



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 377

CAPE TOWN, 27 NOVEMBER 1996

No. 17612

KAAPSTAD, 27 NOVEMBER 1996

PRESIDENT'S OFFICE

No. 1901.

27 November 1996

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 102 of 1996: National Small Business Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1901.

27 November 1996

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 102 van 1996: Nasionale Kleinsakewet, 1996.

ACT

To provide for the establishment of the National Small Business Council and the Ntsika Enterprise Promotion Agency; and to provide guidelines for organs of state in order to promote small business in the Republic; and to provide for matters incidental thereto.

*(Afrikaans text signed by the President.)
(Assented to 12 November 1996.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

CHAPTER I

Definitions

1. In this Act, unless the context otherwise indicates— 5
 - (i) "Agency" means the Ntsika Enterprise Promotion Agency established by section 9; (i)
 - (ii) "Board" means the Board of Directors of the Agency contemplated in section 11; (iii)
 - (iii) "Chief Executive Officer" means the Chief Executive Officer of the Agency appointed as contemplated in section 11(1)(b); (vi) 10
 - (iv) "constitution of the Agency" means the constitution of the Agency contemplated in section 13 and adopted in terms of section 16(1); (ix)
 - (v) "constitution of the Council" means the constitution of the Council contemplated in section 4 and adopted as contemplated in section 8(3); (x) 15
 - (vi) "Council" means the National Small Business Council established by section 2; (xv)
 - (vii) "Director-General" means the Director-General of the Department of Trade and Industry, or an officer of that Department designated by that Director-General; (iv) 20
 - (viii) "Minister" means the Minister of Trade and Industry; (xi)
 - (ix) "National Co-ordinator" means the National Co-ordinator of the Council appointed as contemplated in section 6(1); (xiii)
 - (x) "National Small Business Support Strategy" means the national policy in respect of small business support as published by the Minister in the *Gazette*, and includes the policy as stated in the *White Paper on National Strategy for the Development and Promotion of Small Business in South Africa* (Notice No. 213 of 1995, published in *Gazette* No. 16317 of 28 March 1995); (xii) 25
 - (xi) "prescribed" means prescribed by regulation; (xvii)
 - (xii) "provincial council" means a provincial small business council for small business established under the constitution of the Council; (xiv) 30
 - (xiii) "regulation" means any regulation made under this Act; (xvi)
 - (xiv) "service provider" means any public or private entity providing support services to small business; (ii)
 - (xv) "small business" means a separate and distinct business entity, including co-operative enterprises and non-governmental organisations, managed by one owner or more which, including its branches or subsidiaries, if any, is predominantly carried on in any sector or subsector of the economy mentioned in column 1 of the Schedule and which can be classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria mentioned in columns 3, 4 and 5 of the Schedule opposite the smallest relevant size or class as mentioned in column 2 of the Schedule; (vii) 35
40

WET

Om voorsiening te maak vir die instelling van die Nasionale Kleinsakeraad en die Ntsika-ondernemingontwikkelingsagentskap; en om riglyne vir staatsorgane te verskaf ten einde kleinsake in die Republiek te bevorder; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 12 November 1996.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

HOOFSTUK 1

Woordomskeywing

- 5 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) “Agentskap” die Ntsika-ondernemingbevorderingsagentskap ingestel by artikel 9; (i)
 - (ii) “diensverskaffer” ’n openbare of private entiteit wat steundienste aan kleinsake lewer; (xiv)
 - 10 (iii) “Direksie” die Direksie van die Agentskap beoog in artikel 11; (ii)
 - (iv) “Direkteur-generaal” die Direkteur-generaal van die Departement van Handel en Nywerheid, of beampte van daardie Departement deur daardie Direkteur-generaal aangewys; (vii)
 - (v) “hierdie Wet” ook die regulasies; (xvii)
 - 15 (vi) “Hoof- Uitvoerende Beampte” die Hoof- Uitvoerende Beampte van die Agentskap aangestel soos beoog in artikel 11(1)(b); (iii)
 - (vii) “kleinsaak” ’n afsonderlike en bepaalde sake-entiteit, en ook koöperatiewe ondernemings en nie-regeringsorganisasies, wat deur een eienaar of meer bestuur word en wat, saam met sy takke of ondergeskiktes, indien enige, oorewegend bedryf word in ’n sektor of subsektor van die ekonomie vermeld in kolom 1 van die Bylae en wat as ’n mikro-, ’n baie klein-, ’n klein- of ’n medium-onderneming geklassifiseer kan word deur aan die maatstawwe vermeld in kolomme 3, 4 en 5 van die Bylae teenoor die kleinste toepaslike grootte of klas, vermeld in kolom 2 van die Bylae, te voldoen; (xv)
 - 20 (viii) “kleinsakeorganisasie” enige entiteit, hetsy ingevolge enige wet ingelyf of geregistreer al dan nie, wat wesenlik bestaan uit persone wat kleinsake-ondernemings in enige ekonomiese sektor bedryf, of wat ingestel is vir die doel om die belange van kleinsakeondernemings te bevorder of sodanige ondernemings te verteenwoordig, en ook enige federasie wat geheel of gedeeltelik uit sodanige assosiasie bestaan, en ook enige tak van sodanige organisasie; (xvi)
 - 30 (ix) “konstitusie van die Agentskap” die konstitusie van die Agentskap beoog in artikel 13 en aangeneem ingevolge artikel 16(1); (iv)
 - (x) “konstitusie van die Raad” die konstitusie van die Raad beoog in artikel 4 en aangeneem soos beoog in artikel 8(3); (v)
 - 35 (xi) “Minister” die Minister van Handel en Nywerheid; (viii)
 - (xii) “Nasionale Kleinsakesteunstrategie” die nasionale beleid ten opsigte van kleinsakesteun soos deur die Minister in die *Staatskoerant* gepubliseer, en ook die beleid soos gestel in die *White Paper on National Strategy for the Development and Promotion of Small Business in South Africa* (Kennisgewing No. 213 van 1995, soos gepubliseer in *Staatskoerant* No. 16317 van 28 Maart 1995); (x)
 - 40

- (xvi) "small business organisation" means any entity, whether or not incorporated or registered under any law, which consists mainly of persons carrying on small business concerns in any economic sector, or which has been established for the purpose of promoting the interests of or representing small business concerns, and includes any federation consisting wholly or partly of such association, and also any branch of such organisation; (viii) 5
- (xvii) "this Act" includes the regulations. (v)

CHAPTER 2

National Small Business Council

Establishment of National Small Business Council 10

2. The National Small Business Council is hereby established as a juristic person.

Functions of Council

3. (1) The functions of the Council are to—
- (a) represent and promote the interests of small business, with emphasis on those entities contemplated in the National Small Business Support Strategy; and 15
 - (b) advise the national, provincial and local spheres of government on social and economic policy that promotes the development of small business;
- (2) The Council may exercise such powers and must perform such duties as are reasonably necessary for or incidental to the performance of the functions mentioned in subsection (1). 20
- (3) The Council must perform its functions in accordance with this Act and its constitution.

Constitution of Council

4. Subject to this Act and the National Small Business Support Strategy, the constitution of the Council must, among others, provide for— 25
- (a) the composition of the Council consisting of—
 - (i) 18 members of which each provincial council elects two members from their number; and
 - (ii) if the members referred to in subparagraph (i) so elect, five members appointed in an expert or representative capacity; 30
 - (b) a provincial council for each province consisting of members elected by small business organisations that meet the criteria set out in the constitution;
 - (c) subject to this Act, and in order to achieve the objects contemplated in section 3, the powers and duties of the Council and the provincial councils;
 - (d) criteria for the appointment and procedures for the election of the members referred to in paragraphs (a) and (b); 35
 - (e) the appointment of any alternate member to act during the absence or incapacity of a member of the Council or a provincial council;
 - (f) the election of office bearers of the Council and provincial councils, their functions, and the circumstances and manner in which they may be removed from office; 40
 - (g) a two year tenure for members of the Council and provincial councils;
 - (h) the circumstances and manner in which membership of the Council and provincial councils may be terminated and procedures for the filling of vacancies; 45
 - (i) the establishment and functioning of committees, including a management committee for the Council and provincial councils;
 - (j) the co-opting as a member of any person to assist the Council, a provincial council or any committee in the consideration of any particular matter;
 - (k) the rules for the convening and conducting of meetings of the Council and provincial councils, including the quorum required for and the minutes to be kept of those meetings; 50
 - (l) the voting rights of the different members and the manner in which decisions are to be taken by the Council and provincial councils;
 - (m) the provision of administrative personnel employed by the Council to assist provincial councils in the performance of their functions; 55

- (xiii) "Nasionale Koördineerder" die Nasionale Koördineerder van die Raad aangestel soos beoog in artikel 6(1); (ix)
- (xiv) "provinsiale raad" 'n provinsiale kleinsakeraad vir kleinsake ingestel kragtens die konstitusie van die Raad; (xii)
- 5 (xv) "Raad" die Nasionale Kleinsakeraad ingestel by artikel 2; (vi)
- (xvi) "regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (xiii)
- (xvii) "voorgeskryf" by regulasie voorgeskryf. (xi)

HOOFSTUK 2

Nasionale Kleinsakeraad

10 Instelling van Nasionale Kleinsakeraad

2. Die Nasionale Kleinsakeraad word hierby as regspersoon ingestel.

Wersaamhede van Raad

3. (1) Die wersaamhede van die Raad is om—
- 15 (a) die belange van kleinsake te verteenwoordig en te bevorder, met klem op daardie entiteite wat in die Nasionale Kleinsakesteunstrategie beoog word; en
 - (b) op die nasionale, provinsiale en plaaslike regeringsvlak advies te lewer oor maatskaplike en ekonomiese beleid wat die ontwikkeling van kleinsake bevorder.
- (2) Die Raad kan die bevoegdhede uitoefen en moet die pligte uitvoer wat
- 20 redelikerwys noodsaaklik of bykomstig is by die verrigting van die wersaamhede vermeld in subartikel (1).
- (3) Die Raad moet sy wersaamhede ooreenkomstig hierdie Wet en sy konstitusie verrig.

Konstitusie van Raad

- 25 4. Behoudens hierdie Wet en die Nasionale Kleinsakesteunstrategie, moet die konstitusie van die Raad onder andere voorsiening maak vir—
- (a) die samestelling van die Raad bestaande uit—
 - (i) 18 lede van wie elke provinsiale raad twee lede uit hul geledere kies; en
 - (ii) indien die lede bedoel in subparagraaf (i) aldus verkies, vyf lede wat in
 - 30 'n deskundige of verteenwoordigende hoedanigheid aangestel word;
 - (b) 'n provinsiale raad vir elke provinsie bestaande uit lede verkies deur kleinsakeorganisasies wat voldoen aan die maatstawwe uiteengesit in die konstitusie;
 - (c) behoudens hierdie Wet, en ten einde die oogmerke beoog in artikel 3 te bereik, die bevoegdhede en pligte van die Raad en die provinsiale rade;
 - 35 (d) maatstawwe vir die aanstelling en prosedures vir die verkiesing van die lede bedoel in paragrawe (a) en (b);
 - (e) die aanstelling van 'n alternatiewe lid om gedurende die afwesigheid of onbevoegdheid van 'n lid van die Raad of 'n provinsiale raad waar te neem;
 - 40 (f) die verkiesing van ampsdraers van die Raad en provinsiale rade, hulle wersaamhede, en die omstandighede waarin en wyse waarop hulle uit hul amp onthef kan word;
 - (g) 'n ampstermyn van twee jaar vir lede van die Raad en provinsiale rade;
 - (h) die omstandighede waarin en die wyse waarop lidmaatskap van die Raad en
 - 45 provinsiale rade beëindig kan word en prosedures vir die vul van vakatures;
 - (i) die instelling en werking van komitees, met inbegrip van 'n bestuurskomitee vir die Raad en provinsiale rade;
 - (j) die koöptering van enigiemand as lid om die Raad, 'n provinsiale raad of 'n komitee by die oorweging van 'n besondere aangeleentheid by te staan;
 - 50 (k) die reëls vir die belê en hou van vergaderings van die Raad en provinsiale rade, met inbegrip van die kworum wat vereis word vir en die notule wat gehou moet word van daardie vergaderings;
 - (l) die stemregte van die verskillende lede en die wyse waarop besluite geneem moet word deur die Raad en provinsiale rade;
 - 55 (m) die voorsiening van administratiewe personeel in diens van die Raad ten einde provinsiale rade in die verrigting van hul wersaamhede by te staan;

- (n) subject to section 7(2), the banking and investment of funds by the Council and provincial councils;
- (o) the determination through arbitration of any dispute concerning the interpretation or application of the constitution of the Council;
- (p) the delegation of powers and assignment of duties to members, committees and employees, provided that—
 - (i) the Council or a provincial council may not be divested of any power or duty by virtue of the delegation or assignment; and
 - (ii) the Council or a provincial council, as the case may be, may vary or set aside any decision made under any delegation or in terms of any assignment;
- (q) a procedure for amending the constitution of the Council.

Remuneration of members, alternate members and co-opted members of Council and provincial councils

5. (1) The Minister, with the concurrence of the Minister of Finance, determines the salaries, allowances and conditions of service of members, alternate members and co-opted members of the Council and provincial councils who are not in the full-time service of the State. 15

(2) The salaries, allowances and conditions of service of the persons referred to in subsection (1) may differ according to the different offices held by them, the different functions performed by them, or whether they serve in a full-time or part-time capacity. 20

(3) Persons referred to in subsection (1) who are in the service of the State may not receive additional remuneration for serving on the Council or any provincial council, but may be reimbursed for expenses incurred in the performance of their functions in such last-mentioned service. 25

Staff of Council

6. (1) Work incidental to the performance of the functions of the Council is performed by a National Co-ordinator, who must be appointed by the Minister, after consultation with the Council.

- (2) The National Co-ordinator may be assisted by— 30
 - (a) persons appointed by the Council;
 - (b) officers in the public service seconded to the service of the Council in terms of any law regulating such secondment.

(3) The conditions of service, remuneration and service benefits of the National Co-ordinator and the personnel appointed by the Council must be determined by the Council, with the concurrence of the Minister and the Minister of Finance. 35

(4) If the National Co-ordinator is for any reason unable to perform his or her functions, the Council may designate a person in its service to act as national co-ordinator until the National Co-ordinator is able to resume office.

Finances of Council

40

- 7. (1) The funds of the Council consist of—
 - (a) money appropriated by Parliament;
 - (b) grants, donations and bequests made to the Council;
 - (c) money lawfully obtained by the Council from any other source, but loans raised by the Council are subject to approval of both the Minister and the Minister of Finance. 45

(2) All money received by the Council must be deposited in a banking account in the name of the Council with a bank established under the Banks Act, 1990 (Act No. 94 of 1990), or a mutual bank established under the Mutual Banks Act, 1993 (Act No. 124 of 1993). 50

(3) The financial year of the Council begins on 1 April and ends on 31 March of the following year.

(4) The National Co-ordinator is the accounting officer of the Council and must ensure that—

- (a) proper record of all the financial transactions, assets and liabilities of the Council are kept; and 55

- (n) behoudens artikel 7(2), die deponering en belegging van fondse deur die Raad en provinsiale rade;
- (o) die beslegting deur arbitrasie van enige geskil betreffende die vertolking of toepassing van die konstitusie van die Raad;
- 5 (p) die delegering van bevoegdhede en toewys van pligte aan lede, komitees en werknemers, mits—
 - (i) die Raad of 'n provinsiale raad nie uit hoofde van die delegering of toewysing van enige bevoegdheid of plig ontdoen word nie; en
 - (ii) die Raad of 'n provinsiale raad, na gelang van die geval, enige besluit
- 10 geneem kragtens enige delegering of ingevolge enige toewysing kan wysig of tersyde kan stel;
- (q) 'n prosedure om die konstitusie van die Raad te wysig.

Vergoeding van lede, alternatiewe lede en gekoöpteerde lede van die Raad en provinsiale rade

- 15 5. (1) Die Minister, met die instemming van die Minister van Finansies, bepaal die salaris, toelaes en diensvoorwaardes van lede, alternatiewe lede en gekoöpteerde lede van die Raad en provinsiale rade wat nie in die voltydse diens van die Staat is nie.
- (2) Die salaris, toelaes en diensvoorwaardes van die persone bedoel in subartikel (1) kan verskil na gelang van die verskillende ampte wat hulle beklee, die verskillende
- 20 werksaamhede wat hulle verrig, en of hulle in 'n voltydse of deeltydse hoedanigheid dien.
- (3) Persone bedoel in subartikel (1) wat in die diens van die Staat is, mag nie addisionele vergoeding ontvang omdat hulle op die Raad of 'n provinsiale raad dien nie, maar kan vergoed word vir uitgawes aangegaan by die verrigting van hulle
- 25 werksaamhede in sodanige laasgenoemde diens.

Personeel van Raad

- 6. (1) Die werk verbonde aan die verrigting van die werksaamhede van die Raad word deur 'n Nasionale Koördineerder verrig wat deur die Minister, na oorleg met die Raad, aangestel moet word.
- 30 (2) Die Nasionale Koördineerder kan bygestaan word deur—
 - (a) persone aangewys deur die Raad;
 - (b) beamptes in die staatsdiens wat, ingevolge 'n wet wat die afstaan van beamptes reël, in diens van die Raad afgestaan word.
- (3) Die diensvoorwaardes, vergoeding en diensvoordele van die Nasionale
- 35 Koördineerder en die personeel wat deur die Raad aangestel word, moet deur die Raad, met die instemming van die Minister en die Minister van Finansies, bepaal word.
- (4) Indien die Nasionale Koördineerder om enige rede nie in staat is om sy of haar werksaamhede te verrig nie, kan die Raad iemand in sy diens aanwys om as nasionale koördineerder waar te neem totdat die Nasionale Koördineerder in staat is om die amp
- 40 te hervat.

Finansies van Raad

- 7. (1) Die fondse van die Raad bestaan uit—
 - (a) gelde wat die Parlement bewillig;
 - (b) toekennings, skenkings en bemakings gemaak aan die Raad;
 - 45 (c) gelde regmatig bekom deur die Raad uit enige ander bron, maar lenings aangegaan deur die Raad is onderhewig aan die goedkeuring van sowel die Minister as die Minister van Finansies.
- (2) Alle geld ontvang deur die Raad moet inbetaal word in 'n bankrekening in die naam van die Raad gehou by 'n bank ingestel kragtens die Bankwet, 1990 (Wet No. 94
- 50 van 1990), of 'n onderlinge bank ingestel kragtens die Wet op Onderlinge Banke, 1993 (Wet No. 124 van 1993).
- (3) Die boekjaar van die Raad begin op 1 April en eindig op 31 Maart van die daaropvolgende jaar.
- (4) Die Nasionale Koördineerder is die rekenpligtige beampte van die Raad en
- 55 moet—
 - (a) toesien dat behoorlik rekord gehou word van al die finansiële transaksies, bates en laste van die Raad; en

- (b) as soon as possible, but not later than three months after the end of a financial year, accounts reflecting the income and expenditure of the Council and a balance sheet of the assets and liabilities of the Council as at the end of that financial year are prepared.

(5) The accounts and balance sheet referred to in subsection (4)(b) must be audited by the Auditor-General. 5

Transitional provisions in respect of Council

8. (1) For the purposes of this section, but subject to this Act, the council of the "National Small Business Council", an association incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973), and with the registration number of 96/08177/08, is deemed to constitute the Council. 10

(2) The Director-General must—

- (a) as soon as practicable convene a meeting of the Council;
- (b) determine the procedures for the meeting; and
- (c) chair that meeting. 15

(3) The purpose of the meeting and any subsequent meeting which may be necessary is to define a procedure for the adoption of the constitution by a representative body as contemplated in section 4(a)(i).

(4) On the adoption of the constitution of the Council—

- (a) all assets, liabilities, rights and obligations of the association referred to in subsection (1) pass to the Council; and 20
- (b) anything done by or on behalf of the said association is deemed to have been done by the Council, subject to this Act.

(5) The Director-General must as soon as practicable after the adoption of the constitution of the Council in writing notify the Registrar of Companies and the Registrar of Deeds thereof and of the relevant provisions of this section. 25

(6) On receipt of the notification contemplated in subsection (5)—

- (a) the Registrar of Companies must deregister the association referred to in subsection (1); and
- (b) the Registrar of Deeds must make the necessary entries and endorsements in respect of any register and document in the registration office, or document submitted to that Registrar. 30

(7) No transfer duties, stamp duties, fees or taxes have to be paid for the purposes of this section.

(8) The Council constituted as contemplated in subsection (1) dissolves immediately before the first meeting of the Council constituted as contemplated in section 4(a)(i). 35

(9) The first meeting referred to in subsection (8) must be held within one year after the commencement of this Act.

CHAPTER 3

Ntsika Enterprise Promotion Agency

40

Establishment of Ntsika Enterprise Promotion Agency

9. The Ntsika Enterprise Promotion Agency is hereby established as a juristic person.

Functions of Agency

10. (1) The main functions of the Agency are—

- (a) to expand, co-ordinate and monitor the provision of training, advice, counselling and any other non-financial services to small business in accordance with the National Small Business Support Strategy; 45
- (b) to provide financial support to service providers that provide the services contemplated in paragraph (a);
- (c) to consult with any organ of government, the Council or a service provider in order to— 50
 - (i) facilitate the provision of business advice and counselling services to small business;
 - (ii) facilitate access by small business to raw material and other products;

- (b) so gou doenlik, maar hoogstens drie maande na die einde van 'n boekjaar, rekeninge van die inkomste en uitgawes van die Raad en 'n balansstaat van die bates en laste van die Raad soos aan die einde van daardie boekjaar opstel.
- 5 (5) Die rekeninge en balansstaat bedoel in subartikel (4)(b) moet deur die Ouditeur-generaal geouditeer word.

Oorgangsbepalings ten opsigte van Raad

8. (1) Vir die doeleindes van hierdie artikel, maar behoudens hierdie Wet, word die raad van die "Nasionale Kleinsakeraad", 'n vereniging ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), en met die registrasienommer 96/08177/08, geag die Raad uit te maak.
- (2) Die Direkteur-generaal moet—
- (a) so gou doenlik 'n vergadering van die Raad byeenroep;
- (b) die prosedures vir die vergadering bepaal; en
- 15 (c) by daardie vergadering voorsit.
- (3) Die doel van die vergadering en enige daaropvolgende vergadering wat nodig mag wees, is om 'n prosedure te omskryf vir die aanvaarding van die konstitusie van die Raad deur 'n verteenwoordigende liggaam soos beoog in artikel 4(a)(i).
- (4) By die aanvaarding van die konstitusie van die Raad—
- 20 (a) gaan alle bates, laste, regte en verpligtinge van die vereniging bedoel in subartikel (1) oor op die Raad; en
- (b) word enigiets wat gedoen is deur of namens vermelde vereniging, behoudens hierdie Wet, geag gedoen te gewees het deur die Raad.
- (5) Die Direkteur-generaal moet so gou doenlik na die aanvaarding van die konstitusie van die Raad die Registrateur van Maatskappye en die Registrateur van Aktes skriftelik daarvan en van die toepaslike bepalings van hierdie artikel verwittig.
- 25 (6) By ontvangs van die kennisgewing beoog in subartikel 5—
- (a) moet die Registrateur van Maatskappye die vereniging bedoel in subartikel (1) deregistreer; en
- 30 (b) moet die Registrateur van Aktes die nodige inskrywings en aantekeninge ten opsigte van 'n register en dokument in die registrasiekantoor, of dokument wat aan daardie Registrateur voorgelê is, aanbring.
- (7) Geen hereregte, seëlregte, fooie of belastinge hoef vir die doeleindes van hierdie artikel betaal te word nie.
- 35 (8) Die Raad saamgestel soos beoog in subartikel (1) ontbind onmiddellik voor die eerste vergadering van die Raad saamgestel soos beoog in artikel 4(a)(i).
- (9) Die eerste vergadering bedoel in subartikel (8) moet binne een jaar na die inwerkingtreding van hierdie Wet gehou word.

HOOFSTUK 3

40 *Ntsika-ondernemingbevorderingsagentskap*

Instelling van Ntsika-ondernemingbevorderingsagentskap

9. Die Ntsika-ondernemingbevorderingsagentskap word hierby as 'n regs persoon ingestel.

Werkzaamhede van Agentskap

- 45 10. (1) Die belangrikste werkzaamhede van die Agentskap is—
- (a) om die lewering van opleiding, advies, voorligting en enige ander nie-finansiële dienste aan kleinsake ooreenkomstig die Nasionale Kleinsake-steunstrategie uit te brei, te koördineer en te monitor;
- 50 (b) om finansiële steun te verleen aan diensverskaffers wat die dienste beoog in paragraaf (a) lewer;
- (c) om oorleg te pleeg met enige regeringsorgaan, die Raad of 'n diensverskaffer ten einde—
- (i) die lewering van sakeadvies en voorligtingsdienste aan kleinsake te fasiliteer;
- 55 (ii) toegang tot ru-materiale en ander produkte deur kleinsake te fasiliteer;

- (iii) facilitate international and national market access for products and services of small business; and
- (iv) generally, strengthen the capacity of—
 - (aa) service providers to support small business; and
 - (bb) small business to compete successfully in the economy; and
- (d) to formulate and co-ordinate a national programme of policy research, collection and dissemination of information concerning small business.
- (2) Other functions of the Agency are—
 - (a) to investigate, at the request of the Director-General, the effect of existing and proposed legislation on small business, and to report to the Director-General thereon;
 - (b) to provide information and analysis on the implementation of the National Small Business Support Strategy to organs of government;
 - (c) to make recommendations to organs of government on existing and proposed policy affecting small business; and
 - (d) to improve the general understanding of the public regarding small business' contribution to the South African economic growth, job creation and welfare.
- (3) The Agency must perform its functions in accordance with this Act and its constitution.

Board of Directors of Agency

- 11. (1) The Agency is managed and controlled by a Board of Directors consisting of—
 - (a) no fewer than seven, and no more than 15 persons, appointed by the Minister;
 - (b) the Chief Executive Officer appointed by the Minister on the recommendation of the Board; and
 - (c) if the Board so elects, no more than five persons, appointed by the Board in an expert or representative capacity.
- (2) The directors of the Board must be persons who—
 - (a) have experience in business or administration; or
 - (b) on account of their training or experience—
 - (i) are knowledgeable about trade, industry, finance or the economy; or
 - (ii) have legal knowledge of matters pertaining to small business; or
 - (c) have experience of matters connected with, and of problems experienced by, small business or any small business enterprise; and
 - (d) comply with other criteria which the Minister may prescribe.
- (3) (a) The Minister must, by notice in the *Gazette* and in two newspapers which have general circulation throughout the national territory, invite nominations for directors to the Board referred to in subsection (1)(a) and (b).
- (b) The directors referred to in subsection (1)(a) and (b) must be appointed by the Minister from nominations received from small business organisations, service providers and any other person involved in small business promotion and support.
- (c) The Minister may, in terms of the criteria referred to in subsection (2), appoint persons—
 - (i) other than those nominated, if sufficient persons who meet the criteria are not nominated; or
 - (ii) if there are insufficient nominations lodged within the period specified in the notice.
- (4) For each director of the Board, other than the Chairperson and the Chief Executive Officer, the Minister may appoint an alternate director, who may attend and vote at meetings of the Board on behalf of a director if that director is unable to attend.
- (5) All members of the Board, except the Chief Executive Officer, must serve in a part-time capacity.
- (6) (a) The Minister, with the concurrence of the Minister of Finance, determines the remuneration and allowances of directors, alternate directors and co-opted directors of the Board who are not in the full-time service of the State.
- (b) Persons referred to in paragraph (a) who are in the service of the State may not receive additional remuneration or allowances for serving on the Board, but may be reimbursed for expenses incurred in the performance of their functions in such last-mentioned service.

- (iii) internasionale en nasionale marktoegang vir produkte en dienste van kleinsake te fasiliteer; en
- (iv) in die algemeen, die vermoë te versterk van—
 - (aa) diensverskaffers om kleinsake te ondersteun; en
 - (bb) kleinsake, ten einde suksesvol in die ekonomie mee te ding;
- (d) om 'n nasionale program van beleidsnavorsing en die inwin en die verspreiding van inligting betreffende kleinsake te formuleer en te koördineer.
- (2) Ander werksaamhede van die Agentskap is—
 - (a) om die effek van bestaande en voorgestelde wetgewing op kleinsake op versoek van die Direkteur-generaal te ondersoek, en aan die Direkteur-generaal verslag daaroor te doen;
 - (b) om inligting en ontledings oor die implementering van die Nasionale Kleinsakesteunstrategie aan regeringsorgane te voorsien;
 - (c) om aanbevelings aan regeringsorgane te doen oor bestaande en voorgestelde beleid wat kleinsake raak; en
 - (d) om die algemene begrip van die publiek betreffende die bydrae van kleinsake met betrekking tot die Suid-Afrikaanse ekonomiese groei, werkskepping en welvaart te verbeter.
- (3) Die Agentskap moet sy werksaamhede in ooreenstemming met hierdie Wet en sy konstitusie verrig.

Direksie van Agentskap

- 11. (1) Die Agentskap word bestuur en beheer deur 'n Direksie, wat bestaan uit—
 - (a) minstens sewe en hoogstens vyftien persone, aangestel deur die Minister;
 - (b) die Hoof- Uitvoerende Beampte aangestel deur die Minister op aanbeveling van die Direksie; en
 - (c) indien die Direksie aldus verkies, hoogstens vyf persone deur die Direksie in 'n deskundige of verteenwoordigende hoedanigheid aangestel.
- (2) Die direkteure van die Direksie moet persone wees wat—
 - (a) ervaring in besigheid of administrasie het; of
 - (b) op grond van hulle opleiding of ervaring—
 - (i) kundig is ten opsigte van handel, nywerheid, finansies of die ekonomie; of
 - (ii) regs kennis het van aangeleenthede met betrekking tot kleinsake; of
 - (c) ervaring het van aangeleenthede wat verband hou met, en probleme wat ervaar word deur, kleinsake of enige kleinsake-onderneming; en
 - (d) voldoen aan ander maatstawwe wat die Minister bepaal.
- (3) (a) Die Minister moet, by kennisgewing in die Staatskoerant en in twee koerante wat algemeen deur die hele nasionale grondgebied versprei word, nominasies vra vir direkteure van die Direksie bedoel in subartikel (1)(a) en (b).
- (b) Die direkteure bedoel in subartikel (1)(a) en (b) moet deur die Minister aangestel word uit nominasies ontvang van kleinsakeorganisasies, diensverskaffers en enige ander persoon betrokke by kleinsakebevordering en -steun.
- (c) Die Minister kan ingevolge die maatstawwe beoog in subartikel (2)—
 - (i) ander persone as die genomineerdes aanstel indien genoeg persone wat aan die maatstawwe voldoen, nie genomineer word nie; of
 - (ii) persone aanstel indien daar ontoereikende nominasies gedoen is binne die tydperk bepaal in die kennisgewing.
- (4) Vir elke direkteur van die Direksie, uitgesonderd die Voorsitter en die Hoof-Uitvoerende Beampte, kan die Minister 'n alternatiewe direkteur aanstel wat namens 'n direkteur vergaderings van die Direksie kan bywoon en daarop kan stem indien daardie direkteur nie die vergadering kan bywoon nie.
- (5) Alle lede van die Direksie, met die uitsondering van die Hoof- Uitvoerende Beampte moet in 'n deeltydse hoedanigheid dien.
- (6) (a) Die Minister, met die instemming van die Minister van Finansies, bepaal die vergoeding en toelaes van direkteure, alternatiewe direkteure en gekoöpteerde direkteure van die Direksie wat nie in die voltydse diens van die Staat is nie.
- (b) Persone bedoel in subartikel (a) wat in die diens van die Staat is, mag nie addisionele vergoeding en toelaes ontvang omdat hulle op die Direksie dien nie, maar kan vergoed word vir uitgawes aangegaan by die verrigting van hulle werksaamhede in sodanige laasgenoemde diens.

Rights and responsibilities of Board

12. The Board will have all of the rights and responsibilities consistent with those which are normally accorded to a board of directors in terms of the Companies Act, 1973 (Act No. 61 of 1973), and that are consistent with this Act.

Constitution of Agency

5

13. Subject to this Act and the National Small Business Support Strategy, the constitution of the Agency must, among others, provide for—

- (a) the appointment of the additional directors of the Board referred to in section 11(1)(c);
- (b) the tenure of directors of the Board; 10
- (c) the circumstances and manner in which directorship is terminated and the procedures for replacing directors.
- (d) the election of office-bearers, their functions, and the circumstances and manner in which they may be removed from office;
- (e) the rules for the convening and conducting of meetings of the Board, 15 including the quorum required for and the minutes to be kept of those meetings;
- (f) the voting rights of the different directors and the manner in which decisions are to be made;
- (g) the establishment of any division of the Agency to perform specialised 20 functions;
- (h) the establishment and functioning of committees, including a management committee;
- (i) the co-opting as a member of any person to assist the Agency or any committee in the consideration of any particular matter; 25
- (j) the preparation by the Board, for approval by the Minister, of an annual business plan in terms of which the activities of the Agency is annually planned;
- (k) subject to section 15(2), the banking and investment of funds by the Board;
- (l) provisions to regulate the manner in which, and procedures whereby, 30 expertise from any person is obtained in order to further the objects of the Agency;
- (m) the determination through arbitration of any dispute concerning the interpretation of the constitution of the Agency;
- (n) the delegation of powers and assignment of duties to directors, committees 35 and employees, provided that the Board may—
 - (i) not be divested of any power or duty by virtue of the delegation or assignment; and
 - (ii) vary or set aside any decision made under any delegation or in terms of 40 any assignment;
- (o) a procedure for amending the constitution.

Staff of Agency

14. (1) Work incidental to the performance of the functions of the Agency is performed by a Chief Executive Officer appointed as contemplated in section 11(1)(b).

(2) The Chief Executive Officer may be assisted by— 45

- (a) persons appointed by the Board;
- (b) officers in the public service seconded to the service of the Agency in terms of any law regulating such secondment.

(3) The conditions of service, remuneration and service benefits of the Chief Executive Officer and the personnel appointed by the Board must be determined by the 50 Board, with the concurrence of the Minister and the Minister of Finance.

(4) If the Chief Executive Officer is for any reason unable to perform his or her functions, the Board may designate a person in the service of the Agency to act as chief executive officer until the Chief Executive Officer is able to resume office.

Regte en verantwoordelikhede van Direksie

12. Die Direksie beskik oor al die regte en verantwoordelikhede wat in ooreenstemming is met dié wat gewoonlik aan 'n direksie toegestaan word ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), en wat in ooreenstemming met hierdie 5 Wet is.

Konstitusie van Agentskap

13. Behoudens hierdie Wet en die Nasionale Kleinsakesteunstrategie, moet die konstitusie van die Agentskap onder andere voorsiening maak vir—

- 10 (a) die aanstelling van die addisionele direkteure van die Direksie bedoel in artikel 11(1)(c).
- (b) die ampstermyn van direkteure van die Direksie.
- (c) die omstandighede waarin en die wyse waarop direkteurskap beëindig word en die prosedures om direkteure te vervang;
- 15 (d) die verkiesing van ampsdraers, hulle werksaamhede, en die omstandighede waarin en die wyse waarop hulle uit hulle amp onthef kan word;
- (e) die reëls vir die belê en hou van vergaderings van die Direksie, met inbegrip van die kworum wat vereis word vir en die notule wat gehou moet word van daardie vergaderings;
- 20 (f) die stemregte van die verskillende direkteure en die wyse waarop besluite geneem moet word;
- (g) die instelling van enige afdeling van die Agentskap om gespesialiseerde werksaamhede te verrig;
- (h) die instelling en werking van komitees, met inbegrip van 'n bestuurskomitee;
- 25 (i) die koöptering van enigiemand as lid om die Agentskap of 'n komitee by die oorweging van 'n besondere aangeleentheid by te staan;
- (j) die opstel van 'n jaarlikse besigheidsplan deur die Direksie, vir goedkeuring deur die Minister, ingevolge waarvan die aktiwiteite van die Agentskap jaarliks beplan word;
- 30 (k) behoudens artikel 15(2), die deponering en belegging van fondse deur die Direksie;
- (l) die bepalings wat die wyse waarop, en prosedures waardeur, kundigheid van enige persoon verkry word ten einde die oogmerke van die Agentskap te bevorder;
- 35 (m) die beslegting deur arbitrasie van enige geskil betreffende die vertolking van die konstitusie van die Agentskap;
- (n) die delegering van bevoegdhede en toewys van pligte aan direkteure, komitees en werknemers, mits die Direksie—
 - (i) nie uit hoofde van die delegering of toewysing van enige bevoegdheid of plig ontdoen word nie; en
 - 40 (ii) enige besluit geneem kragtens enige delegering of ingevolge enige toewysing, kan wysig of tersyde kan stel;
- (o) 'n prosedure om die konstitusie van die Agentskap te wysig.

Personeel van Agentskap

14. (1) Die werk verbonde aan die verrigting van die werksaamhede van die 45 Agentskap word deur 'n Hoof- Uitvoerende Beampte verrig wat aangestel word soos beoog in artikel 11(1)(b).

(2) Die Hoof- Uitvoerende Beampte kan bygestaan word deur—

- (a) persone aangestel deur die Direksie;
- 50 (b) beamptes in die staatsdiens wat, ingevolge 'n Wet wat die afstaan van beamptes reël, in diens van die Agentskap afgestaan word.

(3) Die diensvoorwaardes, vergoeding en diensvoordele van die Hoof- Uitvoerende Beampte en die personeel wat deur die Raad aangestel word, moet deur die Direksie, met die instemming van die Minister en die Minister van Finansies, bepaal word.

45 (4) Indien die Hoof- Uitvoerende Beampte om enige rede nie in staat is om sy of haar werksaamhede te verrig nie, kan die Direksie iemand in die diens van die Agentskap aanwys om as hoof- uitvoerende beampte waar te neem totdat die Hoof- Uitvoerende Beampte in staat is om die amp te hervat.

Finances of Agency

15. (1) The funds of the Agency consist of—

- (a) money appropriated by Parliament;
- (b) grants, donations and bequests made to the Agency;
- (c) money lawfully obtained by the Agency from any other source, but loans raised by the Agency are subject to approval of both the Minister and the Minister of Finance. 5

(2) All money received by the Agency must be deposited in a banking account in the name of the Agency with a bank established under the Banks Act, 1990 (Act No. 94 of 1990), or a mutual bank established under the Mutual Banks Act, 1993 (Act No. 124 of 1993). 10

(3) The financial year of the Agency begins on 1 April and ends on 31 March of the following year.

(4) The Chief Executive Officer is the accounting officer of the Agency and must ensure that— 15

- (a) proper record of all the financial transactions, assets and liabilities of the Agency are kept; and
- (b) as soon as possible, but not later than three months after the end of a financial year, accounts reflecting the income and expenditure of the Agency and a balance sheet of the assets and liabilities of the Agency as at the end of that financial year are prepared. 20

(5) The accounts and balance sheet referred to in subsection (4)(b) must be audited by the Auditor-General.

Drafting and adoption of constitution of Agency

16. (1) The Director-General must as soon as practicable after the appointment of the directors of the Agency contemplated in section 11(1)(a) and (b), and thereafter as often as may be necessary, convene a meeting of those directors in order to draft and adopt the constitution of the Agency. 25

(2) The Director-General must determine the procedures for the meeting contemplated in subsection (1) and must chair that meeting. 30

Transitional provisions in respect of Agency

17. (1) On the adoption of the constitution of the Agency in terms of section 16(1)—
(a) all assets, liabilities, rights and obligations of “Ntsika Enterprise Promotion Agency”, an association incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973), and with the registration number of 95/02675/08, pass to the Agency; and 35

- (b) anything done by or on behalf of the said association is deemed to have been done by the Agency, subject to this Act.

(2) The Director-General must as soon as practicable after the adoption of the constitution of the Agency in writing notify the Registrar of Companies and the Registrar of Deeds thereof and of the provisions of this section. 40

(3) On receipt of the notification contemplated in subsection (2)—

- (a) the Registrar of Companies must deregister the association referred to in subsection (1); and
- (b) the Registrar of Deeds must make the necessary entries and endorsements in respect of any register and document in the registration office, or document submitted to that Registrar. 45

(4) No transfer duties, stamp duties, fees or taxes have to be paid for the purposes of this section.

CHAPTER 4

50

General Provisions**Determination of guidelines**

18. (1) The Minister may, by notice in the *Gazette*, publish guidelines for organs of

Finansies van Agentskap

15. (1) Die fondse van die Agentskap bestaan uit—
- (a) geld wat die Parlement bewillig;
 - (b) toekennings, skenkings en bemakings gemaak aan die Agentskap;
 - 5 (c) gelde regmatig bekom deur die Agentskap uit enige ander bron, maar lenings aangegaan deur die Agentskap is onderworpe aan die goedkeuring van sowel die Minister as die Minister van Finansies.
- (2) Alle geld ontvang deur die Agentskap moet inbetaal word in 'n bankrekening in die naam van die Agentskap gehou by 'n bank ingestel kragtens die Bankwet, 1990
10 (Wet No. 94 van 1990), of 'n onderlinge bank ingestel kragtens die Wet op Onderlinge Banke, 1993 (Wet No. 124 van 1993).
- (3) Die boekjaar van die Agentskap begin op 1 April en eindig op 31 Maart van die daaropvolgende jaar.
- (4) Die Hoof- Uitvoerende Beampte is die rekenpligtige beampte van die Agentskap
15 en moet toesien dat—
- (a) behoorlik rekord gehou word van al die finansiële transaksies, bates en laste van die Agentskap; en
 - (b) so gou doenlik, maar hoogstens drie maande na die einde van 'n boekjaar, rekeninge van die inkomste en uitgawes van die Agentskap en 'n balansstaat
20 van die bates en laste van die Agentskap soos aan die einde van daardie boekjaar opgestel word.
- (5) Die rekeninge en balansstaat bedoel in subartikel (4)(b) moet deur die Ouditeur-generaal geouditeer word.

Opstel en aanvaarding van konstitusie van Agentskap

- 25 16. (1) Die Direkteur-generaal moet so gou doenlik na die aanstelling van die direkteure van die Agentskap beoog in artikel 11(1)(a) en (b), en daarna so dikwels as wat nodig is, 'n vergadering van daardie direkteure byeenroep ten einde die konstitusie van die Agentskap op te stel en te aanvaar.
- (2) Die Direkteur-generaal moet die prosedures van die vergadering beoog in artikel
30 (1) bepaal en by daardie vergadering voorsit.

Oorgangsbepalings ten opsigte van Agentskap

17. (1) By die aanvaarding van die konstitusie van die Agentskap ingevolge artikel
16(1)—
- 35 (a) gaan alle bates, laste, regte en verpligtinge van "Ntsika-ondernemingbevorderingsagentskap", 'n vereniging ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), en met die registrasienommer 95/02675/08, oor op die Agentskap; en
 - (b) word enigiets wat gedoen is deur of namens vermelde vereniging, behoudens hierdie Wet, geag gedoen te gewees het deur die Agentskap.
- 40 (2) Die Direkteur-generaal moet so gou doenlik na die aanvaarding van die konstitusie van die Agentskap die Registrateur van Maatskappye en die Registrateur van Aktes skriftelik daarvan en van die bepalinge van hierdie artikel verwittig.
- (3) By ontvangs van die kennisgewing beoog in subartikel (2)—
- 45 (a) moet die Registrateur van Maatskappye die vereniging bedoel in subartikel (1) deregistreer; en
 - (b) moet die Registrateur van Aktes die nodige inskrywings en aantekeninge ten opsigte van 'n register en dokument in die registrasiekantoor, of dokument wat aan daardie Registrateur voorgelê is, aanbring.
- (4) Geen hereregte, seëlregte, fooie of belastinge hoef vir die doeleindes van hierdie
50 artikel betaal te word nie.

HOOFSTUK 4

Algemene bepalinge

Bepaling van riglyne

18. (1) Die Minister kan, by kennisgewing in die *Staatskoerant*, riglyne publiseer

state in national, provincial and local spheres of government to promote small business and the National Small Business Support Strategy.

(2) The guidelines referred to in subsection (1) may include guidelines on—

- (a) procedures for consultation with the Department of Trade and Industry on all proposed legislation identified by the Minister under subsection (3); 5
- (b) the assessment of the effect and application of legislation on small business;
- (c) co-ordination between organs of state in order to promote the consistent application of the National Small Business Support Strategy;
- (d) procedures for consultation with small business organisations, trade unions and other representative organisations; 10
- (e) the review of the effect of existing legislation on small business and the National Small Business Support Strategy.

(3) The Minister may, by notice in the *Gazette*, identify the type of legislation that may have an effect on small business and the National Small Business Support Strategy and in respect of which the consultations contemplated in subsection (2)(a) and (d) may be conducted. 15

Reports

19. (1) (a) As soon as practicable after the end of every financial year the Council and the Agency must each compile a report on their respective activities during that year.

(b) These reports, the respective constitutions, as well as the respective audited annual financial statements, must be submitted to the Minister, who must table them in Parliament. 20

(2) The Council and the Agency must furnish the Minister with any such other reports as the Minister may request.

(3) Entities designated by the Director-General, must in co-operation with the Director-General annually compile a review, called the Annual Review of Small Business, which must cover areas defined by the Minister or the Director-General, and areas including— 25

- (a) particulars of the work performed by the Agency and Council and of progress achieved in furtherance of the objects of the National Small Business Support Strategy; 30
- (b) summaries of any findings or recommendations of the Director-General in respect of legislation, proposed legislation and administrative practices which restrict the small business sector;
- (c) an outline of new developments and trends in regard to the small business sector in South Africa; 35
- (d) reports on the growth and decline of small business according to sector, size and region;
- (e) a statistical analysis of the contribution of the small business sector to the economy, to export promotion, to rural development and to the level of incorporation of marginalised groups into the economy. 40

(3) The Director-General must submit the Annual Review of Small Business to the Minister before the end of February of each year and the Minister must table it in Parliament.

Regulations and amendment of Schedule

45

20. (1) The Minister may make regulations regarding—

- (a) any matter which in terms of this Act is required or permitted to be prescribed; and
- (b) generally, any other matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act. 50

(2) The Minister may, in order to achieve the objects of this Act, by notice in the *Gazette* amend the Schedule to account for inflation, macro-economic shifts in the economy, any legislation affecting small business, and any other matter which could have an effect on the functionality of the Schedule.

Repeal of laws

55

21. (1) Subject to subsection (2), the Small Business Development Act, 1981 (Act No. 112 of 1981), the Small Business Development Amendment Act, 1984 (Act No. 54 of

vir staatsorgane op nasionale, provinsiale en plaaslike regeringsfeer ten einde kleinsake en die Nasionale Kleinsakesteunstrategie te bevorder.

(2) Die riglyne bedoel in subartikel (1) kan riglyne insluit oor—

- (a) prosedures vir oorlegpleging met die Departement van Handel en Nywerheid aangaande alle voorgestelde wetgewing deur die Minister kragtens subartikel (3) geïdentifiseer;
- (b) die evaluering van die uitwerking en toepassing van wetgewing op kleinsake;
- (c) koördinerende tussen staatsorgane ten einde die konsekwente toepassing van die Nasionale Kleinsakesteunstrategie te bevorder;
- (d) prosedures vir oorlegpleging met kleinsakeorganisasies, vakbonde en ander verteenwoordigende organisasies;
- (e) die beoordeling van die uitwerking van bestaande wetgewing op kleinsake en die Nasionale Kleinsakesteunstrategie.

(3) Die Minister kan, by kennisgewing in die *Staatskoerant*, die tipe wetgewing identifiseer wat 'n uitwerking op kleinsake en die Nasionale Kleinsakesteunstrategie kan hê en ten opsigte waarvan die oorlegpleging beoog in subartikel (2)(a) en (d) kan geskied.

Verslae

19. (1) (a) So gou doenlik na die einde van elke boekjaar moet die Raad en die Agentskap elk 'n verslag oor hulle onderskeie aktiwiteite gedurende daardie jaar opstel. (b) Hierdie verslae, die onderskeie konstitusies, sowel as die onderskeie geouditeerde jaarlikse finansiële state, moet aan die Minister voorgelê word, wat dit in die Parlement ter tafel moet lê.

(2) Die Raad en die Agentskap moet die Minister van die ander verslae voorsien wat die Minister versoek.

(3) Entiteite deur die Direkteur-generaal aangewys, moet in samewerking met die Direkteur-generaal jaarliks 'n oorsig, genoem die Jaarlikse Kleinsakeoorsig, saamstel wat die terreine deur die Minister of die Direkteur-generaal geïdentifiseer, moet dek en ook terreine van—

- (a) besonderhede van die werk deur die Agentskap en die Raad gedoen en van vordering gemaak in die bevordering van die oogmerke van die Nasionale Kleinsakesteunstrategie;
- (b) opsommings van enige bevindings of aanbevelings van die Direkteur-generaal ten opsigte van wetgewing, voorgestelde wetgewing en administratiewe praktyke wat die kleinsakesektor aan bande lê;
- (c) 'n kortbegrip van nuwe ontwikkelinge en tendense ten opsigte van die kleinsakesektor in Suid-Afrika;
- (d) verslae oor die groei en afname in kleinsake volgens sektor, grootte en streek;
- (e) 'n statistiese analise van die bydrae van die kleinsakesektor tot die ekonomie, tot uitvoerbevordering, tot landelike ontwikkeling en tot die vlak van inlywing van gemarginaliseerde groepe in die ekonomie.

(3) Die Direkteur-generaal moet die Jaarlikse Kleinsakeoorsig voor die einde van Februarie van elke jaar aan die Minister voorlê en die Minister moet dit in die Parlement ter tafel lê.

Regulasies en wysiging van Bylae

20. (1) Die Minister kan regulasies uitvaardig betreffende—

- (i) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (ii) oor die algemeen, enige ander aangeleentheid wat nodig of dienstig is om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Die Minister kan, ten einde die oogmerke van hierdie Wet te bereik, die Bylae by kennisgewing in die *Staatskoerant* wysig ten einde rekenskap te gee vir inflasie, makro-ekonomiese verskuiwings in die ekonomie, enige wetgewing wat kleinsake raak, en enige ander aangeleentheid wat 'n uitwerking op die werking van die Bylae kan hê.

Herroeping van wette

21. (1) Behoudens subartikel (2) word die Wet op Kleinsake-ontwikkeling, 1981 (Wet No. 112 van 1981), die Wysigingswet op Kleinsake-ontwikkeling, 1984 (Wet No.

Act No. 102, 1996

NATIONAL SMALL BUSINESS ACT, 1996

1984), and the Small Business Development Amendment Act, 1990 (Act No. 16 of 1990), are hereby repealed.

(2) Section 2A of the Small Business Development Act, 1981, remains in force until a date determined by the Minister by notice in the *Gazette*, which date shall not be earlier than 12 months after the date of commencement of this Act.

5

Short title and commencement

22. This Act is called the National Small Business Act, 1996, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

54 van 1984), en die Wysigingswet op Kleinsake-ontwikkeling, 1990 (Wet No. 16 van 1990), hierby herroep.

(2) Artikel 2A van die Wet op Kleinsake-ontwikkeling, 1981, bly van krag tot op 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, welke datum nie 5 vroeër as 12 maande na die datum van inwerkingtreding van hierdie Wet mag wees nie.

Kort titel en inwerkingtreding

22. Hierdie Wet heet die Nasionale Kleinsakewet, 1996, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE*(See definition of "small business" in section 1)*

Column 1	Column 2	Column 3	Column 4	Column 5
Sector or sub-sectors in accordance with the Standard Industrial Classification	Size or class	Total full-time equivalent of paid employees	Total annual turnover	Total gross asset value (fixed property excluded)
		Less than	Less than	Less than
Agriculture	Medium	100	R 4.00 m	R 4.00 m
	Small	50	R 2.00 m	R 2.00 m
	Very small	10	R 0.40 m	R 0.40 m
	Micro	5	R 0.15 m	R 0.10 m
Mining and Quarrying	Medium	200	R30.00 m	R18.00 m
	Small	50	R 7.50 m	R 4.50 m
	Very small	20	R 3.00 m	R 1.80 m
	Micro	5	R 0.15 m	R 0.10 m
Manufacturing	Medium	200	R40.00 m	R15.00 m
	Small	50	R10.00 m	R 3.75 m
	Very small	20	R 4.00 m	R 1.50 m
	Micro	5	R 0.15 m	R 0.10 m
Electricity, Gas and Water	Medium	200	R40.00 m	R15.00 m
	Small	50	R10.00 m	R 3.75 m
	Very small	20	R 4.00 m	R 1.50 m
	Micro	5	R 0.15 m	R 0.10 m
Construction	Medium	200	R20.00 m	R 4.00 m
	Small	50	R 5.00 m	R 1.00 m
	Very small	20	R 2.00 m	R 0.40 m
	Micro	5	R 0.15 m	R 0.10 m
Retail and Motor Trade and Repair Services	Medium	100	R30.00 m	R 5.00 m
	Small	50	R15.00 m	R 2.50 m
	Very small	10	R 3.00 m	R 0.50 m
	Micro	5	R 0.15 m	R 0.10 m
Wholesale Trade, Commercial Agents and Allied Services	Medium	100	R50.00 m	R 8.00 m
	Small	50	R25.00 m	R 4.00 m
	Very small	10	R 5.00 m	R 0.50 m
	Micro	5	R 0.15 m	R 0.10 m
Catering, Accommodation and other Trade	Medium	100	R10.00 m	R 2.00 m
	Small	50	R 5.00 m	R 1.00 m
	Very small	10	R 1.00 m	R 0.20 m
	Micro	5	R 0.15 m	R 0.10 m
Transport, Storage and Communications	Medium	100	R20.00 m	R 5.00 m
	Small	50	R10.00 m	R 2.50 m
	Very small	10	R 2.00 m	R 0.50 m
	Micro	5	R 0.15 m	R 0.10 m
Finance and Business Services	Medium	100	R20.00 m	R 4.00 m
	Small	50	R10.00 m	R 2.00 m
	Very small	10	R 2.00 m	R 0.40 m
	Micro	5	R 0.15 m	R 0.10 m
Community, Social and Personal Services	Medium	100	R10.00 m	R 5.00 m
	Small	50	R 5.00 m	R 2.50 m
	Very small	10	R 1.00 m	R 0.50 m
	Micro	5	R 0.15 m	R 0.10 m

BYLAE*(Kyk woordskrywing van "kleinsaak" in artikel 1)*

Kolom 1	Kolom 2	Kolom 3	Kolom 4	Kolom 5
Sektor of subsektore in ooreenstemming met die Standaard Industriële Klassifikasie	Grootte of klas	Totale voltydse ekwivalent van betaalde werknemers Minder as	Totale jaarlikse omset Minder as	Totale bruto batewaarde (vaste bates uitgesluit) Minder as
Landbou	Medium	100	R 4.00 m	R 4.00 m
	Klein	50	R 2.00 m	R 2.00 m
	Baie klein	10	R 0.40 m	R 0.40 m
	Mikro	5	R 0.15 m	R 0.10 m
Mynbou en Groefmynbou	Medium	200	R30.00 m	R18.00 m
	Klein	50	R 7.50 m	R 4.50 m
	Baie klein	20	R 3.00 m	R 1.80 m
	Mikro	5	R 0.15 m	R 0.10 m
Vervaardiging	Medium	200	R40.00 m	R15.00 m
	Klein	50	R10.00 m	R 3.75 m
	Baie klein	20	R 4.00 m	R 1.50 m
	Mikro	5	R 0.15 m	R 0.10 m
Elektrisiteit, Gas en Water	Medium	200	R40.00 m	R15.00 m
	Klein	50	R10.00 m	R 3.75 m
	Baie klein	20	R 4.00 m	R 1.50 m
	Mikro	5	R 0.15 m	R 0.10 m
Konstruksie	Medium	200	R20.00 m	R 4.00 m
	Klein	50	R 5.00 m	R 1.00 m
	Baie klein	20	R 2.00 m	R 0.40 m
	Mikro	5	R 0.15 m	R 0.10 m
Kleinhandel, Motorhandel en Hersteldienste	Medium	100	R30.00 m	R 5.00 m
	Klein	50	R15.00 m	R 2.50 m
	Baie klein	10	R 3.00 m	R 0.50 m
	Mikro	5	R 0.15 m	R 0.10 m
Groothandel, Kommersiële Agente en Aanverwante Dienste	Medium	100	R50.00 m	R 8.00 m
	Klein	50	R25.00 m	R 4.00 m
	Baie klein	10	R 5.00 m	R 0.50 m
	Mikro	5	R 0.15 m	R 0.10 m
Spyseniering, Huisvesting en ander Handel	Medium	100	R10.00 m	R 2.00 m
	Klein	50	R 5.00 m	R 1.00 m
	Baie klein	10	R 1.00 m	R 0.20 m
	Mikro	5	R 0.15 m	R 0.10 m
Vervoer, Berging en Kommunikasie	Medium	100	R20.00 m	R 5.00 m
	Klein	50	R10.00 m	R 2.50 m
	Baie klein	10	R 2.00 m	R 0.50 m
	Mikro	5	R 0.15 m	R 0.10 m
Finansiering en Besigheidsdienste	Medium	100	R20.00 m	R 4.00 m
	Klein	50	R10.00 m	R 2.00 m
	Baie klein	10	R 2.00 m	R 0.40 m
	Mikro	5	R 0.15 m	R 0.10 m
Gemeenskaps-, Welsyns- en Persoonlike dienste	Medium	100	R10.00 m	R 5.00 m
	Klein	50	R 5.00 m	R 2.50 m
	Baie klein	10	R 1.00 m	R 0.50 m
	Mikro	5	R 0.15 m	R 0.10 m



