

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. 128/2016

8 April 2016

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

No. 1 of 2016: Saldanha Bay Industrial Development Zone Licencing Company Act, 2016.

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. 128/2016

8 April 2016

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

Nr. 1 van 2016: Wet op die Saldanha-baai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy, 2016.

Ibhaliswe ePosini njengePhephandaba

*(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Dale Street, eKapa 8001.)*

I-OFISI YENKULUMBUSO
YEPHONDO LENTSHONA
KOLONI

I.S. 128/2016

8 Epreli 2016

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

Nomb 1 ka-2016: UMthetho weNkampani yeLayisensi yoMmandla woPhuhliso loShishino lwaseSaldanha Bay, 2016.

(English text signed by the Premier)
(Assented to 31 March 2016)

ACT

To regulate the operation of the Saldanha Bay IDZ Licencing Company SOC Ltd; to provide for the shareholding of the Western Cape government in the Saldanha Bay IDZ Licencing Company SOC Ltd; to provide for the objects, functions and governance of the Saldanha Bay IDZ Licencing Company SOC Ltd; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Western Cape Government is responsible for the creation of an enabling environment to promote sustainable economic activity and job creation in the Province;

AND WHEREAS South African policies for economic growth and development recognise that responding to challenging global and domestic economic conditions demands a focus on new sources of competitiveness that lie in innovation, productivity, skills, infrastructure and efficient and responsive state action;

AND WHEREAS statutory provision has been made for the designation of special economic zones to promote targeted economic activities and to provide infrastructure and a platform for the ease of doing business;

AND WHEREAS the Minister of Trade and Industry has, under General Notice 1081 of 2013 in terms of the Manufacturing Development Act, 1993 (Act 187 of 1993), designated an Industrial Development Zone at Saldanha Bay and granted the operator permit to the Saldanha Bay IDZ Licencing Company SOC Ltd;

AND WHEREAS there is a need for provincial legislation to regulate the operation of the said Company,

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - “**Board**” means the board of directors of the Company; 5
 - “**chairperson**” means the chairperson of the Board;
 - “**chief executive officer**” means the chief executive officer appointed in terms of section 9;
 - “**committee**” means a committee referred to in section 7;
 - “**Companies Act**” means the Companies Act, 2008 (Act 71 of 2008); 10
 - “**director**” means a member of the Board;
 - “**distribution**” has the meaning given to it by the Companies Act;
 - “**Manufacturing Development Act**” means the Manufacturing Development Act, 1993 (Act 187 of 1993);
 - “**municipality**” means the Saldanha Bay Municipality; 15
 - “**National Minister**” means the National Minister responsible for trade and industry;

- “Province”** means the Province of the Western Cape;
“provincial government” means the Western Cape government;
“Provincial Minister” means the Provincial Minister responsible for economic development in the Province;
“Provincial Minister responsible for finance” means the Provincial Minister responsible for finance in the Province; 5
“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act 1 of 1999), including regulations issued in terms of that Act;
“SBIDZ” means the Saldanha Bay Industrial Development Zone designated at Saldanha Bay by the Minister of Trade and Industry by General Notice 1081 of 2013 in terms of the Manufacturing Development Act; 10
“Special Economic Zones Act” means the Special Economic Zones Act, 2014 (Act 16 of 2014);
“Special Economic Zone” means an area designated as a Special Economic Zone in terms of the Special Economic Zones Act; 15
“the Company” means Saldanha Bay IDZ Licencing Company SOC Ltd, incorporated in terms of the Companies Act under registration number 2012/035625/30;
“this Act” includes the regulations made under this Act.

Status of Company 20

- 2.** (1) The Company is subject to and regulated by—
 (a) the Public Finance Management Act;
 (b) this Act;
 (c) the Companies Act and the Company’s memorandum of incorporation in terms of the Companies Act; 25
 (d) the Special Economic Zones Act; and
 (e) the Manufacturing Development Act.
 (2) The provincial government is authorised to become a shareholder in the Company and to perform any acts that a shareholder may in law perform.

Objects of Company 30

- 3.** The objects of the Company are to establish and fulfil the purpose of a Special Economic Zone within the greater Saldanha Bay area, including, but not limited to—
 (a) promoting, managing and marketing the SBIDZ;
 (b) providing internal infrastructure in the SBIDZ area;
 (c) facilitating the ease of doing business in the SBIDZ area; and 35
 (d) acquiring and leasing land incidental to the Company’s business.

Functions of Company

- 4.** (1) The Company has the functions set out in subsection (2) and any other functions and responsibilities entrusted and assigned to it by or in terms of this Act or any other law. 40
 (2) The Company, through the Board, may do all that is necessary or expedient to attain the Company’s objects, including the power to—
 (a) finance, lease, purchase or otherwise acquire, let, sell, exchange, alienate, mortgage, burden with a servitude or confer any real right in immovable property; 45
 (b) hire, purchase or otherwise acquire, hire out, sell, exchange, alienate, pledge or confer any other real right in movable property;
 (c) negotiate or cooperate with any sphere of government or organ of state, or any board or person, in the Republic or elsewhere, with regard to any matter that is directly or indirectly aimed at achieving the objects of the Company; 50
 (d) open and administer offices that are necessary or expedient for the effective and proper performance of the Company’s functions;
 (e) acquire insurance cover—
 (i) for the Company against any loss, damage, risk or liability which it may suffer or incur; 55
 (ii) for members of the Board and committees and employees of the Company in respect of bodily injury, disablement or death resulting

- solely and directly from an incident occurring when performing their functions as such members or employees;
- (iii) for directors against any liability or expenses for which the Company is permitted to indemnify a director in terms of the Companies Act; 5
- (f) open and conduct banking accounts at a bank as defined in the Banks Act, 1990 (Act 94 of 1990);
- (g) employ and terminate the employment of persons;
- (h) in consultation with the Provincial Minister and the Provincial Minister responsible for finance, establish, manage and administer any pension or provident fund or medical scheme for the benefit of the employees of the Company, or have such fund or scheme administered by another person or body; 10
- (i) pay all expenses in connection with the administration of the Company;
- (j) establish, assist in establishing, finance, acquire or dispose of any interest in any company or association of persons if to do so would further the objects of the Company; 15
- (k) plan and implement any project or enterprise that would enhance investment and trade in the SBIDZ; and
- (l) apply for funding in terms of the Special Economic Zones Act. 20

Board

5. (1) The Board consists of the directors appointed or elected in accordance with the Company's memorandum of incorporation in terms of the Companies Act.
- (2) Subject to the Companies Act, the Provincial Minister may after consultation with the National Minister remove a director on good cause shown. 25
- (3) The Provincial Minister must after consultation with the National Minister designate the chairperson and deputy chairperson for the Board.
- (4) The deputy chairperson must act as chairperson when the chairperson is absent or unable to act as chairperson.

Functions of Board 30

6. The Board—
- (a) is responsible for the governance, management and control of the Company's business affairs in terms of this Act and any other law;
- (b) is the accounting authority of the Company and must fulfil the fiduciary responsibilities as provided for in the Public Finance Management Act and the Companies Act; 35
- (c) must give effect to the Company's corporate plan as envisaged in section 52 of the Public Finance Management Act in order to achieve the objects of the Company;
- (d) takes decisions on behalf of the Company and gives effect to those decisions; 40
- (e) must develop and implement the strategic plan for the SBIDZ as envisaged in section 26 of the Special Economic Zones Act;
- (f) must notify the Provincial Minister and National Minister immediately of any matter that may prevent or materially affect the achievement of the objects or financial targets of the Company; 45
- (g) must refer to the Provincial Minister any matter that may adversely affect the functioning of the Company;
- (h) must establish an effective competitive recruitment, training and retention system to enable the competent performance of its responsibilities and functions; and 50
- (i) may approve the application of a business to locate in the SBIDZ, with or without conditions.

Board committees

7. (1) A committee envisaged in section 72 of the Companies Act must function in accordance with its terms of reference, determined by the Board. 55
- (2) A member of a committee holds office for the period, not exceeding three years, determined by the Board at the time of the member's appointment.

(3) If the office of a member of a committee becomes vacant, the Board may appoint a person as a member of the committee for the unexpired portion of the term of office of the vacating member or for a longer term, not exceeding three years, determined by the Board at the time of the member's appointment.

(4) A member of a committee whose term of office has expired is eligible for reappointment, but a person may not serve as a member of any committee for more than three terms, excluding any unexpired portion of a term referred to in subsection (3). 5

(5) A committee must be chaired by a person designated by the Board.

(6) The Board may at any time—

(a) remove a member from a committee; or 10

(b) dissolve a committee.

Conditions of appointment

8. (1) The Provincial Minister must, in consultation with the Provincial Minister responsible for finance, determine the terms and conditions for the appointment of any director that is not in the employ of the public service or municipality or a public or municipal entity. 15

(2) The Board must, subject to the Company's memorandum of incorporation and in consultation with the Provincial Minister responsible for finance, determine any remuneration, allowance and reimbursements that a director and a member of a committee who is not a director may receive. 20

Chief executive officer

9. (1) The Board must—

(a) appoint a suitably qualified person as chief executive officer of the Company for a minimum of three years and a maximum of five years; and

(b) conclude a written performance agreement with the chief executive officer. 25

(2) A chief executive officer is eligible for reappointment as chief executive officer of the Company at the expiry of his or her term of office.

(3) The Board may, subject to any applicable employment and labour legislation, terminate the employment of the chief executive officer.

(4) If the chief executive officer is absent or for any reason unable to perform his or her functions, or when the office of the chief executive officer is vacant, the Board must appoint another person to act as chief executive officer during such absence or inability or until a chief executive officer has been appointed in terms of subsection (1). 30

(5) An acting chief executive officer must, for the duration of his or her appointment, perform the functions of the chief executive officer. 35

(6) Despite subsection (1), the person serving as chief executive officer of the Company, on the date on which this Act comes into operation is regarded to be the duly appointed chief executive officer for the unexpired term of the employment agreement of that person with the Company.

Functions of chief executive officer 40

10. (1) The chief executive officer—

(a) is the head of the administration of the Company;

(b) manages the day-to-day affairs of the Company in accordance with the business and financial plans of the Company, subject to the control and directions of the Board; and 45

(c) is accountable to the Board.

(2) In addition to the functions assigned to the chief executive officer by the Board, the chief executive officer must—

(a) develop and lead, with the involvement of the Board, the long-term strategy and vision for the Company that will generate satisfactory levels of shareholder value and positive, reciprocal relations with the relevant shareholders; 50

(b) develop annual business and financial plans for the Company in accordance with the long-term strategy and vision contemplated in paragraph (a);

(c) strive continually to achieve the Company's financial and operating goals and objectives; 55

- (d) ensure that the Company achieves its goals and performs its functions in terms of this Act and any other law;
- (e) ensure that the Company complies with this Act and all other applicable laws, including the Public Finance Management Act and the Companies Act;
- (f) formulate and oversee the implementation of major corporate policies; 5
- (g) implement the decisions of the Board;
- (h) ensure that proper minutes are kept at all meetings of the Board and the committees; and
- (i) attend all meetings of the Board.

Conditions of service of employees of Company 10

11. The Board must determine the remuneration, other service benefits and conditions of service of the chief executive officer and the other employees of the Company.

Funding and financial control

- 12.** (1) The funds of the Company consist of—
- (a) money appropriated by the Provincial Parliament, the National Parliament or the municipal council of the municipality for that purpose; 15
 - (b) operating income derived from the business of the Company; and
 - (c) money received by the Company from other sources.
- (2) The Board must ensure that the Companies Act and the Public Finance Management Act are duly complied with, in particular the provisions regarding financial management and control, the preparation and submission of annual budgets and corporate plans, the preparation of financial statements, audits and reporting. 20
- (3) The Board must manage and apply the Company's funds in the manner and for the purposes the Board considers appropriate, and for this purpose the Board may—
- (a) establish legal or administrative structures that, in the opinion of the Board, are required; 25
 - (b) establish a reserve fund; and
 - (c) invest any funds or monies not immediately required for the Company's affairs, at the institutions and in the manner determined by the Board.
- (4) The Board may, subject to the Public Finance Management Act, borrow money on behalf of the Company, but such money may not be used to defray the Company's running expenses. 30
- (5) The Company must retain its income and may not make any distribution, unless—
- (a) the Board, by resolution, has authorised the distribution; and
 - (b) the Provincial Minister, in consultation with the Provincial Minister responsible for finance, has approved the distribution. 35

Delegation or assignment of powers or duties

- 13.** (1) Subject to the Companies Act and section 56 of the Public Finance Management Act, the Board may in writing delegate or assign any of its powers or duties to— 40
- (a) a director;
 - (b) a committee; or
 - (c) the chief executive officer,
- who may, in writing, further delegate that power or assign that duty.
- (2) A delegation or assignment of a power or duty under subsection (1) does not preclude the exercise of that power or the performance of that duty by the Board, a director, a committee or the chief executive officer, as the case may be. 45
- (3) The Board, a director, a committee or the chief executive officer, as the case may be, may, in writing, at any time amend or revoke any delegation or assignment and may, in writing, delegate or assign its powers or duties, subject to limitations, directions or conditions determined by the Board, a director, a committee or the chief executive officer, as the case may be. 50
- (4) The Board may, in writing, amend or revoke any decision taken by virtue of a delegation or assignment in terms of subsection (1), subject to any rights that may have accrued and with due consideration to the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000). 55

Regulations

14. (1) The Provincial Minister may make regulations relating to any matter which the Provincial Minister deems necessary or expedient to prescribe for the achievement of the objects of the Company and this Act.

(2) Regulations with financial implications must be made in consultation with the Provincial Minister responsible for finance. 5

Short title and commencement

15. This Act is called the Saldanha Bay Industrial Development Zone Licencing Company Act, 2016, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 10

(Engelse teks deur die Premier geteken)
(Bekragtig op 31 Maart 2016)

WET

Ten einde die werking van die Saldanhaabaai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy MSB Bpk te reël; om voorsiening te maak vir die aandeelhouding deur die Wes-Kaapse regering in die Saldanhaabaai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy MSB Bpk; om voorsiening te maak vir die oogmerke, werksaamhede en bestuur van die Saldanhaabaai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy MSB Bpk; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

NADEMAAL die Wes-Kaapse Regering verantwoordelik is vir die skepping van 'n bemagtigende omgewing om volhoubare ekonomiese aktiwiteit en werkskepping in die Provinsie te bevorder;

EN NADEMAAL Suid-Afrikaanse beleid vir ekonomiese groei erken dat om te reageer op die uitdagings van globale en plaaslike ekonomiese omstandighede 'n fokus op nuwe bronne van mededingendheid vereis wat op innovering, produktiwiteit, vaardighede, infrastruktuur en doelmatige en responsiewe staatsoptrede berus;

EN NADEMAAL statutêre voorsiening gemaak is vir die aanwysing van spesiale ekonomiese sones om geteikende ekonomiese aktiwiteite te bevorder en 'n infrastruktuur en platform te verskaf ter vergemakliking van die doen van sake;

EN NADEMAAL die Minister van Handel en Nywerheid, onder Algemene Kennisgewing 1081 van 2013 ingevolge die Wet op Vervaardigingsontwikkeling, 1993 (Wet 187 van 1993), 'n Nywerheidsontwikkelingsone by Saldanhaabaai aangewys het en die operateurspermit toegeken het aan die Saldanhaabaai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy MSB Bpk;

EN NADEMAAL daar 'n behoefte is aan provinsiale wetgewing om die werking van die vermelde Maatskappy te reguleer,

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

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
 - “**die Maatskappy**” Saldanhaabaai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy MSB Bpk, geïnkorporeer ingevolge die Maatskappywet onder registrasienommer 2012/035625/30; 5
 - “**direkteur**” 'n lid van die Raad;
 - “**hierdie Wet**” ook die regulasies kragtens hierdie Wet gemaak;
 - “**hoof uitvoerende beampte**” die hoof uitvoerende beampte aangestel ingevolge artikel 9; 10
 - “**komitee**” 'n komitee bedoel in artikel 7;
 - “**Maatskappywet**” die “Companies Act, 2008” (Wet 71 van 2008);
 - “**munisipaliteit**” die Saldanhaabaai Munisipaliteit;

“ Nasionale Minister ” die Nasionale Minister verantwoordelik vir handel en nywerheid;	
“ Provinsiale Minister ” die Provinsiale Minister verantwoordelik vir ekonomiese ontwikkeling in die Provinsie;	
“ Provinsiale Minister verantwoordelik vir finansies ” die Provinsiale Minister verantwoordelik vir finansies in die Provinsie;	5
“ provinsiale regering ” die Wes-Kaapse Regering;	
“ Provinsie ” die Provinsie van die Wes-Kaap;	
“ Raad ” die raad van direkteure van die Maatskappy;	
“ SBNOS ” die Saldanhabaai Nywerheidsontwikkelingsone aangewys by Saldanhabaai deur die Minister van Handel en Nywerheid by Algemene Kennisgewing 1081/2013 ingevolge die Wet op Vervaardigingsontwikkeling;	10
“ Spesiale Ekonomiese Sone ” ’n gebied aangewys as ’n Spesiale Ekonomiese Sone ingevolge die Wet op Spesiale Ekonomiese Sones;	
“ uitkering ” dieselfde as in die Maatskappywet;	15
“ voorsitter ” die voorsitter van die Raad;	
“ Wet op Openbare Finansiële Bestuur ” die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), en ook die regulasies uitgereik ingevolge daardie Wet;	
“ Wet op Spesiale Ekonomiese Sones ” die “Special Economic Zones Act, 2014” (Wet 16 van 2014);	20
“ Wet op Vervaardigingsontwikkeling ” die Wet op Vervaardigingsontwikkeling, 1993 (Wet 187 van 1993).	

Status van Maatskappy

2. (1) Die Maatskappy is onderworpe aan en word gereuleer deur—	25
(a) die Wet op Openbare Finansiële Bestuur;	
(b) hierdie Wet;	
(c) die Maatskappywet en die Maatskappy se akte van oprigting ingevolge die Maatskappywet;	
(d) die Wet op Spesiale Ekonomiese Sones; en	30
(e) die Wet op Vervaardigingsontwikkeling.	
(2) Die provinsiale regering is gemagtig om ’n aandeelhouer in die Maatskappy te word en om enige handeling te verrig wat ’n aandeelhouer regtens kan verrig.	

Oogmerke van Maatskappy

3. Die oogmerke van die Maatskappy is om ’n Spesiale Ekonomiese Sone binne die groter Saldanhabaaigebied in te stel en die doel daarvan te vervul, met inbegrip van, maar nie daartoe beperk nie, om—	35
(a) die SBNOS te bevorder, te bestuur en te bemark;	
(b) interne infrastruktuur in die SBNOS-gebied te verskaf;	
(c) die gerief van sake doen in die SBNOS-gebied te fasiliteer; en	40
(d) grond te verkry en te verhuur wat met die Maatskappy se sake gepaardgaan.	

Werksaamhede van Maatskappy

4. (1) Die Maatskappy het die werksaamhede uiteengesit in subartikel (2) en enige ander werksaamhede en verantwoordelikhede aan hom toevertrou en toegewys by of ingevolge hierdie Wet of enige ander wet.	45
(2) Die Maatskappy, deur die Raad, kan alles doen wat nodig of dienstig is om die Maatskappy se oogmerke te bereik, met inbegrip daarvan om—	
(a) onroerende eiendom te finansier, huur, aan te koop of op ’n ander wyse te verkry, verhuur, verkoop, verruil, vervreem, dit onder verband te plaas, met ’n servituut te belas of enige saaklike reg daarin te verleen;	50
(b) roerende eiendom te huur, aan te koop of andersins te verkry, uit te verhuur, te verkoop, verruil, vervreem, verpand of enige ander saaklike reg daarin te verleen;	
(c) met enige regeringsfeer of staatsorgaan, of enige raad of persoon, in die Republiek of elders, te onderhandel of saam te werk rakende enige aangeleentheid wat direk of indirek op die bereiking van die Maatskappy se oogmerke gemik is;	55

- (d) enige kantore te open en te administreer wat nodig of dienstig is vir die doeltreffende en behoorlike verrigting van die Maatskappy se werksaamhede;
- (e) versekeringsdekking te verkry—
- (i) vir die Maatskappy teen enige verlies, skade, risiko of aanspreeklikheid wat dit moontlik mag ly of opdoen; 5
 - (ii) vir lede van die Raad en komitees en werknemers van die Maatskappy ten opsigte van liggaamlike besering, vermindering of sterfte wat slegs en direk ontstaan uit 'n insident wat plaasvind wanneer hulle hul werksaamhede as sodanige lede of werknemers verrig; 10
 - (iii) vir direkteure teen enige aanspreeklikheid of uitgawes waarvoor die Maatskappy toegelaat word om 'n direkteur ingevolge die Maatskappywet te vrywaar;
- (f) bankrekenings by 'n bank soos omskryf in die Bankwet, 1990 (Wet 94 van 1990), te open en te bestuur; 15
- (g) enige persone aan te stel en die aanstelling te beëindig;
- (h) in oorleg met die Provinsiale Minister en die Provinsiale Minister verantwoordelik vir finansies enige pensioen- of voorsorgfonds of mediese skema tot voordeel van die werknemers van die Maatskappy in te stel, te bestuur en te administreer of om 'n ander persoon of liggaam die fonds of skema te laat administreer; 20
- (i) alle uitgawes met betrekking tot die administrasie van die Maatskappy te betaal;
- (j) indien dit die oogmerke van die Maatskappy sal bevorder, enige belang by enige maatskappy of vereniging van persone te vestig, by te staan met die vestiging daarvan, te finansier, te verkry of daarvoor te beskik; 25
- (k) enige projek of onderneming te beplan en te implementeer wat belegging en handel in die SBNOS sal verbeter; en
- (l) aansoek te doen vir befondsing ingevolge die Wet op Spesiale Ekonomiese Sones. 30

Raad

5. (1) Die Raad bestaan uit die direkteure wat ooreenkomstig die Maatskappy se akte van oprigting ingevolge die Maatskappywet aangestel of verkies is.

(2) Behoudens die Maatskappywet kan die Provinsiale Minister na oorlegpleging met die Nasionale Minister en by aanvoer van grondige redes 'n direkteur verwyder. 35

(3) Die Provinsiale Minister moet na oorlegpleging met die Nasionale Minister die voorsitter en ondervoorsitter van die Raad aanwys.

(4) Die ondervoorsitter moet as voorsitter waarneem wanneer die voorsitter afwesig is of nie in staat is om as voorsitter op te tree nie.

Werksaamhede van die Raad

40

6. Die Raad—

- (a) is verantwoordelik vir die bestuur en beheer van die Maatskappy se sake ingevolge hierdie Wet en enige ander wet;
- (b) is die rekenpligtige gesag van die Maatskappy en moet die fidusiêre verantwoordelikhede soos voor voorsiening gemaak in die Wet op Openbare Finansiële Bestuur en die Maatskappywet nakom; 45
- (c) moet uitvoering gee aan die Maatskappy se korporatiewe plan soos beoog in artikel 52 van die Wet op Openbare Finansiële Bestuur ten einde die oogmerke van die Maatskappy te bereik;
- (d) neem besluite namens die Maatskappy en gee uitvoering aan daardie besluite; 50
- (e) moet die strategiese plan vir die SBNOS ontwikkel en implementeer soos beoog in artikel 26 van die Wet op Spesiale Ekonomiese Sones;
- (f) moet die Provinsiale Minister en Nasionale Minister onmiddellik in kennis stel van enige aangeleentheid wat die bereiking van die oogmerke of finansiële mikpunte van die Maatskappy kan voorkom of wesenlik raak; 55
- (g) moet enige aangeleentheid wat die werking van die Maatskappy nadelig kan raak na die Provinsiale Minister verwys;
- (h) moet 'n doeltreffende stelsel vir mededingende werwing, opleiding en behoud daarstel om die bekwame verrigting van sy verantwoordelikhede en werksaamhede te bemoontlik; en 60

- (i) kan die aansoek van 'n besigheid om in die SBNOS te vestig, goedkeur, met of sonder voorwaardes.

Raadskomitees

7. (1) 'n Komitee beoog in artikel 72 van die Maatskappywet moet funksioneer ooreenkomstig sy opdrag, bepaal deur die Raad. 5

(2) 'n Lid van 'n komitee beklee sy of haar amp vir die tydperk, van hoogstens drie jaar, bepaal deur die Raad ten tye van die lid se aanstelling.

(3) Indien die amp van 'n lid van 'n komitee vakant raak, kan die Raad 'n persoon as 'n lid van die komitee aanstel vir die onverstreke gedeelte van die ampstermyn van die uittredende lid of vir 'n langer termyn, van hoogstens drie jaar, bepaal deur die Raad ten tye van die lid se aanstelling. 10

(4) 'n Lid van 'n komitee van wie die ampstermyn verstryk het, is verkiesbaar vir heraanstelling, maar 'n persoon mag nie vir meer as drie termyne, uitgesonderd enige onverstreke gedeelte van 'n termyn bedoel in subartikel (3), as 'n lid van enige komitee dien nie. 15

(5) 'n Komitee moet as voorsitter 'n persoon aangewys deur die Raad hê.

(6) Die Raad kan te eniger tyd—

(a) 'n lid uit 'n komitee verwyder; of

(b) 'n komitee ontbind.

Voorwaardes van aanstelling 20

8. (1) Die Provinsiale Minister moet, in oorleg met die Provinsiale Minister verantwoordelik vir finansies, die bepalings en voorwaardes vir die aanstelling van enige direkteur wat nie in diens is van die staat of 'n munisipaliteit of 'n openbare of munisipale instelling nie bepaal.

(2) Die Raad moet, behoudens die Maatskappy se akte van oprigting en in oorleg met die Provinsiale Minister verantwoordelik vir finansies, enige vergoeding, toelaes en terugbetalings wat 'n direkteur en 'n lid van 'n komitee kan ontvang, bepaal. 25

Hoof uitvoerende beampte

9. (1) Die Raad moet—

(a) 'n toepaslik gekwalifiseerde persoon as hoof uitvoerende beampte van die Maatskappy aanstel vir 'n minimum van drie jaar en 'n maksimum van vyf jaar; en 30

(b) 'n skriftelike prestasieooreenkoms met die hoof uitvoerende beampte sluit.

(2) 'n Hoof uitvoerende beampte is by verstryking van sy of haar ampstermyn verkiesbaar vir heraanstelling as hoof uitvoerende beampte van die Maatskappy. 35

(3) Die Raad kan, behoudens enige toepaslike indiensnemings- en arbeidswetgewing, die indiensneming van die hoof uitvoerende beampte beëindig.

(4) Indien die hoof uitvoerende beampte afwesig is of om een of ander rede nie in staat is om sy of haar werksaamhede te verrig nie, of wanneer die amp van die hoof uitvoerende beampte vakant is, moet die raad 'n ander persoon aanstel om as hoof uitvoerende beampte waar te neem gedurende sodanige afwesigheid of onvermoë of totdat 'n hoof uitvoerende beampte ingevolge subartikel (1) aangestel is. 40

(5) 'n Waarnemende hoof uitvoerende beampte moet, vir die duur van sy of haar aanstelling, die werksaamhede van die hoof uitvoerende beampte verrig.

(6) Ondanks subartikel (1) word die persoon wat as hoof uitvoerende beampte van die Maatskappy dien op die datum van inwerkingtreding van hierdie Wet geag die behoorlik verkose hoof uitvoerende beampte te wees vir die onverstreke termyn van die indiensnemingskontrak van daardie persoon met die Maatskappy. 45

Werksaamhede van hoof uitvoerende beampte

10. (1) Die hoof uitvoerende beampte— 50

(a) is die hoof van die administrasie van die Maatskappy;

(b) bestuur die daaglikse sake van die Maatskappy behoudens die beheer en leiding van die Raad; en

(c) is aanspreeklik teenoor die Raad.

- (2) Benewens die werksaamhede opgedra aan die hoof uitvoerende beampte deur die Raad, moet die hoof uitvoerende beampte—
- (a) met die betrokkenheid van die Raad, die langtermynstrategie en visie vir die Maatskappy ontwikkel en lei wat bevredigende vlakke van aandeelhouerwaarde en positiewe, wedersydse betrekkings met die tersaaklike aandeelhouers sal voortbring; 5
 - (b) jaarlikse sake- en finansiële planne vir die Maatskappy ontwikkel ooreenkomstig die langtermynstrategie en visie beoog in paragraaf (a);
 - (c) voortdurend daarna streef om die Maatskappy se finansiële en bedryfsdoelwitte en oogmerke te bereik; 10
 - (d) toesien dat die Maatskappy ingevolge hierdie Wet en enige ander wet sy doelwitte bereik en werksaamhede verrig;
 - (e) toesien dat die Maatskappy aan hierdie Wet en alle ander toepaslike wette voldoen, met inbegrip van die Wet op Openbare Finansiële Bestuur en die Maatskappywet; 15
 - (f) korporatiewe beleid formuleer en oor die implementering daarvan toesig hou;
 - (g) die Raad se besluite implementeer;
 - (h) toesien dat behoorlike notules by alle vergaderings van die Raad en die komitees gehou word; en
 - (i) alle vergaderings van die Raad bywoon. 20

Diensvoorwaardes van werknemers van die Maatskappy

11. Die Raad moet die vergoeding, ander diensvoordele en diensvoorwaardes van die hoof uitvoerende beampte en die ander werknemers van die Maatskappy bepaal.

Befondsing en finansiële beheer

12. (1) Die fondse van die Maatskappy bestaan uit— 25
- (a) geld wat deur die Provinsiale Parlement, die Nasionale Parlement of die munisipale raad van die munisipaliteit vir daardie doel bewillig is;
 - (b) bedryfsinkomste afkomstig van die besigheid van die Maatskappy; en
 - (c) geld ontvang deur die Maatskappy van ander bronne.
- (2) Die Raad moet toesien dat daar behoorlik aan die Maatskappywet en die Wet op Openbare Finansiële Bestuur voldoen word, in die besonder die bepalings rakende finansiële bestuur en beheer, die voorbereiding en voorlegging van jaarlikse begrotings en korporatiewe planne, die voorbereiding van finansiële state, oudits en verslagdoening. 30
- (3) Die Raad moet die Maatskappy se fondse bestuur en aanwend op die wyse en vir die doeleindes wat die Raad gepas ag, en vir hierdie doel kan die Raad— 35
- (a) regs- en administratiewe strukture instel wat, na die mening van die Raad, benodig word;
 - (b) 'n reserwefonds instel; en
 - (c) enige fondse of geld wat nie onmiddellik vir die Maatskappy se sake benodig word nie belê by die instellings en op die wyse wat die Raad bepaal. 40
- (4) Die Raad kan, behoudens die Wet op Openbare Finansiële Bestuur, geld namens die Maatskappy leen, maar sodanige geld mag nie gebruik word om die Maatskappy se lopende uitgawes te dek nie.
- (5) Die Maatskappy moet sy inkomste behou en mag geen uitkerings maak nie, tensy— 45
- (a) die Raad besluit het om die uitkering te magtig; en
 - (b) die Provinsiale Minister, in oorleg met die Provinsiale Minister verantwoordelik vir finansies, die uitkering goedgekeur het.

Delegering of opdrag van bevoegdheids of pligte 50

13. (1) Behoudens die Maatskappywet en artikel 56 van die Wet op Openbare Finansiële Bestuur kan die Raad enige van sy bevoegdheids of pligte skriftelik deleger of opdra aan—

- (a) 'n direkteur;
 - (b) 'n komitee; of 55
 - (c) die hoof uitvoerende beampte,
- wat daardie bevoegdheid verder kan delegeer of daardie plig verder kan opdra.

(2) 'n Delegering of opdrag van 'n bevoegdheid of plig kragtens subartikel (1) verhoed nie die uitoefening van daardie bevoegdheid of die verrigting van daardie plig deur die Raad nie.

(3) Die Raad, 'n direkteur, 'n komitee of die hoof uitvoerende beampte, na gelang van die geval, kan te eniger tyd enige delegering of opdrag skriftelik wysig of intrek en kan sy bevoegdhede of pligte behoudens beperkings, voorskrifte of voorwaardes bepaal deur die Raad, 'n direkteur, 'n komitee of die hoof uitvoerende beampte, na gelang van die geval, delegeer of opdra. 5

(4) Die Raad kan enige besluit wat uit hoofde van 'n delegering of opdrag ingevolge subartikel (1) geneem is, wysig of intrek, behoudens enige regte wat iemand moontlik toegeval het en met behoorlike inagneming van die "Promotion of Administrative Justice Act, 2000" (Wet 3 van 2000). 10

Regulasies

14. (1) Die Provinsiale Minister kan regulasies maak rakende enige aangeleentheid wat die Provinsiale Minister nodig of dienstig ag om voor te skryf vir die bereiking van die oogmerke van die Maatskappy en hierdie Wet. 15

(2) Regulasies met finansiële implikasies moet in oorleg met die Provinsiale Minister verantwoordelik vir finansies gemaak word.

Kort titel en inwerkingtreeding

15. Hierdie Wet heet die Wet op die Saldanhabaai Nywerheidsontwikkelingsone Lisensiëringsmaatskappy, 2016, en tree in werking op 'n datum bepaal deur die Premier by proklamasie in die *Provinsiale Koerant*. 20

(Uxwebhu lwesiNgesi lutyikitywe yiNkulumbuso)
(Lwamkelwa ngowama-31 Matshi 2016)

UMTHETHO

Ukulawula ukusebenza kweNkampani yeLayisensi iIDZ yaseSaldanha Bay SOC Ltd; ukubonelelwa ngobuninizabelo ngurhulumente weNtshona Koloni kwiNkampani yeLayisensi iIDZ yaseSaldanha Bay SOC Ltd; ukubonelela ngeenjongo, ngemisebenzi nangolawulo lweNkampani yeLayisensi yoMmandla woPhuhliso loShishino lwaseSaldanha Bay SOC Ltd; nangokubonelela ngemiba yeziganeko.

INTSHAYELELO

NJENGOKO uRhulumente weNtshona Koloni enoxanduva lokudala imeko evumela ushishino ukukhuthaza ukukhula koqoqosho nokudala imisebenzi kwiPhondo;

NANJENGOKO imigaqo-nkqubo yoMzantsi Afrika yokukhuliswa koqoqosho nophuhliso ikuthathela ingqalelo ukuba ukuphendula kwimiceli-mngeni ezimfuno zeemeko zoqoqosho lwasekhaya nolwehlabathi kujolise kwizisele ezintsha zokuba nokukhuphiseka ezixhomekeke kuyilo nakwimveliso, kwizakhono, kwizibonelelo nakubuchule, nakwintshukumo yokuphendula kombuso;

NANJENGOKO lwenziwe ubonelelo ngokomthetho lokuyila imimandla yezoqoqosho ekhethekileyo ukukhuthaza imisebenzi yezoqoqosho ekujoliswe kuyo nokukhuthaza izibonelelo neqonga lokwenza kubelula ukwenza izinto;

NANJENGOKO uMphathiswa woRhwebo noShishino, phantsi kweSaziso Jikelele esingu-1081 sika-2013 ngokwemigaqo yomthetho *iManufacturing Development Act, 1993* (uMthetho 187 ka-1993), eyile uMmandla woPhuhliso loShishino eSaldanha Bay waze wanikezela ngepemithi yokusebenza kwiNkampani yeLayisensi iIDZ yaseSaldanha Bay SOC Ltd;

NANJENGOKO kukho isidingo somthetho wephondo ukulawula ukusebenza kwale Nkampani,

KUWISWA UMTHETHO KE NGOKO yiPalamente yePhondo, leNtshona Koloni, ngoluhlobo:—

Iinkcazo-magama

1. Kulo Mthetho, ngaphandle kokuba kwalapho indlela elisetyenziswe ngayo iagama ilinika enye intsingiselo—
 - “**IBhodi**” ithetha ibhodi yabalawuli beNkampani;
 - “**usihlalo**” uthetha usihlalo weBhodi;
 - “**igosa lesigqeba eliyintloko**” lithetha igosa lesigqeba eliyintloko eqeshwe ngokwecandelo 9;
 - “**ikomiti**” ithetha ikomiti ekubhekiselelwe kuyo kwicandelo 7;
 - “**UMthetho weeNkampani**” uthetha umthetho oyi*Companies Act, 2008* (uMthetho 71 ka-2008);
 - “**umlawuli**” uthetha ilungu leBhodi;
 - “**ulwabiwo**” intsingiselo injengoko inikiwe nguMthetho weeNkampani;
 - “**UMthetho woPhuhliso lokuVelisa**” uthetha umthetho oyi*Manufacturing Development Act, 1993* (uMthetho 187 ka-1993);
 - “**umasipala**” uthetha uMasipala waseSaldanha Bay;

- “**UMphathiswa kaZwelonke**” uthetha uMphathiswa kaZwelonke onoxanduva lorhwebo noshishino;
- “**iPhondo**” lithetha iphondo leNtshona Koloni;
- “**urhulumente wephondo**” uthetha urhulumente weNtshona Koloni;
- “**UMphathiswa wePhondo**” uthetha uMphathiswa wePhondo onoxanduva 5
lophuhliso loqoqosho kwiPhondo;
- “**UMphathiswa wePhondo onoxanduva lwezemali**” uthetha uMphathiswa wePhondo onoxanduva lwezemali kwiPhondo;
- “**UMthetho woLawulo lwezeMali yoLuntu**” uthetha umthetho oyi*Public Finance Management Act*, 1999 (uMthetho 1 ka-1999), kuquka nemigaqo ekhutshwe 10
ngokwalo Mthetho;
- “**i-SBIDZ**” ithetha uMmandla woPhuhliso loShishino waseSaldanha Bay omiselwe eSaldanha Bay nguMphathiswa woRhwebo noShishino ngeSaziso Jikelele 1081 sika-2013 ngomthetho i*Manufacturing Development Act*;
- “**UMthetho weMimandla yezoQoqosho eKhethekileyo**” uthetha umthetho 15
oyi*Special Economic Zones Act*, 2014 (uMthetho 16 ka-2014);
- “**IMimandla yezoQoqosho eKhethekileyo**” uthetha ingingqi eyilelwe ukuba ibe yiMimandla yezoQoqosho eKhethekileyo ngokwemigaqo yoMthetho weMimandla yezoQoqosho eKhethekileyo;
- “**iNkampani**” mithetha iNkampani yeLayisensi ye IDZ yaseSaldanha Bay SOC 20
Ltd, ebandakanywe ngokoMthetho weeNkampani phantsi kwenombolo yobhaliso engu-2012/035625/30;
- “**lo Mthetho**” uquka imigaqo eyenziwe phantsi kwalo Mthetho.

Ubulunga beNkampani

2. (1) Inkampani iphantsi kwaye ilawulwa— 25
- (a) ngumthetho oyi*Public Finance Management Act*;
- (b) lo Mthetho;
- (c) nguMthetho weeNkampani nememorandam yeNkampani yokuhlanganiswa ngokoMthetho weeNkampani;
- (d) nguMthetho weMimandla yezoQoqosho eKhethekileyo; kunye 30
- (e) noMthetho woPhuhliso lokuVelisa;
- (2) URhulumente wephondo ugunyazisiwe ukuba abe ngumnini-zabelo kule Nkampani kwaye uza kwenza naziphi na iintshukumo ezenziwa ngumnini-zabelo ngokusemthethweni.

Iinjongo zeNkampani

3. Iinjongo zeNkampani kukusungula nokuzalisekisa injongo yeMimandla yezoQoqosho eKhethekileyo kwingingqi yeSaldanha Bay enkulu, kuquka, kodwa kunganyinwanga— 35
- (a) ekukhuthazweni, ekulawuleni nasekurhwebeni Esbidz;
- (b) ngokubonelela ngezibonelelo zangaphakathi kwingingqi yeSBIDZ; 40
- (c) ngokunceda ekwenzeni lula ushishino kwingingqi yeSBIDZ; kunye
- (d) nokufumana nangokuqeshisa ngomhlaba ongenamsebenzi kushishino lwe-Nkampani.

Imisebenzi yeNkampani

4. (1) Inkampani inemisebenzi emiselweyo kwicandelo (2) kunye neminye 45 imisebenzi noxanduva olumiselweyo nolunikiweyo ngokwalo Mthetho okanye nawuphi na omnye umthetho.
- (2) INkampani, ngokusebenzisa iBhodi, ingenza konke okufanelekileyo okanye okuncedayo ekuphemeleleni iinjongo zeNkampani, kuquka namandla—
- (a) ezemali, okuqeshisa, okuthenga okanye okufumana, okuqeshisa, okuthengisa, 50 okutshintshiselana, okutyeshela, okubambisa ngento, omthwalo ngobukhoboka okanye okuxoxa ngayo nayo nayiphi na ipropathi engafudusekiyo;
- (b) okuqesha, okuthenga okanye okufumana, okuqeshisa, okuthengisa, okutshintshiselana, okutyeshela, isibhambathiso okanye okuxoxa ngayo nayo nayiphi na ipropathi engafudusekiyo; 55
- (c) okuthethathethana okanye okusebenzisana naso nasiphi na isigaba sikarhulumente okanye iqumrhu lombuso, okanye nawo nawuphi na umbutho

- okanye umntu, apha kwiRephabliki okanye kwelinye ilizwe, ngokubhekiselele kumba ongqale okanye ongangqalanga ekuphumeleleni iinjongo zeNkampani;
- (d) okuvula nokulawula ii-ofisi ezifanelekileyo okanye ezincedayo ekusebenzeni ngenkuthalo nangendlela eyiyo yemisebenzi yeNkampani; 5
- (e) okufumana ikhava yeinshorensi—
- (i) yeNkampani xa ithe yalahlekelwa ngayo nayiphi na indlela, yonakala, yasemngciphekweni okanye naliphi na ityala enokuba kulo;
- (ii) yamalungu eBhodi neekomiti ngokunjalo nabasebenzi beNkampani ngokubhekiseleleleekonkzakaleni, kukhubazeko okanye ekufeni okubangelwe yingozi eyenzeke ngexesha usebenza njengelungu okanye umsebenzi; 10
- (iii) yabalawuli ngokubhekiselele kumatyala okanye kwiinkcitho zabo abavumelekileyo ukuba bakhuselwe yiNkampani ngokoMthetho weNkampani; 15
- (f) okuvula nokuqhuba iiakhawunti zebhanki ebhankini njengoko kuchazwa kumthetho *iBanks Act*, 1990 (uMthetho 94 ka-1990);
- (g) okuqesha nokuphelisa umsebenzi wabantu;
- (h) okucebisana noMphathiswa wePhondo kunye noMphathiswa wePhondo ojongene nezemali, ukusungula, ukulawula nayo nayiphi na imali yomhlalaphantsi okanye yengxowa-mali yesibonelelo okanye yelungiselelo lonyango lwabasebenzi beNkampani, okanye loo ngxowa-mali okanye ilungiselelo lilawulwe ngomnye umntu okanye umbutho; 20
- (i) okuhlawula zonke iindleko ezihlangene nolawulo lweNkampani; 25
- (j) okusungula, okunceda ekusunguleni, ezemali, okufumana okanye okulahla nawo nawuphi na umdla wayo nayiphi na inkampani okanye imanyano yabantu ukuba ukwenza njalo kuza kuqhubekisela phambili iinjongo zeNkampani;
- (k) ukucwangcisa nokuzalisekisa nayo nayiphi na iprojekthi okanye ushishino olunokukhuthaza utyalo-mali norhwebo kwi-SBIDZ; kunye 30
- (l) nokusebenzisa ingxowa-mali ngokoMthetho weMimandla yezoQoqosho eKhethekileyo.

IBhodi

5. (1) IBhodi yenziwa ngabalawuli abatyunjwe okanye abaqeshwe ngokuhambelana nememorandum yeNkampani yokuhlanganiswa ngokoMthetho weNkampani. 35
- (2) Ngokuxhomekeke kuMthetho weNkampani, uMphathiswa wePhondo emva kokucebisana noMphathiswa kaZwelonke angamsusa umlawuli phantsi kwesizathu ezivakalayo.
- (3) UMphathiswa wePhondo emva kokucebisana noMphathiswa kaZwelonke umele anyule usihlalo weBhodi nesekele lakhe. 40
- (4) Isekele-sihlalo limele libelibambela sihlalo xa engekho usihlalo okanye engakwazi ukusebenza njengebambela.

Imisebenzi yeBhodi

6. IBhodi— 45
- (a) inoxanduva lolawulo, lokulawula imicimba yeshishini leNkampani ngokoMthetho nangawo nawuphi na omnye umthetho;
- (b) ingugunyaziwe wobalo-mali lweNkampani kwaye imele izalisekise uxanduva lokuthembeka ekulawuleni imali njengoko kuchaziwe kumthetho oyi *Public Finance Management Act* nakuMthetho weNkampani; 50
- (c) imele ibe nefuthe kwisicwangciso sentsebenziswano seNkampani njengoko kumiselwe kwicandelo 52 lomthetho oyi *Public Finance Management Act* ukuze kuphunyelelwe iinjongo zeNkampani;
- (d) ithatha izigqibo egameni leNkampani ize izenze zibe nefuthe ezo zigqibo;
- (e) imele iphuhlise kwaye izalisekise isicwangciso-qhinga seSBIDZ njengoko kuchaziwe kwicandelo 26 loMthetho weMimandla yezoQoqosho eKhethekileyo; 55
- (f) imele imazise ngoko nangoko uMphathiswa wePhondo noMphathiswa kaZwelonke ngawo nawuphi na umba unokuthintela okanye uchaphazelele ukuphunyelelwa kweenjongo okanye imali ekujoliswe kuyo yeNkampani; 60

- (g) ngokwesiqhelo, imele idlulisele kuMphathiswa wePhondo nawuphi na umba onokuchaphazela kakubi ukusebenza kweNkampani;
- (h) imele isungule inkqubo yokugaya abasebenzi, eyoqeqesho kunye neyokubagcina abasebenzi ukuze ikwazi ukukhuphisana namanye amashishini enza kwalo msebenzi mnye; kwaye 5
- (i) ingasivuma isicelo seshishini sokuba lihlale kwiSBIDZ, phantsi kwe-miqathango okanye ngaphandle kwemiqathango.

Iikomiti zeBhodi

7. (1) Ikomiti echazwe kwicandelo 72 loMthetho weeNkampani imele isebenze ngokuhambelana nemigaqo yayo, emiselwe yiBhodi. 10
- (2) Ilungu lekomiti lihlala eofisini kangangexesha, elingadluliyo kwiminyaka emithathu, elimiselwe yiBhodi ngexesha bekuqeshwa ngalo ilungu.
- (3) Ukuba iofisi yelungu lekomiti ayibinamntu, iBhodi ingaqesha umntu njengelungu lekomiti kangangexesha elingamiselwanga lokuba seofisini yelungu eliphumayo okanye kangangexesha elidana, kodwa alingadluliyo kwiminyaka emithathu, elimiselwe yiBhodi ngexesha lokuqeshwa kwelungu. 15
- (4) Ilungu lwekomiti eliphelelwe lixesha eofisini liselungelweni lokuphinda lonyulwe, kodwa umntu akavumelekanga ukuba asebenze njengelungu layo nayiphi na ikomiti isihlandlo ezintathu zamaxesha okuba seofisini, ngaphandle kwexeshana lakhe elingekapheli ekubhekiselelwe kulo kwicandelo (3). 20
- (5) Ikomiti imele ibhexeshwe ngumntu owonyulwe yiBhodi.
- (6) Nanini na iBhodi—
- (a) ingalisusa ilungu kwikomiti; okanye
- (b) ingayiphelisa ikomiti.

Imimiselo yokonyula

8. (1) UMphathiswa wePhondo, ngokucebisana noMphathiswa wePhondo umele abe noxanduva lwezemali, afumanise imigaqo nemimiselo yolonyulo lwakhe nawuphi na umlawuli ongasebenzeli rhulumente okanye umasipala okanye iqumrhu likarhulumente okanye elikamasipala. 25
- (2) IBhodi imele, ngokuxhomekeke kwimemorandum yeNkampani yokuhlanganiswa, nasekucebisane ni noMphathiswa wePhondo ojongene nezemali ifumanise naziphi na iintlobo zemivuzo, amaqithiqithi neentuthuzelo umlawuli nelungu lekomiti elingengomlawuli elinokuwazusa. 30

Igosa lesigqeba eliyintloko

9. (1) IBhodi imele— 35
- (a) liqeshe umntu onemfundo efanelekileyo njengegosa lesigqeba eliyintloko leNkampani kangangexesha leminyakana emithathu nemihlanu ubuninzi; kwaye
- (b) igqibe isivumelwano sokusebenza esibhaliweyo ikunye negosa lesigqeba eliyintloko. 40
- (2) Igosa eliyintloko lesigqeba linelungelo lokuqashwa ngokutsha njengegosa lesigqeba eliyintloko yeNkampani ekupheleni kwexesha lalo le-ofisi.
- (3) IBhodi inokuthi ngokuxhomekeke kuwo nawuphi na umthetho okhoyo wengqesho, iwuphelise umsebenzi wegosa lesigqeba eliyintloko.
- (4) Ukuba igosa lesigqeba eliyintloko alikho emsebenzini okanye alikwazi ukuwenza umsebenzi walo, okanye xa iofisi yegosa lesigqeba eliyintloko inesithuba, iBhodi ifanele iqeshe omnye umntu ukuze abelibambela legosa lesigqeba eliyintloko ngelo xesha lokungabikho okanye lokungakwazi ukuwenza umsebenzi okanye kude kuqeshwa igosa lesigqeba eliyintloko ngokwecandelwana (1). 45
- (5) Igosa lesigqeba eliyintloko elibambeleyo lifanele, ngeli xesha lisaqeshiweyo, lenze imisebenzi yegosa lesigqeba eliyintloko. 50
- (6) Nangona kwicandelwana (1), umntu osebenza njengegosa lesigqeba eliyintloko leNkampani, ngomhla ekuqale ngawo ukusebenza kwalo Mthetho uthathwa njengegosa lesigqeba eliyintloko eliqeshwe ngokusemthethweni kangangexesha elingamiselwanga lesivumelwano somsebenzi neNkampani. 55

Imisebenzi yegosa lesigqeba eliyintloko

- 10.** (1) Igosa lesigqeba eliyintloko—
- (a) liyintloko yolawulo lweNkampani;
 - (b) lilawula imicimbi yemihla ngemihla yeNkampani ngokuhambelana nezi-cwangciso zezemali nezeshishini zeNkampani kwaye lixhomekeke kwiBhodi; kwaye 5
 - (c) linoxanduva lokunik' ingxelo kwiBhodi.
- (2) Ukongeza kwimisebenzi eyabelwe igosa lesigqeba eliyintloko leBhodi, igosa lesigqeba eliyintloko lifanele—
- (a) liphuhlise kwaye likhokele, likunye neBhodi, iqhinga lokusebenza lexesha elide ngokunjalo nombono weNkampani oza kuvelisa imigangatho eyoneliso yexabiso lobunini-zabelo ngokunjalo nobudlelwane obulungileyo, obufana macala nabanini-zabelo abafanelekileyo; 10
 - (b) liphuhlise izicwangciso zoshishino lonyaka nezimali zeNkampani ngokuhambelana neqhinga lokusebenza lexesha elide ngokunjalo nombono ochazwe kumqolo 11(2)(a); 15
 - (c) lizama rhoqo ukuphumelela iinjongo zezemali nezokusebenza kweNkampani;
 - (d) liqinisekisa ukuba iNkampani iyaziphumelela iinjongo zayo kwaye yenza imisebenzi yayo ngokoMthetho nawo nawuphi na umthetho; 20
 - (e) liqinisekisa ukuba iNkampani iyawuthobela lo Mthetho nayo yonke eminye imithetho esebenzayo, kuquka nomthetho *oyiPublic Finance Management Act* kunye noMthetho weNkampani;
 - (f) lisungula kwaye lihlole uzalisekiso lwemigaqo-nkqubo ephambili yequmrhu;
 - (g) lizalisekisa izigqibo zeBhodi; 25
 - (h) liqinisekisa ukuba imizuzu efanelekileyo iyashicilelwa kwaye igcinwe yazo zonke iintlanganiso zeBhodi nezeekomiti; lize
 - (i) lizimase zonke iintlanganiso zeBhodi.

Imimiselo yenkonzo yomsebenzi weNkampani

- 11.** IBhodi ifanele imisele umvuzo, ezinye iinzuzo kunye nemimiselo yenkonzo yegosa lesigqeba eliyintloko kunye nabanye abasebenzi beNkampani. 30

Ingxowa-mali nolawulo lwezemali

- 12.** (1) Ingcowa-mali yeNkampani yenziwa—
- (a) yimali eyabiwe yiPalamente yePhondo, yiPalamente kaZwelonke okanye libhunga likamasipala womasipala omele loo njongo; 35
 - (b) yingeniso yokusebenza kushishino lweNkampani; kunye
 - (c) nemali efunyanwa yiNkampani kweminye imithombo.
- (2) IBhodi ifanele iqinisekise ukuba uMthetho weNkampani kunye nomthetho *oyiPublic Finance Management Act* uyathotyelwa, ingakumbi imigaqo ephathelene nolawulo lwemali, ulungiselelo nokungeniswa kohlahlo-mali lonyaka kunye nezi-cwangciso zequmrhu, ukulungiselelwa kweengxelo zezemali, uphicotho-zincwadi, nokunik' ingxelo. 40
- (3) IBhodi ifanele ulawule kwaye isebenzise ingxowa-mali yeNkampani ngendlela efanelekileyo ebonwa yiBhodi njengelungileyo, kwaye ngenxa yoku iBhodi—
- (a) ingasungula amaqela ezomthetho nawolawulo azakuthi, ngokoluvo lweBhodi, ayafuneka ukuze; 45
 - (b) asungule aze agcine ingxowa-mali; kwaye
 - (c) atyale nayo nayiphi ingxowa-mali okanye imali ezingafuneki ngoko nangoko kwimicimbi yeNkampani, kumaziko nangendlela emiselwe yiBhodi.
- (4) IBhodi, ngokuxhomekeke kuMthetho woLawulo lwezeMali yoLuntu, ingaboleka imali egameni leNkampani, kodwa loo mali ayinakusetyenziselwa ukuhlawula iinkcitho zokuqhuba iNkampani. 50
- (5) INkampani kufuneka igcine ingeniso yayo, kwaye ayinakwenza naluphi na ulwabiwo, ngaphandle kokuba—
- (a) iBhodi, ngokwesigqibo, ilugunyazisile olo lwabiwo; kwaye 55
 - (b) uMphathiswa wePhondo ngokucebisana noMphathiswa wePhondo ujongene nezemali ulugunyazisile olo lwabiwo.

Ukwabiwa kwamagunya, amandla okanye imisebenzi

13. (1) Ngokuxhomekeke kuMthetho weeNkampani nakwicandelo 56 lomthetho oyi*Public Finance Management Act*, iBhodi inokuthi ngembalelwano yonyule okanye yabelane ngawo nawaphi na amandla okanye imisebenzi yayo—
- (a) kumlawuli; 5
 - (b) kwikomiti; okanye
 - (c) kwigosa lesigqeba eliyintloko, lona eliza kuthi ngembalelwano lonyule okanye labelane ngalo msebenzi.
- (2) Ulonyulo okanye ulwabiwo lwamandla okanye lomsebenzi phantsi kwecandelwana (1) akukuthinteli ukusetyenziswa kwamandla okanye okwenziwa komsebenzi yiBhodi. 10
- (3) IBhodi, umlawuli, ikomiti okanye igosa lesigqeba eliyintoko, njengoko imeko esokuba njalo, inokuthi ngembalelwano nanini na ilungise okanye irhoxise naluphi na unyulo okanye ulwabiwo lomsebenzi phantsi kwecandelo (1), kwaye ingonyula okanye yabele amandla okanye imisebenzi yayo, ngokuxhomekeke kwimisebenzi eqingqiweyo, imigaqo okanye imimiselo emiselwe yiBhodi, umlawuli, ikomiti okanye igosa lesigqeba eliyintoko, njengoko imeko esokuba njalo. 15
- (4) IBhodi ingalungisa okanye irhoxise nasiphi na isigqibo esithathwe ngokwemigaqo yolonyulo okanye ykwabiwa komsebenzi yecandelwana (1), ngokuxhomekeke kuwo nawaphi na amalungelo asenokuba ongezelelekile ekuthatheleni ingqalelo ekukhuthazeni umthetho oyi*Promotion of Administrative Justice Act*, 2000 (uMthetho 3 ka-2000). 20

Imigaqo

14. (1) UMphathiswa wePhondo angenza imigaqo enxulumene nawo nawuphi na umba uMphathiswa wePhondo acinga ukuba ufanelekile okanye oncedayo ekuchazeni iinjongo zeNkampani nalo Mthetho. 25
- (2) Imigaqo enemiphumela yezemali imele yenziwe ngokucebisana noMphathiswa wePhondo ojongene nezemali.

Isihloko esifutshane nokuqala kokusebenza komthetho

15. Lo Mthetho ubizwa ngokuba nguMthetho weNkampani yeLayisensi yoMmandla woPhuhliso loShishino lwaseSaldanha Bay, 2016, kwaye uza kuqala ukusebenza ngomhla oza kumiselwa yiNkulumbuso ngomposho kwiGazethi yePhondo. 30