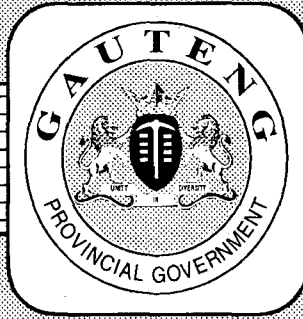


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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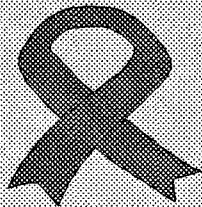
Vol. 9

PRETORIA, 25 NOVEMBER 2003

No. 518

We all have the power to prevent AIDS

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us all



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GENERAL NOTICE

NOTICE 4027 OF 2003

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF THE GAUTENG LIQUOR AMENDMENT BILL 2003

Notice is hereby given that the Member of the Executive Council for Finance and Economic Affairs has introduced the Gauteng Liquor Amendment Bill 2003 on November 25, 2003 in the Gauteng Provincial Legislature as published in this Extraordinary Gazette for public information.

General Explanatory Note:

[] Words in bold type in square brackets indicate omissions from the existing enactments.

— Words underlined with solid line indicate insertions in existing enactments

B I L L

To amend the Gauteng Liquor Act, 2003, so as to enable the Board to delegate certain powers to the local committees; to extend the discretionary powers of the Board; to amend provisions relating to the period required for lodgement of objections and responses thereto; to allow local committees to decide on applications for catering and occasional permits; to provide for the conversion of existing licenses; to amend the transitional provisions; and to provide for matters connected there with.

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

Amendment of section 3(1) of Act 2 of 2003

1. Section 3 of the Gauteng Liquor Act, 2 of 2003 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of section 3 of the following subsection:

"(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;"

Amendment of section 15 of Act 2 of 2003

2. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(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 or any local committee of the Board, on such terms as the Board may determine."

Amendment of section 20 of Act 2 of 2003

3. Section 20 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) one or more representatives 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"

Amendment of section 25 of Act 2 of 2003

4. Section 25 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person may lodge an objection to the granting of a license 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]** date of lodgement of the application with the secretary of the local committee referred to in section **[24]** 23."

Amendment of section 28 of Act 2 of 2003

5. Section 28 of the principal Act is hereby amended by the insertion immediately after paragraph (b)(v) of sub-section (1) of the following paragraph:

"(c) Any other license that the Board, in its discretion will deem appropriate."

Amendment of section 31 of Act 2 of 2003

6. Section 31 of the principal Act is hereby amended –

- (a) by the substitution for subsection (1) of the following subsection:

“(1) An application for a catering or occasional permit shall be considered by the **[Board via the]** local committee, and the **[Board] local committee** may grant or refuse the application concerned.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The **[Board] local committee** shall not grant a catering or occasional permit under subsection (1) unless the applicant can show exceptional circumstances that warrant the granting of the catering or occasional permit for a period not longer than seven (7) consecutive days.”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) The **[Board] local committee** 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.” ; and

- (d) by the substitution for subsection (5) of the following subsection:

“(5) The **[Board] local committee** 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.”.

Amendment of section 33 of Act 2 of 2003

7. Section 33 of the principal Act is hereby amended –

- (a) by the substitution for subsection (1) of following subsection:

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

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The Board or local committee may at any time after the issue of a license or permit in terms of subsection (1) or section 37, by a notice delivered to the licensee concerned –”.

Amendment of section 37 of Act 2 of 2003

8. Section 37 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) has in the preceding five (5) years been convicted of an offence in terms of this Act or the liquor Act, 1989 (Act no 27 of 1989) **[or any similar law applicable prior hereto]**, and was sentenced to a fine of not less than R200 or to imprisonment without the option of a fine or both imprisonment and fine or has paid an admission of guilt fine of not less than R200 unless the Board exercises its discretion in favour of granting the license 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 in respect of any one of the sentences or the fine has been remitted.”.

Amendment of section 38 of Act 2 of 2003

9. Section 38 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

- "(5) The Association shall promote an organized trade in liquor within the Province[,]through-
- (a) diligence amongst its members and affiliates[,];
 - (b) compliance with all laws and policies relating to the regulation of liquor [and,];
 - (c) responsible consumption of liquor; and
 - (d) any other matter ancillary thereto."

Amendment of section 39 of Act 2 of 2003

10. Section 39 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (4) of the following paragraph.

- "(c) If [its] in his or her 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."

Amendment of section 51 of Act 2 of 2003

11. Section 51 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

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

Amendment of section 86 of Act 2 of 2003

12. Section 86 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

- "(c) Subject to 125(a), a person employed in [with] the carrying on of the business to which the license relates, except

an employee contemplated in section 45(2), for consumption in that place.”.

Amendment of section 104 of Act 2 of 2003

13. Section 104 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

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

Amendment of section 106 of Act 2 of 2003

14. Section 106 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Board shall convene an inquiry for purposes of section **[102]** 105.”.

Amendment of section 109 of Act 2 of 2003

15. Section 109 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (3) of the following paragraph:

“(d) copy any document referred to in **[paragraphs]** paragraph (c), or if necessary, remove the document in order to copy it.”.

Amendment of section 112 of Act 2 of 2003

16. Section 112 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) An inspector executing a warrant in terms of section **[107]** 110 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.”.

Amendment of section 116 of Act 2 of 2003

17. Section 116 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (2) of the following paragraph:

"(d) any penalty that may be imposed in terms of section [131] 133 in the event of non-compliance with those steps."

Amendment of section 124 of Act 2 of 2003

18. Section 124 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) the categories of [person] persons who may sell methylated spirit;"

Amendment of section 129 of Act 2 of 2003

19. Section 129 of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph:

"(d) refuse to take the oath or make the affirmation, having been required by the chairperson or the board to give evidence under oath or after the making of an affirmation; or"

Amendment of section 133 of Act 2 of 2003

20. Section 133 of the principal Act is hereby amended by the substitution for section 133 of the following section:

"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] not exceeding ten (10) years or both such fine and imprisonment."

Amendment of section 138 of Act 2 of 2003

21. Section 138 of the principal Act is hereby amended by the substitution for section 138 of the following section:

"If it is proved in any prosecution for an offence in terms of section [125(1)(i)] 127(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)] 123 (1) and in the charge, it shall be presumed, unless the contrary is proved, that the liquid was or is that concoction or drink."

Amendment of section 143 of Act 2 of 2003

22. Section 143 is hereby amended-

(a) by the substitution for the heading of the following heading:

"[Validity of licenses] Conversion of existing licenses"; and

(b) by the substitution for section 143 of the following:

"[Licenses issued under the Liquor Act, 27 of 1989 shall continue to be in force and effect until they lapse or the licensee contravenes a provision of this Act] (1) Subject to subsections (2), (3) and (5), any authorization, permit or license issued in terms of the Liquor Act, 1989 (Act no 27 of 1989) to engage in the retail sale, micro-manufacture or wholesale of liquor or methylated spirits which was valid immediately before the date of commencement of this Act, shall remain valid.

(2) The holder of an authorization, permit or license contemplated in subsection (1), shall within the period determined by the Member of the Executive Council by notice in the *Provincial Gazette*, submit such authorization, permit or license to the Board for conversion into an authorization, permit or license under this Act.

(3) A conversion contemplated in subsection (2) shall be made on the same terms and conditions and for the remaining duration of the original authorization, permit or license.

(4) A converted authorization, permit or license is deemed to have been issued in terms of this Act.

(5) If a licensee fails to submit his or her license as contemplated in subsection (2), the license shall lapse.

(6) The Member of the Executive Council may prescribe fees for a conversion."

Amendment of section 144 of Act 2 of 2003

23. Section 144 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) This Act is called the Gauteng Liquor Act, [2002] 2003 and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*."

Short Title

24. This Act is called the Gauteng Liquor Amendment Act, 2003.

EXPLANATORY MEMORANDUM ON THE GAUTENG LIQUOR AMENDMENT BILL, 2003

1. Background

- 1.1 The Gauteng Liquor Act, 2003 (Act no 2 of 2003), hereafter referred to as "the Act" provides for the control of the retail sale and supply of liquor within the Province. The Act establishes the Gauteng Liquor Board, local committees and a Liquor Trade Association with the object of regulating applications for licenses and to provide for public notifications and participation, to regulate the granting of licenses in respect of the different kinds of liquor licenses, to prohibit the sale of liquor to certain categories of people and to provide for general matters such as enforcement procedures.
- 1.2 The current framework provides for transitional provisions in respect of licenses issued under the Liquor Act, 1989 (Act No. 27 of 1989), hereafter referred to as "the 1989 Act", but does not provide for the conversion thereof into registrations under the Act. There has also not been any provision for timeframes within which existing licenses are to be converted.

2. Purpose of the Bill

The proposed amendments are intended to provide for, inter alia, the conversion of all licenses issued under the 1989 Act to fall within the ambit of the Act, to extend the delegation powers of the Board, to enable local committees to determine applications for catering and occasional permits, to clarify the role and expand the scope of the Liquor Trade Association, to extend the period required for the lodgement of objections in respect of license applications, to correct cross-references to certain provisions of the Act and to effect grammatical and technical amendments to certain clauses in the Act.

3. Consultation

None

4. Financial implications

None

5. Clause by clause explanation of the Bill

Clauses 1, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 23 – contain technical and grammatical corrections and corrections to cross-references.

Clause 2 – enables the Board to delegate its powers to local committees.

Clause 4 - extends the period for lodgement of objections in respect of license applications.

Clause 5 - broadens the scope of licenses that the Board can grant.

Clause 6 - enables local committees to consider applications for catering and occasional permits.

Clause 7 - is a consequential amendment as a result of clause 6.

Clause 8 - increases the Board's discretion to grant a license despite an applicant being convicted of an offence.

Clause 9 - broadens the scope and clarifies the role of the Liquor Trade Association.

Clause 22 - provides for the conversion of authorizations, permits or licenses under the 1989 Act into authorizations, permits or licenses under the Gauteng Act.

Clause 24 - contains the short title of the Bill.

KENNISGEWING 4027 VAN 2003*Algemene Verduidelikende Aantekening:*

[] *Woorde in vetdruk in blokhakies dui op weglatings uit die bestaande verordenings.*

_____ *Woorde onderstreep met 'n soliede lyn dui op invoegings in bestaande verordenings.*

WETSONTWERP

Om die Gauteng Drankwet, 2003, te wysig, ten einde die Raad in staat te stel om sekere magte aan plaaslike komitees te deleger, om die diskresionere magte van die Raad uit te brei, om bepalings wat verband hou met die verlangde tydperk vir die indiening van objeksies en reaksies daarop, te wysig, om plaaslike komitees toe te laat om te beslis oor aansoeke vir spyseniering en geleentheidsperritte, om voorsiening te maak vir die omsetting van bestaande lisensies, om die oorgangsbepalings te wysig; en om voorsiening te maak vir verwante sake.

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

Wysiging van artikel 3(1) van Wet 2 van 2003

1. Artikel 3 van die Gauteng Drankwet, 2 van 2003 (hierna verwys na as die Hoofwet), word hiermee as volg gewysig deur die substitusie van subartikel (1) van artikel 3, met die volgende subartikel:

“(1) Die Raad ontvang aansoeke waarna in artikel 21 verwys word van plaaslike komitees en staan na [die] oorweging van sodanige aansoeke, die aansoeke toe of weier dit;”

Wysiging van artikel 15 van Wet 2 van 2003

2. Artikel 15 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel 1 met die volgende subartikel:

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

Wysiging van artikel 20 van Wet 2 van 2003

3. Artikel 20 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (d) van subartikel (1) met die volgende paragraaf:

“(d) een of meer verteenwoordiger 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”.

Wysiging van artikel 25 van Wet 2 van 2003

4. Artikel 25 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (1) met die volgende subartikel:

“(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] datum waarop die aansoek ingedien is by die sekretaris van die plaaslike komitee waarna verwys word in artikel 24.”.

Wysiging van artikel 28 van Wet 2 van 2003

5. Artikel 28 van die Hoofwet word hiermee gewysig deur die invoeging van die volgende paragraaf onmiddelik na paragraaf (b) (v) van subartikel (1):

“(c) Enige ander lisensie wat die Raad na sy diskresie as toepaslik beskou.”.

Wysiging van artikel 31 van Wet 2 van 2003

6. Artikel 31 van die Hoofwet word hiermee gewysig –

- (a) deur die substitusie van subartikel (1) met die volgende subartikel:

“(1) 'n Aansoek om 'n spysenierings- of geleentheidspermit word deur die [Raad] plaaslike komitee oorweeg [via die plaaslike komitee] en die [Raad] plaaslike komitee kan die betrokke aansoek toestaan of weier.”;

- (b) deur die substitusie van subartikel (2) met die volgende subartikel:

“(2) Die [Raad] plaaslike komitee 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.”;

- (c) deur die substitusie van subartikel (4) met die volgende subartikel:

“(4) Die **[Raad]** plaaslike komitee 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.”; en

- (d) deur die substitusie van subartikel (5) met die volgende subartikel:

“(5) Die **[Raad]** plaaslike komitee 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.”.

Wysiging van artikel 33 van Wet 2 van 2003

7. Artikel 33 van die Hoofwet word hiermee gewysig –

- (a) deur die substitusie van subartikel (1) met die volgende subartikel:

“(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]** plaaslike komitee bepaal en spesifieke plekke op die perseel wat uitgesluit is deur die **[Raad]** plaaslike komitee ingevolge artikel 31(5).”; en

- (b) deur die substitusie van subartikel (2) met die volgende subartikel:

“(2) Die Raad of plaaslike komitee 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-“.

Wysiging van artikel 37 van Wet 2 van 2003

8. Artikel 37 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (b) van subartikel (1) met die volgende paragraaf:

“(b) in die voorafgaande vyf (5) 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 of ‘n skuld-erkenningsboete van minstens R200 betaal het tensy die Raad sy diskresie uitoefen ten gunste van die toekenning van ‘n lisensie of tensy die skuldigbevinding en vonnis deur ‘n hof tersyde gestel is of amnestie of algehele grasia met betrekking tot enigen van die vonnisse aan so iemand toegestaan is of die boete kwytgeskeld is;”

Wysiging van artikel 38 van Wet 2 van 2003

9. Artikel 38 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (5) met die volgende subartikel:

“(5) Die Vereniging moet ‘n georganiseerde handel in drank in die provinsie bevorder[,] deur –

- (a) deeglikheid onder sy lede en geaffilieerdes[.];
- (b) nakoming van alle wette en beleide met betrekking tot die regulering van drank [en];
- (c) die verantwoordelike verbruik van drank; en
- (d) enige ander aanvullende saak.”

Wysiging van artikel 39 van Wet 2 van 2003

10. Artikel 39 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (c) van subartikel (4) met die volgende paragraaf:

“(c) indien [sy] 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.”

Wysiging van artikel 51 van Wet 2 van 2003

11. Artikel 51 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (2) met die volgende paragraaf:

“(2) Ondanks enige bepaling van hierdie Wet, mag die houër van ‘n binneverbruiklisensie oop bly vir die doeleindes soos beskryf in

die lisensie vanaf 21h00 op die [namiddag] aand van 31 Desember tot die oggend van 1 Januarie, tensy andersins aangedui.”.

Wysiging van artikel 86 van Wet 2 van 2003

12. Artikel 86 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (c) van subartikel (1) met die volgende paragraaf:

“(c) behoudens artikel 125(a), 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.”.

Wysiging van artikel 104 van Wet 2 Van 2003

13. Artikel 104 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (6) met die volgende subartikel:

“(6) Met die toekenning van ‘n aansoek vir die oordrag van ‘n lisensie reik die Raad ‘n lisensie uit aan die oorgedraagde wie dan die gelisensieerde word, met al die regte en verpligtinge van ‘n gelisensieerde kragtens hierdie Wet.”.

Wysiging van artikel 106 van Wet 2 van 2003

14. Artikel 106 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (1) met die volgende subartikel:

“(1) Die Raad kan ‘n ondersoek instel vir die doeleindes van artikel [102] 105.”.

Wysiging van artikel 109 van Wet 2 van 2003

15. Artikel 109 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (d) van subartikel (3) met die volgende paragraaf:

“(d) enige dokument waarna verwys is in [paragraawe] paragraaf (c) kopieer, of indien nodig, die dokument verwyder om dit te kopieer;”.

Wysiging van artikel 112 van Wet 2 van 2003

16. Artikel 112 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (1) met die volgende artikel:

“(1) ‘n Inspekteur wat ‘n lasbrief ingevolge artikel [107] 110 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.”.

Wysiging van artikel 116 van Wet 2 van 2003

17. Artikel 116 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (d) van subartikel (2) met die volgende paragraaf:

“(d) enige boete wat opgelê mag word kragtens artikel [131] 133 in die geval van nie-nakoming van daardie stappe.”.

Wysiging van artikel 124 van Wet 2 van 2003

18. Artikel 24 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (b) van subartikel (1) met die volgende paragraaf:

“(b) die kategorieë van [persoon] persone wat brandspiritus mag verkoop;”.

Wysiging van artikel 129 van Wet 2 van 2003

19. Artikel 129 van die Hoofwet word hiermee gewysig deur die substitusie van paragraaf (d) met die volgende paragraaf:

“(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”.

Wysiging van artikel 133 van Wet 2 van 2003

20. Artikel 133 van die Hoofwet word hiermee gewysig deur die substitusie van artikel 133 met die volgende artikel:

“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.”.

Wysiging van artikel 138 van Wet 2 van 2003

21. Artikel 138 van die Hoofwet word hiermee gewysig deur die substitusie van artikel 138 met die volgende artikel:

“Indien daar in enige vervolging weens ‘n misdryf ingevolge artikel [125 (1)(i)]

127(i) bewys word dat die beskuldigde 'n vloeistof wat die voorkoms gehad het van 'n brousel of drank wat in artikel [121 (1)] 123(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.”

Wysiging van artikel 143 van Wet 2 van 2003

22. Artikel 143 word hiermee gewysig –

(a) deur die substitusie van die opskrif met die volgende opskrif:

“[Geldigheid van lisensies] Omskakeling van bestaande lisensies”; en

(b) deur die substitusie van artikel 143 met die volgende:

“[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] (1) Onderhewig aan subartikels (2), (3) en (5), sal enige magtiging, permit of lisensie wat uitgereik is kragtens die Drankwet, 1989 (Wet nommer 27 van 1989) om betrokke te wees by die kleinhandverkope, mikrovervaardiging of groothandel van drank of brandspiritus wat geldig was onmiddelik voor die datum van die aanvang van hierdie Wet, geldig bly.

(2) Die houer van 'n magtiging, permit of lisensie beoog in subartikel (1), moet binne die tydperk vasgestel deur die Lid van die Uitvoerende Raad deur kennisgewing in die Staatskoerant, sodanige magtiging, permit of lisensie indien by die Raad vir omskakeling na 'n magtiging, permit of lisensie kragtens hierdie Wet.

(3) 'n Omskakeling beoog in subartikel (2) sal in ooreenstemming met dieselfde bepalings en voorwaardes en vir die oorblywende tydperk van die oorspronklike magtiging, permit of lisensie gemaak word.

(4) 'n Omgeskakelde magtiging, permit of lisensie word beskou as uitgereik kragtens hierdie Wet.

(5) Indien 'n gelisensieerde in gebreke bly om sy of haar lisensie soos beoog kragtens subartikel (2) in te dien, sal die lisensie verval.

(6) Die Lid van die Uitvoerende Raad kan fooie voorskryf vir 'n omskakeling.”

Wysiging van artikel 144 van Wet 2 van 2003

23. Artikel 144 van die Hoofwet word hiermee gewysig deur die substitusie van subartikel (1) met die volgende subartikel:

“(1) Hierdie Wet word die Gauteng Drankwet, [2002] 2003 genoem en tree in werking op ‘n datum soos vasgestel deur die Premier deur proklamasie in die *Provinsiale Staatskoerant*.”.

Kort Titel

24. Hierdie Wet word die Gauteng Drankwysigingswet, 2003, genoem.

NOTICE 4027 OF 2003**MOLAOKAKANYWA**

Go lokiša Molao wa Bjalwa wa Gauteng, 2003, go kgontšha Boto go neela dikomiti tša selegae maatla a itseng, go katološa maatla a boikgethelo bja Boto, go lokiša dipeakanyetšo tšeo di amanago le paka ye e nyakegago ya go dira boipiletšo bja dipelaelo le dikarabo tšeo di amanago le merero ye bjalo, go fa dikomiti tša selegae sebaka sa go tšea sephetho mabapi le dikgopelo tša phepo le ditumelelo ka sewelo, go beakanyetša phetošo ya dilaesense tšeo di lego gona gabjale, go lokiša dipeakanyetšo tša phetišetšo; gape le go beakanyetša mabaka ao a amanago le taba tšona tše.

GO HLONGWA KA MOLAO ke Lekgotlapeamelao la Profense ya Gauteng ka tsela ye e latelago:-

Tokišo ya karolo 3(1) ya Molao 2 wa 2003

1. Karolo 3 ya Molao wa Bjalwa wa Gauteng, 2 wa 2003, (woo ka gona ka morago o tlogo bitšwa Molaomogolo), ka gona mo e lokišwa ka kemelo sebakeng sa karolwana (1) ya karolo 3, ya karolwana ye e latelago:

“(1) Boto e tlo amogela dikgopelo tšeo di umakilwego ka go karolo 21 go tšwa go dikomiti tša selegae gomme ka morago ga go elwahloko ga dikgopelo tše bjalo, ya gana goba ya dumelela kgopelo ye amegago;”.

Tokišo ya karolo 15 ya Molao 2 wa 2003

2. Karolo 15 ya Molaomogolo ka gona mo e lokišwa ka ekemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(1) Boto e ka, ka tumelelo ya Molekgotlaphethiši gape le go ya ka dipeakanyetšo tša karolo ye, neela maatla a yona, mediro le ditlamego tša yona go leloko le lengwe le le lengwe la Boto goba komiti efe le efe ya Boto goba komiti efe le efe ya selegae ya Boto, ka mabaka ao Boto e kago a laetša.”.

Tokišo ya karolo 20 ya Molao 2 wa 2003

3. Karolo 20 ya Molaomogolo ka gona mo e lokišwa ka kemelo sebakeng sa temana (d) ya karolwana (1) ya temana ye e latelago:

“(d) moemedi o tee goba ba bantši bao ba thwetšwego go tšwa setšhabeng sa tikologo ya komiti yeo e kgethilwego ka lebaka la tsebo ya gagwe goba ya bona mabapi le lefapha la kagoleago goba tlhabollo ya ekonomi ya leago goba ditirelo tša leago; gape le “.

Tokišo ya karolo 25 ya Molao 2 wa 2003

4. Karolo 25 ya Molaomogolo ka gona mo e lokišwa ka ekemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(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 matsatši a masopeditee (21) go tloga ka letsatšikgwedi la go dira boipiletšo bja kgopelo go mongwaledi wa komiti ya selegae yeo e umakilwego ka go karolo 23.”

Tokišo ya karolo 28 ya Molao 2 wa 2003

5. Karolo 28 ya Molaomogolo ka gona mo e lokišwa ka kemelo sebakeng ka go lokela ka bjako ka morago ga temana (b)(v) ya karolwana (1) ya temana ye e latelago:

“(c) Laesense ye nngwe le ye nngwe yeo Boto, ka boikgethelo bja yona e kago bona e le ya maswanedi.”

Tokišo ya karolo 31 ya Molao 2 wa 2003

6. Karolo 31 ya Molaomogolo ka gona mo e a lokišwa –

(a) ka kemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(1) Kgopelo ya phomete ya go fa dijo goba ya sewelo e tlo elwa hloko ke komiti ya selegae, gomme komiti ya selegae e ka dumelela goba ya gana kgopelo yeo e amegago.”;

(b) ka kemelo sebakeng sa karolwana (2) ya karolwana ye e latelago:

“(2) Komiti ya selegae e ka se dumelele phomete ya go fa dijo goba ya sewelo ka fase ga karolwana (1) 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 matsatši a a šupago (7) ka tatelano.”;

(c) ka kemelo sebakeng sa karolwana (4) ya karolwana ye e latelago:

“(4) Komiti ya selegae e tla kgotsofala gore phatlalatšo goba thekišo ya bjawa ga se kgwebo e kgolo ya mokgopedi, empa e no ba sewelo modirong woo o swerwego ke mokgopedi.” le

(d) ka kemelo sebakeng sa karolwana (5) ya karolwana ye e latelago:

“(5) Komiti ya selegae e tla dumelela polane ya meago gomme e ka tloga thwii e tlogela thekišo ya bjawa mafelong a itšego mo meagong

gomme gape e ka beakanya gore ke bjälwa bja mohuta ofe bjoo bo swanetšego go rekišwa.”.

Tokišo ya karolwana 33 ya Molao 2 wa 2003

7. Karolo 33 ya Molaomogolo ka gona mo e a lokišwa -

(a) ka kemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(1) morago ga ge Boto e dumeletše kgopelo go ya ka Molao wo, e tla, go ya ka karolo 35, ntšha laesense ka komiti ya selegae go ya go mokgopedi 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 ya sewelo, mohuta wa senotagi woo o beakantšwego ke komiti ya selegae le mafelong a a itšego godimo ga meago yeo e tlogetšwego ke komiti ya selegae go ya ka karolo 31(5).”; le

(b) kemelo sebakeng sa karolwana (2) ya karolwana ye e latelago:

“(2) Boto goba komiti ya selegae e ka re ka nako efe le efe kamorago ga go ntšhiwa ga laesense goba phomete go ya ka karolwana (1) goba karolo 37, ka tsebišo yeo e filwego mofiwalaesense yoo a amegago”.

8. Karolo 37 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa temana (b) ya karolwana (1) ya temana ye e latelago:

“(a) a ilego a re mo mengwageng e (5) ya go feta a swarwa ka bosenyi go ya ka Molao wo, Molao wa bjälwa 1989 (Molao 27 wa 1989), 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 goba o ile a lefa kamogelo ya go bonwa molato ya tšhelete yeo e sego ka fase ga R200 ka ntle le ge Boto e ka šomiša maatla a yona go abeng laesense goba ntle le ge kotlo e beetšwe ka thoko ke kgoro goba yena motho yoo o humane tebalelo goba tebalelo ya mahala mabapi le se sengwe sa dikwebo tšeo goba tefišo e ile ya boetšwa morago.”.

Tokišo ya karolo 38 ya Molao 2 wa 2003

9. Karolo 38 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa karolwana (5) ya karolwana ye e latelago:

(5) Lekgotla le tlo hlatloša bogwebi bjo tlemaganego bja bjälwa ka gare ga Profense ka go-

(a) mafolofolo gare ga maloko a lona le bangwadišwa;

(b) boikamanyo le melao le melaotshepedišo yeo e amanago le taolo ya bjälwa;

(c) le go nwa bjälwa ka maikarabelo; gape le

(d) lebaka le lengwe le le lengwe leo le ka bago le amana le taba tše.”

Tokišo ya karolo 39 ya Molao 2 wa 2003

10. Karolo 39 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa temana (c) ya karolwana (4) ya temana ye e latelago:

“(c) ge ka mogopolong wa gagwe kgonagalo e le gona ya gore go fiwa ga tumelelo ya kgopelo go ka hlola seemo se se kotsi sa bojanoši goba go se gakatša ka gare ga bogwebi bja bjalwa goba lekala la bjona.”

Tokišo ya karolo 51 ya Molao 2 wa 2003

11. Karolo 51 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa karolwana (2) ya temana ye e latelago:

“(2) Go sa šetšwe peakanyetšo efe goba efe ya Molao wo, moswaralaesense wa bonwelo bja meagong o tlo dula a butše go ya ka dinepo tšeo di bolelwago ka gare ga laesense go tloga ka 21:00 mantšiboa a Desemere 31 go fihla ka 02:00 ya mesong ya Janaware 1, ntle le ge go kgethešwe ka tsela ye nngwe.”

Tokišo ya karolo 86 ya Molao 2 wa 2003

12. Karolo 86 ya Molaomogolo ka gona mo e lokišwa ka kemelo sebakeng sa temana (c) ya karolwana (1) ya temana ye e latelago:

“(c) go ya ka karolo 125(a), motho yoo a thwetšwego mabapi le go tšwetša pele kgwebo yeo laesense e amanago le yona, ka ntle le modiredi yoo a umakilwego ka go karolo 45(2), go nwela lefelong lona leo.”

Tokišo ya karolo 104 ya Molao 2 wa 2003

13. Karolo 104 ya Molaomogolo ka gona mo o a lokišwa ka kemelo sebakeng sa karolwana (6) ya karolwana ye e latelago:

“(6) Mo go feng kgopelo ya go fetišetša laesense Boto e tla ntšhetša mofetišetši laesense yoo gabjale e bago moswaralaesense, yoo a nago le ditokelo ka moka gape le maikarabelo a moswaralaesense go ya ka ditaelo tša Molao wo.”

Tokišo ya karolo 106 ya Molao 2 wa 2003

14. Karolo 106 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(1) Boto e tla rapa nyakišišo mo meholeng ya 105.”

Tokišo ya karolo 109 ya molao 2 wa 2003

15. Karolo 109 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa temana (d) ya karolwana (3) ya temana ye e latelago:

“(d) kopiša sengwalwa se sengwe le se sengwe seo se umakilwego temaneng (c), goba ge go hlokega, tloša sengwalwa ka maikemišetšo a go se kopiša.”.

Tokišo ya karolo 112 ya Molao 2 wa 2003

16. Karolo 112 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(1) Mohlahlobi yoo a ntšhago lengwalo la tshwaro go elana le ditaelo tša karolo 110 a kana a thibela kgapeletšo ye nngwe le ye nngwe ya go tsena goba go hlahloba ka go šomiša maatla ao a nyakegago gomme e le ao a kwagalago, go akaretšwa le go roba senotlelo, lebati goba lefasetere la naga goba lefelo leo go swanetšego go tsena go lona.”.

Tokišo ya karolo 116 ya Molao 2 wa 2003

17. Karolo 116 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa karolwana (d) ya karoplwana (2) ya temana ye e latelago:

“(d) kotlo ye nngwe le ye nngwe yeo e kago rwešwa maelana le karolo 133 mo lebakeng la go se latele magato ao.”.

Tokišo ya karolo 124 ya Molao 2 wa 2003

18. Karolo 124 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa temana (b) ya karolwana (1) ya temana ye e latelago:

“(d) dihlopha tša batho bao ba kago rekiša digwai;”.

Tokišo ya karolo 129 ya Molao 2 wa 2003

19. Karolo 129 ya Molaomogolo ka gona mo e a lokišwa ka kemelo sebakeng sa temana (d) ya temana ye e latelago:

“(d) go gana go tšea keno goba go dumela, mala a kgopetšwe ke modulasetulo goba boto go fa bohlatse ka tlase ga keno goba morago ga go dumela; goba”.

Tokišo ya karolo 133 ya Molao 2 wa 2003

20. Karolo 133 ya Molaomogolo ka gona mo e lokišwa ka kemelo sebakeng sa karolo 133 ya karolo ye e latelago:

"Motho ofe goba ofe yoo a lego molato wa go hlola bosenyi go ya ka Molao wo, o tla re mo lebakeng la ge a ahlotšwe a swanela ke go lefa kotlo yeo e sa fetego R100 000,00 goba go dula kgolegong nako ye e sa fetego mengwaga ye lesome (10) goba bobedi kotlo ye bjalo gotee le kgolego."

Tokišo ya karolo 138 ya Molao 2 wa 2003

21. Kagona mo karolo 138 ya Molaomogolo e lokišwa ka kemelo sebakeng sa karolo 138 ya temana ye e latelago:

" Ge go ka ba lebohlatshe tshekišong efe goba efe ya molato go elana le karolo 127(i) gore molatofatšwa o tšweleditše, o be a swere go yena goba thlhokomelong goba ka fase ga taolo ya gagwe, goba o nwele goba o rekišitše, o tlišeditše gobao file motho mang goba mang seela, seo se bonalago se e ne titiello goba seno seo se umakilwego karolong 123 (1) gomme ka tatofatšong, go tla tšewa gore, ka ntle le ge go ka ba le bohlatshe bjo bo fapanego, bja gore seela e be e le goba ke motswako woo goba seno. "

Tokišo ya karolo 143 ya Molao 2 wa 2003

22. Ka gona karolo 143 ea lokišwa –

(a) ka kemelo sebakeng sa hlogo ya hlogo ye e latelago:

"Phetošo ya dilaesense tšeo di lego gona gabjale "; le

(b) ka kemelo sebakeng sa karolo 143 ya tše di latelago:

"(1) Go elana le dikarolwana (2), (3) le (5), tumelelo ye nngwe le ye nngwe, phomete goba laesense yeo e ntšhitšwego maelana le Molao wa Bjalwa, 1989 (Molao no 27 wa 1989) go swaragana le kgwebo ya thekišo, tšweletšo-potlana goba thekišo ka bontši ya bjalwa goba digwai yeo e bego e šoma ka bjako pele ga Molao wo, e tla tšewa bjalo ka ya makgonthe.

2. Moswara tumelelo, phomete goba laesense yeo e akantšwego ka go karolwana (1), o tla re mo nakong yeo e beilwego ke Molekgotlaphethiši ka tsebišo ka Kuranteng ya Mmušo wa Profense, a tliša tumelelo, phomete goba laesense e bjalo go Boto gore e fetošetšwe go tumelelo. Phomete goba laesense ka tlase ga Molao wo.

3. Phetošo yeo e akant wego ka go karolwana (2) e tla dirwa go elana le mabaka le maemo ao a swanago gotee le mo pakeng ye e sa šetšego ya tumelelo, phomete goba laesense ya mathomo.

4. Tumelelo, phomete goba laesense yeo e fetotšwego e tšewa gore e tlhaqišitšwe maelana le ditaello tša Molao wo.

5. Ge moswaralaesense a ka šitwa go tliša laesense ya gagwe bjalo ka ge go akantšwe ka go karolwana (2), laesense yeo e tlo felelwa ke modiro.”.

6. Molekgotlaphethiši a ka na a kgethela ditefelo tša phetošetšo.”.

Tokišo ya karolo 144 ya Molao 2 wa 2003

23. Karolo 144 ya Molaomogolo ka gona mo e lokišwa ka kemelo sebakeng sa karolwana (1) ya karolwana ye e latelago:

“(1) Molao wo o betšwa Molao wa Bjalwa wa Gauteng, 2003 gomme o tsena tirišong ka tšatšikgwedi leo le hlomilwego ke Tonakgolo ka kgoeletšo ka *Kuranteng ya Mmušo*.”.

Thaetlele ye kopana

24. Molao wo o bitšwa Molao-Tokišo wa Bjalwa wa Gauteng, 2003.

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NOTICE 4027 OF 2003

Incazelo Ejwayelekileyo Qaphela

[] *Amagama abhalwe ngokugqamileyo ezikokeleni eziyisikwele akhomba okushiyeleyo kulomthetho omisiweyo okhona*

— *Amagama adwetshelewe ngomugqa ohlangene akhomba okufakiweyo kulomthetho omisiweyo okhona*

UMTHETHO OWUHLAKA

Ukuchibiyele uMthetho Wotshwala, ka 2003, ukuze ukwazi ukwenza iSigungu sikwazi ukudlulisela amandla aso emakomitini asekhaya, ukwandisa amandla okuzibonela ngokwaso iSigungu, ukuchibiyela imigomo ehambelana nesikhathi esifunekayo sokufaka izikhalo nezimpendulo zawo, ukuvumela amakomiti asekhaya ukunquma ngezicelo zemisebenzi yokudla nezimvume zangankathi, ukunikezela ukuphendulwa kwezimvume ezikhona, ukuchibiyela izinqumo zemigomo yoshintsho nokwenzelela ngezindaba ezihlangene nalokho.

MAWUMISWE UMTHETHO yiSishayaMthetho sesiFundazwe saseGauteng, njengikulandela:

Ukuchitshiyelwa kwesigaba 3(1) soMthetho 2 ka 2003

1. Isigaba 3 soMthetho Wotshwala waseGauteng, 2 ka 2003 (olapha emva kokubizwa ngokuthi unguMthetho Omkhulu), uyachitshiyelwa lapha ngokufaka esigatshaneni (1) sesigaba 3, lesigatshana esilandelayo:

“(1) ISigungu kuyofanele sithole izicelo zomsebenzi okukhulunywe ngazo esigabeni 21 kumakomiti asekhaya bese kuthi emva [uku] kuzicabangela lezo zicelo zomsebenzi, senqatshwe noma samukelwe isicelo leso;”.

Ukuchitshiyelwa Kwesigaba 15 soMthetho 2 ka 2003

2. Isigaba 15 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kwesigatshana (1) salesigatshana esilandelayo:

“(1) ISigungu singenza, ngokuvuma kweLunga leBandla Elinamandla okwenza futhi ngaphansi kwemiyalo yalesigaba, sinikezele amandla aso, imisebenzi nokufanele sikwenze kunoma iliphi ilunga leSigungu noma iliphi ikomiti leSigungu noma iliphi ikomiti lasekhaya leSigungu, kumikhawulo njengoba iSigungu singabona.”.

Ukuchitshiyelwa kwesigaba 20 soMthetho 2 ka 2003

3. Isigaba 20 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusahluko (d) sesigatshana (1) salesahluko esilandelayo:

“(d) oyedwa noma abaningi abantu abamele abaqokiwe emkhayeni endaweni yekomiti lasekhaya oqokwe ngezizathu zolwazi lwakhe emnyangweni wezenhlalakahle noma ekuthuthukiseni ezomnotho wabantu noma izinkonzo zomphakathi; kanye”.

Ukuchitshiyelwa kwesigaba 25 soMthetho 2 ka 2003

4. Isigaba 25 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kwesigatshana (1) salesigatshana esilandelayo:

“Noma imuphi umuntu angasifaka isikhalo ekunikwezeni kwemvume ngokwaloMthetho, ngendlela okubekwe ngayo, ekomitini lasekhaya futhi umuntu ofake isicelo ezinsukwini eziwu 21 kusukela **[osukwini okumenyezwe ngalo isimemezelo]** usuku okufakwe ngalo isicelo kumabhalane wekomiti lasekhaya ekukhulunywe ngalo esigabeni [24] 23.”.

Ukuchitshiyelwa kwesigaba 28 soMthetho 2 ka 2003

5. Isigaba 28 soMthetho Omkhulu lapha siyachitshiyelwa ngokufaka ngokushesha emva kwesahlukwana (b)(v)sesigatshana (1) salesahluko esilandelayo:

“(c) Noma iyiphi imvume okuyothi iSigungu, okuyothi ngokwayo iyibone ifanelekile.”.

Ukuchitshiyelwa kwesigaba 31 soMthetho 2 ka 2003

6. Isigaba 31 soMthetho Omkhulu lapha siyachitshiyelwa –

- (a) ngokufakwa kusigatshana (1) salesigatshana esilandelayo;

“(1) Isicelo somsebenzi wokudla noma semvume yangankathi kuyokucatshangelwa [**yiSigungu kudlule ekomitini lasekhaya**] ikomiti lasekhaya, kanye ne [**Sigungu**] ikomiti lasekhaya lingase lisinikeze noma lisingabe isicelo leso.”

- (b) ngokufaka kusigatshana (2) salesigatshana esilandelayo:

“(2) I [**Sigungu**] ikomiti lasekhaya lingeke lanikeza imvume yomsebenzi wokudla noma imvume yangankathi ngaphansi kwesigatshana (1) ngaphandle kokuba ocelayo engakhombisa izimo ezingavamile lezo eziyokwenza ukunikezwa umsebenzi wokudla nemvume yangankathi eyesikhathi esingadlulanga ezinsukwini eziwu (7) ezilandelayo.”;

- (c) Ngokufakwa kusigatshana (4) salesigatshana esilandelayo

“(4) I [**Sigungu**] ikomiti lasekhaya liyokwaneliseka ukuthi ukwabiwa noma ukudayiswa kotshwala akulona ibhizinisi elisemqoka lolicelileyo , kodwa lenzeke ngomcimbi owenziwe ocelayo.”; futhi

- (d) ngokufakwa kusigatshana (5) kwalesigatshana esilandelayo;

“(5) I [**Sigungu**] ikomiti lasekhaya liyoliphasisa ipulani lendawo futhi impela lingakukhipha ukudayiswa kotshwala kwezinye izindawo endaweni futhi lingathola ukuthi iyiphi inhlobo yotshwala obuyodayiswa.”.

Ukuchitshiyelwa kwesigaba 33 soMthetho ka 2003

7. Isigaba 33 soMthetho Omkhulu lapha siyachitshiyelwa _

- (a) ngokufakwa kusigatshana (1) kwalesigatshana esilandelayo:

“(1) Emva kukoba iSigungu sinikeze imvume ngokwaloMthetho, kuyofanela kube, ngokwesigaba 35, sikiphe imvume idlule ekomitini lasekhaya iye koyicelileyo ukudayisa inhlobo yotshwala obovuniweyo kuloMthetho ngokwenhlobo yemvume leyo, noma, odabeni lomsebenzi wokudla noma imvume yangankathi, inhlobo yotshwala eqokwe i [**Sigungu**] ikomiti lasekhaya kanye nezindawo ezithileendaweni ezikhishiwe yi [**Sigungu**] ikomiti lasekhaya ngokwesigaba 31 (5),”; kanye

- (b) ngokufakwa kusigatshana (2) salesigathana esilandelayo

“(2) ISigungu noma ikomoti lasekhaya lingathi noma ingasiphi isikhathi emva kokukhipha imvume ngokwesigatshana (1) noma isigaba 37, ngesimemezero esithunyelwe kulowo othole imvume –”.

Ukuchitshiyelwa kwesigaba 37 soMthetho 2 ka 2003

8. isigaba 37 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kwesahluko (b) sesigatshana (1) yalesahluko esilandelayo:

“(b) ube kade kule engaphambili eyisihlanu (5) iminyaka ekade eboshelwe icala ngokwaloMthetho noma uMthetho Wothswala, 1989 (uMthetho Nombolo 27 ka 1989) **[noma imuphi umthetho ofanayo wasebenza ngaphambili kuze kube manje]**, futhi wagwetshwa ngenhlawulo engekho ngaphansi kuka R200 noma waboshwa ngaphandle kokunikezwa inhlawulo noma kokubili futhi noma wakhokha evuma icala lenhlawulo engekho ngaphansi kuka R200 ngaphandle kokuba iSigungu sizicabangele ukuvuma ukunika imvume noma ngaphandle kokuba isigwebo sibekwe eceleni yinkantolo noma lowo muntu enikwe ushwele noma exolelwe mahhala ngokwanoma iliphi elinye icala noma inhlawulo ithetheleliwe,”.

Ukuchitshiyelwa kwesigaba 38 woMthetho ka 2003

9. Isigaba 39 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kwesigatshana (5) salesigatshana esilandelayo:

“(5) USosiyesheni kuyofanela igqugquzele ibhizinisi elihlelekileyo otshwaleni phakathi kweSifundazwe [,] ngoku –

(a) ukuzimisela phakathi kwamalunga awo nasebenzisana nabo[,] ;

(b) ukuhambisana nayo yonke imithetho nemigomo ehambelana nemithetho yotshwala [**futhi**,] ;

(c) okuhluzekileyo ukuphuzwa kotshwala; kanye

(d) noma iyiphi indaba encikileyo kulokho,”

Ukuchitshiyelwa kwesigaba 39 soMthetho 2 ka 2003

- 10 Isigaba 39 soMthetho Omkhulu lapha siyachitshiyelwa ngokufaka kusahluko (c) wesigatshana (4) salesahluko esilandelayo

“(c) Uma [**kuku**] embonweni wakhe kunokwenzeka ukuthi kube khona ukunikezwa kwesicelo okungenza isimo esiyingozi sokuthengisa ebhizinisini sivele noma sibhebhezeleke ebhizinisini lotshwala noma egatsheni lalo..”.

Ukuchitshiyelwa kwesigaba 51 soMthetho 2 ka 2003

11. Isigaba 51 soMthetho Omkhulu lapha siyachitshiyelwa ngokufaka isigatshana (2) salesahluko esilandelayo:

“(2) Ngaphandle kokumelana namuphi umyalelo waloMthetho, umnikazi wemvume edlisayo angahlala evulile ngenhloso eshiwo kwimvume kusuka ku 21h00 ye **[ntambama]** kusihlwa ngoZibandlela 31 kuze kube u 02h00 ekuseni kukaMasingana 1, ngaphandle kokuba kubekwe ngenye indlela.”

Ukuchitshiyelwa kwesigaba 86 soMthehto 2 ka 2003

- 12 Isigaba 86 soMthehto Omkhulu lapha siyachitshiyelwa ngokufaka kusigaba (c) wesigatshana (1) salesahluko esilandelayo:

“(c) Phansi kwa 125(a), umuntu oqashiwe e **[no]** ekuqhubekeni kwebhizinisi elikhuluma ngemvume, ngaphandle komsebenzi ocatshangwe esigabeni 45(2), sokudla kuleyo ndawo

Ukuchitshiyelwa kwesigaba 104 soMthetho2 ka 2003

- 13 Isigaba 104 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigatshana (6) salesigatshana esilandelayo;

“(6) Ekunikezweni kwesicelo sokudlulisela imvume iSigungu kuyofanele sinikeze imvume kulowo odluliselewayo obe eseba umnikazi wemvume, nawo wonke amalungelo nazo zonke izibopho zokuba nemvume ngokwaloMthetho.”

Ukuchitshiyelwa kwesigaba 106 soMthetho 2 ka 2003

- 14 Isigaba 106 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigatshana (1) salesigatshana esilandelayo;

“(1) ISigungu kuyofanele sibambe ukuhlola ngokwenhloso yesigaba **[102]** 105.”

Ukuchitshiyelwa kwesigaba 109 soMthetho 2 ka 2003

- 15 Isigaba 109 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusihluko (d) sesigatshana (3) salesihluko esilandelayo:

“(d) ikhopi yanoma imuphi umqulu okukhulunywe ngawo e **[zahluko]** sahluko (c), noma uma kudingeka, susa umqulu ukuze uwukopishe.”

Ukuchitshiyelwa kwesigaba 112 soMthetho 2 ka 2003

- 16 Isigaba 112 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigatshana (1) salesigatshana esilandelayo:

“(1) Umhloli owenza incwadi yemvume ngokwesigaba [107] 110 angakwahlula noma ikuphi ukuzabalaza ekungeneni noma ukuhlola ngokusebenzisa indluzula efunekayo ngokulingeneyo, kubandakanya ukugqekeza isihluthulelo, umnyango noma iwindi lendawo noma umuzi ekuzongenwa kuyo.”.

Ukuchitshiyelwa kwesigaba 116 soMthetho 2 ka 2003

- 17 Isigaba 116 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigaba (d) wesigatshana (2) salesihluko esilandelayo:

“(d) noma iyiphi inhlawulo engabekwa ngokwesigaba [131] 133 uma kwenzeka ukungalandeli lezo zigaba.”.

Ukuchitshiyelwa kwesigaba 124 soMthetho 2 ka 2003

- 18 Isigaba 124 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigaba (b) wesigatshana (1) salesigaba esilandelayo:

“(b) izinhlobo za [bantu] abantu abangadayisa isipilithi;”.

Ukuchitshiyelwa kwesigaba 129 soMthetho 2 ka 2003

- 19 Isigaba 129 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusahluko (d) salesahluko esilandelayo:

“(d) uyanqaba ukuthatha isifungo noma ukuvumelana, esikade sifunwe ngusihlalo noma iSigungu ukuba anike ubufakazi ngaphansi kwesifungo noma emva kokwenziwa kwesivumelwano; noma”.

Ukuchitshiyelwa kwesigaba 133 soMthetho 2 ka 2003

- 20 Isigaba 133 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigaba 133 walesigaba esilandelayo:

“Noma imuphi umuntu onesazela ngecala ngaphansi kwaloMthetho, kofanela ebekwe icala lenhlawulo engeke idlule ku R100 000,00 noma aboshwe isikhathi [so] esingeke sidlule kweyishumi (10) iminyaka noma zombili lezinhlawulo kanye nokuboshwa.”.

Ukuchitshiyelwa kwesigaba 138 soMthetho 2 ka 2003

- 21 Isigaba 138 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigaba 13 walesigaba esilandelayo:

“(Uma kufakazeka ukuthi kunoma ikuphi ukushushiswa kwecala ngokwesigaba [125(1)(l)] 127 (i) ukuthi umsolwa owenza, ubenakho kuyena noma ukugcina noma ngaphansi kwezintambo zakhe, noma wadla noma wadayisa noma wanika noma imuphi umuntu utshwala obune noma obubonakala buyingovungovu noma isiphuzo esishiwo esigabeni [121 (1)] 123 (1) futhi ephethe, kuyocatshangwa, ngaphandle kokuba okuphikisayo kufakazwa, ukuthi okuwuketshezi kwakuyikho noma ukuthi ingivungovu noma isiphuzo,”.

Ukuchitshiyelwa kwesigaba 143 soMthetho 2 ka 2003

- 22 Isigaba 143 lapha siyachitshiyelwa -

- (a) ngokufakwa kusihloko selesihloko esilandelayo:

“**[Ukuqinisekiswa kwezimvume] Ukushintshwa kwezimvume ezikhona**”;
kanye

- (b) ngokufakwa kusigaba 143 kwakolokhu okulandelayo:

“**[Izimvume esikhishwe ngaphansi koMthetho Wotshwala, 27 ka 1989 kuyofanela ziqhubeke ukuba zisebenze futhi ngempumelelo zize ziphelelwe isikhathi noma umnikazi wemvume aphule imiyalelo yaloMthetho] (1) Phansi kwesigatshana (2), (3) no (5), noma ikuphi okugunyaza, okuvumela ukunikezwa kwemvume ngokoMthetho Wotshwala, 1989 (uMthetho nombolo 27 ka 1989) ukuzibandakanya ekuthengiseni ngendali, ukugayela okuncane noma izimboni zotshwala noma zesipilithi okwenziwa masinyane ngaphambi kosuku lokuqala kwaloMthetho, ziyohla zivunyelwe.**

(2) Umnikazi wesivumelwano, yencwadi yemvume noma imvume okungcingwe ngayo esigatshaneni (1) kuyofanela esikhathini esiyobonwa iLunga leBandla Elimnamandla ngesimemezelo kuGazethi yeSifundazwe, alethe lezo zigunyazo, izincwadi zemvume, noma izimvume ngaphansi kwaloMthetho

(3) Ukushintshwa okungcingwe esigatshaneni (2) kuyokwenziwa ngokuvumelana okufanayo nangezimiso kanye futhi nesikhathi esiseleyo sesigunyazo sokuqala, incwadi yemvume noma imvume.

(4) Ukugunyazwa okushintshiwe, incwadi yemvume noma imvume kufanele ukuba yakhishwa ngokwaloMthetho.

(5) Uma umnikazi wemvume ehluleka ukuyiletha njengona kungcingiwe esigatshaneni (2), imvume iyophelwa isikhathi.”

(6) Ilunga leBandla Elinamandla lingayinguma imali yokuququla imvume.”.

Ukuchitshiyelwa kwesigaba 144 soMthetho 2 ka 2003

23 Isigaba 144 soMthetho Omkhulu lapha siyachitshiyelwa ngokufakwa kusigatshana (1) salesigatshana esilandelayo:

“(1) Lo Mthetho ubizwa ngokuthi Umthetho Wotshwala waseGauteng, **[2002] 2003** futhi uqala ukusebenza ngosuku olumiswe uNdunankulu ngokumemezela kwiGazethi yeSifundazwe,”.

Ubizwa ngufingqiwe

24. Lo Mthetho ubizwa ngokuthi uMthetho Ochitshiyelwe Wotshwala waseGauteng, 2003

