



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

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

***Extraordinary • Buitengewoon • Ku katsa na Tigazete to • Hu tshi katelwa na
Hlawuleka hinkwato • Gazethe dza Nyingo***

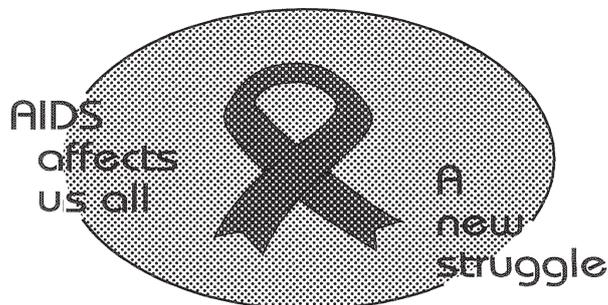
*(Registered as a newspaper) • (As 'n nuusblad geregistreer) • (Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 23

POLOKWANE,
10 MARCH 2016
10 MAART 2016
10 NYENYANKULU 2016
10 MATÆHE 2016
10 CEHAFAMUHWÉ 2016

No. 2683

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DEPARTMENT OF HEALTH

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Government Printing Works

Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect from **01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 18 OF 2016

**LIMPOPO
DEPARTMENT OF ECONOMIC DEVELOPMENT,
ENVIRONMENT AND TOURISM**

LIMPOPO LIQUOR AMENDMENT ACT, 2015

Notice is hereby given in terms of section 123 of the Constitution of the Republic of South Africa, 1996 that the Premier has assented to the Limpopo Liquor Amendment Act, 2015 (Act No. 5 of 2015), which is hereby published for general information.

GENERAL EXPLANATORY NOTE:

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

— Words underlined with solid line indicate insertions in existing enactments

ACT

To amend the Limpopo Liquor Act, 2009 (Act No. 5 of 2009); to provide for the new structure of the Local Liquor Authority; to provide for postponement of applications by the Liquor Board; to provide for an additional category of licence; to expand the disqualifications for licence holders; to further simplify the application procedure for liquor licences; to provide for additional transitional arrangements and to provide for the matters connected therewith.

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

1. Amendment of section 1

Section 1 of the Limpopo Liquor Act, 2009 (Act No.5 of 2009)(hereinafter referred to as “the principal Act”) is hereby amended by the —

(a) insertion after the definition of “Department” of the following definition:

“entertainment” means a place of entertainment by means of a theatre, cinema, dance hall, sports centre, casino or place where legal gambling activities take place;”; and

(b) substitution for the definition of “liquor consultant” of the following definition:

ASSENTED TO	
Signed..... 	Date..... 29/01/2016
PREMIER OF THE LIMPOPO PROVINCE	

“liquor consultant” means a person [excluding an admitted attorney or advocate] who is registered in terms of section 29 to [assist] act on behalf of applicants with the application procedure of a liquor licence.”

2. Amendment of section 5

The following section is hereby substituted for section 5 of the principal Act:

“5. Composition of Local Liquor Authority

A local liquor authority established in terms of section 4 must consist of a –

- (a) representative of the–
 - (i) Department;
 - (ii) municipality, nominated by the Municipal Manager of that municipality; and
 - (iii) South African Police Service, nominated by the Provincial Commissioner [;
- (b) member of the business community with knowledge and experience relating to the liquor industry; and
- (c) member of the community with knowledge and experience in the field of socio-economic development, social services or traditional affairs].”

3. Amendment of section 6

The following section is hereby substituted for section 6 of the principal Act:

“6. Appointment of members of Local Liquor Authorities

- (1) [The Head of Department must invite applications of persons complying with sections 5(b) and 5(c) for appointment through –
 - (a) publishing a notice in two newspapers circulating in the relevant municipal area; and
 - (b) other media determined by the Head of the Department.]

The Head of the Department must subject to section 13, appoint the nominated representatives of the Department, municipality and the South African Police Service.

- (2) [Applicants must, in response to the invite in subsection (1), submit a comprehensive *curriculum vitae* containing –
- (a) certified copies of all qualifications; and
 - (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.]

The Head of the Department must elect, from amongst the members, a Chairperson and Deputy Chairperson of the Local Liquor Authority.

- [(3) The Head of the Department must subject to section 13, appoint –
- (a) the representatives of the department, municipality and police contemplated in section 5(a);
 - (b) from the applications received in terms of subsection (2), the members contemplated in sections 5(b) and 5(c).
- (4) The Head of the Department must elect, from amongst the members, a Chairperson and Deputy Chairperson of the Local Liquor Authority.]”.

4. Insertion of section 10A

The following section is inserted in the principal Act after section 10:

“10A. Termination of Board

The MEC may, after providing the Board the opportunity to be heard, dissolve the Board for –

- (a) unsatisfactory performance; or
- (b) reasons which are just and fair.”.

5. Amendment of section 11

Section 11 of the principal Act is hereby amended by the —

(a) substitution for subsection (2) of the following subsection:

“(2) The Board may —

- (a) approve or refuse an application received in terms of section 26;
- (b) determine conditions applicable to the categories of licences contemplated in section 24;
- (c) amend or cancel a liquor licence;
- (d) suspend a liquor licence for an indefinite time or for such period as it may determine;
- (e) attach conditions to a liquor licence;
- (f) conduct public hearings regarding liquor licences;
- (g) postpone an application for a liquor licence to obtain further particulars from the applicant or to conduct an investigation or make enquiries regarding the application;
- (h) assign certain powers and functions to the Local Liquor Authority; and
- (i) exercise any other function or power conferred or imposed on the Board by the MEC.”.

(b) insertion after subsection (2) of the following subsection:

“(3) The Board may, when it is in the public interest and having regard to all relevant circumstances, make a determination, that an

existing licence holder whose premises are situated within the prescribed proximity of a –

- (a) school;
- (b) place of worship;
- (c) public transport facility;
- (d) building where the public have access to public services;
- (e) building occupied by government employees;
- (f) filling station.

must relocate their premises within a period, not exceeding 24 months, stipulated in such a determination. ”.

6. Substitution of section 25

The following section is hereby substituted for section 25 of the principal Act:

“Categories of licences

A person may apply for a licence to sell liquor in respect of one or more of the following categories:

- (a) sale of liquor for consumption off the premises where the liquor is being sold, where the core function of the business is a –
 - (i) liquor store;
 - (ii) grocer; or
 - (iii) wine farm;
- (b) sale of liquor for consumption on the premises where the liquor is being sold, where the core function of the business is –
 - (i) provision of accommodation;
 - (ii) provision of food;
 - (iii) a wine-house;
 - (iv) [a theatre] entertainment; or
 - (v) a club [,] ; and

- (c) **[sale of liquor for consumption on and off the premises where the liquor is being sold under special conditions determined by the Board; and (d)] micro-manufacturing of liquor."**

7. Amendment of section 27

The following section is hereby substituted for Section 27 of the principal Act:

"Disqualification

- (1) No person may be licenced in terms of this Act, if that person **[is] –**
- (a) **is a minor [on the date the application for a licence is considered];**
 - [(b) not a South African citizen;]**
 - (b) is declared to be of unsound mind by a competent court;**
 - (c) is an unrehabilitated insolvent; [or]**
 - (d) is a liquor manufacturer or the agent of a liquor manufacturer, that manufactures liquor above the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No. 59 of 2003)[.]; or**
 - [(e) a liquor manufacturer or the agent of a liquor manufacturer, that manufactures liquor above the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No.59 of 2003).]**
 - (e) has in the preceding ten years been convicted and sentenced for an offence to imprisonment without the option of a fine.**
- [(2) A business entity may not be licenced in terms of this Act, if the person who –**
- (a) has the controlling interest in the business entity;**
 - (b) is a partner in the business entity; or**
 - (c) is the main beneficiary in a trust,**
- has in terms of subsection (1), been disqualified in terms of this Act.]**

“(2) The Board may disqualify an applicant who—

- (a) was the holder of a licence which was cancelled by the Board in terms of the provisions of this Act, the national Liquor Authority in terms of the Liquor Act, 2003 (Act No. 59 of 2003) or the relevant liquor authority of another province, within a period of 12 months prior to lodging the application; or
- (b) has, five years prior to lodging the application, been convicted of an offence in terms of this Act, the Liquor Act, 2003 (Act No. 59 of 2003) or an Act regulating liquor licences in any other province.”.

8. Amendment of section 28

Section 28 of the principal Act is hereby amended by the —

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

“Application procedure for a liquor licence

- (1) An application for a liquor licence must be lodged with the Local Liquor Authority on the prescribed form and must be accompanied by —
 - (a) **[a detailed written motivation in support of the licence application] the prescribed documents;**
 - (b) **[a detailed sketch plan of the premises showing the dimension of the buildings, rooms, point of service areas, construction material and other prescribed information;] a detailed written motivation in support of the licence application;**
 - [(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 letter of consent from the municipality that there is compliance with municipal requirements;

(e)](c) proof that notice of the application has been–

(i) published in one newspaper circulating in the municipal area where the premises is located; and

(ii) served on a member, over the age of sixteen years, of each household or business entity adjacent to the premises from where the liquor will be sold;

(iii) discussed in the relevant ward committee established in terms of section 73(1) of the Municipal Structures Act, 1998 (Act No. 117 of 1989); and

[(f)](d) proof of payment of the prescribed application fee;

[(g) an original valid tax clearance certificate issued by the South African Revenue Services.];

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

“(2) The Local Liquor Authority must [within 21 days of receiving an application for a liquor licence in terms of subsection (1)]–

(a) scrutinise the application for compliance with the requirements of subsection (1);

(b) afford the public the opportunity to–

(i) inspect or obtain a copy of the application; and

(ii) lodge objections regarding the application;

- (c) when satisfied that the application meets the requirements of subsection (1), submit the application to the Board, within the prescribed time and in the prescribed format, together with [–
- (i) **the recommendations of the Local Liquor Authority; and**
 - (ii) **any objections or representations received [from the public, to the Board] .”;**
- (d) substitution for subsection (3) of the following subsection:
- “(3) Where an application does not meet the requirements of subsection (1), the Local Liquor Authority must refer that application in the prescribed format to the applicant, directing the applicant to supplement or remedy the defective application **[within 14 days from the date of referral].”;**
- (e) substitution for subsection (5) of the following subsection:
- “(5) On receiving an application from the Local Liquor Authority, the Board must, subject to the provisions of this section, **[within 30 days]** consider the application **[,] and objections received [and the recommendations of the Local Liquor Authority]** and may–
- (a) approve unconditionally;
 - (b) approve conditionally; **[or]**
 - (c) refuse **[,] ; or**
 - (d) postpone for further information,
- the application for a liquor licence.”;

- (f) substitution for subsection (7) of the following subsection:
- “(7) Where the Board is of the opinion that the application does not comply with the provisions of this Act, the Board **[must refuse the application for a licence, and the Board]** must notify the applicant of the reasons in writing. ~~[-~~
- (a) **of the reasons for the Board’s decision; and**
- (b) **to comply with the provisions of this Act within 20 days of receiving the notice.]”**; and
- (g) substitution for subsection (8) of the following subsection:
- “(8) Where an applicant who has been notified in terms of subsection (7)—
- (a) complies with the requirements as set out in the notice, the Board may **[reconsider]** consider the application; or
- (b) does not comply with the requirements as set out in the notice, the Board must refuse the application and inform the applicant thereof in writing.”.

9. Amendment of section 29

Section 29 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) Only a person who is a **[registered]** liquor consultant or an admitted attorney or advocate may **[assist]** act on behalf of an applicant [persons with] for the application of a liquor licence in terms of section 28.

10. Amendment of section 38

Section 38 of principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) [On receiving the notice contemplated in subsection (2), the] The Board must, [on the date specified in the notice] upon receiving a notice in terms of subsection (2), —

- (a) cancel the licence [of the licence holder;] or permit or endorse the transfer of the person's licence or permit to the relevant administrator, contemplated in section 39, as the case may be, with effect from the date specified in the notice; and
- (b) notify [the licence holder,] the person and the relevant administrator, in writing [,] of the date on which the [deregistration] cancellation or transfer to the administrator was effected in the register."

11. Amendment of section 41

Section 41 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- "(2) The Board must [, within the prescribed time, 21 days of receiving the application in subsection (1),] consider an application in terms of subsection (1) and may—
- (a) approve unconditionally;
 - (b) approve conditionally; [or]
 - (c) refuse[.]; or
- [the application to extend or change the core business of the licence holder.]
- (d) postpone the consideration of an application to obtain further particulars from the applicant or to conduct an investigation or make enquiries regarding the application."

12. Amendment of section 43

Section 43 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Board must [~~], within the prescribed time, 21 days of receiving the application,~~] consider each application for a relocation of licenced premises and may, subject to subsection (4) –

- (a) approve unconditionally;
- (b) approve conditionally; [~~or~~]
- (c) refuse[~~,,~~] ; or
- (d) postpone an application to obtain further particulars from the applicant or to conduct an investigation or make enquiries regarding the application for relocation of the licenced premises.”.

13. Amendment of section 44

Section 44 of the principal Act is hereby amended by the insertion of the following subsection:

“(3) The Board must quarterly provide a report to the national Department responsible for liquor matters, including the information specified in subsection (2).”.

14. Amendment of section 46

Section 46 of the principal Act is hereby amended by the substitution for section 46 of the following section:

“Sale of liquor

A licence holder of a licence issued in terms of section 25 (a) [~~- (c)~~] or (b) may not sell liquor to a manufacturer or a wholesaler.

15. Amend of section 54

Section 54 of the principal Act is hereby amended by the substitution for section 54 of the following section:

"Methylated spirits

The MEC, [~~may~~] must make regulations regarding the—

- (a) importation, transshipment, conveyance, transmission, keeping, sale or use of methylated spirits;
- (b) categories of persons who may sell methylated spirits;
- (c) keeping of records or other documents in respect of any dealing in methylated spirits, the form and manner in which the records or other document must be kept and the particulars to be entered therein;
- (d) custody and retention of records or other documents contemplated in paragraph (c);
- (e) denaturing, odourisation, colouring and rendering importable of methylated spirits sold or kept for sale, and the manner in which this must be done;
- (f) quantities of methylated spirits which may be sold on any occasion to any person and the receptacles in which it must be sold; and
- (g) prohibiting or restricting of the purchase or possession of methylated spirits, including the granting of permits for the purchase or possession thereof."

16. Amendment of section 61

Section 61 of the principal Act is hereby amended by the substitution for —

- (a) sub-paragraph (1)(d) of the following sub-paragraph:
"consumes any liquor on any road, street, lane, [~~or~~] thoroughfare or public place, or on vacant land adjacent thereto, in an urban area or other area subdivided into erven or plots with streets bounded by such erven or plots."

- (b) sub-paragraph (1)(f) of the following sub-paragraph:
“falsely represents himself or herself or any other person to be over the age of 18 years in order to persuade a licence holder, permit holder or the [agent] manager or employee of a licence holder[,] or permit holder, to sell or supply liquor or traditional African beer to that person; or”;
- (c) sub-paragraph (1)(g) of the following sub-paragraph:
“supplies liquor or traditional African beer to a person as —
- (i) payment for wages;
 - (ii) remuneration;
 - (iii) an inducement to employment; or
 - (iv) a supplement to employment,
- commits an offence and is on conviction liable to a fine or imprisonment or to both such fine and imprisonment.”; and
- (d) subsection (2) of the following subsection:
“(2) A person who is —
- (a) under the age of 18 years; or
 - (b) pregnant
- and purchase liquor or traditional African beer from a licence or permit holder, commits an offence and is on conviction liable to a fine or imprisonment or to both such fine and imprisonment.”.

17. Insertion of section 71

Section 71 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsections:

- "(4) A notice given to a licence holder in terms of the provisions of the Liquor Act, 1989, is considered to be a notice given in terms of any comparable provision of this Act, as from the date that the notice was given under the previous Act.
- (5) An order given by the Board in terms of any provision of the Liquor Act, 1989 that was in force immediately before the effective date continues to be in force subject to the provisions of this Act.
- (6) Subordinate legislation issued in terms of the Liquor Act, 1989 continues to be in force under corresponding provisions of this Act, until repealed.
- (7) A certificate issued to an inspector in terms of the Liquor Act, 1989 immediately before the effective date, continues to be valid as if the certificate was issued in terms of this Act, until it expires or is cancelled by the Board.
- (8) A member of the Board before this Act comes into operation, continues to be a member of the Board, holding the same position until the expiry of the term to which that person was appointed in terms of the previous Act. "

18. Short title and commencement

- (1) This Act is the Limpopo Liquor Amendment Act, 2015 and comes into operation on a date fixed by the Premier by proclamation in the *gazette*.
- (2) Different dates may be so fixed in respect of different sections of this Act.

This is to certify that this Act has complied
 With the Standing Rules and Orders of the
 House and was duly adopted by the Honourable
 House on this 19..... Day of 2015
 Signed: *P. Mokoena* Date: 21/12/2015
 SPEAKER OF THE LIMPOPO LEGISLATURE

PROVINSIALE KENNISGEWING 18 VAN 2016

**LIMPOPO
DEPARTEMENT VAN EKONOMIESE ONTWIKKELING,
OMGEWING EN TOERISME**

LIMPOPO DRANK WYSIGINGS WET, 2015

Kennis word hiermee gegee ingevolge artikel 123 van die Grondwet van die Republiek van Suid-Afrika, 1996 dat die Premier die Limpopo Drank Wysigings Wet, 2015 (Wet Nr. 5 van 2015) bekragtig, wat hiermee gepubliseer is vir algemene inligting.

Engelse teks deur die Premier getekenaar

Datum.....

ALGEMENE VERKLARENDE AANTEKENINGE:

- [] Woorde in vetgedrukte letters in vierkantige hakies dui op skrapings uit bestaande verordenings
- Woorde wat onderstreep is met 'n soliede lyn dui op invoegings op bestaande verordenings

WET

Om die Limpopo Wet op Drank, 2009 (Wet Nr. 5 van 2009) te wysig; om sodoende voorsiening te maak vir die uitstel van aansoeke deur die Raad op Drank; om voorsiening te maak vir 'n bykomende kategorie vir 'n lisensie; om die diskwalifikasie van lisensiehouers uit te brei, ten einde die aansoek prosedure om 'n dranklisensie te vereenvoudig, om voorsiening te maak vir bykomende oorgangsbepalings en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

WORD DAAR deur die Limpopo Provinsiale Wetgewer soos volg bepaal:—

1. Wysiging van artikel 1

Artikel 1 van die Limpopo Wet op Drank, 2009 (Wet Nr. 5 van 2009) (hierna verwys as " die Hoofwet") word gewysig deur die —

- (a) invoeging na die definisie van "Departement" met die volgende definisie:

"vermaak" beteken 'n plek van vermaak by wyse van 'n teater, bioskoop, danssaal, sport sentrum, casino of 'n plek waar wettige dobbelbedrywighede plaasvind;" en

- (b) vervanging van die definisie van "drankkonsultant" met die volgende definisie:

"drankkonsultant" b

eteken 'n persoon [uitsluitend 'n toegelate prokureur of advokaat] wat geregistreer is ingevolge artikel 29 om, [hulp te verleen] op te tree namens aansoekers tydens die aansoek prosedure om 'n dranklisensie.”.

2. Wysiging van artikel 5

Die volgende artikel word hiermee vervang vir artikel 5 van die Hoofwet:

“5. Samestelling van Plaaslike Drankgesag

'n Plaaslike drankgesag gestig ingevolge artikel 4 moet bestaan uit 'n—

- (a) verteenwoordiger van die—
 - (i) Departement;
 - (ii) munisipaliteit, genomineer deur die Munisipale Bestuurder van daardie munisipaliteit; en
 - (iii) Suid-Afrika Polisie diens, genomineer deur die Provinsiale Kommissaris [;
- (b) lid van die besigheidsgemeenskap met kennis en ondervinding in verband met die drankindustrie;
- (c) lid van die gemeenskap met kennis en ondervinding op die gebied van sosio-ekonomiese ontwikkeling of sosiale dienste of tradisionele aangeleenthede].”.

3. Wysiging van artikel 6

Die volgende artikel word hiermee vervang vir artikel 6 van die Hoofwet:

“6. Aanstellings van lede van die Plaaslike Drankgesag

(1) [Die Departementshoof moet aansoeke van persone wat voldoen aan artikels 5(b) en 5(c), uitnooi vir aanstelling deur—

- (a) ’n kennisgewing in twee koerante te publiseer wat sirkuleer in relevante munisipale gebiede; en**
- (b) ander media bepaal deur die Departementshoof.]**

Die Departementshoof moet, onderworpe aan artikel 13 genomineerde verteenwoordigers van die van die departement, munisipaliteit en die Suid-Afrikaanse Polisiediens aanstel.

(2) [Aansoekers moet, in reaksie op die uitnodiging, ingevolge subartikel (1), ’n volledige *curriculum vitae* indien wat die volgende bevat

- (a) gesertifiseerde afskrifte van alle kwalifikasies; en**
- (b) ondersteunende dokumente wat die aansoeker se kennis en ondervinding weerspieël en wat sal bydra tot die regulering van die drankindustrie in die provinsie.]**

Die Departementshoof moet uit die geledere ’n Voorsitter, Ondervoorsitter vir die Plaaslike Drankgesag verkies.

[(3) Die Departementshoof moet, onderworpe aan artikel 13—

- (a) die verteenwoordigers van die departement, munisipaliteit en polisie soos vermeld in artikel 5(a);**
- (b) van die aansoeke ontvang ingevolge subartikel (2), die lede wat oorweeg is in artikels 5(b) en 5(c) aanstel.**

(4) Die Departementshoof moet ’n Voorsitter en ondervoorsitter van die plaaslike Drank Gesag vanuit die lede verkies.]”

4. Invoeging van artikel 10A

Die volgende artikel word ingevoeg in die Hoofwet na artikel 10:

“10A. Ontbinding van die Raad

Die LUR mag, nadat die Raad die geleentheid gegun is om hulself uit te druk, die Raad ontbind as gevolg van —

- (a) onbevredigende vordering; of
- (b) redes wat “billik en regverdig is.”.

5. Wysiging van artikel 11

Artikel 11 van die Hoofwet word hiermee gewysig deur-

(a) die vervanging van subartikel (2) van die volgende subartikel:

“(2) Die Raad mag —

- (a) 'n aansoek goedkeur of weier wat ontvang was ingevolge artikel 26;
- (b) voorwaardes bepaal wat van toepassing is op kategorieë van lisensies soos bepaal in artikel 24;
- (c) 'n dranklisensie wysig of kanselleer;
- (d) 'n dranklisensie vir 'n onbepaalde tydperk opskort of vir sodanige tydperk soos dit mag bepaal mag;
- (e) voorwaardes aan 'n dranklisensie heg;
- (f) openbare verhore rakende dranklisensies hou ;
- (g) 'n aansoek om 'n dranklisensie uitstel om verdere besonderhede van die aansoeker te verkry of om ondersoek in te stel of om navrae te doen in verband met die aansoek;
- (h) sekere magte en funksies aan die Plaaslike Gesag op Drank toeskryf; en
- (i) enige ander funksie en mag uitoefen wat verleen of opgelê is aan die Raad deur die LUR .”.

(b) invoeging van subartikel (2) van die volgende subartikel.

(3) Die Raad mag indien dit in openbare belang is en nadat alle relevante omstandighede oorweeg is bepaal dat 'n bestaande lisensiehouer wie se perseel geleë is binne 'n voorgeskrewe nabyheid van 'n —

- (a) skool;
- (b) plek van aanbidding;
- (c) openbare vervoer fasiliteit;
- (d) gebou waar die publiek toegang het tot publieke dienste;
- (e) gebou beset deur staatsdienswerkers; of
- (f) brandstofvulstasie.

moet binne 'n tydperk wat nie 24 maande oorskry nie, van perseel verander soos gestipuleer in die bepaling.

6. Vervanging van artikel 25

Die volgende artikel word hiermee vervang vir artikel 25 van die Hoofwet.I:

“Lisensie kategorieë”

'n Persoon mag om 'n lisensie aansoek doen ten einde drank te verkoop ingevolge een of meer van die volgende kategorieë:

- (a) verkoop van drank vir verbruik buite die perseel waar drank verkoop word, waar die hoof funksie van die besigheid 'n —
 - (i) drankwinkel;
 - (ii) kruidenierswarewinkel; of 'n
 - (iii) wynplaas is;
- (b) verkoop van drank vir verbruik op die perseel waar drank verkoop word, waar die hoof funksie van die besigheid is om —
 - (i) voorsiening te maak vir akkommodasie;
 - (ii) voorsiening te maak vir kos;
 - (iii) voorsiening te maak vir 'n wynhuis;

- (iv) voorsiening te maak vir **[’n teater] vermaak**; of
- (v) voorsiening te maak vir ‘n klub **[.]**; **en**
- (c) **[verkoop van drank vir die verbruik op en weg van die perseel waar die drank verkoop word onder spesiale voorwaardes bepaal deur die Raad; en (d)] mikro-vervaardiging van drank.**”.

7. Wysiging van artikel 27

Die volgende artikel word hiermee vervang vir Artikel 27 van die Hoofwet:

“Diskwalifikasie

- (1) Geen persoon mag gelisensieer word ingevolge die Wet , as daardie persoon -
 - (a) ‘n minderjarige **is**; **[op die datum wanneer die aansoek vir die lisensie oorweeg word]**;
 - [(b) nie ’n Suid-Afrikaanse burger is nie;]**
 - (b)** deur ‘n grondwetlike hof as ontoerekeningsvatbaar verklaar is;
 - (c)** ‘n ongerehabiliteerde insolvent is; **[of]**
 - (d)** ‘n drankvervaardiger of ‘n agent vir ‘n drankvervaardiger is, wat drank bo die toegelate volume soos voorgeskryf ingevolge die Wet op Drank, 2003 (Wet Nr. 59 van 2003) vervaardig**[.]**; **of**
 - [(e) ’n drank vervaardiger of die agent van ’n drank vervaardiger is, wat drank bo die drempel-volume vervaardig, wat voorgeskryf is ingevolge die Drankwet, 2003 (Wet Nr. 59 van 2003).]**
 - (e) was in die voorafgaande tien jaar skuldig bevind en gevonnissen vir ’n oortreding met ’n vonnis van tronkstraf sonder die keuse van ’n boete.**

[(2) 'n Besigheidsentiteit mag nie gelisensieer word ingevolge die Wet, as die persoon wie—

- (a) die beherende aandeel in die besigheidsentiteit het;
- (b) 'n vennoot in die besigheid entiteit is; of
- (c) die hoof begunstigde in die trust is;

ingevolge subartikel (1), gediskwalifiseer was ingevolge hierdie Wet.]

“(2) Die Raad mag 'n applikant diskwalifiseer wat—

- (a) die houer van 'n lisensie is wat gekanselleer was ingevolge die bepalings van hierdie Wet, die nasionale Drankgesag ingevolge die Drankwet, 2003 (Wet Nr. 59 van 2003) of die relevante drankgesag van enige ander provinsie, binne 'n tydperk van 12 maande voor die indiening van die aansoek;
- (b) vyf jaar voor die indiening van die aansoek, skuldig bevind was aan 'n misdryf ingevolge hierdie Wet, die Wet op Drank, 2003 (Wet Nr. 59 van 2003) of 'n Wet wat dranklisensies in enige ander provinsie reguleer.”.

8. Wysiging van artikel 28

Artikel 28 van die Hoofwet word hiermee gewysig met die —

- (a) vervanging van subartikel (1) van die volgende subartikel:

“Aansoek prosedure om 'n dranklisensie

- (1) 'n Aansoek om 'n dranklisensie moet op 'n die voorgeskrewe vorm by die Plaaslike Drankgesag ingedien word en moet vergesel word deur—
 - (a) **[n gedetailleerde skriftelike motivering ter ondersteuning van die lisensie aansoek] die voorgeskrewe dokumente;**

- (b) [’n gedetailleerde ontwerp plan van die perseel wat die dimensie van die geboue, kamers, bedieningsgebied, konstruksiemateriaal en ander voorgeskrewe inligting vertoon;]
’n gedetailleerde skriftelike motivering ter ondersteuning van die aansoek om die lisensie;
- [(c) ’n gedetailleerde skriftelike beskrywing van die perseel waarvoor aansoek gedoen is tesame met kleurfoto’s van eksterne en interne kenmerke van die perseel;
- (d) ’n toestemmingsbrief van die munisipaliteit dat dit voldoen aan die munisipale vereistes;
- (e)](c) ’n bewys dat die kennisgewing van die aansoek–
- (i) gepubliseer is in een van die koerante wat in die munisipale omgewing gesirkuleer word en wat op die perseel geleë is; en
 - (ii) bedien word aan ’n lid wat ouer as sestien jaar oud is, of elke huishouding of sake-entiteit binne die voorgeskrewe radius van die perseel van waar die drank verkoop sal word;
 - (iii) bespreek was in die relevante wykskomitee gestig ingevolge artikel 73(1) van die Wet op Munisipale Strukture, 1998 (Wet Nr. 117 van 1989): en
- [f](d) bewys van betaling van die voorgeskrewe aansoekfooi”.
- [(g) ’n oorspronklike geldige belastingverklaringsertifikaat uitgereik deur die Suid-Afrikaanse Inkomstediens.]

(b) vervanging van subartikel (2) met die volgende subartikel:

“(2) Die Plaaslike Drankgesag moet [binne 21 dae na ontvangs ’n aansoek om ’n dranklisensie ingevolge subartikel (1)]–

(a) die aansoek nagaan vir voldoening aan die vereistes van subartikel (1);

(b) die publiek die geleentheid gun om–

(i) ’n afskrif van die aansoek na te gaan of te verkry; en

(ii) besware ten opsigte van die aansoek in te dien;

(c) tevrede te wees dat die aansoek voldoen aan die vereistes van subartikel (1), en dat die aansoek by die Raad binne die voorgeskrewe tydperk ingedien was op die voorgeskrewe formaat, tesame met [–

(i) die aanbevelings van die Plaaslike Drank Gesag; en

(ii) enige besware of verdoë wat ingedien was [deur die publiek by die Raad].”.

(d) vervanging van subartikel (3) met die volgende subartikel:

“(3) Waar ‘n aansoek nie aan die vereistes van subartikel (1) voldoen nie, moet die Plaaslike Drankgesag die aansoek in die voorgeskrewe formaat na die aansoeker verwys, sodat die aansoeker die gebrekkige aansoek regstel [binne 14 dae van die verwysing.]

(e) vervanging van subartikel (5) met die volgende subartikel:

“(5) na ontvangs van die aansoek deur die Plaaslike Drankgesag, moet die Raad, onderhewig aan bepalings van die artikel, [binne 30 dae] die aansoek oorweeg[,] en besware ontvang [en die aanbevelings deur die Plaaslike Drankgesag] mag die aansoek om ‘n dranklisensie—

- (a) onvoorwaardelik goedgekeur;
- (b) voorwaardelik goedkeur; [of]
- (c) weier;[,] of
- (d) uitstel vir verdere inligting.”.

(f) vervanging van subartikel (7) met die volgende subartikel:

“(7) Waar die Raad van die mening is dat die aansoek nie voldoen aan die bepalings van hierdie Wet nie, moet die Raad [die aansoek om ‘n lisensie weier en die Raad] die aansoeker skriftelik in kennis stel van die redes. [-

- (a) van die redes vir die Raad se besluit; en
- (b) om te voldoen aan die bepalings van hierdie Wet binne 20 dae van ontvangs van die kennisgewing]”;

(g) vervanging van subartikel (8) met die volgende subartikel:

“(8) Waar ‘n aansoeker in kennis gestel was ingevolge subartikel (7) –

(a) voldoen aan die vereistes soos uiteengesit in die kennisgewing, mag die Raad die aansoek [heroorweeg] oorweeg; of

(b) nie voldoen aan die vereistes soos uiteengesit in die kennisgewing nie, mag die Raad die aansoek weier en die aansoeker skriftelik daarvan in kennis stel.”

9. Wysiging van artikel 29

Artikel 29 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (4) met die volgende subartikel:

“(4) Slegs ‘n persoon wat ‘n [geregistreerde] drank konsultant is of ‘n toegelate prokureur of advokaat mag [behulpsaam wees] optree namens die aansoeker [persone met] wat aansoek doen om die dranklisensie ingevolge artikel 28.

10. Wysiging van artikel 38

Artikel 38 van die Hoofwet word gewysig deur die vervanging van subartikel (3) met die volgende subartikel:

“(3) [By ontvangs van die kennisgewing in subartikel (2), moet die] Die Raad moet, [op die datum soos gespesifiseer in die kennisgewing] by ontvangs van die kennisgewing ingevolge subartikel (2),-

(a) die lisensie kanselleer [van die lisensiehouer] of permit of goedkeuring verleen vir die oorpasing van ‘n persoon se lisensie of permit aan die betrokke administrateur, ingevolge artikel 39, soos die geval mag wees, met ingang van die datum soos uiteengesit in die kennisgewing; en

- (b) **[die lisensiehouer]** skriftelik in kennis stel die betrokke persoon en relevante administrateur[,] van die datum waarop die **[deregistrasie]** kansellering of oordrag na die administrateur in die register aangebring was.”

11. Wysiging van artikel 41

Artikel 41 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (2) met die volgende subartikel:

“(2) Die Raad moet **[binne in 21 dae na ontvangs van die aansoek** ingevolge subartikel (1),] ’n aansoek oorweeg ingevolge subartikel 1 en mag die aansoek—

- (a) onvoorwaardelik goedkeur;
- (b) voorwaardelik goedkeur; **[of]**
- (c) weier [,] ; of

[die kernbesigheid van die lisensiehouer uit te brei of te verander]

- (d) die oorweging van 'n aansoek uitstel om verdere besonderhede van die aansoeker te verkry of ondersoek in stel of navrae met betrekking tot die aansoek te doen.”

12. Wysiging van artikel 43

Artikel 43 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (2) met die volgende subartikel:

“(2) Die Raad moet **[binne 21 dae na ontvangs van die aansoek]** elke aansoek om die hervestiging van die gelisensieerde perseel oorweeg en mag dit, onderhewig aan subartikel (4) —

- (a) onvoorwaardelik goedkeur;
- (b) voorwaardelik goedkeur; **[of]**

- (c) weier [.] of
- (d) ’n aansoek uitstel ten einde verdere besonderhede van die aansoeker te verkry of om ’n ondersoek te doen of navrae te rig met betrekking tot die aansoek om verskuiwing van die gelisensieerde perseel.”.

13. Wysiging van artikel 44

Artikel 44 van die Hoofwet word hiermee gewysig deur die invoeging van die volgende subartikel:

“(3) Die Raad moet kwartaalliks ’n verslag by die Nasionale Departement verantwoordelik vir drankaangeleenthede indien met insluitend die gespesifiseerde inligting in subartikel (2).”.

14. Wysiging van artikel 46

Artikel 46 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 46 met die volgende artikel:

“Verkoop van drank

’n lisensiehouer, van ’n lisensie uitgereik ingevolge artikel 25 (a) [- (c)] of (b) mag nie drank aan ’n vervaardiger of ’n handelaar verkoop nie.

15. Wysiging van artikel 54

Artikel 54 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 54 van die volgende artikel:

Brandspiritus

Die LUR, [mag] moet regulasies instel in verband met die—

- (a) invoer, oorskeping, vervoer, oordrag, bewaring, verkoop of verbruik van brandspiritus;

- (b) kategorieë van persone wie brandspiritus mag verkoop;
- (c) byhou van verslae of ander dokumente met betrekking tot enige handel in brandspiritus, die vorm en manier waarop die verslae of enige ander dokument bygehou moet word, asook die besonderhede wat daarin opgeskryf word;
- (d) bewaring en behoud van verslae of ander dokumente soos uiteengesit in paragraaf (c);
- (e) denaturering, geuring, kleuring en lewering van invoerbare brandspiritus wat verkoop word of gehou word om verkoop te word, en die manier waarop dit gedoen moet word;
- (f) hoeveelhede brandspiritus wat verkoop mag word by enige geleentheid aan enige persoon en die houers waarin dit verkoop moet word; en
- (g) verbod of beperking op die verkoop of besit van brandspiritus, insluitend die toestaan van 'n permit vir die verkoop en besit daarvan.”.

16. Wysiging van artikel 61

Artikel 61 van die Hoofwet word hiermee gewysig met die vervanging van —

- (a) sub-paragraaf (1)(d) van die volgende sub-paragraaf:

“enige drank verbruik op enige pad, straat, laan, [of] deurgang, of op openbare plek of oop grond aangrensend daaraan, in 'n stedelike gebied of enige gebied onderverdeel in erwe of plotte met strate wat verbind is met sulke erwe of plotte.”.

- (b) sub-paragraaf (1)(f) van die volgende sub-paragraaf:

“hy of sy of enige ander persoon hulself valslik voorstel ouer as 18 jaar ten einde 'n lisensiehouer, permithouer of die [agent] bestuurder of

werknemer van `n lisensiehouer [,] of permithouer, te oorreed om drank of tradisionele Afrika bier aan sodanige persoon te verkoop of te verskaf; of”;

(c) sub-paragraaf (1)(g) van die volgende sub-paragraaf:

“drank of tradisionele Afrika bier aan `n persoon te verskaf as –

- (i) betaling van lone;
- (ii) besoldiging;
- (iii) `n oorreding tot indiensneming; of
- (iv) `n byvoeging tot indiensneming,

begaan `n oortreding en is na skuldig bevinding aanspreeklik vir `n boete of gevangenskap of beide sodanige boete en gevangenskap.”; en

(d) subartikel (2) van die volgende subartikel:

“(2) `n Persoon wat –

- (a) onder die ouderdom van 18 jaar is; of
- (b) swanger is

en drank of tradisionele Afrika bier koop vanaf `n lisensie of permit houer is skuldig aan `n oortreding en is na skuldig bevinding aanspreeklik vir `n boete of gevangenskap of beide sodanige boete of gevangenskap.”.

17. Invoeging van artikel 71

Artikel 71 van die Hoofwet word hiermee gewysig deur die invoeging van artikel (3) met die volgende subartikels:

- "(4) 'n kennisgewing aan die lisensiehouer uitgereik ingevolge die bepalings van die Drankwet, 1989, word geag 'n kennis uitgereik ingevolge enige vergelykbare bepalings in hierdie Wet, vanaf die datum waarop die kennisgewing uitgereik was ingevolge die vorige Wet.
- (5) 'n Opdrag uitgereik deur die Raad ingevolge enige bepalings van die Drankwet, 1989 wat geldig was voor die effektiewe dag ingevolge die bepalings van hierdie Wet.
- (6) bykomstige wetgewing uitgereik ingevolge die Drankwet 1989, is steeds geldig ingevolge ooreenstemmende bepalings van hierdie Wet, totdat dit herroep word.
- (7) 'n Sertifikaat uitgereik aan 'n inspekteur onmiddellik voor die effektiewe datum bly steeds geldig asof die sertifikaat uitgereik was ingevolge hierdie Wet totdat dit verval of deur die Raad nietig verklaar word.
- (8) 'n Lid van die Raad bly steeds 'n lid voordat hierdie Wet inwerking getree het en behou dieselfde posisie totdat die aanstellingstermyn verstryk ingevolge die vorige Wet."

18 Korttitel en inwerkingtreding

- (1) Hierdie Wet is die Limpopo Wysigingsdrankwet, 2015 en tree inwerking op die dag soos bepaal deur die Premier by wyse van proklamasie in die *staatskoerant*.
- (2) Verskillende datums mag bepaal word ingevolge verskillende artikels van hierdie Wet.

This is to certify that this Act has complied
With the Standing Rules and Orders of the
House and was duly adopted by the Honourable
Members on this 19..... Day of 11..... 2015
Signed: *P. M. M. M.* Date: 21/03/2015
SPEAKER OF THE LIMPOPO LEGISLATURE

TSEBIŠO YA PROFENSE

**KGORO YA TLHABOLLO YA IKONOMI, TIKOLOGO LE BOETI
YA LIMPOPO**

MOLAO WA DINOTAGI WA LIMPOPO, 2015

Go dirwa tsebišo go ya ka karolo ya 123 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 ya gore Tonakgolo o amogetše Molao wa Dinotagi wa Limpopo, 2015 (Molao wa 5 wa 2015), wo o gatišitšwego bjalo ka tshedimošo ya kakaretšo.

Diteng tsa Se-Isirane di amogelwe ke Prins
Tšhikgweni

TSEBIŠO-TLHALOSO YA KAKARETŠO:

[] Mantšu ao a ngwadilwego ka bokoto ka gare ga mašakana a sekwere a laetša ditlogelo go dingwalwa tšeo di šetšego di le gona

— Mantšu ao a thaletšwego ka mothalo wo mokoto a laetša ditsenyo go dingwalwa tšeo di šetšego di le gona

MOLAO

Go lokiša Molao wa Dinotagi wa Limpopo, 2009 (Molao wa 5 wa 2009), gore go fiwe tlhamo ye mpsha wa Taolo ya Dinotagi ya Selegae, go fa tšhutišo ya dikgopelo ke ba Boto ya Dinotagi; go fa lefapha le lengwe la tlaleletšo ya laesense, go oketša go ganetšwa go beng laesense, go tšwetša pele go nolofatša tshepetšo ya kgopelo ya dilaesense tša Dinotagi, go fa dipeakanyo tša transišene tša tlaleletšo le go fa ditaba tšeo di sepelelanago le tšona.

KA GE E DIRILWE ke Lekgotlatheramelao la Profense ya Limpopo ka fao go latelago:—

1. Phetošo ya karolo 1

Karolo ya 1 ya Molao wa Dinotagi wa Limpopo, 2009 (Molao No. 5 wa 2009) (ka ge o bitšwa “Molao wo mogolo”) o fetošitšwe ka -

(a) tsenyo ka morago ga tlhaloso ya “Kgoro” ya tlhaloso yeo e latelago:

“boithabišo” e ra gore lefelo la boithabišo ka mokgwa wa teatere, sinema, holo ya go binela, lefelo la dipapadi, khasino goba lefelo leo ditiro tša go kempola ga go ba molaong di dirwago gona,” le

(b) “phetošetšo ya tlhaloso ya “morekišetši wa dinotagi” wa tlhaloso yeo e latelago:

“morekišetši wa dinotagi” e ra gore [, go sa akaretšwe ramolao woo a ikannego goba mmoleledi] motho yoo a ngwadišitšwego go ya ka karolo ya

29 go [thuša] ema legatong la bakgopedi ka tshepedišo ya kgopelo ya laesense ya dinotagi.”

2. Phethošo ya karolo 5

Karolo yeo e latelago e fetošetšwa go karolo 5 ya Molao wo mogolo:

“ 5. Tlhamo ya Taolo ya Dinotagi ya Selegae

Taolo ya Dinotagi ya Selegae e hlamilwe go ya ka karolo 4, e swanetše e akaretše-

- (a) moemedi wa –
 - (i) Kgoro;
 - (ii) masepala, yoo a kgethilwego ke Molaodi wa Masepala wa masepala woo; le
 - (iii) Tirelo ya Sephodisa ya Afrika Borwa, yeo e kgethilwego ke Komišinara wa Profense [;
- (b) leloko la kgwebo ya motse la go ba le tsebo le maitemogelo a go sepelelana le intaseteri ya dinotagi; le
- (c) leloko la motse la go ba le tsebo le maitemogelo ka lefapheng la tlhabollo ya ikonomi ya tša selegae, ditirelo tša selegae goba merero ya setšo].”

3. Phethošo ya karolo 6

Karolo yeo e latelago e fetošetšwa go karolo 6 ya Molao wo mogolo:

“6. Thwalo ya maloko a Taolo ya Dinotagi ya Selegae

- (1) [Hlogo ya Kgoro e swanetše go dira taletšo ya dikgopelo tša batho bao ba fihlelelago karolo 5(b) le 5(c) go thwalwa ka –
 - (a) go phatlalatša tsebišo ka gare ga dikuranta tše pedi tše di sepetšwago tikologong ya masepala wo o swanetšego; le
 - (b) Methopo ya kwalakwatšo ye mengwe ye e akantšwego ke Hlogo ya Kgoro.]

Hlogo ya Kgoro e swanetše go lebelela go ya ka karolo 13, e thwale batho bao ba kgethilwego ke baemedi ba Kgoro, masepala le Tirelo ya Sephodisa ya Afrika Borwa.

- (2) [Bakgopedi ba swanetše gore ge ba fetola taletšo ya ka go karolwana (1), ba romele *lenaneophelo* leo le tseneletšego, le akaretšago –
- (a) dikhophi tša go kibja tša mangwalo a dithuto; le
 - (b) ditokumente tša tlaleletšo tšeo di laetšago tsebo ya mokgopedi le maitemogelo ao a tla thušago go intaseteri ya dinotagi ka mo profenseng.

Hlogo ya Kgoro e swanetše go kgetha gare ga maloko, Modulasetulo le Motlatša Modulasetulo wa Taolo ya Dinotagi ya Selegae.

- [(3) Hlogo ya Kgoro e swanetše go lebelela go ya ka karolo 13, e thwale –
- (a) baemedi ba kgoro, masepala le sephodisa ka fao go akantšwego ka gona ka go karolo 5(a);
 - (b) go tšwa go dikgopelo tše di amogetšwego go ya ka karolwana (2), maloko ao go akantšwego bjalo ka go dikarolo 5(b) le 5(c).
- (4) Hlogo ya Kgoro e swanetše go kgetha gare ga maloko, Modulasetulo le Motlatša Modulasetulo wa Taolo ya Dinotagi ya Selegae.]’.

4. Tsenyo ya karolo 10A

Karolo yeo e latelago e tsentšwe ka gare ga Molao wo mogolo ka morago ga karolo ya 10:

“10A. Phedišo ya Boto

Molekgotlaphethiši ka morago ga go fa Boto sebaka sa go theeletšwa, a ka phatlalatša Boto ka malebana le go –

- (a) se šome gabotse; goba

(b) mabaka ao a kwagalago."

5. Phethošo ya karolo 11

Karolo 11 ya Molao wo mogolo e fetošwa ka –

(a) phetošetšo ya karolwana (2) ya karolwana ye e latelago:

(2) Boto ya Taolo e ka –

(a) dumelelela goba go gana kgopelo yeo e amogetšwego go ya ka karolo 26;

(b) akanya mabaka ao a swanetšego go mafapha a dilaesense tšeo di akantšwego ka go karolo ya 24;

(c) go fetoša goba go khansela laesense ya dinotagi;

(d) go fega laesense ya dinotagi nako yeo e sa tsebišwego goba lebaka leo le ka akanywago;

(e) go bea dipeelano go laesense ya dinotagi;

(f) go dira pitšo ya setšhaba mabapi le laesense ya dinotagi;

(g) go šuthiša nako ya kgopelo ya laesense ya dinotagi go humana ditlhalošišo tše dingwe go tšwa go mokgopedi goba go dira dinyakišišo goba go botšiša mabapi le kgopelo;

(h) go rolela maatla a itšego le mešomo go Taolo ya Dinotagi ya Selegae; le

(i) go dira mošomo wo mongwe le wo mongwe goba maatla ao a filwego goba go laetšwe Boto ke Molekgotdlaphethiši". .

(b) tsenyo ka morago ga karolwana (2) ya karolwana ye e latelago:

(3) Boto e ka akanya ge seo se dirwa ka kgahlego ya setšhaba le ge go lebeletšwe mabaka ka moka ao a swanelago gore mong laesense wo a šetšego a le gona, woo meago ya gagwe e le go kgauswi ga –

(a) sekolo;

(b) lefelu la go rapela;

(c) dinamelwa tša setšhaba;

(d) moago fao setšhaba se kgonago go humana ditirelo tša setšhaba;

(e) moago woo o šomišwago ke bašomedi ba mmušo;

(f) lebenkele la go rekiša makhura a dikoloi,

o swanetše go huduša meago ya gagwe go lebaka le le sa fetego tekano ya go feta dikgwedi tše 24, go ya ka fao go akantšwego ka gona.”

6. Phetošo ya karolo 25

Karolo yeo e latelago e fetošeditšwe go karolo 25 ya Molao wo mogolo:

“Mafapha a dilaesense

Motho a ka dira kgopelo ya laesense go rekiša dinotagi go ya ka se tee goba go feta ya mehuta yeo e latelago:

(a) thekišo ya dinotagi go se nwelwe meagong fao dinotagi di rekišwago, fao maikemišetšo a magolo a kgwebo e le go —

(i) lebenkele la dinotagi;

(ii) dijo; goba

(iii) polasa ya beine

(b) thekišo ya dinotagi go bo nwela meagong fao dinotagi di rekišwago, fao maikemišetšo a magolo a kgwebo e le go -

(i) peakanyetšo ya madulo;

(ii) peakanyešo ya dijo;

(111) ngwako wa beine;

(d) [teatere] boithabišo; goba

(e) club [,]; le

[(c) thekišo ya Dinotagi go bo šomišetšwa meagong goba go tloga meagong fao Dinotagi di rekišwago ka fase ga dipeelano tšeo di laeditšwego ke Boto ya Taolo;] go tšweletša dinotagi ka bonnyane”..

7. Phetošo ya karolo 27

Karolo ye e latelago e fetošeditšwe go Karolo 27 ya Molao wo mogolo:

"Kganelo

(1) Ga go motho yoo a ka abelwago laesense go ya ka Molao wo, ge motho yoo [e] –

(a) e le yo monnyane; [ka letšatšikgwedi leo kgopelo ya laesense e amogetšwego];

[(b) ga se modudi wa Afrika Borwa;]

(b) o tsebagaditšwe go se itekanele kgopolong ke kgorotsheko ya go ba le bokgoni;

(c) a sa tsošološwa go tšhonwa; [goba]

(d) Ke motšweletši wa dinotagi goba morekišetši wa motšweletši wa dinotagi yoo a tšweletšago dinotagi ka godimo ga bolumo ya mogato woo o beilwego go ya ka Molao wa Dinotagi, 2003 (Molao No 59 wa 2003 [.]); goba

[(e) motšweletši wa dinotagi goba morekišetši wa dinotagi yoo a tšweletšago dinotagi go feta bolume ya mathomo ye e beilwego go ya ka Molao wa Dinotagi, 2003 (Molao No. 59 wa 2003).]

(e) mengwaga e lesome ya go feta a bonwe molato le go ahlolelwa kgolegong ntle le faene;

[(2) Kgwebo e ka se abelwe laesense go ya ka Molao wo, ge motho yoo-

(a) a na le kgahlego ya taolo mo kgwebong;

(b) e le mogwebišane ka mo kgwebong; goba

(c) e le moabelwa wo mogolo ka mo theraseteng;

go ya ka karolwana (1), o ganeditšwe go ya ka Molao wo.]

(2) Boto e ka ganetša mkgopedi woo –

(a) e bego e le mong laesense yeo e khansetšwego ke Boto go ya ka dipeelano tša Molao wo, Taolo ya Dinotagi ya Bosetšhaba go ya ka Molao wa Dinotagi, 2003 (Molao No. 59 wa 2003) goba taolo ya dinotagi ya maleba ya profense ye nngwe, go se fete dikgwedi tše 12 pele a dira boipiletšo bja kgopelo; goba

(b) o na le mengwaga e mehlano pele a dira boipiletšo bja kgopelo, o ahlotšwe ka molato go ya ka Molao wa Dinotagi, 2003 (Molao No. 59 wa 2003) goba Molao wo o laolago dilaesense tša dinotagi ka profenseng ye nngwe le ye nngwe.”

8. Phetošo ya karolo 28

Karolo 28 ya Molao wo mogolo e fetotšwa ka —

(a) phetošetšo ya karolwana (1) ya karolwana ye e latelago:

“Tshepedišo ya kgopelo ya laesense ya dinotagi

(1) Kgopelo ya laesense ya Dinotagi e swanetše go tlišwa go Boto ya Dinotagi ya Selegae godimo ga difomo tšeo di kgethetšwego gomme di be le —

(a) **[tlhohleletšo wo o ngwadilwego wo o tseneletšego wa go thekga kgopelo ya laesense] ditokumente tšeo di kgethetšwego;**

(b) **[leanokakanyo le le feleletšego la meago yeo e laetšago bogolo bja meago, dikamora, sekhutlo sa mafelo a ditirelo, materiale wa go aga le tshedimošo ye nngwe ye e beilwego;] tlhohleletšo ye e ngwadilwego go thekga kgopelo ya laesense;**

[(c) tihathollo ya go tsenelela ye ngwadilwego ya meago go fao kgopelo e amanago le gona, gammogo le dinepe tše di khalarilwego tša tša ka gare le tša ntle tša meago;

(d) lengwalo la tumelelo go tšwa go masepala la go laetša gore go na le phihlelelo go dinyakwa tša masepala;

(e)] (c) bohlatse bja gore tsebišo ya kgopelo e –

(i) phatlaladitšwe ka gare ye tee ya dikuranta tšeo di sepetšwago lefelong la masepala fao moago o le go gona; le

(ii) filwe leloko la go feta mengwaga ye masometshela wa lapa le lengwe le lengwe goba kgwebo ya kgauswi le meago moo go rekišwago bjala; le

(iii) ahlaahlilwe ke komiti ya wate ya maleba ye e hlomilwego go ya ka karolo 73(1) ya Molao wa Makala a Masepala, 1998 (Molao No. 117 wa 1989; le

[f)] (d) bohlatse bja tefelo yeo e kgethetšwego ya tefelo ya kgopelo.

[(g) setifikeiti-tiišo sa motšhelo le lebotse sa nnete sa pele se se ntšhitšwego ke ba Tirelo ya Afrika Borwa ya Matlotlo.]

(b) phetošetšo ya karolwana (2) ya karolwana yeo e latelago:

“(2) Taolo ya Selegae ya Dinotagi e swanetše gore **[pele ga matsatši a 21 a go amogela kgopelo ya laesense ya dinotagi go ya ka karolwana (1)] –**

(a) tsitsinkela kgopelo go tumelelano ka dinyakwa tša karolwana (1);

(b) e fe setšhaba sebaka sa go –

- (i) lebeledišiša le go humana khophi ya kgopelo; le
- (ii) dira boipiletšo go dikganetšo malebana le kgopelo;
- (c) ge go kgotsofetšwe gore kgopelo e na le dinyakwa tša karolwana(1), go romelwa kgopelo go Boto, ka nako ya go se fete ye e kgethetšwego le ka gare ga fomete ye e kgethetšwego, gammogo le [-
 - (i) **dikeletšo tša Balaodi ba Boto ya Selegae ya Dinotagi; le**
 - (ii) dikganetšo goba ditlhaloso di fe goba di fe tšeo di hweditšwego [**go tšwa setšhabeng, go ya go Boto**].”;
- (d) phetošo ya karolwana (3)ya karolwana ye e latelago:

“(3) Fao e le go gore kgopelo ga e fihlelele dinyakwa tša karolwana (1), Taolo ya Dinotagi ya Selegae e swanetše e lebiše kgopelo yeo ka fomete yeo e kgethetšwego go modirakgopelo, e hlahla modirakgopelo go tlaleletša goba go lokiša kgopelo yeo e nago le diphošo, [**pele matšatši a 14 a fela go tloga ka letšatši leo le beilwego**].”;

- (e) phetošo ya karolwana (5) ya dikarolwana tše di latelago:

“(5) Ge go amogelwa kgopelo go tšwa go Taolo ya Dinotagi ya Selegae, Boto e swanetše, go ya ka dipeelano tša karolo ye, [**pele go feta matšatši a 30**] e lebeledišiše kgopelo [,] le dikganetšo tše e di hweditšwego [**le dikeletšo tša Taolo ya Dinotagi ya Selegae**] le go ka-

- (a) e amogela ntle le mabaka;

- (b) e amogela ka mabaka; **[goba]**
- (c) e gana [,] ; goba
- (d) e šutiša go fihlela go eba le tshedimošo ye nngwe,
Kgopelo ya laesense ya dinotagi”.

(f) phetošetšo ya karolwana (7) ya karolwana ye e latelago:

“(7) Fao Boto e nago le kgopolo ya gore kgopelo ga e fihlelele dipeelano tša Molao wo, Boto **[e swanetše e gane kgopelo ya laesense, gomme Boto]** e swanetše e tsebiše modirakgopelo ka mabaka ao ka mokgwa wa sengwalwa. [-

- (a) **ka mabaka a sephetho sa Boto; le**
- (b) **go fihlelela dinyakwa tša Molao wo pele go feta matsatši a 20 ka morago ga go hwetša tsebišo.]”**, le

(g) phetošetšo ya karolwana (8) ya karolwana ye e latelago:

“(8) Fao modirakgopelo a tsebišitšwego go ya ka karolwana (7)—

- (a) o fihlelela dinyakwa go ya ka fao go laeditšwego ka gare ga tsebišo, Boto e ka **[lebelediša leswa]** lebelediša kgopelo; goba
- (b) ga e fihlelele dinyakwa go ya ka fao di laeditšwego ka gare ga tsebišo, Boto e swanetše go gana kgopelo le go tsebiša modirakgopelo yoo ka lengwalo.”.

9. Phetošo ya karolo 29

Karolo 29 ya Molao wo mogolo e a lokišwa ka go fetša karolwana (4) ya karolwana ye e latelago:

“(4) Ke fela motho yoo e lego morekišetši wa dinotagi yoo a ingwadišetšego goba ramolao yoo a amogetšwego a ka **[thuša]** emelago modirakgopelo

[batho bao ba nago le] go dira kgopelo ya laesense ya dinotagi go ya ka karolo 28.

10. Phetošo ya karolo 38

Karolo 38 ya Molao wo mogolo e fetošetšwa go karolwana (3) ya karolwana ye e latelago:

“(3) [Ge go amogelwa tsebišo ye e sekasekilwego ka go karolwana (2),] Boto e swanetše [ka letšatšikgwedi le le laeditšwego ka gare ga tsebišo] ge go amogelwa tsebišo go ya ka karolwana (2). —

- (a) go khanselwe laesense [ya mong laesense] goba phemiti goba go tlišetša go fetiša laesense goba phemiti ya motho go mosepediši wa maleba, a laeditšwego ka go karolo 39, ka moo go ka bago ka gona go tloga ka matšatšikgwedi ao a laeditšwego go tsebišo; le
- (b) go tsebiša [mong laesense] motho le mosepediši wa maleba ka go ngwala, [,] letšatšikgwedi leo [go khansela] goba go fetišetša go mosepediši le phethagaditšwego ka gare ga retšistara.”.

11. Phetošo ya karolo 41

Karolo 41 ya Molao o mogolo e fetošwa ka go fetošetšwa go karolwana (2) ya karolwana ye e latelago :

“(2) Boto e swanetše [, ka nako yeo e beilwego, matšatši a 21 e amogetše kgopelo go karolwana (1),] go lebeledišiša kgopelo go ya ka karolwana (1) le go ka—

- (a) amogela ntle le mabaka;
- (b) go e amogela ka mabaka; [goba]
- (c) go gana [,] ; goba

[kgopelo ya go oketša goba go fetola morero mogolo wa mong laesense.]

(d) šutiša tebeledišišo ya kgopelo go hwetša dinyakwa tše dingwe go tšwa go modirakgopelo goba go dira dinyakišišo le go botšiša mabapi le kgopelo."

12. Phetošo ya karolo 43

Karolo 43 ya Moalo wo mogolo e a fetošwa ka go fetošetša karolwana (2) ya karolwana ye e latelago:

"(2) Boto e swanetše [, nakong yeo e beilwego, matšatši a 21 go hweditšwe kgopelo,] e lebeledišiše kgopelo ye nngwe le ye nngwe go khudušetšo go lefelo leo le nago le laesense, go ya ka karolwana (4) –

- (a) amogela ntle le mabaka;
- (b) amogela ka mabaka; [goba]
- (c) go gana [,] ; goba
- (d) šutiša kgopelo go hwetša dinyakwa tše dingwe go tšwa go modirakgopelo goba go dira dinyakišišo le go botšiša mabapi le kgopelo ya khudušetšo ya meago ya goba le laesense."

13. Phetošo ya karolo 44

Karolo 44 ya Molao wo mogolo e a fetošwa ka go tsenya karolwana ye e latelago:

"(3) Boto e swanetše go romela pegu ya kotara go Kgoro ya bosetšhaba ye e lebaganego le merero ya dinotagi, go akaretša tshedimošo ye e laeditšwego ka go karolwana (2)."

14. Phetošo ya karolo 46

Karolo 46 ya Molao wo mogolo e a fetošwa ka go fetošetša karolo 46 ya karolo ye e latelago:

"Thekišo ya dinotagi

Monglaesense wa laesense yeo e abilwego go ya ka karolo 25 (a) goba (b) a ka se rekišetše batšweletši ba dinotagi goba holesele.

15. Phetošo ya karolo 54

Karolo 54 ya Molao wo mogolo e a fetošwa ka go fetošetšwa go karolo 54 ya karolo ye e latelago:

"Segwai"

Molekgotlaphethiši, [a ka] o swanetše go dira melawana malebana le –

- (a) thomelo go tšwa dinageng tša ka ntle, thomelo ka ntle ka sekepe, go swara, thekišo goba go tšhomišo ya segwai;
- (b) mafapha a batho bao ba ka rekišago segwai;
- (c) go ba le direkhote goba ditokumente tše dingwe malebana le go šoma ka segwai, mokgwa woo e lego gore direkhote goba ditokumente tše dingwe di swanetšego go beakanywa le go tsenywa ka fao;
- (d) tlhokomelo le tshwaro ya direkhoto goba ditokumente tše dingwe tše go akantšwego ka tšona ka go temana ya (c);
- (e) go fetolela go tšwa tlhagong, monkgo, go khalara, go tliša segwai seo se ka rekišetšwago dinaga tša ka ntle le mokgwa woo se se swanetšego go dirwa ka gona;
- (f) bontši bja segwai bjo bo ka rekišwago nako efe goba efe go motho ofe goba ofe le dibjana ka fao di swanetšwego go rekišwa; le
- (g) thibelo goba kgaoletšo ya go reka goba go itshwarela segwai go akaretša go aba ga diphemiti tša go reka goba go itshwarela sona.

16. Phetošo ya karolo 61

Karolo 61 ya Molao wo mogolo e a fetošwa ka go fetošetšwa go —

(a) seka-temana (1)(d) ya seka-temana se se latelago:

go nwa senotagi mo tseleng efe goba efe, seterata, tsejana [**goba**] monga goba lefelo la setšhaba, goba tikologo ye go se nago motho kgwauswi le motse setoropo goba lefelo le lengwe leo le arotšwego ka dierefe goba dipolote tša go ba le diseterata tša go ageletšwa ke dierefe goba dipolote tšeo.

(b) seka-temana (1)(f) ya seka-temana se se latelago:

“a iponagatšha goba motho ofe goba ofe ka bofora go ba ka godimo ga mengwaga ye 18 gore a foraforetše monglaesense, mongphemiti goba [morekišetši] molaodi goba mošomedi wa monglaesense [,] goba mongphemiti, go rekišetša goba go fa dinotagi goba **dinotagi tša setšo** go motho yoo; goba”;

(c) seka-temana (1)(g) ya seka-temana se se latelago:

“go aba dinotagi goba dinotagi tša setšo go motho bjalo ka ge e le —

- (i) tefelo;
- (ii) putseletšo;
- (iii) tlhohleletšo ya mošomi go šomeng; goba
- (iv) tlaleletšo go mošomo,

o oba molato gomme a swarwa a lebanwa ke faene goba go ya toronkong goba bobedi bja tšona, faene le go ya toronkong.”; le

(d) karolwana (2) ya karolwana ye e latelago:

“(2) Motho yoo a —

- (a) lego ka tlase ga mengwaga ye 18; goba
- (b) moimana

le go reka dinotagi goba dinotagi tša setšo go tšwa go monglaesense goba mongphemiti, o oba molato mola a le mogolegwa yo a lebanwego ke faene goba toronko goba tšona ka bobedi”.

17. Go tsenya karolo 71

Karolo 71 ya Molao wo mogolo e a fetošwa ka go tsenywa ka morago ga karolwana (3) ya dikarolwana tše dilatelago:

“(4) Tsebišo ye e filwego monglaesense go ya ka dipeelano tša Molao wa Dinotagi, 1989, e amogetšwe go ba tsebišo go ya ka peelano ye nngwe le ye nngwe ye e ka bapetšwago ya Molao wo, go tloqa ka letšatšikgwedi leo tsebišo e filwego ka lona ka tlase ga Molao wa go feta.

(5) Taelo ye e filwego ke Boto go ya ka peelano ya Molao wa Dinotagi, 1989 ye e gapeleditšwego go thoma pele ga letšatšikgwedi la maleba e tšwela pele go dira bjalo go lebeletšwe dipeelano tša Molao wo.

(6) Melao ye e thušago gomme e filwe go ya ka Molao wa Dinotagi, 1989 o tšwela pele go šoma ka tlase ga dipeelano tše di sepelelanago tša Molao wo go fihlela o fedišwa.

(7) Setifikeiti se se abilwego ke mohlalobi go ya ka Molao wa Dinotagi, 1989 ka bjako pele ga letšatšikgwedi la maleba, se tšwela pele go ba sa nnete e ke go se abilwe go ya ka Molao wo, go fihlela se felelwa ke nako goba se khanselwa ke Boto.

(8) Leloko la Boto pele Molao wo o šomišwa, o tšwela pele go ba leloko la Boto, a tšwela pele ka maemo ao a le go go wona go fihlela nako ya lebaka leo a thwetšwego ka lona le felela go ya ka Molao wa go feta.”

18. Thaetlele ye kopana le go thoma

- (1) Molao wo ke Molao-Phetošo wa Dinotagi wa Limpopo, 2015 gomme o thoma go šoma ka letšatšikgwedi leo le beilwego ke Tonakgolo ka go bega ka gare ga *gazette*.
- (2) Matšatšikgwedi a go fapafapana a ka be a beilwe go ya ka dikarolo tša go fapana tša Molao wo.

This is to certify that this list has compiled
With the Standing Rules and Orders of the
House and was adopted by the Honourable
House on this 19 Day of 11 2015
Signed: *P. S. M. M. M.* Date: 21/02/2015
SPEAKER OF THE LIMPOPO LEGISLATURE

NDIVHADZO YA VUNDU

**MUHASHO WA MVELEDZISO YA IKONOMI,
MUPO NA VHUENDELAMASHANGO
WA LIMPOPO****MULAYO WA ZWIKAMBI WA LIMPOPO, 2015**

Afha hu khou netshedzwa ndivhadzo hu tshi tevhedzwa khethekanyo 123 ya Ndayotewa ya Riphabuḽiki ya Afurika Tshipembe, 1996 zwauri Mulangavundu vha khou tendelana na Mulayo wa Zwikambi wa Limpopo, 2015 (Mulayo No. 5 wa 2015), une afha u khou anḁadzwa u itela vhuḁanzi nga u angaredza.



NDIVHADZO NYANGAREDZI YA ZWO TALUTSHEDZWAHO:

[] Maipfi o swifhadzwaho a sumbedza tsiedzo dzi re hone kha zwo shandukiwaho

— Maipfi o talelwaho nga mutalo mudenya u so ngo thukhuwaho a sumbedza zwo dzheniswaho kha tshanduko dzi re hone

MULAYO

Wa u khwinisa Mulayo wa Zwikambi wa Limpopo, 2009 (Mulayo No. 5 wa 2009), hu u itela u netshedza u pfukhiselwa phanda ha khumbelo nga vha Bodo ya Zwikambi, u netshedza nyengedzedzo ya tshigwada tsha laisentsi, u engedzedza u fheliswa u shuma ha vha vha laisentsi, na u khwinisa hafhu matshimbidzelwe a khumbelo dza laisentsi dza zwikambi, u netshedza nyengedzedzo ya nzudzanyo dza u pfukhisela na u netshedza zwi tshelana ha na zwenezwo

AFHA KHU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo nga hu tevhelaho:—

1. Khwiniso ya khethekanyo 1

Khethekanyo 1 ya Mulayo wa Zwikambi wa Limpopo, 2009 (Mulayo No.5 wa 2009)

(une afha u divhiwe sa “Mulayo Muhulwane”) afha u khou khwiniswa nga—

(a) u dzheniswa nga murahu ha thalutshedzo ya “Muhasho” ha thalutshedzo i tevhelaho:

“mvumvusa” zwi amba fhethu ha u dimvumvusa nga ndila ya thyietha, baisikoponi, holo ya u tshinela, sentharani ya zwa mitambo, khasino kana fhethu ha nyito dza zwa u gembula lu re mulayoni zwa itwa hone”; na

- (b) u bviswa ha thalutshedzo ya “vhaḁivhi vha zwa zwikambi” kha thalutshedzo i tevhelaho:

“vhaḁivhi vha zwa zwikambi” zwi amba muthu [zwi sa kateli vhoramilayo vho tendelwaho] vho redzhisitariwaho hu tshi tevhedzwa khethekanyo 29 uri vha [thuse] u shuma vho imela vhahumbeli nga ha matshimbidzelwe a khumbelo dza laisentsi dza zwikambi”.

2. Khwiniso ya khethekanyo 5

Afha khethekanyoḁu i tevhelaho dzi khou imelwa nga u khethekanyo 5 ya Mulayo muhulwane:

“5”. Tshivhumbeo tsha Maanḁa a Zwikambi Zwapo

Maanḁa a Zwikambi Zwapo o thomiwa hu tshi tevhedzwa khethekanyo 4 a tea u vha e na zwi tevhelaho __

(a) Muimeleli wa__

- (i) Muhasho;
- (ii) Masipala, o tiwaho nga Mulanguli wa Masipala wa masipala wonoyo;
na
- (iii) Tshumelo ya Tshipholisa tsha Afurika Tsipembe, yo tiwaho nga Mukhomishinari wa Vundu [;

- (b) murađo wa vha re kha zwa mabindu a re na ndivho na tshenzhemo zwi tshi elana na indasiřiri ya zwikambi; na
- (c) murađo wa tshitshavha a re na ndivho na tshenzhemo kha sia řa zwa mveledziso ya ikonomi na matshilisano, tshumelo dza matshilisano kana mafhungo a zwa sialala]”.

3. Khwiniso ya khethekanyo 6

Afha khethekanyo i khou imelwa nga khethekanyo 6 ya Mulayo muhulwane:

“6”. U tiwa ha mirado vha Maanda a Zwikambi Zwapo

(1) [Thoho ya Muhasho u tea u vhidza khumbelo dza vhathu vhane vha swikelela kha khethekanyo 5(b) na 5(c) kha u tholwa nga kha ___

(a) U andađza ndivhadzo kah guranda dzi wanalaho kha masipala wa fhethu henefho; na

(b) dzińwe khasho dzo nangwaho nga Thoho ya Muhasho.]

Thoho ya Muhasho u tea uri zwi tshi elana na khethekanyo 13, a te vhaimeleli vha Muhasho, masipala na Tshumelo ya Tshipholisa ya Afurika Tshipembe.

(2) [Vhaiti yha khumbelo vha tea, hu u fhindula khethekanyořhukhu (1), vha swikise CV dzo fhelelaho dzi na ___

(3) (a) khophi dzořhe dza ndalukano dzo gandađwaho;

(b) mańwe mańwalwa a u khařhisedza vhuřanzi a sumbedzaho ndivho na tshenzhemo zwa muiti wa khumbelo zwine zwi řo mu thusa kha u shela mulenzhe kha u langa indasiřiri ya zwikambi kha vundu.]

Thoho ya Muhasho u tea u ta, henefho vhukati ha mirado, Mudzulatsidulo na Muthusa Mudzulatsidulo wa Maanda a Zwikambi Zwapo.

[(3) Thoho ya Muhasho u tea zwi tshi elana na khethekanyo 13, uri a te __

(a) muimeleli wa muhasho, masipala na mapholisa sa zwo sumbedzwaho kha khethekanyo 5(a);

(b) u bva kha khumbelo dzo swikaho hu tshi tevhedzwa khethekanyo (2), mirado yo sumbedzwaho kha khethekanyo 5(b) na 5(c).

(4) Thoho ya Muhasho u tea u ta, henefho vhukati ha mirado, Mudzulatsidulo na Muthusa Mudzulatsidulo wa Maanda a Zwikambi Zwapo.

4, U dzheniswa ha khethekanyo 10A

Khethekanyo i tevhelaho yo dzheniswa kha Mulayo Muhulwane nga murahu ha khethekanyo 10:

“10A. U fhaladzwa ha Bodo

Murado wa Khorotshitumbe, nga murahu ha u nea tshifhinga Bodo uri i thetsheleswe, a nga fhaladza Bodo —

(a) nga nthani ha mashumele a si avhudi; kana

(b) muhumbulo u pfalaho nahone u sa dzhiyi sia”.

5 Khwiniso ya khethekanyo 11

Khethekanyo 11 ya Mulayo Muhulwane afha i khou khwiniswa nga u imelwa ha khethekanyo thukhu (2) ya khethekanyo thukhu i tevhelaho:

“(2) Bodo i nga —

- (a) tendela kana ya hanela khumbelo yo fanganedzwaho hu tshi tevhedzwa khethekanyo 26;
- (b) ta nyimele dzi shumiswaho kha zwigwada zwa laisentsi dzo sumbedziswaho kha khethekanyo 24;
- (c) khwinisa kana ya fhelisa laisentsi ya zwickambi;
- (d) imisa laisentsi dza halwa lwa tshifhinga tshi so ngo bulwaho kana lwa tshenetsho tshifhinga sa zwine ya nga ta;
- (e) vhea nyimele kha laisentsi dza halwa;
- (f) ita uri hu vhe na vhupfiwa ha vhathu malugana na laisentsi dza halwa;
- (g) pfukhisela phanda khumbelo ya laisentsi ya halwa hu u itela u wana zwidodombedzwa u bva kha muhumbeli wa laisentsi kana u itela tsedzuluso kana tsenguluso malugana na khumbelo;
- (h) nea mañwe maanḁa na mishumo kha Vhulaedzwa ha Halwa Hapo; nahone;

(i) shumisa maanda kana mushumo muñwe na muñwe o hweswaho kha Bodo nga Murađo wa Khorotshitumbe”.

(b) u dzheniswa nga murahu ha khethekanyoñhukhu (2) ha khethekanyoñhukhu dzi tevhelaho:

“(3) Bodo i nga, musi zwi tshi funwa nag vhathu nahone ho thoma ha kwamiwa nyimele dzothe, i nga nea tshea, yauri mune wa laisentsi a no khou tshila ane zwifhato zwawe zwi wanala ngomu ha fhethu ho randelwaho sa kha

(a) Tshikolo;

(b) Fhethu ha u rerela;

(c) zwifhato zwa vhuendi ha nnyi na nnyi;

(d) tshifhato tshine tshitshavha tsha kona u tshi swikelela sa tshumelo ya nnyi na nnyi;

(e) tshifhato tshi re na vhashumi vha muvhuso;

(f) pitroloni,

Vha tea u pfulusa zwifhato zwavho nga tshifhinga tsho tiwaho, tshi sa fhiri miñwedzi ya 24, sa zwo sumbedziswa kha tsheo idzo”.

6. U bviswa ha khethekanyo 25

Khethekanyo i tevhelaho afha i khou shandukiswa u itela khethekanyo 25 ya Mulayo Muhulwane.

Zwigwada zwa laisentsi

Muthu a nga ita khumbelo ya laisentsi ya u rengisa halwa malugana na zwigwada zwi tevhelaho:

- (a) thengiso ya halwa vhu nwelwaho nnda ha hune ha rengiswa hone, hune mushumo muhulwane wa bindu wa vha —
- (i) vhengele la u rengisa halwa;
 - (ii) gurosara; kana
 - (iii) bulasi ya waini;
- (b) thengiso ya halwa vhu nwelwaho henefho vhu rengiswaho hone, hune mushumo muhulwane wa bindu wa vha —
- (i) u netshedzwa ha vhudzulo;
 - (ii) u netshedzwa ha zwiliwa;
 - (iii) nndu ya waini;
 - (iv) [fhetu ha u mvumvusa]; mvumvusa; kana
 - (v) kilabuni, [,] na
- (c) thengiso ya halwa hune ha nwelwa na u sa nwelwa henefho hune hafhu halwa ha rengiswa ho sedzwa nyimele dza sipeshala dzo tiwaho nga Bodo ; nahone (d)] u tōmbiwa ha halwa vhuṭuku.”.

7, **Khwiniso ya khethekanyo 27**

Khethekanyo 27 ya Mulayo muhulwane afha i khou khwiniswa nga u imelwa ha khethekanyoṭhukhu (1) ya khethekanyoṭhukhu i tevhelaho:

“U fheliswa

(1) A hu na muthu ane a do nawa laisentsi hu tshi tevhedzwa uyu Mulayo, arali

onoyo muthu [e] –

- (a) muthu muḽuku; [nga ḽuvha le khumbelo ya laisentsi ya dzhielwa nḽha.]
- (b) a si mudzulapo wa Afurika Tshipembe;]
- (b) a tshi dzhiwa a so ngo fhelela u ya nga khothe yo teaho;
- (c) e na tshikolodo tshine a nga si fhedze u tshi badela;
- (d) e muḽombi wa halwa kana zhendedzi la u bvedza halwa, li ḽombaho halwa lu fhirisaho tshikolo tsho tendelwaho hu tshi tevhedzwa Mulayo wa Halwa, 2003 (Mulayo No. 59 wa 2003)[.];
- (e) e muḽombi wa halwa kana zhendedzi la u bvedza halwa, li ḽombaho halwa lu fhirisaho tshikolo tsho tendelwaho hu tshi tevhedzwa Mulayo wa Halwa, 2003 (Mulayo No. 59 wa 2003)[.]; kana
- (e) ane kha minwaha ya fumi yo fhelaho a vha farwa a gwevhiwa lwa mulandu u si na ho faini.

[(2) Tshiimiswa tsha bisimusi tshi nga si wane laisentsi hu tsho tevhedzwa

Mulayo uyu, arali muthu ____

- (a) a vhuimo kha tshiimiswa tsha bisimusi; kana
- (b) a e na muthu a re na ndango ya mbuelo kha tshiimiswa tsha bisimusi

(b) a vha e ene muthu muhulwane kha u vhuelwa tshiimiswa, ane hu tshi tevhedzwa khethekanyoϥhukhu (1), a vha o bviswa hu tshi tevhedzwa Mulayo uyu.]

“(2) Bodo i nga litshisa muiti wa khumbelo we a vha

(a) e mune wa laisentsi yo imiswaho hu tshi tevhedzwa mbetshelo dza uyu

Mulayo, Mulayo wa Halwa, 2003 (Mulayo No. 59 wa 2003) kana Mulayo

u langaho zwa laisentsi dza halwa kha vundu liṅwe na liṅwe, vhukati ha

minwedzi ya 12 phanda ha musi hu tshi itwa khumbelo;

(b) e kha miṅwaha miṅanu phanda ha ita khumbelo, o farelwa vhukhakhi hu

tshi tevhedzwa uyu Mulayo, Mulayo wa Halwa, 2003 (Mulayo No. 59 wa

2003) kana Mulayo u langaho laisentsi dza halwa kha vundu liṅwe na

liṅwe”.

8. Khwiniso ya khethekanyo 28

Khethekanyo 28 ya Mulayo muhulwane afha i khou khwiniswa nga —

(a) u imelwa ha khethekanyoϥhukhu (1) ya mulayo wa khethekanyoϥhukhu:

“Matshimbizelwe a khumbelo ya laisentsi ya halwa

- (1) Khumbelo inwe na inwe ya laisentsi ya halwa i tea u itwa na Vhulaedzwa ha zwa Halwa Hapo kha fomo yo tou randelwaho nahone i tea u fheletshedzwa nga —
- (a) [tshuṭhuwedzo yo fhelelaho yo tou nwalwaho nga ha khumbelo ya laisentsi] maṅwalo o randelwaho;
- (b) [tshiketshe tsho fhelelaho tsha pulane ya tshifhaṭo tshi sumbedzaho nzulele ya zwifhaṭo, dzirumu, fhethu ha u thusa vhathu hone, matheriala a u fhaṭa na vhuṅanzi ho randelwaho;] tshuṭhuwedzo yo dodombedzwaho yo tou nwalwaho hu u itela thikhedzo ya laisentsi yo itwaho;
- (c) tshalutshedzo yo fhelelaho nahone yo tou nwalwaho nga ha zwifhaṭo zwine khumbelo iyo yo sedza khazwo, khathihi na zwinepe zwa khaṭa zwa nga nṅa ha nṅu na zwithu zwi re nga ngomu ha zwifhaṭo;
- (d) vhurifhi ha u tenda vhu bvaho kha masipala ha uri hu na u tevhedza tṅoṅea dza masipala;
- (e) (c) vhuṅanzi ha uri ndivhadzo ya khumbelo yo ___
- (i) anṅadzwa kha gurannṅa i wanalaho fhethu afho hu re na masipala uyo; na

(ii) o shuma sa muraḁo, nḁha ha miḁwaha ya fumi rathi, kha mu muḁwe na muḁwe kana tshiimiswa tsha bisimusi tshi re tsini ha zwifhaḁo zwine ha ḁo rengiswa zwikambi;

(iv) nyambedzano kha komiti ya wadi yo thomiwaho hu tshi tevhedzwa khethekanyo 73(1) ya Mulayo wa Zwiimiswa zwa Masipala, 1998 (Mulayo No. 117 wa 1989); na

[(f)] (d) vhuḁanzi ha khumbelo ya mbadelo ya tshelede yo randelwaho

[(g)] ḁhanziela ya vhukuma i re mulayoni ya muthelo yo bviswaho nga

Tshumelo ya Tshipholisa tsha Afurika Tshipembe

(b) u imelwa ha khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

“(2) Vhulaedzwa ha Halwa Hapo vhu tea uri [vhukati ha maduvha a 21 a u tangedza khumbelo ya laisentsi ya halwa hu tshi tevhedzwa khethekanyothukhu (1) –

(a) vhu sedzulusise khumbelo ya thevhedzelo ya ḁhoḁea ya khethekanyothukhu (1);

(b) vhu ḁee vhathu tshifhinga tsha u –

(i) ḁola kana u wana khopi ya khumbelo; na

(ii) hanedza malugana khumbelo;

(c) musi vhu tshi fushea zwauri khumbelo yo tevhedzela tshoḁea dza khethekanyoḁhukhu (1), vhu netshedze khumbelo kha Bodo, vhukati ha tshifhinga tsho randelwaho na nga ndila yo tendelwaho, kathihi na [—

(i) **themendelo dza Vhulaedzwa ha Halwa Hapo; na**

(ii) **khanedzo iḁwe na iḁwe kana vhuimeleli ho tḁangedzwaho**

[u bva kha vhathu, u ya kha Bodo] .”;

(d) u imelwa ha khethekanyoḁhukhu (3) ya khethekanyoḁhukhu i tevhelaho:

“(3) Hune khumbelo ya si tevhedzele tshoḁea dza khethekanyoḁhukhu (1), Vhulaedzwa ha Halwa Hapo vhu tea u humisela, nga ndila yo randelwaho, kha muhumbeli, i tshi sumbedzisa muhumbeli uri a ḁadzise kana a khakhulule khumbelo yo khakheaho [vhukati ha maḁuvha a 14 u bva nga datumu ya u humisela murahu].”;

(e) u imelwa ha khethekanyoḁhukhu (5) ya khethekanyoḁhukhu i tevhelaho:

“(5) Musi Bodo i tshi tḁangedza khumbelo u bva kha Vhulaedzwa ha Halwa Hapo, Bodo i tea, uri hu tshi tevhelwa mbetshelo dza iyi khethekanyo,

[vhukati ha maquvha a 30] i sedzuluse khumbelo nahone khanedzo dzo

fanganedzwaho [na themendelo dza Vhulaedza ha Halwa Hapo] dzi

nga –

(a) tendelwa hu si na nyimele;

(b) tendelwa hu na nyimele;

(c) hanelwa; kana

(d) pfukhiselwa phanda u itela vhuñwe vhuñzi ha khumbelo ya

laisentsi ya halwa.”

(f) u imelwa ha khethekanyo (7) ya khethekanyo thukhu i tevhelaho:

“(7) Hune Bodo ya vha na muhumbulo wa uri khumbelo a yo ngo tevhedzela

mbetshelo dza uyu Mulayo, Bodo [i tea u humisa khumbelo ya laisentsi,

nahone Bodo] i tea u ñivhadza muhumbeli nga ha muhumbulo wayo nga u

tou ñwala [–

(a) nga ha tsheo dze Bodo ya dzhia; na

(b) uri hu tevhedzelwe mbetshelo dza uyu Mulayo vhukati ha maquvha a

20 a u fanganedzwa ha iyo ñdivhadzo.]”; nahone

(g) u imelwa ha khethekanyo thukhu (8) ya khethekanyo thukhu dzi tevheaho:

- “(8) Hune muhumbeli a vha o ḍivhadzwa hu tshi tevhedzwa khethekanyọhukhu (7)—
- (a) a vha o tevhedzela thodea dzo sumbedziswaho kha nḍivhadzo, Bodo i nga sedzulusa khumbelo; kana
- (b) a vha a so ngo tevhedzela thodea dzo sumbedziswaho kha nḍivhadzo, Bodo i tea u hanedzana na khumbelo na u ḍivhadza muhumbeli henefho nga u tou űwala.”.
- d) u imelwa ha khethekanyọhukhu (3) ya khethekanyọhukhu i tevhelaho:
- “(3) Hune khumbelo ya sa swikelele thodea dza khethekanyọhukhu (1), Vhulaedzwa ha Zwikambi Zwapo vhu tea u pfukisela khumbelo iyo kha muiti wayo nga nḍila yo tetshelwa ya kuitele kwa khumbelo, hu na u ḍivhadza muiti wa khumbelo uri a dzhenise miűwe mihumbulo ya u khwaűhisedza khumbelo kana a dzudzanye zwi songo dzulaho zwavhuđi kha khumbelo [kha mađuvha a 14 u bva tshe khumbelo ya pfukiswa].”;
- (e) u imelwa ha khethekanyọhukhu (5) ya khethekanyọhukhu i tevhelaho:

“(5) Nga murahu ha u ƙanganedza khumbelo u bva kha Vhulaedzwa ha Zwikambi Zwapo, Bodo i tea, u ɗibadekanya na mbetshelo dza khethekanyo iyi, [hu saathu **fhira maɗuvha a 30**] u sedzulusa khumbelo [,) na u hanedza ho ƙanganedzwaho [na themendelo dza Vhulaedzwa ha Zwikambi Zwapo] nahone vhu nga –

- (a) themendelo a hu si na mañwe;
- (b) themendela hu na mañwe; [or]
- (c) hana [,) ; kana
- (d) fhirisela phanda u itela vhuñwe vhutanzi,

khumbelo ya laisentsi ya zwikambi.”;

(f) u imelwa ha khethekanyoɗhukhu (7) ya khethekanyoɗhukhu i tevhelaho

“(7) Hune Bodo ya vha na kuhumbulele kwauri khumbelo a yo ngo tevhedza mbetshelo dza Mulayo uyu, Bodo [i tea u hana khumbelo ya laisentsi, nahone Bodo] i tea u ɗivhadza muiti wa khumbelo mihumbulo yayo nga u tou ñwala. [–

- (a) nga ha mihumbulo ya u dzhia tsheo ha Bodo; nahone

(b) u tevhedza mbetshelo dza Mulayo uyu hu saathu fhela maquvha a 20 nga murahu ha u wana ndivhadzo.]; na

(g) u imelwa ha khethekanyoϑhukhu (8) ya khethekanyoϑhukhu i tevhelaho

“(8) Hune muiti wa khumbelo a vha o qivhadzwa hu tshi tevhelwa khethekanyoϑhukhu (7)—

(a) a tevhedza ϑhodea sa dzo vhwaho kha ndivhadzo, Bodo i nga [dovha u sedzulusa] sedzulusa khumbelo; kana

(b) a sa tevhedze thodea sa dzo vhwaho kha ndivhadzo, Bodo i tea u hana khumbelo nahone ya qivhadza muiti wa khumbelo yo bulwaho nga u tou n̄wala.”.

9. Khwiniso ya khethekanyo 29

Afha Khethekanyo 29 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyoϑhukhu (4) ya khethekanyo dzi tevhelaho:

“(4) Ndi uyo fhedzi ane o [n̄waliswa] sa muvhudziswa kha zwa zwikambi kana ramilayo kana axennde o tendelwaho ane a nga [thusa] u ima vhuimoni ha muiti

wa khumbelo [vhathu vha re na] ya khumbelo ya laisentsi ya zwikambi hu tshi
tevhelwa khethekanyo 28.

10. Khwiniso ya khethekanyo 38

Afha Khethekanyo 38 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyothukhu (3) ya khethekanyo dzi tevhelaho:

“(3) [Musi yo wana ndivhadzo sa zwo sumbedzwaho kah khethekanyothukhu
(2),] [Bodo i tea uri, nga murahu ha musu yo tangedza ndivhadzo hu tshi tevhelwa

khethekanyothukhu (2), —

(a) u khantselwa ha laisentsi [ya mune wa laisentsi;] ana phemithi kana u

tendela u pfukiselwa ha laisentsi ya muthu kana phemithi kha mulanguli o

teaho, sa zwo sumbedzwaho kha khethekanyo 39, sa zwine zwa vha

zwone, zwo thomaho u shuma u bva duvha [o buletshedzwaho kha

ndivhadzo; na

(b) divhadza [mune wa laisentsi,] muthu na mulanguli o teaho [,] nga u tou

riwala duvha le ha vha na [u khansela] u khantsela kana u pfukisela kha

mulanguli zwa itwa ngalo kha ridzhisitara.”

11 Khwiniso ya khethekanyo 41

Afha Khethekanyo 41 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyoꞤhukhu (2) ya khethekanyo dzi tevhelaho:

“(2) Bodo i tea u [, nga fhasi ha tshifhinga tsho tetshelwaho, tsha maꞤuvha a 21

nga murahu ha u Ꞥanganedza khumbelo kha khethekanyoꞤhukhu (1),]

sedzulusa khumbelo hu tshi tevhelwa khethekanyoꞤhukhu(1) nahone i nga—

(a) tendela hu si na maꞤwe;

(b) tendela hu na maꞤwe; [kana]

(c) hana[,] ; kana

Khumbelo ya u engedza kana u shandukisa vhubindudzi ha vhukuma ha muꞤe wa [aisentsi.]

(d) fhirisela phanda khumbelo u itela u zwinwe zwidombedzwa u bva kha muiwa wa khumbelo kana u ita tsedzuluso kana u vhudzisa zwi tshi kwama khumbelo.

12. Khwiniso ya khethekanyo 43

Afha Khethekanyo 43 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyoꞤhukhu (2) ya khethekanyo dzi tevhelaho:

“(2) Bodo i tea u [, nga fhasi ha tshifhinga tsho tetshelwaho, tsha maꞤuvha a 21

nga murahu ha u Ꞥanganedza khumbelo,] sedzulusa khumbelo iꞤwe na iꞤwe hu

u itela u pfulusa zwifhafo zwi re na laisentsi nahone i nga, zwi tshi ya nga

khethekanyothukhu (4) —

- (a) tendela hu si na mañwe;
- (b) tendela hu na mañwe; [kana]
- (c) hana [,] ; kana
- (d) fhirisela phanda khumbelo u itela u zwinwe zwidodombedzwa u bva kha muiti wa khumbelo kana u ita tsedzuluso kana u vhudzisa zwi tshi kwama khumbelo ya u pfulusa zwifhafo zwi re na laisentsi”.

13. Khwiniso ya khethekanyo 44

Afha Khethekanyo 44 ya Mulayo muhulwane i khou dzheniswa kha khethekanyothukhu:

“(3) Bodo i tea uri nga kotara nga kotara i netshedze muvhigo kha Muhasho wa lushaka ure na vhudifhinduleli ha mafhungo a zwa zwikambi, hu tshi katelwa mafhungo o tandavhudzwaho kha khethekanyothukhu (2)”.

14. Khwiniso ya khethekanyo 46

Afha Khethekanyo 46 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyo 46 kha khethekanyo i tevhelaho:

“Thengiso ya zwikambi

Muṅe wa laisentsi yo bviswaho hu tshi tevhelwa khethekanyo 25 (a) [- (c)] kana (b) a nga si rengisele zwikambi kha mamaga kana holosela.

15. Khwiniso ya khethekanyo 54

Afha Khethekanyo 54 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyo 54 ya khethekanyo i tevhelaho:

Zwipiriṭi zwi vhavhesaho

Murado wa Khorotshitumbe, [a nga] tea u ita ndangulo zwi tshi kwama__

- (a) U zwi ṭunda, u namedza tshikepe, vhuendanyi, u anḡadza, u zwi vhulunga, thengiso kana u shumisa zwipiriṭi zwi vhavhaho;
- (b) Mutevhe wa vathu vhane vha nga rengisa zwipiriṭi zwi vhavhaho;
- (c) U vhulunga rekhodo kana maṅwe maṅwalwa zwi tshi elana na u rengisa zwipiriṭi zwi vhavhaho zwiṅwe na zwiṅwe, nyimele na ṅḡal ine rekhodo kana maṅwe maṅwalwa a tea u vhulungwa ngayo na zwidodombedzwa zwine zwa tea u dzhenwa khazwo;
- (d) Ndongolo na u vhulunga rekhodo kana maṅwe maṅwalwa sa zwo sumbedzwaho kha pharagirafu (c);
- (e) U fhungudza u vhavhesa, u dzhenisa munukhelelo, ṅea muvhala na u ita zwoṅhe zwi kwamaho u yo vhambadza zwipiriṭi zwi vhavhaho kana u zwi vhulunga u itela u rengisa, na ṅḡila ine izwo zwa tea u itwa ngayo;

- (f) Mbalo ya zwipiriṱo zwi vhavhaho ine ya nga rengiswa tshifhinga tshinwe na tshinwe kah muthu muṱwe na muṱwe na tshifaredzi tshine tsha nag shumiswa u faredza musi zwi tshi rengiswa; na
- (g) U hana kana u iledza ha u rengiswa kana u vah na zwipiriṱo zwi vhavahho, zwi tshi katela u ṱea phemithi dza u rengisa kana u vha nazwo”.

16. Khwiniso ya khethekanyo 61

Afha Khethekanyo 61 ya Mulayo muhulwane i khou khwiniswa nga u imelwa u itela uri

- (a) khethekanyoṱhukhu (1)(d) ya khethekanyoṱhukhu:
- (b) “u nwa zwikambi badani, zwiṱaraṱani, kha lane, [**kana**] badani khulwane kana fhethu ha nnyi na nnyi, kana fhethu ho vuleaho kha shango hu re tsini na izwo zwo bulwaho, fhethu ha dziḱoroboni kana fhethu ho khethwaho nga dzibuḱoko kan apuloto dzi re na zwiṱaraṱa kha buḱoko idzo kana puloto”.
- (b) pharagirafuṱhukhu (1)(d) ya pharagirafuṱhukhu i tevhelaho:

“Iwa mazwifhi a ḱiimelela ene muṱe kana muṱwe muthu sa a re na miṱwaha i fhiraho ya 18 hu u itela u fhura muṱe wa laisentsi, muṱe wa phemithi kana [**dzhendedzi**] mulanguli kana mushumi wa muṱe wa laisentsi [,] kana muṱe wa phemithi, kha u rengisela kana u ṱetshedza zwikambi kana halwa ha sialala ha Tshirema kha muthu onoyo”;

(c) pharagirafuṭhukhu (1)(g) ya pharagirafuṭhukhu i tevhelaho:

“u ṅetshedza zwikambi kana halwa ha sialala ha Tshirema kha muthu sa —

- (i) u badela muholo;
- (ii) malamba;
- (iii) ṭhuṭhuwedzo kha mushumo; kana
- (iv) nyengedzedzo ya mushumo,

U vha o ita mulandu nahone u tea u vha na vhuḍifhinduleli ha ṅḍatiso kana u dzula dzhele kana vhuvhili hazwo zwa ṅḍatiso na u dzula dzhele.”;nahone

(d) khethekanyoṭhukhu (2) ya khethekanyoṭhukhu i tevhelaho:

“(2) Muthu ane a —

- (a) vha nga fhasi ha miṅwaha ya 18; kana
- (b) vha o ḍihwala

Nahone a renga zwikambi kana halwa ha sialala ha Tshirema u bva kha mune wa laisentsi kana phemithi, u vha o ita mulandu nahone u tea u vha na vhuḍifhinduleli ha ṅḍatiso kana u dzula dzhele kana vhuvhili hazwo zwa ṅḍatiso na u dzula dzhele.”.

17. U dzheniswa ha khethekanyo 71

Afha Khethekanyo 71 ya Mulayo muhulwane i khou khwiniswa nga u dzheniswa nga ha khethekanyo ϕ hukhu (3) ya khethekanyo ϕ hukhu dzi tevhelaho:

- (4) Ndivhadzo yo netshedzwaho mune wa laisentsi hu tshi tevhelwa mbetshelo dza Mulayo wa Zwikambi, 1989, dzi dzhiwa sa ndivhadzo dzo netshedzwaho hu tshi tevhelwa mbetshelo inwe na inwe i vhambedzeaho nayo ya Mulayo uyu, u bva nga duvha le ndivhadzo iyo ya netshedzwa nga fhasi ha Mulayo wo fhiraho.
- (5) Ndaela yo netshedzwa nga Bodo hu tshi tevhelwa mbetshelo inwe na inwe ya Mulayo wa Zwikambi, 1989 we wa vha u tshi khou shuma khathihi na zwenezwo u saathu u thoma u shuma u do isa phanda na u shuma zwi tshi ya nga mbetshelo dza Mulayo uyu.
- (6) Mulayo wa u thusedza wo bviswaho hu tshi tevhelwa Mulayo wa Zwikambi, 1989 u do isa phanda na u shuma u nga fhasi ha mbetshelo dza Mulayo uyu, u swika u tshi phumulwa.
- (7) Thanziela yo bviselwaho tshipikitere hu tshi tevhelwa Mulayo wa Zwikambi, 1989 khathihi zwenezwo hu saathu swika duvha layo la u thoma u shuma, i do isa

phanda na u dzhiwa say a vhukuma u fana na musii thanziela yo vha yo bviswa hu tshi tevhelwa Mulayo uyu, u swika i tshi fhelelwa nga mushumo kana ya khantselwa nga Bodo.

- (8) Musi Mulayo uyu u saathu thoma u shuma, Murado wa Bodo u do isa phanda na u vha murado wa Bodo, o fara honoho vhuimo huthihi u swika theme yawe iyo ye a tiwa khayi i tshi fhela hu tshi tevhelwa Mulayo wo fhiraho”.

18. Dzina lipfufhi na u thoma u shuma

- (1) Mulayo uyu ndi Mulayo wa Khwiniso ya Zwikambi wa Limpopo, 2015 nahone u do thoma u shuma nga duvha lo dzudzanywaho nga Mulangavundu nga mulevho kha gazete.
- (2) Datumu dzo fhambanaho dzi do dzudzanywa u ya nga khethekanyo dzo fhambanaho dza Mulayo uyu.

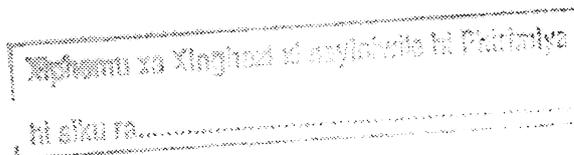
This is to certify that this Act has compiled
With the Standing Rules and Orders of the
House and was thus adopted by the Honourable
House on the 19 Day of 11 2015
Signed: Phisoa Date: 21/12/2015
SPEAKER OF THE LIMPOPO LEGISLATURE

XITIVISO XA XIFUNDZANKULU

LIMPOPO
NDZAWULO YA NHLUVUKISO WA IKHONOMI, MBANGU NA VUMPFHUMBA

NAWU WA SWA MABYALWA WA LIMPOPO, 2015

Xitiviso sweswiwani xa tivisiwa hi ku landza xiyenge xa 123 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996, lexi Holobyenkulu a xi sayineke eka Nawu wa swa Mabyalwa wa Limpopo, 2015 (Nawu wa No. 5 wa 2015), lexi sweswiwani xi humesiwaka leswaku vanhu hi ku angarha va kuma hungu.



MARITO YO HLAMUSELA HI KU ANGARHELA:

- [] Marito lawa ya tsariweke hi ndlela yo bumburisa endzeni ka swiangularhelo ya kombisa ku tluriwa ka ka milawu leyi tirhaka sweswi
- Marito lama khwatihatiweke hi ntila wo bumbula ya kombisa lama ya ngenisiweke eka milawu leyi tirhaka sweswi

NAWU

Ku hundzuluxa Nawu wa swa Mabyalwa wa Limpopo, (Nawu wa 5 wa 2009) ku yisa emahlweni ku tirhisiwa hi Bodo ya swa Mabyalwa ku nyika makungu ka xiyenge xo engetela xa layisense ku ndlandlamuxa ku nga pasisiwi ka vakhomi va tilayisense, ku yisa emahlweni va olovisa endlelo ra layisense ya swa mabyalwa, ku nyika makungu eka maendlelo ya nkarhinyana na ku nyiaka makungu eka timhaka leti khumbhekaka na swona.

WU TA TEKIWA TANIHI NAWU hi Mfumo wa Milawu wa Limpopo hi ndlela leyi landzelaka:—

1. **Ku hundzuluxiwa ka xiyenge xa 1**
Xiyenge xa 1 xa Nawu wa swa Mabyalwa wa Limpopo, 2009, (Nawu wa No.5 wa 2009) (sweswi endzhaku a wu vuriwa “ Nawunkulu”) wa hundzuluxiwa hi ku —
 - (a) ku ngenisiwa endzhaku ka nhlamuselo ya “Ndzawulo” eka nhlamuselo leyi landzelaka:

“vutitsakisi” ri vula ndhawu yo ti tsakisela eka yona hi ndlela ya thiyetha, sinema, holo yo ncinela, senthara ya swipotso, khasino kumbe ndhawu leyi ku gembula swa le nawini swi endleriwaka kona;”; na
 - (b) siviwa ka nhlamuselo ya “muhlanganyeti wa swa mabyalwa” hi nhlamuselo leyi landzelaka:

“muhlanganyeti wa swa mabyalwa” ri vula munhu [,ku nga katsiwi nqhweta kumbe nqhwetankulu leri pfumeleriwaka/paseke] loyi a rhejistariweke hi ku landza xiyenge xa 29 ku [pfuna] tirha hi ku yimela vaendli va swikombelo hi maendlo ya ku endla xikombelo xa layisense ya byalwa.”.

2. Ku hundzuluxiwa ka xiyenge xa 5

Xiyenge lexi landzelaka sweswiwani xa siviwa hi xiyenge xa 5 xa Nawunkulu:

“5. Xivumbeko xa Huvo ya Vulawuri bya Xikaya bya swa Mabyalwa

Vulawuri bya xikaya lebyi tumbuluxiweke hi ku landza xiyenge xa 4 xi katsa–

(a) muyimeri wa–

(i) Ndzawulo;

(ii) masipala, lowu hlawuriweke hi Mufambisiwa Masipala wa masipala walowo; na

(iii) Vukorhokeri bya Xiphorisa bya Afrika Dzonga lebyi hlawuriweke hi Khomixinara wa Xifundzankulu [;

(b) xirho xa va n’wamabindzu loyi a nga ni vutivi na ntokoto mayelana na bindzu ra swa mabyalwa; na

(c) xirho xa tiko loyi a nga ni vutivi na ntokokoto eka swa ku hluvukisa ekhonomi ya vanhu, vukorhokeri bya vanhu na timhaka ta swa ndhavuko].”

3. Ku hundzuluxiwa ka xiyenge xa 6

Xiyenge xa 11 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyenge xa 6 xa Nawunkulu:

6. Ku thoriwa ka swirho swa Huvo ya Xikaya ya Vulawuri bya Mabyalwa

(1) [Nhloko ya Ndzawulo u fanele ku humesa xitiviso eka maphepha-hungu mambirhi lava ya hlayiwaka eka ndhawu ya masipala wolowo, a rhamba swikombelo ku su suka eka eka vatsakeri lava va fikelelaka ndzinganelo wa swiyenge swa 5(b) na 5(c) leswaku va ta thoriwa hi –

(a) hangalasa xitiviso eka maphepha-hungu ya mbirhi leti nga kona eka timasipala ta nkoka; na

(b) vuhangalasi byin'wani lebyi bohiweke eka Nhloko ya Ndzawulo.]
Nhloko ya Ndzawulo hi ku hi ku leteriwa ka xiyenge xa 13, u fanele a thola vayimeri va Ndzawulo, masipala na va Vukorhokeri bya Xiphorisa xa Afrika Dzonga.

(2) [Vakomberi lava hlamulaka ta xitiviso ku ya hi xiyenge (1), va fanele ku yisa tsalwa ra vutihlamuseri/ *curriculum vitae* leri ri nga-

(a) tikhopi leti hlambanyiweke ta mapapila ya vuthwasi bya vona; na

(b) matsalwa yo seketela lama nga ta humesela erivaleni vutivi na ntokoto wa mukhomberi, leswi nga ta pfuna eku lawuleni ka vubindzu bya swa mabyalwa eka xifundzankulu.]

Nhloko ya Ndzawulo yi fanele yi hlawula exikarhi ka swirho, Mutshamaxitulu na Museketeri wa Mutshamaxitulu wa Vulawuri bya Byalwa bya Xintu.

[(3) Nhloko ya Ndzawulo u fanele a thola, ku ya hi ku leteriwa hi xiyenge ya 13 —

- (a) vayimeri va ndzawulo, vamasipala na va xiphorisa hi vuxoko-xoko lebyi nga ka xiyenge xa 5(a);
- (b) ku suka eka swikombelo leswi amukeriweke ku ya hi xiyengentsongo xa (2), swirho leswi xokohatiweke eka swiyenge swa 5(b) na 5(c).

(4) Nhloko ya Ndzawulo yi fanele ku hlawula Mutshamaxitulu na Museketeri wa Mutshamaxitulu va Vulawuri bya Xikaya bya Mabyalwa kun suka eka swirho.]”

4. Ku ngenisiwa ka xiyenge xa 10A

Xiyenge lexi xi landzelaka xi ta ngenisiwa eka Nawunkulu endzaku ka xiyenge xa 10:

Ku ngenisiwa ka xiyenge xa 10A

Swiyenge leswi landzelaka swa ngenisiwa eka Nawunkulu endzhaku ka xiyenge xa 10:

“10A. Ku herisiwa ka Bodo

Xirho xa Huvonkulu xi nga, endzhaku ka ku nyika Bodo nkarhi wa ku yingiseriwa, herisa bodo hi —

- (a) tirhelo ro ka ri nga enetisi; kumbe
- (b) swivangelo leswi twalaka na ku twisiseka.”.

5. Ku hundzuluxiwa xa xiyenge xa 11

Xiyenge xa 11 xa Nawunkulu xi ta hundzuluxiwa hi-

- (a) Ku siviwa ka xiyengenyana xa 2 hi xiyengenyana lexi landzelaka

“

(2) Huvo yi nga —

- (a) pfumelela ku ku alana na xikombelo lexi amukeriwaka hi ku landza xiyenge xa 26;
 - (b) boha swilaveko leswi tirhaka eka mitlawa ya tilayisense tani hilaha koxometiweke eka xiyenge xa 24;
 - (c) hundzuluxa kumbe ku thunya layisense ya mabyalwa;
 - (d) yimisa layisense ya mabyalwa ku fika nkarhi lowu nga pimiwangili kumbe nkarhi lowu va nga wu bohaka;
 - (e) tlhandlekela swipimelo swa layisense ya mabyalwa;
 - (f) rhamba tinhlengoletano ta vutitwi bya mani na mani mayelana na tilayisense ta mabyalwa;
 - (g) hundzisela emahlweni xikombelo xa layisense ya byalwa ku kuma vuxokoxoko byo huma eka mukomberi kumbe ku endla vulavisisi or ku endla swivutiso mayelana ni mukomberi
 - (h) haverisa matimba man'wana na mitirho eka Vulawuri bya Xikaya bya Mabyalwa; na
 - (i) tirhisa mitirho yihi ni yihi yin'wani kumbe matimba lawa ya haverixiweke Huvo hi Xirho xa Huvonkulu.
- (b) ku nghenisiwa endzhaku ka xiyengentsongo xa (2) hi xiyengentsongo lexi landzelaka:

“(3) Huvo loko ku ri ni ntsakelo eka vanhu na ku va vatekele swiyimo hinkwaswo swa nkoka, yi nga endla xiboho xa leswaku mukhomi wa layisense loyi muako wa yena wu nnga akiwa ekusuhi na-

- (a) xikolo;
- (b) ndhawu ya vukhongeri;
- (c) ndhawu ya swo famba swa vanhu;
- (d) muako lowu vanhu va nqhenaka ka wona ku fikelela vukorhokeri bya vanhu;
- (e) muako lowu tirhisiwaka hi vatirhela mfumo;
- (f) xitichi ya mafurha,
xi fanele xi rhurhisa tindhawu teto ku nga si hela nkarhi lowu nga hundzeki 24 wa tinhweti tanihi leswi swi kombisiweke eka xibofo xo tano."

6. Ku siviwa ka xiyenge xa 25

Xiyenge lexi landzelaka sweswiwani xa siviwa hi xiyenge xa 25 xa

Nawunkulu:

"Mintlawa ya tilayisense

Munhu a nga endla xikombelo xa layisense ya ku xavisa byalwa ku ya hi xin'we kumbe ku tlula xa mitlawa leyi landzelaka:

- (a) ku xavisa byalwa leswaku byi tirhisa ehandle ka ndhawu leyi byalwa byi xavisiwaka kona, laha ntirhonkulu nwa bindzu ku nga —
 - (i) vhengele ra byalwa;
 - (ii) ra girosa; kumbe
 - (iii) purasi ra wayeni;
- (b) ku xavisa byalwa bya ku nwameka ndhawu leyi byalwa byi xavisiwaka kona, laha ntirhonkulu wa bindzu ku nga —

- (i) ku nyika byetlelo;
 - (ii) ku nyika swakudya;
 - (iii) yindlu ya vinyo;
 - (iv) yindlu ya mitlangu [switeji/ thiyeta]; kumbe
 - (v) ttilabu,
- (c) [ku xavisa byalwa exivandleni kumbe kule na ndhawu leyi byalwa byi xaviseriwaka kona ehansi ka swipimelo swo hlawuleka leswi bohiweke hi Huvo; na (d)] ku vandzekela byalwa.
7. Ku hundzuluxiwa ka xiyenge xa 27
- Xiyenge lexi landzelaka sweswiwani xi siviwa hi Xiyenge xa 27 xa Nawunkulu:

"Ku nga pfumeleriwi

- (1) A ku na munhu loyi a nga nyikiwaka layisense hi ku landza Nawu lowu loko munhu yaleyo a —
- (a) ri lontsongo [hi siku leri xikombelo xa layisense xi nga ta kambisisiwa];
 - [(b) a nga ri muaka tiko wa Afrika Dzonga;]
 - (b) vuriwe ku va miehleketo ya yena yi nga tirhi kahle hi khoto leyi nga eka xiyimo xa kahle;
 - (c) ri munhu loyi a nga tsamisekangiki emiehleketweni; [kumbe]
 - (d) ri muendli wa byalwa kumbe ejente ya vaendli va byalwa, vaendli lava va vuriwaka laha va ri henhla ka mpimo wa vholumu leyi yi hlamuseriweke hi ku landza Nawu wa swa Mabyalwa, 2003 (No. 59 wa 2003): [.] kumbe

[(e) a ri musweki/muvandzeki kumbe muyimeri wa muvandzeki wa byalwa loyi a swekaka byalwa ku tlula mpimo lowu vekiweke ku ya hi Nawu wa Byalwa, 2003 (Nawu No. 59 wa 2003).]

(e) loyi a ka khume ra malembe lama hundzeke a khomeriwe na ku gweveriwa nandzu wa ku tshama ejele ku nga ri na fayini.

[(2) Bindzu ro ka ri nga nyikiwa layisense ku ya hi Nawu lowu, loko ku ri hi leswaku munhu loyi—

(a) a nga na ku tsakela ka vulawuri eka bindzu rolero;

(b) i xirhonkulorhi rka bindzu rolero; kumbe

(c) u na xiavenkulu eka thirasiti hi ku landza xiyengentsongo xa (1), a tshimbisiwa ku ya hi Nawu lowu.]

“(2) Huvo yi nga yimisa mukomberi loyi-

(a) ri mukhomi wa layisense leyi kanseriweke hi ku landza makunqu ya Nawu lowu, Nawu wa swa Mabyalwa, 2003, (Nawu wa No. 59 wa 2003) kumbe Nawu lowu fambisaka tilayisense ta byalwa eka Xifundzankulu xihhi ni xihhi xin’wani ku nga si hela nkarhi wa ku ringana tinhweti ta 12 ku nga si nghenisiwa xikombelo;

(b) ri na ntlhanu wa malembe ku nga si endlwiwa xikombelo, a khomeriwe nandzu hi ku landza Nawu lowu, Nawu wa swa Mabyalwa (Nawu wa No. 59 wa 2003) kumbe Nawu lowu fambisaka tilayisense ta byalwa eka xifundzankulu xihhi ni xihhi xin’wani;

8. Ku hundzuluxiwa ka xiyenge xa 28

Xiyenge xa 28 xa Nawunkulu xa hundzuluxiwa hi —

(a) ku siviwa hi xiyengentsongo xa (1) xa xiyenge lexi landzelaka:

“Endlelo ra ku endla xikombelo xa layisense ya swa mabyalwa

(1) Xikombelo xa layisense ya byalwa xi fanele xi yisiwa eka Vulawuri bya Ndhawu ya swa Mabyalwa eka fomo leyi hlawuriweke leyi heleketiwaka hi —

(a) [swibumabumelo swo tsariwa leswi heleleke hi ku seketela xikombelo xa layisense] matsalwa lawa ya koxiweke;

(b) [mpfampfarhuto lowu koxometaka xa ndhawu lowu kombisaka vuandlalo bya miako, tikamara, vuxaviselo, muxaka wa nhundzu leyi nga ta tirhisiwa ku aka na mahungu man’wani lama koxiwaka] nseketelo wo tsariwa wo helela lowu seketelaka xikombelo xa layisense;

(c) [nhlamuselo leyi koxometaka ya ndhawu lowu xikombelo xi endleriwaka wona, kun’we na swifaniso swa muhlovo swa le handle na swa le ndzeni ka ndhawu;

(d) papila ra mpfumelelo ro huma eka masipala ro kombisa leswaku ku na ku landzelela swipimelo swa masipala;

(e) vumbhoni bya leswaku xitiviso xa xikombelo xi—

(i) humesiwile eka phephahungu rin’we leri hangalasiwaka eka masipala wolowo laha ndhawu yaleyo yi nga kona; na

(ii) nyiketiwile xirho lexi nga ni malembe ya ku hundza makumentsevu eka muti kumbe bindzu rin’wani na rin’wani leri nga kusuhi na laha byalwa byi nga ta xaviseriwa kona;

(iii) vulavuriwile hi xona eka komiti ya miganga leyi tumbuluxiweke ku ya hi xiyenge xa 73 (1) xa Nawu wa Swiyimisiwa swa Masipala, 1998 (Nawu wa 117 wa 1989); na

(f) vumboni bya ku hakeriwa ka mali leyi vekiweke ya swikombelo; na

[(g) xitifikhethi xa xidzi lexi tirhaka naswona humesiweke hi va Vukorhokeri bya swa Mithelo ya Afrika Dzonga.];

(b) ku siviwa ka xiyengentsongo xa (2) hi xiyengentsongo lexi landzelaka:

(2) Huvo ya Xikaya ya swa Mabyalwa [yi fanele ku nga sihela masiku ya 21 yi amukerile xikombelo xa layisense ya swa mabyalwa hi ku landza xiyengentsongo xa (1)]—

(a) xopaxopa xikombelo leswaku xa fikelela swipimelo swa xiyengentsongo xa (1);

(b) nyiketa vanhu nkarhi wa ku—

(i) kambela na ku kuma khopi ya xikombelo; na

(ii) ku vika swivilel mayelana na xikombelo;

(c) loko va enetekile leswaku xikombelo xi fikelela swipimelo swa xiyengentsongo xa (1), va heleketa xikombelo eka Bodo, ku nga si hela nkarhi lowu koxiweke na hi ndlela leyi vekiweke ku katsa na leswi landzelaka-

- (i) **swibumabumelo swa Huvo ya Xikaya ya swa Mabyalwa; na**
- (ii) **swivilelo swihi ni swihi leswi amukeriweke ku suka [eka vanhu swi ya eka Bodo].”;**
- (d) ku siviwa ka xiyengentsongo xa (3) xa xiyengentsongo lexi landzelaka:

“(3) Loko xikombelo xi nga fikeleli swilaveko swa xiyengentsongo xa (1), Nhlango wa Muganga wa Swa Mabyalwa wu fanele wu tlherisela xikombelo eka mukomberi hi ndlela leyi nga fanela ku tivisiwa ku lulamisa swihoxo leswi nga eka xikombelo [eka masiku ya 14 endzhaku ko tlherisela xikombelo lexi].”;

- (e) ku siviwa ka xiyengentsongo xa (5) xa xiyengentsongo lexi landzelaka:

“(5) Endzhaku ko amukela xikombelo xo huma eka Nhlango wa Muganga wa Swa Mabyalwa, Huvo yi fanele yi, hi ku landza swipimelo swa xiyenge lexi, [eka masiku ya 30] hlela xikombelo [,] na mikaneto leyi amukeriweke [na swibumabumelo swa Nhlango wa Muganga wa Swa Mabyalwa] naswona yi nga –

- (a) pfumela ehandle ka swipimelo;
- (b) pfumela hi ku veka swipimelo swo karhi; [kumbe]
- (c) bakanyela ethelo [,] ; kumbe
- (d) ku tlherisela endzhaku hi xikongomelo xo kuma vuxokoxoko byin'wana, xikombelo xa layisense ya swa mabyalwa.”;

- (f) ku siviwa ka xiyengentsongo xa (7) xa xiyengentsongo lexi landzelaka:

“(7) Loko Huvo yi swi vona leswaku xikombelo a xi fambelani na swipimelo swa Nawu lowu, Huvo [ku bakanyela ethlelo xikombelo xa

layisense, naswona Huvo] yi fanele ku tivisa mukomberi swivangelo hi ku tsala. [–

(a) swivangelo swa xiboho xa Huvo; na

(b) ku landzelela swipimelo swa Nawu lowu eka masiku ya 20 endzhaku ko amukela xitiviso.]; naswona

(g) ku siviwa ka xiyengentsongo xa (8) xa xiyengentsongo lexi landzelaka:

"(8) Laha mukomberi a tivisiweke hi ku landza xiyengentsongo xa (7)–

(a) ivi a landzelela swilaveko hilaha swi hlamuseriweke hakoina eka xitiviso, Huvo yi nga [hlela nakambe] hlela xikombelo; kumbe

(b) ivi a nga landzeleri swilaveko hilaha swi hlamuseriweke hakona eka xitiviso, Huvo yi fanele yi bakanyela ethlelo xikombelo no tivisa mukomberi hi ku tsala."

9. Ku hundzuluxiwa ka xiyenge xa 29

Xiyenge xa 29 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (4) xa xiyengentsongo lexi landzelaka:

"(4) I ntsena munhu loyi a nga a [tsarisiwa] muhlanganyeti wa swa mabyalwa kumbe qhwetha kumbe qhwethankulu a nga [pfunaka] yimelaka mukomberi [vanhu] eka xikombelo xa layisense ya swa mabyalwa hi ku landza xiyenge xa 28.

10. Ku hundzuluxiwa ka xiyenge xa 38

Xiyenge xa 38 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (3) xa xiyengentsongo lexi landzelaka:

“(3) Endzhaku ko amukela xikombelo hi ku landza xiyengentsongo xa (2), Huvo yi fanele yi, [hi siku leri tiyisisiweke eka xitiviso], endzhaku ka ku amukela xitiviso hi ku landza xiyengentsongo xa (2), –

- (a) herisa layisense [ya mukhomi wa layisense] kumbe phemiti kumbe ku pasisa ku hundzisiwa ka layisense ya munhu kumbe phemiti eka mulawuri loyi a nga fanela, hi ku landza xiyenge xa 39, hilaha swi faneleke hakona, ku sukela siku leri kombisiweke eka xitiviso; na
- (b) tivisa [mukhomi wa layisense] munhu na mulawuri loyi a nga fanela, hi ku tsala [,] hi siku ro [herisa ntsariso] ku herisa kumbe ro hundzisela eka mulawuri ri nga tsariwa ha rona eka rhiisitara”.

11. Ku hundzuluxiwa ka xiyenge xa 41

Xiyenge xa 41 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

“(2) Huvo yi fanele yi [, eka nkarhi lowu boxiweke, endzhaku ka masiku ya 21 yo amukela xikombelo eka xiyengentsongo xa (1),] hlela xikombelo hi ku landza xiyengentsongo xa (1) naswona yi nga—

- (a) pfumela ehandle ka swipimelo;
- (b) pfumela hi ku veka swipimelo swo karhi; [kumbe]
- (c) bakanyela etihelo [,] ; kumbe

[xikombelo xo engetela kumbe ku cinca bindzunkulu ra n’winyi wa layisense.]

- (d) ku yisa emahlweni nhlelo wa xikombelo hi xikongomelo xo kuma vuxokoxoko byin’wana eka mukomberi kumbe ku endla vulavisisi mayelana na xikombelo”.

12. Ku hundzuluxiwa ka xiyenge xa 43

Xiyenge xa 43 of the Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

“(2) Huvo yi fanele yi [, eka nkarhi lowu boxiweke, endzhaku ka masiku ya 21 yo amukela xikombelo,] hlela xikombelo xin'wana na xin'wana xo rhurha ku suka eka muako wa layisense hi ku landza xiyengentsongo xa (4)

—

(a) pfumela ehandle ka swipimelo;

(b) pfumela hi ku veka swipimelo swo karhi; [kumbe]

(c) bakanyela etlhelo [,] ; kumbe

(d) ku yisa emahlweni nhlelo wa xikombelo hi xikongomelo xo kuma vuxokoxoko byin'wana eka mukomberi kumbe ku endla vulavisisi mayelana na xikombelo kumbe ku kuma vuxokoxoko mayelana na ku suka eka ndhawu leyi nga nyikiwa layisense.”.

13. Ku Hundzuluxiwa ka xiyenge xa 44

Xiyenge xa 44 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyenge xa 46 xa xiyenge lexi landzelaka:

“(3) Bodo yi fanele kotara na kotara yi nyika xiviko eka Ndzawulo ya rixaka leyi nga ni vutihlamuleri eka timhaka ta mabyalwa, ku katsa na mahungu lama yi kombisiweke eka xiyengentsongo xa (2).”

14. Ku hundzuluxiwa ka xiyenge xa 46

Xiyenge xa 46 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyenge xa 46 xa xiyenge lexi landzelaka:

“Ku xavisa byalwa

N'winyi wa layisense leyi humesiweke hi ku landza xiyenge xa 25 (a) [- (c)] kumbe (b) kumbe ku nga xavisi byalwa eka muendli wa byona kumbe eka vhengelenkulu ra mabyalwa.

15. **Ku hundzuluxiwa ka xiyenge xa 54**

Xiyenge xa 54 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyenge xa 54 xa xiyenge lexi landzelaka:

“Swipiriti swo katswiwa”

Holobye [a nga] u fanele a tumbuluxa swinawana mayelana na –

- (a) ku nghenisiwa ku suka ematikweni ya le handle, ku tleketliwa hi swikepe, ku hundziseriwa, ku tluletiwa, ku hlayisiwa, ku xavisa kumbe ku tirhisiwa ka swipiriti;
- (b) mitlawwa na swiyimo swa vanhu lava nga xavisaka swipiriti swo katsiwa;
- (c) ku hlayisiwa ka vuxokoxoko na matsalwa man'wana lama fambelanaka na matirhele wahi na wahi ya swa swipiriti, xiyimo na mukhuva lowu vuxokoxoko na matsalwa man'wana swi faneleke ku hlayisiwa xiswona na mahungu lama faneleke ku tsariwa lomo;
- (d) vuhlayiselo na vulawuri bya vuxokoxoko na matsalwa man'wana lama boxiwaka eka ndzimana ya (c);
- (e) matumbetele ya ntumbuluko wa swipiriti, ku nuherisa, ku chela mihlovo na ku amukeriwa ka swipfahandle swa swipiriti swo katsiwa leswi xavisiwaka kumbe leswi hlayiseriwaka ku xavisiwa, na ndlela leyi hinkwaswo leswi swi faneleke ku tirhiwa hakona;
- (f) mpimo wa swipiriti leswi nga xavisiwaka eka ndhawu yo karhi eka munhu wihi kumbe wihi na swibye leswi swi faneleke ku xavisiwa ha swona; na

- (g) ku yirisiwa na ku lawuriwa ka ku xava kumbe ku kumeka na swipiriti, leswi swi katsaka na ku pfumelela ku xava na ku kumeka u ri na swipiriti.

16. Ku hundzuluxiwa ka xiyenge xa 61

Xiyenge xa 61 of the Nawunkulu xa hundzuluxiwa hi ku siviwa ka —

- (a) ndzimanantsongo (1)(d) ya ndzimanantsongo leyi landzelaka:
 “nwaka byalwa egondzweni rihi na rihi, epatwini, etlhelo ka patu **[kumbe]** muhocho wo hundzela eka tlhelo rin'wana kumbe ndhawu yo tirhisa hi vanhu kumbe eka rivala leri nga riki na nchumu, etindhawini ta le madorobeni kumbe tindhawu tin'wana leti hambanyisiweke hi tipuloto kumbe switandzi na switarata leswi tsemaka tipuloto na switandzi leswi
- (b) ndzimanantsongo (1)(f) ya ndzimanantsongo leyi landzelaka:
 “hembela munhu wihi kumbe wihi leswaku u na malembe 18 kumbe ku tlula hi xikongomelo xa leswaku n'winyi wa layisense , n'winyi wa phemiti kumbe **[ejenti]** mininjhere kumbe mutirhi wa n'winyi wa layisense[,] kumbe n'winyi wa phemiti, ku xavisa kumbe ku nyika byalwa kumbe byalwa bya Xintu eka munhu yaloye .; kumbe”;
- (c) ndzimanantsongo (1)(g) ya ndzimanantsongo leyi landzelaka:
 “a nyikaka byalwa kumbe byalwa bya Xintu eka munhu wo karhi tanihi —
- (i) hakelo ya miholo;
 - (ii) hakelo;
 - (iii) xinavetiso xa ntirho; kumbe
 - (iv) xengetelo xa ntirho,
- U tlula nawu naswona a nga rihisiwa kumbe ku khotsiwa kumbe a rihisiwa a tlhela a khotsiwa.”; naswona
- (d) xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

“(2) Munhu loyi a nga –

(a) ehansi ka malembe ya 18; kumbe

(b) biha emirini

No xava byalwa kumbe byalwa bya Xintu eka n’winyi wa layisense kumbe phemiti, u tlula nawu naswona a nga rihisiwa kumbe ku khotsiwa kumbe a rihisiwa a tlhela a khotsiwa.”.

17. Ku ngenisiwa ka xiyenge xa 71

Xiyenge xa 71 xa Nawunkulu xa hundzuluxiwa hi ku ngenisa, xiyengentsongo xa

(3) swiyengentsongo leswi landzelaka:

(4) Xitiviso lexi nyikiweke n’winyi wa layisense hi ku landza swipimelo swa Nawu wa Swa Mabyalwa, 1989, xi tekiwa xi ri xitiviso lexi nyikiweke hi ku landza xipimelo xa Nawu lowu xihhi kumbe xihhi lexi pimanysiweke, ku sukela siku leri xitiviso xi nga nyikiwa ha rona ehansi ka Nawu wa khale.

(5) Xileriso lexi nyikiweke hi Huvo hi ku landza xipimelo xihhi kumbe xihhi xa Nawu wa Swa Mabyalwa, 1989 lexi a xi tirha ku sukela nkarhi lowu siku ro tirha ri nga sungula ha rona hi ku landza swipimelo swa Nawu lowu.

(6) Nawu wo tlhandlekela lowu humesiweke hi ku landza Nawu wa Swa Mabyalwa, 1989 lowu ya ka emahlweni wu tirha ehansi ka swipimelo swa Nawu lowu, ku kondza swi herisiwa.

(7) Xitifikhethi lexi nyikiweke mukamberi hi ku landza Nawu wa Swa Mabyalwa, 1989 xikan’we kan’we ku si fika siku ro tirha naswona xitifikhethi xi ya emahlweni xi tirha onge hiloko xi humesiwile hi ku landza Nawu lowu, ku kondza xi heleriwa hi nkarhi kumbe ku herisiwa hi Huvo.

- (8) Xirho xa Huvo, lexi nga va xirho Nawu lowu wu nga se sungula ku tirha, xi ta tshama xa ha ri xirho xa Huvo, ku fikela nkarhi wa xona wo thoriwa wu fika emakumu hi ku landza Nawu wa khale.”.

18. Nhlokomhaka hi ku komisa no sungula ku tirha

- (1) Nawu lowu wu vuriwa Nawu wo Hundzuluxa Swa Mabyalwa swa Limpopo, 2015 naswona wu ta sungula ku tirha hi siku leri nga ta boxiwa hi Phirimiya eka xitiviso xa *gazete*.
- (2) Ku nga tirhisiwa masiku yo hambana mayelana na swiyenge swo hambana swa Nawu lowu.

This is to certify that this Bill has compiled
With the Standing Rules and Orders of the
House and has been adopted by the Honourable
House on this 19th Day of 11 2015

Signed: *[Signature]* Date: 21/12/2015
SPEAKER OF THE LIMPOPO LEGISLATURE

ISAZISO SEPHROVINSI

**UMNYANGO WEZOKUTHUTHUKISWA KOMNOTHO, IBHODULUKO
NEZOKUVAKATJHA WELIMPOPO****UMTHETHO WOTJWALA WELIMPOPO, WAKA-2015**

Lapha kunikelwa isaziso ngokuya ngokwesigaba 123 somThethosisekelo weRiphabhliki yeSewula Afrika, 1996 bona uNdunakulu utlikitle umThetho woTjwala weLimpopo, 2015 (umThetho wesi-5 waka 2015), ovezwako lapha bona waziwe mazombe.

AMAGAMA AJAYELEKILEKO AHLATHULULAKO:

- [] Amagama atlolwe ngokunzima angeembayaneni ezisikwere atjengisa lokho okutjhiywe ematjhugulukweni womthetho akhona
- Amagama athalelwe ngomuda ohlangeneko atjengisa lokho okufakwe ematjhugulukweni womthetho akhona

UMTHETHO

Wokutjhugulula umThetho woTjwala weLimpopo, waka-2009 (umThetho Wesi-5 ka-2009); wokubonelela ngesakhiwo esitjha sesiGungu soTjwala seNdawo; wokubonelela ngokuhlehliswa kweembawo yiBhodi yoTjwala; wokubonelela ngomkhakha ongezelelako welayisense; wokunabisa ukumukwa kwabanikazi bamalaysense amalungelo athileko; wokwenza bonyana ikambiso yokwenza iimbawo zamalaysense wotjwala zibe lula khudlwana; wokubonelela ngamalungiselelo angezelelako wamatjhuguluko begodu wokubonelela ngeendaba ezikhambisana nalokho.

WENZIWA UMTHETHO siBethamthetho sePhrovinsi yeLimpopo ngendlela elandelako:—

1. Ukutjhugululwa kwesigaba 1

Isigaba 1 somThetho woTjwala weLimpopo, ka-2009 (umThetho Wesi-5 waka-2009)(ngemva kwalokhu obizwa “ngomThetho oyihloko”) ngalokhu utjhugululwa —

- (a) ngokufakwa kwehlathululo elandelako ngemva kwehlathululo ethi “umNyango”:

“ukuzithabisa” kutjhiwo indawo yokuzithabisa ngethiyetha, ngesinema, ngehlo yokudansa, ngesentha yezemidlalo, ngekhasino nanyana ngendawo ekugenjulelwa kiyo ngokusemthethweni;”; begodu

- (b) ngokujamiselela ihlathululo “isazi sotjwala” ngehlathululo elandelako:

“isazi sotjwala” kutjiwo umuntu [ngaphandle kwegqwetha elivunyelweko nanyana umkhulumeli] orejistwe ukuya ngokwesigaba 29 ukobana [asize] ajamele ababawi mayelana nekambiso yokwenza isibawo selayisense yotjwala.”.

2. Ukutjhugululwa kwesigaba 5

Isigaba esilandelako sijanyiselelwa ngesigaba 5 somThetho oyihloko:

“5. Ukubumbeka kwesiGungu soTjwala seNdawo

Isigungu sotjwala sendawo esihlonywa ukuya ngokwesigaba 4 kufanele sibunjwe—

(a) mjameli—

- (i) womnyango;
- (ii) kamasipaladi, okhethwe mPhathi kaMasipaladi wakamasipaladi loyo; begodu
- (iii) iPhiko lezamaPholisa leSewula Afrika, elikhethwe nguKomitjhinara wePhrovinsi [;

(b) ilunga lekoro yezamabhizinisi elinelwazi nelemuko le bubulo lotjwala; kanye

(c) nelunga lomphakathi elinelwazi nelemuko lekoro yokuthuthukiswa kwezomnotho nehlalakuhle, lemisebenzi yezehlalakuhle nanyana leendaba zeedabuko].”.

3. Ukutjhugululwa kwesigaba 6

Isigaba esilandelako sijanyiselelwa ngesigaba 6 somThetho oyihloko:

“6. Ukukhethwa kwamalunga weenGungu zoTjwala zeNdawo

(1) IHloko yomNyango kufanele ikhombele iimbawo zabantu abakhambisana nesigaba 5(b) kanye nesigaba 5(c) ukwenzela bonyana bakwazi ukukhethwa —

- (a) ngokukhupha isaziso emaphephandabeni amabili atholakala endaweni efaneleko kamasipaladi; begodu

- (b) nangokusebenzisa ezinye imbiikiindaba ezikhethwe yiHloko yomNyango.]

IHloko yomNyango kufanele ngokukhambisana nesigaba 13, ikhethe abajameli abaphakanyisiweko bomNyango, bakamasipaladi kanye nePhiko lezamaPholisa leSewula Afrika.

- (2) [Labo abenza iimbawo kufanele, ngokukhambisana nesibawo esenziwe esigatjaneni (1), balethe imininingwanabo ezeleko emumethe –

(a) amakhophi aqinisekisiweko wazo zoke iimfanelofundo; begodu

(b) nemitlolo esekelako eveza ilwazi nelemuko elizakusiza ukulawula ibubulo lotjwala ephrovinsini.]

IHloko yomNyango kufanele ikhethe, hlangana namalunga lawo, uSihlalo kanye neSekela lakaSihlalo wesiGungu soTjwala seNdawo.

- [(3) IHloko yomNyango kufanele ngokukhambisana nesigaba 13, ikhethe –

(a) abajameli bomnyango, bakamasipaladi kanye nebamapholisa abacatangwe esigabeni 5(a);

(b) eembaweni ezamukelwe ukuya ngokwesigatjana (2), amalunga acatangwe esigabeni 5(b) nesigabeni 5(c).

- (4) IHloko yomNyango kufanele ikhethe, hlangana namalunga lawo, uSihlalo kanye neSekela lakaSihlalo wesiGungu soTjwala seNdawo.]”.

4. Ukufakwa kwesigaba 10A

Isigaba esilandelako sifakwa emThethweni oyihloko ngemva kwesigaba 10:

“10A. Ukupheliswa kweBhodi

USomkhandlu unelungelo lokobana, ngemva kokunikela iBhodi ithuba lokulalelwa, aphadlhalalise iBhodi ngebanga –

(a) lokungasebenzi ngendlela eyanelisako; nanyana

(b) leenzathu ezilungileko nezingasolisiko.”.

5. Ukutjhugululwa kwesigaba 11

Isigaba 11 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

“(2) IBhodi inelungelo —

(a) lokwamukela nanyana lokungamukeli isibawo esifunyenwe ukuya ngokwesigaba 26;

(b) lokubeka imibandela ekufuze isetjenziswe emikhakheni yamalayisense ecatjangwe esigabeni 24;

(c) lokutjhugulula nanyana lokwesula ilayisense yotjwala;

(d) lokujamisa ilayisense yotjwala isikhathi esingaziwako nanyana isikhathi esinye nesinye engasibeka;

(e) lokukhambisa ilayisense yotjwala nemibandela ethileko;

(f) lokubamba imihlangano yokulalelwa kwamazizo womphakathi mayelana namalayisense wotjwala;

(g) lokuhlehlisa isibawo selayisense yotjwala ukwenzela bonyana ikwazi ukufumana eminye imininingwana kumbawi nanyana ukwenza iphenyo nanyana ukubuza mayelana nesibawo;

(h) lokunikela iBandla leNdawo loTjwala amandla nemisebenzi ethileko; begodu

(i) lokwenza/lokusebenzisa nanyana ngiwuphi omunye umsebenzi nanyana amandla anikelwe nanyana athweswe iBhodi nguSomkhandlu.”.

(b) ukufakwa kwesigatjana esilandelako ngemva kwesigatjana (2):

“(3) IBhodi inelungelo, lokha nangabe lokho kusekarekweni yomphakathi begodu itjheje boke ubujamo obufaneleko, ukuthatha isiqu nto sokulayela

umnikazi welayisense okhona ekutholakala bonyana iziza zakhe ziseduze khulu –

- (a) nesikolo;
- (b) nendawo yokuthandaza;
- (c) nendawo yeenthuthi zomphakathi;
- (d) nomakhiwo lapho umphakathi ufumana khona izizo;
- (e) nomakhiwo ohlala iinsebenzi zombuso; nanyana
- (f) nendawo yokuthela iimbaseli,

bonyana afuduse iziza zakhe esikhathini esiziinyanga ezingadluli kezima-24, ezitlolwe esiquntweneso. “

6. Ukujanyiselelwa kwesigaba 25

Isigaba esilandelako ngalokhu sijanyiselelwa ngesigaba 25 somThetho oyihloko:

“Imikhakha yamalayisense

Umuntu unelungelo lokwenza isibawo sokuthengisa utjwala mayelana nomkhakha owodwa nanyana engaphezulu yemikhakha elandelako:

- (a) wokuthengisa utjwala bonyana buselelwe ngaphandle kwamacabazi walapho kuthengiselwa khona utjwala, lapho umsebenzi omkhulu webhizinisi –
 - (i) kusitolo esithengisa utjwala;
 - (ii) kumthengisi wemihlobohlobo yokudla; nanyana
 - (iii) kuliplasi lewayini;
- (b) wokuthengisa utjwala bonyana buselelwe emacabazini lapho kuthengiselwa khona utjwala, lapho umsebenzi omkhulu webhizinisi –
 - (i) kukubonelela ngendawo yokuhlala;
 - (ii) kukubonelela ngokudla;
 - (iii) kuyindlu yewayini;
 - (iv) **[kuyithiyetha] ukuzithabisa;** nanyana
 - (v) itlabhu ; begodu

- (c) [wokuthengisa utjwala obuyokuselelwa ngaphakathi nangaphandle kweqabazi nomakhiwo ekuthengiselwa kiwo utjwala ngaphasi kwemibandela ekhethekileko equntwe yiBhodi; begodu [d] wokukhiqiza utjwala ngesilinganiso esincani.”.

7. Ukutjhugululwa kwesigaba 27

Isigaba 27 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (1) ngesigatjana esilandelako:

“Ukungakalungeli

- (1) Akunamuntu ekufanele anikelwe ilayisense ukuya ngokomThetho lo, lokha nangabe umuntu loyo –
- (a) umntwana ngokomthetho [ngelanga ekutjhejwa ngalo isibawo sakhe selayisense];
- [(b) akasiso isakhamuzi seSewula Afrika;]
- (b) umenyazelwe njengomuntu ongakaphili kuhle engqondweni yikhotho egunyaziweko;
- (c) umumuntu ongakahlengwa obhalelwa kubhadela iinkolodo zakhe;
- (d) umkhiqizi wotjwala nanyana umsebenzeli womkhiqizi wotjwala, okhiqiza utjwala ngaphezu kwesilinganiso esiqintelwe ukuya ngokomThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003)[.]; nanyana
- [(e) umkhiqizi wotjwala nanyana umsizi womkhiqizi wotjwala, okhiqiza utjwala ngaphezu kwesilinganiso esijanyiswe ukuya ngokomThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003).]

(e) eminyakeni elitjhumi ngaphambi kokufaka isibawo sakhe, ukhe wathweswa umlandu begodu waphiwa isigwebo sokudosa ejele ngaphandle kokukhutjiswa ihlawulo.

[(2) **Ibhizinisi elizijameleko angeze lanikelwa ilayisense ukuya ngokomThetho lo, lokha nangabe umuntu—**

(a) **onekareko yokulawula ibhizinisi ezijameleko;**

(b) **omhlanganyeli ebhizinisini ezijameleko; nanyana**

(c) **omdlalifa omkhulu ethrastini,**

ukuya ngokwesigatjana (1), umukwe ilungelo ukuya ngokomThetho lo.]

“(2) IBhodi inelungelo lokwala ukukhupha ilayisense mayelana nombawi—

(a) obegade amnikazi welayisense eyesulwa yiBhodi ukuya

ngokweenjamiso zomThetho lo, liBandla lezoTjwala lenarha ukuya ngokomThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003) nanyana libandla lezotjwala lenye iphrovinsi, esikhathini esiziinyanga ezili-12 ngaphambi kokufaka isibawo; nanyana

(b) eminyakeni emihlanu ngaphambi kokufaka isibawo, othweswe

umlandu ukuya ngokomThetho lo, umThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003) nanyana ukuya ngokomThetho olawula amalayisense wotjwala kinanyana ngiyiphi enye iphrovinsi.”

8. Ukutjhugululwa kwesigaba 28

Isigaba 28 somThetho oyihloko ngalokhu sitjhugululwa —

(a) ngokujanyiselelwa kwesigatjana (1) ngesigatjana esilandelako:

“Ikambiso yokwenza isibawo selayisense yotjwala

- (1) Isibawo selayisense yotjwala kufanele bonyana sifakwe eBandleni loTjwala leNdawo ngokusebenzisa iforomo elijanyisiweko begodu kufanele bonyana siphekelelwe —
- (a) [mtlolo onemininingwana ezeleko osekela isibawo selayisense] mitlolo ejanyisiweko;
- (b) [mtlamomfanekiso onemininingwana ezeleko yendawo otjengisa ubungako bemakhiwo, beenkumba, iindawo zokusebenzela, iintlabagelo zokwakha kanye nelinye ilwazi elijanyisiweko;] yincwadi esekelako emumethe imininingwana ezeleko esekela isibawo selayisense;
- [(c) [mtlolo ohlathulula ngokuzeleko indawo etjhiwo sibawo, kanye neenthombe zombala zangaphandle kanye nangaphakathi kwendawo;
- (d) yincwadi ebuya kumasipaladi etjhoko bonyana kukhona ukuvumelana neemfuno zakamasipaladi;
- (e)](c) bufakazi bokobana isaziso sesibawo—
- (i) sikhutjhwe kelinye iphephandaba elitholakala kumasipaladi lapho indawo leyo ikhona; begodu
- (ii) sinikelwe ilunga elineminyaka engaphezu kelitjhumi nesithandathu lomuzi omunye nomunye nanyana lebhizinisi elizijameleko eliseduze nendawo ekuzokuthengiselwa kiyo utjwala;
- (iii) kukhulunyisenwe ngaso ekomidini yewadi efaneleko ehlonkwe ukuya ngokwesigaba 73(1) somThetho wezAkhawo zakaMasipaladi, waka-1998 (umThetho We-117 waka-1989); begodu
- [(f)](d) nobufakazi bokubhadalwa kwemali yesibawo ejanyisiweko

**[(g) nesitifikedi samambala sokubhadalwa komthelo
esikhutjhwe liPhiko leNgeniso leSewula Afrika.];**

(b) ukujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

“(2) IBandla loTjwala leNdawo kufanele [emalangeneni ama-21 samukele
isibawo selayisense yotjwala ukuya ngokwesigatjana (1)] –

(a) liqalisise bonyana ingabe isibaweso siyakhambisana
neemfuneko zesigatjana (1);

(b) linikele umphakathi ithuba–

(i) lokuhlola nanyana lokufumana ikhophi yesibawo;
kanye

(ii) nokuveza ukungakhambisani kwawo nesibawo;

(c) nangabe liyaneliseka bonyana isibawo sihlangabezana
neemfuneko zesigatjana (1), kufanele lethule isibaweso
ngendlela ejanyisiwekoeBhodini, ngaphakathi kwesikhathi
esibekiweko begodu ngendlela ejanyisiweko, begodu
kufuzwe sikhajiswe [–

(i) **neemphakamiso zesiGungu soTjwala seNdawo;
begodu**

(ii) nanyana ngiziphi iinthintela nanyana iinghonghoyilo
ezifunyenweko [ezivela emphakathini eziya
eBhodini].”;

(d) ukujanyiselelwa kwesigatjana (3) ngesigatjana esilandelako:

“(3) Lokha nangabe isibawo asihlangabezani neemfuneko zesigatjana
(1), iBandla loTjwala leNdawo kufanele lidlulisele isibaweso
ngokusebenzisa ifomede ejanyisiweko kumbawi, lilayeke umbawi

bonyana angezelele nanyana alungise isibawo sakhe esingakalungi [emalangeni ali-14 ukuthoma ngelanga ekudluliselwe ngalo isibaweso].”;

(e) ukujanyiselelwa kwesigatjana (5) ngesigatjana esilandelako:

“(5) Ngemva kokufumana isibawo esivela eBandleni loTjwala leNdawo, iBhodi kufanele, ngokukhambisana nemibandela yeenjamiso zesigabesi, [emalangeni ama-30] itjheje isibawo [,] begodu neenthintela ezifunyenweko [begodu neemphakamiso zesiGungu soTjwala seNdawo] begodu inelungelo—

(a) lokwamukela ngaphandle kwemibandela;

(b) lokwamukela ngemibandela; [nanyana]

(c) lokwala [,] ; nanyana

(d) lokuhlehlisa bonyana kutholakale elinye ilwazi, isibawo selayisense yotjwala.”;

(f) ukujanyiselelwa kwesigatjana (7) ngesigatjana esilandelako:

“(7) Lokha nangabe iBhodi ibona ngasuthi isibawo asikhambisani neenjamiso zomThetho lo, iBhodi [kufanele yale isibawo selayisense, begodu iBhodi] kufanele yazise umbawi iinzathu ngokomtlo. [—

(a) mayelana neenzathu zesiqunto seBhodi; begodu

(b) bonyana akhambisane neenjamiso zomThetho lo emalangeni ama-20 wokwamukelwa kwesaziso.]”;

(g) ngokujamiselela isigatjana (8) ngesigatjana esilandelako:

“(8) Lokha nangabe umbawi owaziswe ukuya ngokwesigatjana (7)—

- (a) akhambisana neemfuneko njengombana zendlalwe esazisweni, iBhodi inelungelo [**lokutjheja ngobutjha**] lokutjheja isibawo; nanyana
- (b) angakhambisani neemfuneko njengombana zendlalwe esazisweni, iBhodi kufanele ingasamukeli isibawo begodu kufanele yazise umbawi waso ngokomtlo.”.

9. Ukutjhugululwa kwesigaba 29

Isigaba 29 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (4) ngesigatjana esilandelako:

“(4) Mumuntu [**otloliswe**] njengesazi sotjwala kwaphela nanyana igqwetha eligunyaziweko nanyana umkhulumeli kwaphela onelungelo [**lokusiza**] lokujamela umbawi mayelana nesibawo selayisense yotjwala ukuya ngokwesigaba 28. ovunyelwe ukusiza umbawi [**abantu**] mayelana nesibawo sokwenza ilayisense yotjwala ukuya ngokwesigaba 28.

10. Ukutjhugululwa kwesigaba 38

Isigaba 38 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (3) ngesigatjana esilandelako:

“(3) [**Ngemva kokuthi iBhodi ifumene isaziso ekunqotjhiswe kiso esigabeni (2)**] iBhodi kufanele, [ngelanga elivezwe esazisweni] ngemva kobana ifumene isaziso ukuya ngokwesigatjana (2), —

- (a) yesule ilayisense [**yomnikazi welayisense;**] nanyana imvumo nanyana iqinisekise ukudluliselwa kwelayisense yomuntu nanyana imvumo kumlawuli ofaneleko, ocatjangwe esigabeni 39, nanyana ngikuphi okungaba liqiniso, ukusukela ngelanga elitlolwe esazisweni; begodu

- (b) yazise [umnikazi welayisense,] umuntu kanye nomlawuli ofaneleko, ngokomtlo [,] mayelana nelanga [ukukhutjiswa kurejista] ukwesulwa nanyana ukudluliselwa kumlawuli okwenziwa ngalo kurejista.".

11. Ukutjhugululwa kwesigaba 41

Isigaba 41 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

"(2) IBhodi kufanele [, emalangeni ama-21 ngemva kokuthola isibawo ekunqotjhiswe kiso esigatjaneni (1),] emalangeni ama-21 ngemva kokuthola isibawo ekunqotjhiswe kiso esigatjaneni (1),] itjheje isibawo ukuya ngokwesigatjana (1) begodu inelungelo—

- (a) lokwamukela ngaphandle kwemibandela;
- (b) lokwamukela ngemibandela; [nanyana]
- (c) lokwala [,] ; nanyana

[isibawo sokukhululisa nofana sokutjhugulula irhwebo lomnikazi welayisense.]

- (d) lokuhlehlisa ukutjhejwa kwesibawo ukwenzela bonyana ikwazi ukufumana eminye imininingwana kumbawi nanyana ukwenza iphenyo nanyana ukubuza mayelana nesibawo.".

12. Ukutjhugululwa kwesigaba 43

Isigaba 43 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

"(2) IBhodi kufanele [, emalangeni ama-21 ngemva kokuthola isibawo, emalangeni ama-21 ngemva kokuthola isibawo,] itjheje isibawo ngasinye

sokufuduswa kwesiza esinelayisense begodu inelungelo, ngokukhambisana nemibandela yesigatjana (4) —

- (a) lokwamukela ngaphandle kwemibandela;
- (b) lokwamukela ngemibandela; [nanyana]
- (c) lokwala [,] ; nanyana
- (d) lokuhlehlisa isibawo ukwenzela bonyana ikwazi ukufumana eminye imininingwana kumbawi nanyana ukwenza iphenyo nanyana ukubuza mayelana

nesibawo sokufuduswa kwesiza esinelayisense.”.

13. Ukutjhugululwa kwesigaba 44

Isigaba 44 somThetho oyihloko ngalokhu sitjhugululwa ngokufakwa kwesigatjana esilandelako:

“(3) IBhodi kufanele kanye ngeenyanga ezintathu inikele umNyango wenarha umbiko, okumnyango ogalene neendaba zotjwala, lokho kufaka hlanguana ilwazi elitihwiwo esigatjaneni (2).”.

14. Ukutjhugululwa kwesigaba 46

Isigaba 46 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigaba 46 ngesigaba esilandelako:

“Ukuthengiswa kotjwala

Umnikazi welayisense ekhutjwe ukuya ngokwesigaba 25 (a) [- (c)] nanyana (b) akanalungelo lokuthengisela umkhiqizi nanyana iwoliseyila utjwala.

15. Ukutjhugululwa kwesigaba 54

Isigaba 54 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigaba 54 ngesigaba esilandelako:

Isipiridi esinemethanoli

USomkhandlu, [unelungelo] kufanele enze imithetjhwana mayelana–

- (a) nokungeniswa, ukuthuthwa ngesikepe, ukudluliswa, ukuthunyelwa, ukugcinwa, ukuthengiswa nofana ukusetjenziswa kwesipiridi esinemethanoli;
- (b) nemihlobo yabantu abangathengisa isipiridi esinemethanoli;
- (c) nokugcina amarekhodi nanyana eminye imitlolo emayelana nokusebenza ngesipiridi esinemethanoli, ibunjo nendlela amarekhodi neminye imitlolo kufanele igcinwe ngayo neminingwana ekufanele ifakwe;
- (d) netlhogomelo kanye nokugcinwa kwamarekhodi nofana eminye imitlolo ekhulunywa ngayo endimeni (c);
- (e) nokutjhugulula imvelo, ukununga ngeenukisi, ukutjhugulula umbala nokwenza isipiridi esinemethanoli singathengiseki ngaphandle kwenarha nofana sibekelwe ukuthengiswa kanye nendlela lokhu ekufanele kwenzeke ngayo;
- (f) nobungako besipiridi esinemethanoli obungathengiswa kinyana ngisiphi isehlakalo kinyana ngimuphi umuntu kanye nebhodlelo ekufanele sithengiswe ngalo; begodu
- (g) nokukhandelwa nofana ukuqintelwa kokuthengisa nofana kokuphatha isipiridi esinemethadoni, ukufakahlangana ukunikela imvumo yokusithenga nofana ukusiphatha.

16. Ukutjhugululwa kwesigaba 61

Isigaba 61 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa –

- (a) kwendinyana (1)(d) ngendinyana elandelako:
 “osela nanyana ngibuphi utjwala kinanyana ngiyiphi indlela, istrada, indledlana, [nanyana] indlela ekulu nofana indawo yomphakathi, nofana

ibala elinganalitho eliseduze nayo, endaweni esedorobheni nofana indawo esikwe yaba maplodo eneendlela ezihlangana namaplodo;

(b) kwendinyana (1)(f) ngendinyana elandelako:

“ozihlathulula ngokungasiliqiniso nanyana ohlathulula nanyana ngimuphi omunye umuntu njengoneminyaka yobudala engaphezu kweli-18 ukwenzela bonyana akwazi ukukatelela umnikazi welayisense, umnikazi wemvumo nanyana [umjameli] umphathi nanyana isisebenzi somnikazi welayisense nanyana somnikazi wemvumo, ukobana sithengisele umuntu loyo utjwala nanyana utjwala besintu; nanyana”;

(c) kwendinyana (1)(g) ngendinyana elandelako:

“othengisele umuntu utjwala nanyana utjwala besintu –

- (i) njengembadela;
- (ii) njengomrholo;
- (iii) njengesilulukezi somsebenzi; nanyana
- (iv) njengesengezelelo somsebenzi,

wenza isenzo esiphambene nomthetho begodu nange alahlwa licala uzakukateleleka ngokomthetho bonyana akhuphe ihlawulo nanyana avalelwe ejele nanyana akhuphe ihlawulo begodu avalelwe ejele.”; begodu

(d) kwesigatjana (2) ngesigatjana esilandelako:

“(2) Umuntu –

(a) oneminyaka yobudala engaphasi kweminyaka eli-18; nanyana

(b) ozithweleko

begodu othenga utjwala nanyana utjwala besintu kumnikazi welayisense nanyana kumnikazi wemvumo, wenza isenzo

esiphambene nomthetho begodu nange alahlwa licala uzakukateleleka ngokomthetho bonyana akhuphe ihlawulo nanyana avalelwe ejele nanyana akhuphe ihlawulo begodu avalelwe ejele.”.

17. Ukufakwa kwesigaba 71

Isigaba 71 somThetho oyihloko ngalokhu sitjhugululwa ngokufakwa ngemva kwesigatjana (3) kweengatjana ezilandelako:

“(4) Isaziso esinikelwe umnikazi welayisense ukuya ngokweenjamiso zomThetho woTjwala, ka-1989, sithathwa njengesaziso esikhutjwe ukuya ngananyana ngisiphi isijamiso esimadanisekako somThetho lo, ukusukela ngelanga ekwakhutjwa ngalo isaziso ngaphasi komThetho wangaphambilini.

(5) Umyalo okhutjwa yiBhodi ukuya ngananyana ngisiphi isijamiso somThetho woTjwala, waka-1989 ebegade usebenza msinyana ngaphambi kwelanga lokuthoma ukusebenza usaragela phambili nokusebenza ngokukhambisana nemibandela yeenjamiso zomThetho lo.

(6) Imithetho ejanyisiweko ekhonzileko ekhutjwe ukuya ngokwomThetho woTjwala, waka-1989 isaragela phambili nokusebenza ngaphasi kweenjamiso ezikhambisanako zomThetho lo, ukufikela lokha nayipheliswako.

(7) Isitifikedi esikhutjhelwa umhloli ukuya ngokomThetho woTjwala, waka-1989 msinyana ngaphambi kwelanga lokuthoma ukusebenza, sisaragela phambili nokusebenza ngokusemthethweni inga isitifikedeso sikhutjwe ukuya ngokomThetho lo, ukufikela lapho siphelelwa khona sikhathi nanyana sesulwa yiBhodi.

(8) Ilunga leBhodi ngaphambi kobana umThetho lo uthome ukusebenza, liragela phambili nokuba lilunga leBhodi, liphatha isikhundla ebegade livele lisiphethe ukufikela lapho kuphela khona isikhathi sokuphatha kwalo isikhundla umuntu loyo ebegade akhethelwe sona ukuya ngokomThetho wangaphambilini. ”

18. Isihloko esifitjhani nokuthoma ukusebenza

- (1) UmThetho lo mThetho wamaTjhuguluko woTjwala weLimpopo, waka-2015 begodu uthoma ukusebenza ngelanga elizakubekwa nguNdunakulu ngokwenza isimemezelo *egazedeni*.
- (2) Kungabekwa amalanga ahlukileko mayelana neengaba ezihlukileko zomThetho lo.

This is to certify that this Bill has compiled
with the Standing Orders of the
House and was read in the presence of my Honorable
House of the 17th March 2015 Day 11, 2015

Signed: *[Signature]* Date: 21/12/2015
SPEAKER OF THE LIMPOPO LEGISLATURE

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