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IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

6958

29 Februwari 2012

Ibhaliswe ePosini njengePhephandaba

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*(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

Provincial Notice

39 Publication of Western Cape Gambling and Racing Act, Act 4 of 1996 in IsiXhosa for General Information 2

It is hereby notified that the following isiXhosa version of the Western Cape Gambling and Racing Act, Act 4 of 1996, has been published for general information. The English version was assented to by the Premier of the Province of the Western Cape on 22 May 1996 and was published in Provincial Gazette 5047, dated 24 May 1996.

INHOUD

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

Provinsiale Kennisgewing

39 Publication of Western Cape Gambling and Racing Act, Act 4 of 1996 in IsiXhosa for General Information 2

Hiernee word bekend gemaak dat onderstaande isiXhosa-weergawe van die Wes-Kaapse Wet op Dobbelary en Wedrenne, Wet 4 van 1996, vir algemene inlighting gerpubliseer word. Die Engelse weergawe is reeds op 22 Mei 1996 deur die Premier van die Provinsie Wes-Kaap bekragtig en in Provinsiale Koerant 5047, gedateer 24 Mei 1996, gepubliseer .

IZIQULATHO

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

Isibhengezo

39 Publication of Western Cape Gambling and Racing Act, Act 4 of 1996 in IsiXhosa for General Information 2

Kwenziwa isaziso sokuba le nguqulelo yesiXhosa yoMthetho woNgcakazo neMidyarho yamaHashe, weNtshona Koloni, uMthetho 4 ka 19196, upapashelwe ulwazi gabalala. Inguqulelo yesi-Ngesi yamkelwe yiNkulumbuso yePhondo leNtshona Koloni ngowe 22 May 1996 yaze yapapashwa kwi Gazethi yePhondo 5047, yowe 24 May 1996.

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.N. 39/2012

29 Februwari 2012

IPHONDO LENTSHONA KOLONI

UMTHETHO WENTSHONA KOLONI WONGCAKAZO NEMIDYARHO YAMAHASHE, 1996

Nomb. 4 ka-1996

UMTHETHO

Ojoliswe ekumiseleni ibhodi yongcakazo nemidyarho yamahashe; ekubonelelcni ngokunikwa kwabantu abaqhuba ushishino longcakazo nokubheja, ekubonelelcni ngokunikwa kwabantu abaqhuba ushishino longcakazo, ukubheja nokuvelisa nokuthengisa imitshini yongcakazo nezinto zongcakazo nolawulo longcakazo nokubheja; ekubonelelcni ngeerhafu zongcakazo neentlawulo zezicelo nophando; ekutshitshiseni uMpoposho weMidyarho yaMahashe nokuBheja ka-1968; nokubonelela ngayo nayiphi na imiba ephathelele kwezi zinto.

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NJENGOKO ungcakazo nemidyarho yamahashe izizinto ezinokwenza igalelo kuqoqosho lwephondo leNtshona Koloni;

NJENGOKO ukukhula nempumelelo yongcakazo nemidyarho yamahashe zixhomekeke ekuthenjweni luluntunakwithemba lokuba ungcakazo nemidyarho yamahashe ziqhutywa ngokunyanisekileyo, ngendlela evumela ukhuphiswano kwaye azinawo namachaphaza olwaphulo-mthetho nobuqhetseba;

NJENGOKO kuyimfuneko ukuba kuqinisekiswe ngempilo, ukhuselelo, intlalontle kwakunye nocwangco kubemi beli Phondo;

NJENGOKO iqondwa into yokuba ukuthemba koluntu nempilo, nokhuseleko kwakunye nentlalontle ngokubanzi, ucwangco lwabemi beli Pgondo zizinto ezixhomekeke kulawulo olungqongqo lwabantu bonke, amasango, iinkqubo, imibutho kwakunye nezinto ezenziwayo eziphathelele kungcakazo nemidyarho yamahashe;

NJENGOKO iqondwa into yokuba amathuba ongcakazo, ukubheja nemidyarho yamahashe ahamba nemingcipheko ethile neengozi kubantu beli Phondo, izinto ezo ezenza ukuba kufaneleke ukuba kubekwe unyino olufanelekileyo, imigaqo nolawulo;

NANJENGOKO kungekho mfaki-sicelo selayisenisi okanye solwamkelo ngokuphathelele kungcakazo nemidyarho yamahashe, unalo naliphi na ilungelo lelayisenisi okanye lolwamkelo;

Ngoko ke kuwiswa umthetho yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:

ISAHLUKO I: IINKCAZO-MAGAMA

Inkcazelo-magama

1. Kulo Mthetho la magama nala mabinzana amagama alandelayo aya kuba nezi ntsingiselo zilandelayo ngaphandle kwalapho indlela asetyenziswe ngayo inika enye intsingiselo:

(1) **"Amasango"** abhekisele kuso nasiphi na isiza okanye indawo, nokuba iyinxenye yesibonelelo sexeshana okanye esisisigxina, isakhiwo, inqanawa, isithuthi okanye inqwelomoya.

(2) **"Amasango anelayisenisi"** abhekisele kuwo nawaphi na amasango apho kuqhubeka ungcakazo, imidyarho yamahashe okanye naziphi na izinto ezinxulumene nezi zinto, luqhutywa phantsi kwelayisenisi ekhutshwe ngokwemiqathango yalo Mthetho.

(3) **"Ibala lomdyarho wamahashe elinelayisenisi"** lithetha naliphi na ibala elinikwe ilayisenisi ngokwemiqathango yecandelo.

(4) **"iBhodi"** ibhekisele kwiBhodi yoNgcakazo neMidyarho yaMahashe yeNtshona Koloni, esekwe ngokwemiqathango yecandelo 2.

(5) **"Ibhingo"** ibhekisele kumdlalo wongcakazo obizwa ngokuba yibhingo nakuwo nawuphi na umdlalo ofana nayo odlalwa ngamakhasi (kubandakanya nezikrini zombane) ekukho kuwo iqela lamanani okanye imizotyana eyimiqondiso, umdlalo lowo ekuthi kuwo umdlali ngamnye azame ukulinganisa ngemali, ngomhlaba, ngeetshekhi okanye ngayo nayiphi na into enexabiso, onke amanani okanye iqela lamanani okanye lemiqondiso elikhoyo kumakhasi akhe, nook kubizwa ngumqhubi womdlalo, kwaye eli gama libandakanya nawo nawuphi na umdlalo wongcakazo odlalwa ngombane wonke okanye inxenye yawo.

(6) **"iGosa eliLawulayo eliyiNtloko"** libhekisele kwiGosa eliLawulayo eliyiNtloko leBhodi elinyulwe phantsi kwemiqathango yecandelo 9.

(7) **"Igosa eligunyazisiweyo"** libhekisele kumntu ogunyaziswe phantsi kwemiqathango yecandelo 12.

(8) **"iKhansile eLawulayo"** ibhekisele kwiKhansile eLawulayo (iKhabhinethi) yePhondo eli.

(9) **"Ikhasino"** ibhekisele kuwo nawaphi na amasango ekuqhutywa ungcakazo kuwo, olungekuko ukubheja okanye ibhingo, phantsi komntu ongumnini welayisenisi yekhasino.

(10) **"Ilayisenisi"** ibhekisele kuyo nayiphi na ilayisenisi ekhankanywa kwicandelo 27.

(11) **"Ilayisenisi yebala lemidyarho"** ithetha nayiphi na ilayisenisi ekhutshwe phantsi kwemiqathango yecandelo 52.

(12) **"Ilayisenisi yebhingo"** ibhekisele kuyo nayiphi na ilayisenisi ekhutshwe ngokwemiqathango yecandelo 48.

(13) **"Ilayisenisi yombhejisi"** ibhekisele kwilayisenisi ekhutshwe phantsi kwemiqathango yecandelo 55.

(14) **"Ilayisenisi yokuhambisa"** ibhekisele kwilayisenisi ekhutshwe phantsi kwemiqathango yecandelo 51.

(15) **"Ilayisenisi yokuqhuba ikhasino"** ibhekisele kuyo nayiphi na ilayisenisi ekhutshwe phantsi kwemiqathango yecandelo 45.

(16) **"Ilayisenisi yomsebenzi wongcakazo"** ibhekisele kuyo nayiphi na ilayisenisi ekhutshwe phantsi kwemiqathango yecandelo 57.

(17) **"Ilayisenisi yomnini womatshini wongcakazo olusikelwe imida"** ibhekisele kwilayisenisi ekhutshwe ngokwemiqathango yecandelo 46.

(18) **"Ilayisenisi yomsebenzi ophambili"** ibhekisele kuyo nayiphi na ilayisenisi ekhankanywa kwicandelo 56.

(19) **"Ilayisenisi yamasango omatshini wongcakazo olusikelwe imida"** ithetha ilayisenisi ekhutshwe ngokwemiqathango yecandelo 47.

(20) **"Ilayisenisi yomqhubi"** ibhekisele kwilayisenisi ekhankanywa kwicandelo 27*(a), (b), (d), (i) no-(k).*

(21) **"Ilayisenisi yomvelisi"** ibhekisele kuyo nayiphi na ilayisenisi ekhutshwe ngokwemiqathango yecandelo 50.

(22) **"Ilayisenisi yexeshana"** ithetha nayiphi na ilayisenisi ekhutshwe phantsi kwemiqathango yecandelo 36.

(23) **"Ilungu elinoxanduva"** libhekisele kwilungu leKhansile eLawulayo elinoxanduva lokusingatha ukuqhutywa kwalo Mthetho.

(24) **"Imithetho"** ibhekisele kwimithetho ebekwe yiBhodi phantsi kwemiqathango yecandelo 82.

(25) **"Impahla"** ithetha naziphi na izinto ezihambisekayo nezo zingahambisekiyo, izezequmrhu okanye zingezozequmrhu, nokuba zezaluphi na uhlobo.

(26) **"Iphondo" libhekisele kwiphondo leNtshona Koloni.**

(27) **"Isicelo solwakhiwo"** sibhekisele kwisicelo sokwakha ikhasino, kwaye kubandakanywa ukwabiwa ngokutsha komhlaba, ukuhlanganiswa kwemihlaba nokwahlulwa-hlulwa kwawo, uphambuko kwimida yolwabelo, ukususwa konyino kwitayitile; utshintsho kwindlela ezime ngayo iiplani kunye nalo naluphi na ulwamkelo olufunekayo ekukhawulezisenі olo lwakhiwo.

(28) **"Ishishini longcakazo"** lithetha nalo naliphi na ishishini elibandakanya inxenye elungcakazo.

(29) **"Isiyunguma" okanye "okungenaziphumo zaziwayo"** kubhekisele kuko nakuphi okwenzekayo kungaziwa okanye kungaqinisekwanga nguye nawuphi na umntu ngeziphumo zako.

(30) **"Isixhobo songcakazo"** sithetha nasiphi na isixhobo okanye into esetyenziselwa okanye eyenzelwe ukuba isetyenziswe, ngendlela ethe ngqo okanye engathanga ngqo, ngokunxulumene nomdlalo wongcakazo okanye nokubheja.

(31) **"Iziko longcakazo"** libhekisele kuyo nayiphi na indawo okanye inxenye yendawo apho kuqhubeka ungcakazo.

(32) **"Lo Mthetho"** ubandakanya iiShedyuli nayo nayiphi na imigaqo nemithetho eyenziwe okanye khutshwe phantsi kwawo

(33) **"Onesikhundla kwezopolitiko"** ubhekisele kumntu ochazwa kwicandelo 190A loMgaqo-siseko weRiphablikhi yoMzantsi Afrika, 1993 (uMthetho 200 ka-1993), nakumalungu ezindlu zeenkokeli zemveli zephondo, kwiKhansile yeeNkokeli zeMveli, kwiKhansile yeVolkstaat nakoorhulumente bolawulo lweedolophu nezithili, nakuye nawuphi na umntu onesikhundla kulo naliphi na iqela lezopolitiko

(34) **"Okumiselweyo"** kubhekisele koko kumiselwe phantsi kwemiqathango yalo Mthetho.

(35) **"Owakwakho/owakwakhe"** ubhekisele kuye nawuphi na umntu ohlala nomnye mntu ngokungathi bangabantu abatshatileyo

(36) **"Uchaphazeleko ngokwasezimalini"**, ngokuphathelele kwinkampani okanye iqumrhu, lubhekisele—

(a) ukuba nelungelo lokufumana isabelo kwingenelo okanye kwimali ekhoyo;

(b) ukuba ngumnini welungelo eliyinene kuzo naziphi na izinto eziziimpahla zombutho okanye zequmrhu;

(c) ukuba ngumnini welungelo eliyinene okanye lomntu kuzo naziphi na izinto eziziimpahla zenkampani okanye zequmrhu ezisetyenziselwa ukuqhuba ushishino lwayo longcakazo, okanye.

(d) ukuba nochaphazeleko oluthe ngqo okanye olungathanga ngqo kwizabelo zovoto zenkampani okanye ukuba nochaphazeleko kwinkampanana encinane. (20)

(37) **"Ukubheja"** kuthetha ukudlala ngemali okanye ngento enexabiso okanye ukudlalela omnye umntu, okanye ngendlela ethe ngqo okanye engathanga ngqo, ukuthembisa okanye ukuvuma ukudlalela omnye nawuphi na umntu, ngemali okanye ngento enexabiso kuso nasiphi na isiyunguma okanye kuyo nayiphi na into eziphumo zingaziwayo engeyiyo ebandakanyeka kumdlalo wongcakazo.

(38) **"Umbhejisi"** uthetha nawuphi na umntu ophila okanye ozama ukuphila, ngokuphileleyo okanye ngenxenye yexesha lakhe, ngokuthi abeke oko kunokubhejelwa okanye avulele uluntu okanye ababhejisi amathuba okubheja ngokuthe ngqo okanye okungathanga ngqo; kodwa ke kungabandakanywa nokubheja okuloluya hlobo lusebenzisa oomatshini bemali yokubheja.

(39) **"Ubhejo lwamathuba amiselweyo"** lubhekisele kubhejo olumiselwe ngumbhejisi kwisiyunguma esithile okanye kwiziyunguma ezithile okanye kwinto eziphumo zingaziwa mntu, apho kuza kube kuvunyelwene ngexabiso elibhejelwayo.

(40) **"Ubhejo oluphumeleleyo"** lubhekisele kulo naluphi na ubhejo oluthe lwenziwa ngumntu othe wasiqikelela ngokuchanekileyo isiphumo sesiyunguma okanye isilungiselelo okanye sazo zombini, ezi zinto bezibhejelwa.

(41) **"Ubhejo oluvulelekileyo"** lubhekisele kubhejo olungelulo olu loomatshini bokubala imali yokubheja, oluqhutywa ngumbhejisi kwisiyunguma esinye okanye kwezingaphezulu okanye into eziphumo okanye izinto eziziphumo zingaziwa mntu, apho kungekho mali iya kufumaneka kuye kwavunyelwana ngayo ngexesha lokubheja.

(42) **"umfaki-sicelo"** ubhekisele kuye nawuphi na umntu okanye isigqeba esifaka isicelo kwiBhodi okanye kulo naliphi na elinye lamalungu ayo, lamagosa, labanyulwa okanye labathunywa bayo, sokuba isebenzise igunya, kwaye xa iyinkampani, iqumrhu, umbutho, inkampani yobuhlakani okanye itrasti, eli gama libandakanya umlawuli ngamnye, ilungu ngalinye, ihlakani ngalinye, umxhamli ngamnye okanye utrasti ngamnye.

(43) **"Umdlalo wongcakazo"** ubhekisele kuwo nawuphi na umdlalo odlalwa ngamakhasi oka ngamadayisi okanye ngayo nayiphi na into engumtshini, okanye esisixhobo esihamba ngombane okanye ngobuxhakaxhaka bekhompuyutha okanye ngeempokhwe (software) zekhompuyutha), ngeenjongo zokwenza imali, ezokufumana into ephathekayo, iitshekhi okanye uvuzeko okanye nayo nayiphi na into yexabiso, kwaye ubandakanya, irolethi, ibhingo, itwentiwani,, iblekhijekhi, *ichemin de fer,* ibhakharathi, iphowukha, ikhrepsi ne*punto banco*, kungengakuba ziyatshabhiswa eziya zingentla phaya.

(44) **"Umdlali"** okanye "umxhasi" ubhekisele kuye nawuphi na umntu othatha inxaxheba kumdlalo wongcakazo, kwaye ubandakanya nodlala ngemali kuyo nayiphi na into elubhejo.

(45) **"Umdyarho"** ubhekisele kuwo nawuphi na umdyarho wamahashe okwibala elichaziweyo okanye ekuthe kwavunyelwana ngalo oqhutywa ngeenjongo zokonwabisa uluntu namalungu awo nawuphi na umbutho okanye iklabhu,kodwa ke awubandakanyi

(a) nawuphi na umdyarho owenzelwa nje uvavanyo kungekho kubheja kwenziwayo kuwo, uqhutywa phantsi kolawulo lomnini welayisenisi yebala lemidyarho,

(b) Nawuphi na umdyarho okanye ukhuphiswano abaziqhubelayo abantu kungekho kubheja kwenziwayo kuwo.

(46) **"Ungcakazo"** luthetha ukudlala nawuphi na umdlalo wongcakazo, kwaye lubandakanya nebhingo, ukubheja nokwamkelwa kwamaxabiso abekwe ngoomatshini bokubala imali yongcakazo, kodwa ke alubandkanyi nongcakazo lwasekuhlaleni.

(47) **"Uqwalaselo"** lubhekisele kuyo nayiphi na into, isibophelelo, isithembiso, isivumelwano okanye uqiniseliso, nokuba lingakanani na okanye libonakala lingakanani na ixabiso lalo.

(48) **"Umququzeleli ongummeli"** ubhekisele kumntu othi ngeenjongo zokufumana ikhomishini, isabelo kwingenelo yongcakazo okanye nayiphi na enye into, ekunye nomnini welayisenisi yekhasino, enze amalungiselelo okanye aququzelele utyclelo.

(49) **"Umatshini wongcakazo olusikelwe imida"** ubhekisele kumatshini ofakwa imali, obekelwe imida ngokokubekwa ngumthetho.

(50) **"Umatshini ofakwa imali"** ubhekisele kuye nawuphi na umatshini onenjini, owombane, ividiyo okanye esinye isixhobo sombane okanye esinye nje isixhobo, isilungiselelo esiyiliweyo okanye umatshini, ekuthi kufakwe kuwo imali eziinkozo koimali ngumdlali nokuba ingakanani na leyo ifunwayo, kuze ke kukwazeke ukudlala kuwo okanye ukuwusebenzisa, ukudlala oko okuthi ke mhlawumbi ngethamsanqa okanye ngobuchule bomdlali okanye ngazo zombini ezi zinto, kumzele nemali okanye ithowukheni aya kuzitshintsha ngemali umdlali lowo, okanye into ethengwayo okanye nokuba yintoni na enye into yexabiso, kodwa ke ingabi kukudlala nje okusisimahla okungahlawulelwa mali, okanye kwenze ukuba umdlali lowo abe selungelweni lokufumana imali, iithowukheni, into ethengwayo okanye into yexabiso, nokuba ikhutshwa ngumatshini ngokwawo okanye uyinikwa ngenye indlela.

(51) **"Umatshini wemali yokubheja"** uthetha nasiphi na isixhobo, umatshini, isilungiselelo okanye ubuxhaka-xhaka bokubhalisa okanye bokubonisa okanye bokubhalisa nokubonisa inani okanye isixa-mali okanye inani nesixa-mali sobhejo kuso nasiphi na isiyunguma okanye iziyunguma, esisetyenziswa ngokwenkqubo yokubheja apho isixa-mali ekudlalwe ngaso kweso siyunguma okanye kwezo ziyunguma ithi yahlulelwe abo bantu bathe baphumelela kwisyunguma eso okanye kwiziyunguma ezo kusakuba kutsalwe naziphi na iimali ezifanele kutsalwa ngokwalo Mthetho, ngokwezixa-mali ebebezifakile abo bantu, ubandakanya nasiphi na isikim, uhlobo okanye inkqubo yokubheja, nokuba ihamba okanye ayihambi ngomatshini, esetyenziswa phantsi kwezimiselo ezifana nezawo.

(52) **"Ungcakazo lwasekuhlaleni"** luthetha—

(a) Ukudlalwa komdlalo wongcakazo, ongenguwo owomatshini ofakwa imali, kwindawo engumzi, ecaweni, esikolweni okanye kwiholo yoluntu, kwiklabhuhawusi yeklabhu yemidlalo okanye indawo elolo hlobo enokuthi imana ivunywa yiBhodi, mdlalo lowo ungadlalelwa mali kwaye kungekho mntu ufumana nzuzo ngawo okanye ntlawulo okanye mbuyekezo, nokuba kungokuthe ngqo okanye okungathanga ngqo, ngokuwudlala, ngokuwuqhuba okanye ngokuwulondoloza okanye ngokubonelela ngawo loo mdlalo wongcakazo,

(b) Nokudlalwa kwawo nawuphi na umdlalo wongcakazo, ongenguwo owomatshini ofakwa imali ngeenjongo zokunyusa imali ecaweni, esikolweni, eklabhini yemidlalo okanye kwisigqeba esibhaliswe ngokufanelekileyo phantsi koMthetho wonyuso-mali oyiFund-Raising Act 1978 (uMthetho 107 ka-1978), okanye kuso nasiphi na isigqeba esinokuthi simana ukumiselwa yiBhodi, ngokwezo nkqubo naloo miqathango inokuthi ibekwe.

(53) **"Usihlalo"** ubhekisele umntu othe wanyulelwa ukuba abe ngusihlalo weBhodi ngokwemiqathango yecandelo 3.

(54) **"Utyelelo"** lubhekisele kutyelelo okanye uhambo oluya kwikhasino ngumntu omnye okanye ngabantu abangaphezulu kunomnye abathe bafumana inkonzo yasimahla efana nezinto zokuhamba, ukutya nendawo yokuhlala njengendlela yokubalobela ekubeni beze kungcakaza kuloo khasino, utyclelo olo oluququzelelwa ngomnye umntu wesithathu.

ISAHLUKO II: IBHODI YONGCAKAZO NEMIDYARHO YAMAHASHE YENTSHONA KOLONI

Ukusekwa kweBhodi yoNgcakazo neMidyarho yaMahashe yeNtshona Koloni

2. (1) Apha kumiselwa iBhodi eya kwaziwa ngokuba Bhodi yoNgcakazo neMidyarho yaMahashe yeNtshona Koloni.

(2) Ilungelo lokukhupha ilayisenisi yokuqhuba naliphi na ishishini longcakazo lwalo naluphi na uhlobo, nokuba ngokuthe ngqo okanye ngokungathanga ngqo, apha kweli Phondo liya kuba segunyeni lale Bhodi.

(3) IBhodi le iya kuba sisigqeba esisemthethweni esinokuthatha nesinokuththelwa amanyathelo omthetho, siziqhubele lonke ushishino lwaso ngegama laso.

(4) Injongo ephambili yale Bhodi iya kuba kukulawula zonke izinto zongcakazo, ezemidyarho yamahashe kwakunye nazo zonke izinto ezihamba nezi kweli Phondo ihamba ngokwalo Mthetho nangayo nayiphi na eminye iimigaqo-nkqubo enokuthi ibekwe yiKhansile eLawulayo.

(5) IBhodi le iya kuba nawo onke amagunya ayimfuneko ekufezekisweni kweenjongo zayo nasekwenzeni umsebenzi wayo phantsi kwalo Mthetho, kubandakanya namagunya achazwe kwicandelo 12.

Amalungu eBhodi

3. (1) IBhodi le iya kuba namalungu asixhenxe anyulwe yiKhansile eLawulayo ihamba ngokwenkqubo ebekiweyo, inkqubo leyo eya kuthi ibandakanye nenxaxheba yoluntu ekutyunjweni kwabo banokunyulelwa ubulungu; kuqondakale kambe ke ukuba ikomiti emileyo yePalamente yePhondo esingathe lo Mthetho iya kubavandlakanya bonke abo bathe batyunjelwa ubulungu kule Bhodi ngeenjongo zokuphonononga ukufaneleka kwabo ekunyulweni kule Bhodi, singaphelanga isithuba seentsuku ezisixhenxe emva kokuba usihlalo waloo komiti ezifumene izicelo, ize ke ingenise kuMphathiswa owongameleyo uluhlu lwamagama abafaki-zicelo abangadlulanga kwishumi elinesihlanu abaya kuqwalaselelwa ukunyulwa yiKhansile eLawulayo.

(2) Amalungu eBhodi iya kuba ngabantu abafanelekileyo nabanalo ulwazi olufanelekileyo namava afanelekileyo, kuqondakale kodwa ke ukuba unyulo luya kuwuthathela ingqalelo umba wesini.

(3) UMphathiswa owongameleyo uya kunyula elinye lamalungu ukuba libe ngusihlalo kunye nelinye libe ngusekela-ihalo weBhodi le.

(4) Usekela-sihlalo weBhodi uya kungena endaweni kasihlalo xa usihlalo weBhodi engekho, kuze ke kuthi xa bobabini usihlalo nosekela-sihlalo bengekho okanye bengakwazi ukuba bathathe isihlalo, amalungu akhoyo entlanganisweni aya kuthi anyule omnye wawo ukuba achophele loo ntlanganiso, bemnyula ngesininzi.

(5) Phambi kokuba anyulwe njengelungu leBhodi umtyunjwa ilungu elo kuya kufuneka ukuba lingenise kuMphathiswa owongameleyo inkcazo efungelweyo apho umtyunjwa lowo achazayo ukuba—

(a) ukufanele oku kunyulwa;

(b) nokuba akukho nto imenza ukuba angakufaneli oku kunyulwa.

(6) IKhansile eLawulayo okanye uMphathiswa owongameleyo uya kuthi ngalo naliphi na ixesha iya kuba selungelweni lokuba nanini na ifune ubungqina okanye uqinisekiso lokuba naliphi na ilungu lisafanelekile ukuba liqhube ngokuba sebulungwini beBhodi le, okanye lokuba iqhube naluphi na uphando okanye igunyazise ukuqhutywa kwalo naluphi na uphando ngokubhekisele kulo mba.

Ukufaneleka ekutyunjweni njengelungu okanye umsebenzi weBhodi

4. Ukuze umntu afaneleke ebulungwini okanye ekubeni ngumsebenzi wale Bhodi kufuneka ukuba umntu—

(a) abe ngumntu ophilayo

(b) abe ngumntu ofikileyo kwiminyaka engamashumi amabini anesihlanu ubudala okanye ke kumntu ongumsebenzi weBhodi, abe ukfikile kwishumi elinesibhozo ubudala;

(c) ngummi weRiphablikhi, kunjalo nje abe uhla kweli Phondo

(d) abe ngumtnu ofnelekileyo njengoko kuchazwa kwicandelo 28(a)(i);

(e) abe ngumntu ome kakuhle ngokwasezimalini; kwaye

(f) angabi ngomntu ufunyaniswe engafanelekanga ngokwecandelo 5.

Ukungafaneleki ekutyunjweni njengelungu okanye umsebenzi weBhodi

5. Aba bantu balandelayo abasayi kufaneleka ekubeni banyulwe, baqhube okanye babambe ebulungwini bale Bhodi okanye babe ngabasebenzi beBhodi le:

(a) nabani na owayekhe wathi nanini na wafunyaniswa enetyala elinxulumene nalo Mthetho okanye nawuphi na omnye umthetho ofana nawo;

(b) nabani na owayekhe wathi nanini na, nokuba kulapha kwiRiphablikhi le okanye kukwenye indawo, wafunyaniswa enetyala lobusela, lobuqhetseba, lokuzenza omnye umntu, lokuhambisa impepha zenkohliso, lobungqina bobuxoki okanye elaso nasiphi na esinye isigqitho phantsi koMthetho oyiCorruption Act, 1992 (uMthetho 94 ka-1992) okanye elaso nasiphi na esinye isigqitho esinobuqhetseba;

(c) otshone wema ngonwele ematyaleni angenakuze aphume kuwo okanye nabani na ophantsi kothintelo lomthetho;

(d) nabani na owakhe wathi nanini na wasuswa kuso nasiphi na isikhundla esifuna intembeko ngenxa yokungaziphathi ngokufanelekileyo;

(e) nawuphi na umntu onesikhundla sezopolitiko;

(f) nabani na, nokuba kungokwakhe okanye kungenxa yowakwakhe, isizalwane segazi esisondele kakhulu kuye, eyehlakani okanye yomhlobo okanye ngenxa yakhe nawuphi na umntu anoqhagamshelwano naye ngenxa yomtshato

(i) onochaphazeleko okanye ofumana uchaphazeleko oluthe ngqo okanye olungathanga ngqo ngokwasezimalini kulo naliphi na ishishini longcakazo okanye into enongcakazo, okanye

(ii) onochaphazeleko kulo naliphi na ishishini okanye inkampani olunokwenza kubekho ungquzulwano okanye uphazamiswano nendlela efanelekileyo yokuqhuba imisebenzi yakhe njengelungu okanye njengomsebenzi weBhodi le okanye kuyo nayiphi na ilayisenisi ekhutshwe phantsi kwalo Mthetho'

Isithuba sobulungu

6. Ilungu leBhodi liya kuhlala esikhundleni sobulungu eso sithuba inokuthi iKhansile eLawulayo isibeke ngexesha lokunyulwa kwalo eBhodini, kodwa singayi kudlula kwiminyaka emine, kwaye ilungu lale Bhodi liya kuthi likwazi ukuba liphinde linyulwe ekupheleni kwesithuba salo sobulungu.

Ukuphelelwa kwesithuba sobulungu

7. (1) Kuya kuthi kubekho isithuba esivulekayo eBhodini le kwisikhundla selungu layo xa—

(a) lithe lasweleka elo lungu;

(b) ithe iKhansile eLawulayo yafumana isicelo esibhaliweyo selungu elo sokuba liyeke ebulungwini bale Bhodi;

(c) lithe elo lungu laba nokungafaneleki ekubeni libe lilungu leBhodi le;

(d) lithe elo lungu langabikho kwiintlanganiso zeBhodi zada zaba mbini zilandelelana lingakhange laba lifumene imvume ebhaliweyo kasihlalo okanye ke kasekela-sihlalo, apho kufanelekileyo;

(e) sithe safikelela esiphelweni isithuba sobulungu belo lo lungu;

(f) sithe isithuba sobulungu belo lungu sithe saphelisiwa yiKhansile eLawulayo, kodwa ke kuqondakale ukuba iKhansile eLawulayo ayinakho ukuba ingasiphelisa isithuba sobulungu selungu elo ngaphandle kokuba ibona kunokuba luncedo oko kuluntu ngokubanzi okanye ekuqhutyweni ngokufanelekileyo kwalo Mthetho.

(2) Xa kuthe kwadaleka isithuba ngokoku kuchazwe kwimihlathi (a) ukuya kumhlathi (d) okanye kumhlathi (f) wecandelwana (1), esi sithuba sobulungu belungu besingekafiki esiphelweni siya kuthathwa ngokuba sifikelele esiphelweni.

Izithuba

8. Xa kuye kwathi kwavela isithuba ngokwezi meko zichazwe kwicandelo 7, iKhansile eLawulayo iya kuthi, ihamba ngokwamacandelo 3(1), 4, 5 nele-6, inyule ilungu leBhodi elitsha.

Abasebenzi

9. (1) Ihamba ngokwecandelo 4 iBhodi le iya kuthi ekuqhubeni kwayo imisebenzi yayo phantsi kwalo Mthetho incediswe—

(a) ngumntu oqeqeshwe ngokufanelekileyo nonamava afanelekileyo oya kuthi anyulwe yiBhodi ukuba abe liGosa eliLawulayo eliyiNtloko ngenjongo yokuba ancedise iBhodi le ekuqhubeni yonke imisebenzi yayo ngokuphathelele ezimalini, kulawulo nomsebenzi okubhala enxulumene noxanduva lweBhodi le noya kuthi abe noxanduva lokuphendula nokunika ingxelo kwiBhodi le ngezi ndawo,

(b) nangabanye nabaphi na abasebenzi ekunokuthi kubekho imfuneko yabo ukuze iBhodi le ikwazi ukwenza imisebenzi yayo.

(2) Abasebenzi beBhodi le—

(a) baya kunyulwa yiBhodi le phantsi kwayo nayiphi na imiqathango enokuthi iyibeke, kwaye baya kuhlawulwa yiBhodi le, kodwa ke kuqondakale ukuba loo ntlawulo iya kuthi xa kusekwa le Bhodi ngokwemiqathango yalo Mthetho, ibekwe yiBhodi le ngokudlana iindlebe neLungu leKhansile (uMphathiswa) owongameleyo nangemvumelwano yelo lungu leKhansile eLawulayo lijongene nezemale,

(b) baya kwenza imisebenzi yabo ngokwezikhokelo nangokolawulo lweBhodi le.

(3) Ibhodi isenokuthi, ekuqhutyweni komsebenzi obulindelekile kwicandelwana (1), lincediswe ligosa loLawulo lwePhondo: iNtshona Koloni okanye amalungu eNkonzo zamaPolisa eNtshona Koloni eqalwe licandelo 5(1) woMthetho ka 1995 woMzantsi Afrika (uMthetho 68 ka 1995) uxhaswa ziinkonzo zeBhodi ngokoMthetho nawuphi na ochaza lo nkxaso okanye lontlangano.

(4) Igosa okanye ilungu okanye ingcali ekhankanywe kwicandelwan (3), baya kuthi ekuqhubeni kwabo umsebenzi wabo phantsi kwemiqathango yalo Mthetho bathathwe ngokuba bangabasebenzi bale Bhodi.

Ukunikwa kwabantu ubulungu bexeshana

10. (1) IBhodi isenokuthi, ihamba ngecandelo 4, ifake umntu ebulungwini bexeshana xa ngaba loo mntu, ngokokubona kwayo iBhodi, uyakwazi ukuba angayinceda iBhodi okanye ikomiti yeBhodi le, ekuqwalaselweni komba othile.

(2) Lowo mntu uthe wanikwa ubulungu phantsi kwemiqathango yecandelwana (1) akasayi kuba nalungelo lakuvota kuyo nayiphi na intlanganiso yale Bhodi okanye kweyekomiti yale Bhodi.

Iikomiti zale Bhodi

11. (1) IBhodi le isenokuthi imana imisele iikomiti phantsi kwaloo miqathango iyibona ifanelekile, zokuba zenze loo misebenzi zinokuthi ziyinikwe okanye zisebenzise loo magunya zinokuthi ziwanikwe yiBhodi le.

(2) Ikomiti iya kuba—

(a) naloo malungu eBhodi inokuthi iBhodi iwabeke, okanye

(b) naloo malungu eBhodi inokuthi iBhodi iwabeke kwakunye nabanye abantu abangabanye enokuthi iBhodi ibafake ebulungwini okwexeshana,

kodwa ke kuqondakale ukuba akusayi kubakho komiti inamalungu angaphantsi kumalungu amabini.

(3) IBhodi iya kuthi ibeke usihlalo wekomiti.

(4) Ikomiti iya kuthi isebenzise amagunya ayo yenze nemisebenzi yayo ngokwemiqathango yalo Mthetho nangokwezikhokelo ezinikwa yiBhodi le, kodwa zingangquzulani naloo miqathango.

Amagunya eBhodi

12. Amagunya nemisebenzi yeBhodi le iya kuba yile—

(1) iya kukhupha izimemo zokuba kufakwe izicelo zelayisenisi (kubandakanya, apho kufanelekileyo, nesicelo sophuhliso) phantsi kwemiqathango yalo Mthetho okanye yamkele ezo zicelo kungakhange kwaba bekukhutshwe zimemo;

(2) iya kuqwalasela iqoshelise izicelo zelayisenisi (kubandakanya, apho kufanelekileyo, nesicelo sophuhliso) ngaloo ndlela iya kuthi imana iyibeka nakuloo ndawo inokuthi imana ukuyikhetha;

(3) iya kukhupha okanye ivuselele okanye yenze izilungiso okanye yale okanye imise okwexeshana okanye itshitshise iilayisenisi (kubandakanya, apho kufanelekileyo, nesicelo sophuhliso) phantsi kwalo Mthetho;

(4) iya kubeka imiqathango ephathelele kwiilayisenisi (kubandakanya, apho kufanelekileyo, nesicelo sophuhliso) nanini na;

(5) iya kutshitshisa iilayisenisi ezakhutshwa phantsi koMthetho wephondo lamandulo olawula ungcakazo nemidyarho yamahashe oyiHorse Racing and Betting Ordinance ka-1968;

(6) iya kuthenga okanye igcine okanye iqeshe okanye iqeshise okanye ihluthe iimpahla, nokuba zezihambisekayo okanye ezingahambisekiyo okanye zezingumsebenzi wengqondo yomntu;

(7) iya kuvula iqhube iiakhawunti zebhanki;

(8) iya kuqesha igxothe abasebenzi yenze zonke izinto ezihamba nook;

(9) iya kungena kwiikhontrakthi okanye ingenise kwiikhontrakthi;

(10) iya kuthabatha inxaxheba kwiinkqubo okanye iqhube iinkqubo ezinxulumene noqinisekiso lobulungisa nezolawulo;

(11) iya kuqulunqa imitheth iqinisekise ukuthotyelwa kwayo ejoliswe ekuqhutyweni kweenkqubo zayo nokuxoxwa kwamatyala ayo;

(12) iya kufumana iimali izisebenzise ize kananjalo izilawule ngokubanzi;

(13) iya kuthi ihamba ngokwemiqathango nezikhokelo zalo Mthetho iqokelele ilawule iirhafu, iintlawulo nemirhumo yeelayisenisi ezibekwe ngokwemiqathango yalo Mthetho;

(14) iya kuba kukwenza imithetho elawula ukukhutshwa kweelayisenisi, ukuqhuba nayo nayiphi na into elungcakazo okanye ishishini longcakazo;

(15) ukuqhuba okanye ukugunyazisa ukuqhutywa amatyala, uphando nemibuzo ngokuphathelele kuwo nawuphi na umba obandakanyeka kwimisebenzi yayo;

(16) iya kuya kufaka isicelo enkundleni sokuba nayiphi into eqhutywayo eluncakazo mayibekwe phantsi kolawulo lokubeka iliso;

(17) iya kungena kwizivumelwano nalo naliphi na isebe okanye isigqeba sikarhulumente okanye incele uncedo kulo naliphi na isebe okanye isigqeba sikarhulumente, kubandakanya neeNkonzo zamaPolisa zaseMzantsi Afrika, zokuba iyinqhubele okanye iyincedise ekuqhubeni uphando lwayo;

(18) iya kufuna iinkcukacha kubanini beelayisenisi nakwabanye abaantu nakwiiarhente;

(19) iya kusoloko iqhuba isifundo sophando malunga nongcakazo nemidyarho yamahashe kulo lonke lonke iPhondo eli nakwezinye iindawo khona ukuze iqinisekise ukuba akukho zikroba zikhoyo kulo Mthetho okanye kuwo nawuphi na umgaqo okane umthethwana owenziwe phantsi kwawo lo Mthetho, nokufumanisa nako nakuphi na ukuxhatshazwanokanye ulwaphulo lweenkqubo eziqulathwe kulo Mthetho okanye kuwo nawuphi na umgaqo okanye umthethwana owenziwe phantsi kwawo lo Mthetho;

(20) iya kumisela abanini beelayisenisi iinkqubo eziphambili zolawulo lwangaphakathi, kubandakanywa kuzo iinkqubo zohlolo-zincwadi nezokunika ingxelo kunye naziphi na ezinye iinkqubo, nokuba zeziqhutywa okanye zezingaqhutywa ngekhompuyutha;

(21) iya kubeka izohlwayo ngalo naluphi na ulwaphulo lwayo nayiphi na imithetho okanye imigaqo eyenziwe phantsi kwalo Mthetho, izohlwayo ezo ezinokuthi zibandakanye iifayini okanye ukuyekiswa okwexeshana okanye ukubekwa kwemiqathango ngokuphathelele kuyo nayiphi na ilayisenisi ekhutshwe phantsi kwalo Mthetho;

(22) iya kubeka iintlawulo neemali zeendleko zokuqhutywa kophando, kwemibuzo nezawo nawuphi na umsebenzi othe wenziwa yiBhodi le;

(23) iya kuqokelela ilawule iintlawulo neemali zezohlwayo ezithe zabekwa phantsi kwalo Mthetho;

(24) iya kuqhuba uphando okanye iya kugunyazisa ukuqhutywa kovavanyo kwizixhobo nezinto zongcakazo eziseteyenziswa okanye eziza kusetyenziswa kwizinto zongcakazo ezenziwayo ize ke itsale iindleko zolo vavanyo kulo mntu ebelwenzelwa okanye bekuvavanywa izixhobo nezinto zakhe;

(25) ukukhutshwa komsila wengwe kubantu, kubavelisi beencwadi ,amaxwebhu, okanye izinto ezidibene nezixhobo, uphando okanye imibuzo ngaphantsi kwaloMthetho iquka imithetho chambelana nayo.

(26) iya kuseka iiofisi ezimana ukuphuma ngamaxesha athile okanye ezingamasebe;

(27) iya kuaek ilawule iimali zokuqhutywa kwalo Mthetho ngokufanelekileyo;

(28) iya kugunyazisa nawuphi na umsebenzi weBhodi le ngento ebhaliweyo ukuba asebenzise amagunya awodwa okungena, ukuthimba nokwenza imibuzo, kunye nawo nawaphi na amanye amagunya anokunikwa ngokwalo Mthetho;

(29) iya kuthethana naye nawuphi na umntu okanye iqeshe nayo nayiphi na ingcali ngokuphathelele kuwo nawuphi na umba ohambelanayo nemisebenzi yawo phantsi kwayo nayiphi na imiqathango enokuthi iyibeke iBhodi;

(30) iya kunikezela ngawo nawaphi na amagunya ayo phantsi kwemiqathango yecandelo 13, kwaye

(31) iya kuthi ngokubanzi isebenzise amagunya yenze nemisebenzi echazwa kulo Mthetho nethi ibekwe nguwo nawuphi na omnye umthetho.

Unikezelo lwamagunya

13. (1) Ngaphandle nje kwamagunya achazwe kwicandelwana (5), nawuphi na umsebenzi okanye nawaphi na amagunya anokuthi asetyenziswe yiBhodi le phantsi kwemiqathango yalo Mthetho, anokunikezelwa kuyo nayiphi na kwiikomiti zayo, kulo nalihi na kumagosa ayo okanye kuye nawuphi na kubasebenzi bayo, ukuze ke loo magunya nalo misebenzi ziqhutywe ngulowo uthe wagunyaziswa egameni leBhodi le.

(2) Naluphi na ugunyaziso lunokwenziwa phantsi kwaloo miqathango nolo nyino luthe lwabekwa yiBhodi.

(3) IBhodi le ayisayi kwahlukana yona nalo naliphi na igunya elithe lanikezelwa yiyo.

(4) Nawuphi na umntu othe akakholwa sisigqibo esithe sathathwa phantsi kwamagunya anikezelweyo okanye phantsi komsebenzi onikezelwyo uya kuba nalo ilungelo lokuba afake isibheno kwiBhodi le ngeso sigqibo ngokwaloo ndlela ibekiweyo lingagqithanga nelo xesha libekelwe ukwenza oko.

(5) IBhodi ayisayi kunikezela ngala magunya alandelayo:

(a) amagunya achazwe kwicandelo 12(2), (3) (ngaphandle kwakwiilayisenisi ezikhankanywe kwicandelo 27*(l)* no-*(m)*), (4) no-(17) ngokuphathelele kuyo nayiphi na ilayisenisi yomnini welayisenisi

(b) namagunya achazwe kwicandelo 12(6).

Amagunya awodwa okungena, ukuthimba nokuphanda

14. (1) Phezu kwawo nawaphi na amanye amagunya akhoyo kulo Mthetho, iBhodi iya kuba nawo namagunya awodwa angala achazwe kweli candela:

(2) Amagunya anikwa leli candela aya kusetyenziswa—

(a) lilo naliphi na ilungu lale Bhodi;

(b) nguye nawuphi na umntu othe wagunyaziswa yiBhodi phantsi kwemiqathango yecandelo 12(28) (noya kuthi emva koku abizwe ngokuba "ligosa eligunyazisiweyo");

(c) lilo naliphi na ilungu leNkonzo yaMapolisa yoMzantsi Afrika esekwe ngecandelo 5(1) loMthetho oyiSouth African Police Service Act, 1995 (uMthetho 68 ka-1995) (neliya kuthi emva koku libizwe ngokuba "ligosa lasebupoliseni"), kunjalo nje

(d) kuphela ngokweenjongo zalo Mthetho.

(3) IGosa eliLawulayo eliyiNtloko liya kunika wonke umntu othe wagunyaziswa phantsi kwecandelwana (2)(b) isiqinisekiso sogunyaziso, kwaye ekusebenziseni kwalo amagunya alo nasekwenzeni kwalo imisebenzi yalo igosa eligunyazisiweyo liya kuthi lisikhuphe eso siqinisekiso xa sithe safunwa.

(4) Amagunya athe anikwa leli candela—

(a) aya kuba ngawokungena kuwo nawaphi na amasango okanye kuyo nayiphi na inxenye yamasango apho kuqhubeka ungcakazo okanye imidyarho yamahashe okanye naphi na apho kukholelwa ukuba ezi zinto ziqhubeka khona okanye ekukholelwa ukuba ziyasetyenziswa, kungakhange kwaniwa nothisi, kunjalo nje ngexesha elifanelekileyo, kuze ke—

(i) kwenziwe uhlolo nophengululo lwaloo masango, kananjalo kwalapho kubzwe nayiphi na imibuzo ekubonwa ikufanele ukubuzwa;

(ii) kuhlolwe nayiphi na into ethe yafumaneka kuloo masango enxulumene okanye enokuba nokunxulumana nongcakazo okanye nemidyarho yamahashe, kuze ke kufunwe iinkcukacha ngaloo nto kumnini welayisenisi okanye kumnini wamasango lawo okanye kumntu owongamele amasango lawo okanye kuye nawuphi na umntu ebithe yafunyanwa kuye okanye okanye ebejongene nayo into leyo.

(iii) kufunwe naziphi na iinkcukacha ezigcinwe kwiikhompuyutha ngokuthi isetyenziswe ngulowo unikwe igunya okanye ngokuthi kucelwe nawuphi na umntu okwaziyo ukuzisebenzisa okhoyo apho kuloo masango ukuba ibe nguye oyisebenzisayo okanye ngokwenza ikhompuyutha iziprinte ezo nkcukacha;

(iv) kwenziwe iikopi yayo nayiphi na incwadi okanye nalo naluphi na uxwebhu okanye kuthathwe izicatshulwa, okanye ncyayiphi na enye into, kubandakanya neprintawuthi yckhompuyutha, ethe yafunyanwa kuloo masango nenento yokwenza nongcakazo okanye imidyarho yamahashe, kuze ke kufunwe inkcazelo ngaso nasiphi isiqulatho esikuyo kuloo mntu kukrokrelwa ukuba anganalo ulwazi olufunekayo;

(v) kuthathwe nayiphi na into ekhoyo kuloo masango, kubandakanya nobuxhaka-xhaka beekhompuyutha neempokhwe zeekhompuyutha, enokuthi ifuneke kuphando oluseza kuqhutywa okanye enokuthi inike ubungqina malunga ncsigqitho esithile okanye malunga nolwaphulo lwalo Mthetho, ize ke loo nto ithathiweyo ikhutshelwe irisithi, kwaye

(vi) kufakwe imibuzo kuye nawuphi na umntu okhoyo kuloo masango;

(b) (i) ngalo naliphi na ixesha nakweyiphi na indawo, kuya kucelwa nawuphi na umntu onayo okanye ekukholelwa ukuba unayo nayiphi na incwadi, uxwebhu okanye nantoni na enxulumene nawo nawuphi na umba phantsi kwalo Mthetho okanye kwemithetho, okanye iselugcinweni okanye elulawulweni lwakhe, ukuba ayikhuphe ngoko nangoko okanye ngelo xesha okanye kuloo ndawo ithe yabekwa lilungu leBhodi le, ligosa eligunyazisiweyo okanye ligosa lasebupoliseni;

(ii) iya kuphononongwa loo ncwadi okanye olo xwebhu okanye enye into nje, kubandakanya neprintawuthi yckhompuyutha, kuze ke kufunwe inkcazelo ngayo nayiphi na into equlathwe apho kuye nawuphi na umntu, ize ke loo ncwadi okanye olo xwebhu okanye loo nto inokuthi inike ubungqina kuwo nawuphi na umba oqwalaselwayo kulo Mthetho okanye le mithetho;

(c) ukubuza imibuzo kuye nawuphi na umntu ekukho imihlaba yokukholelwa ukuba usebenza okanye wayesebenza kuwo nawaphi na amasango alawulwa yimiqathango yalo Mthetho, okanye yokukholelwa ukuba unayo nayiphi na into, okanye iselugcinweni okanye elulawulweni lwakhe loo nto ilawulwa yimiqathango yalo Mthetho, eyedwa okanye kukho nawuphi na omnye umntu, ngokokubona kwelungu leBhodi okanye igosa eligunyazisiweyo okanye igosa lasebupoliseni, ngokuphathelele kuwo nawuphi na umba okhankanywayo kulo Mthetho okanye kwimithethwana.

(5) Kule mibuzo nezi mpendulo zikhanywa kwicandelwana (4) akukho bungqina buya kwamkeleka ekuxoxweni kwalo naliphi na ityala lolwaphulo-mthetho laloo mntu bezifunyenwe kuye iinkcukacha phantsi kweli candelwana, ukuba ngaba impendulo leyo iya kumbeka ubutyala, ngaphandle kwaxa kuxoxwa ityala lolwaphulo-mthetho apho loo mntu exoxa enkundleni yamatyala ngesityholo sesigqitho esikhankanywe kwicandelwana (14).

(6) Kuhanjwa ngecandelwana (12), la masango akhankanywe kwicandelwana (4) kwakunye nezi zinto zinokwenziwa zikhankanywa kwicandelwana (4), ziya kwenziwa ngokugunyaziswa liphepha logunyaziso elikhutshwe yimantyi, yimantyi yesithili okanye yijaji eziofisini.

(7) Eli phepha logunyaziso likhankanywe kwicandelwana (6) liya kukhutshwa kuphela xa ngaba ngokubona kukamantyi okanye kukamantyi wesithili okanye kwejaji, kuyabonakala ngokwenkcazo le inikwe ngokufungelwa okanye ngoqinisekiso (affirmation) ichaza imfuneko yokuya kuphengulula okanye yokuya kuthimba, ukuba ikhona imihlaba yokukholelwa ukuba ezi zenzo zikhankanywe kwicandelwana (4) ziyenzeka ngenene kuloo masango okanye loo masango asetyenziswa ngolo hlobo.

(8) Iphepha logunyaziso elikhutshwe phantsi kweli candela lingakhutshwa ngayo nayiphi na imini, kwaye liya kusebenza ngokusesikweni lide libe—

(a) lisetyenzisiwe;

(b) litshitshisiwe ngulowo mntu ubelikhuphile okanye ke ukuba ngaba loo mntu ubelikhuphile akafumaneki, nguye nawuphi na omnye umntu okwanegunya elinjalo okanye

(c) kude kube kuphele iinyanga ezintathu ukusukela kuloo mhla lakhutshwa ngawo, ngokokuba kokuphi na okwenzeke kuqala.

(9) (a) Naliphi na ilungu leBhodi, igosa eligunyazisiweyo okanye igosa lasebupoliseni lisengasebenzisa nawaphi na amandla anokuthi afaneleke—

(i) ekoyiseni naluphi na uthintelo ekungeneni nophengululo lwamasango okanye nayiphi na inxenye yawo, kubandakanya nokwaphula naluphi na ucango okanye ifestile,

(ii) nasekuvuleni nayiphi na iseyifu, ityeya, ibhokisi, ipasile okanye nayiphi na into esisikhongozelo kuloo masango;

kodwa ke kuqondakale ukuba elo lungu leBhodi, okanye elo gosa ligunyazisiweyo okanye elo gosa lasebupoliseni liya kuthi licele ngokuvakalayo ukuvulelwa kuloo masango okanye licele ukuvulelwa eso sikhongozelo, kunjalo nje lichaze nokuba kungasizathu sini na lifuna ukungena apho nje okanye lifuna ukuvulelwa eso sikhongozelo.

(b) Io mqathango uhlonyelwe kumhlathi (a) awusayi kulandelwa kwimeko apho ilungu leBhodi elo okanye igosa eligunyazisiweyo elo okanye igosa lasebupoliseni elo linemihlaba yokukholelwa ukuba ngokokubona kwalo nayiphi na incwadi okanye uxwebhu okanye ebandakanyeka kolu phengululo luzelweyo ingahle itshatyalaliswe okanye isetyenzwe okanye isuswe, ukuba ngaba kuye kwaqalwa ngokugqala lo mqathango.

(10) Iphepha logunyaziso elikhutshwe phantsi kweli candela liya kusetyenziswa emini okanye ngokuhlwa ngamaxesha aya kuthi afaneleke kwiimeko ezo.

(11) Naliphi na ilungu leBhodi okanye igosa eligunyazisiweyo okanye igosa lasebupoliseni elisebenzisa iphepha logunyaziso phantsi kwemiqathango yeli candela liya kuthi ngokukhawuleza lizazise ngokukhawuleza kumntu ophethe amasango lawo, ukuba ngaba loo mntu ukhona, lize ke loo mntu limnike ikopi yephepha logunyaziso elo phambi kokuba liqhube umsebenzi lowo, kuze ke kuthi ukuba ngaba loo mntu akakho, lixhome loo kopi kwindawo esemboniselweni apho kuloo masango.

(12) Ukuba kuthe ekusetyenzisweni kwephepha logunyaziso okanye ekuqhutyweni kophengululo phantsi kwemiqathango yeli candelo, umntu uthi nayiphi na into ethe yafunyanwa apho kuloo masango ineenkcukacha ezingafanele kudizwa nakubani na, aze ke ale ukuba lwenziwe uhlo okanye ukuba ithathwe loo nto, ilungu leBhodi okany eigosa eligunyazisiweyo okanye igosa lasebupoliseni elisebenzisa elo phepha logunyaziso okanye liqhuba olo phengululo, liya kuthi ukuba ngaba linoluvo lokuba loo nto iqulathe iinkcukacha ezifanelekileyo okanye eziyimfuneko kwiinjongo zalo Mthetho, licele uMbhalisi (Registrar) weNkundla ePhakamileyo okanye ummeli wakhe ukuba ayithathe ayisuse loo nto aye kuyigcina kude kube lelo thuba iya kuthi inkundla yamatyala ikhuphe isigqibo malung anokuba ngaba ezo nkcukacha iziqulathileyo azifanelanga kudizwa ngenene na kuye nakubani na.

(13) Nawuphi na umntu othi—

(a) amthintele lo mntu ukhankanywe kwicandelwana (2) ekwenzeni kwakhe umsebenzi wakhe phantsi kwemiqathango yeli candela; okanye

(b) othi xa ecelwa ngokwaphantsi kwecandelwana (4) ukuba anikwe iinkcukacha ezithile okanye anike inkcazo malunga nomba othile afanele ukuba unolwazi ngawo okanye owalayo okanye osilelayo ukuzinika ezo nkcukacha okanye loo nkcazelo okanye othi anike iinkcukacha okanye inkcazelo ebubuxoki okanye elahlekisayo

Uya kuba netyala lokwenza isigqitho, kwaye kuya kuthi asakuba efunyaniswe enetyala agwetywe ifayini engadlulanga kumashumi amahlanu amawaka okanye agwetyelwe ukuvalelwa entolongweni isithuba esingadlulanga kwiminyaka emibini okanye azinikwe zozibini ezi zigwebo, ifayini nokuvalelwa entolongweni.

(14) Xa ilungu leBhodi okanye igosa eligunyazisiweyo okanye igosa lasebupoliseni lisenza nawuphi na umsebenzi phantsi kwemiqathango yecandelwana (4), lisenokukhatshwa lincediswe yitoliki.

Ungquzulwano lweenjongo nentembeko eluntwini

15. (1) Ilungu leBhodi le okanye umsebenzi weBhodi akasayi kwamkela nayiphi na into yexabiso iphazamisane nendlela awenza ngayo umsebenzi wakhe.

(2) Ilungu leBhodi le alisayi kufuna okanye alisayi kwamkela umsebenzi kumnini welayisenisi okanye kulowe ungumfaki-sicelo selayisenisi phantsi kwemiqathango yalo Mthetho ingadlulanga iminyaka emini emva kokuba siphelile isithuba sobulungu balo kule Bhodi; kodwa ke kuqondakale ukuba xa lithe naliphi na ilungu leBhodi le lenza isicelo sokuyeka ebulungwini, le minyaka ibisasele phambi kokuba sifike esiphelweni isithuba sobulungu balo iya kuthi ifakelwe kule minyaka ikhankanywe kulo mqathango.

Intlawulo nezithabathaba

16. Amalungu eBhodi le kunye naye nawuphi na omnye umntu othe wanikwa ubulungu bexeshana phantsi kwemiqathango yecandelo 10, baya kuthi bahlawulwe loo ntlawulo nezo zithabathaba zinokuthi zibekwe nguMphathiswa owongameleyo, ngemvumelwano nelungu leKhansile eLawulayo (uMphathiswa) osingathe ezemali.

Okungafanele kudizwa

17. (1) Akukho lungu lale Bhodi okanye msebenzi wayo, kubandakanya nayiphi na ingcali ethe yaqeshwa yiBhodi le, iya kuthi idize naziphi na iinkcukacha ezingafanelanga kudizwa abathe baba nolwazi ngazo ngenxa yokuba bethe banyulwa okanye baqeshwa kule Bhodi, ezimalunga neshishini okanye nemicimbi yomfaki-sicelo selayisenisi okanye yomnini welayisenisi, ngaphandle kwakwezi meko zichazwe kweli candela nakwicandelo 34(2)(a)(ii) no-(iii).

(2) Esi sithintelo singentla apha sokudiza okungafanelanga kudizwa asisayi kubhekisela kwezi meko:

(a) ukudiza okwenziwa phambi kwejaji ngokuphathelele kwityala eliza kuxoxwa;

(b) ukudiza okwenziwe ngokomyalelo wenkundla esegunyeni lokuzidizelwa ezo nkcukacha;

(c) ukudiza okunxulumene nongcakazo ngokubanzi nje kodwa kungabhekiselanga kwishishini okanye kwimicimbi yomfaki-sicelo selayisenisi okanye umnini welayisenisi othile;

(d) ukudiza kweenkcukacha okwenziwe kubaKhomishinara beMali yeSizwe okanye beeNtlawulo ngeempahla ezivela ngaphandle kweli nezeziveliswe kweli phambi kokuba zithengiswe.

(e) ukudiza okwenziwe kuMphathiswa owongameleyo, kunye

(f) nokudiza okwenziwe kuye nawuphi na umntu ozifuna ezi nkcukacha ngeenjongo zokufezekisa imisebenzi yakhe phantsi kwalo Mthetho.

Iintlanganiso zeBhodi

18. (1) (a) IBhodi le iya kuthi idibane izihlandlo ezine ubuncinane kunyaka ngamnye nangaloo mihla ithe yabekwa ngusihlalo kwezo ndawo nangaloo maxesha athe wawabeka.

(b) USihlalo weBhodi unakho ukuba athi nanini na abize intlanganiso eyodwa yeBhodi eya kuhlalwa ngelo xesha athe walibeka nakuloo ndawo athe wayibeka, kwaye usenokuthi ngesicelo esibhaliweyo esithe satyikitywa ngamalungu eBhodi angekho ngaphantsi kwesithathu abize intlanganiso eyodwa yeBhodi eya kuhlalwa zingadlulanga iiveki ezimbini emva kokuba esifumene isicelo eso, intlanganiso leyo eya kuhlalwa ngelo xesha athe walibeka nakuloo ndawo athe wayibeka.

(2) Inkqubo yentlanganiso yeBhodi le iya kuthi ibekwe ngusihlalo, apho kungekho ndlela ibekiweyo yokuqhutywa kweentlanganiso.

(3) Inani elinokuqhuba intlanganiso yeBhodi le ngokusesikweni liya kuba ngamalungu amahlanu.

(4) Nayiphi na intlanganiso yale Bhodi inokuthi imiswe, imiselwe elinye ixesha nenye indawo ngenxa yezo zizathu anokuthi azibone zifanelekile usihlalo.

(5) Isigqibo seBhodi le siya kuthi sithathwe sisininzi saloo malungu akhoyo kwintlanganiso leyo, kwaye ke xa kuye kwathi kwabakho ukulingana kweevoti kkuwo nawuphi na umba, usihlalo uya kuba nelungelo lokuvotela ukuchitha olo lingano, phezu kweli ahleli enalo kakade ilungelo lokuvota.

(6) Akukho sigqibo seBhodi siya kuthi singabi nakukwazi ukusebenza ngenxa yokuba kukho isithuba esingenamntu kwiBhodi le, okanye ngenxa yokuba kuthe kuloo ntlanganiso kwabakho umntu ongenalo ilungelo lokuvota njengelungu levoti xa kwakuthathwa eso sigqibo; kodwa ke kuqondakale ukuba eso sigqibo iya kuba sesithathwe ngesininzi esiyimfuneko saloo malungu eBhodi akhoyo entlanganisweni leyo, abe futhi engamalungu anelungelo lokuhlala njengamalungu eBhodi le.

(7) Ngaphandle kwakwezi meko zichazwe kwicandelwana (8), zonke iintlanganiso zeBhodi le ziya kuvuleleka kuluntu lonke; kodwa ke kuqondakale ukuba usihlalo usenokunika umyalelo wokuba umntu othile ambona engafanelekanga ukuba angakhona kuloo ntlanganiso ngokwezakhe iimbono, makangavunyewa ukuba abekhona kuloo ntlanganiso.

(8) IBhodi le isenokuba nazo iintlanganiso ezingavulelekanga kuluntu lonke eziphathelele kule miba ilandelayo:

(a) uphando malunga neenkcukacha ezingafanelanga wonke umntu malunga naye nawuphi na umntu ofake isicelo selayisenisi;

(b) xa kunokuthi kanti kukho okanye kuthiwa kukho ulwaphulo-mthetho olukhoyo, nokuba ngaba ezo ntlanganiso zilolo hlobo zihlalwa kkunye namagosa ongcakazo amanye amaphondo okanye amazwana okanye amazwe, okanye noMtshutshisi-Jikelele (Attorney-General) okanye namalungu eeNkonzo zobuPolisa zaseMzantsi Afrika okanye neminye imibutho yamapolisa okanye yeenkonzo zobupolisa okanye naye nawuphi na umgunyaziswa woqinisekiso lokuthotyelwa komthetho;

(c) naxa kuqwalaselwa nasiphi na isicelo okanye kuboniswana ngokuxoxwa kwetyala okanye ngokwenziwa kwalo naluphi na uphando.

Imizuzu

19. (1) Iingxoxo zeBhodi le ziya kubhalwa ngolo hlobo anokuthi alubeke usihlalo.

(2) Imizuzu yeentlanganiso zeBhodi ezite zahlalwa esidlangalaleni iya kuthi igcine, kunjalo nje iya kuhlala kwiofisi zeBhodi le.

(3) Nabani na ofunayo ukuyibona le mizuzu ikhankanywe kwicandelwana (2) angayibona, asakuba ehlawule loo ntlawulo iya kuthi imana ukubekwa yiBhodi.

(4) Imizuzu eyodwa yeentlanganiso ezingavulelekanga kuluntu lonke nayo iya kuthi igcinwe kwangolu hlobo.

(5) Imizuzu yayo nayiphi na intlanganiso eyayingavulelekanga kuluntu lonke, kunye nalo naluphi na uxwebhu oluqulathe ingcebiso, ingxelo, uluvo oluvakalisiweyo okanye isindululo esenziweyo yiBhodi okanye esenzelwe iBhodi ngokuphathelele kuyo nayiphi na into eyathi yenziwa kuloo ntlanganiso, azisayi kudizwa ngaphandle kwakwabo bantu nakwezo meko zichazwa kwicandelo 17(2).

Iimali zeBhodi

20. (1) Iimali zeBhodi le ziya kuba zezi—

(a) imali eyabelwe iBhodi yiPalamente yePhondo;

(b) nasiphi isixa-mali esihlawulwe iBhodi le phantsi kwalo Mthetho;

(c) naziphi na iifayini ezithe zabekwa phantsi kwemiqathango ekhankanywe kwicandelo 82, kunye

(d) nayo nayiphi na enye imali ethe yahlawulwa ngokusemthethweni kwiBhodi le okanye yokuba ibe luncedo kwiBhodi le.

(2) IBhodi le iya kuthi ngaloo mhla uye wabekwa nguMphathiswa owongameleyo kunyaka ngamnye ingenise uhlahlo-mali lonyaka olandelayo kuMphathiswa owongameleyo ukuze lwamkelwe nguMphathiswa lowo ngemvumelwano noMphathiswa owongamele ezemali.

(3) IBhodi isenokuthi ngawo nawuphi na unyaka-mali yenze izicelo kuMphathiswa owongameleyo zokuba yongezwe imali; imali leyo eya kuthi ibandakanywe kuhlahlo-mali oluhlaziyiweyo, njengoko luchazwa kwinkcazo-magama ekwicandelo 1 loMthetho oyi*Western Cape Exchequer Law, 1994* (uMthetho 4 ka-1994).

(4) Nayiphi na imali yeBhodi ethe yadlula kuhlahlo-mali lonyaka othile lulonke ngaphezulu kwe-10% iya kuthi iye kuhlawulwa kwiNgxowa yeMali yePhondo (Provincial Revenue Fund; kodwa ke kuqondakale ukuba yonke imali yeBhodi le ethe yaba yintsalela kwimali ebithe yayifumana ngokwecandelwana (1)(a), iya kuthi zingaphelanga iinyanga ezintandathu uphelile loo nyaka-mali ibiyifumene kuwo, iye kuhlawulwa kwiNgxowa yeMali yePhondo.

Uxanduva lokuphendula

21. (1) Ihamba ngokwemiqathango yalo Mthetho iBhodi le iya kwenza ingxelo kwiPalamente yePhondo ngezinto ezenzekayo kuyo nangemicimbi yemali yayo.

(2) IGosa eliLawulayo eliyiNtloko liya kuqinisekisa ukuba ezo ngxelo kunye namanye amarekhodi aya kugciwa ngohlobo oluya kba yimfuneko ekuboniseni ngokunyanisekileyo imeko ekuyiy nezinto ezenzekayo kwiBhodi le nasekucaciseni okwenzekileyo nemeko ekuyiyo ngokwasezimalini.

(3) Unyaka-mali wale Bhodi iya kuba sisithuba esisukela kumhla wokuqala Epreli ukuya kumhla wama-31 Matshi wonyaka olandelayo.

(4) Kunyaka-mali ngamnye iBhodi kuqinisekisa ukuba kuqulunqwa iinkcazo zemali zonyaka, ize kc ithi zisakuba zenziwe uhlolo-zincwadi ezo nkcazo zemali zonyaka ngokwemiqathango yalo Mthetho ingenise iikopi zezo nkcazo zemali zonyaka kuMphathiswa owongameleyo zingaphelang aiinyanga ezintandathu emva kokuba uphelile unyakamali, ize ke kananjalo ingenise ikopi yezo nkcazo zemali zonyaka kuMlawuli-Jikelele ((Director-General) woLawulo lwePhondo leNtshona Koloni, ekukho kuzo ingcaciso ebhaliweyo ngeemali eziye zafunyanwa yiBhodi le ngokwemiqathango yecandelo 20(1)(a) nangendlela ezithe zasetyenziswa ngayo ngokwayo nayiphi na imiqathango ebithe yabekwa nguloo Mlawuli-Jikelele.

(5) Ezi nkcazo zemali zonyaka zikhankanywe kwicandelwana (4) ziya kuba noku kulandelayo—

(a) uxwebhu lomncono olubonakalisa imeko ekuyiyo kwiBhodi le;

(b) inkcazo ngengeniso;

(c) inkcazo ngendlela ebambe ngayo imali;

(d) iingcaciswana ngeenkcazo zemali, kunye

(e) nengxelo nale ngxelo yamalungu eBhodi ikhankanywe kwicandelwana (10).

(6) Iinkcazo zemali zonyaka ziya kuhamba nengxelo yabaphengululi-zincwadi.

(7) Ezi nkcazo zemali zonyaka zikhankanywe kwicandelwana (4) ziya kuthi, zihamba ngokwezikhokelo zenkqubo yohlolo-zincwadi evunywe ngokubanzi, zibonakalise ngokugqibeleleyo imeko ekuyiyo kwiBhodi le nezinto ezenzileyo kwakunye nemeko ekuyiyo ngakwezemali ekupheleni konyaka-mali lowo wenzelwa ingxelo, kwaye ke kuloo nto ziya kuthi zibandakanye nemiba ebekwa kwiShedyuli 4 yoMthetho oyi*Companies Act* ka-1973, apho kufanelekileyo.

(8) Iinkcazo zemali zonyaka zeBhodi le ziya kuthi ngokusebenzisa amanani kwakunye neenkcazelo zicacise nayiphi na eminye imiba neenkcukacha eziphathelele kwimicimbi yeBhodi le.

(9) UMphathiswa owongameleyo uya kuthi andlale ezi nkcazo zemali zonyaka zikhankanywe kwicandelwana (4) kwiPalamente yePhondo zingaphelanga iintsuku ezilishumi elinesine emva kokuba ezifumene yena ukuba ngaba iPalamente yePhondo ihleli, kuze ke kuthi ukuba ayihlalanga, zingaphelanga iintsuku ezilishumi elinesine emva kokuba iqalisile ukuphinda ihlale.

(10) Amalungu eBhodi le aya kuthi, njengenxenye yeenkcazo zemali zonyaka, angenise kuMphathiswa owongameleyo ingxelo malunga nemeko ekuyiyo, ngezinto ezenzileyo nangemeko yekuyiyo ngokwasezimalini apha eBhodini, nangokuba ihambe umhlaba ongakanani na ekufezekiseni iinjongo zayo ebiye yajolisa kuzo, kwaye ke kananjalo iya kuthi—

(a) ichaze imisebenzi neenjongo zeBhodi njengoko zibekwa ngumthetho nangenye indlela;

(b) ibandakanye nazo zonke iinkcukacha eziphathelele kwizinto ezenzileyo malunga nezinto ezintsha ezenzekileyo kwezongcakazo, iinguqu kwimigaqo-nkqubo yeBhodi, imeko ekuyiyo kushishino longcakazo kwiPhondo eli, amatyala aphambili athe axoxwa yiBhodi kwakunye namanyathelo oluleko athe athatyathwa, namalunga nayo nayiphi na eminye imiba ebalulekileyo ayibona ifanelekile amalungu eBhodi ukuba mayikhankanywe ukuze icaciseke ngakumbi imisebenzi yeBhodi nezinto ezenzileyo;

(c) ibonakalise isixa-mali ukuba sikhona, ethe yasifumana kwiPhondo eli; kwaye

(d) inike neenkcukacha ngaso nasiphi na isiyunguma esithe sabakhona phakathi kwesi sithuba sokuphela konyaka-mali nalo mhla wengxelo yayo.

(11) Iiakhawunti zeBhodi le ziya kuthi zihlolwe nguMhlolizincwadi-Jikelele.

Ulawulo lokubeka iliso nokunyulwa komgcini

22. (1) Ukuba kunokuthi, ngenxa yokutshitshiswa, ukumiswa okwexeshana okanye ukushiywa kwayo nayiphi na ilayisenisi ekhankanywa kwicandelo 27(a), (b), (d) no-(i), okanye ngenxa yalo naluphi na uphando okanye imibuzo eyenziwayo ngokuphathelele kulo Mthetho, iBhodi ibone kufanelekile ngokolwayo uluvo ukuba yenze njalo, isenokuthi ingakhange ibe imnike inothisi umnini welayisenisi lowo uchaphazelekayo, ifake isicelo kwiNkundla ePhakamileyo yeCandelo lePhond leKoloni (Cape Provincial Division of the Supreme Court) sokuba makunyulwe umgcini wokuqhuba ulawulo lwenxenye yeshishini okanye lwalo lonke ishishini lomnini welayisenisi.

(2) Xa kuthe kwafakwa esi sicelo sikhankanywa kwicandelwana (1), inkundla inokuthi—

(a) ibe inyula umgcini wokuqhuba ulawulo lwalo lonke ishishini okanye inxenye yeshishini lomnini lowo okwexeshana phantsi kwaloo miqathango iyibona ifanelekile neso sithuba, kwaye

(b) ngaxesha nye ikhuphe nomthetho wexeshana wokuba umnini welayisenisi lowo makanike isizathu ngaloo mhla uthe wabekwa sokuba kutheni na ukunyulwa komgcini kungenakuqinisekiswa njengokusisigxina.

(3) Asakuba umnini welayisenisi efake isicelo, inkundla inokuthi iwuqikelele umhla wokuphendulwa kwaso, ukuba ngaba inothisi leyo iyinikiweyo iBhdi asiyoyesithuba esingaphantsi kweeyure ezingamashumi amane anesibhozo.

(4) Ukuba ekuxoxweni kwalo mthetho wexeshana inkundla iye yaneliseka kukuba yenze njalo, ingathi ikuqinisekise njengokusisigxina ukubekwa komgcini lowo.

(5) Umgcini lowo uya kusebenza phantsi kolawulo lwenkundla, kwaye usenokuthi afake isicelo kwinkundla leyo malunga nayo nayiphi na imiyalelo enxulumene nolawulo lweshishini lomnini welayisenisi lowo.

(6) Umgcini uya kuthi anike iBhodi ezo nkcukacha inokuthi imana ukuzifuna kuye malunga nemicimbi yomnini welayisenisi lowo, kwaye ke uya kuthi ayinike inothisi iBhodi le ngaso nasiphi na isicelo aceba ukuya kusifaka enkundleni ngokwakwicandelwana (5).

(7) Umnini welayisenisi unelungelo lokuba azithethele ngokwakhe okanye athethelwe ngummeli kuso nasiphi na isicelo eseniwe ngumgcini ngokwecandelwana (5), kwaye ke naye ngokwakhe unakho ukuba angafaka isicelo kwinkundla ngokuphathelele kulawulo lweshishini eli.

(8) Umgcini unelungelo lokuba afumane umvuzo ohlawulwa ngeemali ezingeniswa lishishini eli.

(9) Inkundla isenokuthi nanini na ikutshitshise ukumiselwa komgcini, phantsi kwesizathu esivakalayo.

ISAHLUKO III: UKUXOXWA KWAMATYALA, UPHANDO NEMIBUZO

Amagunya nenkqubo

23. (1) IBhodi isenokuqhuba okanye isenokuyalela ukuba makuqhutywe—

(a) iingxoxo zamatyala, uphando okanye imibuzo ngokuphathelele—

(i) kwisicelo selayisenisi esenziwe phantsi kwalo Mthetho,

(ii) nasekutshitshisweni okanye ekumiseni okwethutyana kwelayisenisi ekhutshwe Phantsi kwalo Mthetho;

(b) uphando okanye imibuzo ngokuphathelele kwintelekelelo, kwisimo, kwigama, kwisimo sangaphambili, kwizimbo, kwazibandakanya nabo, kwimeko yezemali nakwisakhono, kumatyala olwaphulo-mthetho angaphambili, kulwazi, kumava nasekufanelekeni—

(i) kwakhe nawuphi na umfaki wesicelo selayisenisi;

(ii) kwakhe nawuphi na umntu onochaphazeleko ngokwasezimalini kwilayisenisi ethe yakhutshwa phantsi kwalo Mthetho okanye kuyo nayiphi na into yongcakazo eyenziwayo okanye ishishini

(iii) nokwakhe nawuphi na umntu ongumnini welayisenisi,

xa ngaba inoluvo lokuba oko kuyimfuneko ngesizathu sokukhusela impilo yoluntu, esokhuseleko, esentsulungeko okanye es ocwangco okanye esokufezekisa iinjongo zalo Mthetho.

(2) IBhodi le iya kuthi ihamba ngokwenkqubo emiselweyo, iqhube ingxoxo malunga nesicelo selayisenisi ekhankanywe kwicandelo 27(a), (b) no-(d), okanye apho nayiphi na ilayisenisi iza kutshitshiswa, koko ke kuthathelwe ingqalelo yecandelo 42(3)(b), xa ilayisenisi iza kukhe imiswe okwexeshana.

(3) Inkqubo eya kulandelwa ekuqhutyweni kwayo nayiphi na ingxoxo, uphando okanye imibuzo ngokwecandelwana (1)(a) naluphina uphando okanye imibuzo phantsi kwemiqathango yecandelwana (1)(b), iya kuthi imiselwe.

(4) Umntu ochophele ingxoxo okanye oqhuba uphando uya kuthi agcine okanye aqinisekise ukuba kugcinwa irekhodi lenkqubo yaloo ngxoxo okanye yolo phando kwakunye nobungqina obuthe banikwa kuyo.

(5) Kuyo nayiphi na ingxoxo emalunga nesicelo selayisenisi phantsi kwalo Mthetho, loo mntu wenza isicelo saloo layisenisi uya kuthi abe nelungelo lokuvela phambi kweBhodi le nelokubiza amangqina okuza kuxhasa isicelo okanye isichaso nelokuba afakeimibuzo kulo naliphi na ingqina.

Imibuzo ngothotyelo

24. (1) Ekufezekiseni kwayo iinjongo zalo Mthetho iBhodi le isenokuthi iyalele ukuba kuqhutywe imibuzo—

(a) malunga notyeshelo okanye notyeshelo ekuthiwa lwenzekile okanye malunga nosilelo okanye nosilelo ekuthiwa lwenzekile ekuthotyelweni kwayo nayiphi na imiqathango yalo Mthetho okanye yelayisenisi;

(b) ngeenjongo zokufumanisa ukuba ngaba nawo nawuphi na umqathango walo Mthetho uyamchaphazela na nawuphi na umntu;

(c) malunga nemicimbi okanye nesimo sakhe nawuphi na umntu ongumnini welayisenisi.

(2) IBhodi le iya kuthi iya kuthi inyule eliya gosa ligunyazisiweyo likhankanywe kwicandelo 14(2)(b) ukuba liqhube olu phando lukhankanye kwicandelwana (1).

(3) (a) Igosa eligunyazisiweyo eliqhuba imibuzo ngokwemiqathango yeli candela liya kuthi liqulunqe lingenise ingxelo epheleleyo kwiGosa eliLawulayo eliyiNtloko ngaloo mibuzo liyiqhubileyo.

(b) IGosa eliLawulayo eliyiNtloko liya kuthi liyidlulisele eBhodini le loo ngxelo, ihamba kunye nezindululo zalo.

(4) IBhodi ke isenokuthi isakuba iyiqwalasele le ngxelo ikhankanywa kwicandelwana (3)(b) kunye nezindululo zeGosa eliLawulayo eliyiNtloko, iqhube ingxoxo ngokwemiqathango yecandelo 23(1), kwaye ke isenokuthi, nakubeni kukho imiqathango yecandelo 42(3)(b), ingakhange ikhuphe nothisi iyimise okwethutyana loo layisenisi ichaphazelekayo kude kuye kwabakho isiphumo kwiingxoxo leyo.

(5) Le iqathango yeli candelo ayisayi kuma ngaphambili kumagunya aso nasiphi na isiphathamandla okusungula nalo naluphi na uphando okanye okutshutshisa ngalo naluphi na utyeshelo lothotyelo okanye usilelo ekuthiwa lwenzekile ekuthotyelwni kwawo nawuphi na umqathango walo Mthetho.

Amangqina nobungqina

25. (1) Kuyo nayo nayiphi na ingxoxo okanye kulo nalo naluphi na uphando, iBhodi le isenokuthi ngento ebhaliweyo ibize nawuphi na umntu okwaziyo okanye onokukwazi ukuba anike iinkcukacha malunga nomba othile—

(a) aze kunika ubungqina, okanye

(b) akhuphe nayo nayiphi na incwadi, uxwebhu okanye nantoni na ekhoyo kuye okanye ephantsi kolawulo lwakhe nephathelele okanye enokuthi iphathelele kumcimbi oqwalaselwayo kwingxoxo leyo okanye kuphando olo.

(2) Ukuthotyelwa kolu xanduva lokukhupha incwadi, uxwebhu okanye into ngokweli candelwana landulela ngentla apha, akusayi kulithatha ilungelo ilungelo lakhe nawuphi na umntu otyalwayo lokuba ayibange loo ncwadi okanye olo xwebhu okanye loo nto njengento anokuyibamba endaweni yentlawulo yoko kutyalwayo.

(3) Umntu ofumene isamani ngokwemiqathango yecandelwana (1) uya kuthi eze ngokwakhe aze kuvela phambi kweBhodi le ngaloo mhlanangelo xesha nakulo ndawo ithe yakhankanywa kwisamani leyo; kodwa ke kuqondakale ukuba, ukuba ngaba loo mntu akanakuze akwazi ukuza kuvela, nawuphi na umntu onokukwazi ngokwasemthethweni ukuba aze kummela okanye nawuphi na umntu othe wagunyaziswa yiBhodi le ukuba enze njalo, angeza kuvela endaweni yalowo ufumene isamani, kodwa engakwazi ukuza kuvela.

(4) Wonke umntu othe wakhutshelwa isamani ngokwecandelwana (1) uya kuthi anyanzeleke ukuba ayithobele loo samani, kwaye nawuphi na umntu othi ngoku athe wakhutshelwa isamani embizela engxoxweni okanye kuphando olwenziwa yiBhodi le asilele kungekho sizathu sivakalayo, ukuza ngokwakhe okanye ukuthumela ummeli, njengoko kuchazwa kwicandelwana (3), kule ndawo ichazwe kwisamani ngeli xesha libekiweyo kwisamani okanye othi asilele ekuhlaleni engxoweni kude kube lelo xesha athe wakhululelwa ngusihlalo ukuba angahamba, uya kuthi abe nobutyala bolwaphulo-mthetho.

(5) Imiqathango ebekwa kwicandelwana (2) nakwicandelwana (3) iya kuthi isebenze kuyo nayiphi na inkampani, umbutho okanye iziko,inazo ke phofu iinguqulelwana enazo eziyimfuneko.

(6) IBhodi le isenokuthi ifune ukuba nawuphi na umntu onika ubungqina kwingxoxo okanye kupando ukuba anike ubungqina ngokubufungela okanye ngoqinisekiso, kwaye ilungu leBhodi elongameleyo linokuthi likuqhube oko kufunga okanye oko kwenziwa koqinisekiso ngumntu lowo.

(7) Umthetho ophathele kumalungelo omntu okhupha incwadi, uxwebhu okanye phambi kwenkundla yomthetho uya kuthi usebenze kuhlolo lwaloo mntu, okanye lwaloo ncwadi okanye lolo xwebhu okanye lwaloo nto kwingxoxo okanye kuphando oluvulelekileyo eluntwini.

(8) Nawuphi na umntu unokulindeleka ukuba phendule nayiphi na imibuzo ayibuzwayo kwingxoxo okanye kuphando olungavulelekanga eluntwini, nakubeni impendulo leyo isenokuthi imtshise ngamalahle, kodwa ke impendulo leyo ayinakuthi kamva isetyenziselwe ukumbophelela umntu lowo kwinkundla yomthetho, ngaphandle kwakwisityholo esibandakanya nokunikwa kobungqina bobuxoki.

(9) Nawuphi na umntu ovela phambi kweBhodi le kwingxoxo okanye kuphando, nokuba nguye umtyholwa okanye ulingqina, uya kuba selungelweni lokuba amelwe ligqwetha lakhe.

(10) (a) Nawuphi na umntu othe wakhutshelwa isamani ngokweli candela okanye othe wanika ubungqina engxoxweni okanye kuphando uya kuthi abe nelungelo lokufumana loo ntlawulo ebeya kuthi ayifumane ukuba ngaba ebethe wafumana isamani yokuya kunika ubungqina kwingxoxo yamatyala embambano kwinkundla kamantyi kuloo ndawo beluqhutyelwa kuyo uphando.

(b) Naziphi na iintlawulo ekunokuthi kufanelcke ukuba zihlawulwe ngokomhlathi (a) ziya kuphuma kwingxowa yemali yeBhodi le.

ISAHLUKO IV: UKUNIKEZELWA KWEELAYISENISI NOLWAMKELO

Ilungelo lokuqhuba ungcakazo

26. (1) Ukunikezelwa kwayo nayiphi na ilayisenisi phantsi kwalo Mthetho kuxhomekeke kwimiqathango yecandelo 2(2).

(2) Amalungelo nemisebenzi ephathelele kuyo nayiphi na ilayisenisi ziya kuchazwa kulo Mthetho nakwimigaqo.

Iindidi zeelayisenisi

27. Iilayisenisi eziphantsi kwalo Mthetho iya kuba zezi:

(a) iilayisenisi zokuqhuba ikhasino;

(b) iilayisenisi zabanini bemitshini yongcakazo ezisikelwe imida

(c) iilayisenisi zamasango emitshini yongcakazo ezisikelwe imida;

(d) iilayisenisi zebhingo;

(e) iilayisenisi zabaququzeleli abangabameli;

(f) iilayisenisi zabavelisi;

(g) iilayisenisi zabahambisi;

(h) iilayisenisi zamabala emidyarho yamahashe;

(i) iilayisenisi zemitshini yemali yababheji;

(j) iilayisenisi zamasango emitshini yemali yababheji;

(k) iilayisenisi zababhejisi;

(l) iilayisenisi zokuba ngabasebenzi abaphambili;

(m) iilayisenisi zokuba ngabasebenzi bongcakazo.

Ufaneleko ekunikweni ilayisenisi

28. Ukuze abe ufanelekile ukuba anganikwa ilayisenisi—

(a) umntu, ongeyiyo inkampani okanye iqumrhu, uya kuthi

(i) abe ngumntu ofanelekileyo osimo sakhe, nontelekelelo yakhe, nontembeko yakhe, nosimo sakhe sangaphambili, nogama lakhe, nozimbo zakhe nabo azibandakanya nabo ziya kuba zizinto ezingayibeki emngciphekweni impilo, ukhuseleko, ucwangco nentlalontle yabantu beli Phondo nemiqathango nemigaqo-nkqubo yalo Mthetho;

(ii) abe ngumntu ome kakuhle ngokwasezimalini nonazo ngokwaneleyo iintsiba zokuqhuba nokulondoloza ezi zinto ikhutshelwe zona ilayisenisi yakhe;

(iii) kwimeko yeclayisenisi ezikhankanywe kwicandelo 27 (a) ukuya kutsho ku-(k), abe ngumntu owafincileyo amashumi amabini ananye eminyaka ubudala, kwaye ke kwimeko yelayisenisi ekhankanywe ku-27(l) no (m) abe ulifincile ishumi elinesibhozo leminyaka ubudala, ngalo mhla wokuqwalaselwa kwesicelo sakhe selayisenisi yiBhodi, kunjalo nje

(iv) angabi ngumntu ongafanelekanga ngokwalo Mthetho.

(b) inkampani iya kuthi---

(i) ibe ibhalisiwe phantsi kwemithetho efanelekileyo yeRiphablikhi le, kunjalo nje ibe neofisi okanye nendawo eliqhubela kuyo ishishini apha ngaphakathi kwiPhondo eli, kwaye

(ii) iwuthobele umhlathi (a)(i), (ii) no-(iv), ngokweenguqulelo ezinokuthi zibekhona.

(c) iqumrhu, elingeyiyo inkampani, liya kuthi l iwuthobele umhlathi (a)(i), (ii) no-(iv), ngokweenguqulelo ezinokuthi zibekhona.

Ukungafaneleki ekunikweni kweelayisenisi

29. Aba bantu balandelayo okanye ezi zigqeba zilandelayo azisayi kufaneleka ekubeni zigcine okanye zifumane okanye zinikwe ilayisenisi:

(a) umntu otshonc cmatyaleni okanye naliphi na iqumrhu elikwimeko yokusongwa okanye eliphantsi kolawulo lwabomthetho;

(b) abanezikhundla kwezopolitiko;

(c) nawuphi na umntu onokuzalana anako noMphathiswa owongamcleyo okanyenelungu leBhodi le okufika kwiqondo lesibini losondelelwano okanye kwiqondo lesithathu lozalano ngokwegazi.

(d) nasiphi na isigqeba esimiselwe ngokomthetho okanye nawuphi na umntu okhe wafunyaniswa enetyala apha kwiRiphablikhi okanye kwenye indawo kwisityholo esibandakanya ukunganyaniseki, ngaphandle kokuba iBhodi le ifikelele kwisigqibo sokuba elo tyala ngokohlobo olo lwalo asilotyala linokuthetha ukuba lowo mntu ngumntu ongenakukwazi ukuba abe nayo loo layisenisi ichaphazelekayo;

(e) umlingane womntu okhankanywe kule mihlathi yandulelayo;

(f) nasiphi na isigqeba esisemthethweni apho uRhulumente okanye nasiphi na isigqeba okanye nawuphi na umbutho abandakanyekayo kuwo uRhulumente, asisayi kuba nachaphazeleko ngokwasezimalini kuyo nayiphi na into yongcakazo; kuqondakale ke kambe ukuba, kwelo xesha lithe labekwa kuMthetho weSizwe ophathelele kungcakazo, le miqathango ayisayi kusebenza ngokuphathelele kuchaphazeleko ngokwasezimalini lukaRhulumente okanye lwaso nasiphi na isigqeba okanye lwawo nawuphi na umbutho abandakanyekayo kuwo uRhulumente, ngexesha lokuqalisa kwaloo Mthetho;

(g) naye nawuphi na umntu ongafanelekanga ngokwemiqathango yecandelo 28.

Ukungafaneleki kwabantu abanochaphazeleko olungathanga ngqo

30. Ukuba umntu ongafanelekanga phantsi kwecandelo 29—

(a) unochaphazeleko ngokwasezimalini oluthe ngqo okanye olungathanga ngqo lwe-5% okanye ngaphezulu kwinkampani okanye kwinkampanana encinane okanye kwelinye nje iqumrhu okanye onawoamandla, ngokokubona kweBhodi okuba akwazi ukuba nempembelelo enkulu kwishishini longcakazo laloo nkampani okanye laloo nkampanana incinane okanye lelinye iqumrhu;

(b) ungumlawuli okanye igosa lenkampani;

(c) ulilungu lenkampanana encinane, okanye

(d) ulihlakani kubuhlakani okanye ungutrasti wetrasti,

loo nkampani, okanye loo nkampanana incinane okanye elo qumrhu okanye obo buhlakani okanye loo trasti nayo ayisayi kufaneleka ekugcineni okanye ekufumaneni okanye ekunikweni ilayisenisi; kambe ke kuqondakale ukuba iBhodi le inokuthi ngokokubona kwayo isivume isicelo selayisenisi okanye imvumele umnini welayisenisi ukuba agcine loo layisenisi nakubeni kukho le miqathango yeli candela.

Abafaki-zicelo

31. Nawuphi na umntu ongafanelekanga ngokwemiqathango yalo Mthetho angasifaka isicelo selayisenisi phantsi kwalo Mthetho; kodwa ke kuqondakale ukuba—

(a) nawuphi na umntu osicelo sakhe sithe sakhatywa ngenxa yokuba umfaki-sicelo lowo engafanelekanga; akasayi kusifaka isicelo selayisenisi zingaphelanga iinyanga ezilishumi elinesibini emva komhla woko kukhatywa okanye woko kutshitshiswa, kwaye

(b) nawuphi na umntu—

(i) osicelo sakhe siye sakhatywa ngaphezu kwesihlandlo esinye ngenxa yokuba umfaki-sicelo lowo engafanelekanga, okanye

(ii) olayisenisi yakhe iye yatshitshiswa phantsi kwalo Mthetho,

akasayi kuphinda afake esinye isicelo selayisenisi ingaphelanga iminyaka emithathu emva komhla wokugqibela woko kukukhatywa okanye woko kutshitshiswa.

Izicelo zeelayisenisi

32. (1) Nasiphi na isicelo sokunikwa okanye sokuvuselelwa kwelayisenisi siya kuthi—

(a) sifakwe kwiGosa eliLawulayo eliyiNtloko ngokwendlela nangefomu exeliweyo;

(b) sihambe nezo mpepha kunye nezo nkcukacha zixeliweyo kunye nentlawulo yokwenza isicelo okanye nentlawulo yelayisenisi yonyaka njengoko ikhankanywa kumhlathi 1 nomhlathi 2 weShedyuli II, intlawulo leyo angasayi kuyibuyiselwa; kwaye

(c) asisayi kuba sesisemthethweni xa sithe sangafezekisi nakuphi na koku kukhankanywe ngentla.

(2) Lisakuba lisifumene nasiphi na isicelo esisemthethweni sokunikwa ilayisenisi engeyiyo ilayisenisi yomsebenzi ophambili okanye ilayisenisi yomsebenzi wongcakazo, iGosa eliLawulayo eliyiNtloko liya kuthi ngefomu ebekiweyo—

(a) liyalele ukuba isicelo eso masibhengezwe ngokwaloo ndlela ibekiweyo, kwaye

(b) lizidlulisele iinkcukacha ezibekiweyo kuloo maqela achaphazelekayo axeliweyo kubandakanywa nomasipala lowo iza kuba kwingingqi ephantsi kolawulo lwakhe into leyo yenzelwa isicelo eso.

(3) Kuya kuba luxanduva lomfaki-sicelo ukuhlawula iGosa eliLawulayo eliyiNtloko nazo naziphi na iindleko ezifanelekileyo ekuthe kwangenwa kuzo ngokuphathelele ekushicilelweni nasekuhambiseni nayo nayiphi na inothisi ekhankanywe kwicandelwana (1).

(4) Ngokwakweli candela isicelo sibandakanya nesicelo sophuhliso, apho kufanelekileyo oko.

Izichaso novakaliso lwezimvo

33. (1) Nasiphi na isigqeba naye nawuphi na umntu onqwenela ukuchasa nasiphi na isicelo selayisenisi esenziwe phantsi kwalo Mthetho okanye onqwenela ukuvakalisa uluvo ngaso, angakwenza oko ngokuthi anike iBhodi le inothisi ebhaliweyo achaze nemihlaba asichasela phezu kwayo okanye aluvakalisela phezu kwayo olo luvo, ekwenza oko ngendlela ebekiweyo.

(2) IBhodi le ke inokuthi—

(a) nanini na ngesizathu esivakalayo ikuxolele ukungahambi ngokweemfuno zecandelwana (1), kunye

(b) kananjalo ngokokubona kwayo inike ingqwalasela kuwo nawuphi na umba okanye into enokuthi, ngokolwayo uluvo, ikwenze kungafaneleki ukunikwa kwelayisenisi leyo.

Uxanduva lokuhlawula iindleko zophando nemibuzo

34. (1) Nawuphi na umntu ofaka isicelo phantsi kwalo Mthetho, naye nawuphi na umnini welayisenisi ophantsi kophando okanye kwemibuzo phantsi kwalo Mthetho uya kuba noxanduva lokuhlawula iBhodi le zonke iindleko ekungenwe kuzo yiBhodi le okanye egameni layo ekuqhubeni uphando olo okanye imibuzo leyo ngokwalapha kulo Mthetho.

(2) Ngokufaka isicelo selayisenisi umfaki-sicelo uyavuma—

(a) ukuba iBhodi le okanye ilungu layo okanye igosa eligunyazisiweyo lingathi—

(i) liqhube naluphi na uphando okanye imibuzo malunga nentelekelelo, isimo, igama, isimo sangaphambili, izimbo, azibandakanya nabo, imeko yakhe ngokwasezimalini nolwazi, amarekhodi amatyala olwaphulo-mthetho, isakhono, amava nokufaneleka—

(aa) komfaki-sicelo okanye somnini welayisenisi, ukuba ilayisenisi leyo sele ikhutshiwe;

(bb) kwakhe nawuphi na umlawuli, igosa, umnini-zabelo okanye ihlakani, ukuba ngaba umfaki wesicelo lowo yinkampani, iqhumrhu okanye ubuhlakani, kunye

(cc) nokwakhe nawuphi na umntu ochaphazeleka ngokuthe ngqo okanye ngokungathanga ngqo, kwimicimbi yakhe nawuphi na umfaki-sicelo okanye womnini welayisenisi, ngaba ilayisenisi leyo sele ikhutshiwe;

(ii) lidize naluphi na uxwebhu okanye iinkcukacha ezifakwe njengenxenye nesicelo okanye kunye nesicelo kuye nawuphi na umntu malunga nophando olo okanye nemibuzo leyo, kwaye,

(iii) lifumane okanye lidize kuye nawuphi na umgunyaziswa woqinisekiso lokuthotyelwa komthetho okanye wolawulo okanye kuso nasiphi na isigqeba naphi na apha emhlabeni, iinkcukacha zomfaki-sicelo okanye eziphathelele kumfaki-sicelo ngeenjongo zalo naluphi na uphando okanye imibuzo,

(b) nokuba athwale uxanduva lokuhlawula zonke iindleko ezifanelekileyo ekungenwe kuzo yiBhodi le okanye egameni layo malunga nalo naluphi na uphando okanye imibuzo.

Uqwalaselo lwezicelo zeelayisenisi

35. (1) Zonke izicelo zeelayisenisi ziya kuthi ziqwalaselwe ziqukunjelwe ngendlela iselweyo nangokweenkqubo ezimiselweyo.

(2) IBhodi isenokuqhuba okanye isenokuyalela ukuba kuqhutywe naluphi na uphando okanye nayiphi na imibuzo egunyaziswayo ngulo Mthetho ngokuphathelele kwizicelo.

(3) IBhodi le ayisayi kusamkela isicelo sayo nayiphi na ilayisenisi ekhankanywe kwicandelo 27(a),(b),(d), (i) okanye (k)—

(a) ngaphandle kokuba yanelisekile ukuba—

(i) imali yokuqhuba eli shishini lenzelwa isicelo selayisenisi ikhutshwa ngumntu onegama okanye sisigqeba okanye iziko elinegama;

(ii) amasango ekuza kuqhutyelwa kuwo afanelekile okanye aya kuthi afaneleke asakuba egqityiwe ukuba asetyenziselwe le nto ifunelwa ilayisenisi leyo;

(iii) ulwakhiwo olo asilolwakhiwo lungayifanelanga indawo leyo luqhutywa kuyo, ngokuphathelele kwinkalo yentlalo, eyenkonzo, eyemfundo, eyenkcubeko, eyoqoqosho, eyokusingqongileyo, eyothutho neyeendlela zokusetyenziswa komhlaba;

(iv) umfaki-sicelo uzivelise ngkuphelelelyo nangokunyanisekileyo zonke iinkcukacha ngayo yonke imicimbi emiselweyo, kwaye neenkalo ezimiselweyo zesicelo solwakhiwo kuye kwaqinisekiswa ukuba ziyakwazeka ukuza kuhlolwa luluntu;

(v) ukunikwa kwale layisenisi akungquzulani neemfuno zoluntu kwaye kuhamba ngokwemigaqo-nkqubo neenjongo zalo Mthetho, kwaye

(vi) umfaki-sicelo akangomntu ungafanelekanga ngokwemiqathango yecandelo 29.

(b) ukuba ngokokubona kweBhodi kunokwenzeka ukuba ukukhutshwa kwale layisenisi kungadala imeko yokugoqeka kweelayisenisi okanye kungakwenza mandundu ukugoqeka kweelayisenisi.

(4) Emva kokuqwalaselwa kwesicelo selayisenisi nezichaso zayo, ukuba bezikhona, okanye ngophando nemibuzo ngaso, ukuba bezikhona, iBhodi le ingathi—

(a) isikhabe isicelo;

(b) isamkele isicelo, okanye

(c) ilumisele elinye ixesha uqwalaselo lwesicelo,

kodwa ke ithathele ingqalelo yayo nayiphi na imiqathango enokuyibona ifanelekile.

(5) Ngokwakweli candela isicelo sibandakanya nesicelo solwakhiwo, apho kufanelekileyo oko.

Iilayisenisi zexeshana

36. (1) IBhodi isenokuthi, ihamba ngokwemiqathango yalo Mthetho, ukuhlawulwa kweentlawulo ezibekiweyo nangalo miqathango inokuthi iyibeke, ikhuphe iilayisenisi zexeshana, kananjalo isenokwamkela nokusetyenziswa kwamasango okwexeshana okuba asetyenziselwe ilayisenisi leyo.

(2) Ilayisenisi yexeshana iya kuthi isebenze eso sithuba iye yabekelwa sona yiBhodi.

Imiqathango ehamba neelayisenisi

37. (1) IBhodi le isenokuthi ibeke imiqathango malunga nayo nayiphi na ilayisenisi ekhutshwe phantsi kwalo Mthetho, kubandakanya nemiqathango—

(a) ephathelele kwimidlalo yongcakazo enokuthi idlalwe okanye kwiindlela zokubheja ezinokuthi zivunyelwe;

(b) ephathelele kwindlela yokudlala nawuphi na umdlalo wongcakazo okanye ekuqhutyweni kokubheja okanye kwemidyarho yamahashe;

(c) ephathelele kwimithetho yawo nawuphi na umdlalo wongcakazo, eyokubheja neyemidyarho yamahashe;

(d) yokuqinisekisa ubunyulu, isidima, intsulungeko nokunyaniseka ekudlalweni kwawo nawo nawuphi na umdlalo wongcakazo okanye ekuqhutyweni kokubheja nemidyarho yamahashe;

(e) efuna ukugcinwa kweencwadi, kweeakhawunti, kwamarekhodi nezinye iinkcukacha ezimalunga nalo naliphi na ishishini okanye into eyenziwayo;

(f) ephathelele kumasango ekuza kuqhutyelwa kuyo ungcakazo olo, kubandakanya nolwakhiwo lwawo;

(g) efuna ukuba kungeniselwe iBhodi le iingxelo malunga nongcakazo;

(h) efuna ukuba kungeniselwe iBhodi le naziphi na iikhontrakthi zokunikwa kweenkonzo, iimpahla okanye ezemihlaba ekuthe kwangenwa kuzo ngumnini welayisenisi nomnye umntu, uze izamkele;

(i) ephathelele kwiintsuku neeyure ekuza kuqhutywa ngazo ungcakazo okanye imidyarho yamahashe;

(j) efuna ukuba kuhlawulwe okanye kuziswe iziqinisekiso eBhodini;

(k) ephathelele kuzo naziphi na izinto zokusebenza nezixhobo ezisetyenziswayo okanye eziza kusetyenziswa kungcakazo okanye kwimidyarho yamahashe, kunye

(l) nephathelele kubungakanani bexesha lelayisenisi leyo.

(2) IBhodi isenokuthi nanini na imise okwethutyana okanye irhoxise okanye iyenze izilungiso kuwo nawuphi na umqathango obekwe phantsi kweecandelwana (1) ngenothisi ethe yasiwa kumnini welayisenisi okanye athe wayinikwa umnini welayisenisi.

Izixhobo zombane zokubeka iliso

38. (1) IBhodi le isenokuthi—

(a) ngokuphathelele kuyo nayiphi na ilayisenisi ekhankanywe kwicandelo 27(a), (b), (c), (d), (i), (j) okanye (k), ifune ukuba umnini welayisenisi makafakele, alondoloze asebenzise imixokelelwana yokubeka iliso emiselwe yiBhodi le, kananjalo

(b) ngokuphathelele kuyo nayiphi na ilayisenisi ekhankanywe kwicandelo 27(a), (b), (d), (i), (j) naku-(k) ifune nawuphi na umnini waloo layisenisi ukuba aqhagamshelanise nasiphi isixhobo songcakazo, imixokelelwano enxulumene naso okanye imixokelelwano okanye imixokelelwano yophengululo-zincwadi kwimixokelelwano yombane yokubeka iliso evunyiweyo yiBhodi le, kubandakanya nemixokelelwano esebenza ngekhompuyutha yokubamba ixesha elichanekileyo yokubhala nokubeka iliso nokulawula ezo zinto zongcakazo zibalulekileyo zither zenzekayozinokuthi zimiselwe yiBhodi.

(2) IBhodi isenokuthi ifune ukuba nawuphi na umnini welayisenisi okhankanywe kwicandelwana (1)(b) okanye ekufakweni kwesicelo, makamkele nawuphi na omnye umntu ukuba ibe nguye osebenza loo mixokelelwano yokubeka iliso, kambe ke chamba ngokwezo mfuneko naloo miqathango iye yamiselwa yiBhodi le.

(3) Ngokwakweli candela "imixokelelwano yombane yokubeka iliso" ibhekisele kwimixokelelwana yombane okanye yekhompuyutha okanye yoqhagamshelwano okanye isixhobo esenzelwe ukuba sikwazi ukusetyenziswa okanye ukulungiselelwa ukusetyenziswa ekuthunyelweni nasekwamkelweni kweenkcukacha ezinxulumene nongcakazo.

Isibambiso

39. (1) IBhodi isenokuthi ifune nawuphi na umfaki-sicelo welayisenisi okhankanywe kwicandelo 27(a), (b), (d), (i) okanye (k) ukuba, phambi kokuqalisa okanye phambi kokuba aqhube ngelo shishini ligunyaziswe phantsi kwalo layisenisi, xa ingumntu osele engumnini waloo layisenisi, angenise into esisibambiso sokuqinisekisa ukuhlawulwa kwazo zonke iirhafu, iintlawulo kunye neembopheleleko zongcakazo ezifanele kuhlawulwa okanye ekunokuthi kufuneke ukuba zihlawulwe, phantsi kwalo Mthetho, isibambiso eso esiya kuthi sibe seso six-mali sinokuthi sibekwe yiBhodi le.

(2) Xa esi sibambiso sikhankanywe kwicandelwana (1) sinokuthi singaneli okanye singabikho mthethweni okanye sisilele ekufezekiseni oko kumiselwe yiBhodil, loo layisenisi ichaphazelekayo iya kuthi, nakubeni kukho la miqathango yecandelo 42(3)(a), ithathwe ukuba iye yamiswa okwexeshana ngokwemiqathango yecandelo 42(1), kwaye ke kananjalo umnini welayisenisi aksayi kuya phambili ngokuqhuba elo shishini ligunyaziswe phantsi kwaloo layisenisi side sibe isibambiso eso siye sakwazi ukuba sithathwe njengesisemthethweni okanye kude kube kuye kwamiselwa isibambiso esisesinye.

(3) IBhodi le isenokuthi imana ukukhupha umyalelo wokuba isixa okanye ixabiso lesi sibambiso sikhankanywe kwicandelwana (1) masandiswe okanye malandiswe okanye malithotywe, aze ke umnini welayisenisi athi zingadlulanga iintsuku ezisixhenxe eyifumene inothisi leyo ithi iBhodi iye yayalela ngolo hlobo, aqinisekise ukuba isibambiso eso sinyusiwe okanye sithotyiwe ngokomyalelo lowo.

(4) Nawuphi na umnini welayisenisi otyeshela okanye osilelayo ukuthobela imiqathango yeli candela uya kuba nobutyala.

(5) Ukuba ngaba umnini welayisenisi uyasilela ekuhlawuleni nazo naziphi na iimali zerhafu, iintlawulo kunye nezinye iimbopheleleko zeentlawulo ezifanele ukuba zihlawulwe nguye phantsi kwalo Mthetho, iGosa eliLawulayo eliyiNtloko liya kuthi liable ixabiso lesiya sibambiso sikhankanywe kwicandelwana (1) aze ke ngaloo mali athe wayifumanisa kolo balo ahlawule ngayo ezo rhafu, okanye ezo ntlawulo okanye ezo mbopheleleo zeentlawulo kufaneleke ukuba mazihlawulwe.

(6) Nanini na xa ilayesenisi ethe yakhutshwa ngokwemiqathango yalo Mthetho iphelelwa lixesha, iGosa eliLawulayo eliyiNtloko liya kuthi emva kokuba kudlule iintsuku ezingamashumi alithoba emva kwalaa mhla wokuphela kwexesha laloo layisenisi okanye wokutshitshiswa kwayo okanye wokumiswa kwayo okwexeshana, nasakuba chambe ngemiqathango yecandelwana (5), ukuba loo miqathango iyangena, lisikhulule isibambiso eso okanye loo nxenye yaso ingumncono oseleyo kuso.

Isithuba seelayisenisi nokuhlaziywa kwazo

40. Ilayisenisi iya kuthi, ihamba ngokwemiqathango yalo Mthetho naloo miqathango yathi yakhutshwa phantsi kwayo, ikhutshelwe isithuba seenyanga ezilishumi elinesibini, kwaye ke iya kuthi, kuthathelwe ingqalelo imiqathango yalo Mthetho, ivuselelwe qho ngonyaka yiBhodi le kusakuba kuthe kwangeniswa ilayisenisi yonyaka odlulileyo nasakuba ihlawulelwe ilayisenisi leyo nezo ndleko zophando kuthe kwangenwa kuzo njengoko zichazwa kumhlathi 2 weShedyuli II.

Ukungadluliseleki kweelayisenisi

41. (1) Akukho layisenisi ikhutshwe phantsi kwalo Mthetho iya kuthi idluliselwe ngumnini wayo komnye umntu okanye ithathwe kumasango athile iye kusetyenziswa kwamanye eyayingakhutshelwanga wona.

(2) Xa kuthe kwabakho inguqu kwiimeko okanye kwindawo apho umnini welayisenisi ebenqwenela ukuyisebenzisa kuyo ilayisenisi leyo, inguqu leyo efuna ukuba kwenziwe ulungiso lwemiqathango eyayikhutshwe phantsi kwayo ilayisenisi leyo, umnini welayisenisi angathi enze isicelo ngendlela emiselweyo sokuba kwenziwe isilungiso kwimiqathango yaloo layisenisi yakhe.

Ukumiswa kwexeshana kweelayisenisi nokutshitshiswa kwazo

42. (1) IBhodi ingathi nanini na iyimise nayiphi na ilayisenisi okwelo xeshana libonwa lifanelekile yiBhodi okanye iyitshitshise yonke okanye itshitshise nayiphi na inxenye yayo ukusukela kuloo mhla ithe yagqiba ngawo iBhodi, ukuba—

(a) ukuba naziphi na iinkcukacha ezithe zanikwa ngumfaki-sicelo ngexesha esenza isicelo selayisenisi okanye isicelo sokuba ihlaziywe okanye sokuba kwenziwe izilungiso kwimiqathango eyanikwa phantsi kwayo loo layisenisi, zithe kanti aziyonyaniso nakangakanani na okanye zaye zashiyelelwa kakhulu;

(b) ukuba umnini welayisenisi leyo akafanelekanga okanye uye wangafaneleki ukuba angaba nelayisenisi phantsi kwalo Mthetho;

(c) umnini welayisenisi, umsebenzi waloo layisenisi okanye nawuphi na omnye umntu osebenza egameni lakhe uye wasilela ukuthobela nawo nawuphi na umqathango welayisenisi leyo kwaye uthe akawuthobela loo mqathango kwade kwaphela elo xesha belithe labekwa yiBhodi ngenothisi ebhaliweyo yokuba makalungise loo ndawo abesilela kuyo;

(d) umnini welayisenisi, umsebenzi womnini welayisenisi okanye nawuphi na omnye umntu osebenza egameni lakhe uye wasilela ukuthobela nawo nawuphi na umqathango walo Mthetho;

(e) umnini welayisenisi uthe enganikanga saziso ngento ebhaliweyo, waye ukuqhuba ngongcakazo okanye ngokubhejisa isithuba seentsuku ezingamashumi amathathu zilandelelana;

(f) umnini welayisenisi uyasilela ekuhlawuleni naso nasiphi na isixamali esimiselweyo phantsi kwalo Mthetho lada ladlula elo xesha limiselweyo;

(g) umnini welayisenisi uyasilela ukuhlawula kwangoko okanye xa ibizwa nayiphi na loo nto ilibhaso eliphunyelelweyo kumdlalo wongcakazo okanye kuyo nayiphi na into ebibhejelwe yaza yaphunyelelwa;

(h) umnini welayisenisi akasakufanelanga ukuba ngumntu onale layisenisi; yaye

(i) umnini welayisenisi ngokokubona kweBhodi, uqhuba ungcakazo okanye uvumela ukuqhutywa kongcakazo ngendlela ebeka esichengeni impilo yoluntu, ukhuseleko; Intsulungeko, ucwangco kunye nentlalontle yabahlali beli Phondo ngokubanzi nje.

(2) IBhodi le isenokuthi nanini na iyibuyisele ilayisenisi ebithe yamiswa okwexeshana okanye yatshitshiswa phantsi kwecandelwana (1), kodwa ke ayisayi kukwenza oko ngaphandle kokuba esiya sizathu besibangele ukumiswa okwexeshana okanye ukutshitshiswa asisekho.

(3) (a) IBhodi iya kuthi, ngaphandle kwakule meko ichazwa kumhlathi (b), phambi kokuba iyimise okwexeshana ilayisenisi okanye iyitshitshise, imazise umnini welayisenisi leyo ngenothisi ebhaliweyo ngezizathu zoko kumiswa okwexeshana okanye zoko kutshitshiswa, ize kananjalo imcele umnini welayisenisi ukuba makathi lingaphelanga ixesha elithe lamiswa, izizathu ngento ebhaliweyo zokuba kutheni na kungafanelekanga nje ukuba mayimiswe okwexeshana okanye itshitshiswe loo layisenisi, apho ke iya kuthi iBhodi iwusingathe loo mcimbi ngendlela emiselweyo.

(b) Xa iBhodi ithe yabona ukuba kungaba luncedo eluntwini ukuba iyimise okwexeshana nayiphi na ilayisenisi ngoko nangoko, inothisi ebhaliweyo yokumiswa okwexeshana inezizathu zokwenjenjalo, iya kuthi ikhutshwe kwangoko, aze ke umnini welayisenisi alinikwe ilungelo lokuba anike iBhodi, lingadlulanga elo xesha athe walimiselwa, izizathu zokuba kutheni na loo layisenisi kufuneka ibuyiselwe, apho ke iya kuthi iBhodi iwusingathe loo mcimbi ngendlela emiselweyo.

(4) Ngeli xesha isamiswe okwexeshana ilayisenisi, umnini wayo akasayi kuba nalo igunya, ngokokumiswa oko nangeso sithuba imiselwe sona, lokuba avumele ukwenziwa kwezo zinto zikuyo, okanye azenze yena okanye athabathe inxaxheba kuzo.

(5) Nakubeni ilayisenisi imisiwe okwexeshana okanye itshitshisiwe, akukho zimali zeentlawulo okanye zemirhumo okanye ezizezinye njc ebesele ziyihlawulele okanye ebezihlawulelwe isicelo, ziya kuthi zibuyiselwe.

(6) Umnini wayo nayiphi na ilayisenisi ethe yamiswa okwexeshana okanye yatshitshiswa uya kuthi asakuba eyifumene inothisi yoko ekhutshwe yiBhodi le okanye gameni layo, zingaphelanga iintsuku ezisixhenxe, ayibuyisele kwiiofisi zeBhodi le loo layisenisi.

(7) Nawuphi na umntu othi asilelc ekuthobeleni imiqathango yecandelwana (6) uya kuba wenza ityala.

Uxanduva lokuvelisa ilayisenisi

43. (1) Umnini welayisenisi, umsebenzi waloo layisenisi okanye nawuphi na omnye umntu osebenza egameni lakhe, uya kuthi isakubizwa ligosa eligunyazisiwey okanye igosa lasebupoliseni, ayikhuphe loo layisenisi ifunwayo.

(2) Nawuphi na umnini welayisenisi, umsebenzi waloo layisenisi okanye nawuphi na omnye umntu osebenza egameni lomnini welayisenisi othi asilele ekuthobeleni imiqathango yecandelwana (1), uya kuba wenza ityala.

Iintlawulo zeelayisenisi

44. (1) (a) Iintlawulo zelayisenisi nezokwenziwa kophando ezichazwe kumhlathi 2 weShedyuli II ziya kuthi zihlawulwe nguye wonke umfaki wesicelo selayisenisi othe waphumelela kwisicelo sakhe, phambi kokuba loo layisenisi ikhutshwe, aze ke emva koko azihlawule ngonyaka.

(b) Ezi ntlawulo zelayisenisi zikhankanywe kumhlathi (a) ziya kuthi zihlawulwe kwiNgxowa yeMali yePhondo (Provincial Revenue Fund) zize ke zona iintlawulo zophando zihlawulwe eBhodini.

(c) Kwezi ntlawulo zikhankanywa kweli candelo akukho zintlawulo ziya kuthi zibuyiselwe.

(2) Nawuphi na umnini welayisenisi othe wasilela ekuhlawuleni intlawulo yelayisenisi ngalo mhla okanye phambi kwalo mhla afanelc kuhlawula ngawo, uya kuthi phezu kwaloo ntlawulo yelayisenisi anyanzeleke ukuba ahlawule neziya ntlawulo zezohlwayo zikhankankanywe kumhlathi 3 weShedyuli II, iintlawulo ezo eziya kuthi zihlawulwe ngaloo mihla okanyc phambi kwaloo mihla ithe yamiselwa.

(3) Ukusilela ekuhlawuleni intlawulo yelayisenisi okanye intlawulo yesohlwayo ngaloo mhla ifanele kuhlawulwa ngawo kuya kunika imihlaba eyaneleyo yokuba itshitshiswe okanyc imiswe okwexeshana loo layisenisi ichaphazelekayo okanye okanyc yokuba ibekelwe imiqathango, phezu kwayo nayiphi na enye intlawulo yesohlwayo enokuthi ikufanele oko kusilela.

Ilayisenisi yomnini wekhasino

45. (1) Ilayisenisi yomnini wekhasi iya kukhutshelwa kuphela inkampani ebhalisiweyo phantsi kwemiqathango yoMthetho weenkampani oyi*Companies Act ka-1973.*

(2) Ilayisenisi yomnini wekhasino iyafuneka kuyo nayiphi na inkampani evumela okanye eqhuba ungcakazo kuwo nawaphi na amasango alapha kweli Phondo angengawo amasango emitshini yongcakazo olubekelwe imida okanye amasango aqhutywa phantsi kwelayisenisi yebhingo.

(3) Ngokwakwicandelwana (2), ungcakazo alubandakanyi nokudlala ibhingo okanye nokubheja.

(4) Ilayisenisi yomnini wekhasino iya kubandakanya naloo masango athe akhankanywa kwilayisenisi leyo, naya kuthi akhiwe ngokwalaa ndlela iye yavunywa kwisicelo solwakhiwo.

(5) Ilayisenisi yomnini wekhasino iya kuthi kula masango okanyc kwinxenye yala masango achazwe kwilayisenisi, igunyazise, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, ukudlalwa kwawo nawuphi na umdlalo wongcakazo (ongcyiyo ibhingo kodwa) okhankanyiweyo kuloo layisenisi.

Ilayisenisi yomnini womatshini wongcakazo olubekelwe imida

46. (1) iya kukhutshelwa kuphela inkampani ebhalisiweyo phantsi kwemiqathango yoMthetho weenkampani oyi*Companies Act ka-1973.*

(2) Ilayisenisi yomnini womatshini wongcakazo olubekelwe imida iyafuneka kwinkampani nganye evumela ushishino okanye eqhuba ushishino ngemitshini yongcakazo olubekelwe imida kuwo nokuba mangaphi na amaango apha kweli Phondo.

(3) Ilayisenisi yomnini womatshini wongcakazo olubekelwe imida iya kuthi kula masango okanye kwinxenye yala masango achazwe kwilayisenisi, igunyazise, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, ukusetyenziswa kwemitshini yongcakazo olusikelwe imida, njengoko ichazwa kwilayisenisi leyo ngokweeandelo 47.

Ilayisenisi yamasango emitshini yongcakazo olubekelwe imida

47. (1) Ilayisenisi yamasango ongcakazo olubekelwe imida iyafuneka kuwo nawaphi na amasango akweli Phondo apho kubekwe imitshini yongcakazo olubekelwe imida ngumnini welayisenisi yemitshini yongcakazo olubekelwe imida.

(2) Ilayisenisi yamasango ongcakazo olubekelwe imida iya kuthi kula masango okanye kwinxenye yala masango achazwe kwilayisenisi, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, igunyazise ukugcinwa kwayo nayiphi na imitshini yongcakazo olubekelwe imida echazwa kwilayisenisi leyo, nokubekwa kwayo kwindawo eya kuthi idlalelwe kuyo.

Ilayisenisi yebhingo

48. (1) Ilayisenisi yebhingio iya kukhutshelwa kuphela inkampani ebhalisiweyo phantsi kwemiqathango yoMthetho weenkampani oyi*Companies Act ka-1973.*

(2) Ilayisenisi yebhingo iyafuneka kumntu ngamnye ovumela okanye oqhuba ukudlalwa kwebhingo kuwo nawaphi na amasango kweli Phondo.

(3) Ilayisenisi yebhingo iya kusebenza kuloo masango achazwe kwilayisenisi leyo.

(4) Ilayisenisi yebhingo iya kuthi kula masango okanye kwinxenye yala masango achazwe kwilayisenisi, igunyazise, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, ukudlalwa kwebhingo.

Ilayisenisi yomququzeleli ongummeli

49. (1) Ilayesini yomququzeleli ongummeli iyafuneka kuye wonke umntu obandakanyeka ngokuthe ngqo okanye ngokungathanga ngqo kucwangciso, kumalungiselelo okanye ekuququzelcleni egameni lomnini welayisenisi yekhasino ekhutshwe phantsi kwalo Mthetho.

(2) Ilayesini yomququzeleli ongummeli iya kuthi, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, igunyazise umnini welayisenisi—

(a) ukuba angene kwisivumelwano nomnini welayisenisi yekhasino sokuba anike ikhasino leyo iinkonzo, apha kwiPhondo eli okanye ngaphandle kwalo, ezinokuthi zibandakanye isithuthi scsisa, ukutya, indawo yokuhlala okanye nezinye izibele ezizezinye ezenzelwa umntu omnye okanye amaqela abantu atyelela ikhasino leyo,

(b) nokuba afumane ikhomishoni okanye isabelo kwinzuzo yongcakazo ethe yeza nolo ququzelelo kwiPhondo eli, njengombulelo ngezo nkonzo.

Ilayisenisi yomvelisi

50. (1) Ilayisenisi yomvelisi iyafuneka kuye wonke umntu othi, apha kweli Phondo, athenge kwamanye amazwe okanye afumane okanye avelise okanye adibanise okanye alondoloze okanye alungise okanye atshintshe okanye ahambise okanye aqeshise okanye athengise imitshini yokufaka imali okanye nasiphi na isixhobo songcakazo okanye nayiphi na into eyinxenye yayo, kodwa ingengawo amakhasi okudlala okanye amadayisi.

(2) Imiqathango yecandelwana (1) ayisayi kubhekisa kumntu ongumnini welayisenisi yomsebenzi ophambili okanye ongumnini welayisenisi yomsebenzi wongcakazo, xa ngaba imisebenzi eyenziwa ngumnini waloo layisenisi ngokwelayisenisi leyo ibandakanya ukulondoloza, ukulungisa okanye ukutshintsha imitshini yokufaka imali okanye nasiphi na esinye isixhobo songcakazo.

(3) Ilayisenisi yomvelisi iya kuthi igunyazise ukuthenga kwamanye amazwe okanye ukufumana okanye ukuvelisa okanye ukudibanisa okanye ukulondoloza okanye ukulungisa okanye ukutshintsha okanye ukuhambisa okanye ukuqeshisa okanye ukuthengisa iintlobo okanye iimodeli zezo zixhobo zikhankanywe kwilayisenisi leyo.

Ilayisenisi yomhambisi

51. (1) Ilayisenisi yomhambisi iyafuneka kuye wonke umntu apha kweli Phondo othi, ngendlela ethe ngqo okanye engathanga ngqo, athenge kwamanye amazwe okanye afumane okanye ahambise okanye abhengeze okanye aqeshise okanye athengise imitshini yokufaka imali okanye nasiphi na isixhobo songcakazo okanye nayiphi na imixokelelwana ehamba nayo, kodwa ingengomakhasi okudlala okanye amadayisi.

(2) Ilayisenisi yomhambisi iya kuthi igunyazise ukuthenga kwamanye amazwe okanye ukufumana okanye ukuhambisa okanye ukubhengeza okanye ukuqeshisa okanye ukuthengisa iintlobo okanye iimodeli zezo zixhobo zongcakazo zivunyiweyo yiBhodi okanye zimiselweyo.

(3) Imiqathango yeli candela ayisayi kubhekisela nakumnini welayisenisi yomvelisi.

Ilayisenisi yebala lemidyarho

52. (1) Ilayisenisi yebala lemidyarho yamahashe iyafuneka kuye wonke umntu ovumela okanye oqhuba imidyarho yamahashe kuwo nawaphi na amasango kweli Phondo.

(2) Ilayisenisi yebala lemidyarho yamahashe iya kusebenza kuloo masango achazwe kwilayisenisi leyo.

(3) Ilayisenisi yebala lemidyarho yamahashe iya kuthi, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, igunyazise ukuqhutywa kwemidyarho yamahashe kula masango akhankanywa kwilayisenisi leyo.

Ilayisenisi yoomatshini bemali yababheji

53. (1) Ilayisenisi yoomatshini bemali yababheji iyafuneka kuye wonke osebenzisa okanye ovumela ukusetyenziswa koomatshini bemali yokubheja.

(2) Ilayisenisi yoomatshini bemali yokubheja iya kusebenza kuloo masango achazwe kwilayisenisi leyo.

(3) Ilayisenisi yokusebenza yoomatshini bemali yokubheja iya kuthi, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, ukusebenza koomstshini bemali yokubheja kungathi nangaliphi na ithuba/isiganeko igunyazise ukwamkelwa koomatshini kulondawo okanye indawana kulomasango achazwe kwilayisenisi.

Ilayisenisi yamasango endawo yoomatshini bemali yokubheja

54. (1) Ilayisenisi yamasango endawo yoomatshini bemali yokubheja iyafuneka kuwo nawaphi na amasango apha kweli Phondo apho umnini welayisenisi yamasango endawo yoomatshini bemali yokubheja okanye ummeli wakhe amkela iimali yokubheja kwabo matshini.

(2) Ilayisenisi yamasango endawo yoomatshini bemali yokubheja iya kuthi, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, igunyazise ukwamkelwa kweemali zokubheja kula masango akhankanywa kwilayisenisi leyo.

Ilayisenisi yokuba ngumbhejisi

55. (1) Ilayisenisi yokuba ngumbhejisi kweli Phondo iyafuneka kuye wonke umntu oqhuba ishishini lokubhejisa abantu okanye abanye ababhejisi, nokuba kungendlela ethe ngqo okanye engathanga ngqo.

(2) Ilayisenisi yokuba ngumbhejisi iya kusebenza kuloo masango achazwe kwilayisenisi leyo.

(3) Ilayisenisi yokuba ngumbhejisi iya kuthi, ihamba ngokwaloo miqathango inokuthi ibekwe yiBhodi, igunyazise ukuqhutywa kweshishini lokubhejisa kuloo masango ngokubhejisela imali ekuvunyelwene ngayo kwangaphambili okanye imali ekungakhange kuvunyelwane ngayo kwangaphambili, kodwa lingekokubheja ngoomatshini bemali yababheji.

Ilayisenisi yokuba ngumsebenzi ophambili

56. (1) Ilayisenisi yokuba ngumsebenzi ophambili iyafuneka kuye wonke oligosa elilawulayo, umsebenzi, umgunyaziswa okanye nawuphi na umntu osebenzela umnini welayisenisi ekhutshwe phantsi kwalo Mthetho nowayo nayiphi na ilayisenisi ekhankanywe kwicandelo 84(4), onokuthi abe nolawulo kwizinto ezenzelwa ungcakazo okanye onokuthi amkele iimali zokubheja koomatshini bemali yababheji okanye kumasango oomatshini bemali yababheji okanye kuwo nawaphi na amasango apho kuqhutywa ungcakazo okanye ukubhejisa, apha kweli Phondo.

(2) Abantu abaqeshwe kwezi zikhundla zilandelayo okanye kwezifana kakhulu nazo baya kuthathwa ngokuba bangabasebenzi abaphambili ngokwakweli candela:

(a) iimanejala;

(b) abaphathi;

(c) pit bosses

(d) abahloli;

(e) abasebenzi bezinto zokubeka iliso kunye

(f) nasiphi na esinye isikhundla esisisikhundla somsebenzi ophambili ngokubanzi okanye ngokuphathelele kulo naliphi na ishishini longcakazo ngokokubona kweBhodi.

(3) Ukuba ngaba iBhodi le imbona engumsebenzi ophambili umsebenzi wakhe nawuphi na umnini welayisenisi, iya kuthi ithumele inothisi ebhaliweyo kumnini welayisenisi lowo ungumqeshi waloo msebenzi imazisa ngolo hlobo.

(4) Umnini welayisenisi uya kuthi zingadlulanga iintsuku ezingamashumi amathathu emva kokuba efumene loo nothisi ibhaliweyo, uya kuthi afake isicelo kwiBhodi le ngaloo ndlela imiselweyo selayisenisi yomsebenzi ophambili yaloo msebenzi okanye ke anike ubungqina obanelcyo bokuba lowo msebenzi akasaqeshwanga nguye.

(5) Lowo msebenzi ufanele ukuba afakelwe isicelo selayisenisi yokuba ngumsebenzi ophambili njengokuba kusitshiwo ngentla apha unokuthi angenise inkcazo ebhaliweyo kwiBhodi le esenza isicelo sokuba iBhodi mayikhe iphinde iwuqwalasele ngokutsha umba wenqanaba lakhe kwelo shishini, apho ke kuya kuthi, ukuba ngaba iBhodi ifumanisa ukuba akanguye umsebenzi ophambili, loo avunyelwe ukuba asirhoxise isicelo sakhe.

(6) Xa iBhodi le iqwalasela ukuba ngaba umsebenzi ungumsebenzi ophambili kusini na, ayisayi kuqwalasela kuphela itayitile yomsebenzi wakhe okanye igama abizwa ngalo, koko isenokujonga nemisebenzi eyenziwa nguloo msebenzi ekuthatheni kwayo isigqibo.

(7) Ukusilela komnini welayisenisi ekuthobeleni eli candela kuya kuba lityala.

Ilayisenisi yokuba ngumsebenzi wongcakazo

57. (1) Ilayisenisi yokuba ngumsebenzi wongcakazo iyafuneka kuye wonke umntu apha kweli Phondo oqeshwe—

(a) kwishishini okanye lishishini longcakazo, okanye

(b) ngumnini welayisenisi yomvelisi okanye yomhambisi,

nobandakanyeka ngqo ekuqhutyweni kweshishini longcakazo okanye kwizinto ezenziwa phantsi kwelayisenisi yomvelisi okanye yomhambisi.

(2) Abantu abaqeshwe kwezi zikhundla zilandelayo okanye kwezifana kakhulu nazo baya kuthathwa ngokuba bangabasebenzi bongcakazo ngokwakweli candelo:

(a) abamkeli bemali (cashiers) nabathengisi bamatikiti;

(b) abasebenzi abasebenza kwigumbi lokubala;

(c) abathengisi nabaqokeleli nabahlawuli;

(d) oomakhenikhi boomatshini;

(e) iiklakhi zababhejisi, kunye

(f) nabasebenzi abangamadindala okhuseleko.

(3) Ukuba ngaba iBhodi le imbona engumsebenzi wongcakazo umsebenzi wakhe nawuphi na umnini welayisenisi, iya kuthi ithumele inothisi ebhaliweyo kumnini welayisenisi lowo ungumqeshi waloo msebenzi imazisa ngolo hlobo, apho ke imiqathango yecandelo 56(4), (5), (6) no-(7) iya kuthi ilandelwe, kuze ke kwenziwe ezo nguqulelo zinokuthi zibe yimfuneko.

(4) Akukho mntu kufuneka abe nelayesinisi yokuba nelayisenisi yomsebenzi wongcakazo uya kuthi aqeshwe ngumnini welayisenisi okanye ancedise umnini welayisenisi engekathi abe uyifumene ilayisenisi esemthethweni yokuba ngumsebenzi wongcakazo.

(5) Abantu abanayo ilayisenisi yokuba ngabasebenzi bongcakazo abaphambili akusayi kufuneka ukuba bafumane iilayisenisi zokuba ngabasebenzi bongcakazo.

Uchaphazeleko ngokwasezimalini

58. (1) Umnini welayisenisi akasayi kuvumela nawuphi na umntu ukuba abe nochaphazeleko ngokwasezimalini, nokuba loluthe ngqo okanye olungathanga ngqo lwe-5% okanye ngaphezulu kuo naliphi na ishishini eliqhutywa phantsi kwaloo layisenisi ngaphandle kokuba iBhodi le ithe kusakuba kufakwe isicelo ngumnini welayisenisi leyo, yavuma ukuba lowo mntu angaba nalo olo chaphazeleko lunjalo kwelo shishini.

(2) IBhodi le ayisayi kusamkela isicelo esenziwe ngokwecandelwana (1) ukuba ngaba umntu lowo kwenziwa isicelo ngaye ngumntu ongafanelekanga ngokwemiqathangoyalo Mthetho ukuba abe nelayisenisi.

(3) IBhodi les isenokuthi ifune nawuphi na umntu—

(a) onochaphazeleko ngokwasezimalini oluthe ngqo okanye olungathanga ngqo, lwe-5% okanye ngaphezulu kulo naliphi na ishishini longcakazo lenkampani yoluntu;

(b) onochaphazeleko okanye ofuna ukuba nochaphazeleko oluthe ngqo okanye olungathanga ngqo olungaphantsi kwe-5% kulo naliphi na ishishini eliqhutywa phantsi kwelayisenisi leyo, okanye

(c) onokuthi, ngokokubona kweBhodi le, ngenxa yobandakanyeko lwakhe okanye ngenxa obandakanyeko okanye uchaphazeleko kumnini welayisenisi lwakhe, abe kwimekoyokuba angaba nempembelelo ebonakalayo kweli shishini lalo mnini welayisenisi,

afunyaniswe efanelekile ukuba abe nalo olo chaphazeleko.

(4) Ikhontrakthi ekuthe ngayo kwafunyanwa uchaphazeleko olunxamnye necandelwana (1) iya kuba ngamampunge nje.

Ulwamkelo lweekhontrakthi ezithile

59. Akukho mnini welayisenisi uya kuthi engakhange afumane imvume ebhaliweyo kwiBhodi le, angene kwikhontrakthi naye nawuphi na umntu yokunikwa kwayo nayiphi na inkonzo,okanye nazo naziphi na iimpahla okanye umhlaba, aza kuthi lowo mntu ahlawulwe ngayo, okanye afumane ikhomishini okanye nayiphi na inzuzo enxulumene, ngokuthe ngqo okanye ngokuthanga ngqo, kuyo nayiphi na ingeniso okanye ingenelo yalo naluphi na ungcakazo.

Izixhobo zongcakazo

60. (1) Akukho mntu uya kuthi asebenzise okanye avumele nawuphi umdlalo wongcakazo ukuba udlalwe okanye nakuphi na ukubheja kuqhutywe kuyo okanye ngaso nasiphi na isixhobo songcakazo esingesiso esiya sixhobo songcakazo sithe savunywa yiBhodi saza sabekwa ngumnini welayisenisi ekhutshwe phantsi kwalo Mthetho nesizifezekisayo iimfuno ezimiselweyo.

(2) Umnini welayisenisi uya kuthi agcine lawo marekhodi nezo nkcukacha zinokuthi zimiselwe ngaso ngasinye isixhobo songcakazo.

(3) Umnini wayo nayiphi na ilayisenisi akasayi kuthengisela okanye ahambisele ngayo nayiphi na indlela nasiphi na isixhobo songcakazo, esingengawo amakhasi okanye amadayisi, nawuphi na umntu ngaphandle komnini welayisenisi ekhutshwe phantsi kwalo Mtheo okanye kwawo nawuphi na omnye umthetho ofana nawo.

Iincwadi, iiakhawunti namarekhodi

61. Umnini welayisenisi uya kuthi agcine ezo ncwadi nezo akhawunti kunye naloo marekhodi anokuthi amanc ukumiselwa yiBhodi.

Ulawulo lokungena kumasango athile

62. (1) Umnini wayo nayiphi na ilayisenisi okanye nawuphi na umsebenzi waloo mnini welayisenisi usenokuthi—

(a) ale ukuvumela nawuphi na umntu, ngaphandle kwegosa eligunyazisiweyo okanye ipolisa, ukuba lingene kumasango anelayisenisi;

(b) acele nawuphi na umntu olapha kula masango anelayisenisi ukuba makemke kuwo, kananjalo

(c) acele naliphi na igosa lasebupoliseni ukuba likhuphe okanye lincedise ekukhutshweni kwakhe nawuphi na umntu okhankanywe kwimihlathi (a) no-(b), kumasango anelayisenisi.

Imithetho yemidlalo yongcakazo okanye yokubheja

63. (1) Akukho mdlalo wongcakazo uya kudlalwa okanyc kubhejisa kuya kuqhubeka kungahanjwa ngokwczo nkqubo zimiselweyo kwimithetho evunyelwe oko.

(2) Apho umdlalo wongcakazo okanye ukubheja okugunyaziswa yilayisenisi ungenayo imithetho yokudlalwa kwawo okanyc yokuqhutywa kokubheja, umnini welayisenisi uya kuthi ayiqulunqe loo mithetho, azc ke ayingenise eBhodini ukuba iyamkele.

(3) Imithetho yomdlalo wongcakazo ngamnye okanye yokubheja iya kuthi ibekwe kwindawo esemboniselweni ngolo hlobo lumiselweyo, kwaye umnini welayisenisi uya kuthi xa ethe wacelwa ngumdlali, amnike ikopi yaloo mithetho ivunyiweyo okanye yoko kubheja ukuba ayihlole.

ISAHLUKO V: URHAFISO NEZICWANGCISO ZEMALI

Ukubekwa kweerhafu zongcakazo

64. (1) Kuya kuthi kumana kuhlawulwa, kwiNgxowa yeMali yePhondo ngabanini beelayisenisi, ngaloo ndlela imiselweyo, iirhafu zongcakazo nokubhejisa kumanqanaba asekuqaleni, ngokwezo ntlawulo nangaloo maxesha nezo zixa (apho kufanelekileyo) zibekiweyo kwiiShedyuli III no-IV.

(2) Ukubizwa kwezi rhafu zikhankanywa kwicandelwana (1), iimali zezohlwayo nezenzala ehlawulwayo ngezo rhafu, ukubalwa kwaloo nzala, amatyala aphathelele ekungahlawulweni kwezo rhafu, izikim zokufumana izaphulelo zerhafu ezingafanelekanga kunye namagunya oMphathiswa owongameleyo okugqiba ngezivumelwano zerhafu, ziya kuthi zihambe ngokoluya hlobo lulungiselelwe kwiSigaba C seShedyuli III.

(3) Imiqathango yeeShedyuli III no-IV iya kuthi ibe phantsi kolawulo lweGosa eliLawulayo eliyiNtloko egameni leBhodi le, kwaye liya kuba nawo onke amagunya ale Bhodi ewanikwe phantsi kwalo Mthetho.

Irhafu ehlawulwayo ngofunyaniswe enetyala

65. Nakubeni kukho le miqathango yalo Mthetho, inkundla yamatyala efumanisa umntu enetyala lokutyeshela icandelo 67(1) iya kuthi apho kuyimfuneko isenokuthi, phezu kwazo naziphi na izohlwayo enokuzibeka phantsi kwalo Mthetho, iyalele loo mntu ukuba ahlawulele loo ntlawulo okanye loo rhafu ifanelekileyo bekuya kufuneka eyihlawule phantsi kwalo Mthetho, ukuba ngaba loo mntu ebengumnini welayisenisi.

ISAHLUKO VI: IMIQATHANGO NGOKUBANZI

Uthintelo ngokuphathelele kwimidyarho engagunyaziswanga

66. (1) Akusayi kubakho mntu uya kuthi—

(a) aqhube okanye aququzelele okanye alungiselele okanye aye, okanye athi ngayo nayiphi na indlela athathe inxaxheba okanye ancedise kumdyarho wamahashe, okanye

(b) aprinte, apapashe, afunyanwe ene, athengise okanye anikise okanye afunyaniswe esasaza amakhadi omdyarho

Ngaphandle kokuba intlanganiso yomdyarho ehambelana noko izakubanjwa kwibala lemidyarho elinelayisenisi.

(2) Nawuphi na umntu othi atyeshele imiqathango yeli candelwana (1) okanye nayiphi na imiqathango yelayisenisi yebala lemidyarho uya kuba nobutyala.

(3) Nakuphi na ukutshutshiswa ngokwetyala okubhekiselele kwicandelwana (2), nawuphi na umntu owathi ngaphandle kwezizathu zomthetho owayekho kwibala lomdyarho uyakuthi achazwe njengomntu owayekho kulontlanganiso.

Uthintelo ngokuphathelele kungcakazo nezinto ezibhekiselele koko.

67. (1) Akukho nawuphina umntu oyakuthi ngaphandle kwelayisenisi—

(a) abambe okanye avumele imidlalo yongcakazo idlalwe okanye abambe, avumele nakusiphina isakhiwo esiphantsi kolawulo lwakhe okanye ngaphantsi kolondolozo lwakhe okanye

(b) achaphazeleke ngendlela ethe ngqo okanye engathanga ngqo—

(i) ekuqhutyweni kweshishini longcakazo;

(ii) ekuveliseni, ekudibaniseni, ekulondolozeni, ekulungiseni okanye ekutshintsheni nayiphi imitshini yokufaka imali okanye nasiphi na isixhobo songcakazo (esingengawo kodwa amakhasi okanye amadayisi) okanye nayiphi na into eyinxenye yayo le mitshini okanye esi sixhobo songcakazo,

(iii) nasekuthengweni kwamanye amazwe, ekufunyanweni, ekuhanjisweni, ekubhengezweni, ekuqeshisweni kwaso nasiphi na isixhobo songcakazo (esingengawo kodwa amakhasi okanye amadayisi) okanye nayiphi na into eyinxenye yaso.

(2) Akukho mntu uya kuthi engakhange afumane imvume yeBhodi le, ngendlela ethe ngqo okanye engathanga ngqo, abe nochaphazeleko ngokwasezimalini lwepesenti ezintlanu okanye ngaphezulu, kulo naliphi na ishishini okanye iziko longcakazo kweli Phondo.

(3) Akukho mntu uya kuthi, engenayo ilayisenisi efanelekileyo okanye engaqalanga wafumana imvume yeBhodi, ngayo nayiphi na indlela, abe nesabelo ngendlela ethe ngqo okanye engathanga ngqo, kwingenelo yongcakazo.

(4) Akukho mntu ungelilo ilungu okanye igosa eligunyazisiweyo leBhodi le elenza umsebenzi walo ngokwakulo Mthetho, uya kuthi adlale nawuphi na umdlalo wongcakazo okanye athathe inxaxheba kuko nakuphi na ukubheja okanye aye kuwo nawaphi na amasango angenayo ilayisenisi ngokwaphantsi kwalo Mthetho, ngeenjongo zokuya kudlala umdlalo wongcakazo okanye zokuya kuthatha inxaxheba ekubhejeni.

(5) Nawuphi na umntu otyeshela imiqathango yeli candelo uya kuba nobutyala, kunjalo usengagwetywa ifayini engadlulanga kwizigidi ezibini zeeranti okanye agwetywele ukuvalelwa entolongweni isithuba seminyaka engadlulanga eshumini, okanye azinikwe zozibini ezi zigwebo.

(6) Nawuphi na umntu ophethe okanye okhokela okanye oncedisa okanye osebenza njengonobhanki, njengomthengisi, njengomhlawuli weemali eziphunyelelweyo okanye osebenza kuwo nawuphi na umsebenzi kuwo nawuphi na umdlalo wongcakazo okanye ekuqhutyweni kwako nakuphi na ukubhejisa kuwo nawaphi na amasango angengawo la anelayisenisi, kwaye nawuphi na umntu osebenza njengomphathisi weempahla okanye njengedindala elingumgcini womnyango okanye isicaka okanye okuso nasiphi na isikhundla esisesinye kuwo nawaphi na amasango apho kudlalwa umdlalo wongcakazo okanye kuqhutywa ukubhejisa, uya kuthathwa ngokuba ungumlawuli waloo masango.

Uthintelo ngokuphathelele kubaququzeleli

68. (1) Akukho mntu uya kuthi, egameni lomnini welayisenisi yekhasino, ngendlela ethe ngqo okanye engathanga ngqo, acebe okanye aququzelele utyelelo kwikhasino lomntu omnye okanye lweqela labantu apha kweli Phondo, abaza kufumana iinkonzo zesisa ezifana nothutho, ukutya nendawo yokuhlala, eza kufumana ikhomishini kwingenelo yongcakazo okanye yayo nayiphi na into, engenayo ilayisenisi efanelekileyo.

(2) Umnini welayisenisi yekhasino akasayi kungena kuso nasiphi na isivumelwano nomququzeleli ongummeli ngaphandle kokuba loo mququzeleli ungummeli unayo ilayisenisi ngokwakulo Mthetho.

(3) Nawuphi na umntu othi atyeshele imiqathango yeli candelo uya kuba nobutyala.

Uthintelo ngokuphathelele kuveliso, kudibaniso, kwintengiso, kuhambiso, ukuthenga kwamanye amazwe, ukubhengeza, ukutshintsha, nokuhlengahlengisa izixhobo zongcakazo

69. (1) Akukho mntu uya kuthi, engenayo ilayisenisi efanelekileyo—

(a) avelise okanye adibanise okanye athengise, okanye ahambise, okanye athenge kumazwe angaphandle okanye afumane okanye ahambise okanye arente, okanye aqeshe naso nasiphi na isixhobo songcakazo, ngaphandle kwamakhasi namadayisi, okanye

(b) atshintshe okanye ahlengahlengise nakanjani na nasiphi na isixhobo songcakazo okanye nayiphi na into yokusebenza ngalo naluphi na uhlobo—

(i) olunokuthi lube nempembelelo kwisiphumo ngokulungiselela ukuphumelela okanye ukungaphumeleli, okanye

(ii) olunokujika okanye lube nempembelelo kwimiqathango yokukhetha okuzenzekela ngaphandle kokucwangciswa okukhokelela kwisiphumo somdlalo wongcakazo.

(2) Akukho mntu uya kuthi atshintshe okanye ahlengahlengise indlela yokusebenza kwazo naziphi na iimpokhwe (software) okanye yobuxhaka-xhaka obusetyenziswa kuso nasiphi na isixhobo songcakazo okanye ekuqhutyweni kwalo naliphi na ishishini longcakazo kweli Phondo engenayo ilayisenisi efanelekileyo okanye engakhange aqale afumane imvume yeBhodi le, kwaye naziphi na iimpokhwe nobuxhaka-xhaka obuveliselwa ushishino longcakazo, ziya kuthi phambi kokuba zisetyenziswe zenziwe uhlolo novavanyo ngendlela emiselweyo.

(3) Nawuphi na umntu othi atyeshele imiqathango yeli candelo uya kuba nobutyala.

Ubuqhetseba nezixhobo zobuqhetseba

70. (1) Akukho mntu uya kuthi—

(a) esazi ukuba wenza njalo, avumele nabani na ukuba enze okanye aqhube ngokwenza ubuqhetseba okanye asebenzise nasiphi na isixhobo sokwenza ubuqhetseba okanye anike omnye umntu iinkcukacha zokwenza ubuqhetseba okanye isixhobo sokwenza ubuqhetseba kuwo nawuphi na umdlalo wongcakazo okanye ekubhejeni.

(b) esazi ukuba wenza njalo, aqhube okanye avumele ukuqhutywa okanye abeke nawuphi na umdlalo wongcakazo oza kudlalwa ngamakhasi okanye ngaso nasiphi na isixhobo songcakazo, eziphawuliweyo okanye ezithe zasetyenzwa okanye zabekwa okanye eziseltyenziswa ngendlela ethande ukubakhohlisa abadlali okanye uluntu, okanye ukujika imiqathango yokukhetha okuzenzekela ngaphandle kokucwangciswa kwesiphumo somdlalo wongcakazo okanye ukusibeka kwangaphambili okanye ukusijika isiphumo somdlalo wongcakazo, noya kuthi,

(c) esazi ukuba wenza njalo, asebenzise naziphi na iitshiphu okanye iithowukheni zenkohliso okanye atyeshele imithetho yawo nawuphi na umdlalo wongcakazo okanye aphazamisane ngayo nayiphi na indlela, nesixhobo songcakazo okanye nasiphi na esinye isixhobo esisetyenziswa kungcakazo ngeenjongo yokufumana imali,nokuba kungendlela ethe ngqo okanye engathanga ngqo, nokuba uyifumanele yena okanye uyifunela nawuphi na omnye umntu.

(2) Ngokwakweli candela "ubuqhetseba" bukwabhekisele-—

(a) nasekujikweni kwemiqathango yokukhetha emiselwe ukufunyanwa kweziphumo zomdlalo wongcakazo okanye kwemali okanye ubungakanani bezihlandlo zentlawulo kumdlalo wongcakazo; ngokunjalo

(b) nasekusetyenzisweni kwaso nasiphi na isikim, inkqubo okanye isicwangciso,anokuthi uMphathiswa owongameleyo amane ukusixela ngenothisi ekwiGazethi yePhondo, ukuba sibubuqhetseba,

kwaye ke "ukwenza ubuqhetseba" kukwanale ntsingiselo nako.

Uthintelo longcakazo kubantu abathile

71. (1) Akukho mntu uya kuthi ngoku abandakanyekayo kulawulo, ekuphatheni, nakumsebenzi weofisi wekhasino okanye wawo nawuphi na umdlalo wongcakazo odlalwa kwikhasino, uya kuthi athabathe inxaxheba kuloo mdlalo wongcakazo okanye kungcakazo kuloo khasino okanye kuyo nayiphi na ikhasino eqhutywa kwanguloo mnini welayisenisi kweli Phondo, ngaphandle kwalapho kunokuthi kufuneke akwenze oko ngenxa yohlobo lomsebenzi wakhe ekuqhutyweni kwaloo mdlalo wongcakazo khona ukuze enze ukuba abanye abantu bakwazi ukuthabatha inxaxheba kuloo mdlalo wongcakazo.

(2) Akukho mntu ungaphantsi kweminyaka elishumi elinesibhozo uya kuthi—

(a) angene kuyo nayiphi na indawo ekuqhuba ungcakazo kuyo;

(b) athabathe inxaxheba kulo naluphi na ungcakazo okanye kuko nakuphi na ukubheja okanye asebenzise umatshini wongcakazo,

okanye

(c) uya kuthi abe selungelweni lokuba anyanzelise naliphi na ityala lokungcakaza, nakubeni kukho laa miqathango yecandelo 79.

(3) Akukho mnini welayisenisi okanye msebenzi womnini welayisenisi uya kuthi avumele nawuphi na umntu ongaphantsi kweminyaka elishumi elinesibhozoubudala, kwaye akukho mzali okanye mlondolozi womntu ongaphantsi kweminyaka elishumi elinesibhozo ubudala uya kuthi amvumele lowo mnu ukuba angene ahlale kuyo nayiphi na indawo ekuqhubeka ungcakazo kuyo okanye ukuba athabathe inxaxheba kulo naluphi na ungcakazo okanye ukubheja okanye asebenzise umatshini wokungcakaza.

(4) Apho inkundla ebithe yafumanisa umntu enetyala kuso nasiphi na isityholo inoluvo lokuba, ngenxa yohlobo lwetyala elo okanye ngokweemeko elenziwe phantsi kwazo, kukho imfuneko yokuba, ngeenjongo zokuqinisekisa ucwangco entlalweni yoluntu, intsulungeko yoluntu okanye ubulali, lowo mntu makangavunyelwa ukuba angene nawaphi na amasango athile anelayisenisi phantsi kwalo Mthetho, inkundla isenokukhupha umyalelo obhaliweyo omthintelayo ekubeni angene kuloo masango achazwe kuloo myalelo isithuba esiya kuthi sixelwe kumyalelo lowo.

(5) Apho inkundla ithe yakhupha umyalelo phantsi kwecandelwana (4), iKlakhi yeNkundla (Clerk of the Court) iya kuthi ingenise ikopi yaloo myalelo kwiGosa eliLawulayo eliyiNtloko eliya kuthi ke lona liqinisekise ukuba loo kopi iyasiwa kumnini welayisenis okanye kubanini belayisenisi ababhaliweyo kumyalelo lowo.

Uthintelo lokwenziwa kwezinto ezithile ngokuphathelele kwimidlalo yongcakazo nokubheja

72. Akukho mntu uya kuthi aphulelwe kubutyala phantsi kwawo nawuphi na umqathango walo Mthetho ngokuphathelele kwisenzo okanye kwinto athe wayenza yena okanye ethe yagunyazisa okanye yavunyelwa nguye apha kweli Phondo ngokuphathelele kuwo nawuphi na umdlalo wongcakazo okanye kuko nakuphi na ukubheja ngenxa yokuba ulawulo okanye ukuqhutywa kwaloo mdlalo okanye kwenxenye yawo kwenzeka kwenye indawo engaphandle kwiPhondo eli. Uthintelo lokwenziwa kwezinto ezithile ngokuphathelele kwimidlalo yongcakazo nokubheja

Unyino kumatyala ongcakazo

73. (1) Ngaphandle kwalapho kuvunyelwayo oko yimigaqo, umnini welayisenisi akasayi kunika umdlali imvume yokudlala ngetyala kuwo nawuphi na umdlalo wongcakazo okanye ekubhejeni.

(2) Nawuphi na umntu othi atyeshele imiqathango yeli candelo uya kuba nobutyala.

Ubhengezo

74. (1) Akukho mntu uya kuthi abeke emboniselweni isibhengezo esiphathele kungcakazo okanye ekubhejeni, ngaphandle kokuba oko ukwenza ngendlela emiselweyo.

(2) Nawuphi na umntu othi atyeshele imiqathango yeli candelo uya kuba nobutyala.

Izigqitho nezohlwayo

75. (1) Nawuphi na umntu othi—

(a) anike inkcazo ebubuxoki kuso nasiphi na isicelo okanye kuzo naziphi na iinkcuacha phantsi kwalo Mthetho;

(b) atyeshele nawuphi na umqathango welayisenisi kwaye kumntu ongumnini welayisenisi yekhasino, nawo nawuphi na umqathango ohamba nesicelo esivunyiweyo solwakhiwo;

(c) aqhube nawuphi na umdlalo wongcakazo okanye ukubheja okanye ogcina nasiphi na isixhobo sokungcakaza esingavunyelwanga ngulo Mthetho okanye oqhuba nawuphi na umdlalo wongcakazo okanye nakuphi na ukubhejisa kuwo nawaphi na amasango anelayisenisi okuhamba nxamnye nemithetho evuniweyo yaloo mdlalo wongcakazo okanye yoko kubhejisa;

(d) aphazamisane okanye othintela nalo naliphi na ilungu leBhodi, igosa eligunyazisiweyo okanye igosa lasebupoliseni ngelixa lithatha amanyathelo othintelo lokwenziwa kwetyala okanye okwenza uphando ngalo.

(e) asilele ekuthobeleni umyalelo okhutshwe phantsi kwecandelo 71(4) okanye othi ngoku esazi ukuba wenza njalo, amvumele loo mntu ukuba angene kuloo masango okanye kwinxenye yawo;

(f) ngoku sele eyikhutshelwe isamani yokuba anike ubungqina kwingxoxo yetyala okanye kuphando phantsi kwecandelo 23, athi, kungekho sizathu sivakalayo, asilele ukuya kuloo ngxoxo okanye kolo phando ngelo xesha nakuloo ndawo ichaziweyo kwisamani leyo, okanye ukuhlala kuloo ngxoxo de ibe iye yakufika esiphelweni okanye ke abe uye wakhululwa yiBhodi le ukuba angangezi kwezinye izihlandlo zokuhlala, okanye asilele ukukhupha nayiphi na incwadi, okanye uxwebhu okanye into anayo kuye okanye kulondolozo lwakhe okanye phantsi kolawulo lwakhe, athe wayalelwa ukuba ayingenise;

(g) asakuba ethunyelwe isamani phantsi kwecandelo 23—

(i) kungekho sizathu sivakalayo, ale ukufunga okanye ukwenza uqinisekiso njengengqina emva kokuba ethe wayalelwa lilungu leBhodi le elichophele uphando ukuba makenze njalo, okanye ale ukunika ubungqina, ehamba ngokwamalungelo omntu onika ubungqina okanye onika nayiphi na incwadi, uxwebhu okanye into kwinkundla yamatyala, ale okanye asilele ukuphendula ngokupheleleyo nayiphi na imibuzo ayibuzwa ngokufanelekileyo;

(ii) emva kokuba enze isifungo okanye uqinisekiso, anike ubungqina bobuxoki phambi kweBhodi le kuyo nayiphi na imibuzo ngawo nawuphi na umba, esazi futhi ukuba obo bungqina abunikayi bubuxoki okanye engazi okanye engakholelwa nokuba buyinyaniso na;

(h) abe naso nasiphi na isixhobo songcakazo, esingengawo amakhasi okanye amadayisi, esingasetyenziswayo phantsi kwelayisenisi okanye phantsi kwemiqathango yalo Mthetho, kwaye

(i) atyeshele nayiphi na imiqathango yalo Mthetho,

uya kuba nobutyala kwaye ke uya kuthi asakufunyanwa enetyala (ngaphandle kwalapho kubekwa ngolunye uhlobo apha kulo Mthetho) agwetywe ifayini engadlulanga kwizigidi ezibini zeeranti okanye agwetyelwe ukuvalelwa entolongweni isithuba esingadlulanga kwiminyaka elishumi.

(2) Zonke iifayini ezithe zabekwa phantsi kwemiqathango yalo Mthetho ziya kuya kwiNgxowa yeMali yePhondo (Provincial Revenu Fund), kodwa ke kuqondakale ukuba iifayini ezibekwe phantsi kwecandelo 82 ziya kuya kungena eBhodini le.

Igunya lokuwisa izohlwayo

76. Nakubeni kusenokuba nawuphi na umthetho ohamba nxamnye nook, imantyi iya kuthi ibe nelungelo lokubeka nasiphi na isohlwayo esilungiselelweyo ngulo Mthetho okanye phantsi kwalo Mthetho.

Ukuhluthelwa

77. (1) Inkundla isenokuthi, asakuba umntu efunyenwe enetyala phantsi kwemiqathango yecandelo 67 okanye 69, iwise isigunyaziso sokuba zihluthwe zinikwe iPhondo eli—

(a) zonke iimali, iinkozo zemali, iitshekhi, iibhili, mali ezingamaphepha okanye nawaphi na amanye amaxwebhu abonisa izibambiso okanye ezibubungqina besibhambathiso sokuhlawula imali, ezithe zafunyanwa kumasango angenayo ilayisenisi okanye kuye nawuphi na umntu okuloo masango;

(b) zonke iincwadi, izintlu, amakhadi, amaxwebhu okanye ezinye iimpepha okanye nasiphi na isixhobo, umatshini okanye into enxulumene okanye esetyenziselwa okanye enokuthi isetyenziselwe ungcakazo ethe yafunyanwa kuloo masango okanye kuye nawuphi na umntu okuloo masango, okanye

(c) nasiphi na isithuthi, isikhephe okanye inqwelomoya estyenziswa malunga nesityholo eso, apho ke kuya kuthi, ngayo nayiphi into ethe yathinjwa phantsi kwemiqathango yeli candela, kusetyenziswe imiqathango yecandelo 35 loMthetho oyiCriminal Procedure Act ka-1977 (uMthetho 51 ka-1977), kwenziwe ke kambe ezo nguqu zifanelekileyo.

(2) Inzuzo ethe yenziwa ngentengiso yayo nayiphi na into ethe yathinjwa phantsi kwecandelwana (1) iya kuthi iye kuhlawulwa kwiNgxowa yeMali yePhondo.

Iimbambano zabaxhasi

78. Ukuba umnini welayisenisi uthi ale ukuhlawula umdlali othi uphumelele, bazc ke bobabini umnini welayisenisi nomdlali lowo bangaphumeleli ekusombululeni loo mbambano ngendlela ethi imanelise umdlali lowo, loo mbambano iya kuthi isonjululwe ngokwenkqubo emiseleweyo.

Amatyala ongcakazo anyanzeliswayo

79. (1) Naliphi na ityala athe wangena kulo ngokusemthethweni umntu emva kokuqalisa kwalo Mthetho ukusebenza xa ebengcakaza okanye ebheja, liya kuthi, nakubeni isenokuba khona imiqathango yomnye umthetho okanye yomthetho ongabhalwanga, linyanzeliswe yinkundla yomthetho.

(2) Naliphi na ityala lokungcakaza okanye lokubheja athe wangena kulo ngokusemthethweni umnini welayisenisi okhankanywa kwicandelo 27 emva kokuqalisa kwalo Mthetho ukusebenza, liya kuthi, nakubeni isenokuba khona imiqathango yomnye umthetho okanye yomthetho ongabhalwanga, linyanzeliswe yinkundla yomthetho.

Intlawulo yabadizi

80. Nakubeni kusenokubakho enye into enxamnye equlathwe kuwo nawuphi na umthetho, iBhodi le isenokuthi ngeezayo iimali ihlawule nawuphi na umntu othe wanika naziphi na iinkcukacha ezinokuthi zikhokelele ekugwetyweni kwakhe nawuphi na umntu onesityholo sokutyeshela nayiphi na imiqathango yalo Mthetho, intlawulo eseso sixa inokuthi iBhodi le igqibe ngaso okanye isimisele.

Imigaqo

81. (1) UMphathiswa owongameleyo usenokuthi abeke imigaqo ngokuphathelele—

(a) kuwo nawuphi na umba onxulumene neBhodi le;

(b) kuwo nawuphi na umba onxulumene nokwenziwa kwesicelo selayisenisi;

(c) kulawulo lwamasango akhutshelwe ilayisenisi;

(d) kulawulo longcakazo, lokubheja nolwemidyarho yamahashe;

(e) kuwo nawuphi na umba oyimfuneko ngokwemiqathango yalo Mthetho okanye onokuthi umiselwe,

(f) nakuwo nawuphi na umba ngokubanzi nje, ekukho imfuneko okanye ekububulumko ukuba wenzelwe imigaqo ukuze zifezekiseke iinjongo zalo Mthetho;

kuqondakale ke kambe ukuba nawuphi na umgaqo ophathelele ezimalini okanye ochaphazela imali uya kuthi wenziwe ngemvano noMphathiswa osingathe ezemali.

(2) Nakubeni kusenokubakho enye into enxamnye equlathwe kuwo nawuphi na umthetho ophantsi kolawulo lwePalamente yePhondo eli, uMphathiswa owongameleyo usenokuthi aqulunqe imigaqo enxulumene nazo zonke iinkalo zesicelo solwakhiwo esihamba nesicelo selayisenisi yomnini wekhasino; kodwa ke kuqondakale ke kambe ukuba loo migaqo iya kuthi iyayilungiselela indawo yokuba—

(a) kwisicelo solwakhiwo kuya kuthi kuthathwe isigqibo ngaso kunye neBhodi le kusakuba kufunyenwe izindululo zikamasipala lowo uchaphazelekayo nezimvo ezithe zavakaliswa ngalo maqela achaphazelekayo amiselweyo, nokuba

(b) iBhodi le ayisayi kufikelela kwisigqibo ngesicelo solwakhiwo, ngaphandle kokuba eso Sicelo solwakhiwo kuye kwathethwana noluntu ngaso.

(3) Umgaqo owenziwe phantsi kweli candelo unokuthi umisele ifayini engadlulanga kumawaka angamashumi amabini ceranti okanye ukuvalelwa entolongweni isithuba esingadlulanga kwiinyanga ezilishumi elinesibini okanye zozibini ezi zigwebo, ifayini nokuvalelwa entolongweni, ngolwaphulo lwawo okanye ngokusilela ekuwuthobeleni.

(4) Imigaqo eyahlukeneyo inokuthi yenziwe phantsi kweli candelo ngokuphathelele kwiilayisenisi ezahlukeneyo, kwiilayisenisi zohlobo olunye kodwa zahlukile ngeempawu zazo, kubantu abakumanqanaba ahlukeneyo nakwiingingqi ezahlukeneyo.

Imithetho

82. (1) IBhodi isenokuthi, ngenothisi eyikhuphe kwiGazethi yePhondo, yenze imithetho engahambi ngokwemiqathango yalo Mthetho ngokuphathelele ekusebenziseni kwayo amagunya ayo nasekwenzeni kwayo imisebenzi yayo, nenokubandakanya—

(a) nawuphi na umba ophathelele kwisicelo selayisenisi;

(b) ulawulo lwamasango anelayisenisi nekuqhutywa kuwo ungcakazo, kunye

(c) nemithetho yokudlalwa kwawo nawuphi na umdlalo wongcakazo.

(2) Nawuphi na umthetho owenziwe phantsi kweli candelo unokuthi umisele ifayini engadlulanga kumawaka alishumi ceranti okanye ukuvalelwa entolongweni isithuba seenyanga ezilishumi elinesibini.

Ukusetyenziswa komthetho

83. Ngaphandle kwemiqathango yoMthetho weSizwe oyiNational Gambling Act, njengoko ukhankanywa kwicandelo 126(3) loMgaqo-siseko weRiphablikhi yoMzantsi Afrika ka-1993 (uMthetho 200 ka-1993), okanye enokuthi ilungiselelwe kulo Mthetho, akukho nto iqulathwe kuwo nawuphi na umthetho onxulumene nongcakazo okanye nemidyarho yamahashe uya kuthi usebenze kulo naluphi na ungcakazo okanye kwimidyarho yamahashe eqhubeka kweli Phondo.

Ukusetyenziswa kwemiqathango yethutyana

84. (1) IBhodi yoPhuhliso yoShishino lweMidyarho yaMahashe (*Board for the Development of the Horse Racing Industry*) kwiphondo leNtshona Koloni eyasekwa ngokwemiqathango yecandelo 11B loMthetho wePhondo (langaphambi ko-1994) oyi*Horse Racing and Betting Ordinance* ka-1968 (uMthetho wePhondo 34 ka-1968), iya kuthi, nakubeni watshitshiswayo lo Mthetho, iqhube kude kube nguloo mhla iya kuba yenziwe ngawo intlawulo esisahlulelo ngokulinganayo esikhankanywa kumhlathi 2 weSigaba seSibini seShedyuli yoMpoposho kaMongameli onguNomb. R25 womhla we-7 Epreli 1995.

(2) INgxowa yoPhuhliso loShishino lweMidyarho yaMahashe (*Horse Racing Industry Development Fund)* eyasekwa ngokwemiqathango yecandelo 11A loMthetho wePhondo oyiHorse Racing and Betting Ordinance ka-1968, iya kuthi, nakubeni watshitshiswayo lo Mthetho, iqhube kude kube nguloo mhla iya kuba yenziwe ngawo intlawulo ekhankanywe kwicandelwana (1); kuqondakale kodwa ke kambe ukuba zonke iimali ezithe zasala kuloo ngxowa kusakuba yenziwe le ntlawulo iya kuthi ngaloo mhla iye kunikwa iKlabhu yeMidyarho yaMahashe yaseNtshona Koloni.

(3) Nayiphi na iKomiti yeTattersall yeSithili (*Regional Tattersall Committee*) eyasekwa ngokwemiqathango yecandelo 10A loMthetho wePhondo (langaphambi ko-1994) oyi*Horse Racing and Betting Ordinance* ka-1968, iya kuthi, nakubeni watshitshiswayo lo Mthetho, iqhube ngokusebenza ngokungathi awuzange utshitshiswe loo Mthetho, kude kube ngumhla wokuhlalwa okokuqala kwentlanganiso yeBhodi.

(4) Zonke iilayisenisi ezakhutshwa phantsi koMthetho wePhondo oyi*Horse Racing and Betting Ordinance* ka-1968 ziya kuthi, emva kokuqalisakwalo uMthetho ukusebenza, zihlale zisebenza ngokusemthethweni zide ziye kuphelelwa okanye zibe zitshitshisiwe ngokwemiqathango yalo Mthetho, ekuya kuthi ke emva koko kwenziwe izicelo zeelayisenisi ezintsha ngokwaphantsi kwalo uMthetho; kodwa kuqondakale ke kambe ukuba ilayisenisi yoomatshini bokubala imali yokubheja nelayisenisi yababhejisi ziya kuthi, ngokweShedyuli IV, zithathwe ngokuba ziilayisenisi zabanini boomatshini bokubala imali yababheji nezababhejisi ngokulandelelana kwazo.

(5) Nawuphi na umntu othi ekuqaliseni kwalo Mthetho ukusebenza, asebenzise okanye avumele ukusetyenziswa kwawo nawaphi na amasango ngendlelaefuna, ngokwemiqathango yalo Mthetho, ukuba abe nelayisenisi yoomatshini bokubala imali yokubheja ekhankanywa kwicandelo 54 kuloo masango, unokuthi kwisithuba seentsuku ezilikhulu elinamashumi asibhozo emva koku kuqalisa, aqhube ngokusebenzisa okanye ngokuvumela ukusetyenziswa kwaloo masango ngendlela engafuni ukuba abe naloo layisenisi okanye nezo layisenisi.

(6) Nawuphi na umntu othi ekuqaliseni kwalo Mthetho ukusebenza aqeshelwe ukwenza umsebenzi ofuna ukuba makabe nelayisenisi yomsebenzi ophambili okanye yomsebenzi wongcakazo ekhankanywa kumacandelo 56 nelama-57, unokuthi, kwisithuba seentsuku ezilikhulu elinamashumi asibhozo emva koku kuqalisa, aqhube ngoko kusebenza ngoku angenayo loo layisenisi iyimfuneko.

Utshitshiso lwemithetho

85. Imithetho ekhankanywe kwiShedyuli I iyatshitshiswa ngalo ngokwezo ndawo zibonakaliswe kwikholam yesithathu yale Shedyuli.

Isihlokwana esifutshane nokuqalisa

86. (1) Lo Mthetho uya kubizwa ngokuba nguMthetho woNgcakazo neMidyarho yaMahashe weNtshona Koloni ka-1996, kwaye uya kuthi uqalise ukusebenza ngaloo mhla uya kuthi ubekwe yiNkulumbuso yePhondo ngoMpoposho kwi*Gazethi yePhondo.*

(2) Kusenokubekwa imihla eyahlukeneyo kwiingingqi ezahlukeneyo zeli Phondo.

(3) Kusenokubekwa imihla eyahlukeneyo yokuqalisa kumacandelo ahlukeneyo alo Mthetho.

ISHEDYUI I

A. Imithetho eyimimiselo

Inani nonyaka	Isihlokwana esifutshane	Okutshitshisiweyo
34 ka-1968	uMthetho onguMmiselo oyi*Horse Racing and Betting Ordinance* ka-1968	Wonke
16 ka-1971	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1971	Wonke
17 ka-1972	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1972	Wonke
14 ka-1973	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1973	Wonke
5ka-1975	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-75	Wonke
3ka-1976	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1976	Wonke
3ka-1980	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1980	Wonke
19 ka-1981	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1981	Wonke
8ka-1982	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1982	Wonke
8ka-1983	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1983	Wonke
9ka-1984	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1984	Wonke
7ka-1986	uMthetho-silungiso oyi *Horse Racing and Betting Amendment Ordinance* ka-1986	Wonke

B. IMipoposho yoMlawuli wePhondo

Inani nonyaka	Inani leGazethi yePhondo nomhla wayo	Okutshitshisiweyo
46/1988	4538 yomhla we-1 Julayi 1988	Wonke
109/1989	4620 yomhla wama-20 Disemba 1989	Wonke
61/1990	4660 yomhla we-14 Septemba 1990	Wonke
67/1991	4716 yomhla wama-30 Septemba 1991	Wonke
5/1994	4840 yomhla wama-28 Januwari 1994	Wonke
29/1994	4850 yomhla wama-31 Matshi 1994	Wonke

C. Imithetho yePalamente

Inani nonyaka	Isih lokwana esifutshane	Okutshitshiswayo
51 ka-1965	uMthetho woNgcakazo oyi*Gambling Act* ka-1965	Wonke kwezo ndawo zichaphazela iPhondo eli (ngaphandle kwaloo miqathango iphathelele kwiilothari)

ISHEDYULI II

Iintlawulo zezicelo, ezeelayisenisi, ezophando nezezohlwayo ezihlawulwa ngulowo wenza isicelo okanye ngumnini welayisenisi ezihamba nezi ntlobo zeelayisenisi zikhankanywe ngezantsi apha.

1. Iintlawulo ezihlawulwa ngokwemiqathango yecandelo 32 zime ngolu hlobo lulandelayo:

Iintlobo zeelayisenisi	Intlawulo yesicelo selayisenisi entsha R
Ilayisenisi yomnini wekhasino iSigaba 1	10 000.00
iSigaba 2	20 000.00
iSigaba 3 okanye naziphi na e zinye izigaba ezinokuthi zilandele	50 000.00
Ilayisenisi yomnini boomatshini bongcakazo olubekelwe imida	
iSigaba 1	10 000.00
iSigaba 2	20 000.00
iSigaba 3 okanye naziphi na e zinye izigaba ezinokuthi zilandele	50 000.00
Ilayisenisi yomnini wamasango oomatshini bongcakazo olubekelwe imida	1 000.00
Ilayisenisi yebhingo	2 000.00
Ilayisenisi yomququzeleli ongummeli	1 000.00
Ilayisenisi yomvelisi	1 000.00
Ilayisenisi yomhambisi	1 000.00
Ilayisenisi yebala lemidyarho yamahashe	1 000.00

Iintlobo zeelayisenisi	**Intlawulo yesicelo selayisenisi entsha R**
Ilayisenisi yoomatshini bemali yokubheja	2 000.00
Ilayisenisi yamasango oomatshini bemali yokubheja	1 000.00
Ilayisenisi yombhejisi	1 000.00
Ilayisenisi yomsebenzi ophambili	100.00
Ilayisenisi yomsebenzi wongcakazo	50.00

2. Iintlawu zonyaka ezihlawulwa ngokwemiqathango yecandelo 44 zimc ngolu hlobo lulandelayo:

Iintlobo zeelayisenisi	**Intlawulo yelayisenisi yonyaka R**	**Intlawulo yokuqala yophando yaseBhodini R**
Ilayisenisi yomnini wekhasino	100 000.00 kunye ne-1 000.00 ngetafile yongcakazo nganye kunye ne-600.00 ngomatshini wokufaka imali ngamnye	10 000.00 kunye ne-2 000.00 ngetafile yongcakazo nganye kunye ne—1 200.00 ngomatshini wokufaka imali ngamnye
Ilayisenisi yomnini boomatshini bongcakazo olubekelwe imida	25 000.00 kunye ne-300.00 ngomatshini wongcakazo olubekelwe imida ngamnye	5 000.00 kunye ne-600 ngomatshini wongcakazo olubekelwe imida ngamnye
Ilayisenisi yomnini wamasango oomatshini bongcakazo olubekelwe imida	5 000.00	1 000.00
Ilayisenisi yebhingo	10 000.00	2 000.00
Ilayisenisi yomququzeleli ongummeli	500.00	500.00
Ilayisenisi yomvelisi	10 000.00	2 000.00
Ilayisenisi yomhambisi	25 000.00	5 000.00
Ilayisenisi yebala lemidyarho yamahashe	500.00	500.00
Ilayisenisi yoomatshini bemali yokubheja	500.00	500.00
Ilayisenisi yamasango oomatshini bemali yokubheja	500.00	500.00
Ilayisenisi yombhejisi	500.00	500.00
Ilayisenisi yomsebenzi ophambili	100.00	100.00
Ilayisenisi yomsebenzi wongcakazo	50.00	50.00

3. Imiqathango yeSigaba C seShedyuli III kuya kuthi kulandelwe yona ngokuphathelele kuzo naziphi na iintlawulo ezikhankanywe kule Shedyuli ezithe zahlawulwa enva kwexesha, kwenziwe ezo nguqulelo zinokuba yimfuneko.

ISHEDYULI III

Irhafu, izohlwayo, njl

ISIGABA A

Iinkcazo-magama

1. Ngokwakwizigaba ngezigaba ezahlukeneyo zale Shedyuli, ngaphandle kwalapho indlela elisetyenziswe ngayo igama ilinika enye intsingiselo—

"imali engekatsalelwa eyenziwe izilungiso" ibhekisele—

(a) ngaphandle kwakuwo nawuphi na umdlalo okhankanywa kwimihlathi (b), (c), (d) no-(e) ngezantsi apha, kwisixa semali yako konke ukubheja okwenziweeyo iyonke ethe yamkelwa liPhondo eli nefunyenwe okanye efanele kufunyanwa ngumnini welayisenisi, kubandakanya nexabiso laso nasiphi na isibambiso setyala esivunyiweyo, kunye nayiphi na intlawulo eye yafunyanwa okanye esafanele kufunyanwa ngumntu obhejisayo njengemali ephunyelelweyo ngokubheja okwenziwe nguloo mnini, kuthatyathwe imali ethe yahlawulwa ngumni welayisenisi kwabo baphumeleleyo; kodwa ke kuqondakale ukuba ukubheja okwenziweyo kuya kuthathwa ngokuba kuye kwamkelwa ngumnini welayisenisi kuloo masango anelayisenisi aloo mnini welayisenisi, ukuba ngaba ukwamkelwa kokubheja oko ngumnini welayisenisi kuyawuqukumbela umcimbi lowo;

(b) ngokubhekisele kuwo nawuphi na umdlalo apho umnini welayisenisi engachaphazeleki ekubhejeni, kuzo zonke iimali iimali ezifunyenwe okanye ezifanele kufunyanwa ngumnini welayisenisi njengembuyekezo yokuqhuba loo mdlalo kweli Phondo;

(c) ngokubhekisele kuyo nayiphi na imidlalo yasetafileni, ngaphandle kwale ikhankanywe kumhlathi (b) ngentla apha, eqhutywa ngumnini welayisenisi kweli Phondo, kwimali ekhoyo yokuvala kunye neziliphu zamatyala email, iitshipsi okanye iithowukheni eziye zabuyiselwa kumakeli-mali wekhasino kunye nemali eye yadlalwa, kunye nexabiso leekhuphoni, ekusakuba kuthatyathwe kuzo imali yokuvula naleyo bekuzaliswa ngayo ezitafileni;

(d) ngokubhekisele koomatshini bokufaka imali, engeyiyo le ikhankanywe kumhlathi (e) ngezantsi apha eqhutywa ngumnini welayisenisi kweli Phondo, kwimali eye yadlalwa, kusakuba kuthatyathwe leyo bekuzaliswe ngayo umatshini kunye nezo mali ziphunyelelweyo; kodwa ke kuqondakale ukuba leya mali ibiye yafakwa kuqala kwihopha yomtshini ayisayi kuthathwa njengemali ebekuzaliswe ngayo, kwaye ayisayi kukuchaphazela ukubalwa kwemali engekatsalelwa eyenziwe izilungiso kananjalo

(e) ngokubhekisele koomatshini bokufaka imali abaqhutywa ng, umnini welayisenisi kweli Phondo nabaqhagamshelaniswe kwimixokelelwano yenkqubo yommanda edityanelweyo, kwimali eye yadlalwa, kusakuba kuthatyathwe leyo bekuzaliswe ngayo umatshini kunye nezo mali zemirhumo eye yakhutshwa ngumnini welayisenisi kwinkqubo yommandla edityanelweyo ngabo matshini bokufaka imali kuloo nyaka werhafu nezomali ziye zahlawulwa abaphumeleleyo ezingazi kubuyekezwa yingxowa yenkqubo yommandla edityanelweyo; kuqondakale ukuba leya mali ibiye yafakwa kuqala kwihopha yomtshini ayisayi kuthathwa njengemali ebekuzaliswe ngayo, kwaye ayisayi kukuchaphazela ukubalwa kwemali engekatsalelwa eyenziwe izilungiso; kuqondakale kananjalo ukuba apho kuye kwabakho imali eyintsalela kwingxowa yommandla (central fund) ethe yanikwa umnini welayisenisi okanye apho nawuphi na umnini welayisenisi ethe warhoxa kwinkqubo yommandla edityanelweyo waza wanemali ayibuyiselwayo ngoko kurhoxa eyimali ebingumrhumo obuye watsalwa kweso sithuba serhafu ngokwakulo mhlathi, ezo mali zibuyiselweyo kumnini welayisenisi ziya kuthi zibandakanywe xa kubalwa imali engekatsalelwa eyenziwe izilungiso yomnini welayisenisi leyo kweso sithuba serhafu ebeye wanikwa kuso imbuyekezo;

"ulwaphulelo oluvumelekileyo" lubhekisele—

(a) kwimali efunyenwe ngokubheja okuye kwafunyaniswa ngokuqinisekileyo ukuba bekuye kwenziwa ngumntu ongumbhejisi; kuqondakale ke kambe ukuba leyo mali ayisayi kuba ngaphezulu kwaleyo ibiye yamiselwa kwangaphambili ngumbhekisi ukuba iya kuba yimali efunyanwayo ngophumeleleyo koko kubheja;

(b) isixa semali yawo nawaphi na amatyala afanele kuhlawulwa wona umnini welayiseni ethe kuloo nyaka werhafu yafumanisека ingenakukwazi ukuhlawuleka ngenxa yako nakuphi na ukutshona okukhankanywa kuMthetho ongokutshona oyi-*Insolvency Act* ka-1936 (uMthetho 24 ka-1936), njengoko wenziwe izilungiso, kodwa ke kuxhomekeke ekubeni eso sixa semali sibandakanyiwe kwesi sithuba serhafu okanye sasibandakanyiwe kwisithuba serhafu esidlulileyo kwimali engekatsalelwa eyenziwe izilungiso yomnini welayisenisi,

(c) nakumyinge wemali yayo nayiphi na ilahleko okanye yazo naziphi na iilahleko kwisithuba serharu esidlulileyo okanye kwizithuba ezidlulileyo, engazange yatsalelwa phantsi kwalo mhlathana, ibe ke loo mali iyimali engekho ngaphezulu imali efanele kutsalelwe irhafu kwesi sithuba serhafu; kodwa ke kuqodakale ukuba ilahleko iya kubhekisela kwisixa semali esingaphantsi kwento engekhoyo, kuqondakale kananjalo ukuba akusayi kubakho mntu uya kufumana ulwaphulelo ngenxa yelahleko athe wayifumana loo mntu kwenye ilayisenisi anayo;

"umbhejisi" uthetha umntu onelayisenisi yokubhejisa ekhutshwe phantsi kwalo Mthetho;

"ingxowa yesithili" ibhekisele kwingxowa ebandakanya indawo enkulu yenkqubo edityanelweyo ngeenjongo zokuqinisekisa ukuba ikhona ngokwaneleyo imali yokuhla abo bathe baphumelela;

"umrhumo" ubhekisele kuleyo mali ikhutshwa ngumnini welayisenisi kwingxowa yesithili kuba ethabatha inxaxheba kwinkqubo edityanelweyo yesithili ngeenjongo zokubonelela ngemali yokuhlawula abo bathe baphumelela;

"isixhobo sokuhlawula" sibhekisele kwitshekhi, kwimali eliphepha, itshekhi eyenziwe yibhanki, ipositali-oda, imani-oda okanye esinye nje isixhobo sokuhlawula;

"imali efakiweyo"—

(a) ngokubhekisele kwimidlalo yasetafileni, engeyiyo leya ikhankanywe kumhlathana (b) wenkcazo-magama "yemali engekatsalelwa eyenziwe izilungiso", ithetha isixa semali iyonke iitshipsi kunye neethowukheni ezikhoyo kwiibhokisi zokufaka imali yokudlala;

(b) ngokubhekisele koomatshini bokufaka imali ithetha isixa semali iyonke kunye neethowukheni eziye zathathwa kwibhokisi yokufaka imali yokudlala, okanye ke ngokubhekisele koomatshini bokufaka imali abangenamali, ithetha isixa esiye satsalwa kwimali yabadlali abaye bafaka imali yokudlala kwabo matshini;

"ibhokisi yokufaka imali"—

(a) ngokubhekisele kwimidlalo yasetafileni, ithetha into esisikhongozelo semali yokudlala esihlala sibhalwe igama lomdlalo lowo, ishifti kunye nenombolo ehambelana nenombolo esisigxina yetafile leyo, ekuthi kuso kufakwe yonke imali ekuthe kwathengwa ngayo iitshipsi okanye iithowukheni okanye izinto ezizizibonelelo zamatyala kuloo tafile nazo zonke ezinye iimpepha eziphathelele kwimicimbi eqhubeka kuloo tafile;

(b) ngokuphathelele koomatshini bokufaka imali, ithetha isikhongozelo esikwicandelo elitshixiweyo lomatshini okanye ikhabhinethi yawo yokuqokelela imali kwakunye neethowukheni ezigcinwe ngumatshini ezingasetyenziswayo ekukhutshweni kweentlawulo ozikhupha ngokwawo umatshini, isikhongozelo eso esinenombolo ehambelana nenombolo esisigxina yomatshini lowo;

"okufakiweyo"—

(a) ngokubhekiselel kwimidlalo yasetafileni, kuthetha iitshipsi esithe zafakwa kwitafile leyo, kwaye

(b) ngokubhekisele koomatshini bokufaka imali, kuthetha imali engumwangalala okanye iithowukheni ezithe zaya kufakwa kwihopha ngenjongo yokuyigcina inento;

"umqhubi wongcakazo" uthetha lowo mntu ungumnini welayisenisi yekhasino, welayisenisi yoomatshini bongcakazo olusikelwe imida okanye welayisenisi yebhingo;

"ihopha" ithetha isikhongozeli esingaphakathi kumatshini wokufaka imali ekuthi kufakwe kuyo imali eziinkozo okanye iithowukheni, ide izale neziphuma kuyo iintlawulo ukuba zikho ngokwaneleyo ezo nkozo zemali;

"umnini welayisenisi" uthetha naye nawuphi na umntu onelayisenisi yokuqhuba ikhasino, onelayisenisi yoomatshini bongcakazo olusikelwe imida, onelayisenisi yoomatshini bemali yokubheja, onelayisenisi yebhingo okanye onelayisenisi yombhejisi ekhutshwe phantsi kwalo Mthetho, okanye ekufuneka ekhutshelwe ilayisenisi elolo hlobo ngokwemiqathango yalo Mthetho;

"inyanga" ithetha inyanga le ykhalenda;

"izinga elimiselweyo" ngokubhekisele kuyo nayiphi na inzala ehlawulwayo ngokwemiqathango yale Shedyuli, lithetha—

(a) izinga eliyi-1,2 yepesenti ngenyanga nganye okanye ngenxenye yenyanga, xa iyinzala ehlawulwa ngokwemiqathango yomhlathi 1(1)(a)(ii) weSigaba C, okanye

(b) izinga eliyi-16% ngonyaka, xa iyinzala ehlawulwa ngokwemiqathango yomhlathi 4(2) weSigaba C

okanye, kuzo zombini ezi meko, naliphi na izinga elilelinye elinokuthi limana libekwa yiKhansile eLawulayo ejongene nezemali ngesaziso esikhutshwe kwiGazethi yePhondo;

"umatshini wokufaka imali ozinyuselayo" uthetha umatshini wokufaka imali onentlawulo omana ozinyusela ngokwawo intlawulo njengokuba ixesha lisiya lihamba nje okanye njengokuba umatshini wokufaka imali okanye omnye umatshini ololo hlobo, udlalwa nje;

"imidlalo yasetafileni" ithetha nayiphi na imidlalo kwikhasino kudlalwa ngamakhasi, ngamadayisi okanye ngayo nayiphi na enye into engenguye umatshini wokufaka imali;

"irhafu" ithetha nayiphi na irhafu yongcakazo ebekwe ngokwemiqathango yecandelo 64;

"imali erhafelwayo" ithetha yonke imali eyenziweyo ehlengahlengisiweyo, kodwa kusakuba kuthatyathwe eziya mali zolwaphulelo oluvumelekileyo olubekwe ngulo Mthetho;

"isithuba sorhafiso" ngokubhekisele kumnini welayisenisi, sithetha isithuba sorhafiso esibekwe ngokwemiqathango yomhlathi 2 weSigaba B sale Shedyuli;

"inkqubo edityanelweyo yesithili" ithetha nayiphi na inkqubo eyamkelwe yiBhodi le apho umatshini wokufaka imali ozinyuselayo omnye okanye oomatshini bokufaka imali abangaphaya komnye ekwiindawo zongcakazo ezahlukeneyo abamana ukuqhagamshelaniswa ngoqhagamshelwano lwekhompuyutha nabanokudlalwa ngeenjongo zokuphumelela isixa esithile esiyijekhipoti ekuthiwa uzinyusela ngokwawo umatshini; kuqondakale ke kambe ukuba umatshini ngamnye oqhagamshelisiweyo kufuneka ube uya kukwazi kangangoko ukubanika abaxhasi le jekhipoti umana ukuzinyusela;

"okuphunyelelweyo" kuthetha isixa sisonke—

(a) sayo nayiphi na imali;

(b) saloo mali zixabisa yona zonke iithowukheni, iitshipsi, ivawutsha okanye izitampu ezitshintshiswa ngemali okanye ngexabiso, kunye

(c) neendleko zomnini welayisenisi ngayo nayiphi na into anayo eyiasethi,

esihlawulwa okanye esinikwa nawuphi na umntu ngumnini welayisenisi njengempumelelo yakhe ngokwaloo mali kudlalwe ngayo athe wayamkela umnini welayisenisi; kuqondakale ke kambe ukuba apho oko kuphunyelelweyo kuhlawulwa ngonyaka, xa kuqwalaselwa imali eye yenziwa, imali engasayi kubalwa seso sixa siye sahlawulwa ngumnini welayisenisi okanye ziindleko zokuthengwa kwentlawulo yonyaka ukuba ngaba loo ntlawulo yonyaka iye yathengwa ngumnini welayisenisi.

ISIGABA B

Irhafu yongcakazo

1. Irhafu yongcakazo efanele kuhlawulwa ngumnini welayisenisi yekhasino, oweyoomatshini bongcakazo olusikelwe imida, noweyelayisenisi ngokwemiqathango yecandelo 64 iya kuthi ibalwe ngokwale ndlela ibonakaliswe kwezi theyibhile zilandela ngezantsi apha:

Ilayisenisi yomqhubi wekhasino

(a) Ngokubhekisele kwimali erhafiswayo kuso nasiphi na isithuba sorhafiso, eso sixa serhafu sibalwe ngokwale theyibhile ilandela ngezantsi apha:

AMALI ERHAFISWAYO	IZINGA LERHAFU NGOKUBHEKISELE KUMNINI WELAYISENISI YEKHASINO
Apho imali erhafiswayo kwisithuba sorhafiso—	
ingadlulanga kwizigidi zeeranti ezilishumi (R10 million)	6% ye-R1 nganye yemali erhafiswayo
idlule kwi-R10 million, kodwa inganeno kwi-R20 million	R600 000 kunye ne-8,5% yeso sixa idlule ngaso kwi-R10
idlule kwi-R20 million kodwa inganeno kwi-R30 million	R1,45 million kunye ne-11% yeso sixa idlule ngaso kwi-R20 million le mali irhafiswayo
idlule kwi-R30 million kodwa inganeno kwi-R40 million	R2,25 million kunye ne-13% yeso sixa idlule ngaso kwi-R30 million le mali irhafiswayo
idlule kwi-R40 million kodwa inganeno kwi-R50 million	R3,85 million kunye ne-15% yeso sixa idlule ngaso kwi-R40 million le mali irhafiswayo
idlule kwi-R50million	R5,35 million kunye ne-17% yeso sixaidlule ngaso kwi-R50 million le mali irhafiswayo

Ilayisenisi yomnini woomatshini bongcakazo olubekelwe imida

(b) Ngokubhekisele kwimali erhafiswayo kuso nasiphi na isithuba sorhafiso, eso sixa serhafu sibalwe ngokwalc theyibhile ilandela ngezantsi apha:

IMALI ERHAFISWAYO	IZINGA LERHAFU NGOKUBHEKISELE KUMNINI WELAYISENISI YOOMATSHINI BONGCAKAZO OLUBEKELWE IMIDA
Apho imali erhafiswayo kwisithuba sorhafiso—	
ingadlulanga kwizigidi zeeranti ezilishumi (R10 million)	10% ye-R1 nganye yemali erhafiswayo
idlule kwi-R10 million, kodwa inganeno kwi-R20 million	R1,0 million kunye ne-12,5% yeso sixa idlule ngaso kwi-R10 million le mali irhafiswayo
idlule kwi-R20 million kodwa inganeno kwi-R30 million	R2,25 million kunye ne-15% yeso sixa idlule ngaso kwi-R20 million le mali irhafiswayo
idlule kwi-R30 million	R3,75 million kunye ne-20% yeso sixa idlule ngaso kwi-R30 million le mali irhafiswayo

Ilayisenisi yebhingo

(c) Ngokubhekisele kwimali erhafiswayo kuso nasiphi na isithuba sorhafiso, eso sixa serhafu sibalwe ngokwale theyibhile ilandela ngezantsi apha:

IMALI ERHAFISWAYO	IZINGA LERHAFU NGOKUBHEKISELE KUMNINI WELAYISENISI YEBHINGO
Apho imali erhafiswayo kwisithuba sorhafiso—	
ingadlulanga kwi-R2 million	10% ye-R1 yemali erhafiswayo
idlule kwi-R2 million	R200 000 kunye ne-15% yeso sixa idlule ngaso kwi-R2 million le mali irhafiswayo

Isithuba sorhafiso

2. Isithuba sorhafiso iya kuba sisithuba senyanga enye ephela ngosuku lokugqibela lwenyanga nganye kwiinyanga ezilishumi elinesibini zonyaka wekhalenda; kuqondakale ke kambe ukuba nasiphi na isithuba sorhafiso, xa kuye kwabakho ulwamkelo olubhaliweyo oluthe lwenziwa nguMlawuli-Jikelele kuLawulo lwePhondo leNtshona Koloni, sisenokuphela kwisithuba seentsuku ezilishumi phambi okanye kwaloo mhla wokugqibela; kuqondakale ke kambe kananjalo ukuba isithuba sorhafiso sokuqala sakhe nawuphi na umnini welayisenisi siya kuqala ngaloo mhla athe umnini welayisenisi wanikwa ilayisenisi phantsi kwalo Mthetho okanye ngaloo mhla ebeya kunikwa ngawo ilayisenisi ukuba ebekufanele ukunikwa ilayisenisi.

ISIGABA C

Isohlwayo nenzala ngokusilela ekuhlawuleni irhafu okanye ekwenzeni intlawulo ngexesha lokuhlawula

1. (1) (a) Ukuba ngaba nawuphi na umnini welayisenisi ofanele ukuhlawula irhafu okanye intlawulo yelayisenisi kufuneka eyihlawule loo layisenisi ngolo hlobo lumiselweyo, aze asilele ukuhlawula nasiphi na isixa saloo ntlawulo, umnini welayisenisi lowo uya kuthi phezu kweso sixa serhafu okanye sentlawulo yelayisenisi uya kuthi ahlawule—

(i) isohlwayo esilingana ne-10% yeso sixa serhafu okanye sentlawulo yelayisenisi ngenyanga nganye okanye ngenxenye yenyanga nganye ayihleli engekahlawuli; kuqondakale ke kambe ukuba isohlwayo asisayi kudlula kwi-100% yeso sixa serhafu okanye sentlawulo yelayisenisi, kwaye

(ii) apho ithe le ntlawulo yerhafu okanye yelayisenisi ithe yenziwa kusuku lokuqala okanye emva kwalo emva kwenyanga siphelile eso sithuba sivumelekileyo ekuhlawulweni kwerhafu okanye kwentlawulo yelayisenisi, inzala ngaloo rhafu okanye ngaloo ntlawulo yelayisenisi, inzala leyo eya kuthi ibalwe ngokwelo nqanaba limiselweyo ngenyanga nganye okanye ngenxenye yenyanga nganye ukusuka kuloo mhla wokuqala ukuya kutsho kuloo mhla ithe yafunyanwa ngayo intlawulo liGosa eliLawulayo eliyiNtloko; kuqondakale ke kambe ukuba xa loo ntlawulo yerhafu okanye yelayisenisi ithe ayahlawulwa phambi kokuba kuphele iintsuku ezingamashumi amane anesihlanu emva kwaloo mhla ibifanele kuhlawulwa ngawo, iGosa eliLawulayo eliyiNtloko liya kuthi liya kuthi limnike inothisi yeentsuku ezilishumi elinesine ngento ebhaliweyo umnini welayisenisi lowo yokuba ayihalwule irhafu leyo okanye ilayisenisi leyo, nokuba xa athe wasilela ukuyihlawula loo rhafu okanye loo layisenisi sade saphela esi sithuba seentsuku ezilishumi elinesine, iBhodi isenokuthi iyimise okwexeshana okanye iyitshitshise ilayisensi yalo mnini welayisenisi.

(b) Apho nasiphi na isixa serhafu kuso nasiphi na isithuba sorhafiso sakhe nawuphi na umnini welayisenisi, siye sabuyiselwa umnini welayisenisi ngalo ndlela imiselweyo okanye kweso sithuba iye yafakwa kwirhafu eye yangahlawulwa ngohlobo olumiselweyo, kwaye loo mali iyonke okanye inxenye yayo iye ayahlawulwa ngokufanelekileyo kumnini welayisenisi, inxenye yaloo mali ingabuyiselwanga ngokufanelekileyo iya kuthi ngokomhlathana (a)(i) ithathwe ngokuba sisixa esifanele kuhlawulwa ngumnini welayisenisi singaphelanga eso sithuba, kwaye ke ngokomhlathana (a)(ii) iya kuthi ithathwe njengesixa serhafu efanele kuhlawulwa ngumnini welayisenisi ngeso sithuba wayethe wabuyiselwa ngaso.

(2) Apho iGosa eliLawulayo eliyiNtloko lanelisekile ukuba ukusilela kwakhe nawuphi na umnini welayisenisi ekuhlawuleni irhafu okanye intlawulo yelayisenisi sade sadlula isithuba esibekiweyo kwimigaqo nebesifanele ukuba singapheli kungekahlawulwa, akwenziwanga ngabom ngeenjongo zokuyiphepha okanye zokuyimisela elinye ixesha intlawulo yerhafu,iGosa eliLawulayo eliyiNtloko lisenokuthi lisibuyisele sonke isohlwayo eso okanye inzala leyo okanye inxenye yaso ebifanele kuhlawulwa ngokwemiqathango yalo mhlathi.

Ukubalwa kwenzala ehlawulwayo phantsi kwalo Mthetho

2. Apho—

(a) nayiphi na inzala ifanele kuhlawulwa phantsi kwemiqathango yomhlathi 1(1)(a);

(b) inqanaba efanele kuhlawulwa kulo loo nzala liye lathi ukusukela kuwo nawuphi lenziwa utshintsho,

(c) loo nzala ifanele kuhlawulwa kuso nasiphi na isithuba okanye kulo naliphi na inani leenyanga okanye kwinxenye yenyanga ethe yaqala phambi kwaloo mhla, inzala eya kubekwa ngaloo nxenye yeso sithuba siphele phambi kwaloomhla okanye ngezo nyanga okanye ngenxenye yaloo nyanga iqale phambi kwaloo mhla, iya kubalwa ngokungathi akukhange kwenziwe lutshintsho kwelo nqanaba lenzala.

Uhlawuliso lwerhafu

3. (1) Nasiphi na isixa serhafu, sentlawulo yelayisenisi, sesohlwayo okanye sayo nayiphi na inzala esifanele kuhlawulwa ngokwemiqathango yalo Mthetho siya kuthi, xa kufike ixesha lokuba sihlawulwe, sibe lityala elifanele kuhlawulwa iPhondo eli, kwaye siya kuthi sihlawuliselwe ukuya kufakwa kwiNgxowa yeMali yePhondo liGosa eliLawulayo eliyiNtloko, njengoko kuboniswa ngezantsi apha.

(2) (a) Ukuba nawuphi na umnini welayisenisi uthe wasilela ukuhlawula nayiphi na irhafu, intlawulo yelayisenisi, isohlwayo okanye inzala efanele kuhlaulwa ngokwemiqathango yalo Mthetho ngexesha afanele kuyihlawula ngalo, iGosa eliLawulayo eliLawulayo lisenokuthi liye kungenisa inkcazo eqinisekisiweyo kunobhala okanye kumbhalisi (registrar) wayo nayiphi na inkundla efanelekileyo, echaza isixa esifane ukuhlawulwa ngumnini welayisenisi lowo, kwaye ke loo nkcazo iya kuthi emva koko ithathwe njengesigwebo esithe sawiswa ngokusemthethweni yiloo nkundla kwityala lembambano elityalwa iGosa eliLawulayo eliyiNtloko neliseso sixa sichaziweyo kwinkcazo leyo.

(b) IGosa eliLawulayo eliyiNtloko linokuthi ngenothisi ebhalelwe loo nobhala okanye loo mbhalisi, liyirhoxise le nkcazo ikhankanywe kumhlathana (a), kuze ke kuthi emva koko kungabikho nto inokwenziwa ngaloo nkcazo; kuqondakale kodwa ke kambe ukuba iGosa eliLawulayo eliyiNtloko lisenokuthi liphinde liwavuselele la manyathelo akhankanywe kulaa mhlathana ngokuphathelele kuyo nayiphi na irhafu, intlawulo yelayisenisi, isohlwayo okanye inzala ekhankanywe kuloo nkcazo irhoxisiweyo.

(c) IGosa eliLawulayo eliyiNtloko lisenokuthi lithathe amanyathelo okuba kuthinjwe kubanjiswe ngezinto zakhe nawuphi na umntu, kwaye ke kuloo meko liya kuthi lithathwe ngokuba lingumntu otyalwayo ngokuphathelele kuyo nayiphi na irhafu, intlawulo yelayisenisi, isohlwayo okanye inzala efanele kuhlawulwa nguloo mnini welayisenisi phantsi kwemiqathango yalo Mthetho.

(3) Nakubeni kusenokuba nayiphi na enye into equlathwe nguMthetho oyiMagistrates' Courts Act ka-1944 (uMthetho 32 ka-1944), inkcazo yaso nasiphi na isixa isenokungeniswa ngokwemiqathango yomhlathana (2)(a) kunobhala wenkundla kamantyi enegunya lolawulo ngokuphathelele kumnini welayisenisi lowo utyala eso sixa ngokwemiqathango yalo Mthetho.

(4) Apho kuthe, phezu kwaso nasiphi na isixa serhafu okanye sentlawulo yelayisenisi esifanele kuhlawulwa nguye nawuphi na umnini welayisenisi ngokwemiqathango yalo Mthetho, kwabakho isixa semali eyinzala okanye eyeyesohlwayo efanele kuhlawulwa ngumnini welayisenisi ngokwemiqathango yomhlathi 1(1), nayiphi na intlawulo ethe yahlawulwa nguloo mnini welayisenisi ngaloo rhafu, ngaloo ntlawulo yelayisenisi, ngaloo nzala okanye ngeso sohlwayo, engaphantsi kwesixa sisonke saloo rhafu okanye saloo ntlawulo yelayisenisi okanye saloo nzala okanye seso sohlwayo, iya kuthi ngokwakulo Mthetho, ithathwe ngokuba yenzelwe—

(a) eso sohlwayo;

(b) xa ithe yaba ngaphezulu kwisohlwayo eso, yenzelwe loo nzala,

(c) naxa loo ntlawulo ithe yaba ngaphezulu kwezi zixa, esesohlwayo nesenzala, iya kuthathwa ngokuba yenzelwe loo rhafu okanye loo ntlawulo yelayisenisi.

(5) Xa kuqhutywa ingxoxo ephathelele kuyo nayiphi na inkcazo engeniswe phantsi kwemiqathango yomhlathana (2)(a), nawuphi na umnini welayisenisiakasayi kuba selungelweni lokuba aphikise ukuchaneka kwalo naluphi na uvandlakanyo esekelwe phezu kwalo inkcazo leyo, nakubeni ke kambe kusenokuthi kanti sikhona isibheno esele sifakiwe ngolovandlakanyo.

Intlawulo yerhafu okanye intlawulo yelayisenisi xa kusekho isibheno

4. (1) Uxanduva lokuhlawula nelungelo lokufumana intlawulo, elokubiza intlawulo yerhafu okanye intlawulo yelayisenisi ezifanele kuhlawulwa ngokwakulo Mthetho, alusayi kumiswa kukufakwa kwaso nasiphi na isibheno okanye sisigqibo senkundla esisalindelweyo, ngaphandle kokuba iGosa eliLawulayo eliyiNtloko liyalele ngolo hlobo.

(2) Xa kuthe naluphi na uvandlakanyo lwenziwa inguqulelo ngenxa yesibheno okanye ngokuthi kuhanjwe ngaso nasiphi na isigqibo esikhankanywa kumhlathana (1) okanye ngenxa yesigqibo esithe sathathwa liGosa eliLAwulayo eliyiNtloko sokuba asamkele isibheno esifakwe eBhodini, kuya kuthi kwenziwe uhlengahlengiso, zize zithi iimali ezidlulileyo kwezo bezihlawuliwe zibuyiselwe kunye nenzala yazo ngokwezinga lenzala elimiselweyo, inzala leyo eya kubalwa ukusukela kuloo mhla uye wamkelwa liGosa eliLawulayo eliyiNtloko njengomhla eyathi yafunyanwa ngawo loo mali idlulileyo kwintlawulo leyo, ngokunjalo neentlawulo nezo zixa ibiqhwalela ngazo intlawulo leyo ziya kuthi zibizwe kunye nesohlwayo nenzala ebalwe ngokolwaa hlobo lukhankanywe kumhlathana 1(1).

Izigqitho nezohlwayo ngokuphepha irhafu okanye iintlawulo

5. (1) Nawuphi na umntu othi ngenjongo yokuba aphephe intlawulo yayo nayiphi na irhafu okanye intlawulo yelayisenisi ebekiweyo phantsi kwalo Mthetho, okanye othi ngenjongo yokufumana imbuyekezo ngayo nayiphi na irhafu okanye itlawulo yelayisenisi ezazi ukuba akafanelanga kuyifumana okanye ngeyokuba azame ukuncedisa omnye umntu ukuba aphephe intlawulo yayo nayiphi na irhafu okanye intlawuo yelayisenisi afanele kuyihlawula loo mntu okanye ukuba afumane imbuyekezo phantsi kwalo Mthetho ngayo nayiphi na irhafu okanye itlawulo yelayisenisi esazi ukuba loo mntu akafanelanga kufumana mbuyekezo—

(a) enze okanye athundeze ukuba kukhutshwe iipemethi ngeenkcazo yobuxoki okanye okanye azalise ngobuxoki iifomu ezifanele kungeniswa ngokwemiqathango yemigaqo okanye asayine ezo fomu engenayo imihlaba yokuqiniseka nokukholelwa ukuba loo nkcazo okanye loo fomu iqulathe inyaniso;

(b) anike impendulo ebubuxoki, nokuba uyinika ngokuthetha okanye ngento ebhaliweyo, xa athe wacelwa liGosa eliLawulayo eliyiNtloko okanye nguye nawuphi na umntu othe wagunyaziswa ngokufanelekileyo liGosa eliLawulayo eliyiNtloko ukuba anike iinkcukacha ezithile;

(c) alungise okanye agcine okanye enze ukuba kulungiswe okanye kugcinwe iincwadi zeeakhawunti okanye ezinye iimpepha ezinobuxoki okanye ogunyazisa ukuba kwenziwe ubuqhopholo ezincwadini zeeakhawunti okanye kwezinye iimpepha;

(d) anike inkcazo yobuxoki ngeenjongo zokuba afumane imbuyekezo kuyo nayiphi na irhafu okanye intlawulo yelayisenisi, okanye

(e) asebenzise nabo nabuphi na ubuqhetseba okanye ubuchule okanye naliphi na iyelenqe okanye agunyazise ukusetyenziswa kobo buqhetseba, ubuchule okanye iyelenqe,

Uya kuba nobutyala agwetyelwe ifayini engadlulanga kwizigidi zceranti ezibini okanye ukuvalelwa entolongweni isithuba esingadlulanga kwiminyaka elishumi okanye azinikwe zozibini ezi zigwebo, leyo fayini kunye neso sithuba sokuvalelwa entolongweni.

(2) Naphi na kwiingxoxo eziphantsi kwalo mhlathi xa kuthe kwafunyaniswa ukuba kukho nayiphi na inkcazo yobuxoki eyenziwe nguye nawuphi na umntu okanye egameni lakhe nawuphi na umntu kuzo naziphi na iincwadi zeeakhawunti okanye kuzo naziphi na ezinye iimpepha zakhe nawuphi na umntu, lowo mntu uya kuthathwa ukuba nguye owenze loo nkcazo ibubuxoki okanye ufake ezo nkcukacha zibubuxoki okanye owenze okanye ovumele ukuba kwenziwe loo nkcazo yobuxoko okanye kufakwe ezo nkcukacha zobuxoki kuye nayiphi na ifomu engeniswe ngokwemiqathango yalo Mthetho, ngeenjongo zokuba aphephe intlawulo yerhafu okanye intlawulo yelayisenisi okanye ngeenjongo zokufumana imbuyekezo ngayo nayiphi na irhafu okanye ngayo nayiphi na intlawulo yelayisenisi angafanelanga kuyifumana, de kube kufunyanisiwe ukuba akunjalo, kwaye nawuphi na omnye umntu othe wenza loo nkcazo yobuxoki okanye wafaka ezo nkcukacha zobuxoki uya kuthathwa ngokuba nguye owenze loo nkcazo ibubuxoki okanye ufake ezo nkcukacha zibubuxoki ngeenjongo zokuncedisa lo sele ekhankanyiwe ukuba aphephe intlawulo yaloo rhafu okanye intlawulo yaloo layisenisi okanye ukuba afumane imbuyekezo ngaloo rhafu okanye loo ntlawulo yelayisenisi angafanelanga kuyifumana, de kube kufunyanisiwe ukuba akunjalo.

(3) Ukufunyaniswa komntu enetyala phantsi kwemiqathango yalo mhlathi akusayi kumenza ukuba loo mntu ugwetyiweyo angabi naluxanduva lakuhlawula intlawulo yayo nayiphi na irhafu okanye intlawulo yelayisenisi, nasiphi na isohlwayo okanye inzala afanele kuyihlawula phantsi kwemiqathango yalo Mthetho.

Izikim ezijoliswe ekufumaneni ulwaphulelo lwerhafu olungafanelekanga

6. (1) Nakubeni kukho nawuphi na umqathango phantsi kwalo Mthetho, nanini na xa iGosa eliLawulayo eliyiNtloko laneliseke ukuba nasiphi na isikim—

(a) kuye kwangenwa kuso okanye siye saqhutywa sinokuthi senze okokuba kubekho nawuphi na umntu ofumana isaphulelo kwirhafu, kwaye ke

(b) asakuba eqwalasele umxholo wesikim eso ukuba—

(i) kwangenwa kuso okanye siqhutywa ngendlela engeyiyo esifanele kuqhutywa ngayo xa kuqhutywa ushishino olunesihlahla lwesiqhelo, ngaphandle nje kokuba lujoliswe ekufumaneni isaphulelo kwirhafu, okanye

(ii) siye senza amalungelo okanye uxanduva obelungasayi kwenziwa phakathi kwabantu abanonxulumano bengekho kunye, kwaye

(iii) kwangenwa kuso okanye siqhutywa kuphela nje ngeenjongo zokufumana isaphulelo kwirhafu,

liya kuthi liqwalasele ukuba ithini na irhafu efanele kuhlawulwa ngokwemiqathango yalo Mthetho, nokuba sithini na isixa esifanele kuhlawulwa ngokungathi isikim eso bekungangenwanga kuso okanye besingakhange saqhutywa okanye ngaloo ndlela licinga ukuba besifanele kuqhutywa ngayo ukuze kungabikho kuthotywa kwerhafu efanele kuhlawulwa.

(2) Ngokwakulo mhlathi—

"isikim" sibandakanya nawuphi na umcimbi oqhutyiweyo, umsebenzi oqhutyiweyo, isikim okanye ukuqondakala (nokuba kuyakwazi ukunyanzeliswa okanye akukwazi) kubandakanya onke amanyathelo nemicimbi esiqhutywa ngayo, kwaye

"isapheleo kwirhafu" sibandakanya—

(a) naluphi na uthotyelo koko nawuphi na umntu afanele kukuhlawula kwirhafu okanye kwintlawulo yelayisenisi emiselwe ngulo Mthetho;

(b) nakuphi na ukwanda kwilungelo lakhe nawuphi na umntu lokufumana imbuyekezo kuyo nayiphi na irhafu okanye intlawulo yelayisenisi emiselwa ngulo Mthetho, okanye

(c) nako nakuphi na ukuphepha okanye ukumisela elinye ixesha koxanduva lokuhlawula ityala kuyo nayiphi na irhafu okanye intlawulo yelayisenisi miselwa ngulo Mthetho.

(3) Nasiphi na isigqibo elithe lafikelela kuso iGosa eliLawulayo eliyiNtloko phantsi kwalomhlathi siya kuthi sihambe nelungelo lokuba sichazwe okanye sifakelwe isibheno, kwaye nanini na, kwaye nanini na kwiingxoxo eziphathelele kuso kuye kwafumaniseka ukuba isikim esi sinako okanye besiya kuba nako ukuba nesiphumo esisisaphulelo kwirhafu, kuya kuthi kuthathwe ukuba eso sikim kwangenwa kuso okanye saye saqhutywa kuphela ngeenjongo zokufumana isaphulelo kwirhafu, kude kube kufunyaniswe ukuba akunjalo.

Izivumelwano ngerhafu

7. (1) Ilungu leSigqeba esiLawulayo leKhabhinethi elongameleyo lisenokuthi lingene kwisivumelwano norhulumente wephondo nalo naliphi na iPhondo ekuya kuthi ngaso kwenziwe izicwngciso naloo Rhulumente esijoliswe—

(a) ekuthinteleni, nasekuthethaneni okanye ekurhoxisweni kohlawulo lorhafiso ngongcakazo okanye naluphi na urhafiso phantsi kwalo Mthetho neminye imithetho yamanye amaphondo, ukuba ngaba ukuqhutywa kongcakazo kuqhutywa phantsi kwemithetho yerhafu

yelo phondo okanye yamanye amaphondo kwaye kufanele ukuhlawula irhafu yelo phondo okanye yaloo maphondo ayinxenye yeso sivumelwano;

(b) ukulawulwa okanye ukunxityelelaniswa kwawo nawuphi na umba ophathelele kwintlawulo nokuqokelelwa kweentlawulo yerhafu phantsi kwalo Mthetho nemithetho yelinye iphondo phantsi kwalo Mthetho ephathelele kwirhafu yongcakazo ye Phondo okanye nayiphi na enye irhaf efana nayo;

(c) ngokubhekisele kuncediswano kulawulo nasekuqokelelweni kwerhafu yongcakazo phantsi kwalo Mthetho nemithetho yelo phondo, okanye ngokuphathelele ekuqhutyweni kwezicwangciso ezikwisivumelwano ekungenwe kuso ngokwemiqathango yalo mhlathi.

(2) Ngokukhawuleza okungangoko emva kokuba kuye kwangenwa kwesi sigqibo, eso sigqibo kuye kwangenwa kuso siya kuthi sidluliselwe kuMphathiswa owongameleyo ngesaziso kwiGazethi yePhondo, apho kuya kuthi ezo zicwangciso kungenwe kuzo ziya kuthi zibe zezibekwe ngokusemthethweni ngokuphathelele kwirhafu yongcakazo kweli Phondo phantsi kwalo Mthetho, kude kube lelo thuba siya kuthi isaziso esi sirhoxiswe nguMphathiswa owongameleyo.

(3) UMphathiswa owongameleyo angathi nanini na ayirhoxise loo nothisi ngokuthi akhuphe inothisi kwiGazethi yePhondo, kwaye ke ezo zicwangciso bezaziswe kuloo nothisi yokuqala ziya kuthi zibhange ngaloo mhla weso saziso, kodwa ke ukubhangiswa kwesaziso esithile akusayi kukubhangisa oko bekukuloo nothisi nook kuthe kwenziwa phantsi kwayo.

(4) Ngokukhawuleza kangangoko emva kokuba kuthe kwakhutshwa kwiGazethi yePhondo nayo nayiphi na inothisi phantsi kwalo mhlathi, iikopi zayo ziya kuthi zandlalwe kwiPalamente yePhondo.

(5) Uxanduva oluqulathwe yile mihlathi lokuba zingadizwa iinkcukacha eziphathelele kwirhafu alusayi kukuthintela ukudiwaza naziphi na iinkcukacha eziyimfuneko ekuqhutyweni kwaso nasiphi na isivumelwano esikhutshwe kuloo nothisi kulo naliphi na igosa eligunyazisiweyo leli Phondo nelikhankanywe kuyo nayiphi na inothisi ekhutshwe phantsi kwemiqathango yomhlathana (2).

Indlela yokuphathwa kwemicimbi eqhutywa ngaphandle kweli

8. (1) Ngokwakulo mhlathi "ikhasino engunojikeleza" iya kuthetha ikhasino emiswe ngayo nayiphi na indlela yokuhanjiswa okanye kuso nasiphi na isithuthi esihamba kwiindawo ezahlukeneyo, kubandakanya isithuthi, itreyini okanye isikhephe, ingezizo zodwa kodwa.

(2) Apho nawuphi na umntu athi afumane imali ngokuqhuba ungcakazo ngayo nayiphi na ikhasino ethi iyiwele imida yeli Phondo, imali yerhafu efanele kuhlawulwa ngulowo mntu iya kuthi ibekwe ngokwemiqathango yayo nasiphi na isivumelwano ngerhafu ekuthe kwangenwa kuso nalo naliphi na iphondo phantsi komhlathi 7; kuqondakale ke kodwa ukuba xa kungekho sivumelwano kuye kwangenwa kuso, irhafu efanele kuhlawulwa nguloo mntu iya kuthi ibekwe liGosa eliLawulayo eliyiNtloko ngokwemiqathango yecandelo 64, ukubekwa oko ekunokuthi kufakwe isichaso okanye isibheno ngaso ngokwaloo ndlela imiselweyo.

ISHEDYULI IV

Irhafu yokubheja (icandelo 64)

Nakubeni kusenokuba nayiphi na into enxamnye kwiShedyuli III okanye ukutshitshiswa ngokwemiqathango yalo Mthetho koMthetho wePhondo weMidyarho yaMahashe nokuBheja ka-1968, iirhafu, neentlawulo ebezifanele kuhlawulwa ngokwemiqathango yaloo Mthetho wePhondo (neyayo nayiphi na imigaqo ekhutshwe phantsi kwawo) phambi kokuba utshitshiswe, ngumnini welayisenisi yoomatshini bokubala imali yabadlali okanye welayisenisi yoomatshini bokubala imali yabadlali okanye ilayisenisi yokuba ngumbhejisi ziya kubalwa, zilawulwe zize zihlawulwe ngumnini welayisenisi yoomatshini bokubala imali yabadlali okanye ngumnini welayisenisi yombhejisi okanye wayo nayiphi na ilayisenisi ethathwa ngokwalo Mthetho ukuba iyenye yezi layisenisi zikhankanyiweyo, ngokungathi imiqathango yalowo Mthetho wePhondo (nayo nayiphi na imigaqo) ayikhange itshitshiswe; kodwa ke kuqondakale ukuba naziphi na izixa ebezifanele ukuhlawulwa ngokwale miqathango ikhankanywe ngentla apha kwi Ngxowa yoPhuhliso loshishino lweMidyarho yaMahashe, esekwe ngokwemiqathango yecandelo 11A loMthetho wePhondo lo ukhankanywe kuloo mqathango, ngumnini welayisenisi yoomatshini bokubala imali yabadlali okanye welayisenisi yombhejisi okanye umnini welayisenisi ethathwea ngokuba iyenye yezo layisenisi ziya kuhlawulwa kwiKlabhu yeMidyarho yaMahashe yePhondo leNtshona Koloni (iWestern Province Racing Club).