslike komitee as 'n Voorsitter aanstel en 'n ander as Ondervoorsitter.

Bevoegdhede en pligte van die plaaslike komitee

21. (1) Die plaaslike komitee oorweeg alle aansoeke om lisensies, oordrag van lisensies, wysiging van voorwaardes en enige ander aansoek ingevolge hierdie Wet binne een-en-twintig (21) dae van ontvangs of sodanige langer tydperk as wat bepaal mag word deur die sekretaris van die Raad in geval van besware wat ingedien word teen die verlening van 'n bepaalde lisensie.

(2) Die plaaslike komitee moet aanbevelings maak met betrekking tot alle aansoeke en dit aan die Raad voorlê onmiddellik na oorweging van die aansoeke.

(3) Die plaaslike komitee kan die Raad adviseer of 'n verslag of aanbeveling aan die Raad verstrek aangaande enige aangeleentheid wat deur die Raad na hom verwys is vir oorweging en voortspruitend uit die toepassing van hierdie Wet of in verband met die beheer oor of die verspreiding van drank.

(4) Die plaaslike komitee moet sodanige ander werksaamhede verrig as wat aan hom toegedeel word ingevolge hierdie Wet.

Algemene Bepalings met betrekking tot plaaslike komitees

22. Die bepalings van artikels 5 tot 12 van Hoofstuk 2 is insgelyks van toepassing op die plaaslike komitees met die nodige veranderinge.

HOOFSTUK 3

AANSOEKE OM LISENSIES

23. (1) Elke aansoek om 'n nuwe lisensie word gedoen by die toepaslike plaaslike komitee van die distrik of metropolitaanse gebied waarin die lisensie verlang word, in die voorgeskrewe vorm deur indiening by die sekretaris van die plaaslike komitee en moet verskaf of vergesel wees van-

- (a) 'n gedetailleerde skriftelike motivering ter ondersteuning van die lisensie waarvoor aangesoek gedoen word;
- (b) 'n gedetailleerde sketsplan van die perseel wat die kamers, dienste, geboue, konstruksiemateriaal en ander ter sake inligting aantoon;
- (c) 'n gedetailleerde skriftelike beskrywing van die perseel waarop die aansoek betrekking het, saam met kleurfoto's van die eksterne en interne gesteldheid van die perseel;
- (d) 'n verslag van 'n inspekteur en verslae van enige inspeksie wat volgens enige wet of munisipale regulasie voorgeskryf word;
- (e) bewys van die publikasie van kennisgewings in die koerante ingevolge artikel 24;
- (f) 'n sertifikaat van geskiktheid ten opsigte van die persoon van die aansoeker en die aansoek uitgereik deur die Suid-Afrikaanse Polisie Diens of enige ander Wetstoepassingsagentskap;
- (g) die volledige besigheidsadres en ligging van die perseel waarmee die aansoek verband hou, identiteitsnommer of registrasienommer van die aansoeker, residensiële adres of adres van geregistreerde kantoor van die aansoeker;
- (h) bewys van affiliasie by 'n vereniging in artikel 38 vermeld; en
- (i) bewys van betaling van die voorgeskrewe geld.

(2) Vir die doeleindes van die oorweging van 'n lisensie kragtens subartikel (1) kan die plaaslike komitee 'n inspeksie van die perseel waarmee die aansoek verband hou laat plaasvind en enige ander ondersoek wat die plaaslike komitee mag nodig ag.

(3) Waar 'n aansoek om 'n lisensie deur die Raad geweier is,

kan geen nuwe aansoek met betrekking tot dieselfde perseel gemaak word binne 'n tydperk van een (1) jaar vanaf die datum van weiering nie, behalwe deur spesiale verlof toegestaan na goeddunke van die Raad.

(4) Aansoeke om taverne-, potspelklub-, kroeg-, drankwinkel- en nagklubdranklisensies moet verder vergesel wees van ondubbelsinnige goedkeuring deur die tersaaklike departement van die tersaaklike metropolitaanse of distriksraad, bykomend tot enige sonerings- of beplannings- of omgewingswetsvereistes.

Kennisgewing van aansoek

24. (1) Elke aansoeker moet kennis gee van 'n aansoek by wyse van publikasie in nie minder nie as twee koerante wat in die gebied versprei word waarin die perseel geleë is, op die voorgeskrewe wyse, en in die Provinsiale Koerant.

(2) Die kennisgewing van die aansoek moet gemaak word binne sewe (7) dae voor die indiening van die aansoek.

(3) Kennisgewing van die aansoek moet insluit die volle name van die aansoeker, voorgenome handelsnaam, identiteitsnommer of registrasienommer van die aansoeker, volledige adres en ligging van die perseel, die soort lisensie waarom aansoek gedoen word, name en aard van opvoedkundige instelling en plekke van aanbidding binne 'n omtrek van een (1) kilometer van die perseel.

(4) Die kennisgewing beoog in subartikel (1) nooi belanghebbende persone uit om besware in te dien ingevolge artikel 25.

Besware

25. (1) Enigiemand kan 'n beswaar indien teen die verleen van 'n lisensie ingevolge hierdie Wet, op die voorgeskrewe wyse, by die plaaslike komitee en by die aansoeker binne een-en-twintig (21) dae vanaf die datum van publikasie van 'n kennisgewing waarna verwys word in artikel 24.

(2) Die beswaar moet die redes daarvoor volledig verklaar en die volle name bevat van die persoon of instelling wat beswaar maak, saam met die volledige adres en kontakbesonderhede en vergesel wees van enige ondersteunende dokumentasie.

Reaksie van die aansoeker op besware

26. Die aansoeker moet, binne 'n tydperk van sewe (7) dae van ontvangs van die beswaar, sy of haar skriftelike antwoord indien, indien enige, op die besware ingedien ingevolge artikel 25 deur 'n afskrif daarvan voor te lê aan beide die plaaslike komitee en die persone wat die besware ingedien het.

Aanhoor van aansoeke

27. (1) Die plaaslike komitee of die Raad kan 'n aanhoring belê om enige aansoek en besware teen die betrokke aansoek te oorweeg, op sodanige datum, tyd en plek wat hy mag bepaal.

(2) Alle belanghebbende persone, insluitende die aansoeker en enigiemand wat 'n beswaar teen 'n aansoek ingedien het, moet die geleentheid tot 'n verhoor gegun word en verteenwoordig word deur iemand van hulle keuse.

(3) 'n Verhoor kan verdaag en hervat word op sodanige datum en op sodanige tyd en plek as wat die plaaslike komitee of die Raad mag bepaal.

Soorte lisensies

28. (1) Die volgende lisensies kan verleen word vir die verkoop en verskaffing van drank-

- (a) vir verbruik op die betrokke gelisensieerde perseel-
 - (i) hotel dranklisensies
 - (ii) restaurant dranklisensies
 - (iii) teater dranklisensies
 - (iv) klub dranklisensies
 - (v) nagklub dranklisensies
 - (vi) dobbel dranklisensies
 - (vii) sportterreindranklisensies
 - (viii) kroeg dranklisensies
 - (ix) danssaal dranklisensies
 - (x) tavernedranklisensies
 - (xi) potspelklub dranklisensies
- (b) vir verbruik buite die betrokke gelisensieerde perseel-
 - (i) groothandelaars dranklisensies
 - (ii) drankwinkellisensies
 - (iii) kruidenierswynlisensies; en
 - (iv) mikrovervaardiger dranklisensie; en
- (c) vir verbruik op en buite die gelisensieerde perseel-
 - (i) sorghumbierlisensies;

Inhoud van lisensies

29. (1) 'n Lisensie verleen aan die houer daarvan sodanige regte en voorregte en onderwerp hom of haar aan sodanige verpligtinge en aanspreeklikhede wat uit hoofde van hierdie Wet daarby gereël word of uit die hou daarvan voortvloei.

(2) 'n Lisensie dui op bewys van betaling van gelde.

Oorweging van aansoeke om lisensies

30. (1) 'n Aansoek om 'n lisensie moet deur die plaaslike komitee

oorweeg word en met aanbevelings na die Raad verwys waarna die Raad die aansoek moet oorweeg, en hy -

- (a) die aansoek weier; of
 - (b) die aansoek toestaan.
- (2) Die Raad staan nie 'n aansoek om enige lisensie toe nie, tensy, onder andere-
- (a) die perseel geskik is of by voltooiing geskik sal wees, vir die doeleindes waarvoor dit kragtens die lisensie gebruik sal word;
 - (b) in geval van persele binne 'n omtrek van vyfhonderd (500) meter in die nabyheid van 'n plek van aanbedding, opvoedkundige instelling, soortgelyke gelisensieerde perseel, openbare vervoerfasiliteit of in 'n woongebied geleë, of sodanige verdere afstand as wat die Raad mag bepaal of soos voorgeskryf mag word van tyd tot tyd, is die Raad tevrede dat, behalwe in die geval van taverne-, potspelklub-, drankwinkel-, sorghumbier-, kroeg- en nagklublisensie, die betrokke besigheid bedryf sal word op 'n wyse wat nie 'n ergernis of rusverstoring uitmaak nie;
 - (c) die betrokke aansoeker van goeie karakter is en andersins geskik is om die houer van die lisensie te wees;
 - (d) die verlening van die lisensie in die openbare belang is;
 - (e) die moontlikheid bestaan dat die toestaan van die aansoek 'n skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of vererger; of
 - (f) die perseel, akkommodasie, toerusting en fasiliteite ten opsigte waarvan die lisensie uitgereik gaan word is, of sal, indien die aansoeker gelisensieerd is, ooreenkomstig hierdie Wet en regulasies wees.

Aansoeke om spysenierings- of geleentheidspermitte

31. (1) 'n Aansoek om 'n spysenierings- of geleentheidspermit word deur die Raad oorweeg via die plaaslike komitee, en die Raad kan die betrokke aansoek toestaan of weier.

(2) Die Raad verleen nie 'n spysenierings- of geleentheidspermit kragtens subartikel (1) nie tensy die aansoeker kan bewys dat buitengewone omstandighede die verlening van die spysenierings- of geleentheidspermit regverdig vir 'n tydperk van nie langer nie as sewe (7) opeenvolgende dae.

(3) 'n Spysenierings- of geleentheidspermit word ook verleen op

aansoek van die sekretaris, bestuurder, hoof, direkteur of bestemde senior ampsdraer van 'n bona fide-uitstalling, sportklub, sportterrein, kultuur- of welsynsorganisasie, opvoedkundige instelling, wedren- of sportbyeenkoms.

(4) Die Raad moet oortuig wees dat die verspreiding of verkoop van drank nie die hoofbesigheid van die aansoeker is nie, maar meegebring is deur die geleentheid wat deur die aansoeker aangebied word.

(5) Die Raad moet die plan van die perseel goedkeur en die verkoop van drank op sekere plekke op die perseel spesifiek uitsluit en die soort drank wat verkoop gaan word bepaal.

Dood of onbekwaamheid van 'n aansoeker

32. Indien iemand wat 'n aansoek gedoen het om 'n lisensie op of voor die datum waarop die aansoek oorweeg word, sterf, insolvent raak, onder geregtelike bestuur geplaas word of onbekwaam verklaar word om sy of haar eie sake te behartig-

- (a) die betrokke beredderaar van die bestorwe of insolvente boedel, geregtelike bestuurder of kurator, indien so 'n beredderaar, bestuurder of kurator nog nie aangestel is nie of die bekleër van daardie amp nie kan of wil optree nie, iemand wat 'n belang in die aansoek het en deur die bevoegde gesag wat die aansoek oorweeg daartoe gemagtig word, behoudens die reg rakende bestorwe boedels, insolvensie, geregtelike bestuur of geestesgesondheid, al die regte wat die aansoeker sou gehad het indien hy of sy nie gesterf het, insolvent geraak het, onder geregtelike bestuur geplaas is of aldus onbekwaam verklaar is nie; en
- (b) kan die Raad, behoudens hierdie Wet en genoemde reg, na goeddunke die aansoek oorweeg en die lisensie verleen ten gunste van so 'n beredderaar, bestuurder, kurator of persoon of die aansoek weier.

UITREIKING VAN LISENSIES EN PERMITTE

Lisensies en permitte

33. (1) Nadat die Raad 'n aansoek ingevolge hierdie Wet toegestaan het, moet hy, behoudens artikel 35, die lisensie deur die plaaslike komitee aan die aansoeker uitreik om die soort drank te verkoop waarvoor voorsiening gemaak word in hierdie Wet met betrekking tot die betrokke soort lisensie, of, in die geval van 'n spysenierings- of geleentheidspermit, die soort drank deur die Raad bepaal en spesifieke plekke op die perseel wat uitgesluit is deur die Raad ingevolge artikel 31(5).

(2) Die Raad kan te eniger tyd na die uitreik van 'n lisensie of

permit ingevolge subartikel (1) of artikel 37, deur 'n kennisgewing afgelewer by die betrokke lisensiehouer-

- (a) verklaar dat die lisensie of permit onderworpe is aan die voorwaardes of bykomende voorwaardes in die kennisgewing uiteengesit wat hy na sy goëddunke oplê; of
- (b) enige voorwaarde of verklaring opgelê of gemaak ingevolge hierdie Wet, opskort, intrek of wysig.

Duplikaat lisensies

34. (1) Die Raad kan te eniger tyd na die uitreiking van 'n lisensie kragtens artikel 33 'n duplikaat lisensie aan die lisensiehouer uitreik by betaling van die voorgeskrewe gelde en by bewys van die vernietiging of verlies van die oorspronklike lisensie.

(2) 'n Lisensie uitgereik kragtens subartikel (1) is onderworpe aan dieselfde voorwaardes wat in die oorspronklike lisensie uiteengesit is.

Onvoltooide persele

35. (1) Indien 'n aansoek om 'n lisensie (uitgesonderd 'n spysenierings- of geleentheidspermit) deur die Raad toegestaan word ten opsigte van 'n perseel wat nog nie opgerig is nie, of 'n perseel wat die uitvoer van enige strukturele verandering, aanbouing of herbouing vereis ten einde dit geskik te maak vir die doeleindes waarvoor dit kragtens die lisensie gebruik sal word, reik die Raad 'n kennisgewing aan die betrokke aansoeker uit waarin hy of sy beveel word om binne die tyd wat die Raad bepaal en in die kennisgewing vermeld word, te voldoen aan sodanige voorwaardes of vereistes met betrekking tot daardie perseel wat insgelyks bepaal en vermeld word.

(2) Die Raad kan te eniger tyd na die uitreiking van so 'n kennisgewing, op aansoek deur die betrokke aansoeker-

- (a) enige voorwaarde of vereiste kragtens subartikel (1) bepaal, intrek of wysig;
- (b) die tydperk kragtens subartikel (1) bepaal, verleng; of
- (c) 'n gewysigde plan ten opsigte van die perseel goedkeur.

(3) Die tydperk kragtens subartikel (1) bepaal is nie langer as twaalf (12) maande wees nie.

(4) Wanneer die Raad oortuig is dat die perseel ten opsigte waarvan 'n kennisgewing kragtens subartikel (1) uitgereik is, voltooi is in ooreenstemming met die plan daarvan wat deur die Raad goedgekeur is, die voorwaardes en vereistes deur die Raad bepaal, nagekom is, en die perseel geskik is vir die doeleindes waarvoor dit kragtens die betrokke lisensie gebruik sal word, moet hy die lisensie uitreik in ooreenstemming met artikel 37.

(5) Indien die lisensie nie uitgereik word nie voor die verstryking

van die tydperk kragtens subartikel (1) bepaal, of verleng kragtens subartikel (2)(b), verval die betrokke kennisgewing en word die aansoek om die lisensie geag nie toegestaan te gewees het nie.

(6) Indien 'n aansoeker aan wie 'n kennisgewing kragtens subartikel (1) uitgereik is, sterf, insolvent raak, onder geregtelike bestuur geplaas word, of onbekwaam verklaar word om sy of haar eie sake te behartig-

- (a) het die betrokke beredderaar van die bestorwe of insolvente boedel, geregtelike bestuurder of kurator of, indien so 'n beredderaar, bestuurder of kurator nog nie aangestel is nie of die bekleër van daardie amp nie kan of wil optree nie, iemand wat belang in die aansoek het en deur die Raad daartoe gemagtig word, behoudens die reg rakende bestorwe boedels, insolvensie, geregtelike bestuur of geestesgesondheid, al die regte wat daardie aansoeker sou gehad het indien hy of sy nie gesterf het, insolvent geraak het, onder geregtelike bestuur is of aldus onbekwaam verklaar is nie; en
- (b) kan die beredderaar, bestuurder, kurator of persoon in paragraaf (a) van hierdie subartikel beoog, enigiets doen wat van hom of haar uit hoofde van die kennisgewing vereis word om te doen ten einde die Raad aangaande die aangeleentheid in subartikel 4 beoog, te oortuig.

Diskwalifikasie en ander onbevoegdheid

36. 'n Lisensie word nie uitgereik aan iemand wat ingevolge hierdie Wet of andersins onbevoeg is om die betrokke lisensie te hou nie.

HOOFSTUK 4

ALGEMENE VOORWAARDES VIR LISENSIES

Voorwaardes vir lisensies en permitte

37. (1) 'n Lisensie of permit waarvoor voorsiening gemaak word in hierdie Wet word nie verleen nie aan enigiemand wat-

- (a) in die Republiek of elders in die voorafgaande 10 jaar vir enige misdryf gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete, tensy die Raad van oordeel is dat die misdryf van so 'n aard was dat dit nie impliseer dat so iemand ongeskik is om die lisensie te hou nie of tensy die vonnis deur 'n bevoegde hof tersyde gestel is of amnestie of

- (b) algehele grasië aan so iemand toegestaan is; in die voorafgaande 10 jaar skuldig bevind is aan 'n misdryf ingevolge hierdie Wet, die Drankwet, 1989 (Wet Nr 27 van 1989) of enige dergelike wet wat hiervoor toepaslik was, en skuldig bevind en gevonnissen is tot 'n boete van minstens R200 of tot gevangenisstraf sonder die keuse van 'n boete of beide tronkstraf en 'n boete tensy die skuldigbevinding en vonnis deur 'n hof tersyde gestel is of amnestie of algehele grasië met betrekking tot enigeen van die vonnisse aan so iemand toegestaan is of die boete kwytgeskeld is;
- (c) 'n ongerehabiliteerde insolvent is;
- (d) op die datum van die oorweging van die betrokke aansoek 'n minderjarige is;
- (e) die gade is van iemand in paragraaf (a), (b) of (c) beoog;
- (f) 'n produsent of die verteenwoordiger van 'n produsent is;
- (g) 'n vervaardiger van bier, uitgesonderd 'n mikrovervaardiger of die verteenwoordiger van so iemand;
- (h) iemand wat 'n geldelike belang in die besigheid van 'n produsent of 'n vervaardiger van bier het, of die verteenwoordiger van so iemand;
- (i) 'n maatskappy waarin aandeelhouers wat 'n geldelike belang in die onderneming van 'n produsent of 'n vervaardiger van bier het, saam 'n beheerende belang het, of die verteenwoordiger van so 'n maatskappy; of
- (j) 'n maatskappy waarin 'n maatskappy beoog in paragraaf (j) 'n beheerende belang het, of die verteenwoordiger van so 'n maatskappy.

(2) Indien iemand wat ingevolge subartikel (1) gediskwalifiseer is om 'n lisensie te hou-

- (a) 'n beheerende belang in 'n maatskappy, beslote korporasie of trust het;
- (b) 'n vennoot in 'n vennootskap is; of
- (c) die hoofbegunstigde kragtens 'n trust is,

word 'n lisensie ook nie aan daardie maatskappy, korporasie, vennootskap of trust verleen nie.

(3) 'n Lisensie uitgereik ingevolge hierdie Wet is onderworpe aan voorwaardes.

(4) 'n Lisensiehouer moet, as voorwaarde van 'n lisensie uitgereik ingevolge hierdie Wet, die inspeksie en ondersoeking van gelisensieerde persele te alle redelike tye deur 'n inspekteur toelaat en moontlik maak.

(5) Die lisensie moet te alle tye op die gelisensieerde perseel gehou word, vertoon word in 'n opsigtelike plek op die perseel en voorgelê word op versoek van iemand wat daartoe gemagtig is kragtens hierdie Wet of enige ander wet.

Drankhandel Vereniging

38. (1) Daar word in die Provinsie 'n Vereniging van Drankhandelaars ingestel wat bekend sal staan as die Drankhandel Vereniging.

(2) (a) Alle ander verenigings wat aktief is in die drankhandel moet affilieer by die Drankhandel Vereniging.

(b) Alle lisensiehouers en aansoekers om lisensies wat nie lede is van verenigings waarna verwys word in paragraaf (a) nie moet lede wees van die Drankhandel Vereniging.

(3) Die Lid van die Uitvoerende Raad kan 'n Minimum Standaard Grondwet vir die Drankhandel Vereniging voorskryf.

(4) 'n Vereniging in subartikel (1) vermeld kan takke hê in metropolitaanse rade of distriksrade.

(5) Die Vereniging moet 'n georganiseerde handel in drank in die provinsie, deeglikheid onder sy lede en geaffilieerdes, nakoming van alle wette en beleide met betrekking tot die regulering van drank en die verantwoordelike verbruik van drank bevorder.

(6) Die Vereniging moet, so gou as wat dit prakties moontlik is na die sluiting van die boekjaar maar nie langer nie as drie maande, 'n jaarverslag oor sy aktiwiteite gedurende die voorafgaande boekjaar voorlê aan die Lid van die Uitvoerende Raad.

Geldelike en beherende belang

39. (1) 'n Produsent, 'n vervaardiger van bier of iemand wat 'n beherende belang het in 'n maatskappy, vennootskap of beslote korporasie wat 'n produsent of 'n vervaardiger van bier is, verkry nie, behoudens die bepalings van artikel 37, sonder die toestemming van die Lid van die Uitvoerende Raad, verleen op aansoek en op voorwaardes wat hy of sy goetvind, regstreeks of onregstreeks 'n geldelike belang in die besigheid waarop 'n lisensie in artikel 28 vermeld, betrekking het nie.

(2) Die houer van 'n lisensie beoog in subartikel (1) of iemand wat 'n beherende belang het in 'n maatskappy, vennootskap of beslote korporasie wat die houer van so 'n lisensie is, verkry nie sonder die toestemming van die Lid van die Uitvoerende Raad, verleen op aansoek en op die voorwaardes wat hy of sy goetvind, regstreeks of onregstreeks 'n geldelike belang in die besigheid van 'n produsent of 'n vervaardiger van bier nie.

(3) Die houer van 'n lisensie moet nie enigiemand anders

toelaat om 'n geldelike of beherende belang te verkry in die besigheid waarop die lisensie betrekking het nie, tensy die Raad, op aansoek deur die houer, soos voorgeskryf, toestemming verleen het dat so iemand sodanige belang in daardie besigheid verkry.

(4) Die Lid van die Uitvoerende Raad verleen nie toestemming kragtens subartikel (1) nie-

- (a) in die geval van 'n besigheid waarop 'n klubdranklisensie betrekking het;
- (b) waar die persoon wat die onderwerp van die aansoek is, ingevolge hierdie Wet of ander wette gediskwalifiseer is om 'n lisensie te hou; of
- (c) indien na sy of haar oordeel die moontlikheid bestaan dat die toestaan van die aansoek 'n skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of vererger.

Bestuur

40. (1) Iemand anders as 'n natuurlike persoon sit nie enige besigheid kragtens 'n lisensie voort nie tensy hy of sy 'n natuurlike persoon wat permanent in die Republiek woonagtig is en wat nie ingevolge hierdie Wet gediskwalifiseer is om 'n lisensie te hou nie, op die voorgeskrewe wyse aanstel om sy of haar besigheid te bestuur en daarvoor verantwoordelik te wees.

(2) 'n Natuurlike persoon wat die houer is van 'n lisensie kan 'n ander natuurlike persoon wat permanent in die Republiek woonagtig is en wat nie ingevolge hierdie Wet gediskwalifiseer is om 'n lisensie te hou nie, op die voorgeskrewe wyse aanstel om die besigheid waarmee die eersgenoemde lisensie verband hou te bestuur en daarvoor verantwoordelik te wees.

- (3)
- (a) Iemand wat die besigheid waarop 'n lisensie betrekking het, bestuur en daarvoor verantwoordelik is, is onderworpe aan dieselfde verpligtinge en aanspreeklikhede as die houer van die betrokke lisensie.
 - (b) Wanneer 'n oortreding kragtens hierdie Wet of die regulasies deur 'n regspersoon begaan is, is iemand wat 'n besigheid bestuur en daarvoor verantwoordelik is, skuldig aan dieselfde oortreding as die regspersoon en gesamentlik en afsonderlik aanspreeklik vir die straf wat vir die oortreding voorgeskryf word.
 - (c) Niks in hierdie subartikel onthef die regspersoon of die persoon wat die oortreding begaan van aanspreeklikheid nie en stel dus nie die houer van die lisensie vry van enige verpligting of aanspreeklikheid waaraan hy of sy volgens wet onderhewig is nie.

Aard van persele

41. (1) Behoudens artikel 91 en sonder om afbreuk te doen aan artikel 42 kan die houer van 'n lisensie nie sy of haar besigheid kragtens die lisensie voortsit op 'n perseel waarop enige ander besigheid, met inbegrip van 'n besigheid waarop enige ander lisensie betrekking het, of enige ambag of beroep voortgesit of beoefen word nie.

(2) Twee of meer persele onder dieselfde dak word vir die doeleindes van subartikel (1) geag een te wees indien daardie persele nie heeltemal van mekaar geskei is nie deur 'n muur of mure waarin daar geen deur, venster of ander opening is nie.

(3) Die openbare oppervlak van binneverbruikpersele moet nie minder wees as die voorgeskrewe grootte nie, tensy die Raad, op aanbeveling van die plaaslike komitee, anders bepaal.

(4) Die totale vloeroppervlak van buiteverbruikpersele moet nie minder wees as die voorgeskrewe grootte nie, tensy die Raad, op aanbeveling van die plaaslike komitee, anders bepaal.

(5) Persele moet te alle tye voldoen aan alle wette, metropolitaanse of distriksraad verordeninge en regulasies, insluitende gesondheids- en rookwette.

Aard van besigheid

42. (1) Ondanks enige andersluidende wet, kan-

- (a) die houer van 'n binneverbruiklisensie ook koerante, ligte verversings en rokersbenodighede op die gelisensieerde perseel verkoop of verskaf, of die ander besigheid daarop voortsit wat die Raad, op aansoek, wanneer hy die betrokke lisensie verleen, op aansoek, te eniger tyd daarna, goedkeur onderworpe aan die voorwaardes wat die Raad goedvind; en
- (b) die houer van 'n drankwinkellisensie in artikel 28 vermeld ook mineraalwater, ander drank, tabak, sigare, sigarette, vuurhoutjies, verkoelsakke en sodanige ander artikels verkoop of magtig wat die Raad magtig.

Veranderings aan en uitbreiding van gelisensieerde persele

43. (1) 'n Lisensiehouer voer nie enige strukturele verandering, aanbouing of herbouing van of aan die gelisensieerde perseel uit nie, of brei nie die gelisensieerde perseel uit nie, behalwe met die toestemming van die Raad, op aansoek deur hom verleen en op die voorwaardes wat hy goedvind.

Plek vir verkoop van drank

44. (1) Die houer van 'n lisensie verkoop nie drank op enige ander plek as die gelisensieerde perseel nie.

(2) Die Raad kan, op aansoek deur die houer van 'n binneverbruiklisensie, toestemming aan daardie houer verleen om, op die voorwaardes wat die voorsitter goedvind en vir die tydperk wat die hy bepaal, sy of haar besigheid op slegs 'n deel van die gelisensieerde perseel voort te sit.

Werknemers

45. (1) Die houer van 'n lisensie moet nie -

(a) by of in verband met die verkoop of verskaffing van drank; of

(b) gedurende die tye wanneer hy of sy drank mag verkoop of verskaf, in enige beperkte deel (as daar is) van die gelisensieerde perseel,

enigiemand in diens hê nie -

(i) wat minderjarig is; of

(ii) wat na sy of haar kennis binne die voorafgaande twee jaar skuldig bevind is aan 'n oortreding van enige wet wat die verkoop van drank beheer en daarvoor gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete of 'n boete of beide gevangenisstraf en 'n boete.

(2) Subartikel (1) is nie van toepassing nie -

(a) op enigiemand van bo die ouderdom van 18 jaar wat opleiding in spysenieringsdienste ondergaan of ondergaan het, en wat in diens is op die perseel kan die houer van 'n lisensie by wie hy of sy behoorlik in die leer gesit is in enige hoedanigheid in verband met die bestuur van die besigheid waarop die lisensie betrekking het; of

(b) op 'n lid van die gesin van die houer van die lisensie of van die bestuurder van die besigheid waarop die lisensie betrekking het.

Minderjariges

46. Die houer van 'n lisensie mag nie drank op die perseel verkoop of verskaf aan minderjariges nie of so iemand wat nie iemand beoog in artikel 45 (2) is nie, in enige beperkte deel (as daar is) van daardie perseel toelaat nie.

Beskonke persone

47. (1) Die houer van 'n lisensie weier om 'n beskonke persoon op die gelisensieerde perseel of enige gedeelte daarvan toe te laat, of aan hom of haar drank te verkoop of te verskaf en laat sodanige persoon verwyder van die gelisensieerde perseel of enige gedeelte daarvan.

(2) Die houer van 'n lisensie versoek enige polisiebeampte om enigiemand beoog in subartikel (1) van die gelisensieerde perseel te verwyder of behulpsaam te wees met sy of haar verwydering.

Aantekeninge

48. (1) Die houer van 'n lisensie moet die voorgeskrewe aantekeninge op die voorgeskrewe wyse hou.

(2) Die Raad kan te eniger tyd deur middel van 'n kennisgewing wat aan die houer van 'n lisensie gelewer is -

- (a) daardie houer gelas om die bykomende aantekeninge wat in die kennisgewing bepaal word, te hou op die wyse wat insgelyks bepaal word;
- (b) enige lasgewing in paragraaf (a) beoog, intrek of wysig.

Verstreking van inligting en dokumente

49. Die houer van 'n lisensie verstrekk, op versoek van die Raad, die inligting en dokumente in verband met die gelisensieerde perseel (met inbegrip van 'n beskrywing en plan daarvan), die besigheid waarop die lisensie betrekking het of daardie houer se belange in die drankhandel of 'n vertakking daarvan.

Kwaliteit van drank

50. Die houer van 'n lisensie verkoop of verskaf nie enige onwettige of nagemaakte drank nie.

SPESIALE VOORWAARDES VAN TOEPASSING OP BINNEVERBRUIKLISENSIES

Algehele voorwaardes

Plek vir verbruik van drank

51. (1) Die houer van 'n binneverbruiklisensie moet toesien dat drank wat daarkragtens verkoop word slegs op die gelisensieerde perseel verbruik word.

(2) Ondanks enige bepaling van hierdie Wet, mag die houer van 'n binneverbruiklisensie oop bly vir die doeleindes soos beskryf in die lisensie vanaf 21h00 op die namiddag van 31 Desember tot die oggend van 1 Januarie, tensy andersins aangedui.

Hoteldranklisensies

Aard van besigheid

52. (1) Die houer van 'n hoteldranklisensie moet te alle tye 'n bona fide-hotel waarby akkommodasie en maaltye gereeld aan gaste verskaf word, op die gelisensieerde perseel in stand hou.

(2) 'n Register van alle loseerders word te alle tye op die gelisensieerde perseel gehou.

Besigheidstye

53. Die houer van 'n hoteldranklisensie kan, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye op die gelisensieerde perseel drank verkoop aan 'n loseerder of gas vir verbruik deur die loseerder of gas in die hotelkamer of aan enigiemand wat 'n maaltyd nuttig wat gekoop is op daardie perseel en drank verbruik by of onmiddellik voor of na die maaltyd.

Restaurantdrinklisensie

Aard van besigheid

54. Die houer van 'n restaurantdrinklisensie moet te alle tye 'n bona fide-restaurant waarby maaltye gereeld aan gaste verskaf word, op die gelisensieerde perseel in stand hou.

Besigheidstye

55. Die houer van 'n restaurantdrinklisensie kan, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye op die gelisensieerde perseel drank verkoop slegs aan iemand wat 'n gewone maaltyd nuttig wat op die gelisensieerde perseel gekoop is en wat die drank by of onmiddellik voor of na die maaltyd verbruik.

Teaterdrinklisensie

Aard van besigheid

56. (1) Die houer van 'n teaterdrinklisensie moet te alle tye 'n bona fide-teater waarby toneelopvoerings, toneelstukke, konserte of rolprente gereeld aan die publiek aangebied of vertoon word, op die gelisensieerde perseel in stand hou.

(2) Die houer van so 'n lisensie mag nie by of onmiddellik voor of na 'n besondere vertoning of aanbieding drank aan enigiemand verkoop of verskaf wat nie tot daardie vertoning of aanbieding toegang verleen is nie.

Besigheidstye

57. Die houer van 'n teaterdranklisensie kan, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye drank verkoop.

*Klubdranklisensie***Aard van besigheid**

58. (1) 'n Klubdranklisensie word nie verleen nie behalwe aan 'n klub ten opsigte waarvan die Raad tevrede is dat dit 'n bona fide-klub is en dat, volgens die grondwet of reëls daarvan-

- (a) die klub bestaan uit ten minste 15 gewone lede;
- (b) sy bestuur deur sy lede verkies is en gereeld vergaderings hou waarvan behoorlike notule gehou word;
- (c) slegs sy lede (met inbegrip van bona fide-wederkerighedslede) toegelaat is om te betaal vir fasiliteite, drank of verversings wat op die perseel van die klub voorsien word;
- (d) insoverre die gebruik van sy fasiliteite deur gaste (met uitsondering van familielede) van sy lede toelaatbaar is deur daardie reëls, moet die aantal gaste van enige lid nie te eniger tyd die toegelate aantal oorskry nie;
- (e) 'n behoorlike register, met inbegrip van 'n register van lede, word gehou;
- (f) lede betaal 'n jaarlikse inskrywingsfoo; en
- (g) geen wins vanuit die verkope van drank by die klub val enige individu toe nie.

(2) Die houer van 'n klubdranklisensie moet te alle tye op die gelisensieerde perseel 'n bona fide-klub in stand hou ten opsigte waarvan aan die vereistes van hierdie Wet voldoen word.

Besigheidstye

59. Die houer van 'n klubdranklisensie kan, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye drank verkoop.

Aantekeninge

60. Die houer van 'n klubdranklisensie verkoop of verskaf nie drank aan 'n lid van die klub vir verbruik deur daardie lid se gas nie tensy daardie lid sy of haar naam en die naam en adres van daardie gas duidelik en onuitwisbaar

ingeskryf het in die toepaslike aantekeninge (as daar is) wat daardie houer uit hoofde van hierdie Wet moet hou.

Tavernedranklisensies

Aard van besigheid

61. (1) Die houer van 'n tavernelisensie moet toesien dat die gelisensieerde perseel te alle tye apart is van enige ander gebou, veral 'n residensiële gebou of indien dit vas is aan 'n ander gebou, moet dit geskei wees deur middel van mure en sluitbare deure.

(2) Die lisensiehouer moet te alle tye voedsel en verskeie vorms van vermaak van hoë of aanvaarbare standarde op die gelisensieerde perseel verskaf.

Besigheidstye

62. Die houer van 'n tavernedranklisensie mag, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye drank verkoop.

Potspelklubdranklisensies

Aard van besigheid

63. Die houer van 'n potspelklubdranklisensie moet op die gelisensieerde perseel 'n bona fide-potspelklub in stand hou en speletjies verskaf soos in hierdie Wet gedefinieer.

Besigheidstye

64. (1) Die houer van 'n potspelklubdranklisensie mag, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye drank verkoop.

Danssaaldranklisensies

Aard van besigheid

65. Die houer van 'n danssaaldranklisensie moet op die gelisensieerde perseel besigheid doen soos gedefinieer in hierdie Wet.

Besigheidstye

66. Die houer van 'n danssaal dranklisensie mag, ondanks enige andersluidende wet, op enige dag gedurende die voorgeskrewe tye drank verkoop.

*Nagklub dranklisensies***Aard van persele**

67. (1) Die houer van 'n nagklub dranklisensie moet op die gelisensieerde perseel dans en vermaak asook ligte maaltye verskaf.

(2) Die gelisensieerde moet te alle tye, ook ten tye van die aansoek om 'n lisensie, 'n lid van die Drankhandel Vereniging, beoog in artikel 38, wees, tensy die Raad anders bepaal.

Besigheidstye

68. Die houer van 'n nagklub dranklisensie mag, ondanks enige andersluidende wet, drank op enige dag gedurende die voorgeskrewe tye aan 'n persoon wat die nagklub besoek en dit daar nuttig, verkoop.

*Kroeg dranklisensies***Aard van besigheid**

69. Die houer van 'n kroeg dranklisensie moet te alle tye seker maak dat drank verkoop en op die perseel genuttig word, en ook voorsiening maak vir versnaperinge of ligte maaltye.

Besigheidstye

70. Die houer van 'n kroeg dranklisensie mag, ondanks enige andersluidende wet, drank op enige dag gedurende die voorgeskrewe tye, verkoop.

*Dobbelperseel dranklisensies***Aard van besigheid**

71. (1) Die houer van 'n dobbelperseel dranklisensie moet alle soorte drank vir verbruik op die perseel verskaf.

(2) Die houer van 'n dobbelperseel dranklisensie moet 'n wettige dobbelbesigheid wat weddenskappe insluit, op die gelisensieerde perseel bedryf.

Besigheidstye

72. Die houer van 'n dubbelperseeldranklisensie mag, ondanks enige andersluidende wet, drank op enige dag gedurende die voorgeskrewe tye, verkoop.

*Sorghumbierlisensies***Aard van besigheid**

73. (1) Die houer van 'n sorghumbierlisensie waarna verwys word in hierdie Wet mag slegs sorghumbier vir verbruik op die gelisensieerde perseel of buite die perseel, verkoop.

(2) Die houer van 'n sorghumbierlisensie waarna verwys word in hierdie Wet mag, met die goedkeuring van die Raad en op aanbeveling van die betrokke plaaslike komitee, ander besigheid op die gelisensieerde perseel bedryf waar die gelisensieerde slegs sorghumbier verskaf vir buiteverbruik.

(3) Die houer van 'n sorghumbierlisensie wat sorghumbier vir verbruik op die perseel verskaf, moet voorsiening maak vir 'n vorm van vermaak saam met gewone maaltye.

Besigheidstye

74. Die houer van 'n sorghumbierdranklisensie mag, ondanks enige andersluidende wet, drank op enige dag gedurende die voorgeskrewe tye verkoop.

*Spysenierings- of Geleentheidspermit***Aard van besigheid**

75. Die houer van 'n spysenierings- of geleentheidspermit wat verleen is ten opsigte van enige perseel, moet toesien dat drank wat aan lede of gaste by die geleentheid verskaf word, slegs vir binneverbruik is.

Besigheidstye

76. Die houer van 'n spysenierings- of geleentheidspermit mag, ondanks enige andersluidende wet, drank verkoop of verskaf op enige dag gedurende die voorgeskrewe tye.

Sportklubdranklisensies

Aard van besigheid

77. Die houer van 'n sportklub-dranklisensie moet te alle tye 'n bona fide -sportklub waar openbare sportbyeenkomste gereeld gehou word, op die gelisensieerde perseel in stand hou.

Besigheidstye

78. (1) Die houer van 'n sportklubdranklisensie kan, ondanks enige andersluidende wet, drank verkoop op enige dag waarop openbare sportbyeenkomste op die betrokke sportterrein gehou word, en dan gedurende die voorgeskrewe tye.

SPESIALE VOORWAARDES VAN TOEPASSING OP BUITEVERBRUIKLISENSIES

Algehele voorwaardes

Plek vir verbruik van drank

79. (1) Behoudens subartikel (2) moet die houer van elke buiteverbruiklisensie toesien dat geen drank op die gelisensieerde perseel verbruik word nie.

(2) Die houer van 'n groothandelaarsdranklisensie, mikro-vervaardigerslisensie of drankwinkellisensie moet toesien dat drank wat ingevolge hierdie Wet verskaf word, slegs in die plek vir sodanige verskaffing wat ingevolge die toepaslike artikel bepaal is, verbruik word.

Aflewering van drank

80. (1) Die houer van 'n buiteverbruiklisensie mag nie –

- (a) drank uit of deur enige voertuig of ander houer aflewer of enigiemand beweeg om dit te doen nie, tensy, voor die versending van die drank, daardie drank bestel is en 'n faktuur, in die voorgeskrewe vorm indien enige vorm voorgeskryf is, ten opsigte van die bestelling uitgemaak is, waarvan die oorspronklike behou moet word op die perseel vanwaar die drank versend word;
- (b) drank in enige voertuig of ander houer vir aflewering vervoer nie tensy hy of sy 'n afskrif van die faktuur, beoog in paragraaf (a), ten opsigte van daardie drank in daardie voertuig of houer behou;
- (c) drank aflewer aan 'n adres wat nie in daardie faktuur aangegee word nie.

(2) Subartikel (1) is nie van toepassing op die aflewering van drank in die gewone loop van besigheid aan die houer van 'n lisensie of 'n vrygestelde persoon nie.

*Groothandelaarsdranklisensies***Aard van besigheid**

81. (1) Die houer van 'n groothandelaarsdranklisensie mag nie drank verkoop of verskaf aan iemand wat nie die houer van 'n lisensie of 'n vrygestelde persoon is nie.

(2) Subartikel (1) van hierdie artikel is nie van toepassing op die verskaffing van drank vir die doel van artikel 83 nie.

Besigheidstye

82. Die houer van 'n groothandelaarsdranklisensie kan, ondanks enige andersluidende wet, drank verkoop of aflewer op enige dag gedurende die voorgeskrewe tye.

Verskaffing van drank vir binneverbruik

83. (1) Goedkeuring kan, op aansoek, verleen word deur die Raad, wanneer hy 'n groothandelaarsdranklisensie verleen, of te enige tyd na die uitreiking van 'n groothandelaarsdranklisensie aan die houer van sodanige groothandelaarsdranklisensie om sy of haar drank kosteloos te verskaf, in die plek op die gelisensieerde perseel wat vir daardie doel afgesonder moet word, wat die Raad bepaal, aan –

- (a) 'n bona fide-besoeker aan daardie perseel;
- (b) 'n bona fide-gas; of
- (c) behoudens artikel 125 (1)(g), iemand wat in diens is in verband met die voortsetting van die besigheid waarop die lisensie betrekking het, vir verbruik in daardie plek, behalwe 'n minderjarige werknemer beoog in artikel 45(2).

(2) Die Raad kan so 'n goedkeuring uitreik onderworpe aan die voorwaardes in die goedkeuring uiteengesit wat die Raad na goeddunke oplê.

(3) Die Raad kan te eniger tyd na die uitreiking van so 'n goedkeuring, deur 'n kennisgewing wat aan die houer van die betrokke lisensie afgelewer is -

- (a) verklaar dat die goedkeuring onderworpe is aan die voorwaardes of verdere voorwaardes in die kennisgewing uiteengesit wat hy of sy na goeddunke oplê;
- (b) enige voorwaarde of verklaring wat deur die Raad ingevolge hierdie artikel opgelê of gemaak is, intrek of wysig;

- (c) op aansoek, die plek beoog in subartikel (1) herbepaal;
- (d) enige goedkeuring ingevolge subartikel (1) verleen, intrek.

Mikrovervaardigerslisensies

Aard van besigheid

84. (1) Mikrovervaardigers word voorgeskryf en 'n mikrovervaardigerslisensie word nie toegestaan nie behalwe aan 'n persoon wat besig is met die vervaardiging van enige ander voorgeskrewe gefermenteerde drank.

(2) Behoudens subartikel (4), mag die houer van 'n mikrovervaardigerslisensie nie drank verkoop of verskaf aan iemand wat nie die houer van 'n lisensie of 'n vrygestelde persoon is nie.

(3) Subartikel (2) van hierdie artikel is nie van toepassing op die verkoop van drank vir die doel van artikel 89 nie.

(4) Magtiging kan, op aansoek, verleen word deur die Raad wanneer 'n mikrovervaardigerslisensie toegestaan word, of te eniger tyd na die uitreiking van sodanige lisensie aan die gelisensieerde om drank te verkoop aan persone waarna in subartikel (2) verwys word, onderhewig aan sodanige voorwaardes soos uiteengesit in die magtiging wat hy na goeddunke kan oplê.

(5) Die Raad kan te eniger tyd na die uitreiking van so 'n magtiging, deur middel van 'n kennisgewing wat aan die houer van die betrokke lisensie afgelewer is -

- (a) verklaar dat die magtiging onderworpe is aan die voorwaardes of verdere voorwaardes in die kennisgewing uiteengesit wat hy na goeddunke oplê;
- (b) enige voorwaarde of verklaring wat deur die Raad ingevolge hierdie artikel opgelê of gemaak is, intrek of wysig.

Besigheidstye

85. Die houer van 'n mikrovervaardigerslisensie kan, ondanks enige andersluidende wet, drank verkoop of aflewer op enige dag gedurende die voorgeskrewe tye.

Verskaffing van drank vir binneverbruik

86. (1) Goedkeuring kan, op aansoek, verleen word deur die Raad wanneer 'n mikrovervaardigerslisensie toegestaan word om enige drank kosteloos te verskaf in die plek op die gelisensieerde perseel wat vir daardie doel afgesonder moet word, wat die Raad bepaal, aan -

- (a) 'n bona fide-besoeker aan daardie perseel;
- (b) 'n bona fide-gas; of

(c) behoudens artikel 125(1)(g), iemand wat in diens is in verband met die voortsetting van die besigheid waarop die lisensie betrekking het, buiten 'n minderjarige werknemer beoog in artikel 45(2), vir verbruik in daardie plek.

(2) Die Raad kan so 'n goedkeuring uitreik onderworpe aan die voorwaardes in die goedkeuring uiteengesit wat hy na goeddunke oplê.

(3) Die Raad kan te eniger tyd na die uitreiking van so 'n goedkeuring, deur 'n kennisgewing wat aan die houer van die betrokke lisensie afgelewer is -

- (a) verklaar dat die goedkeuring onderworpe is aan die voorwaardes of verdere voorwaardes in die kennisgewing uiteengesit wat hy na goeddunke oplê;
- (b) enige voorwaarde of verklaring wat deur die Raad ingevolge hierdie artikel opgelê of gemaak is, intrek of wysig;
- (c) op aansoek, die plek beoog in subartikel (1) herbepaal; of
- (d) enige goedkeuring ingevolge subartikel (1) verleen, intrek.

Drankwinkellisensies

Inhoudsmaat en toestand van houers

87. Die houer van 'n drankwinkellisensie mag nie drank in 'n houer wat nie behoorlik en dig verseël is, verkoop nie, en ander drank as bier, in 'n houer wat 'n inhoudsmaat van meer as 5 liter het, verkoop nie.

Besigheidstye

88. Die houer van 'n drankwinkellisensie kan, ondanks enige andersluidende wet, op enige dag drank verkoop of aflewer gedurende die voorgeskrewe tye.

Verskaffing van drank vir binneverbruik

89. (1) Goedkeuring kan, op aansoek, verleen word deur die Raad wanneer hy 'n drankwinkellisensie toestaan aan die houer van sodanige drankwinkellisensie om drank kosteloos te verskaf aan 'n voornemende kliënt vir verbruik, uitsluitlik vir proe-doeleindes, in die plek op die gelisensieerde perseel wat vir daardie doel afgesonder moet word, soos hy na goeddunke bepaal.

(2) Die Raad kan so 'n goedkeuring uitreik onderworpe aan die voorwaardes in die goedkeuring uiteengesit wat hy na goeddunke oplê.

(3) Die Raad kan te eniger tyd na die uitreiking van so 'n goedkeuring, deur 'n kennisgewing wat aan die houër van die betrokke lisensie afgelewer is -

- (a) verklaar dat die goedkeuring onderworpe is aan die voorwaardes of verdere voorwaardes in die kennisgewing uiteengesit wat hy na goeëdunke opelê;
- (b) enige voorwaarde of verklaring wat deur hom ingevolge hierdie artikel opgelê of gemaak is, intrek of wysig;
- (c) op aansoek, die plek beoog in subartikel (1) herbepaal;
- (d) enige goedkeuring ingevolge subartikel (1) verleen, intrek.

Kruidenierswynlisensies

Aard van persele

90. Die houër van 'n kruidenierswynlisensie moet te alle tye die besigheid van 'n kruidenier op die gelisensieerde perseel voortsit of beoefen.

Dranksoort

91. Die houër van 'n kruidenierswynlisensie mag nie ander drank as tafelwyn verkoop nie.

Inhoudsmaat en toestand van houers

92. Die houër van 'n kruidenierswynlisensie mag nie drank in 'n houër verkoop wat 'n inhoudsmaat van meer as 5 liter het en wat nie behoorlik en dig verseël is nie.

Besigheidstye

93. Die houër van 'n kruidenierswynlisensie mag, ondanks enige andersluidende wet, op enige dag drank verkoop of aflewer gedurende die voorgeskrewe tye.

GELDIGHEID VAN LISENSIES EN PERMITTE

Inwerkingtreding van lisensies en permitte

94. 'n Lisensie of permit wat uitgereik is, is geldig vanaf die datum waarop die voorgeskrewe gelde betaal is.

Hernuwing van lisensies

95. Elke lisensie moet jaarliks op 31 Desember hernu word deur die voorgeskrewe jaarlikse fooi te betaal.

Verval van lisensies en permitte

96. (1) 'n Lisensie verval –
- (a) op die datum waarop die houer skriftelik daarvan afstand doen;
 - (b) op 1 Januarie van die jaar ten opsigte waarvan die toepaslike gelde ingevolge artikel 95 voorgeskryf nie voor of op 31 Desember van die voorafgaande jaar betaal is nie; of
 - (c) op 'n datum andersins deur die Raad bepaal.
- (2) 'n Permit verval op 'n datum wat deur die Raad vasgestel is toe die permit toegestaan is.

Herstel van vervalle lisensies

97. 'n Lisensie wat verval het, en die regte, voorregte, verpligtinge en aanspreeklikhede wat daaraan verbonde was onmiddellik voor die datum waarop dit verval het, word weer geldig op die datum waarop die lisensie verval het onder die omstandighede beoog in artikel 96, die gelde aldus beoog -

- (a) plus 'n toeslag van 50% betaal word op of voor 31 Januarie; of
- (b) plus 'n toeslag van 100% betaal word op of voor 28 Februarie, van die voorafgaande jaar ten opsigte waarvan daardie gelde betaal moes gewees het.

Verkoop van drank na verval of opskorting van lisensies

98. Die houer van 'n lisensie wat verval het of opgeskort is, kan, binne 'n tydperk van 30 dae na die datum waarop dit verval het of die opskorting daarvan in werking getree het, enige drank wat op daardie datum op die betrokke perseel was, verkoop deur 'n gelisensieerde afslaer by openbare veiling gehou op daardie perseel of daardie afslaer se perseel.

Gelde nie terugbetaalbaar nie

99. Die feit dat 'n lisensie verval het of opgeskort is of weer geldig geword het, maak nie die persoon wat die houer daarvan was of is, na gelang van die geval, geregtig op die terugbetaling van enige voorgeskrewe gelde, of enige deel daarvan, wat reeds in verband met die betrokke lisensie betaal is nie.

OORDRAG VAN LISENSIES EN PERMITTE

Nie oordraagbaarheid van permitte

100. 'n Permit wat kragtens hierdie Wet uitgereik is, is nie oordraagbaar na iemand anders nie.

Aansoeke om oordrag van 'n lisensie

101. (1) Die houer van 'n lisensie kan te eniger tyd aansoek doen om die oordrag daarvan aan iemand anders, die voornemende houer.

(2) Die aansoek waarna in subartikel (1) verwys is, moet aan die plaaslike komitee gerig word tesame met die betaling van die voorgeskrewe gelde en op die voorgeskrewe wyse.

(3) Die aansoek moet vergesel wees van 'n sertifikaat van geskiktheid ten opsigte van die persoon van die oorgedraagde, wat uitgereik is deur die Suid -Afrikaanse Polisie Diens of enige ander Wetstoepassingsagentskap en sodanige ander besonderhede as wat voorgeskryf mag wees.

(4) Die Raad oorweeg elke aansoek om die oordrag van 'n lisensie en kan die aansoek weier of toestaan.

(5) Die Raad staan nie so 'n aansoek toe nie -

(a) tensy die betrokke voornemende houer -

(i) van goeie gedrag is en andersins geskik is om die houer van 'n lisensie kragtens hierdie Wet te wees; en

(ii) nie gediskwalifiseer is ingevolge hierdie Wet nie; of

(b) indien die moontlikheid bestaan dat die toestaan van die aansoek 'n skadelike monopolitiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of vererger.

(6) By die toestaan van 'n aansoek om oordrag van 'n lisensie, reik die Raad 'n lisensie uit aan die oorgedraagde wat dan die lisensiehouer word, met al die regte en verpligtinge van 'n lisensiehouer ingevolge hierdie Wet.

(7) Die vereistes van artikel 32 is ook van toepassing op voornemende lisensiehouers.

HOOFSTUK 5

TOEPASSING EN GEREGTELIKE STAPPE

SANKSIES DEUR DIE RAAD

Ondersoek deur die Inspektoraat

102. (1) Lede van die Inspektoraat wat aangestel is ingevolge artikel 105, kan enige verdagte of aangemelde versuim om te voldoen aan 'n oortreding van enige bepaling of voorwaarde van 'n lisensie of permit of 'n bepaling van hierdie Wet, tot stand bring en inspekteer.

(2) Die Inspektoraat kan enige iemand wat inligting aangaande die onderwerp van die inspeksie kan verskaf, of wat vermoedelik enige boek, dokument of ding in sy of haar besit, bewaring of beheer het wat in verband met die onderwerp staan of mag staan, dagvaar om voor hom te verskyn vir ondervraging, of om sodanige boek, dokument of ding te lewer, op 'n tyd en plek wat gespesifiseer is in die dagvaarding.

(3) Die Inspektoraat mag enige boek, dokument, of ding wat gelewer is, behou vir inspeksie vir sodanige tydperk as wat billik is volgens sy diskresie.

Navraag deur die Raad

103. (1) Die Raad belê 'n inspeksie vir die doeleindes van artikel 102.

(2) Die bepaling van artikels 10 en 11 is van toepassing ten opsigte van verrigtinge hieringevolge.

(3) Die lisensiehouer word 'n geleentheid gegun om aangehoor te word by sodanige verhoor en mag bygestaan word deur enige persoon van sy of haar keuse.

(4) Die Raad hou notule van die verloop van die verhoor.

(5) Ondanks enige bepaling hierin, mag die Raad te eniger tyd voor of gedurende die ondersoek of verhoor die betrokke lisensie opskort onderhewig aan enige voorwaardes wat hy nodig mag ag, indien daar rede is om te glo dat die nie-nakoming of betrokke oortreding van sodanige aard is dat dit in openbare belang vereis word dat die lisensie sonder verwyl opgeskort moet word.

Sanksies deur die Raad

104. (1) Die Raad kan 'n lisensie vir 'n gespesifiseerde tydperk opskort of intrek indien –

- (a) enige inligting in die aansoek vir sodanige lisensie in enige wesenlike hoedanigheid vals, of onderhewig is of was aan 'n wesenlike weglating;
- (b) die lisensiehouer of enige persoon of bestuurder in beheer van die besigheid van die lisensiehouer skuldig bevind is aan 'n oortreding ingevolge hierdie Wet;
- (c) die lisensiehouer of enige persoon of bestuurder in beheer van die besigheid van die lisensiehouer die onderwerp van 'n diskwalifikasie ingevolge artikel 35 van hierdie Wet geword het; of
- (d) die lisensiehouer in gebreke bly om 'n boete beoog deur die Raad in subartikel (2), te betaal.

(2) Die Raad mag die lisensiehouer 'n boete oplê wat nie R200 000 – 00 oorskry nie, of 'n lisensie opskort of intrek vir 'n gespesifiseerde tydperk indien die lisensiehouer in gebreke gebly het om enige bepaling of voorwaarde van 'n lisensie of permit of 'n bepaling van hierdie Wet, na te kom of oortree het.

(3) 'n Bevel deur die Raad ingevolge subartikel (2) het die effek van 'n siviele uitspraak.

INSPEKSIES

Aanstelling van inspekteurs

105. (1) Die Lid van die Uitvoerende Raad of 'n persoon wat deur hom of haar aangewys is, kan, onderhewig aan enige ander wet, inspekteurs aanstel wat 'n inspektoraat uitmaak.

(2) 'n Aanstelling ingevolge subartikel (1) kan algemeen of spesifiek wees.

(3) 'n Inspekteur moet 'n staatsamptenaar wees en doen verantwoording by die Hoof van die Departement.

(4) 'n Aanstellingsertifikaat in die voorgeskrewe vorm wat deur die Lid van die Uitvoerende Raad uitgereik is en wat sertifiseer dat 'n persoon as inspekteur aangestel is, is prima facie-getuienis van die aanstelling.

(5) Die LUR kan die kriteria en prosedure vir die aanstelling van inspekteurs voorskryf.

Bevoeghede en pligte van inspekteurs

106. (1) 'n Inspeksie kan deur 'n inspekteur uitgevoer word op die perseel ten opsigte van elke nuwe aansoek om 'n dranklisensie.

(2) 'n Inspekteur kan 'n inspeksie uitvoer en monitor en nakoming van hierdie Wet en enige ander Wet afdwing, wat hom of haar magtig om 'n inspeksie uit te voer of te monitor en nakoming van enige drankverwante saak af te dwing.

(3) Onderhewig aan artikels 107 en 108 en enige ander wet, kan 'n inspekteur wat 'n inspeksie uitvoer -

- (a) enige persoon wat teenwoordig is op enige stuk grond of perseel ten opsigte van enige saak wat relevant kan wees vir die inspeksie, ondervra;
- (b) enige persoon wat die inspekteur glo inligting mag hê wat relevant is vir die inspeksie, ondervra;
- (c) enige dokument wat 'n persoon in stand behoort te hou ingevolge hierdie of enige ander Wet, of wat relevant kan wees tot enige drankverwante inspeksie, inspekteer;
- (d) enige dokument waarna verwys is in paragraaf (c) kopieer, of indien nodig, die dokument verwyder om dit te kopieer;
- (e) monsters neem van enige substans wat relevant is tot die werk of inspeksie;

- (f) foto's neem of audio-visuele opname maak van enige iets of iemand, proses, aksie of toestand op of aangaande enige grond of perseel; en
 - (g) alles nodig doen vir die uitvoer van die inspeksie.
- (4) 'n Inspekteur wat enige iets anders as 'n substans beoog in subartikel (3) (e) van grond of 'n perseel wat geïnspekteer word, verwyder, moet –
- (a) 'n kwitansie daarvoor aan die eienaar of die persoon in beheer van die perseel uitreik; en
 - (b) dit so gou as wat dit prakties moontlik is, terug besorg nadat die doel waarvoor dit verwyder was, bereik is.

Betreding met lasbrief

107. (1) 'n Inspekteur mag enige grond of perseel betree indien 'n magistraat 'n lasbrief in ooreenstemming met subartikel (2) uitgereik het, om die grond of perseel te betree of te inspekteer, en die lasbrief nog geldig is.

(2) 'n Magistraat kan 'n lasbrief uitreik om enige grond of perseel te betree en te inspekteer, indien die Magistraat vanuit geskrewe inligting onder eed, rede het om te glo dat –

- (a) dit nodig is om inligting in belang van die publiek te bekom wat nie bekom kan word sonder dat die grond of daardie persele betree word nie; of
- (b) daar nie-nakoming van hierdie Wet is.

(4) 'n Lasbrief ingevolge subartikel (2) kan te eniger tyd uitgereik word en moet spesifiek –

- (a) die grond of perseel wat betree en inspekteer mag word, identifiseer; en
- (b) die inspekteur magtig om die grond of perseel te betree en te inspekteer en om enige iets beoog in artikels 108, 109 en 110, te doen.

(5) 'n Lasbrief ingevolge subartikel (2) is geldig totdat –

- (a) dit voltrokke is;
- (b) dit deur die magistraat wat dit uitgereik het gekanselleer word, of, indien daardie magistraat nie beskikbaar is nie, deur 'n ander magistraat;
- (c) die doel waarvoor dit uitgereik was, verstryk het; of
- (d) 90 dae verbygegaan het vanaf die datum van uitreiking.

(6) Voordat 'n inspekteur wat in besit is van 'n lasbrief die perseel betree, begin met enige inspeksie, moet hy –

- (a) indien die eienaar of 'n persoon wat klaarblyklik in beheer is van die grond of perseel teenwoordig is -
- (i) hom- of haarself identifiseer en sy of haar outoriteit aan daardie persoon verduidelik en bewys van sy of haar aanwysing verskaf; en
 - (ii) 'n afskrif van die lasbrief aan die persoon daarin genoem, oorhandig; of
 - (iii) indien die eienaar of persoon wat klaarblyklik in beheer van die grond of perseel is, afwesig is of weier om 'n afskrif te aanvaar, 'n afskrif van die lasbrief aan die grond of perseel aanheg op 'n prominente en sigbare plek.

Betreding sonder lasbrief

108. (1) 'n Inspekteur wat nie 'n lasbrief in sy of haar besit het nie, mag enige grond of perseel betree en inspekteer -

- (a) met die toestemming van die eienaar of persoon wat klaarblyklik in beheer is van die grond of daardie perseel; of
- (b) behalwe residensiële grond of perseel waarvoor daar nie 'n lisensie of permit uitgereik is nie, op 'n roetine grondslag -
 - (i) nie meer as ses keer gedurende 'n twaalf maande periode nie; of
 - (ii) meer dikwels as beoog in subparagraaf (i), indien wetlik toelaatbaar vir die doeleindes van 'n inspeksie.

(2) Bo en behalwe die betreding toegelaat ingevolge subartikel (1), mag 'n inspekteur enige grond of perseel betree sonder 'n lasbrief -

- (a) indien gemagtig om dit te doen ingevolge enige ander wet; of
- (b) ten opsigte waarvan daar 'n uitstaande nie-voldoening kennisgewing uitgereik ingevolge artikel 113, bestaan met die doel om te bepaal of daar aan daardie kennisgewing voldoen is aldan nie.

(3) Voordat begin kan word met 'n inspeksie op enige grond of perseel ingevolge hierdie artikel, moet 'n inspekteur hom- of haarself identifiseer en sy of haar outoriteit aan die persoon verduidelik en bewys van sy of haar aanwysing aan die persoon wat klaarblyklik in beheer van die grond of perseel is, of die persoon wat toestemming tot toegang verleen het, verskaf.

(4) 'n Betreding en inspeksie sonder 'n lasbrief mag net gedurende voorgeskrewe normale besigheidsure uitgevoer word.

Gebruik van geweld

109. (1) 'n Inspekteur wat 'n lasbrief ingevolge artikel 107 ten uitvoer bring, mag enige weerstand teen betreding of inspeksie oorkom deur geweld wat redelik vereis word, te gebruik, insluitende die afbreek van 'n slot, deur of venster van die grond of perseel wat betree moet word.

(2) Voordat geweld gebruik word, moet die persoon wat die lasbrief ten uitvoer bring, hoorbaar toegang vereis en sy of haar doel verkondig, tensy hy of sy redelik glo dat deur dit te doen, iemand beweeg kan word om enige objek of dokument wat die objek van die inspeksie is, te vernietig, weg te gooi, of daarmee te peuter.

(3) Onderhewig aan enige ander wet of in 'n noodgeval, mag geweld nie gebruik word om betreding te bewerkstellig of om 'n inspeksie uit te voer ingevolge artikel 108 nie.

Inspekteur mag vergesel word

110. 'n Lid van die Suid-Afrikaanse Polisie Diens, Metro Polisie, Suid-Afrikaanse Nasionale Weermag of enige ander wetstoepassingsagentskap kan 'n inspekteur vergesel tydens 'n inspeksie, of enige ander persoon wat geredelik vereis word om behulpsaam te wees met die uitvoer van die inspeksie, of almal van hulle.

Plig om stukke voor te lê

111. Enige persoon wat in besit is van enige stuk wat relevant is vir 'n inspeksie, moet dit voorlê op versoek van die inspekteur.

Plig om vrae te beantwoord en inspekteur by te staan

112. (1) Enige persoon wat deur 'n inspekteur ondervra word ingevolge hierdie Wet, moet eerstens aangaande sy of haar grondwetlike regte ingelig word alvorens enige ondervraging kan begin en enige vrywillige antwoorde daarna deur daardie persoon moet waar en na die beste van sy of haar vermoë wees.

(2) 'n Antwoord of verduideliking wat aan 'n inspekteur gegee word, mag nie gebruik word of ingedien word in kriminele verrigtinge teen daardie persoon wat dit verskaf het nie, behalwe in verrigtinge teen daardie persoon op 'n klag verwant aan -

- (a) die administrasie of neem van 'n eed;
- (b) die maak van vals bewerings; of
- (c) die versuim om 'n wettige vraag behoorlik en bevredigend te beantwoord.

(7) Die eienaar of bewoner van enige grond of perseel moet enige fasiliteit en hulp verskaf wat redelik deur 'n inspekteur vereis word om sy of haar pligte behoorlik te vervul.

Nie-nakomingskennisgewings

113. (1) 'n Inspekteur wat van mening is dat enige voorsiening van hierdie Wet nie nagekom is nie, mag, onderhewig aan subartikel (2), 'n nie-nakomings-kennisgewing in die voorgeskrewe vorm uitreik aan die eienaar of persoon wat klaarblyklik in beheer is van die betrokke grond of perseel.

(2) 'n Nie-nakomingskennisgewing beoog in subartikel (1) sal vermeld -

- (a) die voorsiening wat na bewering nie nagekom is nie;
- (b) besonderhede van die aard en omvang van die beweerde nie-nakoming;
- (c) enige stappe wat vereis om geneem te word en die periode waarbinne daardie stappe geneem sal word; en
- (d) enige boete wat opgelê kan word ingevolge artikel 131 in geval van die nie-nakoming van daardie stappe.

(3) 'n Nie-nakomingskennisgewing beoog in subartikel (1) sal van krag bly totdat 'n inspekteur 'n nakomingsertifikaat beoog in subartikel (4) ten opsigte van daardie kennisgewing uitreik en moet by die Raad ingedien word.

(4) 'n Inspekteur wat tevrede is dat die eienaar of persoon wat klaarblyklik in beheer is van enige grond of perseel die bepalings van 'n nie-nakomingskennisgewing nagekom het, kan 'n nakomingsertifikaat uitreik om die nakoming aan te dui en die raad in te lig.

Sluiting van gelisensieerde en ander persele

114. 'n Inspekteur of Raadslid kan, indien hy of sy van oordeel is dat 'n staking of uitsluiting of openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging voorkom of dreig by of naby enige gelisensieerde perseel of enige perseel waarop of plek waarin drank sonder 'n lisensie verkoop kan word, die houer van die lisensie of die betrokke vrygestelde persoon, na gelang van die geval, of die bestuurder of verteenwoordiger van daardie houer of persoon, op die wyse wat vir hom of haar in die omstandighede van die geval voorkom die doeltreffendste te wees, beveel om die betrokke perseel of plek te sluit gedurende die tye of tydperke wat die inspekteur of lid goedvind.

(2) Die houer van 'n lisensie of sy of haar bestuurder of verteenwoordiger, moet by ontvangs van 'n bevel gegee ingevolge subartikel (1), dit onverwyld nakom, en indien hy of sy versuim om dit te doen, kan die persoon wat die bevel gegee het die stappe doen en die geweld gebruik wat hy of sy nodig ag om die betrokke perseel of plek te sluit.

(3) Enige bevel ingevolge subartikel (1) gegee, kan te eniger tyd ingetrek word deur die persoon wat so 'n bevel gegee het.

Verslae oor aansoeke

115. (1) 'n Inspekteur moet –
- (a) ten opsigte van elke voorgeskrewe aansoek wat ingevolge hierdie Wet gedoen word, aan die plaaslike komitee en die Raad verslag doen oor die aangeleenthede wat voorgeskryf is of wat, na die oordeel van daardie inspekteur, ten opsigte van die betrokke aansoek in oorweging geneem behoort te word; en
 - (b) op versoek van die plaaslike komitee of die Raad, die inligting of verdere inligting in verband met enige aangeleentheid aan die plaaslike komitee of die Raad verstrek wat van hom of haar vereis word.

Verslae oor sekere lisensiehouers en persele

116. (1) 'n Inspekteur lê, so gou doenlik nadat die betrokke feite onder sy of haar aandag gekom het, 'n verslag aan die Raad voor –
- (a) oor enige versuim deur die lisensiehouer om 'n verpligting na te kom wat aan die betrokke lisensie verbonde is;
 - (b) indien so 'n lisensiehouer gediskwalifiseer of andersins onbevoeg ingevolge hierdie Wet word om die betrokke lisensie te hou;
 - (c) indien hy of sy van oordeel is dat veranderings of herstelwerk aan enige gelisensieerde perseel waarop 'n ander lisensie betrekking het, uitgevoer behoort te word;
 - (d) oor enige ander aangeleentheid wat na die oordeel van daardie beamppte onder die aandag van die Raad gebring behoort te word.

Verslae oor sekere skuldigbevindings

117. Wanneer die houer van 'n lisensie of iemand wat ingevolge hierdie Wet aangestel is om 'n besigheid ingevolge 'n lisensie te bestuur en daarvoor verantwoordelik te wees, skuldig bevind is aan 'n misdryf ingevolge hierdie Wet of enige ander wet of die gemene reg en daarvoor gevonniss word tot 'n boete of tot gevangenisstraf sonder die keuse van 'n boete, lê die Suid-Afrikaanse Polisie Diens 'n verslag aan die Raad oor die skuldigbevinding en die omstandighede van die misdryf voor.

BESLAGLEGGING EN VERBEURDVERKLARING

Beslaglegging

118. (1) 'n Polisiebeampte of inspekteur kan beslag lê op enige item, insluitende drank, indien hy of sy 'n redelike vermoede het dat die item –

- (a) getuienis sal verleen van 'n oortreding van enige bepaling of voorwaarde van 'n lisensie of permit of 'n voorsiening van hierdie Wet of 'n oortreding onder hierdie Wet;
- (b) gebruik was of gebruik word in verband met die oortreding van enige bepaling of voorwaarde van 'n lisensie of permit of 'n voorsiening van hierdie Wet of 'n oortreding onder hierdie Wet; en
- (c) tensy beslag gelê daarop, waarskynlik gebruik sal word of voortgesit om gebruik te word in die oortreding van enige bepaling of voorwaarde van 'n lisensie of permit of 'n voorsiening van hierdie Wet of 'n oortreding onder hierdie Wet.

(2) 'n Persoon wat op enige iets beslag lê, moet aan die persoon van wie die item op beslag gelê is, 'n kwitansie uitreik en die redes vir die beslaglegging aan die genoemde persoon verduidelik.

(3) Die item waarop beslag gelê is, sal, waar moontlik, bewaar word totdat die Raad of 'n geregshof die saak bepaal het.

Verbeurdverklaring

119. (1) Enige iets waarop ingevolge hierdie Wet beslag gelê is, sal met betrekking tot 'n lisensiehouer of gelisensieerde perseel, verbeur word aan die Raad by die konklusie van die bepaling deur die Raad of geregshof.

(2) Enige iets waarop beslag gelê is ingevolge hierdie Wet, sal, anders as in subartikel (1), onmiddellik aan die Raad verbeur word.

(3) Die Lid van die Uitvoerende Raad sal voorskryf hoe die Raad met verbeurde items handel.

HOOFSTUK 6

KOSTE

Onkoste deur die Raad of Plaaslike Komitee aangegaan

120. Alle billike koste deur die Raad, 'n plaaslike komitee of enige Staatsdepartement aangegaan by die inspeksie van persele in verband met enige aansoek of ondersoek of enige ander toevallige saak ingevolge hierdie Wet, sal verhaal word van 'n aansoeker om 'n lisensie of 'n lisensiehouer.

HOOFSTUK 7**VERBODE EN BEHEERDE VLOEISTOWWE****Verbode brousel en dranke**

- 121. (1)** Niemand mag –
- (a) enige brousel wat vervaardig word deur die gisting van stroop, suiker of ander stowwe en onder watter naam ookal bekend staan;
 - (b) enige brousel wat, hoewel anders genoem, soortgelyk of weselik soortgelyk is aan enige van die brousel in paragraaf (a) vermeld;
 - (c) enige brousel wat vervaardig word deur die gisting van enige stof waarvan die verbruik, na die oordeel van die Lid van die Uitvoerende Raad, tot nadeel van die gesondheid en welsyn van die bevolking van die Provinsie sal strek, deur hom of haar deur 'n kennisgewing in die Provinsiale Koerant gespesifiseer; of
 - (d) enige drank wat vervaardig word deur die distillering van enige brousel in paragraaf (a), (b) of (c) vermeld,

vervaardig, in sy of haar besit of bewaring of onder sy of haar beheer hê of verbruik of aan enigiemand verkoop, verskaf of gee nie.

(2) Die Lid van die Uitvoerende Raad kan te eniger tyd enige kennisgewing ingevolge subartikel (1) (c) uitgereik, deur 'n dergelike kennisgewing intrek of wysig.

Brandspiritus

- 122. (1)** Die Lid van die Uitvoerende Raad kan regulasies maak rakende –
- (a) die reëling en beperking van die invoer, oorlaai, vervoer, versending, aanhou, verkoop, verskaffing of gebruik van brandspiritus;
 - (b) die kategorieë persone wat brandspiritus mag verkoop;
 - (c) die hou van aantekeninge of ander dokumente ten opsigte van enige transaksie in brandspiritus, die vorm waarin en wyse waarop die aantekeninge of dokumente gehou moet word en die besonderhede wat daarin ingeskryf moet word;
 - (d) die bewaring en behoud van aantekeninge of ander dokumente in paragraaf (c) beoog;
 - (e) die denaturering, reukverlening aan en kleuring en ondrinkbaarmaak van brandspiritus wat verkoop of vir verkoop aangehou word, en die wyse waarop dit gedoen moet word;

- (f) die hoeveelhede brandspiritus wt by enige geleentheid aan enige persoon verkoop kan word en die houers waarin dit verkoop moet word;
 - (g) die verbied of beperking van die koop of besit van brandspiritus, met inbegrip van die verlening van permitte vir die koop of besit daarvan.
- (2) 'n Regulasie ingevolge hierdie artikel gemaak, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf wat gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.
- (3) Verskillende regulasies kan ingevolge hierdie artikel gemaak word ten opsigte van verskillende kategorieë persone of verskillende gebiede.

HOOFSTUK 8

VRYSTELLINGS

Vrystellings deur deklarasie van die Raad

123. (1) Die Raad kan, op aansoek en indien omstandighede dit regverdig, verklaar dat hierdie Wet, uitsluitend sodanige voorsienings as wat dit mag vasstel, nie van toepassing sal wees op die verkoop, deur 'n persoon genoem in die deklarasie, van drank -
- (a) op persele wat geokkupeer, gekontroleer of in stand gehou word deur 'n Staatsdepartement of – orgaan;
 - (b) aan werknemers van die betrokke instansie waarna verwys word in hierdie subartikel en hulle bona fide-gaste, vir verbruik op daardie persele;
 - (c) namens die hoof van 'n opvoedkundige instelling in 'n restaurant wat gebruik word vir die opleiding van persone in spysenieringsdienste op persele wat geokkupeerd, beheer of in stand gehou word deur die betrokke instelling, vir verbruik in daardie restaurant;
 - (d) indien daardie persoon 'n bona fide-museum is en as 'n spesiale doeane - en aksynspakhuis gelisensieerd is ingevolge Item 810.20.10 van Skedule 8 van die Doeane – en Aksynswet, 1964 (Wet Nr. 91 van 1964);
 - (e) indien daardie persoon 'n wynversamelaar is en dat drank sy of haar versameling of enige deel daarvan uitmaak; of
 - (f) indien daardie persoon 'n gelisensieerde afslaer is wat namens 'n bona fide- kulturele of welsynsorganisasie, 'n opvoedkundige instelling, 'n versekeraar of 'n persoon beoog in artikel 124(1)(b), optree.
- (2) 'n Deklarasie uitgereik ingevolge subartikel (1) sal

onderhewig wees aan sodanige voorwaardes soos daarin vermeld en soos wat deur die Raad na sy diskresie opgele word.

(3) Die Raad kan te eniger tyd na die uitreiking van 'n deklarasie ingevolge subartikel (1) deur 'n kennisgewing afgelewer aan die persoon vermeld in die betrokke deklarasie -

- (a) sodanige voorwaardes of verdere voorwaardes as wat vermeld kan wees in die kennisgewing, en waaraan die kennisgewing onderhewig sal wees, oplê;
- (b) enige voorwaarde of verdere voorwaarde deur die Raad opgelê ingevolge hierdie artikel, onttrek of wysig; of
- (c) die deklarasie onttrek of wysig.

Vrystelling van die bepalings van Wet

124. (1) Hierdie Wet sal nie van toepassing wees nie op -
- (a) 'n beampte soos gedefinieer in artikel 1 van die Doeane - en Aksynswet, 1964 (Wet Nr.91 van 1964), in die uitvoering van sy of haar funksies as sodanig;
 - (b) 'n balju of onderbalju of enige ander beampte wat optree ingevolge 'n bevel van 'n hof, regter of magistraat, in die uitvoering van sy of haar pligte as sodanig;
 - (c) 'n persoon wat drank verkoop onder die gesag van die Minister van Verdediging -
 - (i) aan lede van die Suid-Afrikaanse Nasionale Weermag op die perseel van 'n handelsinstansie beoog in artikel 149 van die Verdedigingswet, 1957 (Wet Nr. 44 van 1957), vir buiteverbruik;
 - (ii) aan sodanige lede en hulle bona fide-gaste op die perseel van 'n klub of menasie sodanig beoog, vir verbruik op daardie perseel; of
 - (iii) in verband met 'n basis, kamp, stasie of skip vir enige deel van die Suid-Afrikaanse Nasionale Weermag;
 - (d) 'n persoon wat drank verkoop onder die gesag van die betrokke Minister op persele onder die beheer van die Suid-Afrikaanse Polisie Diens, die Departement van Korrektiewe Dienste of die Nasionale Intelligensiediens, aan lede van die betrokke instansie en hulle bona fide-gaste;
 - (e) die sarneroeper van 'n bona fide-wynproef funksie, met betrekking tot die verkoop van wyn in hoeveelhede

wat minder is as 200 milliliter by daardie funksie wat nie langer as twee ure duur nie, vir verbruik by die funksie;

- (f) 'n persoon, met betrekking tot die verkoop van enige spirituele of gedistilleerde parfumeries of medisinale spiritus, waar die parfumeries of spiritus nie brandspiritus is nie; of
- (g) die vervaardiger van lekkergoed met 'n alkoholinhoud van meer as twee persent en in die Republiek vervaardig, met betrekking tot die verkoop van daardie lekkergoed aan die houer van 'n lisensie of 'n vrygestelde persoon.

HOOFSTUK 9

MISDRYWE EN STRAWWE

Misdrywe in die algemeen

125. Dit is 'n misdryf vir enige persoon om -
- (a) enige drank te verkoop anders as ingevolge 'n lisensie of 'n vrystelling deur of ingevolge artikel 123 of 124;
 - (b) dronk, gewelddadig of wanordelik te wees op enige perseel, hetsy gelisensieer al dan nie, waarop drank uit hoofde van hierdie Wet verkoop mag word;
 - (c) dronk te wees in of naby enige openbare plek, insluitend maar nie beperk tot enige pad, straat, steeg, deurgang, plein, park, mark, winkel, pakhuis of motorhawe, ens;
 - (d) drank te verbruik in of op of naby enige openbare plek, insluitend 'n motorvoertuig wat op 'n openbare pad bestuur word of geparkeer is in 'n openbare plek;
 - (e) enige drank in te bring, te besit of te verbruik op 'n sportterrein, of enige deel daarvan, waarvan die publiek toegang het of verleen word, behalwe op enige gelisensieerde perseel wat op die betrokke sportterrein gelee is;
 - (f) valslik voor te gee dat hy of sy of enige ander persoon tot 'n kategorie persone behoort of nie behoort ten einde die houer van 'n lisensie, of sy of haar verteenwoordiger of werknemer, te beweeg om drank aan hom of haar of daardie ander persoon te verkoop of verskaf wat uit hoofde van hierdie Wet nie aan iemand wat nie tot daardie kategorieë behoort nie of tot daardie kategorie behoort, verkoop of verskaf mag word nie;
 - (g) drank aan iemand in sy of haar diens as loon of besoldiging of as 'n aanvulling daarvan te verskaf;

- (h) drank te vervaardig, versprei of verkoop indien nie toegelaat om dit te doen ingevolge hierdie Wet nie;
- (i) enige verbode brousel of drankie te vervaardig, versprei of verkoop;
- (j) enige onwettige of nagemaakte drank te verkoop of verskaf; of
- (k) enige voorsiening van hierdie Wet te oortree.

Misdrywe rakende inligting

126. Dit is 'n misdryf om enige inligting wat vals of misleidend is of enige vals dokument of dokument wat voorgee om 'n juiste afskrif van 'n oorspronklike dokument te wees maar dit nie is nie, met betrekking tot enige aansoek, beswaar, voorstellings, antwoord op enige beswaar of voorstelling of klagte of versoek ingevolge hierdie Wet, te verskaf of in te dien.

Misdrywe rakende vergaderings van die Raad

- 127.** Dit is 'n misdryf om -
- (a) te versuim om voor die Raad te verskyn op die datum en tyd en plek in die kennisgewing of dagvaarding uitgeengesit;
 - (b) voor die Raad te verskyn maar sonder die verlof van die voorsitter versuim om by die betrokke vergadering aanwesig te bly tot die afloop daarvan;
 - (c) te weier om getuienis af te lê of enige boek of dokument voor te lê na oproeping deur die Voorsitter van die Raad om getuienis af te lê;
 - (d) te weier om die eed af te lê of die bevestiging te doen nadat die Voorsitter van die Raad vereis het dat getuienis onder eed of na die doen van 'n bevestiging afgelê moet word; of
 - (e) die verrigtinge by 'n vergadering van die Raad opsetlik te versteur of die Raad of 'n lid daarvan by die verrigting van sy of haar werksaamhede by die vergadering opsetlik te hinder of te dwarsboom.

Misdrywe rakende inspekteurs en polisiebeamptes

- 128.** Dit is 'n misdryf vir enige persoon om -
- (a) hom- of haarself valslik as 'n inspekteur of polisiebeampte voor te doen of te verpersoonlik;
 - (b) te weier of te versuim om 'n vraag wat 'n inspekteur of polisiebeampte by die uitoefening van sy of haar bevoegdhede aan hom of haar gestel het, te antwoord, of om 'n verklaring aan 'n inspekteur of polisiebeampte te maak wat vals of misleidend in enige opsig is;

- (c) te weier of te versuim om te voldoen aan enige wettige opdrag, bevel or vereiste van 'n inspekteur of polisiebeampte;
- (d) 'n inspekteur of polisiebeampte te hinder, belemmer of te dwarsboom in die uitvoering van sy of haar magte;
- (e) 'n inspekteur toegang te weier tot grond of persele waartoe die inspekteur gemagtig is om toegang te hê;
- (f) te versuim om 'n nakomingskennisgewing na te kom ingevolge hierdie Wet;
- (g) teenstrydig met 'n lasbrief uitgereik ingevolge hierdie Wet, op te tree; of
- (h) te weier of te versuim om aan 'n inspekteur 'n dokument of inligting te verskaf wat van die persoon vereis word om te verskaf ingevolge hierdie Wet.

Misdrywe rakende drankhandel

129. Dit is 'n oortreding vir enige persoon om onderhandelinge aan te gaan of 'n ooreenkoms aan te gaan wat verbied of beoog word in artikel 37, tensy andersins deur die Lid van die Uitvoerende Raad goedgekeur.

Misdrywe deur lisensiehouers in die algemeen

130. Dit is 'n misdryf vir 'n lisensiehouer om -
- (a) te weier of te versuim om aan enige voorwaarde van 'n lisensie te voldoen, of enige voorsiening van hierdie Wet te oortree;
 - (b) die gelisensieerde perseel oop te hou vir verkoop, verskaffing of verbruik van drank of enige drank verkoop of verskaf op 'n tyd wanneer die verkoop van drank nie deur die lisensie veroorloof word nie;
 - (c) drank te verkoop of te verskaf in 'n plek waar die verkoop of verskaffing van drank nie deur die lisensie veroorloof word nie;
 - (d) te versuim om enige bykomende aantekening te hou wat hy of sy uit hoofde van hierdie Wet moet hou, of so 'n aantekening op 'n ontoereikende of onbehoorlike wyse hou;
 - (e) weier of versuim om aan enige kennisgewing uitgereik ingevolge hierdie Wet of enige aanduiding of opdrag van die Raad, te voldoen;
 - (f) dronkenskap of losbandige gedrag op die gelisensieerde perseel toe te laat;
 - (g) drank te verkoop of te verskaf aan iemand wat in 'n beskonke toestand is;

- (h) toe te laat dat die gelisensieerde perseel as 'n bordeel gebruik word of gereeld besoek word deur persone wat as prostitute beskou word;
- (i) enige iemand toelaat om 'n aanstootlike, onsedelike of onwelvoeglike handeling te verrig op enige toeganklike deel van die gelisensieerde perseel; of
- (j) rakende 'n buiteverbruiklisensie, enige houër bevattende drank wat hy of sy verkoop het, op die gelisensieerde perseel oop te maak of toelaat dat dit oopgemaak word.

Strawwe

131. Enige iemand wat aan 'n misdryf ingevolge hierdie Wet skuldig is, is by skuldigbevinding strafbaar met 'n boete wat nie R100 000 – 00 oorskry nie of gevangenisstraf wat nie 'n periode van tien (10) jaar oorskry nie of beide sodanige boete en gevangenisstraf.

BEWYS- EN PROSESREGTELIKE AANGELEENTHEDE

Bewys van verkoop van drank

132. Getuienis in enige strafregtelike verrigtinge dat enige persoon wat nie 'n lisensiehouer is nie -

- (a) op of naby sy of haar perseel enige uithangbord of kennisgewing gehad het wat voorgee dat hy of sy 'n lisensie het;
- (b) in okkupasie of beheer was van 'n perseel toegerus met 'n kroeg of soortgelyke plek wat bottels, vate of ander houers bevat wat so uitgestal is dat dit 'n redelike verdenking wek dat drank daarop verkoop is;
- (c) op sy of haar perseel meer drank gehad het as wat redelikerwys nodig was vir sy of haar persoonlike gebruik en vir die gebruik van enige persoon wat daarop woon; of
- (d) meer drank gekoop of verkry het of in sy of haar besit of bewaring of onder sy of haar beheer gehad het as wat redelikerwys vir verbruik deur hom- of haarself, sy of haar gesin en sy of haar bona fide-werknemers en gaste nodig was,

is prima facie-bewys van die verkoop van drank deur eersgenoemde persoon.

Bewys dat persoon tot besondere kategorie behoort

133. (1) Indien daar in enige vervolging weens 'n misdryf ingevolge hierdie Wet beweer word dat enige persoon onder 'n besondere ouderdom is of tot enige ander besondere kategorie behoort, is getuienis dat die betrokke persoon blykbaar onder daardie ouderdom is of dat hy of sy as behorende tot

daardie ander kategorie beskou word of volgens sy of haar voorkoms daartoe behoort, na gelang van die geval, prima facie-bewys van daardie feit.

(2) Indien die hof daarbenewens deur sy eie waarneming oortuig is dat daardie persoon blykbaar onder daardie ouderdom is of volgens sy of haar voorkoms tot daardie ander kategorie behoort, moet hy of sy daardie feit bekend maak en aanteken, maar daardie bekendmaking en aantekening verhinder nie die beskuldigde om te bewys dat daardie persoon, hoewel hy of sy die voorkoms het van 'n ander persoon wat onder daardie ouderdom is of tot daardie ander kategorie behoort, na gelang van die geval, dit in werklikheid nie is nie.

Bewys van lisensies en sekere voorwaardes

134. 'n Dokument wat voorgee om 'n afskrif van 'n lisensie te wees, is by blote voorlegging in enige geregtelike verrigtinge prima facie-bewys van die lisensie, en enige voorwaarde wat daarop aangeteken is, word, tensy die teendeel bewys word, geag 'n voorwaarde te wees wat ingevolge hierdie Wet ten opsigte van die lisensie opgelê is.

Vermoede van verkoop uit aard van transaksies

135. Indien daar in enige vervolging weens 'n misdryf ingevolge hierdie Wet beweer word dat 'n onwettige verkoop van drank plaasgevind het, word daar vermoed dat 'n verkoop van drank plaasgevind het indien die hof, ondanks 'n gebrek aan getuienis dat geld oorbetal is, oortuig is dat 'n transaksie van die aard van 'n verkoop werklik plaasgevind het.

Vermoede rakende verbode brouels en drank

136. Indien daar in enige vervolging weens 'n misdryf ingevolge artikel 125 (1)(i) bewys word dat die beskuldigde 'n vloeistof wat die voorkoms gehad het van 'n brousel of drank wat in artikel 121 (1) en in die aanklag vermeld word, vervaardig het, in sy of haar besit of bewaring of onder sy of haar beheer gehad het of verbruik het of aan enige iemand verkoop, verskaf of gegee het, word vermoed, tensy die teendeel bewys word, dat die vloeistof daardie brousel of drank was of is.

HOOFSTUK 10

DIVERSE AANGELEENTHEDE

Afskrifte van aantekeninge en ander dokumente

137. Die Raad moet, op aanvraag en teen betaling van die voorgeskrewe gelde, afskrifte van enige lisensie en die voorwaardes daarby of

van enige aansoek wat deur hom of haar gehou of behou word en wat betrekking het op enige gelisensieerde perseel aan enige persoon verskaf.

Kondonering van gebrekkige aansoeke

138. Die Raad kan, wanneer hy die aansoek behandel of oorweeg, die gebrek of versuim kondoneer indien hy van oordeel is dat daar wesenlike voldoening aan hierdie Wet is en dat die kondonering waarskynlik niemand sal benadeel nie.

Regulasies

139. (1) Die Lid van die Uitvoerende Raad kan regulasies maak rakende –
- (a) die aansoeke ingevolge hierdie Wet gedoen en besware en vertoë daartoe;
 - (b) die vorm waarin en die wyse waarop enige aansoek, beswaar, vertoë of klagte ingevolge hierdie Wet gedoen, gemaak of gerig moet word;
 - (c) die dokumente wat ter staving van enige aansoek ingevolge hierdie Wet ingedien moet word, en die vorm waarin en die wyse waarop daardie dokumente ingedien moet word;
 - (d) die indiening van antwoorde op enige beswaar of vertoe ingevolge hierdie Wet;
 - (e) die maksimum getal lisensies waarvan of waarin enige persoon die houer mag wees of enige belang mag hê;
 - (f) die verstrekking van enige inligting vir die doel van enige aantekening of ander dokument wat uit hoofde van hierdie Wet gehou moet word;
 - (g) die behoud en vernietiging van enige aantekening of ander dokument wat uit hoofde van hierdie Wet gehou of behou moet word;
 - (h) die betaling van gelde ten opsigte van enige aansoek wat ingevolge hierdie Wet gedoen word;
 - (i) die betaling van gelde ten opsigte van die uitreiking van enige lisensie, met inbegrip van die tydperk waarbinne sodanige gelde betaal moet word;
 - (j) die betaling van gelde ten opsigte van die oordrag van enige lisensie, met inbegrip van die tydperk waarbinne sodanige gelde betaal moet word;
 - (k) die betaling van jaarlikse lisensiegelde ten opsigte van enige lisensie;
 - (l) die betaling van jaarlikse lisensiegelde ten opsigte van enige lisensie;

- (m) die vorm van lisensies, verklarings, kennisgewings, dagvaardings, toestemmings, aanstellings, lasgewings, bepalings, goedkeurings, magtigings en ander dokumente ingevolge hierdie Wet;
- (n) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (o) in die algemeen, enige aangeleentheid ten opsigte waarvan hy of sy dit nodig of dienstig ag om regulasies te maak vir die bereiking van die oogmerke van hierdie Wet.

(2) 'n Regulasie ingevolge hierdie artikel gemaak, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf wat 'n boete van R10 000 of gevangenisstraf vir 'n tydperk van 12 maande nie te bowe gaan nie, of beide sodanige boete en gevangenisstraf.

(3) Verskillende regulasies kan ingevolge hierdie artikel gemaak word ten opsigte van verskillende soorte lisensies, lisensies van dieselfde soort wat verskillende gemeenskaplike kenmerke het, verskillende kategorieë persone of verskillende gebiede.

OORGANGSBEPALINGS

Voortsetting van sekere hangende aangeleenthede

140. (1) Enige aansoek gedoen voor die datum van die inwerkingtreding van hierdie Wet en wat op daardie datum nog nie afgehandel is nie, word voortgesit en afgehandel asof daardie wet nog van krag is.

(2) By die toepassing van subartikel (1) van hierdie artikel en van artikel 12 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), word 'n verwysing na die Raad in 'n wet wat aldus herroep is, uitgelê as 'n verwysing na die Raad soos ingevolge hierdie Wet saamgestel.

Geldigheid van lisensies

141. Lisensies uitgereik onder die Drankwet, no. 27 van 1989 sal voortgaan om van krag en effekte te wees totdat hulle verval of die lisensie 'n voorsiening van hierdie Wet oortree.

Kort titel en inwerkingtreding

142. (1) Hierdie Wet heet die Gauteng Drankwet, 2002 en tree in werking op 'n datum wat die Premier deur proklamasie in die Provinsiale Koerant vasstel.

(2) Verskillende datums kan aldus vasgestel word ten opsigte van verskillende bepalings van hierdie Wet.

MEMORANDUM INGEVOLGE REËL 132 OP DIE GAUTENG DRANKWET, 2002

(i) Inleiding en redes vir die Wetsontwerp

Die Gauteng Drankwet, 2002 ("die wetsontwerp") is bedoel om 'n raamwerk vir die regulasie van die verkoop en verskaffing van drank in Gauteng op 'n omvattende wyse te voorsien. Dit is bedoel om die verkoop en verskaffing van drank te beheer deur die instelling van die Gauteng Drankraad ("die Raad") en plaaslike komitees van die Raad wat alle aansoeke om dranklisensies deur 'n proses van openbare deelname te verwerk. Die Wetsontwerp maak ook voorsiening vir die instelling van 'n DrankHandel Vereniging wat 'n oorkoepelende liggaam is waaraan alle bestaande verenigings en aansoekers en lisensiehouers wat nie lede van bestaende verenigings is nie, moet behoort. Die Wetsontwerp poog om die toekenning van lisensies ten opsigte van verskillende soorte lisensies te reguleer, en spreek algemene sake soos die regulering van mikrovervaardigers, die verbod op die verkoop van drank aan sekere kategorieë persone, toepassingsprosedures, ens. aan.

(ii) Omgewingsimplikasies van die Wetsontwerp

Geen

(iii) Finansiële implikasies van die Wetsontwerp

Om onder andere voorsiening te maak vir aansoek- en lisensiefooie.

(iv) 'n Artikel-vir-artikel verduideliking van die Inhoud van die Wetsontwerp

- Artikel 1: Maak voorsiening vir definisies wat in die Wetsontwerp gebruik is.
- Artikel 2: Stel die Gauteng Drankraad in.
- Artikel 3: Behandel die bevoegdhede en pligte van die Raad.
- Artikel 4: Behandel die grondwet van die Raad.
- Artikel 5: Maak voorsiening vir die ampstermyn en vergoeding van Raadslede.

- Artikel 6: Behandel die onttrekking van 'n Lid met botsende belange met betrekking tot enige saak voor die Raad.
- Artikel 7: Behandel die omstandighede waaronder 'n lid van die Raad sy of haar amp moet ontruim.
- Artikel 8: Maak voorsiening vir vergaderingsprosedure en besluite van die Raad
- Artikel 9: Maak voorsiening vir die behoud van die notules van Raadsvergaderings en die toeganklikheid daarvan.
- Artikel 10: Maak voorsiening vir die Voorsitter van die Raad om enige persoon wat geraak is of mag wees, of betrokke is by die oorweging van 'n spesifieke saak deur die Raad, te dagvaar en om sodanige persoon te beveel om alle stukke verbandhoudend met die saak, beskikbaar te stel.
- Artikel 11: Maak voorsiening dat Raadsvergaderings toeganklik moet wees vir die Publiek.
- Artikel 12: Maak voorsiening vir personeel vir die Raad en die aanstelling van 'n ex officio-sekretaris.
- Artikel 13: Maak voorsiening vir die totstandbringings van komitees om die Raad by te staan.
- Artikel 14: Maak voorsiening vir die aanstelling van kundiges om die Raad by te staan.
- Artikel 15: Maak voorsiening vir die delegering van magte deur die Raad na lede van ander komitees wat deur die Raad tot stand gebring is.
- Artikel 16: Behandel die bron van die fondse van die Raad.
- Artikel 17: Bepaal dat die rekenpligtige verantwoordelikhede in ooreenstemming met die Openbare Finansies Bestuurswet, 1999 (Wet Nr. 1 van 1999) sal wees.
- Artikel 18: Bepaal dat die jaarverslae en finansiële state ingedien moet word soos vereis deur die Openbare Finansies Bestuurswet, 1999 (Wet No. 1 van 1999).
- Artikel 19: Vestig plaaslike komitees van die Raad in elkeen van die Plaaslike Regeringsmunisipaliteite of rade in die Provinsie.

- Artikel 20:** Behandel die grondwette van die plaaslike komitees.
- Artikel 21:** Behandel die bevoegdhede en pligte van die Plaaslike komitees.
- Artikel 22:** Maak voorsiening dat die bepalings van artikels 5 – 12 ook van toepassing is op plaaslike komitees.
- Artikel 23:** Behandel die prodedure vir aansoeke om lisensies.
- Artikel 24:** Behandel die prosedure vir openbare kennisgewing van elke aansoek.
- Artikel 25:** Maak voorsiening vir die reg om en prosedure vir die aanteken van besware aan die plaaslike komitees.
- Artikel 26:** Maak voorsiening vir die reg om en prosedure vir reaksie deur die aansoeker op besware.
- Artikel 27:** Maak voorsiening vir die behandeling van aansoeke en besware teen die aansoeke.
- Artikel 28:** Behandel die verskillende soorte lisensies wat deur die Raad toegestaan kan word.
- Artikel 29:** Behandel die inhoud van lisensies.
- Artikel 30:** Behandel die prosedure vir oorweging van lisensie-aansoeke deur die Raad.
- Artikel 31:** Maak voorsiening vir aansoeke om spysenierings- en geleentheidsperritte en skryf die kriteria vir die toekenning daarvan voor.
- Artikel 32:** Maak voorsiening vir die hantering van aansoeke waar die aansoeker dood is of regtens nie in staat is om sy of haar eie sake te hanteer nie.
- Artikel 33:** Behandel die prosedure vir die uitreiking van lisensies en perritte en maak voorsiening vir 'n diskresie aan die Raad om voorwaardes op te le.
- Artikel 34:** Maak voorsiening vir die uitreiking van duplikaat lisensies in die geval van verlies of vernietiging van die oorspronklike.

- Artikel 35: Maak voorsiening vir die oorweging van lisensies met betrekking tot onvoltooide persele.
- Artikel 36: Verbied die uitreiking en oordrag van lisensies aan persone wat gediskwalifiseer is onder die Wetsontwerp.
- Artikel 37: Behandel voorwaardes vir lisensies en permitte.
- Artikel 38: Vestig 'n Drankhandel Vereniging waarby alle bestaande verenigings en lisensies en aansoekers wat nie lede van bestaande verenigings is nie, moet affilieer.
- Artikel 39: Behandel beperkinge op aansoekers met geldelike en beherende belange in die vervaardiging en produksie van bier.
- Artikel 40: Behandel kriteria vir die bestuur van die besigheid waarop 'n lisensie betrekking het.
- Artikel 41: Behandel die aard van die persele waarop 'n lisensie betrekking het.
- Artikel 42: Behandel die items behalwe drank wat verkoop mag word in die besigheid waarop die lisensie betrekking het.
- Artikel 43: Behandel voorwaardes vir die uitbreiding van gelisensieerde persele.
- Artikel 44: Behandel die plek vir die verkoop van drank.
- Artikel 45: Behandel kriteria vir werknemers van die besigheid waarop die lisensie betrekking het.
- Artikel 46: Verbied die verkoop van drank aan minderjariges.
- Artikel 47: Verbied die verkoop van drank aan beskonke persone.
- Artikel 48: Behandel die hou van aantekeninge deur die lisensiehouer.
- Artikel 49: Behandel die verstrek van inligting en dokumente deur die gelisensieerde op versoek van die Raad.
- Artikel 50: Verbied die verkoop van onwettige of nagmaakte drank.
- Artikels 51 – 78: Behandel spesiale voorwaardes toepaslik op binneverbruiklisensies met betrekking tot die aard en

tye van besighede. Die binneverbruiklisensies sluit die volgende soorte lisensies in:

- Hoteldranklisensies;
- Restaurantdrinklisensies;
- Teaterdrinklisensies;
- Klubdrinklisensies;
- Tavernedranklisensies;
- Potspelklubdrinklisensies;
- Danssaaldrinklisensies;
- Nagklubdrinklisensies;
- Kroegdrinklisensies;
- Dobbelperseeldranklisensies;
- Sorghumbierlisensies;
- Spysenierings- en geleentheidspermitte; en
- Sportklubdrinklisensies.

Artikels 79 – 93: Behandel spesiale voorwaardes van toepassing op buiteverbruiklisensies met betrekking tot die aflewering van drank, die aard en tye van besigheid, die verskaffing van drank, die kapasiteit en toestand van houers en die soort drank. Die buiteverbruiklisensies sluit die volgende soorte lisensies in:

- Groothandeldrinklisensies;
- Mikrovervaardigerslisensies;
- Drankwinkellisensies; en
- Kruidenierswynlisensies.

Artikel 94: Behandel die datum waarvan 'n lisensie in werking tree.

Artikel 95: Behandel die hernuwingsdatum van 'n lisensie.

Artikel 96: Behandel die voorwaardes waaronder 'n lisensie verval.

Artikel 97: Maak voorsiening vir die herstelling van 'n lisensie wat verval het.

Artikel 98: Behandel die voorwaardes vir die verkoop van drank op gelisensieerde persele wanneer 'n lisensie verval het of opgeskort is.

Artikel 99: Maak voorsiening vir die nie-terugbetaalbaarheid van fooie in die geval van 'n lisensie wat verval het.

Artikel 100: Verbied die oordrag van permitte.

- Artikel 101: Maak voorsiening vir die aansoek om oordrag van 'n lisensie en behandel kriteria daarvoor.
- Artikel 102: Maak voorsiening vir ondersoek deur die Inspektoraat van oortreding van enige bepaling of voorwaarde van 'n lisensie of permit.
- Artikel 103: Maak voorsiening vir die Raad om navraag te doen ingevolge 'n ondersoek.
- Artikel 104: Behandel strafmaatreëls wat die Raad mag neerlê.
- Artikel 105: Maak voorsiening vir die aanstelling van inspekteurs.
- Artikel 106: Behandel die magte en verpligtinge van inspekteurs.
- Artikel 107: Behandel die kriteria en prosedure vir betreding van grond of persele deur 'n inspekteur met 'n lasbrief.
- Artikel 108: Behandel die omstandighede en prosedure vir betreding van grond of persele deur 'n inspekteur sonder 'n lasbrief.
- Artikel 109: Maak voorsiening vir inspekteurs om onder sekere omstandighede geweld te gebruik wanneer 'n lasbrief voltrek word.
- Artikel 110: Maak voorsiening vir inspekteurs om vergesel te word van wetstoepassingsagentskappe om 'n inspeksie uit te voer.
- Artikel 111: Behandel die voorlegging van stukke op versoek van 'n inspekteur.
- Artikel 112: Plaas 'n verpligting om 'n inspekteur se vrae te beantwoord en hom by te staan in die uitvoer van sy of haar pligte.
- Artikel 113: Bemagtig 'n inspekteur om nie-nakomingskennisgewings uit te reik vir oortreding van die voorsienings van die Wetsontwerp.
- Artikel 114: Bemagtig 'n inspekteur of Raadslid om gelisensieerde persele tydelik te sluit onder sekere omstandighede.
- Artikel 115: Lê 'n verpligting op 'n inspekteur om verslag te doen aan die plaaslike komitee en die Raad aangaande alle aansoeke.

- Artikel 116:** Lê 'n verpligting op 'n inspekteur om by die ontdekking van nie-nakoming van die Wetsontwerp, dit by die Raad aan te meld.
- Artikel 117:** Lê 'n verpligting op die Suid-Afrikaanse Polisie Diens om enige skuldigbevinding van sekere tipes oortredings van 'n lisensiehouer by die Raad aan te meld.
- Artikel 118:** Behandel omstandighede waaronder 'n polisiebeampte of inspekteur enige item, insluitende drank, kan konfiskeer om as getuienis van 'n oortreding van enige bepaling te dien.
- Artikel 119:** Maak voorsiening vir die verbeurtverklaring van gekonfiskeerde items.
- Artikel 120:** Maak voorsiening vir die terugvordering van koste aangegaan deur die Raad, vanaf die aansoeker.
- Artikel 121:** Verbied die vervaardiging van sekere drankverwante produkte.
- Artikel 122:** Behandel die bevoegdhede van die Lid van die Uitvoerende Raad om regulasies rakende brandspiritus te maak.
- Artikel 123:** Maak voorsiening vir die aansoek en kriteria vir vrystelling van die Wetsontwerp of sekere bepalings van die Wetsontwerp.
- Artikel 124:** Stipuleer persone en persoonskategorieë wat vrygestel is van die bepalings van die Wetsontwerp.
- Artikel 125:** Behandel algemene oortredings ingevolge die Wetsontwerp.
- Artikel 126:** Behandel oortredings rakende inligting.
- Artikel 127:** Behandel oortredings rakende Raadsvergaderings.
- Artikel 128:** Behandel oortredings rakende inspekteurs en polisiebeamptes.
- Artikel 129:** Behandel oortredings rakende die drankhandel.
- Artikel 130:** Behandel oortredings deur lisensiehouers in die algemeen.
- Artikel 131:** Behandel strawwe vir oortredings.

- Artikel 132: Behandel 'n bewese vermoede van die bewys van die verkoop van drank.
- Artikel 133: Behandel 'n bewese vermoede dat 'n persoon van 'n sekere ouderdom is of aan 'n spesifieke persoonskategorie behoort.
- Artikel 134: Behandel 'n bewese vermoede van dokumentêre bewys van 'n lisensie.
- Artikel 135: Behandel 'n bewese vermoede van bewys van 'n transaksie uit die aard van 'n verkope.
- Artikel 136: Behandel 'n bewese vermoede van die bewys rakende verbode brouesels en drankes.
- Artikel 137: Maak voorsiening vir enige persoon om by die Raad aansoek te doen vir afskrifte van enige lisensie, en voorwaardes geheg aan 'n lisensie.
- Artikel 138: Verleen aan die Raad die bevoegdheid om enige gebrek in 'n aansoek te kondoneer.
- Artikel 139: Maak voorsiening vir regulasies wat die Lid van die Uitvoerende Raad ingevolge die Wetsontwerp kan maak.
- Artikels 140 – 141: Maak voorsiening vir oorgangsbepalings.
- Artikel 142: Maak voorsiening vir die kort titel en inwerkingtreding van die Wetsontwerp en maak voorsiening dat verskillende bepalings van die Wetsontwerp op verskillende tye van krag kan word.

MOLAOKAKANYWA

Go beakanyetša taolo ya thekišo le kabo ya Bjalwa; go hloma Boto ya Bjalwa ya Gauteng, dikomiti tša selegae le Lekgotla la thekišo ya Bjalwa; go sepetša ka molao dikgopelo tša dilaesense le go beakanyetša tsebišo le kgathotema ya setšhaba, go laola kabo ya dilaesense go elana le mehuta ye e fapanego ya dilaesense; go thibela thekišetšo ya dinotagi go dihlopha tše itseng tša batho; go beakanyetša mabaka ka kakaretšo bjalo ka ditshepetšo tša kgapeletšo; le go beakanyetša merero yeo e amanago le taba tše.

GO HLONGWA KA MOLAO ke Lekgotlapeamelao la Profense ya Gauteng ka tsela ye e latelago:-

PEAKANYO YA MOLAO

KGAOLO 1

DIPEAKANYETŠO TŠA MATSENO

1. Ditlhalošišo

KGAOLO 2

BOTO YA BJALWA

2. Tihomo ya Boto
3. Maatla le mediro ya Boto
4. Popego ya Boto
5. Pakatiro le Tefelo ya Maloko
6. Go ikogelamorago ga leloko leo le nago le thulano ya dikgahlego
7. Go rola modiro ga maloko a Boto
8. Dikopano le diphetho tša Boto
9. Metsotso ya Boto
10. Ditsebišo le Dipiletšo
11. Phihlelelo ya dikopano
12. Badiredi ba Boto
13. Dikomiti tša go thuša Boto
14. Thušo ya botsebi le tše dingwe
15. Dikemedi
16. Matlotlo a Boto
17. Boikarabelo bja ditšhelete
18. Pego ya Ngwaga-ka-Ngwaga
19. Tihomo ya dikomiti tša Boto
20. Popego ya komiti ya selegae
21. Maatla le Mediro ya komiti
22. Dipeakanyetšo tša kakaretšo tšeo di tswalanago le dikomiti tša segae

KGAOLO 3**DIKGOPELO TŠA DILAESENSE**

23. Dikgopelo
24. Tsebišo ya kgopelo
25. Dikganetšo
26. Karabo ya mokgopedi go dikganetšo
27. Theeletšo ya dikgopelo
28. Mehuta ya dilaesense
29. Diteng tša dilaesense
30. Kelohloko ya dikgopelo tša dilaesense
31. Dikgopelo tša go fa dijo goba diphomete tša mabaka
32. Lehu goba tlhokabokgoni ya mokgopedi

GO NTŠHWA GA DILAESENSE LE DIPHOMETE

33. Dilaesense le diphomete
34. Mpshafatšo ya dilaesense
35. Meago ya go se felele
36. Tlhokamaswanedi le tlhokabokgoni e nngwe

KGAOLO 4**MAEMO-KAKARETŠO A DILAESENSE**

37. Maemo a dilaesense le diphomete
38. Lekgotla la Kgwebo ya Mabjalwa
39. Tswala ya ditšhelete le taolo
40. Taolo
41. Mohuta wa meago
42. Mohuta wa kgwebo
43. Phetošo go le katološo ya meago ya dilaesense
44. Borekišetšo bja bjalwa
45. Bašomi
46. Babannyane
47. Ditagwa
48. Direkhoto
49. Kabo ya tshedimošo le ditokumente
50. Khwalithi ya bjalwa

MABAKA A KGETHEGILEGO A GO AMANA LE DILAESENSE TŠA TIRIŠO**Mabaka-kakaretšo**

51. Lefelo la go nwa bjalwa

Dilaesense tša Bjalwa tša Hotele

52. Mohuta wa kgwebo
53. Dinako tša kgwebo
Laesense ya Bjalwa ya Resturente

54. Mohuta wa kgwebo
55. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Paesekopo

56. Mohuta wa kgwebo
57. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Tielapa

58. Mohuta wa kgwebo
59. Dinako tša kgwebo
60. Direkhoto

Dilaesense tša Bjalwa tša Thabene

61. Mohuta wa kgwebo
62. Dinako tša kgwebo

Laesense ya phulu

63. Mohuta wa kgwebo
64. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Holo ya Mmino

65. Mohuta wa kgwebo
66. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Tielapabošego

67. Mohuta wa kgwebo
68. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Dipara

69. Mohuta wa kgwebo
70. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Meago ya Dipapadi

71. Mohuta wa kgwebo
72. Dinako tša kgwebo

Dilaesense tša Bjalwa bja Mabele

- 73. Mohuta wa kgwebo
- 74. Dinako tša kgwebo

Diphomete tša Meletlo goba Go fa dijo

- 75. Mohuta wa kgwebo
- 76. Dinako tša kgwebo

Dilaesense tša Bjalwa tša Tielapa ya Dipapadi

- 77. Mohuta wa kgwebo
- 78. Dinako tša kgwebo

MAEMO A KGETHEGILEGO A GO AMANA LE DILAESENSE TŠA BONWELO BJA TŠEA-O-TLOGE**MAEMO-KAKARETŠO**

- 79. Lefelo la bonwelo bja bjalwa
- 80. Go išwa ga bjalwa

Dilaesense tša bjalwa tša Holoseila

- 81. Mohuta wa kgwebo
- 82. Dinako tša kgwebo
- 83. Tlišo ya bjalwa bonwelong

Dilaesense tša Bohlotlelo bja bjalwa tše Nnyane

- 84. Mohuta wa kgwebo
- 85. Dinako tša kgwebo
- 86. Tlišo ya bjalwa bonwelong

Dilaesense tša Polokelo ya Bjalwa

- 87. Mothamo le maemo a dipitša
- 88. Dinako tša kgwebo
- 89. Tlišo ya Bjalwa bonwelong

Dilaesense tša Beine ya Rakrosari

- 90. Mohuta wa kgwebo
- 91. Mohuta wa bjalwa
- 92. Mothamo le maemo a dipitša
- 93. Dinako tša kgwebo

MATLAFATŠO YA DILAESENSE LE DIPHOMETE

- 94. Go thoma ga dilaesense le diphomete
- 95. Mpshafatšo ya dilaesense

96. Go fela ga dilaesense le diphomete
97. Tsošološo ya dilaesense tšeo di fedilego
98. Thekišo ya bjälwa ka morago ga go fela goba go fegwa ga dilaesense
99. Ditšhelete tšeo di sa bušetšwego

TŠHUTHIŠO YA DILAESENSE LE DIPHOMETE

100. Go se šuthišege ga diphomete
101. Dikgopelo tša tšhuthišo ya laesense

KGAOLO 5

DITSHEDIŠO TŠA SEMOLAO LE TIRIŠO

DITUMELELO KA BOTO

102. Nyakišišo ka Lefapha-Nyakišišo
103. Nyakišišo ka Boto
104. Ditumelelo ka Boto

Ditlhalobo

105. Peo ya bahlahlobi
106. Maatla le mediro ya bahlahlobi
107. Go tsena ka matlafatšo
108. Go tsena ntle le matlafatšo
109. Tšhomišo ya kgapeletšo
110. Mohlahlobi a ka felegetšwa
111. Mošomo wa go hlagiša ditokumente
112. Mošomo wa go araba dipotšišo le go thuša mohlahlobi
113. Ditsebišo tšeo di se nago le kamano
114. Go tswalelwa ga meago ya go ba le dilaesense le e mengwe
115. Dipego godimo ga dikgopelo
116. Dipego godimo ga dilaesense le meago e itšego
117. Dipego godimo ga dikwebo tše itšego

GO THOPELWA LE TOBO

118. Thopelo
119. Tobo

KGAOLO 6

Ditshenyegelo

120. Ditshenyegelo tšeo di hlotšwego ke Boto

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- 121. Metswako le dino tšeo di thibelwago
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KGAOLO 9**DITSHENYO LE DIKOTLO**

- 125. Ditshenyo ka kakaretšo
- 126. Ditshenyo tša go amana le tshedimošo
- 127. Ditshenyo mabapi le dikopano tša Boto
- 128. Ditshenyo mabapi le bahlahlobi le maphodisa
- 129. Ditshenyo mabapi le kgweo ya bjalwa
- 130. Ditshenyo mabapi le bengdilaesense ka kakaretšo
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DITABA TŠA TSHEPEDIŠO LE BOHLATSE

- 132. Bohlatse bja thekišo ya bjalwa
- 133. Bohlatse bja gore motho o wela legorong le le itšego
- 134. Bohlatse bja dilaesense le mabaka a mangwe
- 135. Kgopolo ya thekišo go tšwa go mohuta wa dikgwebišano
- 136. Dikgopolo mabapi le metswako le dino tšeo di thibelwago

KGAOLO 10**DITABA TŠA MAHLAKANASELA**

- 137. Dikhopi tša direkhoto le ditokumente tše dingwe
- 138. Tesetšo ya dikgopelo tšeo di fošagetšego
- 139. Melawana

DIPEAKANYETŠO PHETIŠETŠO

- 140. Tšwetšopele ya ditaba tše itšego tšeo di fegilwego
- 141. Matlafatšo ya dilaesense
- 142. Thaetlele e kopana le go thoma

KGAOLO 1**Ditlhalošišo**

1. Ka mo gare ga Molao wo ntle le ge diteng di laetša ka mokgwa wo mongwe-

"Senotagi" go hlalošwa seno seo se dirilwego ka go bedišwa ga mohlaba, ka goba ntle le mabele, bo ometšwe ka komelo, goba pediša, setautu goba seno se sengwe sa go dirwa bjalo ka goba ka fase ga leina la bjälwa, sebedišwa goba setautu, ge se na le go feta phesente e tee ya bolumo ya setagi, gomme se sa akaretše bjälwa bja mabele;

"bjälwa" go hlalošwa setšweletšwa sa pedišo goba tihotlo ya mabelethoro, dikenywa goba ditšweletšwa tša temo go akaretšwa setagi sa tihotlo le go akaretša senotagigoba bjälwa bja mabele, empa go sa akaretšwe segwai/ sepiritši goba sehlare seo se amanago le go ngwadišwa ka maatla a sephetho sa go phatlalatšwa go ya ka karolo 14(2) ya Molao wa Taolo ya Dihlare le Dilo tša go Tswalana, 1965 (Molao 101 wa 1965);

"bjälwa bja mabele" go hlalošwa bjälwa bja mabele bjoo ka kakaretšo bo tsebja go bjalo ka bjälwa bja mabele gomme bo titielwago ka mabelethoro, leotša le mabele a mangwe;

"beine ya tafoleng" go hlalošwa beine yeo e se nago bolumo ya setagi ya phesente tše 14;

"Boto" go hlalošwa Boto ya Bjälwa ya Gauteng ya go hlongwa go ya ka Molao wo;

"efa" go hlalošwa mabapi le bjälwa bofe le bofe, go ra go bea motho go ba le goba go laola go nwewa ga bjälwa;

"go fa" go hlalošwa mabapi le laesense goba phomete, go ra tumelelo ya kgopelo ke Boto pele go ntšhiwa laesense goba phomete;

"go tagwa le maemo a botagwa" go hlalošwa maemo ao motho a bago go ona ge mabokgoni a gagwe a šitišwa ke bjälwa fao go bonalago a ka itlholela kotsi goba a le kotsi goba setshwenyi goba seferehli go batho ba bangwe;

"Hlogo ya Kgoro" go hlalošwa hlogo ya kgoro ya Mmušo wa Profense ya go ikarabela go Ditaba tša Ekonomi

"holo ya mmimo" go hlalošwa lefelo goba institušene yeo e angwago ke mmimo wa tshwanelo, melao ya mmimo le tlhahlo;

"hotele" go hlalošwa meago, yeo ka gare goba godimo ga yona go ikemišeditšego go sepediša kgwebo ya go fa marobalo le dijo gore go humanwe poelo, gomme e akaretša mothele, ini, malao le difihlolo, kharabane, phaka ya go kampa, ntlo ya polasa, ntlo ya naeng, llotše, seketswana sa hotele le seketswana sa ngwako;

"kgethelwago" go hlalošwa kgethelo ka melawana;

"Kgoro" go hlalošwa kgoro ya Mmušo wa Profense woo o ikarabelago go Ditaba tša Ekonomi;

"komiti ya selegae" go hlalošwa komiti ya Boto ya go hlomelwa tikologo efe le efe ya masepala wa Gauteng, ke go re Lekgotla la Metropolitan goba Lekgotla la Tikologo goba ka fao go laeditšwego ka gare ga karolo 155 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996);

"kopano" go hlalošwa kopano ya Boto goba komiti ya selegae gomme e akaretša theeletšo ya go bitšwa ke Boto goba komiti ya selegae;

"laesense" go hlalošwa laesense yeo e ntšhitšwego go ya ka Molao wo;

"laesense ya tlelapabošego" go hlalošwa laesense yeo, go ya ka Molao wo le maemo a laesense, e matlafatšago mofiwalaesense go rekiša bjalewa gore bo nwelwe meagong ya go ba le laesense le go beakanyetša mmimo le boithabišo bja moopelo;

"laesense ya bonwelo bja tšea-o-tloge meagong" go hlalošwa laesense yeo e dumelelago moswaralaesense go rekišetša bjalewa go nwewa kua kgole le meago ya go ba le laesense gomme **"bonwelo bja tšea-o-tloge meagong"** bo amana le lereo leo;

"laesense ya bonwelo bja nwa-o-dutše meagong" go hlalošwa laesense yeo e dumelelago mofiwalaesense go rekiša bjalewa gore bo nwewe feela mo meagong gomme **"bonwelo bja nwa-o-dutše meagong"** bo kwana le lereo leo;

"lefelo la bohle" go hlalošwa lefelo lefe le lefe leo batho ba kgonago go le fihlelela ka tokelo goba ka taletšo, ya go hlalošwa goba e lebantšhitšwego, gomme go akaretša koloi lefelong la setšhaba;

"leloko" go hlalošwa leloko la Boto;

"Leloko la Lekgotlaphethišo" go hlalošwa leloko la Lekgotlaphethišo la profense leo le ikarabelago go Ditaba tša Ekonomi;

"meago" go hlalošwa lefelo goba moago goba seripa sa moago godimo ga meago efe le efe le koloi goba seketswana, ntle le ge go tšwelela tšeo di thulanago go tšwa go diteng;

"meago ya go ba le laesense" go hlalošwa meago yeo mabapi le yona go ntšhitšwego laesense gomme go akaretša moago ofe le ofe goba lefelo le lengwe leo le tlemaganego le meago yeo;

"meago ya dipapadi" go hlalošwa khasino, holo ya bingo, holo ya go petša, thathasale goba meago ye mengwe ya go ba le laesense go ya ka Molao wa go Tobola wa Gauteng (Molao 4 wa 1995), goba wa go o hlatlama goba molao ofe le ofe wa dipapadi le go tobola;

"Modulasetulo" go hlalošwa modulasetulo wa Boto, gape le Motlatša-modulasetulo wa Boto, goba moswaredi wa gagwe, ge a swere bjalo ka modulasetulo;

"mofiwalaesense" go hlalošwa motho goba koporasi yeo e filwego leina bjalo ka mofiwalaesense ka gare ga laesense goba phomete, go akaretšwa motho yoo laesense e šuthišeditšwego go yena;

"Mohlahlobi" go hlalošwa mohlahlobi yoo a beilwego go ya ka Molao wo;

"mohlami yo monnyane" go hlalošwa motšweletši wa bjälwa yoo mo ngwageng a sa tšweletšego go fetiša bolumo yeo e kgthetšwego;

"Molao wo" go hlalošwa kakaretšo ya melawana ya go hlamiwa go ya ka wona. Molao wo

"molawana" go hlalošwa molawana woo o hlamilwego go ya ka Molao wo;

"monyane" go hlalošwa motho yoo a lego ka fase ga mengwaga e masomepedi-tee (21);

"motho yo a lokolotšwego" go hlalošwa motho yoo ka fase ga dikarolo 123 le 124 a lokolotšwego go dipeakanyetšo le tirišo ya Molao wo;

"motitiedi" go hlalošwa motho yoo a tšweletšago bjälwa go bo rekiša;

"ntšha" go hlalošwa mabapi le laesense goba phomete, e akaretša go rwalela le go iša laesense go motho yoo a e filwego goba mothuši wa gagwe;

"phapo" go hlalošwa lefelo leo go lona go rekišwago bjälwa go ka nwewa mmogo le dineke goba dijwana tša go lekanela;

"para" go hlalošwa para yeo e bulegilego goba seripa sefe le sefe sa moago woo o nago le laesense o dirišetšwago feela goba kudu thekišo le go nwela bjälwa gomme e tlo akaretša khaonthara goba lepheko leo go ka rekišeletšago batho go lona;

"phomete" go hlalošwa phomete ya go fa dijo goba ya moletlo yeo e ntšhitšwego go ya ka Molao wo;

"Profense" go hlalošwa Profense ya Gauteng;

"rekiša" go hlalošwa kakaretšo ya kananyo, goba go lota, fa laetša, iša, neela goba fediša thekišo, goba dumelela, laela goba go dumelela thekišo;

"resturente" go hlalošwa meago yeo go yona baeng ba fiwago dijo ka mehla;

"sebayeng" go hlalošwa lefelo leo maloko a tlelapa goba mokgatlo woo o ipopilego o ralokago phadišano le dinepo tša mantsha, phulu, senuka le dipapadi tše dingwe;

"**segwai**" go hlalošwa sepiritši seo se tlošitšwego tlhagong ya sona go ya ka molao wa tlošotlhagong goba tlhakantšho ya dipiritši goba sepiritši sefe le sefe seo se tlošitšwego tlhagong, se tšhetšwego sehlare, se tšhetšwego senoko goba sa go swarwa ka mokgwa o mongwe se begilwego go ba e le sepiritši sa go hlakantšhwa ka fase ga molao ofe le ofe;

"**seripa seo se kgaoletšwego**" go hlalošwa para meagong ya go ba le laesense yeo mabapi le yona laesense ya bonwelo bja enwa-o-dutše meagong e ntšhitšwego, yeo ka go yona bjälwa bo rekišetšwago khaontareng gomme e sa bope seripa sa motheo sa kamora yeo go yona go tšewago dijo tšatši ka tšatši, gape le seripa sefe le sefe se sengwe sa wona moago woo o tšewago bjalo go ya ka maemo ao a apešitšwego ka Molao wo;

"**thabene**" go hlalošwa lefelo leo kgwebokgolo ya lona e lego go fa bjälwa, dijo le mehuta e mengwe ya mekgwa ya maithabišo;

"**theetara**" go hlalošwa meago yeo go yona dithaloko tša diterama, dipapadi, dikhonsathe goba difilimi di dirwago goba di bontšhwago batho;

"**tlalapa ya dipapadi**" go hlalošwa tlalapa yeo nepokgolo ya yona e lego go hlatloša maitišo a ka ntle, dipapadi, goba boitapološo gare ga maloko a yona;

"**tswala ya taolo**" go hlalošwa go tswalana le kgwebo efe le efe goba maikemišetšo, ke go re tswala efe le efe ya mohuta ofe le ofe yeo e kgontšhago moswari wa yona go ka diriša thwii goba e sego thwii, taolo efe le efe bjang kapa bjang godimo ga mediro goba dithoto tša kgwebo goba modiro gomme "**taolo**" e na le lereo la go amana;

"**tswala ya ditšhelete**" go hlalošwa tswala efe le efe yeo e humanwago kgwebong gomme e tswalanego thwii goba e sego thwii le matlotlo, go akaretšwa poelo ya kgwebo, empa e sa akaretše tswala yeo e sego tswala ya taolo yeo e humanwago ka gare ga khamphani, lekgotla la tirišano bjalo ka ge go hlatholotšwe ka go karolo 1 ya Molao wa Taolo ya Dipiritši le Dibeine, 1970 (Molao47 wa 1970), goba institušene ya go ngwadišwa ka fase ga molao wa go amana le diinstitušene tša ditšhelete;

KGAOLO 2

Tlhommo ya Boto

2. Go hlongwa fa motho wa molao yoo a swanetšego go tsebja ka la Boto ya Bjalwa ya Gauteng.

Maatla le mediro ya Boto

3. (1) Boto e tlo amogela dikgopelo tšeo di šupetšwago ka go karolo 21 go dikomiti tša selegae gomme ka morago ga kelohloko ya dikgopelo tšeo, ya gana goba ya dumelela kgopelo yeo e amegago;
- (2) Boto e ka, ka morago ga kelohloko ya yona ya taba efe le efe e yeo e bolelwago ka gare ga Molao wo ya -
- (a) fega lebaka leo le sa tsebjego goba paka yeo e ka beakanywago
goba ya gomišwa go tšatšikgwedi yeo bjalo ka ge e ka beakanya, laesense yeo e lego tabakgolo ya pego, pelaelo goba kganetšo yeo e amegago, goba tokelo efe le efe goba tshwanelo yeo e kgomareditšwego go yona;
 - (b) bega laesense yeo go be e amana le mabaka goba mabaka a go ya pele bjalo ka ge e ka e apeša ka boikgethelo bja yona;
 - (c) fediša phego ya laesense yeo e amegago goba tokelo goba tshwanelo efe le efe yeo e hlomeseditšwego go yona, ka ponyaleihlo goba go tloga ka tšatšikgwedi leo bjalo ka ge go ka beakanywa, go ya ka mabaka bjalo ka ge e ka dirwa ka boikgethelo bja yona;
 - (d) tšea magato afe le afe ao e bonago a swanetše;
- (3) Boto e tla eletša Molekgotlaphethiši goba ya tliša pego goba tigelo go Molekgotlaphethiši godimo ga taba efe le efe yeo e šupeditšwego go Boto ke Molekgotlaphethiši ka kelohloko le go tšwa go tirišo ya Molao wo goba ka go tswalana le taolo goba phatlalatšo ya senotagi.
- (4) Boto e tlo dira mediro e mengwe yeo bjalo ka ge e tlo Abelwa yona go ya ka Molao wo.
- (5) Boto e tla re ka tumelelano le Molekgotlaphethiši, ya hloma sekhwama sa go laolwa ke yona go šogana le mathata a go nwa bjalwa ka gare ga Profense.
- (6) Sekhwama seo se šupeditšwego ka go karolwana (5) se tlo dirišwa ke Boto ka kgopelo ka diphathi goba ditšhaba go ya ka fao go kgethetšwego;

Popego ya Boto

4. (1) Boto e tlo hlamiwa ka maloko ao a sego ka fase ga tshela (6) le maloko ao a sego ka godimo ga a senyane (9), e le batho bao ba lekanetšego le go swanela, ba beilwego ke Molekgotlaphethiši ka fao go latelago:
- (a) o tee goba batho ba go feta bao ba amogelwago bjalo ka Ramolao goba Mmoleledi ba na le boitemogelo bja mengwaga e mehlano ka gare ga profesene ya semolao goba taolo ya toka;
 - (b) Moemedi o tee goba go feta wa Kgoro ya go ikarabela taolong ya Molao;

- (c) Motho o tee goba go feta yoo a beilwego ka lebaka la tsebo ya gagwe ka lefapheng la kagoleago goba tihabollong ya leago-ekonomi goba ditirelo tša leago; gomme
 - (d) Motho o tee goba go feta bao ba beilwego ka lebaka la tsebo goba boitemogelo ka go intaseteri ya bjalgomme a sa amego o kaalo go yona le go se be le kgahlego ya ditšhelete, e ka ba thwii goba e se thwii.
- (2) Maloko a Boto a ka bewa go tšwa go bahlankedi ka gare ga mošomo wa Mmušo;
- (3) Molekgotlaphethiši a ka bea leloko la Boto bjalo ka Modulasetulo, gape le leloko le lengwe bjalo ka Motlatša-Modulasetulo wa Boto;
- (4) Ga go motho yoo a tlogo go bewa bjalo ka leloko la Boto ge yena motho yoo-
- (a) e se modudi wa Rephabliki yoo a dulago ka gare ga profense;
 - (b) e le monwi yoo a ka se tsošološwego;
 - (c) o amana le taelo ya kgoro ya tsheko yeo e mmegago go ba motho yo a fokolago monagano goba a hlakahlakanego;
 - (d) a ile a swarwa, e ka ba ka gare ga Rephabliki goba kaekae ka bohodu, bomenetša, bofora goba phetošo ya tokumente ya bofora, kenollo, tshenyo ka fase ga Molao wo goba Molao wa Mabošaedi, 1992 (Molao 94 wa 1992), goba tshenyo efe le efe e akaretšago tihokapotego;
 - (e) a ile a tlošwa ofising ya go botega ka lebaka la tihokamaitshwaro; goba
 - (f) a na le kgahlego thwii ya tšhelete goba e sego thwii ka gare ga kgwebo ya bjalgoba e le mogatša motho yyena yoo.

Pakatiro le Ditefelo tša Maloko

5. (1) Leloko le tlo bewa paka ya go se fete mengwaga e mehlano (5) gomme o tla ba le maswanedi a go bewa gape bofelong bja paka ya mathomo.
- (2) Leloko la Boto le tlo lefelwa tefelo yona yeo le putseletšo go tšwa go matlotlo a Boto bjalo ka ge Molekgotlaphethiši a ka beakanya.

Tlošo ya Leloko la go ba le Dikgahlego tša go thulana

6. Leloko la Boto le ka se bote, tsenela goba ka mokgwa ofe le ofe a tsenela ditshepedišo kopanong goba theeletšong ya Boto ge, mabapi le taba yeo e lego pele ga Boto-

- (a) Yena goba leloko la lapa la gagwe, mokgtsi goba modirišani kgwebong e le molaodi, leloko, goba mogwera wa goba a na le kgahlego ya taolo goba kgahlego ya ditšhelete goba ye nngwe ka gare ga kgwebo ya mokgopedi wa laesense, ngwadišo, sethifikeiti, peakanyo goba tokelo goba thswanelo yeo e ka fiwago Ke Boto; goba
- (b) Yena a na le kgahlego efe le efe yeo e mo thibelago go phethagatša mediro ya gagwe bjalo ka leloko la Boto ka mokgwa wa maleba, wa go hloka tshekamelo le go loka; goba
- (2) Ge ka nako efe le efe pakeng ya ditshepedišo pele ga Boto go tšwelela gore leloko le na le kgahlego yeo e bolelwago ka go karolwana (1) -
- (a) leloko leo le tlo re ka ponyaleihlo ka botlalo la utolla mohuta wa kgahlego ya lona gomme la tloga kopanong goba theeletšong go dumelela maloko ao a šetšego go ka ahlaahla taba le go kgonthišiša ge eba leloko leo le thibetšwe go ka kgatha tema ka gare ga ditherišano kopanong goba theeletšong yeo ka lebaka la kgahlego ya go thulana; gomme
- (b) kutollo yeo le sephetho seo se tšerwego ke maloko ao a šetšego mabapi le kgonthišišo yeo gomme yona e tlo ngwalwa ka gare ga metsotso ya ditherišano tšeo.

Tlogelo ya modiro ke Maloko a Boto

7. (1) Leloko la Boto le tlo tlogela modiro wa lonna ge le -
- (a) na le tlhokamaswanedi ao a bolelwago karolong 4(4);
- (b) ile la se be gona dikopanong tša Boto go feta tše pedi ka go latelana ntle le tumelelo ya Modulasetulo; goba
- (c) palelwa ke go utolla dikgahlego tšeo di bolelwago ka karolong 6(1).
- (2) Molekgotlaphethiši a ka, ka morago ga go fa leloko leo le amegago sebaka sa go ka kwewa, fediša boleloko bja leloko la Boto ka lebaka le lebotse leo le laeditšwego.

Dikopano le diphetho tša Boto

8. (1) Kopano ya mathomo ya Boto e tlo swarwa ka nako le lefelong leo le beakanywago ke Modulasetulo, gomme ka morago ga fao Boto e tlo kopana ka dinako le mafelong ao a tlogo go beakanywa ke yona nako le nako go tšwetša pele modiro wa yona ka go akgofiša.
- (2) Modulasetulo a ka re nako efe le efe a ntšha tsebišo ya kopano yeo e kgethegilego ya Boto go ka swarwa ka nako le lefelong leo le tlogo go beakanywa ke yena.

- (3) Ga go sephetho go ya ka Molao wo seo se ka tšewago ka kopanong yeo e sego ya ka mehla mabapi le tumelelo, phetošo, mpshafatšo ya tšhuthišo, phego goba phedišo ya laesense.
- (4) Khoramo ya kopano ya Boto e tlo ba bontši bja maloko a yona.
- (5) Ge bobedi Modulasetulo le Motlatša-modulasetulo ba se gona kopanong ya Boto, maloko ao a lego gona a tlo kgetha yo mongwe wa bona go sepediša kopano.
- (6) Leloko lefe le lefe leo le lego gona le tlo ba le bouto e tee tabeng yeo e lego pele ga Boto, gomme tabeng ya ge go na le tekano ya dibouto, Modulasetulo o tlo ba le, go tlaletša bouto ya maikemišetšo, bouto ya makgaolakgang.
- (7) Ga go sephetho seo se tšerwego goba tiro yeo e dirilwego ka fase ga matlafatšo ya Boto e tlogo go hloka maatla ka lebaka feela la sekgoba ka gare ga Boto goba, taba ya gore leloko le paletšwe ke go utolla kgahlego bjalo ka ge go bolelwa ka go karolo 6(1), goba taba ya gore motho ofe le ofe yoo a se nago maswanedi a go ba gona bjalo ka leloko la Taolo o be a dutše bjalo ka leloko ka nako ya ge sephetho se tšewa goba tiro e ile ya matlafatšwa, ge sephetho se tšerwe goba tiro e matlafaditšwe ke bontši bja maloko a Boto ao a bego a le gona ka nako gomme ba be ba na le maswanedi a go dula bjalo ka maloko.
- (8) Go ya ka dipeakanyetšo tše dingwe tša karolo ye, Modulasetulo o tlo beakanya tshepedišo dikopanong.
- (9) Modulasetulo a ka, ge a kgotsofala gore motho ofe le ofe yoo a bolelwago ka go karolo 10(1) goba (4) yoo go ba ga gagwe go nyakegago kopanong, o tsebišitšwe ka tshwanelo goba go biletšwa go ba gona kopanong empa a se gona kopanong, laela gore kopano e swarwe ntle le yena motho yoo.
- (10) Sephetho sa Boto se tlo tšewa ke bontši bja dibouto tša maloko ao a lego gona a Boto.

Metsotso ya Boto

9. (1) Metsotso ya ditherišano tša Boto e tlo tšewa gomme ya lotwa diofising tša Boto.
- (2) Motho ofe le ofe a ka humana khopi ya metsotso yeo e bolelwago ka go temana (a) goba seripa sefe le sefe sa yona ka tefelo ya ditefišo tšeo di kgethetšwego.

Ditsebišo le dipiletšo

- 10 (1) Modulasetulo a ka dira gore motho ofe le ofe yoo a angwago goba a kago angwa ke goba a amega ka gare ga kahlaahlo ya Boto ya taba ye itšego, a memiwe ka mokgwa wa maleba go ba

gona kopanong, ka go fiwa tšatšikgwedi, nako le lefelo la bokopanelo bja kopano fao go nyakegago go ba gona ga gagwe gore taba yeo ya maleba e ahlaahlwe.

(2) Motho yoo a amogetšego tsebišo go ya ka karolwana (1), o tla tšwelela ka boyena pele ga Boto ka tšatšikgwedi le nako le lefelong leo a le filwego ka gare ga tsebišo gomme a ka emelwa ke moemedi wa kgetho ya gagwe.

(3) Modulasetulo a ka dira gore lephodisa goba sepekitere seo se hlaotšwego se tlišitšego pego yeo e bolelwago ka go Molao go ka tsebišwa ka ga kopano yeo go yona pego e tlogo go ahlaahlwa.

(4) Modulasetulo a ka dira motho ofe le ofe a bitšwe ka mokgwa wa maleba gore a be gona kopanong efe le efe go-

(a) fa bohlatse; goba

(b) tšweletša tokumente efe le efe goba se sengwe le se sengwe gape seo a nago le sona goba a se lotile goba ka fase ga taolo ya gagwe seo go ya ka mogopolo wa Modulasetulo se tswalanago goba se ka tswalanago le taba yeo e swanetšego go ka elwa hloko, ka tsebišo go yena ya tšatšikgwedi, nako le lefelo la kopano fao go nyakegago goba gona ga gagwe.

(5) Motho ofe le ofe yoo a lego gona kopanong, a ka be a tsebišitšwe goba a biditšwe goba a se a bitšwe go ya ka karolo 10(1) goba peakanyetšo ya Molao wo go ba gona kopanong, a ka-

(a) bitšwa ke Modulasetulo go fa bohlatse; goba

(b) laelwa ke Modulasetulo go hlagiša go Boto tokumente goba selo sefe le sefe se sengwe, seo a se swerego goba se le go yena goba ka fase ga taolo ya gagwe, gomme a botšišwa dipotšišo ke Boto.

(6) Boto e ka hlahloba, le go lota paka yona yeo bjalo ka ge go le maleba ka boikgethelo bja yona, tokumente goba selo sefe le sefe seo se tšweleditšwego go yona.

(7) Ge Boto e bona go swanetše, Modulasetulo a ka nyaka gore motho a bitšwe go ya ka karolwana (4) (a) go fa bohlatse goba go laelwa go ya ka karolwana (5) (b) go hlagiša go Boto tokumente goba selo sefe le sefe se sengwe, seo ka go fa bohlatse ka fase ga keno goba ka morago ga ge a dirile tiišetšo.

(8) Modulasetulo goba motho ofe le ofe yoo a kgethetšwego ke yena nepo yeo go ka tšeiša keno goba tiišetšo.

(9) Motho yoo a tšwelelago pele ga Boto go fa bohlatse goba go hlagiša tokumente goba selo sefe le sefe se sengwe o tla lokela go ba le maswanedi a motho yoo a tšwelelago pele ga ditshepedišo tša bosenyi ka go Kgoro ya Godimo.

- (10) Boto e ka, ge e ela hloko kgopelo efe le efe, ka kwešišo ya yona hlokomela taba efe le efe yeo go ya ka mogopolo wa yona e ka bago motheo wa thulano go tumelelo ya kgopelo.
- (11) Modulasetulo o tla tsebiša mokgopedi yoo a amegago ka ga taba yeo e bolelwago ka go karolwana (10) gomme o tla, ge mokgopedi a kgopela bjalo, fega mafateng kelohloko ya kgopelo paka yona yeo bjalo ka ge Modulasetulo a ka bona go swanetše bjalo gore go fiwe mokgopedi sebaka sa go bea taba ya gagwe mabapi le yona.

Phihlelelo ya dikopano

11. (1) Go ya ka dikarolwana (2) le (3), kopano efe le efe ya Boto e tlo fihlelelwa ke setšhaba.
- (2) Modulasetulo a ka laela gore motho ofe le ofe, yoo go ya ka mogopolo wa gagwe gobagona ga gagwe go sa nyakegego kopanong, a se tsenele kopano goba o tla tlogela kopano.
- (3) Dikahlaahlo le go bouta godimo ga taba efe le efe kopanong di tlo swarwa ka morago ga mabati ao a tswaletšwego.

Badiredi ba Boto

12. (1) Boto e tla re phethagatsong ya mediro ya yona ya thušwa ke mongwaledi, bahlankedi le bašomi bao ba šomelago Boto ka fase ga dipeakanyetšo tša Molao wa Tirelo ya Mmušo, 1994 (Molao 103 wa 1994).
- (2) Mongwaledi e tlo ba leloko la Boto ka maatla a ofisi ya gagwe gomme ga a na ditokelo tša go kgetha.

Dikomiti tša go thuša Boto

13. (1) (a) Boto e ka bea gabotse ba babedi ba maloko a yona le mongwaledi go ba bjalo ka Komiti-Phethiši ya Boto yeo e tlogo go ba le maatla a go dira mediro ya Boto dipakeng tša magareng a dikopano tša Boto, go ya ka temana (b), (c), le taelo efe le efe ya Boto.
- (b) Ntle le ge Boto e ka laela ka mokgwa o mongwe, Komiti-Phethiši e tlo ba le maatla a go beela thoko goba go fetošša sephetho sefe le sefe sa Boto.
- (c) Tiro efe le efe goba sephetho seo se tšerwego ke Komiti-Phethišo se tlo ba le maatla le tlišetšo ntle le bokgole bjoo se beelwago ka thoko goba se fetošwago Ke Boto ka kopanong ya yona yeo e latelago.

(2) (a) Boto e tla bea e tee goba dikomiti tša go feta go nyakišiša ka ga taba efe le efe yeo e rometšwego go yona ke Boto le go bega ka ga taba yeo go Boto.

(b) Yona Komiti yeo e tlo hlamiwa ke bontši bja maloko a Boto goba bontši bja batho ba bangwe goba bontši bja maloko le batho ba bangwe, bjalo ka ge Boto e ka bona go swanetše gomme Boto e tlo re nako le nako ya thuba goba ya hlama komiti yona yeo lefsa.

(3) Boto e tlo bea leloko bjalo ka modulasetulo wa komiti yona yeo.

(4) Leloko la Komiti yeo e bolelwago ka go (2) (a), le tlo amogela ditefelo le diputseletššo go tšwa go matlotlo a Boto bjalo ka ge, ka morago ga poledišano le Molekgotlaphethiši, e ka beakanya.

Thušo ya botsebi le tše dingwe

14. (1) Boto e tlo thwala ditsebi tšona tšeo goba batho ba bangwe bjalo ka ge e ka bona go swanetše ka tebelelo ya go thuša phethagatšong ya maatla le mediro ya yona.

(2) Dipaka, mabaka, tefelo le putseletššo tšeo di amanago le setsebi gobba motho yoo a thwetšwego ka fase ga karolwana (1), le modiro woo o swanetšego go dirwa goba tirelo yeo e swanetšego go abiwa di tlo beakanywa ke Boto ka kwano le Molekgotlaphethiši, gomme e tsenywe ka gare ga kwano ya go ngwalwa yeo e tsenetšwego ka nepo yona yeo gare ga Boto le setsebi goba motho yena yoo a amegago.

(3) Ditsebi goba batho ba bangwe bao ba thwetšwego ka fase ga karolwana (1) ba ka se be le maswanedi a go bouta godimo ga sephetho sefe le sefe seo se tšewago ke Boto.

Dikabelo-maatla

15. (1) Boto e ka, ka tumelelo ya Molekgotlaphethiši gape le go ya ka dipeakanyetššo tša karolo ye, abela maatla, mediro le ditlamego tša yona go leloko lefe le lefe la Boto goba komiti efe le efe ya Boto, ka mabaka ao Boto e tlogo go a beakanya.

(2) Kabelomaatla ka fase ga karolo ye e ka fedišwa goba ya gomišwa.

(3) Sengwe le sengwe seo se dirilwego tirišong goba phethagatšong ya maatla, mediro goba ditlamego di tla tšewa go ba di dirilwe ke Boto, go ya ka fao taba e lego ka gona.

Matlotlo a Boto

16. (1) Matlotlo a Boto a tlo hlangwa ka-

(a) tšhelete yeo e lekanyeditšwego ke Lekgotlapeamelao; le

(b) tšhelete yeo e oketšegago ka gare ga Boto go tšwa go mothopo ofe le ofe woo o dumelwago ke Molekgotlaphethiši, go hlakanywa le ditšhelete tšeo di lefilwego go ya ka Molao wo.

(2) Boto e tlo, ka dinepo tša ditekanyešo tšeo di bolelwago ka go karolwana (1) (a), tliša go Molekgotlaphethiši, ditekanyetšo tša ditshenyegelo le dintlha tše dingwe mabapi le ditaba tša tekanyetšokgolo, go tsentšhwa le peakanyo-modiro, bjalo ka ge Molekgotlaphethiši goba Sešegotlotlo sa Profense se ka nyaka.

Boikarabelo bja ditšhelete

17 Maikarabelo a ditšhelete a Boto a tlo ba bjalo ka ge go kgethetšwe ka gare ga Molao wa Taolo-Matlotlo a Mmušo, 1999 (Molao 1 wa 1999).

Pego ya ngwaga-ka- ngwaga

18 Dipego tša ngwaga-ka-ngwaga le ditatamente tša Boto di tlo lokišwa gomme tša išwa bjalo ka ge go nyakwa ke Molao wa Taolo-Matlotlo a Mmušo, 1999 (Molao 1 wa 1999).

Tihomo ya dikomiti tša selegae tša Boto

19 Go hlongwa fa dikomiti tša selegae tša Boto ka gare ga tikologo e nngwe le e nngwe ya bomasepala ka gare ga Profense, tšeo di tsebjago bjalo ka Makgotla a Metropolitan le Makgotla a Tikologo.

Popego ya komiti ya selegae

20 (1) Komiti ya selegae e nngwe le e nngwe e tlo hlamiwa ka maloko ao a sego ka fase ga hlano (5) gomme a sa fetego ao a šupago (7), ao e lego batho ba ba itekanetšego ba go tšea gabotse, ba beilwego ke Molekgotlaphethiši, ka fao go latelago:

(a) motho o tee goba ba bantši bao ba amogetšwego bjalo ka Ramolao goba Mmoleledi bao gabotse ba nago le boitemogelo bja mengwaga e mehlano ka gare ga profesene ya semolao goba taolo ya toka;

(b) moemedi wa Masepala wa Mmušo wa Selegae goba lekgotla, e le mošomimogolwane yoo a nago le boitemogelo goba a laolago toropo goba peakanyo ya motsemogolo goba mediro ya go swana le yona;

(c) moemedi wa Masepala wa Mmušo wa Selegae goba lekgotla, e le mošomimogolwane yoo a nago le boitemogelo goba a laolago Tlhabollo-Ekonomi ya Selegae goba mediro ya go swana le yona;

(d) motho o tee goba ba bantši ba go thwalwa go tšwa go setšhaba ka lebaka la tsebo ya bona ka go lefapha la kagoleago goba tihabollo ya ekonomi ya leago goba ditirelo tša leago;

(e) Mongwaledi yoo a thušago komiti ya selegae.

(2) Ga go motho yoo a ka bewago go ba leloko la komiti ya selegae ge motho yoo-

(a) e se modudi wa Rephabliki yoo a dulago ka gare ga profense;

(b) e le monwi yoo a ka se tsošološwego;

(c) o amana le taelo ya kgoro ya tsheko yeo e mmegago go ba motho yo a fokolago monagano goba a hlakahlakane;

(d) a ile a swarwa, e ka ba ka gare ga Rephabliki goba kaekae ka bohodu, bomenetša, bofora goba phetošo ya tokumente ya bofora, kenollo, tshenyo ka fase ga Molao wo goba Molao wa Mabošaedi, 1992 (Molao 94 wa 1992), goba tshenyo efe le efe e akaretšago tihokapotego;

(e) a ile a tlošwa ofising ya go botega ka lebaka la tlhokamaitshwaro; goba

(f) a na le kgahlego ya tšhelete ya thwii goba e sego thwii ka gare ga kgwebo ya bjälwa goba e le mogotša motho yena yoo.

(3) Molekgotlaphethiši o tla bea leloko la komiti ya selegae bjalo ka Modulasetulo gomme yo mongwe bjalo ka Motlatša-modulasetulo.

Maatla le mediro ya komiti ya selegae

21. (1) Komiti ya selegae e tlo sekaseka dikgopelo ka moka tša dilaesense, tšhuthišo ya dilaelesense, phetošo ya mabaka le kgopelo efe le efe go ya ka Molao wo gare ga matsatši a masopeditee (21) a kamogelo goba paka yona yeo e teletšana bjalo ka ge go ka beakanywa ke mongwaledi wa Boto tabeng ya ge go na le thulano yeo e dirilwego kgahlanong le tumelelo ya laesense ye e itšego.

(2) Komiti ya selegae e tlo dira ditigelo mabapi le dikgopelo gomme ya di romela go Boto ka pele ka morago ga kahlaahlo ya dikgopelo.

(3) Komiti e ka eletša Boto goba ya tliša pego goba tigelo go Boto godimo ga taba efe le efe yeo e lebišitšwego go yona ke Boto gore e sekasekwe gomme e hlaga ka tirišo ya Molao wo goba ka tswalano le taolo goba kabaganyo ya bjälwa.

- (4) Komiti ya selegae e tlo dira yona mediro yeo bjalo ka ge e abetšwe go ya ka Molao wo.

dipeakanyetšo-kakaretšo tša go tswalana le dikomit tša selegae

22. Dipeakanyetšo tša karolo 5 go ya go 12 tša kgaolo 2 ka go swana di ama dikomiti tša selegae ka diphetogo tšeo di nyakegago.

KGAOLO 3

DIKGOPELO TŠA DILAENSENSE

Dikgopelo

- 23 (1)kgopelo efe le efe ya laesense e mpsha e tlo dirwa go komiti ya selegae ya tikologo goba tikologo ya metropolithene ka fao laesense e nyakwago, ka gare ga foromo yeo e kgethetšwego ka go išwa go mongwaledi wa komiti ya selegae gomme e tlo beakanyetša goba ya felegetšwa ke-
- (a) mabaka a go ngwalwa a go šitlelwa ka botlalo go thekga laesense yeo e kgopelwago;
 - (b) polane ya go thalwa ka botlalo ya moago go laetšwa dikamora, tirelo, meago, ditlabakelo tša moago le tshedimošo e nngwe yeo e swanetšego;
 - (c) tihaloso ya go ngwalwa yeo e tletšego ya meago yeo e tswalanago le kgopelo, mmogo le difoto tša mmala tša bokantle le bokagare bja moago;
 - (d) pego ya mohlalobi le dipego tša bohlahlobi bofe le bofe bjoo bo nyakwago ke molao ofe le ofe goba molawana ofe le ofe;
 - (e) bohlatse bja kgatišo ya ditsebišo ka gare ga kuranta go ya ka karolo 24;
 - (f) sethifikeiti sa tokafalo godimo ga mokgopedi le kgopelo yeo e ntšhitšwego ke Tirelo ya Maphodisa a Afrika Borwa goba lekalatirelo le lengwe la go ba le maatla;
 - (g) aterese yeo e tletšego ya kgwebo le lefelo la meago leo le amanago le kgopelo, aterese ya madulo goba aterese ya ofisi ya ngwadišo ya mokgopedi;
 - (h) bohlatse bja tirišano le lekgotla leo le šupetšwego ka go karolo 38; le
 - (i) bohlatse bja tefelo ya tšhelete yeo e kgethetšwego.
- (2) Ka dinepo tša kelohloko ya laesense ka fase ga karolwana (1), komiti ya selegae e ka hlola gore go dirwe tekolo ya meago yeo kgopelo e lebanego le yona le nyakišišo efe le efe e nngwe yeo komiti e bonago e lokile.
- (3) Fao kgopelo ya laesense e gannwego ke Boto, go ka dirwa kgopelo e mpsha mabapi le yona meago yeo gare ga paka ya ngwaga o tee (1) go tloga ka

tšatšikgwedi Reo la kgano, ntle le ka tumelelo yeo e fiwago ka boikgethelo bja Boto.

- (4) Dikgopelo tša dilaesense tša bjalwa bja thabene, phulutlelapo, para, lebenkele la bjalwa le tlelapabošego le tšona di tla felegetšwa ke tumelelo ya go se kamake ya yona kgoro yeo ya maleba ya lekgotla la maleba la metropolitan goba lekgotla la tikologo, go tlaleletša dinyakwa dife le dife tša melao ya tikologo goba peakanyo goba go pantetša.

Tsebišo ya kgopelo

24. (1) Mokgopedi ofe le ofe o tla fa tsebišo ya kgopelo ka kgatišo ka gare ga dikuranta tša go se be ka fase ga tše pedi tšeo di phatlalatšwago ka gare ga tikologo yeo ka go yona meago e agilwego, ka mokgwa woo o kgethetšwego, le ka gare ga Kuranta ya Profense.
- (2) Tsebišo ya kgopelo e tlo dirwa gare ga matšatši a šupa pele ga boipiletšo bja kgopelo.
- (3) Tsebišo ya kgopelo e tlo akaretša maina ka botlalo a mokgopedi, leina la go ikemišetša kgwebo, nomoro ya boitsebišo goba nomoro ya boingwadišo ya mokgopedi, aterese ka botlalo le lefelo la meago, mohuta wa laesense woo o kgopelwago maina le mohuta wa diinstitušene tša thuto le mafelo a borapedi gare ga sediko sa kilometara e tee (1) go tloga go meago.
- (3) Tsebišo yeo e bolelwago ka gare ga karolwana (1) e tlo mema batho bao ba nago le kgahlego go ka tliša dithulano go ya ka karolo 25.

Dithulano

25. (1) Motho ofe le ofe a ka tliša thulano ya go fiwa ga laesense go ya ka Molao wo, ka mokgwa wa maleba, go komiti ya selegae le mokgopedi gare ga matšatši a masopeditee (21) go tloga ka tšatšikgwedi ya kgatišo ša tsebišo yeo elupetšwago ka go karolo 24.
- (2) Thulano e tlo bea ka botlalo mabaka a yona le go ba le maina ka botlalo a motho yoo goba institušene yeo e ganetšago, mmogo le aterese ya botlalo le dintlha tša tlemagano gomme e felegetšwe ke dingwalwa tša go e thekga.

Karabo ya mokgopedi go dithulano

26. Mokgopedi o tla re gare ga matšatši a šupa (7) a kamogelo ya thulano, a tliša karabo ya gagwe ya go ngwalwa, ge e le gona, ya dithulano tšeo di dirilwego go ya ka karolo 25 ka go tliša khopi ya yona go bobedi komiti ya selegae le batho bao ba tlišitšego dithulano.

Theeletšo ya dikgopelo

27. (1) Komiti ya selegae goba Boto e ka bitša theeletšo go tla go sekaseka kgopelo efe le efe le dithulano go kgopelo yeo e

bolelwago, ke tšatšikgwedi, nako le lefelo bjalo ka ge go tla be go beakantše yona.

- (2) Batho bohle bao ba nago le kgahlego, go akaretšwa le mokgopedi le motho ofe le ofe yoo a tlišitšego thulano le kgopelo, ba tlo fiwa sebaka sa go ka theeletšwa gomme ba ka emelwa ke motho wa kgetho ya bona.
- (3) Theeletšo e ka emišwa le go swarwa gape ka tšatšikgwedi leo le ka nako le lefelong leo le ka beakanywago ke komiti ya selegae goba Boto.

Mehuta ya dilaesense

- 28 (1) Dilaesense tše di latelago di ka dumelwa gore go rekišwe le go fa bjälwa-
- (a) go ka nwela meagong ya go ba le laesense yeo e amegago-
 - (i) dilaesense tša bjälwa tša dihotele;
 - (ii) dilaesense tša bjälwa direstorenteng;
 - (iii) dilaesense tša bjälwa ditheetareng;
 - (iv) Dilaesense tša bjälwa ditelapong;
 - (v) Dilaesense tša bjälwa ditelapong tša bošego;
 - (vi) Dilaesense tša bjälwa dipapading;
 - (vii) Dilaesense tša bjälwa mapatlolong a dipapadi;
 - (viii) Dilaesense tša bjälwa dipareng;
 - (ix) Dilaesense tša bjälwa diholong tša mmimo;
 - (x) Dilaesense tša bjälwa dithabeneng;
 - (xi) Dilaesense tša bjälwa phulutleapong
 - (b) go nwelwa kgole le lefelo leo le nago le laesense -
 - (i) dilaesense tša bjälwa tša holoseila;
 - (ii) dilaesense tša lebenkele la bjälwa
 - (iii) dilaesense tša beine tša rakrosari
 - (iv) dilaesense tša bjälwa tša motitiedi-monyane
 - (c) go bo nwela le go bo tšea o tloga meagong-
 - (i) dilaesense tša bjälwa bja mabele.

Diteng tša dilaesense

29. (1) Laesense e fa mofiwalaesense ditokelo le ditshwaro gomme e mo khinela go ditlamego le ditobo tšeo go ya ka maatla a Molao wo di swanetšego go laolwa ke wona goba go ntšha go swarwa ga yona.
- (2) Laesense e laetša bohlatse bja go lefelwa ga ditšhelete.

Kelohloko ya dikgopelo tša dilaesense

30. (1) Kgopelo ya laesense e tlo elwa hloko ke komiti ya selegae gomme ya romelwa go Boto ka ditigelo tšeo ka morago ga tšona Boto e tlogo go ela hloko dikgopelo, gomme e ka-

- (a) gana kgopelo; goba
- (b) dumelela kgopelo

(2) Boto e ka se dumelele kgopelo ya laesense, ntle le ge, gare ga tše dingwe-

- (a) Meago e goba e tlo be, phetšong ya yona, e swanela dinepo tšeo e tlogo be e šomišetšwa laesense;
- (b) Tabeng ya ge meago e le gare ga sediko sa makgolo-hlano (500) a dimithara kgauswi le fao go rapelwago, institušene ya dithuto, meago ya go swana ka laesense, setlabele sa dinamelwa tša setšhaba goba ka gare ga tikologo ya madulo, goba bjona bokgole bjoo Boto e ka beakanyago goba ya kgethelwa nako le nako, Boto e kgotsofala gore, ntle le gore tabeng ya laesense ya thabene, phulutlelapo, lebenkele la bjalwa, bjalwa bja mabele, para le tlelapabošego, kgwebo yeo e amegago e tlo sepedišwa ka mokgwa woo e bego e ka se hlole tapišo le pherehlego;
- (c) mokgopedi ke motho wa boitshwaro bjo bo botse gomme o tloga a swanelwa ke go ba moswari wa laesense;
- (d) tumelelo ya laesense e kgahla batho;
- (e) ga go kgonagalo ya gore tumelelo ya kgopelo e ka hlola boemo bja kotsi bja mojanosi goba bja bakalatšwa ka gare ga bogwebi bja bjalwa goba lekala la bjona; goba
- (f) meago, madulo, ditlabakelo le didirišwa mabapi le ka fao laesense e swanelwago go ntšhiwa ka gona, goba ge mokgopedi a filwe laesense, e tlo be e tswalana le Molao wo le melawana.

Dikgopelo tša diphomete tša go fa dijo goba meletlo

31. (1) Kgopelo ya phomete ya go fa dijo goba meletlo e tlo elwa hloko ke Boto ka tsela ya komiti ya selegae, gomme Boto e ka dumelela goba ya gana kgopelo yeo e amegago.

(2) Boto e ka se dumelele phomete ya go fa dijo goba meletlo ka fase ga karolwana 91) ntle le ge mokgopedi a ka laetša mabaka ao e sego a ka mehla ao a thekgago tumelelo ya go fa phomete ya dijo goba meletlo ya paka yeo e sa fetego matšatši a a šupago a go latelana.

- (3) Phomete ya go fa dijo goba moletlo e tlo fiwa gape ka kgopelo ke mongwaledi, molaodi, hlogo ya sekolo, goba moswaraofisi-mogolwane yoo a hlaotšwego wa pontšho ya paale, tlelapo ya dipapadi, mapatlalo a dipapadi, mekgatlo ya kagoleago goba setšo, institušene ya dithuto, kopano ya mabelo goba dipapadi.
- (4) Boto e tlo kgotsofala gore phatlalatšo goba thekišo ya bjälwa ga se kgwebo e kgolo ya mkgopedi, empa e no ba sewelo modirong woo o swerwego ke mkgopedi.
- (5) Boto e tlo dumelela polane ya meago gomme e ka tloga thwii e tlogela thekišo ya bjälwa mafelong a itšego mo meagong gomme gape e ka beakanya gore ke bjälwa bja mohuta ofe bjoo bo swanetšego go rekišwa.

Lehu goba tlhokabokgoni bja mkgopedi

- 32.** Ge motho yoo a dirilego kgopelo ya laesense a hlokofala, a eba motšhoni, a bewa ka fase ga taolo ya semolao goba a begwa go se kgone go swara ditaba tša gagwe ka naelo ya goba pele ga tšatšikgwedi la theeletšo ya kgopelo e elwa hloko-
- (a) molaodi wa bohwa bja mohu goba motšhoni, molaodi wa semolao goba mohlokamedi yoo a amegago goba, ge yena molaodi goba mohlokamedi a sešo a bewa goba moswarofisi yeo a sa kgone go goba a sa rate go tšea magato, motho yoo a nago le kgahlego kgopelong gomme a matlafatšwa ke taolo ya go ba le maatla, o tla, go ya ka molao wa mabapi le bohwa bja mohu, botšhoni, taolo ya semolao goba bolwetši bja monagano, ba le ditokelo tšeo ka moka bjalo ka ge mkgopedi a be a tlo ba le tšona ge nka be a se hwe, a se, a bewa ka fase ga taolo ya semolao goba a begilwe bjalo go ba yoo a tšhone se nago le bokgoni; gomme
 - (b) Boto e ka, go ya ka Molao wo le molao woo o bolelwago, ka boikgethelo bja yona, ela hloko kgopelo le go dumelelwa ga laesense ka kgetho ya molaodi, mohlokamedi goba motho goba ya gana kgopelo.

Go ntšhiwa ga dilaesense le diphomete

- 33.** (1) Ka morago ga ge Boto e dumeletše kgopelo go ya ka Molao wo e tlo, go ya ka karolo 35, ntšha laesense ka komiti ya selegae go ya go mkgopedi go ka rekiša senotagi seo se beakanyeditšwego ka gare ga Molao wo mabapi le mohuta wa laesense yeo e amegago, goba, tabeng ya phomete ya go fa dijo goba moletlo, mohuta wa senotagi woo o beakantšwego ke Boto le mafelong a a itšego godimo ga meago yeo e tlogetšwego ke Boto go ya ka karolo 31(5).

- (2) Boto e ka re ka nako efe le efe ka morago ga go ntšhiwa ga laesense goba phomete go ya ka karolwana (1) goba karolo 37, ka tsebišo yeo e filwego mofiwalaesense yoo a amegago-
- (a) ya bega laesense goba phomete go ba yeo e angwago ke maemo le maemo a go ya pele a go alwa ka gare ga tsebišo yeo ka boikgethelo bja yona la beeletša; goba
- (b) ya fega mafateng, gomiša goba ya fetoša boemo goba maemo afe le afe goba pego yeo e beeditšwego goba e dirilwego go ya ka Molao wo.

Dilaesense tša dikhopi

34. (1) Boto e ka re ka nako efe le efe ka morago ga go ntšhiwa ga laesense ka fase ga karolo 33 ya ntšhetša mofiwalaesense khopi ya laesense ge a lefetše tšhelete yeo e kgethetšwego gomme ka bohlatse bja tshenyo goba tobo ya laesense ya mathomo.
- (2) Laesense yeo e ntšhitšwego ka fase ga karolwana (1), e tlo angwa ke maemo a go swana le a go alwa ka gare ga laesense ya mathomo.

Meago ya go se fele

35. (1) Ge kgopelo ya laesense (go tlogetšwe phomete ya go fa dijo goba meletlo) e dumeletšwe ke Boto mabapi le meago yeo e sešogo ya agiwa, goba meago yeo e nyakago phetošo efe le efe ya sebopogo, tlaleletšo goba kagolefsa gore e phethagatšwe gore di tle di swanele dinepo tšeo di nyakelwago go dirišetšwa tšona ka fase ga laesense, Boto e tlo ntšhetša mokgopedi yoo a amegago tsebišo yeo ka go yona a tlogo go laelwa go itswalanya le mabaka goba dinyakwa, tšeo di šupeditšwego ka gare ga tsebišo, mabapi le meago yeo bjalo ka ge Boto e ka beakanya, gare ga paka yona yeo bjalo ka ge go ka beakanywa bjalo.
- (2) Boto e ka re nako le nako ka morago ga go ntšhiwa ga tsebišo yona yeo, ka kgopelo ka mokgopedi yoo a amegago-
- (a) Ya gomiša goba ya fetoša mabaka goba dinyakwa tšeo di beakantšwego ka fase ga karolwana (1);
- (b) ya katološa paka yeo e beakantšwego ka fase ga karolwana (1); goba
- (c) ya dumelela peakanyo yeo e fetošitšwego mabapi le meago.
- (4) Paka yeo e beakantšwego ka fase ga karolwana (1), e ka se fete dikgwedi tše lesomepedi (12).
- (5) Ge Boto e kgotsofala gore meago yeo mabapi le yona tsebišo e ntšhitšwego go ya ka karolwana (1), e feditšwe go ya ka polane ya yona yeo e dumeletšwego ke Boto, mabaka le dinyakwa tša go beakanywa ke Boto go ikamantšwe le tšona gomme meago e

swanetše dinepo tšeo e tlogo go šomišetšwa tšona ka fase ga laesense yeo e amegago, e tlo ntšha laesense go ya ka karolo 37.

- (6) Ge laesense e sa ntšhiwa pele ga go fela ga paka yeo e beakantšwego ka fase ga karolwana (1), goba e katološitšwe ka fase ga karolwana (2) (b), tsebišo yeo e amegago e tlo fedišwa gomme kgopelo ya laesense e tlo tšewa gore ga se ya dumelelwa.
- (7) Ge mokgopedi yoo a filwego tšebišo ka fase ga karolwana 91) a hlokofala, a eba motšhoni, a bewa ka fase ga taolo ya semolao goba a begwa go ba yoo a sa kgonego go swara ditaba tša gagwe gabotse-
 - (a) molaodi wa bohwa bja mohu goba motšhoni, molaodi wa semolao goba mohlokamedi yoo a amegago goba, ge yena molaodi goba mohlokamedi a sešo a bewa goba moswarofisi yoo a sa kgone go goba a sa rate go tšea magato, motho yoo a nago le kgahlego kgopelong gomme a matlafatšwa ke Boto, o tla, go ya ka molao wa mabapi le bohwa bja mohu, botšhoni, taolo ya semolao goba bolwetši bja monagano, ba le ditokelo tšeo ka moka bjalo ka ge mokgopedi a be a tlo ba le tšona ge nka be a se hwe, a se tšhone, a bewa ka fase ga taolo ya semolao goba a begilwe bjalo go ba yoo a se nago le bokgoni; gomme
 - (b) molaodi, mosepediši, mohlokamedi goba motho yoo a bolelwago ka go temana (a) ya karolwana ye a ka dira sengwe le sengwe seo ka maatla a tsebišo a ka nyakegago go se dira go kgotsofatša Boto mabapi le ditaba tšeo di bolelwago ka go karolwana (4).

Tlhokamaswanedi le ditlhokabokgoni tše dingwe

- 36. Laesense e ka se ntšhetšwe goba go šuthišetšwa go motho yoo a se nago maswanedi goba a hloka bokgoni ka mokgwa o mongwe go ya ka Molao wa go ka swara laesense yeo e amegago.

KGAOLO 4

MABAKA-KAKARETŠO A DILAESENSE

Mabaka a dilaesense le diphomete

- 37. (1) Laesense goba phomete yeo e beakanyeditšwego ka Molaong wo e ka se fiwe motho ofe le ofe yoo-
 - (a) a ilego a swarwa mo Rephabliki goba go gongwe gomme a kwebelwa tshenyo ya kgolego ntle le kgetho ya tefišo, ntle le ge Boto e na le mogopolo wa gore tshenyo ga se ya mohuta wa gore motho yoo ga a swanela go swara

laesense goba ntle le ge sekwebo se ile sa beelwa ka thoko ke kgoro goba motho yoo a humane tebalelo goba tebalelo ya mahala;

- (b) a ilego a re mo mengwageng e 10 ya go feta a swarwa ka bosenyi go ya ka Molao wo, Molao wa bjälwa 1989 (Molao 27 wa 1989) goba molao ofe le ofe wa go swana le wona wa pele gomme a ile a swarwa a kwebja tefišo ya go se be ka fase ga R200 goba kgolego ntle le kgetho ya tefišo goba bobedi kgolego le tefišo ntle le ge go bonwa molato le go kwebja go ile gwa beelwa ka thoko ke kgoro goba yena motho yoo o humane tebalelo goba tebalelo ya mahala mabapi le se sengwe sa dikwebo tša goba tefišo e ile ya boetšwa morago;
- (c) ke motšhoni yoo a sa kgonego go tsošološwa;
- (c) ke ngwana yo monnyane ka tšatšikgwedi la kelohloko ya kgopelo yeo e amegago;
- (d) ke mogatša wa motho yoo a bolelwago ka go temana (a), (b) goba (c);
- (e) ke motšweletši goba ke modirela wa motšweletši;
- (f) ke motitiedi wa bjälwa, e sego motitiedi-monyane goba modirela wa yena motho yoo;
- (g) ke motho yoo a nago le kgahlego ya ditšhelete ka go kgwebo ya motšweletši goba motitiedi wa bjälwa, goba modirela wa yona khamphani yeo; goba
- (h) ke khamphani yeo ka go yona bengdišere bao ba nago le kgahlego ya ditšhelete ka gare ga kgwebo ya motšweletši goba motitiedi wa bjälwa, mmogo ba na le kgahlego ya taolo, goba modirela wa yona khamphani yeo; goba
- (i) ke khamphani yeo ka go yona khamphani yeo e bolelwago ka go temana (j) e nago le kgahlego ya taolo, goba modirela wa yona khamphani yona yeo.

(2) Ge motho yoo go ya ka karolwana (1) a hlokago maswanedi a go swara laesense-

- (a) a nago le kgahlego ya taolo ka gare ga khamphani, koporasi ya go tswalelwa goba therasete;
- (b) ke mogwebišani ka go kgwebišano; goba
- (c) ke mojalefa-mogolo ka gare ga therasete,

laesense e ka se dumelelwe go khamphani, koporasi, kgwebišano goba therasete yeo.

- (3) Laesense yeo e ntšhitšwego go ya ka Molao wo e tlo angwa ke mabaka ao a adilwgo ka gare ga laesense bjalo ka ge Boto e ka a beeletša go ya ka kgetho ya yona.
- (4) Moswaralaesense o tla, bjalo ka mabaka a laesense yeo e ntšhitšwego go ya ka Molao wo, dumelela le go kgontšha tlhahlobo le nyakišišo ya meago ya go ba le laesense ka mohlahlobi ka mabaka ohle ao a lego maleba.
- (5) Laesense e tla bewa ka mabaka ohle meagonng ya go ba le laesense, e laetšwe mafelong a go ba molaleng meagong gomme e hlagišwe ge e nyakwa ke motho yoo a matlafaditšwego ke Molao wo goba molao ofe le ofe.

Lekgotla la Bogweba ka Bjalwa

38. (1) Go hlomilwe fa Lekgotla la Bogwebi bja Bjalwa leo le tsebjago ka gare ga Profense bjalo ka Lekgotla la Bogwebi bja Bjalwa.
- (2) (a) Makgotla a mangwe ka moka ao a gwebago ka bjalwa a swanetše go ingwadiša go Lekgotla la Bogwebi bja Bjalwa.
- (b) Baswaralaesense le bakgopedi ka moka ba dilaesense bao e sego maloko a makgotla ao a šupeditšwego ka go temana (a) ba swanetše go ba maloko a Lekgotla la Bogweba ka bjalwa.
- (3) Molekgotlaphethiši o tla kgethela Molaotheo wa Maemo a ka fase go Lekgotla la Bogweba ka Bjalwa.
- (4) Lekgotla leo le šupeditšwego ka go karolwana (1) le tlo ba le makala ka gare ga makgotla a metropolitan goba makgotla a tikologo.
- (5) Lekgotla le tlo hlatloša bogwebi bjo tlemaganego bja bjalwa ka gare ga profense, mafolofolo gare ga maloko a lona le bangwadišwa, boikamanyo le melao le melaotshepedišo yeo e amanago le taolo ya bjalwa le go nwa bjalwa ka maikarabelo.
- (6) Lekgotla le tlo, ka pela ka fao go kgonagalago ka morago ga go tswalelwa ga ngwaga wa ditšhelete, empa e sego ka morago ga dikgwedi tše tharo, tliša go Molekgotlaphethiši pego ya ngwaga-ka-ngwaga ya mediro ya lona pakeng ya ngwaga wa ditšhelete wa pele ga wo o amegago.

Dikgahlego tša ditšhelete le taolo

39. (1) Go ya ka dipeakanyetšo tša karolo 37, motitiedi wa bjalwa goba motho yoo a nago le kgahlego ya taolo ka go khamphani,

kgwebišano goba koporasi ya go tswalelwa yeo e lego motšweletši goba motitiedi wa bjälwa, a ka se dumelelwe ntle le tumelelo ya Molekgotlaphethiši, go dikgopelo le mabaka ona ao bjalo ka ge a ka gopola goba go swanetše, go humana thwii goba e sego ka thwii kgahlego ya tšhelete ka gare ga kgwebo yeo go yona laesense ya go šupetšwa ka go karolo 28 e nago le kamano.

- (2) Moswaralaesense yoo a bolelwago ka go karolwana (1) goba motho yoo a nago le kgahlego ya taolo ka go khamphani, kgwebišano goba koporasi ya go tswalelwa yeo e lego moswaralaesense, a ka se re ntle le tumelelo ya Molekgotlaphethiši, a dumelelwa ka kgopelo le ka mabaka ona ao bjalo ka ge a bona go swanetše, go humana thwii goba e sego thwii kgahlego ya ditšhelete ka gare ga kgwebo ya motšweletši goba motitiedi wa bjälwa.
- (3) Moswaralaesense a ka se dumelele motho ofe le ofe go humana kgahlego ya taolo le ditšhelete ka gare ga kgwebo yeo laesense e amanago le yona, ntle le ge Boto e, ka kgopelo ka moswaralaesense, bjalo ka ge go kgethetšwe, e file tumelelo gore motho yoo a ka humana kgahlego yona yeo ka gare ga kgwebo.
- (40) Molekgotlaphethiši a ka se fe tumelelo ka fase ga karolwana (1)-
- (a) tabeng ya kgwebo yeo go yona laesense ya bjälwa ya tlelapa e itswalanyago;
- (b) fao motho yoo e lego tabakgolo ya kgopelo, a hlokago maswanedi a go swara laesense go ya ka Molao wo le melao e mengwe; goba
- (c) ge ka mogopolong wa yona go na le kgonagalo ya gore go fiwa tumelelo ya kgopelo go ka hlola boemo bja kotsi bja mojanošii goba gwa bakalatšwa ka gare ga bogwebi bja bjälwa goba lekala la bjona.

Taolo

40. (1) Motho yoo e sego motho wa tlhago a ka se dire kgwebo ka fase ga laesense ntle le ge motho wa tlhago yoo a dulago go ya go ile ka gare ga Rephabliki gomme e le yoo a sa hlokego maswanedi go ya ka Molao wo go swara laesense, a ka bewa ke yena ka mokgwa wa go kgethelwa go laola le go ba le boikarabelo bja kgwebo.
- (2) Motho wa tlhago yoo e lego moswaralaesense ka mokgwa wa go kgethelwa a bea motho yo mongwe wa tlhago yoo a dulago go ya go ile ka gare ga Rephabliki gomme e se yoo a hlokago maswanedi go ya ka Molao wa go swara laesense, go laola le go ba le boikarabelo bja kgwebo yeo laesense ya mathomo e amanago le bjona.

- (3) (a) Motho yoo a laolago le go ikarabela kgwebong yeo laesense e amanago le yona, o tla angwa ke ditlamego tša go swana le melato bjalo ka moswaralaesense yoo a amegago.
- (b) Fao bosenyi ka fase ga Molao wo goba melawana bo hlotšwego ke motho wa molao, motho yoo a laolago le go ikarabela go kgwebo yeo go yona laesense e amegago, o tla ba le molato wa bosenyi bja go swana le bjona bjalo ka motho wa molao gomme ba tlamega mmogo le go hlakanela kotlo yeo e kgethetšwego bosenyi.
- (c) Ga go selo seo se hlatlolago motho wa molao goba motho yoo a hlotšego bosenyi ka gare ga karolwana ye go molato ka tsela yeo le ge e ka ba go lopolla moswaralaesense go tlamego goba molato woo go wona a tlengwago ke molao.

Mohuta wa moago

41. (1) Go ya ka karolo 91, le ntle le go nyatša karolo 42, moswaralaesense a ka se diriše kgwebo ya gagwe ka fase ga laesense godimo ga meago yeo go yona kgwebo e nngwe, go akaretšwa kgwebo yeo go yona laesense efe le efe e nngwe e amanago, goba bogwebi bofe le bofe goba modiro o dirwago goba o tšwetšwago pele.

- (2) meago e mebedi goba go feta ka fase ga tlhaka e tee e tlo, ka dinepo tša karolwana (1) tšewa go ba o tee ge meago e sa aroganela sa ruri ka lebotu leo le se nago lebatu, lefasetere, goba lešobana le lengwe.
- (3) Tikologo ya batho ya bonwelo meagong e ka se be ka fase ga bogolo bjoo bo kgethetšwego, ntle le ge Boto, ka tigelo ya komiti ya selegae e beakanya ka mokgwa o mongwe.
- (4) Tikologo ka moka ya meago-go-hloka-bonwelo e ka se be ka fase ga bogolo bjoo bo kgethetšwego, ntle le ge Boto, ka tigelo ya komiti ya selegae, e ka beakanya ka mokgwa o mongwe.
- (5) Meago ka dinako ka moka e tlo sepelelana le melao, melawanyana le melawana ya metropolitan goba lekgotla la tikologo, go akaretšwa melao ya go kgoga le maphelo.

Mohuta wa kgwebo

42. (1) Ntle le ge molao ofe le ofe o ka thulana-
- (a) moswaralaesense ya bonwelo bja meagong a ka rekiša goba go abela dikuranta, dilapološi tše bofefo le dinyakwa tša bakgogi meagong ya go ba le laesense, goba a sepediša kgwebo yona yeo e nngwe meagong ye objalo ka

ge Boto, ka kgopelo, ge e efa laesense yeo e angwago e kago, ka kgopelo, nako efe le efe, dumelela go ya ka mabaka ona ao bjalo ka ge Boto e ka bona go swanela; gomme

- (b) moswaralaesense ya lebenkele la bjalo yoo a šupetšwago ka go karolo 28 le yena a ka rekiša goba go abela meetse a diminerale, dino tše dingwe, motšoko, sikara, sekerete, mankgwari, mokotlana-setšidifatši le tšona dilo tše dingwe bjalo ka ge Boto e ka matlafatša.

Diphetošo le katološo ya meago ya go ba le dilaesense

43. (1) Moswaralaesense a ka se dire diphetošo dife le dife tša sebopego, koketšo goba kagolefsa ya goba go meago ya go ba le laesense ya goba go katološa meago ya go ba le laesense ya go fiwa ke yena, ntle le tumelelo ya Boto, bjalo ka ge go kgethelwa ke Boto le mabaka ona ao bjalo ka ge Boto e bona a swanela.

Lefelo la borekišetšo bja bjalo

44. (1) Moswaralaesense a ka se rekiše bjalo kae le kae ntle le meagong ya go ba le laesense.
- (2) Boto e ka, ka kgopelo ka moswaralaesense wa bonwelo bja meagong, dumelela moswaralaesense yoo, ka feela mabaka ao Boto e ka bonago a swanetše e le a paka yeo e ka e beakanyago, go tšwetša pele kgwebo ya gagwe godimo ga seripa feela sa meago ya go ba le laesense.

Bašomi

45. (1) Moswaralaesense a ka se-
- (a) ka goba mabapi le thekišo goba kabelo ya bjalo; goba
- (b) pakeng ya ge a ka rekiša goba a abela bjalo, ka gare ga seripa sefe le sefe seo se kgaoletšwego (ge se le gona) sa meago ya go ba le laesense, a hira motho ofe le ofe-
- (i) yoo e lego ngwana yo monnyane; goba
- (ii) yoo a go ya ka tsebo ya gagwe gare ga mengwaga e mebedi ya go feta a ilego a swarwa ka tshelomolao ya molao ofe le ofe woo o laolago thekišo ya bjalo gomme a ilego a kwebja ka tsela yeo kgolego ntle le kgetho ya tefišo goba tefišo goba bobedi tefišo le kgolego.

(2) Karolwana (1) e ka se dirišwe-

- (a) go motho ofe le ofe wa goba ka godimo ga mengwaga e 18 yoo hlahliwago goba a hlahletšwego ditirelo tša go fa dijo, gomme e le yoo a thwetšwego meagong ya moswaralaesense yoo a ithutetšego go yena ka maleba bokgoning bofe le bofe mabapi le taolo ya kgwebo yeo laesense e tswalanago le yona; goba
- (b) go leloko la lapa la moswaralaesense goba wa molaodi wa kgwebo, yoo a lego ka godimo ga mengwaga e 18, yeo go yona laesense e nago le kamano.

Ba bannyane

46. Moswaralaesense a ka se rekišetše goba go abela bjälwa meagong ya go ba le laesense go ngwana yo monnyane le ge e ka ba go dumelela yena motho yoo a sa bolelwago ka go karolo 45(2), ka gare ga seripa sefe le sefe seo se kgaoletšwego (ge se le gona) sa meago yeo.

Batho ba ba tagilwego

47. (1) Moswaralaesense o tla gana go dumelela meagong goba seripa sefe le sefe sa yona, go rekišetša goba go abela senotagi go motho yoo a tagilwego gomme o tla dira gore yena motho yoo a tlošwe meagong ya go ba le laesense goba go seripa sa yona.
- (2) Moswaralaesense a ka kgopela moofisiri wa maphodisa go tloša goba go thuša go tloša meagong ya go ba le laesense motho ofe le ofe yoo a bolelwago ka go karolwana (1).

Direkhoto

48. (1) Moswaralaesense o tla lota direkhoto tšeo di kgethetšwego ka tsela yeo e kgethetšwego.
- (2) Boto ka nako efe le efe ka tsebišo yeo e filwego Moswaralaesense, e ka-
- (a) Laela gore moswaralaesense a lote direkhoto tšeo tša tlaleletšo bjalo ka ge di ka beakanywa ka gare ga tsebišo, ka wona mokgwa woo o ka beakanywago bjalo ; goba
 - (b) Gomiša goba go fetošä taelo efe le efe yeo e bolelwago ka go temana (a).

Go fa tshedimošo le ditokumente

49. Moswaralaesense o tla, ka kgopelo ya Boto, fa tshedimošo le ditokumente tšona tšeo mabapi le meago ya go ba le laesense (go akaretšwa tlhaloso le peakanyo ya yona), kgwebo yeo go yona laesense e angwago goba gore dikgahlego tša moswaralaesense ka gare ga bogwebi ka bjälwa goba lekala la bjona bjalo ka ge Boto e ka nyaka.

Khwalithi ya bjalwa

50. Moswaralaesense a ka se rekiše goba go abela senotagi sefe le sefe seo se sego molaong goba sa ketšišo.

MABAKA AO A KGETHEGILEGO A GO DIRIŠWA GO DILAESENSE TŠA GO NWELA MEAGONG**Mabaka-kakaretšo****Lefelo la bonwelo bja bjalwa**

51. (1) Moswaralaesense ya bonwelo bja meagong o tla tiišetša gore bjalwa tšeo di rekišitšwego fao di nwelwe feela gona fao meagong ya go ba le laesense.

(2) Le ge go le bjalo ka peakanyo efe le efe ya Molao wo moswaralaesense wa bonwelo bja meagong o tlo dula e butšwe go ya ka dinepo tšeo di bolelwago ka gare ga laesense go tloga ka 21:00 ka morago ga mosegare wa Desemere 31 go fihla ka 02:00 ya mesong ya Janaware 1, ntle le ge go kgethešwe ka mokgwa o mongwe.

Dilaesense tša bjalwa tša hotele**Mohuta wa kgwebo**

52. (1) Moswaralaesense ya Bjalwa ya hotele ka dinako tšohle o tla hlokomela meago ya go ba le laesense ya hotele ya maswanedi yeo go yona marobalo le dijo di abjago nako le nako.
- (2) Rekhoto ya badudi ka moka e tlo lotwa meagong ya go ba le laesense ka dinako tšohle.

Dinako tša kgwebo

53. Moswaralaesense ya Bjalwa tša hotele ka dinako ka moka o tla, ntle le ge go na le molao ofe le ofe wa go thulana, ka letšatši lefe le lefe pakeng ya dinako tšeo di kgethetšwego, rekiša bjalwa meagong ya go ba le laesense go modudi goba moeng gore a bo nwele ka kamoreng ya hotele goba go motho ofe le ofe a tšeago dijo tšeo di rekilwego gona meagong yona yeo gomme a se nwa ka nako yeo goba ka pele pele goba ka morago ga dijo.

Laesense ya bjalwa ya restorante

Mohuta wa kgwebo

54. Moswaralaesense ya bjalwa tša restorante ka dinako ka moka o tla hlokomela meago ya go ba le laesense ya restorante ya go swanela yeo go yona dijo di abelwago baengnako le nako.

Dinako tša kgwebo

55. Moswaralaesense ya bjalwa tša restorante o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša senotagi ka letšatši lefe le lefe la pakeng ya dinako tša go kgaolelwa, motho feela yoo a tšeago sejo sa ka mehla seo se rekilwego meagong ya go ba le laesense gomme a se nwa ka nako yeo goba ka pele pele goba ka morago ga dijo.

Dilaesense tša bjalwa tša theetara

Mohuta wa kgwebo

56. (1) Moswaralaesense ya bjala ya theetara o tla, ka dinako ka moka, hlokomela meago ya go ba le laesense ya theetara ya mmakgonthe yeo go yona papadi tša terama, dipapadi, dikhontshata goba difilimi di laetšwago goba di bontšhwago batho.
- (2) Moswaralaesense yoo a ka se rekišetše motho yoo a sa fiwago tumelelo go pontšho yeo senotagi ka goba ka potlako pele goba ka morago ga tirelo goba pontšho.

Dinako tša kgwebo

57. Moswaralaesense ya bjalwa ya theetara o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekiša bjalwa ka letšatši lefe goba lefe la pakeng ya dinako tša go kgaolelwa.

Dilaesense tša bjalwa tša tlelapo

Mohuta wa kgwebo

58. Laesense ya bjalwa tša tlelapa e ka se fiwe ntle le ge tlelapa yeo mabapi le yona Boto e kgotsofalago gore ke tlelapa ya nnete le gore go ya ka molaotheo goba melao ya yona-
- (a) Tlelapa e bopša ke maloko a ka mehla a lesomehlano (15);
- (b) Bolaodi bja yona bo kgethwa ke maloko a yona gomme e swara dikopano gantši tšeo go tšona go lotwago metsotso ka tshwanelo;
- (c) Ke maloko a yona feela (go akaretšwa maloko a nnete a go dirišana) ao a dumelelwago go lefela ditlabela, bjalwa goba dilapološi tšeo di fiwago gona fao meagong ya tlelapa;

- (d) Bokgole bjoo tirišo ya ditlabele tša yona ke baeng (go sa akaretšwe maloko a malapa) ba meloko e dumelelwago ke melao yeo, palo ya baeng ba maloko e ka se, nako efe le efe ya feta palo yeo e dumeletšwego bjalo;
- (e) direkhoto tša nnete, go akaretšwa retšisetara ya maloko, di a lotwa;
- (f) maloko a lefela tšhelete ya boleloko ya ngwaga-ka-ngwaga;
- (g) ga go poelo ya go tšwa go thekišo ya bjälwa ka tlelapa yeo e kokotlelelago motho ka o tee ka o tee.

- (2) Moswaralaesense ya bjälwa bja tlelapa o tla, ka dinako ka moka, hlokomela meago ya go ba le laesense ya tlelapa ya mmakgonthe yeo go yona dinyakwa tša Molao wo go ikamanywago le tšona.

Dinako tša kgwebo

- 59. Moswaralaesense ya bjälwa tša tlelapa o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekiša bjälwa ka letšatši lefe le lefe la pakeng ya dinako tša go kgaolelwa.

Direkhoto

- 60. Moswaralaesense ya bjälwa bja tlelapa a ka se rekišetše goba abela leloko la tlelapa senotagi gore se newe ke moeng wa leloko ntle le ge lona leloko leo le tsentše leina la lona le leina le aterese ya yena moeng yoo gabotse le ka fao go sa phumolegogo ka gare ga direkhoto tšeo di amegago (ge di le gona)tšeo moswari yoo a tlogo di lota go ya ka maatla a Molao wo.

Dilaesense tša bjälwa tša dithabene

Mohuta wa kgwebo

- 61. (1) Moswaralaesense ya thabene ka dinako tšohle o tla tiišetša gore meago ya go ba le laesense e kgaogane le bodulo bofe le bofe, kudu lefelo la bodulo goba ge le kopantšwe le madulo afe le afe, le tlo aroganywa ka leboto le mabati a go ba le polokego.
- (2) Moswaralaesense o tla abela dijo ka dinako tšohle le mehuta ya go fapana ya maithabišo, a maemo a godimo goba a go amogolega, meagong ya go ba le laesense.

Dinako tša kgwebo

- 62. Moswaralaesense ya thabene o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekiša bjälwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Dilaesense tša phulutlelapa

Mohuta wa kgwebo

63. Moswaralaesense ya bjalwa tša phulutlelapa o tla, ka dinako ka moka, hlokomela meago ya go ba le laesense ya phulutlelapa ya mmakgonthe ya go fa dipapadi tšeo di hlalowsago ka gare ga Molao wo.

Dinako tša kgwebo

64. (1) Moswaralaesense ya phulutlelapa o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekiša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Dilaesense tša bjalwa tša holo ya mmino

Mohuta wa kgwebo

65. Moswaralaesense ya bjalwa ya holo ya mmino o tla sepediša kgwebo meagong ya go ba le laesense bjalo ka ge go hlalosa Molao wo.

Dinako tša kgwebo

66. Moswaralaesense ya bjalwa ya holo ya mmino o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekiša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Dilaesense tša bjalwa tša tlelapabošego

Mohuta wa kgwebo

67. (1) Moswaralaesense ya bjalwa tša tlelapabošego o tla hlokomela meagong ya go ba le laesense ditlabakelo, tšeo di akaretšago peakanyetšo ya dijo tše bofelo, mmino le boithabišo.
- (2) Moswaralaesense ka dinako tšohle o tla, go akaretšwa le nako ya tirišo ya laesense, ba leloko la Lekgotla la Bogwebi ka Bjalwa leo le bolelwago ka go karolo 38, ntle le ge Boto e ka beakanya ka mokgwa o mongwe.

Dinako tša kgwebo

68. Moswaralaesense ya bjalwa tša tlelapabošego o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa motho yoo a etelago tlelapabošego gomme a e nwa bjalwa mo meagong.

Dilaesense tša bjalwa tša dipara**Mohuta wa kgwebo**

69. Moswaralaesense ya bjalwa ya dipara o tla, ka dinako tšohle a tiišetša gore bjalwa bo rekišwa le go nwelwa meagong mmogo le go fiwa ga dineke le dijo tše bofefo.

Dinako tša kgwebo

70. Moswaralaesense ya bjalwa ya dipara o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Dilaesense tša bjalwa tša meago ya dipapadi**Mohuta wa kgwebo**

71. (1) Moswaralaesense ya bjalwa ya meagong ya dipapadi o tla abela mehuta ka moka ya nabjalwa go nwelwa meagong ya go ba le laesense.
- (2) Moswaralaesense ya bjalwa ya meagong ya dipapadi o tla sepediša kgwebo ya semolao ya dipapadi, go akaretšwa go petša meagong ya go ba le laesense.

Dinako tša kgwebo

72. Moswaralaesense ya bjalwa ya meago ya dipapadi o tla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.
Dilaesense tša bjalwa bja mabele.

Mohuta wa kgwebo

73. (1) Moswaralaesense ya bjalwa bja mabele yo a šupetšwago ka go Molao wo o tla rekiša bjalwa bja mabele go nwelwa gona mo meagong ya go ba le laesense goba go tšea o tloga meagong ya go ba le laesense.
- (2) Moswaralaesense ya bjalwa bja mabele yo a šupetšwago ka go Molao wo o tla, ka tumelelo ya Boto le ka tigelolo ya komiti ya selegae yeo e amegago, sepediša kgwebo e nngwe meagong ya go ba le laesense fao moswaralaesense a abelago feela bjalwa bja mabele go ka bo nwa o tlogile meagong.

- (3) Moswaralaesense ya bjalwa bja mabele yoo a abago bjalwa bja mabele go nwelwa lefelong leo le nago le laesense o tlla fepa banwi le ka mohuta wo itseng wa boipsino gammogo le ka dijo.

Dinako tša kgwebo

74. Moswaralaesense ya bjalwa bja mabele o tlla, ntle le ge molao ofe le ofe o bolela ka mokgwa o momgwe, rekišetša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Phomete ya meletlo goba go fa dijo

Mohuta wa kgwebo

75. Moswaraphomete ya meletlo goba go fa dijo, yeo e dumeletšwego mabapi le meago efe le efe, e tlo tiišetša gore bjalwa bjoo bo filwego maloko goba baeng moletlong ke bja go nwewa meagong feela.

Dinako tša kgwebo

76. Moswaraphomete ya meletlo goba go fa dijo o tlla, ntle le ge molao ofe leofe o bolela ka mokgwa o momgwe, rekišetša le go aba bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Dilaesense tša bjalwa tša tlelapa ya dipapadi

Mohuta wa kgwebo

77. Moswaralaesense ya tlelapa ya dipapadi o tlla hlokomela ka dinako tšohle meago ya nnete ya tlelapa ya dipapadi yeo go yona dikopano di swarwago gantši.

Dinako tša kgwebo

78. (1) Moswaraphomete ya meletlo goba go fa dijo o tlla, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša le go aba bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa tšeo ka tšona dikopano tša dipapadi tša setšhaba di swarwago mabaleng a dipapadi ao a amegago.

MABAKA AO A KGETHEGILEGO A GO AMANA LE DILAESENSE TŠA GO REKA O TLOGA MEAGONG

Mabaka ka kakaretšo

Lefelo la go nwela bjalwa

79. (1) Go ya ka karolwana (2), moswaralaesense ofe le ofe wa laesense ya go reka o tšea o tloga o tla tiišetša gore ga go bjalwa bjoo bo nwewago meagong ya go ba le laesense.
- (2) Moswaralaesense ya bjalwa ya holoseila, laesense ya motitiedi-monyane goba laesense ya lebenkele la bjalwa o tla tiišetša gore bjalwa bo se tlišwa go ya ka tumelelo yeo e filwego go ya ka Molao wo, le gore bo nwewe feela lefelong leo bo išitšwego go lona ka fase ga karolwana yeo e swanetšego.

Kišo ya bjalwa

80. (1) Moswaralaesense ya go reka o tšea o tloga meagong o tla-
- (a) Iša bjalwa bjo bongwe le bjo bongwe go tšwa go goba ka sefatanaga goba sebjana goba ka go kgontšha motho ofe le ofe go dira bjalo, ntle le ge, pele ga thomelo ya bjalwa, bjalo bjoo bo be bo otarilwe gomme lenanetheko, ka sebopego seo se kgethetšwego ge eba go na le sebopego seo se ka kgethelwago, kgopelo e dirilwe mabapi le otara, ya yeo yona mathomo e tlogo go lotwa meagong yeo go yona bjalwa bo romelwago gona.
- (b) Rwala bjalwa gore bo išwe ka sefatanaga goba sebjana ntle le ge yena a lota khopi ya lenanetheko leo le bolelwago ka go temana (a), mabapi le bjalwa bjoo ka gare ga sefatanaga seo goba sebjana seo; goba
- (c) Iša bjalwa go aterese yeo e sa fiwago ka gare ga lenanetheko.
- (2) Karolwana (1) ga e amege go kišo ya bjalwa ka tsela ya ka mehla ya kgwebo go moswaralaesense goba motho yoo a lokolotšwego.

Dilaesense tša bjalwa tša holosella

Mohuta wa kgwebo

81. (1) Moswaralaesense ya bjalwa ya holoseila a ka se rekišetše goba go abela bjalwa go motho yoo e sego moswaralaesense goba motho yoo a lokolotšwego.
- (2) Karolwana (1) ya karolo ye e ka se dirišwe go kabo ya bjalwa ka nepo ya karolo 83.

Dinako tša kgwebo

82. Moswaralaesense ya bjalwa bja holoseila a ka, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša le go išetša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

kabo ya bjalwa bja go nwelwa meagong

83. (1) Tumelelo e ka, ka kgopelo, dumelelwa ke Boto ge go dumelelwa laesense ya bjalwa bja holoseile goba ka nako efe le efe ka morago ga ge laesense ya holoseile e ntšheditšwe moswaralaesense ya bjalwa go aba bjalwa ntle le tefo lefelong lona leo meagong ya go ba le laesense, go ka aroganyetšwa lebaka leo, bjalo ka ge Boto e ka beakanya, go-
- (a) moeng wa nnete meagong yeo;
 - (b) moeti wa nnete; goba
 - (c) go ya ka karolo 125(1)(g), motho yoo a thwetšwego mabapi le go tšwetša kgwebo yeo laesense e amanago le yona pele, go nwelwa lefelong leo, ntle le ngwana yo monnyane yoo a bolelwago ka go karolo 45(2).
- (2) Boto e ka fa tumelelo yeo go ya ka mabaka ao a adilwego ka gare ga tumelelo bjalo ka ge Boto e ka a diriša ka boikgethelo bja yona.
- (3) Boto e ka re nako efe le efe ka morago ga go ntšhiwa ga tumelelo yona yeo, ka tsebišo e tlišitšwego goba go moswaralaesense yo a amegago-
- (a) ya bega tumelelo go re e amana le mabaka goba mabaka a go ya pele ao a adilwego ka gare ga tsebišo go ka diriša bjalo ka boikgethelo bja yona;
 - (b) ya gomiša goba fetiša mabaka goba pego yeo e beleditšwego goba e dirilwego ke Boto ka fase ga karolo ye.
 - (c) ka kgopelo, ya beakanya gape lefelo leo le ukangwago ka go karolwana (1); goba
 - (d) ya gomiša tumelelo efe le efe yeo e filwego ka fase ga karolwana (1).

Dilaesense tša motitiedi-monyane

Mohuta wa kgwebo

84. (1) Batitiedi-banyane ba tlo kgethelwa gomme laesense ya motitiedi-monyane e ka se dumelelwe ntle le ge motho yoo a swaranego le go titiela dino dingwe le dingwe tša go bedišwa tšeo di kgethetšwego.
- (2) Go ya ka karolo (4), moswaralaesense ya motitiedi-monyane a ka se rekišetše goba a abela motho yoo e sego moswaralaesense goba motho yoo a lokolotšwego.

- (3) Karolwana (1) ya karolo ye e ka se dirišwe go thekišo ya bjalwa ka nepo ya karolo 89.
- (4) Tumelelo e ka, ka kgopelo, dumelelwa ke Boto ge go fiwa ga laesense ya motitiedi-monyane goba nako efe le efe ka morago ga ge yona laesense yeo e ntšheditšwe moswaralaesense go rekišetša batho bao ba šupetšwago ka go karolwana (2) bjalwa, go ya ka ona mabaka ao a adilwego ka gare ga tumelelo bjalo ka ge e ka a diriša.
- (5) Boto e ka re nako efe le efe ka morago ga go ntšhiwa ga tumelelo yona yeo, ka tsebišo e tlišitšwego goba go moswaralaesense yo a amegago-
- (a) ya bega tumelelo go ba e amana le mabaka goba mabaka a go ya pele ao a adilwego ka gare ga tsebišo go ka diriša bjalo ka boikgethelo bja yona;
- (b) ya gomiša goba fetša mabaka goba pego yeo e beeditšwego goba e dirilwego ke Boto ka fase ga karolo ye.

Dinako tša kgwebo

85. Moswaralaesense ya motitiedi-monyane a ka, ntle le ge molao ofe le ofe o bolela ka mokgwa o momgwe, rekišetša le go iša bjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Kabo ya bjalwa bja go nwelwa meagong

86. (1) Tumelelo e ka, ka kgopelo, dumelelwa ke Boto ge go dumelelwa laesense ya motitiedi-monyane go abela senotagi sa gagwe ntle le tefo lefelong lona leo meagong ya go ba le laesense, go ka aroganyetšwa lebaka leo, bjalo ka ge Boto e ka beakanya, go-
- (a) moeng wa nnete meagong yeo;
- (b) moeti wa nnete; goba
- (c) go ya ka karolo 125(1)(g), motho yoo a thwetšwego mabapi le go tšwetša kgwebo yeo laesense e amanago le yona pele, go nwelwa lefelong leo, ntle le ngwana yo monnyane yoo a bolelwago ka go karolo 45(2) gore e nwewe fao lefelong lona leo..
- (2) Boto e ka fa tumelelo yeo go ya ka mabaka ao a adilwego ka gare ga tumelelo bjalo ka ge Boto e ka a diriša ka boikgethelo bja yona.
- (3) Boto e ka re nako efe le efe ka morago ga go ntšhiwa ga tumelelo yona yeo, ka tsebišo e tlišitšwego goba go moswaralaesense yo a amegago-
- (a) ya bega tumelelo go ba e amana le mabaka goba mabaka a go ya pele ao a adilwego ka gare ga tsebišo go ka diriša bjalo ka boikgethelo bja yona;

- (b) ya gomiša goba fetša mabaka goba pego yeo e beeditšwego goba e dirilwego ke Boto ka fase ga karolo ye.
- (c) ka kgopelo, ya beakanya gape lefelo leo le ukangwago ka go karolwana (1); goba
- (d) ya gomiša tumelelo efe le efe yeo e fiwelgo ka fase ga karolwana (1).

Dilaesense tša lebenkele la bjälwa

Mothamo le mabaka a dipitša

87. Moswaralaesense ya lebenkele la bjälwa a ka se rekišetše bjälwa ka gare ga pitša, yeo e sa tswalelwago swineswine gomme e ka se rekišetšego bjälwa ntle le bjälwa ka gare ga pitša yeo e nago le mothamo wa go feta dilithara tše hlano.

Dinako tša kgwebo

88. Moswaralaesense ya lebenkele la bjälwa a ka, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša le go iša bjälwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

Kabo ya bjälwa bja go nwelwa meagong

89. (1) Tumelelo e ka, ka kgopelo, dumelelwa ke Boto ge go dumelelwa laesense ya lebenkele la bjälwa go abela senotagi sa gagwe ntle le tefo go modiredi wa go tshepagala gore a nwe, feelafeela ka nepo ya go itia dihlaa, lefelong lona leo la meago ya go ba le laesense, go ka aroganyetšwa lebaka leo, bjalo ka ge Boto e ka beakanya, go-

- (a) moeng wa nnete meagong yeo;
- (b) moeti wa nnete; goba
- (c) go ya ka karolo 125(1)(g), motho yoo a thwetšwego mabapi le go tšwetša kgwebo yeo laesense e amanago le yona pele, go nwelwa lefelong leo, ntle le ngwana yo monnyane yoo a bolelwago ka go karolo 45(2) gore e nwewe fao lefelong lona leo..

- (2) Boto e ka fa tumelelo ya go swana le yeo go ya ka mabaka ao a adilwego ka gare ga tumelelo bjalo ka ge e ka diriša boikgethelo bja yona.
- (3) Boto e ka re nako efe le efe ka morago ga go ntšhiwa ga tumelelo yona yeo, ka tsebišo ye tlišitšwego goba go moswaralaesense yo a amegago-

- (a) ya bega tumelelo go ba e amana le mabaka goba mabaka a go ya pele ao a adilwego ka gare ga tsebišo go ka diriša bjalo ka boikgethelo bja yona;
- (b) ya gomiša goba fetoša mabaka goba pego yeo e beleditšwego goba e dirilwego ke Boto ka fase ga karolo ye.
- (c) ka kgopelo, ya beakanya gape lefelo leo le ukangwago ka go karolwana (1); goba
- (d) ya gomiša tumelelo efe le efe yeo e filwego ka fase ga karolwana (1).

Dilaesense tša beine ya rakrosari

Mohuta wa meago

90. Moswaralaesense ya beine ya rakrosari o tla re ka dinako tšohle a tšwetša pele kgwebo ya rakrosari meagong ya go ba le laesense.

Mohuta wa bjalwa

91. Moswaralaesense ya beine ya rakrosari a ka se rekiše senotagi ntle le beine ya tafoleng.

Mothamo le mabaka a dipitša

92. Moswaralaesense ya beine ya rakrosari a ka se rekišetše bjalwa ka gare ga pitša yeo e nago le mothamo wa go feta dilithara tše hlano gomme e se e tswalelwe swineswine.

Dinako tša kgwebo

93. Moswaralaesense ya beine ya rakrosari a ka, ntle le ge molao ofe le ofe o bolela ka mokgwa o mongwe, rekišetša le go iša mabjalwa ka letšatši lefe le lefe pakeng ya dinako tša go kgethelwa.

MATLAFATŠO YA DILAESENSE LE DIPHOMETE

Go thoma ga dilaesense le diphomete

94. Laesense goba phomete yeo e ntšhitšwego, e tlo matlafatšwa go tloga ka tšatšikgweri la tefelo ya tšhelete yeo e kgethetšwego.

Mpshafatšo ya dilaesense

95. Laesense efe le efe etlo mpshafatšwa ka ngwaga ka ngwaga ka 31 Desemere ka go lefela tšhelete yeo e kgethetšwego.

Go fela ga dilaesense le diphomete**96. (1) Laesense e tlo fela-**

- (a) ka tšatšikgwedi leo ka lona moswaralaesense a tlogela go ka go ngwala;
- (b) ka la 1 Janaware ya ngwaga woo mabapi le wona ditšhelete tša maleba tšeo di kgethetšwego ka fase ga karolo 95 di sego tša lefelwa ka la goba pele ga la 31 Desemere tša ngwaga woo o fetilego;
- (c) ka tšatšikgwedi leo le tlogo go beakanywa ke Boto:

(2) Phomete e tlo fela ka tšatšikgwedi leo le tlogo go bewa ke Boto ge go dumelelwa phomete.

Pušetšo ya dilaesense tšeo di fedilego

97. Matlafatšo ya laesense yeo e fedilego, le ditokelo, ditshwanelo, ditlamego le melato yeo e tlemaganego le tšona ka potlako pele ga tšatšikgwedi leo ka lona di felago, di tlo bušetšwa go tloga ka tšatšikgwedi la tefelo ya lona, fao laesense e fedilego ka fase ga mabaka ao a boletšwego ka go karolo 96, tšhelete e kgethetšwego-

- (a) go hlakanywa le tefišo ya 50% ge e lefetšwe ka la goba pele ga la 31 Janaware; goba
- (b) go hlakanywa le tefišo ya 100% ge e lefetšwe ka la goba pele ga la 28 Febereware, ya ngwaga wa pele ga wona mabapi le ditšhelete tšeo di bego di swanetše di lefetšwe.

Thekišo ya bjälwa ka morago ga go fela goba go fegwa ga dilaesense

98. Moswaralaesense yeo e fedilego goba e fegilwego a ka, gare ga matšatši a 30 ka morago ga tšatšikgwedi leo ka lona e fedilego goba phego ya lona e thomilego, ka tsela ya rafantisi yoo a nago le laesense, rekiša ka fantisi ya setšhaba, yeo e swerwego meagong ya go ba le laesense yeo e angwago goba meagong ya rafantisi yena yoo, bjala bofe goba bofebjoogo bego bo le meagong yeo ka letšatši leo.

Ditšhelete tšeo di kgonnegogo bušetšwa

99. Taba ya gore laesense e fedile goba e fegilwe goba e boetše e matlafaditšwe ga e fe motho yoo e lego moswari wa yona maswanedi, go ya ka fao taba e lego ka gona, a go bušetšwa ditšhelete dife le dife tšeo di kgethetšwego, goba seripa sa tšona, tšeo di šetšego di lefetšwe mabapi le laesense yeo e amegago.

TŠHUTHIŠO YA DILAESENSE LE DIPHOMETE

Go se šuthišege ga diphomete

100. Phomete yeo e ntšhitšwego go ya ka Molao wo di ka se šuthišetšwe go motho yo mongwe.

Dikgopelo tša ditšhuthišo tša laesense

101. (1) Moswaralaesense a ka re nako le nako a dira kgopelo ya tšhuthišo ya yona go ya go motho yo mongwe moswari wa go botega.
- (2) Kgopelo ka go karolwana (1) e tlo dirwa go komiti ya selegae ge go lefetšwe ditšhelete tše di kgethetšwego ka mokgwa wa maleba.
- (3) Kgopelo e tlo felegetšwa ke sethifikeiti sa maswanedi a motho wa mošuthišetšwa seo se ntšhitšwego ke Tirelo ya Maphodisa a Afrika Borwa goba le ka tirelo efe le efe ya phethagatšo ya molao le diteng tše dingwe bjalo ka ge go ka kgethelwa.
- (4) Boto e tlo ela hloko kgopelo e nngwe le e nngwe ya tšhuthišo ya laesense gomme e ka no gana goba ya dumelela kgopelo yeo.
- (5) Boto e ka se dumelele kgopelo yona yeo-
- (a) ntle le ge moswaralaesense yoo amegago a bolelwago-
- (i) a na le mekgwa e mebotse gomme a tloga a swanela go ka ntšhetšwa laesense go ya ka Molao wo; gomme
- (ii) ga a hloke maswanedi go ya ka Molao wo; goba
- (b) ge go na le kgonagalo gore go dumelela kgopelo go ka hlo mabaka a kotsi ya mojanosi a go tsošwa goba go bakalatšwa ka gare ga bogwebi ka bjalo goba lekala la bjona.
- (6) Godimo ga go dumelela kgopelo ya tšhuthišo ya laesense, Boto e tlo ntšhetša mošuthišetšwa yoo bjale bago moswaralaesense, ditokelo le ditmego tša moswaralaesense go ya ka Molao wo.
- (7) Dipeakanyetšo tša karolo 32 di tlo dirišwa mabapi le moswaralaesense yoo a tshepagalago.

KGAOLO 5

DITSHEDIŠO TŠA TIIŠETŠO LE SEMOLAO

DITUMELELO KA BOTO

Nyakišišo ka bahlahlobi

102. (1) Maloko a Bohlahlobi ao a beilwego go ya ka karolo 105 a ka hloma le go nyakišiša tšhitego efe le efe ya go gononelwa le go

begwa goba tshelomolao ya lebaka lefe le lefe la laesense goba phomete goba peakanyetšo ya Molao wo.

- (2) Bohlahlobi bo ka bitša motho ofe le ofe yoo a ka kgonago go fa tshedimošo mabapi le tabakgolo ya nyakišišo goba yoo a kgolwago go ba a na le tlhokomelong goba taolong ya gagwe puku efe le efe, tokumente goba selo seo se ka bago le kgatelelo godimo ga tabakgolo yeo e swanetšego go tšwelela pele ga bjona ka nako le lefelong leo le laeditšwego ka gare ga ditagafala go ka bošišwa goba go hlagiša puku, tokumente goba selo sona seo.
- (3) Bohlahlobi bo ka lotela tlhahlobo, paka yona yeo bjalo ka ge go le maleba ka bikgethelo bja bjona puku, tokumente goba selo sefe le sefe seo se tšweleditšwego.

Nyakišišo ka Boto

103. (1) Boto e tla bitša nyakišišo ka dinepo tša karolo 102.
- (2) Dipeakanyetšo tša dikarolo 10 le 11 di tla dirišwa mabapi le ditshepedišo go ya ka tša yona.
 - (3) Moswaralaesense o tla fiwa sebaka sa go theeletšwa fao theeletšong yeo gomme a ka thušwa ke motho ofe le ofe wa kgetho ya gagwe.
 - (4) Boto e tlo lota rekhoto ya ditherišano tša theeletšo.
 - (5) Le ge go le bjalo ka dipeakanyetšo dife le dife tša ka mo gare, Boto e ka, ka nako efe le efe goba pakeng ya nyakišišo goba theeletšo, fega laesense yeo go ya ka mabaka afe le afe ao a bonalago a le bohlokwa, ge go na le lebaka go kgolwa gore go se itswalanye goba tshelomolao yeo e bolelwago ke ya mohuta wa gore kgahlego ya batho e nyaka laesense e fegwa ntle le tikatiko.

Ditumelelo ka Boto

6. (1) Boto e ka fega laesense goba go e fediša paka yeo e laeditšwego ge-
- (a) tshedimošo efe le efe ka gare ga kgopelo ya laesense e le ya bofora ka sebopego sefe le sefe goba ka tlogelo efe le efe;
 - (b) moswaralaesense goba motho ofe le ofe goba molaodi yoo a laolago kgwebo ya moswaralaesense a ile a swarwa ka tshenyo go ya ka Molao wo;
 - (c) moswaralaesense goba motho ofe le ofe goba molaodi yoo a laolago kgwebo ya moswaralaesense a ile a ba tabakgolo ya tlhoka maswanedi go ya ka karolo 35 ya Molao wo; goba
 - (d) moswaralaesense a palelwa ke go lefela tefi o yeo e bolelwago ke Boto ka go karolwana (2).

- (2) Boto e ka beeletša tefišo yeo e sa fetego R200 000-00 godimo ga moswaralaesense goba go fega goba go fediša laesense paka yeo e laeditšwego ge moswaralaesense a palelwa ke go ikamanya le goba a tshetše lebaka la laesense goba phomete goba peakanyetšo ya Molao wo.
- (3) Taelo efe le efe ya Boto go ya ka karolwana (2) e tlo ba le maatla a kahlolo ya selegae.

Ditlhahlobo

Peo ya bahlahlobi

105. (1) Go ya ka molao ofe le ofe o mongwe, Molekgotlaphethiši goba motho yoo a hlaotšwego ke yena o tla bea bahlahlobi bao e tlogo go ba bohlahlobi.
 - (2) Peo go ya ka kaarolwana (1) e ka ba ya kakaretšo goba ya thwii.
 - (3) Mohlahlobi e tlo ba modiredi wa mmušo gomme o tla ikarabela go Hlogo kgoro.
 - (4) Sethifikeiti sa peo ka gare ga fomo ya go ntšhiwa ke Molekgotlaphethiši, seo se laetšago gore motho o beilwe go ba mohlahlobi, e tlo ba bohlatse bja pele bja peo.
 - (5) Molekgotlaphethiši a ka kgethela mekgwa le ditsela tša peo ya bahlahlobi.

Maatla le mediro ya bahlahlobi

106. (1) Bohlahlobi bo tlo swarwa ke mohlahlobi meagong mabapi le kgopelo e nngwe le e nngwe e mpsha ya laesense ya bjalwa.
 - (2) Mohlahlobi a ka swara tlhahlobo le tekolo gomme a tliša boitswalanyo. Le Molao wo le molao o fe le ofe o mongwe woo o mo matlafatšago go swara tlhahlobo goba tekolo le go tliša boitswalanyo bja ditaba tše amanago le laesense.
 - (3) Go ya ka dikarolo 107 le 108 le melao e mengwe mohlahlobi yoo a hlahlobago a ka-
 - (a) botšiša motho ofe le ofe yoo a lego gona godimo ga mabu goba meagong mabapi le taba efe le efe yeo e ka bago malebana le bohlahlobi;
 - (b) botšiša motho ofe le ofe yoo mohlahlobi a kgolwago gore a ka ba le tshedimošo ya malebana le bohlahlobi;
 - (c) hlahloba tokumente e nngwe le e nngwe yeo motho a nyakegago go e hlokomela go ya ka Molao wo goba molao ofe le ofe goba woo o ka lebanago le tlhahlobo ya go tswalana le bjalwa;

- (d) a ka kopiša tokumente efe le efe ye e šupetšwago ka go temana (c), goba ge go nyakegā, tloša tokumente gore a e kopiše;
 - (e) tšea dišupo tša selo sefe le sefe seo se lego malebana le modiro goba tlhahlobo;
 - (f) tšea difoto goba direkhoto tša go kwa-go bona tša selo sefe le sefe goba motho ofe le ofe, tsela, tiro goba lebaka godimo goba malebana le mabu afe le afe goba meago; gomme
 - (g) a ka dira dilo tše bohlokwa tša go swara tlhahlobo.
- (8) Mohlahlobi ofe le ofe yoo a tlošago selo sefe le sefe e sego selo seo se bolelwago ka go karolwana (3)(e) mabung goba meagong ka go hlahlobja, o tla-
- (a) ntšha rasiti ya sona ya mong goba motho yoo a laolago meago; le
 - (b) go buša ka potlako ka fao go kgonagalago ka morago ga go fihlelela nepo yeo se tlošeditšwego yona.

Go tsena ka tagafala

107. (1) Mohlahlobi a ka tsena mabung goba meagong efe le efe ge maseterata a ntšhitše tagafala go ya ka karolwana (2) go tsena goba go hlahloba mabu goba meago, gomme matlafatšo e sa tšwela pele.
- (2) Maseterata a ka ntšha tagafala ya go tsena le go hlahloba mabu le meago efe le efe, ge, ka tshedimošo ya go ngwalwa ka keno, Maseterata a na le lebaka la go dumela gore-
- (a) go bohlokwa go humana tshedimošo, ka kgahlego ya setšhaba, gore seo se kase humanege ntle le go tsena mabung goba meagong yeo; goba
 - (b) ga go na le boikamanyo le Molao wo.
- (3) Tagafala go ya ka karolwana (2) e ka ntšhiwa nako efe le efe gomme e tlo re ka maleba-
- (a) ya šupa mabu goba meago yeo e ka tsenwago le go hlahlobja; le
 - (b) go matlafatša mohlahlobi go tsena le go hlahloba mabu goba meago le go dira sengwe le sengwe seo se boletšwego ka gare ga dikarolo 108, 109 le 110.
- (3) Tagafala go ya ka karolwana (2) e matlafetše go fihla-
- (a) e phethagatšwa;
 - (b) e phumolwa ke maseterata yoo a e ntšhitšego goba, ge maseterata yoo a se gona, ka maseterata yo mongwe;
 - (c) nepo yeo e ntšheditšwego yona e fedile; goba

- (d) matšatši a 90 a fetile go tloga ka tšatšikgweri leo le ntšhitšwego ka yona.
- (5) Pele o tsema meagong le go thoma tihahlobo, mohlalobi yoo a nago le tagafala o tla-
- (a) ge mong goba motho yoo go bonalago a laola mabu goba meago a le gona-
- (i) a itšhupa le go itlhalosa matlafatšo ya gagwe go motho yoo gomme a fa bohlatse bja peo ya gagwe; gomme a neela khopi ya tagafala go motho yoo a ngwadilwego leina ka gare ga yona; goba
- (ii) neela khopi ya tagafala go motho yoo a boletšwego ka go yona; goba
- (iii) ge mong goba motho yoo go bonalago a laola mabu goba meago a se gona goba a gana go amogela khopi, hlomesetša khopi ya tagafala mabung goba meagong lefelong leo le lego pepeneneng le go bonagala.

Go tsema ntle le tagafala

108. (1) Mohlalobi yo a se nago tagafala a ka tsema le go hlahloba-
- (a) mabu afe le afe goba meago ka tumelelo ya mong goba motho yoo go bonagalago a laola mabu goba meago yeo; goba
- (b) mabu goba meago, ntle le mabu a madulo goba meago yeo mabapi le yona laesense goba phomete e sego ya ntšhiwa ka tsela ya ka mehla-
- (i) e sego go feta makgetlo a tshela pakeng ya dikgwedi tše 12; goba
- (ii) kgafetšakgafetša go feta ka fao go bolelwago ka go temanyana (i), ge go dumeletšwe ka molao ka dinepo tša tihahlobo
- (2) Go tlaleletša go tsema fao go dumeletšwego go ya ka karolwana (1), mohlalobi a ka tsema mabung goba meagong efe le efe ntle le tagafala-
- (a) Ge a matlafaditšwe go dira bjalo ka molao ofe le ofe; goba
- (b) Mabapi le yona go lego tsebišo ya go hloka go ikamanya yeo e šaletšego ya go ntšhiwa go ya ka karolo 113, ka nepo ya go kgonthišiša ge eba tsebišo yeo go ikamantšwe le yona.
- (3) Pele go thongwa tihahlobo godimo ga mabu goba meago efe le efe go ya ka karolo ye, mohlalobi o tla itšhupetša le go hlalosa maatla a gagwe le go fa bohlatse bja peo ya gagwe go motho yoo go bonalago a laola mabu goba meago yeo goba motho yoo a filego tumelelo ya go tsema.

- (4) Go tseba le tlahlobo ntle le tagafala di tlo tšwetšwa pele pakeng ya diiri tše kgethetšwego tša modiro.

Tirišo ya kgapeletšo

109. (1) Mohlahlobi yoo a dirišago tagafala go ya ka karolo 107 o tla fenywa twantšho ya go tseba goba go hlahloba a diriša kgapeletšo yeo e nyakegago, go akaretšwa go thubja ga senotlelo, lebati goba lefasetere mabung goba meagong yeo e swanetšego go tsenwa.
- (2) Pele go dirišwa kgapeletšo, motho yoo a phethagatšago tagafala o tla nyaka ka go kwalagala tumelelo gomme o tla tsebiša nepo ya gagwe, ntle le ge akgolwa gabotse gore go dira bjalo go ka goketša yo mongwe go senya, fediša, goba go tshwenyana le selo goba tokumente yeo e lego selo sa go hlahlobja.
- (3) Go ya ka molao ofe le ofe goba tabeng ya tšhoganetšo, kgapeletšo e ka se dirišwe go phethagatša go tseba goba go sepediša tlahlobo go ya ka karolo 108.

Mohlahlobi a ka felegetšwa

110. Leloko la Tirelo ya Maphodisa a Afrika Borwa, Maphodisa a Metro, Madira a Tšhireletšo ya Setšhaba a Afrika Borwa goba lekalatirelo lefe le lefe la molao, ba ka felegetša mohlahlobi ka paka ya tlahlobo, goba motho ofe le ofe yo mongwe yoo a nyakwago gabotse go ka thuša go sepediša tlahlobo, goba ka moka ga bona.

Tlamego ya go hlagiša tokumente

111. Mmotho ofe le ofe, yoo a nago le tokumente ya malebana le tlahlobo, o tla e hlagiša ka kgopelo ya mohlahlobi.

Tlamego ya go araba dipotšišo le go thuša mohlahlobi

112. (1) Motho ofe le ofe yoo a botšišwago ke mohlahlobi go ya ka Molao wo o tla sedimošwa pele ka ditokelo tša molaotheo pele go thongwa ka dipotšišo dife le dife le karabo efe le efe ya boithaopo ka morago ga moo e tlo ba tša nnete go fihla fao bokgoni bja gagwe bo lego ka gona.
- (2) Karabo goba tlhalošo yeo e fiwago mohlahlobi e ka se dirišwe goba ya amogelwa ka gare ga ditshepedišo tša bosenyi kgahlanong le motho yoo a e fago, ntle le ka ditshepedišong kgahlanong le motho yoo ka tatofatšo yeo e amanago le-
- (a) tšeo ya keno;
(b) tirišo ya bohlatse bja maaka; goba

(c) go palelwa ke go araba potšišo ya molao ka botlalo le ka go kgotsofatša.

- (3) Mong goba modudi wa mabung goba meagong o tla fa setlabakelo le thušo efe le efe yeo e nyakwago ka maleba ke mohlalobi go dira mediro ya gagweka tshwanelo.

Ditsebišo tlhoka-boikamanyo

113. (1) Mohlahlobi ofe le ofe yoo a nago le mogopolo wa gore peakanyetšo efe le efe ya Molao ga gwa ikamanywa le yona, a ka, go ya ka karolwana (2), ntšha tsebišo ya tlhoka-boikamanyo ka mokgwa wa go kgethelwa go mong goba motho yoo go bonalago a laola mabu goba meago.
- (2) Tsebišo ya tlhoka-boikamanyo yeo e bolelwago ka go karolwana (1) e tlo ala-
- (a) peakanyetšo yeo go ukangwago gore ga se gwa ikamanywa le yona;
- (b) diteng tša mohuta le bokgole bja tlhoka-boikamanyo bjoo bo ukangwago;
- (c) magato afe le afe ao a nyakegago go ka tšewa le paka yeo gare ga yona magato ao a tlogo go tšewa; le
- (d) kotlo efe le efe yeo e ka beeletšwago go ya ka karolo 131 tabeng ya tlhoka-boikamanyo le magato ao.
- (5) Tsebišo ya tlhoka-boikamanyo yeo e bolelwago ka go karolwana (1) e tlo phela e dirišwa go fihlela mohlalobi a ntšha sethifiketi sa boikamanyo seo se bolelwago ka go karolwana (4) mabapi le tsebišo yeo gomme e tlo romelwa go Boto.
- (6) Mohlahlobi yoo a kgotsofetšego gore mong goba motho yoo a bonalago a laola mabu goba meago efe le efe o kgotsofaditše mabaka a tsebišo ya tlhoka-boikamanyo a ka ntšha sethifikeiti sa boikamanyo go laetša boikamanyo bjoo gomme gwa tsebišwa Boto.

Go tswalelwa ga dilaesense le diphomete tše dingwe

114. (1) Mohlahlobi goba leloko la Boto le ka, ge a na le kgopolo ya gore kgwabo goba pherekanyo ya setšhaba goba go tswalelelwa ka ntle, tlhakatlhakano, moferefere goba khuduego ya setšhaba e a hlolega goba e tšhošetša kgauswi le meago ya go ba le laesense goba meago efe le efe goba lefelo leo ka go lona senotagi se ka bago se rekišwa ntle le laesense, ka mokgwa woo go ka bonalago go yena maamong a taba go ba le ye maatla, a laela moswaralaesense goba motho yoo a amegago, ka fao taba e lego ka gona, goba molaodi goba modirela wa motho, go tswalela meago goba lefelo leo le angwago pakeng ya dinako goba

dipakeng tšeo mohlalobi goba leloko le ka di tšeago go be di swanetše.

- (2) Moswaralaesense goba moalodi wa gawe goba modirela, o tla, kamogelong ya taelo yeo e fiwago ka karolo (1), go itswalanya le yona ka potlako gomme ge a palelwa ke go dira bjalo, motho yoo a filego taelo a ka tšea magato gomme a a diriša goba a hlola gore go dirišwe maatla ao a bonago a le bohlokwa go tswalela meago goba lefelo leo le amegago.
- (3) Taelo yeo e filwego ka karolwana (1), e ka, ka dinako tšohle, gomišwa ke motho yoo a filego taelo.

Dipego godimo ga dikgopelo

115. (1) Mohlahlobi o tla-

- (a) go ya ka kgopelo efe le efe yeo e dirilwego go ya ka Molao wo, dira pego go komiti ya selegae le Boto godimo ga ditaba tšeo di kago kgethelwa goba di swanetšego, ka mogopolng wa mohlalobi, go ka tšeelwa hloko mabapi le kgopelo yeo e amegago; gomme
- (b) ka kgopelo ya komiti ya selegae goba Boto, fa tshedimošo yeo goba tshedimošo ya go ya pele mabapi le taba efe le efe go komiti ya selegae goba Boto ge e ka kgopelwa go yena.

Dipego go baswaralaesense ba itšego le meago

116. (1) Mohlahlobi o tla re ka pele ka fao go kgonagalago a romela go Boto pego-

- (a) go palelweng gofe le gofe ga moswaralaesense go dira mediro yeo e amanago le laesense goba phomete yeo e amegago;
- (b) ge moswaralaesense yoo a hloka maswanedi goba ka mokgwa o mongwe a se na bo kgoni go ya ka Molao wo go swara laesense goba phomete yeo e amegago;
- (c) ge a na le kgopolo ya gore diphetošo goba ditokišo di swanetše go dirwa godimo ga meago ya go ba le laesense yeo go yona laesense e tswalanago; goba
- (d) godimo ga taba yeo ka kgopolong ya mohlankedi yoo e swanetše go lemošwa Boto.

Dipego godimo ga dikahlolo

117. Ge moswaralaesense goba motho yoo a beilwego go ya ka Molao wo go laola le go ikarabela go kgwebo ka fase ga laesense a bonwe molato wa tshenyo go ya ka Molao wo goba molao o monngwe goba molao wa bohle gomme a bonwe molato le go kwebja ka tsela yeo tefišo goba kgolego ntle le kgetho ya tefišo goba bobedi kgolego le tefišo, Tirelo ya

Maphodisa a Afrika Borwa e tlo romela go Boto pego ya kahlolo le mabaka a bosenyi.

Go thopa le ditobo

118. (1) Moofisiri wa maphodisa a ka thopa selo, go akaretšwa bjälwa ge a gonona gabotse gore selo-
- (a) se tlo fa bohlatse bja tshelomolato ya lebaka goba boemo bja laesense goba phomete goba peakanyetšo ya Molao wo goba bosenyi ka fase ga Molao wo;
 - (b) se dirišitšwe mabapi le go tshela molao ga lebaka goba boemo bja laesense goba phomete goba peakanyetšo ya Molao wo goba tshenyo ka fase ga Molao wo;
 - (c) ntle le ge se thopilwe, se swana le ge se dirišitšwe go tshelomolato ya lebaka goba boemo bja laesense goba phomete goba peakanyetšo ya Molao wo goba bosenyi ka fase ga Molao wo;
- (2) Motho yoo a thopago sengwe le sengwe o tlo ntšhetša motho yoo selo se se thopšago go yena, rasiti ya selo le go hlaloša mabaka a go thopša go motho yoo a bolelwago.
- (3) selo se se thopšago se tlo, fao go kgonagalago, lotwa go fihlela Boto goba kgoro ya molao e beakanya taba.

Tobo

119. (1) Selo se sengwe le se sengwe seo se thopiwago go ya ka Molao wo se tlo, ka go tswalana le moswaralaesense goba meago ya go ba le laesense, lobelwa go Boto go phethweng ga go beakanywa ga Boto goba kgoro ya molao.
- (2) Selo se sengwe le se sengwe seo se thopiwago go ya ka Molao wo se tlo, go se swane le ka go karolwana 91), lobelwa ka potlako go Boto.
- (3) Molekgotlaphethiši a ka kgethela ka fao Boto a kago šogana le dilo tšeo di lobilwego.

KGAOLO 6

DITSHENYEGELO

Ditshenyegelo tšeo di dirilwego ke Boto goba komiti ya selegae

120. Ditshenyegelo ka moka tšeo di bonagalago tša go hlofwa ke Boto, komiti ya selegae goba kgoro efe le efe ya Mmušo, tlahlobong ya meago mabapi le kgopelo goba nyakišišo goba ditaba tšeo di amanago le tšona,

go ya ka Molao wo di ka humanwa go mokgopedi wa laesense goba moswaralaesense.

KGAOLO 7.

DIELA TŠA GO THIBELWA LE GO LAOLWA

Motswako wa go thibelwa le dino

121. Ga go motho yoo a tlogo dira, go ba le selo go yena goba ka fase ga taolo ya gagwe goba go nwa goba go rekiša, abela goba go fa motho ofe le ofe-
- (a) motswako ofe le ofe wa go titielwa ka pedišo ya kgotlaomone, swikiri goba selo se sengwe, e ka ba ka leina lefe le lefe leo di tsebjago ka lona;
 - (b) motswako ofe le ofe woo le ge o ka bitšwa ka leina le lengwe la go swana goba le swanago ka kgonthe go o mongwe le o mongwe wa metswako yeo e šupeditšwego ka go temana (a);
 - (c) motswako ofe le ofe wa go titielwa ka pedišo ya selo sefe le sefe seo go nwewa ga sona go tlogo, go ya ka mogopolong wa Molekgotlaphethiši, gwahlafatša maphelo le botho bja setšhaba sa Profense, gomme se laeditšwe ke yena ka tsebišo ka gare ga Kuranta ya Profense;
 - (d) seno sefe le sefe seo se titietšwego ka go hlotlwa ga motswako ofe le ofe woo o šupeditšwego ka go temana (a), (b) goba (c).
- (2) Molekgotlaphethiši o tla re nako efe le efe ka tsebišo ya go swana a gomiša goba fetša tsebišo efe le efe yeo e ntšhitšwego ka karolwana (1)(c).

Segwai

122. (1) Molekgotlaphethiši a ka hlama melawana mabapi le-
- (a) tshepedišo le thibelo ya tlišo-ka-gare, tšhuthišo ka dikepe, thwalo, kišo, lotwa, thekišo, abela goba tirišo ya sepiritši;
 - (b) magoro a batho ao a ka rekišago sepiritši;
 - (c) go lotwa ga direkhoto goba ditokumente tše dingwe mabapi le go gwebišana ka sepiritši, sebopego le mokgwa woo ka wona direkhoto goba ditokumente tše dingwe di tlogo lotwa le diteng tšeo di tlogo go tsenywa ka gare ga tšona;
 - (d) tlhokomelo le go lotwa ga direkhoto goba ditokumente tše dingwe tše di bolelwago ka go temana (c);
 - (e) kgalakišo, nkgišo, go tšhela mmala le go fokodiša sepiritši seo se rekišwa goba lotelwago thekišo, le mokgwa woo ka wona se se tlogo go dirwa;
 - (f) bontši bja sepiritši seo se kago go rekišwa mabakeng a itšego go motho ofe le ofe le dibjana tšeo ka go tšona di ka rekišetšwago; le

- (g) thibelo goba kganetšo ya theko goba go ba le sona sepiritši, go akaretšwa le tumelelo ya phomete ya go reka goba go ba le sona.
- (2) Molawana woo o hlamilwego ka karolo ye o ka, ka tshelomolao wa yona goba go palelwa ke go itswalanya le yona go kgethela kotlo yeo e ka se fetego kgolego ya paka ya dikgwedi tše tshela.
- (3) Melawana ya go fapana e ka dirwa ka karolo ye mabapi le magoro a batho goba ditikologo tša go fapana.

KGAOLO 8

DITOKOLLO

Ditokollo ka pego ya Boto

123. (1) Boto e ka, ka kgopelo gomme ge mabaka a dumelela bjalo, bega gore Molao wo, go sa akaretšwe dipeakanyetšo tšeo bjalo ka ge e ka beakanya, o ka se ame thekišo, ka motho yoo a boletšwego ka gare ga pego, ya bjälwa-
- (a) meagong yeo e tsenwego, laolwago goba hlokomelwago ke kgoro goba setho sa Mmušo;
- (b) go bašomi ba institušene yeo e bolelwago e šupetšwago ka go karolwana ye le baeti ba bona ba nnete go nwewa mo meagong yeo;
- (c) legatong la hlogo ya institušene ya thuto ka gare ga restorante yeo e dirišwago go hlahla batho ba tirelo ya go fa dijo godimo ga meago yeo e tsenwego, laolwago goba hlokomelwago ke institušene yeo e amegago, go nwa ka fao restoranteng yeo.
- (d) ge motho yo e le museamo wa nnete gomme o na le laesense bjalo ka lekgetho le le kgethegilego le motšhelo wa werehause go ya ka Hlogwana 810. 20. 10 ya šetule 8 ya Molao wa Lekgetho le Motšhelo, 1964 (Molao 91 wa 1964);
- (e) ge motho yoo e le mokgoboketši wa beine le gore bjälwa di bopilwe ka kgoboketšo ya gagwe ya beine goba seripa sefe le sefe sa yona;
- (f) ge motho yoo e le rafantisi wa go ba le laesense a dirago legatong la mokgatlo wa setšo goba kagoleago, institušene ya thuto, rainšorense goba motho yoo a bolelwago ka go karolo 124(1)(b).
- (2) Pegu yeo e ntšhitšwego go karolwana (1) e tlo angwa ke mabaka ao a adilwego ka fao gare bjalo ka ge Boto e ka re ka boikgethelo bja yona ya beeletša.
- (3) Boto e ka re nako efe le efe ka morago ga go ntšhwa ga pego ka fase ga karolwana (1) ka tsebišo yeo e tlišitšwego go motho yoo a bolelwago ka gare ga pego yeo e amegago-

- (a) ya beeletša mabaka goba mabaka a go tšwela pele bjalo ka ge a ka alwa ka gare ga tsebišo, ao go ona tsebišo e tlogo go ba tabakgolo;
- (b) ya gomiša goba ya fetoša lebaka lefe le lefe leo le apešitšwego ke yona ka karolo ye;
- (c) ya gomiša goba fetoša pego.

Ditokollo go dipeakanyetšo tša Molao

124. (1) Molao wo o ka se dirišwe go-

- (a) mohlankedi bjalo ka ge go hlalošitšwe ka go karolo (1) ya Molao wa Lekgetho le Motšhelo, 1964 (Molao 91 wa 1964)
- (b) šerifi goba motlatša-šerifi goba mohlankedi ofe le ofe yo mongwe yoo a dirago go ya ka taelo ya kgoro, moahlodi goba maseterata, go dirweng ga mediro ka tsela yeo;
- (c) motho yoo a rekišago senotagi ka matlafatšo ya Tona ya Tšhireletšo-
 - (i) go maloko a Madira a Tšhireletšo ya Bosetšhaba ya Afrika Borwa meagong ya institušene ya kgwebišano yeo e bolelwago ka go karolo 149 ya Molao wa Tšhireletšo, 1957 (Molao 44 wa 1957), go nwa go tlogilwe fao meagong yeo; goba
 - (ii) go maloko ona ao le baeti ba bona ba nnete meagong ya tlelapa goba mese yeo e bolelwago bjalo gore go nwelwe fao meagong yona yeo; goba
 - (iii) mabapi le madulo, kampa, seteše goba sekepe sa seripa sefe le sefe sa Madira a Afrika Borwa.
- (d) Motho yoo a rekišago bjalwa ka fase ga taolo Tona yeo e amegago meagong ya ka fase ga Tirelo ya Maphodisa a Afrika Borwa, Kgoro ya Tirelo ya Ditshokollo goba Tirelo ya Dikelello ya Bosetšhaba, go maloko a institušene yeo e bolelwago le go baeti ba bona ba nnete;
- (e) Modiri wa moletlo wa beine wa go itia dihlaa, mabapi le thekišo ya beine ka bontši bja go se fete dimililithara tše 200 moletlong woo o sa fetego diiri tše pedi go nwewa bjalwa gona moletlong woo;
- (f) Motho yoo, mabapi le thekišo ya sepiritši goba ditlišamenkgo tša go hlotlwa goba sepiritši sa go tšhelwa sehlare, ditlišamenkgo le dipiritši tše di se nago sepiritši sa mpholo;
- (g) Motšweletši wa malekere ao a nago le go feta diphesente tše pedi tša boima bja setagi gomme di tšweleditšwego ka Rephabliki, mabapi le thekišo ya malekere ao go moswaralaesense goba motho yoo a lokolotšwego.

KGAOLO 9**DITSHENYO LE DIKOTLO****Dikotlo ka kakaretšo**

125. Ke tshenyo go motho ofe le ofe go-

- (a) rekiša senotagi sefe le sefe ntle le ka laesense goba phomete yeo e ntšhitšwego go ya ka Molao goba tokollo yeo e filwego go ya ka karolo 123 gobba 124;
- (b) tagwa, go tsoša dikgaruru goba go ferekanya meagong, e ka ba e na le laesense goba e se gona fao go yona ka maatla a Molao wo bjalwa bo ka rekišwago;
- (c) tagwa ka gare goba kgauswi le lefelo lefe le lefe la batho ka moka, go akaretšwa empa go sa kgaolelwago tsela efe le efe, seterata, mokgothana, mokgolokgothana, sekwere, phaka, mmaraka, lebenkele, werehause goba karatše ya setšhaba, bjalobjalo;
- (d) nwa senotagi ka gare goba kgauswi le lefelo lefe le lefe la setšhaba, go akaretšwa le sefatanaga seo se otlwago tseleng ya setšhaba goba se phakile lefelong la batho;
- (e) hlagiša, go swara goba go nwa senotagi mabaleng a dithaloko, goba seripa sa ona fao batho ba filwego tumelelo, ntle le meagong ya go ba le laesense yeo e lego mabaleng a dithaloko tšeo di amegago.
- (f) ikemela ka bofora goba motho ofe le ofe yo mongwe yoo a welago goba a sa welego ka legorong la batho gore go šušumetšwe moswaralaesense goba modirela goba mošomedi go rekiša goba go abela senotagi go yena goba motho yo mongwe yoo ka maatla a Molao wo a ka se rekišego goba go abela motho a sa welego goba a welago ka legorong;
- (g) abela bjalwa go motho mošomong wa gagwe bjalo ka ditefelo tša goba setlaleletši sa wona;
- (h) titiela, phatlalatša goba rekiša bjalwa ge o sa dumelelwa go dira bjalo go ya ka Molao wo;
- (i) titiela, phatlalatša goba rekiša motswako wa go thibelwa goba seno;
- (j) rekiša goba abela bjalwa bja bofora goba bja go hloka molao;
- (k) tshela peakanyetšo efe le efe ya Molao wo.

Ditshenyo tša mabapi le tshedimošo

126. Ke tshenyo go tliša goba go fa tshedimošo yeo e lego ya maaka goba ya go ntšha tseleng goba tokumente ya maaka goba tokumente ya go laetša o ka re empa e se khopi ya nnete ya tokumnete ya mathomo ya go

tswalana le kgopelo, kganetšo, dikemelo, karabo go kganetšo efe le efe goba dikemelo goba pelaelo goba kgopelo go ya ka Molao wo.

Dithsenyo tša go amana le dikopano tša Boto

127. Ke molato go-

- (a) palelwa ke go tšwelela pele ga Boto ka tšatšikgwedi le ka nako le lefelong leo le adilwego ka gare ga tsebišo efe le efe goba tagafala;
- (b) tšwelela pele ga Boto empa ntle le tumelelo ya Modulasetulo wa palelwa ke go dula o tsenetše kopano yeo e amegago go fihlela mafelelong a yona;
- (c) gana go fa bohlatse goba go hlagiša tokumente goba puku, o biditšwe ke Modulasetulo goba Boto go fa bohlatse;
- (d) gana go tšea keno goba go dira tiišetšo, go nyakwa ke Modulasetulo goba Boto go fa bohlatse ka fase ga keno goba ka morago ga go dira tiišetšo;goba
- (e) šitiša ka boomo ditshepedišo kopanong tša Boto goba go diegiša ka boomo goba go thibela Boto goba leloko lefe le lefe la yona go dira mediro ya kopano.

Ditshenyo mabapi le bahlahlobi le maphodisa

128. Ke molato go motho ofe le ofe go-

- (a) itshwara ka bofora bjalo ka goba ka go itira motho wa mohlahlobi goba lephodisa;
- (b) gana goba go palelwa ke go araba dipotšišo tšeo mohlahlobi goba lephodisa pakeng ya ge a phethagatša maatla a gagwe a ilego a mmotšiša goba go dira setatamente go mohlahlobi goba lephodisa e le sa bofora goba go hlalathiša ka mekgwa e mentši;
- (c) gana goba palelwa ke go itswalanya le nyakego efe le efe ya molao, taelo goba go nyaka ga mohlahlobi goba lephodisa;
- (d) diegiša, šitiša goba tsenatsenana le mohlahlobi goba lephodisa phethagatšong ya mediro ya gagwe;
- (e) gana go dumelela mohlahlobi go fihlelela mabu goba meago yeo mohlahlobi a filwego maatla a go e fihlelela;
- (f) palelwa ke go itswalanya le tsebišo ya boikamanyi yeo e ntšhitšwego go ya ka Molao wo;
- (g) dira ka go thulana le tagafala yeo e ntšhitšwego go ya ka Molao wo;goba

- (h) gana goba palelwa ke go fa mohlahlobi tokumente goba tshedimošo yeo motho a nyakegago go e fa go ya ka Molao wo.

Ditshenyo tša go amana le kgwebišano ya bjälwa

129. Ke molato go motho yo mongwe le yo mongwe go tsenela kwano goba go rerišana ka kwano goba peakanyo ya kgwebo yeo e thibetšwego goba e bolelwago ka go karolo 37, ntle le ge ka mokgwa o mongwe Molekgotlaphethiši a dumeletše.

Ditshenyo ka baswaralaesense ka kakaretšo

130. Ke molato ka moswaralaesense go-

- (a) šitwa goba go gana go ikamanya le mabaka a laesense goba go tshela peakanyetšo tša Molao wo;
- (b) phela meago ya go ba le laesense e buletšwe go rekiša, abela goba go nwa bjälwa goba go abela senotagi sefe le sefe ka nako yeo thekišo ya bjälwa e sa dumelelwago go ya ka laesense le Molao wo;
- (c) rekiša le go abela bjälwa lefelong leo thekišo le kabelo ya bjälwa e sa dumelelwago go ya ka laesense;
- (d) šitwa ke go lota direkhoto tšeo go ya ka maatla a molao wo a swanetšego go di lota, goba go lota rekhoto yeo ka mokgwa wa go se kgotsofatše wa go se tlale goba go kgotsofatša;
- (e) palelwa goba go gana go itswalanya le tsebišo efe le efe yeo e ntšhitšwego go ya ka Molao wo goba taelo efe le efe ya Boto;
- (f) dumelela botagwa leboitshwaro bja bohloa meagong ya go ba le laesense;
- (g) rekišetša goba abela bjälwa go motho yoo a tagilwego goba ngwana yo monnyane;
- (h) dumelela meago ya go ba le laesense go ba lefelo la thobalano goba go etelwa ke batho bao ba bitšwago dikobobane (bomakgošo);
- (i) dumelela motho ofe le ofe go dira dilo tša bokebekwa, bohlaswa goba tšeo di solegago seripeng sefe le sefe sa meago ya go ba le laesense;
- (j) mabapi le laesense ya go tšea o tloga, bula goba dumelela gore go bulwe meagong ya go ba le laesense sebjana sefe le sefe seo se nago le bjälwa bjoo bo rekišitšwego ke yena.

Dikotlo

131. Motho ofe le ofe yoo a lego molato wa tshenygo go ya ka Molao wo, o tla re kahlolong a swanelwa ke tefišo ya go se fete R100 000-00 goba kgolego ya paka ya go se fete mengwaga ye lesome (10) goba bobedi tefišo le kgolego.

DITABA TŠA BOHLATSE LE TSHEPEDIŠO**Bohlatse bja thekišo ya bjalwa**

132. Bohlatse tshepedišong efe le efe ya bosenyi gore motho ofe le ofe yoo e sego moswaralaesense-

- (a) o bile godimo goba kgauswi le meago ya gagwe boroto ya leswao goba tsebišo ya go bolela gore o na le laesense;
- (b) o be a tsene goba a laola meago yeo e tsentšhitšwego ka ntle ga yona para goba lefelo la go swana le lona le nago le mapotlelo goba dibjana tšeo di bego di laeditšwe bjalo gore di goge kgonono ya gore bjalwa bo be bo rekišwa gona fao;
- (c) fao meagong ya gagwe go na le bjalwa bjo bontšintši go feta ka mokgwa woo go bego go nyakegela tirišo ya gagwe le tirišo ya motho ofe le ofe yoo a dulago fao;
- (d) rekile goba humane go yena goba ka fase ga taolo ya gagwe a na le bjalwa bja go feta bjoo bo nyakegago go ka nwewa ke yena goba lapa goba badiredi goba baeti ba gawe,

e tlo ba bohlatse bja pele bja thekišo ya bjalwa ka motho wa go bolelwa la mathomo.

Bohlatse bja gore motho o wela legorong le le itšego

- 133.** (1) Ge go kamakiwa ka gare ga botšhotšhisi bofe le bofe bja bosenyi go ya ka Molao wo gore motho ofe le ofe o ka fase ga mengwaga e itšego goba o wela ka go legoro lefe le lefe le lengwe, bohlatse bja gore motho yo a bolelwago ka go bonagala o ka fase ga mengwaga yeo goba gore yena o tšewa go be a wela ka legorong leo le lengwe goba ponagalo ya gagwe e wela fao, go ya ka fao taba e lego ka gona, e tlo ba bohlatse bja pele bja ntlha yeo.
- (2) Ge ka go tlaleletša kgoro e kgotsofala go ya ka tebelelo ya motho gore motho yoo go bonagala a le ka fase ga mengwaga yeo goba ka ponagalo ya gagwe o wela ka legorong leo, e tlo fa tsebišo le go rekhota taba yeo, empa yona tsebišo le rekhoto yeo di ka se thibele mosekišwa go fa gore motho yoo, le ge a na le ponagalo yeo, ga se gore gabotse, motho yoo, o wela ka legorong leo goba a wela ka legorong lela le lengwe, go ya ka fao go lego ka gona.

Bohlatse bja laesense le mabaka a a itšego

134. Tokumente yeo e tšewago go be e le khopi ya laesense e tlo re feela tšweletšong ya yona ka gare ga ditshepedišo dife le dife tša molao wa bohlatse bja mathomo bja laesense, gomme maemo afe le afe ao a rekhotalwego godimo ga yona a tlo, ntle le ge lehlakore le lengwe le ka laetšwa, tšewa go ba boemo bjoo bo tlo bego bo beeditšwe ka fase ga Molao mabapi le laesense.

Kgopolo ya thekišo go tšwa go mohuta wa dineeletšano

135. Ge go kamakiwa ka gare ga botšhotšhisi bofe le bofe bja bosenyi go ya ka Molao wo thekišo ya senotagi yeo e sego ya molaong e diregile, thekišo ya senotagi e tlo tšewa go be e diregile, ntle le ge lehlakore le lengwe le ka fa bohlatsa, gore tšhelete e fetile, gore neeletšano ka sebopego sa thekišo gabotse e diregile.

Kgopolo ya thekišo mabapi le metswako le dino tše di thibelwago

136. Ge go hlatselwa ka gare ga botšhotšhisi bofe le bofe bja bosenyi go ya ka karolo 125 (1) (i) gore mosekišwa o titietše, mo go yena goba ka fase ga taolo ya gagwe, goba o nwele goba rekišitše, abetše goba file motho ofe le ofe seela seo se nago le ponagalo ya motswako goba seno seo se šupetšwago ke karolo 121 (1) gomme ka gare ga tatofatšo, go tla tšewa, ntle le ge lehlakore le lengwe le ka hlatselwa, gore seela se be goba ke motswako goba seno.

KGAOLO 10**DITABA TŠA MAHLAKANASELA****Dikhopi tša direkhoto le ditokumente tše dingwe**

137. Boto e tla, ka kgopelo le ka tefelo ya ditšhelete tše di kgethetšwego, fa motho ofe le ofe yoo a nago le kgahlego dikhopi tša laesense le mabaka a tšona goba a kgopelo efe le efe yeo e lotilwego goba e swerwego ke yona.

Tshedišo ya dikgopelo tše di nago le bofokodi

138. Boto e ka, ge e šogana le goba e ahlaahla kgopelo, tshediša efe le efe ya bofokodi ge e na le mogopolo gore e tloga e na le boitswalanyo le Molao wo le gore tshedišo ga e laetše e kweša motho yo mongwe le yo mongwe bohloko.

Melawana

139. Molekgotlaphethiši a ka hlama melawana ya go amana -

(a) dikgopelo tše di dirilwego go ya ka Molao wo le dithulano goba dikemelo tše di amanago le tšona;

- (b) mkgwa woo ka wona dikgopelo dife le dife, dithulano, dikemelo goba dipelaelo go ya ka Molao wo di swanetše go dirwa;
 - (c) Ditokumente tšeo diswanetšego go tlišwa go thekga kgopelo efe le efe go ya ka Molao wo, le mkgwa woo ka wona ditokumente di swanetšego go tlišwa ka wona;
 - (d) Go fa dikarabo go dithulano goba dikemelo go ya ka Molao wo;
 - (e) Bontši bja palo ya dilaesense tšeo ka go tšona motho ofe le ofe e ka ba moswaralaesense goba a ka ba le kgahlego efe le efe;
 - (f) Go fa tshedimošo efe le efe ka nepo ya rekhoto goba tokumente e nngwe yeo e nyakwago go ka lotwa ka maatla a Molao wo;
 - (g) Go bolokwa goba go senywa ga direkhoto goba tokumente yeo e nyakegago go ka lotwa ka maatla a Molao wo;
 - (h) Tefelo ya ditšhelete mabapi le kgopelo efe le efe yeo e dirilwego go ya ka Molao wo;
 - (i) Tefelo ya ditšhelete mabapi le go ntšhiwa ga laesense efe le efe, go akaretšwa paka yeo gare ga yona tšona ditšhelete tšeo di swanetšego go lefelwa ka yona;
 - (j) Tefelo ya ditšhelete mabapi le tšhuthišo ya laesense, go akaretšwa paka yeo gare ga yona tšona ditšhelete tšeo di swanetšego go lefelwa ka yona;
 - (k) tefelo ya ditšhelete tša dilaesense tša ngwaga ka ngwaga mabapi le dilaesense;
 - (l) tefelo ya ditšhelete tša dilaesense tša ngwaga ka ngwaga mabapi le dilaesense;
 - (m) sebopego sa dilaesense, dipego, ditsebišo ditagafala ditumelelo, dipeo, dipeakanyo, ditumelelo ditaolo, ditaelo le ditokumente tše dingwe go ya ka Molao wo;
 - (n) taba efe le efe yeo go ya ka Molao wo e nyakegago goba e dumelelwago go ka kgethelwa;
 - (o) gomme ka kakaretšo, taba efe le efe ya mabapi le ka fao a humanago go le bohlokwa go dira melawana go fihlelela dinepo tša Molao wo.
- (2) Molawana woo o dirilwego ka fase ga karolo ye o ka, go tshelweng ga wona goba go palelwa ke go ikamanya le wona, kgethela kotlo yeo e ka se fetego tefišo ya R10 000 goba kgolego ya paka ya dikgwedi tše lesomepedi (12) goba bobedi yona tefišo yeo le kgolego.
- (3) Melawana ya go fapana e ka dirwa ka karolo ye mabapi le mehuta ya go fapana ya dilaesense tšeo di nago le dimelo tša go fapana tša ka mehla, magoro a go fapana a batho goba ditikologo tša go fapana.

Dipeakanyetšo tša phetišetšo

Tšwetšopele ya ditaba tše itšego tše di kadielago

140. (1) kgopelo efe le efe yeo e dirilwego pele ga tšatšikgwedi ya go thoma ya Molao wo gomme e se ya fetšwa ka lona tšatšikgwedi leo, e tlo tšwetšwa pele le gofetšwa bjalo ka ge o ka re molao woo o sa šoma.

- (2) ka go tirišo ya karolwana (1) ya karolo 12 ya Molao wa Tlhathollo, 1957 (Molao 33 wa 1957), tšhupetšo go Boto ka gare ga molao woo o šupeditšwego ka go karolwana (1) o tla tšewa bjalo ka tšhupetšo ya Boto bjalo ka ge e hlamilwe go ya ka Molao wo.

Matlafatšo ya dilaesense

141. Dilaesense tšeo di ntšhitšwego go ya ka Molao wa Bjalwa, 1989 (Molao 27 wa 1989) o tla tšwela pele go ba le maatla go fihlela di fela goba moswaralaesense a tshela peakanyetšo ya Molao wo.

Thaetlele e kopana le go thoma

142. (1) Molao wo o tla bitšwa Molao wa Bjalwa wa Gauteng, 2002 gomme o tla thoma go šoma ka tšatšikgwedi leo o tlogo go beakanywa ke Tonakgolo ka kgoeletšo ka gare ga Kuranta ya Profense.
- (2) Matsatšikgwedi a fapanego a tlo beakanywa mabapi le dipeakanyetšo tše fapanego tša Molao wo.

MEMORANTAMO GO YA KA MOLAWANA 132 WA MOLAOKAKANYWA WA BJALWA WA GAUTENG, 2002

(i) Matseno le mabaka a Molaokakanywa

Molaokakanywa wa bjalwa wa Gauteng, 2002 ("Molaokakanywa") o ikemišeditše go beakanyetša motheo wa taolo ya thekišo le kabelo ya bjalwa ka gare ga Gauteng ka mokgwa woo o tiilego. O ikemišeditše go laola thekišo le kabelo ya bjalwa ka tlhomo ya Boto ya Bjalwa ya Gauteng ("Boto") le dikomiti tša selegae tša Boto tšeo di šoganago le dikgopelo tša dilaesense tša bjalwa ka mokgwa wa tirišano le setšhaba. Molaokakanywa o beakanyetša gape tlhomo ya Lekgotla la Bogwebišane bja Bjalwa, leo e lego sethosegolo seo go sona makgotla le bakgopedi le baswaralaesense ka moka bao e sego maloko a makgotla ao a lego gona ba swanetšego go wela ka go ona. Molaokakanywa wa go laola go dumelelwa ga dilaesense mabapi le mehuta ya go fapana ya dilaesense le diaterese, ditaba tša kakaretšo bjalo ka taolo ya batitiedi-banyane, thibelo ya thekišo ya bjalwa go magoro a itšego a batho, ditsela tša phethagatšo, bj.bj.

(ii) Merero ya tikologo ya Molaokakanywa

Ga go selo.

(iii) Merero ya dišhelete ya Molaokakanywa

Go beakanyetša gare ga tše dingwe, dišhelete tša dikgopelo le dilaesense

(iv) Tihaloso ya temana-ka-temana ya diteng tša Molaokakanywa

Temana 1: e beakanyetša ditlhalošišo tša go dirišwa ka gare ga Molaokakanywa

Temana 2 : E hloma Boto ya Bjalwa ya Gauteng.

Temana 3: e kgethela maatla le mediro ya Boto.

Temana 4: E kgethela tlhamo ya Boto

Temana 5: E beakanyetša dipaka tša ofisi le ditefelo tša maloko a Boto.

Temana 6: e kgethela go tlošwa ga leloko la go ba le dikgahlego tša go thulana mabapi le taba efe le efe pele ga Boto.

Temana 7: e kgethela mabaka ao ka ona leloko la Boto le swanetšego go tlogela ofisi.

Temana 8: e beakanyetša tshepedišo ya dikopano le diphetho tša Boto.

Temana 9: e beakanyetša go lotwa ga metsotso ya dikopano tša Boto le phihlello ya tšona.

Temana 10: e beakanyetša Modulasetulo wa Boto go bitša motho ofe le ofe yoo a goba a ka amegago goba a angwago ka gare ga kelohloko ya taba e itšego ka Boto le go laela batho bao go tliša ditokumente ka moka tša go amana le ditaba.

Temana 11: e beakanyetša gore dikopano tša Boto di fihlelelwe ke batho.

Temana 12: e beakanyetša badiredi ba Boto le peo ya mongwaledi go tšwa go ofisi.

Temana 13: e beakanyetša tlhomo ya dikomiti go thuša Boto.

Temana 14: e beakanyetša peo ya ditsebi go thuša Boto.

Temana 15: e beakanyetša kabelo ya maatla ke Boto go maloko goba komiti efe le efe ya go hlongwa ke Boto.

Temana 16: e kgethela mothopo wa matlotlo a Boto.

Temana 17: e kgethela gore maikarabelo a ditšhelete a tlo ba go ya ka Molao wa Taolo ya Matlotlo a Setšhaba, 1999 (Molao 1 wa 1999).

Temana 18: e kgethela gore dipego tša ngwaga-ka-ngwaga le ditatamente tša matlotlo di tlišwa bjalo ka ge go nyaka Molao wa Taolo ya Matlotlo, 1999 (Molao 1 wa 1999)

Temana 19: e hloma dikomiti tša Boto go bomasepala bafe le bafe ba Mmušo wa Selegae goba makgotla ka gare ga Profense.

Temana 20: e kgethela tlhamo ya dikomiti tša selegae.

Temana 21: ekgethela maatla le mediro ya dikomiti tša selegae.

Temana 22: e beakanyetša gore dipeakanyetšo tša ditemana 5- 12 le tšona di ama dikomiti tša selegae.

Temana 23: e kgethela tsela ya tirišo ya dilaesense.

Temana 24: e kgethela tsela ya tsebišo ya setšhaba ya kgopelo efe le efe.

Temana 25: e beakanyetša tokelo go le tsela ya go tliša dithulano go komiti ya selegae.

Temana 26: e beakanyetša tokelo go le tsela ya go araba ka mokgopedi go dithulano.

Temana 27: e beakanyetša theeletšo ya dikgopelo le dithulano go dikgopelo.

Temana 28: e kgethela mehuta ya go fapana ya dilaesense tšeo di ka fiwago ke Boto.

Temana 29: e kgethela diteng tša dilaesense.

Temana 30: e kgethela tsela ya kelohloko ya dikgopelo tša dilaesense ka Boto.

Temana 31: e beakanyetša dikgopelo tša diphomete tša go fa dijo goba meletlo le go kgethela mekgwa ya go di aba.

Temana 32: e beakanyetša go laolwa ga dikgopelo fao mokgopedi a hlokofetšego goba a sa kgonego go laola ditaba tša gagwe.

Temana 33: e kgethela tsela ya go ntšha dilaesense le diphomete le go fa boikgethelo go Boto go beeletša mabaka.

Temana 34: e beakanyetša go ntšhiwa ga dikhopi tša dilaesense tabeng ya tobo goba tshenyego ya laesense ya mathomo.

Temana 35: e beakanyetša kelohloko ya dilaesense mabapi le meago ya go se fele.

Temana 36: e thibela go ntšhiwa le go šuthišetšwa ga dilaesense go batho bao ba se nago maswanedi ka fase ga molaokakanywa.

Temana 37: e kgethela mabaka a dilaesense le diphomete.

Temana 38: e hloma Lekgotla la Kgwebo ya Bjalwa leo go lona makgotla ka moka ao a lego gona le dilaesense le bakgopedi bao e sego maloko a makgotla ao a lego gona ba swanetšego go tsenela.

Temana 39: e kgethela dikgaolelo go bakgopedi ba le kgahlego tša ditšhelete le taolo ka gare ga botitielo le tšweletšo ya bjalwa.

Temana 40: e kgethela mekgwa ya taolo ya kgwebo yeo laesense e amanago le yona.

Temana 41: e kgethela mohuta wa meago woo go wona laesense e amanago le wona.

Temana 42: e kgethela dilo ntle le senotagi seo se ka rekišwago meagong yeo laesense e amegago.

Temana 43: e kgethela mabaka a katološo ya meago ya ba go le laesense.

Temana 44: e kgethela lefelo la borekišetšo bja bjalwa

Temana 45: e kgethela mekgwa ya bašomedi ba kgwebo yeo laesense e amegago.

Temana 46: e thibela thekišo ya bjalwa go bana ba bannyane.

Temana 47: e thibela thekišo ya bjalwa go batho ba go tagwa.

Temana 48: e kgethela go lotwa ga direkhoto ke moswaralaesense.

Temana 49: e kgethela go fiwa ga tshedimošo le direkhoto ka moswaralaesense ka kgopelo ya Boto.

Temana 50: e thibela thekišo ya bjalwa tša bofora tša go se be molaong.

Temana 51 - 78: di kgethela mabaka a a kgethegilego a go amana le dilaesense tša go nwela meagong tšeo di amanago le mohuta le dinako tša dikgwebo. Dilaesense tša go nwela meagong di akaretša mehuta ye e latelago ya dilaesense:

- Dilaesense tša bjalwa tša hotele;
- Dilaesense tša bjalwa tša restorante;
- Dilaesense tša bjalwa tša theetara;
- Dilaesense tša bjalwa tša tlelapo;
- Dilaesense tša bjalwa tša thabene;
- Dilaesense tša bjalwa tša phulutlelapo
- Dilaesense tša bjalwa tša holo ya mmimo;
- Dilaesense tša bjalwa tša tlelapabošego;
- Dilaesense tša bjalwa tša phapo;
- Dilaesense tša dinotagi tša meago ya dipapadi;
- Dilaesense tša mabjalwa a mabele;
- Diphomete tša go fa dijo le meletlo; le
- Dilaesense tša bjalwa tša ditelapo tša dithaloko.

Ditemana 79 - 93: di kgethela mabaka a a kgethegilego ao a dirišwago godimo dilaesense tša bonwelo bja go reka o tloga meagong ao a tswalanago le go išwa ga bjalwa, mohuta le dinako tša kgwebo, kabelo ya bjalwa, mothamo le maemo a dipitša le mohuta wa bjalwa. Dilaesense tša reka-o-tloga meagong di akaretša mehuta yeo e latelago:

Dilaesense tša bjalwa tša holoseila
 Dilaesense tša bjalwa tša batitiedi-banyane;
 Dilaesense tša mabenkele a bjalwa; Dilaesense tša beine ya rakrosari;

Temana 94: e kgethela tšatšikgwedi leo ka lona laesense e thomago go šoma.

Temana 95: e kgethela tšatšikgwedi ya mpshafatšo ya dilaesense.

Temana 96: e kgethela mabaka ao ka fase ga ona dilaesense di felago.

Temana 97: e beakanyetša tsošološo ya dilaesense tšeo di fedilego.

Temana 98: e kgethela mabaka a thekišo ya bjalwa meagong ya go ba le laesense ge laesense e fedile goba e fegilwe.

Temana 99: e beakanyetša go se bušetšwe ga ditšhelete pakeng ya laesense yeo e fedilego.

Temana 100: e thibela tšhuthišo ya diphomete.

Temana 101: e beakanyetša kgopelo ya tšhuthišo ya dilaesense le go kgethela mekgwa ya yona.

Temana 102: e beakanyetša nyakišišo ka bahlahlobi ka ga tshelomolao wa lebaka goba paka ya laesense goba phomete.

Temana 103: e beakanyetša Boto go bitša nyakišišo.

Temana 104: e kgethela ditumelelo tšeo Boto e ka di beeletšago.

Temana 105: e beakanyetša peo ya bahlahlobi.

Temana 106: e kgethela maatla le ditlamego tša bahlahlobi.

Temana 107: e kgethela mekgwa le tsela ya go tsena mabung goba meagong ka mohlahlobi ka tagafala.

Temana 108: e kgethela mekgwa le tsela ya go tsena mabung goba meagong ke mohlahlobi ntle le tagafala.

Temana 109: e beakanyetša bahlahlobi go diriša kgapeletšo mabakeng a a itšego ge ba dira modiro.

Temana 110: e beakanyetša bahlahlobi go ka felegetšwa ke makalatielo a tirišo ya molao go sepediša bohlahlobi.

Temana 111: e kgethela tšweletšo ya ditokumente ka kgopelo ya mohlahlobi.

Temana 112: e fa tlamego ya go araba dipotšišo le go thuša mohlahlobi go dira mediro ya gagwe.

Temana 113: e fa mohlahlobi maatla go ntšha ditsebišo tša tlhoka-boikamanyo tša go tshela dipeakanyetšo tša Molaokakanywa.

Temana 114: e fa mohlahlobi goba leloko la Boto maatla go tswalela lebakanyana meago ya go ba le laesense ka fase ga mabaka a itšego.

Temana 115: e tlama mohlalobi go dira dipego go komiti ya selegae le Boto godimo ga dikgopelo ka moka.

Temana 116: e tlama mohlalobi ge a humane tlhoka-boikamanyo le molaokakanywa go begela Boto.

Temana 117: : e tlama Tirelo ya mpahodisa a Afrika Borwa go bega kahlolo efe le efe godimo ga mehuta ya ditshenyo tša moswaralaesense go Boto.

Temana 118: e kgethela mabaka ao ka ona moofisiri wa maphodisa goba mohlalobi a ka thopago selo go akaretšwa bjawai go fa bohlatse bja tshelomolao ya lebaka lefe le lefe.

Temana 119: e beakanyetša tobo ya dilo tša go thopiwa.

Temana 120: e beakanyetša khumano ya dithsenyegelo tša go dirwa ke Boto go mokgopedi.

Temana 121: e thibela titielo ya senotagi se itšego seo se amanago le setšweletšwa.

Temana 122: ekgethela maatla a Molekgotlaphethišo go dira melawana ya go amana le sepiritši.

Temana 123: e beakanyetša tirišo le mekgwa ya tokollo go molaokakanywa goba dipeakanyetšo tše dingwe tša molaokakanywa.

Temana 124: e laetša batho le magoro a batho bao ba lokolotšwego go dipeakanyetšo tša molaokakanywa.

Temana 125: e kgethela ditshenyo-kakaretšo.

Temana 126: e kgethela ditshenyo tša go amana le tshedimošo.

Temana 127: e kgethela ditshenyo tša go amana le dikopano tša Boto.

Temana 128: e kgethela ditshenyo tša go amana le bahlahlobi le maphodisa.

Temana 129: e kgethela ditshenyo tša go amana le kgwebišano ya bjawa.

Temana 130: e kgethela ditshenyo tša go amana le baswaralaesense ka kakaretšo.

Temana 131: e kgethela dikotlo.

Temana 132: e kgethela kgopolo ya go hlatsela bohlatse bja thekišo ya bjawa.

Temana 133: e kgethela kgopolo ya go hlatsela bohlatse gore motho ke wa mengwaga e itšego goba o wela ke legorong le itšego la batho.

Temana 134: e kgethela kgopolo ya go hlatsela bohlatse bja tokumente ya laesense.

Temana 135: e kgethela kgopolo ya go hlatsela bohlatse ka tirišano ka go mohuta wa thekišo.

Temana 136: e kgethela kgopolo ya go hlatsela bohlatse go amana le thibelo ya metswako le dino.

Temana 137: e beakanyetša motho ofe le ofe go kgopela go Boto go tliša dikhopi tša dilaesense le mabaka a go hlomesetšwa go laesense.

Temana 138: e fa Boto maatla go tshediša bofokodi bofe le bofe ka gare ga kgopelo.

Temana 139: e beakanyetša melawana yeo Molekgotlaphethiši a kago go e hlama ka Molaokakanywa.

Temana 140 -141: e beakanyetša ditaba tša phetišetšo.

Temana 142: e beakanyetša thaetlele e kopana le go thoma ga Molaokakanywa le go beakanyetša dipeakanyetšo tšeo di fapafapanego tša Molaokakanywa di ka dirišwa ka dinako tša go fapana.

UMTHETHO-SIVIVINYWA

Uphathelene nokulawulwa kokuthengiswa nokutholakala kotshwala, ukwakhiwa kweBhodi elizolawula ezotshwala, amakomiti emiphakathi, izinhlangotho zokuthengiswa kotshwala; ukulawula izicelo zamalaysense okuthengisa utshwala, okubamba iqhaza komphakathi ezindabeni zokuthengiswa kotshwala, ukulawulwa kokunikezwa kwamalaysense anhlobonhlobo okuthengisa utshwala; ukuvimbela ukuthengiselwa kwabantu abathile utshwala; ukulawula izindlela zokwenza umthetho wezokuthengiswa kotshwala usebenze kanye nokunye okuphathelene notshwala.

Uzoshaywa yisiShayamthetho saseGauteng kanje: -

**UKUHLELEKA KOMTHETHO
ISAHLUKO 1**

ISINGENISO

1. Izincazelo

ISAHLUKO 2**IBHODI LOKULAWULA EZOTSHWALA**

2. Ukwakhiwa kweBhodi
3. Amandla kanye nomsebenzi weBhodi
4. Amalungu eBhodi
5. Isikhathi sokuba sesikhundleni kanye nokukhokhelwa kwamalungu
6. Ukumiswa eceleni kwelungu ngenxa yezizathu ezithile
7. Ukushiywa kwesikhundla ngamalungu eBhodi
8. Imihlangano kanye nezinqumo zeBhodi
9. Amaminithi eBhodi
10. Izaziso kanye namasamaniso
11. Imvume yokungena emhlanganweni
12. Izisebenzi zeBhodi
13. Amakomiti okusiza iBhodi
14. Ochwepheshe kanye nolunye usizo
15. Ukumela iBhodi
16. Izimali zeBhodi
17. Ukuphathwa kwezimali zeBhodi
18. Umbiko wonyaka
19. Ukwakhiwa kwamakomiti omphakathi eBhodi
20. Amalungu amakomiti omphakathi
21. Amandla kanye nomsebenzi wamakomithi emiphakathi
22. Imibandela ephathelene namakomithi emiphakathi

ISAHLUKO 3**UKUFAKWA KWEZICELO ZAMALAYISENSE**

23. Izicelo
24. Isaziso ngokufakwa kwesicelo
25. Ukuphikiswa kwesicelo
26. Impendulo yofake isicelo kulowo osiphikisayo
27. Ukulalelwa kwesicelo
28. Izinhlobo zamalaysense
29. Okuqukethwe ngamalaysense

30. Ukuhlolwa kwezicelo zamalaysense
31. Izicelo zemvume yesikhashana
32. Ukushona noma ukungabi sesimweni esifanelekile kofake isicelo

UKUKHISHWA KWAMALAYISENSE NEZIMVUME

33. Amalaysense nezimvume
34. Ukushintshwa kwamalaysense
35. Izakhiwo ezingaphelele
36. Ukwephucwa ilungelo nokungaqhubi kahle

ISIAHLUKO 4

IMIBANDELA EPHATHELENE NAMALAYISENSE

37. Imibandela ephathelene namalaysense nezimvume
38. Inhlango yezokuthengiswa kotshwala
39. Izinhloso zokuzuzwa ngokwemali kanye nezokulawula
40. Ukuphathwa
41. Isimo sesakhiwo
42. Isimo sebhizinisi
43. Ukushintshwa noma ukwengezwa kwesakhiwo esinikwe ilaysense
44. Indawo yokudayisa utshwala
45. Abasebenzi
46. Abasebancane ngeminyaka
47. Abaphuze kakhulu
48. Amarekhodi
49. Ukunikezwa kolwazi kanye nemibhalo
50. Izinga lotshwala

IMIBANDELA EYISIPESHELI YAMALAYISENSE OKUTHENGISA UTSHWALA LAPHO BUPHUZELWA KHONA

Imibandela enhlobonhlobo

51. Indawo yokuphuzela utshwala
Amalaysense okuthengiswa utshwala anikezwa amahhotela
52. Isimo sebhizinisi
53. Izikhathi zebhizinisi

Amalaysense okuthengisa utshwala anikezwa abamaRestoranti

54. Isimo sebhizinisi
55. Izikhathi zebhizinisi

Amalaysense okuthengisa utshwala anikezwa abamathiyetha

56. Isimo sebhizinisi
57. Izikhathi zebhizinisi

Amalaysense okuthengisa utshwala anikezwa abama-Club

58. Isimo sebhizinisi
59. Izikhathi zebhizinisi
60. Amarekhodi

Amalayisense okuthengisa utshwala anikezwa abamaThaveni

- 61. Isimo sebhizinisi
- 62. Izikhathi zebhizinisi

Amalayisense okuthengisa utshwala anikezwa abama-Pool Club

- 63. Isimo sebhizinisi
- 64. Izikhathi zebhizinisi

Amalayisense okuthengisa utshwala anikezwa abamaHholo okudansa

- 65. Isimo sebhizinisi
- 66. Izikhathi zebhizinisi

Amalayisense okuthengisa utshwala anikezwa abama-Nightclub

- 67. Isimo sebhizinisi
- 68. Izikhathi zebhizinisi

Amalayisense okuthengisa utshwala anikezwa abama-Pub

- 69. Isimo sebhizinisi
- 70. Izikhathi zebhizinisi

Amalayisense okuthengisa utshwala anikezwa abezindawo zokugembula

- 71. Isimo sebhizinisi
- 72. Izikhathi zebhizinisi

Amalayisense anikezwa abathengisa ngothswala bamabele

- 73. Isimo sebhizinisi
- 74. Izikhathi zebhizinisi

Izimvume zesikhashana/amaphemithi

- 75. Isimo sebhizinisi
- 76. Izikhathi zebhizinisi

Amalayisense okuthengisa utshwala anikezwa abama-Sports Club

- 77. Isimo sebhizinisi
- 78. Izikhathi zebhizinisi

IMIBANDELA EYISIPESHELI YAMALAYISENSE OKUTHENGISA UTSHWALA LAPHO BUNGAPHUZELWA KHONA**Imibandela enhlobonhlobo**

- 79. Indawo yokuphuzela utshwala
- 80. Ukulethwa/ukudiliviwa kotshwala

Amalayisense anikezwa abama-wholesale okuthengisa utshwala

- 81. Isimo sebhizinisi
- 82. Izikhathi zebhizinisi
- 83. Ukunikezwa kotshwala ukuze buphuzwe mahhala

Amalaysense anikezwa labo abakha utshwala

- 84. Isimo sebhizinisi
- 85. Izikhathi zebhizinisi
- 86. Ukunikezwa kotshwala ukuze buphuzwe mahhala

Amalaysense anikezwa izitolo zokuthengisa utshwala

- 87. Ubungako kanye nesimo sezitsha zokufaka utshwala
- 88. Izikhathi zebhizinisi
- 89. Ukunikezwa kotshwala ukuze buphuzwe khona lapho

Amalaysense okuthengisa utshwala anikezwa izitolo zokuthengisa igrosa namawayini

- 90. Isimo sebhizinisi
- 91. Uhlobo lotshwala
- 92. Ubungako kanye nesimo sesakhiwo
- 93. Izikhathi zebhizinisi

UKUSEBENZA KWELAYISENSE NOMA IMVUME

- 94. Ukuqala kokusebenza kwelayisense noma imvume
- 95. Ukuvuselelwa kwelayisense
- 96. Ukuphelelwa yisikhathi kwelayisense noma imvume
- 97. Ukuvuselelwa kwelayisense ekade isiphelelwe yisikhathi
- 98. Ukuthengiswa kotshwala emva kokuphelelwa yisikhathi noma ukumiswa kwelayisense
- 99. Imali engabuyiselwa kulowo osuke ekhokhile

UKWEDLULISELWA KWELAYISENSE NOMA KWEPHEMITHI KOMUNYE UMUNTU

- 100. Ukungadluliselwa kwephemithi komunye umuntu
- 101. Izicelo zokwedlulisa ilayisense

ISAPHEMITHI 5

UKWENZA UMTHETHO USEBENZE NOKUNYE OKUPHATHELENE NOMTHETHO

OKUPHATHELENE NOMTHETHO OKUNGENZIWA YIBHODI

- 102. Ukuhlolwa okwenziwa ngabahloli
- 103. Upheno olwenziwa yiBhodi
- 104. Unswinyo olungenziwa yiBhodi

UKUHLOLWA

- 105. Ukukhethwa kwabahloli
- 106. Amandla kanye nemisebenzi yabahloli
- 107. Ukungena nencwadi egunyazayo
- 108. Ukungena ngaphandle kwencwadi egunyazayo
- 109. Ukusetshenziswa kwamandla
- 110. Umhloli angaphelelwa
- 111. Ukuveza izincwadi
- 112. Ukuphendula imibuzo nokusiza umhloli
- 113. Izaziso zokungabambisani nomhloli
- 114. Ukuvalwa kwendawo enelayisense noma engenalo
- 115. Imibiko ngezicelo
- 116. Imibiko ngamalaysense athile nezakhiwo ezithile
- 117. Imibiko ngokuboshwa kwabathile

UKUTHATHWA KWEMPAHLA NOKULAHLEKELWA YILUNGELO LOBUNIKAZI BAYO

- 118. Ukuthathwa kwempahla
- 119. Ukulahlekelwa ubunikazi bempahla ethatthiwe

ISAHLUKO 6**IZINDLEKO**

- 120. Izindleko zeBhodi

ISAHLUKO 7**IZIPHUZO EZINGAVUMELEKILE NOMA OKULAWULWAYO UKUTHOLAKALA KWAZO**

- 121. Iziphuzo ezingavumelekile
- 122. Ezinye izinto ezisaluketshezi

ISAHLUKO 8**UKUVUNYELWA UKUNGASEBENZISI LO MTHETHO**

- 123. Ukunikezwa imvume yokungasebenzisi lo Mthetho yiBhodi
- 124. Ukuvunyelwa ukungasebenzisi izingxenye ezithile zalo Mthetho

ISAHLUKO 9**UKWEPHULA UMTHETHO KANYE NENHLAWULO**

- 125. Ukwephula umthetho okwejwayelekile
- 126. Ukwephula umthetho okuphathelene nolwazi oluthile
- 127. Ukwephula umthetho okuphathelene nemihlangano yeBhodi
- 128. Ukwephula umthetho okuphathelene nabahloli namaphoyisa
- 129. Ukwephula umthetho okuphathelene nokuthengiswa kotshwala
- 130. Ukwephula umthetho okwejwayelekile okwenziwa abanamalaysense
- 131. Inhlawulo

UBUFAKAZI KANYE NENQUBO

- 132. Ubufakazi bokudayisa utshwala
- 133. Ubufakazi bokuthi umuntu uyingxenye yesigaba esithile
- 134. Ubufakazi belaysense nemibandela ethile
- 135. Ukulinganiswa kwenani lotshwala obudayiswayo ngokubheka amarekhodi
- 136. Ukulinganiswa kokuthengiswa kweziphuzo ezingavumelekile

ISAHLUKO 10**INGXUBEVANGE**

- 137. Amakhophi amarekhodi kanye neminye imibhalo
- 138. Ukuvunywa kwezicelo ezinamaphutha athile
- 139. Imigomo nokulawulwa

IMIBANDELA YANGENKATHI KUSENZIWA IZINGUQUKO

- 140. Ukuqhutshwa kwezinto ezithile ezisacutshungulwa
- 141. Ukusebenza kwelaysense
- 142. Ukufinyezwa kanye nokuqala kokusebenza kwalo Mthetho

ISAHLUKO 1

1. Kulo Mthetho, ngaphandle uma kuchazwe ngenye indlela, amagama alandelayo aqonde lokhu:

“ibha” iqonde noma iyiphi indawo enelayisense lokuthengisa nokuphuzela utshwala futhi lokhu kuhlanganise noma yiliphi ikhawunta noma umncele lapho utshwala bungathengiselwa khona umphakathi;

“ubhiya” lapha kuqondwe noma yisiphi isiphuzo esenziwe ngokuhlanganisa imvubelo namahopu, i-eli noma isitawoti noma yisiphi isiphuzo esibizwa ngokuthi ubhiya uma sithengiswa, okungaba yi-eli noma isitawoti futhi esiqukethe ngaphezulu kwephepenti elilodwa lemvubelo edakiso kodwa lokhu akuhlanganise utshwala obenziwe ngamabele;

“IBhodi” Lapha kuqondwe iBhodi lezotshwala laseGauteng elizokwakhiwa ngokusetshenziswa kwalo Mthetho;

“usihlalo” Lapha kuqondwe usihlalo weBhodi nesekele lakhe noma omunye umuntu okhethelwe ukumela usihlalo;

“inhloso yokulawula” Lapha kuqondwe inhloso yomuntu othile yokulawula izinto eziphathelele nokuqhutshwa kwebhizinisi lotshwala;

“ihholo lokudansa” lisho indawo noma isikhungo lapho kufundelwa khona ukudansa;

“uMnyango” lapha kuqondwe uMnyango wezoMnotho wesifundazwe saseGauteng;

“Umuntu ovunyelwe ukungasebenzisi lo Mthetho” kuqondwe umuntu ovumelekile ngokwesigaba 123 no-124 ukuthi lo Mthetho noma izingxenye zawo ezithile angawusebenzisi;

“Inzuzo yezomnotho” Lapha kuqondwe noma iyiphi inzuzo etholakala ngokusebenza kwebhizinisi kodwa lokhu akuhlanganise inzuzo etholakala enkaphanini yomphakathi njengoba kuchazwe esigabeni 1 soMthetho ophathelene nokulawulwa kwamawayini nezinto eziwuketshezi ka-1979 (uMthetho Nombolo 47 ka-1970) noma isikhungo sezezimali esibhaliswa ngokoMthetho olawula izikhungo zemali;

“Indawo yokugembula” Lapha kuqondwe i-casino, ihholo leBingo, indawo yokubheja, noma enye indawo enelayisense ngokoMthetho wokugembula waseGauteng, uNombolo 4 ka-1995 omunye owulandelayo noma omunye uMthetho ophathelene nokugembula;

“ukunikeza” Lapha kuqondwe ukuvunywa kwesicelo selayisense noma imvume yiBhodi ngaphambi kokunikezwa noma ukukhishwa kwelayisense noma imvume yiBhodi;

Umphathi woMnyango” Lapha kuqondwe umphathi woMnyango wezoMnotho wesifundazwe saseGauteng;

“Ihotela” Lapha kuqondwe indawo ekhokhelwayo lapho abavakashi bethola khona indawo yokulala nokudla. Lokhu kungahlanganisa i-motel, inn, bed and breakfast, caravan ne-camping park, i-farmhouse, guest house, i-lodge, i-boatel boat kanye ne-house boat.

“umhloli” Lapha kuqondwe umhloli oqashwe ngokusebenzisa lo Mthetho;

“ukuphuza kakhulu noma ukudakwa” Lapha kuqondwe isimo lapho umuntu ephuze khona utshwala kangangokuthi akasakwazi ukuzilawula futhi angaba yingozi kuye noma kwabanye abantu ngenxa yesimo akuso;

“Ukukhishwa” Lapha kuqondwe ukukhishwa kwelayisense noma imvume futhi kuhlanganise nokuhanjiswa kwayo iswiwa kulowo ofake isicelo sayo;

“ilayisense” Lapha kuqondwe ilayisense elikhishwe ngokwalo Mthetho;

“umnini/umnikazilayisense” Lapha kuqondwe umuntu noma inhlango obizwa ngokuthi umnini ilayisensi elayisensini noma emvumeni. Lokhu kuhlanganise nomutu ilayisense eledluliselwa kuyena;

“isakhiwo esinelayisense” Lapha kuqondwe indawo evunyelwe ukuthengisa utshwala;

“utshwala” Lapha kuqondwe isiphuzo esenziwe ngzinhlamvu ezithile, izithelo, noma omunye umkhiqizo wezolimo okuhlanganise izinhlobo zotshwala, ubhiya kanye notshwala bamabele kodwa lokhu akuhlanganise ezinye izinto eziwuketshezi noma imithi yokwelapha okulawulwa yisigaba 14 (2) soMthetho Ophathelene nokuLawulwa Kwemithi ka-1965 (uMthetho. Nombolo 101 ka-1965);

“ikomiti lomphakathi” Lapha kuqondwe ikomiti leBhodi yokulawula ukuthengiswa nokutholakala kotshwala elakhiwe endaweni ethile kaMasipala waseGauteng, okungaba yindawo esedolobheni, isiyingi noma iyiphi indawo kaMasipala ebalulwa esigabeni 155 soMthethosisekelo waseNingizimu Afrika ka-1996 (uMthetho Nombolo 108 ka-1996);

“umkhiqizi wotshwala” Lapha kuqondwe umuntu okhiqiza utshwala ukuze budayiswe;

“umhlangano” Lapha kuqondwe umhlangano weBhodi noma ikomiti futhi kuhlanganise ukulalelwa kodaba oluthile yiBhodi noma ikomiti;

“ilungu” Lapha kuqondwe ilungu leBhodi;

“ilungu lesigungu esilawulayo” Lapha kuqondwe ilungu lesigungu esilawulayo eMnyabgweni wezomnotho esifundazweni saseGauteng;

“i-methylated spirit” Lapha kuqondwe uketshezi oluhluzwe ngandlela thile, imithi esaluketshezi, iziqholo noma amakha kanye nazo zonke izinhlobo zoketshezi ezibizwa ngama-methylated spirit ngokomthetho othile;

“Umkhiqizi wenani elithile lotshwala” Lapha kuqondwe umkhiqizi wotshwala ovumeleke ukukhiqiza inani elithile lotshwala ngonyaka;

“umuntu osemncane” Lapha kuqondwe umuntu oneminyaka engaphansi kuka-21;

“ilayisense le-night club” Lapha kuqondwe ilayisense elinikezwa ngokwalo Mthetho eligunyaza umnikazi walo ukuthi akwazi ukuthengisa utshwala ukuze buphuzwe endaweni enelayisense futhi okuyindawo yokudansa nokuzithokozisa;

“ilayisense lalapho okungaphuzelwa khona” Lapha kuqondwe ilayisense eligunyaza umnikazi walo ukuthi athengise utshwala kodwa bungaphuzelwa endaweni lapho athengisa khona;

“ilayisense lalapho okuphuzelwa khona” Lapha kuqondwe ilayisense eligunyaza umnikazi walo ukuthi athengise utshwala ukuze buphuzelwe esakhiweni esinelayisense yokuthengiswa nokuphuzwa kotshwala;

“imvume/iphemithi” Lapha kuqondwe imvume yokuthengisa utshwala yesikhashana ekhishwa ngokulandela lo Mthetho;

“i-pool club” Lapha kuqondwe indawo lapho amalungu enhlangano ethile edlala khona edlalela umncintiswano noma ezidlalela nje. Lokhu kuhlanganise ama-dart, ama-pool, i-snooker kanye neminye imidlalo enjalo;

“isifundazwe” Lapha kuqondwe isifundazwe saseGauteng;

“isakhiwo” Lapha kuqondwe indawo, isakhiwo noma ingxenye yesakhiwo, imoto noma enye into efana nomkumbi;

“ukuhlela” Lapha kuqondwe ukuhlela into ethile ngokwalo Mthetho;

“i-pub” Lapha kuqondwe indawo lapho kudayiswa futhi kuphuzelwe khona utshwala, nama-snack kanye nokudla;

“indawo yomphakathi” Lapha kuqondwe indawo lapho umphakathi unelungelo lokufinyelela kuyo ngokwamalungelo awo noma ngokumenywa noma ukunikezwa imvume futhi lokhu kuhlanganise nemoto etholakala endaweni yomphakathi;

“umbandela” Lapha kuqondwe umbandela ophathelene nalo Mthetho;

“irestoranti” Lapha kuqondwe lapho kudayiswa khona ukudla;

“indawo lapho kungangenwa khona ngaphandle kwemvume” kusho ibha noma iyiphi indawo yokuthengisa nokuphuzela utshwala engeyona ingxenye yalapho kuphuzelwa khona. Lokhu kungahlanganisa indawo lapho utshwala budayiswa khona ekhawunteni noma enye indawo okungaphuzelwa kuyo ngokulandela lo Mthetho;

“ukuthengisa/ukudayisa” Lapha kuqondwe ukucina, ukushintshanisa, ukubonisa, ukudiliva, ukudayisa, ukunikeza imvume yokudayisa, ukuqondoisa ukudayiswa noma ukuvumela ukudayiswa kotshwala;

“utshwala bamabele” Lapha kuqondwe utshwala obakhiwa ngamabele noam omunye umkhiqizo wezolimo ofana nalowo;

“i-sports club” Lapha kuqondwe inhlango ekhuthaza ukuchithwa kwesikhathi ngaphandle, imidlalo, ukuzingela noma olunye uhlobo lwezemidlalo kumalungu ayo;

“ukuphakela” Lapha kuqondwe ukunikezwa kwemikhiqizo yotshwala ukuze buphuzwe;

“iwayini lasetafuleni” Lapha kuqondwe iwayini eliqukethe amaphesenti angaphansi kuka-14 emvubelo edakanayo;

“ithaveni” Lapha kuqondwe indawo edayisa futhi okuphuzelwa khona utshwala futhi okutholakala khona ukudla kanye nezinhlobo ezahlukene zokuzithokozisa;

“ithiyetha” Lapha kuqondwe isakhiwo lapho kudlalwa khona imidlalo, okwenziwa khona amakhonsathi noma okubukwa khona izithombe;

“lo Mthetho” Lapha kuqondwe yonke imibandela ephathelene nalo Mthetho.

ISAHLUKO 2

Ukwakhiwa kweBhodi

2. Kuzokwakhiwa iBhodi elibizwa ngokuthi yiBhodi lokulawula ezotshwala laseGauteng

Amandla kanye nomsebenzi weBhodi

3. (1) IBhodi lizokwamukela izicelo okukhulunywa ngazo esigabeni 21 zivela kumakomiti ezindawo futhi linamandla okwala noma ukunikeza imvume lezo zicelo;
- (2) Emva kokucubungula udaba oluthile ngokwalo Mthetho iBhodi,
 - (a) lingamisa isikhathi esingakaliwe noma isikhathi esithile noma lephuce imvume yokusebenza kwelayisense elithile uma kunombiko okhomba ukuthi kufanele kwenziwe njalo, uma kunesikhalo ngokusebenza kwelayisense elithile noma uma kunokuphikisana nokusebenza kwelayisense elithile;
 - (b) lingakhipha umyalelo wokuthi ilayisense kumiswe ukusebenza kwalo ngenxa yemibandela ebalwe ngenhla noma eminye imibandela;
 - (c) Ingabuyisela ngokushesha ilungelo lokuthengisa utshwala kumuntu onelayisense ekade limisiwe ukuthi lingasebenzi futhi lingamisa imigomo ethile njengoba licabanga; noma
 - (d) Lingathatha ezinye izinyathelo ezifana nalezi uma kunesidingo;
- (3) IBhodi lingacela ilungu lesigungu esilawulayo noma linikeze umbiko noma isincomo elungwini lesigungu esilawulayo ngodaba oluthile ukuze lucutshungulwe yisigungu esilawulayo ngokulandela lo Mthetho mayelana nokutholakala nokuthengiswa kotshwala.
- (4) IBhodi liyokwenza imisebenzi efana nalena ngokulandela lo Mthetho.
- (5) IBhodi lingakha futhi lengamele isikhwama sokubhekana nezinkinga ezidalwa ukusetshenziswa kabi kotshwala emphakathini wesifundazwe.
- (6) Isikhwama okukhulunywa ngaso esigabeni (5) siyosetshenziswa yiBhodi uma kukhona abafake izicelo noma imiphakathi ethintekayo kulokhu.

Amalungu eBhodi

4. (1) IBhodi lizoba namalungu angengaphansi kwangu-6 kodwa angengaphezulu kwangu-9 afanelekile futhi akhethwe yilungu lesigungu esilawulayo kanje:
 - (a) oyedwa wamalungu noma ngaphezulu kwalokho kufanele abe ngummeli noma umshushisi oseneminyaka okungenani emihlanu esebenza kwezomthetho;
 - (b) oyedwa noma ngaphezulu kwalokho kufanele abe ngomele uMnyango obhekene nokusebenza kwalo Mthetho;
 - (c) oyedwa noma ngaphezulu kwalokho kufanele akhethwe ngolwazi lwakhe

- kwezenhlalo yomphakathi, inhlalo kanye nentuthuko kwezomnotho noma ulwazi kwezemisebenzi yomphakathi;
- (d) oyedwa noma ngaphezulu kwalokho kufanele akhethwe ngokolwazi lwakhe kwezomkhakha webhizinisi lotshwala kodwa angabi ngoqhuba leli bhizinisi noma oyingxenywe yebhizinisi lokuthengisa utshwala ngandlela thile.
- (2) Amalungu eBhodi angakhethwa noma eyizisebenzi zikahulumeni
- (3) Ilungu lesigungu esilawulayo liyokhetha ilungu elilodwa leBhodi njengosihlalo kanye nelinye njengesekela likasihlalo weBhodi.
- (4) Akukho muntu oyokhethwa njengelungu leBhodi uma lowo muntu
- (a) engesona isakhamuzi saseNingizimu Afrika esihlala esiFundazweni;
- (b) eke waba nezikweletu ezingaphezulu kwamandla akhe futhi engakatholi umyalelo wenkantolo wokuthi usesesimweni esigculisayo sezezimali;
- (c) kunomyalelo wenkantolo othi umqondo wakhe awusebenzi kahle;
- (d) uma eke wabosha eNingizimu Afrika noma kwelinye izwe ngecala lokweba, ukukhwabanisa, ukukhipha amaphepha noma imibhalo engekho emthethweni, icala lokwephula lo Mthetho noma uMthetho olwisana neNkohlakalo Nombolo 94 ka-1992 noma yiliphi icala lokungethembeki;
- (e) eke wasuswa esikhundleni ngenxa yokungethembeki okuthile noma ukungaziphathi kahle
- (f) enenhloso ethile yokuza kwezomnotho ebhizinisini lezotshwala noma lowo ashade noma ahlalisana naye eyingxenywe yebhizinisi lezotshwala ngandlela thile.

Isikhathi sokuba sesikhundleni kanye nokuholelwa kwamalungu

5. (1) Ilungu lizokhethelwa ukuhlala esikhundleni iminyaka engekho ngaphezulu kweminyaka engu-5 kodwa lisangabuye likhethwe okwesibili emva kokuphela kweminyaka engu-5 yokuqala.
- (2) Ilungu leBhodi liyokhokhelwa imali evela esikhwameni seBhodi futhi umholo walo uyonqunywa yilungu lesigungu esilawulayo.

Ukumiswa eceleni kwelungu ngenxa yezizathu ezithile

6. (1) Ilungu leBhodi ngeke livote noma libe yingxenywe yomhlangano noma ukulalelwa kodaba oluthile olubekwe ngaphambi kweBhodi uma
- (a) yena, lowo ashade naye noma ahlalisana naye noma ilungu lomndeni, umuntu abambisene naye kwezebhizinisi ethinteka ngokwemali noma ngenye indlela esicelweni selayisense, ukurejistwa, ukunikezwa kwesitifiketi noma ukunikezwa kwaliphi ilungelo okwenziwa yiBhodi; noma kukhona enye into engenza ukuthi umsebenzi wakhe njengelungu leBhodi angawenzi ngandlela eyiyo futhi engakhombisi ukwenzelela;
- (2) Uma kuvela ngenkathi kubhekwa isicelo noma udaba oluthile ukuthi ilungu elithile lingaba nokuthinteka okubalwe esigatshaneni 2 ngenhla -
- (a) lelo lungu kufanele liveze ukuthinteka kwalo bese lishiya umhlangano ukuze amanye amalungu angathinteki akwazi ukubonisana ngokuthi kufanele kubhekwe kanjani ukuthinteka kwalelo lungu;
- (b) Imibandela yokuthinteka kwelungu elithile ekudingidweni kwesicelo noma ukulalelwa kodaba oluthile kanye nesinqumo samanye amalungu kufanele kubhalwe phansi kumaminithi alowo mhlangano.

Ukushiywa kwesikhundla ngamalungu

7. (1) Ilungu leBhodi lingashiya isikhundla salo uma
- (a) lingasafanelekile ukuba yilungu ngenxa yezizathu ezishiwo esigabeni 4(4);
- (b) lingakwazanga ukuphumelela emihlanganweni emibili elandelayo ngaphandle kokwazisa usihlalo;
- (c) lehluleka ukuveza ukuthinteka kwalo esicelweni esithile noma ekulalelweni kodaba oluthile njengoba kuchazwe esigabeni 6((1).
- (2) Ilungu lesigungu esilawulayo lingaqeda ubulungu beBhodi belungu elithile emva kokuvumela leli lungu ukuba udaba lwalo lulalelwe nangenxa yezizathu ezizwakalayo.

Imihlangano nesinqumo zeBhodi

8. (1) Umhlangano wokuqala weBhodi uyobanjwa ngesikhathi nasendaweni eyoqokwa ngusihlalo

- weBhodi kanti imihlangano elandelayo iyobanjwa ngezikhathi nasezindaweni amalungu eBhodi avumelana ngazo ukuze umsebenzi weBhodi uqhubeke kahle.
- (2) Usihlalo angabiza angabiza umhlangano ophuthumayo endaweni ethile nangesikhathi esiqokwe nguye.
 - (3) Akunasinqumo esiphathelene nokunikezwa, ukushintshwa, ukuvuselelwa, ukwedluliselwa, ukumiswa kwelayisense esiyothathwa emhlanganweni ophuthumayo.
 - (4) Ukuze kuvunyelwane ngento ethile kudingakala amalungu amaningi eseke isinyathelo esithile.
 - (5) Uma bobabili, usihlalo nesekele lakhe bengekho emhlanganweni othile, amalungu akhona kulowo mhlango ayokhetha umuntu oyoba ngusihlalo wangalelo langa.
 - (6) Yilelo nalelo lungu liyovota kanye uma kuvotwa bese kuthi uma amavoti elingana usihlalo abe nelungelo lokuvota okwesibili.
 - (7) Akukho sinqumo esithathwe yiBhodi esithathwa njengesingasebenzi ngenxa yokuthi kukhona obengekho noma ilungu elithile lehlulekile ukuveza ukuthinteka kwalo esicelweni noma odabeni oluthile njengoba kuchazwa esigabeni 6(1) noma ngenxa yokuthi kukhona othile obesemhlanganweni ngendlela engafanele uma amalungu amaningi eBhodi evumelene ngesinqumo esithile.
 - (8) Ngokulandela eminye imibandela yalesi sigaba, usihlalo uyohlela okuzokhulunywa ngakho kanye nenqubo ezolandelwa emhlanganweni.
 - (9) Usihlalo anganquma ukuthi umhlangano uqhubeke uma enlisekile ukuthi umuntu okuchazwe ngaye esigabeni 10(1) noma (4) okufanele abe khona emhlanganweni othile kodwa ongekho emva kokuthola isimemo noma umyalelo wokuthi abe khona.
 - (10) Isinqumo seBhodi siyothathwa ngamalungu amaningi eBhodi akhona emhlanganweni othile.

Amaminithi eBhodi

9. (1) Amaminithi emihlangano yeBhodi ayobhalwa futhi agcinwe emahhovisi eBhodi.
- (2) Noma ngubani angakwazi ukuthola ikhophi yamaminithi noma ingxenye ethile yamaminithi okukhulunywa ngawo endimeni (a) ngokukhokha imali edingakalayo.

Izaziso kanye namasamaniso

10. (1) Usihlalo angamema umuntu othile ngokumthumelela isimemo esichaza ngesikhathi, indawo kanye nodaba okuyobe kukhulunywa ngalo ukuthi abe khona emhlanganweni weBhodi uma kudingidwa lolo daba.
- (2) Umuntu omenywe ukuthi abe khona emhlanganweni othile weBhodi kufanele azizele yena noma aqoke umuntu othile ukuthi azommela.
- (3) Usihlalo angakhipha umyalelo wokuthi umhloli noma iphoyisa elibhale umbiko othile laziswe ngomhlangano lapho kuzoxoxwa khona ngalo mbiko.
- (4) Usihlalo angakhipha umyalelo wokuthi kubizwe noma ngubani ukuthi abe khona emhlanganweni ukuze-
 - (a) anikeze ubufakazi;
 - (b) anikeze umbhalo othile noma yini enye ekuye noma elawulwa nguye ephathelene nodaba oluthile okukhulunywa ngalo. Usihlalo uyomnikeza isimemo esinesikathi, usuku kanye nendawo yomhlangano;
- (5) Noma ngubani okhona emhlanganweni kungakhathaleki ukuthi uthole isimemo okukhulunywa ngaso esigabeni 10(1) noma (4)
 - (a) angacelwa noma atshelwe ngusihlalo ukuthi anikeze ubufakazi;
 - (b) angayalelwa ngusihlalo ukuthi anikeze umbhalo othile noma yini enye engaphansi kokulawula kwakhe futhi aphenulele imibuzo eqhamuka kumalungu eBhodi.
- (6) IBhodi lingahlola futhi ligcine isikhathi esithile noma yimuphi umbhalo onikezelwe kulo.
- (7) Uma iBhodi licabanga ukuthi kunesidingo, usihlalo angayalela ukuthi noma ngubani obizwe ngokwesigatshana (4) anikeze ubufakazi noma obizwe ngokwesigatshana (5) (b) ukuthi anikeze iBhodi umbhalo othile nokuthi anikeze ubufakazi ngaphambi kokuthatha isifungo noma isiqiniseko sokuthi uzokhuluma iqiniso.
- (8) Usihlalo noma omunye umuntu okhethwe ngusihlalo uyofungisa lowo okufanele afungiswe.
- (9) Umuntu ovele phambi kweBhodi ukunikeza ubufakazi noma ukunikezela ngamaphepha anombhalo othile uyoba namalungelo onke anikezwa abantu abavela phambi kwenkantolo yomthetho.
- (10) IBhodi, emva kokubheka isicelo esithile, lingabhekisisa udaba elicabanga ukuthi umuntu

- othile angafisa ukuphikisana nendlela oludingidwa ngayo.
- (11) Usihlalo uyokwazisa umuntu ofake isicelo ngokuphikisana naso njengoba kuchazwe esigatshaneni (10) futhi uma lowo ofake isicelo efisa, lolu daba luyohlehliswa kuze kube yisikhathi esithile usihlalo acabanga ukuthi silungile. Usihlalo uyovumela ofake isicelo ukuthi anikeze imibono ykhe maqondana nesicelo sakhe.

Imvume yokungena emhlanganweni

11. (1) Ngokulandela imibandela yesigatshana (2) no-(3), amalungu omphakathi ayovumeleka ukuba khona kunoma yimuphi umhlangano weBhodi.
- (2) Usihlalo angakhipha umyalelo wokuthi umuntu othile angavunyelwa ukuba yingxeny yomhlangano othile noma akhishwe emhlanganweni uma ebona ukuthi ubukhona bakhe bungenza umhlangano ungaqhubeki kahle.
- (3) Izingxoxo ngezinye izinto ezithile kanye nokuvota kuyokwenziwa ngasese.

Izisebenzi zeBhodi

12. (1) IBhodi ukuze likwazi ukwenza umsebenzi walo kahle liyosizwa ngumabhalane, ezinye izisebenzi eziyoqashwa ngokulandela uMthetho weZisebenzi Zomphakathi, Nombolo 103 ka-1994.
- (2) Umabhalane uyoba yisikhulu seBhodi esingenamalungelo okuvota.

Amakomiti okusiza iBhodi

13. (1) (a) IBhodi lingakhetha okungenani amalungu amabili alo kanye nomabhalane ukuthi babe yisigungu esilawulayo seBhodi futhi benze umsebenzi odinga ukwenziwa esikhathini lapho kungabanjwa khona imihlangano ngokulandela imibandela etholakala esigatshaneni (b), (c) kanye neminye imibandela yeBhodi.
- (b) Ngaphandle uma kunikezwe imvume, isigungu esilawulayo seBhodi asivumelekile ukushintsha noma ukubeka eceleni izinqumo zeBhodi.
- (c) Noma yisiphi isinqumo esithathwe yisigungu esilawulayo seBhodi siyothathwa njengesisebenzayo ngaphandle uma sishintshwe yiBhodi.
- (2) (a) IBhodi lingakhetha ikomiti noma amakomiti ukuphenya ngodaba oluthile olubekwe phambi kweBhodi bese eletha umbiko phambi kweBhodi.
- (b) Amakomiti anjalo ayoba namalungu ayisibalo iBhodi elicabanga ukuthi sifanele futhi iBhodi ingachitha noma ibuyekeze ukwakheka kwekomiti elithile.
- (3) IBhodi liyokhetha ilungu elilodwa lekomiti ukuthi libe ngusihlalo wekomiti.
- (4) Ilungu lekomiti okukhulunywa ngalo esigatshaneni (2)(a) liyothola umhlolo ovela ezimalini zeBhodi njengokubona kweBhodi emva kokuthintana nelungu lesigungu esilawulayo soMnyango wezezimali

Ochwepheshe kanye nolunye usizo

14. (1) IBhodi lingaqasha ochwepheshe emikhakheni ethile ukuze balisize ekuqhubeni kahle umsebenzi walo.
- (2) Isikhathi, isimo umuntu aqashwa ngaphansi kwaso kanye nomholo womuntu oqashwe ngokulandela isigatshana (1), kanye nomsebenzi ozokwenziwa kuyokalwa yiBhodi ngokuthintana nelungu lesigungu esilawulayo soMnyango wezezimali futhi kuyobhalwa phansi esivumelwaneni okuyongena kusona uchwepheshe othile kanye neBhodi.
- (3) Uchwepheshe noma omunye umuntu oqashwe ngokulandela isigatshana (1) ngeke babe nalo ilungelo lokuvota uma iBhodi ithatha isinqumo esithile.

Ukumela iBhodi

15. (1) IBhodi ngokuvunyelwa yilungu lesigungu esilawulayo soMnyango wezezimali nangokulandela lezi zigatshana, linganikeza ilungu leBhodi noma ikomiti leBhodi amandla noma umsebenzi othile njengokubona kweBhodi.
- (2) La mandla angathathwa noma ngasiphi isikhathi.
- (3) Noma yini eyenziwe yilungu ebelinikezwe amandla noma ikomiti kuyothathwa njengento eyenziwe yiBhodi.

Izimali zeBhodi,

16. (1) Izimali zeBhodi zihlanganise-
- (a) imali eyisabelo esivela kwisiShayamthetho sesiFundazwe; kanye
 - (b) nemali evela kweminye imithombo evunywe yilungu lesigungu esilawulayo soMnyango wezezimali okuhlanganise nemali ekhokhwa ngokulandela lo Mthetho.
- (2) Ukuze uMnyango wezezimali ukwazi ukukhipha isabelo esifanele, okukhulunywa ngaso esigatshaneni (1)(a), liyonikeza ilungu lesigungu esilawulayo soMnyango wezezimali isilinganiso sezimali ezizodingakala kuhlanganise nepulani yebhizinisi njengoba kudingwa ngumhloli wezokusetshenziswa kwezimali.

Ukuphathwa kwezimali zeBhodi

17. Ukuphathwa nokubalwa kwezimali zeBhodi kuyokwenziwa ngokulandela uMthetho wezokuPhathwa kweziMali zoMphakathi, ka-1999 (uMthetho Nombolo 1 ka-1999)

Umbiko wonyaka

18. Umbiko wonyaka kanye nezitatimende zokusetshenziswa kwezimali kuyolungiswa kwethulwe ngokulandela uMthetho wezokuPhathwa kweziMali zoMphakathi ka-1999 (uMthetho nNombolo 1 ka-1999).

Ukwakhiwa kwamakomiti omphakathi eBhodi

19. Kuyokwakhiwa amakomiti omphakathi noma ezindawo eBhodi kuleyo naleyo ndawo kaMasipala yesiFundazwe, ebizwa ngendawo esedolobheni noma isiyingi.

Amalungu amakomiti ezindawo eBhodi

20. (1) Yilelo nalelo komiti lendawo noma lomphakathi liyaokwakhiwa ngamalungu angekho ngaphansi kuka-5 kodwa angekho ngaphezulu kuka-7 afanelekile futhi akhethwe yilungu lesigungu esilawulayo soMnyango wezezimali kanje:
- (a) oyedwa noma ababili kula malungu kufanele abe ngummeli noma umshushisi oneminyaka engengaphansi kwemihlanu esebenza kwezomthetho;
 - (b) omele uhulumeni wendawo, uMasipala noma ikhansela oyisisebenzi esinolwazi ekuphathweni kwendawo noma idolobha, ukuhlelwa kwedolobha noma owenza umsebenzi onjalo;
 - (c) omele uhulumeni wendawo, uMasipala noma ikhansela oyisisebenzi esinolwazi ekuthuthukisweni komnotho wendawo noma idolobha noma owenza umsebenzi onjalo;
 - (d) omunye kufanele kube okhethwe ngumphakathi ngokolwazi lwakhe kwezenhlalo yomphakathi, nokuthuthukiswa komphakathi kanye nomnotho noma onolwazi ngemisebenzi yomphakathi; kanye
 - (e) nomabhalane wekomiti lendawo
- (2) Akukho muntu oyokhethwa ukuba yilungu lekomiti lendawo uma lowo muntu -
- (a) engesona isakhamuzi saseNingizimu Afrika esihlala esiFundazweni;
 - (b) engumuntu onezikweletu ezingaphezu kwamandla akhe futhi engakatholi umyalelo wenkantolo wokuthi isimo sakhe sezimali sesibuyele kwesejwayelekile;
 - (c) kunomyalelo wenkantolo othi lowo muntu isimo sakhe somqondo asisebenzi kahle;
 - (d) eseke waboshwa eNingizimu Afrika noma kwelinye izwe ngenxa yecala lokweba, ukukhwabanisa, ukukhipha imibhalo engelona iqiniso kanye nokwephula lo Mthetho, uMthetho olwisana neNkohlakalo, Nombolo 94 ka-1992, noma yiliphi icala lokungethembeki;
 - (e) eke wasuswa esikhundleni esithile ngenxa yokungethembeki noma ukungaziphathi kahle;
 - (f) yena noma lowo ashade naye noma ahlala naye enenhloso yokuzuzisa ngokwezimali ebhizinisini elithile lotshwala.

Amandla kanye nomsebenzi wekomiti lendawo

21. (1) Ikomiti lendawo liyobheka noma licubungule zonke izicelo zamalaysense, ukudluliswa

kwamalayisense, ukushintshwa kwemininingwane yamalayisense kanye nezinye izicelo ezivumelekile ngaphansi kwalo Mthetho ezinsukwini ezingu-21 isicelo lesi sitholakele noma ngaphezulu kwalokho kuye ngokubona kukanobhala uma kukhona ophikisana nokunikezwa kwelayisense elithile.

- (2) Ikomiti lendawo liyokwenza izincomo futhi ledlulisele eBhodini izicelo zamalayisense noma olunye udaba iBhodi efisa ukuthi ikomiti lendawo ilucubungule;
- (3) Ikomiti lendawo lingeluleka iBhodi, linganikeza izincomo noma umbiko noma ngaluphi udaba iBhodi efisa ukuthi ikomiti lilubheke maqondana nalo Mthetho noma ukuthengiswa kotshwala;
- (4) Ikomiti lendawo liyokwenza eminye imisebenzi ngokulandela lo Mthetho.

Imibandela ephathelene namakomiti ezindawo

Imibandela yesigaba 5 kuya ku-12 yesahluko 2 iyasebenzafuthi nasemakomiti ezindawo yize kunezinguquko ezithile.

ISAHLUKO 3

IZICELO ZAMALAYISENSE

23. (1) Zonke izicelo zamalayisense ziyothunyelwa kunobhala wekomiti lendawo lapho ilayisense noma imvume yokuthengisa utshwala ifunwa khona ngokugcwalisa ifomu lokufaka isicelo futhi libe nale mininingwane -
 - (a) incazelo enikeza izizathu zokuthi yingani ilayisense idingakala;
 - (b) umdwebo okhombisa isakhiwo kanye namakamelo, imisebenzi ezotholakala khona, ezinye izakhiwo, izinto zokwakha ezisetshenziswe ekwakhiweni kwaleso sakhiwo kanye neminye imininingwane;
 - (c) ukuchazwa kwesakhiwo lapho ilayisense elizosebenza khona kanye nezithombe ezinombala ezikhombisa ingaphandle nengaphakathi lesakhiwo;
 - (d) umbiko womholi noma okunye ukuhlolwa okwenziwe ngokulandela lo Mthetho;
 - (e) ubufakazi bokushicilelwa kwesaziso sesicelo selayisense ephaphandabeni ngokulandela isigaba 24;
 - (f) isitifiketi esikhomba ukuthi lowo ofake isicelo ufanelekile ukwenza ibhizinisi lotshwala kanye nesicelo esikhishwe emaphoyiseni aseNingizimu Afrika noma olunye uphiko lokugcinwa komthetho;
 - (g) ikheli eliphelele lendawo lapho ilayisense izosetshenziswa khona, inombolo kamazisi noma inombolo yokurejista yalowo ofake isicelo, ikheli lakhe noma ikheli lendawo lapho ahlala khona noma ikheli lehhovisi lapho asebenzela khona;
 - (h) ubufakazi bokuba yilungu lenhlangano okukhulunywa ngayo esigabeni 38;
 - (i) ubufakazi bokukhokha imali edingakalayo.
- (2) Ukuze isicelo selayisense sibhekwe kahle ikomiti lendawo lingayalela ukuthi kwenziwe ukuhlolwa kwendawo lapho ibhizinisi lokuthengisa utshwala lizoqhutshelwa khona futhi lingakhipha umyalelo wokuthi kwenziwe noma yikuphi okunye ukuhlola elicabanga ukuthi kuyadingakala.
- (3) Uma iBhodi lenqabile ukunikeza ilayisense, akuvumelekile ukwenza esinye isicelo sokuqhuba umsebenzi endaweni okwaliwe isicelo kuyona kungakapheli isikhathi esingangonyaka emva kokwaliwa kwesicelo ngaphandle uma iBhodi livumelana nalokho.
- (4) Izicelo zamalayisense okuthengisa utshwala zamathaveni, ama-pool club, pub, izitolo zokudayisa utshwala nama-night club kufanele zihambisane nemvume kaMasipala noma isiyingi sakuleyo ndawo ngaphezulu kwezidingo ezifana nokuhlela noma imithetho yezokuphathwa kwemvelo.

Isaziso ngokufakwa kwesicelo

24. (1) Wonke umuntu ofake isicelo selayisense kufanele afake isaziso sokuthi wenze isicelo selayisense lokuthengisa utshwala emaphaphandabeni angekho ngaphansi kwamabili afundwa endaweni lapho isicelo senziwe khona ngendlela ehleliwe kanye nasemqulwini wesiFundazwe i-Provincial Gazette
- (2) Isaziso sokufakwa kwesicelo selayisense kufanele senziwe ezinsukwini ezingu-7 ngaphambi kokuthi kufakwe isicelo selayisense.
- (3) Isaziso ngokufakwa kwesicelo selayisense kufanele sibe namagama aphelele alowo ofake

isicelo, igama afisa ukuhweba ngalo, inombolo kamazisi noma inombolo yokurejista yakhe, ikheli eliphelele lapho ibhizinisi lotshwala lizoqhutshelwa khona, uhlobo lwelayisense oludingakalayo, amagama kanye nohlobo lwezikhungo zemfundo kanye nezindawo zokukhonza ezitholakala endaweni eyikhilomitha kusuka esakhiweni okuzothengiselwa kusona utshwala.

- (4) Isaziso ngokufakwa kwesicelo selayisense okukhulunywa ngaso esigatshaneni (1) kufanele sicele abantu abafisa ukuphikisana nesicelo selayisense ukuthi benze njalo ngokulandela isigaba 25.

Ukuphikiswa kwesicelo

25. (1) Noma ngubani angaphikisana nesicelo selayisense lokuthenguisa utshwala ngokubhalela ikomiti lendawo kanye nalowo ofake isicelo ezinsukwini ezingu-21 isicelo lesi sikhishiwe emaphephandabeni njengoba kuchazwe esigabeni 24.
- (2) Incwadi yokuphikisana nesicelo selayisense elithile kufanele inikeze izizathu zokuthi kungani ilayisense ingafanele ukunikezwa endaweni ethile futhi inikeze amagama aphelele alowo ophikisana nesicelo selayisense noma isikhungo esiphikisana nesicelo selayisense kanye nekheli eliphelele, imininigwane yokuthi angathinteka kanjani nezincwadi noma imibhalo yokusekela izizathu zokuphikisana kwakhe nesicelo selayisense.

Impendulo yofake isicelo kulowo osiphikisayo

26. Umuntu ofake isicelo selayisense kufanele ezinsukwini ezingu-7 ethole incwadi ephikisana nesicelo sakhe ngokulandela isigaba 25 abhale impendulo yakhe yokuthi yingani engavumelani nokuphikiswa kwesicelo sakhe.

Ukulalelwa kwesicelo

27. (1) Ikomiti lendawo noma iBhodi lingabiza lowo ofake isicelo selayisense kanye nalowo ophikisana naso ukuthi bavele phambi kwalo ngosuku oluthile, ngesikhathi esithile futhi endaweni ethile eyoqokwa yikomiti noma iBhodi.
- (2) Wonke umuntu ofake isicelo nawo wonke umuntu ophikisana nesicelo bayonikezwa ithuba lokuthi baveze imibono yabo ngokukhululeka noma bazikhethela abantu abazobamela.
- (3) Ukulalelwa kwesicelo kungahlehliswa futhi kubuyekubuyelwe kukho ngosuku, isikhathi nendawo ethile eyoqokwa yikomiti noma iBhodi.

Izinhlobo zamalaysense

28. (1) Nazi izinhlobo zamalaysense ezingatholakala ekuqhutshweni kwebhizinisi lokuthengiswa kotshwala -
- (a) uma utshwala buzothengiswa futhi buphuzelwe kuleyo ndawo -
- (i) amalaysense okuthengisa utshwala asemahhotela;
 - (ii) amalaysense okuthengisa utshwala asemarestoranti;
 - (iii) amalaysense okuthengisa utshwala asemathiyetha;
 - (iv) amalaysense okuthengisa utshwala akuma-club;
 - (v) amalaysense okuthengisa utshwala asema-night club;
 - (vi) amalaysense okuthengisa utshwala asezindaweni zokugembula;
 - (vii) amalaysense okuthengisa utshwala asezinkundleni zemidlalo;
 - (viii) amalaysense okuthengisa utshwala asema-pub
- (ix) amalaysense okuthengisa utshwala asemahholo okudansa;
- (x) amalaysense okuthengisa utshwala asemathaveni;
 - (xi) amalaysense okuthengisa utshwala asema-pool club;
- (b) uma utshwala buzothengiswa kodwa bungezukuphuzelwa kuleyo ndawo -
- (i) amalaysense okuthengisa utshwala asema-wholesale (emawulusela);
 - (ii) amalaysense okuthengisa utshwala asezitolo zokuthengisa utshwala;
 - (iii) amalaysense okuthengisa utshwala ama-grocers' wine;
 - (iv) amalaysense okuthengisa utshwala abakhiqizi botshwala;
- (c) uma utshwala buzothengiswa bubuye buphuzelwe kuleyo ndawo -
- (i) amalaysense okuthengisa utshwala obenziwe ngamabele;

Okuqokethwe ngamalayisense

29. (1) Ilayisense linikeza umnikazi walo amalungelo okuthengisa utshwala futhi limenza abhekane nemisebenzi ethile ngokulandela lo Mthetho.
- (2) Ilayisense likhombisa ubufakazi bokuthi umnikazi walo uyikhokhile imali efanele.

Ukuhlolwa kwezicelo zamalayisense

30. (1) Isicelo selayisense siqale sibhekwe yikomiti lendawo bese lisedlulisela eBhodini ukuthi nalo lisibheke futhi iBhodi linamandla -
- (a) okwala noma ukwenqaba isicelo;
- (b) okuvuma isicelo selayisense.
- (2) IBhodi ngeke livume isicelo selayisense ngaphandle kokuthi -
- (a) isakhiwo lapho kuzothengiswa khona utshwala sifanelekile ukuqhuba ibhizinisi lokuthengisa utshwala;
- (b) iBhodi lenelisekile ukuthi ngeke kube khona ukuphazamiseka okuthile uma isakhiwo sokuthengisa utshwala sisondelene ngamamitha angu-500 noma ibanga elinye elingakalwa yiBhodi nendawo yokukhonza, indawo yokufunda, indawo lapho kugitshelwa khona izinto zokuthutha nokuthi ngaphandle uma kuyiyithaveni, i-poolclub, isitolo sokudayisa utshwala, indawo yokudayisa utshwala bamabele, i-pub, i-night club ngeke lenze ukuphazamisa okuthile.
- (c) lowo ofake isicelo selayisense ungumuntu owethembekile nokuthi ufanelekile ukunikwa ilayisense;
- (d) ukunikezwa kwelayisense kuzosiza umphakathi futhi umphakathi awuphikisani nakho;
- (e) ukunikezwa kwelayisense ngeke kuholele ekutheni lowo onikwe ilayisense afune ukuhweba yedwa ebhizinisini lokuthengisa utshwala;
- (f) isakhiwo, indawo yokuhlala, izinto zokusebenza ziyahambisana nemigomo yalo Mthetho.

Izicelo zemvume yesikhashana noma amaphemithi

31. (1) Isicelo semvume yesikhashana noma iphemithi siyobhekwa yiBhodi uma sesivela ekomitini lendawo futhi iBhodi inamandla okunikeza imvume noma ukwala isicelo selayisense yesikhashana.
- (2) IBhodi ngeke linikeze imvume yesikhashana noma iphemithi okukhulunywa ngayo esigatshaneni (1) ngaphandle kokuthi lowo ofake isicelo akhombise noma anikeze izizathu eziqavile zokuthi kungani kufanele anikezwe imvume yesikhashana futhi imvume yesikhashana ngeke yedlule izinsuku ezingu-7 ezilandelanayo.
- (3) Imvume yesikhashana noma iphemithi inganikezwa ngumabhalane, imeneja, umphathi, umqondisi noma esinye isikhulu sombukiso, i-sports club, inhlangano yamasiko noma ezenhlalakahle, isikhungo sezemfundo, umjaho, noma umhlangano wezemidlalo.
- (4) IBhodi kufanele laneliseke ukuthi lowo ofake isicelo akuwona umsebenzi wakhe wemihla ngemihla ukuthengisa utshwala kodwa lokhu uzokwenza ukuhlangabezana nezidingo zomsebenzi noma umcimbi othile.
- (5) IBhodi kufanele laneliseke ukuhleleka kwesakhiwo futhi linamadla okwenqabela ukuthengiswa kotshwala ezingxenyeni ezithile zesakhiwo kanti futhi linamandla okunquma ukuthi yiziphi izinhlobo zotshwala ezingathengiswa.

Ukushona noma ukungabi sesimweni esifanelekile kwalowo ofake isicelo

32. Uma umuntu ofake isicelo selayisense eshona, eba sesimweni sezikoloto ezingaphezu kwamandla akhe, noma kuba nomyalelo wenkantolo wokuthi akasakwazi ukuzibambela izindaba zakhe osukwini noma ngaphambi kokuthi kubhekwe isicelo sakhe selayisense -
- (a) umphathi wezindaba zalowo osuke eshonile, imeneja yezomthetho, umhloli mabhuku uma engakhombisi kuthathela phezu lolu daba, omunye ogunyaziwe ngumphathi othile ngokulandela umthetho ophathelene nokuba sezikweletini ezingaphezu kwamandla akho, ukuphathwa kwezindaba namafa abantu abashonile kanye nezempilo yomqondo uyoba namalungelo afana nalowo obefake isicelo ngaphambi kokuthi ashone, abe ezikweletu

ezingaphezu kwamandla akhe noma ngaphambi kokuthi kukhishwe umyalelo wokuthi akasakwazi ukuziphathela izindaba zakhe ngenxa yesimo somqondo.

- (b) iBhodi ngokulandela lo Mthetho, linganikeza ilayisense imeneja, umphathi wamafa nezindaba zabantu abashonile, umhloli mabhuku noma lenqabe ukunikeza ilayisense.

Ukukhishwa kwamalayisense nezimvume zesikhashana/amaphemithi

Amalayisense namaphemithi

33. (1) Uma iBhodi selivumile ukunikeza ilayisense umuntu othile ngokwalo Mthetho, ngokusebenzisa isigaba 35, liyokhipka ilayisense ngokusebenzisa ikomiti lendawo kanti uma kuyilayisense lesikhashana kuyochazwa ngohlobo lotshwala oluvumelekile ukuthengiswa njengokubona kweBhodi kanye nezindawo zesakhiwo okungavumelekile ukuthengiswa khona kotshwala njengoba kuchazwa esigabeni 31(5).
- (2) Ibhodi emva kokukhishwa kwelayisense noma imvume yesikhashana ngokulandela imibandela esesigatshaneni (1) noma 37, ngokusebenzisa isaziso esiyothunyelwa kumnikazi welayisense -
- (a) lingabeka imibandela ethile ekusebenzeni kwelayisense;
- (b) lingamisa ukusebenza kwelayisense isikhathi esithile, liqede ukusebenza kwelayisense elithile noma libekele ilayisense elithile imibandela ethile ngokulandela lo Mthetho.

Ukukhishwa kwedubulikhethi yelayisense

34. (1) Ibhodi noma ngasiphi isikhathi lingakhipha idubulikhethi yelayisense elithile ngokulandela imibandela yesigaba 33 liyinike umnikazi welayisense ngokumkhokhisa imali ethile emva kokuthi esekhombise ubufakazi bokuthi ilayisense lakhe lokuqala ladabuka noma lalahleka.
- (2) Ilayisense elikhishwe ngokulandela imibandela esesigatshaneni (1) liyosebenza ngokulandela imigomo ebiselayisenseni lokuqala.

Izakhiwo ezingaphelele

35. (1) Uma isicelo selayisense sivunywe yiBhodi (lokhu akhulanganile izimvume zesikhashana noma amaphemithi) kodwa isakhiwo lapho kuzothengiselwa khona utshwala singakapheli, sidinga ukushintshwa ngandlela thile, ukwengezwa noma ukwakhiwa ngandlela thile ukuze sikwazi ukufaneleka ukuqhuba ibhizinisi lokuthengisa utshwala, iBhodi liyokhipha isaziso kulowo ofake isicelo limazise ukuthi kufanele enze izinguquko ezidingakalayo futhi liyomnqumela ukuthi lokhu kufanele abe esekwenzile esikhathini esingakanani.
- (2) Ibhodi linamandla emva kokukhipha isaziso siye kulowo ofake isicelo selayisense -
- (a) okuhoxisa noma ukushintsha imibandela ebalwe esigatshaneni (1);
- (b) ukwandisa isikhathi sokwenza izinguquko ezithile njengoba kuchazwa esigatshaneni (1);
- (c) ukwemukela ipulani yesakhiwo eguquliwe.
- (3) Isikhathi sokwenza izinguquko okukhulunywa ngaso esigatshaneni (1) ngeke sedlule unyaka noma izinyanga ezingu-12.
- (4) Uma iBhodi selanelisekile ukuthi izinguquko ezibalwe esigatshaneni (1) seziqediwe nokuthi zonke izinto ezidingwa yiBhodi sekuhlangatshezenwe nazo futhi isakhiwo sesifanelekile ukwenza umsebenzi wokuthengisa utshwala, liyokhipha ilayisense ngokulandela imibandela esesigabeni 37.
- (5) Uma ilayisense lingakhishwa ngaphambi kwesikhathi esishiwo esigatshaneni (1) noma isikhathi esengeziwe esishiwo esigatshaneni (2) (b), isaziso sokuthi kwenziwe izinguquko kanye nokuvunywa kwesicelo kuyothathwa njengento engekho noma engasebenzi.
- (6) Uma umuntu othole isaziso sokwenza izinguquko ezithile eshona, eba nezikoloto ezingaphezu kwamandla akhe noma kuba nomyalelo wenkantolo wokuthi isimi sakhe somqondo asimvumeli ukuthi aphahe kahle izindaba zakhe -
- (a) uma umphathi wamafa noma izindaba zomuntu othile oshonile, umphathi wezimali zomuntu osezikweletini ezingaphezu kwamandla akhe, imeneja, umhloli wamabhuku engathatheli phezu udaba lwelayisense, omunye umuntu othandayo ngokulandela umthetho wokuphathwa kwamafa nezindaba zabantu asebashonile, abaphathi bezindaba zabantu abanezikwetu ezingaphezu kwamandla abo, abaphathi

bezomthetho kanye nezempilo yomqondo, uyoba namalungelo afana nalowo abenikezwe lowo owayefaake isicelo selayisense ngaphambi kokuthi ashone abe sezikweletini, noma abe nesimo somqondo ongasebenzi kahle;

- (b) umphathi, imeneja, umhloli wamabhuku noma omunye umuntu okukhulunywa ngaye endimeni (a) yalesi sigatshana angenza noma yini ukwenelisa iBhodi maqondana nemibandela ebalulwe esigatshaneni (4).

Ukwephucwa ilungelo nokunye ukungaqhubi kahle

36. Ilayisense ngeke linikezwe umuntu ongazanelisi izimfuno zalo Mthetho noma ongenalo ikhono lokuqhuba kahle umsebenzi.

ISAHLUKO 4

IMIBANDELA EPHATHELENE NAMALAYISENSE

Imibandela ephathelene namalayisense nezimvume/amaphemithi

37. (1) Ilayisense noma iphemithi okukhulunywa ngakho kulo Mthetho ngeke inikezwe umuntu -
- (a) oke waboshwa futhi wagwetshwa eNingizimu Afrika noma kwelinye izwe eminyakeni eyishumi eyedlule ngaphandle kokuthi anikwe ithuba lokukhokha inhlawulo ngaphandle uma iBhodi linombono wokuthi icala lakhe alikhombi ukuthi lowo muntu akafanelekile ukuthola ilayisense lokuthengisa utshwala ngaphandle futhi uma isigwebo sakhe sesibekelwe eceleni yinkantolo yomthetho noma uma lowo muntu esethole ushwele noma ukuxolelwa;
- (b) eke waba necala lokwephula lo Mthetho, uMthetho woTshwala ka-1989 (uMthetho Nombolo 27 ka-1989) noma omunye umthetho ofana nalowo futhi ebekwe icala wahlawuliswa inhlawulo engekho ngaphansi kuka-R200 noma ukuvalelwa ejele ngaphandle kokunikwa ithuba lokukhokha inhlawulo noma uma eke wagetshwa futhi wakhokhiswa inhlawulo ngaphandle uma lowo muntu esethole umyalelo wenkantolo wokuthi icala lakhe libekwe eceleni noma uma esethole ukuxolelwa kunoma yiliphi icala abegwetshelwe lona noma inhlawulo abeyikhokhiswe;
- (c) uma engumuntu osezikweletini ezingaphezu kwamandla akhe futhi engakatholi umyalelo wenkantolo wokuthi isimo sakhe sezimali sesibuyele kwesejwayelekile;
- (d) esengumuntu osemncane ngokweminyaka ngenkathi kucutshungulwa isicelo sakhe;
- (e) engumyeni noma inkosikazi yomuntu okuchazwe ngaye endimeni (a), (b), nom (c);
- (f) engumkhiqizi noma esebenzela umkhiqizi;
- (g) engumkhiqizi kabhiya kodwa engeyena umkhiqizi ovumeleke ukukhiqiza isikalo esithile sotshwala noma osebenzela umuntu okhiqiza isikalo esithile sotshwala;
- (h) engumuntu onezinhlalo zokuzuzwa ngezomnotho ebhizisini elithile lokukhiqizwa kotshwala, ukwenziwa kukabhiya noma isisebenzi somkhiqizi wotshwala;
- (i) eyingxenywe yenkampani eyenza ubhiya noma osebenzela inkampani enjalo;
- (j) eyinkampani lapho inkampani okukhulunywa ngayo endimeni (j) kuyiyona ephethe ibhizisini lokuthengiswa kotshwala noma osebenzela inkampani enjalo.
- (2) Uma umuntu ongavumelekile ukuthola ilayisense ngokulandela imigomo etholakala esigatshaneni (1) -
- (a) ezuzwa noma ephethe izimali zenkampani, i-close corporation noma i-trust;
- (b) engobambisene nabathile enkampanini;
- (c) kunguyena oyozuza kakhulu kwi-trust;

ilayisense ngeke linikezwe leyo nkampani, i-corporation, i-partnership noma i-trust.

- (3) Ilayisense elikhishwe ngokulandela lo Mthetho liyosebenza ngokulandela imininigwane ebhawe elayisensini njengokubona kweBhodi.
- (4) Umnikazi welayisense elikhishwe ngokwalo Mthetho, uyovumela abahloli ukuthi bahlale isakhiwo sakhe noma ngasiphi isikhathi esifanelekile njengeminye yemibandela yelayisense.
- (5) Ilayisense liyogcinwa esakhiweni lapho lisebenza khona, libekwe endaweni lapho lizobonakala khona futhi liyovezwa uma ifunwa ngumuntu ogunyazwe yilo Mthetho noma omunye umthetho.

Inhlangano yezokuthengiswa kotshwala

38. (1) Kuzokwakhiwa Inhlango Yabathengisi Botshwala esiFundazweni ezobizwa ngeNhlango Yabathengisi Botshwala (Liquor Trade Association).
- (2) (a) Zonke izinhlangano zabathengisi botshwala ezikhona kufanele zibe ngaphansi kweNhlango Yabathengisi Botshwala.
 (b) Bonke abanikazi bamalayisense okuthengisa utshwala nalabo abasafake izicelo abangewona amalungu eNhlango Yabathengisi Botshwala kufanele bayijoyine.
- (3) Ilungu lesigungu esilawulayo soMnyango wezoMnotho linganquma izinto ezifanele zibe khona emthethosisekelweni weNhlango Yabathengisi Botshwala.
- (4) Inhlango okukhulunywa ngayo esigatshaneni (1) ingaba namagatsha ezindaweni zasemadolobheni naseziyini.
- (5) Inhlango iyokhuthaza ukuhlangana ekuqhutshweni kwebhizinisi lotshwala esiFundazweni, ukusebenza ngokukhuthala kwamalungu ayo, ukugcinwa komthetho nemigomo ephathelene nokulawulwa kotshwala nokuphuzwa kotshwala ngendlela yokuzicabangela.
- (6) Inhlango, ngokushesha emva kokuphela konyaka wayo futhi esikhathini esingengaphezulu kwezinyanga ezintathu, iyonikeza umbiko ilungu lesigungu esilawulayo soMnyango wezoMnotho ngezinto inhlangano ezenzile kulowo nyaka.

Izinhloso zokuzuzana ngokwemali kanye nezokulawula

39. (1) Ngokulandela imigomo yesigaba 37, umkhqizi kabhiya noma umuntu ophethe inhlangano ethile, i-partnership noma i-close corporation engumkhqizi kabhiya ngeke avumeleke ngaphandle kwemvume yelungu lesigungu esilawulayo soMnyango wezoMnotho nangaphandle kwemigomo ilungu elingayibeka ukuthi abe ngozuzana noma olawula ibhizinisi lokuthengisa utshwala okukhulunywa ngalo esigabeni 28.
- (2) Umnikazi welayisense okukhulunywa ngalo esigatshaneni (1) noma umuntu onezinhloso zokulawula inkampani ethile, i-partnership noma i-close corporation enelayisense ngeke avunyelwe ngaphandle kwemvume yelungu lesigungu esilawulayo soMnyango wezoMnotho wngaphandle kwemigomo angayibeka ukuba abe nokulawula ngezizimali ebhizinisini lomkhqizi kabhiya.
- (3) Umnikazi welayisense ngeke avumele omunye umuntu ukuthi alawule ngokwezimali ibhizinisi lokuthengiswa kotshwala ngaphandle uma lokhu kwakubhaliwe esicelweni selayisense futhi kwemuketwa yiBhodi.
- (4) Ilungu lesigungu esilawulayo soMnyango wezoMnotho ngeke sinikeze imvume okukhulunywa ngayo esigatshaneni (1) uma
 (a) ibhizinisi okukhulunywa ngalo kungele-club;
 (b) umuntu ofake isicelo selayisense engavumelekile ukuba nelayisense ngokwalo Mthetho noma eminye imithetho ephathelene nokuba nelayisense;
 (c) linombono wokuthi ukunikezwa kwelayisense kungenza ukuthi umuntu othile afune ukuhweba yedwa ngendlela engalimaza abanye abahweba ngotshwala noma amanye amalungu egatsha.

Ukuphathwa

40. (1) Umuntu ongeyena owokudabuka eNingizimu Afrika ngeke akwazi ukuqhuba ibhizinisi elilayisense lokuthengisa utshwala ngaphandle uma eqoka omunye umuntu ongowokudabuka eNingizimu Afrika futhi onganjinwe yimibandela ethile ukuthi aqhuba ibhizinisi lokuthengisa utshwala
- (2) Umuntu ongowokudabuka eNingizimu Afrika onelayisense angaqoka omunye ongowokudabuka kuleli ukuthi ongenamgomo omvimbayo ukuthi abe nelayisense ngokwalo Mthetho ukuba amqhubele ibhizinisi elinelayisense.
- (3) (a) Umuntu ophathele omunye ibhizinisi lokuthengisa utshwala uyolawula yimigomo efanayo elawula lowo omcele ukuthi amphathele ibhizinisi lakhe.
 (b) Uma kuba khona ukwephulwa komthetho okweziwa yilowo ophathele omunye umsebenzi wokuthengiswa kotshwala, bobabili nalowo omkhqizi ukuthi amphathele bayobekwa icala ngokufanayo futhi bathole ukuhlawuliswa ngendlela efanayo.
 (c) Akukho lutho okukhulula lowo ophathele ibhizinisi lokuthengisa utshwala omunye noma owenze icala elithile kanye nalowo ongunikazi welayisense ukuthi bangabhekani nomthetho ngendlela efanayo.

Isimo sesakhiwo

41. (1) Ngokulandela isigaba 91 futhi ngaphandle kokwephula imigomo yesigaba 42, umnikazi welayisense ngeke aqhube ibhizinisi lakhe endaweni enelinye ilayisense okuhlanganise izindawo ezinamanye amalayisense noma lapho kwenziwa khona omunye umsebenzi.
- (2) Izakhiwo ezimbili noma ngaphezulu ezingaphansi kophahla olulodwa ngokulandela isigatshana (1) ziyothathwa njengesakhiwo esisodwa uma zingehlukanisiwe ngodonga futhi kungekho mnyango, iwindi noma enye indlela yokusuka kwesinye isakhiwo uye kwesinye.
- (3) Indawo lapho umphakathi uvumeleke khona yendawo lapho utshwala buthengwa futhi buphuzelwe khona ngeke ibe ngaphezu kwesikalo esithile ngaphandle uma iBhodi ngokwelulekwa yikomiti lendawo linquma ngenye indlela.
- (4) Indawo evulekiile yalapho utshwala buthengiswa kodwa bungaphuzelwa khona kufanele ingabi ngaphansi kosayizi othile ngaphandle uma iBhodi ngokwelulekwa yikomiti lendawo linquma ngenye indlela.
- (5) Izakhiwo kufanele ngaso sonke isikhathi zihambisane nemithetho yamadolobha noma iziyingi kuhlanganise nemithetho yezempilo kanye neyokubhema.

Isimo sebhizinisi

- 42 (1) Ngaphandle kokwephula omunye umthetho -
- (a) umnikazi welayisense lendawo lapho utshwala buthengiswa bubuye buphuzelwe khona angadayisa futhi namaphephandaba, ukudla okulula kanye nogwayi esakhiweni sakhe esinelayisense lokuthengisa utshwala futhi angathengisa nezinye izinto ezivunye yiBhodi ngenkathi efaka isicelo selayisense noma ngenkathi efaka isicelo sokwenza lokhu emva kokuthi ilayisense esenayo.
- (b) umnikazi welayisense lesitolo sokuthengisa utshwala angathengisa futhi namanzi ama-mineral waters, ezinye iziphuzo, ugwayi, isigazu, umentshisi, izikhwana zokubandisa nezinye izinto iBhodi elingazivuma ukub zithengiswe.

Ukushintshwa noma ukwengezwa kwesakhiwo esinikwe ilayisense

43. (1) Umnikazi welayisense ngeke akwazi ukwenza izinguquko, ukukhuliswa noba ukuhlelwa kabusha esakhiweni esinelayisense ngaphandle kokuthi afake isicelo eBhodini bese ethola imvume yokwenza lokhu.

Indawo yokudayisa utshwala

44. (1) Umnikazi welayisense ngeke akwazi ukudayisa utshwala kwenye indawo ngaphandle kwaleyo anelayisense lokuthengisela kuyo.
- (2) IBhodi ngokuthola isicelo somnikazi welayisense wendawo lapho utshwala buthengwa futhi buphuzelwe khona, lingavumela umnikazi welayisense ukuthi aqhube ibhizinisi lakhe engxenyeni ethile kuphela yesakhiwo isikhathi esithile njengokubona kweBhodi.

Abasebenzi

45. (1) Umnikazi welayisense ngeke -
- (a) ekudayiseni kwakhe utshwala; noma
- (b) ngenkathi edayisa utshwala endaweni yesakhiwo (uma ikhona) engavumele.;
- ngeke aqashe umuntu -
- (i) osemncane ngokweminyaka; noma
- (ii) ngokwazi kwakhe eminyakeni emibili engaphambili eke wephula umthetho ophathelene nokuthengiswa kotshwala futhi wagwetshwa ngaphandle kokunikwa ukuzikhethela ukuboshwa noma ukukhokhha inhlawulo.
- (2) Isigatshana (1) ngeke sisebenze
- (a) kumuntu oneminyaka engu-18 oma ngaphezulu oqeqeshelwa umsebenzi wokudayisa izinto eziphuzwayo nezidliwayo futhi oqashhiwe kuleso sakhiwo noma osathola ulwazi ngomsebenzi ngokuvunyelwa ngabaphathi bomsebenzi abanelayisense;
- (b) elungwini lomndeni womnikazi welayisense noma ilungu lomndeni womuntu oqokwe ukuthi aphaathe umsebenzi wokuthengiswa kotshwala endaweni ethile oneminyaka engu-18 noma ngaphezulu.

Abasebancane ngeminyaka

46. Umnikazi welayisense akufanele adayisele utshwala esakhiweni esinelayisense umuntu osemncane

ngokweminyaka futhi ongathinteki emibandeleni okukhulunywa ngayo esigabeni 45(2) nongavumelekile ukuba sendaweni ethile yesakhiwo esinelayisense.

Abaphuze kakhulu/abadakiwe

47. (1) Umnikazi welayisense unelungelo lokwala ukuthi kungene esakhiweni esinelayisense nokuthengisela utshwala umuntu ophuze kakhulu futhi angakhipha umyalelo wokuthi lowo muntu akhishwe esakhiweni esinelayisense.
- (2) Umnikazi welayisense angacela iphoyisa ukuthi limsize ekukhipheni esakhiweni esinelayisense lokuthengisa utshwala noma ngubani ophuze ngokweqile njengoba kuchazwa esigatshaneni (1).

Amarekhodi

48. (1) Umnikazi welayisense uyogcina amarekhodi ngendlela ethile ebekiwe.
- (2) Noma ngasiphi isikhathi iBhodi ngokuthumela isaziso kumnikazi welayisense -
 - (a) lingakhipha umyalelo wokuthi umnikazi welayisense agcine amanye amarekhodi engeziwe ngendlela ethile njengokubona kweBhodi;
 - (b) lingahoxisa noma lishintshe imibandela okukhulunywa ngayo endimeni (a).

Ukunikezwa kolwazi kanye nemibhalo ethile

49. Umnikazi welayisense uma ecelwa yiBhodi uyolinikeza ulwazi oludingakalayo kanye namaphepha anemibhalo ethile ephatheelene nesakhiwo esinelayisense (kuhlanganise nomdwebo wepulani yesakhiwo) kanye nezinye izinhloso zokuzuza ngokwezimali kwelinye ibhizinisi lezokuthengiswa kotshwala.

Izinga lotshwala

50. Umnikazi welayisense ngeke athengise utshwala obungekho emthethweni, obungumgunyathi futhi obungekho ezingeni elifanele.

IMIBANDELA EYISIPESHELI MAYELANA NOKUTHENGISA UTSHWALA LAPHO BUBUYE BUPHUZELWE KHONA

Imibandela enhlobonhlobo

Indawo yokuphuzela utshwala

51. (1) Umnikazi welayisense lendawo lapho utshwala buthengiswa bubuye buphuzelwe khona kufanele enze isiqiniseko sokuthi utshwala abuthengisayo buphuzelwa esakhiweni lesi esinelayisense.
- (2) Ngaphandle kokwephula eminye imigomo yalo Mthetho, umnikazi welayisense angavula ibhizinisi lakhe kusukela ngo-21h00 ebusuku bomhla ka-31 Disemba kuya ku-2h00 ekuseni mhla ka-1 Januwari ngaphandle uma kukhona enye into ephikisana nalokhu.

Amalayisense anikezwa abamahhotela

Isimo sebhizinisi

52. (1) Umnikazi welayisense lehhotela lokuthengisa utshwala angathengisa utshwala endaweni lapho izivakashhi zithola khona indawo yokuhlala kanye nokudla.
- (2) Irekhodi labo bonke abantu abavakashele ihhotela kufanele ligcinwe esakhiweni esinelayisense ngaso sonke isikhathi.

Izikhathi zebhizinisi

53. Umnikazi welayisense lasehhotela ngaphandle kokwephula umthetho angathengisela isivakashi utshwala esakhiweni esinelayisense noma ekamelweni laso ngezikhathi ezithile ezinqunyiwe

ngesikhathi isivakashi sidla ukudla, ngaphambi noma ngemuva kokudla.

Amalaysense anikezwa abamarestoranti

Isimo sebhizinisi

54. Umnikazi welayisense lokuthengisa utshwala erestoranti lapho kuthengiswa khona ukudla uyokwazi ukuthengisa utshwala njengokwemvume yelayisense lakhe.

Izikhathi zebhizinisi

55. Umnikazi welayisense laserestoranti ngaphandle kokwephula umthetho othile angathengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe kuphela kubantu abathenga ukudla esakhiweni sakhe futhi abazopuza khona lapho ngaphambi kokuthi badle noma emva kokuthi sebedlile.

Amalaysense anikezwa abamathiyetha

Isimo sebhizinisi

56. (1) Umnikazi welayisense lokudayisa utshwala ethiyetha uyokwazi ukudayisa utshwala esakhiweni lapho kudlalwa khona imidlalo yasesiteji, amakhonsathi, nalapho umphakathi ukhonjiswa khona amafilimu.
- (2) Umnikazi welayisense lokuthengisa utshwala ethiyetha ngeke avumeleke ukuthengisela umuntu ongavumelekile ukubukela umdlalo othile wasesiteji noma ifilimu.

Izikhathi zebhizinisi

57. Umnikazi welayisense lokuthengisa utshwala ngaphandle kokwephula omunye umthetho angathengisa utshwala noma ngaluphi usuku ngezikhathi ezithile.

Amalaysense anikezwa abama-Club

Isimo sebhizinisi

58. (1) Ilayisense le-club ngeke linikezwe ngaphandle uma iBhodi lenelisekile ukwakheka kwayo -
- (a) i-club kufanele ibe namalungu angu-15;
 - (b) abaphathi bayo bakhethwa ngamalungu ayo i-club futhi kufanele emihlanganweni yamalungu kuthathwe amaminithi.
 - (c) ngamalungu e-club kuphela avumeleke ukukhokhela izinto zokusebenza, utshwala noma ukudla okuthengisa esakhiweni se-club;
 - (d) uma izinto zokusebenza zisetshenziswa yizivakashi (ngaphandle kwemindeni yamalungu;
 - (e) kufanele kugcinwe kahle wonke amarekhodi kuhlanganise namagama amalungu e-club;
 - (f) amalungu kufanele akhokhe imali yobulungu yonyaka;
 - (g) akukho nzuzo (i-profit) etholakala ngokuthengiswa kotshwala eyoba ngeyelungu elilodwa le-club.
- (2) Umnikazi welayisense lokuthengisa utshwala e-club uyokwenza umsebenzi ngokulandela imigomo yalo Mthetho.

Izikhathi zebhizinisi

59. Umnikazi welayisense lokuthengisa utshwala e-club ngaphandle kokwephula noma yimuphi umthetho, uyokwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amarekhodi

60. Umnikazi welayisense le-club ngeke avumeleke ukudayisa noma ukunikeza utshwala elungwini le-club ukuze buphuzwe yisivakashi salelo lungu ngaphandle sebhale phansi igama lalo kanye negama lesivakashi encwadini yamarekhodi edingakala ngokwalo Mthetho.

Amalaysense anikezwa abamaThaveni

Isimo sebhizinisi

61. (1) Umnikazi welayisense lethaveni uyoqinisekisa ngaso sonke isikhathi ukuthi isakhiwo esinelayisense lokuthengisa utshwala sehlukene nesakhiwo lapho kuhlalwa khona noma uma sihlalwane nendawo yokulala sehlukeniswe nayo ngezindonga neminyango.
- (ii) Umnikazi welayisense uyothengisa ukudla futhi anikeze izinhlobo ezehlukene zokuzithokozisa ezisezingeni elamukelekayo esakhiweni esinelayisense.

Izikhathi zebhizinisi

62. Umnikazi welayisense lethaveni ngaphandle kokwephula umthetho, uyokwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amalayisense anikezwa abama-Pool club

Isimo sebhizinisi

63. Umnikazi welayisense le-Pool club uyokwazi ukuthengisa utshwala endaweni lapho kudlalwa khona imidlalo ngokulandela imigomo yalo Mthetho.

Izikhathi zebhizinisi

64. (1) Umnikazi welayisense lase-Pool club ngaphandle kokwephula umthetho angakwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amalayisense anikezwa abamahhlo okudansa

Isimo sebhizinisi

65. Umnikazi welayisense lokuthengisa utshwala ehholo lokudansa uyokwazi ukwenza ibhizinisi njengoba kuchazwe kulo Mthetho.

66. Izikhathi zebhizinisi

Umnikazi welayisense lokuthengisa utshwala ehholo lokudansa ngaphandle kokwephula umthetho, uyokwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amalaysense anikezwa abama-Night club

Isimo sebhizinisi

67. (1) Umnikazi welayisense lokuthengisa utshwala e-night club uyokwazi ukuthengisa utshwala esakhiweni esinemisebenzi efana nokuthengisa izidlo ezilula, ukudansa kanye nokuzithokozisa.
- (2) Umnikazi welayisense kuhlanganise nesikhathi afake ngaso isicelo kufanele abe yilungu leNhlangothi Yabathengisi Botshwala okuchazwa ngayo esigabeni 38, ngaphandle uma iBhodi libona ngenye indlela.

Izikhathi zebhizinisi

68. Umnikazi welayisense lokuthengisa utshwala e-night club ngaphandle kokwephula umthetho, uyokwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amalaysense anikezwa abama-Pub

Isimo sebhizinisi

69. Umnikazi welayisense lase-Pub uyoqinisekisa ngaso sonke isikhathi ukuthi utshwala abuthengisayo buphuzelwa kuleso sakhawo kanye nezidlo ezilula nezinto zokuziqabula.

Izikhathi zebhizinisi

70. Umnikazi welayisense ngaphandle kokwephula umthetho, uyokwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amalaysense anikezwa abezindawo zokugembula

Isimo sebhizinisi

71. (1) Umnikazi welayisense lokuthengisa utshwala endaweni yokugembula uyokwazi ukuthengisa izinhlobo ezahlukene zotshwala ukuthi buphuzelwe esakhiweni lesi esinelayisense.
- (2) Umnikazi welayisense uyovumela ukuthi kwenziwe izinhlobo zokugembula ezisemthethweni ezihlanganise ukubheja esakhiweni lesi.

Izikhathi zebhizinisi

72. Umnikazi welayisense lasendaweni yokugembula ngaphandle kokwephula umthetho, uyokwazi ukudayisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Amalaysense anikezwa labo abathengisa utshwala obenziwa ngamabele

Isimo sebhizinisi

73. (1) Umnikazi welayisense lokuthengisa utshwala obenziwe ngamabele okukhulunywa ngalo kulo Mthetho uyokwazi kuphela ukuthengisa utshwala bamabele esakhiweni esinelayisense ukuthi biphuzelwe khona noma abathengi bahambe nabo.
- (2) Umnikazi welayisense lokuthengisa utshwala bamabele okukhulunywa ngalo kulo Mthetho angakwazi ngokuvunyelwa yiBhodi ukwenza elinye ibhizinisi esakhiweni esinelayisense lapho utshwala bamabele abathengi kufanele bangabuphuzeli khona.
- (3) Umnikazi welayisense lokuthengisa utshwala bamabele endawni lapho bubuye buphuzelwe khona kufanele anikeze nezinye izinhlobo zokuzithokozisa kanye nokudayiswa kokudf...

Izikhathi zebhizinisi

74. Umnikazi welayisense lokuthengisa utshwala bamabele ngaphandle kokwephula umthetho, uyokwazi ukuthengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Izimvume zesikhashana/amaphemithi

Isimo sebhizinisi

75. Umnikazi wemvume yesikhashana noma iphemithi enikezwe indawo ethile kufanele aqinisekise ukuthi utshwala obinikezwa amalungu noma izivakashi emcimbini othile buzophuzwa kuleyo ndawo.

Izikhathi zebhizinisi

76. Umnikazi wemvume noma iphemithi ngaphandle kokwephula umthetho, uyokwazi ukuthengisa noma ukunikeza utshwala noma ngaluphi usuku ngesikhathi esinqunyiwe.

Amalaysense aanikezwa abama-sporrts club

Isimo sebhizinisi

77. Umnikazi welayisense lase-Sports club uyokwazi ukuthengisa utshwala endawni lapho umphakathi udlala khona nalapho imihlangano yezemidlalo ibanjelwa khona.

Izikhathi zebhizinisi

78. (1) Umnikazi welayisense lokuthengisa utshwala kuma-sports club ngaphandle kokwephula umthetho, uyokwazi ukuthengisa utshwala enkundleni ethile lapho kunomhlangano wezemidlalo khona noma ngaluphi usuku ngesikhathi esinqunyiwe.

IMIBANDELA EYISIPESHELI YAMALAYISENSE OKUTHNGISA UTSHWALA LAPHO BUNGAPHUZELWA KHONA

Imibandla

Indawo yokuphuzela utshwala

79. (1) Ngokulandela imigomo yesigatshana (2), umnikazi welayisense lokuthengisa utshwala endaweni lapho bungaphuzelwa khona kufanele aqiniseke ukuthi akukho tshwala obuphuzelwa esakhiweni esinelaysense.
- (2) Umnikazi welayisense le-wholesale noma umkhiqizi noma isitolo sokuthengisa utshwala kufanele aqiniseke ukuthi utshwala abuthengisayo ngokuvunyelwa yilo Mthetho abuphuzelwa endawni engafanele.

Ukulethwa/ukudiliviwa kotshwala

80. (1) Umnikazi welayisense lokuthengisa utshwala endaweni lapho bungaphuzelwa khona ngeke -
- (a) adilive utshwala emotweni noma kwesinye isithuthi noma athumele omunye umuntu ukuthi enze njalo ngaphandle kokuthi lobo tshwala bebu-odiwe ngaphambili futhi kunencwadi yokuthengiselana eqinisekisa lokho okufanele ikhophi yayo okuyiyinayona igcinwe esakhiweni lapho utshwala buvela khona.
- (b) alayishe utshwala emotweni ethile noma enye into yokuthutha ukuze budilviwe ngaphandle kokuthi agcine ikhophi yokuthengiselana okukhulunywa ngayo endimeni (a).
- (c) adilive utshwala ekhelini engalingabhaliwe encwadini yokuthengiselana.
- (2) Isigatshana (1) ngeke sisebenze ekuthuthweni kotshwala okwejwayelekile buya kumnikazi welayisense noma omunye umuntu onemvume.

Amalaysense anikezwa ama-wholesale okuthengisa utshwala

Isimo sebhizinisi

81. (1) Umnikazi welayisense lase-wholesale ngeke athengisele umuntu ongenalo ilaysense lokuthengisa utshwala noma umuntu ongenamvume.

- (2) Isigatshana (1) salesi sigaba ngeke sisebenze ekuthuthweni kotshwala okukhulunywa ngakho esigabeni 83.

Izikhathi zebhizinisi

82. Umnikazi welayisense le-wholesale ngaphandle kokwephula umthetho angathengisa noma adilive utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Ukunikezwa kotshwala ukuze buphuzwe mahhala

83. (1) IBhodi linganikeza imvume ngemuva kokuthola isicelo selayisense le-wholesale lokuthi umnikazi welayisense le-wholesale anikeze utshwala umuntu othile ngaphandle kokumkhokhisa futhi linganikeza imvume youthi ingxenye ethile yesakhiwo sakhe isebenze ukuthi utshwala buphuzelwe khona njengokubona kweBhodi ngaphansi kwale mibandela -
- (a) esivakashini esithile esivakashele isakhiwo lesi;
 - (b) esivakashini esithile;
 - (c) Ngokulandela imigomo yesigaba 125 (1) (g), umuntu oqashwe ukuqhuba ibhizinisi njengoba kusho imininingwane yelayisense angakwa utshwala abuye abuphuzele khona ngaphandle komuntu osemncane ngokweminyaka njengoba kuchazwa esigabeni 45(2).
- (2) IBhodi linganikeza imvume efana nalena ngokulandela imigomo ethile nanjengokubona kweBhodi.
- (3) Emva kokukhishwa kwemvume enjalo, iBhodi noma ngasiphi isikhathi ngokuthumela isaziso kumnikazi welayisense lingathatha lezi zinyathelo ezilandelayo:
- (a) lingabeka imvume leyo ngaphansi kwemibandela ethile njengokuchaza kwesaziso;
 - (b) lingahoxisa noma lishintshe umbandela noma imibandela ebekwe yiBhodi okukhulunywa ngayo kulesi sigaba;
 - (c) ngokwemukela isicelo, iBhodi lingahlela kabusha imininingwane yokuthengiswa nokuphuzelwa kotshwala endaweni ethile okuchazwa ngayo esigatshaneni (1);
 - (d) lingahoxisa imvume enikezwe ngokulandela imigomo kwesigatshana (1).

Amalaysense anikezwa abakhiqizi botshwala

Isimo sebhizinisi

84. (1) Abakhiqizi botshwala inombolo yabo iyoba yisibalo esithile futhi amalaysense okukhiqiza utshwala ngeke anikezwe omunye umuntu ngaphandle komuntu okhiqiza iziphuzo ezidakanayo.
- (2) Ngokulandela imigomo yesigatshana (4), umkhiqizi ngeke athengisele umuntu ongenalo ilaysense lokuthengisa utshwala noma imvume.
- (3) Isigatshana (2) ngeke sisebenze ekuthengisweni kotshwala okuphathelene nesigaba 89.
- (4) Ngokufaka isicelo, iBhodi linganikeza imvume kumnikazi welayisense lokukhiqiza utshwala noma ngasiphi esinye isikhathi ukuthi athengisele utshwala abantu okukhulunywa ngabo esigatshaneni (2) ngokulandela imigomo ebekwe yiBhodi.
- (5) Noma ngasiphi isikhathi emva kokukhishwa kwemvume enjalo, iBhodi ngokuthumela isaziso kumnikazi welayisense lingathatha lezi zinyathelo:
- (a) lingenza imvume leyo isebenze ngaphansi kwemigomo ethile njengokubona kwalo;
 - (b) lingahoxisa noma lishintshe imibandela ebekwe ngokusebenzisa lesi sigaba.

Izikhathi zebhizinisi

85. Umnikazi welayisense lokukhiqiza utshwala ngaphandle kokwephula umthetho, angathengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Ukunikezwa kotshwala ukuze buphuzwe mahhala

86. (1) IBhodi linganikeza imvume umuntu ofake isicelo selayisense lokukhiqiza utshwala lokuthi anikeze abantu abathile utshwala ngaphandle kokubakhokhisa imali nokuthi ingxenye yesakhiwo sakhe ibekelwe eceleni ukufeza lesi sidingo njengokubona kweBhodi -
- (a) esivakashini esiqavile saleso sakhiwo;
 - (b) esivakashini esibaluleile;
 - (c) ngokulandela imigomo yesigaba 125 (1) (g), umuntu oqashwe ukuze enze umsebenzi wokuthengisa utshwala anganikwa utshwala ukuthi abuphuzele esakhiweni lesi ngaphandle uma esemncane ngokweminyaka njengoba kuchazwa esigabeni 45(2)

- (2) IBhodi linganikeza imvume enjalo ngaphansi wemigomo ethile njengokubona kwalo.
- (3) IBhodi, emva kokuthi selinikeze imvume efana nalena lingathatha izinyathelo ezilandelayo:
- lingenza imvume leyo isebenze ngaphansi kwemigomo ethile njengokubona kwalo;
 - lingahoxisa noma lishintshe imibandela ethile eyenziwe yiBhodi ngaphansi kwalesi sigaba;
 - ngokufakwa kwesicelo, lingabuyekeza imibandela indawo okukhulunywa ngayo esigatshaneni (1);
 - lingahoxisa imvume enikezwe ngokwesigatshana (1).

Amalaysense anikezwa abezitolo zokuthengisa utshwala

Ubungako nesimo sezitsha zokufaka utshwala

Umnikazi welayisense lesitolo sokuthengisa utshwala ngeke athengise utshwala esitsheni esingavalekile kahle futhi ngeke adayise obunye utshwala ngaphandle kukabhiya esitsheni esingaphezulu kwamalitha amahlanu.

Izikhathi zebhizinisi

88. Umnikazi welayisense lesitolo sokuthengisa utshwala ngaphandle kokwephula umthetho, uyothengisa utshwala noma ngaluphi usuku ngezikhathi ezinqunyiwe.

Ukunikezwa kotshwala ukuze buphuzelwe khona lapho

89. (1) IBhodi linganikeza imvume ngokuthola isicelo esivela kumnikazi welayisense ukuthi anieze utshwala umuntu ongahle abe yikhasimende utshwala mahhlala kodwa lokhu wenzelwe ukuthi lowo muntu abuzwe ukuthi bunjani lobo tshwala futhi iBhodi linganikeza imvume yokuthi kube nengxenye ethile yesakhiwo esinelaysense yokwenza lokhu.
- (2) IBhodi linganikeza imvume efana nalena ngaphansi kwemibandela ethile njengokubona kwalo.
- (3) IBhodi, noma ngasiphi isikhathi emva kokunikeza imvume efana nalena ngokuthumela isaziso kumnikazi welayisense lingathatha lezi zinyathelo ezilandelayo:
- lingenza imvume isebenze ngaphansi kwemibandela ethile njengokubona kwalo;
 - lingahoxisa noma lishintshe imibandela ethile ebekwe emvumeni njengokwalesi sigaba;
 - ngokuthola isicelo, lingahlela kabusha ukusebenza kwendawo okukhulunywa ngayo esigatshaneni (1);
 - lingahoxisa imvume enikezwe ngokwesigatshana (1).

Amalaysense anikezwa izitolo zokuthengisa igrosa newayini

Isimo sebhizinisi

90. Umnikazi welayisense lokuthengisa utshwala esitolo sokuthengisa igrosa uyothengisa nalo esakhiweni sakhe.

Izinhlobo zotshwala

91. Umnikazi welayisense lokuthengisa utshwala esitolo segrosa ngeke athengise obunye utshwala ngaphandle kwewayini.

Ubungako kanye nesimo sesakhiwo

92. Umnikazi welayisense lokuthengisa iwayini esitolo sokuthengisa igrosa ngeke akwazi ukuthengisa iwayini endaweni engathatha isilinganiso esingaphezulu kwamalitha amahlanu futhi angavalekile kahle.

Izikhathi zebhizinisi

93. Umnikazi welayisense lokuthengisa iwayini esitolo sokuthengisa igrosa ngaphandle kokwephula umthetho, angakwazi ukuthengisa iwayini noma ngaluphi usuku ngezikhathi ezithile ezinqunyiwe.

UKUSEBENZA KWELAYISENSE NOMA IMVUME/IPHEMITHI

94. Ilayisense noma imvume/iphemithi liyoqala ukusebenza ngosuku elikhishwe ngalo futhi okukhokwe ngalo imali yokulikhokhela.

Ukuvuselelwa kwelayisense

95. Wonke amalayisense kufanele avuselelwe ekupheleni konyaka mhla ka-31 Disemba ngokuthi kukhokhwe imali yonyaka yelayisense.

Ukuphelelwa yisikhathi kwelayisense noma imvume/iphemithi

- 96.(1) Ilayisense liyophelelwa yisikhathi -
- (a) ngosuku umnikazi walo abhale phansi ngalo ukuthi usefisa ukuyeka ukulisebenzisa;
 - (b) ngomhla ka-1 Januwari uma imali yokulivuselela okukhulunywa ngayo esigabeni 95 ingakhokhwanga ngomhla ka-31 Disemba wonyaka owedlule;
 - (c) ngosuku olunqunywe yiBhodi.
- (2) iphemithi iyophelelwa yisikhathi ngosuku olunqunywe yiBhodi ngenkathi inikeza leyo phemithi.

Ukuvuselelwa kwamaphemithi aphaelwe yisikhathi

97. Ukusebenza kwelayisense eseliphelelwe yisikhathi, amalungelo, imigomo kanye nokubophezeleka okuhambisana nelayisense uma lingakaphelelwa yisikhathi liyovuselelwa ngosuku elikhokhelwa ngalo kanti uma ilayisense liphelelwe yisikhathi ngaphansi kwezimo okukhulunywa ngazo esigabeni 96, imali imali yokulivuselela -
- (a) iyohambisana no-50% uma likhokhelwe ngaphambili noma ngomhla ka-31 January;
 - (b) uma likhokhelwe ngaphambili noma ngomhla ka-28 Febuwari iyohambisana no-100% wonyaka owedlule.

Ukuthengiswa kotshwala emva kokuphelelwa yisikhathi noma ukumiswa kwelayisense

98. Umnikazi welayisense eseliphelelwe yisikhathi noma elimisiwe emva kwezinsuku ezingu-30 ilayisense lakhe liphelelwe yisikhathi noma limisiwe ukusebenza angathengisela utshwala umphakathi esakhiweni ebesinelayisense ngokusebenzisa umphathi wendali osemthethweni. Lobu tshwala kufanele kube yilobo obabusale ngenkathi ilayisense lakhe lisasebenza.

Imali engabuyiselwa kulowo osuke eyikhokhile

99. Ukuphelelwa yisikhathi kwelayisense, ukumiswa kwayo noma ukuphinda kwayo isebenze akuniki umnikazi walo noma lowo owangumnikazi walo ilungelo lokuthi abuyelwe yimali abeseyikhokhile ekhokhela ilayisense noma ingxenyeyaleyo mali.

UKWEDLULISELWA KWELAYISENSE NOMA IPHEMITHI KOMUNYE UMUNTU

Ukungedluliselwa kwephemithi komunye umuntu

100. Iphemithi elikhishwe ngokulandela lo Mthetho ngeke umninilo akwazi ukuledlulisele komunye umuntu.

Izicelo zokwedlulisa amalayisense

101. (1) Umnikazi welayisense angafaka isicelo sokwedlulisele ilayisense komunye umuntu.
- (2) Isicelo okukhulunywa ngaso esigatshaneni (1) siyothunyelwa ekomitini lendawo leBhodi ngokukhokha imali edingakalayo futhi ngokulandela inqubo ethile
 - (3) Isicelo sokwedluliswa kwelayisense kufanele sihambisane nesitifiketi esivela emaphoyiseni noma olunye uphiko lwezomthetho esiqinisekisa ngokuthi lowo ilayisense elizokwedluliselwa kuye ufanelekile futhi sibe neminye imininingwane engase idingakale.
 - (4) IBhodi liyobheka izicelo zokwedluliswa kwamalayisense futhi liyoba negunya lokwala noma ukunikeza imvume yokwedluliswa kwelayisense .
 - (5) IBhodi ngeke linikeze imvume yokwedluliswa kwelayisense -
 - (a) ngaphandle uma lowo ilayisense elizokwedluliselwa kuye -
 - (i) eziphetho kahle futhi efanelekile ukunikezwa ilayisense ngokwemigomo yalo; Mthetho futhi
 - (ii) kungekho migomo yalo Mthetho evimbela ukuthi anganikwa ilayisense; noma
 - (b) uma iBhodi libona ukuthi akukho mathuba okuthi lowo okwedluliselwa kuye ilayisense uzokwenza uhwebo lapho efuna khona ukuhweba yedwa okuzolimaza abanye abathengisi botshwala noma igatsha lenhlangano yabathengisi botshwala

- (6) Uma iBhodi livuma isicelo sokwedluliselwa kwelayisense kumuntu othile, liyobe selimnikeza amalungelo okuba ngumnikazi welayisense futhi liyomnikeza wonke amalungelo nemigomo yabanikazi bamalayisense njengokulandisa kwalo Mthetho.
- (7) Imibandela yesigaba 32 iyosebenza nakulabo amalayisense azobe ezodluliselwa kubo.

ISAHLUKO 5

UKWENZA UMTHETHO USEBENZE NOKUNYE OKUPHATHELENE NOMTHETHO

OKUPHATHELENE NOMTHETHO OKUNGENZIWA YIBHODI

Ukuhlolwa okwenziwa ngabahloli

- 102. (1) Amalungu ophiko lwabahloli abakhethwa ngokwesigaba 105 bangahlola noma baphenye noma ngubani okunezinsolo noma okubikiwe ukuthi wephula imigomo yelayisense noma iphemithi njengoba kuchazwa kulo Mthetho.
- (2) Abahloli banganikeza amasamaniso noma ngubani onganikeza ulwazi ngophenyo oluthile noma bamlayele ukuthi anikezele ngencwadi noma amaphepha athile angahle asize openyweni lwabo. La masamaniso ayochaza indawo nesikhathi lapho lowo okufanele azonikeza ubufakazi noma amaphepha anemibhalo ethile okufanele avelo khona.
- (3) Abahloli bangagcina umbhalo noma ibhuku elithile isikhathi esithile ukuze bakuphenye noma bakuhlole

Uphenyo olwenziwa yiBhodi

- 103. (1) IBhodi liyokhipha umyalelo wokuthi kwenziwe uphenyo ngokulandela izinhloso zesigaba 102.
- (2) Imigomo yesigaba 10 no-11 iyosebenza ekuqhutshweni kophenyo.
- (3) Umnikazi welayisense uyonikezwa ithuba lokuthi abeke imibono yakhe futhi uma ethanda uyovunyelwa ukuthi azikhethele umuntu ozomsiza.
- (4) IBhodi liyogcina amarekhodi akho konke okuqhubeka ngenkathi kulalelwe ukuphenywa kodaba oluthile.
- (5) Ngaphandle kokwephula eminye imigomo, iBhodi, noma ngasiphi isikhathi ngenkathi kusenziwa uphenyo lingamisa ukusebenza kwelayisense elithile uma kunesizathu sokuthi ukwephulwa komthetho kwenza ukuthi umphakathi ube nomuzwa wokuthi ilayisense lelo kufanele kumiswe ukusebenza kwalo ngaphandle kokuchitha isikhathi.

Unswinyo olungenziwa yiBhodi

- 104. (1) IBhodi lingamisa ukusebenza kwelayisense isikhathi esithile uma -
 - (a) kunolwazi oluthile esicelweni selayisense olungelona iqiniso noma olunganikezwanga ngamabomu;
 - (b) umnikazi welayisense lokuthengisa utshwala noma imeneja ephathele umnikazi welayisense eke waboshelwa ukwephula lo Mthetho;
 - (c) umnikazi welayisense noma imeneja engasafanele ukuqhuba ibhizinisi lokuthengisa utshwala ngokwesigaba 35 salo Mthetho;
 - (d) umnikazi welayisense ehluleka ukukhokha inhlawulo enqunywe yiBhodi esigatshaneni (2).
- (2) IBhodi lingakhokhisa umnikazi welayisense inhlawulo engekho ngaphezulu kuka-R200 000 -00 noma limise noma lihxise ilayisense uma umninilo ephule noma yimuphi umgomo welayisense noma iphemithi njengokuchaza kwalo Mthetho.
- (3) Isinqumo seBhodi ngokulandela isigatshana (2) siyofana nesinqumo senkantolo.

Ukuhlolwa

Ukukhethwa kwabahloli

- 105. (1) Ngokulandela umthetho, ilungu lesigungu esilawulayo soMnyango wesiFundazwe wezeZimali noma omunye umuntu okhethwe yilo uyokhetha abahloli abayokwakha uphiko lwabahloli.
- (2) Ukukhethwa ngokwesigatshana (1) kungaba ngokwejwayelekile noma kube nemibandela ethile.
- (3) Umhloli uyoba yisisebenzi somphakathi futhi uyoba ngaphansi kokulawula koMphathi woMnyango.
- (4) Isitifiketi sokukhethwa esisefomini elithile eliyokhishwa yilungu lesigungu esilawulayo siyoba ngubufakazi bokuthi umuntu othile ukhethelwe ukuba ngumhloli.
- (5) Ungqongqoshe angabeka imigomo efanele ukulandelwa uma kukhethwa abahloli.

Amandla kanye nemisebenzi yabahloli

106. (1) Umhloli uyohlola isakhiwo uma kunesicelo esisha selayisense lokuthengisa utshwala.
- (2) Umhloli angahlola futhi abheke ukulandelwa noma ukugcinwa kwalo Mthetho noma olunye udaba oluphathelele nokuthengiswa kotshwala.
- (3) Ngokulandela imigomo yesigaba 107 no-108 nanoma yimuphi uMthetho, umhloli owenza ukuhlola -
- (a) angabuza noma ngubani osendaweni ethile umbuzo ongasiza ekuhloleni kwakhe ngodaba oluthile;
- (b) angabuza noma ngubani umhloli acabanga ukuthi angaba nolwazi oludingakalayo ekuhloleni kwakhe;
- (c) angahlola noma yiliphi iphepha elinombhalo othile umnikazi welayisense afanele ukuba nawo ngokwalo Mthetho noma yimuphi umbhalo ongase uxhumane nokuhlolwa okuphathelele nezotshwala;
- (d) angenza ikhophi yombhalo othile okukhulunyawa ngawo endimeni (c) noma athathe umbhalo othile ukuze ayokwenza ikhophi;
- (e) angathatha amasampula anoma yini engasiza ekuhloleni kwakhe;
- (f) angathatha izithombe, imifanekiso yezithombe nenkulumo yanoma yimuphi umuntu, into eyenzakalayo noma isimo ngaleyo ndawo;
- (g) angenza noma yini engenza ukuhlola kuqhubeke kahle.
- (4) Umhloli othatha into ethile esakhiweni noma endaweni ethile ngaphandle kwezinto ezibalwe esigatshaneni (3)(e) esihlolwayo -
- (a) uyonikeza iresithi lazo kumnikazi welayisense noma lowo ophethe; futhi
- (b) azibuyise ngokushesha emva kokwenza umsebenzi ebezithathelwe wona.

Ukungena nencwadi egunyazayo

107. (1) Umhloli angangena noma kuyiphi indawo noma isakhiwo uma imantshi immnikeze incwadi emgunyazayo/iwaranti njengokwesigatshana (2) futhi uma leyo ncwadi isasebenza.
- (2) Imantshi inganikeza incwadi egunyazayo ukuthi umhloli angene endaweni ethile noma esakhiweni esithile uma ulwazi olubhalwe phansi futhi olufungelwe imantshi inesizathu sokukholwa ukuthi -
- (a) kuyadingakala ukuthola ulwazi olungeke lutholakale ngaphandle kokuthi kungenwe kuleso sakhiwo ukuze kusizakale umphakathi; noma
- (b) kukhona ukwepulwa kwalo Mthetho.
- (3) Incwadi egunyazayo okukhulunywa ngayo esigatshaneni (2) ingakhishwa noma nasiphi isikhathi futhi iyonikeza le mibandela -
- (a) iyobalula indawo noma isakhiwo okufanele kungenwe kuso; futhi
- (b) inikeze umhloli imvume yokuthi angene endaweni ethile enze ukuhlola njengoba kuchazwa esigabeni 108, 109 no-110.
- (4) Iwaranti ekhishwe ngokulandela isigatshana (2) isebenza kuze kube
- (a) yilapho seyisetshenzisiwe;
- (b) iskhanselwe yimantshi ebiyikhiphile noma enye imantshi uma leyo ebiyikhiphile ingekho;
- (c) isizathu ebikhishelwe sona sesiphelwe yisikhathi noma singasasebenzi;
- (d) uma sekuphele izinsuku ezingu-90 yakhishwa.
- (5) Ngaphambi kokungena endaweni ethile nokuqalisa ngokuhlola, umhloli uyothatha lezi zinyathelo -
- (a) uma umnikazi noma ophathele umnikazi welayisense ekhona -
- (i) uyokhipha ubufakazi bokuthi ungubani kanye nobufakazi begunya analo; futhi
- (ii) anikeze ikhophi yewaranti kulowo muntu ongumnikazi welayisense noma ophathele umnikazi welayisense; noma
- (iii) uma umnikazi welayisense noma lowo omphathele umsebenzi engekho noma noma engavumi ukuthatha ikhophi yewaranti, umhloli uyoyinameka endaweni esobala kuleso sakhiwo.

Ukungena ngaphandle kwencwadi egunyazayo

108. (1) Umhloli ongayiphethe iwaranti angangena esakhiweni ahlole -
- (a) noma yisiphi isakhiwo noma indawo ngemvume yomnikazi noma ophethele umnikazi welayisense; noma
- (b) noma iyiphi indawo noma isakhiwo esinelayisense noma iphemithi ngaphandle kwendawo yokuhlala ngezikhathi ezahlukenene -
- (i) izikhathi ezingekho ngaphezulu kuka-6 esikhathini esingangonyaka; noma
- (ii) izikhathi ezingaphezulu kwalezo ezibalwa endimaneni (i) uma lokho kuvunywe ngumthetho.
- (2) Ngaphezu kokungena ngokulandela isigatshana (1), umhloli angangena esakhiweni ongayiphethe iwaranti -
- (a) uma evunyelwa ngomunye umthetho othile;

- (b) uma kade kukhishwe isaziso esiqavile sokungahambisani nomthetho ngokulandela isigaba 113 ukuhlola ukuthi umthetho usuyagcinwa yini
- (3) Ngaphambi kokuqalisa ngokuhlola, umhloli uyoqalisa kumnikazi welayisense noma lowo omphathele umsebenzi achaze ngesikhundla sakhe kanye nokuthi ngubani omnike imvume yokuthi angene azokwenza uphenyo.
- (4) Ukuhlolwa okwenziwa ngaphandle kokuthola iwaranti kuyokwenziwa ngamahora ejwayelekile.

Ukusetshenziswa kwamandla

- 109. (1) Umhloli ophethe iwaranti njengoba kuchazwa esigabeni 107 angabhekana nokuvinjelwa kwakhe ukuthi angenzi ukuhlola ngokusebenzisa amandla ngendlela ehlelekile kuhlangukise ukwephula ukhiye, umnyango noma iwindi lesakhiwo okufanele angene kuso.
- (2) Ngaphambi kokusebenzisa amandla, umuntu ophethe iwaranti uyokhuluma ngendlela ecacile asho ukuthi usezosebenzisa amandla ngaphandle uma enenkolelo yokuthi ukwenza kanjalo kungenza umuntu okuphenywa ngaye adabule, abulale noma enze okuthile embhhalweni umhloli afisa ukuwuhlola.
- (3) Ngokulandela eminye imithetho, noma uma kunesimo esiphuthumayo, amandla ngeke asetshenziswe njengoba kuchazwa esigabeni 108.

Umhloli angaphelezela

- 110. Ilungu loMbuso wamaPhoyisa aseNingizimu Afrika, amaphoyisa kaMasipala, uMbuso wezokuVikela waseNingizimu Afrika noma olunye uphiko lokwenza umthetho usebenze lingaphelezela umhloli uma eyokwenza uphenyo noma omunye umuntu okudingakala ukuthi asize ekwenziweni kokuhlola.

Ukuveza izincwadi

- 111. Wonke umuntu onencwadi noma umbhalo ongasiza ekwenziweni kophenyo kufanele ayiveze uma ecelwa ngumhloli ukuthi enze njalo.

Ukuphendula imibuzo nokusiza umhloli

- 112. (1) Wonke umuntu obuzwa imibuzo ngumhloli uyoqale achazelwe ngamalungelo akhe akuMthethosisekelo ngaphambi kokuthi abuzwe imibuzo futhi zonke izimpendulo ayozinikeza emva kwalokho zifanele zibe yiqiniso ngalokho akwaziyo.
- (2) Impendulo noma incazelo enikezwe umhloli ngeke isetshenziswe enkantolo njengobufakazi obumelana nomuntu obeyinikile ngaphandle lowo muntu uma ebekwe icala eliphathelene -
 - (a) nokwenziwa kwesifungo sokwethembeka;
 - (b) ukunikezwa kobufakazi obungelona iqiniso; noma
 - (c) ukwehluleka ukuphendula umbuzo ovumelekile ngokomthetho ngendlela egcwele neyenelisayo
- (6) Umnikazi wendawo noma ophathele umnikazi wendawo uyonikeza umhloli lonke usizo aludingayo ukuze aqhube kahle umsebenzi wakhe.

Izaziso zokungabambisani nomhloli

- 113. (1) Umhloli onombono wokuthi imigomo yalo Mthetho ephathelene nokubambisana nomhloli yephuliwe, ngokusebenzisa isigatshana (2) angakhipha isaziso sokungabambisani nomhloli siye kumnikazi wendawo ethile noma lowo ophathele umnikazi wendawo ethile.
- (2) Isaziso sokungabambisani nomhloli okukhulunywa ngaso esigatshaneni (1) siyoba nale mininingwane:
 - (a) imigomo okungahlangatshezwananga nayo;
 - (b) iminingwane ngesimo kanye nobungako bokungabambisani nomhloli;
 - (c) izinyathelo ezidinga ukuthathwa kanye nesikhathi lezo zinyathelo ezifanele ukuthathwa ngazo;
 - (d) noma iyiphi inhlawulo engase ikhokhiswe lowo ongabambisananga nomhloli.
- (3) Isaziso sokungabambisani nomhloli okukhulunywa ngaso esigatshaneni (1) siyosebenza kuze kube yilapho umhloli esekhiphe esinye isaziso sokuthi umnikazi wendawo noma omphathele umsebenzi useyabambisana nomhloli njengoba kuchazwa esigatshaneni (4) futhi leso saziso kufanele sithunyelwe kwiBhodi.
- (4) Umhloli onombono wokuthi umnikazi wendawo ethile noma omphathelle umsebenzi useyabambisana nomhloli angakhipha isitifiketi esokhombisa lokhu futhi esithumele kwiBhodi

Ukuvalwa kwendawo enelayisense noma engenalo

114. (1) Umhloli noma ilungu leBhodi uma linombono wokuthi isiteleka noma ukuvalwa ngaphakathi noma ukuphazamiseka komphakathi, udlame noma isiphithiphithi kuyenzeka noma kungase kwenzeka endaweni enelayisense noma eduze kwendawo lapho kuthengiswa khona utshwala noma endaweni ethengisa utshwala engenalayisense angakhipha umyalelo kumnikazi wayo noma omphathele umsebenzi ukuthi indawo leyo ivalwe ngesikhathi esithile noma izikhathi ezithile umhloli noma ilungu leBhodi elicabanga ukuthi kufanele ivawe ngazo.
- (2) Umnikazi welayisense, imeneja noma omphathele umsebenzi kufanele abambisane nomhloli noma ilungu leBhodi uma enikwa umyalelo wokuthi avale indawo ethile yokuthengisa utshwala njengoba kuchazwa esigatshaneni (1) kanti uma engabambisani nomhloli noma ilungu leBhodi, umhloli noma ilungu angathatha izinyathelo zokwenza indawo leyo ivalwe.
- (3) Umyalelo onkezwe ngokwesigatshana (1) ungahoxiswa noma ngasiphi isikhathi yilowo obewukhiphile.

Imibiko ngezicelo

115. (1) Umhloli -
- (a) uyokwenza umbiko awuthumele ekomitini lendawo kanye naseBhodini ngazo zonke izicelo zamalayisense ezifakwe ngokwalo Mthetho maqondana nezinto umhloli acabanga ukuthi kufanele zibhekwe ngesikhathi kucutshungulwa isicelo lesi;
- (b) uyonikeza ulwazi olwengeziwe ngodaba oluthile uma lolu lwazi lucelwa yikomiti noma iBhodi.

Imibiko ngamalayisense athile kanye nezakhiwo ezithile

116. (1) Umhloli, ngokushesha uyoletsa phambi kweBhodi umbiko -
- (a) ngokwehluleka komnikazi welayisense elithile ukugcina imigomo ethile ephathelene nelayisense lakhe noma iphemithi lakhe;
- (b) uma umnikazi welayisense elithile noma umnikazi wephemithi engasafanelekile ukuba ngumnikazi welayisense ngokwemigomo yalo Mthetho noma uma engasakwazi ukuziphathela izindaba zakhe ngenxa yezimo ezithile, umhloli uyobamba ilayisense noma iphemithi lelo;
- (c) uma enombono wokuthi isakhiwo esinelayisense sidinga ukushintshwa noma ukulungiswa;
- (d) nganoma iyiphi enye into umhloli acabanga ukuthi iBhodi lifanele ukuyazi.

Imibiko ngokuboshwa kwabathile

117. Uma unikazi welayisense noma umuntu ambambe umsebenzi oqokwe ngokwalo Mthetho eboshelwa ukwephula lo Mthetho noma omunye umthetho futhi agwetshelwe ukukhokha inhlawulo noma ukuboshwa ngaphandle kwelungelo lokuzikhethela ukukhokha inhlawulo noma kokubili, ukuboshwa nenhlawulo, amaPhoyisa aseNingizimu Afrika ayothumela eBhodini umbiko ngokuboshwa kanye nemibandela ephathelene necala lelo.

UKUTHATHWA KWEMPAHLA NOKULAHLEKELWA YILUNGELO LOBUNIKAZI BAYO**Ukuthathwa kwempahla**

118. (1) Iphoyisa noma umhloli angathatha impahla kuhlangukise notshwala uma enezizathu ezanele zokusola ukuthi leyo mpahla -
- (a) inganikeza ubufakazi bokwepulwa komgomo welayisense noma iphemithi noma imibandela ethile yalo Mthetho;
- (b) isetshenziswe noma isetshenziswa ekwepulweni kwemigomo yelayisense noma iphemithi noma eminye imigomo yalo Mthetho;
- (c) uma ingathathwa, izosetshenziselwa noma izoqhubeka nokusetshenziselwa ukwepulwa kwemigomo yelayisense noma iphemithi noma eminye imigomo yalo Mthetho.

Ukulahlekelwa ubunikazi bempahla ethathiwe

119. (1) Yonke impahla ethathwe kumnikazi welayisense noma esakhiweni sakhe iyoba ngeyeBhodi ekupheleni kokucutshungulwa kodaba oluthile noma ekukhishweni kwesinqumo yinkantolo yomthetho.
- (2) Yonke impahla ethathwe ngokwalo Mthetho ngokungafani nasesigatshaneni (1) iyoba ngeyeBhodi ngokushesha.
- (3) Ilungu lesigungu esilawulayo soMnyango wezeziMali wesiFundazwe linganqumela iBhodi ukuthi yenzeni ngezimpahla abanikazi bazo asebelahlekelwe ngamalungelo obunikazi bazo.

ISIAHLUKO 6

IZINDLEKO

Izindleko zeBhodi noma ikomiti lendawo

120. Zonke izindleko zeBhodi, ikomiti lendawo noma omunye uMnyango kahulumeni okungenwe kuzona ngenkathi kwenziwa uphenyo endaweni ethile maqondana nesicelo selayisense noma olunye oluthinteka kulo Mthetho, zingathathwa emalini yokufaka isicelo yomuntu ofisa ukuba nelayisense noma kumnikazi welayisense.

ISIAHLUKO 7

ZIPHUZO EZINGAVUNYELWE NOMA OKULAWULWAYO UKUTHOLAKALA KWAZO

121. (1) Akukho muntu onemvume yokwakha, yokuphatha noma ukulawula, ukusebenzisa, ukuthengisa, ukunikeza omunye umuntu
- (a) noma yisiphi isiphuzo esenziwe ngokugqunywa nokuhlanganiswa kwe-treacle, ushukela noma ezinye izithako noma ngabe leso siphuzo sibizwa ngaliphi igama;
- (b) noma yisiphi isiphuzo noma sibizwa ngaliphi igama esifana neziphuzo ezibalwe endimeni (a);
- (c) noma yisiphi isiphuzo okungathi ukuphuzwa kwaso ngokombono welungu lesigungu esilawulayo soMnyango wezezimali kubeke impilo kanye nenhlalo yabahlali esimweni esingesihle. Lezi zinhlobo zophuzo kufanele ilungu lizibhale kusomqulu wesiFundazwe; noma
- (d) Noma yisiphi isiphuzo esenziwe ngokuhlanganisa iziphuzo ezibalwe endimeni (a), (b), noma (c).
- (2) Ilungu lesigungu esilawulayo soMnyango wezezimali lingafaka isaziso noma ngasiphi isikhathi noma yisiphi isaziso esiphathelene nesigatshana (1)(c).

Ama-Methylated Spirits

122. (1) Ilungu lesigungu esilawulayo lingenza imigomo ephathelene -
- (a) nokulawulwa nokujinjelwa kokungeniswa, ukuthuthwa, ukudluliswa, ukugcinwa, ukuthengiswa, ukunikezwa noma ukusetshenziswa kwama-methylated spirit;
- (b) izinhlobo zabantu abangathengisa ama-methylated spirits;
- (c) ukugcinwa kwamarekhodi kanye nezinye izincwadi maqondana nokuqhutshwa kwebhizinisi lama-methylated spirits nokuthi lawo marekhodi kufanele agcinwe ngayiphi indlela;
- (d) ukulawulwa nokugcinwa kwamarekhodi noma eminye imibhalo okukhulunywa ngayo endimeni (c)
- (e) ukuguqulwa, ukushintshwa kombala kwama-methylated spirits athengiswayo noma agcinelwe ukuthengiswa nendlela lokhu okufanele ukwenziwa ngayo.
- (f) izilinganiso ze-methylated spirit ezingathengiselwa umuntu oyedwa ngesikhathi esisodwa kanye nesitsha eyothengiswa ikuso;
- (g) ukwenqabela noma ukulawula ukuthengwa noma ukuba ne-methylated spirit kuhlanganise nokunikezwa kwemvume yokuba ne-methylated spirit.
- (2) Ukwepulwa kwalesi sigaba salo Mthetho noma ukungahambisani nawo kungaholela ekutholeni isigwebo sokuboshwa esingekho ngaphezulu kwezinyanga eziyisithupha.

ISIAHLUKO 8

Ukunikezwa imvume yokungasebenzisi lo Mthetho yiBhodi

123. (1) IBhodi, ngokuthola isicelo futhi uma isimo sivuma, lingavumela umuntu othile ukuba angawusebenzisi lo Mthetho ekuthengisweni kotshwala -
- (a) esakhiweni esisetshenziswa, esilawulwa noma esigcinwa ngumnyango kahulumeni noma olunye uhlaka lukahulumeni;
- (b) kubasebenzi abasebenza esakhiweni esisesigatshaneni esingenhla noma izivakashi zabo ukuthi baphuze utshwala esakhiweni lesa;

- (c) endaweni yomphathi wesikhungo sezemfundo erestornti elisetshenziselwa ukuqeqeshela abantu abafundela umsebenzi wokuthengisa ukudla neziphuzo ukuthi kuphuzelwe kuphuzelwe utshwala erestoranti yakuleso sikhungo;
 - (d) uma lowo muntu esebenza njengombonisi wamagugu akudala futhi enelayisense njengokulandisa kuka-Item 810.20.10 ka-Schedule 8 we-Custom and Excise Act ka-1964 (umthetho Nombolo 91 ka-1964);
 - (e) uma lowo muntu engumqoqi wezinhlombo zamawayini futhi utshwala anabo buhlanganise amawayini akhe nezinye izinhlobo zotshwala;
 - (f) uma lowo muntu engumphathi wendali osemthethweni futhi edayisela inhlango yezamasiko noma inhlango yezehlalakahle noma isikhungo sezemfundo, umnikazi womshwalense noma umuntu okukhulunywa ngaye esigabeni 124 (1) (b).
- (2) Imibandela ekhishwe ngokwesigatshana (1) iyosebenza ngaphansi kwemigomo yeBhodi futhi iBhodi lingayinikeza ngokubona kwalo.
- (3) IBhodi, emva kokukhipha imvume okukhulunywa ngayo esigatshaneni (1) ngokuthumela isiziso kumuntu othile lingathatha lezi zinqumo -
- (a) lingabeka imigomo noma eminye engaphezu kwaleyo njengoba kubhalwe esazisweni;
 - (b) lingahoxisa noma lishintshe imibandela ebekwe ngokwalesi sigaba; noma
 - (c) lingahoxisa noma lishintshe isaziso.

Ukuvunyelwa ukungasebenzisi izingxenye ezithile zalo Mthetho

124. (1) Lo Mthetho ngeke usebenze -
- (a) esikhulwini njengoba kuchazwe esigabeni 1 se-Customs and Excise Act, ka-1964 (umthetho Nombolo 91 ka-1964), ekwenzeni kwaso umsebenzi waso;
 - (b) usherifu noma isekela lakhe noma esinye isikhulu esiyisthunywa senkantolo, ijaji, imantshi ekwenzeni umsebenzi wakhe;
 - (c) umuntu othengisa utshwala ngokuvunyelwa ngungqongqoshe wezokuVikela -
 - (i) kumalungu ombutho wezokuvikela esakhiweni sebhizinisi okukhulunywa ngaso esigabeni 149 soMthetho wezokuVikela ka-1957 (umthetho Nombolo 44 ka-1957) ukuze buphuzelwe ngaphandle kwaleso sakhiwo;
 - (ii) kumalungu kanye nezivakashi zawo esakhiweni se-club ukuze buphuzelwe lapho;
 - (iii) esikhungweni, enkanjini, esiteshini, emkhunjini no noma kuyiphi ingxenye yeMbutho wezokuVikela waseNingizimu Afrika;
 - (d) umuntu othengisa utshwala ngemvume kangqongqoshe othile esakhiweni esithile ngaphansi kokulawula kwamaMaphoyisa aseNingizimu Afrika, uMnyango wezokuLungiswa weziMilo noma uMnyango wezoBunhloli, kumalungu esikhungo esithile kanye nezivakashi zabo;
 - (e) umphathi womcimbi wokuzwa iwayini uma ethengisa iwayini elingekho ngaphezulu kwamamilitha angu-200 emcimbini ongedluli emahoreni amabili ukuze liphuzelwe khona lapho;
 - (f) umuntu othengisa izinto ezisaluketshezi noma imithi yokwelapha esaluketshezi kodwa okungeyona i-methylated spirit.; noma
 - (g) umakhi wamaswidi aqukethe izinga lotshwala elingaphezu kwamaphesenti amabili futhi enziwe eNingizimu Afrika futhi uma kudayiselwa umuntu onelayisense noma umuntu onemvume yokungasebenzisi imigomo yalo Mthetho.

ISAHLUKO 9

UKWEPHULA UMTHETHO KANYE NENHLAWULO

Ukwephula umthetho okwejwayelekile

125. Kuyicala kunoma ngubani -

- (a) ukuthengisa utshwala ngaphandle kokuba nelayisense noma iphemithi ekhishwe ngokwalo Mthetho noma ukuthola imvume yokungasebenzisi lo Mthetho njengokulandisa kwesigaba 123 noma 124;
- (b) ukuphuza ngokweqile (ukudakwa), ukuba nodlame noma ukuphazamisa esakhiweni esinelayisense noma esingenalo lapho kuvumeleke khona ukuthengiswa kotshwala ngokwalo Mthetho;
- (c) ukudakwa endaweni noma eduze kwendawo yomphakathi, njengomgwaqo, ingxenye yomgwaqo, indawo yokuwela, ipaki, imakethe, isitolo, i-warehouse, igaraji lomphakathi noma kwenye indawo yomphakathi.
- (d) ukuphuza utshwala endaweni noma eduze kwendawo yomphakathi kuhlanganise imoto esemgwaqweni womphakathi noma eme endaweni yomphakathi;

- (e) ukungenisa, ukuphatha noma ukuphuza utshwala enkundleni yezemidlalo noma engxenyeni yenkundla yezemidlalo lapho umphakathi uvumeleke khona ngaphandle kwesakhiwo esinelayisense esisenkundleni yezemidlalo.
- (f) ukusho okungelona iqiniso ngokuthi ungubani futhi uwela ngaphansi kwasiphi isigaba somphakathi ukuze acindezele umnikazi welayisense, omphathele ibhizinisi lokuthengisa utshwala noma isisebenzi ukuthi amthengisele noma amnike utshwala uma lowo muntu kungafanele ngokwalo Mthetho ukuthi athengiselwe utshwala;
- (g) ukunikeza umuntu amqashile utshwala njengeholo noma into yokwengeza ngaphezu komholo;
- (h) ukwenza, ukuthutha nokuthengisa utshwala uma engavumelekile ukwenza kanjalo ngokwalo Mthetho;
- (i) ukwenza, ukuthutha nokuthengisa isiphuzo esingavumelekile ukuthengiswa;
- (j) ukuthengisa noma ukunikeza ngotshwala bomgunyathi noma obungekho emthethweni;
- (k) ukwephula noma yimuphi umgomo walo thetho.

Ukwephula umthetho okuphathelene nolwazi oluthile

126. kuyicala ukunikeza noma ukuveza ulwazi olungelona iqiniso noma olwedukisayo noma umbhalo noma incwadi engeyona ikhophi yencwadi yokuqala uma kwenziwa isicelo, ukuphikisana nesicelo, ukuziphendulela, isikhalazo noma isicelo esiphathelene nalo Mthetho.

Ukwephula umthetho okuphathelene nemihlangano yeBhodi

127. Kungukwephula umthetho -

- (a) ukungaveli phambi kweBhodi ngosuku, isikhathi nasendaweni ebhalwe esazisweni noma kumasamaniso;
- (b) ukuvela phambi kweBhodi kodwa uvele uzihambele umhlangano ungakapheli ngaphandle kwemvume kasihlalo;
- (c) ukwala ukunikeza ubufakazi noma ukuveza incwadi noma umbhalo othile emva kokuthi usucelwe ngusihlalo noma iBhodi ukuthi wenze njalo;
- (d) ukwala ukuthatha isifungo sokwethembeka uma ucelwe ngusihlalo ukuthi unikeze ubufakazi ngaphansi kwesifungo;
- (e) ukuphazamisa ngenhloso iBhodi noma ilungu leBhodi noma omunye umuntu ukuthi angakwazi ukwenza kahle umsebenzi wakhe emhlanganweni.

Ukwephula umthetho okuphathelene nabahloli namaphoyisa

128. kungukwephula umthetho kunoma ngubani -

- (a) ukuzenza umhloli noma iphoyisa;
- (b) ukwala ukuphendula umbuzo obuzwe ngumhloli noma iphoyisa nokunikeza ubufakazi obungelona iqiniso futhi obedukisayo;
- (c) ukwala ukubambisana nephoyisa noma umhloli uma ecela ukuthi kwenziwe okuthile;
- (d) ukuvimbela noma ukuphazamisa umhloli noma iphoyisa ekwenzeni umsebenzi walo;
- (e) ukwalela umhloli ukuthi angene esakhiweni esithile yize enencwadi emgunyazayo ukuthi angene;
- (f) ukwehluleka ukuhlonipha isaziso sokubambisana nomhloli njengoba kuchazwa kulo Mthetho;
- (g) ukungahambisani nemigomo yewaranti ekhishwe ngokwalo Mthetho;
- (h) ukwala ukunikeza umhloli amaphepha athile noma ulwazi oluthile oludingwa ngumhloli.

Ukwephula umthetho okuphathelene nokuthengiswa kotshwala

129. Kungukwephula umthetho kunoma ngubani ukungena esivumelwaneni noma ukuxoxa ngesivumelwano sebhizinisi elingavumelekile noma okukhulunywa ngalo esigabeni 37 ngaphandle uma lokho kuvuywe yilungu lesigungu esilawulayo soMnyango wezezimali.

Ukwephula umthetho okwejwayelekile okwenziwa abanamalayasense

130. Kungukwephula umthetho kumikazi welayisense -

- (a) ukwehluleka, ukwala noma ukwephula noma yimuphi umgomo okulo Mthetho;
- (b) ukuvula indawo yokuthengisa utshwala ukuze athengise noma kuphuzelwe khona utshwala ngezikhathi ezingavumelekile ngokwelayisense lakhe nangokwalo Mthetho;
- (c) ukuthengisa noma ukunikeza ngotshwala endaweni lapho kungavumelekile ukuthengiswa kotshwala ngokwalo Mthetho;

- (d) ukwehluleka ukugcina amarekhodi okufanele awagcine ngokwalo Mthetho noma awagcine ngendlela engesiyona;
- (e) ukwehluleka noma ukwala ukuhambisana nesaziso esikhishwe ngokwalo Mthetho noma omunye umyalelo weBhodi;
- (f) ukuvumela ukudakwa noma ukungaziphathi kahle esakhiweni esinelayisense;
- (g) ukudayisela utshwala umuntu odakiwe noma osemncane ngokweminyaka;
- (h) ukuvumela isakhiwo ukuthi sisetshenziselwe ukudayisa ngemizimba noma ukuvakashelwa njalo ngabantu abadayisa ngemizimba;
- (i) ukuvumela noma ubani ukuthi enze into ezothukuthelisa abanye noma esinye isenzo sokungaziphathi kahle;
- (j) uma kuyindawo lapho utshwala obuthengwa kodwa bungaphuzelwa khona, ukuvumela ukuthi kuvulwe noma kuphuzwe utshwala esakhiweni esinelayisense.

Inhlawulo

131. Wonke umuntu onecalalokwephula lo Mthetho angakhokhiswa inhlawulo engeke yedlule u-R100 000 -00 noma ukuvalelwa iminyaka engekho ngaphezulu kweyishumi noma ukuboshwa okukhokhiswa inhlawulo.

UBUFAKAZI KANYE NENQUBO

Ubufakazi bokudayisa utshwala

132. Ubufakazi ekuqulweni kwanoma yiliphi icala eliphathelene nomuntu ongeyena umnikazi welayisense -

- (a) uma ebeke endaweni yakhe noma eduze kwayo isaziso sokuthi unelayisense;
- (b) esendaweni noma elawula indawo efakwe ibha noma enye indawo enamabhodlela, amakesi otshwala noma ezinye izinto ezikhomba ukuthi kuthengiswa utshwala kuleyo ndawo;
- (c) enotshwala obungaphezu kokuthi angabusebenzisa yena nabantu ahlala nabo esakhiweni sakhe;
- (d) ethenge noma enotshwala obungaphezu kwalobo angabuphuza yena, umndeni wakhe, abantu abaqashile noma izivakashi kuyoba ngubufakazi bokuthi lowo muntu uthengisa utshwala ngaphandle kwelayisense.

Ubufakazi bokuthi umuntu uyingxeye yesigaba esithile

133. (1) Ekuqulweni kwecalalokwephula lo Mthetho, uma umuntu kuthiwa ungaphansi kweminyaka ethile noma uyingxeye yesigaba esithile somphakathi ubufakazi balokho buyotholwa ngokuthi kubhekwe indlela lowo muntu abukeka ngayo.
- (2) Ngaphezu kwalokho uma inkantolo yenelisekile ukukala kwayo iminyaka yomuntu ngokubheka indlela abukeka ngayo, iyoba isikubhala phansi lokhu kodwa lokhu akumvimbeli umuntu obekwe icala ukuthi aveze ubufakazi bokuthi yize ebukena eneminyaka ethile noma eyingxenyeye yesigaba esithile, iminyaka yakhe ingaphansi kwaleyo futhi uyingxenyeye yesigaba esithile somphakathi.

Ubufakazi bamalaysense nemibandela ethile

134. incwadi noma umbhalo okhombisa ukuba yikhophi yelayisense iyothathwa njengeyiqiniso ngaphandle uma kunobufakazi obuphikisana nalokhu futhi imibandela ekuleyo khophi iyothathwa njengemibandela eselayisenseni lokuqala.

Ukulinganiswa kwenani lotshwala obudayiswayo ngokubheka amarekhodi

135. Uma ekuqulweni kwecalalokwephula lo Mthetho kuvezwa kukhona ukuthengiswa kotshwala okungekho emthethweni okwenziwe, kuyothathwa ngokuthi kuthengiswe utshwala ngemali ethile kanti inani lotshwala obuthengisiwe liyocatshangelwa ngokubheka amarekhodi.

Ukulinganiswa kweziphuzo ezingavumelekile

136. Uma kunobufakazi ekuqulweni kwecalalokwephula umthetho ngokwesigaba 125(1)(i) ukuthi ummangalelwa wakha, waba, walawula, wasebenzisa, wathengisa noma wanikeza omunye umuntu okusaluketshezi okunesimo sesiphuzo okukhulunywa ngaso esigabeni 121 (1), kuyothathwa ngokuthi isiphuzo bekuyileso esishiwo ngaphandle uma kunobufakazi obuphikisana nalokho.

**ISAHLUKO 10
INGXUBEVANGE**

Amakhophi amarekhodi kanye neminye imibhalo

137. IBhodi, ngemuva kokuthola isicelo nokukhokhwa kwemali edingakalayo, liyonikeza noma ubani ikhophi yelayisense kanye nemibandela yalo noma ikhophi yesicelo esigcinile.

Ukuvunyelwa kwezicelo ezinamaphutha athile

138. IBhodi, uma libheka isicelo esithile lingasemukela noma sinephutha elithile uma iBhodi linombono wokuthi lokho ngeke kulimaze muntu futhi akuphikisani nalo Mthetho.

Imigomo yokulawula

139. (1) Ilungu lesigungu esilawulayo soMnyango wezezimli lingenza imigomo ephathelene -
- (a) nezicelo zamalaysense ezenziwe ngokulandela lo Mthetho, kanye nokuphikisana nazo noma ukuziphendulela kwalabo okusuke kuphikiswa izicelo zabo;
 - (b) indlela okufanele kwenziwe ngayo izicelo, ukuphikisana nazo, ukuziphendulela uma kuphikiswa isicelo selayisense kanye nezikhalazo ezenziwa ngokwalo Mthetho;
 - (c) izincwadi noma imibhalo okufanele isekele isicelo selayisense ezenziwe ngokwalo Mthetho, kanye nendlela lezi zicwadi okufanele zilethwe ngayo;
 - (d) ukufakwa kwezimpendulo yilabo okusuke kunabaphikisa izicelo zabo;
 - (e) isibalo samalaysense umuntu angakwazi ukuba nawo;
 - (f) ukunikezwa kwanoma yiluphi ulwazi lwanoma yiliphi irekhodi noma yimuphi omunye umbhalo ofanele ukugcinwa ngokwalo Mthetho;
 - (g) ukugcinwa noma ukudatshulwa kwanoma yiliphi irekhodi noma umbhalo ofanele ukugcinwa ngokwalo Mthetho;
 - (h) ukukhokhwa kwemali edingakala uma kwenziwa isicelo selayisense;
 - (i) ukukhokhwa kwemali uma kwenziwa noma yisiphi isicelo selayisense kuhlanganise nesikhathi le mali okufanele ikhokhwe ngaso;
 - (j) ukukhokhwa kwemali edingakala uma kwedluliselwa ilayisense komunye umuntu kanye nesikhathi le mali efanele ukukhokhwa ngaso;
 - (k) ukukhokhwa kwemali yokuvuselela amalaysense;
 - (l) ukukhokhwa kwemali yonyaka yamalaysense;
 - (m) isimo samalaysense, iziphakamiso, izaziso, amasamaniso, izimvume, amagunya, neminye imibhalo ekhishwa ngokwalo Mthetho;
 - (n) noma yikuphi ukwedluliswa kwelayisense okuvumelekile ngokwalo Mthetho;
 - (o) ngokufingqiwe, noma yiluphi udaba ilungu lesigungu esilawulayo elicabanga ukuthi ludinga ukubekelwa imibandela ethile ukuze kufezuke izinjongo zalo Mthetho.
- (2) Ukwepulwa komgomo ohambisana nalo Mthetho kuyoholela enhlawulweni engekho ngaphezulu kuka-R10 000 noma ukuvalelwa ejele izinyanga ezingekho ngaphezulu konyaka noma ukuthwala zozombili lezi zigwebo.
- (3) Kungenziwa imigomo eyahlukene ezinhlotsheni ezahlukene zamalaysense, emalaysenseni afanayo kodwa anezimpawu ezithile ezingefani, abantu abasemikhakheni eyehlukene noma abantu abasezindaweni ezahlukene.

IMIBANDELA YANGESIKHATHI KUSENZIWA IZINGUQUKO

Ukuqhutshwa kwezinto ezithile ezisacutshungilwa

140. (1) Noma yisiphi isicelo ezenziwe ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho okungaqedwanga ukusebenza kwalo ngalolo suku, kuyoqhutshwa ukusebenza kwalo lize liphelelwe yisikhathi njengokwemibandela ephathelene nomthetho wokukhishwa kwalo.
- (2) Ekusetshenzisweni kwesigatshana (1) sesigaba 12 soMthetho wokuhumusha, ka-1957 (Umthetho Nombolo 33 ka-1957), uma kukhulunywa ngeBhodi emthethweni njengoba kuchazwa esigatshani (1) kuyobe kuqondwe iBhodi elakhiwe ngokwalo Mthetho.

Isikhathi sokusebenza kwamalaysense

141. Amalaysense akhishwe ngokoMthetho wezoTshwala ka-1989, Nombolo 27 ka-1989 ayoqhubeka asebenze kuze kube yilapho ephelelwa khona yisikhathi noma uma umnini waleyo layisense ephula lo Mthetho.

Ukufingqwa kanye nokuqala kokusebenza kwalo Mthetho

142. (1) Lo Mthetho ubizwa ngokuthi uMthetho wezoTshwala ka-2002 futhi uzoqala ukusebenza ngosuku uNdunankulu wesiFundazwe awufaka ngawo kusomqulu kahulumeni wesiFundazwe, i-Provincial Gazette.
(2) Kungabekwa izinsuku ezahlukene zokuqala kokusebenza kwezinye ezithile zalo Mthetho.

INCAZELO NGOKOMGOMO 132 NGOMTHETHOSIVIVINYWA WEZOTSHWALA KA-2002**(i) Isingeniso kanye nezizathu zoMthetho sivivinywa**

UMthethosivivinywa waseGuteng wezoTshwala ka-2002, ("uMthethosivivinywa") uhlose ukunikeza uhloko lokulawulwa kokuthengiswa kotschwala ngendlela efanele eGauteng. UMthethosivivinywa uqonde ukulawula ukuthengiswa kotschwala ngokwakhiwa kweBhodi lezoTshwala laseGauteng ("iBhodi") kanye namakomiti ezindawo eBhodi kanye nokwenza umphakathi ube yingxenywe yokufakwa nokukhishwa kwamalaysense. UMthethosivivinywa ubuye futhi wenze kuvumeleke ukwakhiwa kweNhlangotho yabaThengisi boTshwala, okuyinhlangano eyengamele zoke izinhlangano kanye nalabo abasafaka izicelo zamalaysense nasebenawo abangewona amalungu ezinhlangano ezikhona ukuthi babe ngaphansi kwayo. UMthethosivivinywa uhlose ukulawula indlela yokunikezwa kwamalaysense ehlukeni futhi kanye nokulawula indlela abakhiqizi botshwala abasebenza ngayo kanye nokuvimbela ukuthengiselwa utshwala kwabantu abathile, izinyathelo zokusetshenziswa kwengalo yomthetho nokunye.

(ii) Umphumela ongaba khona kwezemvelo ngenxa yalo Mthethosivivinywa

Awukho

(iii) Umphumela ongadalwa yilo Mthethosivivinywa kwezemoMnotho

Phakathi kwezimali ezizotholakala, yilezo eziphatelene nezicelo kanye nokukhokhela amalaysense.

(v) Ukuchazwa kwesigejana nesigejana samagama esiqukethwe nguMthethosivivinywa

Isigejana 1: Sinikeza izincazelo ngoMthethosivivinywa

Isigejana 2: Sikhuluma ngokwakhiwa kweBhodi lezoTshwala laseGauteng

Isigejana 3: Sikhuluma ngamandla nemisebenzi yeBhodi

Isigejana 4: Sikhuluma ngokwakheka namalungu eBhodi

Isigejana 5: Sikhuluma ngesikhathi sokuba sesikhundleni kanye nokuhlolwa kwamalungu eBhodi.

Isigejana 6: Sikhuluma ngokubekwa eceleni kwelungu uma linezinhlalo ezithile ngokuphatelene nodaba oluthile olubekwe phambi kweBhodi.

Isigejana 7: Sikhuluma ngokuthi ilungu leBhodi lingasishiya kanjani isikhundla.

Isigejana 8: Sikhuluma ngokuqhutshwa kwemihlangano kanye nezinqumo ezithathwa kuyo.

Isigejana 9: Sikhuluma ngokugcinwa kwamaminithi eBhodi kanye nokutholakala kwawo.

Isigejana 10: Sikhuluma ngamandla kasihlalo okubizela umuntu othile phambi kweBhodi noma ukumenza anikeze ngezincwadi ezinemibhalo ethile uma iBhodi ikhuluma ngodaba olumthintayo.

Isigejana 11: Sikhuluma ngokuthi imihlangano yeBhodi iyovuleka emphakathini.

Isigejana 12: Sikhuluma ngabasebenzi beBhodi kanye nokuqashwa kukanobhala.

- Isigejana 13: Sikhulumma ngokwaxhiwa kwamakomiti okusiza iBhodi.
- Isigejana 14: Sikhuluma ngokuqashwa kochwepheshe ukusiza iBhodi.
- Isigejana 15: Sikhuluma ngokunikezwa amandla kwelungu noma ikomiti ukuthi limele IBhodi.
- Isigejana 16: Sikhuluma ngemithombo yezimali zeBhodi.
- Isigejana 17: Sikhuluma ngokuthi ukugcinwa nokubalwa kwezimali zeBhodi kuyokwenziwa ngokulandela uMthetho wokuPhathwa kweziMali zomPhakathi.
- Isigejana 18: Sikhuluma ngokuthi umbiko wonyaka kanye nezitatimende zezezimali ziyothunyelwa ngokulandela uMthetho wezokuPhathwa kweziMali zomPhakathi.
- Isigejana 19 Sikhuluma ngokwaxhiwa kwamakomiti ezindawo eBhodi ezindaweni zoMasipala ezahlukenesiFundazweni.
- Isigejana 20: Sikhuluma ngamalungu amakomiti ezindawo
- Isigejana 21: Sikhuluma ngamandla kanye nemisebenzi yamakomiti ezindawo.
- Isigejana 22: Sikhuluma ngokuthi imibandela yesigejana 5-12 iyasebenza nasemakomitini ezindawo.
- Isigejana 23: Sikhuluma ngendlela efanle ukulandelwa uma kufakwa isicelo selayisense.
- Isigejana 24: Sikhuluma ngenqubo efanele ukulandelwa uma kwaziswa umphakathi ngokufakwa kwesicelo selayisense.
- Isigejana 25: Sikhuluma ngendlela efanele yokuphikisana nesicelo selayisense esithile.
- Isigejana 26: Sikhuluma ngelungelo kanye nenqubo yokuziphendulela kwalowo ofake isicelo selayisense kulowo ophikisana naso.
- Isigejana 27: Sikhuluma ngokulalelwa kwezicelo zamalaysense kanye nokulalelwa kokuphikisana nazo.
- Isigejana 28: Sikhuluma ngezinhlobo ezahlukenesi zamalaysense.
- Isigejana 29: Sikhuluma ngemininingwane equkethwe ngamalaysense.
- Isigejana 30: Sikhuluma ngenqubo efanele ukulandelwa yiBhodi uma licubungula izicelo zamalaysense.
- Isigejana 31: Sikhuluma ngokufakwa kwezicelo zamalaysense ezimvume zesikhashana noma amaphemithi kanye nokunikezwa kwazo.
- Isigejana 32: Sikhuluma ngokuphathwa kwezicelo lapho umuntu obefake isicelo eseshonile noma esesesimweni sokungakwazi ukuzibambela kahle izindaba zakhe.
- Isigejana 33: Sikhuluma ngenqubo efanele ukulandelwa uma kunikezwa amalaysense kanye namaphemithi kanye namandla eBhodi okubeka imibandela ethile ekusebenzeni kwamalaysense noma amaphemithi.
- Isigejana 34: Sikhuluma ngokukhishwa kwamadubulikhethi amalaysense uma elahlekile noma edabukile.
- Isigejana 35: Sikhuluma ngokubhekwa kwamalaysense uma isakhiwo okuzothengiselwa kusona singakapheli ukwaxhiwa.
- Isigejana 36: Senqabela ukukhishwa nokwedluliselwa kwamalaysense kubantu abangavumelekile ngokwalo Mthetho.
- Isigejana 37: Sinikeza imigomo yamalaysense namaphemithi
- Isigejana 38: Sikhuluma ngokwaxhiwa kweNhlango yabaThengisi boTshwala okufanele bonke asebenamalaysense kanye nabo bonke abasafake izicelo zamalaysense abangewona amalungu ezinhlangano zokuthengisa utshwala babe ngaphansi kwayo.

Isigejana 39: Sivimbela abanezinhloso zokuzuza ngezezimali nangenye indlela ukuthi bangabambi iqhaza ekukhiqizweni kukabhiya.

Isigejana 40: Sikhuluma ngemibandela efanele ilandelwe ekuphathweni kwebhizinisi elinelayisense lokuthengisa utshwala.

Isigejana 41: Sikhuluma ngesimo sesakhiwo esinelayisense lokuthengisa utshwala.

Isigejana 42: Sikhuluma ngezinye izinto ezingathengisa esakhiweni esinelayisense lokuthengisa utshwala.

Isigejana 43: Sikhuluma ngemigomo efanele ukulandelwa uma kwandiswa isakhiwo esinelayisense.

Isigejana 44: Sikhuluma ngendawo lapho kufanele kuthengiswe khona utshwala.

Isigejana 45: Sikhuluma ngabasebenzi abasebenza esakhiweni esinelayisense.

Isigejana 46: Senqabela ukuthengiswa kotshwala kulabo abasebancane ngokweminyaka.

Isigejana 47: Senqabela ukuthengiselwa utshwala kubantu abaphuze kakhulu.

Isigejana 48: Sikhuluma ngokugcinwa kwamarekhodi ngumnikazi welayisense.

Isigejana 49: Sikhuluma ngokunikezwa kolwazi oluthile namarekhodi ngumnikazi welayisense uma lolo lwazi lucelwa yiBhodi.

Isigejana 50: Senqabela ukuthengiswa kotshwala obutholakale ngendlela engekho emthethweni kanye notshwala obungekho ezingeni elifanele.

Isigejana 51-78: Sikhuluma ngemibandela yamalayisense ezindawo lapho utshwala buthengwa bubuye buphuzelwe khona kanye nesimo nesikhathi sebhizinisi. Amalayisense alapho utshwala buthengwa bubuye buphuzelwe khona ahlanganise lezi zinhlobo:

- Amalayisense anikezwa abamahhotela;
- Amalayisense anikezwa abamarestoranti;
- Amalayisense anikezwa abamathiyetha;
- Amalayisense anikezwa abama-club;
- Amalayisense anikezwa abamathaveni;
- Amalayisense anikezwa abama-Pool club;
- Amalayisense anikezwa abamaHholo okudansa;
- Amalayisense anikezwa abama-night club;
- Amalayisense anikezwa abama-Pub;
- Amalayisense anikezwa abezindawo zokugembula;
- Amalayisense anikezwa abathengisa utshwala obenziwe ngamabele
- Izimvume zesikhashana noma amaphemithi; kanye
- Namalayisense anikezwa abama-sports club.

Izigejana 79-93: Sikhuluma ngemibandela ephathelene namalayisense ezindawo lapho utshwala buthengiswa kodwa bungaphuzelwa khona, ukudiliviwa kotshwala, isimo kanye nezikhathi zebhizinisi, ukunikezwa kotshwala, ubungako kanye nesimo sendawo ethengisa utshwala kanye nezinhlobo zotshwala ezifanele ukuthengiswa khona. Amalayisense ezindawo lapho utshwala buthengiswa khona kodwa bungaphuzelwa khona ahlanganise lezi zinhlobo:

- Amalayisense anikezwa abama-wholesale;
- Amalayisense anikezwa abakhiqizi;
- Amalayisense anikezwa abezitolo zokuthengisa utshwala; kanye
- Namalayisense anikezwa abezitolo zegrosa ezithengisa iwayini.

Isigejana 94: Sikhuluma ngosuku noma isikhathi ilayisense eliqala ukusebenza ngalo;

Isigejana 95: Sikhuluma ngosuku lokuvuselela ilayisense.

- Isigejana 96: Sikhuluma ngemibandela eyenza ilayisense iphelelwe yisikhathi.
- Isigejana 97 Sikhuluma ngokuvuselelwa kwelayisense esiphelelwe yisikhathi.
- Isigejana 98 Sikhuluma ngokuthengiswa kotshwala esakhiweni esinelayisense uma lelo layisense seliphelelwe yisikhathi.
- Isigejana 99 Sikhuluma ngokungakwazi ukubuyiselwa imali uma ilayisense liphelelwe yisikhathi.
- Isigejana 100 Senqabela ukwedluliselwa kwelayisense komunye umuntu.
- Isigejana 101 Sikhuluma ngezinyathelo ezifanele ukulandelwa uma kuzokwedluliselwa ilayisense komunye umuntu.
- Isigejana 102 Sikhuluma ngokuhlolwa kwendawo ethengisa utshwala noma isimo selayisense noma iphemithi ngabahloli.
- Isigejana 103 Sikhuluma ngamandla eBhodi okukhipha umyalelo wokuthi kwenziwe uphenyo.
- Isigejana 104 Sikhuluma ngonswinyo olungenziwa yiBhodi.
- Isigejana 105: Sikhuluma ngokukhethwa kwabahloli.
- Isigejana 106: Sikhuluma ngamandla kanye nomsebenzi wabahloli.
- Isigejana 107 Sikhuluma ngenqubo elandelwa ngumhloli uma enewaranti yokungena endaweni ethile.
- Isigejana 108 Sikhuluma ngokungena komhloli endaweni ethile engayiphethe iwaranti.
- Isigejana 109 Sikhuluma ngokusetshenziswa kwamandla ngabahloli.
- Isigejana 110 Sichaza ngokuthi abahloli bangaphelelwe ngamaphoyisa.
- Isigejana 111 Sikhuluma ngokunikezelwa ngemibhalo uma icelwa ngumhloli.
- Isigejana 112 Sikhuluma ngokubophezeleka kokuphendula imibuzo kanye nokusiza umhloli emsebenzini wakhe.
- Isigejana 113 Sinikeza amandla umhloli ukuthi akhiphe isaziso sokungabambisani naye njengoba kudingakala ngokwalo Mthethosivivinywa.
- Isigejana 114 Sinikeza amandla umhloli noma ilungu leBhodi ukuthi livale indawo ethile yokuthengisa utshwala ngaphansi kwezimo ezithile.
- Isigejana 115 Sibophezela umhloli ukuthi alethe imibiko phambi kwekomiti lendawo noma iBhodi.
- Isigejana 116 Sibophezela umhloli ukuthi azise iBhodi uma kukhona ukungabambisani naye komuntu othile othengisa utshwala.
- Isigejana 117 Sibophezela amaphoyisa ukuthi alethe umbiko phambi kweBhodi ngamacala athile.
- Isigejana 118 Sikhuluma ngezimo lapho umhloli noma iphoyisa lingakwazi ukuthatha impahla kuhlangukise notshwala ukuze isetshenziswe njengobufakazi bokwephulwa komthetho.
- Isigejana 119 Sikhuluma ngokulahlekelwa yilungelo lobunikazi bempahla ethathiwe.
- Isigejana 120 Sikhuluma ngokubuyiswa kwezindleko zeBhodi ngokukhokhisa ofake isicelo.
- Isigejana 121 Senqabela ukwakiwa kwezinhlobo ezithile zotshwala.
- Isigejana 122 Sikhuluma ngamadla elungu lesigungu esilawulayo soMnyango wezezemali ukubeka imibandela ethile ngokwakhiwa nokuthengiswa kwezinto ezithile eziwuketshezi.

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- Isigejana 123 Sikhuluma ngokufaka isicelo ukuze loMthetho ungawusebenzisi
- Isigejana 124 Sikhuluma ngezinhlobo zabantu abanelungelo lokungawusebenzisi lo Mthetho.
- Isigejana 125 Sikhuluma ngezinhlobo zokwephula umthetho eziphatelene nalo Mthethosivivinywa.
- Isigejana 126 Sikhuluma ngamacala aphaathelene nokunikezwa kolwazi.
- Isigejana 127 Sikhuluma ngamacala aphaathelene nemihlangano yeBhodi.
- Isigejana 128 Sikhuluma ngamacala aphaathelene nabahloli namaphoyisa.
- Isigejana 129 Sikhuluma ngamacala aphaathelene nokuthengiswa kotshwala.
- Isigejana 130 Sikhuluma ngamacala ejwayelekile abanikazi bamalaysense.
- Isigejana 131 Sikhuluma ngenhlawulo yamacala ehlukeni.
- Isigejana 132 Sikhuluma ngokufaniselwa kobufakazi bokuthengiswa kotshwala.
- Isigejana 133 Sikhuluma ngobufakazi bokufaniselwa ukuthi umuntu uneminyaka ethile futhi uwela ngaphansi kwaluphi uhlobo lomphakathi.
- Isigejana 134 Sikhuluma ngobufakazi bokufaniselwa kobufakazi belaysense.
- Isigejana 135 Sikhuluma ngokufanekiselwa kobufakazi bokuthengiselana utshwala okuthile.
- Isigejana 136 Sikhuluma ngokufanekiswa kobufakazi bezinhlobo zotshwala ezingavumelekile ngokomthetho
- Isigejana 137 Sikhuluma ngelungelo likanoma ngubani afake isicelo sokuthola ikhophi yanoma yiliphi ilaysense kanye nemibandela ehambisana nalokhu.
- Isigejana 138 Sinikeza iBhodi amandla okuyekela iphutha elithile elisesicelweni selaysense.
- Isigejana 139 Sinikeza imigomo ilungu lesigungu esilawulayo soMnyango wezezimali esingayenza ngaphansi kwalo Mthethosivivinywa.
- Isigejana 140-141 Sikhuluma ngamalungiselelo angesikhathi kusenziwa izinguquko.
- Isigejana 142 Sikhuluma ngokufingqa kwalo Mthethosivivinywa kanye nokuqala kwawo ukusebenza kanye nokuthi ezinye izigaba zalo Mthethosivivinywa zingaqala ukusebenza ngezikhathi ezahlukene.
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