



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

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Monday, 25 March 2013

Maandag, 25 Maart 2013

Mvulo, 25 Matshi 2013

Registered at the Post Office as a newspaper

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

PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Seventeenth Gambling and Racing Amendment Bill [B 3—2013]

P.N. 84/2013 25 March 2013

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 24 April 2013—

(a) by posting it to—
The Secretary:
Western Cape Provincial Parliament
(Attention: Mr M Sassman)
P.O. Box 648
Cape Town 8000

(b) by e-mail to—
msassman@wcpp.gov.za; or

(c) by fax to—
Mr M Sassman
(021) 487-1685

R. G. Hindley
Secretary to Parliament

As 'n nuusblad by die Poskantoor geregistreer

INHOUD

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

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hiermee vir algemene inligting gepubliseer:

Wes-Kaapse Sewentiende Wysigingswetsontwerp op Dobbelaar en Wedrenne [W 3—2013]

P.K. 84/2013 25 Maart 2013

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 24 April 2013—

(a) deur dit te pos aan—
Die Sekretaris:
Wes-Kaapse Provinsiale Parlement
(Aandag: Mnr M Sassman)
Posbus 648
Kaapstad 8000

(b) deur dit te e-pos aan—
msassman@wcpp.gov.za; of

(c) deur dit te faks aan—
Mnr M Sassman
(021) 487-1685

R. G. Hindley
Sekretaris van die Parlement

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e 7 Wale Street, eKapa 8001.)

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashwa apha ukunika ulwazi ngokubanzi:

UMthetho oSayilwayo woLungiso weShumi elineSixhenxe woNgcakazo neMidyarho weNtshona Koloni [B 3—2013]

I.S. 84/2013 25 Matshi 2013

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama-24 Epreli 2013—

(a) ngokuposela ku—
uNobhala:
IPalamente yePhondo leNtshona Koloni
(Iya ku: Mnu M Sassman)
P.O. Box 648
Ekapu 8000

(b) nge-imeyile ku—
msassman@wcpp.gov.za; okanye

(c) ngefeksi ku—
Mnu M Sassman
(021) 487-1685

R. G. Hindley
uNobhala wePalamente

GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with a solid line indicate insertions in existing enactments.

AMENDMENT BILL

To amend the Western Cape Gambling and Racing Act, 1996, so as to provide for certain fees to be prescribed by regulation; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Substitution of section 6 of Act 4 of 1996

1. The following section is substituted for section 6 of the Western Cape Gambling and Racing Act, 1996 (the principal Act): 5

“(1) Subject to subsection (2), **[A]** a member of the Board shall hold office for such period, not exceeding four years, as the Executive Council may determine at the time of his or her appointment to the Board, and a member of the Board shall be eligible for reappointment at the termination of his or her term of office.

(2) The Executive Council may extend the term of office of a member of the Board for a period not exceeding one year.” 10

Amendment of section 32 of Act 4 of 1996, as substituted by section 27 of Act 4 of 1997 and amended by section 9 of Act 11 of 1997 and section 3 of Act 11 of 2000

2. Section 32 of the principal Act is amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: 15

“(b) be accompanied by the documents and information determined by the Board and by the prescribed new licence application fee or annual licence and investigation fees **[specified in paragraph 1 or 2 of Schedule II]**, as the case may be, which shall not be refundable, and”.

Amendment of section 36 of Act 4 of 1996, as amended by section 30 of Act 4 of 1997 and section 1 of Act 4 of 2006 20

3. Section 36 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The Board may, subject to the provisions of this Act, the payment of the relevant prescribed new licence application fee **[set out in paragraph 1 of Schedule II]** and such conditions as it may impose, issue a temporary licence and for the purposes of such licence may approve the use of premises on a temporary basis.”. 25

Amendment of section 40 of Act 4 of 1996, as substituted by section 34 of Act 4 of 1997 and amended by section 6 of Act 4 of 1999 and by section 1 of Act 4 of 2006

4. Section 40 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) A licence other than a temporary licence shall, subject to the provisions of this Act and the conditions under which it was granted, be issued for a period of twelve months and shall, subject to compliance with the provisions of this Act, be renewed annually by the Board on production of the licence for the preceding year and on payment of the prescribed annual licence and investigation fees [**set out in paragraph 2 of Schedule II**].”.

Amendment of section 41 of Act 4 of 1996, as substituted by section 35 of Act 4 of 1997 and amended by section 7 of Act 4 of 1999 and section 19 of Act 4 of 2006

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

“(2) If there is a change in the circumstances in which or, in the case of any licence holder other than the holder of a premises licence, the place at which the holder of a licence wishes to perform the activities authorised thereby which would require the conditions of the licence to be amended, the holder thereof shall apply to the Chief Executive Officer for the amendment of the licence, which application shall be accompanied by the prescribed new licence application fee [**as set out in paragraph 1 of Schedule II**]; provided that the Board may, on good cause shown, exempt a licence holder from paying the whole or a portion of such fee and provided further that the Board may, if it deems it necessary, require that the procedure contemplated in section 32(2) be complied with before considering such an application.”.

Amendment of section 44 of Act 4 of 1996, as amended by section 38 of Act 4 of 1997, section 12 of Act 11 of 1997 and section 1 of Act 5 of 1999

6. Section 44 of the principal Act is amended—

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

“(1) The prescribed new licence application fees [**set out in paragraph 1 of Schedule II**] shall be paid by every applicant for a licence on submission of a new licence application.”; and

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

“(2) The prescribed annual licence and investigation fees [**set out in paragraph 2 of Schedule II**] shall be paid by a licence holder upon issue of the licence and thereafter annually before renewal thereof.”.

Amendment of Schedule II to Act 4 of 1996, as substituted by section 70 of Act 4 of 1997, and amended by section 18 of Act 11 of 1997, section 4 of Act 5 of 1999, section 4 of Act 10 of 2000, section 1 of Act 9 of 2001 and section 1 of Act 7 of 2009

7. Schedule II to the principal Act is amended—

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

“[**Application, licence and investigation fees**] **Fees and fines payable by an applicant or a licence holder in respect of the kinds of licences referred to below**”; and

(b) by the deletion of paragraphs 1 and 2.

Short title and commencement

8. This Act is called the Western Cape Seventeenth Gambling and Racing Amendment Act, 2013, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE WESTERN
CAPE SEVENTEENTH GAMBLING AND RACING AMENDMENT
BILL, 2013**

1. BACKGROUND

- 1.1 The Western Cape Gambling and Racing Board (“the Board”) currently consists of seven members, all appointed by the Executive Council for a maximum period of four years. It is desirable for some flexibility to be afforded to the tenure of members of the Board so as to allow for the Executive Council to extend the tenure of a member of the Board for a period not exceeding one year.
- 1.2 The Act provides for the determination of annual licence and investigation fees, which is now amended so that it may be prescribed by regulation. The paragraphs referring to these annual licence and investigation fees are removed from the Schedules and so are the accompanying references thereto in the Act.

2. PURPOSE OF BILL

- 2.1 The purpose of the Bill is to ensure some measure of flexibility in the tenure of members to ensure that the Board is able to function.
- 2.2 The Bill further seeks to enable the adjustment of annual licence and investigation fees by providing for these fees to be prescribed by regulation.

3. CONTENTS OF THE BILL

Clause 1:

- 3.1 This clause provides for the Executive Council to be able to extend the tenure of a member of the Board for a period not exceeding one year.

Clauses 2 to 6:

- 3.2 These clauses provide for the consequential amendments brought about by the deletion of the paragraphs in the Schedules related to the annual licence and investigation fees, which are now prescribed by regulation.

Clause 7:

- 3.3 This clause provides for the deletion of paragraphs 1 and 2 in the Schedule relating to annual licence and investigation fees and the consequential amendment of the heading of Schedule II.

Clause 8:

- 3.4 This clause contains the short title of the Act and provides for the commencement thereof.

4. CONSULTATION

Department of the Premier (Chief Directorate: Legal Services)
Western Cape Gambling and Racing Board

The Draft Western Cape Seventeenth Gambling and Racing Amendment Bill, 2012 was published for comment in the *Provincial Gazette Extraordinary 6967* of 16 March 2012.

5. PERSONNEL IMPLICATIONS

None.

6. FINANCIAL IMPLICATIONS

None.

7. LEGISLATIVE COMPETENCE

The Provincial Minister is satisfied that all the provisions in the Bill fall within the Province's legislative competence.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

WYSIGINGSWETSONTWERP

Om die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996, te wysig ten einde te bepaal dat sekere gelde by regulasie voorgeskryf moet word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Vervanging van artikel 6 van Wet 4 van 1996

1. Artikel 6 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (die Hoofwet), word deur die volgende artikel vervang: 5

“(1) Behoudens subartikel (2) beklee 'n [**Lid**] lid van die Raad [**beklee sy of haar**] die amp vir dié tydperk, wat hoogstens vier jaar is, wat die Uitvoerende Raad ten tyde van sy of haar aanstelling in die Raad bepaal, en 'n lid van die Raad is herkiesbaar by afloop van sy of haar ampstermyn.

(2) Die Uitvoerende Raad kan die ampstermyn van 'n lid van die Raad verleng vir 'n tydperk van hoogstens een jaar.” 10

Wysiging van artikel 32 van Wet 4 van 1996, soos vervang by artikel 27 van Wet 4 van 1997 en gewysig by artikel 9 van Wet 11 van 1997 en artikel 3 van Wet 11 van 2000

2. Artikel 32 van die Hoofwet word gewysig deur paragraaf (b) van subartikel (1) met die volgende paragraaf te vervang: 15

“(b) moet vergesel gaan van die dokumente en inligting deur die Raad bepaal en van die [**aansoekgeld**] voorgeskrewe nuwe lisensie-aansoekgelde of jaarlikse lisensie- en ondersoekgelde [**in paragraaf 1 of 2 van Bylae II gespesifiseer**], na gelang van die geval, wat nie terugbetaalbaar is nie, en” 20

Wysiging van artikel 36 van Wet 4 van 1996, soos gewysig by artikel 30 van Wet 4 van 1997 en artikel 1 van Wet 4 van 2006

3. Artikel 36 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Raad kan, behoudens die bepalings van hierdie Wet, die betaling van die toepaslike [**aansoekgeld soos uiteengesit in paragraaf 1 van Bylae II**] voorgeskrewe nuwe lisensie-aansoekgelde en die voorwaardes wat hy oplê, 'n tydelike lisensie uitreik en vir die doeleindes van sodanige lisensie kan hy die gebruik van 'n perseel op 'n tydelike grondslag goedkeur.” 25

Wysiging van artikel 40 van Wet 4 van 1996, soos vervang by artikel 34 van Wet 4 van 1997 en gewysig by artikel 6 van Wet 4 van 1999 en artikel 1 van Wet 4 van 2006

4. Artikel 40 van die Hoofwet word gewysig deur subartikel (1) met die volgende subartikel te vervang: 5

“(1) Behoudens die bepalings van hierdie Wet en die voorwaardes waarop ’n lisensie, uitgesonderd ’n tydelike lisensie, toegestaan is, word ’n lisensie vir ’n tydperk van twaalf maande uitgereik en word dit, onderworpe aan die voldoening aan die bepalings van hierdie Wet, jaarliks deur die Raad hernieu by voorlegging van die lisensie vir die vorige jaar en teen betaling van die voorgeskrewe jaarlikse lisensie- en ondersoekgelde [in paragraaf 2 van Bylae II uiteengesit].”. 10

Wysiging van artikel 41 van Wet 4 van 1996, soos vervang by artikel 35 van Wet 4 van 1997 en gewysig by artikel 7 van Wet 4 van 1999 en artikel 19 van Wet 4 van 2006

5. Artikel 41 van die Hoofwet word gewysig deur subartikel (2) met die volgende subartikel te vervang: 15

“(2) As daar ’n verandering is in die omstandighede waarin of, in die geval van ’n lisensiehouer uitgesonderd die houer van ’n perseellisensie, die plek waar die houer van ’n lisensie die aktiwiteite daardeur gemagtig wil uitvoer, wat sou vereis dat die voorwaardes van die lisensie gewysig moet word, moet die houer daarvan by die Hoof Uitvoerende Beampte aansoek doen om die wysiging van die lisensie, welke aansoek vergesel moet gaan van die [aansoekgeld soos uiteengesit in paragraaf 1 van Bylae II] voorgeskrewe nuwe lisensie-aansoekgelde; met dien verstande dat die Raad die betaling van sodanige geld of ’n gedeelte daarvan by die aanvoering van goeie redes kan kwytskeld en met dien verstande voorts dat die Raad, indien hy dit nodig ag, mag vereis dat die prosedure uiteengesit in artikel 32(2), nagekom word alvorens so ’n aansoek oorweeg sal word.”. 20 25

Wysiging van artikel 44 van Wet 4 van 1996, soos gewysig by artikel 38 van Wet 4 van 1997, artikel 12 van Wet 11 van 1997 en artikel 1 van Wet 5 van 1999

6. Artikel 44 van die Hoofwet word gewysig— 30

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die voorgeskrewe nuwe lisensie-aansoekgelde [uiteengesit in paragraaf 1 van Bylae II] moet deur elke aansoeker om ’n lisensie betaal word op die indiening van sodanige nuwe lisensie aansoek.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang: 35

“(2) Die voorgeskrewe jaarlikse lisensie- en ondersoekgelde [uiteengesit in paragraaf 2 van Bylae II] moet deur ’n lisensiehouer tydens die uitreiking van die lisensie en daarna jaarliks tydens hernuwing daarvan betaal word.”.

Wysiging van Bylae II van Wet 4 van 1996, soos vervang by artikel 70 van Wet 4 van 1997 en gewysig by artikel 18 van Wet 11 van 1997, artikel 4 van Wet 5 van 1999, artikel 4 van Wet 10 van 2000, artikel 1 van Wet 9 van 2001 en artikel 1 van Wet 7 van 2009

7. Bylae II van die Hoofwet word gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang: 45

“**[Aansoek-, lisensie- en ondersoekgelde] Gelde en boetes betaalbaar deur ’n aansoeker of ’n lisensiehouer ten opsigte van die soorte lisensies hieronder genoem**”; en

(b) deur paragrawe 1 en 2 te skrap.

Kort titel en inwerkingtreding 50

8. Hierdie Wet heet die Wes-Kaapse Sewentiende Wysigingswet op Dobbelaar en Wedrenne, 2013, en tree in werking op ’n datum wat deur die Premier by proklamasie in die *Provinsiale Koerant* vasgestel sal word.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE SEWENTIENDE WYSIGINGSWETSONTWERP OP DOBBELARY EN WEDRENNE, 2013

1. AGTERGROND

- 1.1 Die Wes-Kaapse Raad op Dobbelary en Wedrenne (“die Raad”) bestaan tans uit sewe lede, wat almal vir ’n maksimum tydperk van vier jaar deur die Uitvoerende Raad aangestel word. ’n Mate van buigsamheid vir die ampstermyn van lede van die Raad is wenslik sodat die Uitvoerende Raad die ampstermyn van ’n lid van die Raad vir ’n tydperk van hoogstens een jaar kan verleng.
- 1.2 Die Wet maak voorsiening vir die bepaling van jaarlikse lisensie- en ondersoekgelde, wat nou gewysig word sodat dit by regulasie voorgeskryf kan word. Die paragrawe wat na hierdie jaarlikse lisensie- en ondersoekgelde verwys, word uit die Bylaes geskrap, en so ook die gepaardgaande verwysings daarna in die Wet.

2. DOEL VAN WETSONTWERP

- 2.1 Die doel van die Wetsontwerp is om ’n mate van buigsamheid in die ampstermyn van lede te verseker ten einde te verseker dat die Raad kan funksioneer.
- 2.2 Die Wetsontwerp maak verder voorsiening vir die aanpassing van jaarlikse lisensie- en ondersoekgelde deur te bepaal dat hierdie gelde by regulasie voorgeskryf moet word.

3. INHOUD VAN DIE WETSONTWERP

Klousule 1:

- 3.1 Hierdie klousule bepaal dat die Uitvoerende Raad die ampstermyn van ’n lid van die Raad vir ’n tydperk van hoogstens een jaar kan verleng.

Klousules 2 tot 6:

- 3.2 Hierdie klousules maak voorsiening vir die gevolglike wysigings wat voortspruit uit die skraping van die paragrawe in die Bylaes rakende die jaarlikse lisensie- en ondersoekgelde, wat nou by regulasie voorgeskryf word.

Klousule 7:

- 3.3 Hierdie klousule maak voorsiening vir die skraping van paragrawe 1 en 2 in die Bylae rakende jaarlikse lisensie- en ondersoekgelde en die gevolglike wysiging van die opskrif van Bylae II.

Klousule 8:

- 3.4 Hierdie klousule bevat die kort titel van die Wet en maak voorsiening vir die inwerkingtrede daarvan.

4. OORLEGPLERING

Departement van die Premier (Hoofdirektoraat: Regsdienste)
Wes-Kaapse Raad op Dobbelary en Wedrenne

Die Konsep- Wes-Kaapse Sewentiende Wysigingswetsontwerp op Dobbelary en Wedrenne, 2012, is in die *Buitengewone Provinsiale Koerant* 6967 van 16 Maart 2012 vir kommentaar gepubliseer.

5. PERSONEEL-IMPLIKASIES

Geen.

6. FINANSIËLE IMPLIKASIES

Geen.

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister is oortuig dat al die bepalings van die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie val.

INQAKWANA LOKUCACISA NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere abonisa loo magama ashiiweyo kwimithetho ekhoyo ngoku.

Amagama akrwelwe ngaphantsi ngomgca ongqindilili abonisa oko kuye kwafakelwa kwimithetho ekhoyo ngoku.

UMTHETHO OSAYILWAYO

Ofakela izilungiso kuMthetho woLungiso woNgcakazo neMidyarho weNtshona Koloni ka-1996, ukuze kulungiselelwe ukwenziwa kwemiqathango yeentlawulo ezithile; nokuqwalasela neminye imiba enxulumene noku.

KUWISWA UMTHETHO ke ngoko yiNdlu yoWiso-mthetho yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Ukufakwa kokunye endaweni yecandelo 6 loMthetho 4 ka-1996

1. Endaweni yeli candelo lilandelayo kufakwa kuMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho watanci): 5

“(1) Kuxhomekeke kwicandelwana (2), [A] ilungu leBhodi liya kuba lilungu isithuba esingekho ngaphezulu kweminyaka emine, ngokokugqiba kweBhunga eliLawulayo ngexesha lokutyunjwa kwalo njengelungu leBhodi, yaye ilungu leBhodi lisenokuphinda linyulwe njengelungu leBhodi ekupheleni kwesithuba salo sobulungu kwibhodi. 10

(2) ISigqeba esiLawulayo singasongeza isithuba sobulungu bomntu kwiBhodi kangangesithuba esingekho ngaphezulu konyaka omnye.”. 10

Ukwenziwa kwezilungiso kwicandelo 32 loMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 27 loMthetho 4 ka-1997 laze lenziwa izilungiso ngecandelo 9 loMthetho 11 ka-1997 necandelo 3 loMthetho 11 ka-2000 15

2. Icandelo 32 loMthetho watanci liyalungiswa ngokuthi endaweni yomhlathi (b) wecandelwana (1) kufakwe lo mhlathi ulandelayo:

“(b) ikhatshwe ngamaxwebhu neenkukacha ezigqitywe yiBhodi kwakunye nomrhumo omtsha wesicelo selayisenisi obekiweyo okanye imirhumo yelayisenisi neyophando yonyaka [echazwe kumhlathi 1 nowe-2 kwiShedyuli II], kuxhomekeke ukuba yeyiphi efanele ukusebenza, mali leyo ingasayi kubuyiswa, kananjalo”. 20

Ukwenziwa kwezilungiso kwicandelo 36 loMthetho 4 ka-1996, njengoko wenziwa izilungiso ngecandelo 30 loMthetho 4 ka-1997 necandelo 1 loMthetho 4 ka-2006

3. Icandelo 36 loMthetho watanci liyalungiswa ngokuthi endaweni yecandelwana (1) kufakelwe eli candelwana lilandelayo: 25

“(1) IBhodi inokuthi, kuxhomekeke kwimiqathango yalo Mthetho, kumba wentlawulo yomrhumo wokufaka isicelo selayisenisi entsha ebekiweyo, [echazwe kumhlathi 1 kaShedyuli II] nemiqathango ebekiweyo, ingathi inikeze ilayisenisi

yethutyana yaye ngokwaloo layisenisi ingavumela ukuba kusetyenziswe isakhiwo esithile okwethutyana.”.

Ukwenziwa kwezilungiso kwicandelo 40 loMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 34 loMthetho 4 ka-1997 laze lenziwa izilungiso ngecandelo 6 loMthetho 4 ka-1999 nangecandelo 1 loMthetho 4 ka-2006 5

4. Icandelo 40 loMthetho watanci liyalungiswa ngokuthi endaweni yecandelwana (1) kufakwe eli candelwana lilandelayo:

“(1) Ilayisenisi ngaphandle kwelayisenisi yethutyana, iya kuthi, phantsi kwale miqathango yalo Mthetho nangokwemiqathango ebikhutshwe phantsi kwayo, ikhutshelwe iinyanga ezilishumi elinesibini, ze ngokuxhomekeka ekubeni ibe ithotyelwe imiqathango yalo Mthetho, imane ihlaziywa qho ngonyaka yiBhodi xa kuvezwe ilayisenisi yonyaka odlulileyo naxa kuhlawulwe imirhumo yonyaka yelayisenisi neyophando ebekiweyo [echazwe kumhlathi 2 kaShedyuli II].”.

Ukwenziwa kwezilungiso kwicandelo 41 loMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 35 loMthetho 4 ka-1997 laze lenziwa izilungiso ngecandelo 7 loMthetho 4 ka-1999 necandelo 19 loMthetho 4 ka-2006 15

5. Icandelo 41 loMthetho watanci liyalungiswa ngokuthi endaweni yecandelwana (2) kufakwe eli candelwana lilandelayo:

“(2) Ukuba ngaba kukho utshintsho kwimeko yomnini-layisenisi, ngaphandle kwalowo unelayisenisi yesakhiwo, xa ngaba ufuna ukutshintsha indawo enzela kuyo umsebenzi lowo awunikelwe ilayisenisi, nto leyo eya kunyanzelisa ukuba imiqathango yelayisenisi ilungiswe, umnini-layisenisi uya kuthi afake isicelo kwiGosa eliyiNgqonyela ukuze ilayisenisi yakhe ilungiswe, yaye eso sicelo kufuneka sikhathshwe yintlawulo yomrhumo wokufaka isicelo selayisenisi entsha ebekiweyo, [echazwe kumhlathi 1 kaShedyuli II]; ngaphandle kokuba iBhodi, inokunika izizathu ezivakalayo zokuba umnini-layisenisi makangawuhlawuli wonke lo mrhumo okanye inxalenye yawo, kananjalo ukuba iBhodi ibona kuyimfuneko, iya kunyanzelisa ukuba inkqubo echazwe kwicandelo 32(2) mayithotyelwe phambi kokuqwalasela eso sicelo.”.

Ukwenziwa kwezilungiso kwicandelo 44 loMthetho 4 ka-1996, njengoko wenziwa izilungiso ngecandelo 38 loMthetho 4 ka-1997, icandelo 12 loMthetho 11 ka-1997 necandelo 1 loMthetho 5 ka-1999 30

6. Icandelo 44 loMthetho watanci liyalungiswa—

(a) ngokuthi endaweni yecandelwana (1) kufakelwe eli candelwana lilandelayo:

“(1) Imirhumo emitsha yokufaka isicelo ebekiweyo, [echazwe kumhlathi 1 kaShedyuli II] iya kuhlawulwa ngabo bonke abafakizicelo beelayisenisi xa bengenisisa izicelo ezitsha zelayisenisi.”; kananjalo

(b) ngokuthi endaweni yecandelwana (2) kufakelwe eli candelwana lilandelayo:

“(2) Imirhumo emitsha yokufaka isicelo ebekiweyo [echazwe kumhlathi 2 kaShedyuli II] iya kuhlawulwa ngumnini-layisenisi xa enikwa ilayisenisi ze emva koko ihlaziywe qho ngonyaka.”.

Ukwenziwa kwezilungiso kwiShedyuli II yoMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 70 loMthetho 4 ka-1997, yaze yenziwa izilungiso ngecandelo 18 loMthetho 11 ka-1997, icandelo 4 loMthetho 5 ka-1999, icandelo 4 loMthetho 10 ka-2000, icandelo 1 loMthetho 9 ka-2001 necandelo 1 loMthetho 7 ka-2009 45

7. Ishedyuli II kuMthetho watanci yenziwa izilungiso—

(a) ngokuthi endaweni yesihloko esikhoyo kufakelwe esi sihloko silandelayo:

Imirhumo “[yokufaka isicelo, eyelayisenisi kunye neyophando] [f] kunye namatyala ekufuneka ehlawulwe ngumfaki-sicelo okanye ngumnini-layisenisi elayisenisi ekubhekiswe kuyo apha ngezantsi”; kwakunye

(b) nokucinywa kwemihlathi 1 nowe-2.

Isihloko esifutshane nomhla wokuqalisa

8. Lo Mthetho ubizwa ngokuba nguMthetho weShumi elineSixhenxe oWenza iZilungiso kuMthetho woNgcakazo neMidyarho weNtshona Koloni, 2013, kwaye uya kuqalisa ukusebenza ngaloo mhla uye wabekwa yiNkulumbuso yePhondo ngompoposho oya kukhutshwa kwi*Gazethi yePhondo*.

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**IMEMORANDAM YEENJONGO ZOMTHETHO OSAYILWAYO
WESHUMI ELINESIXHENXE OWENZA IZILUNGISO
KUMTHETHO WONGCAKAZO NEMIDYARHO WENTSHONA
KOLONI, 2013**

1. INTSUKAPHI

- 1.1 IBhodi yoNgcakazo neMidyarho yeNtshona Koloni (“iBhodi”) kungokunje inamalungu asixhenxe anyulwe siSigqeba esiLawulayo (iKhabhinethi) naya kuthi asebenze iminyaka engekho ngaphezu kwesine. Kukho imfuneko yokuba noko kuvunyelwe ukuba kongezwe isithuba esisetyenzwa ngamalungu eBhodi ukuze kuvunyelwe iSigqeba esiLawulayo ukuba songeze ixesha lokusebenza kwamalungu eBhodi kangangesithuba esingekho ngaphezulu konyaka omnye.
- 1.2 Lo Mthetho ubonelela ngokuba kukwazeke ukuba kugqitywe ngemirhumo yonyaka yeelayisenisi neyophando, etshintshiweyo ngoku ukuze kwenziwe imiqathango ngokomthetho. Imihlathi ebhekisa kwezi layisenisi zonyaka nezophando isusiwe kwiiShedyuli kwakunye nezalathiso zayo ezichazwe kuMthetho.

2. INJONGO YALO MTHETHO USAYILWAYO

- 2.1 Injongo yoMthetho oSayilwayo ukukuqinisekisa ukuba noko kunyenyiswa imigaqo engqongqo emalunga nesithuba esisetyenzwa ngamalungu ukukuqinisekisa ukuba iBhodi iyakwazi ukusebenza.
- 2.2 Lo Mthetho uSayilwayo ukwalungiselela ukuba kulungiswe imirhumo yonyaka yeelayisenisi neyophando ngokuthi ubeke imiqathango eya kuthi ilawule le mirhumo.

3. IZIQULATHO ZALO MTHETHO USAYILWAYO

Umhlathi 1:

- 3.1 Lo mhlathi unomqathango ovumela iSigqeba esiLawulayo ukuba songeze isithuba esisetyenzwa lilungu leBhodi ngokuthi kongezwe unyaka omnye.

Imihlathi 2 ukuya ku-6:

- 3.2 Le mihlathi ibonelela ngezilungiso ekuya kwafuneka ukuba zenziwe ngenxa yokucinywa kwemihlathi ekwiiShedyuli emalunga nemirhumo yonyaka yeelayisenisi neyophando, ekungoku ilawulwa yimiqathango yalo mthetho.

Umhlathi 7:

- 3.3 Lo mhlathi unemiqathango evumela ukucinywa kwemihlathi 1 kunye nowe 2 ekwiShedyuli emalunga nemirhumo yonyaka yeelayisenisi neyophando kwakunye neziphumo zokulungiswa kwesihloko esikuShedyuli II.

Umhlathi 8:

- 3.4 Lo mhlathi uqulethe isihloko esifutshane soMthetho yaye ukwachazwa nokuba uya kuqala nini na ukusebenza.

4. INKQUBO ZOKUBONISANA

ISebe leNkulumbuso (ICandelo loLawulo: leeNkonzo zoMthetho) IBhodi yoNgcakazo neMidyarho yaMahashe yeNtshona Koloni UMthetho oSayilwayo weShumi elineSixhenxe owenza iZilungiso woNgcakazo neMidyarho yaMahashe weNtshona Koloni, 2012 wapapashwa ukuze abantu banike uluvo lwabo kwiGazethi yePhondo eyoNgezelelweyo engunombolo 6967 ngowe-16 Matshi 2012.

5. UKUCHAPHAZELEKA KWABASEBENZI

Akukho.

6. UKUCHAPHAZELEKA KWEZIMALI

Akukho.

7. UKUTHOTYELWA KWEMITHETHO

UMphathiswa wePhondo wanelisekile ukuba yonke imiqathango ekuMthetho
osaYilwayo ayikhabani nemithetho yePhondo.

