



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

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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OFFICE OF THE PREMIER  
OF THE PROVINCE OF THE  
WESTERN CAPE

P.N. 100/2013

3 April 2013

It is hereby notified that the Premier of the Province of the Western Cape has assented to the following Act, which is hereby published for general information:

No. 2 of 2013: Cape Town International Convention Centre Company Amendment Act, 2013.

*As 'n nuusblad by die Poskantoor geregistreer  
(Afskrifte is verkrygbaar by Kamer M21,  
Provinsiale Wetgewer-gebou, Waalstraat 7,  
Kaapstad 8001.)*

KANTOOR VAN DIE PREMIER  
VAN DIE PROVINSIE  
WES-KAAP

P.K. 100/2013

3 April 2013

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet, wat hiermee ter algemene inligting gepubliseer word, bekragtig het:

Nr. 2 van 2013: Wysigingswet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2013.

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

I-OFISI YENKULUMBUSO  
YEPHONDO LENTSHONA  
KOLONI

I.S. 100/2013

3 Epreli 2013

Kwenziwa isaziso apha sokuba iNkulumbuso yePalamente yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala apha:

Nomb 2 ka 2013: uMthetho woLungiso weNkampani i-International Convention Centre yaseKapa, 2013.

**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.

(Afrikaans text signed by the Premier)  
(Assented to 26 March 2013)

**ACT**

**To amend the Cape Town International Convention Centre Company Act, 2000, so as to amend and delete certain definitions, and insert new definitions; to amend the objects of the Cape Town International Convention Centre Company; to provide for the appointment of one or more provincial representatives from outside the employ of the provincial government to represent the Province on the Board of Convenco; to align the provisions relating to funding with the Public Finance Management Act, 1999; to provide for the Province to dispose of its interest in Convenco, if so desired; to amend the provisions relating to financial control and reporting; to amend the provisions relating to dividends so as to remove reference to the shareholders by name; to provide for the Minister to enter into agreements; and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Provincial Parliament of the Western Cape as follows:—

**Amendment of section 1 of Act 8 of 2000**

1. Section 1 of the Cape Town International Convention Centre Company Act, 2000 (the principal Act), is amended in subsection (1) by— 5
- (a) the substitution for the definition of “accounting officer” of the following definition: 5
- “**‘accounting officer’** means the Head of the [**Department of Economic Affairs, Agriculture and Tourism**] designated Department”; 10
- (b) the deletion of the definition of “Act”; 10
- (c) the substitution for the definition of “Convenco agreement” of the following definition: 15
- “**‘Convenco agreement’** means the agreement signed by the provincial government, the Cape Metropolitan Council, the City of Cape Town and Sunwest on 3 December 1999, and includes any amendment, variation or replacement thereof”; 15
- (d) the insertion after the definition of “Convenco agreement” of the following definition: 20
- “**‘designated Department’** means the department within the provincial government designated by the provincial Cabinet”; 20

- (e) the deletion of the definition of “Public Finance Management Act”;
- (f) the insertion after the definition of “Province” of the following definition:  
 “**‘provincial Cabinet’** means the provincial Cabinet of the Province;”;
- (g) the deletion of the definition of “responsible Department”;
- (h) the substitution for the definition of “responsible Minister” of the following definition: 5  
 “**‘responsible Minister’** means the member of the provincial Cabinet responsible for [economic affairs] the designated Department; [, and]”;
- (i) the substitution in the Afrikaans text for the definition of “Sentrum” of the following definition: 10  
 “**‘Sentrum’** die Kaapstadse Internasionale Konvensiesentrum wat op die Strandgebied in Kaapstad opgerig gaan word, soos voorsiening gemaak word voor in die Wes-Kaapse Raad op Dobbelay en Wedrenne se toekenning van ’n bedryflisensie aan Sunwest[;], en”
- (j) the substitution for the definition of “shareholders agreement” of the following definition: 15  
 “**‘shareholders agreement’** means the agreement signed on 8 June 1999 by the provincial government, the Cape Metropolitan Council and the City of Cape Town to provide for the establishment of Convenco, and includes [which may include] any amendment [or], variation or replacement thereof[.], and”; and 20
- (k) the insertion after the definition of “shareholders agreement” of the following definition: 25  
 “**‘this Act’** means the Cape Town International Convention Centre Company Act.”

#### Amendment of section 3 of Act 8 of 2000

##### 2. Section 3 of the principal Act is amended by—

- (a) the substitution for paragraph (f) in subsection (1) of the following paragraph:  
 “(f) to ensure that all necessary support infrastructure and services essential to the efficient running of the convention centre are in place[, and]”; 30
- (b) the substitution for paragraph (g) in subsection (1) of the following paragraph:  
 “(g) to generate income[.] , and”;
- (c) the addition of the following paragraph to subsection (1):  
 “(h) as set out in Convenco’s memorandum of incorporation contemplated in section 15 of the Companies Act, 2008 (Act 71 of 2008).”; 35  
 and
- (d) the deletion of subsection (3).

#### Amendment of section 4 of Act 8 of 2000

##### 3. Section 4 of the principal Act is amended by the addition of the following subsections: 40

- “(3) The provincial Cabinet may appoint one or more provincial representatives from outside the employ of the provincial government if he or she or they possess a skill or qualification, or have experience that, in the opinion of the provincial Cabinet, might be of benefit to Convenco. 45
- (4) A provincial representative on the Board of Convenco, as contemplated in section 4(3), may be paid such remuneration or allowances as may be determined by the provincial Minister of Finance.
- (5) A provincial representative on the Board of Convenco, when acting in that capacity, may not— 50
- (a) determine any matter in which he or she has a personal financial interest;
- (b) determine any matter which may improperly benefit the financial position of another person, or
- (c) use the position to gain an advantage for that provincial representative, or for any other person other than Convenco. 55
- (6) A provincial representative on the Board of Convenco must exercise the powers and perform the functions of provincial representative—
- (a) in good faith and for a proper purpose, and
- (b) in the best interest of Convenco.”

**Amendment of section 5 of Act 8 of 2000**

4. Section 5 of the principal Act is amended by—

(a) the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

“(a) as being part of **[an] a provincial** annual budget passed in terms of an appropriation **[act] Act**, or

(b) as being part of **[an additional] a provincial adjustment** budget passed in terms of an appropriation **[act] Act**.”; and

(b) the addition of the following subsections:

“(3) The Province may only hold equity in Convenco in so far as Convenco performs the objects as set out in section 3(1).

(4) The Province may dispose of its equity holding in Convenco, as provided for in the shareholders agreement.”.

**Substitution of section 6 of Act 8 of 2000**

5. The following section is substituted for section 6 of the principal Act—

**“Financial control and reporting**

6. (1) For the purposes of this Act, the accounting officer is responsible for the financial management of any funds appropriated by the provincial government for the benefit of Convenco and must manage and account for all such funds in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999).

(2) The accounting officer must comply with the applicable accounting provisions as provided for in the Public Finance Management Act, 1999, and must ensure that the annual report of Convenco is tabled in the Provincial Parliament of the Western Cape and submitted to the Auditor-General.”.

**Substitution of section 7 of Act 8 of 2000**

6. The following section is substituted for section 7 of the principal Act—

**“Dividends**

7. In the event of any dividends being declared to the shareholders, **[being the Cape Metropolitan Council, the City of Cape Town, the provincial government and Sunwest,]** such dividend accruing to the provincial government shall be deemed to be income and must be paid into the Provincial Revenue Fund.”.

**Substitution of section 8 of Act 8 of 2000**

7. The following section is substituted for section 8 of the principal Act—

**“Agreements**

8. The responsible Minister may conclude any agreement to give effect to the provisions of this Act.”.

**Short title**

8. This Act is called the Cape Town International Convention Centre Company Amendment Act, 2013.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]      Woorde in vet druk tussen vierkantige hakies dui skrappings uit  
bestaande verordenings aan.
- \_\_\_\_\_      Woorde met 'n volstreep daaronder dui invoegings in bestaande  
verordenings aan. 5

(Afrikaanse teks deur die Premier geteken)  
(Bekragtig op 26 Maart 2013)

**WET**

**Om die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2000, te wysig, om sodoende sekere woordomskravings te wysig en te skrap, en nuwe woordomskravings in te voeg; om die oogmerke van die Kaapstadse Internasionale Konvensiesentrum-Maatskappy te wysig; om voorsiening te maak vir die aanstelling van een of meer provinsiale verteenwoordigers van buite diens van die provinsiale regering om die Provinsie in die Raad van Conenco te verteenwoordig; om die bepalings rakende befondsing met die Wet op Openbare Finansiële Bestuur, 1999, in ooreenstemming te bring; om voorsiening te maak vir die Provinsie om afstand te doen van sy belange in Conenco, indien wenslik; om die bepalings rakende finansiële beheer en verslagdoening te wysig; om die bepalings rakende dividende te wysig om verwysing na die aandeelhouers per naam te verwyder; om voorsiening te maak vir die Minister om sekere ooreenkomste aan te gaan; en om voorsiening te maak vir aangelethede wat daarmee in verband staan.** 10  
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**D**AAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

**Wysiging van artikel 1 van Wet 8 van 2000**

1. Artikel 1 van die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2000 (die Hoofwet), word gewysig deur in subartikel (1)— 5
- (a) die omskrywing van “aandeelhouersooreenkoms” deur die volgende omskrywing te vervang:
- “**‘aandeelhouersooreenkoms’** die ooreenkoms onderteken op 8 Junie 1999 deur die provinsiale regering, die Kaapse Metropolitaanse Raad en die Stad Kaapstad om voorsiening te maak vir die totstandkoming van Conenco, [wat] met inbegrip van enige wysiging, [of] verandering of vervanging daarvan [mag insluit];”;
- (b) die invoeging na die omskrywing van “aandeelhouersooreenkoms” van die volgende omskrywing:
- “**‘aangewese Departement’** die departement binne die provinsiale regering wat deur die provinsiale Kabinet aangewys is;”;
- (c) die omskrywing van “Conenco-ooreenkoms” deur die volgende omskrywing te vervang:
- “**‘Conenco-ooreenkoms’** die ooreenkoms onderteken deur die provinsiale regering, die Kaapse Metropolitaanse Raad, die Stad 10  
15  
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- Kaapstad en Sunwest op 3 Desember 1999, met inbegrip van enige wysiging, verandering of vervanging daarvan”;
- (d) die invoeging na die omskrywing van “Convenco-ooreenkoms” van die volgende omskrywing:  
 “**‘hierdie Wet’** die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy”;
- (e) die invoeging na die omskrywing van “hierdie Wet” van die volgende omskrywing:  
 “**‘provinsiale Kabinet’** die provinsiale Kabinet van die Provinsie”;
- (f) die omskrywing van “rekenpligtige beampte” deur die volgende omskrywing te vervang:  
 “**‘rekenpligtige beampte’** die Hoof van die [**Departement van Ekonomiese Sake, Landbou en Toerisme**] aangewese Departement”;
- (g) die omskrywing van “Sentrum” deur die volgende omskrywing te vervang:  
 “**‘Sentrum’** die Kaapstadse Internasionale Konvensiesentrum wat op die Strandgebied in Kaapstad opgerig gaan word, soos voorsiening gemaak word voor in die Wes-Kaapse Raad op Dobbelary en Wedrenne se toekenning van ’n bedryflisensie aan Sunwest[;], en”
- (h) die skapping van die omskrywing van “verantwoordelike Departement”;
- (i) deur die omskrywing van “verantwoordelike Minister” deur die volgende omskrywing te vervang:  
 “**‘verantwoordelike Minister’** die lid van die provinsiale Kabinet wat vir [**ekonomiese sake**] die aangewese Departement verantwoordelik is[;], en”;
- (j) die skapping van die omskrywing van “Wet”; en
- (k) die skapping van die omskrywing van “Wet op Openbare Finansiële Bestuur”.

#### Wysiging van artikel 3 van Wet 8 van 2000

2. Artikel 3 van die Hoofwet word gewysig deur—
- (a) paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:  
 “(f) om te verseker dat al die nodige ondersteunende infrastruktuur en dienste wat noodsaaklik is vir die doeltreffende bestuur van die konvensiesentrum, in plek is[;], en”;
- (b) paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:  
 “(g) om inkomste te genereer[;], en”;
- (c) die volgende paragraaf by subartikel (1) te voeg:  
 “(h) soos uiteengesit in Convenco se akte van oprigting beoog in artikel 15 van die Maatskappywet, 2008 (Wet 71 van 2008).”; en
- (d) die skapping van subartikel (3).

#### Wysiging van artikel 4 van Wet 8 van 2000

3. Artikel 4 van die Hoofwet word gewysig deur die volgende subartikels by te voeg:
- “(3) Die provinsiale Kabinet kan een of meer provinsiale verteenwoordigers van buite die diens van die provinsiale regering aanstel indien hy of sy of hulle ’n vaardigheid of kwalifikasie besit, of ondervinding het, wat volgens die mening van die provinsiale Kabinet, tot voordeel van Convenco kan wees.
- (4) ’n Provinsiale verteenwoordiger in die Raad van Convenco, soos beoog in artikel 4(3), kan die vergoeding of toelaes betaal word soos bepaal deur die provinsiale Minister van Finansies.
- (5) ’n Provinsiale verteenwoordiger in die Raad van Convenco, wanneer hy of sy in daardie hoedanigheid optree, mag nie—
- (a) enige saak beslis waarin hy of sy ’n persoonlike finansiële belang het nie;
- (b) enige saak beslis wat die finansiële posisie van ’n ander persoon onbehoorlik sou kon bevoordeel nie, of
- (c) die posisie gebruik om ’n voordeel vir daardie provinsiale verteenwoordiger, of vir enige ander persoon behalwe Convenco, te verkry nie.
- (6) ’n Provinsiale verteenwoordiger in die Raad van Convenco moet die bevoegdheids en funksies van provinsiale verteenwoordiger uitoefen en verrig—
- (a) te goeder trou en vir ’n behoorlike doel, en
- (b) in die belang van Convenco.”.

### Wysiging van artikel 5 van Wet 8 van 2000

4. Artikel 5 van die Hoofwet word gewysig deur—

(a) paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:

“(a) as deel van ’n provinsiale jaarlikse begroting wat ingevolge ’n 5  
begrotingswet goedgekeur is, of

(b) as deel van ’n provinsiale aanvullende begroting wat ingevolge ’n  
begrotingswet goedgekeur is.”; en

(b) die volgende subartikels by te voeg:

“(3) Die Provinsie mag aandeel in Convenco besit slegs in soverre 10  
Convenco die oogmerke soos uiteengesit in artikel 3(1) navolg.

(4) Die Provinsie kan afstand doen van sy aandeelbesit in Convenco,  
soos bepaal in die aandeelhouersooreenkoms.”.

### Vervanging van artikel 6 van Wet 8 van 2000

5. Artikel 6 van die Hoofwet word deur die volgende artikel vervang: 15

#### “Finansiële beheer en verslagdoening

6. (1) Vir die toepassing van hierdie Wet, is die rekenpligtige beampte verantwoordelik vir die finansiële bestuur van enige fondse wat deur die provinsiale regering tot voordeel van Convenco bewillig is en moet die rekenpligtige beampte al daardie fondse bestuur en daarvoor verantwoord 20  
ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999).

(2) Die rekenpligtige beampte moet aan die toepaslike rekenpligtige 25  
bepalings voldoen soos vervat in die Wet op Openbare Finansiële Bestuur, 1999, en moet verseker dat die jaarverslag van Convenco in die Provinsiale Parlement van die Wes-Kaap ter tafel gelê word en aan die ouditeur-generaal voorgelê word.”.

### Vervanging van artikel 7 van Wet 8 van 2000

6. Artikel 7 van die Hoofwet word deur die volgende artikel vervang:

#### “Dividende 30

7. Indien enige dividende aan die aandeelhouers verklaar word, [te wete **die Kaapse Metropolitaanse Raad, die Stad Kaapstad, die provinsiale regering en Sunwest, welke**] moet sodanige dividende wat die provinsiale regering toeval, [sal] geag word inkomste te wees en moet in die Provinsiale Inkomstefonds inbetaal word.”. 35

### Vervanging van artikel 8 van Wet 8 van 2000

7. Artikel 8 van die Hoofwet word deur die volgende artikel vervang:

#### “Ooreenkomste

8. Die verantwoordelike Minister kan enige ooreenkoms aangaan om aan 40  
die bepalings van hierdie Wet uitvoering te gee.”.

### Kort titel

8. Hierdie Wet heet die Wysigingswet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2013.

**INQAKU ELICHAZAYO NGOKUBANZI:**

[ ] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere achaza okushiyelelo kwimithetho esele ikho.

Amagama akwelwe umgca ongqindilili ngaphantsi achaza okufakelweyo kwimithetho esele ikho. 5

(Uxwebhu lweAfrikans lutyikitywe yiNkulumbuso)  
(Lwamkelwe ngowe 26 Matshi 2013)

**UMTHETHO**

Ukwenza izilungiso kuMthetho weZiko leeNkomfa zaMazwe laseKapa, 2000, ukuze kulungiswe yaye kususwe iinkcazelo ezithile kufakwe ezintsha; ukulungisa iinjongo ze-Cape Town International Convention Centre Company; ukubonelela ngokuqeshwa kommeli okanye abameli abangaqeshwanga ngurhulumente wephondo ukuze bamele iPhondo kwiBhodi yeConvenco; ukulungelelanisa imiqathango emalunga nenkxaso-mali ukuze ihambelane nomthetho iPublic Finance Management Act, 1999; ukwenza izibonelelo eziza kubangela ukuba iPhondo likwazi ukungabi yinxalenye yeConvenco, xa lifuna ukuyeka; ukulungisa imiqathango emalunga nolawulo lwezimali nokunika ingxelo; ukulungisa kwabanini-zabelo ngamagama abo; ukulungiselela ukuba uMphathiswa akwazi ukwenza izivumelwano; kunye nokulungiselela imicimbi ehambelana nale miba ikhankanyiweyo. 10 15 20

**X**A UTHE LO MTHETHO WAPHUNYEZWA yiPalamente yePhondo leNtshona Koloni, ngokwale ndlela ilandelayo:—

**Ukulungiswa kweCandelo 1 loMthetho 8 ka-2000**

1. ICandelo 1 loMthetho weNkampani yeZiko leeNkomfa zaMazwe, 2000 (uMthetho oyintloko), lenziwa izilungiso kwicandelwana (1) ngokuthi— 5

(a) endaweni yenkcazelo “yegosa eliphendulayo” kufakwe le nkcazelo ilandelayo:

“**igosa eliphendulayo**’ lithetha iNtloko [**yeSebe leMicimbi yoQoqosho, uLimo noKhenketho**] yeSebe ekubhekiswa kulo;”;

(b) ukususwa kwenkcazelo yo“Mthetho”; 10

(c) endaweni yenkcazelo “yesivumelwano seConvenco” kufakwa le nkcazelo ilandelayo:

“**iSivumelwano seConvenco**’ sithetha isivumelwano esatyikitywa ngurhulumente wephondo, iKhansile yeSithili seKapa, iSixeko seKapa neSunwest ngomhla we-3 Disemba 1999, yaye sibandakanya naziphi na izilungiso, utshintsho okanye ufakelo kuso;”;

(d) ukufakela emva kwenkcazelo “yesivumelwano seConvenco” le nkcazelo ilandelayo:

“**iSebe elityunjweyo**’ libhekisa kwisebe elikurhulumente wephondo elityunjelwe umsebenzi othile yiKhabhinethi yePhondo;”;



- (e) ukususwa kwenkcazelo “yoMthetho woLawulo lweMali kaRhulumente;”;
- (f) ukufakela emva kwenkcazelo “yePhondo” le nkcazelo ilandelayo:  
 “**iKhabhinethi yephondo**’ ithetha kwiKhabhinethi yePhondo;”;
- (g) ukususwa kwenkcazelo “yeSebe elinoxanduva”;
- (h) endaweni yenkcazelo “yoMphathiswa onoxanduva” kufakwa le nkcazelo 5  
 ilandelayo:  
 “**uMphathiswa owongameleyo**’ uthetha ilungu leKhabhinethi yephondo elinoxanduva [**Iwemicimbi yezoqoqosho**] kwiSebe elityunjelwe oko; [**kananjalo**];”;
- (i) endaweni yenkcazelo esemhalweni we-Afrikaans wenkcazelo ethi 10  
 “Sentrum” kufakwa le nkcazelo ilandelayo:  
 “**Sentrum**’ die Kaapstadse Internasionale Konvensiesentrum wat op die Strandgebied in Kaapstad opgerig gaan word, soos voorsiening gemaak word voor in die Wes-Kaapse Raad op Dobbelay en Wedrenne se toekenning van ’n bedryflisensie aan Sunwest[;], en” 15
- (j) endaweni yenkcazelo “yesivumelwano sabanini-zabelo” kufakwa le nkcazelo ilandelayo:  
 “**isivumelwano sabanini-zabelo**’ sithetha isivumelwano esatyikitywa ngomhla we-8 Juni 1999 ngurhulumente wephondo, iKhansile yeSithili seKapa, neSixeko seKapa ngenjongo yokusekwa kweConvenco, yaye sibandakanya [esinokuthi sibandakanye] nasiphi na isilungiso [**okanye**], utshintsho okanye ufakelo endaweni yenkcazelo yaso[.];kanye”; kwakunye 20
- (k) nofakelo emva kwenkcazelo “yesivumelwano sabanini-zabelo” le nkcazelo ilandelayo: 25  
 “**lo Mthetho**’ uthetha uMthetho weZiko leeNkomfa zaMazwe laseKapa.”

### Ukulungiswa kweCandelo 3 loMthetho 8 ka-2000

#### 2. Icandelo 3 loMthetho oyintloko liyalungiswa ngokuthi—

- (a) kususwe umhlathi (f) kwiCandelwana (1) lalo mhlathi ulandelayo (f); 30  
 ukuqinisekisa ukuba yonke inkxaso yezixhobo zokusebenza efanelekileyo neenkonzelo ezifunekayo kulawulo olusebenzayo convention centre zikhona; kunye
- (b) kufakwe endaweni yomhlathi (g) kwiCandelwana (1) lo mhlathi ulandelayo: 35  
 “(g) ukungenisa imali[.]; kunye”;
- (c) nokongeza lo mhlathi ulandelayo kwicandelwana (1):  
 “(h) njengoko kuchaziwe kwimemorandam yobandakanyo yeConvenco njengoko kucacisiwe kwiCandelo 15 lomthetho iCompanies Act, 2008 (Umthetho 71 ka-2008).”; kunye 40
- (d) nokususwa kweCandelwana (3). 40

### Ukulungiswa kweCandelo 4 loMthetho 8 ka-2000

#### 3. Icandelo 4 loMthetho oyintloko liyalungiswa ngokuthi kongezwe la macandelwana alandelayo:

- “(3) Ikhabinethi yePhondo inokutyumba ummeli okanye abameli abangaqeshwanga ngurhulumente wephondo ukuba ngaba, ngokweKhabhinethi yephondo, banezakhono okanye izifundo okanye amava anokuba lulutho kwiConvenco. 45
- (4) Ilungu elimele iphondo kwiBhodi yeConvenco njengoko kuchaziwe kwicandelo 4(3), lingahlawulwa umvuzo okanye izibonelelo ezigqitywe nezi-bekwe nguMphathiswa weMali wephondo.
- (5) Ilungu elimele iphondo kwiBhodi yeConvenco, xa lisebenza umsebenzi webhodi, alinako— 50
- (a) ukuthatha isigqibo kumba wemali elichaphazelekayo kuwo;
- (b) ukuthatha isigqibo kuwo nawuphi na umba onokwenzela omnye umntu inzuzo yemali ngendlela engafanelekanga; okanye
- (c) ukusebenzisa isikhundla sobulungu bephondo ukufumana inzuzo yokuba lilungu elimele iphondo okanye lenzele omnye umntu inzuzo ngaphandle kweConvenco. 55
- (6) Ilungu elimele iphondo kwiBhodi yeConvenco kufuneka lisebenzise amagunya yaye lenze imisebenzi yomntu omele iphondo—
- (a) ngokunyaniseka yaye lenze imisebenzi ngokwenjongo ebekiweyo; yaye 60
- (b) lisebenzele inzuzo yeConvenco.”.

#### Ukulungiswa kweCandelo 5 loMthetho 8 ka-2000

##### 4. Icandelo 5 loMthetho oyintloko liyalungiswa ngokuthi—

- (a) kufakwe endaweni yemihlathana(a)no-(b) iCandelwana (1) lale mihlathi ilandelayo:

“(a) njengxenye yohlahlo-mali lonyaka lwephondo oluthe lwamkelwa ngokwemiqathango [**yomthetho**] yoMthetho wolwabiwo-mali ofanelekileyo, okanye 5

(b) njengxenye yohlahlo-mali [**olongezelelweyo**] lwephondo oluthe lwamkelwa ngokwemiqathango [**yomthetho**] yoMthetho ofanelekileyo.”; kunye 10

- (b) nokongezwa kwala macandelwana alandelayo:

“(3) Iphondo linganesabelo senzuzo kwiConvenco xa iConvenco ikwazi ukuphumeza iinjongo ezichazwe kwiCandelo 3(1). 15

(4) Iphondo linganikezela ngezabelo zenzuzo kwiConvenco, lilandela imiqathango ekwisivumewanao sabanini-zabelo.”. 15

#### Ukufakela endaweni yeCandelo 6 loMthetho 8 ka-2000

##### 5. Eli candelo lilandelayo lifakelwa endaweni yeCandelo 6 loMthetho oyintloko—

###### “Ulawulo lwemali nokunikwa kwengxelo

6. (1) Ngokwakulo Mthetho igosa eliphendulayo linoxanduva lolawulo lwazo naziphi na iimali ezithe zabelwa iConvenco ngurhulumente wephondo, kwaye kufuneka lilawule zonke ezo mali, linike inkcazelo ngazo zonke ngokwemiqathango yoMthetho woLawulo lweMali kaRhulumente, 1999 (uMthetho 1 ka-1999). 20

(2) Igosa lobalo-mali kufuneka lithobele yonke imiqathango yokubalwa kweemali njengoko kuchaziwe kuMthetho woLawulo lweMali kaRhulumente, 1999 yaye kufuneka liqinisekise ukuba ingxelo yonyaka yeConvenco iyandlalwa kwiPalamente yePhondo leNtshona Koloni ze ingeniswe nakuMphicothi-zincwadi Jikelele.”. 25

#### Ukufakela endaweni yeCandelo 7 loMthetho 8 ka-2000

##### 6. Eli candelo lilandelayo lifakwa endaweni yeCandelo 7 loMthetho olungiswayo— 30

###### “Izahlulelo

7. Xa kuthe kwakho naziphi na izahlulelo ezithe zaziswa kubanini-zabelo, [**abangaba, iKhansile yeSithili seKapa, iSixeko seKapa, urhulumente wephondo neSunwest,**] ezo zahlulelo zilunge kurhulumente wephondo ziya kuthi zithathwe njengemali eyingenelo, kwaye ke kufuneka ziye kufakwa kwiNgxowa Mali yePhondo, iProvincial Revenue Fund.”. 35

#### Ukufakela endaweni yeCandelo 8 loMthetho 8 ka-2000

##### 7. Eli candelo lilandelayo lifakwa endaweni yeCandelo 8 loMthetho oyintloko—

###### “Izivumelwano

8. UMphathiswa onoxanduva lesebe angenza nasiphi na isivumelwano ukuze aphumeze izibonelelo nemiqathango yalo Mthetho.”. 40

#### Isihlokwana esifutshane nomhla wokuqalisa

8. Lo Mthetho ubizwa ngokuba nguMthetho woLungisov weZiko leeNkomfa zaMa zwe laseKapa oLungisiweyo, 2013.



