



LIMPOPO PROVINCE  
LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVIÑSI YELIMPOPO

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(Yo redzhistariwa sa Nyusiphepha)

POLOKWANE,

Vol. 20

Extraordinary

Ku katsa na Tigazete to  
*Hlawuleka* hinkwato

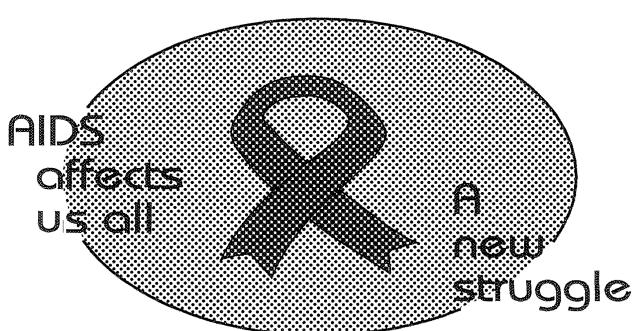
1 MARCH 2013  
1 MAART 2013  
1 NYENYANKULU 2013  
1 MATŠHE 2013  
1 THAFAMUHWE 2013

No. 2175

Buitengewoon

Hu tshi katelwa na  
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AIDS

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DEPARTMENT OF HEALTH

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## GENERAL NOTICE ALGEMENE KENNISGEWING

### GENERAL NOTICE 83 OF 2013

LIMPOPO  
DEPARTMENT OF ECONOMIC DEVELOPMENT,  
ENVIRONMENT AND TOURISM

### LIMPOPO LIQUOR AMENDMENT BILL, 2013

In terms of rule 110 of the Standing Rules and Orders of the Limpopo Legislature the Limpopo Liquor Amendment Bill, 2013 is hereby advertised for comments.

Any person or organisation wishing to comment on the said document may do so in writing, before 21 March 2013, with:

The Head of Department  
Department of Economic Development,  
Environment and Tourism  
Private Bag X9484  
POLOKWANE  
0700

FOR ATTENTION: Mr Deon Pelser  
Tel: (015) 295 5740 /0836259992  
[pelserDP@ledet.gov.za](mailto:pelserDP@ledet.gov.za)

**LIMPOPO PROVINCIAL LEGISLATURE**

**LIMPOPO  
LIQUOR AMENDMENT BILL, 2013**

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**As introduced by**

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**(THE MEC FOR THE DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT  
AND  
TOURISM)**

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments
- Words underlined with solid line indicate insertions in existing enactments
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**BILL**

To amend the Limpopo Liquor Act, 2009 (Act No. 5 of 2009), so as to provide for the postponement of applications by the Liquor Board, to provide for an additional category of licence, to expand the disqualifications for licence holders, to further simplify the application procedure for liquor licences, to provide for additional transitional arrangements and to provide for the matters connected therewith.

**BE IT ENACTED** by the Limpopo Provincial Legislature as follows:—

**1. Amendment of section 1**

Section 1 of the Limpopo Liquor Act, 2009 (Act No.5 of 2009)(hereinafter referred to as “the principal Act”) is hereby amended by the —

(a) insertion after the definition of “**Department**” of the following definition:

“entertainment” means a place of entertainment by means of a theatre, cinema, dance hall, sports centre, casino or place where legal gambling activities take place;”; and

(b) substitution for the definition of “**liquor consultant**” of the following definition:

**“liquor consultant” means a person [,excluding an admitted attorney or advocate]** who is registered in terms of section 29 to **[assist] act on behalf of** applicants with the application procedure of a liquor licence.”.

**2. Insertion of section 10A**

The following section is inserted in the principal Act after section 10:

**"10A. Termination of Board"**

The MEC may, after providing the Board the opportunity to be heard, dissolve the Board for —

- (a) unsatisfactory performance; or
- (b) reasons which are just and fair."

**3. Amendment of section 11**

Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board may —

- (a) approve or refuse an application received in terms of section 26;
- (b) determine conditions applicable to the categories of licences contemplated in section 24;
- (c) amend or cancel a liquor licence;
- (d) suspend a liquor licence for an indefinite time or for such period as it may determine;
- (e) attach conditions to a liquor licence;
- (f) conduct public hearings regarding liquor licences;
- (g) postpone an application for a liquor licence to obtain further particulars from the applicant or to conduct an investigation or make enquiries regarding the application;
- (h) assign certain powers and functions to the Local Liquor Authority; and

- (i) exercise any other function or power conferred or imposed on the Board by the MEC.".

#### 4. Substitution of section 25

The following section is hereby substituted for section 25 of the principal Act:

##### **"Categories of licences**

A person may apply for a licence to sell liquor in respect of one or more of the following categories:

- (a) sale of liquor for consumption off the premises where the liquor is being sold, where the core function of the business is a —
- (i) liquor store;
  - (ii) grocer; or
  - (iii) wine farm;
- (b) sale of liquor for consumption on the premises where the liquor is being sold, where the core function of the business is —
- (i) provision of accommodation;
  - (ii) provision of food;
  - (iii) a wine-house;
  - (iv) [a theatre] entertainment; or
  - (v) a club [,] ; and
- [(c) sale of liquor for consumption on and off the premises where the liquor is being sold under special conditions determined by the Board;]**
- [(d)]c micro-manufacturing of liquor."**

**5. Amendment of section 27**

Section 27 of the principal Act is hereby amended by the substitution for subsection

(1) of the following subsection:

**"Disqualification"**

- (1) No person may be licenced in terms of this Act, if that person –
- (a) is a minor;
  - (b) is declared to be of unsound mind by a competent court;
  - (c) is an unrehabilitated insolvent;
  - (d) is a liquor manufacturer or the agent of a liquor manufacturer, that manufactures liquor above the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No. 59 of 2003);
  - (e) was the holder of a licence which was cancelled in terms of the provisions of this Act, the Liquor Act, 2003 (Act No. 59 of 2003) or an Act regulating liquor licences in any other province, within a period of 12 months prior to lodging the application;
  - (f) has, five years prior to lodging the application, been convicted of an offence in terms of this Act, the Liquor Act, 2003 (Act No. 59 of 2003) or an Act regulating liquor licences in any other province;
  - (g) has been convicted of a criminal offence which involves dishonesty; or
  - (h) is the spouse or life partner of a person described in paragraph (e) or (f). “.

**6. Amendment of section 28**

Section 28 of the principal Act is hereby amended by the –

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

**“Application procedure for a liquor licence**

- (1) An application for a liquor licence must be lodged with the Local Liquor Authority on the prescribed form and must be accompanied by –
- (a) the prescribed documents;
- (b) a detailed written motivation in support of the licence application;
- (c) proof that notice of the application has been –
- (i) published in one newspaper circulating in the municipal area where the premises is located; and
- (ii) served on a member, over the age of sixteen years, of each household or business entity within the prescribed radius of the premises from where the liquor will be sold; and
- (d) proof of payment of the prescribed application fee.”.

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

- “(2) The Local Liquor Authority must [within 21 days of receiving an application for a liquor licence in terms of subsection (1)] –
- (a) scrutinise the application for compliance with the requirements of subsection (1);
- (b) afford the public the opportunity to–
- (i) inspect or obtain a copy of the application; and
- (ii) lodge objections regarding the application;

- (c) when satisfied that the application meets the requirements of subsection (1), submit the application to the Board, within the prescribed time and in the prescribed format, together with [—
- (i) the recommendations of the Local Liquor Authority; and
- (ii)] any objections or representations received [from the public, to the Board] .”;

- (d) substitution for subsection (3) of the following subsection:
- “(3) Where an application does not meet the requirements of subsection (1), the Local Liquor Authority must refer that application in the prescribed format to the applicant, directing the applicant to supplement or remedy the defective application [within 14 days from the date of referral].”;
- (e) substitution for subsection (5) of the following subsection:
- “(5) On receiving an application from the Local Liquor Authority, the Board must, subject to the provisions of this section, [within 30 days] consider the application [,] and objections received [and the recommendations of the Local Liquor Authority] and may–
- (a) approve unconditionally;
- (b) approve conditionally; [or]
- (c) refuse [,] ;or
- (d) postpone for further information,
- the application for a liquor licence.”;
- (f) substitution for subsection (7) of the following subsection:
- “(7) Where the Board is of the opinion that the application does not comply with the provisions of this Act, the Board [must refuse the application for a licence, and the Board] must notify the applicant of the reasons in writing. [–
- (a) **of the reasons for the Board’s decision; and**
- (b) **to comply with the provisions of this Act within 20 days of receiving the notice.]**; and

- (g) substitution for subsection (8) of the following subsection:
- “(8) Where an applicant who has been notified in terms of subsection (7)—
- (a) complies with the requirements as set out in the notice, the Board may [reconsider] consider the application; or
- (b) does not comply with the requirements as set out in the notice, the Board must refuse the application and inform the applicant thereof in writing.”.

## 7. Amendment of section 29

Section 29 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Only a person who is a [registered] liquor consultant or an admitted attorney or advocate may [assist] act on behalf of an applicant [persons with] for the application of a liquor licence in terms of section 28.

## 8. Amendment of section 38

Section 38 of principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Board must, upon receiving a notice in terms of subsection (2), —

(a) cancel the licence or permit or endorse the transfer of the person's licence or permit to the relevant administrator, contemplated in section 39, as the case may be, with effect from the date specified in the notice; and

(b) notify the person and the relevant administrator, in writing of the date on which the cancellation or transfer to the administrator was effected in the register.”.

**9. Amendment of section 41**

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

“(2) The Board must [ , **within the prescribed time, 21 days of receiving the application in subsection (1),**] consider an application in terms of subsection (1) and may—

- (a) approve unconditionally;
- (b) approve conditionally; **[or]**
- (c) refuse~~[,]~~ ;**or**

**[the application to extend or change the core business of the licence holder.]**

- (d) postpone the consideration of an application to obtain further particulars from the applicant or to conduct an investigation or make enquiries regarding the application.”

**10. Amendment of section 43**

Section 43 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Board must [ , **within the prescribed time, 21 days of receiving the application,**] consider each application for a relocation of licenced premises and may, subject to subsection (4) —

- (a) approve unconditionally;
- (b) approve conditionally; **[or]**
- (c) refuse~~[,]~~ ;**or**

(d) postpone an application to obtain further particulars from the applicant or to conduct an investigation or make enquiries regarding the application for relocation of the licenced premises.”

**11. Amendment of section 46**

Section 46 of the principal Act is hereby amended by the substitution for section 46 of the following section:

**“Sale of liquor**

A licence holder of a licence issued in terms of section 25 (a) [- (c)] or (b) may not sell liquor to a manufacturer or a wholesaler.

**12. Amendment of section 61**

Section 61 of the principal Act is hereby amended by the substitution for —

- (a) sub-paragraph (1)(f) of the following sub-paragraph:

“falsely represents himself or herself or any other person to be over the age of 18 years in order to persuade a licence holder permit holder or the [agent] manager or employee of a licence holder~~,]~~ or permit holder, to sell or supply liquor or traditional African beer to that person; or”;

- (b) sub-paragraph (1)(g) of the following sub-paragraph:

“supplies liquor or traditional African beer to a person as —

- (i) payment for wages;
- (ii) remuneration;
- (iii) an inducement to employment; or
- (iv) a supplement to employment,

commits an offence and is on conviction liable to a fine or imprisonment or to both such fine and imprisonment.”; and

- (c) subsection (2) of the following subsection:

“(2) A person who is —

- (a) under the age of 18 years; or

(b) pregnant

and purchase liquor or traditional African beer from a licence or permit holder, commits an offence and is on conviction liable to a fine or imprisonment or to both such fine and imprisonment.”.

### 13. Insertion of section 71

Section 71 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsections:

“(4) Existing licence holders whose premises are situated within the prescribed proximity of a –

(a) school;

(b) place of worship;

(c) public transport facility;

(d) building where the public have access to public services;

(e) building occupied by government employees; or

(f) filling station,

must within a period of two years from the date on which this Act comes into operation, relocate their premises.

(5) Where a licence holder fails to comply with provisions of subsection (4), the licence lapses.

(6) A notice given to a licence holder in terms of the provisions of the Liquor Act, 1989, is considered to be a notice given in terms of any comparable provision of this Act, as from the date that the notice was given under the previous Act.

- (7) An order given by the Board in terms of any provision of the Liquor Act, 1989  
that was in force immediately before the effective date continues to be in force  
subject to the provisions of this Act.
- (8) Subordinate legislation issued in terms of the Liquor Act, 1989 continues to  
be in force under corresponding provisions of this Act, until repealed.
- (9) A certificate issued to an inspector in terms of the Liquor Act, 1989  
immediately before the effective date, continues to be valid as if the certificate  
was issued in terms of this Act, until it expires or is cancelled by the Board.
- (10) A member of the Board before this Act comes into operation, continues to be a  
member of the Board, holding the same position until the expiry of the term to  
which that person was appointed in terms of the previous Act. ”.

**14. Short title and commencement**

- (1) This Act is the Limpopo Liquor Amendment Act, 2013 and comes into operation on  
a date fixed by the Premier by proclamation in the *gazette*.
- (2) Different dates may be so fixed in respect of different sections of this Act.

**MEMORANDUM ON THE OBJECTS OF THE LIMPOPO LIQUOR AMENDMENT BILL, 2013****1. OBJECT OF BILL**

The object of the Bill is to amend the Limpopo Liquor Act, 2009.

**2. BACKGROUND**

The Limpopo Liquor Act, 2009 (the Act) was passed by the Limpopo Provincial Legislature and assented to by the Premier during 2009. The Act was, however, not brought into operation. Section 2(2) of Schedule 1 to the National Liquor Act, 2003 (Act No. 59 of 2003), provides that the MEC must consult with the Minister of the Department of Trade and Industry (Dti) before the provincial legislation may be promulgated. Before the MEC could consult the Minister of Dti, the Executive Council took a decision to amend the Act in order to provide for the relocation of certain liquor outlets in the province that are situated within close proximity to schools, places of worship, public transport facilities, buildings where the public has access to public services, buildings occupied by government employees and filling station, to designated areas. The Department determined that other matters would require amendment before the Act could be implemented. Subsequently the Limpopo Liquor Amendment Bill, 2013 was developed to provide for the amendment of the Limpopo Liquor Act, 2009.

**3. CONSTITUTIONAL IMPLICATIONS**

The Bill is drafted within the parameters of the Constitution.

**4. ORGANISATIONAL IMPLICATIONS**

Additional personnel will be required to give effect to the legislation.

## 5. FINANCIAL IMPLICATIONS

The Bill will have financial implications for gazetting and publication.

## 6. CLAUSE-BY-CLAUSE ANALYSIS

The clause-by-clause analysis of the Bill:

- 6.1 Clause 1 amends section 1 of the Act and provides for new definition of “entertainment” and “liquor consultant”.
- 6.2 Clause 2 inserts a new section 10A in the Act and provides for the power of the MEC to dissolve the Board.
- 6.3 Clause 3 amends section 11 of the Act and provides the Board with the power to postpone an application to obtain further particulars or to conduct an investigation.
- 6.4 Clause 4 amends section 25 of the Act and amends the categories of licences.
- 6.5 Clause 5 amends section 27 of the Act and provides for disqualification of certain persons to be licence holders.
- 6.6 Clause 6 amends section 28 of the Act and amends the application procedure for a liquor licence.
- 6.7 Clause 7 amends section 29 of the Act and provides for the services of a liquor consultant to act on behalf of an applicant for a liquor licence.
- 6.8 Clause 8 amends section 38 of the Act and provides for the cancellation or transfer of a licence.
- 6.9 Clause 9 amends section 41 of the Act and provides the Board with the opportunity to postpone an application for a licence, to obtain further particulars or to conduct an investigation or make enquiries.

- 6.10 Clause 10 amends section 43 of the Act and provides the Board with the opportunity to postpone an application for a licence to obtain further particulars or to conduct an investigation or make enquiries.
- 6.11 Clause 11 amends section 46 of the Act and provides for a technical amendment.
- 6.12 Clause 12 amends section 61 of the Act and provides for certain prohibitions in relation to traditional African beer.
- 6.13 Clause 13 amends section 71 of the Act and provides for the relocation of certain licence holders within a period of two years and for matters in connection therewith.
- 6.14 Clause 14 is the short title of the Bill.

## 7. INSTITUTIONS CONSULTED

State Law Advisers in the Office of the Premier and stakeholders in the Liquor industry were consulted

P KEKANA  
MEMBER OF THE EXECUTIVE COUNCIL  
DEPARTMENT OF ECONOMIC DEVELOPMENT,  
ENVIRONMENT AND TOURISM

**ALGEMENE KENNISGEWING 83 VAN 2013**

**LIMPOPO  
DEPARTEMENT VAN EKONOMIESE ONTWIKKELING, OMGEWING EN  
TOERISME**

**LIMPOPO WYSIGINGSWETSONTWERP OP DRANK, 2013**

Ingevolge reël 110 van die Staande Reëls en Orde van die Limpopo Wetgewer word die Limpopo Wysigingswetsontwerp op Drank hiermee geadverteer vir kommentaar.

Enige persoon of instansie wat graag kommentaar wil lewer op genoemde dokument mag skriftelik so doen voor 21 Maart 2013, by:

**Die Hoof van die Departement  
Departement van Ekonomiese Ontwikkeling,  
Omgewing en Toersisme  
Privaat Sak X9484  
POLOKWANE  
0700**

**VIR AANDAG: Mn Deon Pelser  
Tel: (015) 295 5740 /0836259992  
[pelserDP@ledet.gov.za](mailto:pelserDP@ledet.gov.za)**

**MEMORANDUM OOR DOELWITTE VAN DIE LIMPOPO WYSIGINGSWETSONTWERP OP DRANK, 2013****1. DOELWITTE VAN DIE WET**

Die doelwit van die Wet is om die Limpopo Wet op Drank, 2009 te wysig.

**2. AGTERGROND**

Die Limpopo Wetsontwerp op Drank, 2009 (die Wet) was goedgekeur deur die Limpopo Provinciale Wetgewer en is bekragtig deur die Kantoor van die Premier in 2009. Die Wet, was egter nie in werking gebring nie. Artikel 2(2) van Skedule 1 van die Nasionale Wet op Drank, 2003 (Wet Nr. 59 van 2003), bepaal dat die LUR die Minister van die Departement van Handel en Industrie (Dti) moet raadpleeg voordat die provinsiale wetgewing uitgevaardig mag word. Voordat die LUR die Minister van Dti kon raagpleeg, het die Uitvoerende Raad 'n besluit geneem om die Wet te wysig ten einde voorsiening te maak vir die hervestiging van sekere drankwinkels in die provinsie wat geleë is naby skole, plekke van aanbidding, openbare vervoer fasiliteite, geboue waar die publiek toegang het tot openbare dienste, geboue wat beset is deur staatswerkers en vulstasies, in genoemde gebiede. Die Departement bepaal dat ander aangeleenthede gewysig moet word voordat die Wet in werking kan tree. Vervolgens was die Limpopo Wysigingswetsontwerp op Drank, 2013 ontwikkel om voorsiening te maak vir die wysiging van die Limpopo Wet op Drank, 2009.

**3. GRONDWETLIKE IMPLIKASIES**

Die Wetsontwerp is opgestel binne die raamwerk van die Grondwet.

**4. ORGANISATORIESE IMPLIKASIES**

Bykomende personeel sal benodig word om uitvoering aan wetgewing te gee.

**5. FINANSIËLE IMPLIKASIES**

Die Wetsontwerp sal finansiële implikasies inhoud tydens proklamering en publikasie.

**6. ANALISE VAN KLOUSULES**

Die analise van Klousules van die Wetsontwerp:

- 6.1 Klousule 1 wysig Artikel 1 van die Wet en maak voorsiening vir die definisie van "vermaak" en "drank konsultant".
- 6.2 Klousule 2 voeg 'n nuwe Artikel 10 A by die Wet en maak voorsiening vir magte van die LUR om die Raad te ontbind.
- 6.3 Klousule 3 wysig Artikel 11 van die Wet en voorsien die Raad van magte om 'n aansoek uit te stel om verdere besonderhede te verkry of om 'n ondersoek in te stel.
- 6.4 Klousule 4 wysig Artikel 25 van die Wet en wysig die kategoriëe van lisensies.
- 6.5 Klousule 5 wysig Artikel 27 van die Wet en maak voorsiening vir diskwalifikasie van sekere persone as lisensiehouers.
- 6.6 Klousule 6 wysig Artikel 28 van die Wet en wysig die prosedure vir 'n aansoek om 'n dranklisensie.
- 6.7 Klousule 7 wysig Artikel 29 van die Wet en maak voorsiening vir dienste van 'n drank konsultant om namens die aansoeker van 'n dranklisensie op te tree.

- 6.8 Klousule 8 wysig Artikel 38 van die Wet en maak voorsiening vir die kansellering of oorplasing van 'n lisensie.
- 6.9 Klousule 9 wysig Artikel 41 van die Wet en voorsien die Raad van die geleentheid om 'n aansoek vir 'n lisensie uit te stel, om verdere besonderhede te verkry of om ondersoek in te stel of om navraag te doen.
- 6.10 Klousule 10 wysig Artikel 43 van die Wet en voorsien die Raad van die geleentheid om die aansoek om 'n lisensie uit te stel om verdere besonderhede te verkry of om ondersoek in te stel of om navraag te doen.
- 6.11 Klousule 11 wysig Artikel 46 van die Wet en maak voorsiening vir 'n tegniese wysiging.
- 6.12 Klousule 12 wysig Artikel 61 van die Wet en maak voorsiening vir sekere verbodsbeplings met betrekking tot tradisionele Afrikaka- bier.
- 6.13 Klousule 13 wysig Artikel 71 van die Wet en maak voorsiening vir die hervestiging van sekere lisensiehouers binne 'n tydperk van twee jaar en aangeleenthede wat daarmee verband hou.
- 6.14 Klousule 14 is die Korttitel van die Wet.

## 7. INSTELLINGS GERAADPLEEG

Die Staatsregsadviseurs in the Kantoor van die Premier en aandeelhouers in die Drank industrie was geraadpleeg.

P KEKANA  
LID VAN DIE UITVOERENDE RAAD  
DEPARTEMENT VAN EKONOMIESE ONTWIKKELING,  
OMGEWING EN TOERISME

**LIMPOPO PROVINSIALE WETGEWER**

**LIMPOPO  
WETSONTWERP OP DRANK, 2013**

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**Soos ingelei deur**

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**(DIE LUR VIR DIE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING, OMGEWING  
EN TOERISME)**

**ALGEMENE VERKLARENDE AANTEKENINGE:**

- [ ] Woorde in vetgedrukte letters in vierkantige hakies dui op skrappings uit bestaande verordeninge
- Woorde wat ondersteep is met ‘n soliede lyn dui op invoegings op bestaande verordeninge
- 

**WETSONTWERP**

Om die Limpopo Wet op Drank, 2009 (Wet Nr. 5 van 2009) te wysig; om sodoende voorsiening te maak vir die uitstel van aansoeke deur die Raad op Drank; om voorsiening te maak vir ‘n bykomende kategorie vir ‘n lisensie; om die diskwalifikasie van lisensiehouers uit te brei, ten einde die aansoek prosedure om ‘n dranklisensie te vereenvoudig, om voorsiening te maak vir bykomende oorgangsbeplittings en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

WORD DAAR deur die Limpopo Proviniale Wetgewer soos volg bepaal:—

**1. Wysiging van artikel 1**

Artikel 1 van die Limpopo Wet op Drank, 2009 (Wet Nr. 5 van 2009) ( hierina verwys as “ die Hoofwet”) word gewysig deur die —

(a) invoeging na die definisie van “**Departement**” met die volgende definisie:

“vermaak” beteken ‘n plek van vermaak by wyse van ‘n teater, bioskoop, danssaal, sport sentrum, casino of ‘n plek waar wettige dobbelbedrywighede plaasvind;”; en

(b) vervanging van die definisie van “**drankkonsultant**” met die volgende definisie:

**“drankkonsultant” beteken ‘n persoon [uitsluitend ‘n toegelate prokureur of advokaat] wat geregistreer is ingevolge artikel 29 om [ hulp te verleen], of namens aansoekers optree tydens die aansoek prosedure om ‘n dranklisensie.”**

## **2. Invoeging van artikel 10A**

Die volgende artikel is ingevoeg in die Hoofwet na artikel 10:

### **“10A. Ontbinding van die Raad**

Die LUR mag, nadat die Raad die geleentheid gegun is om hulself uit te druk, die Raad ontbind as gevolg van —  
(a) onbevredigende vordering; of  
(b) redes wat “billik en regverdig” is.

## **3. Wysiging van artikel 11**

Artikel 11 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (2) van die volgende subartikel:

### “(2) Die Raad mag —

- (a) ‘n aansoek goedkeur of weier wat ontvang was ingevolge artikel 26;
- (b) voorwaardes bepaal wat van toepassing is op kategorieë van lisensies soos bepaal in artikel 24;
- (c) ‘n dranklisensie wysig of kanselleer;
- (d) ‘n dranklisensie vir ‘n onbepaalde tydperk opskort of vir sodanige tydperk soos dit mag bepaal mag;
- (e) voorwaardes aan ‘n dranklisensie heg;
- (f) openbare verhore rakende dranklisensies hou ;

- (g) 'n aansoek om 'n dranklisensie uitstel om verdere besonderhede van die aansoeker te verkry of om ondersoek in te stel of om navrae te doen in verband met die aansoek;
- (h) sekere magte en funksies aan die Plaaslike Gesag op Drank toeskryf; en
- (i) enige ander funksie en mag uitoefen wat verleen of opgelê is aan die Raad deur die LUR .”

#### 4. **Vervanging van artikel 25**

Artikel 25 van die Hoofwet word hiermee vervang met die volgende artikel:

##### **"Licensie kategorieë"**

'n Persoon mag om 'n licensie aansoek doen ten einde drank te verkoop ingevolge een of meer van die volgende kategorieë:

- (a) verkoop van drank vir verbruik buite die perseel waar drank verkoop word, waar die hooffunksie van die besigheid 'n —
  - (i) drankwinkel;
  - (ii) kruidenierswarewinkel; of 'n
  - (iii) wynplaas is;
- (b) verkoop van drank vir verbruik op die perseel waar drank verkoop word, waar die hooffunksie van die besigheid is om —
  - (i) voorsiening te maak vir akkommodasie;
  - (ii) voorsiening te maak vir kos;
  - (iii) voorsiening te maak vir 'n wynhuis;
  - (iv) voorsiening te maak vir ['n teater] vir vermaak; of
  - (v) voorsiening te maak vir 'n klub [,] ; en

- [(c) **die verkoop van drank vir verbruik op of buite die perseel waar drank verkoop word onder uitsonderlike voorwaardes soos deur die Raad bepaal; ]**
- [(d)]c mikro-vervaardiging van drank.”.

## 5. Wysiging van artikel 27

Artikel 27 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) van die volgende subartikel:

### **“Diskwalifikasie**

- (1) Geen persoon mag gelisensieer word ingevolge die Wet , as daardie persoon -
- (a) ‘n minderjarige is;
- (b) deur ‘n grondwetlike hof as ontoerekeningsvatbaar verklaar is;
- (c) ‘n ongerehabiliteerde insolvent is;
- (d) ‘n drank vervaardiger of ‘n agent vir ‘n drank vervaardiger is, wat drank bo die toegelate volume soos voorgeskryf ingevolge die Wet op Drank, 2003 (Wet Nr. 59 van 2003)vervaardig;
- (e) die houer van ‘n lisensie is wat gekanselleer was ingevolge die bepalings van hierdie Wet, die Wet op Drank, 2003 (Wet Nr. 59 van 2003) of ‘n Wet wat dranklisensies in enige ander provinsie reguleer, binne ‘n tydperk van 12 maande voor die indiening van die aansoek;
- (f) vyf jaar voor die indiening van die aansoek, skuldig bevind was aan ‘n misdryf ingevolge hierdie Wet, die Wet op Drank, 2003 (Wet Nr. 59 van 2003) of ‘n Wet wat dranklisensies in enige ander provinsie reguleer;

- (g) skuldig bevind was aan 'n kriminele oortreding wat oneerlikheid insluit; of
- (h) die gade of lewensmaat van 'n persoon is soos omskryf in paragraaf (e) of (f).“.

## 6. Wysiging van artikel 28

Artikel 28 van die Hoofwet word hiermee gewysig met die –

- (a) vervanging van subartikel (1) van die volgende subartikel:

### **“Aansoek prosedure om 'n dranklisensie**

- (1) 'n Aansoek om 'n dranklisensie moet op 'n die voorgeskrewe vorm by die Plaaslike Drank Owerheid ingedien word en moet vergesel word deur—
  - (a) die voorgeskrewe dokumente;
  - (b) 'n gedetailleerde skriftelike motivering ter ondersteuning van die aansoek om die lisensie;
  - (c) 'n bewys dat die kennisgewing van die aansoek—
    - (i) gepubliseerd is in een van die koerante wat in die munisipale omgewing gesirkuleer word en wat op die perseel geleë is; en
    - (ii) bedien word aan 'n lid wat ouer as sestien jaar oud is, of elke huishouding of sake-entiteit binne die voorgeskrewe radius van die perseel van waar die drank verkoop sal word; en
  - (d) 'n bewys van betaling van die voorgeskrewe aansoekfooi".

- (b) vervanging van subartikel (2) met die volgende subartikel:

"(2) Die Plaaslike Drank Owerheid moet **[binne 21 dae na ontvangs**

**van 'n aansoek om 'n dranklisensie ingevolge subartikel (1)] –**

- (a) die aansoek nagaan vir voldoening aan die vereistes van subartikel (1);
- (b) die publiek die geleentheid gun om–
  - (i) 'n afskrif van die aansoek na te gaan of te verkry; en
  - (ii) besware ten opsigte van die aansoek in te dien;
- (c) tevrede te wees dat die aansoek voldoen aan die vereistes van subartikel (1), en dat die aansoek by die Raad binne die voorgeskrewe tydperk ingedien was op die voorgeskrewe formaat, tesame met [–
  - (i) die aanbevelings van die Plaaslike Drank Owerheid; en
  - (ii)] enige besware of vertoë wat ingedien was **[deur die publiek, by die Raad].**";

- (d) vervanging van subartikel (3) met die volgende subartikel:
- "(3) Waar 'n aansoek nie aan die vereistes van subartikel (1) voldoen nie, moet die Plaaslike Drank Owerheid die aansoek in die voorgeskreve formaat na die aansoeker verwys, sodat die aansoeker die gebrekkige aansoek regstel **[binne 14 dae vanaf die verwysingsdatum].**";
- (e) vervanging van subartikel (5) met die volgende subartikel:
- "(5) na ontvangs van die aansoek deur die Plaaslike Drank Owerheid, moet die Raad, onderhewig aan bepalings van die artikel, **[binne 30 dae]** die aansoek oorweeg **[,] en besware ontvang [asook aanbevelings deur die Plaaslike Drank Owerheid]** en mag die aansoek om 'n dranklisensie—
- (a) onvoorwaardelik goedgekeur word;
  - (b) voorwaardelik goedkeur word; **[of]**
  - (c) geweier word **[,] ; of**
  - (d) uitgestel word vir verdere inligting.'
- (f) vervanging van subartikel (7) met die volgende subartikel:
- "(7) Waar die Raad van die mening is dat die aansoek nie voldoen aan die bepalings van hierdie Wet nie, moet die Raad **[die aansoek om 'n lisensie weier en die Raad]** die aansoeker skriftelik in kennis stel  
.  
**[—**
- (a) **van die Raad se redes en besluite; en**
  - (b) **en binne 20 dae na ontvangs van die kennisgewing voldoen aan die bepalings van hierdie Wet ]**; en

- (g) vervanging van subartikel (8) met die volgende subartikel:
- "(8) Waar 'n aansoeker in kennis gestel was ingevolge subartikel (7) –
- (a) voldoen aan die vereistes soos uiteengesit in die kennisgewing, mag die Raad die aansoek **[heroorweeg]** oorweeg; of
- (b) nie voldoen aan die vereistes soos uiteengesit in die kennisgewing nie, mag die Raad die aansoek weier en die aansoeker skriftelik daarvan in kennis stel."

## 7. Wysiging van artikel 29

Artikel 29 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (4) met die volgende subartikel:

"(4) Slegs 'n persoon wat **[geregistreer]** is as 'n drank konsultant of 'n toegelate prokureur of advokaat mag **[help]** optree namens die aansoeker [vir persone] wat aansoek doen om die dranklisensie ingevolge artikel 28.

## 8. Wysiging van artikel 38

Artikel 38 van die Hoofwet word gewysig deur die vervanging van subartikel (3) met die volgende subartikel:

"(3) Die Raad moet, by ontvangs van die kennisgewing ingevolge subartikel (2),

—

(a) die lisensie of permit kanselleer of goedkeuring verleen vir die oorplasing van 'n persoon se lisensie of permit aan die betrokke administrateur, ingevolge artikel 39, soos die geval mag wees, met ingang van die datum soos uiteengesit in die kennisgewing; en

- (b) die betrokke persoon administrateur skriftelik in kennis, van die datum waarop die kansellering of oordrag na die administrateur in die register aangebring was.”

## 9. Wysiging van artikel 41

Artikel 41 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (2) met die volgende subartikel:

- “(2) Die Raad moet [, binne die voorgeskrewe tydperk van 21 dae na ontvangst van die aansoek ingevolge subartikel (1),] ‘n aansoek oorweeg ingevolge subartikel 1 en mag die aansoek—
- (a) onvoorwaardelik goedkeur;
  - (b) voorwaardelik goedkeur; [of]
  - (c) weier[,] ; of
- [ die hoofrol van die lisensiehouer se besigheid uitstel of verander.]**
- (d) die oorweging van ‘n aansoek uitstel om verdere besonderhede van die aansoeker te verkry of ondersoek in stel of navrae met betrekking tot die aansoek te doen.”

## 10. Wysiging van artikel 43

Artikel 43 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (2) met die volgende subartikel:

- “(2) Die Raad moet [, binne die voorgeskrewe tydperk van 21 dae na ontvangst van die aansoek, elke aansoek om die hervestiging van die gelisensieerde perseel oorweeg en mag dit, onderhewig aan subartikel (4)
- 
- (a) onvoorwaardelik goedkeur;
  - (b) voorwaardelik goedkeur; [of]

- (c) weier[,] ; of
- (d) `n aansoek uitstel ten einde verdere besonderhede van die aansoeker te verkry of om `n ondersoek te doen of navrae te rig met betrekking tot die aansoek om verskuiwing van die gelisensieerde perseel.”.

## 11. Wysiging van artikel 46

Artikel 46 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 46 met die volgende artikel:

### “Verkoop van drank

‘n lisensiehouer, van ‘n lisensie uitgereik ingevolge artikel 25 (a) [- (c)] of (b) mag nie drank aan ‘n vervaardiger of handelaar verkoop nie.

## 12. Wysiging van artikel 61

Artikel 61 van die Hoofwet word hiermee gewysig met die vervanging van –

- (a) sub-paragraaf (1)(f) van die volgende sub-paragraaf:

“hy of sy of enige ander persoon hulself valslik voorstel ouer as 18 jaar ten einde ‘n lisensiehouer, permit houer of die [agent] bestuurder of werknemer van ‘n lisensiehouer [,] of permit houer, te oorreed om drank of Afrika bier aan sodanige persoon te verkoop of te verskaf”;

- (b) sub-paragraaf (1)(g) van die volgende sub-paragraaf:

“drank of tradisionele Afrika bier aan ‘n persoon te verskaf as –

- (i) betaling van lone;
- (ii) besoldiging;
- (iii) ‘n oorreding tot indiensneming; of
- (iv) ‘n byvoeging tot indiensneming,

begaan `n oortreding en is na skuldig bevinding aanspreeklik vir `n boete of gevangeskap of beide sodanige boete en gevangeskap.”; en

(c) subartikel (2) van die volgende subartikel:

“(2) ‘n Persoon wat –

(a) onder die ouderdom van 18 jaar is; of

(b) swanger is

en drank of tradisionele bier koop vanaf ‘n licensie of permit houer is skuldig aan `n oortreding en is na skuldig bevinding aanspreeklik vir `n boete of gevangeskap of beide sodanige boete of gevangeskap.”.

### 13. Invoeging van artikel 71

Artikel 71 van die Hoofwet word hiermee gewysig deur die invoeging van artikel (3) met die volgende subartikel:

“(4) Bestaande lisensiehouers wie se perseel geleë is binne ‘n voorgeskrewe nabyheid van ‘n –

(a) skool;

(b) plek van aanbidding;

(c) openbare vervoer fasiliteit;

(d) gebou waar die publiek toegang het tot publieke dienste;

(e) gebou beset deur staatdienswerkers; of

(f) brandstofvulstasie,

moet binne ‘n tydperk van twee jaar vanaf die datum waarop die Wet inwerking getree het hul perseel verskuif.

(5) Waar ‘n lisensiehouer nalaat om te voldoen aan die bepalings van subartikel (4), verval die licensie

- (6) 'n kennisgewing aan die licensiehouer uitgereik ingevolge die bepalings van die Drankwet, 1989, word geag 'n kennis uitgereik ingevolge enige vergelykbare bepalings in hierdie Wet, vanaf die datum waarop die kennisgewing uitgereik was ingevolge die vorige Wet.
- (7) 'n Opdrag uitgereik deur die Raad ingevolge enige bepalings van die Drankwet, 1989 wat geldig was voor die effektiewe dag ingevolge die bepalings van hierdie Wet.
- (8) bykomstige wetgewing uitgereik ingevolge die Drankwet 1989, is steeds geldig ingevolge ooreenstemmende bepalings van hierdie Wet, totdat dit herroep word.
- (9) 'n Sertifikaat uitgereik aan 'n inspekteur onmiddelik voor die effektiewe datum bly steeds geldig asof die sertifikaat uitgereik was ingevolge hierdie Wet totdat dit verval of deur die Raad nietig verklaar word.
- (10) 'n Lid van die Raad bly steeds 'n lid voordat hierdie Wet inwerking getree het en behou dieselfde posisie totdat die aanstellingstermyne verstryk ingevolge die vorige Wet."

#### **14. Korttitel en inwerkintreding**

- (1) Hierdie Wet is die Limpopo Wysigingsdrankwet, 2013 en tree inwerking op die dag soos bepaal deur die Premier by wyse van proklamasie in die *staatskoerant*.
- (2) Verskillende datums mag bepaal word ingevolge verskillende artikels van hierdie Wet.

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**TSEBIŠO KAKARETŠO**

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**TSEBIŠO ...83... YA 2013****KGORO YA TLHABOLLO YA IKONOMI, TIKOLOGO LE BOETI****MOLAOKAKANYWA TOKIŠO WA BJALA LIMPOPO, 2013**

Go ya ka Molao wa 110 wa Melao ye e Emego le Tatelano tša Lekgotlatheramelao la Limopopo, Molaokakanywa Tokišo wa Bjala 2013, o a bapatšwa gore batho ba swayaswaye.

Motho mang goba mang yo a ratago go swayaswaya ka sengwalwa se se boletšwego a ka dirwa bjalo ka go ngwala lengwalo, pele ga 21 March 2013, le:

**The Head of Department  
Department of Economic Development,  
Environment and Tourism  
Private Bag X9484  
POLOKWANE  
0700**

**FOR ATTENTION: Mr Deon Pelser  
Tel: (015) 295 5740 /0836259992  
[pelserDP@ledet.gov.za](mailto:pelserDP@ledet.gov.za)**

# MEMORANTAMO KA GA DINEPO TŠA TOKIŠO YA MOLAOKAKANYWA WA LIMPOPO WA BJALA, 2013

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## 1. NEPO YA MOLAOKAKANYWA

Nepo ya molaokakanywa ke go lokiša Molao wa Limpopo wa Bjala, 2009.

## 2. MATSENO

Molao wa Limpopo wa Bjala, 2009 ( Molao) o phasišitšwe ke Lekgotlatheramelao la Profentse ya Limpopo gomme ya dumelelwa ke Tonakgolo ngwageng wa 2009. Le ge go le bjalo, Molao ga se wa ka wa šoma. Karolo 2(2) ya Šetule 1 ya Molao wa Bosetšhaba wa Bjala,2003 (Molao 59 wa 2003), o laetša gore Molekgotlaphethiši o swanetše a boledišane le Tona ya Kgoro ya Kgwebo le Intasteri (Dti) pele ga ge molao wa profense o ka tsebišwa. Molekgotlaphethiši a ka rerišana le Tona ya Kgwebo le Intasteri, Khuduthamaga e ka tšea sephetho sa go lokiša Molao gore go kgonwe go tlišwa ditaba tša go huduša mafelo a mangwe a go rekiša bjala mo profenseng ao a lego kgauswi le dikolo, dikereke, mafelo a dinamelwa tša bohole, mafelo ao setšhaba se hwetšago ditirelo, meago yeo e šomišwago ke bašomedi ba mmušo le mafelo a go tšhela makhura a difatanaga go išwa mafelong ao a kgethetšwego go ka rekiša bjala. Kgoro e laeditše gore ditaba tše dingwe di tla nyaka gore di lokišwe pele Molao wo o ka tsenywa tirišong. Ka morago ga fao Tokišo ya Molaokakanywa wa Limpopo wa Bjala, 2013, o kaonafaditšwe gore gobe le tokišo ya Molao wa Limpopo wa Bjala , 2009.

## 3. DINYAKWA TŠA SEMOLAOTHEO

Molaokakanywa o beakantšwe go ya ka dinyakwa tša Molaotheo.

**4. DINYAKWA TŠA PEAKANYO**

Go tlo nyakega bašomedi ba tlaleletšo go tšweletša molao wo.

**5. DINYAKWA TŠA DITŠHELETE**

Molaokakanywa o tlo ba le ditlamorago tša ditšhelete ge go phatlalatšwa.

**6. TSHEKATSHELO YA TEMANA KA TEMANA**

Tshekatsheko ya Molaokakanywa:

- 6.1 Temana ya 1 e lokiša karolo ya 1 ya Molao le go fa tlhathollo ye mpsha ya "boithabišo" le "morekiši wa bjala".
- 6.2 Temana ya 2 e tsenya karolo ye mpsha ya 10A ka gare ga Molao le go fa Molekgotlaphethiši maatla go phatlalatša Boto ya Taolo.
- 6.3 Temana ya 3 e lokiša karolo ya 11 ya Molao le go fa Boto maatla a go šutiša lengwalo la kgopelo go humana dinyakwa tše dingwe goba go dira nyakišišo.
- 6.4 Temana ya 4 e lokiša karolo ya 25 ya Molao le go lokiša mafapha a dilaesense.
- 6.5 Temana ya 5 e lokiša karolo ya 27 ya Molao le go iletša batho bao ba itšego go ba eng dilaesense.
- 6.6 Temana ya 6 e lokiša karolo ya 28 ya Molao le go lokiša tshepetšo ya lengwalo la kgopelo ya laesense ya bjala.
- 6.7 Temana ya 7 e lokiša karolo ya 29 ya Molao le go dira mešomo tša mmapatši wa laesense ya bjala go ema legatong la mokgopedi wa laesense ya bjala.
- 6.8 Temana ya 8 e lokiša karolo ya 38 ya Molao le go dumelela phetšišo goba phetišo ya laesense.

- 6.9 Temanana ya 9 e lokiša karolo ya 41 ya Molao e bile efa Boto sebaka sa go ka fega lengwalo la kgopelo ya laesense, go ka hwetša dinyakwa tše dingwe goba go dira dinyakišo goba go botšiša.
- 6.10 Temanana ya 10 e lokiša karolo ya 43 ya Molao e bile e fa Boto sebaka sa go fega lengwalo la kgopelo ya laesense go hwetša dinyakwa tše dingwe goba go dira dinyakišio goba go botšiša.
- 6.11 Temanana ya 11 e lokiša karolo ya 46 ya Molao e bile e fa le tokišo ya seteginiki.
- 6.12 Temanana ya 12 e lokiša karolo ya ya 61 ya Molao e bile e hhalosa dikiletšo tše dingwe malebana le bjala bja setšo sa seAfrika.
- 6.13 Temanana ya 13 e lokiša karolo ya 71 ya Molao e bile e hhalosa ditaba tša go khuduša ga beng dilaesense ba bangwe gare ga nako ya mengwaga ye mebedi, e bile e hhalosa le ditaba tše dingwe tše di sepelelanago le ditaba Temaneng yeo.
- 6.14 Temanana ya 14 ke thaettlele ye kopana ya Molaokakanywa.

## 7. DIHLONGWA TŠEO GO BOLEDIŠANWEGO LE TŠONA

Go boledišanwego le Baeletši ba Semolao ba Mmušo ka Ofising ya Tonakgolo le bao ba na go le kgahlego intastering ya Bjala.

P KEKANA  
LELOKO LA KHUDUTHAMAGA  
KGORO YA TLHABOLLO YA IKONOMI,  
TIKOLOGO LE TŠA BOETI

**LEKGOTLATHERAMELAO LA PROFENSE YA LIMPOPO**

**MOLAOKAKANYWA WA BJALA  
WA LIMPOPO, 2013**

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**Ka ge o tsebišitšwe ke**

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**(MOLEKGOTLAPHETHIŠI WA KGORO YA TLHABOLLO YA EKONOMI, TIKOLOGO  
LE BOETI)**

**TSEBIŠO-TLHALOSO YA KAKARETŠO:**

[ ] Mantšu ao a ngwadilwego ka bokoto ka gare ga mašakana a sekwere a laetša ditlogelo go dingwalwa tše di šetšego di le gona

— Mantšu ao a thaletšwego ka mothalo wo mokoto a laetša ditsenyo go dingwalwa tše di šetšego di le gona

---

**MOLAOKAKANYWA**

Go lokiša Molao wa Bjala wa Limpopo, 2009 (Molao wa 5 wa 2009), gore go fiwe tšhutišo ya dikgopelo ke Boto ya Taolo, go fa lefapha la tlaleletšo ya laesense, go oketša go ganetšwa go beng laesense, go tšwetša pele go nolofatša tshepetšo ya kgopelo ya dilaesense tša bjala, go fa dipeakanyo tša transišene tša tlaleletšo le go fa ditaba tše di sepelelanago le tšona.

**KA GE E DIRILWE** ke Lekgotlatheramelao la Profense ya Limpopo ka fao go latelago:—

**1. Tokišo ya karolo 1**

Karolo ya 1 ya Molao wa Bjala wa Limpopo, 2009 (Molao wa 5 wa 2009)( ka ge o bitšwa “Molao wo mogolo”) o lokišitšwe ka -

(a) tsenyo ka morago ga tlhaloso ya “**Kgoro**” ya tlhaloso yeo e latelago:

“boithabišo” e ra gore lefelo la boithabišo ka mokgwa wa teatere, sinema,  
holo ya go binela, lefelo la dipapadi, khasino goba lefelo leo ditiro tša go  
kempola ga go ba molaong di dirwago gona,” le

(b) “kemedi ya tlhaloso ya “morekišetši wa bjala” wa tlhaloso yeo e latelago:

“morekišetši wa bjala” e ra gore motho yoo [go sa akaretšwe ramolao  
woo a ikanneko goba mmoleledi] yoo a ngwadiitšwego go ya ka karolo  
ya 29 go [thuša] ema legatong la bakgopedi ka tshepedišo ya kgopelo  
ya laesense ya bjala.”

**2. Tsenyo ya karolo 10A**

Karolo yeo e latelago e tsentšwe ka gare ga Molao wo mogolo ka morago ga karolo ya 10:

**"10A. Phedišo ya Boto ya Taolo"**

Molekgotlaphethiši, ka morago ga go fa Boto ya Taolo sebaka sa go theeletšwa, a ka phatlalatša Boto ya Taolo go —

- (a) se šome gabotse; goba
- (b) mabaka ao a kwagalago."

**3. Tokišo ya karolo 11**

Karolo ya 11 ya Molao wo mogolo e lokišitwe ka go emelwa ke karolwana (2) ya karolwana yeo e latelago:

**"(2) Boto ya Taolo e ka —**

- (a) go dumela goba go gana kgopelo yeo e amogetšwego go ya ka karolo 26;
- (b) go laetša mabaka ao a amanago le mafapha a dilaesense tše di akantšwego ka go karolo ya 24;
- (c) go lokiša goba go fetšiša laesense ya bjala;
- (d) go fega laesense ya bjala nako yeo e hlokago tiišo goba lebaka leo le felelago sebakeng;
- (e) go bea dipeelano go laesense ya bjala;
- (f) go dira pitšo ya setšhaba mabapi le laesense ya bjala;
- (g) go šuthiša nako ya kgopelo ya laesense ya bjala go humana ditlhalošišo tše dingwe go tšwa go mokgopedi goba go dira nyakišo goba go botšiša mabapi le kgopelo;

(h) go rolelala maatla a itšego le mešomo go Taolo ya Selegae ya Bjala;

le

(i) go dira mošomo wo mongwe le wo mongwe goba maatla ao a filwego goba a gapeleditšwego Boto ya Taolo ke Molekgotdlaphethiši”..

#### 4. Kemedi ya karolo 25

Karolo yeo e latelago e dirilwe go emela karolo 25 ya Molao wo mogolo:

##### **“Mafapha a dilaesense**

Motho a ka dira kgopelo ya laesense go rekiša bjala go ya ka se tee goba go feta ya mafapha ao a latelago:

- (a) thekišo ya bjala go se šomišetšwe meagong yeo bjala bo rekišwago, fao maikemišetšo a kgwebo e le go —
  - (i) lebenkele la bjala;
  - (ii) dijo; goba
  - (iii) polasa ya beine
- (b) thekišo ya bjala go bo šomišetša meagong yeo bjala bo rekišwago, fao maikemišetšo a magolo a kgwebo e le go -
  
- [(c) thekišo ya bjala go bo šomišetšwa meagong goba go tloga meagong fao bjala bo rekišwago ka fase ga dipeelano tše di laeditšwego ke Boto ya Taolo;]
  
- [(d)]c go dira bjala bjo bonnyane”..

#### 5. Tokišo ya karolo 27

Karolo ya 27 ya Molao wo mogolo e lokišitwe ke kemedi ya karolwana (1) ya dikarolwana tše di latelago:

**"Kganetšo**

- (1) ga go motho yoo a ka fiwago laesense go ya ka Molao wo, ge motho yoo —
- (a) e le yo monnyane;
  - (b) o amogelwa go se itekanele kgopolong ke kgorotsheko ya ba le bokgoni;
  - (c) a sa tsošološwa go tšhwonwa;
  - (d) Ke modiri wa bjala goba morekišetši wa modiri wa bjala yoo a dirago bjala ka godimo ga bolumo ya mogato woo o beilwego go ya ka Molao wa Bjala, 2003 (Molao wa 59 wa 2003);
  - (e) e be e le mong laesense yeo e fetšišitšwego go ya ka dipeelano tša Molao wo, Molao wa Bjala, 2003 (Molao wa No. 59 wa 2003) goba Molao wo mongwe le wo mongwe woo o sepetšago semolao dilaesense tša mabjala go profense ye nngwe le ye nngwe lebaka la dikgwedi tše 12 pele go tla tlišw kgopelo;
  - (f) o na le mengwaga ye mehlano pele a ka tliša kgopelo yeo e ahlotšwego ka baka la molato go ya ka Molao wo, Molao wa Bjala, 2003 (Molao wa 59 wa 2003) goba Molao woo o laolago dilaesense tša mabjala go profense ye nngwe le ye nngwe;
  - (g) o ahlotšwe ka bosenyi bjoo bo akaretšago go se tshephagale; goba
  - (h) mogatša goba molekane ke motho yoo a hhalositšwego ka go temana (e) goba (f)

**6. Tokio ya karolo ya 28**

Karolo 28 ya Molao wo mogolo e lokišitšwe ke —

- (a) kemedi ya karolwana (1) ya dikarolwana tše di latelago:

**“Tshepedišo ya kgopelo ya laesense ya bjala**

- (1) Kgopelo ya laesense ya bjala e swanetše go tlišwa go ba Boto ya Taolo ya Bjala ya Selegae godimo ga difomo tšeо di beilwego gomme di be le –
- (a) ditokumente tšeо di beilwego;
- (b) tlhaloso yeo e feleletšego yeo e ngwadilwego go thekga kgopelo ya laesense;
- (c) bohlatse bja gore tsebišo ya kgopelo e –
- (i) phatlaladitšwe ka gare ye tee ya dikuranta tšeо di dikološwago lefelong la masepala woo moago o le go gona; le
- (ii) e filwe leloko la go feta mengwaga ye masometshela ya legae le lengwe le le lengwe goba kago ya kgwebo yeo e sa le go ka go radiase yeo e beilwego ya moago go tloga fao bjala bo tlo go rekišwa; le
- (d) bohlatse bja moputso wa tefelo yeo e beilwego ya kgopelo”.

(b) kemedi ya karolwana ya (2) ya karolwana yeo e latelago:

- “(2) Taolo ya Selegae ya Bjala e swanetše go [ **pele ga matšatši a 21 a go amogela kgopelo ya laesense ya bjala go** ] –
- (a) tsinkela kgopelo go tumelelano ka dinyakwa tša karolwana (1);
- (b) e fe setšhaba sebaka sa go –
- (c) ge go kgotsofetšwe gore kgopelo e na le dinyakwa tša karolwana(1), iša kgopelo go Boto, nakong yeo e filwego le fomete yeo e filwego, gammogo le

(i) **dikeletšo tša Balaodi ba Boto ya Selegae ya Bjala;**

**le**

(ii)] dikganetšo goba ditlhaloso di fe goba di fe tšeо di  
hweditšwego **[go tšwa setšhabeng go ya go Boto]**

“;

(d) phetošo ya karolwana (3)ya karolwana ye e latelago:

“(3) Moo e le go gore kgopelo ga e fihlele dinyakwa tša karolwana (1),  
Balaodi ba Boto ya Selegae ya Bjala ba swanetše ba lebiše kgopelo  
yeo go fomete yeo e beetšwego modirakgopelo, e hlahlal  
modirakgopelo go tlaleletša goba go lokiša kgopelo yeo e nalego  
diphošo, **[pele matšatši a 14 a fela go tloga ka letšatši leo le**  
**beilwego].**”;

(e) phetošo ya karolwana (5) ya dikarolwana tše di latelago:

“(5) Ka morago ga go hwetša kgopelo go tšwa go Balodi ba Selegae ba  
Bjala, Boto e swanetše e re, go ya le ka tše di lego karolong ye,  
**[pele go feta matšatši a 30] go lebelelwe kgopelo[,] le dikganetšo**  
**tše di hweditšwego [le dikeletšo tša Baladi ba Selegae ba Bjala]**

le go ka–

- (a) e amogela ntle le mabaka;
- (b) e amogela ka mabaka; **[goba]**
- (c) gana[,] : goba
- (d) fega go fihlela go eba le tshedimošo yeo iitšego,

Kgopelo ya laesense ya go gogweba ka bjala.”;

(f) phetošo ya karolwana (7) ya karolwana ye e latelago:

“(7) Moo Boto e na lego kgopolo ya gore kgopelo ga e sepedišane le  
dinyakwa tša Molao wo, Boto e swanetše e **[gane kgopelo ya laesense,**  
**gomme Boto]** e swanetše e tsebiše modirakgopelo ka mabaka ka mokgwa  
wa sengwalwa. [—

- (a) **ka mabaka a sephetho sa Boto; le**

- (b) **go selatele dinyakwa tša Molao wo pele go feta matšatši a 20 ka morago ga go hwetša tsebišo.]**; le
- (g) phetošo ya karolwana (8) ya karolwana ye e latelago:
- "(8) Moo modirakgopelo a tsebišitšwego go ya ka karolwana (7)—
- (a) o latela melao go ya le ka moo e laeditšwego ka gare ga tsebišo, Boto e ka **[go lebelediša leswa] ya tšea kgopelo goba;**
- (b) ga e sepelelane le dinyakwa go ya le ka moo di lego ka gona ka go tsebišo, Boto e swanetše e gane kgopelo gomme e tsebiše modirakgopelo yoo ka lengwalo.”.

## 7. Tokišo ya karolo 29

Karolo 29 ya Molao wo mogolo e a lokišwa ka go fetoša karolwana (4) ya karolwana ye e latelago:

"(4) Ke fela motho yoo e lego gore ke **[o ngwadiitšwe]** setsebi sa bjala goba ramolao yoo a amogetšwego a ka **[thuša]** emela modirakgopelo [batho ba] go dira kgopelo ya laesentshe ya bjala go ya ka karolo 28.

## 8. Tokišo ya karolo 38

Karolo 38 ya Molao wo mogolo e a lokišwa mo ka go fetoša karolwana (3) ya karolwana ye e latelago:

"(3) Boto e swanetše e re, ka morago ga go hwetša tsebišo go ya ka karolwana(2),—

(a) e khantshele laesentshe goba phemiti goba e tiišetše go fetiša laesentshe goba phemiti ya motho go mosepediši wa maleba a laeditšwego go karolo 39, ka moo go ka bago ka gona , go tloga ka matšatšikgwedi ao a laeditšwego go tsebišo; le

(b) go tsebiša motho le mosepediši wa maleba, ka go ngwala letšatšikgwedi leo go khatshela goba go fetišetša go mosepediši le laeditšwego ka go retšistara.”.

#### 9. Tokišo ya karolo 41

Karolo 41 ya Molao o mogolo e a lokišwa ka go fetoša karolwana (2) ya karolwana ye e latelago :

“(2) Boto e swanetše e [, ka nako yeo e beilwego, matšatši a 21 o amogetše kgopelo go karolwana (1),] šetša kgopelo go ya ka karolwana (1) le go ka—

- (a) amogela ntle le mabaka;
- (b) go e amogela ka mabaka; **[goba]**
- (c) go gana[,] ; **goba**

[kgopelo ya go oketša goba go fetola morero mogolo wa monglaesentshe.]

(d) feaga tebelelo ya kgopelo ya go hwetša dinyakwa go tšwa go modirakgopelo goba go dira dinyakiššo le go botšiša mabapi le kgopelo.”.

#### 10. Tokišo ya karolo 43

Karolo 43 ya Moalo wo mogolo e a lokišwa ka go fetoša karolwana (2) ya karolwana ye e latelago:

“(2) Boto e swanetše e [, nakong yeo e beilwego, matšatši a 21 go hweditšwe kgopelo,] hlokomedišiša kgopelo ye nngwe le ye nngwe go khudušwa ga lefelo leo le laesentshe, go ya ka karolwana (4) —

- (a) amogela ntle le mabaka;
- (b) amogela ka mabaka; **[goba]**
- (c) go gana[,] ; **goba**

- (d) fega tebelelo ya kgopelo ya go hwetša dinyakwa go tšwa go modirakgopelo goba go dira dinyakišišo le go botšiša mabapi le kgopelo.

Kgopelo ya go khuduša lefelo la go ba le laesentshe ”.

#### 11. Tokišo ya karolo 46

Karolo 46 ya Molao wo mogolo e a lokišwa ka go fetošwa karolo 46 ya karolo ye e latelago:

##### **“Thekišo ya bjala**

Monglaesentshe yeo e filwego go ya ka karolo 25 (a) [- (c)] goba (b) a ka se rekišetše dira goba a rekiša bjala ka bontšt.

#### 12. Tokišo ya karolo 61

Karolo 61 ya Molao wo mogolo e a lokišwa ka go fetošwa —

- (a) seka-temana (1)(f) ya seka-temana se se latelago:

“a iponagatša goba motho yo ofe goba ofe ka bofora go ba ka godimo ga mengwaga ye 18 gore a kgothatse monglaesentshe, mong wa phemiti goba [morekišetši] molaodi goba mošomedi wa monglaesentshe[,] goba mong phemiti, go rekišetše goba go fa bjala goba bjala bja setšo go motho yoo; goba”;

- (b) karolwana (1)(g) ya karolwana ye elatelago:

“e fa bjala goba bjala bja setšo go motho bjalo ka ge —

- (i) tefelo;
- (ii) putseletšo;
- (iii) tlhohleletšo ya mošomi go šomeng; goba
- (iv) tlaleletšo go mošomo,

o oba molato a swarwa a lebanwa ke faene goba go ya toronkong goba bobedi bja tšona, faene le go ya toronkong.”; le

(c) karolwana (2) ya karolwana ye e latelago:

“(2) Motho yoo a –

(a) lego ka tlase ga mengwaga ye 18; goba

(b) moimana

Le go reka bjala go ba bjala bja setšo gotšwa go monglaesentshe goba mongphemiti, oba molato mola a le mo moswarwa o lebanwe ke faene goba toronko goba tšona ka bobedi”.

### 13. Go tsenya karolo 71

Karolo 71 ya Molao wo mogolo e a lokišwa ka go tsenywa ka morago ga karolwana

(3) dikarolwana tše dilatelago:

“(4) Bengdilaesentshe bao mafelo a bona a lego bokgole bjo bo metilwego le –

(a) sekolo;

(b) kereke;

(c) lefelo la dinamelwa tša bohole;

(d) moago woo setšhaba se hwetšago diterelo tša bohole;

(e) moago woo o nalego bašomedi ba mmušo; goba

(f) seteišene sa go tšhela makhura a difatanaga,

Ba swanetše ba khuduge pele ga mengwaga ye mebedi e fela ka morago ga ge Molao wo o šoma.

(5) Moo monglaesentshe a palelwago ke go latela melao ya karolwana (4), laesentshe e ya fela.

- (6) Monglaesentshe o a tsebišwa go ya le ka dinyakwa tša Molao wa Bjala, 1989, e tšewa bjalo ka tsebišo yeo e filwego go ya ka peelano efe goba efe ya Molao, go tloga ka letšatšikgwedi leo le filwego ka tlase ga dinyakwa tša Molao wa pele.
- (7) Tshepedišo yeo e filwego ke Boto go ya ka peelano efe goba efe ya Molao wa Bjala, 1989 woo o bego o šomišitšwego le semetseng pele ga letšatšikgwedi leo le tšwelapele go šoma go ya ka dinyakwa tša Molao wo.
- (8) Molawana wo o ntšhitšwego go ya ka Molao wa Bjala, 1989 o tšwelapele go šomišwa ka tlase ga dipeelano tše di lego gona tša Molao wo go fihlela o fedišwa.
- (9) Setifikeiti seo se filwego mohlahlobi go ya ka Molao wa Bjala, 1989 le semetseng pele ga letšatšikgwedi leo le beilwego, se tšwelapele go ba molaong bjalo ka ge nke setifikeiti se ntšhitšwe go ya ka Molao wo, go fihlela se feta ke nako ya sona goba se khantshelwa ke Boto.
- (10) Leloko la Boto pele ga Molao wo le thoma go šoma, la tšwelapele go ba leloko la Boto, a swere wona maemo a le go fihlela kotara yeo motho yoo a thwetšwego ka yona go ya ka Molao wa pele e feta. ”.

#### 14. Thaetlele ye kopana le go thoma

- (1) Molao wo ke Molao Tokišo wa Bjala wa Limpopo, 2013 gomme o thoma go šoma ka letšatšikwedi leo le beilwego ke Tonakgolo ka go bega ka gare ga gazette.
- (2) Matšatšikgwedi a go fapafapanana a ka be a beilwe go ya ka dikarolo tša go fapania tša Molao wo.

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**XITIVISO HI KU ANGARHELA**

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**XITIVISO ...83... XA 2013**

**LIMPOPO  
NDZAWULO YA NHLUVUKISO WA IKHONOMI, MBANGU NA VUMPFHUMBA**

**NAWUMBISI WO HUNDZULUXA SWA MABYALWA WA LIMPOPO, 2013**

Hi ku landza Nawu wa 110 wa Milawu ya Nkarhi Hinkwawo na Swileriso swa Mfumo wa Milawu wa Limpopo, Nawu wo Hundzuluxa swa Mabyalwa wa Limpopo, 2013 wa navetisiwa leswaku ku nyikiwa mavonela.

Munhu wihi ni wihi kumbe nhlangano lowu wu lavaka ku nyika mavonela eka tsalwa leri a nga endla tano hi ku tsala ku nga si fika 21 March 2013, eka:

**Nhloko ya Ndzwulo  
Department of Economic Development,  
Environment and Tourism  
Private Bag X9484  
POLOKWANE  
0700**

**KONGOMISA EKA: Mr Deon Pelser  
Riqingho: (015) 295 5740 /0836259992  
[pelserDP@ledet.gov.za](mailto:pelserDP@ledet.gov.za)**

**MEMORANDUM YA SWIKONGOMELO SWA NAWUMBISI WO HUNDZULUXA SWA  
MABYALWA WA LIMPOPO, 2013****1. SWIKONGOMELO SWA NAWUMBISI**

Xikongomelo xa Nawumbisi i ku hundzuluxa Nawu wa swa Mabyalwa wa Limpopo, 2009.

**2. MATIMU**

Nawu wa swa Mabyalwa wa Limpopo, 2009 (Nawu) wu pasisiwile hi Mfumo wa Milawu wa Limpopo naswona wu sayiniwile hi Holobyenkulu hi 2009. Nawu hambi swiritano a wu nga si tirha. Xiyenge xa 2(2) xa Xedulu ya 1 ya Nawu wa swa Mabyalwa wa Rixaka, 2003 (Nawu wa No. 59 wa 2003), xi nyika makungu leswaku Xirho xa Huvonkulu xi nga ti hlanganisa na Holobye wa Ndzwawulo wa Nxaviso na Mabindzu (Dti) loko nawu wu nga se tivisiwa. Loko Xirho xa Huvonkulu xi nga si ti hlanganisa xa Holobye wa Dti, Huvonkulu yi teka xiboho xa ku hundzuluxa Nawu ku endlela leswaku miako yin'wani yo xavisela byalwa eka xifundzankulu yi rhurhisiwa yi nga vi ekusuhi na swikolo, tindhawu to khongela eka tona, laha ku nga ni swo tleketla swa mani na mani, miako leyi vanhu va kotaka ku kuma vukorhokeri, miako leyi yi nga ni vatirhela mfumo, yi yisiwa eka tindhawu leti hlawuriweke. Ndzwawulo yi boha leswaku timhaka tin'wani ti hundzuluxiwa Nawu wu nga sis ungula ku tirha. Kwalaho Nawumbisi wo Hundzuluxa wa swa Mabyalwa wa Limpopo, 2013 wu tumbuluxiwile leswaku ku hundzuluxiwa Nawu wa swa Mabyalwa wa Limpopo, 2009.

**3. KU KHUMBA VUMBIWA**

Nawumbisi wu mpfampfarhutiwile hi lu landza Vumbiwa.

**4. KU KHUMBA NHLANGANO**

Ku ta laveka vatisihi vo engetela ku leswaku nawu wu ta sungula ku tirha.

## 5. KU KHUMBA SWA TIMALI

Nawumbisi wu ta khumba swa timali hi ku gazeta na ku hangalasa.

## 6. NHLELO WA XIVULWANA HI XIVULWANA

Nhlelo wa xivulwana hi xivulwana xa Nawumbisi:

- 6.1 Xivulwana xa 1 xi hundzuluxa xiyenge xa 1 xa Nawu xi nyika makungu ya nhlamuselo yintshwa ya "vutitsakisi" na khonsalitente ya swa mabyalwa".
- 6.2 Xivulwana xa 2 xi nghenisa xiyenge xintshwa xa 10A eka Nawu na ku nyika matimba eka Xirho xa Huvonkulu ku herisa Bodo.
- 6.3 Xivulwana xa 3 xi hundzuluxa xiyenge xa 11 xa Nawu na ku nyika makungu eka Bodo na matimba ya ku yisa emahlweni xikombelo xa ku kuma swilaveko swin'wan kumbe ku endla vulavisisi.
- 6.4 Xivulwana xa 4 xi hundzuluxa xiyenge xa 25 xa Nawu na ku hundzuluxa swiyenge swa tilayisense.
- 6.5 Xivulwana xa 5 xi hundzuluxa xiyenge xa 27 xa Nawu na ku nyika makungu ya ku nga pfumeleli vanhu van'wani ku va vakhomi va layisense.
- 6.6 Xivulwana xa 6 xi hundzuluxa xiyenge xa 28 xa Nawu na ku hundzuluxa xikombelo xa endlelo xa layisense ya byalwa.
- 6.7 Xivulwana xa 7 xi hundzuluxa xiyenge xa 29 Nawu na ku nyika makungu ya vukorhokeri bya muhlanganyeti wa swa mabyalwa ku tirha hi ku hi ku yimela muendli wa xikombelo xa layisense ya byalwa.

- 6.8 Xivulwana xa 8 xi hundzuluxa xiyenge xa 38 xa Nawu na ku nyika makungu eka ku herisa kumbe ku transifera layisense.
- 6.9 Xivulwana xa 9 xi hundzuluxa xiyenge xa 41 Nawu nyika makungu eka Bodo ni nkarhi wa ku hundzisela emahlweni xikombelo xa layisense, ku kuma swilaveko swin'wani kumbe ku endla vulavisisi kumbe ku vutisa swivutiso.
- 6.10 Xivulwana xa 10 xi hundzuluxa xiyenge xa 43 xa Nawu na ku nyika makungu eka Bodo ya ku nyika mpfumelela wa ku yisa emahlweni xikombelo xa layisense ya ku kuma swilaveko swin'wani kumbe ku endla vulavisisi kumbe ku vutisa swivutiso.
- 6.11 Xivulwana xa 11 xi hundzuluxa xiyenge xa 46 xa Nawu na ku nyika makungu eka mihundzuluxo yin'wani ya xithekiniki.
- 6.12 Xivulwana xa 12 xi hundzuluxa xiyenge xa 61 xa Nawu na ku nyika makungu eka minkariso yin'wani mayelana ni byalwa bya Xintu.
- 6.13 Xivulwana xa 13 xi hundzuluxa xiyenge xa 71 xa Nawu na ku nyika makungu eka ku rhurha ka vakhomi va layisense van'wani ku nga si hela malembe ya mbirhi na timhaka tin'wani leti yelanaka na swona.
- 6.14 Xivulwana xa 14 i nhlokomhaka ya Nawumbisi hi ku komisa.

## 7. MINHLANGANO LEYI KU TI HLANGANISIWEKE NA WONA

Ku tihlanganisiwile ni Vatsundzuxi va Xinawu va Mfumo eka Hofisi ya Holobyenkulu na vahoxa xandla eka bindzu ra Byalwa.

P KEKANA  
XIRHO XA HUVONKULU  
NDZAWULO YA NHLUVUKISO WA IKHONOMI, MBANGU NA VUMPFHUMBA

**MFUMO WA MILAWU WA LIMPOPO**

**NAWUMBISI WO HUNDZULUXA SWA BYALWA WA LIMPOPO, 2013**

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**Tanihi leswi wu tivisiweke hi**

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**(XIRHO XA HUVONKULU XA NHLUVUKISO WA IKHONOMI, MBANGU NA  
VUMPFHUMBA)**

## MARITO YO HLAMUSELA HI KU ANGARHELA:

- [ ] Marito lawa ya tsariweke hi ndlela yo bumburisa endzeni ka swiangarhelo ya kombisa ku tluriwa ka ka milawu leyi tirhaka sweswi
  - Marito lama khwatihiatiweke hi ntila wo bumbula ya kombisa lama ya nghenisiweke eka milawu leyi tirhaka sweswi
- 

## NAWUMBISI

Ku hundzuluxa Nawu wa swa Mabyalwa wa Limpopo, (Nawu wa 5 wa 2009) ku yisa emahlweni ku tirhisiwa hi Bodo ya swa Mabyalwa ku nyika makungu ka xiyenge xo engetela xa layisense ku ndlandlamuxa ku nga pasisiwi ka vakhomi va tilayisense, ku yisa emahlweni va olovisa endlelo ra layisense ya swa mabyalwa, ku nyika makungu eka maendlelo ya nkarhinyana na ku nyiaka makungu eka timhaka leti khumbhekaka na swona.

**WU TA TEKIWA TANIHI NAWU** hi Mfumo wa Milawu wa Limpopo hi ndlela leyi landzelaka:—

### 1. Ku hundzuluxiwa ka xiyenge xa 1

Xiyenge xa 1 xa Nawu wa swa Mabyalwa wa Limpopo, 2009, (Nawu wa No.5 wa 2009) (sweswi endzhaku a wu vuriwa “Nawunkulu”) wa hundzuluxiwa hi ku —

(a) ku nghenisiwa endzhaku ka nhlamuselo ya “**Ndzawulo**” eka nhlamuselo leyi landzelaka:

“vutitsakisi” ri vula ndhawu yo ti tsakisela eka yona hi ndlela ya thietha, sinema, holo yo ncinela, senthara ya swipotso, khasino kumbe ndhawu leyi ku gembula swa le nawini swi endleriwaka kona;”; na

(b) siviwa ka nhlamuselo ya “**muhlanganyeti wa swa mabyalwa**” hi nhlamuselo leyi landzelaka:

“muhlanganyeti wa swa mabyalwa” ri vula munhu [ku nga katsiwi nqhweta kumbe nqhwetankulu leri pfumeleriwaka/paseke] loyi a rhejistariweke hi ku landza xiyenge xa 29 ku [pfuna] tirha hi ku yimela vaendli va swikombelo hi maendlo ya ku endla xikombelo xa layisense ya byalwa.”.

## 2. Ku nghenisiwa ka xiyenge xa 10A

Swiyenge leswi landzelaka swa nghenisiwa eka Nawunkulu endzhaku ka xiyenge xa 10:

### “10A. Ku herisiwa ka Bodo

Xirho xa Huvonkulu xi nga, endzhaku ka ku nyika Bodo nkarhi wa ku yingiseriwa,  
herisa bodo hi —

- (a) tirhelo ro ka ri nga enetisi; kumbe
- (b) swivangelo leswi twalaka na ku twisiseka.”

## 3. Ku hundzuluxiwa ka xiyenge xa 11

Xiyenge xa 11 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

### “(2) Bodo yi nga —

- (a) pasisa kumbe alela xikombelo lexi amukeriweke hi ku landza xiyenge xa 26;
- (b) boha swiyimo leswi tirhaka eka swiyenge swa tilayisense leswi yuriweke eka xiyenge xa 24;
- (c) hundzuluxa kumbe ku khansela layisense ya byalwa;
- (d) ku herisa layisense ya byalwa eka nkarhi wo karhi kumbe eka nkarhi wo tano lowu nga bohiwaka;

- (e) veka swiyimo eka layisense ya byalwa;
- (f) endla tinhlengeletano ta mani na mani mayelana na tilayisense ta byalwa;
- (g) ku yisa emahlweni xikombelo xa layisense ya byalwa ku kuma swilaveko swinwani eka muendli wa xikombelo kumbe ku endla vulavisisi kumbe ku vutisa swivutiso mayelana na xikombelo;
- (h) nyika matimba yan'wani na mintirho eka Vulawuri by Ndhawu bya swa Mabyalwa; na
- (i) endla ntirho wihi ni wihi wun'wani kumbe matimba lama nyikiweke kumbe ya vekiweke hi Bodo ya Xirho xa Huvonkulu.”.

#### **4. Ku siwa ka xiyenge xa 25**

Xiyenge lexi xi landzelaka xi ta siviwa hi xiyenge xa 25 xa Nawunkulu:

##### **“Swiyenge swa tilayisense**

Munhu a nga endla xikombelo xa layisense ya ku xavisa byalwa hi ku landza yinwe kumbe ku tlula ya swiyenge leswi landzelaka:

- (a) xavisa byalwa lebyi nweriwaka ehandle ka ndhawu leyi byalwa byi xavisiwaka laha ntirhonkulu wa bindzu ku nga –
  - (i) vhengele ra byalwa;
  - (ii) swakudya/girosari; kumbe
  - (iii) purasi ra wayini;
- (b) ku xavisa byalwa byi nwiwa kona laha byalwa byi xavisiwaka, laha ntirhonkulu wa bindzu ku nga ku –
  - (i) ku nyika ndhawu yo tshama;
  - (ii) nyika swakudya;
  - (iii) purasi ra wayini;
  - (iv) [thiyetha] vutitsakisi; kumbe
  - (v) klilabu [,] : na

- [(c) **ku xavisiwa ka byalwa byi nwiwa kona kumbe ehandle ka ndhawu leyi byalwa byi xavisiwaka ehansi ka swiyimo swo hlawuleka leswi bohiwaka hi Bodo;]**
- [(d)]c **ku endliwa ka byalwa byi ntsongo.”**

**5. Ku hundzuluxiwa ka xiyenge xa 27**

Xiyenge xa 27 xa Nawunkulu xa hundzuluxiwa hi ku siviwa hi xiyengentsongo xa (1) xa xiyengentsongo lexi landzelaka:

**“Ku nga pfumeleriwi**

- (1) A ku na munhu loyi a nga nyikiwaka layisense hi ku landza Nawu lowu loko munhu yaleyo a –
- (a) ri lontsongo;
- (b) vuriwe ku va miehleketo ya yena yi nga tirhi kahle hi khoto leyi nga eka xiyimo xa kahle;
- (c) ri munhu loyi a nga tsamisekangiki emiehlekeweni;
- (d) ri muendli wa byalwa kumbe ejente ya vaendli va byalwa, vaendli lava va vuriwaka laha va ri henhla ka mpimo wa vholumu leyi yi hlamuseriweke hi ku landza Nawu wa swa Mabyalwa, 2003 (No. 59 wa 2003);
- (e) ri mukhomi wa layisense leyi kanseriweke hi ku landza makungu ya Nawu lowu, Nawu wa swa Mabyalwa, 2003, (Nawu wa No. 53 wa 2003) kumbe Nawu lowu fambisaka tilayisense ta byalwa eka Xifundzankulu xihi ni xihi xin'wani ku nga si hela nkarhi wa ku ringana tinhweti ta 12 ku nga si nghenisiwa xikombelo;

- (f) ri na ntlanu wa malembe ku nga si endliwa xikombelo, a khomeriwe nandzu hi ku landza Nawu lowu, Nawu wa swa Mabyalwa (Nawu wa No. 59 wa 2003) kumbe Nawu lowu fambisaka tilayisense ta byalwa eka xifundzankulu xihi ni xihi xin'wani;
- (g) u khomeriwile nandzu wa vugevenga lebyi katsaka ku nga tshembhekangi; kumbe
- (h) kumbe i nsati/nuna kumbe muhanyisani kulobye wa vutomi hinkwabyo loyi a hlamuseriwaka eka ndzimana ya (e) kumbe (f). “.

## 6. Ku hundzuluxiwa ka xiyenge xa 28

Xiyenge xa 28 xa Nawunkulu xa hundzuluxiwa hi —

- (a) ku siviwa hi xiyengentsongo xa (1) xa xiyenge lexi landzelaka:

### **“Endlelo ra ku endla xikombelo xa layisense ya swa mabyalwa**

- (1) Xikombelo xa layisense ya byalwa xi fanele xi yisiwa eka Vulawuri bya Ndhawu ya swa Mabyalwa eka fomo leyi hlawuriweke leyi heleketiwaka hi —
- (a) matsalwa lawa ya hlawuriweke;
- (b) nseketelo lowu tsariweke hi ku hetiseka wo seketela xikombelo xa layisense;
- (c) xikombo xa leswaku xitiviso xa ku endla xikombelo xi —
- (i) humesiwile eka phepha-hungu rin'we leri hangalasiwaka eka ndhawu ya masipala laha ndhawu leyi yi nga kona; na
- (ii) tirhile eka xirho lexi nga ni ku hundza makumentsevu wa malembe, eka muti kumbe bindzu leri nga

mpfhuka lowu hlawuriweke ku suka laha byalwa byi  
nga ta xavisiwa; na

(d) xikombo xa tihakelo ta mali ya xikombelo leyi hlawuriweke.”

(b) ku siviwa ka xiyengentsongo xa (2) xa xiyengentsongo lexi xi landzelaka:

“(2) Nhlangano wa Muganga wa Swa Mabyalwa wu fanele [**eka masiku ya 21 endzhaku ko amukela xikombelo xa layisense ya swa mabyalwa hi ku landza xiyengentsongo xa (1)**] wu—

(a) hlela xikombelo ku vona loko xi fambelana na swilaveko swa xiyengentsongo xa (1);

(b) nyika nkarhi eka vanhu ku –

(i) kambela kumbe ku kuma khopi ya xikombelo; na

(ii) ku rhumela mikaneto mayelana na xikombelo;

(c) loko wu enetiwile leswaku xikombelo xi fikelela swilaveko swa xiyengentsongo xa (1), wu rhumela xikombelo eka Huvo, eka nkarhi lowu boxiweke na hi ndlela leyi boxiweke, ku katsa –

(i) **xibumabumelo xa Nhlangano wa Muganga wa Swa Mabyalwa; na**

(ii)] na mikaneto kumbe vuyimeri hinkwabyo lebyi a mukeriweke [**swo suka eka vanhu swi rhumeriwa eka Huvo** .”;

(d) ku siviwa ka xiyengentsongo xa (3) xa xiyengentsongo lexi landzelaka:

“(3) Loko xikombelo xi nga fikeleli swilaveko swa xiyengentsongo xa (1), Nhlangano wa Muganga wa Swa Mabyalwa wu fanele wu tlherisela xikombelo eka mukomberi hi ndlela leyi nga fanelia ku tivisiwa ku lulamisa swihoxo leswi nga eka xikombelo **[eka masiku nya 14 endzhaku ko tlherisela xikombelo lexi]**;”;

(e) ku siviwa ka xiyengentsongo xa (5) xa xiyengentsongo lexi landzelaka:

“(5) Endzhaku ko amukela xikombelo xo huma eka Nhlangano wa Muganga wa Swa Mabyalwa, Huvo yi fanele yi, hi ku landza swipimelo swa xiyenge lexi, **[eka masiku ya 30]** hlela xikombelo [,] na mikaneto leyi amukeriweke **[na swibumabumelo swa Nhlangano wa Muganga wa Swa Mabyalwa]** naswona yi nga –

- (a) pfumela ehandle ka swipimelo;
- (b) pfumela hi ku veka swipimelo swo karhi; **[kumbe]**
- (c) bakanyela etlhelo **[.]** : kumbe
- (d) ku tlherisela endzhaku hi xikongomelo xo kuma vuxokoxoko byin'wana, xikombelo xa layisense ya swa mabyalwa.”;

(f) ku siviwa ka xiyengentsongo xa (7) xa xiyengentsongo lexi landzelaka:

“(7) Loko Huvo yi swi vona leswaku xikombelo a xi fambelani na swipimelo swa Nawu lowu, Huvo **[ku bakanyela ethlelo xikombelo xa layisense, naswona Huvo]** yi fanele ku tivisa mukomberi swivangelo hi ku tsala. [–

- (a) **swivangelo swa xiboho xa Huvo; na**

- (b) **ku landzelela swipimelo swa Nawu lowu eka masiku ya 20 endzhaku ko amukela xitiviso.]**; naswona
- (g) ku siviwa ka xiyengentsongo xa (8) xa xiyengentsongo lexi landzelaka:
- “(8) Laha mukomberi a tivisiweke hi ku landza xiyengentsongo xa (7)—
- (a) ivi a landzelela swilaveko hilaha swi hlamuseriweke hakoina eka xitiviso, Huvo yi nga **[hlela nakambe]** **hlela** xikombelo; kumbe
  - (b) ivi a nga landzeleri swilaveko hilaha swi hlamuseriweke hakona eka xitiviso, Huvo yi fanele yi bakanyela ethlelo xikombelo no tivisa mukomberi hi ku tsala.”.

#### **7. Ku hundzuluxiwa ka xiyenge xa 29**

Xiyenge xa 29 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (4) xa xiyengentsongo lexi landzelaka:

“(4) I ntsena munhu loyi a nga a **[tsarisiwa]** muhlanganyeti wa swa mabyalwa kumbe qhwetha kumbe qhwethankulu a nga **[pfunaka]** yimelaka mukomberi [vanhu] eka xikombelo xa layisense ya swa mabyalwa hi ku landza xiyenge xa 28.

#### **8. Ku hundzuluxiwa ka xiyenge xa 38**

Xiyenge xa 38 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa (3) xa xiyengentsongo lexi landzelaka:

“(3) Endzhaku ko amukela xikombelo hi ku landza xiyengentsongo xa (2), Huvo yi fanele yi, —

- (a) herisa layisense kumbe phemiti kumbe ku pasisa ku hundzisiwa ka layisense ya munhu kumbe phemiti eka mulawuri loyi a nga fanelo,

hi ku landza xiyenge xa 39, hilaha swi faneleke hakona, ku sukela

siku leri kombisiweke eka xitiviso; no

- (b) tivisa munhu na mulawuri loyi a nga fanela, hi ku tsala hi siku ro herisa kumbe ro hundzisela eka mulawuri ri nga tsariwa ha rona eka rhijisitara”.

#### 9. Ku hundzuluxiwa ka xiyenge xa 41

Xiyenge xa 41 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengentsongo xa

(2) xa xiyengentsongo lexi landzelaka:

“(2) Huvo yi fanele yi [, eka nkarhi lowu boxiweke, endzhaku ka masiku ya

**21 yo amukela xikombelo eka xiyengentsongo xa (1),]** hlela xikombelo hi  
ku landza xiyengentsongo xa (1) naswona yi nga—

(a) pfumela ehandle ka swipimelo;

(b) pfumela hi ku veka swipimelo swo karhi; **[kumbe]**

(c) bakanyela etlhelo [,] ; **kumbe**

**[xikombelo xo engetela kumbe ku cinca bindzunkulu ra n'winyi wa  
layisense.]**

(d) ku yisa emahlweni nhlelo wa xikombelo hi xikongomelo xo kuma  
vuxokoxoko byin'wana eka mukomberi kumbe ku endla vulavisi  
mayelana na xikombelo”.

#### 10. Ku hundzuluxiwa ka xiyenge xa 43

Xiyenge xa 43 of the Nawunkuluxa hundzuluxiwa hi ku siviwa ka xiyengentsongo

xa (2) xa xiyengentsongo lexi landzelaka:

“(2) Huvo yi fanele yi [, eka nkarhi lowu boxiweke, endzhaku ka masiku ya  
**21 yo amukela xikombelo,**] hlela xikombelo xin'wana na xin'wana xo  
rhurha ku suka eka muako wa layisense hi ku landza xiyengentsongo xa (4)

- (a) pfumela ehandle ka swipimelo;
- (b) pfumela hi ku veka swipimelo swo karhi; **[kumbe]**
- (c) bakanyela etlhelo [,] ; kumbe
- (d) ku yisa emahlweni nhlelo wa xikombelo hi xikongomelo xo kuma vuxokoxoko byin'wana eka mukomberi kumbe ku endla vulavisisi mayelana na xikombelo kumbe ku kuma vuxokoxoko mayelana na ku suka eka ndhawu leyi nga nyikiwa layisense.”.

**11. Ku hundzuluxiwa ka xiyenge xa 46**

Xiyenge xa 46 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyenge xa 46 xa xiyenge lexi landzelaka:

**“Ku xavisa byalwa**

N'winyi wa layisense leyi humesiweke hi ku landza xiyenge xa 25 (a) [- (c)] **kumbe** (b) kumbe ku nga xavisi byalwa eka muendli wa byona kumbe eka vhengelenkulu ra mabyalwa.

**12. Ku hundzuluxiwa ka xiyenge xa 61**

Xiyenge xa 61 of the Nawunkuluxa hundzuluxiwa hi ku siviwa ka –

- (a) ndzimanantsongo (1)(f) ya ndzimanantsongo leyi landzelaka:  
“hembela munhu wihi kumbe wihi leswaku u na malembe 18 kumbe ku tlula hi xikongomelo xa leswaku n'winyi wa layisense , n'winyi wa phemiti kumbe **[ejenti]** mininjhhere kumbe mutirhi wa n'winyi wa layisense[,] kumbe n'winyi wa phemiti, ku xavisa kumbe ku nyika byalwa kumbe byalwa bya Xintu eka munhu yaloye; kumbe”;

- (b) ndzimanantsongo (1)(g) ya ndzimanantsongo leyi landzelaka:  
“a nyikaka byalwa kumbe byalwa bya Xintu eka munhu wo karhi tanihi –  
(i) muholo;

- (ii) hakelo;
- (iii) xinavetiso xa ntirho; kumbe
- (iv) xengetelo xa ntirho,

U tlula nawu naswona a nga rihiwi kumbe ku khotsiwa kumbe a rihiwi a tlhela a khotsiwa.”; naswona

- (c) xiyengentsongo xa (2) xa xiyengentsongo lexi landzelaka:

- “(2) Munhu loyi a nga –
- (a) ehansi ka malembe ya 18; kumbe
- (b) biha emirini

No xava byalwa kumbe byalwa bya Xintu eka n'winyi wa layisense kumbe phemiti, u tlula nawu naswona a nga rihiwi kumbe ku khotsiwa kumbe a rihiwi a tlhela a khotsiwa.”.

### 13. Ku nghenisiwa ka xiyenge xa 71

Xiyenge xa 71 xa Nawunkulu xa hundzuluxiwa hi ku nghenisa, xiyengentsongo xa (3) swiyengentsongo leswi landzelaka:

“(4) Vinyi va tilayisense va sweswi lava tirhaka ekusuhi na tindhawu leti landzelaka –

- (a) xikolo;
- (b) ndhawu ya vukhongeri;
- (c) ndhawu ya mani na mani ya swa vutleketli;
- (d) muako lowu vanhu va kumaka vukorhokeri byo karhi eka yona;
- (e) muako lowu tirhisiwaka hi vatirhelamfumo; kumbe
- (f) garachi ya tipetiroli,

ku nga si hela ka malembe mambirhi ku suka eka siku leri Nawu lowu wu sunguleke ku tirha, va fanele ku rhurha endhawini ya vona.

- (5) Loko n'winyi wa layisense a tsandzeka ku landzelela swipimelo swa xiyengentsongo xa (4), layisense leyi a ya ha tirhi.
- (6) Xitiviso lexi nyikiweke n'winyi wa layisense hi ku landza swipimelo swa Nawu wa Swa Mabyalwa, 1989, xi tekiwa xi ri xitiviso lexi nyikiweke hi ku landza xipimelo xa Nawu lowu xihi kumbe xihi lexi pimanyisiweke, ku sukela siku leri xitiviso xi nga nyikiwa ha rona ehansi ka Nawu wa khale.
- (7) Xileriso lexi nyikiweke hi Huvo hi ku landza xipimelo xihi kumbe xihi xa Nawu wa Swa Mabyalwa, 1989 lexi a xi tirha ku sukela nkarhi lowu siku ro tirha ri nga sungula ha rona hi ku landza swipimelo swa Nawu lowu.
- (8) Nawu wo tlhandlekela lowu humesiweke hi ku landza Nawu wa Swa Mabyalwa, 1989 lowu ya ka emahlweni wu tirha ehansi ka swipimelo swa Nawu lowu, ku kondza swi herisiwa.
- (9) Xitifikheti lexi nyikiweke mukamberi hi ku landza Nawu wa Swa Mabyalwa, 1989 endzhaku ka siku ro tirha naswona xitifikheti xi ya emahlweni xi tirha onge hiloko xi humesiwile hi ku landza Nawu lowu, ku kondza xi heleriwa hi nkarhi kumbe ku herisiwa hi Huvo.
- (10) Xirho xa Huvo, lexi nga va xirho Nawu lowu wu nga se sungula ku tirha, xi ta tshama xa ha ri xirho xa Huvo, ku fikela nkarhi wa xona wo thoriwa wu fika emakumu hi ku landza Nawu wa khale. ”.

**14. Nhlokomhaka hi ku komisa no sungula ku tirha**

- (1) Nawu lowu wu vuriwa Nawu wo Hundzuluxa Swa Mabyalwa swa Limpopo, 2013 naswona wu ta sungula ku tirha hi siku leri nga ta boxiwa hi Phirimiya eka xitiviso xa *gazete*.
- (2) Ku nga tirhisiwa masiku yo hambana mayelana na swiyenge swo hambana swa Nawu lowu.

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**NDIVHADZO NYANGAREDZI**

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**NDIVHADZO ...83... YA 2013****MUHASHO WA MVELEDZISO YA IKONOMI, MUPO NA VHUENDELAMASHANGO WA LIMPOPO****MULAYOTIBE WA KHWINISO YA ZWIKAMBI WA LIMPOPO, 2013**

Hu tshi tevhelwa Mulayo 110 wa Milayo ya Tshothe na Ndaela dza Vhusimamilayo ha Vundu la Limpopo, afha Mulayotibe wa Khwiniso ya Zwikambi wa Limpopo, 2013 u khou kunguwedzwa u itela uri vhathu vha bvise vhupfiwa havho.

Muthu kana dzangano linwe na linwe li tamaho u bvisa vhupfiwa kha linwalo lo bulwaho afho li nga ita nga u tou nwala, hu saathu fhira 21 March 2013, kha:

**The Head of Department  
Department of Economic Development,  
Environment and Tourism  
Private Bag X9484  
POLOKWANE  
0700**

**FOR ATTENTION: Mr Deon Pelser  
Tel: (015) 295 5740 /0836259992  
[pelserDP@ledet.gov.za](mailto:pelserDP@ledet.gov.za)**

**MEMORANDAMU NGA HA NDIVHO DZA MULAYOTIBE WA KHWINISO YA ZWIKAMBI WA LIMPOPO, 2013****1. NDIVHO DZA MULAYOTIBE**

Ndivho ya Mulayotibe ndi u khwinisa Mulayo wa Zwikambi wa Limpopo, 2009.

**2. MARANGAPHANDA**

Mulayo wa Zwikambi wa Limpopo, 2009 (Mulayo) wo phasiswa nga Vhusimamilayo ha Vundu la Limpopo nahone wa tendelwa nga Premia nga 2009. Mulayo, naho zwo ralo, a wo ngo thoma u shuma. Khethekanyo 2(2) ya Shedulu 1 ya Mulayo wa Zwikambi wa Lushaka, 2003 (Mulayo No. 59 wa 2003), u tendela zwauri Murado wa Khorotshitumbe u tea u kwamana na Minisita wa Muhasho wa zwa Indasitiri na Mbambadzo phanda ha musi mulayo wa vundu u tshi nga thoma u divhadzwa. Phanda ha musi Murado wa Khorotshitumbe a tshi nga kwamana na Minisita wa Muhasho wa zwa Indasitiri na Mbambadzo, Khorotshitumbe yo dzhia tsheo ya u khwinisa Mulayo hu u itela u netshedza u pfuluswa ha hunwe fhethu ha u rengisela zwikambi kha vundu hune ha vha tsini na zwikolo, dzikereke, zwileludzi zwa vhuendi ha vhathu, zwifhato zwi re tsini na hune vhathu vha swikelela hone tshumelo, zwifhato zwi shumiswaho nga vhashumi vha muvhuso na hu rengiswaho hone zwivhaswa, na kha vhupo ho khethwaho. Muhasho wo ta zwauri manwe mafhungo a do toda khwiniso phanda ha musi Mulayo u tshi nga shuma. Ndi nga nthani ha zwenezwo, he Mulayotibe wa Khwiniso ya Zwikambi wa Limpopo, 2013 wa bveledzwa u itela u netshedza khwiniso ya Mulayo wa Zwikambi wa Limpopo, 2009.

**3. ZWI KWAMAHO NDAYOTEWA**

Mvetamveto ya Mulayotibe yo itwa ho sedzwa Ndayotewa.

**4. ZWI KWAMAHO MADZANGANO**

Hu do todea vhashumi vhadadzisi u itela u khwathisedza mulayo

**5. ZWI KWAMAHO MASHELENI**

Mulayotibe u do kwama masheleni hu u itela u gazethe na u gandisa.

**6. TSENGULUSO YA TSHITENWA NGA TSHITENWA**

Tsenguluso ya tshitenwa nag tshitenwa ya Mulayotibe:

- 6.1 Tshitenwa 1 tshi khwinisa khethekanyo 1 ya Mulayo na u netshedza u itela thandavhudzo ya “vhudimvumvusi” na “vhukwamani ha zwikambi”
- 6.2 Tshitenwa 2 i dzenisa khethekanyo ntswa 10A kha Mulayo na u netshedza maanda kha Murado wa Khorotshitumbe uri i fhaladze Bodo.

**5. ZWI KWAMAHO MASHELENI**

Mulayotibe u do vha na zwi kwamaho masheleni u itela u gazetwa na khandiso.

**6. THODISISO YA TSHITENWA NGA TSHITENWA**

Thodisiso ya tshitenwa nga tshitenwa tsha Mulayotibe:

- 6.1 Tshitenwa 1 tshi khwinisa khethekanyo 1 ya Mulayo na u netshedza thandavhudzo ntswa ya “vhudimvumvusi” na “vhaimeleli kha zwa zwikambi”.
- 6.2 Tshitenwa 2 tshi dzenisa khethekanyo ntswa ya 10A kha Mulayo na u netshedza maanda Murado wa Khorotshitumbe kha u fhaladza Bodo.

- 6.3 Tshitena 3 tshi khwinisa khethekanyo 11 ya Mulayo na u netshedza Bodo maanda a u fhirisela phanda khumbelo u itela u wana zwinwe zwidodombedzwa kana u ita tsedzuluso.
- 6.4 Tshitena 4 tshi khwinisa khethekanyo 25 ya Mulayo na u khwinisa zwitenwa zwa laisentsi.
- 6.5 Tshitena 5 tshi khwinisa khethekanyo 27 ya Mulayo na u netshedza u sa tea ha vhanwe vhathu kha u vha vhane vha laisentsi.
- 6.6 Tshitena 6 tshi khwinisa khethekanyo 28 ya Mulayo na u khwinisa matshimbidzelwe a khumbelo ya laisentsi ya zwikambi.
- 6.7 Tshitena 7 tshi khwinisa khethekanyo 29 ya Mulayo na u khwinisa tshumeloda vhaimeleli kha zwa zwikambi musi vha tshi vho imela muhumbeli wa khumbelo ya laisentsi ya zwikambi.
- 6.8 Tshitena 8 tshi khwinisa khethekanyo 38 ya Mulayo na u netshedza u thuthwaka u pfukiswa ha laisentsi.
- 6.9 Tshitena 9 tshi khwinisa khethekanyo 41 ya Mulayo na u netshedza Bodo tshikhala tsha u fhirisela phanda khumbelo ya laisentsi, u itela u wana zwinwe zwidodombedzwa kana u ita tsedzuluso kana u vhudzisa.
- 6.10 Tshitena 10 tshi khwinisa khethekanyo 43 ya Mulayo na u netshedza Bodo tshikhala tsha u fhirisela phanda khumbelo ya laisentsi u itela u wana zwinwe zwidodombedzwa kana u ita tsedzuluso kana u vhudzisa.
- 6.11 Tshitena 11 tshi khwinisa khethekanyo 46 ya Mulayo na u netshedza khwiniso dza thekiniki.

- 6.12 Tshitena 12 tshi khwinisa khethekanyo 61 ya Mulayo na u netshedza dzinwe nyiledzo zwi tshi kwama halwa ha sialala ha Tshirema.
- 6.13 Tshitena 13 tshi khwinisa khethekanyo 71 ya Mulayo na u netshedza u dzudzanywa hafhu ha vhanwe vhane vha dzi laisensi kha tshifhinga tsha minwaha mivhili na mafhungo a tutshelanaho na zwo ambwaho.
- 6.14 Tshitena 14 ndi thoho pfufhi ya Mulayotibe.

## 7. ZWIIMISWA ZWO KWAMIWAHO

Ho kwamiwa Vhaeletshedzi vha zwa Mulayo kha Ofisi ya Premia na vhafaramikovhe vha re kha Indasitiri ya Zwikambi.

P KEKANA  
**MURADO WA KHOROTSHITUMBE YA  
MUHASHO WA MVELEDZISO YA IKONOMI,  
MUPO NA VHUENDELAMASHANGO**

**VHUSIMAMILAYO HA VUNDU LA LIMPOPO**

**MULAYOTIBE  
WA KHWINISO YA ZWIKAMBI, 2013**

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**Sa zwe wa divhadzwa nga**

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**(MURADO WA KHOROTSHITUMBE WA MUHASHO WA MVELEDZISO YA EKONOMI NA  
VHUENDELAMASHANGO )**

**NDIVHADZO NYANGAREDZI YA ZWO TALUTSHEDZWAHO:**

[ ] **Maipfi o swifhadzwaho a sumbedza tsiedzo dici re hone kha zwo shandukiwaho**

— **Maipfi o talelwaho nga mutalo mudenya u so ngo thukhuwaho a sumbedza zwo dzeniswaho kha tshanduko dici re hone**

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**MULAYOTIBE**

Wa u khwinisa Mulayo wa Zwikambi wa Limpopo, 2009 (Mulayo No. 5 wa 2009), hu u itela u netshedza u pfukhiselwa phanda ha khumbelo nga vha Bodo ya Zwikambi, u netshedza nyengedzedzo ya tshigwada tsha laisentsi, u engedzedza u fheliswa u shuma ha vhane vha laisentsi, na u khwinisa hafhu matshimbidzelwe a khumbelo dza laisentsi dza zwikambi, u netshedza nyengedzedzo ya nzudzanyo dza u pfukhisela na u netshedza zwi tutshelanaho na zwenezwo

**AFHA KHU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo nga hu tevelaho:—**

**1. Khwiniso ya khethekanyo 1**

Khethekanyo 1 ya Mulayo wa Zwikambi wa Limpopo, 2009 (Mulayo No.5 wa 2009) (une afha u divhiwe sa “Mulayo Muhulwane”) afha u khou khwiniswa nga—

(a) u dzeniswisa nga murahu ha thalutshedzo ya “**Muhasho**” ha thalutshedzo I tevelaho:

“mvumvusa” zwi amba fhethu ha u dimvumvusa nga ndila ya thyietha, baisikoponi, holo ya tshinela, sentharani ya zwa mitambo, khasino kana fhethu ha nyito dza zwa u gembula lu re mulayoni zwa itwa”; na

(b) u bviswa ha thalutshedzo ya “**vhadivhi vha zwa zwikambi**” ha thalutshedzo I tevelaho:

“vhadivhi vha zwa zwikambi” zwi amba muthu **[zwi sa kateli vhoramilayo vho tendelwaho]** vho redzhisitariwaho hu tshi tevhedzwa khethekanyo 29 uri vha **[thuse]** u shuma vho imela vhahumbeli nga ha matshimbidzelwe a khumbelo dza laisentsi dza zwikambi”.

## 2. U dzheniswa ha khethekanyo 10A

Khethekanyo i tevhelaho yo dzheniswa kha Mulayo Muhulwane nga murahu ha khethekanyo 10:

### **“10A. U fhaladzwa ha Bodo**

Murado wa Khorotshitumbe, nga murahu ha u nea tshifhinga Bodo uri i thetsheleswe, a nga fhaladza Bodo –

- (a) nga nthani ha mashumele a si avhudi; kana
- (b) muhumbulo u pfalaho nahone u sa dzhiyi sia”.

## 3. Khwiniso ya khethekanyo 11

Khethekanyo 11 ya Mulayo Muhulwane afha i khou khwiniswa nga u imelwa ha khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

### “(2) Bodo i nga –

- (a) tendela kana ya hanela khumbelo yo tanganedzwaho hu tshi tevhedzwa khethekanyo 26;
- (b) ta nyimele dzi shumiswaho kha zwigwada zwa laisentsi dzo sumbedziswaho kha khethekanyo 24;
- (c) khwinisa kana ya fhelisa laisentsi ya zwikambi;

- (d) imisa laisentsi dza halwa lwa tshifhinga tshi so ngo bulwaho kana lwa tshenetsho tshifhinga sa zwine ya nga ta;
- (e) vhea nyimele kha laisentsi dza halwa;
- (f) ita uri hu vhe na vhupfiwa ha vhathu malugana na laisentsi dza halwa;
- (g) pfukhisela phanda khumbelo ya laisentsi ya halwa hu u itela u wana zwidodombedzwa u bva kha muhumbeli wa laisentsi kana u itela tsedzuluso kana tsenguluso malugana na khumbelo;
- (h) nea manwe maanda na mishumo kha Vhulaedzwa ha Halwa Hapo; nahone;
- (i) shumisa maanda kana mushumo munwe na munwe o hweswaho kha Bodo nga Murado wa Khorotshitumbe”.

#### **4. U shandukiswa ha khethekanyo 25**

Khethekanyo i tevhelaho afha i khou shandukiswa u itela khethekanyo 25 ya Mulayo Muhulwane.

##### **Zwigwada zwa laisentsi**

Muthu a nga ita khumbelo ya laisentsi ya u rengisa halwa malugana na zwigwada zwi tevhelaho:

- (a) thengiso ya halwa vhu nwelwaho nnda ha hune ha rengiswa hone, hune mushumo muhulwane wa bindu wa vha –
  - (i) vhengele la u rengisa halwa;
  - (ii) gurosara; kana
  - (iii) bulasi ya waini;
- (b) thengiso ya halwa vhu nwelwaho heneffo vhu rengiswaho hone, hune mushumo muhulwane wa bindu wa vha –
  - (i) u netshedzwa ha vhudzulo;

- (ii) u netshedzwa ha zwiliwa;
  - (iii) nndu ya waini;
  - (iv) fhethu ha u mvumvusa; **kana**
  - (v) kilabuni, na
- (c) **thengiso ya halwa hune ha nwelwa na u sa nwelwa heneffo hune hafhu halwa ha rengiswa ho sedzwa nyimele dza sipeshala dzo tiwaho nga Bodo**
- (d) u tombiwa ha halwa vhutuku.”.

## 5. Khwiniso ya khethekanyo 27

Khethekanyo 27 ya Mulayo muhulwane afha i khou khwiniswa nga u imelwa ha khethekanyothukhu (1) ya khethekanyothukhu i tevhelaho:

“U fheliswa

- (1) A hu na muthu ane a do newa laisentsi hu tshi tevhedzwa uyu Mulayo, arali onoyo muthu –
- (a) e muthu mutuku;
  - (b) a tshi dzhiwa a so ngo fhelela u ya nga khothe yo teaho;
  - (c) e na tshikolo tshine a nga si fhedze u tshi badela;
  - (d) e mutombi wa halwa kana zhendedzi la u bveledza halwa, li tombaho halwa lu fhirisaho tshikolo tsho tendelwaho hu tshi tevhedzwa Mulayo wa Halwa, 2003 (Mulayo No. 59 wa 2003);
  - (e) o vha e mune wa laisentsi yo imiswaho hu tshi tevhedzwa mbetshelo dza uyu Mulayo, Mulayo wa Halwa, 2003 (Mulayo No. 59 wa 2003) kana

Mulayo u langaho zwa laisentsi dza halwa kha vundu linwe na linwe,

vhukati ha minwedzi ya 12 phanda ha musi hu tshi itwa khumbelo;

(f) a vha, kha minwaha mitanu phanda ha ita khumbelo, o farelwa vhukhakhi  
hu tshi tevhedzwa uyu Mulayo, Mulayo wa Halwa, 2003 (Mulayo No. 59  
wa 2003) kana Mulayo u langaho laisentsi dza halwa kha vundu linwe na  
linwe; kana

(g) o vhuya a vha na vhukhakhi ha vhugevhenga vhu katedalo u sa  
fulufhedzea; kana

(h) e mufarisi kana munna/ mufumakadzi wa tshothe wa muthu o bulwaho  
kha phara (e) kana (f). “.

## 6. Khwiniso ya khethekanyo 28

Khethekanyo 28 ya Mulayo muhulwane afha i khou khwiniswa nga —

(a) u imelwa ha khethekanyothukhu (1) ya mulayo wa khethekanyothukhu:

**“Matshimbidzelwe a khumbelo ya laisentsi ya halwa**

(1) Khumbelo inwe na inwe ya laisentsi ya halwa i tea u itwa na Vhulaedzwa  
ha zwa Halwa Hapo kha fomo yo tou randelwaho nahone i tea u  
fheletshedzwa nga —

(a) manwalo o randelwaho;

(b) thuthuwedzo yo dodombedzwaho yo tou nwalwaho hu u itela  
thikhedzo ya laisentsi yo itwaho;

(c) vhutanzi ha u tikedza uri khumbelo yo—

(i) andadzwa kha inwe ya bammbiri dza vhupo ha masipala  
wa heneffo hune tshifhato tsha vha hone; nahone

(ii) yo netshedzwa murado wa minwaha i fhiraho 16, wa tshigwada tshinwe na tshinwe tsha muta kana tshifhato tsha bindu kha tshikhala tsho randelwaho u bva hune halwa ha do rengiselwa hone; nahone

(d) khwathisedzo ya mbadelo yo randelwaho ya tshelede ya khumbelo”.

(b) u imelwa ha khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:

“(2) Vhulaedzwa ha Halwa Hapo vhu tea uri **[vhukati ha maduvha a 21 a u tanganedza khumbelo ya laisentsi ya halwa hu tshi tevhedzwa khethekanyothukhu (1) –**

(a) vhu sedzulusise khumbelo ya thevhedzelo ya thodea ya khethekanyothukhu (1);

(b) vhu nee vhathu tshifhinga tsha u –

(i) tola kana u wana kopi ya khumbelo; na

(ii) hanedza malugana khumbelo;

(c) musi vhu tshi fushea zwauri khumbelo yo tevhedzela thodea dza khethekanyothukhu (1), vhu netshedze khumbelo kha Bodo, vhukati ha tshifhinga tsho randelwaho na nga ndila yo tendelwaho, kathihi na [–

(i) **themendelo dza Vhulaedzwa ha Halwa Hapo; na**

(ii)] khanedzo inwe na inwe kana vhuimeleli ho tanganedzwaho **[u bva kha vhathu, u ya kha Bodo] .”;**

(d) u imelwa ha khethekanyothukhu (3) ya khethekanyothukhu i tevhelaho:

"(3) Hune khumbelo ya si tevhedzele thodea dza khethekanyothukhu (1), Vhulaedzwa ha Halwa Hapo vhu tea u humisela, nga ndila yo ranelwaho, kha muhumbeli, i tshi sumbedzisa muhumbeli uri a dadzise kana a khakhulule khumbelo yo khakheaho **[vhukati ha maduvha a 14 u bva nga datumu ya u humisela murahu].**";

(e) u imelwa ha khethekanyothukhu (5) ya khethekanyothukhu i tevhelaho:

"(5) Musi Bodo i tshi tanganedza khumbelo u bva kha Vhulaedzwa ha Halwa Hapo, Bodo i tea, uri hu tshi tevhelwa mbetshelo dza iyi khethekanyo, **[vhukati ha maduvha a 30 ]** i sedzuluse khumbelo nahone khanedzo dzo tanganedzwaho **[na themendelo dza Vhulaedza ha Halwa Hapo]** dzi nga –

(a) tendelwa hu si na nyimele;

(b) tendelwa hu na nyimele;

(c) hanelwa; kana

(d) pfukhiselwa phanda u itela vhunwe vhutanzi ha khumbelo ya laisentsi ya halwa."

(f) u imelwa ha khethekanyo (7) ya khethekanyothukhu i tevhelaho:

"(7) Hune Bodo ya vha na muhumbulo wa uri khumbelo a yo ngo tevhedzela mbetshelo dza uyu Mulayo, Bodo **[i tea u humisa khumbelo ya laisentsi, nahone Bodo] i tea u divhadza muhumbeli nga ha muhumbulo wayo nga u tou nwala [ –**

(a) nga ha tsheo dze Bodo ya dzhia; na

- (b) **uri hu tevhedzelwe mbetshelo dza uyu Mulayo vhukati ha maduvha a 20 a u tanganedzwa ha iyo ndivhadzo.]**; nahone
- (g) u imelwa ha khethekanyothukhu (8) ya khethekanyothukhu dzi tevheaho:
- “(8) Hune muhumbeli a vha o divhadzwa hu tshi tevhedzwa khethekanyothukhu (7)—
- (a) a vha o tevhedzela thodea dzo sumbedziswaho kha ndivhadzo, Bodo i nga sedzulusa khumbelo; kana
- (b) a vha a so ngo tevhedzela thodea dzo sumbedziswaho kha ndivhadzo, Bodo i tea u hanedzana na khumbelo na u divhadza muhumbeli heneffo nga u tou nwala.”.
- d) u imelwa ha khethekanyothukhu (3) ya khethekanyothukhu i tevhelaho:
- “(3) Hune khumbelo ya sa swikelele thodea dza khethekanyothukhu (1), Vhulaedzwa ha Zwikambi Zwapo vhu tea u pfukisela khumbelo iyo kha muti wayo nga ndila yo tetshelwa ya kuitele kwa khumbelo, hu na u divhadza muti wa khumbelo uri a dzhenise minwe mihibulo ya u khwathisedza khumbelo kana a dzudzanye zwi songo dzulaho zwavhudi kha khumbelo **[kha maduvha a 14 u bva tshe khumbelo ya pfukiswa].**”;
- (e) u imelwa ha khethekanyothukhu (5) ya khethekanyothukhu i tevhelaho:
- “(5) Nga murahu ha u tanganedza khumbelo u bva kha Vhulaedzwa ha Zwikambi Zwapo, Bodo i tea, u dibadekanya na mbetshelo dza khethekanyo iyi, **[hu saathu fhira maduvha a 30]** u sedzulusa khumbelo **[,] na u hanedza ho tanganedzwaho [na themendelo dza Vhulaedzwa ha Zwikambi Zwapo]** nahone vhu nga –

- (a) themendeloa hu si na manwe;
- (b) themendela hu na manwe; [or]
- (c) hana [,] ; kana
- (d) fhirisela phanda u itela vhunwe vhutanzi,  
khumbelo ya laisentsi ya zwikambi.”;
- (f) u imelwa ha khethekanyothukhu (7) ya khethekanyothukhu i tevhelaho  
“(7) Hune Bodo ya vha na kuhumbulele kwauri khumbelo a yo ngo tevhedza  
mbetshelo dza Mulayo uyu, Bodo **[i tea u hana khumbelo ya laisentsi, nahone  
Bodo]** i tea u divhadza muti wa khumbelo mihumbulo yayo nga u tou nwala. [–  
(a) **nga ha mihumbulo ya u dzhia tsheo ha Bodo; nahone**  
(b) **u tevhedza mbetshelo dza Mulayo uyu hu saathu fhela maduvha a 20  
nga murahu ha u wana ndivhadzo.]**; na
- (g) u imelwa ha khethekanyothukhu (8) ya khethekanyothukhu i tevhelaho  
“(8) Hune muti wa khumbelo a vha o divhadzwa hu tshi tevhelwa  
khethekanyothukhu (7)–  
(a) a tevhedza thodea sa dzo vhewaho kha ndivhadzo, Bodo i nga  
**[dovha u sedzulusa]** sedzulusa khumbelo; kana  
(b) a sa tevhedze thodea sa dzo vhewaho kha ndivhadzo, Bodo i tea  
u hana khumbelo nahone ya divhadza muti wa khumbelo yo  
bulwaho nga u tou nwala.”.

## 7. Khwiniso ya khethekanyo 29

Afha Khethekanyo 29 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyothukhu (4) ya khethekanyo dzi tevhelaho:

"(4) Ndi uyo fhedzi ane o **[nwaliswa]** sa muvhudzisa kha zwa zwikambi kana ramilayo kana axennde o tendelwaho ane a nga **[thusa]** u ima vhuimoni ha multi wa khumbelo [vhathu vha re na] ya khumbelo ya laisensi ya zwikambi hu tshi tevhelwa khethekanyo 28.

#### 8. Khwiniso ya khethekanyo 38

Afha Khethekanyo 38 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyothukhu (3) ya khethekanyo dici tevhelaho:

"(3) Bodo i tea uri, nga murahu ha musi yo tanganedza ndivhadzo hu tshi tevhelwa khethekanyothukhu (2), —

- (a) u khantsela ha laisensi kana phemithi kana u tendela u pfukiselwa ha laisensi ya muthu kana phemithi kha mulanguli o teaho, sa zwe sumbedzwaho kha khethekanyo 39, sa zwine zwa vha zwone, zwe thomaho u shuma u bva duvha lo buletshedzwaho kha ndivhadzo; na
- (b) divhadza muthu na mulanguli o teaho, nga u tou nwala duvha le ha vha na u khantsela kana u pfukisela kha mulanguli zwa itwa ngalo kha ridzhisitara.”.

#### 9. Khwiniso ya khethekanyo 41

Afha Khethekanyo 41 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyothukhu (2) ya khethekanyo dici tevhelaho:

"(2) Bodo i tea u [, nga fhasi ha tshifhinga tsho tetshelwaho, tsha maduvha a 21  
nga murahu ha u tanganedza khumbelo kha khethekanyothukhu (1),]  
sedzulusa khumbelo hu tshi tevhelwa khethekanyothukhu(1) nahone i nga—

- (a) tendela hu si na mawe;
- (b) tendela hu na manwe; **[kana]**
- (c) hana<sup>[.]</sup>; kana

**Khumbelo ya u engedza kana u shandukisa vhukuma ha mune wa laisentsi.]**

(d) fhirisela phanda khumbelo u itela u zwinwe zwidodombedzwa u bva kha muii wa khumbelo kana u ita tsedzulosu kana u vhudzisa zwi tshi kwama khumbelo.

**10. Khwiniso ya khethekanyo 43**

Afha Khethekanyo 43 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyothukhu (2) ya khethekanyo dici tevhelaho:

"(2) Bodo i tea u [, nga fhasi ha tshifhinga tsho tetshelwaho, tsha maduvha a 21 nga murahu ha u tanganedza khumbelo,] sedzulusa khumbelo inwe na inwe hu u itela u pfulusa zwifhato zwi re na laisentsi nahone l nga, zwi tshi ya nga khethekanyothukhu (4) –

- (a) tendela hu si na manwe;
- (b) tendela hu na manwe; **[kana]**
- (c) hana [,] ; **kana**
- (d) fhirisela phanda khumbelo u itela u zwinwe zwidodombedzwa u bva kha muii wa khumbelo kana u ita tsedzulosu kana u vhudzisa zwi tshi kwama khumbelo ya u pfulusa zwifhato zwi re na laisentsi".

**11. Khwiniso ya khethekanyo 46**

Afha Khethekanyo 46 ya Mulayo muhulwane i khou khwiniswa nga u imelwa nga khethekanyo 46 kha khethekanyo dici tevhelaho:

**"Thengiso ya zwikambi**

Mune wa laisentsi yo bviswaho hu tshi tevhelwa khethekanyo 25 (a) [- (c)] kana\_(b) a nga si rengisele zwikambi kha mamaga kana holosela.

## 12. Khwiniso ya khethekanyo 61

Afha Khethekanyo 61 ya Mulayo muhulwane i khou khwiniswa nga u imelwa u itela uri –

- (a) pharagirafuthukhu (1)(f) ya pharagirafu-thukhu i tevhelaho:  
“Iwa mazwifhi a diimelela ene mune kana munwe muthu sa a re na minwaha i fhiraho ya 18 hu u itela u fhura mune wa laisentsi, mune wa phemithi kana [dzhendedzi] mulanguli kana mushumi wa mune wa laisentsi [,] kana mune wa phemithi, kha u rengisela kana u netshedza zwikambi kana halwa ha sialala ha Tshirema kha muthu onoyo”;
- (b) pharagirafuthukhu (1)(g) ya pharagirafu-thukhu i tevhelaho:  
“u netshedza zwikambi kana halwa ha sialala ha Tshirema kha muthu sa –  
(i) u badela muholo;  
(ii) malamba;  
(iii) thuthuwedzo kha mushumo; kana  
(iv) nyengedzedzo ya mushumo,  
U vha o ita mulandu nahone u tea u vha na vhudifhinduleli ha ndatiso kana u dzula dzhele kana vhuvhili hazwo zwa ndatiso na u dzula dzhele.”;nahone
- (c) khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:  
“(2) Muthu ane a –  
(a) vha nga fhasi ha minwaha ya 18; kana  
(b) vha o dihwala  
Nahone a renga zwikambi kana halwa ha sialala ha Tshirema u bva kha mune wa laisentsi kana phemithi, u vha o ita mulandu nahone u tea u vha na vhudifhinduleli ha ndatiso kana u dzula dzhele kana vhuvhili hazwo zwa ndatiso na u dzula dzhele.”.

**13. U dzeniswa ha khethekanyo 71**

Afha Khethekanyo 71 ya Mulayo muhulwane l khou khwiniswa nga u dzeniswa nga murahu ha khethekanyothukhu (3) ya khethekanyothukhu dici tevhelaho:

"(4) Vhane vha laisentsi vhane vha kha di tshila vhane zwifhato zwavho zwo dzula ngomu ha fhethu ho tetshelwaho hu re tsini na —

(a) tshikolo;

(b) fhethu ha u rabela;

(c) zwishumiswa zwa vhuendi ha nnyi na nnyi;

(d) tshifhato tshine tshitshavha tsha vha na u swikelela tshumelo ya nnyi na nnyi;

(e) tshifhato tshi shumiswaho nga vhashumi vha muvhuso; kana

(f) hu shelwaho petirolo,

Ndi vhane kha minwaha mivhili u bva duvha le Mulayo uyu wa thoma u shuma, vha tea u pfulusa zwifhato zwavho.

(5) Hune mune wa laisentsi a balelwa u tevhedza mbetshelwa dza khethekanyothukhu (4), laisentsi yawe i a fhelewa nga mushumo.

(6) Ndivhadzo yo netshedzwaho mune wa laisentsi hu tshi tevhelwa mbetshelo dza Mulayo wa Zwikambi, 1989, dici dzhiwi sa ndivhadzo dzo netshedzwaho hu tshi tevhelwa mbetshelo inwe na inwe i vhambedzeaho nayo ya Mulayo uyu, u bva nga duvha le ndivhadzo iyo ya netshedzwa nga fhasi ha Mulayo wo fhiraho.

- (7) Ndaela yo netshedzwa nga Bodo hu tshi tevhelwa mbetshelo inwe na inwe ya Mulayo wa Zwikambi, 1989 we wa vha u tshi khou shuma khathihi na zwenezwo u saathu u thoma u shuma u do isa phanda na u shuma zwi tshi ya nga mbetshelo dza Mulayo uyu.
- (8) Mulayo wa u thusedza wo bviswaho hu tshi tevhelwa Mulayo wa Zwikambi, 1989 u do isa phanda na u shuma u nga fhasi ha mbetshelo dza Mulayo uyu, u swika u tshi phumulwa.
- (9) Thanziela yo bviselwaho tshipikitere hu tshi tevhelwa Mulayo wa Zwikambi, 1989 khathihi zwenezwo hu saathu swika duvha layo la u thoma u shuma, i do isa phanda na u dzhiiwa say a vhukuma u fana na musi thanziela yo vha yo bvisa hu tshi tevhelwa Mulayo uyu, u swika i tshi fhelelwa nga mushumo kana ya khantselwa nga Bodo.
- (10) Musi Mulayo uyu u saathu thoma u shuma, Murado wa Bodo u do isa phanda na u vha murado wa Bodo, o fara honoho vhuimo huthihi u swika theme yawe iyo ye a tiwa khayo i tshi fhela hu tshi tevhelwa Mulayo wo fhiraho”.

**14. Dzina lipfufhi na u thoma u shuma**

- (1) Mulayo uyu ndi Mulayo wa Khwiniso ya Zwikambi wa Limpopo, 2013 nahone u do thoma u shuma nga duvha lo dzudzanywaho nga Mulangavundu nga mulevho kha gazete.
- (2) Datumu dzo fhambanaho dzi do dzudzanya u ya nga khethekanyo dzo fhambanaho dza Mulayo uyu.

**NDIVHADZO NYANGAREDZI**

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**NDIVHADZO ...83... YA 2013****MUHASHO WA MVELEDZISO YA IKONOMI, MUPO NA VHUENDELAMASHANGO WA LIMPOPO****MULAYOTIBE WA KHWINISO YA ZWIKAMBI WA LIMPOPO, 2013**

Hu tshi tevhelwa Mulayo 110 wa Milayo ya Tshothe na Ndaela dza Vhusimamilayo ha Vundu la Limpopo, afha Mulayotibe wa Khwiniso ya Zwikambi wa Limpopo, 2013 u khou kunguwedzwa u itela uri vhathu vha bvise mihumbulo.

Muthu kana dzangano linwe na linwe li tamaho u bvisa mihumbulo kha linwalo lo bulwaho afho li nga ita nga u tou nwala, hu saathu fhira ..... 2013, kha:

The Head of Department  
**Department of Economic Development,  
Environment and Tourism  
Private Bag X9484**

**POLOKWANE  
0700**

**FOR ATTENTION: Mr Deon Pelser  
Tel: (015) 295 5740 /0836259992  
pelserDP@ledet.gov.za**

**MEMORANDUMU YA SWIKONGOMELO SWA NAWUMBISI WO HUNDZULUXA SWA  
MABYALWA WA LIMPOPO, 2013**

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**1. SWIKONGOMELO SWA NAWUMBISI**

Xikongomelo xa Nawumbisi i ku hundzuluxa Nawu wa swa Mabyalwa wa Limpopo, 2009.

**2. MATIMU**

Nawu wa swa Mabyalwa wa Limpopo, 2009 (Nawu) wu pasisiwile hi Mfumo wa Milawu wa Limpopo naswona wu sayiniwile hi Holobyenkulu hi 2009. Nawu hambi swiritano a wu nga si tirha. Xiyenge xa 2(2) xa Xedulu ya 1 ya Nawu wa swa Mabyalwa wa Rixaka, 2003 (Nawu wa No. 59 wa 2003), xi nyika makungu leswaku Xirho xa Huvonkulu xi nga ti hlanganisa na Holobye wa Ndzwulo wa Nxaviso na Mabindzu (Dti) loko nawu wu nga se tivisiwa. Loko Xirho xa Huvonkulu xi nga si ti hlanganisa xa Holobye wa Dti, Huvonkulu yi teka xiboho xa ku hundzuluxa Nawu ku endlela leswaku miako yin'wani yo xavisela byalwa eka xifundzankulu yi rhurhiswa yi nga vi ekusuhi na swikolo, tindhawu to khongela eka ton, laha ku nga ni swo tleketla swa mani na mani, miako leyi vanhu va kotaka ku kuma vukorhokeri, miako leyi yi nga ni vatirhela mfumo, yi yisiwa eka tindhawu leti hlawuriweke. Ndzwulo yi boha leswaku timhaka tin'wani ti hundzuluxiwa Nawu wu nga sis ungula ku tirha. Kwalaho Nawumbisi wo Hundzuluxa wa swa Mabyalwa wa Limpopo, 2013 wu tumbuluxiwile leswaku ku hundzuluxiwa Nawu wa swa Mabyalwa wa Limpopo, 2009.

**3. KU KHUMBA VUMBIWA**

Nawumbisi wu mpampfarhutiwile hi lu landza Vumbiwa.

**4. KU KHUMBA NHLANGANO**

Ku ta laveka vatrhi vo engetela ku leswaku nawu wu ta sungula ku tirha.

**5. KU KHUMBA SWA TIMALI**

Nawumbisi wu ta khumba swa timali hi ku gazeta na ku hangalasa.

**6. NHLELO WA XIVULWANA HI XIVULWANA**

Nhlelo wa xivulwana hi xivulwana xa Nawumbisi:

- 6.1 Xivulwana xa 1 xi hundzuluxa xiyenge xa 1 xa Nawu xi nyika makungu ya nhlamuselo yintshwa ya "vutitsakisi" na khonsalitente ya swa mabyalwa".
- 6.2 Xivulwana xa 2 xi nghenisa xiyenge xintshwa xa 10A eka Nawu na ku nyika matimba eka Xirho xa Huvonkulu ku herisa Bodo.
- 6.3 Xivulwana xa 3 xi hundzuluxa xiyenge xa 11 xa Nawu na ku nyika makungu eka Bodo na matimba ya ku yisa emahlweni xikombelo xa ku kuma swilaveko swin'wan kumbe ku endla vulavisisi.
- 6.4 Xivulwana xa 4 xi hundzuluxa xiyenge xa 25 xa Nawu na ku hundzuluxa swiyenge swa tilaisense.
- 6.5 Xivulwana xa 5 xi hundzuluxa xiyenge xa 27 xa Nawu na ku nyika makungu ya ku nga pfumeleli vanhu van'wani ku va vakhomi va layisense.
- 6.6 Xivulwana xa 6 xi hundzuluxa xiyenge xa 28 xa Nawu na ku hundzuluxa xikombelo xa endlelo xa layisense ya byalwa.
- 6.7 Xivulwana xa 7 xi hundzuluxa xiyenge xa 29 Nawu na ku nyika makungu ya vukorhokeri bya muhlanganyeti wa swa mabyalwa ku tirha hi ku hi ku yimela muendli wa xikombelo xa layisense ya byalwa.

- 6.8 Xivulwana xa 8 xi hundzuluxa xiyenge xa 38 xa Nawu na ku nyika makungu eka ku herisa kumbe ku transifera layisense.
- 6.9 Xivulwana xa 9 xi hundzuluxa xiyenge xa 41 Nawu nyika makungu eka Bodo ni nkarhi wa ku hundzisela emahlweni xikombelo xa layisense, ku kuma swilaveko swin'wani kumbe ku endla vulavisisi kumbe ku vutisa swivutiso.
- 6.10 Xivulwana xa 10 xi hundzuluxa xiyenge xa 43 xa Nawu na ku nyika makungu eka Bodo ya ku nyika mpfumelela wa ku yisa emahlweni xikombelo xa layisense ya ku kuma swilaveko swin'wani kumbe ku endla vulavisisi kumbe ku vutisa swivutiso.
- 6.11 Xivulwana xa 11 xi hundzuluxa xiyenge xa 46 xa Nawu na ku nyika makungu eka mihudzuluxo yin'wani ya xithekiniki.
- 6.12 Xivulwana xa 12 xi hundzuluxa xiyenge xa 61 xa Nawu na ku nyika makungu eka minkariso yin'wani mayelana ni byalwa bya Xintu.
- 6.13 Xivulwana xa 13 xi hundzuluxa xiyenge xa 71 xa Nawu na ku nyika makungu eka ku rhurha ka vakhomi va layisense van'wani ku nga si hela malembe ya mbirhi na timhaka tin'wani leti yelanaka na swona.
- 6.14 Xivulwana xa 14 i nhlokomhaka ya Nawumbisi hi ku komisa.

## 7. MINHLANGANO LEYI KU TI HLANGANISIWEKE NA WONAN

Ku tihlanganisiwile ni Vatsundzuxi va Xinawu va Mfumo eka Hofisi ya Holobyenkulu na vahoxa xandla eka bindzu ra Byalwa.

P KEKANA

XIRHO XA HUVONKULU

NDZAWULO YA NHLUVUKISO WA IKHONOMI, MBANGU NA VUMPFHUMBA

**IMEMORANDAMU YEMINQOPHO YOMTHETHOMLINGWA WAMATJHUGULUKO  
WOTJWALA BESIKHUWA ELIMPOPO, KA-2013**

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**1. UMNQOPHO WOMTHETHOMLINGWA**

Umnqopho womThethomlingwa kutjhugulula umThetho woTjwala besiKhuwa eLimpopo, ka-2009.

**2. ISENDLALELO**

UmThetho woTjwala besiKhuwa eLimpopo, ka-2009 (umThetho) waphasiswa siBethamthetho sePhrovinsi yeLimpopo begodu wavunywa nguNdunakulu ngomnyaka ka-2009. Kodwana umThetho lo azange usetjenziswe. Isigaba 2(2) seTjhejuli 1 yomThetho woTjwala besiKhuwa weNarha, ka-2003 (umThetho Nomboro 59 ka-2003), senza isibonelelo sokobana uSomkhandlu kufuze abonisane noNgqongqotjhe wezokuRhwebelana namaBubulo (Dti) ngaphambi kobana kumenyezelwe imithetho ejanyisiweko yephrovinsi. Ngaphambi kobana uSomkhandlu abonisane noNgqongqotjhe we-Dti, umKhandlu oPhetheko wathatha isiquonto sokutjhugulula umThetho ukwenzela bonyana kwensiwe isibonelelo sokofuduswa kwezinye iintolo ezithengisa utjwala besikuwa ephrovinsini eziseduze khulu neenkolo, neendawo zokulotjha, neensemtjenziswa zeenthuthi zomphakathi, nemakhiwo lapho umphakathi ufumana khona iisetjenziswa zomphakathi, nemakhiwo ehlala iinsebenzi zombuso kanye nesitetjhi esithengisa iimbaseli, zifuduselwe eendaweni ezikhonjiweko. UmNyango uqunte bonyana ezinye iindaba kufanele zitjhugululwe ngaphambi kobana umThetho lo ungasetjenziswa. Okulandela lokhu, kukobana umThethomlingwa wamaTjhuguluko woTjwala besiKhuwa eLimpopo, ka-2013 wakhelwa ukutjhugulula umThetho woTjwala besiKhuwa eLimpopo, ka-2009.

**3. UKUBANDAKANYEKA KOMTHETHOSISEKELO**

UmThethomlingwa lo utlanywa ngokutjheja iinjamiso zomThethosisekelo.

**4. UKUBANDAKANYEKA KWEENHLANGANO**

Kufanele bonyana kungezelelwe iinsebenzi ukwenzela bonyana imithetho ejanyisiweko le ikwazi ukusebenza ngepumelelo.

**5. UKUBANDAKANYEKA KWEEMALI**

UmThethomlingwa lo ubandakanya iimali zokugazeda nokugadangisa.

**6. UKUCOZULULWA KWENDINYANA NGAYINYE**

Ukucozululwa kwendinyana ngayinye yomThethosisekelo:

- 6.1 INDinyana 1 itjhugulula isigaba 1 somThetho lo begodu ibonelela ngehathululo etja "yokuzithabisa" kanye "nombonisani kwezotjwala besikuwa".
- 6.2 INDinyana 2 ifaka isigaba 10A esitjha emThethweni begodu ibonelela ngamandla wakaSomkhandlu wokuphadlhalalisa iBhodi.
- 6.3 INDinyana 3 itjhugulula isigaba 11 somThetho lo begodu inikela iBhodi amandla wokuhlehlisa isibawo ukwenzela bonyana ikwazi ukufumana eminye imininingwana nanyana ukwenza iphenyo.
- 6.4 INDinyana 4 itjhugulula isigaba 25 somThetho lo begodu itjhugulula imikhakha yamalayisense.
- 6.5 INDinyana 5 itjhugulula isigaba 27 somThetho lo begodu ibonelela ngokwenza bonyana abanye abantu bangalungeli ukuba baphathilayisense.
- 6.6 INDinyana 6 itjhugulula isigaba 28 somThetho lo begodu itjhugulula ikambiso yokwenza isibawo selayisense yotjwala besikuwa.

- 6.7 INdinyana 7 itjhugulula isigaba 29 somThetho lo begodu ibonelela ngemisebenzi yombonisani kwezotjwala besikuwa mayelana nokujamela umbawi ekwenzeni isibawo selayisense yotjwala besikuwa.
- 6.8 INdinyana 8 itjhugulula isigaba 38 somThetho lo begodu ibonelela ngokwesulwa nanyana ngokudluliswa kwelayisense.
- 6.9 INdinyana 9 itjhugulula isigaba 41 somThetho lo begodu inikela iBhodi ithuba lokuhlehlisa isibawo selayisense, ukwenzela bonyana ikwazi ukufumana eminye imininingwana nanyana ukwenza iphenyo nanyana ukubuza.
- 6.10 INdinyana 10 itjhugulula isigaba 43 somThetho lo begodu inikela inikela iBhodi ithuba lokuhlehlisa isibawo selayisense, ukwenzela bonyana ikwazi ukufumana eminye imininingwana nanyana ukwenza iphenyo nanyana ukubuza.
- 6.11 INdinyana 11 itjhugulula isigaba 46 somThetho lo begodu ibonelela ngetjhuguluko lobuthekhniki.
- 6.12 INdinyana 12 itjhugulula isigaba 61 somThetho lo begodu ibonelela ngeemvimbela ezithileko mayelana notjwala besintu.
- 6.13 INdinyana 13 itjhugulula isigaba 71 somThetho lo begodu ibonelela ngokufuduswa kwabanye abaphathilaisense ngaphakathi kwesikhathi esiminyaka emibili nangezinye iindaba ezikhambelana nalokho.
- 6.14 INdinyana 14 isihloko esifitjhani somThethomlingwa.

## 7. IINHLANGANO EKUBONISENWE NAZO

Kubonisenwe nabaLuleki bomBuso kwezomThetho abase-Ofisini lakaNdunakulu kanye nabahlanganyeli abasebulweni loTjwala besiKhuwa.

P KEKANA  
USOMKHANDLU  
UMNYANGO WOKUTHUTHUKISWA KWEZOMNOTHO,  
IBHODULUKO NEZAMAVAKATJHO

**ISIBETHAMTHEHO SEPHROVINSI YELIMPOPO**

**UMTHETHOMLINGWA WAMATJHUGULUKO WOTJWALA BESIKHUWA ELIMPOPO,  
KA-2013**

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**Njengombana waziswe**

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**(NGUSOMKHANDLU WOMNYANGO WOKUTHUTHUKISWA KWEZOMNOTHO,  
IBHODULUKO NEZAMAVAKATJHO)**

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**AMAGAMA AJAYELEKILEKO AHLATHULULAKO:**

[ ] Amagama atlolle ngokunzima angeembayaneni ezisikwere atjengisa lokho okutjhiywe ematjhugulukweni womthetho akhona

— Amagama athalelwwe ngomuda ohlangeneko atjengisa lokho okufakwe ematjhugulukweni womthetho akhona

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**UMTHETHOMLINGWA**

Wokutjhugulula umThetho woTjwala besiKhuwa eLimpopo, ka-2009 (umThetho Nomboro 5 ka-2009), ukwenzela bonyana ukwazi ukubonelela iBhodi yoTjwala besiKhuwa ngokuhlehlisa iiimbawo, ukubonelela ngomkhakha ongezelelako welayisense, ukunabisa izinto ezidima abaphathilayisense amalungelo athileko, ukwenza bonyana ikambiso yokwenza iiimbawo zamalayisense wotjwala besikuwa zibe lula khudlwana, ukubonelela ngamalungiselelo angezelelako wamatjhuguluko kanye nokubonelela ngeendaba ezikhambisana nalokho.

**WENZIWA UMTHETHO siBethamthetho sePhrovinsi yeLimpopo ngendlela elandelako:—**

**1. Ukutjhugululwa kwesigaba 1**

Isigaba 1 somThetho woTjwala besiKhuwa eLimpopo, ka-2009 (umThetho Nomboro 5 ka-2009)(ngemva kwalokhu obizwa “ngomThetho oyihloko”) ngalokhu utjhugululwa —

(a) ngokufakwa kwehlathululo elandelako ngemva kwehlathululo ethi “umNyango”:

“ukuzithabisa” kutjhiwo indawo yokuzithabisa ngethiyetha, ngesinema, ngeholo yokudansa, ngesentha yezemidlalo, ngekhasino nanyana ngendawo ekugenjulelwka kiyo ngokusemthethweni”;, begodu

(b) ngokujamiselela ihlathululo “umbonisani kwezotjwala besikuwa” ngehlathululo elandelako:

“umbonisani kwezotjwala besikuwa” kutjhiwo umuntu [, ngaphandle kwegqwetha eligunyaziweko nanyana umkhulumeli] orejistwe ukuya ngokwesigaba 29 ukobana [asize] ajamele ababawi mayelana nekambiso yokwenza isibawo selayisense yotjwala besikuwa.”.

## 2. **Ukufakwa kwesigaba 10A**

Isigaba esilandelako sifakwa emThethweni oyihloko ngemva kwesigaba 10:

### **10A. Ukupheliswa kweBhodi**

USomkhandlu unelungelo lokobana, ngemva kokunikela iBhodi ithuba lokulalelw,  
aphadlhalalise iBhodi ngebang —

- (a) lokungasebenzi ngendlela eyanelisako; nanyana
- (b) leenzathu ezingasolisiko.”.

## 3. **Ukutjhugululwa kwesigaba 11**

Isigaba 11 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelw kwesigatjana (2) ngesigatjana esilandelako:

### **(2) IBhodi inelungelo —**

- (a) lokwamukela nanyana lokungamukeli isibawo esifunyenwe ukuya ngokwesigaba 26;
- (b) lokubeka imibandela ekufuze isetjenjiswe emikhakheni yamalayisense ecatjangwe esiqabeni 24;
- (c) lokutjhugulula nanyana lokwesula ilayisense yotjwala besikuwa;
- (d) lokujamisa ilayisense yotjwala besikuwa isikhathi esingaziwako nanyana isikhathi esinye nesinye engasibeka;
- (e) lokukhambisa ilayisense yotjwala besikuwa nemibandela ethileko;

- (f) lokubamba imihlangano yokulalelw kwamazizo womphakathi mayelana namalayisense wotjwala besikuwa;
- (g) lokuhlehlisa isibawo selayisense yotjwala besikuwa ukwenzela bonyana ikwazi ukufumana eminye imininingwana kumbawi nanyana ukwenza iphenyo nanyana ukubuza mayelana nesibawo;
- (h) lokunikela iBandla leNdawo loTjwala besiKhuwa amandla nemisebenzi ethileko; begodu
- (i) lokwenza/lokusebenzia nanyana ngiwuphi omunye umsebenzi nanyana amandla anikelwe nanyana athweswe iBhodi nguSomkhandlu.”.

#### **4. Ukujanyiselelw kwasigaba 25**

Isigaba esilandelako ngalokhu sijanyiselelw ngesigaba 25 somThetho oyihloko:

“Imikhakha yamalayisense

Umuntu unelungelo lokwenza isibawo sokuthengisa utjwala besikuwa mayelana nomkhakha owodwa nanyana engaphezulu yemikhakha elandelako:

- (a) wokuthengisa utjwala besikuwa bonyana buselelw ngaphandle kwamacabazi walapho kuthengiselwa khona utjwala besikuwa, lapho umsebenzi omkhulu webhizinisi –
  - (i) kusitolo esithengisa utjwala besikuwa;
  - (ii) kumthengisi wemihlobohlobo yokudla; nanyana
  - (iii) kuliplasi lewayini;
- (b) wokuthengisa utjwala besikuwa bonyana buselelw emacabazini lapho kuthengiselwa khona utjwala besikuwa, lapho umsebenzi omkhulu webhizinisi –
  - (i) kukubonelela ngendawo yokuhlala;
  - (ii) kukubonelela ngokudla;
  - (iii) kuyindlu yewayini;

(iv) [ithiyetha] ukuzithabisa; nanyana

(v) itlabhu [,] ; begodu

**[(c) newokuthengisa utjwala besikuwa bonyana buselwelwe emacabazini  
nanyana ngaphandle kwamacabazi walapho kuthengiselwa khona  
utjwala besikuwa ngaphasi kwemibandela ekhethekileko ebekwa  
yiBhodi;]**

**[(d)]c iindlela neensetjenziswa zokukhiqiza utjwala besikuwa.”.**

## 5. **Ukutjhugululwa kwesigaba 27**

Isigaba 27 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (1) ngesigatjana esilandelako:

### **“Ukungakalungeli**

**(1) Akunamuntu ekufanele anikelwe ilayisense ukuya ngokomThetho lo, lokha  
nangabe umuntu loyo –**

**(a) umntwana ngokomthetho;**

**(b) umenyezelwe njengomuntu ongakaphili kuhle enggondweni  
yikhotho egunyaziweko;**

**(c) umumuntu ongakahlengwa obhalelwu kubhadela iinkolodo zakhe;**

**(d) umkhigizi wotjwala besikuwa nanyana umsebenzeli womkhigizi  
wotjwala besikuwa, okhiqiza utjwala besikuwa ngaphezu  
kwesilinganiso esiqintelwe ukuya ngokomThetho woTjwala  
besiKhuwa, ka-2003 (umThetho Nomboro 59 ka-2003);**

**(e) wabe amphathilayisense eyesulwa ukuya ngokweenjamiso  
zomThetho lo, umThetho woTjwala besiKhuwa, ka-2003 (umThetho**

Nomboro 59 ka-2003) nanyana zomThetho olawula amalayisense wotjwala besikuwa kinanyana ngiyiphi enye iphrovinsi, ngaphakathi kwesikhathi esiziinyanga ezili-12 ngaphambi kokufakwa kwasibawo;

- (f) eminyakeni emihlanu ngaphambi kokufaka isibawo sakhe, ukhe wathweswa umlandu ukuya ngokomThetho lo, umThetho woTjwala besiKhuwa, ka-2003 (umThetho Nomboro 59 ka-2003) nanyana ukuya ngokomThetho olawula amalayisense wotjwala besikuwa kinanyana ngiyiphi enye iphrovinsi;
- (g) ukhe wathweswa umlandu obandakanya ukungathembeki; nanyana
- (h) uyindoda/umfazi nanyana umbambisani womuntu ohlathululwe kundima (e) nanyana (f). “.

## 6. Ukutjhugululwa kwesigaba 28

Isigaba 28 somThetho oyihloko ngalokhu sitjhugululwa –

- (a) ngokujanyiselewa kwesigatjana (1) ngesigatjana esilandelako:

**“Ikambiso yokwenza isibawo selayisense yotjwala besikuwa**

- (1) Isibawo selayisense yotjwala besikuwa kufanele bonyana sifakwe eBandleni leNdawo loTjwala besiKhuwa ngokusebenzisa iforomo elijanyisiweko begodu kufanele bonyana siphekelelwe –
  - (a) mitlolo ejanyisiweko;
  - (b) yincwadi esekelako emumethe imininingwana ezeleko esekela isibawo selayisense;
  - (c) bufakazi bokobana isaziso selayisense–
    - (i) sikhutjhwe kwelinye iphephandaba elizombeleza endaweni kamasipala ekutholakala kuye isiza; begodu

(ii) sanikelwa ilunga, elineminyaka yobudala engaphezu kwetjhumi nasithandathu, lomuzi ngamunye nanyana lehlangano yebhizinisi ngaphakathi kweradiyasi ejanyisiweko yesiza ekuzokuthengiselwa kiso utjwala besikuwa; kanye

(d) nobufakazi bokubhadela imbadalo yesibawo ejanyisiweko.”.

(b) ukujanyiselelwa kwasigatjana (2) ngesigatjana esilanelako:

“(2) IBandla leNdawo IoTjwala besiKhuwa kufanele [ngaphakathi kwamalanga ama-21 ngemva kobana lamukele isibawo selayisense yotjwala besikuwa ukuya ngokwesigatjana (1)] –

(a) liqalisise bonyana ingabe isibaweso siyakhambisana neemfuneko zesigatjana (1);

(b) linikele umphakathi ithuba–

(i) lokuhlolola nanyana lokufumana ikhophi yesibawo; kanye

(ii) nokuveza ukungakhambisani kwawo nesibawo;

(c) nangabe liyaneliseka bonyana isibawo sihlangabezana neemfuneko zesigatjana (1), kufanele lethule isibaweso eBhodini, ngaphakathi kwesikhathi esibekiweko begodu efomedeni ejanyisiweko, begodu kufuzwe sikhanjiswe [–

(i) neemphakamiso zeBandla leNdawo IoTjwala besiKhuwa; begodu

(ii)] nanyana ngiziphi iinthintela nanyana iinghonghoyilo ezifunyenwe **[emphakathini, eziya eBhodini]** .”;

(d) ukujanyiselelwa kwasigatjana (3) ngesigatjana esilandelako:

"(3) Lokha nangabe isibawo asihlangabezani neemfuneko zesigatjana (1), iBandla leNdawo loTjwala besiKhuwa kufanele lidlulisele isibaweso ngokusebenzisa ifomede ejanyisiweko kumbawi, lilayele umbawi bonyana angezelele nanyana alungise isibawo sakhe esingakalungi **[ngaphakathi kwamalanga ali-14 ukusukela ngelanga lokudlulisela]**.";

(e) ukujanyiselelwa kwasigatjana (5) ngesigatjana esilandelako:

"(5) Ngemva kokufumana isibawo esivela eBandleni leNdawo loTjwala besiKhuwa, iBhodi kufanele, ngokukhambisana nemibandela yeenjamiso zesigabesi, **[ngaphakathi kwamalanga ama-30]** itjheje isibawo **[.] begodu iinthintela ezifunyenweko [kanye neemphakamiso zeBandla leNdawo loTjwala besiKhuwa]** begodu inelungelo—

- (a) lokwamukela ngaphandle kwemibandela;
- (b) lokwamukela ngemibandela; **[nanyana]**
- (c) lokwala **[.] ; nanyana**
- (d) **lokuhlehlisa bonyana kutholakale elinye ilwazi,**  
Isibawo selayisense yotjwala besikuwa.";

(f) ukujanyiselelwa kwasigatjana (7) ngesigatjana esilandelako:

"(7) Lokha nangabe iBhodi ibona ngasuthi isibawo asikhambisani neenjamiso zomThetho lo, iBhodi **[isale isibawo selayisense, begodu iBhodi]** yazise umbawi **iinzathu ngokomtlolo.** **[—**

- (a) **iinzathu zesiqunto seBhodi; nokobana**

- (b) **kufanele akhambisane neenjamiso zomThetho lo ngaphakathi kwamalanga ama-20 ngemva kokufumana isaziso.]**; begodu
- (g) ngokujamiselela isigatjana (8) ngesigatjana esilandelako:
- “(8) Lokha nangabe umbawi owaziswe ukuya ngokwesigatjana (7)–
- (a) akhambisana neemfuneko njengombana zendlalwe esazisweni, iBhodi inelungelo **[lokutjheja ngobutjha]**  
lokutjheja isibawo; nanyana
- (b) angakhambisani neemfuneko njengombana zendlalwe esazisweni, iBhodi kufanele ingasamukeli isibawo begodu kufanele yazise umbawi waso ngokomtlolo.”.

## 7. **Ukutjhugululwa kwesigaba 29**

Isigaba 29 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwka kwasigatjana (4) ngesigatjana esilandelako:

“(4) Mumuntu **[orejistwe]** njengombonisani kwezotjwala besikuwa nanyana igqwetha eligunyaziweko nanyana umkhulumeli kwaphela onelungelo **[okusiza]** lokujamelu umbawi [abantu nge-] mayelana nesibawo selayisense yotjwala besikuwa ukuya ngokwesigaba 28.

## 8. **Ukutjhugululwa kwesigaba 38**

Isigaba 38 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwka kwasigatjana (3) ngesigatjana esilandelako:

“(3) IBhodi kufanele, ngemva kobana ifumene isaziso ukuya ngokwesigatjana (2), –

(a) yesule ilayisense nanyana iphomede nanyana iqinisekise ukudluliselwa kwelayisense yomuntu nanyana iphomede kumlawuli

ofaneleko, ocatjangwe esigabeni 39, nanyana ngikuphi okungaba liqiniso, ukusukela ngelanga elitlolwe esazisweni; begodu

- (b) yazise umuntu kanye nomlawuli ofaneleko, ngokomtlolo mayelana nelanga ukwesulwa nanyana ukudluliselwa kumlawuli okwenziva ngalo kurejista.”.

**9. Ukutjhugululwa kwesigaba 41**

Isigaba 41 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

- “(2) IBhodi kufanele [, **ngaphakathi kwesikhathi esibekiweko, esimalanga ama-21 ngemva kokufumana isibawo sesigatjana (1),]**] itjheje isibawo ukuya ngokwesigatjana (1) begodu inelungelo—
- (a) lokwamukela ngaphandle kwemibandela;
  - (b) lokwamukela ngemibandela; [**nanyana**]
  - (c) lokwala[,] ; nanyana  
**[isibawo sokungezelela nanyana sokutjhugulula umnqopho omkhulu webhizinisi yomphathilayisense.]**
  - (d) lokuhlehlisa ukutjhejwa kwesibawo ukwenzela bonyana ikwazi ukufumana eminye imininingwana kumbawi nanyana ukwenza iphenyo nanyana ukubuza mayelana nesibawo.”.

**10. Ukutjhugululwa kwesigaba 43**

Isigaba 43 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwesigatjana (2) ngesigatjana esilandelako:

- “(2) IBhodi kufanele [, **ngaphakathi kwesikhathi esibekiweko, esimalanga ama-21 ngemva kokufumana isibawo,**] itjheje isibawo ngasinye sokufuduswa kwesiza esinelayisense begodu inelungelo, ngokukhambisana nemibandela yesigatjana (4) –

- (a) lokwamukela ngaphandle kwemibandela;
- (b) alokwamukela ngemibandela; **[nanyana]**
- (c) lokwala[,] : nanyana
- (d) lokuhlehlisa isibawo ukwenzela bonyana ikwazi ukufumana eminye imininingwana kumbawi nanyana ukwenza iphenyo nanyana ukubuza mayelana

nesibawo sokufuduswa kwesiza esinelayisense.”.

#### **11. Ukutjhugululwa kwasigaba 46**

Isigaba 46 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa kwasigaba 46 ngesigaba esilandelako:

##### **“Ukuthengiswa kotjwala besikuwa**

Umphathilayisense welayisense ekhutjhwe ukuya ngokwesigaba 25 (a) **[- (c)] nanyana** (b) akanalungelo lokuthengisela umkhiqizi nanyana iwoliseyila utjwala besikuwa.

#### **12. Ukutjhugululwa kwasigaba 61**

Isigaba 61 somThetho oyihloko ngalokhu sitjhugululwa ngokujanyiselelwa —

- (a) kwendinyana (1)(f) ngendinyana elandelako:

“ozihlathulula ngokungasiliqiniso nanyana ohlathulula nanyana ngimuphi omunye umuntu njengoneminyaka yobudala engaphezu kweli-18 ukwenzela bonyana akwazi ukukatelela umphathilayisense **umphathiphomede** nanyana **[umsebenzeli]** **umphathi** nanyana isisebenzi somphathilayisense[,] nanyana somphathiphomede, ukobana sithengisele umuntu loyoliquor utjwala besikuwa nanyana utjwala besintu; nanyana”;

- (b) kwendinyana (1)(g) ngendinyana elandelako:

“othengisela umuntu utjwala besikuwa nanyana utjwala besintu —

- (i) njengembadela;
  - (ii) njengomrholo;
  - (iii) njengesilulukezi somsebenzi; nanyana
  - (iv) njengesengezelelo somsebenzi,
- wenza isenzo esiphambene nomthetho begodu nange alahlwa licala uzakukateleka ngokomthetho bonyana akhuphe ihlawulo nanyana avalelw ejele nanyana akhuphe ihlawulo begodu avalelw ejele.”; begodu

- (c) **kwesigatjana (2) ngesigatjana esilandelako:**
- “(2) Umuntu –
- (a) oneminyaka yobudala engaphasi kweminyaka eli-18; nanyana
  - (b) ozithweleko  
begodu othenga utjwala besikuwa nanyana utjwala besintu kumphathilayisense nanyana kumphathiphomed, wenza isenzo esiphambene nomthetho begodu nange alahlwa licala uzakukateleka ngokomthetho bonyana akhuphe ihlawulo nanyana avalelw ejele nanyana akhuphe ihlawulo begodu avalelw ejele.”.

### **13. Ukufakwa kwesigaba 71**

Isigaba 71 somThetho oyihloko ngalokhu sitjhugululwa ngokufakwa ngemva kwesigatjana (3) kweengatjana ezilandelako:

- “(4) Abaphathilayisense abakhona abaneziza eziwela ngaphakathi kwebanga eliseduze khulu kunalelo elibekelwe –
- (a) isikolo;
  - (b) indawo yokulotjha;
  - (c) isisetjenziswa seenthuthi zomphakathi;

- (d) umakhiwo lapho umphakathi ufumana khona iinsetjenziswa zomphakathi;
- (e) umakhiwo ohlala iinsebenzi zombuso; nanyana
- (f) isitetjhi esithengisa iimbaseli,  
kufanele ngaphakathi kwesikhathi esiminyaka emibili ukusukela ngelanga  
ekuthoma ngalo ukusebenza komThetho lo, bafuduse iziza zabo.
- (5) Lokha nangabe umphathilayisense uyabhalelwa kukhambisana neenjamiso zesigatjana (4), ilayisense leyo iphelelwa sikhathi.
- (6) Isaziso esinikelwe umphathilayisense ukuya ngokweenjamiso zomThetho woTjwala besiKhuwa, ka-1989, sithathwa niengesaziso esikhutjhwe ukuya ngananyana ngisiphi isijamiso esimadanisekako somThetho lo, ukusukela ngelanga ekwakhutjhwa ngalo isaziso ngaphasi komThetho wangaphambilini.
- (7) Umyalo okhutjhwa yiBhodi ukuya ngananyana ngisiphi isijamiso somThetho woTjwala besiKhuwa, ka-1989 ebegade usebenza msinyana ngaphambi kwelanga lokuthoma ukusebenza usaragela phambili nokusebenza ngokukhambisana nemibandela yeenjamiso zomThetho lo.
- (8) Imithetho ejanyisiweko ekhonzi~~leko~~ ekhutjhwe ukuya ngokwomThetho woTjwala besiKhuwa, ka-1989 isaragela phambili nokusebenza ngaphasi kweenjamiso ezikhambisanako zomThetho lo, ukufikela lokha nayipheliswako.
- (9) Isitifikedi esikhutjhelwa umhloli ukuya ngokomThetho woTjwala besiKhuwa, ka-1989 msinyana ngaphambi kwelanga lokuthoma ukusebenza, sisaragela

phambili nokusebenza ngokusemthethweni inga isitifikedeso sikhutjhwe ukuya ngokomThetho lo, ukufikela lapho siphelelwa khona sikhathi nanyana sesulwa yiBhodi.

- (10) Ilunga leBhodi ngaphambi kobana umThetho lo uthome ukusebenza, liragela phambili nokuba lilunga leBhodi, liphatha isikhundla ebegade livele lisiphethe ukufikela lapho kuphela khona isikhathi sokuphatha kwalo isikhundla umuntu loyo ebegade akhethelwe sona ukuya ngokomThetho wangaphambilini. ”.

#### **14. Isihloko esifitjhani nokuthoma ukusebenza**

- (1) UmThetho lo mThetho wamaTjhuguluko woTjwala besiKhuwa eLimpopo, ka-2013 begodu uthoma ukusebenza ngelanga elizakubekwa nguNdunakulu ngokwenza isimemezelo egazedeni.
- (2) Kungabekwa amalanga ahlukileko mayelana neengaba ezihlukileko zomThetho lo.
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