PROVINCE OF THE WESTERN CAPE

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OFFICE OF THE ACTING PREMIER OF THE PROVINCE OF THE WESTERN CAPE

P.N. 249/2011 23 September 2011

It is hereby notified that the following isiXhosa version of the Western Cape Liquor Amendment Act, Act 10 of 2010, has been published for general information. The English version was assented to by the Acting Premier of the Province of the Western Cape on 9 December 2010 and was published in *Provincial Gazette Extraordinary* 6834, dated 14 December 2010.

Nomb 10 ka 2010: uMthetho wolungiso woTywala weNsthona Koloni, 2010

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

6909

Vrydag, 23 September 2011

As 'n nuusblad by die Poskantoor geregistreer

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

KANTOOR VAN DIE WAARNEMENDE PREMIER VAN DIE PROVINSIE WES-KAAP

P.N. 249/2011 23 September 2011

Hiermee word bekend gemaak dat onderstaande isiXhosa-weergawe van die Wes-Kaapse Drankwysigingswet, Wet 10 van 2010, vir algemene inligting gepubliseer word. Die Engelse weergawe is reeds op 9 Desember 2010 deur die Waarnemende Premier van die Provinsie Wes-Kaap bekragtig en in *Buitengewone Provinsiale Koerant* 6834, gedateer 14 Desember 2010, gepubliseer.

Nomb 10 ka 2010: uMthetho wolungiso woTywala weNsthona Koloni, 2010

IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

6909

Lwesihlanu, 23 Septemba 2011

Ibhaliswe ePosini njengePhephandaba

*(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)*

I-OFISI YE YENKULUMBUSO YEPHONDO LENTSHONA KOLONI

P.N. 249/2011 23 Septemba 2011

Kwenziwa isaziso sokuba le nguqulelo yesiXhosa yoMthetho woLungiso woTywala weNtshona Koloni, uMthetho 10 ka 2010, upapashelwe ulwazi gabalala. Inguqulelo yesNgesi yamkelwe yiNkulumbuso eBambeleyo yePhondo leNtshona Koloni ngowe 9 Disemba 2010 yaze yapapashwa *kwiGazethi yePhondo eyoNgezelelweyo* 6834, yowe 14 Disemba 2010.

Nomb 10 ka 2010: uMthetho wolungiso woTywala weNtshona Koloni, 2010

INGCACISWANA NGOKUBANZI:

[ ] Amagama abhalwe ngqindilili kwizibiyeli ezisikwere abonakalisa oko kuye kwasuswa kwimithetho esele iphunyeziwe.

Amagama akrwelelwe umgca ongqindilili ngaphantsi abonakalisa oko kufakelweyo kumthetho osele uphunyeziwe.

(Inguqulelo yesiNgesi isayinwe yiNkulumbuso eBambeleyo)
(yamkelwe ngowe-9 Disemba 2010)

UMTHETHO

Owenza izilungiso kuMthetho woTywala weNtshona Koloni ka-2008, ukulungiselela ukusekwa kweSigqeba esinguGunyaziwe seZotywala seNtshona Koloni, obandakanya iBhodi elawulayo neNkundla yaMatyala yeMvume yoTywala; ukwenza amanye amalungiselelo ngokuphathelele kubasebenzi bakaGunyaziwe lowo; ukulawula ukuqesha kwizithuba zemisebenzi ezingenabantu kwibhodi elawulayo, kwiNkundla yaMatyala yeMvume yoTywala nakwiNkundla yaMatyala yeZibheno ukulungiselela ukuba lonke ugunyaziso olwenziwa phantsi kwalo Mthetho lubhalwe phantsi; ukubekwa kwemigaqo eyahlukeneyo malunga nentlawulo, izithabathaba neminye imiqathango yengqesho yabasebenzi abathile abenza umsebenzi womhla nezolo; ukulungiselela ukuba umntu oqeshwe yiNkundla yaMatyala yeZibheno angasebenzi isigxina, koko asebenze amaxesha athile; ukutshitshisa isilungiselelo sokuba isikolo sinikwe imvume yotywala yesiyunguma esisodwa; ukumisela ulawulo ngokutsha kwendlela yokufakwa kwezicelo neengxelo ezithile; ukucacisa igunya abanalo oomasipala malunga nokubekwa kweentsuku neeyure zokuthengiswa kotywala; ukutshitshisa intlawulo yesibambiso yeendleko zesibheno kwiNkundla yaMatyala yeZibheno; ukutshitshisa eminye imigaqo ebeka izenzo zobutyala ezithile; ukulawula imigaqo yexeshana; ukubeka eminye imigaqo malunga nokuqala kwemiqathango yalo Mthetho ukusebenza; ukuqalisa ngokusetyenziswa kweenguqulelo ezenziwe kokubhaliweyo; ukulungisa iindawo ezithile ezingabekekanga ngokuchanekileyo; nokulungiselela neminye imiba ehamba noko.

NGOKO KE iPalamente yePhondo leNtshona Koloni **IPHUMEZA UMTHETHO** ngolu hlobo lulandelayo:—

Izilungiso kwisalathisi soMthetho 4 ka-2008

1. Isalathisi phambi kwecandelo 1 loMthetho woTywala weNtshona Koloni ka-2008 (uMthetho owenziwa izilungiso), senziwa izilungiso—

(a) ngokususa igama kufakwe elinye endaweni yalo kwisihloko seSahluko 2 ngolu hlobo lulandelayo:

"**[IBHODI]** ISIGQEBA ESINGUGUNYAZIWE SEZOTYWALA SENTSHONA KOLONI";

(b) ngokususa igama kufakwe elinye endaweni yalo kwisihloko seSahluko 2 ngolu hlobo lulandelayo:

"**2.** Ukusekwa **[kweBhodi]** kweSigqeba esinguGunyaziwe seZotywala seNtshona Koloni";

(c) ngokufakela eli binza lilandelayo emva kwesalathisi secandelo 6:

"**6A.** Amagunya nemisebenzi yeBhodi";

(d) ngokususa igama kufakwe elinye endaweni yalo kwicandelo 9 ngolu hlobo lulandelayo:

"**9.** Amagunya nemisebenzi **[eBhodi]** eSigqeba esinguGunyaziwe";

(e) ngokususa igama kufakwe elinye endaweni yalo kwisihloko seSahluko 3 ngolu hlobo lulandelayo:

"INKUNDLA YAMATYALA YEMVUME YOTYWALA **[YENTSHONA KOLONI]**";

(f) ngokususa isalathisi esibhekise kwicandelo 15;

(g) ngokususa igama kufakwe elinye endaweni yalo kwisihloko secandelo 26 ngolu hlobo lulandelayo:

"**26.** Ulawulo **[lweBhodi, lweNkundla yaMatyala yeMvume yoTywala]** lweSigqeba esinguGunyaziwe neNkundla yamaTyala yeziBheno";

(h) ngokususa igama kufakwe elinye endaweni yalo kwisihloko 27 ngolu hlobo lulandelayo:

"**27.** Intlawulo **[yeGosa eliLawulayo eliyiNtloko, yamalungu eBhodi, yeNkundla yaMatyala yeMvume yoTywala neNkundla yamaTyala yeZibheno]**";

(i) ngokususa igama kufakwe elinye endaweni yalo kwisihloko secandelo 28 ngolu hlobo lulandelayo:

"**28.** Inkxaso-mali nolawulo lwemali **[lweBhodi]** lweSigqeba esinguGunyaziwe";

(j) ngokususa igama kufakwe elinye endaweni yalo kwisihloko secandelo 30 ngolu hlobo lulandelayo:

"**30.** Imali efanele kuya kwiNgxowa yeMali yePhondo, **[yeBhodi]** yeSigqeba esinguGunyaziwe okanye koomasipala";

(k) ngokususa igama kufakwe elinye endaweni yalo kwisihloko secandelo 38 ngolu hlobo lulandelayo:

"**38.** Izicelo ezilindele ukuhlolwa **[eBhodini]** kwiSigqeba esinguGunyaziwe";

(l) ngokususa eli binzana "okanye umsebenzi", qho apho likhoyo;

(m) nangokususa igama kufakwe elinye endaweni yalo kwiSahluko 9 ngolu hlobo lulandelayo:

"**[UKUTSHITSHISWA,]** UKUDLULISELWA NOKUTHATHWA KWEEMVUME";

(n) ngokususa igama kufakwe elinye endaweni yalo kwisihloko secandelo 65 ngolu hlobo lulandelayo:

"**65. [Ukutshitshiswa nokudluliselwa]** Ukudluliselwa kweemvume"; kunye

(o) nangokususa igama kufakwe elinye endaweni yalo kwisihloko secandelo 84 ngolu hlobo lulandelayo:

"**84.** Ukusetyenziswa kwalo Mthetho nokukhululwa kwiimfuno zawo".

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 4 ka-2008

2. Icandelo 1 loMthetho owenziwa izilungiso uyalungiswa—

(a) Ngokufakela le nkcazo-gama ilandelayo emva kwenkcazo "**yeNkundla yaMatyala yeZibheno**:

" **'iSigqeba esinguGunyaziwe'** sibhekisele kwiSigqeba esinguGunyaziwe sezoTywala seNtshona Koloni esisekwe ngecandelo 2(1);";

(b) Ngokufakela le nkcazo-gama ilandelayo emva kwenkcazo "**yeNkundla yaMatyala yeZibheno**:

" **'ibhiya'** ibhekisa kutywala—

(a) obuveliswa ngegwele lemolthi elenziwa libe butywala apho ubuncinane i-25% yemolthi ithathwa kwirhasi *(barley)* kunye nengqolowa;

(b) obenziwa ngestatshi neswekile enemathiriyeli engajikwanga kunye namanzi; ze

(c) kuncasaniswe ngehophu okanye iimveliso zayo;".

(c) ngokufakela le nkcazo ilandelayo endaweni yenkcazo **yeBhodi**:

" **'iBhodi'** ibhekisele kwisigqeba esilawulayo seSigqeba esinguGunyaziwe esikhankanywa kwicandelo 2(2)*(a)*;";

(d) ngokufakela le nkcazo ilandelayo endaweni yenkcazo "ka**Sihlalo**":

" **'USihlalo'** ubhekisele kumntu obekelwe ukuba nguSihlalo weBhodi phantsi kwecandelo 3**[(6)]**(5) okanye umntu obambele uSihlalo okwexeshana xa engekho uSihlalo phantsi kwecandelo 3**[(7)]**(6);";

(e) ngokufakela le nkcazo ilandelayo endaweni yenkcazo "**yeGosa eliLawulayo eliyiNtloko**":

" **'iGosa eliLawulayo eliyiNtloko'** libhekisele kumntu oqeshwe njengeGosa eliLawulayo eliyiNtloko **[leBhodi]** leSigqeba esinguGunyaziwe phantsi kwecandelo 26(1)*(a)*;";

(f) ngokufakela emva kwenkcazelo "**yonyaka-mali"** le nkcazelo ilandelayo:

" **'iwayini exutywe nebranti'** ithetha iwayini ekwenziwe kuyo utywala besiselo esivundisiweyo obenziwe ngedriwa buze utywala obo buqulathe utywala obungange-15,0% ubuncinane kodwa bungedluli kwi-22,0%;";

(g) ngokufakela le nkcazo ilandelayo endaweni yenkcazo "**yeshishini elinemvume**":

" **'ishishini elinelayisenisi'** libhekisele kwishishini elinokuqhutywa kumasango anelayisenisi njengoko kugunyaziswa **[yiBhodi]** siSigqeba esinguGunyaziwe;";

(h) ngokufakela endaweni yenkcazelo yo"**tywala**" le nkcazelo ilandelayo:

" **'utywala'** buthetha nasiphi na isiselo esingamanzi **[esiqulathe]**, esiqulathe okanye esinenjongo yokuqulatha ngaphezulu kwe-1% yotywala kodwa oko akubandakanyi—

(a) isipirithi;

(b) iyeza elibhalisiweyo ngokomthetho oyi-Medicines and Related Substances Act, 1965 (uMthetho 101 ka-1964); kwakunye

(c) neemveliso ezingafanelanga kutyiwa ngabantu;".

(i) ngokufakela le nkcazo ilandelayo endaweni yenkcazo "**yeNkundla yaMatyala yeMvume yoTywala**:

" **'iNkundla yaMatyala yeMvume yoTywala'** ibhekisele kwiNkundla yaMatyala yeMvume yoTywala **[seNtshona Koloni] [esisekwe phantsi kwecandelo 15(1)]** esikhankanywe kwicandelo 2(2)*(b)*;";

(l) nangokufakela oku kulandelayo emva "**kwenkcazo**":

" **'iBhodi eyandulelayo'** ibhekisele kwiBhodi yoTywala emiselwe iPhondo eli ngecandelo 5 loMthetho oyiLiquor Act, 1989 (uMthetho 27 ka-1989);";

(m) ngokususwa kwenkcazelo "**yewayini yasetafileni**";

(n) ngokongezwa kwale nkcazelo ilandelayo:

" **'iwayini'** ithetha iwayini njengoko ichazwe kwicandelo 1 loMthetho weeMveliso zoTywala, 1989 (uMthetho wa-60 ka-1989).".

Ukufakwa kwesinye isihloko endaweni yesihloko seSahluko 2 soMthetho 4 ka-2008

3. Endaweni yesihloko seSahluko 2 soMthetho owenziwa izilungiso kufakwa esi sihloko silandelayo:

"**[IBHODI]** ISIGQEBA ESINGUGUNYAZIWE SEZOTYWALA SENTSHONA KOLONI".;

Ukufakwa kwelinye icandelo endaweni yecandelo 2 loMthetho 4 ka-2008

4. Endaweni yecandelo 2 loMthetho owenziwa izilungiso kufakelwa eli candelo lilandelayo:

"**Ukusekwa kweSigqeba esinguGunyaziwe sezoTywala [kweBhodi] seNtshona Koloni**

2. (1) Apha kusekwa isigqeba esizimeleyo esinokuthathelwa amanyathelo omthetho, esiya kwaziwa ngokuba siSigqeba esinguGunyaziwe sezoTywala **[IBhodi]** seNtshona Koloni.

(2) **[IBhodi]** iSigqeba esinguGunyaziwe sinelungelo nesakhono sokuqhuba iinkqubo zezomthetho nesokuthatha inxaxheba kuzo, siqhube yonke imicimbi yaso ngegama laso, kwaye simiseke ngolu hlobo—
(a) sineBhodi eLawulayo; kunye
(b) neNkundla yaMatyala yeMvume yoTywala.''.

Ukufakwa kwelinye icandelo endaweni yecandelo 4 loMthetho 4 ka-2008

5. Endaweni yecandelo 4 loMthetho owenziwa izilungiso kufakelwa eli candelo lilandelayo:

''**Ukufaneleka ukunyulwa njengelungu [okanye umsebenzi] weBhodi**

4. Ukuze umntu akwazi ukonyulwa njengelungu **[okanye umsebenzi]** leBhodi, kufuneka—
(a) **[ekubeni lilungu leBhodi]** abe ufikelele kuma-25 iminyaka yobudala **[okanye iminyaka eli-18, ukuba ngumsebenzi weBhodi]**;
(b) abe ngummi weRiphablikhi yoMzantsi Afrika ohlala isigxina kweli Phondo; kananjalo
(c) angabi ngumntu ongafanelekanga ngokwecandelo 5.''.

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho 4 ka-2008

6. Icandelo 5 loMthetho owenziwa izilungiso lenziwa izilungiso—
(a) ngokususa amagama athi ''okanye umsebenzi'' kwisihloko;
(b) ngokufakelwa kwala magama alandelayo kwicandelwana (1) endaweni yamagama andulela umhlathi *(a)*:
''Aba bantu balandelayo abakufanelanga ukonyulwa, ukuqhuba okanye ukusebenza njengamalungu **[okanye abasebenzi]** eBhodi—'';
(c) nangokufakela endaweni yecandelwana (1) amagama aphambi komhlathi *(f)* kwala magama alandelayo:
''nabani na nokuba nguye buqu okanye ngumlingane wakhe, ilungu losapho, ihlakani okanye umntu enza naye ishishini—''; kwakunye
(d) nangokususwa kwala magama ''okanye umsebenzi'' kumhlathana (ii) womhlathi *(f)* wecandelwana (1).

Ukufakelwa kwecandelo 6A kuMthetho 4 ka-2008

7. Eli candelo lilandelayo lifakwa kuMthetho owenziwa izilungiso emva kwecandelo.

''**Amagunya nemisebenzi yeBhodi**

6A. IBhodi—
(a) inamagunya nemisebenzi eyibekelwa ngulo Mthetho;
(b) kufuneka ilawule imicimbi yeSigqeba esinguGunyaziwe;
(c) inokuwasebenzisa la magunya kwaye kufuneka yenze imisebenzi ebekelwa siSigqeba esinguGunyaziwe ngulo Mthetho okanye nguwo nawuphi na umthetho, ngaphandle kwamagunya okanye imisebenzi ebekwe yiNkundla yaMatyala yeMvume yoTywala; kwaye
(d) ingamisela neekomiti ezinamalungu eBhodi.''.

Ukulungiswa kwecandelo 7 loMthetho 4 ka-2008

8. Icandelo 7 loMthetho owenziwa izilungiso lenziwa izilungiso—
(a) ngokususwa kokubhekisa kwicandelwana (1);
(b) nangokufakwa kwegama elithi ''okanye'' endaweni yegama elithi ''kwaye'' ekupheleni komhlathi *(e)*.

Ukufakwa kwelinye icandelo endaweni yecandelo 8 loMthetho 4 ka-2008

9. Endaweni yecandelo 8 kufakwa eli candelo lilandelayo:

"**Izithuba zemisebenzi ezingenabantu**

8. (1) Xa kunokuthi kubekho isithuba esingenamntu **[njengoko kukhankanywa kwicandelo 7]** kwiBhodi, uMphathiswa kufuneka anyule ilungu leBhodi elitsha ngokwecandelo **[ngokwamacandelo]** 3 **[4, 5 nele-6]**.

(2) Apho kufanelekileyo, ilungu elithe lanyulwa ngolo hlobo lihlala ebulungwini esi sithuba besisasalele eli lungu lingena endaweni yalo.".

Ukwenziwa kwezilungiso kwicandelo 9 loMthetho 4 ka-2008

10. Icandelo 9 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakela ibinza elithi "iSigqeba esinguGunyaziwe" endaweni yegama elithi "iBhodi", naphi na apho lithi livele khona, kubandakanya nakwisihloko;

(b) ngokufakela lo mhlathi ulandelayo endaweni yomhlathi *(b)*:

"*(b)* ukwamkela izicelo zeemvume zotywala okanye ezokukhululwa kwiimfuneko phantsi kwalo Mthetho **[nokuzidlulisela kwiNkundla yaMatyala yeMvume yoTywala]**;";

(c) ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(f)*:

"*(f)* ukuqesha nokugxotha **[abasebenzi]** abasebenzi, kubandakanya nabasebenzi beSigqeba seZibheno, nokwenza zonke izinto ezihamba nako;";

(d) nangokususuwa kwemihlathi *(h)* no-*(t)*.

Ukwenziwa kwezilungiso kwicandelo 10 loMthetho 4 ka-2008

11. Icandelo 10 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):

"(1) **[iBhodi]** ISigqeba esinguGunyaziwe sisenokuthi ngento ebhaliweyo sidlulisele nawaphi na amagunya okanye nawuphi na umsebenzi weSigqeba esinguGunyaziwe kwiGosa eliLawulayo eliyiNtloko ukuba liwasebenzise okanye liyenze egameni laso.";

(b) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (7):

"(7) **[IBhodi]** ISigqeba esinguGunyaziwe asinakho ukudlulisela naliphi na ilungelo okanye umsebenzi okhankanywe kwicandelo 9**[*(h)*,]** *(o)*, *(p)* **nele-]** okanye *(s)*.";

(c) ngokufakela ibinza elithi "iSigqeba esinguGunyaziwe" endaweni yegama elithi "iBhodi", naphi na apho lithi livele khona.

Ukwenziwa kwezilungiso kwicandelo 11 loMthetho 4 ka-2008

12. Icandelo 11 loMthetho owenziwa izilungiso lenziwa isilungiso ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (3):

"(3) Imiqathango yenkonzo **[yentlawulo]** yakhe nawuphi na umntu othe wafakwa phantsi kweli candelo, kubandakanya nentlawulo nezithabathaba, ukuba zikhona, ezihlawulwa phantsi kwecandelo 27 **[iya kubekwa yiBhodi]** kufuneka iqulathwe kwisivumelwano esibhaliweyo ekungenwe kuso ngaloo njongo siSigqeba esinguGunyaziwe naloo mntu.".

Ukwenziwa kwezilungiso kwicandelo 12 loMthetho 4 ka-2008

13. Icandelo 12 loMthetho owenziwa izilungiso wenziwa isilungiso ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (1):

"(1) Akukho **[lungu okanye]** msebenzi weSigqeba esinguGunyaziwe okanye lungu leBhodi, kubandakanya naye nawuphi umntu obeke wafakwa okwexeshana njengoko kukhankanywa kwicandelo 11(1) or 20(5), okanye nayiphi na ingcali eqeshwe **[yiBhodi]** siSigqeba esinguGunyaziwe, unokuthi adize naziphi na iinkcukacha ezithe

zafikelela kuye loo mntu ngenxa yokuba eqeshwe siSigqeba esinguGunyaziwe okanye enyulwe okanye afakwe **[okanye eqeshwe]** yiBhodi okanye kwiNkundla yaMatyala yeMvume yoTywala eziphathelele kushishino okanye kwimicimbi **[yeBhodi]** yeSigqeba esinguGunyaziwe, kumntu ofaka isicelo semvume okanye kumntu onemvume, ngaphandle kwangokwale ndlela ichazwe kweli candelo nakwicandelo 36(3)*(b)* no-*(c)*.''.

Ukwenziwa kwezilungiso kwicandelo 14 loMthetho 4 ka-2008

14. Icandelo 14 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (2):

''(2) Usihlalo kufuneka aqinisekise ukuba **[Imizuzu kufuneka]** imizuzu yeentlanganiso zeBhodi iyagcinwa **[kwaye kufuneka igcinwe eziofisini zeBhodi]**.''.

Ukufakelwa kwesinye isihloko endaweni yesihloko seSahluko 3 soMthetho 4 ka-2008

15. Esi sihloko silandelayo sifakwa endaweni yeSahluko 3 soMthetho owenziwa izilungiso:

''INKUNDLA YAMATYALA YEMVUME YOTYWALA NENKUNDLA YAMATYALA YEZIBHENO **[YENTSHONA KOLONI]**'';

Ukutshitshiswa kwecandelo 15 loMthetho 4 ka-2008

16. Icandelo 15 loMthetho owenziwa izilungiso liyatshitshiswa.

Ukwenziwa kwezilungiso kwicandelo 17 loMthetho 4 ka-2008

17. Icandelo 17 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(h)*:

''*(h)* nabani na ongengomhlali weli Phondo.''.

Ukwenziwa kwezilungiso kwicandelo 18 loMthetho 4 ka-2008

18. Icandelo 18 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa kwala macandelwana alandelayo endaweni yecandelwana (4):

''(4) Isithuba esingenamntu kwiNkundla yaMatyala yeMvume yoTywala kufuneka sivalwe ngokunyulwa kwelinye ilungu yiBhodi ngokwemiqathango efanelekileyo yecandelo 16.

(5) Apho kufanelekileyo ilungu elithe lanyulwa njalo lihlala ebulungwini esi sithuba besisasalele eli lungu lingena endaweni yalo.''.

Ukwenziwa kwezilungiso kwicandelo 19 loMthetho 4 ka-2008

19. Icandelo 19 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa kwegama elithi ''okanye'' endaweni ka-''kwaye/na-''emva komhlathi *(e)*.

Ukwenziwa kwezilungiso kwicandelo 20 loMthetho 4 ka-2008

20. Icandelo 20 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(a)* wecandelwana (1):

''*(a)* nasiphi na isicelo semvume ekubhekiswe kuso kwicandelo 33(1) **[okanye 48]**;''.

(b) ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(d)* wecandelwana (1):

''*(d)* nayiphi na ingxelo **[engeniswe]** efakwe kuyo ligosa lotywala elimiselweyo, umhloli okanye igosa likamasipala;'';

(c) ngokufakelwa kwala macandelwana alandelayo emva kwecandelwana (4):

"(4A) INkundla yaMatyala yeMvume yoTywala kufuneka yenze imisebenzi yayo ngokwemiqathango yalo Mthetho, ngaphandle koloyiko namkhethe.

(4B) IBhodi kufuneka ibeke iliso kulawulo lweNkundla yaMatyala yoTywala, kodwa ke ayinakho ukuba ingatshitshisa okanye yenze iinguqulelo kuso nasiphi na isigqibo seNkundla yaMatyala yeMvume yoTywala esisithathe xa besisenza umsebenzi waso okanye sisebenzisa nawaphi na amagunya aso ngokweli candelo.

(4C) IGosa eloNgameleyo kufuneka lingenisele iBhodi ingxelo ngohlobo olubekiweyo malunga nezinto ezenziwa yiNkundla yaMatyala yeMvume yoTywala kunyaka-mali lowo zingadlulanga iinyanga ezimbini emva kokuba uphelile unyaka-mali.";

(d) nangokufakelwa kwalo mhlathi ulandelayo endaweni yecandelwana (7):

"(7) **[Intlawulo]** Imiqathango yenkonzo yakhe nawuphi na umntu othe wafakwa phantsi kwecandelwana (5), kubandakanya nentlawulo nezithabathaba, ukuba zikhona, ezihlawulwa phantsi kwecandelo 27 **[kufuneka ibekwe yiBhodi]** kufuneka iqulathwe kwisivumelwano esibhaliweyo ekungenwe kuso ngaloo njongo siSigqeba esinguGunyaziwe naloo mntu.".

Ukwenziwa kwezilungiso kwicandelo 25 loMthetho 4 ka-2008

21. Icandelo 25 loMthetho owenziwa izilungiso lenziwa isilungiso ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (1):

"(1) UMphathiswa kufuneka ukuba anyule umntu onezifundo zomthetho ezilingana nezo zikufanelayo ukwamkelwa komntu ebugqwetheni, okanye oligqwetha leNkundla ePhakamileyo yoMzantsi Afrika, oza kusebenza amaxesha athile isithuba anokuthi asibeke yena Mphathiswa, kwaye abe ngumntu onamava kwezobulungisa, oza kusebenza njengeGosa leZibheno eliza kuchophela izibheno okanye izicelo zovandlakanyo lwezigqibo zeNkundla yaMatyala yeMvume yoTywala ngokwalo Mthetho.".

Ukwenziwa kwezilungiso kwicandelo 26 loMthetho 4 ka-2008

22. Icandelo 26 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakelwa kwamagama athi "iSigqeba esinguGunyaziwe" endaweni yamagama athi "iBhodi, iNkundla yaMatyala yeMvume yoTywala";

(b) ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(a)* wecandelwana (1):

"*(a)* umntu ophumelele izifundo ezifanelekileyo nonamava njengeGosa eliLawulayo eliyiNtloko ngeenjongo zokuba ancedise **[iBhodi]** iSigqeba esinguGunyaziwe ekujonganeni nayo yonke imisebenzi ephathelele kwezemali nakulawulo **[lweBhodi]** lweSigqeba esinguGunyaziwe, neNkundla yaMatyala yeMvume yoTywala neNkundla yaMatyala yeZibheno, nonoxanduva lokuphendula nokunika inkcazo eBhodini;";

(c) ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(c)* wecandelwana (1):

"*(c)* abanye abasebenzi abanokuthi bafuneke ukwenzela ukuba **[iBhodi, iNkundla yaMatyala yeMvume yoTywala]** iSigqeba esinguGunyaziwe neNkundla yaMatyala yeZibheno zikwazi ukwenza imisebenzi yazo.";

(d) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (2):

"(2) Abasebenzi **[beBhodi, beNkundla yaMatyala yeMvume yoTywala]** beSigqeba esinguGunyaziwe neNkundla yaMatyala yeZibheno kufuneka—";

"*(a)* baqeshwe ngokwaloo miqathango iya kuthi ibekwe **[yiBhodi]** siSigqeba esinguGunyaziwe ngokudlana iindlebe noMphathiswa noMphathiswa owongamele ezemali kwiPhondo eli **[kwaye kufuneka ahlawulwe yiBhodi]**; kwaye

(b) benze imisebenzi yabo ngokwezikhokelo nemigaqo ebekwa **[yiBhodi]** siSigqeba esinguGunyaziwe.'';

(e) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (3):

''(3) **[IBhodi]** ISigqeba esinguGunyaziwe, ngokudlana iindlebe noMphathiswa owongamele ezemali kwiPhondo eli—

(a) kufuneka sibeke umgaqo-nkqubo wezabasebenzi **[weBhodi, weNkundla yaMatyala yeMvume yoTywala,]** weSigqeba esinguGunyaziwe, iNkundla yaMatyala yeZibheno nabasebenzi bazo; kwaye

(b) kufuneka sibeke nentlawulo yabasebenzi baso kunye neyabasebenzi beSigqeba seZibheno, kungabandakanywa nabo basebenzi bebefakwe emsebenzini phantsi kwecandelwana (5).'';

(f) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (4):

''(4) IBhodi kufuneka ukuba ithi isakufumana iziphakamiso zeGosa eliLawulayo eliyiNtloko, iqulunqe umgaqo wokuziphatha wabo bonke abasebenzi **[beBhodi beNkundla yaMatyala yeMvume yoTywala]** beSigqeba esinguGunyaziwe neSigqeba seZibheno ngeenjongo zokuqinisekisa—

(a) ngokuthotyelwa kwemithetho efanelekileyo;

(b) ukusetyenziswa ngempumelelo nocikizeko kweemali nezibonelelo **[zeBhodi]** zeSigqeba esinguGunyaziwe;

(c) ukukhuthazwa nokulandelwa kwemigangatho yentsulungeko;

(d) ukuthintelwa kongquzulwano lweenjongo;

(e) ukukhuselwa kweenkcukacha ezingafanelanga kuba zezikawonke-wonke ezigcinwe **[yiNkundla yaMatyala yeMvume yoTywala]** siSigqeba esinguGunyaziwe iNkundla yaMatyala yeZibheno;

(f) nangenkonzo yobungcali, enyanisekileyo, engenamkhethe, esulungekileyo nenobulali.'';

(g) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (5) kweli candelwana lilandelayo:

''(5) **[IBhodi]** ISigqeba esinguGunyaziwe isenokusebenzisa iinkonzo zabantu abafakelwe ukuza kuncedisa okanye abathathwe kwinkonzo karhulumente ngokwemiqathango yoMthetho oyiPublic Service Act, 1994 (uMpoposho Nomb. 103 ka-1994).'';

(h) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (6):

''(6) IGosa elilawulayo eliyiNtloko lingenza izigqibo zezimali eziyimfuneko ekusebenzeni kwequmrhu loluntu, kuquka kodwa kungaphelelanga ekwenzeni intsebenziswano nezinye iinkonzo zesizwe **[nasekusebenziseni]** kwanokusebenzisa iinkonzo zeekontraka nabanikezeli ngeenkonzo.'';

(i) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (7):

''(7) IGosa eliLawulayo eliyiNtloko linokudlulisela kwiBhodi okanye kwiSigqeba seeLayisenisi zoTywala, nawuphi na umcimbi ongomnye wamagunya nemisebenzi yeBhodi phantsi kwecandelo 6A, kwiSigqeba esinguGunyaziwe phantsi kwecandelo 9 okanye kwiNkundla yaMatyala yeMvume yoTywala phantsi kwecandelo 20.''; kwakunye

(j) nangokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (8):

''(8) Igosa eliLawulayo eliyiNtloko kufuneka liqinisekise ukuba imizuzu **[iMizuzu]** yeendibano zeBhodi, iSigqeba seeLayisenisi zoTywala neSigqeba seZibheno **[kufuneka igcinwe]** kwaye ihlala kwii-ofisi **[zeBhodi]** zeSigqeba esinguGunyaziwe kwaye uyayifumana nabani na onqwenela ukuyifunda okanye ukuyikopa, asakuba eyihlawule intlawulo ebekiweyo ehamba nangemiqathango yomthetho wofikelelo kwiinkcukacha oyiPromotion of Access to Information Act, 2000 (uMthetho 2 ka-2000).''.

Ukufakelwa kwelinye icandelo endaweni yecandelo 27 loMthetho 4 ka-2008

23. Eli candelo lilandelayo lifakelwa endaweni yecandelo 27 loMthetho owenziwa izilungiso:

"**Intlawulo [yeGosa eliLawulayo eliyiNtloko, yamalungu eBhodi, eNkundla yaMatyala yeMvume yoTywala]**

(1) **[IGosa eliLawulayo eliyiNtloko]** Amalungu eBhodi, weNkundla yaMatyala yeMvume yoTywala, **[kunye]** umntu onyulelwe ukuba kwiNkundla yaMatyala yeZibheno nabantu abathe bafakwa phantsi kwecandelo 11(1) okanye 20(5) baselungelweni lokuhlawula nokunikwa izithabathaba ezibekwe nguMphathiswa ngokudlana iindlebe noMphathiswa owongamele ezemali kwiPhondo eli.

(2) Icandelwana (1) alimchaphazeli umntu osebenza isigxina kwinkonzo kaRhulumente.".

Ukwenziwa kwezilungiso kwicandelo 28 loMthetho 4 ka-2008

24. Icandelo 28 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa kwamagama, athi "iSigqeba esinguGunyaziwe" endaweni yegama elithi "IBhodi" naphi na apho livela khona.

Ukwenziwa kwezilungiso kwicandelo 29 loMthetho 4 ka-2008

25. Icandelo 29 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa la macandelwana alandelayo endaweni yamacandelwana (1) nele-(2):

"(1) UMphicothi-zincwadi kufuneka ahlole iinkcazo zemali **[zeBhodi]** zeSigqeba esinguGunyaziwe.

(2) IBhodi kufuneka ingenisele uMphathiswa ingxelo malunga nezinto **[zayo]** zeSigqeba esinguGunyaziwe ezenziweyo kunyaka-mali lowo aza kuyandlala kwiPalamente yePhondo zingadlulanga iinyanga ezintlanu uphelile unyaka-mali lowo.".

Ukwenziwa kwezilungiso kwicandelo 30 loMthetho 4 ka-2008

26. Icandelo 30 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakelwa amagama, athi "iSigqeba esinguGunyaziwe" endaweni yegama elithi "IBhodi" naphi na apho livela khona";

(b) ngokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(c)* wecandelwana (2):

"*(c)* iintlawulo ezikhankanywa kumacandelo 26(8), 36(1)*(e)*, 38, **[63(4)]** 64(1) nelama-65(9).";

(c) nangokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (3:

"(3) iintlawulo ezikhankanywa kumacandelo **[36(5)]** 37(4)*(a)*(i) no-*(b)*(i) ziya kumasipala lowo uchaphazelekayo.".

Ukwenziwa kwezilungiso kwicandelo 31 loMthetho 4 ka-2008

27. Icandelo 31 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakelwa kwala magama alandelayo kwicandelwana (1) endaweni yamagama andulela umhlathi *(a)*:

"**[IGosa eliLawulayo eliyiNtloko]** ISigqeba esinguGunyaziwe kufuneka siseke ingxowa ejoliswe—";

(b) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (2):

"(2) **[IGosa eliLawulayo eliyiNtloko kufuneka lisakuba lidlene iindlebe]** ISigqeba esinguGunyaziwe kufuneka ukuba emva kokudlana iindlebe noMphathiswa, sibeke amagunya anikwayo ngokuphathelele kulawulo lwale ngxowa ikhankanywe kwicandelwana (1).";

(c) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (3):

"(3) Uhlahlo-mali lwengxowa le kufuneka lubandakanywe kuhlahlo-mali **[lweBhodi]** lweSigqeba esinguGunyaziwe kwaye lungeniswe ngokwezikhokelo zoMthetho oyiPublic Finance Management Act, 1999.";

(d) nangokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (4):

"(4) **IGosa eliLawulayo eliyiNtloko kufuneka lisakuba lidlene iindlebe neBhodi, noMphathiswa kwakunye noMphathiswa owongamele ezemali kwiPhondo eli,]** ISigqeba esinguGunyaziwe kufuneka sivule i-akhawunti yale ngxowa ngegama **[leBhodi]** leSigqeba esinguGunyaziwe kwiziko elibhaliswe njengebhanki phantsi koMthetho oyiBanks Act, 1990 (uMthetho 94 ka-1990).".

Ukwenziwa kwezilungiso kwicandelo 32 loMthetho 4 ka-2008

28. Icandelo 32 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (3):

"(3) Umntu, oye wathi, engakhange waba ukhululwe phantsi **[kwecandelo 84(1) okanye (2)]** kwicandelo 84(2), wavelisa okanye wathengisa utywala etyeshele icandelwana (1) okanye (2) unetyala lotyeshelo-mgaqo.".

Ukwenziwa kwezilungiso kwicandelo 33 loMthetho 4 ka-2008

29. Icandelo 33 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokususwa kwemihlathi *(e)* no-*(f)*; kunye

(b) nokongezwa kweli candelwana litsha lilandelayo ze eli likhoyo ngoku libe licandelwana (1):

"(2) Igosa eliLawulayo linganikezela ngezi mvume zilandelayo—

(a) ilayisenisi yokuthengiswa kotywala obuya kuselelwa ngaphakathi okanye ngaphandle kwendawo obuthengiswa kuyo kwimisitho ethile; kananjalo

(b) imvume yotywala yexeshana yokuthengisa utywala obuya kuselelwa ngaphakathi okanye ngaphandle kwendawo obuthengiswa kuyo.".

Ukwenziwa kwezilungiso kwiCandelo 34 loMthetho 4 ka-2008

30. Icandelo 34 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokufakelwa endaweni yamagama aphambi komhlathi *(a)* kwala magama alandelayo:

"(1) INkundla yaMatyala yeMvume yoTywala okanye iGosa eliLawulayo, kuxhomekeke kophetheyo, alinakukhupha imvume ngaphandle kokuba lanelisekile ukuba zonke iimeko zijongiwe zokuba—"; kunye

(b) nangokongezwa kweli candelwana lilandelayo:

"(2) Umhlathi *(d)* wecandelwana (1) akamchaphazeli umfaki-sicelo wemvume ekubhekiswe kuye kwicandelo 33(2)*(a)*.".

Ukwenziwa kwezilungiso kwicandelo 36 loMthetho 4 ka-2008

31. Icandelo 36 lo Mthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakela la magama alandelayo endaweni yecandelwana (1):

"Isicelo semvume yodidi esikhankanywe kwicandelo 33*(i)* masenziwe **[kwiBhodi]** kwiSigqeba esinguGunyaziwe **[ngokusingenisa]** sifakwe ngo-okanye phambi komhla omiselweyo **[kwi]** kunye **[neBhodi]** kwiSigqeba esinguGunyaziwe nakwiGosa loTywala elonyuliweyo apho la masango anemvume acetywa ukumiswa azakuba phantsi koMmandla anegunya lolawulo lwawo—

(a) ifomu yesicelo echaziweyo mayizaliswe ngokupheleleyo nakakuhle;

(b) isatifikethi socando okanye ikopi yesicelo sokucwangcisa ingeniswe kumasipala ochaphazelekayo ngokomthetho osebenzayo;

[*(c)* apho kuyimfuneko, isicelo sokucwangcisa esingeniswe kumasipala ochaphazelekayo ngomthetho wokucwangcisa osebenzayo;]

(d) olunye ulwazi olunokufunwa yiNkundla yaMatyala yeMvume yoTywala ukuze kuthathwe isigqibo sokuba umfaki-sicelo, ngokwenkqubo ebekiweyo unakho na ukunikwa imvume; kananjalo

(e) nomrhumo ochaziweyo ekufuneka uhlawulwe ngokwendlela ebekiweyo.''.

(b) ngokufakelwa la magama alandelayo kwicandelwana (3) endaweni yamagama andulela umhlathi *(a)*:

''Ngokungenisa isicelo semvume, umfaki-sicelo uyavuma ukuba **[iNkundla yaMatyala yeMvume yoTywala okanye]** naliphi na ilungu leBhodi okanye umsebenzi ogunyazisiweyo **[weBhodi]** weSigqeba esinguGunyaziwe angathi—'';

(c) nangokufakelwa kwalo mhlathi ulandelayo endaweni yomhlathi *(b)* wecandelwana (3):

''*(b)* ukudiza naluphi na uxwebhu okanye naziphi na iinkcukacha ezingenisiweyo njengenxenye yesicelo kuye nawuphi na umntu malunga nengxoxo yetyala elo, okanye uphando olo; kwaye''.

Ukwenziwa kwezilungiso kwicandelo 37 loMthetho 4 ka-2008

32. Icandelo 37 Mthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakelwa kwegama elithi ''iSigqeba esinguGunyaziwe'' kwicandelwana (1) endaweni yelithi ''iBhodi'';

(b) nangokufakelwa kwala magama alandelayo kumhlathi *(a)* wecandelwana (4) endaweni yamagama andulela umhlathana (i):

''apho lingenayo icandelo 36(1)*(c)*—''.

Ukufakelwa kwelinye icandelo endaweni yecandelo 38 loMthetho 4 ka-2008

33. Endaweni yecandelo 38 loMthetho owenziwa izilungiso kufakelwa eli candelo lilandelayo:

''**Izicelo ezilindele ukuhlolwa [eBhodini] kwiSigqeba esinguGunyaziwe**

38. **[IBhodi]** iSigqeba esinguGunyaziwe kufuneka ukuba, singaphelanga isithuba esibekiweyo emva kokufakwa kwesicelo esikhankanywa kwicandelo 36 kuso, senze uluntu lukwazi ukufikelela kuso lusihlole nokufumana ikopi yaso isicelo kunye nezazo naziphi na iimpepha ezihamba naso, emva kokuba ihlawulwe intlawulo ebekiweyo, phaya ezi-ofisini **[zeBhodi kude kube ngulaa mhla siqwalaselwayo isicelo eso yiNkundla yaMatyala yeMvume yoTywala]** zeSigqeba esinguGunyaziwe.''.

Ukwenziwa kwezilungiso kwicandelo 39 loMthetho 4 ka-2008

34. Icandelo 39 loMthetho owenziwa izilungiso lenziwa isilungiso ngokufakela ibinzana elithi ''iSigqeba esingugunyaziwe'' endaweni yegama elithi ''iBhodi'', naphi na apho lithi livele khona.

Ukwenziwa kwezilungiso kwicandelo 40 loMthetho 4 ka-2008

35. Icandelo 40 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakela ibinza elithi ''iSigqeba esinguGunyaziwe'' endaweni yegama elithi ''iBhodi'', naphi na apho lithi livele khona; kwakunye

(b) nangokufakela lo mhlathi ulandelayo endaweni yomhlathi *(b)* wecandelwana (3):

''*(b)* naliphi na elinye iphepha okanye inqaku elithe langeniswa **[kuyo]** kuye malunga nesicelo semvume yotywala.''

Ukwenziwa kwezilungiso kwicandelo 42 loMthetho 4 ka-2008

36. Icandelo 42 loMthetho owenziwa izilungiso—

(a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (6):

"(6) Ukuba umfaki-sicelo uyasilela ukuthobela le miqathango ikhankanywe kwicandelwana (2) ngeli xesha libekiweyo kwicandelwana (3) elololiweyo phantsi **[kwecandelo]** kwecandelwana (5), ukunikwa kwemvume kuyaphelelwa, ize imvume leyo ithathwe ngokuba ayikhange inikwe kwakunikwa."; kwakunye

(b) nangokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (7):

"(7) Xa umfaki-sicelo eyithobele imiqathango ebekwa yiNkundla yaMatyala yeMvume yoTywala, **[iBhodi]** iSigqeba esinguGunyaziwe kufuneka siyikhuphe imvume ngokohlobo olumiselweyo, kodwa ke kuthathelwe icandelwana 46 ingqalelo.".

Ukwenziwa kwezilungiso kwicandelo 46 loMthetho 4 ka-2008

37. Icandelo 46 loMthetho owenziwa izilungiso lenziwa isilungiso ngokufakelwa kwebinza "iSigqeba esinguGunyaziwe" endaweni yegama elithi "iBhodi", naphi na apho livela khona.

Ukwenziwa kwezilungiso kwicandelo 48 loMthetho 4 ka-2008

38. Icandelo 48 loMthetho owenziwa izilungiso liyalungiswa:

(a) ngokufakelwa kwecandelwana (1) kweli candelwana lilandelayo:

"(1) IGosa eliLawulayo lingathi emva kokufumana isicelo semvume ekubhekiswe kuyo kwicandelo 33(1)*(b)* okanye *(d)*, nasemva kokuhlawulwa kwemali ebekiweyo, linike umfaki-sicelo imvume yotywala yethutyana ukuba isetyenziswe nguye kuphela**[: Kwimeko yecandelo 33*(d)*, imvume yethutyana yokuthengisa utywala isebenza phantsi komqathango wokuba utywala buselelelwe kuphela kwindawo ebebuthengwe kuyo]**.";

(b) ngofakelo emva kwecandelwana (1) kweli candelwana lilandelayo:

"(1A) Isicelo semvume yethutyana kufuneka senziwe ubuncinane phambi kweentsuku ezilishumi elinesine (14) phambi kosuku lokuqala lesithuba ekubhekiswe kuso kwicandelwana (2)."; kananjalo

(c) ngokufakela endaweni yomhlathi *(a)* wecandelwana (4) lalo mhlathi ulandelayo:

"*(a)* iziko lezemfundo, ngaphandle kwesikolo njengoko sichaziwe kwicandelo 1 loMthetho weziKolo zoMzantsi Afrika, 1996 (Umthetho 84 ka-1996);".

Ukwenziwa kwezilungiso kwicandelo 49 loMthetho 4 ka-2008

39. Icandelo 49 loMthetho owenziwa izilungiso lenziwa izilungiso ngokufakela lo mhlathi ulandelayo endaweni yecandelwana (4) lalo mhlathana ulandelayo:

"(4) Umnini wephepha-mvume oneshishini eliyivenkile yokutya akanako ukuthengisa utywala ngaphandle kwewayini **[eselwa nokutya]** iwayini emfaxangiweyo.".

Ukwenziwa kwezilungiso kwicandelo 51 loMthetho 4 ka-2008

40. Icandelo 51 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):

"(1) Umntu onemvume, okanye nawuphi na omnye umntu ochaphazeleka ngokwasezimalini kwishishini elinemvume, akanakho ukuba angavumela omnye umntu afumane inzuzo yemali engaphaya kwe-5% kwishishini elinemvume, engakhange afumane imvume ebhaliweyo yeGosa eloNgameleyo.";

(b) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (2):

"(2) Umntu onemvume, okanye nawuphi na omnye umntu ochaphazeleka ngokwasezimalini kwishishini elinemvume onqwenela ukudlulisela ukunikezela ilungelo lemali eyi-5% kwishishini elinemvume komnye umntu kufuneka afake isicelo **[,ngendlela**

ebekiweyo,] kwiGosa eloNgameleyo sokufumana imvume yokwenza njalo ngokungenisa isicelo ngendlela ebekiweyo nangefom esetyenziswayo kwiSigqeba esinguGunyaziwe negosa lotywala elimiselweyo kuloo ndawo iphantsi kolawulo lwalo akuyo loo masango anemvume.'';

(c) ngokususwa kwecandelwana (4);

(d) ngokufakelwa kweli candelwana lilandelayo endaweni yecandelwana (5):

''(5) Igosa lotywala elimiselweyo kufuneka ukuba, lingekapheli eli xesha libekiweyo lingenise ingxelo **[njengoko kumiselwa licandelwana (4)]** kwiSigqeba esinguGunyaziwe malunga nokufaneleka kwalo mntu kucetywa ukudluliselwa kuye ilungelo lokufumana imali, kwaye lisenokubandakanya nawuphi na umba eliwubona uchaphazeleka kwisicelo eso.'';

(e) ngokufakelwa kwecandelwana (7) kweli candelwana lilandelayo:

''(7) Umntu onemvume akanakho ukuyiqeshisela omnye umntu le layisenisi okanye avumele omnye umntu ukuba aqhube ishishini ngale mvume: Kuqondakale ke kambe ukuba umntu onemvume ebandakanya ilungelo lokuvelisa angafaka isicelo **[kwiNkundla yaMatyala yeMvume yoTywala]** kwiGosa eloNgameleyo sokuba awaqeshisele omnye umntu oza kwenza uveliso la masango anemvume okanye inxenye yawo isicelo eso esiya kungeniswa **[kwiIBhodi]** kwiSigqeba esinguGunyaziwe nakwigosa lotywala elimiselweyo kuloo ndawo iphantsi kolawulo lwalo akuyo loo masango anemvume, singeniswa ngendlela ebekiweyo nefom efanelekileyo isakuba ihlawulwe intlawulo ebekiweyo.'';

(f) ngokufakela emva kwecandelwana (7) kweli candelwana lilandelayo:

''(7A) Igosa elijongene nemicimbi yezotywala elikhethiweyo kufuneka ngexesha elibekiweyo lingenise ingxelo kwiSigqeba esinguGunyaziwe malunga nesicelo ekubhekiswe kuso kwicandelwana (7), yaye angafaka kulo ngxelo nawuphi na umcimbi awubona uchaphazela eso sicelo.''.

Ukwenziwa kwezilungiso kwiCandelo 53 loMthetho 4 ka-2008

41. Icandelo 53 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokufakelwa phaya kwicandelwana (1) kweli candelwana lilandelayo:

''Ngaphandle kokuba kuqalwe kufunyanwe imvume yeGosa eloNgameleyo yesicelo esifakwe kwiSigqeba esinguGunyaziwe kunye negosa elijongene nemicimbi yezotywala elisebenza kwindawo leyo inamasango anemvume yokusebenza ngotywala, **[ngendlela]** efanelekileyo nasemva kokuhlawulwa kwemali ebekiweyo, umninimvume akanakho—

(a) ukwenza utshintsho kwisakhiwo, asongeze, asitshintshe okanye afakelele isakhiwo esinemvume yotywala;

(b) atshintshe uhlobo lweshishini kolo lwalunikwe imvume olwaluchazwe kwisicelo sakhe esaqwalaselwa yiNkundla yaMatyala yeMvume yoTywala xa yayimnika imvume; okanye

(c) ashishine esebenzisa le mvume ayinikiweyo kwisakhiwo esenza olunye ushishino olunenye imvume okanye ekwenziwa olunye urhwebo okanye umsebenzi kuso**[.]**, ngaphandle kokuba iGosa eliLawulayo linokuthi xa lixelelwa ngale meko lithathe sigqibo simbi kuloo meko.'';

(b) ngokucinywa kwecandelwana (2):

(c) ngokufakelwa emva kwecandelwana (2) kweli candelwana lilandelayo:

''(2A) Igosa elijongene nemicimbi yezotywala elikhethiweyo kufuneka ngexesha elibekiweyo lingenise ingxelo kwiSigqeba esinguGunyaziwe malunga nesicelo ekubhekiswe kuso kwicandelwana (1), yaye angafaka kulo ngxelo nawuphi na umcimbi awubona uchaphazela eso sicelo.''; kwakunye

(d) nokufakelwa kwecandelwana (3) kweli candelwana lilandelayo:

''(3) **[A]** Imvume ngokwecandelwana (1)*(a)* mayingakhutshwa de umfaki-sicelo, ngexesha elibekiweyo, **[afake]** angenise ubungqina obanelisa iGosa eLongameleyo bokuba unelungelo lokutshintsha loo

masango kubhekiswa kuwo etshintshelwa injongo echazwe kwisicelo esifakiweyo.''.

Ukwenziwa kwezilungiso kwiCandelo 54 loMthetho 4 ka-2008

42. Icandelo 54 loMthetho owenziwa izilungiso liyalungiswa ngokususwa kwesibonelelo esikwicandelwana (2).

Ukwenziwa kwezilungiso kwiCandelo 59 loMthetho 4 ka-2008

43. Icandelo 59 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokufakelwa kwecandelwana (1) kweli candelwana lilandelayo:

''(1) Umasipala angathi esebenzisa umthetho kamasipala agqibe malunga neentsuku kunye neeyure zokurhweba kumashishini aneemvume zokuthengisa utywala obuza kuselelwa kumasango lawo anemvume kunye nabo baneemvume zokuthengisa utywala obuselelwa ngaphandle kwaloo masango.'';

(b) ngokususwa kwecandelwana (2);

(c) ngokufakelwa kwemihlathi *(a)* no-*(b)* yecandelwana (3) kule mihlathi ilandelayo:

''*(a)* ukuba umasipala akathathi sigqibo ngeentsuku neeyure zokurhweba kumashishini aneemvume zokuthengisa utywala obuselelwa ngaphakathi nangaphandle kwalo masango, elo shishini lingabuthengisa utywala ngalo naluphi na usuku phakathi ko-09:00 no-18:00, kodwa oko kuya kuxhomekeka kwimiqathango ebekwe yiNkundla yaMatyala yeMvume yoTywala xa inikeza imvume okanye emva kokunika ingqwalasela kwimicimbi echatshazelwe kwiCandelo 20(1)*(d)* ukuya ku *(g)*; yaye

(b) ukuba umasipala akathathi sigqibo ngeentsuku neeyure zokurhweba kumashishini aneemvume zokuthengisa utywala obuselelwa ngaphakathi nangaphandle kwalo masango, elo shishini lingabuthengisa utywala ngalo naluphi na usuku phakathi ko-11:00 no-02:00 wosuku olulandelayo, kodwa oko kuya kuxhomekeka kwimiqathango ebekwe yiNkundla yaMatyala yeMvume yoTywala xa inikeza imvume okanye emva kokunika ingqwalasela kwimicimbi echatshazelwe kwiCandelo 20(1)*(d)* ukuya ku *(g)*.''; yaye

(d) nokufakelwa kwecandelwana (8) kweli candelwana lilandelayo:

''(8) Kuxhomekeke kwiCandelo 89(10), umnini-mvume othengisa okanye ovumela ukuba kuselwe utywala kumasango anemvume yokwenza njalo ngexesha ukuthengiswa kotywala kungavumelekanga **[ngokwemvume]** ngokwemiqathango yecandelwana (1) okanye elesi(3), unetyala.''.

Ukwenziwa kwezilungiso kwicandelo 62 loMthetho 4 ka-2008

44. Icandelo 62 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokufakwa komhlathi *(a)* kwicandelwana (2) lalo mhlathi ulandelayo:

''*(a)* ngomhla umnini-mvume ayeka ngayo imvume **[ngembalelwano]** ngendlela echaziweyo;'' kananjalo

(b) nangokufakwa kwecandelwana (3) endaweni yamagama aphambi komhlathi *(a)* ngokuthi kufakwe la magama alandelayo:

''Imvume ephelelweyo kunye namalungelo, izinyanzeliso kunye noxanduva obeluhamba nayo phambi komhla wokuphelelwa, **[iye]** ziye zonke ziphinde zisebenze ngomhla ekuye—''.

Ukwenziwa kwezilungiso kwicandelo 63 loMthetho 4 ka-2008

45. Icandelo 63 loMthetho owenziwa izilungiso ngokutshintshwa kwegama elithi ''iBhodi'', qho livela ze endaweni yalo kufakelwea igama elithi ''iSigqeba esinguGunyaziwe''.

Ukwenziwa kwezilungiso kwicandelo 64 loMthetho 4 ka-2008

46. Icandelo 64 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokufakelwa kwecandelwana (1) endaweni yamagama akumhlathi olandelayo *(e)* kusetyenziswa kwala magama alandelayo:

"imvume ayihlaziyeki nje ngokunokwayo ngokwemiqathango yeCandelo 63, kodwa kufuneka ihlaziywe **[yiBhodi]** ISigqeba esinguGunyaziwe emva kokuba umnini-mvume efake isicelo sokuba ihlaziywe elandela inkqubo efanelekileyo yaye ahlawule nemali ebekiweyo."; kananjalo

(b) ngokufakelwa kwecandelwana (2) phambi kwamagama akumhlathi olandelayo *(a)* ngokusetyenziswa kwala magama alandelayo:

"**[IBhodi]** ISigqeba esinguGunyaziwe kufuneka phambi komhla we-31 Julayi wonyaka ekukhutshwa ngaye isaziso sohlaziyo, kukhutshwe isaziso sinikwe umnini-mvume ekubhekiswe kuye kwicandelwana (1)—".

Ukufakwa kwesinye isihloko endaweni yesihloko seSahluko 9 soMthetho 4 ka-2008

47. Esi sihloko silandelayo sifakwa endaweni yesihloko seSahluko 9 soMthetho owenziwa izilungiso:

"**[UKUTSHITSHISWA,]** UKUDLULISELWA NOKUTHATHWA KWEEMVUME".

Ukufakwa kwesinye isihloko kwicandelo 65 loMthetho 4 ka-2008

48. Esi sihloko silandelayo sifakwa endaweni yesihloko secandelo 65 soMthetho owenziwa izilungiso:

"**[ukutshitshiswa nokudluliselwa,]** ukudluliselwa kweemvume";

Ukulungiswa kweCandelo 65 loMthetho 4 ka-2008

49. ICandelo 65 loMthetho lilungisiwe—

(a) ngokufaka endaweni kwamacandelwana (1) ukuya ku- (6) la macandelwana alandelayo:

"(1) Umntu onephepha-mvume nanini na usenokufaka isicelo sokugqithisela iphepha-mvume komnye umntu (kweli Candelo lowo ubizwa ngokuba "ngumntu onephepha-mvume ocetywayo") ngokuthi adibane neGunyabantu kunye negosa lezotywala elibekiweyo elikwingingqi leyo ekuyo indawo yokuthengisa utywala esemthethweni, afake isicelo ngendlela emiselweyo.

(2) Iphepha-mvume kufuneka, apho ukugqithiswa kwemali-nzala ekubhekiselwe kuyo kwiCandelo 51(1) kuthi kukhokelele ekubeni iphepha-mvume elo lingangenisi mali kwishishini elo lisemthethweni, kwenziwe isicelo njengoko kubekiwe kwicandelwana (1) ngokugqithiswa kwephepha-mvume.

(3) **[Umntu othenge ishishini elinamaphepha-mvume]** Umntu onephepha-mvume ocetywayo njengoko kuchaziwe kwicandelwana (1) usenokufaka isicelo kwiGosa eloNgameleyo ukuze afumane imvume **[yokusebenzela kunye]** nokushishina ngokusemthethweni ngokuxhomekeke ekugqithiselweni kwephepha-mvume **[kumntu lowo]** ngumntu onephepha-mvume ocetywao.

(4) Isicelo ngokwecandelwana (3) kufuneka senziwe ngokufaka isimangalo ngokwendlela emiselweyo kwiGosa eloNgameleyo nakwigosa lezotywala elibekiweyo elikwingingqi leyo ekuyo indawo yokuthengisa utywala esemthethweni, afake isicelo ngendlela emiselweyo.

(5) IGosa eloNgameleyo lisenokukhupha imvume egunyazisa **[umthengi weshishini]** umntu onephepha-mvume ocetywayo ukuba ashishine ngegama lakhe kangangexesha elithile, xesha elo elingenakuba ngaphezu kweenyanga ezintandathu ukusukela kumhla ekukhutshwe ngawo imvume."; kwaye

(6) IGosa eloNgameleyo nanini na lingarhoxisa okanye ngesicelo [**somthengi**] somntu onephepha-mvume ocetywayo landise ixesha lemvume ngokuphathelele kwicandelwana (5).'';

(b) ngokucinywa kwamacandelwana (9) nele-(10);

(c) ngokufakwa endaweni yecandelwana (11) kweli candelwana lilandelayo:

''(11) Igosa lezotywala elibekiweyo kufuneka, ngexesha elibekiweyo, lifake ingxelo **[njengoko kugunyaziswa licandelwana (10)]** kwiGunyabantu ngokuphathelene nobungqina belungelo nokuba semandleni komntu onephepha-mvume ocetywayo ukuba abe nephepha-mvume, kwaye kuloo ngxelo usenokuquka nawuphi na omnye umba osenokufunyanwa uhambisana nesicelo ngokwegosa lezotywala.'';

(d) ngokufakwa endaweni yamacandelwana (15)) yegama elithi ''iQumrhu'', naphi na apho livela khona, kwegama elithi ''iGunyabantu''; kunye

(e) nokufakwa endaweni yecandelwana (17) kweli candelwana lilandelayo:

''(17) I- **[Qumrhu]** Gunyabantu kufuneka, ngexesha elibekiweyo emva kokuhlawulwa kwemali ebekiweyo echazwe kwicandelwana **[(9)]** (4), nangokuphathelele kumaCandelo 42, 43, 44, 45 nelama- 53(1) no-(2), likhuphe iphepha-siqinisekiso sokugqithiselwa kwephepha-mvume kumntu ocetywayo ngendlela emiselweyo, echaza imiqathango yemvume ebekwe yiNkundla yaMatyala yeMvume yoTywala.''.

Ukulungiswa kweCandelo 66 loMthetho 4 ka-2008

50. ICandelo 66 loMthetho lilungisiwe—

(a) ngokufakwa endaweni yecandelwana (2) kweli candelwana lilandelayo:

''(2) Umntu onephepha-mvume, naphandle komntu onephepha-mvume lotywala lethutyana nephepha-mvume lotywala lamatheko akhethekileyo, unakho nanini na ukufaka isicelo sokususwa kwephepha-mvume nokuba kokusisigxina okanye kokwethutyana, kwindawo esenzelwe yona sisiwe nakuyiphi na indawo ekwalapha kwiPhondo ngokuthi adibane neGunyabantu kunye negosa lezotywala elibekiweyo lengingqi apho ikuyo indawo leyo esemthethweni, nalapho ukuvunywa kwesicelo eso kuza kuthi kube nomphumela wokususwa kwemvume iye kwingingqi yelinye igosa lezotywala, nalo elo gosa lezotywala libekhona, afake isicelo ngendlela emiselweyo, nangokuhlawula imali ebekiweyo.'';

(b) ngokufaka endaweni yecandelwana (3) kweli candelwana lilandelayo:

''(3) Igosa lezotywala elibekiweyo elikwingingqi ekuyo ngoku indawo leyo esemthethweni kufuneka, ngexesha elibekiweyo, lifake ingxelo emiselweyo kwiGunyabantu, nalapho ukuvunywa kwesicelo kuza kuthi kube nomphumela wokususwa kwemvume isiwe kwingingqi yelinye igosa lezotywla, nalo elo gosa lezotywala kufuneka lifake ingxelo njengoko kumiselwe liGunyabantu.''; kunye

(c) ngokufaka endaweni yamacandelwana (5), (6), (13) nele- (16) yegama elithi ''Qumrhu'', naphi na apho livela khona, kwegama elithi ''Gunyabantu''.

Ukulungiswa kweCandelo 68 loMthetho 4 ka-2008

51. ICandelo 68 loMthetho lilungisiwe—

(a) ngokufakelwa emva kwecandelwana (2), kweli candelwana lilandelayo:

''(2A) Umfaki-sicelo okanye umntu ochaphazelekayo othe wakhathazwa sisigqibo seNkundla yaMatyala yeMvume yoTywala, angafaka isicelo kwiNkundla yaMatyala yeMvume yoTywala, anike izizathu zeso sigqibo.'';

(b) ngokususwa kwamacandelwana (5), (6) no-(7); kunye

(c) nokongezwa kweli candelwana lilandelayo:

''(11) INkundla yaMatyala yeziBheno kufuneka ingenise ingxelo ngemisebenzi yalo kunyakamali kuMphathiswa oya kuyandlala kwiPalamente yePhondo zingaphelanga iinyanga ezintlanu emva kokuphela konyakamali.''.

Ukulungiswa kweCandelo 69 loMthetho 4 ka-2008

52. ICandelo 69 loMthetho lilungisiwe—

(a) ngokufakwa endaweni yecandelwana (8) kweli candelwana lilandelayo:

"(8) Umhloli okanye igosa lezotywala elibekiweyo, nokuba ngowuphi na, ofumana ingxelo ngokuphathelele kwicandelwana (7) kufuneka, ngexesha elibekiweyo, **[angenise]** afake ingxelo yentobelo, ingxelo ngokuphathelele kwicandelwana (7) nawo nawaphi na amaxwebhu acinga ukuba aphathelene noku, **[ku-]** noMlawuli oyiNtloko, ofanele agqibe ukuba uMthetho okanye ukushiywa ekubhekiselelwe kuko kwicandelwana (2)*(b)* kuyakuthethelela ukukhutshwa kwesaziso sentobelo kusini na."; kunye

(b) nokufakwa endaweni yecandelwana (10) kweli candelwana lilandelayo:

"(10) UMlawuli Oyintloko lo msebenzi uchazwe kwicandelwana (9) usenokuwugqithisela kumqeshwa we **[Qumrhu]** Gunyabantu.".

Ukulungiswa kweCandelo 71 loMthetho 4 ka-2008

53. ICandelo 71 loMthetho lilungisiwe ngokufakwa endaweni yomhlathi *(b)* wecandelwana (2) kwalo mhlathi ulandelayo:

"*(b)* ubungqina bu**[ngeniswa]**fakwa sakube isicelo nengxelo efungelweyo exhasayo zithe zanikelwa kumntu onephepha-mvume ubuncinane kwiiyure ezingamashumi amane anesibhozo (48) ngaphambi kokufakwa kwesicelo; kunye no—".

Ukulungiswa kweCandelo 73 loMthetho 4 ka-2008

54. Icandelo 73 loMthetho owenziwa izilungiso liyalungiswa—

(a) ngokufaka endaweni yamacandelwana (4) no-(5) igama elithi "iBhodi", qho xa livela endaweni yegama elithi"uGunyaziwe";

(b) ngokufaka endaweni yecandelwana (5) eli candelwana lilandelayo:

"(5) Umkomishinala xa ebeka igosa elingene nemicimbi yezotywala ngokwecandelwana (1), noGunyaziwe xa eqesha umhloli wotywala ngokwecandelwana (4), kufuneka isatifikethi **[ukuqesha okanye ukubeka]** ukuqesha okanye ukubeka esisayinwe nguMkomishinala okanye iGosa loLawulo eliyiNtloko egameni leBhodi."; kunye

(c) ngokufaka endaweni yecandelwana (6) eli candelwana lilandelayo:

"(6) Igosa elilawula imicimbi yotywala elithe xa **[lenza]** liqhuba umsebenzi walo ngokwemiqathango yalo Mthetho, kwabakho umntu ochatshazelwa ngumsebenzi owenziwa leli gosa ze anyanzelise ukuba liveze ubungqina bokuqeshwa okanye ukuthunywa kwalo ukuba lenze lo msebenzi wegosa elijongene notywala okanye umhloli, kufuneka libuveze ubungqina obo.".

Ukulungiswa kweCandelo 76 loMthetho 4 wowe-2008

55. Icandelo 76 loMthetho owenziwa izilungiso liyalungiswa ngokufakela endaweni yomhlathana (ii) umhlathi *(a)* endaweni yalo mhlathana ulandelayo:

"(ii) onxilileyo nongalawulekileyo kwindawo ekungena kuyo uluntu;".

Ukulungiswa kweCandelo 77 loMthetho 4 ka-2008

56. ICandelo 77 loMthetho lilungisiwe—

(a) ngokufakwa endaweni yamagama aza ngaphambi komhlathi *(a)* nomhlathi *(a)* la magama nomhlathi olandelayo:

"Umntu o-, ngokuphathelene nesicelo, inkcaso okanye isingeniso ngokuphathelele kulo Mthetho—

(a) **[ngenisa]** faka okanye onikezela ngolwazi alwaziyo ukuba aluyonyani okanye luyalahlekisa, okanye angaqinisekanga ukuba luyinyani, okanye **[angenise]** afake uxwebhu lwenkohliso okanye olo olubonakala ngathi lululo, kodwa lube lungeyiyo ikopi yokwenene;"; kunye no—

(b) kufaka endaweni yomhlathi *(c)* ngalo mhlathi ulandelayo:

''*(c)* ngelisabela kumbuzo wegosa lezotywala elibekiweyo, umhloli, umxolelanisi, igosa likamasipala okanye iNkundla yaMatyala yeMvume yoTywala **[ingenisa]** ifaka okanye inikela ngolwazi eyaziyo ukuba aluyonyani okanye luyalahlekisa, okanye engaqinisekanga ukuba luyinyani, okanye **[ingenise]** ifake uxwebhu lwenkohliso okanye olo olubonakala ngathi lululo, kodwa lube lungeyiyo ikopi yokwenene,''.

Ukwenziwa kwezilungiso kwicandelo 84 loMthetho 4 ka-2008

57. Eli candelo lilandelayo lifakwa endaweni yecandelo 84 lalo mthetho ulungiswayo.

''**Ukusetyenziswa koMthetho nezinto ongasebenzi kuzo**

84. (1) Lo Mthetho awusebenzi kwezi meko zilandelayo—

(a) kwigosa elichazwe kwicandelo 1(1) lomthetho oyi-Customs and Excise Act, 1964 (uMthetho 91 ka-1964), xa lisenza umsebenzi walo;

(b) kunothimba okanye isekela lakhe okanye naliphi na igosa lenkundla elenza umsebenzi walo;

(c) kumphathi wenqanawe okanye umlawuli wenqwelomoya kwinkonzo yotywala enikezwa apho enemvume efunyenwe phantsi komthetho oyi-Air Services Licensing Act, 1990 (uMthetho 115 ka-1990), yokubonelela ngotywala kwinqwelomoya apho kuye kunikwe abahambi ngenqwelomoya okanye abahambi ngenqanawe xa besemanzini kwimida yeRiphabliki xa bekuhambo lomgama ongekho ngaphantsi kweekhilomitha ezili-100, okanye kumkhweli okwinqwelomoya ekuhambo olumgama ongekho ngaphantsi kweekhilomitha ezili-100 ukusuka kwesinye isikhululo senqwelomoya kwimida yeRiphabliki ukuya kwesinye;

(d) kumanejala osebenza kwigumbi leziselo elulungiselelwe ukuba lisetyenziswe ngamalungu elo qumrhu okanye elo ziko elinamagunya ezomthetho, malunga nokuthengiswa kotywala kwelo gumbi kuthengiselwe amalungu elo ziko kunye neendwendwe zawo xa obo tywala buza kuselelwa kweloo gumbi;

(e) kumntu othengisa utywala enamagunya awafumene kuMphathiswa wezoKhuselo (wezoMkhosi)—

(i) ethengisela amalungu oMkhosi woKhuselo waseMzantsi Afrika kunye neendwendwe zawo kwimida yeklabhu okanye indawo yokusela ekulo mida echazwe ngolo hlobo kumthetho iDefence Act, 2002 (uMthetho 42 ka-2002);

(ii) kwindawo yamajoni, kwinkampu, kwinqanawe yawo okanye nakuyiphi indawo yoMkhosi woKhuselo waseMzantsi Afrika;

(f) kumntu othengisa utywala phantsi kwegunya loMphathiswa ochaphazelekayo kwiziko elilawulwa yiNkonzo yaMapolisa oMzantsi Afrika, iSebe leNkonzo yezoLuleko okanye iArhente yezobuNtlola yeSizwe, kumalungu ala maziko akhankanyiweyo kunye neendwendwe zawo;

(g) kwinkampani echazwe kwicandelo le-Airports Company Act, 1993 (uMthetho 44 ka-1993), okanye umntu owenza umsebenzi egameni lalo nkampani, malunga nokuthengiswa kotywala kwimida yenkampani yeenqwelomoya njengoko kuchaziwe kwicandelo 1 loMthetho okhankanyiweyo, kodwa oko kufuneka kuxhomekeke kwimigaqo enokuthi ibekwe phantsi kwecandelo 15(1)*(b)* lala Mthetho;

(h) kumvelisi ovelisa umdiliya, malunga nokuthengiswa kwewayini okanye ibranti ethe—

(i) yaveliswa ngomdiliya okanye iidriwa ezikumhlaba waloo mvelisi okanye idriwa ethengwe nguye; kunye

(ii) nethe yenziwa kumphanda okuloo mhlaba okanye kwindawo yokuvelisa iwayini eyiyeyakhe,

Ukuba loo wayini okanye loo branti—

(aa) ithengiswa ngomthamo ongekho ngaphantsi kweelitha ezili-18 kwizingxobo ezivalisisiweyo okanye izingxobo ezisetyenziswa ngabavelisi bevinika, yaye ilayisenisi okanye umntu lowo uvumelekile ngokwalo Mthetho; kananjalo

(bb) ngaphandle kwakwimeko apho ku-odole umntu onempepha-mvume yokuthengisa utywala oza kubusebenzisa ngaphandle kwaloo mida inemvume, obuthengwe okanye obu-odolwe phambi kokuba bususwe kwindawo ekuvundiswa kuyo utywala;

(i) kumququzeleli wombhiyozo wokungcanyulwa kwewayini malunga nokuthengiswa kwewayini kwimithamo engaphantsi kweemililitha ezingama-200 kulo mbhiyozo ongekho ngaphezulu kweeyure ezimbini, utywala obuza kuselwa kuloo mbhiyozo ngabantu abaminyaka ili-18 nangaphezulu;

(j) kumntu ekubhekiswe kuye phantsi kwecandelo 10 we-Liquor Products Act, 1989, malunga nokuthengiswa kotywala bomthendeleko phantsi kwesaziso sokwenza oko;

(k) kumntu malunga nokuthengiswa kweziqholo zomzimba okanye ispirithi esiliyeza esingesosakusela; kunye

(l) nomvelisi weswiti equlathe iipesenti ezingekho ngaphezulu kwesibini sotywala, iiswiti eziveliswe kwiRiphabliki, malunga nokuthengiswa kwezo switi kumntu onemvume okanye umntu ovunyelweyo ngokwalo Mthetho.

(m) izintlu zabantu zisenokuchazwa.

(2) IBhunga elinikeza ngeemvume linokuthi, xa kufakwe isicelo ngendlela efanelekileyo **[nasemva kokuba kuhlawulwe imali ebekiweyo]** naxa iimeko zivuma, limisele ukuba ukuthengiswa kotywala ngumntu ochaziweyo kuvunyelwe, loo mntu esebenza engathobeli miqathango yalo Mthetho, lichaze naloo macandelo asenokungathotyelwa **[,engasebenziyo]**—

(a) kwimida enabantu, elawulwa okanye ejongwa lisebe okanye nguRhulumente;

(b) kwimida enabantu, elawulwa okanye ejongwa yi-Armaments Corporation of South Africa Limited, okanye iAtomic Energy Corporation of South Africa Limited, kubasebenzi beziko elo kunye neendwendwe zabo xa utywala obo buza kuselelwa kwalapho kwelo ziko;

(c) egameni leziko likarhulumente kwindawo yoluntu yokupholela, kwipaki yesizwe okanye kwithala lezilwanyana okanye elendalo;

(d) egameni lenqununu yeziko lezemfundo, ngaphandle kwesikolo esichazwe kuMthetho weziKolo zoMzantsi Afrika, 1996 (uMthetho 84 ka-1996), kwindawo yokutyela esetyenziselwa uqeqesho lwabasebenzi abaphekayo, kwindawo elawulwa okanye ejongwa lelo ziko, xa obo tywala buza kuselelwa kuloo restyu;

(e) xa umntu eqokelela iiwayini yaye obo tywala bube buyinxalenye yengqokelela yeewayini zakhe okanye inxalenye yazo; okanye

(f) ukuba loo mntu ngunofandesi onemvume egameni lombutho wezentlalontle, yeziko lezemfundo, ngaphandle kwesikolo esichazwe kuMthetho weziKolo zoMzantsi Afrika, 1996, okanye umntu we-inshorensi.

(3) Isibhengezo esikhutshwe phantsi kwecandelwana (2) esixhomekeke kwimiqathango ebekwe yiNkundla yaMatyala yeMvume yoTywala ngokokubona kwalo.

[(3)](4) **[INkundla yaMatyala yeMvume yoTywala okanye]** iGosa eloNgameleyo linokuthi emva kokukhutshwa kwesibhengezo eso phantsi kwecandelwana (2), nasemva kokumiselwa kwaso ngumntu okhankanywe kwingxelo leyo okanye kwiqela elichaphazelekayo, esikhutshwe ngesaziso esisiwe kumntu okhankanywe kuloo ngxelo—

(a) ngokokubona kwalo lingabeka imiqathango okanye eminye imiqathango njengoko ichaziwe kwisaziso esiya kuthi isibhengezo eso sixhomekeke kuyo;

(b) lirhoxise okanye litshintshe imiqathango ebekwe nguye phantsi kwelicandelwana; okanye

(c) lirhoxise okanye litshintshe eso sibhengezo.".

Ukwenziwa kwezilungiso kwicandelo 87 loMthetho 4 ka-2008

58. Icandelo 87 loMthetho owenziwa izilungiso lenziwa izilungiso—

(a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):

"(1) Umntu obekwa ityala elikhankanywe—

(a) kumacandelo 32(3), 54(6), 55(3), 76*(g)* okanye 76*(h)* usenokugwetywa ifayini engadlulanga kwi-R1 000 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiminyaka emihlanu okanye azinikwe zozibini ezi zigwebo **[okanye]** kunye noko kuvalelwa;

(b) kumacandelo 49(7), 50(2), 51(9), 53(4), 58(3), 59(8), 76*(e)*, 76*(f)*, 76*(i)* okanye 81(4) usenokugwetywa ifayini engadlulanga kuma-R500 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiminyaka emibini enesiqingatha okanye azinikwe zozibini ezi zigwebo; **[okanye]** kunye noko kuvalelwa;

(c) kumacandelo 50(3), 57(3), 60(4), **[65(2),]** 69(11), 76*(b)***[, 76*(c)*]** okanye 82(1) usenokugwetywa ifayini engadlulanga kwi-R100 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintandathu okanye azinikwe zozibini ezi zigwebo **[okanye]** kunye noko kuvalelwa eso sithuba; okanye

(d) kumacandelo 23(13), 56(5), **[76*(a)*,]** 76*(d)*, 77, 78(1), 78(3), 79, 80(1) okanye 86(2) usenokugwetywa ifayini engadlulanga kuma-R50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye azinikwe zozibini ezi zigwebo **[okanye]** kunye noko kuvalelwa eso sithuba;"; kananjalo

(b) ngokususwa kwecandelwana (2); and

(c) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (3):

"(3) Icandelo 32 le-Criminal Procedure Act apho umntu aye ahlawule imali yokuvuma ubutyala ngokwecandelo 57 lalo Mthetho ngokuhambelana nokwaphulwa kwemiqathango yalo Mthetho."

Ukwenziwa kwezilungiso kwicandelo 89 loMthetho 4 ka-2008

59. Icandelo 89 loMthetho olungiswayo lilungisiwe–

(a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):

"(1) *(a)* Noxa ubhangisiwe umthetho oyi-Liquor Act, 1989 (uMthetho 27 ka-1989), kwaze kwabakho lo uMthetho, iBhodi yangaphambili isaqhubeka isebenza de kube ngumhla oya kubekwa nguMphathiswa ngokuthi akhuphe isaziso *kwiGazethi yePhondo*, mhla lowo uya kuthi ungabikho ngaphezulu kweeveki ezimbini emva kokuba onke amalungu eBhodi enyuliwe ngokwemiqathango yecandelo 3.

(b) Ukulungiselela oko kukhankanywe kumhlathi *(a)*, iBhodi yangaphambili kufuneka isebenze ilandela imiqathango—

(i) yalo Mthetho njengoGunyaziwe, iBhodi, okanye iNkundla yaMatyala yeMvume yoTywala ngokokuhambelana nomsebenzi lowo; yaye

(ii) ukulungiselela icandelwana (7), imithetho ekubhekiswe kuyo kwelo candelwana.";

(b) ngokufakela kweli candelwana emva kwecandelwana (1):

"(1A) Ngokukhawuleza okukhulu emva kokuba lo Mthetho uqalisile ukusebenza, uMphathiswa esebenzisana noMphathiswa ojongene nezimali kwiPhondo—

(a) Kufuneka adlulisele ii-asethi, amalungelo, izinyanzeliso kunye noxanduva lweBhodi ebikhona ngaphambili kuGunyaziwe okhoyo; yaye

(b) Kuxhomekeke kwicandelo 197 lomthetho i-Labour Relations Act, 1995 (uMthetho 66 ka-1995) ne-Public Service Act, 1994 (Ummiselo 103 ka-1994), makadlulisele abasebenzi bakaRhulumente wePhondo leNtshona Koloni ebebeqeshwe kwiBhodi yangaphambili xa kuqala ukusebenza lo Mthetho ukuze basebenzele uGunyaziwe okhoyo.";

(c) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (4):

"(4) IMvume yohlobo oludweliswe ngezantsi apha ebisebenza phambi komhla wokuqalisa kwalo Mthetho ukusebenza negunyazisa ukwenziwa kotywala obebenziwe kwiinyanga ezilishumi elinambini (12) ezidlulileyo obumthamo ungadlulanga kulowo ubekiweyo ngokwemiqathango yecandelo 4(10) loMthetho oyiLiquor Act, ithathwa ngokuba yimvume yokwenziwa kotywala nokuthengiswa kotywala obungaselelwa kula masango anemvume—

(a) IMvume yotywala yehowuliseyili;

(b) IMvume yomvelisi (wotywala);

(c) IMvume yomenzi (wotywala);

(d) IMvume yotywala besintu; kunye

(e) nemvume eyodwa yotywala obungaselelwa kule ndawo buthengiswa kuyo, **[,ebandakanya nelungelo lokwenza utywala]**.";

(d) ngokufakelwa phaya kumagama aphambi komhlathi *(a)* kwicandelwana (5) kwala magama alandelayo:

"(5) IMvume edweliswe ngezantsi apha enika umnini wayo ilungelo lokuthengisa utywala obungaselelwa kula masango anemvume**, [ethe yajikwa ngokwemiqathango yoMthetho oyiLiquor Act,]** nebisebenza emva kokuqalisa koMthetho oyi-Liquor Act ngenxa yemiba 2(1) no-5 kwiShedyuli 1 yaloo Mthetho kunye nebisebenza phambi komhla wokuqalisa kwalo Mthetho, isenokuthi ngokwesicelo somnini wemvume ijikwe ibe yimvume yokuthengisa utywala obungaselelwa ngaphandle kwamasango anemvume yokuselela utywala—";

(e) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (10):

"(10) Nayiphi na imvume ekhutshwe phambi kokuqala kokusebenza kwalo Mthetho ikhutshelwa amasango ekunokuthengiswa kuwo nenokuselelwa kuwo utywala nokuba bobuselelwa kule ndawo buthengwe kuyo okanye ngaphandle kwale ndawo buthengiswa kuyo, nenika igunya lokuba kuthengiswe nasemva kwala maxesha okuthengisa axelwe kwicandelo 59(3), ithi isebenze ngokwemiqathango yecandelo **[elichaziweyo]** emva kweenyanga ezilishumi elinesibini (12) uqalisile ukusebenza lo Mthetho ngokuxhomekeke kwicandelo 59."; kananjalo

(f) nokufakela eli candelwana lilandelayo endaweni yecandelwana (13):

"(13) Umnini wemvume wamasango awanikwa imvume phambi kokuqalisa kwalo Mthetho ukusebenza nokhankanywa licandelwana (5) lecandelo 49**[(5)]** kufuneka ukuba athi zingaphelanga iinyanga ezilishumi elinesibini (12) emva kokuqalisa kwalo Mthetho ukusebenza, athobele imiqathango ekubhekiswe kuyo **[kumacandelwana akhankanyiweyo]** kwicandelwana.".

Ukwenziwa kwezilungiso kwicandelo 91 loMthetho 4 ka-2008

60. Icandelo 91 loMthetho olungiswayo lilungisiwe ngokufakelwa kweli candelwana lilandelayo, ze eli candelo likhoyo libe licandelwana (1):

"(2) Ukuba ngaba iNkulumbuso ibeke imihla eyohlukileyo yokuqalisa kokusebenza kwamacandelo ahlukileyo alo Mthetho, into ebhaliweyo apha echaza ngokuqala kokusebenza kwalo Mthetho mayithathwe njengomhla obekwe yiNkulumbuso wokuqala ukusebenza kwelo candelo kubhekiswe kulo.".

Isihlokwana esifutshane nokuqalisa ukusebenza kwawo

61. Lo Mthetho waziwa ngokuba nguMthetho weziLungiso woTywala weNtshona Koloni ka-2010 kwaye uqalisa ukusebenza ngaloo mhla uya kuthi ubekwe yiNkulumbuso yePhondo ngompoposho oya kuphuma *kwiGazethi yePhondo*.

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