



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

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

(Yi rhijistariwile tanihi Nyuziphepha)

(E ngwadisitšwe bjalo ka Kuranta)

(Yo redzhistariwa sa Nyusiphepha)

Vol. 22

Extraordinary

**Ku katsa na Tigazete to
Hlawuleka hinkwato**

26 JUNE 2015

26 JUNIE 2015

26 KHOTAVUXIKA 2015

26 JUNE 2015

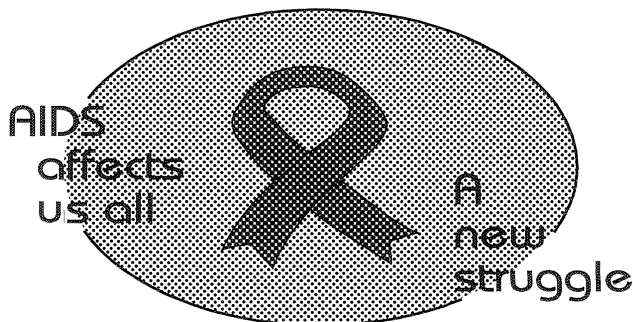
26 FULWI 2015

No. 2536

Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will
not be held responsible for the quality of
"Hard Copies" or "Electronic Files"
submitted for publication purposes*

PART 1 OF 3



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IMPORTANT *Information* from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

- 
1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
 2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
 3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
 4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
 5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
 6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
 7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
 8. All re-submissions by customers will be subject to the above cut-off times.
 9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
 10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



DO use the new Adobe Forms for your notice request.

These new forms can be found on our website:
www.gpwonline.co.za under the Gazette Services page.

DO attach documents separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment)

DO specify your requested publication date.

DO send us the electronic Adobe form. (There is no need to print and scan it).

DON'T submit request as a single PDF containing all other documents, i.e. form, proof of payment & notice content, it will be **FAILED** by our new system.

DON'T print and scan the electronic Adobe form.

DON'T send queries or RFQ's to the submit.egazette mailbox.

DON'T send bad quality documents to GPW. (Check that documents are clear and can be read)

Form Completion Rules

Important!

No.	Rule Description	Explanation/example
1.	All forms must be completed in the chosen language.	GPW does not take responsibility for translation of notice content.
2.	All forms must be completed in sentence case, i.e. No fields should be completed in all uppercase.	e.g. "The company is called XYZ Production Works"
3.	No single line text fields should end with any punctuation, unless the last word is an abbreviation.	e.g. "Pty Ltd.", e.g. Do not end an address field, company name, etc. with a period (.) comma (,) etc.
4.	Multi line fields should not have additional hard returns at the end of lines or the field itself.	This causes unwanted line breaks in the final output, e.g. Do not type as: 43 Bloubokrand Street Putsonderwater 1923 Text should be entered as: 43 Bloubokrand Street, Putsonderwater, 1923
5.	Grid fields (Used for dates, ID Numbers, Telephone No., etc.)	- Date fields are verified against format CCYY-MM-DD - Time fields are verified against format HH:MM - Telephone/Fax Numbers are not verified and allow for any of the following formats limited to 13 characters: including brackets, hyphens, and spaces 0123679089 (012) 3679089 (012)367-9089
6.	Copy/Paste from other documents/text editors into the text blocks on forms.	- Avoid using this option as it carries the original formatting, i.e. font type, size, line spacing, etc. - Do not include company letterheads, logos, headers, footers, etc. in text block fields.



No.	Rule Description	Explanation/example
7.	Rich text fields (fields that allow for text formatting)	• Font type should remain as Arial • Font size should remain unchanged at 9pt • Line spacing should remain at the default of 1.0 • The following formatting is allowed: ○ Bold ○ Italic ○ Underline ○ Superscript ○ Subscript • Do not use tabs and bullets, or repeated spaces in lieu of tabs and indents • Text justification is allowed: ○ Left ○ Right ○ Center ○ Full • Do not use additional hard or soft returns at the end of line/paragraphs. The paragraph breaks are automatically applied by the output software ○ Allow the text to wrap automatically to the next line only use single hard return to indicate the next paragraph ○ Numbered lists are allowed, but no special formatting is applied. It maintains the standard paragraph styling of the gazette, i.e. first line is indented.
	e.g. 1. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. 2. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.	



You can find the **new electronic Adobe Forms** on the website www.gpwonline.co.za under the Gazette Services page.

For any **queries or quotations**, please contact the **eGazette Contact Centre** on 012-748 6200 or email info.egazette@gpw.gov.za

Disclaimer

Government Printing Works does not accept responsibility for notice requests submitted through the discontinued channels as well as for the quality and accuracy of information, or incorrectly captured information and will not amend information supplied.

GPW will not be held responsible for notices not published due to non-compliance and/or late submission.



DISCLAIMER:

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

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PROVINCIAL NOTICE

No. 2

26 June 2015

**LIMPOPO
DEPARTMENT OF ECONOMIC DEVELOPMENT,
ENVIRONMENT AND TOURISM**

LIMPOPO LIQUOR ACT, 2009

Notice is hereby given in terms of section 123 of the Constitution of the Republic of South Africa, 1996 that the Premier has assented to the Limpopo Liquor Act, 2009 (Act No. 5 of 2009), which is hereby published for general information.

LIMPOPO
LIMPOPO LIQUOR ACT, 2009

[A05-2009]

LIMPOPO
LIMPOPO DRANKWET, 2009

[W05-2009]

LIMPOPO
MOLAO WA DINOTAGI
WA LIMPOPO, 2009

[M05-2009]

LIMPOPO
MULAYO WA MAHALWA WA LIMPOPO, 2009

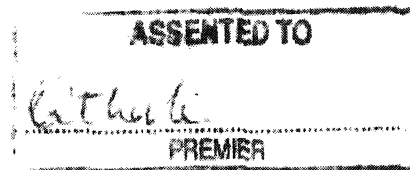
[M05-2009]

LIMPOPO
NAWU WA BYALWA WA LIMPOPO, 2009

[N05-2009]

LIMPOPO
UMTHETHO WOTJWALA WELIMPOPO, 2009

[U 05-2009]

**BILL**

To provide for the establishment of Local Liquor Authority, the Provincial Liquor Board and Appeal Tribunal; to regulate the application for and consideration of licences for the retail sale and micro-manufacturing of liquor; to regulate the application for and consideration of permits for the manufacturing and distribution of traditional African beer; to prohibit the sale of liquor to certain categories of people; to provide for enforcement procedures and matters connected therewith.

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

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2. Objects of Act
3. Application of Act

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1. Definitions

(1) In this Act unless the context indicates otherwise—

"beer" includes—

- (a) ale, cider and stout;
- (b) any other fermented drink, other than traditional African beer —
 - (i) that is manufactured as or sold under the name of beer, ale, cider or stout, when it contains more than one per cent volume of alcohol; or
 - (ii) that is declared to be beer under section 42(2) of the Liquor Act, 2003 (Act No.59 of 2003);

"Board" means the Limpopo Liquor Board established in terms of section 8;

"Chairperson" means the chairperson of the relevant body in the provincial structure;

"Council" means the Provincial Liquor Policy Council established in terms of section 20;

"Department" means the Department responsible for liquor matters in the province;

"licence" means a licence certificate issued in terms of section 31;

"liquor" means any—

- (a) liquor product as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989);
- (b) beer; or
- (c) other substance or drink declared as liquor in terms of section 42(2) of the Liquor Act, 2003 (Act No. 59 of 2003);

"Liquor Act, 1989" means the Liquor Act, 1989 (Act No. 27 of 1989);

"liquor consultant" means a person, excluding an admitted attorney or advocate, who is registered in terms of section 29 to assist applicants with the application procedure of a liquor licence;

“Liquor Products Act” means the Liquor Products Act, 1989 (Act No. 60 of 1989);

“MEC” means the Member of the Executive Council responsible for liquor matters in the province;

“methylated spirits” means—

- (a) spirits denatured in accordance with any law on the denaturing or methylating of spirits; and
- (b) any other denatured, medicated, perfumed or otherwise treated spirits declared as methylated spirits under section 42(2) of the Liquor Act, 2003 (Act No. 59 of 2003);

“micro-manufacture” means to manufacture liquor at or below the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No. 59 of 2003) and micro-manufacturer has a corresponding meaning;

“municipality” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“premises” means the building, land, conveyance or part of the building, land or conveyance licenced by the Board;

“prescribe” means prescribed by regulations;

“provincial structures” means a Local Liquor Authority, Limpopo Liquor Board and the Appeal Tribunal established in Chapter II;

“retail sale” means the sale of liquor for the purpose of consumption;

“sell” includes—

- (a) supply, exchange, offer for sale, display for the purpose of sale; or
- (b) authorise, direct or allow a sale, display, exchange or offer;

“special event permit” means a permit issued in terms of section 26;

“traditional African beer” has the meaning determined by the Liquor Act, 2003

(Act No. 59 of 2003);

“this Act” includes any regulation made or issued in terms of this Act.

2. Objects of Act

The objects of this Act are to regulate the micro-manufacturing and retail sale of liquor and traditional African beer in the province in a manner which will—

- (a) promote sustainable economic growth;
- (b) transform the liquor industry to meet the socio economic realities of the province; and
- (c) facilitate the entry of new participants into the liquor industry.

3. Application of Act

This Act does not apply to—

- (a) an officer as defined in section 1(1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in performing that officer's functions;
- (b) a sheriff, any person acting in terms of an order of court, judge or magistrate, in the performance of their functions;
- (c) the convenor of a bona fide wine-tasting function, with regard to the sale of wine in quantities of less than 200 millilitres to be consumed at that function; or
- (d) a person who sells any spirituous or distilled perfumery or medicated spirit, which perfumery or spirit is not methylated spirits.

CHAPTER 2

PROVINCIAL STRUCTURES

Part I

Local Liquor Authority

4. Establishment of Local Liquor Authority

The MEC may, by notice in the *gazette*, establish local liquor authorities at municipalities in the province.

5. Composition of Local Liquor Authority

A local liquor authority established in terms of section 4 must consist of a –

- (a) representative of the—
 - (i) Department;
 - (ii) municipality, nominated by the Municipal Manager of that municipality;
 - (iii) South African Police Service, nominated by the Provincial Commissioner;
- (b) member of the business community with knowledge and experience relating to the liquor industry; and
- (c) member of the community with knowledge and experience in the field of socio-economic development, social services or traditional affairs.

6. Appointment of members of Local Liquor Authorities

- (1) The Head of Department must invite applications of persons complying with sections 5(b) and 5(c) for appointment through —
 - (a) publishing a notice in two newspapers circulating in the relevant municipal area; and
 - (b) other media determined by the Head of the Department.
- (2) Applicants must, in response to the invite in subsection (1), submit a comprehensive *curriculum vitae* containing [±]
 - (a) certified copies of all qualifications; and

- (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.
- (3) The Head of the Department must subject to section 13, appoint —
 - (a) the representatives of the department, municipality and police contemplated in section 5(a);
 - (b) from the applications received in terms of subsection (2), the members contemplated in sections 5(b) and 5(c).
- (4) The Head of the Department must elect, from amongst the members, a Chairperson and Deputy Chairperson of the Local Liquor Authority.

7. Functions and powers of Local Liquor Authority

A Local Liquor Authority, established in terms of section 4 must—

- (a) consider and issue permits for —
 - (i) micro-manufacturing and sale of traditional African beer, in the prescribed manner; and
 - (ii) sale and consumption of liquor at a special event;
- (b) scrutinise applications for liquor licences received in terms of section 28;
- (c) refer applications, received in terms of section 28, which—
 - (i) do not meet the prescribed requirements of this Act, to the applicant for compliance; or
 - (ii) meet the prescribed requirements of this Act, to the Board for consideration;
- (d) make recommendations to the Board with regard to applications in subparagraph (c)(ii);
- (e) make liquor licence applications accessible to the public;

- (f) submit any objection received with regard to an application for a liquor licence to the Board; and
- (g) perform any other function assigned by the Board or terms of this Act.

Part II

Limpopo Liquor Board

8. Establishment of Limpopo Liquor Board

There is hereby established a juristic person known as the Limpopo Liquor Board.

9. Composition of Board

The Board must consist of –

- (a) a representative of the—
 - (i) Department, nominated by the Head of the Department; and
 - (ii) South African Local Government Association, nominated by the Chief Executive Officer of that Association;
- (b) a member of the business community with knowledge and experience relating to the liquor industry;
- (c) an attorney or advocate with at least five years experience; and
- (d) a member of the community with experience in the field of socio-economic development, social services or traditional affairs.

10. Appointment of members of Board

- (1) The Head of the Department must—
 - (a) submit a list of names of officials nominated in terms of section 9(a) to the MEC for appointment; and

- (b) invite applications of persons complying with sections 9(b),(c) and (d) for appointment —
 - (i) by publishing a notice in two newspapers circulating in the province; and
 - (ii) through other media determined by the Head of the Department.
- (2) Applicants must, in response to the notice in terms of subsection (1)(b), submit a comprehensive *curriculum vitae* containing ☐
 - (a) certified copies of all qualifications; and
 - (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.
- (3) The Head of the Department must make recommendations to the MEC regarding the appointment of members to the Board.
- (4) The MEC must —
 - (a) subject to section 13, appoint the members of the Board from the list of recommendations submitted by the Head of the Department; and
 - (b) elect from amongst the members a Chairperson and Deputy Chairperson of the Board.

11. Functions and powers of Board

- (1) The Board must consider applications for liquor licences.
- (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) assign certain powers and functions to the Local Liquor Authority; and
- (h) exercise any other function or power conferred or imposed on the Board by the MEC.

Part III **Appeal Tribunal**

12. Appeal Tribunal

- (1) There is hereby established an Appeal Tribunal for the province which must consider appeals against decisions made by the Board.
- (2) The Appeal Tribunal must be appointed by the MEC and consist of –
 - (a) two persons who have legal qualifications and at least five years experience; and
 - (b) one person with suitable skills and experience regarding the liquor industry.
- (3) The MEC must–
 - (a) publish, in two newspapers with wide circulation in the province, an invitation calling for applications to the Appeal Tribunal; and
 - (b) consider all applications submitted in response to the invitation and subject to section 13, appoint members to the Appeal Tribunal; and

- (c) elect a Chairperson who must be legally qualified and another member as the Deputy Chairperson.

Part IV

General provisions applicable to provincial structure

13. Eligibility for appointment to provincial structure

No person may be appointed as a member of a provincial structure—

- (a) unless that person is a citizen of the Republic of South Africa;
- (b) if that person –
 - (i) has any direct or indirect interest in the liquor industry which may result in a conflict with that member's professional interest as a member of the provincial structure;
 - (ii) has a family member with a direct interest in the liquor industry, unless the MEC is of the opinion that the family member's interest in the liquor industry does not prevent the person from being appointed as a member;
 - (iii) is an unrehabilitated insolvent;
 - (iv) is a political office bearer;
 - (v) has at any time been removed from an office of trust on account of misconduct; or
 - (vi) has at any time been convicted of an offence involving dishonesty.

14. Term of office

A member of a provincial structure is appointed for a term of three years and may be re-appointed for one additional term.

15. Remuneration and allowances of members

- (1) The MEC must, in consultation with the Member of the Executive Council responsible for finance, determine the remuneration and allowances payable to members of the provincial structure, who are not in the full-time employ of the State.
- (2) Different rates may apply to the bodies of the provincial structure.

16. Meetings of provincial structure

The MEC may prescribe the procedure for meetings of the provincial structure.

17. Disqualification of members

- (1) A member of a provincial structure who at any stage has ☐
 - (a) a direct or indirect interest in a matter before the provincial structure; or
 - (b) an interest in the matter which precludes that person from performing his or her functions as a member of the provincial structure in a fair, unbiased and proper manner,must immediately disclose that interest in writing and may not vote or in any other manner participate in the proceedings of that matter.
- (2) A disclosure by a member in terms of subsection (1) must be recorded in the minutes of the proceedings.
- (3) The MEC may, when of the opinion that it is in the public interest, remove a member from a position on a provincial structure.

18. Funds for Provincial Structures

The funds for provincial structures shall consist of monies –

- (a) appropriated by the Provincial Legislature; and
- (b) which may accrue to the Provincial Structure from any other source.

19. Subpoena and notices

- (1) The Chairperson of the relevant body in the provincial structure may, in the prescribed format, subpoena or notify a person who is or may be affected by or is concerned in the consideration of a particular matter before the relevant provincial structure.
- (2) A person who has received a subpoena or notice in terms of sub-section (1), must personally appear before the provincial structure on the date, time and place set out in the subpoena or notice.
- (3) A person appearing before a provincial structure as contemplated in sub-section (2), may be accompanied by that person's legal representative.
- (4) The Chairperson of the relevant body in the provincial structure may subpoena any person to a meeting of that provincial structure to—
 - (a) give evidence; or
 - (b) produce any document or any other thing which is in that person's possession or custody or under that person's controland which, in the opinion of the Chairperson, relates to a matter to be considered by that provincial structure.

CHAPTER 3

PROVINCIAL LIQUOR POLICY COUNCIL

20. Establishment of Council

There is hereby established a Provincial Liquor Policy Council.

21. Composition of Council

(1) The Council consists of the –

- (a) MEC;
- (b) Member of the Executive Council in the province responsible for –
 - (i) health and social development matters;
 - (ii) education matters;
 - (iii) agriculture;
 - (iv) safety and security;
 - (v) local government matters; and
- (c) Provincial Commissioner of the South African Police Service.

(2) The MEC is the chairperson of the Council and must convene a meeting of the Council at any time, but at least two meetings in each financial year.

(3) The Council may adopt its own rules for the conduct of its meetings.

22. Functions of Council

(1) The Council is a forum for intergovernmental co-operation contemplated in 41(1)(h) of the Constitution of the Republic of South Africa.

(2) The function of the Council is to consult on any regulatory matter concerning the liquor industry and liquor licences in the province.

CHAPTER 4

LICENCING AND PERMITS

23. Mandatory licencing

(1) Subject to subsection (3), no person may —

(a) sell; or

(b) micro-manufacture;

liquor, methylated spirits or traditional African beer, unless that person is licenced or has a permit in terms of this Act, to sell or micro-manufacture liquor, methylated spirits or traditional African beer.

(2) A person who is authorised in terms of subsection (1) to sell or micro-manufacture liquor, methylated spirits or traditional African beer must do so in accordance with the conditions attached to such licence or permit.

(3) A person that micro-manufacture traditional African beer for a function or own consumption and not for the purpose of selling the traditional African beer, is exempted from acquiring a permit in terms of section 24.

24. Traditional African beer

(1) Only a Local Liquor Authority may issue a permit for the manufacturing and sale of traditional African beer.

(2) The MEC must prescribe the application procedure for traditional African beer permits which must provide for a simplified application process and a nominal application fee.

25. 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; or
 - (v) a club,
- (c) sale of liquor for consumption on and off the premises where the liquor is being sold under special conditions determined by the Board; and
- (d) micro-manufacturing of liquor.

26. Special event permit

- (1) An application for a special event permit must be lodged with the Local Liquor Authority on the prescribed form and in the prescribed manner.
- (2) The Local Liquor Authority may, subject to subsection (3), grant a special event permit on the payment of the prescribed special event permit fee;

- (3) The Local Liquor Authority may not, for a longer period than seven consecutive days and for more than a total of 30 days per year, issue a special event permit to an applicant.

27. Disqualification

- (1) No person may be licenced in terms of this Act, if that person is—
- (a) a minor on the date the application for a licence is considered;
 - (b) not a South African citizen;
 - (c) declared to be of unsound mind by a competent court;
 - (d) an unrehabilitated insolvent; or
 - (e) 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).
- (2) A business entity may not be licenced in terms of this Act, if the person who—
- (a) has the controlling interest in the business entity;
 - (b) is a partner in the business entity; or
 - (c) is the main beneficiary in a trust,
- has in terms of subsection (1), been disqualified in terms of this Act.

28. Application procedure for 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) a detailed written motivation in support of the licence application;
 - (b) a detailed sketch plan of the premises showing the dimension of the buildings, rooms, point of service areas, construction material and other prescribed information;

- (c) a detailed written description of the premises to which the application relates, together with colour photographs of the external and internal features of the premises;
 - (d) a letter of consent from the municipality that there is compliance with municipal requirements;
 - (e) 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 adjacent to the premises from where the liquor will be sold;
 - (iii) discussed in the relevant ward committee established in terms of section 73(1) of the Municipal Structures Act, 1998 (Act No. 117 of 1989);
 - (f) proof of payment of the prescribed application fee; and
 - (g) an original valid tax clearance certificate issued by the South African Revenue Services.
- (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, in the prescribed format, together with ³
 - (i) the recommendations of the Local Liquor Authority; and

- (ii) any objections or representations received from the public,
to the Board.
- (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.
- (4) If the applicant fails to comply with sub-section (3), the Local Liquor Authority may decline the application and notify the applicant in writing thereof.
- (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, objections and the recommendations of the Local Liquor Authority and may–
 - (a) approve unconditionally;
 - (b) approve conditionally; or
 - (c) refuse,the application for a liquor licence.
- (6) The Board may approve the application for a liquor licence if –
 - (a) the applicant and premises comply with the provisions of this Act;
 - (b) the applicant is of good character and is fit to be the holder of the licence;
 - (c) it is in the public interest;
 - (d) the premises is not situated within the prescribed proximity of a –
 - (i) school;
 - (ii) place of worship;
 - (iii) public transport facility;
 - (iv) building where the public have access to public services;

- (v) building occupied by government employees; or
 - (vi) filling station; and
 - (e) the licence will be sustainable.
- (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 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.
- (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 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.

29. Requirements for liquor consultant

- (1) A liquor consultant must, in the prescribed format, apply to the Board to be a registered liquor consultant.
- (2) The Board may register a liquor consultant –
 - (a) after the consultant successfully completed training prescribed for liquor consultants; and
 - (b) on such terms and conditions as the Board may determine.
- (3) The Board must, upon payment of the prescribed registration fee, issue a certificate of registration to a liquor consultant.

- (4) Only a person who is a registered liquor consultant may assist persons with the application of a liquor licence in terms of section 28.

30. Death or incapacity of applicant

- (1) Where an applicant, on or before the date on which the application is considered—

- (a) dies;
 - (b) becomes insolvent;
 - (c) is placed under judicial management; or
 - (d) is declared incapable of handling his or her own affairs by a court of law;
- the relevant administrator of the deceased or insolvent estate, judicial manager or curator or, if such an administrator, judicial manager or curator, has not been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorised thereto by the relevant authority considering the application, must, subject to the law regarding deceased estates, insolvency, judicial management or mental health, assume all the rights that the applicant would have had if the applicant had not died, become insolvent, been placed under judicial management or been declared incapable of handling his or her own affairs.

- (2) The Board may, in its discretion and subject to any applicable legislation, approve the licence in favour of such an administrator, judicial manager, curator or person.

31. Appeal against refusal

- (1) An applicant who is aggrieved by a decision of the Board, may within 30 days of being served with a notice of the decision of the Board, lodge an appeal with the Appeal Tribunal.

- (2) The Appeal Tribunal may, on good cause shown, condone the late lodging of an appeal.
- (3) An appeal must include the following:
 - (a) a copy of the application for a liquor licence;
 - (b) a written statement on the grounds of appeal;
 - (c) the notice sent to the applicant by the Board in terms of section 28(7);
 - (d) the applicant's response to the Board's notice;
 - (e) the final notice and reasons for the decision issued in terms of section 28(8); and
 - (f) any other information which is relevant to the appeal.

32. Hearing of Appeal

- (1) The Appeal Tribunal must, within 30 days of receiving all the documents referred to in section 31(3), consider the appeal.
- (2) All the members of the Appeal Tribunal constitute a quorum for a meeting of the Appeal Tribunal.
- (3) Subject to sections 19(4) and 31(3), the Appeal Tribunal
 - (a) may confirm, set aside or amend a decision of the Board; and
 - (c) must, in writing, notify the applicant and the Board of the decision.

33. Licence Certificate

- (1) When the Board approves an application for a liquor licence in terms of section 28, the Board must, subject to subsection (2) issue a certificate in the prescribed format, which must include the—
 - (a) full names and trading name of the licenceholder;
 - (b) category of the licence;

- (c) the licence fee;
 - (d) licence number;
 - (e) date on which the licence was approved;
 - (f) date on which the licence lapse;
 - (g) the physical address in respect of which the licence has been issued; and
 - (h) conditions upon which the licence was approved.
- (2) A liquor licence certificate will be issued upon payment of the prescribed liquor licence fee.

34. Effect of licencing

- (1) A liquor licence certificate issued in terms of section 33 is proof that the licence holder has met all the requirements for a valid liquor licence in terms of this Act.
- (2) The licence holder must—
- (a) indicate the liquor licence number on all trading documents of the licence holder;
 - (b) display the original licence certificate at the premises in respect of which the licence is issued; and
 - (c) pay the prescribed liquor licence renewal fee annually.
- (3) When a licence certificate is lost, stolen, damaged or destroyed, the licence holder must report the matter to the South African Police Services within 14 days and must apply for a duplicate licence certificate.
- (4) The Board may issue a duplicate licence certificate upon payment of the prescribed duplicate licence certificate fee.

35. Non-compliance with licence obligations

- (1) The Board must, if the Board has reason to believe that the licence holder has not complied with—
- (a) a provision of a term or condition of that person's liquor licence; or
 - (b) his or her obligations in terms of this Act,
 - (i) serve a non-compliance notice in the prescribed form on the licence holder; and
 - (ii) if the Board is satisfied that any non-compliance contemplated in paragraph (i), constitutes an offence, report the licence holder to the South African Police Service for investigation.
- (2) A non-compliance notice contemplated in subsection (1), must advise the licence holder —
- (a) of the alleged non-compliance and the steps that the licence holder is required to take in order to comply; and
 - (b) that the licence holder must comply with the notice within 30 days from the date the notice was received.
- (3) The Board may extend the period contemplated in subsection (2)(b), on good cause shown by the licence holder.

36. Variation, suspension or cancellation of licence

- (1) If a licence holder who has been served with a notice in terms of section 35 does not comply with the requirements stated in the notice or becomes disqualified in terms of this Act, the Board must—
- (a) amend or suspend the liquor licence on such terms and conditions as the Board may determine; or
 - (b) cancel the licence,

and notify the licence holder, in writing, of the—

- (i) amendment, suspension or cancellation and state the reasons therefore; and
 - (ii) date on which the liquor licence was amended, suspended or cancelled.
- (2) When a liquor licence has been suspended or cancelled, all the rights, benefits and allowances accruing therefrom lapses on the date that the liquor licence was suspended or cancelled.

37. Appeal against amendment, suspension or cancellation of licence

- (1) A licence holder may, on the prescribed form, refer a decision of the Board to amend, suspend or cancel a licence to the Appeal Tribunal.
- (2) The appeal must include the following:
- (a) a copy of the non-compliance notice issued in terms of section 35;
 - (b) steps taken by the licence holder to comply with the terms of the non-compliance notice within the prescribed period;
 - (c) a copy of the decision of the Board to amend, suspend or cancel the licence;
 - (d) a written statement on the grounds of appeal; and
 - (e) any other information which may be relevant to the appeal.
- (3) Section 32 will apply to the hearing of the appeal.

38. Voluntary deregistration, winding up or dissolution

- (1) A licence holder may voluntarily deregister by sending a written notice to the Board stating the—

- (a) intention and reasons for deregistration; and
 - (b) date from which the deregistration is to take effect.
- (2) If a licence holder is—
 - (a) sequestered;
 - (b) wound up; or
 - (c) dissolved,

the licence holder must notify the Board in writing of that fact and attach certified copies of all relevant documents confirming the sequestration, winding-up or dissolution.
- (3) On receiving the notice contemplated in subsection (2), the Board must, on the date specified in the notice—
 - (a) cancel the licence of the licence holder; and
 - (b) notify the licence holder, in writing, of the date on which the deregistration was effected.

39. Death or incapacity of licence holders

- (1) For the purposes of this section the expression 'an administrator of an estate' includes —
 - (a) an executor of a deceased estate;
 - (b) a liquidator or trustee of an insolvent estate; and
 - (c) a curator.
- (2) When a licence holder dies, becomes insolvent, or is placed under curatorship, the administrator of the estate may, for the purposes of administering the estate, continue to conduct the licenced activities in the name of the estate.

- (3) Any person may apply in the prescribed manner and form to the Board for the appointment of a person to conduct the licenced activities of the licence holder, pending the appointment of an administrator contemplated in subsection (2).
- (4) Before granting an application made in terms of subsection (3), the Board must be satisfied that —
 - (a) every person with a financial interest in the matter has been given reasonable notice of the application;
 - (b) an administrator has not been appointed; and
 - (c) there are reasonable grounds to believe that an administrator will be appointed.
- (5) A person appointed in terms of subsection (3) may, for the purpose of administering the estate, continue to conduct the licenced activities in the name of the estate, until an administrator has been appointed.

40. Change of controlling interest

- (1) A licence holder must not, unless the Board has on application by the licence holder granted consent, permit any other person to procure a controlling interest in the business entity to which the licence relates.
- (2) The Board must not grant consent in terms of subsection (1), when the person who is the subject of the application, is disqualified in terms of this Act to be a licence holder.

41. Change of core business

- (1) When a licence holder wish to change the core business for which a liquor licence was issued, the licence holder must submit an application, on the prescribed application form, to the Board.
- (2) The Board must, within 21 days of receiving the application in subsection (1), consider the application and may —
 - (a) approve unconditionally;
 - (b) approve conditionally; or
 - (c) refuse,the application to extend or change the core business of the licence holder.

42. Transfer of licence

- (1) A licence holder may, in the prescribed format and on payment of the prescribed application fee, make an application to the Board for the transfer of a licence to another person.
- (2) The Board must, within 21 days of receiving the application for a transfer of a licence, consider the application and may —
 - (a) approve unconditionally;
 - (b) approve conditionally; or
 - (c) refuse,the application for transfer of a licence.
- (3) The provisions of sections 27, 39, 31, 32 and 33 are applicable to an application for transfer of a licence.

- (4) When the application in subsection (1) is approved, the original licence holder ceases to be the licence holder and all rights and obligations of the licence are transferred to the new licence holder.

43. Relocation of premises

- (1) A licence holder may, in the prescribed format and on payment of the prescribed application fee, make an application to the Board for the relocation of the licenced premises to other premises within the same district as the licenced premises.
- (2) The Board must, within 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,
- the application for relocation of the licenced premises.
- (3) The Board must issue a certificate of relocation if the application is approved.
- (4) When an application in terms of subsection (1) is in respect of premises that —
- (a) has not been erected;
- (b) requires structural alteration or addition;
- (c) requires reconstruction,
- the Board must issue a notice to the applicant to comply with such conditions or requirements as the Board may determine.
- (5) The Board may, on application of the applicant —

- (a) withdraw or amend any condition or requirement determined in terms of subsection (4);
 - (b) subject to subsection (6), extend the period determined in terms of subsection (4); or
 - (c) approve an amended plan for the premises.
- (6) The period determined by the Board for completion of the premises may not be longer than 24 months and the period of the extension granted in terms of subsection (5)(b), may not be longer than 12 months.

44. Register of licence holders and provincial records

- (1) The Board must keep a register, in the prescribed format, of all—
- (a) applications for licences;
 - (b) licences issued;
 - (c) cancelled licences;
 - (d) deregistered licences; and
 - (e) conditions attached to licences.
- (2) The Board must, not later than 60 days after each calendar year, publish in the *Gazette* and in two widely circulated newspapers in the province, the record of licences, specifying the names of all licence holders –
- (a) who were licenced;
 - (b) whose licences were cancelled;
 - (c) who deregistered voluntarily or have been wound up or dissolved;
 - (d) who have been refused a licence; and
 - (e) whose licence conditions were amended,
- during the preceding calendar year.

45. Payment into revenue fund

All prescribed fees received in terms of this Act must be paid into the Provincial Revenue Fund.

CHAPTER 5
CONDITIONS FOR SALE OF LIQUOR

46. Sale of liquor

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

47. Prohibition on sale of liquor

No person may sell liquor to a person who is –

- (a) under the age of 18 years;
- (b) dressed in school uniform;
- (c) visibly intoxicated; or
- (d) pregnant.

48. Management of business

- (1) A person, other than a natural person, must not conduct any business under a licence, unless a natural person who permanently resides in the Republic and who is not disqualified or incompetent in terms of this Act to be a licence holder, manages and is responsible for the business to which the said licence relates.
- (2) A natural person who is a licenced person may, in the prescribed manner, appoint another natural person who permanently resides in the Republic and who is not disqualified or incompetent in terms of this Act to be a licence holder, to manage and be responsible for the business to which the said licence relates.

- (3) If a licence holder or the only member of a company or close corporation which is the holder of a licence—
- (a) has, in the opinion of the Board, abandoned the licenced premises without provision for the conduct thereon of the business to which the licence relates;
 - (b) becomes disqualified or otherwise incompetent in terms of this Act to be a licenced person; or
 - (c) which is a partnership, is dissolved,
- the Board may, on application by a person who has an interest in the relevant business, appoint any person who is fit to manage and be responsible for that business for a period of not more than 12 months, and a person so appointed is, subject to subsection 4(b), deemed to be the licence holder.
- (4) An appointment in terms of subsection (3)—
- (a) is subject to the conditions set out by the Board;
 - (b) must not affect any right which a person may have in the business; and
 - (c) may be withdrawn by the Board on good cause.
- (5) A person managing a business and responsible for a business to which a licence relates is subject to the same obligations and liabilities as the licence holder.
- (6) Subsection (5) must not be interpreted to release the licence holder from any obligation or liability in terms of this Act.

49. Alterations of premises

- (1) A licence holder must, prior to effecting any structural alteration, addition or reconstruction of the licenced premises, apply on the prescribed application form

to the Board for approval of such structural alteration, addition or reconstruction of the licenced premises.

- (2) The Board may grant with or without conditions or refuse an application in terms of subsection (1).

50. Trading times

The Board may, subject to conditions, restrict the days and hours during which a licence holder may sell liquor.

51. Limitation on employers

- (1) No person may employ another person, in connection with the sale or micro-manufacturing of liquor who—
- (a) is under the age of 16 years; or
 - (b) has within the preceding two years been convicted of contravening any law regulating the sale or manufacturing of liquor and has been sentenced to imprisonment without the option of a fine or to both imprisonment and a fine.
- (2) Subsection (1) does not apply to a person under the age of 16 years who is undergoing training or a learnership contemplated in section 16 of the Skills Development Act, 1998 (Act No.97 of 1998).

52. Public health notices

The MEC may, in consultation with the Member of the Executive Council responsible for health matters in the province, prescribe the content and the manner in which licence holders must display public health notices relating to the sale or consumption of liquor.

CHAPTER 6
LAW ENFORCEMENT AND JUDICIAL PROCEEDINGS

Part I

Prohibited and controlled liquids

53. Prohibition of sale of unhealthy concoctions

(1) No person may—

- (a) have in his or her possession or custody or under his or her control; or
- (b) sell a —
 - (i) concoction manufactured by the fermentation of treacle, sugar or other substances and known as isishimiyana, hopana, qediviki, skokiaan, uhali or barberton, but excluding indigenous qhilika;
 - (ii) concoction which may be called by another name, but is similar or substantially similar to any of the concoctions referred to in sub-paragraph (i);
 - (iii) concoction, which the MEC in consultation with the Member of the Executive Council for health matters in the province, has published by notice in the *Gazette* to be a concoction which is harmful to the health of a person; and
 - (iv) drink manufactured by the distillation of any concoction referred to in sub-paragraphs (i), (ii), or (iii).

- (2) The MEC may after consultation with the MEC responsible for health matters in the province, amend or withdraw a notice contemplated in subsection (1)(b)(iii).

54. Methylated spirits

The MEC, may make regulations regarding the—

- (a) importation, transshipment, conveyance, transmission, keeping, sale or use of methylated spirits;

- (b) categories of persons who may sell methylated spirits;
- (c) keeping of records or other documents in respect of any dealing in methylated spirits, the form and manner in which the records or other document must be kept and the particulars to be entered therein;
- (d) custody and retention of records or other documents contemplated in paragraph (c);
- (e) denaturing, odourisation, colouring and rendering importable of methylated spirits sold or kept for sale, and the manner in which this must be done;
- (f) quantities of methylated spirits which may be sold on any occasion to any person and the receptacles in which it must be sold;
- (g) prohibiting or restricting of the purchase or possession of methylated spirits, including the granting of permits for the purchase or possession thereof.

Part II

Inspectorate

55. Designation of liquor trade inspectors

- (1) The MEC may designate persons to be liquor trade inspectors, who is appointed as peace officers by the Minister of Justice in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Liquor trade inspectors have the powers assigned to them by the Minister of Justice by proclamation in the *Gazette*.
- (3) The MEC must, in the prescribed format, issue a liquor trade inspector with a certificate stating that the person is a liquor trade inspector designated in terms of this Act.

56. Powers and duties of liquor trade inspectors

- (1) A liquor trade inspector may—
- (a) conduct inspections, monitor and enforce compliance with this Act;
 - (b) investigate complaints submitted to the inspector in the prescribed format;
 - (c) question any person on any premises in respect of any matter which may be relevant to the inspection;
 - (d) inspect or copy any document, take photographs or make audio-visual recordings of any person, process, action or condition on or regarding any premises and take samples of any substance that is relevant to the inspection;
 - (e) seize any liquor which is sold or distributed contrary to the provisions of this Act;
 - (f) seize any substance that appears to be prohibited in terms of section 6 of the Liquor Products Act;
 - (g) issue a non-compliance notice in the prescribed format; and
 - (h) issue a fine or sanction for non-compliance.
- (2) A liquor trade inspector must issue a receipt, in the prescribed format, to the owner or person in control of the premises of all items removed during an inspection.
- (3) A liquor trade inspector may be accompanied during an inspection by a member of the South African Police Service or any other person reasonably required to assist in the conducting of the inspection.

57. Duty to assist liquor trade inspector

No person may –

- (a) refuse to provide a document or information which that person is lawfully required to provide in terms of this Act;
- (b) furnish false or misleading information to a liquor trade inspector; or
- (c) refuse, obstruct, interfere or hinder a liquor trade inspector in the performing of his or her duties in terms of this Act.

58. Non-compliance notice

- (1) An inspector who is of the opinion that a provision of this Act or a condition attached to a licence has not been complied with, subject to subsection (2), must issue a non-compliance notice in the prescribed format to the owner or person in control of the premises.
- (2) A non-compliance notice in terms of subsection (1) must set out –
 - (a) the provision that has allegedly not been complied with;
 - (b) details of the nature and extent of the alleged non-compliance;
 - (c) the action required to be taken and the period within which the required action must be taken; and
 - (d) any penalty that may be imposed in the event of non-compliance.
- (3) A non-compliance notice remains in force until a liquor trade inspector issues in the prescribed format, a compliance certificate to indicate the compliance.

59. Closing down of licenced premises

- (1) Where the Board is of the opinion that –
 - (a) public disturbance;
 - (b) disorder;
 - (c) a riot; or
 - (d) public violence,

is occurring or threatening at or near any licenced premises, the liquor trade inspector or the Board may order the licence holder or the manager or agent of the licence holder to close the licenced premises for the period directed by the inspector or the Board.

- (2) The licence holder, manager or agent of the licence holder, must comply with an order in terms of subsection (1).
- (3) A liquor trade inspector or the Board may at any time withdraw an order issued in terms of subsection (1).

60. Inspectorate Reports

A liquor trade inspector must submit a report to the Board –

- (a) on any failure by a licence holder to discharge an obligation or condition of the licence;
- (b) of the disqualification of a licence holder in terms of this Act to hold the licence or permit concerned;
- (c) that alterations or repairs must be effected to any licenced premises;
- (d) that alterations were effected to licenced premises without the approval of the Board; and
- (e) on any other matter regarding licences, which the liquor trade inspector regard as important to bring to the attention of the Board.

Part III

Offences

61. General offences

(1) A person who—

- (a) sells or micro-manufactures liquor or methylated spirits —
 - (i) without a licence ; or
 - (ii) contrary to the conditions of the licence;
- (b) sells or manufactures traditional African beer —
 - (i) without a permit; or
 - (ii) contrary to the conditions of the traditional African beer permit;
- (c) acts violently, disorderly or is intoxicated on premises in respect of which a licence is issued;
- (d) consumes any liquor on any road, street, lane or thoroughfare, or on vacant land adjacent thereto, in an urban area or other area subdivided into erven or plots with streets bounded by such erven or plots;
- (e) introduces, possess or consumes any liquor on a sports ground that is not registered premises, to which the public has or is granted access, irrespective of whether access is granted against payment or is restricted to any category of persons or not;
- (f) falsely represents himself or herself or any other person to be over the age of 18 years in order to persuade a licence holder or the agent or employee of a licence holder, to sell or supply liquor to that person; or
- (g) supplies liquor 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.

(2) A person who is –

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

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

(3) A applicant or licence holder who –

- (a) contravenes or fails to comply with any provision of this Act;
- (b) contravenes or fails to comply with a directive issued in terms of this Act;
or
- (c) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a) or (b),

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

62. Offences regarding information

A person who –

- (a) submits or provides any information which is false or misleading; or
- (b) provides any false document which purports to be true but is not a true copy of an original document,

in relation to any application, appeal, objection, representation, reply to any objection or representation or complaint or request in terms of this Act, commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

63. Offences regarding Board

A person who –

- (a) does not appear before the Board on the date and the time as set out in a notice of the Board;
- (b) leaves a meeting of the Board without the approval of the Chairperson of the Board;
- (c) refuses to give evidence or produce any document or book after being called upon by the Board to give such evidence or produce any document or book; or
- (d) willfully interrupts the proceedings at a meeting of the Board or willfully hinder or obstruct the Board or any member thereof in the performance of that member's functions at the meeting,

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

64. Offences regarding inspections

A person who—

- (a) misrepresents himself or herself as being a liquor trade inspector;
- (b) hinders a liquor trade inspector in the execution of his or her duties;
- (c) refuses or fails to obey a lawful instruction given by a liquor trade inspector; or
- (d) refuses, without lawful excuse, to reply to a question put to him or her by a liquor trade inspector or knowingly gives a false or misleading answer,

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

Part IV
Judicial proceedings

65. Service of notices and documents

Any notice or document required to be served in terms of this Act, may be served by hand or sent by telefacsimile or registered mail, addressed to the person to whom a notice or a document is to be served at the physical address, postal address or telefacsimile number, provided to the Board by that person, and notice of the contents is deemed to exist, where the notice or document was—

- (a) hand delivered, when it was delivered;
- (b) sent by telefacsimile, upon receipt of record thereof by the sending station;
- (c) posted by registered mail, fourteen days after it was sent,

in the absence of evidence of the contrary that the person on whom it was served, acting in good faith, through absence, accident, illness or other cause beyond that person's control did not receive the notice, or did not receive the notice until a later date.

66. Review of High Court

Decisions of the Board are subject to review to the extent provided for in the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000).

Part V
Evidential matters

67. Proof of certain facts by affidavit

- (1) If the question arises in any civil proceedings whether a particular act, transaction or occurrence did or did not take place in a particular department of the State or an organ of state or in a branch or office of such a department or organ, or the

question arises in such proceedings whether a particular functionary in such a department, organ, branch or office did or did not perform a particular act or did or did not take part in a particular transaction, a document purporting to be an affidavit by a person who in the affidavit allege—

- (a) that he or she is in the employ of the State or organ of state in the department, branch or office concerned;
- (b) that –
 - (i) if the act, transaction or occurrence concerned took place in that department, branch or office; or
 - (ii) if the functionary concerned performed such an act or took part in such a transaction, it would in the ordinary course of events have come to the deponent's knowledge and a record thereof which is available to him or her would have been kept; and
- (c) that it has not come to his or her knowledge –
 - (i) that such an act, transaction or occurrence took place; or
 - (ii) that the functionary performed such an act or took part in such a transaction and that there is no record thereof,

must on mere production be admissible as proof in those proceedings that the act, transaction or occurrence concerned did not take place or that the functionary concerned did not perform the act concerned or did not take part in the transaction concerned.

- (2) If the question arises in any civil proceedings whether a person with a particular name did or did not furnish a particular officer with particular information or a particular document, a document purporting to be an affidavit by a person who in that affidavit alleges that he or she is that officer and that no person with such a name furnished him or her with such information or document, shall on mere

production be admissible as proof in those proceedings that that person did not furnish that officer with such information or document.

- (3) If the question arises in any civil proceedings whether a fact or information has been recorded under this Act or whether a document is kept or retained thereunder, a document purporting to be an affidavit by a person who in that affidavit alleges that he or she is the person on whom this Act confers the power or imposes the duty to record that fact or information or to keep or retain that document and that he or she has recorded the fact or information concerned or keeps or retains the document concerned or that he or she has satisfied himself that the fact or information concerned has been recorded or that the document concerned is kept or retained, shall on mere production be admissible as proof in those proceedings that that fact or information has been so recorded or that that document is so kept or retained.

68. Procedural requirements for proof by affidavit

- (1) An affidavit contemplated in section 67 is not admissible as proof in terms of the applicable subsection unless a copy thereof has been delivered by the party intending to make use thereof to every other party to the proceedings concerned at least seven days before the date of the production thereof.
- (2) The court to which an affidavit referred to in subsection (1), is produced may on application by any party to the proceedings concerned order that the person who made the affidavit concerned be called upon to give evidence in those proceedings or that written interrogatories be submitted to him or her for reply, and such interrogatories and any reply thereto purporting to be a reply by that person must likewise be admissible as proof in those proceedings.

CHAPTER 7 REGULATIONS

69. Regulations

- (1) The MEC may make regulations regarding—
- (a) the procedure for conduct of meetings of the provincial structure in terms of section 16;
 - (b) the application procedure and issuing of permits for traditional African beer in terms of section 24;
 - (c) conditions applicable to permits of traditional African beer;
 - (d) requirements of premises for traditional African beer permit holders;
 - (e) the application fee for traditional African beer;
 - (f) certain exemptions applicable to traditional African beer permits;
 - (g) application form and procedure for a special event permit in terms of section 26;
 - (h) the format of the application form for a liquor licence in terms of section 28;
 - (i) the requirements for newspaper and gazette advertisements in respect of applications made in terms of section 28;
 - (j) the application fee for a liquor licence;
 - (k) the format of the forms in terms of which the Local Liquor Authority must refer applications in terms of sections 28(1) and 28(3) to the Board;
 - (l) the format of the liquor certificate issued in terms of section 33;
 - (m) the fee payable on issuing of a liquor licence in terms of section 33(2);
 - (n) the annual renewal fee payable by the licence holder in terms of section 34(2)(c);
 - (o) the format of the non-compliance notice issued by the Board in terms of section 35(1);

- (p) the format of the form for lodging an appeal against an amendment, suspension or cancellation of a licence in terms of section 37;
 - (q) the procedure for the appointment of another person to manage the business of a licence holder in terms of section 48(2);
 - (r) conditions for trading hours in terms of section 50;
 - (s) the format of the designation certificate of a liquor trade inspector in terms of section 55(3);
 - (t) the format of the form on which a complaint may be lodged to a liquor trade inspector in terms of section 56(1)(b);
 - (u) the format of the receipt which must be issued by a liquor trade inspector in terms of section 56(2);
 - (v) the format of a receipt issued in terms of section 56(2);
 - (w) the format of a non-compliance notice issued by a liquor trade inspector in terms of section 58(1);
 - (x) the format a a compliance certificate issued in terms of section 58(3);
 - (y) the establishment and functions of Liquor Trade Associations in the province; and
 - (z) all matters which are necessary to achieve the objects of this Act.
- (2) Regulations made in terms of this Act may provide for offences and penalties.

CHAPTER 8

GENERAL PROVISIONS

70. Limitation of liability

Neither the State nor any other person or body is liable for any damage or loss caused by—

- (a) the exercise of any power or the performance of any duty under this Act;

or

- (b) the failure to exercise any power, or perform any function or duty under this Act,

unless the exercise of or the failure to exercise the power, or performance or failure to perform the duty was unlawful, negligent or in bad faith.

71. Transitional arrangements

- (1) An application made in terms of the Liquor Act, 1989, before the date of commencement of this Act and not disposed of at that date, must continue and be disposed off as if the Liquor Act, 1989 was not repealed.
- (2) The holder of an authorisation, permit, licence or exemption issued in terms of the Liquor Act, 1989 must within the period determined by the MEC by notice in the *Gazette*, submit such authorisation, permit, licence or exemption to the Board for conversion into an authorisation, permit, licence or exemption under this Act.
- (3) If the holder of an authorisation, permit, licence or exemption fails to submit the document to the Board as determined in terms of subsection (2), such authorisation, permit, licence or exemption lapses on the date determined by the MEC in the notice.

72. Short title and commencement

This Act is called the Limpopo Liquor Act, 2009 and comes into operation on a date fixed by the Premier by proclamation in the *Gazette*.

Part II**Limpopo Liquor Board**

8. Establishment of Limpopo Liquor Board
9. Composition of Board
10. Appointment of members of Board
11. Functions and powers of Board

Part III**Appeal Tribunal**

12. Establishment of Appeal Tribunal

Part IV**General provisions applicable to Provincial Structures**

13. Eligibility for appointment to provincial structures
14. Term of office
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CHAPTER 4

LICENCES AND PERMITS

Applications for licences and permits

23. Mandatory licencing
24. Traditional African beer
25. Categories of licences
26. Special event permit
27. Disqualification
28. Application procedure for liquor licence
29. Requirements for liquor consultant
30. Death or incapacity of applicant
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35. Non-compliance with licence obligations
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41. Change of core business
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- 46. Sale of liquor
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REGULATIONS

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CHAPTER 8

GENERAL PROVISIONS

- 70. Limitation of liability
- 71. Transitional arrangements
- 72. Short title and commencement

1. Definitions

(1) In this Act unless the context indicates otherwise—

"beer" includes—

- (a) ale, cider and stout;
- (b) any other fermented drink, other than traditional African beer —
 - (i) that is manufactured as or sold under the name of beer, ale, cider or stout, when it contains more than one per cent volume of alcohol; or
 - (ii) that is declared to be beer under section 42(2) of the Liquor Act, 2003 (Act No.59 of 2003);

"Board" means the Limpopo Liquor Board established in terms of section 8;

"Chairperson" means the chairperson of the relevant body in the provincial structure;

"Council" means the Provincial Liquor Policy Council established in terms of section 20;

"Department" means the Department responsible for liquor matters in the province;

"licence" means a licence certificate issued in terms of section 31;

"liquor" means any—

- (a) liquor product as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989);
- (b) beer; or
- (c) other substance or drink declared as liquor in terms of section 42(2) of the Liquor Act, 2003 (Act No. 59 of 2003);

"Liquor Act, 1989" means the Liquor Act, 1989 (Act No. 27 of 1989);

"liquor consultant" means a person, excluding an admitted attorney or advocate, who is registered in terms of section 29 to assist applicants with the application procedure of a liquor licence;

“Liquor Products Act” means the Liquor Products Act, 1989 (Act No. 60 of 1989);

“MEC” means the Member of the Executive Council responsible for liquor matters in the province;

“methyated spirits” means—

- (a) spirits denatured in accordance with any law on the denaturing or methylating of spirits; and
- (b) any other denatured, medicated, perfumed or otherwise treated spirits declared as methyated spirits under section 42(2) of the Liquor Act, 2003 (Act No.59 of 2003);

“micro-manufacture” means to manufacture liquor at or below the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No.59 of 2003) and micro-manufacturer has a corresponding meaning;

“municipality” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“premises” means the building, land, conveyance or part of the building, land or conveyance licenced by the Board;

“prescribe” means prescribed by regulations;

“provincial structures” means a Local Liquor Authority, Limpopo Liquor Board and the Appeal Tribunal established in Chapter II;

“retail sale” means the sale of liquor for the purpose of consumption;

“sell” includes—

- (a) supply, exchange, offer for sale, display for the purpose of sale; or
- (b) authorise, direct or allow a sale, display, exchange or offer;

“special event permit” means a permit issued in terms of section 26;

“traditional African beer” has the meaning determined by the Liquor Act, 2003 (Act No. 59 of 2003);

“this Act” includes any regulation made or issued in terms of this Act.

2. Objects of Act

The objects of this Act are to regulate the micro-manufacturing and retail sale of liquor and traditional African beer in the province in a manner which will–

- (a) promote sustainable economic growth;
- (b) transform the liquor industry to meet the socio economic realities of the province; and
- (c) facilitate the entry of new participants into the liquor industry.

3. Application of Act

This Act does not apply to–

- (a) an officer as defined in section 1(1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in performing that officer's functions;
- (b) a sheriff, any person acting in terms of an order of court, judge or magistrate, in the performance of their functions;
- (c) the convenor of a bona fide wine-tasting function, with regard to the sale of wine in quantities of less than 200 millilitres to be consumed at that function; or
- (d) a person who sells any spirituous or distilled perfumery or medicated spirit, which perfumery or spirit is not methylated spirits.

CHAPTER 2 PROVINCIAL STRUCTURES

Part I

Local Liquor Authority

4. Establishment of Local Liquor Authority

The MEC may, by notice in the *gazette*, establish local liquor authorities at municipalities in the province.

5. Composition of Local Liquor Authority

A local liquor authority established in terms of section 4 must consist of a –

- (a) representative of the—
 - (i) Department;
 - (ii) municipality, nominated by the Municipal Manager of that municipality;
 - (iii) South African Police Service, nominated by the Provincial Commissioner;
- (b) member of the business community with knowledge and experience relating to the liquor industry; and
- (c) member of the community with knowledge and experience in the field of socio-economic development, social services or traditional affairs.

6. Appointment of members of Local Liquor Authorities

- (1) The Head of Department must invite applications of persons complying with sections 5(b) and 5(c) for appointment through —
 - (a) publishing a notice in two newspapers circulating in the relevant municipal area; and
 - (b) other media determined by the Head of the Department.
- (2) Applicants must, in response to the invite in subsection (1), submit a comprehensive *curriculum vitae* containing ³
 - (a) certified copies of all qualifications; and

- (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.
- (3) The Head of the Department must subject to section 13, appoint —
 - (a) the representatives of the department, municipality and police contemplated in section 5(a);
 - (b) from the applications received in terms of subsection (2), the members contemplated in sections 5(b) and 5(c).
- (4) The Head of the Department must elect, from amongst the members, a Chairperson and Deputy Chairperson of the Local Liquor Authority.

7. Functions and powers of Local Liquor Authority

A Local Liquor Authority, established in terms of section 4 must—

- (a) consider and issue permits for —
 - (i) micro-manufacturing and sale of traditional African beer, in the prescribed manner; and
 - (ii) sale and consumption of liquor at a special event;
- (b) scrutinise applications for liquor licences received in terms of section 28;
- (c) refer applications, received in terms of section 28, which—
 - (i) do not meet the prescribed requirements of this Act, to the applicant for compliance; or
 - (ii) meet the prescribed requirements of this Act, to the Board for consideration;
- (d) make recommendations to the Board with regard to applications in subparagraph (c)(ii);
- (e) make liquor licence applications accessible to the public;

- (f) submit any objection received with regard to an application for a liquor licence to the Board; and
- (g) perform any other function assigned by the Board or terms of this Act.

Part II

Limpopo Liquor Board

8. Establishment of Limpopo Liquor Board

There is hereby established a juristic person known as the Limpopo Liquor Board.

9. Composition of Board

The Board must consist of –

- (a) a representative of the—
 - (i) Department, nominated by the Head of the Department; and
 - (ii) South African Local Government Association, nominated by the Chief Executive Officer of that Association;
- (b) a member of the business community with knowledge and experience relating to the liquor industry;
- (c) an attorney or advocate with at least five years experience; and
- (d) a member of the community with experience in the field of socio-economic development, social services or traditional affairs.

10. Appointment of members of Board

(1) The Head of the Department must—

- (a) submit a list of names of officials nominated in terms of section 9(a) to the MEC for appointment; and

- (b) invite applications of persons complying with sections 9(b),(c) and (d) for appointment —
 - (i) by publishing a notice in two newspapers circulating in the province; and
 - (ii) through other media determined by the Head of the Department.
- (2) Applicants must, in response to the notice in terms of subsection (1)(b), submit a comprehensive *curriculum vitae* containing ☐
 - (a) certified copies of all qualifications; and
 - (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.
- (3) The Head of the Department must make recommendations to the MEC regarding the appointment of members to the Board.
- (4) The MEC must —
 - (a) subject to section 13, appoint the members of the Board from the list of recommendations submitted by the Head of the Department; and
 - (b) elect from amongst the members a Chairperson and Deputy Chairperson of the Board.

11. Functions and powers of Board

- (1) The Board must consider applications for liquor licences.
- (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) assign certain powers and functions to the Local Liquor Authority; and
- (h) exercise any other function or power conferred or imposed on the Board by the MEC.

Part III

Appeal Tribunal

12. Appeal Tribunal

- (1) There is hereby established an Appeal Tribunal for the province which must consider appeals against decisions made by the Board.
- (2) The Appeal Tribunal must be appointed by the MEC and consist of –
 - (a) two persons who have legal qualifications and at least five years experience; and
 - (b) one person with suitable skills and experience regarding the liquor industry.
- (3) The MEC must–
 - (a) publish, in two newspapers with wide circulation in the province, an invitation calling for applications to the Appeal Tribunal; and
 - (b) consider all applications submitted in response to the invitation and subject to section 13, appoint members to the Appeal Tribunal; and

- (c) elect a Chairperson who must be legally qualified and another member as the Deputy Chairperson.

Part IV

General provisions applicable to provincial structure

13. Eligibility for appointment to provincial structure

No person may be appointed as a member of a provincial structure—

- (a) unless that person is a citizen of the Republic of South Africa;
- (b) if that person –
 - (i) has any direct or indirect interest in the liquor industry which may result in a conflict with that member's professional interest as a member of the provincial structure;
 - (ii) has a family member with a direct interest in the liquor industry, unless the MEC is of the opinion that the family member's interest in the liquor industry does not prevent the person from being appointed as a member;
 - (iii) is an unrehabilitated insolvent;
 - (iv) is a political office bearer;
 - (v) has at any time been removed from an office of trust on account of misconduct; or
 - (vi) has at any time been convicted of an offence involving dishonesty.

14. Term of office

A member of a provincial structure is appointed for a term of three years and may be re-appointed for one additional term.

15. Remuneration and allowances of members

- (1) The MEC must, in consultation with the Member of the Executive Council responsible for finance, determine the remuneration and allowances payable to members of the provincial structure, who are not in the full-time employ of the State.
- (2) Different rates may apply to the bodies of the provincial structure.

16. Meetings of provincial structure

The MEC may prescribe the procedure for meetings of the provincial structure.

17. Disqualification of members

- (1) A member of a provincial structure who at any stage has ☐
 - (a) a direct or indirect interest in a matter before the provincial structure; or
 - (b) an interest in the matter which precludes that person from performing his or her functions as a member of the provincial structure in a fair, unbiased and proper manner,must immediately disclose that interest in writing and may not vote or in any other manner participate in the proceedings of that matter.
- (2) A disclosure by a member in terms of subsection (1) must be recorded in the minutes of the proceedings.
- (3) The MEC may, when of the opinion that it is in the public interest, remove a member from a position on a provincial structure.

18. Funds for Provincial Structures

The funds for provincial structures shall consist of monies –

- (a) appropriated by the Provincial Legislature; and
- (b) which may accrue to the Provincial Structure from any other source.

19. Subpoena and notices

- (1) The Chairperson of the relevant body in the provincial structure may, in the prescribed format, subpoena or notify a person who is or may be affected by or is concerned in the consideration of a particular matter before the relevant provincial structure.
- (2) A person who has received a subpoena or notice in terms of sub-section (1), must personally appear before the provincial structure on the date, time and place set out in the subpoena or notice.
- (3) A person appearing before a provincial structure as contemplated in sub-section (2), may be accompanied by that person's legal representative.
- (4) The Chairperson of the relevant body in the provincial structure may subpoena any person to a meeting of that provincial structure to—
 - (a) give evidence; or
 - (b) produce any document or any other thing which is in that person's possession or custody or under that person's controland which, in the opinion of the Chairperson, relates to a matter to be considered by that provincial structure.

CHAPTER 3
PROVINCIAL LIQUOR POLICY COUNCIL

20. Establishment of Council

There is hereby established a Provincial Liquor Policy Council.

21. Composition of Council

(1) The Council consists of the –

- (a) MEC;
- (b) Member of the Executive Council in the province responsible for –
 - (i) health and social development matters;
 - (ii) education matters;
 - (iii) agriculture;
 - (iv) safety and security;
 - (v) local government matters; and
- (c) Provincial Commissioner of the South African Police Service.

(2) The MEC is the chairperson of the Council and must convene a meeting of the Council at any time, but at least two meetings in each financial year.

(3) The Council may adopt its own rules for the conduct of its meetings.

22. Functions of Council

(1) The Council is a forum for intergovernmental co-operation contemplated in 41(1)(h) of the Constitution of the Republic of South Africa.

(2) The function of the Council is to consult on any regulatory matter concerning the liquor industry and liquor licences in the province.

CHAPTER 4
LICENCING AND PERMITS

23. Mandatory licencing

- (1) Subject to subsection (3), no person may –
- (a) sell; or
 - (b) micro-manufacture;
- liquor, methylated spirits or traditional African beer, unless that person is licenced or has a permit in terms of this Act, to sell or micro-manufacture liquor, methylated spirits or traditional African beer.
- (2) A person who is authorised in terms of subsection (1) to sell or micro-manufacture liquor, methylated spirits or traditional African beer must do so in accordance with the conditions attached to such licence or permit.
- (3) A person that micro-manufacture traditional African beer for a function or own consumption and not for the purpose of selling the traditional African beer, is exempted from acquiring a permit in terms of section 24.

24. Traditional African beer

- (1) Only a Local Liquor Authority may issue a permit for the manufacturing and sale of traditional African beer.
- (2) The MEC must prescribe the application procedure for traditional African beer permits which must provide for a simplified application process and a nominal application fee.

25. 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; or
 - (v) a club,
- (c) sale of liquor for consumption on and off the premises where the liquor is being sold under special conditions determined by the Board; and
- (d) micro-manufacturing of liquor.

26. Special event permit

- (1) An application for a special event permit must be lodged with the Local Liquor Authority on the prescribed form and in the prescribed manner.
- (2) The Local Liquor Authority may, subject to subsection (3), grant a special event permit on the payment of the prescribed special event permit fee;

- (3) The Local Liquor Authority may not, for a longer period than seven consecutive days and for more than a total of 30 days per year, issue a special event permit to an applicant.

27. Disqualification

- (1) No person may be licenced in terms of this Act, if that person is—
- (a) a minor on the date the application for a licence is considered;
 - (b) not a South African citizen;
 - (c) declared to be of unsound mind by a competent court;
 - (d) an unrehabilitated insolvent; or
 - (e) 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).
- (2) A business entity may not be licenced in terms of this Act, if the person who—
- (a) has the controlling interest in the business entity;
 - (b) is a partner in the business entity; or
 - (c) is the main beneficiary in a trust,
- has in terms of subsection (1), been disqualified in terms of this Act.

28. Application procedure for 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) a detailed written motivation in support of the licence application;
 - (b) a detailed sketch plan of the premises showing the dimension of the buildings, rooms, point of service areas, construction material and other prescribed information;

- (c) a detailed written description of the premises to which the application relates, together with colour photographs of the external and internal features of the premises;
 - (d) a letter of consent from the municipality that there is compliance with municipal requirements;
 - (e) 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 adjacent to the premises from where the liquor will be sold;
 - (iii) discussed in the relevant ward committee established in terms of section 73(1) of the Municipal Structures Act, 1998 (Act No. 117 of 1989);
 - (f) proof of payment of the prescribed application fee; and
 - (g) an original valid tax clearance certificate issued by the South African Revenue Services.
- (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, in the prescribed format, together with 叁
 - (i) the recommendations of the Local Liquor Authority; and

- (ii) any objections or representations received from the public,
to the Board.
- (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.
- (4) If the applicant fails to comply with sub-section (3), the Local Liquor Authority may decline the application and notify the applicant in writing thereof.
- (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, objections and the recommendations of the Local Liquor Authority and may—
 - (a) approve unconditionally;
 - (b) approve conditionally; or
 - (c) refuse,the application for a liquor licence.
- (6) The Board may approve the application for a liquor licence if —
 - (a) the applicant and premises comply with the provisions of this Act;
 - (b) the applicant is of good character and is fit to be the holder of the licence;
 - (c) it is in the public interest;
 - (d) the premises is not situated within the prescribed proximity of a —
 - (i) school;
 - (ii) place of worship;
 - (iii) public transport facility;
 - (iv) building where the public have access to public services;

- (v) building occupied by government employees; or
 - (vi) filling station; and
 - (e) the licence will be sustainable.
- (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 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.
- (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 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.

29. Requirements for liquor consultant

- (1) A liquor consultant must, in the prescribed format, apply to the Board to be a registered liquor consultant.
- (2) The Board may register a liquor consultant –
 - (a) after the consultant successfully completed training prescribed for liquor consultants; and
 - (b) on such terms and conditions as the Board may determine.
- (3) The Board must, upon payment of the prescribed registration fee, issue a certificate of registration to a liquor consultant.

- (4) Only a person who is a registered liquor consultant may assist persons with the application of a liquor licence in terms of section 28.

30. Death or incapacity of applicant

- (1) Where an applicant, on or before the date on which the application is considered—

- (a) dies;
 - (b) becomes insolvent;
 - (c) is placed under judicial management; or
 - (d) is declared incapable of handling his or her own affairs by a court of law;
- the relevant administrator of the deceased or insolvent estate, judicial manager or curator or, if such an administrator, judicial manager or curator, has not been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorised thereto by the relevant authority considering the application, must, subject to the law regarding deceased estates, insolvency, judicial management or mental health, assume all the rights that the applicant would have had if the applicant had not died, become insolvent, been placed under judicial management or been declared incapable of handling his or her own affairs.

- (2) The Board may, in its discretion and subject to any applicable legislation, approve the licence in favour of such an administrator, judicial manager, curator or person.

31. Appeal against refusal

- (1) An applicant who is aggrieved by a decision of the Board, may within 30 days of being served with a notice of the decision of the Board, lodge an appeal with the Appeal Tribunal.

- (2) The Appeal Tribunal may, on good cause shown, condone the late lodging of an appeal.
- (3) An appeal must include the following:
 - (a) a copy of the application for a liquor licence;
 - (b) a written statement on the grounds of appeal;
 - (c) the notice sent to the applicant by the Board in terms of section 28(7);
 - (d) the applicant's response to the Board's notice;
 - (e) the final notice and reasons for the decision issued in terms of section 28(8); and
 - (f) any other information which is relevant to the appeal.

32. Hearing of Appeal

- (1) The Appeal Tribunal must, within 30 days of receiving all the documents referred to in section 31(3), consider the appeal.
- (2) All the members of the Appeal Tribunal constitute a quorum for a meeting of the Appeal Tribunal.
- (3) Subject to sections 19(4) and 31(3), the Appeal Tribunal ☐
 - (a) may confirm, set aside or amend a decision of the Board; and
 - (c) must, in writing, notify the applicant and the Board of the decision.

33. Licence Certificate

- (1) When the Board approves an application for a liquor licence in terms of section 28, the Board must, subject to subsection (2) issue a certificate in the prescribed format, which must include the—
 - (a) full names and trading name of the licenceholder;
 - (b) category of the licence;

- (c) the licence fee;
 - (d) licence number;
 - (e) date on which the licence was approved;
 - (f) date on which the licence lapse;
 - (g) the physical address in respect of which the licence has been issued; and
 - (h) conditions upon which the licence was approved.
- (2) A liquor licence certificate will be issued upon payment of the prescribed liquor licence fee.

34. Effect of licencing

- (1) A liquor licence certificate issued in terms of section 33 is proof that the licence holder has met all the requirements for a valid liquor licence in terms of this Act.
- (2) The licence holder must—
- (a) indicate the liquor licence number on all trading documents of the licence holder;
 - (b) display the original licence certificate at the premises in respect of which the licence is issued; and
 - (c) pay the prescribed liquor licence renewal fee annually.
- (3) When a licence certificate is lost, stolen, damaged or destroyed, the licence holder must report the matter to the South African Police Services within 14 days and must apply for a duplicate licence certificate.
- (4) The Board may issue a duplicate licence certificate upon payment of the prescribed duplicate licence certificate fee.

35. Non-compliance with licence obligations

- (1) The Board must, if the Board has reason to believe that the licence holder has not complied with—
 - (a) a provision of a term or condition of that person's liquor licence; or
 - (b) his or her obligations in terms of this Act,
 - (i) serve a non-compliance notice in the prescribed form on the licence holder; and
 - (ii) if the Board is satisfied that any non-compliance contemplated in paragraph (i), constitutes an offence, report the licence holder to the South African Police Service for investigation.
- (2) A non-compliance notice contemplated in subsection (1), must advise the licence holder –
 - (a) of the alleged non-compliance and the steps that the licence holder is required to take in order to comply; and
 - (b) that the licence holder must comply with the notice within 30 days from the date the notice was received.
- (3) The Board may extend the period contemplated in subsection (2)(b), on good cause shown by the licence holder.

36. Variation, suspension or cancellation of licence

- (1) If a licence holder who has been served with a notice in terms of section 35 does not comply with the requirements stated in the notice or becomes disqualified in terms of this Act, the Board must—
 - (a) amend or suspend the liquor licence on such terms and conditions as the Board may determine; or
 - (b) cancel the licence,

and notify the licence holder, in writing, of the—

- (i) amendment, suspension or cancellation and state the reasons therefore; and
 - (ii) date on which the liquor licence was amended, suspended or cancelled.
- (2) When a liquor licence has been suspended or cancelled, all the rights, benefits and allowances accruing therefrom lapses on the date that the liquor licence was suspended or cancelled.

37. Appeal against amendment, suspension or cancellation of licence

- (1) A licence holder may, on the prescribed form, refer a decision of the Board to amend, suspend or cancel a licence to the Appeal Tribunal.
- (2) The appeal must include the following:
 - (a) a copy of the non-compliance notice issued in terms of section 35;
 - (b) steps taken by the licence holder to comply with the terms of the non-compliance notice within the prescribed period;
 - (c) a copy of the decision of the Board to amend, suspend or cancel the licence;
 - (d) a written statement on the grounds of appeal; and
 - (e) any other information which may be relevant to the appeal.
- (3) Section 32 will apply to the hearing of the appeal.

38. Voluntary deregistration, winding up or dissolution

- (1) A licence holder may voluntarily deregister by sending a written notice to the Board stating the—

- (a) intention and reasons for deregistration; and
 - (b) date from which the deregistration is to take effect.
- (2) If a licence holder is—
 - (a) sequestrated;
 - (b) wound up; or
 - (c) dissolved,the licence holder must notify the Board in writing of that fact and attach certified copies of all relevant documents confirming the sequestration, winding-up or dissolution.
- (3) On receiving the notice contemplated in subsection (2), the Board must, on the date specified in the notice—
 - (a) cancel the licence of the licence holder; and
 - (b) notify the licence holder, in writing, of the date on which the deregistration was effected.

39. Death or incapacity of licence holders

- (1) For the purposes of this section the expression 'an administrator of an estate' includes —
 - (a) an executor of a deceased estate;
 - (b) a liquidator or trustee of an insolvent estate; and
 - (c) a curator.
- (2) When a licence holder dies, becomes insolvent, or is placed under curatorship, the administrator of the estate may, for the purposes of administering the estate, continue to conduct the licenced activities in the name of the estate.

- (3) Any person may apply in the prescribed manner and form to the Board for the appointment of a person to conduct the licenced activities of the licence holder, pending the appointment of an administrator contemplated in subsection (2).
- (4) Before granting an application made in terms of subsection (3), the Board must be satisfied that —
 - (a) every person with a financial interest in the matter has been given reasonable notice of the application;
 - (b) an administrator has not been appointed; and
 - (c) there are reasonable grounds to believe that an administrator will be appointed.
- (5) A person appointed in terms of subsection (3) may, for the purpose of administering the estate, continue to conduct the licenced activities in the name of the estate, until an administrator has been appointed.

40. Change of controlling interest

- (1) A licence holder must not, unless the Board has on application by the licence holder granted consent, permit any other person to procure a controlling interest in the business entity to which the licence relates.
- (2) The Board must not grant consent in terms of subsection (1), when the person who is the subject of the application, is disqualified in terms of this Act to be a licence holder.

41. Change of core business

- (1) When a licence holder wish to change the core business for which a liquor licence was issued, the licence holder must submit an application, on the prescribed application form, to the Board.
- (2) The Board must, within 21 days of receiving the application in subsection (1), consider the application and may —
 - (a) approve unconditionally;
 - (b) approve conditionally; or
 - (c) refuse,the application to extend or change the core business of the licence holder.

42. Transfer of licence

- (1) A licence holder may, in the prescribed format and on payment of the prescribed application fee, make an application to the Board for the transfer of a licence to another person.
- (2) The Board must, within 21 days of receiving the application for a transfer of a licence, consider the application and may —
 - (a) approve unconditionally;
 - (b) approve conditionally; or
 - (c) refuse,the application for transfer of a licence.
- (3) The provisions of sections 27, 39, 31, 32 and 33 are applicable to an application for transfer of a licence.

- (4) When the application in subsection (1) is approved, the original licence holder ceases to be the licence holder and all rights and obligations of the licence are transferred to the new licence holder.

43. Relocation of premises

- (1) A licence holder may, in the prescribed format and on payment of the prescribed application fee, make an application to the Board for the relocation of the licenced premises to other premises within the same district as the licenced premises.
- (2) The Board must, within 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,
- the application for relocation of the licenced premises.
- (3) The Board must issue a certificate of relocation if the application is approved.
- (4) When an application in terms of subsection (1) is in respect of premises that —
- (a) has not been erected;
- (b) requires structural alteration or addition;
- (c) requires reconstruction,
- the Board must issue a notice to the applicant to comply with such conditions or requirements as the Board may determine.
- (5) The Board may, on application of the applicant —

- (a) withdraw or amend any condition or requirement determined in terms of subsection (4);
 - (b) subject to subsection (6), extend the period determined in terms of subsection (4); or
 - (c) approve an amended plan for the premises.
- (6) The period determined by the Board for completion of the premises may not be longer than 24 months and the period of the extension granted in terms of subsection (5)(b), may not be longer than 12 months.

44. Register of licence holders and provincial records

- (1) The Board must keep a register, in the prescribed format, of all—
- (a) applications for licences;
 - (b) licences issued;
 - (c) cancelled licences;
 - (d) deregistered licences; and
 - (e) conditions attached to licences.
- (2) The Board must, not later than 60 days after each calendar year, publish in the *Gazette* and in two widely circulated newspapers in the province, the record of licences, specifying the names of all licence holders —
- (a) who were licenced;
 - (b) whose licences were cancelled;
 - (c) who deregistered voluntarily or have been wound up or dissolved;
 - (d) who have been refused a licence; and
 - (e) whose licence conditions were amended,
- during the preceding calendar year.

45. Payment into revenue fund

All prescribed fees received in terms of this Act must be paid into the Provincial Revenue Fund.

CHAPTER 5
CONDITIONS FOR SALE OF LIQUOR

46. Sale of liquor

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

47. Prohibition on sale of liquor

No person may sell liquor to a person who is —

- (a) under the age of 18 years;
- (b) dressed in school uniform;
- (c) visibly intoxicated; or
- (d) pregnant.

48. Management of business

- (1) A person, other than a natural person, must not conduct any business under a licence, unless a natural person who permanently resides in the Republic and who is not disqualified or incompetent in terms of this Act to be a licence holder, manages and is responsible for the business to which the said licence relates.
- (2) A natural person who is a licenced person may, in the prescribed manner, appoint another natural person who permanently resides in the Republic and who is not disqualified or incompetent in terms of this Act to be a licence holder, to manage and be responsible for the business to which the said licence relates.

- (3) If a licence holder or the only member of a company or close corporation which is the holder of a licence—
- (a) has, in the opinion of the Board, abandoned the licenced premises without provision for the conduct thereon of the business to which the licence relates;
 - (b) becomes disqualified or otherwise incompetent in terms of this Act to be a licenced person; or
 - (c) which is a partnership, is dissolved,
- the Board may, on application by a person who has an interest in the relevant business, appoint any person who is fit to manage and be responsible for that business for a period of not more than 12 months, and a person so appointed is, subject to subsection 4(b), deemed to be the licence holder.
- (4) An appointment in terms of subsection (3)—
- (a) is subject to the conditions set out by the Board;
 - (b) must not affect any right which a person may have in the business; and
 - (c) may be withdrawn by the Board on good cause.
- (5) A person managing a business and responsible for a business to which a licence relates is subject to the same obligations and liabilities as the licence holder.
- (6) Subsection (5) must not be interpreted to release the licence holder from any obligation or liability in terms of this Act.

49. Alterations of premises

- (1) A licence holder must, prior to effecting any structural alteration, addition or reconstruction of the licenced premises, apply on the prescribed application form

to the Board for approval of such structural alteration, addition or reconstruction of the licenced premises.

- (2) The Board may grant with or without conditions or refuse an application in terms of subsection (1).

50. Trading times

The Board may, subject to conditions, restrict the days and hours during which a licence holder may sell liquor.

51. Limitation on employers

- (1) No person may employ another person, in connection with the sale or micro-manufacturing of liquor who—
- (a) is under the age of 16 years; or
 - (b) has within the preceding two years been convicted of contravening any law regulating the sale or manufacturing of liquor and has been sentenced to imprisonment without the option of a fine or to both imprisonment and a fine.
- (2) Subsection (1) does not apply to a person under the age of 16 years who is undergoing training or a learnership contemplated in section 16 of the Skills Development Act, 1998 (Act No.97 of 1998).

52. Public health notices

The MEC may, in consultation with the Member of the Executive Council responsible for health matters in the province, prescribe the content and the manner in which licence holders must display public health notices relating to the sale or consumption of liquor.

CHAPTER 6
LAW ENFORCEMENT AND JUDICIAL PROCEEDINGS

Part I

Prohibited and controlled liquids

53. Prohibition of sale of unhealthy concoctions

(1) No person may—

- (a) have in his or her possession or custody or under his or her control; or
- (b) sell a —
 - (i) concoction manufactured by the fermentation of treacle, sugar or other substances and known as isishimiyana, hopana, qediviki, skokiaan, uhali or barberton, but excluding indigenous qhilika;
 - (ii) concoction which may be called by another name, but is similar or substantially similar to any of the concoctions referred to in sub-paragraph (i);
 - (iii) concoction, which the MEC in consultation with the Member of the Executive Council for health matters in the province, has published by notice in the *Gazette* to be a concoction which is harmful to the health of a person; and
 - (iv) drink manufactured by the distillation of any concoction referred to in sub-paragraphs (i),(ii), or (iii).

- (2) The MEC may after consultation with the MEC responsible for health matters in the province, amend or withdraw a notice contemplated in subsection (1)(b)(iii).

54. Methylated spirits

The MEC, may make regulations regarding the—

- (a) importation, transshipment, conveyance, transmission, keeping, sale or use of methylated spirits;

- (b) categories of persons who may sell methylated spirits;
- (c) keeping of records or other documents in respect of any dealing in methylated spirits, the form and manner in which the records or other document must be kept and the particulars to be entered therein;
- (d) custody and retention of records or other documents contemplated in paragraph (c);
- (e) denaturing, odourisation, colouring and rendering importable of methylated spirits sold or kept for sale, and the manner in which this must be done;
- (f) quantities of methylated spirits which may be sold on any occasion to any person and the receptacles in which it must be sold;
- (g) prohibiting or restricting of the purchase or possession of methylated spirits, including the granting of permits for the purchase or possession thereof.

Part II

Inspectorate

55. Designation of liquor trade inspectors

- (1) The MEC may designate persons to be liquor trade inspectors, who is appointed as peace officers by the Minister of Justice in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Liquor trade inspectors have the powers assigned to them by the Minister of Justice by proclamation in the *Gazette*.
- (3) The MEC must, in the prescribed format, issue a liquor trade inspector with a certificate stating that the person is a liquor trade inspector designated in terms of this Act.

56. Powers and duties of liquor trade inspectors

- (1) A liquor trade inspector may—
- (a) conduct inspections, monitor and enforce compliance with this Act;
 - (b) investigate complaints submitted to the inspector in the prescribed format;
 - (c) question any person on any premises in respect of any matter which may be relevant to the inspection;
 - (d) inspect or copy any document, take photographs or make audio-visual recordings of any person, process, action or condition on or regarding any premises and take samples of any substance that is relevant to the inspection;
 - (e) seize any liquor which is sold or distributed contrary to the provisions of this Act;
 - (f) seize any substance that appears to be prohibited in terms of section 6 of the Liquor Products Act;
 - (g) issue a non-compliance notice in the prescribed format; and
 - (h) issue a fine or sanction for non-compliance.
- (2) A liquor trade inspector must issue a receipt, in the prescribed format, to the owner or person in control of the premises of all items removed during an inspection.
- (3) A liquor trade inspector may be accompanied during an inspection by a member of the South African Police Service or any other person reasonably required to assist in the conducting of the inspection.

57. Duty to assist liquor trade inspector

No person may —

- (a) refuse to provide a document or information which that person is lawfully required to provide in terms of this Act;
- (b) furnish false or misleading information to a liquor trade inspector; or
- (c) refuse, obstruct, interfere or hinder a liquor trade inspector in the performing of his or her duties in terms of this Act.

58. Non-compliance notice

- (1) An inspector who is of the opinion that a provision of this Act or a condition attached to a licence has not been complied with, subject to subsection (2), must issue a non-compliance notice in the prescribed format to the owner or person in control of the premises.
- (2) A non-compliance notice in terms of subsection (1) must set out –
 - (a) the provision that has allegedly not been complied with;
 - (b) details of the nature and extent of the alleged non-compliance;
 - (c) the action required to be taken and the period within which the required action must be taken; and
 - (d) any penalty that may be imposed in the event of non-compliance.
- (3) A non-compliance notice remains in force until a liquor trade inspector issues in the prescribed format, a compliance certificate to indicate the compliance.

59. Closing down of licenced premises

- (1) Where the Board is of the opinion that –
 - (a) public disturbance;
 - (b) disorder;
 - (c) a riot; or
 - (d) public violence,

is occurring or threatening at or near any licenced premises, the liquor trade inspector or the Board may order the licence holder or the manager or agent of the licence holder to close the licenced premises for the period directed by the inspector or the Board.

- (2) The licence holder, manager or agent of the licence holder, must comply with an order in terms of subsection (1).
- (3) A liquor trade inspector or the Board may at any time withdraw an order issued in terms of subsection (1).

60. Inspectorate Reports

A liquor trade inspector must submit a report to the Board –

- (a) on any failure by a licence holder to discharge an obligation or condition of the licence;
- (b) of the disqualification of a licence holder in terms of this Act to hold the licence or permit concerned;
- (c) that alterations or repairs must be effected to any licenced premises;
- (d) that alterations were effected to licenced premises without the approval of the Board; and
- (e) on any other matter regarding licences, which the liquor trade inspector regard as important to bring to the attention of the Board.

Part III
Offences

61. General offences

- (1) A person who—
- (a) sells or micro-manufactures liquor or methylated spirits —
 - (i) without a licence ; or
 - (ii) contrary to the conditions of the licence;
 - (b) sells or manufactures traditional African beer —
 - (i) without a permit; or
 - (ii) contrary to the conditions of the traditional African beer permit;
 - (c) acts violently, disorderly or is intoxicated on premises in respect of which a licence is issued;
 - (d) consumes any liquor on any road, street, lane or thoroughfare, or on vacant land adjacent thereto, in an urban area or other area subdivided into erven or plots with streets bounded by such erven or plots;
 - (e) introduces, possess or consumes any liquor on a sports ground that is not registered premises, to which the public has or is granted access, irrespective of whether access is granted against payment or is restricted to any category of persons or not;
 - (f) falsely represents himself or herself or any other person to be over the age of 18 years in order to persuade a licence holder or the agent or employee of a licence holder, to sell or supply liquor to that person; or
 - (g) supplies liquor 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.

(2) A person who is –

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

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

(3) A applicant or licence holder who –

- (a) contravenes or fails to comply with any provision of this Act;
- (b) contravenes or fails to comply with a directive issued in terms of this Act;
or
- (c) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a) or (b),

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

62. Offences regarding information

A person who –

- (a) submits or provides any information which is false or misleading; or
- (b) provides any false document which purports to be true but is not a true copy of an original document,

in relation to any application, appeal, objection, representation, reply to any objection or representation or complaint or request in terms of this Act, commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

63. Offences regarding Board

A person who –

- (a) does not appear before the Board on the date and the time as set out in a notice of the Board;
- (b) leaves a meeting of the Board without the approval of the Chairperson of the Board;
- (c) refuses to give evidence or produce any document or book after being called upon by the Board to give such evidence or produce any document or book; or
- (d) willfully interrupts the proceedings at a meeting of the Board or willfully hinder or obstruct the Board or any member thereof in the performance of that member's functions at the meeting,

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

64. Offences regarding inspections

A person who–

- (a) misrepresents himself or herself as being a liquor trade inspector;
- (b) hinders a liquor trade inspector in the execution of his or her duties;
- (c) refuses or fails to obey a lawful instruction given by a liquor trade inspector; or
- (d) refuses, without lawful excuse, to reply to a question put to him or her by a liquor trade inspector or knowingly gives a false or misleading answer,

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

Part IV

Judicial proceedings

65. Service of notices and documents

Any notice or document required to be served in terms of this Act, may be served by hand or sent by telefacsimile or registered mail, addressed to the person to whom a notice or a document is to be served at the physical address, postal address or telefacsimile number, provided to the Board by that person, and notice of the contents is deemed to exist, where the notice or document was—

- (a) hand delivered, when it was delivered;
- (b) sent by telefacsimile, upon receipt of record thereof by the sending station;
- (c) posted by registered mail, fourteen days after it was sent,

in the absence of evidence of the contrary that the person on whom it was served, acting in good faith, through absence, accident, illness or other cause beyond that person's control did not receive the notice, or did not receive the notice until a later date.

66. Review of High Court

Decisions of the Board are subject to review to the extent provided for in the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000).

Part V

Evidential matters

67. Proof of certain facts by affidavit

- (1) If the question arises in any civil proceedings whether a particular act, transaction or occurrence did or did not take place in a particular department of the State or an organ of state or in a branch or office of such a department or organ, or the

question arises in such proceedings whether a particular functionary in such a department, organ, branch or office did or did not perform a particular act or did or did not take part in a particular transaction, a document purporting to be an affidavit by a person who in the affidavit allege—

- (a) that he or she is in the employ of the State or organ of state in the department, branch or office concerned;
- (b) that –
 - (i) if the act, transaction or occurrence concerned took place in that department, branch or office; or
 - (ii) if the functionary concerned performed such an act or took part in such a transaction, it would in the ordinary course of events have come to the deponent's knowledge and a record thereof which is available to him or her would have been kept; and
- (c) that it has not come to his or her knowledge –
 - (i) that such an act, transaction or occurrence took place; or
 - (ii) that the functionary performed such an act or took part in such a transaction and that there is no record thereof,

must on mere production be admissible as proof in those proceedings that the act, transaction or occurrence concerned did not take place or that the functionary concerned did not perform the act concerned or did not take part in the transaction concerned.

- (2) If the question arises in any civil proceedings whether a person with a particular name did or did not furnish a particular officer with particular information or a particular document, a document purporting to be an affidavit by a person who in that affidavit alleges that he or she is that officer and that no person with such a name furnished him or her with such information or document, shall on mere

production be admissible as proof in those proceedings that that person did not furnish that officer with such information or document.

- (3) If the question arises in any civil proceedings whether a fact or information has been recorded under this Act or whether a document is kept or retained thereunder, a document purporting to be an affidavit by a person who in that affidavit alleges that he or she is the person on whom this Act confers the power or imposes the duty to record that fact or information or to keep or retain that document and that he or she has recorded the fact or information concerned or keeps or retains the document concerned or that he or she has satisfied himself that the fact or information concerned has been recorded or that the document concerned is kept or retained, shall on mere production be admissible as proof in those proceedings that that fact or information has been so recorded or that that document is so kept or retained.

68. Procedural requirements for proof by affidavit

- (1) An affidavit contemplated in section 67 is not admissible as proof in terms of the applicable subsection unless a copy thereof has been delivered by the party intending to make use thereof to every other party to the proceedings concerned at least seven days before the date of the production thereof.
- (2) The court to which an affidavit referred to in subsection (1), is produced may on application by any party to the proceedings concerned order that the person who made the affidavit concerned be called upon to give evidence in those proceedings or that written interrogatories be submitted to him or her for reply, and such interrogatories and any reply thereto purporting to be a reply by that person must likewise be admissible as proof in those proceedings.

CHAPTER 7 REGULATIONS

69. Regulations

- (1) The MEC may make regulations regarding—
- (a) the procedure for conduct of meetings of the provincial structure in terms of section 16;
 - (b) the application procedure and issuing of permits for traditional African beer in terms of section 24;
 - (c) conditions applicable to permits of traditional African beer;
 - (d) requirements of premises for traditional African beer permit holders;
 - (e) the application fee for traditional African beer;
 - (f) certain exemptions applicable to traditional African beer permits;
 - (g) application form and procedure for a special event permit in terms of section 26;
 - (h) the format of the application form for a liquor licence in terms of section 28;
 - (i) the requirements for newspaper and gazette advertisements in respect of applications made in terms of section 28;
 - (j) the application fee for a liquor licence;
 - (k) the format of the forms in terms of which the Local Liquor Authority must refer applications in terms of sections 28(1) and 28(3) to the Board;
 - (l) the format of the liquor certificate issued in terms of section 33;
 - (m) the fee payable on issuing of a liquor licence in terms of section 33(2);
 - (n) the annual renewal fee payable by the licence holder in terms of section 34(2)(c);
 - (o) the format of the non-compliance notice issued by the Board in terms of section 35(1);

- (p) the format of the form for lodging an appeal against an amendment, suspension or cancellation of a licence in terms of section 37;
 - (q) the procedure for the appointment of another person to manage the business of a licence holder in terms of section 48(2);
 - (r) conditions for trading hours in terms of section 50;
 - (s) the format of the designation certificate of a liquor trade inspector in terms of section 55(3);
 - (t) the format of the form on which a complaint may be lodged to a liquor trade inspector in terms of section 56(1)(b);
 - (u) the format of the receipt which must be issued by a liquor trade inspector in terms of section 56(2);
 - (v) the format of a receipt issued in terms of section 56(2);
 - (w) the format of a non-compliance notice issued by a liquor trade inspector in terms of section 58(1);
 - (x) the format of a compliance certificate issued in terms of section 58(3);
 - (y) the establishment and functions of Liquor Trade Associations in the province; and
 - (z) all matters which are necessary to achieve the objects of this Act.
- (2) Regulations made in terms of this Act may provide for offences and penalties.

CHAPTER 8

GENERAL PROVISIONS

70. Limitation of liability

Neither the State nor any other person or body is liable for any damage or loss caused by—

- (a) the exercise of any power or the performance of any duty under this Act;

or

- (b) the failure to exercise any power, or perform any function or duty under this Act,

unless the exercise of or the failure to exercise the power, or performance or failure to perform the duty was unlawful, negligent or in bad faith.

71. Transitional arrangements

- (1) An application made in terms of the Liquor Act, 1989, before the date of commencement of this Act and not disposed of at that date, must continue and be disposed off as if the Liquor Act, 1989 was not repealed.
- (2) The holder of an authorisation, permit, licence or exemption issued in terms of the Liquor Act, 1989 must within the period determined by the MEC by notice in the *Gazette*, submit such authorisation, permit, licence or exemption to the Board for conversion into an authorisation, permit, licence or exemption under this Act.
- (3) If the holder of an authorisation, permit, licence or exemption fails to submit the document to the Board as determined in terms of subsection (2), such authorisation, permit, licence or exemption lapses on the date determined by the MEC in the notice.

72. Short title and commencement

This Act is called the Limpopo Liquor Act, 2009 and comes into operation on a date fixed by the Premier by proclamation in the *Gazette*.

TSEBIŠO YA PROFENSE

TSEBIŠO YA².... 2015**KGORO YA TLHABOLLO YA IKONOMI, TIKOLOGO LE BOETI
YA LIMPOPO****MOLAO WA DINOTAGI WA LIMPOPO, 2009**

Go dirwa tsebišo go ya ka karolo ya 123 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 ya gore Tonakgolo o amogetše Molao wa Dinotagi wa Limpopo, 2009 (Molao wa 5 wa 2009), wo o gatišitšwego bjalo ka tshedimošo ya kakaretšo.

LEKGOTLATHERAMELAO LA PROFENSE YA LIMPOPO

MOLAO WA DINOTAGI WA LIMPOPO, 2009

[MOLAO5-2009]

MOLAO

Go beakanyetša go hloma Taolo ya Dinotagi ya Selegae, Boto ya Profense ya Dinotagi le Lekgotla la Boipelaetšo; go laola kgopelo ya le tebeledišo ya dilaesense tša kgwebjana ya thekišo le botšweletši bjo bonnyane bja dinotagi; go laola kgopelo ye le tebeledišo ya mangwalo a tumelelo a tšweletšo le phatlalatšo ya bjala bja setšo bja seAfrika; go thibela thekišo ya dinotagi go dihlopha tše di itšego tša batho; go beakanyetša go phethagatša ditshepedišo le ditaba tše dingwe tša go amana le tše.

O TLA BEWA BJALO KA MOLAO ke Lekgotlatheramelao la Profense ya Limpopo ka fao go latelago:-

PEAKANYO YA DIKAROLO**KGAOLO 1****DIPEAKANYETŠ TŠA MATSENO**

1. Ditlhathollo
2. Maikemišetšo a Molao
3. Phethagatšo ya Molao

KGAOLO 2**TLHOMO YA MAKGOTLA A PROFENSE****Karolo I****Taolo ya Dinotagi ya Selegae**

4. Tlhomo ya Taolo ya Dinotagi ya Selegae
5. Tlhamo ya Taolo ya Dinotagi ya Selegae
6. Kghetho ya maloko a Taolo ya Dinotagi ya Selegae
7. Mehola ya Taolo ya Dinotagi ya Selegae

Karolo II**Boto ya Dinotagi ya Limpopo**

8. Tihomo ya Boto ya Dinotagi ya Limpopo
9. Tihamo ya Boto
10. Kghetho ya maloko a Boto
11. Mešomo le maatla a Boto

Karolo III**Lekgotla la Boipelaetšo**

12. Tihomo ya Lekgotla la Boipelaetšo

Karolo IV**Dipeakanyetšo kakaretšo go swanelana le Makgotla Profense**

13. Maswanedi a go kgethelwa makgotla a profense
14. Pakatiro
15. Moputso le ditšhelete tša ka thoko tša maloko
16. Dikopano tša makgotla a profense
17. Kgaolo ya maloko
18. Matlotlo a Makgotla a Profense
19. Piletšo tshekong le ditsebišo

KGAOLO 3**KHANSELE YA PHOLISI YA DINOTAGI TŠA PROFENSE**

20. Tihomo ya Khansele
21. Tihamo ya Khansele
22. Mešomo ya Khansele

KGAOLO 4

DILAESENSE LE MANGWALO A DITUMELELO

Dikgopelo tša dilaesense le mangwalo a tumelelo

23. Go fa laesense ka molao
24. Bjala bja setšo bja seAfrika
25. Mehuta ya dilaesense
26. Tumelelo ya tiragalo ye e ikgethilego
27. Kgaolo ya botšeakarolo
28. Tshepedišo ya laesense ya dinotagi
29. Dinyakwa tša morerišani wa dinotagi
30. Lehu goba go se sa kgona ga modirakgopelo
31. Boipelaetšo kgahlanong le kganetšo
32. Go theeletša Boipelaetšo
33. Setifikeiti sa Laesense
34. Sephetho sa laesense
35. Go se kgotsofatše ditlamego tša laesense
36. Phapano, phego goba go phumola laesense
37. Boipiaetšo kgahlanong le phetošo, phego goba go phumula laesense
38. Go ithaopa go fediša boingwadišo, thumo ya kgwebo goba phatlalatšo
39. Lehu goba go se sa kgona ga beng ba laesense
40. Phetošo ya maatla a taolo
41. Thutišo ya laesense
42. Tšhutišo ya kgwebo
43. Thutišo ya kgwebo
44. Puku ya boingwadišo ya beng laesense le direkoto ya profense
45. Tefelo go sekhwama sa ditseno

KGAOLO 5**DIPEELANO TŠA THEKIŠANO YA DINOTAGI**

- 46. Thekišano ya dinotagi
- 47. Thibelo thekišong ya dinotagi
- 48. Taolo ya kgwebo
- 49. Phetošo ya meago
- 50. Dinako tša go gweba
- 51. Kiletšo go beng mošomo
- 52. Ditsebišo tša maphelo a batho

KGAOLO 6**PHETHAGATŠO YA MOLAO LE DITSHEPEDIŠO TŠA KAHLOLO****Karolo I****Diela tše di thibelwago le go laolwa**

- 53. Thibelo go thekišo ya metswako ya go fokotša
- 54. Segwai

Karolo II**Lekgotla la bohlahlobi**

- 55. Peo ya bahlahlobi ba kgwebo ya dinotagi
- 56. Maatla le mešomo ya bahlahlobi ba kgwebo ya dinotagi
- 57. Tshwanelo go thuša mohlalobi wa kgwebo ya dinotagi
- 58. Tsebišo ya go se kgotsofatše dinyakwa
- 59. Tswalelo ya meago ya go ba le laesense
- 60. Dipego tša lekgotla la bahlahlobi

Karolo III**Tshelo ya melao le dikotlo**

- 61. Ditshelamolao ka kakaretšo

- 62. Ditshelamolao malebana le tsebo
- 63. Ditshelamolao malebana le Poto
- 64. Ditshelamolao malebana le ditlhahlobo

Karolo IV

Ditshepedišo tša kahlolo

- 65. Go amogetša ditsebišo le mangwalo
- 66. Tebeledišišo ka Kgorokgolo ya Tsheko

Karolo V

Ditaba tša bopaki

- 67. Bohlatse bja dintlha tše di itšego ka afidabiti
- 68. Dinyakwa tša tshepedišo ya bohlatse bja afidabiti

KGAOLO 7

MELAWANA

- 69. Melawana

KGAOLO 8

DIPEAKANYETŠO KAKARETŠO

- 70. Kiletšo ya dikoloto
- 71. Dipeakanyetšo tša phetošetšo
- 72. Thaetlele e kopana le mathomo

1. Ditlhathollo

(1) Mo molaong wo ntle le ge diteng di laetša ka mokgwa wo mongwe—

"bjala" go balwa le—

(a) Aile, saeta, le stout;

(b) seno se sengwe le se sengwe sa go bedišwa, ntle le Bjala bja setšo bja seAfrika-

(i) bjoo bo tšweleditšwego bjalo ka goba bo rekišwa ka tlase ga leina la bjala, aile, saeta goba stout, ge e na le volume ya alekhoholo ya go feta phesente e tee; goba

(ii) ye e begilwego go ba bjala ka tlase ga karolo (42)(2); ya Molao wa Dinotagi, 2003 (Molao No.59 wa 2003);

"Boto" e ra gore Boto ya Dinotagi ya Limpopo go thewa go ya ka karolo 8;

"Modulasetulo" e ra gore modulasetulo wa lekgotla le le lebaganego makaleng a profense;

"Khansel" e ra gore Khansel ya Pholisi ya Dinotagi ya Profense ye e theilwego go ya ka karolo 20;

"Kgoro" e ra gore Kgoro ya go ba le maikarabelo go ditaba tša dinotagi ka mo profenseng;

"laesense" e ra gore setefikeiti sa laesense sa go tlhagišwa go ya ka karolo 31;

"senotagi" e ra gore eng kapa eng—

(a) setšweletšwa sa senotagi bjalo ka ge go hlathollwa ka go karolo 1 ya Molao wa Ditšweletšwa tša Dinotagi, 1989 (Molao wa No. 60 wa 1989);

(b) Bjala; goba

(c) Selo goba seno se se begilwego e le senotagi go ya ka karolo 42(2) ya Molao wa Dinotagi, 2003 (Molao wa No. 59 wa 2003);

"Molao wa Dinotagi, 1989" e ra gore Molao wa Dinotagi, 1989 (Molao wa No. 27 wa 1989);

"Morerišani wa dinotagi" e ra gore motho, ntle le ramolao goba mmoleledi yo a ngwadišitšego go ya ka karolo 29 go thuša badirakgopelo ka tshepedišo ya kgopelo ya laesense ya dinotagi;

"Molao wa Ditšweletšwa tša Dinotagi" o ra gore Molao wa Ditšweletšwa tša Dinotagi, 1989 (Molao wa No. 60 wa 1989);

"Molekgotlaphethiši" e ra gore Molekgotlaphethiši wa go ba le maikarabelo godimo ga ditaba tša dinotagi ka mo profenseng;

"Segwai e" e ra gore—

- (a) digwai tša go ntšhwa tlhago go ya ka molao ofe goba ofe wa goba ka go ntšha tlhago goba digwai; le
- (b) se sengwe le se sengwe sa go ntšhwa tlhago, hlarefatšwa, nkgofatšwa goba digwai tša go šongwa gomme tša tsebagatšwa e le digwai ka tlase ga karolo 42(2) ya Molao wa Dinotagi, 2003 (Molao wa No.59 wa 2003);

"Tšweletšo ka bonnyane" e ra gore go tšweletša dinotagi ka goba ka tlase ga voulume ya kelo bjalo ka ge go beetšwe go ya ka Molao wa Dinotagi 2003 (Molao wa No.59 wa 2003) le tšweletšo ka bonnyane e na le tlhalošo ya go swana le yona;

"Masepala" e ra gore masepala wa go hlongwa go ya ka Mmušo wa Selegae: Molao wa Makgotla a Masepala, 1998 (Molao wa No. 117 wa 1998);

"Lekala la naga" e ra gore lekala la naga bjalo ka ge go hlathollwa ka go karolo 239 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molao wa No. 108 wa 1996);

"Meago" e ra gore moago, naga, serwadi goba karolo ye nngwe le ye nngwe yeo e dumeletšwego ke Boto;

"Kgetha" e ra gore kgethetšwe ke melawana;

"Makgotla a profense" e ra gore Taolo ya Dinotagi ya Selegae, Boto ya Dinotagi ya Limpopo le Lekgotla la Boipelaetšo bjalo ka ge le tthamilwe ka go Kgaolo II;

“Kgwebjana ya thekišo” e ra gore thekišo ya dinotagi ka maikemišetšo a gore di šomišwe;

“Rekiša ” e bala le—

(a) phepo, phetošetšo, tshepidišo ya thekišo, pontšho ka maikemišetšo a go rekiša; goba

(b) dumelela, hlahla goba go dumelela thekišo, bontšha, phetošetšo goba tshephišo;

“Tumelelo ya tiragalo ye e ikethilego” e ra gore tumelelo ye e abilwego go ya ka karolo 26;

“Bjala bja setšo bja seAfrika” e na le tlhalošo ya go rerwa ke Molao wa Dinotagi, 2003 (Molao No. 59 wa 2003);

“Molao wo” e bala molawana wo mongwe le wo mongwe wo o hlamilwego goba tsebagatšwa go ya ka Molao wo.

2. Maikemišetšo a Molao

Maikemišetšo a Molao wo ke go laola botšweletši bjo bonnyane le kgwebjana ya thekišo ya dinotagi le Bjala bja setšo bja seAfrika ka profenseng ka mokgwa wo o tla—

(a) tlhatlošago kgolo ya ekonomi ya go swarelela;

(b) fetolela intaseteri ya dinotagi go swanelana le ikonomi ya leago ka mo profenseng; le

(c) go kgonagatša go tsena ga bakgathatema ba baswa ka intasetering ya dinotagi.

3. Phethagatšo ya Moalo

Molao wo ga o šome go—

CONTINUES ON PAGE 118—PART 2



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

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

(Yi rhijistariwile tanihi Nyuziphepha)

(E ngwadisitšwe bjalo ka Kuranta)

(Yo redzhistariwa sa Nyusiphepha)

Vol. 22

Extraordinary

**Ku katsa na Tigazete to
Hlawuleka hinkwato**

26 JUNE 2015

26 JUNIE 2015

26 KHOTAVUXIKA 2015

26 JUNE 2015

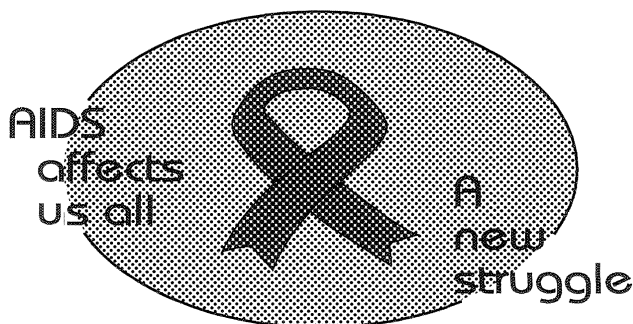
26 FULWI 2015

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PART 2 OF 3



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- (a) Ofisiri bjalo ka ge a tlhalošwa go ya ka karolo 1(1) ya Molao wa Ditšwantle le Motšhelo wa Dithoto, 1964 (Molao wa No. 91 wa 1964), go phethagatša ga mediro ya ofisiri yoo;
- (b) Motseta wa kgoro, ofisiri wa go šoma ka go ya ka taelo ya kgorotsheko, moahlodi goba magisterata , go phethagatša mediro ya bona bjalo ka motseta wa kgoro, moofisiri, moahlodi goba magisterata;
- (c) Mmitšapitšo wa moletlo wa makgonthe wa go kwa tatso ya beine, ge go lebeletšwe thekišo ya beine ya bokaakang bja ka tlase ga 200 dimilimetara yeo e tla nwewago moletlong woo; goba
- (d) Motho yo a rekišago se sengwe le se sengwe sa bosegwai, monkgofatšo wa go tšhungwa goba segwai sa go hlarefatšwa, tšeo e sego digwai tša nnete.

KGAOLO 2
MAKGOTLA A PROFENSE
Karolo I
Taolo ya Selegae ya Dinotagi

4. Tlhommo ya Taolo ya Selegae ya Dinotagi

Molekgotlaphethiši, ka tsebišo ka gare ga kuranta ya mmušo, a ka hloma ditaolo tša dinotagi tša selegae mebasepaleng ka profenseng.

5. Tlhamo ya Taolo ya Selegae ya Dinotagi

Taolo ya Selegae ya Dinotagi ya go hlongwa go ya ka karolo 4 e swanetše go bopša ka –

- (a) Mooemedi wa –
 - (i) Kgoro;
 - (ii) Masepala, wa go kgethwa ke Molaodi wa Masepala wa masepla woo;

- (iii) Tirelo ya Maphodisa a Afrika Borwa, ka go kgethwa Khomišinara wa Profense;
- (b) Leloko la borakgwebo wa tikologo la tsebo le maitemogelo malebana le intaseteri ya dinotagi; le
- (c) Leloko la baagi la tsebo le maitemogelo lekaleng la kgodišo ya setšhaba le ekonomi goba merero ya setšo.

6. kgetho ya maloko a Taolo ya Dinotagi ya Selegae

- (1) Hlogo ya Kgoro o swanetše go mema dikgopelo tša batho bao ba swanetšanago le dikarolo 5(b) le 5(c) go kgethwa ka —
 - (a) go phatlalatša tsebišo ka dikuranteng tše pedi tše di phatlalatšwago tikologong ya masepala wa maleba,
 - (b) metswedi ye mengwe ye e akantšwego ke Hlogo ya Kgoro.
- (2) Badirakgopelo ba swanetše ba, go araba tsebišo go ya ka karolwana (1), ba fihliše lenaneophelo ka botlalo la go ba le-
 - (a) dikhopi tše di kgatlilwego setempe sa semolao; le
 - (b) dingwalwa tša go tlaleletša tše di laetšago tsebo ya mokgopedi le maitemogelo ao a ka tšeago karolo go beeng melao ya intaseteri ya dinotagi profenseng.
- (3) Hlogo ya Kgoro o swanetše, ka tlamo ya karolo 13 a kgethe —
 - (a) baemedi ba kgoro, masepala le maphodisa bao ba akantšwego ka go karolo 5(a);
 - (b) go tšwa dikgopelong tše di amogetšwego go ya ka karolwana (2), maloko a go akanywa ka go dikarolo 5(b) le 5(c).
- (4) Hlogo ya Kgoro o swanetše go kgetha, go tšwa gare ga maloko, Modulasetulo, le Motlatša Modulasetulo wa Taolo ya Dinotagi ya Selegae.

7. Mešomo le maatla a Taolo ya Dinotagi ya Selegae

Taolo ya Dinotagi ya Selegae, ya go hlange go ya ka karolo 4 e swanetše go—

- (a) lebeledišiša le go ntšha mangwalo a tumelelo a—
 - (i) tšweletšo ka bonnyane le thekišo ya bjala bja setlwaelo sa SeAfrika, ka mokgwa wa go kgethwa, le
 - (ii) thekišo le tšhomišo ya dinotagi tiragalong ya go ikgetha;
- (b) go nyakišiša dikgopelo tša dilaesense tša dinotagi tše di amogetšwego go ya ka karolo 28;

- (c) Go fetišetša dikgopelo go ya karolo 28, tšeo di—
 - (i) sa fihlelelego dinyakwa tše di kgethilwego tša Molao wo, go mokgopedi go swanetšana; goba
 - (ii) di fihlelelago dinyakwa tše di kgethilwego tša Molao wo, go Boto go lebeledišiša;
- (d) Go dira ditšhišinyo go ya go Boto mabapi le dikgopelo go temana ya (c)(ii);
- (e) go dira gore dikgopelo tša laesense tša dinotagi di fihlelelwe ke setšhaba;
- (f) Go fihliša kganetšo efe goba efe malebana le kgopelo ya laesense ya dinotagi go Boto; le
- (g) Go dira mešomo efe goba efe yeo e abilwego ke Boto goba go ya ka Molao wo.

Karolo II**Boto ya Dinotagi ya Limpopo****8. Tihomo ya Boto ya Dinotagi ya Limpopo**

Ka tsela ye go hlongwa mothosemolao yo a tsebjago ka Boto ya Dinotagi ya Limpopo.

9. Tlhamo ya Boto

Boto e swanetše go dirwa ke –

- (a) moemedi wa–
 - (i) Kgoro, wa go kgethwa ke Hlogo ya Kgoro; le
 - (ii) Lekgotla la Mmušo wa Selegae wa Afrika Borwa, la go kgethwa ke Moofisiri Hlogophethiši wa Lekgotla leo;
- (b) leloko la borqkgwebo ba tikologo wa go ba le tsebo le maitemogelo malebana le intaseteri ya dinotagi;
- (c) ramolao goba mmoleledi wa maitemogelo wa mengwaga e mehlano; le
- (d) leloko la setšhaba la go ba le maitemogelo ka lehlakoreng la tša kgodišo ya ikonomi ya setšhaba goba ditirelo tša setšhaba le merero ya setšo. .

10. Kgetho ya maloko a Boto

1) Hlogo ya Kgoro e swanetše go–

- (a) iša lenaneo la maina a bahlankedi bao ba kgethilwego go ya ka karolo 9(a) go Molekgotlaphethiši gore a kgethe; le
- (b) mema dikgopelo tša batho bao ba dumelelanago ka go ya ka dikarolo 9(b),(c) le (d) go kgethwa –
 - (i) Ka go phatlalatša tsebišo dikuranteng tše pedi tseo di gatišwago ka profensenseng, le
 - (ii) ka metswedi e mengwe yeo e ka akanywago ke Hlogo ya Kgoro.

(2) Badirakgopelo ba swanetše ba, ka go araba tsebišo go ya ka karolwana (1)(b), ba fihliše lenaneophelo la go felelela la go ba le tše latelago-

- (a) dikhopi tša disetifikeiti tša go hlatselwa tša boithutelo; le

- (b) dingwalwa tša go tlaleletša tšeo di laetšago tsebo ya mokgopedi wa mošomo le boitemogelo bjoo bo ka tšeago karolo go beeng melao intasetering ya dinotagi ka profenseng.
- (3) Hlogo ya Kgoro o swanetše go dira ditšhišinyo go Molekgotlaphethiši mabapi le kgetho ya maloko go Boto.
- (4) Molekgotlaphethiši o swanetše go—
 - (a) Ka tlamo ya karolo 13, a kgethe maloko a Boto go tšwa lenaneong la Ditšhišinyo la go tlišwa ke Hlogo ya Kgoro; le
 - (b) A kgethe go tšwa malokong, Modulasetulo le Motlatša Modulasetulo ba Boto.

11. Mešomo le maatla a Boto

- (1) Boto e swanetše go lebeledišiša dikgopelo tša laesense tša dinotagi.
- (2) Boto e ka—
 - (a) dumela goba go gana kgopelo yeo e amogetšwego go ya ka ditlamo tša karolo 26;
 - (b) rera ditlamo tše di swanelago mehuta ya dilaesense bjalo ka ge go akanywa ka go karolo 24;
 - (c) fetoša goba go phumola laesense ya dinotagi;
 - (d) Fega laesense ya dinotagi ga lebaka le le sa tsebjego goba ga lebaka leo le ka rerwago;
 - (e) kgomagantšha ditlamo go laesense ya dinotag;
 - (f) swara dipoledišano tša setšhaba mabapi le dilaesense tša dinotagi;
 - (g) fa Taolo ya Dinotagi ya Selegae maatla a mangwe le mehola; le
 - (h) go šomiša mehola e mengwe goba maatla ao a filwego goba a lahletšwe go Boto ke Molekgotlaphethiši.

Karolo III
Lekgotla la Boipelaetšo

12. Lekgotla la Boipelaetšo

- (1) Ka tsela ye go hlomilwe Lekgotla la Boipelaetšo la Profense leo le swanetšego go šetša maboipelaetšo kgahlanong le diphetho tša go dirwa ke Boto.
- (2) Lekgotla la boipeletšo le swanetše go kgewhwa ke Molekgotlaphethiši, gomme le bopša ke –
 - (a) Batho ba babedi bao ba nago le dithuto tša mola le bonnyane bja maitemogelo a mengwaga ye mehlano; le
 - (b) Motho o tee wa bokgoni bja maleba le maitemogelo mabapi le intaseteri ya dinotagi.
- (3) Molekgotlaphethiši o swanetše go—
 - (a) phatlalatša dikuranteng tše pedi tša go ba le phatlalatšo e kgolo ka profenseng, memo ya go rapa dikgopelo go ya go Lekgotla la Boipelaetšo; le
 - (b) Lebeledišiša dikgopelo ka moka tše di tlišitšwego go araba memo le go laolwa ke karolo 13, go kgetha maloko go ya go Lekgotla la boipileetšo; le
 - (c) Kgetha Modulasetulo yo a swanetšego go rutege ka tša molao le leloko le lengwe bjalo ka Motlatša Modulasetulo.

Karolo IV
Dipeakanyo kakaretšo malebana le makgotla a profense

13. Maswanedi a go kgethelwa makgotla a profense

Ga go motho yo a swanetšego go kgethwa bjalo ka leloko la lekgotla la profese—

- (a) ntle le ge motho yoo e le modudu wa Rephabliki ya Afrika Borwa;
- (b) ge motho yoo—

- (i) a na le dikghlego thwii goba e se thwii intasetering ya dinotagi, tšeo di ka hlolago thulano le dikgahlego tša leloko tša profesešenale bjalo ka leloko la lekgotla la profense;
- (ii) a na le motswalle wa go ba le dikgahlego tše thwii intasetering ya dinotagi, ntle le ge Molekgotlaphethiši a bona e ke dikgahlego tša motswalle yoo intasetering ya dinotagi ga di thibele motho yoo go kgethwa go ba leloko;
- (iii) e le yo a tšhonnego le go se tsošološwe;
- (iv) a swere maemo a dipolotiki;
- (v) a ile a tlošwa maamong a go tshepša ka lebaka la go se itshware gabotse; goba
- (vi) a ile a golegwa ka lebaka la go tshela molao wa go ama go se tshepege.

14. Pakatiro

Leloko la Lekgotla la Profense le kgethwa lebaka la mengwaga e meraro, gomme a ka kgwethwa gape ga lebaka la go tlaleletša le tee.

15. Moputso le ditšhelete tša ka thoko tša maloko

- (1) Molekgotlaphethiši o swanetše, ka therišano le leloko la Khansele ya Phethišo yo a nago le maikarabelo go ditšhelete, ba rere moputso le ditšhelete tša ka thoko tšeo di lefelwago maloko a makgotla a profense, bao ba se ba thwalwago ka botlalo ke Naga.
- (2) Ditekanyo tša go fapana di ka šomišwa go ya ka makgotlana a profense.

16. Dikopano tša makgotla a profense

Molekgotlaphethiši a ka kgetha tshepedišo ya dikopano tša makgotla a profense.

17. Kgaolo ya maloko

(1) Leloko la lekgotla la profenseyo a kilego a-

- (a) ba le kgahlego thwii goba e se ya thwii tabeng ya go tla pele ga lekgotla la profense; goba
- (b) ba le kgahlego tabeng ya go thibela motho yoo go phethagatša mediro ya gagwe bjalo ka leloko la lekgotla la profense ka bonnete, go se tšee lehlakore le mokgwa wa maleba;

O swanetše a tsebiše kgahlego yeo ka go ngwala, gomme a se kgethe goba ka mokgwa wo mongwe a tšea karolo go ditshepedišo tša taba yeo.

(2) Tsebagatšo ka leloko go ya ka karolwana (1) e swanetše go ngwalwa ka metsotsong ya ditsepedišo.

(3) Molekgotlaphethiši a ka, tloša leloko maamong lekgotleng la profense, ge a gopola gore seo se tla hola setšhaba.

18. Matlotlo a Makgotla a Profense

Matlotlo a makgotla a profense a tla dirwa ke ditšhelete—

- (a) tša go abja ke Lekgotlatheramelao la Profense; le
- (b) tšeo di ka tlelago Lekgotla la Profense go tšwa go mothopo wo mongwe le wo mongwe.

19. Piletšo tshekong le ditsebišo

Modulasetulo wa lekgotlana la maleba ka lekgotleng la profense a ka, ka sebopego sa go kgethwa, biletša tshekong goba go laela motho yo a ka amago ke goba a amemgago tebelelong ya taba ye e rilego, pele ga lekgotla la maleba la profense.

- (2) Motho yo a amogetšego piletšo tshekong goba ditaelo go ya ka karolwana (1), o swanetše go tšwelela pele ga lekgotla la profense ka boyena, ka letšatši, nako le lefelo leo le beilwego ka piletšotshekong goba ka tsebišo.
- (3) Motho yo a tšwelelago pele ga lekgotla la profense bjalo ka ge go akanywa ka go karolwana (2), a ka felesetšwa ke moemedi wa gagwe wa molao.
- (4) Modulasetulo wa lekgotlana la maleba ka lekgotleng la profense a ka biletša tshekong motho mang le mang kopanong ya lekgotla leo la profense go-
- (a) fa bohlatse; goba
- (b) tšweletša lengwalo le lengwe le lengwe goba se sengwe le se sengwe seo motho yoo a se swreeego goba ka tlase ga taolo ya motho yoo ebile seo, go ya ka kgopolo ya Modulasetulo, se amanago le taba yeo e tla lebeledišišwago ke lekgotla leo la profense..

KGAOLO 3

KHANSELE YA PHOLISI YA DINOTAGI YA PROFENSE

20. Tihomo ya Khansele

Ka tsela ye go hlomilwe Khansele ya Pholisi ya Dinotagi ya Profense.

21. Tihamo ya Khansele

- (1) Khansele e hlangwa ke—
- (a) Molekgotlaphethiši;
- (b) Molekgotlaphethiši ka profenseng wa go ba le maikarabelo go—
- (i) maphelo le ditaba tša tšwetšopele ya setšhaba;
- (ii) ditaba tša thuto;
- (iii) temo;
- (iv) polokegeo le tšhireletšo;

- (v) ditaba tša mmušo wa selegae; le
 - (c) Khomišinaro wa Profense wa Ditirelo tša Sephodisa sa Afrika Borwa.
- (2) Molekgotlaphethiši ke modulasetulo wa Khansele gomme o swanetše go bitša kopano ya Khansele nako ye nngwe le ye nngwe, eupša bonnyane gabedi ngwageng wo mongwe le wo mongwe wa ditšhelete.
- (3) Khansele e ka amogela melao ya yona go sepediša dikopano.

22. Mešomo ya Khansele

- (1) Khansele ke foramo ya tsenelano ya mebušo le tšhomišano ya go akanywa ka go 41(1)(h) ya Molaotheo wa Rephabliki ya Afrika Borwa.
- (2) Mešomo ya Khansele ke go rerišana mabapi le taba ye nngwe le ye nngwe ya go amana le moalo wa go amana le intaseteri ya dinotagi le dilaesense tša dinotagi ka mo profenseng.

KGAOLO 4

DILAESENSE LE MANGWALO A TUMELELO

23. Go fa deilaesense ka molao

- (1) Ge go lebeletšwe karolwana (3), ga go motho yo a ka —
- (a) rekišago; goba
 - (b) tšweletša ka bonnyane;
- dinotagi, segwai goba bjala bja setlwaelo sa SeAfrika, ntle le ge motho yoo a na le laesense goba a na le tumelelo go ya ka Molao wo, go rekiša goba go tšweletša ka bonnyane dinotagi, segwai goba bjala bja setlwaelo sa SeAfrika.

- (2) Motho yo a dumeletšwego go ya ka karolwana (1) go rekiša goba go tšweletša ka bonnyane bjala bja setlwaelo sa SeAfrika, segwai goba bjala bja setlwaelo sa seAfrika o swanetše go dira bjalo ka ditlamo tše di kgomagantšhitšwego go laesense goba lengwalo la tumelelo e bjalo.
- (3) Motho yo a tšweletšago ka bonnyane bjala bja setlwaelo sa SeAfrika go dira moletlo goba go nwa eupša e se ka maikemišetšo a go rekiša bjala bja setlwaelo sa SeAfrika, ga a akaretšwe go humana lengwala la tumelelo go ya ka karolo 24.

24. Bjala bja setšo bja seAfrika

- (1) Ke fela Taolo ya Dinotagi ya Selegae e ka ntšhago lengwalo la tumelelo ya go tšweletša goba go rekiša bjala bja setšo bja seAfrika.
- (2) Molekgotlaphethiši o swanetše go kgetha tshepedišo ya dikgopelo ya mangwalo a tumelelo a bjala bja sešo bja seAfrika ao a swanetšego go fa tshepetšo ye e bebofadišwego ya dikgopelo le tefo ya go thoma ya kgopelo.

25. Mehuta ya dilaesense

Motho a ka dira kgopelo ya laesense ya go rekiša dinotagi go latela e tee goba go feta ya mafapha ao a di latelago:

- (a) Thekišo ya dinotagi tša go nwewa ka gare ga meago a moo dinotagi di rekišwago, moo mošomo o mogolo wa kgwebo e lego —
- (i) lebenkele la dinotagi;
 - (ii) rakrosari; goba
 - (iii) polasa ya beine;
- (b) thekišo ya dinotagi tša go nwewa ka gare ga meago ya moo dinotagi di rekišwago, moo mošomo wo mogolo wa kgwebo e lego —
- (i) go aba dodulo;

- (ii) go aba dijo;
- (iii) ngwako wa beine;
- (iv) ngwako wa go boga ditiragalo le dipapadi tše dingwe; goba
- (v) klub,
- (c) thekišo ya dinotagi tša go nwewa ka gare le ka ntle ga meago ya moo dinotagi di rekišwago ka tlase ga ditlamo tša go kgethega go ya kgetho ya Boto; le
- (d) tšweletšo ka bonnyane ya dinotagi.

26. Tumelelo ya tiragalo ye e kgethegilego

- (1) Kgopelo ya tumelelo ya tiragalo ye e kgethegilego e swanetše go fihlišwa go Taolo ya Dinotagi ya Selegae bjalo ka ge go kgetihilwe foromong le gona ka mokgwa wo o kgethilwego.
- (2) Taolo ya Dinotagi ya Selegae e ka, ka taolo ya karolwana (3), ya fa tumelelo ya tiragalo ye e kgethegilego ge go lefelwa tefo yeo e kgethilwego ya tumelelo ya tiragalo ye e kgethegilego;
- (3) Taolo ya Selegae ya Dinotagi e ka se, ntšhetše mokgopedi tumelelo ya tiragalo ye e kgethegilego, go lebaka la botelele bja go feta matšatši a šupa a go latelana le go feta matšatši a go feta a masometharo ge a feleletše ngwageng o tee.

27. Kemišo ya botšeakarolo

- (1) Ga go motho yo a amogetšwago laesense go ya ka Molao, ge motho yoo e—
 - (a) le o monnyane ka leletšatšikgwedi leo kgopelo ya laesense e lebeledišwago;
 - (b) e se modudi wa Afrika Borwa;
 - (c) le yo a tsebagaditšwego e le wa tlhaloganyo ya go se felelele ke

kgorotsheko ya bokgoni;

- (d) le yo a tšhonnwego le go se tsošološwe; goba
- (e) motšweledi wa dinotagi goba mmaditsela wa motšweledi wa dinotagi, yo a tšweletšago dinotagi ka godimo ga bogolo bja ya go lekanela bjalo ka ge go kgethilwe go ya ka Molao wa Dinotagi, 2003 (Molao Wa. 59 wa 2003).

(2) Kgwebo ya go ikema e ka se fiwe laesense go ya ka Moalo wo, ge motho yo—

- (a) a na le kgahlego go tša taolo ka kgwebong ya go ikema;
- (b) e le mogwebišani ka kgwebong ya go ikema; goba
- (c) a holega go tšwa ka go therasete,

Go ya ka karolwana (1), a emišitšwe go ya ka Molao wo.

28. Tshepidišo ya kgopelo ya laesense ya dinotagi

(1) Kgopelo ya laesense ya dinotagi e swanetše go fihlišwa go Taolo ya Dinotagi ya Selegaei go foromo ya go fetišwa gomme e felešetšwe ke—

- (a) tlhohleletšo ya go ngwala ka botlalo go thekga kgopelo ya laesense;
- (b) sethwalwathwalwa sa botlao sa polane ya meago sa go bontšha tekanyo ya meago, diphaphoši, maemo a mafelo a bothušetšo, matheriale wa kago le tsebo ye nngwe ye e kgethilwego;
- (c) tlhalošo ya go tlala ya go ngwalwa ya meago yeo kgopelo e tswalanago le yona, gammogo le diswantšho tša mmala tša dibopego tša ka ntle le ka gare tša meago;
- (d) lengwalo la tumelelo go tšwa masepaleng go laetša gore go na le kwano le dinyakwa tša masepala;
- (e) bohlatse bja gore tsebišo ya kgopelo e—
 - (i) phatlaladitšwe kulanteng e tee ya go phatlalatšwa masepaleng wa lefelo leo le meago e lego go lona; le

- (ii) amogeditšwe leloko, la mengwaga ya ka godimo ga masometshela, la lapa le lengwe le le lengwe goba kgwebo ya go ikema ya go ba hleng ga meago ya moo dinotagi di tla rekišwago;
 - (iii) ahlaahlilwe ka komiting ua maleba ya wate ya go hlangwa go ya ka karolo 73(1) ya Maolao wa Makgotla a Masepala, 1998 (Molao wa. 117 wa 1989);
 - (f) bohlatse bja tefelo ya tefo ya go kgethwa ya kgopelo; le
 - (g) Setifikeiti sa mathomong sa go sa go amogelaga sa motšhelo sa go ntšhwa ke Ditirelo tša Ditseno tša Matlotlo.
- (2) Taolo ya Dinotagi ya Selegae e swanetše gore pele ga matšatši a 21 a go amogela kgopelo ya laesense ya dinotagi go ya ka dipeano tša karolwana (1)–
- (a) nyakišiša kgopelo ya tumelelo le dinyakwa tša karolwana (1) ;
 - (b) e fe setšhaba sebaka sa–
 - (i) go lekola goba go hwetša khophi ya kgopelo; le
 - (ii) tsebagatša dikganetšo mabapi le kgopelo;
 - (c) ge oekgotsofetše gore kgopelo e kgotsofatša dinyakwa tša karolwana (1), e fihliša kgopelo, ka sebopego se se kgwthilwego, gammogo le–
 - (i) ditšhišinyo tša Taolo ya Dinotagi Selegae ya Dinotagi; le
 - (ii) dikganetšo dife goba dife goba dipelaelo go tšwa go setšhaba go ya go Boto,
- (3) Mo kgopelo e sa kgotsofatšego dinyakwa tša karolwana (1), Taolo ya Dinotagi ya Selegae e swanetše go fetišetša kgopelo yeo go mokgopedi e le ka sebopego seo se kgethilwego, e laetša mokgopedi go tlaleletša goba go phošolla kgopelo ya go phošagala pele ga matšatši a 14.

- (4) Ge mokgopedi a ka palelwa go dumelelana le karolwana (3), Taolo ya Dinotagi ya Selegae e ka gana kgopelo le go tsebiša mokgopedi ka go ngwala.
- (5) Go amogeleng ga kgopelo go tšwa go Taolo ya Dinotagi ya Selegae, Boto e swanetše, go ya ka dipeakanyetšo tša karolo ye, e lebeledišiše kgopelo, dikganetšo le ditšhišinyo tša Taolo ya Dinotagi ya Selegae, pele ga matšatši a 30 a ka fela, gomme e ka—
- (a) dumela ntle le ditlamo;
 - (b) dumela ka ditlamo; goba
 - (c) gana,
- Kgopelo ya laesense ya dinotagi.
- (6) Boto e ka dumela kgopelo ya laesense ya dinotagi ge—
- (a) mokgopedi le meago di dumelelana le dipeakanyetšo tša Molao wo;
 - b) mokgopedi e le motho wa semelo se sebotse le go itekanela go ba mong wa laesense;
 - (c) e kgotsofatša dikgahlego tša setšhaba;
 - (d) meago e se ya dula boleng bjo bo kgethilwego bja—
 - (i) sekolo;
 - (ii) lefelo la go rapela;
 - (iii) dinolofatši tša dinamelwa tša setšhaba;
 - (iv) moago woo setšhaba se hwetšago ditirelo tša setšhaba go wona;
 - (v) moago wa go šomišwa ke bašomedi ba mmušo; goba
 - (vi) botšhelamakhura; le
 - (e) laesense e tla swarelela.

(7) Mo Boto e nago le kgopolo ya gore kgopelo ga e dumelelane le dinyakwa tša Molao wo, Boto e swanetše go gana kgopelo ya laesense, gomme Boto e swanetše go tsebiša mokgopedi ka go ngwala—

- (a) mabaka a sephetho sa Boto; le
- (b) go swanetšana le dinyakwa tša Molao wo pele ga matsatši a 20 morago ga go amogela tsebišo.

(8) Mo mokgopedi yo a tsebišitšwego go ya ka karolwana (7) —

- (a) a dumelelanago le dinyakwa bjalo ka ge go beilwe ka gare ga tsebišo, Boto e ka lebeledišiša ka boswa kgopelo; goba
- (b) a sa dumelelane le dinyakwa bjalo ka ge go beilwe ka gare ga tsebišo, Boto e swanetše go gana kgopelo le go tsebiša mokgopedi ka go ngwala.

29. Dinyakwa tša morerišani wa dinotagi

(1) Morerišani wa dinotagi o swanetše, ka sebopego sa go kgethelwa, a dire kgopelo go ya go Boto go ba morerišani wa dinotagi wa go ngwadišwa.

(2) Boto e ka ngwadiša morerišani wa dinotagi—

- (a) morago ga ge morerišani a feditše tlhahlo ya go kgethelwa barerišani ba dinotagi ka katlego; le
- (b) Ka dipeano tše bjalo le ditlamo bjalo ka ge Boto e ka akanya.

(3) Boto e swanetše gore ka morago ga tefelo ya tefo ye e kgethilwego ya boingwadišo, e ntšhe setifikeiti sa boingwadišo go ya go morerišani wa dinotagi.

(4) Ke fela motho yo a ngwadišitšwego bjalo ka morerišani wa dinotagi a ka thušago batho ka kgopelo ya laesense ya dinotagi go ya ka karolo 28.

30. Lehu goba go se sa kgona ga moradirakgopelo

- (1) Ge mokgopedi, pele goba morago ga leletšatšikgwedi kgopelo e lebeledišitšwe a ka—
- (a) hlokafala;
 - (b) tšhona;
 - (c) bewa ka tlase ga taolo ya molao; goba
 - (d) begwa a ka se kgone go hlokomela ditaba tša gagwe ke kgoro ya tsheko;
- mmuši wa maleba wa mohu goba bohwa bja go tšhona, molaodi wa molao goba khuratoro goba, ge mmuši yo bjalo, molaodi wa molao goba khuratoro, a se a kgetha goba moswari wa maemo ao a sa kgone goba a sa nyake go tšea magato, motho yo a nago le dikganyogo kgopelong e bile a dumeletšwe ke taolo ya maleba yeo e lebeledišago kgopelo, o swanetše, go ya ka molao wa go amana le bohwa bja bahu, go tšhona, molaodi bja molao goba bolwetši bja tlhaloganyo, a tšee ditokelo tšeo mokgopedi a bego a tla ba a bile le tšona ge mokgopedi a be a se a hwa, tšhona, a ile a bewa ka fase ga taolo ya molao goba a ile a tsebagatšwa e le yo a ka se kgonego go hlokomela ditaba tša gagwe..
- (2) Boto e ka, ka boikgopelo bja yona le go ya peo molao ye e diragatšwago, dumelela laesense e sekametše ka lehlakoreng la mmuši o bjalo, molaodi wa molao, khuratoro goba motho.

31. Boipeletšo kgahlanong le kganetšo

- (1) Mokgopedi yo a befedišitšwego ke sephetho sa Boto, a ka tsentšha boipelaetšo bja gagwe go Lekgotla la Boipelaetšo, pele ga ge matšatši a 30 a fela morago ga go fiwa tsebišo ya sephetho sa Boto.
- (2) Lekgotla la Boipelaetšo le ka, ka taetšo ya lebaka le lebotse, fetiša tsebagatšo ya boipelaetšo ya go fetawa ke nako.
- (3) Boipelaetšo bo swanetše go bala le tše di latelago:
- (a) khophi ya kgopelo ya laesense ya dinotagi;

- (b) pego ya go ngwalwa ka mabaka a boipelaetšo;
- (c) tsebišo ya go romelwa go mokgopedi ke Boto go ya ka karolo 28(7);
- (d) phetolo ya mokgopedi go tsebišo ya Boto;
- (e) tsebišo ya mafelelo le mabaka a sephetho seo se tšerwego go ya ka karolo 28(8); le
- (f) tshedimošo efe goba efe yeo e le go malebana le boipelaetšo.

32. Go theeletša boipelaetšo

- (1) Lekgotla la Boipelaetšo le swanetše go lebeledišiša boipelaetšo, pele ga matsatši a 30 fela morago ga go amogela mangwalo ka moka ao a tsebišitšwego karolong 31 (3). .
- (2) Maloko ka moka a Lekgotla la Boipelaetšo a bopa khoramo ya pitšo ya Lekgotla la Boipileetšo.
- (3) Go latela karolo 19(4) le 31(3), Lekgotla la Boipelaetšo-
 - (a) le ka kgonthišiša, beela thoko goba go fetoša sephetho sa Boto; le
 - (c) Le swanetše go tsebiša mokgopedi le Boto ka sephetho seo ka mokgwa wa go ngwala.

33. Setifikeiti sa Laesense

- (1) Ge Boto e amogela kgopelo ya laesense ya dinotagi go ya ka molao 28, Boto e swanetše, go ya ka karolwana (2) e ntšhe setifikeiti ka sebopego sa go kgethelwa, seo se swanetšego go bala le—
 - (a) maina ka botlalo le leina la go gweba la mong laesense
 - (b) mohuta wa laesense; c) tefo ya laesense;
 - (d) nomoro ya laesense;
 - (e) letšatšikgwedi leo laesense e dumeletšwego ka lona;

- (f) letšatšikgwedi leo laesense e felelago ka lona;
- (g) aterese ya popego yeo laesense e ntšhitšwego ka yona; le
- (h) ditlamo ao laesense e dumeletšwego ka wona.

- (2) Setifikeiti sa laesense ya dinotagi se tla ntšhiwa morago ga gore go lefelwe tefelo yeo e kgethetšwego laesense ya dinotagi.

34. Sephetho sa laesense

- (1) Setifikeiti sa dinotagi seo se ntšhitšwego go ya ka dipeelano tša karolo 33 ke bohlatse bja gore moswari wa laesense o kgotsofaditše dinyakwa ka moka tša laesense ya maleba ya dinotagi go ya ka Molao wo.

- (2) Monglaesense o swanetše a—

- (a) laetše nomoro ya laesense ya dinotagi mangwalong ka moka a go gweba a moswari wa laesense;
- (b) a phare setifikeiti sa mathomo/oritšinale lebotong la moago woo laesense e ntšheditšwego go wona; le
- (c) a lefe tefo ye e kgethilwego ya go mpshafatša laesense ya dinotagi ngwaga ka ngwaga.

- (3) Ge setifikeiti sa laesense se timetše, utswitšwe goba se senyegile moswari wa laesense o swanetše go bega taba yeo go Ditirelo tša Maphodisa a Afrika Borwa pele go feta matsatši a 14 ebile o swanetše go kgopela pedifatšo ya setifiketi sa laesense.

- (4) Boto e ka ntšha pedifatšo ya setifikeiti sa laesense morago ga tefelo ya tefo yeo e kgethilwego ya ka setifikeiti sa pedifatšo ya laesense.

35. Go se kgotsofatše dinyakwa tša laesense

- (1) Boto e swanetše, ge Boto e nale mabaka a go dumela gore moswari wa laesense ga a kgotsofatše tše dilatelago—
- (a) tliša melawana le di peelano tša laesense ya dinotagi ya motho yoo; goba
- (b) ditlamego tša gagwe go ya ka Molao wo,
- (i) go ntšha tsebišo ya go se nyalelane ka mkgwa wo o kgethilwegop go ya go moswari wa laesense; le
- (ii) gore ge Boto e kgotsofetše gore go senyalelane ga go akanywa go temana (i), ke molato, e bege monglaesense go Ditirelo tša Maphodisaa Afrika Borwa gore ba dire dinyakišišo
- (2) Tsebišo ya go se nyalelane ya go akanywa go karolwana (1) e swanetše go eletša moswari wa laesense—
- (a) ka go senyalelane mo go ukangwago le magato ao monglaesense a swanetšego go a tšea gore a nyalelane;le
- (b) gore monglaesense o swanetše go nyalelana le tsebišo pele go feta matšatši a 30 go tloga mola tsebišo e amogelwago.
- (3) Boto e ka katološa lebaka bjalo ka ge go akanywa ka go karolwana(2)(b), ka mabaka a go kwagala a go laetšwa ke monglaesense.

36. Phapano, phego goba go phumula laesense

- (1) Ge moswari wa laesense yo a ntšheditšwego tsebišo go ya ka karolo 35 a sa nyalelalne le dinyakwa tšeo di begilwego ka gare ga tsebišo goba a ka kgaolwa go ya ka ditlamo tša molao wo, Boto e tla—
- (a) fetiša goba go emiša laesense ya dinotagi ka dinyakwa tše bjalo le ditlamo bjale ka ge Boto e ka rera; goba
- (b) phumula laesense,
- Le go tsebiša moswari wa laesense ka go ngwala ka ga —
- (i) phetošo, phego goba go phumula le go fa mabaka a gona; le

- (ii) letšatšikwedi leo laesense ya dinotagi e fetošitšwego, e fegilwego goba go phumulwa.

- (2) Ge laesense ya dinotagi e fegilwe goba e phumutšwe, meholo le ditšhelete ka moka tšeo di okeditšego mašokotšo go tloga moo di felela ka letšatšikwedi leo laesense ya dinotagi e fegilwego goba go phumulwa ka lona.

37. Lengwalo la dingongorego kgahlanong le phetotošo, go fegwa goba go phumulwa ga laesense.

- (1) Monglaesense a ka, godimo ga foromo yeo e kgethilwego, fitišetša sephetho sa Boto sa go fetola, go fega goba go phumula laesense go Lekgotla la Boipelaetšo.
- (2) Lengwalo la dingongorego le swanetše le be le tše di latelgo:
- (a) khophi ya tsebišo ya go se nyalelane yeo e ntšhitšwego go ya ka dinyakwa tša karolo 35;
 - (b) magato ao a tšerwego ke monglaesense gonyalelana le melawana ya tsebišo ya go se nyalelane, go wela ka tlase ga lebaka leo le kgethilwego;
 - (c) khophi ya sephetho sa Boto sa go fetola, fega goba go phumula laesense;
 - (d) pego ya go ngwalwa ka ga mabaka a lengwalo la dingongorego le tsebo ye nngwe le ye nngwe yeo e ka amanago le boipelaetšo
 - (e) tshedimošo efe goba efe yeo e ka bago ya mohola go boipelaetšo.
- (3) Karolo 32 e tla šomišwa ge go theeletšwa ngongorego.

38. Go ithaopa go fediša boingwadišo, thumo ya kgwebo goba phatlalatšo

- (1) Monglaesense a ka ithaopa go ingwadišolla ka go romela tsebišo ya go ngwalwa go Boto a bega—
- (a) maikemišetšo le mabaka a go ingwadišolla; le
 - (b) letšatšikwedi la go thoma go šoma ga boingwadišollo.
- (2) Ge monglaesense a—

- (a) tšeetšwe thoto;
- (b) rumilwe kgwebo; goba;
- (c) phatlaladitšwe,

Monglaesense o swanetše go tsebiša Boto ka mokgwa wa go ngwala ka ga ntlha yeo le go kgomagantšha dikhophi tša disetifikeiti tša mangwalo ka moka a maleba a go kgonthiša go tšeelwa thoto, go ruma ga kgwebo le phatlalatšo.

- (3) Morago ga go amogela tsebišo ya go akanywa go karolwana (2), Boto e swanetše, ka letšatšikgwedi leo le šupšago ka tsebišong—

- (a) phumula laesense leineng la monglaesense; le go tsebiša monglaesense ka mogwa wa go ngwala, ka letšatšikgwedi leo ngwadišollo e thomilego; le
- (b) tsebiša monglaesense, ka go ngwala, ka letšatšikgwedi leo ngwadišollo le thomilego ka lona.

39. Lehu goba go se sa kgona goba monglaesense

- (1) Go direla merero ya karolo ye, leina le 'mmuši wa bohwa' e akaretša —
- (a) moaba bohwa bja mohu;
 - (b) molikhwiteita goba moswaredi wa thoto ya go tšhona; le
 - (c) kuratoro/molebeledi.
- (2) Ge monglaesense a hlokofala, goba a bewa ka tlase ga bokuratoro, mmuši wa bohwa a ka, ka nepo ya go buša bohwa, tšwelapele go laola ditiro tša laesense ka tlase ga leina la thoto.
- (3) Motho yo mongwe le yo mongwe a ka dira kgopelo ka mokgwa wo o kgethilwegogo ya go Boto gore go dirwe kgetho ya motho wa go laola ditiro tša laesense ka tlase ga monglaesense, go fihlela go kgethwa mmuši wa go akanywa go karolwana (2).
- (4) Pele ga go fetiša kgopelo yeo e dirilwego go ya ka dipealano tša karolwana (3), Boto e swanetše go kgotsofala gore —

- (a) motho yo mongwe le yo mongwe wa goba le dikganyogo tabeng yeo o filwe tsebišo ya go lekana mabapi le kgopelo;
 - (b) mmuši ga se a hlwa a kgethwa; le
 - (c) go na le mabaka a go kwagala go dumela gore mmuši o tla kgethwa.
- (5) Motho yo a khwthilwego go ya ka karolwana (3) a ka, ka napeo ya go buša bohwa, tšwelapele go laola ditiro tša laesense ka tlase ga leina la bohwa, go fihla mmuši a kgethilwe.

40. Phetošo ya maatla a taolo

- (1) Monglaesense ga se a swanela go, ntle le ge Boto, ka kgopelo ya monglaesense e file tumelelo, dumelela motho yo mongwe go hwetša mašokšo a taolo ka kgwebong ya go ikema yeo laesense e tswalanago le yona.
- (2) Boto ga se ya swanela go fa tumelelo go ya ka ditlamo tša karolwana (1), mola motho yo a rerwago ke kgopelo a kgaotšwe go ya ka ditlamo tša Molao wo go ba monglaesense.

41. Go fetoša kgwegwe ya kgwebo

- (1) Ge monglaesense a nyaka go fetoša kgwegwe goba motheo wa kgwebo yeo laesense ya dinotagi e tšwetšego go yona, monglaesense o swanetše go tliša kgopelo, godimo ga foromo yeo e kgethilwego ke Boto.
- (2) Boto e swanetše gore pele matšatši a 21 a feta morago ga go amogela kgopelo, e lebelediše kgopelo, gape e ka —
- (a) dumelela ntle le ditlamo;
 - (b) dumelela le ditlamo; goba
 - (c) gana,
- Kgopelo go telefatša goba go fetoša motheo wa kgwebo ya monglaesense.

42. Tšhutišo ya laesense

- (1) Monglaesense a ka, ka peakanyo ye e kgethilwego le gona ka morago ga tefelo ya tefo ye e kgethilwego ya kgopelo go ya go Boto, ya go fetišetša laesense go motho yo mongwe.
- (2) Boto e swanetše gore e re pele matšatši a 21 a feta morago ga go dira kgopelo ya go fetišetša laesense, e lebelediše kgopelo, e bile e ka —
 - (a) dumelela ntle le ditlamo;
 - (b) dumelela le ditlamo; goba
 - (c) ganaKgopelo ya go fetišetša laesense.
- (3) Ditokišetšo tša dikarolo 27, 39, 31, 32 le 33 di swanetšana le kgopelo ya go fetišetša laesense.
- (4) Ge kgopelo go karolwana (1) e dumeletšwe, monglaesense o emiša go ba monglaesense ebile ditokelo ka moka le ditlamego tša laesense di fetišetšwa go monglaesense yo moswa.

43. Tšhutišo ya kgwebo

- (1) Monglaesense a ka, ka peakaknyo ye e kgethilwego e bile ka morago ga go lefa tefo yeo e kgethilwego ya kgopelo, dira kgopelo go Boto gore a šuthiše meago yeo e nago le laesense go ya go meago ye mengwe selete se tee le meago yeo e nago le laesense.
- (2) Boto e swanetše gore pele matšatši a 21 a feta morago ga go amogela kgopelo, e lebelediše kgopelo ye nngwe le ye nngwe ya tšhutišo ya meago yeo e nago le laesense ebile e ka (4)—
 - (a) dumelela ntle le ditlamo;
 - (b) dumelela leditlamo; goba
 - (c) gana,Kgopelo ya go šutišetša meago ya go ba le laesense.

(3) Boto e swanetše go hlagiša setifikeiting sa tšhutišo ge kgopelo e dumeletšwe.

(4) Ge kgopelo go ya ka dipeelano tša karolwana (1) e le mabapi le meago yeo —

(a) e se go ya agwa;

(b) e nyaka diphetošo tša kago goba koketšo;

(c) e nyaka kago-leswa,

Boto e swanetše go ntšha tsebišogo go mokgopedi gore a dumele ditlamo goba dinyakwa bjalo ka ge Boto e ka rera.

(5) Boto e ka, ka morago ga go dira kgopelo ga mokgopedi —

(a) tloša goba go fetoša tlamo ye nngwe le ye nngwe goba senyakwa tša go rera go ya ka ditaolo tša karolwana (4);

(b) ka taolo ya karolwana (6), oketša nako yeo e nyakegago go ya ka ditaolo tša karolwana (4); goba

(c) dumelela polane yeo e fetošitšwego ya meago.

(6) lebaka la go rerwa ke Boto la go fetša meago le ka se fete dikgwedi tše 24 le lebaka la katološo bjalo ka ge lefilwe go ya ka ditaolo tša karolwana(5)(b), le ka se be le letelele go feta dikgwedi tše 12.

44. Puku ya boingwadišo/retšistara ya benglaesense le rekoto ya profense

(1) Boto e swanetše e šomiše retšistara, ka sebopego seo se kgethwilwego, ya tšohle

(a) dikgopelo tša dilaesense;

(b) dilaesense tše di tšwilego;

(c) dilaesense tše di phumutšwego;

(d) dilaesense tše di ngwadišollotšwego; le

(e) ditlamo tše di kgomagantšhitšwego go tšwa di laesenseng.

(2) Boto e swanetše e, e sego go feta matsatši a 60 ka morago ga ngwaga wo mongwe le wo mongwe, phatlalatše ka go *Gazette* le ka go dikuranta tše pedi

tšeo di phatlalatšwago ka bophara profenseng, rekoto ya dilaesense, go šupšwa maina a beng dilaesens go šupa maina a beng dilaesense ka moka-

- a) bao ba filwegi dilaesense;
 - (b) bao dilaesense tša bona di phumutšwego;
 - (c) bao ba ingwadisollotšego ka boithaopo goba di kgwebo di rumilwego goba di phatlaladitšwe;
 - (d) bao ba ganeditšwegi ka di laesense;
 - (e) bao ditlamo tša di laesense tša bona di fetošitšwego,
- ngwageng wa go feta bjalo k age go tšwelela tšhupamabakeng,

45. Tefelo go sekhwama sa ditseno

Ditefo ka moka tšeo di kgethilwego tša amogelwa go ya ka ditaolo tša Molao wo di swanetše go lefelwa ka go Sekhwama sa Ditseno sa Profense.

KGAOLO 5

DIPEELANO TŠA THEKIŠO YA DINOTAGI

46. Thekišo ya dinotagi

Monglaesense ya go ntšhiwa ka ditaolo tša karolo 25(a) – (c) a ka se rekiše dinotagi go motšweletši goba morekiša kabontši.

47. Thibelo thekišong ya dinotagi

Ga go motho yo a swanetšego go bapatša dinotagi go motho yo a —

- (a) laego ka tlase ga mengwaga ye 18;
- (b) aperego yunifomo ya sekolo;
- (c) laetšago go tagwa; goba
- (d) imilego.

48. Taolo ya kgwebo

- (1) Motho, ntle le motho wa tlhago, a se ke a sepediša kgwebo ka tlase ga laesense, ntle le ge motho wa tlhago yo a dulago ka Rephabliking sa ruri e bile a se a emišwa go botšeakarolo e bile a sa palelwa go ya ka ditaolo tša Molao goba monglaesense, a laola le go ba le maikarabelo godimo ga kgwebo yeo laesense ye go bolelwago ka yona e amanago le yona.
- (2) Motho wa tlhago yo a nago le laesense a ka, ka mokgwa wo o kgethilwego, kgetha motho yo mongwe wa tlhago yo a dulago Rephabliking sa ruri ebile a se a emišwa go botšeakarolo goba a sa palelwe go ya ka ditaolo tša Molao wo go ba monglaesense, go laola le go ba le maikarabelo godimo ga kgwebo yeo laesense ye go bolelwago ka yona e amanago le yona.
- (3) Ge monglaesense goba leloko le nnoši la khamphani goba koporasi ya go tswalela yeo e lego monglaesense—
 - (a) A, go ya ka kgopolo ya Boto, tlogetše meago ya go ba le laesense ntle le ditokišetšo tša tshepedišo ya kgwebo ya ka fao yeo laesense e tswalanago le yona;
 - (b) A emišwa botšeakarolo goba gona go palelwa go ya ka ditaolo tša Molao go ba monglaesense; goba
 - (c) Yeo e lego kgwebo ya tirišano, e phatlaladitšwe, Boto, e ka kgopelo ya motho yo a nago le kgahlego kgwebong ya maleba, kgetha motho yo mongwe le yo mongwe yo a lokelago go laola le go ba le maikarabelo a kgwebo yeo lebaka la go feta dikgwedi tše12, gomme motho yo a kgethilwego bjalo, ka taolo ya karolwana4(b), o tla bonwa bjalo ka monglaesense.
- (4) Go thwala go ya ka melawana ya karolwana (3)—
 - (a) e laolwa ke ditlamo tša go bewa ke Boto;
 - (b) e ka se ame tokelo efe goba efe yeo motho a ka bago le yona kgwebong;
 - (c) e ka phumulwa ke Boto ka lebaka le lebotse.

- (5) Motho yo a laolago kgwebo e bile a na le maikarabelo a kgwebo yeo laesense e tswalanago le yona o tlwangwa ke ditlamo tše bjalo le melato bjalo ka monglaesense.
- (6) Karolwana (5) ga se ya swanelwa go hlathollwa e le go lokolla monglaesense go tšwa go tlamego goba molato go ya ka ditaolo tša Molao wo.

49. Phetošo ya meago

- (1) Monglaesense o swanetše, pele ga go dira phetošo ya kago, koketšo goba kago-leswa ya meago ya goba le laesense, a dire kgopelo godimo ga fomo yeo e kgethilwego ya kgopelo go ya go Boto gore e dumelele phetošo ya kago ya mohuta woo, koketšo goba kago leswa ya meago yeo e nago le laesense.
- (2) Boto e ka fa goba ya gana kgopelo go ya ka ditaolo tša karolwana (1).

50. Dinnko tša go gweba

Boto e ka, ka taolo ya ditlamo, thibela matsšatši le diiri tšeo monglaesense a ka rekišago dinotagi ka tšona.

51. Kiletšo go bathwadi/beng mešomo

- (1) Ga go motho yo a ka thwalago motho yo mongwe, mabapi le thekišo ya dinotagi yo—
- (a) a lego ka tlase ga mengwa ye 16 ; goba
- (b) lebakeng la mengwag ye mebedi ya go feta a ilego a golegwa go tshela molao wo mongwe le wo mogwe wo o laolago thekišo ya dinotagi ebile a ahloletšwego kgolego ntle le kgetho ya tefišo goba bobedi kgolego le tefišo.
- (2) Karolwana (1) ga e ame motho wa mengwaga ya ka tlase ga 16 yo a hwetšago bokgoni karolong ya mokgatlo wa go dumelelwa ke Molao. Wa Tlhabollo ya Bokgoni, 1998 (Molao wa.97 wa 1998).

52. Ditsebišo tša maphelo a batho

MEC a ka, ka therišano le Molekgotlaphethiši yo a nago le maikarabelo go ditaba tša, maphelo profenseng, kgetha dikagare le mokgwa woo baswari ba laesense ba swanetšego go bontšha dilasense tša maphelo a setšhaba tša go tswalana le thekišo le tšhomišo ya dinotagi.

KGAOLO 6**PHETHAGATŠO YA MOLAO LE DITSHEPEDIŠO TŠA KAHLOLO****Karolo I****Diela tše di thibelwago le go laolwa****53. Thebelo ya go rekiša metswako ya go se lokele mmele**

(1) Ga go motho yo a ka—

(a) swarago goba ka tlase ga tlhokomelo ya gawe goba ka tlase ga taolo ya gawe; goba

(b) Rekišago —

(i) motswako wa go tšweletša ka go bediša seela sa go tšwa go swikiri ekhušwa, swikri goba selo se sengwe ebile o tsebega bjalo ka *isishimiyana*, *hopana*, *šediviki*, *skokiaan*, *uhali* goba *barberton*, epuša ntle le seno se gothwego ke *šhilika* ya setšo;

(ii) motswako wo o ka bitšwago ka leina le lengwe le lengwe, eupša o swana goba o tloga o swana kudu le motswako ofe goba ofe wo o šupilwego sekatemanenge (i);

(iii) motswako wo ka therišano le Molekgotlaphethiši wa ditaba tša maphelo profenseng, a phatlaladitšego ka tsebišo ka go *Gazette* goba motswako wo kotsi bophelong bja motho; le

(iv) go nwa seno sa go tšweletšwa ka disitilo ya motswako wo mongwe le wo mongwe wo o šupilwego go dika-ditemana (i),(ii), goba (iii).

- (2) Molekgotlaphethiši ka fetša goba gomiša tsebišo yeo e akanywago go karolwana (1) (b)(iii), ka morago ga go rerišana le Molekgotlaphethiši wa goba le maikarabelo ditabeng tša maphelo.

54. Segwai

Molekgotlaphethiši a ka dira melawana mabapi le –

- (a) go reka ntle, tshepetšo, thwalo, phetišo, go boloka, thekišo, goba tšhomišo ya digwai;
- (b) mehuta ya batho bao b aka rekišago digwai;
- (c) go boloka direkhoto goba mangwalo a mangwe malebana le go šoma go gongwe le go gonwe ka digwai, sebopego le mokgwa woo direkoto goba mangwalo a swanetšego go swarwa le ditlhalošišo go lokelwa ka direkotong;
- (d) tlhokomelo le tshwaro ya direkhotogoba mangwalo a mangwe a go akanywa ka go temana (c);
- (e) go tlahogofatša, monkogofatšo, mmalafatša le phetošo ya bohlokwa bja digwai tšeo di rekišitšwego goba go belwa go rekišwa, , le ka moo se se swanetšego go dirwa;
- (f) bokakaang bja digwai bjo bo ka rekišwago ka lebaka le leitšego go motho yo mongwe le yo mongwe le ditšhelo tšeo di ka rekišwago se le ka go tšona;
- (g) kiletšo goba thibelo ya go reka goba tshwaro ya digwai, go balwa le go fa tumelelo ya go reka goba go swara ga seo.

Karolo II

Lekgotla la bohlahlobi

55. Peo/kabo ya bahlahlobi ba kgwebo ya dinotagi

- (1) Molekgotlaphethiši a ka bea batho go ba bahlahlobi ba kgwebo ya dinotagi, bao ba kgethilwego bjalo ka bahlankedi ba khutšo ke Tona ya Toka go ya ka dipealano tša karolo 334 ya Tshepedišo ya Molao wa Bosenyi, 1977 (Molao wa. 51 wa 1977).
- (2) Bahlahlobi ba kgwebo ya dinotagi bana le maatla ao ba a filwego ke Tona ya Toka ka kgoeletšo ka go *Gazette*.
- (3) Molekgotlaphethiši o swanetše, ka sebopego seo se kgethilwego, a fe mohlahlobi yo a beilwego go ya ka dipealano tša Molao wo.

56. Maikarabelo le mešomo ya bahlahlobi ba kgwebo ya dinotagi

- (1) Mohlahlobi wa kgwebo ya dinotagi a ka—
 - (a) Sepediša ditlhahlobo, monitara le go diragatša tumelelano le Molao wo;
 - (b) Nyakišiša dipelaelo tšeo di tlišitšwego go mohlahlobi ka sebopego se se kgethilwego;
 - (c) Botšiša motho yo mongwe le yo mongwe meagong ye mengwe le ye mengwe go ya ka taba ye nngwe le ye nngwe yeo e ka amanago le tlhahlobo;
 - (d) Hlahloba goba go kopa lengwalo le lengwe le lengwe, tšea diswantšho goba go dira dikgatišo tša tsebeihlo tša motho yo mongwe le yo mongwe, tshepedišo, tiro goba maemo go goba malebana le meago e mengwe le e mengwe le go tšea dišupo tša selo se sengwe le se sengwe seo se lebanego le tlhahlobo;
 - (e) Thopa senotagi se sengwe le se sengwe seo se rekišwago goba go abja kgahlanomg le dinyakwa tša Molao wo;
 - (f) Thopa sengwe le sengwe seo se bonalago se ileditšwe go ya ka dipeelano tša karolo 6 ya Molao wa Ditšweletšwa tša Dinotagi; le
 - (g) Go fa tsebišo ya go se dumelelane ka sebopego seo se kgethilwego le
 - (h) ntšha kotlo goba tumelelo ya go se latele molao.

- (2) Mohlahlobi wa kgwebo ya dinotagi o swanetše go ntšhetša rasiti, ka sebopego sa go kgethwa, mong goba mothoyo a bego le taolo ya meago, ya dilo tšohle tšeo di tšerwego nakong ya tlhahlobo.
- (3) Mohlahlobi wa kgwebo ya dinotagi a ka felesetšwa ke leloko la Ditirelo tša Maphodisa a Afrika Borwa goba motho yo mongwe le yo mongwe yoo ka mabaka go nyakegago gore a thuše tshepedišong ya tlhahlobo.

57. Maikarabelo go thušeng mohlalobi wa kgwebo ya dinotagi

Ga go na motho yo a ka –

- (a) ganago go aba lengwalo goba tsebo yeo motho yoo ka molao a tlamegago go e aba go ya ka dipeelano tša Molao wo;
- (b) aba tsebo ya maaka goba go lahletša go mohlalobi wa kgwebo ya dinotagi; goba
- (c) gana go, pheka, tsena tsena, goba go šitiša mohlalobi wa kgwebo ya dinotagi phethagatšong ya mošomo wa gagwe go ya ka dipeelano tša Molao wo.

58. Tsebišo ya go se dumelelane

- (1) Mohlahlobi yo a nago le kgopolo ya gore ditokišetšo tša Molao wo goba peelano yeo e kgomagantšhitšwego laesenseng ga se ya latelwa, go ya ka karolwana (2), o swanetše gontšha tsebišo ya go se dumelelane /nyalelane, ka sebopego sa go kgethwa go ya go mong goba go motho yo a nago le taoloya naga goba meago yeo e amegago.
- (2) Tsebišo ya go senyalelane go ya ka dipeelano tša karolwana (1) e swanetše go laetša –
 - (a) Tokišetšo yeo go ukangwago gore ga se gwa nyalelwana le yona;
 - (b) Dinyakwa ka moka tša mohuta le bogolo bja go se nyalelane le bjo bo ukangwago;

- (c) Magato ao go nyakegago gore a tšewe le lebaka leo magato a swanetšego go tšewa pele le fela; le
 - (d) Kotlo ye nngwe le ye nngwe yeo motho a ka e ahlolwago ge a šetše a sa nyalelane/dumelelane.
- (3) Tsebišo ya go se nyalelane e dula e na le maatla go fihla ge mohlahlobi wa kgwebo ya dinotagi a ntšha ka sebopego sa go kgethwa, setifikeiti sa go nyalelana go laetša go nyalelana.

59. Go tswalela meago ya go ba le laesense

- (1) Mo Boto e nago le kgopolo ya gore –
- (a) go tshwenya batho;
 - (b) mpherefere;
 - (c) kgaruru; goba
 - (d) go šorofatša setšhaba, tshenyo ya phahlo le golwa
- E a diragala goba go tšhošetša goba kgauswi le meago ya go ba le laesense; mohlalobi wa kgwebo ya dinotagi goba Boto a/e ka laela monglaense goba molaodi goba mmaditsela wa monglaesense go tswalela meago ya goba ke laesense ga lebaka leo a laetšwego ke mohlalobi goba Boto.
- (2) Monglaesense, molaodi goba mmaditsela wa monglaesense, o swanetše go nyalelana le taelo go ya ka dipeelano tša karolwana (1).
- (3) Mohlahlobi wa kgwebo ya dinotagi goba Botio a/e ka phumola taelo yeo e e ntšhitšwego go ya ka dipeelanotša karolwanan (1) nako ye nngwe le ye nngwe.

60. Diwego tša lekgotla la bahlahlobi

Mohlalobi wa kgwebo ya dinotagi o swanetše go fihliša pego go Boto—

- (a) Ka go palewa go gongwe le go go nngwe ga monglaesense go diragatša tlamego goba peelano ya laesense;

- (b) ka ga gofediša botšeakarolo bja monglaesense go ya ka dipeelano tša Molao wo go swara laesense goba tumelelo yeo;
- (c) gore diphetošo le ditokišo di swanetše go diragatšwa go meago ya goba le dilaesense;
- (d) Gore diphetošo di diragaditšwe go meago ya go ba ledi laesense ntle le tumelelo ya Boto; le
- (e) tabeng ye nngwe le ye nngwe ya go ama dilaesense, yeo mohlalobi wa kgwebo ya dinotagi a e bonago e le bohlokwa go ka e iša šeding ya Boto.

Karolo III

Ditshelomolao

61. Ditshelo molao tša kakaretšo

(1) Motho ya a –

- (a) rekišago goba a tšweletšago dinotagi ka bonnyane—
 - (i) ntle le laesense ya dinotagi; goba
 - (iii) kgahlanong le peelano ya laesense ya dinotagi;
- (b) rekišago goba tšweletšago bjala bja setšo sa seAfrika —
 - (i) ntle le tumelelo; goba
 - (ii) kgahlanong le dipeelano tša bjala bja setšo sa seAfika;
- (c) Hlola mperefere le go se laolege meagong yeo laesense e tšwetšego go yona;
- (d) go nwa senotagi sefe goba sefe tseleng, seterateng, mokgothaneng, mebileng megolo, goba sekgobeng sa naga kgauswi le, tulotoropong goba sekgoba se sengwe sa go arolwa ka ditemana le diterata di dikologilwe ke ditema;
- (e) tsebiša, swere goba go šomiša senotagi se sengwe le se sengwe mabaleng a dipapadi ao e sego meago ye e ngwadišitšego, moo setšhaba se tsenago goba se filwego tumelelo ya go tsena e le ya tefelo goba e thibela go ya ka maemo a batho goba aowa;

- (f) lphora goba motho yo mongwe le yo mongwe goba ka godimoga mengwaga e 18 ka maikemišetšo a go kalatša monglaesense goba mmaditsela goba mošomedi wa monglaesense, go rekiša goba go fepa ka dinotagi go motho yoo; goba
- (g) fepa motho ka dinotagi bjalo ka –
 - (i) tefelo ya moputso;
 - (ii) putseletšo;
 - (iii) dimpho tša ge o šoma bjalo ka mošomedi; goba
 - (iv) tlaleletšo ya bošomedi,

O dira molato e bile a ka golegwa a lebana le tefišo goba bobedi tefišo e bjalo le kgolego.

- (2) motho yo a –
 - (a) lego ka tlase ga mengwaga ye 18; goba
 - (b) imilego

A be a reka senotagi go monglaesense o dira molato e bile a ka golegwa a lebana le tefišo goba kgolego.

- (3) mokgopedi goba monglaesense yo –
 - (a) tshelago goba šitwago go nyalelana/dumelelana le dipeakanyetšo tša Molao wo;
 - (b) tshelago goba šitwago go nyalelana/tsenelana le taelo ya go ntšhwago ya ka dipeelano tša Molao wo, goba
 - (c) fago tumelelo goba dumelela motho yo mongwe le yo mongwe go dira, goba go tlogela go dira , se sengwe le se sengwe seo e lego molato go ya ka dipeelano tša temana (a) goba (b),

Go tshela molao e bile a ka golegwa a lebana le tefišo goba kgolego goba bobedi tefišo le kgolego.

62. Ditshelomelao

Motho yo a—

- (a) tliša goba go fa tshedimošo efe goba efe yeo e lego ya maaka goba go lahletša; goba
- (b) go fa lengwalo lefe goba lefe la maaka leo le ipolelago go ba la nnete eupša e se khophi ya nnete ya lengwalo la mathomong/oritsinane, tša go amana le kgopelo efe goba efe, bipiletšo, kganetšo, mabaka tlhagišo goba pelaelo goba kgopelo go ya ka ditlamo tša Molao wo, o tshela molao ebile a ka golegwa a lebana le tefišo goba kgolego goba bobedi tefišo le kgolego.

63. Ditshelo molao mabapi le Boto

Motho yo a sa—

- (a) iponagatšego pele ga Boto letšatšikgwedi le nako bjalo ka ge di beilwe go tsebišo ya Boto
- (b) tlogago kopanong ya Boto ntle le kgetho ya Modula setulo wa Boto;
- (c) ganago go fa bohlatse goba ntšha lengwalo lefe goba lefe goba puku ka morago ga go bitšwa ke Boto go fa bpohlatse bjo bjalo goba gontšha lengwalo lefe goba lefe goba puku; goba
- (d) tsenago ditshepedišo kopanong ya Boto ka boomo goba go šitiša goba go pheka Boto goba yo mongwe le yo mongwe wa maloko a gona go phethagatša ditiro tša leloko leo kopanong,

O dira o tshela molao ebile a ka golegwa a lebana le tefišo goba kgolego goba bobedi tefišo le kgolego.

64. Ditshelomolao mabapi le ditlhahlobo

Motho yo a—

- (a) itirago o ka re ke yena mohlalobi wa dinotagi;
- (b) šitišago mohlalobi wa dinotagi tšweletšong ya mešomo ya gagwe;

- (c) ganago goba go palelwa go latela taelo ya semolao yeo e filwego ke mohlalobi wa kgwebo ya dinotagi; goba
- (d) ganago ntle le lebaka la semolao, go fetola potšišo yeo a e filwego ke mohlalobi wa kgwebo ya dinotagi goba a fa karabo ya maaka goba ya go lahletša a dutše a tseba,

O tshela molao ebile a ka golegwa a lebana le tefišo goba kgolego goba bobedi tefišo le kgolegoi.

Karolo IV

Ditshepedišo tša kahlolo

65. Go amogetša ditsebišo le mangwalo

Tsebišo efe goba efe goba lengwalo leo le swanetšego go amogetšwa go ya ka dipeelano tša Molao wo, e ka amopgetšwa ka seatla goba romelwa ka fekese goba poso ya go retšistariwa, e lebišitšwe go motjh yoo tsebišo goba lengwalo le tla amogetšwago atreseng ya popego, atrese ya poso goba nomoro ya fekese, ya go fiwa Boto ke motho yoo, le tsebišo ya dikagare e tšewa go ba gona, ge tsebišo goba lengwalo e/le –

- (a) išitšwe ka setala;
- (b) rometšwe ka fekese, moarago ga kamogelo ya rekhoto yeo ke steišene sa go romela;
- (c) rometšwe ka poso ya go retšistarwa, matšatši a lesome morago ga go romelwa, ge go hlokega bohlatse bja go ganetša le gore motho yoo a e amogeditšwego yena, a dira ka botshephegi, ka go se be gona, kotsi, bolwetši goba se sengwe le se sengwe seo motho yoo a ka sekgonego go se laola ga se a amogela tsebišo, goba ga se a amogela tšebišo go fihla letšatšikgwedingya ka morago ga fao.

66. Tebeledišo ka go Kgorokgolo ya Tsheko

Diphetho tša Botodi ka sekwasekwa go ya ka go fihla magomong ao a beakantšwego ka go Molao wa Tšwetšopele ya Tshepedišo ya Toka, 2000 (Molao Wa 3 wa 2000).

Karolo V

Ditaba tša mabopaki

67. Bohlatse bja dintlha tše di itšego ka afidabiti/kenongwalwa

- (1) Ge potšišo e ka tšwelela ka go ditshepidišo tša segae go botšiša ge e ba molao wo o itšego, papatšišano goba tiragalo e goba ga se ya diragala ka kgorong ye e itšego ya Naga goba setho sa naga goba lekala goba kantoro ya kgoro e bjalo goba setho, goba potšišo ya tšwelela tshepedišong tše bjalo ge e ba mošomedi yo a itšego wa taolo ka kgorong e bjalo, setho, lekala goba kantoro o goba ga se a phethagatša tiro ye e itšego goba ga se a tšea karolo papatšišanong ye itšego, lengwalo la go ipolela go ba afidaviti ka motho yo ka gare ga afidabiti a umakgwago—
- (a) Gore o thwetšwe ke Naga goba setho sa naga ka kgoro, lekala goba kantorong ye e itšego;
- (b) Gore —
- (i) ge tiro, papatšišano goba tiragalo yeo e diragetše ka kgorong, lekaleng goba kantorong; goba
- (ii) ge mošomedi yo a itšego wa taolo ka kgorong a dirile tiro e bjalo goba a tšere karolo papatšong e bjalo, ka tshwanelo e tla ba e fihliletše moikanedi yoo le rekoto ya ntshe yeo a ka e fihlelelago goba a tla bago a e bolokile; le
- (c) Yeo e sa mo fihlelelago—
- (i) ge tiro, papatšano goba tiragalo yeo e diragetše; goba
- (ii) ge mošomedi wa taolo ka kgorong o dirile tiro e bjalo goba o tšere karolo papatšišanong e bjalo le gore ga go rekhoto ya seo, e

swanetše gore ka tšweletšo fela e amogelwa bjalo ka bohlatse
ditshepedišong tše bjalo gore tiro, papatšišano goba tiragalo yeo
ga se ya diragala goba gore mošomedi wa taolo kgorong ga se a
phethagatša tiro yeo goba ga se atšea karolo papatšišanong yeo.

(2) Ge potšišo e ka tšwelela ka ditshepedišong tša segae ge e ba motho wa leina le
le itšego o goba ga se afa mohlankedi yo a itšeng tsebo ye e itšeng goba
lengwalo le le itšeng, lengwalo leo le hlalošwago goba afidabiti ke motho yoo ka
gare ga afidabiti a umakwago gore ke yena mohlankedi le gore ga go motho wa
leina le le bjalo a mo filego tsebo e bjalo goba lengwalo, le tla amogelwa bjalo ka
bohlatse ka go ntšhiwa fela ditshepedišong tšeo gore motho yoo ga se afa
mohlankedi tsebogo ba lengwalo le le bjalo.

(3) Ge potšišo e ka tšwelela ka ditshepedišong tša segae ge eba ntlha goba tsebo e
ngwadilwe ka tlase ga Molao wo goba ge e eba lengwalo le bolokilwe goba
swerwe ka tlase ga fao, lengwalo leo le hlalošwago goba afidabiti gotšwa go
motho yoo ka afidabiting yeo a umakang gore ke yena motho yo Molao wo o mo
fago maatla goba laelago mošomo wa go ngwala ntlha yeo goba go boloka goba
go swara lengwalo le gore o ngwadile ntlha goba tsebo yeo goba o boloka goba
go swara lengwalo leo le bolokilwe goba le swerwe, le tla amogelwa bjalo ka go
ntšhiwa fela ditshepedišong tšeo gore ntlha goba tsebo e ngwadilwe bjalo goba
gore lengwalo leo le bolokilwe bjalo goba le swerwe.

68. Dinyakwa tša tshepedišo ya bohlatse bja afidabiti

(1) afidabiti yeo e akanywago ka go karolo 67 ga e amogelwe bjalo ka bohlatse go
ya ka dipeelano tša karolwana yeo e swanelago ntle le ge khophi ya seo e
fihleletše ke motho yo a ikemišeditšego go e šomiša go ba bangwe ba batho bao
ba tšeago karolo ditshepedišong tšeo bonnyane matšatši a šupa pele ga
letšatšikgwedi ya tšweletšo yeo.

- (2) kgorotsheko yeo afidabiti yeo go bolelwago ka yona go karolwana(1), e ka ntšhwago go yona e ka laela gore motho yoo a dirilego afidabiti a bitšwe pele ga yona go fa bohlatse ditshepedišong tšeo ka kgopelo ya motho mang le mangy o atšeago karolo ditshepedišong goba gore dipotšišo tšeo di ngwadilwego di tlišwe go yena gore a di arabe, le gore dipotšišo tše bjalo le phetolo yeo e bitšwago phetolo ke motho yoo e swanetše le yona e amogelwe bjalo ka bohlatse ditshepedišong tše bjalo..

KGAOLO 7

MELAWANA

69. Melawana

- (1) Molekgotlaphethiši a ka dira melawana mabapi le—
- (a) tshepedišo ya boitshwaro dikopanong tša lekgotla la profense go ya ka dipeelano tša karolo 16;
 - (b) tshepedišo ya dikgopelo le go ntšhiwa ga ditumelo tša bjala bja setšo sa seAfrika go ya ka dipeelano tša karolo 24;
 - (c) maemo malebana le ditumeleo tša bjala bja setšo bja seAfrika;
 - (d) dinyakwa tša meago go baswari ba ditumelelo/phemiti tša bjala bja setšo sa seAfrika;
 - (e) tefo ya kgopelo ya bjala bja setšo sa seAfrika;
 - (f) ditokollo tše dingwe mabapi le ditumelelo tša bjala bja setšo sa seAfrika;
 - (g) fomo ya kgopelo le tshepedišo ya tumelelo ya tiragalo ye e ikgethilego go go ya ka dipeelano tša karolo 26;
 - (h) sebopego sa fomo ya kgopelo ya laesense ya dinotagi go ya ka dipeelano tša karolo 28;
 - (i) Dinyakwa tša dithekišo tša kuranta le *Gazette* malebana le dikgopelo tšeo di dirilwego go ya ka dipeelano tša karolo 28;
 - (j) tefo ya kgopelo ya a laesense ya dinotagi;

- (k) sebopego sa diforomo go ya ka dipeelano tša Taolo ya Dinotagi ya Selegae e swanetše e iše dikgopelo go ya ka dipeelano ta karolo 28(1) le 28(3) go Boto;
- (l) sebopego sa setifikeit sa dinotagi sa go ntšhiwa go ya ka dipeelano tša karolo 33;
- (m) tefo yeo e lefšwago ge laesense ya dinotagi e e tšwa go ya ka dipeelano tša karolo 33(2);
- (n) tefo ya mpshafatšo ya ngwaga ka gwaga yeo e swanetšego go lefa ke monglaesense go ya ka dipeelano tša karolo 34(2)(c);
- (o) sebopego sa tsebišo ya go se nyalelane ya tšwa go Boto go ya ka dipeelano tša karolo 35(1);
- (p) sebopego sa fomo ya go tsentšha boipelaetšo kgahlanong le phetošo, phego le phumulo ya laesense go ya ka dipeelano tša karolo 37;
- (š) tshepedišo ya go kgetha motho yo mongwe go laola kgwebo ya monglaesense go ya ka dipeelano tša karolo 48(2);
- (r) ditlamo tša diiri tša go gweba go ya ka dipeelano tša karolo (50);
- (s) sebopego sa setifikeiti sa peo ya mohlalobi wa kgwebo ya dinotagi go ya ka dipeelano tša karolo 55(3);
- (t) sebopego sa fomo yeo pelaelo e ka tsenšhwago go mohlalobi wa kgwebo ya dinotagi e le go yona, go ya ka dipeelano tša karolo 56(1)(b);
- (u) sebopego sa rasiti yeo e swanetšego go ntšhwa ke mohlalobi wa kgwebo ya dinotagi go ya ka dipeelano tša karolo 56(2);
- (v) sebopego sa rasiti ya go ntšhwa go ya ka dipeelano tša karolo 56(2);
- (w) sebopego sa tsebišo ya go se nyalelane ya go ntšhwa ke mohlalobi wa kgwebo ya dinotagi go ya ka dipeelano tša karolo 58(1);
- (x) sebopego sa setifikeiti sa nyalelano sa go ntšhwa go ya ka dipeelano tša karolo 58(3);
- (y) tlhomo le mehola ya Makgotla a Kgwebo ya Dinotagi ka profenseng; le

- (z) ditaba ka moka tšeo di lego bohlokwa go kgona dinepo tša Molao wo.
- (2) Melawana ya go dirwa go ya ka dipeelano tša Molao wo di ka šomela ditshelo tša molao le dikotlo.

KGAOLO 8
DIPEAKANYO KAKARETŠO

70. Kiletšo ya melato/dikoloto

Naga goba motho mang le mang goba mokgatlo ga o na maikarebelo a tshenyego efe goba efe go ba go loba ga go hlolwa ke—

- (a) tšweletšo ya maatla afe goba afe goba tiragatšo ya mošomo ofe goba ofe ka tlase ga Molao wo; goba
- (b) go šitwa go tšweletša maatla afe goba afe, goba go diragatša mohola ofe goba ofe goba mošomo ka tlase ga Molao wo,

Ntle le ge tšweletšo goba go šitwa go tšweletša maatla, goba tiragatšo goba go palelwa go diragatša mošomo go be go se molaong, go hloka šedi goba go hloka botshephegi.

71. Dipeakanyo tša phetošetšo

- (1) Kgopelo ya go dirwa go ya ka dipeelano tša Molao wa Dinotagi, 1989, pele ga letšatšikgwedi yeo Molao wo o thomilego, gomme o se wa lahlwa ka letšatšikgwedi yeo, o swanetše o tšwetšwe pele, gomme o tšweletšwe e ke Molao wa Dinotagi, 1989 ga se wa tlošwa.
- (2) Moswari wa lengwalo la tumelelo, phemiti, laesense goba go tlogelwa leo le ntšhitšwego go ya ka dipeelano tša Molao wwa Dinotagi, 1989 o swanetše a re pele go fela nalo yeo e beilwego ke Molekgotlaphethiši go Gazette, a tliše lengwalo leo la tumelelo, phemiti, laesense goba go tlogelwa ka tlase ga Moalo wo.

- (3) Ge moswari wa lengwalo la tumelelo, phemiti, laesense goba lengwalo la go tlogelwa a ka palelwa ke go tliša tokomane go Boto bjalo ka ge go beilwe go ya ka karolwana (2), lengwalo le bjalo la tumele, phemiti, laesense goba go tlogelwa le fetwa ke nako ka letšatši leo le beilwego ke Molekgotlaphethiši ka go tsebišo.

72. Thaetlele ye kopana

Molao wo o bitšwa Molao wa Dinotagi wa Limpopo, 2007, gomme o thoma go šoma ka leletšatšikgwedi leo le le beilwego ke Tonakgolo ka kgoeletšo ya *Gazette*.

ISAZISO SEPHROVINSI

ISAZISO ...²... SAKA-2015**UMNYANGO WEZOKUTHUTHUKISWA KOMNOTHO, IBHODULUKO
NEZOKUVAKATJHA WELIMPOPO****UMTHETHO WOTJWALA WELIMPOPO, WAKA-2009**

Lapha kunikelwa isaziso ngokuya ngokwesigaba 123 somThethosisekelo weRiphabhliki yeSewula Afrika, 1996 bona uNdunakulu utlikitle umThetho woTjwala weLimpopo, 2009 (umThetho wesi-5 waka 2009), ovezwako lapha bona waziwe mazombe.

ISIBETHAMTHETHO SELIMPOPO

**UMTHETHO
WOTJWALA WELIMPOPO, WAKA-2009**

[ACT5-2009]

UMTHETHO

Wokuqalelela ukuhlonywa kwesiGungu soTjwala seNdawo, iBhodo yoTjwala yePhrovinsi kanye neBandla lokuziBilayeza; wokulawula ukwenziwa nokutjhejwa kweembawo zamalayisense wokurhweba ngotjwala kanye nokukhiqiza utjwala ngesilinganiso esincani; wokulawula ukwenziwa nokutjhejwa kweemvumo zokukhiqiza nokwaba utjwala besiNtu; wokukhandela ukuthengiselwa kwabantu abawela ngaphasi kwemikhakha ethileko utjwala; wokuqalelela iinkambiso zokukatelela ukusebenza komthetho kanye neendaba ezithintana nalokho.

WENZIWA UMTHETHO siBethamthetho sePhrovinsi yeLimpopo ngendlela elandelako:—

UKUHLELWA KWEENGABA**ISAHLUKO 1****INJAMISO ZOKWAZISA**

1. linhlathululo
2. Iminqopho yomThetho
3. Ukusebenza komThetho

ISAHLUKO 2**UKUHLONYWA KWEZAKHIWO ZEPHROVINSI****Ingcenye I****IsiGungu soTjwala seNdawo**

4. Ukuhlonywa kwesiGungu soTjwala seNdawo
5. Ukubumbeka kwesiGungu soTjwala seNdawo
6. Ukukhethwa kwamalunga wesiGungu soTjwala seNdawo
7. Imisebenzi yesiGungu soTjwala seNdawo

Ingcenywe II**IBhodo yoTjwala yeLimpopo**

8. Ukuhlonywa kweBhodo yoTjwala yeLimpopo
9. Ukubumbeka kweBhodo
10. Ukukhethwa kwamalunga weBhodo
11. Imisebenzi namandla weBhodo

Ingcenywe III**IBandla lokuziBilayeza**

12. Ukuhlonywa kweBandla lokuziBilayeza

Ingcenywe IV**Iinjamiliso ezijayelekileko ezisebenza ezAkhiweni zePhrovinsi**

13. Ukulungela ukukhethwa ezakhiweni zephrovinsi
14. Isikhathi sokuphatha isikhundla
15. Imirholo neembonelelo zamalunga
16. Imihlangano yezakhiwo zephrovinsi
17. Ukuthathelwa ilungelo kwamalunga
18. Iinkhwama zezakhiwo zePhrovinsi
19. Idarhifara nezaziso

ISAHLUKO 3**UMKHANDLU WEPHROVINSI WEMITHETHOKAMBISO YOTJWALA**

20. Ukuhlonywa komKhandlu
21. Ukubumbeka komKhandlu
22. Imisebenzi yomKhandlu

AMALAYISENSE NEEMVUMO**limbawo zamalayisense neemvumo**

23. Ukunikelwa ilayisense okukatelelwa mthetho
24. Utjwala besiNtu
25. Imikhakha yamalayisense
26. Imvumo yesehlakalo esikhethekileko
27. Ukuthathelwa ilungelo
28. Ikambiso yokwenza isibawo selayisense yotjwala
29. limfuneko zokuba sisazi sotjwala
30. Ukuhlongakala nanyana ukwehluleka kombawo
31. Ukuzibilayeza mayelana nokwaliwa
32. Ukulalelwa kwesibilayezo
33. Isitikedi selayisense
34. Umvuzo wokunikelwa ilayisense
35. Ukungathobeli iimbopho zelayisense
36. Ukutjhugululwa, ukujanyiswa nanyana ukwesulwa kwelayisense
37. Ukuzibilayeza mayelana nokutjhugululwa, ukujanyiswa nanyana ukwesulwa kwelayisense
38. Ukwesula ilayisense yakho erhelweni ngokuzithandela, ukuthengisa ipahla yebhizinisi ngomnqopho wokubhadala iinkolodo nanyana ukuvala ibhizinisi
39. Ukuhlongakala nanyana ukwehluleka kwabanikazi bamalayisense
40. Ukutjhugulula ikareko yokulawula
41. Ukutjhugulula ibhizinisi yamambala
42. Ukudluliswa kwelayisense
43. Ukufudukela keminye imakhiwo
44. Irejista yabanikazi bamalayisense kanye namarekhodi wephrovinsi
45. Ukufakwa kwemali esikhwameni sengeniso

ISAHLUKO 5**IMIBANDELA YOKUTHENGISWA KOTJWALA**

- 46. Ukuthengiswa kotjwala
- 47. Ukwalelwa ukuthengisa utjwala
- 48. Ukulawulwa kwebhizinisi
- 49. Ukutjhugululwa kwendawo
- 50. Iinkhathi zokuthengisa
- 51. Umkhawulo wabaqatjhi
- 52. Izaziso zamaphilo womphakathi

ISAHLUKO 6**UKUKATELELA UKUSEBENZA KOMTHETHO KANYE NEKAMBISO****YEZOBULUNGISWA****Ingcenye I****Iinselo ezikhandelwako nezilawulwako**

- 53. Ukukhandelwa kokuthengiswa kwemididiyelo eyingozi
- 54. Isipiridi esinemethanoli

Ingcenye II**Iphiko lezabahloli**

- 55. Ukukhethwa kwabahloli berhwebo lotjwala
- 56. Amandla nemisebenzi yabahloli berhwebo lotjwala
- 57. Umsebenzi wokusiza umhloli werhwebo lotjwala
- 58. Isaziso sokungathobeli
- 59. Ukuvalwa kwendawo enelayisense
- 60. Imibiko yephiko lezabahloli

Ingcenye III**Imilandu neenhlawulo**

- 61. Imilandu ejayelekileko

- 62. Imilandu ephathelene nelwazi
- 63. Imilandu ephathelene neBhodo
- 64. Imilandu ephathelene nokuhlola

Ingcenye IV

Ikambiso yezobulungiswa

- 65. Ukunikelwa kwezaziso nemitlolo
- 66. Ukubuyekeza kweKhotso ePhakemeko

Ingcenye V

Iindaba zobufakazi

- 67. Ubufakazi be-afidavidi mayelana namanye amaphuzu
- 68. Iimfuneko zekambiso yobufakazi be-afidavidi

ISAHLUKO 7

IMITHETJHWANA

- 69. Imithetjhwana

ISAHLUKO 8

IINJAMISO EZIJAYELEKILEKO

- 70. Ukungathweswa icala
- 71. Amalungiselelo wokutjhugulukela kokhunye
- 72. Isihloko esifitjhani nokuthoma ukusebenza

1. Iinhlatululo

- (1) KilomThetho, ngaphandle kwalokha nangabe ubujamo buhlathulula ngenye indlela—

“**utjwala**” bufaka hlangana—

- (a) i-ale, i-cider ne-stout;
- (b) nanyana ngisiphi esinye isiselo esiwunyelweko, ngaphandle kotjwala besiNtu —

- (i) esikhiqizwa nanyana esithengiswa ngaphasi kwegama lotjwala, le-ale, le-cider nanyana le-stout, lokha nasinobunengi be-alkhoholi engaphezu kwephesende elilodwa; nanyana
- (ii) esimenyezelwe njengotjwala ngaphasi kwesigaba 42(2) somThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003);

"iBhodo" itjho iBhodo yoTjwala yeLimpopo ehlonywe ukuya ngokwesigaba 8;

"uSihlalo" utjho usihlalo womkhandlu ofaneleko esakhiweni sephrovinsi;

"umKhandlu" utjho umKhandlu wePhrovinsi wemiThethokambiso yoTjwala ukuya ngokwesigaba 20;

"umNyango" utjho umNyango oqalene neendaba zotjwala ephrovinsini;

"ilayisense" itjho isitifikedi selayisense esikhutjhwe ukuya ngokwesigaba 31;

"utjwala" butjho nanyana—

- (a) ngiwuphi umkhiqizo wotjwala ohlathululwe esigabeni 1 somThetho wemiKhiqizo yoTjwala, waka-1989 (umThetho Wama-60 waka-1989);
- (b) ngibuphi utjwala; namkha
- (c) ngiwuphi omunye umkhiqizo nanyana isiselo esimenyezelwe njengotjwala ukuya ngokwesigaba 42(2) somThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003);

"umThetho woTjwala, waka-1989" utjho umThetho woTjwala, waka-1989 (umThetho Wama-27 waka-1989);

"isazi sotjwala" sitjho umuntu, ngaphandle kwegqwetha elivunyelweko nanyana umkhulumeli, otloliswe ukuya ngokwesigaba 29 bonyana asize ababawi ngekambiso yokwenza isibawo selayisense yotjwala;

"umThetho wemiKhiqizo yoTjwala" utjho umThetho wemiKhiqizo yoTjwala, waka-1989 (umThetho Wama-60 waka-1989);

"uSomkhandlu" utjho iLunga lomKhandlu oPhetheko eliqalene neendaba zotjwala ephrovinsini;

"isipiridi esinemethanoli" sitjho—

- (a) isipiridi esitjhugululwe ukuya nganyana ngiwuphi umthetho ophathelene nokutjhugululwa nanyana nokuqarhwa kwesipiridi ngemethanoli; begodu
- (b) nanyana ngisiphi esinye isipiridi esitjhugululiweko, esiqarhwe ngeenhlahla, esiqarhwe ngamakha nanyana esisetjenzwe ngenye indlela esimenyazelwe njengesipiridi esinemethanoli ngaphasi kwesigaba 42(2) somThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003);

“-khiqiza ngesilinganiso esincani” kutjho ukukhiqiza utjwala ngesilinganiso esiphasi esibekwe ukuya ngokomThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003) begodu omncani unehlathululo ekhambelanako;

“umasipaladi” utjho umasipaladi ohlonywe ukuya ngokukaRhulumende weKhaya: umThetho wezAkhiwo zakaMasipaladi, waka-1998 (umThetho We-117 waka-1998);

“iphiko lombuso” litjho iphiko lombuso njengombana lihlathululwe esigabeni 239 somThethosisekelo weRiphabliki yeSewula Afrika, waka-1996 (umThetho We-108 waka-1996);

“indawo” itjho umakhiwo, indawo, ukuthutha nanyana ingcenywe yomakhiwo, indawo nanyana ukuthutha okuvunyelwe yiBhodo;

“-jamisa” kutjho imithetjhwana ebekiweko;

“izakhiwo zephrovinsi” zitjho isiGungu soTjwala seNdawo, iBhodo yoTjwala yeLimpopo kanye neBandla lokuziBilayeza elihlonywe esAhlukweni II;

“ukurhweba” kutjho ukuthengisa utjwala ngomnqopho wokobana buselwe;

“-thengisa” kufaka hlangana—

- (a) ukunikela, ukutjhintjhelana, ukunikela ngomnqopho wokuthengisa, ukubeka tjhatjhalazi ngomnqopho wokuthengisa; namkha
- (b) ukugunyaza, ukunqophisa nanyana ukuvumela ukuthengisa, ukubeka tjhatjhalazi, ukutjhintjhelana nanyana ukunikela;

“imvumo yesehlakalo esikhethekileko” itjho imvumo ekhutjwa ukuya ngokwesigaba 26;

“**utjwala besiNtu**” bunehlathululo etjiwo mThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003);

“**umThetho lo**” ufaka hlangana nanyana ngiwuphi umthetjhwana owenziwa nanyana okhutjwa ukuya ngokomThetho lo.

2. Iminqopho yomThetho

Iminqopho yomThetho lo kulawula ukukhiqizwa nokuthengiswa kotjwala ngesilinganiso esincani kanye notjwala besiNtu ephrovinsini ngendlela—

- (a) ezakuthuthukisa ukukhula kwasafuthi komnotho;
- (b) ezakutjhugulula ibubulo lotjwala ukuhlangabezana namaqiniso wezomnotho nehlalakuhle ephrovinsini; begodu
- (c) ezakukghonakalisa ukungena kwabahlanganyeli abatjha ebubulweni lotjwala.

3. Ukusebenza komThetho

UmThetho lo awusebenzi—

- (a) mayelana nesiphathiswa njengombana sihlathululwe esigabeni 1(1) somThetho wezokuThengiswa kwePahla nomThetho, waka-1964 (umThetho Wama-91 waka-1964), ekwenzeni imisebenzi yesiphathisweso;
- (b) mayelana notjherifu, nanyana ngubani osebenza ukuya ngokomlayo wekhotso, wejaji nanyana kamarhastrada, ekwenzeni imisebenzi yabo;
- (c) mayelana nomhleli womnyanya wamambala wokunambitha iwayini, omayelana nokuthengisa iwayini ngeenlinganiso ezingaphasi kwamamililitha ama-200 angathengwa emnyanyeni lowo; namkha
- (d) mayelana nomuntu othengisa nanyana ngibuphi utjwala obubukhali namkha isipiridi esiqarhwe ngamakha nanyana ngeenhlahla, nangabe amakha lawo nanyana isipirideso akusiso isipiridi esinemethanoli.

ISAHLUKO 2
IZAKHIWO ZEPHROVINSI
Ingcenye I
IsiGungu soTjwala seNdawo

4. Ukuhlonywa kwesiGungu soTjwala seNdawo

USomkhandlu, ngokukhupha isaziso egazedeni, angahloma iingungu zotjwala zendawo kibomasipaladi bephrovinsi.

5. Ukubumbeka kwesiGungu soTjwala seNdawo

Isigungu sotjwala sendawo esihlonywa ukuya ngokwesigaba 4 kufanele sibunjwe—

- (a) mjameli—
 - (i) womnyango;
 - (ii) kamasipaladi, okhethwe mPhathi kaMasipaladi wakamasipaladi loyo;
 - (iii) wePhiko lezamaPholisa leSewula Afrika, elikhethwe nguKomitjhinara wePhrovinsi;
- (b) lilunga lekoro yezamabhizinisi elinelwazi nelemuko le bubulo lotjwala; begodu
- (c) lilunga lomphakathi elinelwazi nelemuko ezikweni lezokuthuthukiswa komnotho nehlalakuphle, lemisebenzi yezehlalakuphle nanyana leendaba zeedabuko.

6. Ukukhethwa kwamalunga weenGungu zoTjwala zeNdawo

- (1) IHloko yomNyango kufanele ikhombele iimbawo zabantu abakhambisana nesigaba 5(b) kanye nesigaba 5(c) ukwenzela bonyana bakwazi ukukhethwa —
 - (a) ngokukhupha isaziso emaphephandabeni amabili atholakala endaweni efaneleko kamasipaladi; begodu
 - (b) nangokusebenzisa ezinye imbiikiindaba ezikhethwe yiHloko yomNyango.

- (2) Ababawi kufanele, ngokuphendula isibawo esenziwe esigatjaneni (1), balethe imininingwanabo ezeleko emumethe □
- (a) amakhophi aqinisekisiweko wazo zoke iimfanelofundo; begodu
- (b) nemitlolo esekelako eveza ilwazi nelemuko lombawi elizakusiza ukulawula ibubulo lotjwala ephrovinsini.
- (3) IHloko yomNyango kufanele ngokukhambisana nesigaba 13, ikhethe —
- (a) abajameli bomnyango, bakamasipaladi kanye nebamapholisa abatjihiwo esigabeni 5(a);
- (b) eembaweni ezamukelwe ukuya ngokwesigatjana (2), amalunga ekukhulunywa ngawo esigabeni 5(b) nesigabeni 5(c).
- (4) IHloko yomNyango kufanele ikhethe, hlangana namalunga lawo, uSihlalo kanye neSekela lakaSihlalo wesiGungu soTjwala seNdawo.

7. Imisebenzi namandla wesigungu soTjwala seNdawo

IsiGungu soTjwala seNdawo, esihlonywe ukuya ngokwesigaba 4 kufanele—

- (a) sitjheje begodu sikhuphe iimvumo mayelana —
- (i) nokukhiqizwa kotjwala ngesilinganiso esincani kanye nokuthengiswa kotjwala besiNtu, ngendlela ebekiweko; begodu
- (ii) nokuthengiswa kanye nokuselwa kotjwala endaweni ekhethekileko;
- (b) siqalisise iimbawo zamalayisense wotjwala ezamukelwe ukuya ngokwesigaba 28;
- (c) sidlulisele iimbawo, ezamukelwe ukuya ngokwesigaba 28, —
- (i) ezingakhambisani neemfuneko ezibekiweko zomThetho lo, kumbawi bonyana azilungise; nanyana
- (ii) ezikhambisana neemfuneko ezibekiweko zomThetho lo, eBhodini bonyana izitjheje;

- (d) senze iimphakamiso eBhodini mayelana neembawo ekukhulunywa ngazo endinyaneni (c)(ii);
- (e) senze bonyana umphakathi ukwazi ukufumana lula iimbawo zelayisense yotjwala;
- (f) sinikele iBhodo nanyana ngisiphi isibawo selayisense yotjwala esingakamukelwa; begodu
- (g) senze nanyana ngiwuphi omunye umsebenzi esinikelwe wona yiBhodo ukuya ngokomThetho lo.

Ingcenywe II

IBhodo yoTjwala yeLimpopo

8. Ukuhlonywa kweBhodo yoTjwala yeLimpopo

Ngalokhu kubekwa umuntu osisazi somthetho owaziwa njengeBhodi yoTjwala yeLimpopo.

9. Ukubumbeka kweBhodo

IBhodo kufanele bonyana ibunjwe –

- (a) mjameli–
 - (i) womNyango, okhethwe yiHloko yomNyango; begodu
 - (ii) weHlangano yaboRhulumende beKhaya yeSewula Afrika, okhethwe yi-*Chief Executive Officer* weHlangano leyo;
- (b) lilunga lekoro yezamabhizinisi elinelwazi nelemuko le bubulo lotjwala;
- (c) ligqwetha nanyana umkhulumeli ubuncani bakhona onelemuko leminyaka emihlanu; begodu
- (d) lilunga lomphakathi elinelemuko ezikweni lezokuthuthukiswa komnotho nehlalakuhle, lemisebenzi yezehlalakuhle nanyana leendaba zeendabuko.

10. Ukukhethwa kwamalunga weBhodo**(1) IHloko yomNyango kufanele—**

- (a) inikele uSomkhandlu irhelo lamabizo weenkulu ezikhethwe ukuya ngokwesigaba 9(a) bonyana akwazi ukukhetha; begodu
- (b) ikhombele iimbawo zabantu abakhambisana nesigaba 9(b),(c) nesigaba
- (d) bonyana bakwazi ukukhethwa —
 - (i) ngokukhupha isaziso emaphephandabeni amabili atholakala ephrovinsini; begodu
 - (ii) nangokusebenzisa ezinye imbiikiindaba ezikhethwe yiHloko yomNyango.

(2) Ababawo kufanele, ngokuphendula isibawo esenziwe esigatjaneni (1)(b), balethe imininingwanabo ezeleko emumethe □

- (a) amakhophi aqinisekisiweko wazo zoke iimfanelofundo; begodu
- (b) nemitlolo esekelako eveza ilwazi nelemuko lombawo elizakusiza ukulawula ibubulo lotjwala ephrovinsini.

(3) IHloko yomNyango kufanele yenze iimphakamiso kuSomkhandlu mayelana nokukhethwa kwamalunga weBhodo.**(4) USomkhandlu kufanele —**

- (a) ngokukhambisana nesigaba 13, akhethe amalunga weBhodo erhelweni leemphakamiso alinikelwe yiHloko yomNyango; begodu
- (b) akhethe hlangana namalunga lawo uSihlalo kanye neSekela lakaSihlalo weBhodo.

11. Imisebenzi namandla weBhodo

- (1) IBhodo kufanele itjheje iimbawo zamalayisense wotjwala.
- (2) IBhodo —

- (a) ingavuma nanyana yale isibawo esamukelwe ukuya ngokwesigaba 26;
- (b) ingabeka imibandela ezakusebenza mayelana nemikhakha yamalayisense ekukhulunywa ngayo esigabeni 24;
- (c) ingatjhugulula nanyana yesule ilayisense yotjwala;
- (d) ingajamisa ilayisense yotjwala isikhathi esingaziwako nanyana isikhathi engasibeka;
- (e) ingabekela ilayisense yotjwala imibandela;
- (f) ingabiza imihlangano yokulalelwa komphakathi mayelana namalayisense wotjwala;
- (g) inganikela isiGungu soTjwala seNdawo amandla athileko nemisebenzi; begodu
- (h) ingenza nanyana ngiwuphi omunye umsebenzi namkha isebenzise amandla adluliselwa nanyana anikelwa iBhodo nguSomkhandlu.

Ingcenye III

IBandla lokuziBilayeza

12. IBandla lokuziBilayeza

- (1) Ngelokhu kuhlonywa iBandla lokuziBilayeza lephrovinsi ekufanele bonyana litjheje iinghonyoyilo ezimayelana neenqunto ezithethwe yiBhodo.
- (2) IBandla lokuziBilayeza kufanele bonyana likhethwe nguSomkhandlu begodu kufanele bonyana libunjwe—
 - (a) babantu ababili abaneemfanelofundo zomthetho begodu ubuncani bakhona abanelemuko leminyaka emihlanu; begodu
 - (b) mumuntu oyedwa onamakghonofundwa afaneleko kanye nelemuko mayelana nebubulo lotjwala.
- (3) USomkhandlu kufanele—

- (a) akhuphe, emaphephandabeni amabili afundwa khulu ephrovinsi, isimemo esikhombela bonyana kuthunyelwe iimbawo eBandleni lokuziBilayeza; begodu
- (b) atjheje zoke iimbawo ezifakwe ngokwesimemo begodu ngokukhambisana nesigaba 13, akhethe amalunga weBandla lokuziBilayeza; begodu
- (c) akhethe uSihlalo oneemfanelofundo zomthetho nelinye ilunga elizakuba liSekela lakaSihlalo.

Ingcenye IV

Iinjamiso ezijayelekileko ezisebenza ezAkhiweni zePhrovinsi

13. Ukulungela ukukhethwa esakhiweni sephrovinsi

Akunamuntu ekufanele akhethwe njengelunga lesakhiwo sephrovinsi—

- (a) nangabe umuntu loyo akasiso isakhamuzi seRiphabliki yeSewula Afrika;
- (b) nangabe umuntu loyo –
 - (i) unekareko enqophileko nanyana engakanqophi ebubulweni lotjwala engarholela ekutheni kube nokutjhayisana kwekareko yakhe yesiphrofetjhinali njengelunga lesakhiwo sephrovinsi;
 - (ii) unelunga lomndeni elinekareko enqophileko ebubulweni lotjwala, ngaphandle kwalokha nangabe uSomkhandlu unombono wokobana ikareko yelunga lomndeni ebubulweni lotjwala ayikhandeli umuntu loyo bonyana akhethwe njengelunga;
 - (iii) akakabuyiselwa ebujameni bangaphambilini ngebanga lokutjhona;
 - (iv) mphathi wesikhundla sezepolotiki;
 - (v) wakhe wehliswa esikhundleni esifuna ukuthembeka ngebanga lokuziphatha kumbi; nanyana
 - (vi) wakhe wafunyanwa anomlandu ofaka hlangana ukungathembeki.

14. Isikhathi sokuphatha isikhundla

Ilunga lesakhiwo sephrovinsi likhethwa bonyana liphathe isikhundla iminyaka emithathu begodu lingakhethwa ngobutjha bonyana liphathe ithemu eyodwa engeziweko.

15. Imirholo neembonelelo zamalunga

- (1) USomkhandlu kufanele, ngokubonisana noSomkhandlu oqalene nezeemali, abeke imirholo neembonelelo ekufanele zibhadalwe amalunga wesakhiwo sephrovinsi, angasebenzi ngeenkhati zoke embusweni.
- (2) linlinganiso ezihlukeneko zingasebenza emazikweni wesakhiwo sephrovinsi.

16. Imihlangano yesakhiwo sephrovinsi

USomkhandlu angabeka ikambiso yemihlangano yesakhiwo sephrovinsi.

17. Ukuthathelwa ilungelo kwamalunga

- (1) Ilunga lesakhiwo sephrovinsi ekutholakala bonyana
 - (a) linekareko enqophileko nanyana engakanqophi endabeni ephambi kwesakhiwo sephrovinsi; nanyana
 - (b) linekareko endabeni ekhandela umuntu loyo ekwenzeni imisebenzi yakhe njengelunga lesakhiwo sephrovinsi ngendlela engasolisiko, engathathi ihlangothi nefaneleko,kufanele liveze ikareko yalo msinyana ngomtlolo begodu akukafaneli bonyana livowude namkha lihlanganyele eenkambisweni zendaba leyo.
- (2) Ukuveza kwelunga ukuya ngokwesigatjana (1) kufanele kutlolwe kumaminidi wekambiso.

- (3) USomkhandlu, nakabona bonyana lokho kusekarekweni yomphakathi, kufanele asuse ilunga esikhundleni sesakhiwo sephrovinsi.

18. linkhwama zezAkhiwo zePhrovinsi

linkhwama zezakhiwo zephrovinsi zizakufaka hlangana iimali –

- (a) ezatjiwe siBethamthetho sePhrovinsi; begodu
- (b) ezingamukelwa sisAkhiwo sePhrovinsi kinanyana ngimiphi imithombo.

19. Idarhifara nezaziso

- (1) USihlalo weziko elifaneleko lesakhiwo sephrovinsi, ngendlela ebekiweko, angazisa nanyana abizele umuntu othinteka ekutjhejweni kwendaba ethileko phambi kwesakhiwo sephrovinsi esifaneleko.
- (2) Umuntu owamukele idarhifara nanyana isaziso ukuya ngokwesigatjana (1), kufanele avele mathupha phambi kwesakhiwo sephrovinsi ngelanga, ngesikhathi nendawo etjhiwo yidarhifara nanyana sisaziso.
- (3) Umuntu ovela phambi kwesakhiwo sephrovinsi ekukhulunywa ngaso esigatjaneni (2), angaphekelelwa mjamelakhe kezomthetho.
- (4) USihlalo weziko elifaneleko lesakhiwo sephrovinsi angadarhifara nanyana ngimuphi umuntu bonyana eze emhlanganweni wesakhiwo sephrovinsi–
 - (a) azokunikela ubufakazi; nanyana
 - (b) alethe nanyana ngiwuphi umtlole nanyana enye nanye into anayo namkha ayilusileko nanyana engaphasi kwelawulo lakhe begodu ekuyinto, ngokombono wakaSihlalo, ekhambelana nendaba ekufanele itjhejwe sisakhiwo sephrovinsi.

ISAPHLUKO 3

UMKHANDLU WEPHROVINSI WEMITHETHOKAMBISO YOTJWALA

20. Ukuhlonywa komKhandlu

Ngalokhu kuhlonywa umKhandlu wePhrovinsi wemiThethokambiso yoTjwala.

21. Ukubumbeka komKhandlu**(1) UmKhandlu ubunjwa –**

- (a) NguSomkhandlu;
- (b) NguSomkhandlu wephrovinsi oqalene –
 - (i) neendaba zamaphilo nokuthuthukiswa komphakathi;
 - (ii) neendaba zefundo;
 - (iii) nezokulima;
 - (iv) nezokuphepha nokuvikeleka;
 - (v) neendaba zakarhulumende wekhaya; begodu
- (c) nguKomitjhinara wePhrovinsi wePhiko lamaPholisa eSewula Afrika.

(2) USomkhandlu ungusihlalo womKhandlu begodu kufanele abize umhlangano womKhandlu isikhathi esinye nesinye, kodwana ubuncani bakhona kufanele abize imihlangano emibili komunye nomunye umnyaka weemali.

(3) UmKhandlu ungasebenzisa imithetho yawo lokha nawubamba imihlangano yawo.

22. Imisebenzi yomKhandlu

(1) UmKhandlu uyiforamu yokusebenzisana kwaborhulumende ekukhulunywa ngakho esigabeni 41(1)(h) somThethosisekelo weRiphabliki yeSewula Afrika.

- (2) Umsebenzi womKhandlu kubonisana ngenye nenye indaba yokulawula emayelana nebubulo lotjwala namalayisense wotjwala ephrovinsini.

ISAPHLUKO 4

AMALAYISENSE NEEMVUMO

23. Ukunikelwa ilayisense okukatelelwa mthetho

- (1) Ngokukhambisana nesigatjana (3), akunamuntu —

- (a) ongathengisa; nanyana
- (b) akhiqize ngesilinganiso esincani;

Utywala, isipiridi esinemethanoli nanyana utywala besiNtu, ngaphandle kwalokha nangabe umuntu loyo unelayisense nanyana unemvumo ukuya ngokomThetho lo, yokuthengisa nanyana yokukhiqiza utywala, isipiridi esinemethanoli nanyana utywala besiNtu ngesilinganiso esincani.

- (2) Umuntu ogunyazwe ukuya ngokwesigatjana (1) ukuthengisa nanyana ukukhiqiza utywala, isipiridi esinemethanoli nanyana utywala besiNtu ngesilinganiso esincani kufanele enze lokho ngokulandela imibandela enanyathiselwe kileyo ilayisense nanyana imvumo.

- (3) Umuntu okhiqiza utywala besiNtu ngesilinganiso esincani abukhiqizela umnyanya nanyana ukubusela yena ngokwakhe begodu angabukhiqizi ngomnqopho wokubuthengisa, akakakateleleki ngokomthetho bonyana afumane imvumo ukuya ngokwesigaba 24.

24. Utywala besiNtu

- (1) SiGungu soTjwala seNdawo kwaphela esivunyelwe ukukhupha imvumo yokukhiqiza nokuthengisa utywala besiNtu.

- (2) USomkhandlu kufanele abeke ikambiso yokwenza isibawo seemvumo zotjwala besiNtu efanele inikele indlela elula yokwenza isibawo nemadlana engatjho litho yokwenza isibawo.

25. Imikhakha yamalayisense

Umuntu angenza isibawo selayisense yokuthengisa utjwala mayelana nomkhakha nanyana nemikhakha elandelako:

- (a) wokuthengisa utjwala obuyokuselelwa ngaphandle kwendawo ekuthengiselwa kiyo utjwala, lapho umsebenzi wamambala webhizinisi —
- (i) kusitolo sotjwala;
 - (ii) kusitolo sokudla; nanyana
 - (iii) kuyindawo yokukhiqiza iwayini;
- (b) wokuthengisa utjwala obuyokuselelwa endaweni ekuthengiselwa kiyo utjwala, lapho umsebenzi wamambala webhizinisi —
- (i) kukunikela ngendawo yamalalo;
 - (ii) kukuthengisa ukudla;
 - (iii) kulivikili lewayini;
 - (iv) kuyithiyetha; nanyana
 - (v) kusiqhema,
- (c) wokuthengisa utjwala obuyokuselelwa ngaphakathi nangaphandle kwendawo ekuthengiselwa kiyo utjwala ngaphasi kwemibandela ekhethekileko ebekwe yiBhodo; begodu
- (d) wokukhiqiza utjwala ngesilinganiso esincani.

26. Imvumo yesehlakalo esikhethekileko

- (1) Isibawo semvumo yesehlakalo esikhethekileko kufanele bonyana sifakwe esiGungwini soTjwala seNdawo ngokusebenzisa iforomo elitjhiwoko kanye nendlela ebekiweko.

- (2) IsiGungu soTjwala seNdawo, ngokukhambisana nesigatjana (3), singanikela imvumo yesehlakalo esikhethekileko ngemva kokubhadalwa kwemali ebekiweko yemvumo yesehlakalo esikhethekileko;
- (3) IsiGungu soTjwala seNdawo angeze sanikela umbawi imvumo yesehlakalo esikhethekileko isikhathi esingaphezu kwamalanga alikhomba alandelanako begodu amalanga angaphezu kama-30 ngonyaka.

27. Ukungakalungeli

- (1) Akunamuntu onganikelwa ilayisense ukuya ngokomThetho lo, lokha nangabe umuntu loyo—
 - (a) umntwana ngokomthetho ngelanga ekutjhejwa ngalo isibawo sakhe selayisense;
 - (b) akasiso isakhamuzi seSewula Afrika;
 - (c) umenyezwe yikhotho enegunya njengongakaphili kuhle engqondweni;
 - (d) ungotjhonileko ongakhange abuyiselwe ebujameni bangaphambilini; nanyana
 - (e) umkhiqizi wotjwala nanyana umsizi womkhiqizi wotjwala, okhiqiza utjwala ngaphezu kwesilinganiso esibekwe ukuya ngokomThetho woTjwala, waka-2003 (umThetho Wama-59 waka-2003).
- (2) Ibhizinisi elizijameleko angeze lanikelwa ilayisense ukuya ngokomThetho lo, lokha nangabe umuntu—
 - (a) onekareko yokulawula ibhizinisi elizijameleko;
 - (b) omhlanganyeli ebhizinisini elizijameleko; nanyana
 - (c) omdlalifa omkhulu ethrastini,ukuya ngokwesigatjana (1), umukwe ilungelo ukuya ngokomThetho lo.

28. Ikambiso yokwenza isibawo selayisense yotjwala

- (1) Isibawo selayisense yotjwala kufanele sifakwe esiGungwini selayisense yotjwala ngokusebenzisa iforomo elitjhiwoko begodu kufanele sikhanjiswe—
- (a) nomtlole onemininingwana ezeleko osekela isibawo selayisense;
 - (b) nomtlamomfanekiso onemininingwana ezeleko yendawo otjengisa ubungako bemakhiwo, beenkumba, beendawo zokusebenzela, beentlabagelo zokwakha kanye neline ilwazi elifunekako;
 - (c) nomtlole ohlathulula ngokuzeleko indawo etjhiwo sibawo, kanye neenthombe zombala zangaphandle kanye nangaphakathi kwendawo;
 - (d) nencwadi yemvumo ebuya kumasipaladi etjhoko bonyana kukhona ukuvumelana neemfuno zakamasipaladi;
 - (e) nobufakazi bokobana isaziso sesibawo—
 - (i) sikhutjhwe keline iphephandaba elitholakala kumasipaladi lapho kutholakala khona indawo leyo; begodu
 - (ii) sinikelwe ilunga elineminyaka engaphezu kelitjhumini nesithandathu lomuzi omunye nomunye nanyana lebhizinisi elizijameleko eliseduze nendawo ekuzokuthengiselwa kiyo utjwala;
 - (iii) kukhulunyisenwe ngaso ekomidini yewadi efaneleko ehlonywe ukuya ngokwesigaba 73(1) somThetho wezAkhiwo zakaMasipaladi, waka-1998 (umThetho We-117 waka-1989);
 - (f) nobufakazi bokubhadalwa kwemali yesibawo ebekiweko; begodu
 - (g) nesitifikedi samambala sokubhadalwa komthelo esikhutjhwe liPhiko leNgeniso leSewula Afrika.
- (2) IsiGungu soTjwala seNdawo kufanele emalangenani ama-21 samukele isibawo selayisense yotjwala ukuya ngokwesigatjana (1)—
- (a) siqalisise isibaweso ukwenzela bonyana sikwazi ukukhambisana neemfuneko zesigatjana (1) ;

- (b) sinikele umphakathi ithuba—
 - (i) lokuhlola nanyana lokufumana ikhophi yesibawo; begodu
 - (ii) lokufaka isinghonghoyilo esiphikisana nesibawo;
- (c) lokha nasanelisekako bonyana isibawo sihlangabezana neemfuneko zesigatjana (1), sethule isibawo, ngokusebenzisa indlela ebekiweko, esikhambisana □
 - (i) neemphakamiso zesiGungu soTjwala seNdawo; begodu
 - (ii) nanyana ngikuphi ukwaliwa nanyana iinghonghoyilo ezivela emphakathini eziya eBhodini.
- (3) Lokha nangabe isibawo asihlangabezani neemfuneko zesigatjana (1), isiGungu soTjwala seNdawo kufanele sidlulisele isibaweso kumbawi ngokusebenzisa indlela ebekiweko, begodu silayele umbawi bonyana azaliselele nanyana alungise isibawo sakhe emalangeneni ali-14 ukuthoma ngelanga ekudluliselwe ngalo isibaweso.
- (4) Nangabe umbawi uyabhalelwa kukhambisana nesigatjana (3), isiGungu soTjwala seNdawo singasala isibaweso begodu sazise umbawi ngomtlo.
- (5) Ngemva kokwamukela isibawo esivela esiGungwini soTjwala seNdawo, iBhodo kufanele, ngokukhambisana neenjamiso zesigabesi, emalangeneni ama-30, itjheje isibawo, ukuphikisa kanye neemphakamiso zesiGungu soTjwala seNdawo begodu—
 - (a) inganikela imvumo ngaphandle kwemibandela;
 - (b) inganikela imvumo ngemibandela; nanyana
 - (c) ingala isibawo selayisense yotjwala.
- (6) IBhodo inganikela imvumo yelayisense yotjwala lokha nangabe —
 - (a) umbawi kanye nendawo bakhambisana neenjamiso zomThetho lo;

- (b) umbawi uziphethe kuhle begodu ufanele ukuba nelayisense;
 - (c) umphakathi unekareko;
 - (d) indawo leyo ayitholakali eduze –
 - (i) nesikolo;
 - (ii) nendawo yokuthandaza;
 - (iii) nendawo yeenthuthi zomphakathi;
 - (iv) nomakhiwo lapho umphakathi ufumana khona isizo;
 - (v) nomakhiwo ohlala iinsebenzi zombuso; nanyana
 - (vi) nendawo yokuthela iimbaseli; begodu
 - (e) ilayisense leyo izakubambelela.
- (7) Lokha nangabe iBhodo ibona bonyana isibawo asikhambisani neenjamiso zomThetho lo, iBhodo kufanele yale isibawo selayisense, begodu iBhodo kufanele yazise umbawi ngomtlo –
- (a) mayelana neenzathu zesiquanto seBhodi; begodu
 - (b) bonyana akhambisane neenjamiso zomThetho lo emalangeneni ama-20 wokwamukelwa kwesaziso.
- (8) Lokha nangabe umbawi owaziswe ukuya ngokwesigatjana (7) –
- (a) ukhambisana neemfuneko njengombana zendlalwe esazisweni, iBhodo kufanele itjheje isibaweso ngobutjha; nanyana
 - (b) akakhambisani neemfuneko ezendlalwe esazisweni, iBhodo kufanele yale isibaweso begodu yazise umbawi ngomtlo.

29. limfuneko zokuba sisazi sotjwala

- (1) Isazi sotjwala kufanele, ngokusebenzisa indlela ebekiweko, senze isibawo eBhodini sokuba sisazi sotjwala esitlolisiweko.
- (2) IBhodo ingatlolisa isazi sotjwala –

- (a) ngemva kobana isazi siqede ngepumelelo ibandulo elenzelwe izazi zotjwala; begodu
 - (b) ngokusebenzisa ubujamo nemibandela engabekwa yiBhodo.
- (3) IBhodo kufanele, ngemva kokubhadalwa kwemali ebekiweko yokutlolisa, inikele isazi sotjwala isitifikedi.
- (4) Mumuntu otloliswe njengesazi sotjwala kwaphela ovunyelwe ukusiza abantu abenza isibawo selayisense yotjwala ukuya ngokwesigaba 28.

30. Ukuhlongakala nanyana ukwehluleka kombawi

- (1) Lokha nangabe umbawi, ngelanga nanyana ngaphambi kwelanga ekutjhejwa ngalo isibawo sakhe—
- (a) uyahlongakala;
 - (b) uyatjhona;
 - (c) ubekwa ngaphasi kobuphathi bezobulungiswa; nanyana
 - (d) umenyezelwa yikhotho yomthetho njengobhalelwa kulawula iindaba zakhe; umlawuli ofaneleko wamafa waloyo ohlongakeleko namkha otjhonileko, umphathi wezobulungiswa namkha umtlhogomeli wamafa nanyana, nangabe umlawuli loyo, umphathi wezobulungiswa namkha umtlhogomeli wamafa, akakabi ukukhethwa nanyana umphathi walelo i-ofisi akakghoni nanyana akafuni ukuje aphethe, umuntu onekareko yesibawo begodu ogunyazwe sigungu esifaneleko esitjheja isibawo, kufanele, ngokukhambisana nomthetho ophathelene namafa waloyo ongasekho, nokutjhona, nobuphathi bezobulungiswa nanyana nokuphila kuhle engqondweni, anikelwe woke amalungelo ebegade azokunikelwa umbawi nangabe akhange ahlolongakale, atjhona, abekwe ngaphasi kobuphathi bezobulungiswa nanyana amenyezelwe njengobhalelwa kulawula iindaba zakhe.

- (2) IBhodo, ngokusebenzisa wayo umbono begodu ngokukhambisana nanyana ngiwuphi umthetho osetjenziswako, ingavuma ukunikela umlawuli loyo, umphathi wezobulungiswa, umtlhogomeli wamafa nanyana umuntu loyo ilayisense.

31. Ukuzibilayeza mayelana nokwaliwa

- (1) Umbawi ongakaneliseki ngesiqunto seBhodi kufuze, emalangeneni ama-30 wokwamukela kwakhe isiqunto seBhodi, azibilayeze eBandleni lokuziBilayeza.
- (2) IBandla leemBilyezo, ngokuba nomusa, lingavumela ukufakwa kweembilayezo ezidlulelwe sikhathi.
- (3) Isibilayezo kufanele sibe nanakhu okulandelako:
- (a) ikhophi yesibawo selayisensi yotjwala;
 - (b) isitatimende esitloliweko ngeenzathu zesibilayezo;
 - (c) isaziso esithunyelwe yiBhodo kowenze isibawo ngokwesigaba 28(7);
 - (d) ukuziphendulela kowenze isibawo esazisweni seBhodo;
 - (e) isaziso sokugcina nesizathu sesiqunto esikhutjhwe ngokwesigaba 28(8);
 - (f) begodu nanyana ngiliphi ilwazi ilifaneleko kilesi isibilayezo.

32. Ukulalelwa kwesiBilayezo

- (1) IBandla leemBilayezo, emalangeneni ama-30 wokwamukela yoke imitlolo evezwe esigabeni 31(3), kufanele iqalele isibilayezo.
- (2) Woke amalunga weBandla lokuziBilayeza enza ikhoramu yomhlangano weBandla lokuziBilayeza.
- (3) Ngokuya ngokweengaba 19(4) kanye 31(3), iBandla lokuziBilayeza
- (a) lingaqinisekisa, libekele ngeqadi nofana litjhugulule isiqunto seBhodo; begodu
 - (c) lazise ofake isibawo neBhodo ngesiqunto, lokhu ikwenze ngokomtlolo.

33. Isitifiketi selayisensi

- (1) Lokha iBhodo iphasisa isibawo selayisensi yotjwala ngokwesigaba 28, iBhodo kufaneke, ngokuya ngokwesigatjana (2) ikhuphe isitifiketi ngokwendlela ebekiweko, okufanele ifakehlangana –
- (a) amagama apheleleko kanye negama lokurhweba lomnikazi welayisense;
 - (b) umhlobo welayisense;
 - (c) imbadela yelayisensi;
 - (d) inomoro yelayisensi;
 - (e) ilanga lokuphasiswa kwelayisense;
 - (f) ilanga lokuphelelwa sikhathi kwelayisense;
 - (g) i-adresi yendawo yokusebenzela ekhutjhelwe ilayisense; kanye
 - (h) nemibandela ilayisense ephasiswe ngaphasi kwayo.
- (2) Isitifiketi selayisensi yotjwala sizakukhutjwa ngemva kokubhadelwa kwembadelo yelayisensi yotjwala.

34. Umvuzo wokunikelwa ilayisense

- (1) Isitifiketi selayisensi esikhutjwe ngokwesigaba 33 sibufakazi bokuthi umnikazi welayisense uhlangebezane nazo zoke iimfuneko zelayisensi yotjwala ngokuya ngokomThetho lo.
- (2) Umnikazi welayisense ufanele –
- (a) atjengise inomoro yelayisensi kiyo yoke imitlolo yokurhweba;
 - (b) abonise isitifiketi samambala endaweni arhwebela kiyo ekhutjhelwe ilayisense;
 - (c) begodu abhadele imbadelo ebekiweko yokuvuselela ilayisense yotjwala ngomnyaka.

- (3) Isitifiketi selayisensi nasingalahleka, setjiwe, sonakale nofana soniwe, umnikazi welayisense kufanele abikele iPhiko lemiSebenzi yamaPholisa eSewula Afrika emalangeneni ali-14 kwenzeke isehlakalo begodu afake isibawo sedublikheyiti yesitifiketi selayisensi.
- (4) IBhodo ingakhupha idublikheyiti yesitifiketi selayisensi ngemva kokubhadelwa kwembadelo ebekiweko yedublikheyiti yesitifiketi selayisensi.

35. Ukungathobeli iimbopho zelayisense

- (1) Lokha iBhodo inesizathu sokukholwa bona umnikazi welayisense akakakhambisani —
 - (a) nesijamiso sethemu nofana umbandela welayisense yomuntu loyo; nofana
 - (b) imibandela ngokomThetho lo, iBhodo,
 - (i) inganikela umnikazi welayisense loyo isaziso sokungakhambisani nemibandela ngendlela ebekiweko; begodu
 - (ii) nakube iBhodo iyaneliseka bona ukungakhambisani nemibandela okuvezwe endimeni (i), kwenza icala, ingabika umnikazi welayisense ePhikweni lemiSebenzi yamaPholisa leSewula Afrika bona liphanye.
- (2) Isaziso sokungakhambisani nemibandela esivezwe esigatjaneni (1), kufanele siyelelise umnikazi welayisense —
 - (a) ngezwangobatjho yokungalandelwa kwemibandela kanye namagadango ekufanele athathwe umnikazi welayisense ukuze akhambisane nemibandela;
 - (b) nokuthi umnikazi welayisense kufanele enze njengokutjho kwesaziso.

- (3) IBhodo ingangezelela isikhathi esinqotjhwe sigatjana (2) (b), ngesizathu esihle somnikazi welayisense

36. Ukutjhugululwa, ukujanyiswa nanyana ukwesulwa kwelayisense

- (1) Nangabe umnikazi welayisense onikelwe isaziso ngokwesigaba 35 akakhambisani neemfuneko ezivezwe esazisweni nofana amukwe ilungelo lokuba nelayisensi ngokomThetho lo, iBhodo ifanele—

(a) itjhugulule nofana ijamise ilayisense yotjwala ngokwemibandela nemibandela engavezwa yiBhodo; nofana

(b) isule ilayisense,
beyazise umnikazi welayisense ngokomtlo—

(i) ngetjhugululo, ukujanyiswa nofana ukusulwa beyitjho neenzathu zalokho; begodu

(ii) ngedeyidi yokutjhugululwa, ukujanyiswa nofana ukusulwa kwelayisense

- (2) Lokha ilayisense yotjwala ijanyisiwe nofana isuliwe, woke amalungelo, iinzuzo neembonelelo ekufanele zitholwe, zitjhabalala ngelanga ilayisense yotjwala eyajanyiswa nofana eyasulwa ngalo.

37. Ukuzibilayeza mayelana netjhugululo, ukujanyiswa nofana ukusulwa kwelayisense

- (1) Umnikazi welayisense angadlulisela isiqu nto seBhodi sokutjhugulula, ukujamisa namkha ukwesulwa kwelayisense eBandleni leemBilayezo.

- (2) Isibilayezo kufanele sifake hlangana okulandelako:

(a) ikhophi yesaziso sokungalandeli imibandela esikhutjhwe ngokwesigaba 35;

(b) amagadango athethwe mnikazi welayisense ukuvumelana nesaziso sokungalandelwa kwemibandela esikhathini esibekiweko;

- (c) ikhophi yesiqunto seBhodo sokutjhugulula, ukujamisa nofana ukusula ilayisense;
 - (d) isitatimende esitloliweko seenzathu zesibilayezo; kanye
 - (e) nelinye nelinye ilwazi elifanele /elikhambisana isibilayezo.
- (3) Isigaba 32 sizokusebenza ekulalelweni kwesibilayezo.

38. Ukusulwa ngokuzithandela, ukuvalwa kwerhwebo nofana ukutjhona

- (1) Umnikazi welayisense angazesula ngokuthanda kwakhe, ngokuthi athumele isaziso esitloliweko eBhodini esiveza—
- (a) ihloso neenzathu zokuzesula; kanye
 - (b) ilanga ukuzesula okuzokuthoma ngalo.
- (2) Nangabe umnikazi welayisense—
- (a) udliwe ipahla;
 - (b) uvalelwe irhwebo; nofana
 - (c) utjhonile,
- Umnikazi welayisense angazisa iBhodo ngokomtlolo bekafake namakhophi wayo yoke imitlolo efaneleko eqinisekisa ukwemukwa ipahla ngokomthetho, ukudliwa kwepahlakhe nokutjhona.
- (3) Ngemva kokuthi iBhodo ifumene isaziso ekunqotjhiswe kiso esigabeni (2), ngelanga elivezwe esazisweni, ifanele
- (a) yesule ilayisense yomuntu loyo; begodu
 - (b) yazise umnikazi welayisense, ngokomtlolo ,ngelanga ilayisense eyasulwa ngayo.

39. Ukuhlongakala nofana ukwehluleka ukusebenza komnikazi welayisense

- (1) Ngomnqopho walesi isigaba, umutjhwana othi 'umlawuli wamafa' ufaka hlangana —
- (a) umabimafa;
 - (b) umdlipahla nofana umphathi wepahla yomuntu odliwako; kanye
 - (c) nomtlhogomeli wangokomthetho.
- (2) Lokha umnikazi welayisense ahlolongakala, atjhona, nofana abekwe ngaphasi komtlhogomeli, umlawuli welifa, angaragela phambili enze imisebenzi evunyelwa yilayisense ngehloso yokuphatha ilifa.
- (3) Nanyana ngimuphi umuntu angenza isibawo kuBhodo ngendlela ekungiyo nangeforomo elifaneleko, bona kuqatjhwe umuntu ozakwenza imisebenzi evunyelwe yilayisense yonmikazi welayisense, ngesikhathi kusalindwe ukukhonjwa komlawuli ekunqotjhiswe kuye esigatjaneni (2).
- (4) Ngaphambi kokuvunywa kwesibawo esenziwe ngokwesigatjana (3), iBhodo kufanele yaneliseke bona —
- (a) woke umuntu onekareko yemali kilendaba unikelwe isaziso sesibawo esizwakalako;
 - (b) umlawuli akakabukuqatjhwa; begodu
 - (c) kuneenzathu ezizwakalako zokobana umlawuli uzakuqatjhwa.
- (5) Umuntu oqatjhwe ngokwesigatjana (3) ngehloso yokulawula amafa, angaragela phambili enze imisebenzi evunyelwa yilayisense egameni le-isteyidi bekufike lapho kuqatjhwa khona umlawuli.

40. Ukutjhuguluka kwekareko yokulawula

- (1) Umnikazi welayisense akakafaneli bona avumele nanyana ngimuphi umuntu bona athole ikareko yokulawula ebhizimisini ephathelene nelayisense ekukhulunywa ngayo le, ngaphandle kwalapho iBhodo ithole isibawo esivela kumnikazi welayisense beyamnikela imvumo.
- (2) IBhodo akukafaneli inikele imvumo ngokuya kwesigatjana (1), lokha umuntu ekukhulunywa ngaye esibaweni angakakulungeli ukuba nelayisense ngokuya komThetho lo.

41. Ukutjhuguluka kwerhwebo

- (1) Lokha umnikazi welayisense afisa ukutjhugulula irhwebo elakhutjhelwa ilayisense yotjwala, umnikazi welayisense kufanele afake isibawo kuBhodo, ngeforomo eliqintelweko.
- (2) IBhodo kufanele emalangeneni ama-21 ngemva kokuthola isibawo ekunqotjhiswe kiso esigatjaneni (1), iqalele isibawo begodu —
 - (a) ingaphasisa isibawo ngaphandle kwemibandela
 - (b) isiphasise ngemibandela; nofana
 - (c) isaleisibawo sokukhululisa nofana sokutjhugulula irhwebo lomnikazi welayisense

42. Ukudlulisa ilayisense

- (1) Umnikazi welayisense, ngokusebenzisa indlela efaneleko nangokubhadela imbadelo ebekiweko, angenza isibawo eBhodini sokudlulisela ilayisense komunye umuntu.

- (2) IBhodo kufanele emalangeneni ama-21 ngemva kokuthola isibawo sokudlulisa ilayisense, iqalelele isibawo begodu –
- (a) ingaphasisa isibawo ngaphandle kwemibandela
 - (b) isiphasisa ngemibandela; nofana
 - (c) isale
- isibawo sokukhululisa ilayisense.
- (3) Iinjamo zesigaba 27, 39, 31, 32 kanye 33 ziyasetjenziswa esibaweni sokudlulisa ilayisense.
- (4) Lokha isibawo esisesigatjaneni (1) siphasiswa, umnikazi welayisense wokuthoma ulahlekelwa bunikazi belayisense begodu woke amalungelo neembopho zidluliselwa kumnikazi welayisense omutjha.

43. Ukufuduswa kweendawo yerhwebo

- (1) Umnikazi welayisense, ngokusebenzisa indlela efaneleko nangokubhadela imbadelo ebekiweko, angenza isibawo eBhodini sokufudusa indawo yerhwebo ekhutjhelwe ilayisense, ayifudusele kenye indawo yokurhweba engaphakathi kwedistrigi efana nale ekhutjhelwe ilayisense.
- (2) IBhodo kufanele emalangeneni ama-21 ngemva kokuthola isibawo, iqalelele isibawo ngasinye sokufudusa indawo yokurhweba begodu ngokuya ngokwesigatjana (4)–
- (a) ingaphasisa isibawo ngaphandle kwemibandela
 - (b) isiphasisa ngemibandela; nofana
 - (c) isale
- isibawo sokufudusa indawo yokurhwebela

- (3) IBhodo kufanele ikhuphe isitifiketi sokufuduka nangabe isibawo siphasisiwe nofana samukelwe.
- (4) Lokha isibawo ngokwesigatjana (1) simayelana nendawo —
- (a) engakahlonywa;
 - (b) edinga ukukhuliswa nofana ukungezelelwa;
 - (c) edinga ukwakhiwa kabutjha,
- IBhodo kufanele ikhuphele loyo ofaka isibawo isaziso sokuthi akhambisane namajamo nofona iimfuneko njengoba kungavezwa yiBhodo.
- (5) Esibaweni saloyo ofaka isibawo, iBhodo —
- (a) ingakhupha nofana itjhugulule obunye nobunye ubujamo nofana ifuneko njengoba kuvezwa esigatjaneni (4);
 - (b) ngokuya ngokwesigaba (6), ingangezelela isikhathi esivezwe esigatjaneni (4); nofana
 - (c) iphasise iplani etjhugululweko yendawo.
- (6) Isikhathi esibekwe yiBhodo sokobana kuqedwe indawo angeze saba ngehla kweenyanga ezi-24 begodu nesikhathi sokungezelela esinikelweko ngokwesigatjana (5) (b) angeze saba ngehla kweenyanga ezili-12.

44. Ukutloliswa kwabanikazi bamalayisensi namarekhodi wephrovinsi

- (1) IBhodo kufanele ibe nerejista ngendlela ebekiweko,—
- (a) yazo zoke iimbawo zamalayisensi;
 - (b) yawo wake amalayisensi akhutjihiweko;
 - (c) yawo wake amalayisensi akhanseliweko;
 - (d) yawo wake amalayisensi asuliweko; kanye
 - (e) nayo yoke imibandela ebekelwe amalayisensi.

- (2) IBhodo ifanele, emalangeneni angadluli kama-60 ngemva kokuphela komnyana, izeze *kuGazedi* begodu nemaphephandabeni amabili aziwa khulu ephrovinsini, amarekhodi wamalayisensi aveza tjhatjhalazi amabizo wabanikazi bamalayisensi –
- (a) abanikelwe amalayisensi;
 - (b) amalayisensi wabo akhanseliweko;
 - (c) abasule amalayisensi wabo ngokuthanda kwabo nofana abadlelwe ipahla nofana abawileko /abatjhonileko;
 - (d) abalelwe ilayisense; begodu
 - (e) nalabo abatjhugululelwe imibandela yamalayisensi wabo, ngaphambi kokuphela komnyaka.

45. Ukubhadelwa kwemali esikhwameni sengeniso

Zoke iimali eziqintelweko ezamukelwe ngokomThetho lo kufanele zibhadelwe esiKhwameni seNgeniso yePhrovinsi.

ISAHLUKO 5

IMIBANDELA YOKUTHENGISWA KOTJWALA

46. Ukuthengisa utjwala

Umnikazi welayisense ekhutjhwe ngokwesigaba 25(a) – (c) akukafaneli athengisele umkhiqizi wotjhwala nofana iholiseyila utjwala.

47. Ukwalelwa ukuthengisa utjwala

Akunamuntu ofanele athengisele utjwala umuntu –

- (a) ongaphasi kweminyaka eli-18;
- (b) owembethe izambatho zesikolo;
- (c) osele abonakala bona udakiweko; nofana
- (d) ozithweleko.

48. Ukulawulwa kwebhizinisi

- (1) Umuntu, ngaphandle komuntu ojayekekileko, akukafaneli enze nanyana ngiyiphi ibhizimisi ngelayisensi, ngaphandle kokuthi umuntu loyo umhlali wasafuthi weSewula Afrika begodu ongakalelwa nanyana ongazange khe katholwe bona akakakulungeli ukuba nelayisensi ngokomThetho lo, begodu akukafaneli alawule nofana aphaathe ibhizimisi elihlobene nelayisensi enje.
- (2) Umuntu ojayekekileko onelayisensi angakhetha omunye umuntu ojayekekileko omhlali wasafuthi weSewula Afrika begodu ongakalelwa nofana ongakatholwa bona akakakulungeli ukuba nelayisensi ngokomThetho lo, bona alawule nofana aphaathe ibhizimisi elihlobene nelayisensi enje.
- (3) Nangabe umnikazai welayisense nofana ilunga ekungilo lodwa lekhamphani nofana
le-close corporation ekungilo umnikazi welayisense—
- (a) ngokombono weBhodo liliselele indawo yebhizimisi enelayisense ngaphandle kokutjho abonobangela bokuliselela ibhizimisi elinelayisense;
- (b) uba sebujameni bokungakalungeli nofana utholwa anganakghono ngokuya komThetho lo; nofana
- (c) umbambisani ebhizimisini, utjhonile,
nakungaba nesibawo somuntu onekareko ebhizimisini enjalo, iBhodo ingaqatjha umuntu onekghono lokulawula nokuphatha ibhizimisele isikhathi esingaba ziinyanga ezili-12, umuntu ozakuqatjhwa loyo, uzakuthathwa njengomnikazi welayisense ngokuya kwesigatjana (4)(b).
- (4) Ukuqatjhwa ngokuya kwesigatjana (3)—
- (a) kuya ngokwemibandela ebekwe yibhodo;

- (b) akukafaneli kuthinte nanyana ngiliphi ilungelo umuntu angaba nalo ebhizimisini;
 - (c) begodu kungajanyiswa yiBhodo ngesihle.
- (5) Umuntu olawula nophethe ibhizimisi eliphathelene nelayisense enje ubotjhwe mibandela neembopho njengomnikazi welayisense
- (6) Isigatjana (5) akukafaneli sirhumutjhwe/sihlathululwe ngendlela yokutjhaphulula umnikazi welayisense kinanyana ngimiphi imibandela neembopho ngokomThetho lo.

49. Ukutjhugululwa kwendawo

- (1) Umnikazi welayisense kufanele ukuthi ngaphambi kokwenza amatjhuguluko athinta umakhiwo, ukungezelela nofana ukwakha kabutjha indawo enelayisense, afake isibawo ngeforomo elibekiweko kuBhodo abawe imvumo yokutjhugulula umakhiwo, ukuwungezelala nofana ukwakha kabutjha indawo enelayisense.
- (2) IBhodo inganikela imvumo ngaphandle kwemibandela nofana yale isibawo ngokuya kwesigatjana (1).

50. linkhathi zokuthengisa

IBhodo ngokuya kwemibandela, ingaqintela amalanga nama-iri umnikazi welayisense angathengisa utjwala ngawo.

51. Umkhawulo wabaqatjhi

- (1) Akekho umuntu ongaqatjha omunye umuntu, mayelana nokuthengisa nofana ukutlhodlhlwa kotjwala—
- (a) ongaphasi kweminyaka eli-16 ubudala; nofana

- (b) okhe wafunyanwa amlandu ngokuphula umthetho olawula ukuthengisa nofana ukutlholha utjwala bewagwetjelwa ukuya ejele ngaphandle kokukhetha ukuhlawula nofana kokubili ukuhlawula nokuya ejele.
- (2) Isigatjana (1) asisebenzi emntwini oneminyaka engaphasi keli-16 yobudala ongaphasi kwebandulo nofana obuthelela ikghono lomsebenzi ekuvezwe esigabeni 16 somThetho wokuThuthukisa amaKghono, 1998 (umThetho wama.97 of 1998).

52. Izaziso zamaphilo womphakathi

USomkhandlu, ngokuthintana neLunga lomKhandlu oPhetheko eliqalene neendaba zamaphilo ephrovinsini, aqintele okumumethweko nendlela abanikazi belayisense ekufanele babonise izaziso zezokuphepha emphakathini okuhlobene nokuthengiselwa nofana nokusetjenziswa kotjwala.

ISAHLUKO 6

UKUKATELELA UKUSEBENZA KOMTHETHO KANYE NEKAMBISO

YEZOBULUNGISWA

Ingcenye I

Iinselo ezikhandelwako nezilawulwako

53. Ukukhandelwa kokuthengiswa kwemididiyelo eyingozi

(1) Akunamuntu—

- (a) ongaba nelungelo lobunikazi nofana alawule; nofana
- (b) athengise—
- (i) umdidiyelo otlhodlhwe ngokungunyelwa kotjwala ngetjhukela nofana ngezinye iingumeli ezaziwa njenge *isishimiyana, hopana, qediviki, skokiaan, uhali nofana barberton, kodwana ngaphandle kweqhilika yendabuko*;

- (ii) umdidiyelo ongabizwa ngelinye igama, kodwana ufane nofana upheze ufane nananyana ngiwuphi umdidiyelo ekukhulunywa ngawo endinyaneni ekunqotjhiswe kiyo (i);
 - (iii) umdidiyelo, mdidiyelo oyingozi epilweni yomuntu, loyo uSomkhandlu ngokuthintana neLunga lomKhandlu oPhetheko eendabeni zezamaphilo ephrovinsini, awuveze ngesaziso kuGazedi; kanye
 - (iv) nesiselo esitlhodlwe ngendlela yomdidiyelo ovezwe endinyaneni (i),(ii), nofana (iii).
- (2) USomkhandlu (wezokuThuthukiswa komNotho nezokuVakatjha) ngemva kokuthintana noSomkhandlu wezamaphilo ephrovinsini, angatjhugulula nofana arhoqise isaziso ekukhulunywa ngaso esigatjaneni (1) (b) (iii).

54. Isipiridi esinemethanoli

USomkhandlu angenza imithetjhwana mayelana—

- (a) nokungeniswa, ukuthuthwa ngesikepe, ukudluliswa, ukuthunyelwa, ukugcinwa, ukuthengiswa nofana ukusetjenziswa kwesipiridi esinemethanoli;
- (b) imihlobo yabantu abangathengisa isipiridi esinemethanoli;
- (c) ukugcina amarekhodi nanyana eminye imitlolo emayelana nokusebenza ngesipiridi esinemethanoli, ibunjo nendlela amarekhodi neminye imitlolo kufanele igcinwe ngayo neminingwana ekufanele ifakwe;
- (d) itlhogomelo nokugcinwa kwamarekhodi nofana eminye imitlolo ekhulunywa ngayo endimeni (c);
- (e) ukutjhugulula imvelo, ukununga ngeenukisi, ukutjhugulula umbala nokwenza isipiridi esinemethanoli singathengiseki ngaphandle kwenarha nofana sibekelwe ukuthengiswa kanye nendlela lokhu ekufanele kwenzeke ngayo;

- (f) ubungako besipiridi esinemethanoli obungathengiswa kinyana ngisiphi isehlakalo kinyana ngimuphi umuntu kanye nebhodlelo ekufanele sithengiswe ngalo;
- (g) ukukhandelwa nofana ukuqintelwa kokuthengisa nofana kokuphatha isipiridi esinemethadoni, ukufakahlangana ukunikela imvumo yokusithenga nofana ukusiphatha.

Ingcenywe II

Iphiko lezabahloli

55. Ukukhethwa kwabahloli berhwebo lotjwala

- (1) USomkhandlu angabeka abantu bona babe bahloli babantu abarhweba ngotjwala, abaqatjhwa nguNgqongqotjhe wezoBulungiswa njengeemphathiswa zokuthula ngokwesigaba 334 somThetho weKambiso yoBulelesi, 1977 (umThetho. 51 of 1977).
- (2) Abahloli bamarhwebo wotjwala banamandla abawanikelwa nguNgqongqotjhe wezoBulungiswa ngesimemezelo esenziwa *kuGazedi*.
- (3) USomkhandlu kufanele asebenzise indlela eqintelweko akhuphe isitifiketi somhloli werhwebo lotjwala okhethwe ngokomThetho lo.

56. Amandla nemisebenzi yabahloli berhwebo lotjwala

- (1) umhloli werhwebo lotjwala—
 - (a) angahlola, athlogomelele bekakatelele ukulandelwa komThetho lo;
 - (b) angaphenya iinghonyoyilo ezifakwe kuye ngendlela efaneleko;
 - (c) angabuza nanyana ngimuphi umuntu kinanyana ngiyiphi indawo mayelana ngananyana ngiyiphi indaba ekhambelana nokuhlola;
 - (d) angahlola nofana enze amakhophi wananyana ngimiphi imitlolo, athathe iinthombe nofana enze imigadangiso yamatheyibhu kinanyana ngimuphi

umuntu, asebenze, izenzo nofana imibandela mayelana nananyana ngiyiphi indawo yerhwebo nokuthatha amasampula wananyana ngiyiphi into ekhambelana nephenyo;

- (e) angajamisa ukuthengiswa kwananyana ngibuphi utjwala obuthengiswa nofana busatjalaliswe ngokutjayisana neenjamiso zomThetho lo;
 - (f) angajamisa ngananyana ngiyiphi into ebonakala ingakavunyelwa ngokuya ngokwesigaba 6 somThetho wemiKhiqizo yoTjwala;
 - (g) angakhupha isaziso sokungalandeli imibandela ngendlela efaneleko; begodu
 - (h) angakhuphisa ihlawulo nofana isijeziso sokungalandeli imibandela.
- (2) Umhloli werhwebo lotjwala kufanele akhuphe irasidi ngendlela efaneleko, ayikhuphele umnikazi nofana umuntu olawula indawo yerhwebo yazo zoke izinto ezikhutjiweko ngesikhathi sokuhlola.
- (3) Umhloli werhwebo lotjwala angaphekelelwa lilunga lePhiko lemiSebenzi yezamaPholisa yeSewula Afrika nofana nginanyana ngimuphi umuntu okhonjelwe bona asize ekwenziweni kwehlolo.

57. Umsebenzi wokusiza umhloli werhwebo lotjwala

Akunamuntu –

- (a) ongala ukunikela umtlole nofana ilwazi akhonjelwa ngokomthetho bona alinikele ngokuya ngokomThetho;
- (b) onganikela ilwazi elimamala nofana elidurhisako kumhloli werhwebo lotjwala;
- (c) nofana ale, avimbele, aqabhele nofana athikazise umhloli werhwebo lotjwala ekwenzeni umsebenzi wakhe ngokuya ngokomThetho lo.

58. Isaziso sokungathobeli

- (1) Umhloli obona ngasuthi iinjamiso zomThetho lo nofana imibandela yelayisense ayikalandelwa, ngokuya ngokwesigatjana (2), kufanele akhuphe isaziso sokungalandeli imibandela ngendlela efaneleko, asikhuphele umnikazi nofana umuntu olawula indawo yokurhweba.
- (2) Isaziso sokungalandeli imibandela ngokwesigatjana (1) kufanele—
- (a) siveze iinjamiso ekusolakala bona akukakhanjiswa nazo;
 - (b) imininingwana nemvelo yeensolo zokungakhambisani nemibandela;
 - (c) igadango ekufanele lithathwe kanye nesikhathi igadangwelo ekufanele lithathwe ngaso; kanye
 - (d) nananyana ngiyiphi ihlawulo engagandelelwa esehlakalweni sokungalandeli imibandela.
- (3) Isaziso sokungalandeli imibandela sihlala sijamile njalo bekube lapho umhloli werhwebo lotjwala akhupha isitifiketi sokukhambisana / sokulandela imibandela ngendlela efaneleko.

59. Ukuvalwa kwendawo enelayisense

- (1) Lapho iBhodo ibona ngasuthi —
- (a) ukuphazamiseka komphakathi;
 - (b) ukuhlangahlangana;
 - (c) inturhu; nofana
 - (d) umguruguru womphakathi,
- wenzeka nofana usabisa endaweni yerhwebo nofana wenzeka eduze nayo, umhloli werhwebo lotjwala nofana iBhodo ingalayela umnikazi welayisense nofana umphathi nofana umjameli womnikazi welayisense bona avale indawo yerhwebo isikhathi esithileko esizakuvezwa mhloli nofana yiBhodo.

- (2) Umnikazi welayisense, umphathi nofana umjameli womphathi welayisense kufanele alandele umlayo ngokuya ngokwesigatjana (1).
- (3) Umhloli werhwebo lotjwala nofana iBhodo ingarhoqisa umlayo okhutjiweko kesinye nesinye isikhathi ngokuya ngokwesigatjana (1).

60. Imibiko yephiko lezabahloli

Umhloli werhwebo lotjwala kufanele athumele iBhodo umbiko—

- (a) kinanyana ngikuphi ukubhalelwa komnikazi welayisense ukulandela iinjamiliso nofana imibandela yelayisensi;
- (b) ngokungasalungeli komnikazi welayisense ukuphatha ilayisense nofana imvumo ekukhulunywa ngayo, ngokuya ngokomThetho lo;
- (c) ngamatjhuguluko nofana ukulungiswa okufanele kwenziwe endaweni yerhwebo enelayisense;
- (d) ngamatjhuguluko enziwe endaweni yerhwebo ngaphandle kwemvumo yeBhodo; kanye
- (e) ngananyana ngiyiphi indaba ephathelene namalayisensi, leyo umhloli werhwebo lotjwala azayibona iqakathekile bona angayiletha phambi kweBhodo.

Ingcenywe III**Imilandu neenhlawulo****61. Imilandu ejayelekileko****(1) Umuntu**

- (a) othengisa nofana otlhodlha utjwala nofana iimpiridi zemethanoli —
 - (i) ngaphandle kwelayisense ; nofana
 - (ii) ngokutjhayisana nemibandela yelayisensi;
- (b) uthengisa nofana utlhodlha utjwala besiNtu —
 - (i) ngaphandle kwemvumo; nofana
 - (ii) ngokutjhayisana nemibandela yemvumo yotjwala besiNtu;
- (c) olwako, ohlangahlangeneko nofana odakiweko endaweni yerhwebo ekhutjhelwe ilayisense;
- (d) osela ngananyana ngibuphi utjwala endleleni nofana endleleni ekulu, nofana ebaleni elinganalitho, endaweni esedorobheni nofana indawo esikwe yaba maplodo eneendlela ezihlangana namaplodo;
- (e) oletha, apha the nofana asele utjwala emabaleni wezemidlalo angakatloliswa, lapho umphakathi unefinyeleleko nofana unikelwe imvume yefinyeleleko, kungakaqalwa ukuthi ifinyeleleko inikelwe ngaphandle kokubhadela nofana iqintelwe ngokuya ngokwemihlobo ethileko yabantu nofana njani;
- (f) ongazivezi ngokweqiniso nofana omunye umuntu, owenza ngasuthi ungaphezu kweminyaka eli- 18 yobudala ukwenzela bona umnikazi welayisense nofana umjameli womnikazi welayisense nofana isisebenzi somnikazi welayisense simthengisele utjwala; nofana
- (g) onikela omunye umuntu utjwala—
 - (i) njengembadela yomrhulo;
 - (ii) njengomrhulo;
 - (iii) owenza bona omunye amqatjhe; nofana
 - (iv) owenza omunye umsebenzi eqadi,

owenza ubulelesi begodu usemlandwini ongenza bona abotjhwe nofana ahlawuliswe nofana kokubili ukuhlawuliswa nokubotjhwa.

(2) Umuntu—

(a) ongaphasi kweminyaka eli-18 yobudala; nofana

(b) ozithweleko

begodu athenge utjwala kumnikazai welayisense, begodu enze umlandu begodu uthole bona umsemlandwini lapho angahlawuliswa khona nofana avalelwe nofana kokubili ukuhlawuliswa nokubotjhwa.

(3) Umfakisibawo nofana umnikazi welayisense—

(a) oweqa nofana obhalelwa kulandela iinjamiliso zomThetho lo;

(b) oweqa nofana obhalelwa kulandela umlayo okhutjwa ngokomThetho lo;

(c) nofana ovumela nanyana ngimuphi umuntu bona enze, nofana angenzi nanyana yini emlandu ngokuya kwendima (a) nofana (b),

owenza umlandu begodu osemlandwini angahlawuliswa kiwo nofana avalelwe nofana kokubili ukuhlawuliswa nokubotjhwa.

62. Imilandu ephathelene nelwazi

Umuntu —

(a) oletha ilwazi ekungasilo nofana elidurhisako; nofana

(b) oletha umtlole ocaleka ingasuthi ngewamambala kodwana ungasiyo ikhophi yomtlole okungiwo wamambala,

malungana ngananyana ngisiphi isibawo, isibilayezo, ukwaliwa, ukujamela, ipendulo kinanyana ngikuphi ukwaliwa nofana ukunghonghoyila nofana isibawo ngokuya komThetho lo, wenza umlandu begodu usemlandwini angahlawuliswa kiwo nofana avalelwe nofana kokubili ukubotjhwa nokuvallelwa .

63. Imilandu ephathelene neBhodo

Umuntu –

- (a) ongaveli phambi kweBhodo ngedeyidi nesikhathi esibekwe yiBhodo esazisweni esikhutjhwe yiBhodo;
- (b) otjhiya umhlangano weBhodo ngaphandle kweemvumo yakaSihlalo weBhodo;
- (c) owala ukunikela ubufakazi nofana ukukhupha umtlole nofana incwadi ngemva kobana abizwe yiBhodo bona azokunikela ubufakazi nofana azokukhupha umtlole nofana incwadi ethileko; nofana
- (d) othi ngokuthanda kwakhe aphazamise ikambiso emhlanganweni weBhodo nofana aphazamise elinye ilunga ekwenzeni umsebenzi walo emhlanganweni,

owenza umlandu begodu osemilandwini angahlawuliswa kiwo nofana avelwe nofana kokubili ukuhlawuliswa nokuvalwa.

64. Imilandu ephathelene nokuhlola

Umuntu–

- (a) oziveza njengomhloli werhwebo lotjwala ekubeni akasuye;
- (b) okhandela umhloli werhwebo lotjwala ekwenzeni imisebenzakhe;
- (c) owala nofana obhalelwa kuhlonipha imiyalo yomthetho enikelwa mhloli werhwebo lotjwala; nofana
- (d) owala ngaphandle kwesizathu somthetho ukuphendula umbuzo womhloli werhwebo lotjwala nofana anikele ipendulo emamala nofana edurhisako ngabomu,

owenza umlandu begodu osemilandwini angahlawuliswa kiwo nofana avelwe nofana kokubili ukuhlawuliswa nokuvalwa.

Ingcenywe IV**Ikambiso yezobulungiswa****65. Ukunikelwa kwezaziso nemitlolo**

Nanyana ngisiphi isaziso nofana umtlolo ofanele unikelwe ngokomThetho lo, unganikelwa ngesandla nofana uthunyelwe nge-*telefacsimile* nofana ngeposo etlolisiweko, ngeposo yomuntu othunyelwa isaziso nofana umtlolo ozokuthunyelwa eposweni yendawo ahlala, *ku-postal address* nofana ku-*telefacsimile number*, inikelwe kuBhodi mumuntu loyo, kanye nesaziso sokumumethweko kulindeleke bona sivele lapho isaziso nofana umtlolo—

- (a) unikelwe ngesandla, mhlana unikelwako;
- (b) wathunyelwa ngefeksi, ekutholweni kwerasidi yerekhodi evela lapho ifeksi vela khona;
- (c) waposwa ngeposo etlolisiweko, amalanga alitjhumu nane ngemva kokuthi ithunyelwe,

ekutlhogakaleni kobufakazi obutjhayisana nokuthi umuntu owayethunyelwa umtlolo, ngokwenza ngokuthembeka, ngokungabikhona, ngengozi, ngokugula nofana ngomunye unobangela ongehla kwelawulo lomuntu loyo azange asithole isaziso, nofana azange athole isaziso bekwaba ngenye ideyidi.

66. Ukubuyekeza kweKhotho ePhakemeko

linqunto zeBhodo zingaphasi kombandela wokubuyekezwa ukuya

ngokomThetho wokuThuthukiswa kokuPhathwa koBulungiswa, 2000 (uMthetho wesi.3 waka- 2000).

Ingcenye V**Iindaba zobufakazi****67. Ubufakazi be-afidavidi mayelana namanye amaphuzu**

(1) Nangabe kuba nombuzo ovelako kinanyana ngiyiphi ikambiso yomthetho, engaba ngeyomthetho othileko, isenzo nofana isehlakalo esenzekileko nofana esingakenzeki emnyangweni othileko womBuso nofana iziko lombuso nofana egatjeni nofana e-ofisini yomnyango loyo nofana yeziko, nofana kuba nombuzo ekambisweni leyo ukuthi isisebenzi esithileko emnyangweni loyo, ezikweni, egatjeni nofana e-ofisini azange sibe nofana sibe nesandla esehlakalweni esithileko, umtlobo onjenge afidavidi owenziwe mumuntu osolwa kileyo afidavidi—

(a) bona usisebenzi somBuso nofana seziko emnyangweni, egatjeni nofana e-ofisini ekukhulunywa ngalo;

(b) bona—

(i) nangabe isenzo, isehlakalo ekukhulunywa ngaso senzeke emnyangweni loyo, egatjeni nofana e-ofisini; nofana

(ii) isisebenzi ekukhulunywa ngaso senze isenzo esinjalo nofana sibe nesandla esehlakalweni leso, bekuzakuba ngokwekambiso ejayelekileko yezehlakalo ngokwelwazi lomfunzi begodu nerekhodo lalokho belizokugcinwa; begodu

(c) nokuthi bekangazi —

(i) bona isenzo esinjalo nofana isehlakalo esinjalo senzekile; nofana

(ii) bona isisebenzi senze isenzo esinjalo nofana sibe nesandla esehlakalweni leso begodu akunarekhodo lalokho,

kufanele kusetjenziswe njengobufakazi ekambisweni leyo bona isenzo nofana isehlakalo ekukhulunywa ngaso senzekile nofana azange senzeke nofana isisebenzi ekukhulunywa ngaso sisenzile nofana azange sisenze isenzo ekukhulunywa ngaso nofana sibe nesandla esehlakalweni leso ekukhulunywa ngaso.

- (2) Nangabe umbuzo uyavela kinanyana ngiyiphi ikambiso yangokomthetho ngokobana umuntu webizo elithileko unikele nofana akhenge anikele isiphathiswa esithileko ilwazi nofana umtlole othileko , umtlole ofana ne-afidavidi ovela emntwini loyo oveza iinsolo kileyo afidavidi bona usiphathiswa leso nokuthi akunamuntu onebizwelo omnikele ilwazi nofana umtlole onjalo, uzakuba bufakazi eenkambisweni lezo bona umuntu loyo azange anikele isiphathiswa leso ilwazi nofana umtlole.
- (3) Nangabe kuba nombuzo ovelako kinanyana ngiyiphi ikambiso yangokomthetho ngokuthi iphuzu nofana ilwazi lirekhodiwe ngaphasi komThetho nofana ukuthi umtlole ugcinwe nofana ufakwe ngaphasi komtlole ofana ne-afidavidi owenziswe mumuntu othi kileyo afidavidi umumuntu onikelwa mThetho lo amandla nofana umguyaza ukwenza umsebenzi wokurekhoda iphuzu nofana ilwazi ekukhulunywa ngalo nofana agcine nofana abambe umtlole ekukhulunywa ngawo nofana ukuthi uzanelisile bona iphuzu nofana ilwazi ekukhulunywa ngalo lirekhodiwe nofana umtlole ekukhulunywa ngawo ugciniwe nofana ubanjiwe, uzakusetjenziswa njengobufakazi eenkambisweni lezo ukuthi iphuzu nofana ilwazi lirekhodiwe nofana ukuthi umtlole ugciniwe nofana ubanjiwe.

68. Iimfuneko zekambiso yobufakazi be-afidavidi

- (1) I-afidavidi ekunqotjhiswe kuyo esigabeni 67 angeze yasetjenziswa njengobufakazi ngokuya ngokwesigatjana esisebenzako ngaphandle kokuthi ikhophi yalokho ilethwe mumuntu onqophe ukuyisebenzisa kinanyana ngimuphi umuntu eenkambisweni ekukhulunywa ngazo okungasenani emalangenali alikhomba ngaphambi kweenkambiso lezo.
- (2) Ikhotho leyo ekhuphe i-afidavidi etjiwo esigatjaneni (1), ngokwesibawo sananyana ngimuphi umuntu ngeekambiso ekukhulunywa ngazo, ingalayela bona umuntu owenze i-afidavidi ekukhulunywa ngayo abizwe bona azokunikela ubufakazi eenkambisweni lezo nofana athunyelwe imibuzo etloliweko bona

ayiphendule, begodu imibuzo leyo neempendulo zakhona ezivela emntwini loyo zizakusetjenziwa njengobufakazi eenkambisweni lezo.

ISAPHLUKO 7

IMITHETJHwana

69. Imithetjhwana

(1) USomkhandlu angenza imithetjhwana mayelana—

- (a) nekambiso yokubanjwa kwemihlangano yesakhiwo sephrovinsi ngokwesigaba 16;
- (b) ukusetjenziwa kwekambiso nokukhutjwa kweemvumo zokutlholisa utjwala besiNtu ngokwesigaba 24;
- (c) imibandela esetjenziwako ukunikela imvumo yotjwala besiNtu;
- (d) iimfuneko zendawo yemvumo yotjwala besiNtu;
- (e) imbadelo yesibawo semvumo yotjwala besiNtu;
- (f) ezinye izinto engeze zavunyelwa emvumeni yotjwala besiNtu;
- (g) iforomo lesibawo nekambiso yemvumo yesenzeko esikhethekileko ngokwesigaba 26;
- (h) ibumbeko leforomo lesibawo selayisensi yotjwala ngokwesigaba 28;
- (i) iimfuneko zephephandaba kanye negazedi mayelana neembawo ezenziwa ngokwesigaba 28;
- (j) imbadelo yesibawo selayisensi yotjwala;
- (k) ibumbeko leforomo ngokuya ngokweGungu zoTjwala zeNdawo kufanele lidlulisele iimbawo ngokweengaba 28(1) kanye 28(3) eBhodini;
- (l) ibumbeko lesitifiketi esikhutjwa ngokwesigaba 33;
- (m) imali ebhadelwako ekukhutjweni kwelayisense yotjwala ngokwesigaba 33(2);
- (n) imali ebhadelwa mnikazi welayisense ngomnyaka ukuvuselela ilayisense ngokwesigaba 34(2)(c);

- (o) ibumbeko lesaziso sokungalandeli imibandela esikhutjhwa yiBhodo ngokwesigaba 35(1);
 - (p) ibumbeko leforomo lokufaka isibilayezo manqophana nokutjhugulula, ukujamisa nofana ukukhanselwa kwelayisense ngokwesigaba 37;
 - (q) ikambiso yokuqatjhwa komunye umuntu bona aphaathe ibhizimisi yominikazi welayisense ngokwesigaba 48(2);
 - (r) imibandela yama-iri wokurhweba ngokwesigaba 50;
 - (s) ibumbeko lesakhiwo sesitifiketi somhloli werhwebo lotjwala ngokwesigaba 55(3);
 - (t) ibumbeko leforomo elingasetjenziwa ukufaka isinghonghoyilo kumhloli werhwebo lotjwala ngokwesigaba 56(1)(b);
 - (u) ibumbeko lerasidi ekufanele ikhutjhwe mhloli werhwebo lotjwala ngokwesigaba 56(2);
 - (v) ibumbeko lerasidi ekhutjhweko ngokwesigaba 56(2);
 - (w) ibumbeko lesaziso sokungalandeli imibandela esikhutjhwa mhloli werhwebo lotjwala ngokwesigaba 58(1);
 - (x) ibumbeko lesitifiketi sokulandela imibandela esikhutjhwa ngokwesigaba 58(3);
 - (y) ukusungulwa nemisebenzi yeenHlangano zokuRhweba ngoTjwala ephrovinsini;
 - (z) nazo zoke izinto ezifaneleko ukuzuza iminqopho yalomThetho.
- (2) Imithetjhwana eyenziwe ngokomThetho lo ingasetjenziwa emacaleni neenhlawulweni.

ISAPHLUKO 8**IINJAMISO EZIJAYELEKILEKO****70. Ukungathweswa icala**

UmBuso nofana ngananyana ngimuphi umuntu nofana ihlangano abanasibopho sangokomthetho ekonakaleni nofana ekulahlekeni okubangwe —

- (a) kusetjenziwa kwananyana ngimaphi amandla nofana ukwenziwa kwananyana ngimuphi umsebenzi ngaphasi kwalomThetho; nofana
- (b) kubhalelwa kokusetjenziwa kwananyana ngimaphi amandla, nofana ukwenza ngananyana ngiwuphi umsebenzi ngaphasi komThetho lo,

Ngaphandle kokuthi ukwenziwa nofana ukubhalelwa ukusebenzisa amandla, nofana ukwenziwa nofana ukubhalelwa ukwenza umsebenzi bekungasisemthethweni, bekubudedengu nofana kungokommoya omumbi.

71. Amalungiselelo wokutjhugulukela kokhunye

- (1) Isibawo esenziwa ngokomThetho woTjwala, 1989, ngaphambi kokuthoma komThetho lo begodu ungakapheliswa ngedeyidi leyo, kufanele uragele phambili bewupheliswe ngasuthi umThetho woTjwala, 1989 azange upheliswe.
- (2) Umuntu onegunya, imvumo, ilayisense nofana ilungelo elikhutjhwe ngokomThetho woTjwala, 1989 kufanele ngaphasi kwesikhathi esibekwe nguSomkhandlu ngesaziso *kuGazedi*, athumele igunya lelo, imvumo, ilayisense nofana ilungelo lelo eBhodini bona litjhugululwe ibeligunya, imvumo, ilayisense nofana ilungelo elingaphasi kwalomThetho.
- (3) Nangabe umnikazi wegunya, imvumo, ilayisense nofana ilungelo uyabhalelwa kuthumela umtlole loyo eBhodini njengoba kuveziwe esigatjaneni (2), igunya, imvumo, ilayisense nofana ilungelo elinjalo liyajanyiswa ngedeyidi ezobe ibekwe ngoSomkhandlu esazisweni.

72. Isihloko esifitjhani nokuthoma ukusebenza

UmThetho lo ubizwa bona mThetho woTjwala weLimpopo, 2009 begodu uzokuthoma ukusebenza ngedeyidi ezokubekwa nguNdunakulu esimemezelweni azasenza *kuGazedi*.

XITIVISO XA XIFUNDZANKULU

XITIVISO ...².... XA 2015**LIMPOPO
NDZAWULO YA NHLUVUKISO WA IKHONOMI, MBANGU NA VUMPFHUMBA****NAWU WA SWA MABYALWA WA LIMPOPO, 2009**

Xitiviso sweswiwani xa tivisiwa hi ku landza xiyenge xa 123 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996, lexi Holobyenkulu a xi sayineke eka Nawu wa swa Mabyalwa wa Limpopo, 2009 (Nawu wa No. 5 wa 2009), lexi sweswiwani xi humesiwaka leswaku vanhu hi ku angarha va kuma hungu.

MFUMO WA MILAWU WA XIFUNDZANKULU

NAWUMBISI WA SWA MABYALWA WA LIMPOPO, 2009

Tani hilaha wu tivisiweke hi

**(XIRHO XA HUVONKULU YA NDZAWULO YA NHLUVUKISO WA IKHONOMI,
MBANGU AN VUENDZI)**

[NAWU WA 5-2009]

NAWU

Ku nyika ku tumbuluxiwa ka Huvo ya Vulawuri bya swa Mabyalwa bya Xikaya, Huvoya swa Mabyalwa ya Xifundzankulu na Huvo ya Swikombelo swa Aphila, ku lawula swikombelo swa, na ku tekela enhlokweni ka mimpfumelelo ya ku xavisa na ku peta/ sweka mabyalwa; ku lawula swikombelo na ku tekela enhlokweni mimpfumelelo yana ku hangalasa mabyalwa ya xintu xa xiAfrika ; ku tshimbisa ku xaviseriwa ka mabyalwa eka swiyenge swin'wani swa vanhu; ku nyika mindzandzeleriso ya nsindziso na timhaka tin'wana leti fambelanaka na swona.

LOWU WU PASISIWA hi Mfumo wa Milawu wa Limpopo tani hilaha swi landzelaka:–

MALONGOLOXELE YA SWIYENGE**KAVANYISA KA 1****MAKUNGU YA MANGHENELO**

1. Tinhlamuselo
2. Swikongomelo swa Nawu
3. Matirhelo ya Nawu

KAVANYISA KA 2**KU TUMBULUXIWA KA SWIYENGE SWA XIFUNDZANKULU****Xiphemu xa I****Vulawuri bya Xikaya bya Mabyalwa**

4. Ku tumbuluxiwa ka Huvo ya Vulawuri bya Xikaya bya swa Mabyalwa
5. Xivumbeko xa Huvo ya vulawuri bya Xikaya bya swa Mabyalwa
6. Matholele ya swirho eka Huvo ya Vulawuri bya Xikaya bya swa Mabyalwa
7. Mitirho ya Huvo ya Vulawuri bya Xikaya bya swa Mabyalwa

Xiphemu xa II**Huvo ya swa Mabyalwa ya Limpopo**

8. Ku tumbuluxiwa ka huvo ya Limpopo ya swa Mabyalwa
9. Xivumbeko xa Huvo
10. Matholele ya Swirho swa Huvo
11. Mitirho na matimba ya Huvo

Xiphemu xa III**Huvo ya Aphili**

12. Ku tumbuluxiwa ka Huvo ya Aphili

Xiphemu xa IV**Makungu hi ku angarhela lama ya tirhisiweke eka Swiyimisiwa swa Xifundzankulu**

13. Swipimelelo swa ku thoriwa eka swivumbeko wsa xifundzankulu
14. Nkarhi wa ku va ehofisini
15. Miholo na swipfuno swa swirho
16. Tinhlengeletano ta swiyimisiwa swa xifundzankulu
17. Ku hlongoriwa ka swirho
18. Timali ta swiyimisiwa swa Xifundzankulu
19. Swirhambo na switiviso

KAVANYISA KA 3**HUVO YA PHOLISI YA MABYALWA YA XIFUNDZANKULU**

20. Ku tumbuluxiwa ka Huvo
21. Xivumbeko xa Huvo
22. Mitirho ya Huvo

KAVANYISA KA 4

TILAYISENSE NA TIPHUMENDE

Swikombelo swa tilayisense na tiphumende

23. Layisense ya ku boha
24. Byalwa bya xintu xa xiAfrika
25. Tikhategori ta tilayisense
26. Tiphumende ta mitlangu yo hlawuleka
27. Ku tshimbisiwa ka mpfumelelo
28. Tirhele ra maendlele ya swikombelo swa layisense ya mabyalwa
29. Swilaveko swa vapfuni eka swa mabyalwa
30. Rifu kumbe ku tsandzeka ka muendli wa xikombelo
31. Aphili ehenhleni ka ku aleriwa mpfumelelo
32. Ku yingiseriwa ka Aphili
33. Xitifikheti xa Layisense
34. Mpimo wa mpfumelelo
35. Ku tsandzeka ku fikelela swikoxo swa mpfumelelo
36. Ku hambana, ku yimisiwa swa nkarhinyana kumbe ku thunyiwa ka layisense
37. Ku vilela ehenhla ka ku ncinciwa, ku yimisiwa swa nkarhinyana kumbe ku thunyiwa ka layisense.
38. Ku tshika ntsariso hi wexe, ku tlhandlusa kumbe ku n'okisa
39. Rifu kumbe ku tsandzeka ka vakhomi/ vinyi va mpfumelelo
40. Ku ncinca ka vutsakeri bya ku lawula
41. Ku ncinca ka bindzunkulu
42. Ku transiferiwa ka layisense
43. Ku rhurha
44. Rhejistara ra vakhomi va layisense na tirhekhodo ta xifundzankulu
45. Tihakelo eka nkwama wa xibalo

KAVANYISA KA 5**SWIPIMELO SWA KU XAVISA BYALWA**

- 46. Ku xavisa byalwa
- 47. Leswi tshimbisiwaka eku xaviseni ka byalwa
- 48. Mafambisele ya bindzu
- 49. Ku lulamisiwa ka muako
- 50. Minkarhi yo xavisa
- 51. Swipimelo eka vathori
- 52. Switiviso swa rihanyu ra vanhu

KAVANYISA KA 6**KU TLHANDLEKIWA KA VOKO RA NAWU NA MAFAMBISELO YA SWA XINAWU****Xiphemu xa 1****Swihalaki leswi nga pfumeleriwiki na leswi lawuriwaka**

- 53. Ku tshimbisiwa ka ku xavisa ka minkatsakanyo leyi nga riki na rihanyu lerinene
- 54. Swipiriti swa Metheletente

Xiphemu xa II**Vukamberi**

- 55. Mahlawulele ya vakamberi va swa vuxavisi bya mabyalwa
- 56. Matimba na mitirho ya vakamberi va swa vuxavisi bya mabyalwa
- 57. Ntirho wa ku pfuna mukamberi wa swa vuxavisi bya mabyalwa
- 58. Xitiviso xa ku tsandzeka ku fikelela swipimelo
- 59. Ku pfariwa ka ndzhawu leyi nga ni layisense
- 60. Swiviko swa vakamberi

Xiphemu xa III**Swihoxo na Minxupulo**

61. Swihoxo hi ku angarhela
62. Swihoxo swo fambelana na mahungu
63. Swihoxo swo fambelana na Huvo
64. Swihoxo swo fambelana na vukamberi

Xiphemu xa IV

Mafambiselo xa swa Xinawu

65. Vutirheli bya switiviso na matsalwa
66. Ku hleriwa hi Khotonkulu

Xiphemu xa V

Timhaka ta Vumboni

67. Switiyisiso swa timhaka tin'wana hi afidavhiti (papila ra xihlambanyo)
68. Swilaveko swa malandzelerisele ya papila ra xihlambanyo

KAVANYISA KA 7

SWINAWANA

69. Swinawana

KAVANYISA KA 8

MAKUNGU HI KU ANGARHELA

70. Swipimelo swa vutihlamuleri
71. Ku lulamisela ka xinkadyana
72. Nhlokomhaka hi ku komisa na ku sungula ku tirha

1. Tindhlamuselo

(1) Eka Nawu lowu, handle kaloko nhlamuselo yi kombisa swin'wani—

"Biya/byalwa" ri katsa—

- (a) ale, sayida na xitawuti;
- (b) xin'wani na xin'wani xo nwa lexi virisiweke, handle ka byalwa bya xintu xa Afrika —
 - (i) leswi swi endliweke kumbe xavisiwaka ehansi ka vito ra biya, ale, sayida kumbe xitawuti, loko swi ri na mpimo wa xihoko wa le hansi ka phesente yin'we; kumbe
 - (ii) leswi hlambanyisieke tanihi biya ehansi ka xiyenge xa 42(2) xa Nawu wa Byalwa, 2003 (Nawu No. 59 wa 2003);

"Huvo" ri vula Huvo ya Huvoya swa Mabyalwa leyi tumbuluxiweke hi ku landza xiyenge xa 8;

"Mutshamaxitulu" ri vula mutshami wa xitulu wa nhlango lowu fanelaka eka swiyimo swa xifundzankulu;

"Khansela/Huvo" swi vula Huvo ya Pholisi ya Mabyalwa ya Xifundzankulu leyi tumbuluxiweke hi ku landza xiyenge xa 20;

"Ndzawulo" swi vula Ndzawulo leyi nga ni vutihlamuleri bya timhaka ta mabyalwa eka xifundzankulu;

"Layisense" swi vula xitifikhethi xa mpumelelo lexi nyikiweke ku ya hi swipimelo swa xiyenge xa 31;

"Byalwa" swi vula xin'wani na xin'wani xa —

- (a) swihumelerisiwa swa byalwa leswi hlamuseriweke eka xiyenge xa 1 xa Nawu wa Swihumelerisiwa swa Xibyalwa, 1989 (Nawu No. 60 wa 1989);
- (b) biya; kumbe
- (c) swin'wani swa swipyopyi kumbe swo nwa leswi hlambanyiweke tanihi byalwa ku ya hi xiyenge xa 42(2) xa Nawu wa Mabyalwa, 2000 (Nawu No. 59 wa 2003);

"Nawu wa Mabyalwa, 1989" ri vula Nawu wa Mabyal, 1989 (Nawu No. 27 wa 1989);

"Mupfuni hi swa mabyalwa" ri vula munhu ku nga katsiwi qhweta leri paseke kumbe qhwetankulu leri nga rhejistariwa hi ku landza xiyenge xa 29 ku pfuneta vaendli va swikombelo ku endla swikombelo swa layisense ya swa mabyalwa;

"Nawu wa Swihumelerisiwa swa Mabyalwa" ri vula Nawu wa Swihumelerisiwa swa Mabyalwa, 1989 (Nawu No. 60 wa 1989);

"Xirho xa Huvonkulu" ri vula Xirho xa Huvonkulu lexi nga ni vutihlamuleri eka swa mabyalwaeka xifundzankulu;

"swipiriti swa metheletente" ri vula—

- (a) swipiriti swi ncinciwa hi ku landza nawu wihi ni wihi wa ku ncinca kumbe ku chela murhi eka swipiriti; na
- (b) swipiriti swihi ni swihi ni swihi leswi swi ncinciweke, cheriwa murhi, swi nuwherisiwa swipiriti leswi tirhiweke leswi vuriwaka swipiriti swa metheletente ehansi ka xiyenge xa 42(2) xa Nawu wa swa Mabyalwa, 2003 (Nawu No.59 wa 2003);

"vupetintsongo" ri vula ku peta/sweka byalwa ku fika ka mpimo kumbe ehansi ka mpimo wa vaxavi lowu vekiweke ku ya hi swipimelo swa Nawu wa swa Mabyalwa, 2003 (Nawu No. 59 wa 2003) naswona mupeti-ntsongo (vasweki lavantsongo va byalwa) va na nhlamuselo yo yelana;

"masipala" ri vula masipala lowu tumbuluxiweke hi ku landza Mfumo wa Xikaya: Nawu wa Swiyimisiwa swa Masipala, 1998 (Nawu No. 117 wa 1998);

"Xiyenge xa mfumo" ri vula xiyenge xa mfumo tanihi leswi xi hlamuseriweke eka xiyenge xa 239 xa Vumbiwa ra Rhiphabliki ra Afrika Dzonga, 1996 (Nawu No. 108 wa 1996);

"tindhawu" ri vula ndhawu, misava, muako kumbe xiphemu xin'wani lexi nga layisensiwa hi Huvo;

"hlamusela" ri vula ku hlamuseriwa hi swinawana;

“swiyimisiwa swa xifundzankulu” ri vula Huvo ya Xikaya ya Vulawuri bya swa Mabyalwa, Huvoya swa Mabyalwa ya Limpopo na Huvo ya Aphili leti tumbuluxiweke eka Kavanyisa ka II;

“ku xavisela ntirhiso” ri vula ku xavisiwa ka byalwa hi xikongomelo xa ku xavisa;

“ku xavisa” swi katsa—

(a) ku hangalasa, ku ncincana, ku koxana nxavo, ku veka erivaleni hi xikongomelo xo xavisa; kumbe

(b) ku nyika matimba, ku lawula kumbe ku pfumelela ku xavisa, ku veka erivaleni, ku ncincana kumbe nkoxo;

“phumende ya nkarhi wo hlawuleka” ri vula phumende leyi humesiweke hi ku landza xiyenge xa 26;

“byalwa bya xintu bya xiAfrika” swi na nhlamuselo leyi pimiweke hi Nawu wa Mabyalwa, 2003 (Nawu No. 59 wa 2003);

“Nawu lowu” ri katsa xinawana xihi ni xihi lexi endlweke kumbe xi humesiweke hi ku ya hi Nawu lowu.

2. Swikongomelo swa Nawu

Swikongomelo swa Nawu lowu i ku lawula vuswekintsongo na vuxavisi bya mabyalwa bya xintu xa xiAfrika eka xindzankulu hindlela leyi swi nga ta—

(a) tlakusa ku kula ka ikhonomi loku yisekaka emahlweni;

(b) ncinca bindzu ra swa mabyalwa leswaku byi fikelela mintiyiso ya xiikhonomi na ximunhu swa xifundzankulu; na ku

(c) nxangwela ku nghena ka swirho swin'wani leswintshwa eka bindzu ra swa mabyalwa.

3. Matirhisele ya Nawu

Nawu lowu a wu tirhi eka—

- (a) muofisara tani hilaha swi hlamuseriwaka eka xiyenge xa 1(1) xa Nawu wa Swibala eka Nhundzu na Mindzelikano, 1964 (Nawu No.91 wa 1964) loko a karhi a tirha mitirho ya yena;
- (b) xerifi i munhu wihi ni wihi loyi a tirhaka hi xileriso xa khoto, jaji, majisitarara eka ku tirha mitirho ya vona;
- (c) mufambisi wa ntirho wa ku ringa vinyo wa xiviri hi mayelana na nxaviso lowu nga ntsengo wa le hansi ka 200 wa timililitara leti nga ta nwiwa eka ntirho walowo; kumbe
- (d) munhu loyi a xavisaka swipiriti swihi ni swihi kumbe swipiriti leswi virisiwike swi cheriwa xinuhersi kumbe murhi, leswi xinuhersi kumbe xipiriti swi nga ri swipiriti swa metheletente.

KAVANYISA KA 2
SWIYIMO SWA XIFUNDZANKULU
Xiphemu xa 1
Vulawuri bya Byalwa bya Xikaya

4. Ku tumbuluxiwa ka Vulawuri bya Byalwa bya Xikaya

Xirho xa huvonkulu xi nga, hi xitiviso eka *gazette*, tumbuluxa vulawuri bya xikaya bya swa mabyalwa eka timasipala ta xifundzankulu.

5. Xivumbeko xa Huvo ya Vulawuri bya Xikaya bya swa Mabyalwa

Vulawuri bya xikaya lebyi tumbuluxiweke hi ku landza xiyenge xa 4 xi katsa—

- (a) muyimeri wa—
 - (i) Ndzawulo;
 - (ii) masipala, lowu hlawuriweke hi Mufambisiwa Masipala wa masipala walowo;
 - (iii) Vukorhokeri bya Xiphorisa bya Afrika Dzonga lebyi hlawuriweke hi Khomixinara wa Xifundzankulu;

- (b) xirho xa va n'wamabindzu loyi a nga ni vutivi na ntokoto mayelana na bindzu ra swa mabyalwa; na
- (c) xirho xa tiko loyi a nga ni vutivi na ntokokoto eka swa ku hluvukisa ekhonomi ya vanhu, vukorhokeri bya vanhu na timhaka ta swa ndhavuko.

6. Ku thoriwa ka swirho swa Huvo ya Xikaya ya Vulawuri bya Mabyalwa

- (1) Nhloko ya Ndzawulo u fanele ku humesa xitiviso eka maphepha-hungu mambirhi lawa ya hlayiwaka eka ndhawu ya masipala wolowo, a rhamba swikombelo ku su suka eka eka vatsakeri lava va fikelelaka ndzinganelo wa swiyenge swa 5(b) na 5(c) leswaku va ta khoriwa hi —
 - (a) hangalasa xitiviso eka maphepha-hungu ya mbirhi leti nga kona eka timasipala ta nkoka; na
 - (b) vuhangalasi byin'wani lebyi bohiweke eka Nhloko ya Ndzawulo.
- (2) Vakomberi lava hlambulaka ta xitiviso ku ya hi xiyenge (1), va fanele ku yisa tsalwa ra vutihlamuseri/ *curriculum vitae* leri ri nga
 - (a) tikhopi leti hlambanyiweke ta mapapila ya vuthwasi bya vona; na
 - (b) matsalwa yo seketela lama nga ta humesela erivaleni vutivi na ntokoto wa mukhomberi, leswi nga ta pfuna eku lawuleni ka vubindzu bya swa mabyalwa eka xifundzankulu.
- (3) Nhloko ya Ndzawulo u fanele a thola, ku ya hi ku leteriwa hi xiyenge ya 13 —
 - (a) vayimeri va ndzawulo, vamisipala na va xiphorisa hi vuxoko-xoko lebyi nga ka xiyenge xa 5(a);
 - (b) ku suka eka swikombelo leswi amukeriweke ku ya hi xiyengentsongo xa (2), swirho leswi xokohatiweke eka swiyenge swa 5(b) na 5(c).
- (4) Nhloko ya Ndzawulo yi fanele ku hlawula Mutshamaxitulu na Museketeri wa Mutshamaxitulu va Vulawuri bya Xikaya bya Mabyalwa kun suka eka swirho.

7. Mitirho na matimba ya huvo ya xikaya ya vulawuri bya Mabyalwa

Huvo ya Xikaya ya Vulawuri bya Mabyalwa leyi tumbuluxiweke ku ya hi xiyenge xa 4 yi fanele—

- (a) ku tekela enhlokweni na ku humesa tiphumende ta —
 - (i) ku petiwa na ku xavisiwa ka byalwa bya xintu xa xiAfrika hindlela leyi leyi swi vekiweke; na
 - (ii) ku xavisiwa na ku tirhisiwa ka vuputsu eka mitirho yo hlawuleka;
- (b) ku kambela hi nxopoxopo swikombelo swa tilayisense ta swa mabyalwa leswi amukeriweke hi ku landza xiyenge xa 28;
- (c) ku hundzisa swikombelo leswi amukeriweke hi ku landza xiyenge xa 28, lexi—
 - (i) swo ka swi nga fikelela swipimelo leswi vekiweke hi Nawu lowu, swi tlheriseriwa eka mukomberi leswaku a lulamisa; kumbe
 - (ii) leswi fikelelaka swipimelo leswi vekiweke hi Nawu lowu, swi hundziseriwa eka Huvoya ku tekeriwa enhlokweni;
- (d) endla swibumabumelo ehenhla ka swikombelo leswi nga eka ndzimana-ntsongo (c)(ii) eka Huvo;
- (e) endla leswaku tilayisense ta mabyalwa ti fikeleleka eka mani na mani;
- (f) helekata minkanelo yihi ni yihi leyi amukeriwa mayelana na xikombelo xa layisense ya mabyalwa eka Huvo; na
- (g) ku endla mitirho yihi ni yihi leyi nga nyikiwaka hi Huvoku ya hi Nawu lowu.

Xiphemu xa II**Huvoya swa Mabyalwa ya Limpopo****8. Ku tumbuluxiwa ka Huvo ya swa Mabyalwa ya Limpopo**

Kwalaho ku tumbuluxiwa munhu wa xinawu la tivekaka tanihi Huvoya swa Mabyalwa ya Limpopo.

9. Xivumbeko xa Huvo

Huvoyi fanele ku vumbiwa hi –

- (a) muyimeri wa–
 - (i) Ndzawulo, leyi hlawuriweke hi Nhloko ya Ndzawulo; na
 - (ii) Nhlangano wa Mfumo wa Xikaya wa Afrika Dzonga lowu hlawuriweke hi Mufambisinkulu wa nhlangano wolowo;
- (b) xirho xa van'wamabindzu loyi a nga na vutivi na ntokoto wo yelana na swa mabindzu bya mabyalwa; na
- (c) qhweta kumbe qwhetankulu loyi a nga na ntokoto lowu nga riki hansi ka malembe ya ntlhanu; na
- (d) xirho xa vaaki loyi a nga na ntokoto eka swa nhluvukiso wa ximunhu na ikhonomi kumbe vukorhokeri bya vanhu kumbe timhaka ta xikaya.

10. Matholele ya Swirho swa Huvo

(1) Nhloko ya Ndzawulo u fanele a–

- (a) heleketa mavito lawa ya boxiweke ya vatirhi lava hlawuriweke hi ku landza xiyenge xa 9(a) eka Xirho xa Huvonkulu lexi thoriweke; na
- (b) rhamba swikombelo swa vanhu lava landzelelaka swiyenge swa 9(b),(c) na (d) swa ku thoriwa –
 - (i) ku humesa xitiviso eka maphephahungu ya mbirhi lawa ya hangalasiwaka laha ka xifundzankulu; na
 - (ii) swo hangalasa mahungu swin'wani leswi bohiweke hi Nhloko ya Ndzawulo.

- (2) Vakomberi va fanele ku, hi ku hlamula xitiviso hi ku landza xiyenge ntsengo xa (1)(b), heleketa tsalwa ra vutihlamuseri/ *curriculum vitae* leri ri nga na
- (a) tikhopi leti hlambanyiweke ta mapapila ya vuthwasi; na
- (b) matsalwa yo seketela lama nga ta humesela erivaleni vutivi na ntokoto bya mukomberi lebyi nga ta pfuna eku lawuleni ka bindzu ra mabyalwa eka xifundzankulu.
- (3) Nhloko ya Ndzawulo yi fanele ku endla swibumabumelo eka Xirho xa huvonkulu mayelana na ku thoriwa ka swirho swa Huvo.
- (4) Xirho xa Huvonkulu xi fanele ku —
- (a) hi ku landza xiyenge xa 13, ku thoriwa ka swirho swa Huvoku suka eka nxanxamelwa wa swibumabumelo lowu yisiweke hi Nhloko ya Ndzawulo; na
- (b) hlawula exikarhi ka swirho Mutshamaxitulu na Museketeri wa Mutshamaxitulu wa Huvo.

11. Mitirho na matimba ya Huvo

- (1) Huvoyi fanele ku hlela swikombelo swa tilayisense ta mabyalwa.
- (2) Huvoyi nga —
- (a) pfumelela ku ku alana na xikombelo lexi amukeriwaka hi ku landza xiyenge xa 26;
- (b) boha swilaveko leswi tirhaka eka mitlawa ya tilayisense tani hilaha koxometiweke eka xiyenge xa 24;
- (c) hundzuluxa kumbe ku thunya layisense ya mabyalwa;
- (d) yimisa layisense ya mabyalwa ku fika nkarhi lowu nga pimiwangili kumbe nkarhi lowu va nga wu bohaka;
- (e) tlhandlekela swipimelo swa layisense ya mabyalwa;

- (f) rhamba tinhlengeletano ta vutitwi bya mani na mani mayelana na tilayisense ta mabyalwa;
- (g) haverisa matimba man'wana na mitirho eka Vulawuri bya Xikaya bya Mabyalwa; na
- (h) tirhisa mitirho yihi ni yihi yin'wani kumbe matimba lawa ya haverixiweke Huvo hi Xirho xa Huvonkulu.

Xiphemu xa III

Khoto ya Aphili

12. Khoto ya Aphili

- (1) Kwalaho ku ta tumbuluxiwa Huvo ya Swivilelo ya xifundzankulu leyi nga ta tekela enhlokweni swivilelo ehenhla ka swiboho leswi nga tekiwa hi Huvo.
- (2) Khoto ya Aphili yi fanele yi thoriwa hi Xirho xa Huvonkulu naswona yi fanele yi va—
 - (a) vanhu vumbirhi lava nga thwasela tidyondzo ta xinawu nawona va ri na ntokoto lowu wu nga riki ehansi ka malembe ya ntlhano; na
 - (b) munhu wun'we loyi a nga na vutivi na ntokoto lowu faneleke mayelana na bindzu ra swa mabyalwa.
- (3) Xirho xa Huvonkulu xi fanele—
 - (a) humesa xirhambo xa swikombelo swa ku korhokela eka Khoto ya Aphili eka maphephahungu mambirhi lama nga ni vuhangalasi lebyi naveke kwala ka xifundzankulu; na
 - (b) tekela enhlokweni swikombelo hinkwaswo leswi amukeriweke eku hlamuleni xirhambo ku ya hi xiyenge xa 13, xi thola swirho eka Khoto ya Aphili; na

- (c) hlawula Mutshamaxitulu loyi a faneleke ku va a thwasele swa Nawu na xirho xin'wani tanihi Museketeri wa Mutshamaxitulu.

Xiphemu xa IV

Makungu hi ku angarhela lama tirhaka eka xiyimisiwa xa xifundzankulu

13. Mfikelelo wa ku thoriwa eka xiyimisa xa xifundzankulu

A ku na munhu loyi a nga thoriwaka eka xiyimisiwa xa xifundzankulu—

- (a) handle kaloko munhu yaloye a ri muakatiko wa Rhiphabliki ra Afrika Dzonga;

- (b) loko munhu yaloye —

- (i) A ri na ku navela kwihi ni kwihi ko kongoma kumbe loku nga kongomikimeka vubindzurisi bya mabyalwa leswi nga ta vanga ntlimbo na ntirho wa yena tanihi xirho xa xiyimisiwa xa xifundzankulu;
- (ii) a ri na xirho xa ndyangu loyi a nga na ku navela ko kongoma eka bindzu ra swa mabyalwa, handle kaloko Xirho xa huvonkulu xo swi tiva na leswaku ku navela xa xirho lexi a swi sivela ku va a thoriwa tanihi xirho;
- (iii) a ri munhu loyi a weke hi swa rifuwo naswona a nga se pfunekaka;
- (iv) a ri mukhomi wa hofisi hi swa xipolotiki;
- (v) a ri la nga tshama a susiwa ehofisini ya nhlengelo wa rifumwo hikwalaho ka matikhomele yo biha; kumbe
- (vi) a tshame nkarhi wun'wani a voniwile nandzu lowu katsaka ku nga tshembhekangi.

14. Nkarhi wa ku va ehofisini

Xirho xa xiyimisiwa xa xifundzankuluxi thoriwa ku ringana nkarhi wa malembe manharhu naswona a nga thoriwa nakambe kan'we ntsena.

CONTINUES ON PAGE 234—PART 3



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

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

(Yi rhijistariwile tanihi Nyuziphepha)

(E ngwadisitšwe bjalo ka Kuranta)

(Yo redzhistariwa sa Nyusiphepha)

Vol. 22

Extraordinary

**Ku katsa na Tigazete to
Hlawuleka hinkwato**

26 JUNE 2015

26 JUNIE 2015

26 KHOTAVUXIKA 2015

26 JUNE 2015

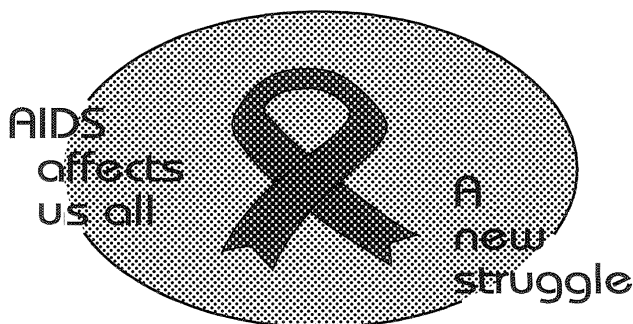
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PART 3 OF 3



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15. Miholo na swipfuneto swa swirho

- (1) Xirho xa Huvonkulu hi ku tihlanganisa na Xirho xa huvonkulu lexi tirhana na swa timali xi fanele ku boha miholo na swipfuno leswi nga hakeriwaka swirho swa xiyimisiwa xa xifundzankulu lava nga riki vathoriwa va nkarhi hinkwawo va Mfumo.
- (2) Mimpimo yo hambana yi nga vekiwa eka tihuvo to hambana ta swiyimisiwa swa xifundzankulu.

16. Tihlengelletano ta swiyimisiwa swa xifundzankulu

Xirho xa Huvonkulu xi nga boha maendlelo ya tihlengelletano ta swiyimisiwa swa xifundzankulu.

17. Ku tshikisiwa ka swirho

- (1) Xirho xa xiyimisiwa xa xifundzankulu loyi nkarhi wun'wana a nga-
 - (a) va na ku tsakela ko kongoma kumbe loku nga kongimiki eka mhaka yo karhi leyi nga emavokweni ya xiyimisiwa xa xifundzankulu; kumbe
 - (b) a va na ku tsakela eka mhaka yo karhi leswi tshimbisaka ku nga endla ntirho wa yena tanihi xirho xa xiyimisiwa xa xifundzankulu hindlela leyi eneleke, yi nga voyameriki tlhelo rin'wani naswona yi voyameriki tlhelo rin'wani naswona yi lulameleke, u fanele a swi humesela erivaleni hi ku tsala naswona a nga fanelanga ku vhota kumbe ku hoxa xandla hindlela yihi kumbe yihi eku fambiseni ka mhaka yaleyo.
- (2) Ku humesela erivaleni hi xirho ku ya hi xiyengentsongo xa (1) swi fanele ku tsariwa eka timinete ta nhlengelletano kumbe mafambisele ya mhaka yaleyo.

- (3) Xirho xa Huvonkulu a nga susa xirho eka xiyimo xo karhi xa xiyimisiwa xa xifundzankulu loko swi ti komba ya ri mavonela na ku tsakela ka vanhu hinkwavo.

18. Timali ta Swiyimisiwa swa Xifundzankulu

Timali ta swiyimisiwa swa xifundzankulu ti ta vumbiwa hi timali leti—

- (a) ti nga ta va aviwele hi Mfumo wa Milawu wa Xifundzankulu; na
- (b) leti nga amukeriwala hi Xiyimisiwa xa Xifundzankulu ku suka eka vunyikeri byihi ni byihi.

19. Mapapila yo koxa ku humelela ehubyeni na switiviso

- (1) Mutshamaxitulu wa huvo leyi fanelaka ya xiyimisiwa xa xifundzankulu a nga koxa kumbe ku vutisa munhu wihi ni wihi hi maendlele lama vekiweke, la khumbhekaka eka mhaka yo karhi leyi nga mavokweni ya xiyimisiwa xolexo xa swiyimisiwa swa xifundzankulu.
- (2) Munhu loyi a nga koxiwa ku ta humelela emahlweni ka huvo ku ya hi xiyengentsongo (1), u fanele ku tihumelerisa yena hi byakwe emahlweni ka xiyimisiwa xolexo hi siku, nkarhi ni le ndhawini leyi vuriweke hi xikoxo kumbe xitiviso.
- (3) Munhu loyi a ti humelerisaka ku ya hi nhlamuselo ya xiyengentsongo xa (2), a nga ta na muyemeri wa kwe wa Nawu.
- (4) Mutshamixitulu wa huvo yo karhi ya swiyimisiwa swa xifundzankulu a nga koxa kumbe ku tivisa munhu wihi ni wihi ku ta enhlengetanini ya huvo yoleyo ku ta—
- (a) nyika vumboni; kumbe

- (b) humesa tsalwa rihi ni rihi kumbe nchumu wihi ni wihi lowu nga emavokweni, evuhlayiselweni kumbe eka vulawuri bya munhu yoloye naswona ku ya hi mavonela ya mutshamaxitulu swi nga na ku yelana na mhaka leyi nga ta tekeriwa enhlokweni hi xiyimisiwa xa xifundzankulu.

KAVANYISA KA 3**PHOLISI YA KHANSELE YA SWA MABYALWA YA XIFUNDZANKULU****20. Ku tumbuluxiwa ka Khansele**

Kwalaho ku tumbuluxiwa Pholisi ya Khansele ya swa Mabyalwa ya Xifundzankulu.

21. Xivumbeko xa Khansele

(1) Khansele yi vumbiwa hi—

(a) Xirho xa Huvonkulu

(b) Xirho xa Huvonkulu xa xifundzankulu lexi nga ni vutihlamuleri eka—

(i) rihanyu na timhaka ta nhluvukiso wa vanhu;

(ii) timhaka ta dyondzo;

(iii) Vurimi;

(iv) vuhlayiseki na vusirheleri;

(v) timhaka ta mfumo wa xikaya; na

(c) Khomixinara wa Xifundzankulu wa Vukorhokeri bya Xiphorisa wa Afrika-Dzonga.

(2) Xirho xa Huvonkulu hi xona mutshamaxitulu xa Khansele naswona xi fanele xi ramba tihlengaletano ta Khansele nkarhi wun'wani ni wun'wani, kambe a ku ve vutsongo bya tihlengaletano timbirhi hi lembe ximali rin'we.

(3) Khansele yi nga veka milawu na maendlele ya yona ya ku fambisa tihlengaletano ta yona.

22. Mitirho ya Khansele

(1) Khansele i huvo ya vunghenelelani bya xindzeni bya mfumo leswi koxometiwaka hi 41(1)(h) ya Vumbiwa bya Tiko ra Afrika Dzonga.

- (2) Ntirho wa Khansele i ku ngudzuvanya kumbe ku tihlanganisa mayelana na malawulele ya mhaka yihi ni yihi leyi khumbhaka bindzu b ya swa mabyalwa na tilayisense ta swa mabyalwa eka xifundzankulu.

KAVANYISA KA 4

KU NYIKA TILAYISENSE NA MIPFUMELELO

23. Swileriso swa tilayisense

- (1) Hi ku ya hi xiyenge xa xiyengentsongo xa (3) a ku na munhu loyi a nga —

- (a) xavisaka; kumbe
- (b) swekaka/vandzekaka;

Byalwa kumbe swipiriti swa metheletente kumbe byalwa bya xintu bya xiAfrika, handle kaloko munhu yaloye a ri na layisense kumbe a pfumeleriwile ku ya hi Nawu, leswaku a xavisa kumbe ku sweka byalwa bya xintu xa xiAfrika.

- (2) Munhu loyi a nga pfumeleriwa ku ya hi xiyenge-ntsongo xa (1) ku xavisa kumbe ku sweka byalwa kumbe byalwa bya xintu xa xiAfrika u fanele ku endla tano ku ya hi swipimelo leswi fambisanku na layisense kumbe phumende yaloye.
- (3) Munhu loyi a swekaka byalwa bya xintu bya xiAfrika hi xikongomelo xa ntirho kumbe a lava ku nwa wa pfumeleriwa ku kuma phumende hi ku landza xiyenge xa 24.

24. Byalwa bya xintu xa xiAfrika

- (1) I Huvo ya Xikaya ya swa mabyalwa ntsena leyi nga nyikaka mpfumelelo wa ku sweka na ku xavisa byalwa bya xintu xa xiAfrika.
- (2) Xirho xa Huvonkulu xi fanele xi hlamusela matirhisele ya tiphumende ta mabyalwa bya xintu xaAfrika lowu faneleke ku nyika phurosese ya tirhrlr yo olova na mpimo wa mali yo karhi leyi faneleke ku hakeriwa.

25. Mitlawa ya tilayisense

Munhu a nga endla xikombelo xa layisense ya ku xavisa byalwa ku ya hi xin'we kumbe ku tlula xa mitlawa leyi landzelaka:

- (a) ku xavisa byalwa leswaku byi tirhisa ehandle ka ndhawu leyi byalwa byi xavisiwaka kona, laha ntirhonkulu nwa bindzu ku nga —
 - (i) vhengele ra byalwa;
 - (ii) ra girosa; kumbe
 - (iii) purasi ra wayeni;
- (b) ku xavisa byalwa bya ku nwameka ndhawu leyi byalwa byi xavisiwaka kona, laha ntirhonkulu wa bindzu ku nga —
 - (i) ku nyika byetlelo;
 - (ii) ku nyika swakudya;
 - (iii) yindlu ya vinyo;
 - (iv) yindlu ya mitlangu switeji/ thiyeta; kumbe
 - (v) tlilabu,
- (c) ku xavisa byalwa exivandleni kumbe kule na ndhawu leyi byalwa byi xaviseriwaka kona ehansi ka swipimelo swo hlawuleka leswi bohiweke hi Huvo; na
- (d) ku vandzekela byalwa.

26. Phumende ya mitlangu yo hlawuleke

- (1) Xikombelo xa phumende ya ntlangu wo hlawuleka xi fanele xi ngenisiwa eka Huvo ya Xikaya ya swa mabyalwa eka fomo leyi hlawuriweke hindlela leyi hlawuriweke.
- (2) Huvo ya Xikaya ya swa mabyalwa, hi ku hlawuriwa hi xiyengeintsongo xa (3), yi nga nyika phumende ya mitlangu yo hlawuleke loko ku hakeriwile mali leyi vekiweke ya mali ya ntlangu wo hlawuleka;
- (3) Huvo ya Xikaya ya swa Mabyalwa yi nga ka yi nga nyiki phumende ya mitlangu yo hlawuleka nkarhi wo leha ku tlula nkombo wa masiku na ku hundza ku tlula masiku ya 30 hi lembe.

27. Ku tshikisiwa

- (1) A ku na munhu loyi a nga nyikiwaka layisense ku ya hi Nawu lowu, loko ku ri ku munhu yoloye—
- (a) a nga se va na vutihlamuleri hi siku leri layisense yi faneleke ku tekeriwa enhlokweni;
 - (b) a nga ri muakatiko wa Afrika Dzonga;
 - (c) a hlambanyiwile ku ka a nga ri kahle emiehleketweni hi khoto leyi tshembhekaka;
 - (d) a weke eka swa timali naswona a nga se pfuneka; kumbe
 - (e) a ri musweki/muvandzeki kumbe muyimeri wa muvandzeki wa byalwa loyi a swekaka byalwa ku tlula mpimo lowu vekiweke ku ya hi Nawu wa Byalwa, 2003 (Nawu No. 59 wa 2003).
- (2) Bindzu ro ka ri nga nyikiwa layisense ku ya hi Nawu lowu, loko ku ri hi leswaku munhu loyi—
- (a) a nga na ku tsakela ka vulawuri eka bindzu rolero;
 - (b) i xirhonkulorhi rka bindzu rolero; kumbe
 - (c) u na xiavenkulu eka thirasiti hi ku landza xiyengentsongo xa xa (1), a tshimbisiwa ku ya hi Nawu lowu.

28. Tirhele ra maendlelo ya layisense ya swa mabyalwa

- (1) Xikombelo xa layisense ya mabyalwa yi nga endliwa eka Huvo ya Xikaya ya swa Mabyalwa eka fomo leyi hlawuriweke naswona yi fanele ku helekitiwa hi—
- (a) swibumabumelo swo tsariwa leswi heleleke hi ku seketela xikombelo xa layisense;
 - (b) mpfampfarhuto lowu koxometaka xa ndhawu lowu kombisaka vuandlalo bya miako, tikamara, vuxaviselo, muxaka wa nhundzu leyi nga ta tirhisiwa ku aka na mahungu man'wani lama koxiwaka;

- (c) nhlamuselo leyi koxometaka ya ndhawu lowu xikombelo xi endleriwaka wona, kun'we na swifaniso swa muhlovo swa le handle na swa le ndzeni ka ndhawu;
 - (d) papila ra mpfumelelo ro huma eka masipala ro kombisa leswaku ku na ku landzelela swipimelo swa masipala;
 - (e) vumbhoni bya leswaku xitiviso xa xikombelo xi—
 - (i) humesiwile eka phephahungu rin'we leri hangalasiwaka eka masipala wolowo laha ndhawu yaleyo yi nga kona; na
 - (ii) nyiketiwile xirho lexi nga ni malembe ya ku hundza makumentsevu eka muti kumbe bindzu rin'wani na rin'wani leri nga kusuhi na laha byalwa byi nga ta xaviseriwa kona;
 - (iii) vulavuriwile hi xona eka komiti ya miganga leyi tumbuluxiweke ku ya hi xiyenge xa 73 (1) xa Nawu wa Swiyimisiwa swa Masipala, 1998 (Nawu wa 117 wa 1989);
 - (f) vumboni bya ku hakeriwa ka mali leyi vekiweke ya swikombelo; na
 - (g) xitifikheti xa xidzi lexi tirhaka naswona humesiweke hi va Vukorhokeri bya swa Mithelo ya Afrika Dzonga.
- (2) Huvo ya Xikaya ya swa Mabyalwa yi fanele ku nga sihela masiku ya 21 yi amukerile xikombelo xa layisense ya swa mabyalwa hi ku landza xiyengentsongo xa (1)—
- (a) xopaxopa xikombelo leswaku xa fikelela swipimelo swa xiyengentsongo xa (1);
 - (b) nyiketa vanhu nkarhi wa ku—
 - (i) kambela na ku kuma khopi ya xikombelo; na
 - (ii) ku vika swivilel mayelana na xikombelo;

- (c) loko va enetekile leswaku xikombelo xi fikelela swipimelo swa xiyengentsongo xa (1), va heleketa xikombelo hindlela leyi vekiweke ku katsa na leswi landzelaka-
- (i) swibumabumelo swa Huvo ya Xikaya ya swa mabyalwa; na
 - (ii) swivilelo swihi ni swihi leswi amukeriweke ku suka eka vanhu swi ya eka Huvo.
- (3) laha xikombelo xi nga fikeleleki swipimelo swa xiyengentsongo xa (1), Huvo ya Xikaya ya swa mabyalwa yi fanele ku tlherisela xikombelo eka mukomberi hindlela leyi vekiweke ku karhi ku lerisiwa mukomberi ku tatisa leswi kayivelaka kumbe lulamisa leswi hoxekeke ku nga si hundza masiku ya 14 ku suka siku leri xi yisiweke ha rona.
- (4) Loko mukomberi a tsandzeka ku landzelela xileriso xa xiyengentsongo xa (3), Huvo ya Xikaya ya swa Mabyalwa yi nga tshika xikombelo naswona yi tivisa mukomberi hi ku n'wi tsalela papila.
- (5) Endzhaku ka ku amukela xikombelo ku suka eka Huvo ya Xikaya ya swa Mabyalwa, Huvoyi fanele hi ku ya hi makungu ya xiyenge lexi ku nga si hela 30 wa masiku yi tekela enhlokweni xikombelo, swivilelo na swibumabumelo swa Huvo ya Xikaya ya swa Mabyalwa, naswona yi nga—
- (a) pasisa ku nga ri na swipimelo;
 - (b) pasisa ku ri na swipimelo; kumbe
 - (c) alela,
- xikombelo xa layisense ya byalwa.
- (6) Huvoyi nga pfumelelana na xikombelo xa layisense ya mabyalwa loko—
- (a) muendli wa xikombelo na ndhawu a landzelela na makungu ya Nawu lowu;

- (b) muendli wa xikombelo a ri wa mahanyele lamanene naswona a fikelela ku va mutameri wa layisense;
 - (c) swi ri ni ntsakelo hi vanhu;
 - (d) ndhawu yi nga ri eka mpfhuka lowu vekiweke wa le kusuhi na—
 - (i) xikolo;
 - (ii) ndhawu ya vugandzeri;
 - (iii) ndhawu ya swo famba ya mani na mani;
 - (iv) muako lowu vanhu va kumaka vukorhokeri bya mani na mani;
 - (v) muako lowu tirhisiwaka kumbe ku tshama vatirhela mfumo; kumbe
 - (vi) xitichi xo chela mafurha; na
 - (e) layisense yi ta va yi fanerile.
- (7) Laha swi nga mavonelo ya Huvoleswaku xikombelo a xi pfumelelani na swipimelo swa Nawu lowu, Huvoyi fanele ku ala xikombelo xa layisense naswona Huvoyi fanele ku tivisa mukomberi hi ku n'wu tsalela papila—
- (a) ra swivangelo swa xiboho lexi tekiweke hi Huvo; na
 - (b) landzelela makungu ya Nawu lowu ku nga si hela masiku ya 20 loko a amukerile xitiviso.
- (8) Laha mukomberi a nga tivisiwa ku ya hi swipimelo swa xiyengentsongo xa (7) —
- (a) ku landzelela swipimelo leswi tsariweke eka xitiviso, Huvoyi nga tlhela yi tekela enhlokweni xikombelo; kumbe
 - (b) kumbe ku nga landzeleli swipimelo tanihi hileswi swi kombisiweke eka xitiviso, Huvoyi fanele ku alelana na xikombelo na ku tivisa mukomberi hi ku n'wu tsalela.

29. Swilaveko swa mupfuni eka ta swa mabyalwa

- (1) Mupfuni eka timhaka ta swa mabyalwa u fanele ku endla xikombelo eka Huvo, hindlela leyi vekiweke, leswaku a ta va munhu la rhejistariweke wa timhaka ta swa mabyalwa.

- (2) Huvoyi nga tsarisa mupfuni wa timhaka ta swa mabyalwa —
- (a) endzhaku kaloko mupfuni a ta va a thwasile vuleteri lebyi vekiweke vapfuni va timhaka ta swa mabyalwa, hi ku enerisa; na
 - (b) ku ya hi swilaveko na swipimelo tani hilaha Huvoyi nga swi bohaka.
- (3) Huvoyi nga nyika xitifikhethi xa ntsariso eka mupfuni wa swa mabyalwa loku ku hakeriweke mali ley vekiweke ya ntsariso.
- (4) Ntsena munhu loyi a nga tsarisiwa tanihi mupfuni wa swa mabyalwa ntsena loyi a nga pfunaka vanhu hi swikombelo swa tilayisense ta mabyalwa ku ya hi xiyenge xa 28.

30. Rifu kumbe ku kala vuswikoti ka mukomberi

- (1) Laha muendli wa xikombelo, hi siku kumbe ku nga si fika siku ra ku tekeriwa ka xikombelo xa yena —
- (a) a lova;
 - (b) a n'okeriwa hi rifuwo;
 - (c) a vekiwa ehansi ka vufambisi bya xinawu; kumbe
 - (d) a hlambanyiwa ku pfumala vuswikoti bya ku fambisa kumbe makhomele ya timhaka ta yena hi khoto ya nawu; mufambisi yoloye wa xinawu wa rifa kumbe rifuwo rolero, mulanguteri wa swa timali xa xinawu, kumbe loko mufambisi na mulanguteri wa swa timali wa xinawu va nga se vekiwa/thoriwa, kumbe va nga ri na ku tsakela kumbe ku kota ku teka goza, munhu un'wani na wun'wani la nga na ku tsakela naswona a nyikiwile matimba hi vulawuri lebyi faneleke, u fanele, swi karhi swi lawuriwa hi nawu wa mafambisele ya rifa, ku n'okisiwa, vufambisi lebyi ahluriweke kumbe rihanyu ra le nhlokweni kumbe muhlambanyiwa wa ku tsandzeka ku lawula timhaka ta yena.

- (2) Huvoyi nga pfumelela layisense eka mulawuri, mufambisi yoloye wa xinawu, mulanguteri wa swa timali kumbe munhu, hi ku tirhisa mavonelo ya yona swi lawuriwa hi milawu yihi na yihi ya xinawu.

31. Ku aphila ehehleni ka ku aleriwa

- (1) Muendli wa xikombelo loyi a vilerisiweke hi xiboho xa Huvo, a nga endla aphili kumbe eka Huvo ya Aphili ku nga si hela masiku ya 30 a nyikiwile xitiviso xa xiboho xa Huvo.
- (2) Huvo ya Aphili yi nga amukelai ku hlwelaka ku koxa ka xivilelo loko ku ri ni swibumabumelo swo twisiseka.
- (3) Aphili yi fanele yi katsa leswi landzelaka:
- (a) khopi ya xikombelo xa layisense ya byalwa;
 - (b) xitatimende xo tsariwa xa ku seketela aphili;
 - (c) xitiviso lexi rhumeriwaka eka muendli wa xikombelo hi Huvohi ku ya hi xiyenge xa 28(7);
 - (d) nhlamulo ya muendli wa xikombelo eka xitiviso xa Huvo;;
 - (e) xitiviso xo hetelela na swivangelo swa xiboho leswi nyikiweke ku ya hi xiyenge xa 28(8); na
 - (f) mahungu wahi ni wahi lama ya nga na nkoka eka aphili.

32. Ku yingiseriwa ka Aphili

- (1) Huvo ya Aphili yi fanele ku nga si hela masiku ya 30 loko yi amukerile matsalwa hinkwawo lama vuriweke eka xiyenge xa 31(3) yi tekela enhlokweni aphili.
- (2) Swirho hinkwaswo swa Huvo ya Aphili swi endla khoramu eka nhlengeletani ya Huvo ya Aphili.
- (3) Hi ku landza swiyenge swa 19(4) na 31(3), Huvo ya Aphili-
- (a) yi nga tiyisisa, bakanyela etlhelo kumbe ku lulamisa xiboho xa Huvo; na
 - (b) yi fanele ku tivisa muendli wa xikombelo na Huvohi ta xiboho xa kona hi ku tsala kunene.

33. Xitifikheti xa layisense

- (1) Loko Huvoyi pfumelerile xikombelo xa layisense ya byalwa hi ku landza xiyenge xa 28, Huvoyi fanele hi ku landza xiyengentsongo xa (2) ku nyika xitifikheti hindlela leyi vekiweke, naswona swi fanele ku katsa leswi landzelaka—
- (a) mavito lama heleleke ya mukhomi ya mukhomi wa layisense;
 - (b) khategori ya layisense;
 - (c) ntsengo wa layisense;
 - (d) nomboro ya layisense;
 - (e) siku leri layisense yi nga pasisiwa hi rona;
 - (f) siku leri layisense yi nga ta heta ku tirha;
 - (g) adirese yo tshama hi ku landza leswi layisense yi humesiweke xiswona; na
 - (h) swipimelo leswi nga henhla ka ku pfumeleriwa ka layisense.
- (2) Xitifikheti xa layisense ya byalwa xi ta nyikiwa loko ku hakeriwile ntsengo lowu vekiweke wa layisense ya byalwa.

34. Ntirho wa layisense

- (1) Layisense ya byalwa leyi nyikiweke ku ya hi xiyenge xa 33 i vumboni bya leswaku mukhomi wa layisense u fikelerile swilaveko hinkwaswo swa layisense u fikelerile swilaveko hinkwaswo swa layisense leyi pfumelelekaka ku ya hi Nawu lowu.
- (2) Mukhomi wa layisense u fanele ku—
- (a) kombisa nomboro ya layisense ya byalwa eka matsalwa hinkwawo ya vuxavisi bya mukhomi wa layisense;
 - (b) kombisa xitifikheti xa xidzi eka muako lowu layisense yi pfumeleiweke ku tirha kona; na ku
 - (c) hakela ntsengo lowu vekiweke wa ku pfluxeta layisense lembe rin'wani na rin'wani.

- (3) Loko xitifikheti xi lahleka, xi yiviwa, xi onheka kumbe xi herisiwa, mukhomi wa layisense u fanele ku vika mhangu ya kona eka Vukorhokeri bya Xiphorisa xa Afrika Dzonga hi nomo wolowo, naswona a tlhela a kombela nkandziyiso wa ximbirhi wa xitifikheti ku nga se hela 14 wa masiku hi ku tirhisa fomo leyi vikiweke.
- (4) Huvoyi nga nyika ximbirhi xa xitifikheti xa layisense loko ku hakeriwa ntsengo lowu vekiweke wa ximbirhi xa xitifikheti.

35. Ku nga landzeleli na swipimelo swa layisense

- (1) Loko Huvoyi ri na nhlamuselo ya ku pfumela leswaku mukhomi wa layisense a nga landzelelanga—
- (a) ku nyika nkarhi kumbe xiyimo xa layisense ya byalwa ya munhu yaloye; kumbe
- (b) swipimelo swa yena hi ku landza Nawu lowu,
- (i) yi nga nyika xitiviso xa ntsandzeko wa ku landzelela xitiviso eka fomo leyi vekiweke eka mukhomi wa layisense; naswona
- (ii) loko Huvoyi eneriseka leswaku ku tsandzeka ku landzelela loku boxiweke eka ndzimana ya (i), ku endla nandzu, mangala mukhomi wa layisense eka Vukorhokeri bya Xiphorisa bya Afrika Dzonga leswaku va lavisisa.
- (2) Xitiviso lexi xi nga landzeleleki tanihi hileswi boxiweke eka xiyengentsongo xa (1) ku fanele ku tsundzuxiwa mukhomi wa layisense –
- (a) hi ta vuhleketeleri bya ku tsandzeka ku landzelela na magoza lama mukhomi wa layisense a languteriweke ku ma teka ku lulamisa leswaku a landzelela; na leswaku
- (b) mukhomi wa layisense u fanele ku lulamisa swikoxo swa xitiviso ku nga si hela 30 wa masiku a amukerile xitiviso.

- (3) Huvoyi nga engetela nkarhi lowu koxometiweke eka xiyengentsongo xa (2)(b) loko swibumabumelo swa mukhomi wa layisense swi twisiseka.

36. Ku ncinca, ku yimisiwanyana kumbe ku herisiwa ka layisense

- (1) Loko mukhomi wa layisense loyi a nyikiweke xitiviso ku ya hi xiyenge xa 35 a nga fikelela swipimelo lesw nga eka xitiviso kumbe a humesiwa ku ya hi Nawu lowu, Huvoyi fanele ku—

- (a) lulamisa kumbe ku yimisanyana layisense ya byalwa ehenhla ka swipimelo leswi leswi Huvoyi nga vonaka swi lulamerile; kumbe
(b) herisa layisense,

Na ku tivisa mukhomi la layisense hi ku tsala hi ta—

- (i) ku lulamisiwa, ku yimisiwanyana kumbe ku herisiwa na ku nyika swivangelo; na
(ii) siku leri layisense ya byalwa yi nga lulamisiwa, yimisiwanyana kumbe yi nga herisiwa hi rona.
- (2) Loko layisense ya byalwa yi yimisiwanyana kumbe ku herisiwa, timfanelo hinkwato, swivulwa na leswi fambisanaku na swona swi hela hi siku leri layisense yi yimisiwkanyana kumbe yi herisiwaka.

37. Aphili ehenhleni ka ku yimisiwanyana kumbe ku herisa layisense

- (1) Mukhomi wa layisense eka fomo leyi yi vekiweke a nga yisa xiboho eka Huvoku xi hundzuluxa, yimisanyana kumbe ku herisa layisense eka Huvo ya Aphili.
- (2) Aphili yi fanele ku katsa leswi:
- (a) khopi ya xitiviso xa ku tsandzeka lu landzelela lexi humesiweke hi ku landza xiyenge xa 35;
- (b) magoza lama tekiweke hi mukhomi wa layisense ku landzelela makungu ya xitiviso xa ku nga landzeleli eka mpimo wa nkarhi lowu nyikiweke;

- (c) khopi ya xiboho xa Huvo xa ku hundzuluxa, yimisanyana kumbe ku herisa layisense;
- (d) nhlamuselo leyi tsariweke ya ku xiyimo xa aphili; na
- (e) mahungu wahi ni wahi man'wani lama ya fambisanaku na aphili.

(3) Xiyenge xa 32 xi ta tirha eka ku yingiseriwa ka aphili.

38. Ku yimisiwa ntsariso hi ku nstakelo hi wexe kumbe ku herisa

(1) Mukhomi wa layisense a nga yimisa ntsariso hi ku tsakela hi ku rhumela xitiviso xo tsariwa eka Huvo xi kombisa—

- (a) xikongomelo na swivangelo swa ku herisa ntsariso;
- (b) siku leri ku yimisa ntsariso ri faneleke ku sungula ka rona.

(2) Loko mukhomi wa layisense a—

- (a) tekeriwile vulawuri hi Nawu;
- (b) a chuwile; kumbe
- (c) heleriwile hi rifumo,

Mukhomi wa layisense u fanele a tivisa Huvohi ku tsala xivangelo xexo na ku khomisa tihopi leti hlambanyiweke ta matsalwa hinkwawo lawa fanelelke yo tiyisisa ku heleriwa hi rifumo, ku chuwa kumbe ku tekeriwa vulawuri hi nawu.

(3) Loko va amukerile xitiviso tani hileswi swi hlamuseriweke eka xiyengentsong0 xa 20, Huvoyi fanele hi siku leri tiyisisweke eka xitiviso—

- (a) herisa layisense ya mukhomi wa layisense; na
- (b) ku tivisa mukhomi wa layisense hi ku tsala hi ta siku leri ku herisiwa ku sungulaka kona.

39. Rifu kumbe ku tsandzeka ka vakhomi va tilayisense

(1) Hi xikongomelo xa xiyenge lexi, xivulwa 'mulawuri wa rifuwo' swi katsa —

- (a) mulawuri wa rifa;

- (b) mulawuri wa ku hakeriwa ka swikweleti swa mabindzu kumbe mudyandzhaka wa rifa leri nga ri phakiwaka; na
 - (c) mulawuri wa xinawu.
- (2) Loko mukhomi wa layisense a lova, kumbe a nga ha koti ku tirha, kumbexani rifumo ra yena ri va ehansi mulawuri wa xinawu, mulawuri wa rifumo hi xikongomelo xa ku lawula rifa, a ya emahlweni a fambisa migingiriko leyi nga ni layisense hi vito ra rifa.
- (3) Munhu wihi ni wihi a nga endla xikombelo hindlela leyi vekiweke kumbe eka fomo yi ya eka Huvoya ku thoriwa ka munhu loyi a nga ta fambisa migingiriko ya layisense ya mukhomi wa layisense ku nga si thoriwa mufambisi loyi a koxometiwaka eka xiyengentsongo xa (2).
- (4) Loko ku nga si nyikiwa xikombelo lexi endliweke hi ku landza xiyengentsongo xa (3), Huvo yi fanele yi va yi enetisekile hi —
- (a) leswaku munhu un'wana na un'wani loyi a nga na ntsakelo wa swa ximali u nyikiwile xitiviso lexi twisisekaka wa swa ximali u nyikiwile xitiviso lexi twisisekaka hi ta xikombelo xa kona;
 - (b) leswaku mulawuri a nga se thoriwa; na
 - (c) leswaku ku na ku hleketelela loku tshembhisaka ka leswaku mulawuri u ta thoriwa.
- (5) Munhu loyi a thoriweke ku ya hi xiyengentsongo xa (3) a nga yisa emahlweni migingiriko leyi layisensiweke, hi xikongomelo xa ku lawula rifuwo ku kondza malawuri a thoriwa.

40. Ku cinca ka vutsakeri bya ku lawula

- (1) Mukhomi wa layisense a nga fanelangi ku pfumelela munhu un'wana na un'wana ku nghenelela eka swa vulawuri, ehandle ka loko Huvo yi nyikile mpfumelelo wa kona loko mukhomi wa layisense a endla xikombelo.

- (2) Huvo a yi fanelangi ku nyika mpfumelelo wolowo ku ya hi xiyengentsongo xa (1), loko ku ri hileswaku munhu loyi a faneleke ku pfumeleriwa a nga ringanelangi, hi ku landza Nawu lowu, ku va mukhomi wa layisense.

41. Ku cinca bindzuxidzi

- (1) Loko mukhomi wa layisense a lava ku cinca bindzuxidzi leri ha rona a kumeke layisense ya swa mabyalwa, mukhomi wa layisense u fanele a rhumela xikombelo eka fomo yo endla xikombelo leyi nga fanela, eka Huvo.
- (2) Huvo, endzhaku ka ku amukela xikombelo, naswona eka masiku ya 21, hi ku leteriwa hi xiyengentsongo xa (1), yi fanele ku hlela xikombelo naswona yi nga —
- (a) nyika mpfumelelo ehandle ka swipimelo;
 - (b) nyika mpfumelelo wa swipimelo; kumbe
 - (c) ala,
- Xikombelo xa ku engetele kumbe ku cinca bindzuxidzi ra mukhomi wa layisense.

42. Ku hundzisela layisense

- (1) Mukhomi wa layisense a nga endla xikombelo xa ku hundzisela layisense eka munhu un'wana eka Huvo hi maendlelo lama vekiweke naswona loko a hakerile ntsengo lowu vekiweke wa ku endla xikombelo xo tano.
- (2) Ku nga si hela masiku ya 21, Huvo yi fanele ku tekela xikombelo enhlekweni naswona yi nga —
- (a) mpfumelelo ehandle ka swipimelo;
 - (b) mpfumelelo wa swipimelo; kumbe
 - (c) ku ala,
- Xikombelo xo hundzisela layisense.

- (3) Vulawuri bya swiyenge swa 27, 39, 31, 32 na 33 bya tirha eka xikombelo xa ku hundziseriwa layisense.
- (4) Loko xikombelo lexi nga eka xiyengentsongo xa (1) xi pfumeleriwele, mukhomi wa layisense u vhela a heleriwa hi ku va mukhomi wa layisense hi nomo wolowo naswona timfanelo hinkwato na vutihlamuleri bya layisense swi hundziseriwa eka mukhomi wa layisense lontshwa.

43. Ku rhurhisiwa ka mbangu (bindzu)

- (1) Mukhomi wa layisense a nga endla xikombelo eka Huvo xa ku rhurhisa bindzu leri layisensiweke ku ya eka mbangu wun'wana eka xifundza xolexo, hi maendlelo lama vekiweke naswona hi ku hakela ntsengo lowu vekiweke.
- (2) Ku nga se hundza masiku ya 21 endzhaku ka ku amukela xikombelo, Huvo yi fanele yi tekela enhlokweni xikombelo xa ku rhurhisa bindzu hi ku landza xiyengentsongo xa (4) naswona yi nga —
 - (a) pfumelela ku nga ri na swipimelo;
 - (b) pfumelela ku ri na swipimelo; kumbe
 - (c) ku ala,Xikombelo xa ku rhurhisa bindzu leri layisensiweke.
- (3) Loko xikombelo xi pfumeleriwele, Huvo yi fanele ku humesa xitifikhethi xa ku rhurhisiwa.
- (4) Loko ku ri hileswaku xikombelo lexi nga eka xiyengentsongo xa (1) i xa mabindzu lama —
 - (a) nga si akiwaka;

(b) ya ha lavaka ku lulamisiwa kumbe ku engeteriwa;

(c) ya koxaka ku akiwa hi vuntshwa,

Huvo yi fanele yi nyika xitiviso xa ku fikelela na ku landzelerisa swipimelo na swikoxo ku ya hileswi Huvo yi nga ta swi vona swi fanerile.

(5) Eka xikombelo xa mukhomberi, Huvo yi nga —

(a) humesa kumbe ku lulamisa xipimelo xihi na xihi lexi hlamuseriwaka hi xiyengentsongo xa (4);

(b) hi ku landza xiyengentsongo xa (6), engetela nkarhi lowu hlamuseriwaka hi xiyengentsongo xa (4); kumbe

(c) pfumelela pulani leyi lulamisiweke ya mabindzu/mbangu.

(6) Nkarhi wa ku hetisa muako wa bindzu lowu vekiweke hi Huvo wu nga tluli tinhweti ta 24 naswona nkarhi wo engetela lowu nyikiweke ku ya hi xiyengentsongo xa (5)(b), wu nga hundzi tinhweti ta 12.

44. Ntsariso wa vinyi va tilayisense na tirhekodo ta xifundzankulu

(1) Huvo yi fanele ku hlayisa nxanxamelu wa leswi landzelaka hi maendlelo lama landzelaka—

(a) Xikombelo xa tilayisense;

(b) tilayisense leti nga humesiwa;

(c) tilayisense leti nga khanseriwa;

(d) tilayisense leti nga tlhelantsariso; na

(e) swipimelo leswi fambisiweke na tilayisense.

(2) Eka khalendara ya lembe rin'wana na rin'wana, ku nga se hela masiku ya 60, Huvo yi fanele ku paluxa tirhekhodo ta tilayisense eka *Gazete* na

maphephahungu man'wana lama hangalasiwaka eka vuandlalo byi kulukumba
exifundzeninkulu, swi paluxa vakhomi va tilayisense hinkwavo –

- (a) lava nyikiweke tilayisense;
- (b) lava tilayisense ta vona ti khanseriweke;
- (c) lava tlheleke ntsarisonhi ku swi tsakela kumbe lava nókiseriweke rifuwo;
- (d) lava tsoniweke tilayisense; na
- (e) lava swipimelo swa tilayisense ta vona swi lulamisiweke,

Eka khalendara ya lembe leri heleke.

45. Tihakelo eka nkwama wa xibalo

Mitsengo hinkwayo leyi amukeriweke hi ku landza Nawu lowu yi fanele ku
hakeriwa eka Nkwama wa Xibalo wa Xifundzankulu.

KU AVANYISA KA 5
SWIPIMELO SWA KU XAVISA BYALWA

46. Ku xavisa byalwa

Mukhomiwa wa layisense leyi nyikiweke hi ku landza xiyenge xa 25(a) – (c) a
nga fanelangi ku xavisela mutumbuluxi kumbe muxavisinkulu byalwa.

47. Switsimbisi eku xaviseni ka byalwa

A ku na munhu loyi a nga xaviselaka byalwa eka munhu loyi a –

- (a) nga na malembe ya le hansi ka 18 hi vukhale;
- (b) a nga ambala yunifomo ya xikolo;
- (c) a nga pyopyiwa; kumbe
- (d) a nga biha emirini.

48. Mafambisele ya bindzu

- (1) Munhu, ehandle ka munhu wa ntumbuluko, a nga fanelangi ku tirhisa bindzu leri layisensiweke, handle ka loko muinhu wa ntumbuluko loyi a nga mutshami wa nkarhi hinkwawo wa Riphabuliki, loyi a nga tsimbisiwangiki kumbe aq nga fikeleriki ku ya hi Nawu lowu ku va hi ku landza Nawu lowu ku va mukhomi wa layisense, a fambisa naswona a ri na vutihlamuleri bya bindzu leri layisense leyi vuriwaka yi nyikiweke.
- (2) Munhu wa ntumbuluko loyi a nga munhu loyi a nga layisensiwa, hi ku landzelela maendlelo lama vekiweke, a nga thola munhu un'wana loyi a nga mutshami wa nkarhi hinkwawon wa Riphabuliki naswona loyi a nga tsimbisiwangiki kumbe a nga ri na vuswikoti byo karhi hi ku landza Nawu lowu ku va mukhomi wa layisense, a fambisa naswona a ri na vutihlamuleri bya bindzu leri layisense leyi vuriwaka yi nyikiweke.
- (3) Loko mukhomi wa layisense kumbe xirho xi ri xoxe xa khamphani kumbe "close corporation" leyi nga n'winyi/mukhomi wa layisense—
 - (a) a tshikile ndhawu/bindzu leri layisensiweke, ku ya hi mavonele ya Huvo, a nga nyikiwangi swiletelo swa vutirhisi/vufambisi eka bindzu leri nyikiweke layisense;
 - (b) a tsimbisiwaka kumbe hi tindlela tin'wana a nga fikeleriki ku va munhu loyi a layisensiweke hi ku landza Nawu lowu; kumbe
 - (c) loyi anga n'winyikulorhi a nókiseriweke bindzu,Huvo yi nga thola munhu wihi na wihimay, loko munhu wo karhi a nga na ku tsakela eka bindzu rolero a endleile xikombelo, loyi a nga ringanela ku fambisa na ku va na vutihlamuleri eka bindzu rolero ku ringana nkarhi lowu nga hundziki tinhweti ta 12, naswona munhu loyi a thoriweke a fikelela swikoxo swa xiyengentsongo xa 4(b), leswaku a va mukhomi wa layisense.

- (4) Ku thoriwa ku ya hi xiyengentsongo xa (3)–
- (a) swi lawuriwa hi swipimelo leswi vekiweke hi Huvo;
 - (b) a swi fanelangi ku khumba na mfanelo na yin'we leyi munhu a nga vaka na yona eka bindzu; naswona
 - (c) swi nga tsimbisiwa hi Huvo hikwalaho ka xivangelo lexi amukelekaka.
- (5) Munhu loyi a fambisaka bindzu naswona a nga na vutihlamuleri bya bindzu rolero u lawuriwa hi swikoxo na swiboho swo fana na swa mukhomi wa layisense.
- (6) Xiyengentsongo xa (5) a xi fanelangi ku hlamuseriwa tanihi xintshuxo xo humesa mukhomi wa layisense eka swiboho na swikoxo swihi kumbe swihi hi ku landza Nawu lowu.

49. Ku cinciwa ka muako

- (1) Mukhomi wa layisense u fanele, ku nga si sungula ku cinciwa, ku engeteriwa kumbe ku aka hi vuntshwa muako lowu layisensiweke, a endla xikombelo hi fomo leyi vekiweke Huvo ku pfumeleriwa ku cinca, ku engetela kumbe ku faya na ku aka hi vuntshwa ndhawu leyi nga layisensiwa.
- (2) Huvo yi nga nyika kumbe yi tsona mpfumelelo ku ya hi xiyengentsongo xa (1).

50. Nkarhi wa ku xavisa

Huvo yi nga tsimbisa masiku na tiawara ta ku xavisa eka mukhomi wa layisense leswi lawuriwaka hi swipimelo swo karhi.

51. Swipimelo eka vathori

- (1) A ku na munhu loyi a nga tholaka munhu un'wana, leswi khumbaka ku xavisa byalwa, loyi –
- (a) a nga na vukhale bya malembe ya le hansi ka 16; kumbe
- (b) eka malembe mambirhi lama hundzeke a nga voniwa nandzu wa ku tlula nawu wihi na wihi lowu lawulaka maxavisele ya byalwa naswona a khotsiweke ku ri hava mpfumelelo wa ku riha kumbé a khotsiweke a tlhela a riha swi katsanile.
- (2) Xiyengentsongo xa (1) a xi tirhi eka munhu loyi a nga na vukhale bya malembe ya le hansi ka 16 loyi a nga eku dyondzeni ka vutivi byo karhi hilaha swi hlamuseriweke hakona eka xiyenge xa 16 xa Nawu wa Nhluvukiso wa Vuswikoti, 1998 (Nawu No.97 wa 1998).

52. Switiviso swa rihanyo ra vanhu

Holobye, endzhaku ka ku tihlanganisa na Xirho xa Huvonkulu lexi nga na vutihlamuleri bya swa rihanyo eka xifundzankulu, a nga veka mpimo wa maendlele lama vakhomiwa va tilayisense va faneleke ku kombisa switiviso swa rihanyo ra vanhu mayelana na maxavisele na matirhisele ya byalwa.

KU AVANYISA KA 6

KU TIRHISIWA KA NAWU NA NANDZELERISO WA XIHUVU

Xiphemu xa I

Swihalaki leswi yirisiweke na leswi lawuriwaka

53. Ku yirisiwa ka ku xavisa swikatsakanyiwa leswi xungetaka rihanyo

- (1) A ku na munhu loyi a nga—
- (a) vaka na kumbe ku kumeka a ri na kumbe eka vulawuri bya yena kumbe ehansi ka yena; kumbe

(b) xavisaka –

- (i) swikatsanyiwa leswi nga endliwa hi ku virisiwa ka vulombe bya chukele, chukele kumbe swilo swin'wana kutani swi vuriwa isishimiyana, hopana, qediviki, skokiaan, uhali kumbe barberton, kambe ehandle ka qhilika ya ndzavuko;
- (ii) swikatsakanyiwa leswi nga vitaniwaka hi vito rin'wana kambe swi karhi swi fana kumbe swi endliwe hi swilo swo fana na swikatsakanyiwa leswi vuriwaka eka ndzimanantsongo ya (i);
- (iii) swikatsakanyiwa, leswi Holobye, hi ku tihlanganisa na Xirho xa Huvonkulu xa timhaka ta swa rihanyo eka xifundzankulu va swi humeseke hi xitiviso xa *Gazete, ku va swikatsakanyiwa leswi nga na khombo eka rihanyo ra munhu; na*
- (iv) swinwiwa leswi nga endliwaka hi ku virisiwa/borisiwa ka swikatsakanyiwa swihi na swihi leswi boxiweke eka tindzimanantsongo ta (i),(ii), kumbe (iii).

- (2) Holobye, endzhaku ka ku tihlanganisa na Holobye wa timhaka ta rihanyo eka xifundzankulu, a nga lulamisa kumbe ku susa xitiviso lexi boxiweke eka xiyengentsongo xa (1)(b)(iii).

54. Swipiriti

Holobye a nga tumbuluxa swinawana mayelana na –

- (a) ku ngenisiwa ku suka ematikweni ya le handle, ku tleketliwa hi swikepe, ku hundziseriwa, ku tluletiwa, ku hlayisiwa, ku xavisa kumbe ku tirhisiwa ka swipiriti;
- (b) mitlawa na swiyimo swa vanhu lava nga xavisaka swipiriti;
- (c) ku hlayisiwa ka vuxokoxoko na matsalwa man'wana lama fambelanaka na matirhele wahi na wahi ya swa swipiriti, xiyimo na mukhuva lowu

vuxokoxoko na matsalwa man'wana swi faneleke ku hlayisiwa xiswona na mahungu lama faneleke ku tsariwa lomo;

- (d) vuhlayiselo na vulawuri bya vuxokoxoko na matsalwa man'wana lama boxiwaka eka ndzimana ya (c);
- (e) matumbetele ya ntumbuluko wa swipiriti, ku nuherisa, ku chela mihlovo na ku amukeriwa ka swipfahandle swa swipiriti leswi xavisiwaka kumbe leswi hlayiseriwaka ku xavisiwa, na ndlela leyi hinkwaswo leswi swi faneleke ku tirhiwa hakona;
- (f) mpimo wa swipiriti leswi nga xavisiwaka eka ndhawu yo karhi eka munhu wihi kumbe wihi na swibye leswi swi faneleke ku xavisiwa ha swona;
- (g) ku yirisiwa na ku lawuriwa ka ku xava kumbe ku kumeka na swipiriti, leswi swi katsaka na ku pfumelela ku xava na ku kumeka u ri na swipiriti.

Xiphemu xa II

Vukamberi

55. Ku thoriwa ka vakamberi va vuxavisi bya byalwa

- (1) Holobye a nga nyika matimba ya ku va mukamberi wa vuxavisi bya byalwa eka vanhu lava nga thoriwa hi Holobye wa wa Vululami hi ku landza xiyenge xa 334 xa Nawu wa Ndzandzeleriso wa Vugevenga, 1977 (Nawu No. 51 wa 1977).
- (2) Vakamberi va vuxavisi bya byalwa va na matimba lama va haverisiweke wona hi Holobye wa Vululami *hi xitiviso eka Gazete*.
- (3) Holobye u fanele ku nyika mukamberi wa vuxavisi bya byalwa xitifikhethi lexi vulaka leswaku munhu yaloye i mukamberi wa vuxavisi bya byalwa loyi a thoriweke hi ku landza Nawu lowu, hi maendlele lama vekiweke.

56. Matimba na vutihlamuleri bya vakamberi va vuxavisi bya byalwa

- (1) Mukamberi wa vuxavisi bya byalwa a nga –
- (a) endla vukamberi, veka tihlo na ku sindzisa ku fikeleriwa ka Nawu lowu;
 - (b) lavisisa swivilelo leswi nga tisiwa eka mukamberi hi maendlele lama vekiweke;
 - (c) konanisa munhu wihi kumbe wihi eka ndhawu yihi kumbe yihi hi timhaka timhaka leti fambelanaka na vukamberi;
 - (d) kambela kumbe ku kandziyisa tsalwa rihi na rihi, ku teka swifaniso kumbe ku kandziyisa vuvulavuri na mbonakiso wa munhu wihi kumbe wihi, swihumelelo, maendlele kumbe xiyimo xa kumbe leswi yelanaka na vuxaviseri byihi na byihi a tlhela a teka tisampula ta nchumu wihi na wihi lowu fambelanaka na vukamberi;
 - (e) Teka byalwa byihi kumbe byihi lebyi xavisiwaka kumbe ku hangalasiwa swi ri ehandle ka Nawu lowu;
 - (f) Teka nchumu wihi na wihi lowu langutekaka wu yirisiwile hi ku landza xiyenge xa 6 Nawu wa Swiendliwa swa Byalwa;
 - (g) nyika xitiviso xa ku tsandzeka ku fikelela hi maendlele lama vekiweke; na
 - (h) nyika nxupulo kumbe swikhiri swa ku tsandzeka ku fikelela hi maendlele lama vekiweke.
- (2) Mukamberi wa mabindzu ya swa mabyalwa u fanele ku nyika n'winyi wa vuxaviseri xilipi xa swilo hinkwaswo leswi tekiweke kumbe swi susiweke hi nkarhi wo kambela.
- (3) Mukamberi wa mabindzu ya swa mabyalwa a nga heleketiwa hi xirho xa Vukorhokeri bya Vuphorisa bya Afrika-Dzonga kumbe munhu wihi na wihi un'wana loyi a languteriweke ku pfuna eka vukamberi.

57. Ntirho wa ku pfuna mukamberi wa mabindzu ya swa mabyalwa

A ku na munhu loyi a nga –

- (a) alaka ku humesa tsalwa kumbe mahungu lama munhu yaloye ku ya hi nawu a faneleke ku ma hummesa hi ku landza Nawu lowu;
- (b) nyikaka mahungu ya mavunwa kumbe lama nga lahlaka vuthala eka mukamberi wa mabindzu ya swa mabyalwa; kumbe
- (c) alelaka, sivela, nghenelela kumbe ku kavanyeta mukamberi wa mabindzu ya swa mabyalwa loko a ri karhi a endla mitirho ya yena hi ku landza Nawu lowu.

58. Xitiviso xa ntsandzeka wa mfikelelo

- (1) Mukamberi loyi a vonaka onge swilaveko swa Nawu lowu kumbe swipimelo leswi katsiweke eka layisense a swi fikeleriwanga, hi ku landza xiyengentsongo xa (2), u fanele ku nyika n'winyi kumbe mulawuri wa ndhawu ya vuxaviseri xitiviso xa ntsandzeko wa mfikelelo, hi maenelele lama vekiweke.
- (2) Xitiviso xa ku tsandzeka mfikelelo ku ya hi xiyengentsongo xa (1) xi fanele ku humesela erivaleni—
 - (a) swilaveko leswi ehleketeriwaka ku va swi nga fikeleriwangi;
 - (b) vuxokoxoko bya matsandzekele yak u fikelela na vukulu bya ntsandzeko wa mfikelelo lowu ehleketeriwaka;
 - (c) goza leri faneleke ku tekiwa na nkarhi lowu goza leri ri faneleke ku tekiwa ha wona; na
 - (d) Nxupulo wihi kumbe wihi lowu nga simekiwaka hikwalaho kotsandzeke ku landzelela nawu.
- (3) xitiviso xa ntsandzeko wa ku fikelela xi tama xa ha tirha ku kondza mukamberi mukamberi wa mabindzu ya swa mabyalwa a nyika xitifikhethi lexi kombisaka mfikelelo hi maendlele lama vekiweke.

59. Ku pfariwa ka tindhawu ta vuxaviseri leti layisensiweke

(1) Laha Huvo yi vonaka onge –

- (a) ku kavanyetiwa ka vanhu;
- (b) ku kala ntshamiseko;
- (c) dzolonga; kumber
- (d) tinyimpi ta vanhu,

Swa humelela kumbe swi xungeta ku lava ku humelela eka tindhawu kumbe kusuhi na ndhawu leyi layisensiweke, mukamberi wa mabindzu ya swa mabyalwa kumbe Huvo va nga lerisa mukhomi wa layisense kumbe mufambisi wa bindzu rolero ku pfala ndhawu ku fikela nkarhi lowu nga ta lerisiwa hi mukamberi kumbe Huvo.

(2) Mukhomi wa layisense, mufambisi kumbe muyimeri wa vona u fanele ku fambisana na xileriso hi ku landza xiyengentsongo xa (1).

(3) A mukamberi wa mabindzu ya swa mabyalwa kumbe Huvo va nga yimisa xileriso lexi nyikiweke hi ku landza xiyengentsongo xa (1) nkarhi wun'wana na wun'wana.

60. Swiviko swa vukamberi

Mukamberi wa mabindzu ya swa mabyalwa u fanele ku rhumela xiviko eka Huvo

–

- (a) mayelana na ku tsandzeka kwihi na kwihi ka mukhomi wa layisense ku landzelela xilaveko kumbe xi xiyimo xa layisense;
- (b) hi ta ku tsimbisiwa ka mukhomi wa layisense ku yisa emahlweni ku va mukhomi wa layisense kumbe mpfumelelo wolowo hi ku landza Nawu lowu;

- (c) loko swi fanerile ku va mindzulamiso kumbe vuantswisi bya ndhawu byi fanerile ku endliwa eka tindhawu leti layisensiriweke;
- (d) loko ku ri leswaku mindzulamiso yi endliwile ehandle ka mpfumelelo wa Huvo; na
- (e) Hi ta timhaka tin'wana leti khumbaka tilayisense, leti mukamberi wa mabindzu ya swa mabyalwa a vonaka swi ri na nkoka ku vat i fika etindleveni ta Huvo.

Xiphemu xa III
Ku tlula nawu/ swidyoho

61. Swidyoho hi ku angarhela

(1) Munhu loyi a—

- (a) xavisaka kumbe a swekaka byalwa kumbe swipiriti —

 - (i) a nga ri na layisense ; kumbe
 - (ii) leswi hambanaka na swipimelo swa layisense;
- (b) a xavisaka kumbe ku loveka byalwa bya xintu —

 - (i) ehandle ka mpfumelelo; kumbe
 - (ii) swi nga fambelani na swipimelo swa mpfumelelo wo xavisa byalwa bya xintu;
- (c) hanyaka hi madzolonga na ku kala ku lawuleka etindhawini ta vuxaviseri leti layisense yi nyiketiweke tona;
- (d) nwaka byalwa egondzweni rihi na rihi, epatwini, etlhelo ka patu kumbe muhocho wo hundzela eka tlhelo rin'wana, kumbe eka rivala leri nga riki na nchumu, etindhawini ta le madorobeni kumbe tindhawu tin'wana leti hambanyisiweke hi tipuloto kumbe switandzi na switarata leswi tsemaka tipuloto na switandzi leswi;
- (e) taka na byalwa, ku va n= a byona kumbe ku byi tirhisa erivaleni ra mitlangu leri nga riki vuxaviseri lebyi tsarisiweke, laha vanhu va nyikiweke mpfumelelo wa ku nghena, swi nga ri na mhaka ya leswaku mpfumelelo wa ku nghena wa hakeleriwa kumbe i mahala, hambu swi ri leswaku k ova na vanhu vo karhi lava pfumeleriweke ku nghena na lava va aleriweke;
- (f) tiyimelaka hu mavunwa kumbe ku yimela munhu un'wana ku va a ri na malembe ya 18 eka mukhomi wa layisense hi xikongomelo xa leswaku mukhomi wa layisense, muthori kumbe muyimeri wa vona a n'wi xavisela kumbe ku n'wi fumbela byalwa; kumbe

(g) nyikaka byalwa eka munhu tanihi—

- (i) tihakelo ta muholo;
- (ii) muholo;
- (iii) nsindziso wa ntirho; kumbe
- (iv) ntatiso wa ntirho,

U tlula nawu naswona u endla xidyoho lexi faneriwaka hi ndziho kumbe ku khotsiwa kumbe ku khotsiwa na ndziho ha swimbirhi.

(2) Munhu loyi a —

- (a) nga na malembe ya le hansi ka 18; kumbe
- (b) tikeke/ biheke emirini

Naswona a xavaka byalwa eka mukhomi wa layisense, u tlula nawu naswona u endla xidyoho lexi faneriwaka hi ndziho kumbe ku khotsiwa kumbe ku khotsiwa na ndziho ha swimbirhi.

(3) Mukomberi kumbe mukhomi wa layisense loyi a —

- (a) tlulaka nawu kumbe ku tsandzeka ku fambisana na swipimelo swihi na swihi swa Nawu lowu;
- (b) lwisanaka kumbe ku tsandzeka ku fambisana na xleriso lexi nyikiweke hi ku landza Nawu lowu; kumbe
- (c) nyikaka mpfumelelo eka munhu wihi na wihi ku endla kumbe ku tsandzeka ku endla nchumu wihi na wihi lowu xi nga xidyoho hi ku landza ndzimana ya (a) kumbe (b),

U tlula nawu naswona u endla xidyoho lexi faneriwaka hi ndziho kumbe ku khotsiwa kumbe ku khotsiwa na ndziho ha swimbirhi.

62. Swidyoho leswi yelanaka na mahungu

Munhu loyi a —

- (a) tisaka kumbe a nyikaka mahungu ya mavunwa kumbe lama lahlaka vuthala; kumbe
- (b) nyikaka tsalwa leri vonakaka ri ri ra ntiyiso kambe ri nga ri khopi ya ntiyiso ya tsalwaxidzi,

Mayelana na xikombelo xo karhi, xivilelo, ku alelana, vuyimeri, nhlamulo ya vuyimeri byo karhi kumbe ku alelana ko karhi kumbe xivilelo kumbe xikombelo hi ku landza Nawu lowu, u tlula nawu naswona u endla xidyoho lexi faneriwaka hi ndziho kumbe ku khotsiwa kumbe ku khotsiwa na ndziho ha swimbirhi.

63. Swidyoho mayelana na Huvo

Munhu loyi a –

- (a) tsandzekaka ku humelela emahlweni ka Huvo hi siku na nkarhi leswi vekiweke eka xitiviso xa Huvo;
- (b) humaka a famba eka nhlengeletano ya Huvo ehandle ka mpfumelelo wa Mutshamaxitulu wa Huvo;
- (c) alaka ku nyika vumbhoni kumbe ku humesa tsalwa ro karhi kumbe buku enddhaku ka loko a komberiwile ku endla tano hi Huvo ; kumbe
- (d) kavanyeta mafambiselo ya nhlengeletano ya Huvo kumbe havomu kumbe a sivela xirho xo karhi ku endla ntirho wa xona tanihi xirho xa Huvo enhlengetanweni,

U tlula nawu naswona u endla xidyoho lexi faneriwaka hi ndziho kumbe ku khotsiwa kumbe ku khotsiwa na ndziho ha swimbirhi.

64. Swidyoho mayelana na nkambelo

Munhu loyi a –

- (a) humesaka vutiyimeri bya yena n'winyi tanihi mukamberi wa mabindzu ya swa mabyalwa, leswi nga ri ki swona;

- (b) sivelaka mukamberi wa mabindzu ya swa mabyalwa ku endla ntirho wa yena;
- (c) alaka kumbe a tsandzekaka ku hlonipha xileriso xa xinawu lexi a nyikiwaka hi mukamberi wa mabindzu ya swa mabyalwa; kumbe
- (d) alaka, ku ri hava xikongomelo xa xinawu, ku hlamula xivutiso lexi a vutisiwaka hi mukamberi wa mabindzu ya swa mabyalwa kumbe, a ri karhi a swi tiva, a nyika nhlamulo ya mavunwa kumbe leyi lahlaka muthala,

U tlula nawu naswona u endla xidyoho lexi faneleke hi ndziho kumbe ku khotsiwa kumbe ku kotsiwa na ndziho ha swimbirhi.

Xiphemu xa IV

Swa Xinawu

65. Ku nyikiwa ka switiviso na matsalwa

Xitiviso xin'wana na xin'wana kumbe tsalwa leswi faneriwaka hi ku nyikiwa hi ku landza Nawu lowu, swi nga ha nyiketiwa hi voko, kumbe swi rhumeriwa hi fekisi kumbe hi poso kambe swi tsarisiwa, swi kongomisiwa eka munhu loyi a faneleke ku nyikiwa xitiviso xa kona kumbe tsalwa eka adirese ya vutshamo, ya poso kumbe nomboro ya fekisi leswi nyikiweke Huvo hi munhu yaloye, naswona hungu ra xitiviso kumbe tsalwa swi tekeriwa enhlokweni ku va swi vile kona—

- (a) ku nyiketiwa hi voko, loko ri ta va ri yisiwile;
- (b) loko ri rhumeriwa hi fekisi, hi ku kandziyisiwa hi muchini lowu rhumelaka;
- (c) loko swi posiwile hi poso swi tlhela swi tsarisiwa, masiku ya khumemune endzhaku ka loko swi rhumeriwile,

Ehandle ka loko ku ri na vumbhoni byo Habana na swona bya leswaku munhu loyi a rhumeriweke xitiviso kumbe tsalwa ra kona, hi endlele ra moya wolowo, hi ku va a nga ri kona, nghozi, vuvabyi kumbe swivangelo swin'wana leswi hundzaka vulawuri bya munhu yaloye, swi endleke leswaku a nga fikeleri hi

xitiviso kumbe tsalwa rolero, kumbe a nga swi kumi ku ka ku va siku leri hlweleke.

66. Ku hleriwa nakambe hi Huvo ya le henhla

Swiboho swa Huvo swi nga hleriwa nakambe hilaha swi hlamuseriweke hakona eka Nawu wa Maantswisele ya Mafambiselo ya Vululami, 2000 (Nawu No.3 wa 2000).

Xiphemu xa V

Timhaka ta vumbhoni

67. Ku tiyisisa timhaka tin'wana hi papila ro hlambanya

- (1) loko xivutiso xo tshuka xi vutisiwile eka huvo yihi na yihi ya nsengiso xa leswaku endlelo ro karhi, cincano wa swa timali kumbe swihumelelwa swo karhi swi endlekile kumbe a swi endlekangi eka ndzawulo yo karhi ya mfumo kumbe xiyenge xa mfumo kumbe rhavi kumbe hofisi ya ndzawulo kumbe xiyenge, kumbe xivutiso xi vutisiwa eka huvo yoleyo xa leswaku ndzawulo, xiyenge, rhavi kumbe hofisi yi endlile kumbe a yi endlangi mhaka yo karhi kumbe a yi vangi xiphemu xa ku endlwa ka cincano wo karhi wa swa timali, tsalwa leri tekiwaka tanihi papila ra xihlambanyo hi munhu loyi endzeni ka rona a hlambanyaka—

- (a) leswaku yena i muthoriwa wa mfumo kumbe xiyenge xa mfumo eka ndzawulo, rhavi kumbe hofisi yoleyo;

- (b) leswaku —

- (i) loko endlelo, cincano kumbe swihumelelwa sweswo swi endlekile eka ndzawulo, rhavi kumbe hofisi yaleyo; kumbe
- (ii) loko ku ri leswaku mutirhi yaloye u endlile kumbe u ve xiphemu xa mhangu yeleyo, eka maendlele lama tolovelekeke, muhlambanyi a ta swi tiva naswona rhekodo leyi hlayisiweke leyi a nga yi kumaka; na

(c) leswaku a swi fikangi eka vutivi bya yena –

(i) leswaku endlelo ro tano, cincano kumbe swihumelelwa swi endlekile; kumbe

(ii) leswaku mutirhi yaloye u endlile kumbe u ve xiphemu xa cincano wo tano na leswaku a kun a rhekodo ya swona,

Swi fale ku amukeriwa hi ku humesiwa Kunene tanihi vumbhoni eka huvo yoleyo leswaku endlele rolero, cincano kumbe mhangu ya kona a yi humelelangi kumbe leswaku mutirhi yoloye a nga endlangi kumbe ku va xiphemu xa cincano wolowo.

(2) loko xivutiso xo tshuka xi vutisiwile eka huvo yihi na yihi ya nsengiso xa leswaku munhu wo karhi la nga na vito ro karhi u nyikile kumbe a nga nyikangi mutirhi wo karhi la nga na vito ro karhi, a nyikile kumbe a nga nyikangi mutirhi wo karhi mahungu yo karhi kumbe tsalwa ro karhi, tsalwa leri tekiwaka tanihi tsalwa ra nhlambanyo hi munhu loyi eka tsalwa rero a hlambanyaka leswaku hi yena mutirhi yoloye na leswaku a ku na munhu loyi a nga na vito rero loyi a nga n'wi nyika mahungu yalawa kumbe tsalwa, swi fanele ku amukeriwa hi ku humesiwa ntsena leswaku munhu yoloye a nga nyikangi mutirhelamfumo mahungu kumbe tsalwa.

(3) loko xivutiso xo tshuka xi vutisiwile eka huvo yihi na yihi ya nsengiso xa leswaku hungu ro karhi ri kandziyisiwile ehansi ka Nawu lowu kumbe loko tsalwa ro karhi ri hlayisiwile kumbe ku tumbetiwa ehansi ka wona, tsalwa leri tekiwaka tanihi tsalwa ra nhlambanyo hi munhu loyi eka rona Nawu lowu wu n'wi nyikaka matimba yak u va yena muhlayisi kumbe mutumbeti wa tsalwa ra kona na leswaku u kandziyisile hungu a tlhela a ri hlayisa na ku ri tumbeta leswi n'wi enerisaka leswaku ri hlayisekile, swi ta amukeriwa hi vumbhoni eku humesiweni

Kunene leswaku hungu relero kumbe tsalwa rolero ri kandziyisiwa naswona ri hlayisekile kumbe ri tumbetekile.

68. Swilaveko swa ndzandzeleriso wa vumbhoni bya tsalwa ra xihlambanyo

- (1) Tsalwa ra xihlambanyo leri hlamuseriwaka eka xiyenge xa 67 a ri amukeleki tanihi vumbhoni eka xiyengentsongo lexi ri tirhisaka ehandle ka loko loyi a lavaka ku ri tirhisa tanihi vumbhoni a tisile khopi eka swirho leswin'wana swa huvo eka nkarhi wa vuntsongo bya masiku ya nkombo ku nga si fika siku ra ku ri humesa tanihi vumbhoni.
- (2) Huvo leyi tsalwa ra xihlambanyo leri hlamuseriwaka eka xiyengentsongo xa (1), ri nga ta humesiwa eka yona yi nga lerisa leswaku munhu loyi a endleke xihlambanyo xolexo a vitaniwa ku ta nyika vumbhoni ehubyeni yeleyo kumbe a rhumeriwa swivutiso swa ndzavisiso leswi tsariweke Kunene leswaku a swi hlamula, loko swo tshuka swi komberiwile hi thlelo rin'wana ra huvo yeleyo, na leswaku tinhlamuselo ta kona na hinkwaswo leswi tekiwaka tanihi tinhlamulo ta swivutiso swa kona swi amukeriwantanihi vumbhoni eka huvo yeleyo.

**KU AVANYISA KA 7
SWINAWANA**

69. Swinawana

- (1) Holoby e nga tumbuluxa swinawana mayelana na –
 - (a) ndzandzeleriso wa ximfumo wa matikhomele ya tinhlangeletano ta swiyimisiwa swa xifundzankulu hi ku landza xiyenge xa 16;
 - (b) maendlelo ya swikombelo na manyiketele ya mipfumelelo yak u sweka byalwa bya xintu bya XiAfrika hi ku landza xiyenge xa 24;
 - (c) swipimelo leswi tirhisekaka eka mipfumelelo ya byalwa bya xintu;
 - (d) swilaveko swa tindhawu ta vakhomi va mipfumelelo ya byalwa bya xintu;

- (e) ntsengo wa xikombelo xa byalwa bya xintu;
- (f) swipimelo swin'wana leswi nga bohiki leswi tirhisekaka ntsena eka mipfumelelo ya byalwa bya xintu;
- (g) fomo yo endla swikombelo swa mpfumelelo eka mitlangu yo hlawuleka na maendlele hi ku landza xiyenge xa 26;
- (h) xivumbeko xa fomo yo endla xikombelo xa layisense ya swa mabyalwa hi ku landza xiyenge xa 28;
- (i) swilaveko swa xinavetisi xa phephahungu na gazete mayelana na swikombelo leswi endliweke hi ku landza xiyenge xa 28;
- (j) tntsengo wa ku endla xikombelo xa layisense ya swa mabyalwa;
- (k) Xivumbeko xa tifomo leti Huvo ya Xikaya ya Swa Mabyalwa yi faneleke ku yisa swikombelo eka Huvo hii ku landza swiyenge swa 28(1) na 28(3);
- (l) xivumbeko xa xitifikheti xa byalwa lexi nyikiwaka hi ku landza xiyenge xa 33;
- (m) ntsengo lowu hakeriwaka lexi nyikiwaka layisense ya swa mabyalwa hi ku landza xiyenge xa 33(2);
- (n) ntsengo lowu hakeriwaka hi mukhomi wa layisense hi ku landza xiyenge xa 34(2)(c);
- (o) xivumbeko xa xitiviso xa ntsandzeko wa ku fikelela lexi humesiwaka hi Huvo hi ku landza xiyenge xa 35(1);
- (p) xivumbeko xa fomo leyi nga ta tirhisiwa ku vika xivilelo ehenhla ka ku antswisiwa, ku yimisiwa nkarhinyana kumbe ku herisiwa/ khanseriwa ka layisense hi ku landza xiyenge xa 37;
- (q) ndzandzeleriso wa maendlele ya ku thola munhu un'wana ku lawula bindzu ra mukhomi wa layisense hi ku landza xiyenge xa 48(2);
- (r) swipimelo swa tiawara to xavisa hi ku landza xiyenge xa 50;
- (s) xivumbeko xa xitifikheti xa ku haverisiwa matimba ka mukamberi wa mabindzu ya swa mabyalwa hi ku landza xiyenge xa 55(3);

- (t) xivumbeko xa fomo leyi xivilelo xi nga vikiwaka eka yona eka mukamberi wa mabindzu ya swa mabyalwa hi ku landza xiyenge xa 56(1)(b);
 - (u) xivumbeko xa rhisiti leri faneleke ku humesiwa hi mukamberi wa mabindzu ya swa mabyalwa hi ku landza xiyenge xa 56(2);
 - (v) xivumbeko xa rhisiti leri nyikiwaka hi ku landza xiyenge xa 56(2);
 - (w) xivumbeko xa xitiviso xa ntsandzeko wa ku fikelela lexi nyikiwaka hi mukamberi wa mabindzu ya swa mabyalwa hi ku landza xiyenge xa 58(1);
 - (x) xivumbeko xa xitifikhethi xa mfikelelo lexi nyikiwaka hi ku landza xiyenge xa 58(3);
 - (y) ku tumbuluxiwa ka mitirho ya Mihlangano ya Vubindzu bya Mabyalwa eka xifundzankulu; na
 - (z) timhaka hinkwato leti nga na nkoka eku fikeleleni ka swikongomelo swa Nawu lowu.
- (2) Swinawana leswi tumbuluxiweke hi ku landza Nawu lowu swi nga kombisa milandzu na mindziho.

KU AVANYISA KA 8
SWIPIMELO SWA NAWU HI KU ANGARHELA

70. Mpimo wa vutihlamuleri

A kun a munhu kumbe nhlango hambi mfumo , a nga voniwaka nandzu wa ku onheka kumbe ku lahleka leswi vangiweke hi—

- (a) ku tirhisa matimba mahi kumbe mahi kumbe ku endla ntirho wun'wana ehansi ka Nawu lowu; kumbe
- (b) ku tsandzeka ku tirhisa matimba, kumbe ku endla ntirho wun'wana ehansi ka Nawu lowu,

Ehandle ka loko migingiriko ya kona kumbe ku tsandzeka koloko ka ku tirhisa matimba kumbe ku endla migingiriko ya kona a swi nga ri enawini, swi nga endlwangi hi vukheta kumbe hi moya lowunene.

71. Endlele ra nkarhinyana

- (1) Xikombelo lexi endlweke hi ku landza Nawu wa Swa Mabyalwa, 1989, ku nga sis ungula ku tirhisiwa ka Nawu lowu, xi nga si hetiseka hi nkarhi wa kona, xi fanele ku yisiwa emahlweni naswona xi tirhiwa onge Nawu wa Swa Mabyalwa, 1989 a wu suriwangi.
- (2) Mukhomi loyi a nga na mpfumelelo, pumende, layisense kumbe mbhakanyelothelo leswi humesiweke hi ku landza Nawu wa Swa Mabyalwa, 1989 u fanele, hi ku leteriwa hi nkarhi lowu boxiweke hi Holobye hi xitiviso eka *Gazete*, a rhumela mpfumelelo lowu, phumende, layisense na mbhakanyelothelo eka Huvo leswaku swi hundzuriwa mpfumelelo, phumende, layisense kumbe mbhakanyelothlelo ehansi ka Nawu lowu.
- (3) Loko mukhomi wa mpfumelelo, phumende, layisense kumbe mbhakanyelothlelo a tsandzeka ku rhumela tsalwa eka Huvo hilaha swi hlamusweriweke hakona eka xiyengentsongo xa (2), mpfumelelo lowu, phumende, layisense na mbhakanyelothlelo swi hundzeriwa hi nkarhi eka siku leri boxiweke hi Holobye eka xitiviso.

72. Nkomiso wa vito na ku sungula ku tirha

Nawu lowu wu vuriwa Nawu wa Swa Mabyalwa wa Limpopo, 2009 naswona wu ta sungula ku tirha hi siku leri nga ta vekiwa hi Phirimiya hi ku tsala eka *Gazete*.

NDIVHADZO YA VUNDU

NDIVHADZO ...2... YA 2015**MUHASHO WA MVELEDZISO YA IKONOMI,
MUPO NA VHUENDELAMASHANGO
WA LIMPOPO****MULAYO WA ZWIKAMBI WA LIMPOPO, 2009**

Afha hu khou netshedzwa ndivhadzo hu tshi tevhedzwa khethekanyo 123 ya Ndayotewa ya Riphabuḽiki ya Afurika Tshipembe, 1996 zwauri Mulangavundu vha khou tendelana na Mulayo wa Zwikambi wa Limpopo, 2009 (Mulayo No. 5 wa 2009), une afha u khou anḡadzwa u itela vhuṡanzi nga u angaredza.

VHUSIMAMILAYO HA LIMPOPO

**MULAYO WA ZWIKAMBI WA
LIMPOPO, 2009**

[MULAYO 05-2009]

MULAYO

Wa u vhetshela u itela u thomiwa ha Mulayo wa Zwikambi Wapo, Mulayo wa Zwikambi wa Vundu na Khoro Khaṭhululi; hu u itela u langa khumbelo ya na thendelo ya laisentsi hu u itela thengiso u bikwa na u phaḡaladzwa ha halwa ha sialala ha Tshiafrika; hu tshi itelwa nyiledzo ya thengiso ya halwa kha zwiṇwe zwigwada zwa vhathu; u vhetshelwa ha matshimbidzelwe a u tevhedzela mulayo na mafhungo a kwamanaho na zwenezwo.

AFHA HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Limpopo nga hu tevhelaho:—

NZUDZANYO DZA KHEYHEKANYO**NDIMA YA 1****MBETSHELO DZA MARANGAPHANḌA**

1. Tḡandavhudzo
2. Ndivho dza Mulayo
3. Tshumiso ya Mulayo

NDIMA YA 2**U THOMIWA HA ZWIIMISWA ZWA VUNDU****Tshipiḡa I****Vhulaedzwa ha Zwikambi Hapo**

4. U thomiwa ha Vhulaedzwa ha Zwikambi Hapo
5. Mbumbo ya Vhulaedzwa ha Zwikambi Hapo
6. U vhewa ha mirado vha Vhulaedzwa ha Zwikambi Hapo
7. Mishumo ya Vhulaedzwa ha Zwikambi Hapo

Tshipiḡa II**Bodo ya Zwikambi ya Limpopo**

8. U vhumbwa ha bodo ya ndanga-zwikambi
9. Tshivhumbeo tsha bodo

10. U tholiwa ha mirado ya bodo
11. Mishumo na maanda a bodo

Tshipiḁa III

Khoro ya Khaṁhululo/ Khorokhaṁhululi

12. U thomiwa ha Khorokhaṁhululi

Tshipiḁa IV

Mbetshelo nyangaredzi dzi shumiswa kha Zwiimiswa zwa Vundu

13. Khonadzeo dza u vhewa kha zwiimiswa zwa vundu
14. Tshifhinga tsha ofisi
15. Malamba na magavhelo a mirado
16. Miṁangano ya zwiimiswa zwa vundu
17. U hanelwa ha mirado
19. U kombetshedza u divhonadza na u divhadzwa

NDIMA YA 3

KHORO YA VUNDU YA PHOLISI YA ZWIKAMBI

20. U thomiwa ha Khoro
21. Mbumbo ya Khoro
22. Mishumo ya Khoro

NDIMA YA 4

LAISENTSI NA THENDELO

Khumbelo dza Laisentsi na Thendelo

23. Linwalo la laisentsi la mulayo
24. Halwa ha tshirema
25. Khethekanyo dza laisentsi
26. Thendelo ya mushumo wa sipeshala
27. U hanelwa
28. Matshimbizelwe a laisentsi ya zwikambi
29. Thodea kha vha shumaho nga zwikambi

30. Lufu na u sa tsha kona ha muhumbeli
31. Khaṭhululo malugana na u dzinwa thendelo.
32. U thetsheswa ha khaṭhululo
33. Ṭhanziela ya laisentsi
34. U thoma u shuma ha laisentsi
35. U sa tevhedzela ṭhōḁea dza laisentsi
36. Tshanduko, u fhaḁewa kana u phumulwa ha laisentsi
37. Khanedzo ya tshandukiso, u fhaḁewa kana u phumulwa ha laisentsi
38. U ḁiṇwalulusa, u guma nga u tou funa kana nga u ita tshipimbi nga khole
39. Lufu na u kundelwa ha muṇe wa laisentsi
40. Tshandukiso ya dzangalelo ḁa u langa
41. U shandukiswa na u engedza tshumelo
42. Phiriso ya laisentsi
43. U pfuluswa ha zwifhaṭo
44. U redzhisitariwa ha vhane vha laisentsi na rekhodo dza vundu
45. Mbadelo kha tshikwama tsha mbuelo

NDIMA YA 5

MILAYO YA THENGISO YA ZWIKAMBI

46. U rengisa zwikambi
47. Nyiledzo kha thengiso ya zwikambi
48. Ndangulo ya bindu
49. Tshandukiso kha zwifhaṭo
50. Zwifhinga zwa u rengisa
51. Phungudzo ya vhatholi
52. Nḁivhadzo dza vhulonda mutakalo

NDIMA YA 6

U SHUMA HA MILAYO NA MATSHIMBIDZELWE A ZWA VHULAMUKANYI

Tshipiḁa I

Zwiluḁi zwo iledzwaho na zwi no tea u langiwa

53. Khumbelo ya u rengiswa ha zwinwiwa zwi si na mutakalo
54. Zwipiriti zwi kalakataho

Tshipida II**Vhuingameli**

55. U nea maanda vhaingameli kha thengiso ya zwikambi
56. Maanda na mishumo ya vhaingameli vha zwikambi
57. Mushumo wa u thusa vhaingameli
58. Ndivhadzo ya u sa tevhedza maitele one
59. U valwa ha zwifhato zwo tendelwaho u rengisa zwikambi
60. Mivhigo ya vhuingamelo

Tshipida III**Milandu**

61. Milandu nga u angaredza
62. Vhukhaki vhu kwamaho vhumanzi
63. Milandu i kwamaho Bodo
64. Milandu ya zwa vhuingameli

Tshipida IV**Matshimbidzele a zwa Vhulamukanyi**

65. U netshedza ndivhadzo na manwalo
66. U tolululwa nga Khothe Khulwane

Tshipida V**Zwi kwamaho vhumanzi**

67. Vhumanzi vhuwe nga afidafithi
68. Maitele a todeaho kha vhumanzi ha afidafithi

NDIMA YA 7**NDANGULO**

69. Ndangulo

NDIMA YA 8**MBETSHELWA NGA U ANGAREDZI**

70. Phungudzo ya vhudifhinduleli

71. Mbekanyelo ya u pfukisa
72. Dzina lipfufhi na mathomo

1. Thalutshedzo

(1) Kha uyu Mulayo, nga nnda ha musu zwi re ngomu zwi tshi sumbedza nga inwe ndila —

"halwa" zwi katela—

(a) ale, cider na stout;

(b) tshinwiwa tshinwe na tshinwe tsho vhliswaho, nga nnda ha halwa ha sialala ha Tshiafrika —

(i) vhu bikwaho sa kana vhu rengiswaho fhasi ha dzina la halwa, ale, cider kana stout, vhu na phesenthe dza alikhoholi i fhiraho nthihi; kana alikhoholi; kana

(ii) vhu dzhiwaho sa halwa fhasi ha khethekanyo 42(2) ya Mulayo wa Zwikambi, 2003 (Mulayo No. 59 wa 2003);

"Bodo" zwi amba Bodo ya Zwikambi ya Limpopo yo vhumbiwaho fhasi ha khethekanyo 8;

"Mudzulatshidulo" zwi amba mudzulatshidulo wa tshivhili tsho teaho kha vundu;

"Khoru" zwi amba Pholisi ya Vundu ya Zwikambi yo thomiwaho hu tshi tevhedzwa khethekanyo 20;

"Muhasho" zwi amba Muhasho u re na vhudifhinduleli kha mafhungo a zwikambi kha vundu;

"laisentsi" zwi amba thanziela ya laisentsi yo bviswaho/ netshedzwaho hu tshi tevhedzwa khethekanyo 31;

"halwa" zwi amba tshibveledzwa tshinwe na tshinwe sa zwe zwa thalutshedzwa kha khethekanyo 1 ya Mulayo wa Zwibveledzwa zwa Zwikambi, 1989 (Mulayo No. 60 wa 1989);

(b) halwa; kana

(c) tshinwe tshiludi kana tshinwiwa tshi dzhiwaho sa tshikambi hu tshi tevhedzwa khethekanyo 42(2) ya Mulayo wa Zwikambi, 2003 (Mulayo No. 59 wa 2003);

"Mulayo wa Zwikambi, 1989" zwi amba Mulayo wa Zwikambi, 1989 (Mulayo No. 27 wa 1989);

"mukwamiwa wa zwa zwikambi" zwi amba muthu, zwi sa kateli ramulayo o tendelwaho, o redzhisitaraho hu tshi tevhedzwa khethekanyo

29 hu u itela u thusa vhahumbeli nga ha matshimbidzelwe a laisentsi dza zwikambi;

“Mulayo wa Zwibveledzwa zwa Zwikambi” zwi amba Mulayo wa Zwibveledzwa zwa Zwikambi, wa 1989 (Mulayo No. 60 wa 1989);

“Murado wa Khorotshitumbe” zwi amba Murado wa Khorotshitumbe a re na vhudifhinduleli kha mafhungo a zwikambi kha vundu;

“Zwipiriti zwo dalesaho alikhoholi/ zwi kalakataho” zwi amba –

- (a) zwipiriti zwo bikwaho lu fhirisaho u bikwa ho teaho zwi tshi ya nga Mulayo ufhio na ufhio wa u bika zwipiriti kana methyini; na
- (b) u bikwa, zwa mishonga, phefumu kana nga inwe ndila zwipiriti zwinwe na zwinwe zwi dzhiwaho sa zwipiriti kana methyini fhasi ha khethekanyo 42(2) ya Mulayo wa Zwikambi, 2003 (Mulayo No.59 wa 2003);

“vhubveledzi vhuṭuku” zwi amba vhubveledzi hoṭhe ha zwikambi kha kana fhasi ha muelo wo vhewaho, hu tshi tevhedzwa Mulayo wa Zwikambi, 2003 (Mulayo No 59 wa 2003) na vhubveledzi vhuṭuku vhu re na mafhungo a ṭutshelanaho na aneo;

“masipala” zwi amba masipala wo thomiwaho hu tshi tevhedzwa Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala, 1998 (Mulayo No. 117 wa 1998);

“zwiimiswa zwa muvhuso” zwi amba zwiimiswa zwa muvhuso sa zwo sumbedziswa kha khethekanyo 239 ya Ndayotewa ya Riphapuliki ya Afrika Tshipembe, 1996 (Mulayo No. 108 wa 1996);

“zwifhaṭo” zwi amba zwifhaṭo, mavu, u pfuluswa kana tshipida tsha tshifhaṭo, mavu kana u pfuluwa ho tendelwaho nga Bodo;

“u randela” zwi amba zwo randelwaho nga ndaulo;

“zwiimiswa zwa vundu” zwi amba Vhulaedzwa ha Zwikambi Hapo, Bodo ya Zwikambi ya Limpopo na Khoro ya Khaṭhululo zwo sumbedziswa kha Ndimba ya II;

“thengiso ya zwikambi” zwi amba u rengiswa ha zwikambi hu na ndivho ya u nwa;

“u rengisa” zwi katela –

- (a) u nekedza, u nekana, nekedza u itela u rengisa, u ṭana hu na ndivho ya u rengisa; kana

b) u tendela, u laedza kana u tendela u rengisa, u tana, u nekana kana u nea;

"phemithi ya nyito dza sipeshala" zwi amba phemithi yo netshedzwaho hu tshi tevhedzwa khethekanyo 26;

"halwa ha sialala ha Tshiafrika" vhu na thalutshedzo yo tiwaho nga Mulayo wa Zwikambi, 2003 (Mulayo No. 59 wa 2003);

"uyu Mulayo" zwi katela ndaulo inwe na inwe yo itwaho kana yo bviswaho hu tshi tevhedzwa uyu Mulayo.

2. Ndivho dza Mulayo

Ndivho dza Mulayo uyu ndi u langula vhubveledzi vhutuku na u rengiswa ha halwa na halwa ha sialala ha Tshiafrika kha vundu nga maitele ane a do—

- (a) phuromota nyaluwo ya ekonomi i bvelelaho;
- (b) shandukiswa indasitiri ya zwikambi hu u itela u lavhelesana na khaedu dza vundu; na
- (c) u tufuwedza u dzhenelela ha vathu vhaswa kha indasitiri ya zwa zwikambi.

3. Tshumiso ya Mulayo

Mulayo uyu a u shumi kha—

- (a) muofisiri sa zwo sumbedziswaho kha khethekanyo 1(1) 6 ya Mulayo wa Tshumiso na Khasitomo, 1964 (Mulayo No. 91 wa 1964), kha u itwa ha mushumo wonoyo muofisiri;
- (b) sherifi, muthu ufho na ufho a no khou shuma zwi tshi ya nga ndaela khothe, muhatuli kana madzhisitarata kha u shumiwa ha mishumo yavho;
- (c) murambi wa mushumo wa u thetshela waini o pfumbudzwaho, malugana na mushumo wa u thetshelwa ha waini ine nga vhunzhi ya vha fhasi ha 200 mililithara i nwiwaho kha wonoyo mushumo; kana
- (d) muthu a rengisaho zwipiriti kana phefumu kana mishonga ya zwipiriti zwine zwenezwo zwa vha zwi si na zwipiriti zwi re na methyini.

NDIMA YA 2
ZWIIMISWA ZWA VUNDU

Tshipida I
Vhulaedzwa ha Zwikambi Hapo

4. U thomiwa ha Vhulaedzwa ha Zwikambi ha Hapo

Muradō wa Khorotshitumbe, a nga, nga ndivhadzo kha gazethe, thoma vhulaedzwa ha zwikambi hapo kha masipala kha vundu.

5. Mbumbo ya Vhulaedzwa ha Zwikambi Yapo

Vhulaedzwa ha zwikambi hapo ho thomiwaho hu tshi tevhedzwa khethekanyo 4 vhu tea u vhumbiwa nga –

- (a) muimeleli wa –
 - (i) muhasho;
 - (ii) masipala o nangiwa nga mulangi wa onoyo masipala;
 - (iii) Tshumelo ya Tshipholisa ya Afrika Tshipembe vho khethwaho nga Khomishinari wa Vundu;
- (b) muradō wa vhadzulapo vha zwa mabindu a re na ndivho na tshenzhemo ya zwi tutshelelana na indasitiri ya zwikambi; na
- (c) muradō wa vhadzulapo ane a vha na ndivho na tshenzhemo kha sia la mveledziso ya zwa ekonomi, tshumelo ya zwa matshilisano kana mafhungo a zwa sialala.

6. U vhewa ha miradō vha Vhulaedzwa ha Zwikambi Hapo

- (1) Thoho ya Muhasho u tea u humbela khumbelo dza vathu vho tevhedzelaho khethekanyo 5(b) na 5(c) hu u itela khumbelo dzavho nga kha –
 - (a) u anadza ndivhadzo kha bammbiri mbili dzi rengiswaho kha vhupo ha masipala wo teaho; na
 - (b) dziñwe nyandadza mafhungo dzo tiwaho nga Thoho ya Muhasho.

- (2) Vhahumbeli vha tea uri musi vha tshi fhindula thambo kha khethekanyo (1), vha netshedza kharikhulamu vitae yo dodombedzwaho ine ya vha -
- (a) kopi dzo khwaṭhisedzwaho dza ṭhanziela dzoṭhe, na
 - (b) maṅwalo a sumbedziswa tshenzhemo na ndivho zwine zwa ḑo khwaṭhisedza kha u langa indasitiri ya zwikambi kha vundu.
- (3) Ṭhoho ya Muhasho u tea uri hu tshi tevhelwa khethekanyo 13, a nange —
- (a) muimeleli wa muhasho, masipala na wa tshipholisani vho bulwaho kha khethekanyo 5(a);
 - (b) u bva kha khumbelo dzo ṭanganedzwaho hu tshi tevhedzwa khethekanyoṭhukhu (2), miraḑo vho bulwaho kha khethekanyo 5(b) na 5(c).
- (4) Ṭhoho ya Muhasho u tea u nanga u bva kha miraḑo, Mudzulatshidulo na Mufarisa Mudzulatshidulo wa Vhulaedzwa ha Zwikambi Wapo.

7. Mishumo na maanḑa a Vhulaedzwa ha Zwikambi Hapo.

Vhulaedzwa ha Zwikambi Hapo, ho thomiwaho hu tshi tevhedzwa khethekanyo 4 vhu tea u —

- (a) tendela na u netshedza phemithi hu u itela —
 - (i) vhumagi vhuṭuku na u rengiswa ha halwa ha sialala ha Tshiafrika, nga ṅḑila yo randelwaho; na
 - (ii) u rengisa na u nwiwa ha zwikambi kha mishumo ya sipeshala;
- (b) sedzuluswa ha khumbelo dza laisentsi ya zwikambi ho ṭanganedzwaho hu tshi tevhedzwa khethekanyo 28;
- (c) pfukisela khumbelo dzo ṭanganedzwaho hu tshi tevhedzwa khethekanyo 28, dzine—
 - (i) dzi si tevhedzelane na ṭhōḑea dzo randelwaho dza Mulayo uyu, kha muhumbeli uri a dzi tevhedzele; kana
 - (ii) dzi si ṭutshelane na ṭhōḑea dzo randelwaho dza Mulayo uyu, kha Bodo u itela tsedzuluso;
- (d) themendela kha Bodo malugana na khumbelo dzi re kha phara (c)(ii);

- (e) vhona zwauri khumbelo dza laisentsi ya zwikambi i swikeleleye kha vhathu;
- (f) netshedza u hanedza huñwe na huñwe ho ṭanganedzwaho malugana na khumbelo ya laisentsi ya zwikambi kha Bodo; na
- (g) shuma mushumo muñwe ufho na ufho wo netshedzwaho kha Bodo hu tshi tevhedzwa uyu Mulayo

Tshipida II

Bodo ya Zwikambi ya Limpopo

8. U thomiwa ha Bodo ya Zwikambi ya Limpopo

Afha hu khou thomiwa nga lu re mulayoni tshiimiswa tshi divheaho sa Bodo ya Zwikambi ya Limpopo.

9. Mbumbo ya Bodo

Bodo i tea u vhumbiwa nga-

- (a) muimeleli wa –
 - (i) Muhasho o nangiwo nga Ṭhoho ya Muhasho; na
 - (ii) Dzangano la Muvhuso Wapo la Afrika Tshipembe lo nangiwo nga Muofisiri Muhulwane wa Khorotshitumbe wa lene lo Dzangano
- (b) mura do wa mabindu a vhadzulapo vhane vhavha na ndivho i ṭutshelanaho na indasitiri ya zwikambi;
- (c) ramulayo a re na tshenzhemo ine i miṭukusa ya vha miṭanu; na
- (d) mura do wa vhadzulapo a re na tshenzhemo kha sia la mveledziso ya ekonomi ya zwa matshilisano, tshumelo ya zwa vhadzulapo kana mafhungo a sialala.

10. U nangiwa ha mura do vha Bodo

- (1) Ṭhoho ya Muhasho u tea u–
 - (a) netshedza mutevhe wa madzina a vhaofisiri vho nangiwo hu tshi tevhedzwa khethekanyo 9(a) kha Mura do wa Khorotshitumbe o nangiwo; na

- (b) ramba khumbelo dza vhathu vho tevhedzelaho khethekanyo 9(b),(c) na (d) hu u itela u nangiwa —
 - (i) nga u anḁadza nḁivhadzo kha bammbiri mbili dzi monaho na vundu; na
 - (ii) nga kha dziṁwe nyandadza mafhungo dzo tiwaho nga Ṱhoho ya Muhasho.
- (2) Vhahumbeli vha tea u netshedza kharikhulamu vitae yo dodombedzwaho musi vha tshi fhindula nḁivhadzo hu tshi tevhedzwa khethekanyoṱhukhu (1)(b), ine ya vha na -
 - (a) kopi dzo khwaṱhisedzwaho dza ndalukano, na
 - (b) maṁwalo thikhedzi a sumbedzaho nḁivho na tshenzhemo zwa muhumbeli zwine zwa ḁo swikisa kha u langula indasitiri ya zwikambi kha vundu.
- (3) Ṱhoho ya Muhasho u tea u themendela dzo livhiswaho kha Muraḁo wa Khorotshitumbe malugana na u nangiwa ha miraḁo vha Bodo.
- (4) Muraḁo wa Khorotshitumbe u tea—
 - (a) hu tshi tevhedzwa khethekanyo 13, u nanga miraḁo vha Bodo u bva kha mutevhe wo themendelwaho wo netshedzwaho nga Ṱhoho ya Muhasho; na
 - (b) u nanga vhukati ha miraḁo vha Mudzulatshidulo na Mufarisamudzulatshidulo vha Bodo.

11. Mishumo na maanḁa a Bodo

- (1) Bodo i tea u sedzuluswa khumbelo dza laisentsi dza zwikambi.
- (2) Bodo i nga —
 - (a) tendela kana ya si tendele khumbelo yo ṱanganedzwaho hu tshi tevhedzwa khethekanyo 26;
 - (b) ta nyimele dzi shumiswaho kha zwigwada zwa laisentsi dzo bulwaho kha khethekanyo 24;
 - (c) khwinisa kana ya hanela laisentsi ya zwikambi;
 - (d) fhahea laisentsi ya zwikambi lwa tshifhinga tshi sa ḁivhei kana lwa tshifhinga tshine ya nga ta;

- (e) ita uri hu vhe na dziñwe nyimele kha laisentsi ya zwikambi;
- (f) vha na vhupfiwa ha vhatu malugana na laisentsi ya zwikambi;
- (g) hwesa manwe maanda kana mishumo kha Vhulaedzwa ha Zwikambi Hapo; na
- (h) shumisa maanda kana maitele afhio na afhio e ya hweswa nga Murado wa Khorotshitumbe.

Tshipida III **Khoro ya Khaṭhululo**

12. Khoro ya Khaṭhululo/ Khorokhaṭhululi

- (1) Afha hu khou thomiwa Khoro ya Khaṭhululo ya vundu ine ya tea u sedzulusa khaṭhululo dzi fhambanaho na tsheo dza Bodo.
- (2) Khoro ya Khaṭhululo/ Khorokhaṭhululi i tea u nangiwa/ vhewa nga Murado wa Khorotshitumbe a tshi thuswa –
 - (a) vhatu vhavhili vhane vha vha na ndalukano dza zwa mulayo nahone vhe na tshenzhemo ya miñwaha ine ya nga swika kha miṭanu; nahone
 - (b) muthu muthihi ane a vha na zwikili zwo teaho malugana na indasitiri ya zwikambi.
- (3) Murado wa Khorotshitumbe u tea u–
 - (a) anḡadza kha bammbiri mbili dzi monaho na vundu a tshi huwelela vhatu vhane vha ṭoda u ita khumbelo kha Khoro ya Khaṭhululo;
 - (b) sedzulusa khumbelo dzoṭhe dzo netshedzwaho malugana na thambo kathihi na malugana na khethekanyo 13, nanga mirado vha kha Khoro ya Khaṭhululo; nahone
 - (c) ketha Mudzulatshidulo ane a vha na ndalukano dza zwa mulayo na muñwe murado sa Mufarisamudzulatshidulo

Tshipiḁa IV**Mbetshelo nyangaredzi dzi shumiswaho kha tshiimiswa tsha vundu****13. Khonadzeo ya u nangiwa u vha kha tshiimiswa tsha vundu**

A hu na muthu ane a ḁo nangiwa u vha muraḁo wa tshiimiswa tsha vundu—

- (a) nga nḁa onoyo muthu e mudzulapo wa Riphabuliki ya Afrika Tshipembe;
- (b) arali onoyo muthu —
 - (i) e na dzangalelo lwo livhaho kana lu so ngo livhaho kha indasitiri ya zwikambi zwine zwi nga swikisa kha khakhathi na phurofesheni ya onoyo muthu sa muraḁo wa tshiimiswa tsha vundu;
 - (ii) e na muraḁo wa muṭa ane a vha na dzangalelo lo livhaho kha indasitiri ya zwikambi nga nḁa ha musu Muraḁo wa Khorotshitumbe a na khumbulo ya uri dzangalelo la muraḁo wa muṭa kha indasitiri ya zwikambi a li thivheli muthu uri a nangiwa sa muraḁo;
 - (iii) e muthu a si tsha konaho u shandulea kha zwikolodo zwawe;
 - (iv) e mufara ofisi wa tshipolitiki;
 - (v) nga tshiḁwe tshifhinga o vhuya a bviswa ofisini ya tshikwama nga nṭhani ha u vha na mikhwa ii si yavhuḁi; kana
 - (vi) nga tshiḁwe tshifhinga o vhuya a wanala mulandu wa vhutshinyi zwi tshi kwama u sa fulufhedzea.

14. Tshifhinga tsha ofisi

Muraḁo wa tshiimiswa tsha vundu u nangiwa lwa tshifhinga tsha miḁwaha miraru nahone a nga kha ḁi nangiwa hafhu lwa muḁwe ḁwaha muthihi.

15. Malalimba na magavhelo a mirado

- (1) Murado wa Khorotshitumbe, hu na vhukwamani na Murado wa Khorotshitumbe a re na vhudifhinduleli ha zwa masheleni, u ta malamba na magavhelo a badelwaho mirado vha zwiimiswa zwa vundu vhane vha khou shuma mushumo wa tshifhinga nyana kha muvhuso.
- (2) Mbadelo dzo fhambanaho dzi nga vha hone kha zwivhili zwa zwiimiswa zwa muvhuso.

16. Mitangano ya zwiimiswa zwa vundu

Murado wa Khorotshitumbe a nga randela matshimbizelwe a mitangano ya zwiimiswa zwa vundu.

17. U bvulwa maanga ha mirado

- (1) Murado wa tshiimiswa tsha vundu ane tshifhinga tshinwe na tshinwe a vha a na:
- (a) dzangalelo lo livhaho kana li so ngo livhaho kha mafhungo ane a vha kha tshiimiswa tsha vundu; kana
 - (b) a vha na dzangalelo kha mafhungo a khakhisaho onoyo muthu kha u shuma mishumo yawe sa murado wa tshiimiswa tsha vundu nga ndila yo teaho, i sa taluli nahone i ngonani u tea u bvisela khagala nga u tou nwala nahone a nga si voute kana nga inwe ndila u dzhenelela kha matshimbizelwe a aneyo mafhungo.
- (2) U bvisela khagala nga murado hu tshi tevhezwa khethekanyothukhu (1) hu teqa u rekhodiwa kha maambiwa a matshimbizelwe.
- (3) Murado wa Khorotshitumbe a nga, musi a tshi vhona zwi kha dzangalelo la vathu, bvisa onoyo murado kha tshikhala tshawe kha tshiimiswa tsha vundu.

18. Masheleni a zwiimiswa zwa vundu

Masheleni a zwiimiswa zwa vundu a do vha tshede—

- (a) i kovhiwaho nga Vhusimamilayo ha Vundu; na

(b) ine ya nga kuvhanganyiwa nga tshiimiswa tsha vundu u bva kha zwiko zwiṇwe zwifhio na zwifhio.

19. Ndivhadzo na saphina

- (1) Mudzulatshidulo wa tshivhili tsho teaho kha tshiimiswa tsha vundu a nga ri nga maitele o randelwaho, a **saphina** kana a divhadza muthu ane a kana a nga kwamea nga kha tsedzuluso ya mafhungo maṇwe kha tshiimiswa tsha vundu.
- (2) Muthu o tṅangedzaho saphina kana ndivhadzo hu tshi tevhedzwa khethekanyothukhu (1), u tea u divhonadza kha tshiimiswa tsha vundu nga datumu, tshifhinga na fhethu ho dzudzanywaho nga saphina kana ndivhadzo.
- (3) Muthu a divhonadzaho sa zwo bulwaho kha khethekanyothukhu (2), a nga di fheletshedzwa nga muimeleli wawe wa zwa mulayo.
- (4) Mudzulatshidulo wa tshivhili tsho teaho kha tshiimiswa tsha vundu a nga saphina muthu muṇwe na muṇwe u ya kha mutṅangano wa tshiimiswa tsha vundu uri a—
 - (a) neye vhutanzi; kana
 - (b) bwise liṇwalo liṇwe na liṇwe kana tshithu tshiṇwe na tshiṇwe tshine a vha natsho kana tsha vhuundi kana fhasi ha ndango ya onoyo muthu nahone tshine u ya nga khumbelo ya Mudzulatshidulo tsha tutshelana na mafhungo ane a do sedzuluswa nga tshenetsho tshiimiswa tsha vundu.

NDIMA YA 3
KHORO YA PHOLISI YA ZWIKAMBI YA VUNDU

20. U thomiwa ha Khoru

Afha hu khou thomiwa Khoru ya Pholisi ya Zwikambi ya Vundu.

21. Mbumbo ya Khoru

(1) Khoru yo vhumbiwa nga –

- (a) Muraḁo wa Khorotshitumbe;
- (b) Muraḁo wa Khorotshitumbe kha vundu u na vhuḁifhinduleli ha –
 - (i) mafhungo a mveledziso ya zwa matshilisano na mutakalo;
 - (ii) mafhungo a pfunzo;;
 - (iii) vhulimi;
 - (iv) mbulungeo na tsireledzo;
 - (v) mafhungo a muvhuso wapo; nahone
- (c) Khomishinari wa Vundu na Tshumelo ya Tshipholisa ya Afrika Tshipembe.

(2) Muraḁo wa Khorotshitumbe ndi Mudzulatshidulo wa Khoru nahone u tea vhidza muḁangano wa Khoru tshifhinga tshoṱhe fhedziha hu tea u vha na miḁangano mivhili kha ṁwaha muṁwe na muṁwe wa ṁwaha wa muvhalelano.

(3) Khoru i nga shumisa ndayo dzayo kha u fara miḁangano yayo.

22. Mishumo ya Khoru

(1) Khoru iyi ndi foramu ya muḁanganelano wa muvhuso wo sumbedziswa kha khethekanyo 41(1)(h) ya Ndayotewa ya Riphabuliki ya Afrika Tshipembe.

(2) Mushumo wa Khoru ndi u kwamana kha mafhungo afhio na afhio a kwamaho indasitiri ya zwikambi na laisentsi ya zwikambi kha vundu.

NDIMA YA 4

U NETSHEDZWA HA LAISENTSI NA PHEMITHI

23. Thodea dza u vha na laisentsi

(1) Hu tshi tevhelwa khethekanyothukhu (3), a hu na muthu ane a nga —

(a) rengisa; kana

(b) inga nga vhunzhi;

Zwikambi, zwipiriti zwa methyini kana halwa ha sialala ha tshi-Afrika, nga nda ha musi onoyo muthu e na laisentsi kana e na phemithi hu tshi tevhedzwa Mulayo uyu, u rengisa kana u inga zwikambi nga vhunzhi, zwipiriti zwa methyini kana halwa ha sialala ha Tshiafrika.

(2) Muthu o tendelwaho hu tshi tevhedzwa khethekanyothukhu (1) ya u rengisa kana u inga zwikambi nga vhunzhi, zwipiriti zwa methyini kana halwa ha sialala ha Tshiafrika u tea u ita nga u ralo a tshi tevhedzela nyimele dzi tumanaho na laisentsi yeneyo kana phemithi.

(3) Muthu a ingaho halwa vhunzhi hu u itela u mushumo kana u tou nwa ene mune nahone hu si ha u rengisa halwa ha sialala ya Tshiafrika ha kwamei nga u vha na laisentsi hu tshi tevhedzwa khethekanyo 24.

24. Halwa ha sialala ha Tshiafrika

(1) Vhulaedzwa ha Zwikambi Hapo fhedzi hune ha nga netshedza phemithi ya u inga na u rengisa halwa sialala ya Tshiafrika.

(2) Muraḡo wa Khorotshitumbe u tea u randela matshimbizelwe a khumbelo ya phemithi ya halwa ha sialala ha Tshiafrika ine ya tea netshedza u itela u khwinifhadzo ya matshimbizelwe a khumbelo na masheleni a badelelwaho u itela zwa khumbelo.

25. Tshakha dza laisentsi

Muthu a nga ita khumbelo ya laisentsi ya u rengisa zwikambi malugana na tshithihi kana zwi fhiraho tshithihi tsha tshakha dzi tevhelaho:

- (a) u rengisa ha zwikambi hu tshi itelwa u nwa nnda ha zwifhato tsha hune zwikambi zwa khou rengiswa hone, hune mushumo muhulwane kha lenelo bindu ha vha —
 - (i) vhengele la zwikambi;
 - (ii) gurosari; kana
 - (iii) bulasi ya waini,
- (b) u rengiswa ha zwikambi hu tshi itelwa u nwiwa ngomu kha tshifhato hune zwikambi zwa rengiswa hone, hune mushumo muhulwane kha bindu lenelo wa vha —
 - (i) mbetshelo ya vhudzulo;
 - (ii) mbetshelo ya zwiliwa;
 - (iii) ndu ya u vhea waini;
 - (iv) ndu ya baisikopo/ ya u tamba dzifilimu; kana
 - (v) kilabu,
- (c) thengiso ya zwikambi hu u itela u nwa ngomu na nnda ha tshifhato hune zwikambi zwa rengiswa hone fhasi ha nyimele dza sipeshala dzi tiwaho nga Bodo; na
- (d) u ingwa ha zwikambi nga vhunzhi.

26. Phemithi ya nyito dza sipeshala

- (1) Khumbelo ya phemithi ya nyito dza sipeshala i tea u itwa na Vhulaedzwa ha Zwikambi Hapo nga ndila yo tou randelwaho na nga maitele o randelwaho.
- (2) Vhulaedzwa ha Zwikambi Hapo vhu nga ri hu tshi tevhelwa khethekanyothukhu (3), ha tendela phemithi ya nyito ya sipeshala ho sedzwa mbadelo dza masheleni a phemithi ya sipeshala yo randelwaho;
- (3) Vhulaedzwa ha Zwikambi Hapo vhu nga si, lwa tshifhinga tshi sa fhiriho maduvha a sumbe a tshi tevhekana na thanganyelo ya maduvha a 30 nga nwaha, netshedze muhumbeli phemithi ya nyito ya sipeshala.

27. Khanedzo

- (1) A hu na muthu ane a do newa laisentsi hu tshi tevhedzwa mulayo uyu, arali onoyo muthu a—
- (a) muthu mutuku nga datumu ine laisentsi ya nga sedzuluswa ngayo;
 - (b) si mudzulapo wa Afrika Tshipembe;
 - (c) tshi dzhiwa a so ngo takala thohoni nga khothe ii re mulayoni;
 - (d) muthu a s a tsha konaho u nga lulamisea kha zwikolodo zwawe; kana
 - (e) muingi wa zwikambi kana zhendedzi la muingi wa zwikambi, muthu a ingaho zwikambi zwi fhirisaho tshikalo tsho randelwaho hu tshi tevhedzwa Mulayo wa Zwikambi wa 2003, (Mulayo No. 59 wa 2003).
- (2) Tshiimiswa tsha bindu tshi nga si etshedzwe laisentsi hu tshi tevhedzwa Mulayo uyu arali muthu ane vha na dzangalelo la ndango kha tshiimiswa tsha bindu a -
- (a) vha e mushumisani kha tshiimiswa tsha bindu; kana
 - (b) vha a muvhuelwa muhulwane wa tshikwama tsha vha vhuelwa kha masheleni hu tshi tevhedzwa khethekanyothukhu (1), u vha o iledzwa hu tshi tevhedzwa Mulayo uyu.

28. Matshimbidzelwe a khumbelo ya laisentsi ya zwikambi

- (1) Khumbelo ya laisentsi ya zwikambi i tea u itwa na Vhulaedzwa ha Zwikambi Hapo kha fomo yo randelwaho nahone i tea u fheletshedzwa nga—
- (a) linwalo thikhedzi lo dodombedzwaho li tikedzaho khumbelo ya laisentsi;
 - (b) tshiketshe tsha pulane tshi dodombedzaho tshifhato tshi tshi sumbedza vhuhulu ha tshifhato, dziphera, hune ha do shumelwa hone, zwishumiswa zwa u fhatu kathihi na manwe mafhungo o randelwaho;
 - (c) thalutshedzo yo tou nwaliwaho i dodombedzaho zwine pulane ya khou sumbedza zwone, izwi zwi tshi katela na mivhala ya nnda na nga ngomu ya zwenezwo zwifhato;

- (d) linwalo lwa thendelo lu bvaho hamasipala lu sumbedziswaho uri ho tevhelwa thodea dzothe dza masipala;
 - (e) vhuṭanzi vhu sumbedzisaho zwauri khumbelo yo—
 - (i) anḡadziwa kha bammbiri nthihi i monaho na vhupo hamasipala hune tshifhaṭo tsha ḡo ima hone; na
 - (ii) ṅetshedzwa muraḡo a re na miṅwaha i fhiraho ya fumi rathi ya muḡi muṅwe na muṅwe kana bindu ḡi re tsini na hune zwifhaṭo kana bindu hune zwikambi zwa ḡo rengiswa hone;
 - (iii) ambiwa nga hayo kha komiti dzo teaho dza wadi hu tshi tevhedzwa khethekanyo 73(1) ya Mulayo wa Zwiimiswa wa Masipala, 1998 (Mulayo No 117 wa 1989);
 - (f) vhuṭanzi ha mbadelo dza masheleni a khumbelo dzo randelwaho; na
 - (g) ṭhanziela ya vhukuma ya muthelo wa mbuelo yo netshedzwaho nga vha tshumelo ya Mbuelo ya Afrika Tshipembe.
- (2) Vhulaedzwa ha Zwikambi Hapo vhu tea uri kha maḡuvha a 21 nga murahu h au ṭanganedza khumbelo ya laisentsi ya zwikambi, hu tshi tevhedzwa khethekanyoṭhukhu (1)—
- (a) vhu ṭole uri khumbelo i khou ṭutshelana na na thodea dza khethekanyoṭhukhu (1) ;
 - (b) tendela vhathu tshifhinga tsha u to—
 - (i) ṭola kana u wana kopi ya khumbelo; na
 - (ii) u hanedza malugana na khumbelo;
 - (c) arali hu na u fushea zwauri khumbelo yo tevhedzela thodea dzothe dza khethekanyoṭhukhu khumbelo i ya netshedzwa nga ṅila yo randelwaho zwi tshi katela -
 - (i) themendelo dza Vhulaedzwa ha Zwikambi Dzapo; na
 - (ii) u hanedza hufhio na hufhio hu bvaho kha vhathu vhu tshi ya kha Bodo.
- (3) Hune ha wanala khumbelo i so ngo tevhedzela thodea dza khethekanyoṭhukhu (1), Vhulaedzwa ha Zwikambi Hapo vhu tea u humisela yeneyo khumbelo nga ṅila yo randelwaho kha muhumbeli i tshi

khou sumbedza muhumbeli uri a khakhulule kana u engedza zwiñwe zwo salelaho kha khumbelo hu saathu fhela maɖuvha a 14 u bva ɖuvha la u humiselwa.

- (4) Arali muhumbeli a kundelwa u tevhezela khethekanyo thukhu (3), Vhulaedzwa ha Zwikambi Hapo vhu nga hanela yeneyo khumbelo kathihi na u ɖivhadza muhumbeli nga u tou ñwala henefho.
- (5) Bodo i tshi tou tɔnganedza khumbelo u bva kha Vhulaedzwa ha Zwikambi Hapo, i tea uri vhukati ha maɖuvha a 30 hu tshi tevhelwa mbetshelo dza iyi khethekanyo, i sedzulusa khumbelo, khanedzo na themendelo dza Vhulaedzwa ha Zwikambi Hapo, Bodo i nga—
- (a) tendela hu si na nyimelo;
 - (b) tendela hu na nyimelo; kana
 - (c) ya hana,
- khumbelo ya laisentsi ya zwikambi.
- (6) Bodo i nga tendela khumbelo ya laisentsi ya zwikambi arali —
- (a) muhumbeli na zwifha to zwo tevhezela na mbetshelo dza uyu Mulayo;
 - (b) muhumbeli e na vhuɖifari havhuɖi nahone e na mikhwa yavhuɖi a dovha
- a vha muthu o fanelwaho nga u vha muñe wa laisentsi;
- (c) zwi kha dzangalelo la vhatu;
 - (d) zwifha to zwi so ngo fha to tsini na zwiimiswa zwo randelwaho zwi fanaho na:
 - (i) tshikolo;
 - (ii) fhethu ha u rabela;
 - (iii) fhethu ha vhuendi ha nnyi na nnyi;
 - (iv) zwifha to zwine vhatu vha dzhena kha tshumelo zwitshavha;
 - (v) zwifha to zwi no khou shumiswa nga vhashumeli vha muvhuso; kana
 - (vi) hu shelwaho zwivhaswa; na
 - (e) laisentsi i ɖo tendelwa.

- (7) Hune Bodo ya vha na khumbulo ya uri khumbelo a i tevhedzelani na mbetshelo dza Mulayo uyu, Bodo i tea u hanela khumbelo ya laisentsi nahone Bodo i tea u ðivhadza muhumbeli nga u tou ñwala –
- (a) muhumbulo wa tsheo ya Bodo; na
 - (b) uri muhumbeli a tevhedzela mbetshelo dza Mulayo uyu hu saathu fhela maðuvha a 20 a u ðanganedzwa ha ñdivhadzo.
- (8) Afho hune muhumbeli o ðivhadzwaho hu tshi tevhedzwa khethekanyoñhukhu (7) a –
- (a) tevhedzelana na ðhodea sa zwo sumbedziswaho kha ñdivhadzo, Bodo i nga sedzulusa khumbelo; kana
 - (b) sa tevhedzelani na ðhodea sa zwo sumbedziswaho kha ñdivhadzo, Bodo i tea u hanela khumbelo kathihi na u ðivhadza muhumbeli hanefho nga u tou ñwala.

29. ðhodea dza muthusi wa zwikambi

- (1) Muthusi wa zwikambi u tea u ita khumbelo kha Bodo ya u vha muthusi wa zwikambi o redzhisitariwaho nga ñdila yo randelwaho.
- (2) Bodo i tea u redzhisitara muthusi wa zwikambi –
- (a) nga murahu ha musu muthusi o khunyeledza nga lwo fhelelaho ngudo dzo randelwaho vhathusi vha zwikambi; na
 - (b) zwi tshi ya nga nyimele dzenedzo dzine Bodo ya nga ta.
- (3) Bodo i tea uri nga murahu ha u badelwa ha masheleni a u redzhisitara i netshedza ðhanziela ya u redzhisitariwa ha muthusi wa zwikambi
- (4) Ndi muthu o redzhisitaraho u vha muthusi wa zwikambi fhedzi ane a nga thusa vhathu vha itaho khumbelo ya laisentsi ya zwikambi hu tshi tevhedzwa khethekanyo

30. Lufu kana u balelwa ha muhumbeli

- (1) Hune muhumbeli, zwenezwo kana phanda ha muso datumu ine ngayo khumbelo ya sedzuluswa a—

- (a) fa;
- (b) vha kha zwikolodo;
- (c) vha o vhewa fhasi ha ndangulo ya zwa mulayo; kana
- (d) dzhiwa sa muthu a sa tsha konaho u langa thundu dzawe nga Mulayo wa khothe; mulanguli o teaho wa mufu kana kha ndaka ya zwikolodo zwa muvhoso, mulanguli wa zwa mulayo kana mulanga thundu kana arali onoyo mulanguli mulanguli wa zwa mulayo kana mulanga thundu, a vha a saathu nangiwa kana mune wa yeneyo ofisi a tshi kundelwa u shuma kana a koni u shuma, muthu ane a vha na dzangalelo kha khumbelo nahone o tendelwa hanefho nga vhulaedzwa vhu no khou sedzulusa khumbelo, u tea uri hu tshi tevhelwa mulayo malugana na ndaka ya mufu, u vha zwikolodoni, ndangulo ya zwa mulayo kana muholefali wa maluvhi a humbulela uri muhumbeli o vha a tshi do vha a na pfanelo dzothe arali o vha a so ngo fa, vha zwikolodoni, u vhewa fhasi ndango ya zwa mulayo kana a dzhiwa sa muthu a sa kundelwaho nga u diitela zwithu zwawe.

- (2) Bodo i nga, hune ya vhona zwo tea na nga kha u shumisa mulayo ufho na ufho, tendela u vha hone ha laisentsi zwi tshi vhuyedza onoyo mulanguli, mulangi wa zwa mulayo, mulangi wa zwa Mulayo kana muwe muthu.

31. Khaṭhululo ya u hanelwa

- (1) Muhumbeli ane a vhona o khakhelwa nga tsheo ya Bodo, a nga ri vhukati ha mavha a 30 a u netshedzwa ndivhadzo ya tsheo ya Bodo, a humbela khaṭhululo kha Khoro ya Khaṭhululo.

- (2) Khoro ya Khaṭhululo/ Khorokhaṭhululi i nga, ho sedzwa zwiitisi zwo sumbedzwaho, khumbelo ya khaṭhululo yo lengaho u swika.

- (3) Khaṭhululo i tea u katela zwi tevhelaho:

- (a) kopi ya khumbelo ya laisentsi ya zwikambi;

- (b) tshitatamennde tsho tou n̄walwaho tsha u humbela khaṭhululo;
- (c) N̄divhadzo yo rumelwaho kha muhumbeli nga Bodo hu tsi tevhedzwa khethekanyo 28(7);
- (d) phindulo ya muhumbeli kha n̄divhadzo ya Bodo;
- (e) n̄divhadzo ya u fhedza na muhumbulo wa tsheo zwo netshedzwaho hu tshi tevhedzwa khethekanyo 28(8); na
- (f) mafhungo maṁwe afhio na afhio o teaho kha khaṭhululo.

32. U thetsheswa ha Khaṭhululo

- (1) Khorokhaṭhululi i tea, uri vhukati ha maḁuvha a 30 a u ṭanganedza maṁwalo oṭhe o bulwaho kha khethekanyo 31(3), u sedzulusa khaṭhululo.
- (2) Mirado vhoṭhe vha Khorokhaṭhululi vha a kona u vhumba khoramu ya u fara muṭangano wa Khorokhaṭhululi.
- (3) Hu tshi tevhelwa khethekanyo 19(4) na 31(3), Khorokhaṭhululi i-
 - (a) nga khwaṭhisedza, vhetshela thungo kana u khwinisa tsheo ya Bodo; na
 - (c) tea, nga u tou n̄wala, u ḁivhadza muhumbeli na Bodo nga ha tsheo yo dzhiwaho.

33. Ṭhanziela ya laisentsi

- (1) Arali Bodo i tshi tendela khumbelo ya laisentsi ya zwikambi hu tshi tevhedzwa khethekanyo 28, Bodo i tea, hu tshi tevhelwa khethekanyoṭhukhu (2) u netshedza ṭhanziela nga n̄dila yo randelwaho ine ya tea u katela—
 - (a) madzina o fhelelaho na dzina ḁa bindu ḁa muṁe wa laisentsi;
 - (b) zwigwada zwa laisentsi;
 - (c) masheleni a laisentsi;
 - (d) nomboro ya laisentsi;
 - (e) datumu ye laisentsi ya tendelwa ngayo;
 - (f) datumu ye laisentsi ya fhela ngayo;
 - (g) direse ya vhudzulo hune bindu ḁa vha hone; na
 - (h) nyimele dze laisentsi ya netshedzelwa dzone.

- (2) Thanziela ya laisentsi i do bviswa musi ho no badelwa masheleni o randelwaho a yeneyo laisentsi.

34. U thoma u shuma ha laisentsi

- (1) Thanziela ya laisentsi yo netshedzwaho hu tshi tevhedzwa khethekanyo 33 ndi vhuṭanzi ha uri mune wa laisentsi o tevhedzela ṭhoxea dzoṭhe dza uri a vhe na laisentsi i re mulayoni hu tshi tevhedzwa Mulayo uyu.
- (2) Muṇe wa laisentsi u tea uri a—
- (a) sumbedzise nomboro ya laisentsi kha maṇwalo oṭhe a bindu la onoyo muṇe wa laisentsi
 - (b) vheye ṭhanziela ya laisentsi ya vhukuma khagala hanefho kha tshifhaṭo tshe iyo laisentsi ya bviselwa tshone; na
 - (c) badele masheleni a u vusuludza laisentsi ya zwikambi o randelwaho nga ṇwaha nga ṇwaha.
- (3) Arali ṭhanziela ya laisentsi yo xela, u tswiwa, u tshinyala kana yo kherukana, muṇe wa laisentsi u tea u vhiga mafhungo kha vha Tshumelo ya Tshipholisa ya Afrika Tshipembe hu saathu fhela maḍuvha a 14 nahone u tea u ita kopi ya ṭhanziela ya laisentsi.
- (4) Bodo i nga netshedza kopi ya ṭhanziela ya laisentsi nga murahu ha u badelwa ha masheleni o randelwaho a ṭhanziela ya laisentsi

35. U kundelwa u tevhedzela ṭhoxea ya laisentsi

- (1) Bodo i tea uri hu na muhumbulo une ya vhona wo tea uri muṇe wa laisentsi o kundelwa u tevhedzela nga—
- (a) mbetshelo ya tshifhinga kana nyimele yeneyo ya laisentsi ya zwikambi ya onoyo muthu; kana
 - (b) hune a kombetshedzea hu tshi tevhedzwa uyu Mulayo
 - (i) hu netshedzwe ṇdivhadzo ya u kundelwa kha fomo yo randelwaho ya mune wa laisentsi; nahone
 - (ii) arali Bodo i tshi fushea nga ha uri u kundelwa huṇwe na huṇwe ho bulwaho kha phara ya (i), hu sumbedza

vhukhakhi, i vhige muṅe wa laisentsi kha Tshumelo ya Tshipholisa ya Afrika Tshipembe u itela tsedzuluso.

- (2) Nḡivhadzo ya u kundelwa yo bulwaho kha khethekanyoṭhukhu (1), i tea u tsivhudza muṅe wa laisentsi –
- (a) khumbulelo ya u kundelwa na maga ane muṅe wa laisentsi a tea u a dzhia hu u itela uri a sa kundelwe; na
- (b) zwauri u tea u tevhedzela nḡivhadzo vhukati ha maḡuvha a 30 u bva tshe nḡivhadzo ya ṭangedzwa.
- (3) Bodo i nga engedza tshifhinga tsho bulwaho kha khethekanyoṭhukhu (2)(b), musi muṅe wa laisentsi o sumbedzisa mbuno dzi pfalaho.

36. Tshanduko, u fhahewa kana u fheliswa ha u shuma ha laisentsi

- (1) Arali muṅe wa laisentsi we a ṇetshedzwa nḡivhadzo hu tshi tevhedzwa khethekanyo 35 a sa tevhedzela ṭhodega dzo bulwaho kha nḡivhadzo kana a pandelwa hu tshi tevhedzwa uyu Mulayo, Bodo i tea u–
- (a) khwinisa kana u fhahea laisentsi ya zwikambi u ya nga hanefho hune Bodo ya vhona zwo tea; kana
- (b) fhelisa u shuma ha laisentsi,
- Na u ḡivhadza muṅe wa laisentsi nga u tou ṇwala nga ha –
- (i) khwiniso, u fhahea kana u fhelisa u shuma kathihi na u sumbedzise muhumbulo hanefho, na
- (ii) datumu ye laisentsi ya zwikambi ya khwiniswa, fhahewa kana u fheliswa u shuma.

- (2) Nga murahu ha musi laisentsi ya zwikambi yo no fhahewa kana u fheliswa u shuma, pfanelo dzoṭhe, mbuelo na magavhelo e a vha a tshi wanala hanefho zwi a imiswa nga datumu ye laisentsi ya fhahewa kana u fheliswa ngayo.

37. Khaṭhululo kha u khwiniswa, u fahewa kana u fheliswa ha laisentsi

- (1) Muṇe wa laisentsi a nga ri kha fomo yo randelwaho, a livhisa tsheo ya Bodo ya u khwinisa, imisa kana u fhelisa u shuma ha laisentsi kha Khorokhaṭhululi/ Khoru ya Khaṭhululo.
- (2) Khaṭhululo i tea u katela zwi tevhelaho:
 - (a) kopi ya ṇdivhadzo ya u sa tevhedzela yo ṇetshedzwaho hu tshi tevhedzwa khethekanyo 35;
 - (b) maga o dzhiwaho nga muṇe wa laisentsi kha u tevhedzelana na zwa ṇdivhadzo ya u kundelwa u tevhedzela vhukati ha tshifhinga tsho randelwaho;
 - (c) kopi ya tsheo ya Bodo ya u khwinisa, u fhahea kana u fhelisa u shuma ha laisentsi;
 - (d) tshitatamennde tsho tou ṇwalwaho tsha u itwa ha khaṭhululo; na
 - (e) mafhungo maṇwe afhio na afhio a vhonealaho o tea kha u ita khaṭhululo.
- (3) Khethekanyo 32 i ḑo shuma kha u thetsheleswa ha khaṭhululo.

38. U ḑiṇwalusulula nga u funa, u ḑibvisa kana u fhaladzwa

- (1) Muṇe wa laisentsi a nga ḑiṇwalusulula nga u funa nga u tou tou rumela ṇdivhadzo yo tou ṇwalwaho u ya kha Bodo a tshi sumbedzisa—
 - (a) muhumbulo na u ṭoḑa hawe u ḑiṇwalusulula na;
 - (b) datumu ine u ḑiṇwalusulula ha ḑo thoma u shuma ngayo.
- (2) Arali muṇe wa laisentsi a:
 - (a) si tshe na ndango ya ndaka;
 - (b) ḑibvisa; kana
 - (c) fhaladzwa,Muṇe wa laisentsi u tea u ḑivhadza Bodo nga u tou ṇwala nga ha aneyo mafhungo nahone a nambatedze kopi dza maṇwalo oṭhe o fanelaho a tshi khwaṭhisa u si tshe na ndango ya ndaka, u ḑibvisa kana u fhaladzwa.

- (3) Musi Bodo yo no ṭanganedza n̄divhadzo yo bulwaho kha khethekanyọthukhu (2), Bodo i tea, nga datumu yo bulwaho kha n̄divhadzo—
- (a) u fhelisa laisentsi ya mune wa laisentsi; na
- (b) u ðivhadza mune wa laisentsi nga u tou n̄wala, datumu ye u ðin̄walusulula uho ha thoma u shuma ngayo.

39. Lufu kana u kundelwa ha mune wa laisentsi

- (1) U itela ndivho dza iyi khethekanyo fhungo 'mulanguli wa ndaka ya mufu' zwi katela —
- (a) mulanguli wa ndaka ya mufu;
- (b) mulangi wa ndaka yo dzhiwaho kana mufari wa ndaka yo dzhiwaho; na
- (c) mulangaifa.
- (2) Musi mune wa laisentsi o lovha, o wisa bindu kana a vhewa kha vhulindavhufa sa mulanguli wa bindu hu u itela vhulanguli a nga bvela phanda hu tshi tevhedzwa hune laisentsi ya vha ngaho.
- (3) Muthu ufho na ufho a nga humbela nga fomo yo teaho kha Bodo u tholwa ha muthu wa u isa phanda tshumelo dza mune wa laisentsi ho lindelwa u tholwa ha mulanguli hu tshi tevhedzwa khethekanyọthukhu ya (2).
- (4) Phanda ha u nea laisentsi ya khumbelo hu tshi tevhedzwa khethekanyọthukhu (3). Bodo i fanela u fushea uri-
- (a) mūnwe na mūnwe a re na masheleni na dzangalelo o ðivhadzwa nga hei khumbelo;
- (b) mulanguli ha athu vhewa;
- (c) hu na khonadzeo khulu ya uri mulanguli/mutshimbidzi u ðo vhewa
- (5) Muthu ane a vhewa hu tshi tevhedzwa khethekanyọthukhu (3) u itela u tshimbidza bindu a nga bvela phanda nga u shuma hu tshi tevhedzwa laisentsi u swika hu tshi vhewa mulangi.

40. Tshandukiso ya dzangalelo la u langa

- (1) Muṇe wa laisentsi a songo, nga nṇḁa ha musi Bodo i na thendelo i no bva kha muṇe wa laisentsi, tendela muṇwe muthu a tshi langa mbuelo dza bindu.
- (2) Bodo a i bvisi laisentsi hu tshi tevhedzwa khethekanyoṭhukhu (1), musi muhumbeli wa thendelo a sa swikeli zwiṇwe zwa mulayo kha u vha muṇe wa laisentsi.

41. U shandukisa na u engedza tshumelo

- (1) Musi muṇe wa laisentsi a tshi ṭoḁa u shandukisa kana u engedza mashumele u fanela u ita khumbelo kha fomo dzo teaho u rumelwa kha Bodo.
- (2) Bodo i fanela, hu saathu fhela maḁuvha a 21 yo ṭanganedza khumbelo, u ṭola khumbelo nahone i nga_
 - (a) Tendela hu si na nyiledzo;
 - (b) tendela hu na nyiledzo kana;
 - (c) hana,

Thendelo ya u engedza kana u shandukisa tshumelo ya muṇe wa laisentsi.

42. Phiriso ya laisentsi

- (1) Muṇe wa laisentsi a nga ita khumbelo kha fomo dzo teaho ya u fhirisela ṭhanziela ya thendelo kha muṇwe muthu.
- (2) Bodo i fanela uri hu saathu fhira maḁuvha a 21 yo ṭanganedza khumbelo ya fhirisa ṭhanziela i ṭole khumbelo nahone i nga_
 - (a) tendela hu si na nyiledzo;
 - (b) tendela hu na nyiledzo; kana
 - (c) hana,

Thendelo ya u engedza kana u shandukisa tshumelo ya muṇe wa laisentsi.

(3) Mashumele a khethekanyo 27, 39, 31, 32 na 33 ndi a shumaho kha u pfukiswa ha laisentsi.

(4) Musi khumbelo hu tshi tevhedzwa khethekanyothukhu (1) yo tendelwa muṇe wa laisentsi u a tṅanguliwa thodea dzothe dza vha mahadani a muṇe wa laisentsi muswa.

43. U pfuluswa ha zwifhaṭo

- (1) Muṇe wa laisentsi a nga shumisa maitele o teaho na mbadelo dzo tiwaho u humbela u pfulusa vhupo ha u shumela nga ngomu ha tshitiṛiki tshenetsho tshithihi.
- (2) Bodo i fanela uri hu saathu fhela maḁuvha a 21 yo tṅangedza khumbelo i tole khumbelo hu tshi tevhedzwa khethekanyothukhu ya (4) i nga_
 - (a) tendela hu si na nyiledzo;
 - (b) tendela hu na nyiledzo; kana
 - (c) hana,
 khumbelo ya u sudzuluswa ha vhupo ha u bindudza.
- (3) Bodo i ḁo ṇekedza thanziela ya u sudzuluswa.
- (4) musi khumbelo hu tshi tevhedzwa khethekanyothukhu (1) ya u sudzuluswa ha ndaka hu ha ndaka ine_
 - (a) a i athu u fhaṭwa;
 - (b) i toḁa u vusuludzwa ha tshifhaṭo kana u engedzwa;
 - (c) i toḁa u fhaṭululwa,
 Bodo i ḁo ṇekedza muhumbeli ṇdivhadzo ya thodea kana zwiṇwe-vho zwi tiwaho nga Bodo.
- (5) Bodo i nga ita hezwi kha khumbelo_
 - (a) U khwinisa kana u humisela murahu dziṇwe nyiledzo hu tshi tevhedzwa khethekanyothukhu(4);
 - (b) hu tshi tevhedzwa khethekanyothukhu (6), u engedza tshifhinga tsho ṇetshedzwaho hu tshi tevhedzwa khethekanyothukhu (4); kana
 - (c) u tendela tshanduko kha tshifhaṭo.
- (6) Tshifhinga tshi tiwaho nga bodo uri tshifhaṭo tshi vhe tsho no fhela u fhaṭwa a tsho ngo tea u fhira miṇwedzi ya 24 na tshifhinga tsho ṇewaho

tsha u engedzedzwa hu tshi tevhedzwa khethekanyo^othukhu (5)(b), a tsho ngo tea u fhira minwedzi ya 12.

44. U ridzhisi^otariwa ha vha^one vha laisentsi na u vhulungwa ha ma^onwalwa a vun^odu

(1) Bodo i fanela u vhulunga ridzhisi^otara ya ma^onwalwa o^othe a-

- (a) Khumbelo dza dzi^olaisentsi;
- (b) La^oisentsi yo netshedzwaho;
- (c) La^oisentsi dzo iledzwaho;
- (d) La^oisentsi dze dza vha dzo ridzisi^otariwa dzo bviswaho hafhu, na
- (e) Nyiledzo dzi tshimbilaho na la^oisentsi.

(2) Bodo i fanela u kunguwedza kha gazethe n^owaha mu^onwe na mu^onwe hu saathu fhela ma^oduvha a 60 wo fa, vha^one vha la^oisentsi kha guran^onda ya muvhuso na i^onwe guran^onda i swikelaho v^ohathu vhanzhi hene^ofho i bvisele khagala na zwidodombedzwa zwa la^oisentsi i sumbedze_

- (a) Vho n^oewaho la^oisentsi;
 - (b) La^oisentsi dzi iledzwaho;
 - (c) vho d^oibvisaho nga u tou funa kana vho tou wisaho mabindu;
 - (d) vho hanelwaho u netshedzwa dzi^olaisentsi; na
 - (e) vha la^oisentsi dzo shandulwaho,
- Kha n^owaha wo faho.

45. Mbadelo kha muthelo wa mbuelo

Mitengo yo^othe yo tiwaho lwa mulayo i fanela u iswa kha muthelo wa mbuelo kha Vun^odu_(Vhufaragwama ha Vun^odu).

NDIMA YA 5
MILAYO YA THENGISO YA ZWIKAMBI

46. Thengiso ya zwikambi

Muṇe wa laisentsi hu tshi tevhedzwa khethekanyo 25(a)-(c) a nga si rengisele zwikambi muṭombi kana holosele.

47. Nyiledzo kha thengiso ya zwikambi

Muthu a songo rengisela zwikambi vhathu vhane__

- (a) Vha vha fhasi ha minwaha ya 18;
- (b) vha vha vho dihwala;
- (c) vha vhonala vho no di kambwa; kana
- (d) vha vha vho ambara zwiambaro zwa tshikolo.

48. Ndangulo ya bindu

(1) Muthu, nga nṇḁa ha wa ṇama a nga si tshimbidze bindu nga nṇḁa ha musi e muthu wa ṇama a dzulaho ngomu shangoni ḽino a songo iledzwa nga mulayo nga nṇḁa ha u tou hira muthu o teaho na ane a ḁo dzhia vhuḁifhinduleli hu tshi tevhedzwa laisentsi yeneyo.

(2) Muthu wa ṇama vhukuma a re na thendelo a nga shumisa ṇḁila dzo teaho u thola muṇwe muthu a dzulaho Afrika Tshipembe a songo iledzwaho u tshimbidza bindu hu tshi tevhedzwa laisentsi.

(3) Arali muṇe wa laisentsi kana muṇwe muraḁo wa bindu kana ḽinwe bindu ḽi re na vhushaka na ḽeneḽi__

- (a) A laṭedza hu tshi tevhedzwa bodo tshifhaṭo a songo ṇea matshimbidzele a bindu ḽo ṇewaho ṭhanziela;

(b) A iledzwa kana a si tsha kona hu tshi tevhedzwa mulayo u vha muṇe wa laisentsi; kana

(c) E na mushumisani o waho,

Bodo i nga kona uri arali hu na khumbelo nga muthu a re na dzangalelo kha bindu lenelo i thole nnyi kana nnyi u langa na u londota bindu tshifhinga tsha minwedzi ya 12 huno-ha onoyo o tholiwaho a vha fhasi ha ndango ya khethekanyothukhu 4(b) hune a vho pfi muṇe wa laisentsi.

(4) U vhewa hu tshi tevhedzwa khethekanyothukhu (3)___

(a) Hu tevhela zwi vhwaho nga Bodo;

(b) Hu songo kwamiwa pfanelo dzine muthu a vha nadzo kha bindu; na

(c) Hu nga ḡi humiswa nga Bodo hu tshi itelwa zwivhuya.

(5) Muthu a langaho bindu hu tshi tevhedzwa laisentsi u a vhofhea nga pfanelo na vhudifhinduleli e muṇe wa laisentsi.

(6) Khethekanyothukhu (5) i songo pfala i tshi vhofholola mufara thendelo kha vhudifhinduleli hu tshi tevhedzwa mulayo.

49. Tshandukiso kha zwifhaṱo

(1) Muṇe wa laisentsi, a saathu shandukisa, engedza na u fhaṱulula tshifhaṱo tshi re na ṱhanziela u fanela u thoma a ita khumbelo kha Bodo.

(2) Bodo i nga tenda kana ya hana khumbelo iyo hu tshi tevhedzwa khethekanyothukhu

50. Zwifhinga zwa u rengisa

Bodo i nga iledza u rengiswa ha zwikambi kha maṇwe maḡuvha kana ya ta iri dza u rengisa zwikambi.

51. Phungudzo ya vhatholi

- (1) A hu na muthu ane a fanela u thola muñwe u rengisa zwikambi ane a-
- (a) vha fhasi ha miñwaha ya 16; kana
 - (b) o no pfuka milayo ya u rengiswa ha zwikambi lwe a vhuya a gwevhelwa u dzula dzhele hu si na mbadelo dza ndatiso kana zwothe nga zwivhili, u kudzwa dzhele kana u badeliswa.
- (2) Khethekanyothukhu (1) a i shumi kha vha fhasi ha miñwaha ya 16 vhane vha khou wana tshenzhemo u itela pfunzo dzavho u bva kha zwiimiswa zwo tendelwaho.

52. Ndivhadzo ya vhulonda mutakalo

Muradzo wa Khorotshitumbe vha nga, vho tangana na Muradzo wa Khorotshitumbe ya mutakalo kha vunḁu, vhea maitele ane muḁe wa laisentsi a fanela u a tana a kwamaho ndivhadzo na marengisele a zwikambi na manwele azwo.

NDIMA YA 6**U SHUMA HA MULAYO NA VHULAMUKANYI****Tshipida 1****Zwiluḁi zwo iledzwaho na zwi no tea u langiwa****53. Khumbelo ya u rengiswa ha zwinwiwa zwi si na mutakalo**

- (1) A hu na muthu ane a:-
- (a) nga vha na ndango kana u vha na; kana
 - (b) nga rengisa-

- (i) zwiludi zwa t̥hangano zwo itwaho nga u vhlisa swigiri kana zwiñwe zwithu zwi ðivheaho sa muvanya, isishimiyana, hopana, qediviki, skokiaan, uhaili kana Barberton, huno hezwi a zwi kateli halwa ha kale na kale ha mahafhe;
 - (ii) zwiludi zwo t̥anganywaho zwine zwa vhidzwa nga l̥iñwe dzina zwine zwa fana na izwo zwi re kha ndimana(1);
 - (iii) zwiñwe zwiludi zwo t̥anganywaho zwine Muraðo wa Khorotshitumbe o t̥angana na wa zwa mutakalo na Bodo mbusi vha ðivhadza kha gurann̄a ya muvhuso uri zwi lwa na mutakalo wa vhathu; na
 - (iv) zwinwiwa zwo itwaho ho shumiswa zwiludi zwo t̥anganyiswaho sa zwi re kha ndimana (i), (ii), kana (iii).
- (2) Muraðo wa Khorotshitumbe a nga ri nga murahu ha vhukwamani na muraðo wa Khorotshitumbe ya mutakalo kha Vundu, a shandukisa kana u humisa n̄divhadzo i kwamaho khethekanyo t̥hukhu (1)(b)(iii).

54. Zwipiriti zwi kalakataho

Muraðo wa Khorotshitumbe, a nga vhea mulayo nga ha-

- (a) U t̥undiwa, u endedzwa, u vhulunga, u rengisa na u shumisa zwipiriti zwi kalakataho;
- (b) Vhathu vthane vha nga rengisa zwipiriti zwi no kalakata;
- (c) U vhulungwa ha manwalwa a elanaho na u shumiswa ha zwipiriti na zwine zwa fanela u n̄walwa kha anea manwalwa;
- (d) U vhulungwa na u kutelwa ha tsumbo na manwalwa hu tshi tevhedzwa ndimana ya (c)
- (e) U vhlisa, u lwa na minukho, u ñea mivhala kha zwipiriti zwi rengiseaho zwi no vhulungelwa u rengiswa na zwine zwa fanela u itiswa zwone;
- (f) Vhunzhi ha zwipiriti zwine zwa nga rengiswa zwifhingani zwikene na kha vhathu vhakene;

- (g) U thivhelwa kana u iledzwa ha thengiso kana u vhulunga zwipiriti hu tshi katela na u tendela u vhulunga zwipiriti hu tshi katela na u tendela u vhulunga na u rengiswa ha zwipiriti zwenezwo.

Tshipida II Vhuingameli

55. U nea maanda vhaingameli kha thengiso ya zwikambi

- (1) Mirado wa Khorotshitumbe vha nga khetha vhathu u vha vhaingameli kha thengiso ya zwikambi vha tholeaho sa vhaofisiri vha mulalo nga Minista wa Vhulamukanyi hu tshi tevhedzwa khethekanyo 334 ya Mulayo wa Matshimbidzelwe a Vhugvehenga, 1977 (Mulayo No. 51 wa 1977).
- (2) Vhaingameli vha zwikambi vha na maanda e vha newa nga Minista wa Vhulamukanyi kha gurannda ya muvhuso. Murodo wa Khorotshitumbe u fanela u vha muingameli wa zwikambi e na thanziela i no sumbedza zwine a ita hu tshi tevhedzwa mulayo.

56. Maanda na mishumo ya vhaingameli vha zwikambi

- (1) Vhaingameli vha zwikambi vha nga__
- (a) ingamela, u tola na u kombetshedza u tevhelwa ha mulayo;
 - (b) u todisisa mbilahelo dzo diswaho nga ndila yo teaho;
 - (c) vhudzisa muñwe na muñwe tshifhatoni tshinwe na tshinwe zwinwe na zwinwe zwi kwamaho u tola;
 - (d) U tola kana u fodisa manwalwa othe, u dzhia zwinepe kana zwifanyiso zwa vidio zwa muñwe na muñwe kha tshifhatoni tshinwe na tshinwe hu tshi tevhedzwa zwa vhuingameli;
 - (e) U dzhia zwikambi zwothe zwine zwa khou rengiswa kana u nekedzwa hu sa tevhelwi mulayo;

- (f) U dzhia tshiñwe na tshiñwe tshi vhonekho tsho iledzwa hu tshi tevhedzwa khethekanyo 6 ya mulayo wa zwibveledzwa zwa zwickambi; na
- (g) u ñekedza ñiñwalo ña u sa tevhedzela maitele o teaho nga ñdila yo teaho.
- (2) Muingameli wa zwickambi u fanela u ñekedza ñiñwalo kha muñe kana kha a re kha vhulangi ha tshiimiswa nga zwothe zwo dzhiwaho.
- (3) Muingameli wa zwickambi a nga fheletshedzwa nga muraño wa tshipholisa kana muñwe na muñwe ane a nga vhonekho a tshi nga thusa kha vhuingameli.

57. Mushumo wa u thusa vhaingameli

A hu na muthu ane a nga-

- (a) Hana u ñetshedza mañwalwa na vhuñwe vhuñanzi vhu ñodiwaho lwa mulayo;
- (b) Ñetshedza vhuñanzi vhu si hone kana vhu xedzaho muingameli, kana
- (c) Hana, thivhela, dzhenelela kana u khakhisa musi muingameli a tshi khou shuma hu tshi tevhedzwa mulayo.

58. Ñdivhadzo ya u sa tevhedza maitele one

- (1) Muingameli a vhonekho hu si na u tevhelela maitele hu tshi tevhedzwa khethekanyoñhukhu (2) u fanela u ñetshedza ñiñwalo kha muñe kana muthu a re kha vhulangi ha tshifhaño tshenetsho.
- (2) ñiñwalo ña u sa tevhedza ñhodea hu tshi tevhedzwa khethekanyo (1) ñi vhea hezwi khagala-
 - (a) afho he ha si tevhelwe ñhodea dzone; na
 - (b) ñhalutshedzo yo fhelelaho ya izwo zwi songo tevhelwaho;
 - (c) Zwine zwa fanelwa u tevhelwa na tshifhinga tsha u ita zwenezwo na
 - (d) ndañoiso ine ya nga ñetshedzwa arali ha sa vha na u tevhedza zwo teaho.

- (3) Ndivhadzo ya u sa tevhedzwa ha maitele one i dzula yo ralo u swikela muingameli wa mabindu a zwikambi a tshi bvisa ndivhadzo ntswa ya u sumbedza uri maitele kwao a vho tevhedzwa.

59. U valwa ha zwifhaṱo zwo tendelwaho u rengisa zwikambi

- (1) Musi bodo i tshi vhona u nga_
- (a) u khakhiswa ha lushaka;
 - (b) zwo bvaho ndilani;
 - (c) khakhathi; kana
 - (d) khakhathi vhathuni
- Zwi khou bvelela kana zwi nga vha hone tshifhaṱoni kana tsini natsho, muingameli kana bodo i nga tshea uri muṱe kana mulangi nga a vale tshifhaṱo lwa tshifhinga tsho tiwaho nga muingameli.
- (2) muṱe wa laisentsi, mulangi kana mutshimbidzi u fanela u vha o tea hu tshi tevhedzwa khethekanyoṱhukhu (1).
- (3) muingameli kana bodo i nga bvisa ndaela hu tshi tevhedzwa khethekanyoṱhukhu (1)

60. Mivhigo ya muingameli

Muingameli wa zwikambi u fanela u netshedza muvhigo kha Bodo-

- (a) Nga ha u sa tevhelwa ha ṱhoxea kana nyiledzo nga muṱe wa laisentsi;
- (b) U imiswa ha laisentsi ya muṱe wa laisentsi hu tshi tevhedzwa mulayo;
- (c) U ambaho uri hu shandukiswe zwiṱwe zwi kwamaho tshifhaṱo;
- (d) Uri ho shandulwa zwiṱwe kha tshifhaṱo hu songo kwamiwa Bodo; na
- (e) Zwiṱwe-vho zwi kwamaho laisentsi zwine muingameli a wana zwi zwa ndeme kha u divhadza Bodo.

Tshipiḁa III**Milandu****61. Milandu nga u angaredza****(1) Muthu ane a -**

- (a) rengisa na u bveledza zwipiriṭi zwi kalakataho_
 - (i) a si na laisentsi; kana
 - (ii) o pfuka milayo ya zwikambi;
- (b) rengisa kana u inga halwa ha mahafhe _
 - (i) a si na thendelo; kana
 - (ii) o pfuka thendelo ya milayo ya halwa ha mahafhe ;
- (c) wa zwiito zwa vhuhwarahwara, songo dzudzanyea kana o kambwa ngomu kha tshifhaṭo tshi re na laisentsi yo bviswaho;
- (d) u nwa zwikambi badani ifhio na ifhio, magondoni , kha bada kana u fhirwa ngaho, kana kha tshipiḁa tsha shango tshi si na muthu, fhethu ha dziḁoroboni kana huṁwe fhethu ho khethwaho hu re kha puloto;
- (e) thoma, vha na vhune kana u shumisa zwikambi midavhini i songo redzhiṣiṭariwaho, hune tshitshavha tsha kana vha wana thendelo, hu songo sedzwa uri thendelo yo bva ho vha na mbadelo kana yo iledzwa kha vhathu vhakene kana;
- (f) ṅetshedza vhuṭanzi ha u ḁitalusa hu si hone kana muthu muṁwe na muṁwe a re na vhukale ha miṁwaha ya ṅṅha ha 18 u itela uri a vhe mune wa laisentsi kana vhaimele kana mushumi wa mune wa laisentsi, uri a rengise kana u ṅetshedza zwikambi kha muthu; kana
- (g) ṅetshedza zwikambi kha muthu sa__
 - (i) mbadelo dza miholo;
 - (ii) malamba;
 - (iii) ṱhuṱhuwedzo kha mushumo; kana
 - (iv) nyengedzedzo kha mushumo,

u ita vhukhakhi nahone o wanala mulandu e na
vhuḡifhinduleli ha faini kana tshigwevho kana zwoṱhe nga
khathihi, faini na tshigwevho.

(2) Muthu ane a __

- (a) vha fhasi ha miṅwaha ya 18; kana
- (b) o ḡihwala

A renga zwikambi u bva kha muṅe wa laisentsi, ita vhukhakhi nahone o hwala
vhuḡifhinduleli kana tshigwevho kana zwoṱhe faini na tshigwevho.

(3) Muiti wa khumbelo kana muṅe wa laisentsi ane a__

- (a) pfuka kana u feila u tevhedza mbetshelo dza Mulayo uyu.
- (b) pfuka kana u feila u tevhedza ndaela yo bviswaho hu tshi tevhedzwa
Mulayo uyu; kana
- (c) tendelaho muthu muṅwe u ita zwo iledzwaho hu tshi tevhedzwa ndima (a)
kana
- (d) u ita vhukhakhi vhune a wanala mulandu a nga kudzwa dzhele kana a
lifhiswa kana a wana dzothe hedzi ndatiso.

62. Vhukhakhi vhu kwamaho vhuṱanzi

Muthu ane a -

- (a) ṅetshedza vhuṱanzi vhu ḡaḡisaho nahone vhu si hone; kana
- (b) ṅetshedza maṅwalo a si one sa a re one-one hu u itela khumbelo inwe na
inwe, khaṱhululo, u hanelwa na u fhindula kana u fhindulwa hu tshi
tevhedzwa mulayo u tea uri arali o vhone mulandu a ṅewe ndatiso nga u
tou lifha kana a valelwa dzhele kana zwoṱhe nga khathihi, u valelwa na u
tou lifha.

63. Milandu i kwamaho Bodo

Muthu ane a-

- (a) sa bveleliho musu o vhidzwa nga Bodo nga duvha likene nga tshifhinga tshikene;
 - (b) a takuwa mutanganoni wa Bodo a songo tendelwa nga mudzulatshidulo;
 - (c) lamba u netshedza vhuṭanzi, maṅwalwa kana bugu mnusi zwo humbelwa nga Bodo zwi re na vhuṭanzi; kana
 - (d) ita nga khole a vhilinganya matshimbidzelwe a mutangano wa Bodo kana u khakhisa muṅwe muraḏo heneḑho khoroni,
- U ita vhukhakhi vhune arali a wanala mulandu u a lifhiswa kana a valelwa dzhele kana a itwa zwoṭhe nga khathihi.

64. Milandu ya vhuingameli

Muthu ane a__

- (a) ḑiita muingameli wa zwikambi a si ene;
 - (b) thivhela muingameli wa zwikambi kha mushumo wawe;
 - (c) hana kana u kundelwa u tevhedza mulayo wa zwikambi; kana
 - (d) hana zwi siho mulayoni u fhindula mbudziso u bva kha muingameli wa zwikambi kana u ṅea vhuṭanzi vhu si hone nga khole,
- U ita vhukhakhi vhune a wanala mulandu a nga lifhiswa kana u honelwa kana zwoṭhe nga khathihi.

Tshipiḑa IV

Matshimbidzele a zwa Vhulamukanyi

65. U netshedza ṅdivhadzo na maṅwalo

Ḓiṅwalo Ḓiṅwe na Ḓiṅwe Ḓi no tea u netshedzwa hu tshi tevhedzwa mulayo Ḓi nga netshedzwa nga tshanda kana nga telefax, u redzhisiṭariwa, nga poswo kha aḑiresi ya vhudzulo ya uyo ane ya khou iswa khae sa zwe zwa ṅekedziswa zwone kha Bodo nahone zwi fanela u ṅwalwa fhasi ha he Ḓiṅwalo Ḓa-

- (a) iswa nga tshanda musu Ḓo swikiswa;

- (b) rumelwa nga fekisi, musi ho wanala vhuṭanzi kha mutshini wo rumelwaho;
- (c) poswa nga u tou redzhisitariwa nga maḁuvha a 14 lo ṭuwa.

Musi hu si na vhuṭanzi ha uri muṭanganedzi ha ngo ḽi ṭanganedza nge a si vhe hone, nga nwambo wa khombo kana zwiitisi zwine a si vhe na ndango khazwo hu vhewa ḽinwe ḁuvha.

66. U ṭolululwa nga Khothe Khulwane

Tsheo dza Bodo dzi nga shandulwa hu tshi tevhedzwa Mulayo wa u Phuromotiwa ha Ndaulo ya Vhulamukanyi (Mulayo No.3 wa 2000).

Tshipiḁa V Zwkwamaho vhuṭanzi

67. Vhuṭanzi vhuṇwe nga dzi afidafithi

- (1) Arali mbudziso ya vha hone tsengoni ya zwa muvhuso ya uri inwe nyito kana huṇwe u pfukisa zwiṇwe zwo itea kana a zwo ngo itea kana ha vha na mbudziso muthu kana kufhafha lwa muvhuso lwo ita zwikene kana a zwo ngo itea hu itwa ḽinwalo ḽa afidaviti nga onoyo muthu ḽi no ṇetshedza mahumbulelwa a uri-
 - (a) u kha mutevhe wa vhashumeli vha muvhuso nahone kha ofisi yo teaho;
 - (b) na uri_
 - (i) zwenezwo zwo itea kha ofisi yeneyo kana lutavhi lwonolwo; kana
 - (ii) uri onoyo muthu o tamba tshipiḁa kha u itea ha zwenezwo nahone o vha a tshi khou zwi pfesesa u a kona u bvisa vhuṭanzi.
 - (c) A zwo ngo ḁa kha ṇḁivho yawe-

- (i) zwenezwo zwiito, u kokodzwa ha dzitshelede zwo itea; kana
- (ii) muthu onoyo o vha tshipida huno a hu na vhuṭanzi ho
vhulungwaho,

Zwi fanela u mbo ḡi vha vhuṭanzi ha uri zwithu zwo itea kana a zwo ngo itea kana onoyo ha ngo ita zwenezwo zwi no khou lavheleswa.

- (2) Arali ha vha na mbudziso ya uri muthu mukene o ṅetshedza kana u sa ṅetshedza vhuṭanzi vhukene ḡinwalo ḡa afidaviti nga onoyo muthu a no ri mukene ha ngo mu ṅetshedza zwikene ḡi fanela u ṭanganedzwa musi ḡi tshi tou bvisiwa.
- (3) Arali ha vha na mbudziso ya uri vhuṭanzi vhukene ho ṅwaliswa naa hu tshi tevhedzwa mulayo, afidaviti nga muthu a tendaho uri zwi kwama ene hu tshi tevhedzwa mulayo uri u na vhuṭanzi uri vhuṭanzi honoho ho
vhulungwa u fanela uri vhuṭanzi honoho hawe vhu ṭanganedzwe musi a tshi tou bvisa ḡinwalo ḡeneḡo.

68. Maitele a ṭodeaho kha vhuṭanzi ha afidaviti

- (1) Afidaviti yo ṅwalwaho hu tshi tevhedzwa khethekanyo 67 a i ṭanganedzwi sa vhuṭanzi hu tshi tevhedzwa khethekanyoṭhukhu nga ṅṅa ha musi yo ḡiswa nga onoyo a ṭodaho u i shumisa sa vhuṭanzi hu saathu swika maḡuvha a sumbe u ya kha dzulo ḡa fhungo ḡeneḡo.
- (2) Bodo ine afidaviti hu tshi tevhedzwa khethekanyoṭhukhu (1) ya ṅekedzwa i nga ita khumbelo ya uri muthu onoyo o itaho afidaviti a ḡivhonadze u itela u fhindula dziṅwe mbudziso lune phindulo na mbudziso dzenedzo dza fanela-vho u ṭanganedzwa sa vhuṭanzi.

NDIMA YA 7**NDANGULO****69. Ndangulo**

- (1) Muraqo wa Khorotshitumbe vha nga sika milayo i kwamaho-
- (a) u tshimbidzwa ha mitangano hu tshi tevhedzwa khethekanyo 16;
 - (b) maitele a khumbelo na u bviswa ha laisentsi dza halwa ha mahafhe hu tshi tevhedzwa khethekanyo 24;
 - (c) milayo ya laisentsi dza halwa ha mahafhe ;
 - (d) thodea dza vhupo ha halwa ha mahafhe ;
 - (e) mutengo wa khumbelo ya halwa ha mahafhe ;
 - (f) minwe milayo i sa kwamiho halwa ha mahafhe ;
 - (g) khumbelo ya maitele kha mishumo ya tshipentshela hu tshi tevhedzwa khethekanyo 26;
 - (h) maitele a u humbela laisentsi ya zwikambi hu tshi tevhedzwa khethekanyo 28;
 - (i) thodea dza u kunguwedza hu tshi tevhedzwa khethekanyo 28;
 - (j) mutengo wa thanziela ya laisentsi ya zwikambi;
 - (k) maitele na fomo dza u shumiswa nga maandalanga-apo hu tshi tevhedzwa khethekanyo 28(1) na 28(3) hu tshi itelwa bodo;
 - (l) nzulele ya thanziela ya zwikambi hu tshi tevhedzwa khethekanyo 33;
 - (m) mutengo wa laisentsi ya zwikambi hu tshi tevhedzwa khethekanyo 33(2);

- (n) mbadelo nga n̄waha dza mune wa laisentsi hu tshi tevhedzwa khethékanyo 34(2)(c);
 - (o) n̄dila ya n̄divhadzo dza u sa tevhele mulayo dzi bvaho kha bodo 35(1);
 - (p) n̄dila ya u hwesa khumbelo ya khathululo kha u imiswa na zwiñwe hu tshi tevhedzwa khethékanyo 37;
 - (q) maitele a u thola muñwe muthu u langa bindu hu tshi tevhedzwa khethékanyo 48(2);
 - (r) nyiledzo dza iri dza u rengisa hu tshi tevhedzwa khethékanyo 50;
 - (s) maitele a t̄hanziela ya mushumo ya muingameli hu tshi tevhedzwa khethékanyo 55(3);
 - (t) tshivhumbeo tsha fomo ya u n̄etshedza mbilahelo kha muingameli hu tshi tevhedzwa khethékanyo 56(1)(b);
 - (u) mbonalo ya khwañhisedzo ya mbadelo dzi itwaho hu tshi tevhedzwa khethékanyo 56(2);
 - (v) maitele a khwañhisedzo ya mbadelo hu tshi tevhedzwa khethékanyo 56(2);
 - (w) maitele a n̄divhadzo ya u sa tevhedza i tshi itwa nga muingameli hu tshi tevhedzwa khethékanyo 58(1);
 - (x) maitele a t̄hanziela ya thevhedzo hu tshi tevhedzwa khethékanyo 58(3);
 - (y) u thoma na u shuma ha dzangano la thengiso ya zwikambi kha Vundu; na
 - (z) zwiñwe-vho hu u itela zwipikwa zwa mulayo.
- (2) Milayo i itwaho hu tshi tevhedzwa mulayo i a n̄etshedzwa na vhutshinyi na ndat̄iso.

NDIMA 8**MBETSHELWA NGA U ANGAREDZA****70. Phungudzo ya vhuḍifhinduleli**

A hu na muthu kana muvhuso ane a vha na vhuḍifhinduleli ha tshinyalelo kana ndozwo yo ḍaho nga-

- (a) u shumiswa ha maanḁa hu tshi tevhedzwa hoyo mulayo; kana
- (b) u kundelwa u shumiswa ha maanḁa kana inwe nyito nga hoyu mulayo,

Nga nḁa ha musi u itwa kana u sa itwa ha zwenezwo hu si ho mulayoni, ho itwa nga u sa londa kana nga khole.

71. Mbekanyelo ya u pfukisa

- (1) khumbelo yo itwaho ho tevhelwa Mulayo wa Zwikambi, 1989, ye ya itwa hu saathu u thoma u shuma ha uyu mulayo i sa laṭwe nga yeneyo datumu i fanela u bvela phanḁa sa Mulayo wa Zwikambi, 1989.
- (2) zwiṇwe-vho hu tshi katelwa ṭhanziela na thendelo hu tshi tevhedzwa ndima ya u ranga zwe zwa shuma phanḁa ha uno mulayo zwi mbo ḡi katewa kha hoyu mulayo.
- (3) Nḁivhadzo hu tshi tevhedzwa khethekanyo ya 34 ya Mulayo wa Zwikambi, 1989, hu tshi tevhedzwa khumbelo ya ṭhanziela sa zwi re kha ndima yo fhiraho zwi dzhiwa sa ṭhanziela u bva ḍuvha ḡeneḡo ḡa u shuma ha mulayo.

72. Dzina ḡipfufhi na mathomo

Hoyu mulayo u vhidzwa Mulayo wa Zwikambi wa Limpopo, 2007 nahone u thoma u shuma nga ḍuvha ḡo tiwaho nga Mulangavunḁu kha gurannḁa ya muvhuso.

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

