



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

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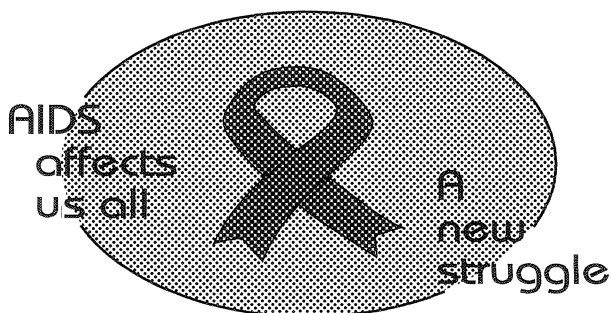
**Vol. 6**

**PIETERMARITZBURG,**

29 JUNE 2012  
29 JUNIE 2012  
29 kuNHLANGULANA 2012

**No. 770**

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**CONTENTS**

<i>No.</i>	<i>Page</i>
<b>PROVINCIAL NOTICE</b>	
64 KwaZulu-Natal Gaming and Betting Act (8/2010): KwaZulu-Natal Gaming and Betting Regulations, 2012.....	3

**INHOUD**

<i>No.</i>	<i>Bladsy</i>
<b>PROVINSIALE KENNISGEWING</b>	
64 KwaZulu-Natal Wet op Dobbelary en Weddery (8/2010): KwaZulu-Natal Regulasies op Dobbelary en Weddery, 2012.....	120

<i>No.</i>	<i>Ikhasi</i>
<b>ISAZISO SESIFUNDAZWE</b>	
64 UMthetho weMidlalo yeMali nokuBheja waKwaZulu-Natali (8/2010): Imithethonqubo yeMidlalo yeMali noKuBheja yakwaZulu-Natali, 2012 .....	219

No. 64

29 June 2012

**DEPARTMENT OF THE PREMIER  
REGULATION NOTICE**

**KWAZULU-NATAL GAMING AND BETTING REGULATIONS, 2012**

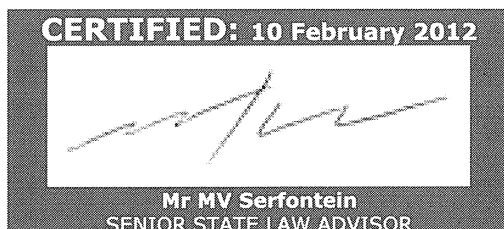
I hereby make the Regulations contained in the Schedule hereto under section 146 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010).

Given under my Hand at Pietermaritzburg on this 14th day of June, Two thousand and Twelve.

.....

**DR ZL MKHIZE**

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



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Senior State Law Advisor

2

**SCHEDULE**  
**ARRANGEMENT OF REGULATIONS**

*Regulation*

CHAPTER 1  
GENERAL

*Part 1*  
*Definitions*

1. Definitions

*Part 2*

*KwaZulu-Natal Gaming and Betting Board*

2. Board to supply certain information to responsible Member of the Executive Council
3. Board to supply certain information to Portfolio Committee
4. Remuneration of Board staff
5. Claims by Board members for remuneration and costs related to duties performed
6. Minutes of meeting open to inspection
7. Copies or extracts and fees payable
8. Oaths and solemn affirmations
9. Establishment of special funds
10. Administration of special funds
11. Power of Board to levy fine or penalty on licensee or registrant

CHAPTER 2  
PROVISIONS RELATING TO ALL APPLICATIONS, LICENCEES AND REGISTERED  
PERSONS

*Part 1*

*Provisions relating to all Applications, Licensees and Registered Persons: Applications and Investigations*

12. Applications and grant thereof
13. Invitation to submit application
14. Notice of applications received and public inspection of application
15. Representations by interested persons and response by applicant to representations
16. Police report
17. Amendment of information and obtaining or furnishing of further information

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

3

18. Recovery of investigation expenses
19. Applicant to ensure information is true and complete
20. Withdrawal of application
21. Hearing of application
22. Grounds for finding that applicant is not a fit and proper person
23. Opportunity to rectify disqualifying circumstances
24. Transfer of licence
25. Removal of business to other premises

*Part 2*

*Provisions relating to all Applications, Licensees and Registered Persons: Hearings and Issuing of Licences*

26. Proceedings at hearings
27. Record of proceedings at hearing
28. Decisions, issuing of licences or certificates of registration and renewal

*Part 3*

*Provisions relating to all Applications, Licensees and Registered Persons: Suitability of Third Parties and Junket Agents*

29. Licensee to disclose details of business contracts and agreements
30. Application for certificate of suitability by certain persons doing business with licensee
31. Financial interests in holder of certificate of suitability
32. Suspension or cancellation of certificate of suitability
33. Termination of agreement or association
34. Provisions of Part to apply to registered manufacturer, supplier or maintenance provider

*Part 4*

*Provisions relating to all Applications, Licensees and Registered Persons: Change in Financial Interests*

35. Notice of procurement of interest and application for consent
36. Determination of suitability or unsuitability of applicant
37. Principals to be disclosed

*Part 5*

*Provisions relating to all Applications, Licensees and Registered Persons: Employee Registration*

38. Special employees employed by licensees or registrants

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

4

- 39. Proof of registration on licensee's employment record
- 40. Suspension or cancellation of registration

*Part 6*

*Provisions relating to all Applications, Licensees and Registered Persons: Miscellaneous Provisions*

- 41. Licence to be prominently displayed

**CHAPTER 3  
CASINOS**

*Part 1*

*Casinos: Proposals for Casinos and Application for Licence*

- 42. Issue of request for proposal
- 43. Invitation to submit application for casino licence
- 44. Criteria for casino licensing
- 45. Application for casino licence

*Part 2*

*Casinos: Monitoring and Control Systems*

- 46. Electronic monitoring system

*Part 3*

*Casinos: Casino Games*

- 47. Types of casino games permitted to be played
- 48. Stakes and prizes for casino games other than gaming machines
- 49. Gaming machines

*Part 4*

*Casinos: Registration or Deregistration of Gaming Equipment, Gaming Machines or Games and maintenance thereof*

- 50. Gaming equipment, gaming machines and games to comply with SABS or Board standard
- 51. Possession of gaming equipment, gaming machines or games
- 52. Operation of and maintenance of gaming equipment and gaming machines
- 53. Records to be kept by licensee

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

5

*Part 5*

*Casinos: Chips, Plaques, Tokens, Integrated Circuit Cards, or Face Value Instruments*

- 54. Explanatory provisions
- 55. Other face value instruments
- 56. Procedures on receipt of chips, plaques or tokens from manufacturer or distributor
- 57. Inventory register of chips, plaques or tokens
- 58. Record of movement of chips, plaques or tokens

*Part 6*

*Casinos: Underage Exposure to Gambling*

- 59. Underage gambling or exposure thereto not permitted

*Part 7*

*Casinos: Cash Transactions*

- 60. Certain transactions prohibited

*Part 8*

*Casinos: Internal Controls*

- 61. Internal controls
- 62. Minimum operational and internal control standards for casino licensee
- 63. Minimum internal controls
- 64. Internal control system approved by Board
- 65. Amendment of existing system of internal control

*Part 9*

*Casinos: Accounting Records and Returns*

- 66. Accounting records
- 67. Audited financial statements
- 68. Other records

*Part 10*

*Casinos: Surveillance and Security*

- 69. Compliance with provisions of Part
- 70. General requirements for surveillance systems
- 71. Surveillance systems in count rooms and casino cage
- 72. Surveillance systems at table games and card rooms
- 73. Surveillance systems for gaming machines

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

6

- 74. Surveillance systems for casino security offices
- 75. Malfunction of casino surveillance system equipment
- 76. Surveillance system recording requirements
- 77. Approval of and alterations to surveillance system plans

## CHAPTER 4 GAMING EQUIPMENT

### *Part 1*

#### *Gaming Equipment: Registration of Persons contemplated by section 66 of Act*

- 78. Application for registration as manufacturer, supplier or maintenance provider
- 79. Form of and making of application
- 80. Conditions of registration
- 81. Authorised activities specified as condition of registration

### *Part 2*

#### *Gaming Equipment: Registration of Gaming Equipment*

- 82. Gaming equipment to comply with SABS standards and registered by Board
- 83. Certification and approval by SABS
- 84. Alterations and modifications prohibited
- 85. Suspension of approval and registration

### *Part 3*

#### *Gaming Equipment: Training of Service or Manufacturing Employees*

- 86. Training programmes for service or manufacturing employees
- 87. Registration certificate available for inspection

### *Part 4*

#### *Gaming Equipment: Records and Returns Required by Manufacturers, Suppliers and Maintenance Providers*

- 88. Accounting records
- 89. Distribution records
- 90. Maintenance and repair records
- 91. Stock records
- 92. Other records



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

7

93. Returns to be rendered

## CHAPTER 5 LIMITED PAYOUT MACHINES

### *Part 1*

#### *Limited Payout Machines: Limitations*

- 94. Limited payout machines and games to comply with SABS standard
- 95. Prescribed maximum stake
- 96. Prescribed maximum prize
- 97. Prizes to be displayed
- 98. Return to player
- 99. Limited payout machine to communicate with approved monitoring and control system

### *Part 2*

#### *Limited Payout Machines: Registration*

- 100. Possession of limited payout machines, games and associated equipment
- 101. Operation of and maintenance of limited payout machines
- 102. Records kept of limited payout machines, games and associated equipment

## CHAPTER 6 SITE OPERATORS

### *Part 1*

#### *Site Operators: Provisions Common to Site Operators*

- 103. Activities authorised by site operator licence
- 104. Types of site operators

### *Part 2*

#### *Site Operators: Type "A" Site Operator Licence*

- 105. Application for type "A" site operator licence
- 106. Grounds for refusal of type "A" site operator licence
- 107. Maximum number of limited payout machines
- 108. Minimum standards for premises
- 109. Restriction on advertising

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

8

*Part 3*

*Site Operators: Type "B" Site Operator Licence*

- 110. Application for type "B" site operator licence
- 111. Grounds for refusal of type "B" site operator licence
- 112. Maximum number of limited payout machines
- 113. Minimum standards for premises
- 114. Restriction on advertising
- 115. Grant of licence where premises being converted

*Part 4*

*Site Operators: Miscellaneous*

- 116. Limited payout machines and gaming equipment not altered, maintained or repaired by licensee

CHAPTER 7  
ROUTE OPERATORS AND INDEPENDENT SITE OPERATORS

*Part 1*

*Route Operators and Independent Site Operators: Prescribed Activities and Operating Limitations*

- 117. Prescribed activities of route operator
- 118. Prescribed activities of independent site operator
- 119. Maximum number of limited payout machines per route operator licence
- 120. Application for route operator licence or independent site operator licence
- 121. Written agreement between route operator and site operator

*Part 2*

*Route Operators and Independent Site Operators: Monitoring and Control Systems*

- 122. Electronic monitoring system

*Part 3*

*Route Operators and Independent Site Operators: Internal Controls*

- 123. Minimum operational and internal control standards for route operator and independent site operator
- 124. Minimum internal controls
- 125. Internal control system approved by Board
- 126. Amendment of existing system of internal control

<b>CERTIFIED:</b> 10 February 2012
Senior State Law Advisor

9

*Part 4**Route Operators and Independent Site Operators: Accounting Records and Returns*

- 127. Accounting records
- 128. Audited financial statements
- 129. Other records

*Part 5**Route Operators and Independent Site Operators: Miscellaneous*

- 130. Lodging of security

**CHAPTER 8  
BINGO***Part 1**Bingo: Activities Authorised by Licence and Applications*

- 131. Activities authorised by bingo licence
- 132. Application for bingo licence
- 133. Minimum standards for bingo hall
- 134. Grounds for refusal of bingo licence

*Part 2**Bingo: Stakes, Prizes and Maximum Number of Electronic Bingo Terminals*

- 135. Stakes or participation fees in respect of bingo
- 136. Prizes in respect of bingo
- 137. Maximum number of electronic bingo terminals

*Part 3**Bingo: Registration, Deregistration and Maintenance of Bingo Equipment, Games and Associated Equipment*

- 138. Bingo and associated equipment to comply with SABS or Board standard
- 139. Application for registration, deregistration or renewal of bingo and associated equipment
- 140. Operation and maintenance of registered bingo equipment and associated equipment
- 141. Records kept by bingo licensee
- 142. Equipment to communicate with approved monitoring system

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

10

*Part 4*

*Bingo: Internal Controls*

- 143. Minimum operational and internal control standards
- 144. Minimum internal controls
- 145. Internal control system approved by Board
- 146. Amendment of existing system of internal control

*Part 5*

*Bingo: Accounting Records and Returns*

- 147. Accounting records
- 148. Audited financial statements
- 149. Other records
- 150. Returns rendered

*Part 6*

*Bingo: Miscellaneous*

- 151. Lodging of security

CHAPTER 9  
AMUSEMENT MACHINES

*Part 1*

*Amusement Machines: Regulation of Amusement Machines*

- 152. Regulations not apply to certain persons
- 153. Acquisition of amusement machine
- 154. Restrictions on keeping and making amusement machine available
- 155. Application for registration of amusement machine
- 156. Amusement machine to carry registration number
- 157. Amusement machine kept and made available at place specified in registration certificate
- 158. Amendment of registration or authority to keep and make amusement machine available
- 159. Board's power to grant or refuse application
- 160. Registration certificate and authority prominently displayed

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

11

CHAPTER 10  
BETTING

*Part 1*

*Betting: Application for Bookmaker's Licence*

- 161. Sale of bookmaking right by Board
- 162. Application for, transfer of ownership and renewal of bookmaker's licence

*Part 2*

*Betting: Miscellaneous Matters Relating to Bookmakers*

- 163. Betting room premises
- 164. Relocation of bookmaking business to other premises and alteration of betting room premises
- 165. Security by bookmakers for betting liabilities
- 166. Betting disputes
- 167. Unsettled bets
- 168. Control of partnerships that operate bookmaking businesses
- 169. Defaulting bettor
- 170. Security for tax
- 171. Approval procedure: Other events and contingencies
- 172. Persons not allowed to bet: Horse races, sporting events and other events and contingencies
- 173. List of bookmakers submitted by racecourse operator

*Part 3*

*Betting: Miscellaneous Matters Relating to Totalisators*

- 174. Totalisator betting system
- 175. Computerised back-ups of data and records
- 176. Totalisator rules and betting disputes
- 177. Relationship between totalisator licensee and totalisator operator, totalisator manager or totalisator agent

CHAPTER 11  
MISCELLANEOUS

*Part 1*

*Miscellaneous: Serving of Notices*

- 178. Method for serving of notice

<b>CERTIFIED:</b> 10 February 2012
------------------------------------

Senior State Law Advisor
--------------------------

12

*Part 2**Miscellaneous: Cheating and Fraudulent Acts*

- 179. Use of certain devices prohibited
- 180. Fraudulent acts
- 181. Unlawful use of coins, counterfeit chips, plaques and tokens
- 182. Detention and questioning of person suspected of contravention
- 183. Seizure of objects or devices

*Part 3**Miscellaneous: Appeals*

- 184. Appeal against decision of committee, delegatee or Chief Executive Officer
- 185. Appeal against decision of Board

*Part 4**Miscellaneous: Due date for Tax and Tax Statements*

- 186. Due date for payment of tax and lodging of tax statements

*Part 5**Miscellaneous: Credit Extension*

- 187. Credit extension

## CHAPTER 12

## REPEAL OF REGULATIONS AND SHORT TITLE

*Part 1**Repeal of regulations*

- 188. Repeal of regulations

*Part 2**Short title*

- 189. Short title

## CHAPTER 1

## GENERAL

*Part 1**General: Definitions***Definitions**

1. In these Regulations, “the Act” means the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it, and, unless the context otherwise indicates –

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13

**"amusement machine"** means a machine, apparatus or device that –

- (a) is played without any reward being delivered, either directly, indirectly or by way of entitlement, to the person playing such machine, apparatus or device; or
- (b) delivers to the person as a reward for successfully playing or operating or playing and operating the machine, apparatus or device, either directly, indirectly or by way of entitlement, a prize: Provided that such prize must not be wholly or partially in the form of cash, tokens, credit or any negotiable instrument, but must instead be limited to non-cash prizes with a retail value not exceeding the amount prescribed in terms of section 47 of the National Gambling Act;

**"cash"** means coin or currency which is customarily used and accepted as legal tender in the issuing nation;

**"chip"** means a representation of monetary value issued and sold by a licensee for use at the licensee's licensed premises and is redeemable for cash;

**"credit instrument"** means a document, signed by a patron, recording the value of gaming chips advanced to such patron for use in gambling against a predetermined cheque cashing facility extended to such patron by a casino, secured by a cheque or other negotiable instrument signed by the patron and issued in favour of the casino;

**"defaulter"** means –

- (a) a bookmaker who fails to comply with an order by the Board, in terms of regulation 169, to settle a valid claim against such bookmaker in respect of a bet which he or she has failed to settle;
- (b) a bookmaker who is adjudged by the Board to be unable to pay any of his or her debts in respect of bets made by him or her and which are due and payable;
- (c) a bettor who is adjudged by the Board to have failed to pay a bookmaker any

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14

amount due in respect of a bet made by him or her with such bookmaker; or  
(d) a person who has been warned off by the National Horse Racing Authority;

**"designated officials"** means those officials of the Department who are so designated by the responsible Member of the Executive Council and who are responsible, in the Department, for matters relating to the Board and for gaming and betting matters generally;

**"drop"** means, in the case of –

- (a) a table game, the total amount of cash, chips, tokens, plaques and credit markers in the drop box; or
- (b) a gaming machine, the total amount of –
  - (i) cash or tokens required to be in the drop box or drop bucket of such machine according to the meters monitoring such machine; or
  - (ii) all amounts electronically downloaded by players from smart cards or smart devices to the credit meter of such machine and played by such players;

**"drop box" or "drop bucket"** means, in the case of –

- (a) a table game, a locked container permanently marked with the game, shift and a number corresponding to the permanent number on a gaming table, into which must be placed all currency or credit instruments which are exchanged at such gaming table for chips, plaques or tokens and all documents pertaining to transactions at the table; or
- (b) a gaming machine, a container in a locked part of the machine or its cabinet into which cash or tokens are collected and which are not used by the machine for making automatic payouts;

**"face value instrument"** means –

- (a) a cheque, promissory note, bill of exchange, security, or any document or thing representing money; and
- (b) items, including but not limited to tokens, plaques and chips issued –
  - (i) to a patron by a licensee for use in gambling, on the face of which their



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------------------------------------

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--------------------------

15

monetary value is reflected; or

(ii) against payment by such patron to the licensee of the face value thereof.

**"fill"** means, in the case of –

(a) a table game, the issue of additional chips, plaques or tokens to the gaming table; or

(b) a gaming machine, the issue of cash or tokens to the hopper of the gaming machine;

**"gaming table"** means a table in a casino on which certain casino games are played;

**"Head of Department"** means the person appointed in terms of the Public Service Act, 1994, as the administrative head of that department of the Provincial Government of KwaZulu-Natal to which the administration and implementation of the Act has been assigned;

**"hopper"** means a component of a gaming machine which is designed to hold the coins or tokens that are immediately available for payouts and which dispenses such coins or tokens into the coin tray when a player activates the payout function of the device;

**"integrated circuit card"** means a device which is similar in shape and dimensions to a credit card, which is used to electronically store monetary value, for use by a customer of a gambling operator to enter into gambling transactions with such gambling operator, by activating automated gambling devices;

**"junket"** means a visit or an excursion arranged by a junket agent to a casino by one or more persons who receive complimentary services such as transport, food and lodging as an inducement to participate in gambling;

**"junket agent"** means any person who, in conjunction with the holder of a casino licence, plans or organises a junket, for commission, for a share in gambling profits or for any other consideration;

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16

**"KwaZulu-Natal Gaming and Betting Tax Act"** means the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010);

**"manufacturer, maintenance provider or supplier"** means a person contemplated by section 66 of the Act;

**"pari-mutuel bet"** means a bet taken in accordance with the system of betting contemplated in the definition of "totalisator" in section 1 of the Act;

**"pay line"** means a line of a predetermined configuration intersecting each of the actual or virtual reels of a gaming machine and depicting a winning combination;

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

**"secondary betting room premises"** means the residential premises at which a natural person, bookmaker, or a bookmaker's manager nominated by a bookmaking business, ordinarily resides, which premises are not open to the public and where authorised activities relating to bookmaking take place;

**"site"** means premises licensed for the placement of one or more limited payout machines under authority of a site operator licence or an independent site operator licence;

**"theoretical return to player percentage"** means the theoretical ratio, expressed as a percentage, of all amounts won to all amounts staked in respect of a particular gambling game or device over a stipulated period of time;

**"token"** means –

- (i) when used in a gaming machine, a physical representation of value, redeemable for cash, and issued and sold by a licensee for use in gaming

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17

machines, table games or counter games on the licensed premises; and

(ii) when used in an amusement machine, a coin or similar object having no face value, sold by an amusement machine operator for use in amusement machines;

**"totalisator betting system"** means the software programmes, firmware and computer hardware and other equipment which comprise the system by which a totalisator licensee captures the details of bets struck on the totalisator, issues betting slips to bettors, calculates the amounts won by bettors and calculates the taxes due from the betting transactions entered into through the totalisator; and

**"totalisator vending machine"** means a device which is part of the totalisator betting system, which is capable of automatically receiving stake money for bets and of printing a betting slip and which can be operated by a bettor, thus enabling the bettor to directly strike a bet on the totalisator by personally operating such device.

## *Part 2*

### *General: Kwazulu-Natal Gaming and Betting Board*

#### **Board to supply certain information to responsible Member of Executive Council**

2.(1) The Board must submit to the responsible Member of the Executive Council, by 1 July in each year, draft proposed strategic objectives, outcomes, performance indicators and performance measures, for approval by the responsible Member of the Executive Council.

(2) The Board must submit to the responsible Member of the Executive Council, by 1 September in each year, a draft corporate strategic plan covering a period of three years beginning on 1 April of the following year and must include strategic objectives, outcomes, performance indicators and performance measures, as previously approved by the responsible Member of the Executive Council.

(3) The Board's strategic objectives, outcomes, performance indicators and performance measures must be based upon the Board's objects, powers and functions, as contained in sections 6 and 7 of the Act and must include the promotion of tourism, employment, economic and social development.

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18

### **Board to supply certain information to Portfolio Committee**

3.(1) The Board must provide a report to the Portfolio Committee in terms of section 7(1)(s) of the Act, on a quarterly basis, which report must contain the following minimum information –

- (a) information regarding all invitations issued by the Board to apply for licences or registrations under the Act, during the previous quarter;
- (b) information regarding all applications made for licences or registrations under the Act, during the previous quarter;
- (c) information regarding all licences or registrations issued under the Act, during the previous quarter, including copies of the conditions under which each licence was issued;
- (d) information regarding identification of non-compliance with the Act or the National Gambling Act, 2004 on the part of licensees, registrants and other persons, including actions taken or proposed to be taken regarding the incidents of non-compliance;
- (e) information regarding applications made by licensees or registrants under the Act for amendments to be made to conditions of licence or registration;
- (f) information regarding the progress of transformation in the horse racing and betting industries in the Province;
- (g) a detailed breakdown of all fees, taxes and levies collected during the previous quarter; and
- (h) information regarding progress made, through the activities of the Board, towards the promotion of tourism, employment and economic and social development in the Province and including the fulfillment of conditions of licence, actions taken, or projects managed by licensees and registrants, which contribute towards the promotion of tourism, employment and economic and social development in the Province.

(2) The Board must provide the responsible Member of the Executive Council with a copy of the report contemplated in subregulation (1).

### **Remuneration of Board staff**

4.(1) When the Board consults the responsible Member of the Executive Council in terms of section 27(4) of the Act, the Board must provide the following documentation and information in

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Senior State Law Advisor

19

order to enable the responsible Member of the Executive Council to consult effectively –

- (a) a document depicting only those posts in the organisational structure of the Board that have previously been determined in terms of section 27(4) of the Act and depicting the remuneration, the conditions of service, the pension and the retirement benefits applicable to each post;
- (b) a document depicting both actual and proposed posts in the organisational structure of the Board and depicting the proposed remuneration, the proposed conditions of service and the proposed pension and retirement benefits applicable to each actual or proposed post;
- (c) a document detailing the job description of each actual or proposed post in the organisational structure of the Board, in the following format –
  - (i) a summary of job details, including, as a minimum, the job title, organisational and geographical location of the post;
  - (ii) the job purpose, including an accurate, short statement about the overall purpose or reason for the existence of the post;
  - (iii) a description of the objectives of the job, including the goals that must be achieved to fulfil the overall purpose of the job and clearly demonstrating the level of work which the job entails, including, *inter alia*, management and supervisory responsibilities, where applicable; and
  - (iv) the competencies that an employee needs in order to carry out the job;
- (d) an indication of the total cost to the Board of the organisational structure of the Board contemplated in subparagraph (a);
- (e) an indication of the total cost to the Board of the organisational structure of the Board contemplated in subparagraph (b);
- (f) motivation for the creation of each proposed post in the organisational structure of the Board; and
- (g) where the conditions of service of the Chief Executive Officer and the other members of staff of the Board are completely uniform, these conditions of service should be set out in a separate document, or as an annexure to the document contemplated in subparagraphs (a) and (b).

(2) Where the Board acts in terms of section 27(4) of the Act for the first time, it must submit a document depicting only the filled posts in the organisational structures of the former KwaZulu-Natal Gambling Board and the former KwaZulu-Natal Bookmakers Control Committee and

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Senior State Law Advisor

20

depicting the remuneration, the conditions of service, the pension and the retirement benefits applicable to each post.

(3) The Chief Executive Officer may only employ a person in terms of section 25(1) of the Act if he or she appoints that person to fill a post for which the remuneration, conditions of service, pension and retirement benefits have been determined in terms of section 27(4) of the Act.

### **Claims by Board members for remuneration and costs related to duties performed**

5.(1) The responsible Member of the Executive Council must ensure that a policy is issued to the Board in respect of the claims made by Board members for the remuneration and allowances approved in terms of section 17 of the Act.

(2) A claim made by a Board member in respect of work performed as an individual, on a task assigned to that individual member by the Board, must be supported by a clear and valid resolution of the Board, assigning such task to that individual member: Provided that such resolution must clearly describe the nature and scope of the task and must be captured in the minutes of the Board.

(3) Board members may not claim for work performed on own initiative and *ex-post-facto* approval by the Board of such work does not validate the claim.

(4) Claims made by Board members for remuneration and allowances must be countersigned by a designated official, prior to any payment in respect of the claim being paid to the Board member.

(5) Board members are only entitled to remuneration and allowances paid in terms of the policy contemplated in subregulation (1) and may not receive remuneration from the Board –

(a) as consultants to the Board; or

(b) in terms of any contract for goods or services entered into between the Board member or any entity in which he or she has an interest, and the Board.

(6) A Board member may not a claim for travel undertaken outside of the borders of South Africa, unless the responsible Member of the Executive Council has given that Board member prior

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

21

written approval to undertake such travel.

### **Minutes of meetings open to inspection**

6.(1) Subject to the provisions of sections 16(6) and 34(2) of the Act, the minutes of meetings of the Board and of any committee of the Board must be filed in a minute book and such minute book must be open to public inspection at the offices of the Board, during normal office hours of the Board.

(2) Within 45 days of any meeting of the Board or of any committee of the Board, the minutes of such meeting must be confirmed and must be filed in the minute book contemplated in subregulation (1).

(3) At least one copy of the minute book contemplated in subregulation (1) must be kept in a secure place, away from the area in which the original minute book is made available for public inspection.

### **Copies or extracts and fees payable**

7. The Chief Executive Officer must, subject to sections 16(6) and 34(2) of the Act, make a copy of or an extract from the minutes of meetings of the Board or of any committee of the Board available to any person requesting such copy or extract, upon payment of the amount specified in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000): Provided that no charge may be levied for provision to a requester of an electronic version of, or extract from an existing electronic document in possession of the Board.

### **Oaths and solemn affirmations**

8. When being appointed to the Board a member of the Board and the Chief Executive Officer must take the following oath or affirmation –

*"I, (full names), do hereby swear/solemnly affirm to, at all times, promote the objects of the Board, not to divulge directly or indirectly any matters which are entrusted to me in secrecy, to hold my office with honour and dignity and to perform my duties of my office*

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

22

*conscientiously and to the best of my ability, without fear, favour or prejudice, in accordance with the principles embodied in the Act”.*

### **Establishment of special funds**

9. When the Board wishes to establish a special fund as contemplated in section 28 of the Act, it must submit a full proposal containing details of the purpose and objects of such fund to the Executive Council for authorisation.

### **Administration of special funds**

10.(1) The Board must open a separate banking account for each special fund it administers.

(2) All monies accruing to a special fund must immediately be paid into the relevant banking account.

(3) The assets of a special fund must, subject to the prior approval of the responsible Member of the Executive Council, be utilised for the purposes of such fund or for such other purposes not in conflict with the overall purposes of the fund as the responsible Member of the Executive Council may direct.

(4) Any money standing to the credit of the fund and available for investment must be invested for the benefit of the fund by the Board: Provided that the investment is not of a speculative nature.

### **Power of Board to levy fine or penalty on licensee or registrant**

11. The maximum fine or penalty that the Board may levy on a licensee or registrant is R2 million: Provided that the Board may not levy a fine or penalty that exceeds double the amount of the fee, tax or levy or part thereof, in respect of the failure to pay any fee, tax or levy or part thereof, by the due date.



**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

23  
CHAPTER 2  
PROVISIONS RELATING TO ALL APPLICATIONS, LICENSEES AND REGISTERED  
PERSONS

*Part 1*

*Provisions relating to all Applications, Licensees and Registered Persons: Applications and Investigations*

**Applications and grant thereof**

12.(1) Any licence, registration, certificate of suitability, authorisation, consent or approval granted by the Board must be subject to any licensing norms and standards prescribed in the National Gambling Act.

(2) Any licence, registration, certificate of suitability, authorisation, consent or approval granted by the Board is revocable, contingent upon continuous suitability for licensing, registration, authorisation, consent or approval and, without limiting the Board's right to conduct an investigation, the Board has the right to call, at any time, for any information it deems necessary to satisfy itself as to such continuous suitability, which information must be submitted to the Board within 14 days of the Board's request for such information, or within such longer period as the Board may allow.

(3) Any person applying for a licence, registration, certificate of suitability, authorisation or consent is required to satisfy the Board that such person is not disqualified from being granted such licence, registration, certificate, authorisation or consent.

**Invitation to submit application**

13.(1) The Board may invite persons to apply for any licence, any registration, certificate of suitability, authorisation, consent or approval as contemplated in the Act.

(2) Whenever the Board invites persons to apply for a licence, the Chief Executive Officer must cause a notice inviting applications to be published in the *Gazette* and in at least two newspapers circulating in the province: Provided that this will not apply in the case of an application for a casino licence, which must be dealt with in the manner contemplated in Part 3 of this Chapter.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

24

(3) Where the Board invites an application for registration, certificate of suitability, authorisation, consent or approval, in circumstances in which the absence of publicity may detrimentally affect potential applicants, the Board must take steps it deems fit to publicise such invitation.

(4) The notice inviting applications contemplated in subregulation (2) –

(a) must specify the address at which the relevant application forms may be obtained and, where applicable, the closing date by which applications must be submitted to the Board; and

(b) may indicate –

(i) the type and number of licences to be issued;

(ii) the area to which the licence will relate;

(iii) the nature of the criteria to be applied in the evaluation of the application;

(iv) any requirements with which the applicant must comply, including the furnishing of fingerprints; and

(v) any other particulars or any documents which the Board may, in its discretion, call for.

(5) Any person responding to an invitation as contemplated in this regulation, must submit an application in the form prescribed by the Board in its rules.

(6) An application must be accompanied by the relevant application fee and any plans, documents, approvals and information as may be required by the Board.

(7) An application which is received after the closing date may not be considered by the Board.

(8) A person wishing to apply for a licence in respect of which no invitation as has been issued, may submit, to the Board, a written expression of interest in making an application for such licence, in such manner and format as the Board may determine: Provided that when such an expression of interest is received by the Board, the Board must immediately thereafter resolve whether or not it will issue an invitation as contemplated in subregulation (2), whereupon –

(a) if it resolves to issue an invitation, it must issue such invitation within two months of the date of such resolution; or

(b) if it resolves not to issue such invitation, it must communicate such resolution to the person who submitted the expression of interest, together with reasons thereof, within

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

25

two weeks of the date of such resolution.

(9) A person wishing to apply for –

- (a) any form of registration contemplated in the Act;
- (b) a certificate of suitability; or
- (c) authorisation, consent or approval contemplated in the Act,

in respect of which no invitation to apply has been issued by the Board, may apply to the Board as the need arises and must make such application in the manner prescribed by the Board in its rules.

#### **Notice of applications received and public inspection of application**

14.(1) Where an applicant applies for –

- (a) any licence, other than a casino licence; or
- (b) registration as a –
  - (i) manufacturer;
  - (ii) supplier;
  - (iii) maintenance provider;
  - (iv) totalisator operator;
  - (v) totalisator manager;
  - (vi) totalisator agent; or
  - (vii) bookmaker's manager,

the Chief Executive Officer must publish a notice of applications received by the Board, in the Gazette and in at least two newspapers circulating in the Province.

(2) The notice contemplated in subregulation (1), must be made within 14 days of the closing date specified in the notice contemplated by regulation 13(4)(a), or where no date is so specified, by a date determined by the Board.

(3) The notice of applications received must –

- (a) contain a list of the names of all persons who have submitted applications in response to the invitation referred to in regulation 13, or where the application is not in response to such invitation, the names of all persons who are party to the application concerned;

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

26

- (b) contain the material particulars of each application;
- (c) indicate that the applications will be open to public inspection, for a period to be specified in the notice, which period must commence from the date of the said notice, subject to any confidential information not being made available for public inspection in accordance with the provisions of section 30(5) and section 34(2) of the Act; and
- (d) invite interested persons to –
  - (i) lodge, in accordance with the provisions of regulation 17, their written representations in regard to any or all of the applications concerned, with the Chief Executive Officer, by the closing date for public inspection contemplated in paragraph (c) hereof; and
  - (ii) indicate, in any written representations, whether or not they wish to make oral representations, in accordance with the provisions of section 37 of the Act, when the Board hears the application.

(4) All applications for casino licences must be dealt with in the manner contemplated in Chapter 3 of these regulations.

#### **Representations by interested persons and response by applicant to representations**

15.(1) Any interested person who wishes to make representations in regard to an application submitted to the Board, must do so in writing by the date determined by the Chief Executive Officer as contemplated in regulation 14(2)(d)(i).

- (2) The representations must contain at least the following information –
- (a) the name of the applicant to which the representations relate;
  - (b) the grounds on which representations are made;
  - (c) the name, address and telephone number of the person submitting the representations; and
  - (d) whether or not the person making the representations wishes to make oral representations when the Board hears the application in accordance with the provisions of section 37 of the Act.

(3) Any representations not containing the information required by subregulation (2) are of no force or effect and must be deemed not to have been lodged with the Board.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

27

(4) A person making representations must show cause why the Board should rule, in terms of section 34(3) of the Act, that his or her identity should not be divulged.

(5) Within 14 days after receipt of any representations, the Chief Executive Officer must, subject to section 34(3) of the Act, send by personal delivery, registered mail or facsimile transmission, a copy of such representations to the applicant concerned.

(6) The applicant must furnish any response to the representations within 14 days of the date on which the representations are referred to him or her: Provided that the Board may extend such date on the applicant showing good cause for such extension.

(7) Any representations, responses thereto or any amended or further information lodged with the Board must, subject to the provisions of section 30(1) and section 34(2) and (3) of the Act, be open to public inspection by interested persons during the normal office hours of the Board for such period as the Board may determine.

#### **Police report**

16. The Chief Executive Officer must, on receipt of an application for a licence, request the South African Police Service for a report on –

- (a) convictions, whether in the Republic or elsewhere, recorded against the applicant and any other person who will be involved in the business to which the application relates;
- (b) other matters which, in the opinion of the South African Police Service, ought to be taken into consideration by the Board in respect of the application concerned; and
- (c) any other matter which the Board deems necessary.

#### **Amendment of information and obtaining or furnishing of further information**

17.(1) An applicant may, with the approval of the Board, amend an application in any respect at any time prior to final action by the Board.

(2) The Board may, by notice in writing, require any applicant for registration or any person

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

28

associated with such applicant, to provide such additional information as the Board may require, in order to enable it to consider the application.

(3) Whenever the Board requests further information from an applicant for a licence in accordance with the provisions of section 36 of the Act or from an applicant for registration in accordance with the provisions of subregulation (2), it must specify a date by which such additional information should reach the Board.

(4) Failure to furnish the additional information by the date so specified constitutes possible grounds for refusal of the application by the Board.

#### **Recovery of investigation expenses**

**18.(1)** For the purposes of this regulation "an applicant" means an applicant for –

- (a) a licence;
- (b) the amendment, substitution or rescission of a condition attached to a licence;
- (c) the transfer of a licence;
- (d) the removal of his or her business from the premises specified in the licence to other premises;
- (e) any registration or authority required under Chapter 13, 14, 15 or 16 of the Act; or
- (f) approval of a computerised record keeping system.

(2) Prior to the commencement of an investigation into an applicant, the Board or the Board's licensing investigations consultant, must prepare an estimate of such reasonable expenses that will necessarily be incurred to carry out the investigation and must obtain advance payment of a deposit from the applicant as it may determine.

(3) The deposit referred to in subregulation (2) must be paid by the applicant into the Board's bank account, as contemplated in section 27(3)(a) of the Act.

(4) The Board, or the Board's licensing investigations consultant, may, whenever necessary at any stage during an investigation, require an applicant to pay an additional deposit towards the investigation fees and costs as a condition precedent to the continuation of the investigation.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

29

(5) Within 30 days of completion of an investigation, the Board, or the Board's licensing investigations consultant, must furnish the applicant concerned with a detailed account of the investigation fees and costs incurred, which must be offset against the deposit and any additional deposit paid by the applicant, and any monies to the credit of the applicant must be refunded to the applicant after the Board has issued its written decision on the application.

(6) The Board may not issue its written decision in respect of any application unless all investigation fees and costs have been paid in full.

(7) Upon the withdrawal of an application, as contemplated in regulation 20, the Board, or the Board's licensing investigations consultant, must refund to the applicant the investigation fee or any remaining balance thereof, at the time that the Board accepts the withdrawal.

#### **Applicant to ensure information is true and complete**

19.(1) An applicant must ensure that all information in an application is true and complete prior to the date on which the Board considers it or issues its written decision in respect of such application.

(2) Should anything stated in an application change after it has been lodged with the Board, prior to the application being considered and prior to the Board's written decision on the application being issued, the applicant must immediately notify the Board in writing of any material changes and of the effect thereof on the application.

(3) Upon receipt of the notice contemplated in subregulation (2) the Board may require the Chief Executive Officer to repeat the procedures as contemplated in regulation 14.

#### **Withdrawal of application**

20.(1) An applicant may request the Board, in writing, to withdraw the application at any time prior to a decision being made by the Board in respect of the application.

(2) The Board may, in its discretion, grant the request, in which event any investigation into the

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

30

applicant concerned, which is in progress, must cease, whereupon the provisions of regulation 28 will apply with the necessary changes, as if the investigation had been completed.

### **Hearing of application**

**21(1)** The Board must, in respect of every application, hold a hearing in the manner contemplated in section 37 of the Act, not later than –

- (a) 30 days after the completion of the investigation contemplated in section 35 of the Act; or
- (b) where an applicant is required to furnish a response to representations in accordance with regulation 15(6), 30 days after the date by which the applicant is required to furnish such representations.

(2) The Board may, not later than 30 days after the completion of the investigation contemplated in section 35 of the Act, hold a Board hearing, in respect of any application for registration as a manufacturer, supplier or maintenance provider.

(3) A hearing, as contemplated in subregulation (2), is not open to the public.

### **Grounds for finding applicant not a fit and proper person**

**22.** The Board may, where the applicant, in an application to the Board –

- (a) makes any false statement of material fact, knowing it to be false;
- (b) omits to state any material fact which is required to be stated therein; or
- (c) omits to state a material fact, which by its omission, is misleading,

find an applicant is not a fit and proper person in terms of section 32(1)(l) of the Act.

### **Opportunity to rectify disqualifying circumstances**

**23.(1)** An applicant who is subject to any disqualification in terms of the Act must, prior to the Board deciding on the application, be granted a reasonable period not exceeding 60 days, as determined by the Board, to rectify the disqualifying circumstances.



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

31

(2) If the Board determines that the applicant is not able to rectify the disqualifying circumstances, it may not grant the applicant an opportunity to rectify the disqualifying circumstances.

### **Transfer of licence**

**24.(1)** Whenever a licensee wishes to transfer a licence to another person, he or she must address a letter of application to the Board.

(2) The provisions of this Part, excluding regulation 13, apply with the necessary changes to an application to transfer a licence to another person.

### **Removal of business to other premises**

**25.(1)** When a licensee or registrant who wishes to move a business licensed or registered under the Act, from the premises specified in the licence or certificate of registration, to other premises, such licensee or registrant must apply to the Board, in writing, for permission to move the business to other premises.

(2) The Board may grant the application with or without conditions: Provided that it may not grant an application –

- (a) to move the business to premises outside the area determined by the Board, in respect of that business; or
- (b) in the case of a casino, for removal of the casino to premises which fall outside the zone or area in which the casino is required to be located in terms of a directive issued by the responsible Member of the Executive Council in terms of section 47(1)(b) of the Act.

### *Part 2*

### *Provisions relating to all Applicants, Licensees and Registered Persons: Hearings and Issuing of Licenses*

### **Proceedings at hearings**

**26.(1)** The proceedings at a hearing must, in so far as they have not been prescribed in the Act,

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

32

be determined by the Board or by the person presiding at the hearing: Provided that all proceedings at a hearing must at all times comply with the rules of natural justice.

(2) The Board or the person presiding at a hearing may direct the aspects to be covered in oral presentations by a person afforded the opportunity to be heard at such hearing and may set time limits for such oral presentations.

### **Record of proceedings at hearing**

27.(1) The Board or presiding officer must cause minutes to be kept of proceedings at any hearing.

(2) Oral proceedings must be recorded in such manner as to adequately ensure the preservation thereof and must be retained by the Board for a period of at least three years after the Board issues its written decision on an application or any other period necessary to finalise an appeal, other legal proceeding or required by any other law.

(3) Oral proceedings must be transcribed on request by any party upon payment of a fee of the amount specified in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

### **Decisions, issuing of licences or certificates of registration and renewal**

28.(1) The Board or a committee must issue its written decision on all applications considered by it, including the reasons for its decision.

(2) A decision of the Board or a committee becomes effective upon serving of notice of such decision.

(3) Where the Board or a committee approves an application for a licence or registration, the licensee or registrant must, within 30 days of having been served notice of the Board's decision on the application, pay to the Board the fee prescribed in Schedule 2 to the Act, against the issue of the licence or registration certificate.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

33

(4) Upon receipt of the fee contemplated in subregulation (5) and upon compliance by the applicant with any other requirements of the Act, the Board must issue the licence or registration certificate forthwith.

(5) Unless the Act provides that a licence or registration expires on 31 December, every licensee or registrant must, no earlier than 1 January and no later than 1 February of every year, make application for renewal of the licence or registration on 1 April of that year and must simultaneously pay to the Board the fee prescribed in Schedule 2 to the Act.

(6) Where a licence or registration is issued after 1 February of any year, such licensee or registrant must, no later than 15 March of that year, make application for renewal of the licence or registration, as the case may be and must simultaneously pay to the Board the fee prescribed in Schedule 2 to the Act.

(7) Where a registration is renewable upon the anniversary of its date of issue, the registrant must apply for renewal and must pay the applicable fee, no later than 60 days prior to the anniversary of the date of issue.

(8) The Board may not issue a licence or certificate of registration during the month of March in any year unless it applies to those certificates of registration which are renewable on the anniversary of the issue of such certificate.

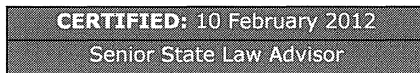
### *Part 3*

#### *Provisions relating to all Applications, Licensees and Registered Persons: Suitability of Third Parties and Junket Agents*

#### **Licensee to disclose details of business contracts and agreements**

**29.(1)** Whenever the Board requires a licensee to disclose the details contemplated in section 46(a) of the Act, it must request the information it deems necessary from the licensee by serving notice, which notice must specify the date by which the information so requested must be received by the Board.

(2) The Board may, after giving a licensee the opportunity to be heard, direct the licensee to amend or terminate any contract or agreement by a date specified by the Board.



34

(3) Whenever the Board directs a licensee to amend or terminate a contract or agreement, it must give the licensee reasons for its decision.

#### **Application for certificate of suitability by certain persons doing business with licensee**

**30.**(1) An application for a certificate of suitability contemplated in section 46 (b) of the Act must be –

- (a) made in the manner and using the form prescribed by the Board in its rules;
- (b) accompanied by the relevant application fee as prescribed in Schedule 2 to the Act;
- and
- (c) accompanied by any documents and information as may be required by the Board.

(2) The Board may grant an application subject to any condition or it may refuse an application for a certificate of suitability.

(3) The provisions of Part 1, 2 and 3 of Chapter 2 apply with the necessary changes whenever a person applies for a certificate of suitability.

#### **Financial interests in holder of certificate of suitability**

**31.** The provisions of Part 4 of Chapter 2 apply with the necessary changes to the holder of a certificate of suitability.

#### **Suspension or cancellation of certificate of suitability**

**32.** The Board may, after giving the holder of a certificate of suitability an opportunity to be heard, suspend such certificate for a specified time or cancel such certificate –

- (a) if any information in the application for such certificate was false in any material respect or was subject to any material omission;
- (b) if the holder of the certificate has failed to comply with or has contravened any term or condition of the certificate or any provision of the Act, these regulations or the rules of the Board; or

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

35

(c) if there are good reasons for doing so and it is in the best interests of the Board's objects and the proper control and regulation of gambling.

### **Termination of agreement or association**

**33.(1)** If, the Board –

- (a) refuses an application for a certificate of suitability; or
- (b) suspends or cancels a certificate of suitability,

a licensee must cease to receive any goods or services from such applicant or certificate holder.

(2) Whenever an agreement or association between a licensee and a certificate holder is terminated by either of the parties thereto, both parties must immediately notify the Board of such termination.

### **Provisions of Part to apply to registered manufacturer, supplier or maintenance provider**

**34.** The provisions of this Part apply with the necessary changes to a registered manufacturer, supplier or maintenance provider.

#### *Part 4*

#### *Provisions relating to all Applications, Licensees and Registered Persons: Change in Financial Interests*

### **Notice of procurement of interest and application for consent**

**35.(1)** Any licensee or registrant, licensed or registered under the Act, who becomes aware of any person who, directly or indirectly, procures a controlling interest in, or any financial interest in the business to which the licensee's or registrant's licence or registration relates, must immediately, in writing, notify the Board of –

- (a) the nature of the interest procured; and
- (b) the name and contact details of the person who procured such interest;

and thereafter must furnish the Board with such further information as the Board may deem necessary.

(2) Any person who directly or indirectly procures an interest contemplated in subregulation (1) must, within 14 days, apply to the Board for consent for the holding of such interest.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

36

(3) When a person makes an application contemplated in subregulation (2) for the acquisition of a financial interest of less than 5 percent in the business to which the licence or registration relates, the Board must consider the application and may –

(a) either immediately provide its written consent to the acquisition of the financial interest; or

(b) deem the provisions of sections 32 to 38 of the Act to apply to the application for consent for the holding of such interest, and that the application should be administered accordingly.

(4) An application for consent to procure or hold a financial interest in any casino, bingo, route operator, independent site operator, site operator licensee, or registered gaming equipment manufacturer, supplier or maintenance provider, must be made in a form determined by the Board and must be accompanied by the relevant application fee prescribed in Schedule 2 to the Act and any documents and information as may be required by the Board.

(5) When a person makes an application contemplated in subregulation (2) the provisions of Parts 1, 2 and 3 of Chapter 2 of these regulations, excluding regulation 13, apply, with the necessary changes, to such application.

#### **Determination of suitability or unsuitability of applicant**

**36.(1)** The Board may grant or refuse an application contemplated in regulation 35(2).

(2) Whenever the Board finds an applicant to be unsuitable to hold an interest in the business of any licensee or registrant, it must refuse the application.

(3) If the Board refuses an application as contemplated in subregulation (2) the applicant must dispose of such interest in the licensee or registrant within six months or within such longer period as may upon good cause shown be approved, by the Board.

(4) The Board may, at any time after having found a person suitable to hold an interest in the business of a casino, bingo, route operator or site operator licensee and after having given such

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

37

person the opportunity to be heard, find that such person is no longer suitable to continue holding such interest.

(5) Where the Board finds that the person is not suitable to hold an interest as contemplated in subregulation (4) such person must dispose of the interest in the licensee within three months after the date of the Board's finding.

(6) With effect from the date on which the Board serves notice on a person who or which has been found unsuitable in terms of subregulations (2) and (4), such person must cease to exercise, directly or through any trustee or nominee, any voting right conferred by the holding of the interest in the licensee.

#### **Principals to be disclosed**

**37.** A person may not hold or acquire any interest in a licence as an agent or nominee for an undisclosed principal or beneficial owner.

#### *Part 5*

#### *Provisions relating to all Applications, Licensees and Registered Persons: Employee Registration*

#### **Special employees employed by licensees or registrants**

**38.(1)** For the purposes of registration of special employees in terms of section 65 of the Act –

- (a) a person employed by a casino licensee, bingo licensee, a route operator or an independent site operator, in a managerial capacity, must include all persons who individually, or as part of a group, formulate management policy for the operation; and
- (b) a person authorised by a casino licensee, bingo licensee, a route operator or an independent site operator, to make decisions that regulate that licensee's operations, must include –

- (i) any person who has the authority to supervise or direct a shift of each gaming or security activity, including but not limited to, the supervision or direction of the entire pit operation, gaming machines or other gaming operation; and
- (ii) any person having authority to supervise or direct such persons.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

38

(2) For the purposes of subregulation (1) the Board is not restricted in making its decision as to special employee status, by the title of the job performed, but must consider the functions and responsibilities of the person or job involved.

#### **Proof of registration on licensee's employment record**

39. A licensee or registrant must, in respect of every employee required to be registered or licensed in terms of the Act and this Part, keep a copy of such employee's certificate of registration on his or her employment record.

#### **Suspension or cancellation of registration**

40. In the event that any employee who is required to be registered in terms of the Act and or licensed in terms of the National Gambling Act, has his or her registration –

(a) cancelled by the Board in accordance with the provisions of section 71 of the Act, the licensee or registrant by whom such a person is employed must summarily terminate the employment of that person in any capacity in which he or she is required to be so registered; or

(b) suspended by the Board in accordance with the provisions of section 71 of the Act, the licensee by whom such a person is employed must summarily suspend the employment of that person in any capacity in which he or she is required to be so registered, for the period of suspension by the Board.

#### *Part 6*

#### *Provisions relating to all Applications, Licensees and Registered Persons: Miscellaneous Provisions*

#### **Licence to be prominently displayed**

41. A licence issued in terms of the provisions of the Act must be prominently displayed in a conspicuous place in or on the premises of the licensed business.



**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

39

## CHAPTER 3 CASINOS

### *Part 1*

#### *Casinos: Proposals for Casinos and Application for Licence*

#### **Issue of request for proposal**

**42.(1)** The Board may invite any interested person to lodge proposals for casino development projects in the Province following the issue of a directive by the responsible Member of the Executive Council contemplated in section 47(1) of the Act.

(2) The request for proposal must –

- (a) indicate the number of licences to be issued;
- (b) identify the evaluation process which the Board must follow to select a prospective licensee, including any matter contemplated in a directive by the responsible Member of the Executive Council issued in terms of section 47 of the Act, if any: Provided that no process identified by the Board must conflict with such ministerial directive;
- (c) subject to section 49 of the Act, identify the criteria which the Board will follow to select an applicant to which a licence may be granted, including those policy criteria contained in a directive by the responsible Member of the Executive Council issued in terms of section 47 of the Act, if any: Provided that no criteria identified by the Board must conflict with the directive; and
- (d) include the fees applicable to the various stages of the request for proposals.

#### **Invitation to submit application for casino licence**

**43.(1)** Upon completion of the evaluation process contemplated in regulation 42(2)(b), as applied to the proposals for a casino development project and after consultation with the responsible Member of the Executive Council, the Board must invite the persons who made the proposal to apply for a casino licence: Provided that the Board must indicate in such invitation the preliminary ranking of such proposals for the purposes of selecting the applicant to whom a licence will be issued.

(2) The invitation contemplated in subregulation (1) must indicate that the application must be made in line with the requirements set out in the "Request for Proposals" document and must detail any further requirements of the Board for documentation and information required to support the application.

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40

(3) Subject to regulation 22, the Board must on receipt of an application contemplated in subregulation (1), including the prescribed fee, commence with the investigation contemplated by section 35 of the Act.

### **Criteria for casino licensing**

44.(1) In selecting an applicant for a casino licence, the Board must apply the criteria referred to in regulation 42(2)(c).

(2) The criteria referred to in subregulation (1) must be applied by –

- (a) comparing each bid to all other bids competing for a casino licence in the same zone in respect of each criterion separately;
- (b) allocating scores against each criterion in each bid; and
- (c) calculating the total of the scoring so allocated.

(3) An applicant for a casino licence must satisfy the Board that such applicant has the legal title to the land where the casino activity is to be developed and the financial and other resources necessary to develop it.

(4) If, in the opinion of the Board, none of the applicants for a particular casino licence has made a suitable bid proposal for a casino licence, it must call for new proposals in respect of such casino licence.

### **Application for casino licence**

45.(1) Any person who is invited by the Board to apply for a casino licence must do so in accordance with the terms of the invitation contemplated in regulation 43 and such application must be accompanied by the application fee prescribed in Schedule 2 to the Act.

(2) The provisions of Part 1, where applicable, and Part 2 and 3 of this Chapter, apply with the necessary changes, whenever a person applies for a casino licence.

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Senior State Law Advisor

41

*Part 2*

*Casinos: Monitoring and Control Systems*

**Electronic monitoring system**

46.(1) A casino licensee must store electronic records relating to the electronic monitoring system in chronological order for a period of five years.

(2) The Board must –

- (a) determine a common protocol to facilitate communication between the Board and the casino's monitoring and control systems; and
- (b) authorise any interface or the format of any interface between the systems.

(3) A casino licensee must connect all the gaming machines which such licensee makes available for play, to the monitoring and control system as approved by the Board in accordance with the provisions of subregulation (4).

(4) The Board may approve a monitoring system contemplated in section 58 of the Act, which is certified as being compliant with the applicable SABS standard and which is designed in such manner that it –

- (a) records the monetary value placed in each gaming machine for the purpose of activating play;
- (b) records the monetary value deposited in the drop box of each gaming machine that has a drop box;
- (c) records the monetary value automatically paid out by each gaming machine;
- (d) records the monetary value paid manually;
- (e) identifies any machine taken off-line or placed on-line of the computer monitor system, including the date, time and machine identification number; and
- (f) is capable of reporting any revenue transactions not directly monitored by those meters which read money or monetary value, such as, but not limited to, monetary value placed in the machine as a result of a hopper fill.

(5) It is an offence for any person to alter or modify, in any way, the approved monitoring system contemplated in subregulation (4) without the prior approval of the Board.

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Senior State Law Advisor

42

*Part 3*  
*Casinos: Casino Games*

**Types of casino games permitted to be played**

47. The Board must authorise, on application to it by a casino licensee, the types of casino games that may be played in or on the premises of a casino licensee and such games must be governed by the Board's rules made in accordance with the provisions of section 7(1)(m) of the Act.

**Stakes and prizes for casino games other than gaming machines**

48.(1) The stakes and prizes applicable to every authorised casino game must be on permanent display, either at the table at which the casino game is played or in a conspicuous place immediately adjacent to the place at which the game is played.

(2) Payoff schedules or award cards must accurately state actual payoffs or awards applicable to the particular game and must not be worded in such a manner as to mislead or deceive the public.

**Gaming machines**

49.(1) Every gaming machine exposed for play must have a confirmed theoretical return to player percentage of not less than 80 percent.

(2) All winning combinations, together with the corresponding prizes, must be clearly displayed, or must be easily accessible by the player, on every gaming machine exposed for play.

*Part 4*  
*Casinos: Registration or Deregistration of Gaming Equipment, Gaming Machines or Games and Maintenance thereof*

**Gaming equipment, gaming machines or games to comply with SABS or Board standard**

50. A casino licensee must not keep or maintain any gaming equipment, gaming machine or

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Senior State Law Advisor

43

game which has not been certified and registered in accordance with regulation 82.

### **Possession of gaming equipment, gaming machines or games**

51. All gaming equipment, gaming machines or games on casino premises which have been approved and registered by the Board, as contemplated by regulation 82, must be included in the Board's records.

### **Operation of and maintenance of gaming equipment and gaming machines**

52.(1) A casino licensee must not alter the operation of registered gaming equipment and gaming machines without the prior approval of the Board.

(2) A casino licensee must use a licensed maintenance provider to maintain such equipment and machines in a suitable condition.

(3) Notwithstanding subregulation (2), a casino licensee may perform the maintenance, repair or alteration of any gaming equipment, device or machine utilised by it in the conduct of its licensed activities, utilising appropriately qualified or experienced personnel, and provided further that such equipment, device or machine remains in the approved physical configuration.

### **Records to be kept by licensee**

53. A casino licensee must, for a period of five years, keep a record of all gaming equipment, gaming machines and games registered in accordance with the provisions of this Part, including, but not limited to, manufacturer, date of purchase, machine serial number, model number, Board registration number and date of deregistration by the Board.

### *Part 5*

### *Casinos: Chips, Plaque, Tokens, Integrated Circuit Cards or Face Value Instruments*

### **Explanatory provisions**

54. The following types of wagering media may, subject to the provisions of this Part, be used in

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Senior State Law Advisor

44

a casino –

- (a) a "chip" which must be circular in shape, with or without an indicated rand value, and which is used for gaming on table games in a licensed casino;
- (b) a "plaque" which must be either square, rectangular or oval in shape, with an indicated rand value and which is used for gaming on table games in a licensed casino;
- (c) a "token" which must be circular in shape, with an indicated rand value, and which is used to activate automated gaming equipment in a licensed casino; and
- (d) an "integrated circuit card" which must be similar in shape and dimensions to a credit card and which is used to store monetary value and to activate automated gaming equipment in a licensed casino.

#### **Other face value instruments**

**55.(1)** A casino licensee must not use any face value instrument in a casino, other than an approved integrated circuit card, chip, plaque or token, unless the Board has granted approval for the use of a specific type of face value instrument.

(2) The Board may, in its discretion, refuse an application for the use of a face value instrument other than integrated circuit cards, chips, plaques or tokens or may grant an application subject to any conditions it considers appropriate.

(3) The provisions of this Part apply to all other face value instruments: Provided that the design, colour, size and shape of and the standards for such face value instruments are such that they are readily distinguishable from the integrated circuit cards, chips, plaques or tokens approved by the Board in terms of this Part.

#### **Procedures on receipt of chips, plaques or tokens from manufacturer or distributor**

**56.(1)** On delivery of any chips, plaques or tokens from the manufacturer or distributor thereof, a casino licensee must ensure that a minimum of three employees, each of whom must be employed in a separate department and must be registered as a special employee, are simultaneously present to open and check the chips, plaques or tokens delivered.

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Senior State Law Advisor

45

(2) After the chips, plaques or tokens have been checked in accordance with the provisions of subregulation (1) the casino licensee must cause the appropriate annotations to be made in the inventory register referred to in regulation 57.

(3) In the event that the persons checking the chips, plaques or tokens find any defects in or any discrepancy between the manufacturer's or distributor's invoice or other document accompanying the chips, plaques or tokens and the actual chips, plaques or tokens received, they must immediately report such defect or discrepancy to the Board and record details of the defect or discrepancy and the reporting thereof in the inventory register.

(4) Any chips, plaques or tokens received in accordance with the provisions of this regulation, that are not intended for immediate use at a gaming table or at a cashier's cage in the licensee's casino, must be recorded in the inventory register as reserve chips, plaques or tokens and must be stored in a separate locked compartment either in a vault or in a cashier's cage by the licensee.

#### **Inventory register of chips, plaques or tokens**

**57.** A casino licensee must keep an inventory register for all approved chips, plaques or tokens for the purposes of recording any information required in terms of this Part and for the purposes of recording the following information –

- (a) a description of the various approved chips, plaques or tokens used in the casino including the denomination thereof;
- (b) the quantity of each denomination of the various chips, plaques or tokens taken into stock on receipt thereof from the manufacturer or distributor;
- (c) the date and time on which the chips, plaques or tokens were received and taken into stock;
- (d) the names and signatures of the special employees who opened and checked such chips, plaques or tokens;
- (e) any defects or discrepancies and the reporting thereof to the Board;
- (f) the denomination and quantity of chips, plaques or tokens placed in, removed from and returned to the reserve inventory;
- (g) daily, monthly and annual inventories of chips, plaques or tokens; and
- (h) any other information the Board considers necessary.

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Senior State Law Advisor

46

### **Record of movement of chips, plaques or tokens**

**58.(1)** Whenever chips, plaques or tokens are required in a cashier's cage or at a table game in the casino or are returned therefrom by the licensee –

(a) they must either be removed from or returned to the vault or cashier's cage, as the case may be, in the presence of at least three casino employees, each of whom must be employed in a separate department and each of whom must be registered as a special employee; and

(b) the denomination and quantity of any chip, plaque and token so removed or returned must be recorded in the inventory register by the registered casino employees contemplated in paragraph (a) of this subregulation, who must date and sign the inventory register and note the time of such annotation.

(2) A casino licensee must, on a daily basis, compute and record the unredeemed liability for each denomination of chips, plaques or tokens and must cause an inventory of chips, plaques or tokens in circulation to be taken and the result thereof to be recorded in the inventory register.

(3) A casino licensee must, on at least a monthly basis, cause an inventory of chips, plaques or tokens in reserve to be taken and the result thereof to be recorded in the inventory register.

(4) Where the inventory procedures incorporate the sealing of the locked compartment, a casino licensee must cause an inventory of chips, plaques or tokens in reserve to be taken at least annually.

(5) During non-gaming hours, all chips, plaques or tokens in the possession of the licensee must be stored by the licensee either in a vault or in the cashier's cage: Provided that chips representing the table bankroll may be locked in a secure compartment at the table: Provided further that the Board determines that there is adequate security to allow such an arrangement.

(6) The procedures to be utilised to compute the unredeemed chips and to inventory chips in circulation and reserve must be submitted to the Board, by the licensee for approval.



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

47

*Part 6*

*Casinos: Underage Exposure to Gambling*

**Underage gambling or exposure thereto not permitted**

**59.**(1) A casino licensee or any employee of such licensee must not allow or permit any person who is under the age of 18 years to –

- (a) enter a casino, except to pass directly to another room or area of the establishment: Provided that if such underage person is registered as a special employee under the Act and is acting in the normal course of his or her work as a special employee, he or she may remain in a casino until completion of the work concerned;
- (b) be served any food or beverages in the gambling area of a casino;
- (c) be rated as a player, patron or punter;
- (d) receive complimentary services or items as a result of or in anticipation of his or her gambling in such casino; or
- (e) be targeted for purposes of advertising, through the post, any gambling promotions or competitions.

(2) A casino licensee and any employee of such licensee may, at any time, demand from any person who enters or attempts to enter a casino and the gambling area of a casino, the production of any of the following for purposes of establishing the age of such person –

- (a) a valid identity document or passport issued by the Department of Home Affairs in the Republic or by a competent issuing authority in another country; or
- (b) a valid driver's licence issued by a competent driving testing authority.

*Part 7*

*Casinos: Cash Transactions*

**Certain transactions prohibited**

**60.** A casino licensee must not –

- (a) exchange cash for cash other than to enable the patron to participate in gambling where cash is used as the stake or to convert such cash after participation in gaming;
- (b) issue a cheque or other negotiable instrument or transfer any funds on behalf of a patron in exchange for cash, any other negotiable instrument, chips or tokens, unless

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Senior State Law Advisor

48

such licensee is satisfied that the patron has become entitled to winnings in such amount, pursuant to a *bona fide* gambling transaction.

*Part 8*  
*Casinos: Internal Controls*

**Internal controls**

**61.** Each casino licensee must include as part of such licensee's system of internal control, a description of the procedures adopted by such licensee in order to comply with these regulations.

**Minimum operational and internal control standards for casino licensee**

**62.(1)** The Board must determine minimum operational standards and minimum standards for internal control procedures and must make these available to all licensees and to all applicants for a casino licence.

(2) The Board may, from time to time, amend, substitute or rescind any of the standards contemplated in subregulation (1), in which event it must make such amendment, substitution or rescission available to all licensees and to all applicants for a casino licence.

(3) A casino licensee is required to comply with any standard adopted by the Board and incorporated in its Rules.

**Minimum internal controls**

**63.(1)** A casino licensee must establish and maintain administrative and accounting procedures for the purpose of determining such licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over such licensee's internal financial affairs.

(2) The procedures must be designed to reasonably ensure that –

- (a) assets are safeguarded;
- (b) financial records are accurate and reliable;
- (c) transactions are performed by employees in accordance with management's general

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Senior State Law Advisor

49

or specific authorisation;

(d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and

(e) functions, duties and responsibilities are appropriately segregated and performed, in accordance with sound practices, by competent, qualified personnel.

### **Internal control system approved by Board**

**64.(1)** Each licensee and each applicant for a licence must describe, in writing, in such manner as the Board may approve or require, such licensee's or applicant's internal control, administrative and accounting procedures in detail and must submit same to the Board for approval, prior to the implementation of the procedures.

(2) Each system of internal control submitted for approval must include –

(a) an organisational chart depicting segregation of functions and responsibilities;

(b) a description of the duties and responsibilities of each position shown on the organisational chart;

(c) a detailed, narrative description or a detailed systems flow chart of the administrative and accounting procedures designed to satisfy the requirements of regulations 62 and 63; and

(d) such further information as the Board may require.

(3) Where the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Part, it must notify the applicant or licensee, accordingly, in writing.

(4) Within 30 days of receiving the notification contemplated in subregulation (3) the applicant or licensee must amend such licensee's or applicant's internal control system accordingly, and must submit a copy of the amended system to the Board for approval.

### **Amendment of existing system of internal control**

**65.(1)** A licensee wishing to amend such licensee's previously approved system of internal

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

50

control must, prior to implementing such amended system, submit to the Board a copy of the written internal control system, as amended, for approval.

(2) The provisions of regulation 70(2) to (4) apply with the necessary changes to an application for approval contemplated in subregulation (1).

#### *Part 9*

#### *Casinos: Accounting Records and Returns*

#### **Accounting records**

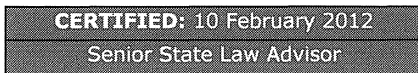
**66.(1)** A casino licensee must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all of such licensee's transactions.

(2) A casino licensee must keep –

- (a) generally accepted accounting records on a double entry system of accounting and detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity;
- (b) individual game records to reflect drop, win and the percentage of win-to-drop by table for each table game and to reflect drop, win and the percentage of win-to-drop for each type of table game, by gaming day and individual game records reflecting similar information for all other games;
- (c) gaming machine analysis reports which reflect, in respect of each gaming machine, turnovers and payouts and which compare actual hold percentages to theoretical hold percentages on a monthly, quarterly and 12 month rolling basis;
- (d) the records required by the licensee's approved system of internal control; and
- (e) any other records that the Board requires be maintained.

#### **Audited financial statements**

**67.(1)** A casino licensee must, at the end of such licensee's financial year, prepare or cause to be prepared annual financial statements, which must be in accordance with statements of Generally Accepted Accounting Practice and which must be presented in a format approved or required by the Board.



(2) A casino licensee must engage an independent auditor who is registered as being engaged in public practice in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), to audit such licensee's financial statements in accordance with generally accepted auditing standards.

(3) A casino licensee must, within three months of the last day of the financial year, submit to the Board two copies of the annual financial statements duly audited in accordance with subregulation (2) together with any reports communicating the results of the audit, including management letters.

(4) The Board may, on good cause shown by a casino licensee, extend the period contemplated in subregulation (3) by a period not exceeding six months.

(5) The Board may request additional information or documents, in connection with financial statements drawn up by, or services performed by, an auditor, from either –

- (a) the casino licensee; or
- (b) subject to such licensee's prior consent, the auditor engaged by such licensee.

#### **Other records**

**68.** A casino licensee must, where applicable, keep at such licensee's registered offices, or must provide to the Board at its request, the following records or documents or their equivalent –

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records which the Board may from time to time require to be maintained.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

52  
*Part 10*

*Casinos: Surveillance and Security*

**Compliance with provisions of Part**

69. A casino licensee must comply fully with the provisions of this Part within 14 days of the commencement of such licensee's gaming operations.

**General requirements for surveillance systems**

70.(1) A casino licensee must install, maintain and, at all times, operate, a surveillance system comprising cameras, monitors and visual data recorders, all of which cumulatively provide the surveillance coverage required by this Part.

(2) The surveillance system must include date and time generators that display on each visual data recording the date and time of the recorded events, without obstructing the recorded view.

(3) A casino licensee must provide a surveillance room on its premises, which must –

- (a) house all equipment used to monitor or record views through the surveillance system;
- (b) have a separate entrance situated away from the view of casino employees and the general public; and
- (c) at all times, be staffed by qualified personnel as contemplated in subregulation (6).

(4) A casino licensee must ensure that surveillance equipment is monitored at all times by qualified personnel contemplated in subregulation (6) and such equipment must have total override capability over any other satellite monitoring equipment in other offices.

(5) The Board or any inspector must, at all times, be given immediate access to the surveillance room and other surveillance areas in the casino, provided that positive identification has been furnished.

(6) Surveillance personnel contemplated in subregulation (4) must –

- (a) be appointed and be provided with training, exclusively for surveillance purposes, by the casino licensee in accordance with minimum standards approved by the Board; and
- (b) have, or be involved in training to acquire a comprehensive knowledge of –

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

53

- (i) all table games available for play in the licensee's casino;
- (ii) these regulations; and
- (iii) any rules made by the Board in terms of section 7(1)(m)(ii) of the Act.

(7) The surveillance system and its equipment must –

- (a) be wired or connected in such a way as to reduce the risks associated with tampering; and
- (b) be connected to an auxiliary power source capable of providing, in the event of a power loss, uninterrupted power to the surveillance system and sufficient lighting to monitor and operate the surveillance system.

(8) Each monitor screen in the surveillance system must measure a minimum of 30 centimetres diagonally.

(9) Each camera connected to the surveillance system and located in public areas must be concealed from the public view by way of a smoked glass dome, a one-way mirror or other similar material.

(10) The surveillance system must view and record in colour, *inter alia* –

- (a) transactions occurring at the casino cages;
- (b) views of roulette tables;
- (c) views of progressive jackpots in cases where the relevant values are not displayed on the linked gaming machines;
- (d) any machines with bill validators; and
- (e) soft count rooms.

(11) For purposes of defining the soft count room contemplated in this part, a "**soft count room**" means a secure and monitored room in which the registered casino employees count paper currency, charge slips, and bank checks in a casino.

(12) The visual data recorders used in the surveillance system must be capable of generating, immediately on demand, a clear and still black and white or colour copy or photograph of the images depicted on any visual data recording.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

54

(13) A casino licensee must have the capability of creating first generation visual data recordings that are capable of being copied onto a computer-readable and portable electronic medium or device.

### **Surveillance systems in count rooms and casino cage**

71.(1) A casino licensee must install, maintain and, at all times, operate a surveillance system that is capable of monitoring and recording clear unobstructed views of all areas and transactions within –

- (a) the hard count room and any area where uncounted coin is stored during the drop and count process, including walls, doors, scales, wrapping machines, coin sorters, vaults, safes and general work surfaces;
- (b) the soft count room, including walls, doors, drop boxes, vaults, safes and counting surfaces that must be transparent; and
- (c) the casino cage, including customer windows, employees' windows, cash drawers, vaults, safes, counters, chip storage and fill windows.

(2) For purposes of defining the hard count room contemplated in this part, a "**hard count room**" means a secure and monitored room in which the registered casino employees count coins and tokens in a casino.

(3) Views of all transactions within the hard count room, soft count room and casino cage, must be recorded with sufficient clarity to permit visual identification of each employee and his or her movements, and to permit visual identification of all currency, coins and paperwork.

(4) The surveillance system must include audio monitoring and recording capabilities for the soft count room.

(5) The recorded data from the soft and hard count rooms must be retained for a minimum of 30 days.



**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

55

### **Surveillance systems at table games and card rooms**

**72.(1)** A casino licensee that operates table games or a card room must install, maintain and, at all times, operate a surveillance system that is capable of monitoring and recording –

(a) on a continuous basis and by way of a fixed camera dedicated to such table, each table game, at any time during which the drop box is attached to such table; and

(b) clear and unobstructed views of –

(i) all table games and card room areas with sufficient clarity to permit visual identification of all dealers, patrons, spectators and pit personnel;

(ii) all table games or card table surfaces, including table bank trays, with sufficient clarity to permit visual identification of all chip, cash, dice and card values, and the outcome of the game;

(iii) both the table game area and the table game surface simultaneously;

(iv) roulette tables and wheels, so as to permit views of both the table and the wheel on one monitor screen;

(v) all slots of drop boxes and table numbers; and

(vi) all card rooms or podium banks, including any drawers, cabinets and safes contained therein.

(2) All recordings in terms of this regulation must be retained by the licensee for at least thirty days after the recorded event.

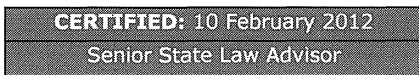
### **Surveillance systems for gaming machines**

**73.(1)** A casino licensee that makes gaming machines available for play must install, maintain and, at all times, operate a surveillance system capable of monitoring, on a continuous basis, and recording clear, unobstructed and continuous views of all –

(a) areas in which gaming machines are located with sufficient clarity to visually identify all patrons and employees; and

(b) slot change booths, including the cash drawers of such booths, counter tops, counting machines, customer windows and employee windows with sufficient clarity to permit visual identification of all transactions, cash, documents, patrons and employees.

(2) All recordings in terms of this regulation must be retained by the licensee for at least thirty days after the recorded event.



### **Surveillance systems for casino security offices**

74.(1) A casino licensee must install a surveillance system capable of monitoring, on a continuous basis, and recording clear, unobstructed and continuous views of any security office in which any persons may be questioned or interviewed by casino security officers, an inspector or a member of the South African Police Service.

(2) Any monitoring and recording of security offices contemplated in subregulation (1) must be by way of audio and visual data recordings for the entire period during which a person is detained, questioned or interviewed in such office.

(3) Every security office contemplated in this regulation must have a sign, prominently displayed therein, stating that such office is under constant audio and video surveillance.

(4) All recordings in terms of this regulation must be retained by the licensee for at least thirty days after the recorded event.

### **Malfunction of casino surveillance system equipment**

75.(1) A casino licensee must establish and maintain a written log of any and all casino surveillance system equipment malfunctions and retain the log for at least one year after the date of the most recent entry in the log.

(2) Every malfunction must be repaired within twenty-four hours of the malfunction occurring and, in the event that it is not possible to complete the repair within 24 hours, the casino licensee concerned must immediately submit a written report to the Board giving the reasons for the delay in the repair and must retain such report for a period of at least thirty days after submission thereof to the Board.

(3) The Board may, subject to the provisions of subregulation (6), order that all activity in the area affected by the malfunction be suspended pending repair.

(4) In the event of a malfunction of a dedicated camera, recorder or monitor, a casino licensee

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

57

must immediately suspend all gambling activity, the playing of any casino games or gaming machines that are viewed and recorded by such dedicated camera, recorder or monitor, pending repair thereof.

(5) The suspension of the gaming activity contemplated in subregulation (4) does not apply where alternative monitoring and recording devices are immediately deployed to cover the affected area, pending repairs being effected to the said equipment.

(6) The alternate monitoring of the gaming activity contemplated in subregulation (5) may not exceed a maximum period of 24 hours following a malfunction of a dedicated camera, recorder or monitor.

#### **Surveillance system recording requirements**

**76.(1)** The Board may require a casino licensee to record views, activities and locations additional to those prescribed in this Part, including, but not limited to, all entrances and reception areas of the casino.

(2) A casino licensee must maintain a written log of all incidents observed by casino surveillance personnel which appear to be unusual or irregular or which violate or appear to violate any law of the Republic, the provisions of the Act, these regulations or rules of the Board and must, immediately upon the occurrence of such incident, notify the Board.

(3) All visual data recordings produced by a surveillance system must present a clear and unobstructed view of the scene depicted thereon.

(4) A casino licensee must retain all visual data recordings for at least seven days after the recording is made, unless a longer period is required by another regulation in this Part of the regulations or by order of the Board.

(5) The surveillance personnel on duty at the time of making any recording must, prior to the end of their shift, ensure that every visual data recording made during the course of such shift is labelled with the date and time period covered by the recording, the areas covered by the recording and is signed by the person who made the recording.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

58

(6) All visual data recordings must be made in either real time or extended play time and not in a time lapse recording mode.

### **Approval of and alterations to surveillance system plans**

**77.(1)** Every applicant for a casino licence must submit to the Board, upon its request and for its approval, a surveillance system plan.

(2) The surveillance system plan contemplated in subregulation (1) must include –  
(a) a casino floor plan showing the placement of all surveillance equipment; and  
(b) a detailed description of the casino surveillance system and its equipment,  
in relation to the locations that are required to be under surveillance in terms of this Part.

(3) An applicant or a casino licensee must not change, alter or modify the approved surveillance system plan contemplated in subregulation (1), without the prior approval of the Board, as contemplated in subregulation (4).

(4) Whenever an applicant or a casino licensee wishes to change, alter or modify a surveillance system plan, such applicant must submit to the Board for its approval, the proposed amended plan reflecting any change, alteration or modification of the surveillance system, no later than 30 days prior to the implementation of such proposed change, alteration or modification.

## **CHAPTER 4 GAMING EQUIPMENT**

### *Part 1*

#### *Gaming Equipment: Registration of Persons contemplated by Section 66 of Act*

### **Application for registration as manufacturer, supplier or maintenance provider**

**78.** A person who wishes to manufacture, sell, make available, lease, distribute, import, market, maintain, service or repair any gaming equipment contemplated in section 66 of the Act, must apply to the Board for registration as a manufacturer, supplier or maintenance provider.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

59

### **Form of and making of application**

**79.** An application for registration as contemplated in regulation 78 must be submitted in a form determined by the Board, which must be obtained from the offices of the Board during normal office hours, and which must be accompanied by the relevant application for registration fee prescribed in Schedule 2 to the Act.

### **Conditions of registration**

**80.** The Board may grant approval for an application for registration subject to the authorised activities contemplated in regulation 81, as well as to any further conditions, or it may refuse an application for registration.

### **Authorised activities specified as condition of registration**

**81.** Whenever the Board grants a certificate of registration in accordance with regulation 80 it must specify, as a condition, the activity authorised by the registration which may be any or all of the following –

- (a) manufacturing;
- (b) assembly;
- (c) programming or program duplication;
- (d) sale, import, distribution, leasing or marketing;
- (e) servicing, maintaining or repairing; or
- (f) any other related activity authorised by the Board, in respect of any approved gaming equipment.

### *Part 2*

### *Gaming Equipment: Registration of Gaming Equipment*

### **Gaming equipment to comply with SABS standards and registered by Board**

**82.(1)** No gaming equipment must be used or distributed, sold, leased, marketed or otherwise be made available for play, or be maintained, serviced or repaired by any person registered in accordance with the provisions of this Part of the regulations, unless –

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

60

- (a) it has been certified as complying with either the relevant SABS standard, or another national norm or standard, or, in the absence of the aforementioned, with a standard determined by the Board; and
- (b) it has, on application in a form determined by the Board, been separately approved and registered by the Board.

(2) A person who wishes to manufacture, sell, make available, lease, distribute, import, market, maintain, service or repair any gaming equipment may have in his or her possession gaming or associated equipment, devices or games which have not been certified, approved and registered in accordance with the provisions of subregulation (1), where such equipment, device or game –

- (a) is to be exported for sale or distribution to another place outside of the Province and documentation in support of such export exists;
- (b) is in the process of being submitted for certification and approval in the manner contemplated in subregulation (1) and there is appropriate documentation to support this; and
- (c) is, with the written approval of the Board, used for demonstration or exhibition purposes or for such other purposes as the Board may approve.

(3) Any licensee in possession of gaming or associated equipment, devices or games which have not been certified, approved and registered in accordance with the provisions of subregulation (1) of this regulation, must apply forthwith for registration and approval in the manner determined by the Board.

(4) A person contemplated by section 66 of the Act may, at any time, in the manner and form determined by the Board, apply for the deregistration of any gaming or associated equipment, device and game registered in terms of this regulation.

(5) Any gaming or associated equipment, device and game which has been approved and registered by the Board must carry, in a conspicuous place, the Board's registration number.

(6) Gaming equipment must not be destroyed or sold without the prior approval of the Board: Provided that in giving its approval, the Board must specify the manner and form of the destruction or sale.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

61

(7) The authorised destruction or sale of gaming equipment must be conducted in the manner and form specified by the Board when it approved such destruction or sale.

### **Certification and approval by SABS**

**83.(1)** A registered manufacturer, supplier or maintenance provider must, subject to the provisions of regulation 82(2), submit all non-certified and non-approved gaming equipment in its possession, to the SABS, for certification and approval, without delay.

(2) The SABS may dismantle any gaming equipment and may destroy components in order to fully test, inspect and evaluate the gaming equipment, in order to establish whether or not it complies with the relevant standard and is capable of certification and approval.

(3) The costs associated with the testing, inspection and certification of gaming equipment, including any damage to such equipment during the testing thereof, must be borne by the registered manufacturer, supplier or maintenance provider.

(4) The Board may require an applicant for the registration of gaming equipment, to provide specialised equipment, or the services of an independent technical expert, to test, inspect and evaluate any gaming equipment.

(5) The licensee must, upon completion of the testing and inspection contemplated in this regulation, notify the Board in writing as to whether or not the gaming equipment submitted to the SABS has been certified as complying with the relevant standard.

(6) Upon receipt of the SABS certificate contemplated in subregulation (5), an applicant for the registration of gaming equipment must submit such certificate to the Board.

(7) Where the SABS certificate contemplated in subregulation (5) indicates that the gaming equipment complies with the relevant SABS standard, the Board may register such gaming equipment and, if it does so register such equipment, the Board must supply the applicant with a suitable registration certificate.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

62

#### **Alterations and modifications prohibited**

**84.** No person must be permitted to alter the operation of, or to modify any properly registered and approved gaming equipment, without the prior written approval of the Board.

#### **Suspension of approval and registration**

**85.(1)** The Board may issue an order, with or without prior notice, to any licensee or persons registered in accordance with this Part, suspending approval and registration of any gaming equipment, if the Board finds that such equipment does not operate as approved by the Board or if the manufacturer or supplier misrepresented in any way the manner in which any gaming equipment operates.

(2) After issuing an order in terms of subregulation (1) the Board may seal or seize all models of the gaming equipment in question.

#### *Part 3*

#### *Gaming Equipment: Training of Service or Manufacturing Employees*

#### **Training programmes for service or manufacturing employees**

**86.** Every registered manufacturer, supplier or maintenance provider must submit to the Board for approval –

- (a) a training programme for the training of service and manufacturing employees in manufacturing, servicing and maintenance of gaming or associated equipment, devices and games;
- (b) an outline of the training curriculum;
- (c) a list of instructors and their qualifications; and
- (d) a copy of the instruction materials.

#### **Registration certificate available for inspection**

**87.** Every employee of a registered manufacturer, supplier or maintenance provider must have his or her registration certificate available for inspection at all times whilst on duty.



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

63

*Part 4*

*Gaming Equipment: Records and Returns for Manufacturers, Suppliers and Maintenance Providers*

**Accounting records**

**88.** Every registered manufacturer, supplier or maintenance provider must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all of its transactions.

**Distribution records**

**89.** A registered manufacturer or supplier must keep written distribution records reflecting –

- (a) the date of distribution;
- (b) the name, address and licence number of the recipient;
- (c) description and number of devices or equipment supplied;
- (d) Board approval number and registration number;
- (e) serial numbers of devices or equipment supplied; and
- (f) such further information as the Board may require,

and must, immediately on request, provide such records to the Board or an inspector.

**Maintenance and repair records**

**90.** A registered maintenance provider must keep written records of all repairs made to gaming devices or equipment reflecting –

- (a) the date of repair;
- (b) the name, address and licence number of the owner of the device or equipment;
- (c) description of work carried out;
- (d) serial number of device or equipment repaired; and
- (e) such further information as the Board may require,

and must immediately on request, provide such records to the Board or an inspector.

**Stock records**

**91.** Every registered manufacturer, supplier or maintenance provider must keep written continuous stock records reflecting –

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

64

- (a) opening stock on hand;
- (b) stock purchased/manufactured;
- (c) distributions; and
- (d) closing stock on hand,

and must, immediately upon request, provide such records to the Board or to an inspector.

### **Other records**

**92.** (1) Every registered manufacturer, supplier or maintenance provider which is a company must keep at such registrant's business premises or registered offices, or upon request, must provide to the Board, or to an inspector –

- (a) a copy of the memorandum and articles of association of the company, including any amendment;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records that the Board specifically requires be maintained.

(2) Every natural person who is registered as a manufacturer, supplier or maintenance provider must keep such records as the Board may determine.

### **Returns to be rendered**

**93.** Every person registered in accordance with this Part of the regulations must, in the manner and format determined by the Board, submit information at such intervals as the Board may determine.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

65

CHAPTER 5  
LIMITED PAYOUT MACHINES  
*Part 1*  
*Limited Payout Machines: Limitations*

**Limited payout machine to comply with SABS standard**

**94.** A route operator or an independent site operator must, before applying in the manner contemplated in Part 2 of Chapter 4, for the registration of a limited payout machine or other gaming equipment, ensure that such limited payout machine or other gaming equipment has been certified by the SABS as complying with the applicable part of SABS Standard SABS 1718 and must ensure that the Board is provided with the relevant certification documentation.

**Prescribed maximum stake**

**95.(1)** The maximum amount that may be staked or wagered in total to enable a person to play all pay lines of a game on a limited payout machine is five rands.

(2) For the purposes of subregulation (1) a game must include any feature games triggered by a winning event in the primary game, but excludes any double-up games.

**Prescribed maximum prize**

**96.(1)** The maximum amount that may be won in respect of all pay lines on a game played on a limited payout machine is R500,00.

(2) For the purposes of subregulation (1) of this regulation, a game must include any feature game or any option to play a double-up game, which is triggered by a winning event in the primary game: Provided that an option to play a double-up game must not be available if the prize or win amount to be doubled exceeds R250,00.

**Prizes to be displayed**

**97.** All possible winning combinations, together with the corresponding prizes or win amounts, must be clearly displayed or be easily accessible by the player, on every limited payout machine exposed for play.

<b>CERTIFIED:</b> 10 February 2012
Senior State Law Advisor

66

**Return to player**

**98.** Every limited payout machine exposed for play must have a confirmed theoretical return to player percentage of not less than 85 percent.

**Limited payout machine to communicate with approved monitoring and control system**

**99.** Every limited payout machine exposed for play must be capable of communicating with the approved monitoring and control system as contemplated in section 27 of the National Gambling Act.

*Part 2**Limited Payout Machines: Registration***Possession of limited payout machines, games and associated equipment**

**100.** Every limited payout machine and other gaming equipment which has been approved and registered by the Board must be included in the Board's records.

**Operation of and maintenance of limited payout machines**

**101.(1)** A route operator or an independent site operator must not alter the operation of a registered limited payout machine or other gaming equipment without the prior approval of the Board.

(2) A route operator or an independent site operator must use a licensed maintenance provider to maintain the limited payout machines and gaming equipment in a suitable condition.

(3) A route operator or an independent site operator may only maintain, repair or alter any limited payout machine utilised by it in the conduct of its licensed activities, through appropriately qualified or experienced personnel, and provided that such limited payout machine remains in the approved physical configuration.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

67

### **Records kept of limited payout machines, games and associated equipment**

**102.** A route operator or an independent site operator must keep, for a period of five years, records of all limited payout machines, games and associated equipment registered in accordance with the provisions of regulation 82, including, but not limited to, manufacturer, date of purchase, machine serial number, model number, Board registration number and date of deregistration by the Board.

## CHAPTER 6 SITE OPERATORS

### *Part 1*

#### *Site Operators: Provisions Common to Site Operators*

### **Activities authorised by site operator licence**

**103.** A site operator licensee or an independent site operator licensee is authorised to operate and keep in or on the licensed premises, or such part of such premises as is specified in the licence, limited payout machines specified in the licence, subject to the following conditions –

- (a) the number of limited payout machines per licensed premises must not exceed the maximum number prescribed in this Part of the regulations; and
- (b) all limited payout machines must be positioned within the licensed premises in such manner that they are not accessible to persons under the age of eighteen years.

### **Types of site operators**

**104.(1)** The Board may, subject to the Act and for purposes of the activities contemplated in regulation 103, licence –

- (a) a type "A" site operator whose primary business is either a *bona fide* sports club, a public bar, a licensed tavern, a bingo hall, or a licensed betting outlet: Provided that the playing of limited payout machines on such site forms a secondary activity to the main activity of the site; and
- (b) a type "B" site operator whose primary business is of an entertainment nature, including a bingo hall: Provided that the playing of limited payout machines on such site forms a secondary activity to the main activity of the site.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

68

(2) The Board must, when licensing site operators as contemplated in subregulation (1), comply with the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 dated 21 December 2000 and the National Gambling Regulations published under Government Notice No. R. 1342 dated 12 November 2004.

*Part 2*  
*Site Operators: Type "A" Site Operator Licence*

**Application for type "A" site operator licence**

**105.(1)** A person –

(a) who wishes to obtain a type "A" site operator licence or independent site operator licence; and

(b) whose primary business is as contemplated in regulation 104(1)(a),

must, following upon the publication of a notice referred to in regulation 13, apply to the Board for a site operator licence, or independent site operator licence, in the manner determined by the Board in its Rules.

(2) In addition to any information which an applicant for a licence contemplated in subregulation (1) is required to furnish in terms of the provisions of Part 2 of this Chapter, the applicant must furnish the Board with –

(a) the physical address of the premises at which the applicant proposes to conduct business as a site operator or independent site operator;

(b) the physical address of any premises at which the applicant already conducts business as a licensed site operator or independent site operator;

(c) a full description of the existing or proposed business activities which are offered or will be offered on the premises to which the application relates, together with a copy of any business or other licence pertaining to such business activities;

(d) if available and if applicable, the name of the licensed route operator who will provide limited payout machines for the applicant's proposed site operation and a copy of any existing written agreement between the applicant and such route operator, as contemplated in regulation 121;

(e) a floor plan of the premises concerned, showing the area where it is proposed to

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

69

place the limited payout machines;

- (f) local authority approval for both the primary business being conducted from, or to be conducted from the premises concerned and for the site operator gambling activities; and
- (g) any other information that the Board may require.

### **Grounds for refusal of type "A" site operator licence**

**106.** The Board may not grant an application for a type "A" site operator licence or independent site operator licence –

- (a) if the applicant does not meet the requirements prescribed in the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 dated 21 December 2000 and the National Gambling Regulations published under Government Notice No. R. 1342 dated 12 November 2004;
- (b) for the operation and keeping of more than the maximum number of limited payout machines prescribed in regulation 107;
- (c) if the applicant's primary business does not constitute a *bona fide* sports club, a public bar, a licensed tavern or a licensed betting outlet;
- (d) unless it is satisfied that the playing of limited payout machines on such a site will form a secondary activity to the main activity of the site; or
- (e) if the premises do not meet the minimum standards prescribed in regulation 108 of these regulations or in section 18 of the National Gambling Act.

### **Maximum number of limited payout machines**

**107.(1)** Subject to the provisions of this regulation, the maximum number of limited payout machines which may be made available for play in or on the licensed premises of a type "A" site operator or independent site operator, is five.

(2) Where an applicant is the owner of several separate sites which are situated in the same premises or building and such applicant applies for type "A" site operator licences or independent site operator licences, in respect of more than one of such sites, the Board may grant the application in respect of one or more of the sites and the maximum of five limited payout machines per site may be approved for each site.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

70

(3) Whenever an applicant applies for a type "A" site operator licence or independent site operator licence, in respect of a single site owned by him or her and which is situated in premises where site operator licences or independent site operator licences have already been granted to other site operators or independent site operators who are not associated with such applicant, the Board may grant the application in respect of such premises: Provided that the total number of limited payout machines in any single *bona fide* sports club, public bar, licensed tavern or licensed betting outlet does not exceed the maximum of five as contemplated in subregulation (1).

(4) Where an applicant conducts more than one primary business from the same site, such as, but not limited to, a sports club and a public bar, such businesses are regarded as one business for the purpose of an application for a type "A" site operator licence and in the event that the licence is granted, the total number of limited payout machines specified in the licence must not exceed the maximum of five prescribed in subregulation (1).

#### **Minimum standards for premises**

**108.** The premises of a type "A" site operator or independent site operator must comply with the following minimum standards –

- (a) compliance with any national health and safety regulations or any municipal health and safety by-laws; and
- (b) all limited payout machines to be operated from the licensed premises must be situated in such manner that they are not accessible to persons under the age of 18 years.

#### **Restriction on advertising**

**109.** A type "A" site operator or independent site operator may not advertise the presence of limited payout machines on any signage outside of his or her premises.



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

71

*Part 3*  
*Site Operators: Type "B" Site Operator Licence*

**Application for type "B" site operator licence**

**110.(1)** A person who wishes to obtain a type "B" site operator licence or independent site operator licence and whose primary business is as contemplated in regulation 104(1)(b), must, following upon the publication of a notice referred to in regulation 13, apply to the Board for a site operator licence, or independent site operator licence, in the manner determined by the Board in its Rules.

(2) The provisions of Parts 1, 2 and 3 of Chapter 2 of the regulations apply with the necessary changes to a person applying for a type "B" site operator licence or independent site operator licence.

(3) In addition to any information which an applicant for a type "B" site operator licence is required to furnish in terms of the provisions of Part 1 of Chapter 2 of the regulations, the applicant must furnish the Board with –

- (a) the physical address of the premises in or on which the applicant proposes to conduct business as a site operator;
- (b) a full description of the applicant's existing or proposed business specifying the primary entertainment and recreation activities which are offered on the premises to which the application relates;
- (c) evidence to demonstrate to the Board that making available limited payout machines in the applicant's premises will fulfil, rather than create, a demand for gambling in the area;
- (d) where available, the name of the licensed route operator who will provide limited payout machines for the applicant's proposed site operation and details of the proposed or actual written agreement contemplated in regulation 121, between the applicant and such route operator;
- (e) a floor plan of the premises concerned, showing the area where it is intended that the limited payout machines be placed;
- (f) local authority approval for both the primary business being conducted from the premises concerned and the proposed gaming business; and
- (g) any other information that the Board may require.

(4) The Board must comply with the provisions of regulation 3(2) of the Regulations on Limited

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

72

Payout Machines published under Government Notice No. R. 1425 of 21 December 2000 when considering an application for a type "B" site operator licence or independent site operator licence.

### **Grounds for refusal of type "B" site operator licence**

**111.** The Board may not grant an application for a type "B" site operator licence or independent site operator licence –

- (a) if the applicant does not meet the requirements prescribed in the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 dated 21 December 2000 and the National Gambling Regulations published under Government Notice No. R. 1342 dated 12 November 2004;
- (b) if it is of the view that the presence of limited payout machines on the site concerned will not be in the public interest or will have a negative socio-economic impact on the community in the vicinity of the proposed site;
- (c) if it is of the view that the grant of the licence will not result in any of the objects of the Board, contemplated in section 6(1) of the Act, being realised;
- (d) unless it is satisfied that the playing of limited payout machines on such a site will form a secondary activity to the primary activity of the site; or
- (e) if the premises does not or will not, after any conversion authorised by the Board, meet the minimum standards prescribed in regulation 113, or in section 18 of the National Gambling Act.

### **Maximum number of limited payout machines**

**112.** The maximum number of limited payout machines that may be made available for play in or on the licensed premises of a type "B" site operator, is 40.

### **Minimum standards for premises**

**113.** The premises of a type "B" site operator must comply with the following minimum standards –

- (a) local authority approval of the primary business being, or to be conducted, at such

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

73

premises;

(b) compliance with any national health and safety regulations or any municipal health and safety by-laws;

(c) all limited payout machines to be operated from the licensed premises must be situated in such manner that they are not accessible to persons under the age of 18 years;

(d) adequate parking facilities in accordance with any local authority by-laws; and

(e) the security arrangements designed to promote the safety of patrons and their property, must be deemed to be adequate by the Board.

### **Restriction on advertising**

114.(1) A type "B" site operator must obtain the prior approval of the Board to advertise the presence of limited payout machines on any external signage at the site premises.

(2) Any approval granted by the Board in terms of subregulation (1) is subject to a type "B" site operator having obtained prior local authority approval for the advertising.

### **Grant of licence where premises being converted**

115. Where the Board is satisfied that a *bona fide* need exists to allow a licensee time for premises to be converted it may grant a licence: Provided that it must be a condition of such licence that –

(a) the conversion of the premises is completed prior to limited payout machines being made available for play;

(b) the local authority concerned has approved the conversion; and

(c) all limited payout machines at the licensed premises must be situated in such manner that they will not be accessible to persons under the age of 18 years.

#### *Part 4*

#### *Site Operators: Miscellaneous*

### **Limited payout machines and gaming equipment not altered, maintained or repaired by licensee**

116. A site operator –

(a) may not alter the operation of a registered limited payout machine or gaming equipment; and

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

74

(b) may not undertake any maintenance or repair on any limited payout machine, game and associated equipment: Provided that appropriately qualified or experienced personnel of a licensed route operator may perform the maintenance, repair or alteration of any limited payout machine: Provided further that the approved configuration of the limited payout machine is not thereby altered.

## CHAPTER 7 ROUTE OPERATORS AND INDEPENDENT SITE OPERATORS

### *Part 1*

#### *Route Operators and Independent Site Operators: Prescribed Activities and Operating Limitations*

#### **Prescribed activities of route operator**

117.(1) Subject to any conditions that the Board may impose, a route operator may –

(a) make such number of limited payout machines, as are specified in the route operator licence, available to be played on the premises of any licensed site operator: Provided that –

- (i) the total number of limited payout machines so specified does not exceed the maximum prescribed in regulation 107 or in regulation 112; and
- (ii) the limited payout machines and games played thereon, comply in all respects with the provisions of Part 1 of Chapter 5;

(b) subject to the provisions of regulation 101 undertake the regular maintenance or repair, replacement or upgrading of a limited payout machine specified in the route operator licence; and

(c) collect the prescribed taxes from site operators and pay such taxes to the Provincial Revenue Fund.

(2) A route operator is responsible for calculating and accounting for the taxes due from the operations of the site operators with which the route operator is contracted to make limited payout machines available for play.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

75

### **Prescribed activities of independent site operator**

**118.**(1) Subject to any conditions the Board in its discretion may impose, an independent site operator may –

- (a) make such number of limited payout machines, as are specified in the licence, available to be played on approved premises: Provided that –
  - (i) the total number of limited payout machines so specified does not exceed the maximum prescribed in regulations 107 or 112 and
  - (ii) the limited payout machines and games played thereon, comply in all respects with the provisions of Part 1 of Chapter 5; and
- (b) subject to the provisions of regulation 101, undertake the regular maintenance or repair, replacement or upgrading of a limited payout machine specified in the licence.

(2) An independent site operator is responsible for calculating and accounting for the taxes due from its operations and for paying such taxes to the Provincial Revenue Fund.

### **Maximum number of limited payout machines per route operator licence**

**119.** The maximum number of limited payout machines which the Board may specify per route operator licence is 1000.

### **Application for route operator licence or independent site operator licence**

**120.** In addition to any information which an applicant for a route operator licence or independent site operator licence is required to furnish in terms of the provisions of Part 1 of Chapter 2, the applicant must, as far as is possible at the time of making the application, also furnish the Board with –

- (a) a full description of the limited payout machines, together with their serial numbers, which the applicant intends to make available for play;
- (b) the relevant certification by the SABS for each type of limited payout machine, as contemplated in regulation 94;

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

76

- (c) details as to ownership of the limited payout machines or of any contract or agreement with another party in connection with the leasing, lending or hiring of the limited payout machines concerned;
- (d) in the case of an applicant for a route operator licence, the physical address of the site or sites in or at which the applicant intends to make the limited payout machines available for play and full disclosure of the number of limited payout machines intended for each site and all financial and other agreements or contracts already entered into or intended to be entered into with each potential site operator;
- (e) in the case of an applicant for an independent site operator licence, the physical address of the premises at which applicant intends to make the limited payout machines available for play and full disclosure of the number of limited payout machines intended for the site; and
- (f) any other information required as per the application form.

#### **Written agreement between route operator and site operator**

**121.** A licensed route operator must enter into a written agreement with a licensed site operator for the making available of limited payout machines at the premises of the site operator, which agreement must specify the manner in which the gross gaming revenue, after deduction of the gaming tax prescribed in the KwaZulu-Natal Gaming and Betting Tax Act, will be distributed between the licensed route operator and the licensed site operator.

#### *Part 2*

#### *Route Operators and Independent Site Operators: Monitoring and Control Systems*

#### **Electronic monitoring system**

**122.** The Board must require all limited payout machines to be linked to the national central electronic monitoring system established and maintained by the National Gambling Board in terms of section 27 of the National Gambling Act.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

77

### *Part 3*

#### *Route Operators and Independent Site Operators: Internal Controls*

#### **Minimum operational and internal control standards for route operator and independent site operator**

**123.**(1) The Board must adopt and make available to applicants for a route operator licence or independent site operator licence and to all licensees, the minimum operational standards and minimum standards for internal control procedures.

(2) The Board may, from time to time, amend, substitute or rescind any of the standards contemplated in subregulation (1), in which event it must make such amendment, substitution or rescission available to all applicants for a route operator licence or independent site operator licence and to all licensees.

(3) Every licensed route operator or independent site operator is required to comply with any standard adopted by the Board.

#### **Minimum internal controls**

**124.**(1) Every route operator or independent site operator must establish and maintain administrative and accounting procedures for the purpose of determining the liability of such route operator or independent site operator for taxes and fees under the Act and for the purpose of exercising effective control over his or her internal financial affairs.

(2) The administrative and accounting procedures contemplated in subregulation (1), must be designed to reasonably ensure that –

- (a) assets are safeguarded;
- (b) financial records are accurate and reliable;
- (c) transactions are performed by employees in accordance with management's general or specific authorisation;
- (d) transactions are recorded adequately to permit proper reporting of gaming revenue and fees and taxes; and
- (e) functions, duties and responsibilities are appropriately segregated and performed, in accordance with sound practices, by competent, qualified personnel.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

78

### **Internal control system approved by Board**

**125.(1)** Each –

- (a) route operator or independent site operator; and
- (b) applicant for a route operator licence or independent site operator licence,

must document –

- (i) the administrative and accounting procedures; and
- (ii) the internal control system;

which comply with the applicable norms and standards determined by the Board and must submit a copy thereof to the Board for approval prior to implementation of either the procedures or the system.

(2) Each system of internal control submitted for approval in terms of subregulation (1), must include –

- (a) an organisational chart depicting segregation of functions and responsibilities;
- (b) a description of the duties and responsibilities of each position shown on the organisational chart;
- (c) a detailed, narrative description or a detailed systems flow chart of the administrative and accounting procedures designed to satisfy the requirements of regulations 124 and 127;
- (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Part; and
- (e) such further information as the Board may require.

(3) Where the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Part, it must, in writing, notify the applicant or licensee thereof.

(4) The applicant or licensee must, within 30 days of receipt of the notification contemplated in subregulation (3), amend his or her internal control system, and must submit a copy of the amended system to the Board for approval.



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

79

### **Amendment of existing system of internal control**

**126.(1)** A licensee wishing to amend his or her system of internal control must, prior to implementing such amended system, submit to the Board for approval, a copy of the proposed amended internal control system.

(2) The provisions of regulation 125(2) to (4) apply, with the necessary changes, to an application for approval contemplated in subregulation (1).

### *Part 4*

#### *Route Operators and Independent Site Operators: Accounting Records and Returns*

### **Accounting records**

**127.(1)** Every route operator or independent site operator must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all transactions entered into by such route operator or independent site operator.

(2) Every route operator or independent site operator must keep –

- (a) generally accepted accounting records on a double entry system of accounting and must maintain detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity;
- (b) limited payout gaming machine analysis reports which reflect turnovers and payouts and compare actual hold percentages to theoretical hold percentages on a daily, monthly, quarterly, and 12 month rolling basis, in respect of each individual limited payout gaming machine;
- (c) the records required by the licensee's approved system of internal control; and
- (d) any other records that the Board specifically requires be maintained.

### **Audited financial statements**

**128.(1)** A route operator or independent site operator must, at the end of the financial year, prepare, or cause to be prepared, annual financial statements in a format which is both approved by the Board and is prepared in accordance with statements of Generally Accepted Accounting Practice, as promulgated by the Accounting Practices Board, from time to time.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

80

(2) Every route operator or independent site operator must engage an independent auditor who is registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), to audit his or her operation's financial statements in accordance with generally accepted auditing standards.

(3) A route operator or independent site operator must, within three months from the last day of the financial year, submit to the Board two copies of the annual financial statements duly audited in accordance with the provisions of subregulation (2), together with any reports communicating the results of the audit, including management letters.

(4) The Board may, on good cause shown by a licensee, extend the period contemplated in subregulation (3) by a period not exceeding six months.

(5) The Board may request additional information or documents from either –

- (a) the route operator or independent site operator; or
- (b) subject to the route operator's or independent site operator's prior consent, the auditor engaged by such operator, in connection with the financial statements or the services performed by such auditor.

#### **Other records**

**129.(1)** A route operator or independent site operator, which is a company, must keep, at such operator's business premises, or must provide to the Board at its request, the following records, documents or their equivalent –

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date on which the shares were acquired; and
- (g) any other records which the Board may from time to time specifically require to be maintained.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

81

(2) A route operator or independent site operator, who is a natural person, must keep such records as the Board may determine.

*Part 5*

*Route Operators and Independent Site Operators: Miscellaneous*

**Lodging of security**

**130.**(1) Every route operator or independent site operator must, immediately upon being granted a licence and prior to commencing business, lodge security with the Chief Executive Officer, in the form contemplated in subregulation (2) and in such amount as the Board may, from time to time determine, for the payment of –

- (a) any fees, taxes or penalties; and
- (b) any winnings owed to a player.

(2) The security contemplated in subregulation (1), must consist of –

- (a) a cash deposit;
- (b) a banker's guarantee; or
- (c) such other form of security as the Board may accept.

(3) The Board may require a route operator or independent site operator to replace one or more existing securities with other securities or to furnish additional securities, in the event that the Board deems the existing security to be either inadequate or unsuitable.

(4) The route operator or independent site operator must, at the time of lodging the security, furnish the Board with written authority empowering the Board to sell, realise, redeem and give conveyance of so much of the securities lodged as the Board may deem necessary to pay any indebtedness to the Provincial Revenue Fund or to a player on the part of the route operator or independent site operator.

(5) The Chief Executive Officer must, upon the expiration, non-renewal or cancellation of a route operator licence or independent site operator licence, return any securities lodged by the route

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

82

operator or independent site operator or any portion of such securities as remain after any indebtedness contemplated in subregulation (4) has been deducted.

## CHAPTER 8 BINGO

### *Part 1*

#### *Bingo: Activities Authorised by Licence and Applications*

#### **Activities authorised by bingo licence**

**131.** Subject to any conditions which the Board may impose, a bingo licensee may be permitted to do any or all of the following –

- (a) maintain premises where the primary gaming activity on offer is the game of bingo, which must be played in accordance with the provisions of the Act, these regulations and any rules of the Board;
- (b) link, by electronic or other similar means, to other licensed bingo halls for purposes of playing linked games of bingo, which must be linked and played in accordance with the provisions of the Act, these regulations and any rules of the Board; and
- (c) undertake the regular maintenance or repair, replacement or upgrading of any bingo equipment.

#### **Application for bingo licence**

**132.** The applicant for a bingo licence must, in addition to any information required to be furnished in terms of these regulations, at the time of making the application, furnish the Board with –

- (a) full details of any survey, analysis or study which he or she has undertaken or caused to be undertaken, together with a business plan showing projected income and expenditure, for purposes of demonstrating to the Board that the applicant has endeavoured to establish the extent of the demand for a bingo hall in the area concerned;
- (b) the physical address of the premises in or on which the applicant proposes to conduct business;

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

83

- (c) an application for approval of the premises in or on which the applicant proposes to conduct business, including a floor plan of the bingo hall concerned, showing the area in which the game of bingo will be played;
- (d) written confirmation from the municipality concerned that the proposed bingo hall complies with municipal standards and that the premises may be used for the proposed gaming business;
- (e) where available, the relevant certification by the SABS for all bingo equipment;
- (f) details as to ownership of the bingo equipment or of any contract or agreement with another party in connection with the leasing, lending or hiring of the bingo equipment concerned;
- (g) details of the electronic monitoring system the applicant intends to use for the purposes of enabling the Board to monitor the applicant's operations; and
- (h) any other information the Board may require.

#### **Minimum standards for bingo hall**

**133.**(1) The premises used for a bingo hall must –

- (a) comply with any municipal health and safety standards;
- (b) be designed in a manner intended to prevent access by persons under the age of 18 years to the area in which gambling takes place;
- (c) include adequate parking facilities in accordance with any municipal by-laws; and
- (d) include security arrangements to secure the safety of patrons and employees and their property, to the satisfaction of the Board.

(2) The premises used for a bingo hall must also comply with any other standard which the Board determines in its rules.

#### **Grounds for refusal of bingo licence**

**134.** The Board must not grant an application for a bingo licence if the proposed premises do not meet the minimum standards as contemplated in regulation 133 or are, in the opinion of the Board, otherwise unsuitable for the purposes of a bingo hall.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

84

*Part 2**Bingo: Stakes, Prizes and Maximum Number of Electronic Bingo Terminals***Stakes or participation fees in respect of bingo**

**135.**(1) The maximum amount which may be staked on a single game of bingo, by a player of a game of bingo, is R200,00.

(2) For the purposes of this regulation, the stake on a single game of bingo is the total amount spent by a player of a single game of bingo, on bingo cards or similar devices.

**Prizes in respect of bingo**

**136.** The theoretical return to player percentage of the game of bingo must be not less than 70 percent.

**Maximum number of electronic bingo terminals**

**137.**(1) The maximum number of electronic bingo terminals which may be exposed for play in any bingo hall, is either 150, or such maximum as may be prescribed in terms of the National Gambling Act, whichever prescribed maximum is the lesser of the two.

(2) Where the maximum number of electronic bingo terminals which may be exposed for play in any bingo hall, as prescribed in terms of the National Gambling Act, is less than 150, a bingo hall authorised by a licence in the province to expose more electronic bingo terminals than the national maximum, must within 18 months of the coming into force of the national maximum, reduce the number of electronic bingo terminals exposed for play in such bingo hall, to the national maximum number, or to a lower number.

*Part 3**Bingo: Registration, Deregistration and Maintenance of Bingo Equipment, Games and Associated Equipment***Bingo and associated equipment to comply with SABS or Board standard**

**138.**(1) A bingo licensee must, before applying for the registration of any bingo equipment, ensure that –

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

85

- (a) all bingo equipment which is specified in his or her licence has, subject to the provisions of subregulation (2), been certified by the SABS as complying with the applicable part of SABS Standard SABS 1718; and
- (b) the Board is provided with the relevant SABS certification.

(2) The Board may determine a standard for any bingo equipment which does not fall under the SABS standard for bingo equipment referred to in subregulation (1)(a).

**Application for registration, deregistration or renewal of bingo and associated equipment**

**139.**(1) Upon receiving the certification from the SABS or the Board in the manner contemplated in regulation 138, a bingo licensee must apply to the Board, in a form determined by the Board in its Rules, for the registration of any bingo equipment and associated equipment, which is of the type so certified by the SABS or the Board.

(2) The Board may, subject to regulation 142 approve and register bingo equipment which has been certified as contemplated in regulation 138(1)(a), or which has been found to comply with a standard for bingo equipment contemplated in regulation 138(2).

(3) All bingo equipment and associated equipment which has been approved and registered by the Board must –

- (a) be specified in the relevant bingo licence;
- (b) be included in the Board's records; and
- (c) must carry, in a conspicuous place, the Board's registration number.

(4) A bingo licensee may, at any time and without any fee being charged, in a form determined by the Board, apply to the Board for the deregistration of bingo equipment or associated equipment registered in terms of subregulation (1).

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

86

### **Operation and maintenance of registered bingo equipment and associated equipment**

**140.** A bingo licensee must –

- (a) not alter the operation of any bingo equipment or associated equipment registered in accordance with the provisions of regulation 138, without the prior written approval of the Board; and
- (b) ensure that all bingo equipment is maintained in a suitable condition, either through its own efforts, or through using the services of a registered maintenance provider.

### **Records kept by bingo licensee**

**141.** A bingo licensee must keep a record of all bingo equipment and associated equipment registered in accordance with the provisions of regulation 138, including, manufacturer, date of purchase, serial number, model number, Board registration number and date of deregistration by the Board.

### **Equipment to communicate with approved monitoring system**

**142.** Where the Board has approved a monitoring system for bingo equipment, all bingo equipment exposed for play, must be capable of communicating with such approved monitoring system.

## *Part 4 Bingo: Internal Controls*

### **Minimum operational and internal control standards**

**143.(1)** The Board must make rules providing for –

- (a) minimum operational standards for bingo halls; and
- (b) internal control procedures for bingo hall operations.

(2) The rules contemplated in subregulation (1) must, with regard to licensed bingo halls, be designed to reasonably ensure that –

- (a) assets are safeguarded;
- (b) financial records are accurate and reliable;
- (c) transactions are performed only in accordance with management's general or specific authorisation;



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

87

- (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
- (e) functions, duties and responsibilities are appropriately assigned and performed in accordance with sound practices by competent, qualified personnel.

### **Minimum internal controls**

**144.** A bingo licensee must, in compliance with the rules made by the Board, establish and maintain administrative and accounting procedures for the purpose of determining his or her liability for taxes and fees under the Act and for the purpose of exercising effective control over his or her internal financial affairs.

### **Internal control system approved by Board**

**145.**(1) A bingo licensee and an applicant for a bingo licence must –

- (a) document detailed administrative and accounting procedures; and
- (b) submit a copy thereof to the Board for approval prior to implementation of the system.

(2) Each system of internal control submitted for approval as contemplated in subregulation (1), must include –

- (a) an organisational chart depicting segregation of functions and responsibilities;
- (b) a description of the duties and responsibilities of each position shown on the organisational chart;
- (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of regulations 144 and 147;
- (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Part; and
- (e) such further information as the Board may require.

(3) Where the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Part, it must notify the applicant or licensee, accordingly, in writing.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

88

(4) Within 30 days of receipt of the notification contemplated in subregulation (3), the applicant or licensee must amend his or her internal control system accordingly, and must submit a copy of the amended system to the Board for approval.

#### **Amendment of existing system of internal control**

**146.(1)** Where the holder of a bingo licence wishes to amend the system of internal control, such licensee must, prior to implementing such amended system, submit to the Board a copy of the written internal control system as amended, for approval.

(2) The provisions of regulation 145(2) to (4) apply with the necessary changes to an application for approval contemplated in subregulation (1).

#### *Part 5*

#### *Bingo: Accounting Records and Returns*

#### **Accounting records**

**147.(1)** A bingo licensee must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.

(2) A bingo licensee must –

- (a) keep generally accepted accounting records on a double entry system of accounting;
- and
- (b) maintain detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity and any other records which the Board specifically requires be maintained.

#### **Audited financial statements**

**148.(1)** In order to comply with subregulation (3) every holder of a bingo licence must, at the end of such licensee's financial year, prepare or cause to be prepared annual financial statements in

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

89

a format approved or required by the Board which must be in accordance with statements of Generally Accepted Accounting Practice.

(2) Every bingo licensee must engage an independent auditor who is registered as being engaged in public practice in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), to audit such licensee's bingo and limited payout machine operation's financial statements in accordance with generally accepted auditing standards.

(3) A bingo licensee must, within three months from the last day of the financial year, submit to the Board two copies of the annual financial statements duly audited in accordance with subregulation (2), together with any reports communicating the results of the audit, including management letters.

(4) The Board may request additional information or documents from either the bingo licensee or the auditor engaged by such licensee, in connection with the financial statements or the services performed by such auditor.

#### **Other records**

**149.** Every bingo licensee, which is a company, must keep at such licensee's bingo hall or registered offices, and must provide to the Board at its request, the following records or documents or equivalent –

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the Board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records which the Board may, from time to time, specifically require to be maintained.

(2) A bingo licensee who is a natural person must keep such documents and records as may be determined by the Board.

<b>CERTIFIED:</b> 10 February 2012
Senior State Law Advisor

90

**Returns rendered**

**150.** Every bingo licensee must, in a format determined by the Board, submit such information at such intervals as the Board may determine.

*Part 6*  
*Bingo: Miscellaneous*

**Lodging of security**

**151.(1)** Every bingo licensee must, immediately upon being granted a licence and prior to commencing business, lodge with the Chief Executive Officer security in a form contemplated in subregulation (2) and in such amount as the Board may from time to time determine, for the payment of –

- (a) any fees, taxes or penalties; and
- (b) any winnings owed to a player.

(2) The security contemplated in subregulation (1), must consist of –

- (a) a cash deposit;
- (b) a banker's guarantee; or
- (c) such other form of security as the Board may determine.

(3) The Board may require a bingo licensee –

- (a) to replace one or more existing securities with other securities; or
- (b) to furnish additional securities.

(4) The bingo licensee must, at the time of lodging the security, furnish the Board with written authority empowering the Board to sell, realise, redeem and give conveyance of so much of the securities lodged as the Board may deem necessary to pay any indebtedness to the Provincial Revenue Fund or to a player on behalf of the bingo licensee.

(5) The Chief Executive Officer must, upon the expiration, non-renewal or cancellation of a

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

91

licence of a bingo licensee, return any securities lodged by the bingo licensee or any portion of such securities as remain after any indebtedness contemplated in subregulation (4) has been deducted.

## CHAPTER 9 AMUSEMENT MACHINES

### *Part 1*

#### *Amusement Machines: Regulation of Amusement Machines*

#### **Regulations not apply to certain persons**

**152.** The provisions of this Part of the regulations do not apply to any person –

- (a) who manufactures, assembles, repairs or services an amusement machine; and
- (b) who keeps such machines in a manner that they are only available for sale or for purposes of being repaired or serviced and are not in any way made available to be played.

#### **Acquisition of amusement machine**

**153.** Any person who acquires an amusement machine must, before making such machine available for play, apply to the Board, in the manner prescribed in this Part of the regulations, for such machine to be registered and for authority to make such machine available for play.

#### **Restrictions on keeping and making amusement machine available**

**154.(1)** A person may not keep or make an amusement machine available for play unless authorised by the Board to do so in the manner prescribed in its Rules and unless such amusement machine has been registered by the Board in the manner prescribed in regulation 155.

(2) An amusement machine may be made available in the same premises as gaming equipment only if –

- (a) the person authorised to keep an amusement machine is also the holder of a casino

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

92

licence, a bingo licence, an independent site operator licence, or a site operator licence;  
and

(b) any gaming equipment present in such premises is not accessible to persons under the age of 18 years who play amusement machines in such premises.

(3) Where a person who plays an amusement machine becomes entitled to receive a prize as a reward for successfully playing or operating or playing and operating the amusement machine, such prize may not be redeemed for cash, or converted to cash, by any person.

#### **Application for registration of amusement machine**

**155.(1)** Any person who –

- (a) either owns an amusement machine: or
- (b) makes an amusement machine available for play,

must apply to the Board, in a form determined by the Board in its Rules, for such machine to be registered.

(2) The Board must, on granting an application contemplated in subregulation (1), furnish the applicant with a registration certificate, which registration certificate must contain, but will not be limited to, the following information –

- (a) a complete description of each amusement machine listed in the registration certificate together with the registration number which the Board has allocated to each amusement machine;
- (b) the physical address at which each amusement machine is kept and made available for play, or is to be kept and made available for play;
- (c) full company details of, or the name, identity number and physical address of, the owner of each amusement machine; and
- (d) full company details of, or the name, identity number and physical address of, the person making the amusement machine available for play.

#### **Amusement machine to carry registration number**

**156.(1)** The owner of an amusement machine must ensure that each amusement machine

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

93

specified in the registration certificate carries, in a conspicuous place, the registration number allocated to it by the Board.

(2) Any person who attaches a registration number that has been allocated by the Board in accordance with this regulation, to a machine, apparatus or device that has not been registered by the Board in terms of this Part of the regulations, is guilty of an offence.

**Amusement machine kept and made available at place specified in registration certificate**

**157.(1)** An amusement machine may only be kept and made available at the physical address specified in the registration certificate: Provided that an amusement machine may be moved to another address upon the Board being advised thereof in writing by the person authorised to keep and make such amusement machine available and upon the Board acknowledging such advice, in writing, prior to the removal of such machine.

(2) The Board must, at no charge, amend the certificate of registration whenever a machine is moved to another physical address in accordance with the proviso to subregulation (1).

**Amendment of registration or authority to keep and make amusement machine available**

**158.** Any person holding a registration certificate for an amusement machine, or any person who is authorised to keep and make amusement machines available, in accordance with this Part of the regulations, may at any time, and upon payment of the fee prescribed in Schedule 2 to the Act, apply to the Board for –

- (a) the registration certificate to be amended; or
- (b) for the authority to keep and make amusement machines available to be amended.

**Board's power to grant or refuse application**

**159.(1)** The Board may –

- (a) grant an application for registration of an amusement machine, or
- (b) grant an application for authority to keep and make amusement machines available, subject to any conditions it may impose.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

94

(2) The Board must refuse an application for registration of an amusement machine, or an application for authority to keep and make amusement machines available, where –

- (a) the information contained in an application is not complete; or
- (b) the Board deems that the device concerned constitutes gaming equipment, rather than an amusement machine.

### **Registration certificate and authority prominently displayed**

**160.** A registration certificate and the written authority by the Board to keep and make amusement machines available for play, must be prominently displayed in a conspicuous place in the premises at which such amusement machines are kept and made available for play.

## CHAPTER 10 BETTING

### *Part 1*

#### *Betting: Application for Bookmaker's Licence*

### **Sale of bookmaking right by Board**

**161.(1)** Whenever a bookmaking right is required to be disposed of in terms of sections 7(2)(d), 45(7), 99(8)(b) or 99(11)(b) of the Act, the Board must dispose of such right by way of public tender.

(2) Any invitation to tender and any award of a bookmaking right arising from such a tender must be published by the Board in the *Gazette*.

(3) The invitation, publication, adjudication and award of a tender contemplated in subregulation (1), must be based on –

- (a) a rating and categorisation of bidders according to the national law on broad-based black economic empowerment; and
- (b) an award of the tender to the highest bidder within that category of bidders holding the highest broad-based black economic empowerment rating.



CERTIFIED: 10 February 2012

Senior State Law Advisor

95

### **Application for, transfer of ownership and renewal of bookmaker's licence**

**162.**(1) Any person who wishes to obtain a bookmaker's licence must apply to the Board for a bookmaker's licence, in the manner determined by the Board in its Rules.

(2) The provisions of Parts 1, 2, 3 and 4 of Chapter 2 of the regulations apply with the necessary changes to a person applying for a bookmaker's licence.

(3) In addition to any information which an applicant for a bookmaker's licence is required to furnish in terms of the provisions of these regulations, the applicant must furnish the Board with

- (a) the physical address of the premises in or on which the applicant proposes to conduct business as a bookmaker;
- (b) a floor plan of the premises concerned, clearly detailing the area where it is intended that bets will be transacted;
- (c) local authority approval for the premises concerned; and
- (d) any other information that the Board may require.

(4) The provisions of regulation 24 apply to the transfer of ownership of a bookmaking business from a natural person to a corporate body, whether or not such corporate body is owned in whole or in part by the natural person.

(5) Notwithstanding regulation 28(6), any bookmaking business being carried on must make application to the Board for the renewal of the bookmaking licence, no later than 31 October of the year in which the Act comes into effect.

### *Part 2*

### *Betting: Miscellaneous Matters Relating to Bookmakers*

#### **Betting room premises**

**163.**(1) A bookmaking business must acquire and maintain a primary betting room premises for each bookmaking right concerned, within the area determined by the Board for such bookmaking right.

CERTIFIED: 10 February 2012

Senior State Law Advisor

96

(2) No bookmaking business may operate from any premises without those premises having been first approved by the Board.

(3) The duties imposed by these Regulations apply jointly and severally where more than one bookmaking business operates from the same primary betting room premises.

(4) A bookmaking business which is not able to operate from its primary betting room premises, must –

- (a) make written application to the Board for approval to temporarily operate such bookmaking business from other premises; and
- (b) simultaneously pay the application fee prescribed in Schedule 2 to the Act.

(5) An application made as contemplated in subregulation (4), must include a motivation and any other information or documentation required by the Board.

(6) A bookmaking business seeking authority to operate from temporary premises while continuing to operate from a primary betting room premises must provide the Board with –

- (a) written motivation regarding the reasons for wanting to operate from temporary premises while continuing to operate from a primary betting room premises;
- (b) information regarding the physical facilities that will house the temporary bookmaking operation, including the bookmaking business's computerised record-keeping system and related equipment;
- (c) documentation proving that the bookmaker has obtained the permission, of the organisers of any major sporting event or other event or contingency, to operate at a particular space or place at or in close proximity to the venue at which the major sporting event or other event or contingency is to take place;
- (d) written confirmation by the event organisers that employees of the Board will be able to gain free access to the physical facilities that will house the temporary bookmaking operation;

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

97

- (e) confirmation that the situation and set-up of the bookmaking business's computerised record-keeping system and related equipment comply with these Regulations; and
- (f) any motivation, information and supporting documents as may be required by the Board.

(7) The Board may not grant authority to operate from temporary premises, while business operations from the primary betting room premises are temporarily discontinued, for a period of more than 90 days: Provided that in exceptional circumstances, and upon written application by the affected bookmaking business, the Board may grant a further extension.

(8) The Board may not grant authority to operate from temporary premises, while continuing to operate from a primary betting room premises, for a period of more than 40 days.

(9) Where a bookmaking business wishes to enter into betting transactions from a secondary betting room premises, such bookmaking business must first make application, in writing, to the Board for the –

- (a) approval that the natural person bookmaker or bookmaker's manager nominated by the bookmaking business, as the case may be, may enter into betting transactions from his or her residential premises, at which he or she ordinarily resides;
- (b) approval of the secondary betting room premises;
- (c) approval of the type of equipment to be used for the purpose of entering transactions on the bookmaking business's computerised record-keeping system, from the secondary betting room premises; and
- (c) for the actual installation of such equipment at the secondary betting room premises.

(10) Any equipment approved by the Committee in terms of subregulation (9)(c) must –

- (a) operate in a manner substantially similar to a computer terminal ordinarily used by the bookmaking business for capturing betting transactions at the bookmaking business's primary betting room premises; and
- (b) allow the bookmaking business to remotely enter betting transactions directly into the bookmaking business's computerised record-keeping system, from the bookmaking business's secondary betting room premises, using the Internet.

CERTIFIED: 10 February 2012

Senior State Law Advisor

98

(11) Approval by the Board of the installation at and the use of the computerised record-keeping system from the secondary betting room premises must have been communicated to the bookmaking business, before the natural person bookmaker or bookmaker's manager nominated by the bookmaking business may enter into betting transactions from any such premises.

(12) A bookmaking business may only enter into betting transactions from the secondary betting room premises, once the primary betting room premises have been closed to the public for business.

(13) The business hours during which the bookmaking business's primary betting room premises are open to the public, may, subject to municipal laws, be determined by the bookmaking business concerned.

#### **Relocation of bookmaking business to other premises and alteration of betting room premises**

**164.**(1) No bookmaking business may –

- (a) relocate from primary betting room premises to other premises; or
- (b) effect any structural alteration or addition to primary betting room premises,

except with the prior written approval of the Board.

(2) An application for approval contemplated in subregulation (1)(a) must be in writing and must be accompanied by a map showing the location of the premises and a ground plan of the premises to which it is proposed the bookmaking business relocate, indicating proposed alterations or additions, if applicable.

(3) An application for approval contemplated in subregulation (1)(b) must be in writing and must be accompanied by a ground plan of the approved primary betting room premises, indicating proposed alterations or additions.

CERTIFIED: 10 February 2012

Senior State Law Advisor

99

### **Security by bookmakers for betting liabilities**

**165.**(1) A holder of a bookmaking licence may not carry on the business of a bookmaker unless such bookmaking business has lodged security for payment of its obligations in respect of betting transactions with the Board.

(2) The security referred to in subregulation (1) may not be withdrawn or reduced without the prior sanction of the Board.

(3) The security referred to in subregulation (1) must consist of –

- (a) a cash deposit;
- (b) a banker's guarantee; or
- (c) such other form of security as the Board may approve.

### **Betting disputes**

**166.**(1) The Board may settle any betting dispute between a bookmaking business and a bettor, or between one bookmaking business and another.

(2) Any bettor or bookmaking business wishing to submit a betting dispute to the Board must –

- (a) do so in writing addressed to the Chief Executive Officer within 60 days from the date upon which the dispute arose; and
- (b) at the same time furnish full particulars of such dispute.

(3) The Chief Executive Officer may require that a bettor submitting a betting dispute in terms of subregulation (2) must pay a deposit of R500,00 to the Board.

(4) The Chief Executive Officer may require that a bookmaker submitting a betting dispute in terms of subregulation (2) must pay a deposit of R2 000,00 to the Board.

(5) The Chief Executive Officer must immediately upon receipt of notification of such dispute enter the particulars thereof in a register to be kept for that purpose.

(6) Employees of the Board must investigate the dispute and prepare a report regarding their findings for submission to the Board.

CERTIFIED: 10 February 2012

Senior State Law Advisor

100

(7) The Board, after receiving a report from its employees as contemplated in subregulation (6) must –

- (a) conduct a hearing regarding the dispute; and
- (b) at the conclusion of the hearing, adjudicate upon the dispute, as contemplated in subregulation (9).

(8) If any party to a betting dispute fails to appear before the Board after having received not less than 14 days written notice to do so, the Board may proceed to consider and adjudicate upon the dispute in his or her absence.

(9) The Board may –

- (a) order that any deposit paid be refunded, after the Board has heard the dispute, or if the dispute is withdrawn before the Board hears it, at the time that the notification of the withdrawal of the dispute is received;
- (b) order forfeiture of any deposit paid if it deems a dispute to be frivolous; or
- (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.

(10) The noting of an appeal against the decision or order of the Board made in terms of subregulation (7) or (9) does not suspend the enforcement of such decision or order: Provided that where a bookmaking business which has been ordered, through a decision made by the Board on a betting dispute, to pay any winnings or other amount to a bettor, appeals the decision, payment of the winnings or other amount must be made by such bookmaking business to the Board to be held in trust, pending the outcome of the appeal, whereupon the Board must pay out the winnings or other amount, to either the bookmaking business or to the bettor, as ordered by the responsible Member of the Executive Council.

### **Unsettled bets**

**167.(1)** Any person having a valid claim against a bookmaking business –

- (a) in respect of a bet which such bookmaking business has failed to settle after a request to do so; or

<b>CERTIFIED:</b> 10 February 2012
------------------------------------

101

Senior State Law Advisor
--------------------------

(b) who has failed to settle a claim after an order of the Board made in terms of regulation 166(9)(c),  
must report the circumstances in writing to the Chief Executive Officer.

(2) The Chief Executive Officer on receiving the report contemplated in subregulation (1) –

- (a) must record it forthwith in a register kept for that purpose;
- (b) must conduct an enquiry into the matter;
- (c) must submit the report contemplated in subregulation (1); and
- (d) must submit the results of the enquiry, to the Board, without delay.

(3) The Chief Executive Officer in conducting the enquiry contemplated in subregulation (2)(b) must give the bookmaking business an opportunity to be heard.

(4) If, after a hearing conducted for the purpose of considering the report contemplated in subregulation (1) and the results of the enquiry as contemplated in subregulation (2)(d), the Board is satisfied that the claim should be paid by the bookmaking business, the Board may order the bookmaking business to pay the claim within 24 hours.

(5) The Board may adjudge a bookmaking business to be a defaulter where the bookmaking business fails to comply with the order contemplated in subregulation (4).

(6) Where a bookmaking business has been adjudged to be a defaulter in terms of subregulation (5) and where the bookmaking business is not subject to financial liquidation or sequestration, the Board may –

- (a) use all of, or so much of the security, furnished to the Board by the bookmaker in terms of section 126(1)(c) of the Act, as is necessary, to make payment on any claim which has led to the bookmaker having been adjudged to be a defaulter; and
- (b) suspend the bookmaker's licence while and for as long as the bookmaking business fails to replenish the security so used.

### **Control of partnerships that operate bookmaking businesses**

**168.(1)** While a bookmaking business continues to be carried on as a partnership of one or more licensed bookmakers –

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

102

- (a) the partners are jointly and severally liable for all the obligations of the partnership;  
and
- (b) each partner must comply with the requirements regarding security and licences as if he or she were conducting business for his or her own account.

(2) Where a partnership of bookmakers conducts business concurrently in a single primary betting room premises and at some other approved venue, such partnership must maintain –

- (a) one field sheet –
  - (i) per horse race per venue;
  - (ii) per sporting event per venue;
  - (iii) per other event or contingency per venue; and
- (b) one desk book.

(3) Where two or more bookmakers carry on business in partnership, they must, upon demand by the Board, forthwith produce a certified copy of the relevant partnership agreement.

(4) (a) Where a partnership of bookmakers conducts its business from a single betting room premises such partnership must operate and maintain not more than one computerised record keeping system, producing a single set of the prescribed bookmaking records and tax returns.

(b) All books, records, statements, returns, betting boards and advertisements of such partnership must reflect the name of the partnership and the names of the partners.

(c) No bets may be transacted between partners, or by any partner with the partnership.

(5) The Board may, at any time on good cause shown, impose such conditions as it deems necessary, on the licences of the bookmakers operating a bookmaking business as a partnership.

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

(7) Subject to the provisions of the Act, 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.



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

103

### **Defaulting bettor**

**169.**(1) The Board may, declare a bettor to be a defaulter where it is satisfied after due enquiry, that the bettor has failed to pay a bookmaker any amount due in respect of a bet made by him or her with such bookmaker.

(2) Whenever the Board has declared a bettor to be a defaulter, it must send a notice to every licensed bookmaking business and racing club in the Province.

(3) A bookmaking business that has received the notice contemplated in subregulation (2) must display it in a conspicuous place in the primary betting room, until such time as such bookmaking business is directed by the Board in terms of subregulation (5)(b) to remove it, whereupon such bookmaking business must comply with such direction without delay.

(4) Upon receipt of a notice contemplated in subregulation (2) any bookmaking business to which such bettor is indebted in respect of bets made with such bookmaking business, must forthwith advise the Board of the details of such indebtedness.

(5)(a) Any bettor who has been adjudged to be a defaulter by the Board may not enter or be upon any premises –

(i) licensed as a racecourse in terms of the Act; or

(ii) any premises upon which a licensed bookmaker carries on business,

until such time as all his or her liabilities to bookmakers have been discharged and the Board is satisfied that he or she is a fit and proper person to resume betting.

(b) When the Board is satisfied as contemplated in paragraph (a), it must forthwith direct every licensed bookmaking business to remove the notice contemplated in subregulation (2).

### **Security for tax**

**170.**(1) The security to be lodged by a bookmaking business for the payment of tax as prescribed in the KwaZulu-Natal Gaming and Betting Tax Act, 2010, must be for such sum as may be determined by the Board and must consist of –

(a) a cash deposit;

(b) a banker's guarantee; or

CERTIFIED: 10 February 2012

Senior State Law Advisor

104

(c) such other form of security as the Board may approve.

(2) The Board may sell or realise such amount of the securities lodged as may be necessary to pay any indebtedness to the Provincial Revenue Fund.

**Approval procedure: Other events and contingencies**

171.(1) Any person who wishes the responsible Member of the Executive Council to make a determination regarding an event or contingency must make application to the responsible Member of the Executive Council in writing.

(2) A written application contemplated in subregulation (1) must include at least the following –

- (a) the profession, name, postal address and other contact details of the applicant;
- (b) a clear, complete and concise description of the nature of the event or contingency for which the determination is requested;
- (c) information regarding any organisation which, in any manner, controls the event or contingency for which the determination is requested;
- (d) motivation that the act of betting on the event or contingency for which the determination is requested, will not offend public morals;
- (e) motivation that the act of betting on the event or contingency for which the determination is requested, will not unreasonably expose or predispose the event or contingency to the manipulation of the results or outcomes thereof, or to other acts of fraud or corruption; and
- (f) motivation that the event or contingency for which the determination is requested, exhibits integrity and transparency and will not mislead or in any other way unfairly disadvantage bettors.

(3) Any determination made by the responsible Member of the Executive Council must be made by way of a notice published in the *Provincial Gazette*.

(4) The effective date of a determination by the responsible Member of the Executive Council as contemplated in this regulation is the date of publication of the *Provincial Gazette* in which the relevant notice is published.

CERTIFIED: 10 February 2012

Senior State Law Advisor

105

**Persons not allowed to bet: Horse races, sporting events and other events or contingencies**

172.(1) No person who participates in any sporting code as –

- (a) a player, rider, driver, team member or similar participant;
- (b) a referee, linesman, assistant referee, umpire or similar participant;
- (c) a team coach, team or player manager, trainer, or similar participant; or
- (d) a team owner, dog owner, or similar participant,

may bet on any sporting event, in which –

- (i) that person participates;
- (ii) a team which that person manages, owns, trains or coaches participates;
- (iii) a player, rider, driver, team member or similar participant which that person manages, trains or coaches participates; or
- (iv) an animal which that person owns, trains or coaches participates.

(2) No person who participates in any other event or contingency as –

- (a) a player, team member, contestant or similar participant;
- (b) a producer, event organiser, referee, judge, or similar participant; or
- (c) a team coach, team owner, a player or team member's manager, a contestant's manager or agent, or similar participant,

may bet on such other event or contingency.

(3) Any bet struck contrary to this regulation is voidable by a bookmaker, by a totalisator operator, or by the Board.

**List of bookmakers submitted by racecourse operator**

173. A list of all bookmakers who operated on a racecourse must be submitted to the Board, by the relevant racecourse operator, at the end of each race day.

*Part 3*

*Betting: Miscellaneous Matters Relating to Totalisators*

**Totalisator betting system**

174.(1) A totalisator licensee must use a totalisator betting system approved by the Board for the purpose of recording all betting transactions.

CERTIFIED: 10 February 2012

Senior State Law Advisor

106

(2) Before a totalisator licensee uses totalisator vending machines connected to its totalisator betting system to issue bets to bettors, it must obtain the Board's approval for such use.

(3) Where an applicable SABS standard for totalisator betting systems or totalisator vending machine exists, a totalisator licensee must obtain a certificate of compliance with such standard and must submit same, along with its application for the approval of its totalisator betting system, or totalisator vending machine, to the Board.

(4) Where an applicable SABS standard for totalisator betting systems, or totalisator vending machines does not exist, the Board will determine both a standard for totalisator betting systems or totalisator vending machines, as the case may be, as well as the procedure and documentation to be used by the totalisator licensee in making application for the approval of its totalisator betting system, or totalisator vending machine.

(5) All costs involved in the testing, certification and approval of totalisator betting systems, or of totalisator vending machines, must be borne by the person or organisation submitting the totalisator betting system, or totalisator vending machine to the SABS for certification and to the Board for approval.

(6) A totalisator betting system must, during its normal operations, automatically –

(a) create data files which will serve as a complete audit trail of every bet struck on the system and of every cancelled bet;

(b) create a record of each bet struck on the system, which record must include the following minimum information –

(i) the betting slip number in respect of each betting transaction;

(ii) an indication of whether the bet is a bet on a horse race, on a sporting event, or on any other event or contingency;

(iii) the date of the horse race, sporting event, or other event or contingency;

(iv) the name or identifying number of the horse race, sporting event, or other event or contingency;

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

107

- (v) the venue of the horse race, sporting event, or other event or contingency;
  - (vi) the selections or subject in respect of which the bet is laid; and
  - (vii) the bettor's stake;
- (c) upon the input of results of horse races, sporting events, and other event or contingencies into the system, calculate bettors' winnings and taxes due; and
- (d) issue to bettors against every bet struck on the system, a printed or printable detailed record of the bet or bets struck by the bettor.

(7) The Board must devise systems and procedures for testing totalisator betting systems against the standards for such systems: Provided that the primary aims of such testing will be to determine –

- (a) the accuracy of the calculation of the payouts to winning bettors;
- (b) the accuracy of the calculation of the quantum of taxes due; and
- (c) the resistance of the system to possible malicious attempts at the manipulation of data or auditable records.

#### **Computerised back-ups of data and records**

**175.** (1) All data contemplated in regulation 174(6)(a) and the records contemplated in regulation 174(6)(b), must be copied onto a suitable and portable electronic recording medium or device at the end of each day.

(2) The electronic recording medium or device contemplated in subregulation (1) and the data saved therein must be securely retained in chronological order for inspection purposes at premises other than the totalisator premises.

(3) In addition to the data and records contemplated in subregulation (1), the following information and records must be copied and retained as contemplated in subregulation (1) –

- (a) the tax payable;
- (b) fractions; and
- (c) unclaimed dividends.

(4) The Board must determine whether or not a portable electronic recording medium or device as contemplated in subregulation (1) is suitable for the purpose contemplated in subregulation

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

108

(1) and must further determine the suitability of the place and manner in which such portable electronic recording medium or device is retained.

(5) The totalisator licensee must retain the data and records contemplated in subregulation (1) for a period of five years.

### **Totalisator rules and betting disputes**

**176.(1)** A totalisator operator, a totalisator manager or a totalisator agent, must operate the totalisator in accordance with rules made by the totalisator licensee, which rules must be submitted to the Board for approval, in the manner determined by the Board in its Rules.

(2) A totalisator operator, a totalisator manager or a totalisator agent, as the case may be, must immediately report any dispute with a bettor regarding the outcome of a betting transaction, or the payment of winnings based on the outcome of a betting transaction, whether resolved or not, to the Board.

(3) The Board may settle any unresolved betting dispute between a totalisator operator, a totalisator manager or a totalisator agent and a bettor.

(4) Any bettor or totalisator operator, totalisator manager or totalisator agent wishing to submit an unresolved betting dispute to the Board must –

- (a) do so in writing addressed to the Chief Executive Officer within 60 days from the date upon which the dispute arose; and
- (b) at the same time furnish full particulars of such dispute.

(5) The Chief Executive Officer may require that a bettor submitting a betting dispute in terms of subregulation (4) must pay a deposit of R500,00 to the Board.

(6) The Chief Executive Officer may require that a totalisator operator, totalisator manager or totalisator agent submitting a betting dispute in terms of subregulation (4) must pay a deposit of R2 000,00 to the Board.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

109

(7) The Chief Executive Officer must immediately upon receipt of notification of such dispute enter the particulars thereof in a register to be kept for that purpose.

(8) Employees of the Board must investigate the dispute and prepare a report regarding their findings for submission to the Board.

(9) The Board, after receiving a report drafted by its employees as contemplated in subregulation (8) must –

- (a) conduct a hearing regarding the dispute; and
- (b) at the conclusion of the hearing, adjudicate upon the dispute, as contemplated in subregulation (11).

(10) If any party to a betting dispute fails to appear before the Board after having received not less than 14 days notice to do so, the Board may proceed to consider and adjudicate upon the dispute in his or her absence.

(11) The Board may –

- (a) order that any deposit paid be refunded, after the Board has heard the dispute, or if the dispute is withdrawn before the Board hears it, at the time that the notification of the withdrawal of the dispute is received;
- (b) order forfeiture of any deposit paid if it deems a dispute to be frivolous; or
- (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.

(12) The noting of an appeal against the decision or order of the Board made in terms of subregulation (11) hereof, does not suspend the enforcement of such decision or order: Provided that where a totalisator operator, totalisator manager or totalisator agent who or which has been ordered, through a decision made by the Board on a betting dispute, to pay any winnings or other amount to a bettor, appeals the decision, payment of the winnings or other amount must be made by such totalisator operator, totalisator manager or totalisator agent to the Board to be held in trust, pending the outcome of the appeal, whereupon the Board must pay out the winnings or other amount, should the responsible Member of the Executive Council so order.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

110

**Relationship between totalisator licensee and totalisator operator, totalisator manager or totalisator agent**

177.(1) A totalisator licensee, notwithstanding any contractual arrangement to the contrary, remains fully liable to the Board for the acts or omissions of its totalisator operator, its totalisator managers and totalisator agents, insofar as compliance with the Act is concerned.

(2) The totalisator licensee must provide the Board with a certified copy of any written agreement between it and a totalisator agent, or between it and a totalisator manager.

CHAPTER 11  
MISCELLANEOUS

*Part 1*  
*Miscellaneous: Serving of Notices*

**Method for serving of notice**

178.(1) Any notice to be given to a person in terms of the Act by the Board or a committee of the Board, must be in writing and must be given or delivered by means of –

- (a) personal delivery;
- (b) registered mail;
- (c) email; or
- (d) facsimile transmission.

(2) Any notice given in terms of subregulation (1) is deemed to have been received –

- (a) in the case of personal delivery, upon delivery of the notice to such person's physical address;
- (b) in the case of registered mail, 14 days after it has been posted; or
- (c) in the case of an email or facsimile transmission, at 10h00 on the first business day following the date of transmission.

*Part 2*  
*Miscellaneous: Cheating and Fraudulent Acts*

**Use of certain devices prohibited**

179.(1) No person may use, or possess with the intent to use at any licensed premises, any device or substance to assist –



**CERTIFIED:** 10 February 2012

Senior State Law Advisor

111

- (a) in projecting the outcome of a game;
  - (b) in keeping track of the cards played in a game involving the use of cards;
  - (c) in analysing the probability of the occurrence of an event relating to a game; or
  - (d) in analysing the strategy for playing or betting to be used in a game,
- except as approved by the Board in writing, upon the written request of a licensee.

(2) The provisions of subregulation (1) must not be deemed to prohibit –

- (a) the making of, and the making of reference to, handwritten records of the cards played at punto banco or baccarat;
  - (b) the making of, and the making of reference to, handwritten records of roulette results;
- or
- (c) the use by any person of that person's mental faculties alone, to assist him or her to –
    - (i) project the outcome of a game; or
    - (ii) keep track of the cards played in a game involving the use of cards.

### **Fraudulent acts**

**180.** No person may –

- (a) alter or misrepresent the outcome of a casino game, sporting event, horse race or other event or contingency, upon which bets have been made, after the outcome is determined but before it is revealed to the players;
- (b) place, increase or decrease a bet or determine the course of play in a game –
  - (i) after acquiring knowledge, not available to all players, of the outcome of such game or any event that affects the outcome of the game, or which outcome is the subject of the bet; or
  - (ii) aid anyone in acquiring knowledge, not available to all players, of the outcome of such game or any event that affects the outcome of the game, or which outcome is the subject of the bet, for the purpose of placing, increasing or decreasing a bet or for the purpose of determining the course of play, contingent upon that event or outcome;
- (c) claim, collect or take, or attempt to claim, collect or take, money or anything of value in

CERTIFIED: 10 February 2012

Senior State Law Advisor

112

or from any gambling activity, with intent to defraud, without having made a bet contingent thereon, or to claim, collect or take an amount greater than the amount won;

(d) place or increase a bet after acquiring knowledge of the outcome of a casino game, sporting event, horse race or other event or contingency, which is the subject of the bet;

(e) reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the a casino game, sporting event, horse race or other event or contingency, which is the subject of the bet; or

(f) damage or manipulate any component of gaming equipment in a manner contrary to the design and normal operational purpose of the component, such that the possibility that the damage caused or the act of manipulation may affect the outcome of the game.

#### **Unlawful use of coins, counterfeit chips, plaques and tokens**

**181.(1)** When coins are found to have been used unlawfully at licensed premises and unless the Board or a court of competent jurisdiction orders otherwise in a particular case, a licensee may dispose of coins of the Republic of South Africa, or of any other nation, by –

- (a) including, in the case of local currency, such coins in such licensee's coin inventory;
- (b) exchanging, in the case of foreign coins, such coins for local currency or coins and including them in such licensee's currency or coin inventory; or
- (c) disposing of them in any other lawful manner.

(2) Each licensee must record –

- (a) the number and denominations, actual and purported, of any counterfeit chips, plaques and tokens destroyed or otherwise disposed of in terms of this regulation;
- (b) the date on which any counterfeit chip, plaque and token was found;
- (c) the date, place and method of destruction or other form of disposal including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins were exchanged;
- (d) the names of the persons carrying out the destruction or other form of disposal on behalf of the licensee; and
- (e) such other information as the Board may require.

**CERTIFIED:** 10 February 2012  
Senior State Law Advisor

113

### **Detention and questioning of person suspected of contravention**

**182.** Any inspector or any licensee or any of his or her officers, employees or agents who has reasonable cause for believing that there has been a contravention of this Part or of section 142 of the Act by any person, may take that person into custody, inform the South African Police Service and detain such person on the licensed premises in a reasonable manner until the arrival of a police officer.

### **Seizure of objects or devices**

**183.(1)** Any object or device used or capable of being used for cheating at a gambling game may be seized by an inspector or police officer.

(2) Any object or device contemplated in subregulation (1) –

- (a) must not be returned to the owner or to any other person; and
- (b) must be retained or destroyed in a manner determined by the Board in its Rules.

### *Part 3 Miscellaneous: Appeals*

### **Appeal against decision of committee, delegatee or Chief Executive Officer**

**184.(1)(a)** An appeal from a decision of a committee of the Board, or from a decision of the Chief Executive Officer, or from a decision of a delegatee of the Board, in terms of section 140 of the Act, must be noted by the lodgement with the Chief Executive Officer of a written notice of appeal to the Board, setting out the grounds upon which such appeal is based.

(b) Such notice of appeal to the Board must be lodged with the Chief Executive Officer within 30 days of the date of the decision of the committee of the Board, of the delegatee, or of the Chief Executive Officer, against whom the appeal is noted, or within 21 days of the date upon which the written communication of the decision and the reasons for that decision, are received by the parties affected by the decision, whichever is the later date.

(2) Subject to regulations 166 and 176, an appellant must, when lodging an appeal in terms of subregulation (1), pay to the Chief Executive Officer a deposit of R2 000,00.

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

114

- (3)(a) The chairperson must, within 60 days after the appeal has been lodged, convene a meeting of the Board at which the appeal must be considered by the Board; and
- (b) Members of the Board who consider an appeal may not include those members who were part of a committee who made the decision that is being appealed.

(4) The Board may –

(a) disallow an appeal, uphold the decision of the committee, delegatee, or Chief Executive Officer, as the case may be and –

(i) order that any deposit paid be refunded, after disallowing the appeal, or if the appeal is withdrawn before the Board has considered it, at the time that the notification of the withdrawal of the appeal is received; or

(ii) order forfeiture of any deposit paid, if the Board deems the appeal to be frivolous;

(b) uphold the appeal wholly or partially, order that any deposit paid be refunded and –

(i) substitute its decision for that of the committee, delegatee, or Chief Executive Officer; or

(ii) alter the decision of the committee, delegatee, or Chief Executive Officer.

(5) The Chief Executive Officer must notify the appellant of the Board's decision, within 14 days.

(6) Written reasons for the decision must be given to the appellant upon written request.

### **Appeal against decision of Board**

**185.(1)(a)** An appeal to the responsible Member of the Executive Council against a decision of the Board in terms of section 140 of the Act must be noted by the lodgement with the Chief Executive Officer of a written notice of appeal setting out the grounds upon which such appeal is based.

(b) Such notice of appeal must be lodged with the Chief Executive Officer within 30 days of the date of the decision against which the appeal is noted, or within 21 days of the date on which the notification contemplated in regulation 184(5) was provided to the appellant, whichever is the later.

(2) Subject to regulations 166 and 176, an appellant must, when lodging an appeal in terms of

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

115

subregulation (1), pay to the Chief Executive Officer a deposit of R2 000,00.

(3) The Board must, within seven days of the noting of an appeal, forward a copy of the notice of appeal, together with a copy of the Board's reasons for its decision and all documents relevant to the matter, to the responsible Member of the Executive Council for his or her consideration.

(4) The responsible Member of the Executive Council must consider an appeal within 30 days of receipt of the documentation contemplated in subregulation (3).

(5) The responsible Member of the Executive Council may appoint an appeal panel to consider and advise him or her on the appeal.

(6) The responsible Member of the Executive Council may –

(a) disallow an appeal, uphold the decision of the Board and –

(i) order that any deposit paid be refunded, after disallowing the appeal, or if the appeal is withdrawn before he or she has considered it, at the time that the notification of the withdrawal of the appeal is received; or

(ii) order forfeiture of any deposit paid, if he or she deems the appeal to be frivolous;

(b) uphold the appeal wholly or partially, order that any deposit paid be refunded and –

(i) substitute his or her decision for that of the Board; or

(ii) alter the decision of the Board; or

(c) refer the application back to the Board for reconsideration and a decision, with such instructions as he or she may deem fit.

(7) The responsible Member of the Executive Council must, within 14 days of the decision having been taken, notify both the Board and the appellant, of the decision, in writing.

(8) Written reasons for the decision must be given to the appellant upon written request.

(9) The powers vested in the responsible Member of the Executive Council in terms of this section may not be delegated.

(10) The responsible Member of the Executive Council in his or her discretion may, however, refer the appeal to any other Member of the Executive Council in the Province for a decision

**CERTIFIED:** 10 February 2012

Senior State Law Advisor

116

if –

- (a) the responsible Member of the Executive Council is of the opinion that the decision would be better made by that other responsible Member of the Executive Council in the Province; or
- (b) the appellant in subregulation (1) has requested that the decision be made by someone other than the responsible Member of the Executive Council and the appellant has provided valid reasons for such a request.

*Part 4*

*Miscellaneous: Due Date for Tax and Tax Statements*

**Due date for payment of tax and lodging of tax statements**

**186.**(1) Every licensee, other than a person licensed as a bookmaker or as a totalisator, must pay, into the Provincial Revenue Fund, within 10 days after the end of every month, the taxes due by such licensee from the preceding tax period, in accordance with the provisions of the KwaZulu-Natal Gaming and Betting Tax Act.

- (2) For the purposes of this regulation, "**tax period**" means a calendar month.
- (3) The Board must determine the format of the tax statement for each type of licensee, which must constitute declarations of the tax due by each licensee in respect of a tax period.
- (4) Every licensee must, within 10 days after the end of every month, lodge a correctly completed tax statement form with the Chief Executive Officer.
- (5) A tax statement form which is not correctly completed must be deemed by the Chief Executive Officer to not have been lodged.
- (6) Where a licensee fails to either pay the taxes due or to lodge a tax statement form by the due date, such licensee's licence is deemed to be suspended while, and for as long as, such failure to lodge the said statement and to pay the said taxes and any penalties due, continues.

<b>CERTIFIED:</b> 10 February 2012
------------------------------------

117

Senior State Law Advisor
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(7) Where a licensee fails to either pay the taxes due or lodge a tax statement form by the due date, the Chief Executive Officer must immediately inform such licensee that such licensee's licence is deemed to be suspended and, unless the licensee is able to show the Chief Executive Officer good cause as to why the suspension should not be enforced, the Chief Executive Officer must take effective steps to enforce such suspension.

(8) Any licensee that operates while its license is suspended in terms of the provisions of this regulation, is guilty of an offence.

*Part 5*  
*Miscellaneous: Credit Extension*

**Credit Extension**

**187.** No licensee may grant credit to any customer gambling with such licensee, in a manner which is either in conflict with any national law dealing with the granting of credit, or in conflict with the applicable rules made by the Board.

CHAPTER 12  
REPEAL OF REGULATIONS AND SHORT TITLE

*Part 1*  
*Repeal of regulations*

**Repeal of regulations**

**188.** The regulations referred to in section 150(a) of the Act are hereby repealed.

*Part 2*  
*Short title*

**Short title**

**189.** These regulations are called the KwaZulu-Natal Gaming and Betting Regulations, 2012.

**No. 64****29 Junie 2012**

**DEPARTEMENT VAN DIE PREMIER  
REGULASIE KENNISGEWING**

**KWAZULU-NATAL REGULASIES OP DOBBELARY EN WEDDERY, 2012**

Hiermee vaardig ek die Regulasies soos vervat in die Bylae hierby volgens artikel 146 van die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010 (Wet No. 8 van 2010) uit.

Gegee onder my Hand te Pietermaritzburg op hierdie 14de dag van Junie, Tweeduisend-en-Twaalf.

.....

**DR ZL MKHIZE**

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal  
verantwoordelik vir Dobbelary en Weddery



**BYLAE**  
**RANGSKIKKING VAN REGULASIES**

*Regulation*

HOOFSTUK 1  
ALGEMEEN

*Deel 1*  
*Omskrywings*

1. Omskrywings

*Deel 2*

*KwaZulu-Natal Raad op Dobbelary en Weddery*

2. Raad moet sekere inligting aan verantwoordelike Lid van die Uitvoerende Raad verskaf
3. Raad moet sekere inligting aan Portefeuljekomitee verskaf
4. Besoldiging vir personeel van Raad
5. Eise deur lede van Raad vir besoldiging en kostes verwant aan pligte uitgevoer
6. Notules van vergaderings beskikbaar ter insae
7. Afskrifte of uittreksels en fooie betaalbaar
8. Ede en plegtige verklarings
9. Instelling van spesiale fondse
10. Administrasie van spesiale fondse
11. Bevoegdheid van Raad om boete of straf op lisensiehouer of geregistreerde op te lê

HOOFSTUK 2

BEPALINGS BETREFFENDE ALLE AANSOEKE, LISENSIEHOUERS EN  
GEREGISTREERDE PERSONE

*Deel 1*

*Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreerde Persone: Aansoeke  
en Ondersoeke*

12. Aansoeke en toestaan daarvan
13. Uitnodiging om aansoek in te dien
14. Kennisgewing van aansoeke ontvang en openbare insae in aansoek
15. Vertoë deur belanghebbendes en antwoord op vertoë deur applikant
16. Polisieverslag
17. Wysiging van inligting en verkryging of voorsiening van verdere inligting
18. Verhaling van ondersoekuitgawes
19. Applikant moet verseker inligting is juis en volledig
20. Terugtrek van aansoek
21. Aanhoor van aansoek

## 3

22. Gronde vir bevinding van applikant as nie 'n geskikte en gepaste persoon nie
23. Geleentheid om diskwalifiserende omstandighede reg te stel
24. Oordrag van lisensie
25. Verskuiwing van besigheid na ander perseel

*Deel 2**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreeerde Persone: Aanhore en Uitreik van Lisensies*

26. Verrigtinge by aanhore
27. Rekord van verrigtinge by aanhoor
28. Besluite, uitreik van lisensies of registrasiesertifikate en hernuwing

*Deel 3**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreeerde Persone: Geskiktheid van Derde Partye en Dobbelttoeragente*

29. Lisensiehouer moet besonderhede van besigheidskontrakte en -ooreenkomste openbaar maak
30. Aansoek om geskiktheidsertifikaat deur sekere persone wat besigheid doen met lisensiehouer
31. Finansiële belange in houer van geskiktheidsertifikaat
32. Opskorting of kansellasië van geskiktheidsertifikaat
33. Beëindiging van ooreenkoms of assosiasie
34. Bepalings van Deel van toepassing op geregistreeerde vervaardiger, leweransier of instandhoudingsverskaffer

*Deel 4**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreeerde Persone: Verandering in Finansiële Belange*

35. Kennisgewing van verkryging van belang en aansoek om toestemming
36. Bepaling van geskiktheid of ongeskiktheid van applikant
37. Prinsipale moet openbaar gemaak word

*Deel 5**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreeerde Persone: Werknemersregistrasie*

38. Spesiale werknemers in diens geneem deur lisensiehouers of geregistreeerdes
39. Bewys van registrasie in werknemersrekord van lisensiehouer
40. Opskorting of kansellasië van registrasie

*Deel 6**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreeerde Persone: Diverse Bepalings*

41. Lisensie moet opvallend vertoon word

## HOOFSTUK 3

## CASINO'S

*Deel 1**Casino's: Voorleggings vir Casino's en Aansoek om Lisensie*

42. Uitreiking van versoek om voorleggings
43. Uitnodiging vir indiening van aansoek om casinolisensie
44. Kriteria vir casinolisensiëring
45. Aansoek om casinolisensie

*Deel 2**Casino's: Monitering- en Beheerstelsels*

46. Elektroniese moniteringstelsel

*Deel 3**Casino's: Casinospelle*

47. Tipes casinospelle toegelaat vir spel
48. Wedgeld en pryse vir casinospelle anders as dobbelmasjiene
49. Dobbelmasjiene

*Deel 4**Casino's: Registrasie of Deregistrasie van Dobbeltoerusting, Dobbelmasjiene of -spelle en instandhouding daarvan*

50. Dobbeltoerusting, dobbelmasjiene en -spelle moet aan die SABS of standaard van die Raad voldoen
51. Besit van dobbeltoerusting, dobbelmasjiene of -spelle
52. Bedryf van- en instandhouding van dobbeltoerusting en dobbelmasjiene
53. Rekords gehou deur lisensiehouer

*Deel 5**Casino's: Dobbelskyfies, Plakette, Tekenmunte, Geïntegreerdekringkaarte of Sigwaarde-instrumente*

54. Verduidelikende bepalings
55. Ander sigwaarde-instrumente
56. Prosedures by ontvangs van dobbelskyfies, plakette of tekenmunte vanaf vervaardiger of verspreider
57. Inventarisregister van dobbelskyfies, plakette of tekenmunte
58. Aantekening van beweging van dobbelskyfies, plakette of tekenmunte

*Deel 6**Casino's: Blootstelling van Minderjariges aan Dobbelay*

59. Minderjarige dobbelay of blootstelling daaraan ontoelaatbaar

## 5

*Deel 7**Casino's: Kontanttransaksies*

60. Sekere transaksies verbode

*Deel 8**Casino's: Interne Beheer*

61. Interne beheer  
62. Minimum bedryfs- en interne beheerstandaarde vir casinolisensiehouer  
63. Minimum interne beheer  
64. Interne beheerstelsel goedgekeur deur Raad  
65. Wysiging van bestaande interne beheerstelsel

*Deel 9**Casino's: Rekenkundige Rekords en Opbrengste*

66. Rekenkundige rekords  
67. Geouditeerde finansiële state  
68. Ander rekords

*Deel 10**Casino's: Bewaking en Sekuriteit*

69. Voldoening aan bepalings van Deel  
70. Algemene vereistes vir waakstelsels  
71. Waakstelsels in telkamers en casinohok  
72. Waakstelsels by tafelspelle en kaartkamers  
73. Waakstelsels vir dobbelmasjiene  
74. Waakstelsels vir casinosekuriteitskantore  
75. Foutwerking van casinowaakstelseltoerusting  
76. Vereistes vir waakstelselopnames  
77. Goedkeuring van- en veranderings aan waakstelselplanne

## HOOFSTUK 4

## DOBBELTOERUSTING

*Deel 1**Dobbeltoerusting: Registrasie van Persone bedoel in artikel 66 van Wet*

78. Aansoek om registrasie as vervaardiger, leweransier of instandhoudingsverskaffer  
79. Vorm van aansoek en aansoek doen  
80. Registrasievoorwaardes  
81. Gemagtigde aktiwiteite gespesifiseer as registrasievoorwaarde

## 6

*Deel 2**Dobbeltoerusting: Registrasie van Dobbeltoerusting*

82. Dobbeltoerusting voldoen aan SABS standaard en geregistreer deur Raad
83. Sertifisering en goedkeuring deur SABS
84. Veranderings en wysigings verbode
85. Opskorting van goedkeuring en registrasie

*Deel 3**Dobbeltoerusting: Opleiding van Versienings- of Vervaardigingswerknemers*

86. Opleidingsprogramme vir versienings- en vervaardigingswerknemers
87. Registrasiesertifikaat beskikbaar vir inspeksie

*Deel 4**Dobbeltoerusting: Rekords en Opgawes Vereis van Vervaardigers, Leweransiers en Instandhoudingverskaffers*

88. Rekenkundige rekords
89. Distribusierekords
90. Instandhoudings- en herstelrekords
91. Voorraadrekords
92. Ander rekords
93. Opgawes vir indiening

## HOOFSTUK 5

## BEPERKTE UITBETAALMASJIENE

*Deel 1**Beperkte Uitbetaalmasjiene: Beperkings*

94. Beperkte uitbetaalmasjiene moet aan SABS standaard voldoen
95. Voorgeskrewe maksimum wedgeld
96. Voorgeskrewe maksimum prys
97. Pryse moet vertoon word
98. Opbrengs aan speler
99. Beperkte uitbetaalmasjiene moet kommunikeer met goedgekeurde monitering- en kontrolestelsel

*Deel 2**Beperkte Uitbetaalmasjiene: Registrasie*

100. Besit van beperkte uitbetaalmasjiene, spelle en verwante toerusting
101. Bedryf van - en instandhouding van beperkte uitbetaalmasjiene
102. Rekords gehou van beperkte uitbetaalmasjiene, spelle en verwante toerusting

## 7

**HOOFSTUK 6  
PERSEELOPERATEURS***Deel 1**Perseeloperateurs: Bepalings Algemeen tot Perseeloperateurs*

- 103. Aktiwiteite gemagtig deur perseeloperateurslisensie
- 104. Tipes perseeloperateurs

*Deel 2**Perseeloperateurs: Tipe "A" Perseeloperateurslisensie*

- 105. Aansoek om tipe "A" perseeloperateurslisensie
- 106. Gronde vir weiering van tipe "A" perseeloperateurslisensie
- 107. Maksimum getal beperkte uitbetaalmasjiene
- 108. Minimum standarde vir perseel
- 109. Beperking op reklame

*Deel 3**Perseeloperateurs: Tipe "B" Perseeloperateurslisensie*

- 110. Aansoek om tipe "B" perseeloperateurslisensie
- 111. Gronde vir weiering van tipe "B" perseeloperateurslisensie
- 112. Maksimum getal beperkte uitbetaalmasjiene
- 113. Minimum standarde vir perseel
- 114. Beperking op reklame
- 115. Toekenning van lisensie vir omskepping van perseel

*Deel 4**Perseeloperateurs: Diverse*

- 116. Beperkte uitbetaalmasjiene en dobbeltoerusting nie gewysig, in stand gehou of herstel deur lisensiehouer nie

**HOOFSTUK 7  
ROETE-OPERATEURS EN ONAFHANKLIKE PERSEELOPERATEURS***Deel 1**Roete-operateurs en Onafhanklike Perseeloperateurs: Voorgeskrewe Aktiwiteite en Bedryfsbeperkings*

- 117. Voorgeskrewe aktiwiteite van roete-operateur
- 118. Voorgeskrewe aktiwiteite van onafhanklike perseeloperateur
- 119. Maksimum getal beperkte uitbetaalmasjiene per roete-operateurslisensie
- 120. Aansoek om roete-operateurslisensie of onafhanklike perseeloperateurslisensie
- 121. Skriftelike ooreenkoms tussen roete-operateur en perseeloperateur

## 8

*Deel 2**Roete-operateurs en Onafhanklike Perseeloperateurs: Monitoring- en Beheerstelsels*

122. Elektroniese-monitoringstelsel

*Deel 3**Roete-operateurs en Onafhanklike Perseeloperateurs: Interne Beheer*

123. Minimum bedryfs- en interne beheerstandaarde vir roete-operateur en onafhanklike perseeloperateur

124. Minimum interne beheer

125. Interne beheerstelsel goedgekeur deur Raad

126. Wysiging van bestaande interne beheerstelsel

*Deel 4**Roete-operateurs en Onafhanklike Perseeloperateurs: Rekenkundige Rekords en Opgawes*

127. Rekenkundige rekords

128. Geouditeerde finansiële state

129. Ander rekords

*Deel 5**Roete-operateurs en Onafhanklike Perseeloperateurs: Diverse*

130. Indiening van sekuriteit

## HOOFSTUK 8

## BINGO

*Deel 1**Bingo: Aktiwiteite Gemagtig deur Lisensie en Aansoeke*

131. Aktiwiteite gemagtig deur bingolisensie

132. Aansoek om bingolisensie

133. Minimum standaarde vir bingosaal

134. Gronde vir weiering van bingolisensie

*Deel 2**Bingo: Wedgelde, Pryse en Maksimum Getal Elektroniese Bingoterminalle*

135. Wedgelde of deelnamegelde ten opsigte van bingo

136. Pryse ten opsigte van bingo

137. Maksimum getal elektroniese bingoterminalle

*Deel 3**Bingo: Registrasie, Deregistrasie en Instandhouding van Bingotoerusting, -spelle en Verwante Toerusting*

138. Bingo- en verwante toerusting moet aan SABS of Raadstandaarde voldoen

139. Aansoek om registrasie, deregistrasie of hernuwing van bingo- en verwante toerusting

140. Bedryf en instandhouding van geregistreeerde bingo- en verwante toerusting

141. Rekords gehou deur bingolisensiehouer

## 9

142. Toerusting om met goedgekeurde moniteringstelsel te kommunikeer

*Deel 4*

*Bingo: Interne Beheer*

143. Minimum bedryfs- en interne beheerstandaarde

144. Minimum interne beheer

145. Interne beheerstelsel goedgekeur deur Raad

146. Wysiging van bestaande interne beheerstelsel

*Deel 5*

*Bingo: Rekenkundige Rekords en Opgawes*

147. Rekenkundige rekords

148. Geouditeerde finansiële verslae

149. Ander rekords

150. Opgawes ingedien

*Deel 6*

*Bingo: Diverse*

151. Indiening van sekuriteit

HOOFSTUK 9

VERMAAKLIKHEIDSMASJIENE

*Deel 1*

*Vermaaklikheidsmasjiene: Regulering van Vermaaklikheidsmasjiene*

152. Regulasies nie van toepassing op sekere persone nie

153. Aanskaffing van vermaaklikheidsmasjien

154. Beperkings op aanhou en beskikbaar stel van vermaaklikheidsmasjiene

155. Aansoek om registrasie van vermaaklikheidsmasjien

156. Vermaaklikheidsmasjien moet registrasienommer vertoon

157. Vermaaklikheidsmasjien aangehou en beskikbaar gestel by plek gespesifiseer in registrasiesertifikaat

158. Wysiging van registrasie of magtiging om vermaaklikheidsmasjien aan te hou en beskikbaar te stel

159. Raad se bevoegdheid om aansoek toe te staan of te weier

160. Registrasiesertifikaat en magtiging opvallend vertoon

HOOFSTUK 10

WEDDERY

*Deel 1*

*Weddery: Aansoek om Beroepswedderslisensie*

161. Verkoop van beroepswedderereg deur Raad

162. Aansoek om, oorplasing van eienaarskap en hernuwing van beroepswedderslisensie



*Deel 2**Weddery: Diverse Aangeleenthede Betreffende Beroepswedders*

- 163. Wedkamerperseel
- 164. Hervestiging van beroepswedderybesigheid op 'n ander perseel en ombouing van wedkamerperseel
- 165. Sekuriteit deur beroepswedders vir wedderyaanspreeklikhede
- 166. Wedderydispute
- 167. Onvereffende weddenskappe
- 168. Beheer van vennootskappe wat beroepswedderybesighede bedryf
- 169. Wanbetalende wedder
- 170. Sekuriteit vir belasting
- 171. Goedkeuringsprosedure: Ander gebeurtenisse en gebeurlikhede
- 172. Persone nie toegelaat om te wed: Perdewedrenne, sportgebeurtenisse en ander geleenthede en gebeurlikhede
- 173. Lys van beroepswedders ingedien deur renbaanoperateur

*Deel 3**Weddery: Diverse Aangeleenthede Betreffende Totalisators*

- 174. Totalisatorwedderystelsel
- 175. Gerekenariseerde reserwekopieë van data en rekords
- 176. Totalisatorreëls en wedderydispute
- 177. Verhouding tussen totalisatorlisensiehouer en totalisatoroperateur, totalisatorbestuurder of totalisatoragent

## HOOFSTUK 11

## DIVERSE

*Deel 1**Diverse: Betekening van Kennisgewings*

- 178. Wyse van betekening van kennisgewing

*Deel 2**Diverse: Kullery en Bedrieglike Handelinge*

- 179. Gebruik van sekere toestelle verbode
- 180. Bedrieglike handelinge
- 181. Wederregtelike gebruik van muntstukke, vervalste dobbelskyfies, plakette en tekenmunte
- 182. Aanhouding en ondervraging van vermeende oortreders
- 183. Beslaglegging op voorwerpe of toestelle

## 11

*Deel 3**Diverse: Appèlle*

184. Appèl teen besluit van komitee, afgevaardigde of Hoof Uitvoerende Beampte

185. Appèl teen besluit van Raad

*Deel 4**Diverse: Sperdatum vir Belasting en Belastingstate*

186. Sperdatum vir betaling van belasting en indiening van belastingstate

*Deel 5**Diverse: Kredietverlening*

187. Kredietverlening

## HOOFSTUK 12

## HERROEPING VAN REGULASIES EN KORT TITEL

*Deel 1**Herroeping van Regulasies*

188. Herroeping van regulasies

*Deel 2**Kort titel*

190. Kort titel

## HOOFSTUK 1

## ALGEMEEN

*Deel 1**Algemeen: Omskrywings***Omskrywings**

1. In hierdie Regulasies beteken “die Wet” die KwaZulu-Natal Wet op Dobbely en Weddery, 2010 (Wet No. 8 van 2010) en enige woord of uitdrukking waaraan ’n betekenis in die Wet toegeken is, dra die betekenis daaraan toegeken en, tensy uit die samehang anders blyk, beteken –

“**aangewese beamptes**” daardie beamptes van die Departement wat so aangewys is deur die verantwoordelike Lid van die Uitvoerende Raad en wat verantwoordelik is, binne die Departement, vir aangeleenthede betreffende die Raad en vir dobbelary en weddery aangeleenthede in algemeen;

“**betaallyn**” ’n lyn van ’n voorafbepaalde konfigurasie wat elk van die ware of virtuele rol van ’n dobbelmasjien deursny en ’n wenkombinasie voorstel;

“**Departementshoof**” die persoon aangestel ingevolge die Wet op Openbare Dienste, 1994, as die administratiewe hoof van daardie departement van die Provinsiale Regering van KwaZulu-Natal waaraan die administrasie en implementering van die Wet toegeken is;

“**dobbelskyfie**” ’n voorstelling van geldwaarde uitgereik en verkoop deur ’n lisensiehouer vir gebruik op die lisensiehouer se gelisensieerde perseel en wat afkoopbaar is vir kontant;

“**dobbeltafel**” ’n tafel in ’n casino waarop sekere casinospelle gespeel word;

“**dobbeltoer**” ’n besoek of ’n plesiertog aan ’n casino deur een of meer persone wat komplimentêre dienste ontvang soos vervoer, voedsel en verblyf as ’n beweegrede om aan dobbelary deel te neem, soos gereël deur ’n dobbeltoeragent;

“**dobbeltoeragent**” enige persoon wat, in samewerking met ’n casinolisensiehouer, ’n dobbeltoer beplan of organiseer vir kommissie, vir ’n deel van die dobbelwinste of vir enige ander oorweging;

“**geïntegreerdekringkaarte**” ’n toestel wat soortgelyk aan ’n kredietkaart is in vorm en dimensies, wat gebruik word om elektronies geldwaarde te stoor, vir gebruik deur die klant van ’n dobbeloperateur om dobbeltransaksies aan te gaan met sodanige dobbeloperateur, deur aktivering van geoutomatiseerde dobbeltoestelle;

“**kredietinstrument**” ’n dokument, onderteken deur ’n klant, vir die aantekening van die waarde van dobbelskyfies voorgeskiet aan sodanige klant vir gebruik in dobbelary teen ’n voorafbepaalde tjekwisselingsfasiliteit verskaf aan sodanige klant deur ’n casino, gewaarborg deur ’n tjek of ander onderhandelbare instrument onderteken deur die klant en uitgereik in die guns van die casino;

“**kontant**” muntstuk of geldeenheid wat normaalweg gebruik en aanvaar word as wettige betaalmiddel in die land van uitreiking;

“**KwaZulu-Natal Belastingwet op Dobbelary en Weddery**” die KwaZulu-Natal Belastingwet op Dobbelary en Weddery, 2010 (Wet No. 9 van 2010);

“**pari-mutuel weddenskap**” ’n weddenskap aangegaan in ooreenstemming met die wedderystelsel bedoel in die omskrywing van “totalisator” in artikel 1 van die Wet;

**“terrein”** die gelisensieerde perseel vir die plasing van een of meer beperkte uitbetaalmasjiene onder die gesag van 'n perseeloperateurslisensie of 'n onafhanklike perseeloperateurslisensie;

**“primêre dobbelkamerperseel”** die perseel vanwaar die besigheid primêr bedryf word, soos gespesifiseer in die beroepswedderslisensie en wat oop is vir die publiek gedurende normale besigheidsure vir sodanige beroepswedderbesigheid;

**“sekondêre dobbelkamerperseel”** die residensiële perseel waar 'n natuurlike persoon, beroepswedder, of bestuurder van 'n beroepswedder benoem deur 'n beroepswedderbesigheid normaalweg woon en wie se perseel nie vir die publiek oop is nie en waar gemagtigde aktiwiteite betreffende beroepswedder plaasvind;

**“sigwaarde-instrument”** –

- (a) 'n tjek, skuldbewys, wisselnota, sekuriteit, of enige dokument of item wat geld voorstel; en
- (b) items, ingesluit maar nie beperk nie tot, tekenmunte, plakette en dubbelskyfies uitgereik –
  - (i) aan 'n klant deur 'n lisensiehouer vir dubbelgebruik, op die aangesig waarvan die geldwaarde gereflekteer is; of
  - (ii) teen betaling deur sodanige klant aan die lisensiehouer waarop die sigwaarde daarvan gereflekteer is;

**“stortbak”** 'n komponent van die dobbelmasjien wat ontwerp is om muntstukke of ruilmunte te hou wat onmiddellik beskikbaar is vir uitbetalings en wat sodanige muntstukke of ruilmunte in die muntstukbak uitreik wanneer die speler die uitbetalingsfunksie van die toestel aktiveer;

**“tekenmunte”** –

- (a) wanneer gebruik word in 'n dobbelmasjien, 'n fisiese voorstelling van waarde, afkoopbaar vir kontant, en uitgereik en verkoop deur 'n lisensiehouer vir gebruik in dobbelmasjiene, by dobbel tafels of toonbankspelle op die gelisensieerde perseel; en
- (b) wanneer gebruik word in 'n vermaaklikheidsmasjien, 'n muntstuk of soortgelyke voorwerp met geen sigwaarde, verkoop deur 'n vermaaklikheidsmasjienoperateur vir gebruik in vermaaklikheidsmasjiene;

**“persentasie van teoretiese opbrengs aan speler”** die teoretiese verhouding, weergegee as 'n persentasie, van alle bedrae gewen tot alle bedrae gewen ten opsigte van 'n spesifieke dobbel spel of -toestel oor 'n gestipuleerde tydperk;

**“totalisatorwedderystelsel”** die sagteware programme, harde programmatuur en rekenaardeware en ander toerusting waaruit die stelsel bestaan wat 'n totalisatorlisensiehouer gebruik vir die datavaslegging van weddenskappe aangegaan by die totalisator, weddenskapstrokie aan wedders uitreik, die bedrae gewen deur wedders bereken en die belasting verskuldig op die wedderytransaksies aangegaan deur die totalisator bereken;

**“totalisatoroutomatieseverkoopmasjien”** 'n toestel wat deel is van die totalisatorwedderystelsel wat in staat is om outomaties wedgeld te ontvang vir weddenskappe en om 'n weddenskapstrokie te druk en wat deur 'n wedder bedryf kan word, aldus die wedder in staat stel om direk 'n weddenskap te plaas by die totalisator deur sodanige toestel persoonlik te bedryf;

**“valluik”**, in die geval van –

- (a) 'n tafelspel, die totale kontantbedrag, dobbelskyfies, tekenmunte, plakette en kredietmerkers in die valluik; of
- (b) 'n dobbelmasjien, die totale bedrag van –
  - (i) kontant of ruilmunte vereis om in die valluik-houer of valluik-emmer van sodanige masjien te wees in ooreenstemming met die meters wat sodanige masjien monitor; of
  - (ii) alle bedrae elektronies afgelaai deur spelers vanaf slimkaarte of slimtoestelle na die kredietmeter van sodanige masjien en gespeel deur sodanige spelers;

**“valluik-houer” of “valluik-emmer”** in die geval van –

- (a) 'n dobbeltafel, 'n geslote houer permanent gemerk met die spel, skof en 'n nommer ooreenstemmend met die permanente nommer op die dobbeltafel, waarin alle geldeenhede of kredietinstrumente geplaas moet word wat gewissel word by sodanige dobbeltafel vir dobbelskyfies, plakette of tekenmunte en alle dokumente van toepassing op transaksies by die tafel; of
- (b) 'n dobbelmasjien, 'n houer in 'n geslote deel van die masjien of die kas waarin kontant of tekenmunte gekollekteer word en wat nie deur die masjien gebruik word vir outomatiese uitbetalings nie;

**“vermaaklikheidsmasjien”** 'n masjien, apparaat of toestel wat –

- (a) gespeel word sonder die lewering van enige beloning, hetsy regstreeks, onregstreeks of by wyse van aanspraak, aan die persoon wat sodanige masjien, apparaat of toestel speel; of
- (b) aan die persoon 'n prys lewer as 'n beloning vir suksesvolle spel of bedryf of spel en bedryf van masjien, apparaat of toestel, hetsy regstreeks, onregstreeks of by wyse van aanspraak: Met dien verstande dat sodanige prys nie ten volle of gedeeltelik in die vorm van kontant, tekenmunte, krediet

of enige onderhandelbare instrument is nie, maar moet eerder beperk word tot nie-kontant pryse met 'n handelswaarde wat nie die bedrag voorgeskryf ingevolge artikel 47 van die Nasionale Dobbeltwet oorskry nie;

**“vervaardiger, instandhoudingsverskaffer of leweransier”** 'n persoon soos bedoel in artikel 66 van die Wet;

**“vul”** in die geval van –

- (a) 'n tafelspel, die uitreiking van addisionele tekenmunte, plakette of dobbelskyfies aan die dobbeltafel; of
- (b) 'n dobbelmasjien, die uitreik van kontant of terkenmunte in die stortbak van die dobbelmasjien;

**“wanbetaler”**

- (a) 'n beroepswedder wat versuim om te voldoen aan 'n bevel deur die Raad, ingevolge regulasie 169, om 'n geldige eis te vereffen teen sodanige beroepswedder ten opsigte van 'n wed wat hy of sy versuim het om te vereffen;
- (b) 'n beroepswedder deur die Raad bevind as onbevoeg om enige van sy of haar skuld ten opsigte van weddenskappe aangegaan deur hom of haar, en wat verskuldig en betaalbaar is, te vereffen;
- (c) 'n wedder deur die Raad beskou as in versuim om 'n beroepswedder enige bedrag verskuldig ten opsigte van 'n weddenskap deur hom of haar gemaak met sodanige beroepswedder te betaal; of
- (d) 'n persoon weggewys deur die Nasionale Perdewedren-owerheid.

## *Deel 2*

### *KwaZulu-Natal Raad op Dobbeldary en Weddery*

#### **Raad moet sekere inligting aan die verantwoordelike Lid van die Uitvoerende Raad verskaf**

2.(1) Die Raad moet by die verantwoordelike Lid van die Uitvoerende Raad indien, teen 1 Julie van elke jaar, konsep–voorgestelde strategiese doelwitte, uitkomst, werkverrigtings-aanwysers en werkverrigtingsmaatreëls vir goedkeuring deur die verantwoordelike Lid van die Uitvoerende Raad.

(2) Die Raad moet by die verantwoordelike Lid van die Uitvoerende Raad indien, teen 1 September van elke jaar, 'n konsep–korporatiewe strategiese plan wat 'n tydperk van drie jaar dek, met inwerkingtreding vanaf 1 April van die volgende jaar, en moet die strategiese doelwitte, uitkomst, werkverrigtingsaanwysers en werkverrigtingsmaatreëls insluit, soos voorheen goedgekeur deur die verantwoordelike Lid van die Uitvoerende Raad.

(3) Die Raad se strategiese doelwitte, uitkomste, werkverrigtingsaanwysers en werkverrigtingsmaatreëls moet gebaseer word op die Raad se doelwitte, bevoegdhede en funksies, soos vervat in artikels 6 en 7 van hierdie Wet en moet die bevordering van toerisme, werkverskaffing, ekonomiese en sosiale ontwikkeling insluit.

### **Raad moet sekere inligting aan Portefeuljekomitee verskaf**

3.(1) Die Raad moet, op 'n kwartaallikse basis, 'n verslag aan die Portefeuljekomitee voorlê ingevolge artikel 7(1)(s) van hierdie Wet, met die volgende minimum inligting vervat in welke verslag—

- (a) inligting betreffende alle uitnodigings uitgereik deur die Raad om aansoek te doen om lisensies of registrasies volgens die Wet, gedurende die vorige kwartaal;
- (b) inligting betreffende alle aansoeke gedoen om lisensies of registrasies kragtens die Wet, gedurende die vorige kwartaal;
- (c) inligting betreffende alle lisensies of registrasies uitgereik kragtens die Wet, gedurende die vorige kwartaal, ingesluit afskrifte van die voorwaardes waarop elke lisensie uitgereik is;
- (d) inligting betreffende identifisering van nie-nakoming van die Wet of die Nasionale Dobbeltwet, 2004 aan die kant van lisensiehouers, geregistreerdes en ander persone, ingesluit stappe geneem of voorgestel om geneem te word betreffende gevalle van nie-nakoming;
- (e) inligting betreffende aansoeke gedoen deur lisensiehouers of geregistreerdes volgens die Wet om wysigings wat aangebring sal word aan die lisensievoorwaardes of registrasie;
- (f) inligting betreffende die vordering van transformasie in die perdewedren- en dobbelarybedryf in die Provinsie;
- (g) 'n omvattende ontleding van alle fooie, belasting en heffings ingevorder tydens die vorige kwartaal; en
- (h) inligting betreffende die vooruitgang gemaak, deur die aktiwiteite van die Raad, met die bevordering van toerisme, werkverskaffing en ekonomiese en sosiale ontwikkeling in die Provinsie, ingesluit die verwesenliking van lisensievoorwaardes, stappe geneem of projekte bestuur deur lisensiehouers en geregistreerdes wat bydra tot die bevordering van toerisme, werkverskaffing en ekonomiese en sosiale ontwikkeling in die Provinsie.

(2) Die Raad moet die verantwoordelike Lid van die Uitvoerende Raad voorsien van 'n afskrif van die verslag bedoel in subregulasie (1).

### **Besoldiging vir personeel van Raad**

4.(1) Wanneer die Raad die verantwoordelike Lid van die Uitvoerende Raad raadpleeg ingevolge artikel 27(4) van die Wet, moet die Raad die volgende dokumentasie en inligting verskaf ten einde die verantwoordelike Lid van die Uitvoerende Raad in staat te stel om die volgende doeltreffend te raadpleeg —

- (a) 'n dokument wat slegs daardie poste in die organisatoriese struktuur van die Raad wat voorheen bepaal was ingevolge artikel 27(4) van die Wet beskryf en die besoldiging, diensvoorwaardes, pensioen- en aftreevoordele van toepassing op elke pos beskryf;
- (b) 'n dokument wat beide die werklike en voorgenome poste in die organisatoriese struktuur van die Raad en die voorgenome besoldiging beskryf, die voorgenome diensvoorwaardes en die voorgenome pensioen- en aftreevoordele van toepassing op elke pos beskryf;
- (c) 'n dokument wat die werksbeskrywing van elke werklike of voorgenome pos in die organisatoriese struktuur van die Raad uiteensit in die volgende formaat –
- (i) 'n opsomming van werksbesonderhede, ingesluit, as minimum, die werkstitel, organisatoriese en geografiese ligging van die pos;
  - (ii) die doel van die pos, ingesluit 'n akkurate, kort verklaring van die algehele doel of rede vir die bestaan van die pos;
  - (iii) 'n beskrywing van die oogmerke van die pos, ingesluit die doelwitte wat bereik moet word om die algehele doel van die pos te verwesenlik en die werksvlak wat die pos behels duidelik demonstreer, ingesluit, *inter alia*, bestuurs- en toesighoudende verantwoordelikhede, waar van toepassing; en
  - (iv) die vaardighede waaroor 'n werknemer moet beskik om die werk te kan verrig;
- (d) 'n aanduiding van die totale koste aan die Raad vir die organisatoriese struktuur van die Raad bedoel in subparagraaf (a);
- (e) 'n aanduiding van die totale koste aan die Raad vir die organisatoriese struktuur van die Raad bedoel in subparagraaf (b);
- (f) motivering vir die skep van elke voorgenome pos in die organisatoriese struktuur van die Raad; en
- (g) indien die diensvoorwaardes van die Hoof-Uitvoerende Beampte en die ander personele van die Raad heeltemal eenvormig is, moet hierdie diensvoorwaardes in 'n aparte dokument of as 'n bylae tot die dokument bedoel in subparagraaf (a) en (b) uiteengesit word.

(2) Indien die Raad vir die eerste keer handel ingevolge artikel 27(4) van die Wet, moet hy 'n dokument indien wat slegs die gevulde poste in die organisatoriese strukture van die voormalige KwaZulu-Natal Dobbelaad en die voormalige KwaZulu-Natal Komitee vir Beheer van Beroepswedders en die besoldiging, diensvoorwaardes, pensioen- en aftreevoordele van toepassing op elke pos beskryf.

(3) Die Hoof-Uitvoerende Beampte mag slegs 'n persoon ingevolge artikel 25(1) van die Wet in diens neem indien hy of sy die persoon aanstel om 'n pos te vul waarvan die besoldiging, diensvoorwaardes, pensioen- en aftreevoordele bepaal is ingevolge artikel 27(4) van hierdie Wet.



**Eise deur lede van Raad vir besoldiging en kostes verwant aan pligte uitgevoer**

5.(1) Die verantwoordelike Lid van die Uitvoerende Raad moet verseker dat 'n beleid aan die Raad verskaf word ten opsigte van die eise ingedien deur Raadslede vir die besoldiging en toelae goedgekeur ingevolge artikel 17 van hierdie Wet.

(2) 'n Eis ingedien deur 'n lid van die Raad ten opsigte van werk verrig as 'n individu, op 'n taak toegewys aan daardie individuele lid deur die Raad moet gerugsteun word deur 'n duidelike en geldige beslissing van die Raad wat sodanige taak aan daardie individuele lid toewys: Met dien verstande dat sodanige beslissing duidelik die aard en omvang van die taak moet beskryf en so aangeteken moet word in die notule van die Raad.

(3) Lede van die Raad mag nie eis vir werk verrig op eie inisiatief nie en *ex-post-facto* goedkeuring vir sodanige werk deur die Raad bekragtig nie die eis nie.

(4) Eise ingedien deur die lede van die Raad vir besoldiging en toelae moet medeonderteken word deur 'n aangewese beampte voor enige betaling ten opsigte van die eis aan die lid van die Raad gemaak word.

(5) Lede van die Raad is slegs geregtig op besoldiging en toelae betaalbaar ingevolge die beleid bedoel in subregulasie (1) en mag nie besoldiging van die Raad ontvang nie –

(a) as konsultante aan die Raad; of

(b) ingevolge enige kontrak vir goedere of dienste aangegaan tussen die lid van die Raad of enige entiteit waarin hy of sy 'n belang het, en die Raad.

(6) 'n Lid van die Raad mag nie eis vir reis onderneem buite die grense van Suid-Afrika nie, tensy die verantwoordelike Lid van die Uitvoerende Raad die lid van die Raad vooraf skriftelike toestemming gegee het om sodanige reis te onderneem.

**Notules van vergaderings ter insae vir inspeksie**

6.(1) Onderhewig aan die bepalings van artikels 16(6) en 34(2) van die Wet, moet die notules van vergaderings van die Raad en van enige komitee van die Raad geliasseer word in 'n notuleboek en sodanige notuleboek moet beskikbaar wees ter openbare insae by die kantore van die Raad tydens normale kantoorure van die Raad.

(2) Binne 45 dae vanaf enige vergadering van die Raad, of van enige komitee van die Raad, moet die notule van sodanige vergadering goedgekeur en geliasseer word in die notuleboek bedoel in subregulasie (1).

(3) Ten minste een afskrif van die notuleboek bedoel in subregulasie (1) moet op 'n veilige plek bewaar word, weg van die gebied waarin die oorspronklike notuleboek beskikbaar gemaak word ter openbare insae.

**Afskrifte of uittreksels en fooie betaalbaar**

7. Die Hoof-Uitvoerende Beampte moet, onderhewig aan artikels 16(6) en 34(2) van die Wet, 'n afskrif of 'n uittreksel van die notule van vergaderings van die Raad of enige komitee van die Raad beskikbaar stel aan enige persoon wat sodanige afskrif of uittreksel aanvra, by betaling van die bedrag gespesifiseer in die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000): Met dien verstande dat geen koste gehef word nie vir die verskaffing van 'n elektroniese weergawe van, of uittreksel uit, die bestaande elektroniese dokument in besit van die Raad, aan 'n persoon wat sodanige versoek rig.

**Ede en plegtige verklarings**

8. Wanneer aangestel word tot die Raad, moet 'n lid van die Raad en die Hoof-Uitvoerende Beampte die volgende eed of verklaring aflê –

*“Ek, (volle name), sweer hiermee/verklaar plegtig om, te alle tye, die oogmerke van die Raad te bevorder, om nie enige aangeleenthede wat aan my in geheimhouding toevertrou is regstreeks of onregstreeks te onthul nie, om my amp met eer en waardigheid te beklee en om my pligte van my amp getrou en tot die beste van my vermoë uit te voer, sonder vrees, begunstiging of vooroordeel, in ooreenstemming met die beginsels opgeneem in die Wet”.*

**Instelling van spesiale fondse**

9. Wanneer die Raad verlang om 'n spesiale fonds in te stel, soos bedoel in artikel 28 van hierdie Wet, moet die Raad 'n volle voorstel, wat besonderhede rakende die doel en oogmerke van sodanige fonds bevat, aan die Uitvoerende Raad voorlê vir magtiging.

**Administrasie van spesiale fondse**

10.(1) Die Raad moet 'n afsonderlike bankrekening open vir elke spesiale fonds wat deur die Raad geadministreer word.

(2) Alle gelde wat opgehoop het in die spesiale fonds moet onmiddellik in die betrokke bankrekening gedeponeer word.

(3) Die bates van 'n spesiale fonds moet, onderhewig aan die vooraf goedkeuring van die verantwoordelike Lid van die Uitvoerende Raad, aangewend word vir die doelwitte van sodanige fonds of vir sodanige ander doelwitte wat nie teenstrydig is met die algehele doelwitte van die fonds nie, soos die verantwoordelike Lid van die Uitvoerende Raad mag beveel.

(4) Enige kredietgeld in die fonds wat beskikbaar is vir belegging moet belê word deur die Raad tot voordeel van die fonds: Met dien verstande dat die belegging nie spekulatief van aard is nie.

**Bevoegdheid van Raad om boete of straf op lisensiehouer of geregistreerde op te lê**

11. Die maksimum boete of straf wat die Raad 'n lisensiehouer of geregistreerde mag oplê is R2 miljoen: Met dien verstande dat die Raad nie 'n boete of straf mag oplê wat dubbel die bedrag van die fooi, belasting of heffing of gedeelte daarvan oorskry nie ten opsigte van die versuim om enige fooi, belasting of heffing of gedeelte daarvan te betaal teen die sperdatum.

**HOOFSTUK 2****BEPALINGS BETREFFENDE ALLE AANSOEKE, LISENSIEHOUERS EN  
GEREGISTREERDE PERSONE***Deel 1**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreerde Persone: Aansoeke en Ondersoeke***Aansoeke en toestaan daarvan**

12.(1) Enige lisensie, registrasie, geskikheidsertifikaat, magtiging, toestemming of goedkeuring toegestaan deur die Raad moet onderhewig wees aan enige lisensiëringsnorme en -standaarde voorgeskryf in die Nasionale Dobbeltwet.

(2) Enige lisensie, registrasie, geskikheidsertifikaat, magtiging, toestemming of goedkeuring toegestaan deur die Raad is herroepbaar, op voorwaarde van voortgesette geskiktheid vir lisensiëring, registrasie, magtiging, toestemming of goedkeuring en, sonder om die Raad se reg te beperk om 'n ondersoek uit te voer, het die Raad die reg om te enige tyd enige inligting aan te vra wat die Raad nodig mag ag om homself tevrede te stel rakende sodanige voortgesette geskiktheid, welke inligting ingedien moet word binne 14 dae vanaf die Raad se versoek om sodanige inligting, of binne sodanige langer tydperk wat die Raad mag toelaat.

(3) Die Raad vereis van enige persoon wat aansoek doen om 'n lisensie, registrasie, geskikheidsertifikaat, magtiging of toestemming om die Raad tevrede te stel dat sodanige persoon nie onbevoeg bevind word nie vir die toestaan van sodanige lisensie, registrasie, sertifikaat, magtiging of toestemming nie.

**Uitnodiging om aansoek in te dien**

13.(1) Die Raad mag persone uitnoui om aansoek te doen om enige lisensie, enige registrasie, geskikheidsertifikaat, magtiging, toestemming of goedkeuring soos bedoel in hierdie Wet.

(2) Wanneer ook al die Raad persone uitnoui om aansoek te doen om 'n lisensie, moet die Hoof-Uitvoerende Beampte 'n kennisgewing wat aansoeke uitnoui uitreik vir publikasie in die *Koerant* en in ten minste twee koerante wat in die Provinsie gedistribueer word: Met dien verstande dat dit nie van toepassing is in die geval van 'n aansoek om 'n casinolisensie nie, wat hanteer moet word op die wyse bedoel in Deel 3 van hierdie Hoofstuk.

(3) Indien die Raad 'n aansoek om registrasie, geskikheidsertifikaat, magtiging, toestemming of goedkeuring uitnoui, onder omstandighede waaronder die afwesigheid van publisiteit die potensiale applikante nadelig mag beïnvloed, moet die Raad na goeddunke stappe neem om sodanige uitnodiging openbaar te maak.

(4) Die kennisgewing wat aansoeke, soos bedoel in subregulasie (2), uitnoui –

(a) moet die adres waar die betrokke aansoekvorms verkry kan word en, waar van toepassing, die sperdatum vir die indien van aansoeke by die Raad spesifiseer; en

(b) mag aandui –

(i) die tipe en getal lisensies wat uitgereik sal word;

(ii) die gebied waarop die lisensie van betrekking sal wees;

(iii) die aard van die kriteria wat toegepas sal word in die evaluering van die aansoek;

(iv) enige vereistes waaraan die applikant moet voldoen, met inbegrip van die voorsiening van vingerafdrukke; en

(v) enige ander besonderhede of enige ander dokumente wat deur die Raad, in sy diskresie, aangevra mag word.

(5) Enige persoon wat reageer op 'n uitnodiging soos bedoel in hierdie regulasie, moet 'n aansoek indien in die vorm voorgeskryf deur die Raad in sy reëls.

(6) 'n Aansoek moet vergesel gaan van die betrokke aansoekfooi en enige planne, dokumente, goedkeurings en inligting soos deur die Raad vereis mag word.

(7) 'n Aansoek ontvang na die sluitingsdatum mag nie deur die Raad oorweeg word nie.

(8) 'n Persoon wat verlang om aansoek te doen om 'n lisensie waarvoor daar geen uitnodiging uitgereik is nie, mag by die Raad indien 'n skriftelike kennisgewing van belang om aansoek te doen om sodanige lisensie en op sodanige manier en formaat soos die Raad mag bepaal: Met dien verstande dat wanneer sodanige kennisgewing van belang ontvang is deur die Raad, hy onmiddellik daarna moet besluit of hy 'n uitnodiging, soos bedoel in subregulasie (2), sal uitreik al dan nie, waarop –

(a) sodanige uitnodiging uitgereik moet word binne twee maande na die datum van sodanige besluit, indien die Raad besluit om 'n uitnodiging uit te reik; of

(b) die Raad sodanige besluit kommunikeer met die persoon wat die kennisgewing van belang ingedien het, ingesluit redes daarvoor, binne twee weke vanaf die datum van sodanige beslissing, sou die Raad besluit om nie sodanige uitnodiging uit te reik nie.

(9) 'n Persoon wat verlang om aansoek te doen om –

(a) enige vorm van registrasie bedoel in hierdie Wet;

(b) 'n geskikheidsertifikaat; of  
(c) magtiging, toestemming of goedkeuring bedoel in hierdie Wet,  
ten opsigte waarvan geen uitnodiging om aansoek te doen uitgereik is deur die Raad nie,  
mag van toepassing wees op die Raad soos die behoefte mag ontstaan en moet aansoek  
doen op die wyse soos voorgeskryf deur die Raad in sy reëls.

### **Kennisgewing van aansoeke ontvang en openbare insae in aansoek**

14.(1) Indien 'n applikant aansoek doen om –

- (a) enige lisensie, anders as 'n casinolisensie; of
- (b) registrasie as 'n –
  - (i) vervaardiger;
  - (ii) verskaffer;
  - (iii) instandhoudingsverskaffer;
  - (iv) totalisatoroperateur;
  - (v) totalisatorbestuurder;
  - (vi) totalisatoragent; of
  - (vii) beroepsweddersbestuurder,

moet die Hoof-Uitvoerende Beampte 'n kennisgewing van aansoeke ontvang deur die Raad publiseer in die *Koerant* en in ten minste twee koerante gedistribueer in die Provinsie.

(2) Die kennisgewing bedoel in subregulasie (1) moet gemaak word binne 14 dae na die sluitingsdatum gespesifiseer in die kennisgewing bedoel in regulasie 13(4)(a), of indien geen datum so gespesifiseer is nie, teen 'n datum bepaal deur die Raad.

(3) Die kennisgewing van aansoeke ontvang moet –

- (a) 'n lys insluit van die name van alle persone wat aansoeke ingedien het in antwoord op die uitnodiging verwys na in regulasie 13, of indien die aansoek nie in antwoord op sodanige uitnodiging is nie, die name van alle persone betrokke by die spesifieke aansoek;
- (b) die wesenlike besonderhede van elke aansoek bevat;
- (c) aandui dat die aansoeke beskikbaar sal wees ter openbare insae vir 'n tydperk gespesifiseer in die kennisgewing, welke tydperk 'n aanvang moet neem vanaf die datum van die genoemde kennisgewing, onderhewig aan enige vertroulike inligting nie beskikbaar gemaak ter openbare insae nie, in ooreenstemming met die bepalings van artikel 30(5) en artikel 34(2) van die Wet; en
- (d) belangstellendes uitnooi om –
  - (i) hul skriftelike vertoë in te dien, ten opsigte van enige of al die betrokke aansoeke, in ooreenstemming met die bepalings van regulasie 17, by die Hoof-Uitvoerende Beampte teen die sluitingsdatum ter openbare insae bedoel in paragraaf (c) hiervan; en

(ii) aan te dui, in enige skriftelike versoë, hetsy of nie hulle verlang om mondelinge versoë te rig, in ooreenstemming met die bepalings van artikel 37 van die Wet, wanneer die Raad die aansoek aanhoor.

(4) Alle aansoeke om casinolisensies moet hanteer word op die wyse bedoel in Hoofstuk 3 van hierdie regulasies.

#### **versoë deur belanghebbendes en antwoord op versoë deur applikant**

**15.(1)** Enige belanghebbende wat verlang om versoë te rig ten opsigte van 'n aansoek voorgelê aan die Raad, moet so doen, skriftelik, teen die datum bepaal deur die Hoof-Uitvoerende Beampte soos bedoel in regulasie 14(2)(d)(i).

(2) Die versoë moet ten minste die volgende inligting bevat –

- (a) die naam van die applikant op wie die versoë van toepassing is;
- (b) die gronde waarop die versoë gerig is;
- (c) die naam, adres en telefoonnommer van die persoon wat die versoë ingedien het; en
- (d) hetsy of nie die persoon wat die versoë gerig het verlang om mondelinge versoë te rig, wanneer die Raad die aansoek aanhoor, in ooreenstemming met die bepalings van artikel 37 van die Wet.

(3) Enige versoë wat nie die inligting vereis deur subregulasie (2) bevat nie, is van geen krag of effek nie en moet beskou word as nie ingedien nie by die Raad.

(4) Enige persoon wat versoë rig moet, met goeie beweegrede, bewys waarom die Raad sou beslis, ingevolge artikel 34(3) van die Wet, dat sy of haar identiteit nie onthul moet word nie.

(5) Binne 14 dae na ontvangs van enige versoë, moet die Hoof-Uitvoerende Beampte, onderhewig aan artikel 34(3) van die Wet, deur persoonlike aflewering, per geregistreerde pos of faksimilee transmissie, 'n afskrif van sodanige versoë aan die betrokke applikant stuur.

(6) Die applikant moet enige antwoord op die versoë verskaf binne 14 dae vanaf die datum waarop die versoë verwys is na hom of haar: Met dien verstande dat die Raad sodanige datum mag verleng by die applikant se bewys van goeie beweegrede vir sodanige verlenging.

(7) Enige versoë, antwoorde daarop of enige gewysigde of verdere inligting ingedien by die Raad moet, onderhewig aan die bepalings van artikel 30(1) en artikel 34(2) en (3) van die Wet, beskikbaar wees ter openbare insae vir belanghebbende persone tydens die normale kantoorure van die Raad vir sodanige tydperk as wat die Raad mag bepaal.

**Polisieverslag**

**16.** Die Hoof-Uitvoerende Beamppte moet, by ontvangs van 'n aansoek om 'n lisensie, die Suid-Afrikaanse Polisie diens versoek om 'n verslag van –

- (a) skuldige bevindings, hetsy in die Republiek of elders, opgeteken teen die applikant en enige ander persoon wat betrokke sal wees by die besigheid verwant aan die aansoek;
- (b) ander aangeleenthede wat, in die opinie van die Suid-Afrikaanse Polisie diens, deur die Raad in oorweging geneem behoort te word ten opsigte van die tersaaklike aansoek; en
- (c) enige ander aangeleentheid nodig geag deur die Raad.

**Wysiging van inligting en verkryging of voorsiening van verdere inligting**

**17.(1)** 'n Applikant mag, met die goedkeuring van die Raad, 'n aansoek wysig in enige opsig, te enige tyd voor die finale handeling van die Raad.

(2) Die Raad mag, deur skriftelike kennisgewing, vereis van enige applikant, vir registrasie of enige persoon in assosiasie met sodanige applikant, om sodanige inligting te voorsien soos die Raad mag vereis, ten einde hom in staat te stel om die aansoek te oorweeg.

(3) Wanneer die Raad verdere inligting aanvra van 'n applikant om 'n lisensie in ooreenstemming met die bepalings van artikel 36 van die Wet of van 'n applikant vir registrasie in ooreenstemming met die bepalings van subregulasie (2), moet die Raad 'n sperdatum spesifiseer vir sodanige bykomende inligting om die Raad te bereik.

(4) Versuim om bykomende inligting te voorsien teen die datum so gespesifiseer konstitueer moontlike gronde vir weiering van die aansoek deur die Raad.

**Verhaling van ondersoekuitgawes**

**18.(1)** Vir die doeleindes van hierdie regulasie beteken "n applikant" 'n applikant om –

- (a) 'n lisensie;
- (b) die wysiging, vervanging of herroeping van 'n voorwaarde gekoppel aan 'n lisensie;
- (c) die oordrag van 'n lisensie;
- (d) die verskuiwing van sy of haar besigheid vanaf die perseel gespesifiseer in die lisensie na 'n ander perseel;
- (e) enige registrasie of owerheid soos voorgeskryf kragtens Hoofstuk 13, 14, 15 of 16 van die Wet; of
- (f) goedkeuring van 'n gerekenariseerde rekordhoudingstelsel.

(2) Voor die aanvang van 'n ondersoek van 'n applikant, moet die Raad of die Raad se lisensieringsondersoeke konsultant 'n beraming van sodanige redelike uitgawes wat noodsaaklikerwys aangegaan sal word om die ondersoek te onderneem uiteensit, en moet vooruitbetaling of 'n deposito verkry word van die applikant, soos hy mag bepaal.

(3) Die deposito verwys na in subregulasie (2) moet gedeponeer word in die Raad se bankrekening deur die applikant, soos bedoel in artikel 27(3)(a) van die Wet.

(4) Die Raad, of die Raad se lisensiëringsondersoekekonsultant mag, wanneer nodig op enige stadium tydens 'n ondersoek, van die applikant vereis om 'n bykomende deposito tot die ondersoekgelde en -koste te betaal as 'n voorwaarde wat die voortsetting van die ondersoek voorafgaan.

(5) Binne 30 dae vanaf die voltooiing van 'n ondersoek moet die Raad of die Raad se lisensiëringsondersoekekonsultant die betrokke applikant voorsien van 'n gespesifiseerde rekening van die ondersoekfooie en -koste aangegaan, wat gedebiteer moet word teen die deposito en enige addisionele deposito betaal deur die applikant, en enige gelde tot krediet van die applikant moet terugbetaal word aan die applikant na die Raad sy skriftelike besluit op die aansoek uitgereik het.

(6) Die Raad mag nie sy skriftelike besluit ten opsigte van enige aansoek uitreik tensy alle ondersoekfooie en -koste ten volle betaal is nie.

(7) By die terugtrek van 'n aansoek, soos bedoel in regulasie 20, moet die Raad of die Raad se lisensiëringsondersoekekonsultant aan die applikant die ondersoekfooie of enige uitstaande balans daarvan terugbetaal ten tyde van die Raad se aanvaarding van die terugtrekking.

#### **Applikant moet verseker inligting is juis en volledig**

**19.(1)** 'n Applikant moet verseker dat alle inligting in 'n aansoek juis en volledig is voor die datum waarop die Raad dit oorweeg of sy skriftelike besluit ten opsigte van sodanige aansoek uitreik.

(2) Sou enigiets vermeld in die aansoek verander nadat dit by die Raad ingedien is, voor die aansoek oorweeg word en voor die Raad se skriftelike besluit op die aansoek uitgereik word, moet die applikant die Raad onmiddellik, skriftelik, in kennis stel van enige wesentliche veranderinge en die impak daarvan op die aansoek.

(3) By die ontvangs van die kennisgewing bedoel in subregulasie (2) mag die Raad vereis dat die Hoof-Uitvoerende Beampte die prosedures herhaal soos bedoel in regulasie 14.

#### **Terugtrek van aansoek**

**20.(1)** 'n Applikant mag die Raad skriftelik versoek om die aansoek terug te trek te enige tyd voor 'n besluit ten opsigte van die aansoek deur die Raad geneem word.



(2) Die Raad mag, in sy diskresie, die versoek toestaan, in welke geval enige ondersoek van die betrokke applikant, tydens die verloop daarvan, beëindig moet word, waarop die bepalings van regulasie 28 van toepassing sal wees met die nodige veranderinge, asof die ondersoek afgehandel is.

#### **Aanhoor van aansoek**

**21.**(1) Die Raad moet, ten opsigte van elke aansoek, 'n aanhoor belê op die wyse bedoel in artikel 37 van die Wet, nie later nie as –

- (a) 30 dae na die voltooiing van die ondersoek bedoel in artikel 35 van die Wet; of
- (b) indien die applikant vereis word om 'n antwoord op die verzoek te verskaf in ooreenstemming met regulasie 15(6), 30 dae na die datum waarop die applikant vereis word om sodanige verzoek te rig.

(2) Die Raad mag, nie later nie as 30 dae na die voltooiing van die ondersoek bedoel in artikel 35 van die Wet, 'n aanhoor belê deur die Raad met betrekking tot enige aansoek om registrasie as 'n vervaardiger, leweransier of instandhoudingsverskaffer.

(3) 'n Aanhoor, soos bedoel in subregulasie (2), is nie oop vir die publiek nie.

#### **Gronde vir bevinding van applikant as nie 'n geskikte en gepaste persoon nie**

**22.** Die Raad mag, indien die applikant in 'n aansoek aan die Raad –

- (a) enige valse verklaring van wesenlike feit aflê, wetend dat dit vals is;
- (b) nalaat om enige wesenlike feit te vermeld wat vereis word om daarin vermeld te word; of
- (c) nalaat om enige wesenlike feit te vermeld, wat deur die weglating daarvan misleidend is,

bevind dat 'n applikant nie 'n geskikte en gepaste persoon ingevolge artikel 32(1)(l) van die Wet is nie.

#### **Geleentheid om diskwalifiserende omstandighede reg te stel**

**23.**(1) 'n Applikant onderworpe aan enige diskwalifikasie kragtens die Wet moet, voor die Raad beslis oor die aansoek, 'n redelike tydperk, wat nie 60 dae oorskry nie, gegun word om die diskwalifiserende omstandighede reg te stel, soos bepaal deur die Raad.

(2) As die Raad sou beslis dat die applikant nie in staat is om die diskwalifiserende omstandighede reg te stel nie, mag die Raad nie die applikant 'n geleentheid gun om die diskwalifiserende omstandighede reg te stel nie.

#### **Oordrag van lisensie**

**24.**(1) Wanneer ook al 'n lisensiehouer verlang om 'n lisensie oor te dra aan 'n ander persoon, moet hy of sy 'n aansoekbrief aan die Raad rig.

(2) Die bepalings van hierdie Deel, uitgesluit regulasie 13, is van toepassing, met die nodige veranderinge aangebring in 'n aansoek om 'n lisensie aan 'n ander persoon oor te dra.

### **Verskuiwing van besigheid na ander perseel**

**25.**(1) Wanneer 'n lisensiehouer of geregistreerde verlang om 'n besigheid, gelisensieer of geregistreer volgens die Wet, te verskuif vanaf die perseel vermeld in die lisensie of registrasiesertifikaat na 'n ander perseel, moet sodanige lisensiehouer of geregistreerde skriftelik by die Raad aansoek doen om toestemming vir die verskuiwing van die besigheid na 'n ander perseel.

(2) Die Raad mag die aansoek toestaan met of sonder voorwaardes: Met dien verstande dat hy nie 'n aansoek toestaan nie –

(a) om die besigheid te verskuif na 'n perseel buite die gebied bepaal deur die Raad ten opsigte van daardie besigheid; of

(b) in die geval van 'n casino, vir verskuiwing van die casino na 'n perseel wat val buite die vereisde sone of gebied waarin die casino geleë moet wees ingevolge 'n bevel uitgereik deur die verantwoordelike Lid van die Uitvoerende Raad ingevolge artikel 47(1)(b) van die Wet.

### *Deel 2*

### *Bepalings betreffende alle Applikante, Lisensiehouers en Geregistreerde Persone: Aanhore en Uitreiking van Lisensies*

### **Verrigtinge by aanhore**

**26.**(1) Die verrigtinge by 'n aanhoor moet, in soverre as wat dit nie deur die Wet voorgeskryf is nie, deur die Raad of deur die persoon wat voorsit by die aanhoor bepaal word: Met dien verstande dat alle verrigtinge te alle tye voldoen aan die reëls van natuurlike geregtigheid.

(2) Die Raad of die voorsittende persoon by 'n aanhoor mag die aspekte voorskryf wat gedek moet word in mondelinge voorleggings deur 'n persoon wat die geleentheid gegun word om gehoor te word by sodanige aanhoor, en mag die tydsbeperking bepaal vir sodanige mondelinge voorleggings.

### **Rekord van verrigtinge by aanhoor**

**27.**(1) Die Raad of voorsittende beampte moet toesien dat notule van die verrigtinge gehou word by enige aanhoor.

(2) Mondelinge verrigtinge moet op sodanige wyse aangeteken word dat die bewaring daarvan voldoende verseker is en moet behou word deur die Raad vir 'n tydperk van ten minste drie jaar nadat die Raad sy skriftelike beslissing op 'n aansoek uitgereik het, of enige ander tydperk noodsaaklik vir die afhandeling van 'n appèl, ander wetlike verrigtinge of soos vereis deur enige ander wet.

(3) Mondelinge verrigtinge moet, op versoek van enige party, en by betaling van 'n fooi ten bedrae gespesifiseer in die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), getranskribeer word.

**Besluite, uitreiking van lisensies of registrasiesertifikate en hernuwing**

**28.(1)** Die Raad of 'n komitee moet sy skriftelike beslissing op alle aansoeke deur hom oorweeg uitreik, ingesluit die redes vir sy besluit.

(2) 'n Besluit van die Raad of 'n komitee tree in werking by die betekening van 'n kennisgewing van sodanige besluit.

(3) Indien die Raad of komitee 'n aansoek om 'n lisensie of registrasie goedkeur, moet die lisensiehouer of geregistreerde, binne 30 dae vanaf die betekening van sodanige kennisgewing van die Raad se besluit op die aansoek, aan die Raad die fooi, soos voorgeskryf in Bylae 2 van die Wet, betaal voor die uitreiking van die lisensie of registrasiesertifikaat.

(4) By ontvangs van die fooi bedoel in subregulasie (5) en by nakoming deur die applikant van enige vereistes van die Wet, moet die Raad die lisensie of registrasiesertifikaat onmiddellik uitreik.

(5) Tensy die Wet voorsiening maak dat 'n lisensie of registrasie op 31 Desember verval, moet elke lisensiehouer of geregistreerde, nie vroeër nie as 1 Januarie en nie later nie as 1 Februarie van elke jaar, aansoek doen om hernuwing van die lisensie of registrasie op 1 April van daardie jaar en moet terselfdertyd aan die Raad die fooi voorgeskryf in Bylae 2 van die Wet betaal.

(6) Indien 'n lisensie of registrasie uitgereik is na 1 Februarie van enige jaar, moet sodanige lisensiehouer of geregistreerde, nie later nie as 15 Maart van daardie jaar, aansoek doen om hernuwing van die lisensie of registrasie, soos die geval mag wees, en moet tegelykertyd aan die Raad die fooi voorgeskryf in Bylae 2 van die Wet betaal.

(7) Indien 'n registrasie hernubaar is by die verjaring van die uitreikingsdatum, moet die geregistreerde aansoek doen om hernuwing en die toepaslike fooi betaal, nie later nie as 60 dae voor die verjaring van die uitreikingsdatum.

(8) Die Raad mag nie 'n lisensie of registrasiesertifikaat uitreik tydens die maand van Maart van enige jaar nie, tensy dit van toepassing is op daardie registrasiesertifikate wat hernubaar is by die verjaring van die uitreiking van sodanige sertifikaat.

*Deel 3**Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreeerde Persone:  
Gesiktheid van Derde Partye en Dobbelloeragente***Lisensiehouer moet besonderhede van besigheidskontrakte en –ooreenkomste openbaar maak**

29.(1) Wanneer ook al die Raad vereis dat 'n lisensiehouer die besonderhede bedoel in artikel 46(a) van die Wet openbaar moet maak, moet die Raad die inligting, wat as noodsaaklik geag mag word, aanvra vanaf die lisensiehouer deur die betekening van 'n kennisgewing, en sodanige kennisgewing moet die sperdatum vir ontvangs van die inligting so aangevra deur die Raad spesifiseer.

(2) Die Raad mag, nadat die lisensiehouer die geleentheid gebied is om aangehoor te word, die lisensiehouer gelas om die kontrak of ooreenkoms te wysig of beëindig teen 'n datum gespesifiseer deur die Raad.

(3) Wanneer ook al die Raad gelas dat 'n lisensiehouer 'n kontrak of ooreenkoms moet wysig of beëindig, moet hy die lisensiehouer redes gee vir sy besluit.

**Aansoek om gesiktheidsertifikaat deur sekere persone wat sake doen met lisensiehouer**

30.(1) 'n Aansoek om 'n gesiktheidsertifikaat bedoel in artikel 46(b) van die Wet moet –

- (a) gedoen word op die wyse en deur die gebruik van die vorm soos voorgeskryf deur die Raad in sy reëls;
- (b) vergesel gaan van die betrokke aansoekfooi soos voorgeskryf in Bylae 2 van die Wet; en
- (c) vergesel gaan van enige dokument en inligting soos vereis mag word deur die Raad.

(2) Die Raad mag 'n aansoek toestaan, onderhewig aan enige voorwaarde, of die Raad mag 'n aansoek vir 'n gesiktheidsertifikaat weier.

(3) Die bepalings van Deel 1, 2 en 3 van Hoofstuk 2 is van toepassing met die nodige wysigings wanneer ook al 'n persoon aansoek doen om 'n gesiktheidsertifikaat.

**Finansiële belange in houer van gesiktheidsertifikaat**

31. Die bepalings van Deel 4 van Hoofstuk 2 is van toepassing, met die nodige wysigings, op die houer van 'n gesiktheidsertifikaat.

**Opskorting of kansellasië van gesiktheidsertifikaat**

32. Die Raad mag, nadat dit die houer van die gesiktheidsertifikaat 'n geleentheid gebied het om aangehoor te word, sodanige sertifikaat opskort vir 'n gespesifiseerde tyd of sodanige sertifikaat kanselleer –

- (a) indien enige inligting in die aansoek om sodanige sertifikaat vals was in enige wesenlike opsig of onderhewig was aan enige wesenlike weglating;
- (b) indien die houer van die sertifikaat versuim het om te voldoen aan, of teenstrydig met enige term of voorwaarde van die sertifikaat of enige bepaling van die Wet, hierdie regulasies of die reëls van die Raad opgetree het; of
- (c) indien daar goeie redes is daarvoor en dit in die beste belang van die Raad se oogmerke en die behoorlike beheer en regulering van dobbelary is.

### **Beëindiging van ooreenkoms of assosiasie**

**33.**(1) Indien die Raad –

- (a) 'n aansoek om 'n geskikheidsertifikaat weier; of
- (b) 'n geskikheidsertifikaat opskort of kanselleer,

moet 'n lisensiehouer die ontvangs van enige goedere of dienste deur sodanige aansoeker of houer van sertifikaat staak.

(2) Wanneer ook al 'n ooreenkoms of assosiasie tussen 'n lisensiehouer en sertifikaathouer beëindig word deur enigeen van die twee betrokke partye, moet beide partye onmiddellik die Raad van sodanige beëindiging in kennis stel.

### **Bepalings van Deel van toepassing op geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer**

**34.** Die bepalings van hierdie Deel is van toepassing, met die nodige wysigings, op 'n geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer.

#### *Deel 4*

#### *Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreerde Persone: Verandering in Finansiële Belange*

### **Kennisgewing van verkryging van belang en aansoek om toestemming**

**35.**(1) Enige lisensiehouer of geregistreerde, gelisensieer of geregistreer volgens die Wet, wat bewus word van enige persoon wat, regstreeks of onregstreeks, 'n beherende belang, of enige finansiële belang verkry in die besigheid wat verband hou met die lisensiehouer of geregistreerde se lisensie of registrasie, moet die Raad onmiddellik, skriftelik, in kennis stel van –

- (a) die aard van die belang verkry; en
- (b) die naam en kontakbesonderhede van die persoon wat sodanige belang verkry het,

en moet daarna die Raad voorsien van sodanige verdere inligting soos die Raad nodig mag ag.

(2) Enige persoon wat regstreeks of onregstreeks 'n belang bedoel in subregulasie (1) verkry het moet, binne 14 dae, by die Raad aansoek doen om toestemming vir die besit van sodanige belang.

(3) Wanneer 'n persoon aansoek doen soos bedoel in subregulasie (2) om die aanskaffing van 'n finansiële belang van minder as vyf persent in die besigheid wat verband hou met die lisensie of registrasie, moet die Raad die aansoek oorweeg en mag –

(a) óf onmiddellik sy skriftelike goedkeuring verskaf vir die verkryging van die finansiële belang; óf

(b) die bepalings van artikels 32 tot 38 beskou as van toepassing op die aansoek om goedkeuring vir die besit van sodanige belang, en dat die aansoek dienooreenkomstig geadministreer moet word.

(4) 'n Aansoek om goedkeuring vir die verkryging of besit van 'n finansiële belang in enige casino, bingo, roete-operateur, onafhanklike perseeloperateur, perseeloperateur-lisensiehouer of geregistreerde dobbelarytoerustingvervaardiger, leweransier of instandhoudingsverskaffer, moet gedoen word in 'n vorm bepaal deur die Raad en moet vergesel gaan van die relevante aansoekfooi voorgeskryf in Bylae 2 tot die Wet en enige dokumente en inligting soos deur die Raad vereis mag word.

(5) Wanneer 'n persoon 'n aansoek doen, soos bedoel in subregulasie (2), is die bepalings van Deel 1, 2 en 3 van Hoofstuk 2 van hierdie regulasies, uitgesluit regulasie 13, van toepassing, met die nodige veranderings aan sodanige aansoek.

#### **Bepaling van geskiktheid of ongeskiktheid van applikant**

**36.(1)** Die Raad mag 'n aansoek soos bedoel in regulasie 35(2) toestaan of weier.

(2) Wanneer ook al die Raad 'n applikant as ongeskik bevind om 'n belang te besit in die besigheid van enige lisensiehouer of geregistreerde, moet die Raad die aansoek weier.

(3) Indien die Raad 'n aansoek soos bedoel in subregulasie (2) weier, moet die applikant sodanige belang in die lisensiehouer of geregistreerde van die hand sit binne ses maande of binne sodanige langer tydperk soos, met goeie bewegegrede bewys, goedgekeur deur die Raad.

(4) Die Raad mag, te enige tyd nadat die Raad 'n persoon geskik bevind het om 'n belang te besit in die besigheid van 'n casino, bingo, roete-operateur of perseeloperateur-lisensiehouer en nadat die Raad sodanige persoon die geleentheid gegun het om aangehoor te word, bevind dat sodanige persoon nie meer geskik is om met die besit van sodanige belang voort te gaan nie.

(5) Indien die Raad bevind dat die persoon ongeskik is om 'n belang te besit soos bedoel in subregulasie (4), moet sodanige persoon die belang in die lisensiehouer van die hand sit binne drie maande na die datum van die Raad se bevinding.

(6) Met inwerkingtreding vanaf die datum waarop die Raad die kennisgewing beteken het op 'n persoon wat of wie ongeskik bevind is ingevolge subregulasie (2) en (4), moet sodanige persoon die uitoefening, regstreeks of deur enige trustee of benoemde, van enige stemreg oorgedra deur die besit van die belang in die lisensiehouer staak.

#### **Prinsipale moet openbaar gemaak word**

**37.** 'n Persoon mag nie enige belang in 'n lisensie as 'n agent of benoemde vir 'n onvermelde prinsipaal of eienaar wat voordeel daaruit trek, besit of bekom nie.

#### *Deel 5*

#### *Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreerde Persone: Werknemersregistrasie*

#### **Spesiale werknemers in diens geneem deur lisensiehouers of geregistreerdes**

**38.(1)** Vir die doeleindes van registrasie van spesiale werknemers ingevolge artikel 65 van die Wet –

(a) 'n persoon in diens geneem deur 'n casinolisensiehouer, bingolisensiehouer, 'n roete-operateur of 'n onafhanklike perseeloperateur, in 'n besturende hoedanigheid, moet alle persone insluit wat individueel, of as deel van 'n groep, bestuursbeleid vir die bedryf formuleer; en

(b) 'n persoon gemagtig deur 'n casinolisensiehouer, bingolisensiehouer, 'n roete-operateur of 'n onafhanklike perseeloperateur om besluite te neem wat die lisensiehouer se bedrywighede reguleer, moet insluit –

(i) enige persoon gemagtig om toesig te hou of 'n skof van elke dobbelary- of sekuriteitsaktiwiteit te bestuur, ingesluit, maar nie beperk nie tot, die toesighouding of bestuur van die kuilbedrywighede in geheel of enige ander dobbelarybedrywighede; en

(ii) enige persoon met die magtiging om sodanige persone te bestuur.

(2) Vir die doeleindes van subregulasie (1) is die Raad nie beperk nie in sy besluitneming ten opsigte van die status van spesiale werknemers, deur die titel van werk verrig, maar moet die funksies en verantwoordelikhede van die persoon of die betrokke werk in oorweging neem.

#### **Bewys van registrasie in werknemersrekord van lisensiehouer**

**39.** 'n Lisensiehouer of geregistreerde moet, ten opsigte van elke werknemer wat verplig is om geregistreer of gelisensieer te wees kragtens die Wet en hierdie Deel, 'n afskrif van sodanige werknemer se registrasiesertifikaat in sy of haar werknemersrekord hou.

**Opskorting of kansellasië van registrasie**

**40.** In die geval dat enige werknemer wat verplig is om geregistreer te wees ingevolge die Wet en/of gelisensieer ingevolge die Nasionale Dobbeltwet, se registrasie –

(a) gekanselleer word deur die Raad in ooreenstemming met die bepalings van artikel 71 van die Wet, die lisensiehouer of geregistreerde in wie se diens sodanige persoon is, moet summier die diens beëindig van daardie persoon in enige hoedanigheid waarin hy of sy vereis word om so geregistreer te wees; of

(b) opgeskort word deur die Raad in ooreenstemming met die bepalings van artikel 71 van die Wet en moet die lisensiehouer in wie se diens sodanige persoon is summier die diens van daardie persoon, in enige hoedanigheid waarin hy of sy vereis word om sodanig geregistreer te wees, opskort vir die tydperk van opskorting deur die Raad.

**Part 6**

*Bepalings betreffende alle Aansoeke, Lisensiehouers en Geregistreerde Persone:  
Diverse Bepalings*

**Lisensie moet opvallend vertoon word**

**41.** 'n Lisensie uitgereik ingevolge die bepalings van die Wet moet opvallend vertoon word in 'n opsigtelike plek in of op die perseel van die gelisensieerde besigheid.

**HOOFSTUK 3  
CASINO'S***Deel 1**Casino's: Voorleggings vir Casino's en Aansoek om Lisensie***Uitreiking van versoek om voorleggings**

**42.(1)** Die Raad mag enige belanghebbende persoon uitnoui om 'n voorlegging in te dien vir casino-ontwikkelingsprojekte in die Provinsie na die uitreiking van 'n bevel deur die verantwoordelike Lid van die Uitvoerende Raad bedoel in artikel 47(1) van die Wet.

(2) Die versoek om voorlegging moet –

(a) die getal lisensies wat uitgereik sal word aandui;

(b) die evalueringsproses identifiseer wat die Raad moet volg om 'n voornemende lisensiehouer te selekteer, ingesluit enige aangeleentheid bedoel in 'n bevel uitgereik deur die verantwoordelike Lid van die Uitvoerende Raad ingevolge artikel 47 van die Wet, indien enige: Met dien verstande dat geen proses geïdentifiseer deur die Raad in konflik mag wees met sodanige ministeriële bevel;

(c) onderhewig aan artikel 49 van die Wet, die kriteria identifiseer wat die Raad sal volg om 'n applikant aan wie die lisensie toegeken mag word te selekteer, ingesluit



daardie beleidskriteria vervat in 'n bevel van die verantwoordelike Lid van die Uitvoerende Raad uitgereik ingevolge artikel 47 van die Wet, indien enige: Met dien verstande dat geen kriteria geïdentifiseer deur die Raad in konflik mag wees met die voorskrif; en

(d) die foie van toepassing op die verskillende stadiums van die versoek om voorlegging insluit.

#### **Uitnodiging vir indiening van aansoek om casinolisensie**

**43.(1)** By voltooiing van die evalueringsproses bedoel in regulasie 42(2)(b), soos toegepas in die voorlegging vir 'n casino-ontwikkelingsprojek en na oorlegpleging met die verantwoordelike Lid van die Uitvoerende Raad, moet die Raad die persone wat die voorlegging gemaak het uitnoui om aansoek te doen om 'n casinolisensie: Met dien verstande dat die Raad die voorlopige rangorde vir sodanige voorlegging, vir die doeleindes van seleksie van die applikant aan wie 'n lisensie uitgereik sal word, aandui in sodanige uitnodiging.

(2) Die uitnodiging bedoel in subregulasie (1) moet aandui dat die aansoek in ooreenkoms met die vereistes uiteengesit in die "Versoek om Voorlegging" dokument gedoen moet word en moet enige verdere vereistes van die Raad vir dokumentasie en inligting benodig om die aansoek te ondersteun, spesifiseer.

(3) Onderhewig aan regulasie 22, moet die Raad, by ontvangs van 'n aansoek bedoel in subregulasie (1), ingesluit die voorgeskrewe fooi, met die ondersoek bedoel in artikel 35 van die Wet begin.

#### **Kriteria vir casinolisensiëring**

**44.(1)** In die seleksie van 'n applikant om 'n casinolisensie, moet die Raad die kriteria verwys na in regulasie 42(2)(c) toepas.

(2) Die kriteria verwys na in subregulasie (1) moet toegepas word deur –

- (a) elke bod met al die ander mededingende botte om 'n casinolisensie in dieselfde sone betreffende elke kriterium afsonderlik te vergelyk;
- (b) punte toe te ken by elke kriterium in elke bod; en
- (c) die totaal van die puntetelling so toegeken te bereken.

(3) 'n Applikant om 'n casinolisensie moet die Raad tevrede stel dat sodanige applikant die wetlike titel van die grond waar die casino-aktiwiteit ontwikkel sal word besit en oor die finansiële en ander bronne noodsaaklik vir ontwikkeling beskik.

(4) Indien, in die opinie van die Raad, geeneen van die applikante om 'n spesifieke casinolisensie 'n geskikte bod-voorlegging vir 'n casinolisensie gemaak het nie, moet die Raad nuwe voorleggings ten opsigte van sodanige casinolisensie aanvra.

**Aansoek om casinolisensie**

45.(1) Enige persoon uitgenooi deur die Raad om aansoek te doen om 'n casinolisensie moet so doen in ooreenstemming met die voorwaardes van die uitnodiging bedoel in regulasie 43 en sodanige aansoek moet vergesel gaan van die aansoekfooi voorgeskryf in Bylae 2 van die Wet.

(2) Die bepalings van Deel 1, waar van toepassing, en Deel 2 en 3 van hierdie Hoofstuk, is van toepassing met die nodige veranderinge, wanneer ook al 'n persoon aansoek doen om 'n casinolisensie.

*Deel 2**Casino's: Monitering- en Beheerstelsels***Elektroniese-moniteringstelsel**

46.(1) 'n Casinolisensiehouer moet elektroniese rekords betreffende die elektroniese-moniteringstelsel in chronologiese volgorde vir 'n tydperk van vyf jaar stoor.

(2) Die Raad moet –

- (a) 'n algemene protokol bepaal om kommunikasie tussen die Raad en die casino se monitering- en beheerstelsels te fasiliteer; en
- (b) enige tussenvoering of die formaat van enige tussenvoering tussen die stelsels magtig.

(3) 'n Casinolisensiehouer moet alle dobbelmasjiene wat sodanige lisensiehouer beskikbaar maak vir spel verbind aan die monitering- en beheerstelsel soos goedgekeur deur die Raad in ooreenstemming met die bepalings van subregulasie (4).

(4) Die Raad mag 'n moniteringstelsel, bedoel in artikel 58 van die Wet, goedkeur, wat gesertifiseer is dat dit die toepaslike SABS standaard nakom en wat op sodanige manier ontwerp is dat dit –

- (a) rekord hou van die monetêre waarde geplaas in elke dobbelmasjien vir die doel om spel te aktiveer;
- (b) rekord hou van die monetêre waarde gedeponeer in die vulluikhouer van elke dobbelmasjien wat 'n vulluikhouer het;
- (c) rekord hou van die monetêre waarde outomaties uitbetaal deur elke dobbelmasjien;
- (d) rekord hou van die monetêre waarde uitbetaal per hand;
- (e) enige masjien van die rekenaarmoniteringstelsel identifiseer wat van lyn af gehaal word of aanlyn geplaas word, ingesluit die datum, tyd en identifikasienommer van masjien; en

(f) in staat is om enige inkomstetransaksies wat nie regstreeks gemonitor word deur daardie meters wat geld of monetêre waarde lees nie, te rapporteer soos, maar nie beperk nie tot, monetêre waarde in die masjien geplaas as gevolg van 'n stortbak-uitbetaling.

(5) Dit is 'n misdryf vir enige persoon om, op enige manier, te wysig of verander aan, die goedgekeurde moniteringstelsel bedoel in subregulasie (4) sonder die vooraf goedkeuring van die Raad.

### *Deel 3*

#### *Casino's: Casinospelle*

##### **Tipes casinospelle toegelaat vir spel**

47. Die Raad moet, by aansoek aan die Raad deur 'n casinolisensiehouer, die tipes van casinospelle magtig wat gespeel mag word in of op die perseel van 'n casinolisensiehouer en sodanige spelle moet beheer word deur die Raad se reëls gemaak in ooreenstemming met die bepalings van artikel 7(1)(m) van die Wet.

##### **Wedgelde en pryse vir casinospelle anders as dobbelmasjiene**

48.(1) Die wedgeld en pryse van toepassing op elke gemagtigde casinospel moet permanent vertoon word, hetsy by die tafel waar die casinospel gespeel word of op 'n opsigtelike plek onmiddelik langs die plek waar die spel gespeel word.

(2) Uitbetaalprogramme of pryskaarte moet akkuraat die werklike uitbetalings of pryse van toepassing op die bepaalde spel aandui en mag nie bewoord word op 'n wyse bedoel om die publiek te mislei of bedrieg nie.

##### **Dobbelmasjiene**

49.(1) Elke dobbelmasjien beskikbaar gestel vir spel moet 'n bevestigde persentasie van teoretiese opbrengs aan speler van nie minder nie as 80 persent lewer.

(2) Alle wenkombinasies, tesame met die ooreenstemmende pryse, word duidelik vertoon of is maklik toeganklik deur die speler by elke dobbelmasjien beskikbaar gestel vir spel.

### *Deel 4*

#### *Casino's: Registrasie of Deregistrasie van Dobboltoerusting, Dobbelmasjiene of -spelle en Instandhouding daarvan*

##### **Dobboltoerusting, dobbelmasjiene en -spelle moet aan die SABS of standaard van die Raad voldoen**

50. 'n Casinolisensiehouer moet nie enige dobboltoerusting, dobbelmasjien of spel aanhou of in stand hou wat nie gesertifiseer en geregistreer is in ooreenstemming met regulasie 82 nie.

**Besit van dobbeltoerusting, dobbelmasjiene of -spelle**

51. Alle dobbeltoerusting, -masjiene of -spelle op casinopersele wat goedgekeur en geregistreer is deur die Raad, soos bedoel deur regulasie 82, moet ingesluit word in die Raad se rekords.

**Bedryf van - en instandhouding van dobbeltoerusting en dobbelmasjiene**

52.(1) 'n Casinolisensiehouer moet nie die bedryf van geregistreerde dobbeltoerusting en dobbelmasjiene wysig sonder die vooraf goedkeuring van die Raad nie.

(2) 'n Casinolisensiehouer moet 'n instandhoudingsverskaffer gebruik om sodanige toerusting en masjiene in 'n aanvaarbare toestand te hou.

(3) Nieteenstaande subregulasie (2), mag 'n casinolisensiehouer instandhouding, herstel of wysiging van enige dobbeltoerusting, toestel of masjien verrig wat aangewend word deur die casinolisensiehouer in die bedryf van sy gelisensieerde aktiwiteite deur gebruik te maak van toepaslik-gekwalfiseerde of ervare personeel, met dien verstande dat sodanige toerusting, toestel of masjien in die goedgekeurde fisiese konfigurasie bly.

**Rekords gehou deur lisensiehouer**

53. 'n Casinolisensiehouer moet, vir 'n tydperk van vyf jaar, rekord hou van alle dobbeltoerusting, -masjiene en -spelle geregistreer in ooreenstemming met die bepalings van hierdie Deel, ingesluit, maar nie beperk nie, tot vervaardiger, datum van aankoop, masjienreeksnommer, modelnommer, registrasienommer van die Raad en datum van deregistrasie deur die Raad.

*Deel 5**Casino's: Dobbelskyfies, Plakette, Tekenmunte, Geïntegreerdekringkaarte of Sigwaarde-Instrumente***Verduidelikende bepalings**

54. Die volgende tipes weddenskapmedia mag, onderhewig aan die bepalings van hierdie Deel, in 'n casino gebruik word –

(a) 'n "dobbelskyfie" wat sirkelvormig moet wees, met of sonder 'n aangeduide randwaarde en wat gebruik word vir dobbelary op tafelspelle in 'n gelisensieerde casino;

(b) 'n "plakket", hetsy vierkantig, reghoekig of ovaal in vorm, met 'n aangeduide randwaarde en wat gebruik word vir dobbelary in tafelspelle in 'n gelisensieerde casino;

(c) 'n "tekenmunt" wat sirkelvormig in vorm moet wees, met 'n aangeduide randwaarde en wat gebruik word om outomatiese dobbeltoerusting te aktiveer in 'n gelisensieerde casino; en

(d) 'n "geïntegreerdekringkaart" wat soortgelyk moet wees in vorm en dimensie aan 'n kredietkaart en wat gebruik word om monetêre waarde te stoor en om outomatiese dobbelarytoerusting te aktiveer in 'n gelisensieerde casino.

#### **Ander sigwaarde-instrumente**

**55.(1)** 'n Casinolisensiehouer mag nie enige sigwaarde-instrument, anders as 'n goedgekeurde geïntegreerdekringkaart, dobbelskyfie, plakket of tekenmunt in 'n casino gebruik nie, tensy die Raad goedkeuring verleen het vir die gebruik van 'n spesifieke tipe sigwaarde-instrument.

(2) Die Raad mag, in sy diskresie, 'n aansoek om die gebruik van 'n sigwaarde-instrument anders as geïntegreerdekringkaarte, dobbelskyfies, plakette of tekenmunte weier of mag 'n aansoek toestaan, onderhewig aan enige voorwaardes wat hy beskou as toepaslik.

(3) Die bepalings van hierdie Deel is van toepassing op alle ander sigwaarde-instrumente: Met dien verstande dat die ontwerp, kleur, grootte en vorm van en die standaard vir sodanige sigwaarde-instrumente van so 'n aard is dat dit geredelik onderskeibaar is van die geïntegreerdekringkaarte, dobbelskyfies, plakette of tekenmunte goedgekeur deur die Raad ingevolge hierdie Deel.

#### **Prosedures by ontvangs van dobbelskyfies, plakette of tekenmunte vanaf vervaardiger of verspreider**

**56.(1)** By die aflewering van enige dobbelskyfies, plakette of tekenmunte deur die vervaardiger of verspreider daarvan, moet 'n casinolisensiehouer verseker dat 'n minimum van drie werknemers, wat elk in 'n afsonderlike departement in diens is en geregistreer moet wees as spesiale werknemer, tegelykertyd teenwoordig is om die afgelewerde dobbelskyfies, plakette of tekenmunte oop te maak en na te gaan.

(2) Nadat die dobbelskyfies, plakette of tekenmunte nagegaan is in ooreenstemming met die bepalings van subregulasie (1) moet die casinolisensiehouer die toepaslike aantekeninge teweegbring in die inventarisregister soos verwys na in regulasie 57.

(3) Sou die persone wat die dobbelskyfies, plakette en tekenmunte nagaan, vind dat daar enige defekte is in, of enige diskrepansie is tussen die vervaardiger of verspreider se faktuur of 'n ander dokument wat die dobbelskyfies, plakette en tekenmunte vergesel en die werklike dobbelskyfies, plakette en tekenmunte in ontvangs geneem, moet sodanige defek of diskrepansie onmiddelik by die Raad aangemeld word en besonderhede van die defek of diskrepansie en die rapportering daarvan aangeteken word in die inventarisregister.

(4) Enige dobbelskyfies, plakette en tekenmunte in ontvangs geneem in ooreenstemming met die bepalings van hierdie regulasie, wat nie bedoel is vir onmiddellike gebruik by 'n dobbeltafel of by 'n kassiersshok in die lisensiehouer se casino nie, moet in die

inventarisregister aangeteken word as reserwe-dobbelskyfies, plakette en tekenmunte en moet in 'n afsonderlike geslote kompartement, hetsy in 'n kluis of in die kassiershok, gestoor word deur die lisensiehouer.

#### **Inventarisregister van dobbelskyfies, plakette en tekenmunte**

**57.** 'n Casinolisensiehouer moet 'n inventarisregister hou van alle goedgekeurde dobbelskyfies, plakette en tekenmunte vir die doeleindes van aantekening van enige inligting vereis ingevolge hierdie Deel en vir die doeleindes van aantekening van die volgende inligting –

- (a) 'n beskrywing van die verskillende goedgekeurde dobbelskyfies, plakette en tekenmunte gebruik in die casino, ingesluit die denominasie daarvan;
- (b) die hoeveelheid van elke denominasie van die verskillende dobbelskyfies, plakette en tekenmunte opgeneem in voorraad by ontvangs daarvan vanaf die vervaardiger of verspreider;
- (c) die datum en die tyd waarop die dobbelskyfies, plakette en tekenmunte in ontvangs geneem en in voorraad opgeneem is;
- (d) die name en handtekeninge van die spesiale werknemers wat sodanige dobbelskyfies, plakette en tekenmunte ooggemaak en nagegaan het;
- (e) enige defekte of diskrepancies en die rapportering daarvan aan die Raad;
- (f) die denominasie en hoeveelheid van dobbelskyfies, plakette en tekenmunte geplaas in, verwyder uit, en terugbesorg aan die reserwe-inventaris;
- (g) daaglikse, maandelikse en jaarlikse inventarisse van dobbelskyfies, plakette en tekenmunte; en
- (h) enige ander inligting soos die Raad nodig mag ag.

#### **Aantekening van beweging van dobbelskyfies, plakette en tekenmunte**

**58.(1)** Wanneer ook al dobbelskyfies, plakette en tekenmunte benodig word in 'n kassiershok of by 'n dobbeltafel in die casino of vandaar terugbesorg word deur die lisensiehouer –

- (a) moet dit óf verwyder word uit óf teruggeneem word na die brandkluis of kassiershok, soos die geval mag wees, in die teenwoordigheid van ten minste drie casinowerknemers wat elk in 'n afsonderlike departement in diens is en elkeen geregistreer moet wees as 'n spesiale werknemer; en
- (b) moet die denominasie en hoeveelheid van enige dobbelskyfie, plaket en tekenmunt so verwyder of terugbesorg in die inventarisregister aangeteken word deur die geregistreerde casinowerknemers bedoel in paragraaf (a) van hierdie subregulasie, wat die inventarisregister moet dateer en die tyd van sodanige aantekening noteer.

(2) 'n Casinolisensiehouer moet, op 'n daaglikse basis, die onafgeloste aanspreeklikheid vir elke denominasie van dobbelskyfies, plakette of tekenmunte bereken en aanteken en moet 'n inventaris van dobbelskyfies, plakette of tekenmunte in sirkulasie teweegbring en die resultaat daarvan moet in die inventarisregister aangeteken word.

(3) 'n Casinolisensohouer moet, ten minste op 'n maandelikse basis, die neem van 'n inventaris van dobbelskyfies, plakette of tekenmunte in reserwe teweegbring en die resultaat daarvan moet in die inventarisregister aangeteken word.

(4) Indien die inventarisprosedures die verseëling van die geslote kompartement inkorporeer, moet die casinolisensohouer teweegbring dat die inventaris van dobbelskyfies, plakette of tekenmunte in reserwe ten minste jaarliks geneem word.

(5) Gedurende nie-dobbelure moet alle dobbelskyfies, plakette of tekenmunte in besit van die lisensiohouer in hetsy 'n brandkluis of die kassiersshok gestoor word deur die lisensiohouer: Met dien verstande dat die dobbelskyfies verteenwoordigend van die tafelbankrol in 'n veilige kompartement by die tafel toegesluit mag wees: Met dien verstande dat die Raad verder bepaal dat daar genoegsame sekuriteit is om sodanige reëling toe te laat.

(6) Die prosedures wat gevolg moet word om die onaflosbare dobbelskyfies te bereken en om dobbelskyfies in sirkulasie en reserwes te inventariseer moet deur die lisensiohouer by die Raad ingedien word om goedkeuring.

#### *Deel 6*

#### *Casino's: Blootstelling van Minderjariges aan Dobbelry*

#### **Minderjarige dobbelry of blootstelling daaraan ontoelaatbaar**

**59.**(1) 'n Casinolisensohouer of enige werknemer van sodanige lisensiohouer moet nie 'n persoon wat onder die ouderdom van 18 jaar is toelaat of vergun nie om –

- (a) 'n casino te betree, met die uitsondering om regstreeks na 'n ander kamer of area van die onderneming te beweeg: Met dien verstande dat indien sodanige minderjarige persoon geregistreer is as 'n spesiale werknemer volgens die Wet en handel in die normale gang van sy of haar werk as 'n spesiale werknemer, mag hy of sy in die casino bly totdat die betrokke werk voltooi is;
- (b) enige voedsel of drankies bedien te word in die dobbelarea van 'n casino;
- (c) as 'n speler, klant of wedder beskou te word;
- (d) komplimentêre dienste of items te ontvang as 'n gevolg van, of in afwagting van, sy of haar dobbelry in sodanige casino; of
- (e) geteiken te word vir advertensiedoeleindes per pos, enige dobbelry promosies of kompetisies.

(2) 'n Casinolisensohouer en enige werknemer van sodanige lisensiohouer mag, te enige tyd, van enige persoon wat die casino en die dobbelarea van 'n casino betree of probeer betree, die voorlegging van enige van die volgende eis om die ouderdom van sodanige persoon te bepaal –

- (a) 'n geldige identiteitsdokument of paspoort uitgereik deur die Departement van Binnelandse Sake of deur 'n bevoegde uitreikingsowerheid in 'n ander land; of
- (b) 'n geldige bestuurslisensie uitgereik deur 'n geldige bestuurstoetsingsowerheid.

#### *Deel 7*

#### *Casino's: Kontanttransaksies*

#### **Sekere transaksies verbode**

##### **60. 'n Casinolisenstehouer moet nie –**

- (a) kontant vir kontant verruil nie, anders as om die klant in staat te stel om deel te neem aan dobbelary waar kontant gebruik word as wedgeld of om sodanige kontant te wissel na deelname aan dobbelary;
- (b) 'n tjeek of enige ander onderhandelbare instrument uitreik of enige fondse oordra namens 'n klant in ruil vir kontant, enige ander onderhandelbare instrument, dobbelskyfies of tekenmunte nie, tensy sodanige lisenstehouer oortuig is van die klant se geregtigheid op die prysgeld van sodanige bedrag, ooreenkomstig 'n *bona fide* dobbeltransaksie.

#### *Deel 8*

#### *Casino's: Interne Beheer*

#### **Interne beheer**

**61.** Elke casinolisenstehouer moet, as deel van sodanige lisenstehouer se interne beheerstelsel, 'n beskrywing van die prosedure aangeneem deur sodanige lisenstehouer om nakoming van die regulasies te verseker, insluit.

#### **Minimum bedryfs- en interne beheerstandaarde vir casinolisenstehouer**

**62.(1)** Die Raad moet die minimum bedryfsstandaarde en minimum standaard vir interne beheerprosedures bepaal en dit beskikbaar stel aan alle lisenstehouers en alle applikante om 'n casinolisenstie.

(2) Die Raad mag, van tyd tot tyd, enige van die standaard bedoel in subregulasie (1) wysig, vervang of herroep, in welke geval sodanige wysiging, vervanging of herroeping beskikbaar gemaak moet word deur die Raad aan alle lisenstehouers en applikante om 'n casinolisenstie.

(3) Daar word van 'n casinolisenstehouer vereis om aan enige standaard soos aangeneem deur die Raad te voldoen en dit in sy Reëls te inkorporeer.

#### **Minimum interne beheer**

**63.(1)** 'n Casinolisenstehouer moet administratiewe- en rekenkundige prosedures instel en in stand hou vir die doel om sodanige lisenstehouer se aanspreeklikheid vir belasting en foie



volgens die Wet te bepaal en met uitoefening van doeltreffende beheer oor sodanige lisensiehouer se interne finansiële sake ten doel.

- (2) Die prosedures moet ontwerp word om redelikerwys te verseker dat –
- (a) bates beveilig is;
  - (b) finansiële rekords akkuraat en betroubaar is;
  - (c) transaksies uitgevoer deur werknemers in ooreenstemming is met bestuur se algemene of spesifieke magtiging;
  - (d) transaksies toereikend aangeteken word om behoorlike verslaglewering van dobbelary-inkomste en van fooie en belasting te veroorloof; en
  - (e) funksies, pligte en verantwoordelikhede toepaslik geskei en uitgevoer word, in ooreenstemming met grondige praktyke deur bevoegde, gekwalifiseerde personeel.

#### **Interne beheerstelsel goedgekeur deur Raad**

**64.**(1) Elke lisensiehouer en elke applikant om 'n lisensie moet, op sodanige wyse soos die Raad mag goedkeur of vereis, omvattend en skriftelik, sodanige lisensiehouer of applikant se interne beheer, administratiewe- en rekenkundige prosedures beskryf en moet dieselfde aan die Raad voorlê vir goedkeuring, voor die implementering van die prosedures.

- (2) Elke interne beheerstelsel ingedien vir goedkeuring moet insluit –
- (a) 'n organisatoriese diagram wat die skeiding van funksies en verantwoordelikhede voorstel;
  - (b) 'n beskrywing van die pligte en verantwoordelikhede van elke posisie aangedui op die organisatoriese diagram;
  - (c) 'n omvattende, verhalende beskrywing of 'n omvattende stelselstroomdiagram van die administratiewe- en rekenkundige prosedures ontwerp om te voldoen aan die vereistes van regulasies 62 en 63; en
  - (d) sodanige verdere inligting soos die Raad mag benodig.

(3) Indien die Raad bepaal dat 'n applikant of lisensiehouer se interne beheerstelsel nie voldoen aan die vereistes van hierdie Deel nie, moet hy die applikant of lisensiehouer dienooreenkomstig, skriftelik, in kennis stel.

(4) Binne 30 dae na ontvangs van die kennisgewing bedoel in subregulasie (3) moet die applikant of lisensiehouer welke applikant of lisensiehouer se interne beheerstelsel dienooreenkomstig wysig, en moet 'n afskrif van die gewysigde stelsel aan die Raad voorlê vir goedkeuring.

#### **Wysiging van bestaande interne beheerstelsel**

**65.**(1) 'n Lisensiehouer wat verlang om sodanige lisensiehouer se vorige goedgekeurde interne beheerstelsel te wysig moet, voor die implementering van sodanige gewysigde

stelsel, by die Raad 'n afskrif indien van die skriftelike interne beheerstelsel, soos gewysig, vir goedkeuring.

(2) Die bepalings van regulasie 70(2) tot (4) is toepaslik met die nodige veranderinge aan 'n aansoek om goedkeuring bedoel in subregulasie (1).

#### *Deel 9*

#### *Casino's: Rekenkundige Rekords en Opbrengste*

##### **Rekenkundige rekords**

**66.(1)** 'n Casinolisensiehouer moet, op sodanige manier soos die Raad mag goedkeur of vereis, akkurate, volledige, leesbare en permanente rekords hou van alle sodanige lisensiehouer se transaksies.

(2) 'n Casinolisensiehouer moet –

- (a) algemeen-aanvaarde rekenkundige rekords hou op 'n dubbelinskrywing-rekenkundigestelsel en omvattende, ondersteunende en aanvullende rekords wat inkomste, uitgawes, bates, laste en aandele identifiseer;
- (b) individuele spelrekords hou wat die opvang, wen en die persentasie van wen-tot-opvang by tafel vir elke tafelspel reflekteer en die opvang, wen en die persentasie wen-tot-opvang vir elke tafelspel reflekteer, per dobbelarydag, en individuele spelrekords wat soortgelyke inligting vir alle ander spelle reflekteer;
- (c) dobbelmasjien-analiseverslae hou wat, ten opsigte van elke dobbelmasjien, omsette en uitbetalings reflekteer en wat die werklike hou-persentasies vergelyk met teoretiese hou-persentasies op 'n maandelikse, kwartaallikse en 12 maandelikse rolbasis;
- (d) die rekords hou wat vereis word deur die lisensiehouer se goedgekeurde interne beheerstelsel; en
- (e) enige ander rekords hou wat die Raad vereis.

##### **Geouditeerde finansiële verslae**

**67.(1)** 'n Casinolisensiehouer moet, teen die einde van sodanige lisensiehouer se finansiële jaar, voorberei of teweegbring om voorberei te word, jaarlikse finansiële verslae in ooreenstemming met verslae van Algemene Aanvaarde Rekenkundige Praktyk en wat voorgelê moet word in 'n goedgekeurde formaat of soos goedgekeur of vereis deur die Raad.

(2) 'n Casinolisensiehouer moet 'n onafhanklike ouditeur, geregistreer as werksaam in 'n openbare praktyk ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), aanstel om sodanige lisensiehouer se finansiële verslae te oudit in ooreenstemming met algemeen-aanvaarde ouditeringstandaarde.

(3) 'n Casinolisenstehouer moet aan die Raad voorlê, binne drie maande vanaf die laaste dag van die finansiële jaar, twee afskrifte van die jaarlikse finansiële verslae, na behore geouditeer in ooreenstemming met subregulasie (2), tesame met enige verslae wat die uitslag van die oudit kommunikeer, ingesluit briewe deur die bestuur.

(4) Die Raad mag, met goeie beweegrede bewys deur 'n casinolisenstehouer, die tydperk bedoel in subregulasie (3) verleng met 'n tydperk wat nie ses maande oorskry nie.

(5) Die Raad mag bykomende inligting of dokumente in verband met finansiële verslae wat voorberei is deur, of dienste gelewer deur, 'n ouditeur, versoek vanaf hetsy –

(a) die casinolisenstehouer, of

(b) die ouditeur aangestel deur sodanige lisenstehouer, onderhewig aan goedkeuring vooraf verkry van sodanige casinolisenstehouer.

#### **Ander rekords**

**68.** 'n Casinolisenstehouer moet, waar van toepassing, by sodanige lisenstehouer se geregistreeerde kantore hou, of moet aan die Raad voorsien op sy aanvraag, die volgende verslae of dokumente of hul ekwivalente –

(a) 'n afskrif van die memorandum en statute van die maatskappy, ingesluit enige wysigings;

(b) 'n afskrif van die maatskappy se sertifikaat vir aanvang van besigheid;

(c) 'n register van alle huidige en voormalige beamptes en direkteure;

(d) notules van alle vergaderings van die aandeelhouders;

(e) notules van alle direkteursvergaderings en vergaderings van komitees van die Raad van direkteure;

(f) 'n register van alle aandeelhouders wat 'n lys insluit van elke aandeelhouer se naam, adres, die getal aandele in besit en die datum waarop die aandele verkry is; en

(g) enige ander rekords wat gehou moet word volgens die Raad se vereistes, van tyd tot tyd.

#### *Deel 10*

#### *Casino's: Bewaking en Sekuriteit*

#### **Voldoening aan bepalings van Deel**

**69.** 'n Casinolisenstehouer moet ten volle voldoen aan die bepalings van hierdie Deel binne 14 dae na die aanvang van sodanige lisenstehouer se dobbelarybedrywe.

#### **Algemene vereistes vir waakstelsels**

**70.(1)** 'n Casinolisenstehouer moet 'n waakstelsel, bestaande uit kameras, monitors en visuele data-opnemers, installeer, in stand hou en te alle tye bedryf wat, tesame en kumulatief, die waakstelseldekking verskaf soos vereis deur hierdie Deel.

(2) Die waakstelsel moet datum- en tydgenereerders wat die datum en tyd van die vasgelegde gebeure op elke opname vertoon sonder om die uitsig op die opname te belemmer.

(3) 'n Casinolisensiehouer moet 'n waakstelselkamer op sy perseel inrig, wat –

- (a) al die toerusting wat gebruik word om uitsigte te monitor of op te neem deur die waakstelsel huisves;
- (b) 'n afsonderlike ingang buite die uitsig van casinowerknemers en die algemene publiek het; en
- (c) te alle tye beman word deur gekwalifiseerde personeel soos bedoel in subregulasie (6).

(4) 'n Casinolisensiehouer moet verseker dat waakstelseltoerusting te alle tye gemonitor word deur gekwalifiseerde personeel bedoel in subregulasie (6), en sodanige toerusting moet beskik oor die vermoë om alle ander satelliet-moniteringstoerusting in ander kantore volkome te oorheers.

(5) Die Raad, of enige inspekteur moet, te alle tye, onmiddellike toegang verkry tot die waakstelselkamer en ander waakstelselgebiede in die casino, met dien verstande dat positiewe identifikasie verskaf word.

(6) Waakstelselpersoneel bedoel in subregulasie (4) moet –

- (a) deur die casinolisensiehouer in diens geneem en opgelei word uitsluitlik vir waakstelsel-doeleindes in ooreenstemming met die minimum standarde goedgekeur deur die Raad; en
- (b) opleiding ondergaan het, of besig wees met opleiding ten einde omvattende kennis te bekom ten opsigte van –
  - (i) alle tafelspele beskikbaar vir spel in die casinolisensiehouer se casino;
  - (ii) hierdie regulasies; en
  - (iii) enige reëls gemaak deur die Raad ingevolge artikel 7(1)(m)(ii) van die Wet.

(7) Die waakstelsel en waaktoerusting moet –

- (a) bedraad word en op sodanige wyse verbind wees om die risiko's geassosieer met knoeiery te verminder; en
- (c) gekoppel wees aan 'n hulpkragbron wat in staat is om te voorsien, in die geval van 'n kragonderbreking, ononderbroke krag aan die waakstelsel en voldoende beligting om die waakstelsel te monitor en bedryf.

(8) Elke monitorkerm in die waakstelsel moet, diagonaal gemeet, minstens 30 sentimeters wees.

(9) Elke kamera gekoppel aan die waakstelsel en geleë in openbare areas moet versteek wees vir die publiek deur 'n gerookte-glaskoepel, eenrigtingspieël of enige soortgelyke materiaal.

(10) Die waakstelsel moet besigtig en opneem in kleur, *inter alia* –

- (a) transaksies wat plaasvind by die casinohokke;
- (b) uitsigte op roulette tafels;
- (c) uitsigte op progressiewe boerpotte in gevalle waar die betrokke waardes nie vertoon word op die verbinde dobbelmasjiene nie;
- (d) enige masjiene met banknootverifieerders; en
- (e) telkamers vir banknote.

(11) Vir die doel van omskrywing van die telkamers bedoel in hierdie deel beteken 'n **“telkamer vir banknote”** 'n veilige en gemoniteerde kamer in 'n casino waarin die geregistreerde casino werknemers papiergeld, eisstrokies en banktjeks tel.

(12) Die visuele data-opnemers gebruik in die waakstelsels moet geskik wees om, onmiddelik en by aanvraag, 'n duidelike stilfoto, swart en wit- of kleurkopie of -foto van die beelde op enige visuele data-opname te genereer.

(13) 'n Casinolisensiehouer moet beskik oor die vermoë om regstreeks visuele data-opnames te maak wat geskik is vir kopiëring op 'n rekenaar-leesbare en draagbare elektroniese medium of toestel.

#### **Waakstelsels in telkamers en casinohok**

**71.(1)** Die lisensiehouer moet 'n waakstelsel installeer, in stand hou en bedryf wat geskik is vir die monitering en opneem van duidelike en onbelemmerde uitsigte van alle areas en transaksies binne –

- (a) die telkamer vir munte en enige area waar ongetelde munte geberg word tydens die val-en-telproses, ingesluit mure, deure, skale, verpakkingsmasjiene, muntsorteerders, brandkluise, kluike en algemene werkoppervlakke;
- (b) die telkamer vir banknote, ingesluit mure, deure, opvangbusse, brandkluise, kluike en teloppervlakke wat deursigtig moet wees; en
- (c) die casinohok, ingesluit klantvensters, werknemersvensters, geldlaaie, brandkluise, kluike, toonbanke, skyfiebergings en aanvulvensters.

(2) Vir die doeleindes van omskrywing van die telkamer vir munte bedoel in hierdie deel, beteken 'n **“telkamer vir munte”** 'n veilige en gemoniteerde kamer waarin die geregistreerde casinowerknemers munte en tekenmunte in 'n casino tel.

(3) Uitsigte van alle transaksies binne die telkamer vir munte, telkamer vir banknote en casinohok moet opgeneem word met genoegsame duidelikheid om visuele identifikasie van elke werknemer en sy of haar bewegings, en om visuele identifikasie van alle geldeenhede, munte en papierwerk, moontlik te maak.

(4) Die waakstelsel moet geskik wees vir die insluiting van oudio-monitering en -opname in die telkamer vir banknote.

(5) Die opgeneemde data van die telkamer vir banknote en telkamer vir munte moet vir ten minste 30 dae behou word.

### **Waakstelsels by tafelspelle en kaartkamers**

**72.(1)** 'n Casinolisensiehouer wat tafelspelle of 'n kaartkamer bedryf moet 'n waakstelsel installeer, in stand hou en te alle tye bedryf wat geskik is vir monitering en opname –

(a) op 'n deurlopende basis en by wyse van 'n gevestigde kamera gewy aan sodanige tafel, te alle tye wanneer die opvangbus aangeheg is aan die tafel; en

(b) van duidelike en onbelemmerde uitsigte van –

(i) alle tafelspelle en kaartkamer-areas met genoegsame duidelikheid om visuele identifikasie van alle delers, klante, toeskouers en kuilpersoneel moontlik te maak;

(ii) alle tafelspelle of kaarttafeloppervlakke, ingesluit tafelbanklaaie, met genoegsame duidelikheid om visuele identifikasie van alle skyfies, kontant, dobbelsteen- en kaartwaardes en die uitkoms van die spel moontlik te maak;

(iii) beide die tafelspel-area en die tafelspeloppervlak tegelykertyd;

(iv) roulettetafels en -wiele, ten einde die uitsigte van beide die tafel en die wiel op een monitorskerm moontlik te maak;

(v) alle gleuwe van opvangbusse en tafelnommers; en

(vi) alle kaartkamers of podiumbanke, ingesluit enige laaie, kabinette en kluse daarin.

(2) Alle opnames ingevolge hierdie regulasie moet deur die lisensiehouer vir ten minste 30 dae behou word na die opgeneemde gebeurtenis.

### **Waakstelsels vir dobbelmasjiene**

**73.(1)** 'n Casinolisensiehouer wat dobbelmasjiene beskikbaar maak vir spel moet 'n waakstelsel installeer, in stand hou en, te alle tye, bedryf wat geskik is vir monitering, op 'n deurlopende basis, en die opneem van duidelike, onbelemmerde en deurlopende uitsigte van alle –

(a) areas waarin dobbelmasjiene geleë is met genoegsame duidelikheid om alle klante en werknemers visueel te identifiseer; en

(b) muntwisselhokkies, ingesluit die kontantlaaie, toonbankoppervlakke, telmasjiene, klantevensters en werknemervensters met genoegsame duidelikheid om identifikasie van alle transaksies, kontant, dokumente, klante en werknemers moontlik te maak.

(2) Alle opnames ingevolge hierdie regulasie moet deur die lisensiehouer vir ten minste 30 dae na die opgeneemde gebeurtenis behou word.

#### **Waakstelsels vir casinosekureiteitskantore**

74.(1) 'n Casinolisensiehouer moet 'n waakstelsel installeer wat geskik is vir monitering, op 'n deurlopende basis, en die opneem van duidelike, onbelemmerde en deurlopende uitsigte van enige sekureiteitskantoor waarin enige persoon ondervra mag word of 'n onderhoud mee gevoer word deur casinosekureiteitsbeamptes, 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie.

(2) Enige monitering en opname van sekureiteitskantore bedoel in subregulasie (1) moet deur middel van oudio- en visuele data-opnames geskied vir die hele tydperk waartydens 'n persoon aangehou, ondervra of 'n onderhoud mee gevoer word in sodanige kantoor.

(3) In elke sekureiteitskantoor bedoel in hierdie regulasie moet 'n kennisgewingbord opvallend vertoon word wat aandui dat sodanige kantoor onder ononderbroke oudio- en visuele bewaking is.

(4) Alle opnames ingevolge hierdie regulasie moet deur die lisensiehouer vir ten minste 30 dae behou word na die opgeneemde gebeurtenis.

#### **Foutwerking van casinowaakstelseltoerusting**

75.(1) 'n Casinolisensiehouer moet 'n geskrewe register van enige en alle defekte in die casinowaakstelseltoerusting daarstel en in stand hou en die register behou vir ten minste een jaar na die datum van die mees onlangse inskrywing in die register.

(2) Elke defek moet binne vier-en-twintig uur nadat die foutwerking plaasgevind het herstel word en, sou dit nie moontlik wees om die herstelwerk binne 24 uur te voltooi nie, moet die betrokke casinolisensiehouer onmiddellik 'n skriftelike verslag wat die redes verskaf vir die oponthoud in die herstel by die Raad indien en moet sodanige verslag behou vir ten minste dertig dae na die indiening daarvan by die Raad.

(3) Die Raad mag, onderhewig aan die bepalings van subregulasie (6), beveel dat alle aktiwiteite in die area geraak deur die defek gestaak word totdat herstelwerk voltooi is.

(4) In die geval van 'n defek in 'n enkeldoel-kamera, opnemer of monitor, moet die casinolisensiehouer onmiddellik alle dobbelaktiwiteite, die speel van enige casinospelle of

dobbelmasjiene wat deur sodanige enkeldoel-kamera, -opnemer of -monitor besigtig en opgeneem word, staak totdat herstelwerk voltooi is.

(5) Die staking van die dobbelaktiwiteit bedoel in subregulasie (4) is nie van toepassing nie indien alternatiewe monitering- en opnametoerusting onmiddellik in werking gestel word in die geaffekteerde area, afhangende van die herstelwerk van die genoemde toerusting.

(6) Die alternatiewe monitering van die dobbelaktiwiteit bedoel in subregulasie (5) mag nie 'n maksimum tydperk van 24 uur oorskry na die foutwerking van 'n enkeldoel-kamera, opnemer of monitor nie.

#### **Vereistes vir waakstelselopnames**

**76.(1)** Die Raad mag vereis van 'n casinolisensiehouer om alle uitsigte, aktiwiteite en plekke bykomend tot die uitsigte voorgeskryf in hierdie Deel ingesluit, maar nie beperk nie tot, alle ingange en ontvangsareas van die casino op te neem.

(2) 'n Casinolisensiehouer moet 'n geskrewe register hou van alle insidente deur casinowaakstelselpersoneel waargeneem wat ongewoon of onreëlmatig voorkom, of wat blyk om enige wet van die Republiek, die bepalings van die Wet, hierdie regulasies of reëls van die Raad te skend en moet, onmiddellik by die plaasvind van sodanige insident, die Raad in kennis stel.

(3) Alle visuele data-opnames geproduseer deur 'n waakstelsel moet 'n duidelike en onbelemmerde uitsig van die toneel daarop uitgebeeld verskaf.

(4) 'n Casinolisensiehouer moet alle visuele data-opnames vir ten minste sewe dae nadat die opname gemaak is behou, tensy 'n langer tydperk vereis word deur 'n ander regulasie in hierdie Deel van die regulasies of deur bevel van die Raad.

(5) Die waakstelselpersoneel aan diens ten tye van enige opname moet, voor die einde van hul skof, verseker dat elke visuele data-opname gemaak tydens die verloop van sodanige skof gemerk is met die datum-en-tyd-periode wat deur die opname gedek is, die areas gedek deur die opname en geteken is deur die persoon wat die opname gemaak het.

(6) Alle visuele data-opnames moet gemaak word in hetsy werklike tyd of verlengde speelyd en nie in 'n tydsverloop-opnamewyse nie.

#### **Goedkeuring van- en veranderings aan waakstelselplanne**

**77.(1)** Elke applikant om 'n casinolisensie moet 'n waakstelselplan by die Raad indien op die Raad se aanvraag en vir sy goedkeuring.

(2) Die waakstelselplan bedoel in subregulasie (1) moet insluit –



(a) 'n casinovloerplan wat die plasing van alle waakstelseltoerusting aandui; en  
(b) 'n breedvoerige beskrywing van die casinowaakstelsel en sy toerusting,  
in verhouding met die gebied wat vereis word om onder bewaking te wees ingevolge hierdie Deel.

(3) 'n Applikant of 'n casinolisensiehouer moet nie die goedgekeurde waakstelselplan bedoel in subregulasie (1) verander, wysig of aanpas sonder dat vooraf goedkeuring van die Raad bekom is nie, soos bedoel in subregulasie (4).

(4) Wanneer ook al 'n applikant of casinolisensiehouer verlang om 'n waakstelselplan te verander, wysig of aan te pas, moet sodanige applikant by die Raad indien, vir die Raad se goedkeuring, die voorgestelde wysigingsplan wat enige verandering, wysiging of aanpassing van die waakstelsel reflekteer, nie later nie as 30 dae voor die implementering van sodanige voorgestelde verandering, wysiging of aanpassing.

## HOOFSTUK 4 DOBBELTOERUSTING

### *Deel 1*

#### *Dobbeltoerusting: Registrasie van Persone bedoel in Artikel 66 van Wet*

#### **Aansoek om registrasie as vervaardiger, leweransier of instandhoudingsverskaffer**

**78.** 'n Persoon wat verlang om enige dobbeltoerusting bedoel in artikel 66 van die Wet te vervaardig, verkoop, beskikbaar stel, verhuur, versprei, invoer, bemark, in stand hou, versien of herstel, moet by die Raad aansoek doen om registrasie as 'n vervaardiger, leweransier of instandhoudingsverskaffer.

#### **Vorm van aansoek en aansoek doen**

**79.** 'n Aansoek om registrasie bedoel in regulasie 78 moet in 'n vorm ingedien word soos bepaal deur die Raad, wat verkry moet word by die kantore van die Raad tydens normale kantoorure en wat vergesel moet gaan van die betrokke registrasiefooi om aansoek soos voorgeskryf in Bylae 2 van die Wet.

#### **Registrasievoorwaardes**

**80.** Die Raad mag 'n aansoek vir registrasie toestaan, onderhewig aan die gemagtigde aktiwiteite bedoel in regulasie 81, sowel as enige verdere voorwaardes, of die Raad mag 'n aansoek om registrasie weier.

#### **Gemagtigde aktiwiteite gespesifiseer as registrasievoorwaarde**

**81.** Wanneer ook al die Raad 'n registrasiesertifikaat toestaan in ooreenstemming met regulasie 80, moet die Raad die aktiwiteit, as voorwaarde, spesifiseer soos gemagtig deur die registrasie wat enige van of al die volgende mag wees –

- (a) vervaardiging;
- (b) montering;
- (c) programmering of program-duplisering;
- (d) verkope, invoer, distribusie, verhuring of bemarking;
- (e) versiening, instandhouding of herstelling; of
- (f) enige ander verwante aktiwiteit ten opsigte van enige goedgekeurde dobbeltoerusting gemagtig deur die Raad.

## *Deel 2*

### *Dobbeltoerusting: Registrasie van Dobbeltoerusting*

#### **Dobbeltoerusting voldoen aan SABS standaarde en geregistreer deur Raad**

**82.(1)** Geen dobbeltoerusting moet gebruik of gedistribueer, verkoop, verhuur, bemark of andersins beskikbaar gemaak word vir spel, of in stand gehou, versien of herstel word deur enige persoon geregistreer in ooreenstemming met die bepalings van hierdie Deel van die regulasies nie, tensy –

- (a) dit gesertifiseer is as in ooreenstemming met hetsy die betrokke SABS standaard, of 'n ander nasionale norm of standaard of, in die afwesigheid van die voorgenoemde, 'n standaard bepaal deur die Raad; en
- (b) dit afsonderlik goedgekeur en geregistreeer is deur die Raad by aansoek in 'n vorm bepaal deur die Raad.

(2) 'n Persoon wat verlang om enige dobbeltoerusting te vervaardig, verkoop, beskikbaar stel, verhuur, distribueer, invoer, bemark, in stand hou, versien of herstel mag in sy of haar besit hê dobbel- of verwante toerusting, toestelle of spelle wat nie gesertifiseer, goedgekeur en geregistreer is in ooreenstemming met die bepalings van subregulasie (1) nie, indien sodanige toerusting, toestel of spel –

- (a) uitgevoer sal word vir verkope of distribuering na 'n ander plek buite die Provinsie en dokumentasie ter staving van sodanige uitvoer bestaan;
- (b) in die proses is om ingedien te word vir sertifisering en goedkeuring op die wyse bedoel in subregulasie (1) en toepaslike dokumentasie bestaan om dit te staaf; en
- (c) gebruik word, met skriftelike toestemming van die Raad, vir demonstrasie- of uitstallingsdoeleindes of vir sodanige ander doeleindes as wat die Raad mag goedkeur.

(3) Enige lisensiehouer in besit van dobbel- of verwante toerusting, toestelle of spelle wat nie gesertifiseer, goedgekeur en geregistreer is nie, in ooreenstemming met die bepalings van subregulasie (1) van hierdie regulasie, moet onverwyld aansoek doen om registrasie en goedkeuring op die wyse bepaal deur die Raad.

(4) 'n Persoon bedoel in artikel 66 van die Wet mag te enige tyd, op die wyse en vorm bepaal deur die Raad, aansoek doen om deregistrasie van enige dobbel- of verwante toerusting, toestel en spel geregistreer ingevolge hierdie regulasie.

(5) Enige dobbel- of verwante toerusting, toestel of spel wat goedgekeur en geregistreer is deur die Raad moet op 'n opsigtelike plek die Raad se registrasienommer vertoon.

(6) Dobbelttoerusting moet nie vernietig of verkoop word sonder die vooraf goedkeuring van die Raad nie: Met dien verstande dat die Raad, by verskaffing van goedkeuring, die wyse en vorm van die vernietiging of verkope spesifiseer.

(7) Die gemagtigde vernietiging of verkope van dobbelttoerusting moet uitgevoer word op die wyse en vorm gespesifiseer deur die Raad wanneer sodanige vernietiging of verkope goedgekeur word.

#### **Sertifisering en goedkeuring deur SABS**

**83.(1)** 'n Geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer moet, sonder versuim en onderhewig aan die bepalings van regulasie 82(2), alle nie-gesertifiseerde en nie-goedgekeurde dobbelttoerusting in hul besit indien by die SABS vir sertifisering en goedkeuring.

(2) Die SABS mag enige dobbelttoerusting uitmekaarhaal en mag dele vernietig ten einde die dobbelttoerusting ten volle te toets, inspekteer en evalueer, ten einde om vas te stel hetsy of nie dit voldoen aan die betrokke standaard en geskik is vir sertifisering en goedkeuring.

(3) Die koste verbonde aan die toetsing, inspeksie en sertifisering van dobbelttoerusting, ingesluit enige skade aan sodanige toerusting gedurende die toetsing daarvan, moet gedra word deur die geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer.

(4) Die Raad mag van 'n applikant vereis, vir die doel van die registrasie van dobbelttoerusting, om spesialis-toerusting of die dienste van 'n onafhanklike tegniese deskundige te verskaf om enige dobbelttoerusting te toets, inspekteer en evalueer.

(5) Die lisensiehouer moet, by voltooiing van die toetsing en inspeksie bedoel in hierdie regulasie, die Raad skriftelik in kennis stel hetsy of nie die dobbelttoerusting ingedien by die SABS gesertifiseer is as voldoende aan die betrokke standaard.

(6) By ontvangs van die SABS sertifikaat bedoel in subregulasie (5), moet 'n applikant sodanige sertifikaat by die Raad indien om registrasie van dobbelttoerusting.

(7) Indien die SABS sertifikaat bedoel in subregulasie (5) aandui dat die dobbelttoerusting voldoen aan die betrokke SABS standaard, mag die Raad sodanige dobbelttoerusting

registreer en, indien wel, moet die Raad die applikant voorsien van 'n geskikte registrasiesertifikaat.

#### **Veranderings en wysigings verbode**

**84.** Geen persoon moet toegelaat word om die bedryf van enige behoorlike geregistreeerde en goedgekeurde dobbeltoerusting te verander of te wysig sonder die vooraf skriftelike goedkeuring van die Raad nie.

#### **Opskorting van goedkeuring en registrasie**

**85.(1)** Die Raad mag 'n bevel uitreik, met of sonder vooraf kennisgewing, aan enige lisensiehouer of persone geregistreeer in ooreenstemming met hierdie Deel, wat die goedkeuring en registrasie van enige dobbeltoerusting ophef, sou die Raad bevind dat sodanige toerusting nie funksioneer soos goedgekeur deur die Raad nie of indien die vervaardiger of leweransier 'n wanvoorstelling op enige manier geskep het rakende die wyse waarop die dobbeltoerusting funksioneer.

(2) Na uitreiking van 'n bevel ingevolge subregulasie (1) mag die Raad alle modelle van die dobbeltoerusting ter sprake verseël of in beslag neem.

#### *Deel 3*

##### *Dobbeltoerusting: Opleiding van Versienings- of Vervaardigingswerknemers*

#### **Opleidingsprogramme vir versienings- en vervaardigingswerknemers**

**86.** Elke geregistreeerde vervaardiger, leweransier of instandhoudingsverskaffer moet aan die Raad vir goedkeuring indien –

- (a) 'n opleidingsprogram vir die opleiding van versienings- en vervaardigingswerknemers in die vervaardiging, versiening en instandhouding van dobbel- of verwante toerusting, toestelle en spelle;
- (b) 'n raamwerk van die opleidingskurrikulum;
- (c) 'n lys van instrukteurs en hul kwalifikasies; en
- (d) 'n afskrif van die instruksiehandleidings.

#### **Registrasiesertifikaat beskikbaar vir inspeksie**

**87.** Elke werknemer van 'n geregistreeerde vervaardiger, leweransier of instandhoudingsverskaffer moet sy of haar registrasiesertifikaat te alle tye beskikbaar hou vir inspeksie terwyl hy of sy aan diens is.

#### *Deel 4*

##### *Dobbeltoerusting: Rekords en Opbrengste vir Vervaardigers, Leweransiers en Instandhoudingsverskaffers*

#### **Rekenkundige rekords**

**88.** Elke geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer moet, op sodanige wyse as wat die Raad mag goedkeur of vereis, akkurate, volledige, leesbare en permanente rekords van al sy of haar transaksies hou.

#### **Distribusierekords**

**89.** 'n Geregistreerde vervaardiger of leweransier moet geskrewe distribusierekords hou wat die volgende reflekteer –

- (a) die datum van distribusie;
- (b) die naam, adres en lisensienommer van die ontvanger;
- (c) beskrywing en getal toestelle of toerusting verskaf;
- (d) die Raad se goedkeurings- en registrasienommer;
- (e) reeksnommers van toestelle of toerusting verskaf; en
- (f) sodanige verdere inligting soos die Raad mag vereis,

en moet, onmiddellik by versoek, die Raad of 'n inspekteur voorsien van sodanige rekords.

#### **Instandhouding- en herstelrekords**

**90.** 'n Geregistreerde instandhoudingsverskaffer moet geskrewe rekords hou van alle herstelwerk gemaak aan dobbeltoestelle of -toerusting wat reflekteer –

- (a) die datum van herstel;
- (b) die naam, adres en lisensienommer van die eienaar van die toestel of toerusting;
- (c) beskrywing van die werk uitgevoer;
- (d) reeksnommer van toestel of toerusting wat herstel word; en
- (e) sodanige verdere inligting wat die Raad mag vereis,

en moet, onmiddellik op versoek, die Raad of 'n inspekteur voorsien van sodanige rekords.

#### **Voorraadrekords**

**91.** Elke geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer moet deurlopende, geskrewe voorraadrekords hou wat die volgende reflekteer –

- (a) openingsvoorraad beskikbaar;
- (b) voorraad aangekoop/vervaardig;
- (c) distribusies; en
- (d) sluitingsvoorraad beskikbaar,

en moet, onmiddellik op versoek, die Raad of 'n inspekteur voorsien van sodanige rekords.

#### **Ander rekords**

**92.(1)** Elke geregistreerde vervaardiger, leweransier of instandhoudingsverskaffer wat 'n maatskappy is moet by sodanige geregistreerde se besigheidspersoneel of geregistreerde kantore hou of, op versoek, aan die Raad of 'n inspekteur die volgende voorsien –

- (a) 'n afskrif van die memorandum en statute van 'n maatskappy, ingesluit enige wysiging;
- (b) 'n afskrif van die onderneming se aanvangs-sertifikaat om besigheid te begin;
- (c) 'n register van alle huidige en voormalige beamptes en direkteure;

- (d) notules van alle vergaderings van die aandeelhouders;
- (e) notules van alle vergaderings van direkteurs en komitees van die Raad van direkteure;
- (f) 'n register wat 'n lys bevat van alle aandeelhouders met elke aandeelhouer se naam, adres, die getal aandele en die datum waarop die aandele verkry is; en
- (g) enige ander rekords wat die Raad spesifiek vereis om gehou te word.

(2) Elke natuurlike persoon wat geregistreer is as 'n vervaardiger, leweransier of instandhoudingsverskaffer moet sodanige rekords hou soos die Raad mag bepaal.

### **Opgawes vir indiening**

**93.** Elke persoon geregistreer in ooreenstemming met hierdie Deel van die regulasies moet, op die wyse en formaat bepaal deur die Raad, inligting indien op sodanige tydperke soos die Raad mag bepaal.

## HOOFSTUK 5 BEPERKTE UITBETAALMASJIENE

### *Deel 1*

#### *Beperkte Uitbetaalmasjiene: Beperkings*

### **Beperkte uitbetaalmasjiene moet aan SABS standaard voldoen**

**94.** 'n Roete-operateur of 'n onafhanklike perseeloperateur moet, voor aansoek gedoen word op die wyse bedoel in Deel 2 van Hoofstuk 4, om die registrasie van 'n beperkte uitbetaalmasjien of ander dobbeltoerusting, verseker dat sodanige beperkte uitbetaalmasjien of ander dobbeltoerusting gesertifiseer is deur die SABS soos in ooreenkoms met die toepaslike deel van SABS Standaard SABS 1718 en moet verseker dat die betrokke sertifiseringsdokumentasie voorsien word aan die Raad.

### **Voorgeskrewe maksimum wedgeld**

**95.(1)** Die maksimum inleggeld of bedrag wat gewed mag word om 'n persoon in staat te stel om alle betaallyne op 'n beperkte uitbetaalmasjien te speel is, in totaal, vyf rand.

(2) Vir die doeleindes van subregulasie (1) moet 'n spel enige bonusspelle, wat veroorsaak word deur die gebeurtenis van 'n wenuitslag in die primêre spel insluit, maar enige verdubbeling-spelle uitsluit.

### **Voorgeskrewe maksimum prys**

**96.(1)** Die maksimum bedrag wat gewen mag word ten opsigte van alle betaallyne van 'n spel op 'n beperkte uitbetaalmasjien is R500,00.

(2) Vir die doeleindes van subregulasie (1) van hierdie regulasie, moet 'n spel enige bonusspel of enige opsie om 'n verdubbeling-spel te speel, wat veroorsaak word deur die gebeurtenis van 'n wenuitslag in die primêre spel insluit: Met dien verstande dat 'n opsie om 'n verdubbeling-spel te speel nie beskikbaar moet wees nie indien die prys- of wengeld wat verdubbel word R250,00 oorskry.

#### **Pryse moet vertoon word**

97. Alle moontlike wenkombinasies, tesame met die ooreenstemmende pryse of wengeld, moet duidelik vertoon word of maklik toeganklik wees vir die speler op elke beperkte uitbetaalmasjien beskikbaar gestel vir spel.

#### **Opbrengs aan speler**

98. Elke beperkte uitbetaalmasjien blootgestel vir spel moet 'n bevestigde persentasie van teoretiese opbrengs aan speler van nie minder as 85 persent hê nie.

#### **Beperkte uitbetaalmasjien moet kommunikeer met goedgekeurde monitering- en kontrolestelsel**

99. Elke beperkte uitbetaalmasjien beskikbaar gemaak vir spel moet geskik wees om met die goedgekeurde monitering- en kontrolestelsel soos bedoel in artikel 27 van die Nasionale Dobbeltwet te kommunikeer.

### *Deel 2*

#### *Beperkte Uitbetaalmasjiene: Registrasie*

#### **Besit van beperkte uitbetaalmasjiene, spelle en verwante toerusting**

100. Elke beperkte uitbetaalmasjien en ander dobbeltoerusting wat goedgekeur en geregistreer is by die Raad moet ingesluit word in die Raad se rekords.

#### **Bedryf van- en instandhouding van beperkte uitbetaalmasjiene**

101.(1) 'n Roete-operateur of 'n onafhanklike perseeloperateur moet nie die bedryf van 'n geregistreerde beperkte uitbetaalmasjien of ander dobbeltoerusting wysig sonder vooraf goedkeuring van die Raad nie.

(2) 'n Roete-operateur of 'n onafhanklike perseeloperateur moet 'n gelisensieerde instandhoudingsverskaffer gebruik om die beperkte uitbetaalmasjiene in stand te hou en dobbeltoerusting in 'n geskikte toestand te hou.

(3) 'n Roete-operateur of 'n onafhanklike perseeloperateur mag slegs beperkte uitbetaalmasjiene aangewend deur hom of haar in die bedryf van sy of haar gelisensieerde aktiwiteite in stand hou, herstel of wysig deur gebruik te maak van geskikte, gekwalifiseerde en ervare personeel, en met dien verstande dat sodanige beperkte uitbetaalmasjiene in die goedgekeurde fisiese konfigurasie bly.

**Rekords gehou van beperkte uitbetaalmasjiene, spelle en verwante toerusting**

**102.** 'n Roete-operateur of 'n onafhanklike perseeloperateur moet, vir 'n tydperk van vyf jaar, rekords hou van alle beperkte uitbetaalmasjiene, spelle en verwante toerusting geregistreer in ooreenstemming met die bepalings van regulasie 82, ingesluit, maar nie beperk nie tot, vervaardiger, aankoopdatum, masjienreeksnommer, modelnommer, registrasienommer van Raad en datum van deregistrasie deur die Raad.

**HOOFTUK 6  
PERSEELOPERATEURS***Deel 1**Perseeloperateurs: Bepalings Algemeen tot Perseeloperateurs***Aktiwiteite gemagtig deur perseeloperateurslisensie**

**103.** 'n Perseeloperateurslisensie of 'n onafhanklike perseeloperateurslisensie is gemagtig om te bedryf en hou, in of op die gelisensieerde perseel, of sodanige deel van sodanige perseel soos gespesifiseer is in die lisensie, beperkte uitbetaalmasjiene gespesifiseer in die lisensie, onderhewig aan die volgende voorwaardes –

- (a) die getal beperkte uitbetaalmasjiene per gelisensieerde perseel moet nie die maksimum getal voorgeskryf in hierdie Deel van die regulasies oorskry nie; en
- (b) alle beperkte uitbetaalmasjiene moet op die gelisensieerde perseel op sodanige wyse geplaas word dat dit nie toeganklik is vir persone onder die ouderdom van agtien jaar nie.

**Tipes perseeloperateurs**

**104.(1)** Die Raad mag, onderhewig aan die Wet en vir die doeleindes van die aktiwiteite bedoel in regulasie 103, die volgende lisensieer –

- (a) 'n tipe "A" perseeloperateur wie se primêre besigheid óf 'n *bona fide* sportsklub, 'n openbare kroeg, 'n gelisensieerde taverne, 'n bingosaal, óf 'n gelisensieerde weddenskapsverkooppunt is: Met dien verstande dat die spel van beperkte uitbetaalmasjiene op sodanige perseel 'n sekondêre aktiwiteit vorm tot die hoof-aktiwiteit van die perseel; en
- (b) 'n tipe "B" perseeloperateur wie se primêre besigheid vermaaklikheid in aard is, ingesluit 'n bingosaal: Met dien verstande dat spel op beperkte uitbetaalmasjiene op sodanige perseel 'n sekondêre aktiwiteit vorm tot die hoof-aktiwiteit van die perseel.

(2) Die Raad moet, wanneer perseeloperateurs soos bedoel in subregulasie (1) gelisensieer word, voldoen aan die Regulasies op Beperkte Uitbetaalmasjiene gepubliseer kragtens Regeringskennisgewing No. R. 1425 gedateer 21 Desember 2000 en die Regulasies op Nasionale Dobbely gepubliseer kragtens Regeringskennisgewing No. R. 1342 gedateer 12 November 2004.



*Deel 2**Perseeloperateurs: Tipe "A" Perseeloperateurslisensie***Aansoek om tipe "A" perseeloperateurslisensie**

**105.**(1) 'n Persoon –

(a) wat verlang om 'n tipe "A" perseeloperateurslisensie of onafhanklike perseeloperateurslisensie te bekom; en

(b) wie se primêre besigheid is soos bedoel in regulasie 104(1)(a),

moet, as 'n gevolg op die publikasie van 'n kennisgewing verwys na in regulasie 13, aansoek doen by die Raad om 'n perseeloperateurslisensie of onafhanklike perseeloperateurslisensie op die wyse bepaal deur die Raad in sy Reëls.

(2) Bykomend tot enige inligting wat 'n applikant verplig is om te verskaf ingevolge die bepalings van Deel 2 van hierdie Hoofstuk vir 'n lisensie bedoel in subregulasie (1), moet die applikant aan die Raad verskaf –

(a) die fisiese adres van die perseel waarby die applikant beplan om besigheid te bedryf as 'n perseeloperateur of onafhanklike perseeloperateur;

(b) die fisiese adres van enige perseel waar die applikant alreeds besigheid bedryf as 'n gelisensieerde perseeloperateur of onafhanklike perseeloperateur;

(c) 'n volledige beskrywing van die bestaande of voorgestelde besigheidsaktiwiteite wat alreeds aangebied is, of aangebied sal word, op die perseel betreffende die aansoek, tesame met 'n afskrif van enige besigheid of ander lisensie betreffende sodanige besigheidsaktiwiteite;

(d) indien beskikbaar en indien van toepassing, die naam van die gelisensieerde roete-operateur wat die beperkte uitbetaalmasjiene sal voorsien vir die bedryf van die applikant se voorgestelde perseel en 'n afskrif van enige bestaande skriftelike ooreenkoms tussen die applikant en sodanige roete-operateur, soos bedoel in regulasie 121;

(e) 'n vloerplan van die betrokke perseel wat die gebied aandui vir die voorgestelde plasing van die beperkte uitbetaalmasjiene;

(f) goedkeuring van die plaaslike owerheid vir beide die primêre besigheid wat bedryf word, of wat bedryf sal word, op die betrokke perseel en vir die dobbelaktiwiteite van die perseeloperateur; en

(g) enige ander inligting soos die Raad mag benodig.

**Gronde vir weiering van tipe "A" perseeloperateurslisensie**

**106.** Die Raad mag nie 'n aansoek vir 'n tipe "A" perseeloperateurslisensie of onafhanklike perseeloperateurslisensie toestaan nie –

(a) indien die applikant nie die vereistes nakom nie soos voorgeskryf in die Regulasies op Beperkte Uitbetaalmasjiene gepubliseer kragtens Regeringskennisgewing No. R. 1425 gedateer 21 Desember 2000 en die Regulasies

op Nasionale Dobbelary gepubliseer kragtens Regeringskennisgewing No. R. 1342 gedateer 12 November 2004;

(b) vir die bedryf en aanhou van meer as die maksimum getal beperkte uitbetaalmasjiene voorgeskryf in regulasie 107;

(c) indien die applikant se primêre besigheid nie 'n *bona fide* sportsklub, 'n openbare kroeg, 'n gelisensieerde taverne of 'n gelisensieerde weddenskapsverkooppunt vorm nie;

(d) tensy die Raad tevrede is dat spel op beperkte uitbetaalmasjiene op sodanige perseel 'n sekondêre aktiwiteit sal vorm tot die hoof-aktiwiteit van die perseel; of

(e) indien die perseel nie voldoen nie aan die minimum standaard voorgeskryf in regulasie 108 van hierdie regulasies of in artikel 18 van die Nasionale Dobbelwet.

### **Maksimum getal beperkte uitbetaalmasjiene**

**107.(1)** Onderhewig aan die bepalings van hierdie regulasies, is vyf die maksimum getal beperkte uitbetaalmasjiene wat beskikbaar gestel mag word vir spel in of op die gelisensieerde perseel van 'n tipe "A" perseeloperateur of onafhanklike perseeloperateur.

(2) Indien 'n applikant die eienaar van die verskeie afsonderlike persele is wat op dieselfde terrein of gebou geleë is en sodanige applikant doen aansoek om tipe "A" perseeloperateurlisensies of onafhanklike perseeloperateurlisensies, ten opsigte van meer as een van sodanige terreine, mag die Raad die aansoek toestaan ten opsigte van een of meer van die terreine en die maksimum van vyf beperkte uitbetaalmasjiene per terrein mag goedgekeur word vir elke perseel.

(3) Wanneer ook al 'n applikant aansoek doen om 'n tipe "A" perseeloperateurlisensie of onafhanklike perseeloperateurlisensie, ten opsigte van 'n enkel terrein waarvan hy of sy die eienaar is en wat geleë is op die terrein waar perseeloperateurlisensies of onafhanklike perseeloperateurlisensies alreeds toegestaan is aan ander perseeloperateurs of onafhanklike perseeloperateurs wat nie in assosiasie met die applikant is nie, mag die Raad die aansoek ten opsigte van sodanige perseel toestaan: Met dien verstande dat die getal beperkte uitbetaalmasjiene in enige enkel *bona fide* sportsklub, openbare kroeg, 'n gelisensieerde taverne, 'n bingosaal, of 'n gelisensieerde weddenskapsverkooppunt nie die maksimum van vyf bedoel in subregulasie (1) oorskry nie.

(4) Indien 'n applikant meer as een primêre besigheid vanaf dieselfde perseel bedryf, soos, maar nie beperk nie tot, 'n sportsklub en 'n openbare kroeg, word sodanige besighede beskou as een besigheid vir die doel van 'n aansoek om 'n tipe "A" perseeloperateurlisensie en in die geval dat die lisensie toegestaan is, moet die getal beperkte uitbetaalmasjiene gespesifiseer in die lisensie nie die maksimum van vyf voorgeskryf in subregulasie (1) oorskry nie.

**Minimum standaarde vir perseel**

**108.** Die perseel van 'n tipe "A" perseeloperateur of onafhanklike perseeloperateur moet aan die volgende minimum standaarde voldoen –

- (a) nakoming van enige nasionale gesondheids- en veiligheidsregulasies of enige munisipale gesondheids- en veiligheidsverordeninge; en
- (b) alle beperkte uitbetaalmasjiene wat bedryf sal word vanaf die gelisensieerde perseel moet geplaas word op sodanige wyse dat dit nie toeganklik is vir persone onder die ouderdom van 18 jaar nie.

**Beperking op reklame**

**109.** 'n Tipe "A" perseeloperateur of onafhanklike perseeloperateur mag nie die teenwoordigheid van beperkte uitbetaalmasjiene op enige reklameborde buite sy of haar perseel adverteer nie.

*Deel 3**Perseeloperateurs: Tipe "B" Perseeloperateurslisensie***Aansoek om tipe "B" perseeloperateurslisensie**

**110.(1)** 'n Persoon wat verlang om 'n tipe "B" perseeloperateurslisensie of onafhanklike perseeloperateurslisensie te bekom, en wie se primêre besigheid is soos bedoel in regulasie 104(1)(b) moet, na die publikasie van 'n kennisgewing soos verwys na in regulasie 13, by die Raad aansoek doen om 'n perseeloperateurslisensie, op die wyse bepaal deur die Raad in sy Reëls.

(2) Die bepalings van Deel 1, 2 en 3 van Hoofstuk 2 van die regulasies is, met die nodige veranderinge, van toepassing op 'n persoon wat aansoek doen om 'n tipe "B" perseeloperateurslisensie of onafhanklike perseeloperateurslisensie.

(3) Bykomend tot enige inligting vereis van 'n applikant om 'n tipe "B" perseeloperateurslisensie ingevolge die bepalings van Deel 1 van Hoofstuk 2 van die regulasies, moet die applikant die Raad voorsien van –

- (a) die fisiese adres van die perseel in of waarop die applikant beoog om die besigheid as perseeloperateur te bedryf;
- (b) 'n volledige beskrywing van die applikant se bestaande of voorgenome besigheid wat die primêre vermaaklikheids- en ontspanningsaktiwiteite spesifiseer wat aangebied word op die perseel betreffende die aansoek;
- (c) bewyse ter illustrasie dat die beskikbaarstelling van beperkte uitbetaalmasjiene op die applikant se perseel eerder 'n aanvraag om dobbelary in die area sal vul as om 'n aanvraag te skeep;
- (d) indien beskikbaar, die naam van die gelisensieerde roete-operateur wat die beperkte uitbetaalmasjiene sal voorsien aan die applikant se voorgenome perseel-bedryf en besonderhede van die voorgenome of werklike geskrewe ooreenkoms tussen die applikant en sodanige roete-operateur bedoel in regulasie 121;

- (e) 'n vloerplan van die betrokke perseel wat die gebied aandui vir die voorgestelde plasing van die beperkte uitbetaalmasjiene;
- (f) goedkeuring van die plaaslike owerheid vir beide die primêre besigheid wat bedryf word op die betrokke perseel en vir die voorgenome dobbelbesigheid; en
- (g) enige ander inligting wat die Raad mag vereis.

(4) Die Raad moet voldoen aan die bepalings van regulasies 3(2) van die Regulasies op Beperkte Uitbetaalmasjiene gepubliseer kragtens Regeringskennisgewing No. R. 1425 gedateer 21 Desember 2000 wanneer 'n aansoek om 'n tipe "B" perseeloperateurslisensie of onafhanklike perseeloperateurslisensie oorweeg word.

#### **Gronde vir weiering van tipe "B" perseeloperateurslisensie**

**111.** Die Raad mag nie 'n aansoek toestaan vir 'n tipe "B" perseeloperateurslisensie of onafhanklike perseeloperateurslisensie nie –

- (a) indien die applikant nie voldoen nie aan die vereistes soos voorgeskryf in die Regulasies op Beperkte Uitbetaalmasjiene gepubliseer kragtens Regeringskennisgewing No. R. 1425 gedateer 21 Desember 2000 en die Regulasies op Nasionale Dobbelary gepubliseer kragtens Regeringskennisgewing No. R. 1342 gedateer 12 November 2004;
- (b) indien die Raad van mening is dat die teenwoordigheid van beperkte uitbetaalmasjiene op die betrokke perseel nie in die openbare belang sal wees nie of 'n negatiewe sosio-ekonomiese impak sal hê op die samelewing in die omgewing van die voorgestelde perseel;
- (c) indien die Raad van mening is dat die toestaan van die lisensie nie sal lei tot die verwesenliking van enige van die oogmerke van die Raad, bedoel in artikel 6(1) van die Wet nie.
- (d) tensy die Raad tevrede is dat die speel van beperkte uitbetaalmasjiene op sodanige perseel 'n sekondêre aktiwiteit tot die primêre aktiwiteit van die perseel sal vorm; of
- (e) indien die perseel nie voldoen nie, of nie sal voldoen nie, na enige omskakeling gemagtig deur die Raad, aan die minimum voorgeskrewe standarde in regulasie 113, of in artikel 18 van die Wet op Nasionale Dobbelary.

#### **Maksimum getal beperkte uitbetaalmasjiene**

**112.** Die maksimum getal beperkte uitbetaalmasjiene wat vir spel beskikbaar gestel mag word in of op die gelisensieerde perseel van 'n tipe "B" perseeloperateur, is 40.

#### **Minimum standarde vir perseel**

**113.** Die perseel van 'n tipe "B" perseeloperateur moet aan die volgende minimum standarde voldoen –

- (a) goedkeuring van die plaaslike owerheid vir die primêre besigheid wat bedryf, of wat bedryf sal word, op sodanige perseel;

- (b) nakoming van enige nasionale gesondheids- en veiligheidsregulasies of enige munisipale gesondheids- en veiligheidsverordeninge;
- (c) alle beperkte uitbetaalmasjiene wat vanaf die perseel bedryf word moet op sodanige manier geplaas word dat dit nie toeganklik is vir persone onder die ouderdom van 18 jaar nie;
- (d) voldoende parkeringsfasiliteite in ooreenstemming met enige verordeninge van die plaaslike owerheid; en
- (e) die sekuriteitsreëlings so ontwerp om die veiligheid van klante en hul eiendom te bevorder moet deur die Raad as voldoende beskou word.

### **Beperking op reklame**

**114.**(1) 'n Tipe "B" perseeloperateur moet vooraf goedkeuring van die Raad bekom om die teenwoordigheid van beperkte uitbetaalmasjiene te adverteer op enige eksterne reklamebord by die terrein van die perseel.

(2) Enige goedkeuring toegestaan deur die Raad ingevolge subregulasie (1) is onderhewig aan 'n tipe "B" perseeloperateur wat vooraf goedkeuring van die plaaslike owerheid vir die advertensie verkry het.

### **Toekenning van lisensie vir omskepping van perseel**

**115.** Indien die Raad tevrede is dat 'n *bona fide* behoefte bestaan om 'n lisensiehouer tyd toe te staan vir die omskepping van 'n perseel, mag die Raad 'n lisensie toestaan: Met dien verstande dat dit 'n voorwaarde van sodanige lisensie moet wees dat –

- (a) die omskepping van die perseel voltooi word voor die beperkte uitbetaalmasjiene beskikbaar gemaak word vir spel;
- (b) goedkeuring verleen is deur die betrokke plaaslike owerheid; en
- (c) alle beperkte uitbetaalmasjiene by die gelisensieerde perseel op sodanige wyse geplaas word dat dit nie toeganklik sal wees vir persone onder die ouderdom van 18 jaar nie.

### *Deel 4*

#### *Perseeloperateurs: Diverse*

### **Beperkte uitbetaalmasjiene en dobbeltoerusting nie gewysig, in stand gehou of herstel deur lisensiehouer nie**

**116.**(1) 'n Perseeloperateur –

- (a) mag nie die bedryf van 'n geregistreerde beperkte uitbetaalmasjiene of dobbeltoerusting wysig nie; en
- (b) mag nie enige instandhouding of herstel aan enige beperkte uitbetaalmasjiene, dobbel- of verwante toerusting onderneem nie:

Met dien verstande dat geskikte, gekwalifiseerde of ervare personeel van 'n gelisensieerde roete-operateur die instandhouding, herstel of wysiging van enige beperkte uitbetaalmasjiene

mag verrig: Met dien verstande verder dat die goedgekeurde konfigurasie van die beperkte uitbetaalmasjien nie daardeur gewysig word nie.

## HOOFSUK 7 ROETE-OPERATEURS EN ONAFHANKLIKE PERSEELOPERATEURS

### *Deel 1*

#### *Roete-operateurs en Onafhanklike Perseeloperateurs: Voorgeskrewe Aktiwiteite en Bedryfsbeperkings*

#### **Voorgeskrewe aktiwiteite van roete-operateur**

**117.(1)** Onderhewig aan enige voorwaardes wat die Raad mag voorskryf, mag 'n roete-operateur –

(a) sodanige getal beperkte uitbetaalmasjiene, soos gespesifiseer is in die roete-operateurlisensie, beskikbaar stel om gespeel te word op die perseel van enige gelisensieerde perseeloperateur: Met dien verstande dat –

(i) die totale getal beperkte uitbetaalmasjiene so gespesifiseer nie die maksimum getal voorgeskryf in regulasie 107 of in regulasie 112 oorskry nie; en

(ii) die beperkte uitbetaalmasjiene en die spelle daarop gespeel voldoen in alle opsigte aan die bepalings van Deel 1 van Hoofstuk 5;

(b) onderhewig aan die bepalings van regulasie 101, die gereelde instandhouding of herstel, vervanging of opgradering van 'n beperkte uitbetaalmasjien gespesifiseer in die roete-operateurlisensie onderneem; en

(c) die voorgeskrewe belasting kollekteer by perseeloperateurs en sodanige belasting oorbetaal aan die Provinsiale Inkomstefonds.

(2) 'n Roete-operateur is verantwoordelik vir die berekening en boekhouding van die belasting verskuldig deur die bedryf van die perseeloperateurs met wie die roete-operateurs gekontrakteer is om beperkte uitbetaalmasjiene beskikbaar te stel vir spel.

#### **Voorgeskrewe aktiwiteite van onafhanklike perseeloperateur**

**118.(1)** Onderhewig aan enige voorwaardes wat die Raad mag voorskryf, in sy diskresie, mag 'n onafhanklike perseeloperateur –

(a) sodanige getal beperkte uitbetaalmasjiene, soos gespesifiseer in die lisensie, beskikbaar stel vir spel op goedgekeurde perseel: Met dien verstande dat –

(i) die totale getal beperkte uitbetaalmasjiene so gespesifiseer nie die maksimum voorgeskryf in regulasies 107 of 112 oorskry nie; en

(ii) die beperkte uitbetaalmasjiene en spelle daarop gespeel voldoen in alle opsigte aan die bepalings van Deel 1 van Hoofstuk 5; en

(b) onderhewig aan die bepalings van regulasie 101, die gereelde instandhouding of herstel, vervanging of opgradering van 'n beperkte uitbetaalmasjiene gespesifiseer in die lisensie onderneem.

(2) 'n Onafhanklike perseeloperateur is verantwoordelik vir die berekening en boekhouding van die belasting verskuldig deur sy bedryf en vir betaling van sodanige belasting aan die Provinsiale Inkomstefonds.

#### **Maksimum getal beperkte uitbetaalmasjiene per roete-operateurslisensie**

**119.** Die maksimum getal beperkte uitbetaalmasjiene wat die Raad per roete-operateurslisensie mag spesifiseer is 1000.

#### **Aansoek om roete-operateurslisensie of onafhanklike perseeloperateurslisensie**

**120.** Bykomend tot enige inligting wat vereis word van 'n applikant om 'n roete-operateurslisensie of onafhanklike perseeloperateurslisensie, om te voorsien ingevolge die bepalings van Deel 1 van Hoofstuk 2, moet die applikant, so ver as moontlik teen die tyd wanneer aansoek gedoen word, die Raad ook voorsien van:

- (a) 'n volledige beskrywing van die beperkte uitbetaalmasjiene, insluitend hul reeksnommers, wat die applikant van voorneme is om beskikbaar te stel vir spel;
- (b) die betrokke sertifisering deur die SABS vir elke tipe beperkte uitbetaalmasjiene, soos bedoel in regulasie 94;
- (c) besonderhede van die eienaarskap van die beperkte uitbetaalmasjiene of van enige kontrak of ooreenkoms met 'n ander party rakende die huur, uitlening of verhuring van die betrokke beperkte uitbetaalmasjiene;
- (d) in die geval van 'n applikant om 'n roete-operateurslisensie, die fisiese adres van die terrein of terreine op of waar die applikant van voorneme is om die beperkte uitbetaalmasjiene beskikbaar te stel vir spel, volle bekendmaking van die getal beperkte uitbetaalmasjiene beoog vir elke terrein en alle finansiële en ander ooreenkomste of kontrakte alreeds aangegaan, of van voorneme is om aan te gaan, met elke potensiële perseeloperateur;
- (e) in die geval van 'n applikant om 'n onafhanklike perseeloperateurslisensie, die fisiese adres van die perseel waar die applikant van voorneme is om die beperkte uitbetaalmasjiene beskikbaar te stel vir spel en volle bekendmaking van die getal beperkte uitbetaalmasjiene bestem vir die terrein; en
- (f) enige ander inligting vereis soos per die aansoekvorm.

#### **Skriftelike ooreenkoms tussen roete-operateur en perseeloperateur**

**121.** 'n Gelisensieerde roete-operateur moet 'n skriftelike ooreenkoms aangaan met 'n gelisensieerde perseeloperateur vir die beskikbaarstelling van beperkte uitbetaalmasjiene op die perseel van die perseeloperateur, welke ooreenkoms die wyse moet spesifiseer waarop die bruto dobbelinkomste, na aftrekking van die dobbelbelasting voorgeskryf in die KwaZulu-

Natal Belastingwet op Dobbelary en Weddery, 2010, verdeel sal word tussen die gelisensieerde roete-operateur en die gelisensieerde perseeloperateur.

### *Deel 2*

#### *Roete-operateurs en Onafhanklike Perseeloperateurs: Monitering- en Beheerstelsels*

#### **Elektroniese-moniteringstelsel**

**122.** Die Raad moet vereis dat alle beperkte uitbetaalmasjiene verbind moet wees aan die nasionale sentrale elektroniese-moniteringstelsel daargestel en in stand gehou deur die Nasionale Dobbelraad ingevolge artikel 27 van die Nasionale Dobbelwet.

### *Deel 3*

#### *Roete-operateurs en Onafhanklike Perseeloperateurs: Interne Beheer*

#### **Minimum bedryf- en interne beheerstandaarde vir roete-operateur en onafhanklike perseeloperateur**

**123.**(1) Die Raad moet die minimum bedryfstandaarde en minimum standaard vir interne beheerprosedures opneem en beskikbaar stel aan applikante om 'n roete-operateurslisensie of onafhanklike perseeloperateurslisensie en aan alle lisensiehouers.

(2) Die Raad mag, van tyd tot tyd, enige van die standaard bedoel in subregulasie (1) wysig, vervang of herroep, in welke geval hy sodanige wysiging, vervanging of herroeping beskikbaar stel aan alle applikante vir 'n roete-operateurslisensie of onafhanklike perseeloperateurslisensie en alle lisensiehouers.

(3) Elke gelisensieerde roete-operateur of onafhanklike perseeloperateur is verplig om aan die standaard aangeneem deur die Raad te voldoen.

#### **Minimum interne beheer**

**124.**(1) Elke roete-operateur of onafhanklike perseeloperateur moet administratiewe en rekenkundige prosedures daarstel en in stand hou vir die doel van bepaling van die aanspreeklikheid van sodanige roete-operateur of onafhanklike perseeloperateur vir belasting en gelde kragtens die Wet, met die uitoefening van doeltreffende beheer oor sy of haar interne finansiële sake ten doel.

(2) Die administratiewe- en rekenkundige prosedures bedoel in subregulasie (1) moet so ontwerp word ten einde redelik te verseker dat –

- (a) bates beskerm word;
- (b) finansiële rekords akkuraat en betroubaar is;
- (c) transaksies uitgevoer word deur werknemers in ooreenstemming met bestuur se algemene of spesifieke magtiging;



- (d) transaksies word voldoende aangeteken om behoorlike verslaggewing van dobbelinkomste en gelde en belasting moontlik te maak; en
- (e) funksies, pligte en verantwoordelikhede is toepaslik geskei en word verrig, in ooreenstemming met gesonde praktyke, deur bevoegde, gekwalifiseerde personeel.

### **Interne beheerstelsel goedgekeur deur Raad**

**125.(1)** Elke –

- (a) roete-operateur of onafhanklike perseeloperateur; en
- (b) applikant om 'n roete-operateurslisensie of onafhanklike perseeloperateurslisensie moet –
  - (i) die administratiewe- en rekenkundige prosedures; en
  - (ii) die interne beheerstelsel,

wat voldoen aan die toepaslike norme en standaard bepaal deur die Raad, dokumenteer en moet 'n afskrif daarvan by die Raad indien vir goedkeuring voor die implementering van hetsy die prosedures of die stelsel.

(2) Elke stelsel van interne beheer ingedien vir goedkeuring ingevolge subregulasie (1), moet insluit –

- (a) 'n organisatoriese diagram wat die skeiding van funksies en verantwoordelikhede uitbeeld;
- (b) 'n beskrywing van die pligte en verantwoordelikhede van elke pos aangedui op die organisatoriese diagram;
- (c) 'n omvattende, verhalende beskrywing of 'n omvattende stelselvloediagram van die administratiewe- en rekenkundige prosedures ontwerp om die vereistes van regulasies 124 en 127 tevrede te stel;
- (d) 'n brief van 'n onafhanklike geoktrooierde rekenmeester wat verklaar dat die interne beheerstelsel hersien is deur die rekenmeester en voldoen aan die vereistes van hierdie Deel; en
- (e) sodanige verdere inligting soos die Raad mag vereis.

(3) Indien die Raad bepaal dat 'n applikant of lisensiehouer se interne beheerstelsel nie voldoen aan die vereistes van hierdie Deel nie moet hy, op skrif, die applikant of lisensiehouer daarvan in kennis stel.

(4) Die applikant of lisensiehouer moet binne 30 dae na ontvangs van die kennisgewing bedoel in subregulasie (3) sy of haar interne beheerstelsel wysig en moet 'n afskrif van die gewysigde stelsel by die Raad indien vir goedkeuring.

### **Wysiging van bestaande interne beheerstelsel**

**126.(1)** 'n Gelisensieerde wat verlang om sy of haar interne beheerstelsel te wysig moet, voor die implementering van sodanige gewysigde stelsel, 'n afskrif van die voorgenome gewysigde interne beheerstelsel by die Raad indien vir goedkeuring.

(2) Die bepalings van regulasie 125(2) tot (4) is van toepassing, met die nodige veranderinge, op 'n aansoek om goedkeuring bedoel in subregulasie (1).

#### *Deel 4*

#### *Roete-operateurs en Onafhanklike Perseeloperateurs: Rekenkundige Rekords en Opgawes*

#### **Rekenkundige rekords**

**127.(1)** Elke roete-operateur of onafhanklike perseeloperateur moet, op sodanige manier as wat die Raad mag goedkeur of vereis, akkurate, volledige, leesbare en permanente rekords hou van alle transaksies aangegaan deur sodanige roete-operateur of onafhanklike perseeloperateur.

(2) Elke roete-operateur of onafhanklike perseeloperateur moet –

- (a) algemeen-aanvaarde rekenkundige rekords op 'n dubbelinskrywing-rekeningkundigestelsel hou en moet omvattende, ondersteunende en aanvullende rekords, wat inkomste, uitgawes, bates, laste en aandele identifiseer, byhou;
- (b) analiseverslae van beperkte uitbetaalmasjiene hou wat omsette en uitbetalings reflekteer en werklike hou-persentasies met teoretiese hou-persentasies vergelyk op 'n daaglikse, maandelikse, kwartaallikse, en 12 maandelikse rolbasis, ten opsigte van elke individuele beperkte uitbetaalmasjien;
- (c) die rekords vereis deur die lisensiehouer se goedgekeurde interne beheerstelsel hou; en
- (d) enige ander rekords wat die Raad spesifiek vereis om in stand gehou te word.

#### **Geouditeerde finansiële verslae**

**128.(1)** 'n Roete-operateur of onafhanklike perseeloperateur moet, aan die einde van die finansiële jaar, voorberei of voorbereiding teweegbring van finansiële state in 'n formaat wat beide goedgekeur is deur die Raad en voorberei is in ooreenstemming met verklarings van Algemene Aanvaarde Rekenkundige Praktyk, soos uitgevaardig deur die Raad vir Rekeningkundige Praktyke, van tyd tot tyd.

(2) Elke roete-operateur of onafhanklike perseeloperateur moet 'n onafhanklike ouditeur, geregistreer ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), aanstel om sy of haar bedryf se finansiële verslae te ouditeer in ooreenstemming met algemene-aanvaarde ouditeerstandaarde.

(3) 'n Roete-operateur of onafhanklike perseeloperateur moet, binne drie maande vanaf die laaste dag van die finansiële jaar, by die Raad twee afskrifte van die jaarlikse finansiële verslae indien wat na behore geouditeer is in ooreenstemming met die bepalings van subregulasie (2), tesame met enige verslae, ingesluit bestuursbriewe, wat die uitslag kommunikeer.

(4) Die Raad mag, met goeie beweegrede bewys deur 'n lisensiehouer, die tydperk bedoel in subregulasie (3) verleng met 'n tydperk wat nie ses maande oorskry nie.

(5) Die Raad mag bykomende inligting of dokumente versoek vanaf òf –

- (a) die roete-operateur of onafhanklike perseeloperateur; òf
- (b) die ouditeur aangestel deur sodanige operateur, onderhewig aan vooraf verkrygte toestemming van die roete-operateur of onafhanklike perseeloperateur, in verband met die finansiële verslae of die dienste verrig deur sodanige ouditeur.

#### **Ander rekords**

**129.**(1) 'n Roete-operateur of onafhanklike perseeloperateur, wat 'n maatskappy is, moet by sodanige operateur se besigheidperseel hou, of moet aan die Raad op sy versoek, die volgende rekords, dokumente of hulle ekwivalente verskaf –

- (a) 'n afskrif van die memorandum en statute van die besigheid, ingesluit enige wysigings;
- (b) 'n afskrif van die besigheid se aanvangs-sertifikaat om besigheid te begin;
- (c) 'n register van alle huidige en voormalige beamptes en direkteure;
- (d) notules van alle vergaderings van die aandeelhouers;
- (e) notules van alle vergaderings van direkteure en komitees van die Raad van direkteure;
- (f) 'n register van alle aandeelhouers wat 'n lys insluit van elke aandeelhouer se naam, adres, die getal aandele in besit en die datum waarop die aandele verkry is; en
- (g) enige ander rekords wat die Raad van tyd tot tyd spesifiek vereis om in stand gehou te word.

(2) 'n Roete-operateur of onafhanklike perseeloperateur, wat 'n natuurlike persoon is, moet sodanige rekords hou soos die Raad mag bepaal.

#### *Deel 5*

#### *Roete-operateurs en Onafhanklike Perseeloperateurs: Diverse*

#### **Indiening van sekuriteit**

**130.**(1) Elke roete-operateur of onafhanklike perseeloperateur moet, onmiddellik na die toestaan van 'n lisensie en voor die aanvang van besigheid, sekuriteit indien by die Hoof-Uitvoerende Beampte, in die vorm bedoel in subregulasie (2) en ten sodanige bedrae soos die Raad van tyd tot tyd mag bepaal vir die betaling van –

- (a) enige gelde, belasting of boetes; en
- (b) enige prysgelde verskuldig aan 'n speler.

(2) Die sekuriteit bedoel in subregulasie (1) moet bestaan uit –

- (a) 'n kontantdeposito;

- (b) 'n bankierswaarborg; of
- (c) sodanige ander vorm van sekuriteit soos die Raad mag aanvaar.

(3) Die Raad mag vereis van 'n roete-operateur of onafhanklike perseeloperateur om een of meer bestaande sekuriteit te vervang met ander sekuriteite of om addisionele sekuriteite te verskaf, sou die Raad die bestaande sekuriteit òf onvoldoende òf ongeskik ag.

(4) Die roete-operateur of onafhanklike perseeloperateur moet, ten tye van die indiening van sekuriteit, die Raad voorsien van skriftelike magtiging wat die Raad volmag gee om van soveel moontlik van die sekuriteite ingedien te verkoop, tegelde te maak, af te koop en oordrag van soveel van die sekuriteite soos die Raad nodig mag ag om enige gelde verskuldig aan die Provinsiale Inkomstefonds of aan 'n speler namens die roete-operateur of onafhanklike perseeloperateur te delg.

(5) Die Hoof-Uitvoerende Beampte moet, by die vervalling, nie-hernuwing of kansellasië van 'n roete-operateurslisensie of onafhanklike perseeloperateurslisensie, enige sekuriteite ingedien deur die roete-operateur of onafhanklike perseeloperateur enige oorblywende sekuriteite of gedeelte van sodanige sekuriteite soos wat oorgebly het na die skuld bedoel in subregulasie (4) gedebiteer is, terugbesorg.

## HOOFSUK 8 BINGO

### *Deel 1*

#### *Bingo: Aktiwiteite Gemagtig deur Lisensie en Aansoeke*

#### **Aktiwiteite gemagtig deur bingolisensie**

**131.** Onderhewig aan enige voorwaardes wat die Raad mag beveel, mag 'n bingolisensiehouer toegelaat word om enige of al die volgende te doen –

- (a) 'n perseel in stand hou waar die primêre dobbelaktiwiteit aangebied die spel van bingo is, wat gespeel moet word in ooreenstemming met die bepalings van die Wet, hierdie regulasies en enige reëls van die Raad;
- (b) koppel met ander gelisensieerde bingosale, deur elektroniese of ander soortgelyke wyses, ten einde om gekoppelde bingospelle te speel, wat gekoppel en gespeel moet word in ooreenstemming met die bepalings van die Wet, hierdie regulasies en enige reëls van die Raad; en
- (c) onderneem die gereelde instandhouding of herstel, vervanging of opgradering van enige bingotoerusting.

#### **Aansoek om bingolisensie**

**132.** Die aplikant om 'n bingolisensie moet, bykomend tot enige inligting vereis om voorsien te word ingevolge hierdie regulasies ten tye van die aansoek, die Raad voorsien van –

- (a) omvattende besonderhede van enige opname, analise of studie wat hy of sy onderneem het of teweeggebring het om te onderneem, tesame met 'n besigheidspan wat die geprojekteerde inkomste en uitgawes aandui met die doel om aan die Raad te demonstreer dat die applikant gepoog het om die omvang van die aanvraag vir 'n bingosaal in die betrokke area te bepaal;
- (b) die fisiese adres van die perseel in of waarop die applikant onderneem om die besigheid te bedryf;
- (c) 'n aansoek om goedkeuring van die perseel in of waarop die applikant onderneem om die besigheid te bedryf, ingesluit 'n vloerplan van die betrokke bingosaal, wat die gebied aandui waarin die spel van bingo gespeel sal word;
- (d) skriftelike bevestiging van die betrokke munisipaliteit dat die voorgestelde bingosaal aan munisipale standaarde voldoen en dat die perseel gebruik mag word vir die voorgenome dobbelbesigheid;
- (e) indien beskikbaar, die tersaaklike sertifisering deur die SABS van alle bingotoerusting;
- (f) besonderhede met betrekking tot die eienaarskap van die bingotoerusting of van enige kontrak of ooreenkoms met 'n ander party in verband met die huur, uitlening of verhuring van die betrokke bingotoerusting;
- (g) besonderhede van die elektroniese-monitoringstelsel wat die applikant van voorneme is om te gebruik vir doeleindes om die Raad in staat te stel om die applikant se bedryf te monitor; en
- (h) enige ander inligting soos die Raad mag vereis.

#### **Minimum standaarde vir bingosaal**

**133.**(1) Die perseel gebruik vir 'n bingosaal moet –

- (a) aan enige munisipale gesondheids- en veiligheidstandaarde voldoen;
- (b) ontwerp wees op sodanige wyse dat die area waarin dobbelary plaasvind nie toeganklik is vir persone onder die ouderdom van 18 jaar nie;
- (c) voldoende parkeerfasiliteite insluit in ooreenstemming met enige munisipale verordeninge; en
- (d) sekuriteitsreëlings insluit om die veiligheid van klante en werknemers en hul eiendom te verseker, ter bevrediging van die Raad.

(2) Die perseel gebruik vir 'n bingosaal moet ook voldoen aan enige ander standaard wat die Raad in sy reëls bepaal.

#### **Gronde vir weiering van bingolisensie**

**134.** Die Raad moet nie 'n aansoek vir 'n bingolisensie toestaan nie indien die voorgestelde perseel nie aan die minimum standaarde voldoen nie soos bedoel in regulasie 133 of is, in die opinie van die Raad, andersins nie geskik vir die doeleindes van 'n bingosaal nie.

*Deel 2**Bingo: Wedgeld, Pryse en Maksimum Getal Elektroniese Bingotermine***Wedgeld of deelnamegeld ten opsigte van bingo**

**135.**(1) Die maksimum bedrag wat op 'n enkelspel van bingo gewed mag word, deur 'n speler van 'n bingospel, is R200,00.

(2) Vir die doeleindes van hierdie regulasie is die wedgeld op 'n enkelspel van bingo die totale bedrag gespandeer deur 'n speler van 'n enkelspel van bingo, hetsy op bingokaarte of soortgelyke toestelle.

**Pryse ten opsigte van bingo**

**136.** Die persentasie van teoretiese opbrengs aan 'n speler van die spel van bingo moet nie minder as 70 persent wees nie.

**Maksimum getal elektroniese bingotermine**

**137.**(1) Die maksimum getal elektroniese bingotermine wat beskikbaar gestel mag word vir spel in enige bingosaal, is óf 150 óf so 'n maksimum soos voorgeskryf mag word ingevolge die Nasionale Dobbeltwet, afhangende van watter voorgeskrewe maksimum die minste van die twee is.

(2) Indien die maksimum getal elektroniese bingotermine wat beskikbaar gestel mag word vir spel in enige bingosaal, soos voorgeskryf ingevolge die Nasionale Dobbeltwet, minder as 150 is, is 'n bingosaal gemagtig deur 'n lisensie in die Provinsie om meer elektroniese bingotermine as die nasionale maksimum beskikbaar te stel, moet binne 18 maande na die inwerkingtreding van die nasionale maksimum, die getal elektroniese bingotermine beskikbaar in sodanige bingosaal verminder tot die nasionale maksimum getal, of tot 'n laer getal.

*Deel 3**Bingo: Registrasie, Deregistrasie en Instandhouding van Bingotoerusting, Spelle en Verwante Toerusting***Bingo- en verwante toerusting moet voldoen aan SABS of Raad standaard**

**138.**(1) 'n Bingolisensiehouer moet, voor die aansoek doen om die registrasie van enige bingotoerusting, verseker dat –

- (a) alle bingotoerusting gespesifiseer in sy of haar lisensie, onderhewig aan die bepalings van subregulasie (2), gesertifiseer is deur die SABS as in ooreenkomstig met die toepaslike deel van SABS Standaard SABS 1718; en
- (b) die Raad voorsien is van die betrokke SABS sertifisering.

(2) Die Raad mag 'n standaard vir enige bingotoerusting bepaal wat nie onder die SABS standaard vir bingotoerusting, verwys na in subregulasie (1)(a), val nie.

**Aansoek om registrasie, deregistrasie of hernuwing van bingo- en verwante toerusting**

**139.**(1) By ontvangs van sertifisering deur SABS of die Raad op die wyse bedoel in regulasie 138, moet 'n bingolisensiehouer by die Raad aansoek doen, in 'n vorm bepaal deur die Raad in sy reëls, om die registrasie van enige bingotoerusting en verwante toerusting, wat van die aard is soos gesertifiseer deur die SABS of die Raad.

(2) Die Raad mag, onderhewig aan regulasie 142 bingotoerusting goedkeur en registreer wat gesertifiseer is soos bedoel in regulasie 138(1)(a), of wat bevind is as in nakoming met 'n standaard vir bingotoerusting bedoel in regulasie 138(2).

(3) Alle bingotoerusting en verwante toerusting goedgekeur en geregistreer deur die Raad moet –

- (a) gespesifiseer word in die betrokke bingolisensie;
- (b) ingesluit wees in die Raad se rekords; en
- (c) die Raad se registrasienommer op 'n opsigtelike plek vertoon.

(4) 'n Bingolisensiehouer mag, te enige tyd en sonder die betaal van enige fooi, in 'n vorm bepaal deur die Raad, aansoek doen by die Raad om die deregistrasie van bingotoerusting of verwante toerusting geregistreer ingevolge subregulasie (1).

**Bedryf en instandhouding van geregistreerde bingo- en verwante toerusting**

**140.** 'n Bingolisensiehouer moet –

- (a) nie die bedryf van enige bingotoerusting of verwante toerusting geregistreer in ooreenstemming met die bepalings van regulasie 138, sonder die vooraf skriftelike goedkeuring van die Raad, wysig nie; en
- (b) verseker dat alle bingotoerusting in stand gehou word in 'n geskikte toestand, hetsy deur eie pogings, of deur die gebruikmaking van die dienste van 'n geregistreerde instandhoudingsverskaffer.

**Rekords gehou deur bingolisensiehouer**

**141.** 'n Bingolisensiehouer moet 'n rekord hou van alle bingotoerusting en verwante toerusting geregistreer in ooreenstemming met die bepalings van regulasie 138, ingeluit vervaardiger, aankoopdatum, reeksnommer, registrasienommer van Raad en deregistrasiedatum deur Raad.

**Toerusting om met goedgekeurde moniteringstelsel te kommunikeer**

**142.** Indien die Raad 'n moniteringstelsel vir bingotoerusting goedgekeur het, moet alle bingotoerusting beskikbaar gestel vir spel in staat wees om met sodanige goedgekeurde moniteringstelsel te kommunikeer.

*Deel 4**Bingo: Interne Beheer***Minimum bedryf- en interne beheerstandaarde**

**143.**(1) Die Raad moet reëls uitvaardig om voorsiening te maak vir –

- (a) minimum bedryfstandaarde vir bingosale; en
- (b) interne beheerprosedures vir bingosaal bedrywe.

(2) Die reëls bedoel in subregulasie (1) moet, betreffende die gelisensieerde bingosale, so ontwerp wees om redelik te verseker dat –

- (a) bates beveilig is;
- (b) finansiële verslae akkuraat en betroubaar is;
- (c) transaksies slegs verrig word in ooreenstemming met bestuur se algemene of spesifieke magtiging;
- (d) transaksies voldoende aangeteken word ten einde behoorlike verslaggewing van dobbelinkomste en van fooie en belasting toe te laat; en
- (e) funksies, pligte en verantwoordelikhede toepaslik toegeken en verrig word in ooreenstemming met gesonde praktyke deur bevoegde, gekwalifiseerde personeel.

**Minimum interne beheer**

**144.** 'n Bingolisensiehouer moet, in ooreenstemming met die reëls uitgevaardig deur die Raad, administratiewe- en rekenkundige prosedures daarstel vir die doel om sy of haar aanspreeklikheid vir belasting en gelde kragtens die Wet te bepaal en vir die doel om doeltreffende beheer oor sy of haar finansiële sake uit te oefen.

**Interne beheerstelsel goedgekeur deur Raad**

**145.**(1) 'n Bingolisensiehouer en 'n applikant om 'n bingolisensie moet –

- (a) omvattende administratiewe- en rekenkundige prosedures dokumenteer; en
- (b) 'n afskrif daarvan by die Raad indien vir goedkeuring voor implementering van die stelsel.

(2) Elke interne beheerstelsel ingedien vir goedkeuring soos bedoel in subregulasie (1), moet insluit –

- (a) 'n organisatoriese diagram wat skeiding van funksies en verantwoordelikhede aandui;
- (b) 'n beskrywing van die pligte en verantwoordelikhede van elke persoon aangedui op die organisatoriese diagram;
- (c) 'n omvattende, verhalende beskrywing van die administratiewe- en rekenkundige prosedures ontwerp om te voldoen aan die vereistes van regulasies 144 en 147;
- (d) 'n brief deur 'n onafhanklike geoktrooieerde rekenmeester wat verklaar dat die interne beheerstelsels hersien is deur die rekenmeester en voldoen aan die vereistes van hierdie Deel; en
- (e) sodanige verdere inligting soos die Raad mag vereis.



(3) Indien die Raad bepaal dat 'n applikant of lisensiehouer se interne beheerstelsel nie voldoen aan die vereistes van hierdie Deel nie, moet die Raad die applikant of lisensiehouer ooreenkomstig, en op skrif, in kennis stel.

(4) Binne 30 dae na ontvangs van die kennisgewing bedoel in subregulasie (3), moet die applikant of lisensiehouer sy of haar interne beheerstelsel ooreenkomstig wysig, en moet 'n afskrif van die gewysigde stelsel by die Raad ingedien word vir goedkeuring.

#### **Wysiging van bestaande interne beheerstelsel**

**146.**(1) Indien die houer van 'n bingolisensie verlang om die interne beheerstelsel te wysig, moet sodanige lisensiehouer, voor die implementering van sodanige gewysigde stelsel, 'n afskrif van die geskrewe interne beheerstelsel, soos gewysig, indien by die Raad vir goedkeuring.

(2) Die bepalings van regulasie 145(2) tot (4) is van toepassing, met die nodige veranderinge aan 'n aansoek om goedkeuring bedoel in subregulasie (1).

#### *Deel 5*

#### *Bingo: Rekenkundige Rekords en Opgawes*

#### **Rekenkundige rekords**

**147.**(1) 'n Bingolisensiehouer moet, op sodanige manier soos die Raad mag goedkeur of vereis, akkurate, volledige, leesbare en permanente rekords van al sy transaksies hou.

(2) 'n Bingolisensiehouer moet –

(a) algemeen-aanvaarde rekenkundige rekords hou op 'n dubbelinskrywing-rekenkundigestelsel; en

(b) omvattende, ondersteunende en aanvullende rekords byhou wat inkomste, uitgawes, bates, laste en aandele identifiseer, en enige ander rekords wat die Raad spesifiek vereis om in stand gehou te word.

#### **Geouditeerde finansiële verslae**

**148.**(1) Ten einde om te voldoen aan subregulasie (3) moet elke houer van 'n bingolisensie, aan die einde van sodanige lisensiehouer se finansiële jaar, jaarlikse finansiële verslae voorberei of teweegbring om voorberei te word in 'n formaat goedgekeur of vereis deur die Raad wat in ooreenstemming moet wees met verslae van die Algemene Aanvaarde Rekenkundige Praktyk.

(2) Elke bingolisensiehouer moet 'n onafhanklike ouditeur, geregistreer as betrokke by openbare praktyk ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), aanstel om die finansiële state van sodanige lisensiehouer se bingo- en

beperkte uitbetaalmasjienbedryf te ouditeer in ooreenstemming met algemeen-aanvaarde ouditeerstandaarde.

(3) 'n Bingolisensiehouer moet, binne drie maande vanaf die laaste dag van die finansiële jaar, by die Raad twee afskrifte van die jaarlikse finansiële verslae indien wat na behore geouditeer is in ooreenstemming met die bepalings van subregulasie (2), tesame met enige verslae, ingesluit bestuursbriewe, wat die uitslag kommunikeer.

(4) Die Raad mag bykomende inligting of dokumente aanvra van òf die bingolisensiehouer òf die ouditeur betrokke by sodanige lisensiehouer, in verband met die finansiële verslae of die dienste verrig deur sodanige ouditeur.

#### **Ander rekords**

**149.**(1) Elke bingolisensiehouer, wat 'n maatskappy is, moet by sodanige lisensiehouer se bingosaal of geregistreerde kantore hou, en moet aan die Raad voorsien, op sy versoek, die volgende rekords of dokumente of ekwivalent –

- (a) 'n afskrif van die memorandum en statute van verwantskap van die maatskappy, ingeluit enige wysigings;
- (b) 'n afskrif van die besigheid se aanvangs-sertifikaat om besigheid te begin;
- (c) 'n register van alle huidige en voormalige beamptes en direkteure;
- (d) notules van alle vergaderings van die aandeelhouers;
- (e) notules van alle vergaderings van die direkteure en komitees van die Raad van direkteure;
- (f) 'n register van alle aandeelhouers wat 'n lys bevat met elke aandeelhouer se naam, adres, die getal aandele in besit en die datum waarop die aandele verkry is; en
- (g) enige ander rekords wat die Raad, van tyd tot tyd, spesifiek mag vereis om bygehou te word.

(2) 'n Bingolisensiehouer wat 'n natuurlike persoon is moet sodanige dokumente en rekords byhou soos deur die Raad bepaal mag word.

#### **Opgawes ingedien**

**150.** Elke bingolisensiehouer moet, in 'n formaat bepaal deur die Raad, sodanige inligting na sodanige tydsverloop as wat die Raad mag bepaal, indien.

#### *Deel 6*

#### *Bingo: Diverse*

#### **Indiening van sekuriteit**

**151.**(1) Elke bingolisensiehouer moet, onmiddellik na die toestaan van 'n lisensie en voor die aanvang van besigheid, sekuriteit indien by die Hoof-Uitvoerende Beampte, in 'n vorm

bedoel in subregulasie (2) en ten sodanige bedrae soos die Raad van tyd tot tyd mag bepaal vir die betaling van –

- (a) enige fooie, belasting of boetes; en
- (b) enige prysgelde verskuldig aan 'n speler

(2) Die sekuriteit bedoel in subregulasie (1) moet bestaan uit –

- (a) 'n kontantdeposito;
- (b) 'n bankierswaarborg; of
- (c) sodanige ander vorm van sekuriteit soos die Raad mag bepaal.

(3) Die Raad mag van 'n bingolisensiehouer vereis –

- (a) om een of meer bestaande sekuriteite te vervang met ander sekuriteite; of
- (b) om bykomende sekuriteite te voorsien.

(4) Die bingolisensiehouer moet, ten tye van indiening van sekuriteit, die Raad voorsien van skriftelike magtiging wat die Raad volmag gee om van soveel moontlik van die sekuriteite ingedien te verkoop, tegelde te maak, af te koop en oordrag van soveel van die sekuriteite soos die Raad nodig mag ag om enige gelde verskuldig aan die Provinsiale Inkomstefonds of aan 'n speler namens die bingolisensiehouer oor te betaal.

(5) Die Hoof-Uitvoerende Beampte moet, by die vervalling, nie-hernuwing of kansellasië van 'n lisensie of 'n bingolisensiehouer, enige sekuriteite ingedien deur die bingolisensiehouer, of gedeelte van sodanige sekuriteite soos wat oorgebly het na die skuld bedoel in subregulasie (4) gedebiteer is, terugbesorg.

## HOOFSUK 9

### VERMAAKLIKHEIDSMASJIENE

#### *Deel 1*

#### *Vermaaklikheidsmasjiene: Regulering van Vermaaklikheidsmasjiene*

#### **Regulasies nie van toepassing op sekere persone nie**

**152.** Die bepalings van hierdie Deel van die regulasies is nie van toepassing op enige persoon –

- (a) wat 'n vermaaklikheidsmasjien vervaardig, monteer, herstel of versien nie; en
- (b) wat sodanige masjiene aanhou op 'n wyse dat dit net beskikbaar is vir verkope of vir die doeleindes om herstel of versien te word en word op geen manier beskikbaar gestel om gespeel te word nie.

#### **Aanskaffing van vermaaklikheidsmasjiene**

**153.** Enige persoon wat 'n vermaaklikheidsmasjien aanskaf moet, voor sodanige masjiene beskikbaar gestel word vir spel, by die Raad aansoek doen, op die wyse voorgeskryf in

hierdie Deel van die regulasies, om sodanige masjien te laat registreer en vir magtiging om sodanige masjien beskikbaar te stel vir spel.

### **Beperkings op aanhou en beskikbaar stel van vermaaklikheidsmasjiene**

**154.(1)** 'n Persoon mag nie 'n vermaaklikheidsmasjien aanhou of beskikbaar stel vir spel nie tensy gemagtig deur die Raad om so te mag doen op die wyse voorgeskryf in sy Reëls en tensy sodanige vermaaklikheidsmasjien geregistreer is by die Raad op die wyse voorgeskryf in regulasie 155.

(2) 'n Vermaaklikheidsmasjien mag beskikbaar gestel word op dieselfde perseel as dobbeltoerusting slegs indien –

(a) die persoon wat magtiging het om sodanige masjien aan te hou ook die houër van 'n casinolisensie, bingolisensie, onafhanklike perseeloperateurslisensie, of perseeloperateurslisensie is; en

(b) enige dobbeltoerusting teenwoordig op sodanige perseel nie toeganklik is nie tot persone onder die ouderdom van 18 jaar wat vermaaklikheidsmasjiene op sodanige perseel speel.

(3) Indien 'n persoon wat 'n vermaaklikheidsmasjien speel geregtig is op 'n prys as beloning vir suksesvolle spel of die bedryf of spel en bedryf van vermaaklikheidsmasjien, mag sodanige prys nie afgekoop word vir kontant, of omgesit word in kontant, deur enige persoon nie.

### **Aansoek om registrasie van vermaaklikheidsmasjien**

**155.(1)** Enige persoon wat –

(a) 'n vermaaklikheidsmasjien besit; of

(b) 'n vermaaklikheidsmasjien beskikbaar stel vir spel,

moet by die Raad aansoek doen, in 'n vorm bepaal deur die Raad in sy reëls, vir sodanige masjien om geregistreer te wees.

(2) Die Raad moet, by die toestaan van 'n aansoek bedoel in subregulasie (1), die applikant voorsien van 'n registrasiesertifikaat, welke registrasiesertifikaat moet bevat, maar nie beperk sal wees nie tot, die volgende inligting –

(a) 'n volledige beskrywing van elke vermaaklikheidsmasjien gelys in die registrasiesertifikaat tesame met die registrasienommer wat die Raad aan elke vermaaklikheidsmasjien toegeken het;

(b) die fisiese adres waar elke vermaaklikheidsmasjien gehou word en beskikbaar gestel word vir spel, of gehou sal word en beskikbaar gestel sal word vir spel;

(c) volledige maatskappybesonderhede van, of die naam, identiteitsnommer en fisiese adres van die eienaar van elke vermaaklikheidsmasjien; en

(d) volledige maatskappybesonderhede van, of die naam, identiteitsnommer en fisiese adres van die persoon wat die vermaaklikheidsmasjien beskikbaar stel vir spel.

#### **Vermaaklikheidsmasjien moet registrasienommer vertoon**

**156.(1)** Die eienaar van 'n vermaaklikheidsmasjien moet verseker dat elke vermaaklikheidsmasjien, gespesifiseer in die registrasiesertifikaat, op 'n opsigtelike plek die registrasienommer toegeken daaraan deur die Raad vertoon.

(2) Enige persoon wat 'n registrasienommer deur die Raad toegeken in ooreenstemming met hierdie regulasie op 'n masjien, apparaat of toestel aanbring wat nie deur die Raad geregistreer is nie ingevolge hierdie Deel van die regulasies nie, is skuldig aan 'n misdryf.

#### **Vermaaklikheidsmasjien aangehou en beskikbaar gestel by plek gespesifiseer in registrasiesertifikaat**

**157.(1)** 'n Vermaaklikheidsmasjien mag slegs aangehou en beskikbaar gemaak word vir spel by die fisiese adres gespesifiseer in die registrasiesertifikaat: Met dien verstande dat 'n vermaaklikheidsmasjien verskuif mag word na 'n ander adres sodra die Raad in kennis gestel is daarvan, skriftelik, deur die persoon gemagtig om sodanige vermaaklikheidsmasjien aan te hou en beskikbaar te stel en by erkenning van sodanige kennisgewing deur die Raad, skriftelik, voor die verwydering van sodanige masjien.

(2) Die Raad moet, teen geen koste, die registrasiesertifikaat wysig wanneer ook al 'n masjien verskuif word na 'n ander fisiese adres in ooreenstemming met die voorbehoud van subregulasie (1).

#### **Wysiging van registrasie of magtiging om vermaaklikheidsmasjien aan te hou en beskikbaar te stel**

**158.** Enige persoon wat 'n registrasiesertifikaat vir 'n vermaaklikheidsmasjien aanhou, of enige persoon wat gemagtig is om vermaaklikheidsmasjiene aan te hou en beskikbaar te stel, in ooreenstemming met hierdie Deel van die regulasies, mag te enige tyd en na die betaling van die fooi voorgeskryf in Bylae 2 tot die Wet, by die Raad aansoek doen om –

- (a) wysiging van die registrasiesertifikaat; of
- (b) die wysiging van die magtiging om vermaaklikheidsmasjiene aan te hou en beskikbaar te stel.

#### **Raad se bevoegdheid om aansoek toe te staan of te weier**

**159.(1)** Die Raad mag –

- (a) 'n aansoek om registrasie van 'n vermaaklikheidsmasjien toestaan; of
- (b) 'n aansoek om magtiging om vermaaklikheidsmasjiene aan te hou en beskikbaar te stel toeken,

onderhewig aan enige voorwaardes soos hy mag neerlê.

- (2) Die Raad moet 'n aansoek om registrasie van 'n vermaaklikheidsmasjien, of 'n aansoek om magtiging om vermaaklikheidsmasjiene aan te hou of beskikbaar te stel weier, indien –
- (a) die inligting vervat in die aansoek nie volledig is nie; of
  - (b) die Raad van oordeel is dat die betrokke toestel beskou moet word as dobbeltoerusting, eerder as 'n vermaaklikheidsmasjien.

### **Registrasiesertifikaat en magtiging opvallend vertoon**

**160.** 'n Registrasiesertifikaat en die skriftelike magtiging deur die Raad om vermaaklikheidsmasjiene aan te hou en beskikbaar te stel vir spel moet opvallend vertoon word in 'n opsigtelike plek op die perseel waar sodanige vermaaklikheidsmasjiene aangehou word en beskikbaar gestel word vir spel.

## **HOOFSTUK 10**

### **WEDDERY**

#### *Deel 1*

#### *Weddery: Aansoek om Beroepswedderslisensie*

### **Verkoop van beroepswedderereg deur Raad**

**161.**(1) Wanneer ook al 'n beroepswedderereg uit die weg geruim moet word ingevolge artikels 7(2)(d), 45(7), 99(8)(b) of 99(11)(b) van die Wet, moet die Raad van sodanige reg ontslae raak deur openbare tender.

(2) Enige uitnodiging om te tender en enige toekenning van 'n beroepswedderereg voortspruitend uit sodanige tender moet deur die Raad gepubliseer word in die *Koerant*.

(3) Die uitnodiging, publikasie, beregting en toekenning van 'n tender bedoel in subregulasie (1), moet gebaseer wees op –

- (a) bepaling van 'n rangorde en kategorisering van bieërs in ooreenstemming met die nasionale wet op breedgebaseerde swart ekonomiese bemagtiging; en
- (b) 'n toekenning van die tender aan die hoogste bieër binne daardie kategorie van bieërs hoogste op die rangorde van breedgebaseerde swart ekonomiese bemagtiging.

### **Aansoek om, oorplasing van eienaarskap en hernuwing van beroepswedderslisensie**

**162.**(1) Enige persoon wat verlang om 'n beroepswedderslisensie te bekom moet by die Raad aansoek doen om 'n beroepswedderslisensie op die wyse bepaal deur die Raad in sy Reëls.

(2) Die bepalings van Dele 1, 2, 3 en 4 van Hoofstuk 2 van die regulasies is van toepassing, met die nodige veranderinge, op 'n persoon wat aansoek doen om 'n beroepswedderslisensie.

(3) Bykomend tot enige inligting wat vereis word van 'n applikant om 'n beroepswedderslisensie om te voorsien, ingevolge die bepalings van hierdie regulasies, moet die applikant die Raad voorsien van –

- (a) die fisiese adres van die perseel in- of waarop die applikant beoog om die besigheid as 'n beroepswedder te bedryf;
- (b) 'n vloerplan van die betrokke perseel met 'n omvattende beskrywing van die gebied waar voornemende wedderytransaksies sal plaasvind;
- (c) goedkeuring van die plaaslike owerheid vir die betrokke perseel; en
- (d) enige ander inligting wat die Raad mag vereis.

(4) Die bepalings van regulasie 24 is van toepassing op die oordrag van eienaarskap van 'n beroepswedderbesigheid vanaf 'n natuurlike persoon na 'n korporatiewe liggaam, hetsy of nie sodanige korporatiewe liggaam die eiendom is, in geheel of gedeeltelik, van die natuurlike persoon.

(2) Nieteenstaande regulasie 28(6), moet enige beroepswedderbesigheid wat bedryf word, aansoek doen by die Raad om die hernuwing van die beroepswedderslisensie, nie later nie as 31 Oktober van die jaar waarin die Wet in werking tree.

## *Deel 2*

### *Weddery: Diverse Aangeleenthede Betreffende Beroepswedders*

#### **Wedkamerperseel**

**163.**(1) 'n Beroepswedderbesigheid moet 'n primêre wedkamerperseel aanskaf en in stand hou vir elke betrokke beroepswedderreg, binne die area bepaal deur die Raad vir sodanige beroepswedderreg.

(2) Geen beroepswedderbesigheid mag vanaf enige perseel bedryf word sonder die vooraf goedkeuring van die perseel deur die Raad nie.

(3) Die pligte neergelê deur hierdie Regulasies is gesamentlik van toepassing indien meer as een beroepswedderbesigheid vanaf dieselfde primêre wedkamerperseel bedryf word.

(4) 'n Beroepswedderbesigheid wat nie in staat is om vanaf sy primêre wedkamerperseel bedryf te word nie, moet –

- (a) 'n skriftelike aansoek by die Raad indien om goedkeuring vir die tydelike bedryf van die beroepswedderbesigheid vanaf 'n ander perseel; en
- (b) tegelykertyd die aansoekfooï voorgeskryf in Bylae 2 van die Wet betaal.

(5) 'n Aansoek gedoen soos bedoel in subregulasie (4), moet motivering en enige ander inligting of dokumentasie, soos vereis deur die Raad, insluit.

(6) 'n Beroepswedderbesigheid wat magtiging verlang om vanaf 'n tydelike perseel besigheid te bedryf terwyl besigheid vanaf primêre wedkamerperseel voortduur, moet die Raad voorsien van –

(a) skriftelike motivering ten opsigte van die redes vir die behoefte om vanaf 'n tydelike perseel besigheid te bedryf terwyl die bedryf vanaf 'n primêre wedkamerperseel voortduur;

(b) inligting betreffende die fisiese fasiliteite wat die tydelike beroepswedderbesigheid sal huisves, ingesluit die beroepswedderbesigheid se gerekenariseerde-rekordhoudingstelsel en verwante toerusting;

(c) dokumentasie wat bewys dat die beroepswedder toestemming verkry het by die organiseerders van enige groot sportgebeurtenis of enige ander gebeurtenis of gebeurlikheid, om in 'n spesifieke spasiof plek te bedryf in noue nabyheid aan die plek waarby die groot sportgebeurtenis of ander gebeurtenis of gebeurlikheid sal plaasvind;

(d) skriftelike bevestiging deur die geleentheidsorganiseerders dat werknemers van die Raad vrye toegang sal verkry tot die fisiese adres wat die tydelike beroepswedderbedryf sal huisves;

(e) bevestiging dat die situasie en die opset van die beroepswedderbesigheid se gerekenariseerde-rekordhoudingstelsel en verwante toerusting aan hierdie Regulasies voldoen; en

(f) enige motivering, inligting en ondersteunende dokumente soos deur die Raad vereis mag word.

(7) Die Raad mag nie magtiging toestaan om vanaf 'n tydelike perseel werksaam te wees terwyl besigheid bedryf vanaf die primêre wedkamerperseel tydelik opgeskort is vir 'n tydperk van meer as 90 dae nie: Met dien verstande dat, in uitsonderlike omstandighede en by skriftelike aansoek deur die geaffekteerde beroepswedderbesigheid, die Raad 'n verdere verlenging mag toestaan.

(8) Die Raad mag nie magtiging toestaan om vanaf 'n tydelike perseel besigheid te bedryf nie, terwyl besigheid voortgaan om vanaf 'n primêre wedkamer perseel bedryf te word, vir 'n tydperk van meer as 40 dae.

(9) Indien 'n beroepswedderbesigheid verlang om weddertransaksies aan te gaan op 'n sekondêre wedkamerperseel, moet sodanige beroepswedderbesigheid eerstens aansoek doen, op skrif, by die Raad om die –

(a) goedkeuring dat die natuurlike persoon beroepswedder of beroepswedder se bestuurder benoem deur die beroepswedderbesigheid, soos die geval mag wees, weddertransaksies mag aangaan vanaf sy of haar residensiële perseel, waar hy of sy normaalweg woonagtig is;

(b) goedkeuring van die sekondêre wedkamerperseel;



- (c) goedkeuring van die tipes toerusting wat gebruik word vir die doel om data van transaksies op die gerekenariseerde-rekordhoudingstelsel van die beroepswedderbesigheid vas te lê vanaf die sekondêre wedkamerperseel; en
- (d) vir die werklike installering van sodanige toerusting by die sekondêre wedkamerperseel.

- (10) Enige toerusting goedgekeur deur die Komitee ingevolge subregulasie (9)(c) moet –
- (a) bedryf word op 'n wyse wat wesenlik dieselfde is as 'n gerekenariseerde terminaal wat normaalweg gebruik word in die beroepswedderbesigheid vir vaslegging van weddertransaksies by die beroepswedderbesigheid se primêre wedkamerperseel; en
  - (b) die beroepswedderbesigheid toelaat om weddertransaksies direk, deur afstandsbeheer en gebruik van die internet, op die beroepswedderbesigheid se gerekenariseerde-rekordhoudingstelsel vas te lê vanaf die beroepswedder se sekondêre wedkamerperseel.

- (11) Goedkeuring deur die Raad vir die installering by, en die gebruik van, die gerekenariseerde-rekordhoudingstelsel vanaf die sekondêre wedkamerperseel moet aan die beroepswedderbesigheid gekommunikeer word, voordat die natuurlike persoon beroepswedder of beroepswedder se bestuurder benoem deur die beroepswedderbesigheid weddertransaksies mag aangaan vanaf enige sodanige perseel.

- (12) 'n Beroepswedderbesigheid mag slegs weddertransaksies aangaan vanaf die sekondêre wedkamerperseel nadat die primêre wedkamerperseel gesluit is vir die publiek vir besigheid.

- (13) Die besigheidsure waartydens die beroepswedderbesigheid se primêre wedkamerperseel oop is vir die publiek, mag, onderhewig aan munisipale wette, bepaal word deur die betrokke beroepswedderbesigheid.

### **Hervestiging van beroepswedderbesigheid op 'n ander perseel en ombouing van wedkamerperseel**

- 164.(1)** Geen beroepswedderbesigheid mag –

- (a) vanaf 'n primêre wedkamerperseel hervestig word op 'n ander perseel; of
- (b) enige strukturele ombouing of aanbouing aan 'n primêre wedkamerperseel aanbring,

sonder die skriftelike vooraf goedkeuring van die Raad nie.

- (2) 'n Aansoek om goedkeuring bedoel in subregulasie (1)(a) moet op skrif wees en moet vergesel gaan van 'n kaart wat die ligging van die perseel aandui en 'n vloerplan van die beoogde perseel waarheen die beroepswedderbesigheid hervestig sal word, met die voorgenome ombouings of aanbouings aangedui, indien toepaslik.

(3) 'n Aansoek om goedkeuring bedoel in subregulasie (1)(b) moet op skrif wees en moet vergesel gaan van 'n vloerplan van die goedgekeurde primêre wedkamerperseel wat voorgestelde ombouings of aanbouings aandui.

#### **Sekuriteit deur beroepswedders vir wedderyaanspreeklikhede**

**165.**(1) 'n Beroepswedderylisensiehouer mag nie met die bedryf van 'n beroepsweddery voortgaan nie tensy sodanige beroepswedderybesigheid sekuriteit ingedien het by die Raad vir betaling van verpligtinge ten opsigte van wedderytransaksies.

(2) Die sekuriteit verwys na in subregulasie (1) mag nie teruggetrek of verminder word sonder die vooraf goedkeuring van die Raad nie.

(3) Die sekuriteit verwys na in subregulasie (1) moet bestaan uit –

- (a) 'n kontantdeposito;
- (b) 'n bankierswaarborg; of
- (c) sodanige ander bewyse van sekuriteit soos die Raad mag goedkeur.

#### **Wedderydispute**

**166.**(1) Die Raad mag enige wedderydispuut tussen 'n beroepswedderybesigheid en wedder, of tussen een beroepswedderybesigheid en 'n ander besleg.

(2) Enige wedder of beroepswedderybesigheid wat verlang om 'n wedderydispuut in te dien by die Raad moet –

- (a) so doen, op skrif, gerig aan die Hoof-Uitvoerende Beampte, binne 60 dae vanaf die datum waarop die dispuut ontstaan het; en
- (b) terselfdertyd volledige besonderhede van sodanige dispuut voorsien.

(3) Die Hoof-Uitvoerende Beampte mag vereis dat 'n wedder wat 'n wedderydispuut indien, ingevolge subregulasie (2), 'n deposito van R500,00 aan die Raad moet betaal.

(4) Die Hoof-Uitvoerende Beampte mag vereis dat 'n beroepswedder wat 'n weddery dispuut indien ingevolge subregulasie (2) 'n deposito van R2000,00 aan die Raad moet betaal.

(5) Die Hoof-Uitvoerende Beampte moet onmiddellik, by ontvangs van kennisgewing van sodanige dispuut, die besonderhede daarvan in 'n register aanteken wat vir daardie doel aangehou word.

(6) Werknemers van die Raad moet die dispuut ondersoek en 'n verslag van hul bevindings indien by die Raad.

(7) Die Raad, na die ontvangs van 'n verslag deur sy werknemers soos bedoel in subregulasie (6), moet –

- (a) 'n aanhoor betreffende die dispuut belê en hou; en
- (b) by die afloop van die aanhoor die dispuut besleg, soos bedoel in subregulasie (9).

(8) Indien enige betrokke in 'n wedderydispuut versuim om voor die Raad te verskyn na ontvangs van nie minder nie as 14 dae geskrewe kennisgewing om so te doen, mag die Raad voortgaan om die dispuut te oorweeg en besleg in sy of haar afwesigheid.

(9) Die Raad mag –

- (a) beveel dat enige deposito terugbetaal word, nadat die Raad die dispuut aangehoor het, of indien die dispuut teruggetrek is voordat die Raad dit aanhoor ten tye van ontvangs van die kennisgewing dat die dispuut teruggetrek is;
- (b) die verbeuring van enige betaalde deposito beveel indien die Raad die dispuut as onbenullig ag; of
- (c) 'n bevel gelas wat die wyse bepaal waarop die wedderydispuut bygelê moet word, ingesluit, *inter alia*, 'n bevel wat 'n wed ongeldig verklaar, of 'n gedeelte ongeldig verklaar, of 'n bevel wat die betaling bepaal van enige bedrag deur een party aan die ander.

(10) Die aantekening van 'n appèl teen die beslissing of bevel van die Raad gemaak ingevolge subregulasie (7) of (9), hef nie die toepassing van sodanige besluit of bevel op nie: Met dien verstande dat indien 'n beroepswedderybesigheid wat beveel is, deur 'n besluit geneem deur die Raad rakende 'n wedderydispuut, om enige wengelde of enige ander bedrag aan 'n wedder te betaal, die besluit appelleer, betaling van die wengelde of enige ander bedrag, moet deur sodanige beroepswedderybesigheid aan die Raad gemaak word om in 'n trust gehou te word, hangende die uitkoms van die appèl, waarop die Raad die wengelde of ander bedrag moet uitbetaal, hetsy aan die beroepswedderybesigheid of die wedder, soos beveel deur die verantwoordelike Lid van die Uitvoerende Raad.

### **Onvereffende weddenskappe**

**167.(1)** Enige persoon wat 'n geldige eis teen 'n beroepswedderybesigheid het –

- (a) ten opsigte van 'n weddenskap wat sodanige beroepswedderybesigheid versuim het om te vereffen na 'n versoek om so te doen; of
- (b) wat versuim het om 'n eis te vereffen na 'n bevel van die Raad gemaak ingevolge regulasie 166(9)(c),

moet die omstandighede, op skrif, rapporteer aan die Hoof-Uitvoerende Beampte.

(2) Die Hoof-Uitvoerende Beampte, by ontvangs van die verslag bedoel in subregulasie (1), moet –

- (a) dit onmiddelik aanteken in 'n register aangehou vir daardie doel;
- (b) 'n ondersoek na die aangeleentheid gelas;

- (c) die verslag bedoel in subregulasie (1) indien; en
  - (d) die uitslag van die ondersoek by die Raad indien sonder oponthoud.
- (3) Die Hoof-Uitvoerende Beamppte, tydens die ondersoek bedoel in subregulasie (2)(b), moet die beroepswedderbesigheid die geleentheid bied om aangehoor te word.
- (4) Indien, na 'n aanhoor gehou is vir die doel van oorweging van die verslag bedoel in subregulasie (1), en die uitslag van die ondersoek soos bedoel in subregulasie (2)(d), die Raad tevrede is dat die eis betaal moet word deur die beroepswedderbesigheid, mag die Raad die beroepswedderbesigheid beveel om die eis binne 24 uur te betaal.
- (5) Die Raad mag 'n beroepswedder as wanbetaler verklaar indien die beroepswedderbesigheid versuim om aan die bevel bedoel in subregulasie (4) te voldoen.
- (6) Indien 'n beroepswedderbesigheid verklaar is as wanbetaler ingevolge subregulasie (5) en indien die beroepswedderbesigheid nie onderhewig is aan finansiële likwidasië of sekwestrasie nie, mag die Raad –
- (a) alle sekuriteit, of soveel as moontlik van die sekuriteit, verskaf aan die Raad deur die beroepswedder ingevolge artikel 126(1)(c) van die Wet, soos wat nodig geag mag word, om 'n betaling te maak teen enige eis wat gelei het tot die bevinding van die beroepswedder as 'n wanbetaler; en
  - (b) die beroepswedderslisensie opskort terwyl en vir solank as wat die beroepswedderbesigheid versuim om die sekuriteit wat vir hierdie doel gebruik is aan te vul.

### **Beheer van vennootskappe wat beroepswedderbesighede bedryf**

**168.**(1) Terwyl 'n beroepswedderbesigheid voortgaan as 'n vennootskap van een of meer gelisensieerde beroepswedders –

- (a) is die vennote gesamentlik en elkeen op sigself aanspreeklik vir al die verpligtinge van die vennootskap; en
  - (b) moet elke vennoot aan die vereistes betreffende sekuriteit en lisensies voldoen asof hy of sy besigheid bedryf vir sy of haar eie rekening.
- (2) Indien 'n vennootskap van beroepswedders tegelyktydig besigheid bedryf in 'n enkel primêre wedkamerperseel en by enige ander goedgekeurde plek, moet sodanige vennootskap in stand hou –
- (a) een veldkaart –
    - (i) per perdewedren per plek;
    - (ii) per sportgebeurtenis per plek;
    - (iii) per ander gebeurtenis of gebeurlikheid per plek; en
  - (b) een toonbankboek.

(3) Indien een of meer beroepswedders besigheid voortsit in vennootskap, moet hulle, op aandrang van die Raad, onmiddellik 'n gesertifiseerde afskrif van die betrokke vennootskaps-ooreenkoms voorlê.

(4)(a) Indien 'n vennootskap van beroepswedders sy besigheid bedryf vanaf 'n enkel wedkamerperseel, moet sodanige vennootskap nie meer as een gerekenariseerde-rekordhoudingstelsel bedryf en in stand hou nie, wat slegs een enkele stel van die voorgeskrewe beroepsweddersrekords en inkomstebelastingopgawes lewer.

(b) Alle boeke, rekords, verslae, opgawes, weddenskapborde en advertensies van sodanige vennootskap moet die naam van die vennootskap en die name van die vennote reflekteer.

(c) Geen weddenskappe mag tussen die vennote of deur enige vennoot met die vennootskap aangegaan word nie.

(5) Die Raad, mag, te enige tyd, en met goeie beweegrede bewys, sodanige voorwaardes neerlê op die lisensies van die beroepswedders wat 'n beroepswedderbesigheid as 'n vennootskap bedryf, soos wat hy nodig mag ag.

(6) Sou dit gebeur dat die vennote van voorneme is om 'n vennootskap van gelisensieerde beroepswedders te beëindig, moet die betrokke vennote die Raad onmiddellik, skriftelik, in kennis stel van hulle voorneme om so te doen.

(7) Onderhewig aan die bepalinge van die Wet, in die geval van die dood van 'n gelisensieerde beroepswedder wat in vennootskap besigheid gedoen het, mag enige oorlewende vennoot of vennote binne die vennootskap voortgaan om die beroepswedderbesigheid te bedryf.

#### **Wanbetalende wedder**

**169.**(1) Die Raad mag 'n wedder as 'n wanbetaler verklaar indien die Raad tevrede is, na behoorlike ondersoek, dat die wedder versuim het om die beroepswedder enige bedrag geskuld te betaal ten opsigte van 'n weddenskap aangegaan deur hom of haar met sodanige beroepswedder.

(2) Wanneer ook al die Raad 'n wedder verklaar het as 'n wanbetaler, moet die Raad 'n kennisgewing stuur aan elke gelisensieerde beroepswedder en wedrenklub in die Provinsie.

(3) 'n Beroepswedderbesigheid wat die kennisgewing bedoel in subregulasie (2) ontvang het, moet dit in 'n opsigtelike plek vertoon in die primêre wedkamer, tot sodanige tyd wanneer sodanige beroepswedderbesigheid deur die Raad, ingevolge subregulasie (5)(b), beveel word om dit te verwyder, waarby sodanige beroepswedderbesigheid moet voldoen aan sodanige bevel sonder oponthoud.

(4) By die ontvangs van 'n kennisgewing bedoel in subregulasie (2), moet enige beroepswedderbesigheid aan wie sodanige wedder verskuldig is ten opsigte van weddenskappe aangegaan met sodanige beroepswedderbesigheid, moet die Raad onmiddellik ingelig word oor die besonderhede van sodanige skuld.

- (5) (a) Enige wedder wat deur die Raad bevind is as 'n wanbetaler mag nie enige perseel –
- (i) gelisensieer as 'n wedrenbaan ingevolge die Wet; of
  - (ii) enige perseel waarop 'n gelisensieerde beroepswedderbesigheid bedryf word, betree of op teenwoordig wees nie tot sodanige stadium wat al sy of haar aanspreeklikheid vir skuld aan die beroepswedders nagekom is en die Raad tevrede is dat hy of sy 'n geskikte en gepaste persoon is om weddenskappe te hervat.
- (b) Wanneer die Raad tevrede is, soos bedoel in paragraaf (a), moet hy onmiddellik elke gelisensieerde beroepswedderbesigheid beveel om die kennisgewing bedoel in subregulasie (2) te verwyder.

#### **Sekuriteit vir belasting**

**170.**(1) Die sekuriteit wat ingedien moet word deur 'n beroepswedderbesigheid vir die betaling van belasting soos voorgeskryf in die KwaZulu-Natal Belastingwet op Dobbelay en Wedder, 2010, moet wees vir sodanige bedrag soos bepaal mag word deur die Raad en moet bestaan uit –

- (a) 'n kontantdeposito;
- (b) 'n bankierswaarborg; of
- (c) sodanige ander vorm van sekuriteit wat die Raad mag goedkeur.

(2) Die Raad mag sodanige bedrag van die ingediende sekuriteit verkoop of verwesentlik soos nodig mag wees om enige skuldlaste aan die Provinsiale Inkomstefonds af te los.

#### **Goedkeuringsprosedure: Ander gebeurtenisse en gebeurlikhede**

**171.**(1) Enige persoon wat verlang van die verantwoordelike Lid van die Uitvoerende Raad om 'n beslissing te maak rakende 'n gebeurtenis of gebeurlikheid moet 'n aansoek, op skrif, indien by die verantwoordelike Lid van die Uitvoerende Raad.

- (2) 'n Skriftelike aansoek bedoel in subregulasie (1) moet ten minste die volgende insluit –
- (a) die beroep, naam, posadres en ander kontakbesonderhede van die applikant;
  - (b) 'n duidelike, volledige en saaklike beskrywing van die aard van die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek word;
  - (c) inligting rakende enige organisasie wat, op enige manier, die gebeurtenis of gebeurlikhede beheer waarvoor die beslissing versoek word;
  - (d) motivering dat die handeling van wedder op die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek word, nie aanstoot sal gee aan openbare morele waardes nie;

- (e) motivering dat die handeling van weddery op die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek word, nie die gebeurtenis of gebeurlikheid onredelik sal blootstel aan of ontvanklik maak vir die manipulasie van die verslag of uitkomste daarvan, of vir ander dade van bedrog of korrupsie nie; en
- (f) motivering dat die gebeurtenis of gebeurlikheid waarvoor die beslissing versoek word, integriteit en deursigtigheid aan die dag lê en nie wedders sal mislei of op enige ander wyse onregverdiglik benadeel nie.

(3) Enige beslissing gemaak deur die verantwoordelike Lid van die Uitvoerende Raad moet uitgereik word deur middel van 'n kennisgewing gepubliseer in die *Provinsiale Koerant*.

(4) Die datum van inwerkingtreding van 'n bepaling deur die verantwoordelike Lid van die Uitvoerende Raad soos bedoel in hierdie regulasie is die publikasiedatum van die *Provinsiale Koerant* waarin die betrokke kennisgewing gepubliseer is.

**Persone nie toegelaat om te wed nie: Perdewedrenne, sportgebeurtenisse en ander gebeurtenisse of gebeurlikhede**

172.(1) Geen persoon wat aan enige sportkode deelneem as –

- (a) 'n speler, ruiter, bestuurder, spanlid of soortgelyke deelnemer;
- (b) 'n skeidsregter, lynregter, assistent-skeidsregter, beoordelaar of soortgelyke deelnemer;
- (c) 'n span-afrigter, span- of spelerbestuurder, opleier of soortgelyke deelnemer; of
- (d) 'n span-eienaar, honde-eienaar of soortgelyke deelnemer,

mag wed op enige sportgebeurtenis waaraan –

- (i) daardie persoon;
- (ii) 'n span wat die persoon bestuur, besit, oplei of afrig;
- (iii) 'n speler, ruiter, bestuurder, spanlid of soortgelyke deelnemer wat die persoon bestuur, oplei of afrig; of
- (iv) 'n dier wat daardie persoon besit, oplei of afrig,

deelneem nie.

(2) Geen persoon wat deelneem aan enige gebeurtenis of gebeurlikheid as –

- (a) 'n speler, spanlid, mededinger of soortgelyke deelnemer;
- (b) 'n vervaardiger, geleentheidsorganiseerder, skeidsregter, beoordelaar of soortgelyke deelnemer; of
- (c) 'n span-afrigter, span-eienaar, 'n speler of spanlid se bestuurder, 'n mededinger se bestuurder of agent, of soortgelyke deelnemer,

mag wed op sodanige ander gebeurtenis of gebeurlikheid nie.

(3) Enige weddenskap aangegaan in teenstelling met hierdie regulasie is vernietigbaar deur 'n beroepswedder, deur 'n totalisatoroperateur of deur die Raad.

**Lys van beroepswedders ingedien deur renbaanoperateur**

**173.** 'n Lys van alle beroepswedders wat op 'n perdewedrenbaan besigheid bedryf het, moet, aan die einde van elke resiesdag, deur die betrokke renbaanoperateur by die Raad ingedien word.

*Deel 3**Weddery: Diverse Aangeleenthede Betreffende Totalisators***Totalisatorwedderystelsel**

**174.(1)** 'n Totalisatorlisensiehouer moet 'n totalisatorwedderystelsel, goedgekeur deur die Raad, gebruik vir die optekening van alle wedderytransaksies.

(2) Voor 'n totalisatorlisensiehouer gebruik maak van totalisatoroutomatieseverkoopmasjiene gekoppel aan sy totalisatorwedderystelsel om weddenskappe aan wedders uit te reik, moet die totalisatorlisensiehouer die Raad se goedkeuring verkry vir sodanige gebruik.

(3) Indien 'n toepaslike SABS standaard vir totalisatorwedderystelsels of totalisatoroutomatieseverkoopmasjiene bestaan, moet 'n totalisatorlisensiehouer 'n nakomingsertifikaat van sodanige standaard verkry en moet die totalisatorlisensiehouer by die Raad indien, tesame met sy aansoek om goedkeuring van sy totalisatorwedderystelsel, of totalisatoroutomatieseverkoopmasjiene.

(4) Indien 'n toepaslike SABS standaard vir totalisatorwedderystelsels of totalisatoroutomatieseverkoopmasjiene nie bestaan nie, sal die Raad beide 'n standaard vir totalisatorwedderystelsels en totalisatoroutomatieseverkoopmasjiene bepaal, soos die geval mag wees, en die prosedure en dokumentasie wat deur die totalisatorlisensiehouer gebruik moet word om die aansoek om die goedkeuring van sy totalisatorwedderystelsel of totalisatoroutomatieseverkoopmasjiene.

(5) Alle verwante uitgawes vir die toetsing, sertifisering en goedkeuring van totalisatorwedderystelsels, of van totalisatoroutomatieseverkoopmasjiene, moet deur die persoon of organisasie wat die totalisatorwedderystelsel of totalisatoroutomatieseverkoopmasjiene indien by die SABS vir sertifisering en by die Raad vir goedkeuring, gedra word.

(6) 'n Totalisatorwedderystelsel moet, tydens sy normale besigheid, outomaties –

(a) datalêers skep wat sal dien as 'n volledig-geouditeerde bewys van elke weddenskap aangegaan op die stelsel en van elke gekanselleerde weddenskap;

(b) 'n rekord skep van elke weddenskap aangegaan op die stelsel, welke rekord die volgende minimum inligting moet insluit –

(i) die weddenskap-strokienummer ten opsigte van elke weddenskaps-transaksie;



- (ii) 'n aanduiding of die weddenskap 'n weddenskap op 'n perdewedren, op 'n sportgebeurtenis, of op enige gebeurtenis of gebeurlikheid is;
  - (iii) die datum van die perdewedren, sportgebeurtenis, of enige gebeurtenis of gebeurlikheid;
  - (iv) die naam of identifiserende nommer van die perdewedren, sportgebeurtenis of ander gebeurtenis of gebeurlikheid;
  - (v) die plek van die perdewedren, sportgebeurtenis, of ander gebeurtenis of gebeurlikheid;
  - (vi) die seleksies of onderwerp waarop die weddenskap gemaak is; en
  - (vii) die wedder se wedgeld,
- (c) by die invoer van uitslae van perdewedrenne, sportgebeurtenisse, en ander gebeurtenisse of gebeurlikhede in die stelsel, wedders se wengelde en belasting verskuldig bereken; en
- (d) 'n gedrukte, of drukbare, omvattende rekord van die weddenskap of weddenskappe aangegaan deur die wedder uitreik aan wedders vir elke weddenskap aangegaan op die stelsel.

(7) Die Raad moet stelsels en prosedures skep om totalisatorwedderystelsels te toets volgens die standaard vir sodanige stelsels: Met dien verstande dat die primêre oogmerke van sodanige toetsing sal wees om te bepaal –

- (a) die akkuraatheid van die berekening van die uitbetalings aan wenwedders;
- (b) die akkuraatheid van die berekening van die belastingkwantum verskuldig; en
- (c) die weerstand van die stelsel teen moontlike kwaadwillige pogings om data of audio-opnames te manipuleer.

#### **Gerekenariseerde reserwekopië van data en rekords**

**175.(1)** Alle data bedoel in regulasie 174(6)(a) en die rekords bedoel in regulasie 174(6)(b), moet aan die einde van elke dag op 'n geskikte en draagbare elektroniese-opnamemedium of toestel gekopieer word.

(2) Die elektroniese-opnamemedium of elektroniese-opnametoestel bedoel in subregulasie (1) en die data daarop gestoor moet veilig behou word in chronologiese volgorde vir inspeksiedoeleindes op 'n perseel anders as die totalisatorperseel.

(3) Bykomend tot die data en rekords bedoel in subregulasie (1), moet die volgende inligting en rekords gekopieer en behou word soos bedoel in subregulasie (1) –

- (a) die belasting betaalbaar;
- (b) breukdele; en
- (c) onopgeëiste dividende.

(4) Die Raad moet bepaal hetsy of nie 'n draagbare elektroniese-opnamemedium of elektroniese-opnametoestel soos bedoel in subregulasie (1) geskik is vir die doel bedoel in subregulasie (1) en moet verder die geskiktheid bepaal van die plek en wyse waarop

sodanige draagbare elektroniese-opnamemedium of elektroniese-opnametoestel aangehou word.

(5) Die totalisatorlisensiehouer moet die data en opnames bedoel in subregulasie (1) vir 'n tydperk van vyf jaar behou.

#### **Totalisatorreëls en wedderydispute**

**176.(1)** 'n Totalisatoroperateur, 'n totalisatorbestuurder of 'n totalisatoragent moet die totalisator bedryf in ooreenstemming met reëls gemaak deur die totalisatorlisensiehouer, welke reëls by die Raad ingedien moet word vir goedkeuring, op die wyse bepaal deur die Raad in sy Reëls.

(2) 'n Totalisatoroperateur, 'n totalisatorbestuurder of 'n totalisatoragent, soos die geval mag wees, moet onmiddellik enige dispuut met 'n wedder rakende die uitkoms van 'n weddenskaptransaksie, of die uitbetalings van wengeld gebaseer op die uitslag van 'n weddenskaptransaksie, hetsy opgelos of nie, aan die Raad rapporteer.

(3) Die Raad mag enige onopgeloste wedderydispuut tussen 'n totalisatoroperateur, 'n totalisatorbestuurder of 'n totalisatoragent en 'n wedder besleg.

(4) Enige wedder of totalisatoroperateur, totalisatorbestuurder of totalisatoragent wat verlang om 'n onopgeloste wedderydispuut by die Raad in te dien moet –

(a) so doen, op skrif, gerig aan die Hoof-Uitvoerende Beamppte, binne 60 dae vanaf die datum waarop die dispuut ontstaan het; en

(b) terselfdertyd volledige besonderhede van sodanige dispuut voorsien.

(5) Die Hoof-Uitvoerende Beamppte mag vereis dat 'n wedder wat 'n wedderydispuut ingevolge subregulasie (4) indien, 'n deposito van R500,00 aan die Raad moet betaal.

(6) Die Hoof-Uitvoerende Beamppte mag vereis dat 'n totalisatoroperateur, totalisatorbestuurder of totalisatoragent wat 'n wedderydispuut indien ingevolge subregulasie (4), 'n deposito van R2 000,00 aan die Raad moet betaal.

(7) Die Hoof-Uitvoerende Beamppte moet, onmiddellik by ontvangs van kennisgewing van sodanige dispuut, die besonderhede daarvan aanteken in 'n register aangehou vir daardie doel.

(8) Werknemers van die Raad moet die dispuut ondersoek en 'n verslag betreffende hul bevindings voorberei vir indiening by die Raad.

(9) Die Raad, na ontvangs van 'n verslag opgestel deur sy werknemers soos bedoel in subregulasie (8), moet –

- (a) 'n aanhoor betreffende die dispuut hou; en
- (b) by die afloop van die aanhoor, beslis oor die dispuut soos bedoel in subregulasie (11).

(10) Indien enige betrokke in 'n wedderydispuut versuim om voor die Raad te verskyn na ontvangs van nie minder nie as 14 dae geskrewe kennisgewing om so te doen, mag die Raad voortgaan om die dispuut te oorweeg en besleg in sy of haar afwesigheid.

(11) Die Raad mag –

- (a) beveel dat enige betaalde deposito terugbetaal word, nadat die Raad die dispuut aangehoor het, of indien die dispuut teruggetrek is voor die Raad dit aanhoor, teen die tyd dat die kennisgewing van terugtrekking van die dispuut ontvang is;
- (b) verbeuring van enige betaalde deposito beveel indien die Raad die dispuut as onbenullig ag; of
- (c) 'n bevel gelas wat die wyse bepaal waarop die wedderydispuut opgelos moet word, ingesluit, *inter alia*, 'n bevel wat 'n wed ongeldig verklaar, of 'n seleksie ongeldig verklaar, of 'n bevel wat die betaling van enige bedrag deur een party aan die ander bepaal.

(12) Die notering van 'n appèl teen die besluit of bevel van die Raad gemaak ingevolge subregulasie (11) hiervan, hef nie die toepassing van sodanige besluit of bevel op nie: Met dien verstande dat indien 'n totalisatoroperateur, totalisatorbestuurder of totalisatoragent wat beveel was, deur 'n besluit geneem deur die Raad oor 'n wedderydispuut, om enige wengeld of ander bedrag aan 'n wedder te betaal, die besluit appelleer, betaling van die wengeld of ander bedrag moet deur sodanige totalisatoroperateur, totalisatorbestuurder of totalisatoragent aan die Raad gemaak word om in 'n trust gehou te word, hangende die uitkoms van die appèl, waarop die Raad die wengeld of ander bedrag moet uitbetaal, sou die verantwoordelike Lid van die Uitvoerende Raad so beveel.

**Verhouding tussen totalisatorlisensiehouer en totalisatoroperateur, totalisatorbestuurder of totalisatoragent**

177.(1) 'n Totalisatorlisensiehouer, nieteenstaande enige kontraktuele ooreenkoms ten teendeel, bly ten volle aanspreeklik aan die Raad vir die handeling of nalatighede van sy totalisatoroperateur, sy totalisatorbestuurders en totalisatoragente, in soverre as wat dit nakoming van die Wet betref.

(2) Die totalisatorlisensiehouer moet 'n gesertifiseerde afskrif van enige skriftelike ooreenkoms tussen die totalisatorlisensiehouer en 'n totalisatoragent, of tussen die totalisatorlisensiehouer en 'n totalisatorbestuurder aan die Raad verskaf.

## HOOFSTUK 11 DIVERSE

### *Deel 1*

#### *Diverse: Betekening van Kennisgewings*

#### **Wyse vir betekening van kennisgewing**

**178.**(1) Enige kennisgewing aan 'n persoon beteken ingevolge die Wet deur die Raad of 'n komitee van die Raad, moet op skrif wees en beteken word deur –

- (a) persoonlike aflewering;
- (b) geregistreerde pos;
- (c) e-pos; of
- (d) faksimilee transmissie.

(2) Enige kennisgewing beteken ingevolge subregulasie (1) word beskou as ontvang –

- (a) in die geval van persoonlike aflewering, by die aflewering van die kennisgewing by sodanige persoon se fisiese adres;
- (b) in die geval van geregistreerde pos, 14 dae nadat dit gepos is; of
- (c) in die geval van e-pos of faksimilee transmissie, teen 10h00 van die eerste besigheidsdag na die transmissiedatum.

### *Deel 2*

#### *Diverse: Kullery en Bedrieglike Handeling*

#### **Gebruik van sekere toestelle verbode**

**179.**(1) Geen persoon mag enige toestel of middel gebruik of besit met die voorneme om dit te gebruik by enige gelisensieerde perseel nie, om te help met –

- (a) die voorspelling van die uitkoms van 'n spel;
- (b) tred hou van die kaarte gespeel in 'n spel wat die gebruik van kaarte behels;
- (c) die analise van die waarskynlikheid van die voorkoms van 'n geleentheid met betrekking tot 'n spel; of
- (d) die analise van spel-strategie vir gebruik in speel of weddery in 'n spel,

tensy so goedgekeur deur die Raad, op skrif, by die geskrewe versoek van 'n lisensiehouer.

(2) Die bepalings van subregulasie (1) moet nie beskou word nie as om te verbied –

- (a) die maak van, en verwysing maak na, handgeskrewe rekords van die kaarte gespeel in *punto banco* of baccarat nie;
- (b) die maak van, en verwysing maak na, handgeskrewe rekords van roulette resultate nie; of
- (c) die gebruik deur enige persoon van daardie persone se verstandelike vermoë alleen, om hom of haar te help om –

- (i) die uitkoms van 'n spel te voorspel; of

(ii) tred te hou met die kaarte gespeel in 'n spel wat die gebruik van kaarte behels.

### **Bedrieglike handelinge**

#### **180. Geen persoon mag –**

(a) die uitkoms van 'n casinospel, sportgebeurtenis, perdewedren of enige gebeurtenis of gebeurlikheid, waarop weddenskappe geplaas is, wysig of wanvoorstel nadat die uitslag bepaal is maar voordat dit aan die wedders bekend gemaak is nie;

(b) 'n weddenskap plaas, verhoog of verminder of die speelverloop in 'n spel bepaal nie –

(i) nadat kennis verkry is, wat nie beskikbaar is aan alle spelers nie, van die uitkoms van sodanige spel of enige geleentheid wat die uitslag van die spel beïnvloed, of welke uitslag die onderwerp van die weddenskap is;

(ii) enige persoon van hulp wees om kennis te verkry, wat nie beskikbaar is aan alle spelers nie, van die uitslag van sodanige spel of enige geleentheid wat die uitslag van die spel affekteer, of welke uitslag die onderwerp van die weddenskap is, vir die doel om die plasing, verhoging of vermindering van 'n weddenskap of vir die doel om die verloop van spel te bepaal, afhangend van daardie geleentheid of uitslag;

(c) eis, kollekteer of neem, of poog om te eis, kollekteer of neem, enigiets van waarde by of van enige dobbelaktiwiteit, met die voorneme om te bedrieg sonder om 'n weddenskap as voorwaarde daarvoor te plaas, of 'n bedrag groter as die bedrag gewen te eis, kollekteer of neem nie;

(d) 'n weddenskap plaas of verhoog nadat kennis bekom is van die uitslag van 'n casinospel, sportgebeurtenis, perdewedren of enige gebeurtenis of gebeurlikheid, wat die onderwerp van die weddenskap is nie;

(e) die bedrag verwed verminder of die weddenskap kanselleer nadat kennis verkry is oor die uitslag van die casinospel, sportgebeurtenis, perdewedren of ander gebeurtenis of gebeurlikheid, wat die onderwerp van die weddenskap is nie; of

(f) enige komponent van dobbeltoerusting beskadig of gemanipuleer op sodanige wyse teenstrydig met die ontwerp en normale bedryfsdoel van die komponent, sodanig dat die moontlikheid bestaan dat die beskadiging of die manipulasie die uitslag van die spel affekteer nie.

### **Wederregtelike gebruik van muntstukke, vervalste dobbelskyfies, plakette en tekenmunte**

**181.(1)** Wanneer bevind is dat muntstukke wederregtelik gebruik is by 'n gelisensieerde perseel en tensy die Raad of 'n hof met regsbevoegdheid anders gelas in 'n bepaalde geval, mag 'n lisensiehouer ontslae raak van munte van die Republiek van Suid-Afrika, of van enige ander nasie, deur –

- (a) in te sluit, in die geval van die plaaslike geldeenheid, welke munte in sodanige lisensiehouer se munt-inventaris;
- (b) wisseling, in die geval van buitelandse munte, van sodanige munte vir die plaaslike geldeenheid of munte en hulle insluit in sodanige lisensiehouer se geldeenheid of munt-inventaris; of
- (c) ontslae te raak daarvan op enige wettige manier.

(2) Elke lisensiehouer moet aanteken –

- (a) die werklike en beweerde getal en denominasies van enige vervalste dobbelskyfies, plakette en tekenmunte vernietig of andersins weggemaak ingevolge hierdie regulasie;
- (b) die datum waarop enige vervalste dobbelskyfie, plakket of tekenmunt gevind was;
- (c) die datum, plek en wyse van vernietiging of ander vorm van wegmaking, ingesluit, in die geval van buitelandse muntwisseling, die wisselkoers en die identiteit van die bank, wisselmaatskappy, of ander besigheid of persoon waarby of deur wie die munte gewissel was;
- (d) die name van die persone wat die vernietiging of ander vorm van wegmaking namens die lisensiehouer uitgevoer het; en
- (e) sodanige ander inligting as wat die Raad mag vereis.

### **Aanhouding en ondervraging van vermeende oortreders**

**182.** Enige inspekteur of enige lisensiehouer of enige van sy of haar beamptes of agente wat redelike bewegegrede het om te glo dat 'n oortreding van hierdie Deel of van artikel 142 van die Wet deur enige persoon begaan is, mag daardie persoon in aanhouding neem, die Suid-Afrikaans Polisie diens inlig en sodanige persoon op die gelisensieerde perseel aanhou op 'n redelike wyse tot 'n polisiebeampte opdaag.

### **Beslaglegging op voorwerpe of toestelle**

**183.(1)** Enige voorwerp of toestel gebruik of geskik om gebruik te word vir kullery by 'n dobbelspel mag beslag gelê word op deur 'n inspekteur of polisiebeampte.

(2) Enige voorwerp of toestel bedoel in subregulasie (1) –

- (a) moet nie aan die eienaar of enige ander persoon terugbesorg word nie; en
- (b) moet teruggehou en vernietig word op 'n wyse bepaal deur die Raad in sy Reëls.

### *Deel 3*

#### *Diverse: Appèlle*

### **Appèl teen besluit van komitee, afgevaardigde of Hoof-Uitvoerende Beampte**

**184.(1)(a)** 'n Appèl teen 'n besluit van 'n komitee van die Raad, of teen 'n besluit van die Hoof-Uitvoerende Beampte, of teen 'n besluit van 'n afgevaardigde van die Raad, ingevolge artikel 140 van die Wet, moet aangeteken word deur indiening by die Hoof-Uitvoerende Beampte

van 'n skriftelike kennisgewing van appèl aan die Raad, met uiteensetting van die gronde waarop sodanige appèl gebaseer is.

(b) Sodanige kennisgewing van appèl aan die Raad moet by die Hoof-Uitvoerende Beampte ingedien word binne 30 dae vanaf die datum van die besluit van die komitee van die Raad, of die afgevaardigde, of van die Hoof-Uitvoerende Beampte, teen wie die appèl genotuleer is, of binne 21 dae vanaf die datum waarop die geskrewe kommunikasie van die besluit en die redes vir daardie besluit, ontvang is deur die partye geraak deur die besluit, watter datum ook al die laaste is.

(2) Onderhewig aan regulasies 166 en 176, moet 'n appellant, wanneer 'n appèl aangeteken word ingevolge subregulasie (1), 'n deposito van R2000,00 aan die Hoof-Uitvoerende Beampte betaal.

(3)(a) Die voorsitter moet, binne 60 dae nadat die appèl aangeteken is, 'n vergadering van die Raad belê vir die oorweging van die appèl deur die Raad.

(b) Lede van die Raad wat die appèl oorweeg mag nie daardie lede insluit nie wat deel was van 'n komitee wat die besluit geneem het waarteen appèl aangeteken word.

(4) Die Raad mag –

(a) 'n appèl van die hand wys, die besluit van die komitee, afgevaardigde, of Hoof-Uitvoerende Beampte bekragtig, soos die geval mag wees en –

(i) beveel dat enige betaalde deposito terugbetaal word nadat die appèl van die hand gewys is, of, indien die appèl teruggetrek is voordat die Raad dit oorweeg het, teen die tyd dat die kennisgewing van terugtrekking van die appèl ontvang is; of

(ii) verbeuring van enige betaalde deposito beveel indien die Raad van mening is dat die appèl onbenullig is;

(b) die appèl in geheel of gedeeltelik bevestig en beveel dat enige betaalde deposito terugbetaal moet word en –

(i) sy besluit vervang met die besluit van die komitee, afgevaardigde of Hoof-Uitvoerende Beampte; of

(ii) die besluit van die komitee, afgevaardigde, of Hoof-Uitvoerende Beampte wysig.

(5) Die Hoof-Uitvoerende Beampte moet binne 14 dae die appellant in kennis stel van die Raad se besluit.

(6) Skriftelike redes vir die besluit moet aan die appellant verskaf word, op skriftelike versoek.

**Appèl teen besluit van Raad**

**185.(1)(a)** 'n Appèl aan die verantwoordelike Lid van die Uitvoerende Raad teen 'n besluit van die Raad ingevolge artikel 140 van die Wet moet aangeteken word deur die indiening by die Hoof-Uitvoerende Beamppte van 'n skriftelike kennisgewing van appèl wat die gronde uiteensit waarop sodanige appèl gebaseer is.

(b) Sodanige kennisgewing van appèl moet by die Hoof-Uitvoerende Beamppte ingedien word binne 30 dae vanaf die besluit waarteen die appèl aangeteken word, of binne 21 dae vanaf die datum waarop die kennisgewing bedoel in regulasie 184(5) aan die appellant voorsien was, watter een ook al die laaste is.

(2) Onderhewig aan regulasies 166 en 176, moet 'n appellant, wanneer 'n appèl aangeteken word ingevolge subregulasie (1), 'n deposito van R2000,00 aan die Hoof-Uitvoerende Beamppte betaal.

(3) Die Raad moet, binne sewe dae vanaf die aanteken van 'n appèl, 'n afskrif van die kennisgewing van appèl aanstuur, tesame met 'n afskrif van die Raad se redes vir sy besluit en alle relevante dokumente rakende die aangeleentheid, aan die verantwoordelike Lid van die Uitvoerende Raad vir sy of haar oorweging.

(4) Die verantwoordelike Lid van die Uitvoerende Raad moet binne 30 dae van ontvangs van die dokumentasie bedoel in subregulasie (3) 'n appèl oorweeg.

(5) Die verantwoordelike Lid van die Uitvoerende Raad moet 'n paneel aanstel om die appèl te oorweeg en hom of haar oor die appèl te adviseer.

(6) Die verantwoordelike Lid van die Uitvoerende Raad mag –

(a) 'n appèl van die hand wys, die besluit van die Raad bevestig en –

(i) beveel dat enige betaalde deposito terugbetaal word, nadat die appèl van die hand gewys is of, indien die appèl teruggetrek is voor hy of sy dit oorweeg het, ten tye dat die kennisgewing van die terugtrekking van die appèl ontvang is; of

(ii) verbeuring van enige betaalde deposito beveel, indien hy of sy die appèl as onbenullig ag;

(b) die appèl in geheel of gedeeltelik bevestig en beveel dat enige betaalde deposito terugbetaal moet word en –

(i) sy of haar besluit vervang met dié van die Raad; of

(ii) die besluit van die Raad wysig;

(c) die aansoek terugverwys na die Raad vir heroorweging en 'n besluit, met sodanige instruksies soos hy of sy dit nodig ag.

(7) Die verantwoordelike Lid van die Uitvoerende Raad moet, binne 14 dae na die besluit geneem is, beide die Raad en die appellant, skriftelik, in kennis stel van die besluit.



- (8) Skriftelike redes vir die besluit moet aan die appellant verskaf word, op skriftelike versoek.
- (9) Die bevoegdhede verleen aan die Lid van die Uitvoerende Raad ingevolge hierdie artikel mag nie gedelegeer word nie.
- (10) Die verantwoordelike Lid van die Uitvoerende Raad, in sy of haar diskresie, mag egter die appèl verwys na enige ander Lid van die Uitvoerende Raad in die Provinsie vir 'n besluit indien –
- (a) die verantwoordelike Lid van die Uitvoerende Raad van mening is dat die besluit beter gemaak sal word deur daardie ander verantwoordelike Lid van die Uitvoerende Raad in die Provinsie; of
  - (b) die appellant in subregulasie (1) versoek het dat die besluit gemaak word deur iemand anders as die verantwoordelike Lid van die Uitvoerende Raad en die appellant geldige redes verskaf vir sodanige versoek.

#### *Deel 4*

#### *Diverse: Sperdatum vir Belasting en Belastingstate*

#### **Sperdatum vir betaling van belasting en indiening van belastingstate**

**186.**(1) Elke lisensiehouer, anders as 'n persoon gelisensieer as 'n beroepswedder of as 'n totalisator, moet oorbetaal, in die Provinsiale Inkomstefonds, binne 10 dae na die einde van elke maand, die belasting verskuldig deur sodanige lisensiehouer vanaf die voorafgaande belastingstydperk in ooreenstemming met die bepalinge van die KwaZulu-Natal Belastingwet op Dobbely en Weddery.

(2) Vir die doel van hierdie regulasie, beteken “**belastingtydperk**” 'n kalendermaand.

(3) Die Raad moet die formaat van die belastingstaat bepaal vir elke tipe lisensiehouer, wat gesamentlik die verklarings van die belasting verskuldig deur elke lisensiehouer ten opsigte van 'n belastingstydperk bevat.

(4) Elke lisensiehouer moet, binne 10 dae na die einde van elke maand, 'n akkurate, voltooide belastingstaat indien by die Hoof-Uitvoerende Beampte.

(5) 'n Belastingstaatvorm wat nie korrek voltooi is nie moet deur die Hoof-Uitvoerende Beampte geag word as nie ingedien nie.

(6) Indien 'n lisensiehouer versuim om òf die verskuldige belasting te betaal òf om die belastingstaatvorm teen die sperdatum in te dien, word sodanige lisensiehouer se lisensie

beskou as opgeskort terwyl, en vir so lank as wat, sodanige versuiming om die genoemde staat in te dien en die genoemde belasting en enige verskuldige boetes te betaal, voortduur.

(7) Indien 'n lisensiehouer versuim om óf die verskuldige belasting te betaal óf 'n belastingstaatvorm teen die sperdatum in te dien, moet die Hoof-Uitvoerende Beampte sodanige lisensiehouer onmiddellik inlig dat sodanige lisensiehouer se lisensie as opgeskort beskou word en, tensy die lisensiehouer in staat is om aan die Hoof-Uitvoerende Beampte goeie beweegrede te verskaf waarom die opskorting nie bekragtig moet word nie, moet die Hoof-Uitvoerende Beampte doelmatige stappe neem om sodanige opskorting te bekragtig.

(8) Enige lisensiehouer wat besigheid bedryf terwyl sy of haar lisensie opgeskort is ingevolge die bepalings van hierdie regulasie, is skuldig aan 'n misdryf.

#### *Deel 5*

#### *Diverse: Kredietverlening*

#### **Kredietverlening**

**187.** Geen lisensiehouer mag krediet verleen aan enige klant wat dubbel by sodanige lisensiehouer op 'n manier, hetsy in konflik met enige nasionale wet wat handel oor die toestaan van krediet of in konflik met die toepaslike reëls uitgevaardig deur die Raad.

### HOOFSTUK 12

### HERROEPING VAN REGULASIES EN KORT TITEL

#### *Deel 1*

#### *Herroeping van Regulasies*

#### **Herroeping van regulasies**

**188.** Die regulasies verwys na in artikel 150(a) van die Wet word hiermee herroep.

#### *Deel 2*

#### *Kort titel*

#### **Kort titel**

**189.** Hierdie regulasies heet die KwaZulu-Natal Regulasies op Dobbelary en Weddery, 2012.

**No. 64****29 kuNhlangulana 2012****IHHOVISI LIKANDUNANKULU  
ISAZISO SOMTHETHONQUBO****IMITHETHONQUBO YEMIDLALO YEMALI NOKUBHEJA YAKWAZULU-NATALI, 2012**

Ngalokhu ngisungula iMithethonqubo equkethwe kulolu Hlelo olungezansi ngokwesigaba 146 soMthetho weMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 8 ka 2010).

Sikhishwe ngaphansi kwesandla sami eMgungundlovu ngalolu suku lomhla we-14 kuNhlangulana, oNyakeni weziNkulungwane eziMbili neShumi naMbili.

.....

**DKT. ZL MKHIZE**

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali  
elibhekele ezeMidlalo yeMali nokuBheja

2

**UHLELO**  
**UKUHLELEKA KWEMITHETHONQUBO**

*UMthethonqubo*

ISAHLUKO 1  
OKWEJWAYELEKILE

*Ingxenye 1*  
*Izincazelo*

1. Izincazelo

*Ingxenye 2*

*IBhodi yezeMidlalo yeMali nokuBheja yaKwaZulu-Natali*

2. IBhodi iyohlinzeka iLungu loMkhandlu oPhethe ngolwazi oluthile
3. IBhodi iyohlinzeka iKomidi lesiShayamthetho ngolwazi oluthile
4. Ukuholelwa kwabasebenzi beBhodi
5. Izicelo zokukhokhelwa kwamalungu eBhodi amaholo nezindleko eziphathelele nemisebenzi ayenzile
6. Amaminithi omhlangano avulelekile ukuba ahlolwe
7. Amakhophi noma nokucashunwe embhalweni kanye nezimali ezikhokhwayo
8. Ukufunga nokuzibophezela
9. Ukusungulwa kwezikhwama ezikhethekile
10. Ukuphathwa kwezikhwama ezikhethekile
11. Amandla eBhodi okuhlawulisa noma okugweba umnikazi welayisensi noma umuntu obhalisile

ISAHLUKO 2

IZINHLENGEKO EZIPHATHELENE NAZO ZONKE IZICELO, ABANIKAZI BAMALAYISENSI  
KANYE NABANTU ABABHALISILE

*Ingxenye 1*

*Izinhlizeko eziphathelele nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: IziCelo noPhenyo*

12. Ukufakwa kwezicelo nokugunyazwa kwazo

3

13. Isimemo sokuba kufakwe izicelo
14. Isaziso sezicelo ezitholakele nokuhlolwa kwezicelo umphakathi
15. Izethulo zabantu abanentshisekelo nempendulo evela kofake isicelo mayelana nezethulo
16. Umbiko wamaphoyisa
17. Ukuchitshiyelwa kolwazi nokuthola noma nokuveza olunye ulwazi
18. Ukukhokhwa kwezindleko zophenyo
19. Umfakisicelo uyoqinisekisa ukuthi imininingwane iyiqiniso futhi iphelele
20. Ukuhoxiswa kwesicelo
21. Ukulalelwa kwesicelo
22. Izizathu ezenza umfakisicelo abe umuntu ongakufanele nongakulungele ukugunyazwa kwesicelo sakhe
23. Ithuba lokulungisa izizathu ezibangela ukungafaneleki
24. Ukudluliselwa kwelayisensi
25. Ukususwa kwebhizinisi liyiswa kwezinye izakhiwo

#### *Ingxenye 2*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: Ukulalelwa kweziCelo nokuKhishwa kwamaLayisensi*

26. Uhlelo lokulalelwa kwezicelo
27. Irekhodi lohlelo lokulalelwa kwezicelo
28. Izingqomo, ukukhishwa kwamalayisensi noma kwezitifiketi zokubhalisa nokuvuselelwa kwazo

#### *Ingxenye 3*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: Ukufaneleka koMuntu wesiThathu nama-Ejenti ezindawo zokuGembula*

29. Umnikazi welayisensi uyoveza imininingwane ngezinkontileka nezivumelwano zokusebenza
30. Ukufakwa kwesicelo sesitifiketi sokufaneleka sabantu abathile abasebenzisana nomnikazi welayisensi
31. Ukuhlomula ngokwezezimali komnikazi wesitifiketi sokufaneleka
32. Ukumiswa noma ukwesulwa kwesitifiketi sokufaneleka
33. Ukunqanyulwa kwesivumelwano noma kokusebenzisana
34. Izinhlinzeko zeNgxenye ezisebenza kubakhiqizi, kubahlinzeki bezidingo nakwabalungisa impahla

4

*Ingxenye 4*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: Ushintsho ekuhlomuleni ngokwezezimali*

35. Isaziso sethuba lokuhlomula ngokwezezimali nesicelo semvume
36. Ukunqunywa kokufaneleka nokungafaneleki komfakisicelo
37. Abahlomulayo bayodalulwa

*Ingxenye 5*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: Ukubhaliswa kwabaSebenzi*

38. Abasebenzi abakhethekile abaqashwe umnikazi welayisensi noma umuntu obhalisile
39. Ubufakazi bokubhaliswa kumarekhodi okuqasha omnikazi welayisensi
40. Ukumiswa nokwesulwa kokubhalisa

*Ingxenye 6*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: Ezingxubevange*

41. Ilayisensi kumele ivezwe obala

## ISAHLUKO 3

## AMAKHASINO

*Ingxenye 1*

*AmaKhasino: Izicelo zamaKhasino nezicelo samaLayisensi*

42. Ukukhishwa kwencwadi yokumema izicelo
43. Isimemo sokuba kufakwe isicelo selayisensi yekhasino
44. Inqubo yokukhishwa kwelayisensi yekhasino
45. Isicelo selayisensi yekhasino

*Ingxenye 2*

*AmaKhasino: Izinhlelo zokuQapha nokuLawula*

46. Uhlelo lokuqapha lwamakhompyutha

*Ingxenye 3**AmaKhasino: IMidlalo yaseKhasino*

47. Izinhlobo zemidlalo yasekhasino evumeleke ukuba ingadlalwa
48. Iziteki nemiklomelelo yemidlalo yasekhasino ngale kwemishini yemidlalo yemali
49. Imishini yemidlalo yemali

*Ingxenye 4**AmaKhasino: Ukubhaliswa nokwesulwa kweMpahla yeMidlalo yeMali neMishini yeMidlalo yeMali noma yokuDlala nokulungiswa kwayo*

50. Impahla yemidlalo yemali, imishini yemidlalo yemali nemishini yokudlala iyohambisana namazinga e-SABS noma eBhodi
51. Ukuthola impahla yemidlalo yemali, imishini yemidlalo yemali noma imishini yokudlala
52. Ukusetshenziswa nokulungiswa kwempahla yemidlalo yemali nemishini yemidlalo yemali
53. Amarekhodi ayogcinwa umnikazi welayisensi

*Ingxenye 5**AmaKhasino: Ama-Chip, ama-Plaque, ama-Token, ama-Intergrated Circuits Cards nokunye kokuDlala okumele iMali*

54. Izincazelo
55. Okunye kokudlala okumele imali
56. Inqubo yokuthola ama-chip, ama-plaque, noma ama-token kumkhiqizi noma kumsabalalisi wawo
57. Irejista yokugcinwa kwama-chip, kwama-plaque noma kwama-token
58. Irekhodi lokusebenza kwama-chip, kwama-plaque noma kwama-token

*Ingxenye 6**AmaKhasino: Ukugembulisa abantu abaneminyaka yobudala engaphansi kwevumelekile*

59. Ukugembulisa abantu abaneminyaka yobudala engaphansi kwevumelekile akuvunyelwe

*Ingxenye 7**AmaKhasino: Ukudlala ngemali engukheshi*

60. Imidlalo ethile yenqatshelwe

*Ingxenye 8**AmaKhasino: Izindlela zokuLawula zangaPhakathi*

61. Izindlela zokulawula zangaphakathi

6

- 62. Amazinga aphantsi okusebenza nokulawula angaphakathi kumnikazi welayisensi yekhasino
- 63. Amazinga aphantsi okulawula angaphakathi
- 64. Izindlela zokulawula zangaphakathi ezigunyazwe iBhodi
- 65. Ukuchitshiyelwa kwezinhlelo ezikhona zokulawula zangaphakathi

*Ingxenye 9*

*AmaKhasino: AmaRekhodi eziMali neNzuzo*

- 66. Amarekhodi ezimali
- 67. Izitatimende zezimali ezicwaningiwe
- 68. Amanye amarekhodi

*Ingxenye 10*

*AmaKhasino: EzokuQapha nokuVikela*

- 69. Ukuhambisana nezinhlinzeko zeNgxenye
- 70. Izidingo ezejwayelekile zezinhlelo zokuqapha
- 71. Izinhlelo zokuqapha ezindlini zokubala izimali nasemagumbini okheshiya emakhasino
- 72. Izinhlelo zokuqapha emagumbini emidlalo yasematafuleni nemidlalo yamakhadi
- 73. Izinhlelo zokuqapha zemishini yemidlalo yemali
- 74. Izinhlelo zokuqapha zamahhovisi ezokuvikela asekhasino
- 75. Ukungasebenzi kwempahla esetshenziselwa uhlelo lokuqapha ekhasino
- 76. Izidingo zokuba uhlelo lokuqapha lukwazi ukuqopha
- 77. Ukugunyazwa nokushintshwa kwamasu ohlelo lokuqapha

ISAHLUKO 4

IMPAHLA ESETSHENZISELWA IMIDLALO YEMALI

*Ingxenye 1*

*Impahla eSetshenziselwa iMidlalo yeMali: Ukubhaliswa kwaBantu ababalulwe esigabeni 66 soMthetho*

- 78. Isicelo sokubhalisa somkhiqizi, sohlinzeka impahla noma solungisa impahla
- 79. Ifomu nokufakwa wesicelo
- 80. Imibandela yokubhalisa
- 81. Imisebenzi egunyaziwe echazwe njengemibandela yokubhalisa



7

*Ingxenye 2**IMpahla eSetshenziselwa iMidlalo yeMali: Ukubhaliswa kweMpahla esetshenziselwa iMidlalo yeMali*

82. Impahla esetshenziselwa imidlalo yemali iyohambisana namazinga e-SABS futhi ibhaliswe iBhodi
83. Ukuqinisekiswa nokugunyazwa yi-SABS
84. Ukushintshwa nokuthuthukiswa kwempahla kwenqatshelwe
85. Ukumiswa kwemvume nokubhaliswa

*Ingxenye 3**IMpahla eSetshenziselwa iMidlalo yeMali: UkuQeqeshwa kwabaSebenzi abaSevisa iMishini nabaKhiqiza iMishini*

86. Izinhlelo zokuqeqeshwa kwabasebenzi abasevisa imishini nabakhiqiza imishini
87. Isitifiketi sokubhaliswa siyohlala obalwa ukuze sihlolwe

*Ingxenye 4**IMpahla eSetshenziselwa iMidlalo yeMali: Amarekhodi noMbiko weMali eNgenayo koMkhiqizi, koHlinzeka iMpahla nokoLungisa iMpahla*

88. Amarekhodi ezezimali
89. Amarekhodi okuthunyelwa kwempahla
90. Amarekhodi okulungiswa nokukhandwa kwempahla
91. Amarekhodi esitokwe
92. Amanye amarekhodi
93. Kumele kulethwe umbiko wezimali ezingenayo

## ISAPHLUKO 5

## IMISHINI EKHOKHA ISAMBA ESITHILE

*Ingxenye 1**IMishini ekhokha iSamba esithile: Imikhawulo*

94. Imishini nemidlalo yemali ekhokha isamba esithile iyohambisana namazinga e-SABS
95. Isiteki esikhulu esinqunyiwe
96. Umklomelo omkhulu onqunyiwe
97. Imiklomelo kumele ivezwe obala
98. Imali etholwa umuntu odlalayo

8

99. Imishini ekhokha isamba esithile iyoxhumana nohlelo lokuqapha nokulawula olugunyaziwe

*Ingxenye 2*

*IMishini ekhokha iSamba esithile: Ukubhaliswa*

100. Ukuba nemishini ekhokha isamba esithile, imidlalo yemali nenye impahla ehambisanayo

101. Ukusetshenziswa nokulungiswa kwemishini ekhokha isamba esithile

102. Ukugcinwa kwamarekhodi emishini ekhokha isamba esithile, imishini yokudlala nenye impahla ehambisanayo

ISAHLUKO 6

ABAQHUBI BEZINDAWO

*Ingxenye 1*

*AbaQhubi beziNdawo: Izinhlizeko ezejwayelekile kubaQhubi beziNdawo*

103. Imisebenzi egunyazwe yilayisensi yomqhubi wendawo

104. Izinhlabo zabaqhubi bezindawo

*Ingxenye 2*

*AbaQhubi beziNdawo: Ilayisensi ewuHlobo "A" yomQhubi weNdawo*

105. Ukufakwa kwesicelo selayisensi ewuhlobo "A" yomqhubi wendawo

106. Izizathu zokuchithwa kwesicelo selayisensi ewuhlobo "A" yomqhubi wendawo

107. Isibalo semishini ekhokha isamba esithile okungamele kweqe kusona

108. Amazinga izakhiwo okumele okungenani zibe kuwona

109. Imikhawulo yokukhangisa

*Ingxenye 3*

*AbaQhubi beziNdawo: Ilayisensi ewuHlobo "B" yomQhubi weNdawo*

110. Ukufakwa kwesicelo selayisensi ewuhlobo "B" yomqhubi wendawo

111. Izizathu zokuchithwa kwesicelo selayisensi ewuhlobo "B" yomqhubi wendawo

112. Isibalo semishini ekhokha isamba esithile okungamele kweqe kusona

113. Amazinga izakhiwo okumele okungenani zibe kuwona

114. Imikhawulo yokukhangisa

115. Ukukhishwa kwelayisensi uma izakhiwo ziguquliwe

*Ingxenye 4**AbaQhubi beziNdawo: Ezingxubevange*

116. Imishini ekhokha isamba esithile nempahla yemidlalo yemali angeke ishintshwe noma ilungiswe umnikazi welayisensi

## ISAHLUKO 7

## ABAQHUBI BEMIZILA NABAQHUBI BEZINDAWO ABAZIMELE

*Ingxenye 1**AbaQhubi beMizila nabaQhubi beziNdawo abazimele: Imisebenzi eNqunyiwe nemiKhawulo yokuSebenza*

117. Imisebenzi enqunyelwe umqhubi womzila  
 118. Imisebenzi enqunyelwe umqhubi wendawo ozimele  
 119. Isibalo semishini ekhokha isamba esithile selayisensi ngayinye yomqhubi wendawo  
 120. Isicelo selayisensi yomqhubi womzila noma yomqhubi wendawo ozimele  
 121. Isivumelwano esibhalwe phansi phakathi komqhubi womzila nomqhubi wendawo

*Ingxenye 2**AbaQhubi beMizila nabaQhubi beziNdawo abazimele: IziHlelo zokuHlola nokuQapha*

122. Uhlelo lokuqapha lukagesi

*Ingxenye 3**AbaQhubi beMizila nabaQhubi beziNdawo abazimele: IziNqubo zokuLawula zangaPhakathi*

123. Amazinga okusebenza nokulawula kwangaphakathi omqhubi womzila nomqhubi wendawo ozimele  
 124. Izindlela zokulawula zangaphakathi  
 125. Uhlelo lokulawula lwangaphakathi olugunyazwe iBhodi  
 126. Ukuchitshiyelwa kohlelo olukhona lokulawula lwangaphakathi

*Ingxenye 4**AbaQhubi beMizila nabaQhubi beziNdawo abazimele: AmaRekhodi eziMali neziMali eziNgenayo*

127. Amarekhodi ezimali  
 128. Izitatimende zezimali ezicwaningiwe  
 129. Amanye amarekhodi

10

*Ingxenye 5**AbaQhubi beMizila nabaQhubi beziNdawo abazimele: Ezingxubevange*

130. Ukuqinisekiswa kwezokuvikela

## ISAHLUKO 8

## IBHINGO

*Ingxenye 1**IBhingo: Imisebenzi eGunyazwe yiLayisensi neziCelo*

131. Imisebenzi egunyazwe ilayisensi yebhingo

132. Isicelo selayisensi yebhingo

133. Amazinga adingekayo egumbini lokudlalela ibhingo

134. Izizathu zokuchithwa kwesicelo selayisensi yebhingo

*Ingxenye 2**IBhingo: Iziteki, imiklomelo nesibalo kungeke kweqiwe kuso samaTheminali kaGesi eBhingo*

135. Iziteki nezimali zokungenela mayelana nebhingo

136. Imiklomelo mayelana nebhingo

137. Isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo

*Ingxenye 3**IBhingo: Ukubhaliswa, ukweSulwa nokulungiswa kweMishini yeBhingo, kweMishini yokuDlala neMpahla ehambisana nayo*

138. Imishini yebhingo nempahla ehambisana nayo iyohambisana namazinga e-SABS naweBhodi

139. Isicelo sokubhalisa, sokwesula nesokuvuselela ibhingo nempahla ehambisana nayo

140. Ukusetshenziswa nokulungiswa kwempahla yebhingo ebhalisiwe nempahla ehambisana nayo

141. Umnikazi welayisensi yebhingo uyogcina amarekhodi

142. Impahla iyoxhunywa ohlelweni olugunyaziwe lokuqapha

*Ingxenye 4**IBhingo: Izindlela zokuLawula zangaPhakathi*

143. Amazinga aphantsi okusebenza nokulawula kwangaphakathi

144. Izindlela ezisezingeni eliphansi zokulawula kwangaphakathi

11

145. Uhlelo lokulawula lwangaphakathi olugunyazwe iBhodi
146. Ukuchitshiyelwa kohlelo lokulawula lwangaphakathi olukhona

*Ingxenye 5*

*IBhingo: Amarekhodi eziMali neziMali eziNgenayo*

147. Amarekhodi ezimali
148. Izitatimende zezimali ezicwaningiwe
149. Amanye amarekhodi
150. Imininingwane eyezimali ezingenayo

*Ingxenye 6*

*IBhingo: Ezingxubevange*

151. Ukuqinisekiswa kwezokuvikela

ISAHLUKO 9

IMISHINI YOKUDLALA

*Ingxenye 1*

*Imishini yokudlala: Ukulawulwa kweMishini yokuDlala*

152. Imithethonqubo ayisebenzi kubantu abathile
153. Ukuthola umshini wokudlala
154. Imibandela yokugcina neyokuhlinzeka umshini wokudlala
155. Isicelo sokubhaliswa komshini wokudlala
156. Umshini wokudlala uyokuba nenombolo yokubhaliswa
157. Umshini wokudlala uyogcinwa futhi utholakale endaweni ebhalwe esitifiketini sokubhaliswa
158. Ukuchitshiyelwa kokubhaliswa noma kwegunya lokugcina nokuhlinzeka umshini wokudlala
159. Amandla eBhodi okugunyaza noma okuchitha isicelo
160. Isitifiketi sokubhaliswa nemvume kumele kube sobala

ISAHLUKO 10

UKUBHEJA

*Ingxenye 1*

*Ukubheja: Isicelo selayisensi kabhuki*

161. Ukudayiswa kwelungelo lobubhuki yiBhodi
162. Isicelo selayisensi kabhuki

12

*Ingxenye 2**Ukubheja: Izinhlinzeko ezahlukahlukene mayelana nobhuki*

163. Isakhiwo esinegumbi lokubheja
164. Ukususwa kwebhizinisi lobubhuki liyiswa kwezinye izakhiwo nokushintshwa kwezakhiwo ezinegumbi lokubheja
165. Isibambiso sikabhuki mayelana nezikweletu zokubheja
166. Ukungaboni ngasolinye mayelana nokubheja
167. Ukubheja okungakhokhelwe
168. Ukudluliselwa kobunikazi nokulawulwa kwebhizinisi lobubhuki
169. Obhejayo ongakhokhi kahle
170. Isibambiso sentela
171. Inqubo yokugunyaza: Eminye imicimbi nemidlalo
  
172. Abantu abangavunyelwe ukubheja: Imijaho yamahhashi, imicimbi yezemidlalo neminye imicimbi nemidlalo
173. Uhlu lobhuki luyolethwa umqhubi wenkundla yomjaho

*Ingxenye 3**Ukubheja: Izinhlinzeko ezahlukahlukene eziphathelene namaThotho*

174. Uhlelo lokubheja lwasethotho
175. Imininingwane namarekhodi okugcinwe ngohlelo lwekhompyutha
176. Imithetho yasethotho nokungaboni ngasolinye mayelana nokubheja
177. Ubudlelwane phakathi komnikazi welayisensi yethotho nomqhubi wethotho, nemenenja yethotho kanye ne-ejenti yethotho

## ISAHLUKO 11

## EZINGXUBEVANGE

*Ingxenye 1**Ezingxubevange: Ukukhishwa kweZaziso*

178. Uhlelo lokukhipha isaziso

13

*Ingxenye 2**Ezingxubevange: Izenzo zobuGebengu nokuKhwabanisa*

- 179. Ukwenqatshelwa kokusetshenziswa kwamadivayisi athile
- 180. Izenzo zokukhwabanisa
- 181. Ukusetshenziswa ngokungemthetho kwama-*coin*, kwama-*counterfeit chip*, kwama-*plaques* nama-*token*
- 182. Ukuvalelwa nokuphekwa ngemibuzo komuntu osolwa ngokwephula umthetho
- 183. Ukudliwa kwempahla ethile noma kwedivayisi

*Ingxenye 3**Ezingxubevange: Izikhalo*

- 184. Isikhalo mayelana nesinqumo sekomidi, sonikezwe amandla noma sesiKhulu esiPhezulu
- 185. Isikhalo mayelana nesinqumo seBhodi

*Ingxenye 4**Ezingxubevange: Izinsuku zokukhokhwa kweNtela kanye neziTatimende zeNtela*

- 186. Izinsuku zokukhokhwa kwentela nokuhanjiswa kwezitatimende zentela

*Ingxenye 5**Ezingxubevange: Ukwelulwa kwesikweletu*

- 187. Ukwelulwa kwesikweletu

## ISAHLUKO 12

## UKUCHITHWA KWEMITHETHONQUBO NESIHLOKO ESIFINGQIWE

*Ingxenye 1**Ukuchithwa kwemithethonqubo*

- 188. Ukuchithwa kwemithethonqubo

*Ingxenye 2**Isihloko esifingqiwe*

- 189. Isihloko esifingqiwe

14  
ISAHLUKO 1  
OKWEJWAYELEKILE

*Ingxenye 1*  
*Okwejwayelekile: Izincazelo*

**Izincazelo**

1. Kule Mithethonqubo, "uMthetho" kushiwo uMthetho weMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 8 ka 2010), futhi noma iliphi igama noma isisho esincazelo yaso ikhona eMthethweni sinaleyo ncazelo esinikezwe yona, ngaphandle uma ingqikithi isho okwehlukile –

**"umshini wokudlala"** kushiwo umshini, ithuluzi noma idivayisi –

(a) edlalwayo kodwa odlala lowo mshini, lelo thuluzi noma leyo divayisi angatholi mklomelo ngqo noma ngandlela thile; noma

(b) enikeza umuntu odlalayo ngqo noma ngandlela thile umklomelo wokudlala kahle noma wokuqhuba kahle noma wokudlala nokuqhuba kahle umshini, ithuluzi noma idivayisi, njengomklomelo ofanelekile: Kuncike ekutheni lowo mklomelo akumele ube yimali engukheshi, ithokeni, imali yokudlala noma enye into okuzoboniswa ngayo, kodwa kumele kube umklomelo ongeyona imali engukheshi osamba sawo aseqi esambeni semali esinqunywe ngokwesigaba 47 soMthetho wezokuGembula kaZwelonke;

**"imali engukheshi"** kushiwo uhlweza noma imali eyiphepha esetshenziswa futhi eyamukelwa njengento yokuthenga esemthethweni kulelo zwe eliyisebenzisayo;

**"i-chip"** kushiwo into emele imali ekhishwa noma edayiswa umnikazi welayisensi ukuze isetshenziswe ezakhiweni ezinelayisensi zomnikazi welayisensi futhi ebuyiselwayo umuntu athole imali yakhe;

**"okumele imali"** kushiwo incwadi, esayinwe odlalayo, eveza inani lemali yokudlala etholwe yilowo odlalayo ukuze ayisebenzise uma egembula kuleyo mishini ehlonziwe ethatha amasheke egunyazwe kulowo odlalayo yikhasino, etholakala ngokuthi lowo odlalayo anikeze ikhasino isheke noma okunye okusayiniwe angavumelana ngakho nekhasino;



**"ongakhokhi kahle"** kushiwo –

- (a) ubhuki ohlulekayo ukuhambisana nomyalelo weBhodi, ngokomthethonqubo 169, ukukhokhela isimangalo amangalelwe ngaso mayelana nemali yokubheja ahlulekile ukuyikhokha;
- (b) ubhuki iBhodi okutholakala ukuthi uyehluleka ukukhokhela isikweletu sakhe mayelana nokubheja okwenziwe uyena futhi okumele akukhokhele;
- (c) obhejayo iBhodi okutholakala ukuthi uhlulekile ukukhokhela ubhuki noma isiphi isamba semali obekumele asikhokhele lowo bhukhi; noma
- (d) umuntu onikezwe isexwayiso yiNhlango yezeMijaho yamaHhashi kaZwelonke;

**"izikhulu eziqokiwe"** kushiwo lezo zikhulu zoMnyango eziqokwe iLungu loMkhandlu oPhethe futhi ezibhekele izindaba ezithinta iBhodi nakho konke okuphathelene nezemidlalo yemali nokubheja eMnyangweni;

**"ukuphonsa"** kusho, –

- (a) uma kungumdlalo wasetafuleni, isamba semali engukheshi, *sama-chip*, *sama-token*, *sama-plaques* kanye nama-*credit markers* akwi-*drop box*; noma
- (b) uma kuyimishini yemidlalo yemali, isamba esiphelele –
  - (i) sikakheshi noma *sama-token* okudingeka aphonswe kwi-*drop box* noma kwi-*drop bucket* yalowo mshini ngokuhambisana nesamba okumele sifakwe kulowo nalowo mshini; noma
  - (ii) esifakwa ekhadini lokudlala noma entweni yokudlala emele imali yalowo muntu odlalayo ayisebenzisa ngokufaka lelo khadi noma leyonto yokudlala emshinini wokudlala;

**"i-drop box"** noma **"i-drop bucket"** kushiwo –

- (a) uma kukhulunywa ngemidlalo yasetafuleni, ibhokisi elikhuyiwe elibhalwe igama lomdlalo, ishifu kanye nenombolo efanayo nenombolo engasuki esetafuleni lokudlala, okufakwa kulona yonke imali noma izinto zokudlala okudlalwa ngazo kulelo tafula ukuze umuntu athole ama-*chip*, ama-*plaque* noma ama-*token* okudlala nayo yonke imibhalo ephathelene nokusebenza kwezimali kulelo tafula; noma
- (b) uma kukhulunywa ngemishini yokudlala, ibhokisi elisendaweni ekhiywayo yomshini noma ngaphakathi emshinini lapho kungena khona imali noma ama-

*token* okudlala engasetshenziswa umshini ukuze ukhokhele abantu abawinayo;

**"okumele imali"** kushiwo –

(a) isheke, iphepha elimele imali, umbhalo wokushintshisana, isibambiso nanoma imuphi omunye umbhalo noma into emele imali; kanye

(b) nezinto, ezifaka phakathi kokunye ama-*token*, ama-*plaque* nama-*chip*, okudlala anikezwa –

(i) umuntu odlalayo umnikazi welayisensi ukuze awasebenzisele ukugembula, abhalwe inani lemali ayimele; futhi

(ii) atholwa yilowo muntu odlalayo uma esekhokhele umnikazi welayisensi imali elingana naleyo ebhalwe kuwona.

**"i-fill"** kusho –

(a) uma kukhulunywa ngemidlalo yasetafuleni, ukufaka amanye ama-*chip*, ama-*plaque* noma ama-*token* etafuleni lokudlala; noma

(b) uma kukhulunywa ngemishini yokudlala, ukufaka imali engukheshi noma i-*token* kwi-*hopper* yomshini wemidlalo yemali;

**"itafula lemidlalo yemali"** kushiwo itafula ekhasino lapho kudlalwa khona imidlalo ethile yasekhasino;

**"iNhloko yoMnyango"** kushiwo umuntu oqokwe ngokoMthetho wemiSebenzi kaHulumeni, 1994, njengenhloko yezokuphatha yalowo mnyango kaHulumeni wesiFundazwe saKwaZulu-Natali okunguyena onikezwe amandla okuphatha nokusebenzisa uMthetho;

**"i-hopper"** kushiwo indawo emshinini emidlalo yemali eyakhelwe ukubamba ama-*coin*, noma ama-*token* okudlala asuke esengakhokhela umdlali okungathi uma umdlali ekhetha ukuwakhapha, acindezele inkinobho yokukhokhelwa, umshini uwakhaphela ethileyini lokumukela imali lomshini;

**"ikhadi lokudlala imidlalo ehlukehukene"** kushiwo uqwembe oluthi malufane futhi lume njengekhadi lemali, elisetshenziselwa ukugcina kulona imali yokudlala, olusetshenziwa yikhasimende lomqhubi wendawo yokugembula ukuze likwazi

17

ukugembula nalowo mqhubi wendawo yokugembula, ngokuthi lifakwe emshinini ngenhloso yokudlala;

**"ijankethi"** kushiwo ukuvakasha noma ukumenywa komuntu noma kwabantu okuhlelwa i-ejenti yejankethi ukuba bazogembula ekhasino abanikezwa izibonelelo ezifana nezinto zokuhamba, ukudla nendawo yokuhlala njengomhlomulo wokubamba iqhaza ekugembuleni;

**"i-ejenti yejankethi"** kushiwo umuntu, ngokubambisana nomnikazi welayisensi yekhasino, ohlela ijankethi, ngokuthi uzobonelelwa, ngesamba esithile emalini ezuzwe ngokugembula noma nganoma ikuphi okunye;

**"uMthetho weNtela yeMidlalo yeMali nokuBheja"** kushiwo uMthetho weNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 9 ka 2010);

**"umkhiqizi, olungisa nohlinzeka impahla"** kushiwo umuntu ohlongozwe esigabeni 66 soMthetho;

**"ukubheja okuhlanganyele"** kushiwo uhlobo lokubheja oluhambisana nohlelo lokubheja oluhlongozwe encazelweni "yethotho" esigabeni 1 soMthetho;

**"umugqa okhokhayo"** kushiwo umugqa wezinombolo ezihambisanayo emshinini wokugembula okuyizona ezikhombisa ukuthi odlalayo uwinile;

**"izakhiwo ezinegumbi lokubheja ezisemthethweni"** kushiwo izakhiwo zebhizinisi lobubhuki, njengoba kubhalwe kwilayisensi kabhuki futhi elivulelekile emphakathini ngezikhathi zokusebenza ezijwayelekile ngenhloso yokuqhuba ibhizinisi lobubhuki;

**"izakhiwo ezinegumbi lokubheja zesikhashana"** kushiwo izakhiwo lapho kuhlala khona umuntu, ubhuki noma imenenja kabhuki eqokwe ibhizinisi lobubhuki, ezingavulelekile emphakathini futhi lapho kuqhutshwa khona imisebenzi yobubhuki egunyaziwe;

**"isayithi"** kushiwo izakhiwo ezinelayisensi yokufaka umshini noma imishini yokugembula

18

ekhokha isamba esithile ngegunya lelayisensi yomqhubi wendawo noma lelayisensi yomqhubi wendawo ozimele;

**"inani lamaphesenti emali okulindeleke ikhokhelwe umdlali"** kushiwo inani elikhokhwayo, elibalwa ngamaphesenti, layo yonke imali ewiniwe uma kuqhathaniswa nazo zonke iziteki emdlalweni noma emshinini othile wokugembula ngesikhathi esithile esidlaliwe;

**"i-token"** kushiwo –

(i) uma kudlalwa umshini womdlalo wemali, icwecwe elisetshenziswayo, elimele imali, futhi elikhishwa liphinde lidayiswe umnikazi welayisensi ukuze lisetshenziswe emishinini yemidlalo yemali, ematafuleni okudlala noma emidlalweni yemali ezakhiweni ezinelayisensi; futhi

(ii) uma kudlalwa umshini wokudlala, icwecwe noma okuthi akube yicwecwe lokudlala kodwa elingenakushintshwa libe yimali, elidayiswa umqhubi wemishini yokudlala ngenhloso yokuthi lisetshenziswe emishinini yokudlala;

**"uhlelo lokubheja lwasethoho"** kushiwo izinhlelo zemishini kagesi, zokuqopha nezekhompuyutha neminye imishini ezisetshenziselwa uhlelo lomnikazi welayisensi yethotho lokuqoqa imininingwane yokubheja okwenziwe kuleyo thotho, ukukhipha iziliphu zabantu ababhejayo, ukubala izimali eziwiniwe nokubala izintela okumele zikhokhwe kulokho kubheja okwenziwe kuleyo naleyo thotho; futhi

**"umshini ofakwa imali wasethotho"** kushiwo umshini oyingxenye yohlelo lokubheja lwasethotho, okwaziyo ukuthi wamukele imali yokubheja kanye nokukhipha iziliphu zokubheja futhi ongasetshenziswa ngqo umuntu obhejayo, okwenzela ukuthi umuntu obhejayo akwazi ukufaka imali yokubheja ethotho ngokuthi azisebenzisele yena lowo mshini.

### *Ingxenye 2*

*Okwejwayelekile: IBhodi yezemiDlalo yeMali nokuBheja yaKwaZulu-Natali*

#### **IBhodi iyohlinzeka iLungu loMkhandlu oPhethe ngolwazi oluthile**

2.(1) IBhodi kumele inikeze iLungu loMkhandlu oPhethe, mhla lu-1 kuNtulikazi onyakeni

19

ngamunye, uhlaka lwezinhloso ezihlongozwayo, imiphumela, izinkomba zamazinga okusebenza nezilinganiso zamazinga okusebenza, ukuze kugunyazwe iLungu loMkhandlu oPhethe.

(2) IBhodi kumele inikeze iLungu loMkhandlu oPhethe, mhla lu-1 kuMandulo onyakeni ngamunye, uhlaka lwamasu okusebenza lweminyaka emithathu kusukela mhla lu-1 kuMbasa wonyaka olandelayo futhi kumele lubandakanye amasu okusebenza, imiphumela, izinkomba zamazinga okusebenza nezilinganiso zokusebenza, njengoba bekukade kugunyaze iLungu loMkhandlu oPhethe.

(3) Amasu okusebenza eBhodi, imiphumela, izinkomba zamazinga okusebenza nezilinganiso zokusebenza kumele zincike ezinhlosweni, emandleni nasemajokeni eBhodi, njengoba kuqukethwe ezigabeni 6 no 7 zoMthetho futhi kumele kubandakanye ukugqugquzelwa kwezokuvakasha, kwamathuba emisebenzi, ukuthuthukiswa komnotho nenhlalo.

### **IBhodi iyohlinzeka iKomidi lesiShayamthetho ngolwazi oluthile**

**3.(1)** IBhodi kumele ihlinzeke umbiko eKomidini lesiShayamthetho ngokwesigaba 7(1)(s) soMthetho, njalo ngamakota onyaka, kanti lowo mbiko kumele uqukathe okungenani lolu lwazi olulandelayo –

- (a) ulwazi mayelana nazo zonke izimemo ezikhishwe yiBhodi zokuba kufakwe izicelo zamalaysensi noma zokubhalisa ngaphansi koMthetho, zekota yonyaka edlulile;
- (b) ulwazi mayelana nazo zonke izicelo zamalaysensi noma zokubhaliswa ngokoMthetho, zekota yonyaka edlulile;
- (c) ulwazi mayelana nawo wonke amalaysensi akhishiwe noma ukubhaliswa okwenziwe ngokoMthetho, ngekota yonyaka edlulile, kubandakanya amakhophi emibandela okukhishwe ngayo leyo layisensi;
- (d) ulwazi mayelana nokutholakala kwezenzo ezingahambisani noMthetho noma noMthetho wokuGembula kaZwelonke, 2004 ngasohlangothini lwabanikazi bamalaysensi, lwabantu ababhalisayo noma abanye abantu, kubandakanya izinyathelo ezithathiwe noma okuhlongozwa ukuba zithathwe mayelana nalezo zenzo zokwehluleka ukuhambisana nomthetho;
- (e) ulwazi mayelana nezicelo ezifakwe abanikazi bamalaysensi noma ababhalisayo ngaphansi koMthetho zokuba kuchitshiyelwe imibandela yelayisensi noma yokubhalisa;
- (f) ulwazi mayelana nenqubekelaphambili yoguquko embonini yezemijaho yamahhashi

nezokubheja esiFundazweni;

(g) umbiko ochaza kabanzi ngazo zonke izimali, izintela nezimali eziqoqiwe ngekota yonyaka edlulile; kanye

(h) nolwazi mayelana nenqubekelaphambili, ngemisebenzi yeBhodi, ukuze kugqugquzelwe ezokuvakasha, ukusungulwa kwamathuba emisebenzi, nokuthuthukiswa kwezomnotho nenhlalo esiFundazweni kubandakanya ukufezekiswa kwemibandela yelayisensi, izinyathelo ezithathiwe, noma imiklamo eqhutshwe abanikazi bamalayisensi kanye nababhalisile, ewusizo ekugqugquzelweni kwezokuvakasha, ekusungulweni kwamathuba emisebenzi nasekuthuthukisweni komthono nenhlalo esiFundazweni.

(2) IBhodi kumele ihlinzeke iLungu loMkhandlu oPhethe ngekhophi yombiko ohlongozwe kwisigatshana (1).

#### **Ukuholelwa kwabasebenzi beBhodi**

4.(1) Uma iBhodi ibikela iLungu loMkhandlu oPhethe ngokwesigaba 27(4) soMthetho, iBhodi kumele ihlinzeke ngale mibhalo elandelayo nolwazi ukuze iLungu loMkhandlu oPhethe likwazi ukubika ngendlela efanele –

(a) umbhalo oveza lezo zikhundla kuphela ohlakeni lwabasebenzi beBhodi ebezivele kade zinqunyiwe ngokwesigaba 27(4) soMthetho kanye nalawo maholo avelayo, nemibandela yokusebenza, nezimpesheni kanye nemihlomulo yomhlalaphansi esikhundleni ngasinye;

(b) umbhalo oveza izikhundla ezikhona nalezo ezihlongozwayo ohlakeni lwabasebenzi beBhodi futhi oveza amaholo ahlangozwayo, imibandela yokusebenza ehlongozwayo kanye nezimpesheni nemihlomulo yomhlalaphansi ehlongozwayo kulezo zikhundla ezikhona nezihlongozwayo;

(c) umbhalo oveza incazelo yomsebenzi yesikhundla ngasinye esihlongozwayo nesikhona ohlakeni lwabasebenzi beBhodi, ngale ndlela elandelayo –

(i) imininingwane yomsebenzi efiqoqiwe, kubandakanya, phakathi kokunye, isihloko somsebenzi, indawo aqashwe kuyo nazosebenzela kuyo, kuleso sikhundla;

(ii) inhloso yomsebenzi, kubandakanya isitatimende esifishane esicacile ngenhloso nesizathu sokusungulwa kwaleso sikhundla;

(iii) incazelo mayelana nezinhloso zaleso sikhundla, kubandakanya izinjongo okumele zifezekiswe ukuze kufezwe izinhloso zaleso sikhundla, futhi kucaciswe

21

kahle izinga okumele kwenziwe ngalo lowo msebenzi, kubandakanya phakathi kokunye, amajoka okuphatha nokulawula, uma kudingekile; kanye

(iv) namakhono okumele umsebenzi abe nawo ukuze akwazi ukwenza lowo msebenzi;

(d) isitatimende esikhombisa zonke izindleko zeBhodi mayelana nohlaka lokusebenza lweBhodi oluhlongozwe kwindinyana (a);

(e) isitatimende esikhombisa zonke izindleko zeBhodi mayelana nohlaka lokusebenza lweBhodi oluhlongozwe kwindinyana (b);

(f) izizathu zokusungulwa kwesikhundla ngasinye ohlakeni lokusebenza lweBhodi; futhi

(g) uma imigomo yokusebenza yesiKhulu esiPhezulu namanye amalungu abasebenzi beBhodi ingafani, le migomo yokusebenza kumele ibekwe icace embhalweni oseceleni, noma njengesithasiselo embhalweni ohlongozwe kwizindinyana (a) no (b).

(2) Uma iBhodi ithatha isinyathelo ngokwesigaba 27(4) soMthetho okokuqala ngqa, kumele ihambise umbhalo oveza lezo zikhundla ezigcwalisiwe kuphela ohlakeni lokusebenza lweBhodi yezokuGembula endala yaKwaZulu-Natali naseKomidini eliLawula oBhuki elidala laKwaZulu-Natali futhi kuvele amaholo, imibandela yokusebenza, izimpesheni kanye nemihlomulo yomhlalaphansi yesikhundla ngasinye.

(3) IsiKhulu esiPhezulu singaqasha kuphela umuntu ngokwesigaba 25(1) soMthetho uma lowo muntu eqashelwa ukugcwalisa isikhala lapho iholo, imigomo yokusebenza, impesheni kanye nemihlomulo yomhlalaphansi inqunywe ngokwesigaba 27(4) soMthetho.

### **Izicelo zokukhokhelwa kwamalungu eBhodi amaholo nezindleko eziphatelene nemisebenzi ayenzile**

5.(1) ILungu loMkhandlu oPhethe kumele liqinisekise ukuthi ikhona inqubomgomo enikezwe iBhodi mayelana nezicelo zokukhokhelwa ezenziwe amalungu eBhodi ukuze akhokhelwe amaholo nezibonelelo ezigunyazwe ngokwesigaba 17 soMthetho.

(2) Izicelo zokukhokhelwa ezenziwe yilungu leBhodi mayelana nomsebenzi owenziwe yilungu ngalinye, emsebenzini ebejultshelwe wona lilodwa yiBhodi, kumele zesekwe isisombululo esicacile nesisemthethweni seBhodi, esinikezela lowo msebenzi kulelo lungu: Kuncike ekutheni leso sisombululo kumele sicacise kahle uhlobo nobungako bomsebenzi futhi kumele kube khona kumaminithi eBhodi.

(3) Amalungu eBhodi angeke afake isicelo sokukhokhelwa ngemisebenzi azikhethele wona ukuyenza futhi iBhodi ingazange igunyaze kuqala ukuthi leyo misebenzi ifanele ukukhokhelwa.

(4) Izicelo zokukhokhelwa amaholo nezibonelelo ezenziwe amalungu eBhodi kumele zigunyazwe ngokusayinwa isikhulu esiqokiwe, ngaphambi kokuba kukhokhelwe noma isiphi isicelo sokukhokhelwa esenziwe ilungu leBhodi.

(5) Amalungu eBhodi ayokhokhelwa kuphela amaholo nezibonelelo ezikhokhwa ngokwenqubomgomo ehlongozwe kwisigatshana (1) futhi angeke athole amaholo kwiBhodi –

(a) njengabeluleki beBhodi; noma

(b) nganoma iyiphi inkontileka yokuhlinzeka impahla nezidingo okungene kuyona ilungu leBhodi nanoma iyiphi inkampani elihlomulayo kuyona, neBhodi.

(6) Ilungu leBhodi angeke lifake isicelo sokukhokhelwa izindleko zokuhamba ezenzeke ngaphandle kwemingcele yaseNingizimu Afrika, ngaphandle uma iLungu loMkhandlu oPhethe likhiphe invume ebhalwe phansi yokuthi lelo lungu lingathatha lolo hambo.

### **Amaminithi emihlangano avulelekile ukuba abonwe**

6.(1) Kuncike kwizinhlinzeco zezigaba 16(6) no 34(2) zoMthetho, amaminithi emihlangano yeBhodi nawanoma iliphi elinye ikomidi leBhodi kumele afakwe encwadini yamaminithi futhi leyo ncwadi yamaminithi kumele ivuleleke ukuba ibonwe umphakathi emahhovisi eBhodi, ngezikhathi ezijwayelekile zokusebenza zeBhodi.

(2) Zingakedluli izinsuku ezingama-45 kudlule noma imuphi umhlangano weBhodi noma wekomidi elithile leBhodi, amaminithi alowo mhlango kumele aqinisekiswe bese efakwa encwadini yamaminithi ehlongozwe esigatshaneni (1).

(3) Kumele kugcinwe okungenani ikhophi eyodwa yencwadi yamaminithi ehlongozwe esigatshaneni (1) endaweni ephephile, eqhelile endaweni okugcinwe kuyona incwadi yamaminithi yangempela ukuze ihlolwe umphakathi.



23

**Amakhophi noma okucashunwe encwadini kanye nezimali ezikhokhwayo**

7. IsiKhulu eziPhezulu, kuncike ezigabeni 16(6) no 34(2) zoMthetho, kumele sinikeze noma imuphi umuntu ocelayo, ikhophi yamaminithi noma okucashunwe emaminithini emihlangano yeBhodi noma ekomidi leBhodi uma lowo muntu ekhokha isamba semali esibekwe eMthethweni wokuGqugquzela ukuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000): Kuncike ekutheni akukho mali eyokhokhiswa uma ofaka isicelo ecele ukuthunyelelwa ngekhompyutha noma kucashunwe embhalweni iBhodi enawo ngekhompyutha.

**Ukufunga nokuzibophezela**

8. Uma eqokelwa kwiBhodi, amalungu eBhodi nesiKhulu esiPhezulu kumele enze lesi sifungo noma lesi sibophezelo esilandelayo –

*"Mina, (amagama aphelele), ngalokhu ngiyafunga/ngiyazibophezela ukuthi, ngazikhathi zonke ngiyogqugquzela ukufezekiswa kwezinhloso zeBhodi, ngeke ngidalule ngqo noma ngandlela thile noma yiziphi izindaba engaziswe zona ngokuyimfihlo, ngiyophatha isikhundla sami ngenhlonipho nangesizotha futhi ngiyokwenza imisebenzi yesikhundla sami ngokwethembeka nangalo lonke ikhono lami, ngaphandle kokwesaba, kokuchema nangaphandle kokwenzelela, ngokuhambisana nemigomo ebekwe eMthethweni".*

**Ukusungulwa kwezikhwama ezikhethekile**

9. Uma iBhodi ifisa ukusungula isikhwama esikhethekile njengoba kuhlangozwe esigabeni 28 soMthetho, kumele ithumele isicelo esiphelele esiqukethe imininingwane yezinjongo nezinhloso zaleso sikhwama eMkhandlwini oPhethe ukuze ithole imvume.

**Ukuphathwa kwezikhwama ezikhethekile**

10.(1) IBhodi kumele ivule i-akhawunti eseceleni yasebhange yesikhwama ngasinye esikhethekile esivulayo.

(2) Zonke izimali ezitholwa yileso sikhwama esikhethekile kumele zifakwe ngokushesha kuleyo akhawunti yaso.

(3) Impahla yesikhwama esikhethekile, kuncike ekugunyazweni kuqala iLungu oMkhandlu

24

oPhethe, kumele isetshenziselwe izinhloso zaleso sikhwama noma ezinye izinhloso ezingashayisani nezinhlalo zaleso sikhwama njengoba kunganquma iLungu loMkhandlu oPhethe.

(4) Zonke izimali ezitholwa yisikhwama futhi ezingakwazi ukuthi zitshalwe kumele zitshalwe yiBhodi ukuze kuhlomule isikhwama: Kuncike ekutheni kumele kuqinisekiswa ukuthi lolo tshalomali akulona oloholo olusolisayo.

**Amandla eBhodi okuhlawulisa noma okugweba umnikazi welayisensi noma umuntu obhalisile**

**11.** Isamba semali noma senhlawulo engabizwa yiBhodi uma ihlawulisa umnikazi welayisensi noma umuntu obhalisile angeke seqe kwizigidi ezimbili zamarandi: Kuncike ekutheni iBhodi angeke ihlawulise isamba senhlawulo esiphindwe kabili emalini ekhokhwayo, kwintela ekhokhwayo noma kwinhlawulo ekhokhwayo noma ingxenye yayo, uma icala kungukwehluleka ukukhokha ngesikhathi imali ekhokhwayo, intela ekhokhwayo noma inhlawulo noma ingxenye yayo.

**ISAHLUKO 2**

**IZINHLINZEKO EZIPHATHELENE NEZICELO, ABANIKAZI BAMALAYISENSI NABANTU  
ABABHALISILE**

*Ingxenye 1*

*Izinhlinzeko eziphathelele nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: IziCelo noPhenyo*

**Izicelo nokugunyazwa kwazo**

**12.(1)** Noma iyiphi ilayisensi, ukubhaliswa, isitifiketi sokufaneleka, ukugunyazwa nemvume etholakale kwiBhodi kumele kuncike kwimigomo namazinga abekwe eMthethweni wezokuGembula kaZwelonke.

(2) Noma iyiphi ilayisensi, ukubhaliswa, isitifiketi sokufaneleka, ukugunyazwa noma imvume ekhishwe yiBhodi ingahoxiswa, phakathi kokunye uma kunokufaneleka kokuthola ilayisensi, kokubhaliswa, kokugunyazwa noma kwemvume futhi, ngaphandle kokuvimbela ilungelo leBhodi

25

lokuqhuba uphenyo, iBhodi inelungelo lokufuna, noma inini, noma iluphi ulwazi elibona lubalulekile ukuze izenelise ukuthi ukugunyazwa kusafanele, okungulwazi okumele lunikezwe iBhodi ezinsukwini eziyi-14 iBhodi ifake isicelo salolo lwazi, noma lesi sikhathi eseluliwe esinganqunywa yiBhodi.

(3) Noma imuphi umuntu ofaka isicelo selayisensi, sokubhaliswa, sesitifiketi sokufaneleka, segunya noma semvume kudingeka ukuba anelise iBhodi kuqala ukuthi lowo muntu akenqatshelwe ekutheni anikezwe leyo layisensi, ukuba abhalise, athole isitifiketi, agunyazwe noma athole leyo mvume.

### **Isimemo sokuba kufakwe izicelo**

**13.(1)** IBhodi ingamema abantu ukuba bafake izicelo zanoma iyiphi ilayisensi, zokubhaliswa, isitifiketi sokufaneleka, zokugunyazwa, zegunya noma zemvume njengoba kuhlangozwe eMthethweni.

(2) Noma inini uma iBhodi imema abantu ukuba bafake isicelo selayisensi, isiKhulu esiPhezulu kumele sishicilele isaziso esimema izicelo kwiGazethi nasemaphephandabeni okungenani amabili atholakala esifundazweni: Kuncike ekutheni lokhu angeke kwenzeke uma isicelo kuyisicelo selayisensi yekhasino, okumele kubhekwane naso ngendlela ehlongozwe eNgxenyeni 3 yalesi Sahluko.

(3) Uma iBhodi imema ukuba kufakwe isicelo sokubhalisa, sesitifiketi sokufaneleka, sokugunyazwa noma semvume, ezimweni lapho ukungakhangiswa kwesimemo kungakhubaza abafakizicelo, iBhodi kumele ithathe izinyathelo ezibona zifanele ukuze ikhangise lesi simemo.

(4) Isaziso ezimema izicelo esihlongozwe esigatshaneni (2) –

(a) kumele sicacise ikheli lapho kutholakala khona lawo mafomu ezicelo, uma ikhona, nosuku lokuvala okumele izicelo zilethwe ngalo; futhi

(b) ingakhombisa –

(i) uhlobo nesibalo samalayisensi azokhishwa;

(ii) indawo yokusebenza ephathelene nelayisensi;

(iii) uhlobo lwenqubo esetshenziswayo uma kuhlolwa isicelo;

(iv) noma iziphi ezinye izidingo okumele umfakizicelo ahambisane nazo,

26

kubandakanya ukuhlinzeka ngezinyatheliso zeminwe; kanye

(v) nanoma imiphi eminye imininingwane noma imibhalo iBhodi, ngokubona kwayo, engayicela.

(5) Noma imuphi umuntu ophendula isimemo njengoba kuhlangozwe kulo mthethonqubo, kumele alethe isicelo ngendlela enqunywe yiBhodi emithethweni yayo.

(6) Isicelo kumele sihambisane nemali edingekayo yokufaka isicelo nanoma imaphi amapulani, imibhalo nezincwadi zemvume nolwazi njengoba kungadingwa yiBhodi.

(7) Isicelo esitholakale ngemuva kosuku lokuvala angeke sicutshungulwe yiBhodi.

(8) Umuntu ofisa ukufaka isicelo selayisensi lapho kungazange kube khona simemo esikhishwayo, angaletha, kwiBhodi, incwadi edalula intshisekelo yakhe eyenza afake lesicelo, ngendlela enganqunywa yiBhodi: Kuncike ekutheni uma leyo ncwadi yokudalula intshisekelo isiyamukelwe yiBhodi, iBhodi kumele ngemuva kwalokho ithathe isinqumo sokuthi izosikhipha noma cha isimemo esihlongozwe esigatshaneni (2), okuyothi –

(a) uma inquma ukukhipha isimemo, kudingeke ukuba ikhiphe lesicelo simemo zingakedululi izinyanga ezimbili ithathe lesicelo sinqumo; noma

(b) uma inquma ukungasikhiphi isimemo, kudingeke ukuba yazise umuntu obefake incwadi yokudalula intshisekelo mayelana nesinqumo sayo, kuhambisana nezizathu zaso, engakedululi amasonto amabili kuthathwe lesicelo sinqumo.

(9) Umuntu ofisa ukufaka isicelo –

(a) sanoma iliphi ifomu lokubhalisa elihlongozwe eMthethweni;

(b) sesitifiketi sokufaneleka; noma

(c) sokugunyazwa noma sokuthola imvume ehlongozwe eMthethweni,

lapho kungazange kube khona isimemo sokuba kufakwe izicelo esikhishwe iBhodi, angafaka isicelo kwiBhodi uma kuba nesidingo futhi kumele enze lesicelo ngendlela enqunywe yoBhodi emithethweni yayo.

### **Isaziso sezicelo ezitholakele nokuhlolwa kwezicelo umphakathi**

**14.(1)** Uma umfakisisicelo efaka isicelo –

(a) sanoma iyiphi ilayisensi, ngale kwelayisensi yekhasino; noma

## (b) sokubhalisa –

- (i) njengomkhiqizi;
- (ii) njengohlinzeka ngemisebenzi ethile;
- (iii) njengolungisa impahla;
- (iv) njengomqhubi wethotho;
- (v) njengemenenja yethotho;
- (vi) njenge-ejenti yethotho; noma
- (vii) njengemenenja kabhuki,

isiKhulu esiPhezulu kumele sishicilele isaziso sezicelo ezitholwe yiBhodi, kwiGazethi nasemaphephandabeni okungenani amabili atholakala esiFundazweni.

(2) Isaziso esihlongozwe kwisigatshana (1), kumele senziwe zingakedluli izinsuku eziyi-14 kusukela osukwini lokuvala olubhalwe esazisweni esihlongozwe umthethonqubo 13(4)(a), noma uma kungekho suku olubekiwe, ngosuku olunqunywe yiBhodi.

## (3) Isaziso sezicelo ezitholakele kumele –

- (a) sibe nohlu lwamagama abo bonke abantu abalethe izicelo bephendula isimemo sezicelo okukhulunywe ngaso kumthethonqubo 13, noma uma isicelo singahambisani nesimemo esinjalo, sibe namagama abo bonke abantu abayingxenywe yaleso sicelo;
- (b) siqukathe imininingwane yesicelo ngasinye;
- (c) sikhombise ukuthi izicelo zivulelekile ukuba zihlolwe umphakathi, isikhathi esinqunywe esazisweni, okuyoba yisikhathi esisukela osukwini olubekwe esazisweni, kuncike ebumfihlweni bolwazi okungamele ludalulelwe umphakathi ngokuhambisana nezinhlinzeka zesigaba 30(5) nesigaba 34(2) soMthetho; futhi
- (d) simeme abantu abanentshisekelo ukuba –
  - (i) balethe izethulo ezibhalwe phansi, ngokuhambisana nezinhlinzeka zomthethonqubo 17, mayelana nanoma isiphi isicelo noma zonke izicelo ezithintekayo, esiKhulwini esiPhezulu, ngosuku lokuvalwa kokuhlolwa kwezicelo umphakathi oluhlongozwe endimeni (c) ngasenhla; futhi
  - (ii) bakhombise, ezethulweni ezibhalwe phansi, ukuthi bayafuna yini ukwenza izethulo ngomlomo, ngokuhambisana nezinhlinzeka zesigaba 37 soMthetho, uma iBhodi isilalela izicelo.

(3) Zonke izicelo zamalayisensi ekhasino kumele zicutshungulwe ngendlela ehlongozwe kwiSahluko 3 sale mithethonqubo.

**Izethulo zabantu abanentshisekelo nempendulo evela kofake isicelo ezethulweni**

15.(1) Noma imuphi umuntu onentshisekelo ofisa ukwenza izethulo mayelana nesicelo esithunyelwe kwiBhodi, kumele abhale incwadi ngosuku olunqunywe isiKhulu esiPhezulu njengoba kuhlangozwe kumthethonqubo 14(2)(d)(i).

(2) Izethulo kumele okungenani zibe nale mininingwane elandelayo –

- (a) igama lomfakisicelo lezo zethulo eziphathele enaye;
- (b) izizathu zokwenziwa kwalezo zethulo;
- (c) igama, ikheli nenombolo yocingo yomuntu othumela izethulo; kanye
- (d) nokuthi lowo muntu owenza izethulo uyafisa yini ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo ngokuhambisana nezinhlinzeko zesigaba 37 soMthetho.

(3) Noma iziphi izethulo ezingenayo le mininingwane edingwa yisigatshana somthethonqubo (2) azisebenzi futhi kumele zithathwe njengezingazange zithunyelelwe iBhodi.

(4) Umuntu owenza izethulo kumele akhombise ukuthi kungani iBhodi kumele inqume, ngokwesigaba 34(3) soMthetho, ukuthi igama lakhe akumele lidalulwe.

(5) Zingakedluli izinsuku eziyi-14 sithole isethulo, isiKhulu esiPhezulu kumele, kuncike kwisigaba 34(3) soMthetho, sithumelele umfakisicelo othintekayo ikhophi yalezo zethulo ngomuntu mathupha, ngeposi noma ngefeksi.

(6) Umfakisicelo kumele abuyise noma iyiphi impendulo mayelana nezethulo zingakedluli izinsuku eziyi-14 kusukela osukwini athunyelelwe ngalo lezo zethulo: Kuncike ekutheni iBhodi ingelula isikhathi uma umfakisicelo ebeka izizathu ezizwakalayo zokucela ukwelulelwa isikhathi.

(7) Noma iziphi izethulo, izimpendulo zazo nanoma iluphi olunye ulwazi oluchitshiyelwe noma olwengeziwe lwanikezwa iBhodi kumele, kuncike ezinhlinzekweni zesigaba 30(1) nesigaba 34(2) no (3) soMthetho, zivuleleke ukuhlolwa umphakathi nabantu abanentshisekelo ngalezo zikhathi ezijwayelekile zokusebenza zeBhodi isikhathi esinganqunywa yiBhodi.

**Umbiko wamaphoyisa**

**16.** Isikhulu esiPhezulu kumele, uma sithola isicelo selayisensi, sicele umbiko eMbuthweni wamaPhoyisa waseNingizimu Afrika mayelana –

- (a) namacala, okungaba enziwe kwiRiphabhulikhi noma kwenye indawo, aqoshiwe, ake alahla umfakisicelo nanoma imuphi omunye umuntu ozokuba yingxenye yebhizinisi elihambisana naleso sicelo;
- (b) nezinye izinto, ngokubona kwaboMbutho wamaPhoyisa waseNingizimu Afrika, ezidingekayo ukuze iBhodi izicubungule mayelana naleso sicelo; kanye
- (c) nanoma iluphi olunye udaba iBhodi engalubona lufanele.

**Ukuchitshiyelwa kolwazi nokutholakala noma nokuvezwa olunye ulwazi**

**17.(1)** Umfakisicelo, uma egunyazwe iBhodi, angachibiyela isicelo nganoma iyiphi indlela ngaphambi kokuba iBhodi ithathe isinyathelo sokugcina.

(2) IBhodi, ngesaziso esibhalwe phansi, ingacela noma imuphi umuntu ofake isicelo sokubhalisa noma umuntu osebenzisana naye, ukuba ahlinzeke olunye ulwazi olwengeziwe olungadingwa yiBhodi, ukuze ikwazi ukucubungula kahle isicelo sakhe.

(3) Noma inini uma iBhodi icela olunye ulwazi kumfaki wesicelo selayisensi ngokuhambisana nezinhlinzeko zesigaba 36 soMthetho noma kumfakisicelo sokubhalisa ngokuhambisana nezinhlinzeko zesigatshana somthethonqubo (2), kumele icacise usuku okumele lolo lwazi olwengeziwe lufike ngalo kwiBhodi.

(4) Ukwehluleka ukuletha ulwazi olwengeziwe ngosuku olunqunyiwe kungaba yisizathu sokuthi isicelo sichithwe yiBhodi.

**Ukukhokhwa kwezindleko zophenyo**

**18.(1)** Ngokwenhloso yalo mthethonqubo “umfakisicelo” kushiwo ofake isicelo –

- (a) selayisensi;
- (b) sokuchibiyela, sokuguqula, sokushintsha umbandela obekwe kwilayisensi;
- (c) sokudlulisela ilayisensi;
- (d) sokususa ibhizinisi lakhe ezakhiweni ezithile ezibhalwe kwilayisensi aliyise kwezinye izakhiwo;
- (e) sanoma ikuphi ukubhaliswa noma imvume edingekayo ngaphansi kweSahluko 13,

14, 15 noma 16 soMthetho; noma

(f) sokugunyaza uhlelo lokugcinwa kwamarekhodi ngekhompyutha.

(2) Ngaphambi kokuqala uphenyo mayelana nomfakisiselo, iBhodi noma umuntu oqashwe yiBhodi ukuphenya ngamalayisensi, kumele abale izindleko ezingase zidingeke uma kwenziwa uphenyo futhi kumele akhokhelwe imali eyidiphozi kuqala umfakisiselo enganqunywa uyena.

(3) Imali eyidiphozi okukhulunywe ngayo kwisigatshana somthethonqubo (2) kumele ikhokhwe kwi-akhawunti yasebhangwe yeBhodi, njengoba kuhlangezwe esigabeni 27(3)(a) soMthetho.

(4) IBhodi, noma oqashwe yiBhodi ukuphenya ngamalayisensi, noma inini uma esenza uphenyo, angacela umfakisiselo ukuba akhokhe enye imali eyidiphozi mayelana nezindleko zophenyo njengombandela wokuba kuqhutshekwe nophenyo.

(5) Zingakedluli izinsuku ezingama-30 kuphothulwe uphenyo, iBhodi noma oqashwe yiBhodi ukuphenya ngamalayisensi, kumele anikeze umfakisiselo othintekayo imininingwane yezindleko nezimali ezidingekayo mayelana nophenyo, okumele zilingane nemali eyidiphozi ekhokhwe umfakisiselo, futhi zonke ezinye izimali okudingeka zibuyiselwe umfakisiselo kumele zibuyiselwe kumfakisiselo uma iBhodi isikhiphe isinqumo esibhalwe phansi mayelana nesicelo.

(6) IBhodi angeke ikhiphe isinqumo sayo esibhalwe phansi mayelana nanoma isiphi isicelo ngaphandle uma imali yezindleko zophenyo isikhokhwe yonke.

(7) Uma kuhoxiswa isicelo, njengoba kuhlangezwe kumthethonqubo 20, iBhodi noma oqashwe yiBhodi ukuphenya ngamalayisensi, kumele abuyisele umfakisiselo izimali ezikhokhwe umfakisiselo mayelana nophenyo noma izimali ezisalile, ngesikhathi iBhodi yamukela ukuhoxiswa kwesicelo.

#### **Umfakisiselo uyoqinisekisa ukuthi ulwazi luyiqiniso futhi luphelele**

19.(1) Umfakisiselo kumele aqinisekise ukuthi lonke ulwazi esicelweni sakhe luyiqiniso futhi luphelele ngaphambi kosuku iBhodi eyocubungula ngalo isicelo sakhe noma eyokhipha ngalo isinqumo esibhalwe phansi mayelana nesicelo.

(2) Uma kwenzeka kuba nezinguquko kulokho okubhalwe esicelweni ngemuva kokuba



31

sesihanjisiwe kwiBhodi, ngaphambi kokuba isicelo sicutshungulwe futhi ngaphambi kokuba iBhodi ikhiphe isinqumo esibhalwe phansi mayelana naleso sicelo, umfakisiselo kumele ngokushesha azise iBhodi ngencwadi mayelana nanoma iziphi izinguquko esezikhona esicelweni sakhe.

(3) Uma ithola isaziso esihlongozwe kwisigatshana somthethonqubo (2) iBhodi kumele icele isiKhulu esiPhezulu ukuba siqale phansi inqubo ehlongozwe kumthethonqubo 14.

### **Ukuhoxiswa kwesicelo**

**20.**(1) Umfakisiselo angacela iBhodi, ngencwadi, ukuba ihoxise isicelo sakhe noma inini ngaphambi kokuba iBhodi ikhiphe isinqumo mayelana nesicelo.

(2) IBhodi, ngokubona kwayo, uma kwenzeka ukuthi kunophenyo oluqhubekayo mayelana nesicelo, ingalumisa, okungathi ngemuva kwalokho kusetshenziswe izinhlinzeko zomthethonqubo 28 nezingququko ezifanele, kufane nokuthi uphenyo luphuthuliwe.

### **Ukulalelwa kwesicelo**

**21.**(1) IBhodi kumele ilalele izicelo ngendlela ehlongozwe esigabeni 37 soMthetho, –

(a) zingakedluli izinsuku ezingama-30 kuphuthulwe uphenyo oluhlongozwe esigabeni 35 soMthetho; noma

(b) uma umfakisiselo kudingeka alethe impendulo kwizethulo ngokuhambisana nomthethonqubo 15(6), ezinsukwini ezingama-30 ngemuva kosuku okumele umfakisiselo alethe ngalo lezo zethulo.

(2) IBhodi, zingakedluli izinsuku ezingama-30 kuphuthulwe uphenyo oluhlongozwe esigabeni 35, ingalalela noma isiphi isicelo sokubhalisa njengomkhiqizi, ohlinzeka ngemisebenzi noma olungisa impahla.

(3) Ukulalelwa kwesicelo okuhlongozwe kwisigatshana somthethonqubo (2) kuvulelekile emphakathini.

**Izizathu ezenza umfakisiselo abe umuntu ongakufanele nongakulungele ukugunyazwa kwesicelo sakhe**

22. IBhodi, uma umfakisiselo, ngesikhathi efaka isicelo kwiBhodi –

- (a) eqamba amanga ngesitatimende asenzile, azi kahle ukuthi uqamba amanga;
- (b) egwema ukudalula noma imaphi amaqiniso okubekudingeka ukuba awadalule esicelweni; noma
- (c) egwema ukudalula amaqiniso, okuthe uma ewagwema isicelo sakhe saba ngesidukisayo,

ingathola lowo mfakisiselo engumuntu ongakufanele nongakulungele ukugunyazwa ngokwesigaba 32(1)(l) soMthetho.

**Ithuba lokulungisa izizathu zokungafaneleki**

23.(1) Umfakisiselo ongafanelekile ngokoMthetho, ngaphambi kokuba iBhodi ithathe isinqumo mayelana nesicelo, kumele anikezwe isikhathi esingeqile ezinsukwini ezingama-60, njengoba kunganquma iBhodi, ukuba alungise izimo ezimenza angafaneleki.

(2) Uma iBhodi inquma ukuthi umfakisiselo ngeke akwazi ukulungisa izimo ezimenza angafaneleki, inganquma ukungamnikezi umfakisiselo ithuba lokuba alungise izimo ezimenza angafaneleki.

**Ukudluliselwa kwelayisensi**

24.(1) Uma kwenzeka umnikazi welayisensi efisa ukudlulisela ilayisensi yakhe komunye umuntu, kumele alethe incwadi yesicelo kwiBhodi.

(2) Izinhlinzeko zale ngxenye, ngaphandle komthethonqubo 13, zisebenza nezinguquko ezidingekile esicelweni sokudlulisela ilayisensi komunye umuntu.

**Ukususwa kwebhizinisi liyiswa kwezinye izakhiwo**

25.(1) Uma umnikazi welayisensi noma obhalisile efisa ukususa ibhizinisi lakhe elithole ilayisensi noma elibhaliswe ngokwalo Mthetho, ezakhiweni ezibhalwe kwilayisensi noma esitifiketini sokubhaliswa, aliyise kwezinye izakhiwo, lowo mnikazi welayisensi noma lowo muntu obhalisile kumele afake isicelo uqala kwiBhodi, ngencwadi, semvume yokuyisa ibhizinisi lakhe kwezinye izakhiwo.

(2) IBhodi ingagunyaza isicelo ngemibandela ethile noma ngaphandle kwemibandela: Kuncike ekutheni angeke isigunyaze isicelo –

(a) sokuyisa ibhizinisi ezakhiweni ezingaphandle kwendawo enqunywe yiBhodi, mayelana nalelo bhizinisi; noma

(b) uma kuyikhasino, ukuyiswa kwekhasino ezakhiweni ezisendaweni engaphandle kwendawo lapho kudingeka ikhasino ibe khona ngokwemiyalelo ekhishwe yiLungu loMkhandlu oPhethe ngokwesigaba 47(1)(b) soMthetho.

### *Ingxenye 2*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, naBanikazi bamaLayisensi naBantu  
abaBhalisile: Ukulalelwa kwezicelo nokukhishwa kwamalayisensi*

#### **Inqubo yokulalelwa kwesicelo**

**26.(1)** Inqubo yokulalelwa kwesicelo kumele, njengoba inganqunyiwe eMthethweni, inqunywe yiBhodi noma umuntu okunguyela owengamele lokho kulalelwa kwesicelo: Kuncike ekutheni yonke inqubo kulokho kulalelwa kwesicelo kumele ihambisane nemithetho elandelwayo yezobulungiswa.

(2) IBhodi noma umuntu owengamele ukulalelwa kwesicelo angayalela ukuba sichazwe sonke isicelo ngomlomo yilowo muntu onikezwe ithuba lokwethula isicelo futhi angabeka imikhawulo yesikhathi okumele asikhulume.

#### **Ukuqoshwa kwenqubo yokulalelwa kwesicelo**

**27.(1)** IBhodi noma umuntu owengamele kumele ayalele ukuba kugcinwe amaminithi enqubo yokulalelwa kwesicelo.

(2) Izethulo ezenziwe ngomlomo kumele ziqoshwe ngendlela ezoqinisekisa ukuthi kugcinwa konke okukhulunyiwe futhi kumele zigcinwe yiBhodi isikhathi okungenani esiyiminyaka emithathu ngemuva kokuba iBhodi ikhiphe isinqumo esibhalwe phansi mayelana nesicelo noma esinye isikhathi kuze kuphothulwe isikhalo, enye inqubo yomthetho noma njengoba kudingeka ngokweminye imithetho.

(3) Izethulo ezenziwe ngomlomo kumele ziqoshwe uma kucela noma iluphi uhlangothi uma lukhokha imali enqunywe eMthethweni wokuGqugquzelwa kokuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000).

**Izinqumo, ukukhishwa kwamalaysensi noma kwezitifiketi zokubhalisa nokuvuselelwa kwazo**

28.(1) IBhodi noma ikomidi kumele likhiphe isinqumo esibhalwe phansi mayelana nazo zonke izicelo elizicubungulile, kubandakanya nezizathu zezinqumo zalo.

(2) Isinqumo seBhodi noma sekomidi kumele siqale ukusebenza uma sekukhishwe isaziso saleso sinqumo.

(3) Uma iBhodi noma ikomidi ligunyaza isicelo selaysensi noma sokubhalisa, umnikazi welayisensi noma umuntu obhalisile kumele, ezinsukwini ezingama-30 ethole isaziso esivela kwiBhodi mayelana nesicelo, akhokhe izimali ezidingekayo ezinqunywe oHlelweni 2 loMthetho, ezikhokhelwa ukukhishwa kwelayisensi noma kwesitifiketi sokubhalisa.

(4) Uma isithole izimali ezidingekayo ezihlongozwe kwisigatshana (5) futhi uma umfakisicelo ehambisana nazo zonke izidingo zoMthetho, iBhodi kumele ikhiphe ilaysensi noma isitifiketi sokubhalisa ngemuva kwalokho.

(5) Ngaphandle uma uMthetho uhlinzeka ukuthi ilaysensi noma ukubhaliswa kuphelelwa yisikhathi mhlaka zingama-31 kuZibandlela, bonke abanikazi bamalaysensi nabantu ababhalisile kumele, phakathi komhla lu-1 kuMasingana nomhla lu-1 kuNhlolanja wonyaka ngamunye, bafake izicelo zokuvuselela amalaysensi nokubhaliswa kwawo mhlaka lu-1 kuMbasa walowo nyaka futhi kumele kanye nalokho bakhokhele iBhodi izimali ezidingekayo ezinqunywe oHlelweni 2 loMthetho.

(6) Uma ilaysensi noma isitifiketi sokubhaliswa sikhishwe ngemuva komhla lu-1 kuNhlolanja nganoma imuphi unyaka, umnikazi waleyo layisensi noma waleso sitifiketi, ngaphambi komhla ziyi-15 kuNdasa walowo nyaka, kumele afake isicelo sokuvuselela ilaysensi noma isitifiketi sokubhalisa, njengoba kungaba njalo, futhi kumele akhokhele iBhodi zonke izimali ezidingekayo ezinqunywe oHlelweni 2 loMthetho.

35

(7) Uma isitifiketi sokubhalisa sivuselelwa ngosuku esakhishwa ngalo, umuntu obhalisile kumele afake isicelo sokuvuselela futhi akhokhe izimali ezidingekayo, kusasele izinsuku ezingama-60 kushaye usuku esakhishwa ngalo.

(8) IBhodi angeke ikhiphe ilayisensi noma isitifiketi sokubhalisa ngenyanga kaNdasa kunoma imuphi unyaka ngaphandle uma lezo zitifiketi zokubhalisa zivuselelwa ngosuku ezakhishwa ngalo.

### *Ingxenye 3*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, naBanikazi bamaLayisensi naBantu  
abaBhalisile: Ukufaneleka koMuntu wesiThathu nama-Ejenti ezindawo zokuGembula*

#### **Umnikazi welayisensi uyodalula imininingwane yezinkontileka nezivumelwano zebhizinisi**

**29.**(1) Uma iBhodi idinga ukuba umnikazi welayisensi adalule imininingwane ehlongozwe esigabeni 46(a) soMthetho, kumele icele ulwazi elubona lubalulekile kumnikazi welayisensi ngokuthi inikeze isaziso, kuleso saziso kumele icacise usuku edinga ukuthi lolo lwazi oludingekayo lufinyelele ngalo kwiBhodi.

(2) IBhodi, ngemuva kokunikeza umnikazi welayisensi ithuba lokubeka udaba lwakhe, ingayalela umnikazi welayisensi ukuba anqamule noma iyiphi inkontileka noma isivumelwano ngosuku olunqunywe yiBhodi.

(3) Noma inini uma iBhodi iyalela umnikazi welayisensi ukuba achibiyele noma anqamule inkontileka noma isivumelwano, kumele inikeze umnikazi welayisensi izizathu zesinqumo sayo.

#### **Isicelo sesitifiketi sokufaneleka somuntu othile osebenzisana nomnikazi welayisensi**

**30.**(1) Isicelo sesitifiketi sokufaneleka esihlongozwe esigabeni 46(b) soMthetho kumele –

- (a) senziwe ngendlela futhi kusetshenziswe ifomu elinqunywe yiBhodi emithethweni yayo;
- (b) sihambisane nemali edingekayo yokufaka isicelo enqunywe oHlelweni 2 loMthetho; futhi
- (c) sihambisane nemibhalo nemininingwane engadingwa yiBhodi.

36

(2) IBhodi ingagunyaza isicelo kuncike kunoma iyiphi imibandela noma ingachitha isicelo sesitifiketi sokufaneleka.

(3) Izinhlinzeko zeNgxenye 1, 2 no 3 yeSahluko 2 zisebenza nezinguquko ezidingekayo noma inini uma umuntu efaka isicelo sesitifiketi sokufaneleka.

#### **Ukuhlomula ngokwezezimali komnikazi wesitifiketi sokufaneleka**

**31.** Izinhlinzeko zeNgxenye 4 yeSahluko 2 zisebenza nezinguquko ezidingekayo kumnikazi wesitifiketi sokufaneleka.

#### **Ukumiswa nokwesulwa kwesitifiketi sokufaneleka**

**32.** IBhodi, ngemuva kokunikeza umnikazi wesitifiketi sokufaneleka ithuba lokubeka uhlangothi lwakhe, ingamisa lezo sitifiketi isikhathi esithile noma yesule leso sitifiketi –

(a) uma ulwazi olunikezwe esicelweni saleso sitifiketi kubonakala sengathi lungamanga noma lukhishwe izinto ezithile zibalulekile;

(b) uma umnikazi wesitifiketi ehlulekile ukulandela noma ephule imigomo nemibandela yesitifiketi noma ezinye izinhlinzeko zoMthetho, zale Mithethonqubo noma zemithetho yeBhodi; noma

(c) uma kunezizathu ezizwakalayo zokwenze njalo futhi kuhambisana nezinhloso zeBhodi kanye nokulawulwa ngendlela kwezokugembula.

#### **Ukunqanyulwa kwesivumelwano noma kokusebenzisana**

**33.(1)** Uma iBhodi –

(a) ichitha isicelo selayisensi yokufaneleka; noma

(b) imisa noma yesula isitifiketi sokufaneleka,

umnikazi welayisensi kumele ayeke ukwemukela izimpahla noma imisebenzi kulowo mfakisicelo noma kulowo mnikazi wesitifiketi sokufaneleka.

(2) Uma kunqanyulwa isivumelwano noma ukusebenzisana phakathi komnikazi welayisensi nomnikazi wesitifiketi okungenziwa yinoma imuphi phakathi kwabo, zombili izinhlangothi kumele zazise iBhodi ngokushesha mayelana nokunqanyulwa kwaleso sivumelwano.

**Izinhlizeko zeNgxeny e zisebenza kubakhiqizi ababhalisile, kubahlinzeki nakwabalungisa impahla**

34. Izinhlizeko zale Ngxeny zisebenza nezinguquko ezidingekayo kubakhiqizi ababhalisile, kubahlinzeki bempahla nakwabalungisa impahla.

*Ingxeny 4*

*Izinhlizeko eziphathelene nazo zonke iziCelo, naBanikazi bamaLayisensi naBantu  
abaBhalisile: Ushintsho ekuHlomuleni ngokwezeziMali*

**Isaziso sethuba lokuhlomula nesicelo semvume**

35.(1) Umnikazi welayisensi noma obhalisile, onelayisensi noma obhalise ngokoMthetho, othola umuntu ozokuba namandla okulawula ngqo noma ngandlela thile noma ozohlomula ngokwezezimali ebhizinisini lakhe lowo mnikazi welayisensi noma lowo muntu obhalisile, kumele, ngokushesha azise iBhodi ngencwadi –

(a) mayelana nendlela azohlomula ngayo lowo muntu; kanye

(b) negama neminingwane yokuxhumana yalowo muntu ozohlomula;

ngemuva kwalokho kumele anikeze iBhodi ngolunye ulwazi iBhodi engalubona lubalulekile.

(2) Noma imuphi umuntu oba namandla okulawula ngqo noma ngandlela thile njengoba kuhlangozwe kwisigatshana somthethoqhubo (1) kumele, ezinsukwini eziyi-14 afake isicelo kwiBhodi semvume yokuba nalawo mandla okulawula.

(3) Uma umuntu efaka isicelo esihlangozwe kwisigatshana somthethoqhubo (2) sokuthola ilungelo lokuhlomula ngokwezezimali ngamaphesenti angaphansi kwayisi-5 ebhizinisi lomnikazi welayisensi noma lomuntu obhalisile, iBhodi kumele icubungule isicelo futhi –

(a) ingakhipha imvume ngokushesha mayelana nesicelo sokuthola lelo lungelo lokuhlomula ngokwezezimali; noma

(b) ingenza ukuthi izinhlizeko zezigaba 32 kuya ku 38 soMthetho zisebenze esicelweni semvume yalelo lungelo lokuhlomula, nokuthi isicelo kumele siphathwe ngendlela efanele.

(4) Isicelo semvume yokuthola ilungelo lokuhlomula ngokwezezimali kunoma iyiphi ikhasino, ibhingo, umqhubi womzila, kumqhubi wendawo ozimele, umnikazi welayisensi yomqhubi

wendawo, noma kumkhiqizi wempahla yokugembula obhalisile, kohlinzeka impahla noma kolungisa impahla, kumele senziwe ngefomu elinqunywe yiBhodi futhi kumele sihambisane nemali edingekayo yesicelo enqunywe oHlelweni 2 loMthetho nanoma imiphi eminye imibhalo nolwazi njengoba kungacela iBhodi.

(5) Uma umuntu efaka isicelo esihlongozwe kwisigatshana somthethonqubo (2) izinhlinzeko zeNgxenye 1, 2 no 3 zeSahluko 2 sale mithethonqubo ziyasebenza, ngaphandle komthethonqubo 13, osebenza nezinguquko ezidingekayo, kuleso sicelo.

### **Ukunqunywa kokufaneleka nokungafaneleki kwesicelo**

**36.(1)** IBhodi ingagunyaza noma ichithe isicelo esihlongozwe kumthethonqubo 30(2).

(2) Noma inini uma iBhodi ithola ukuthi umfakisisicelo akakufanele ukuhlomula ebhizinisini lanoma imuphi umnikazi welayisensi noma umuntu obhalisile, kumele isichithe leso sicelo.

(3) Uma iBhodi ichitha isicelo njengoba kuhlongozwe kwisigatshana somthethonqubo (2) umfakisisicelo kumele ahoxe ekuhlomuleni ebhizinisini lomnikazi welayisensi noma lomuntu obhalisile ezinyangeni eziyisithupha noma isikhathi esingaphezu kwaleso uma kunezizathu ezizwakalayo ezingemukelwa yiBhodi.

(4) IBhodi, noma inini ngemuva kokuthola ukuthi umuntu ukufanele ukuhlomula emisebenzini yekhasino, yebhingo, yomnikazi welayisensi yomqhubi womzila noma yomqhubi wendawo futhi isimnikezile lowo muntu ithuba lokubeka uhlangothi lwakhe, ingathola lowo muntu engasakufanele ukuqhubeka nalokho kuhlomula.

(5) Uma iBhodi ithola ukuthi umuntu akakufanele ukuhlomula njengoba kuhlongozwe kwisigatshana somthethonqubo (4) lowo muntu kumele ahoxe kulokho kuhlomula ebhizinisini lomnikazi welayisensi zingakedluli izinyanga ezintathu kusukela osukwini iBhodi ekhiphe ngalo isinqumo.

(6) Kusukela osukwini iBhodi ekhiphe ngalo isaziso kumuntu otholakale engakufanele ukuhlomula ngokwesigatshana somthethonqubo (2), lowo muntu kumele ahoxe elungelweni lakhe nqgo noma analo ngomuntu ojutshwe uyena noma ophakanyiswe uyena, lokuvota alithole ngokuhlomula ebhizinisini lomnikazi welayisensi.



**Abahlomulayo bayodalulwa**

37. Umuntu angeke ahlomule noma avunyelwe ukuhlomula kwilayisensi njenge-ejenti noma njengophakanyiswe umuntu ohlomulayo noma omunye ohlomulayo ongadaluliwe.

*Ingxenye 5*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, naBanikazi bamaLayisensi naBantu  
abaBhalisile: UkuBhaliswa kwabaSebenzi*

**Abasebenzi abakhethekile abaqashwe umnikazi welayisensi noma umuntu obhalisile**

38.(1) Ngokwezinhloso zokubhalisa abasebenzi abakhethekile ngokwesigaba 65 soMthetho –

(a) uma kukhulunywa ngomuntu oqashwe umnikazi welayisensi yekhasino, umnikazi welayisensi yebhingo, umqhubi womzila noma umqhubi wendawo ozimele, osesikhundleni sokuba yimenenja, kumele kubandakanye bonke abantu abasungula izinqubomgomo zezokuphatha zokusebenza; futhi

(b) uma kukhulunywa ngomuntu ogunyazwe umnikazi welayisensi yekhasino, yebhingo, umqhubi womzila noma umqhubi wendawo ozimele, ukuthatha izinqumo ezilawula ukusebenza komnikazi welayisensi, kumele kubandakanye –

(i) noma imuphi umuntu onegunya lokuqapha noma lokulawula isikhathi sokusebenza kwanoma imiphi imisebenzi yezokugembula noma yokuqapha, kubandakanya phakathi kokunye, ukuqapha noma ukulawula konke ukusebenza kwemishini yokugembula, kwemishini yemidlalo yemali noma ezinye izinhlelo zemidlalo yemali; kanye

(ii) nanoma imuphi umuntu onamandla okuqapha nokunikeza labo bantu imiyalelo.

(2) Ngokwezinhloso zesigatshana somthethonqubo (1) iBhodi ayenqatshelwe ukuba ithathe isinqumo sayo ngokufaneleka komsebenzi okhethekile, ngokwezinga lalowo msebenzi owenziwayo, kodwa kumele ibhekelele imisebenzi namajoka omuntu kanye nomuntu othintekayo.

**Ubufakazi bokubhalisa kumarekhodi okuqashwa omnikazi welayisensi**

**39.** Umnikazi welayisensi noma umuntu obhalisile, mayelana nabo bonke abasebenzi okudingeka ukuba babhalise noma bathole amalayisensi ngokoMthetho nangokwale Ngxenywe, kumele agcine amakhophi ezitifiketi zokubhaliswa kumarekhodi akhe okuqasha.

**Ukumiswa noma ukwesulwa kokubhaliswa**

**40.** Uma kwenzeka umsebenzi okudingeka abhalise ngokoMthetho noma athole ilayisensi ngokoMthetho wezokuGembula kaZwelonke, ukubhalisa kwakhe –

- (a) kwesuliwe yiBhodi ngokuhambisana nezinhlinzeko zesigaba 71 soMthetho, umnikazi welayisensi noma umuntu obhalisile oqashe lowo muntu kumele ayekise lowo muntu okwesikhashana ukusebenza kuleso sikhundla esidinga ukuba abhalise; noma
- (b) kumisiwe yiBhodi ngokuhambisana nezinhlinzeko zesigaba 71 soMthetho, umnikazi welayisensi oqashe lowo muntu kumele amise okwesikhashana lowo muntu kunoma isiphi isikhundla esidinga ukuba abhalise, isikhathi amiswe sona yiBhodi.

*Ingxenywe 6*

*Izinhlinzeko eziphathelene nazo zonke iziCelo, aBanikazi bamaLayisensi naBantu  
abaBhalisile: Izinhlinzeko ezingxubevange*

**Ilayisensi kumele ibekwe obala**

**41.** Ilayisensi ekhishwe ngokwezinhlinzeko zoMthetho kumele ibekwe obala endaweni ebonakala kalula ezakhiweni zebhizinisi elikhishelwe leyo layisensi.

ISAHLUKO 3  
AMAKHASNO

*Ingxenywe 1*

*AmaKhasino: Izicelo zamaKhasino nezicelo zamaLayisensi*

**Ukukhishwa kwencwadi yokufaka isicelo**

**42.(1)** IBhodi ingamema abantu abanentshisekelo ukuba bafake izicelo zemiklamo yokwakha amakhasino esiFundazweni ngemuva kokuyalelwa yiLungu loMkhandlu oPhethe njengoba kuhlangozwe esigabeni 47(1) soMthetho.

(2) Isimemo sezicelo kumele –

- (a) sikhombise isibalo samalayisensi azokhishwa;
- (b) siveze uhlelo lokuhlola okumele lulandelwe yiBhodi ukukhetha abanikazi bamalayisensi abafanele, kubandakanya noma iluphi udaba oluhlongozwe emyalelweni weLungu loMkhandlu oPhethe okhishwe ngokwesigaba 47 soMthetho: Kuncike ekutheni akukho hlelo oluhlonzwe yiBhodi okumele lushayisane nomyalelo weLungu loMkhandlu oPhethe;
- (c) kuncike esigabeni 49 soMthetho, sikhombise inqubo ezolandelwa yiBhodi ukukhetha abafakizicelo okuyibona abazothola amalayisensi, kubandakanya lezo zinqubo zenqubomgomo eziqukethwe kwimiyalelo yeLungu loMkhandlu oPhethe ezikhishwe ngokwesigaba 47 soMthetho, uma zikhona: Kuncike ekutheni akukho nqubo ehlonzwe yiBhodi okumele ishayisane nemiyalelo; futhi
- (d) sibandakanye nezimali ezikhokhwayo emazingeni ehlukahlukene okufaka isicelo.

#### **Isimemo sokufaka izicelo zelayisensi yekhasino**

43.(1) Uma seluqedliwe uhlelo lokuhlolwa oluhlongozwe kumthethonqubo 42(2)(b), njengoba lusetshenziswa kwizethulo zemiklamo yokwakhiwa kwekhasino nangemuva kokubonisana neLungu loMkhandlu oPhethe, iBhodi kumele imeme abantu abebenze izethulo ukuba benze izicelo zelayisensi yekhasino: Kuncike ekutheni iBhodi kumele icacise kuleso simemo uhlelo lokuqala lohlu lwezethulo ezilethiwe ngenhloso yokuthi kukhethwe abafakizicelo okuyibona abazothola amalayisensi.

(2) Isimemo esihlongozwe kwisigatshana somthethonqubo (1) kumele siveze ukuthi isicelo kumele senziwe sihambisane nezidingo ezibekwe “eNcwadini yesiCelo sezeThulo” futhi kumele izeve zonke ezinye izidingo zeBhodi eziyizincwadi neminingwane zokweseka isicelo.

(3) Kuncike kumthethonqubo 22, iBhodi kumele uma ithola isicelo esihlongozwe kwisigatshana somthethonqubo (1), kubandakanya nezimali ezikhokhwayo ezinqunyiwe, iqale uphenyo oluhlongozwe esigabeni 35 soMthetho.

#### **Inqubo yokukhishwa kwelayisensi yekhasino**

44.(1) Uma sekuhlungwa izicelo zelayisensi yekhasino, iBhodi kumele isebenzise inqubo okukhulunywe ngayo kumthethonqubo 42(2)(c).

42

(2) Inqubo okukhulunywe ngayo kwisigatshana somthethonqubo (1) kumele isetshenziswe ngokuthi –

- (a) kuqhathaniswe ngokwahlukana umngenelo ngamunye kuyona yonke eminye imingenelo yokuthola ilayisensi yekhasino, esigabeni esisodwa;
- (b) kunikezwe amaphuzu afanele emngenelweni ngamunye; futhi
- (c) kubalwe isibalo esiphelele samaphuzu atholakele.

(3) Isicelo selayisensi yekhasino kumele senelise iBhodi ukuthi lowo mfakisisicelo unelungelo elisemthethweni mayelana nendawo lapho kuzokwakhiwa khona ikhasino futhi unayo imali nazo zonke ezinye izidingo ezizodingeka.

(4) Uma, ngokubona kweBhodi, kungekho phakathi kwabafakizicelo mayelana naleyo khasino ofake umngenelo ozwakalayo mayelana nesicelo selayisensi yekhasino, ingamema ukuba kufakwe izicelo ezintsha mayelana naleyo layisensi yekhasino.

#### **Isicelo selayisensi yekhasino**

45.(1) Noma imuphi umuntu omenywe yiBhodi ukuba afake isicelo selayisensi yekhasino kumele enze njalo ngokuhambisana nemigomo yesimemo esihlongozwe kumthethonqubo 43 futhi leso sicelo kumele sihambisane nemali yokufaka isicelo ehlongozwe oHlelweni 2 loMthetho.

(2) Izinhlinzeko zeNgxenywe 1, uma kunesidingo, nezeNgxenywe 2 no 3 zalesi Sahluko, sizebenza nezinguquko ezidingekayo, noma inini uma umuntu efaka isicelo selayisensi.

#### *Ingxenywe 2*

##### *Amakhasino: Izinhlelo zokuQapha nokuLawula*

#### **Uhlelo lokuqapha lwamakhompyutha**

46.(1) Umnikazi welayisensi yekhasino kumele agcine amarekhodi ekhompyutha aphaathelene nohlelo lokuqapha lwekhompyutha ngendlela elandelanayo kahle iminyaka emihlanu.

(2) IBhodi kumele –

- (a) inqume indlela eyodwa yokuhlela ezokuxhumana phakathi kweBhodi nohlelo lwezokuqapha nokulawula lwekhasino; futhi
- (b) igunyaze ukuxhunyaniswa noma uhlelo lokuxhunyaniswa kwezinhlelo zombili.

(3) Umnikazi welayisensi yekhasino kumele axhume yonke imishini yemidlalo yemali edlalwayo endaweni yakhe, ohlelweni lokuqapha nokuhlola njengoba kugunyaze iBhodi ngokuhambisana nezinhlinzeko zesigatshana somthethonqubo (4).

(4) IBhodi ingagunyaza uhlelo lokuqapha nokuhlola oluhlongozwe esigabeni 58 soMthetho, olugunyazwe njengoluhambisanayo namazinga e-SABS, olwakhiwe ngendlela yokuthi –

- (a) luqopha yonke imali efakwa emshinini ngamunye wokudlala uma kudlalwa;
- (b) luqopha wonke amanani emali ephumile emabhokisini akhipha imali emshinini enalawo mabhokisi;
- (c) luqopha inani lemali ekhokhwa umshini ngamunye wemidlalo yemali;
- (d) luqopha inani lemali ekhokhwa ngesandla;
- (e) lukhombisa yonke imishini ekhishiwe ohlelweni nekhona ohlelweni lokuqapha, kubandakanya usuku, isikhathi nenombolo yomshini esemthethweni; futhi
- (f) luyakwazi ukubika ngokuphuma kwemali okungaveli kumamitha akwazi ukufunda uhlobo lwemali, phakathi kokunye imali efakwe emishinini ngenxa ye-*hopper fill*.

(5) Kuyicala kunoma imuphi umuntu ukushintsha noma ukukokotela, noma ingayiphi indlela, uhlelo lokuqapha olugunyaziwe njengoba kuhllongozwe kwisigatshana somthethonqubo (4) ngaphandle kokugunyazwa yiBhodi.

### *Ingxenye 3*

#### *AmaKhasino: Imidlalo yaseKhasino*

#### **Izinhlobo zemidlalo yasekhasino evunyelwe ukudlalwa**

47. IBhodi kumele igunyaze, uma umnikazi welayisensi yekhasino efaka isicelo, izinhlobo zemidlalo yasekhasino engadlalwa ezakhiweni zomnikazi welayisensi yekhasino futhi leyo midlalo kumele ilawulwe yimithetho yeBhodi emiswe ngokuhambisana nezinhlinzeko zesigaba 7(1)(m) soMthetho.

#### **Iziteki nemiklomo yemidlalo yasekhasino ngale kwemishini yemidlalo yemali**

48.(1) Iziteki nemiklomo etholakala kuyona yonke imidlalo egunyazwe ukuba idlalwe ekhasino kumele kuhlale kubekwe obala, okungaba isetafuleni lapho kudlalwa khona lowo mdlalo wekhasino noma endaweni esobala eseduze nendawo okudlalwa kuyona lowo mdlalo.

(2) Imininingwane nokukhokha kanye namakhadi emiklomelo kumele kucacise ngokusobala izimali ezikhokhiwe noma imiklomelo etholakele emdlaweni ngamunye futhi akumele kube ngendlela ezodukisa nezokhohlisa umphakathi.

### **Imishini yemidlalo yemali**

**49.**(1) Yonke imishini yemidlalo yemali evulelekile ukuba idlalwe kumele ibe nesamba esiqinisekisiwe esiwina umdlali esingekho ngaphansi kwamaphesenti angama-80 kweziteki zonke.

(2) Zonke izinombolo eziwinayo, kanjalo nemiklomelo ehambisana nazo, kumele kube sobala, noma kumele umdlali akwazi ukukubona, kuyona yonke imishini evulelekile ukuba idlalwe.

### *Ingxenye 4*

*AmaKhasino: Ukubhaliswa nokweSulwa kweMpahla yeMidlalo yeMali neMishini yeMidlalo yeMali noma iMishini yokuDlala kanye nokuNakekelwa kwayo*

### **Impahla yemidlalo yemali, imishini yemidlalo yemali noma imishini yokudlala iyohambisana namazinga eSABS naweBhodi**

**50.** Umnikazi welayisensi yekhasino akumele agcine noma alungise noma iyiphi impahla yemidlalo yemali, imishini yemidlalo yemali noma yemidlalo engagunyaziwe futhi engabhalisiwe ngokuhambisana nomthethonqubo 82.

### **Ukugcina impahla yemidlalo yemali, imishini yemidlalo yemali noma imishini yokudlala**

**51.** Yonke impahla yemidlalo yemali, imishini yemidlalo yemali noma imishini yokudlala esezakhiweni zekhasino egunyazwe yiBhodi, njengoba kuhrongozwe kwisigatshana 82 kumele ifakwe kumarekhodi eBhodi.

**Ukusetshenziswa nokunakekelwa kwempahla yemidlalo yemali nemishini yemidlalo yemali**

52.(1) Umnikazi welayisensi yekhasino akumele ashintshe ukusetshenziswa kwempahla yemidlalo yemali noma kwemishini yemidlalo yemali ebhalisiwe ngaphandle kokugunyazwa yiBhodi.

(2) Umnikazi welayisensi yekhasino kumele asebenzise abantu abanelayisensi yokulungisa impahla nemishini ukuze ilungiswe ngendlela efanele.

(3) Ngale kokulandela isigatshana somthethonqubo (2) umnikazi welayisensi angalungisa, angakhanda noma angashintsha impahla noma umshini wemidlalo yemali osetshenziwa ekhasino uma kuqhutshwa imisebenzi ephathelene nelayisensi, ngokusebenzisa abasebenzi abaqeqeshiwe futhi abanesipiliyoni: Kuncike ekutheni leyo mpahla noma lowo mshini ugcinwa usesimweni ogunyazwe ukusona.

**Amarekhodi ayogcinwa umnikazi welayisensi**

53. Umnikazi welayisensi yekhasino kumele agcine, isikhathi esiyiminyaka eyisihlanu, irekhodi lempahla yemidlalo yemali, lemishini yemidlalo yemali nelemishini yokudlala ebhalisiwe ngokuhambisana nezinhlinzeko zale Ngxenye, kubandakanya phakathi kokunye, umkhiqizi, usuku lokuthengwa kwawo, inombolo yokubhaliswa komshini, inombolo yohlobo lwawo, inombolo yokubhaliswa kwawo yiBhodi nosuku lokubhaliswa kwawo yiBhodi.

*Ingxenye 5*

*AmaKhasino: Ama-Chip, ama-Plaque, ama-Token, ama-Intergrated Circuits Cards nokunye kokuDlala okumele iMali*

**Izinhlinzeko zezincazelo**

54. Lezi zinto ezilandelayo ezisetshenziselwa ukudlala, kuncike ezinhlinzekweni zale Ngxenye, zingasetshenziswa ekhasino –

- (a) "i-chip" okumele ibe indilinga, engabhalwa noma ingabhalwa inani layo ngamarandi, esetshenziselwa imidlalo yemali edlalwa ematafuleni ekhasino;
- (b) "i-plaque" okumele ibe yisikwele, yisikwele esinezinhlangothi ezimbili ezingalingani noma emise kweqanda ebhalwe inani layo ngamarandi futhi esetshenziselwa imidlalo yemali edlalwa ematafuleni ekhasino;
- (c) a "i-token" okumele ibe indilinga, ebhalwe inani layo ngamarandi, esetshenziselwa

46

ukudlala imishini yemidlalo yemali ekhasino enelayisensi; kanye

(d) "i-*intergrated Circuit Card*" okumele ime futhi ifane nekhadi lasebhange futhi esetshenziselwa ukugcina isamba semali yokudlala imishini yemidlalo yemali ekhasino enelayisensi.

### **Okunye kokudlala okumele imali**

55.(1) Umnikazi welayisensi yekhasino akumele asebenzise ezinye izinto ezimele imali zokudlala ekhasino, ngale kwama-*intergrated circuit card*, ama-*chip*, ama-*plaque* noma ama-*token*, ngaphandle uma iBhodi ikhiphe imvume yokuba kusetshenziswe uhlobo oluthile lwento yokudlala emele imali.

(2) IBhodi, ngokubona kwayo, ingenqaba ukuba kusetshenziswe ezinye izinto zokudlala ezimele imali ngale kwama-*intergrated circuit card*, ama-*chip*, ama-*plaque* noma ama-*token* noma ingagunyaza isicelo kuncike kunoma imuphi umbandela ewubona ufanele.

(3) Izinhlinzeko zale Ngxenye zisebenza kuzona zonke izinto zokudlala ezimele imali: Kuncike ekutheni ukwakhiwa, umbala, usayizi nokuma kanjalo nezinga laleyo nto yokudlala emele imali yenza ukuthi ikwazi ukuhlukaniseka kuma-*intergrated circuit card*, kuma-*chip*, kuma-*plaque* noma kuma-*token* okugunyazwe yiBhodi ngokwale Ngxenye.

### **Inqubo yokuthola ama-*chip*, ama-*plaque* noma ama-*token* kumkhiqizi wawo noma kumsabalalisi wawo**

56.(1) Uma kulethwa ama-*chip*, ama-*plaque* noma ama-*token* kusuka kumkhiqizi noma kulowo okusabalalisayo, umnikazi welayisensi kumele aqinisekise ukuthi kuba nabasebenzi okungenani abathathu abakhona, emunye kumele asebenze endaweni yakhe ehluke futhi kumele abhaliswe njengomsebenzi okhethekile, okuyibona okumele babe khona ukuvula nokubheka ama-*chip*, ama-*plaque* noma ama-*token* alethiwe.

(2) Uma ama-*chip*, ama-*plaque* noma ama-*token* esebhekiwe ngokulandela izinhlinzeko zesigatshana somthethonqubo (1), umnikazi welayisensi yekhasino kumele abhale phansi kwirejista yempahla okukhulunywe ngayo kumthethonqubo 57.

(3) Uma kwenzeka abantu ababheka ama-*chip*, ama-*plaque* noma ama-*token* alethiwe bethola



47

ukuthi kukhona ukushoda noma ukungahambisani phakathi kwencwadi yokuthumela impahla yomkhiqizi noma yosabalalisa ama-*chip*, ama-*plaque* noma ama-*token* kanye ama-*chip*, ama-*plaque* noma ama-*token* alethiwe, kumele babike ngokushesha mayelana nalokho kushoda noma lokho kungahambisani kwempahla kwiBhodi futhi baqophe Imininingwane yakho nokubika kwabo ngalokho kwirejista yempahla.

(4) Noma imaphi ama-*chip*, ama-*plaque* noma ama-*token* atholwe ngokuhambisana nezinhlinzeko zalo mthethonqubo, okungahlosiwe ukuba asheshe asetshenziwe ematafuleni noma egumbini lokheshiya ekhasino yomnikazi welayisensi, kumele aqoshwe kwirejista yempahla njengama-*chip*, ama-*plaque* noma ama-*token* agciniwe futhi agciwe umnikazi welayisensi endaweni ekhiywayo eseceleni ekungaba isesisefweni noma egumbini likakheshiya.

#### **Irejista yokugcina ama-*chip*, ama-*plaque* noma ama-*token***

57. Umnikazi welayisensi yekhasino kumele agcine irejista yawo wonke ama-*chip*, ama-*plaque* noma ama-*token* agunyaziwe ngenhloso yokuqopha noma iluphi ulwazi oludingeka ngokwale Ngxenyane nangenhloso yokuqopha lolu lwazi olulandelayo –

- (a) incazelo yama-*chip*, yama-*plaque* noma yama-*token* ahlukahlukene asetshenziswa ekhasino kubandakanya amanani awo;
- (b) isamba senani ngalinye lama-*chip*, lama-*plaque* noma lama-*token* athengiwe uma esetholakala kumkhiqizi koma kowasabalalisayo;
- (c) usuku nesikhathi okulethwe ngalo ama-*chip*, ama-*plaque* noma ama-*token* afakwa ngalo esitokweni;
- (d) amagama nokusayina kwabasebenzi abakhethekile abavule babheka ama-*chip*, ama-*plaque* noma ama-*token*;
- (e) noma ikuphi ukungabi sesimweni esifanele noma ukushoda noma ukushayisana nokubika ngakho kwiBhodi;
- (f) amanani nesibalo sama-*chip*, sama-*plaque* noma sama-*token* afakiwe, akhishiwe nabuyisiwe endaweni yokuwagcina;
- (g) ukugcinwa kwama-*chip*, kwama-*plaque* noma kwama-*token* ngosuku, ngenyanga nangonyaka; kanye
- (h) nanoma iluphi olunye ulwazi iBhodi engalubona lufanele.

**Irejista yokusebenza kwama-*chip*, kwama-*plaque* noma kwama-*token***

58.(1) Noma inini uma umnikazi welayisensi ebuyisela ama-*chip*, ama-*plaque* noma ama-*token* egumbini likakheshiya noma etafuleni lemidlalo yemali ekhasino –

(a) kumele asuswe noma abuyiselwe egumbini likakheshiya, njengoba kungaba njalo, kukhona okungenani abasebenzi abathathu basekhasino, okumele kube abasebenzi abasebenza emikhakheni emithathu ehlukenene futhi okumele bonke babhalise njengabasebenzi abakhethekile; futhi

(b) inani nesamba sama-*chip*, sama-*plaque* noma sama-*token* athathiwe noma asetshenzisiwe kumele siqoshwe kwirejista yokugcina impahla abasebenzi basekhasino ababhalisile abahlongozwe endimeni (1) yalesi sigatshana somthethonqubo, okumele babhale usuku futhi basayine irejista yokugcinwa kwempahla futhi babhale isikhathi abasayine ngaso.

(2) Umnikazi welayisensi yekhasino kumele, nsuku zonke, afake kwikhompyutha futhi arekhode inani lama-*chip*, lama-*plaque* noma lama-*token* angazange abuyiswe futhi kumele aqophe imininingwane yama-*chip*, yama-*plaque* noma yama-*token* asasetshenziswa kwirejista yokugcinwa kwempahla.

(3) Umnikazi welayisensi yekhasino, okungenani nyanga zonke, kumele aqinisekise ukuthi ama-*chip*, ama-*plaque* noma ama-*token* agciniwe ayasetshenziswa futhi imiphumela yalokho iyaqoshwa kwirejista yempahla egciniwe.

(4) Uma imigomo yokugcinwa kwempahla ibandakanya ukugoqwa kwempahla ifakwe ezindaweni ezikhiywayo, umnikazi welayisensi kumele enze ukuba ama-*chip*, ama-*plaque* noma ama-*token* agciniwe asetshenziswe okungenani kanye ngonyaka.

(5) Ngamahora okungavumelekile ukuba kuqhutshwe ngawo imidlalo yemali, wonke ama-*chip*, ama-*plaque* noma ama-*token* anawo umnikazi welayisensi kumele awagcine esisefweni noma egumbini likakheshiya: Kuncike ekutheni ama-*chip*, ama-*plaque* noma ama-*token* asale etafuleni ngesikhathi kugenjulwa angavalelwa endaweni ephaphile kulona itafula: Futhi kuncike ekutheni iBhodi inquma ukuthi kuphephe ngokwanele ukuba kwenziwe njalo.

(6) Izinqubo okumele zisetshenziswe uma kubalwa ama-*chip*, ama-*plaque* noma ama-*token* asasetshenziswa nagciniwe kumele zithunyelwe kwiBhodi, umnikazi welayisensi ukuze izigunyaze.

*Ingxenye 6**AmaKhasino: Ukugembula kwabantu abaneminyaka engaphansi kwevumelekile***Akuvunyelwe ukugembula kwabantu abaneminyaka engaphansi kwevumelekile**

59.(1) Umnikazi welayisensi yekhasino nanoma imuphi omunye umsebenzi walowo mnikazi welayisensi akumele avumele umuntu oneminyaka engaphansi kweyi-18 ukuba –

- (a) angene ekhasino, ngaphandle uma edlulela kwelinye igumbi noma kwenye indawo engaphakathi esakhiweni: Kuncike ekutheni uma lowo muntu oneminyaka engaphansi kwevumelekile ebhaliswe njengomsebenzi okhethekile ngaphansi komthetho futhi enza umsebenzi wakhe njengomsebenzi okhethekile, angaqhubeka nokuba sekhasino aze aphothule umsebenzi abezowenza;
- (b) adayiselwe noma ikuphi ukudla neziphuzo endaweni yokugembula ekhasino;
- (c) athathwe njengomdlali, njengomsebenzi noma njengephanta;
- (d) athole imihlomulo noma iziphoo ngenxa yokubamba kwakhe iqhaza kwezokugembula kuleyo khasino; noma
- (e) asetshenziswe ngezinhloso zokukhangisa, ngesikhundla, nakunoma imiphi imincintiswano nezikhangiso zezokugembula.

(2) Umnikazi welayisensi yekhasino nanoma imuphi omunye umsebenzi walowo mnikazi welayisensi yekhasino, noma inini, angacela noma imuphi umuntu ongena noma ozama ukungena ekhasino nasendaweni yokugembula yekhasino, ukuba aveze noma ikuphi kwalokhu okulandelayo ukuze athole iminyaka yalowo muntu –

- (a) umazisi osemthethweni noma iphasiphothi ekhishwe uMnyango wezaseKhaya kwiRiphabhulikhi noma amaziphathe osemthethweni owenza lokho kwelinye izwe; noma
- (b) ilayisensi yokushayela esemthethweni ekhishwe amaziphathe ohlolela ukushayela osemthethweni.

*Ingxenye 7**AmaKhasino: Ukudlala ngemali engukheshi***Ukudlala okuthile kwenqatshelwe**

60. Umnikazi welayisensi yekhasino akumele –

- (a) ashintshanise imali engukheshi nenye imali engukheshi ngaphandle uma ehlose

50

ukuthi umdlali abambe iqhaza ekugembuleni lapho kusetshenziswa khona imali engukheshi njengesiteki noma ukuze ashintshe leyo mali engukheshi ngemuva kokubamba iqhaza emidlalweni yemali;

(b) akhiphe isheke noma enye into ethile okungavunyelwana ngayo noma adlulisele izimali egameni lomdlali ngenhloso yokuthola ukheshi, noma iyiphi enye into okungavunyelwana ngayo, ama-*chip*, ama-*plaque* noma ama-*token*, ngaphandle uma umnikazi welayisensi enlisekile ukuthi umdlali ufanelekile ukuwina leyo mali, ngenxa yokugembula kwakhe.

### *Ingxenye 8*

#### *AmaKhasino: IziNdlela zokuLawula zangaPhakathi*

#### **Izindlela zokulawula zangaphakathi**

61. Umnikazi wekhasino ngamunye kumele abandakanye ohlelweni lwakhe lokulawula lwangaphakathi, incazelo yezinqubo ezisetshenziswa yilowo mnikazi welayisensi ukuze ahambisane nale mithethonqubo.

#### **Amazinga okusebenza nokulawula angaphakathi avumelekile kumnikazi welayisensi yekhasino**

62.(1) IBhodi kumele inqume amazinga aphantsi okusebenza kanye namazinga aphantsi ezinqubo zokulawula zangaphakathi futhi kumele yazise lokhu bonke abafaka izicelo zamalaysensi ekhasino.

(2) IBhodi, izikhathi ngezikhathi ingachibiyela, ingashintsha noma ichithe noma imaphi amazinga ahlongozwe kwisigatshana somthethonqubo (1) okungathi uma kunjalo kudingeke ukuba yenze leso sichibiyelo, lokho kushintshwa noma lokho kuchithwa kutholakale kubo bonke abanikazi bamalaysensi nakubo bonke abafaki bezicelo zamalaysensi.

(3) Umnikazi welayisensi kudingeka ukuba ahambisane namazinga anqunywe iBhodi yawafaka naseMithethweni yayo.

**Amazinga okulawula zangaphakathi okungenani angasetshenziswa**

**63.(1)** Umnikazi welayisensi yekhasino kumele asungule futhi agcine izinqubo zezokuphatha nezezimali ngenhloso yokunquma izikweletu lowo mnikazi welayisensi anazo mayelana nezintela nezimali ezikhokhwayo ngokoMthetho nangenhloso yokulawula ngendlela efanele izindaba zangaphakathi ezithinta izimali.

(2) Izinqubo kumele zakhiwe ngenhloso yokuthi ziqinisekise ukuthi –

- (a) impahla iqashwe kahle;
- (b) amarekhodi ezimali ahleleke kahle futhi ayalandeleka;
- (c) ukusebenza kwezimali kwenziwa abasebenzi ngokuhambisana nemiyalelo yabaphathi noma ukugunyazwa okuthile;
- (d) ukusebenza kwezimali kuqoshwe ngendlela eqondile ukuze kubikwe kahle ngemali engena ngokugembula, ngezimali ezikhokhwayo nangezintela; futhi
- (e) imisebenzi namajoka ihlukaniswa iphinde yenziwe ngendlela efanele, ngokuhambisana nokusebenza okufanele, abasebenzi abaqeqeshiwe nabafanelekile.

**Izindlela zokulawula zangaphakathi ezigunyazwe yiBhodi**

**64.(1)** Umnikazi welayisensi ngamunye nomfakisicelo ngamunye kumele achaze kabanzi, ngokubhalwe phansi, ngendlela engagunyazwa noma engadingwa yiBhodi, izindlela zokulawula zangaphakathi, izinqubo zezokuphatha nezezimali zalowo mnikazi welayisensi noma zalowo mfakisicelo futhi kumele lokho akuthumelele iBhodi ukuze ikugunyaze, ngaphambi kokuqala ukusebenza kwalezo zinqubo.

(2) Uhlelo ngalunye lokulawula lwangaphakathi oluthunyelwe ukuze lugunyazwe kumele lubandakanye –

- (a) uhlaka lokuma kwebhizinisi olucacisa ukwabiwa kwamajoka nemisebenzi;
- (b) incazelo yamajoka nemisebenzi yesikhundla ngasinye okuvela ohlakeni lokuma kwebhizinisi;
- (c) incazelo ebanzi nechazayo noma uhlaka lokuma kwezinhlelo zezokuphatha nezinqubo zezimali ezakhelwe ukufezekisa izidingo zemithethonqubo 62 no 63; kanye
- (d) nolunye ulwazi olungadingwa yiBhodi.

(3) Uma iBhodi inquma ukuthi uhlelo lokulawula lwangaphakathi lomfakisicelo noma lomnikazi welayisensi aluhambisani nezidingo zale Ngxenye, kumele yazise umfakisicelo noma umnikazi welayisensi, ngendlela efanele, ngencwadi.

(4) Zingakedluli izinsuku ezingama-30 ethole isaziso esihlongozwe kwisigatshana somthethonqubo (3) umfikisicelo noma umnikazi welayisensi kumele achibiyele uhlelo lokulawula lwangaphakathi ngendlela, futhi kumele ahambise ikhophi yohlelo oluchitshiyelwe kwiBhodi ukuze ilugunyaze.

#### **Ukuchitshiyelwa kohlelo olukhona lokulawula lwangaphakathi**

65.(1) Umnikazi welayisensi ofisa ukuchibiyela uhlelo lokulawula lwangaphakathi ebekade selugunyaziwe kumele ngaphambi kokusebenzisa lolo hlelo oluchitshiyelwe, ahambise kuqala kwiBhodi ikhophi yohlelo okulawula lwangaphakathi oseluchitshiyelwe, ukuze ilugunyaze.

(2) Izinhlinzeko zomthethonqubo 70(2) kuya ku (4) zisebenza nezinguquko ezidingekayo esicelweni sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1).

#### *Ingxenye 9*

##### *AmaKhasino: AmaRekhodi eziMali nokuKhokhwa kweNtela*

#### **Amarekhodi ezimali**

66.(1) Umnikazi welayisensi yekhasino kumele, ngendlela engagunyazwa noma engavunywa yiBhodi, agcine amarekhodi ahlelwe kahle, aphelele futhi ayiqiniso azo zonke izimali ezingenayo neziphumayo kumnikazi welayisensi.

(2) Umnikazi welayisensi kumele agcine –

(a) amarekhodi ezimali emukelekile ohlelweni oluhlukaniswe kabili lokubala futhi oluchaza kabanzi, olunikeza amanye amarekhodi esekayo, oluchaza imali engenayo, izindleko, impahla, izikweletu nenzuzo;

(b) irekhodi ngalinye lemidlalo yemali elikhombisa imali efakwayo, ewinwayo namaphesenti okuwina kuya etafuleni lokudlala imidlalo yemali okumele likhombise imali efakwayo, imali ewinwayo namaphesenti okuwina etafuleni ngalinye lemidlalo yemali, ngosuku lokudlala kanye namarekhodi emidlalo edlalwa umuntu ngamunye akhombisa ulwazi olufanayo kuyo yonke eminye imidlalo;

(c) umbiko ohlaziya imishini yemidlalo yemali okhombisa, emdlalweni wemali ngamunye, izimali ezisebenzile, izimali ezikhokhiwe futhi oqhathanisa amaphesenti kumaphesenti

- asetshenziswayo ngenyanga, ngekota yonyaka noma ngemuva kwezinyanga eziyi-12;
- (d) amarekhodi adingwa uhlelo lokulawula lwangaphakathi olugunyaziwe lomnikazi welayisensi; kanye
- (e) nanoma imaphi amanye amarekhodi iBhodi engafuna ukuthi agcinwe.

#### **Izitatimende zezimali ezicwangingiwe**

**67.**(1) Umnikazi welayisensi yekhasino kumele, njalo ekupheleni konyaka wakhe wezimali ngamunye, alungise noma enze ukuba kulungiswe isitatimende sezimali sonyaka, okumele sihambisane nezitatimende zeMisebenzi yezokuBala iziMali eVumelekile futhi okumele sethulwe ngendlela egunyaziwe noma edingwa yiBhodi.

(2) Umnikazi welayisensi yekhasino kumele athole usizo lomcwaningi mabhuku ozimele obhalise njengomuntu osebenza ngomphakathi ngokoMthetho wabaBalizimali nabaCwangingi Mabhuku, 1991 (uMthetho No. 80 ka 1991), ukucwanginga izitatimende zezimali zalowo mnikazi welayisensi ngokuhambisana namazinga emukelekile okucwangingwa kwamabhuku.

(3) Umnikazi welayisensi yekhasino kumele, ezinyangeni ezintathu kusukela osukwini lokugcina lonyaka wezimali athumelele iBhodi amakhophi amabili ezitatimende zezimali ezicwangingwe ngendlela efanele ngokuhambisana nesigatshana somthethonqubo (2) kanye nanoma imiphi eminye imibiko echaza ngemiphumela yokucwangingwa kwamabhuku, kubandakanya izincwadi zabaphathi.

(4) IBhodi, uma umnikazi welayisensi yekhasino ebeka izizathu ezizwakalayo, ingelula isikhathi esihlongozwe kwisigatshana (3) ngesikhathi esingeqile ezinyangeni eziyisithupha.

(5) IBhodi, ingacela olunye ulwazi noma imibhalo, mayelana nezitatimende zezimali, eyenziwe umcwaningi mabhuku, noma imisebenzi eyenziwe umcwaningi mabhuku, –

(a) kumnikazi welayisensi yekhasino; noma

(b) kuncike kwimvume yomnikazi welayisensi yekhasino, umcwaningi mabhuku osebenzisana nalowo mnikazi welayisensi.

#### **Amanye amarekhodi**

**68.** Umnikazi welayisensi yekhasino kumele, uma kunesidingo, agcine emahhovisi akhe

abhalisiwe, noma ahlinzeke iBhodi uma icela, la marekhodi noma le mibhalo elandelayo noma amakhophi ayo –

- (a) ikhophi yememorandamu nemibhalo emayelana nokusebenza kwenkampani, kubandakanya ukuchitshiyelwa kwayo;
- (b) ikhophi yesitifiketi senkampani sokuqala ibhizinisi;
- (c) irejista yazo zonke izikhulu nabaqondisi abakhona nasebashiya;
- (d) amaminithi ayo yonke imihlangano yababambe iqhaza;
- (e) amaminithi ayo yonke imihlangano yabaqondisi namakomidi ebhodi yabaqondisi;
- (f) irejista yababambe iqhaza ebhalwe igama, ikheli, nesibalo samasheya umuntu anawo nosuku athola ngalo amasheya; kanye
- (g) nanoma imaphi amanye amarekhodi iBhodi engadinga ukuba agcinwe kahle izikhathi ngezikhathi.

#### *Ingxenye 10*

#### *AmaKhasino: UkuQapha nokuVikela*

#### **Ukuhambisana nezinhlinzeko zeNgxenye**

**69.** Umnikazi welayisensi yekhasino kumele ahambisane ngokugcwele nezinhlinzeko zale Ngxenye ezinsukwini eziyi-14 eqale imisebenzi yemidlalo yemali.

#### **Izidingo ezejwayelekile zezinhlelo zokuqapha**

**70.**(1) Umnikazi welayisensi yekhasino kumele axhume, agcine kahle futhi, zikhathi zonke abe nohlelo lokuqapha olunamakhamera, amamonitha nemishini yokuqapha izithombe, konke okumele ngokuhlanganyela kuhlinzeke uhlelo okuqapha oludingeka kule Ngxenye.

(2) Uhlelo lokuqapha kumele lubandakanye ukuqoshwa kwezinsuku nezikhathi okumele kuvele kuzona zonke izithombe uma kuqoshwa izinsuku nezikhathi zezigameko eziqoshwayo, ngaphandle kokuphazamisa isithombe salokho okuqoshiwe.

(3) Umnikazi welayisensi kumele ahlinzeke igumbi lamakhamera ezakhiweni zakhe, okumele –

- (a) ligcine yonke impahla esetshenziselwa ukuqapha nokuqapha okwenzekayo ngohlelo lokuqapha;
- (b) libe nomnyango oseceleni ongeke ubonakale kubasebenzi bekhasino



nasemphakathini; futhi

(c) zikhathi zonke, libe nabasebenzi abaqeqeshiwe abahlongozwe kwisigatshana somthethonqubo (6).

(4) Umnikazi welayisensi kumele aqinisekise ukuthi imishini yokuqapha iyagadwa zikhathi zonke abasebenzi abaqeqeshiwe abahlongozwe kwisigatshana (6) futhi leyo mishini kumele ikwazi ukuhlola ukusebenza kwayo yonke eminye imishini yokuqapha efakwe kwamanye amahhovisi.

(5) IBhodi noma umhloli, kumele zikhathi zonke akwazi ukungena noma inini egumbini lemishini yokuqapha nakwezinye izinye izindawo ezinemishini yokuqapha ekhasino, kuncike ekutheni uveza amazisi wakhe.

(6) Abasebenzi bezokuqapha abahlongozwe kwisigatshana somthethonqubo (4) kumele –

(a) baqashwe futhi baqeqeshwe ngokuhambisana namazinga adingekile agunyazwe yiBhodi; futhi

(b) baqeqeshwe noma babe ngabaqeqeshelwe ukuna nolwazi olunzulu mayelana –

(i) nayo yonke imidlalo yemali yasematafuleni ekhona edlalwayo ekhasino yomnikazi welayisensi;

(ii) nale mithethonqubo;

(iii) nanoma imiphi imithetho esungulwe iBhodi ngokwesigaba 7(1)(m)(ii) soMthetho.

(7) Uhlelo lokuqapha nemishini yalo kumele –

(a) luxhunywe ngendlela ezokwehlisa amathuba okuthi lukwazi ukukokotelwa; futhi

(b) luxhunywe emishinini yokuhlinzeka amandla ekwaziyo ukuthi, uma kuphela ugesi, kungaphazamiseki uhlelo lokuhlola futhi luqhubeke nokukhanyisa ukuze kugadwe futhi kuqhutshwe uhlelo lokuhlola.

(8) Imonitha yokuqapha ngayinye egumbini lokuhlola kumele ibe okungenani isikwele ezingamasentimitha angama-30.

(9) Ikhamera ngayinye exhunywa ohlelweni lokuqapha bese ixhunywa endaweni esetshenziswa umphakathi kumele ifihlwe emehlweni omphakathi ngokuthi imbozwe ngengilazi engabonakali ngaphakathi noma ngesibuko esingabonakalisi ngaphakathi noma ngokunye okufana nalokho.

56

- (10) Uhlelo lokuqapha kumele luthathe futhi luqophe izithombe eziwumbala, phakathi kokunye –
- (a) zezimali ezingenayo neziphumayo emagumbini asekhasino;
  - (b) zamatafula okudlala;
  - (c) zezithombe ezikhombisa izimali eziwinwayo uma izimali ezihambisana nalokho zingakhonjisiwe emishinini yemidlalo yemali ehambisana nazo;
  - (d) zanoma imiphi imishini ekhombisa izimali ezikhokhwayo; kanye
  - (e) nezamagumbi okubala.

(11) Ngokwenhloso yokuchaza igumbi lokubala elihlongozwe kule ngxenye, “**igumbi lokubala imali engamaphepha**” kushiwo igumbi elivikelekile futhi eliqashiwe lapho abasebenzi ababhalisiwe basekhasino bebalela khona imali engamaphepha, iziliphu zokukhokha, namasheke asebhange ekhasino.

(12) Imishini yokuqapha izithombe esetshenziswa ohlelweni lokuqapha kumele ikwazi ukuveza, ngokushesha uma kunesidingo, izithombe noma amakhophi ezithombe acacile angaba ngumbala omhlophe nomnyama noma angaba yimibala yangempela ezithombe ezivela kunoma imiphi imininingwane eqoshiwe.

(13) Umnikazi welayisensi yekhasino kumele akwazi ukuqapha imininingwane yezithombe ekwaziyo ukuba iqoshwe emshinini ofundeka kwikhompyutha futhi igcinwe kwikhompyutha.

#### **Izinhlelo zokuqapha emagumbini okubala kanye nasemagumbini okheshiya asekhasino**

71.(1) Umnikazi welayisensi yekhasino kumele axhume, agcine futhi zikhathi zonke aqhube uhlelo lokuqapha olukwaziyo ukugada nokuqapha ngaphandle kokuphazamisa izithombe zakho konke ukungena nokuphuma kwezimali –

- (a) egumbini lokubala nalapho kugcinwa khona izinto zokudlala ezimele imali ezingakabalwa ngesikhathi sokufakwa nokubalwa kwemali, kubandakanya izindonga, iminyango, izikali, imishini yokusonga, imishini yokuhlukanisa izinto zokudlala ezimele imali, izindishi, amavolthi, izisefo kanye nayo yonke indawo okusetshenzelwa kuyo;
- (b) egumbini lokubala, kubandakanya izindonga, iminyango, amabhokisi okuphonswa kuwo, amavolthi, izisefo nezindawo okubalelwa kuzo okumele zibe sobala;
- (c) nasegumbini likakheshiya ekhashino, kubandakanya amawindi avela amakhasimende, amashalofu ezimali, amavolthi, izisefo, amakhawunta, izindawo zokugcina izinto zokudlala ezimele imali namawindi okungenisa izinto zokudlala ezimele imali.

(2) Ngokwenhloso yokuchaza igumbi lokubala elihlongozwe kule ngxenye, “**igumbi lokubala imali ewuhlweza**” kushiwo igumbi eliphephile futhi eliqashiwe lapho abasebenzi ababhalisile ekhasino bebalela khona zonke izinto zokudlala ezimele imali ekhasino.

(3) Izithombe zakho konke ukubalwa kwezimali okwenzeka egumbini lokubala, egumbini lokugcina impahla nasegumbini likakheshiya ekhasino, kumele ziqoshwe ngendlela ecace ngokwenele ukuze abasebenzi abavela esithombeni kubonakale kahle iminyakazo yabo, nokwenzela ukuthi kubonakale wonke amanani ezimali nokubhalwayo.

(4) Uhlelo lokuqapha kumele lubandakanye imishini yokuqapha nokuqapha umsindo emagumbini okubala.

(5) Ulwazi oluqoshiwe ezindlini zokubala kumele lugcinwe okungenani izinsuku ezingama-30.

#### **Izinhlelo zokuqapha ematafuleni emidlalo yemali nasemagumbini emidlalo yamakhadi**

**72.(1)** Umnikazi wekhasino eqhuba imidlalo yemali yasematafuleni noma enamagumbi emidlalo yamakhadi kumele axhume futhi agcine, futhi zikhathi zonke, asebenzise uhlelo lokuqapha olukwazi ukuqapha nokuqapha –

(a) amahora angama-24 nsuku zonke futhi asebenzise amakhamera angasuki kulelo nalelo tafula, itafula ngalinye, noma inini uma kuxhunywwe i-*drop box* kulelo tafula; futhi

(b) olufakwe ngendlela yokukwazi ukuqapha konke okuqhubekayo –

(i) kuwo wonke amagumbi amatafula nemidlalo yamakhadi ngendlela ecacile eyenza kubonakale kahle abadlalisayo, abadlali, izihlwele kanye nabasebenzi abangemuva;

(ii) kuyo yonke imidlalo yasetafuleni noma yamatafula emidlalo yamakhadi, kubandakanya izindawo okufakwa kuzo imali ematafuleni, ngendlela ecace ngokwenele ukuze kukwazi ukubonakala kahle wonke amacwecwe okudlala, imali engukheshi, amadayisi, kanye namakhadi emali, kanye nomphumela womdlalo;

(iii) endaweni yokudlala etafuleni kanye nasendaweni okudlalwa kuyona ngesikhathi esisodwa;

(iv) ematafuleni e-*roulette* anesondo eligingqwayo, ukuze kuvele kokubili itafula

58

*le-roulette* kanye nesondo elingingqwayo ewindini elilodwa lomshini wokuqapha;  
 (v) kuwo wonke ama-*slot* ama-*drop boxes* nezinombolo zamatafula; kanye  
 (vi) nakuwo wonke amagumbi emidlalo yamakhadi nezindawo zokufaka imali  
 etafuleni, kubandakanya zonke izindawo zokudonsa amakhadi, amashalofu  
 kanye nezisefo ezikhona.

(2) Konke ukuqoshwa ngokwalo mthethonqubo kumele kugcinwe umnikazi welayisensi okungenani izinsuku ezingamashumi amathathu ngemuva kokuqoshwa ngakunye.

### **Izinhlelo zokuqapha zemishini yemidlalo yemali**

**73.**(1) Umnikazi welayisensi yekhasino enemishini yemidlalo yemali kumele axhume, agcine kahle futhi zikhathi zonke asebenzise uhlelo lokuqapha olukwaziyo ukuqapha, amahora angama-24 nsuku zonke izithombe –

(a) kuyo yonke indawo lapho kubekwe khona imishini yemidlalo yemali ngendlela ekwazi ukukhombisa kahle abadlalayo kanye nabasebenzi;

(b) ezindaweni zokushintsha umdlalo emshinini ngamunye, ezindaweni zokukhipha imali emshini ngamunye, ematafuleni amakhawunta, emishinini yokubala, emawindini asetshenziswa amakhasimende nasemawindini asetshenziswa abasebenzi ngendlela ecace ngokwenele ukuze kubonakale kahle ukungena nokuphuma kwezimali, ukheshi, imibhalo, abadlali kanye nabasebenzi.

(2) Konke ukuqoshwa okwenziwe ngokwalo mthethonqubo kumele kugcinwe umnikazi welayisensi okungenani izinsuku ezingamashumi amathathu kusukela osukwini okuqoshwe ngalo.

### **Izinhlelo zokuqapha zamahhovisi ezokuphepha ekhasino**

**74.**(1) Umnikazi welayisensi yekhasino kumele axhume uhlelo lokuqapha olukwaziyo ukuqapha, amahora angama-24 nsuku zonke futhi luqophe izithombe ezicacile, zikhathi zonke zanoma iliphi ihhovisi lezokuphepha lapho noma imuphi umuntu engaphonswa khona imibuzo onogada basekhasino, umhloli noma uMbutho wamaPhoyisa waseNingizimu Afrika.

(2) Noma ikuphi ukuqashwa nokuqoshwa emahhovisi ezokuphepha okuhlongozwe kwisigatshana somthethonqubo (1) kumele kwenziwe ngokuthi kuqoshwe umsindo nezithombe

ngaso sonke isikhathi lowo muntu egciniwe noma ephekwa ngemibuzo kulelo hhovisi.

(3) Wonke amahhovisi ezokuphepha ahlongozwe kulo mthethonqubo kumele abe nophawu, olunanyathiselwe ndaweni ezobala kuwona, olukhombisa ukuthi amahhovisi anamakhamera nemishini eqopha umsindo zikhathi zonke.

(4) Konke ukuqoshwa okwenziwe ngokwalo mthethonqubo kumele kugcinwe umnikazi welayisensi okungenani izinsuku ezingamashumi amathathu kuqoshwe lesi sigameko.

### **Ukungasebenzi kwemishini yohlelo lokuqapha lwekhasino**

**75.(1)** Umnikazi welayisensi yekhasino kumele asungule futhi agcine uhlu lwayo yonke impahla esetshenziselwa uhlelo lokuqapha lwekhasino engasebenzi futhi agcine lolo luhlu okungenani unyaka owodwa ngemuva kosuku lwesigameko sokugcina esibhaliwe ohlwini.

(2) Noma imiphi imishini engasebenzi kumele ilungiswe engakedluli amahora angamashumi amabili nane iqalile ukungasebenzi futhi uma kwenzeka ukuthi angeke ilungisekele esikhathini esingamahora angamashumi amabili nane, umnikazi welayisensi yaleyo khasino kumele ngokushesha ahambise umbiko obhalwe phansi kwiBhodi ebeka izizathu zokubambezeleka kokulungiswa kwalowo mshini futhi kumele agcine lowo mbiko okungenani isikhathi esiyizinsuku ezingamashumi amathathu ngemuva kokuwuthumela kwakhe kwiBhodi.

(3) IBhodi, uncike ezinhlinzekweni zesigatshana somthethonqubo (6) ingayalela ukuthi yonke imisebenzi eyenziwa kuleyo ndawo ephazamisekile ngenxa yokungasebenzi komshini othile ivalwe kuze kube lowo mshini uyalungiswa.

(4) Uma kwenzeka kuba yikhamera, umshini wokuqopha noma imonitha ebalulekile engasebenzi, umnikazi welayisensi kumele ngokushesha amise yonke imidlalo yokugembula eqhubekayo, ukudlalwa kwemidlalo yasekhasino noma kwemishini yemidlalo yemali eqashwe neqoshwa yileyo khamera, yilowo mshini wokuqopha noma yileyo monitha, kuze kulungiswe.

(5) Ukumiswa kokugembula okuhlongozwe kwisigatshana somthethonqubo (4) ngeke kwenzeka uma kukhona omunye umshini wokuqapha nokuqopha okhona ongakwazi ukuthi usetshenziswe ngokushesha kuleyo ndawo ethintekayo, kuze kube kulungiswa lowo mshini ofile.

60

(6) Umshini wokubambisa emidlalweni yokugembula ohlongozwe kwisigatshana somthethonqubo (5) angeke usebenze ngaphezu kwamahora angama-24 ngemuva kokuba kufe ikhamera, umshini wokuqopha noma imonitha yakuleyo ndawo.

#### **Izidingo zokuba uhlelo lokuqapha lukwazi ukuqopha**

76.(1) IBhodi inganxusa ukuba umnikazi welayisensi yekhasino aqophe zithombe, izigameko nezindawo ngaphezu kwalezo ezinqunywe kule Ngxenye, kubandakanya phakathi kokunye, zonke izindawo zokungena nezindawo zokwemukelwa kwabantu zekhasino.

(2) Umnikazi welayisensi yekhasino kumele agcine uhlu olubhaliwe lwazo zonke izigameko ezibonwe umsebenzi wezokuqapha wekhasino ezibonakala sengathi ziyasolisa noma ziyaphambana nenqubo, noma azihambisani noma okubonakala sengathi azihambisani nanoma imuphi umthetho weRiphabhulikhi, izinhlinzeko zalo Mthetho, le mithethonqubo noma imithetho yeBhodi futhi kumele, ngokushesha ngemuva kokwenzeka kwaleso sigameko, azise iBhodi.

(3) Yonke imininingwane evezwa izithombe ekhonjiswa uhlelo lokuqapha kumele iveze izithombe ezicacile futhi ezingaphazamisekile zaleyo ndawo ezithathwe kuyona.

(4) Umnikazi welayisensi yekhasino kumele agcine yonke imininingwane yezithombe eqoshiwe okungenani izinsuku eziyisikhombisa ngemuva kokuqoshwa kwayo, ngaphandle uma kudingeka igcinwe isikhathi eside njengoba kuhlongozwe komunye wemithethonqubo yale Ngxenye noma uma kuyalela iBhodi.

(5) Abasebenzi bezokuqapha abasebenzayo ngesikhathi kuqoshwa kumele, ngaphambi kokuba bashayise, baqinisekise ukuthi konke ukuqoshwa kwezithombe okwenziwe ngesikhathi besebenza kuyabhalwa usuku nesikhathi abasisebenzile beqopha, izindawo ebebeziqaphile futhi kusayine umuntu okunguyena obeqopha.

(6) Konke ukuqoshwa kwezithombe kumele kwenziwe ngaso lesi sikhathi sesigameko noma ngesikhathi eseluliwe sokudlalwa kwezithombe hhayi ngesikhathi sekhefu lokuqopha.

#### **Ukugunyazwa nokushintshwa kwamasu ohlelo lokuqapha**

77.(1) Wonke umuntu ofaka isicelo selayisensi yekhasino kumele athumelele iBhodi, uma icela

61

noma ukuze igunyaze, isu lohlelo okuqapha.

(2) Isu lohlelo lokuqapha elihlongozwe kwisigatshana somthethonqubo (1) kumele libandakanye

—

(a) ipulani yephansi lekhasino ekhombisa indawo lapho kuzobekwa khona yonke impahla yokuqapha; kanye

(b) nencazelo enzulu yohlelo lokuqapha lwekhasino nempahla yakhona, mayelana nezindawo okudingeka ukuba zibe ngaphansi kweso lokuqashwa ngokwale Ngxenye.

(3) Umfakisicelo noma umnikazi welayisensi yekhasino akumele ashintshe noma athuthukise isu lohlelo lokuqapha eligunyaziwe elihlongozwe kwisigatshana somthethonqubo (1), ngaphandle kokugunyazwa kuqala yiBhodi, njengoba kuhlongozwe kwisigatshana somthethonqubo (4).

(4) Noma inini uma umfakisicelo noma umnikazi welayisensi yekhasino efisa ukushintsha, ukulungisa noma ukuthuthukisa isu lakhe lohlelo lokuqapha, lowo mfakisicelo noma lowo umnikazi welayisensi kumele athumele kwiBhodi ukuze igunyaze lesi sichibiyelo sepulani asihlongozayo, esikhombisa zonke izinguquko, ukulungiswa noma ukuthuthukiswa kohlelo lokuqapha, zingakedluli izinsuku ezingama-30 ngaphambi kokuba aqale ukwenza lolo shintsho, lokho kulungisa noma lokho kuthuthukiswa.

#### ISAHLUKO 4

#### IMPAHLA ESETSHENZISELWA IMIDLALO YEMALI

##### *Ingxenye 1*

*Impahla esetshenziselwa imidlalo yemali: UkuBhaliswa kwaBantu ababalulwe yisigaba 66 soMthetho*

#### **Isicelo sokubhalisa somkhiqizi, sohlinzeka impahla noma sonakekela impahla**

**78.** Umuntu ofisa ukukhiqiza, ukudayisa, ukwakha, ukuqashisa, ukusabalalisa, ukungenisa, ukukhangisa, ukulungisa, ukusevisa noma ukukhanda noma iyiphi impahla esetshenziselwa imidlalo yemali ohlongozwe esigabeni 66 soMthetho, kumele afake isicelo kwiBhodi sokuba umkhiqizi, ohlinzeka impahla noma okhanda impahla.

**Ifomu nokwenziwa kwesicelo**

**79.** Isicelo sokubhalisa esihlongozwe kumthethonqubo 78 kumele sithunyelwe ngefomu elinqunywe yiBhodi, okumele litholakale emahhovisi eBhodi ngamahora okusebenza ejwayelekile, futhi okumele sihambisane nezimali ezikhokhelwa isicelo sokubhaliswa esinqunywe oHlelweni 2 loMthetho.

**Imibandela yokubhalisa**

**80.** IBhodi ingagunyaza isicelo sokubhalisa kuncike emisebenzini egunyaziwe ezokwenziwa ehlongozwe kumthethonqubo 81, kanjalo nanganoma imuphi omunye umbandela, noma ingasichitha isicelo sokubhalisa.

**Imisebenzi egunyaziwe ethathwa njengemibandela yokubhalisa**

**81.** Noma inini uma iBhodi igunyaza isitifiketi sokubhalisa ngokuhambisana nomthethonqubo 80 kumele icacise, njengombandela umsebenzi ogunyazwe ukubhalisa okungaba owodwa noma yonke kule elandelayo:

- (a) ukukhiqiza;
- (b) ukuhlanganisa;
- (c) ukuhlela imishini noma ukuphinda izinhlelo zemishini;
- (d) ukudayisa, ukuthutha, ukusabalalisa, ukuqashisa, noma ukukhangisa ngemishini;
- (e) ukusevisa, ukulungisa nokukhanda imishini;
- (f) nanoma imuphi omunye umsebenzi ogunyazwe yiBhodi, mayelana nempahla yemidlalo yemali egunyaziwe.

*Ingxenye 2**Impahla esetshenziselwa imidlalo yemali: Ukubhaliswa kwempahla yemidlalo yemali***Impahla yemidlalo yemali iyohambisana namazinga e-SABS futhi ibhaliswe yiBhodi**

**82.(1)** Akukho mpahla yemidlalo yemali okumele isetshenziswe noma isatshalaliswe, idayiswe, ibolekiswa, ikhangiswa noma kudlalwe ngayo, noma ilungiswa, noma isewiswe noma ikhandwe yinoma imuphi umuntu obhalise ngokuhambisana nezinhlizeko zale Ngxenye yemithethonqubo, ngaphandle uma –



63

- (a) igunyazwe njengehambisanayo namazinga afanele e-SABS, noma namanye amazinga nemigomo kazwelonke, noma, uma kungekho lokhu okubalulwe ngasenhla, namazinga anqunywe yiBhodi; noma
- (b) igunyazwe iyodwa futhi yabhaliswa yiBhodi ngesicelo esikwifomu elinqunywe yiBhodi.

(2) Umuntu ofisa ukukhiqiza, ukudayisa, ukuhlinzeka, ukuqashisa, ukusabalalisa, ukuthutha, ukukhangisa, ukunakekela, ukusevisa noma ukukhanda noma iyiphi impahla yemidlalo yemali angaba nempahla, nemishini noma nemidlalo yemali ngisho engakagunyazwa futhi engakabhaliswa ngokuhambisana nezinhlinzeka zesigatshana somthethonqubo (1), uma leyo mpahla, lowo mshini noma lowo mdlalo –

- (a) uzothunyelwa kwamanye amazwe uyodayiswa noma uzothunyelwa kwenye indawo engaphandle kwesiFundazwe futhi ikhona incwadi eyeseka lokho;
- (b) uma usesigabeni sokuba uthunyelwe ukuze uyoqinisekiswa futhi ugunyazwe ngendlela ehlongozwe kwisigatshana somthethonqubo (1) futhi kunezincwadi ezifanele ezikwesekayo lokho; futhi
- (c) ngemvume ebhalwe phansi yeBhodi, usetshenziswa ngenhloso yokukhangisa noma yokubukisa noma ngezinye izinhloso ezingagunyazwa yiBhodi.

(3) Noma imuphi umnikazi welayisensi onempahla yemidlalo yemali, umshini noma into yokudlala noma okunye okuhambisana nakho, okungaqinisekisiwe, okungagunyazwe futhi okungabhalisiwe ngokuhambisana nezinhlinzeka zesigatshana somthethonqubo (1) salo mthethonqubo, kumele afake isicelo sokubhaliswa nokugunyazwa ngendlela enqunywe yiBhodi.

(4) Umuntu ohlongozwe esigatshaneni 66 soMthetho, noma inini, ngendlela nangefomu elinqunywe yiBhodi, angafaka isicelo sokwesulwa kwanoma iyiphi impahla yemidlalo yemali noma ehambisana nayo, umshini noma into yokudlala ebhaliswe ngokwalo mthethonqubo.

(5) Noma iyiphi impahla yemidlalo yemali noma ehambisana nayo, umshini noma into yokudlala egunyazwe yiBhodi kumele ibe nenombolo yokubhaliswa yiBhodi endaweni esobala kuyona.

(6) Impahla yemidlalo yemali akumele ibulawe noma idayiswe ngaphandle kokugunyaza kweBhodi kuqala: Kuncike ekutheni uma iBhodi igunyaza lokho, kumele icacise indlela nezizathu zokudayiswa noma zokubulawa kwaleyo mpahla.

(7) Ukubulawa noma ukudayiswa kwempahla okugunyaziwe kumele kwenziwe ngendlela

nangezizathu ezicaciswe yiBhodi ngesikhathi igunyaza lokho kubulawa noma lokho kudayiswa.

### **Ukuqinisekisa nokugunyaza kwe-SABS**

**83.(1)** Umkhiqizi, umhlinzeki noma olungisa impahla ogunyaziwe kumele, kuncike ezinhlinzekweni zomthethonqubo 82(2), athumele yonke impahla yemidlalo yemali anayo engaqinisekisiwe nengagunyaziwe kwi-SABS, ukuze iqinisekise futhi igunyazwe ngaphandle kokubambezeleka.

(2) I-SABS ingahlakaza noma iyiphi impahla yemidlalo yemali futhi ingabulala izingxenye ezithile ukuze ivivinye, ihlole futhi ibheke ngokuphelele impahla yemidlalo yemali, ukuze kutholakale uma impahla yemidlalo yemali ihambisana namazinga adingekayo nokuthi ikufanele yini ukuqinisekiswa nokugunyazwa.

(3) Izindleko ezihambisana nokuhlolwa, ukuvivinywa kanye nokuqinisekiswa kwempahla yemidlalo yemali, kubandakanya noma ikuphi ukulimala kwaleyo mpahla ngesikhathi ihlolwa, kumele zikhokhwe umkhiqizi, ohlinzeka impahla noma olungisa impahla.

(4) IBhodi ingacela ofake isicelo sokubhalisa impahla yemidlalo yemali, ukuba ahlinzeke ngempahla ekhethekile noma usizo lukangoti othile ukuzohlola, ukuvivinya nokubheka noma iyiphi impahla yemidlalo yemali.

(5) Umnikazi welayisensi, uma sekuqediwe ukuhlolwa nokuvivinywa okuhlongozwe kulo mthethonqubo, kumele azise iBhodi ngencwadi ukuthi impahla yemidlalo yemali ihanjisiwe kwi-SABS yagunyazwa khona njengehambisanayo namazinga adingekayo.

(6) Uma esethole isitifiketi se-SABS esihlongozwe kwisigatshana somthethonqubo (5), ofake isicelo sokubhalisa impahla yemidlalo yemali kumele alethe isitifiketi sokugunyazwa kwiBhodi.

(7) Uma isitifiketi se-SABS esihlongozwe kwisigatshana somthethonqubo (5) sikhombisa ukuthi impahla yemidlalo yemali iyahambisana namazinga adingekayo e-SABS, iBhodi ingabhalisa leyo mpahla yemidlalo yemali futhi uma ibhalisa leyo mpahla, iBhodi kumele inikeze umfakisicelo isitifiketi sokubhaliswa kwempahla yakhe esifanele.

65

**Ukushintshwa nokulungiswa kwenqatshelwe**

**84.** Akekho umuntu okumele avunyelwe ukushintsha, ukukhanda noma ukulungisa noma iyiphi impahla yemidlalo yemali ebhaliswe negunyazwe ngokusemthethweni ngaphandle kokuthi athole imvume kwiBhodi kuqala.

**Ukumiswa kokugunyazwa nokubhaliswa**

**85.**(1) IBhodi ingakhipha umyalelo, ngesaziso noma ngaphandle kwesaziso kuqala, kunoma imuphi umnikazi welayisensi noma abantu ababhalisile ngokuhambisana nale Ngxenye, wokumisa ukugunyazwa nokubhaliswa kwanoma imuphi umshini wemidlalo yemali, uma iBhodi ithola ukuthi leyo mpahla ayisebenzi ngendlela egunyazwe iBhodi noma uma umkhiqizi noma ohlinzeka impahla engachazanga kahle indlela leyo mpahla yemidlalo yemali esebenza ngayo.

(2) Ngemuva kokukhipha umyalelo ngokwesigatshana somthethonqubo (1) iBhodi ingavala noma ithathe lonke uhlobo lwempahla yemidlalo yemali ethintekayo.

*Ingxenye 3*

*Impahla esetshenziselwa imidlalo yemali: UkuQeqeshwa kwabaSebenzi abakhiqiza nabaSevisa iMpahla*

**Izinhlelo zokuqeqeshwa kwabasebenzi abakhiqiza nabasevisa impahla**

**86.** Wonke umuntu okhiqiza, ohlinzeka noma olungisa impahla kumele athumele kwiBhodi ukuze igunyaze –

- (a) uhlelo lokuqeqeshwa lwabasebenzi abakhiqiza nabasevisa impahla abasemisebenzini yokukhiqiza, yokusevisa neyokunakekela impahla yemidlalo yemali nehambisana nayo, imishini neminye imidlalo;
- (b) umbhalo ocacisa uhlelo lokuqeqeshwa;
- (c) amagama abaqeqeshi neziqo zabo; kanye
- (d) nekhophi yemiyalelo ezofundwa.

**Isitifiketi sokubhaliswa siyohlala obala ukuze sihlolwe**

**87.** Bonke abasebenzi ababhaliswe umuntu okhiqizayo, othumela impahla nolungisa impahla kumele bahlale benezitifiketi zabo ukuze zihlolwe zikhathi zonke ngesikhathi besemisebenzini.

*Ingxenye 4*

*Impahla esetshenziselwa imidlalo yemali: Amarekhodi noMbiko weMali eNgenayo  
okuDingwa uMkhiqizi, oHlinzeka iMpahla noLungisa iMpahla*

**Amarekhodi ezimali**

**88.** Bonke abakhiqizi, abahlinzeka impahla nabalungisa impahla kumele, ngendlela engagunyazwa noma icelwe yiBhodi, bangagcina amarekhodi ezimali acacile, aphelele futhi ayiqiniso azo zonke izimali ezisebenzile.

**Amarekhodi okuthunyelwa kwempahla**

**89.** Umkhiqizi obhalisile noma ohlinzeka impahla kumele agcine amarekhodi okuthunyelwa kwempahla akhombisa –

- (a) usuku lokuthunyelwa kwempahla;
- (b) igama, ikheli nenombolo yelayisensi yomukele impahla;
- (c) incazelo yesibalo semishini noma impahla ethunyelwe;
- (d) inombolo yokugunyazwa kanye nenombolo yokubhaliswa yiBhodi;
- (e) izinombolo zokubhaliswa zemishini noma zempahla ethunyelwe; kanye
- (f) nolunye ulwazi njengoba iBhodi ingacela,

futhi kumele ngokushesha uma ecelwa, ahlinzeke iBhodi noma umhloli ngalawo marekhodi.

**Amarekhodi okunakekelwa nokulungiswa kwempahla**

**90.** Umuntu onakekela impahla obhalisile kumele agcine amarekhodi akhe abhalwe phansi akho konke ukulungiswa kwempahla nemishini yemidlalo yemali akhombisa –

- (a) usuku lokulungiswa;
- (b) igama, ikheli nenombolo yelayisensi yomnikazi womshini noma wempahla;
- (c) incazelo yomsebenzi owenziwe;
- (d) inombolo yokubhaliswa yomshini noma yempahla elungisiwe; kanye
- (e) nolunye ulwazi olungadingwa yiBhodi,

futhi kumele ngokushesha uma kuba nesicelo, ahlinzeke lawo marekhodi kwiBhodi noma kumhloli.

**Amarekhodi esitokwe**

**91.** Bonke abakhiqizi, abahlinzeki bempahla noma abalungisi bempahla ababhalisile kumele bagcine wonke amarekhodi esitokwe abhalwe phansi akhombisa –

- (a) isitokwe okuvulwa ngaso;
- (b) isitokwe esithengiwe/esikhiqiziwe;
- (c) isitokwe esithunyiwe; kanye
- (d) nesitokwe okuvalwa sikhona,

futhi bahlinzeke iBhodi noma umhloli ngamarekhodi alokho ngokushesha uma bewadinga.

**Amanye amarekhodi**

**92.(1)** Bonke abakhiqizi, abahlinzeki bempahla noma abalungisi bempahla ababhalisile abayinkampani kumele bagcine ezakhiweni zamabhizinisi abo noma emahhovisi abhalisile, noma uma kuba nesicelo, kumele bahlinzeke iBhodi, noma umhloli –

- (a) ikhophi yememorandamu nencwadi yokuqala ibhizinisi yaleyo nkampani, kubandakanya noma isiphi isichibiyelo;
- (b) ikhophi yesitifiketi senkampani sokuqala ibhizinisi;
- (c) irejista yabo bonke abasebenzi nabaqondisi abakhona nasebashiya;
- (d) amaminithi ayo yonke imihlangano yabanamasheya ebhizinisini;
- (e) amaminithi ayo yonke imihlangano yabaqondisi namakomidi ebhodi yabaqondisi;
- (f) irejista yabo bonke abanamasheya echaza igama, ikheli nesibalo samasheya anawo umuntu ngamunye nosuku athola ngalo lawo masheya; kanye
- (g) nanoma imaphi amanye amarekhodi iBhodi engawacela ukuthi agcinwe.

(2) Noma imuphi umuntu obhalisa njengomkhiqizi, njengomhlinzeki wempahla noma njengolungisa impahla kumele agcine lawo marekhodi iBhodi engawanquma.

**Kuyoletswa umbiko wentela ekhokhwayo**

**93.** Wonke umuntu obhalise njengoba kubekwe kule Ngxenye yemithethonqubo kumele, ngendlela nangesimo esinqunywe yiBhodi, alethe ulwazi noma inini uma kusho iBhodi.

ISAHLUKO 5  
IMISHINI EKHOKHA ISAMBA ESITHILE

*Ingxenye 1*

*IMishini eKhokha iSamba esithile*

**Imishini ekhokha isamba esithile iyohambisana namazinga e-SABS**

94. Umqhubi womzila noma umqhubi wendawo ezimele, ngaphambi kokufaka isicelo ngendlela ehlongozwe kwiNgxenye 2 yeSahluko 4, ukuze abhalise imishini ekhokha isamba esithile noma eminye imishini yemidlalo yemali, kumele aqinisekise ukuthi leyo mishini ekhokha isamba esithile noma leyo mishini yemidlalo yemali igunyaziwe i-SABS futhi iyahambisana nengxenye esetshenziswayo yamaZinga e-SABS 1718 futhi kumele aqinisekise ukuthi iBhodi iyahlinzekwa ngezincwadi zokugunyazwa ezidingekayo.

**Isiteki esikhulu esinqunyiwe**

95.(1) Isamba esikhulu esinganqunywa noma okungabhejwa ngaso ukuze umuntu akwazi ukudlala wonke ulayini ophhelele womdlalo ngamunye emishinini ekhokha isamba esithile amarandi ayisihlanu.

(2) Ngokwenhloso yesigatshana somthethonqubo (1) umdlalo kumele ubandakanye noma imiphi eminye imidlalo ehambisanayo evulekayo uma udlala umdlalo wokuqala, kodwa ayibandakanyi imidlalo engamadabuli.

**Umklomelo omkhulu onqunyiwe**

96.(1) Isamba esingawinwa kulayini okhokha wonke emshini wokudlala okhokha isamba esithile u-R500,00.

(2) Ngokwenhloso yesigatshana somthethonqubo (1) salo mthethonqubo, umdlalo kumele ubandakanye yonke eminye imidlalo ehambisana nawo noma ukudlalwa kwemidlalo engamadabuli, okwenzeka uma uwine umdlalo wokuqala: Kuncike ekutheni angeke kuvunyelwe ukudlala amadabuli uma isamba esizophindwa kabili seqa ku-R250,00.

**Imiklomelo kumele ikhonjiswe**

**97.** Zonke izinombolo eziwinayo, kanjalo nemiklomelo noma isamba sokuwina okuhambisana nazo, kumele kukhonjiswe ngokusobala futhi kubonakale kalula kumuntu odlalayo, kuyona yonke imishini ekhokha isamba esithile evulelekile ukuba ingadlalwa.

**Imali etholwa umuntu odlalayo**

**98.** Yonke imishini ekhokha isamba esithile evulelekile ukuba idlalwe kumele ibe nesamba esiqinisekisiwe esibalwe kahle semali etholwa umdlali engamaphesenti angekho ngaphansi kwama-85.

**Imishini ekhokha isamba esithile iyoxhumana nohlelo lokuqapha nokulawula olugunyaziwe**

**99.** Yonke imishini ekhokha isamba esithile evulelekile ukuba idlalwe kumele ikwazi ukuxhumana nohlelo olugunyaziwe lokuqapha nokulawula oluhlongozwe kwisigaba 27 soMthetho wezokuGembula kaZwelonke.

*Ingxenye 2**IMishini eKhokha iSamba esithile: Ukubhaliswa***Ukuba nemishini ekhokha isamba esithile, imidlalo yemali nenye impahla ehambisanayo**

**100.** Yonke imishini ekhokha isamba esithile nenye impahla yemidlalo yemali egunyazwe futhi ebhaliswe yiBhodi kumele ibandakanywe kumarekhodi eBhodi.

**Ukusetshenziswa nokulungiswa kwemishini ekhokha isamba esithile**

**101.(1)** Umqhubi womzila noma umqhubi wendawo ozimele akumele ashintshe ukusebenza kwemishini ekhokha isamba esithile noma impahla yemidlalo yemali ebhalisile ngaphandle kokugunyazwa kuqala yiBhodi.

**(2)** Umqhubi womzila noma umqhubi wendawo ozimele kumele asebenzise umuntu olungisa imishini obhalisile ukuze alungise imishini ekhokha isamba esithile kanye nempahla yemidlalo yemali ngendlela efanele.

(3) Umqhubi womzila noma umqhubi wendawo ozimele angakwazi ukulungisa, ukukhanda noma ukushintsha noma imuphi umshini ekhokha isamba esithile awusebenzisayo ngendlela ehambisana nezimo athole ngaphansi kwazo ilayisensi, ngokusebenza abasebenzi abaqeqeshiwe futhi anabesipiliyoni, futhi kuncike ekutheni leyo mishini ekhokha isamba esithile iqhubeka nokuba sesimweni ebigunyazwe ikusona.

**Ukugcinwa kwamarekhodi emishini ekhokha isamba esithile, imidlalo yemali nenye impahla ehambisanayo**

**102.** Umqhubi womzila noma umqhubi wendawo ozimele kumele agcine, isikhathi esiyiminyaka emihlanu, amarekhodi emishini ekhokha isamba esithile, imidlalo yemali kanye nempahla ehambisana nayo ebhaliswe ngokuhambisana nezinhlinzeko zomthethonqubo 82, kubandakanya, phakathi kokunye, umkhiqizi wayo, usuku lokuthengwa kwayo, inombolo yomshini, inombolo yohlobo, inombolo yokubhaliswa yiBhodi nosuku lokubhaliswa kwayo yiBhodi.

ISAHLUKO 6  
ABAQHUBI BEZINDAWO

*Ingxenye 1*

*AbaQhubi beziNdawo: IziNhlinzeko eseJwayelekile kubaQhubi beziNdawo*

**Imisebenzi egunyazwe yilayisensi yomqhubi wendawo**

**103.** Umnikazi welayisensi yomqhubi wendawo noma umnikazi welayisensi yomqhubi wendawo ozimele ugunyazwe ukuba aqhube futhi agcine ezakhiweni ezinelayisensi, noma engxenyeni yalezo zakhiwo njengoba kubekwe kwilayisensi, imishini ekhokha isamba esithile ebekwe kwilayisensi, kuncike kule mibandela –

- (a) isibalo semshini ekhokha isamba esithile kulezo zakhiwo ezinelayisensi akumele seqe isibalo esinqunye kule Ngxenye yemithethonqubo; futhi
- (b) yonke imishini ekhokha isamba esithile kumele ibekwe ezakhiweni ezinelayisensi ngendlela yokuthi abantu abaneminyaka engaphansi kweyishumi nesishiyagalombili abafinyeleli kuyona.

CONTINUES ON PAGE 290—PART 2





KWAZULU-NATAL PROVINCE  
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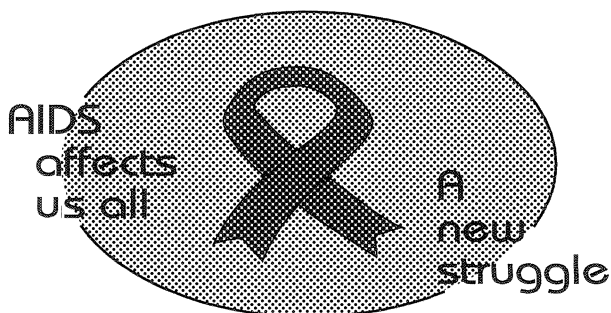
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**No. 770**

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**PART 2 OF 2**



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**Izinhlobo zabaqhubi bezindawo**

**104.(1)** IBhodi, kuncike eMthethweni nangenhloso yemisebenzi ehlongozwe kumthethonqubo 103, inganikeza ilayisensi –

(a) umqhubi wendawo wohlobo "A" obhizinisi lakhe kungaba indawo yokuthiba ukoma, indawo yokuphuza yomphakathi, ijoyinti elisemthethweni, igumbi lebhingo, noma indawo yokubheja enelayisensi: Kuncike ekutheni ukudlalwa kwemishini ekhokha isamba esithile kulezi zinhlobo zezindawo akuyona inhloso enkulu yaleyo ndawo; kanye

(b) nomqhubi wendawo wohlobo "B" onhloso enkulu yebhizinisi lakhe ezokungcebeleka, kubandakanya igumbi lebhingo: Kuncike ekutheni ukudlalwa kwemishini ekhokha isamba esithile kulezi zinhlobo zezindawo akuyona inhloso enkulu yaleyo ndawo.

(2) IBhodi kumele uma inikeza ilayisensi kubaqhubi bezindawo njengoba kuhlongozwe kwisigatshana somthethonqubo (1), ihambisane neMithethonqubo elawula iMishini eKhokha iSamba esiThile eshicilelwe kwiSaziso sikaHulumeni No. R, 1425 samhla zingama-21 kuZibandlela ka 2000 neMithethonqubo yezokuGembula kaZwelonke eyashicilelwa ngaphansi kweSaziso sikaHulumeni No. 1342 samhla ziyi-12 kuLwezi ka 2004.

*Ingxenye 2*

*AbaQhubi beziNdawo: Ilayisensi yoMqhubi weNdawo ewuhlobo "A"*

**Isicelo selayisensi yomqhubi wendawo ewuhlobo "A"**

**105.(1)** Umuntu –

(a) ofisa ukuthola ilayisensi yomqhubi wendawo ewuhlobo "A" noma umqhubi wendawo ozimele;

(b) nonhloso yakhe enkulu yileyo ehlongozwe kumthethonqubo 104(1)(a), kumele, uma sekushicilelwe isaziso okukhulunywe ngaso kumthethonqubo 13, afake isicelo kwiBhodi, sokuthola ilayisensi yomqhubi wendawo, noma ilayisensi yomqhubi wendawo ozimele, ngendlela enqunywe eMithethweni yeBhodi.

(2) Ngaphezu kwanoma iluphi olunye ulwazi okudingeka ukuthi umfakisisicelo selayisensi ohlongozwe kwisigatshana somthethonqubo (1) aluveze ngokwezinhlinzeko zeNgxenye 2 yalesi Sahluko, umfakisisicelo kumele ahlinzeke iBhodi –

72

- (a) ngekheli lendawo lezakhiwo lapho umfakisisicelo ehlongoza ukuqhuba khona ibhizinisi lakhe njengomqhubi wendawo noma umqhubi wendawo ozimele;
- (b) ikheli lendawo lapho umfakisisicelo eqhuba khona ibhizinisi njengomqhubi wendawo onelayisensi noma njengomqhubi wendawo ozimele onelayisensi;
- (c) incazelo ephelele yemisebenzi yebhizinisi elikhona noma elihlongozwayo ezokwenziwa noma eyenziwa kulezo zakhiwo akhuluma ngazo umfakisisicelo, kanjalo nekhophi yalelo bhizinisi noma enye ilayisensi ephathelene nemisebenzi eyenziwa kulelo bhizinisi;
- (d) igama lomqhubi womzila onelayisensi uma likhona noma uma kudingeka, ozohlinzeka ngemishini ekhokha isamba esithile kuleyo misebenzi ehlongozwe umfakisisicelo nekhophi yesivumelwano esibhalwe phansi phakathi komfakisisicelo nalowo mqhubi womzila, njengoba kuhlongozwe kumthethonqubo 121;
- (e) ipulani yephansi lesakhiwo okuzosetshenzwa kuso, ekhombisa indawo lapho kuhlongozwa ukuba kubekwe khona imishini ekhokha isamba esithile;
- (f) ukugunyaza kukamaziphathe wendawo mayelana nokusungulwa kwebhizinisi lokuqala kanye nemisebenzi yezokugembula yomqhubi wendawo; kanye
- (g) nanoma iluphi olunye ulwazi iBhodi engaludinga.

### **Izizathu sokuchithwa kwesicelo selayisensi yomqhubi wendawo ewuhlobo "A"**

**106.** IBhodi ingasichitha isicelo selayisensi yomqhubi wendawo ewuhlobo "A" noma selayisensi yomqhubi wendawo ozimele –

- (a) uma umfakisisicelo engahlangabezani nezidingo ezinqunywe kwiMithethonqubo yeMishini eKhokha iSamba esiThile eshicilelwe ngaphansi kweSaziso sikaHulumeni No. R. 1425 samhla zingama-21 kuZibandlela ka 200 kanye neMithethonqubo yezokuGembula kaZwelonke eyashicilelwa ngaphansi kweSaziso sikaHulumeni No. R. 1342 samhla ziyi-12 kuLwezi ka 2004;
- (b) uma esebenzisa futhi egcine imishini ekhokha isamba esithile engaphezu kwesibalo esinqunywe kumthethonqubo 107;
- (c) uma ibhizinisi lokuqala lomfakisisicelo kungeyona indawo yokuthiba ukoma, indawo yokuphuza yomphakathi, ijoyinti elinelayisensi noma isakhiwo sokubheja;
- (d) ngaphandle uma inelisekile ukuthi ukudlalwa kwemishini ekhokha isamba esithile kuleyo ndawo kuzokuba ngumsebenzi wesibili waleyo ndawo; noma
- (e) uma izakhiwo zingahlangabezani namazinga okungenani okumele zibe kuwona anqunywe kumthethonqubo 108 wale mithethonqubo noma esigabeni 18 soMthetho wezokuGembula kaZwelonke.

**Isibalo semishini ekhokha isamba esithile okungamele kweqiwe kusona**

**107.**(1) Kuncike ezinhlinzekweni zalo mthethonqubo, isibalo semishini ekhokha isamba esithile okungamele kweqiwe kusona engasetshenziselwa ukudlala ezakhiweni zomnikazi welayisensi yokuqhuba indawo ewuhlobo "A" noma yomqhubi wendawo ozimele, imishini eyisihlanu.

(2) Uma umfakisiselo engumnikazi wezindawo ezihlukahlukene ezingaphansi kwesakhiwo esisodwa futhi lowo mfakisiselo ufaka isicelo selayisensi yomqhubi wendawo ewuhlobo "A" noma yomqhubi wendawo ozimele, mayelana nendawo engaphezu kweyodwa kuleyo ndawo, iBhodi ingagunyaza isicelo mayelana nendawo eyodwa noma nezinye izindawo futhi kungahlinzekwa ngemishini ekhokha isamba esithile engeqile kwemihlanu endaweni ngayinye kuleso sakhiwo.

(3) Noma inini uma umfakisiselo efaka isicelo selayisensi yomqhubi wendawo ewuhlobo "A" noma yomqhubi welayisensi ozimele, mayelana nendawo eyodwa angumnikazi wayo futhi esezakhiweni osekuvele kukhishwe amalayisensi abaqhubi bezindawo noma amalayisensi abaqhubi bezindawo abazimele kwabanye abaqhubi bezindawo nabaqhubi bezindawo abazimele abangahlangene nalowo mfakisiselo, iBhodi ingagunyaza isicelo somfakisiselo mayelana nalezo zakhiwo: Kuncike ekutheni isibalo semishini ekhokha isamba esithile egumbini ngalinye eliyindawo yokucima ukoma, indawo yokuphuza yomphakathi, ijoyinti elisemthethweni noma indawo yokugembula esemthethweni aseqi emishinini eyisihlanu njengoba kuhlangozwe kwisigatshana somthethonqubo (1).

(4) Uma umfakisiselo ibhizinisi lakhe lenza imisebenzi engaphezu kowodwa ngesikhathi, efana nokuthi, phakathi kokunye, indawo yokucima ukoma nendawo yokuphuza yomphakathi, lawo mabhizinisi athathwa njengebhizinisi elilodwa ngokwenhloso yokufaka isicelo selayisensi yomqhubi wendawo ewuhlobo "A" futhi uma kwenzeka ilayisensi igunyazwa, isibalo semishini ekhokha isamba esithile esibhalwe kwilayisensi angeke seqe ngaphezu kwemishini eyisihlanu njengoba kunqunywe kwisigatshana somthethonqubo (1).

**Amazinga izakhiwo okungenani okumele zibe kuwona**

**108.** Izakhiwo zomqhubi wendawo ewuhlobo "A" noma zomqhubi wendawo ozimele kumele zihambisane nala mazinga alandelayo –

74

- (a) zihambisane nanoma imiphi imithethonqubo yezempilo nokuphepha kazwelonke nanoma imiphi imithetho yomasipala yezempilo nokuphepha; futhi
- (b) yonke imishini ekhokha isamba esithile ezosetshenziswa ezakhiweni ezinelayisensi kumele ibekwe ngendlela yokuthi abantu abaneminyaka engaphansi kweyi-18 abafinyeleli kuyona.

### **Imikhawulo yokukhangisa**

**109.** Umqhubi wendawo ewuhlobo "A" noma umqhubi wendawo ozimele angeke akhangise ngokuba khona kwemishini yemidlalo yemali noma afake izimpawu kwenye indawo engaphandle kwasendaweni yakhe.

### *Ingxenye 3*

#### *AbaQhubi beziNdawo: ILayisensi ewuHlobo "B" yoMqhubi weNdawo*

### **Ukufakwa kwesicelo selayisensi ewuhlobo "B" yomqhubi wendawo**

**110.(1)** Umuntu –

(a) ofisa ukuthola ilayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele, futhi onhloso enkulu yebhizinisi lakhe ileyo equkethwe kumthethonqubo 104(1)(b), kumele, ngemuva kokushicilelwa kwesaziso okukhulunywe ngaso kumthethonqubo 13, afake isicelo kwiBhodi selayisensi yomqhubi wendawo, ngendlela enqunyelele iBhodi eMithethweni yayo.

(2) Izinhlinzeko zeziNgxenye 1, 2 no 3 zeSahluko 2 semithethonqubo zisebenza nezinguquko ezidingekayo kumuntu ofaka isicelo selayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele.

(3) Ngaphezu kwanoma iluphi olunye ulwazi umfaki wesicelo selayisensi yomqhubi wendawo ewuhlobo "B" okudingeka ukuba ukuba alulethe ngokwezinhlinzeko zeNgxenye 1 yeSahluko 2 seMithethonqubo, umfakisicelo kumele ahlinzeke iBhodi –

- (a) ngekheli lendawo lezakhiwo lapho umfakisicelo ehlose ukuqhuba khona ibhizinisi njengomqhubi wendawo;
- (b) incazelo ephelele yebhizinisi umfakisicelo analo noma alihlongozayo echaza

75

imisebenzi enqala eyenziwa yibhizinisi ephathelene nokuzijabulisa nezokungcebeleka;  
 (c) ubufakazi obuzovezelwa iBhodi ukuthi ukuba khona kwemishini ekhokha isamba esithile ezakhiweni zomfakisiselo kuzofezekisa, kunokuba kudale isidingo sezokubheja emphakathini;

(d) igama lomqhubi womzila, uma ekhona, ozohlinzeka ngemishini ekhokha isamba esithile endaweni yokusebenza ehlongozwa umfakisiselo neminingwane yesivumelwano esihlongozwayo noma esenziwe esihlongozwe kumthethonqubo 121, phakathi komfakisiselo nalowo mqhubi womzila;

(e) ipulani yephansi lesakhiwo esithintekayo, ekhombisa indawo okuhloswe ukuthi kubekwe kuyona imishini ekhokha isamba esithile;

(f) imvume kamaziphathe wendawo yebhizinisi lokuqala ukuba liqhutshwe kulezo zakhiwo kanye nebhizinisi lemidlalo yemali elihlongozwayo; kanye

(g) nanoma iluphi olunye ulwazi olungadingwa yiBhodi.

(4) IBhodi kumele ilandele izinhlinzeko zomthethonqubo 3(2) weMithethonqubo yeMishini eKhokha iSamba esiThile eyashicilelwa ngeSaziso sikaHulumeni No. R 1425 samhla zingama-21 kuZibandlela 2000 uma icubungula isicelo selayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele.

#### **Izizathu zokuchithwa kwesicelo somqhubi wendawo ewuhlobo "B"**

111. IBhodi ingachitha isicelo selayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele –

(a) uma umfakisiselo engahlangabezani nezidingo ezinqunywe kwiMithethonqubo yeMishini eKhokha iSamba esiThile eyashicilelwa ngeSaziso sikaHulumeni No. R. 1425 samhla zingama-21 kuZibandlela ka 2000 kanye neMithethonqubo yezokuGembula kaZwelonke eyashicilelwa ngeSaziso sikaHulumeni No. R. 1342 samhla ziyi-12 kuLwezi ka 2004;

(b) uma ibona ukuthi ukuba khona kwemishini ekhokha isamba esithile endaweni ethintekayo akuzona izifiso zomphakathi futhi kuzoba nomthelela omubi emnothweni womphakathi ezindaweni ezakhele leyo ndawo;

(c) uma ibona ukuthi ukugunyazwa kwelayisensi angeke kufezekise izinhloso zeBhodi njengoba zihlongozwe esigabeni 6(1) soMthetho;

(d) ngaphandle uma inelisekile ukuthi ukudlalwa kwemshini ekhokha isamba esithile kuleyo ndawo kuzoba umsebenzi wesibili emisebenzini eyenziwa kuleyo ndawo; noma

76

(e) uma izakhiwo zingahlangabezani namazinga futhi ngisho iBhodi ingagunyaza ukuba zishintshwe zingeke zihlangabezane namazinga adingekayo anqunywe ngokomthethonqubo 113, noma anqunywe yisigaba 18 soMthetho wesokuGembula kaZwelonke.

### **Isibalo semishini ekhokha isamba esithile okungamele kweqiwe kuso**

**112.** Isibalo semishini ekhokha isamba esithile engaba khona ukuze idlalwe ezakhiweni ezinelayisensi yomqhubi wendawo ewuhlobo "B", akumele seqe kwengama-40.

### **Amazinga izakhiwo okumele okungenani zibe kuwona**

**113.** Izakhiwo zomqhubi wendawo ewuhlobo "B" kumele zihambisane nala mazinga okudingeka okungenani zibe nawo –

- (a) imvume kamaziphathe wendawo mayelana nemisebenzi enqala eyenziwayo, noma ezokwenziwa kulezo zakhiwo;
- (b) ukuhambisana nanoma imiphi imithetho yezempilo nokuphepha kazwelonke noma imithetho kamasipala yezempilo nokuphepha;
- (c) yonke imishini ekhokha isamba esithile ezosetshenziwa ezakhiweni ezinelayisensi kumele ibekwe ngendlela yokuthi abantu abaneminyaka engaphansi kweyi-18 bangafinyeleli kuyona;
- (d) kunendawo eyanele yokupaka ngokuhambisana nemithetho kamaziphathe wendawo; futhi
- (e) izinhlalo zezokuqapha zikhona ukuze kugqugquzelwe ukuphepha kwabazodlala nempahla yabo, okumele iBhodi igunyaze ukufaneleka kwazo.

### **Imikhawulo yokukhangisa**

**114.(1)** Umqhubi wendawo ewuhlobo "B" kumele athole kuqala imvume kwiBhodi yokukhangisa ukuba khona kwemishini ekhokha isamba esithile nanoma iluphi olunye uphawu lokukhangisa ngaphandle kwesakhiwo.

(2) Noma ikuphi ukugunyazwa okutholakale kwiBhodi ngokwesigatshana somthethonqubo (1) kuncike kwimvume yokukhangisa etholwa umqhubi wendawo ewuhlobo "B" kuqala kumaziphathe wendawo.

**Ukugunyazwa kwelayisensi uma izakhiwo ziguqulwe**

**115.** Uma iBhodi inelisekile ukuthi kunesidingo sokuthi kunikezwe umnikazi welayisensi isikhathi sokuba ashintshe izakhiwo ingagunyaza ilayisensi: Kuncike ekutheni kumele kube umbandela welayisensi ukuthi –

- (a) ukushintshwa kwezakhiwo kuyaphothulwa ngaphambi kokuba kuvumeleke ukuba kudlalwe imishini ekhokha isamba esithile;
- (b) umaziphathe wendawo ukugunyazile ukushintshwa kwezakhiwo; futhi
- (c) yonke imishini ekhokha isamba esithile esezakhiweni kumele ibekwe ngendlela yokuthi angeke idlalwe abantu abaneminyaka engaphansi kweyi-18.

*Ingxenye 4**AbaQhubi beziNdawo: Ezingxubevange***Imishini ekhokha isamba esithile nempahla yemidlalo yemali angeke ishintshwe noma ilungiswe umnikazi welayisensi**

**116.** Umqhubi wendawo –

- (a) angeke ashintshe ukusebenza kwemishini ekhokha isamba esithile noma impahla yemidlalo yemali ebhalisiwe; futhi
- (b) angeke alungise noma akhande noma imuphi umshini okhokha isamba esithile, umdlalo kanye nemidlalo yemali nempahla ehambisana nayo:

Kuncike ekutheni umsebenzi oqeqeshiwe noma onesipiliyoni womqhubi wendawo onelayisensi angalungisa, angakhanda noma angashintsha noma imuphi umshini okhokha isamba esithile, kuncike ekutheni ukuhleleka komshini okhokha isamba esithile akushintshwa.

**ISAHLUKO 7****ABAQHUBI BEMIZILA NABAQHUBI BEZINDAWO ABAZIMELE***Ingxenye 1*

*AbaQhubi beMizila nabaQhubi beziNdawo abazimele: Imisebenzi eNqunyiwe neMikhawulo yokusebenza*



**Imisebenzi enqunyelwe umqhubi womzila**

**117.(1)** Kuncike kunoma imiphi imibandela iBhodi engayibeka, umqhubi womzila –

(a) angenza ukuthi leso sibalo semishini ekhokha isamba esithile, njengoba kubhalwe kwilayisensi yomqhubi wendawo, itholakale ukuze idlalwe ezakhiweni zanoma imuphi umqhubi wendawo onelayisensi: Kuncike ekutheni –

(i) isibalo semishini ekhokha isamba esithile esibekiwe aseqi isamba esinqunywe kumthethonqubo 107 noma kumthethonqubo 112; futhi

(ii) imishini ekhokha isamba esithile nemidlalo edlalwayo, kuyahambisana ngandlela zonke nezinhlizeko zeNgxenywe 1 yeSahluko 5;

(b) kuncike kwizinhlizeko zomthethonqubo 101 uyazibophezela ukulungisa noma ukukhanda noma ukushintsha noma ukuthuthukisa umshini okhokha isamba esithile obhalwe kwilayisensi yomqhubi wendawo; futhi

(c) uqoqa zonke izintela ezinqunyiwe kubaqhubi bezindawo azikhokhe esiKhwameni seNgeniso sesiFundazwe.

(2) Umqhubi womzila unejoka lokubala nokubika ngezintela ezitholakale emisebenzini yabaqhubi bezindawo anenkontileka nabo zokubahlizeka ngemishini ekhokha isamba esithile.

**Imisebenzi enqunywelwe umqhubi wendawo ozimele**

**118.(1)** Kuncike kunoma iyiphi imibandella engabekwa yiBhodi ngokubona kwayo, umqhubi wendawo ozimele –

(a) angenza imizamo yokuthi kutholakale isibalo esithile semishini ekhokha isamba esithile, njengoba kubhalwe kwilayisensi yakhe, ukuze idlalwe ezakhiweni ezigunyaziwe: Kuncike ekutheni –

(i) isibalo sayo yonke imishini ekhokha isamba esithile ekhona aseqi esibalweni semishini okumele ibe khona enqunywe kwimithethonqubo 107 noma 112; futhi

(ii) imishini ekhokha isamba esithile nemidlalo edlalwayo, iyahambisana ngandlela zonke nezinhlizeko zeNgxenywe 1 yeSahluko 5; futhi

(b) kuncike ezinhlizekweni somthethonqubo 101, uyazibophezela ukulungisa noma ukukhanda, ukushintsha noma ukuthuthukisa imishini ekhokha isamba esithile echazwe kwilayisensi.

(2) Umqhubi wendawo ozimele unejoka lokubala nokubika ngezintela azikhokhayo ngomsebenzi awenzayo nokukhokha lezo zintela esiKhwameni seNgeniso sesiFundazwe.

**Isibalo semishini ekhokha isamba esithile selayisensi ngayinye yomqhubi wendawo**

**119.** Isibalo semishini ekhokha isamba esithile esingagunyazwa yiBhodi kumqhubi womzila imishini eyi-1000.

**Isicelo selayisensi yomqhubi womzila noma somqhubi wendawo ozimele**

**120.** Ngaphezu kwanoma iluphi ulwazi umfaki wesicelo selayisensi yomqhubi womzila noma yomqhubi wendawo ozimele okumele aluveze ngokwezinhlinzeko zeNgxenywe 1 yeSahluko 2, umfakisicelo kumele, uma kungenzeka, ngesikhathi efaka isicelo sakhe, ahlinzeke iBhodi -

- (a) ngencazelo ephelele yemishini ekhokha isamba esithile, kanjalo nezinombolo zayo, umfakisicelo ahlose ukuyisebenzisa;
- (b) isitifiketi se-SABS sohlobo ngalunye lomshini okhokha isamba esithile, njengoba kuhlangozwe kumthethonqubo 94;
- (c) imininingwane yobunikazi bemishini ekhokha isamba esithile noma esinye isivumelwano nezinye izinhlangano eziphathelene nokuqashiswa, ukubolekiswa nokuqashwa kwemishini ekhokha isamba esithile;
- (d) uma kungumfaki wesicelo somqhubi womzila, ikheli lendawo noma lezindawo lapho umfakisicelo ehlose ukufaka khona imishini ekhokha isamba esithile nencazelo ephelele mayelana nesibalo semishini ekhokha isamba esithile ahlose ukuyifaka endaweni ngayinye nazo zonke ezinye izivumelwano nezinkontileka, kubandakanya nezezimali, okungenwe kuzo noma okuhloswe ukuba kungenwe kuzo nabaqhubi bezindawo abathile;
- (e) uma kungumfaki wesicelo somqhubi wendawo ozimele, ikheli lendawo lezakhiwo lapho umfakisicelo ehlose ukufaka khona imishini ekhokha isamba esithile nencazelo ephelele mayelana nezibalo semishini ekhokha isamba esithile okuhloswe ukuthi ifakwe kuleyo ndawo; kanye
- (f) nanoma iluphi olunye ulwazi oludingekayo ngokwefomu lokufaka isicelo ngalinye.

**Isivumelwano esibhalwe phansi phakathi komqhubi womzila nomqhubi wendawo**

**121.** Umqhubi womzila obhalisile kumele angene esivumelwaneni esibhalwe phansi nomqhubi wendawo onelayisensi ukuze afake imishini ekhokha isamba esithile ezakhiweni zomqhubi

80

wendawo, kanti lesi sivumelwano kumele sikhombise indlela imali ezotholakala ngemidlalo yemali ezohlukaniswa ngayo phakathi komqhubi womzila nomqhubi wendawo obhalisile ngemuva kokudonswa kwentela yemidlalo yemali enqunywe eMthethweni weziNtela zeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010.

### *Ingxenye 2*

*AbaQhubi beMizila nabaQhubi beziNdawo abazimele: IziNhlelo zokuQapha nokuLawula*

#### **Uhlelo lokuqapha lwemishini kagesi**

**122.** IBhodi kumele iyalele ukuba yonke imishini ekhokha isamba esithile ixhunywe ohlelweni lukazwelonke lokuqapha olusungulwe futhi olunakekelwa yiBhodi yezokuGembula kaZwelonke ngokwesigaba 27 soMthetho wezokuGembula kaZwelonke.

### *Ingxenye 3*

*AbaQhubi beMizila nabaQhubi beziNdawo abazimele: IziNqubo zokuLawula zangaPhakathi*

#### **Amazinga okusebenza nokulawula kwangaphakathi omqhubi womzila nomqhubi wendawo ozimele**

**123.**(1) IBhodi kumele yakhe futhi inikeze bonke abafaki bezicelo zamalaysensi abaqhubi bemizila nabaqhubi bezindawo abazimele kanjalo nabo bonke abanikazi bamalaysensi, izinqubo zamazinga okusebenza namazinga okulawula kwangaphakathi.

(2) IBhodi, izikhathi ngezikhathi, ingachibiyela, ingashintsha noma ichithe noma imaphi amazinga ahlangozwe kwisigatshana somthethonqubo (1), okuyothi ngalokho bese yazisa bonke abafake izicelo zamalaysensi abaqhubi bemizila nawabaqhubi bezindawo abazimele nabo bonke abanikazi bamalaysensi ngesichibiyelo, ngoshintsho noma ngokuchithwa.

(3) Bonke abaqhubi bemizila nabaqhubi bezindawo abazimele abanamalaysensi kudingeka balandele noma imaphi amazinga anqunywe yiBhodi.

#### **Izindlela zokulawula zangaphakathi**

**124.**(1) Bonke abaqhubi bemizila nabaqhubi bezindawo abazimele kumele bakhe futhi bagcine

kahle izinqubo zokuphatha nezezimali ngenhloso yokunquma isikweletu sentela nezimali ezikhokhwayo abhekene naso lowo mqhubi womzila noma lowo mqhubi wendawo ozimele ngokoMthetho nangenhloso yokuthi akwazi ukulawula kahle izindaba zakhe zezezimali.

(2) Izingqubo zokuphatha nezezimali ezihlongozwe kwisigatshana somthethonqubo (1), kumele zakhiwe ngendlela yokuthi ziqinisekise ukuthi –

- (a) impahla igadwe ngendlela;
- (b) amarekhodi ezimali aqondile futhi ayiqiniso;
- (c) ukusebenza kwezimali kwenziwa abasebenzi ngokuhambisana nemvume ejwayelekile noma ethile yabaphathi;
- (d) ukusebenza kwezimali kuqoshwa ngendlela ukuze kubikwe ngendlela efanele mayelana nezimali ezingenayo nezikhokhwayo kanye nezintela; futhi
- (e) imisebenzi namajoka kumele kuhlukaniswe futhi kwenziwe kahle, ngendlela ehambisanayo nezindlela zokusebenza ezifanele zabasebenzi abafanele nabaqeqeshiwe.

#### **Uhlelo lokulawula lwangaphakathi olugunyazwe iBhodi**

**125.(1)(a)** Umqhubi womzila noma umqhubi wendawo ngamunye; noma

(b) umfaki wesicelo somqhubi womzila noma somqhubi wendawo ozimele, kumele abhale phansi –

- (i) izinqubo zezokuphatha nezezimali; kanye
- (ii) nezinhlelo zangaphakathi zokulawula;

ezihambisanayo nezingqubo namazinga asebenzayo anqunywe yiBhodi futhi kumele athumele ikhophi yalokho kwiBhodi ukuze iyigunyaze ngaphambi kokuba kuqale ukusebenza izinqubo noma uhlelo.

(2) Uhlelo ngalunye lokulawula lwangaphakathi olulethwe noma olugunyazwe ngokwesigatshana (1), kumele lubandakanye –

- (a) uhlaka lokwakheka kwebhizinisi olukhombisa ukuhlukana kwamajoka nemisebenzi;
- (b) incazelo yamajoka nemisebenzi yesikhundla ngasinye esivela ohlakeni lwabasebenzi;
- (c) incazelo noma uhlaka lokuma kohlelo oluchazwe kahle lwezokuphatha nezezimali olwakehlwe ukufezekisa izidingo zemithethonqubo 124 no 127;
- (d) incwadi evela kubacwaningizimali abazimele eshoyo ukuthi uhlelo lokuqapha lwangaphakathi lubuyekezwe umcwaningizimali futhi luyahambisana nezidingo zale Ngxenye; kanye
- (e) nolunye ulwazi olungacelwa yiBhodi.

(3) Uma iBhodi inquma ukuthi uhlelo lokulawula lwangaphakathi lomfakisicelo noma lomnikazi welayisensi aluhlangabezani nezidingo zale ngxenye, kumele yazise lowo mfakisicelo noma lowo mnikazi welayisensi ngenchwadi.

(4) Umfakisicelo noma umnikazi welayisensi kumele zingakedluli izinsuku ezingama-30 ethole isaziso esihlongozwe esigatshaneni somthethonqubo (3), achibiyele uhlelo lwakhe lokulawula lwangaphakathi, futhi kumele athumele ikhophi yohlelo oluchitshiyelwe kwiBhodi ukuze ilugunyaze.

### **Ukuchitshiyelwa kohlelo olukhona lokulawula kwangaphakathi**

**126.**(1) Umnikazi welayisensi ofisa ukuchibiyela uhlelo lwakhe lokulawula lwangaphakathi kumele, ngaphambi kokuchibiyela uhlelo, athumele kwiBhodi ukuze igunyaze, ikhophi yohlelo yesichibiyelo esihlongozwayo sohlelo lwangaphakathi.

(2) Izinhlinzeko zomthethonqubo 125(2) kuya ku (4) zisebenza nezinguquko ezidingekayo, esicelweni sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1).

### *Ingxenye 4*

*AbaQhubi bemizila nabaQhubi bezindawo abaziMele: Amarekhodi eziMali neziNtela*

### **Amarekhodi ezimali**

**127.**(1) Bonke abaqhubi bemizila noma abaqhubi bezindawo abazimele kumele, ngendlela engagunyazwa noma engadingwa yiBhodi, bagcine amarekhodi abhalwe kahle, angenamaphutha, afundekayo futhi esikhathi eside akho konke ukusebenza kwezimali ebhizinisini lalowo mqhubi womzila noma lowo mqhubi wendawo ozimele.

(2) Bonke abaqhubi bemizila noma abaqhubi bezindawo kumele bagcine –

(a) amarekhodi ezimali emukelekile ohlelo olubhalwa kabili lokubalwa kwezimali futhi kumele bagcine amarekhodi acacile, esekayo akhombisa imali engenile, izindleko, impahla, izikweletu kanye nenzuzo;

83

- (b) imibiko yokuhlaziya kwemishini ekhokha isamba esithile ekhombisa imali engenile nemali ekhokhiwe umshini futhi eqhathanisa ngamaphesenti imali engenile nemali ephumile nsuku zonke, nyanga zonke, ngamakota onyaka kanye nangemuva kwezinyanga eziyi-12 zokudlala, mayelana nomshini ngamunye wemidlalo yemali okhokha isamba esithile;
- (c) amarekhodi adingwa uhlelo olugunyaziwe lomnikazi welayisensi lokulawula lwangaphakathi; kanye
- (d) nanoma imaphi amanye amarekhodi iBhodi engadinga ukuthi agcinwe.

### **Izitatimende zezimali ezicwaningiwe**

**128.(1)** Umqhubi womzila noma umqhubi wendawo ozimele kumele, ekupheleni konyaka wezimali ngamunye, alungise noma ayalele ukuba kulungiswe izitatimende zezimali zonyaka ngamunye ngendlela egunyazwe yiBhodi futhi zilungiswe ngendlela ehambisana nezitatimende zemiSebenzi yezeziMali eyaMukelekile, njengoba inqunywa iBhodi yeMisebenzi yezeziMali, izikhathi ngezikhathi.

(2) Bonke abaqhubi bemizila noma abaqhubi bezindawo abazimele kumele banxuse umcwaningimabhuku ozimele obhalise ngokoMthetho wabaCwaningizimali nabaCwaningimabhuku bakaHulumeni, 1991 (uMthetho No. 80 ka 1991), ukuba azocwaninga izitatimende zezimali ngokuhambisana namazinga emukelekile ezokucwaningwa kwamabhuku.

(3) Umqhubi womzila noma umqhubi wendawo ozimele kumele zingakedluli izinyanga ezintathu kuphele unyaka wezimali ngamunye, athumele amakhophi amabili esitatimende sezimali sonyaka kwiBhodi, esicwaningwe ngendlela efanele ngokuhambisana nezinhlinzeko zesigatshana somthethonqubo (2), kanjalo nanoma imuphi omunye umbiko okhuluma ngemiphumela yokucwaningwa kwamabhuku, kubandakanya izincwadi ezivela kubaphathi.

(4) IBhodi ingelula isikhathi esihlongozwe kwisigatshana somthethonqubo (3) ngesikhathi esingeqile ezinyangeni eziyisithupha uma umnikazi welayisensi enikeza izizathu ezizwakalayo.

(5) IBhodi ingacela olunye ulwazi olwengeziwe noma imibhalo –

- (a) kumqhubi womzila noma kumqhubi wendawo ozimele; noma
- (b) kuncike kwimvume yomqhubi womzila noma yomqhubi wendawo ozimele, kumcwaningimabhuku osebenzisana nalowo mqhubi, mayelana nezitatimende zezimali noma nemisebenzi eyenziwe yilowo mcwaningimabhuku.

**Amanye amarekhodi**

129.(1) Umqhubi womzila noma umqhubi wendawo ozimele okuyinkampani kumele agcine ezakhiweni zebhizinisi lakhe, noma ahlinzeke iBhodi uma icela, la marekhodi noma okufana nawo –

- (a) ikhophi yememorandamu nencwadi yokuqala ibhizinisi kubandakanya noma iziphi ezinye izichibiyelo;
- (b) ikhophi yesitifiketi senkampani zokuqala ibhizinisi;
- (c) irejista yabo bonke abasebenzi nabaqondisi abakhona nasebashiya;
- (d) amaminithi ayo yonke imihlangano yabanamasheya;
- (e) amaminithi ayo yonke imihlangano yabaqondisi namakomidi ebhodi yabaqondisi;
- (f) irejista yabanamasheya ebhalwe igama, ikheli, isibalo samasheya anawo umnikazi wamasheya ngamunye kanye nosuku amasheya atholakala ngalo; kanye
- (g) nanoma imaphi amanye amarekhodi iBhodi engacela noma inini ukuba agcinwe.

(2) Umqhubi womzila noma umqhubi wendawo ozimele ungumuntu phaqa futhi kumele agcine lawo marekhodi njengoba iBhodi inganquma.

*Ingxenye 5**AbaQhubi beMizila nabaQhubi beziNdawo abaZimele: Okungxube***Ukufakwa kwezibambiso**

130.(1) Bonke abaqhubi bemizila noma abaqhubi bezindawo abazimele kumele, ngokushesha ngemuva kokuthola ilayisensi futhi ngaphambi kokuqala ukusebenza, bafake izibambiso kwisiKhulu esiPhezulu, ngendlela ehlongozwe kwisigatshana somthethonqubo (2) futhi kube yisamba esinganqunywa yiBhodi izikhathi ngezikhathi, sokukhokhelwa –

- (a) noma iziphi izimali, izintela nezigwebo; kanye
- (b) nanoma iyiphi imali ewiniwe ekweletwa umdlali.

(2) Isibambiso esihlongozwe kwisigatshana somthethonqubo (1), kumele sibe –

- (a) imali engukheshi;
- (b) imali eqinisekiswa yibhange; noma
- (c) enye inhlobo yesibambiso engemukelwa yiBhodi.

(3) IBhodi inganxusa umqhubi womzila noma umqhubi wendawo ozimele ukuba afake isibambiso esisodwa noma ngaphezulu noma afake esinye isibambiso esengeziwe uma iBhodi ibona ukuthi isibambiso esifakiwe angeke senele noma asifanele.

(4) Umqhubi womzila noma umqhubi wendawo ozimele kumele ngesikhathi efaka isibambiso anikeze iBhodi imvume ebhalwe phansi egunyaza iBhodi ukuba idayise, ibolekise, ithathe noma idlulisele isamba esithile sesibambiso esifakiwe njengoba iBhodi ingabona kufanele ukuze kukhokhwe noma isiphi isikweletu esiKhwameni seNgeniso sesiFundazwe noma kumdlali ohlangothini lomqhubi womzila noma lomqhubi wendawo ozimele.

(5) Isikhulu esiPhezulu kumele, uma ilayisensi yomqhubi womzila noma yomqhubi wendawo ozimele ngemuva kokuphelelwa yisikhathi, ingavuselelwa noma isulwa, sibuyise zonke izibambiso ezikhokhwe umqhubi womzila noma wendawo ozimele nanoma iyiphi ingxenye yalezo zibambiso esele uma sekukhokhwe isikweletu njengoba kuhlangozwe kwisigatshana somthethonqubo (4).

## ISAHLUKO 8

### IBHINGO

#### *Ingxenye 1*

#### *IBhingo: Imisebenzi egunyazwe yiLayisensi nokufakwa kweziCelo*

#### **Imisebenzi egunyazwe yilayisensi yebhingo**

**131.** Kuncike kunoma imiphi imibandela enganqunywa yiBhodi, umnikazi welayisensi angagunyazwa ukwenza owodwa noma yonke le misebenzi elandelayo –

- (a) ukugcina izakhiwo lapho kudlalwa khona ibhingo, okumele idlalwe ngokuhambisana nezinhlinzeko zoMthetho, nale mithethonqubo kanye nangemithetho yeBhodi;
- (b) ukuxhuma ngogesi, noma ngenye indlela efanayo, kwamanye amagumbi okudlalwa kuwo ibhingo ngokwenhloso yokudlala imidlalo ehambisana neyebhingo, okumele ixhunywe futhi idlalwe ngokuhambisana nezinhlinzeko zoMthetho, zale mithethonqubo nezemithetho yeBhodi; kanye
- (c) nokunakekela nokukhanda, nokushintsha noma nokuthuthukisa noma imuphi umshini webhingo.



**Izicelo zelayisensi yeBhingo**

**132.** Umfaki wesicelo selayisensi yebhingo kumele ngaphezu kwanoma iluphi ulwazi okudingeka ukuba aluhlinzeke ngokwale mithethonqubo, ngesikhathi efaka isicelo sakhe, ahlinzeke iBhodi –

- (a) ngemininingwane ephelele yocwaningo alwenzile noma ayalele ukuba lwenziwe, kanjalo nepulani lebhizinisi elikhombisa ingeniso kanye nezindleko ezilindelekile, ngenhloso yokukhombisa iBhodi ukuthi umfakisisicelo uhlose ukuqala ibhizinisi ngemuva kokubheka isidingo sendawo yokudlala ibhingo kuleyo ndawo ethintekayo;
- (b) ikheli lendawo yezakhiwo lapho umfakisisicelo ehlose ukuqhuba khona ibhizinisi;
- (c) isicelo sokugunyazwa kwezakhiwo lapho umfakisisicelo ehlose ukuqhuba khona ibhizinisi, kubandakanya ipulani yephansi legumbi lebhingo elithintekayo, ekhombisa indawo lapho imidlalo yebhingo izodlalelwa khona;
- (d) isiqinisekiso esibhalwe phansi kumasipala othintekayo sokuthi igumbi lebhingo liyahambisana namazinga kamasipala nokuthi izakhiwo zingasetshenziselwa imidlalo yemali ehlongozwayo;
- (e) uma sikhona, isitifiketi se-SABS sayo yonke imishini yebhingo;
- (f) imininingwane mayelana nobunikazi bemishini yebhingo noma isivumelano esikhona noma inkontileka nomunye umuntu mayelana nokubolekana nokuqashiselana leyo mishini yebhingo;
- (g) imininingwane yohlelo lokuqapha lwekhompyutha umfakisisicelo ahlose ukulusebenzisa ngenhloso yokuthi iBhodi ikwazi ukuqapha ukusebenza komfakisisicelo; kanye
- (h) nanoma iluphi olunye ulwazi iBhodi engaludinga.

**Amazinga adingekayo egumbini lokudlalela ibhingo**

**133.(1)** Izakhiwo ezisetshenziswa njengendawo yokudlalela kumele –

- (a) zihambisane nanoma imaphi amazinga ezempilo nezokuphepha kamasipala;
- (b) zakhiwe ngendlela ehlose ukuvimbela ukungena kwabantu abaneminyaka engaphansi kweyi-18 lapho kugenjulwa khona;
- (c) zibandakanye izindawo zokupaka ezanele ngokuhambisana nanoma imiphi imithetho kamasipala; futhi
- (d) zibandakanye izinhlelo zezokuphepha ukuze kuqinisekise ukuphepha kwabazodlala nabasebenzi kanye nempahla yabo, ngendlela enelisa iBhodi.

(2) Izakhiwo ezinegumbi lokudlala ibhingo kumele zihambisane nanoma imaphi amanye amazinga anganqunywa yiBhodi emithethweni yayo.

#### **Izizathu zokuchithwa kwesicelo selayisensi yebhingo**

**134.** IBhodi angeke igunyaze isicelo selayisensi yebhingo uma izakhiwo ezihlongozwayo zingahlangabezani namazinga adingekayo njengoba kuhlongozwe kumthethonqubo 133 noma, uma ngokubona kweBhodi, zingakufanele ukuba negumbi lebhingo.

#### *Ingxenye 2*

*Ibhingo: Iziteki, imiklomelo, nesibalo okungeke kweqiwe kuso samatheminali kagesi eBhingo*

#### **Iziteki nezimali zokungenela mayelana nebhingo**

**135.(1)** Imali okungeke kweqiwe kuyo engafakwa njengesiteki umdlali webhingo emdlalweni ngamunye webhingo, ama-R200,00.

(2) Ngokwezinhloso zalo mthethonqubo, iziteki emdlalweni ngamunye webhingo isamba semali esichithwe umdlali womdlalo owodwa webhingo, ekhadini lebhingo noma kokunye okuthi akube njalo.

#### **Imiklomelo mayelana nebhingo**

**136.** Izimali ezikhokhelwa umdlali uma zibalwa ngamaphesenti emdlalweni webhingo akumele zibe ngaphansi kwamaphesenti angama-70.

#### **Isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo**

**137.(1)** Isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo angakwazi ukuba khona ukuze adlalwe egumbini lebhingo, kungaba yi-150, noma lesi sibalo esinganqunywa ngokoMthetho wezokuGembula kaZwelonke, noma ikuphi okubonakala kunesibalo esincane phakathi kwalokhu.

88

(2) Uma isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo okungadlalwa kuwo egumbini lebhingo, njengoba kunqunywe eMthethweni wezokuGembula kaZwelonke, singaphansi kwama-150, igumbi lebhingo eligunyazwe ngelayisensi esifundazweni ukuba libe namatheminali kagesi ebhingo amaningi kunalawo anqunyiwe, kumele ezinyangeni eziyi-18 kuqale ukusebenza lezo zibalo zikazwelonke, ehlise isibalo samatheminali kagesi ebhingo avumeleke ukuba kudlalwe kuwo kulelo gumbi lebhingo, silingane nesibalo esivumelekile sikazwelonke, noma sibe ngaphansi kwaso.

### *Ingxenye 3*

*IBhingo: Ukubhaliswa, ukwesulwa nokugcinwa kwemishini yebhingo, yemidlalo yemali noma kwempahla ehambisana nayo*

#### **IBhingo nempahla ehambisana nayo kumele ihambisane namazinga e-SABS noma eBhodi**

**138.**(1) Umnikazi welayisensi yebhingo kumele, ngaphambi kokuba afake isicelo sokubhaliswa kwemishini yebhingo, aqinisekise ukuthi –

- (a) yonke imishini yebhingo ebhalwe kwilayisensi yakhe, kuncike ezinhlinzekweni zesigatshana somthethonqubo (2), iqinisekisiwe yi-SABS njengehambisanayo namaZinga e-SABS 1718; futhi
- (b) iBhodi inikeziwe izitifiketi ezifanele ezivela kwi-SABS.

(2) IBhodi inganquma amazinga emishini yebhingo angangeni ngaphansi kwamazinga e-SABS okukhulunywe ngawo kwisigatshana somthethonqubo (1)(a).

#### **Izicelo zokubhaliswa, zokwesulwa nezokuvuselelwa kwemishini yebhingo nenye impahla ehambisana nayo**

**139.**(1) Uma ethola isitifiketi se-SABS noma seBhodi ngendlela ehlongozwe kumthethonqubo 138, umnikazi welayisensi yeBhodi kumele afake isicelo kwiBhodi, ngefomu enqunywe yiBhodi eMithethweni yayo, sokubhaliswa kwanoma iyiphi impahla yebhingo nempahla ehambisana nayo, ewuhlobo olugunyazwe yi-SABS noma iBhodi.

(2) IBhodi, kuncike kumthethonqubo 142, ingagunyaza futhi ibhalise umshini webhingo ogunyazwe njengoba kuhlongozwe kumthethonqubo 138(1)(a), noma okutholakala ukuthi uyahambisana namazinga emishini yebhingo ahlongozwe kumthethonqubo 138(2).

(3) Yonke imishini yebhingo nempahla ehambisana nayo egunyazwe futhi yabhaliswa yiBhodi kumele –

- (a) icaciswe kuleyo layisensi yebhingo;
- (b) ibandakanywe kumarekhodi eBhodi; futhi
- (c) ibe nenombolo yokubhaliswa yiBhodi endaweni esobala kuyona.

(4) Umnikazi welayisensi yeBhingo, noma inini ngaphandle kokukhokhiswa izimali ezithile, ngefomu elinqunywe yiBhodi, angafaka isicelo kwiBhodi sokwesula umshini webhingo noma impahla ehambisana nawo ebhaliswe ngokwesigatshana somthethonqubo (1).

#### **Ukusetshenziswa nokunakekelwa kwemishini yebhingo nempahla ehambisana nayo**

**140.** Umnikazi welayisensi yebhingo –

- (a) akumele ashintshe ukusebenza kwanoma imuphi umshini webhingo noma impahla ehambisana nawo okubhaliswe ngokulandela izinhlinzeko zomthethonqubo 138, ngaphandle kwemvume ebhalwe phansi yeBhodi kuqala; futhi
- (b) kumele aqinisekise ukuthi yonke imishini yebhingo inakekelwa ngendlela efanele, yena ngokwakhe noma asebenzise ukusizo lwabanakekeli bempahla ababhalisiwe.

#### **Amarekhodi agcinwa umnikazi welayisensi yebhingo**

**141.** Umnikazi welayisensi yebhingo kumele agcine ikhodi layo yonke imishini yebhingo nempahla ehambisana nayo ebhaliswe ngokuhambisana nezinhlinzeko zomthethonqubo 138, kubandakanya, umkhiqizi, usuku lokuthengwa, inombolo yomshini, inombolo yohlobo, inombolo yokubhaliswa yiBhodi kanye nosuku lokubhaliswa kabusha yiBhodi.

#### **Imishini iyoxhumana nohlelo lokuqapha olugunyaziwe**

**142.** Uma iBhodi isigunyaze uhlelo lokuqapha lwemishini yebhingo, yonke imishini yebhingo evuleleke ukuba ingadlalwa, kumele ikwazi ukuxhumana nalolo hlelo lokuqapha olugunyaziwe.

*Ingxenye 4**IBhingo: Izindlela zokulawula zangaphakathi***Amazinga aphantsi okusebenza nokulawula kwangaphakathi**

**143.**(1) IBhodi kumele isungule imithetho ehlinzekela –

- (a) amazinga okusebenza emagumbini ebhingo; kanye
- (b) nezinqumo zokulawula kwangaphakathi emagumbini okudlalelwa kuwo ibhingo.

(2) Imithetho ehlongozwe kwisigatshana somthethonqubo (1) kumele mayelana namagumbi anelayisensi emidlalo yebhingo yakhiwe ngendlela ezoqinisekisa ukuthi –

- (a) impahla igadwe kahle;
- (b) amarekhodi ezimali aqondile futhi ayiqiniso;
- (c) ukusebenza kwezimali kwenzeka ngendlela egunyazwe abaphathi;
- (d) ukusebenza kwezimali kuyaqoshwa ngendlela ukuze kubikwe kahle ngengeniso yemidlalo yemali kanye nezimali ezikhokhwayo nezintela; futhi
- (e) imisebenzi namajoka kuhlukaniswa kahle futhi kwenziwa ngendlela efanele abasebenzi abafanele nabaqeqeshiwe.

**Amazinga aphantsi okulawula kwangaphakathi**

**144.** Umnikazi welayisensi yebhingo kumele, ngokulandela imithetho esungulwe yiBhodi, asungule futhi agcine izinqubo zezokuphatha nezezimali ukuze kunqunywe izikweletu zakhe zentela nezimali ezikhokhwayo ngokoMthetho futhi ngenhloso yokuthi kulawulwe kahle izinto ezithinta ezezimali.

**Izinhlelo zokulawula zangaphakathi ezigunyazwa yiBhodi**

**145.**(1) Umnikazi noma umfaki wesicelo selayisensi yebhingo kumele –

- (a) abhale phansi izinqubo zezokuphatha nezezimali ezicacile; futhi
- (b) athumele ikhophi yazo kwiBhodi ukuze iyigunyaze ngaphambi kokuba kuqale ukusebenza kohlelo.

(2) Uhlelo ngalunye lokulawula kwangaphakathi oluthunyelwe ukuze lugunyazwe njengoba kuhlongozwe kwisigatshana somthethonqubo (1) kumele lubandakanye –

- (a) uhlaka lwabasebenzi olukhombisa ukuhlukaniswa kwamajoka nemisebenzi;
- (b) incazelo yamajoka nemisebenzi yesikhundla ngasinye esikhonjiswe ohlakeni lwabasebenzi;

91

(c) incazelo ebanzi futhi ecacisayo yezinqubo zezokuphatha nezezimali ezakhelwe ukufezekisa izidingo zomthethonqubo 144 no 147;

(d) incwadi evela kumcwaningizimali ozimele eshofo ukuthi uhlelo lokulawula lwangaphakathi selubuyekeziwe umcwaningizimali futhi luyahambisana nezidingo zale Ngxenywe; kanye

(e) nolunye ulwazi olungadingwa yiBhodi.

(3) Uma iBhodi inquma ukuthi uhlelo lomfakisicelo noma lomnikazi welayisensi aluhambisani nezidingo ezikule Ngxenywe, kumele yazise umfakisicelo noma umnikazi welayisensi, ngenchwadi.

(4) Zingekedluli izinsuku ezingama-30 ethole isaziso esihlongozwe kwisigatshana somthethonqubo (3), umfakisicelo noma umnikazi welayisensi kumele achibiyele uhlelo lwakhe lokulawula kwangaphakathi ngendlela, futhi kumele athumele ikhophi yokuchitshiyelwa kohlelo kwiBhodi ukuze ilugunyaze.

#### **Ukuchitshiyelwa kohlelo olukhona kanye nezindlela zokulawula zangaphakathi**

**146.(1)** Uma umnikazi welayisensi yebhingo efisa ukuchibiyela uhlelo lokulawula lwangaphakathi, lowo mnikazi welayisensi kumele, ngaphambi kokwenza lesi sichibiyelo, athumele kuqala kwiBhodi ikhophi yohlelo lokulawula lwangaphakathi ebhalwe phansi, ukuze iyigunyaze.

(2) Izinhlinzeko zomthethonqubo 145(2) kuya ku (4) zisebenza nezinguquko ezidingekayo esicelweni sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1).

#### *Ingxenywe 5*

#### *IBhingo: Amarekhodi eziMali neNtela*

#### **Amarekhodi ezimali**

**147.(1)** Umnikazi welayisensi yebhingo kumele, ngendlela enganqunywa noma engagunyazwa iBhodi, agcine amarekhodi abhalwe kahle, aphelele, acacile futhi esikhathi eside akho konke ukusebenza kwezimali.

(2) Umnikazi welayisensi yebhingo kumele –

92

(a) agcine amarekhodi abhalwe ngendlela eyamukelekile ohlelweni oluhlukaniswe kabili lokubalwa kwezimali; futhi

(b) agcine amarekhodi abalwe kahle, esekayo akhombisa imali engenile, izindleko, impahla, izikweletu kanye nenzuzo nanoma imaphi amanye amarekhodi iBhodi enganquma ukuba agcinwe.

### **Izitatimende zezimali ezicwaningiwe**

**148.**(1) Ukuze kuhanjiswa nesigatshana somthethonqubo (3) wonke umnikazi welayisensi yebhingo kumele ekupheleni konyaka wezimali walowo mnikazi welayisensi, alungise noma aqinisekise ukuthi kulungiswa isitatimende sezimali sonyaka ngendlela egunyazwe nedingwa yiBhodi okumele ihambisane nezitatimende zeNqubo eJwayelekile yokuBalwa kweziMali.

(2) Wonke umnikazi welayisensi yebhingo kumele acele umcwaningimabhuku ozimele obhalisilwe njengongakwazi ukusebenza nomphakathi ngokoMthetho wabaCwaningizimali nabaCwaningimabhuku bakaHulumeni, 1991 (uMthetho No. 80 ka 1991), ukuba acwaninge amabhuku emibiko yezimali zalowo mnikazi welayisensi yebhingo noma wemishini ekhokha isamba esithile ngokuhambisana namazinga emukelekile okucwaningwa kwamabhuku.

(3) Umnikazi welayisensi yebhingo kumele, zingakedluli izinyanga ezintathu kuphele unyaka wezimali, athumelele iBhodi amakhophi amabili esitatimende sezimali sonyaka esicwaningiwe ngendlela ebekwe kwisigatshana somthethonqubo (2), nanoma imiphi eminye imibiko eyeseka imiphumela yokucwaningwa kwamabhuku, kubandakanya nezincwadi zabaphathi.

(4) IBhodi ingacela olunye ulwazi noma imibhalo kumnikazi welayisensi yebhingo noma kumcwaningimabhuku osebenzisa nalowo mnikazi welayisensi, mayelana nezitatimende zezimali noma imisebenzi eyenziwe yilowo mcwaningi mabhuku.

### **Amanye amarekhodi**

**149.** Bonke abanikazi bamalayisensi ebhingo abayinkampani kumele bagcine egumbini lemidlalo yebhingo noma emahhovisi abhalisile, futhi kumele bahlinzeke iBhodi uma icela, la marekhodi alandelayo noma imibhalo noma okunye okufuze khona –

(a) ikhophi yememorandamu nokubhaliswa kwenkampani, kubandakanya nezichibiyelo;

(b) ikhophi yesitifiketi senkampani sokusebenza;

93

- (c) irejista yabo bonke abasebenzi nabaqondisi abakhona nasebashiya;
- (d) amaminithi ayo yonke imihlangano yabanamasheya;
- (e) amaminithi ayo yonke imihlangano yabaqondisi namakomidi ebhodi yabaqondisi;
- (f) irejista yabanamasheya ebhalwe igama, ikheli, isibalo samasheya anawo umnikazi wamasheya ngamunye kanye nosuku amasheya atholakala ngalo; kanye
- (g) nanoma imaphi amanye amarekhodi iBhodi engacela ukuba agcinwe.

(2) Umnikazi welayisensi yebhingo ongumuntu phaqa kumele agcine lawo marekhodi nemibhalo enganqunywa yiBhodi.

### **Imininingwane yezimali ezingenayo**

**150.** Bonke abanikazi bamalaysensi ebhingo kumele, ngendlela enqunywe yiBhodi, bathumele ulwazi ngezikhathi ezinganqunywa yiBhodi.

### *Ingxenye 6*

IBhingo: Ezingxubevange

### **Ukufakwa kwezibambiso**

**151.**(1) Bonke abanikazi bamalaysensi ebhingo kumele, ngokushesha ngemuva kokuba bethole amalaysensi futhi nangaphambi kokuqala ukusebenza, bahambise esiKhulwini esiPhezulu izibambiso ngendlela ehlongozwe kwisigatshana somthethonqubo (2) ngesamba esinganqunywa yiBhodi izikhathi ngezikhathi, ukuze kukhokhelwe –

- (a) noma iziphi izimali ezikhokhwayo, izintela noma izigwebo; kanye
- (b) nanoma iyiphi imali ewiniwe ekweletwa umdlali.

(2) Isibambiso esihlongozwe kwisigatshana somthethonqubo (1), kumele sibe –

- (a) imali engukheshi;
- (b) isheke eligunyazwe yibhange; noma
- (c) enye inhlobo yesibambiso enganqunywa yiBhodi.

(3) IBhodi ingacela umnikazi welayisensi yebhingo –

- (a) ukuba ashintshe uhlobo lwesibambiso esikhona ngesinye isibambiso; noma
- (b) anezezele isibambiso.



(4) Umnikazi welayisensi yebhingo kumele ngesikhathi efaka isibambiso anikeze iBhodi imvume ebhalwe phansi enikeza iBhodi amandla okudayisa, okukhulula, okulanda noma okuvumela ukuba kuthathwe ingxenye yesibambiso esifakiwe ngendlela iBhodi engabona ifanele ukuze kukhokhelwe izikweletu iBhodi ebona kufanele zikhokhelwe esiKhwameni seNgeniso sesiFundazwe noma kumdlali egameni lomnikazi welayisensi yebhingo.

(5) IsiKhulu esiPhezulu kumele, uma ilayisensi yomnikazi welayisensi yebhingo ngemuva kokuphelelwa yisikhathi, ingavuselelwa noma isulwa, sibuyisele umnikazi welayisensi yebhingo yonke imali eyisibambiso ayikhokhile noma ingxenye yayo esale ngesikhathi kukhokhwa izikweletu njengoba kuhlangezwe kwisigatshana somthethonqubo (4).

## ISAHLUKO 9 IMISHINI YOKUDLALA

### *Ingxenye 1*

#### *IMishini yokudlala: Ukulawulwa kwemishini yokudlala*

#### **Imithethonqubo ayisebenzi kubantu abathile**

**152.** Izinhlinzeko zale Ngxenye yemithethonqubo azisebenzi kubantu –

- (a) abangabakhiqizi, abahlanganisa, abalungisa noma abasevisa imishini yokudlala; kanye
- (b) nabagcina leyo mishini ngendlela yokuthi iyadayiswa kuphela noma ngezinhloso zokuthi iyalungiswa noma iyaseviswa futhi ayivumelekile ukuba ingadlalwa.

#### **Ukuthengwa lwemishini yokudlala**

**153.** Noma imuphi umuntu othenga umshini wokudlala kumele, ngaphambi kokuba lowo mshini udlalwe, afake isicelo kwiBhodi, ngendlela enqunywe kule Ngxenye yemithethonqubo, sokuthi lowo mshini ubhaliswe nokuthola imvume yokuthi lowo mshini udlalwe.

#### **Imibandela yokugcina nokuhlinzeka imishini yokudlala**

**154.(1)** Umuntu angeke agcine noma ahlinzeke umshini wokudlala ngaphandle uma egunyazwe

iBhodi ukuba enze njalo ngendlela enqunywe eMithethweni yayo futhi ngaphandle uma leyo mishini yokudlala ibhalisiwe kwiBhodi ngendlela enqunywe kumthethonqubo 155.

(2) Umshini wokudlala ungabekwa ezakhiweni ezizodwa nempahla yemidlalo yemali kuphela uma –

(a) umuntu ogunyazwe ukugcina imishini yokudlala enelayisensi yekhasino, enelayisensi yebhingo, enelayisensi yomqhubi wendawo ozimele, noma enelayisensi yomqhubi womzila; futhi

(b) noma iyiphi impahla yemidlalo yemali ekhona ezakhiweni ingenakudlalwa abantu abaneminyaka engaphansi kweyi-18.

(3) Uma umuntu odlala imishini yokudlala kudingeka ukuthi athole umklomelo noma awine ngenxa yokudlala kahle noma yokuqhuba kahle noma yokudlala nokuqhuba kahle umshini wokudlala, lowo mklomelo angeke ushintshwe ube yimali, yinoma imuphi umuntu.

#### **Isicelo sokubhaliswa komshini wokudlala**

**155.(1)** Noma imuphi umuntu –

(a) ongumnikazi womshini wokudlala; noma

(b) onomshini wokudlala ovumeleke ukuba udlalwe,

kumele afake isicelo kwiBhodi, ngendlela enqunywe yiBhodi eMithethweni yayo, ukuze leyo mishini ibhaliswe.

(2) IBhodi kumele, uma isigunyaza isicelo esihlongozwe kwisigatshana somthethonqubo (1), inikeze umfakisicelo isitifiketi sokubhaliswa, okumele leso sitifiketi siqukathe, phakathi kokunye, lolu lwazi olulandelayo:

(a) incazelo ephelele yomshini wokudlala ngamunye obhalwe esitifiketini sokubhaliswa kanjalo nenombolo efakwe yiBhodi emshini ngamunye wokudlala;

(b) ikheli lendawo lapho imishini yokudlala igcinwe khona ukuze idlalwe, noma lapho ezogcinwa khona ukuze idlalwe;

(c) imininingwane ephelele yenkampani, noma igama, inombolo kamazisi nekheli lomnikazi womshini wokudlala ngamunye; kanye

(d) nemininingwane ephelele, noma igama, inombolo kamazisi kanye nekheli lomuntu ozodlalisa ngemishini yokudlala.

**Imishini yokudlala iyoba nenombolo yokubhaliswa**

**156.**(1) Umnikazi womshini wokudlala kumele aqinisekise ukuthi umshini wokudlala ngamunye obhalwe esitifiketini sokubhaliswa uba nenombolo yokubhaliswa yiBhodi endaweni esobala kuwona.

(2) Noma imuphi umuntu ofaka inombolo yokubhaliswa enikezelwe yiBhodi ngokuhambisa nalo mthethonqubo, emshinini, noma entweni engazange ibhaliswe yiBhodi ngokwale Ngxenye yemithethonqubo uyothweswa icala.

**Umshini wokudlala uyogcinwa futhi utholakale endaweni ebhalwe esitifiketini sokubhaliswa**

**157.**(1) Umshini wokudlala ungagcinwa futhi utholakale kuphela endaweni ebhalwe esitifiketini sokubhaliswa: Kuncike ekutheni umshini wokudlala ungasuswa uyiswe kwenye indawo uma iBhodi seyazisiwe ngencwadi mayelana nalokho umuntu ogunyazwe ukugcina nokusebenzisa lowo mishini nangemuva kokuba iBhodi isikuvumele lokho, ngencwadi ngaphambi kokususwa kwalowo mishini.

(2) IBhodi kumele ichibiyele isitifiketi sokubhaliswa uma umshini ususwa endaweni yawo ngokuhambisana nenhlinzeko yesigatshana somthethonqubo (1) ngaphandle kwenhlawulo.

**Ukuchitshiyelwa kokubhaliswa noma kwegunya lokugcina nokuhlinzeka umshini wokudlala**

**158.** Noma imuphi umuntu onesitifiketi sokubhaliswa komshini wokudlala, nanoma imuphi umuntu ogunyazwe ukugcina noma ukuqhuba imishini yokudlala, ngokuhambisana nale Ngxenye yemithethonqubo, noma inini uma esekhokhe izimali ezinqunywe oHlelweni 2 loMthetho, angafaka isicelo kwiBhodi –

(a) sesitifiketi sokubhaliswa ukuba sichitshiyelwe; noma

(b) sokugunyazwa ukugcina ukuqhuba imishini yokudlala ukuba sichitshiyelwe.

**Amandla eBhodi okugunyaza nokuchitha isicelo**

**159.(1)** IBhodi –

- (a) ingagunyaza isicelo sokubhaliswa kwemishini yokudlala; noma
- (b) igunyaze isicelo semvume yokugcina nokuqhuba imishini yokudlala, kuncike kwimibandela engayibeka.

(2) IBhodi ingasichitha isicelo sokubhaliswa kwemishini yokudlala noma isicelo semvume yokugcina nokuqhuba imishini yokudlala, uma –

- (a) ulwazi oluqukethwe esicelweni lungaphelele, noma
- (b) iBhodi ibona ukuthi umshini okukhulunywa ngawo ungumshini wokugembula esikhundleni sokuba ngumshini wokudlala.

**Isitifiketi sokubhaliswa nemvume kumele sibekwe obala**

**160.** Isitifiketi sokubhaliswa kanye nemvume ebhalwe phansi yiBhodi yokugcina umshini wokudlala, kumele sibekwe obala ezakhiweni lapho kubekwe khona leyo mishini yokudlala ukuze idlalwe.

**ISAHLUKO 10****UKUBHEJA***Ingxenye 1**Ukubheja: Isicelo selayisensi kaBhuki***Ukudayiswa kwamalungelo obubhuki yiBhodi**

**161.(1)** Noma inini uma kudingeka ukuba kukhishwe ilungelo lobubhuki ngokwezigaba 7(2)(d), 45(7), 99(8)(b) noma 99(11)(b) soMthetho, iBhodi kumele ikhiphe lelo lungelo ngokuthi ikhiphe ithenda yomphakathi.

(2) Noma isiphi isimemo sokuba kufakwe amathenda nanoma ikuphi ukugunyazwa kwelungelo lobubhuki ngenxa yaleyo thenda kumele iBhodi ikushicilele kwiGazethi.

(3) Isimemo, ukushicilelwa, ukukhishwa kwesinqumo kanye nokunikezelwa kwethenda ehlongozwe kwisigatshana somthethonqubo (1), kumele kuncike –

98

(a) ohwlini nasekuhlukanisweni kwabafake amathenda ngokuhambisana nemithetho kazwelonke mayelana nohlelo olubanzi lokuthuthukiswa kwabamnyama kwezomnotho; futhi

(b) ukunikezwa kobhide kangcono ithenda kobhide kangcono kulowo mkhakha wabafake amathenda okunguyena onamaphuzu amaningi mayelana nohlelo olubanzi lokusimamiswa kwabanyama kwezomnotho.

**Isicelo, ukudluliselwa kobunikazi kanye nokuvuselelwa kwelayisensi kabhuki**

**162.**(1) Noma imuphi umuntu ofisa ukuthola ilayisensi kabhuki kumele afake isicelo kwiBhodi selayisensi kabhuki, ngendlela enqunywe yiBhodi eMithethweni yayo.

(2) Izinhlinzeko zeziNgxenye 1, 2, 3 no 4 zeSahluko 2 semithethonqubo zisebenza nezinhlinzeko ezidingekayo uma kufakwa isicelo selayisensi kabhuki.

(3) Ngaphezu kwanoma iluphi ulwazi umfaki wesicelo selayisensi kabhuki okudingeka aluhlizeke ngokwezinhlinzeka zale mithethonqubo, umfakisisicelo kumele ahlinzeke iBhodi –

(a) ngekheli lezakhiwo lapho umfakisisicelo ezoqhuba khona noma ehlongoza ukuqhuba khona ibhizinisi lobubhuki;

(b) ipulani yephansi yezakhiwo ezithintekayo, eveza ngokucacile indawo lapho kuzobe kubhejwa khona;

(c) imvume kamaziphathe wasendaweni mayelana nezakhiwo ezithintekayo; kanye

(d) nanoma iluphi olunye ulwazi olungadingwa yiBhodi.

(4) Izinhlinzeko zomthethonqubo 24 ziyasebenza ekudluliselweni kobunikazi bebhizinisi likabhuki busuka kumuntu phaqa kuya emgwamandeni oyibhizinisi, noma ngabe umgwamanda oyibhizinisi uphethwe ilowo muntu wonke noma ingxenye yawo.

(5) Ngale kokulandela umthethonqubo 28(6), noma iliphi ibhizinisi lobubhuki elidluliselwayo kumele lifake isicelo kwiBhodi sokuba kuvuselelwe ilayisensi yobubhuki, engakedluli umhla zingama-31 kuMfumfu wonyaka okuqala ngawo ukusebenza koMthetho.

*Ingxenye 2**Ukubheja: Izingxubevange mayelana noBhuki***Isakhiwo esinegumbi lokubheja**

**163.**(1) Ibhizinisi lobubhuki kumele lithole futhi ligcine isakhiwo esinegumbi lokubheja ngelungelo ngalinye lobubhuki, endaweni enqunywe yiBhodi kulawo malungelo obubhuki.

(2) Akukho bhizinisi lobubhuki eliyohutshwa kunoma iziphi izakhiwo ngaphandle kwezakhiwo ezigunyazwe yiBhodi.

(3) Amajoka abekwe yile Mithethonqubo asebenza ngokuhambisana nangokuphindaphindeka uma kusebenza ubhuki ongaphezu koyedwa ezakhiweni ezizodwa ezinegumbi lokubheja.

(4) Ibhizinisi lobubhuki elingakwazi ukusebenza ezakhiweni ezinegumbi lokubheja ezisemthethweni, kumele –

(a) lifake isicelo esibhalwe phansi kwiBhodi zokuba lisebenzele kwezinye izakhiwo okwesikhashana; futhi

(b) likhokhe imali yesicelo enqunywe oHlelweni 2 loMthetho.

(5) Isicelo esenziwe njengoba kuhlangozwe kwisigatshana somthethonqubo (4), kumele sibandakanye izincomo nanoma iluphi olunye ulwazi noma umbhalo odingwa yiBhodi.

(6) Ibhizinisi lobubhuki elidinga imvume yokusebenza ezakhiweni zesikhashana liqhubeka nokusebenza ezakhiweni ezinegumbi lokubheja ezisemthethweni kumele lihlinzeke iBhodi –

(a) ngezincomo ezibhalwe phansi mayelana nezizathu zokufuna ukusebenza ezakhiweni zesikhashana ngesikhathi liqhubeka nokusebenza ezakhiweni ezisemthethweni;

(b) ngolwazi mayelana nezakhiwo okuzoqhutshelwa kuzona ibhizinisi lobubhuki, kubandakanya uhlelo lwekhompyutha lokugcina imininingwane lukabhuki nempahla ehambisana nalo;

(c) izincwadi ezihlinzeka ngokuthi ubhuki uthole imvume, kubahleli banoma imuphi umcimbi omkhulu nanoma imuphi omunye umcimbi noma umdlalo, ukusebenzela endaweni ethile ebude buduze nendawo okubanjelwe kuyo leyo midlalo noma lowo mcimbi wezemidlalo omkhulu;

(d) isiqiniseko esibhalwe phansi esivela kubahleli sokuthi abasebenzi beBhodi bazokwazi ukungena mahhala kulezo zakhiwo ezizobe zisebenzela ubhuki okwesikhashana;

(e) isiqinisekiso sokuthi isimo nokulungiswa kohlelo lokugcina amarekhodi ngekhompyutha lwebhizinisi likabhuki kanye nenye impahla ehambisana nakho kuyahambisana nale Mithethonqubo; kanye

100

(f) nanoma iziphi izincomo, ulwazi kanye nezincwadi ezesekayo njengoba kungadingwa iBhodi.

(7) IBhodi ingenqaba nemvume yokusebenzela ezakhiweni zesikhashana, ngesikhathi ibhizinisi lisamile ukusebenza ezakhiweni ezisemthethweni, isikhathi esingaphezu kwezinsuku ezingama-90: Kuncike ekutheni ezimweni ezithile, futhi uma kube nesicelo esibhalwe phansi, iBhodi ingaphinde ilule isikhathi.

(8) IBhodi ingenqaba nemvume yokusebenza ezakhiweni zesikhashana, ngesikhathi ibhizinisi liqhubeka nokusebenza ezakhiweni ezisemthethweni, isikhathi esiyizinsuku ezingaphezu kwama-40.

(9) Uma ibhizinisi likabhuki lifisa ukungena esivumelwaneni sokubheja ezakhiweni zesikhashana zokubheja, lelo bhizinisi likabhuki kumele liqale lenze isicelo, ngencwadi kwiBhodi sokuthi –

(a) kugunyazwe ubhuki noma imenenja kabhuki ekhethwe yibhizinisi likabhuki, njengoba kungaba njalo, ezobhejisa ezakhiweni zokuhlala, lapho yona ihlala khona;

(b) kugunyazwe izakhiwo zokubheja zesikhashana;

(c) kugunyazwe uhlobo lwempahla ezosetshenziswa ngenhloso yokubheja ohlelweni lokugcina amarekhodi lwekhompyutha ebhizinisini likabhuki ezakhiweni zokubheja zesikhashana; futhi

(c) kuxhunywe kahle imishini egumbini lokubheja lesikhashana.

(10) Noma iyiphi impahla egunyazwe yiKomidi ngokwesigatshana somthethonqubo (9)(c) kumele

(a) isebenze ngendlela efanayo namatheminali ekhomyutha asetshenziswa ubhuki ukubhejisa ezakhiweni ezisemthethweni ezinegumbi lokubheja zikabhuki; futhi

(b) ivumele ibhizinisi likabhuki ukuba likwazi ukubheja ngqo ohlelweni lokugcinwa kwamarekhodi lwekhompyutha, ezakhiweni ezinegumbi lokubheja zesikhashana zebhizinisi likabhuki, kusetshenziswa i-inthanethi.

(11) Ukugunyaza kweBhodi ukuxhunywa nokusetshenziswa kohlelo lokugcinwa kwamarekhodi lwekhompyutha ezakhiweni ezinegumbi lokubheja lesikhashana kumele kuqale kwaziswe ibhizinisi lobubhuki, ngaphambi kokuthi ubhuki noma imenenja kabhuki eqokwe ibhizinisi likabhuki iqale ukubhejisa kunoma iziphi izakhiwo ezinjalo.

101

(12) Ibhizinisi lobubhuki lingangena ezivumelwaneni zokubhejela ezakhiweni ezinegumbi lokubheja lesikhashana, uma izakhiwo ezinegumbi lokubheja elisemthethweni sezivaliwe.

(13) Amahora okusebenza ebhizinisi lobubhuki elisezakhiweni ezinegumbi lokubheja elisemthethweni elingavulwa ngawo, kuncike emithethweni kamasipala, anganqunywa ilelo bhizinisi lobubhuki elithintekayo.

**Ukususwa kwebhizinisi lobubhuki liyiswa kwezinye izakhiwo kanye nokushintshwa kwesakhiwo esinegumbi lokubheja**

**164.**(1) Akukho bhizinisi lobubhuki –

(a) eliyosuka ezakhiweni ezisemthethweni ezinegumbi okubheja liye kwezinye izakhiwo; noma

(b) eliyokwenza izinguquko esakhiweni noma lengeze okuthile esakhiweni esisemthethweni esinegumbi lokubheja,

ngaphandle kokuthola imvume kwiBhodi.

(2) Isicelo sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1)(a) kumele sibhalwe phansi futhi sihambisane nomdwebo webalazwe okhombisa indawo lapho izakhiwo zikhona nepulani yephansi lesakhiwo lapho kuhloswe ukuba ibhizinisi liyiswe khona, ekhombisa izinguquko noshintsho ouhlongozwayo.

(3) Isicelo sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1)(b) kumele sibhalwe phansi futhi kumele sihambisane nepulani yephansi yezakhiwo ezisemthethweni ezinegumbi lokubheja, ekhombisa izinguquko noshintsho oluhlongozwayo.

**Isibambiso sobhuki mayelana nezikweletu zokubheja**

**165.**(1) Umnikazi welayisensi yobubhuki angeke aqhube ibhizinisi lobubhuki ngaphandle uma ibhizinisi lobubhuki likhokhe isibambiso sezibopho zalo mayelana nemisebenzi yokubheja eliyenzayo, kwiBhodi.

(2) Isibambiso okukhulunywe ngaso kwisigatshana somthethonqubo (1) angeke sihoxiswe noma sincishiswe ngaphandle kwemvume yeBhodi.

(3) Isibambiso okukhulunywe ngaso kwisigatshana somthethonqubo (1) kumele sibe –



102

- (a) imali engukheshi;
- (b) isheke eligunyazwe yibhange; noma
- (c) enye indlela yesibambiso engagunyazwa yiBhodi.

**Ukungaboni ngasolinye okumayelana nokubheja**

**166.**(1) IBhodi ingaxazulula noma ikuphi ukungaboni ngasolinye phakathi kwebhizinisi lobubhuki nomuntu obhejayo, noma phakathi kwebhizinisi lobubhuki nelinye ibhizinisi lobubhuki.

(2) Noma imuphi umuntu obhejayo noma ibhizinisi lobubhuki elifisa ukubika ngokungaboni ngasolinye kwiBhodi kumele –

- (a) lenze njalo ngokubhalela isiKhulu esiPhezulu ezinsukwini ezingama-60 kusukela osukwini okuvele ngalo lokho kungaboni ngasolinye; futhi
- (b) ngaso lesi sikhathi lihlinzeke ngemininingwane ephelele yalokho kungaboni ngasolinye.

(3) IsiKhulu esiPhezulu singacela ukuba umuntu obhejayo oveza ukungaboni ngasolinye ngokwesigatshana somthethonqubo (2) ukuba akhokhe idiphozi yama-R500,00 kwiBhodi.

(4) IsiKhulu esiPhezulu singacela ukuba ubhuki oveza ukungaboni ngasolinye ngokwesigatshana somthethonqubo (2) akhokhe idiphozi yezi-R2 000,00 kwiBhodi.

(5) IsiKhulu esiPhezulu kumele ngokushesha uma sithola isaziso mayelana nokungaboni ngasolinye sifake leyo mininingwane kwirejista ezogcinelwa lokho.

(6) Abasebenzi beBhodi kumele baphenye ukungaboni ngasolinye bese belungisa umbiko mayelana nabakutholile ukuze uthunyelwe kwiBhodi.

(7) IBhodi, ngemuva kokuthola umbiko kubasebenzi bawo njengoba kuhlangozwe kwisigatshana (6), kumele –

- (a) ibize isigcawu sokulalela ukungaboni ngasolinye; futhi
- (b) uma sekuphuthulwe isigcawu, yahlulele mayelana nokungaboni ngasolinye, njengoba kuhlangozwe kwisigatshana (9).

(8) Uma uhlangothi oluthile ekungabonini ngasolinye lwehluleka ukuvela phambi kweBhodi ngemuva kokuba seluthole isaziso sezinsuku ezingekho ngaphansi kweziyi-14 sokwenze njalo,

103

iBhodi ingaqhubeka nokucubungula nokwahlulela kulokho kungaboni ngasolinye noma lungekho lolo hlangothi.

(9) IBhodi –

(a) ingayalela ukuthi noma iyiphi idiphozi ibuyiswe, ngemuva kokuba selulaleliwe udaba, noma uma ukungaboni ngasolinye kuhoxisiwe ngaphambi kokuba iBhodi ikulalele ngesikhathi ithola isaziso sokuhoxiswa kwesikhalo sokungaboni ngasolinye;

(b) iyalele ukuba kudliwe noma iyiphi idiphozi ekhokhiwe uma ibona ukuthi isikhalo sokungaboni ngasolinye besiyimfeketho; futhi

(c) ingayalela indlela yokunquma ukuthi kuzoxazululwa kanjani ukungaboni ngasolinye, kubandakanya phakathi kokunye umyalelo wokuhoxisa ukubheja noma ukukhetha, noma umyalelo onquma ukuthi uhlangothi oluthile lukhokhele olunye isamba esithile.

(10) Ukufakwa kwesikhalo ngesinqumo noma ngomyalelo weBhodi owenziwe ngokwesigatshana somthethonqubo (7) noma (9) akumisi ukusebenza kwaleso sinqumo noma kwalowo myalelo: Kuncike ekutheni uma ibhizinisi lobubhuki eliyalelwe ngesinqumo esenziwe yiBhodi ngesikhathi kunokungaboni ngasolinye, ukuba likhokhe noma iyiphi imali ewiniwe noma enye imali kumuntu obhejayo, likhalaza ngaleso sinqumo, ibhizinisi lobubhuki kumele likhokhe leyo mali kwiBhodi eyobe isiyigcina esikhwameni, kuze kuphothulwe isikhalo ngesinqumo, lapho iBhodi eyobe isikhokha leyo mali ebhizinisini lobubhuki noma kumuntu obhejayo, njengoba kungayalela iLungu loMkhandlu oPhethe.

### **Ukubheja okungakhokhelwe**

**167.**(1) Noma imuphi umuntu onesikhalo esifanele ebhizinisini lobubhuki –

(a) mayelana nokubheja ibhizinisi lobubhuki elingazange likukhokhele ngemuva kwesicelo sokuba lenze njalo; noma

(b) elehlulekile ukukhokha ngemuva kokuba iBhodi iliyalele ukuba lenze njalo ngokomthethonqubo 166(9)(c),

kumele abike lolo daba ngenchwadi kwisiKhulu esiPhezulu.

(2) Uma isiKhulu esiPhezulu sithola umbiko ohlongozwe kwisigatshana somthethonqubo (1) –

(a) kumele siwuqophe ngokushesha kwirejista egcinelwe lokho;

(b) kumele senze uphenyo mayelana nalolo daba;

(c) kumele sithumele umbiko ohlongozwe kwisigatshana somthethonqubo (1); futhi

(d) kumele sithumele imiphumela yophenyo, kwiBhodi, ngaphandle kokuchitha isikhathi.

(3) IsiKhulu esiPhezulu uma sesenza uphenyo oluhlongozwe kwisigatshana somthethonqubo 2(b) kumele sinikeze ibhizinisi lobubhuki ithuba lokubeka uhlangothi lwalo.

(4) Uma, ngemuva kokuba sekulalelwe udaba ngenhloso yokwenza umbiko ohlongozwe kwisigatshana somthethonqubo (1) kanye nemiphumela yophenyo njengoba kuhlongozwe kwisigatshana somthethonqubo (2)(d), iBhodi inelisekile ukuthi isikhalo kumele sikhokhelwe ibhizinisi lobubhuki, iBhodi ingayalela ibhizinisi lobubhuki ukuthi likhokhe leyo mali engakhokhiwe engakapheli amahora angama-24.

(5) IBhodi ingathola ibhizinisi lobubhuki lingelingakhokhi kahle uma ibhizinisi lobubhuki lihluleka ukulandela umyalelo ohlongozwe kwisigatshana somthethonqubo (4).

(6) Uma ibhizinisi lobubhuki litholakala liyibhizinisi elingakhokhi kahle ngokwesigatshana somthethonqubo (5) futhi uma ibhizinisi lobubhuki lingekho enkingeni yezezimali noma yokudliwa, iBhodi –

(a) ingasebenzisa sonke, noma ingxenye yesibambiso, esinikezwe iBhodi yibhizinisi lobubhuki ngokwesigaba 126(1)(c) soMthetho, njengoba kungadingeka, ukuze kukhokhelwe isikhalo esiholele ekutheni ubhuki atholakale njengomuntu ongakhokhi kahle; futhi

(b) ingamisa ilayisensi kabhuki ngaleso sikhathi ibhizinisi likabhuki lingakasikhokhi isibambiso esisetshenziwe.

#### **Ukulawulwa kobudlelwane bokusebenzisana ebhizinisini lobubhuki**

**168.**(1) Ngesikhathi ibhizinisi lobubhuki liqhubeka nokusebenza njengebhizinisi eliqhutshwa ngokubambisana phakathi kobhuki oyedwa noma ngaphezulu abanamalaysensi -

(a) ababambisene babophezeleke ngokufanayo kuzona zonke izibopho ezithinta ukusebenza kwabo ngokubambisana; futhi

(b) ilungu ngalinye kumele lilandele izidingo eziphathelele nezokuvikeleka kanye namalaysensi samuntu oziqhubela ibhizinisi yedwa.

(2) Uma obhuki abasebenza ngokubambisana beqhuba ibhizinisi kanye kanye esakhiweni esisodwa esisemthethweni esinegumbi lokubheja nakwenye indawo yesikhashana egunyaziwe, kumele labo bhuki bagcine -

(a) ishadi lenkundla elilodwa -

105

- (i) emjahweni ngamunye wamahashi enkundleni ngayinye;
  - (ii) emcimbini womdlalo ngamunye enkundleni ngayinye;
  - (iii) komunye umcimbi noma umdlalo enkundleni ngayinye; kanye
- (b) nencwadi eyodwa esetshenziswayo.

(3) Uma ubhuki oyedwa noma ngaphezulu beqhuba ibhizinisi ngokubambisana, kumele, uma iBhodi icela, ngokushesha baveze ikhophi egxiviziwe yesivumelwano salokho kubambisana.

(4)(a) Uma obhuki abasebenza ngokubambisana beqhuba ibhizinisi esakhiweni esisodwa esinegumbi lokubheja labo bhuki kumele basebenzise uhlelo olulodwa lwekhompyutha lokugcina amarekhodi, oluveza uhlelo olulodwa lwamarekhodi anqunyiwe obubhuki kanye nezimali zentela.

(b) Wonke amabhuku, amarekhodi, izitatimende, izintela, amabhodi okubheja kanye nezikhangiso kwalelo bhizinisi lobambiswano kumele kukhombise igama lebhizinisi lobambiswano kanye namagama amalungu alo.

(c) Angeke amalungu ebhizinisi lobambiswano abheje wodwa.

(5) IBhodi, noma inini uma kuba nesizathu esizwakalayo, ingabeka imibandela edingekayo, kumalaysensi obhuki abasebenza ebhizinisini lobubhuki ngokubambisana.

(6) Uma kufika isikhathi sokuhlukana phakathi kobhuki abanamalaysensi abasebenza ngokubambisana, amalungu kumele ngokushesha azise iBhodi ngencwadi mayelana nenhloso yawo.

(7) Kuncike ezinhlinzekweni zoMthetho, uma kwenzeka kushona ubhuki onelayisensi obeyingxenywe yebhizinisi elisebenza ngokubambisana, noma imuphi ubhuki osele noma abasele bangaqhubeka nokuqhuba ibhizinisi lobubhuki.

### **Obhejayo ongakhokhi kahle**

**169.**(1) IBhodi ingathola umuntu obhejayo engumuntu ongakhokhi kahle uma inelisekile ngemuva kophenyo ukuthi lowo muntu obhejayo uyehluleka ukukhokhela ubhuki noma isiphi isamba semali okumele ayikhokhe ngenxa yokubheja akwenze nalowo bhuki.

(2) Noma inini uma iBhodi imemezela umuntu obhejayo njengongakhokhi kahle, kumele ithumele isaziso kuwona wonke amabhizinisi obubhuki nezinkudla zemijaho ezifundazweni.

106

(3) Ibhizinisi lobubhuki elithole isaziso esihlongozwe kwisigatshana somthethonqubo (2) kumele lisibeke endaweni esobala ezakhiweni zokubheja ezisemthethweni, kuze kube lelo bhizinisi lobubhuki liyalelwa yiBhodi ngokwesigatshana somthetho (50(b) ukuba lisisuse, lapho ibhizinisi lobubhuki kuyomele lilandele lowo myalelo ngaphandle kokuchitha isikhathi.

(4) Uma lithola isaziso esihlongozwe kwisigatshana somthethonqubo (2) noma iliphi ibhizinisi lobubhuki lapho umuntu obhejayo enesikweletu khona mayelana nokubheja akwenze nalelo bhizinisi lobubhuki, kumele ngokushesha lazise Bhodi mayelana neminingwane yaleso sikweletu.

(5)(a) Noma imuphi umuntu obhejayo otholwe yiBhodi njengongakhokhi kahle angeke angene noma abe sezakhiweni –

(i) ezinelayisensi yokuba yinkundla yomjaho ngokoMthetho; noma

(ii) nanoma iziphi ezinye izakhiwo lapho ubhuki onelayisensi eqhuba khona ibhizinisi, kuze kube zonke izikweletu zakhe nobhuki sezihoxisiwe futhi iBhodi isinelisekile ukuthi usengumuntu okufanele ukuphinde abheje.

(b) Uma iBhodi inelisekile njengoba kuhlangezwe endimeni (a), kumele ngemuva kwalokho iyalele wonke amabhizinisi obubhuki anelayisensi ukuba asuse isaziso esihlongozwe kwisigatshana (2).

### **Isibambiso sentela**

**170.**(1) Isibambiso esifakwa ibhizinisi lobubhuki esikhokhelwa intela njengoba kunqunywe eMthethweni kweNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010, kumele sibe yisamba esinganqunywa yiBhodi futhi kumele sibe –

(a) imali engukheshi;

(b) isheke eligunyazwe yibhange; noma

(c) olunye uhlobo lwesibambiso olungagunyazwa yiBhodi.

(2) IBhodi ingadayisa noma ikhokhe ngaleso samba semali esifakwe njengesibambiso uma kunesidingo sokuthi kukhokhwe isikweletu esenziwe esiKhwameni seNgeniso sesiFundazwe.

**Inqubo yokugunyaza: Eminye imicimbi nemidlalo**

171.(1) Noma imuphi umuntu ofisa ukuthi iLungu loMkhandlu oPhethe lenze isinqumo mayelana nomcimbi noma nomdlalo kumele afake isicelo kwiLungu loMkhandlu oPhethe ngokubhalwe phansi.

(2) Incwadi yesicelo ehlongozwe kwisigatshana somthethonqubo (1) kumele ibandakanye okungenani lokhu okulandelayo –

- (a) umsebenzi, igama, ikheli leposi neminye imininingwane yokuxhumana yomfakisicelo;
- (b) incazelo ecacile, echaza kahle uhlobo lomcimbi noma lomdlalo okudingeka ngalo isinqumo;
- (c) ulwazi mayelana nanoma iyiphi inhlango okuyiyona elawula lowo mcimbi noma umdlalo odingelwa isinqumo;
- (d) isincomo sokuthi ukubheja kulowo mcimbi noma kulowo mdlalo okucelwa kuwo isinqumo, angeke kunenge umphakathi;
- (e) isincomo sokuthi ukubheja emcimbini noma embuthanweni okucelwa ngawo isinqumo, angeke kubeke umcimbi engcupheni noma kuphoxe umcimbi noma umdlalo ngesimo sokuthi kuphekwe imiphumela yawo, noma kube nezinye izenzo zokukhwabanisa noma zenkohlakalo; kanye
- (f) nesincomo sokuthi lowo mcimbi noma lowo mdlalo okucelwa ngawo isinqumo, ukhombisa ukuba nokwethembeka kanye nokuba sobala futhi angeke ukhohlise noma uluthe abantu ababhejayo.

(3) Noma isiphi isinqumo esenziwa yiLungu loMkhandlu oPhethe kumele senziwe ngesaziso esiyoshicilelwa kwiGazethi yesiFundazwe.

(4) Usuku lokuqala kokusebenza kwesinqumo seLungu loMkhandlu oPhethe njengoba kuhlongozwe kulo mthethonqubo wusuku lokushicilelwa kwesaziso kwiGazethi yesiFundazwe.

**Abantu abangavunyelwe ukubheja: Imijaho yamahhashi, imicimbi yezemidlalo nakweminye imicimbi noma imidlalo**

172.(1) Akukho muntu oyobamba iqhaza kunoma imuphi umdlalo –

- (a) njengomdlali, umgibeli, umshayeli, ilungu leqembu noma okunye okunjalo;
- (b) njengonompempe, usomugqa, iseleka likanompempe, u-emphaya noma omunye owenza lokho;
- (c) njengomqeqeshi weqembu, imenenja yeqembu noma yomdlali, umlolongi noma omunye owenza lokho; noma

108

(d) njengomnikazi weqembu, umnikazi wenja, noma omunye owenza lokho, oyobheja kunoma imuphi umcimbi wezemidlalo, lapho –

- (i) yena ebambe khona iqhaza;
- (ii) kuyiqembu aliphethe, angumnikazi walo noma aliqeqeshayo elidlalayo;
- (iii) engumdlali, umgibeli, umshayeli, ilungu leqembu noma okunye okunjalo lowo muntu ayimenenja, umqeqeshi noma umlolongi wakho; noma
- (iv) kuyisilwane okungesakhe, asiqeqeshayo noma asilolongayo esibambe iqhaza.

(2) Akekho umuntu obamba iqhaza kunoma imuphi omunye umcimbi noma umdlalo –

- (a) njengomdlali, ilungu leqembu, obambe iqhaza noma okunye okunjalo;
- (b) uphrojusa, umhleli womcimbi, unompempe, ijaji noma kunye okunjalo; noma
- (c) umqeqeshi weqembu, umnikazi weqembu, umdlali noma imenenja yelungu leqembu, imenenja yobambe iqhaza noma i-ejenti noma okunye okunjalo, ongabheja kuleyo micimbi noma kuleyo migubho.

(3) Noma ikuphi ukubheja okushayisanayo nalo mthethonqubo kumele kugwenywe ubhuki, umnikazi wethotho noma yiBhodi.

### **Uhlu lobhuki luyothunyelwa umqhubi womjaho**

**173.** Uhlu lobhuki abasebenza enkundleni yomjaho kumele luthunyelwe kwiBhodi, yilowo mqhubi wenkundla yomjaho othintekayo, ekupheleni kosuku lomjaho ngalunye.

### *Ingxenye 3*

*Ukubheja: Izinghlinzeko ezingxubevange eziphathelene namathotho*

### **Uhlelo lolubheja lwethotho**

**174.(1)** Umnikazi welayisensi yethotho kumele asebenzise uhlelo lokubheja lwethotho olugunyazwe yiBhodi ngenhloso yokuphatha konke ukubheja okwenziwe ethotho.

(2) Ngaphambi kokuba umnikazi welayisensi yethotho asebenzise umshini wokudlala oxhunywe ohlelweni lokubheja lwethotho ukuze kubheje abantu ababhejayo, kumele aqale athole imvume yeBhodi yokuwusebenzisa.

109

(3) Uma kunamazinga e-SABS okumele izinhlelo zokubheja zethotho noma imishini yokubheja ihlangabezane nawo, umnikazi welayisensi yethotho kumele athole isitifiketi sokuhlangabezana nalawo mazinga futhi kumele asithumele, kanye nesicelo sakhe sokugunyazwa kohlelo lokubheja lwethotho, noma somshini wokubheja wethotho, kwiBhodi.

(4) Uma kungekho mazinga e-SABS okumele izinhlelo zokubheja zethotho noma imishini yokubheja ihlangabezane nawo, iBhodi iyonquma amazinga ezinhlelo zokubheja zethotho kanye nemishini yokubheja yethotho, njengoba kungaba njalo, kanye nokuhlinzekwa kwezincwadi okumele zisetshenziswe umnikazi welayisensi yethotho uma efaka isicelo sokugunyazwa kohlelo lokubheja lwethotho, noma komshini wokubheja wethotho.

(5) Zonke izindleko zokuhlolwa, zokugunyazwa kanye nezemvume yezinhlelo zokubheja zethotho, noma zemishini yokubheja yethotho, kumele zibe semahlombe omuntu noma enhlangano ehambisa uhlelo lokubheja lwethotho noma umshini wokubheja wethotho kwa-SABS ukuze ugunyazwe nakwiBhodi ukuze uthole imvume.

(6) Uhlelo lokubheja lwethotho kumele, ngezikhathi ezijwayelekile zokusebenza, lukwazi –

(a) ukuzakhela amafayela eminingwane egciniwe azokwazi ukusebenza njengerekhodi lokucwaningwa kwamabhuku kukhona konke ukubheja okwenziwe ohlelweni nakho konke ukubheja okuhoxisiwe;

(b) ukuzakhela irekhodi lakho konke ukubheja okwenziwe ohlelweni, okuyirekhodi okumele liqukathe okungenani lolu lwazi olulandelayo –

(i) inombolo yesiliphu sokubheja ekubhejeni ngakunye okwenziwe;

(ii) inkomba yokuthi ukubheja okomjaho wamahhashi, okomcimbi wezemidlalo, noma okwanoma imuphi omunye umcimbi noma umdlalo;

(iii) usuku lomjaho wamahhashi, lomcimbi wezemidlalo, noma lomunye umcimbi noma umdlalo;

(iv) igama noma inombolo yomjaho wamahhashi, yomcimbi wezemidlalo, noma yomunye umcimbi noma umdlalo;

(v) inkundla yomjaho wamahhashi, yomcimbi wezemidlalo, noma yomunye umcimbi noma umdlalo;

(vi) izinombolo ezikhethiwe noma ukuthi kubhejwe kanjani; kanye

(vii) nesiteki somuntu obhejayo;

(c) uma kuvela imiphumela yemidlalo yamahhashi, yemicimbi yezemidlalo yeminye imicimbi noma imidlalo, lubale imali ewinwe ababhejayo kanye nezintela ezizokhokhwa; futhi



110

(d) lukwazi ukunikeza umuntu obhejayo njalo uma ebheja, irekhodi eligayiwe leminingwane yokubheja okwenziwe uyena.

(7) IBhodi kumele yakhe izinhlelo kanye nezinqubo zokuhlola izinhlelo zokubheja zethotho iziqhathanisa namazinga alezo zinhlelo: Kuncike ekutheni inhloso enkulu yalokho kuhlola kuyoba ukunquma –

- (a) ukubalwa kahle kwezimali ezikhokhelwa abantu ababhejayo abawinile;
- (b) ukubalwa kahle kwesamba sentela okumele ikhokhwe; kanye
- (c) nokukwazi kohlelo ukuphikisana namasu okungase kube ngawokukotelwa kolwazi namarekhodi asazocwaningwa.

#### **Iminingwane egcinwe kwikhompyutha yolwazi namarekhodi**

**175.** (1) Lonke ulwazi olugciniwe oluhlongozwe kumthethonqubo 174(6)(a) kanye namarekhodi ahlongozwe kumthethonqubo 174(6)(b), kumele kukopishwe emshinini ofanele futhi ophathekayo wokuqopha ngekhompyutha ekupheleni kosuku ngalunye.

(2) Umshini wokuqopha ngekhompyutha ohlongozwe kwisigatshana somthethonqubo (1) kanye nolwazi olugcinwe kuwona kumele kugcinwe kahle ngendlela elandelayo ukuze kuhlolwe, kwezinye izakhiwo okungezona izakhiwo ezinethotho.

(3) Ngaphezu kolwazi olugciniwe oluhlongozwe kwisigatshana (1), kumele kukopishwe kuphinde kugcinwe lolu lwazi namarekhodi njengoba kuhlongozwe kwisigatshana somthethonqubo (1) –

- (a) izintela ezikhokhwayo;
- (b) izimali ezisalayo; kanye
- (c) nezimali eziwiniwe ezingalandiwe.

(4) IBhodi kumele inqume ukuthi umshini wokuqopha ulwazi namarekhodi njengoba kuhlongozwe kwisigatshana somthethonqubo (1) ukufanele yini ukwenza lokho njengoba kuhlongozwe kwisigatshana somthethonqubo (1) futhi kumele inqume ukufaneleka kwendawo nendlela lowo mshini wokuqopha ulwazi namarekhodi ozogcinwa ngayo.

(5) Umnikazi welayisensi yethotho kumele agcine lonke ulwazi namarekhodi okuhlongozwe kwisigatshana somthethonqubo (1) isikhathi esiyiminyaka emihlanu.

**Imithetho yasethotho nokungaboni ngasolinye mayelana nokubheja**

176.(1) Umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho, kumele aqhube ithotho ngokuhambisana nemithetho ebekwe umnikazi welayisensi yethotho, okuyimithetho okumele ithunyelwe kwiBhodi ukuze iyigunyaze, ngendlela enqunywe yiBhodi eMithethweni yayo.

(2) Umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho, njengoba kungaba njalo, kumele ngokushesha abike nganoma ikuphi ukungaboni ngasolinye nomuntu obhejayo mayelana nemiphumela yokubheja, noma nokukhokhwa kwemali ewiniwe kuncike emiphumeleni yokubheja, okungabe kuxazululiwe noma cha, kwiBhodi.

(3) IBhodi ingaxazulula noma ikuphi ukungaboni ngasolinye okubangelwe ukubheja phakathi komuntu obhejayo nomqhubi wethotho, nemenenja yethotho noma ne-ejenti yethotho.

(4) Noma imuphi umuntu obhejayo noma umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho ofisa ukwethula ukungaboni ngasolinye okukhona kwiBhodi kumele –

(a) enze njalo ngencwadi ebhekiswe kwisiKhulu esiPhezulu zingakedluli izinsuku ezingama-60 kusukela osukwini okwenze ngalo isigameko; futhi

(b) ngesikhathi esifanayo adalule imininingwane ephelele yalokho kungaboni ngasolinye.

(5) Isikhulu esiPhezulu singacela ukuthi umuntu obhejayo owethula ukungaboni ngasolinye mayelana nokubheja ngokwesigatshana somthethonqubo (4) akhokhe idiphozi yama-R500,00 kwiBhodi.

(6) Isikhulu esiPhezulu singacela ukuthi umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho eyethula ukungaboni ngasolinye ngokwesigatshana somthethonqubo (4) ikhokhe idiphozi yezi-R2 000,00 kwiBhodi.

(7) Isikhulu esiPhezulu kumele, ngokushesha ngemuva kokuthola isaziso sokungaboni ngasolinye sifake leyo mininingwane kwirejista egcinelwe lokho.

(8) Abasebenzi beBhodi kumele baphenye ukungaboni ngasolinye futhi balungise umbiko mayelana nabakutholile ukuze bawuthumele kwiBhodi.

(9) IBhodi, ngemuva kokuthola umbiko obhalwe abasebenzi bayo njengoba kuhlongozwe kwisigatshana (8) kumele –

(a) ibize isigawu mayelana nalokho kungaboni ngasolinye; futhi

112

(b) uma sekuphothulwe leso sigcawu, ithathe isinqumo mayelana nokungaboni ngasolinye njengoba kuhlangozwe kwisigatshana (11).

(10) Uma kukhona uhlangothi mayelana nokungaboni ngasolinye okuphathelene nokubheja, olwehlukelayo ukuvela phambi kweBhodi ngemuva kokuba luthole isaziso sezinsuku ezingekho ngaphansi kweziyi-14 sokuba lwenze njalo, iBhodi ingaqhubeka nokucubungula kanye nokuthatha isinqumo mayelana nokungaboni ngasolinye lungekho lolo hlangothi.

(11) IBhodi –

(a) ingayalela ukuthi idiphozi ekhokhiwe ibuyiselwe, uma iBhodi isilulalelile udaba lokungaboni ngasolinye, noma uma ukungaboni ngasolinye kuhoxisiwe ngaphambi kokuba kuhlale ezithebeni zeBhodi, ngesikhathi isaziso sokuhoxisa kokungaboni ngasolinye esitholakele ngaso;

(b) ingayalela ukuba kudliwe noma iyiphi idiphozi ekhokhiwe uma ibona ukuthi isikhalo sokungaboni ngasolinye besiyimfeketho; noma

(c) ingakhipha umyalelo wokuthi ukungaboni ngasolinye kuzoxazululwa kanjani, kubandakanya, phakathi kokunye, umyalelo ohoxisa ukubheja, noma ohoxisa izinombolo ebezikhethiwe, noma umyalelo onquma ukuba olunye uhlangothi lukhokhele olunye uhlangothi noma isiphi isamba.

(12) Isaziso sokukhalaza ngesinqumo seBhodi esenziwe ngokwesigatshana somthethonqubo (11), ngasenhla asikumisi ukusebenza kwesinqumo noma komyalelo: Kuncike ekutheni uma umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho, ngesinqumo esithathwe iBhodi ngesikhathi kuxazululwa ukungaboni ngasolinye, oyalelwe ukuba akhokhele umuntu obhejayo isamba semali esiwine, ekhalaza ngaleso sinqumo, imali ewiniwe edinga ukukhokhwa kumele lowo mqhubi wethotho, leyo menenja yethotho noma leyo ejenti yethotho iyikhokhe kwiBhodi ukuze igcinwe esikhwameni, kuze kutholakale imiphumela yesikhalo, okuyothi ngemuva kwalokho iBhodi ikhokhe leyo mali ewiniwe noma enye imali, ngomyalelo weLungu loMkhandlu oPhethe.

**Ubudlelwano phakathi komnikazi welayisensi yethotho nomqhubi wethotho, nemenenja yethotho kanye ne-ejenti yethotho**

177.(1) Umnikazi welayisensi yethotho, ngale kokulandela noma iziphi izinhlelo ezikwinkontileka ezingaba nokushayisana, uyena onesibopho sokubika kwiBhodi ngezenzo noma ngamaphutha omqhubi wethotho, emenenja yethotho noma e-ejenti yethotho, mayelana nokulandelwa

kwezinhlinzeko zoMthetho.

(2) Umnikazi welayisensi yethotho kumele ahlinzeke iBhodi ngekhophi efungelwe yanoma isiphi isivumelwano esibhalwe phansi phakathi kwakhe ne-ejenti yethotho, noma phakathi kwakhe nemenenja yethotho.

## ISAHLUKO 11 Ezingxubevange

### *Ingxenye 1*

#### *Ezingxubevange: Ukukhishwa kweZaziso*

#### **Indlela yokukhipha zasaziso**

**178.**(1) Noma isiphi isaziso esinikezwe umuntu ngokoMthetho yiBhodi noma yikomidi leBhodi, kumele sibhalwe phansi futhi anikezwe noma athunyelelwe sona –

- (a) ngesandla;
- (b) ngeposi elirejistiwe;
- (c) nge-imeyili; noma
- (d) ngefeksi.

(2) Noma isiphi isaziso esikhishwe ngokwesigatshana somthethonqubo (1) siyothathwa njengesitholakele –

- (a) uma sihanjiswe ngesandla, uma sifikile ekhelini lendawo lapho umuntu ehlala khona;
- (b) uma kuyiposi, ngemuva kwezinsuku eziyi-14 sithunyelwe; noma
- (c) uma kuyi-imeyili noma ifeksi, ngehora le-10h00 losuku lokusebenza olulandela usuku esithunyelwe ngalo.

### *Ingxenye 2*

#### *Ezingxubevange: Izenzo zokukhwabanisa nenkohlakalo*

#### **Ukusetshenziswa kwemishini ethile kwenqatshelwe**

**179.**(1) Akekho umuntu ongasebenzisa, noma ongaphatha ngenhloso yokusebenzisa kunoma iziphi izakhiwo ezinelayisensi, umshini noma okuthile kokumsiza ekutheni –

- (a) akwazi ukulinganisa umphumela womdlalo;
- (b) ukubala amakhadi adlalwayo emdlalweni osebenzisa amakhadi;

114

- (c) ukuhlaziya ukwenzeka kwezinto uma kudlalwa imidlalo; noma
- (d) ukuhlaziya amasu okudlala noma okubheja azosetshenziswa emdlalweni, ngaphandle uma kugunyaza iBhodi ngencwadi, uma kunesicelo esivela kumnikazi welayisensi.

(2) Izinhlinzeko zesigatshana somthethonqubo (1) akumele kuthathwe ngokuthi zivimbela –

- (a) ukwenziwa nokumakwa kwezinkomba kumarekhodi abhalwe ngesandla namakhadi adlalwa kwi-*punto banco* noma i-*baccarat*;
- (b) ukwenziwa nokumakwa kwezinkomba kumarekhodi abhalwe ngesandla emiphumela ye-*roulette*; noma
- (c) ukusetshenziswa kwezinto ezisiza ukucabanga zalowo muntu, ukuze zimsize –
  - (i) akwazi ukuthola imiphumela yomdlalo; noma
  - (ii) ukulandela amakhadi adlaliwe emidlalweni ebandakanya amakhadi.

### Izenzo zenkohlakalo

**180.** Akekho umuntu –

- (a) ongashintsha noma aphambanise imiphumela yemidlalo yekhasino, yomcimbi wezemidlalo, yomjaho wamahhashi noma yomunye umcimbi noma umdlalo, lapho kubhejwe khona, ngemuva kokuba imiphumela isinqunyiwe kodwa ingakakhonjiswa abadlali;
- (b) ongafaka, ongakhulisa nongehlisa isamba sokubheja noma anqume indlela yokudlala emdlalweni –
  - (i) ngemuva kokuba esethole ulwazi, abangenalo bonke abadlali, mayelana nomphumela walowo mdlalo noma umcimbi othinta umphumela womdlalo, noma umphumela wawo okuyiwona obhejelwayo; noma
  - (ii) asize omunye umuntu athole ulwazi, abangenalo abanye abadlali, lomphumela walowo mdlalo noma walowo mcimbi oluthinta umphumela womdlalo, noma umphumela wokubheja, ngenhloso yokufaka, yokukhulisa noma yokwehlisa ukubheja noma ngenhloso yokunquma indlela yokudlala, ngokuhambisana nomphumela;
- (c) ongabiza, ongaqoqa noma athathe, noma azame ukubiza, ukuqoqa noma ukuthatha, imali nanoma yini enye into yenani emdlalweni wokugembula, ngenhloso yokukhwabanisa, engazange abheje lapho, noma ofuna ukubiza, ukuqoqa noma ukuthatha isamba esikhulu kunaleso asiwinile;
- (d) ongafaka noma akhulise isamba sokubheja ngemuva kokuthola ulwazi mayelana nomphumela womdlalo wekhasino, umcimbi wezemidlalo, umjaho wamahhashi noma

115

omunye umcimbi noma umdlalo obhejelwayo;

(e) ongehlisa isamba esifakiwe noma ongahoxa ekubhejeni ngemuva kokuthola ulwazi mayelana nomphumela womdlalo wekhasino, umcimbi wezemidlalo, umjaho wamahhashi noma omunye umcimbi noma umdlalo obhejelwayo; noma

(f) ongabulala noma axakazise noma iyiphi impahla yemidlalo yemali ngendlela eshayisanayo nendlela leyo mpahla eyakhiwe futhi esetshenziswa ngayo, okungenzeka kubangele ukuthi ilimale noma ukuyixakazisa kwakhe okungaphazamisa imiphumela yomdlalo.

**Ukusetshenziswa ngokungemthetho kwama-coins, kwama-counterfeit chips, kwama-plaque kanye nama-token**

**181.(1)** Uma ama-coin okudlala kutholakala ukuthi asetshenziswe ngokungemthetho ezakhiweni ezinelayisensi futhi ngaphandle uma iBhodi noma inkantolo efanele ikhipha omunye umyalelo, umnikazi welayisensi angasebenzisa lawo ma-coin okungawakwiRiphabhulikhi yaseNingizimu Afrika, noma okungawakwelinye izwe, ngokuthi –

- (a) afake, uma kuyimali yakuleli, lawo ma-coin endaweni yokugcina ama-coin yomnikazi welayisensi;
- (b) ashintshe, uma kungama-coin akwelinye izwe, lawo ma-coin abuyele emalini yakuleli bese ewagcina endaweni yokugcina ama-coin yomnikazi welayisensi; noma
- (c) awagcine nganoma iyiphi enye indlela esemthethweni.

(2) Umnikazi welayisensi ngayinye kumele aqophe –

- (a) isibalo nesamba, okuyisona nokushintshelwe kuso noma imaphi ama-chip, ama-plaque kanye nama-token abulewe noma ashintshiwe ngokwalo mthethonqubo;
- (b) usuku okutholakale ngazo ama-chip, ama-plaque kanye nama-token;
- (c) usuku, indawo nendlela okubulawe ngayo noma ezinye izindlela okusetshenziswe ngazo kubandakanya ukuthi, uma kungama-coin akwamanye amazwe, amanani ashintshwe ngawo kanye nebhange elisetshenzisiwe, inkampani eshintsha izimali noma elinye ibhizinisi noma umuntu okushintshiselwene naye;
- (d) amagama abantu abawabulalile noma abawasebenzise ngenye indlela egameni lomnikazi welayisensi; kanye
- (e) nalolo lwazi olungadingwa yiBhodi.

**Ukuvalelwa nokuphekwa ngemibuzo komuntu osolwa ngokuphula umthetho**

**182.** Noma imuphi umhloli noma umnikazi welayisensi noma umsebenzi wakhe, noma i-ejenti yakhe onesizathu esizwakalayo sokukholwa ukuthi kuphulwe le Ngxenywe noma isigaba 142 soMthetho yinoma imuphi umuntu, angavalela lowo muntu, azise uMbutho wamaphoyisa aseNingizimu Afrika futhi avalele lowo muntu ezakhiweni ezinelayisensi ngendlela efanele kuze kufike amaphoyisa.

**Ukuthathwa kwempahla nemishini**

**183.(1)** Noma iyiphi impahla noma umshini esetshenziswa noma engakwazi ukusetshenziswa ukukhwabanisa umdlalo wokugembula ingathathwa umhloli noma yiphoyisa.

(2) Noma iyiphi impahla noma umshini okukhulunywe ngawo kwisigatshana somthethonqubo (1)

—

(a) akumele ubuyiselwe kumnikazi wawo noma komunye umuntu; futhi

(b) kumele ugcinwe noma uhlakazwe ngendlela enqunywe yiBhodi eMithethweni yayo.

*Ingxenywe 3**Ezingxubevange: Izikhalo***Isikhalo ngesinqumo sekomidi, sonikezwe amandla noma sesiKhulu esiPhezulu**

**184.(1)(a)** Isikhalo ngesinqumo sekomidi leBhodi, noma ngesinqumo sesiKhulu esiPhezulu, noma ngesinqumo sonikezwe amandla yiBhodi, ngokwesigaba 140 soMthetho, kumele senziwe ngokuthi kuthunyelwe kwisiKhulu esiPhezulu isaziso esibhalwe phansi sokukhalaza kwiBhodi, esibeka izizathu okususelwe kuzona isikhalo.

(b) Leso saziso sesikhalo kwiBhodi kumele sithunyelwe kwisiKhulu esiPhezulu ezinsukwini ezingama-30 kusukela osukwini okuphume ngalo isinqumo sekomidi leBhodi, sonikezwe amandla, noma sesiKhulu esiPhezulu, okuyisona esibangele isikhalo, noma ezinsukwini ezingama-21 kusukela osukwini okukhishwe ngalo incwadi yesinqumo nezizathu zesinqumo, zafinyelela ngalo kubantu abathintwa yilesi sinqumo, noma ikuphi okufika kamuva.

(2) Kuncike kwimithethonqubo 166 no 176, okhalazayo kumele, uma efaka isikhalo ngokwesigatshana somthethonqubo (1), akhokhe kwisiKhulu esiPhezulu idiphozi yezi-R 2000,00.

(3)(a) Usihlalo kumele zingakedluli izinsuku ezingama-60 kufakwe isikhalo, abize umhlangano weBhodi lapho kumele isikhalo sicutshungulwe khona yiBhodi.

(b) Amalungu eBhodi angacubungula isikhalo angabandakanya lawo malungu abeyingxenye yekomidi elikhiphe leso sinqumo okukhalazwa ngaso.

(4) IBhodi –

(i) ingasichitha isikhalo, ingaqinisekisa isinqumo sekomidi, somuntu onikezwe amandla, noma sesiKhulu esiPhezulu, njengoba kungaba njalo futhi –

(aa) iyalele ukuthi idiphozi ibuyiswe, ngemuva kokuchitha isikhalo, noma uma isikhalo sihoxisiwe ngaphambi kokuthi iBhodi isicubungule, ngesikhathi isaziso sokuhoxisa isikhalo sitholakala; noma

(bb) iyalele ukuba kudliwe noma iyiphi idiphozi ekhokhiwe, uma iBhodi ibona ukuthi isikhalo besiyimfeketho;

(ii) ingaqinisekisa isikhalo, noma ingxenye yaso futhi iyalele ukuthi idiphozi ekhokhiwe ibuyiselwe bese –

(aa) ishintsha isinqumo salelo komidi salowo onikezwe amandla noma sesiKhulu esiPhezulu; noma

(bb) iguqule isinqumo se komidi sonikezwe amandla noma sesiKhulu esiPhezulu.

(5) IsiKhulu esiPhezulu kumele sazise okhalazayo mayelana nesinqumo seBhodi, ezinsukwini eziyi-14.

(6) Okhalazayo kumele anikezwe izizathu ezibhalwe phansi uma ezicela.

### **Isikhalo ngesinqumo seBhodi**

**185.(1)(a)** Isikhalo esibhekiswe kwiLungu loMkhandlu oPhethe ngesinqumo seBhodi ngokwesigaba 140 soMthetho kumele senziwe ngokuthi kuthunyelwe isaziso esibhalwe phansi kwisiKhulu esiPhezulu esibeka izizathu okususelwa kuzo leso sikhalo.

(b) Leso saziso sesikhalo kumele sithunyelwe kwisiKhulu esiPhezulu ezinsukwini ezingama-30 kusukela osukwini lwesinqumo okukhalazwa ngaso, noma ezinsukwini ezingama-21 kusukela osukwini isaziso esihlongozwe kumthethonqubo 184(5) sanikezelwa kokhalazayo, noma ikuphi okuza kamuva.

(2) Kuncike ezinhlinzekweni zemithethonqubo 166 no 176, okhalazayo kumele, uma efaka isikhalo ngokwesigatshana somthethonqubo (1), akhokhe kwisiKhulu esiPhezulu idiphozi yezi-R2 000,00.



118

(3) IBhodi kumele, ezinsukwini eziyisikhombisa kufakwe isaziso sesikhalo, idlulisele ikhophi yesaziso sesikhalo, kanjalo nekhophi yezizathu zesinqumo seBhodi nazo zonke ezinye izincwadi ezidingekayo, kwiLungu loMkhandlu oPhethe ukuze likucubungule.

(4) ILungu loMkhandlu oPhethe kumele licubungule isikhalo zingakedluli izinsuku ezingama-30 lithole izincwadi ezihlongozwe kwisigatshana somthethonqubo (3).

(5) ILungu loMkhandlu oPhethe lingaqoka ithimba lesikhalo ukuba licubungule futhi lileluleke mayelana nesikhalo.

(6) ILungu loMkhandlu oPhethe –

(a) lingachitha isikhalo, liqinisekise isinqumo seBhodi –

(i) liyalele ukuthi idiphozi ibuyiswe, ngemuva kokuchitha isikhalo, noma uma isikhalo sihoxisiwe ngaphambi kokuthi lisicubungule, ngesikhathi isaziso sokuhoxisa isikhalo sitholakala; noma

(ii) liyalele ukuba kudliwe noma iyiphi idiphozi ekhokhiwe, uma libona ukuthi isikhalo besiyimfeketho;

(b) lingaqinisekisa isikhalo noma ingxenye yaso, liyalele ukuthi idiphozi ekhokhiwe ibuyiselwe futhi –

(i) lifake isinqumo salo esikhundleni sesinqumo seBhodi; noma

(ii) lishintshe isinqumo seBhodi; noma

(c) libuyisele isicelo emuva kwiBhodi ukuba isicubungule kabusha futhi ithathe isinqumo, ngemiyalelo elingayibona ifanele.

(7) ILungu loMkhandlu oPhethe kumele, ezinsukwini eziyi-14 likhiphe isinqumo, lazise iBhodi kanye nobefake isikhalo, ngencwadi mayelana nesinqumo salo.

(8) Okhalazayo kumele anikezwe izizathu mayelana nesinqumo uma ecela ngencwadi.

(9) Amandla anikezwe iLungu loMkhandlu oPhethe ngokwalesi sigaba ngeke adluliselwe komunye umuntu.

(10) ILungu loMkhandlu oPhethe ngokubona kwalo, lingakwazi ukudlulisela isikhalo kunoma iliphi elinye iLungu loMkhandlu oPhethe esiFundazweni ukuze lithathe isinqumo uma –

(a) iLungu loMkhandlu oPhethe libona ukuthi isinqumo kuzoba ngcono uma sithathwa

119

elinye iLungu loMkhandlu oPhethe esiFundazweni; noma

(b) okhalazayo ngokwesigatshana somthethonqubo (1) ecele ukuba isinqumo senziwe omunye umuntu ngale kweLungu loMkhandlu oPhethe futhi okhalazayo enizeke izizathu ezizwakalayo.

#### *Ingxenye 4*

#### *Ezingxubevange: Izinsuku zokukhokhwa kweNtela neziTatimende zeNtela*

#### **Izinsuku zokukhokhwa kwentela kanye nokuthunyelwa kwezitatimende zentela**

**186.**(1) Bonke abanikazi bamalayisensi, ngale kwabantu abanamalayisensi obubhuki noma ethotho, kumele bakhokhe, esiKhwameni seNgeniso sesiFundazwe, zingakedluli izinsuku eziyi-10 kuphele inyanga ngayinye, izintela okudingeka zikhokhwe yilowo mnikazi welayisensi kuleso sikhathi esinqunyelwe ukukhokha intela esiphelayo, ngokuhambisana nezinhlinzeko zoMthetho weNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali.

(2) Ngokwenhloso yalo mthethonqubo, **“isikhathi esinqunyelwe intela”** kushiwo inyanga ephelele yekhalenda.

(3) IBhodi kumele inqume indlela yokwenza izitatimende zentela yohlobo ngalunye lwebhizinisi, okumele ihambisane nokudalulwa kwezintela ezishodayo kumnikazi welayisensi ngamunye mayelana nesikhathi esinqunyelwe intela.

(4) Umnikazi welayisensi ngamunye kumele, ezinsukwini eziyi-10 ngemuva kokuphela kwenyanga ngayinye, athumele isitatimende sentela esiphelele kwisiKhulu esiPhezulu.

(5) Ifomu lesitatimede sentela elingagcwalisiwe kahle kumele lithathwe njengelingazange lithunyelwe kwisiKhulu esiPhezulu.

(7) Uma umnikazi welayisensi ehluleka ukukhokha intela noma ukuthumela ifomu lesitatimende sentela ngesikhathi, lowo mnikazi welayisensi uthathwa njengomisiwe uma engakasihambisi isitatimende futhi engakayikhokhi intela ayikweletayo nezinhlawulo.

(8) Uma umnikazi welayisensi ehluleka ukukhokha intela ayikweletayo noma ukuthumela ifomu lesitatimende sentela ngesikhathi, isiKhulu esiPhezulu kumele ngokushesha sazise lowo mnikazi

120

welayisensi ukuthi usethathwa njengomisiwe futhi, ngaphandle uma engaveza izizathu ezizwakalayo kwisiKhulu esiPhethe sokuthi kungani kungamele amiswe, isiKhulu esiPhezulu kumele sithathe isinyathelo sokumisa lowo mnikazi welayisensi.

(9) Noma imuphi umnikazi welayisensi oqhubeka nokusebenza ngesikhathi emisiwe ngokwalo mthethonqubo, uyothweswa icala.

*Ingxenye 5*

*Ezingxubevange: Ukwelulelwa isiKweletu*

**Ukwelulelwa isikweletu**

**187.** Akukho mnikazi welayisensi ongavumela noma iliphi ikhasimende ukuthi ligembule ngesikweletu ezakhiweni zakhe, ngendlela okungenzeka ukuthi iyashayisana nemithetho kazwelonke ephathelene nokugunyazwa kwezikweletu, noma eshayisanayo nemithetho esebenzayo esungulwe iBhodi.

ISAHLUKO 12

UKUCHITHWA KWEMITHETHONQUBO NESIHLOKO ESIFINGQIWE

*Ingxenye 1*

*Ukuchithwa kweMithethonqubo*

**Ukuchithwa kwemithethonqubo**

**188.** Imithethonqubo okukhulunywe ngayo esigabeni 150(a) soMthetho ngalokhu iyachithwa.

*Ingxenye 2*

*Isihloko esifingqiwe*

**Isihloko esifingqiwe**

**189.** Le mithethonqubo ibizwa ngeMithethonqubo yeMidlalo yeMali nokuBheja yaKwaZulu-Natali, 2012.

