



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI**

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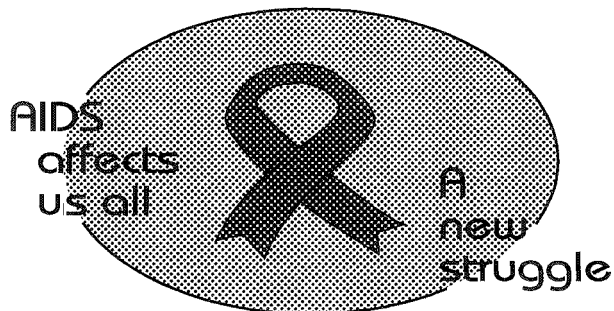
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**No. 361**

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DEPARTMENT OF HEALTH

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**PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE**

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**No. 1**

**1 January 2010**

**DEPARTMENT OF THE PREMIER**

**REGULATION NOTICE**

**AMENDMENT OF THE REGULATIONS MADE IN TERMS OF SECTION 42 OF THE REGULATION OF RACING AND BETTING ORDINANCE, 1957 (ORDINANCE NO. 28 OF 1957)**

I hereby amend the Regulations made in terms of section 42 of the Regulation of Racing and Betting Ordinance, 1957 (Ordinance No. 28 of 1957), as set out in the Schedule hereto.

Given under my Hand at Pietermaritzburg, this fifth day of November Two thousand and Nine.

**ZL MKHIZE**

Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for Gaming and Betting

1984, 299 of 14 June 1984, 506 of 27 September 1984, 579 of 8 November 1984, 475 of 28 November 1985, 330 of 7 August 1986, 295 of 13 August 1987, 518 of 24 December 1987, 562 of 22 December 1988, 41 of 8 February 1990, 136 of 26 May 1990, 173 of 28 June 1990, 273 of 26 September 1991, 349 of 29 November 1991, 40 of 20 February 1992, 149 of 18 June 1992, 328 of 3 December 1992, 12 of 28 January 1994, 38 of 10 March 1994, 74 of 13 May 1994, 186 of 31 October 1994, 210 of 17 November 1994, 211 of 17 November 1994, 222 of 1 December 1994, 161 of 20 July 1995, 179 of 10 August 1995, 403 of 24 October 1996, 186 of 5 June 1997, 414 of 27 November 1997, 16 of 22 January 1998, 48 of 19 February 1998, 195 of 2 July 1998, 72 of 11 March 1999, 351 of 17 December 1999, 126 of 19 June 2008 and 164 of 24 July 2008.

### Amendment of Regulation 1

2. Regulation 1 of the regulations is hereby amended by –

- (a) the deletion of the definition of “**computer-aided record keeping system**”;
- (b) the deletion of the definition of “**cubicle**”;
- (c) the deletion of the definition of “**Director**”;
- (d) the deletion of the definition of “**Non-exotic bet**”;
- (e) the deletion of the definition of “**Secretary**”;
- (f) the substitution for the definition of “**computerized record keeping system**” of the following definition:

“**computerised record keeping system**” means a record keeping system which involves the use of electronic computer equipment and computer software and which is utilised by a bookmaker for the purpose of recording details of all bets laid with him and details of all take-back bets taken by him and which automatically generates the prescribed records;”;

- (g) the insertion after the definition of “**Pari-mutuel bet**” of the following definition:

“**political office bearer**” means –

- (a) a member of the National Assembly, the National Council of Provinces or the Cabinet;
- (b) a member of a provincial legislature or of the Executive Council of a province;
- (c) a municipal councillor;
- (d) a diplomatic representative of the Republic who is not a member of the public service;
- (e) a member of a house of traditional leaders; or
- (f) a national or provincial office bearer of a political party, organisation, body, alliance or movement registered in terms of section 15 or 15A of the Electoral Commission Act, 1996 (Act No. 51 of 1996).”;

- (h) the insertion after the definition of “**political office bearer**” of the following definition:

“**primary betting room premises**” means the premises from which a bookmaking business is primarily operated, as specified in the bookmaker's licence and which are open to the public during normal business hours;”;

- (i) the insertion after the definition of “**primary betting room premises**” of the following definition:

“**relative**” means any of the following, as the case may be –

- (a) a husband or a wife, any partner in a marriage concluded under any tradition or under any system of religious practice, or any partner in a relationship where the parties live

together in a manner resembling a marital partnership, a marriage concluded under any tradition or under any system of religious practice;

(b) any child born out of any one of the marriages or unions referred to in paragraph (a) or any child born to one of the partners referred to in paragraph (a);

(c) the parents of a person referred to in paragraph (a) and the parents of such person's husband, wife or partner referred to in the said paragraph (a);"

(j) the insertion after the definition of "relative" of the following definition:

"**secondary betting room premises**" means the residential premises at which a bookmaker ordinarily resides and from which premises a bookmaker operates a bookmaking business from time to time, under the authority contemplated in regulation 20(5);" and

(k) the insertion after the definition of "take-back bet" of the following definition:

"**the Ordinance**" means The Regulation of Racing and Betting Ordinance, 1957 (Ordinance No. 28 of 1957)."

#### **Amendment of Regulation 2**

3. Regulation 2 of the regulations is hereby amended by the deletion of the reference to Schedule 9 – "**[Schedule 9 – Notice of temporary suspension.]**".

#### **Substitution of Regulation 3**

4. The regulations are hereby amended by the substitution for regulation 3 of the following regulation –

**"3. A non-proprietary club or association of persons desirous of obtaining a racecourse licence in terms of section 3 of the Ordinance shall lodge written application with the Director-General; provided that such application shall not be lodged before there shall have been published at least once a week for four consecutive weeks in two or more newspapers circulating in the area in which the proposed racecourse is to be established, [in the manner prescribed by section 110 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),] a notice setting out the intention of such club or association of persons to make the application and containing a statement that any person having a sufficient interest who objects to the granting of the application may lodge his objection together with the grounds thereof, with the Director-General not later than one week after the fourth publication of such notice;"**

#### **Deletion of Regulation 5**

5. Regulation 5 of the regulations is hereby deleted.

#### **Amendment of regulation 8**

6. Regulation 8 of the regulations is hereby amended by –

(a) the substitution for subregulation (5) of the following subregulation:

"(5) Any money standing to the credit of the Committee and available for investment shall be invested for, on behalf of and for the benefit of the Committee and in its name in such **[Government or other securities]** accounts as may be approved by the Minister.";

(b) the substitution for subregulation (7A) of the following subregulation:

"(7A) **[(i)](a)** The Committee shall not be permitted to distribute any of its **[profits or gains]** surplus funds to any person and shall utilize its funds solely for investment or the objects for which it has been established; Provided that nothing shall prevent the Committee from procuring and paying for goods and services procured for the purpose of attaining the objects for which it has been established.

**[(ii)](b)** Upon dissolution of the Committee its assets shall be realized by a person appointed by the Minister and after all debts have been settled, the balance, if any, shall be paid into the Provincial Revenue Fund.";

(c) the addition to subregulation (8) of the following proviso:

" : Provided that the necessary funds are available and that the Committee makes the necessary provision in its annual budget plan for all costs related to the employment of its staff.";

(d) the insertion after subregulation (8) of the following subregulations:

"(8A) The post title of the most senior employee appointed by the Committee shall be the Chief Executive Officer and he or she shall, in addition to the powers, functions and duties set out in his or her contract of employment, have the powers, functions and duties as set out in these Regulations.

(8B) The work performance of all employees of the Committee shall be monitored and managed via a performance management policy, which policy shall incorporate the requirement that all employees enter into a performance management agreement.";

(e) the insertion after subregulation (9) of the following subregulations –

"(10) The Minister shall determine the claims and remuneration policy and rates of remuneration of the Chairperson, Vice-Chairperson and members of the Committee.

\_\_\_ (11) A person is disqualified from being appointed to the Committee or from remaining on the Committee, by reason that –

(a) he or she is not a South African citizen;

(b) he or she is not a resident of KwaZulu-Natal;

(c) he or she is, at the time of the appointment, or during the preceding 12 months was –

(i) a person contemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); or

(ii) a political office bearer;

(d) his or her relative is a person contemplated in subregulation (11)(c)(ii);

(e) he or she is a member of a board of directors of any entity involving gambling or fund-raising, has a controlling interest or any financial interest or other interest in any gambling or fund-raising activity or acquires a direct or indirect financial interest in any gambling or fund-raising activity or is employed by any person, company, organisation or other body.

whether corporate or unincorporated, which has an interest contemplated in this subregulation;

(f) his or her relative is a member of a board of directors of any entity involving gambling or fund-raising or has any direct or controlling interest in such entity;

(g) he or she is an unrehabilitated insolvent;

(h) he or she –

(i) is a person under curatorship;

(ii) is certified under section 9 of the Mental Health Act, 1973 (Act No. 18 of 1973), and has not been discharged from an institution contemplated under such Act; or

(iii) can be conclusively shown to be of unsound mind or suffering from infirmity of body which prevents him or her from the proper execution of his or her duties;

(i) he or she has at any time been removed from an office of trust on account of misconduct involving theft or fraud;

(j) he or she has been convicted and sentenced to a term of imprisonment without the option of a fine, except that the Minister may, upon a person who is nominated for appointment disclosing full details of an offence in an affidavit, condone a conviction: Provided that it is not a conviction for an offence involving murder, culpable homicide involving an assault, rape, robbery, theft, fraud, forgery and uttering, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), or the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001), any serious offence involving dishonesty, an offence involving trafficking in scheduled substances and drugs, an offence relating to proceeds of defined crime as contemplated in the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), or any offence under this Act or any other similar law: Provided, further, that –

(i) any conviction or sentence imposed by a court beyond the borders of the Republic of South Africa must not be taken into account for the purposes of this subregulation unless at that time such offence would have been an offence if committed within the Republic of South Africa; and

(ii) for the purposes of this subregulation, a person is regarded not to have been convicted and sentenced –

(aa) until any appeal noted or lodged against such conviction or sentence has been heard and judgement given on such appeal;

(bb) until the time permitted by law for the noting or lodgement of any appeal against such conviction or sentence has lapsed without any such appeal being noted or lodged; or

(cc) if he or she has been granted amnesty or a free pardon by a competent authority;

(k) he or she is an employee of a totalisator, or is a totalisator agent, or is an employee of such agent, as contemplated in the Ordinance;

(l) he or she or his or her relative has a controlling interest or any financial or other interest in any bookmaker licensee, totalisator, totalisator agent or holder of a racecourse licence, as contemplated in the Ordinance;

(m) he or she or his or her relative has a controlling interest or any financial or other interest in any undertaking, including a corporate body, which is an owner, breeder or trainer of race horses; or

(n) he or she is listed in the register of excluded persons, contemplated by section 14(7) of the National Gambling Act by order of court.

(12) If any member of the Committee becomes disqualified during his or her term of office in terms of subregulation (11) he or she must immediately upon such disqualification in writing declare such information to the Minister, so as to enable the Minister to take steps to fill the vacancy so caused.

(13) For the purposes of this regulation, a financial interest does not include an indirect interest held in any fund or investment if the person holding that interest has no control over the investment decisions made in respect of that fund or investment.”.

#### **Substitution of Regulation 9**

7. The regulations are hereby amended by the substitution for regulation 9 of the following regulation:

“9.(1) The **[Chairman]** Chairperson or, in his absence, the **[Vice-Chairman]** Vice-Chairperson shall determine the date, time and place of each meeting of the Committee.

(2) A quorum of the Committee shall be four, consisting of four members **[of]** or alternate members, or four members and alternate members.

(3) Decisions of the Committee shall be by vote of the majority; provided that in the case of an equality of voting, the **[Chairman]** Chairperson, or in his absence, the Vice-Chairperson or in the absence of both of them, the person elected in terms of subregulation (4), shall have a casting as well as a deliberative vote.

(4) The chair at any meeting shall be taken by the **[Chairman]** Chairperson, or in his absence, by the **[Vice-Chairman]** Vice-Chairperson. In the event of neither the **[Chairman]** Chairperson nor the **[Vice-Chairman]** Vice-Chairperson being present at a meeting of the Committee, the members and alternate members then present shall elect, from their own number, a person who shall act as **[Chairman]** Chairperson for the duration of that meeting.”.

#### **Substitution of Regulation 10**

8. The regulations are hereby amended by the substitution for regulation 10 of the following regulation:

“10. The Committee may, subject to –



- (a) the approval of the Minister; and
  - (b) publication of the draft rules for public comment, in the Provincial Gazette,
- make rules for the –

- (i) control of bookmakers; and
- (ii) management and control of betting rooms and such other places at which a bookmaker may accept bets as may be prescribed.”.

#### **Amendment of Regulation 11**

9. Regulation 11 of the regulations is hereby amended by –

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

“(1) The Committee, **[or]** its delegate, or those of its employees appointed as inspectors, shall investigate any allegation relating to a bookmaker, **[or]** a registered manager, or a registered clerk –

- (a) of **[dishonourable or disgraceful]** conduct contrary to any code of conduct which binds such bookmaker, registered manager or registered clerk;
- (b) of the breach of any duty or obligation imposed upon him by the Ordinance, these regulations, the conditions of his licence or the rules referred to in regulation 10;
- (c) that he has been party to such conduct or breach referred to in paragraphs (a) or (b) on the part of any other **[book-maker]** bookmaker; and may after such investigation and upon good cause shown serve immediately on the bookmaker, **[concerned, his]** the registered manager or on [his] the registered clerk [authorised in terms of regulation 31,] a written notice of temporary suspension **[in the form prescribed and]** in which shall be specified –
  - (i) the period for which the bookmaker's licence or **[a]** the manager's or clerk's certificate of registration shall be suspended; and
  - (ii) the date on which such bookmaker, **[or]** manager or clerk shall appear before the Committee for a **[decision]** hearing as contemplated by subregulation (4);  
provided that the period and date referred to above shall not exceed seven days from the date of the notice.”;

- (b) the substitution for subregulation (2) of the following subregulation:

“(2) **[A delegatee of the Committee shall, within]** In a case in which a notice of temporary suspension has been issued in terms of subregulation (1)(c), the person or body who or which issued the notice, shall, within forty eight hours of issuing the [a temporary] notice [of suspension], furnish to the **[Secretary of Committee]** Chief Executive Officer, a full report on the circumstances giving rise to the said suspension.”;

- (c) the substitution for subregulation (3) of the following subregulation:

“(3) The Committee shall have the power to set aside a temporary suspension by its delegatee or employee before the date on which the bookmaker, **[or]** the registered manager, or registered clerk is required to appear before it **[. Such] ; Provided that the** setting aside of a temporary suspension shall not absolve the bookmaker, **[or]** the manager, or the clerk

concerned from appearing before the Committee on the date specified in the Notice of Temporary Suspension, unless the Committee has determined another date for this purpose.”;

(d) the substitution for subregulation (4) of the following subregulation:

“(4) When a bookmaker appears before the Committee for a **[decision]** hearing regarding the matters which gave cause for the temporary suspension of his licence, the Committee may, at the conclusion of the hearing, take a decision to –

- (a) set aside the suspension;
- (b) suspend such bookmaker’s licence for such further period as it deems fit; or
- (c) impose a fine in any amount not exceeding **[R5 000]** R25 000 for each incident relating to such conduct or breach as is referred to in subregulation (1) by such bookmaker, with or without the suspension of his licence in addition, or as an alternative to payment of such fine; Provided that the total fine imposed for more than 40 incidents relating to such conduct or breaches contemplated in subregulation (1), may not exceed R1 000 000.”;

(e) the substitution for subregulation (4A) of the following subregulation:

“(4A) When a registered manager or a registered clerk appears before the Committee for a **[decision]** hearing regarding the matters which gave cause for the temporary suspension of his registration certificate, the Committee may, at the conclusion of the hearing, take a decision to –

- (a) set aside the suspension;
- (b) suspend such manager’s or such clerk’s certificate of registration for such further period as it deems fit;
- (c) cancel forthwith such manager’s or such clerk’s certificate of registration; or
- (d) impose a fine not exceeding –
  - (i) **[R1 000]** R5 000 for each incident relating to such conduct or breach as is referred to in subregulation (1) by such manager, with or without the suspension or cancellation of his certificate of registration in addition, or as an alternative to payment of such fine.”;
  - (ii) R1 000 for each incident relating to such conduct or breach referred to in subregulation (1) by such clerk, with or without the suspension or cancellation of his or her certificate of registration in addition, or as an alternative to payment of such fine.”;

(f) the substitution for subregulation (5) of the following subregulation:

“(5) The Committee, its delegatee, or those of its employees appointed as inspectors, shall also have the power to investigate any conduct and breach as referred to in subregulation (1)(a), (b) and (c) without being required to issue a temporary notice of suspension, in which event the provisions of subregulation (4)(b) and (c) and subregulation (4A)(b), (c) and (d) shall apply *mutatis mutandis*.”;

(g) the substitution for subregulation (6) of the following subregulation:

“(6)(a) Any bookmaker, **[or]** registered manager or registered clerk in respect of whom an investigation in terms of subregulation (1) and (5) is held, shall appear before the Committee in person and shall be entitled to give evidence and either personally, or through an advocate or

attorney, be heard, call witnesses, cross-examine witnesses called by another party or the Committee and inspect documents and articles produced in evidence.

(b) Before any bookmaker, **[or]** registered manager or registered clerk contemplated in paragraph (a) or any witness gives evidence before the Committee, he shall take an oath or make an affirmation, which oath or affirmation shall be administered by the **[Chairman]** Chairperson or the **[Vice-Chairman]** Vice-Chairperson of the Committee, as the case may be.

(c) After having been sworn or having made affirmation, any person who gives false evidence before the Committee on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence.

(d) Should **[such]** any bookmaker, [or] registered manager or registered clerk fail to appear before the Committee, the Committee may in the absence of such bookmaker, **[or]** registered manager or registered clerk, exercise the powers referred to in subregulations (4) and (5) in the case of a bookmaker and subregulations (4A) and (5) in the case of a manager or a clerk.”;

(h) the substitution for subregulation (7) of the following subregulation:

“(7) The noting of an appeal against the decision of the Committee made in terms of **[subregulation]** subregulations (4), (4A) or (5) hereof, shall, in the case of a decision to impose a fine, not suspend the enforcement of such decision.”; and

(i) the insertion of the following subregulations after subregulation (9):

“(10) Within 7 days of having taken a decision contemplated in subregulations (4) or (4A) hereof, the Committee shall furnish detailed written reasons for its decision to all persons and bodies affected by the decision.

“(11) The Committee shall determine the format of and manner in which the hearings contemplated in subregulations (4) or (4A) hereof are to be conducted, including, *inter alia*, matters such as the admissibility of evidence.”.

#### **Amendment of Regulation 12**

10. Regulation 12 of the regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) The Committee shall, when exercising its powers to delegate to a sub-committee under section 21A (3) of the Ordinance, designate a member thereof as **[Chairman]** Chairperson.”.

#### **Amendment of Regulation 13**

11. Regulation 13 of the regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) An appeal in terms of section 21B of the Ordinance shall be noted by the **[lodgement]** lodging with the [Secretary] Chief Executive Officer, within 21 days of the decision appealed against, of a written notice of appeal setting out the grounds upon which such appeal is based.

(1A) An appellant shall, when lodging an appeal in terms of subregulation (1), pay to the **[Secretary]** Committee –

- (a) a deposit of **[R4 000,00]** R4 000; or
- (b) where the appellant is a bettor, making appeal to the Minister against a decision of the Committee in terms of subregulation (4) or (5) of regulation 26, a deposit of **[R500,00]** R500; or
- (c) where the appellant is a bookmaker, making appeal to the Minister against a decision of the Committee in terms of subregulation (4) or (5) of regulation 26, a deposit of **[R2 000,00]** R5 000[.]; or
- (d) where the appellant is employed by the Committee as an inspector prosecuting a matter contemplated in regulations 11(4) or 11(4A), no deposit is payable.”;
- (b) the substitution for subregulation (2) of the following subregulation:
- “(2) In the event of the appeal being to the Minister from a decision of the Committee, the Committee shall, within seven days of the noting of an appeal, forward a copy of the notice of an appeal and all other documents and transcripts relevant to the appeal, together with a copy of the Committee’s reasons for its decision, to the Director-General, for consideration by the Minister.”;
- (c) the substitution for subregulation (3) of the following subregulation:
- “(3) In the event of an appeal to the Committee from a decision of its delegatee, the **[Chairman]** Chairperson shall as soon as convenient convene a meeting of the Committee at which meeting the [matter] appeal shall be [dealt with de novo] heard by the Committee, excluding such delegatee, unless the Committee cannot remain quorate in the absence of its delegatee, in which case the Committee shall refer the appeal to the Director-General for consideration by the Minister.”; and
- (d) the substitution for subregulation (4) of the following subregulation:
- “(4) The Minister must consider the appeal as soon as is practical and after considering the appeal, may –
- (a) disallow an appeal and uphold the decision of the Committee;
  - (b) uphold the appeal wholly or partially and substitute his decision for or alter the decision of the Committee;
  - (c) refer the application back to the Committee for reconsideration and decision with such instructions as he may deem fit[.];
  - (d) order that any deposit paid be refunded, after the Minister has heard the appeal, or if the appeal is withdrawn before the Minister hears it, at the time the notification of the withdrawal of the appeal is received; or
  - (e) order forfeiture of any deposit paid if he deems an appeal to be frivolous.”.

#### **Deletion of Regulation 14**

12. Regulation 14 of the regulations is hereby deleted.

#### **Amendment of Regulation 15**

13. Regulation 15 of the regulations is hereby amended by –

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

“(2) The application shall be accompanied by –

(a) a certified copy of the agreement of sale governing the applicant's proposed acquisition of the whole or a share of the relevant bookmaking business;

(b) a copy of the partnership agreement, where applicable;

(c) proof of membership of the Society;

(d) **[written notice by the Committee of its decision to support or oppose the application and in the case of a decision to oppose the application, the full reasons for that decision]** the application fee prescribed in the First Schedule to the Ordinance, which fee shall accrue to the Committee;

(e) the written consent of the applicable racing club if the applicant intends operating on a racecourse;

(f) the applicant's income tax registration number;

(g) copies of the applicant's tax assessments or returns for the two tax years immediately preceding the year in which the application is made;

(h) the applicant's written consent to an investigation being undertaken by the Committee, or by the Committee's agent, consultant or employee, into his or her financial background, financial standing, business history, employment history and any other matter that is required to be disclosed in the [affidavit contemplated in paragraph (i)] licence application form;

(i) **[an affidavit by the applicant stating whether or not he or she –**

**(i) has been found guilty of any crimes involving fraud or theft;**

**(ii) is the judgment debtor under any undischarged civil court judgements;**

**(iii) is an unrehabilitated insolvent;**

**(iv) has been posted as a defaulter by the Jockey Club of Southern Africa or the Committee; and**

**(v) has contravened any provision of the Ordinance, and, if so, giving full details thereof and acknowledging that should it subsequently be found that this affidavit was not correct, or he or she is subsequently convicted of an offence involving fraud or theft, any bookmaker's licence then held by him or her will automatically be suspended temporarily, pending a decision by the Committee as contemplated in regulation 11 (4);]** a full set of the applicant's fingerprints, obtained from the South African Police Services; and

**(j) [the application fee prescribed in the First Schedule to the Ordinance, which fee shall accrue to the Committee.] proof of payment to the South African Police Services of the fee in respect of a request for a certificate indicating the applicant's criminal record status.”; and**

(b) the insertion after subregulation (3) of the following subregulations:

“(4) An applicant who does not already hold a bookmaker's license in KwaZulu-Natal may be required to undergo an evaluation of his or her knowledge of the business of bookmaking and of the law applicable to bookmaking.

(5) The evaluation contemplated in subregulation (4) shall be administered by the Committee."

#### **Amendment of Regulation 16**

14. Regulation 16 of the regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

"(1) Application for a temporary bookmaker's licence shall be addressed by the applicant to the Director-General and shall be accompanied by –

(a) payment of the temporary licence fee prescribed in the First Schedule to the Ordinance;

(b) the name and physical address of the bookmaker by whom the applicant is to be employed; and

(c) a sworn affidavit by the applicant stating that he or she is not disqualified from such employment by virtue of the provisions of section 49 of the National Gambling Act, 2004 (Act No. 7 of 2004).";

(b) the substitution for subregulation (3) of the following subregulation:

**"(3) [After having considered the application referred to in subregulation (1), the Committee may reject or approve the application, in which event it shall, upon receipt of the temporary licence fee prescribed in the First Schedule to the Ordinance, issue to him or her a temporary bookmaker's licence,] A temporary bookmaker's licence granted by the Minister and issued by the Director-General in terms of section 22 of the Ordinance shall be granted, subject to the following conditions –**

**(a) that [he or she] the licensee shall operate only in the betting room of a licensed bookmaker; and**

**(b) that [he or she shall, before taking up employment, inform the Committee, in writing, of the name and physical address of] the bookmaker by whom [he or she] the applicant is to be temporarily employed [and the said employer] shall confirm the employment [and acknowledge that he or she is liable for all the duties and obligations] of the temporary bookmaker.";** and

(c) the substitution for subregulation (4) of the following subregulation:

**"(4) A temporary bookmaker's licence shall reflect the full names of the temporary bookmaker to which such licence refers, the period for which the licence is valid[,] and the date of issue [and the conditions referred to in subregulation (2)]."**

#### **Amendment of Regulation 17**

15. Regulation 17 of the regulations is hereby amended by –

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

**"Application for a Temporary [Crossbar] Licence to operate on a racecourse";** and

(b) the substitution for subregulation (1) of the following subregulation:

"17.(1) An **[A]** application made, by a bookmaker who holds a licence to operate **[in the gold ring]** on a racecourse, for a licence to operate for a single day **[at the crossbar]** on a racecourse, shall be made to the racing club concerned."

#### **Amendment of Regulation 18**

16. Regulation 18 is hereby amended by the insertion after subregulation (2) of the following subregulations:

"(3) The Committee shall submit to the Director-General –

- (a) the completed application form for a new bookmaker's licence;
- (b) its written report on the suitability of the applicant;
- (c) its decision to support or oppose the application; and
- (d) in the case of a decision to oppose the application, the full reasons for that decision.

(4) A report on the investigation into the suitability of an applicant for a bookmaker's licence as contemplated in regulation 15, shall remain valid for a period of twelve months from the date of its submission to the Director-General.

(5) Where an applicant for a bookmakers licence contemplated in regulation 15 has been successful and applies for another bookmakers licence within a period of twelve months from the date of the first submission to the Director-General, the report contemplated in subregulation (4) can be resubmitted by the Committee to the Director-General in support of the fresh application: Provided that the applicant shall confirm by way of affidavit that no material information or circumstances reflected in his or her application documentation has changed in a way which is likely to affect the applicant's suitability for the grant of the fresh bookmaker's licence.

(6) Where the applicant contemplated in subregulation (5) can provide the required affidavit, the documentation in support of the application, as contemplated in regulation 15, remains valid for the same period as the report contemplated in subregulation (4): Provided that the applicant is still liable to pay the application fee and provided further that the applicant is nevertheless bound by the requirements of regulations 15(2)(a), 15(2)(b) and 15(2)(e)."

#### **Substitution of Regulation 19**

17. The regulations are hereby amended by the substitution for regulation 19 of the following regulation:

"19.(1) The Minister must refuse to grant a licence to an applicant if that person –

- (a) is under the age of 18 years;
- (b) is a public servant or political office bearer;
- (c) is listed on the register of excluded persons;
- (d) is a member or employee of the Committee;
- (e) is an unrehabilitated insolvent;
- (f) is not a fit and proper person to be involved in the business concerned;

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

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

(i) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), or an offence in terms of the Ordinance and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding R3 000, unless the person has received a grant of amnesty or free pardon for the offence; or

(j) is a relative of –

(aa) a public servant or political office bearer; or

(bb) a member or employee of the Committee.

(2) A provincial licensing authority must refuse to issue a licence to a person who is disqualified from holding an interest in a licence, licensee, licensed premises, or the business to which a licence relates, in terms of subregulation (1), or other applicable provincial law.

(3) The Minister must refuse to grant a licence to a person who is disqualified from holding an interest in a licence, licensee, licensed premises, or the business to which a licence relates, in terms of subregulation (1), or other applicable provincial law.

(4) The Minister must refuse to grant a licence to an applicant if, after conducting the prescribed investigations, the licensing authority has reason to believe that the applicant, any person who has a controlling interest in the applicant, any person who holds any of the total financial interest in the applicant, or any manager of the business concerned is –

(a) a family member of a member of that licensing authority; or

(b) disqualified from holding an interest in a licence, licensee, or the business to which a licence relates, in terms of subregulation (1).

(5) The Director-General shall, upon the granting of a licence by the Minister and compliance by the applicant with any condition imposed as a pre-requisite to the issue of the licence and payment of the fee for the licence as laid down in the First Schedule to the Ordinance, issue the appropriate licence in the prescribed form and shall endorse thereon or on any annexure thereto any other conditions imposed by the Minister."

#### **Amendment of Regulation 20**

18. Regulation 20 of the regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:



"(1) Application for the renewal of a bookmaker's licence shall be made in the prescribed form to the Director-General not earlier than 1 November and not later than **[31] 10** December of the year for which the licence was issued."; and

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

"(3) A bookmaker making application for renewal of his or her licence in terms of this regulation must submit both annual financial statements and certified copies of all income tax returns in respect of the bookmaking business to which the licence relates."

#### **Substitution of Regulation 21**

19. The regulations are hereby amended by the substitution for regulation 21 of the following regulation:

**"21.** Except for the purposes of section 22 of the Ordinance an application for a bookmaker's licence upon the change of ownership of an existing bookmaker's business shall be deemed to be an application for a new licence."

#### **Substitution of Regulation 22**

20. The regulations are hereby amended by the substitution for regulation 22 of the following regulation:

**"22.(1)** Betting room premises, which shall be provided by the bookmaker at his own expense, shall be subject to the approval **[of] by the [Minister] Chief Executive Officer** of the **[accommodation therein provided and of the situation thereof] locality thereof and of the suitability thereof for the purposes of bookmaking.**

(2) The bookmaker shall at all times keep such premises in a clean and sanitary condition to the satisfaction of the **[Minister] Chief Executive Officer.**

(3) When more than one bookmaker operates from the same premises the duties imposed by regulation shall devolve upon them jointly and severally.

(4) The Minister may delegate his powers in terms of subregulation (1) and (2) to the **[Committee] Chief Executive Officer.**

**[(5) The Committee may determine the nature, size and situation of bookmaker's cubicles in betting room premises approved by the Minister in terms of this regulation, including the initial occupation by and regular rotation of the occupiers of such cubicles.]"**

#### **Substitution of Regulation 23**

21. The regulations are hereby amended by the substitution for regulation 23 of the following regulation:

"23.(1) No bookmaker shall carry on business in any premises, other than those specified in terms of section 22(8) of the Ordinance or in such other premises as the Minister may in writing approve .

(2) No bookmaker shall effect any structural alteration or addition to the primary betting room premises except with the prior written approval of the Minister.

(3) An application for the Minister's approval in terms of subregulations (1) and (2) shall be accompanied by a ground plan of the premises to which it is proposed to remove the business or of the structural alterations or additions as the case may be.

(4) For the purposes of this regulation, "secondary betting room premises" means the residential premises at which the bookmaker ordinarily resides, which premises are not open to the public and where activities relating to bookmaking take place.

(5) Where a bookmaker wishes to enter into betting transactions from a secondary betting room premises, he or she shall first make application, in writing, to –

(a) the Minister, for the approval of the secondary betting room premises; and

(b) the Committee, for the approval of the type of equipment to be used for the purpose of entering transactions on the bookmaker's computerized record-keeping system and for the actual installation of such equipment at his or her secondary betting room premises.

(6) Any equipment approved by the Committee in terms of subregulation (5)(b) above, must –

(a) operate in a manner substantially similar to a computer terminal ordinarily used by the bookmaker for capturing betting transactions at the bookmaker's primary betting room premises; and

(b) allow the bookmaker to enter betting transactions directly into the bookmaker's computerized record-keeping system, from the bookmaker's secondary betting room premises using the internet .

(7) Approval by the Committee of the installation at and the use of the computerized record-keeping system from the bookmaker's secondary betting room premises must have been communicated to the bookmaker before he or she may enter into betting transactions from any such premises.

(8) A bookmaker may only enter into betting transactions using his or her computerized record-keeping system at his or her secondary betting room premises, once the primary betting room premises utilized by the bookmaker have been closed to the public for business."

#### **Substitution of Regulation 24**

22. The regulations are hereby amended by the substitution for regulation 24 of the following regulation:

**“24.(1) [Save as in the Ordinance otherwise specially provided, a] A bookmaker's primary betting room premises may be kept open for the making and settling of bets during such hours and on such days as the bookmaker may determine in respect of the rooms under his control; provided that no rooms shall be kept open —**

- (a) earlier than 07h30 and later than one hour after the conclusion of the last race on any race day; or**
- (b) earlier than 09h00 and later than 18h00 on any days other than race days; or**
- (c) on Good Friday, Ascension Day, Christmas Day and on Sundays; provided further that betting rooms may be kept open in accordance with this regulation on those specific Sundays in respect of which the Minister determines that races may be held.**

**(2) The Committee may, on application by a bookmaker, authorise him to keep open a betting room—**

- (a) between the hours other than those mentioned in subregulation (1); and**
- (b) on the days mentioned in subregulation (1) for the purpose of taking bets on sporting events and any other event or contingency.]”.**

#### **Amendment of Regulation 26**

**23.** Regulation 26 of the regulations is hereby amended by –

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

“(1) The Committee shall have power to settle any betting dispute between a bookmaker and a bettor or between a bookmaker and another bookmaker.”;
- (b) the substitution for subregulation (2) of the following subregulation:
 

“(2) Any bettor or bookmaker wishing to submit a betting dispute to the Committee shall do so in writing addressed to the **[Secretary] Chief Executive Officer** within fourteen days from the date upon which the dispute arose, while at the same time furnishing full particulars of such dispute: provided that any bettor may be required by the **[Committee] Chief Executive Officer** to pay a deposit of R500,00 to the **[Secretary] Committee** and any bookmaker **[shall] may** be required by the **[Committee] Chief Executive Officer** to pay a deposit of R2 000,00 to the **[Secretary] Committee.**”;
- (c) the substitution for subregulation (3) of the following subregulation:
 

“(3) The **[Secretary] Chief Executive Officer** shall immediately upon receipt of notification of such dispute enter the particulars thereof in a register to be kept for that purpose.”;
- (d) the substitution for subregulation (4) of the following subregulation:
 

“(4) The Committee shall, after **[due investigation into the dispute]** receiving a report drafted by employees of the Committee on their investigation into the dispute, conduct a hearing regarding the dispute and **[,]** subject to the provisions of subregulation (5), **[after hearing the parties thereto,]** at the conclusion of the hearing, adjudicate upon the dispute, as contemplated in subregulation (6).”;
- (e) the substitution for subregulation (6) of the following subregulation:

- (6) The Committee may -
- (a) order that any deposit paid be refunded, after the Committee has heard the dispute, or if the dispute is withdrawn before the Committee hears it, at the time that the notification of the withdrawal of the dispute is received; or
  - (b) order forfeiture of any deposit paid if it deems a dispute to be frivolous~~[,]~~; and
  - (c) make an order determining the manner in which the betting dispute is to be resolved, including, *inter alia*, an order which voids a bet, or voids a selection, or an order which determines the payment of any amount by one party to the other.; and
- (f) the addition after subregulation (6) of the following subregulation:
- “(7) The noting of an appeal against the decision or order of the Committee made in terms of subregulation (4) or (6) hereof, shall not suspend the enforcement of such decision or order: Provided that where a bookmaker who has been ordered, through a decision made by the Committee on a betting dispute, to pay any winnings or other amount to a bettor, appeals the decision, payment of the winnings or other amount should be made by such bookmaker to the Committee and the Committee shall hold such payment in trust, pending the outcome of the appeal, whereupon the Committee shall pay out the winnings or other amount, in terms of the Minister's order.”.

#### **Amendment of Regulation 27**

24. Regulation 27 of the regulations is hereby amended by –

- (a) the deletion of subregulation (3);
- (b) the substitution for subregulation (4) of the following subregulation:

“(4) No bookmaker shall allow any person other than an authorised and licensed partner **[an]** a financial or controlling interest in his **[book]** bookmaking business.”;
- (c) the substitution for subregulation (7) of the following subregulation:

“(7) The Minister may, at his sole discretion and by way of endorsement on or by way of an Annexure to the bookmaker's licence or licences issued to the partners in a bookmaking business impose such conditions, limitations and restrictions as he deems necessary **[fit]**.”;  
and
- (d) the insertion of after subregulation (7) of the following subregulations:

“(8) In the event that it is intended to terminate a partnership of licensed bookmakers, the partners concerned must immediately notify the Minister in writing of their intention to do so.

(9) In the event of the death of a licensed bookmaker having carried on business in partnership, any surviving partner or partners within the partnership may continue to operate the bookmaking business.

(10) Notwithstanding subregulation 27(4), a bookmaker is not precluded from concluding a franchise agreement whereby the bookmaker would be entitled to the intellectual property, know how and business methods of the franchisor in operating his or her bookmaking

business, and the franchisor would be entitled to royalties in the form of a share of the financial returns from the business.

(11) A franchise agreement as contemplated in subregulation (10) may not be implemented, unless the agreement has been approved by the Minister.

(12) A franchise agreement as contemplated in subregulation (10) may not have the effect of transferring ownership of, or any aspect of control over the bookmaker's business, to the franchisor.

(13) The manner of implementing a franchise agreement as contemplated in subregulation (10) may not have the effect of transferring any aspect of control over the bookmaker's business, to the franchisor.

(14) The manner of implementing a franchise agreement as contemplated in subregulation (10) may not have the effect of depicting to the public, through advertising or through any other means, that a bookmaker's business is owned by a corporate entity."

#### **Amendment of Regulation 28**

25. Regulation 28 of the regulations is hereby amended by –

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

"Bookmakers' Records to be Kept in Respect of a Manual Record Keeping System **[and a Computer-aided Record System]**";

(b) the substitution for subregulation (1) of the following subregulation:

"**28.(1)** Every bookmaker not **[utilizing]** able to utilize his or her [a] computerised record keeping system shall keep the following physical books and records disclosing a full and accurate account of his betting transaction –

(a) on a racecourse or gymkhana course –

(i) **[where a manual record keeping system is used,]** a field book which shall provide for an original and two copies of each page thereof by means of carbon sheets **[or, where a computer-aided record keeping system is used, a computer generated field sheet]**; and

(ii) a supply of serially numbered tickets~~[,]~~; and

(b) in a betting room or at such other venue approved for the taking of bets on sporting events or any other event or contingency –

(i) **[where a manual record keeping system is used,]** a field book **[or, where a computer-aided record keeping system is used, a computer generated field sheet]**;

(ii) a ticket book;

(iii) a desk book which shall provide for an original and two copies of each page thereof by means of carbon sheets;

- (iv) a take-back bet book; and
- (v) a multiple bet book reflecting all bets taken on horses in races to be run on different race days and all bets taken on sporting events or any other events or contingencies or a combination of races, sporting events or other events or contingencies taking place on different days.”;
- (c) the deletion of subregulation (2A); and
- (d) the substitution for subregulation (4) of the following subregulation:
  - “(4)(a) No bookmaker shall use any book which has not been signed on behalf of the committee by a duly authorized employee of the Committee.
  - (b) The committee shall maintain a register in which shall be recorded particulars of all books signed on its behalf in terms of paragraph (a) and the date **[of such signature] that such book was signed.**”.

#### **Amendment of Regulation 28A**

26. Regulation 28A of the regulations is hereby amended by –

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

“Procedures on Laying a Bet where a Manual Record Keeping System **[or a Computer-aided Record Keeping System]** is Utilised”;
- (b) the substitution for subregulation (1) of the following subregulation:
 

“(1) Every bookmaker not **[utilizing] able to utilize** a computerised record keeping system shall immediately on laying a bet on a racecourse or a gymkhana course—

  - (a) record particulars thereof in a field book or a field sheet as contemplated by regulation 28(1)(a)(i); **[and]**
  - (b) if such bet is a cash bet, issue to the person with whom the bet is made, a numbered ticket contemplated in regulation 28(1)(a)(ii), showing in legible form particulars of such bet; and
  - (c) shall enter the number of such ticket against the record of the bet in the field book contemplated in paragraph (a).”;
- (c) the substitution for subregulation (2) of the following subregulation:
 

“(2) (a) Every bookmaker not **[utilizing] able to utilize** a computerised record keeping system, shall immediately on laying a bet in a betting room, or at such other venue approved for the taking of bets on sporting events or any other event or contingency—

  - (i) issue a numbered ticket from a ticket book contemplated in regulation 28(1) (b) (ii) showing in legible form the date and time the bet was struck and full particulars thereof; including in the case of a telephone or credit bet, the name of the person with whom the bet is made in such detail as to make it possible for any inspector appointed or authorised in terms of the Ordinance or any member of the Committee to identify the said person;
  - (ii) thereafter record full particulars thereof—
    - (aa) in a field book or a field sheet contemplated in regulation 28 (1)(b) (i), and
    - (bb) in a desk book contemplated in regulation 28(1)(b)(iii); **[both of which shall provide for duplicate copies of entries by means of a carbon sheet;]** and

- (iii) if such bet is a take-back bet, record particulars thereof in a take-back bet book contemplated in regulation 28(1)(b)(iv).";
- (d) the substitution for subregulation (3) of the following subregulation:
- "(3) Every bookmaker not **[utilizing]** able to utilize a computerised record keeping system while conducting business at a race meeting or gymkhana shall immediately upon demand deliver to the representative of the racing club or gymkhana club concerned the carbon duplicate or a computer generated copy of such page of the field book or field sheet as may be demanded."; and
- (e) the substitution for subregulation (4) of the following subregulation:
- "(4) A ticket issued in terms of subregulations (1)(b) and (2)(a)(i) shall, unless is issued in consequence of a telephone bet, **[forthwith]** be delivered immediately to the person with whom the bet is made.".

### **Amendment of Regulation 28B**

27. Regulation 28B of the regulations is hereby amended by –

- (a) the substitution for the regulation heading of the following heading:
- "Computerised Record Keeping System **[and Computer-aided Record Keeping System]**";
- (b) the substitution for subregulation (2) of the following subregulation:
- "(2) The supplier of a computerised record keeping system or any amendment to an approved computerised record keeping system shall submit such system or amendment to the South African Bureau of Standards for certification in terms of the applicable national standard and, upon receipt of the necessary certification, submit same, as well as a written description of the system or amendment and any other documentation which the appointed officer may require, to the appointed officer, who may, subject to subregulation (3), refuse, or approve, with or without conditions, such system or amendment, or refer such system or amendment back to the supplier for any changes to such system or amendment, or request the supplier to submit additional information.";
- (c) the substitution for subregulation (3) of the following subregulation:
- "(3) The appointed officer shall refer any computerised record keeping system or any amendment to an approved computerised record keeping system to the **[South African Bureau of Standards] Committee** or to any other person or body, for evaluation, prior to taking a final decision on any application contemplated in subregulation (2) [and any costs incurred in such evaluation shall be borne by the supplier].";
- (d) the substitution for subregulation (4) of the following subregulation:
- "(4) **[The submission by the supplier contemplated in subregulation (2), shall be accompanied by a written description of the system or amendment and any other documentation which the appointed officer may require.]** Any costs incurred by the supplier of a computerised record keeping system in making application for approval of a computerised record keeping system, or any amendment to an approved computerised record keeping system, shall be borne by the supplier.";
- (e) the substitution for subregulation (6) of the following subregulation:

"(6) No bookmaker shall be permitted to use a computerised record keeping system in conjunction with the manual record keeping system contemplated by regulations 28 and 28A, except **[in the circumstances referred to in subregulation (7) or where there is a breakdown of the bookmaker's computer equipment due to a power failure or to the unavailability of his or her system due to system downtime,]** in the event of the total failure of the approved computerised record keeping system to correctly capture betting transactions, in which event—

(a) he or she shall comply with the provisions of regulations 28 and 28A insofar as they relate to a manual record keeping system;

(b) he or she shall revert to the computerised record keeping system immediately on it being possible to do so; and

**[(c) he or she shall ensure that full particulars of each bet recorded in accordance with the manual record keeping system are entered onto the computerised record keeping system before finalising his or her records for the relevant race meeting, sporting event or other event or contingency and before preparing the data and records for copying as required by regulation 28C(3); and]**

**[(d)]** (c) the manual records shall be retained for inspection purposes.”;

(f) the deletion of subregulation (7);

(g) the substitution for subregulation (8) of the following subregulation:

**“(7)** Any bookmaker who fails to comply with the provisions of subregulation**[s] (6) [and (7)]** shall be in breach of a duty or obligation imposed upon him or her by the Ordinance.”; and

(h) the substitution for subregulation (10) of the following subregulation:

**“(9)** Any bookmaker utilising a computerised record keeping system **[or a computer-aided record keeping system]** –

(a) in conjunction with a computerised record keeping system which has not been approved and registered by the appointed officer in terms of this regulation;

(b) without a ticket printer**[, in the case of a computerised record keeping system];** or

(c) who is found to have tampered with or in any way interfered with a computerised record keeping system after it has been approved and registered in accordance with this regulation, **[and]** shall be in breach of a duty or obligation imposed upon him or her by the Ordinance.”.

#### **Amendment of Regulation 28C**

**28.** Regulation 28C of the regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

**“(1)** Every bookmaker utilising a computerised record keeping system shall keep the following records disclosing a full and accurate account of his betting transactions –

(a) a field sheet corresponding with each horse race, sporting event or other event or contingency, in respect of which the bookmaker has entered into a betting transaction;

**[(b) a reconciliation or desk sheet;]**

**[(c)](b)** a list of each ticket issued or cancelled;



**[(d)](c)** a list showing details of each bet made;

**[(e)](d)** a list of each take-back bet taken; and

**[(f)](e)** a list of each multiple bet reflecting all bets taken on horses in races to be run on different race days and all bets taken on sporting events or any other events or contingencies or a combination of races, sporting events or other events or contingencies taking place on different days.”;

(b) the substitution for subregulation (3) of the following subregulation:

“(3) All data and the records contemplated in subregulation (1) shall be copied onto a **[stiffy or 1,44 megabyte computer disk and shall be printed onto clean stationery]** suitable and portable electronic recording medium or device at the end of each **[race meeting, sporting event or other event or contingency]** day and each such **[disk and print-out]** electronic recording medium or device and the data saved therein or thereon shall be securely retained in chronological order for inspection purposes at a premises other than the primary betting room premises.”; and

(c) the insertion after subregulation (3) of the following subregulation:

“(4) The Committee shall determine whether or not a portable electronic recording medium or device as contemplated in subregulation (3) is suitable for the purpose contemplated in subregulation (3) and shall further determine the suitability of the place and manner in which such portable electronic recording medium or device is retained.”.

#### **Amendment of Regulation 28D**

29. Regulation 28D of the regulations is hereby amended by –

(a) the substitution for subregulation (1)(c) of the following subregulation:

“(c) **[such bet is a take-back bet,]** ensure that where such bet is a take-back bet, full particulars of such bet are recorded in the list of take-back bets referred to in regulation 28C(1);”; and

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

“(2) Every bookmaker utilising a computerised record keeping system and conducting business at a race meeting or gymkhana shall immediately upon demand, deliver to the representative of the racing club or gymkhana club concerned, a printer copy of the field sheet **[as may be demanded]**.”.

#### **Amendment of Regulation 29**

30. Regulation 29 of the regulations is hereby deleted.

#### **Amendment of Regulation 30**

31. Regulation 30 of the regulations is hereby amended by the deletion of subregulations (1) and (2).

**Amendment of Regulation 31**

32. Regulation 31 of the regulations is hereby amended by –

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

“(2) The application contemplated in subregulation (1) shall be [accompanied by:] made using a form designed by the Committee for that purpose, which form shall include requirements for documentation and information to be supplied by the applicant, including,–

(a) the full names and identity number of the applicant;

(b) the applicant’s residential and postal addresses;

(c) a record of the applicant’s knowledge of bookmaking practice and procedure and knowledge or experience relevant to employment in the bookmaking industry, if any;

**[(d) full particulars of the applicant’s financial position and financial record;];**

(e) the applicant’s written consent to an investigation being undertaken by the Committee, its employee or agent, into his or her **[financial] personal history and** background and any other matters or information disclosed in the application form, or in the affidavit contemplated in paragraph (f), or in any related documentation;

(f) an affidavit by the applicant stating whether or not he or she [—

**(i) has been found guilty of any crimes involving fraud or theft;**

**(ii) is the judgment debtor under any undischarged civil court judgements;**

**(iii) is an unrehabilitated insolvent;**

**(iv) has been posted as a defaulter by the Jockey Club of Southern Africa or the Committee; and**

**(v) has contravened any provision of the Ordinance,**

**and, if so, giving full details thereof and acknowledging that should it subsequently be found that this statement was not correct, or he and she or she is subsequently convicted of an offence involving fraud or theft, any manager’s registration certificate then held by him or her will automatically be suspended temporarily, pending a decision by the Committee as contemplated in regulation 11(4)] is disqualified from being registered in terms of this regulation, by reason of one or more of the disqualifying factors prescribed in section 49 of the National Gambling Act, 2004; and**

(g) the application fee prescribed in the First Schedule to the Ordinance, which fee shall accrue to the Committee[.];

(h) a full set of the applicant’s fingerprints, obtained from the South African Police Services; and

(i) proof of payment to the South African Police Services of the fee in respect of a request for a certificate indicating the applicant’s criminal record status.’

(b) by the insertion after subregulation (2) of the following subregulation:

“(2A) The Committee may evaluate an applicant for registration as a bookmaker’s manager on his or her knowledge of the law applicable to bookmaking.”;

(c) the substitution for subregulation (3) of the following subregulation:

“(3) After the investigation contemplated in subregulation (2)(e) having been completed and reported upon to the Committee and after having considered the application, the Committee

may refuse to register the manager, or may register the manager in which event it shall, upon receipt of the registration fee prescribed in the First Schedule to the Ordinance, issue to him or her a certificate of registration, subject to the following conditions:

(a) that the registration shall lapse on 31 December of each year unless it has been renewed in the manner contemplated in subregulation (6);

(b) that he or she shall operate only in the betting room of a licensed bookmaker;

(c) that he or she shall, before taking up employment, inform the Committee of the name and physical address of the bookmaker by whom he or she is to be employed and likewise shall inform the Committee of any proposed change of employment and the bookmaker concerned shall confirm, in writing, the employment and acknowledge that he or she is liable for all the actions of the manager; and

(d) any further conditions which the Committee, in its discretion, decides to impose.”;

(d) the substitution for subregulation (7) of the following subregulation:

“(7) **[(a) A bookmaker who is not conducting business in partnership with any other bookmaker shall be permitted to employ not more than two registered managers in respect of the bookmaking right owned by him or her.**

**Where two or more bookmakers carry on business in partnership, such partnership shall be permitted to employ not more than two registered managers in respect of the bookmaking right owned by the partnership.] Notwithstanding the provisions of subregulation (3), the Committee may issue a temporary registration certificate to an applicant for registration as a manager, prior to the completion of the investigation contemplated in subregulation (2)(e), provided that the application documentation does not disclose any grounds upon which the applicant may be disqualified from being registered.”;** and

(e) the addition after subregulation (9) of the following subregulations:

“(10) A bookmaker may not employ, or allow the employment in his or her bookmaking business, of any person, in the capacity of a clerk or of a manager, unless that person is properly registered in terms of this regulation, as a clerk or as a manager, as the case may be.

(11) No person must accept employment or work with a bookmaker, in the capacity of a clerk or of a manager, unless that person is properly registered in terms of these regulations.

(12) A bookmaker's clerk is a class of employee of a bookmaker, or of a partnership of bookmakers, employed in a capacity which allows or requires that employee to transact bets with the public, the totalisator, or with other bookmakers.

(13) A manager is employed to –

(a) be in authority over all registered clerks and other employees of the bookmaker, or partnership of bookmakers;

(b) transact bets with the public, the totalisator, or with other bookmakers; and

(c) subject to the criteria outlined in the definition of “manager” in section 2 of the Ordinance, be responsible for all obligations of the bookmaker when the bookmaker is unavailable.

(14) Every bookmaker or partnership of bookmakers must register at least one employee as a manager, in accordance with these regulations."

#### **Amendment of Regulation 32**

33. Regulation 32 of the regulations is hereby deleted.

#### **Amendment of Regulation 33**

34. Regulation 33 of the regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

"33.(1) Any person having a valid claim against a bookmaker in respect of a bet which such bookmaker has failed to settle after a request to do so, shall report the circumstances in writing to the **[Committee] Chief Executive Officer**"; and

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

"(2) The **[Secretary] Chief Executive Officer** on receiving such notice shall record it forthwith in a register kept for the purpose, and shall submit it without delay to the Committee."

#### **Amendment of Regulation 35**

35. Regulation 35 of the regulations is hereby amended by the substitution for paragraph (a) of subregulation (4) of the following paragraph:

"(a) Any bettor who has been adjudged to be a defaulter by the Committee shall not enter or be upon any premises licensed as a racecourse in terms of this ordinance, any premises referred to in section 28(2) or (3) of the ordinance or any premises upon which a licensed bookmaker carries on business until time as all his liabilities to bookmakers have been discharged and the Committee is satisfied that he is a fit and proper person to resume betting."

#### **Amendment of Regulation 36**

36. Regulation 36 of the regulations is hereby amended by the insertion of the following heading:

"Defaulter: Jockey Club of South Africa".

#### **Deletion of Regulation 37**

37. Regulation 37 of the regulations is hereby deleted.

#### **Amendment of Regulation 38**

38. Regulation 38 of the regulations is hereby amended by the deletion in subregulation (1) of paragraph (c).

**Amendment of Regulation 38A**

39. Regulation 38A of the regulations is hereby amended by the substitution for all the words preceding the table of the following words:

“The taxes deducted from the amount won by a person who has made a winning bet with a bookmaker in respect of a horse race shall be at the percentages reflected in the distribution table as follows, which taxes shall be exclusive of Value-Added Tax:”.

**Amendment of Regulation 39**

40. Regulation 39 of the regulations is hereby amended by the substitution for subregulation (8) of the following subregulation:

“(8) Every licensed bookmaker shall, within fifteen days of the last day of every month, lodge with the Committee a **[certified]** true copy of Schedule 1, as lodged with the appointed officer, and shall simultaneously pay to the Committee the tax prescribed in terms of regulation 38A.”.

**Amendment of Regulation 40**

41. Regulation 40 of the regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) Unless a bookmaker has the written authority of the **[Director: Financial Administration]** Director-General authorising him to transact business after he has failed to lodge the statement contemplated in regulation 39 and to pay the taxes referred to in section 30 of the Ordinance, his licence shall be deemed to have been suspended while and for so long as his failure to lodge the said statement and to pay the taxes and any penalties due in terms of the Ordinance continues.”.

**Amendment of Regulation 43**

42. Regulation 43 of the regulations is hereby amended by the substitution for regulation 43 of the following regulation:

“**[Racecourse Development Fund]** Approval Procedure: Other Events and Contingencies

**43.(1) [(a) The Board of Trustees contemplated by section 41ter of the Ordinance shall consist of—**

- (i) the Chairman from time to time of the Local Executive Stewards contemplated in clause 24 of the Constitution of the Jockey Club of South Africa, in respect of the KwaZulu-Natal Racing District, who shall be Chairman of the Board of Trustees;**
- (ii) the Deputy Chairman from time to time of the Local Executive Stewards contemplated in clause 24 of the Constitution of the Jockey Club of South Africa, in**

respect of the KwaZulu-Natal Racing District, who shall be Deputy Chairman of the Board of Trustees;

(iii) the Chairman from time to time of—

(aa) the Clairwood Turf Club;

(bb) the Durban Turf Club;

(cc) the Pietermaritzburg Turf Club;

(dd) the Bookmakers Control Committee contemplated by section 21A of the Ordinance, and

(ee) the KwaZulu-Natal Owners and Trainers Association;

(iv) a representative of the Minister, appointed by him from time to time, and

(v) not more than two persons appointed by the Minister, initially for the period from 1 September 1987 to 30 June 1989, and thereafter for periods of office of three years at a time, commencing on 1 July 1989.

(b) The Chairman of the Local Executive Stewards contemplated in clause 24 of the constitution of the Jockey Club of South Africa, in respect of the KwaZulu-Natal Racing District shall, from time to time, nominate a member of the said Local Executive Stewards as an alternate member of the Board of Trustees, who shall take his seat as such in the absence of the Deputy Chairman or when the Deputy Chairman is acting as Chairman of the Board of Trustees.

(c) The Vice Chairman from time to time of the bodies referred to in paragraph (a) (iii) shall be alternate members of the Board of Trustees and shall so act in the absence of their respective Chairmen.

(d) In the event of a vacancy occurring in the membership contemplated in paragraph (a) (v), otherwise than in consequence of the expiration of a member's period of office, the Minister may appoint a person to fill such vacancy for the unexpired portion of the period office of the member in whose place such person is appointed.

(e) The person contemplated in paragraph (a) (v) shall be eligible for re-appointment as members of the Board of Trustees on expiration of their period office.

(2) For the purpose of carrying out its functions and duties and exercising its powers in terms of the Ordinance in relation to the Racecourse Development Fund established by the said section 41ter, hereinafter referred to as the Fund, the said Board shall—

(a) be a juristic person;

(b) be known as the Board of Trustees of the Racecourse Development Fund, hereinafter referred to as the Trustees;

(c) act as Trustees for and on behalf of the Fund subject to the directions of the Minister; and

(d) as Trustees be vested with the assets and the liabilities (if any) of the Fund.

(3) Every racing club or gymkhana club conducting a totalisator at any race meeting or gymkhana shall, within seven days after such race meeting or gymkhana, pay to the Trustees the amount deducted from the "jackpot" and "place accumulator" pools in

terms of section 41ter (2) of the Ordinance, and shall at the same time submit to the Trustees a statement showing how such amount was calculated. A copy of such statement shall be forwarded to the Director: Financial Management.

(4) All monies or other income accruing to the Fund from whatever source shall be paid into a banking account or accounts approved by the Minister and opened in the name of the Trustees.

(5) Any money standing to the credit of the Fund and available for investment shall be invested for, on behalf of and for the benefit of the Fund in the name of the Trustees, in such Government or other securities as may be approved by the Minister.

(6) (a) Whenever immovable property is acquired on behalf of the Fund the Minister may impose such conditions as he may think fit, including restrictive conditions of title, and require such conditions to be registered against the title deed of the property.

(b) The provisions of paragraph (a) shall mutatis mutandis apply to any immovable property owned or acquired by any company in which the Fund holds any direct or indirect controlling interest.

(7) Any immovable property acquired by the Fund shall be registered in the name of the Trustees of the Racecourse Development Fund.

(8) The Trustees shall, within seven days after the end of each calendar month, submit to the Director: Financial Management a statement showing the transactions relative to the Fund during the preceding month and the total assets of the Fund as at the last day of such month.

(9) (a) The Books of Account of the Fund shall be subject to audit annually at the expense of the Fund by Auditors appointed by the Trustees with the prior approval of the Minister.

(b) An audited statement of the Fund shall be submitted to the Director-General annually not later than ninety days after the end of the Fund's financial year as determined from time to time by the Trustees.]

Any person who wishes the Minister to make a determination, as contemplated in the definition of "other event or contingency" in the Ordinance, must make application to the Minister in writing.

(2) A written application contemplated in subregulation (1) shall include at least the following information and motivation –

(a) the profession, name, postal address and other contact details of the applicant;

(b) a clear, complete and concise description of the event or contingency for which the determination is requested;

(c) information regarding any organization which in any manner controls the event or contingency for which the determination is requested;

(d) motivation supporting the contention that the act of betting on the event or contingency for which the determination is requested, will not offend public morals; and

(e) motivation supporting the contention that the act of betting on the event or contingency for which the determination is requested, will not predispose the event or contingency to acts of corruption or manipulation of results.

(3) Any determination made by the Minister shall be by way of notice published in the Provincial Gazette.

(4) The effective date of a determination by the Minister as contemplated in this regulation shall be the date of publication of the Provincial Gazette in which the relevant notice is published.”

#### **Amendment of Regulation 44**

**43.** Regulation 44 of the regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) The record contemplated in section 38(~~3~~2) of the Ordinance shall contain the date, name of the racehorse, diagnosis of the ailment, the medicine, drug or apparatus used in the treatment, whether the medicine or drug has been administered orally, via an injection or infusion, or by external application, the name of the person who treated the horse, the name of the veterinary surgeon who prescribed the medicine or drug and details as to who supplied the medicine or drugs and the quantity supplied.”; and

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

“(2) For the purposes of subparagraph (ii) of section 38(2)(b) of the Ordinance, no residue of any substance, chemical or drug contemplated in section 38(1)(a) of the Ordinance shall be present in a racehorse during the period forty-eight hours prior to and twenty-four hours after a race in which such horse is to or did participate; provided that where a registered veterinary surgeon certifies that such substance, chemical or drug was –

(a) not administered before the completion of the most recent race in which the horse participated; and

(b) necessary for the well-being of the horse in question, the prohibition in respect of the aforesaid post-race 24-hour period shall not apply.”.

#### **Amendment of Regulation 47**

**44.** Regulation 47 of the regulations is hereby amended by –

(a) the substitution for subparagraphs (a), (b) and (c) of paragraph (c) of subregulation (3) of the following subparagraphs:

“~~[(a)]~~(aa) sporting events;

~~[(b)]~~(bb) other events or contingencies; or

~~[(c)]~~(cc) any combination thereof.”; and

(b) the insertion subregulations (10) and (11) after subregulation (9):

“(10) If in any calendar month of the year, the amount of gross profits on betting transactions on –

(a) sporting events; or

(b) other events or contingencies,

is less than zero, the loss may be fully offset against gross profits in succeeding tax periods.



(11) For the purposes of subregulation (10) "tax period" means one calendar month."

#### **Amendment of Regulation 49**

45. Regulation 49 of the regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Every bookmaker shall, within seven days of the last day of every month, submit a **[certified] true** copy of Schedule 10 to –

- (a) the Committee together with the taxes payable by him or her to the Committee in terms of this Chapter; and
- (b) the designated representative of the racing clubs together with the taxes payable to the racing clubs in terms of this Chapter."

#### **Amendment of Regulation 50**

46. Regulation 50 of the regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Within seven days of the last day of every month, the Totalisator Agency Board (Natal) or the racing clubs concerned shall –

- (a) lodge with the appointed officer a return in the form of Schedules 10 and 11 which shall show the total amount paid into the totalisator in respect of any sporting event or other event or contingency covered by the said Schedules;
- (b) pay to the appointed officer the taxes payable in terms of this Chapter; and
- (c) submit a **[certified] true** copy of Schedule 10 to the Committee together with the taxes payable to the Committee in terms of this Chapter."

#### **Deletion of Regulation 52**

47. Regulation 52 of the regulations is hereby deleted.

#### **Deletion of Regulation 53**

48. Regulation 53 of the regulations is hereby deleted.

#### **Amendment of Schedule 1 of the Regulations**

49. Schedule 1 of the regulations is hereby amended by the substitution for the first part of the signed declaration of the following:

"SCHEDULE 1

PROVINCE OF KWAZULU-NATAL  
 REGULATION OF RACING AND BETTING ORDINANCE, 1957 (ORDINANCE NO. 28 OF 1957)  
**[SWORN] DECLARATION AND STATEMENTS, BY A BOOKMAKER OR THE TOTALISATOR AGENCY BOARD (KWAZULU-NATAL) OFFERING FIXED-ODDS BETS, IN RESPECT OF THE TAXES TO BE PAID OVER ON BETS ON HORSE RACES AND ANY TAKE-BACK BETS IN RESPECT OF WHICH A DEDUCTION IS CLAIMED**

[To be completed in block letters and to be lodged in duplicate in terms of section 30 of the Ordinance as read with regulation 39]

Full name of bookmaker \_\_\_\_\_  
 (In case of a partnership, give full names of all partners)

Name under which business conducted \_\_\_\_\_

Physical address of betting room \_\_\_\_\_

Postal address \_\_\_\_\_

Month and year in respect of which return is rendered (in respect of a return on bets made in a betting room) \_\_\_\_\_

Name of racing/gymkhana club (in respect of a return on bets made at a racecourse/gymkhana course) \_\_\_\_\_

Date of race meeting/gymkhana (in respect of a return on bets made at a racecourse/gymkhana course) \_\_\_\_\_

**DECLARATION**

I, the abovementioned and undersigned bookmaker/partner in the abovenamed partnership\*, hereby solemnly declare that—

- (i) the gross amount of any money, security or valuable thing paid or given or to be paid or given by me or to me in fulfilment of all bets made at the abovementioned race meeting or gymkhana is fully and truly disclosed in statement A hereto; and
- (ii) the details of the take-back bets taken by me to cover my liabilities in respect of bets made at the abovementioned race meeting or gymkhana are fully and truly disclosed in statement B hereto and in the attached schedule 2.

SIGNATURE OF BOOKMAKER (Please also print name where a partner signs for a partnership.) \_\_\_\_\_

**[The deponent has acknowledged that he knows and understands the contents of this declaration, which was sworn to/affirmed by the deponent before me at ..... on this ..... day of ..... 19.....]**

**Justice of Peace/Commissioner of Oaths\*] As witness:**

Full names \_\_\_\_\_

**[Business] Residential** address \_\_\_\_\_

[Area for which appointed] Postal address \_\_\_\_\_

[State office held if appointment held ex officio] Telephonic contact details \_\_\_\_\_

South African Identification Number: \_\_\_\_\_

[\* Delete words which are not applicable]"

**Deletion of Schedule 6**

50. Schedule 6 of the regulations is hereby deleted.

**Amendment of Schedule 7**

51. The regulations are hereby amended by the substitution for Schedule 7 of the following Schedule:

"SCHEDULE 7
PROVINCE OF KWAZULU-NATAL
REGULATION OF RACING AND BETTING ORDINANCE, 1957 (ORDINANCE NO. 28 OF 1957)
(Section 22)
BOOKMAKER'S LICENCE

Full names of bookmaker	
Passport no. or South African Identity no.	

**Make an x in the appropriate space\* and complete the applicable shaded fields:**

This licence is valid \* for the year ending 31 December

This licence is valid \* for the period:-  to

This licence is valid \* on the following days:

This licence authorises \* the **primary** betting room premises at the holder to operate in \_\_\_\_\_

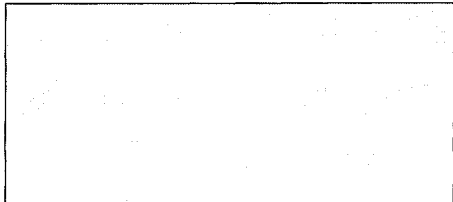
This licence authorises \* the **secondary** betting room premises at the holder to operate in \_\_\_\_\_

This licence authorises  \* on the licensed **racecourse** at \_\_\_\_\_  
the holder to operate \_\_\_\_\_

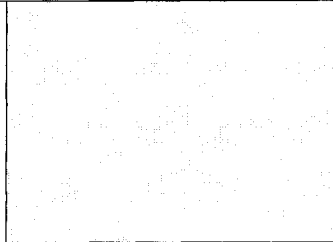
Amount paid, receipt of which is hereby acknowledged: R

Receipt no.   
Reference no.

Subject to the provisions of the Regulations of Racing and Betting Ordinance, 1957 and to any valid conditions attached to this license by way of annexure or endorsement, the person named in this licence may carry on the calling of a bookmaker at the place(s) this licence authorises him or her to do so, until the date(s) of expiry mentioned in this licence.



**DIRECTOR-GENERAL**



**DATE STAMP**

**Amendment of Schedule 10**

52. Schedule 10 of the regulations is hereby amended by the substitution for the first part of the signed declaration of the following:

"SCHEDULE 10  
PROVINCE OF KWAZULU-NATAL  
REGULATION OF RACING AND BETTING ORDINANCE, 1957 (ORDINANCE NO. 28 OF 1957)  
**[SWORN]** DECLARATION AND STATEMENTS BY A BOOKMAKER OR A TOTALISATOR OFFERING  
FIXED-ODDS BETS, IN RESPECT OF THE TAXES TO BE PAID OVER ON SPORTS BETS OR BETS  
ON ANY OTHER EVENT OR CONTINGENCY AND ANY TAKE-BACK BETS IN RESPECT OF WHICH A  
DEDUCTION IS CLAIMED

To be completed in BLOCK LETTERS and to be lodged in  
DUPLICATE in terms of regulations 49 and 50 made under the  
Ordinance.

Full name of bookmaker/TAB (Natal): \_\_\_\_\_

(in the case of a partnership, give full names of all partners)

Name under which business conducted: \_\_\_\_\_

[The deponent has acknowledged that he knows and understands the contents of this declaration, which was sworn to/affirmed by the deponent before me at ..... on this ..... day of ..... [19] 20.....

Justice of Peace/Commissioner of Oaths\*] As witness (full names):

[Business] Residential address:

[Area for which appointed] Postal address:

Telephonic contact numbers:

South African Identification Number:

[State office held if appointment held ex officio:.....]

(please also print name).....

Physical address of betting room/totalisator:

Postal address:

Month and year in respect of which return is rendered:

(in respect of a return on bets made in a betting room)

DECLARATION

I, the above-named and undersigned bookmaker/partner in the above-named partnership; or I, the signatory for TAB (Natal)\* hereby solemnly declare that—

(i) the gross amount of any money, security or valuable thing paid or given or to be paid or given by me or to me in fulfilment of all sports bets made at the above-mentioned event is fully and truly disclosed in Statement A hereto; and

(ii) the details of the take-back bets taken by me to cover my liabilities in respect of bets made at the above-mentioned event are fully and truly disclosed in Statement B hereto and in the attached Schedule 11.

Signature of bookmaker/TAB (Natal) signatory\*

[\* Delete words not applicable].

Short title

53. These Regulations are called the Horse Racing and Betting Control Amendment Regulations, 2009.

**No. 1****1 Januarie 2010****KANTOOR VAN DIE PREMIER****REGULASIEKENNISGEWING****WYSIGING VAN DIE REGULASIES GEMAAK INGEVOLGE ARTIKEL 42 VAN DIE ORDONNANSIE OP DIE REGULERING VAN WEDRENNE EN WEDDERY, 1957 (ORDONNANSIE NO. 28 VAN 1957)**

Ek wysig hiermee die regulasies gemaak ingevolge artikel 42 van die Ordonnansie op die Regulering van Wedrenne en Weddery, 1957 (Ordonnansie No. 28 van 1957), soos in die meegaande bylae aangeheg.

Gegee onder my hand te Pietermaritzburg op hierdie vyfde dag van November, Tweeduisend-en-nege.

**ZL MKHIZE**

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal  
verantwoordelik vir dobbelary en weddery

**ALGEMEEN VERDUIDELIKENDE NOTA:**

[ ] Woorde in vetdruk tussen vierkantige hakies dui weglatings uit bestaande bepalings aan.

\_\_\_\_\_ Onderstreepte woorde dui invoegings by bestaande bepalings aan

**BYLAE****Omskrywings**

1. In hierdie regulasies beteken "die regulasies" die Regulasies Betreffende Perdewedrenne en Weddenskapsbeheer, 1981, gepubliseer in Provinsiale Kennisgewing No. 381 van 6 Augustus 1981, soos gewysig deur Provinsiale Kennisgewings Nos. 697 van 10 Desember 1981, 104 van 4 Maart 1982, 292 van 24 Junie 1982, 10 van 13 Januarie 1983, 190 van 19 April 1984, 299 van 14 Junie 1984, 506 van 27 September 1984, 579 van 8 November 1984, 475 van 28 November 1985, 330 van 7 Augustus 1986, 295 van 13 Augustus 1987, 518 van 24 Desember 1987, 562 van 22 Desember 1988, 41 van 8 Februarie 1990, 136 van 26 Mei 1990, 173 van 28 Junie 1990, 273 van 26 September 1991, 349 van 29 November 1991, 40 van 20 Februarie 1992, 149 van 18 Junie 1992, 328 van 3 Desember 1992, 12 van 28 Januarie 1994, 38 van 10 Maart 1994, 74 van 13 Mei 1994, 186 van 31 Oktober 1994, 210 van 17 November 1994, 211 van 17 November 1994, 222 van 1 Desember 1994, 161 van 20 Julie 1995, 179 van 10 Augustus 1995, 403 van 24 Oktober 1996, 186 van 5 Junie 1997, 414 van 27 November 1997, 16 van 22 Januarie 1998, 48 van 19 Februarie 1998, 195 van 2 Julie 1998, 72 van 11 Maart 1999, 351 van 17 Desember 1999, 126 van 19 Junie 2008 en 164 van 24 Julie 2008.

**Wysiging van regulasie 1**

2. Regulasie 1 van die regulasies word hiermee gewysig deur –

- (a) die skraping van die omskrywing van **rekenaargesteunde optekenstelsel**;
- (b) die skraping van die omskrywing van **afskorting**;
- (c) die skraping van die omskrywing van "**direkteur**";
- (d) die skraping van die omskrywing van **nie-eksotiese weddenskap**;
- (e) die skraping van die omskrywing van **sekretaris**;
- (f) die vervanging van die omskrywing van **gerekenariseerde optekenstelsel** deur die volgende omskrywing:

**"gerekenariseerde optekenstelsel"** 'n optekenstelsel wat die gebruik van elektroniese rekenaartoerusting en rekenaarsagteware behels en wat deur 'n beroepswedder gebruik word om besonderhede van alle weddenskappe wat by hom aangegaan is asook besonderhede van alle dekkingsweddenskappe wat deur hom aangegaan is, op te teken en wat outomaties die voorgeskrewe state genereer;"

- (g) die invoeging van die volgende omskrywing na die omskrywing van "**pari-mutuel weddenskap**":

**"politieke ampsdraer"** –

- (a) 'n lid van die Nasionale Vergadering, die Nasionale Raad van Provinsies of die Kabinet;
- (b) 'n lid van 'n provinsiale wetgewer of van die Uitvoerende Raad van 'n provinsie;
- (c) 'n munisipale raadslid;
- (d) 'n diplomatieke verteenwoordiger van die Republiek wat nie 'n lid van die staatsdiens is nie;
- (e) 'n lid van 'n huis van tradisionele leiers; of
- (f) 'n nasionale of provinsiale ampsdraer van 'n politieke party, organisasie, liggaam, alliansie of beweging geregistreer ingevolge artikel 15 of 15A van die Verkiesingswet, 1996 (Wet No. 51 van 1996).";
- (h) die invoeging van die volgende omskrywing na die omskrywing van "**politieke ampsdraer**":
 

**"primêre wedkamerperseel"** die perseel vanwaar 'n beroepsweddersbesigheid primêr bedryf word, soos gespesifiseer in die beroepswedderslisensie en wat gedurende normale besigheidsure oop is vir die publiek;"
- (i) die invoeging van die volgende omskrywing na die omskrywing van "**primêre wedkamerperseel**":

“familie lid” enige van die volgende, na gelang van die geval –

(a) ‘n man of vrou, enige deelgenoot in ‘n huwelik wat voltrek is kragtens enige tradisie of enige godsdienstbeoefeningstelsel, of enige deelgenoot in ‘n verhouding waar die partye saamleef op ‘n wyse wat met ‘n huweliksvennootskap ooreenkom, ‘n huwelik wat voltrek is kragtens enige tradisie of enige godsdienstbeoefeningstelsel;

(b) enige kind wat uit enigen van die huwelike of verbintenisse vermeld in paragraaf (a) gebore is of enige kind wat uit een van die deelgenote vermeld in paragraaf (a) gebore is;

(c) die ouers van ‘n persoon vermeld in paragraaf (a) en die ouers van sodanige persoon se man, vrou of deelgenoot vermeld in die voormelde paragraaf (a).”;

(j) die invoeging van die volgende omskrywing na die omskrywing van **“familie lid”**:

“**sekondêre wedkamerperseel**” die residensiële perseel waarop ‘n beroepswedder normaalweg woon en vanwaar ‘n beroepswedder van tyd tot tyd ‘n beroepsweddersbesigheid bedryf, onder die gesag bedoel in regulasie 20(5).”; en

(k) die invoeging van die volgende omskrywing na die omskrywing van **“dekkingsweddenskap”**:

“**die Ordonnansie**” die Ordonnansie op die Regulering van Wedrenne en Weddery, 1957 (Ordonnansie No. 28 van 1957).”.

#### **Wysiging van regulasie 2**

3. Regulasie 2 van die regulasies word hiermee gewysig deur die skraping van die verwysing na bylae 9 –

**“[Bylae 9 – Kennisgewing van tydelike opskorting.]”.**

#### **Vervanging van regulasie 3**

4. Die regulasies word hiermee gewysig deur die vervanging van regulasie 3 deur die volgende regulasie –

**“3. ‘n Nie-geslote klub of vereniging van persone wat ‘n renbaanlisensie ingevolge artikel 3 van die Ordonnansie wil bekom, moet ‘n skriftelike aansoek by die Direkteur-generaal indien; met dien verstande dat sodanige aansoek nie ingedien word nie voor publikasie, ten minste een maal per week vir vier agtereenvolgende weke, in twee of meer koerante met wye sirkulasie in die gebied waarin die voorgestelde renbaan gestig moet word [op die wyse soos voorgeskryf deur artikel 110 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)], van ‘n kennisgewing wat die voorneme uiteensit van sodanige klub of vereniging van persone wat aansoek doen en wat ‘n verklaring bevat dat enige persoon wat ‘n voldoende belang besit en wat beswaar maak teen die toestaan van die aansoek, sy beswaar saam met redes daarvoor by die Direkteur-generaal kan indien, nie later nie as een week na die vierde publikasie van sodanige kennisgewing.”.**

#### **Skrapping van regulasie 5**

5. Regulasie 5 van die regulasies word hiermee geskrap.

#### **Wysiging van regulasie 8**

6. Regulasie 8 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (5) deur die volgende subregulasie:



"(5) Enige geld tot die Komitee se krediet en wat beskikbaar is vir belegging moet belê word, namens en ten gunste van die Komitee en in sy naam in sodanige **[regerings- of ander sekuriteite]** rekeninge soos deur die Minister goedgekeur.";

(b) die vervanging van subregulasie (7A) deur die volgende subregulasie:

"(7A) **[(i)](a)** Die Komitee word nie toegelaat om enige van sy **[winste of rendemente]** surplus fondse aan enige persoon uit te keer nie en moet sy fondse uitsluitlik vir belegging of die oogmerke waarvoor hy ingestel is, aanwend; Met dien verstande dat niks die Komitee moet verhoed om goedere en dienste, wat verkry is vir die doel om die oogmerke te bereik waarvoor dit ingestel is, te verkry en daarvoor te betaal nie.

**[(ii)](b)** By ontbinding van die Komitee moet sy bates deur 'n persoon wat deur die Minister aangestel is te gelde gemaak word en nadat alle skulde vereffen is, moet die eventuele saldo in die Provinsiale Inkomstefonds gestort word.";

(c) die byvoeging van die volgende voorbehoudsbepaling tot subregulasie (8):

"Met dien verstande dat die nodige fondse beskikbaar is en dat die Komitee die nodige voorsiening in sy jaarlikse begrotingsplan maak vir alle kostes ten opsigte van die indiensneming van sy personeel.";

(d) die invoeging van die volgende subregulasies na subregulasie (8):

"(8A) Die posbenaming van die mees senior werknemer wat deur die Komitee aangestel is, is die hoof- uitvoerende beampte en hy of sy het, buiten die bevoegdhede, funksies en pligte soos in sy of haar dienskontrak uiteengesit is, die bevoegdhede, funksies en pligte soos in hierdie regulasies uiteengesit is.

(8B) Die prestasie van alle werknemers van die Komitee moet gemoniteer en bestuur word via 'n prestasiebestuursbeleid, welke beleid die vereiste moet bevat dat alle werknemers 'n prestasiebestuursooreenkoms aangaan.";

(e) die invoeging van die volgende subregulasies na subregulasie (9) –

"(10) Die Minister moet die eise-en-vergoedingsbeleid en vergoedingskale van die voorsitter, ondervoorsitter en lede van die Komitee bepaal.

(11) 'n Persoon is onbevoeg vir aanstelling op die Komitee of om op die Komitee aan te bly, omrede –

(a) hy of sy nie 'n Suid-Afrikaanse burger is nie;

(b) hy of sy nie 'n inwoner van KwaZulu-Natal is nie;

(c) hy of sy ten tyde van die aanstelling, of gedurende die voorafgaande 12 maande –

(i) 'n persoon beoog in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994); of

(ii) 'n politieke ampsdraer is of was;

(d) sy of haar familielid 'n persoon beoog in subregulasie (11)(c)(ii) is;

(e) hy of sy 'n lid is van 'n direksie van enige entiteit wat dobbelary of fondsinsameling insluit, 'n beherende belang of enige finansiële belang of ander belang in enige dobbel- of fondsinsamelingsaktiwiteit het of 'n direkte of indirekte finansiële belang in enige dobbel- of fondsinsamelingsaktiwiteit verkry of in diens is van enige persoon, maatskappy, organisasie of ander liggaam, hetsy korporatief of ongeïnkorporeerd, wat 'n belang soos beoog in hierdie subregulasie het;

(f) sy of haar familielid 'n lid is van 'n direksie van enige entiteit wat dobbelary of fondsinsameling insluit of enige direkte of beherende belang in sodanige entiteit het;

(g) hy of sy 'n ongerehabiliteerde insolvente persoon is;

(h) hy of sy –

(i) 'n persoon onder kuratorskap is;

- (ii) kragtens artikel 9 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973) gesertifiseer is, en nie ontslaan is uit 'n instelling bedoel ingevolge sodanige Wet nie; of
- (iii) onweerlegbaar as ontoerekeningsvatbaar bewys kan word of aan 'n liggaamlike gebrek ly wat hom of haar verhoed om sy of haar pligte na behore uit te voer;
- (i) hy of sy te eniger tyd uit 'n vertrouensamp verwyder is as gevolg van wangedrag wat diefstal of bedrog insluit;
- (j) hy of sy skuldig bevind is en gevonnissen is tot 'n termyn van gevangenisstraf sonder die keuse van 'n boete, behalwe dat die Minister, by die openbaarmaking van volle besonderhede van 'n misdryf in 'n beëdigde verklaring van 'n persoon wat vir aanstelling benoem is, 'n skuldigbevinding kan oorsien: Met dien verstande dat dit nie 'n skuldigbevinding is vir 'n misdryf wat moord, strafbare manslag wat 'n aanranding behels, verkragting, roof, diefstal, bedrog, vervalsing en uitgifte, meened, 'n misdryf kragtens die Wet op Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), die Wet op die Voorkoming van Georganiseerde Misdaad, 1998 (Wet No. 121 van 1998), of die Wet op die Sentrum vir Finansiële Intelligensie, 2001 (Wet No. 38 van 2001), enige ernstige misdryf wat oneerlikheid insluit, 'n misdryf wat smokkelary met geskeduleerde stowwe en verdowingsmiddels behels, 'n misdryf ten opsigte van die opbrengs van omskrewe misdaad soos bedoel in die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992), of enige misdryf kragtens hierdie Wet of enige ander soortgelyke wet insluit nie: Voorts met dien verstande dat –
- (i) enige skuldigbevinding of vonnis wat deur 'n hof buite die grense van die Republiek van Suid-Afrika opgelê is, nie in ag geneem word vir die doeleindes van hierdie subregulasie nie, tensy sodanige misdryf op daardie tyd 'n misdryf sou wees indien dit in die Republiek van Suid-Afrika plaasgevind het; en
- (ii) vir die doeleindes van hierdie subregulasie, word 'n persoon geag as nie skuldig bevind en gevonnissen nie –
- (aa) totdat enige appèl wat teen sodanige skuldigbevinding of vonnis aangeteken is, aangehoor is en uitspraak aangaande sodanige appèl gelewer is;
- (bb) totdat die tyd wat regtens toegelaat word vir die aantekening van appèl teen sodanige skuldigbevinding of vonnis verstryk het sonder dat enige sodanige appèl aangeteken is; of
- (cc) indien amnestie of algehele kwytskelding deur 'n bevoegde gesag aan hom of haar verleen is;
- (k) hy of sy 'n werknemer van 'n totalisator is, of 'n totalisatoragent is, of 'n werknemer van sodanige agent is, soos in die Ordonnansie bedoel;
- (l) hy of sy of sy of haar familielid 'n beherende belang of enige finansiële of ander belang in enige beroepswedderslisensiehouer, totalisator, totalisatoragent of houer van 'n renbaanlisensie het, soos in die Ordonnansie bedoel;
- (m) hy of sy of sy of haar familielid 'n beherende belang of enige finansiële of ander belang in enige onderneming het, met inbegrip van 'n regsliggaam, wat 'n eienaar, teler of afrigter van resiesperde is; of
- (n) hy of sy deur 'n hofbevel in die register van uitgeslote persone, bedoel in artikel 14(7) van die Nasionale Dobbeltwet, vermeld word.

(12) Indien enige lid van die Komitee gedurende sy of haar ampstermyn ingevolge subregulasie (11) onbevoeg raak, moet hy of sy onmiddellik by sodanige onbevoegwording sodanige inligting skriftelik aan die Minister verklaar, om die Minister in staat te stel om stappe te doen om die vakature wat so ontstaan het, te vul.

(13) Vir die doeleindes van hierdie regulasie, sluit 'n finansiële belang nie 'n indirekte belang wat gehou word in enige fonds of belegging in nie indien die persoon wat daardie belang hou geen beheer het oor die beleggingsbesluite wat ten opsigte van daardie fonds of belegging gemaak is nie."

#### Vervanging van regulasie 9

7. Die regulasies word hiermee gewysig deur die vervanging van regulasie 9 deur die volgende regulasie:

"9.(1) Die voorsitter of, in sy afwesigheid, die ondervoorsitter, moet die datum, tyd en plek van elke vergadering van die Komitee bepaal.

(2) 'n Kworum van die Komitee is vier wees, bestaande uit vier lede of plaasvervangende lede, of vier lede en plaasvervangende lede.

(3) Besluite van die Komitee is volgens die meerderheidstem; met dien verstande dat die voorsitter, of in sy afwesigheid, die ondervoorsitter, of in die afwesigheid van albei, die persoon wat ingevolge subregulasie (4) verkies is, in die geval van 'n staking van stemme 'n beslissende sowel as 'n beraadslagende stem het.

(4) Die voorsitter of, in sy afwesigheid, die ondervoorsitter, moet op enige vergadering voorsit. Indien nóg die voorsitter nóg die ondervoorsitter op 'n vergadering teenwoordig is, moet die lede en plaasvervangende lede wat dan teenwoordig is uit eie geledere 'n persoon verkies wat vir die duur van daardie vergadering as voorsitter moet optree."

#### Vervanging van regulasie 10

8. Die regulasies word hiermee gewysig deur die vervanging van regulasie 10 deur die volgende regulasie:

"10. Die Komitee kan, behoudens –

(a) die goedkeuring van die Minister; en

(b) publikasie, in die *Provinsiale Koerant*, van die konsepreëls vir openbare kommentaar, reëls bepaal vir die –

(i) beheer van beroepswedders; en

(ii) bestuur en beheer van wedkamers en sodanige ander plekke waar 'n beroepswedder weddenskappe soos voorgeskryf, kan aanvaar."

#### Wysiging van regulasie 11

9. Regulasie 11 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) Die Komitee, **[of]** sy gedelegeerde, of diegene van sy werknemers wat as inspekteurs aangestel is, moet ondersoek instel na enige bewering aangaande 'n beroepswedder, **[of]** 'n geregistreeerde bestuurder, of 'n geregistreeerde klerk –

(a) van **[oneervolle of skandelige]** gedrag wat strydig is met enige gedragskode wat sodanige beroepswedder, geregistreeerde bestuurder of geregistreeerde klerk bind;

(b) van die skending van enige plig of verpligting wat hom opgelê is by die Ordonnansie, hierdie regulasies, die voorwaardes van sy lisensie of die in regulasie 10 bedoelde reëls;

(c) van deelname aan sodanige in paragrawe (a) en (b) vermelde gedrag of skending aan die kant van enige ander beroepswedder; en kan na sodanige ondersoek onmiddellik aan die **[betrokke]** beroepswedder of aan **[sy]** die geregistreerde bestuurder of aan **[sy]** die geregistreerde klerk **[gemagtig ingevolge regulasie 31,]** 'n skriftelike kennisgewing van tydelike opskorting beteken **[in die voorgeskrewe vorm en], by aanvoering van grondige redes** waarin vermeld word –

(i) die tydperk waarvoor die beroepswedder se lisensie of **[’n]** die bestuurder se of klerk se registrasiesertifikaat opgeskort word; en

(ii) die datum waarop sodanige beroepswedder, **[of]** bestuurder of klerk voor die Komitee moet verskyn vir 'n **[besluit]** verhoor bedoel by subregulasie (4);

met dien verstande dat die hierbovermelde tydperk en datum nie sewe dae vanaf die datum van die kennisgewing mag oorskry nie.”;

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

“(2) **[’n Gedelegeerde van die Komitee moet binne]** In die geval wanneer ’n kennisgewing of tydelike opskorting uitgereik is ingevolge subregulasie (1)(c), moet die persoon of liggaam wat die kennisgewing uitgereik het, binne agt-en-veertig uur na die uitreiking van [’n tydelike] die [opskortings]kennisgewing aan die [sekretaris van Komitee] hoof- uitvoerende beampte ’n volledige verslag verskaf oor die omstandighede wat tot die vermelde opskorting aanleiding gegee het.”;

(c) die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) Die Komitee het die bevoegdheid om 'n tydelike opskorting deur sy gedelegeerde of werknemer ter syde te stel voor die datum waarop die beroepswedder, **[of]** die geregistreerde bestuurder, of geregistreerde klerk voor hom moet verskyn. **Sodanige]** Met dien verstande dat die tersydestelling van 'n tydelike opskorting onthef die betrokke beroepswedder, **[of]** die bestuurder, of die klerk nie daarvan om voor die Komitee te verskyn op die in die tydelike opskortingskennisgewing bepaalde datum nie, tensy die Komitee 'n ander dag vir hierdie doel bepaal het.”;

(d) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) Wanneer 'n beroepswedder voor die Komitee verskyn vir 'n **[besluit]** verhoor aangaande die aangeleenthede wat aanleiding gegee het tot die tydelike opskorting van sy lisensie, kan die Komitee, by die afsluiting van die verhoor, ’n besluit neem om –

(a) die opskorting ter syde te stel;

(b) sodanige beroepswedder se lisensie op te skort vir sodanige verdere tydperk wat hy goed vind; of

(c) 'n boete van hoogstens **[R5 000]** R25 000 oplê vir elke voorval met betrekking tot sodanige gedrag of skending vermeld in subregulasie (1) deur sodanige beroepswedder, met of sonder die opskorting van sy lisensie op die koop toe, of as 'n alternatief vir die betaling van sodanige boete: Met dien verstande dat die volle boete opgelê vir meer as 40 voorvalle met betrekking tot sodanige gedrag of skending vermeld in subregulasie (1), nie R1 000 000 mag oorskry nie.”;

(e) die vervanging van subregulasie (4A) deur die volgende subregulasie:

“(4A) Wanneer 'n geregistreerde bestuurder of ’n geregistreerde klerk voor die Komitee verskyn vir 'n **[besluit]** verhoor aangaande die aangeleenthede wat aanleiding gegee het tot die tydelike opskorting van sy registrasiesertifikaat, kan die Komitee, by die afsluiting van die verhoor, ’n besluit neem om –

(a) die opskorting ter syde te stel;

(b) sodanige bestuurder se of sodanige klerk se registrasiesertifikaat op te skort vir sodanige verdere tydperk wat hy goed vind;

(c) sodanige bestuurder se of sodanige klerk se registrasiesertifikaat summier intrek; of

(d) 'n boete van hoogstens –

- (i) [R1 000] R5 000 oplê vir elke voorval met betrekking tot sodanige gedrag of skending vermeld in subregulasie (1) deur sodanige bestuurder, met of sonder die opskorting of intrekking van sy registrasiesertifikaat op die koop toe, of as 'n alternatief vir die betaling van sodanige boete.”; of
- (ii) R1 000 oplê vir elke voorval met betrekking tot sodanige gedrag of skending vermeld in subregulasie (1) deur sodanige klerk, opskorting of intrekking van sy registrasiesertifikaat op die koop toe, of as 'n alternatief vir die betaling van sodanige boete.”;
- (f) die vervanging van subregulasie (5) deur die volgende subregulasie:
- “(5) Die Komitee, sy gedelegeerde, of diegene van sy werknemers wat as inspekteurs aangestel is, het ook die bevoegdheid om enige in subregulasie (1)(a), (b) en (c) vermelde gedrag of skending te ondersoek sonder dat hy verplig is om 'n tydelike opskortingskennisgewing uit te reik, in welke geval die bepalinge van subregulasie (4)(b) en (c) en subregulasie (4A)(b), (c) en (d) *mutatis mutandis* van toepassing is.”;
- (g) die vervanging van subregulasie (6) deur die volgende subregulasie:
- “(6)(a) Enige beroepswedder, [of] geregistreerde bestuurder of geregistreerde klerk ten opsigte van wie 'n ondersoek ingevolge subregulasie (1) en (5) gehou word, moet persoonlik voor die Komitee verskyn en is daarop geregtig om getuienis te lewer en om òf persoonlik òf deur middel van 'n advokaat of prokureur aangehoor te word, om getuies op te roep, om getuies wat deur 'n ander party of die Komitee opgeroep is onder kruisverhoor te neem en om dokumente en artikels wat ter getuienis voorgelê word, te ondersoek.
- (b) Voordat 'n in paragraaf (a) bedoelde beroepswedder, [of] geregistreerde bestuurder of geregistreerde klerk voor die Komitee getuienis lewer, moet hy 'n eed of 'n plegtige verklaring aflê welke eed of plegtige verklaring deur die voorsitter of ondervoorsitter van die Komitee, na gelang van die geval, afgeneem moet word.
- (c) Nadat hy 'n eed of plegtige verklaring afgelê het, is enigeen wat valse getuienis oor enige aangeleentheid voor die Komitee aflê, wetende dat sodanige getuienis vals is of indien hy nie weet of glo dat dit waar is nie, aan 'n misdryf skuldig.
- (d) Indien [sodanige] enige beroepswedder, [of] geregistreerde bestuurder of geregistreerde klerk versuim om voor die Komitee te verskyn, kan die Komitee die in subregulasie (4) en (5) vermelde bevoegdhede in sy afwesigheid uitoefen.”;
- (h) die vervanging van subregulasie (7) deur die volgende subregulasie:
- “(7) Die aantekening van appèl teen die besluit van die Komitee ingevolge **[subregulasie]** subregulasies (4), (4A) of (5) hiervan geneem, skort nie die toepassing van sodanige besluit op nie.”; en
- (i) die invoeging van die volgende subregulasies na subregulasie (9):
- “(10) Die Komitee moet, binne 7 dae na die neem van 'n besluit in subregulasie (4) of (4A) hiervan bedoel, gedetailleerde skriftelike redes vir sy besluit aan alle persone en liggame wat deur die besluit geraak word, verskaf.
- (11) Die Komitee moet die formaat van en wyse bepaal waarop die verhore in subregulasie (4) of (4A) hiervan bedoel, uitgevoer word, met inbegrip van onder andere aangeleenthede soos die toelaatbaarheid van getuienis.”.

### Wysiging van regulasie 12

10. Regulasie 12 van die regulasies word hiermee gewysig deur die vervanging van subregulasie (1) deur die volgende subregulasie:

- “(1) Die Komitee moet, wanneer hy sy bevoegdhede uitoefen om aan 'n subkomitee te deleger kragtens artikel 21A (3) van die Ordonnansie, 'n lid daarvan as voorsitter aanwys.”.

**Wysiging van regulasie 13**

11. Regulasie 13 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

“(1) 'n Appèl ingevolge artikel 21B van die Ordonnansie moet aangeteken word deur die indien van 'n skriftelike kennisgewing van appèl met uiteensetting van die gronde waarop sodanige appèl berus by die **[Sekretaris]** hoofuitvoerende beampte, binne 21 dae nadat appèl teen die besluit aangeteken is.

(1A) 'n Appellant moet, wanneer 'n appèl ingevolge subregulasie (1) aangeteken word, aan die **[Sekretaris]** Komitee die volgende betaal –

(a) 'n deposito van **[R4 000,00]** R4 000; of

(b) indien die appellant 'n wedder is wat by die Minister appèl teen 'n besluit van die Komitee ingevolge subregulasie (4) of (5) van regulasie 26 aanteken, 'n deposito van **[R500,00]** R500; of

(c) indien die appellant 'n beroepswedder is wat by die Minister appèl teen 'n besluit van die Komitee ingevolge subregulasie (4) of (5) van regulasie 26 aanteken, 'n deposito van **[R2 000,00]** R5 000[.]; of

(d) geen deposito is betaalbaar indien die appellant deur die Komitee in diens geneem is as 'n inspekteur wat 'n aangeleentheid vervolg bedoel in regulasie 11(4) of 11(4A) nie.”;

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

“(2) Indien die appèl aan die Minister uit 'n besluit van die Komitee spruit, moet die Komitee, binne sewe dae na die aanteken van 'n appèl, 'n afskrif van die kennisgewing van appèl en alle ander tersaaklike dokumente en transkripsies, saam met 'n afskrif van die Komitee se redes vir sy besluit aan die Direkteur-generaal stuur, vir oorweging deur die Minister.”;

(c) die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) Indien 'n appèl aan die Komitee uit 'n besluit van sy gedelegeerde spruit, moet die voorsitter so gou doenlik 'n vergadering van die Komitee byeenoep by welke vergadering die [aangeleentheid] appèl deur die Komitee, uitsluitend sodanige gedelegeerde, aangehoor moet word, tensy die Komitee in die afwesigheid van sy gedelegeerde nie 'n kworum behou nie, in welke geval die Komitee die appèl na die Direkteur-generaal moet verwys vir oorweging deur die Minister.”; en

(d) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) Die Minister moet die appèl so gou doenlik oorweeg en na oorweging van die appèl kan hy of sy –

(a) 'n appèl weier en die besluit van die Komitee bekragtig;

(b) die appèl in geheel of gedeeltelik bekragtig en sy besluit vervang of die besluit van die Komitee wysig;

(c) die aansoek na die Komitee terug verwys vir oorweging en besluit, met sodanige instruksies soos hy nodig ag[.];

(d) gelas dat enige deposito wat betaal is, terugbetaal word nadat die Minister die appèl aangehoor het of, indien die appèl teruggetrek word voordat die Minister dit aanhoor, wanneer die bekendmaking van die terugtrekking van die appèl ontvang word; of

(e) gelas dat enige deposito wat betaal is, verbeur word indien hy van oordeel is dat 'n appèl beuselagtig is.”.

**Skraping van regulasie 14**

12. Regulasie 14 van die regulasies word hiermee geskrap.

**Wysiging van regulasie 15**

13. Regulasie 15 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (2) deur die volgende subregulasie:

“(2) Die aansoek moet vergesel gaan van –

(a) 'n gewaarmerkte afskrif van die verkoopsooreenkoms van die aansoeker se voorgestelde aankoop van die hele of 'n deel van die betrokke beroepsweddersbesigheid;

(b) 'n afskrif van die vennootskapsooreenkoms, waar van toepassing;

(c) bewys van lidmaatskap van die Vereniging;

(d) **[skriftelike kennisgewing deur die Komitee van sy besluit om die aansoek te steun of teen te staan en in die geval van 'n besluit om die aansoek teen te staan, die volle redes vir daardie besluit] die aansoekgeld voorgeskryf in die eerste bylae by die Ordonnansie, welke geld die Komitee moet toeval;**

(e) die skriftelike toestemming van die betrokke renklub indien die aansoeker van voorneme is om op 'n renbaan sake te doen;

(f) die aansoeker se inkomstebelastingregistrasienumer;

(g) afskrifte van die aansoeker se belastingaanslae of -opgawes vir die twee belastingjare wat die jaar waarin die aansoek gedoen word, onmiddellik voorafgaan;

(h) die aansoeker se skriftelike toestemming tot 'n ondersoek deur die Komitee, of deur die Komitee se agent, konsultant of werknemer, oor sy of haar finansiële agtergrond, finansiële status, besigheidsgeskiedenis, werksgegeskiedenis en enige ander aangeleentheid wat in die **[beëdigde verklaring bedoel in paragraaf (i)] lisensie-aansoekvorm bekend gemaak word;**

(i) **[ 'n beëdigde verklaring deur die aansoeker waarin vermeld word of hy of sy –**

(i) skuldig bevind is aan enige misdaad waarby bedrog of diefstal betrokke was;

(ii) die vonnisskuldenaar is kragtens enige onafgehandelde siviele hofuitsprake;

(iii) 'n ongerehabiliteerde insolvente persoon is;

(iv) as 'n wanbetaler deur die Jokkieklub van Suid-Afrika of die Komitee opgeteken is; en

(v) enige bepaling van die Ordonnansie oortree het, al dan nie en, indien wel, volledige besonderhede daarvan en 'n erkenning dat indien daar later gevind sou word dat hierdie beëdigde verklaring nie korrek was nie of hy of sy daarna weens 'n misdryf skuldig bevind word waarby bedrog of diefstal betrokke was, enige beroepswedderslisensie wat dan deur hom of haar gehou word, outomaties tydelik opgeskort sal word, hangende 'n besluit deur die Komitee, soos bedoel in regulasie 11 (4);] 'n volledige stel van die aansoeker se vingerafdrukke, bekom vanaf die Suid-Afrikaanse Polisie; en

(j) **[die aansoekgeld voorgeskryf in die eerste bylae by die Ordonnansie, welke geld die Komitee toeval.] bewys van betaling aan die Suid-Afrikaanse Polisie van die geld ten opsigte van 'n versoek om 'n sertifikaat wat die aansoeker se kriminele rekordstatus aandui;**; en

(b) die invoeging van die volgende subregulasies na subregulasie (3):

“(4) 'n Aansoeker wat nie alreeds 'n beroepswedderslisensie in KwaZulu-Natal hou nie, kan versoek word om 'n evaluasie te ondergaan van sy of haar kennis van die beroepsweddersbesigheid en van die wet wat op beroepswedders van toepassing is.

(5) Die evaluasie bedoel in subregulasie (4) moet deur die Komitee gedoen word.”

**Wysiging van regulasie 16**

14. Regulasie 16 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

“(1) Aansoek om 'n tydelike beroepswedderslisensie moet deur die aansoeker aan die Direkteur-generaal gerig word en moet vergesel gaan van –

(a) betaling van die tydelike lisensiegeld voorgeskryf in die eerste bylae by die Ordonnansie;

(b) die naam en fisiese adres van die beroepswedder by wie die aansoeker in diens geneem word; en

(c) 'n beëdigde verklaring deur die aansoeker wat meld dat hy of sy nie onbevoeg is vir sodanige indiensneming nie uit hoofde van die bepalings van artikel 49 van die Nasionale Dobbeltwet, 2004 (Wet No. 7 van 2004).”;

(b) die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) **[Nadat die aansoek vermeld in subregulasie (1) oorweeg is, kan die Komitee die aansoek weier of goedkeur, in welke geval die Komitee aan hom of haar, na ontvangs van die tydelike lisensiegeld voorgeskryf in die eerste bylae by die Ordonnansie, 'n lisensie kan uitreik.]** 'n Tydelike beroepswedderslisensie wat deur die Minister toegestaan is en deur die Direkteur-generaal uitgereik is ingevolge artikel 22 van die Ordonnansie word toegestaan, onderworpe aan die volgende voorwaardes –

(a) dat **[hy of sy]** die lisensiehouer slegs in die wedkamer van 'n gelisensieerde beroepswedder sake doen; en

(b) dat **[hy of sy, voor diensaanvaarding, die Komitee skriftelik in kennis stel van die naam en fisiese adres van]** die beroepswedder in wie se diens **[hy of sy]** die aansoeker tydelik sal wees **[en voornoemde werkgever]** die indiensneming **[en erken dat hy of sy aanspreeklik is vir al die pligte en verpligtinge]** van die tydelike beroepswedder moet bevestig.”; en

(c) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) 'n Tydelike beroepswedderslisensie moet die volle name van die betrokke tydelike beroepswedder, die tydperk waarvoor die lisensie geldig is[,] en die uitreikingsdatum **[en die voorwaardes vermeld in subregulasie (2)]** bevat.”.

**Wysiging van regulasie 17**

15. Regulasie 17 van die regulasies word hiermee gewysig deur –

(a) die vervanging van die regulasie-opskrif deur die volgende opskrif:

“Aansoek om 'n tydelike **[afskorting]**lisensie om op 'n renbaan sake te doen”; en

(b) die vervanging van subregulasie (1) deur die volgende subregulasie:

“17.(1) 'n **[A]**aansoek deur 'n beroepswedder wat 'n lisensie hou om **[in die goue arena]** op 'n renbaan sake te doen, vir 'n lisensie om vir 'n enkele dag **[by die afskorting]** op 'n renbaan sake te doen, moet aan die betrokke wedrenklub gerig word.”.

**Wysiging van regulasie 18**

16. Regulasie 18 word hiermee gewysig deur die invoeging van die volgende subregulasies na subregulasie (2):

“(3) Die Komitee moet –

(a) die voltooide aansoekvorm om 'n nuwe beroepswedderslisensie;

(b) sy skriftelike verslag betreffende die geskiktheid van die aansoeker;

(c) sy besluit om die aansoek te steun of teen te staan; en

(d) in die geval van 'n besluit om die aansoek teen te staan, die volle redes vir daardie besluit, by die Direkteur-generaal indien.



(4) 'n Verslag aangaande die ondersoek na die geskiktheid van 'n aansoeker vir 'n beroepswedderslisensie soos in regulasie 15 bedoel, moet vir 'n tydperk van twaalf maande vanaf die datum van sy voorlegging aan die Direkteur-generaal geldig bly.

(5) Indien 'n aansoeker om 'n beroepswedderslisensie in regulasie 15 bedoel suksesvol was en 'n aansoek doen om nog 'n beroepswedderslisensie binne 'n tydperk van twaalf maande vanaf die datum van die eerste voorlegging aan die Direkteur-generaal, kan die verslag in subregulasie (4) bedoel deur die Komitee hervoorgelê word aan die Direkteur-generaal ter staving van die vars aansoek: Met dien verstande dat die aansoeker by wyse van 'n beëdigde verklaring moet bevestig dat geen wesenlike inligting of omstandighede weergegee in sy of haar aansoekdokumentasie verander het op 'n wyse wat waarskynlik is om die aansoeker se geskiktheid vir die toestaan van die vars beroepswedderslisensie te beïnvloed.

(6) Indien die aansoeker beoog in subregulasie (5) die vereiste beëdigde verklaring kan verskaf, bly die dokumentasie ter staving van die aansoek, soos beoog in regulasie 15, geldig vir dieselfde tydperk as die verslag beoog in subregulasie (4): Met dien verstande dat die aansoeker steeds aanspreeklik is vir betaling van die aansoekgeld en voorts met dien verstande dat die aansoeker desnieteenstaande gebind is deur die vereistes van regulasie 15(2)(a), 15(2)(b) en 15(2)(e)."

#### **Vervanging van regulasie 19**

17. Die regulasies word hiermee gewysig deur die vervanging van regulasie 19 deur die volgende regulasie:

"19.(1) Die Minister moet weier om 'n lisensie aan 'n aansoeker toe te staan indien daardie persoon –

(a) onder die ouderdom van 18 jaar is;

(b) 'n staatsdiensamptenaar of politieke ampsdraer is;

(c) vermeld word in die register van uitgeslote persone;

(d) 'n lid of werknemer van die Komitee is;

(e) 'n ongerehabiliteerde insolvente persoon is;

(f) nie 'n geskikte en toepaslike persoon is om by die betrokke besigheid betrokke te wees nie;

(g) behoudens 'n bevel deur 'n bevoegde hof ontoerekeningsvatbaar of waansinnig is;

(h) ooit uit 'n vertrouensamp verwyder is as gevolg van wangedrag wat bedrog of wederregtelike toe-eiening van geld insluit;

(i) gedurende die voorafgaande tien jaar, in die Republiek of elders, skuldig bevind is aan diefstal, bedrog, vervalsing of uitgifte, 'n vervalste dokument, meened, 'n misdryf kragtens die Bedrogwet, 1992 (Wet No. 94 van 1992), of 'n misdryf ingevolge die Ordonnansie en gevonnissen tot gevangenisstraf sonder die keuse van 'n boete, of tot 'n boete wat R3 000 oorskry, tensy die persoon amnestie of algehele kwytskelding vir die misdryf ontvang het; of

(j) 'n familielid is van –

(aa) 'n staatsdiensamptenaar of politieke ampsdraer; of

(bb) 'n lid of werknemer van die Komitee.

(2) 'n Provinsiale lisensie-owerheid moet weier om 'n lisensie uit te reik aan 'n persoon wat onbevoeg is om 'n belang te hou in 'n lisensie, lisensiehouer, gelisensieerde perseel, of die besigheid waarop 'n lisensie betrekking het, ingevolge subregulasie (1), of ander toepaslike provinsiale reg.

(3) Die Minister moet weier om 'n lisensie toe te staan aan 'n persoon wat onbevoeg is om 'n belang te hou in 'n lisensie, lisensiehouer, gelisensieerde perseel, of die besigheid waarop 'n lisensie betrekking het, ingevolge subregulasie (1), of ander toepaslike provinsiale reg.

(4) Die Minister moet weier om 'n lisensie toe te staan aan 'n aansoeker indien, nadat die voorgeskrewe ondersieke uitgevoer is, die lisensie-owerheid rede het om te glo dat die aansoeker, enige persoon wat 'n behorende belang in die aansoeker het, enige persoon wat enige van die totale finansiële belang in die aansoeker hou, of enige bestuurder van die betrokke besigheid –

(a) 'n familielid is van 'n lid van daardie lisensie-owerheid; of

(b) onbevoeg is om 'n belang te hou in 'n lisensie, lisensiehouer, of die besigheid waarop 'n lisensie betrekking het, ingevolge subregulasie (1).

(5) Die Direkteur-generaal moet, by die toestaan van 'n lisensie deur die Minister en nakoming deur die aansoeker van enige voorwaarde opgelê as 'n voorvereiste tot die uitreiking van die lisensie en betaling van die lisensiegeld soos bepaal in die eerste bylae by die Ordonnansie, die toepaslike lisensie in die voorgeskrewe vorm uitreik en moet enige ander voorwaardes wat deur die Minister opgelê is, daarop of op enige aanhangsel daartoe aanbring.”

#### **Wysiging van regulasie 20**

18. Regulasie 20 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

“(1) Aansoek om die hernuwing van 'n beroepswedderslisensie moet op die voorgeskrewe wyse aan die Direkteur-generaal gerig word nie vroeër nie as 1 November en nie later nie as **[31]** 10 Desember van die jaar waarvoor die lisensie uitgereik is.”; en

(b) die invoeging van die volgende subregulasie na subregulasie (2):

“(3) 'n Beroepswedder wat ingevolge hierdie regulasie aansoek doen om die hernuwing van sy of haar lisensie moet beide jaarlikse finansiële state en gewaarmerkte afskrifte van alle inkomstebelastingopgawes ten opsigte van die beroepsweddersbesigheid waarop die lisensie betrekking het, indien.”

#### **Vervanging van regulasie 21**

19. Die regulasies word hiermee gewysig deur die vervanging van regulasie 21 deur die volgende regulasie:

“**21.** Buiten vir die doeleindes van artikel 22 van die Ordonnansie moet 'n aansoek om 'n beroepswedderslisensie by verandering van eienaarskap van 'n bestaande beroepsweddersbesigheid as 'n aansoek om 'n nuwe lisensie beskou word.”

#### **Vervanging van regulasie 22**

20. Die regulasies word hiermee gewysig deur die vervanging van regulasie 22 deur die volgende regulasie:

“**22.**(1) Wedkamerpersele, wat deur die beroepswedder op eie koste verskaf moet word, is onderworpe aan die goedkeuring **[van]** deur die **[Minister]** hoof- uitvoerende beampte van die **[akkommodasie daarin verskaf en van die ligging daarvan]** ligging en die geskiktheid daarvan vir die doeleindes van beroepswedder.”

(2) Die beroepswedder moet ten alle tye sodanige perseel in 'n skoon en sanitêre toestand hou tot die **[Minister]** hoof- uitvoerende beampte se tevreedenheid.

(3) Wanneer meer as een beroepswedder op dieselfde perseel sake doen, moet die pligte wat deur regulasie opgelê is, hulle gesamentlik en apart toeval.

(4) Die Minister kan bevoegdhede ingevolge subregulasie (1) en (2) aan die **[Komitee]** hoof- uitvoerende beampte delegeer.

**[(5) Die Komitee kan die aard, grootte en ligging van beroepsweddershokkies op wedkamerpersele bepaal wat deur die Minister ingevolge hierdie regulasie goedgekeur is, met inbegrip van die aanvanklike okkupering deur en gereelde rotasie van die okkupeerders van sodanige hokkies.]**

### Vervanging van regulasie 23

21. Die regulasies word hiermee gewysig deur die vervanging van regulasie 23 deur die volgende regulasie:

"23.(1) Geen beroepswedder moet sake op enige perseel, buiten dié vermeld ingevolge artikel 22(8) van die Ordonnansie of op sodanige ander perseel as deur die Minister goedgekeur, doen nie.

(2) Geen beroepswedder moet enige strukturele wysiging of byvoeging aan die primêre wedkamerperseel maak nie behalwe met die vooraf skriftelike goedkeuring van die Minister.

(3) 'n Aansoek om die Minister se goedkeuring ingevolge subregulasies (1) en (2) moet vergesel gaan van 'n grondplan van die voorgestelde perseel waarheen die besigheid geskuif word of van die strukturele wysigings of byvoegings na gelang van die geval.

(4) Vir die doeleindes van hierdie regulasie, beteken "sekondêre wedkamerperseel" die residensiële perseel waarop die beroepswedder normaalweg woon, welke perseel nie oop is vir die publiek nie en waar beroepsweddersbedrywighede plaasvind.

(5) Indien 'n beroepswedder verlang om wedtransaksies vanaf 'n sekondêre wedkamerperseel aan te gaan, moet hy of sy moet eers skriftelik aansoek doen by –

(a) die Minister, vir die goedkeuring van die sekondêre wedkamerperseel; en

(b) die Komitee, vir die goedkeuring van die soort toerusting om te gebruik vir die doel om transaksies in te voer op die beroepswedder se gerekenariseerde optekenstelsel en vir die werklike installasie van sodanige toerusting op sy of haar sekondêre wedkamerperseel.

(6) Enige toerusting wat ingevolge subregulasie (5)(b) hierbo deur die Komitee goedgekeur is, moet –

(a) op 'n wyse werk wat wesenlik soortgelyk is aan 'n rekenaarterminal soos normaalweg gebruik word deur die beroepswedder vir die invoer van wedtransaksies op die beroepswedder se primêre wedkamerperseel; en

(b) die beroepswedder toelaat om wedtransaksies direk in die beroepswedder se gerekenariseerde optekenstelsel in te voer, vanaf die beroepswedder se sekondêre wedkamerperseel deur die internet te gebruik.

(7) Goedkeuring deur die Komitee van die installasie op en die gebruik van die gerekenariseerde optekenstelsel vanaf die beroepswedder se sekondêre wedkamerperseel moet aan die beroepswedder gekommunikeer word voordat hy of sy wedtransaksies vanaf enige sodanige perseel mag aangaan.

(8) 'n Beroepswedder mag slegs wedtransaksies aangaan deur sy of haar gerekenariseerde optekenstelsel op sy of haar sekondêre wedkamerperseel te gebruik, wanneer die primêre wedkamerperseel wat deur die beroepswedder gebruik is, toegemaak is vir die publiek vir sake."

#### Vervanging van regulasie 24

22. Die regulasies word hiermee gewysig deur die vervanging van regulasie 24 deur die volgende regulasie:

**"24.(1) [Behalwe as spesifiek anders in die Ordonnansie bepaal word,] kan 'n beroepswedder se primêre wedkamerperseel oopgehou word vir die aangaan en betaling van weddenskappe gedurende sodanige ure en op sodanige dae as deur die beroepswedder bepaal ten opsigte van die kamers onder sy beheer[: met dien verstande dat geen kamers —**

- (a) vroeër as 07h30 en later as een uur na die afsluiting van die laaste wedren op enige wedrendag; of**
- (b) vroeër as 09h00 en later as 18h00 op enige ander dag as wedren oopgehou moet word nie; of**
- (c) op Goeie Vrydag, Hemelvaartdag, Kersdag en op Sondag oop mag wees nie; voorts met dien verstande dat wedkamers ooreenkomstig hierdie regulasie oopgehou kan word op daardie bepaalde Sondag ten opsigte waarvan die Minister bepaal dat wedrenne gehou mag word.**

**(2) Die Komitee kan 'n beroepswedder op aanvraag magtig om 'n wedkamer oop te hou —**

- (a) tussen ander ure as dié in subregulasie (1) vermeld; en**
- (b) op die dae in subregulasie (1) vermeld, met die doel om weddenskappe op sportgebeurtenisse en enige ander gebeurtenis of gebeurlikheid te aanvaar.]"**

#### Wysiging van regulasie 26

23. Regulasie 26 van die regulasies word hiermee gewysig deur —

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) Die Komitee het die bevoegdheid om enige weddenskapsgekil tussen 'n beroepswedder en 'n wedder of tussen 'n beroepswedder en 'n ander beroepswedder te skik.";

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Enige wedder of beroepswedder wat 'n weddenskapsgekil aan die Komitee wil voorlê, moet dit skriftelik doen en by die **[Sekretaris] hoof- uitvoerende beampte** indien binne veertien dae na die datum waarop die gekil ontstaan het, terwyl hy terselfdertyd volledige besonderhede van sodanige gekil verskaf: met dien verstande dat 'n wedder deur die **[Komitee] hoof- uitvoerende beampte** aangesê kan word om 'n deposito van R500,00 aan die **[Sekretaris] Komitee** te betaal en 'n beroepswedder deur die **[Komitee] hoof- uitvoerende beampte** aangesê moet word om 'n deposito van of R2 000,00 aan die **[Sekretaris] Komitee** te betaal.";

(c) die vervanging van subregulasie (3) deur die volgende subregulasie:

"(3) Die **[Sekretaris] hoof- uitvoerende beampte** moet onmiddellik by ontvangs van kennisgewing van sodanige gekil die besonderhede daarvan in 'n register wat vir daardie doel bygehou word, opteken.";

(d) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) Die Komitee moet, na [behoorlike ondersoek van die geskil] ontvangs van ’n verslag wat deur werknemers van die Komitee opgestel is aangaande hul ondersoek van die geskil, ’n verhoor aangaande die geskil hou en [,] behoudens die bepalings van subregulasie (5), [na aanhoor van die partye daartoe,] by die afsluiting van die verhoor, oor die geskil beslis, soos bedoel in subregulasie (6).”;

(e) die vervanging van subregulasie (6) deur die volgende subregulasie:

“(6) kan die Komitee –

(a) gelas dat enige deposito wat betaal is, terugbetaal word nadat die Komitee die geskil aangehoor het of, indien die geskil teruggetrek word voordat die Komitee dit aanhoor, wanneer die bekendmaking van die terugtrekking van die geskil ontvang word;

(b) gelas dat enige deposito wat betaal is, verbeur word indien hy van oordeel is dat ’n geskil beuselagtig is[.]; en

(c) ’n bevel uitreik wat die wyse bepaal waarop die weddenskappeskil opgelos moet word, met inbegrip van onder andere ’n bevel wat ’n weddenskap nietig verklaar, of ’n aanwysing ongeldig maak, of ’n bevel wat die betaling van enige bedrag deur een party aan die ander bepaal.”; en

(f) die byvoeging van die volgende subregulasie na subregulasie (6):

“(7) Die aantekens van ’n appèl teen ’n besluit of bevel van die Komitee wat gemaak is ingevolge subregulasie (4) of (6) hiervan, moet nie die uitvoering van sodanige besluit of bevel opskort nie: Met dien verstande dat waar ’n beroepswedder wat gelas is, deur ’n besluit wat deur die Komitee geneem is aangaande ’n weddenskappeskil, om enige wengeld of ander bedrag aan ’n wedder te betaal, teen die besluit appelleer, moet die wengeld of ander bedrag deur sodanige beroepswedder aan die Komitee betaal word en die Komitee moet sodanige betaling in trust hou, hangende die uitslag van die appèl, waarop die Komitee die wengeld of ander bedrag, ingevolge die Minister se bevel, moet uitbetaal.”.

### Wysiging van regulasie 27

24. Regulasie 27 van die regulasies word hiermee gewysig deur –

(a) die skapping van subregulasie (3);

(b) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) Geen beroepswedder mag enige persoon behalwe ’n gemagtigde en gelisensieerde vennoot met ’n finansiële of beheerende belang in sy beroepsweddersbesigheid toelaat nie.”;

(c) die vervanging van subregulasie (7) deur die volgende subregulasie:

“(7) Die Minister kan geheel na eie goeddunke en deur middel van ’n endossement op of deur middel van ’n aanhangsel by die beroepswedder se lisensie of lisensies wat aan die vennote in ’n beroepsweddersbesigheid uitgereik is, sodanige voorwaardes, beperkings en voorbehoude oplê as wat hy nodig ag.”; en

(d) die invoeging van die volgende subregulasies na subregulasie (7):

“(8) Indien die voorneme is om ’n vennootskap van gelisensieerde beroepswedders te beëindig, moet die betrokke vennote onmiddellik die Minister skriftelik in kennis stel van hul voorneme om dit te doen.

(9) In geval van die dood van ’n gelisensieerde beroepswedder wat sake in ’n vennootskap gedoen het, kan enige oorlewende vennoot of vennote binne die vennootskap voortgaan om die beroepsweddersbesigheid te bedryf.

(10) Nieteenstaande subregulasie 27(4), is ’n beroepswedder nie uitgesluit van die sluit van ’n konsessie-ooreenkoms waarby die beroepswedder geregtig sou wees op die intellektuele eiendom, kennis en besigheidsmetodes van die

konsessiegewer in die bedryf van sy of haar beroepsweddersbesigheid nie, en die konsessiegewer sou geregtig wees op 'n eienaarsaandeel in die vorm van 'n deel van die finansiële opgawes van die besigheid.

(11) 'n Konsessie-ooreenkoms soos bedoel in subregulasie (10) mag nie geïmplementeer word, tensy die ooreenkoms deur die Minister goedgekeur is nie.

(12) 'n Konsessie-ooreenkoms soos bedoel in subregulasie (10) mag nie die uitwerking hê van oordrag van eienaarskap van, of enige aspek van beheer oor, die beroepsweddersbesigheid aan die konsessiegewer nie.

(13) Die wyse van implementering van 'n konsessie-ooreenkoms soos bedoel in subregulasie (10) mag nie die uitwerking hê van oordrag van eienaarskap van, of enige aspek van beheer oor, die beroepsweddersbesigheid aan die konsessiegewer nie.

(14) Die wyse van implementering van 'n konsessie-ooreenkoms soos bedoel in subregulasie (10) mag nie die uitwerking hê van uitbeelding aan die publiek, deur middel van advertensie of op enige ander wyse, dat 'n beroepsweddersbesigheid deur 'n korporatiewe entiteit besit word nie."

#### **Wysiging van regulasie 28**

25. Regulasie 28 van die regulasies word hiermee gewysig deur –

(a) die vervanging van die regulasie-opskrif deur die volgende opskrif:

"Beroepsweddersrekords moet bygehou word ten opsigte van 'n handoptekenstelsel **[en 'n rekenaargesteuende optekenstelsel]**";

(b) die vervanging van subregulasie (1) deur die volgende subregulasie:

"28.(1) Elke beroepswedder wat nie **[‘n] sy of haar** gerekenariseerde optekenstelsel **[gebruik] kan gebruik** nie moet die volgende fisiese boeke en rekords byhou wat 'n volledige en juiste weergawe van sy wedtransaksies gee –

(a) op 'n renbaan of sportfeesbaan –

(i) **[waar 'n handoptekenstelsel gebruik word,]** 'n deelnemersboek wat voorsiening maak vir 'n oorspronklike en twee afskrifte van elke bladsy daarvan deur middel van deurslagpapier **[of, waar 'n rekenaargesteuende optekenstelsel gebruik word, 'n rekenaargegenereerde deelnemerstaat];** en

(ii) 'n voorraad kaartjies wat reeksgewys genommer is<sup>[,]</sup>; en

(b) in 'n wedkamer of op sodanige ander plek wat goedgekeur is vir die aangaan van weddenskappe op sportgebeurtenisse of 'n ander gebeurtenis of gebeurlikheid –

(i) **[waar 'n handoptekenstelsel gebruik word,]** 'n deelnemersboek **[of, waar 'n rekenaargesteuende optekenstelsel gebruik word, 'n rekenaargegenereerde deelnemerstaat];**

(ii) 'n kaartjieboek;

(iii) 'n toonbankboek wat voorsiening maak vir 'n oorspronklike en twee afskrifte van elke bladsy daarvan deur middel van deurslagpapier;

(iv) 'n dekkingsweddenskapboek; en

(v) 'n veelvoudige weddenskapboek waarin alle weddenskappe op perde in wedrenne wat op verskillende wedrendae gehou moet word en alle weddenskappe aangegaan op sportgebeurtenisse of ander gebeurtenisse of gebeurlikhede of 'n kombinasie van wedrenne, sportgebeurtenisse of ander gebeurtenisse of gebeurlikhede op verskillende dae plaasvind, weergegee word.";

(c) die skrapping van subregulasie (2A): en

(d) die vervanging van subregulasie (4) deur die volgende subregulasie:

"(4)(a) Geen beroepswedder mag 'n boek gebruik wat nie, deur 'n behoorlik gemagtigde werknemer van die Komitee, namens die Komitee geteken is nie.

(b) die Komitee moet 'n register byhou waarin besonderhede opgeteken moet word van alle boeke wat ingevolge paragraaf (a) namens hom geteken is en die datum **[van sodanige handtekening]** waarop sodanige boek geteken is.".

### Wysiging van regulasie 28A

26. Regulasie 28A van die regulasies word hiermee gewysig deur –

(a) die vervanging van die opskrif deur die volgende opskrif:

"Prosedures by die aangaan van 'n weddenskap waar 'n handoptekenstelsel **[of 'n rekenaargesteunde optekenstelsel]** gebruik word";

(b) die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) Elke beroepswedder wat nie daartoe in staat is om 'n gerekenariseerde optekenstelsel **[benut]** te benut nie moet onmiddellik wanneer hy 'n weddenskap op 'n wedrenbaan of 'n sportfeesbaan aangaan —

(a) besonderhede daarvan in 'n deelnemersboek of 'n deelnemerstaat aanteken soos bedoel by regulasie 28(1)(a)(i) aanteken; **[en]**

(b) indien sodanige weddenskap 'n kontantweddenskap is, 'n genommerde kaartjie beoog in regulasie 28(1)(a)(ii) uitreik aan die persoon met wie die weddenskap aangegaan is, wat in leesbare vorm besonderhede van sodanige weddenskap aandui; en

(c) die nommer van sodanige kaartjie teen die rekord van die weddenskap in die deelnemersboek in paragraaf (a) bedoel aanteken.";

(c) die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) (a) Elke beroepswedder wat nie 'n gerekenariseerde optekenstelsel **[gebruik]** kan gebruik nie, moet onmiddellik wanneer hy 'n weddenskap in 'n wedkamer of op enige ander plek wat goedgekeur is vir die neem van weddenskappe by sportgebeurtenisse of enige ander gebeurtenis of gebeurlikheid aangaan —

(i) 'n genommerde kaartjie uit 'n kaartjiesboek beoog in regulasie 28(1) (b) (ii) met die datum en tyd waarop die weddenskap aangegaan word en volledige besonderhede daarvan in leesbare vorm uitreik; met inbegrip van, in die geval van 'n telefoonweddenskap of 'n kredietweddenskap, die naam van die persoon met wie die weddenskap aangegaan word in soveel besonderhede dat dit vir 'n inspekteur wat ingevolge die Ordonnansie aangestel of gemagtig is of enige lid van die Komitee moontlik is om voornoemde persoon te identifiseer;

(ii) daarna volledige besonderhede daarvan opteken —

(aa) in 'n deelnemersboek of 'n deelnemerstaat bedoel in regulasie 28 (1)(b)(i), en

(bb) in 'n toonbankboek bedoel in regulasie 28(1)(b)(iii); **[waarvan beide voorsiening moet maak vir afskrifte van inskrywings in tweevoud deur middel van deurslagpapier;]** en

(iii) indien sodanige weddenskap 'n dekkingsweddenskap is, besonderhede daarvan opteken in 'n dekkingsweddenskapboek beoog in regulasie 28(1)(b)(iv).";

(d) die vervanging van subregulasie (3) deur die volgende subregulasie:

"(3) Elke beroepswedder wat nie 'n gerekenariseerde optekenstelsel **[gebruik]** kan gebruik nie en wat sake by 'n wedrenbyeenkoms of sportfees, moet onmiddellik op aanvraag aan die verteenwoordiger van die betrokke

wedrenklub of sportfeesklub die koolafskrif of 'n rekenaargegenereerde afskrif van sodanige bladsy van die deelnemersboek of deelnemerstaat lewer soos wat aangevra word.”; en

(e) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) 'n kaartjie wat ingevolge subregulasies (1)(b) en (2)(a)(i) uitgereik is, moet, tensy dit ten gevolge van 'n telefoonweddenskap uitgereik is, **[onverwyld]** onmiddellik gelewer word aan die persoon met wie die weddenskap aangegaan is.”.

### Wysiging van regulasie 28B

27. Regulasie 28B van die regulasies word hiermee gewysig deur –

(a) die vervanging van die regulasie-opskrif deur die volgende opskef:

“Gerekenariseerde optekenstelsel **[en rekenaargesteunde optekenstelsel]**”;

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

“(2) Die verskaffer van 'n gerekenariseerde optekenstelsel of 'n wysiging van 'n goedgekeurde gerekenariseerde optekenstelsel moet sodanige stelsel of wysiging aan die Suid-Afrikaanse Buro vir Standaarde voorlê vir sertifisering ingevolge die toepaslike nasionale standaard en, by ontvangs van die nodige sertifisering, sodanige stelsel of wysiging, asook 'n skriftelike beskrywing van die stelsel of wysiging en enige ander dokumentasie wat die aangestelde beampte mag vereis, voorlê aan die aangestelde beampte, wat, behoudens subregulasie (3), sodanige stelsel of wysiging kan weier of goedkeur, met of sonder voorwaardes, of sodanige stelsel of wysiging na die verskaffer terugverwys vir enige veranderings aan sodanige stelsel of wysiging of die verskaffer versoek om bykomende inligting te verskaf.”;

(c) die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) Die aangestelde beampte moet enige gerekenariseerde optekenstelsel of enige wysiging van 'n goedgekeurde gerekenariseerde optekenstelsel na die **[Suid-Afrikaanse Buro vir Standaarde] Komitee** of na 'n ander persoon of liggaam, vir evaluering verwys, voordat hy of sy 'n finale besluit neem aangaande enige aansoek bedoel in subregulasie (2) [en enige koste wat met sodanige evaluering aangegaan word, word deur die verskaffer gedra].”;

(d) die vervanging van subregulasie (4) deur die volgende subregulasie:

“(4) **[Die voorlegging deur die verskaffer bedoel in subregulasie (2), moet vergesel gaan van 'n skriftelike beskrywing van die stelsel of wysiging en enige ander dokumentasie wat die aangestelde beampte verlang.]** Enige koste wat deur die verskaffer van 'n gerekenariseerde optekenstelsel aangegaan is om aansoek te doen vir goedkeuring van 'n gerekenariseerde optekenstelsel, of enige wysiging van 'n goedgekeurde gerekenariseerde optekenstelsel, word deur die verskaffer gedra.”;

(e) die vervanging van subregulasie (6) deur die volgende subregulasie:

“(6) Geen beroepswedder word toegelaat om 'n gerekenariseerde optekenstelsel te gebruik tesame met die handoptekenstelsel bedoel by regulasies 28 en 28A nie, behalwe **[in die omstandighede vermeld in subregulasie (7) of waar daar 'n onklaarraking is van die beroepswedder se rekenaartoerusting as gevolg van 'n kragonderbreking of wanneer sy stelsel nie beskikbaar is nie as gevolg van 'n aftyd van die stelsel,]** in geval van die totale versuim van die goedgekeurde gerekenariseerde optekenstelsel om wedtransaksies korrek in te voer, in welke geval –

(a) hy of sy moet voldoen aan die bepalings van regulasies 28 en 28A vir sover dit van toepassing is op 'n handoptekenstelsel;



(b) hy of sy na die gerekenariseerde optekenstelsel terug moet keer onmiddellik nadat dit moontlik is om dit te doen; en

**[(c) hy of sy moet verseker dat volledige besonderhede van elke weddenskap wat volgens die handoptekenstelsel opgeteken is, in die rekenaarsstelsel ingevoer word voordat hy sy state vir die betrokke wedrenbyeenkoms, sportgebeurtenis of ander gebeurtenis of gebeurlikheid finaliseer en voordat hy die data en state vir kopiëring opstel soos vereis by regulasie 28C(3); en]**

**[(d)] (c) die handstate behou moet word vir inspeksiedoeleindes.”;**

(f) die skraping van subregulasie (7);

(g) die vervanging van subregulasie (8) deur die volgende subregulasie:

“(7) Enige beroepswedder wat versuim om aan die bepalings van subregulasie[s] (6) **[en (7)]** te voldoen, word geag strydig op te tree met ‘n plig of verpligting wat die Ordonnansie hom oplê.”; en

(h) die vervanging van subregulasie (10) deur die volgende subregulasie:

“(9) Enige beroepswedder wat ‘n gerekenariseerde optekenstelsel **[of ‘n rekenaargesteunde optekenstelsel]** gebruik –

(a) tesame met ‘n gerekenariseerde optekenstelsel wat nie deur die aangestelde beampte ingevolge hierdie regulasie goedgekeur en geregistreer is nie;

(b) sonder ‘n kaartjiedrukker, **in die geval van ‘n gerekenariseerde optekenstelsel];** of

(c) wat met ‘n gerekenariseerde optekenstelsel gepeuter het of hom op enige wyse daarmee ingemeng het nadat dit ooreenkomstig hierdie regulasie goedgekeur en geregistreer was, **[en]** word geag strydig op te tree met ‘n plig of verpligting wat die Ordonnansie hom oplê.”.

### Wysiging van regulasie 28C

28. Regulasie 28C van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

“(1) Elke beroepswedder wat ‘n gerekenariseerde optekenstelsel gebruik moet die volgende state hou waarin ‘n volledige en akkurate verslag van sy wedtransaksies verskyn –

(a) ‘n deelnemerstaat vir elke perdewedren, sportgebeurtenis of ander gebeurtenis of gebeurlikheid, ten opsigte waarvan die beroepswedder ‘n wedtransaksie aangegaan het;

**[(b) ‘n rekonsiliasie- of toonbankstaat;]**

**[(c)](b)** ‘n lys van elke kaartjie wat uitgereik of gekanselleer is;

**[(d)](c)** ‘n lys waarin besonderhede van elke weddenskap wat aangegaan is, aangetoon word;

**[(e)](d)** ‘n lys van elke dekkingsweddenskap wat aangegaan is; en

**[(f)](e)** ‘n lys van elke veelvoudige weddenskap wat alle weddenskappe aantoon op perde in wedrenne wat op verskillende wedrendae gehou staan te word en alle weddenskappe aantoon op sportgebeurtenisse of enige ander gebeurtenisse of gebeurlikhede of ‘n kombinasie van wedrenne, sportgebeurtenisse of ander gebeurtenisse of gebeurlikhede wat op verskillende dae gehou word.”;

(b) die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) Alle data en die state bedoel in subregulasie (1) moet op ‘n **[mikrodisket of ‘n 1,44 megagreep rekenaardisket]** geskikte en draagbare elektroniese opnamemedium of -toestel gekopieer word en aan die einde van elke **[wedrenbyeenkoms, sportgebeurtenis of ander gebeurtenis of gebeurlikheid op skoon papier gedruk word]** dag en elke sodanige **[disket en drukstuk]** elektroniese opnamemedium of -toestel en die data wat daarin op daarop

gestoor is moet veilig in chronologiese orde vir inspeksiedoeleindes op 'n ander perseel as die primêre wedkamerperseel behou word."; en

(c) die invoeging van die volgende subregulasie na subregulasie (3):

"(4) Die Komitee moet bepaal of 'n draagbare elektroniese opnamemedium of -toestel soos bedoel in subregulasie (3) geskik is vir die doel bedoel in subregulasie (3) en moet verder die geskiktheid bepaal van die plek en die wyse waarop sodanige draagbare elektroniese opnamemedium of -toestel gehou word."

#### **Wysiging van regulasie 28D**

29. Regulasie 28D van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1)(c) deur die volgende subregulasie:

"(c) [sodanige weddenskap 'n dekkingsweddenskap is,] verseker dat indien sodanige weddenskap 'n dekkingsweddenskap is, volle besonderhede van sodanige weddenskap in die lys van dekkingsweddenskappe vermeld in regulasie 28C(1) aangeteken word;"; en

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Elke beroepswedder wat 'n gerekenariseerde optekenstelsel gebruik en wat sake by 'n wedrenbyeenkoms of sportfees doen, moet onmiddellik op aanvraag aan die verteenwoordiger van die betrokke wedrenklub of sportfeesklub 'n gedrukte afskrif van die deelnemerstaat [soos wat aangevra word] lewer."

#### **Wysiging van regulasie 29**

30. Regulasie 29 van die regulasies word hiermee geskrap.

#### **Wysiging van regulasie 30**

31. Regulasie 30 van die regulasies word hiermee gewysig deur die skraping van subregulasie (1) en (2).

#### **Wysiging van regulasie 31**

32. Regulasie 31 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Die aansoek bedoel in subregulasie (1) moet [vergesel gaan van:] gedoen word deur 'n vorm te gebruik wat deur die Komitee vir daardie doel ontwerp is, welke vorm vereistes moet insluit vir dokumentasie en inligting wat deur die aansoeker verskaf moet word, met inbegrip van –

(a) die volle name en identiteitsnommer van die aansoeker;

(b) die aansoeker se woon- en posadres;

(c) 'n rekord van die aansoeker se kennis van beroepswedderspraktyk en -prosedure en kennis of ondervinding toepaslik vir indiensneming in die beroepsweddersbedryf, indien daar is;

**[(d) volle besonderhede van die aansoeker se finansiële posisie en finansiële rekord];**

(e) die aansoeker se skriftelike toestemming tot 'n ondersoek deur die Komitee, sy werknemer of agent, oor sy of haar [finansiële] persoonlike geskiedenis en agtergrond en enige ander aangeleenthede of inligting wat bekend gemaak word in die aansoekvorm, of in die beëdigde verklaring bedoel in paragraaf (f), of in enige verwante dokumentasie;

(f) 'n beëdigde verklaring deur die aansoeker waarin vermeld word of hy of sy [—

(i) skuldig bevind is aan enige misdadig bedrog of diefstal betrokke was;

(ii) die vonnisskuldenaar is kragtens enige onafgehandelde siviele hofuitsprake;

(iii) 'n ongerehabiliteerde insolvente persoon is;

(iv) as 'n wanbetaler deur die Jokkieklub van Suid-Afrika of die Komitee gelys is; en

(v) enige bepaling van die ordonnansie oortree het,

al dan nie en, indien wel, volledige besonderhede daarvan en 'n erkenning dat indien daar later gevind sou word dat hierdie verklaring nie korrek was nie of hy of sy daarna weens 'n misdryf skuldig bevind word waarby bedrog of diefstal betrokke was, enige bestuurdersregistrasiesertifikaat wat dan deur hom of haar gehou word, outomaties tydelik opgeskort sal word, hangende 'n besluit deur die Komitee, soos bedoel in regulasie 11(4)] onbevoeg is om geregistreer te word ingevolge hierdie regulasie, omrede van een of meer van die faktore wat hom of haar onbevoeg maak soos voorgeskryf in artikel 49 van die Nasionale Dobbeltwet, 2004; en

(g) die aansoekgeld voorgeskryf in die eerste bylae by die Ordonnansie, welke geld die Komitee toeval[.];

(h) 'n volledige stel van die aansoeker se vingerafdrukke, bekom van die Suid-Afrikaanse Polisie diens; en

(i) bewys van betaling aan die Suid-Afrikaanse Polisie diens van die geld ten opsigte van 'n versoek om 'n sertifikaat wat die aansoeker se kriminele rekordstatus aandui.'

(b) die invoeging van die volgende subregulasie na subregulasie (2):

"(2A) Die Komitee kan 'n aansoeker evalueer vir registrasie as 'n beroepswedder se bestuurder aangaande sy of haar kennis van die reg wat op beroepswedderij toepaslik is.";

(c) die vervanging van subregulasie (3) deur die volgende subregulasie:

"(3) Nadat die ondersoek bedoel in subregulasie (2)(e) voltooi is en verslag daarvoor aan die Komitee gedoen is en nadat die aansoek oorweeg is, kan die Komitee weier om die bestuurder te registreer of kan die bestuurder registreer, in welke geval die Komitee aan hom of haar, na ontvangs van die registrasiegeld voorgeskryf in die eerste bylae by die Ordonnansie, 'n registrasiesertifikaat kan uitreik, onderworpe aan die volgende voorwaardes:

(a) dat die registrasie op 31 Desember van elke jaar verval tensy dit hernu is op die wyse soos in subregulasie (6) bedoel;

(b) dat hy of sy slegs in die wedkamer van 'n gelisensieerde beroepswedder sake mag doen;

(c) dat hy of sy, voor diensaanvaarding, die Komitee skriftelik in kennis stel van die naam en fisiese adres van die beroepswedder in wie se diens hy of sy sal wees, en moet insgelyks die Komitee in kennis stel van enige voorgenome verandering van indienseeming, en die betrokke beroepswedder moet die indienseeming skriftelik bevestig en erken dat hy of sy aanspreeklik is vir al die handeling van die bestuurder; en

(d) enige verdere voorwaardes wat die Komitee na goeddunke besluit om op te lê.";

(d) die vervanging van subregulasie (7) deur die volgende subregulasie:

**"(7) [(a) 'n Beroepswedder wat nie sake in vennootskap met 'n ander beroepswedder doen nie, word toegelaat om een geregistreerde bestuurder in diens te neem ten opsigte van die beroepsweddersreg wat deur hom besit word.**

**Indien twee of meer beroepswedders sake in vennootskap doen, word sodanige vennootskap toegelaat om een geregistreerde bestuurder in diens te neem ten opsigte van die beroepsweddersreg wat deur die vennootskap besit word.] Desnieteenstaande die bepalings van subregulasie (3), kan die Komitee 'n tydelike registrasiesertifikaat aan 'n aansoeker uitreik vir registrasie as 'n bestuurder, voor die voltooiing van die ondersoek in**

subregulasie (2)(e) bedoel, met dien verstande dat die aansoekdokumentasie geen gronde openbaar waarop die aansoeker onbevoeg bevind mag word vir registrasie nie."; en

(e) die byvoeging van die volgende subregulasies na subregulasie (9):

"(10) 'n Beroepswedder mag geen persoon in die hoedanigheid van 'n klerk of van 'n bestuurder in sy of haar beroepsweddersbesigheid in diens neem of toelaat om in diens geneem te word nie, tensy daardie persoon na behore ingevolge hierdie regulasie as 'n klerk of as 'n bestuurder, na gelang van die geval, geregistreer is.

(11) Geen persoon moet in die hoedanigheid van 'n klerk of van 'n bestuurder diens aanvaar of saam met 'n beroepswedder werk nie, tensy daardie persoon na behore ingevolge hierdie regulasies geregistreer is.

(12) 'n Beroepswedderklerk is 'n klas werknemer van 'n beroepswedder, of van 'n vennootskap van beroepswedders, wat in diens geneem is in 'n hoedanigheid wat daardie werknemer toelaat of van hom of haar vereis om weddenskappe met die publiek, die totalisator, of met ander beroepswedders aan te gaan.

(13) 'n Bestuurder word in diens geneem om –

(a) gesaghebber oor alle geregistreerde klerke en ander werknemers van die beroepswedder, of vennootskap van beroepswedders te wees;

(b) weddenskappe met die publiek, die totalisator, of met ander beroepswedders aan te gaan; en

(c) behoudens die kriteria soos uiteengesit in die omskrywing van "bestuurder" in artikel 2 van die Ordonnansie, vir alle verpligtinge van die beroepswedder verantwoordelik te wees wanneer die beroepswedder nie beskikbaar is nie.

(14) Elke beroepswedder of vennootskap van beroepswedders moet ten minste een werknemer as 'n bestuurder registreer, ooreenkomstig hierdie regulasies."

### **Wysiging van regulasie 32**

33. Regulasie 32 van die regulasies word hiermee geskrap.

### **Wysiging van regulasie 33**

34. Regulasie 33 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

"33.(1) Enige persoon wat 'n geldige eis teen 'n beroepswedder het ten opsigte van 'n wedsenskap wat sodanige beroepswedder versuim het om te betaal na 'n versoek om dit te doen, moet die omstandighede skriftelik aan die [Komitee] hoof- uitvoerende beampte rapporteer."; en

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Die [Sekretaris] hoof- uitvoerende beampte moet, by ontvangs van sodanige kennisgewing, dit onverwyld in 'n register wat vir die doel bygehou word opteken, en moet dit onverwyld by die Komitee indien."

**Wysiging van regulasie 35**

35. Regulasie 35 van die regulasies word hiermee gewysig deur die vervanging van paragraaf (a) van subregulasie (4) deur die volgende paragraaf:

"(a) Enige wedder wat deur die Komitee as 'n wanbetaler aangewys is, mag geen perseel wat ingevolge hierdie Ordonnansie as 'n renbaan gelisensieer is, geen perseel vermeld in artikel 28(2) of (3) van die Ordonnansie of enige perseel waarop 'n gelisensieerde beroepswedder sake doen, betree of daarop wees nie tot sodanige tyd wanneer al sy verpligtinge teenoor beroepswedders nagekom is en die Komitee tevrede is dat hy 'n geskikte en gepaste persoon is om weddery te hervat."

**Wysiging van regulasie 36**

36. Regulasie 36 van die regulasies word hiermee gewysig deur die invoeging van die volgende opskrif:

"Wanbetaler: Jokkieklub van Suid-Afrika".

**Skrapping van regulasie 37**

37. Regulasie 37 van die regulasies word hiermee geskrap.

**Wysiging van regulasie 38**

38. Regulasie 38 van die regulasies word hiermee gewysig deur die skraping van paragraaf (c) in subregulasie (1).

**Wysiging van regulasie 38A**

39. Regulasie 38A van die regulasies word hiermee gewysig deur die vervanging van al die woorde wat die tabel voorafgaan deur die volgende woorde:

"Die belasting wat afgetrek word van die bedrag wat iemand gewen het wat 'n wenweddenskap ten opsigte van 'n perdesies met 'n beroepswedder aangegaan het, is volgens die persentasies wat in die verdelingstabel hieronder weergegee word, welke belasting Belasting op die Toegevoegde Waarde uitsluit."

**Wysiging van regulasie 39**

40. Regulasie 39 van die regulasies word hiermee gewysig deur die vervanging van subregulasie (8) deur die volgende subregulasie:

"(8) Elke gelisensieerde beroepswedder moet, binne vyftien dae na die laaste dag van elke maand, 'n **[gewaarmerkte] ware** afskrif van bylae 1 by die Komitee indien, soos by die aangewese beampte ingedien, en moet terselfdertyd die belasting soos voorgeskryf ingevolge regulasie 38A aan die Komitee betaal."

**Wysiging van regulasie 40**

41. Regulasie 40 van die regulasies word hiermee gewysig deur die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) Tensy 'n beroepswedder die skriftelike magtiging van die **[Direkteur: Finansiële Administrasie]** Direkteur-generaal het wat hom magtig om sake te doen nadat hy versuim het om die opgawe bedoel in regulasie 39 in te

lewer en die belasting te betaal vermeld in artikel 30 van die Ordonnansie, word sy lisensie geag opgeskort te wees totdat en vir so lank as wat sy versuim voortduur om voormelde opgawe in te lewer en om die belasting en enige boetes wat ingevolge die Ordonnansie verskuldig is, te betaal.”.

#### Wysiging van regulasie 43

42. Regulasie 43 van die regulasies word hiermee gewysig deur die vervanging van regulasie 43 deur die volgende regulasie:

“**[Renbaanontwikkelingsfonds]** Goedkeuringsprosedure: Ander Geleenthede en Gebeurlikhede

**43.(1) [(a) Die Raad van Trustees beoog by artikel 41ter van die Ordonnansie bestaan uit —**

(i) die voorsitter van tyd tot tyd van die Plaaslike Uitvoerende Beampes beoog in klousule 24 van die grondwet van die Jokkieklub van Suid-Afrika, ten opsigte van die KwaZulu-Nataalse Wedrendistrik, wat die voorsitter van die Raad van Trustees is;

(ii) die ondervoorsitter van tyd tot tyd van die Plaaslike Uitvoerende Beampes beoog in klousule 24 van die grondwet van die Jokkieklub van Suid-Afrika, ten opsigte van die KwaZulu-Nataalse Wedrendistrik, wat die ondervoorsitter van die Raad van Trustees is;

(iii) die voorsitter van tyd tot tyd van —

(aa) die Clairwood-renklub;

(bb) die Durban-renklub;

(cc) die Pietermaritzburg-renklub;

(dd) die Komitee vir die beheer oor beroepswedders soos by artikel 21A van die Ordonnansie beoog, en

(ee) die KwaZulu-Nataalse Vereniging van Eienaars en Afrigters;

(iv) ‘n verteenwoordiger van die Minister soos van tyd tot tyd deur hom aangestel, en

(v) hoogstens twee persone deur die Minister aangestel, aanvanklik vir die tydperk 1 September 1987 tot 30 Junie 1989, en daarna vir ampstermyne van drie jaar op ‘n slag beginnende op 1 Julie 1989.

(b) Die voorsitter van die Plaaslike Uitvoerende Beampes beoog in klousule 24 van die grondwet van die Jokkieklub of Suid-Afrika, ten opsigte van die KwaZulu-Nataalse wedrendistrik benoem van tyd tot tyd een van genoemde Plaaslike Uitvoerende Beampes as ‘n plaasvervangende lid van die Raad van Trustees, wat sitting as sodanig in die afwesigheid van die ondervoorsitter neem of wanneer die ondervoorsitter as voorsitter van die Raad van Trustees optree.

(c) Die ondervoorsitters van tyd tot tyd van die liggame in paragraaf (a)(iii) vermeld, is plaasvervangende lede van die Raad van Trustees en tree aldus op in die afwesigheid van hul onderskeie voorsitters.

(d) Indien ‘n vakature ontstaan in die lidmaatskap in paragraaf (a)(v) beoog, behalwe ten gevolge van die verstryking van ‘n lid se ampstermyne, kan die Minister ‘n persoon aanstel om sodanige vakature te vul vir die onverstreke deel van die ampstermyne van die lid in wie se plek sodanige persoon aangestel word.

(e) Die persone in paragraaf (a)(v) beoog, kom by verstryking van hul ampstermyne in

aanmerking vir heraanstelling as lede van die Raad van Trustees.

(2) Vir die doel om sy funksies te verrig en pligte uit te voer en sy bevoegdhede uit te oefen ingevolge die Ordonnansie ten opsigte van die Renbaanontwikkelingsfonds wat deur die vermeldde artikel 41ter ingestel is, hierna na verwys as die Fonds, moet die vermeldde Raad —

(a) ‘n regs persoon wees;

(b) bekend staan as die Raad van Trustees van die Renbaanontwikkelingsfonds, hierna na verwys as die Trustees;

- (c) optree as Trustees vir en namens die Fonds behoudens die Minister se instruksies; en
- (d) as Trustees beskik oor die bates en laste (indien enige) van die Fonds.
- (3) Elke wedrenklub of sportfeesklub wat 'n totalisator by enige wedrenbyeenkoms of sportfees bedryf, moet, binne sewe dae na sodanige wedrenbyeenkoms of sportfees, aan die Trustees die bedrag betaal wat afgetrek is van die "boerpot"- en "plekakkumulator"-potgeld ingevolge artikel 41ter (2) van die Ordonnansie, en moet terselfdertyd 'n opgawe by die Trustees indien wat toon hoe sodanige bedrag bereken is. 'n Afskrif van sodanige opgawe moet aan die Direkteur: Finansiële Bestuur gestuur word.
- (4) Alle gelde of ander inkomste wat die Fonds uit enige bron toeval moet in 'n bankrekening of bankrekeninge gedeponeer word soos deur die Minister goedgekeur en oopgemaak in die naam van die Trustees.
- (5) Enige geld tot die Fonds se krediet en beskikbaar vir belegging moet belê word vir, namens en ten gunste van die Fonds in die naam van die Trustees, in sodanige regerings- of ander sekuriteite soos deur die Minister goedgekeur.
- (6) (a) Wanneer vaste eiendom namens die Fonds aangekoop word, kan die Minister sodanige voorwaardes oplê as wat hy nodig ag, met inbegrip van beperkende titelvoorwaardes, en versoek dat sodanige voorwaardes teen die transportakte van die eiendom geregistreer word.
- (b) Die bepaling van paragraaf (a) is mutatis mutandis van toepassing op enige vaste eiendom wat deur enige maatskappy waarin die Fonds enige direkte of indirekte beherende belang hou, besit of verkry word.
- (7) Enige vaste eiendom wat deur die Fonds aangekoop word, moet in die naam van die Trustees van die Renbaanontwikkelingsfonds geregistreer word.
- (8) Die Trustees moet, binne sewe dae na die einde van elke kalendermaand, 'n opgawe aan die Direkteur: Finansiële Bestuur voorlê wat die transaksies ten opsigte van die Fonds gedurende die voorafgaande maand en die totale bates van die Fonds soos op die laaste dag van sodanige maand aantoon.
- (9) (a) Die rekeningboeke van die Fonds is aan jaarlikse oudit onderworpe teen die koste van die Fonds deur ouditeurs wat deur die Trustees aangestel is met vooraf goedkeuring van die Minister.
- (b) 'n geouditeerde staat van die Fonds moet jaarliks aan die Direkteur-generaal voorgelê word, nie later nie as negentig dae na die einde van die Fonds se finansiële jaar soos van tyd tot tyd deur die Trustees bepaal.]

Enige persoon wat verlang dat die Minister 'n beslissing maak soos bedoel in die omskrywing van "ander gebeurtenis of gebeurlikheid" in die Ordonnansie, moet skriftelik aansoek by die Minister doen.

(2) 'n Skriftelike aansoek bedoel in subregulasie (1) moet ten minste die volgende inligting en motivering bevat –

- (a) die profesie, naam, posadres en ander kontakbesonderhede van die aansoeker;
- (b) 'n duidelike, voltooid en beknopte beskrywing van die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek word;
- (c) inligting aangaande 'n organisasie wat op enige wyse die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek is, beheer;
- (d) motivering wat die standpunt steun dat die handeling van weddery aangaande die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek is, nie aanstoot sal gee vir openbare moreel nie; en
- (e) motivering wat die standpunt steun dat die handeling van weddery aangaande die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek is, nie die gebeurtenis of gebeurlikheid vatbaar maak vir dade van korrupsie of manipulasie van resultate nie.

(3) Enige beslissing wat deur die Minister geneem is, word by wyse van kennisgewing in die *Provinsiale Koerant* gepubliseer.

(4) Die inwerkingtreedingsdatum van 'n beslissing deur die Minister soos bedoel in hierdie regulasie is die datum van publikasie van die *Provinsiale Koerant* waarin die betrokke kennisgewing gepubliseer word.

#### **Wysiging van regulasie 44**

43. Regulasie 44 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) Die register in artikel 38(~~3~~2) van die Ordonnansie bedoel, moet die datum, naam van die renperd, diagnose van die siekte, die geneesmiddel, verdowingsmiddel of apparaat wat gebruik is in die behandeling, hetsy die geneesmiddel of verdowingsmiddel mondeling, deur middel van 'n inspuiting of infusie, of deur eksterne aanwending toegedien is, die naam van die persoon wat die perd behandel het, die naam van die veearts wat die geneesmiddel of verdowingsmiddel voorgeskryf het en besonderhede van wie die geneesmiddel of verdowingsmiddel gelewer het en die hoeveelheid geneesmiddels of verdowingsmiddels wat gelewer is, bevat."; en

(b) die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Vir die doeleindes van subparagraaf (ii) van artikel 38(2)(b) van die Ordonnansie, mag geen oorblyfsel van enige stof, chemikalie of verdowingsmiddel in artikel 38(1)(a) van die Ordonnansie bedoel in 'n renperd teenwoordig wees gedurende die tydperk agt-en-veertig uur voor en vier-en-twintig uur na 'n wedren waaraan sodanige perd gaan deelneem of deelgeneem het nie; met dien verstande dat indien 'n geregistreerde veearts sertifiseer dat sodanige stof, chemikalie of verdowingsmiddel –

(a) nie voor die voltooiing van die mees onlangse wedren waaraan die perd deelgeneem het, toegedien is nie; en

(b) nodig is vir die welstand van die betrokke perd,

die verbod ten opsigte van voormelde tydperk van 24 uur na 'n wedren nie van toepassing is nie."

#### **Wysiging van regulasie 47**

44. Regulasie 47 van die regulasies word hiermee gewysig deur –

(a) die vervanging van subparagrafe (a), (b) en (c) van paragraaf (c) van subregulasie (3) deur die volgende subparagrafe:

"~~[(a)](aa)~~ sportgebeurtenisse;

~~[(b)](bb)~~ ander geleenthede of gebeurlikhede; of

~~[(c)](cc)~~ enige kombinasie daarvan,"; en

(b) die invoeging van subregulasies (10) en (11) na subregulasie (9):

"(10) Indien, in enige kalendermaand van die jaar, die bedrag van bruto winste op wedtransaksies op –

(a) sportgebeurtenisse; of

(b) ander geleenthede of gebeurlikhede,

minder as nul is, kan die verlies ten volle vergoed word teen bruto winste in opeenvolgende belastingtydperke.

(11) Vir die doeleindes van subregulasie (10) beteken "belastingtydperk" een kalendermaand."



**Wysiging van regulasie 49**

45. Regulasie 49 van die regulasies word hiermee gewysig deur die vervanging van subregulasie (2) deur die volgende subregulasie:

- “(2) Elke beroepswedder moet binne sewe dae na die laaste dag van elke maand, ‘n **[gewaarmerkte] ware** afskrif van bylae 10 indien by –
- (a) die Komitee tesame met die belasting wat ingevolge hierdie hoofstuk deur hom aan die Komitee betaalbaar is; en
  - (b) die aangewese verteenwoordiger van die renklubs, tesame met die belasting wat ingevolge hierdie hoofstuk aan die renklubs betaalbaar is.”.

**Wysiging van regulasie 50**

46. Regulasie 50 van die regulasies word hiermee gewysig deur die vervanging van subregulasie (1) deur die volgende subregulasie:

- “(1) Die Totalisatoragentskapsraad (Natal) of die betrokke renklub moet binne sewe dae na die laaste dag van elke maand –
- (a) ‘n opgawe by die aangestelde beampte indien in die vorm van bylaes 10 en 11 wat die totale bedrag wat aan die totalisator inbetaal is, aantoon ten opsigte van enige sportgebeurtenis of ander gebeurtenis of gebeurlikheid wat deur voornoemde bylaes gedek word;
  - (b) die belasting wat ingevolge hierdie hoofstuk betaalbaar is, aan die aangestelde beampte betaal; en
  - (c) ‘n **[gewaarmerkte] ware** afskrif van bylae 10 by die Komitee indien tesame met die belasting wat ingevolge hierdie hoofstuk aan die Komitee betaalbaar is.”.

**Skrapping van regulasie 52**

47. Regulasie 52 van die regulasies word hiermee geskrap.

**Skrapping van regulasie 53**

48. Regulasie 53 van die regulasies word hiermee geskrap.

**Wysiging van bylae 1 van die regulasies**

49. Bylae 1 van die regulasies word hiermee gewysig deur die vervanging van die eerste deel van die getekende verklaring deur die volgende:

“BYLAE 1

PROVINSIE KWAZULU-NATAL

ORDONNANSIE OP DIE REGULERING VAN WEDRENNE EN WEDDERY, 1957

(ORDONNANSIE NO. 28 VAN 1957)

**[BEËDIGDE]** VERKLARING EN OPGAWES DEUR ‘N BEROEPSWEDDER OF DIE TOTALISATORAGENTSKAPSRAAD (KWAZULU-NATAL) WAT WEDDENSAPPE MET VASTE WEDPRYSE AANBIED TEN OPSIGTE VAN DIE BELASTING WAT OORBETAAL MOET WORD OP WEDDENSAPPE OP PERDEWEDRENNE EN ENIGE DEKKINGSWEDDENSAPPE TEN OPSIGTE WAARVAN ‘N AFTREKING GEËIS WORD

[Moet in blokletters ingevul en in tweevoud ingedien word ingevolge artikel 30 van die Ordonnansie saamgelees met regulasie 39]

Volle name van beroepswedder \_\_\_\_\_

(In die geval van 'n vennootskap, verstrek volle name van alle vennote)

Naam waaronder die besigheid bedryf word \_\_\_\_\_

Fisiese adres van wedkamer \_\_\_\_\_

Posadres \_\_\_\_\_

Maand en jaar ten opsigte waarvan opgawe ingedien is (ten opsigte van 'n opgawe van weddenskappe wat in 'n wedkamer aangegaan is)

Naam van renklub/sportfeesklub (ten opsigte van 'n opgawe van weddenskappe wat op 'n renbaan/sportfeesbaan aangegaan is)

Datum van wedrenbyeenkoms/sportfees (ten opsigte van 'n opgawe van weddenskappe wat op 'n renbaan/sportfeesbaan aangegaan is)

#### VERKLARING

Ek, die bogenoemde en die ondergetekende beroepswedder/vennoot in bovermelde vennootskap\*, verklaar hiermee plegtig dat

- 
- (i) die bruto bedrag van enige gelde, sekuriteit of waardevolle ding wat aan my betaal of gegee is of deur my betaal of gegee moet word ter vereffening van alle weddenskappe wat op bovermelde wedrenbyeenkoms of sportfees aangegaan is, volledig en juis in opgawe A hierby opgegee is; en
  - (ii) die besonderhede van die dekkingsweddenskappe wat deur my aangegaan is ter dekking van my aanspreeklikhede ten opsigte van weddenskappe wat by bovermelde wedrenbyeenkoms of sportfees aangegaan is, volledig en juis in opgawe B hierby en in die aangehegte bylae 2 opgegee is.

HANDTEKENING VAN BEROEPSWEDDER (Skryf asb. ook die naam in drukskrif indien 'n vennoot namens 'n vennootskap teken.)

[Die verklaarder het erken dat hy met die inhoud van hierdie verklaring vertrou is en dit begryp. Hierdie verklaring is deur die verklaarder voor my beëdig/bevestig te ..... op hede die ..... dag van ..... 19.....

**Vrederegter/Kommissaris van Ede\*]** As getuie:

Volle name

**[Besigheids]** Woonadres

**[Gebied waarvoor aangestel]** Posadres

[Vermeld amp indien ampsbehalwe aangestel] Telefoonkontakbesonderhede:

Suid-Afrikaanse Identiteitsnommer:

**[\* Skrap woorde wat nie van toepassing is nie]"**

**Skraping van bylae 6**

50. Bylae 6 van die regulasies word hiermee geskrap.

**Wysiging van bylae 7**

51. Die regulasies word hiermee gewysig deur die vervanging van bylae 7 deur die volgende bylae:

"BYLAE 7  
 PROVINSIE KWAZULU-NATAL  
 KONSOLIDERINGSORDONNANSIE OP PERDEWEDRENNE EN WEDDENSKAPSBEHEER, 1957 (ORDONNANSIE NO. 28  
 VAN 1957  
 (Artikel 22)  
 BEROEPSWEDDERSLIENSIE

Volle naam van beroepswedder   
Paspoort no. of Suid-Afrikaanse Identiteitsno.

Trek 'n x in die toepaslike blokkie\* en voltooi die toepaslike getinte ruimtes

Hierdie lisensie is geldig \* vir die jaar eindigende 31 Desember

Hierdie lisensie is geldig \* vir die tydperk  tot

Hierdie lisensie is geldig \* op die volgende dae

Hierdie lisensie magtig die  
houer daarvan om op te tree in

\* die primêre  
wedkamerperseel op


Hierdie lisensie magtig die  
houer daarvan om op te tree in

\* die sekondêre  
wedkamerperseel op


Hierdie lisensie magtig die  
houer daarvan om op te tree in

\* die gelisensieerde renbaan  
op


Bedrag betaal, ontvangs waarvan hierby erken word:

R														
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Kwitansieno.

Verwysingsno.


Behoudens die bepalinge van die Konsolideringsordonnansie op Perdewedrenne en Weddenskapsbeheer, 1957 en enige geldige voorwaardes verbonde aan hierdie lisensie deur middel van aanhangsel of endossement, mag die in hierdie lisensie vermelde persoon die beroep van beroepswedder uitoefen op die plek(Ke) waar hierdie lisensie hom dit toelaat tot die vervaldatum(s) wat in hierdie lisensie vermeld word.


**DIREKTEUR-GENERAAL**


**DATUMSTEMPEL**

#### **Wysiging van bylae 10**

52. Bylae 10 van die regulasies word hiermee gewysig deur die vervanging van die eerste deel van die getekende verklaring deur die volgende:

"BYLAE 10

PROVINSIE KWAZULU-NATAL  
ORDONNANSIE OP DIE REGULERING VAN WEDRENNE EN WEDDERY, 1957  
(ORDONNANSIE NO. 28 VAN 1957)

**[BEËDIGDE]** VERKLARING EN OPGAWES DEUR 'N BEROEPSWEDDER OF 'N TOTALISATOR WAT WEDDENSAPPE MET VASTE WEDPRYSE AANBIED TEN OPSIGTE VAN DIE BELASTING WAT OORBETAAL MOET WORD OP SPORTWEDDENSAPPE OF WEDDENSAPPE OP ENIGE ANDER GEBEURTENIS OF GEBEURLIKHEID EN ENIGE DEKKINGSWEDDENSAPPE TEN OPSIGTE WAARVAN 'N AFTREKKING GEËIS WORD

Moet in BLOKLETTERS ingevul en in TWEEVOUD ingedien word ingevolge regulasies 49 en 50 wat kragtens die Ordonnansie uitgevaardig is.

Volle naam van beroepswedder/Totalisatoragentskapsraad (Natal):

(in die geval van 'n vennootskap, verstrek volle name van alle vennote)

Naam waaronder besigheid bedryf word:

Fisiese adres van wedkamer/totalisator:

Posadres:

Maand en jaar ten opsigte waarvan opgawe ingedien word:

(ten opsigte van 'n opgawe van weddensappe wat in 'n wedkamer aangegaan is)

VERKLARING

Ek, die bogenoemde en die ondergetekende beroepswedder/vennoot in bovermelde vennootskap; of

Ek, die ondergetekende vir die Totalisatoragentskapsraad (Natal)\*, verklaar hiermee plegtig dat —

- (i) die bruto bedrag van enige geld, sekuriteit of waardevolle ding wat aan my betaal of gegee is of deur my betaal of gegee moet word ter vereffening van alle sportweddensappe wat op bovermelde gebeurtenis aangegaan is, volledig en juis in opgawe A hierby opgegee is; en
- (ii) die besonderhede van die dekkingsweddensappe wat deur my aangegaan is ter dekking van my aanspreeklikhede ten opsigte van weddensappe wat by bovermelde gebeurtenis aangegaan is, volledig en juis in opgawe B hierby en in die aangehegte bylae 11 opgegee is.

.....  
Hantekening van beroepswedder/ ondertekenaar van die Totalisatoragentskapsraad (Natal) \*

[ Die verklaarder het erken dat hy met die inhoud van hierdie verklaring vertrou is en dit begryp.  
 Hierdie verklaring is deur die verklaarder voor my beëdig/bevestig te ..... op hede die  
 ..... dag van ..... [19] 20.....

Vrederegter/Kommissaris van Ede\*] As getuie (volle name):

[Besigheids] Woonadres:

.....  
 .....

[Gebied waarvoor aangestel] Posadres: .....

.....  
 .....

Telefoonkontakbesonderhede: .....

Suid-Afrikaanse Identiteitsnommer: .....

[Vermeld amp indien ampsbehalwe aangestel:.....]

(skryf asb. ook naam in drukskrif).....

[\* Skrap woorde wat nie van toepassing is nie].

#### Kort titel

53. Hierdie regulasies word die Wysigingsregulasies Betreffende Perdewedrenne en Weddenskapsbeheer, 2009 genoem.

**No. 1****1 kuMasingana 2010****IHHOVISI LIKANDUNANKULU****UKUCHITSHIYELWA KWEMITHETHONQUBO EYAKHIWE NGOKWESIGABA 42 SE-ODINENSI YOKULAWULWA KWEMIJAHO NOKUBHEJA, 1957 (I-ODINENSI NO. 28 1957)**

Ngalokhu ngichibiyela iMithethonqubo eyakhiwe ngokwesigaba 42 se-Odinensi yokuLawulwa kwemiJaho nokuBheja, 1957, (i-Odinensi No. 28 ka 1957), njengoba kubekwe oHlelweni olungezansi.

Sikhishwe ngaphansi kwesandla sami eMgungundlovu, ngalolu suku lwama Ziyisihlanu luka KuLwazi oNyakeni weziNkulungwane eziMbili nesiShiyagalolunye.

**ZL MKHIZE**

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele imidlalo yemali nokubheja

**Ukuchitshiyelwa koMthethonqubo 1**

2. UMthethonqubo 1 weMithethonqubo ngalokhu uyachitshiyelwa ngokuthi –

- (a) kususwe incazelo **“yohlelo lokugcinwa kwamarekhodi lwamakhompyutha”**;
- (b) kususwe incazelo **“yesitebela”**;
- (c) kususwe incazelo **“yoMqondisi”**;
- (d) kususwe incazelo **“yokuBheja okungejwayelekile”**;
- (e) kususwe incazelo **“kaNobhala”**;
- (f) kususwe incazelo **“yohlelo lokugcinwa kwamarekhodi lwamakhompyutha”** ngokuthi kufakwe le ncazelo elandelayo: **“yohlelo lokugcinwa kwamarekhodi lwamakhompyutha”** kusho uhlelo lokugcinwa kwamarekhodi olubandakanya ukusetshenziswa kwemishini yamakhompyutha nezinhlelo zamakhompyutha futhi olusetshenziswa obhuki ngenhloso yokuqopha imininingwane yakho konke ukubheja okwenziwe kubo kanye nemininingwane yokubheja okuhoxisiwe eyenziwe yibo okuyikhona okukhiqiza la marekhodi ashiwoyo”;
- (g) kufakwe emva kwencazelo **“uhlelo lokubheja lwemishini”** le ncazelo elandelayo: **“isikhulu sezepolitiki”** kusho –
- (a) iLungu lePhalamende, loMkhandlu kaZwelonke wezifundazwe noma leKhabhinethi;
- (b) ilungu lesiShayamthetho sesifundazwe noma lomkhandlu ophethe esifundazweni;
- (c) ikhansela likamasipala;
- (d) izithunywa esimele iSizwe kodwa esingelona ilungu labasebenzi bakahulumeni;
- (e) ilungu lendlu yabaHoli bendabuko; noma
- (f) isikhulu sikazwelonke noma sesifundazwe seqembu lezepolitiki, senhlangano, somgwamanda, somfelandawonye noma seQembu elibhaliswe ngokwesigaba 15 noma 15A soMthetho weKhomishana yoKhetho, 1996 (uMthetho No. 51 ka 1996).”;
- (h) kufakwe ngemva kwencazelo **“isikhulu sezepolitiki”** le ncazelo elandelayo: **“isakhiwo esiyigumbi esakhelwe ukubhejela”** kusho isakhiwo lapho ibhizinisi lobhuki lighutshelwa khona ngokwejwayelekile, njengoba kuchazwe lwilayisensi yobhuki futhi esivulelekile emphakathini ngamahora ejwayelekile okusebenza”;
- (i) kufakwe ngemva kwencazelo **“isakhiwo esiyigumbi esakhelwe ukubhejela”** le ncazelo elandelayo: **“isihlobo”** kusho lokhu okulandelayo, njengoba kungaba njalo –
- (a) umyeni noma unkosikazi, noma ubani ohlanganiswe naye yifindo lomshado noma ngabe liboshwe ngaphansi kwaliphi isiko nanoma ngaphansi kwaluphi uhlobo lwenkolo, nanoma yibaphi omasihlalisane abahlala ndawonye sabantu abashadile, umshado ohlanganiswe ngaphansi kwanoma yiluphi uhlobo lwesiko noma lwenkolo;
- (b) noma yimuphi umntwana ozalwe kunoma yimuphi wale mishado ebalulwe kwindima (a) nanoma yimuphi omunye umntwana ozalwe ebudlelwaneni obubalulwe kwindima (a);
- (c) abazali bomuntu obalulwe kwindima (a) kanye nabazali bomyeni, bonkosikazi noma bakaphathina okukhulunywe ngaye kwindima (a);”;
- (j) kufakwe ngemva kwencazelo **“isihlobo”** le ncazelo elandelayo: **“isakhiwo esiyigumbi esingasetshenziselwa ukubheja”** kusho isakhiwo sokuhlala lapho ubhuki ehlala khona futhi lapho ubhuki eqhuba khona ibhizinisi lobubhuki ngezikhathi ezithile, ngaphansi kweMvume ehlongozwe kumthethonqubo 20(5);”;
- (k) kufakwe ngemva kwencazelo **“ukubhejela ukuwina”** le ncazelo elandelayo: **“i-Odinensi”** kusho i-Odinensi yokuLawulwa kwemiJahlo nokuBheja, 1957 (i-Odinensi No. 28 ka 1957).”

**Ukuchitshiyelwa koMthethonqubo 2**

3. Umthethonqubo 2 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi kususwe inkomba yoHlelo 9 -

**“[UHlelo 9 – Isaziso sokumiswa kwesikhashana.]”**.

**Ukuguqulwa koMthethonqubo 3**

4. Imithethonqubo ngalokhu iyachitshiyelwa ngokuthi kuguqulwe umthethonqubo 3 ngalo mthethonqubo –

**“3.** Izinhlangano nososeshini abangabhaliswe babantu abanogqozi lokuthola amalayisenzi omjaho ngokwesigaba 3 se-Odinensi kumele abhale isicelo basithumele kuMqondisi-Jikelele; kuncike ekutheni leso sicelo akumele sithunyelwe ngaphambi kokuthi kushicilelwe okungenani kanye ngesonto kuze kube amasonto amane alandelanayo kumaphephandaba amabili noma ngaphezulu adumile endaweni lapho kuhlangozwe khona ukutholakala kwelayisenzi



yomjaho, [indlela echazwe yisigaba 110 soMthetho woMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1961 (uMthetho No. 32 ka 1961),] isaziso esibeka izinhloso zaleyo nhlangano noma lowo soseshini sokufaka isicelo futhi esiqukethe isitatimende esicacisa ukuthi noma ubani onentshisekelo yokuphikisa ukugunyazwa kwesicelo angafaka isiphikiso sakhe kanye namaphuzu akhulumela phezu kwawo, kuMqondisi-Jikelele lingakedluli isonto kushicilelwe leso saziso;”.

#### Ukususwa koMthethonqubo 5

5. UMthethonqubo 5 ngalokhu uyasuswa.

#### Ukuchitshiyelwa koMthethonqubo 8

6. UMthethonqubo 8 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi –

- (a) kuguqulwe isigatshana soMthethonqubo (5) ngalesi sigatshana somthethonqubo esilandelayo:  
“(5) Yonke imali okungeyeKomidi evumelekile ukuthi itshalwe kumele itshalwe, egameni leKomidi futhi ukuze kuhlomule iKomidi futhi itshalwe ngegama lalo [kuHulumeni noma kwezinye izindawo zokonga imali] kuma-akhawunti njengoba kungagunyaza uNgqongqoshe.”;
- (b) kuguqulwe isigatshana soMthethonqubo (7A) ngalesi sigatshana soMthethonqubo esilandelayo:  
“(7A) [(i)](a) IKomidi angeke livunyelwe ukukwabela noma imuphi umuntu, noma iyiphi [inzalo noma okuzuziwe] imali eyongezekile futhi liyoyisebenzisa lona kuphela ngokuyitshala noma ngezinhloso ezithile elinazo: Kuncike ekutheni akukho okuyovimbela iKomidi ekutheni lithole noma likhokhele impahla nemisebenzi eliyenzile ngenhloso yokufezekisa izinhloso elibe nazo.  
[(ii)](b) Ekuhlakazweni kwekomidi impahla yalo iyothathwa umuntu oyoqokwa uNgqongqoshe uma sekukhokhwe zonke izikweletu, imali esalayo, uma ikhona, iyofakwa kwisiKhwama seNgeniso sesiFundazwe.”;
- (c) kwengezwe kwisigatshana soMthethonqubo (8) lo mbandela olandelayo:  
“: Kuncike ekutheni kunezimali ezanele ezidingekayo nokuthi iKomidi lihlinzeka ngendlela efanele ohlelweni lwalo lwesabelomali sonyaka kuzo zonke izindleko eziphathelene nokuqashwa kwabasebenzi balo.”;
- (d) kufakwe ngemuva kwesigatshana soMthethonqubo (8) lezi zigatshana ezilandelayo:  
“(8A) Isikhundla sokusebenza esiphezulu kunazo zonke esiyobekwa iKomidi kuyoba yisiKhulu esiPhezulu futhi ngokwamandla aso, amajoka aso kanye nemisebenzi yaso ebekwe kwinkontileka yaso yokuqashwa, siyoba namandla, namajoka kanye nemisebenzi ebekwe kule Mithethonqubo.  
  
(8B) Izinga lokusebenza labo bonke abasebenzi beKomidi kuyohlolwa futhi kuphathwe ngokulandela inqubomgomo yokuphathwa kwamazinga okusebenza, okuyinqubomgomo eyoqokatha izidingo zokuthi bonke abasebenzi bangene esivumelwaneni sokuphathwa kwamazinga okusebenza.”;
- (e) kufakwe ngemuva kwesigatshana soMthethonqubo (9) lezi zigatshana zomthethonqubo –  
“(10) UNgqongqoshe uyonquma inqubomgomo yezibonelelo namaholo kanye namazinga okuholelwa kukaSihlalo, iSekela likaSihlalo kanye namalungu eKomidi.

(11) Umuntu akafanelekile ukuthi aqokelwe kwiKomidi noma ukuqhubeka nokusebenza eKomidini, uma –

(a) engesona isakhamuzi saseNingizimu Afrika;

(b) engesona isakhamuzi saKwaZulu-Natali;

(c) ngesikhathi sokuqokwa kwakhe, noma ngesikhathi sakhe sokusebenza esiyizinyanga eziyi-12 –

(i) engumuntu ohlongozwe kwisigaba 8(1) soMthetho wemiSebenzi kaHulumeni, 1994 (isiMemezelo 103 sika 1994); noma

(ii) eyisikhulu sezepolitiki;

(d) isihlobo sakhe singumuntu ohlongozwe kwisigatshana soMthethonqubo (11)(c)(ii);

(e) eyilungu lebhodi yabaQondisi kunoma yiliphi ibhizinisi elibandakanya ukugembula noma ukuqoqa izimali, enentshisekelo yokulawula noma enentshisekelo ngasezimalini noma enenye intshisekelo kunoma yimuphi omunye umsebenzi wokugembula noma wokuqoqa izimali noma efuna ukuhlomula ngqo noma ngenye indlela ngasezimalini kunoma imuphi umsebenzi wokugembula noma wokuqoqa izimali, noma eqashwe umuntu, inkampani, inhlangano noma omunye umgwamanda, obhalisiwe noma ongabhalisiwe, onentshisekelo kulesi sigatshana somthetho;

(f) isihlobo sakhe siyilungu lebhodi yabaQondisi kunoma yiliphi ibhizinisi elibandakanya ukugembula noma ukuqoqa izimali noma sinokuhlomula ngqo noma silawula lelo bhizinisi;

(g) engene ezikweletini ngokungenakuhlengeka;

(h) (i) engumuntu ongaphansi kokuphathelwa ngumthetho:

(ii) ebhaliswe ngaphansi kwesigaba 9 soMthetho wokweLashwa kweNgqondo, 1973 (uMthetho No. 18 ka 1973), futhi engakakuhlulwa esikhungweni esihlongozwe ngaphansi kwalo Mthetho; noma

(iii) engathathwa njengongaphilile ngokwengqondo ngokuphelele noma enokugula komzimba okungamvimbela ukuthi enze ngendlela efanele imisebenzi yakhe;

(i) noma nini eke wakhishwa ehhovisi lokusebenza ngenxa yokungaziphathi kahle okubandakanya ukuntshontsha nokukhwabanisa;

(j) eke watholakala enecala futhi wagwetshwa ngokuvalelwa ejele ngaphandle kwesibonelelo sokukhokha inhlawulo, ngaphandle kokuthi uNgqongqoshe, uma lowo muntu ophakanyiselwe ukuba akhethwe edalula ngokuphelele mayelana necala encwadini efungelwe, angakushaya indiva lokho kuboshwa: Kuncike ekutheni akukhona ukuboshwa ecaleni elihlanganisa ukubulala, ukubulala ngokungenhloso okubandakanya ukuhlukumeza, ukudlwengula, ukubamba inkunzi, ukuntshontsha, ukukhwabanisa, ukukopishwa ngokungemthetho kwempahla okungesiyo eyakho bese uvidalula njengeyakho, ukugamba amanga ngaphansi kwesifungo, icala elingaphansi koMthetho wokuVikela nokuQeda iZenzo zeNkohlakalo, 2004 (uMthetho No. 12 ka 2004), ukuVikelwa kobuGebengu obuHleliwe, 1998 (uMthetho No. 121 ka 1998), noma uMthetho wesikhungo esiBhekele amaCala ezeziMali, 2001 (uMthetho No. 38 ka 2001), noma yiliphi icala elibandakanya ukungathembeki, icala elibandakanya ukushushumbiswa kwezinto ezithathwa njengezingafanele kanye nezidakamizwa, icala elimayelana nokughutshwa kwamacala athile ahlolongozwe kuMthetho weziDakamizwa nokuShushumbiswa kweziDakamizwa, 1992 (uMthetho No. 140 ka 1992), nanoma yiliphi elinye icala ngaphansi kwalo Mthetho noma omunye umthetho othi mawufane nawo: Kuncike ekutheni –

(i) noma yikuphi ukutholwa necala noma ukugwetshwa okukhishwa yinkantolo ngaphandle kwemingcele yeRiphabhulikhi yaseNingizimu Afrika kuyomele kubhekwe ngezinhloso zalesi sigatshana soMthethonqubo ngaphandle uma ngaleso sikhathi lelo cala belingaba yicala uma lenziwe kwiRiphabhulikhi yaseNingizimu Afrika; futhi

(ii) ngokwezinhloso zalesi sigatshana soMthethonqubo, umuntu uthathwa njengotholakale necala futhi wagwetshwa –

(aa) kuze kube khona isikhalazo esibonakalayo noma esifakwayo ukulwisana nalokho kutholakala necala noma ukugwetshwa futhi sesilaleliwe kwaphinde kwangunywa mayelana naso;

(bb) kuze kwedlule isikhathi esivunyelwe umthetho sokuveza noma sokufaka isikhalazo sokulwisana nokutholakala necala noma nesigwebo leso sikhhalazo singavelanga noma singafakwanga; noma

(cc) uma ekhulululwe ngoshwele noma enikwe iparoli ngabanegunya lokwenze njalo;

(k) engumsebenzi wasethotho noma i-ejenti yethotho, noma esebenzela leyo ejenti, njengoba kuhlolongozwe kwi-Odinensi;

(l) yena noma isihlobo sakhe sinokuhlomula ekulawulweni noma ukuhlomula kwezezimali noma okunye ukuhlomula ngokuba nelayisensi yobubhuki, yokuphatha ithotho, yokuba yi-ejenti yethotho noma sinelayisensi yenkundla yomjaho, njengoba kuhlolongozwe kwi-Odinensi;

(m) yena noma isihlobo sinokuhlomula ekulawuleni noma kwezezimali noma okunye ukuhlomula ekuqhutshweni, kubandakanya kwiBhodi yebhizinisi, lapho engumnikazi, engumzalanisi, noma engumqeqeshi wamahhashi omjaho; noma

(n) ebhaliswe kwirejista yabantu abakhishiwe, ehlongozwe yisigaba 14(7) soMthetho wezokuGembula kaZwelonke okhishwe yinkantolo.

(12) Uma ilungu leKomidi liba ngelingafanelekile ngesikhathi salo sokuba sesikhundleni ngokwesigatshana soMthethonqubo (11) kumele ngokushesha uma liba nalokho kungafaneleki lidalule lolo lwazi ngokubhalwe phansi kuNgqongqoshe, ukuze uNgqongqoshe ezokwazi ukuthatha izinyathelo sokuvala leso sikhala esivulekayo.

(13) Ngokwezinhloso zalo mthethonqubo, ukuhlomula kwezezimali akubandakanyi ukuhlomula ngandlela thile kunoma yiziphi izimali noma utshalomali uma lowo muntu ohlomulayo engenamthelela ezinqumweni zokutshalwa kwezimali ezithathwayo mayelana nalezo zimali noma utshalomali."

**Ukuguqulwa koMthethonqubo 9**

7. Imithethonqubo ngalokhu iyachitshiyelwa ngokuthi kuguqulwe umthethonqubo 9 ngalo mthethonqubo olandelayo:

"9.(1) **[Ubaba uSihlalo]** USihlalo noma, uma engekho, **[iSekela likaBaba uSihlalo]** iSekela likaSihlalo liyonquma usuku isikhathi kanye nendawo yomhlangano weKomidi ngamanye.

(2) Isibalo sabangabamba umhlangano seKomidi kumele sibe ngabantu abane, abahlanganise amalungu **amane [kwamanye] noma** amanye malungu, noma amalungu amane kanye namanye amalungu.

(3) Isinqumo seKomidi kumele sibe ivoti leningi; kuncike ekutheni lapho kuba nokulingana kwamavoti, **[uBaba uSihlalo]** uSihlalo, noma uma engekho, uSekela kaSihlalo noma uma bengekho bobabili, umuntu okhethwe ngokwesigatshana soMthethonqubo (4), uyokuba nevoti lokugcina futhi elingujuqu.

(4) Ukuhola kunoma yimuphi umhlangano kumele kwenziwe **[uBaba uSihlalo]** uSihlalo, noma uma engekho, kwenziwe **[uSekela kaBaba uSihlalo]** iSekela kaSihlalo. Uma bobabili **[uBaba uSihlalo]** uSihlalo noma **[uSekela kaBaba uSihlalo]** uSekela kaSihlalo bengekho emhlanganweni weKomidi, amalungu kanye namalungu engeziwe akhona ayokhetha, esibalweni sawo, umuntu oyobamba **[njengoBaba uSihlalo]** njengoSihlalo kulowo mhlangano."

**Ukuguqulwa koMthethonqubo 10**

8. Imithethonqubo ngalokhu iyachitshiyelwa ngokuthi kuguqulwe umthethonqubo 10 ngalo mthethonqubo olandelayo:

"10. Ikomidi, kuncike -

(a) ekugunyazeni kukaNgqongqoshe; kanye

(b) nasekushicilelweni kwemithetho yokubhalwa kwezimvo zomphakathi, kwiGazethi yesiFundazwe, lingakha imithetho -

(i) yokulawula obhukhi; kanye

(ii) nokuphatha nokulawula amagumbi okubheja kanye nezinye izindawo lapho obhukhi bengavumela khona ukubheja njengoba kunganqunywa."

**Ukuchitshiyelwa koMthethonqubo 11**

9. Umthethonqubo 11 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi -

(a) kuguqulwe isigaba soMthethonqubo (1) ngalesi sigaba soMthethonqubo esilandelayo:

"(1) IKomidi, **[noma]** izithunywa zalo, noma labo basebenzi balo abaqashwe njengabaphenyi, bayophenya noma iziphi izinsolo mayelana nobhuki, **[noma]** imenenja **ebhalisiwe** noma umabhalane obhalisiwe -

(a) ngokuziphatha **[ngokungathembeki noma ngokuphoxa]** okushayisanayo nenqubo yokuziphatha ebophezela ubhukhi, imenenja ebhalisiwe noma umabhalane obhalisiwe;

(b) ngokwepfulwa kwanoma iliphi ijoka noma isibopho esibekwe kuye yi-Odinensi, yile mithethonqubo, yimibandela yelayisensi yakhe noma imithetho okukhulunywe ngayo kwimithethonqubo 10;

(c) ngokuthi akawenzanga ngokuphelele umbandela noma uwepfulile ngengokubalulwe kwizindima (a) no (b) ohlangothini lwanoma yimuphi omunye **[ubhukhi]** ubhukhi; futhi kungathi emva kwalolo phenyo futhi ngemuva kwesizathu esibonakalayo esiveziwe, bathumelele ngokushesha ubhukhi, **[othintekayo]** imenenja **[yakhe]** ebhalisiwe noma umabhalane **[wakhe]** obhalisiwe [ogunyazwe ngokomthethonqubo 31,] isaziso esibhalisiwe ngokumiswa kwesikhashana **[ngefomu elinqunyiwe futhi]** okumele kuso kucaciswe -

(i) isikhathi ilayisensi kabhukhi noma yenenenja noma isitifiketi sikamabhalane sokubhaliswa esiyochithwa ngaso; kanye

(ii) nosuku lapho lowo bhukhi, [noma] imenenja noma umabhalane ayovela ngalo phambi kwekomidi **[ngesinqumo]** ukulalelwa njengoba kuhrongozwe kwisigatshana soMthethonqubo (4);

kuncike ekutheni isikhathi kanye nosuku okukhulunywe ngakho ngasenhla akumele kweqe ezinsukwini eziyisikhombisa kusukela osukwini lwesaziso."

(b) ukuguqulwa kwesigaba soMthethonqubo (2) ngalesi sigaba somithethonqubo esilandelayo:

"(2) **[izithunywa zeKomidi kumele]** esimweni lapho isaziso sokumiswa isikhashana sesikhishiwe ngokwesigatshana (1(c), umuntu noma umgwamanda okhiphe isaziso, emahoreni angamashumi amane nesiShiyagalombili kukhishwe

isaziso **[sesikhashana sokumiswa]**, zihlinzeke **[kuNobhala weKomidi]** esiKhulwini esiPhezulu, umbiko opehelele mayelana nezimo ezibangele lokho kumiswa.”;

(c) ukuguqulwa kwesigaba soMthethonqubo (3) lesi sigaba soMthethonqubo esilandelayo:

“(3) IKomidi liyoba namandla okuhoxisa ukumiswa kwesikhashana okwenziwe yizithunywa zalo noma umssebenzi ngaphambi kosuku lapho ubhukhi, **[noma]** imenenja ebhalisiwe, noma umabhalane obhalisiwe okumele avele ngalo phambi kwalo **[. Lokho]** : Kuncike ekutheni lokho kuhoxiswa kokumiswa kwesikhashana angeke kumkhulule ubhukhi, **[noma]** imenenja ebhalisiwe, noma umabhalane othintekayo ekutheni avele phambi kwekomidi ngosuku olushiwo kwiSaziso sokuMiswa kwesikhashana, ngaphandle uma iKomidi linqume olunye usuku lokwenza lokho.”;

(d) ukuguqulwa kwesigaba soMthethonqubo (4) ngalesi sigaba soMthethonqubo esilandelayo:

“(4) Lapho ubhukhi evela phambi kwekomidi mayelana **[nesinqumo]** sokulalelwa kwakhe mayelana nezinto okuyizona ezizodingidwa ezimayelana nokumiswa kwelaysensi yakhe, iKomidi, ekupheleni kokulalelwa, lingathatha isinqumo -

(a) sokuhoxisa lokho kumiswa;

(b) sokumisa ilaysensi yalowo bhukhi esinye isikhathi elibona sifanele; noma

(c) sokunquma inhlawulo engeqile **[ku-5000]** ku-25 000 esigamekweni ngasinye esimayelana nokungaziphathi kahle njengoba kubalulwe kwisigaba somthethonqubo (1) kulowo bhukhi, futhi kumiswe noma kukhululwe ilaysensi yakhe ngaphezu kwalokho noma ngokushitshana nokukhokha leyo nhlawulo; Kuncike ekutheni sesisonke isamba sokuhlululwa esiyokhokhiswa ezigamekweni esingaphezu kwama-40 ezimayelana nalokho kwaphulwa komthetho okuqokethwe kwisigaba somthethonqubo (1), angeke seqe ku-1 000 000.”;

(e) ukuguqulwa kwesigaba (4A) ngalesi sigaba esilandelayo:

“(4A) Uma imenenja ebhalisiwe noma umabhalane obhalisiwe evela phambi kwekomidi ngenxa [yesinqumo] sokulalelwa mayelana nezinto ezibangele ukumiswa kwesikhashana kwesitifiketi sokubhaliswa sakhe, iKomidi, ekuphotshulweni kwalokho kulalelwa, lingathatha isinqumo -

(a) sokuhoxisa lokho kumiswa;

(b) sokumisa isitifiketi sokubhaliswa kwaleyo menenja noma umabhalane isikhathi elibona sifanele;

(c) sokudabula isitifiketi sokubhaliswa saleyo menenja noma umabhalane; noma

(d) sokunquma inhlawulo engeqile -

(i) **[ku-R1 000]** ku-5000 kwisigameko ngasinye esimayelana nokuphulwa komthetho okubalulwe kwisigaba somthetho (1) kwaleyo menenja, isitifiketi sayo sokubhaliswa simisiwe noma sikhululwe ngaphezu kwalokho, noma esikhundleni sokukhokha inhlawulo.”.

(ii) ku-R1 000 kwisigameko ngasinye esimayelana nalokho kuphulwa komthetho okukhulunywe ngakho kwisigatshana soMthethonqubo (1) kwalowo mabhalane simisiwe noma sikhululwe isitifiketi sakhe sokubhaliswa ngaphezu kwaleyo nhlawulo, noma esikhundleni sokukhokha leyo nhlawulo”;

(f) ukuguqulwa kwesigaba somthethonqubo (5) ngalesi sigaba somthethonqubo esilandelayo:

“(5) IKomidi, abajutshwe yilona, noma labo basebenzi balo abaqokwe njengabaphenyi, nabo kumele babe namandla okuphenya noma ikuphi ukuziphatha kanye nokwephulwa komthetho okukhulunywe ngakho kwisigaba somthethonqubo (1)(a), (b) kanye no (c) ngaphandle kokuthi badingeke ukuthi bakhophe isaziso sokumiswa okwesikhashana, lapho izinhlinzeko zesigatshana (4)(b) no (c) kanye nesigaba somthethonqubo (4A)(b), (c) no (d) ziyosebenzisa ngokuhambisana.”;

(g) ukuguqulwa kwesigaba somthethonqubo (6) ngalesi sigaba somthethonqubo esilandelayo:

“(6)(a) Noma imuphi ubhukhi, **[noma]** imenenja ebhalisiwe noma umabhalane obhalisiwe okwenziwa ophenywayo ngokwesigaba (1) kanye no (5), uyovela phambi kwekomidi yena qobo futhi uyophoqeleka ukuba anikeze ubufakazi yena qobo, noma ngommeli noma ngommeli wasemajajini, alalelwe, abize ofakazi, apheke ngemibuzo ofakazi ababizwe olunye uhlangothi noma yikomidi kanye nobufakazi obusezincwadini nasemibhalweni eyethulwe njengobufakazi.

(b) Ngaphambi kokuthi ubhukhi, **[noma]** imenenja noma umabhalane obhalisiwe ohlongozwe kwindima (a) nanoma imuphi omunye ufakazi anike ukufakazi phambi kwekomidi, uyokwenza isifungo noma isiqinisekiso, esiyonqunywa **[uBaba uSihlalo]** uSihlalo noma **[iSekela likaBaba uSihlalo]** iSekela likaSihlalo weKomidi, njengoba kungaba njalo.

(c) Uma esefungisiwe noma esenze isiqinisekiso, noma ubani onikeza ubufakazi obungamanga phambi kwekomidi kunoma iluphi udaba, ebe azi ukuthi lobo bufakazi bungamanga noma engazi futhi engakholwa ukuthi lobo bufakazi buyiqiniso, uyokwethweswa icala.

(d) Uma **[lowo]** noma imuphi ubhukhi, **[noma]** imenenja ebhalisiwe noma umabhalane obhalisiwe ehluleka ukuvela phambi kwekomidi, iKomidi lingasebenzisa amandla alo noma engekho lowo bhukhi, **[noma]** imenenja ebhalisiwe

noma umabhalane obhalisiwe, okungaba yisigaba (4) no (5) uma kungubhukhi, kube yisigaba (4A) no (5) uma kuyiminenja noma umabhalane.”;

(h) ukuguqulwa kwesigaba somthethonqubo (7) ngalesi sigaba somthethonqubo esilandelayo:

“(7) Isaziso sokukhalaza mayelana nesinqumo seKomidi esithathwe **[ngokwesigaba]** ngokwezigaba (4), (4A) noma (5), uma kunesinqumo sokuthi kubekwe inhlawulo, angeke sihoxise ukuthathwa kwaleso sinqumo.”; kanye

(i) nokufakwa kwalesi sigaba esilandelayo ngemuva kwesigaba (9):

“(10) Ezinsukwini eziyi-7 kuthathwe isinqumo esihlongozwe kwisigaba (4) noma (4A), iKomidi liyohlizeka ngezizathu ezicacisayo ezibhalwe phansi ngesinqumo salo kubo bonke abantu kanye nemigwamanda ethintwa yilesi sinqumo.

(11) IKomidi liyonquma indlela kanye nohlelo okuyofakwa ngalo lezo zikhalazo ezihlongozwe kwizigaba (4) noma (4A), kubandakanya phakathi kokunye, izinto ezifana nokwamukeleka kobufakazi.”.

### Ukuchitshiyelwa koMthethonqubo 12

10. Ngalokhu kuchitshiyelwa umthethonqubo 12 wemithethonqubo ngokuthi kuguqulwe isigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) IKomidi lapho lisebenzise amandla alo ngokuthi lidlulisele amandla kwiKomidi elincane ngaphansi kwesigaba 21A(3) se-Odinensi, liyoqoka ilungu lapho **[njengoBaba uSihlalo]** njengoSihlalo.”.

### Ukuchitshiyelwa koMthethonqubo 13

11. Ngalokhu kuchitshiyelwa umthethonqubo 13 wemithethonqubo ngokuthi –

(a) kuguqulwe isigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) Isikhalazo ngokwesigaba 21B se-Odinensi siyokwenziwa **[ngokufakwa]** ngokuthi kunikezwe **[uNobhala]** isiKhulu esiPhezulu, ezinsukwini ezingama-21 kuthathwe isinqumo esikhalazelwayo, isaziso ezibhalwe sesikhalazo esishoyo izizathu leso sikhalazo esithathelwe phezu kwazo.

(1A) Okhalazayo, uma efaka isikhalazo ngokwesigaba (1), uyokhokha **[kuNobhala]** eKomidini –

(a) isibambiso **[sezi-R4 000,00]** sezi-R4 000; noma

(b) uma okhalazayo kuwobhejayo, ekalaza kuNgqongqoshe mayelana nesinqumo seKomidi ngokwesigaba somthethonqubo (4) noma (5) somthethonqubo 26, uyobambisa **[ngama-R500,00]** ngama-R500; noma

(c) uma okhalazayo kungubhukhi, ekhalaza kuNgqongqoshe mayelana nesinqumo seKomidi ngokwesigaba somthethonqubo (4) noma (5) somthethonqubo 26, uyobambisa **[ngezi-R2000,00]** ngezi-R2000 [.] noma

(d) uma okhalazayo eqashwe yiKomidi niengomphenyi oshushiza izindaba eziqokethwe kwimithethonqubo 11(4) noma 11(4A), akukho sibambiso esikhokhwayo.”;

(b) ukuguqulwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

“(2) lapho isikhalazo sesinikezwe uNgqongqoshe mayelana nesinqumo seKomidi, iKomidi, ezinsukwini eziyisikhombisa kukhishwe leso saziso, liyohambisa ikhophi yesaziso sesikhalazo kanye nezinye izincwadi namaphepha ahambisana naleso sikhalazo, kanye nekhophi enezizathu zeKomidi zokuthatha leso sinqumo, kuMqondisi-Jikelele, ukuze kucutshungulwe uNgqongqoshe.”;

(c) ukuguqulwa kwesigaba somthethonqubo 3 ngalesi sigaba somthethonqubo esilandelayo:

“(3) lapho kunesikhalazo mayelana nesinqumo sezithunywa zeKomidi, **[uBaba uSihlalo]** uSihlalo ngokushesha uyobiza umhlangano weKomidi okuyothi kulowo mhlangano **[udaba]** isikhalazo **[ludingidwe]** silalelwe yiKomidi, zingekho lezo zithunywa, ngaphandle uma iKomidi lingeke liphelele ukuthi libambe umhlangano uma zingekho lezo zithunywa, okuyothi uma kuba njalo iKomidi lidlulisele udaba kuMqondisi-Jikelele ukuze lucutshungulwe uNgqongqoshe.”; kanye

(d) nokuguqulwa kwesigaba somthethonqubo (4) ngalesi sigaba somthethonqubo esilandelayo:

“(4) UNgqongqoshe uyocubungula isikhalazo ngokushesha futhi ngemuva kokusicubungula, –

(a) angachitha isikhalazo futhi emukele izinqumo ezithathwe yiKomidi;

(b) angemukela isikhalazo sonke noma ingxenye yaso futhi aguqule ingxenye yesinqumo seKomidi noma aguqule sonke isinqumo seKomidi;

(c) angabuyisela isikhalazo eKomidini ukuze lisicubungule futhi lenze isinqumo yena angasibona sifanele[.];

(d) angayalela ukuthi noma iyiphi imali ebanjisiwe ibuyiselwe, ngemuva kokuthi uNgqongqoshe esesizwile isikhalazo, noma lapho isikhalazo sesihoxisiwe ngaphambi kokuthi uNgqongqoshe asizwe, ngesikhathi kutholakala isaziso sokuhoxiswa isikhalazo; noma

(e) ayalele ukuba kudliwe noma iyiphi imali yesibambiso ekhokhiwe uma ebona ukuthi isikhalazo besingukusinisa amahleza.”.

#### Ukususwa koMthethonqubo 14

12. UMthethonqubo 14 wemithethonqubo ngalokhu uyasuswa.

#### Ukuchitshiyelwa koMthethonqubo 15

13. UMthethonqubo wemithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

“(2) Isicelo kumele sihambisane –

(a) nekhophi egxiviziwe yesivumelwano sokudayisa mayelana nesicelo esifakwe umfakisicelo sokuthola ingxenye noma lonke ibhizinisi lobubhukhi;

(b) ikhophi yesivumelwano sokusebenzisana, uma sikhona;

(c) ubufakazi bobulungu besiKhungo;

(d) **[isaziso esibhaliwe seKomidi mayelana nesinqumo salo sokweseka noma sokuphikisa isicelo futhi uma isicelo siphikisiwe, kube nezizathu eziphelele zaleso sinqumo] imali yesicelo ebalulwe oHlelweni lokuqala lwe-Odinensi, leyo mali eyonikezwa iKomidi;**

(e) ukugunyazwa okubhalwe phansi yinkundla yemijaho uma umfakisicelo efuna ukusebenza enkundleni yemijaho;

(f) inombolo yokukhokha intela yomfaki sicelo;

(g) amakhophi ezincwadi zokukhokhwa kwentela zeminyaka emibili yokukhokhwa kwentela engemuva kwalowo okufakwe ngawo isicelo;

(h) igunya elibhalwe phansi lokuthi iKomidi, i-ejenti yeKomidi, umeluleki noma umsebenzi weKomidi angaphenya ngerekhodi lakhe lezezimali, ngesimo sakhe kwezezimali, ngomlando wakhe kwezebhizinisi, ngomlando wakhe wokusebenza kanye nanganoma yini edinga ukuba idalulwe **[encwadini efungelwe ehlongozwe kwindima (i)] kwifomu lokuthola ilayisensi;**

(i) **[incwadi efungelwe yomfaki sicelo eshofo uma umfakisicelo –**

**(i) eke watholakala enecala kunoma yibuphi ubugebengu obuthinta ukukhwabanisa nokweba;**

**(ii) esesigwebeni sezikweletu noma esesigwebeni esithile esithathwe yinkantolo esemthethweni;**

**(iii) ecwile ezikweletini ngokungenakuhleengeka;**

**(iv) eklelwe njengonamaphutha yi-Jockey Club of Southern Africa noma yiKomidi; futhi**

**(v) ephule noma yiziphi izinhlinzeko ze-Odinensi, futhi, uma kunjalo, ehlinzeka ngemininingwane ephelele yalokho futhi echazayo ukuthi uma kwenzeka ukuthi leyo ncwadi efungelwe ayilona iqiniso, futhi yena uthweswe amacala abandakanya ukukhwabanisa nokweba, ilayisensi yanoma yimuphi ubhukhi owenze njalo iyobe isimiswa okwesikhashana, kuze kuthathwe isinqumo seKomidi njengoba kuhlongozwe kumthethonqubo 11(4);] izingxivizo zezithupha zomfaki sicelo, ezitholakale oPhikweni lwamaPhoyisa aseNingizimu Afrika; kanye**

**(j) [nemali yokufaka isicelo ebalulwe oHlelweni lokuqala lwe-Odinensi, okuyimali okumele ifakwe eKomidini.] nobufakazi bokukhokha oPhikweni lwezamaPhoyisa aseNingizimu Afrika mayelana nesicelo sesitifiketi obukhombisa amarekhodi obugebengu umfaki sicelo anawo.”; kanye**

(b) nokufakwa ngemuva kwesigaba soMthethonqubo (3) lezi zigaba zomthethonqubo ezilandelayo:

“(4) Umfakisicelo ongenaso isitifiketi sobubhukhi KwaZulu-Natali angadingeka ukuba ake ahlolwe ulwazi analo mayelana nebhizinisi lobubhukhi nangemithetho embalwa esebenza ebhizinisini lobubhukhi.

(5) Ukuhlolwa okuhlongozwe kwisigaba somthethonqubo (4) kuyoqhutshwa yiKomidi.”.

#### Ukuchitshiyelwa koMthethonqubo 16

14. UMthethonqubo 16 wemithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesigaba somthethonqubo (1) ngesigaba somthethonqubo esilandelayo:

“(1) Isicelo selayisensi yesikhashana yobubhukhi kumele umfaki sicelo asibhekise kuMqondisi-Jikelele futhi kumele sihambisane –

- (a) nenkokhelo yelayisensi yesikhashana ebalulwe oHlelweni lokuqala lwe-Odinensi;  
 (b) negama kanye nekheli lomgwaqo likabhukhi okuzobhalwa ngaye ilayisensi; kanye  
 (c) nencwadi efungelwe eshoyo ukuthi umfakisicelo akahoxisiwe ekutheni asebenze kanjalo ngokwamandla ezinhlinzeko zesigaba 49 soMthetho wezokuGembula kaZwelonke, 2004 (uMthetho No. 7 ka 2004).";
- (b) ngokuguqulwa kwesigaba somthethonqubo (3) ngalesi sigaba somthethonqubo esilandelayo:  
 "(3) **[Ngemuva kokubheka isicelo esibalulwe kwisigaba somthethonqubo (1), iKomidi lingachitha noma ligunyaze isicelo, lapho okuyothi, uma lithola imali yokukhokhela ilayisensi yesikhashana ebalulwe oHlelweni lokuqala kwe-Odinensi, linikeze ibhukhi ilayisensi yesikhashana.] Ilayisensi yesikhashana eyogunyazwa nguNgqongqoshe futhi ikhishwe uMqondisi-Jikelele ngokwesigaba 22 se-Odinensi siyokhishwa ngokulandela le mibandela –**  
 (a) yokuthi **[yena] umnikazi welayisensi** uyosebenza egunjini lokubheja ubhukhi anelayisensi lalo kuphela; futhi  
 (b) nokuthi **[ngaphambi kokuqala ukusebenza, uyokwazisa iKomidi, ngokubhalwe phansi, igama nekheli lomgwaqo]** ubhukhi **[yena] umfakisicelo** ayosebenza kuye **okwesikhashana [ futhi lowo mqashi oshwoyo]** uyoqinisekisa ukuqashwa **[futhi azi ukuthi ubophezelekile ukuyo yonke imisebenzi nezibopho]** zikabhukhi wesikhashana."; kanye
- (c) nokuguqulwa kwesigaba somthethonqubo (4) ngalesi sigaba somthethonqubo esilandelayo:  
 "(4) Ilayisensi yesikhashana kabhukhi kumele ikhombise amagama aphelele kabhukhi wesikhashana ongumnikazi wayo, isikhathi enqunyelwe ukusebenza ngaso **[,]** kanye nosuku ekhishwe ngalo **[kanye nemibandela okukhulunywe ngayo kwisigaba somthethonqubo (2)]."**

#### Ukuchitshiyelwa koMthethonqubo 17

15. UMthethonqubo 17 ngalokhu uyachitshiyelwa ngokuthi –

- (a) kuguqulwe isihloko somthethonqubo ngalesi sihloko esilandelayo:  
 "Isicelo sessiKhashana **[enkundleni]** selayisensi yokusebenza enkundleni yemijaho"; futhi  
 (b) kuguqulwe isigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:  
 "**17.(1) [isicelo] isicelo** esenziwe ubhukhi onelayisensi yokusebenza **[ngaphakathi enkundleni]** enkundleni yomjaho, ukuze asebenze usuku olulodwa **[enkundleni]** enkundleni yomjaho, uyokwenza lokho ekilabhini ethintekayo."

#### Ukuchitshiyelwa koMthethonqubo 18

16. Umthethonqubo 8 ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba somthethonqubo (2) lesi sigaba somthethonqubo esilandelayo:

"(3) IKomidi liyothumela kuMqondisi-Jikelele –

- (a) isicelo esiphothuliwe selayisensi entsha kabhukhi;  
 (b) umbiko walo ngokufaneleka komfakisicelo;  
 (c) isinqumo salo sokuchitha umbiko;  
 (d) esimweni lapho kunesinqumo esiphikisana nesicelo, izizathu eziPhelele zaleso sinqumo.

(4) umbiko ngophenyo olumayelana nokufaneleka komfakisicelo selayisensi yobhukhi njengoba kuhlangozwe kumthethonqubo 15, uyoghubeka usebenze isikhathi esiyizinyanga eziyishumi nambili kusukela osukwini olethwe ngalo kuMqondisi-Jikelele.

(5) Uma umfakisicelo selayisensi yobubhukhi ohlangozwe kumthethonqubo 15 ephumelele futhi ephinde efaka isicelo selayisensi yobubhukhi esikhathini esiyizinyanga eziyishumi nambili kusukela osukwini lokufaka kwakhe isicelo sokuqala kuMqondisi Jikelele, umbiko ohlangozwe kwisigaba somthetho (4) ungaphinde uthunyelwe yiKomidi kuMqondisi-Jikelele ukweseka isicelo esisha: Kuncike ekutheni umfakisicelo uyoqinisekisa ngencwadi efungelwe ukuthi alukho ulwazi noma izimo ezivela esicelweni sakhe eseziguqukile ngendlela yokuthi zingachaphazela ukufaneleka kwakhe ekutheni athole isitifiketi esisha sobubhukhi.

(6) Uma umfakisicelo ohlangozwe kwisigaba somthethonqubo (5) ekwazi ukuveza incwadi efungelwe edingekayo, izincwadi eyeseka isicelo sakhe, njengoba kuhlangozwe kuMthethonqubo (15), iyosebenza esikhathi esifanayo nesombiko ohlangozwe kwidigaba somthetho (4): Kuncike ekutheni umfakisicelo usabophezelekile ukukhokha imali yokufaka isicelo futhi ngaphezu kwalokho kuncike ekutheni umfakisicelo akaboshezelle yisidingo zigaba zomthethonqubo 15(2)(a), 15(2)(b) no 15(2)(c)."

**Ukuguqulwa koMthethonqubo 19**

17. Imithethonqubo ngalokhu iyachitshiyelwa ngokuthi kuguqulwe umthethonqubo 19 ngalo mthethonqubo olandelayo:

"19.(1) UNgqongqoshe kumele engabe ukunikeza umfakisicelo ilayisensi uma lowo muntu –

(a) eneminyaka engaphansi kweyi-18 ubudala;

(b) esebenzela uhulumeni noma eyisikhulu kwezepolitiki;

(c) usohlwini lwabantu abenqatshelwe;

(d) eliyilungu noma umsebenzi weKomidi;

(e) ecwile ezikweletini ngokungekuhlengeka;

(f) engakulungele futhi engesiyena umuntu ofanele ukubandakanyeka kulelo bhizinisi;

(g) emenyezalwe yinkantolo efanele njengomuntu ongaphilile kahle ngokwengqondo;

(h) eke wasuswa esikhundleni ngenxa yokungaziphathi kahle okuhlanganisa ukukhwabanisa nokuphatha budlabha izimali;

(i) eke waboshwa eminyakeni eyishumi eyedlule, kwiRiphabhuliki noma kwenye indawo, ngenxa yokuntshontsha, yokukhwabanisa, yokufoja noma yokusebenzisa incwadi efojiwe, yokufunga okungesilona iqiniso, enze icala elingaphansi koMthetho wezeNkohlakalo, 1992 (uMthetho No. 94 ka 1992), nanoma iliphi elinye icala ngokwe-Odinensi futhi wagwetshwa ukubhadla ejele ngaphandle kokubonelelwa ngenhlawulo, noma inhlawulo engaphezu kwezi-R3 000, ngaphandle uma lowo muntu enikwe ushwele noma ekhululwe ngeparoli ngalelo cala; noma

(j) eyisihlobo –

(aa) somsebenzi kahulumeni; noma

(bb) seLungu noma somsebenzi weKomidi.

(2) Isigungu sokukhishwa kwamalaysensi sesifundazwe kumele sengabe ukunikeza ilayisensi umuntu oxohisiwe ekutheni angaba nelaysensi, angasondelana nonelaysensi, nesakhiwo esinelaysensi, noma nebhizinisi elinalalelo layisensi, ngokwesigaba somthethonqubo (1), noma omunye umthetho wesifundazwe osebenzayo.

(3) UNgqongqoshe kumele engabe ukunikeza ilayisensi umuntu oxohisiwe ekutheni angaba nelaysensi, angasondelana nonelaysensi, nesakhiwo esinelaysensi, noma nebhizinisi elinalalelo layisensi, ngokwesigaba somthetho (1), noma omunye umthetho wesifundazwe osebenzayo.

(4) UNgqongqoshe kumele engabe ukunikeza ilayisensi kumfakisicelo uma, ngemuva kokuqhuba uphenyo olushiwoyo, isigungu sezamalaysensi sinezizathu sokukholwa ukuthi umfakisicelo, namona yimuphi omunye umuntu onamandla okulawula mayelana nesicelo, nanoma yimuphi omunye umuntu onamandla kwezizimali mayelana nesicelo, nanoma iyiphi imenenja yalelo bhizinisi –

(a) uyilungu lomndeni welungu lesigungu sokukhishwa kwamalaysensi; noma

(b) uhoxisiwe ekutheni apathe ilayisensi, asondelane nonelaysensi, noma ibhizinisi elinalalelo Layisensi, ngokwesigaba somthethonqubo (1).

(5) UMqondisi-Jikelele, lapho uNgqongqoshe ekhipha ilayisensi nalapho umfakisicelo ehambisana nanoma iyiphi imibandela ebekiwe yokukhishwa kwelayisensi nokukhokhwa kwemali yelayisensi njengoba kubekwe oHlelweni lokuQala lwe-Odinensi, uyokhipha ilayisensi efanele ngefomu elinikeziwe futhi uyogunyaza ukuba kwenziwe lokho noma isiphi esinye isithasiselo esikunoma yimuphi umbandela okhishwe uNgqongqoshe."

**Ukuchitshiyelwa koMthethonqubo 20**

18. Umthethonqubo 20 wemithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

"(1) Isicelo sokuvuselela ilayisensi kabhukhi siyokwenziwa kwifomu elinikeziwe sibhekiswe kuMqondisi-Jikelele phakathi komhla lu-1 kuLwezi kuya kumhla [zingama-31] ziyi-10 kuZibandlela walowo nyaka ilayisensi ekhishwe ngawo."; kanye

(b) nokufakwa ngemuva kwesigaba somthethonqubo (2) lesi sigaba somthethonqubo esilandelayo:



“(3) Ubhukhi ofaka isicelo sokuvuselela ilayisensi yakhe ngokwalo mthethonqubo kumele athumele zombili izitatimende zezimali zonyaka kanye namakhophi agxiviziwe ezincwadi zentela ebanjwayo ebhizinisini lakhe lobubhukhi elinalayo layisensi.”

#### **Ukuguqulwa koMthethonqubo 21**

19. Imithethonqubo ngalokhu iyaguqulwa ngokuthi kuguqulwe umthethonqubo 21 ngalo mthethonqubo olandelayo:

“21. Ngaphandle uma kulandelwa isigaba 22 se-Odinensi ukufakwa kwesicelo selayisensi yobubhukhi lapho kushintshwa ubunini bebhizinisi lobubhukhi kuyothathwa njengokufakwa kwesicelo esisha selayisensi.”

#### **Ukuguqulwa koMthethonqubo 22**

20. Imithethonqubo ngalokhu iyaguqulwa ngokuthi kuguqulwe umthethonqubo 22 ngalo mthethonqubo olandelayo:

“22.(1) Igumbi lokubhejela, eliyohlinzekwa ubhukhi ngezindleko zakhe, liyogunyazwa [uNgqongqoshe] yisiKhulu esiPhezulu [ubungako balo kanye nesimo salo] indawo elikuyona nokufaneleka kwalo mayelana nezinhloso zobubhukhi.

(2) UBhukhi uyogcina lesa sakhiwo sisesimweni esihlanzekile zikhathi zonke ngendlela eyonelisa [uNgqongqoshe] yisiKhulu esiPhezulu.

(3) Uma obhukhi abangaphezu koyedwa besebenza esakhiweni esisodwa amajoka abekwe umthethonqubo ayosebenza kubona ngokuhlanganyela nangokufana.

(4) UNgqongqoshe angadlulisela amandla akhe ngokwesigaba somthethonqubo (1) no (2) [eKomidini] esiKhulwini esiPhezulu.

**[5) IKomidi linganquma uhlobo, ubukhulu kanye nesimo sezitebela zokubhejela kuleso sakhiwo sokubheja sikabhukhi esigunyazwe uNgqongqoshe ngokwalo mthethonqubo, kubandakanya ukuqala kokusetshenziswa kanye nokushintshashintsha kwabantu abasebenzisa lesa sitebela sokubheja.]”**

#### **Ukuguqulwa koMthethonqubo 23**

21. Imithethonqubo ngalokhu iyaguqulwa ngokuthi kuguqulwe umthethonqubo 23 ngalo mthethonqubo olandelayo:

“23.(1) Akekho ubhukhi oyoqhuba ibhizinisi kunoma isiphi isakhiwo, ngaphandle kwaleso esibalulwe ngokwesigaba 22(8) se-Odinensi noma kwesinye isakhiwo esingagunyazwa uNgqongqoshe.

(2) Akekho ubhukhi oyoqhuba isakhiwo noma anwebe isakhiwo okuyisona esiyisakhiwo sokubheja ngaphandle uma ethole imvume ebhalwe phansi kuNgqongqoshe.

(3) Isicelo sokugunyazwa uNgqongqoshe ngokwezigaba zomthethonqubo (1) no (2) kumele zihambisane nepulani yesakhiwo okuhlongozwa ukuba kube khona okususwayo kuso noma okuguqulwayo nona okwengezwayo njengoba kungaba njalo.

(4) Ngokwezinhloso zalo mthethonqubo, “isakhiwo esingasetshenziselwa ukubheja” kusho isakhiwo esiyindawo yokuhlala lapho ubhukhi ehlala khona, lapho isakhiwo singavulelekile emphakathini nalapho kwenziwa khona izinto eziphathelene nokubheja.

(5) Uma ubhukhi efuna ukungena ebhizinisini lokubheja esesakhiweni esingasetshenziselwa ukubheja, kumele enze isicelo kuqala, ngokubhalwe phansi, asibhekise –

(a) kuNgqongqoshe, ukuze kugunyazwe isakhiwo esingasetshenziselwa ukubheja; kanye

(b) naseKomidini, ukuze ligunyaze uhlobo lwempahla ezosetshenziswa uma sekuqhutshwa umsebenzi wokubheja ngohlelo lwekhompyutha lokucina amarekhodi kanye nokuxhuma leyo mpahla esakhiweni esingasetshenziselwa ukubheja.

(6) Noma iyiphi impahla egunyazwe yiKomidi ngokwesigaba somthethonqubo (5)(b) ngasenhla, kumele –  
 (a) isebenze ngendlela efanayo nomshini wekhomyutha ovamise ukusetshenziswa ubhukhi ukugcina imininingwane yokubheja esakhiweni esakhelwe ukubheja sikabhukhi; futhi  
 (b) ivumele ukuba ubhukhi akwazi ukubheja ngqo ohlelweni lwakhe lwekhomyutha lokugcina amarekhodi esesakhiweni sakhe asisebenzisela ukubheja ngokusebenzisa i-inthanethi.

(7) Ukugunyazwa yiKomidi ngokuxhunywa kanye nokusetshenziswa kohlelo lwekhomyutha lokugcina amarekhodi esakhiweni sikabhukhi asisebenzisela ukubheja kumele kudluliselwe kubhukhi ngaphambi kokuthi aqale ukubheja kuleso sakhiwo.

(8) Ubhukhi angaqala kuphela ukubheja esebenzisa uhlelo lwakhe lwekhomyutha lokugcina amarekhodi esakhiweni sakhe asisebenzisela ukubheja, uma isakhiwo sakhe esakhelwe ukubheja sesivaliwe ukusetshenziswa umphakathi.”.

#### Ukuguqulwa koMthethonqubo 24

22. Imithethonqubo ngalokhu iyaguqulwa ngokuthi kuguqulwe umthethonqubo 24 ngalo mthethonqubo olandelayo:

“24.(1) [Kugcinwe njengakwi-Odinensi ngaphandle uma kuhlizekwe ngandlela thile,] Igumbi lokubheja likabhukhi elakhelwe ngqo ukubheja lingagcinwa livuliwe ngamahora nangezinsuku yena ubhukhi angazinquma mayelana negumbi elingaphansi kolawulo lwakhe [; Kuncike ekutheni igumbi liyohlala livuliwe —

(a) engakashayi u-07h30 nasemuva kwehora elilodwa kuphele umjaho wokugcina wosuku; noma

(b) engakashayi u-09h00 nasemuva kwe-18h00 kunoma yiluphi ounye usuku lomjaho; noma

(c) ngoSuku kwePhasika, ngosuku lokuVuka kweNkosi, ngoKhisimuzi nangamaSonto; kuncike ekutheni futhi amagumbi okubhejela angahlala evuliwe ngokuhambisana nalo mthethonqubo ngalezo nsuku zangesonto uNgqongqoshe anganquma ukuthi kubanjwe ngazo imijaho.

(2) IKomidi, lapho ubhukhi efake isicelo, lingamgunyaza ukuba avule igumbi lakhe lokubheja —

(a) phakathi namahora okungesiwo lawo abalulwe kwisigaba somthethonqubo (1); kanye

(b) nangezinsuku ezibalulwe kwisigaba somthethonqubo (1) ngenhloso yokuqala ukubheja ngosuku lomdlalo nakunoma imuphi umcimbi noma isigameko.]”.

#### Ukuchitshiyelwa koMthethonqubo 26

23. UMthethonqubo 26 wemithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) IKomidi liyokuba namandla okuxazulula noma ikuphi ukungaboni ngaso linye phakathi kukabhukhi nomuntu obhejayo noma phakathi kukabhukhi nomunye ubhukhi.”;

(b) ngokuguqulwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

“(2) Noma yimuphi umuntu obhejayo noma ubhukhi ofisa ukwethula ukungaboni ngasolinye eKomidini uyokwenze njalo ngokuthi abhale incwadi ayibhekise [kuNobhala] esiKhulwini esiPhezulu ezinsukwini ziyishumi nane kube khona lokho kungaboni ngaso linye, ngesikhathi esifanayo ahlinzeke ngemininingwane ephelele yalokho kungaboni ngaso linye: Kuncike ekutheni noma yimuphi umuntu obhejayo [iKomidi] isiKhulu esiPhezulu zingadinga ukuthi akhokhe isibambiso sama-R500,00 [kuNobhala] eKomidini kanti noma yimuphi ubhukhi [iKomidi] isiKhulu esiPhezulu [siyodinga] singadinga ukuthi akhokhele [uNobhala] iKomidi isibambiso sezi-R2 000,00.”;

(c) ngokuguqulwa kwesigaba somthethonqubo (3) ngalesi sigaba somthethonqubo esilandelayo:

“(3) [uNobhala] Isikhulu esiPhezulu ngokushesha emuva kokuthola isaziso mayelana nalokho kungaboni ngaso linye siyofaka leyo midanti kwirejista ukuze igcinelwe lokho.”;

(d) ngokuguqulwa kwesigaba somthethonqubo (4) ngalesi sigaba somthethonqubo esilandelayo:

“(4) IKomidi, [kusenziwa uphenyo mayelana nokungaboni ngaso linye] ngemuva kokuthola umbiko obhalwe abasebenzi beKomidi mayelana nophenyo lwabo ngalokho kungaboni ngaso linye, liyobiza ukuba kube nokulalelwa mayelana nokungaboni ngaso linye futhi [,] kuncike kwizinhlinzeko zesigaba somthethonqubo (5), [ngemuva kokulalelwa kwezinhlangothi ezithintekayo] uma sekuphothulwe ukulalelwa, liyonquma ngalokho kungaboni ngaso linye, njengoba kuhlongozwe kwisigaba somthethonqubo (6).”;

(e) ngokuguqulwa kwesigaba somthethonqubo (6) ngalesi sigaba somthethonqubo esilandelayo:

“(6) IKomidi -

- (a) lingayalela ukuthi noma iyiphi imali eyisibambiso ibuyiselwe, uma iKomidi selikuzwile ukungaboni ngaso linye, noma lapho isikhalo sokungaboni ngasolinye sesihoxisiwe ngaphambi kokuthi iKomidi lisizwe, nangesikhathi okwamukelwa ngaso isaziso sokuhoxiswa kwesikhalazo sokungaboni ngaso linye; noma
- (b) lingayalela ukuba kudliwe noma iyiphi imali ekhokhelwe isibambiso lapho libona ukuthi isikhalazo sokungaboni ngaso linye besingukusinisa amahleza [.] ; futhi
- (c) lingabeka umyalelo mayelana nendlela okumele kusingathwe ngayo lokho kungaboni ngaso linye, kubandakanya phakathi kokuye, indlela yokuhoxisa ukubheja, yokuhoxisa obekukhethiwe, noma umyalelo onquma ukukhokhelwa kwanoma yisiphi isamba sisuka kolunye uhlangothi siya kolunye.; kanye
- (f) ngokwengezwa ngemuva kwesigaba somthethonqubo (6) lesi sigaba somthethonqubo esilandelayo:  
"(7) Ukufakwa kwesaziso sesikhalazo mayelana nesinqumo noma nomyalelo weKomidi okuthathwe ngokwesigaba somthethonqubo (4) noma (6) lapha, akumele kumise ukusebenza kwaleso sinqumo noma lowo myalelo: Kuncike ekutheni lapho ubhukhi oyalelwe, ngokomyalelo okhishwe yiKomidi mayelana nokungaboni ngaso linye okumayelana nokubheja, ekhalaza ngesinqumo, ubhukhi kumele aqhubeke ukukhokha imali ewiniwe noma enye imali eKomidini futhi iKomidi kumele liqine leyo mali ekhokhiwe esiKhwameni, lilinde umphumela wesikhalazo, okuyothi emva kwalokho iKomidi likhokhe leyo mali ewiniwe noma enye imali, njengokuyalela kukaNgqongqoshe."

### Ukuchitshiyelwa koMthethonqubo 27

#### 24. Umthethonqubo 27 wale mithethonqubo ngalokhu uyachitshiyelwa –

- (a) ngokususwa kwesigaba somthethonqubo (3);
- (b) ngokuguqulwa kwesigaba somthethonqubo (4) ngalesi sigaba somthethonqubo esilandelayo:  
"(4) Akekho ubhukhi oyovumela noma imuphi umuntu ngaphandle komuntu ogunyaziwe nophathina onelayisensi ukuthi ahlomule ngakwezezimali noma athole okunye ukuhlomula ebhizinisini lakhe lobubhukhi.";
- (c) ngokuguqulwa kwesigaba somthetho (7) ngalesi sigaba somthetho esilandelayo:  
"(7) UNgqongqoshe, ngokubona kwakhe nangenhloso yokweseka noma yokuthasisela kwilayisensi kabhukhi noma kumalayisensi akhishwe kophathina bobhukhi, angabeka imibandela ethile, izilinganiso kanye nesithibelo ngokwakhe angabona [kufanele]."; kanye
- (d) nangokufakwa ngemuva kwesigaba somthethonqubo (7) lezi zigaba zomthethonqubo ezilandelayo:  
"(8) Esimweni lapho kuhloswe khona ukuqedwa ubudlelwano phakathi kobhukhi abanamalayisensi, ophathina ababandakanyekayo kumele ngokushesha bazise uNgqongqoshe ngencwadi mayelana nenhloso yabo yokwenze njalo.
- (9) Uma kushona ubhukhi onelayisensi obekade esebhizinisini nophathina, noma yimuphi uphathina osalile noma ophathina abasebhizinisini bangaqhubeka nokuqhuba ibhizinisi lobubhukhi.
- (10) Ngale kwesigaba somthethonqubo 27(4), ubhukhi akashiyiwe ngaphandle ekutheni angene sivumelwaneni sokusebenza ngaphansi kwegama lomunye ubhukhi lapho ubhukhi eyosebenzisa indawo yalowo angaphansi kwakhe, eyokwazi izindlela zokusebenza zikabhukhi angaphansi kwakhe ekughubeni ibhizinisi lakhe lobubhukhi, futhi lowo osingethe ubhukhi omncane uyothola imihlomulo ngokuthi athole iqatha eNgenisweni eyenziwe yibhizinisi likabhukhi omncane.
- (11) Isivumelwano sokusebenza ngegama lomunye esiqukethwe kwisigaba somthethonqubo (10) angeke sisetshenziswe ngaphandle uma sigunyazwe uNgqongqoshe.
- (12) Isivumelwano sokusebenza ngegama lomunye esiqukethwe kwisigaba somthethonqubo (10) angeke simnikeze okusetshenziswa igama lakhe amandla okuphatha ibhizinisi likabhukhi noma amandla athile okulawula ibhizinisi likabhukhi.
- (13) Indlela yokugalisa isivumelwano sokusebenza ngaphansi kwegama lomunye esiqukethwe kwisigaba somthethonqubo (10) angeke sinike igunya lokudluliswa kwamandla okulawula edluliselwe kulowo okusetshenziswa igama lakhe.

(14) Indlela yokugaliswa kwesivumelwano sokusebenza ngaphansi kwegama lomunye esiqukethwe kwisigaba somthethonqubo (10) angeke sibe nomthelela wokucela emphakathini, ngokukhangisa nangezinye izindlela ukuthi ibhizinisi likabhukhi liphethwe yibhizinisi elihlanganyele.

#### Ukuchitshiyelwa koMthethonqubo 28

25. Umthethonqubo 28 wemithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesihloko somthethonqubo ngalesi sihloko esilandelayo:

“AmaRekhodi kabhukhi ayogcinwa ngoHlelo lokuGcinwa kwamaRekhodi okubhalwe Phansi **[nangoHlelo lwamaRekhodi olusebenzisa amakhompyutha]**”;

(b) ngokuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“28.(1) Noma yimuphi ubhukhi **[ongalusebenzisi]** ongakwazi ukusebenzisa uhlelo lokuGcinwa kwemininingwane lweKhompyutha uyogcina lezi zincwadi eziphathekayo namarekhodi okulandelayo eziveza uhlu oluphelele lwemininingwane yokubheja –

(a) enkundleni yomjaho noma enkundleni yamahashi –

(i) **[lapho kusetshenziswa uhlelo lokuGcinwa kwamaRekhodi olusezincwadini,]** incwadi yenkundla eyohlinzekela ikhasi elilodwa kanye namakhophi amabili ekhasi ngalinye ngamakhasi ephepha **[noma, lapho kusetshenziswa uhlelo lokuGcinwa kwamarekhodi lwekhompyutha, ikhasi eliqhizwe yikhompyutha lenkundla]**; kanye

(ii) nokukhishwa kwamathikithi anezinombolo eziyimfihlo[.]; futhi

(b) egunjini lokubhejela noma kwenye indawo egunyazwe ukuthi kungabhejwa kuyo lapho kunomcimbi wezemidlalo nakunoma yimuphi umcimbi noma umgidi –

(i) **[lapho kusetshenziswa uhlelo lokuGcinwa kwamaRekhodi olusezincwadini,]** incwadi yenkundla **[noma, lapho kusetshenziswa uhlelo lokuGcinwa kwamaRekhodi lwekhompyutha, ikhasi eligaywe yikhompyutha]**;

(ii) incwadi yamathikithi;

(iii) itafula lezincwadi eliyohlinzeka ngekhasi elilodwa elisemthethweni kanye namakhophi amabili ekhasi ngalinye kusetshenziswa amakhasi ephepha;

(iv) incwadi yemihlomulo yokubheja; kanye

(v) nencwadi yokubheja okuphindaphindiwe ekhombisa konke ukubheja okwenziwe emahhashini asemijahweni ezogijinywa ngezinsuku ezahlukahlukene zemijaho nakho konke ukubheja okwenziwe emcimbini wezemidlalo nakunoma imuphi umcimbi noma umgidi noma lapho kuhlangele imijaho, umcimbi wezemidlalo noma omunye umcimbi noma umgidi okwenzeka ezinsukwini ezahlukahluke.”;

(c) ngokususwa kwesigaba somthethonqubo (2A); kanye

(d) nangokuguqulwa kwesigaba somthethonqubo (4) ngalesi sigaba somthethonqubo esilandelayo:

“(4)(a) Akekho ubhukhi oyisebenzisa nanoma iyiphi incwadi engazange isayinelwe egameni leKomidi yinoma imuphi umsebenzi ogunyaziwe weKomidi.

(b) IKomidi liyogcina irejista lapho lapho kuyiqoshwa khona zonke izincwadi ezisayinelwe egameni leKomidi ngokwendima (a) kanye nosuku **[lwalokho kusayina]** okusayinwe ngalo leyo ncwadi.”.

#### Ukuchitshiyelwa koMthethonqubo 28A

26. Umthethonqubo 28A wemithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesihloko ngalesi sihloko esilandelayo:

“INqubo yokuBheja lapho kuSetshenziswa uHlelo lokuGcinwa kwamaRekhodi eziNcwadini **[uHlelo lokuGcinwa kwamaRekhodi ngeKhompyutha]**”;

(b) ukuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) Bonke obhukhi **[abangalusebenzisi]** abangakwazi ukusebenzisa uhlelo lokuGcinwa kwamaRekhodi ngekhompyutha kumele ngokushesha ngemuva kokubheja enkundleni yomjaho noma enkundleni yamaHhashi —

(a) baqophe leyo mininingwane encwadini yenkundla noma ephepheni lenkundla eliqukethwe kumthethonqubo 28(1)(a)(i); **[futhi]**

(b) uma lokho kubheja bekungukheshi, kunikezwe lowo muntu obhejile isibalo samathikithi ahlangozwe yisigaba 28(1)(a)(ii), akhombisa imidanti yalokho kubheja; futhi

- (c) bayofaka isibalo salawo mathikithi ngokuwaqathanisa nerekhodi lokubheja encwadini yenkundla ehlongozwe endimeni (a).";
- (c) ukugququlwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:  
 "(2) (a) Bonke obhukhi **[abangalusebenzisi]** abangakwazi ukusebenzisa uhlelo lokugcinwa kwamarekhodi ngekhompyutha, ngokushesha ngemuva kokubheja egumbini lokubheja, noma kwenye indawo egunyaziwe ukuba kubhejelwe kuyo lapho kunomcimbi wezemidlalo noma kunanoma yimuphi imunye umcimbi noma umgidi —  
 (i) bayokhipha amathikithi anezinombolo ahlongozwe kumthethonqubo 28(b)(ii) akhombisa ngendlela efanele usuku nesikhathi okwenziwe ngaso lokho kubheja kanye neminingwane ephela yokubheja; kubandakanya lapho ukubheja kwenziwe ngesikweletu noma ngocingo, igama lomuntu owenze lokho kubheja ukuze kube lula kumhloli oqashelwe noma ogunyazwe ngokwe-Odinensi nakunoma yiliphi ilungu leKomidi ukuthi likwazi ukumthola lowo muntu;  
 (ii) ngemuva kwalokho bayoqopha iminingwane ephela yalokho —  
 (aa) encwadini yenkundla noma ephepheni lenkundla elihlongozwe kumthethonqubo 28(1)(b)(i), kanye  
 (bb) nasencwadini yasetafuleni ehlongozwe kumthethonqubo 28(b)(iii); **[okumele kokubili kuhlizekele amakhophi aphindiwe okungenela asoHlwini lwephepha;]** futhi  
 (iii) uma lokho kubheja kungokowinile, amarekhodi aleyo mininingwane yokubheja kowinile okuqukethwe kumthethonqubo 28(1)(b)(iv).";
- (d) ngokugququlwa kwesigaba somthethonqubo (3) ngalesi sigaba somthethonqubo esilandelayo:  
 "(3) Noma imuphi ubhukhi **[ongalusebenzisi]** ongakwazi ukusebenzisa uhlelo lokugcinwa kwamaRekhodi kukhompuyutha ngenkathi eqhuba ibhizinisi enkundleni yemijahlo noma enkundleni yamahashi ngokushesha uma kuba nesidingo uyothumela kwabamele ezemijahlo noma ezamahashi abathintekayo ikhophi yephepha noma ikhophi eyenziwe yikhompuyutha yalelo khasi lencwadi yenkundla noma lekhasi lenkundla njengoba kungadingeka."; futhi
- (e) ngokugququlwa kwesigaba somthethonqubo (4) ngalesi sigaba somthethonqubo esilandelayo:  
 "(4) Ithikithi elikhishwe ngokwesigaba somthethonqubo (1)(b) kanye no (2)(a)(i), ngaphandle uma likhishwe ngenxa yokubheja okwenziwe ngocingo, **[ngokushesha]** kuyothunyelwa ngokushesha kulowo muntu obebhejile.".

#### Ukuchitshiyela koMthethonqubo 28B

#### 27. UMthethonqubo 28B wemithethonqubo ngalokhu uyachitshiyelwa –

- (a) ngokugququlwa kwesihloko somthethonqubo ngalesi sihloko esilandelayo:  
 "UHlelo lokuGcinwa kwamaRekhodi ngeKhompuyutha **[kanye noHlelo lokuGcinwa kwamaRekhodi olwesekwa yiKhompuyutha]**";
- (b) ukugququlwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:  
 "(2) Umakhi woHlelo lokugcinwa kwamarekhodi ngekhompuyutha kumele athumele lolo hlelo noma ukuchitshiyelwa kwalo kwa-South African Bureau of Standards (SABS) ukuze luqinisekise ngokwamazanga afanele empahla kazwelonke, futhi uma lugunyazwa ngokufanele, athumele kanye nalo, incazelo ebhaliwe yohlelo noma ukuchitshiyelwa kwalo nanoma yiziphi ezinye izincwadi isikhulu esiqokiwe esingazidinga, esikhulwini esiqokiwe, kuncike kwisigaba somthethonqubo (3), esiyonqabela noma sigunyaze, ngemibandela ethile noma ngaphandle kwemibandela, lolo hlelo noma lokho kuchitshiyelwa, noma sibuyisele lolo hlelo loma lokho kuchitshiyelwa emuva kumkhiqizi ukuze kwenziwe noma iluphi uguquko kulolo hlelo noma kuleso sichibiyelo, noma acele umkhiqizi ukuba alethe olunye ulwazi olwengeziwe.";
- (c) ngokugququlwa kwesigaba somthethonqubo (3) ngalesi sigaba somthetho esilandelayo:  
 "(3) isikhulu esiqokiwe singadlulisela noma yiluphi uhlelo lokugcinwa kwamaRekhodi ngekhompuyutha nanoma yikuphi ukuchitshiyelwa kwalo **[kwa-South African Bureau of Standards]** eKomidini noma kunoma imuphi umuntu noma umgwamanda ukuze kuhlolwe, ngaphambi kokuthi kuthathwe isinqumo esingujuqu kunoma isiphi isicelo esihlongozwe kwisigaba somthetho [nanoma iziphi ezinye izindleko ezibe khona ngesikhathi sokuhlolwa kuyomele zikhokhwe umkhiqizi].";
- (d) ngokugququlwa kwesigaba somthethonqubo (3) ngalesi sigaba somthetho esilandelayo:  
 "(4) **[Ukuthunyelwa okuyokwenziwa umkhiqizi okuhlongozwe kwisigaba somthethonqubo (2), kumele kuhambisane nencazelo ebhaliwe yohlelo noma yokuchitshiyelwa nanoma yimiphi eminye imibhalo isikhulu esiqokiwe esingayidinga.]** Noma yiziphi izindleko ezibhekane nomkhiqizi wohlelo lokugcinwa kweminingwane kwikhompuyutha, noma ukuchitshiyelwa kohlelo lokugcinwa kweminingwane kwikhompuyutha, ziyobhekiswa kumkhiqizi.";
- (e) ukugququlwa kwesigaba somthethonqubo (6) ngalesi sigaba somthethonqubo esilandelayo:

“(6) Akekho ubhukhi oyovunyelwa ukusebenzisa uhlelo lokugcinwa kwamaRekhodi lwekhomyutha kanye nohlelo lokugcinwa kwamaRekhodi olubhalwe phansi okuhlongozwe kwimithethonqubo 28 no 28A, ngaphandle **[kwalapho izimo okukhulunywe ngazo kwisigaba somthethonqubo (7) noma lapho kunokwephuka okukhona ohlelweni lokugcinwa kwamarekhodi lwekhomyutha lukabhukhi ngenxa yokungabi khona kukagesi noma ngenxa yokungabi khona kohlelo lwakhe ngenxa yokuphelelwa yisikhathi kohlelo,]** kwalapho kuba khona ukwehluleka kohlelo lokugcinwa kwamarekhodi lwekhomyutha oluzokwazi ukuthatha imininingwane yokubheja ngendlela efanele, okuyothi esimweni ezinjalo —

(a) ahambisane nezinhlinzeko zemithethonqubo 28 no 28A njengoba zicacisa ngohlelo lokugcinwa kwamarekhodi abhalwe phansi;

(b) uyobuyela ohlelweni lokugcinwa kwamarekhodi lwekhomyutha ngokushesha uma kufaneleka ukuba enze njalo; **futhi**

**[(c) uyoqinisekisa ukuthi imininingwane egcwele yokubheja ngakunye okuqoshwe ngokuhambisana nohlelo lokugcinwa kwamarekhodi abhalwe phansi kufakwa ohlelweni lokugcinwa kwamarekhodi lwekhomyutha ngaphambi kokuthi aphothule amarekhodi akhe mayelana nalowo mjaho, nalowo mcimbi wezemidlalo noma nalowo mgidi futhi ngaphambi kokuthi kopkuthi alungise imininingwane kanye namarekhodi azokopishwa njengoba kubalulwe kumthethonqubo 28C(3); futhi]**

**[(d)] (c) amarekhodi abhalwe phansi kumele agcinwe ukuze eyohlolwa.”;**

(f) ukususwa kwesigaba somthethonqubo (7);

(g) ukuguqulwa kwesigaba somthethonqubo (8) ngalesi sigaba somthethonqubo esilandelayo:

“(7) Noma imuphi ubhukhi ohtulekayo ukuhambisana nezinhlinzeko zesigaba **[zezigaba]** somthethonqubo **[zomthethonqubo]** (6) **[no (7)]** uyobe ephule ijoka noma isibopho esibekwe kuye yi-Odinensi.”; kanye

(h) nokuguqulwa kwesigaba somthethonqubo (10) ngalesi sigaba somthethonqubo esilandelayo:

“(9) Noma imuphi ubhukhi osebenzisa uhlelo lokugcinwa kwamarekhodi lwekhomyutha **[noma uhlelo lokugcinwa kwamarekhodi olwesekwe ikhomyutha]** –

(a) ngokuhambisana nohlelo lokugcinwa kwamarekhodi lwekhomyutha olungagunyaziwe futhi olungabhalisiwe yisikhulu esiqokiwe ngokwalo mthethonqubo;

(b) olungesona isikhigizi mathikithi, **uma kuwuhlelo lokugcinwa kwamarekhodi lwekhomyutha**; noma

(c) okutholakala ukuthi uke wankonkothela noma wakhinyabeza uhlelo lokugcinwa kwamarekhodi lwekhomyutha ngemuva kokuba lugunyaziwe futhi lwabhaliswa ngokwalo mthethonqubo, **[futhi]** kuyokuba ukwepulwa kwejoka kanye nesibopho esibekwe kuye yi-Odinensi”.

### Ukuchitshiyelwa koMthethonqubo 28C

28. UMthethonqubo 28C wale mithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) Noma imuphi ubhukhi osebenzisa uhlelo lokugcinwa kwamarekhodi lwekhomyutha kumele agcine la marekhodi alandelayo aveza imininingwane egcwele futhi ehlelekile uyokubheja kwakhe –

(a) Ikhasi lenkundla elihambisana nomjaho ngamunye wamahashi, umcimbi wezemidlalo noma omunye umgidi, lapho ubhukhi engenela ngokubheja kuwona;

**[(b) isisombululo noma ikhasi letafula;]**

**[(c)](b)** uhlu lwamathikithi akhishiwe nalawo akhanseliwe;

**[(d)](c)** uhlu olukhombisa ukubheja ngakunye;

**[(e)](d)** uhlu lwemihlomulo etholakele yokubheja; **kanye**

**[(f)](e)** nohlu yokubheja okuxubile olukhombisa konke ukubheja okwenziwe emahhashini emijahweni ezogijinywa ngezinsuku ezahlukahlukene nakho konke ukubheja okwenziwe emcimbini wezemidlalo nakunoma imuphi omunye umgidi noma imijaho exubile, imicimbi yezemidlalo noma imigidi eyenzeka ngezinsuku ezahlukahlukene.”;

(b) ngokuguqulwa kwesigaba somthethonqubo (3) ngalesi sigaba somthethonqubo esilandelayo:

“(3) Wonke amarekhodi aqoshiwe ahlangozwe kwisigaba somthethonqubo (1) kumele akopishwe **[kwicwecwe le mininingwane noma kwicwecwe eliyi-1,44 megabyte futhi kumele kukhiqizelwe ephepheni elihlanzekile] ecwecweni elifanele futhi eliphathekayo lokugopha imininingwane** ekupheleni **[komjaho ngamunye, komcimbi ezemidlalo noma komgidi]** kosuku futhi **[lelo cwecwe kanye ngephepha elikopishiwe]** lelo cwecwe lokuqapha noma idivaysi okuqoshwe kuyo noma okugcinwe kuyo imininingwane kuyogcinwa kuphephile kubekwe ngendlela elandelayo ukuze kuhlolwe kahle esakhiweni esingeyona indlu yokubhejela.”; kanye

(c) nokufakwa ngemuva kwesigaba somthethonqubo (3) lesi sigaba somthethonqubo esilandelayo:

"(4) Ikomidi liyonquma ukuthi kufanele yini icwecwe lokugapha imininingwane noma idivaysi okukhulunywe ngayo kwisigaba somthethonqubo (3) lisetshenziselwe izinhloso okukhulunywe ngazo kwisigaba somthetho (3) kuthi liyophinde lingume ukuthi indawo okumele kugcinwe kuyo lelo cwecwe lokuqina imininingwane noma leyo divaysi ifanelekile yini.."

#### **Ukuchitshiyelwa koMthethonqubo 28D**

29. Umthethonqubo 28D ngalokhu uyachitshiyelwa –

(a) ngokugququlwa kwesigaba somthethonqubo (1)(c) ngalesi sigaba somthethonqubo esilandelayo:

"(c) **[Ilokho kubheja okuhoxiswayo]** ukuqinisekisa ukuthi lapho ukubheja kuhoxiswa, imininingwane ephelele yalokho kubheja iyaqoshwa ohlwini lokubheja okuhoxisiwe okukhulunywe ngalo kumthethonqubo 28C(1);", kanye

(b) nokugququlwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

"(2) Noma imuphi ubhukhi osebenzisa uhlelo lokugcinwa kwamarekhodi lwekhompyutha futhi oqhuba ibhizinisi emjahweni noma ekutelebheliweni kwamahashi kuyomele ngokushesha lapho kudingeka, ahambise komele umjaho noma ukutelebheliwa kwamahashi othintekayo, ikhophi yekhasi lenkundla **[njengoba kungadingeka]**".

#### **Ukuchitshiyelwa koMthethonqubo 29**

30. Umthethonqubo 29 ngalokhu uyasuswa.

#### **Ukuchitshiyelwa koMthethonqubo 30**

31. Umthethonqubo 30 wale mithethonqubo ngalokhu uyachitshiyelwa ngokuthi kususwe isigaba somthethonqubo (1) no (2).

#### **Ukuchitshiyelwa koMthethonqubo 31**

32. Umthethonqubo 31 wemithethonqubo ngalokhu uyachitshiyelwa–

(a) ngokugququlwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

"(2) Isicelo esihlongozwe kwisigaba somthethonqubo (1) **[siyohambisana]** siyokwenziwa ngefomu elakhiwe ikomidi ngenhloso yalokho, okuyifomu eliyokuqatha izidingo zezincwadi kanye nolwazi okumele kuhlinzekwe umfakisiselo, kubandakanya,–

(a) amagama aphelele nenombolo kamazisi yomfakisiselo;

(b) ikheli lokusebenza neleposi lomfakisiselo;

(c) irekhodi lomfakisiselo ngolwazi analo emsebenzini wobubhukhi kanye nokuveza ulwazi nesipiliyoni esihambisana nokuqashwa embonini yobubhukhi, uma kukhona;

**[(d) imininingwane ephelele yesimo sezimali kanye namarekhodi ezimali komfakisiselo;];**

(e) umbono obhaliwe womfakisiselo mayelana nophenyo olwenziwe yiKomidi, umsebenzi walo noma i-ejenti, mayelana nomlando wakhe **[wezimali]** kanye nemuva lakhe nanoma yiluphi olunye udaba noma ulwazi oludalulwe kwifomu lesicelo, noma encwadini efungelwe ehlongozwe endimeni (f) , noma kunoma iyiphi enye incwadi ehlobene nalokho;

(f) incwadi efungelwe yomfakisiselo eshoyo uma umfakisiselo [—

(i) eke watholakala enecala kunoma yibuphi ubugebengu obubandakanya ukukhwabanisa nokutshontsha;

(ii) esalengelwa yisigwebo kunoma iliphi icala elingakapheli enkantolo yomthetho;

(iii) ecwile ezikweletini ngokungenakuhlelenga;

(iv) ehoxisiwe njengobe nephutha yi-Jockey Association of Southern Africa noma iKomidi; futhi

(v) ephule izinhlinzeko ze-Odinensi,

futhi, uma kunjalo, enikezela ngemininingwane ephelele yalokho futhi eveza ukuthi uma kwenzeka kutholakala ukuthi isitatimende sakhe besingelona iqiniso, uyotholakala enecala elibandakanya ukukhwabanisa noma kuntshontsha, noma isiphi isitifiketi sokubhaliswa semenenja anaso siyomiswa okwesikhashana, kuncike esinqumweni esiyothathwa yikomidi njengoba kuhlangozwe kumthethonqubo 11(4)] uyahoxiswa ekutheni abhaliswe ngokwalo

mthethonqubo, ngenxa yesizathu esisodwa noma ngaphezulu esibangela ukuhoxiswa esichazwe kwisigaba 49 soMthetho wezokuGembula kaZwelonke, 2004; kanye

(g) nemali yokufaka isicelo ebalulwe oHlelweni lokuQala lwe-Odinensi okuyimali okuyomele izalane eKomidini [.];  
(h) amaloba aphelele eminwe yomfakisicelo, atholakale oPhikweni lwamaPhoyisa lwaseNingizimu Afrika, kanye  
(i) ubufakazi kokukhokhwa oPhikweni lwamaPhoyisa lwaseNingizimu Afrika kwemali mayelana nesicelo sesitifiketi esikhombisa amarekhodi obugebengu womfakisicelo.’

(b) ngokufakwa ngemuva kwesigaba somthetho (2) lesi sigaba somthetho esilandelayo:

“(2A) IKomidi lingahlola umfakisicelo ekutheni abhalise njengemenenja kabhukhi ngolwazi analo mayelana nemithetho esebenzayo ebhizinisini lobubhukhi.”;

(c) ngokuguqulwa kwesigaba somthethonqubo (3) ngalesi sigaba somthethonqubo esilandelayo:

“(3) Uma uphenyo olunhlongozwe kwisigaba somthethonqubo (2)(e) seluphuthuliwe lwabikwa nasekomidini futhi uma isicelo sesicutshunguliwe, iKomidi lingenqaba ukubhalisa imenenja, noma lingayibhalisa imenenja lapho okuyothi uma sekutholakale imali yokubhalisa ebalulwe oHlelweni lokuQala lwe-Odinensi, imenenja inikezwe isitifiketi sokubhaliswa, kuncike kule mibandela, elandelayo:

(a) ukuthi ukubhalisa kuyophela mhla zingama 31 kuZibandlela wonyaka ngamunye ngaphandle uma kuvuselelwe ngendlela ehlongozwe kwisigaba somthethonqubo (6);

(b) ukuthi uyosebenza egumbini lokubhejela likabhukhi onelayisensi kuphela;

(c) ukuthi ngaphambi kokuqala ukusebenza, uyokwazisa iKomidi ngenama iyiphi imhloso yokushintsha umsebenzi futhi ubhukhi othintekayo kumele aqinisekise, ngokubhalwe phansi, ukuqasha futhi aveze ukuthi uyena obhekene nazo zonke izenzo zemenja; kanye

(d) nanoma imiphi eminye imibandela iKomidi ngokubona kwalo, elinganquma ukuyibeka.”;

(d) ngokuguqulwa kwesigaba somthethonqubo (7) ngalesi sigaba somthethonqubo esilandelayo:

“(7) [(a) Ubhukhi ongaqhubi ibhizinisi ngokusebenzisana nanoma imuphi omunye ubhukhi uyovunyelwa ukuqasha izimenenja ezingekho ngaphezu kwezimbili ezibhalisile ngelungelo lobubhukhi analo.

Kanti obhukhi ababili noma ngaphezulu abasebenza ebhizinisini ngokubambisana, lokho kubambisana kuyovunyelwa ukuba kuqashe izimenenja ezibhalisile ezingekho ngaphezu kwezimbili mayelana nelungelo lobubhukhi lobo budlelwane obunalo.] Ngale kwezinhlinzeko zesigaba somthethonqubo (3), iKomidi linganika umfakisicelo isitifiketi sesikhashana ukuze abhaliswe njengemenenja, ngaphambi kokuthi kuphuthulwe uphenyo oluhlongozwe kwisigaba somthethonqubo (2)(e), kuncike ekutheni izincwadi zesicelo azidaluli isimo esingenza ukuthi umfakisicelo enqatshelwe ukuthi abhaliswe”; kanye

(e) nokwengezwa ngemuva kwesigaba somthethonqubo (9) lwalesi sigaba somthethonqubo esilandelayo:

“(10) Ubhukhi angeke aqashe noma avumele ukuthi kuqashwe ebhizinisini lakhe, noma ubani, esikhundleni sokuba imenenja noma umabhalane, ngaphandle uma lowo muntu ebhaliswe ngendlela efanele ngokwalo mthethonqubo, njengomabhalane noma njengemenenja, njengoba kungaba njalo.

(11) Akekho umuntu oyovuma ukuqashwa noma ukusebenzela ubhukhi, esikhundleni sokuba umabhalane noma imenenja, ngaphandle uma lowo muntu ebhaliswe ngokufanele ngokwale mithethonqubo.

(12) Umabhalane kabhukhi uyingxenywe yabasebenzi bakabhukhi, noma bobhukhi abasebenzisanyayo, uqashwe ngendlela evumela noma edinga ukuthi umsebenzi aqhuba imisebenzi yokubhejisa umphakathi, ethotho, noma asebenze nobhukhi.

(13) Imenenja iqashelwe –

(a) ukuphatha bonke omabhalane ababhalisiwe kanye nabanye abasebenzi bakabhukhi, noma bobhukhi ababambisene;

(b) ukubhejisa umphakathi, ukuba sethotho noma ukuba nabanye obhukhi; futhi

(c) kuncike kwindlela ebekiwe encazelweni “yemenenja” kwisigaba 2 se-Odinensi, iyobhekela zonke izibopho zikabhukhi lapho ubhukhi engekho.

(14) Noma imuphi ubhukhi noma obhukhi ababambisene kumele babhalise okungenani umsebenzi oyedwa njengemenenja, ngokuhambisana nale mithethonqubo.”.



**Ukuchitshiyelwa koMthethonqubo 32**

33. Umthethonqubo 23 ngalokhu uyasuswa.

**Ukuchitshiyelwa koMthethonqubo 33**

34. Umthethonqubo 33 ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwesigaba somthethonqubo (1) ngalo mthethonqubo olandelayo:

“33.(1) Noma ubani onesikhalo kubhukhi mayelana nokubheja ubhukhi ehlulekile ukukwenza ngemuva kokucelwa ukuba enze njalo, uyobika ngaleso simo **[eKomidini]** esiKhulwini esiPhezulu.”; kanye

(b) nokuguqulwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

“(2) **[uNobhala]** isiKhulu esiPhezulu ngemuva kokuthola leso saziso siyosiqopha kwirejista ebekelwe lokho, ebese sisithumela ngaphandle kokulibaziseka eKomidini.”.

**Ukuchitshiyelwa koMthethonqubo 35**

35. Umthethonqubo 35 wemithethonqubo ngalokhu uyachitshiyelwa ngokuguqulwa kwendima (a) yesigaba somthethonqubo (4) ngale ndima elandelayo:

“(a) Noma ubani obhejayo otholwe yiKomidi ukuthi ube nephutha akumele angene noma abe sezakhiweni ezinelayisensi yokuba yinkundla yemijaho ngokwale Odinensi, kunoma iziphi isakhiwo esibalulwe kwisigaba 28(2) noma (3) se-Odinensi nakunoma iziphi izakhiwo lapho ubhukhi onelayisensi eqhubela khona imisebenzi yokubhukhi kuze kube yisikhathi lapho yonke imisebenzi kabhukhi isihoxisiwe futhi neKomidi linelisekile ukuthi ufanelekile ukuqhubeka nokubheja.”.

**Ukuchitshiyelwa koMthethonqubo 36**

36. Umthethonqubo 36 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi kufakwe lesi sihloko esilandelayo:

“Isoni: iNhlango yoSokisi yaseNingizimu Afrika”.

**Ukuchitshiyelwa koMthethonqubo 37**

37. Umthethonqubo 37 ngalokhu uyasuswa.

**Ukuchitshiyelwa koMthethonqubo 38**

38. Umthethonqubo 38 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi kususwe esigabeni somthethonqubo (1) indima (c).

**Ukuchitshiyelwa koMthethonqubo 38A**

39. Umthethonqubo 38 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi kuguqulwe wonke amagama atholakala kwitebhula ngalawa magama alandelayo:

“Intela ebanjwa kwisamba esiwiniwe umuntu obhejile wawina kubhukhi emjahweni wamahhashi iyokuba yiphesenti elikhonjiswe kwitebhula lokuhlukanisa njengalokhu okulandelayo, leyo ntela okumele ibe neNtela eyeNgeziwe (VAT):”.

**Ukuchitshiyelwa koMthethonqubo 39**

40. Umthethonqubo 39 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi kuguqulwe isigaba somthethonqubo (8) ngalesi sigaba somthethonqubo esilandelayo:

“(8) Noma imuphi ubhukhi onelayisensi, ezinsukwini eziyishumi kuphele inyanga, athumelele iKomidi ikhophi **[egxiviziwe]** yangempela yoHlelo 1, njengoba kuthunyelelwa isikhulu esiqokiwe, futhi kumele kanye nalokho akhokhe eKomidini intela ebalulwe ngokomthethonqubo 38A.”.

**Ukuchitshiyelwa koMthethonqubo 40**

41. Umthethonqubo 40 wemithethonqubo ngalokhu uyachitshiyelwa ngokuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

"(1) Ngaphandle uma ubhukhi enemvume ebhalwe phansi [yoMqondisi wezokuPhathwa kweziMali] yoMqondisi-Jikelele emguyazayo ukuthi aqhube ibhizinisi ngemuva kokuba ehlulekile ukuthumela isitatimende esihlongozwe kumthethonqubo 39 kanye nokukhokha intela ebalulwe kwisigaba 30 se-Odinensi, ilayisensi yakhe kumele ithathwe njengemisiwe uma ukwehluleka kwakhe ukuthumela isitatimende sezimali kanye nokukhokha intela nezinye izinhlawulo njengokulandisa kwe-Odinensi kusaqhubeka."

#### Ukuchitshiyelwa koMthethonqubo 43

42. Umthethonqubo 43 wemithethonqubo ngalokhu uyachitshiyelwa ngokuthi kuguqulwe isigaba somthethonqubo 43 ngalesi sigaba somthethonqubo esilandelayo:

**[IsiKhwama sokuThuthukiswa akweNkundla yemiJaho] Inqubo yokugunyazwa eminye imicimbi kanye nemigidi**

43.(1) [(a) IBhodi yabaPhathiswa ehlongozwe kwisigaba 41 se-Odinensi iyoqokatha —

(i) uSihlalo izikhathi ngezikhathi we-Local Executive Stewards ehlongozwe kwisigaba somthetho 24 kuMthethosisekelo weNhlangotho yoJoki yaseNingizimu Afrika, esifundeni sezemiJaho saKwaZulu-Natali, oyokuba usihlalo weBhodi yabaPhathiswa;

(ii) USekela kaSihlalo izikhathi ngezikhathi we-Local Executive Stewards njengoba kuhlongozwe kwisigaba somthetho 24 kuMthethosisekelo weNhlangotho yoJoki yaseNingizimu Afrika, oyokuba uSekela Sihlalo weBhodi yabaPhathiswa;

(iii) Usihlalo izikhathi ngezikhathi —

(aa) we-Clairwood Turf Club;

(bb) we-Durban Turf Club;

(cc) we-Pietermaritzburg Turf Club;

(dd) weKomidi elilawula oBhukhi elihlongozwe kwisigaba 21A se-Odinensi, kanye

(ee) nowe-KwaZulu-Natal Owners and Trainers Association;

(iv) bayomela uNgqongqoshe, baqokwe uyena izikhathi ngezikhathi, futhi

(v) nabantu abangeqile kwababili abayoqokwa uNgqongqoshe, kusukela mhla lu-1 kuMandulo 1987 kuya kumhla zingama-30 kuNhlangotho 1989, emva kwalokho isikhathi sokuba sesikhundleni iminyaka emithathu, kusukela mhla lu-1 kuNtulikazi 1989.

(b) USihlalo we-Local Executive Stewards ohlongozwe kwisigaba somthetho 24 soMthethosisekelo weNhlangotho yoJoki yaseNingizimu Afrika, mayelana nesiFunda semiJaho saKwaZulu-Natali, kuyothi izikhathi ngezikhathi, akhethe ilungu le-Local Executive Stewards njengelungu leBhodi yabaPhathiswa oyothatha indawo kaSekela Sihlalo lapho uSekela Sihlalo ebambe njengoSihlalo weBhodi yabaPhathiswa.

(c) USekela Sihlalo wezikhathi ngezikhathi wamabhodi okukhulunywe ngawo kwindima (a)(iii) bayophinde babe ngamalungu eBhodi yabaPhathiswa futhi kumele bathathe izintambo lapho osihlalo bengekho.

(d) Lapho kunesikhala somsebenzi ebulungwini obuhlongozwe endimeni (a)(v), ngaphandle uma kubangelwe ukuphela kwesikhathi ebesiqashelwe ilungu, uNgqongqoshe angaqokwa umuntu ozovala lesi sikhala kuleyo ngxenye esasele yesikhathi seLungu okuvalwa isikhala salo.

(e) Umuntu ohlongozwe endimeni (a)(v) uyofaneleka ukuba aphinde aqokwe njengelungu leBhodi yabaPhathiswa lapho kuphela isikhathi sakhe sokuba sesikhundleni.

(2) IBhodi, ukuze yenze imisebenzi yayo igcine nezibopho zayo futhi isebenzise amandla ayo ngokwe-Odinensi mayelana nesiKhwama sokuThuthukiswa kweziNkundla zemiJaho esisungulwe yisigaba 41ter, emva kwalokhu esibizwa ngesiKhwama, —

(a) iyoba umuntu ngokomthetho;

(b) iyokwaziwa njengeBhodi yabaPhathiswa yesiKhwama sokuThuthukiswa kweziNkundla zemiJaho, emva kwalokhu ezokwaziwa njengabaPhathiswa;

(c) iyosebenza njengabaPhathiswa egameni lesiKhwama kuncike kwemiyalelo kuNgqongqoshe; futhi

(d) njengabaPhathiswa iyophatha impahla nezikweletu (uma kukhona) kwesiKhwama.

(3) Noma iyiphi inhlangano yemiJaho noma inhlangano yokutelebbheliswa kwamahashi enethotho kunoma imuphi umjaho noma ukutelebbheliswa kwamahashi, ezinsukwini eziyisikhombisa kudlule lowo mjaho noma lokho kutelebbheliswa kwamahashi, iyokhokhela abaPhathiswa isamba seMali esidonswe "kwijekhiphothi"

kanye “nakwipulezi” ngokwesigaba 41ter (2) se-Odinensi, futhi kumele ngesikhathi esifanayo ithumelele abaPhathiswa isitatimende esikhombisa ukuthi imalini edonsiwe. Ikhophi yaleso sitatimende iyothunyelwa kuMqondisi weHhovisi lezokuPhathwa kwezimali.

(4) Zonke izimali nengeniso okufakwe esiKhwameni okuqhamuka kunoma imuphi umthombo kuyofakwa kwi-akhawunti noma kuma-akhawunti asebhange agunyazwe uNgqongqoshe futhi avulwe egameni labaPhathiswa.

(5) Noma iziphi izimali ezisesikhwameni futhi ezingakwazi ukutshalwa kumele zitshalelwe noma zitshalwe egameni labaPhathiswa, kuHulumeni noma kwezinye izinhloko njengoba kungagunyaza uNgqongqoshe.

(6) (a) Noma kunini lapho kutholakala impahla engenakususwa egameni lesiKhwama uNgqongqoshe angabeka imibandela abona ifanele, kubandakanya imibandela yezithibelo zetayitela, futhi afune ukuba leyo mibandela ibhaliswe encwadini yetayitela lomhlaba.

(b) Izinhlinzeko zendima (a) ziyosebenza ngendlela efanayo kunoma iyiphi impahla engenakususwa ephethwe noma etholwa yinoma iyiphi enye inkampani lapho isiKhwama sinamandla ngqo noma ngenye indlela okuphatha.

(7) Noma iyiphi impahla engenakususwa etholwe yisiKhwama kumele ibhaliswe egameni labaPhathiswa besiKhwama sokuThuthukiswa kweziNkundla zemiJaho.

(8) AbaPhathiswa, ezinsukwini eziyisikhombisa ngemva kokuphela kwenyanga, bathumele kuMqondisi eHhovisi lokuPhathwa kweziMali isitatimende esikhombisa ukusebenza kwezimali zesiKhwama ngenyanga ephelayo kanye nayo yonke impahla isiKhwama esinayo ngosuku lokugcina lwenyanga.

(9) (a) IziNcwadi zama-Amakhawunti esiKhwama kumele zicwangingwe minyaka yonke ngezindleko zesiKhwama abaCwaningi-Mabhuku abaqokwe abaPhathiswa abagunyazwe uNgqongqoshe kuqala.

(b) Izitatimende ezicwangingwe zesiKhwama ziyothunyelwa kuMqondisi-Jikelele minyaka yonke zingakadluli izinsuku ezingamashumi ayisishiyagalolunye kuphele unyaka wezimali zesiKhwama njengoba unganqunywa izikhathi ngezikhathi abaPhathiswa.]

Noma ubani ofisa uNgqongqoshe ukuba anqume, njengoba kuhlangozwe kwincazelo “yomcimbi noma umgidi” kwi-Odinensi, kumele athumele isicelo esibhalwe phansi kuNgqongqoshe.

(2) Isicelo esibhalwe phansi esihlongozwe kwisigaba somthethonqubo (1) siyobandakanya okungenani lolu lwazi olulandelayo kanye nezincwadi –

(a) Umsebenzi, igama, ikheli leposi kanye neminye imininingwane yokuxhumana yomfakisicelo;

(b) incazelo ecacile, ephelile futhi efinqiwile yomcimbi noma umgidi lapho kucelwa khona ukuba kunqunywe;

(c) ulwazi mayelana nanoma iyiphi inhlangano okungathi nganoma iyiphi indlela ilawule umcimbi noma umgidi okuyiyona ecela ukuba kunqunywe;

(d) izincwadi ezeseke ukuthi inhloso yokuthi kube nokubheja emcimbini noma emgidini okucelwa ukuba kunqunywe ngawo, angeke zihlukumeze imizwa yabantu; kanye

(e) nezincwadi ezeseke inhloso yokuthi ukubheja emcimbini noma emgidini okucelwa ukuba kunqunywe ngawo, angeke zibeke lowo mcimbi noma lowo mgidi esimweni sokuthi kube nezenzo zenkohlakalo noma zokuphekwa kwemiphumela.

(3) Noma yisiphi isinqumo esithathwa uNgqongqoshe siyokwenziwa ngesaziso esiyoshicilelwa kwiGazethi yesiFundazwe.

(4) Usuku lokuqala kokusebenza kwesinqumo sikaNgqongqoshe njengoba kuhlangozwe kulo mthethonqubo siyokuba usuku okushicilelwe ngalo lesa saziso kwiGazethi yesiFundazwe.”

#### **Ukuchitshiyelwa koMthethonqubo 44**

**43.** Umthethonqubo 44 wemithethonqubo ngalokhu uyachitshiyelwa:

(a) ngokugququlwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) Irekhodi elihlongozwe kwisigaba 38([3]2) se-Odinensi kuyomele liqukathe usuku, igama lehashi lomjaho, ukwelashwa kwesifo, imithi, isidakamiswa noma imishini esetshenziswe ekwelashweni, ukuthi isidakamizwa noma umuthi usetshenziswe ngokuphuza, ufakwe ngomjovo noma ngokushuthekwa, noma usetshenziswe esikhumbeni, igama lomuntu owelaphe ihashi, igama likadokotela wezilwane okunguye onqume umuthi noma isidakamizwa kanye nemininingwane yokuthi ubani okhiqize umuthi noma isidakamizwa kanye nesamba esikhqiwe”; kanye

(b) nokugququlwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

“(2) Ngezinhloso zendinyana (iii) yesigaba 38(2)(b) se-Odinensi, akukho nsalela yanoma iluphi uketshezi, amakhemikhali noma isidakamizwa okuhlangozwe kwisigaba 38(1)(1) se-Odinensi esiyoba khona enkundleni

yomjaho esikhathini esingamahora angamashumi amane nesishiyagalombili ngaphambi komjaho nangemuva kwamahora angamashumi amabili nane kwedule umjaho lelo hhashi okumele ligijime kuwona; kuncike ekutheni lapho udokotela wezilwane obhalisiwe eqinisekisa ukuthi lowo muthi, ikhemikhali noma isidakamizwa –

- (a) asisetshenziswa ngaphambi kokuphela komjaho wakamuva lapho ihhashi libambe ikhona iqhaza; futhi
- (b) siyadingeka ukuze ihhashi okukhulunywa ngalo lisinde, ukwenqatshelwa okushiwoyo mayelana namahora angama-24 angeke kusetshenziswe.”.

#### Ukuchitshiyelwa koMthethonqubo 47

44. Umthethonqubo 47 wale mithethonqubo ngalokhu uyachitshiyelwa –

(a) ngokuguqulwa kwezindinyana (a), (b) no (c) zendima (c) yesigaba somthethonqubo (3) ngalezi zindinyana ezilandelayo:

- “(a)(aa) umcimbi wezemidlalo;
- “(b)(bb) eminye imicimbi nemigidi; noma
- “(c)(cc) okubili kwakho,”; kanye

(b) nokufakwa kwesigaba somthethonqubo (10) no (11) ngemuva kwesigaba somthethonqubo (9):

“(10) Uma kunoma iyiphi inyanga yoNyaka, imali yengeniso etholakele lapho kubhejwa –

(a) emcimbini wezemidlalo; noma

(b) kweminye imicimbi noma imigidi,

ingaphansi kwegugqu, kuyomele kuthathwe njengokulahlekelwa uma kuqhathaniswa nemalingeniso yezikhathi ezedlule zokuqogwa kwentela.

(11) Ngokwenhloso yesigaba somthethonqubo (10) “isikhathi sokuqogwa kwentela” kusho inyanga eyodwa yekhalende.”.

#### Ukuchitshiyelwa koMthethonqubo 49

45. Umthethonqubo 49 wemithethonqubo ngalokhu uyachitshiyelwa ngokuguqulwa kwesigaba somthethonqubo (2) ngalesi sigaba somthethonqubo esilandelayo:

“(2) Noma imuphi ubhukhi, ezinsukwini eziyisikhombisa ngaphambi kokuphela kwenyanga, uyothumela ikhophi

**[egxiviziwe]** yangempela yoHlelo 10 –

(a) eKomidini kanye neNtela ayikhokhile eKomidini ngokwalesi Sahluko; kanye

(b) nasesikhulwini esiqokiwe sezinhlangano zomjaho kanye neNtela ayikhokheli lezo zinhlangano zomjaho ngokwalesi Sahluko.”.

#### Ukuchitshiyelwa koMthethonqubo 50

46. Umthethonqubo 50 wemithethonqubo ngalokhu uyachitshiyelwa ngokuguqulwa kwesigaba somthethonqubo (1) ngalesi sigaba somthethonqubo esilandelayo:

“(1) Ezinsukwini eziyisikhombisa zokugcina enyangeni, iBhodi yeziKhungo zamaThotho (aseNatali) noma izinhlangano zemijaho ezithintekayo –

(a) ziyothumela esikhulwini esiqokiwe incwadi engalwe ngokoHlelo 10 no 1 eyokhombisa isamba esiphelele esikhokhiwe ethotho mayelana nomcimbi wezemidlalo noma omunye umcimbi noma umgidi ongaphansi kwalezi ziNhlelo;

(b) ziyokhokha esiKhulwini esiqokiwe izintela ezikhokhwe ngokwalesi Sahluko, futhi

(c) ziyothumela ikhophi **[egxiviziwe]** yangempela yoHlelo 10 eKomidini kanye nezintela ezikhokhelwa iKomidi ngokwalesi Sahluko.”.

#### Ukuchitshiyelwa koMthethonqubo 52

47. Umthethonqubo 52 wemithethonqubo ngalokhu uyasuswa.

#### Ukuchitshiyelwa koMthethonqubo 53

48. Umthethonqubo 53 wemithethonqubo ngalokhu uyasuswa.

**Ukuchitshiyelwa koHlelo 1 lweMithethonqubo**

49. UHlelo 1 lwemithethonqubo ngalokhu luyachitshiyelwa ngokuguqulwa kwengxenywe yokuqala yesiqinisekiso esisayiniwe salokhu okulandelayo:

"UHLELO 1

ISIFUNDAZWE SAKWAZULU-NATALI

I-ODINENSI YOKULAWULWA KWEMIJAHO NOKUBHEJA, 1957 (I-ODINENSI NO. 28 KA 1957)

[**ISIFUNGO**] ISIQINISEKISO KANYE NEZITATIMENDE, ZIKABHUKHI NOMA ZEBHODI YEZIKHUNGO ZAMATHOTHO (AKWAZULU-NATALI) EZIHLINZEKA NGOKUBHEJA OKUQONDILE, MAYELANA NEZINTELA OKUMELE ZIKHOKHWE UMA KUBHEJELWA UMJAHO WAMAHASHI NANOMA IKUPHI OKUNYE UKUBHEJA KWEMALI LAPHO KUDINGEKA UKUBA KUBANJWE KHONA IMALI

[Makugcwaliswe ngamagama agqagqene kuthunyelwe kuyikhophi ngokwesigaba 30 se-Odinensi njengoba sifundwa nomthethonqubo 39]

Amagama aphelele kabhukhi \_\_\_\_\_  
(Uma kungumfelandawonye, amagama abo bonke ophathina)

Igama ibhizinisi elisebenza ngalo \_\_\_\_\_

Ikheli lokusebenza lendlu yokubheja \_\_\_\_\_

Ikheli leposi \_\_\_\_\_

Inyanga nonyaka okukhishwa ngalo le ncwadi (mayelana nencwadi emayelana nokubheja okwenziwe endlini yokubheja)

Igama lenhlangano yomjaho/ yokutelebhelisa amahashi (mayelana nencwadi yokubheja eyenziwe enkundleni yomjaho noma yokutelebheliswa kwamahashi)

Usuku lomjaho/ lomcimbi wokutelebheliswa kwamahashi (mayelana nencwadi yokubheja okwenziwe enkundleni yomjaho/ yokutelebheliswa kwamahashi)

**ISIQINISEKISO**

Mina, bhukhi/ phathina okumfelandawonye obalulwe ngasenhla futhi osayine ngezansi, ngalokhu ngiyaqinisekisa mina siqu ukuthi —

- (i) isamba semali, sesibambiso noma sento yenani ekhokhiwe noma ezokhokhwa noma ekhishwe yimina ukugcwalisa kukho konke ukubheja okwenziwe kulo mjaho ongasenhla noma kulomcimbi wokutelebheliswa kwamahashi ongasenhla kudalulwe ngeqiniso nangokuphelele kwisititimende A esingezansi; futhi
- (ii) imininingwane yokubheja kwemali okwenziwe yimi ukuvula izikweleti zami mayelana nokubheja okwenziwe kulo mjaho noma kulomcimbi wokutelebheliswa kwamahashi obalulwe ngasenhla kudalulwe ngokuphelele nangokuyiqiniso kwisititimende B esingezansi oHlelweni 2 olunanyathiselwe.

UKUSAYINA KUKABHUKHI (Uyacelwa ukuba ubhale igama lapho uma unguphathina osayinela umfelandawonye.)

[Ofungayo uvumile ukuthi uyazazi futhi uyaziqonda izinto ezibekwe kulesi siqinisekiso, esifungelwe/ esifakazelwe yilowo ofungayo phambi kwami e..... ngalolu suku ..... luka..... onyakeni ka 19.....

**IsiKhulu soMthetho/uKhomishana weziFungo\*] NjengoFakazi:**

Amagama Aphelele

[**Bhizinisi**] Ikheli lendawo yokusebenza

[**Indawo yalowo oqokiwe**] Ikheli leposi

[Isikhundla esiphethwe uma oqokiwe esengongasekho esikhundleni] Imininingwane yokuxhumana yocingo

Inombolo kaMazisi yaseNingizimu Afrika:

[\* Cisha amagama angadingekile]"

**Ukususwa koHlelo 6**

50. Uhlelo 6 lwemithethonqubo ngalokhu luyasuswa

**Ukuchitshiyelwa koHlelo 7**

51. Imithethonqubo ngalokhu iyachitshiyelwa ngokuthi kuguqulwe uHlelo 7 ngalolu Hlelo olulandelayo:

**"UHLELO 7**

**ISIFUNDAZWE SAKWAZULU-NATALI**

**I-ODINENSI YOKULAWULWA KWEMIJAHO NOKUBHEJA, 1957 (I-ODINENSI NO. 28 KA 1957)**

**(Isigaba 22)**

**ILAYISENSI KABHUKHI**

Amagama aphelele kabhukhi:

Inombolo yePasipoti noma kaMazisi waseNingizimu

Afrika:

**Faka u-x esikhaleni esifanele\* futhi gcwalisa izikhala ezifanele ezinombala:**

Le layisensi isebenza

Kuze kuphele unyaka

31 kuZibandlela

Le layisensi isebenza

Kusukela:-

kuya

Le layisensi isebenza

\* Ngalezi zinsuku:


Le Layisensi igunyaza  
Umuntu oyolisebenzisa

\* Igumbi elakhelwe ukubheja elise-


Le Layisensi igunyaza  
Umuntu oyolisebenzisa

\* Igumbi elingasebenza njengelokubheja elise-


Le Layisensi igunyaza  
Umuntu oyolisebenzisa

\* Enkundleni yemijaho enelayisensi ese-

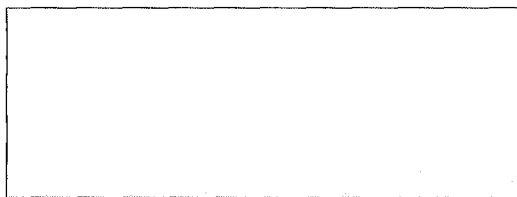

Isamba esikhokhiwe, okuvezwe irisidi yaso lapha:

R										
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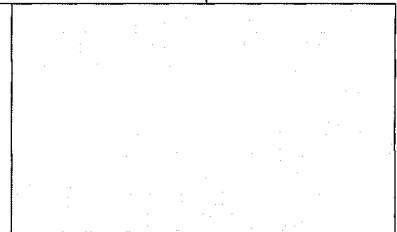
Inombolo yerisidi

Inombolo yenkomba


Kuncike kwizinhlinzeko ze-Odinensi yokuLawulwa kwemiJaho nokuBheja ka 1957 nakunoma yimiphi imibandela esebenzayo ehambisana nale layisensi njengesithasiselo noma okokweseka, umuntu obhalwe kule layisensi uyoghuba imisebenzi yobubhukhi endaweni noma ezindaweni ezigunyazwe kule layisensi, kuze kushaye usuku noma izinsuku zokugcina zokusebenza kwayo ezibalulwe kule layisensi.



**UMqondisi-Jikelele**



**Isitembu sosuku**

52. UHlelo 10 lwemithethonqubo ngalokhu luyachitshiyelwa ngokuguqulwa kwengxenywe yokuqala yesiqinisekiso esisayiniwe ngalokhu okulandelayo:

"UHLELO 10  
ISIFUNDAZWE SAKWAZULU-NATALI  
I-ODINENSI YOKULAWULWA KWEMIJAHO NOKUBHEJA, 1957 (I-ODINENSI NO. 28 KA 1957)  
[ISIFUNGO] ISIQINISEKISO KANYE NEZITATIMENDE ZIKABHUKHI NOMA ZOMININI WETHITHO OWENZA UKUBHEJA  
OKUXUBILE, MAYELANA NEZINTELA OKUMELE ZIKHOKHWE UMA KUBHEJELWA EZEMIDLALO NOMA UKUBHEJA  
KUNOMA IMUPHI OMUNYE UMCIMBI NOMA UMGIDI NANOMA IKUPHI OKUNYE UKUBHEJA NGEMALI LAPHO KUBANJWE  
KHONA IZIMALI

Kuyogcwaliswa NGAMAGAMA AMAKHULU futhi kuthunyelwe KUYIKHOPHI  
ngokwemithethonqubo 49 no 50 eyakhiwe ngaphansi kwe-Odinensi.

Amagama aphelele kabhukhi/ TAB (yase-Natali):

---

(uma kungumfelandawonye, nikeza amagama aphelele ophathina)

Igama ibhizinisi elisebenza ngalo:

---

Ikheli lendlu okubhejelwa kuyo/ lethotho:

---

Ikheli lePosi:

---

Unyaka nenyanga okuthunyelwe ngayo incwadi:

---

(mayelana nencwadi lapho kubhejelwe endili yokubheja)

#### ISIQINISEKISO

Mina bhukhi/ phathina womfelandawonye obalulwe ngasenhla futhi osayine ngezansi, noma mina, osayinele i-TAB (yaseNatali)\* ngalokhu ngiyaqinisekisa mina siqu ukuthi —

- (i) isamba semali, sesibambiso noma sento yenani ekhokhiwe noma ezokhokhwa noma ekhishwe yimina ukugcwalisa kukho konke ukubheja okwenziwe kulo mjaho ongasenhla noma kulo mcimbi wokutelebeliswa kwamahashi ongasenhla kudalulwe ngeqiniso nangokuphelele kwisititimende A esingezansi; futhi
- (ii) imininingwane yokubheja kwemali okwenziwe yimi ukuvala izikweletu zami mayelana nokubheja okwenziwe kulo mjaho noma kulomcimbi wokutelebeliswa kwamahashi obalulwe ngasenhla kudalulwe ngokuphelele nangokuyiqiniso kwisititimende B esingezansi oHlelweni 11 olunanyathiselwe.

.....  
Ukusayina kukabhukhi/ kwe-TAB (Natali)\*

**[\* Susa amagama angadingekile].**



[Ofungayo uvumile ukuthi uyazazi futhi uyaziqonda izinto ezibekwe kulesi siqinisekiso, esifungelwe/ esifakazelwe yilowo ofungayo phambi kwami e..... ngalolu suku ..... luka..... onyakeni ka [19] 20.....

**IsiKhulu soMthetho/uKhomishana weziFungo \*] Njengofakazi (amagama aphelele):**

.....  
 Ikheli [leBhizinisi] leNdawo: .....  
 .....

**[Indawo yalowo oqokiwe] Ikheli lePosi: .....**

.....

Iminingwane yocingo yokuxhumana: .....

Inombolo kaMazisi waseNingizimu Afrika: .....

**[ Isikhundla esiphethwe uma oqokiwe esengongasekho esikhundleni:.....]**

(uyacelwa ukuba ubhala igama).....

**Isihloko esifingqiwe**

51. Le Mithethonqubo ibizwa ngokuthi iMithethonqubo eChitshiyelwe yokuLawulwa kwemiJaho yamaHashi nokuBheja, 2009.





